STAFF REPORT FOR HEARINGS BODY REVIEW

APPLICANT : Bandon Dunes LLP & Bandon Dunes Golf Courses LLC
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STAFF CONTACT : Jill Rolfe, Planning Director
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SUBJECT : Amend the Coos County Comprehensive Plan text to the 2003 Bandon Dunes Resort Master Plan and associated supplementary exception statement

Amend Coos County Zoning and Land Development Ordinance (CCZLDO) text at Section 4.10.050, Uses Permitted Under Final Development Plan.

Amend Final Development Plan Phase 8 for design modifications for the approved low-impact par-3 golf course.

Final Development Plan Review (Phase 10) to

- allow modifications to the small-scale, special-purpose preserve area walk-only golf course on 21-acre site with no more than a total of 11 acres of turf in a low impact configuration.
- McKee Pub expansion
- Massage Center hot tub addition
- Bandon Lodgings @ the Resort Core Area
- Irrigations Operations building
- Punchbowl (expanded putting green)
- Pacific Dunes Terraces and Restroom.

I. APPLICABLE STANDARDS & CRITERIA
The applicable standards and criteria for the consolidated applications are listed as follows:
COMPREHENSIVE PLAN AND ORDINANCE AMENDMENTS
CCZLDO
1. Article 1.2

Coos County Comprehensive Plan
1. Policy 5.1 Citizen Involvement, Plan Implementation Strategies 3-5
2. Policy 5.2 Land Use & Community Development Planning, Plan Implementation Strategies 6-8, 12, 14
3. Policy 5.4 Forest Lands, Plan Implementation Strategies 2, 3, 5
4. Policy 5.5 Mineral & Aggregate Resources, Plan Implementation Strategy 1
5. Policy 5.6 Fish & Wildlife Habitats, Plan Implementation Strategies 1-3, 6
6. Policy 5.7 Historical and Archeological Resources, Natural Areas and Wilderness, Plan Implementation Strategies 1, 3
7. Policy 5.8 Water Resources, Plan Implementation Strategies 1, 4
8. Policy 5.10 Dunes, and Ocean and Coastal Lakes Shorelands, Plan Implementation Strategies 1-3, 7-9, 11
9. Policy 5.11 Natural Hazards, Plan Implementation Strategies 1, 5
11. Policy 5.16 Industrial and Commercial Lands, Plan Implementation Strategies 2, 3
12. Policy 5.17 Housing, Plan Implementation Strategies 1-4
13. Policy 5.18 Public Facilities and Services, Plan Implementation Strategies 2a, 5
14. Policy 5.19 Transportation, Plan Implementation Strategies 1, 5, 6
15. Policy 5.20 Recreation, Plan Implementation Strategies 1, 5

Oregon Statewide Planning Goals
1. Goal 1 – Citizen Involvement
2. Goal 2 – Land Use Planning
3. Goal 3 – Agricultural Lands
4. Goal 4 – Forest Lands
5. Goal 5 – Open Spaces, Scenic and Historic areas, and Natural Resources
6. Goal 7 – Areas Subject to natural Disasters and Hazards
7. Goal 8 – Recreational Needs
8. Goal 9 – Economic Development
9. Goal 10 – Housing
10. Goal 11 – Public Facilities and Services
11. Goal 12 – Transportation
12. Goal 13 – Energy Conservation
13. Goal 14 – Urbanization
14. Goal 17 – Coastal Shorelands
15. Goal 18 – Beaches and Dunes

Oregon Administrative Rules
1. Chapter 660, Divisions 004, 012, 014, 018 and 023

PHASE 10 FINAL DEVELOPMENT PLAN
CCZLDO
1. Section 4.10.030 Standards
2. Section 4.10.040 Use Specific Subzones
II. **BASIC FINDINGS**

A. **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.

B. **ZONING:** 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 proposed developments will be sited as follows:
- The special purpose golf course (Preserve Course) has sited in the Natural Resource Subzone-3 (NR-3) which the Master Plan identifies as a duneland portion of the property.
- The McKee Pub expansion, the Massage Center hot tub addition and the Bandon Lodgings @ the Resort Core Area will all be sited within the Resort Village Center (RVC).
- The Irrigations Operations building, the Punchbowl (putting green), and the Pacific Dunes Terraces and Restroom will all be sited within the Golf Course/Residential-3 (GR-3) area.

C. **SPECIAL CONSIDERATIONS:** Area of Archeological Concern – there have been no additional archeological resources identified for the project site.

D. **SURROUNDING LAND 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. **SITE DESCRIPTION:** The property consists of 2,140 acres which is currently developed with four 18-hole golf courses, a 13-hole low impact Par 3 golf course, a driving range, a golf training and practice area, a trail system, several clubhouses and restaurants, a main lodge, an inn, overnight lodging, an employee lodging cluster,
administrative storage and maintenance buildings, sewer and water systems, roads, parking lots and other support facilities.

The property has areas that have been cleared and landscaped, wooded areas, natural dune areas, cliffs and areas that have been or are intended to be developed consistent with the Master Plan.

F. **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. The County’s action included the adoption of Master Plans and subzones with implementing provisions contained in Article 4.10 of the CCZLDO.

In 2009/2010, the applicant sought approval to site a special-purpose, small-footprint golf course in the Natural Resource subzone NR-3. The use was not authorized in the NR-3 zone; therefore, the applicant also proposed amendments to the 1996 Master Plan as amended in 2003. This was approved by Ordinance #10-01-003PL on January 26, 2010.

The proposed walk-only course did not require any additional roads, parking lots, heating, or cooling. This was approved in 2010; but during construction of the course, it was discerned that the plan did not meet the needs of the resort for the following reasons:

- Once the gorse was cleared there was room for an extra hole. Therefore, once built, the special-purpose golf course was a 13-hole rather than a 12-hole golf course as approved.
- It was found that a check-in building was needed at the first hole and a restroom/snack shop was needed on the west side of the course. These two small buildings, totaling less than 700 square feet, were constructed, although not with prior approval.
- More than 7 acres of turf was required for the development of the course, as well as for the habitat protection of the Silvery Phacelia, a protected plant species.
- Needed construction of concrete walkways to protect sensitive areas, as well as the use of continuous fairways rather than archipelago-style turf fairways.
- The unforeseen need for stabilization on the upper slopes of the Cut Creek ravine.
- Need to relocate the Beach Trail to the south of the Preserve Course.

This application seeks to remedy these actions and revise the Master Plan to accommodate the design modifications.

The applicant has submitted concurrent applications for the amendment and the site specific final development plan for Phase 10 of the golf course.

The Comprehensive Plan amendment includes the revisions to the Final Development Plan (FDP) Phase 8. The purpose of this new amendment is the authorization of the two buildings, not to exceed 700 square feet; there shall be no more than 13 holes and no more than a cumulative total of 11-acres of turf for tees, greens and approaches; the allowance of continuous fairways; the construction of concrete walkways; the relocation of the Beach Trail to the south of the Preserve Course; and stabilization activity on the upper slopes of the Cut Creek Ravine.
The Applicant states the purposes for this amendment as (1) create long-term Silvery Phacelia habitat protection, expansion, research, education, management and funding program; (2) education for visitors about coastal habitat management and restoration while providing an opportunity to experience golf as it began; and (3) provide consistency with the Master Plan.

The application for the FDP Phase 10 includes the following development:

- McKee Pub expansion – this project is located within the RVC subzone. The existing building is “L” shaped. The proposed building will be “H” shaped and will be a two story building, with expanded kitchen facilities and a new dining area for resort staff. An elevator will be added, significantly improving accessibility for guests. The new addition will have a footprint of approximately 2100 square feet and will increase the space of the building by approximately 4200 square feet.

- Massage Center hot tub addition – This project is also located within the RVC subzone. An additional 1000 square feet will be attached to the north wall of the existing building. The structure will consist of a centrally located sunken spa surrounded by clear floor space. A utility closet will also be added.

- Bandon Lodging@ the Resort Core area – This project is also located in the RVC area. It will be another guest lodging facility and is proposed to be constructed at the north end of the existing parking lot for the main lodge. This facility, when completed, will consist of 24 suites, including a special suite occupying the entire fourth floor. This building will have a footprint of 5200 square feet and will have four floors to include a lobby with reception facilities, a lounge area, a resort gallery and storage space for archival records.

  Construction of this building will require a redesign of the north end of the existing parking lot and will result in a loss of 20 parking spaces. The applicants do not believe this loss of parking will have a negative effect and have provided a revised parking management program in their application.

- Irrigation Operations building – this building will be located in the Pacific Dunes & Future Golf Course/residential area, which is the GR-2 subzone. This building will replace three temporary shacks that contain equipment needed for the operations of the Pacific Dunes golf course. The one story building will have a footprint of 640 square feet. This structure has been constructed at a site previously proposed for the construction of an agronomy center that was never built, that is, an already committed area.

- Punchbowl – The Punchbowl, which is a putting green, is located in the GR-3 subzone between the Pacific Dunes Golf Course and the clubhouse. This putting green has been expanded into a specialized putting facility and while expanding the recreational experience for the guests, also acts as an instructional facility to assist golfers in learning how to putt on the resorts greens. This green has been expanded to a 3.5 acre putting green, including 18 holes.

- Pacific Dunes Terraces and Restroom – Due to the expanded popularity of the Punchbowl putting green, the applicants are requesting an expansion of the outdoors dining terraces of the Pacific Dunes clubhouse. The new design will more than triple the outdoor dining space. Additional restroom facilities are needed to accommodate golfers using the Punchbowl putting green. The proposed terraces will cover 2040 square feet of space and the restroom facility, which will be built beneath the terraces, will enclose 300 square feet. To protect
guests from ocean winds, each terrace level will have its own windscreen along the perimeter edge of the terrace level.

Section 5.0.400 sets forth the process for consolidating applications. Applications paired with a plan amendment shall be contingent upon final approval of the amendment by the Board of Commissioners.

G. NOTICE & AGENCY COMMENTS: Notice of this application and the hearing was provided on April 11, 2014 to the following agencies: Department of Land Conservation and Development (DLCD); Oregon Department of Transportation (ODOT); Oregon State Parks; Department of State Lands (DSL); Department of Environmental Quality (DEQ); Oregon Department of Fish and Wildlife (ODF&W); Coquille Indian Tribe, Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians; U.S. Department of Fish and Wildlife (USDF&W); Bureau of Land Management (BLM); and Cut Creek Irrigation District.

Department of Land Conservation and Development was provided notice of the initial hearing on March 25, 2014, to comply with the 35-day notice deadline set-forth in ORS 197.610.

DLCD notified staff on, they have no comments. On April 21, 2014, Oregon Department of Transportation (ODOT) emailed the Planning Department with comments. They have stated they have reviewed the project and have determined it does not significantly affect state transportation facilities under the State Transportation Planning Rule (OAR 660-12-0060) or State Access Management Rule (OAR 734-051-000). There were no other comments.

Individual written notice of the proposal and public hearings were mailed to the owners of record of all property located within 250-feet of the subject property on April 11, 2014, consistent with CCZLDO Section 5.0.900 and ORS 197.763.

Notice was published on April 10, 2014 and posted on April 11, 2014

III. ADDITIONAL FINDINGS

A. COMPREHENSIVE PLAN AND ORDINANCE AMENDMENTS

1. Article 1.2 Legislative Amendments

FINDING: The provisions of this article set forth the process for initiating and adopting amendments to the text of the comprehensive plan or implementing ordinance. Section 1.2.200 specifically identifies who may initiate an amendment – either an applicant or the County. In this matter, the applicant has complied with the submittal requirements of Article 1.2, Section 1.2.200.

2. Policy 5.1 Citizen Involvement

FINDING: Citizen involvement is provided through the public hearing process for this matter. At least 2 hearing opportunities will be provided. The initial hearing will take place before the Planning Commission. The Planning Commission will make a recommendation to the Board of Commissioners who will issue the final decision.
3. Policy 5.2 Land Use & Community Development Planning

**FINDING:** The application was submitted on the appropriate form along with the prescribed fee as required by this plan policy and Article 1.2 above. Public notice requirements identified in Policy 5.2 are addressed above under Basic Findings.

The Planning Commission is scheduled to hear this matter on May 1, 2014. The Planning Commission will make a recommendation to the Board of Commissioners who will ultimately decide the matter. The Board of Commissioners hearing is scheduled for May 13, 2014.

This Strategy includes a Table that lists all of the plan designations and implementing zones for the unincorporated areas of Coos County. The applicant is not proposing any changes to the existing designations and implementing zones, therefore, this list will remain unchanged.

4. Policy 5.4 Forest Lands
5. Policy 5.5 Mineral & Aggregate Resources, Plan Implementation Strategy 1
6. Policy 5.6 Fish & Wildlife Habitats
7. Policy 5.7 Historical and Archeological Resources, Natural Areas and Wilderness
8. Policy 5.10 Dunes, and Ocean and Coastal Lakes Shorelands
9. Policy 5.8 Water Resources
10. Policy 5.11 Natural Hazards
11. Policy 5.12 Air, Land & Water Quality
12. Policy 5.16 Industrial and Commercial Lands
13. Policy 5.17 Housing
14. Policy 5.18 Public Facilities and Services
15. Policy 5.19 Transportation
16. Policy 5.20 Recreation
17. Policy 5.21 Energy

**FINDING:** The applicant has demonstrated the proposed amendments comply with the existing Goal exceptions adopted in 1996 and 2003 that address the Policies listed above.

**Oregon Statewide Planning Goals**

1. Goal 1 – Citizen Involvement

**FINDING:** This goal is addressed above under Plan Policy 5.1

2. Goal 2 – Land Use Planning

**FINDING:** The Goal 2 exception is addressed below.

3. Goal 3 – Agricultural Lands

**FINDING:** The subject property is a Goal 2 exception site. The proposed use will be limited to the Natural Resource subzone and the Golf/Residential subzone and will be consistent with other uses permitted in those zoning designations. The applicant is not seeking to re-designate resource land.
4. Goal 4 – Forest Lands

FINDING: See Finding above for Policy 5.4.

5. Goal 5 – Open Spaces, Scenic and Historic areas, and Natural Resources

FINDING: See Finding above for Policy 5.7

6. Goal 6 - Air, Water, and land Resources Quality

FINDING: See Finding above for Policy 5.12.

7. Goal 7 – Areas Subject to Natural Disasters and Hazards

FINDING: See Finding above for Policy 5.11.

8. Goal 8 – Recreational Needs

FINDING: See Finding above for Policy 5.20.

9. Goal 9 – Economic Development

FINDING: See Finding above for Policy 5.16.

10. Goal 10 – Housing

FINDING: See Finding above for Policy 5.17

11. Goal 11 – Public Facilities and Services

FINDING: See Finding above for Policy 5.18

12. Goal 12 – Transportation

FINDING: See Finding above for Policy 5.19.


FINDING: See Finding above for Policy 5.21

14. Goal 14 – Urbanization

FINDING: The proposal would not authorize an urban use. The proposed use is within the footprint of the 1996 and 2003 exceptions. The applicant’s submitted justification demonstrates the proposed amendments comply with the existing Goal exceptions.

15. Goal 17 – Coastal Shorelands

FINDING: See finding under Policy 5.10.
FINDING: See finding under Policy 5.10.

Oregon Administrative Rules
   1. Chapter 660, Division 004
560-004-0018(4)(b) “Reasons” Exceptions: When a local government changes the types or intensities of uses or public facilities and services within an area approved as a “Reasons” exception, a new “Reasons” exception is required.

FINDING: A new reasons exception is required when changing the types or intensities of uses within an area subject to a reasons exception.

The BDR zone was adopted through the “Reasons” exception process. To comply with OAR 660-004-0018(4)(b), the applicant has submitted this supplemental “Reasons” exception to Goals 3, 4, 11 and 14 in order to allow the proposed use in Natural Resource subzone NR-3. The amendment would allow certain changes to FDP Phase 8 for 1 “…special-purpose, small-footprint golf course…” on a very small portion of the property (27+/- acres of 2,140+/- acres). The modifications of Phase 8 are not significant and are consistent with other uses listed for the zone.

The applicant has demonstrated the proposed amendments comply with the existing Goal exceptions adopted in 1996 and 2003.

B. PHASE 10 FINAL DEVELOPMENT PLAN
CCZLDO
   1. Section 4.10.030 (H) Riparian Corridor and Wetland Protection, (J) Minimum Setback

FINDING: This development is subject to County adoption of the concurrent Plan and CCZLDO amendment application. The amendment application demonstrates the proposal is consistent with the 1996 Master Plan as revised in 2003 and 2010. The development does not impact riparian vegetation or wetlands. The proposal complies with the setback requirements of this Section.

   2. Section 4.10.050 Uses Permitted Under Approved Final Development Plan
   A. Natural Resource Subzone (NR)
      12. One special purpose, small-footprint gold course as authorized by 2010 supplement to Bandon Dunes Resort Master Plan [NR-3]
   B. Golf Course/Residential Subzones (GR)
      2. Golf Courses, clubhouses, pro shops, related services and maintenance support facilities.
      3. Public restrooms
   D. Resort Village Center Subzone (RVC)
      4. Hotels and other overnight accommodations
      6. Restaurant, lounges, and cafes
      8. Spas and other facilities that provide personal health or grooming services, such as barber shops, beauty salons, tanning salons, and massage studios.
FINDING: The submitted applications are for uses that are allowed in the specific subzones as listed in Section 4.10.050.

3. Section 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 on 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 provision 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).

FINDING: The applicant complied with the provisions of “A” and “B” above. The proposed development will not impact wetlands; however, Department of State Lands was provided notice of this application.

Pursuant to “D” above: Section 5.6.500 was the application submittal and review procedures for site plan review. Section 5.6.500 was eliminated from the LDO on July 18, 2013. It was inadvertently left in the Bandon Dunes Resort zoning criteria and is now being removed with this amendment. The applicants requested and the Planning Director agreed to review Phase 10 of the Final Development Plan as an administrative review. The application has complied with Section 5.0 of the LDO.

The application meets the criteria in 4.10.060.

IV. CONCLUSION & RECOMMENDATION

The Bandon Dunes Resort is a unique development that has allowed Coos County to comply with the above listed Plan Policies including increased recreational opportunities, economic development, cultural resource protection and wildlife habitat management.

After the initial approval of AM-09-06, once the work was begun, it was discovered the original site plan approval (SP-09-04) was inadequate and modifications were needed. This application
was submitted to rectify those needed modifications. Essentially there has been no change since the original approval.

The proposed development is consistent with the County’s adopted Master Plan. Staff recommends the Hearings Body recommend approval of the proposed amendment and Phase 10 Final Development Plan to the Board of Commissioners.

Date and mailed this 18th day of April, 2014

EC: Office of County Counsel w/attachments
C: File