COOS COUNTY PLANNING DEPARTMENT
PLANNING STAFF REPORT FOR ADMINISTRATIVE DECISION

PREPARED BY:
Jill Rolfe, interim Planning Director

Owner:
Bandon Dunes L.P.
Michael Keiser
57774 Round Lake Road
Bandon OR 97411

Applicant:
Donald Stastny, Representative
2309 SW 1st Avenue #1145
Portland OR 97201

MAP NUMBER(S)/LEGAL DESCRIPTION
Township 27 Range 14 Sections 29/32 Tax Lots 1200/400, 408, 413

PROPERTY LOCATION
The property is located north of the City of Bandon off of Round Lake Drive.

REQUEST
The application for Final Development Phase 9 consists of the a public restroom in the GR-2 subzone; overnight accommodation and repurposing and expansion of an existing building for a massage center in the RVC subzones; and overnight accommodations in the MXC-1 subzone.

APPLICABLE REVIEW CRITERIA
COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE (LDO)
COOS COUNTY COMPREHENSIVE PLAN (CCCP)

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NOTIFICATION OF SPECIAL DISTRICTS AND AGENCIES
Notice will be provided on December 13, 2012, to the following: 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. Notice will also be provided to property owners within 750’ of the subject property.
A. **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. In 2009, an amendment with a new exception was done to the Comprehensive Plan which amending Section VIII of the Bandon Dunes Master Plan to authorize a golf course with restriction in the Natural Resource Conservation Area south of Cut Creek and west of the Trails Golf Course.

The Bandon Dune Resort (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. **Site Description**: The property consists of 2,140 acres which is currently developed with four 18-hole golf courses, a driving range, a golf training and practice area, a trail system, several clubhouses and restaurants, a main lodge, an inn, overnight lodging, storage and maintenance buildings along with 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.

C. **Surrounding Land Uses**: South of the BDR zone is Bullards State Park. The Pacific Ocean lies to the west. The area surrounding the resort to the northeast and southwest is Rural Residential and to the east and southeast is Forest.

D. **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. In 2009, there was an amendment and a new exception completed. The County's action included the adoption of Master Plans and subzones with implementing provisions contained in Article 4.10 of the LDO.

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**II. FINDINGS TO THE APPLICABLE REVIEW CRITERIA**

- **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.

Finding: The application for Final Development Phase 9. The proposal is for a public restroom in the GR-2 subzone; overnight accommodation and repurposing and expanding an existing building for a massage center in the RVC subzones; and overnight accommodations in the MXC subzone. All of these uses are permitted in the LDO Section 4.10.050; therefore, they are consistent with the Master Plan and implementing ordinance.

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.

Finding: Off-road vehicles are not a part of this proposal.

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.

Finding: After reviewing the proposal and the Bandon Dunes Resort Master Plan staff is able to determine the project is consistent with the overall plan and implementing ordinances as found in Article 4.10. The proposal does not consist of residential development but guest accommodations which would fall within the overnight accommodations.

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.

Finding: The commercial uses proposed are consistent with LDO Sections 4.10.045 and 4.10.050 and are to serve the resorts needs.

F. Industrial uses of any kind are prohibited in all subzones.

Finding: There are no industrial uses proposed; therefore, this criterion does not apply to this application.

- 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.

Finding: There is a need to provide an additional restroom at the Trails clubhouse site. Therefore, a new restroom facility is planned for construction in a portion of the entry garden along the existing wood fence. Existing water and sewer lines at the Trails clubhouse will be extended to service this new facility. The restroom in the GR-2 subzone is permitted pursuant to LDO Section 4.10.050(B)(3).

The proposal also includes some overnight accommodation in both the RVC and MXC-1 subzones. The overnight accommodations in the MXC-1 Subzone will be located west of the Old MacDonald Clubhouse and putting green. There will be fourteen detached, two-story structures located in two groups separated by the conversion of existing golf maintenance track into a paved roadway. Five buildings will be sited east of the new access road. The buildings will be behind an existing tress line, which will screen the buildings from the clubhouse. The existing gravel track beyond the proposed project area will be maintained to service the Old MacDonald Golf Course. The other nine buildings will be located further to the west and will not be visible from the golf facilities. Overnight accommodations are permitted in the MXC-1 Subzone pursuant to LDO 4.10.050(E)(4). This use falls within the LDO Section 4.10.020(G) which defines overnight lodgings to include hotel rooms, lodges, cabins and time-share units.

The other area proposed for lodging accommodations will be located in the RVC Subzone between the Road Land Drive and the western edge of Round Lake, just south of the Lily Pond and the Grove Cottages. The project site is about three and a third acres in area. There will be two buildings and each one will contain six suites per floor with a total of twelve suites per building. The complex will have a total of 24 guest accommodation units. This is a permitted use RVC Subzone pursuant to 4.10.050(D)(4).

The last portion of the development is the repurposing of a building that was used for administration to a massage center including the addition of a ramp for handicapped pedestrian access and overhead trellis that will connect the building to an adjacent walkway. This development is located within the RVC subzone and is permitted pursuant to LDO 4.10.050(D)(8).

Therefore, all of the uses and development purposed in Final Development Plan 9 are permitted and this criteria has been met.

- **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.

Finding: The Interim Planning Director and staff met with the applicant in a pre-application conference on November 27, 2012, to review the project and the applicable requirements.
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.

Finding: The applicant complied with all of the application requirements.

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.

Finding: Notice of this decision was forwarded to the Department of State Lands on December 12, 2012.

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.

Finding: The Planning Director will impose conditions for setbacks as allowed in Article 4.10 of the LDO.

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: All notice requirements will be met pursuant to 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:

Finding: All of the criteria listed under Section 4.10.065 has been addressed in the "Bandon Dunes Golf Resort Phase 9 Final Development Plan" dated December 5, 2012. ¹

- 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:

¹ To review this document, please inquire at the Coos County Planning Department.
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.

Finding: The development is consistent with the Exception Statement, all parts of the Master Plan, and the development needs established in LDO Section 4.10.030. The proposed uses comply with LDO Sections 4.10.040 and 4.10.050. This proposal meets the criteria of this section.

- 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.

Finding: This is the final development plan approval for Phase 9. However, the applicant will be required to obtain a zoning compliance letter to begin construction.

III. ANALYSIS

Evidence relied on for this conditional use approval includes aerial photographs, assessment records, Planning Department records, and the applicants' submitted evidence. Therefore, based on the evidence in the record the proposal conditional use meets the criteria. The conditions of the approval are outlined in section VI of this report.

Please note, all applications are subject to review of all applicable review criteria in the Coos County Comprehensive Plan (CCCP), the Coos County Zoning and Land Development Ordinance (LDO), and all land use regulations. Please be aware the burden of proof rests with the applicant.

IV. NOTIFICATION

The Planning Department mailed individual written notice of the decision to the owners of record of all property located within 750 feet of the subject property. Notice of Decision with a copy of the staff report was forwarded to Applicant(s), Owner(s) and Dave Perry, DLCD. Notice of Decision was also provided to the all Special Districts noted above and the Planning Commission. In addition, notice of the decision was posted at the Coos County Courthouse, Coquille Annex and North Bend Annex. All notices were mailed and posted on December 13, 2012.

V. NOTICE OF APPEAL RIGHTS

This decision may be appealed to the Coos County Hearings Body pursuant to Article 5.8 of the Coos County Zoning and Land Development Ordinance within 15 days from the date of written notice. This means that appeals must be received in the Planning Department by December 28, 2012 at 5 p.m. in order to be considered. This decision will not be final until the period for filing an appeal has expired. Detailed information about the appeal process, filing fees and additional information will be provided by
the Planning Department upon request. The decision is based upon the submitted application, supporting evidence, facts, and findings to the criteria.

VI. CONDITIONS & REQUIREMENTS OF APPROVAL

1. Pursuant to ORS 215.416(1), the fees charged by the Planning Department for permit applications represent the average cost of processing the application. If the actual cost of processing the application exceeds the average cost, then the applicant shall be responsible for paying the full amount. If such an amount is due, it must be paid before a zoning compliance letter can be issued.

2. All Development shall abide by the riparian corridor boundary of 50 feet from the upland edge of significant wetlands, as identified on the comprehensive plan Fish and Wildlife Habitat II special considerations map.

3. The applicant or a designee of the applicant must obtain a zoning compliance letter prior to obtaining any state required permits for the development.