

ARTICLE 4.10 BANDON DUNES RESORT ZONE (BDR)

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4.10.010 – Purpose - The purpose of the Bandon Dunes Resort 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.

4.10.015 - Applicability

- A. 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.
- B. 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 4.8.200.A-D, F, H-N and P-S of the Forest zone are permitted prior to final development plan approval.

4.10.020 - Definitions

- A. "Developed recreational facilities" means improvements constructed for the purpose of recreation and may include but is 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.
- B. "Element" means a recreational facility, resort facility, residential cluster, infrastructure facility, or other discrete component of a destination resort or a phase thereof.
- C. "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.
- D. "Goal 2 Destination Resort" means development which meets the standards in Section 4.10.030 and for which a goal exception is required and has been approved through the Goal 2 exception process.
- E. "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.
- F. "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.

- G. "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.
- H. "Phase" means that part of a Goal 2 destination resort for which final development plan approval is sought pursuant to Section 4.10.060 to 4.10.070.
- I. "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.
- J. "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.
- K. "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.
- L. "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.

4.10.030 - Standards

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

- C. 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:
1. A total of 150 units of overnight lodgings shall be provided as follows:
 - a. 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.
 - b. 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.
 - c. Deed restrictions imposed under paragraphs 1(a) and 1(b) 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.
 2. 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 (1) of this subsection. Thus not more than 150 such lots may be approved for residential sale under paragraph (1)(a), 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 (1)(b).
- D. 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 E are subject to this paragraph.

- E. 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.
- F. 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.
- G. Development shall comply with the standards for rural roads set out in Chapter VII.
- H. Riparian Corridor and Wetland Protection
 - 1. For the purposes of this section, the following definitions apply:
 - a. "Fish habitat" means those areas upon which fish depend in order to meet their requirements for spawning, rearing, food supply, and migration.
 - b. "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.
 - c. "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.

- d. "Riparian corridor" is a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary.
- e. "Riparian corridor boundary" is an imaginary line that is a certain distance upland from the top bank, for example, as specified in paragraph (2) of this subsection.
- f. "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.
- g. "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.
- h. "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.
- i. "Water area" is the area between the banks of a lake, pond, river, perennial or fish-bearing intermittent stream, excluding man-made farm ponds.
- j. "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.

2. The riparian corridor boundary shall be:
 - a. 50 feet from the top of bank of Cut Creek, Fahy Creek, Whiskey Run Creek, and their tributaries;
 - b. 50 feet from the upland edge of significant wetlands, as identified on the comprehensive plan Fish and Wildlife Habitat II special considerations map; and
 - c. 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.
3. 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:
 - a. Streets, roads, and paths;
 - b. Drainage facilities, utilities, and irrigation pumps;
 - c. Water-related and water-dependent uses; and
 - d. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.
 - e. 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.
4. 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:

- a. Trees certified by the Coos Soil and Water Conservation District, a port district or U.S. Soil Conservation Service as posing an erosion or safety hazard may be removed to minimize said hazard.
- b. Riparian vegetation may be removed where necessary for development of a water-dependent or water-related use.
- c. 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.
- d. 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.
- e. 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.
- f. 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.
- g. 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.
- h. 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.

- i. 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.
 - j. 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.
 - k. Protected riparian vegetation shall not be removed solely for the purpose of providing enhanced views of Chrome, Round or Fahys Lake.
5. Except as otherwise provided in the preceding paragraph, replacement vegetation planted in the riparian corridor shall consist of:
- a. Native tree, shrub, herbaceous plant or grass species; or
 - b. A mixture of native and non-native grasses where at least 50 percent of the mix is native Red Fescue grass.
6. Mapping Errors
- a. 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 4.10.060 through 4.10.075, or as part of an application for land division approval under Section 4.10.090.
 - b. 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.

- c. 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 1 and 2 of this subsection, and is supported by substantial evidence.

7. Hardship Variance

- a. A request for a hardship variance to provisions in paragraphs 2 through 5 of this subsection shall be submitted as part of an application for Final Development Plan approval or modification under Section 4.10.060 through 4.10.075.
- b. A request for a hardship variance shall include identification of the provision or provisions in paragraphs 2 through 5 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 c below.
- c. 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.

- I. 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 4.10.060, rather than the administrative conditional use process.

- J. 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:
1. 100 feet for commercial development listed in Section 4.10.050.D and E, including all associated parking areas;
 2. 100 feet for visitor-oriented accommodations other than single-family residences, including all associated parking areas;
 3. 50 feet for above-grade development other than that listed in paragraphs (1) and (2);
 4. 25 feet for internal roads;
 5. 50 feet for golf courses and playing fields except for the special purpose, low-impact golf course authorized in the NR-3 subzone; and
 6. 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.
- K. 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:
1. 50 feet for above-grade structures, including all associated parking areas;
 2. 25 feet for internal roads;
 3. 50 feet for golf courses and playing fields; and
 4. 25 feet for jogging trails, nature trails and bike paths.
- L. Eastern Boundary Woodland Buffer
1. 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:

- a. Entry roadways, as shown on the Road Network Map in the Master Plan, or as required for access by emergency and resort maintenance vehicles;
 - b. Hiking trails;
 - c. Fences that are not visible from the exterior of the BDR zone boundary;
 - d. Underground utility lines serving the resort;
 - e. Removal of invasive non-native vegetation and replacement with native species; and
 - f. Removal of excessive understory fuel build-up and construction and maintenance of fire roads, as appropriate for sound fire management practices.
2. Where the provisions of this section are more restrictive than the setback required by Section 4.10.030.J, the provisions of this section shall control.

4.10.040 – Use Specific Subzones

- A. 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.
- B. All uses permitted in any subzone under Sections 4.10.045 or 4.10.050 shall be designed, sited and managed in accordance with applicable provisions of the Master Plan and the standards set out in Section 4.10.030. Uses not listed in Sections 4.10.045 or 4.10.050 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.

- C. Off-road recreational vehicle use is prohibited in all subzones, except that bicycles may be used on designated bicycle paths, as allowed under Section 4.10.050.A.7, B.1, C.1, D.1 and E.1.
- D. Residential development is limited to certain golf course/residential, special residential, Resort Village Center and mixed use center subzones, as indicated in Section 4.10.050.B.10-11, C.8-9, D.1 and E.1. 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.
- E. Commercial uses are limited to those specifically listed in Sections 4.10.045 and 4.10.050. 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.
- F. Industrial uses of any kind are prohibited in all subzones.

4.10.045 – Uses Permitted Prior to Approval of Final Development Plan.

Uses permitted outright under Section 4.8.200.A-D, F, H-N and P-S shall be permitted in all BDR subzones until such land has received final development plan approval pursuant to this Article, unless specifically prohibited by the Master Plan.

4.10.050 – Uses Permitted Under Approved Final Development Plan. The following uses may be permitted in the BDR subzones identified in brackets following each listed use, pursuant to a final development plan approved under Sections 4.10.060 to 4.10.070. If a particular subzone is not noted in brackets following the listed use, the use is prohibited in that subzone, except as may be authorized by antidiscrimination laws.

- A. Natural Resource Subzones
 - 1. Open space. [NR-1 through NR-13]
 - 2. Wildlife observation facilities. [NR-1 through NR-13]
 - 3. Fish and wildlife research and rehabilitation facilities, habitat mitigation, restoration and enhancement. [NR-1 through NR-13]
 - 4. Wetland and plant research and habitat mitigation, restoration and enhancement. [NR-1 through NR-13]

5. Nature interpretive centers and educational facilities. [NR-4, NR-5, NR-6, NR-8, NR-9, NR-11, NR-13]
 6. Pedestrian hiking trails, nature trails, walkways, bridges and lookouts. [NR-1, NR-3 through NR-6, NR-8 through NR-13]
 7. Bicycle paths and equestrian trails. [NR-3 through NR-6, NR-8, NR-11, NR-12]
 8. Paved roads. [NR-6, NR-8, NR-9, NR-11]
 9. Paved golf-cart paths. [NR-6]
 10. Facilities necessary for public safety and utilities serving the resort. [NR-1 through NR-13]
 11. Accepted agricultural and forestry practices other than commercial timber harvesting. [NR-2 through NR-12]
 12. One special purpose, small-footprint golf course as authorized by 2010 supplement to Bandon Dunes Resort Master Plan [NR-3].
- B. Golf Course/Residential Subzones
1. Uses permitted in one or more natural resource subzones under subsection A of this section. [GR-1, GR-2, GR-3, GR-4]
 2. Golf courses, clubhouses, pro shops, related services and maintenance support facilities. [GR-1, GR-2, GR-3, GR-4]
 3. Public Restrooms. [GR-1, GR-2, GR-3, GR-4]
 4. Physical fitness facilities. [GR-1, GR-2, GR-3]
 5. Playing fields. [GR-1, GR-2, GR-3, GR-4]
 6. Launching, docking and limited storage facilities for non-motorized boats on Fahy Lake. [GR-2]
 7. Fish production and sports fishing in Round Lake and Fahy Lake. [GR-2]
 8. Temporary or seasonal fairs, festivals, charity events and resort promotional activities. [GR-1, GR-2, GR-3]
 9. Overnight accommodations in conjunction with golf course facilities. [GR-1, GR-2, GR-3]

10. Single family dwellings. [GR-1, GR-2, GR-3]
11. Townhouses. [GR-1, GR-2, GR-3]
12. Home offices. [GR-1, GR-2, GR-3]
13. Storage for personal and household effects. [GR-1, GR-2, GR-3].
14. Motor vehicle parking and storage. [GR-1, GR-2, GR-3]
15. Recycling and garbage collection facilities. [GR-1, GR-2, GR-3]

C. Special Residential Subzones

1. Uses permitted in one or more natural resource subzones under subsection A of this section. [SR-1, SR-2, SR-3, SR-4]
2. Public Restrooms. [SR-1, SR-4]
3. Launching, docking and limited storage facilities for non-motorized boats on Fahy Lake. [SR-1]
4. Fish production and sports fishing in Fahy Lake. [SR-1]
5. Concert shells, dance pavilions and theaters for live performance, limited to a size appropriate for serving residents of and visitors to the resort. [SR-1]
6. Temporary or seasonal fairs, festivals, charity events and resort promotional activities. [SR-1]
7. Recreational Vehicle Park. [SR-4]
8. Single family dwellings. [SR-1, SR-2, SR-3, SR-4]
9. Townhouses. [SR-1, SR-2, SR-3, SR-4]
10. Home offices. [SR-1, SR-2, SR-3, SR-4]
11. Storage for personal and household effects. [SR-1, SR-2, SR-3, SR-4].

12. Motor vehicle parking and storage. [SR-1, SR-2, SR-3, SR-4]
13. Recycling and garbage collection facilities. [SR-1, SR-2, SR-3, SR-4]
14. Service employee quarters. [SR-1, SR-2, SR-3, SR-4]
15. Recreation facilities in support of residential development. [SR-1, SR-2, SR-3, SR-4]

D. Resort Village Center Subzone

1. Uses permitted in one or more golf course/residential subzones under subsection B of this section. [RVC]
2. Landing site for emergency helicopter transport. [RVC]
3. Emergency medical facilities not exceeding 500 square feet. [RVC]
4. Hotels and other overnight accommodations. [RVC]
5. Convention and conference facilities. [RVC]
6. Restaurants, lounges and cafes. [RVC]
7. Specialty retail shops including, but not limited to, drug and sundries stores, clothing stores, bookstores, craft stores, art galleries, gift shops, snack bar and specialty food shops. [RVC]
8. Spas and other facilities that provide personal health or grooming services, such as barber shops, beauty salons, tanning salons, and massage studios. [RVC]
9. Indoor and outdoor swimming pools. [RVC]
10. Concert shells, dance pavilions and theaters for live performance, limited to a size appropriate for serving residents of and visitors to the resort. [RVC]
11. Native American cultural facilities, art studios, and educational facilities. [RVC]

12. Churches, community meeting halls, pre-school and day care facilities, and game rooms, limited to a size appropriate for serving residents of and visitors to the resort. [RVC]
13. Automated teller machines. [RVC]
14. Service employee quarters. [RVC]
15. Maintenance shops and facilities, and equipment and materials storage structures and areas. [RVC]

E. Mixed Use Center Subzones

1. Uses permitted in one or more golf course/residential subzones under subsection B of this section. [MXC-1, MXC-2]
2. Landing site for emergency helicopter transport. [MXC-1, MXC-2]
3. Emergency medical facilities not exceeding 500 square feet. [MXC-1, MXC-2]
4. Hotels and other overnight accommodations. [MXC-1, MXC-2]
5. Convention and conference facilities. [MXC-1, MXC-2, MXC-3]
6. Restaurants, lounges and cafes. [MXC-1, MXC-2, MXC-3]
7. Specialty retail shops including, but not limited to, drug and sundries stores, clothing stores, bookstores, craft stores, art galleries, gift shops, snack bar and specialty food shops. [MXC-1, MXC-2, MXC-3]
8. Neighborhood grocery (“country”) store. [MXC-1]
9. Real estate offices. [MXC-1, MXC-2]
10. Spas and other facilities that provide personal health or grooming services, such as barber shops, beauty salons, tanning salons, and massage studios. [MXC-1, MXC-2]

11. Indoor and outdoor swimming pools. [MXC-1, MXC-2]
12. Tennis courts. [MXC-1]
13. Equestrian facilities. [MXC-1, MXC-3]
14. Launching, docking and limited storage facilities for non-motorized boats on Madrone Reservoir. [MXC-1]
15. Fish production and sports fishing in Madrone Reservoir. [MXC-1]
16. Movie theater, limited to a size appropriate for serving residents of and visitors to the resort. [MXC-1]
17. Concert shells, dance pavilions and theaters for live performance, limited to a size appropriate for serving residents of and visitors to the resort. [MXC-1, MXC-3]
18. Native American cultural facilities, art studios, and educational facilities. [MXC-1, MXC-2, MXC-3]
19. Museum, botanical garden, observatory, aquarium, college field station, or other educational or visitor-oriented facility related to the history, culture, economy or natural resources of the Northwest and the South Coast area. [MXC-1, MXC-3]
20. Churches, community meeting halls, pre-school and day care facilities, and game rooms, limited to a size appropriate for serving residents of and visitors to the resort. [MXC-1, MXC-2]
21. Automated teller machines. [MXC-1, MXC-2, MXC-3]
22. Offices for businesses that primarily serve residents of and visitors to the resort. [MXC-1]
23. Clubhouses, meeting rooms, libraries for resort residents. [MXC-1]
24. Home occupations. [MXC-1, MXC-2]
25. Boarding kennels. [MXC-1]
26. Service employee quarters. [MXC-1]

27. Maintenance shops and facilities, and equipment and materials storage structures and areas. [MXC-1, MXC-2, MXC-3]
28. Post-secondary educational facility for subjects and training related to resort management and services. [MXC-1]

4.10.060 – Final Development Plan Review Procedure

- A. Before submitting final development plans for approval of 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.
- B. Following a pre-application conference, the applicant shall submit a final development plan for review by the Approval Authority. Fifteen (15) copies of the final development plan 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.
- C. 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.
- D. Review of the final development plan shall be in accordance with the provisions of Section 5.6.500 (Site Plan Application Submittal and Review Procedure), except that notwithstanding Section 5.6.500(2), the Planning Director shall approve or deny an application for final development plan approval or, if significant interpretation or policy issues are raised by the final development plan application, may submit the application to the Planning Commission for its review pursuant to applicable provisions of Article 5.7.
- E. The Approval Authority may impose conditions that are necessary to enable it to approve the final development plan under the approval standards of Section 4.10.070.

- F. The Approval Authority shall issue a final order setting out its decision on the final development plan and shall give notice of that decision as provided in Section 5.6.500(4).

4.10.065 - Final Development Plan Application Content. 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:

- A. Illustrations and graphics to scale, identifying:
1. The location and total number of acres to be developed in the current phase.
 2. The subject area and all land uses adjacent to the subject area.
 3. Types and location of proposed development and uses, including residential and commercial uses and landscaping.
 4. A general depiction of site characteristics, including:
 - a. Existing topography;
 - b. Water areas, including streams, lakes, ponds, County inventoried wetlands and Division of State Lands recognized wetlands;
 - c. Vegetation types and locations;
 - d. Areas of geologic instability; and
 - e. Beach and dune formations.
 5. 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.
 6. Parking plan.
 7. Major pedestrian and bicycle trail systems.
 8. 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.

9. Proposed recreational amenities and their approximate locations.
 10. A water and sewer facilities plan for the phase consistent with the Master Plan and all other applicable regulations.
 11. A drainage plan for the phase consistent with the Master Plan and all other applicable regulations.
- B. 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:
1. A detailed description of site and climatic conditions, evaluating how specific conditions will impact management strategies.
 2. 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.
 3. 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.
 4. A description of safety measures for storage, handling, disposal and record keeping of pesticides.
 5. 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.
 6. 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.

7. 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.

C. Further information as follows:

1. 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 4.10.030.H.
2. 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.
3. 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.
4. 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).
5. 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.

6. 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.
7. 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.
8. Proposed findings addressing how the destination resort final development plan approval standards of section 4.10.070 are satisfied.

4.10.070 – 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:

- A. The development is consistent with the Exception Statement.
- B. 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.
- C. The development meets the standards established in Section 4.10.030.
- D. The uses allowed under the final development plan comply with Sections 4.10.040 and 4.10.050.

4.10.075 – Final Development Plan Modification

- A. Following approval of a final development plan for any phase or element of the destination resort, the original applicant for final development plan approval, or its designee, may submit for review a proposed modified final development plan that addresses all changes or conditions required by the Approval Authority.
- B. The Approval Authority shall review an application for modification of a final development plan pursuant to Article 5.6

(Design and Site Plan Review), except as provided in Section 4.10.060.C and subsection C of this section. The Approval Authority shall approve the requested modification if the final plan as modified continues to conform to the Master Plan.

- C. If the Approval Authority finds that the modifications render the final development plan materially inconsistent with the Master Plan, the Approval Authority shall:
 - 1. If practicable, impose such reasonable conditions and adjustments as necessary to bring the final development plan into compliance; or
 - 2. If the inconsistency cannot be so resolved, the Approval Authority shall deny the application.

4.10.080 – 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.

4.10.090 – Land Divisions.

- A. Purpose. This Section sets out the standards and procedures applicable to dividing smaller parcels or lots from the parent BDR zoned destination resort site. The purpose of this Section is to encourage development of the Bandon Dunes Destination Resort by providing for flexibility in the ownership and development of individual parcels or lots for residential, recreational or commercial purposes otherwise allowed by the Master Plan and Exception Statement. The intent of land divisions in the BDR zone is to promote a harmonious variety of residential and recreationally-related structures and uses, with emphasis placed on the relationships between buildings, uses, open space and natural resources, and the most efficient use of both natural and development resources, consistent with the Master Plan, rather than planning on a lot-by-lot or building-by-building basis.
- B. Uses. The buildings and uses permitted on the smaller lots or parcels created from the parent destination resort site shall be governed by a final development plan approved pursuant to Sections 4.10.060 to 4.10.070.
- C. Division Standards.

1. Final Development Plans. Land proposed to be divided into smaller lots or parcels from the parent destination resort site must be the subject of a final development plan approved under Sections 4.10.060 to 4.10.070 prior to or contemporaneously with land division approval.
2. Coastal Shorelands Boundary. Land within the BDR zone cannot be divided such that land within the county Coastal Shorelands Boundary is placed within smaller lots or parcels divided from the parent destination resort site.

D. Development and Maintenance Standards.

1. Density. The division of land to create residential lots or parcels from the parent destination resort site shall not result in exceeding the density of residential development allowed by the Master Plan and Exception Statement.
2. Lot Area and Dimensional Standards. There are no required minimum lot sizes or setback requirements from interior property boundaries within the BDR zone. However, the Approval Authority may require that lots or parcels created from the parent destination resort site for a particular use be of a specified minimum size, or that development on such lots and parcels comply with specified interior setbacks, where the Approval Authority determines that such lot sizes or interior setback requirements are necessary to assure compatibility with existing or prospective adjacent uses, to protect natural resource conservation areas designated by the Master Plan or to otherwise achieve the objectives of the Master Plan.
3. Perimeter Setback Standards. If the Approval Authority determines that the setbacks from the exterior boundaries of the BDR zone required by Section 4.10.030.J and K do not provide adequate screening or privacy to properties adjacent to the BDR zone, the Approval Authority may require that:
 - a. Structures located near the exterior boundaries are designed so as to protect the privacy and amenity of adjacent existing uses and/or
 - b. Permanent screening be established by appropriate structure or vegetation or both, along those portions

of the exterior boundary requiring such screening to assure compatibility with adjacent existing or prospective uses.

4. Permanent Overnight Lodging. Within five years after the initial sale of a residential lot created under this section, the 150 permanent overnight lodging units required by Section 4.10.030.C.1 must be constructed on the resort site.
5. Open Space. Lots or parcels divided from the parent destination resort site shall not include land designated by the Master Plan for future dedication as permanent open space, or land previously dedicated as permanent open space pursuant to a prior final development plan approval.
6. Maintenance of Developer-Owned or Common Facilities. Whenever any facilities, including streets or ways, are shown on the final plat as being held by the Developer or in common, the County shall require the recording of conditions and restrictions providing for the maintenance thereof. Where facilities are to be held in common, the County shall require that an association of owners or tenants be created as a non-profit corporation under the laws of the State of Oregon, and that such corporation shall adopt articles of incorporation and by-laws and adopt and impose a declaration of covenants and restrictions on such facilities to the satisfaction of the County. Said association shall be formed and continued for the purpose of maintaining such facilities, until such time as the responsibilities of maintaining such facilities are transferred to a special district or other authorized entity. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessment levies to maintain said facilities for the purposes intended.
7. Dedication. The County may, as a condition of approval of the land division, require that portions of the lots or parcels be set aside, improved, conveyed or dedicated for the following uses:
 - a. Easements necessary to the orderly extension of public utilities.

- b. Streets and pedestrian ways necessary to development of the subject lots or parcels in accordance with the Master Plan.
- E. Filing, Submittal and Review. The filing, submittal and review of a land division application in the BDR zone shall comply with Article 6.5, Sections 6.5.100 - 6.5.500, provided that in lieu of the approval standards set out in Section 6.5.300(4)(A) and (B), the following standards, as they exist at the time the land division application is filed, shall apply to approval of the tentative plan for a land division in the BDR zone:
- 1. Approval. If the Approval Authority approves an application, the Approval Authority shall adopt findings of fact which substantiate the following conclusions:
 - a. The tentative plan complies with the submittal requirements of Section 6.5.250.
 - b. The tentative plan complies with the use limitations, division standards and development and maintenance standards of Section 4.10.090.B to D.
 - c. The tentative plan complies with the Master Plan and Exception Statement.
 - 2. Conditional Approval. The Approval Authority may impose special conditions upon the approval of a tentative plan when it is established that such conditions are necessary to protect health, safety or welfare or carry out the Master Plan. Conditions may include, but are not limited to the following:
 - a. Roadway and plat design modifications;
 - b. Utility design modifications;
 - c. Conditions deemed necessary to provide safeguards against documented geologic hazards;
 - d. Conditions deemed necessary to implement section 4.10.090.D.4; and
 - e. Other conditions deemed necessary to implement the objectives of the Master Plan or Exception Statement.

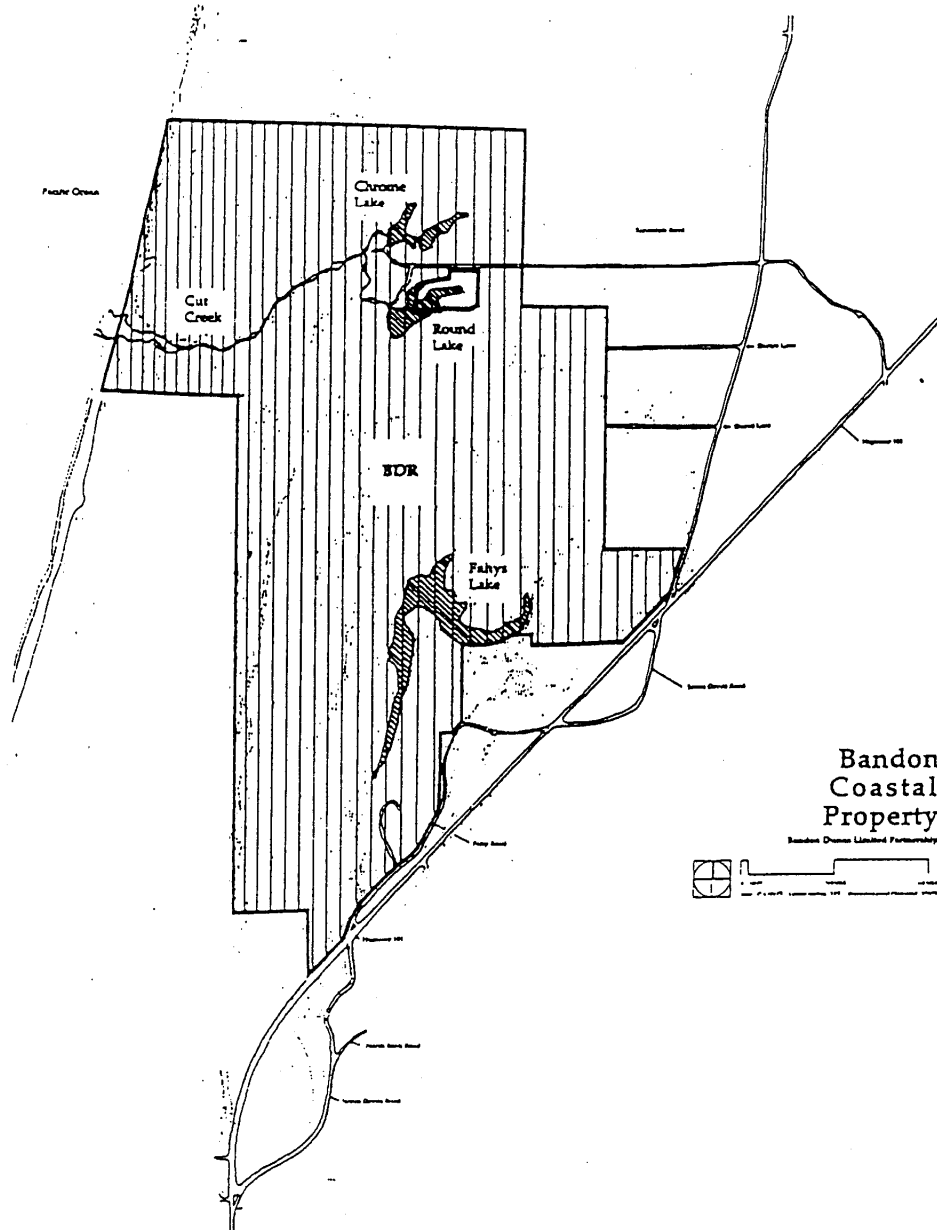
The Approval Authority may establish a specific time limit for compliance with the conditions.

- F. Wetlands Notification. If a tentative 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 tentative plan review.

[OR-03-04-004PL, June 18, 2003]

BANDON COASTAL DUNELANDS
FINAL DECISION

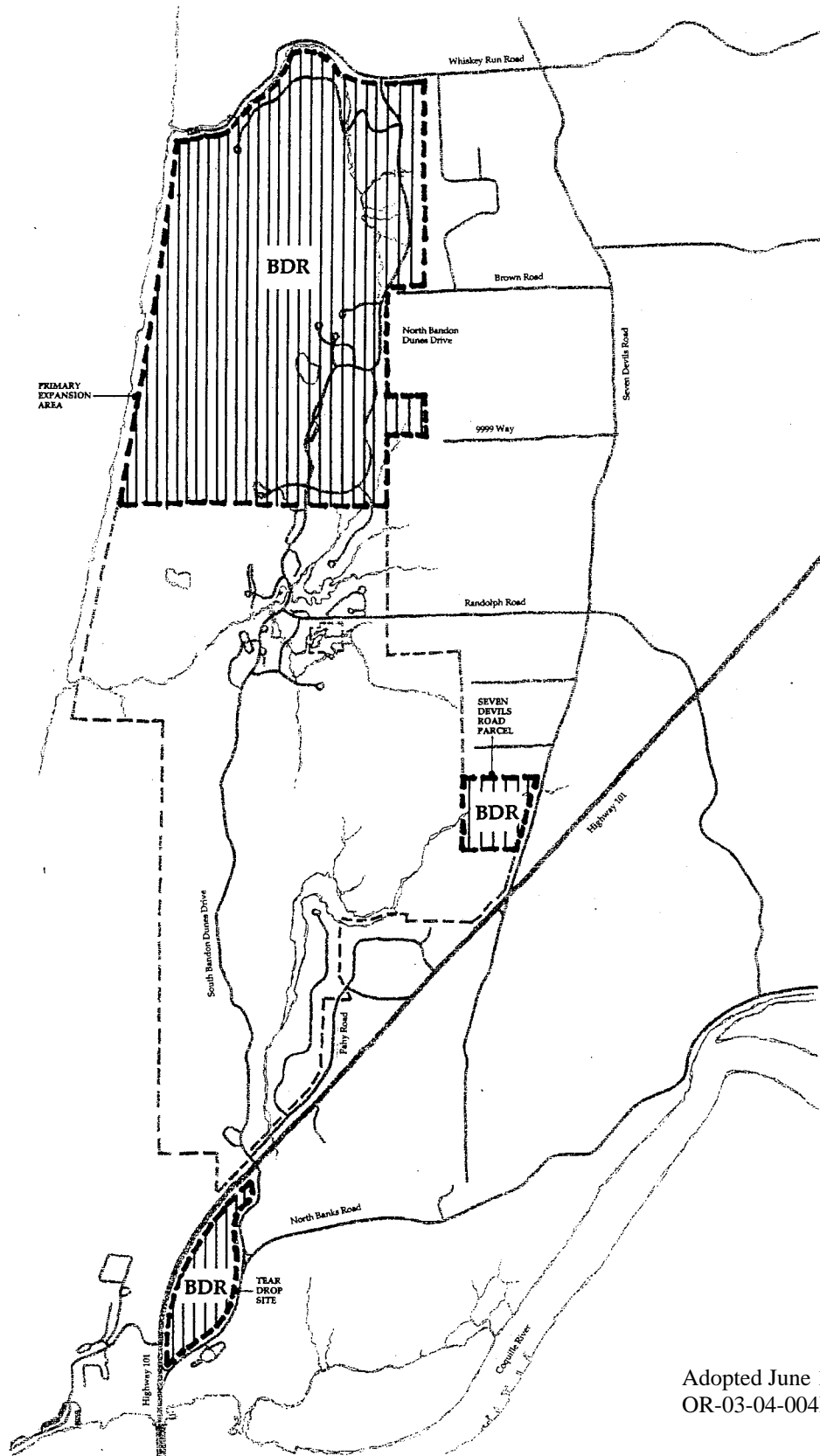
EXHIBIT H



Adopted June 18, 2003
OR-03-04-004PL

Zoning Map Amendment

Bandon Dunes Resort (June 12, 2003)



Adopted June 18, 2003
OR-03-04-004PL

Bandon Dunes Resort Subzones (Revised 6/12/03)

