



NOTICE OF LAND USE DECISION

Coos County Planning
225 N. Adams St.
Coquille, OR 97423
<http://www.co.coos.or.us/>
Phone: 541-396-7770
Fax: 541-396-1022

This decision notice is required to be sent to the property owner(s), applicant(s), adjacent property owners (distance of notice is determined by zone area – Urban 100 feet, Rural 250 feet, and Resource 750 feet), special taxing districts, agencies with interest, or person that has requested notice. The development is contained within the identified property owners land. Notice is required to be provided pursuant to ORS 215.416. Please read all information carefully as this decision. (See attached vicinity map for the location of the subject property).

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 (ORS 215.513) REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

Date of Notice: Friday, January 27, 2023

File No: SP-23-001

Proposal: Request for a Final Development Plan Approval for a golf course with accessory uses and structures and amendment to the Pacific Dunes Clubhouse to include a restaurant.

Applicant(s): Don Crowe
57744 Round Lake Road
Bandon, OR 97411

Staff Planner: Jill Rolfe, Planning Director

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 12 p.m. on **Monday, February 13, 2023**. Appeals are based on the applicable land use criteria. The proposal is subject to the following criteria: Article 4.5 Bandon Dunes Resort, Coos County Zoning and Land Development Ordinance (CCZLDO) **Civil matters including property or road disputes are outside of the criteria listed in this notice will not be considered. For more information please contact the staff planner listed in this notice.**

Subject Property Information

Account Number: 768900 & 768915/ 941900 & 941700
Map Number: 27S143200-00400 & 00414/ 28S140500-00400 & 00500

Property Owner: BANDON RESORT PROPERTIES LLC
BANDON GOLF COURSES LLC
2450 N LAKEVIEW AVE
CHICAGO, IL 60614-2878

Situs Address: 57744 ROUND LAKE DR BANDON, OR 97411

Acreage: 465.72 Acres

Zoning: BANDON DUNES RESORT (BDR)

Special Development Considerations and Overlays: ARCHAEOLOGICAL AREAS OF INTEREST (ARC)

This notice shall be posted from January 27, 2023 to February 13, 2023

BEACHES/DUNES COMBINATION L/NS (BDC)
COASTAL SHORELAND BOUNDARY (CSB)
NAT. HAZARDS WIND EROSION (HZW)
NATIONAL WETLAND INVENTORY SITE (NWI)
NATURAL HAZARD - WILDFIRE (NHWF)
WETLANDS (WET)

The purpose of this notice is to inform you about the proposal and decision, where you may receive more information, and the requirements if you wish to appeal the decision by the Director to the Coos County Hearings Body. Any person who is adversely affected or aggrieved or who is entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period as provided below pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) Article 5.8. If you are mailing any documents to the Coos County Planning Department the address is 250 N. Baxter, Coquille OR 97423. Mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals.

Mailed notices to owners of real property required by ORS 215 shall be deemed given to those owners named in an affidavit of mailing executed by the person designated by the governing body of a county to mail the notices. The failure of the governing body of a county to cause a notice to be mailed to an owner of a lot or parcel of property created or that has changed ownership since the last complete tax assessment roll was prepared shall not invalidate an ordinance.

The application, staff report and any conditions can be found at the following link:

<https://www.co.coos.or.us/community-dev/page/2023-site-plan> . The application and all documents and evidence contained in the record, including the staff report and the applicable criteria, are available for inspection, at no cost, in the Planning Department located at 60 East Second Street, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact is Jill Rolfe, Planning Director and the telephone number where more information can be obtained is **(541) 396-7770**.

Failure of an issue to be raised in a hearing, in person or in writing, or failure to provide statements of evidence sufficient to afford the Approval Authority an opportunity to respond to the issue precludes raising the issue in an appeal to the Land Use Board of Appeals.

Reviewed by: Jill Rolfe

Jill Rolfe, Planning Director

Date: Friday, January 27, 2023 .

This decision is authorized by the Coos County Planning Director, Jill Rolfe based on the staff's analysis of the Findings of Fact, Conclusions, Conditions of approval, application and all evidenced associated as listed in the exhibits.

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map

¹Exhibit C: Staff Report -**Findings of Fact and Conclusions**

¹ Exhibits C and D: **are mailed/emailed to the Applicant, Board of Commissioners and Planning Commission only. Copies are available upon request or at the following website: <https://www.co.coos.or.us/community-dev/page/2023-site-plan> or by contacting the Planning Department at (541) 396-7770.**

EXHIBIT "A"

The applicant shall comply with the following conditions of approval with the understanding that all costs associated with complying with the conditions are the responsibility of the applicants and that the applicants are not acting as an agent of the county. If the applicant fails to comply or maintain compliance with the conditions of approval the permit may be revoked as allowed by the Coos County Zoning and Land Development Ordinance. Please read the following conditions of approval and if you have any questions contact planning staff.

CONDITIONS OF APPROVAL

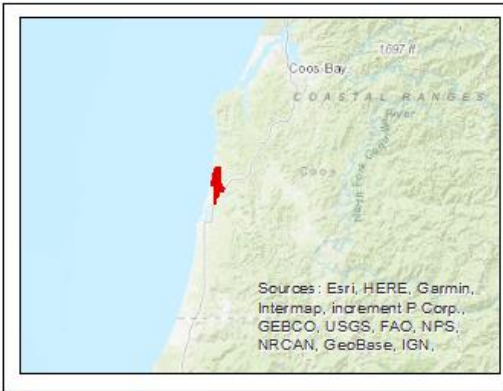
1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from any other agency were provided as part of this review, it is the responsibility of the property owner to comply.
2. An access driveway parking plan application shall be submitted with the appropriate fee. The parking and access must be signed off before staff can issue a Zoning Compliance Letter.
3. The applicant shall work with the local tribes by contacting them prior to construction or pursuant to their discovery plan.

EXHIBIT "B"
Vicinity Map






COOS COUNTY PLANNING DEPARTMENT

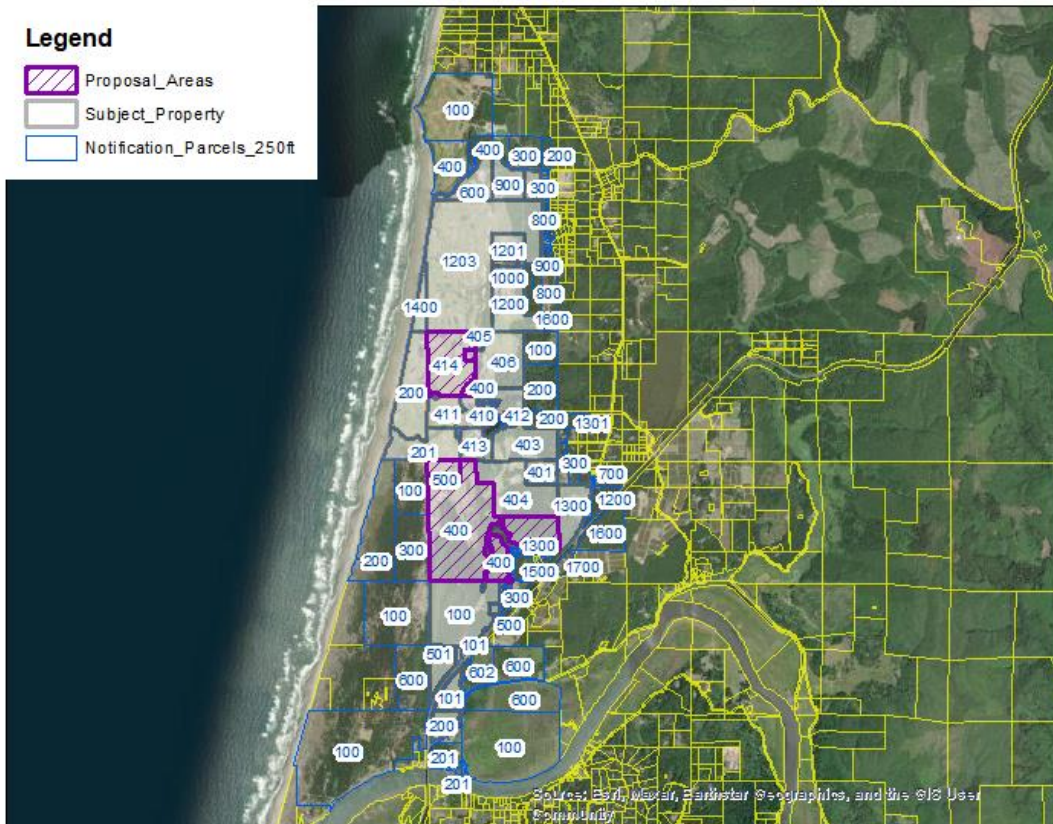
Mailing Address: 225 N. Adams, Coquille, Oregon 97423
Physical Address: 60 E. Second, Coquille Oregon
Phone: (541) 396-7770
TDD (800) 735-2900



File: SP-23-001
Applicant/ Owner: Don Crowe/
Bandon Resort Properties, LLC
Date: January 26, 2023
Location: Township 27/28S Range 14W
Section 32/05 TL 400,414/400,500
Proposal: Final Development Plan (Site Plan)

Legend

-  Proposal_Areas
-  Subject_Property
-  Notification_Parcels_250ft



**EXHIBIT “C”
STAFF REPORT
FINDINGS OF FACT AND CONCLUSIONS**

I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:

- A. PROPOSAL:** The applicant is requesting the Planning Director’s approval for a Final Development Plan (FDP) to site a golf course and restaurant.

- B. COMPLIANCE PURSUANT TO SECTION 1.1.300:** It shall be unlawful for any person, firm, or corporation to cause, develop, permit, erect, construct, alter or use any building, structure or parcel of land contrary to the provisions of the district in which it is located. No permit for construction or alteration of any structure shall be issued unless the plans, specifications, and intended use of any structure or land conform in all respects with the provisions of this Ordinance, unless approval has been granted by the Hearings Body.

Staff has reviewed the property history and county files to determine that at this time the property is compliant. This does not mean that there are not uses or structures on the property that staff is unaware of but staff has reviewed the permit history and viewed the information in the record to make this determination.

II. BASIC FINDINGS:

- A. GENERAL LOCATION:** The subject property is located approximately 2.5 miles north of the City of Bandon. The Assessor’s map identifies the site of the resort as located in Sections 20, 28, 29, 31, and 32 of Township 27 South, Range 14 West, and in Sections 4, 5, 8 and 17 of Township 28 South, Range 14 West, in Coos County, Oregon.

PROJECT LOCATION: This proposed project site is located south of the Bandon Preserve golf course and west of Bandon Trails golf course. It extends from an old sand borrow pit on the east, westward to an upland bluff overlooking open duneland. To the south, the site extends along the common property boundary line with Bullard’s Beach State Park.

The Pacific Dunes Clubhouse was originally built with limited food and beverage service, and then later, the currently existing clubhouse was permitted and constructed with a full-service kitchen and bar. The purpose of this amendment is to document the zoning compliance of the current development and clean up the planning portion of the documentation.

The Pacific Dunes Clubhouse is located in the GR-3 subzone within the Bandon Dunes Resort zone. The driveway and parking already exist and this amendment will not create any change to the traffic flow or the amount of traffic.



B. ZONING: - This property is zoned Bandon Dunes Resort (BDR) in the subzone The subject property is zoned Bandon Dunes Resort (BDR). This designation is applied to a 2,140-acre area located north of the City of Bandon for which an exception to applicable statewide planning goals to permit a destination resort has been adopted as an amendment to the comprehensive plan. The purpose of the BDR zone is to implement an exception to the Statewide Planning Goals and a Master Plan for a destination resort that have been adopted as part of the Coos County Comprehensive Plan.

The BDR zone is divided into thirteen natural resource subzones (designated NR-1 through NR-13), four golf course/residential subzones (designated GR-1 through GR-4), four special residential subzones (designated SR-1 through SR-4), the Resort Village Center subzone (designated RVC), and three mixed use center subzones (designated MXC-1 through MXC-3), as identified on the BDR Use Subzones Map.

The Pacific Dunes Restaurant is located within the GR-3 subzone and the proposed Preserve Short Course will be located in the NR-3 and GR-2 subzones.

C. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERALYS:

SECTION 4.11.125 Special Development Considerations: The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should be allowed In the Balance of County zoning. The adopted plan maps and overlay maps have to be examined in order to determine how the inventory applies to the specific site

SECTION 4.11.200 Purpose: Overlay zones may be super-imposed over the primary zoning district and will either add further requirements or replace certain requirements of the underlying zoning district. The requirements of an overlay zone are fully described in the text of the overlay zone designations. An overlay zone is applicable to all Balance of County Zoning Districts and any zoning districts located within the Coos Bay Estuary Management Plans when the Estuary Policies directly reference this section.

This property has National Wetland Inventory as a special consideration. A request for comments was sent to Oregon Department of State Lands. Department of State Lands responded that a state permit will not be required for the proposed project because based on the submitted site plan, the project avoids impacts to jurisdictional wetlands, waterways, or other waters. The property is also within the Beaches and Dunes with Limited Development Suitability (wind erosion) and Wildfire Hazard. The applicant has provided a geohazard report to cover the Beaches and Dunes with Limited Development Suitability. The Wildfire Hazard has been addressed through the Bandon Dunes Hazards Mitigation Plan. A portion of the property is within the Coastal Shoreland Boundary but none of the development will occur within the Boundary.

D. SITE DESCRIPTION AND SURROUNDING USES:

South of the BDR zone is Bullards State Park. The Pacific Ocean lies to the west. East and north of the property are primarily rural residential uses.

- E. BACKGROUND:** In 1996, the County rezoned approximately 1,215 acres to Bandon Dunes Resort (BDR) through the goal exception process. In 2003 the County rezoned an additional 925+/- acres for inclusion in the BDR zone for a total of 2,140 acres. This property required exceptions to applicable statewide planning goals to allow this property to be zoned as a destination resort. The purpose of the BDR zone is to implement an exception to the Statewide Planning Goals and a Master Plan for a destination resort that have been adopted as part of the Coos County Comprehensive Plan.

The subject property is zoned Bandon Dunes Resort (BDR). The purpose of the zone is to establish a zoning district to implement the adopted Bandon Coastal Dunelands Conservation, Resort and Recreation Development Master Plan, consistent with the adopted Bandon Coastal Dunelands Goal Exception Statement.

The BDR zone is divided into thirteen natural resource subzones (designated NR-1 through NR-13), four golf course/residential subzones (designated GR-1 through GR-4), four special residential subzones (designated SR-1 through SR-4), the Resort Village Center subzone (designated RVC), and three mixed use center subzones (designated MXC -1 through MXC - 3).

F. COMMENTS:

- i. **PUBLIC AGENCY:** Notice was provided to Oregon Department of State Lands. There have been no comments received at this time.
- ii. **PUBLIC COMMENTS:** This property did not require any request for comments prior to the release of the decision.
- iii. **LOCAL TRIBE COMMENTS:** Notice was provided to the local tribes. The applicant will need to contact the tribes prior to earth work to ensure compliance.

G. LAWFULLY CREATED UNIT OF LAND: The unit of land was created pursuant to 6.1.125.1.b through a prior land use decision.

III. STAFF FINDINGS AND CONCLUSIONS:

a. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

Applicant's Project Description

This new course will involve no more than 32 acres of the 2140 acre Bandon Dunes Resort site. It will be located in the NR-3 Natural Resource subzone just south of the Bandon Preserve golf course and west of the Bandon Trails golf course.

Nearly one-half of the project area, about 15 acres, will be intensively managed to enhance and expand native plant communities. This will replace existing plant communities that are dominated by European beachgrass, gorse and dense stands of shore pine. Within this conservation area, approximately 2-acres will be set aside to promote and establish populations of open-sand species with a focus on Silvery phacelia (See Applicant's Exhibit 2). These conservation areas will be utilized to educate resort visitors on this highly threatened species.

The remaining 17 acres will become ribbons of managed turf, mainly fescue, constituting the tees, greens, and approaches of a special-purpose, low-intensity, small-scape golf course. These elements will be carefully integrated into the restored duneland setting to ensure long-term sustainability as well as compatibility between recreation and habitat restoration.

Sustainability and integration permeate the thinking behind this proposal that will continue to grow and expand on the conservation success of the Bandon Preserve golf course. This approach will further establish a built-in, ongoing source of funding for observation, research, experimentation, and management of habitat reclamation, restoration, and enhancement. At present, continued non-native plant encroachment is steadily reducing available open-sand habitat for what is currently the largest documented remaining population of Silvery phacelia, found right here at Bandon Dunes Golf Resort. Meanwhile experience with the duneland portions of the Bandon Preserve and Bandon Trails golf courses shows that this trend can be arrested and even reversed with ongoing, intensive management of open-sand areas as elements of specially-designed golf courses. This project will employ a similar open sand area, low impact, special use golf experience like the Bandon Preserve golf course, to extend the benefits of its success to a larger habitat restoration and expansion area.

The site's location is a prime opportunity area for habitat restoration and enhancement. Short Course #2 will be served by existing roadways and require very little development to establish the new conservation area. It will be tied in with the resorts' extensive trail system and will be a walking-only course, with the exception of ADA accommodations.

The new compact course is not expected to attract additional guests. They will continue to come to Bandon Dunes Golf Resort for its five 18-hole championship golf courses and world-class destination resort facilities. The new course will be a modest amenity, enhancing guests' immersion in the resort's

natural setting, and, it is hoped, inducing them to stay a bit longer. As such, it is not expected to generate additional traffic or other off-site impacts.

In short, the proposed course and habitat enhancement project will align with the resort's dual missions of (1) providing a rich world-class golf experience for its guests, and (2) providing conscientious stewardship of the world-class natural setting central to that experience.

Conceived as an integral element of the scenic dunes natural resources area, the new course is yet to be named, but will be referred to as Short Course #2 throughout this Final Development Plan.

b. CRITERIA AND STANDARDS

- ARTICLE 4.5 BANDON DUNES RESORT ZONE (BDR)
SECTIONS:

4.5.100 Applicability

4.5.110 Definitions

4.5.120 USE SPECIFIC SUBZONES

4.5.125 Use Table

4.5.160 Standards

4.5.165 Final Development Plan Review Procedure

4.5.165 Final Development Plan Application Content

4.5.170 Final Development Plan Approval Criteria

4.5.175 Final Development Plan Modification

4.5.180 Effect of Final Development Plan Approval

4.5.190 Land Divisions

- SECTION 4.5.100 APPLICABILITY

- (1) *The provisions of this article shall apply solely to the area to which the Bandon Dunes Resort Master Plan applies and for which the Bandon Dunes Resort Exception Statement, adopted as part of the Coos County Comprehensive Plan, approves exceptions to certain provisions of Statewide Planning Goals 3, 4, 11 and 14.*
- (2) *Where applied, the BDR zone shall be the primary zone and, except as specifically stated in this article, shall constitute the sole source of standards for approval of final development plans for any phase or element of the Bandon Dunes Destination Resort, together with all facilities, services, uses and activities related to such resort development. Use of property in the BDR zone requires approval of a final development plan, except that uses permitted outright under Section 4.6 Forest and Forest Mixed Use.*

FINDINGS: The proposal is within the Bandon Dunes Resort Master Plan and Exception Area. Therefore, this is the section that governs the resort.

- SECTION 4.5.110 DEFINITIONS

1. *"Developed recreational facilities" means improvements constructed for the purpose of recreation and may include but are not limited to golf courses, driving ranges, gyms, game rooms, tennis courts, playing fields, interpretive centers, nature trails, wildlife observation shelters, swimming pools and areas, boat and canoe facilities, ski trails, and bicycle trails.*
2. *"Element" means a recreational facility, resort facility, residential cluster, infrastructure facility, or other discrete component of a destination resort or a phase thereof.*
3. *"Exception Statement" or "Bandon Dunes Resort Exception Statement", means the Bandon Coastal Dunelands Goal Exception Statement and Bandon Dunes Resort Expansion Goal Exception Statement, adopted as part of the Coos County Comprehensive Plan.*

4. *"Goal 2 Destination Resort" means a development which meets the standards in Section 4.6.030 and for which a goal exception is required and has been approved through the Goal 2 exception process.*
5. *"Master Plan" or "Bandon Dunes Resort Master Plan", means the Bandon Coastal Dunelands Conservation, Recreation and Resort Development Master Plan (1996), as modified by the Supplemental Conservation, Recreation and Resort Master Plan (June 2003), adopted as part of the Coos County Comprehensive Plan and identified therein as providing standards for development of the Bandon Dunes Destination Resort, including but not limited to service and facilities plans, boundaries, use restrictions, locational restrictions, financial commitments, and numerical limits.*
6. *"Open space" means any land that is retained in a substantially natural condition, or is improved for outdoor recreational uses such as golf courses, playing fields, hiking or nature trails or equestrian or bicycle paths, or is specifically required to be protected by a conservation easement. Open spaces may include ponds, lands protected as important natural features, lands preserved for farm or forest use, required landscaped areas, and lands used as buffers. Open space does not include residential lots or yards, streets, or parking areas.*
7. *"Overnight lodgings" means permanent, separately rentable accommodations which are not available for residential use. Overnight lodgings include hotel rooms, lodges, cabins and time-share units. Individually owned units may be considered overnight lodgings if they are available for overnight rental use by the general public for at least 45 weeks per calendar year through a central reservation and check-in service. Tent sites, recreational vehicle parks, manufactured dwellings, dormitory rooms and similar accommodations do not qualify as overnight lodgings for the purpose of this definition.*
8. *"Phase" means that part of a Goal 2 destination resort for which final development plan approval is sought pursuant to Section 4.5.165.*
9. *"Self-contained development" means a development for which community sewer and water facilities are provided onsite and are limited to meet the needs of the development or are provided by existing public sewer or water services as long as all costs related to service extension and any capacity increases are borne by the development. A "self-contained development" shall have developed recreational facilities provided onsite.*
10. *"Site" means the portion of the tract that is within the boundaries of the goal exceptions adopted by the Exception Statement and to which the Master Plan applies.*
11. *"Tract" means a lot or parcel or more than one contiguous lot or parcel in a single ownership. A tract on which a Goal 2 destination resort is sited may include property that is not included in the destination resort if the property to be excluded adjoins the exterior boundary of the tract and constitutes less than 30 percent of the total tract.*
12. *"Visitor-oriented accommodations" means overnight lodging, restaurants and meeting facilities which are designed to provide mainly for the needs of resort visitors rather than area residents.*

- **SECTION 4.5.120 – USE SPECIFIC SUBZONES**

- (1) *The BDR zone is divided into thirteen natural resource subzones (designated NR-1 through NR-13), four golf course/residential subzones (designated GR-1 through GR-4), four special residential subzones (designated SR-1 through SR-4), the Resort Village Center subzone (designated RVC), and three mixed use center subzones (designated MXC-1 through MXC-3), as identified on the BDR Use Subzones Map.*
- (2) *All uses permitted in any subzone under in the use table shall be designed, sited and managed in accordance with applicable provisions of the Master Plan and the standards set out in Section 4.5.160. Uses not listed in the use table are prohibited except as authorized by antidiscrimination laws. Additional restrictions on listed uses may be imposed by the Master Plan, homeowner association bylaws, and private covenants, conditions, and restrictions.*

- (3) *Off-road recreational vehicle use is prohibited in all subzones, unless otherwise specified by the use table.*
- (4) *Residential development is limited to certain golf course/residential, special residential, Resort Village Center and mixed use center subzones, as indicated in the use tables; however, the location and mix of residential development types may be varied within the overall numerical limits for each such subzone established by the Master Plan.*
- (5) *Commercial uses are limited to those specifically listed in the use table. Such uses must be internal to the resort and limited to types and levels of use necessary to meet the needs of residents of and visitors to the resort.*
- (6) *Industrial uses of any kind are prohibited in all subzones.*

- **SECTION 4.5.125 USES PERMITTED, AND THE TYPE OF REVIEW REQUIRED: USES PERMITTED UNDER APPROVED FINAL DEVELOPMENT PLAN:**

The BDR zone is divided into thirteen natural resource subzones (designated NR-1 through NR-13), four golf course/residential subzones (designated GR-1 through GR-4), four special residential subzones (designated SR-1 through SR-4), the Resort Village Center subzone (designated RVC), and three mixed use center subzones (designated MXC-1 through MXC-3), as identified on the BDR Use Subzones Map.

AS USED IN TABLES

- (1) “P” means the use is permitted. Any permitted use as described in the following table may be allowed if it is consistent with an approved Final Development Plan is permitted without further review unless a modification to a structure is need. Any use permitted in natural resource subzone that does not require a structure shall be allowed outright without a Final Development Plan or a Compliance Determination.
- (2) “CD” means the use is allowed subject to compliance determination review with clear and objective standards (Staff review or Type I process). Permitted uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this ordinance. If a use was approved but the location requires modification a Compliance Determination will be required to meet any request for comments and setback requirements. Any uses described in the NR zone are permitted outright and require no authorization from the Planning Department unless there is a structure required and then it will be reviewed as a Compliance Determination. This is indicated by the use table. Accessory uses shall be reviewed through a Compliance Determination and will not require a Final Development Plan.
- (3) “FDP” means it is subject to Final Development Plan (Planning Director’s Decision or Type II Process) Final Development Plans are discretionary and require a Planning Director’s Decision. The process for Final Development Plans including criteria is listed in Sections 4.5.170. As a conditional permitted use Final Development Plans are valid for the period set forth in Section 4.5.180.
- (4) “N” means a use is not permitted in that subzone unless it can meet one of the use exceptions located in Section 4.5.150
- (5) “***” after a use means subject to use exceptions in Section 4.5.150

The table is set up by listing uses in the first column list the number of the uses, next is the name of the uses, next set of columns are the subzones. All development is subject to the general development standards. All development subject to a CD shall provide a plot plan and compliance determination form

but will be processed in the same manner as Article 5.11. All Final Development Plans shall be processed as a conditional use Article 5.2 and meet the criteria of Sections 4.5.160 through 4.5.180.

| # | USE | Bandon Dunes Resort Zone - Subzones | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----|-------------------------------|-------------------------------------|---|---|---|---|---|---|---|---|----|----|----|----|---------------------------------------|-----|------|------|-----------------------------------|------|-----|-----|-----------------------------|-----|---------------------------------|-----|--|
| | | NATURAL RESOURCE SUBZONES (NR) | | | | | | | | | | | | | GOLF COURSE/RESIDENTIAL SUBZONES (GR) | | | | SPECIAL RESIDENTIAL SUBZONES (SR) | | | | RESORT VILLAGE CENTER (RVC) | | MIXED USE CENTER SUBZONES (MXC) | | |
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 1 | 2 | 3 | 4 | 1 | 2 | 3 | 4 | 1 | 2 | 3 | | |
| 20. | Golf Course | N | N | N | N | N | N | N | N | N | N | N | N | N | FDP | FDP | FD P | FD P | FD P | FD P | FDP | FDP | FDP | FDP | FDP | N | |
| 34. | Restaurants, Lounges, & Cafes | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | FDP | FDP | N | N | N | N | FDP | FDP | FDP | FDP | |

SECTION 4.5.130 – BDR USE EXCEPTIONS

The following exceptions apply to the BDR zoning only:

- (1) Two special purpose, small-footprint golf course as authorized by:
 - (A) the 2010 and 2014 supplement to Bandon Dunes Resort Master Plan. One special-purpose, low-impact course south of Cut Creek with no clubhouse, no more than two golf service buildings totaling no more than 700 square feet in area, no more than 13 holes, and a total of no more than 11 acres of turf for tees, fairways and greens.
 - (B) the 2022 supplement to Bandon Dunes Resort Master Plan. One special-purpose, low-impact course in the 2022 amended NR-3 with no clubhouse, no more than two golf service buildings (starter shack and turn-stand with restrooms and minimal food & beverage) totaling no more than 1000 square feet in area, contains only one new road & one new parking lot subject to County Roadmaster approval, not more than 14 holes, contain no more than 32 acres, a total of no more than 17 acres of turf for tees, fairways and greens, and must be outside of any riparian setbacks or coastal shorelands boundaries.
- (2) Within subzones GR-2 and SR-1 launching, docking and limited storage facilities for non-motorized boats shall be permitted on Fahy Lake.
- (3) Within subzone GR-2 fish production and sports fishing shall be permitted in Round Lake and Fahy Lake.
- (4) Within subzones GR-1, GR-2, and GR-3 overnight accommodations shall be permitted when in conjunction with golf course facilities.
- (5) Within subzone SR-1 fish production and sports fishing shall be permitted in Fahy Lake.
- (6) Emergency medical facilities not exceeding 500 square feet in the RVC. Any temporary facility is permitted in any zone.
- (7) Landing Site for emergency purposes – emergency services may be provided in any zone but built landing pads are only allowed in the subzones designated in the table.
- (8) Within subzone MXC-1 launching and limited storage facilities for non-motorized boats shall be permitted on Madrone Reservoir.
- (9) Within subzone MXC-1 fish production and sports fishing shall be permitted in Madrone Reservoir.
- (10) Facility shall be related to the history, culture, economy, or natural resources of the Northwest and the South Coast area.
- (11) Teller machines may be permitted when a permit for a structure is not required. If a structural permit is required this shall be reviewed as Compliance Determination to ensure it meets development and setback requirements.

- (12) *Recycling and garbage collection facilities that are less than 400 square feet in size are permitted with a compliance determination. Areas designated for dumpsters and day to day garbage is permit outright.*

FINDING: The Pacific Dunes Restaurant is located within the GR-3 subzone and the proposed Preserve Short Course will be located in the NR-3 and GR-2 subzones.

The request for the Golf Course falls within the exception of Section 4.5.130 Exception (1) “The 2022 supplement to Bandon Dunes Resort Master Plan. One special-purpose, low-impact course in the 2022 amended NR-3 with no clubhouse, no more than two golf service buildings (starter shack and turn-stand with restrooms and minimal food & beverage) totaling no more than 1000 square feet in area, contains only one new road & one new parking lot subject to County Roadmaster approval, not more than 14 holes, contain no more than 32 acres, a total of no more than 17 acres of turf for tees, fairways and greens, and must be outside of any riparian setbacks or coastal shorelands boundaries.” The portion that is located within the GR-2 Zone Requires a Final Development Plan (FDP) to address the criteria.

The second request is to amend the Pacific Dunes Resort to allow a restaurant which requires a Final Development Plan Review in the GR-3.

Therefore, the entire project is going through the review process as a Final Development Plan (Site Plan). Therefore, these sections have been addressed.

SECTION 4.5.150–ZONING COMPLIANCE LETTERS AND COMPLIANCE DETERMINATION REVIEWS FOR DEVELOPMENT WITHIN BANDON DUNES RESORT ZONING.

1. Uses permitted - If a use is permitted by the use table or a final land use decision has been made a Zoning Compliance Letter (ZCL) may be issued at the request of the applicant or when necessary to obtain other agency permits.
2. Compliance Determination – when the use table requires a compliance determination one will be submitted for review.
 - a. Staff will review the proposal to ensure development standards such as setbacks are met or if any other notices such are required to be obtained from other agencies.
 - b. This process will take up to 30 days to complete. If additional applications are required staff will notify the application of the additional land use authorizations.
 - c. Once the review is complete and no other land use authorizations are required a Zoning Compliance Letter will be issued.

FINDING: A Zoning Compliance Letter will be issued once the required conditions of approval have been complied with.

SECTION 4.5.160–STANDARDS

This section applies to all uses allowed in the BDR unless otherwise specified.

1. Accessory structures and uses subordinate to any authorized primary use shall be permitted.

FINDING: All accessory structures to the golf course will be subordinate and there will be no accessory uses to the restaurant. Therefore, this has been addressed.

2. Development shall be located on a tract that contains a site of at least 160 acres.

FINDING: Bandon Dunes Resort Master Plan covers a total of 2,140 acres that remain in the resort ownership. The resort has been deeded into three different company names with the golf course in Bandon Golf Courses LLC, the residential development in Bandon Resort Properties LLC and Bandon Dunes L.P. A “Tract” means a lot or parcel or more than one contiguous lot or parcel in a single ownership. A tract on which a Goal 2 destination resort is sited may include property that is not included in the destination resort if the property to be excluded adjoins the exterior boundary of the tract and constitutes less than 30 percent of the total tract. The tract is over the 160-acre requirement.

3. The site must have direct access onto a state or county roadway, as designated by the County or the Oregon Department of Transportation. Internal roads, streets, paths, and trails may be private.

FINDING: The Bandon Dunes Golf Resort has direct accessed from Seven Devils Road onto Round Lake which is the main road that travels through the resort. Therefore, this criterion has been addressed.

4. Development shall include meeting rooms, restaurants with seating for at least 100 persons, and at least 150 separate rentable units of overnight lodging, oriented toward the needs of visitors rather than area residents. The rentable units may be phased in as follows:
 - a. A total of 150 units of overnight lodgings shall be provided as follows:
 - i. At least 75 units of overnight lodgings, not including any individually owned homes, lots or units, shall be constructed prior to the closure of sale of the initial individual lot or unit. “Individually owned” for purposes of this section shall mean fewer than four units of overnight lodgings in a single building or cluster of buildings and held under single ownership.
 - ii. The remainder shall be provided as individually owned lots or units subject to deed restrictions limiting their use to use as overnight lodging units. Not more than two additional unrestricted dwelling units may be sold for each additional unit of restricted or permanent overnight lodgings provided.
 - iii. Deed restrictions imposed under paragraphs a(i) and a(ii) of this subsection shall cease to exist upon the recording of an affidavit signed by the Planning Director certifying that 150 units of permanent overnight lodgings have been constructed.
 - b. The number of units approved for residential sale shall not be more than two units for each unit of permanent overnight lodgings provided for under paragraph (a) of this subsection. Thus not more than 150 such lots may be approved for residential sale under paragraph (a)(i), and not more than two additional unrestricted dwelling units above 150 may be authorized for each additional unit of permanent or restricted overnight lodgings provided under paragraph (a)(ii).
5. All required developed recreational facilities, facilities intended to serve the entire development, and visitor-oriented accommodations shall be physically provided or guaranteed through surety bonding or equivalent financial assurances prior to closure of the sale of individual residential lots or units. If development is phased, developed recreational facilities and other key facilities intended to serve a particular phase shall be constructed or guaranteed through surety bonding or equivalent financial assurances prior to sales of individual residential lots or units in that phase. Only improvements described in Paragraph E that are required to meet the expenditure minimums described in Paragraph 5 are subject to this paragraph.
6. At least \$7 million shall be spent on improvements for onsite developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities and roads. Not less than one-third of this amount shall be spent on developed recreational facilities. Spending required under this subsection is stated in 1993 dollars. The spending requirement shall be adjusted

to the year in which calculations are made in accordance with the United States Consumer Price Index.

FINDING: The applicant has complied with subsections 4, 5 and 6. The proposal does not include any dwelling or hotel units. The recreational facilities are proposed to serve the resort and there has been more than 7 million dollars spent for onsite facilities.

7. At least 50 percent of the site, as indicated on the Open Space Map included in the Master Plan, shall be dedicated as permanent open space. Open space areas shall be maintained as such in perpetuity through deed restrictions.

FINDING: This request has no impact on open space. The open space continues to meet the requirements.

8. Development shall comply with the standards for rural roads set out in Chapter VII.
9. Riparian Corridor and Wetland Protection
 - a. For the purposes of this section, the following definitions apply:
 - i. "Fish habitat" means those areas upon which fish depend in order to meet their requirements for spawning, rearing, food supply, and migration.
 - ii. "Lawn" means an area planted with ornamental grass species, such as Kentucky bluegrass or perennial rye grass, which is maintained year-round with a vibrant green color through the use of fertilizers and irrigation, for the purpose of low-level recreational use, such as walking, picnicking, and casual sporting activities.
 - iii. "Riparian area" is the area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.
 - iv. "Riparian corridor" is a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary.
 - v. "Riparian corridor boundary" is an imaginary line that is a certain distance upland from the top bank, for example, as specified in paragraph (b) of this subsection.
 - vi. "Stream" is a channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.
 - vii. "Structure" is a building or other major improvement that is built, constructed, or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components that are not customarily regulated through zoning ordinances.
 - viii. "Top of bank" shall have the same meaning as "bankfull stage," which is defined as the stage or elevation at which water overflows the natural banks of streams or other waters of this state and begins to inundate the upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage.
 - ix. "Water area" is the area between the banks of a lake, pond, river, perennial or fish-bearing intermittent stream, excluding man-made farm ponds.
 - x. "Wetland" is an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
 - b. The riparian corridor boundary shall be:
 - i. 50 feet from the top of bank of Cut Creek, Fahy Creek, Whiskey Run Creek, and their tributaries;
 - ii. 50 feet from the upland edge of significant wetlands, as identified on the comprehensive plan Fish and Wildlife Habitat II special considerations map; and
 - iii. The Coastal Shorelands Boundary around Chrome, Round and Fahy Lakes, as identified in the Dunes and Non-Estuarine Coastal Shorelands section of the comprehensive plan, Volume I, Part 2, Section 3.8, as amended by Ordinance 96-03-003PL, Section 4, Exhibit A.

- c. Permanent alteration of the area within the riparian corridor by grading or the placement of structures or impervious surfaces is prohibited, except for the following uses, provided they are designed and constructed to minimize intrusion into the riparian area:
 - i. Streets, roads, and paths;
 - ii. Drainage facilities, utilities, and irrigation pumps;
 - iii. Water-related and water-dependent uses; and
 - iv. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.
 - v. Placement of structures or impervious surfaces or grading within the riparian corridor where it is demonstrated that equal or better protection for identified riparian resources will be ensured through restoration of riparian areas, enhanced buffer treatment, or similar measures. In no case shall such alterations occupy more than 50% of the width of the riparian area measured from the upland edge of the corridor.
- d. Lawns shall be prohibited within 50 feet of a wetland, stream or lake identified on the comprehensive plan Coastal Shoreland and Fish and Wildlife Habitat inventory maps. Removal of vegetation within the riparian corridor is subject to the following controls:
 - i. Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.
 - ii. Riparian vegetation may be removed where necessary for development of a water-dependent or water-related use.
 - iii. Riparian vegetation may be removed to facilitate stream or streambank projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFWS stream enhancement plan.
 - iv. Riparian vegetation may be removed in order to site or properly maintain resort utilities, paths and roads, provided that the vegetation removed is the minimum necessary to accomplish the purpose.
 - v. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, etc.), provided that such vegetation removal is the minimum necessary to provide an access to the water to site or maintain irrigation pumps.
 - vi. Riparian vegetation may be removed to facilitate a wetland or riparian edge restoration project that will increase the overall quantity and quality of riparian vegetation at the project location.
 - vii. Non-native invasive species (e.g., scotch broom, gorse) may be removed from the riparian area and replaced with native tree, native shrub-scrub, and native grass species.
 - viii. Non-hydrophytic vegetation in a forested portion of a riparian corridor may be removed for the purpose of maintaining a healthy stand of trees and understory conditions, using accepted forest maintenance practices, restoring or enhancing wildlife habitat, or managing hazardous forest fire conditions.
 - ix. Woody debris may be removed from the riparian corridor where trees left as protective buffer strips along streams by prior logging operations have blown down and caused more woody debris to fall into the waterway than is desirable for healthy fish or wildlife habitat.
 - x. Invasive-noxious aquatic species, such as spike watermilfoil (*Myriophyllum exalbescens*), the existence and probable spread of which poses a serious problem for the waters of the State, may be removed from water areas within the riparian corridor.
 - xi. Protected riparian vegetation shall not be removed solely for the purpose of providing enhanced views of Chrome, Round or Fahys Lake.
- e. Except as otherwise provided in the preceding paragraph, replacement vegetation planted in the riparian corridor shall consist of:
 - i. Native tree, shrub, herbaceous plant or grass species; or
 - ii. A mixture of native and non-native grasses where at least 50 percent of the mix is native Red Fescue grass.

- f. Mapping Errors
 - i. Any claim of error in the mapping of significant wetlands and riparian corridor boundaries, as shown in the Bandon Dunes Resort Master Plan or comprehensive plan Fish and Wildlife Habitat II special considerations map, shall be submitted as part of an application for Final Development Plan approval or modification under Section 4.5.165 through 4.5.175, or as part of an application for land division approval under Section 4.5.190.
 - ii. A claim of error in the mapping of significant wetlands or riparian corridor boundaries shall include a map showing the proposed corrected boundary and a description of how the proposed corrected boundary was identified.
 - iii. A claim of error in the mapping of significant wetlands or riparian corridor boundaries shall be sustained, and the mapping of significant wetlands and riparian corridor boundaries, as shown in the Bandon Dunes Resort Master Plan or comprehensive plan Fish and Wildlife Habitat II special considerations map, shall be corrected, if the Approval Authority determines that the proposed boundary is consistent with paragraphs (a) and (b) of this subsection, and is supported by substantial evidence.
 - g. Hardship Variance
 - i. A request for a hardship variance to provisions in paragraphs (b) through (e) of this subsection shall be submitted as part of an application for Final Development Plan approval or modification under Section 4.5.165 through 4.5.175.
 - ii. A request for a hardship variance shall include identification of the provision or provisions in paragraphs b through e from which a variance is requested, a description of the extent and impacts of the variance requested, and an explanation of why the proposed variance satisfies the standards in paragraph iii below.
 - iii. The Approval Authority shall approve a request for a hardship variance if it determines that the criteria set out in Section 5.3.350(1) are satisfied.
10. Development within areas of “limited development suitability,” and any beach access trail located in the “not suitable” area south of the Cut Creek delta, as shown on the comprehensive plan Development Potential within Ocean Shorelands and Dunes special considerations map, shall comply with CCZLDO Appendix 1, Policy 5.10, Plan Implementation Strategy (2), provided that compliance will be demonstrated through the final development plan approval process of Section 4.5.165, rather than the administrative conditional use process.

FINDING: Subsections 9 and 10 are not applicable to this review as there are no riparian areas. Subsection 8 is addressed by requiring a condition of approval that roadmaster or designee provide a parking, driveway, access permit sign off of compliance. A parking plan has been provided along with road and access that will be reviewed by the Roadmaster.

11. The minimum setback from the exterior boundaries of the BDR zone for all development (including structures, roads and site-obscuring fences over three feet in height, but excepting existing buildings and uses, entry roadways, landscaping, utilities and signs) shall be:
- a. 100 feet for commercial development listed in Section 4.10.050 (4) and (5), including all associated parking areas;
 - b. 100 feet for visitor-oriented accommodations other than single-family residences, including all associated parking areas;
 - c. 50 feet for above-grade development other than that listed in paragraphs (a) and (b);
 - d. 25 feet for internal roads;
 - e. 50 feet for golf courses and playing fields except for the special purpose, low-impact golf course authorized in the NR-3 subzone; and
 - f. 25 feet for jogging trails, nature trails and bike paths where they abut private developed lots, but no setback for where they abut public roads and public lands.
12. The minimum setback from the boundary of a non-BDR zoned parcel that is completely surrounded by the BDR zone, for all development (including structures, roads and site-obscuring fences over

three feet in height, but excepting existing buildings and uses, entry roadways, landscaping, utilities and signs) shall be:

- a. 50 feet for above-grade structures, including all associated parking areas;
- b. 25 feet for internal roads;
- c. 50 feet for golf courses and playing fields; and
- d. 25 feet for jogging trails, nature trails and bike paths.

13. Eastern Boundary Woodland Buffer

- a. A 100-foot wide woodland buffer along the eastern boundary of the BDR zone, extending from Whiskey Run Road to where the BDR zone boundary intersects the upper end of Fahy Lake, and from the South Bandon Dunes Drive resort entry point to where the BDR zone boundary intersects the southern shore of Fahy Lake, is established. Within this 100-foot buffer area, no development or other use (including structures, roads, fences, landscaping, vegetation removal, utilities or signs) shall occur, except for the following:
 - i. Entry roadways, as shown on the Road Network Map in the Master Plan, or as required for access by emergency and resort maintenance vehicles;
 - ii. Hiking trails;
 - iii. Fences that are not visible from the exterior of the BDR zone boundary;
 - iv. Underground utility lines serving the resort;
 - v. Removal of invasive non-native vegetation and replacement with native species; and
 - vi. Removal of excessive understory fuel build-up and construction and maintenance of fire roads, as appropriate for sound fire management practices.
- b. Where the provisions of this section are more restrictive than the setback required by Section 4.5.160 (10), the provisions of this section shall control.

Finding: Subsections 11, 12 and 13 are shown to comply on the drawing. Therefore, setbacks will be complied with.

SECTION 4.5.165– FINAL DEVELOPMENT PLAN APPLICATION AND REVIEW PROCEDURE

A final development plan shall set forth, to the extent not previously addressed in the Master Plan or Exception Statement, and only to the extent applicable to the particular phase or element of the destination resort for which final approval is sought:

1. Illustrations and graphics to scale, identifying:
 - a. The location and total number of acres to be developed in the current phase.
 - b. The subject area and all land uses adjacent to the subject area.
 - c. Types and location of proposed development and uses, including residential and commercial uses and landscaping.
 - d. A general depiction of site characteristics, including:
 - i. Existing topography;
 - ii. Water areas, including streams, lakes, ponds, County inventoried wetlands and Division of State Lands recognized wetlands;
 - iii. Vegetation types and locations;
 - iv. Areas of geologic instability; and
 - v. Beach and dune formations.
 - e. Proposed methods of access to the development, identifying the main vehicular circulation system within the resort and an indication of whether internal streets will be public or private.
 - f. Parking plan.
 - g. Major pedestrian and bicycle trail systems.

- h. The location and number of acres proposed as open space, buffer area or common area. Areas proposed to be designated as “open space,” “buffer area” or “common area” should be clearly illustrated and labeled as such.
- i. Proposed recreational amenities and their approximate locations.
- j. A water and sewer facilities plan for the phase consistent with the Master Plan and all other applicable regulations.
- k. A drainage plan for the phase consistent with the Master Plan and all other applicable regulations.

FINDING: The applicant provided the maps and explanation in Exhibits 1 through 7 to address all of the required site development requirements. The following table was provided to explain where to find the information to address each subsection.

| SECTION 1 | SITE PLAN DOCUMENTATION / MAPPING | | |
|---|-----------------------------------|--|--|
| 1a | AREA COMMITTED FOR DEVELOPMENT | | |
| <ul style="list-style-type: none"> • Short Course #2 | | <ul style="list-style-type: none"> • Located within the Amended Coos County Comprehensive Plan and Zoning Map. GR-2 and Amended NR-3 subzone. | Exhibit #2 |
| <ul style="list-style-type: none"> • Pacific Dunes Clubhouse | | <ul style="list-style-type: none"> • Located within the GR-3 subzone | Exhibit #1 |
| 1b | ADJACENT LAND USES | | |
| <ul style="list-style-type: none"> • Short Course #2 | | <i>The following land uses abut or are near the subject site:</i> <ul style="list-style-type: none"> • Bandon Preserve golf course to the north, Bandon Trails golf course to the east, State park land to the west, and Natural resource zone to the south. | Part I, Page 5 |
| <ul style="list-style-type: none"> • Pacific Dunes Clubhouse | | <ul style="list-style-type: none"> • Pacific Dunes golf course to west, Practice Center to east. | Exhibit #1 |
| 1c | PROPOSED DEVELOPMENT | | |
| <ul style="list-style-type: none"> • Short Course #2 | | <i>Consisting of:</i> <ul style="list-style-type: none"> • Course occupies approximately 32 acres of that 17 acres are maintained turf. • Starter Building occupies 950 sf. • Restroom Structure occupies 50 sf. | Part I, Page 9 Exhibit #2 Exhibit #3 Exhibit #4 |
| <ul style="list-style-type: none"> • Pacific Dunes Clubhouse | | <ul style="list-style-type: none"> • Existing two story structure of approximately 4,200 sf. | Exhibit #7 |

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|---------------------------|--------------------------------------|---|------------------|
| 1d | SITE CHARACTERISTICS | - | - |
| • Short Course #2 | i - Existing topography | • Site is conditionally stabilized duneland with some open sand formations characterized by hillocks and valleys. With wooded areas on the south, west and east sides. | NRI/SA 2002 |
| • Pacific Dunes Clubhouse | | • Mix of topography, generally flat, with modest mounds and sloping elevations. | |
| • Short Course #2 | ii - Water amenities | • No water features are present. | |
| • Pacific Dunes Clubhouse | | | |
| • Short Course #2 | iii - Vegetation types and locations | • Mix of European beachgrass, groups of shore pine trees with understory plants consisting of native shrubs and exotic plants such as gorse and scotch broom. | NRI/SA 2002 |
| • Pacific Dunes Clubhouse | | | |
| • Short Course #2 | iv - Areas of geologic instability | • Two buildings are in an Area of Limited Development Suitability. Prior to final siting and design a site specific geotechnical evaluation will be conducted at the approved site. | Part II, Page 19 |
| • Pacific Dunes Clubhouse | | • Since its construction in 2008 the site and surrounding areas have remained geologically stable. | |
| • Short Course #2 | v - Beach and dune formations | • No development in beach zones. | Part II, Page 19 |
| • Pacific Dunes Clubhouse | | • Some modifications to existing dune formations. | |

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|---------------------------|--------------------|---|-------------------|
| 1e | CIRCULATION SYSTEM | | |
| • Short Course #2 | | • As depicted on the Short Course #2 Exhibits | Exhibit #2 and #5 |
| • Pacific Dunes Clubhouse | | • Existing circulation will not change. | Exhibit #7 |

| | | | |
|---------------------------|--------------|---|------------|
| 1f | PARKING PLAN | | |
| • Short Course #2 | | • As depicted on the Short Course #2 Exhibits | Exhibit #5 |
| • Pacific Dunes Clubhouse | | • Existing parking will not change. | Exhibit #7 |

| | | | |
|---------------------------|-----------------------------|--|--|
| 1g | PEDESTRIAN & BICYCLE TRAILS | | |
| • Short Course #2 | | • Portions of the Dunes Trails in the area will be relocated outside the course area for safety reasons. | |
| • Pacific Dunes Clubhouse | | • NA | |

| | | | |
|---------------------------|----------------------|---|---------------------|
| 1h | OPEN SPACE PROVISION | | |
| • Short Course #2 | | • Proposed development does not change open space percentage stated in Revised 2003 Master Plan | Final Decision 2003 |
| • Pacific Dunes Clubhouse | | | |

| | | | |
|---------------------------|-------------------------------|--|--------------------------------------|
| 1i | PROPOSED RECREATION AMENITIES | | |
| • Short Course #2 | | • Add a short golf course as depicted in the Short Course #2 Exhibits. | Part I, Page 8 |
| • Pacific Dunes Clubhouse | | • NA | |
| 1j | WATER & SEWER FACILITIES | | |
| • Short Course #2 | | • Irrigation system provided will tie-in to existing system. • Potable water and sanitary sewer utilities to Starter Building and On Course Restroom building will be consistent with the master plan and all other applicable regulations. | Part II, Page 17 Part II, Page 17 |
| • Pacific Dunes Clubhouse | | • Potable water and sanitary sewer utilities to the clubhouse were installed in accordance with the master plan and all applicable regulations. | |
| 1k | DRAINAGE PLAN | | |
| • Short Course #2 | | • Most storm runoff self-drains into open sand within the course. Within the course, runoff is collected at selected low points and piped to a centralized soakage pit. | |
| • Pacific Dunes Clubhouse | | • Storm runoff gravity drains into open sand areas, runoff from the clubhouse is piped directly away from the building. | |

Response to Subsection 1j: All proposed structures will be connected to the existing sanitary sewer facilities and processed at the resorts sewage treatment plant. The current capacity of the treatment plant is 125,000 GPD. The treatment facility currently has sufficient capacity to accommodate the addition of these proposed developments. The resort currently generates approximately 60,000 GPD. Prior to connecting to the existing sanitary sewer facilities; DEQ will be notified, qualified professionals will complete a complete septic system design, and DEQ approval will be obtained. Water is provided from the primary Bandon Dunes Golf Resort water treatment facility. The existing primary water system is capable of accommodating the addition of these proposed developments.

Therefore, this section has been addressed.

2. A landscape/golf course management plan for the maintenance of landscaping around resort residential, commercial and recreational development and for the maintenance and operation of resort golf courses, including:
 - a. A detailed description of site and climatic conditions, evaluating how specific conditions will impact management strategies.
 - b. Identification of objectives and practices for mowing, pruning, irrigation and fertilization that are designed to control the rate, method and type of chemicals applied, reduce the total chemical loads, and reduce as much as possible the off-site transport of sediment, nutrients and pesticides.
 - c. Integrated Pest Management strategies for identification and monitoring of potential pest populations, determination of action thresholds for pest damage, evaluation of control options, education of personnel and evaluation of results.
 - d. A description of safety measures for storage, handling, disposal and record keeping of pesticides.

- e. The details (locations, frequency of testing, analytes to be tested for) of a program to monitor the quality of the surface and groundwater at the resort site, including protocols for periodic reporting of the results of such tests to the County and other appropriate agencies.
- f. The location, design and management practices for nursery and bedding areas to be used to produce or acclimatize landscaping plants, including a description of the surrounding areas and any measures needed to mitigate impacts on sensitive surrounding environments.
- g. A description of measures to be used to reduce the danger of and combat forest fires, including the firebreaks for residential development required by Forest Lands Plan Implementation Strategy 3.

FINDING: The applicant provided details to address this section. Specifically stating that the site for the proposed low-impact golf course is a long, north to south, area south of the Bandon Preserve golf course and west of Bandon Trails golf course. Adjacent to state park land to the west and north of a forested natural resource subzone within the Bandon Dunes Resort zone.

The development of the course will focus on the extensive removal of Shore Pine trees, associated shrubs, European beachgrass and gorse. The conservation improvement program will focus on creating protected Silvery phacelia habitat areas. These areas will be used as transplant conservations sites for phacelia plants that would have been over taken by previously existing exotic plant life. Silvery phacelia plants will also be strategically relocated away from any development disturbance into these set-aside areas. After construction of the course, the conservations areas will be marked as “out-of-bounds” for golfers. Golfers are allowed to retrieve a ball hit into one of these set-aside areas. No balls can be played from within the set-aside areas.

Red Fescue will be used exclusively on all turf areas. Irrigation systems will be connected to existing irrigation facilities in order to establish and maintain the turf.

This new course will employ the same landscape management strategies used resort wide and will particularly match those used at the Bandon Preserve golf course. Prior to the Bandon Preserve construction there were approximately 2,500 Silvery phacelia plant, now there are over 32,000 Silvery phacelia plants thriving in the area.

The development will continue to employ and practice previously established policies in these areas.

Removal of existing vegetation has reduced the danger of a coastal fire. The presence of irrigation provides means of fighting a coastal fire or delaying its spread until firefighting equipment and manpower can be mobilized within the resort or from nearby local firefighting resources. Fire protection for the resort continues to be the responsibility of the Coos Forest Patrol and the Bandon Rural Fire District. Where required a fire suppression system will be installed according to applicable requirements and designed by licensed professionals.

Therefore, subsection 2 has been addressed.

3. Further information as follows:

- a. A description of any riparian vegetation to be removed within 50 feet of the upland edge of a wetland or top of bank of a stream identified on the comprehensive plan Fish and Wildlife Habitat II special considerations map, or within the Coastal Shorelands Boundary around Chrome, Round or Fahy Lake, as identified in the Dunes and Non-Estuarine Coastal Shorelands section of the comprehensive plan, Volume I, Part 2, Section 3.8, as amended by Ordinance 96-03-003PL, Section 4, Exhibit A, together with an explanation of why such removal is justified under Section 4.5.160.H.

- b. A description of measures planned to mitigate project impacts on wetlands identified in the Master Plan, together with an assessment of the impact of the development on wetlands, taking into account such mitigation measures.
- c. Proposed covenants and deed restrictions to assure designated open space areas are maintained as open space in perpetuity and that occupants and property owners are required to comply with the approved landscape/golf course management plan.
- d. If the final development plan covers areas designated as “Beach and Dune Areas with Limited Development Suitability” on the comprehensive plan Development Potential within Ocean Shorelands and Dunes special considerations map, a site investigation report by an engineering geologist which addresses the requirements of CCZLDO Appendix 1, Policy 5.10, Plan Implementation Strategy (2).
- e. A description of the proposed method of providing all utility systems, including the preliminary or schematic location and sizing of the utility systems. Copies of these items shall also be provided to relevant utility or service providers.
- f. If the final development plan includes overnight lodging units or recreational dwellings, the total number of such overnight lodging units or recreational dwellings allowed by the subject final development plan, and the cumulative total number of overnight lodging units and recreational dwellings allowed under previously approved final development plans.
- g. A description of the proposed order and schedule for phasing (if any) of all development, including an explanation of when facilities will be provided and how they will be secured if not completed prior to the closure of sale of individual lots or units.
- h. Proposed findings addressing how the destination resort final development plan approval standards of section 4.5.170 are satisfied.

FINDING: All improvements associated with the proposed development will maintain any required 50-foot riparian setbacks. Removal of riparian vegetation is not required for the development being proposed. There will be no mitigation required. There are no CC&R’s required for the proposed development.

There will be no impact to the Beaches and Dunes. The Short Course #2 golf course and the conservation program effort are located in an Area of Limited Development Suitability. This Final Development Plan proposes two small golf service buildings as part of the development. The Starter Building which will be built to provide a check-in facility for golfers, prepackaged food and beverage, and support space for the resort staff monitoring play on the course. The on course bathroom will be built to provide golfers with the needed restroom facilities.

Present geo-technical assessments for the site indicate there would be no significant hazard issues regarding potentially adverse impacts on the duneland environment. Given the one-story height and small size of the buildings, no major geo-technical problems regarding foundation design are anticipated for these structures. See Exhibit 6. Prior to choosing and finalizing the site and building design a site-specific geotechnical evaluation will be conducted at the approved building locations. Including subsurface explorations, laboratory testing, and if required slope stability analysis to identify all potential geotechnical hazards and establish geotechnical design parameters for the conditions encountered.

The design of these buildings will be minimized to limit the construction impact to the surrounding areas. During construction strategic site planning will occur to locate the buildings within the natural site, preserving the landscape and protecting mature trees. After construction rehabilitation of the surrounding landscape will take place using native plants.

Although it will be necessary to remove some existing vegetation on the construction site, much of the vegetation removed will consist of non-native exotic plants such as European beachgrass and

others. Construction will also impact portions of the Silvery phacelia population in the area, however similar to the Bandon Preserve course's successful Silvery phacelia transplant process, much of the impacted existing Silvery phacelia will be successfully transplanted to set-aside conservation areas.

Access to and from these facilities will be provided by paved pathways to control the movement of guests and staff and prevent disturbance of the surrounding conservation areas.

Regular maintenance of the golf course and continued efforts of resort staff on enhancing habitat areas for the maintenance and proliferation of the Silvery phacelia plants will ensure preservation of this threatened native plant species. The primary goals of preserving existing phacelia habitat and minimizing the impact on the existing Silvery Phacelia population will shape the site design.

The site planning and design process for the project recognizes that the proposed site is presently classified as a "natural resources conservation area" and zoned as the NR-3 Scenic Dunes subzone in the Coos County zoning code. The envisioned design will blend a short course layout with a natural resource conservation program that will have minimal impact on existing natural resources and associated amenity values.

Potable water required for the proposed buildings will be supplied by the existing water system at the resort. All proposed buildings will be connected to the sanitary sewer facilities and the effluent piped to the resort's sewage treatment plant. Other infrastructure improvements would include installation of electrical power, tele-communications, and propane tanks (where applicable). All necessary utilities are currently extended to the general areas and will be further extended underground as needed.

This is a phased construction project as described by the applicant taking place from 2023 to 2026. The proposed development is consistent with the 1996 Master Plan, and the 2003, 2010, 2014, Supplemental Exceptions/Amendments. More specifically, the proposed development is consistent with the acknowledged 2021 Supplemental Exception/Amendment, which designates the affected areas for development, including the improvements proposed in Phase 15.

There are no lodging units or dwellings proposed. Therefore, subsection 3 has been addressed.

- 4.. Before submitting an application for final development plan review any phase or element of the destination resort, the applicant shall participate in a pre-application conference with the Planning Department to obtain general information, guidelines, procedural requirements, advisory opinions, and technical assistance for the project concept.

FINDING: A pre-application conference was held on January 5, 2023 to review the project. Therefore, subsection 4 has been addressed.

5. Following a pre-application conference, the applicant shall submit an application final development plan review by the Planning Director. One (1) electronic copy and two (2) hard copies of the final development plan on a Coos County Land Use Application shall be submitted to the Planning Department along with a filing fee set by the Board of County Commissioners to defray costs incidental to the review process.

FINDING: The application was submitted in accordance with subsection 5 above on January 13, 2023.

6. Application for final development plan review shall be processed in accordance with Sections 5.0.200 (Application completeness (ORS 215.427)), 5.0.250 (Timetable for Final Decisions (ORS 215.427)), 5.0.300 (Findings Required (ORS 215.416(9)-(10)), and application for final development plan review shall be deemed complete if it satisfies the requirements of this Section. 4.5.165

FINDING: The application has been processed in accordance with subsection 6 and satisfies Section 4.5.165.

7. If the final development plan includes areas identified as wetlands on the Statewide Wetlands Inventory, as shown in Exhibit A to this Ordinance, the Planning Department shall submit a Wetland Land Use Notification Form to the Division of State Lands within five working days after acceptance of a complete application for final development plan review.

FINDING: Staff did provide notice to Oregon Department of State Lands.

8. The Planning Director shall approve an application for final development plan review if the final development plan meets the approval standards of Section 4.5.170. If significant interpretation or policy issues are raised by the final development plan application, the Planning Director may submit the application to the Planning Commission for its review pursuant to applicable provisions of Article 5.7 and the approval standards of Sections 4.5.160 and 4.5.170 .
9. The Approval Authority may impose conditions that are necessary to enable it to approve the final development plan under the approval standards of Section 4.5.170.
10. The Approval Authority shall issue a final order setting out its decision on the application for final development plan review and shall give notice of that decision as provided in Section 5.0.900 Notice Requirements.
11. The decision of the Approval Authority may be appealed as provided in Article 5.8

Finding: Staff has reviewed the proposal and found that it is complaint. This is the final order and decision.

SECTION 4.5.170 – FINAL DEVELOPMENT PLAN APPROVAL CRITERIA

The Approval Authority shall approve a final development plan for all or an element of a destination resort if it determines that all of the following criteria are met:

1. The development is consistent with the Exception Statement.
2. The development is consistent with the Master Plan, including the boundaries, locational restrictions, use restrictions, open space dedication requirements, wetland mitigation measures, management unit guidelines, service and facilities plans, financial commitment requirement, and numerical limits set forth therein.
3. The development meets the standards established in Section 4.4.5.160.
4. The uses allowed under the final development plan comply with Sections 4. 4.5.160 and 4.5.175.
5. Accessory structures and uses subordinate to any authorized primary use shall be permitted.

FINDINGS: The proposal is consistent with the 1996 Master Plan and 2003 Revised Master Plan. The proposed buildings and other site improvements including associated parking areas and utility services have been located with regard to all location and use restrictions mentioned in both FINAL DECISION documents. Utility services have been expanded and updated as required to service the new facilities. The financial commitments required have been exceeded in the past. Meets Standards established in Section 4.5.160 All standards outlined in the 2003 FINAL DECISION

have been met. All required setbacks near the riparian corridors and perimeter property lines have been met.

SECTION 4.5.180 – EFFECT OF FINAL DEVELOPMENT PLAN APPROVAL

A final development plan approval shall, except as expressly specified therein, constitute the final land use decision for the subject phase or element and will authorize administrative issuance of further permits and approvals necessary to commence construction. Construction, site development and landscaping shall be carried out in accord with the approved final development plan unless otherwise allowed by this BDR Ordinance. Final Development Plans do not expire unless the property or portion of the property in which decision pertains to is rezoned and then will require a new plan to ensure standards and criteria are met.

FINDING: All approval criteria stated in Section 4.5.170 have been met, and the Phase 15 Final Development Plan is in compliance with the 2003 FINAL DECISION document. Therefore, the proposed development is consistent and will comply with the conditions of approval.

VI. DECISION:

There is evidence to adequately address the criteria for the staff housing expansion, therefore, this request has been approved. There are conditions that apply to this use that can be found at Exhibit “A”.

VII. NOTICE REQUIREMENTS:

A notice of decision will be provided to property owners within 250 feet of the subject properties and the following agencies, special district or parties:

DLCD

Bandon Rural Fire Protection District

Southern Coos General Health District

Planning Commission

Board of Commissioner