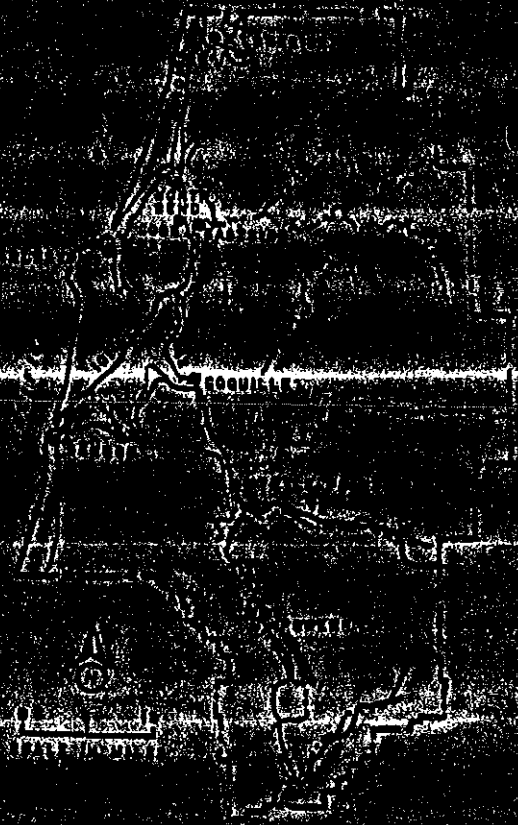


COOS COUNTY COMPREHENSIVE PLAN

VOLUME II OF COOS COUNTY COMPREHENSIVE PLAN

PART 3 STATEWIDE GOAL EXCEPTIONS



COOS COUNTY BOARD OF COMMISSIONERS
COOS COUNTY PLANNING COMMISSION

Revised Coos County Comprehensive Plan

Volume I, Part 3 : Statewide Goal Exceptions

5. Rural Housing Goal Exception
7. Sunset Golf Course Expansion Goal Exception
8. Special Exception for Riley/McKeown Properties
9. Special Exception for Upper Creek Reservoir Expansion
10. Special Exception for Joe Ney Reservoir

Note: All conflicting sections have been repealed.

COOS COUNTY BOARD OF COMMISSIONERS

Ed "Doc" Stevenson, Chairman
Jack L. Beebe Sr.
R.A. "Bob" Emmett

COOS COUNTY PLANNING COMMISSION

Timm Slater, Chairman
Cathy Nelson, Vice-chairman
Howard Watkins
Bill Leslie
Frances Ellen McKenzie
Jerry Phillips
Monte Lund
Roy Peters

COOS COUNTY PLANNING DEPARTMENT

William P. Grile, AICP, Planning Director
W. Bruce Meithof, Assistant Director
Carol Hamilton, Office Manager
Rebecca J. Crockett, Planner
Robert Harrington, Planning Technician
Steve Ball, Planner
Cindy Davis, Secretary

COOS COUNTY COUNSEL

John Knight, County Counsel
David Ris, Assistant Counsel

COOS COUNTY COMPREHENSIVE PLAN

Volume I:

A general plan for the management of land and water areas in unincorporated Coos County, excluding areas within the jurisdiction of the Coos Bay Estuary Management Plan, for the planning period 1980 to 2000 A.D.

Part 3: Goal Exceptions

COOS COUNTY BOARD OF COMMISSIONERS

March 1985

VOLUME I, PART 3 EXCEPTIONS		
Section	Table of Contents	Page
1	Introduction	1.0-1
2	Rural Industrial Lands Goal Exception	2.0-1
3	Coquille Valley Airport Goal Exception	3.0-1
4	Prosper Development Goal Exception	4.0-1
5	Rural Housing Goal Exception	5.0-1
6	Emergency Operations Center Goal Exception	6.0-1
7	Sunset Golf Course Expansion	7.0-1
8	Special Exception for Riley/McKeown Properties	8.0-1
9	Upper Pony Creek Exception	9.0-1
10	Joe Ney Reservoir Exception	10.0-1
11	Bandon Coastal Dunelands (Conservation, Recreation, and Resort Development Master Plan)	11.0-1
12	Bandon Coastal Dunelands (Land Use Findings and Goal Exception Statement)	12.0-1
13	Saunders Lake Bridge Exceptions	13.0-1
14	Bandon Dunes Resort Expansion (Conservation, Recreation, and Resort Development Supplemental Master Plan) (Exhibit A, ORD-03-04-004PL)	14.0-1
15	Bandon Dunes Resort Expansion (Land Use Findings and Goal Exception Statement) (Exhibit B-D, ORD-03-04-004PL)	15.0-1

Bandon Coastal Dunelands	
Footnotes	Page #
#1 - #8	12.0-148
#9 - #20	12.0-149
#21 - #28	12.0-150
#29 - #36	12.0-151

LIST OF FIGURES

Figure 1	Site Location and Boundary Map	9.0-1a
Figure 2	Conservation, Recreation and Resort Development Concept Plan	9.0-2a
Figure 3	Primary Use Areas	9.0-3a
Figure 4	Natural Resource Conservation Areas	9.0-4a
Figure 5	Golf Course/Residential Areas	9.0-6a
Figure 6	Resort Village Center Area	9.0-8a
Figure 7	Resort Village Center Concept Plan	9.0-9a
Figure 8	Open Space	9.0-11a
Figure 9	Hiking Trails and Bicycle Path System	9.0-12a
Figure 10	Road Network	9.0-13a
Figure 11	Water Supply	9.0-16a
Figure 12	Sewage Facilities	9.0-17a
Figure 13	Wetlands Determination (Site)	9.0-27a
Figure 14	Wetlands Delineation (Resort Village Center Area)	9.0-27c
Figure 15	Management Units	9.0-27c
Figure 16	Phase 1 Concept Plan	9.0-38a

LIST OF TABLES

Table 1	Technical Appendices to BDLF Application	10.0-4
Table III-2	Farm & Forest Soil Capability	10.0-22a
Table 3	Development Program Summary	10.0-40a
Table 4	Construction Job Creation - Phase 1	10.0-42a
Table 5	Construction Job Creation - Phase 2	10.0-43a
Table 6	Coos County Population Mix	10.0-49
Table 7	Occupation & Number of Job Applicants	10.0-78
Table 8	Place of Residence of New Employees	10.0-79
Table 9	LOS for Movements at Unsignalized Intersections PM Peak Hour Analysis	10.0-88a

LIST OF FIGURES

Figure 1	Site Location and Boundaries Map	10.0-1a
Figure 2	Existing Land Use Designations	10.0-1b
Figure 3	Conservation, Recreation and Resort Development Master Plan	10.0-3a
Figure 4	Open Space	10.0-11a
Figure 5	Farm and Forest Soils Map	10.0-221
Figure 6	Farm and forest Soils Chart	10.0-21a
Figure 7	Groundwater Elevation Contours	10.0-32a
Figure 8	Regional Hydrogeology Section	10.0-32b
Figure 9	Regional Watershed Catchments	10.0-32c
Figure 10	Fish & Wildlife Habitat -- Map II	10.0-60a
Figure 11	Site Location & Current Layout at Study Area Intersections	10.0-85a
Figure 12	Proposed Intersection Modifications	10.0-85b
Figure 13	Phase 1 & 2 Development, Trip Generation, Distribution and Assignment	10.0-85c
Figure 14	Alternative Sites Analysis	10.0-125
Figure 15	Land Within Three Miles of High Value Crop Areas	10.0-126
Figure 16	Comprehensive Plan Map Amendment	10.-184
Figure 17	Waiver of Right to Object - Forest and Farm Practices Management Easement	10.0-185
Figure 18	Cooperative Improvement Agreement	10.0-186
Figure 19	Bandon Coastal Properties Traffic Impact Study	10.0-194

Figure 20	Schematic Layout - North Entrance	10.0-195
Figure 21	Schematic Layout - South Entrance	10.0-196
Figure 22	Trip Generation - Recreational Homes	10.0-197
Figure 23	Trip Generation - Hotel	10.0-198
Figure 24	Trip Generation - Golf Course	10.0-199

1. INTRODUCTION

This document constitutes Part 3 of the Coos County Comprehensive Plan, Volume I. It contains "goal exceptions" developed in accordance with LCDC Goal #2, which allows variance from other goal requirements when it is found not possible to apply such requirements to specific properties or situations. This document presents findings that support exceptions taken to LCDC Goals in order to meet identified needs. The Comprehensive plan is set forth in three separate but related documents:

Part 1: Plan Provisions

This document contains an explanation of the Comprehensive Plan Land Use Map and sets forth local goals and strategies that are policy commitments.

Part 2: Inventories and Factual Base

This document presents and analyzes information regarding natural resources, hazards and socio-economic sectors, including review of potential problems and opportunities in each area.

Part 3: Statewide Goal Exceptions

2.0 RURAL INDUSTRIAL LANDS GOAL EXCEPTION

2.1 Introduction

Purpose

Statewide Goal #2, "Land Use Planning", states in part that, when it is not possible to apply the appropriate statewide goal to specific properties or situations, a goal exception "shall be set forth" with "compelling reasons and facts" which justify the conclusion that an exception must be taken. Coos County's preparation of an inventory and factual base for industrial development planning has produced the conclusion that:

- i. Vacant suitable industrial sites within incorporated cities and urban growth areas of Coos County (and outside the area of the Coos Bay Estuary Management Plan), are insufficient to meet projected needs for industrial land to the year 2000; therefore,
- ii. Other sites in unincorporated areas that would otherwise be protected as agricultural land pursuant to Goal #3 or forest land pursuant to Goal #4 must instead be used to meet industrial development needs.

This document sets forth the compelling reasons and facts which justify the conclusion that an exception must be taken to the requirements of Goals #3 and #4 as applied to 507 acres of resource land needed for industrial uses.

Other Plans

Separate goal exceptions are being taken, where necessary, for industrial sites included within the boundaries of the Coos Bay Estuary Management Plan and the Coquille River Estuary Management Plan.

Goal #2 Requirements

The means for establishing the "compelling reasons and facts" of the goal exception are set out in four parts in Goal #2, as follows:

- (a) Why these other uses should be provided for;
- (b) What alternative locations within the area could be used for the proposed uses;
- (c) What are the long-term environmental, economic, social and energy consequences to the locality, the region or the state from not applying the goal or permitting the alternative use;
- (d) A finding that the proposed uses will be compatible with

other adjacent uses.

The following sections separately address each factor of the four-part test.

2.2 "Why These Other Uses Should Be Provided For"

Statewide Goals #3 (Agricultural Lands) and #4 (Forest Lands) require the preservation of identified agricultural lands for agriculture uses and the conservation of forest lands for forest uses. This requirement for protection is excused when the land is included within an urban growth boundary; at that point, non-farm and non-forest uses can be allowed to provide for urban development.

Coos County's Industrial Lands Inventory has projected an overall need by the year 2000 for 1183 acres of industrial land in all areas of the county outside the area of the Coos Bay Estuary Management Plan. (Needs for that plan were separately projected.) However, the inventory's analysis of candidate industrial sites for their industrial suitability shows that sites in cities and urban growth areas proposed by the various cities for industrial use fall short of the projected need by 507 acres.

According to Wright vs. Marion County Board of Commissioners (LUBA NO. 80-010), the ideal planning response in this situation is simply to extend urban growth boundaries until the need can be fulfilled. If Coos County's topography were even roughly similar to that of the Willamette Valley, no doubt the urban growth boundaries would simply be expanded outward in a neat and concentric pattern. In fact, Coos County's topography (as noted more extensively in the Inventory document) of steep forested hillsides interrupted by narrow fingers of estuarine valleys does not permit any sort of neat and simple expansion. In virtually all cases, the urban growth boundaries of each city cannot reasonably be expanded except as narrow tentacles extended in a spot pattern for several miles along the major highway corridors.

Such a configuration would obviously serve no legitimate purpose. Instead, Coos County has carefully identified the best flat sites with good access (road, and usually rail) that can overcome the deficiency of industrial sites within urban growth areas. It happens that all of these sites except one qualify under the terms of either Goal #3 as agricultural land or Goal #4 as forest land. Coos County now finds that it must designate these resource lands for a more precious resource: industrial land.

The Industrial Lands Inventory clearly indicates that industrial diversification, as a means for economic improvement, cannot begin without an adequate supply of vacant suitable industrial sites. However, many local governments have found it exceedingly difficult to provide an adequate supply of industrial land, in

part because Goal #9 is not as well-structured as other goals in addressing resource considerations.

Most of the statewide goals focus on a particular class of resource, describing how conservation actions shall be required and how development actions shall be limited. This is not true, however, for Goal #9, Economy of the State. While Goal #9 implies that there may be economic resources worth improving, it is seriously flawed because it fails to identify conservation and development actions for one of the most important (and scarce) resources in Coos County: land suitable for industrial uses.

The statewide goals most concerned with the conservation of land resources, Goal #3, Agricultural Lands, and Goal #4, Forest Lands, have the most direct effect on economic development:

- i. The uses and lands they consider constitute a large portion of the competitive uses for potential industrial land;
- ii. The goals are concerned with protecting agricultural and forest lands primarily because of their economic importance.

Since agricultural use accounts for the major source of competition for potential industrial land in Coos County, it is important to explore the effects of the agricultural goal on Coos County's economy.

For many years, the United States has produced a tremendous surplus of farm products. Despite the conflicting assortment of governmental policies to alternately encourage and discourage the surplus production, that surplus has continued to have its expected depressing effect on primary farm products.

Farming as a successful full-time business in Coos County requires the acquisition of very large land holdings (usually at least several hundred acres). In the United States, the natural trend has been toward corporate farming because of its more advantageous position in risk capital accumulation.

The agricultural goal's emphasis on the economic importance of agricultural land therefore appears to favor corporate farming, and favors farming over all other forms of resource production, such as industrial use.

Given the limited uses of Coos County's agricultural land (mainly grazing), this less-than-explicit policy of Goal #3 has two disturbing effects:

- i. It forces Coos County to compete on a small scale against other areas of the state and nation that can transport similar products (meat and dairy products) to large markets at cheaper rates.

- ii. It forces Coos County to compete in a type of agriculture whose major food product (beef) is widely held to be much less efficient than grain (as a human food) in terms of the percentage of digestible protein produced per acre of land.

In addition, Coos County is placed in an even more difficult position because many of the parcels suitable both for agricultural and industrial uses are not sufficiently large to permit the large-scale farming apparently favored by Goal #3. Certainly, some small-scale or small-parcel farming occurs within Coos County:

- i. Cranberry production conceivably can be carried on with parcels as small as five acres in size. Nevertheless, production generally is limited by contractual arrangements with the local processor/buyer, and the land type suitable for cranberry production (bogs) is rarely, if ever, suitable for industrial use.
- ii. A person can engage in agricultural practices (with the exception of dairying) on nearly any size parcel if he or she has full-time employment available elsewhere. Such farming, however, does not often produce a surplus beyond the person's needs.

The relationship of industrial land to forest land is more simple: Coos County has protected roughly 860,000 acres of forest land for forest uses. Coos County is heavily dependent on the forest products industry and has made a local economic policy choice to diversify its industrial base. The diversification requires 507 acres of the forest land.

The conclusion is obvious: industrial land in Coos County is far more scarce than either agricultural or forest land. Common sense dictates the protection of parcels that are suitable both for industrial and natural resource uses for the use that has the more stringent locational requirements -- industry.

2.3 "What Alternative Locations Within the Area Could Be Used for the Proposed Uses"

A maximum acreage of sites has already been located within incorporated cities and urban growth areas, given the constraints of topography, limitations on adequate road access, and the importance of selecting sites compatible with other uses such as urban residential.

Development of the list of candidate sites included areas presently zoned industrial, areas identified in the Coos-Curry-Douglas Business Development Corporation (CCD-BDC) "Factbook" as industrial sites, and areas requested by citizens through the Citizen Involvement process for an industrial designation. The

review process eliminated occupied sites as well as vacant sites that were deemed unsuitable because of size (less than one acre), steepness of slope, and other potential legal constraints.

An unacceptable alternative would be for Coos County to designate an insufficient number of industrial sites. This would mean that the alternative locations would be outside Coos County, thereby locking-in Coos County to roller-coaster unemployment gyrations, a dismal economy, and excessive dependence on one industry.

2.4 "What Are the Long-Term Environmental, Economic, Social and Energy Consequences to the Locality, the Region, or the State from Not Applying the Goal or Permitting the Alternative Use."

2.4.1 Environmental Consequences

Taking 507 acres of natural resource land for industrial use will result in a loss of 0.05 percent, or one-twentieth of one percent of Coos County's forest land resources, or will result in a loss of 0.4 percent of Coos County's potential agricultural land resources. Ground cover loss will naturally be substantially less, since less than half the sites currently have forest cover and only a few sites are in current agricultural use (pasture).

2.4.2 Economic Consequences

Industrial use on 507 acres of natural resource lands in Coos County will enable a minimally adequate provision of suitable industrial sites to help diversify Coos County's economy away from its excessive dependence on forest industries. Diversification through the provision of suitable alternative sites will help dampen the wide cyclical swings in unemployment and reduce the current 17 percent official unemployment rate.

2.4.3 Social Consequences

Improvements in the local economy from designating 507 acres of natural resource land for industrial use, especially in the alteration of the wild cyclical unemployment swings and the lowering of the unemployment rate, will improve social conditions more directly than any other single program. Coos County would be able to experience reductions in the recently increased incidence of alcoholism, divorce, child abuse and spouse abuse that appear directly related to Coos County's severe economic problems.

2.4.4 Energy Consequences

The 507 acres of proposed industrial sites having agricultural or forest potential are generally proposed along Coos County's two major highways, U.S. Highway 101 and OR 42. Some increased commuting may occur outside of urban areas, although this is by no means certain: a significant amount of cross-commuting already occurs between Coquille/Myrtle Point and Coos Bay/North Bend, between Lakeside/Hauser and the Bay Area, and between Bandon and the Bay Area. Virtually all proposed industrial sites in unincorporated areas are proposed to occur within these existing commuting corridors.

2.5 "A Finding That the Proposed Uses Will Be Compatible with Adjacent Uses"

Coos County's proposal promotes compatibility by not forcing sites to occur in the middle of urban residential areas simply to squeeze all industrial activity inside urban growth boundaries. In fact, the placing of some sites outside UGA's will generally promote compatibility by lessening the extent of typical industrial impacts (such as noise and odor) on neighboring residential areas. Additionally, the implementing ordinance contains a site plan review process such that no new industrial use shall be constructed without prior approval of the site plan, which has as its major concern the compatibility of any new industrial use or construction with adjacent permitted uses.

3.0 COQUILLE VALLEY AIRPORT GOAL EXCEPTION

FINDINGS OF FACT

FOR A GOAL 2, PART II LAND USE EXCEPTION
TO THE DRAFT COOS COUNTY COMPREHENSIVE PLAN
TO PROVIDE FOR
A PROPOSED AIRPORT IN THE COQUILLE VALLEY

SUBMITTED BY
SOUTHERN OREGON REGIONAL SERVICES INSTITUTE
IN BEHALF OF THE
PORT OF COQUILLE RIVER

3.1 INTRODUCTION

These findings of fact were prepared for the Coos County planning staff to be used in implementing changes in land use planning for the proposed Coquille Valley Airport. They are designed to meet the LCDC criteria for a Goal 2, part II exception to land use planning goals, by outlining compelling reasons and facts for permitting a change in land use to provide for a new airport.

The format is as follows:

- 3.2 NEED - Demonstration of need for the proposed project, and why it should be provided for.
- 3.3 ALTERNATIVES - Findings capsulated from the Coquille Valley Airport Site Selection Study (attached) investigate alternative locations in the area and recommend the best site for the airport.
- 3.4 CONSEQUENCES - Discussion of long-term environmental, economic, social, and energy consequences to the locality, the region and the State from permitting the project.
- 3.5 COMPATIBILITY - Application of statewide planning goals and guidelines to determine the airport's compatibility with surrounding land uses and with State and Federal aviation system plans.

3.2 NEED

This section will show that there is a significant, demonstrated need for the development of the proposed airport, and why these uses should be provided for.

1. The existing Norway airstrip is inadequate and limited for general aviation use. (Norway Airport Engineering Site Evaluation - 1970 OAD)
 - * The runway is too short and inadequately surfaced to handle a sufficient percentage of the propellor aircraft fleet.
 - * Terrain, powerline and railroad obstructions to normal air-spaces exist at the present site.
 - * There is high flooding risk and standing water during much of the year.
 - * There is a substantial risk of future damages to property, loss of life, etc., by using a limited airport beyond its capabilities.

2. There is significant demand for a general aviation airport with more complete facilities to serve the Coquille Valley.
 - * National Airport System Plan (NASP) FORECASTS and Oregon Aviation System Plan (OASP) FORECASTS show based aircraft at the proposed facility to reach 23 by the year 2000, and aircraft operations to reach 11,000 by the same year. (see Coquille Valley Airport Site Selection Study, pp. 8-10.)
 - * Interviews with local pilots, aircraft owners, and businessmen show an unmet need for facilities to enhance business travel in the Coquille Valley. There are currently (1978) over 10 aircraft owners in the Coquille Valley, and only hangar space for up to 6 aircraft at the Norway airstrip. Several businessmen in the Myrtle Point/Coquille area must drive to facilities at Bandon or North Bend to fly on business.

3. There is a demonstrated need for local transportation improvement, in Coos County, as demonstrated in the Coos County Comprehensive Plan, Transportation Implementation Strategies, as revised. (See Draft Coos County Comprehensive

Plan, p. FF-48-51; Supplement to..., p. III-196, p. III-210.) A new public facility airport will contribute to the transportation needs and enhance the strategies for improvement of same in Coos County.

- * The airport will greatly increase business travel with improved facilities and increased safety.
- * It will enhance industrial and economic growth as a result of both the transportation improvement for business and pleasure activities.
- * The airport in its own right will induce economic growth by generating local revenues and creating employment.
- * Pleasure travel, pilot training activities, and Fixed Base Operator (FBO) development will also contribute to the economic viability of the area.

For example, in 1972, at the Bandon airport, before the present FBO was established there were only 5 based aircraft. After establishment of the FBO facility, a significant growth of activity occurred, and there were 38 based aircraft in 1979. Most of the growth is attributable to the establishment and improvement of facilities and services available at the airfield. (Bandon State Airport Master Plan, 1980-2000, p. 7)

3.3 ALTERNATIVES

The various alternatives to this proposed project are addressed more completely in the Coquille Valley Airport Site Selection Study. The findings outlined here are capsulized from that document. This section deals with the alternative locations within the area that could be used for the proposed uses, as well as the alternative of not proceeding with the plan.

1. The alternative of not proceeding with the proposed airport development will inhibit potential transportation improvements to and from the Coquille Valley, and will also stifle potential economic growth of the region.

- * The Norway airstrip is inadequate, as outlined above. Continued dependence on such a limited facility hampers potential transportation access and poses a safety hazard as a result of a limited airport being used beyond its capabilities.
- * Pilots and businessmen would have to continue the inconvenience of driving to facilities outside their immediate area to gain access to air transportation for business or pleasure activities.
- * Opportunities for economic diversification and growth in connection with a public facility airport would be foregone by not developing the proposed airport.

2. A Site Selection Study was performed under the rules and guidelines of the Federal Aviation Administration (FAA) and the Oregon Aeronautics Division (OAD) to search the area for the best site for the airport. General facility requirements were applied as follows: (See Site Sel. Study, p. 21)

- A. The site must be able to accommodate the planned ultimate facilities with reasonable room for growth and expansion beyond the 20-year planning period. This includes space on-site for improvements, potential surrounding land uses, and the impact of an airport environment upon them.
- B. The site must have reasonable access to users in the Coquille Valley region, notably the populations of Coquille and Myrtle Point. The field was narrowed in the early stages by applying a 15-minute travel time radius from both communities.
- C. The site must have reasonable developable terrain, generally free of obstructions to air navigation and surface operations.

- * Mountainous area in the region were considered and potential sites not found due to the following reasons:

- . steep, often unstable slopes
- . excessive cut and fill necessary for runway location
- . obstruction hazards to air navigation
- . unfavorable localized winds in valley/ridge areas
- . lack of access from urbanized areas

- * Three floodplain sites were considered and found to be inadequate. The sites were designated SITES A, C, and D, on the accompanying map, FIGURE 1. They were eliminated for the following reasons:

- . seasonal flooding, poor percolation and drainage
- . unfavorable impacts of development on the floodplain
 1. excessive fill required in floodplain
 2. increased flooding in other areas on the floodplain
 3. irreversible environmental damages
 4. increased costs of floodplain development
- . removal of agricultural lands from production
- . low soil load-bearing capabilities
- . ground fogs associated with the bottomlands of the river valley
- . bird strike potential in the wetlands/marshlands

3. The Pleasant Valley site, SITE B, was selected as the best site for the airport.

- * The perched fluvial terrace site is superior to either the floodplain sites or the mountainous areas, and will prove to be the best compromise in monetary and environmental costs.

- . more developable land surrounds the airport for ultimate airport development and adjacent land developments
- . minimal obstruction removal
- . no flooding risk
- . higher soil capabilities for load-bearing, etc.
- . avoids excessive cut and/or fill
- . above ground fogs associated with the valley floor
- . lower bird strike potential

- * No other sites on the area map are feasible in comparison, due to problems with one or more of the following categories:

- . terrain clearances or irregularities in topography
- . access from urbanizable lands
- . obstructions to navigation
- . environmental considerations:
 1. excessive fill in the floodplain
 2. noise impact
- . excessive developmental costs.

3.4 CONSEQUENCES

This section discusses the long term environmental, economic, social and energy consequences to the locality, the region and the state from permitting the proposed airport development. The Master Plan to be developed for the airport will include an Environmental Impact Assessment Report (EIAR), which will outline in detail the anticipated long-term effects of the project. The information listed here is based on preliminary information gathered in the process of completing the Site Selection Study.

1. Development of the airport will require the removal of some agricultural and forest lands from production.
 - * Up to an ultimate total of 80 acres will be required for the airport operations area by the year 2000. Approximately 20 of these acres are presently zoned as agricultural, and 60 acres as forest/grazing.
 - * Those lands zoned as agricultural have soil capability class ratings ranging from Class III to VI, according to U.S. Dept. of Agriculture, Soil Conservation Service.
 - * Lands zoned as forest/grazing actually taken out of production for the airport will be very minimal. Up to 60 acres will be cleared within the airport property boundaries and the appropriately established clear zones.
 - * Some height control of trees and other obstructions will be necessary in the approach surfaces and safety zones, but the effects on agricultural or forestry uses will be minimal.
2. Irreversible environmental consequences are considered to be minor for a project of this size and scope.
 - * Noise impacts are usually the most significant effect of airport development on the human environment. Planning for minimizing this effect for both present and future development at the site will include the following elements:
 - . The site is located a sufficient distance from urbanized areas and areas planned for urbanization.
 - . The ridge line between Myrtle Point and the airport will act as a noise buffer for that community.

- . Approaching and departing aircraft will be operating from a field at higher altitudes than nearby urban and residential areas, thereby providing an altitudinal noise buffer.
- . Noise contours to be developed according to FAA standards in the master plan are anticipated to remain very low throughout the planning period.

Noise contours developed for most general aviation airports show that significant noise exposure contours usually remain within the airport boundaries to either side of a runway, and extend less than one mile from either end of the runway. (Developing Noise Exposure Contours for General Aviation Airports, FAA, 1975)

- * Irreversible damages to the physical environment are not excessive.
 - . No major streams or drainages are effected. Drainage of the airport grounds will necessitate drainage ditches and some culverting -- normal factors for consideration in construction of an airport.
 - . No disruption of air quality, water quality, recreation areas, historic or archeological sites, or rare and endangered species will occur.
- * According to the county extension agent, removal of 20 acres of land zoned agriculture not currently in production will have no significant impact on agricultural production for the county.

3. Actions to minimize unavoidable adverse effects will be taken wherever applicable.

- * Unavoidable adverse impacts include:

- . Removal of existing vegetation from areas to be paved and leveled.
- . Decrease of permeable ground area by pavement.
- . Some increase in air and noise pollution as a result of auto and aircraft traffic at the new airport.

- * Major construction activities will include grading of existing terrain, installing crushed rock beneath pavement areas, paving, and possible hangar construction. The contractor will be required to comply with existing pollution control methods to reduce hazards of excessive dust, smoke, noise, air pollutants, or liquid waste materials.

4. Normal construction procedures will have some short-term effects on the site.

- * Some cut and fill will be necessary to prepare the site for a level runway, but these impacts can be reduced by proper planning and engineering.

- * A drainage plan will be necessary for proper drainage of the site. Runway, taxiway and apron drainage will be accomplished by sheet flow and runoff to the edges of the pavements. There, the water will either percolate into the ground or be collected in a drainage ditch system. Overall, the pavements are expected to have little impact on the peak volume of runoff.

5. Implementing the construction of a general aviation facility will have many positive benefits, including:

- * Increased aircraft operations safety over existing Norway airstrip.
- * Increased capacity of the airport to serve the area's transportation needs.
- * Dramatic rise in the level of services and facilities available to aircraft users.
- * Stimulation of the growth of compatible industrial uses adjacent to the airport.
- * Stimulation of economic growth throughout the Coquille Valley.

3.5 COMPATIBILITY

Statewide planning goals and guidelines developed by the Land Conservation and Development Commission are applied in this section. Goal 12, to provide and encourage a safe, convenient and economic transportation system, indicates that transportation plans shall minimize adverse social, economic and environmental impacts and costs, and conform with local and regional comprehensive land use plans. Goal 14 directs that an orderly and efficient transition from rural to urban land use occur

The following findings support the application of these and other goals to the proposed airport project. (Refer to Figure 2 for current zoning in the proposed airport area.)

1. The airport will be compatible with the existing surrounding uses at the site.
 - * Surrounding land is currently zoned for forestry or agricultural uses. Both are considered by the FAA and OAD to be compatible with airport operations, provided tree heights are controlled in the approach/clear zones.
2. Compatible land uses should be preserved in the airport vicinity.
 - * Moderate to high-density residential development in the near vicinity, particularly in the approach zones, should be discouraged to prevent future conflicts in land use.
 - * Preservation of existing forest and agricultural zones is desirable as a buffer between the airport and rural residential areas.
 - * It is important that development, notably in residential uses, not restrict the future expansion or use of the airport.
 - * Development to the sides of the proposed runway should be airport-related and set back in accordance with FAA safety recommendations.

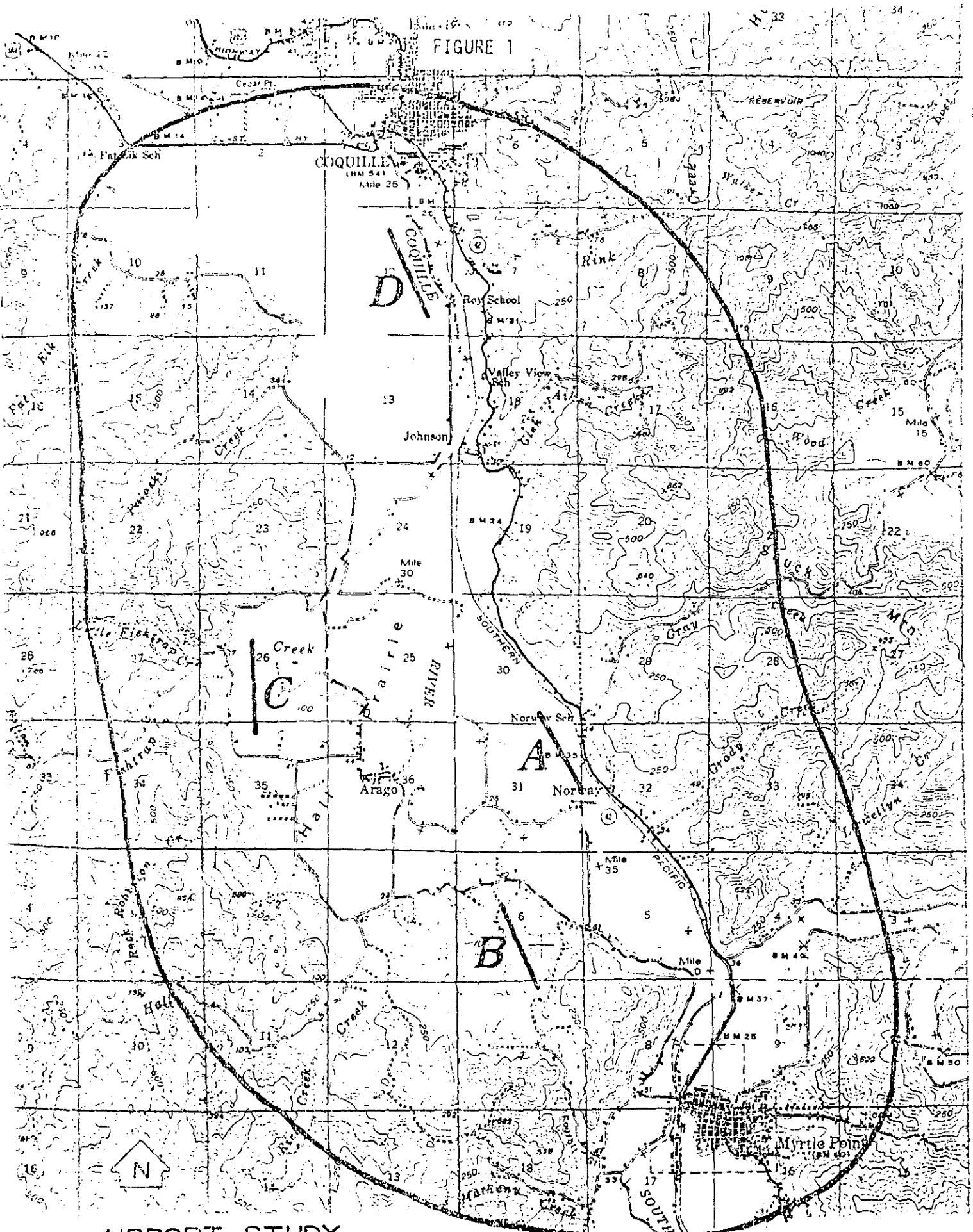
3. Coos County currently zones commercial and utility airfields and the lands immediately surrounding them as light industrial. Because light industrial uses are considered by the FAA, OAD, and the county to be compatible, we propose that light industrial development be permitted in the vicinity of the airport.

- * Industrial uses would minimize potential future conflicts with other adjacent uses.
- * An Industrial zone or an Industrial Holding Reserve (IHR) zone would preserve areas suitable for those firms which derive particular benefits from being located near an airport.
- * All adjacent uses will be planned to conform to FAA-prescribed safety standards for the operation of the airport and its future expansion.

4. An Airport Operation Overlay Zone, illustrated in FIGURE 3, should be applied by the Coos County planning staff to ensure safety of airport operations and prevent future conflicts of land use or obstructions. The zone is applied over existing zoning, and is designed to control obstruction heights and certain incompatible uses in the approach zones of the airport.

- * Building and obstruction heights are controlled to avoid causing obstructions or hazards to air navigation.
- * Uses within the approach zone are restricted to some extent to prevent glare, smoke, reduced visibility, or electronic interference with radio communications.
- * There should be no development that would compromise the safety of operations in the approach paths and clear zones of the airport.

FIGURE 1



AIRPORT STUDY AREA

0 1 2 mi.

Volume I Part 3 Base map: USGS Coquille Quadrangle (15 min) 1942

FIGURE 2

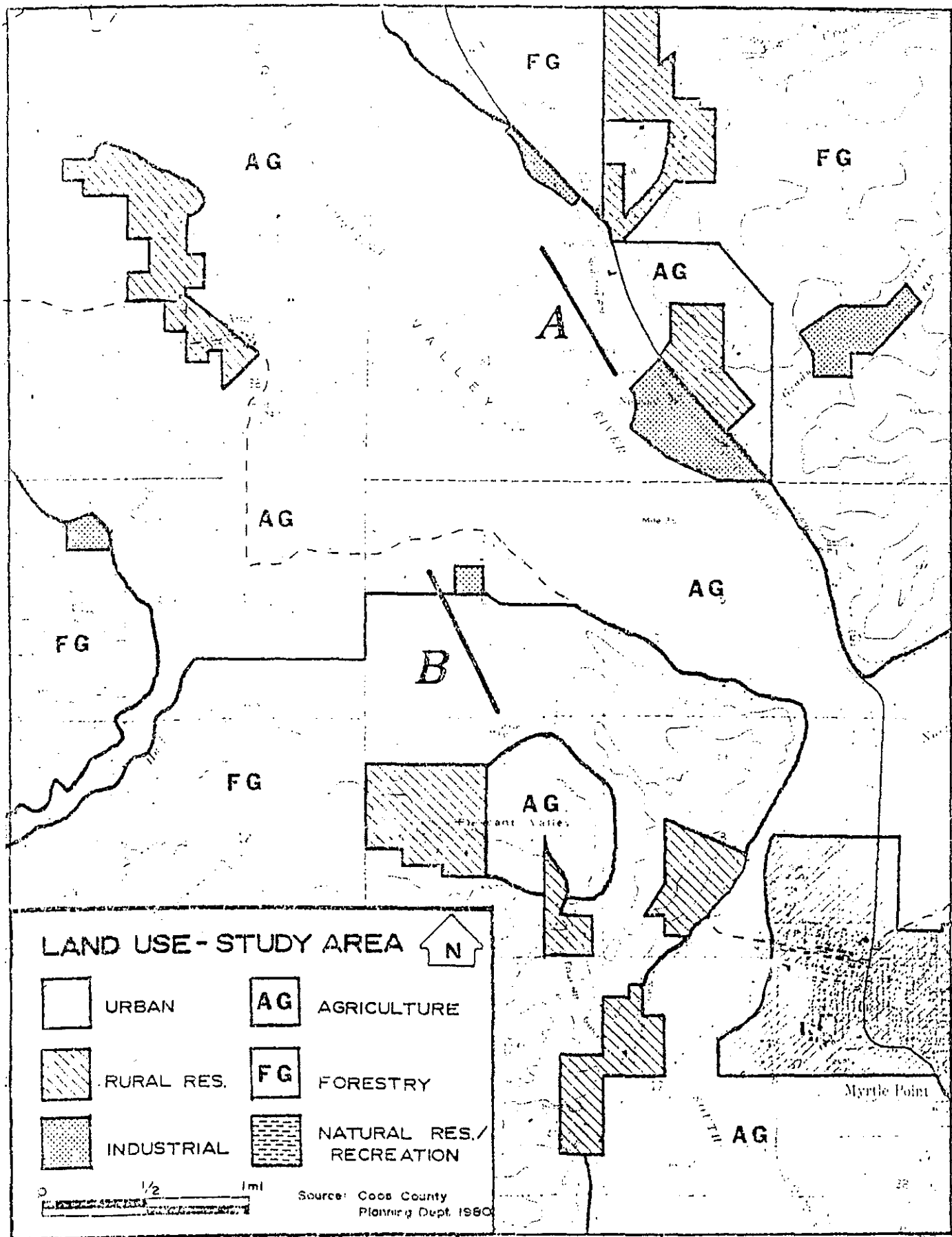
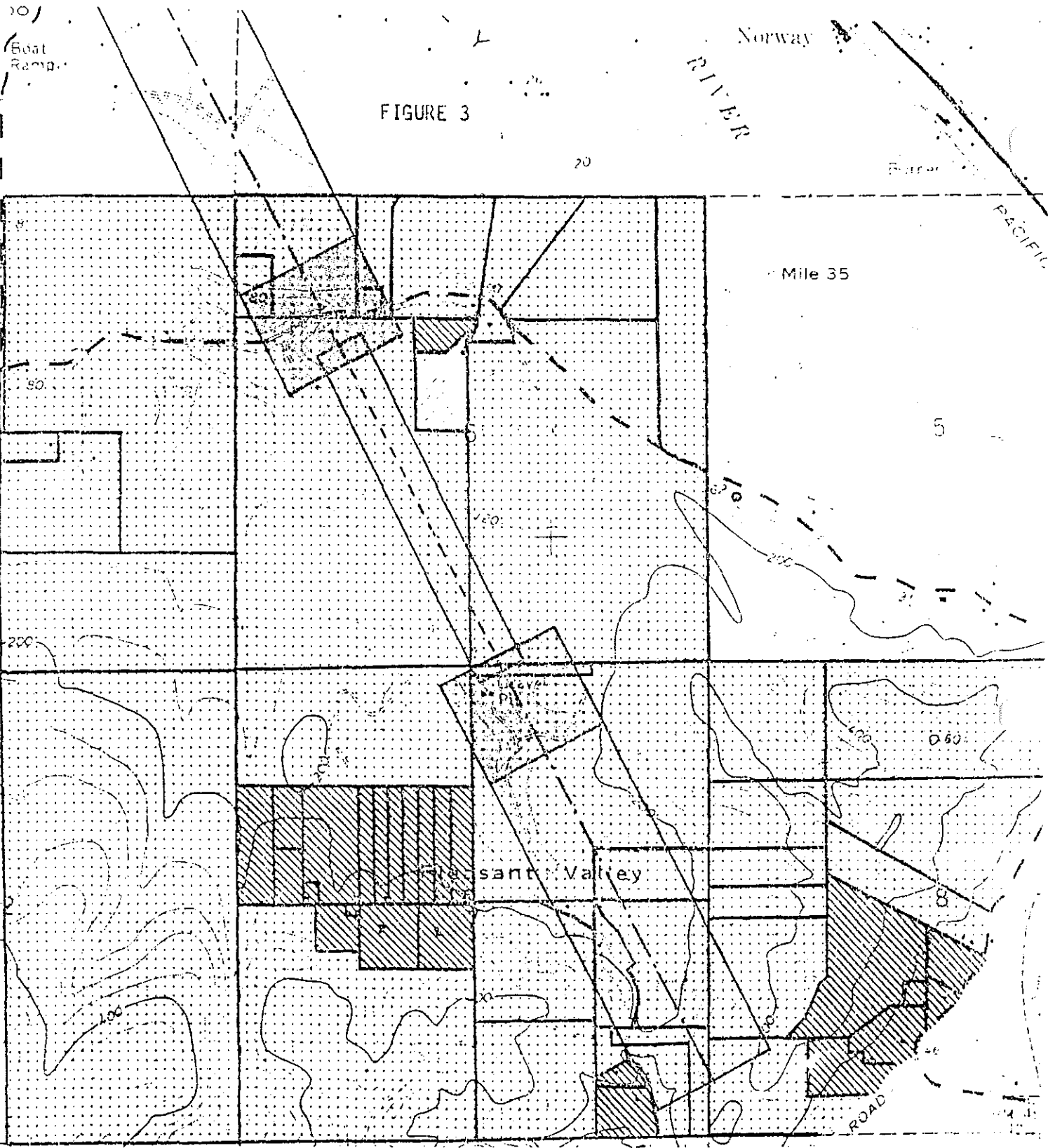




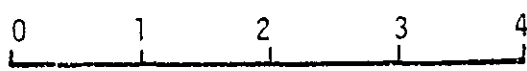


FIGURE 3




-  Agriculture/Forestry
-  Rural Residential
-  Industrial
-  Primary Safety Zone



SCALE IN THOUSANDS OF FEET
(1" = 1550')

SOURCE: Coos County Planning Dept., 1981.

 Secondary Safety Zone

3.0-13

4.0 PROSPER DEVELOPMENT GOAL EXCEPTION (Upland Portion)

TABLE OF CONTENTS

	<u>Page</u>
4.1 INTRODUCTION.....	4.0-1
4.1.1 Site Location and Proposed Uses.....	4.0-1
4.1.2 Proposed Exception.....	4.0-1
4.2 NEED FOR COMMERCIAL AND RECREATIONAL USE.....	4.0-2
4.2.1 Introduction.....	4.0-2
4.2.2 Tourism Economy.....	4.0-2
4.2.3 Recreational Opportunities.....	4.0-7
4.2.4 Conclusion.....	4.0-7
4.3 ALTERNATIVE SITES & COMPARISON OF CONSEQUENCES FOR EACH.....	4.0-8
4.3.1 Siting Characteristics.....	4.0-8
4.3.2 Alternative Site Identification.....	4.0-8
4.3.3 Alternative Site Selection and Comparison of Consequences.....	4.0-9
4.4 COMPATIBILITY WITH ADJACENT USES.....	4.0-17
4.5 SUMMARY	4.0-17
4.6 REFERENCES.....	4.0-18

4.1 INTRODUCTION

4.1.1 Site Location and Proposed Uses

This exception is taken to Statewide Planning Goal #4 (Forest Lands) as part of the Coos County Comprehensive Plan. The purpose of the exception is to allow a commercial land use associated with a marina at river mile 5 of the Coquille River near Prosper, Oregon.

The site is located on the Prosper-Parkersburg County Road, a short distance northeast from the community of Prosper and approximately 2.5 miles east of U.S. Highway 101. (Section 16BA, Township 28S, Range 14WWM, Tax Lot 500) (Map 1)

The proposed project (covered by this exception statement) consists of a clubhouse/lodge to serve both the needs of members using the recreational marina which is immediately adjacent on the shoreland and the general public. This upland project will include a restaurant, sewerage, water, parking facilities, lodging, and other amenities (tennis courts, picnic area, nature trails and swimming pools). The shoreland activities consist of live-aboard yacht moorage (temporary occupancy), a public fishing pier, a boatworks and floating marina-related shops. The marina and public fishing pier are subject to a separately prepared exception to Statewide Planning Goals #3, #16 and #17. (Prosper Exception, Part 1) However, these uses will be discussed in relation to this exception statement insofar as the estuarine and shoreland uses and those on the upland are mutually dependent.

4.1.2 Proposed Exception

This exception is required because Goal #4 and OAR 660-06-000 state that forest lands must be conserved for forest uses. As required, the upland Prosper site has been inventoried as suitable for forest use based upon the U.S. Forest Service productivity classification. The proposed uses are not considered to be appropriate forest uses under statutory and administrative rule definition. "Inventoried land suitable for forest uses must be designated to retain forest uses, unless an exception is taken." [OAR 660-06-015(1)]

The Coos County Interim Zoning Ordinance adopted in 1975 placed this property within a rural residential zone (IRR-5) with a 5-acre minimum lot size. However, based upon this Plan this land would be zoned for small woodlot uses (SW-10) with a minimum parcel size of 10-acres. Approval of this exception will change the zoning and land use designations to "Commercial". In order to justify this change, the exception findings and conclusions will address the following four criteria:

1. The reasons why a commercial use should be provided;

2. The alternative locations within the area which could be used for the proposed use;
3. The long-term environmental, economic, social and energy consequences to the locality and the region by permitting this use at each identified alternative location; and
4. The compatibility of the proposed use with other adjacent uses at the preferred site.

Criterion 1 shall be discussed in the section entitled "Need for a Commercial Use" by addressing the project's effect on tourism and recreation in the County. The second and third criteria shall be dealt with together in the next section entitled, "Alternative Site Selection and Evaluation." Each site shall be evaluated against characteristics found desirable for this kind of facility and against the social, economic, environmental and energy consequences of permitting the development at each site. This section also contains findings which show that the forest use classification can be disregarded. The final section, "Compatibility with Adjacent Uses," will address the last criterion.

4.2. NEED FOR COMMERCIAL AND RECREATIONAL USE

4.2.1 Introduction

The overall economic climate in Coos County is badly in need of new businesses which are not part of the lumber and woods products industry. This Plan has recognized an "excessive dependence" on this sector. (This reference should be to the same document, p.FF-40) The proposed activity, a new tourist attraction in a scenic area on the south coast, will increase the number of small businesses catering to tourism, and, consequently, add permanent jobs and revenue. Moreover, another privately-owned facility will help alleviate the burden on the County of providing recreational opportunities known to be needed.

4.2.2 Tourism Economy

To reiterate, the commercial venture requiring this exception must be evaluated as part of a multiple-use recreational facility. Therefore, the economic impacts recounted in this section will refer to the activities at the marina/lodging complex as a whole.

Coos County has relied upon tourism as a small element of its economic base. With the decline in the fundamental lumber and woods products industry, the enhancement of tourism has achieved new priority. Various studies of industrial land needs by the Coos-Curry-Douglas Business Development Corporation in 1981 and

other groups discuss the tourism industry on the south coast emphasizing that it is characterized by a much lower sector growth than that occurring on the north coast. Although, this fact could be attributed to the north coast's proximity to the densely populated Willamette Valley, the reports conclude that tourism is affected by (1) the kind of destination activities, and (2) the kind of accommodations.

Attention to these two factors, then, points of interest (activities) and accommodations, will better serve the tourism economy in Coos County, a need which will be furthered by the proposed Prosper development.

Destination Points

A recent report to the Coos County Economic Action Team, entitled "Tourism in Coos County: A Visitor Profile," found that the average length of stay by visitors is 1.6 days. (University of Oregon 1982:22) This finding verified a locally-known fact that Coos County is mostly a pass-through point for visitors rather than a destination center. In 1980, another report (the Overall Economic Development Plan for Coos County-OEDP) of the Coos-Curry-Douglas Economic Improvement Association (now the CCD Business Development Corporation) recognized the problem and noted that the number one impediment to tourist and recreational development in the region was "inadequate planning, coordinating, and promotion of tourism, particularly in the creation and promotion of destination facilities." (CCDEIA 1980) Increasing the length of stay by visitors is an important and needed objective to be met in promoting tourism, and attractive destination facilities are an important component in meeting that objective.

The proposed marina is intended to provide live-aboard moorage for yachts and other recreational craft. This service, together with the boat repair, yacht club, and lodge, will draw boatowners from a wide area specifically to visit Prosper. As a related note, the Overall Economic Development Plan (OEDP) specifically pointed out that there is insufficient existing moorage, launch, and parking facilities to satisfy projected recreational boating. Thus, the proposed uses will be a destination center for the marina users. Beyond satisfying the needs of the marina users, the lodge is intended to be large enough to provide a facility to attract other visitors (including large groups) to stay longer than the current average 1.6 days.

The proposed uses will augment other local efforts to enhance the attractiveness of the area as a tourist destination. With the help of a \$1.2 million grant from the U.S. Department of Housing and Urban Development, the City of Bandon is "rehabilitating" its historic "Old Town" through reconstruction of the Bandon arch, applying common design standards for Old Town buildings, improving public parks and parking, and building new facilities infrastructure. Promotional campaigns to market the County area

have also been initiated by the Bandon Chamber of Commerce, Bay Area Chamber of Commerce, and the Coos County Economic Action Team.

Accommodations

These same studies of tourism explain another reason why the south coast has fallen behind the north coast in tourism development. The reports point to the differences in the accommodations as another key factor. "Although the supply of facilities is not the single determinant of lodging patterns in Coos/Curry Counties, it is difficult to avoid the conclusion that the relative absence of motels/hotels...in the southern counties largely explains the lag in development of the tourist economy compared with other areas." (CCDBDC 1981:16-1) The south coast, rather, is marked by an abundance of campsites.

This conclusion is supported by facts collected by the Oregon Coastal Conservation and Development Commission (1974) and by Battelle Laboratories in 1973¹, which compared commercial traveler-serving facilities of coastal counties and the distribution of visitors staying in commercial lodging as opposed to other accommodations. Coos and Curry Counties fall well behind Lincoln and Clatsop/Tillamook Counties by representing only 23% of the facilities (1,640 of 7,223 units). Tables 1 and 2 show that Coos and Curry Counties have fewer absolute and per capita number of lodging units than their northern counterparts.

¹ CCDBDC reports that "while the data generated by Battelle (and analyzed by OCC&DC) is somewhat dated (1973), it also appears that the information presented is the most current available. Confirmation of the currency of the overnight facilities figures was received from State Travel Director Shirley Eads." (CCDBDC 1981:16-6)

TABLE 1

ESTIMATED DISTRIBUTION OF VISITOR PARTY DAYS,
BY TYPES OF LODGING, 1972 (IN PERCENTS)^a

AREA	MOTEL/ HOTEL	FRIENDS	CAMPING	OTHER ^b	TOTAL
Clatsop- Tillamook	56.6	10.1	29.8	3.2	100.0
Lincoln	21.4	25.2	46.0	7.4	100.0
Coos-Curry	20.3	9.6	48.8	21.3	100.0
Coast	35.5	14.3	40.3	9.9	100.0
Oregon	43.8	26.4	17.3	12.5	100.0

TABLE 2

COMMERCIAL TRAVELER-SERVING FACILITIES, BY TYPE, 1972^c

TYPE OF FACILITY		CLATSOP- TILLAMOOK	LINCOLN	COOS- CURRY	COAST ^c	OREGON
Motels	Party Units	1,803	2,748	1,257	5,808	23,880
	Percent	67.4	94.6	76.6	80.4	71.7
Hotels	Party Units	475	30	287	792	7,222
	Percent	17.7	1.0	17.5	11.0	21.7
Ranch Resorts	Party Units	0	0	22	22	165
	Percent	0	0	1.3	.3	.5
Cottages	Party Units	399	128	74	601	2,023
	Percent	14.9	4.4	4.5	8.3	6.1
Total	Party Units	2,677	2,906	1,640	7,223	33,290
	Percent	100.0	100.0	100.0	100.0	100.0
% of Total Oregon		8.0	8.7	4.9	21.7	100.0

a Derived from Battelle 1973.

b Trailer park, second home, no lodging.

c Data from Battelle 1973:II/4

Source OCC & DC 1974

Volume I Part 3

The important point of this argument is how the type of facilities affect the tourism economy. The CCDBDC summarizes the point succinctly:

While the unequal distribution of tourist facilities (north coast emphasis on commercial lodging, south coast on camping) probably resulted initially from differences in consumer demand in the two areas, it may well be that now, the supply of each kind of facility influences the utilization (demand); in other words, that the relative supply of camping and commercial lodging facilities is shaping the pattern of the tourist industry in different areas of the Oregon Coast. (CCDBDC 1981:16-6)

If the kind of accommodations favorably influences the number of tourists, that is, increases the number, and consequently, revenue, improvements in this area will help satisfy the County's need for other commercial/industrial growth. As an added benefit, users of this facility will undoubtedly take advantage of goods and services in the near by City of Bandon.

According to the Bandon Comprehensive Plan, tourism is the fastest growing sector of the coastal economy (City of Bandon 1978:111-23) It can be expected that goods and services in that city will be demanded by increased or prolonged visitation by marina users and other visitors to the upland facilities. This impact is explained more fully in the next section on revenue and employment.

Revenue and Employment

To quote the local variation of the nationwide unemployment trend, the jobless rate in Coos County rose slightly from 12.7% in July 1982 to 13.0% in August, 1982 not accounting for an unknown number of "unprocessed" jobless persons in the labor force. This percentage equates to 3,520 persons of the 27,110 civilian labor force.

All of the proposed uses and adjacent boatworks offer an opportunity to partially offset the area's unemployment by providing up to 100 short-term construction jobs and 70 to 80 new full-time permanent jobs. Assuming an average annual income of \$15,000 per employee, the economic benefit of permanent payrolls would be \$1.2 million. Further, assuming an economic multiplier of 2.4, \$2.88 million would be expected annually in total local payrolls (Personal communication, Abrahamson, CCDBDC, March 1982) Additional local expenditures would result from visitor and operating expenditures. Assuming the 175 or more yacht owners spend \$2,000 each in the local area on food, clothing, marine equipment, yachting accessories, and so forth, such expenditures would total \$350,000 annually. Operating

expenditures from the shipyard, marina, restaurant, and lodge are estimated to be in excess of \$1.5 million annually. The total annual local payrolls and expenditures equal \$4.73 million. Additionally, \$21 million of fixed investments would be added to the local tax base.

The daily operations of the marina alone would account for 34 of the new permanent jobs estimated above, and would draw from both the skilled and unskilled portions of the local labor force. Some of the skills and trades to be employed include river pilots, dockhands, boatwrights, electricians, mechanics, sail-rigging specialists, maintenance and grounds keepers, management, office, personnel, and security. According to the project proponents, training for some skills would be accomplished through apprenticeship programs.

4.2.3 Recreational Opportunities

This Plan has recognized the recreational assets of this area as it addressed Goal #9. It lists the "beauty of the coast" and "fishing and boating" as the County's primary attractions (see page T-32) This assessment of recreational opportunities used the Statewide Comprehensive Outdoor Recreation Plan (SCORP) prepared by the Parks and Recreation Branch of the Department of Transportation as a source of measurable information. The state plan listed multiple-resource recreational areas as a high priority need based upon 1977 local public hearings. (see page T-13) The diverse complex at Prosper, with marina, related shops, lodge, restaurant, tennis courts, pool and trails, will be a multiple use facility of the kind needed.

It should also be recognized that this investment of private-enterprise will relieve the burden on publicly-owned parks, moorage and other facilities.

Further, this proposal will be consistent with this Plan which contains a policy that the County shall strive to increase recreational opportunities and facilities in proportion to population growth consistent with the guidelines established by SCORP. The Plan also states that this strategy shall be implemented by ..."(5) structuring implementing ordinance measures to permit a variety of small-scale recreational developments."

4.2.4 Conclusion

This project will serve to satisfy recreational needs of the citizens of the state and visitors and to diversify and improve the economy of the state and county (Goals #8 and #9). This project will help to alleviate a major impediment discovered by the OEDP which is the shortage of commercially-developable properties suitable for tourism and recreational facilities. Moreover, the proposed uses will add new jobs and revenues to the local economy. Given the high levels of unemployment and

depressed business conditions present in the local economy, the magnitude and type of new employment opportunities and the increase in local revenues for the proposed marina and upland uses will positively impact economic conditions.

4.3 ALTERNATIVE SITE SELECTION

4.3.1 Siting Characteristics

There are several siting requirements used to evaluate alternative locations for the upland uses proposed at Prosper.

1. Relationship to Marina. The site should be directly contiguous to or within reasonable walking distance of the marina.
2. Site and Topography. The site should be large enough to accommodate club members and the public. It should not be severely steep and require minimal grading and fill.
3. Utilities. An on-site water source, electricity, and means to dispose of sewage should be available at a reasonable expense.
4. Road Access. The facility should be close to a public road. Proximity to a major thoroughfare is desirable but not essential.
5. Natural Hazards. Ideally, the site should be free from such natural hazards as flooding, erosion, weak foundation soils, or high ground water.
6. Weather. A location with a favorable micro-climate is preferable.
7. Adjacent Land Uses. Adjacent land uses should be compatible. This category also accounts for general aesthetic qualities.

4.3.2 Alternative Site Identification

The clubhouse/lodge covered by this exception is only a part of the larger recreational marina complex. Therefore, the site for it must be selected in relation to its suitability for the vital water-dependent uses as well. Since the marina is the key land use with the distinctive requirement of being on the water, the alternative sites in this exception must be near those identified for the marina (Prosper Exception, Part 1).

Three alternative locations were identified for the recreational complex; all of which are located on the Coquille River. These are:

1. Prosper
2. Ferry Creek
3. Bullards Bridge

The other exception statement concluded that the Prosper site was preferred after taking into account the shoreland and estuarine activities, namely, the biological impacts of dredging and filling the intertidal lands, initial construction requirements, and long-term maintenance. It briefly considered the suitability of the backup land for the clubhouse/lodge. Therefore, the upland portions of these three sites will be re-evaluated in more detail in the following sections. (Map 2)

4.3.3 Alternative Site Selection and Comparison

In this section, each alternative site shall be evaluated against the site selection criteria and the economic, environmental, social, and energy consequences that may occur if the site is selected.

Prosper

Location.

The Prosper site is located on the south bank of the Coquille River at river mile immediately upstream from the Community of Prosper, Oregon. It is approximately 2 miles by road from U.S. Highway 101 and 3.5 miles by road from "Old Town" Bandon. (Tax Lot 500, Section 16BA, Township 28S, Range 14W.)

Description.

1. Relationship to Marina. This upland portion lies to the southwest of marina immediately across the Prosper-Parkersburg County Road.
2. Site and Topography. The upland site is on the northern side of a ridge and contains approximately 11.55 acres. The site is bisected by two draws extending northward from the main ridge which runs generally north-south. Slopes range from 20 to 70% but with several areas toward the top of the ridge which are of gentle sloping terrain.
3. Utilities. A natural spring occurs on the site which is expected to produce sufficient amounts of water to supply a 50,000 gallon tank for domestic consumption. Water from the river for fire protection is authorized by water rights held by the proponents. The site is not within a special sanitary sewerage district, however, self-contained treatment can be provided and approved. Electrical lines run along the county road, and a major transmission line is located on the property near the southern boundary.

4. Road Access. See location described above.

5. Natural Hazards. The soils are classified as Bullards (BUE) and Bandon/Blacklock (BBC), both sandy loam types. The Bandon/Blacklock soils series is typically on 0-12% slopes. The Bullards soil type is considered to be severely hazardous for erosion on the steeper slopes (30-50%). The HUD Flood Hazard Boundary Map excludes all portions of this upland area, and there are no drainage hazards posed by groundwater accumulations.

6. Weather. The lower river basin area generally has cool, comparatively dry summers, and mild, cloudy wet winters. Annual rainfall in the region varies from 50 inches at the mouth of the Coquille River to 110 inches near the headwaters of the South Fork. The river basin is subject to severe winter storms with recorded winds greater than 74 mph moving generally from the southwest. The Prosper project is located at the base of a north-northwest facing hillside.

7. Adjacent Land Uses. The Community of Prosper is just a short distance down the county road and now consists of 12 homes and boat docks, although it was an important shipping and lumbering port in its early days. Currently, directly to the north, west and south of the recreational site, the land is undeveloped but planned as rural residential at 5-acre minimum lot sizes. Across the river lie expanses of pasture and farm land.

Evaluation and Consequences.

1. Siting Requirements. The Prosper upland site is large enough to construct a facility of a size to complement the marina, and, like the other alternative sites, is close to it. Because of its size, this site can be developed with considerable open space and undisturbed natural vegetation adding to its attractiveness.

Although the grade on portions of the site are moderate to steep, there are flat areas at the top of the ridge for building construction. (Map 3 Attachment) Plans for site grading specify approximately 40,000 cubic yards of fill material primarily for the parking lot. Minimal grading will be done for the building sites. The soil's propensity to erosion on the excessively steep slopes will be alleviated by keeping these areas along the frontage of the property undisturbed. All building development will occur within the southwest portion of the property at the ridge top. The terrain may impose additional construction costs, however, the setting and views at the upper elevations surpass any other alternative. The secluded nature of this site lends itself well to a recreational facility. Moreover, the sheltered microclimate is appealing.

Road access to the site already exists, although it is unimproved. Since the proposed uses would increase traffic on the county road, the project proponents will work with Coos County to widen and resurface the road. Traffic control through speed bumps or signage will be included in the road improvements.

Although compatibility with adjacent land uses will be discussed in detail in Section 4, the rural and pastoral nature of the area is desirable.

2. Economic. The economic need for a recreational facility was covered in detail in Section 2. Briefly, the marina, boatworks, and yacht club/lodge are expected to provide up to 100 short-term construction jobs and 70 to 80 fulltime permanent jobs. It is anticipated that 90% of the work force would be from local labor forces. Assuming an average annual income of \$15,000 per employee, the economic benefit of permanent payrolls would be \$1.2 million. Further, assuming an economic multiplier of 2.4, \$2.88 million would be expected annually in direct adjustment payrolls (Personal communication, CCDBDC, March 1982).

Additional local expenditures would result from the proposed uses. Assuming the 175 or more yacht owners spend \$2000 each in the local area on food, clothing, marine equipment, yachting accessories, such expenditures would total \$350,000 annually. Operating expenditures from the shipyard, marina, restaurant, and lodge are estimated to be in excess of \$1.5 million annually. The total annual local expenditures equal \$4.73 million. Additionally, \$21 million of fixed investments would be added to the local tax base.

The complex will provide a badly needed tourist destination point and add to the small number of hotels and motels notably lacking in Coos County. The site's amenities, such as sufficient area for parking, recreational activities, and trails, its scenic beauty and seclusion will become a tourist asset.

These economic benefits must be weighed against the economic losses of not applying the goal, namely, the loss of timber productivity of other valuable forest use. The analysis of the environmental consequences will show that forest use potential is meager in comparison to the gains to the County's overall sagging economy.

3. Environmental. The soils of the Prosper site fall into U.S. Forest Service Cubic Foot Site Class 3. This classification system is used for Douglas fir productivity, the dominant species west of the Cascades. Accordingly, this site can be expected to yield an average 140 to 160 cubic feet of timber per acre per year with a maximum tree height potential of 140-160 feet at 100 years of growth. The site has been logged several times in the past, as recently as 1940 and the area was most likely cut over early in Prosper's history to supply its three sawmills. (Personal communication, Carl Sandstrom, September, 1982)

A timber cruise of the site in June 1982 revealed the primary species to be Douglas fir, Western hemlock, Port Orford cedar, and Red alder. The average height of the trees was estimated at 40 feet with an average diameter of 12 inches. The analysis

concluded that merchantable logs from the site would have defects and could then only be used for lower grades of saw lumber and that obviously, at the site at current commercial yield would be minimal. (Sabin, 1982)

Community attitudes in Prosper toward the proposed uses have been permissive. The Prosper development will not preserve and protect the site for long-term forest uses. The findings of this exception show that any commercial forest use potential is questionable. Forest Kemp, a resident of Prosper for 40 years stated:

Coos County's rural housing exception was taken to justify the need for smaller acreage housing sites on lands which are classified as suitable for agriculture or forest uses. The rural housing element finds that smaller parcels of approximately 10 acres or less were unsuitable for commercial agriculture or forest products because of minimal yields compared to long-term investment and harvesting costs. Intensive, commercial management of forest lands requires large land holdings and considerable capital investment around

here. A public fishing pier sounds like the forest land element (see p. 21) points out that conditions for intensive forest management of small parcels requires strong owner motivation, terrain conducive to easier and cheaper operations, and a good level of stocking with good fire and energy merchantable hardwood species so that income can be secured from the first operation. He also pointed out that consolidated larger tracts by large companies of these smaller holdings here best to commercialize prevailing storms. Although the site is 3.5 miles from U.S. 101 and 5 river miles from the bar, the distance is The County's findings do however recognize a "countervailing trend towards small-scale farm or forest operations which are managed on a part-time or hobby basis." Rural Housing element p. 29. Conclusions - in the element place these types of reasonable holdings within the 40-acre change (smaller farm or protection woodlot). Parcels less than the 10-acre minimum were then assumed to be lost to commercial resource production. Considering that this site is close to the minimum size considered feasible for small-scale forest management (11.55 ac.) currently poorly stocked and has some steep terrain, it appears to have minimal potential for forest production.

Historical The community of Prosper was first settled by permanent residents in the 1870s. The location was selected because it provided protected moorage and deep water and was only 5 river miles from the Coquille estuary. During the period from 1880 and 1920 Prosper thrived. At one time, it had a larger payroll than neighboring Bandon and boasted a direct ocean passenger and freight line to San Francisco, three sawmills, box factory, shingle mill, two general stores, post office, salmon cannery and a large shipyard. By the 1950s much of the commercial and industrial activity was gone, however private building, repairing and moorage continued. Today Prosper has 12 homes of small boat docks and vacant land lie along the river where the lumber mills, shipyards, and a cannery once stood.

Historically, Prosper was a commercial and industrial focal point. The proposed Prosper development may help to revitalize some of its early status.

Community attitudes in Prosper toward the proposed uses have been informally polled and reported by the Coos-Curry Council of Governments. (1982:40-41) Six local persons gave favorable responses when told about the project, with no negative responses. Forest Kemp, a resident of Prosper for 40 years stated:

There is very little community spirit in Prosper anymore; there is no place to congregate with your friends. It's quite possible that this may provide a good place to get together. I understand that they will have a public fishing pier. Fishing is one of my favorite activities and I can't get to the river around here. A public fishing pier sounds like a fine idea. I think this project will do a lot for community spirit.

5. Energy. Considering alternative energy sources and energy consumption by the development, there would be little passive solar gain on the northerly slopes of the ridge. However, this disadvantage should be offset by its relatively sheltered position from prevailing storms. Although the site is 3.5 miles from U.S. 101 and 5 river miles from the bar, the distance is insignificant in terms of fuel costs.

6. Conclusions. The site, by far, meets most of the essential siting requirements -- proximity to the marina, size, reasonable cost, and aesthetic appeal. The conflicting resource protection requirement has been shown to be of lesser importance when compared to the economic benefit of the proposed development.

Ferry Creek

Location.

Ferry Creek is located at river mile 1.1 within the City of Bandon. It is approximately one city block from U.S. Highway 101 and within two blocks of Bandon's Old Town. The site is situated where First Street and Riverside Drive meet on the eastern side of the roadway.

Description.

1. Relationship to Marina. The marina area of approximately 6 acres lies west/northwest of First Street/Riverside Drive and is capable of mooring 100 boats. Upland acreage lies immediately east of these streets.

2. Size and Topography. The upland area is 1 to 2 acres in size and has a slope of 0 to 5%.
3. Utilities. All public utilities are available at the site provided by the City of Bandon.
4. Road Access. See "Location" described above.
5. Natural Hazards. The area surrounding the creek is considered to be within the 100-year floodplain by the Department of Housing and Urban Development.
6. Weather. The general climatic conditions described for the Prosper site would apply here, except that this site is unprotected from storms and would be subject to cooler, foggier weather sooner than upriver locations.
7. Adjacent Land Uses. The Bandon sewerage treatment plant is located immediately across from the upland site on the estuary side of the roadway. Moore Mill is one to two blocks north of the plant. The area is within walking distance of Old Town Bandon. Site vegetation consists of various shrubs, weeds and few trees.

Economic, Environmental, Social, Energy Evaluation and Consequences

The small size of the vacant buildable land of one to two acres coupled with the 100-slip marina would reduce the revenue and employment benefits of the project. Moreover, the small upland would probably not be able to accommodate more than the marina's accessory uses (parking, storage, utility buildings and so forth). Thus, the clubhouse/lodge and related facilities could not be constructed.

Although locating this project here would benefit the economy and add to tourism potential of Bandon, the contribution would be less than that derived from the Prosper site due to its lesser scale.

Other costs associated with development here entail altering the drainage of Ferry Creek during construction and rerouting the sewerage treatment plant outfall around the marina which presently runs through the Ferry Creek mudflat. This site, however, has the fewest problems and costs in providing adequate roads, water and sewerage services by virtue of its urban location.

The Coquille River Estuary Management Plan designates the water area where the marina would be located for water-dependent industrial development, together with the adjacent upland. Use of this site for a recreational marina and lodge complex would preclude fulfilling identified needs for water-dependent industrial uses. Therefore, taken as a whole, this site is far less acceptable.

The site obviously would have the advantage of being close to another tourist destination point, the port and town of Bandon, and would certainly complement the city's efforts toward economic revitalization. However, the location is seriously undesirable for any privacy or aesthetic appeal due to the unavoidable view of the sewerage plant and adjacent industrial uses like the Moore Mill site and truck shop.

Conclusion.

Findings for the Ferry Creek site must conclude that the site is unacceptable as an alternative. It is too small to accommodate all of the proposed uses; the marina site does not truly satisfy the adopted plans for industrial water-dependent uses, and, finally, the site's aesthetic appeal is diminished by existing uses.

Bullards Bridge

Location.

This site lies on the west side of the north end of Bullards Bridge at river mile 3.1, approximately 500 feet directly west of U.S. Highway 101. (Tax Lots 100, 200, 300, Section 18AD, Township 28S, Range 14W.)

Description

1. Relationship to Marina. The marina area of about 5 acres would be contiguous to the upland facilities. The configuration of this site would limit boat slips to 100.
2. Size and Topography. The upland uses can be placed on approximately 5 acres. The upland portion is relatively flat.
3. Utilities. There are no public services available at the site.
4. Road Access. Road access would come from U.S. Hwy. 101, but construction of a safe intersection would be difficult due to the proximity of Bullards Bridge.
5. Natural Hazards. Most of the site is within the federally identified 100-year floodplain. The site is fairly flat, however, much of it contains a freshwater wetland not considered to be significant habitat for wildlife.
6. Weather. General conditions similar as other sites but its southerly exposure to winter winds and waves is direct. The estuarine portion exhibits considerable drift log and other flood deposited debris.

7. Adjacent Land Uses. The old Georgia Pacific dock and property borders the site to the west and several residences occur to the north who have access from U.S. 101. Bullards Beach State Park fully borders the GP property. Rogge Lumber Company lies across the river east of the bridge. Directly across the site lie expanses of tidal marsh. The City of Bandon can be seen in the distance. Very little on site vegetation is worthy of retention.

Economic, Environmental, Social, Energy Evaluation and Consequences

Economically, this location is one step above the Ferry Creek site in value for jobs and revenue since the site can accommodate all of the proposed uses whereas Ferry Creek cannot. However, the economic return will be considerably less than the Prosper site since the available area at Bullards Bridge is so much smaller both for the marina and associated uses and for the clubhouse/lodge. Although development at this site would result in achieving desired goals toward diversifying local economy and boosting the tourism industry, these would be accomplished to a lesser degree.

Direct road access to this site is wanting. It would most likely come from U.S. 101, however, special designs might be required to minimize congestion and hazards that would result from north-bound traffic turning west to the site immediately after crossing the bridge. Water and sanitary sewerage facilities would have to be resolved on site. Some fill would be required to retrieve buildable land from the swampy conditions; extra precaution for drainage would have to be applied.

The area surrounding the Bullards Bridge site is now relatively undeveloped especially with the Bullards Beach State Park in close proximity to the northwest. The area across the river covers a large expanse of tidal marsh protected from development by the estuary management plan. However, this plan has recognized the potential for industrial development at the contiguous GP site which is set aside for water-dependent industrial development (Shoreland and Aquatic Segments 14). The proximity of the highway bridge reduces the site's aesthetic appeal and privacy. Moreover, the site is so situated as to take the full brunt of winter storms.

Conclusions.

Comparative evaluation of this site finds that it is less desirable than that located at Prosper. Although both sites share problems of providing essential services (especially when compared to Ferry Creek), the Bullards Bridge site scores lower by virtue of its reduced economic return to the area and its lack of aesthetic appeal. Potential adjacent land uses, the proximity of the bridge, and the climatic conditions cannot be offset by the untouched and preserved park land in the vicinity.

4.4 COMPATIBILITY WITH ADJACENT USES

The lands immediately upstream and across the river from the Prosper development site are designated for agriculture in the Coquille Estuary Management Plan and are used as pasture. The estuarine uses immediately downstream from the marina site are planned for marine industrial. Therefore, on this side of the river, more intense development is expected. Docks, which are remnants of the early shipping and lumbering activity in Prosper, remain one-quarter mile downstream.

The immediate environs of the upland uses, although currently forested and undeveloped, are planned for housing and preliminary plans have been approved for the Armstrong subdivision of approximately 115 acres contiguous to the Prosper site. It can be assumed that this development will take place as the new housing construction industry improves. A recreational facility would better complement these uses with the open space and site amenities that are planned, than other types of commercial development.

The development, approximately one-quarter mile from the community of Prosper, will undoubtedly intensify activity. However, residents have not expressed objections to this change, and even find it desirable. (Section 3, Prosper Site, Social Consequences)

4.5 SUMMARY

The preceding analysis and findings support the conclusion that an exception to Statewide Planning Goal #4 has been justified for the construction of a commercial use at the Prosper development site.

4.6 REFERENCES

- Battelle Laboratories
1973 The impact of travel on the Oregon economy and
visitor use of tourist serving facilities.
- City of Bandon, Oregon
1978 Comprehensive Plan. Bandon, Oregon.
- Coos-Curry Council of Governments
1982 Draft Environmental Assessment for Prosper
Boatworks and Marina. North Bend, Oregon.
- Coos-Curry-Douglas Business Development Corporation
1981 Industrial Land Needs Survey and Comparative
Advantage Analysis--Coos Bay Estuary. Roseburg,
Oregon.
1982 Personal Communication, Ed Abrahamson, March, 1982
- Coos-Curry-Douglas Economic Improvement Association
1980 Overall Economic Development Plan. Roseburg,
Oregon.
- Oregon Coastal Conservation and Development Commission
1974 Economic Survey and Analysis of the Oregon Coastal
Zone. Florence, Oregon.
- Sabin, Jack
1982 Report of timber cruise, August, 1982.
- University of Oregon
1982 Tourism in Coos County: A Visitor Profile.
Department of Urban and Regional Planning, prepared
for the Coos County Economic Action Team. Eugene,
Oregon.

This page is intentionally
left blank

5. Rural Housing Exception

RURAL HOUSING EXCEPTION STATEMENT

EXCEPTION TO STATEWIDE PLANNING GOALS: #3 (Agricultural Lands) & #4 (Forest Lands)

5.1 INTRODUCTION

5.1.1 Purpose:

To justify the continued provision of rural housing opportunities in areas containing agricultural or forest soils but which are no longer suitable or otherwise available for agricultural and forest uses..

5.1.2 Exception Criteria:

When a local government determines that there are reasons to use resource lands for uses not allowed by a specified goal or goals, the local government must provide justification for its determination by adopting an exception to the applicable goal(s) as part of its comprehensive plan.

LCDC Goal #2, Part II(b) sets the following general standard for determining "irrevocable commitment":

The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable.

OAR 660-04-028(2) interprets the referenced goal language to mean that the following factors must be addressed in the findings of fact for the goal exception:

- o existing adjacent uses;
- o public facilities and services;
- o parcel size and ownership patterns of the exception area and adjacent lands;
- o neighborhood and regional characteristics;
- o natural boundaries or other buffers separating the exception area from adjacent resource land;
- o physical development according to OAR 660-04-025; and
- o other relevant factors.

The following section contains the findings of fact and statement of reasons necessary to justify the taking of both an "irrevocably committed" exception to the Agricultural Lands and Forest Lands Goals to provide for rural housing in Coos County.

5.2 CONCLUSION

OVERALL CONCLUSION:

THE FINDINGS OF FACT AND STATEMENT OF REASONS
PRESENTED WITHIN THIS DOCUMENT DEMONSTRATE
THAT THE STANDARDS IN GOAL 2, PART II (b) AND
IN OAR 660-04-028 FOR AN EXCEPTION HAVE BEEN
MET.

5.3 "Irrevocably Committed" Areas Exception Justification

Conclusion: 21,742 acres of land in the unincorporated County is irrevocably committed to rural residential uses not allowed by Goals #3 and #4 because existing adjacent uses and other relevant factors of OAR 660-04-028 (2) make impracticable the uses allowed by Goals #3 and #4.

This conclusion is supported by reasons, findings and conclusions made for each of 103 study areas as shown in Appendix B of the Comprehensive Plan's Housing Inventory, as modified by the findings in Appendix C of the Housing Inventory. The individual findings and conclusions for each study area result from a careful analysis of factors (a) through (g) of OAR 660-04-028(2).

The new figure of 21,742 acres in committed areas represents a slight decrease from the 22,082 acres figure in the previous effort toward acknowledgement. As shown more clearly in the following table, the new figure actually represents a +2,500-acre shift in the placement pattern of committed areas.

Committed Area Changes

Acres	¶	Changes
22,082	¶	1984 Total residential committed areas
-3,051	¶	Residential committed areas rejected by LCDC as having insufficient findings
+1,592	¶	Rejustified residential committed areas
+1,119	¶	Newly committed former "need exception" residential areas
21,742	¶	Revised (2/85) Total Residential Committed Areas

In virtually all cases, the rejustified and newly committed areas abut both "approved" committed areas as well as lands zoned for agricultural or forest use. Although no single township accounts for a majority of this acreage, substantial portions occur in the Hauser/North Bay Drive area and in the areas abutting the east and south Bandon city limits. In these and other cases, the pattern of development on the exception parcels and adjacent parcels, as documented in the matrix in Appendix "C" of the Housing Inventory, demonstrates that these areas are no longer appropriate or suitable for resource uses.

5.4 Conclusion:

Reasons Justify Why The State Policies of Preserving And Maintaining Agricultural Lands And Of Conserving Forest Lands For Forest Uses, As Embodied In Goals #3 And #4, Respectively, Should Not Apply To 7365 Acres Of Land In Coos County.

The following section contains the facts and assumptions used as the basis for determining that the state policies embodied in Goals #3 and #4 should not apply to 7365 acres of land in unincorporated Coos County. Many of the facts and assumptions are drawn from the Plan's "Housing Inventory", which provides greater detail. As explained more fully in a subsequent section (5.4.6), the 7365-acre figure represents the amount of land required to accommodate the expected growth to the year 2000 in purely rural residential housing, after accounting for substantial infill development within the vacant portions of identified irrevocably committed areas.

- 5.4.1 Many Coos County residents prefer a rural living environment which is rooted in the cultural and economic history of the area. This is evidenced not only by numerous comments made through the County's citizen involvement program but also by a significant market demand for rural homesites. The County, however, chooses to ignore market demand, as required by LCDC's administrative rules (although not required by the Goals, themselves).

The preference for a rural living environment is a long-established cultural phenomenon in Coos County. To a large extent, at least for families long residing in the area, this preference stems not from a romantic idealization of the "country", but from a close association with rural areas through involvement in logging and farming. This association is also seen in the strong preference for outdoor forms of recreation, fishing, hunting, boating and off-road vehicles. Many express the desire to move from town onto an acreage homesite when financial resources permit it.

There are a number of motives which may be involved in this choice. Some cite the freedom from noise, traffic, and problems with neighbors as important. Others see the rural setting as safer and more healthful. (See Exhibit #8, Appendix A). Some prefer a rural home for retirement; others see it as an ideal environment for raising children. Some equate rural living with freedom and independence. Others see it as an opportunity to foster a close-knit and interdependent community (See Exhibit #5, Appendix A). It is estimated that most rural residences in Coos County are primary residences. A significant number, however, particularly around lakes or on rivers are recreational second homes, used only part of the year. The point is that rural homesites fulfill a wide variety of needs and aspirations. As suggested above, some of the motives for preferring rural living may appear contradictory. For

instance, some seek disengagement from urban living and its perceived problems, others may seek closer engagement, or a feeling of community. These impulses recall the age-old debate about the virtues of urban versus rural living which has existed since classical times and lies close to the heart of western cultural traditions. The debate continues today. The traditional focus of planning principles and practices has been on the urban environment, its problems and potentials. Planning for rural counties is a relatively new endeavor. The Coos County plan does not state a preference for the rural lifestyle to the exclusion of urban development. However, it does seek to complement the individual city and urbanizing area plans by stressing the need for a choice of living arrangements. As far as possible this would be consistent with resource land protection. A plan which failed to do this would most likely not find acceptance among the public, and could not be adopted or properly implemented by the county. This in turn could possibly jeopardize the future of any kind of rational land use planning in Coos County, which would be costly and wasteful of resource lands in the future.

5.4.2 Existing rural land use patterns containing substantial acreages of rural housing together with a number of rural centers provide essential rural services to their communities.

A large number of areas in rural locations are "irrevocably committed" to residential development. Some of these areas are considered to be "rural centers" since they meet the criteria set out in "Rural Housing", Section 4.3.6. All these areas are identified on the Rural Housing Analysis maps and total 22,082 acres. These areas represent a considerable rural population and contain certain industrial, commercial and other uses which serve these rural communities. It is more reasonable to expect these communities to continue to exist and experience some growth than to assume that all future residential growth (non-farm or forest-related) will occur within urban/urbanizing areas. It has been established above (Section 5.6.2) that there is space to accommodate nearly 42% of future rural residential growth in these "committed areas", (up from 21.4% in the previous plan effort), which points to the need for other land to be designated "rural residential."

5.4.3 Industrial growth within committed rural industrial areas, expansion of rural cottage industries and expansion of resource related primary processing facilities are all planned to help Coos County expand and diversify its employment base. These rural industrial components benefit from the siting of residences close to place of employment.

- 5.4.4 Providing rural housing opportunities can help to fulfill the need for a variety of housing locations, type and density.

Mobile homes are an increasingly popular and affordable housing alternative, particularly for low or middle income households [See Meeting Summary, Appendix A (L. Mix)]. Cities have tended to require that mobile homes be located in special mobile home subdivisions or within particular zones with specific design standards. Rural areas provide an alternative for those who prefer a more informal setting. Rural homesites also provide a place for more unconventional housing types or designs (log cabins, geodesic homes, etc.) which might be considered less appropriate in urban areas. Development standards appropriate to rural areas are less restrictive (and less costly) than those required in urban areas (for instance, paved streets, sidewalks and gutters are not always necessary) because of lower densities. Nor are urban level water and sewer services usually appropriate. These factors also contribute to a greater flexibility of housing type; some people prefer to do without the inflexibility of layout and design that urban level services often impose and choose a rural location for this reason.

- 5.4.5 Rural homesites can provide for a measure of self-sufficiency in food and wood for fuel and building materials.

Many people are attracted to the rural lifestyle by the opportunity to achieve a small measure of independence and self-sufficiency. A small lot, if appropriately managed, can accommodate a large garden plot for home food production. Some people prefer to clear a small pasture and raise a cow, sheep or goats for household meat or milk production. [See Exhibit #5, Appendix A.] A small lot may also provide enough firewood to supplement annual heating requirements and a stock of timber for building materials. It is to be stressed that these activities are distinct from true farm or forest management in that they generally provide only for household needs or for "trading stock," not products for the commercial farm and forest products market. These activities may be seen as recreational and part of the rural lifestyle which people seek out for its pleasurable aspects, rather than as truly an economic activity in the conventional sense.

- 5.4.6 Review of Analysis from Housing Inventory

The Countywide Housing Inventory [Volume I, Part 2] estimates 4411 additional homes in the unincorporated areas of Coos County within the planning period. The "Housing Allocation" portion of the inventory establishes that a certain portion of this total (457 d.u.) will be provided in conjunction with

farm and forest uses. [See Table 19]. The remainder, 2,980 d.u., is expected to meet projected rural residential growth. In Section 4.5.4 it is established that a total of 12,665 acres will be needed to accommodate this projected rural housing growth, using the assumptions about future densities developed in Section 4.5.3. It has been established in Section 4.3.5 that vacant, suitable lands within areas already "physically developed or irrevocably committed" to rural residential uses should be used for future "infill" development. It is estimated in Section 4.7.4 Table 39 that about 5300 acres of such land is available Countywide for "committed area infill." When this amount is subtracted from the total needed for future rural housing growth (12,665 ac.), the difference of 7,365 acres is found to be needed in other lands outside of "developed" or "committed" areas. [See Section 4.7.4.]

Rural unincorporated areas have been growing far faster than predicted in earlier Plan efforts. Nevertheless, the Planning Commission has made a policy decision based on LCDC's administrative rules, to "engineer" population growth away from what trend analysis would indicate is likely to happen absent any controls. The Plan thus artificially forces a decreasing share of total population onto the unincorporated areas, so that unincorporated population share of the total is now projected to decline from 41.1% in 1980 to 36.6% in the year 2000.

Following review and rejection of the first Plan effort by LCDC, the Planning Commission reevaluated its committed area analysis (see Exception, Section 5.2.1). Upon review, the County Planning Commission removed 3923 acres from the initial Rural Residential Housing Exception. The revised maps now total 6747 acres of Rural Residential exception, plus another 618 acres remaining to be allocated, for a total of 7365 acres. Thus, it is apparent that the original Plan's Rural Residential Exception total of 9780 acres understated the actual mapped acreage figure by 1508 acres, so that the original Exception acreage total should have read 11,288 acres. The Planning Commission assumes that a recent change in assessment factors produces the discrepancy. The Department of Revenue has revised assessed acreage totals downward to reflect deletion of land under roads and water. It is believed that this is the main cause of the 13% error.

The difference between the revised original figure of 11,288 and the new total of 7365 represents a 35% decrease in the actual mapped acreage proposed for a full exception.

The net result of these changes is to reduce the amount of non-committed land capable of agricultural or forest production for which an exception is required. The section which follows summarizes the results of further site analysis

that determined the actual acreages of land for which a Rural Residential exception is taken to the Agricultural Lands and Forest Lands Goals.

5.4.7 Identification of Agricultural and Forest Lands within land proposed for Rural Residential use:

It is apparent that not all of the 7365 acres needed for Rural Residential use will be on "Agricultural Land" or "Forest Land" as defined by the Statewide Goals and identified in the Comprehensive Plan inventories. The land involved is further analyzed below, at the level of the individual "analysis cell" to estimate the acreages of land for which an exception is required to either the Agricultural Lands or Forest Lands Goal. (The "analysis cell" is an approach to the task of analyzing suitability which overcomes the problem of widely varied parcel sizes by aggregating them wherever possible into roughly equal sizes of a standard 40 acres each. See Inventory Section 4.8.2 for further detailed explanation.)

Agricultural Lands are defined in Goal #3 as:

. . . "land of predominantly Class I, II, III and IV soils . . . as identified in the Soil Capability Classification System of the U.S. Soil and Conservation Service, and other lands which are suitable for farm use."

The specific criteria for identifying "other lands" which are of particular relevance in Coos County are "suitability for grazing", "existing land use patterns" and "accepted farming practices."

Forest lands are identified according to the definition in Goal #4. Forest lands which are "suitable for commercial forest uses" are defined as any site which is capable of growing trees at the rate of 20 cubic feet per acre per year or better. This is the equivalent of cubic-foot site classes 1-6.

Procedure

Each individual "analysis cell" proposed for rural residential use was used to estimate the number of acres in each cell which fit the above definition of "agricultural lands." Estimates were made on the following basis:

Score	% Coverage Agri-cultural lands	% of Acreage Included in Exception
10	0%	0%
8	0-25%	12.5%
6	25-50%	37.5%
4	50-75%	62.5%
2	75-100%	87.5%
0	100%	100%

For each score there is an equivalent range of percent coverage by agricultural lands. In order to estimate the acreage to be included in the exception, the mid-point of each range was multiplied by the net acreage available for development. Thus, in a cell with 40 acres available with a score of 4, it was assumed that 62.5% of the area is "agricultural," or 25 acres. The true figure is somewhere in the range between 20 and 30 acres.

It is assumed that the margin of error involved in this method will be self-cancelling as all cells are summed up, and thus will be minimized in the aggregate.

The procedure for estimating the area of forest lands involved in this exception was as follows. A score of 10 in the "forest lands" column indicates that the cell has no commercial forest lands. A score of less than 10 indicates that those cells fall within the definition of commercial forest lands.

Where no Class I-IV soils are indicated, but part or whole of a "cell" is in current farm use, the score in the "current farm use" column is used to estimate the acreage which needs to be included in the exception.

Total acreages included in exception

As a result of the procedure above, it has been determined that 4,238 acres of agricultural lands and 6,616 acres of forest lands are needed for rural residential uses, and therefore require an exception. The acreages are compared below with total acreages required for rural residential uses outside "committed areas".

Acreages for which exception is required compared with total rural residential acreage outside "committed areas"

TABLE Acres for which exception is required, with total rural residential acreage outside "committed areas"

	Total Rural Residential land needs (ac)	Agricultural Lands		Forest Lands	
		Acres	% of Total RR land needs	Acres	% of Total RR land needs
TOTAL	7365	4238	57.5	6616	89.8

The Rural Housing Analysis Maps show the areas which are considered suitable for rural housing growth. The map shows only the location of the cells, not the actual acres of agricultural or forest lands.

There is a distinction between cells which contain both agricultural and forest lands and those which contain only agricultural or forest lands, or neither. The previous chart only lists the percentage of the total acreage (7365 acres) which is either agricultural land or forest land. Of course, a substantial acreage fits both definitions. Only a small acreage (749 acres) is non-forest land. Some of this small acreage, however, may be agricultural land. There is a substantial area of overlap therefore, between the two categories. Many areas of the County technically fit both the agricultural lands and forest lands definitions.

5.4.8 As noted by Dr. Dueker of Portland State University (from the Rural Residential needs hearing on December 12, 1982; see Appendix A, Exhibit #6), the service cost is no greater in rural areas: ". . . Neither the costs to consumers nor government are greater in rural areas. In fact, it is cheaper to live and service rural housing. The premise upon which the UGB is based is not firmly based. There is little evidence that containment of urban growth is more efficient. The premise that commuting costs and public service costs are reduced by containing growth to the urban areas is not supported."

5.4.9 As noted by LUBA referee William Cox in DLCD V. Tillamook County (See Appendix A, Exhibit #11), the word need has many different meanings, and, following the lead of psychologist A. Maslow, 'could be considered equivalent to desire'. Indeed, Mr. Cox goes on to say:

"The requirement in Goal 10 that land use plans shall encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon

households and allow for flexibility of housing location, type, and density, "would seem, however, to indicate the goal is referring to esteem and self-actualization needs rather than physiological needs. If 'need' is to be described in terms of esteem or self-actualization then the desires of Oregon's citizens, as measured by market demand for housing types and locations, must be satisfied."

- 5.4.10 Rural areas produce less stress and more psychologically beneficial family environments, according to Dr. Dale Helland and Mr. Jim Mills, two psychologists who submitted testimony at the Rural Residential needs hearing on 12/8/82 (See Exhibits #8 and Meeting Summary, Appendix A.)
- 5.4.11 Coos County requires a substantial supply of rural housing to satisfy a potential need for emergency housing for 96,000 evacuees from the Eugene area in the event of nuclear war, according to the Federal Emergency Management Agency (FEMA). [See Exhibit #9, Appendix A.]

5.5 Conclusion: Areas Which Do Not Require A New Exception Cannot Reasonably Accommodate The Use.

There are three types of land categories in Coos County theoretically capable of providing physical space for the areas of rural residential housing without the taking of a new exception. The following lists each area and describes why the particular area cannot accommodate rural residential uses.

- (i) Nonresource lands. These lands generally occur in a narrow strip of land paralleling the coastline, and are composed largely of active foredunes and conditionally stabilized dunes. These lands cannot physically accommodate rural residential housing primarily for three reasons: (1) such areas will often be either unsuitable or of limited suitability for development as regulated by Goal #18, and thus would require the taking of a different kind of exception; (2) the size of suitable areas is therefore expected to be extremely small; and (3) the areas are often either inaccessible or would require extensive and costly road construction across agricultural and forest lands to provide access. All other lands in Coos County are believed by the Department of Revenue to be capable of forest production (approximately 81% of Coos County, or 847,000 acres, is designated commercial forest land).
- (ii) Irrevocably committed lands. Suitable vacant land within committed areas totals only 5300 acres, and has been considered as available to help reduce the amount of the

total rural residential exception acreage. However, forcing remaining rural residential needs to occur within committed areas could require a very costly extension of public sewer and water to such areas because of the resulting "urban" density that would be forced on to the committed areas. This seems especially wasteful because individual septic systems are sufficient to handle the demand and, through regulation by the Department of Environmental Quality, are expected to continue to be sufficient during the planning period. Worse, the extension of such services would contravene the intent of the Plan to provide urban level services to urban areas. Instead, rural lands would be forced to become urban.

- (iii) Cities and urban growth areas (UGAs). Cities are now proposed to have an increasing (rather than constant) share of total population growth. Also, UGAs have been earmarked for a greater percentage of unincorporated growth than in the previous acknowledgment effort. LCDC has acknowledged the County's cities and their UGAs based on the same coordinated population projections that show added (declining share) rural growth. Cities and UGA's by definition do not provide the rural living experience nor meet the reasons expressed in a previous section that justify not applying the state policies embodied in Goals #3 and #4.

5.6 Conclusion: The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception.

5.6.1 Summary of the long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts.

(i) Environmental impacts

Negative:

- a) Wildlife habitats. While certain sensitive wildlife species might be displaced to another area, long-term impacts are expected to be very minor.
- b) Water quality. Long-term impacts include leaching from septic systems and sedimentation from soil erosion. However, such problems can be minimized by the application of appropriate regulations.

- c) Air quality. Adverse impacts from woodstove heating and automobile emissions are expected to be minor in rural areas, particularly because the typically strong coastal winds rapidly and effectively disperse local pollutants.

Positive:

- a) Aesthetic quality. Rural residences tend not to clear cut their property, preferring instead to maintain ground cover and the aesthetic values of forest cover. This not only acts to decrease the amount of sedimentation entering streams but also helps provide a visual relief in areas of mixed forest and rural residential uses that are ready for harvest by clear cut.
- b) Air quality. The rapid increase in woodstove use and its concomitant air pollution in urban areas will be partially mitigated by allowing for sparse settlement on acreage homesites in rural areas.

(ii) Economic consequences

Negative:

- a) The exception will remove 6,616 acres of forest land and 4,238 acres of agricultural land from production. (There is, of course, an overlap, since some of the lands are suitable for both, although they cannot simultaneously be used for both.) However, the 7,365 acres which is the subject of this exception, represents less than 1% of the total land area in resource use in Coos County. Almost all of the acreage of Class I-IV soils proposed for residential use has no productive history for agriculture and is unlikely to be converted in the future. Many forest land areas selected for residential use are of low site class. Many areas are also close to existing "committed areas" or already in smaller ownerships, though not yet "committed".
- b) Potential conflicts between resource production and residential use are discussed further in Section 5.5.
- c) Fiscal impacts may occur for road building and maintenance or school busing. However, with clustering of new residential areas around "committed areas" these impacts can be minimized.

Positive:

- a) Continued rural residential growth will enable a greater share of costs for sewage treatment, roads and water supply to be charged to private funds. Dr. Dueker (see Exhibit #6 and #14, Appendix A) suggests that supply side factors of (1) underpricing of transportation and utilities, and (2) lower planning and development costs in rural areas, both lead people to prefer rural over urban residences. Several of Dueker, et al's reasons for the underpricing of rural transportation do not seem to apply to Coos County. First, many rural roads in the county, even though designated as public roads, are entirely maintained by user fees (users being those owning property along the road in each road district) and are not a burden on general county-wide tax revenues. Second, the urban Bay Area is relatively uncongested and unpolluted, (although congestion is partly a matter of engineering standards and partly a matter of perception), so that urban transportation may not be seriously underpriced. Therefore, rural residential would not be "unfairly" competing with urban land on the basis of cost.
- b) Home gardens, orchards and small-scale grazing will realize substantial economic benefits to individual households.

(iii) Energy Consequences

Negative:

- a) Increased rural residential development will cause increased transportation and energy costs. However, clustering and provision of neighborhood services in rural centers can reduce these costs.

Positive:

Rural homesites provide a greater degree of energy independence, allowing easier siting for solar access and firewood for home heating.

(iv) Social Consequences

Negative:

There may be a tendency to greater social isolation and reduced social interaction.

Positive:

As noted by Dr. Dale Helland in Exhibit #8, Appendix A,

"Research by environmental psychologists (as well as other specialties within psychology) have found physical and psychological advantages to rural as opposed to urban housing in many studies. ...A study of over 1600 individuals from 16-92 years of age found significantly higher depression for urban residents than for those living in a rural setting. This was especially pronounced in individuals in the child-rearing and middle years, middle income families and women."

Further, as noted in the Meeting Summary of the Rural Residential Needs Hearing of December 8, 1982,:

Jim Mills, a marriage, family and child counselor with a Master's degree in Psychology, agreed with the written testimony submitted earlier by Dr. Helland, noting that rural housing helps promote a stronger family life, and that studies have indeed shown that, in general, the higher the residential density, the higher the crime rate, especially violent crime. In response to a question from Mr. Grile as to whether Dr. Helland's statistics about the lesser stress of rural life are applicable on a micro-scale to Coos County, Mr. Mills replied

in the affirmative, noting that the Coos Bay/North Bend area is urban compared to the outlying areas. Mr. Mills noted that, while many of his clients' emotional problems can be ascribed to the poor local economy, it is also true that rural living tends to produce less stress than urban living, and that stress on an individual can lead to marital and family problems and increase the likelihood that children from such families will be delinquent.

5.6.2 Why the consequences described in Section 5.2.4.1 are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception.

Coos County's "suitability rating system", a unique method for analyzing and measuring constraints on development and opportunities for development (based on the requirements of LCDC Goals #3, #4, #5, #7, #11, #12, #13 and #17) provides a convenient and almost site-specific means for ranking candidate exception sites by extent of compatibility and long-term consequences. The suitability rating system compares individual "analysis cells" according to 17 different weighted criteria, and then helps select those sites with the highest scores. Those sites having stronger impacts on a protected resource or more adverse consequences as regulated by a particular goal are thus the least likely sites of being selected for rural residential uses.

5.7 Conclusion: The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

Findings of Facts:

- (i) There is no significant incompatibility between rural residential uses and adjacent urban residential uses.
- (ii) There are no instances where areas proposed for rural residential use directly abut industrial areas.

- (iii) Forest practices in small woodlot areas are not expected to include burning and herbicide use, which will reduce conflicts between residential and small woodlot uses.
- (iv) In all remaining residential exception areas, a combination of buffering with SW-10 and EFU-10 zones, setbacks of buildings, firebreaks and development restrictions in areas with critical water supply problems, will remove conflicts with adjacent farm and forest uses.

0. Physically Developed Areas Findings

The following maps contain areas which are physically developed to nonresource use under OAR 660-04-025: maps 15, 16, 19, 21, 22, 24, 25, 26, 31, 32, 33, 39, 42, 47, 50, 51, 53, 63, 67, 69, 72, and 73. These areas are similar in that they are all clusters of parcels less than ten acres in size with dwellings. Because of the similar circumstances found in each of these areas, they are found to be physically developed and unavailable for resource use on the basis of the general findings below:

1. The areas referenced on the maps listed above are composed of parcels which are physically developed, each with a dwelling. Developed rural residential parcels typically have road and driveway access, a well and septic drainfield, electric service, and telephone service.
2. All parcels are less than ten acres in size. Parcels of less than ten acres are too small for farm use. The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. Therefore, none of these parcels is large enough by itself to support the dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). Within the Bandon area (Class VII with soils, Agricultural Soils Map), parcels less than ten acres are too small to support cranberry production (Plan Inventory, p. 3.1-33). None of the parcels contained in the maps referenced are in farm use and none are in common ownership with any adjacent resource parcels (County Assessor's tax roll).
3. Because these parcels are all less than ten acres in size, they are too small to support forest use (Plan Inventory, Section 3.2). None of these parcels is in common ownership with any adjacent forest land.

Conclusion:

Because the areas referenced on the map listed above are composed of parcels which are too small for farm or forest use, are not part of a larger farm or forest ownership, and are physically developed to rural residential use, these areas are no longer available for resource use under OAR 660-04-025.

"Committed" Area Findings

Area 1

This area is located on the north shore of Tenmile Lake. Adjacent uses are forest lands to the north and rural residential use to the southeast. According to County assessor's maps, the pattern of parcelization existed before 1978. The area consists of 19 acres in four separate ownerships. A dwelling is located on parcel 1200. None of these parcels is classified as farm land for tax purposes (County assessor's tax roll).

There is no farm use in the area. The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

The three parcels on the west side of the area are committed to nonresource use because of their small size and the dwelling on parcel 1200. Parcel 400 is also committed to nonresource use because it is less than 20 acres in size and has small rural residential parcels and dwellings to the west and east; parcel 400 is part of a larger cluster of parcels in separate ownership and is buffered from forest uses on the west, south, and southeastern sides. Further, a portion of parcel 400 is within the Coastal Lakes Shorelands Boundary. Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewey Jurkiewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 2

This area is located near the south shore of North Tenmile Lake. The area includes six ownerships and several dwellings. This area is only eight acres in size and is part of a larger "committed" area with small parcels and several dwellings on the shore of the lake. Developed rural residential parcels typically have road and driveway access, a well and septic drainfield, electric service, and telephone service.

None of these parcels is classified as farm land for tax purposes (County assessor's tax roll) and there is no farm use in the area. The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

The area is bounded on the south and west by the lake and other rural residential development. Parcels 200, 300 and 400 are less than one acre in size and are not adjacent to any forest lands. Parcels 800 and 1001 are each less than five acres in size and are in close proximity to numerous residential parcels. The land slopes down across parcels 800 and a row of small residential parcels to the lake. The sloping terrain and the close proximity to these residential parcels makes forest use impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 3

This area is located on Tenmile Lake and consists of three ownerships averaging less than two acres in size and two dwellings. A portion of each parcel is within the Coastal Shorelands Boundary of Tenmile Lake. None of these parcels is classified as farm or forest land for tax purposes (County assessor's tax roll).

The area does not have Class I through IV agricultural soils or Class VII soils (Agricultural Soils Map). Therefore, the area is not suitable for farm use, and no exception to Goal 3 is required.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 4

This area is located on Tenmile Lake and consists of three ownerships averaging one acre in size and two dwellings. A portion of each parcel is within the Coastal Shorelands Boundary of Tenmile Lake. None of these parcels is classified as farm or forest land for tax purposes (County assessor's tax roll).

The area does not have Class I through IV agricultural soils or Class VIIw soils (Agricultural Soils Map. Therefore, the area is not suitable for farm use, and no exception to Goal 3 is required.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 5

This area is a single, ten acre parcel located between Highway 101 and Saunders Lake. To the north is the Dunes National Recreation Area. To the east is a small forest parcel which is in common ownership with parcel 1300.

The area is not classified as farm land for tax purposes and there is no farm use in the surrounding area. The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

The portion of the ownership adjacent to the Southern Pacific Railroad and Highway 101 was designated as forest land to provide a buffer for development at Saunders Lake. Considered together with the adjacent forest land, the production of timber on parcel 1300 would be impracticable. A substantial portion of parcel 1300 is within the coastal lakes shorelands boundary of Saunders Lake where forest management practices such as clear-cutting and application of the defoliants is undesirable. Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 6

This area consists of one parcel of three acres which is physically separated from other resource lands by the West Fork of the Millicoma River, Paggett Creek, and rural residential parcels to the north and west. None of these parcels is classified as farm or forest land for tax purposes (County assessor's tax roll).

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). The area contains only small pockets of Class VII soil which is suitable for cranberry production; further, the Class VII with soil cuts across several property ownerships with no single ownership predominantly soil suitable for cranberry production (Agricultural Soils Inventory Map).

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

April 7

This area is located on the East Fork of the Millicoma River and is adjacent to and part of a larger committed area (T25-R11-S4). The area includes eight ownerships, none of which is greater than ten acres in size, and four dwellings.

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VII with soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 8

This area is located east of Highway 101 and north of Hauser. The area includes seven ownerships averaging ten acres in size. Parcels 100 and 200 are physically developed with a total of three dwellings. Developed rural residential parcels typically have road and driveway access, a well and septic drainfield, electric service, and telephone service. This area is bounded on the north, south and west by extensive rural residential, commercial, and industrial development. Farm lands are to the east.

None of these parcels are classified as farm land for tax purposes (County assessor's tax roll). The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Parcels DB:700 and DC:100 are owned by a timber company; however, the two parcels are separated by power lines (Parcel 1000). They are too small by themselves for production forest management and there are no adjacent forest lands. Parcel AB:200 is only 24 acres in size and its utility for forest use is further limited by its irregular shape, the two dwellings, and additional rural residential development on parcel 100 and numerous parcels to the southwest. Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 9

This area consists of two ownerships, each less than two acres in size, which is part of a larger "committed" area to the north. None of these parcels is classified as farm or forest land for tax purposes (County assessor's tax roll).

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

These parcels are not adjacent to any parcels designated "forest" in the county plan. Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 10

This area is near the old coast highway west of Palouse Slough and consists of a single, seven acre parcel with two dwellings. This parcel is part of a larger rural residential area with a large number of small parcels and dwellings north of the highway. Developed rural residential parcels typically have road and driveway access, a well and septic drainfield, electric service, and telephone service.

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 11

This area is located west of and adjacent to Area 63 and east of an area of extensive rural residential development along the old coast highway and Ridge Road. The area includes nine ownerships averaging less than ten acres in size. Five parcels (100, 101, 201, 1101, and 1301) are physically developed with dwellings. Developed rural residential parcels typically have road and driveway access, a well and septic drainfield, electric service, and telephone service.

None of these parcels is classified as farm land for tax purposes (County assessor's tax roll) and none is larger than 20 acres. The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 12

This area is located on Palouse Slough, on either side of the old coast highway. The area consists of eight separate ownrships, which average less than ten acres in size. Four parcels (301, 302, 400, and 700) are physically developed with dwellings. Developed rural residential parcels typically have road and driveway access, a well and septic drainfield, electric service, and telephone service. This area is a peninsula which is buffered on the east and south by the slough and on the west by tidelands. Heritage Hills subdivision and parcel 301 buffer the area from the two small resource parcels to the north. The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 13

This area is located on the west bank of Palouse Slough. The area contains seven parcels in separate ownerships. Four parcels (103, 203, 204 and 1300) are physically developed with dwellings. Developed rural residential parcels typically have road and driveway access, a well and septic drainfield, electric service, and telephone service.

The area is buffered from farm lands to the east by the slough and a county road. Parcel 1300 is physically separated from farm lands to the north by topography; the land changes from relatively flat terrain on the farm land to hillside terrain on parcel 1300 (aerial photo, Coos Bay Estuary series). The area to the south and west has extensive rural residential development.

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VII soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 14

This area is located on the east fork of the Millicoma River, just above the head of Tide. The area contains eleven parcels in separate ownerships averaging five acres in size. Two parcels are physically developed with dwellings. Developed rural residential parcels typically have road and driveway access, a well and septic drainfield, electric service, and telephone service. The area is physically separated from forest lands to the south by the river. To the north is the Mahaffy Tree Farm; none of the parcels in this area is in common ownership with the Mahaffy Tree Farm.

None of the parcels in this area is larger than ten acres. None of these parcels is large enough by itself to support the types of farm activities found in Coos County (Plan Inventory, p. 3.1-29 through 31) or forest use ((Plan Inventory, p. 3.2-44). Further, all of these parcels are either classified as nonfarm, nonforest land for tax purposes (County tax roll) or where in some cases classed as forest land are not in common ownership with any adjacent forest land. Therefore, farm or forest use of these parcels would be impracticable.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 17

This area is located south of Kentuck Slough, and northeast of the Cooston. The area consists of four lots in separate ownerships. Adjacent uses are forest land to the north and rural residential to the south. None of the four parcels are in common ownership with the adjacent forest land. According to the County assessor's map, the four parcels already existed in 1978 and additional small parcels and five dwellings existed at that time. Although none of the four parcels have dwellings, they are part of a larger built and committed area which has a road providing access and at least ten dwellings (Coos Bay Estuary aerial photo 78-3939).

The area does not have Class I through IV agricultural soils or Class VII soils (Agricultural Soils Map). Therefore, the area is not suitable for farm use, and no exception to Goal 3 is required.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 18

This area is located on the west bank of Catching Slough and adjacent to the Coos Bay Urban Growth Boundary. The area has six ownerships, none of which is larger than five acres, and three dwellings. Developed rural residential parcels typically have road and driveway access, a well and septic drainfield, electric service, and telephone service.

The area does not have Class I through IV agricultural soils or Class VII soils (Agricultural Soils Map). Therefore, the area is not suitable for farm use, and no exception to Goal 3 is required.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 20

This area is located east of Catching Slough and includes six dwellings on seven parcels. This area is adjacent to and part of a "committed" area which is within the shoreland boundary of the Coos Bay Estuary Management Plan; the area within the shorelands boundary has been acknowledged by the Commission. An additional rural residential area is located adjacent to the north.

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

All except parcel 100 are less than ten acres in size; parcel 100 has a dwelling and except for the south side is buffered from resource lands. Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 23

This area is located west of Catching Slough and includes three ownerships, none larger than five acres. None of these parcels is classified as farm or forest land for tax purposes (County assessor's tax roll).

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 27

This area is located east of Isthmus Slough. The area is part of an extensive larger area of rural residential development. Forest lands are adjacent to the northwest and east. Parcel 700 is ten acres in size and is completely surrounded by rural residential parcels. Parcel 100 is less than 20 acres in size and is adjacent to rural residential lands on the east and south, the slough on the west and a power line easement to the north which physically separates it from other forest lands. Parcels 200, 800, 1000, 1100, 1200 and 1400 are cut from east to west by a power line easement. The power lines in conjunction with the dwellings and adjacent uses render forest use impracticable because of the need to maintain setbacks from the power lines and other uses. There is no farm use within the area or on adjacent properties.

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 28

This area is located west of Isthmus Slough and Highway 101 and includes three ownerships averaging one acre in size with two dwellings. Additional rural residential development is located to the south. Developed rural residential parcels typically have road and driveway access, a well and septic drainfield, electric service, and telephone service.

None of these parcels is classified as farm or forest land for tax purposes (County assessor's tax roll).

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 29

This area is located east of Isthmus Slough and south of Coos Bay. The area includes five parcels and one dwelling, and is part of a large area of rural residential development. There is no adjacent farm land. There are ten adjacent parcels with dwellings.

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). The area contains only small pockets of Class VII soil which is suitable for cranberry production; further, the Class VIIw soil cuts across several property ownerships with no single ownership predominantly soil suitable for cranberry production (Agricultural Soils Inventory Map).

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 30

This area is located on the inland side of the state highway, near Yoakim Point. The area includes four ownerships on five acres and five dwellings. Developed rural residential parcels typically have road and driveway access, a well and septic drainfield, electric service, and telephone service. None of these parcels is classified as farm or forest land for tax purposes (County assessor's tax roll).

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 34

This area is located on the North Fork of the Coquille River, near Fairview. It is buffered from adjacent resource lands on the east and south by the river and on the west by rural residential parcels. Adjacent lands to the north are forest lands. The area includes two 12-acre parcels, each with a dwelling. The area is adjacent to and part of a larger "committed" area to the west.

None of the parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing uses found in County County (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area nor does it have Class VII w soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area it is not possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area, forest use would be impracticable. These dwellings and small ownerships preclude forest management practices because of the increase in the cost of operations as a result of restrictions on logging where it might destroy or damage domestic water supplies, the requirements for greater setbacks, the elimination of herbicide use, interference with or lack of access to proper landing sites for highlead logging, difficulty in coordinating management activities on several parcels in different stages of growth, and economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale. Particularly those parcels less than ten acres in size are too small to support forest use (Plan Inventory, p. 3.2-43).

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 35

This area is located at Chrome on Highway 42 and consists of one ownership which is four acres in size. This area is physically separated from resource lands by Highway 42 and rural residential lands to the north and east, and industrial uses to the west and south. None of these parcels is classified as farm or forest land for tax purposes (County assessor's tax roll).

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 36

This area is located on the south side of the Coquille River, approximately three miles down river from Coquille. The area includes two onwerships, none of which is larger than five acres in size and one of which has a dwelling. None of these parcels is classified as farm or forest land for tax purposes (County assessor's tax roll).

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 37

This area is located east of Isthmus Slough, near the head of Tide. The area includes three ownerships averaging five acres in size. This area is part of a larger rural residential area with five dwellings on adjacent parcels. Developed rural residential parcels typically have road and driveway access, a well and septic drainfield, electric service, and telephone service.

This area is predominantly not Class I through IV agricultural land (Agricultural Soils Map). The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 38

This area consists of approximately 187 acres located on Seven Devils Road, south of Charleston; it is adjacent to and part of another committed area to the south. The area has been divided into 24 small ownerships. Only three ownerships are greater than 10 acres; none are greater than 20 acres. This area, along with the rural residential area to the south, has developed over a period of years. Prior to 1978, only one dwelling existed but numerous separate parcels had already been divided. However, the adjacent rural residential area to the south already had ten dwellings. Since 1978, two partitions have occurred and five dwelling units have been built. Adjacent uses are forest land and rural residential parcels. Six parcels (C:1000;D:300, 400,600,602,603) are developed with dwellings. Developed rural residential parcels typically have road and driveway access, a well and septic drainfield, electric service, and telephone service. None of the six are in common ownership with adjacent resource lands.

None of these parcels is classified as farm land for tax purposes (County assessor's tax roll). There is no farm use on adjacent parcels. The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Except for the rural residential area to the south, adjacent lands are forest lands. Sitka spruce and hemlock are the dominant tree species (Forest Resources Inventory Map). Although rated Class 4, forest production in this area is very marginal because of sandy soils and high wind velocity. This is poor timber growing land; commercial timber production is only feasible where large contiguous tracts are managed (Plan Inventory, p. 3.2-19). A cluster of 14 parcels in separate ownership comprises the western portion of the area; none of these parcels is greater than ten acres in size. For the reasons cited below, these parcels are too small for timber production and because of the large number of small parcels, it is not possible to assemble a forest parcel of adequate size for timber management. Parcel 1300 is an interior parcel, not adjacent to any forest lands; for the reasons below, forest use would be impracticable. Parcels 700 and 800 which are in common ownership, but for practical purposes is an interior parcel because it is not in common ownership with adjacent forest land and more than 80% of its boundary is in common with other "committed" or developed parcels and would be impacted by residential use. For the reasons below,

forest use of parcels 700 and 800 would be impracticable. Parcels 100, 200 and 2100 comprise the eastern part of the area. As forest land, these parcels would be impacted by dwellings located on the parcels to the west. The largest of the parcels is 15 acres, which is too small to manage for forest use, given the low productivity of the area and the impact of adjacent residential use. Given the low productivity of the area and the large number of small ownerships in the area, it is not possible to assemble a forest parcel of manageable size.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 40

This area is an eight acre parcel between Highway 101 and a cluster of 15 parcels. This parcel is not classified as farm or forest land for tax purposes (County Assessor's tax roll).

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 41

This area is adjacent to Highway 42 and the McMeeley subdivision. It consists of three ownerships, all less than ten acres. None of these parcels is classified as farm or forest land for the purposes (County Assessor's tax roll).

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 43

This area is located east of Bandon. The area includes one dwelling and five separate ownerships. This area is part of a large committed area which extends southwest along the county road. None of the parcels is classified in farm use for tax purposes (Assessor's tax roll).

None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing uses found in Coos County (Plan Inventory, pp. 3.1-29 through 31). The area contains only small pockets of Class VII w soils suitable for cranberry production. Further, the Class VII w other nonprime soils cut across several property ownerships with no single ownership having predominantly soil suitable for cranberry production or predominantly Class I through IV soils (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it is not possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 44

This area is located east of Bandon and contains 14 dwellings on 21 separate ownerships. Developed rural residential parcels typically have road and driveway access, a well and septic drainfield, electric service, and telephone service.

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). The area contains only small pockets of Class VII soil which is suitable for cranberry production; further, the Class VIIw soil cuts across several property ownerships with no single ownership predominantly soil suitable for cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 45

This area is located east of the City of Bandon and contains four ownerships and two dwellings. The largest ownership is ten acres within dwelling. None of these parcels are classified as farm or forest land for tax purposes (County Assessor's tax roll).

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). Although a narrow strip of land along the western edge of these parcels is suitable for cranberry production, the majority is not Class VII w soil (Agricultural Soils Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale. For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 46

This area is located along Highway 42, east of Bandon. The area includes 35 dwellings on 47 ownerships, most of which are less than five acres in size. Developed rural residential parcels typically have road and driveway access, a well and septic drainfield, electric service, and telephone service. The western portion contains a cluster of physically developed parcels adjacent to other rural residential and industrial, and a portion is served by a water system. A second cluster of developed parcels is located at the eastern edge of the area, next to Winterville, a rural center. A cluster of small, undeveloped parcels is located between the two developed areas. With the exception of parcels 100 and 201 in section 28, no single ownership is larger than 10 acres; however, the extremely irregular shape of this ownership, in conjunction with the large number of adjacent small parcels make resource use impracticable. None of these parcels is large enough by itself to support the types of farm activities found in Coos County (Plan Inventory, p. 3.1-29 through 31) or forest use ((Plan Inventory, p. 3.2-44). Further, all of these parcels are either classified as nonfarm, nonforest land for tax purposes (County tax roll) or where, in some cases, classed as forest land, are not in common ownership with any adjacent forest land. Therefore, farm or forest use of these parcels would be impracticable.

For the reasons cited above, this area is committed to nonresource use under OAR 660-04-028.

Area 48

This area is located east of the City of Bandon and consists of six ownerships with five dwellings. A cluster of physically developed parcels is located at the south end of area. Parcels 1200 and 1300 are located between the physically developed parcels, urban land to the west and rural residential development to the north.

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). The area does not have Class I through IV agricultural soils or Class VII soils (Agricultural Soils Map). Therefore, the area is not suitable for farm use, and no exception to Goal 3 is required. Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 49

This area is located south of the City of Bandon and consists of 5 separate ownerships, with four dwellings. Developed rural residential parcels typically have road and driveway access, a well and septic drainfield, electric service, and telephone service. None of the parcels in this area is classified as farm or forest land for tax purposes (County Assessor's tax roll).

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). Parcels 100, 200, 900 are physically developed to nonresource use. Parcel 800 is less than ten acres and has three dwellings in close proximity. Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 52

This area is located southeast of the City of Bandon. Parcels 900, 1000, 1500, 1600, and 1700 are physically developed to rural residential use. Parcels 700, 1100, 1300, and 1400 are bounded east and west by the physically developed parcels and in the case of the first three are of a narrow, rectangular shape which makes resource use impracticable. Parcel 1400 is an interior parcel with four dwellings in close proximity. Parcel 1200 is traversed by road and has Bonneville Power Administration lines adjacent on the north, and shares a common border with four other "committed" parcels.

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). The area contains only small pockets of Class VII soil which is suitable for cranberry production; further, the Class VIIw soil cuts across several property ownerships with no single ownership predominantly soil suitable for cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 54

This area consists of one parcel located adjacent to the Myrtle Point Urban Growth Boundary and consists of a single 15-acre parcel.

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 55

This area is located between Myrtle Point and Arago, south of the Coquille River. The area consists of a parcel which has three dwelling units and is less than ten acres in size. The dwellings in conjunction with other physical development on the parcel including driveways, wells and septic system drainfields, electric service and telephone service would make farm or forest use of the area impracticable. Further, this parcel is adjacent to a larger committed area containing rural residential and industrial uses.

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 56

This area is located southeast of the City of Bandon. With the exception of parcels 1000, 1300, 1500, 1700, 2400 (part), 2500, and 3300, this area is physically developed to nonresource use under OAR 660-04-025. Resource use of parcel 1000 is impracticable because of its small size, irregular triangular shape, it is adjacent to a dwelling, and it is separated from adjacent resource lands by power lines and a road. Resource use of parcel 1300 is impracticable because of its small size and because it is surrounded on three sides by dwellings. Parcel 1500 is a narrow access strip. Resource use of parcel 1700 is impracticable because of its small size and because of dwellings adjacent on two sides. The portion of parcel 2400 within the exception area cannot be formed because of its small size and irregular shape. Resource use of parcel 2500 is impracticable because it is too small to farm, there are three dwellings in close proximity, and it is separated from adjacent farm lands by a road. Parcel 3300 is not large enough for any of the farm uses discussed in the plan inventory document (cranberry, dairy, or livestock). Further, parcel 3300 is not in common ownership with adjacent resource parcels.

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). Except for portions of parcels 1100, 1200, and 1300, this area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 57

This area is located adjacent to the Bandon airport and consists of eight ownerships with four dwellings. Developed rural residential parcels typically have road and driveway access, a well and septic drainfield, electric service, and telephone service.

None of the parcels in this area is classified as farm land for tax purposes (County Assessor's tax roll). The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). The area contains only small pockets of Class VII soil which is suitable for cranberry production; further, the Class VIIw soil cuts across several property ownerships with no single ownership predominantly soil suitable for cranberry production (Agricultural Soils Inventory Map). Johnson Creek which crosses parcel 300 and the creek which cuts across parcels 600, 700, and 800 has steep banks which renders those parcels unsuitable for farm use. Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 58

This area is located on the east side of Highway 101, south of the City of Bandon. The area consists of five ownerships with five dwellings. Developed rural residential parcels typically have road and driveway access, a well and septic drainfield, electric service, and telephone service.

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area does not have any Class VIIw soils and is, therefore, not suitable for cranberry production. Further, parcels 2100 and 1700 are traversed by Johnson Creek which runs through a ravine with steep slopes and renders those parcels unsuitable for farm use. Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 59

This area is located southeast of the City of Bandon. Except for parcel 2201, this area contains three dwellings and is physically developed to rural residential use. Developed rural residential parcels typically have road and driveway access, a well and septic drainfield, electric service, and telephone service. Resource use of parcel 2201 would be impracticable due to its small size, irregular triangular shape, and the creek which traverses it. None of these parcels is classified as farm or forest land for tax purposes (County assessor's tax roll).

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 60

This area is located east of Highway 101, near Twomile. The west side of the area consists of several physically developed parcels with a total of six dwellings. Developed rural residential parcels typically have road and driveway access, a well and septic drainfield, electric service, and telephone service. Parcels 3601 and 3603 are extremely long and narrow in shape, which does not lend them to cultivation. All of the undeveloped parcels are less than 20 acres in size and are, therefore, too small for dairying or grazing use (Plan Inventory, pp. 3.1-30, 31). Parcels 3701 and 3600, which are larger than ten acres, are not suitable for cranberry production because, except for an extremely small area at the south of parcel 3600, they are not Class VIIW soils (Agricultural Soils Inventory Map). The undeveloped parcels are buffered from adjacent forest land on the west by developed parcels cited above and on the south by a "committed" area on the other side of Rosay Road. Parcel 3600 is cut lengthwise by a county road, which reduces the area which could be managed for forest use.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale. None of the undeveloped parcels is classified as farm or forest land for tax purposes, (County Assessor's tax roll). For the reasons above, resource use of this area would be impracticable and this area is committed to nonresource use under OAR 660-04-028.

Area 61

This area, located near Twomile, consists of two vacant parcels in separate ownership, with a total area of two acres. These parcels are part of a large "committed" area. Rural residential and a commercial use are located to the north and west. None of these parcels is classified as farm or forest land for tax purposes (County assessor's tax roll).

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 62

This area is located near Fourmile. Parcels 2301 and 2302 are less than six acres in size and are physically developed with dwellings. Developed rural residential parcels typically have road and driveway access, a well and septic drainfield, electric service, and telephone service. While parcel 2302 is assessed as forest land, it is not in common ownership with forest parcels to the south and east. Parcel 2300 is physically buffered from adjacent resource lands by Highway 101 and by parcel 2302. Resource use of parcel 2300 would be impracticable because of its small size and because it is buffered from adjacent resource lands.

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). The area contains only small pockets of Class VII soil which is suitable for cranberry production; further, the Class VII with soil cuts across several property ownerships with no single ownership predominantly soil suitable for cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 64

This area is located adjacent to the Bandon City limits, south of the city center. To the north within the city limits is Seaburg Plaza, a professional office development. To the west within the city limits are a golf course, motel and condominiums. To the south is the Ocean Spray cranberry processing plant. To the east across Highway 101 are a mobile home sales lot, several dwellings, and the Bandon Airport Industrial Park.

The area contains two parcels, each with a dwelling. The two parcels are part of a larger developed area; the adjacent developed uses are described above.

Parcel 600 is physically developed to nonresource use because of its small size, the existing dwelling, and the adjacent developed uses. Parcel 100 is large enough for cranberry production, but construction of cranberry bogs on the parcel is impracticable because of topography. Johnson Creek, with steep canyon slopes, traverses the property. The relatively flat portion of the property is occupied by the dwelling (see USGS contour map). This area is not forest land, according to the "Forest Resources" inventory map.

For the reasons stated above, this area is physically developed to nonresource use under OAR 660-04-025.

Area 65

This area is located adjacent to the City of Bandon. This area contains two clusters of physically developed parcels, each with seven dwellings. Developed rural residential parcels typically have road and driveway access, a well and septic drainfield, electric service, and telephone service. None of these parcels is classified as farm or forest land for tax purposes (County Assessor's tax roll). Parcels 2200, 2300, 2400, and 2500 are interior parcels within the committed area; they are less than ten acres in size and in separate ownership. Similarly, parcels 1400, 1500, 1600, 1700, and 1800 are bounded by urban land to the north and west and other rural residential land on the east and south.

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). The area contains some Class VII with soils; however, the majority of the area is not suitable for cranberries. Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 66

This area, located north of Bradley Lake, consists of four parcels in separate ownership, bounded by Bandon State Park and EFU lands. Parcel 202 is less than 4 acres in size, has a dwelling, and is not classed as farm or forest land for tax purposes. Parcel 203 is an interior parcel of approximately two acres. Parcels 201 and 205 are less than two acres in size and are not classed as farm or forest land for tax purposes.

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

This area does not have a cubic foot site class rating of one through five and, therefore, is not suitable for timber production. Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 68

This area, located north of Bradley Lake, consists of ten separate ownerships. A cluster of parcels at the western edge of the area (C: 300, 400, 500, 600 and 700) is physically developed, including five dwellings, road access, wells and septic drainfields, telephone service and electrical service. None of this area or adjacent lands are forest lands (Forest Resources Inventory Map). Parcels 600, 800, 900, and 1000 north of Bradley Lake Road and parcels 800, 900 and 1000 south of the road have irregular mixture of Class I-IV and Class VIII soils (Agricultural Soils Inventory Map). None of the individual ownerships is larger than fifteen acres. Further, the parcels north of the road are long and narrow in shape which reduces their suitability for farm use. The lots south of Bradley Lake road are separated from farm lands to the southeast by a portion of China Creek and a second drainage which create a swampy area at the east end of Bradley Lake. This area is adjacent to another group of committed parcels at Bradley Lake Road and Highway 101. Because of the existing physical development, pattern of parcelization and ownership, mixture of soil types, natural buffer, and lack of suitability for forest use, resource use of this area would be impracticable and this area is committed to nonresource use under OAR 660-04-028.

Area 70

This area is Phase II of Bradley Lake Estates PUD. It is a single ownership of 14 acres. This area is not predominantly Class I-IV agricultural soils (Agricultural Soils Inventory Map). Because of the lake to the west, other "committed" lands to the north, swampy ground where China Creek empties into the lake, and the old mill site to the south (shown on aerial photo CS-4-14), the area is not "other land suitable for farm use" or other land which is necessary to permit farm practices to be undertaken on adjacent or nearby lands" under Goal 3. This area is not inventoried as forest land (Forest Resources Inventory Map). For the reasons stated above, an exception to Goals 3 and 4 is not required to designate this area for rural residential use. Further this area is part of a larger committed area which is adjacent to the north.

Area 71

This area is located on the west side of Highway 101, south of Bandon. This area is adjacent to and part of a larger committed area to the south and east with extensive parcelization and development. The area consists of five ownerships and three dwellings; no ownership is larger than ten acres. None of these parcels is large enough by itself to support the types of farm activities found in Coos County (Plan Inventory, p. 3.1-29 through 31) or forest use ((Plan Inventory, p. 3.2-44). Further, all of these parcels are either classified as nonfarm, nonforest land for tax purposes (County tax roll) or where, in some cases, classed as forest land, are not in common ownership with any adjacent forest land. Therefore, farm or forest use of these parcels would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale. Because of the existing dwellings, small ownerships, and adjacent physical development, this area is committed to nonresource use under OAR 660-04-028.

Area 74

This area, located adjacent to the City of Powers, is irrevocably committed to nonresource use under OAR 660-04-028. Parcels 500 and 600 are occupied by dwellings, are less than three acres in size, and are irregular, triangular shaped parcels which are separated from adjacent resource lands on two sides by Coquille River, a road (FAS 247), and a railroad. These parcels are physically developed and due to their size and location, resource use of these parcels would be impracticable.

Parcel 100 is less than three acres in size, is triangular in shape bounded by urban land, the road and railroad, and the Coquille River. Parcel 700 is less than three acres in size and is buffered from resource lands on three sides by urban land and the railroad. Because of their small size and the locational factors cited above resource use of these parcels is impracticable.

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is not located within the Bandon area with Class VIIw soils capable of supporting cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale. For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 75 McNeely Subdivision

The McNeely subdivision is located south of Coquille on Highway 42 and consists of 19 lots on approximately 120 acres. All but two lots are in separate ownership. The date of the final subdivision plat was July 14, 1983. The County made goal findings as part of its review of the subdivision (see Sub-81-5 and 5-83-01). Adjacent uses are forest lands to the east and south and farm lands to the north and west. A majority of the farm lands are buffered from the subdivision by Highway 42. The subdivision has been developed to County standards, including roads, electrical service, three water reservoirs (2.5 million gallon capacity) and eight septic systems built. In addition, three dwellings have been built. The area has all of the types of physical development (structures, roads, sewer and water facilities and utility facilities) cited in OAR 660-04-025.

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). The area does not have predominantly Class I through IV or VIIw soils and is not suitable for farm use (Agricultural Soils Inventory Map). Because of the extensive parcelization, ~~small~~ development, ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper, State Dept. of Forestry discussion paper (1980) by Dewey Jurkiewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 76 Millicoma Acres

This area, located on the west fork of the Millicoma River, consists of eleven subdivided lots in separate ownership, with two dwellings. The lots average seven acres in size. The two dwellings have septic drainfields and a well. A road developed to County standards provides access to the individual lots.

The area does not have Class I through IV agricultural soils or Class VII soils (Agricultural Soils Map). Therefore, the area is not suitable for farm use, and no exception to Goal 3 is required.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 77 Armstrong/Sunnyhill

This area, located adjacent to Prosper on the Coquille River, consists of two lots developed with dwellings and 19 subdivision lots in a single ownership. Additional physical development includes one mile of road developed to County standards and underground electrical service. The final plat was approved by the County on November 29, 1982 and findings on the statewide planning goals were made. Adjacent uses are the Town of Prosper to the north, a large rural residential area to the south and forest lands to the east and west.

The area is predominantly Class I-IV agricultural soils. However, existing rural residential use to the north at Prosper, the two developed lots within the subdivision, the developed lots to the south and the road system and electrical service which extend throughout the property makes farm use of the property impracticable. Further, there are no existing farm uses on adjacent lands. The area does not have Class VII w soils and is, therefore, not suitable for cranberry production.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

Investments in physical improvements for nonfarm or nonforest uses on this area are so large that they cannot be amortized through the types of accepted farm or forest practices that can reasonably be expected to be conducted on the proposed exception site or area.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 78 Arvold/Trout Pond

This area, located east of Bandon, consists of 21 subdivided lots in separate ownership, with three dwellings. The average ownership size is less than two acres. Physical development of the area, in addition to the dwellings, includes a 1/2 mile-long road, and underground electric, television and telephone service.

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). The subject area does not have Class VIIw soils and, therefore, is not suitable for growing cranberries. Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 79 Bradley Lake Estates

This area is located on the north shore of Bradley Lake and includes approximately 32 acres which has been subdivided into 16 lots by the County. All of the lots are in the same ownership and no dwellings have been built. Physical development of the area consists of a 1,500 foot gravel road built to County standards and underground electrical and telephone service. Other rural residential parcels are adjacent to the north and east.

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. This area, taken as a whole, is significantly smaller than the minimum size necessary to support dairying or grazing in Coos County (Plan Inventory, pp. 3.1-29 through 31). The area is buffered from nearby farm lands to the north and east by rural residential parcels and to the south by Bradley Lake. The adjacent farmlands to the west (Parcels 200 and part of 400) are less than 25 acres in size and are physically separated from other farm lands by Bradley Lake and Bradley Lake outlet. Even taken together, the subject area and the EFU lands on the north side of Bradley Lake would not be large enough to support dairying or grazing. The area does not have Class VIIw soils and is, therefore, not suitable for cranberry production (Agricultural Soils Inventory Map). Because of the small area which could be made available for farm use and because of the physical development on the property, and because the area is not suitable for cranberries, farm use of this area would be impracticable. For the same reasons as above (physical development, buffers, small size, and lack of Class VIIw soils), this area is not land suitable for farm use or land needed to permit farm practices to be undertaken on nearby lands.

This area does not have a cubic foot site class rating of 1 through 5 and is, therefore, no commercial forest land. Other forest uses (open space, watershed protection, fish and wildlife habitat protection, soil protection, maintenance of clean air and water, and recreation), are adequately provided for and protected in the area through the Coastal Lakes Shorelands Boundary and its implementing measures in the zoning ordinance (Article 4.7, Table 4.7(5)).

For the reasons stated above, farm or forest use of this area would be impracticable (and for noncommercial forest uses are adequately protected under the rural residential designation) and, therefore, this area is committed to nonresource use under OAR 660-04-028.

Area 80 Weiss Estates PUD

This area, located north of Bandon on Highway 101, consists of 25 lots, each less than two acres in size, with four dwellings. A road has been developed to County standards and underground electric and telephone service have been installed. The area is buffered from adjacent resource lands to the east by Highway 101, to the south by an industrial use, to the west by the four lots developed with dwellings, and on a portion of the north side by Fahys Lake. The unsold lots are in two clusters, separated by a road. Each cluster is less than ten acres in size.

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). The area contains only small pockets of Class VII soil which is suitable for cranberry production; further, the Class VII with soil cuts across several property ownerships with no single ownership predominantly soil suitable for cranberry production (Agricultural Soils Inventory Map). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

Area 81 Melton Subidivision

The Melton subdivision, is located east of Bandon on Highway 42 south and part of a larger committed area, which enclose the subdivision on three sides. A 900 foot road has been built and telephone, electrical and cable television service has been installed and divides the property from north to south. There are six dwelling units on adjacent lots. The area has developed with rural residential uses over a period of years along Highway 42 south, extending east from the City of Bandon. Adjacent resource use to the south is forest land.

The major farm uses in Coos County are dairying, grazing of cattle and sheep, and cranberry production. None of these parcels is more than 20 acres in size. Therefore, none of these parcels is large enough by itself to support dairying or grazing (Plan Inventory, pp. 3.1-29 through 31). This area is bisected by the road which was developed for the subdivision of the property. Class VIIw soils are on the east side of the road and Class I-IV soils are on the west side of the road (Agricultural Soils Map). The area of Class VIIw soils on the east side of the road is less than ten acres and is, therefore, too small for full-time commercial production (Plan Inventory, p. 3.1-32). Therefore, none of these parcels are suitable for farm use by themselves. Because of the extensive parcelization, small ownerships, and dwellings in the area, it would not be possible to assemble these lands into larger farm units. For these reasons, farm use of this area would be impracticable.

Because of the existing dwellings and parcelization in the area forest use would be impracticable. Dwellings and parcelization would cause forest management practices to be altered and increase the cost of operations because of restrictions on logging where it might destroy or damage domestic water supply, require greater setbacks or eliminating use of herbicides, block access to proper landing sites for highlead logging, require coordination of management activities on different parcels for timber at different stages of growth, and cause economic loss due to vandalism and theft of equipment (State Department of Forestry discussion paper (1980) by Dewery Juriewicz and Julian Miller, summarized in Plan Inventory, pp. 3.2-36 through 43). Small tracts require only infrequent management activity, produce little income, and do not permit the type of practices which involve economies of scale.

For the reasons stated above, this area is irrevocably committed to nonresource use under OAR 660-04-028.

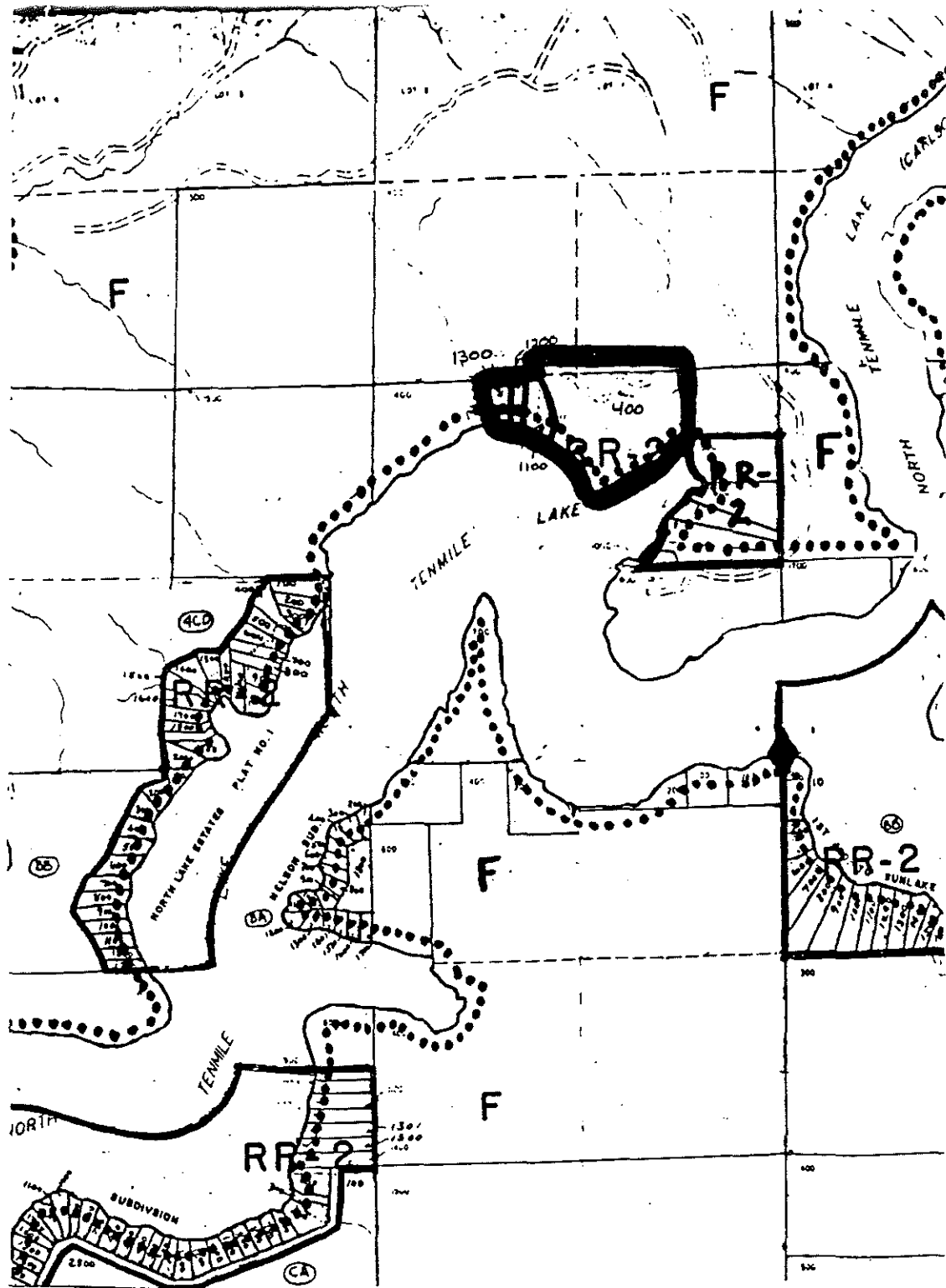
JH:sp
5262D/547A


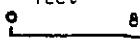
SCALE FOR ALL MAPS

0 800

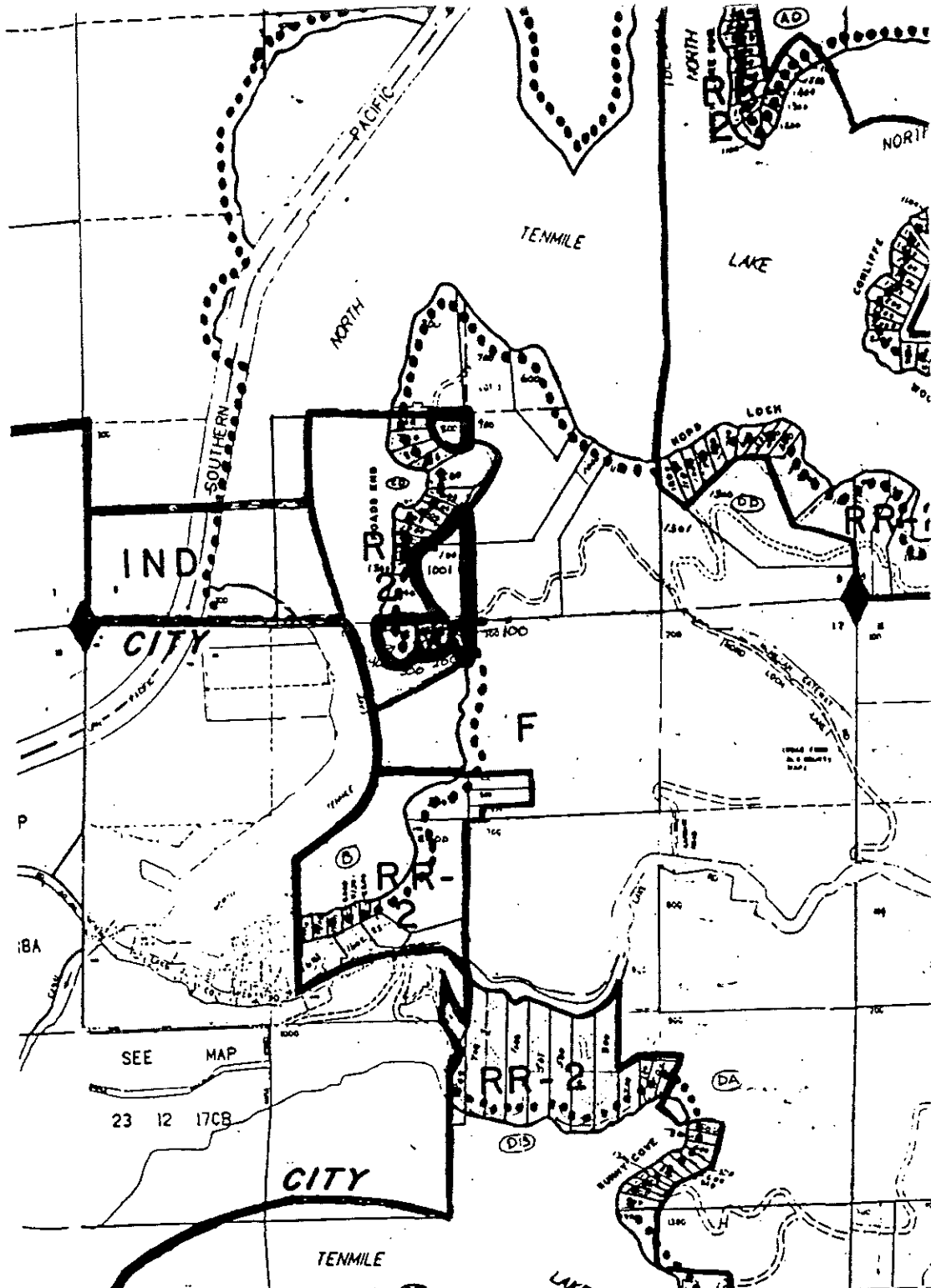


FEET



T. 23 R. 12 S. 04	Dwelling Unit Density of Area: .105 du's per acre	Predominant Ownership Size: 3	LEGEND <input checked="" type="checkbox"/> dwelling units feet  
Total Ac. 19	# of Separate Ownerships: 4		
Natural Boundaries and Other Factors: Area is developed with tax lot 400 being Camp Easter Seal, tax lots 1200 and 1300 having existing dwellings, and tax lot 1100 having a septic system (trailer removed from property). North Tenmile about the properties on the south, southeast, and south west.			See Conclusion. # /
Area is: Bordered on 2 sides by smaller parcels:		Y <input checked="" type="radio"/> N	
Area is: Bordered on 3 or more sides by smaller parcels:		Y <input checked="" type="radio"/> N	
Areas outside the Area are: smaller similar larger		<input checked="" type="radio"/>	

Volume I Part 3



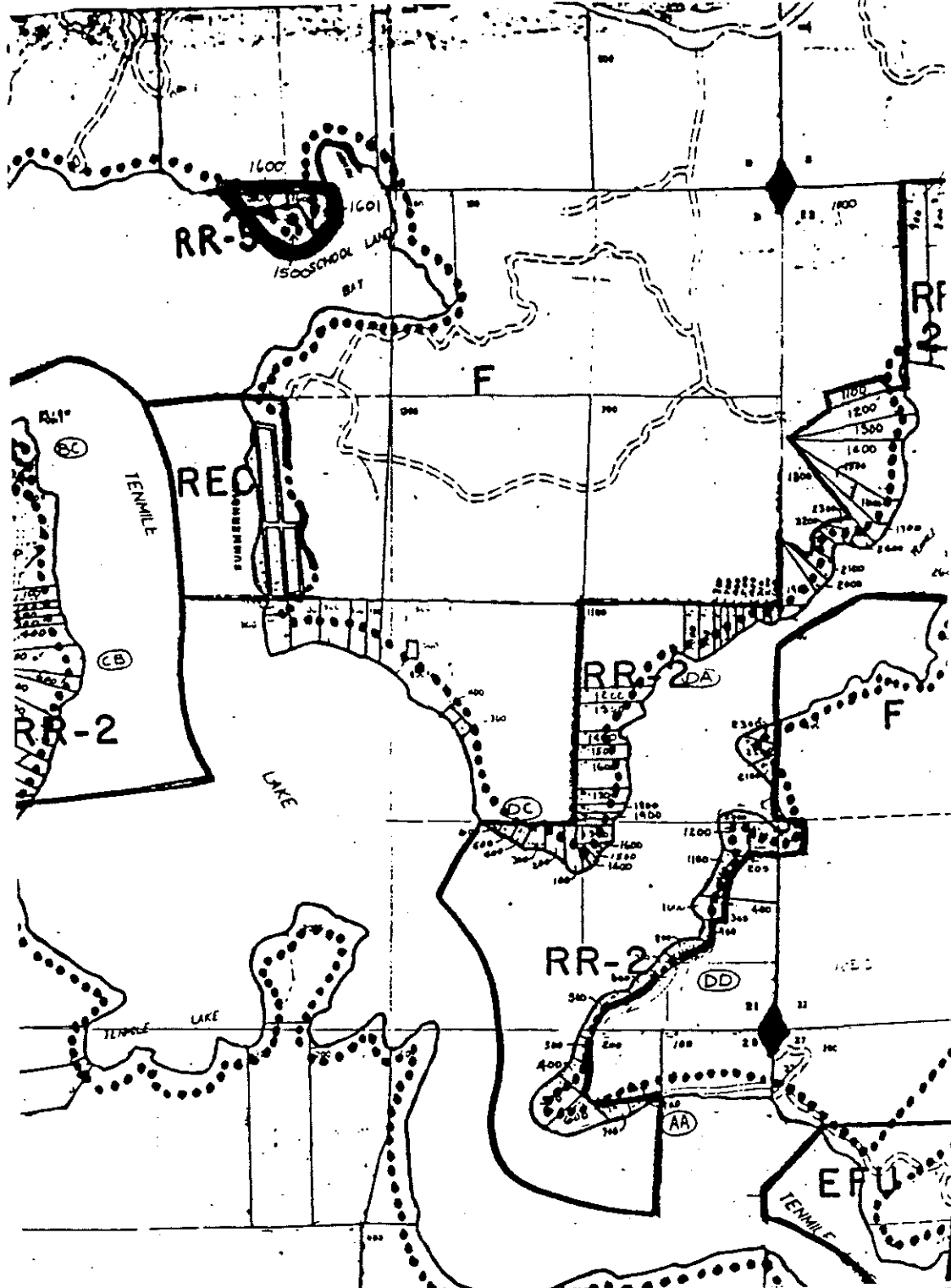
T. 23 R. 12 S. 08/17B	Dwelling Unit Density of Area: .5 du's per acre	Predominant Ownership Size: 1
Total Ac. 8	# of Separate Ownerships: 6	
<p>Natural Boundaries and Other Factors: Parcels are directly adjacent to Roads End Subdivision which is near full development. The four parcels to the south are surrounded on tow sides by North Tenmile as well. Tax lot 1001 is surrounded by residential development on all sides except **</p>		
<p>Area is: Bordered on 2 sides by smaller parcels: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N</p>		
<p>Area is: Bordered on 3 or more sides by smaller parcels: <input type="checkbox"/> Y <input checked="" type="checkbox"/> N</p>		
<p>Areas outside the Area are: smaller <input checked="" type="checkbox"/> similar <input type="checkbox"/> larger</p>		




LEGEND

dwelling unit feet

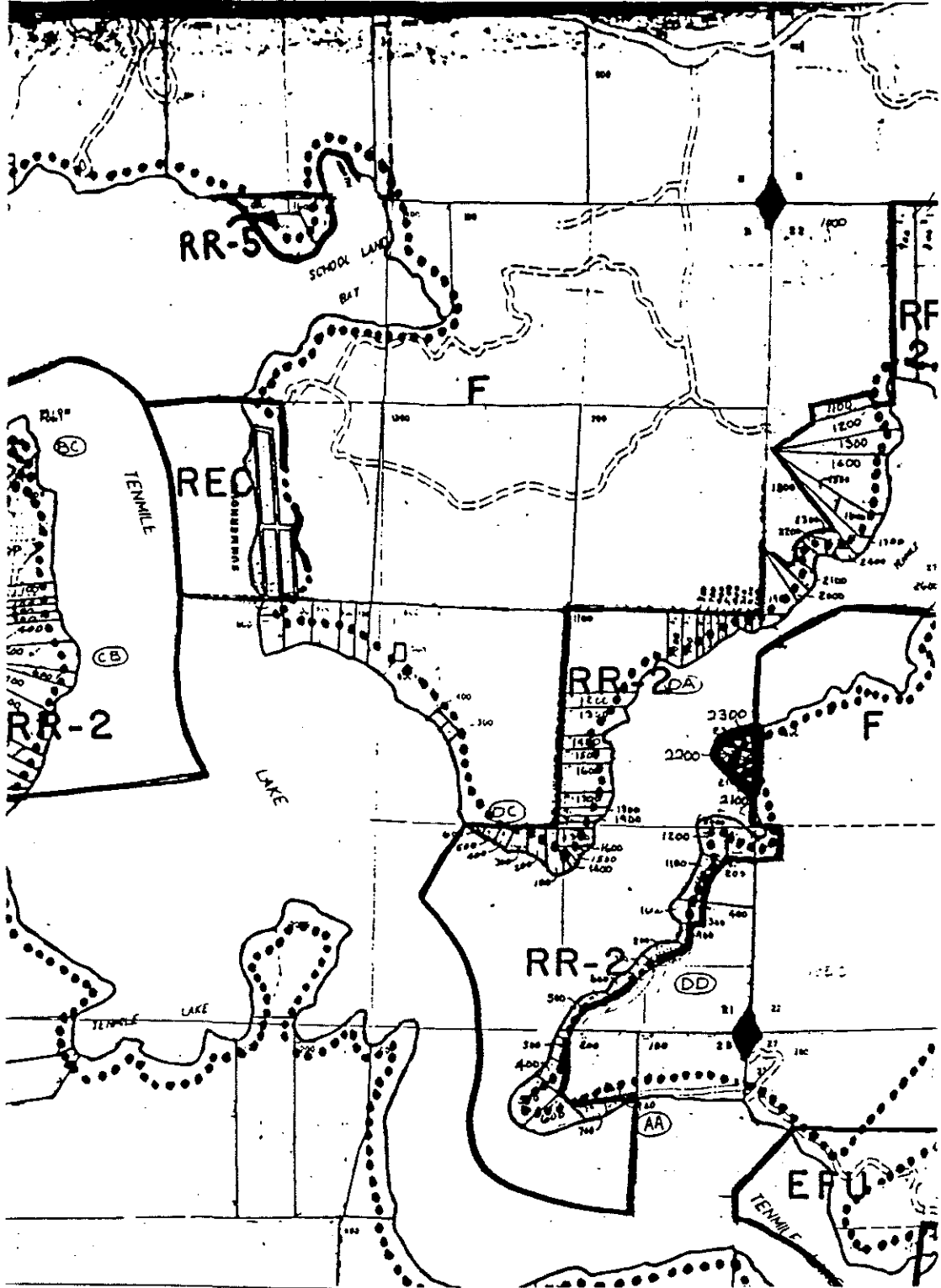
See Conclusi

2

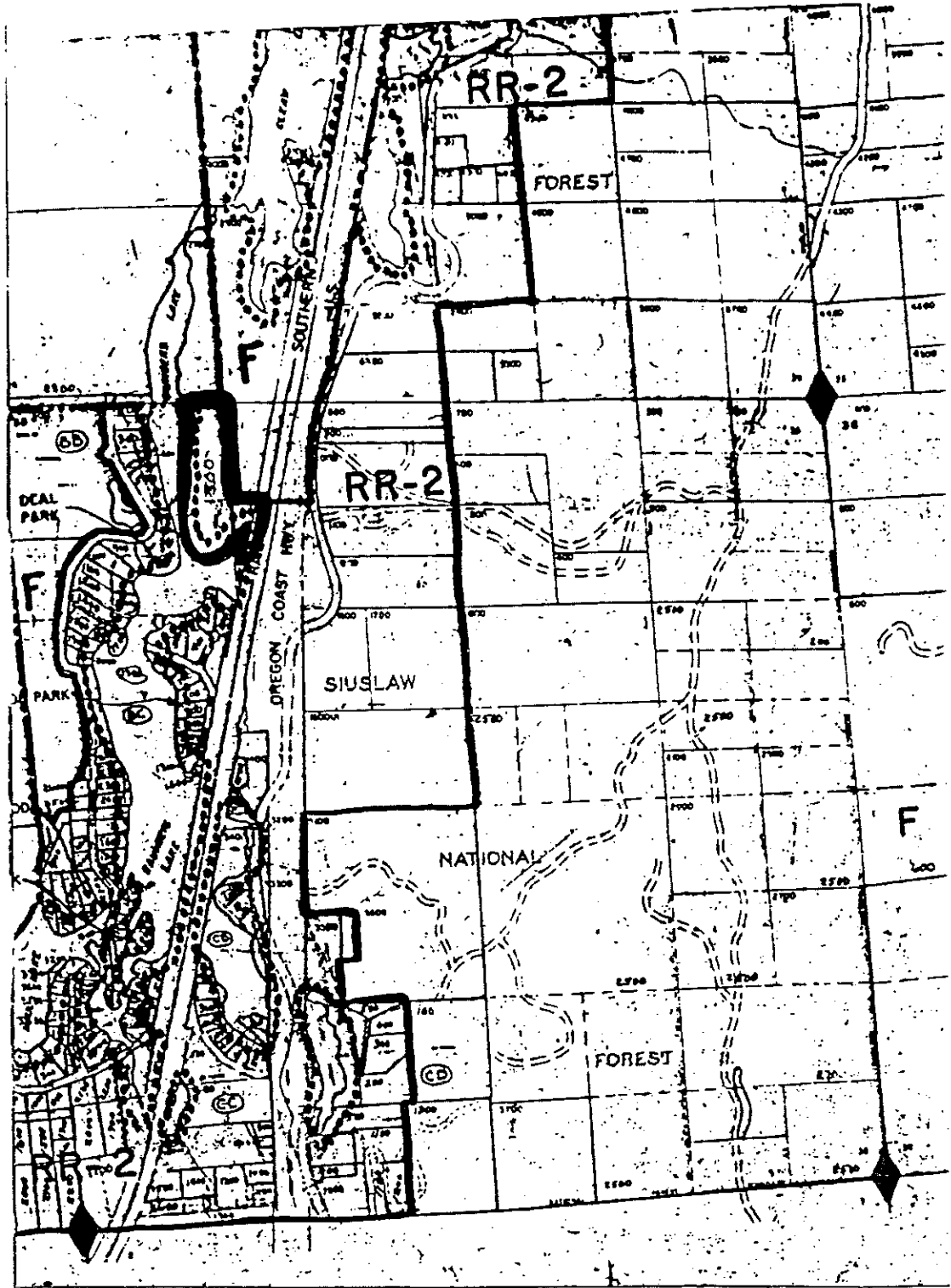





T. <u>23</u> R. <u>12</u> S. <u>21</u>	Dwelling Unit Density of Area: <u>.5 du's</u> per acre	Predominant Ownership Size: <u>2</u>	LEGEND  dwelling unit feet   See Conclusive <u>3</u>
Total Ac. <u>4</u>	# of Separate Ownerships: <u>3</u>		
Natural Boundaries and Other Factors: Parcels are surrounded on three sides by Tennile Lake. Residential development has appropriately occurred adjacent to Lake. Further development inland not feasible due to steep terrain. Parcels currently taxed for recreation land and improvements.			
Area is: Bordered on 2 sides by smaller parcels: Y <input checked="" type="radio"/> N			
Area is: Bordered on 3 or more sides by smaller parcels: Y <input checked="" type="radio"/> N			
Areas outside the Area are: smaller similar <input checked="" type="radio"/> larger			

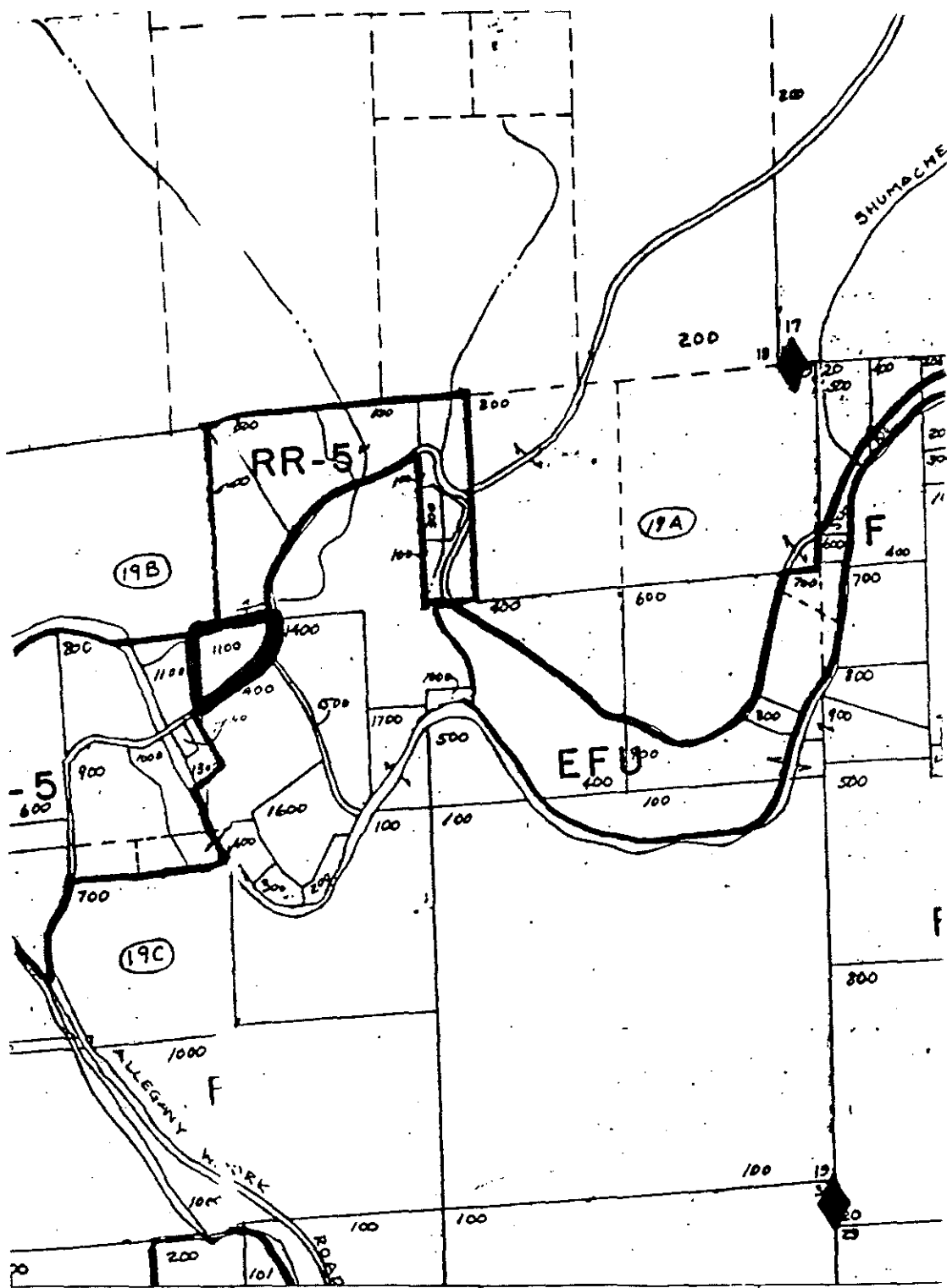
Volume I Part 3



T. 23 R. 12 S. 21DA	Dwelling Unit Density of Area: .66 du's per acre	Predominant Ownership Size: 1	LEGEND <input checked="" type="checkbox"/> dwelling units <input type="checkbox"/> feet AN See Conclusion:
Total Ac. _____	# of Separate Ownerships: 3		
Natural Boundaries and Other Factors: Parcels are surrounded on three sides by Tenmile Lake. Residential development has appropriately occurred adjacent to lake. Further development inland is not feasible due to steep terrain. Parcels south and parcels directly across lake are near full ** Area is: Bordered on 2 sides by smaller parcels: Y (V)			# 4
Area is: Bordered on 3 or more sides by smaller parcels: Y (V)			
Areas outside the Area are: smaller (similar) larger			



T. 23 S. 35	R. 13	Dwelling Unit Density of Area: 0 du's per acre	Predominant Ownership Size: 10	LEGEND  dwelling un:  feet  N See Conclus: # 5
Total Ac. 10		# of Separate Ownerships: 1		
Natural Boundaries and Other Factors: Property is surrounded by Saunders Lake on two sides. Souther Pacific Railroad and Highway 101 abut property for short distance on east side. Nearly full residential development has occurred on parcels west and across lake as well as south and across Lake.				
Area is: Bordered on 2 sides by smaller parcels: <u>Y</u> N				
Area is: Bordered on 3 or more sides by smaller parcels: <u>Y</u> N				
Areas outside the Area are: <u>smaller</u> similar larger				



T. 24 S. 198	R. 11	Dwelling Unit Density of Area: 0 du's per acre	Predominant Ownership Size: 3
Total Ac. 3		# of Separate Ownerships: 1	
<p>Natural Boundaries and Other Factors: Property is completely surrounded by natural boundaries and adjacent committed areas. The West Fork of the Milllicoma runs adjacent to the southeast property line while Paggatt Creek about the northwest line. Resource value is minimal due to it **</p>			
Area is: Bordered on 2 sides by smaller parcels: Y N			
Area is: Bordered on 3 or more sides by smaller parcels: Y N			
Areas outside the Area are: smaller similar larger			

LEGEND

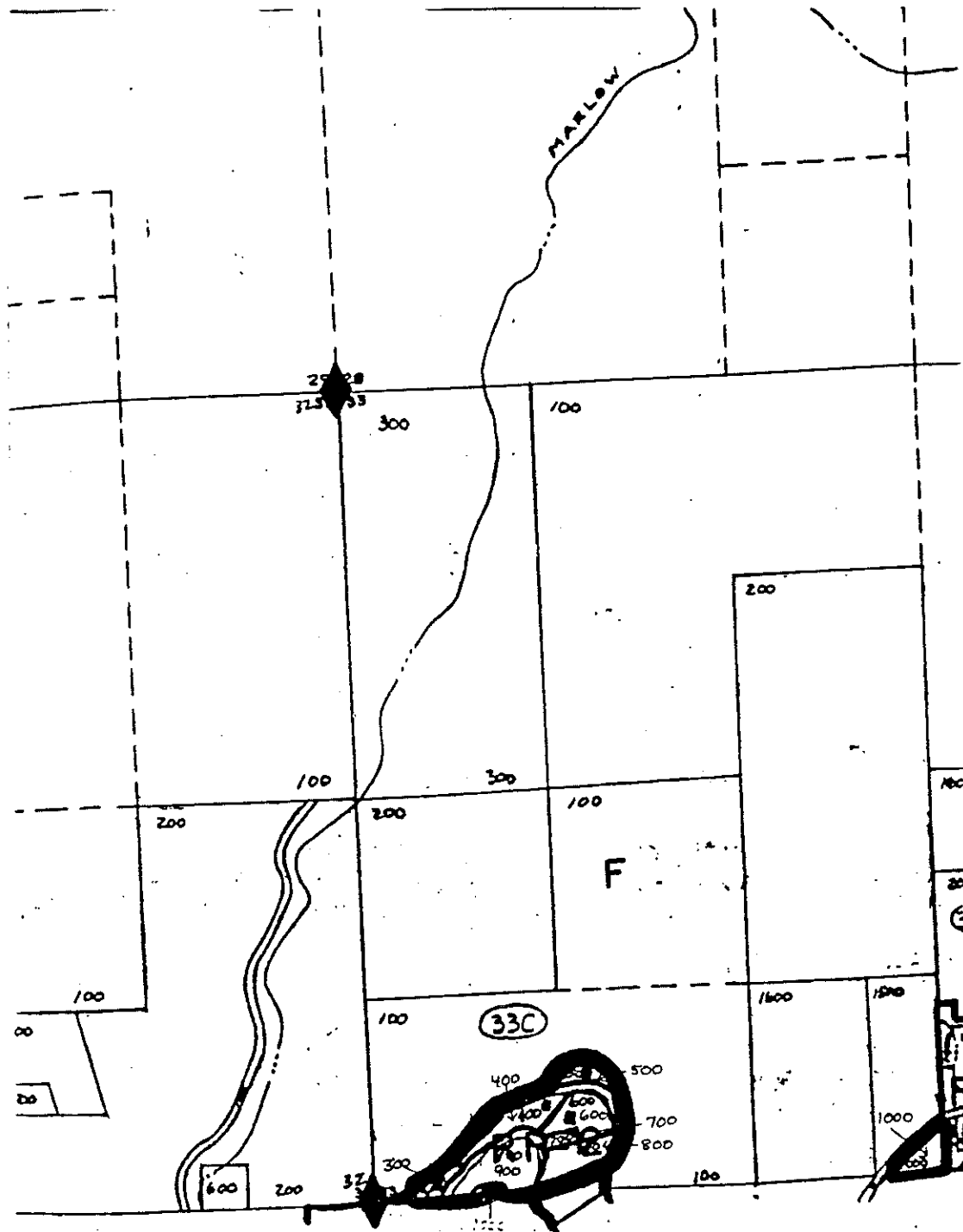
■ dwelling unit

0 feet

See Conclusi

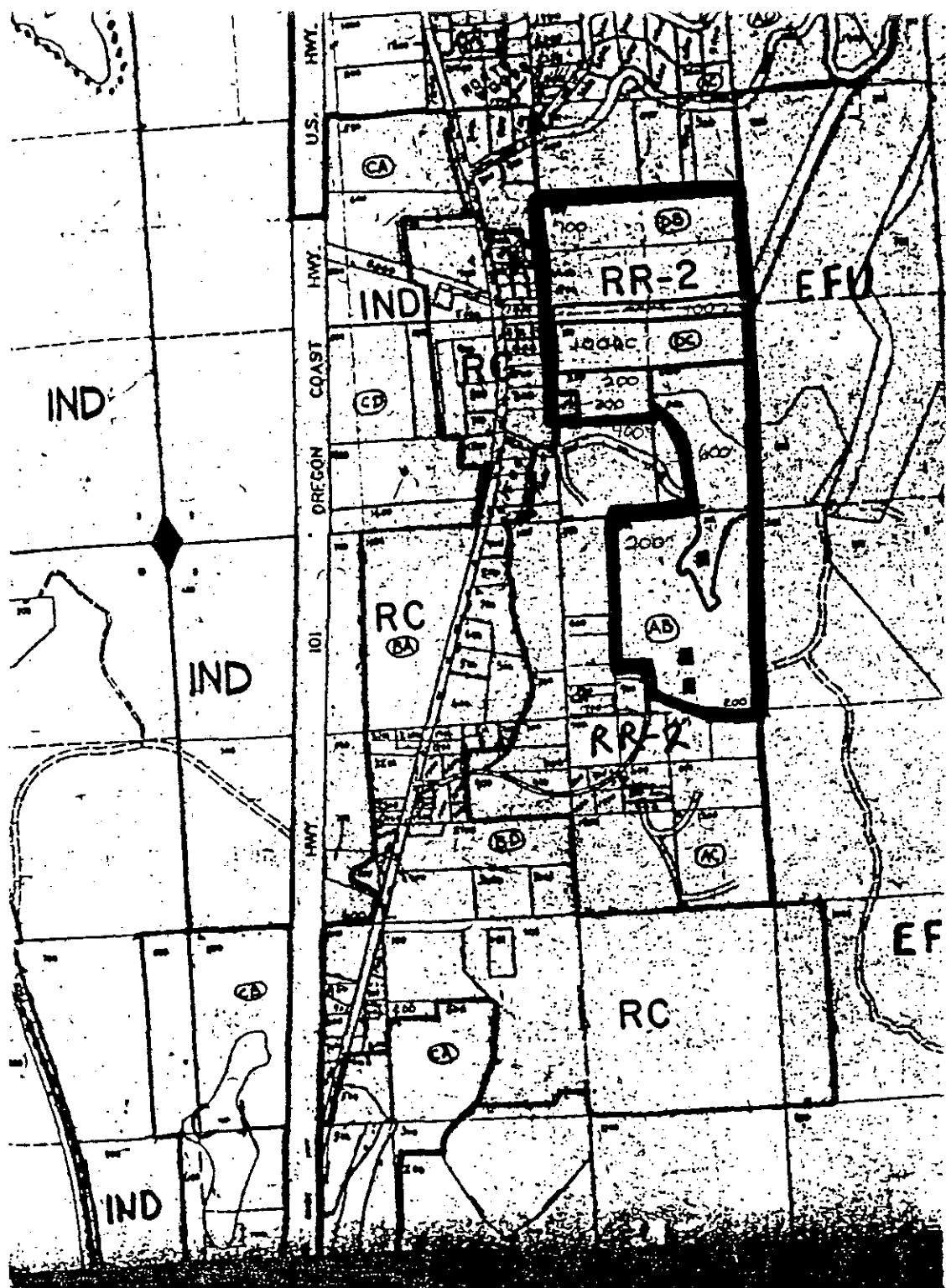
6

** being "sandwiched" between two residential areas, the river and creek.



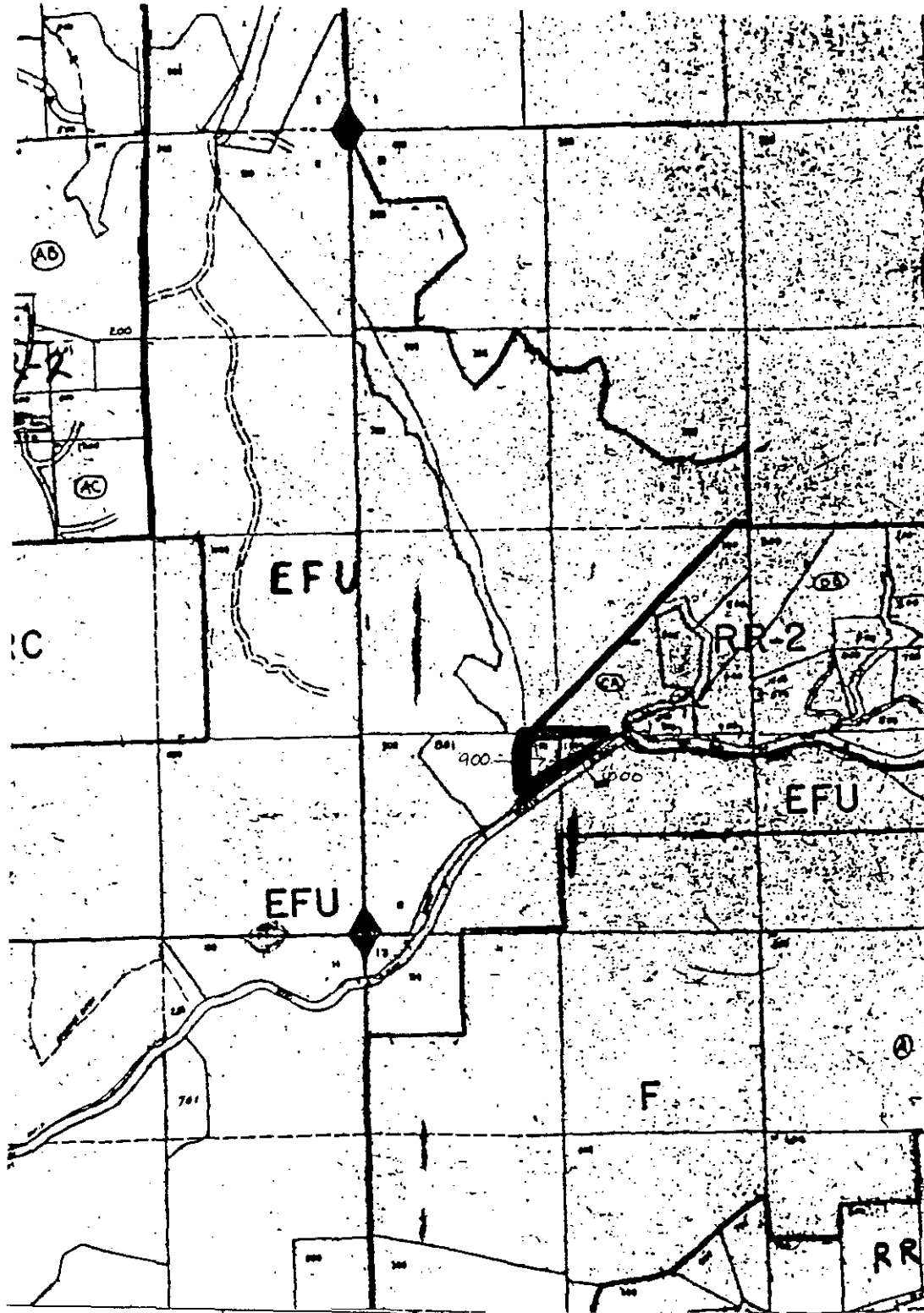
T. 24 R. 11 S. 33C & D	Dwelling Unit Density of Area: .36 du's per acre	Predominant Ownership Size: 2	LEGEND <input checked="" type="checkbox"/> dwelling unit <input type="checkbox"/> feet
Total Ac. 11	# of Separate Ownerships: 8		
Natural Boundaries and Other Factors: Parcels about the East Fork of the Millicoma River. All properties are currently assessed for residen- tial use.			See Conclusio # 7
Area is: Bordered on 2 sides by smaller parcels:		Y <input type="radio"/> N <input checked="" type="radio"/>	
Area is: Bordered on 3 or more sides by smaller parcels:		Y <input type="radio"/> N <input checked="" type="radio"/>	
Areas outside the Area are: smaller similar larger		<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	

Volume I Part 3

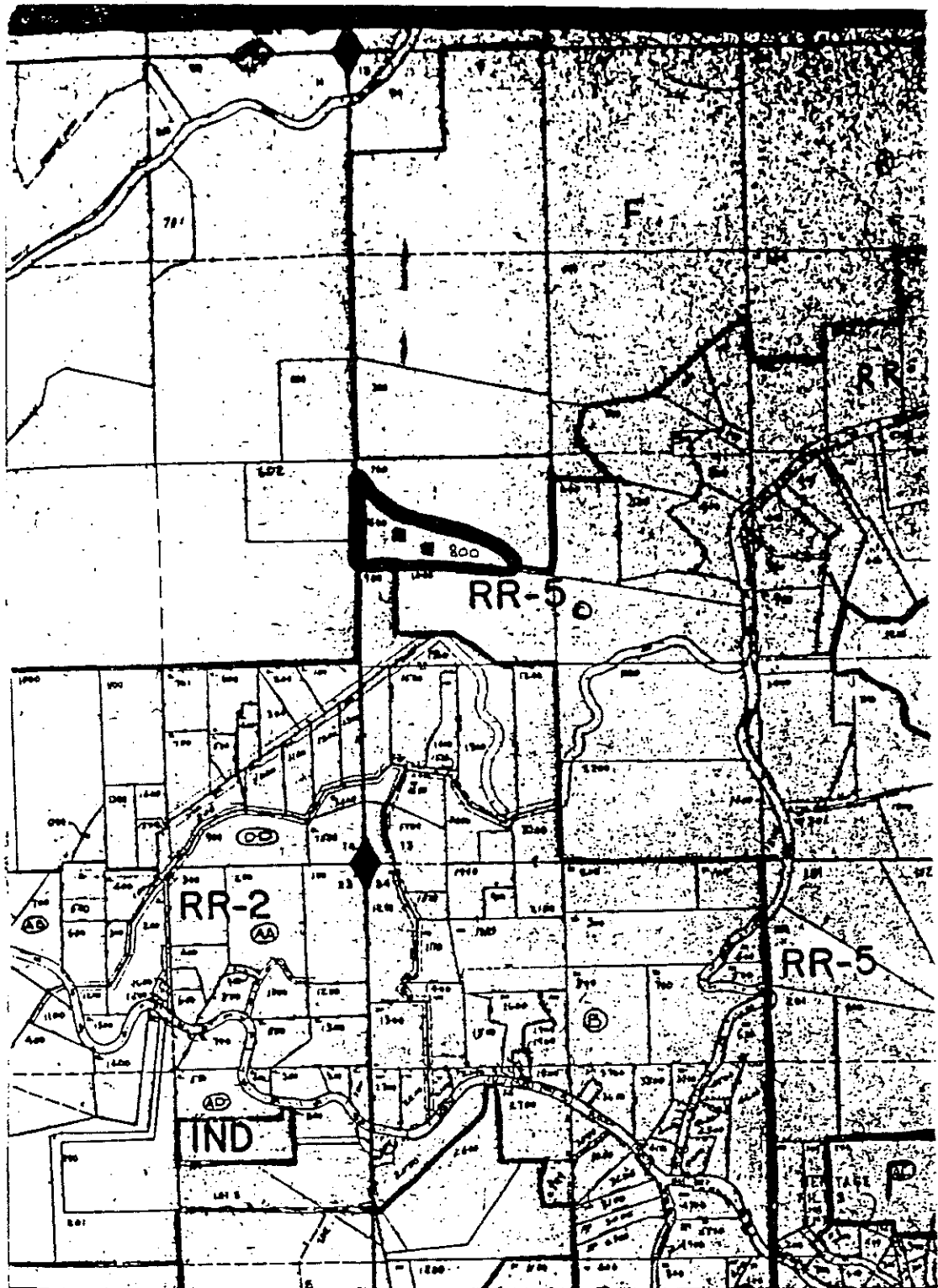


T. 24 R. 13 S. 200B/20C/2/11AB	Dwelling Unit Density of Area: .040 du's per acre	Predominant Ownership Size: 10	LEGEND
Total Ac. 74	# of Separate Ownerships: 7		
Natural Boundaries and Other Factors: Parcels are surrounded by rural residential committed areas to the north and south and a rural center to the west. Tax lots 200, 300, and 400 are currently assessed for residential uses.			See Conclusio # 8
Area is: Bordered on 2 sides by smaller parcels: <u>Y</u> N			
Area is: Bordered on 3 or more sides by smaller parcels: <u>Y</u> N			
Areas outside the Area are: <u>smaller</u> similar <u>larger</u>			

Volume I Part 3

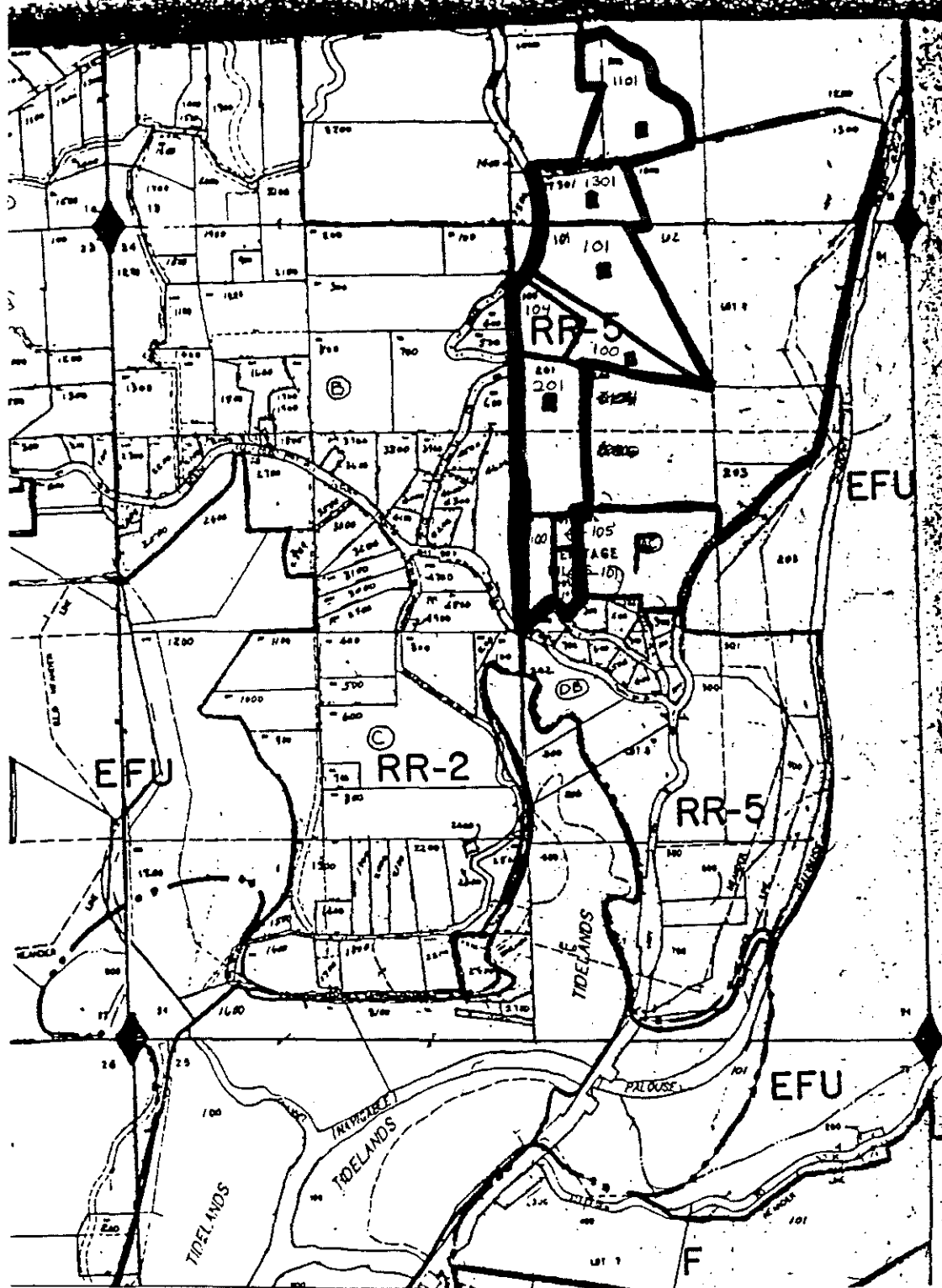


T. 24 R. 13 S. 12	Dwelling Unit Density of Area: 0 du's per acre	Predominant Ownership Size: 1	LEGEND <input type="checkbox"/> dwelling unit <input type="checkbox"/> feet A N See Conclusion # 9
Total Ac. 3	# of Separate Ownerships: 2		
Natural Boundaries and Other Factors: Parcels surrounded on three sides by residential committed area and North Slough County Road. Currently assessed for residential uses.			
Area is: Bordered on 2 sides by smaller parcels:		Y <input checked="" type="checkbox"/> N	
Area is: Bordered on 3 or more sides by smaller parcels:		Y <input checked="" type="checkbox"/> N	
Areas outside the Area are: smaller <input checked="" type="checkbox"/> similar <input checked="" type="checkbox"/> larger			



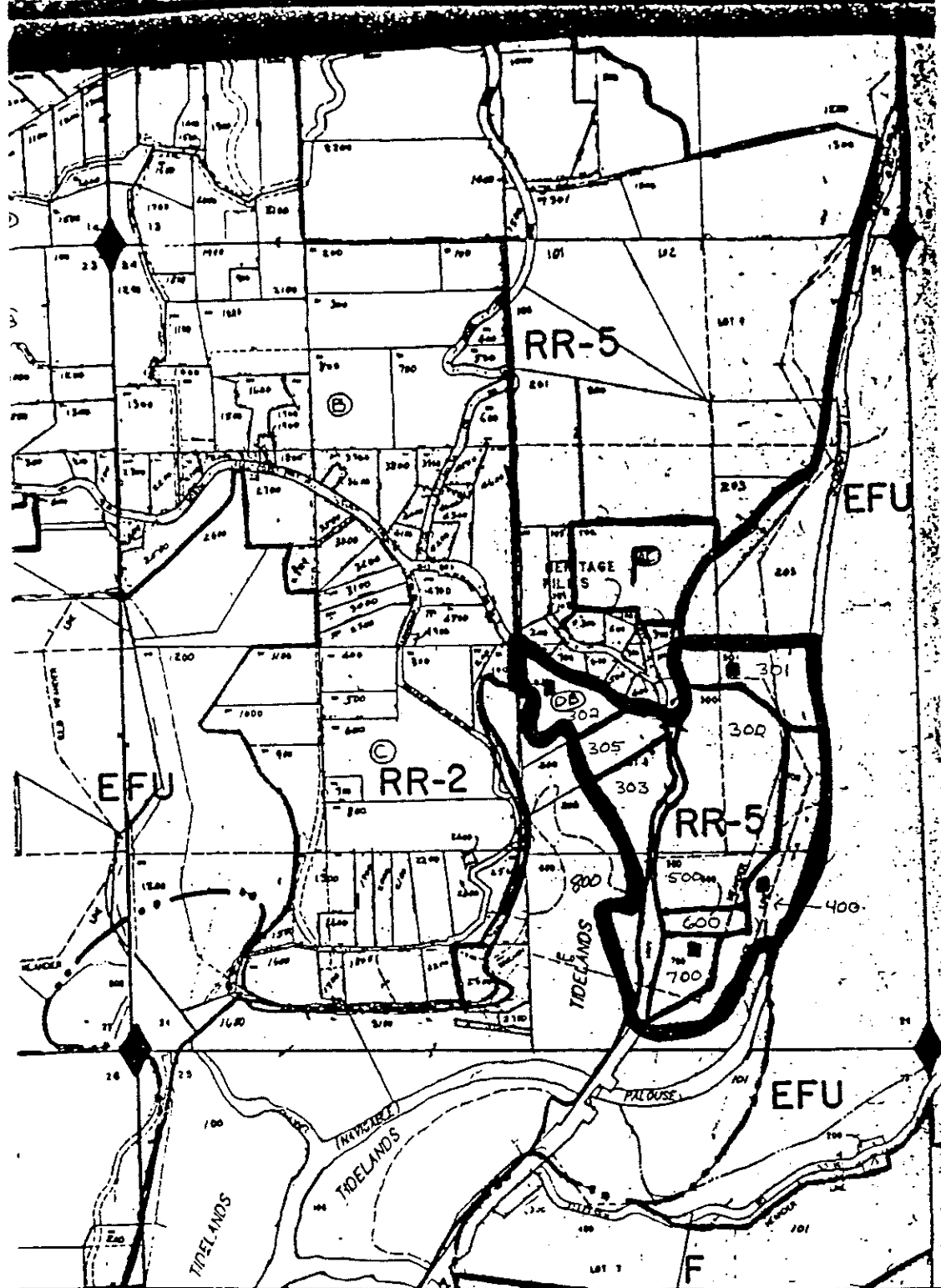
T. 24 R. 13 S. 13C	Dwelling Unit Density of Area: .29 du's per acre	Predominant Ownership Size: 7	LEGEND <input type="checkbox"/> Dwelling unit feet 80 See Conclusio # 10
Total Ac. 7	# of Separate Ownerships: 1		
Natural Boundaries and Other Factors: Property adjacent to a committed area with two residential structures.			
Area is: Bordered on 2 sides by smaller parcels:		Y <input checked="" type="checkbox"/>	
Area is: Bordered on 3 or more sides by smaller parcels:		Y <input checked="" type="checkbox"/>	
Areas outside the Area are: smaller similar larger		<input checked="" type="checkbox"/>	

Volume I Part 3



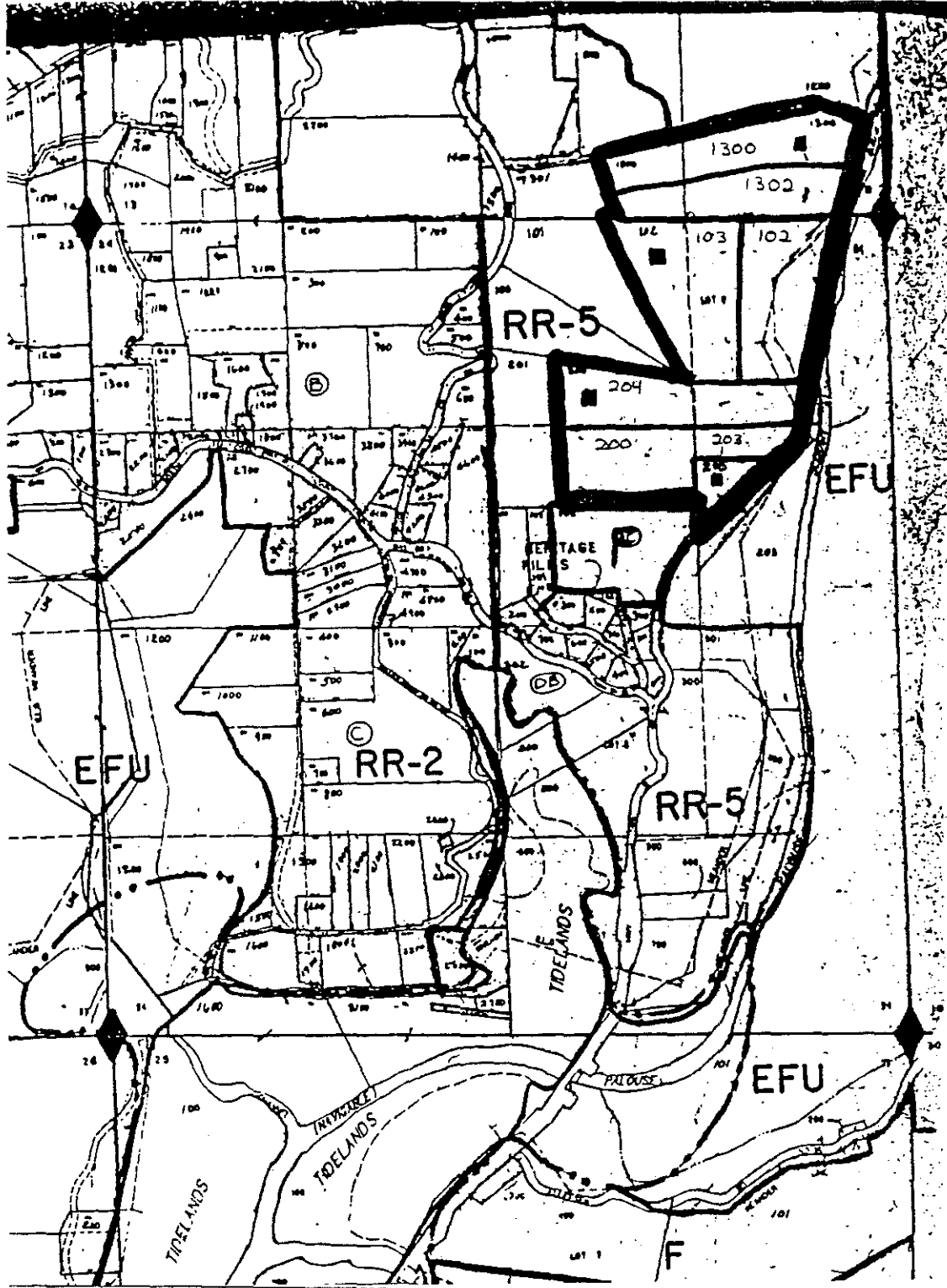
T. 24 R. 13 S. 24AC/24/13D	Dwelling Unit Density of Area: .10 du's per acre	Predominant Ownership Size: 8	LEGEND dwelling units 0 feet 8 See Conclusion.
Total Ac. 50	# of Separate Ownerships: 9		
Natural Boundaries and Other Factors: Parcels adjacent to residential committed area.			
Area is: Bordered on 2 sides by smaller parcels:		<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
Area is: Bordered on 3 or more sides by smaller parcels:		<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	# //
Areas outside the Area are: smaller <input checked="" type="checkbox"/> similar <input type="checkbox"/> larger			

Volume I Part 3



T. 24 R. 13 S. 24	Dwelling Unit Density of Area: .06 du's per acre	Predominant Ownership Size: 5	LEGEND
Total Ac. 72	# of Separate Ownerships: 8		
Natural Boundaries and Other Factors: Area east of Highway 101 is surrounded on three sides by the highway and Palouse Slough. Area west of Highway 101 is surrounded on two sides by committed areas and the third side by the highway.			See Conclusion #12
Area is: Bordered on 2 sides by smaller parcels:		Y <input checked="" type="radio"/> N	
Area is: Bordered on 3 or more sides by smaller parcels:		Y <input checked="" type="radio"/> N	
Areas outside the Area are: <u>smaller</u> similar <u>larger</u>			

Volume I Part 3

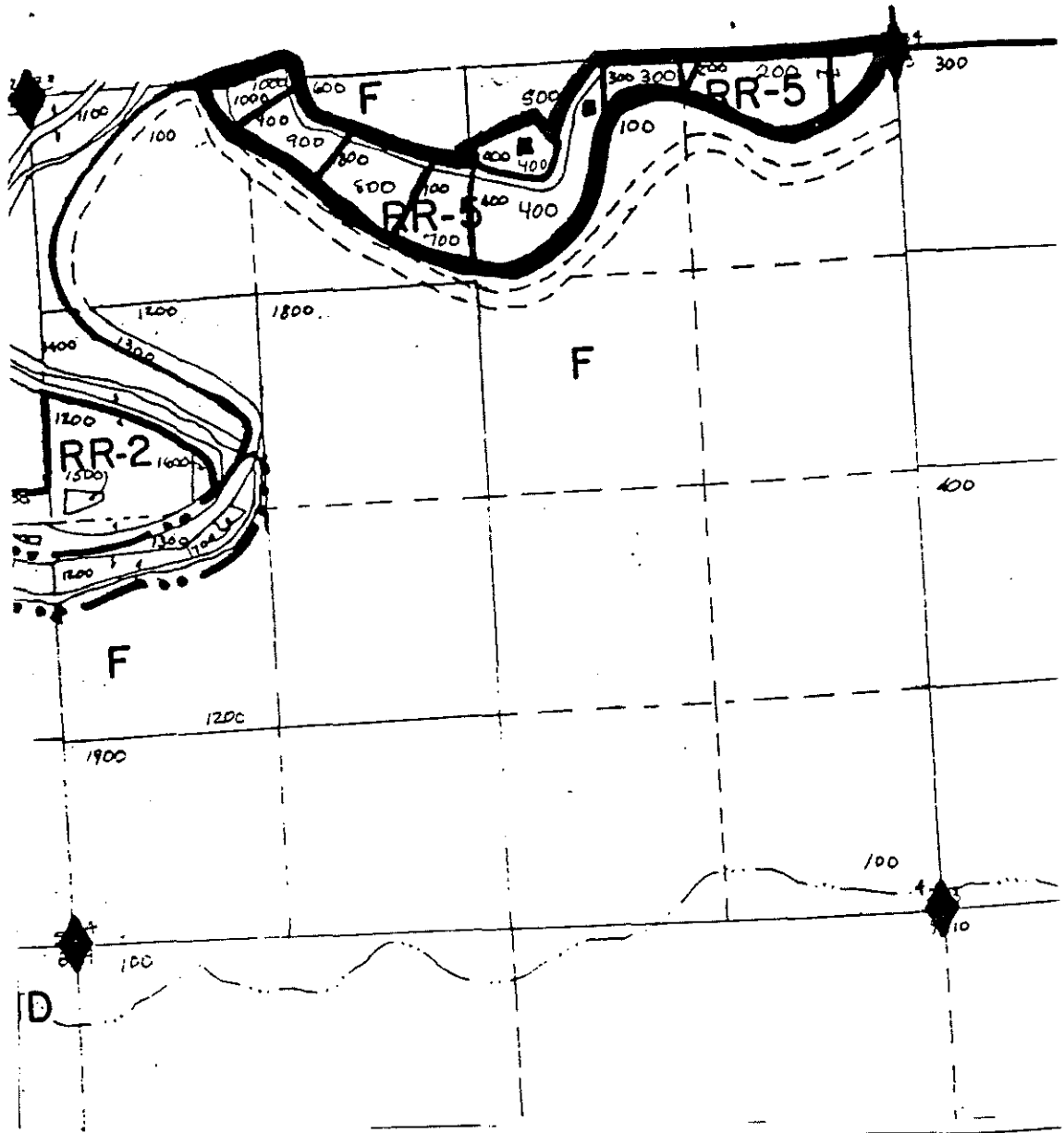


T. 24 R. 13 S. 130/24	Dwelling Unit Density of Area: .07 du's per acre	Predominant Ownership Size: 5	LEGEND <input type="checkbox"/> dwelling units <input type="checkbox"/> 0 feet 8 <input checked="" type="checkbox"/> See Conclusion. <input checked="" type="checkbox"/> # 13
Total Ac. 75	# of Separate Ownerships: 7		
Natural Boundaries and Other Factors: Area adjacent to a committed area and Highway 101.			
Area is: Bordered on 2 sides by smaller parcels: Y N			
Area is: Bordered on 3 or more sides by smaller parcels: Y Y			
Areas outside the Area are: <u>smaller</u> similar <u>larger</u>			

Volume I Part 3

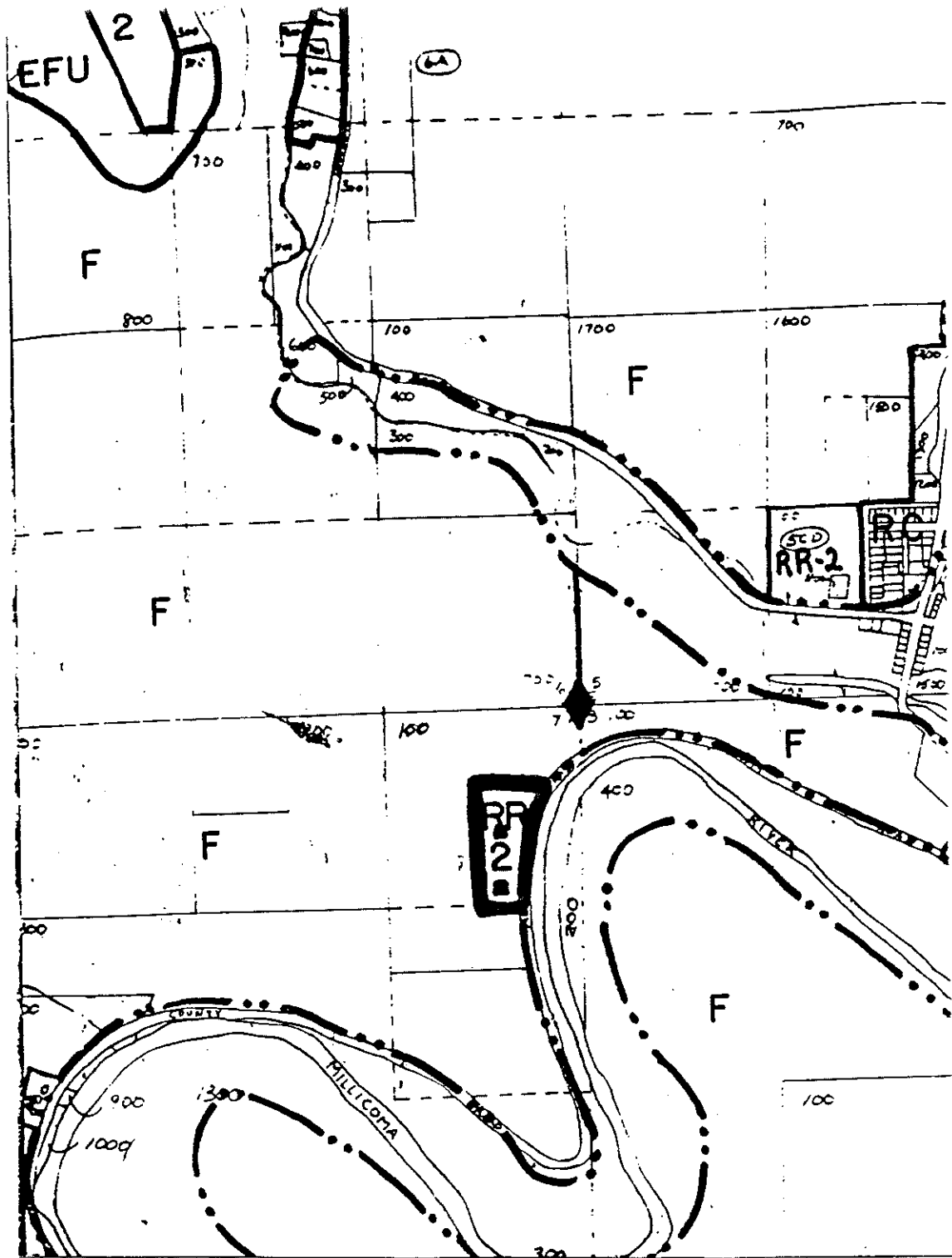
Changes on original 8/20/85

T. 25 S., R. 11 W., W.M.
1" = 800'



T. 25 R. 11 S. 04	Dwelling Unit Density of Area: .51 du's per acre	Predominant Ownership Size: 5	LEGEND <input type="checkbox"/> dwelling units <input type="checkbox"/> feet 80 <input type="checkbox"/> See Conclusion # 14
Total Ac. 51	# of Separate Ownerships: 11		
Natural Boundaries and Other Factors: Parcels located adjacent to East Fork of the Hillicoma River. Parcels 300, 700, 800, 900, and 1000 are currently assessed for residential uses.			
Area is: Bordered on 2 sides by smaller parcels:		Y <input checked="" type="checkbox"/>	
Area is: Bordered on 3 or more sides by smaller parcels:		Y <input checked="" type="checkbox"/>	
Areas outside the Area are: smaller similar larger		<input checked="" type="checkbox"/>	

Volume I Part 3



T. <u>25</u> R. <u>11</u>	Dwelling Unit Density of Area: <u>.33</u> du's per acre	Predominant Ownership Size: <u>6</u>
S. <u>07</u>	# of Separate Ownerships: <u>1</u>	
Total Ac. <u>6</u>		

LEGEND

■ dwelling units

0 feet 8'

↑ N

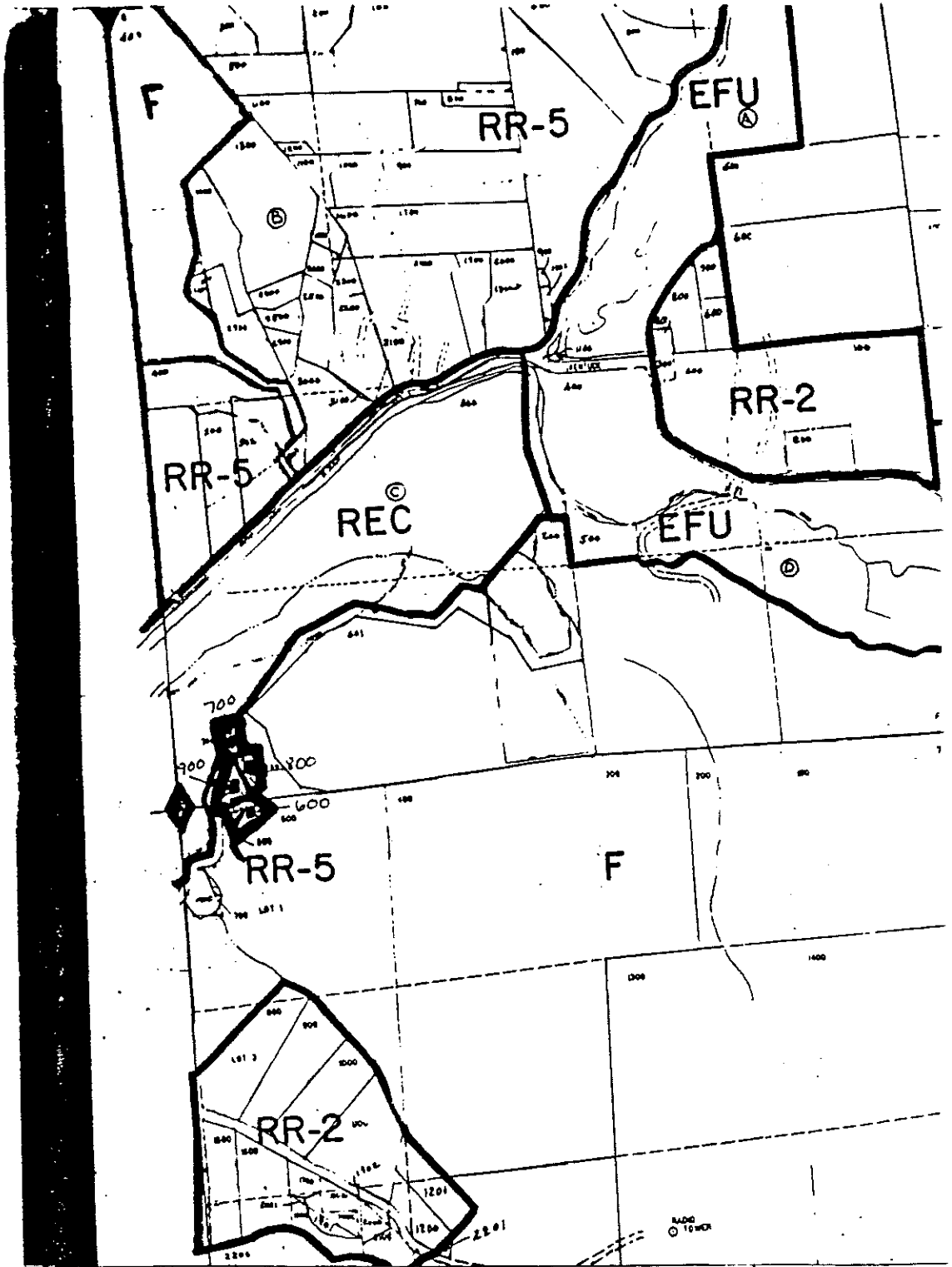
Natural Boundaries and Other Factors: Parcel adjacent to Millicoma River with two dwellings on it.




Area is: Bordered on 2 sides by smaller parcels:	Y	<input checked="" type="radio"/>
Area is: Bordered on 3 or more sides by smaller parcels:	Y	<input checked="" type="radio"/>
Areas outside the Area are: smaller similar larger		<input checked="" type="radio"/>

See Conclusion

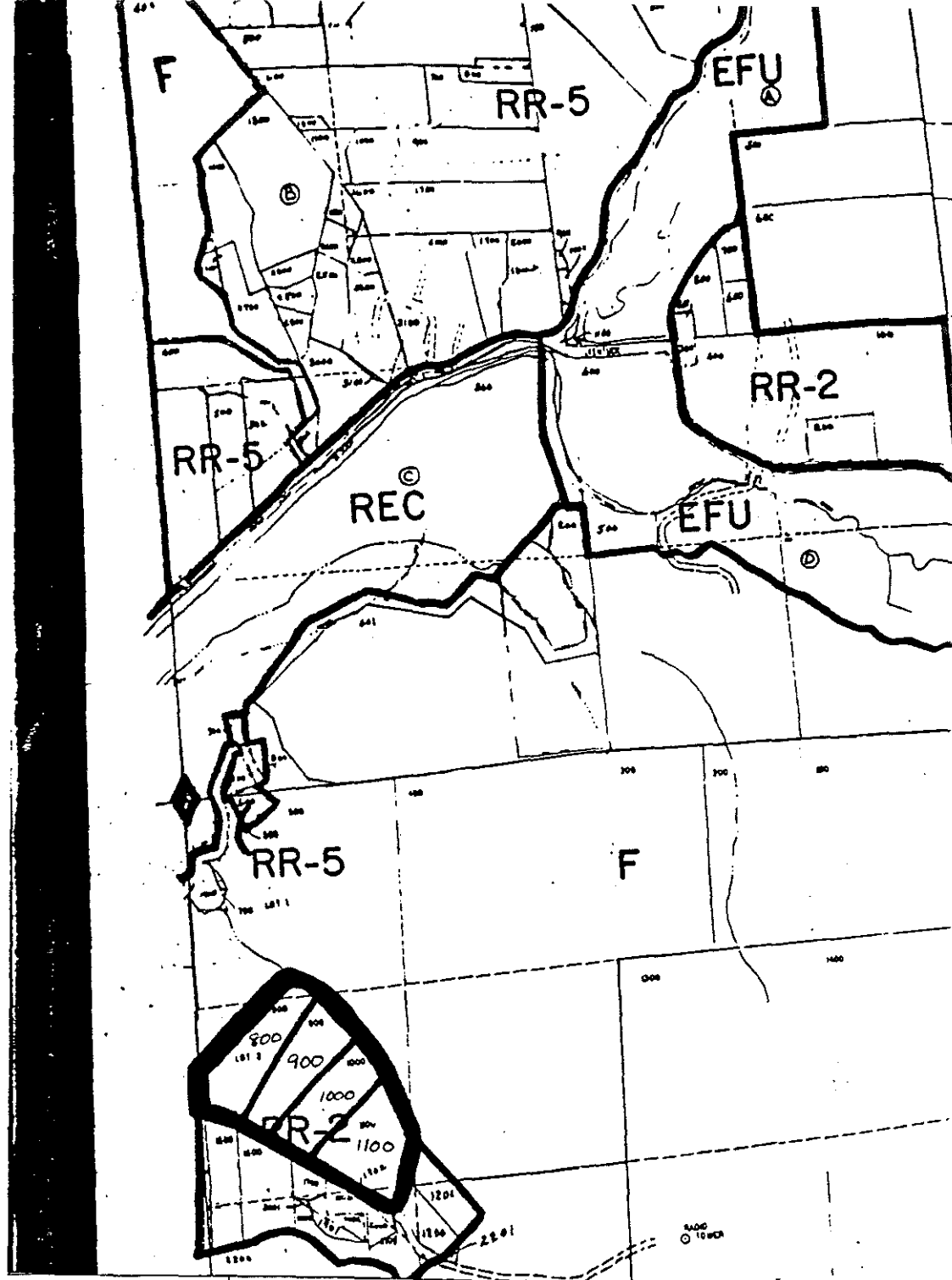
0

15



T. 25 R. 12 S. 06 C/ 07	Dwelling Unit Density of Area: 1.0 du's per acre	Predominant Ownership Size: 1	LEGEND  dwelling unit: feet   See Conclusion # 0 16
Total Ac. 4	# of Separate Ownerships: 4		
Natural Boundaries and Other Factors: Area adjacent to Kentuck Golf Course. Properties are all assessed for residential uses including duplex assessment.			
Area is: Bordered on 2 sides by smaller parcels:		Y <input type="radio"/> N <input checked="" type="radio"/>	
Area is: Bordered on 3 or more sides by smaller parcels:		Y <input type="radio"/> N <input checked="" type="radio"/>	
Areas outside the Area are: smaller similar larger		<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	

Volume 1 Part 3

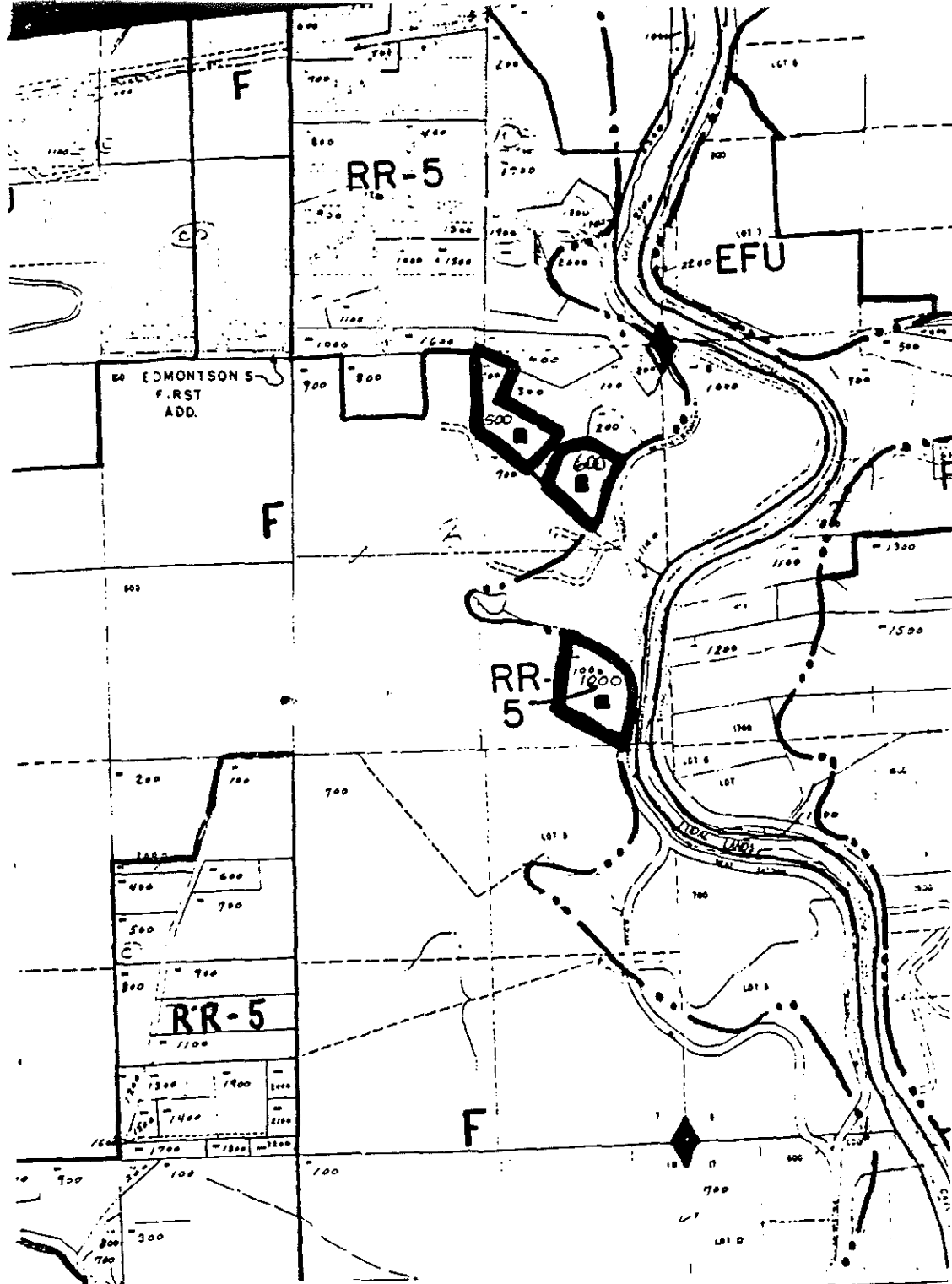


T. 25 S. 07	R. 12	Dwelling Unit Density of Area: 0 du's per acre	Predominant Ownership Size: 5	LEGEND dwelling unit feet N See Conclusion: #17
Total Ac.	25	# of Separate Ownerships:	4	
Natural Boundaries and Other Factors: Parcels adjacent to a committed residential area (Carlson Heights). Tax lots 800, 900, and 1000 are currently being assessed for residential uses.				
Area is: Bordered on 2 sides by smaller parcels:		Y N		
Area is: Bordered on 3 or more sides by smaller parcels:		Y Y		
Areas outside the Area are:		smaller similar larger		

Volume I Part 3



T. <u>25</u> R. <u>12</u> S. <u>31C</u>	Dwelling Unit Density of Area: <u>.18</u> du's per acre	Predominant Ownership Size: <u>4</u>	LEGEND <input type="checkbox"/> dwelling unit: <input type="checkbox"/> feet <u>80</u> <input checked="" type="checkbox"/> N <input type="checkbox"/> S See Conclusion <u>#18</u>
Total Ac. <u>22</u>	# of Separate Ownerships: <u>6</u>		
Natural Boundaries and Other Factors: Area surrounded by 1) City of Coos Bay to the north, 2) Catching Slough to east, 3) residential committed area to the west. Parcels 200, 300, 400, and 600 assessed for residential uses.			
Area is: Bordered on 2 sides by smaller parcels:		<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
Area is: Bordered on 3 or more sides by smaller parcels:		<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	
Areas outside the Area are: <input checked="" type="checkbox"/> smaller <input type="checkbox"/> similar <input type="checkbox"/> larger			



T. 26 R. 12 S. 07A	Dwelling Unit Density of Area: .38 du's per acre	Predominant Ownership Size: 5
Total Ac. 13	# of Separate Ownerships: 3	
<p>Natural Boundaries and Other Factors: Tax lots 500 & 600 are surrounded by residential committed areas on two sides. Tax lot 600 additionally is surrounded on the east by Catching Slough Road, Tax lot 1000 is surrounded on two sides by Catching Slough.</p> <p>Area is: Bordered on 2 sides by smaller parcels: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N</p> <p>Area is: Bordered on 3 or more sides by smaller parcels: <input type="checkbox"/> Y <input checked="" type="checkbox"/> N</p> <p>Areas outside the Area are: smaller <input checked="" type="checkbox"/> similar <input type="checkbox"/> larger</p>		

LEGEND

dwelling unit
feet

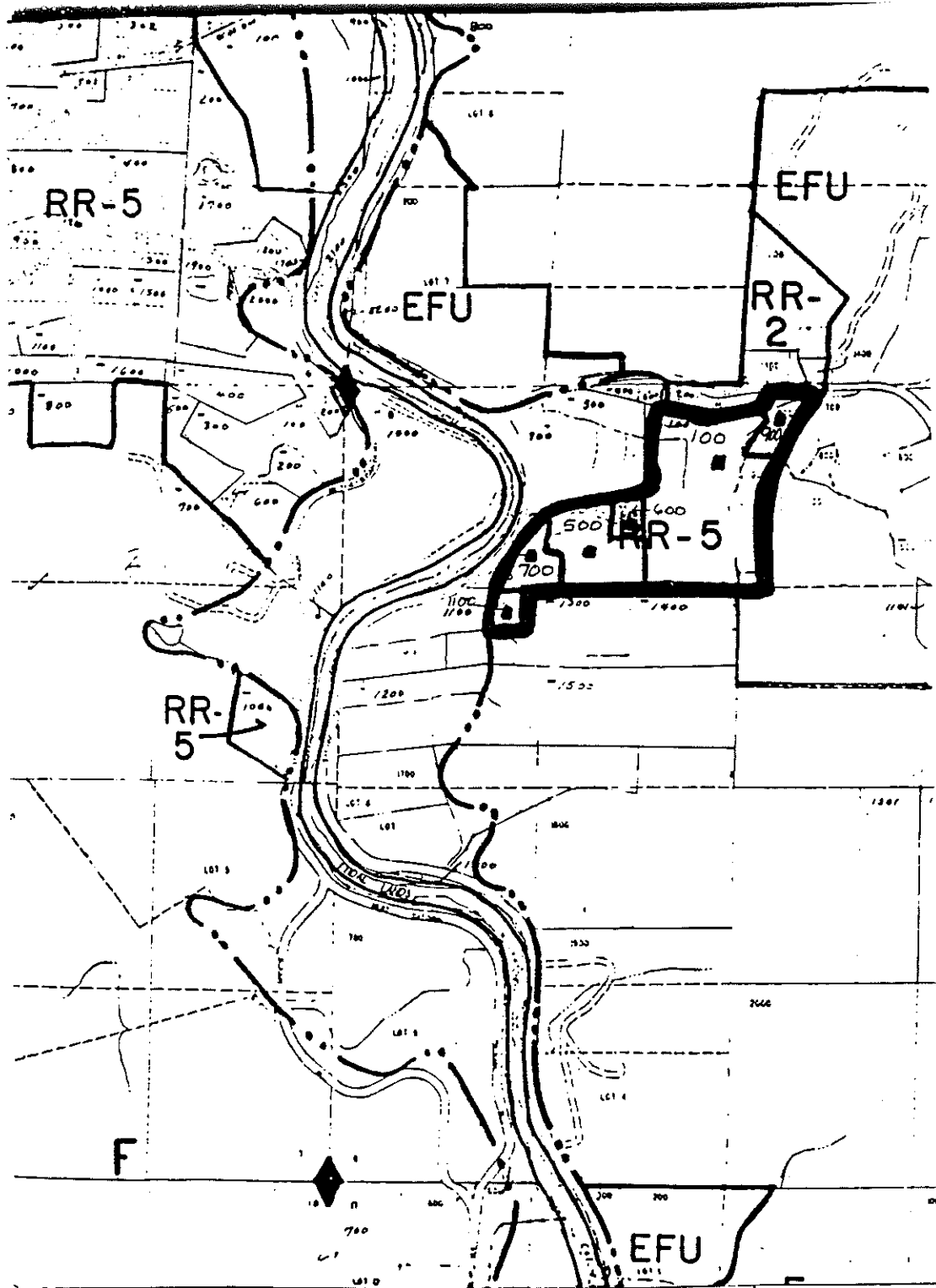
A
N


See Conclusio

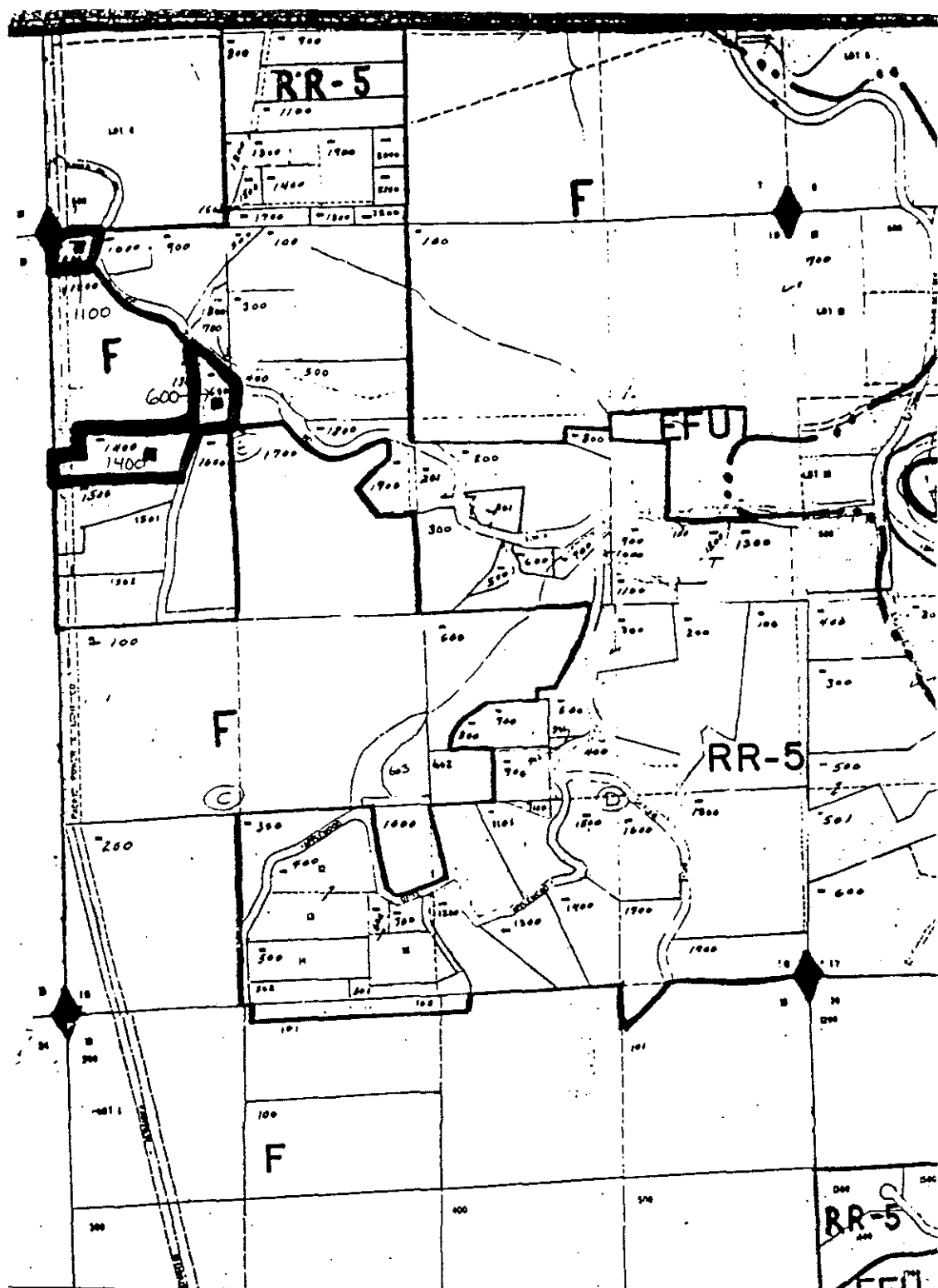
0



19

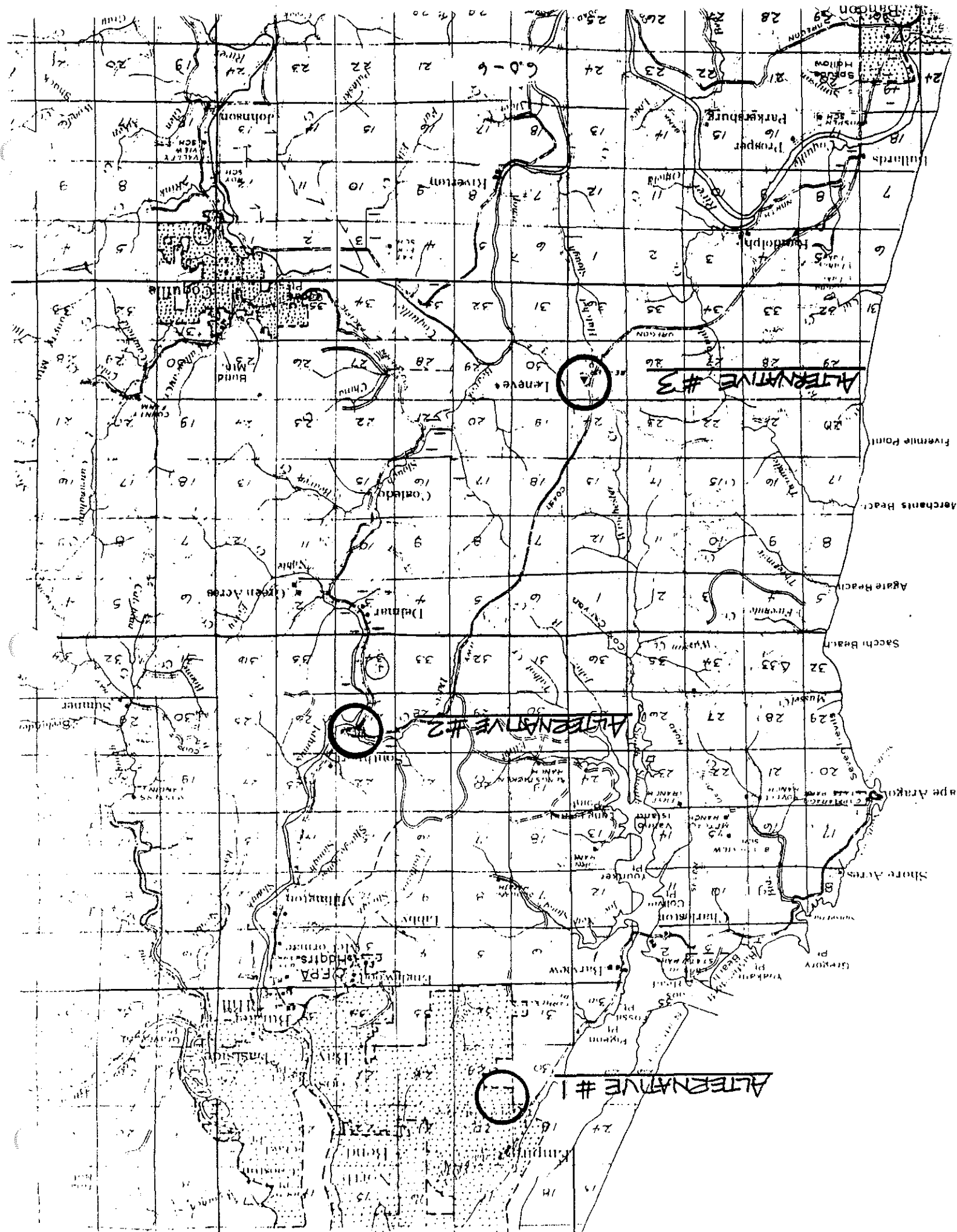
Volume I Part 3



T. 26 R. 12 S. 088	Dwelling Unit Density of Area: .18 du's per acre	Predominant Ownership Size: 1-3	LEGEND <input type="checkbox"/> Dwelling unit <input type="checkbox"/> feet  See Conclusion
Total Ac. 33	# of Separate Ownerships: 6		
Natural Boundaries and Other Factors: Area is surrounded by a residential committed area to the north and Catching Slough to the west. All parcels have been let to residential development.			
Area is: Bordered on 2 sides by smaller parcels: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N			
Area is: Bordered on 3 or more sides by smaller parcels: <input type="checkbox"/> Y <input checked="" type="checkbox"/> N			# 20
Areas outside the Area are: smaller similar <u>larger</u>			



T. 26 R. 12 S. 188	Dwelling Unit Density of Area: .30 du's per acre	Predominant Ownership Size: 3	LEGEND  dwelling units  feet 8c See Conclusion # 0 21
Total Ac. 10	# of Separate Ownerships: 3		
Natural Boundaries and Other Factors: Tax lots 600 and 1400 are surrounded on two sides by residential committed areas. Tax lot 1100 is adjacent to a committed area. All three parcels are developed for residential purposes and are being assessed as such.			
Area is: Bordered on 2 sides by smaller parcels: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N			
Area is: Bordered on 3 or more sides by smaller parcels: <input type="checkbox"/> Y <input checked="" type="checkbox"/> N			
Areas outside the Area are: smaller <input checked="" type="checkbox"/> similar <input type="checkbox"/> larger			



geographically and by road, being roughly equidistant from the Coos Bay/North Bend area, Bandon, and Coquille (about 20 minutes travel time from each), with access to U.S. 101 and indirectly to OR 42 (the major East-West highway).

- The ridge top location provides for excellent communication access to most parts of the county.
- The site is adjacent to an area committed to communication facilities, including microwave transmitter towers of General Telephone and Bonneville Power Administration.
- The site is located adjacent to an oddly shaped area purchased several years ago as highway right-of-way by the State to provide an improved connection between US 101 and the Beaver Hill cutoff road. Since that time, the road has been realigned but the oddly shaped state-owned parcels remain. According to the County Forester, these oddly shaped parcels give the site limited value for full-scale forest management.

6.4 "What Are the Long-Term Environmental, Economic, Social and Energy Consequences to the Locality, the Region, or the State from Not Applying the Goal or Permitting the Alternative Use."

6.4.1 Environmental Consequences

Removing 5 acres of natural resource land for an emergency operations center will result in a loss of .0005 percent, or one twentieth of one one-hundredth of one percent of Coos County's forest land resources. Since the land is not currently devoted to agricultural use nor is it ever likely to be because of the surrounding forest uses and highways, no existing agricultural land will be lost. Actual ground cover loss will be less, since the building is intended to be constructed largely underground, with a four-foot soil cover on the roof.

6.4.2 Economic Consequences

Building construction will temporarily employ some of the idled construction workers in the County's economy. When operable, the facility will save considerable tax dollars because of increased efficiencies. The County is required to replace any lost forest land by designating a like-value amount of land elsewhere as "County Forest", so that there should be no loss in timber revenue to Coos County.

is located within the Coos County Forest, as cubic-foot Site Class 2-3. Commercial value timber is currently grown on portions of the site.

6.2 "Why These Other Uses Should Be Provided For"

Nuclear Disaster Preparedness

Coos County's well-documented geographic isolation from major population centers and major transportation corridors [see Industrial Lands Inventory], which traditionally is an impediment to the improvement of the local economy, could ultimately prove to be a "blessing". According to the Federal Emergency Management Agency (FEMA), Coos County is planned as a "host community" for approximately 96,000 people that would theoretically be able to be evacuated from the Eugene area in the event of a nuclear holocaust, since FEMA believes Coos County's isolation will protect it from direct exposure to an exploding nuclear warhead. [See FEMA letter attached as Appendix 6.0-A.]

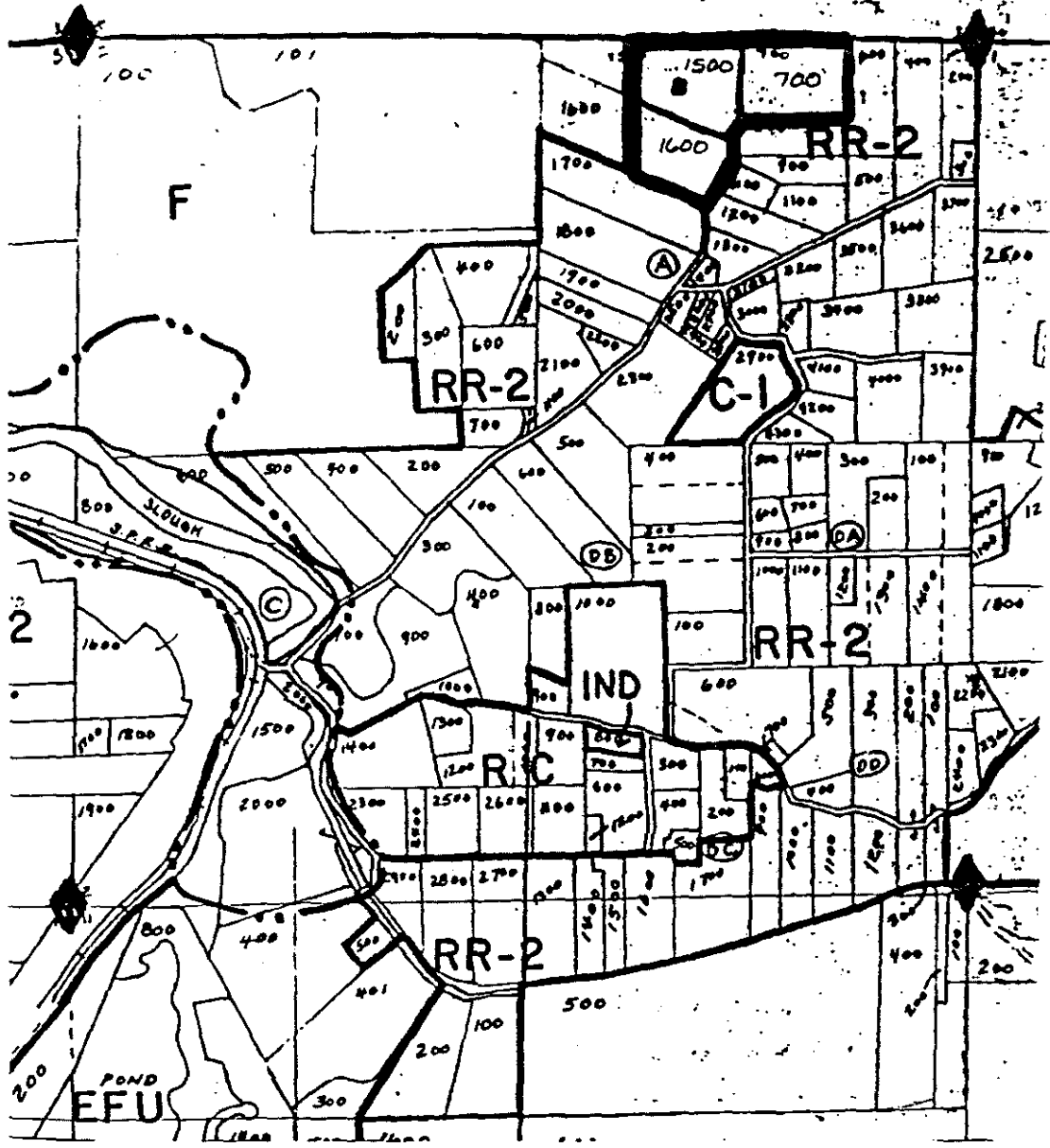
Based on FEMA's planning, the Coos County Sheriff's Office has offered the State Emergency Management Division (EMD) the use of one floor of the proposed building as an alternate site for state government headquarters during a nuclear emergency. According to the Sheriff's Office, both the previous and present Directors of EMD have indicated their strong interest in the project.

Natural Disasters and Emergencies

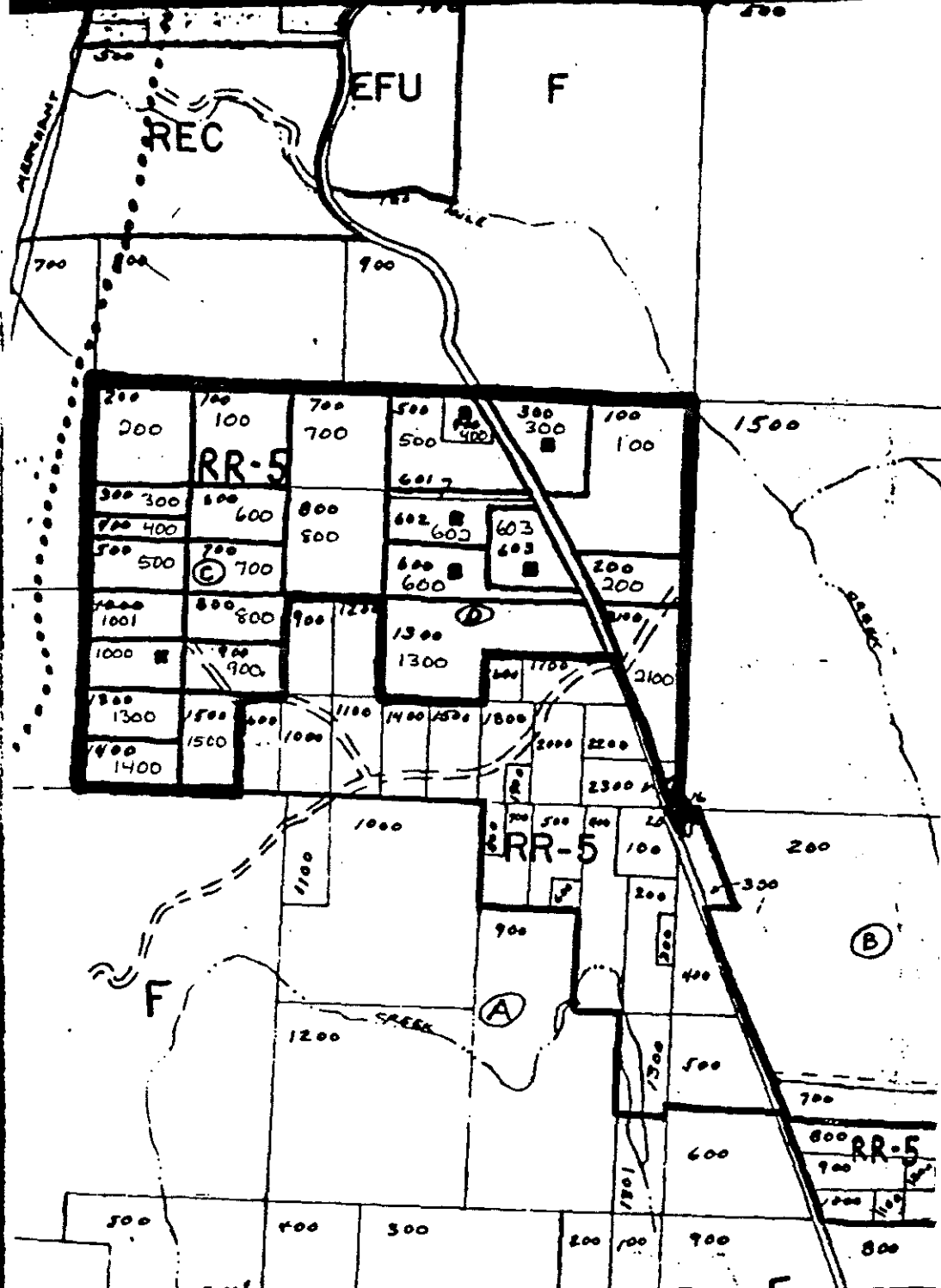
Severe high winds, heavy rains, and the attendant flooding and flash floods are occasional unwelcome occurrences to the coastal and inland areas of Coos County. The local mountainous topography has dictated the development of most transportation links along side the streams and estuaries that channel through the hills. As a result, natural disasters sometimes isolate some portions of the County. While such isolation lasts for only a short period, usually less than a day, it is crucial that emergency police services not be isolated, but instead be located in a centralized position that can reach all separate areas of the County.

Communications Center

The County's topography also creates problems for the unimpeded transmission of emergency communications. A centralized location for emergency communications, staffed continuously in an area high enough in elevation to permit transmission to and reception from most parts of Coos County, would represent a significant increase in the level of public safety currently provided in the County.



T. 27 R. 13 S. 02A	Dwelling Unit Density of Area: .06 du's per acre	Predominant Ownership Size: 5	LEGEND
Total Ac. 17	# of Separate Ownerships: 3		
Natural Boundaries and Other Factors: Parcels are surrounded by residential committed areas to the south and east.			See Conclu # 37
Area is: Bordered on 2 sides by smaller parcels:		(Y) N	
Area is: Bordered on 3 or more sides by smaller parcels:		Y (N)	
Areas outside the Area are:		smaller similar larger	



T. 27 S. 17C/D	R. 14	Dwelling Unit Density of Area: .033 du's per acre	Predominant Ownership Size: 6
Total Ac. 187		% of Separate Ownerships: 24	
<p>Natural Boundaries and Other Factors: Parcels located north of Bandon, mostly between Seven Devils Road and the ocean. Resource productivity is very marginal in this area due to sandy soils and high wind velocity. Several small parcels with separate ownerships.</p>			
Area is: Bordered on 2 sides by smaller parcels:			<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Area is: Bordered on 3 or more sides by smaller parcels:			<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Areas outside the Area are:			<input type="checkbox"/> smaller <input checked="" type="checkbox"/> similar <input checked="" type="checkbox"/> larger

LEGEND

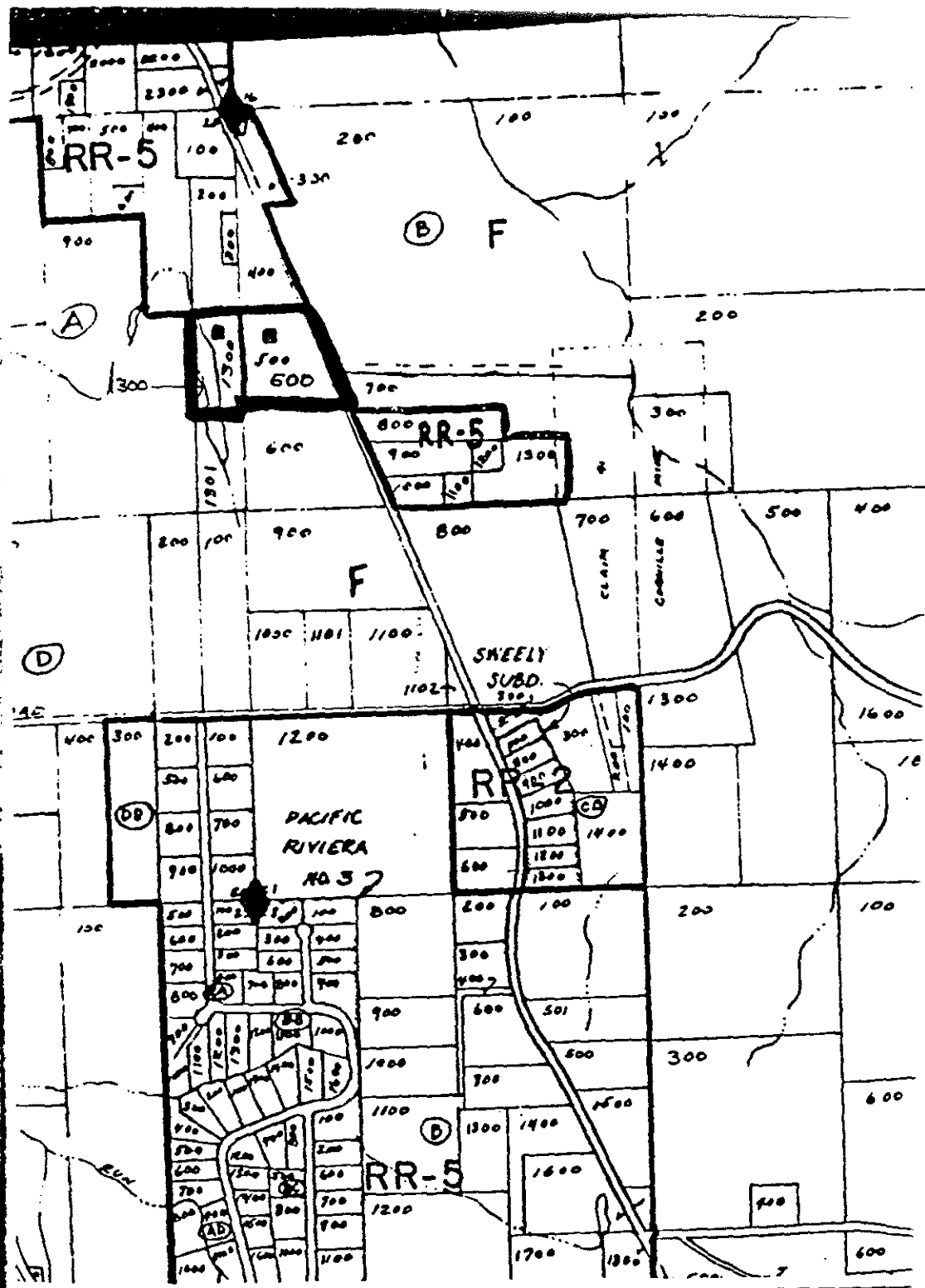
Dwelling

fee

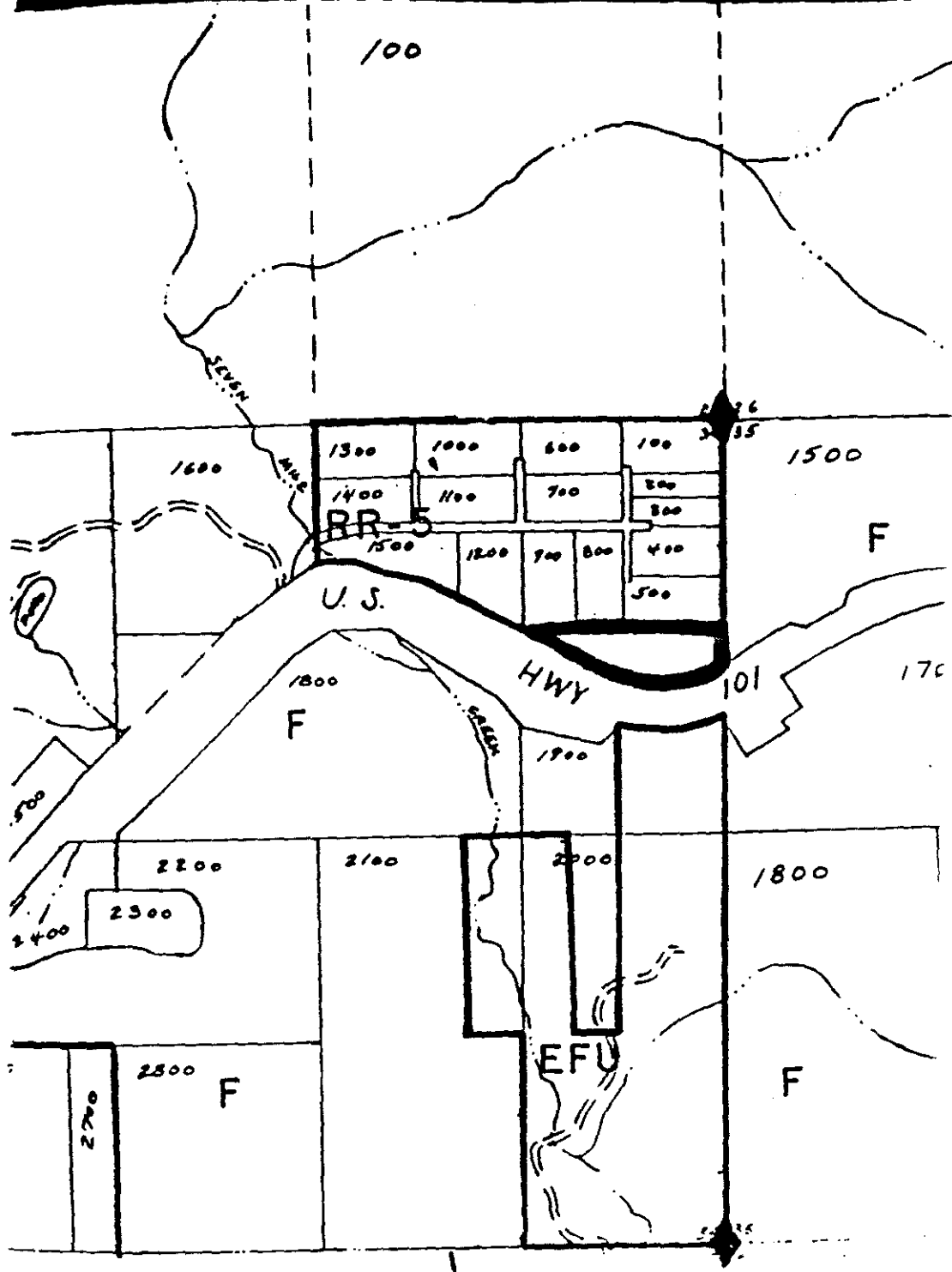
0 100 feet

See Concl

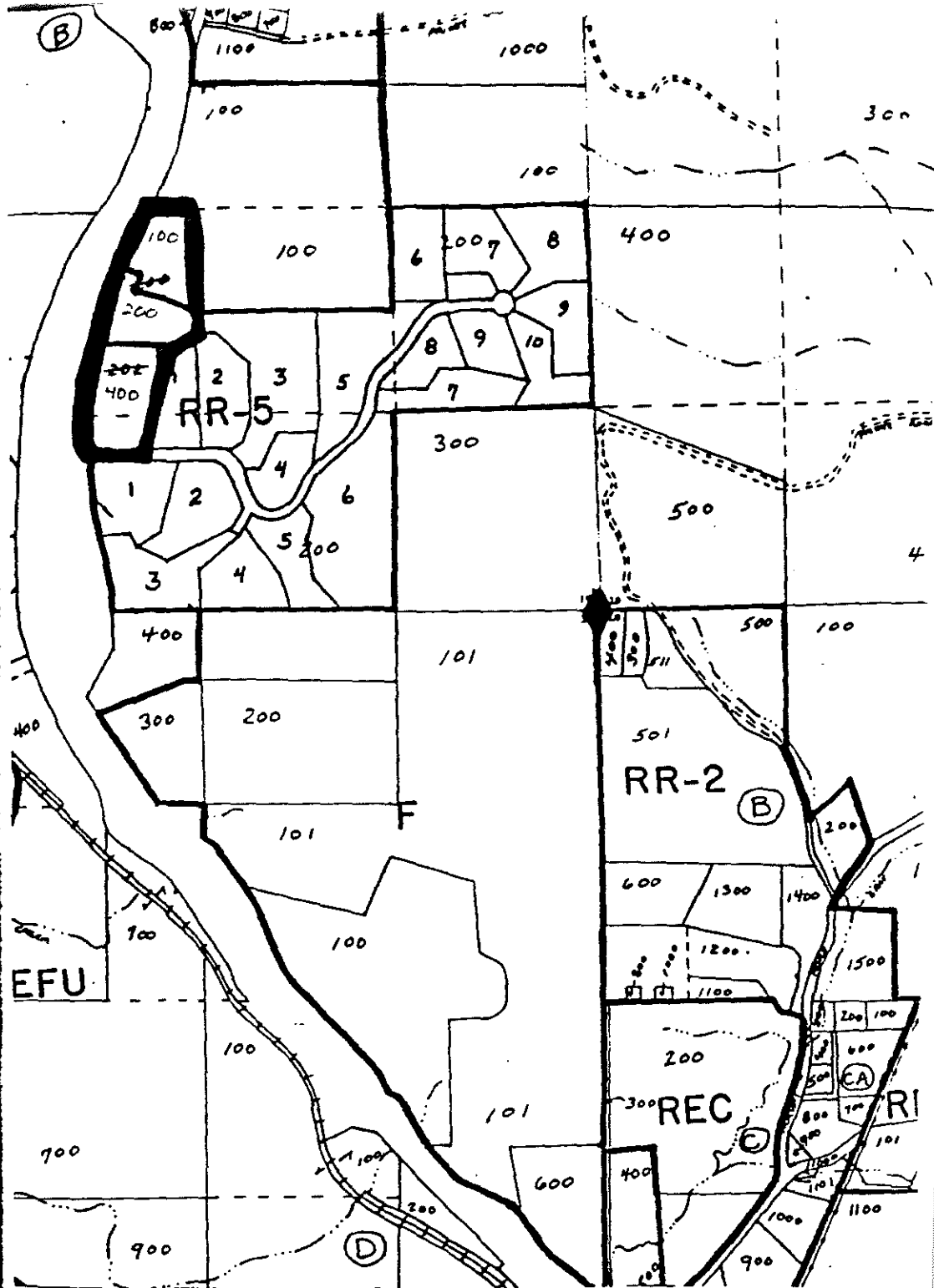
38






T. 27 R. 14 S. 20R/21	Dwelling Unit Density of Area: .15 du's per acre	Predominant Ownership Size: 6	LEGEND
Total Ac. 13	# of Separate Ownerships: 2		
Natural Boundaries and Other Factors: Parcels are adjacent to a residential committed area on the north and Seven Devils Road on the east.			See Conclt #0 39
Area is: Bordered on 2 sides by smaller parcels:		(Y) N	
Area is: Bordered on 3 or more sides by smaller parcels:		Y (Y)	
Areas outside the Area are:		smaller similar larger	

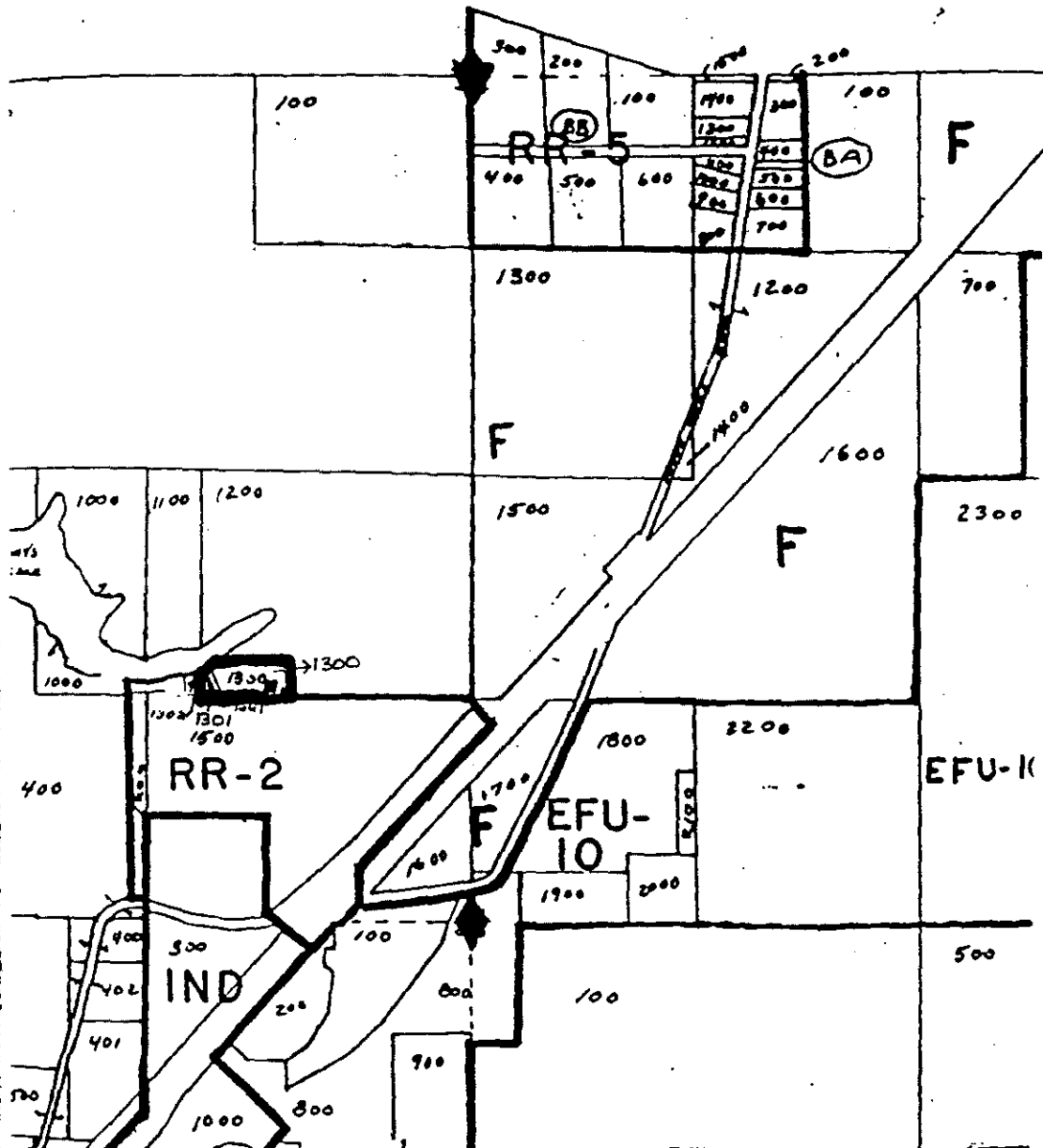


T. 27 S. 34	R. 14	Dwelling Unit Density of Area: 0 du's per acre	Predominant Ownership Size: 8	LEGEND <input type="checkbox"/> dwelling feet See Concl #40
Total Ac. 8	# of Separate Ownerships: 1	Natural Boundaries and Other Factors: This is part of Highway 101 easement according to assessor's plat book.		
Area is: Bordered on 2 sides by smaller parcels: <input checked="" type="radio"/> Y <input type="radio"/> N				
Area is: Bordered on 3 or more sides by smaller parcels: <input type="radio"/> Y <input checked="" type="radio"/> N				
Areas outside the Area are: <input checked="" type="radio"/> smaller <input type="radio"/> similar <input checked="" type="radio"/> larger				

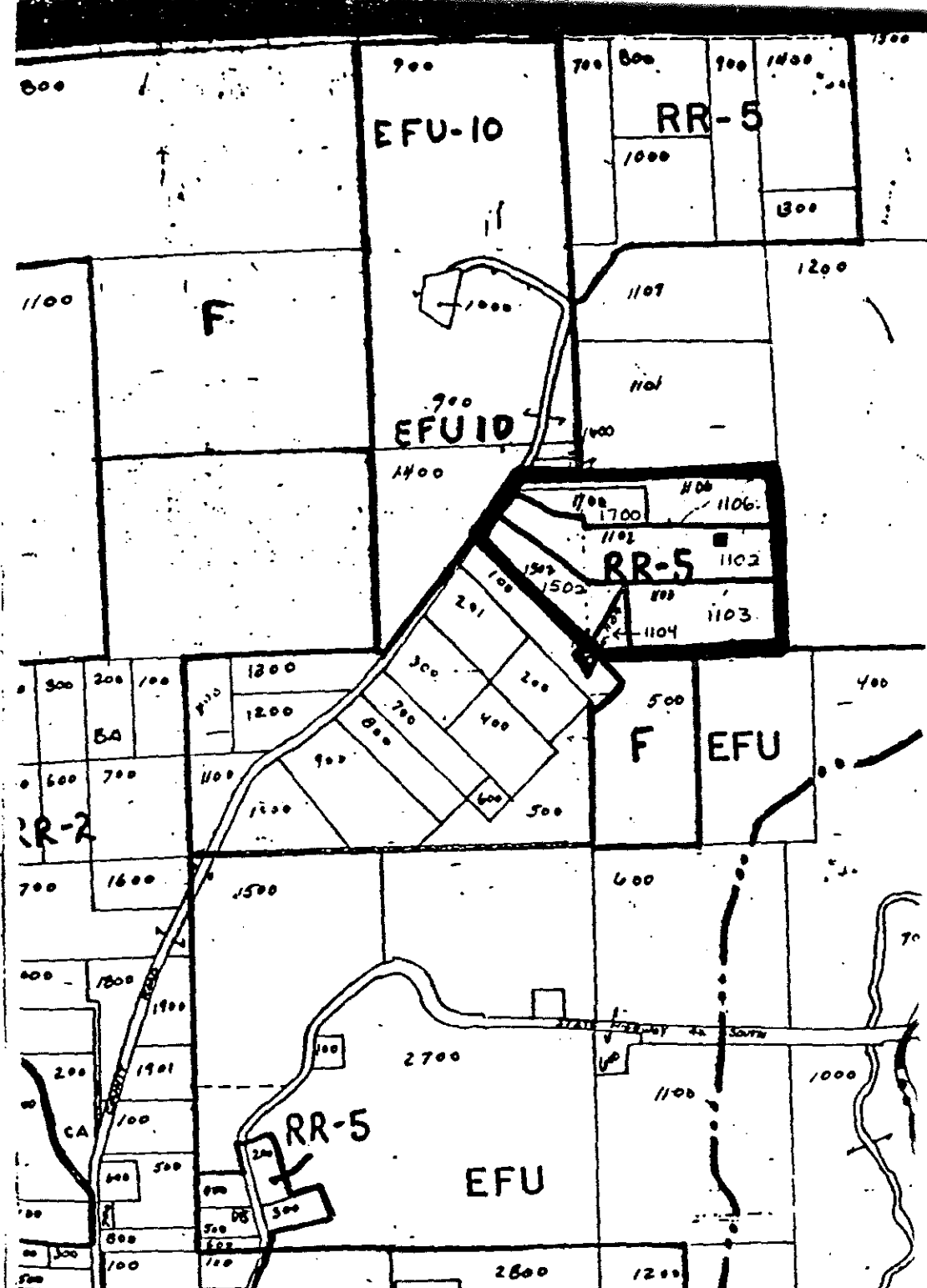


Volume I Part 3
158

T. 28 S. 19	R. 12	Dwelling Unit Density of Area: 0 du's per acre	Predominant Ownership Size: 5ac.	LEGEND  dwelling u  feet  See Conclu 41
Total Ac. 17	# of Separate Ownerships: 3	Natural Boundaries and Other Factors: Parcels located adjacent to Highway 101 and McNeely subdivision.		
Area is: Bordered on 2 sides by smaller parcels: <input checked="" type="radio"/> Y <input type="radio"/> N				
Area is: Bordered on 3 or more sides by smaller parcels: <input type="radio"/> Y <input checked="" type="radio"/> N				
Areas outside the Area are: smaller <input checked="" type="radio"/> similar <input type="radio"/> larger				




T. 28 R. 14 S. 05	Dwelling Unit Density of Area: .50 du's per acre	Predominant Ownership Size: 2	LEGEND <input checked="" type="checkbox"/> dwelling 0 feet
Total Ac. 2	# of Separate Ownerships: 1		
Natural Boundaries and Other Factors: Parcel adjacent to Fahy's Lake and adjacent to Weiss Estates P.U.D.			See Concl 0 42
Area is: Bordered on 2 sides by smaller parcels:		Y <input checked="" type="radio"/> N	
Area is: Bordered on 3 or more sides by smaller parcels:		Y <input checked="" type="radio"/> N	
Areas outside the Area are: <input checked="" type="radio"/> smaller <input type="radio"/> similar <input checked="" type="radio"/> larger			



T. 28 R. 14 S. 15/16	Dwelling Unit Density of Area: .02 du's per acre	Predominant Ownership Size: 12
Total Ac. 51	# of Separate Ownerships: 5	
Natural Boundaries and Other Factors: Parcels are adjacent to a residential committed area to the southwest and Tom Smith Road to the north west.		
Area is: Bordered on 2 sides by smaller parcels:	Y	<input checked="" type="radio"/> N
Area is: Bordered on 3 or more sides by smaller parcels:	Y	<input checked="" type="radio"/> N
Areas outside the Area are:	smaller	similar <input checked="" type="radio"/> larger

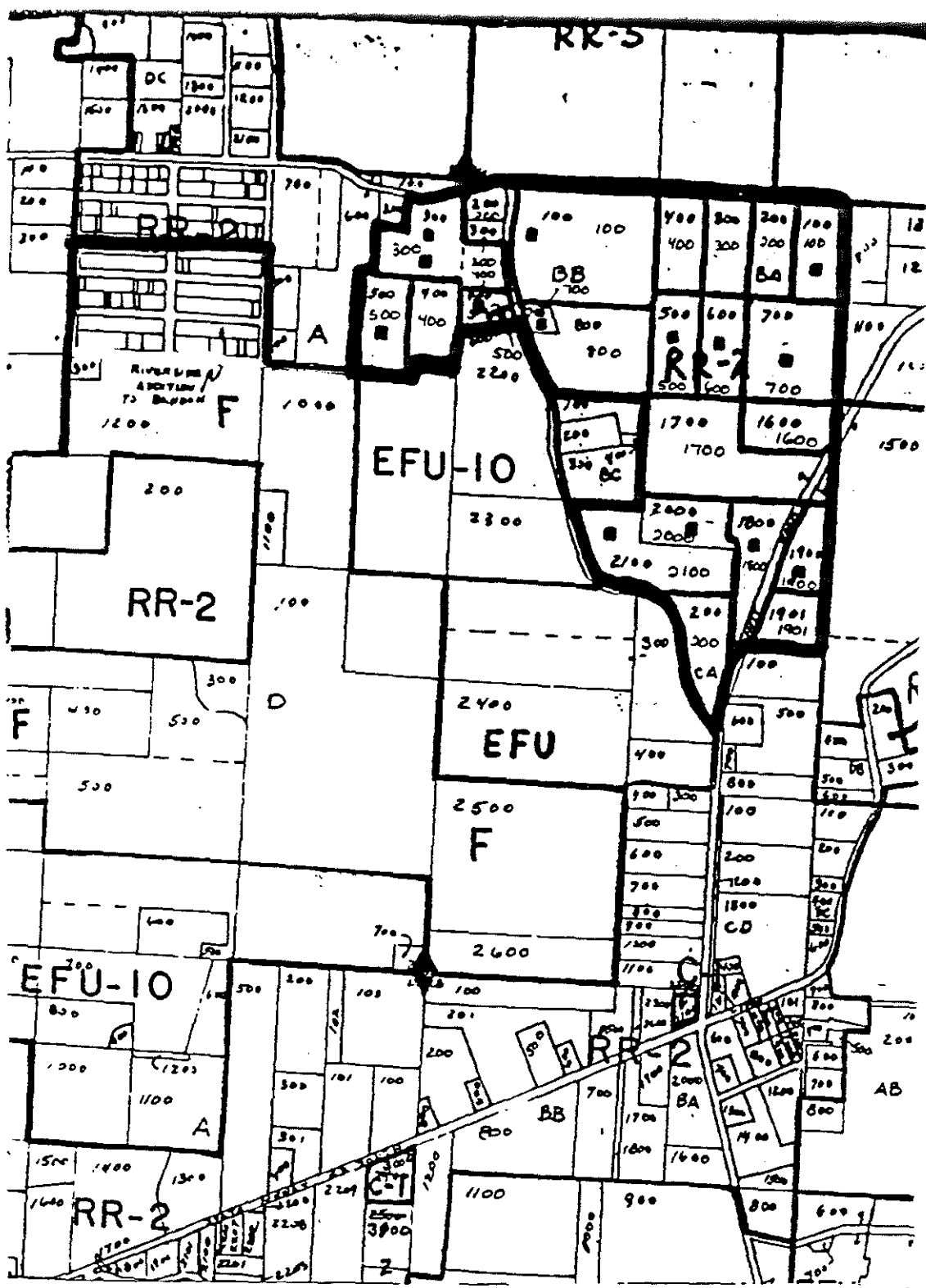
LEGEND

dwelling unit fee

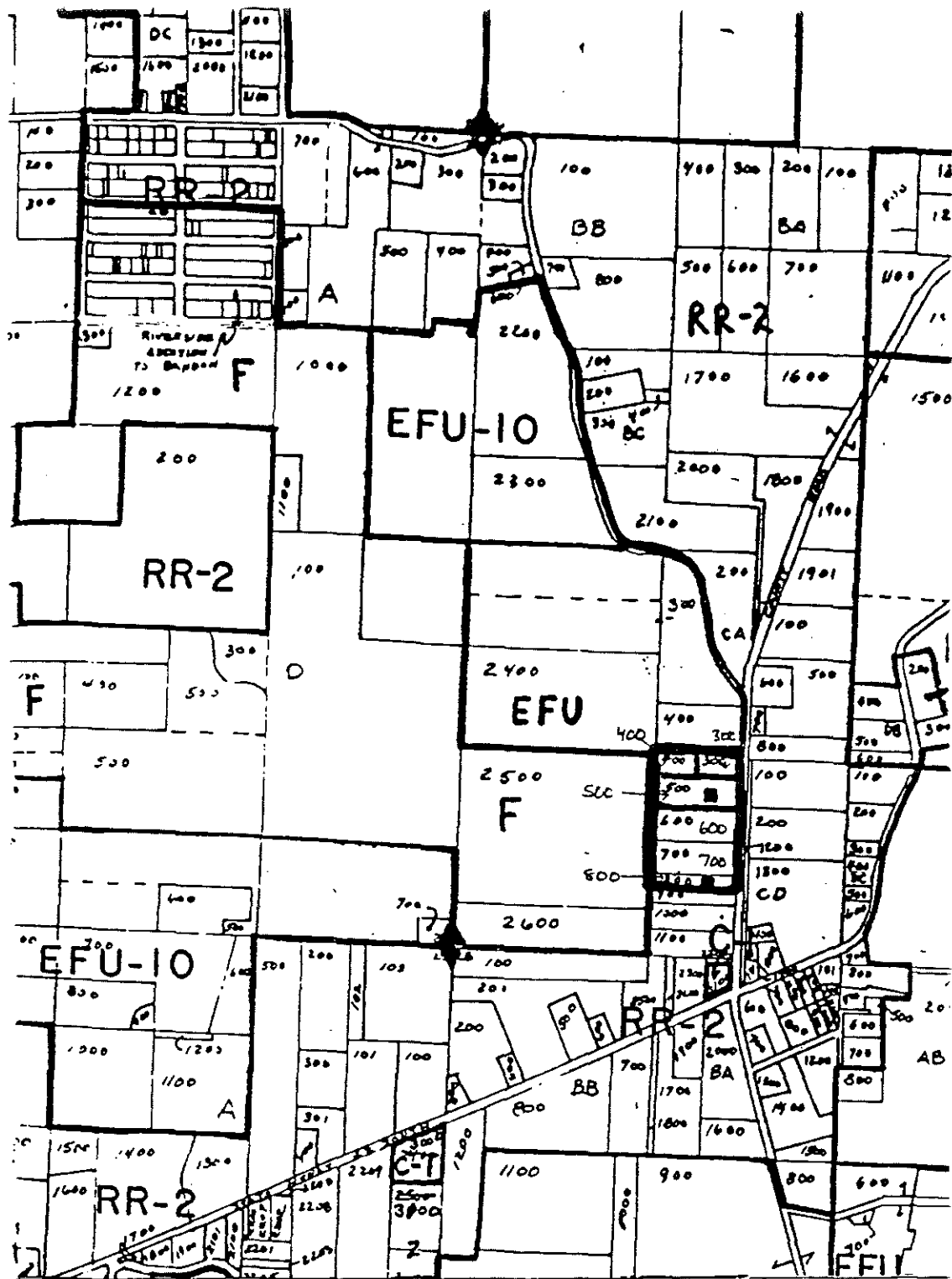
 N

See Concl:

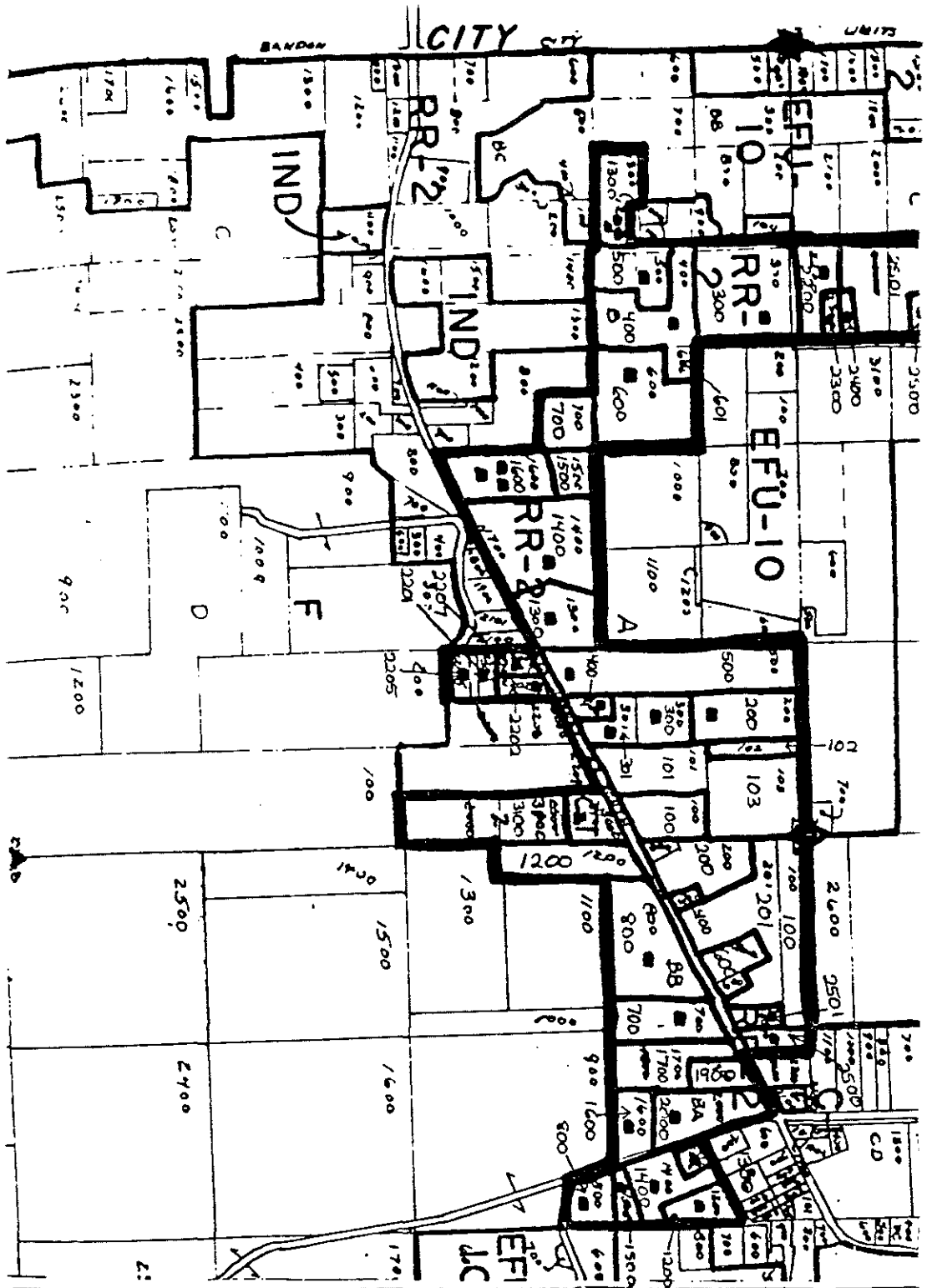
43



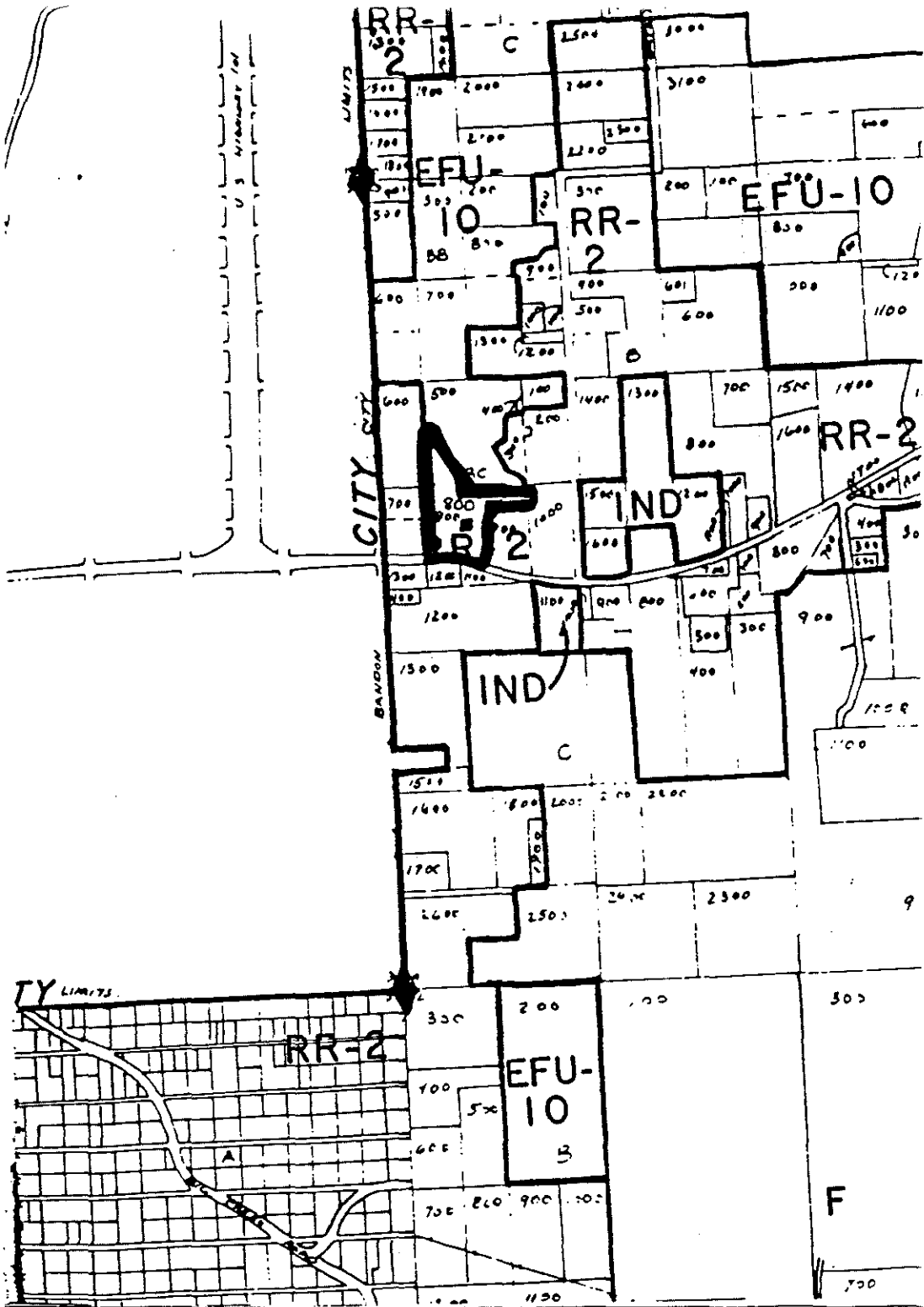
T. 28 R. 14 S. 20A/21BB, BA, CA	Dwelling Unit Density of Area: .10 du's per acre	Predominant Ownership Size: 5	LEGEND
Total Ac. 147	# of Separate Ownerships: 21		
Natural Boundaries and Other Factors: Area is located between residential committed areas and Armstrong subdivision. Majority of parcels have dwellings on them.			See Conclusi # 44
Area is: Bordered on 2 sides by smaller parcels: NA Y N			
Area is: Bordered on 3 or more sides by smaller parcels: NA Y N			
Areas outside the Area are: smaller similar <u>larger</u>			



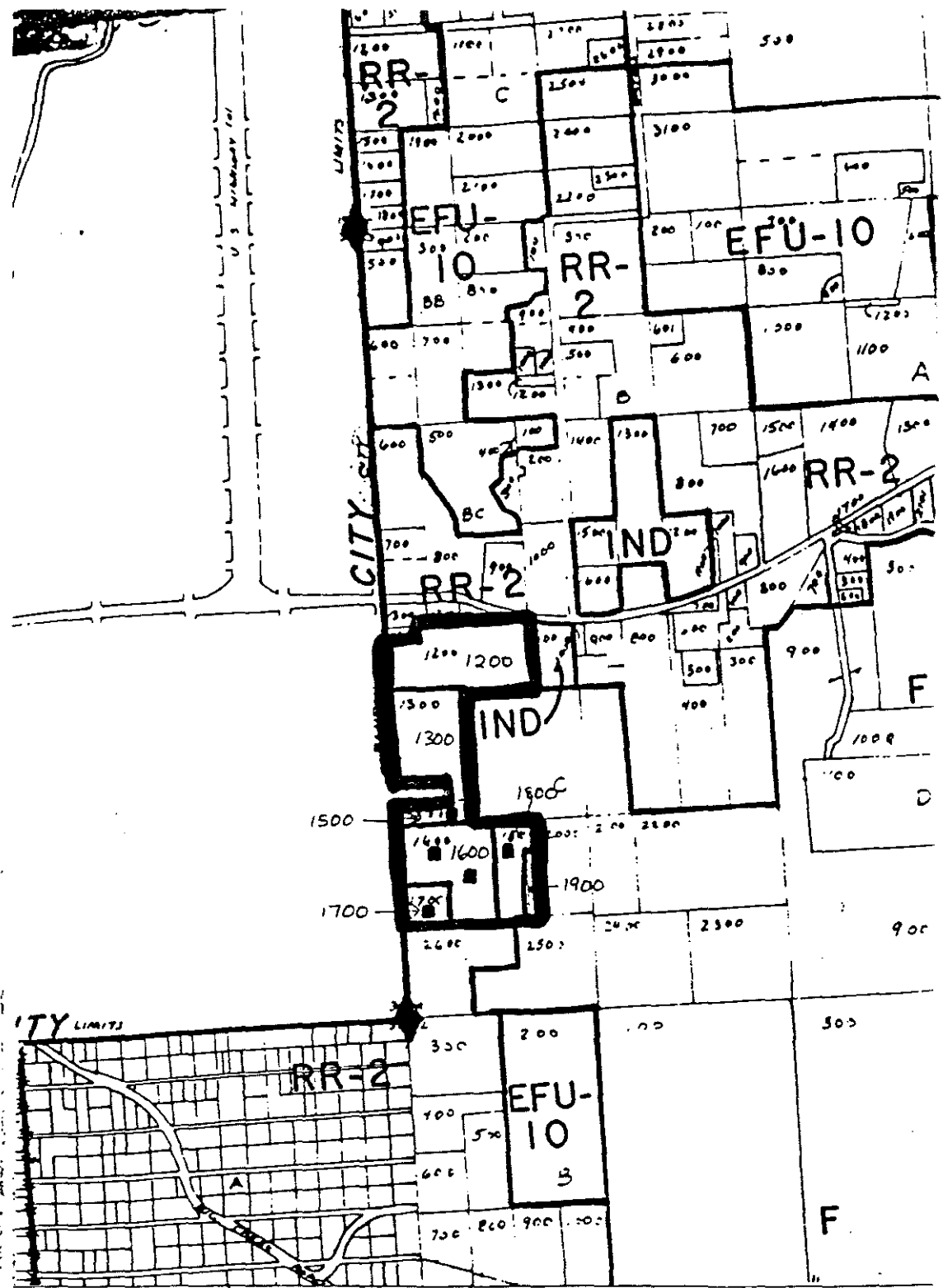
T. 28 R. 14 S. 21CD	Dwelling Unit Density of Area: .15 du's per acre	Predominant Ownership Size: 3	LEGEND <input checked="" type="checkbox"/> Dwelling unit 0 feet E N
Total Ac. 13	# of Separate Ownerships: 4		
Natural Boundaries and Other Factors: Area surrounded by residential committed area to the east and north. Parcels adjacent to Prosper County Road.			See Conclusions # 45
Area is: Bordered on 2 sides by smaller parcels: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N			
Area is: Bordered on 3 or more sides by smaller parcels: <input type="checkbox"/> Y <input checked="" type="checkbox"/> N			
Areas outside the Area are: smaller <input checked="" type="checkbox"/> similar <input type="checkbox"/> larger			



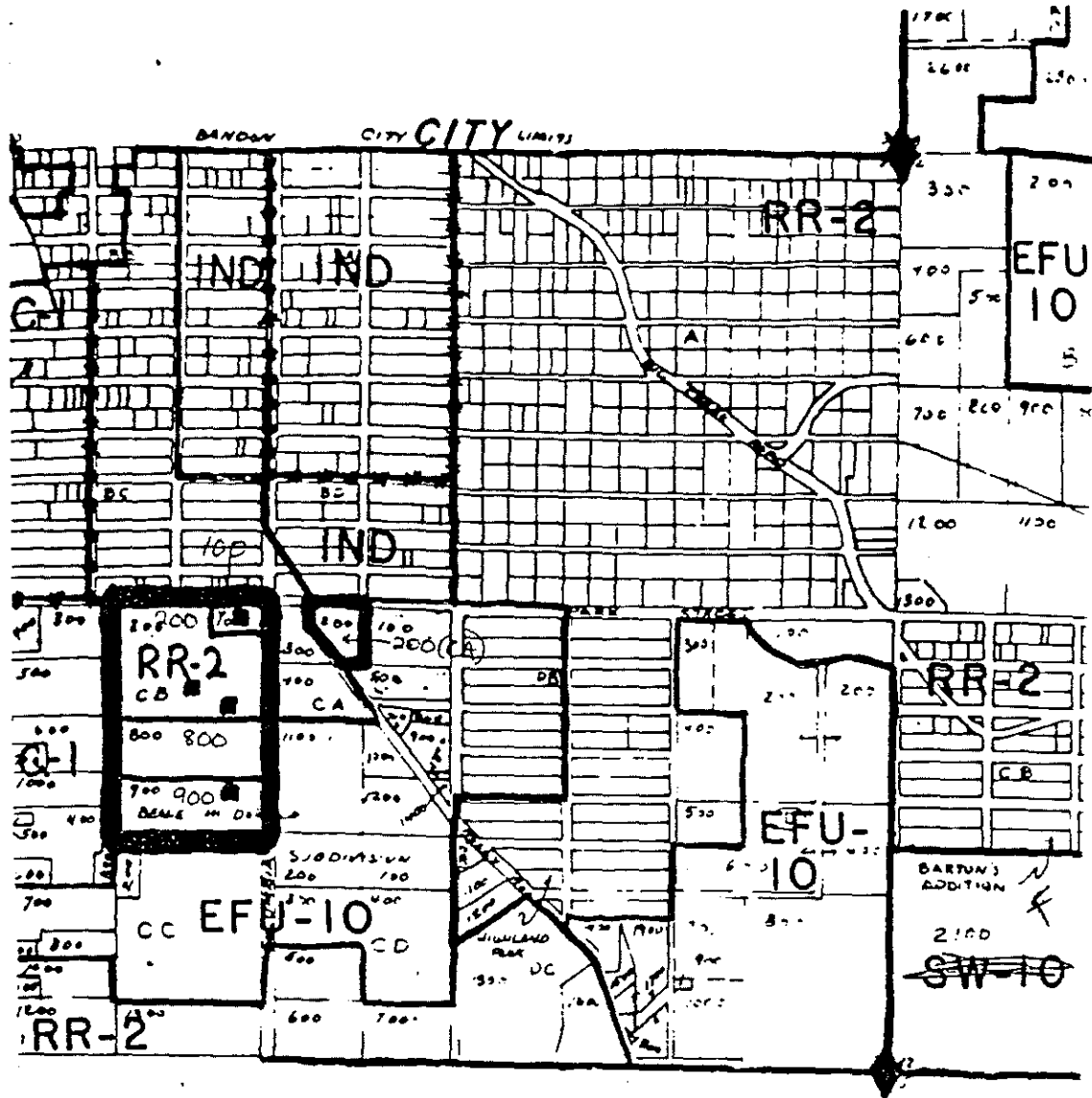
T. 28 R. 14 S. 28 BA, BB 29 A, b, BB, & D Total Ac. 237	Dwelling Unit Density of Area: 16 du's per acre # of Separate Ownerships: 47	Predominant Ownership Size: 3-5	<p>LEGEND</p> <p>■ dwelling un.</p> <p>0 feet</p> <p>See Conclus</p> <p>46</p>
<p>Natural Boundaries and Other Factors: Public water available to west area. Majority of parcels abut Highway 425 and are built upon. Committed areas border the study area at the northeast and southwest.</p> <p>Area is: Bordered on 2 sides by smaller parcels: NA Y N</p> <p>Area is: Bordered on 3 or more sides by smaller parcels: NA Y N</p> <p>Areas outside the Area are: smaller similar larger</p>			



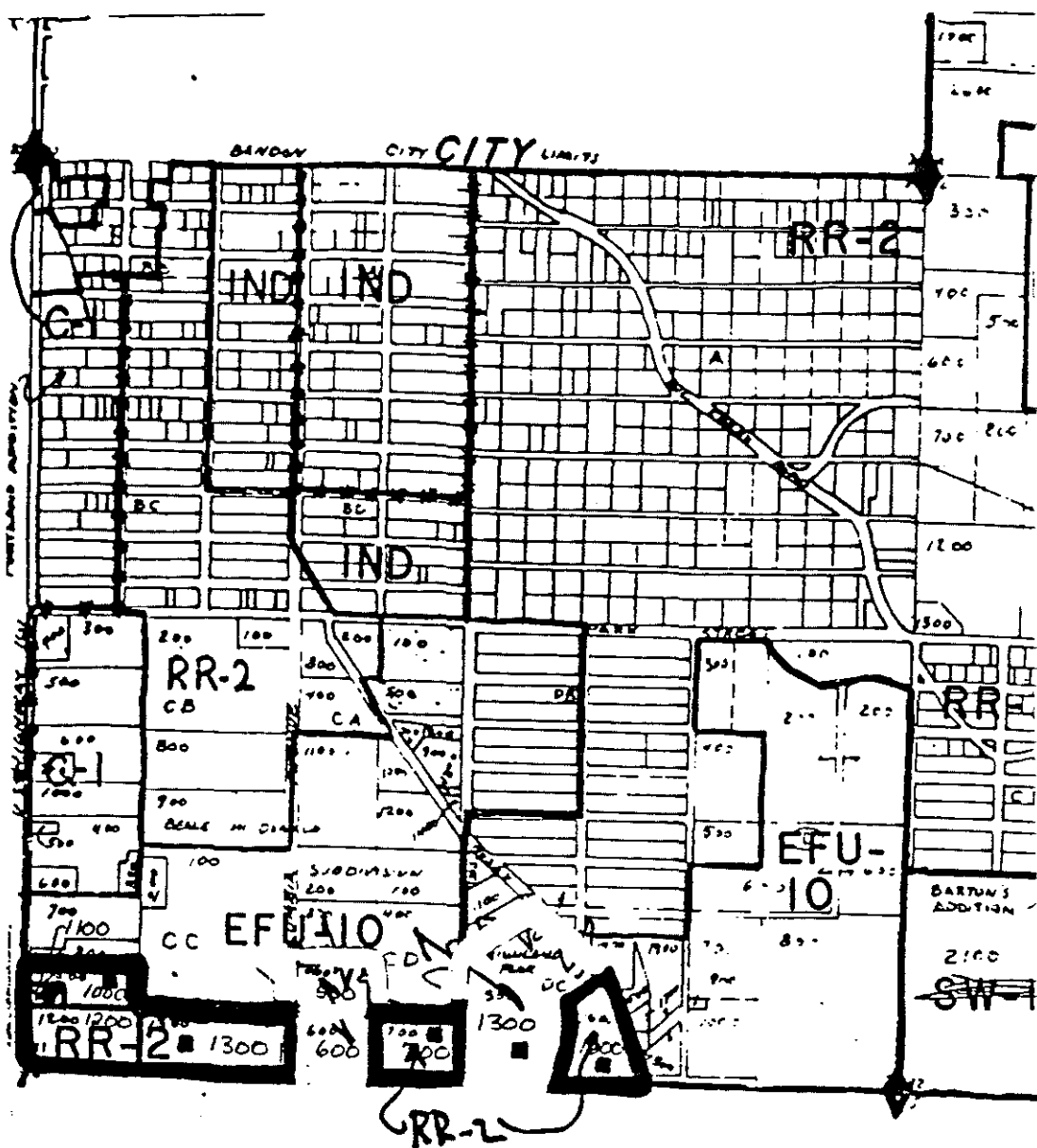
T. 28 R. 14 S. 298C	Dwelling Unit Density of Area: .08 du's per acre	Predominant Ownership Size: 12	LEGEND <input checked="" type="checkbox"/> dwelling u <input type="checkbox"/> feet
Total Ac. _____	# of Separate Ownerships: _____		
Natural Boundaries and Other Factors: Parcel surrounded on three sides by rural residential committed areas. Public water available. Prop- erty currently assessed for residential uses.			See Conclu: # 0 47
Area is: Bordered on 2 sides by smaller parcels: (Y) N			
Area is: Bordered on 3 or more sides by smaller parcels: (Y) N			
Areas outside the Area are: smaller (similar) larger			



T. 28 S. 29C	R. 14 29C	Dwelling Unit Density of Area: .13 du's per acre	Predominant Ownership Size: 9	LEGEND <input checked="" type="checkbox"/> dwelling unit <input type="checkbox"/> feet 80
Total Ac. 39		# of Separate Ownerships: 6		
Natural Boundaries and Other Factors: Area surrounded by residential committed area to the north, the city of Bandon to the west, and residential committed area to the south. Public water available.				See Conclusio # 48
Area is: Bordered on 2 sides by smaller parcels: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N				
Area is: Bordered on 3 or more sides by smaller parcels: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N				
Areas outside the Area are: <input checked="" type="checkbox"/> smaller <input checked="" type="checkbox"/> similar <input type="checkbox"/> larger				

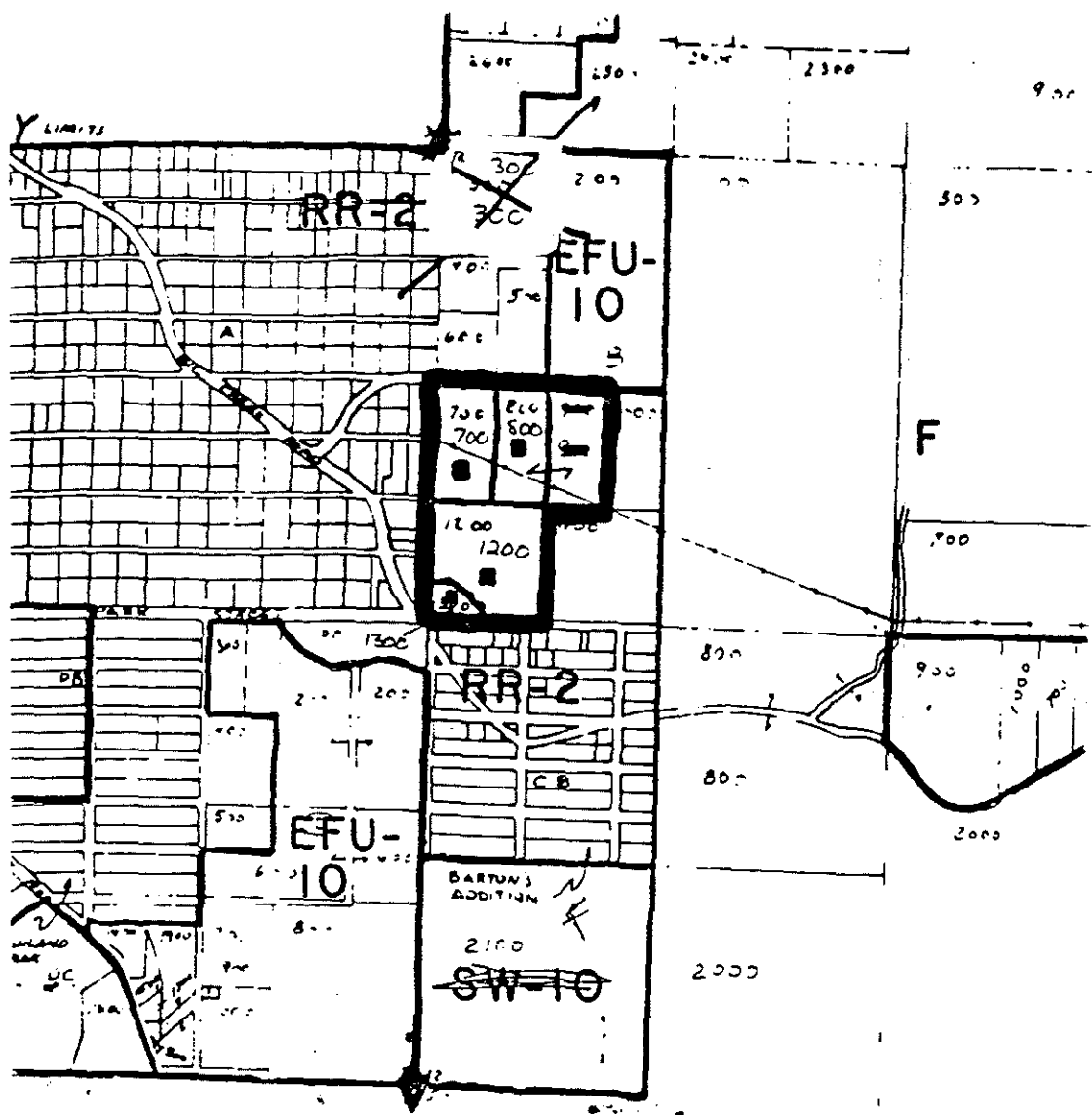


T. 28 R. 14 S. 31 CA CB	Dwelling Unit Density of Area: 12 du's per acre	Predominant Ownership Size: 7	LEGEND <input checked="" type="checkbox"/> dwelling unit 0 feet See Concluz:
Total Ac. 33	# of Separate Ownerships: 5		
Natural Boundaries and Other Factors: Parcels adjacent to commercial/ industrial committed areas and residential committed areas.			
Area is: Bordered on 2 sides by smaller parcels:		(Y) N	
Area is: Bordered on 3 or more sides by smaller parcels:		(Y) N	
Areas outside the Area are:		(smaller) similar larger	49

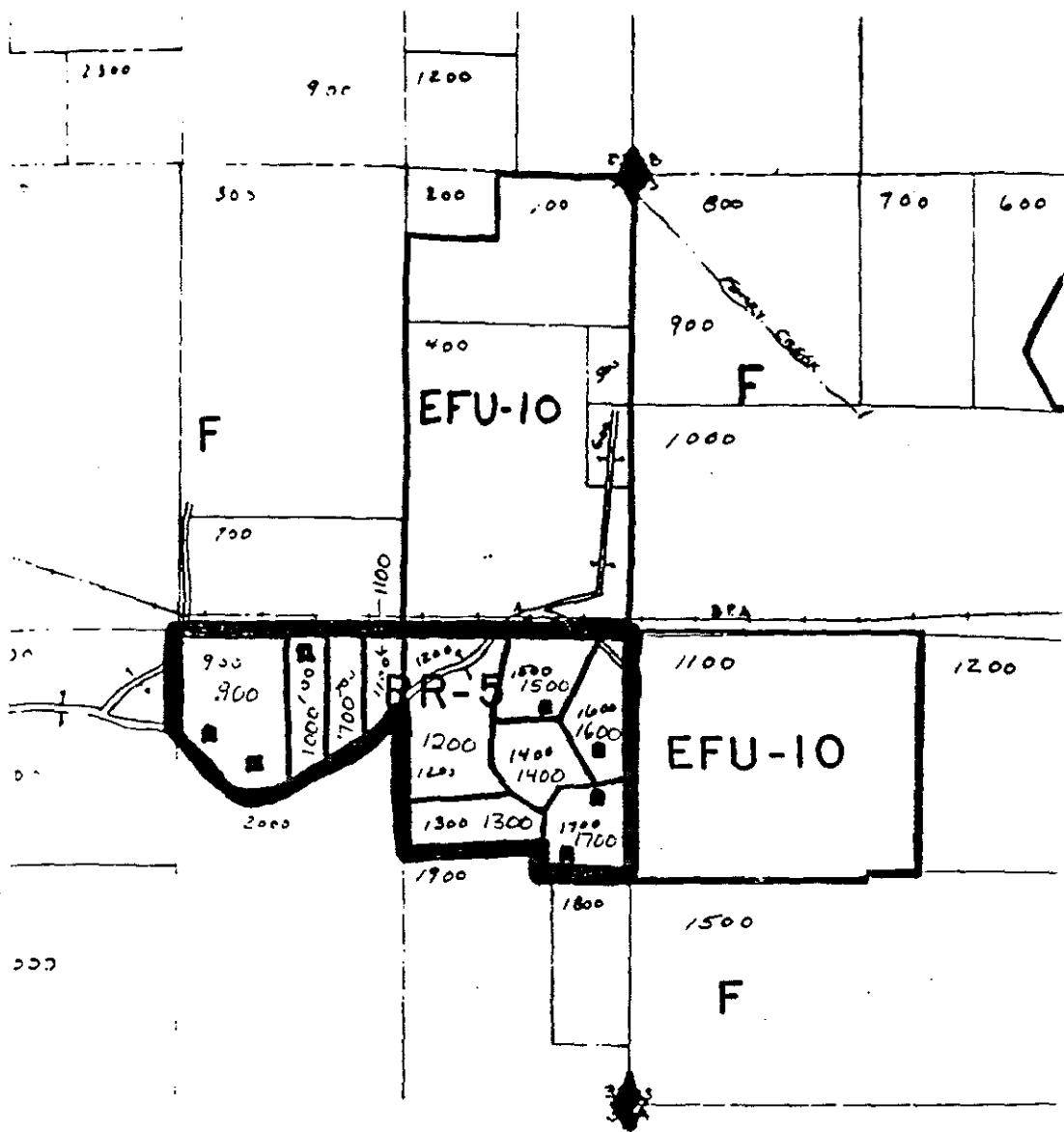



Corrected 8/23/85

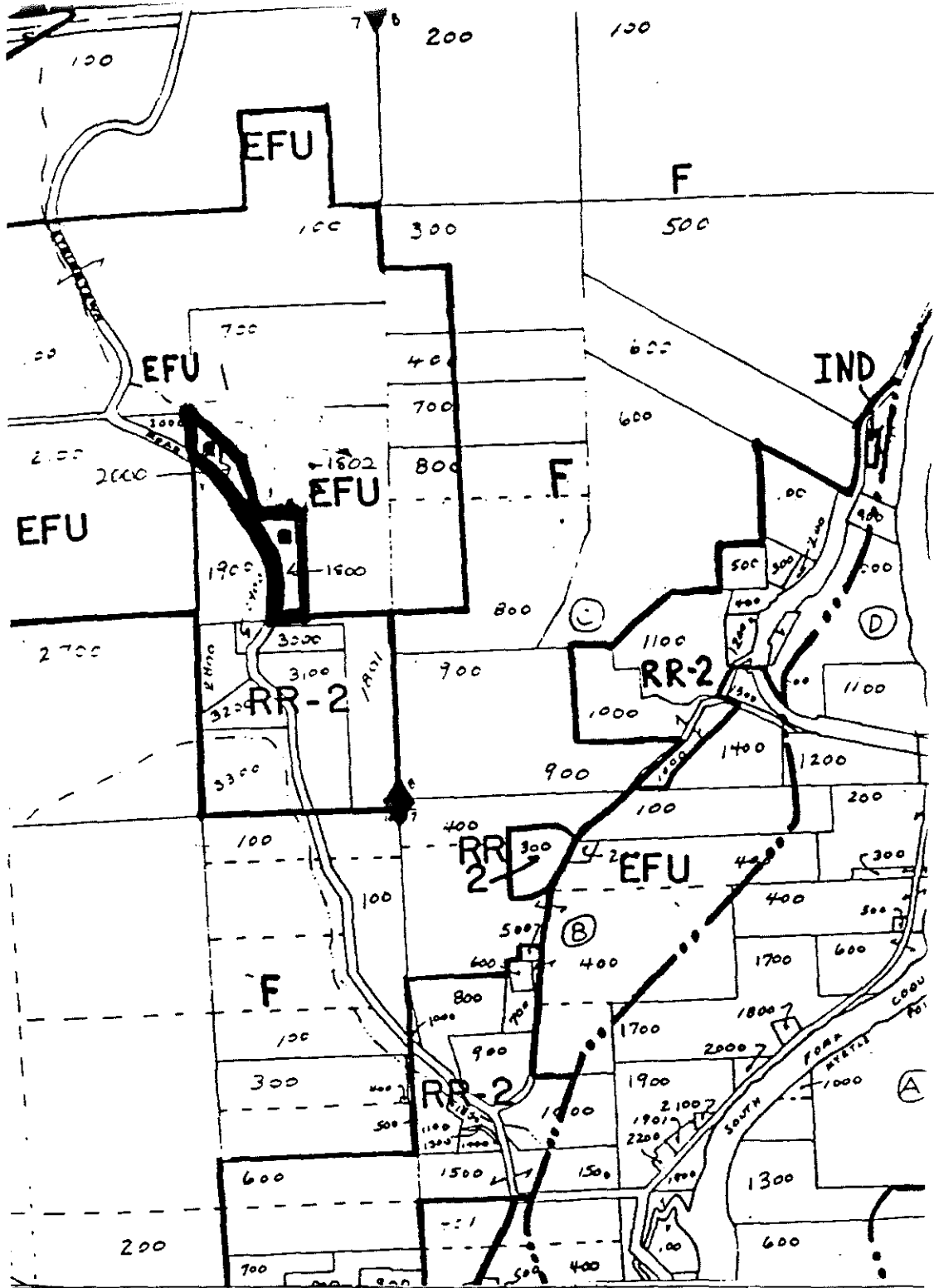
T. 28 R. 14 S. 31CC/CD DC	Dwelling Unit Density of Area: .12 du's per acre	Predominant Ownership Size: 4	LEGEND
Total Ac. 49	# of Separate Ownerships: 9		
Natural Boundaries and Other Factors: Developed parcels located along Rosa Road and U.S. Highway 101. All are assessed for residential use except tax lots #600 and #1300.			See Concluz: 10 50
Area is: Bordered on 2 sides by smaller parcels:		Y <input checked="" type="radio"/> N	
Area is: Bordered on 3 or more sides by smaller parcels:		Y <input checked="" type="radio"/> N	
Areas outside the Area are: smaller similar <u>larger</u>			



T. <u>2B</u> R. <u>14</u> S. <u>32B</u>	Dwelling Unit Density of Area: <u>.12 du's</u> per acre	Predominant Ownership Size: <u>5</u>	LEGEND <input checked="" type="checkbox"/> dwelling unit feet See Conclusions <u>0</u> <u>5</u>
Total Ac. <u>3825</u>	# of Separate Ownerships: <u>64</u>		
Natural Boundaries and Other Factors: <u>Parcels surrounded on three sides by residential committed areas</u>			
Area is: Bordered on 2 sides by smaller parcels: <u>(Y)</u> N			
Area is: Bordered on 3 or more sides by smaller parcels: <u>(Y)</u> N			
Areas outside the Area are: <u>smaller</u> similar larger			



T. 2E R. 14 S. 32	Dwelling Unit Density of Area: .11 du's per acre	Predominant Ownership Size: 6	LEGEND <input type="checkbox"/> dwelling w <input type="checkbox"/> feet  See Conclu # 52
Total Ac. 67	# of Separate Ownerships: 10		
Natural Boundaries and Other Factors: Parcels located along Bill Creek Road.			
Area is: Bordered on 2 sides by smaller parcels:		Y <input checked="" type="radio"/> N	
Area is: Bordered on 3 or more sides by smaller parcels:		Y <input checked="" type="radio"/> N	
Areas outside the Area are: smaller similar larger		<input checked="" type="radio"/>	



T. 29 R. 12 S. 07	Dwelling Unit Density of Area: .25 du's per acre	Predominant Ownership Size: 23
Total Ac. 125	# of Separate Ownerships: 22	
Natural Boundaries and Other Factors: Parcels located adjacent to Stringtown Road and residential committed area.		
Area is: Bordered on 2 sides by smaller parcels:	Y	(N)
Area is: Bordered on 3 or more sides by smaller parcels:	Y	(Y)
Areas outside the Area are:	smaller	similar larger

LEGEND

■ Dwelling unit

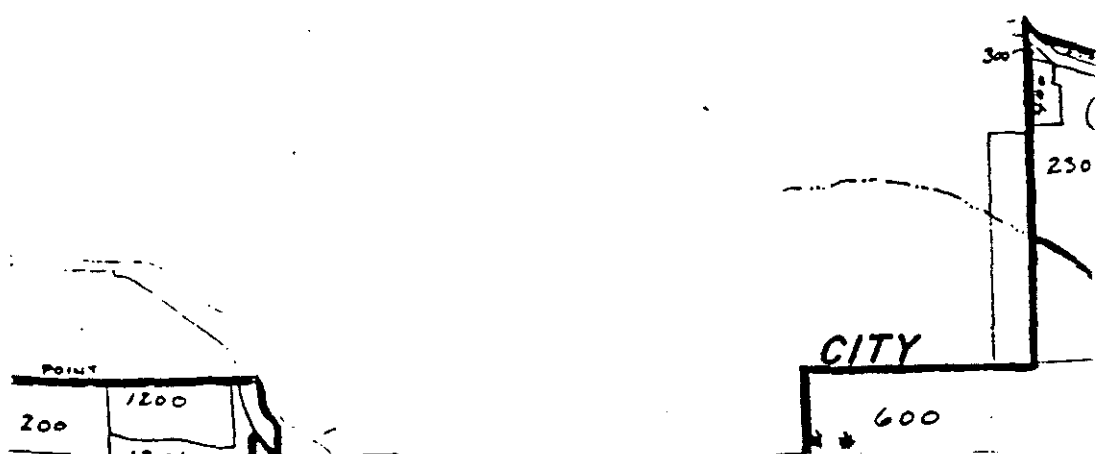
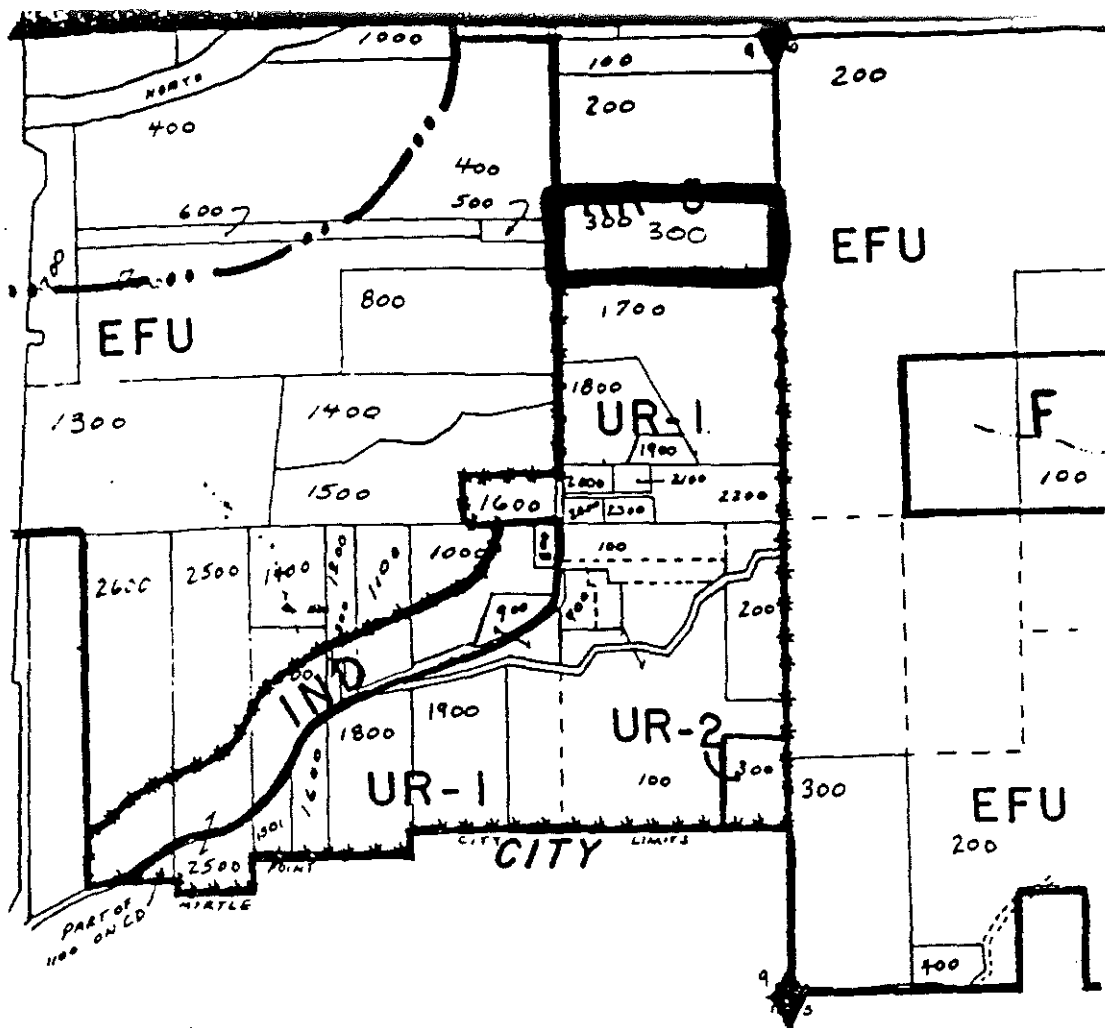
○ feet 8

▲

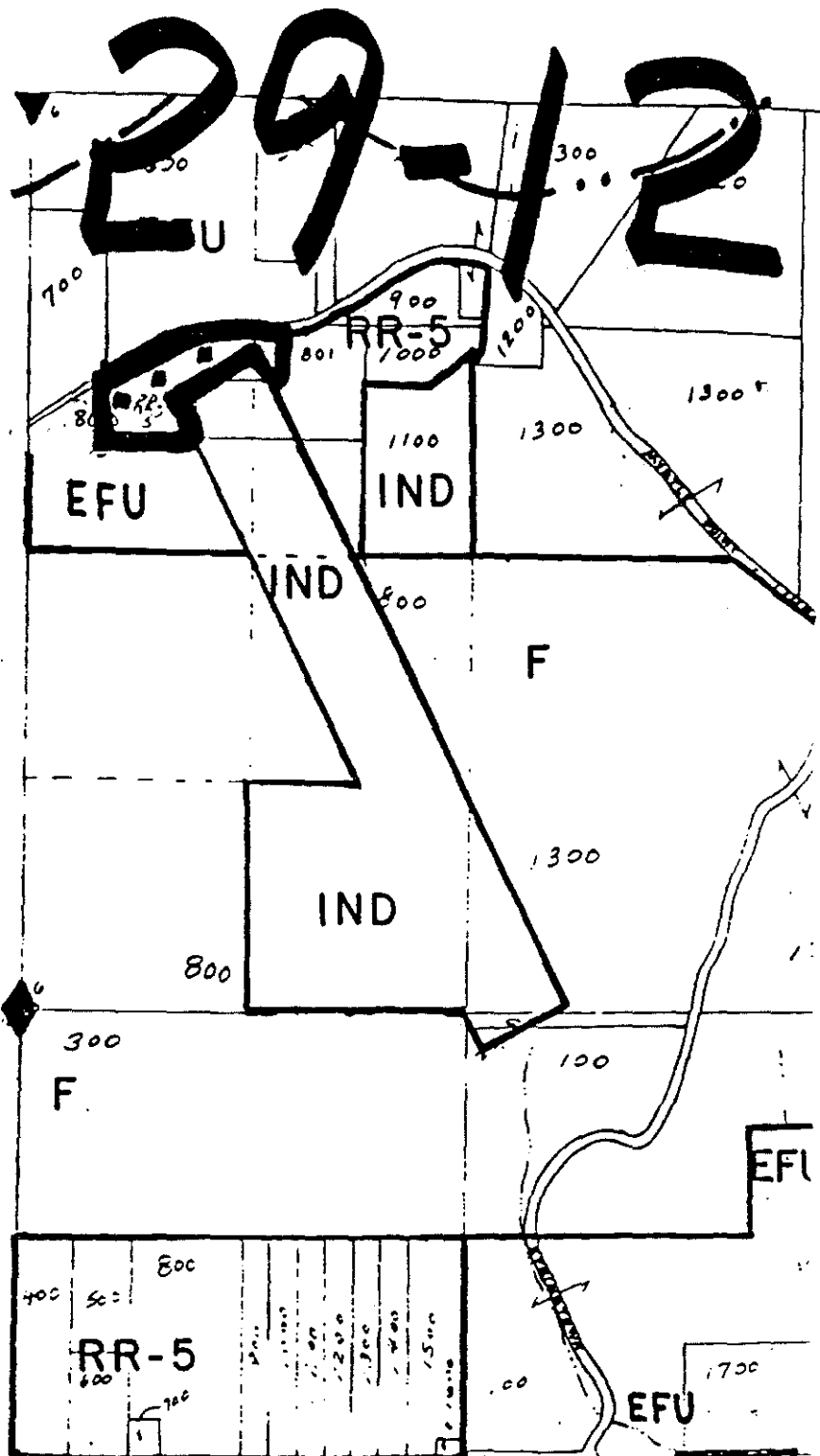
See Conclusions

10

53



T. 29 R. 12 S. 09	Dwelling Unit Density of Area: 0 du's per acre	Predominant Ownership Size: 15	LEGEND <input type="checkbox"/> dwelling unit <input type="checkbox"/> feet AN See Conclus 54
Total Ac. 15	# of Separate Ownerships: 1		
Natural Boundaries and Other Factors: Parcel located between a residential committed area and Myrtle Point urban growth boundary.			
Area is: Bordered on 2 sides by smaller parcels: (Y) N			
Area is: Bordered on 3 or more sides by smaller parcels: (Y) N			
Areas outside the Area are: smaller similar larger			



T. 29 R. 12 S. 06	Dwelling Unit Density of Area: -- du's per acre	Predominant Ownership Size: <u>10 8</u>
Total Ac. <u>10 8</u>	# of Separate Ownerships: <u>1</u>	
Natural Boundaries and Other Factors: Parcel located along Myrtle Point-Lampa Road		
Area is: Bordered on 2 sides by smaller parcels:		Y <u>(N)</u>
Area is: Bordered on 3 or more sides by smaller parcels:		Y <u>(Y)</u>
Areas outside the Area are:		smaller similar <u>(larger)</u>

LEGEND

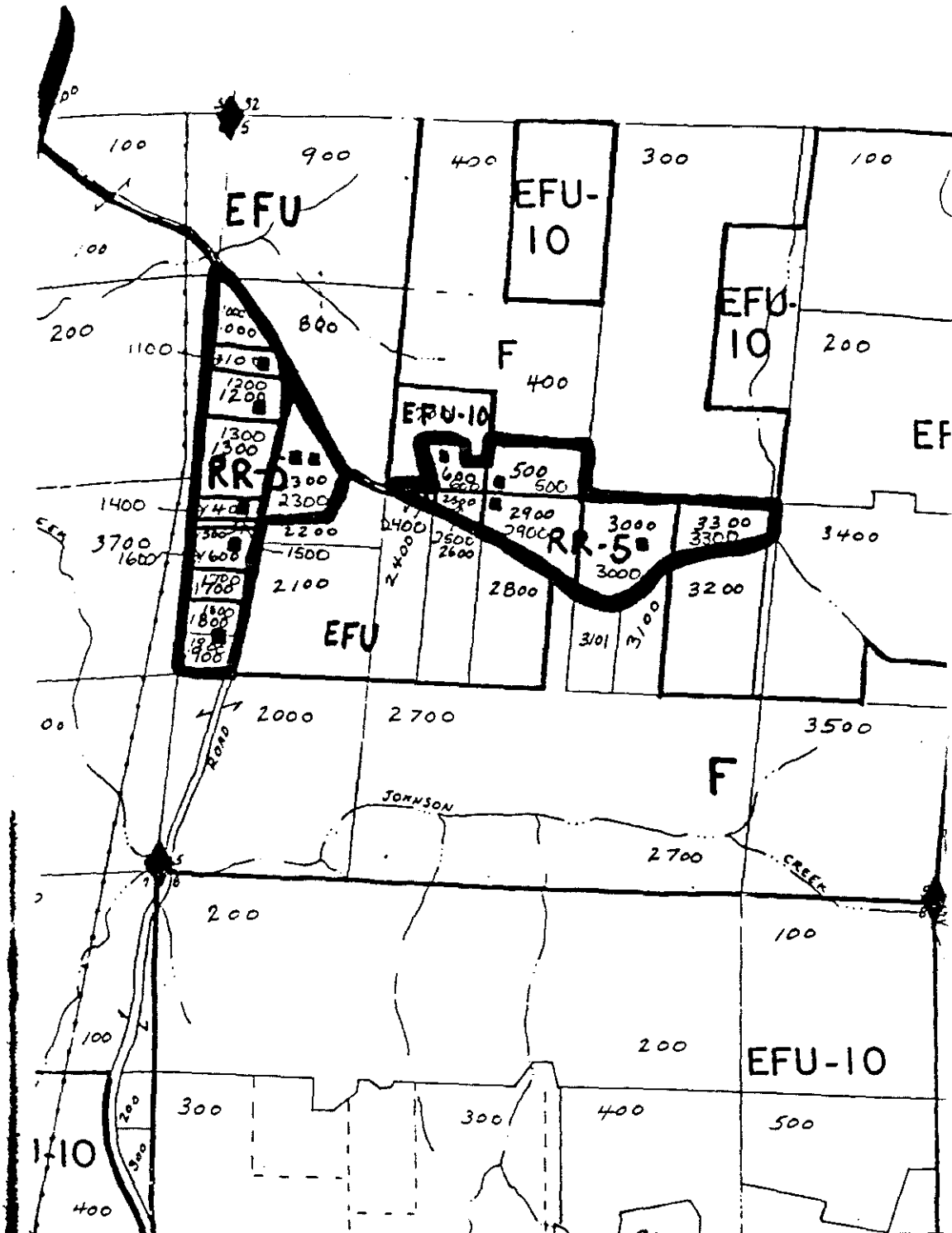
dwelling unit

feet

N

See Conclu

55



T. 29 R. 14 S. 05	Dwelling Unit Density of Area: .16 du's per acre	Predominant Ownership Size: 4
Total Ac. 69	# of Separate Ownerships: 17	
Natural Boundaries and Other Factors: Parcels located adjacent to Rosay Road. All parcels except tax lots #3000 & #3300 are being taxed residential use.		
Area is: Bordered on 2 sides by smaller parcels:	Y	<input checked="" type="radio"/> N
Area is: Bordered on 3 or more sides by smaller parcels:	Y	<input checked="" type="radio"/> N
Areas outside the Area are:	smaller	similar <input checked="" type="radio"/> larger

LEGEND

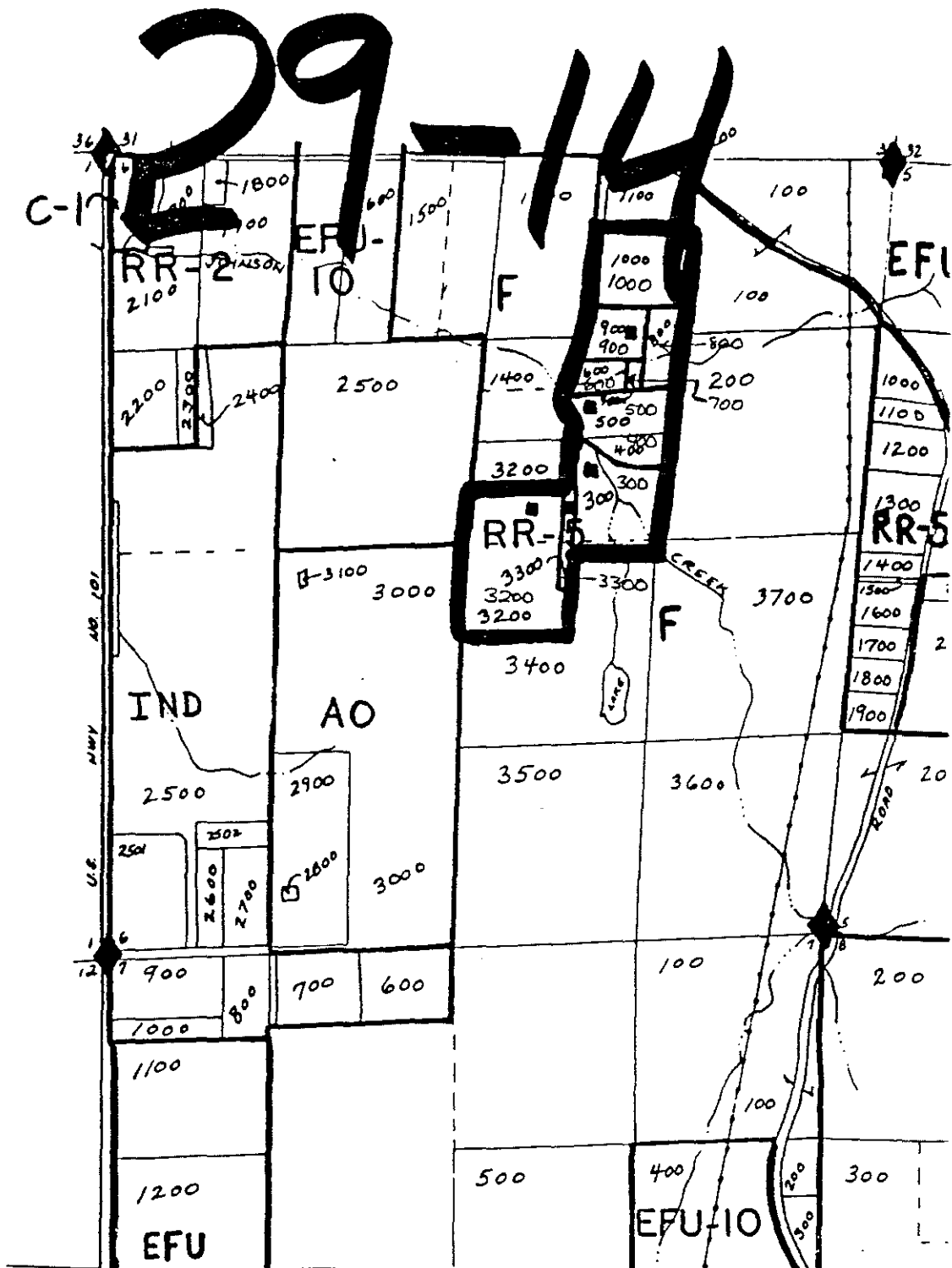
dwelling unit

○ feet &

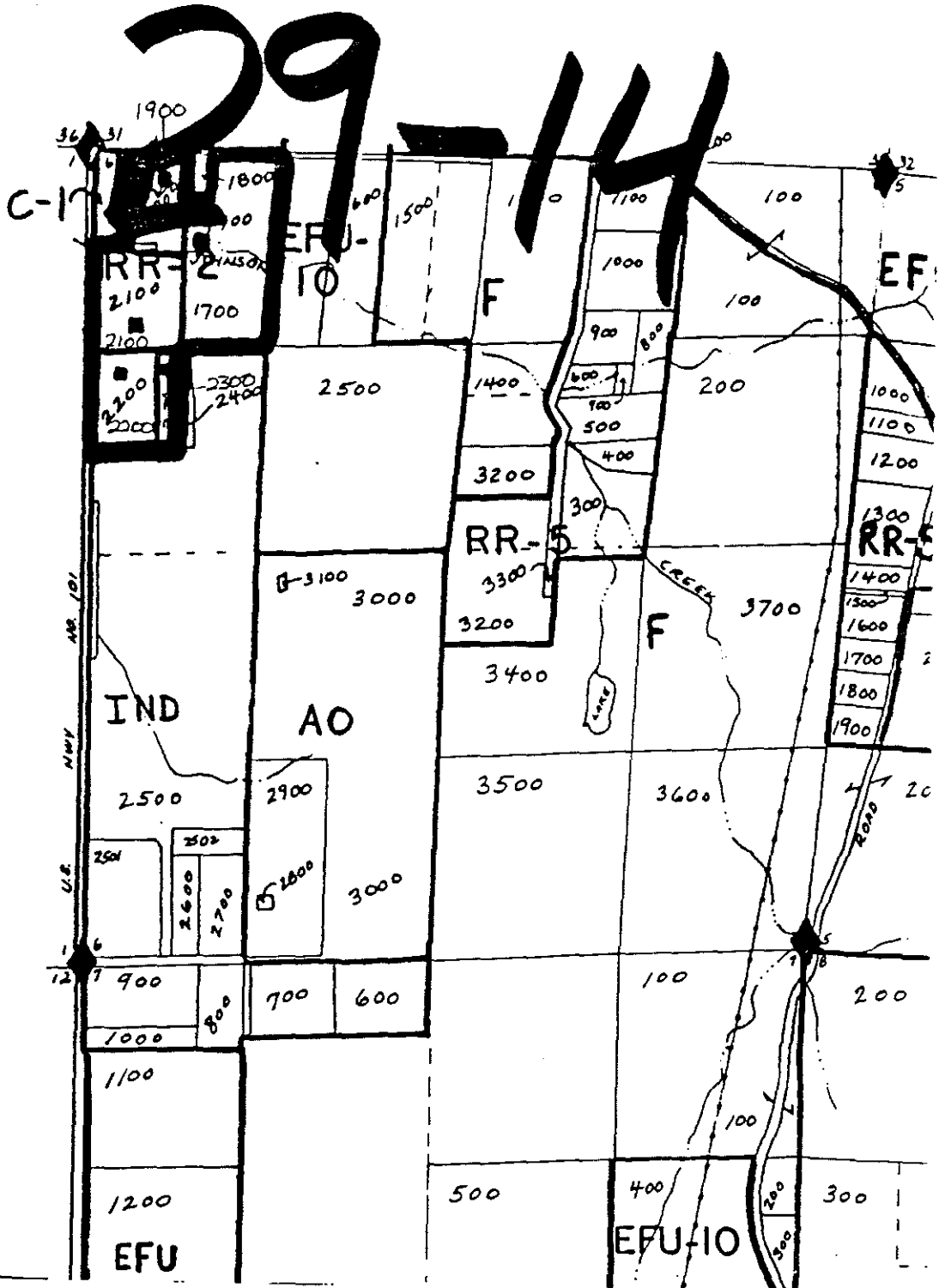
AN

See Conclus:

56

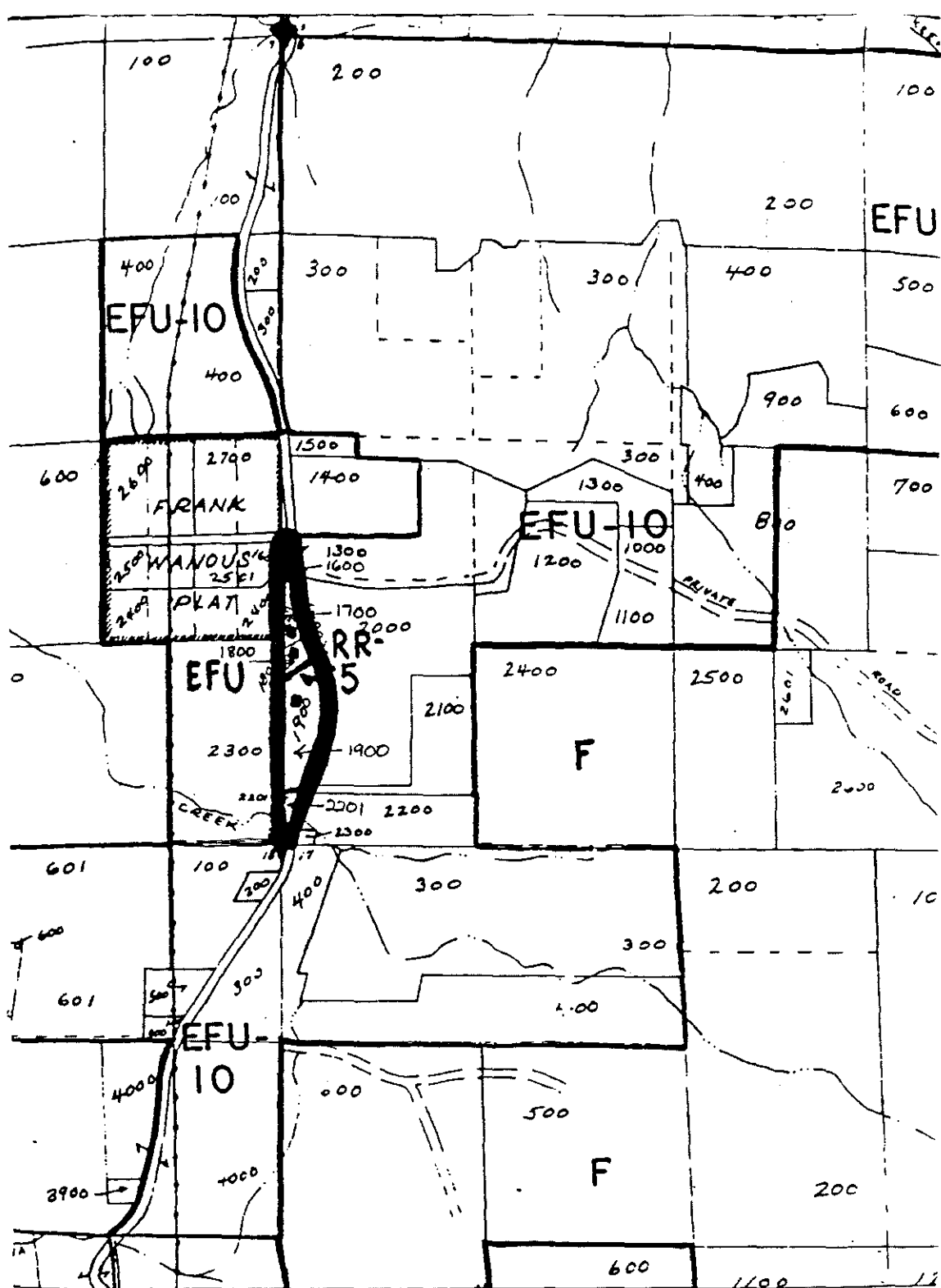


T. 29 R. 14 S. 06	Dwelling Unit Density of Area: 11 du's per acre	Predominant Ownership Size: 8	LEGEND <input checked="" type="checkbox"/> dwelling unit feet See Conclusio # 57
Total Ac. 47	# of Separate Ownerships: 8		
Natural Boundaries and Other Factors: Parcels are located off of Chandler Road near the Bandon Airport.			
Area is: Bordered on 2 sides by smaller parcels:	Y	<input checked="" type="radio"/> <input type="radio"/>	
Area is: Bordered on 3 or more sides by smaller parcels:	Y	<input checked="" type="radio"/> <input type="radio"/>	
Areas outside the Area are:	smaller	similar <input checked="" type="radio"/> larger	

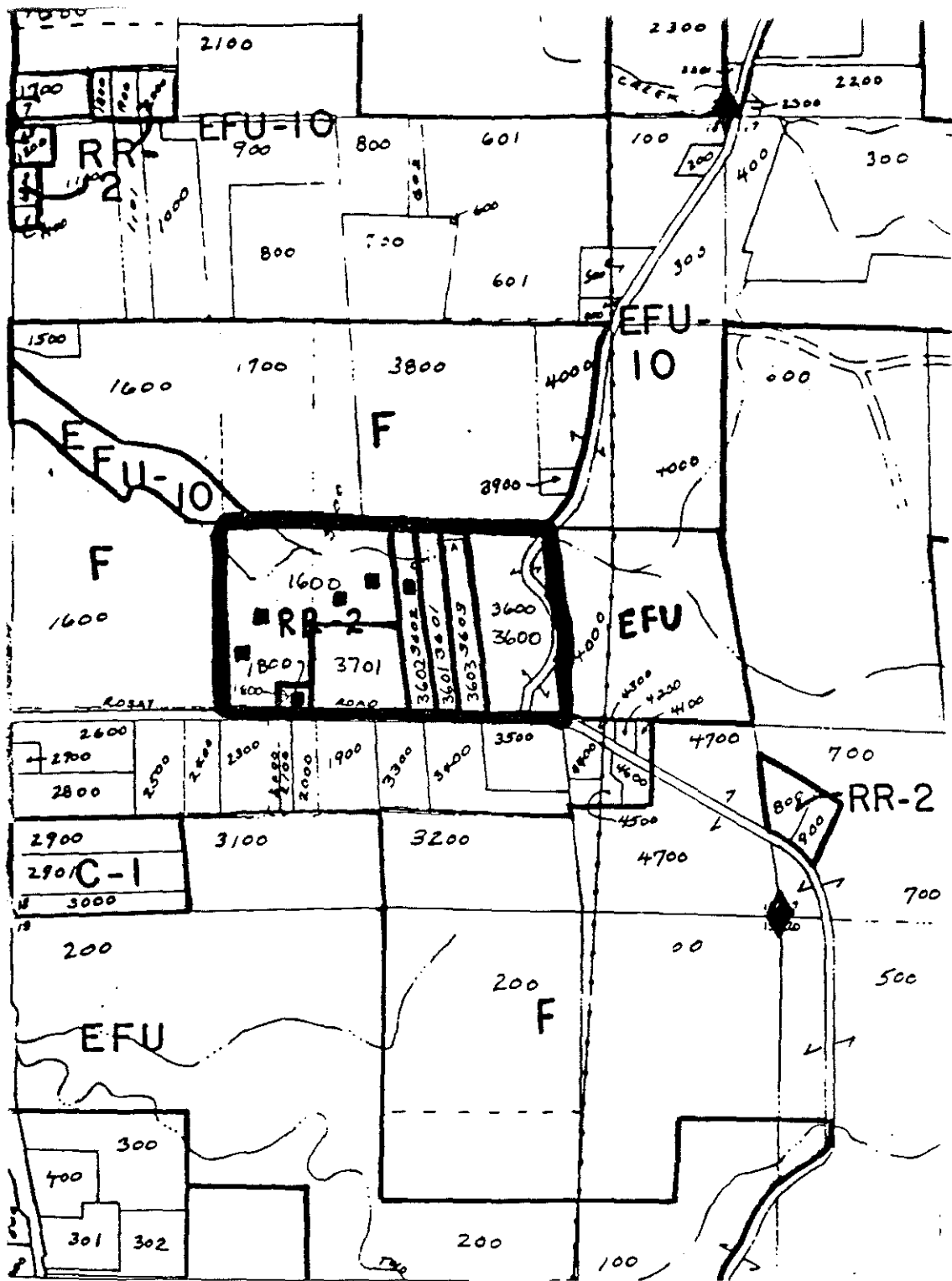


Volume I Part 3
175

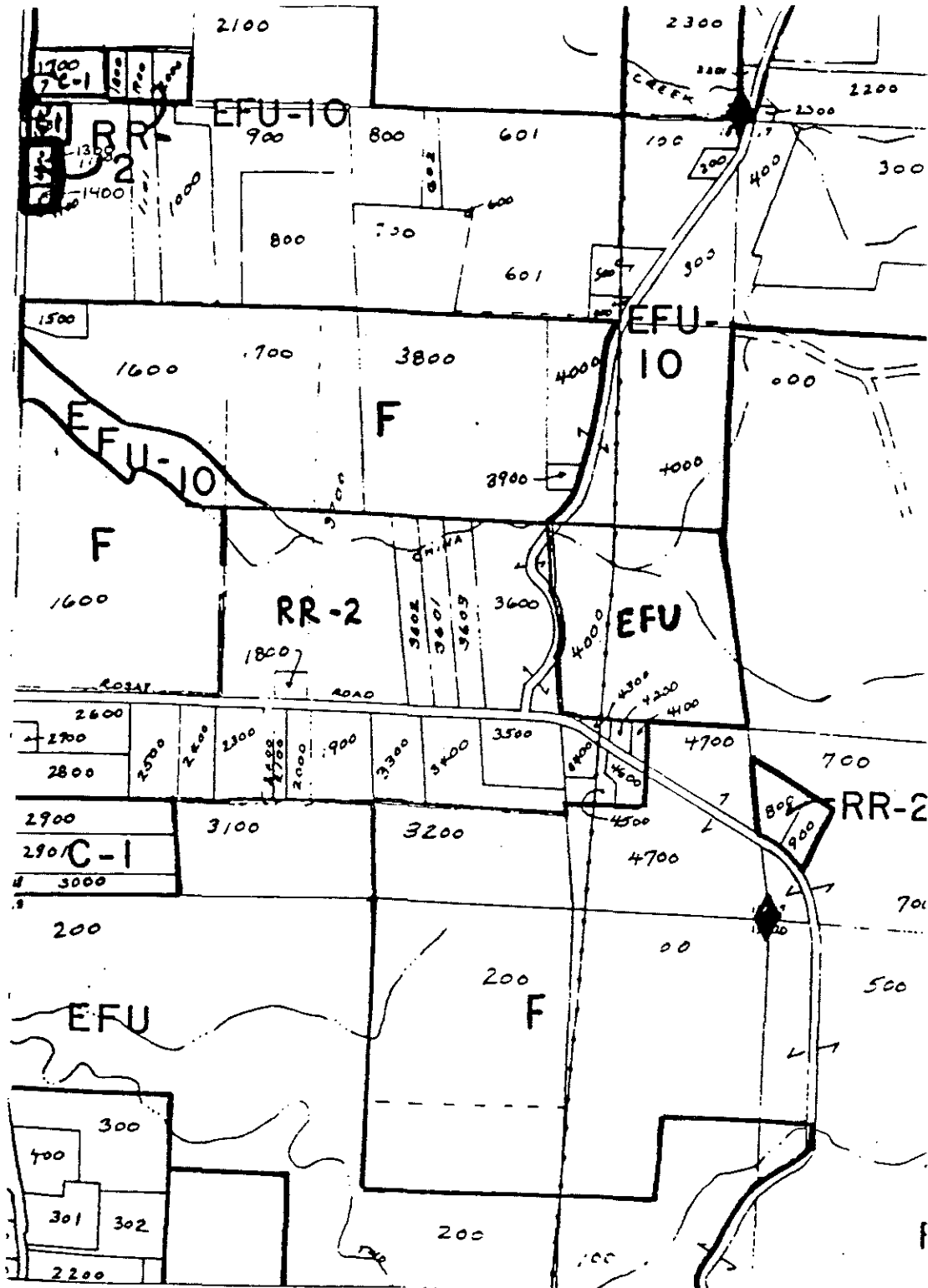
T. <u>29</u> R. <u>14</u> S. <u>06</u>	Dwelling Unit Density of Area: <u>13</u> du's per acre	Predominant Ownership Size: <u>10</u>	LEGEND <input checked="" type="checkbox"/> dwelling unit. 0 feet See Conclusion <u>\$ 58</u>
Total Ac. <u>39</u>	# of Separate Ownerships: <u>5</u>		
Natural Boundaries and Other Factors: Area is located adjacent to Highway 101 and bisected by Johnson Creek. Industrial zones property is located adjacent to the southern boundary of the area.			
Area is: Bordered on 2 sides by smaller parcels:		Y <input checked="" type="checkbox"/>	
Area is: Bordered on 3 or more sides by smaller parcels:		Y <input checked="" type="checkbox"/>	
Areas outside the Area are: smaller <u>similar</u> larger			



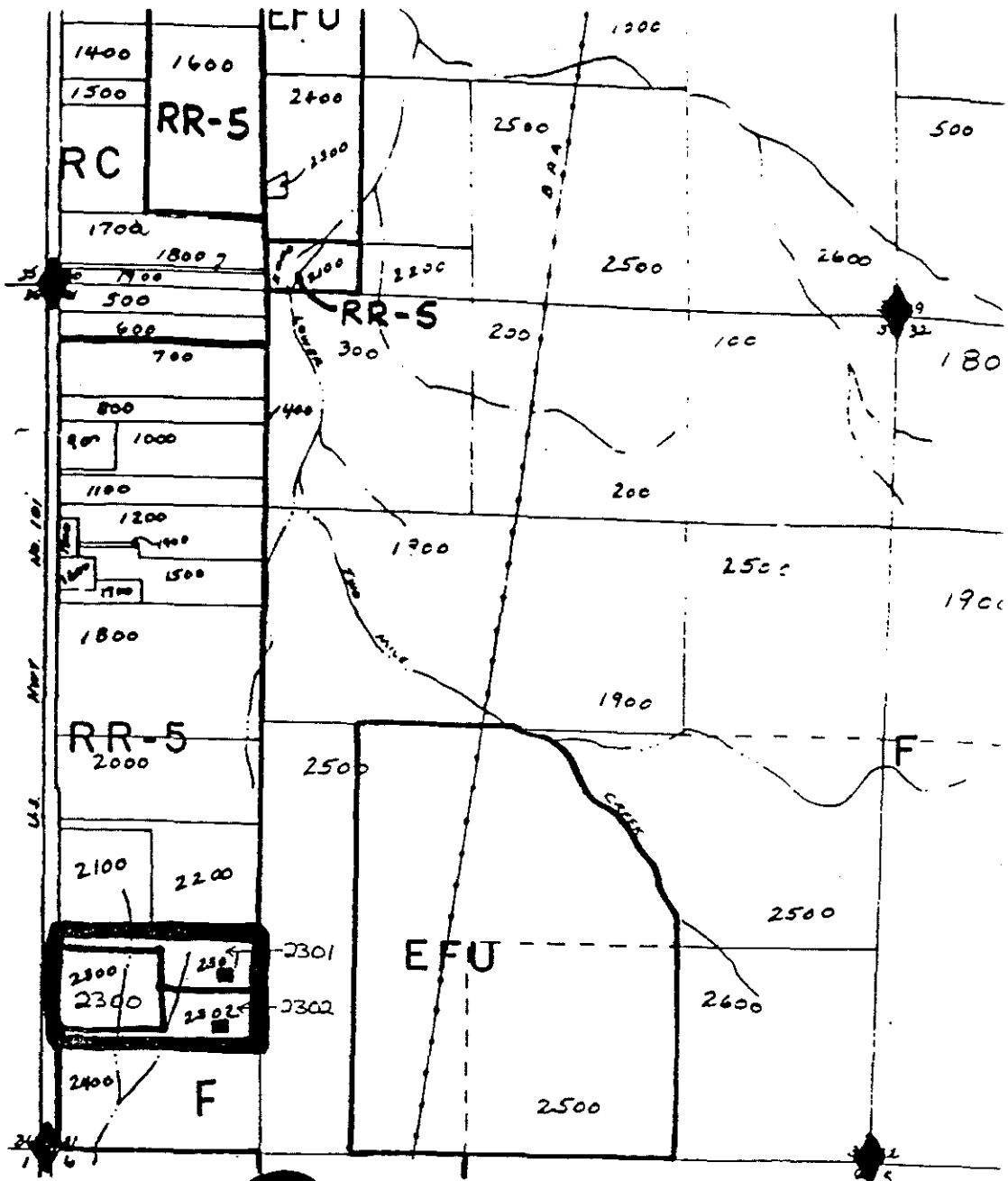
T. 29 R. 14 S. 08	Dwelling Unit Density of Area: 13 du's per acre	Predominant Ownership Size: 2-3	LEGEND
Total Ac. 13	# of Separate Ownerships: 5		
Natural Boundaries and Other Factors: Parcels located adjacent to Rosay Road.			See Conclusion: #59
Area is: Bordered on 2 sides by smaller parcels:		Y <input checked="" type="radio"/> N	
Area is: Bordered on 3 or more sides by smaller parcels:		Y <input checked="" type="radio"/> N	
Areas outside the Area are: smaller similar <input checked="" type="radio"/> larger			



			LEGEND
T. 29 R. 14 S. 18	Dwelling Unit Density of Area: .09 du's per acre	Predominant Ownership Size: 4	<input type="checkbox"/> dwelling unit feet
Total Ac. 67	# of Separate Ownerships: 8		
Natural Boundaries and Other Factors: Parcels located adjacent to a residential committed area and Rosay Road.			
Area is: Bordered on 2 sides by smaller parcels:		Y <input type="radio"/> N <input checked="" type="radio"/>	
Area is: Bordered on 3 or more sides by smaller parcels:		Y <input type="radio"/> N <input checked="" type="radio"/>	
Areas outside the Area are: smaller <input checked="" type="radio"/> similar <input type="radio"/> larger			See Conclusi #60

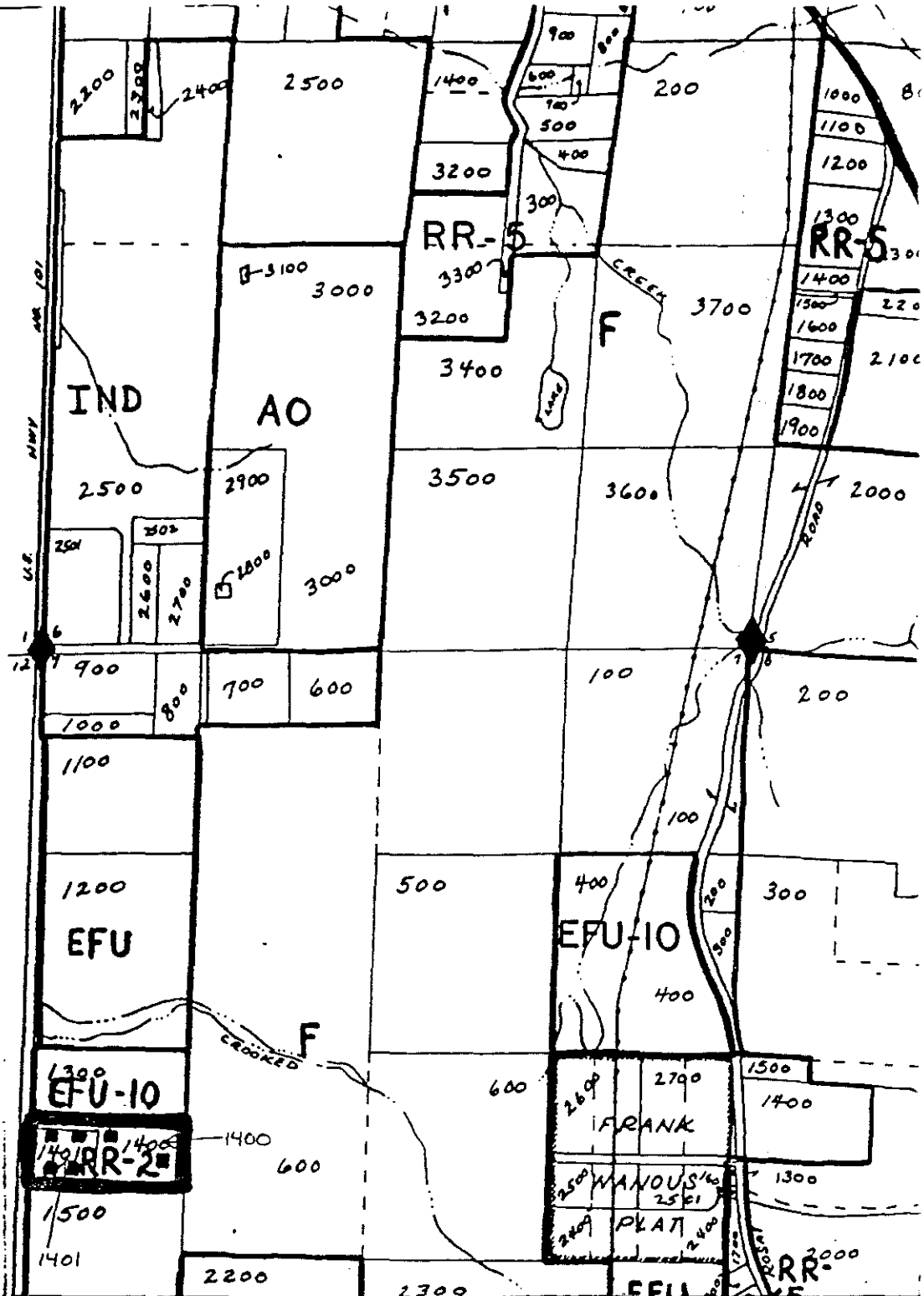


T. 29 R. 14 S. 18	Dwelling Unit Density of Area: 0 du's per acre	Predominant Ownership Size: 1	LEGEND <input checked="" type="checkbox"/> dwelling unit 0 feet N See Conclusion # 61
Total Ac. 2	# of Separate Ownerships: 2		
Natural Boundaries and Other Factors: Parcels located adjacent to U.S. Highway 101 and a committed commercial area.			
Area is: Bordered on 2 sides by smaller parcels:		Y (N)	
Area is: Bordered on 3 or more sides by smaller parcels:		Y (Y)	
Areas outside the Area are: smaller similar larger		(larger)	



29-14

T. <u>29</u>	R. <u>14</u>	Dwelling Unit Density of Area: <u>10</u> du's per acre	Predominant Ownership Size: <u>7</u>	LEGEND <input type="checkbox"/> dwelling unit feet See Conclusio.
S. <u>31</u>		# of Separate Ownerships: <u>3</u>		
Total Ac. <u>20</u>				
Natural Boundaries and Other Factors: Parcels located adjacent to a residential committed area to north and U.S. Highway to the west.				
Area is: Bordered on 2 sides by smaller parcels:		Y	<input checked="" type="radio"/>	
Area is: Bordered on 3 or more sides by smaller parcels:		Y	<input checked="" type="radio"/>	#62
Areas outside the Area are:		smaller	<input checked="" type="radio"/> similar	larger



T. 29	R. 14	Dwelling Unit Density of Area: .55 du's per acre	Predominant Ownership Size: 11
S. 07		# of Separate Ownerships: 1	
Total Ac. 11			
Natural Boundaries and Other Factors: Parcel located adjacent to Highway 101. Six dwellings are on the property.			
Area is: Bordered on 2 sides by smaller parcels:			Y <input type="radio"/> N <input checked="" type="radio"/>
Area is: Bordered on 3 or more sides by smaller parcels:			Y <input type="radio"/> N <input checked="" type="radio"/>
Areas outside the Area are:			smaller <input type="radio"/> similar <input type="radio"/> larger <input checked="" type="radio"/>

LEGEND

dwelling unit

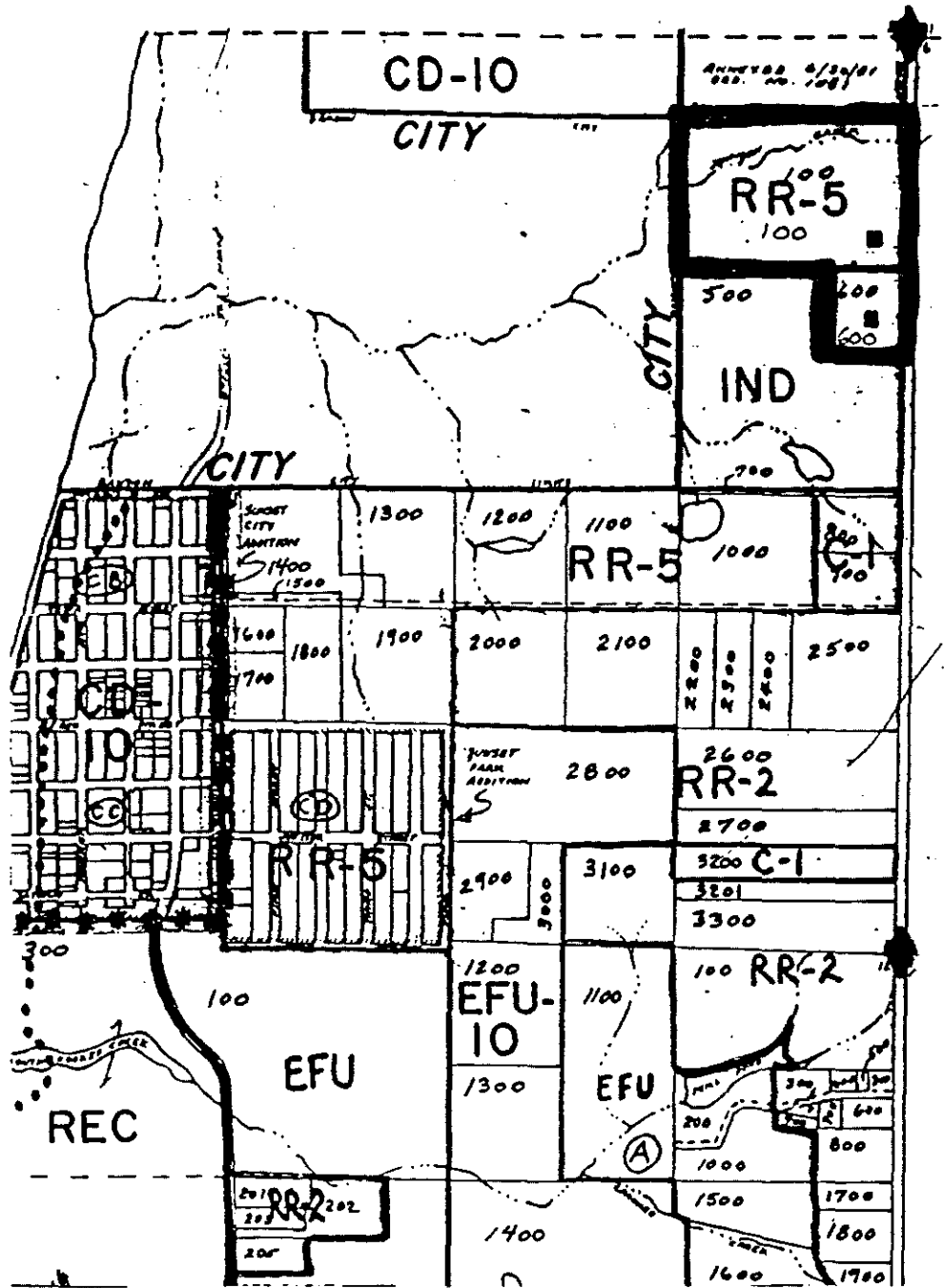
feet

0

See Conclus

6

1" = 800'



T. 29 R. 15 S. 01	Dwelling Unit Density of Area: .06 du's per acre	Predominant Ownership Size: -
Total Ac. 32	# of Separate Ownerships: 2	
Natural Boundaries and Other Factors: Property surrounded by Bandon City limits to the north and west, an industrial committed area to the south, and U.S. Highway 101 to the east.		
Area is: Bordered on 2 sides by smaller parcels:		<input checked="" type="radio"/> Y <input type="radio"/> N
Area is: Bordered on 3 or more sides by smaller parcels:		<input type="radio"/> Y <input checked="" type="radio"/> N
Areas outside the Area are: smaller <u>similar</u> larger		

LEGEND

dwelling u

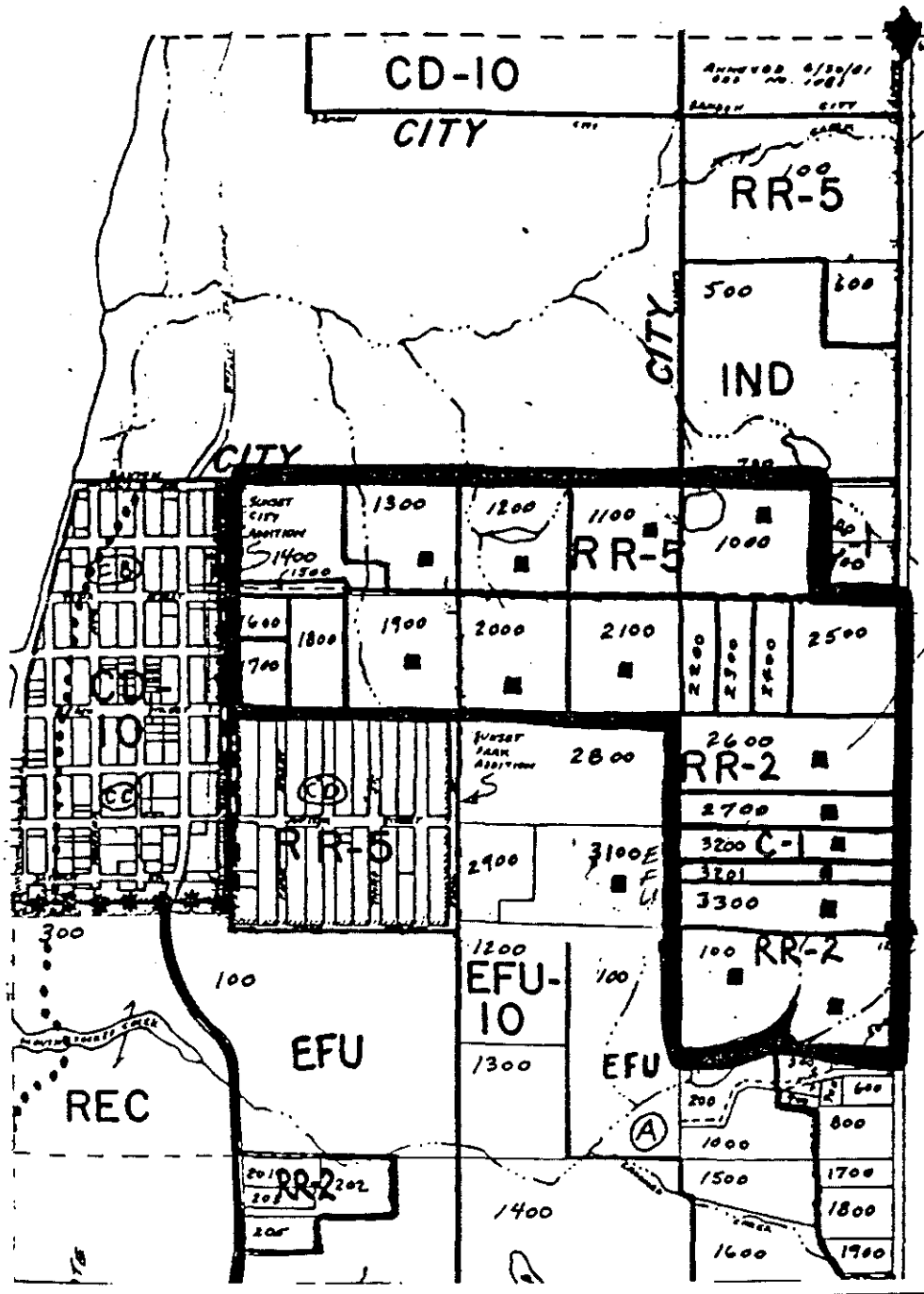
o feet

A
N

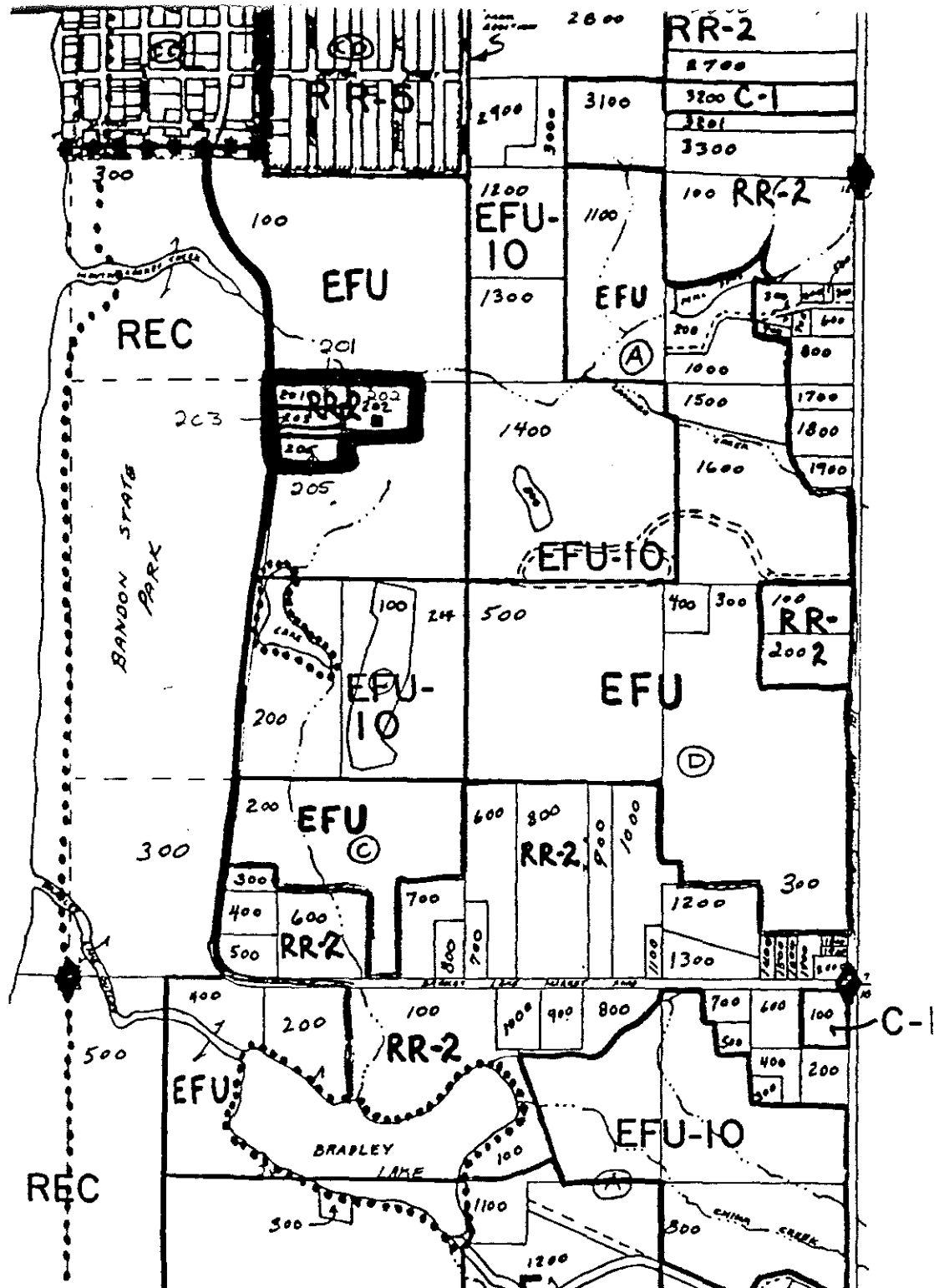
See Concl:

64

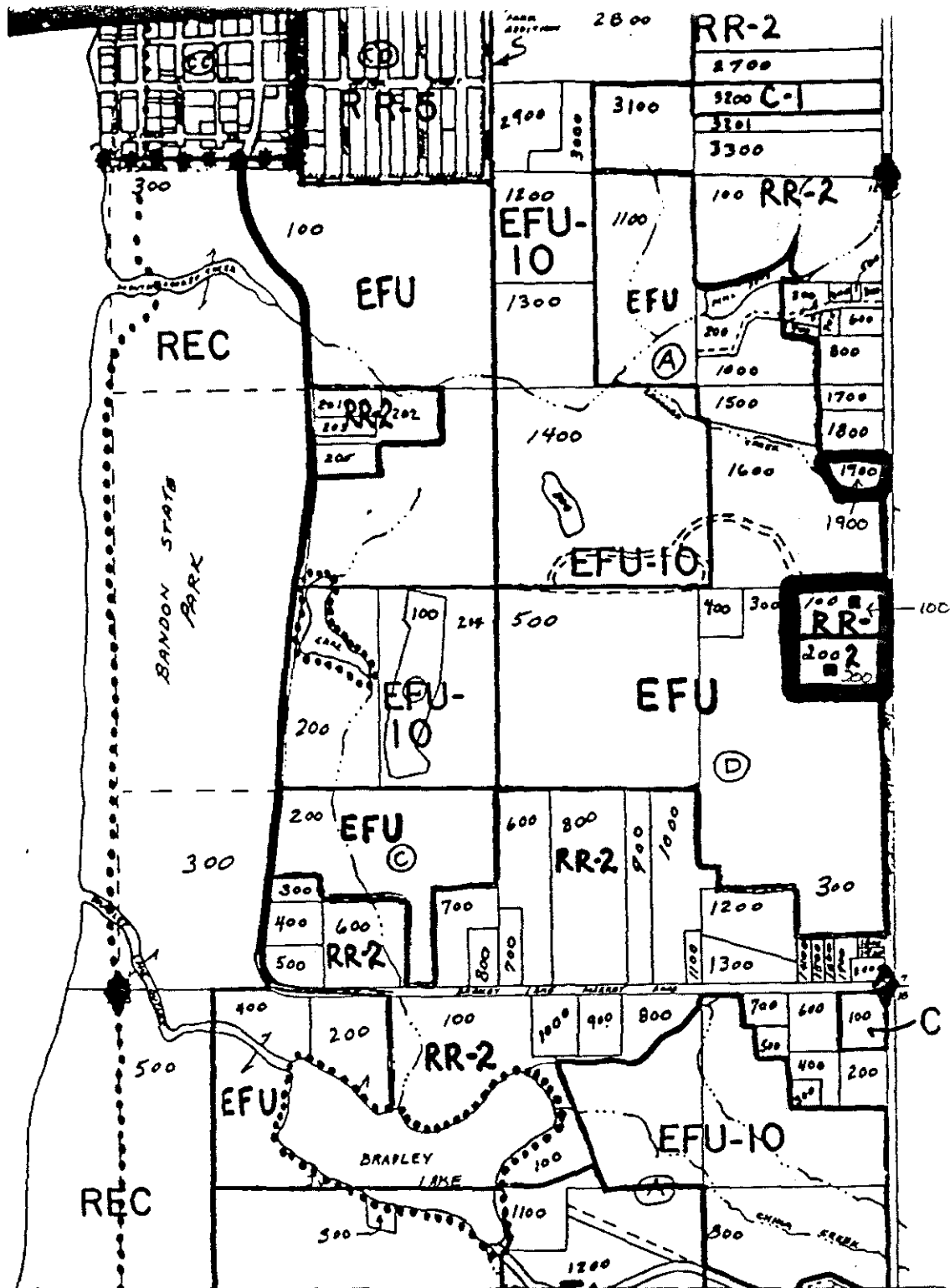
1" = 800'






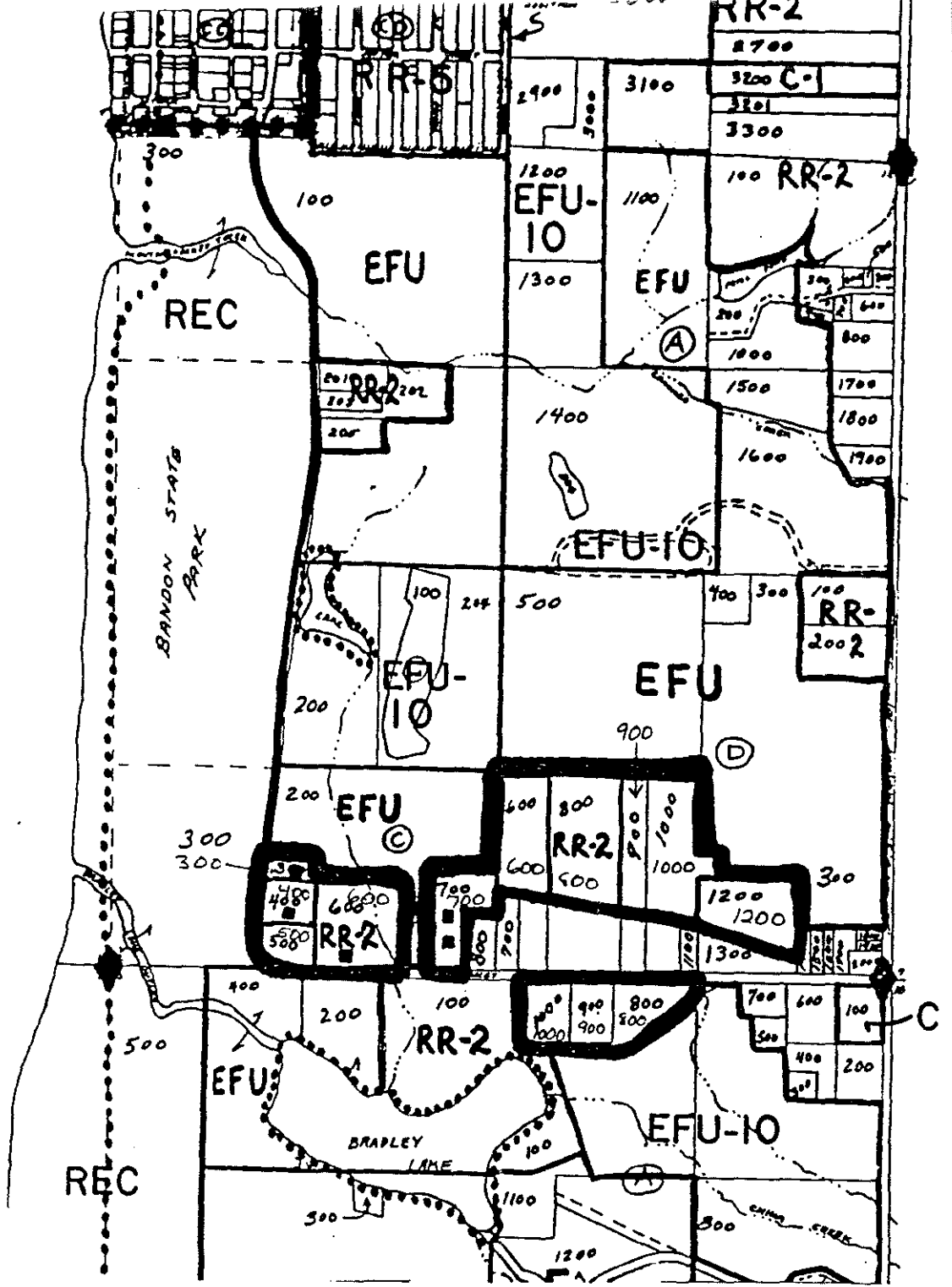
T. 29 S. 12A	R. 15 W.	Dwelling Unit Density of Area: .09 du's per acre	Predominant Ownership Size: 5-10	LEGEND <input type="checkbox"/> dwelling unit <input type="checkbox"/> feet See Conclusive 65
Total Ac. 179		# of Separate Ownerships: 22		
Natural Boundaries and Other Factors: Area located between the city limits of Bandon, Bandon's UGB and U.S. Highway 101.				
Area is: Bordered on 2 sides by smaller parcels: <i>NA</i> Y N				
Area is: Bordered on 3 or more sides by smaller parcels: <i>NA</i> Y N				
Areas outside the Area are: smaller similar <u>larger</u>				



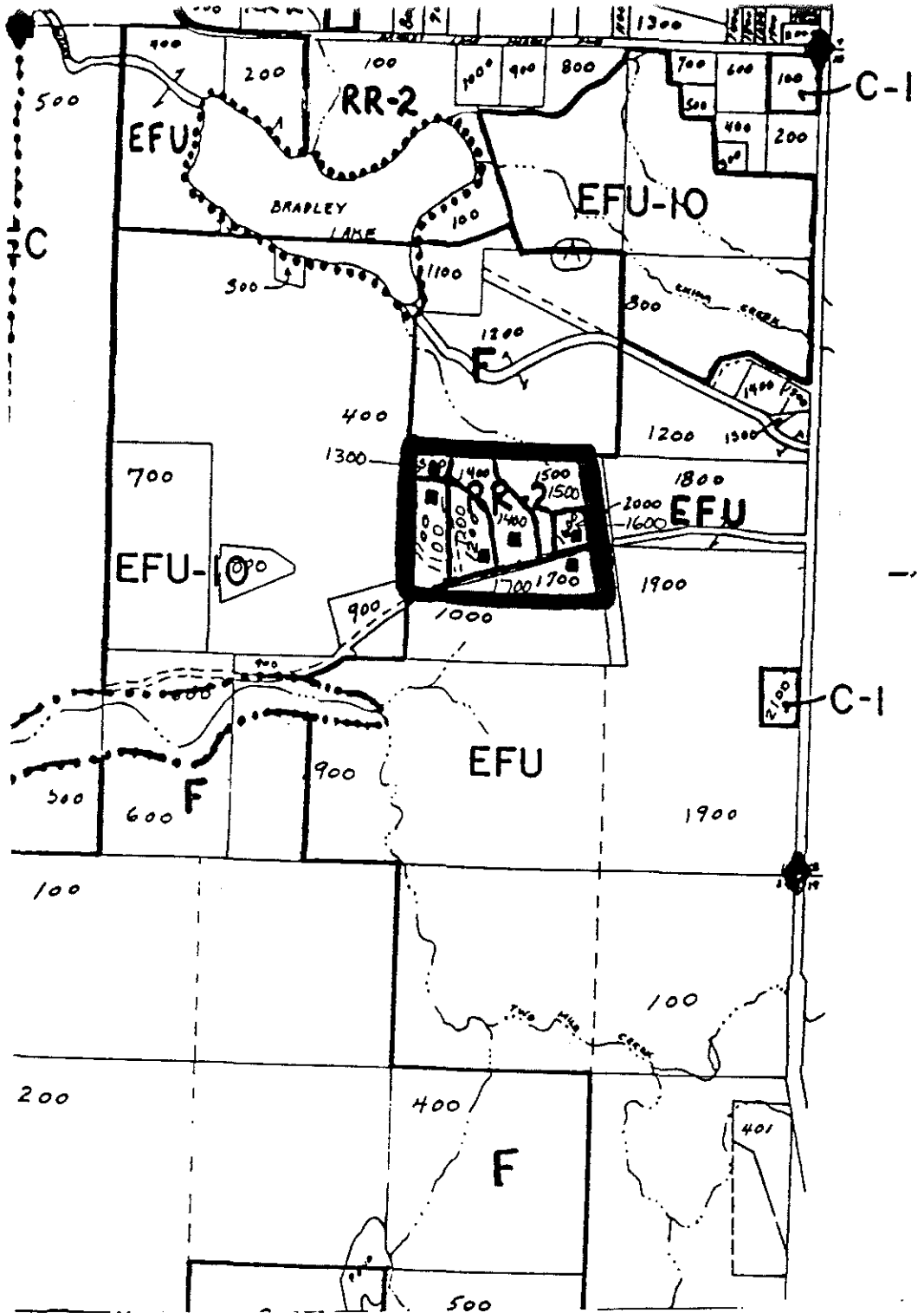
T ₂₉ R. 15 S. 12	Dwelling Unit Density of Area: 125 du's per acre	Predominant Ownership Size: 2	LEGEND <input type="checkbox"/> dwelling unit <input type="checkbox"/> 0 feet See Conclus #66
Total Ac. 8	# of Separate Ownerships: 4		
Natural Boundaries and Other Factors: Group of small parcels are located adjacent to Beach Loop Road. All are currently assessed for residential use.			
Area is: Bordered on 2 sides by smaller parcels:		Y <input checked="" type="checkbox"/>	
Area is: Bordered on 3 or more sides by smaller parcels:		Y <input checked="" type="checkbox"/>	
Areas outside the Area are: smaller similar larger		<input checked="" type="checkbox"/>	



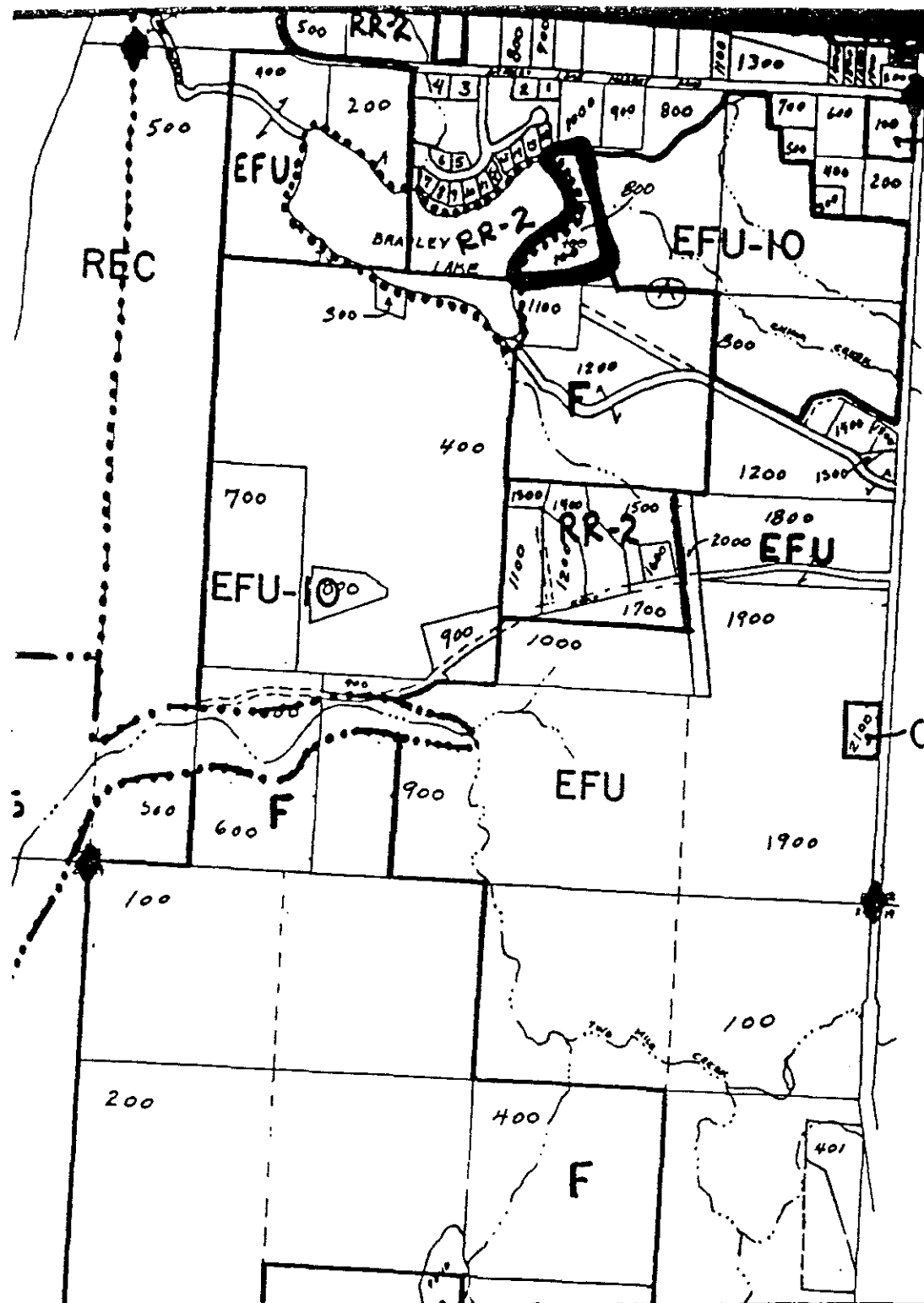
T. 29 S. 12 AD	R. 15	Dwelling Unit Density of Area: .17 du's per acre	Predominant Ownership Size: 5	LEGEND  dwelling unit  feet  N See Conclusion
Total Ac. 12		# of Separate Ownerships: 1		
Natural Boundaries and Other Factors: Tax lot #1900 is located adjacent to a residential area and Highway 101. It is currently assessed for industrial uses. Tax lots #100 & #200 taxed for residential uses, located along Highway 101.				# 0 67
Area is: Bordered on 2 sides by smaller parcels:			Y <input checked="" type="radio"/> N	
Area is: Bordered on 3 or more sides by smaller parcels:			Y <input checked="" type="radio"/> N	
Areas outside the Area are:			smaller similar <input checked="" type="radio"/> larger	



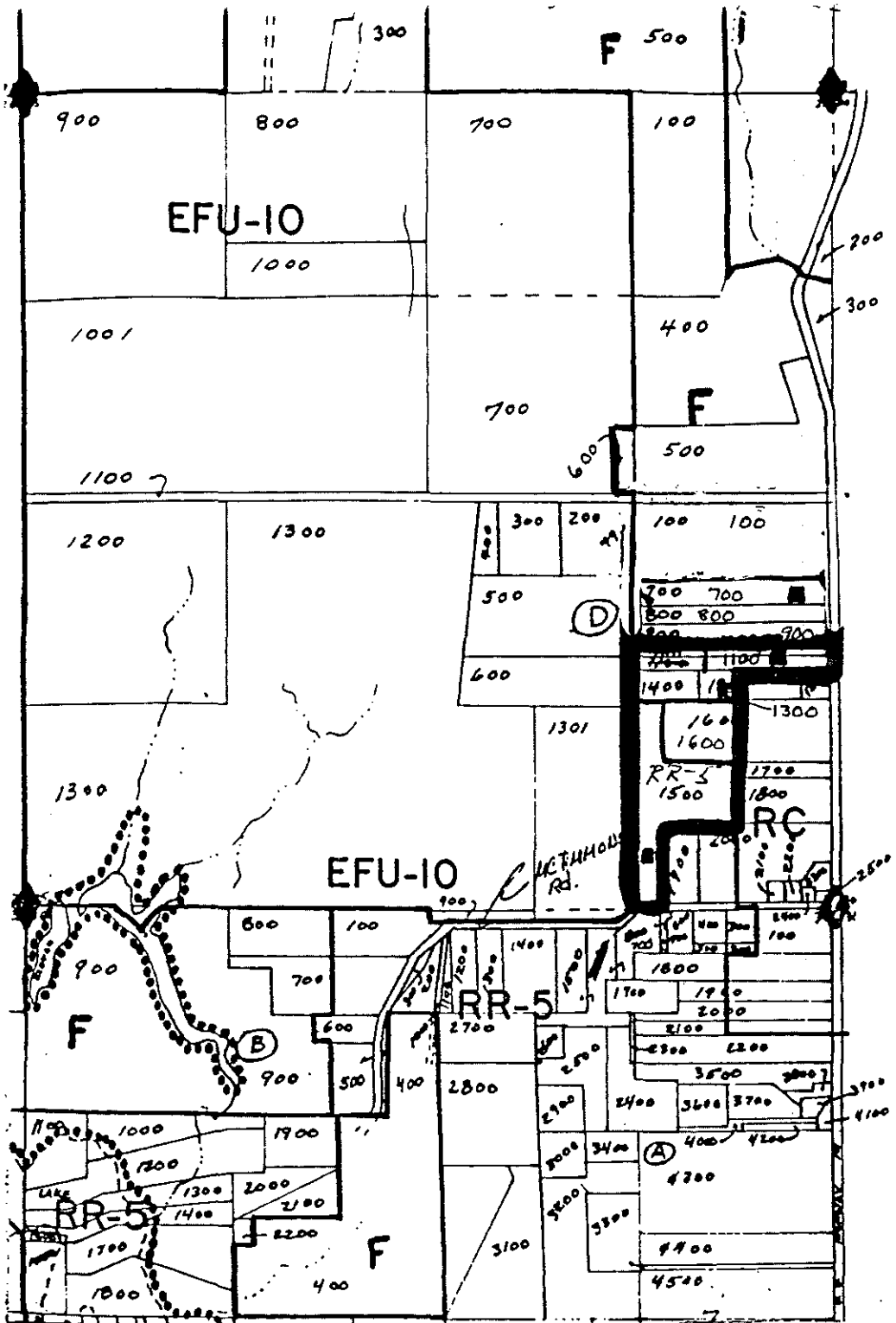
T. 29 R. 15 S. 12CD	Dwelling Unit Density of Area: .09 du's per acre	Predominant Ownership Size: 7	LEGEND dwelling unit: 0 feet See Conclusion # 68
Total Ac. 56	# of Separate Ownerships: 10		
Natural Boundaries and Other Factors: Parcels located along Beach Loop Road and adjacent to a committed residential area. Portions of tax lots #600, 800, 900 & 1000 are committed with prior findings.			
Area is: Bordered on 2 sides by smaller parcels:		Y <input checked="" type="checkbox"/>	
Area is: Bordered on 3 or more sides by smaller parcels:		Y <input checked="" type="checkbox"/>	
Areas outside the Area are:		smaller similar <u>larger</u>	






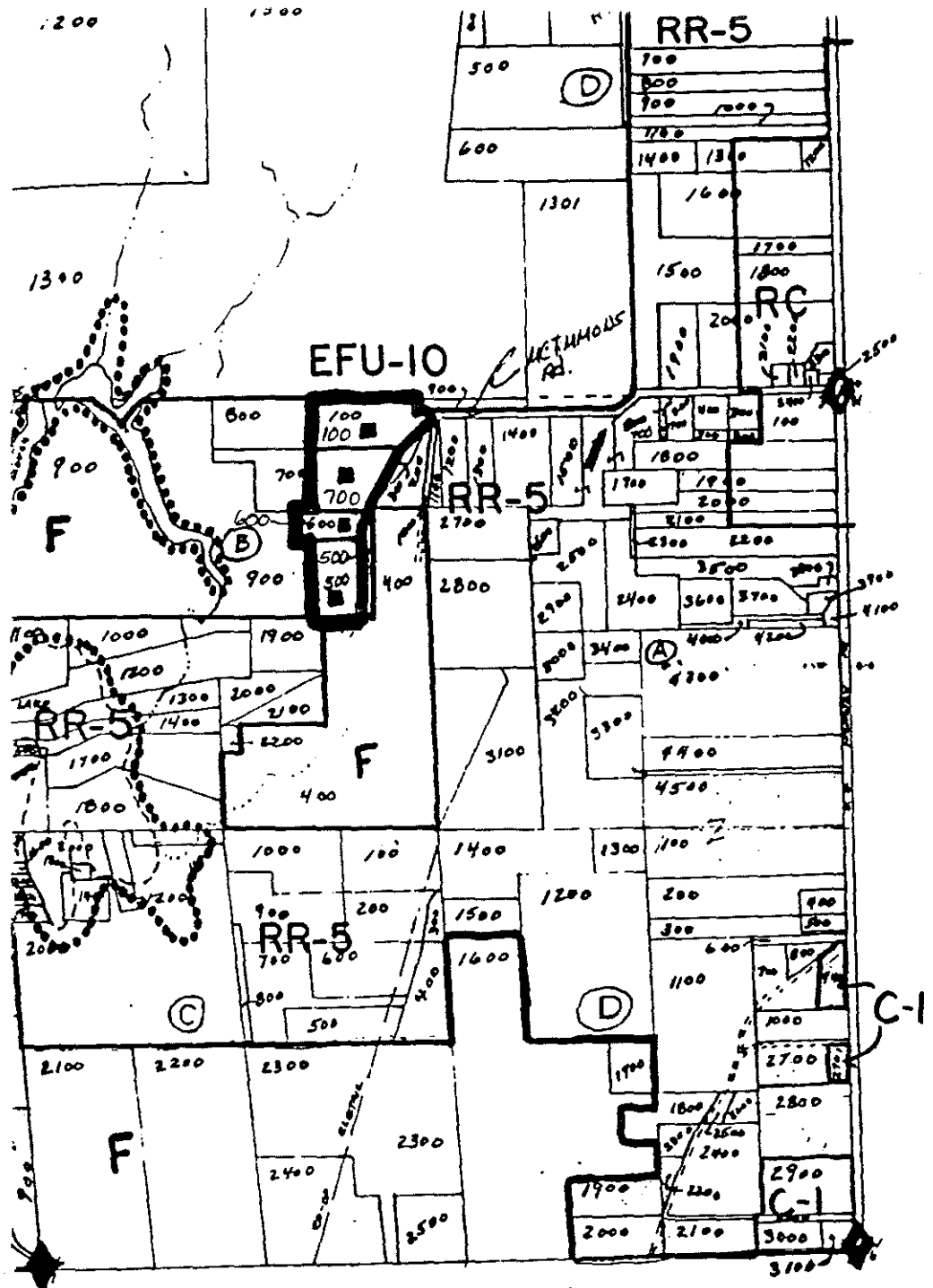
T. 29 R. 15 S. 13	Dwelling Unit Density of Area: .22 du's per acre	Predominant Ownership Size: 4	LEGEND dwelling units 0 feet 8
Total Ac. 27	# of Separate Ownerships: 7		
Natural Boundaries and Other Factors: Parcels are located along Two-Mile Creek Road. Most of the properties are developed and all are currently assessed for residential uses.			See Conclusion. \$ 0 6'
Area is: Bordered on 2 sides by smaller parcels:		Y <input checked="" type="radio"/> N	
Area is: Bordered on 3 or more sides by smaller parcels:		Y <input checked="" type="radio"/> N	
Areas outside the Area are: smaller similar <input checked="" type="radio"/> larger			



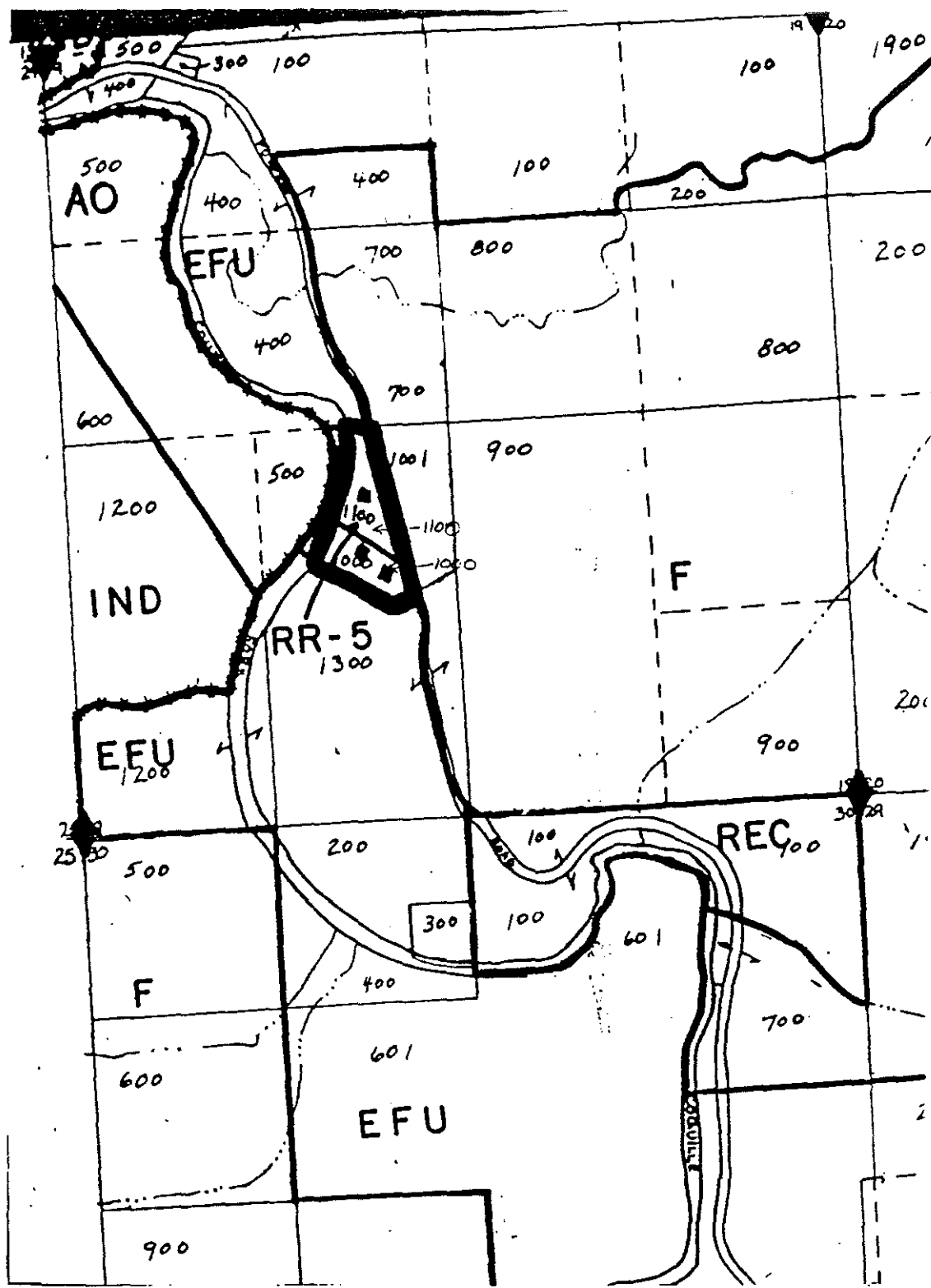
T. 29 R. 15	Dwelling Unit Density of Area: 14 du's per acre	Predominant Ownership Size: 14	LEGEND
S. 13 AB	# of Separate Ownerships: 1		
Total Ac. 14	Natural Boundaries and Other Factors: Parcel platted for Phase II of Bradley Lake Estates and is adjacent to Phase I, Bradley Lake Estates and Bradley Lake.		See Conclu \$ 70
Area is: Bordered on 2 sides by smaller parcels:	Y	<input checked="" type="radio"/> N	
Area is: Bordered on 3 or more sides by smaller parcels:	Y	<input checked="" type="radio"/> N	
Areas outside the Area are:	smaller	<input checked="" type="radio"/> similar	larger



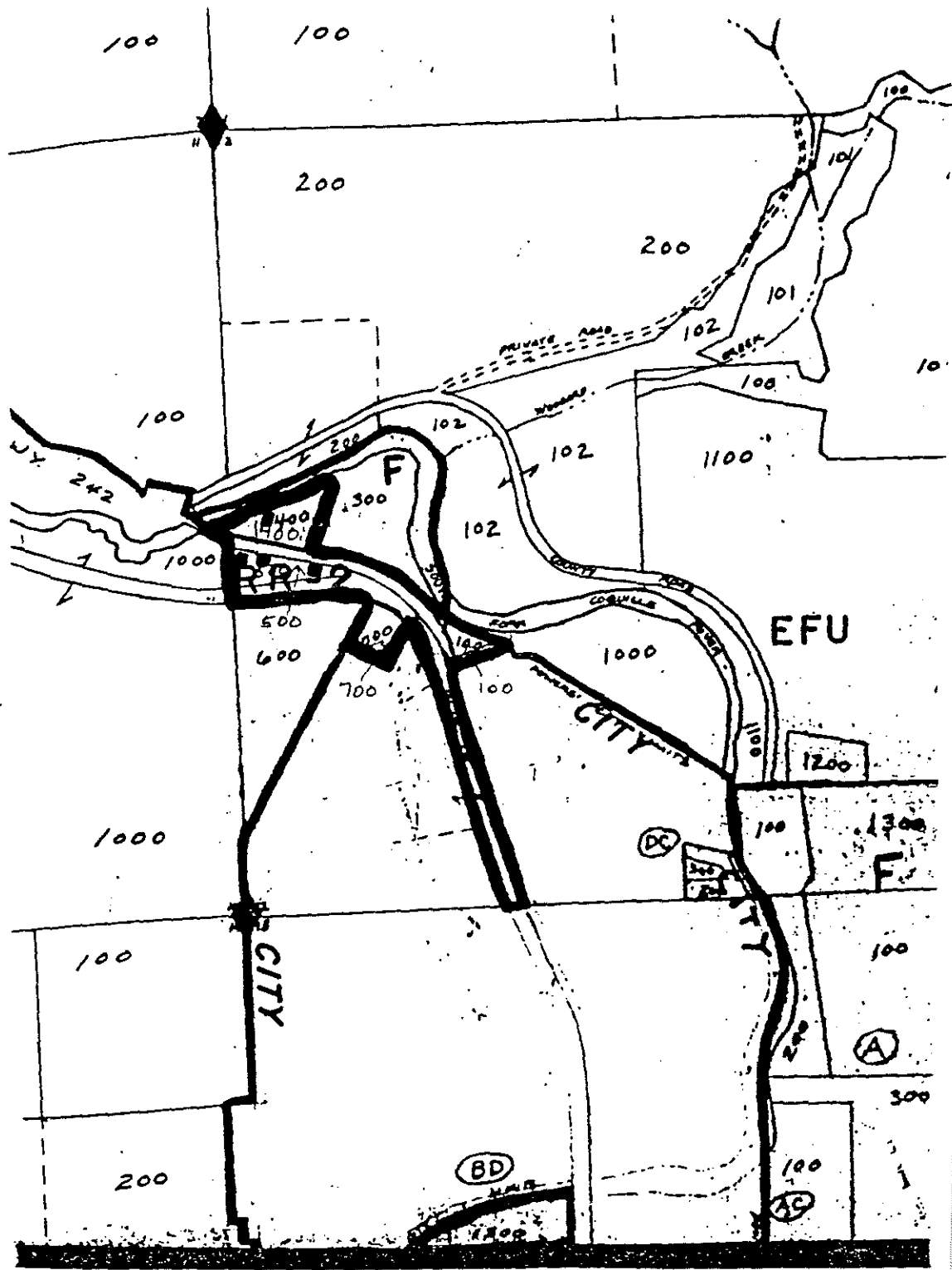
T. 29 R. 15 S. 25 D	Dwelling Unit Density of Area: .10 du's per acre	Predominant Ownership Size: 3-10	LEGEND  dwelling unit  feet 
Total Ac. 51	# of Separate Ownerships: 7		
Natural Boundaries and Other Factors: Parcels adjacent to U.S. Highway 101 and Laurel Grove Rural Center.			See Conclusio # 71
Area is: Bordered on 2 sides by smaller parcels: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N			
Area is: Bordered on 3 or more sides by smaller parcels: <input type="checkbox"/> Y <input checked="" type="checkbox"/> N			
Areas outside the Area are: smaller <input checked="" type="checkbox"/> similar <input type="checkbox"/> larger <input type="checkbox"/>			



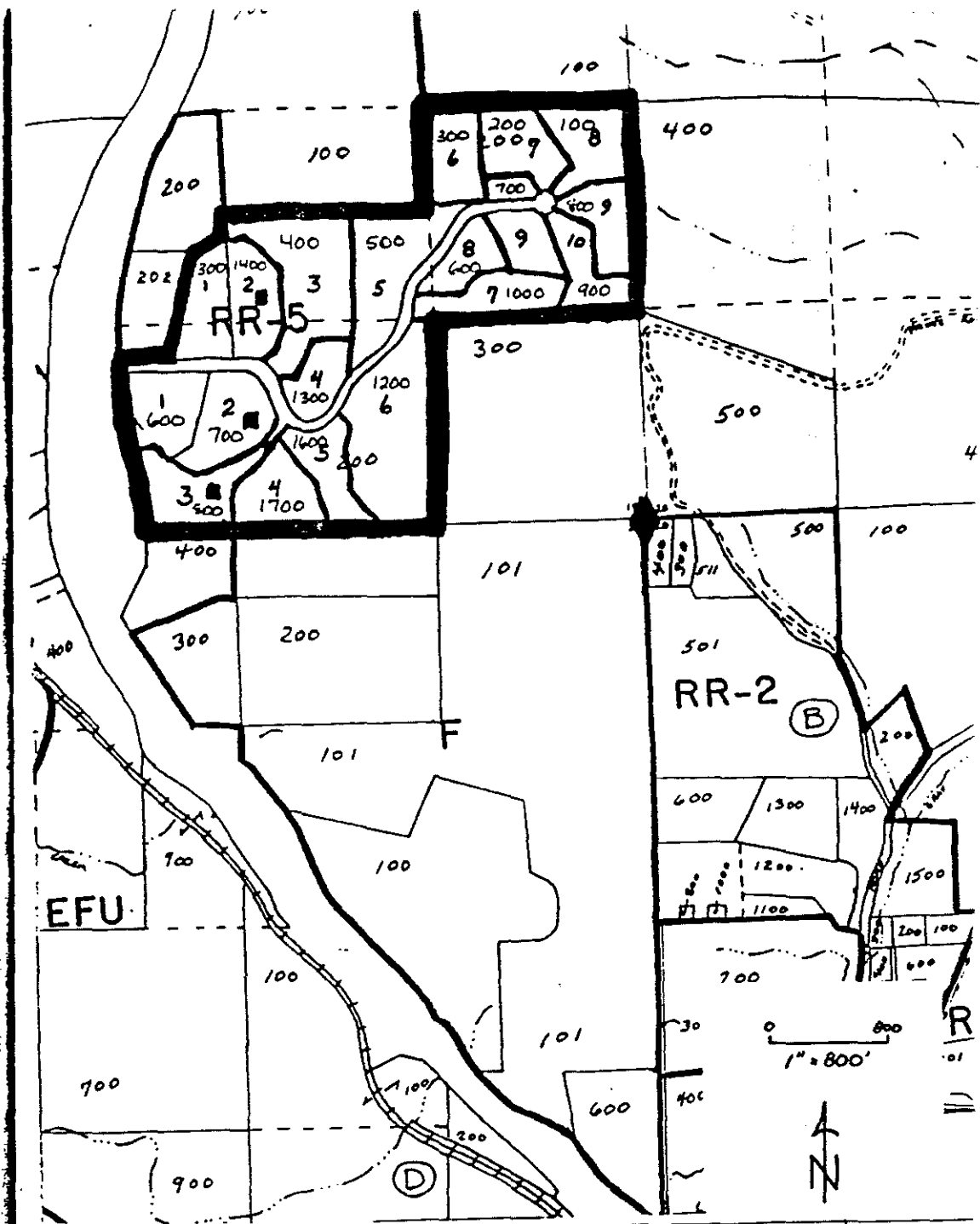
T. 29 R. 15 S. 36 B.	Dwelling Unit Density of Area: 29 du's per acre	Predominant Ownership Size: 4	LEGEND. <input type="checkbox"/> dwelling unit <input type="checkbox"/> 0 feet
Total Ac. 14	# of Separate Ownerships: 6		
Natural Boundaries and Other Factors: Developed parcels located near Laurel Lake off of McTimmons Road.			See Conclusi # 0
Area is: Bordered on 2 sides by smaller parcels: Y N			
Area is: Bordered on 3 or more sides by smaller parcels: Y Y			
Areas outside the Area are: smaller similar larger			7



T. 31 R. 11 S. 19	Dwelling Unit Density of Area: .27 du's per acre	Predominant Ownership Size: 5	LEGEND <input type="checkbox"/> dwelling unit feet See Conclusio
Total Ac. 11	# of Separate Ownerships: 2		
Natural Boundaries and Other Factors: Developed parcels located between the Coquille River and Powers Highway			
Area is: Bordered on 2 sides by smaller parcels:		Y <input checked="" type="radio"/> N	
Area is: Bordered on 3 or more sides by smaller parcels:		Y <input checked="" type="radio"/> N	
Areas outside the Area are:		smaller similar <u>larger</u>	

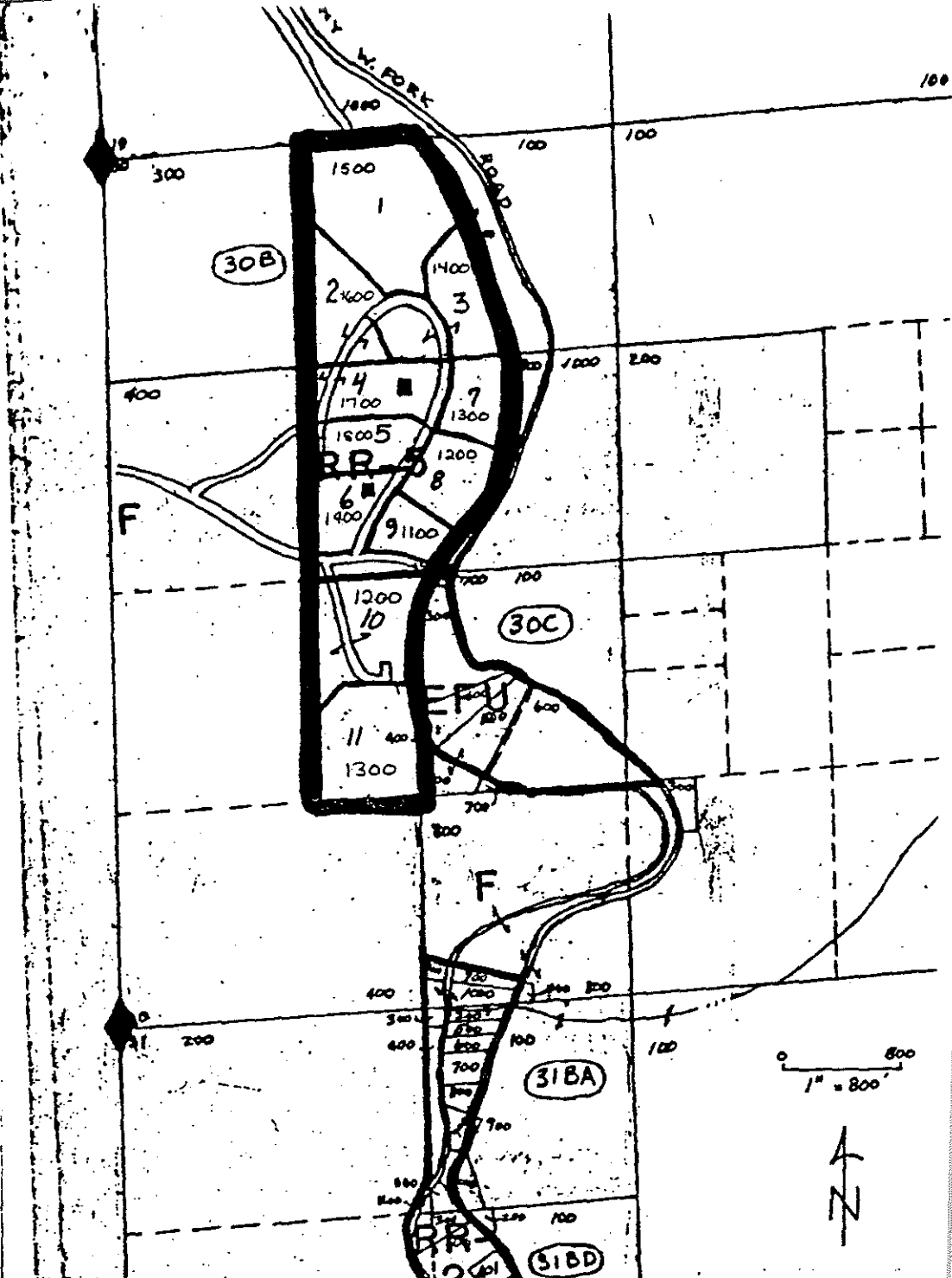


T. <u>31</u> R. <u>12</u>	Dwelling Unit Density of Area: <u>40</u> du's per acre	Predominant Ownership Size: <u>3</u>	LEGEND <input type="checkbox"/> dwelling unit <input type="checkbox"/> feet See Conclusi <u># 74</u>
S. <u>12</u>	# of Separate Ownerships: <u>4</u>		
Total AC. <u>10</u>			
Natural Boundaries and Other Factors: Parcels located along Powers Highway.			
Area is: Bordered on 2 sides by smaller parcels:		Y <input type="radio"/> N <input checked="" type="radio"/>	
Area is: Bordered on 3 or more sides by smaller parcels:		Y <input type="radio"/> N <input checked="" type="radio"/>	
Areas outside the Area are:		smaller similar <u>larger</u>	

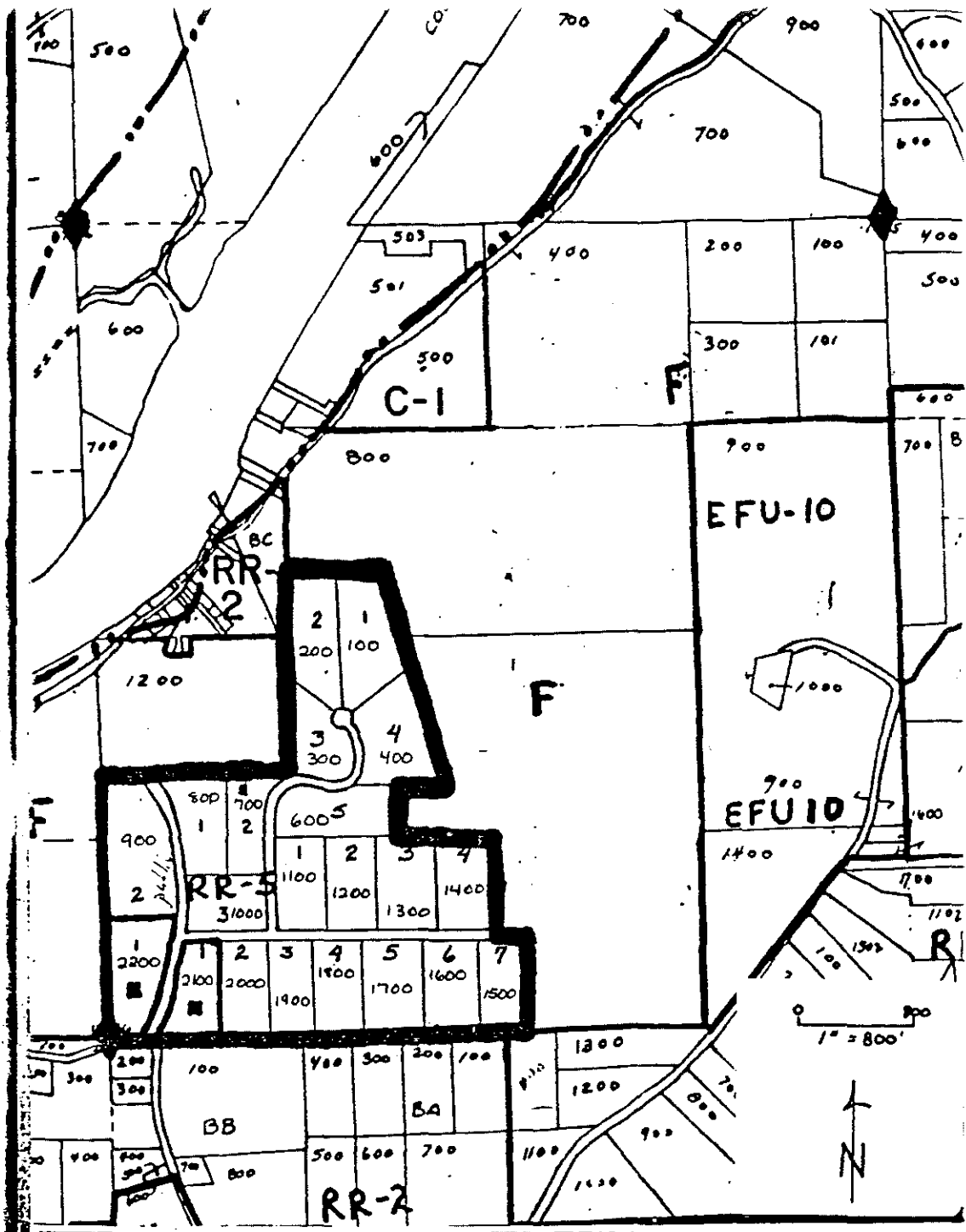


NAME: <u>McNeely Subdivision</u>	DATE OF FINAL PLAT: <u>7/14/83</u>	LOTS PLATTED: <u>19</u>	AVERAGE LOT SIZE: <u>6 ac</u>
T. <u>28</u> R. <u>12</u> S. <u>19C/D</u>		SEPARATE OWNERSHIPS <u>17</u>	
ADJACENT AREAS AND OTHER FACTORS: Adjacent to Hwy 42. Other expenditures include: Electricity, survey, permits-12,000 Farm Forest declass taxes since *	ROADS: Roads include +/- 3 miles clearing, cutting, grading rock, etc. at cost of \$80,000	LOTS BUILT UPON: <u>3</u>	
SEPTIC AND WATER SYSTEMS: Eight (8) septic systems built 19 approved Three (3) reservoirs (2½ M. gal) at \$32,000	TOTAL DEVELOPER'S EXPENSES: \$ <u>134,000</u>	SEE CONCLUS <u>175</u>	

* final plat----\$10,000

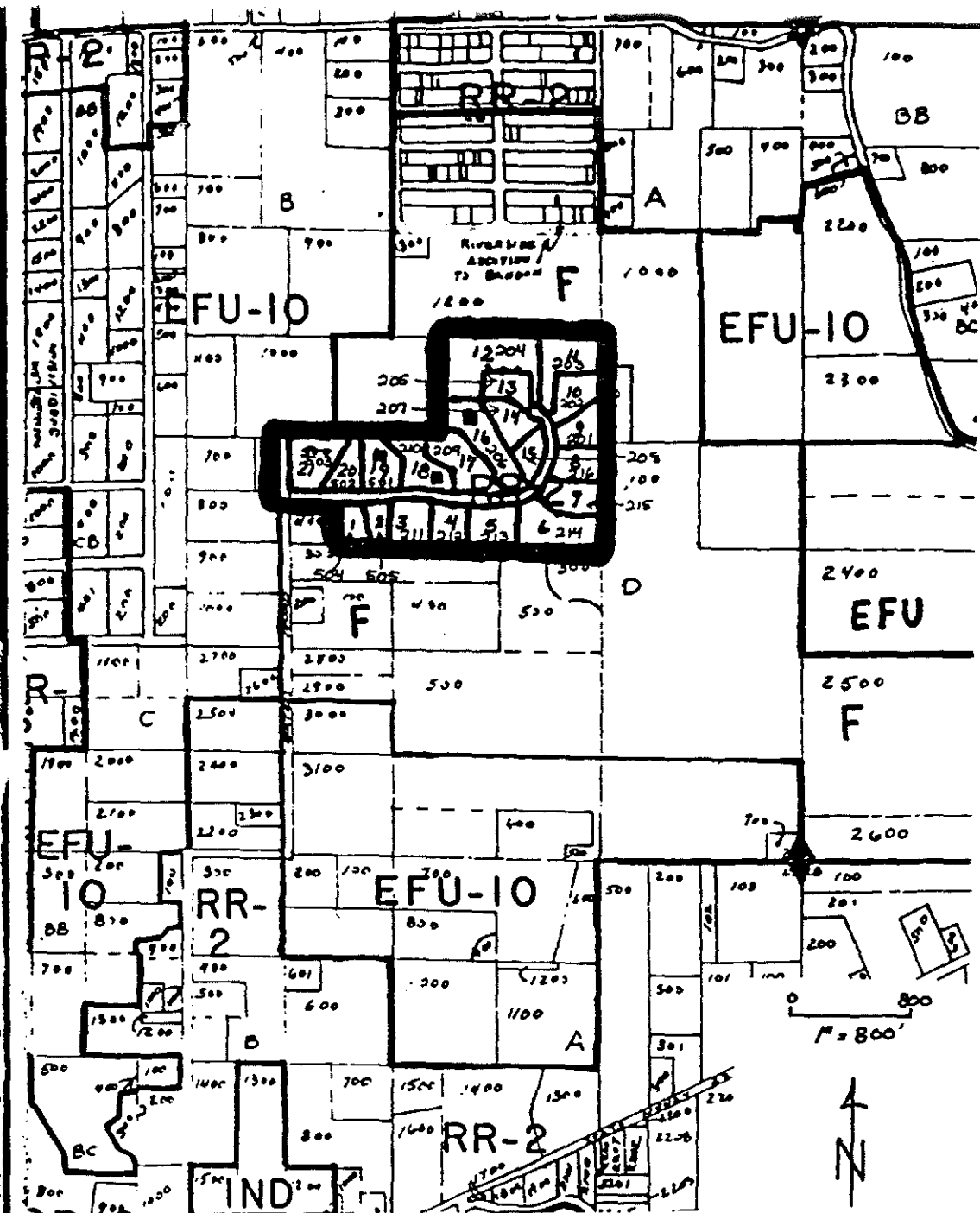


NAME: <u>Whitty/Millicoma Acres</u>	DATE OF FINAL PLAT: <u>9/7/83</u>	LOTS PLATTED: <u>11</u>	AVERAGE LOT SIZE: <u>7 ac</u>
T. <u>24</u> R. <u>11</u> S. <u>30B</u>		SEPARATE OWNERSHIPS <u>11</u>	
ADJACENT AREAS AND Subdivision OTHER FACTORS: abuts the west fork of the Millicoma River. Other expenditures include: Engineering/survey/permit--\$21,589	ROADS: Road includes a bridge and culverts at a cost of \$49,745.	LOTS BUILT UPON: <u>2</u>	
SEPTIC AND WATER SYSTEMS: <u>2 septic system installed and 1 well</u>	TOTAL DEVELOPER'S EXPENSES: <u>\$ 71,324</u>	SEE CO. # <u>76</u>	

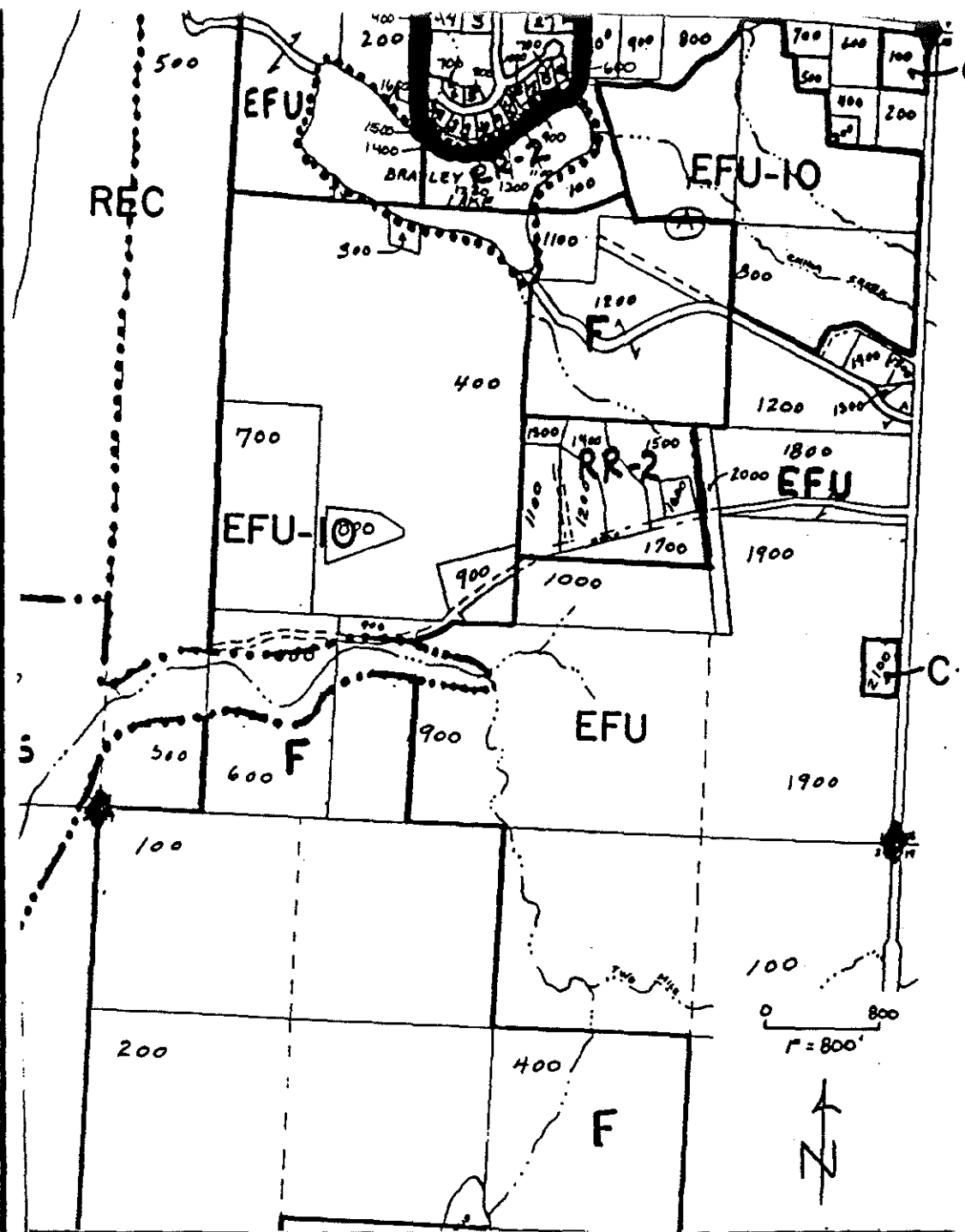


NAME: <u>Armstrong/Sunnyhill (Glenwood)</u>	DATE OF FINAL PLAT: <u>11/29/82</u>	LOTS PLATTED: <u>21</u>	AVERAGE LOT SIZE: <u>5 ac</u>
T. <u>28</u> R. <u>14</u> S. <u>16C</u>		SEPARATE OWNERSHIPS <u>2</u>	
ADJACENT AREAS AND OTHER FACTORS: <u>Abuts Prosper area to the south.</u> <u>Other expenditures include: Engineering/survey-----\$30,000 **</u>	ROADS: <u>Road includes one (1) mile of clearing, graveling, and grading at a cost of \$205,000</u>	LOTS BUILT UPON: <u>2</u>	
SEPTIC AND WATER SYSTEMS: <u>DEQ approvals have been obtained for lots at \$3,600.</u>	TOTAL DEVELOPER'S EXPENSES: <u>\$ \$300,000</u>	SEE CONCL. <u>77</u>	

* Electricity-----\$20,500
Back hoe/culverts/legal/misc---\$20,000

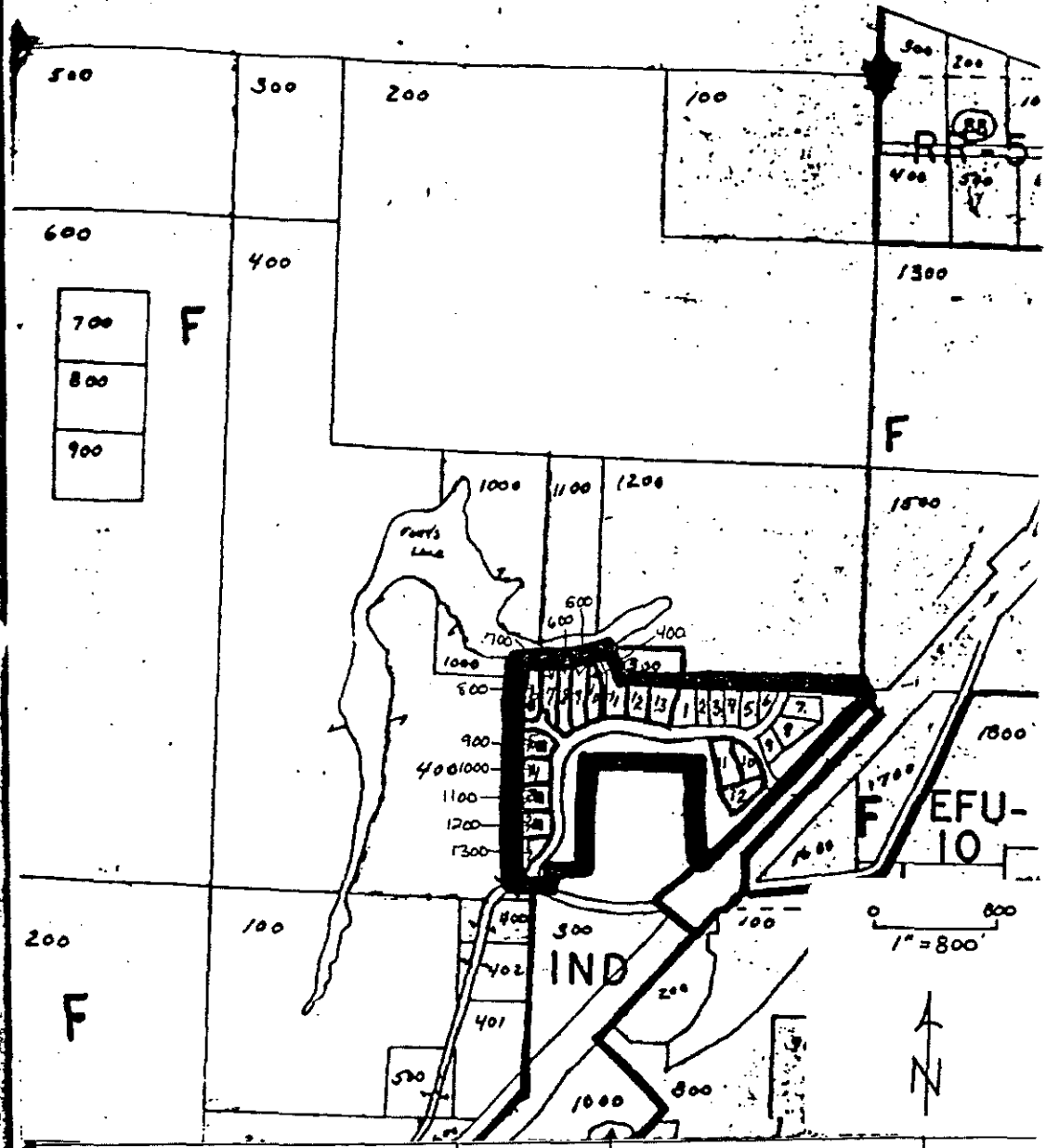


NAME: Arvold/Trout Pond	DATE OF FINAL PLAT: 5/10/79	LOTS PLATTED: 21	AVERAGE LOT SIZE: 1.8 ac
T.28 R. 14 S. 20D/C		SEPARATE OWNERSHIPS: 21	
ADJACENT AREAS AND Abuts Bates Rd. OTHER FACTORS: to Hwy 42S. Other expenses include: Engineer/survey-----\$9,000 Underground electric----\$20,000 T.V. & Telephone	ROADS: Road includes 1/2 mile of clearing, graveling, grading, and subgrading at a cost of \$200,000.	LOTS BUILT UPON: 3	
SEPTIC AND WATER SYSTEMS: DEQ approvals totaling \$3,000 and wells at a cost of \$9,000.	TOTAL DEVELOPER'S EXPENSES: \$ 250,000		SEE CONK. 178



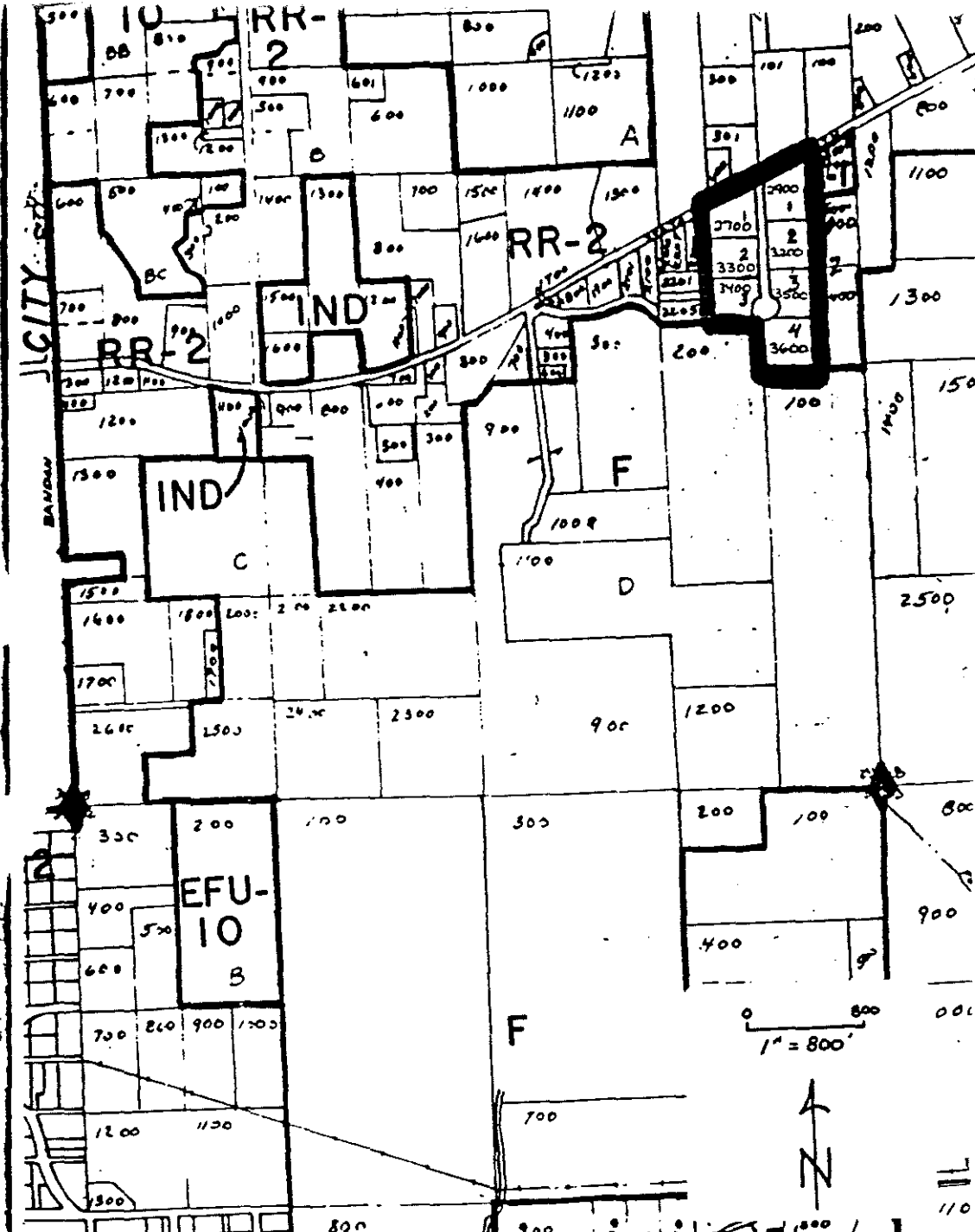
NAME: <u>Bradley Lake Estates (PUD)</u>	DATE OF FINAL PLAT: <u>8/1/84</u>	LOTS PLATTED: <u>16</u>	AVERAGE LOT SIZE: <u>1/4 ac</u>
<u>T29 R. 15 S. 13</u>	(Phase I)	SEPARATE OWNERSHIPS <u>1</u>	
ADJACENT AREAS AND PUD abuts Brad. Loop Co. Rd. to the north. Expenditures include: Underground electric/tele---\$20,000*	ROADS: Road includes 1500 ft. of clearing, grading, graveling and subgrading at cost of \$35,000	LOTS BUILT UPON: <u>0</u>	
SEPTIC AND WATER SYSTEMS: DEW approvals and water system costing \$27,800	TOTAL DEVELOPER'S EXPENSES: \$ <u>207,000</u>	SEE CONCL <u>179</u>	

* engineer/survey
Corporate staff time----\$70,000

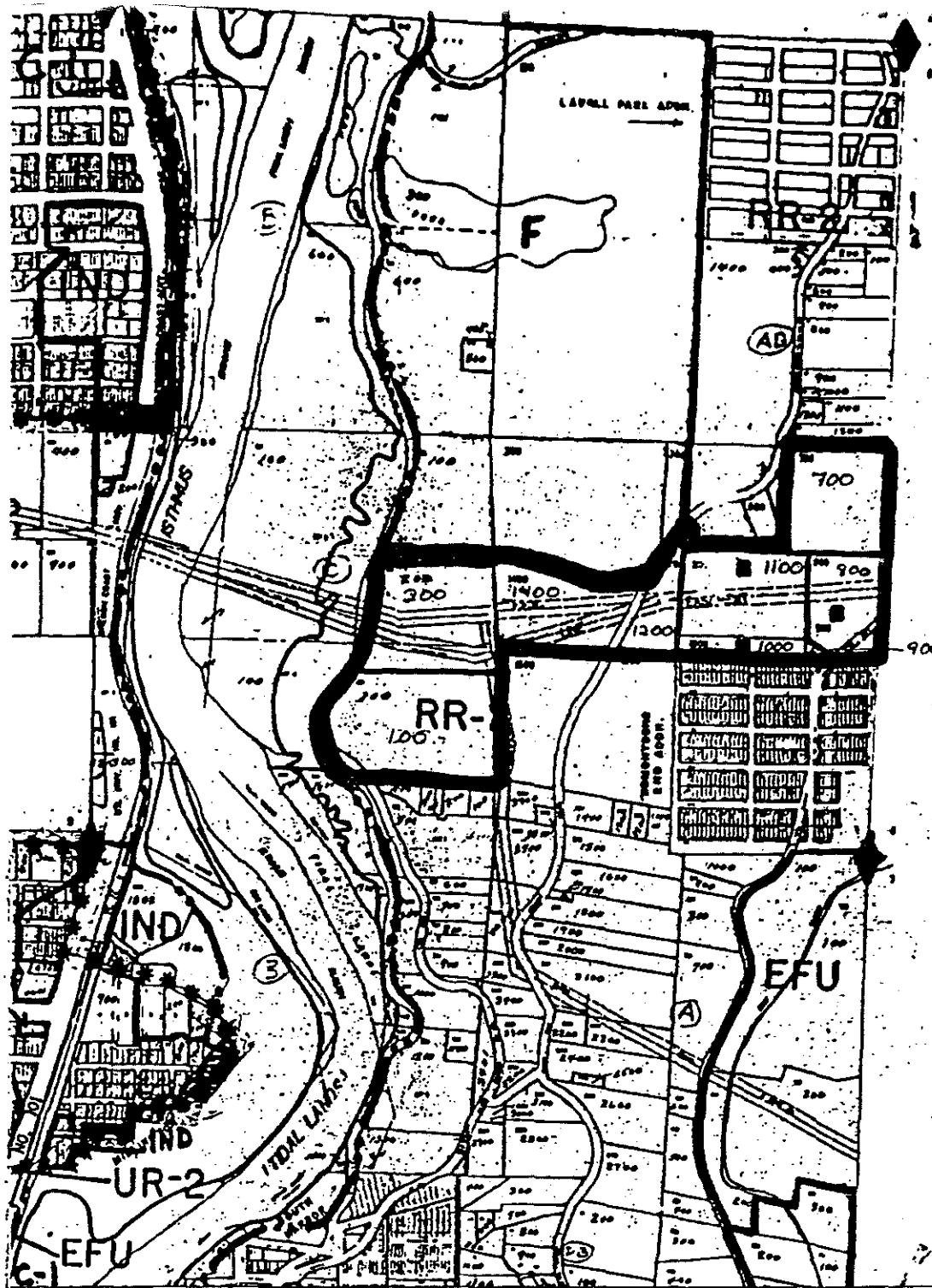


NAME: Weiss Estates PUD Phase I & II	DATE OF FINAL PLAT: P.I-6/22/81 Phase II-10/3/84	LOTS PLATTED: 25	AVERAGE LOT SIZE: 1 1/2 ac
T.28 R.14 S. 050C		SEPARATE OWNERSHIPS 16	
ADJACENT AREAS AND PUD abuts Fahys OTHER FACTORS: Lake to north, Hwy 101 to east, industrial area to so. Expenditures include: Underground electric/telephone *	ROADS: Expenses incurred for rock, grading etc. total \$22,500	LOTS BUILT UPON: 4	
SEPTIC AND WATER DEQ approvals have been obtained SYSTEMS: for all lots. PUD includes common water system and treatment plant --\$38,000	TOTAL DEVELOPER'S EXPENSES: \$ 120,355	SEE CONCL 180	

* engineering/survey-----\$59,645



NAME: <u>Melton Subdivision</u>		DATE OF FINAL PLAT: <u>3/14/83</u>	LOTS PLATTED: <u>7</u>	AVERAGE LOT SIZE: <u>2 ac</u>
T. <u>28</u> R. <u>14</u> S. <u>29A</u>			SEPARATE OWNERSHIPS <u>4</u>	
ADJACENT AREAS AND Abuts Hwy 42 S OTHER FACTORS; to so., residential area to east and west. Expend. Include: Survey/engineer----- phone/electricity/t.v		ROADS:	LOTS BUILT UPON: <u>0</u>	
		Road includes 900 ft. of clearing, graveling, grading, subgrading and culverts		
SEPTIC AND WATER DEQ approvals have been obtained SYSTEMS: for lots.		TOTAL DEVELOPER'S EXPENSES: \$ <u>123,000</u>	SEE CONCL <u>81</u>	



T. 26 R. 13	Dwelling Unit Density of Area: .04 du's per acre	Predominant Ownership Size: 12
S.DI/IC	# of Separate Ownerships: 5	
Total Ac. 79	Natural Boundaries and Other Factors: Area is surrounded by Isthmus Slough to the west and committed areas to the north and south. Resource management potential is minimal due to a major BPA/PP&L transmission line which bisects the property.	
	Area is: Bordered on 2 sides by smaller parcels: <input checked="" type="checkbox"/> N	
	Area is: Bordered on 3 or more sides by smaller parcels: <input checked="" type="checkbox"/> N	
	Areas outside the Area are <u>smaller</u> similar larger	

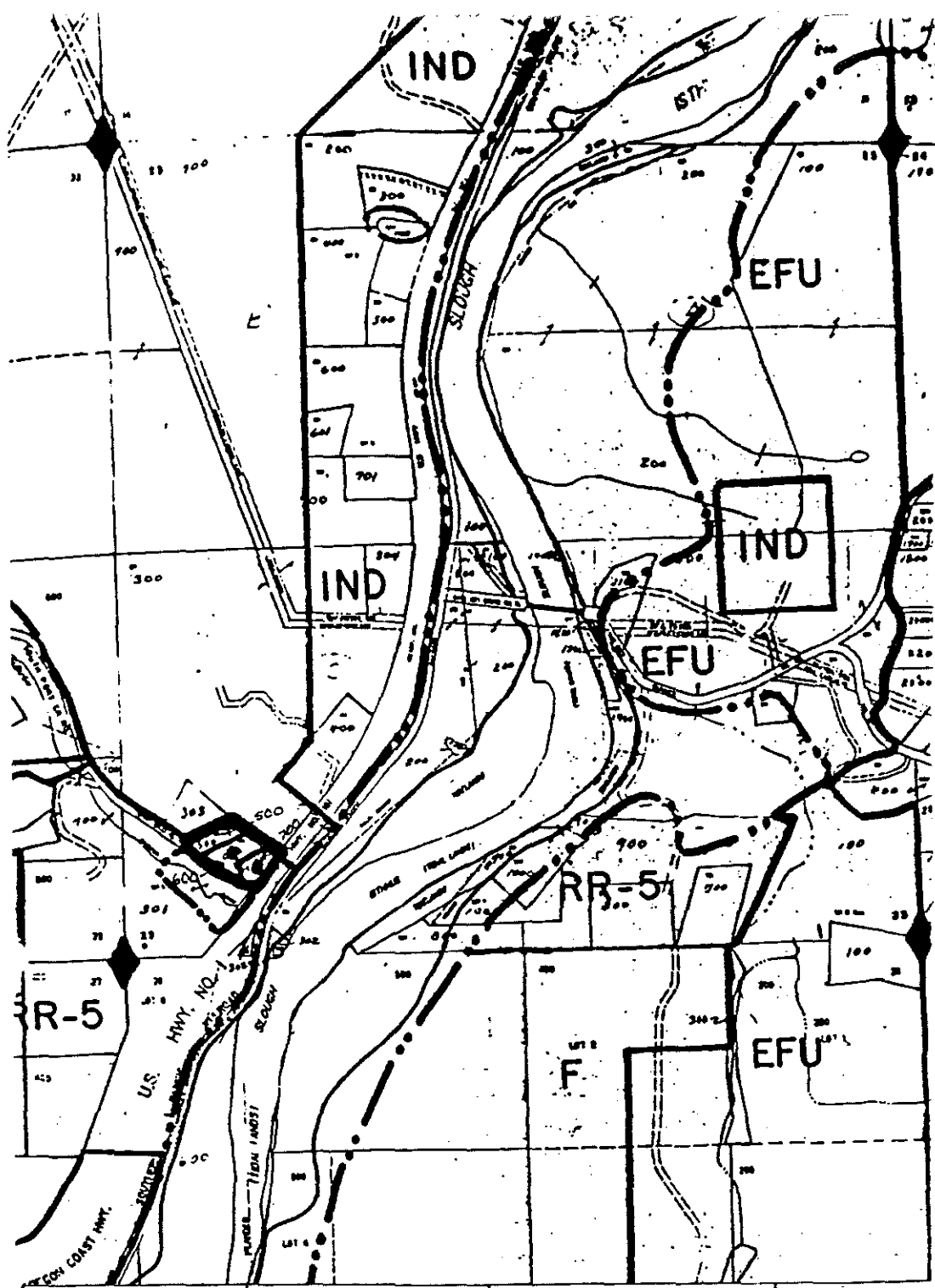
LEGEND

Dwelling unit

0 feet

See Conclu

27



T. 26 R. 13 S. 23C	Dwelling Unit Density of Area: .50 du's per acre	Predominant Ownership Size: 1
Total Ac. 4	# of Separate Ownerships: 3	
Natural Boundaries and Other Factors: Properties are adjacent to U.S. Highway 101 and a residential committed area. All are receiving residential tax assessment.		
Area is: Bordered on 2 sides by smaller parcels:	Y	N
Area is: Bordered on 3 or more sides by smaller parcels:	Y	Y
Areas outside the Area are:	smaller	similar larger

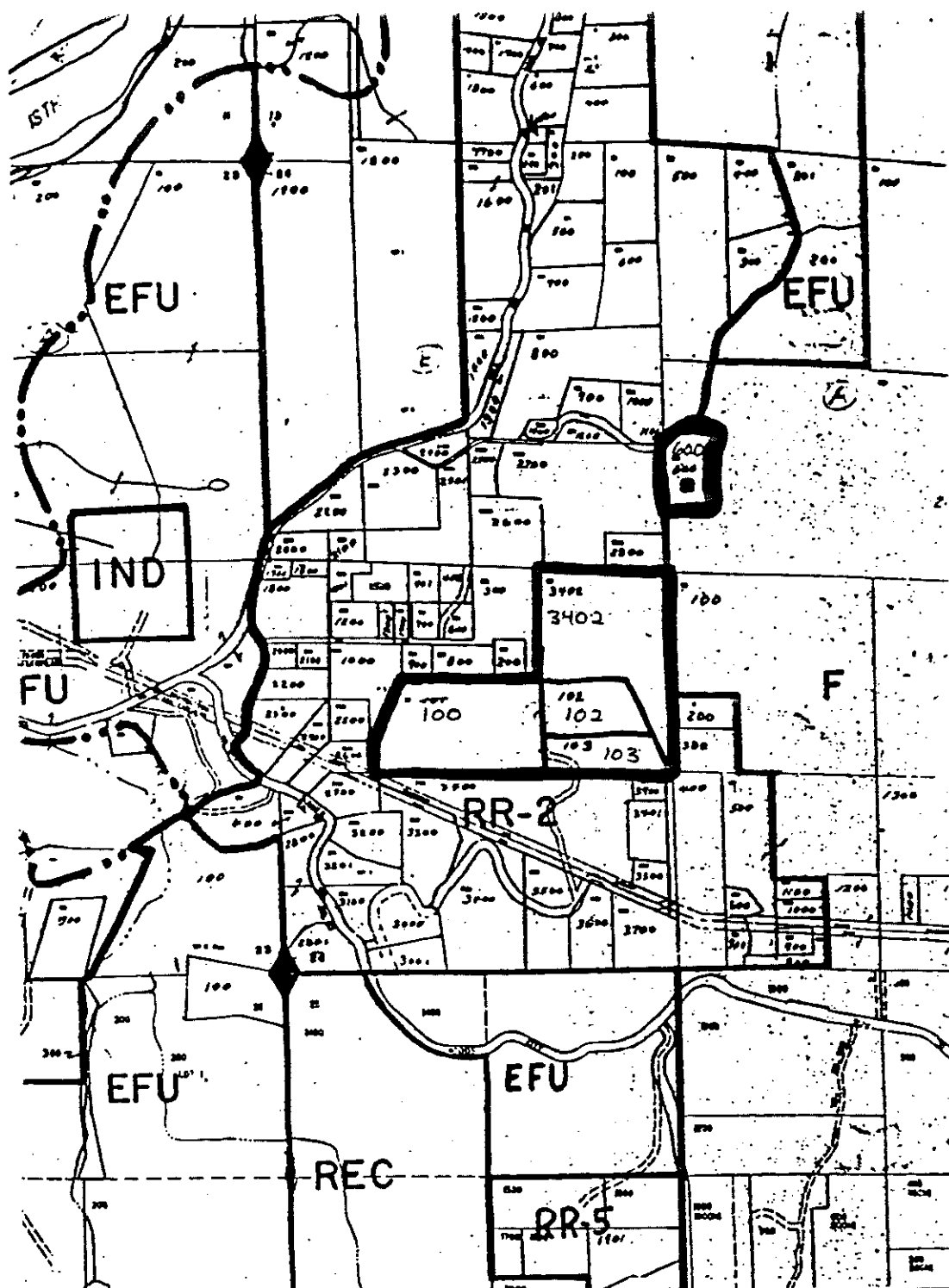
LEGEND


■ dwelling feet

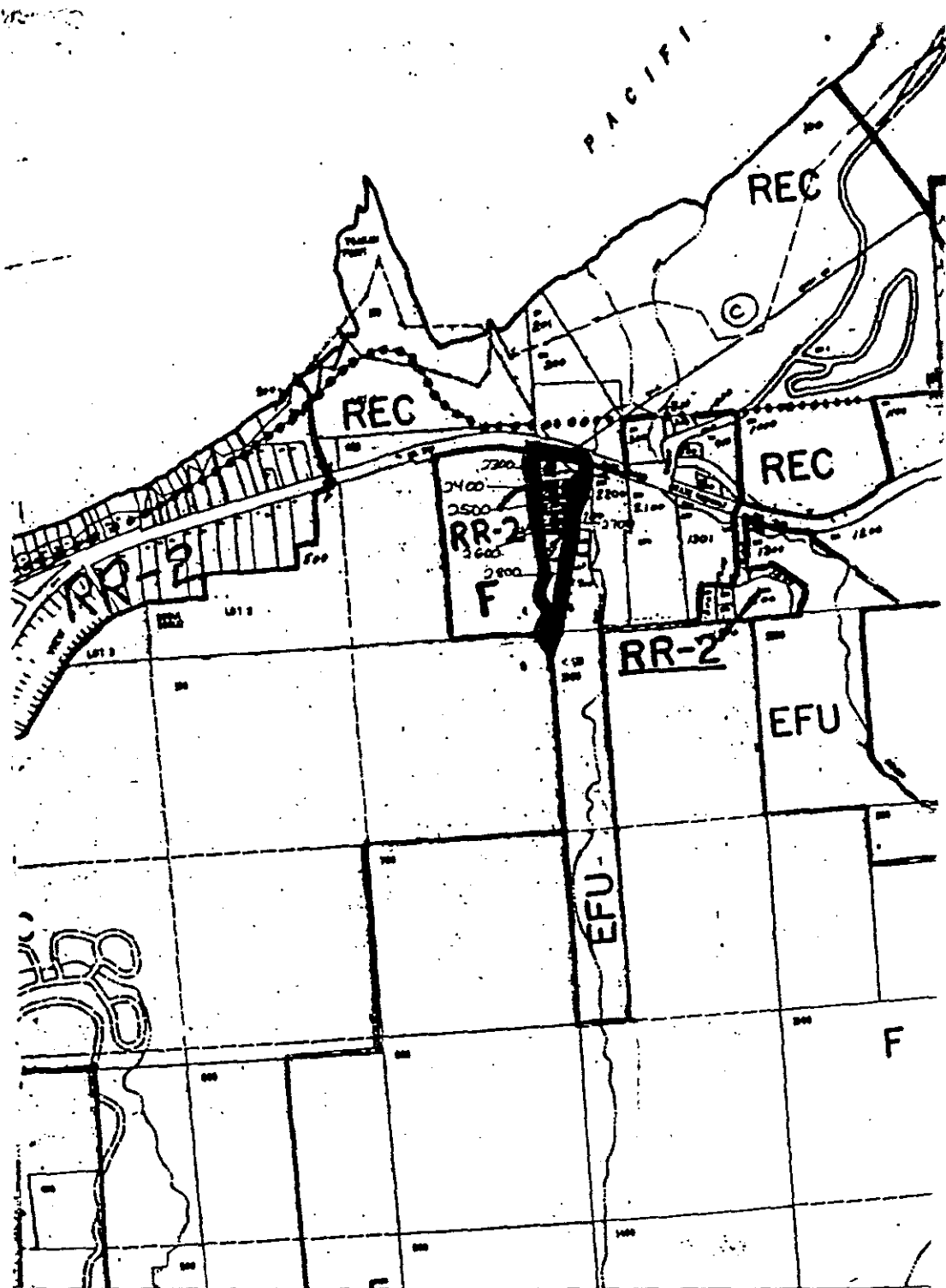
↑ N

See Concl

28



T. 26 R. 13 S. 24C	Dwelling Unit Density of Area: .02 du's per acre	Predominant Ownership Size: 5-10	LEGEND <input checked="" type="checkbox"/> dwelling unit 0 feet  See Conclusion
Total Ac. 49	# of Separate Ownerships: 5		
Natural Boundaries and Other Factors: Tax lots #100, 102, 103, and 3402 are surrounded by a residential committed area on three sides. Tax lot #600 which has a dwelling, is adjacent to road and a committed area as well.			29
Area is: Bordered on 2 sides by smaller parcels: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N			
Area is: Bordered on 3 or more sides by smaller parcels: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N			
Areas outside the Area are: <input checked="" type="checkbox"/> smaller <input type="checkbox"/> similar <input type="checkbox"/> larger			



T. 26 R. 14 S. 03C	Dwelling Unit Density of Area: 1 du's per acre	Predominant Ownership Size: 1
Total Ac. 5	# of Separate Ownerships: 4	
<p>Natural Boundaries and Other Factors: Developed parcels are located adjacent to Cape Arago Highway. Parcels to the east are developed as well but maintain EFU zoning by preference as there is very minimal grazing place. All parcels in study area currently are assessed for residential use.</p>		
Area is: Bordered on 2 sides by smaller parcels:		Y <input checked="" type="radio"/> N
Area is: Bordered on 3 or more sides by smaller parcels:		Y <input checked="" type="radio"/> N
Areas outside the Area are: smaller similar larger		

LEGEND

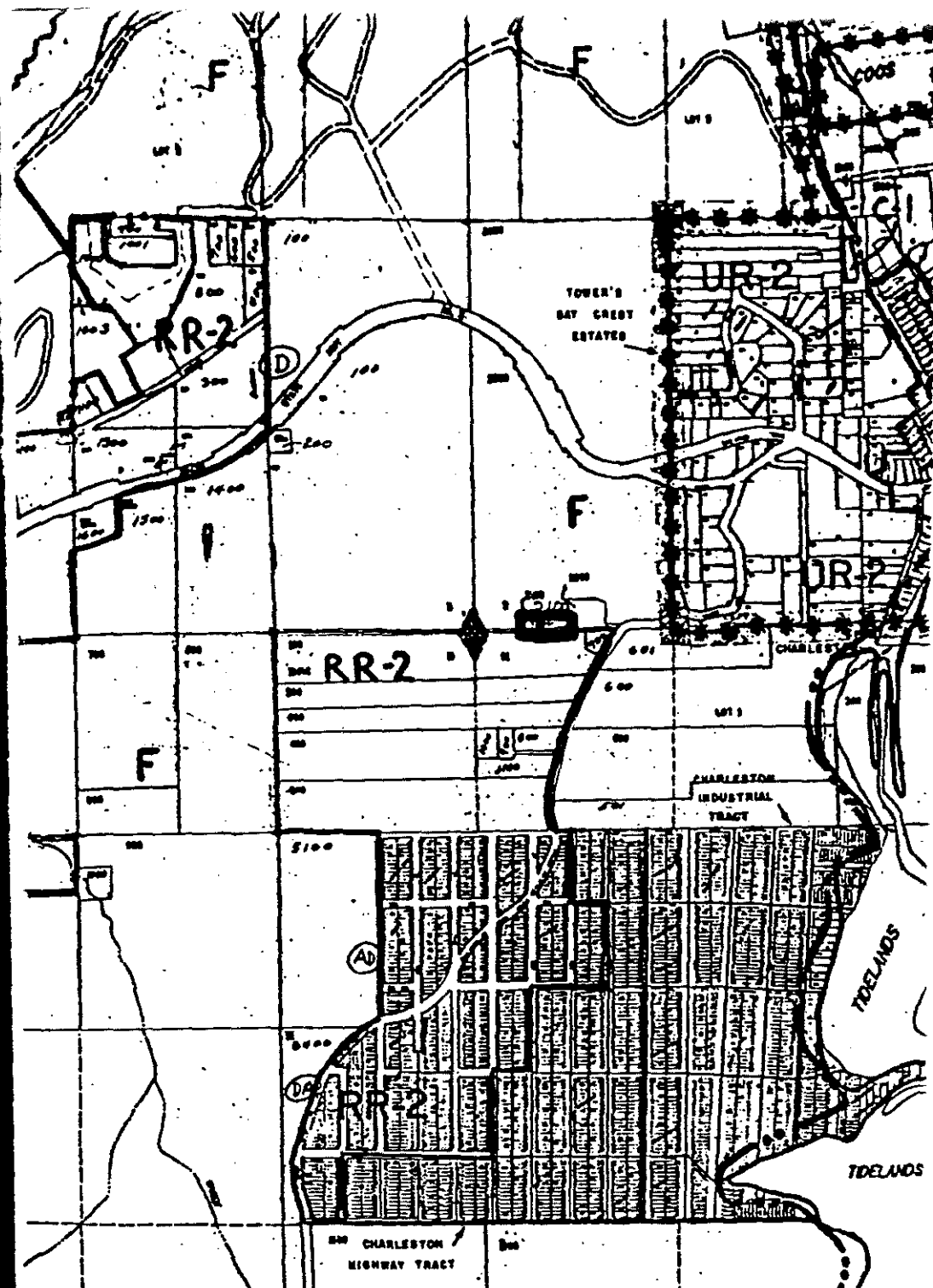
■ dwelling

○ feet

↑ N

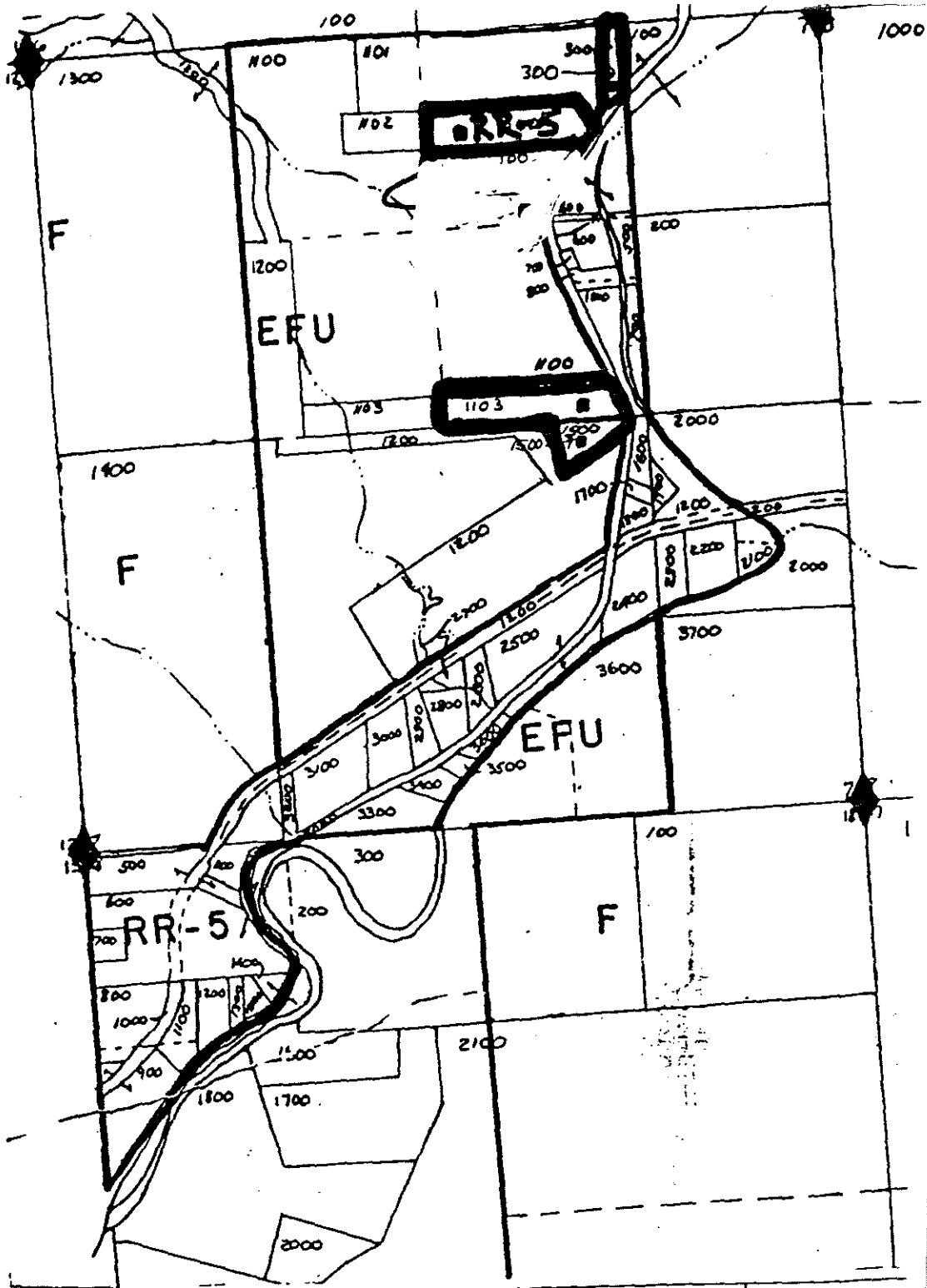
See Concl

30

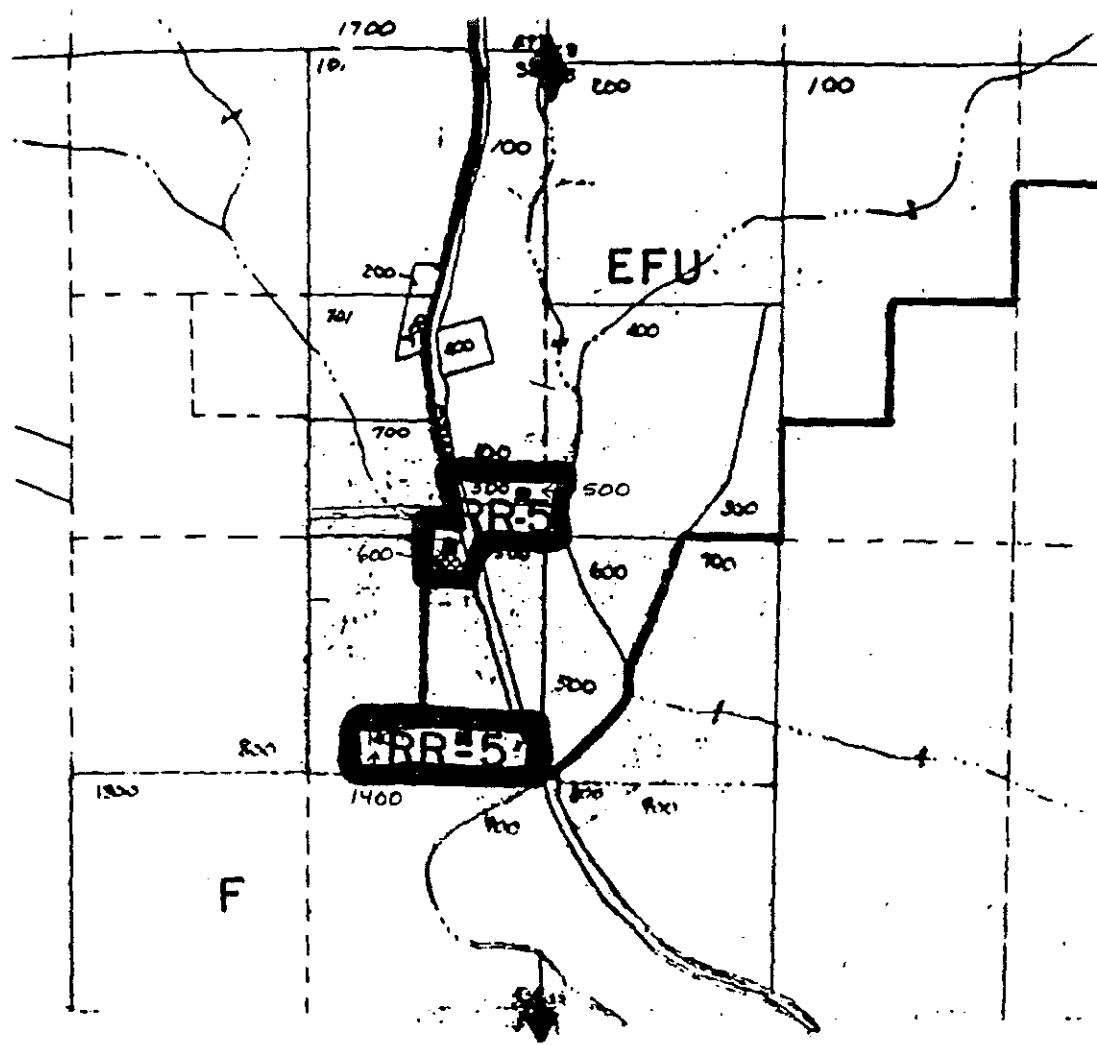


T. 26 R. 14 S. 02	Dwelling Unit Density of Area: 1 du's per acre	Predominant Ownership Size: _____	LEGEND <input type="checkbox"/> dwelling <input type="checkbox"/> fer See Cont. <input type="checkbox"/> 0
Total Ac. 1	# of Separate Ownerships: _____		
Natural Boundaries and Other Factors: Parcel is owned in conjunction with the adjacent committed area to the south.			
Area is: Bordered on 2 sides by smaller parcels:		Y <input checked="" type="radio"/> N	
Area is: Bordered on 3 or more sides by smaller parcels:		Y <input checked="" type="radio"/> N	
Areas outside the Area are: smaller similar larger			

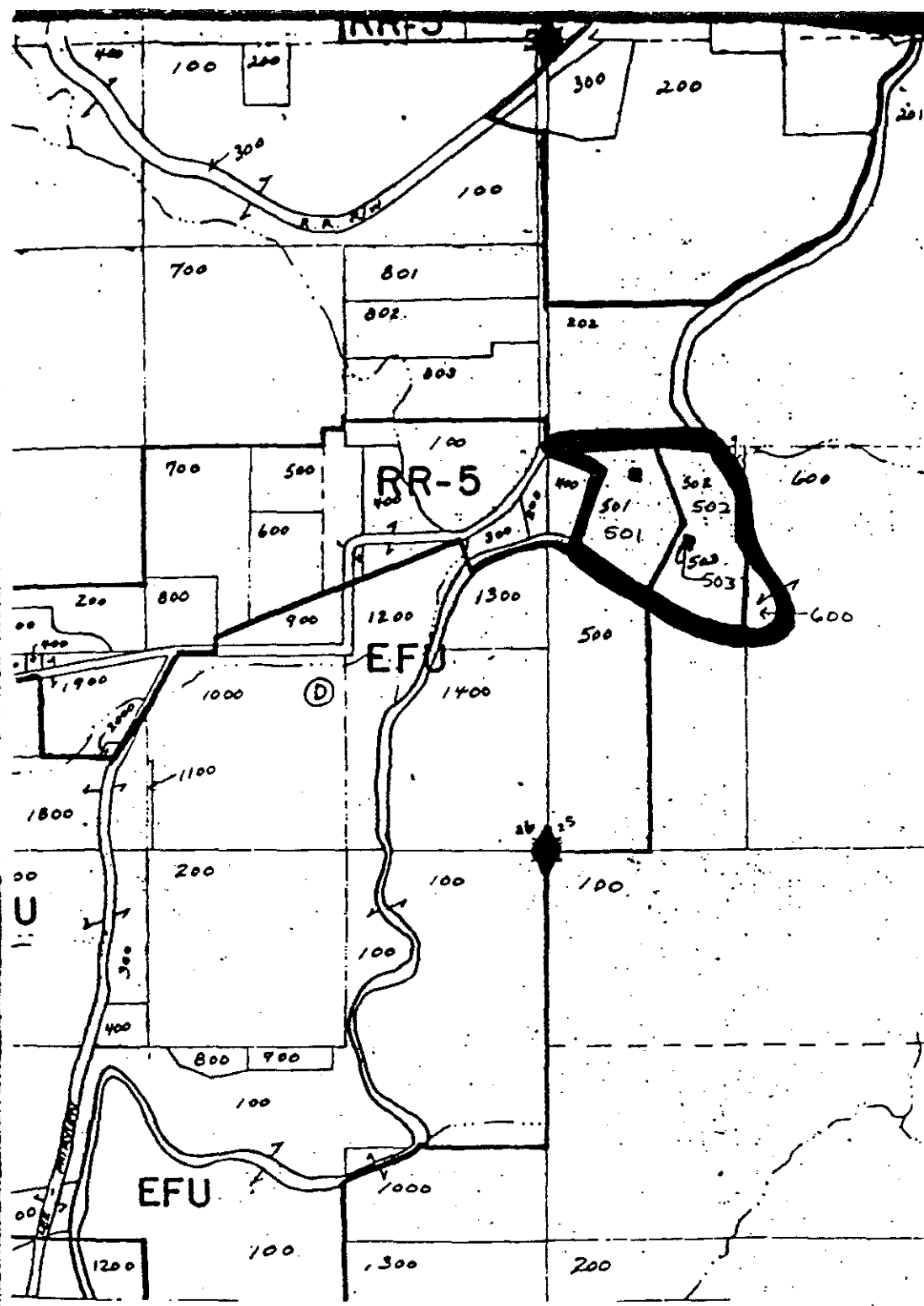
Volume I Part 3



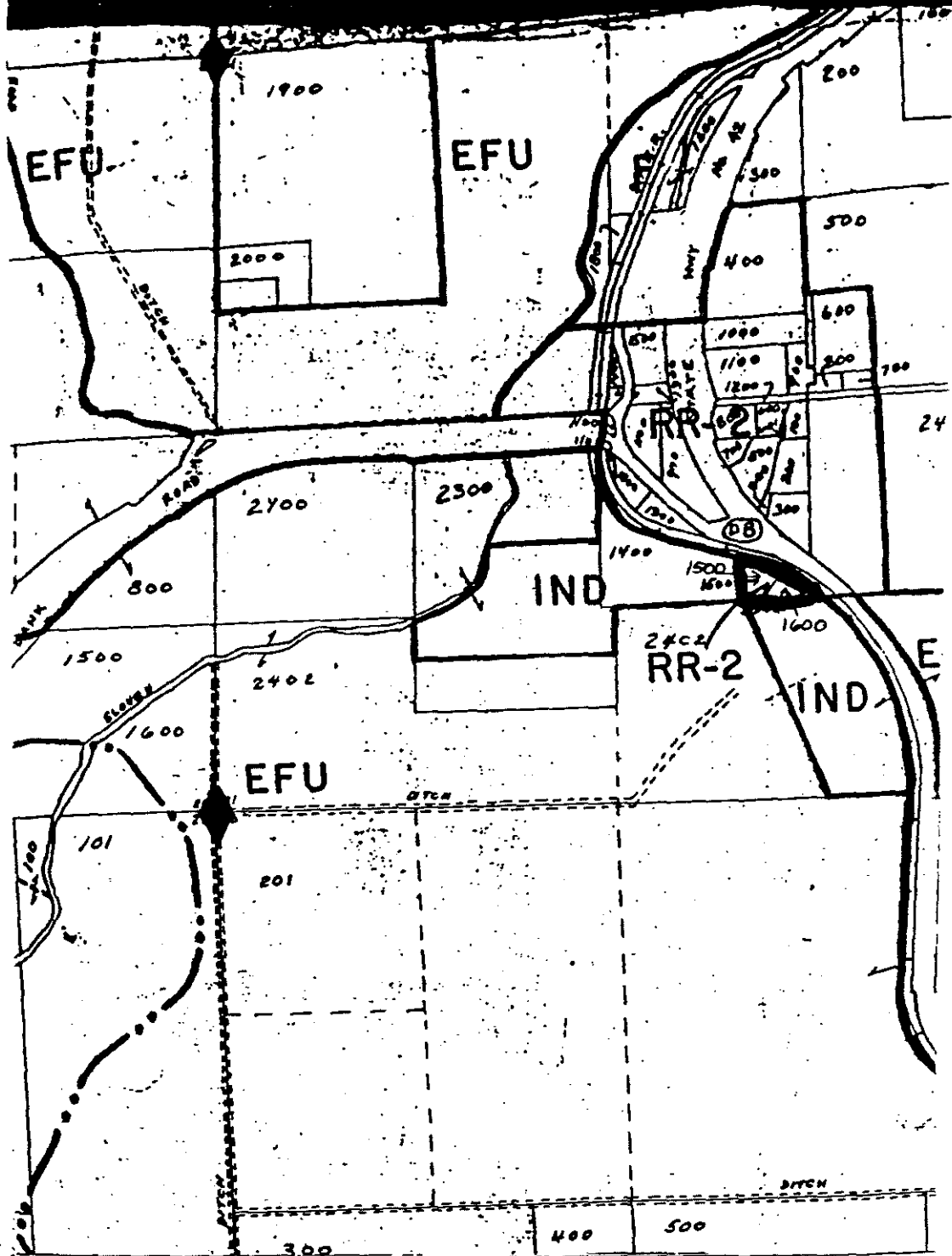
T. 27 R. 11 S. 07	Dwelling Unit Density of Area: .15 du's per acre	Predominant Ownership Size: 4	LEGEND <input type="checkbox"/> dwelling unit feet N See Concl:
Total Ac. 34	# of Separate Ownerships: 4		
Natural Boundaries and Other Factors: Parcels are located adjacent to Fairview-LaVerne Park Road and a residential committed area.			
Area is: Bordered on 2 sides by smaller parcels:		<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
Area is: Bordered on 3 or more sides by smaller parcels:		<input type="checkbox"/> Y <input checked="" type="checkbox"/> Y	10
Areas outside the Area are:		<input checked="" type="checkbox"/> smaller <input type="checkbox"/> similar <input checked="" type="checkbox"/> larger	32






T. 27 S. 32	R. 11	Dwelling Unit Density of Area: .20 du's per acre	Predominant Ownership Size: 7	LEGEND <input type="checkbox"/> dwelling <input type="checkbox"/> fee <input type="checkbox"/> See Cor. <input type="checkbox"/>
Total Ac. 15	# of Separate Ownerships: 2			
Natural Boundaries and Other Factors: Developed parcels are located along Fairview-McKinley Road. All are currently assessed for residential use.				
Area is: Bordered on 2 sides by smaller parcels:			Y <input type="radio"/> N <input checked="" type="radio"/>	
Area is: Bordered on 3 or more sides by smaller parcels:			Y <input type="radio"/> N <input checked="" type="radio"/>	
Areas outside the Area are: smaller similar larger				

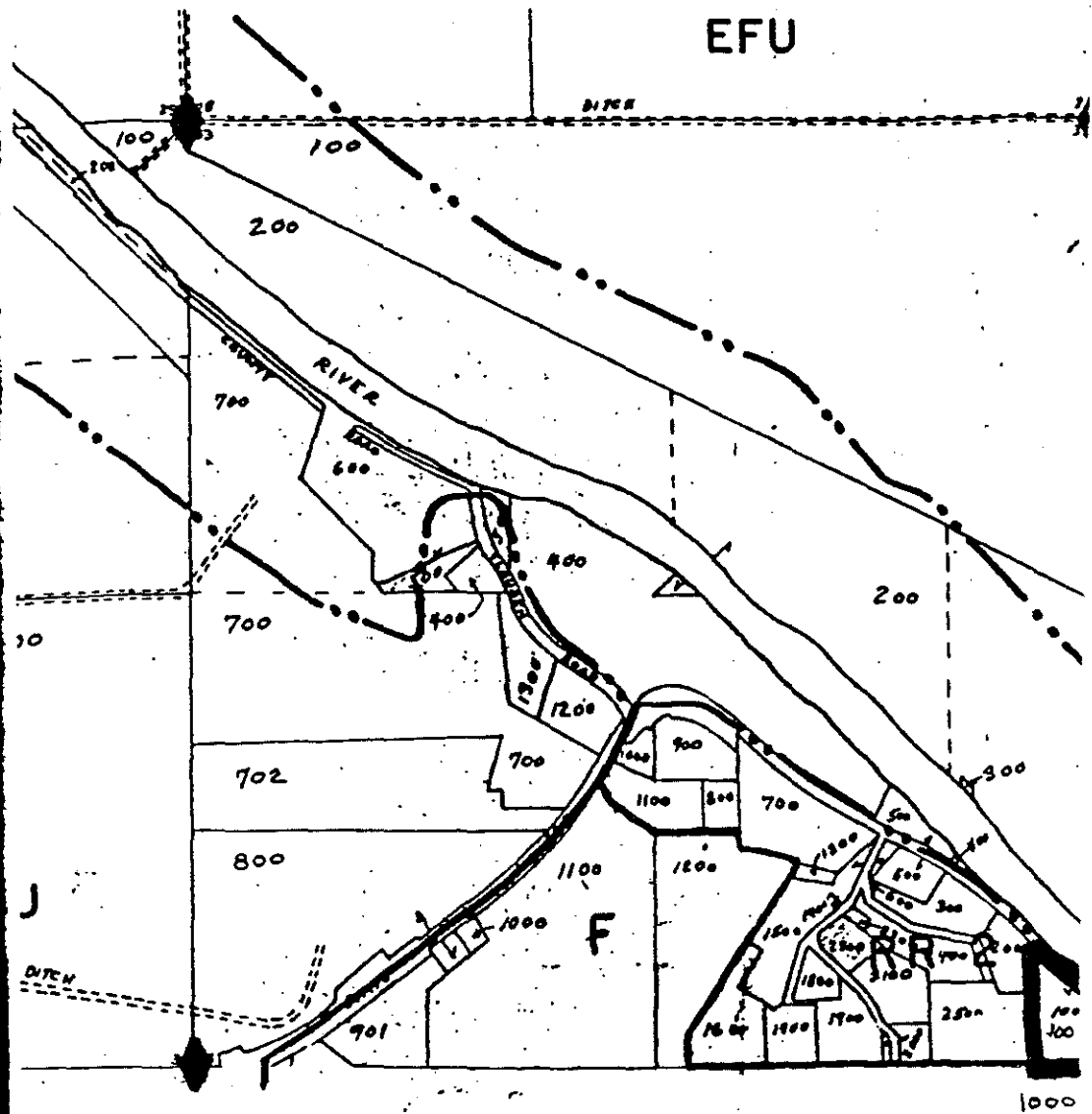


T. 27 R. 12 S. 25	Dwelling Unit Density of Area: .03 du's per acre	Predominant Ownership Size: 12	LEGEND <input type="checkbox"/> dwelling u. <input type="checkbox"/> feet
Total Ac. 33	# of Separate Ownerships: 4		
Natural Boundaries and Other Factors: Parcels are surrounded by a committed area to the west and the North Fork of the Coquille River to the south and east.			See Conclu # 34
Area is: Bordered on 2 sides by smaller parcels:		Y <input checked="" type="radio"/> N	
Area is: Bordered on 3 or more sides by smaller parcels:		Y <input checked="" type="radio"/> N	
Areas outside the Area are: smaller similar <u>larger</u>			

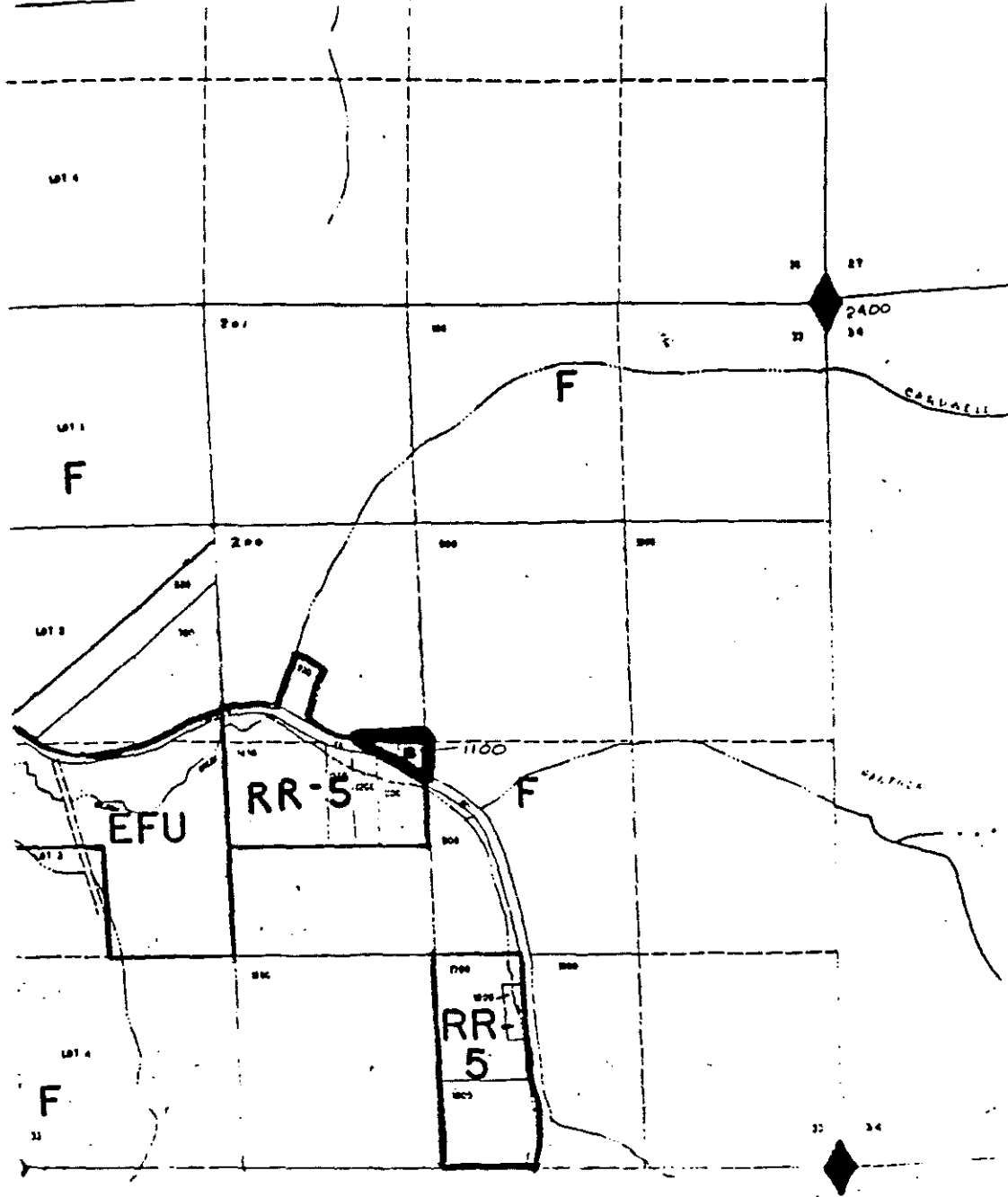


T. 27 R. 13 S. 21 DB	Dwelling Unit Density of Area: 0 du's per acre	Predominant Ownership Size: 4	LEGEND  dwelling  feet  N See Concl
Total Ac. 4	# of Separate Ownerships: 1		
Natural Boundaries and Other Factors: Property is surrounded by a residential committed area to the north, Highway 42 to the east, and a committed industrial area to the south.			
Area is: Bordered on 2 sides by smaller parcels: <input checked="" type="checkbox"/> N			
Area is: Bordered on 3 or more sides by smaller parcels: Y <input checked="" type="checkbox"/>			
Areas outside the Area are: smaller similar <u>larger</u>			# 35

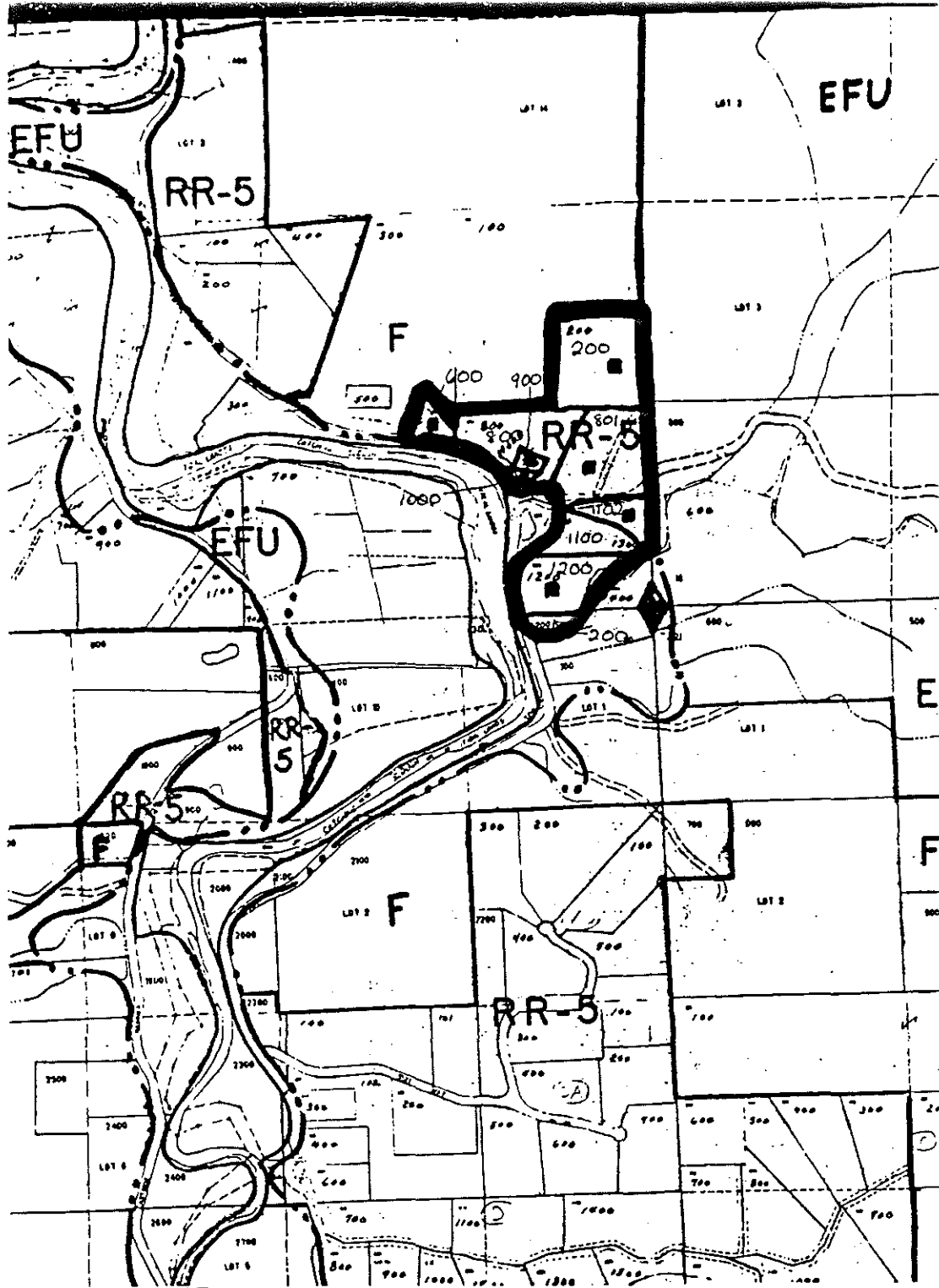
Volume I Part 3
208



T. 27 R. 13 S. 33D/34	Dwelling Unit Density of Area: .14 du's per acre	Predominant Ownership Size: 4	LEGEND <input type="checkbox"/> dwelling <input type="checkbox"/> feet
Total Ac. 7	# of Separate Ownerships: 2		
Natural Boundaries and Other Factors: Area is surrounded by a committed area to the west and the Coquille River to the north and northeast. Both parcels are currently being taxed for residential uses.			See Conc: 36
Area is: Bordered on 2 sides by smaller parcels:		<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
Area is: Bordered on 3 or more sides by smaller parcels:		<input type="checkbox"/> Y <input checked="" type="checkbox"/> Y	
Areas outside the Area are: smaller <input checked="" type="checkbox"/> similar <input type="checkbox"/> larger			



T. 26 R. 12 S. 33	Dwelling Unit Density of Area: 1.0 du's per acre	Predominant Ownership Size: 1	LEGEND <input type="checkbox"/> dwelling w <input type="checkbox"/> feet See Conclu: \$0 2
Total Ac. 1	# of Separate Ownerships: 1		
Natural Boundaries and Other Factors: Parcel is adjacent to a committed area and has a dwelling on it.			
Area is: Bordered on 2 sides by smaller parcels:		Y <input type="radio"/> N <input checked="" type="radio"/>	
Area is: Bordered on 3 or more sides by smaller parcels:		Y <input type="radio"/> N <input checked="" type="radio"/>	
Areas outside the Area are: <u>smaller</u> similar larger			



T. 26 R. 12 S. 17D/20	Dwelling Unit Density of Area: .19 du's per acre	Predominant Ownership Size: 4
Total Ac. 37	# of Separate Ownerships: 10	
Natural Boundaries and Other Factors: Area is adjacent to Catching Slough, Most parcels are developed for residential purposes and all except tax lot #200 (Section 17D) are currently assessed for residential use		
Area is: Bordered on 2 sides by smaller parcels:	Y	<input checked="" type="radio"/> N
Area is: Bordered on 3 or more sides by smaller parcels:	Y	<input checked="" type="radio"/> N
Areas outside the Area are:	smaller	similar <input checked="" type="radio"/> larger

LEGEND

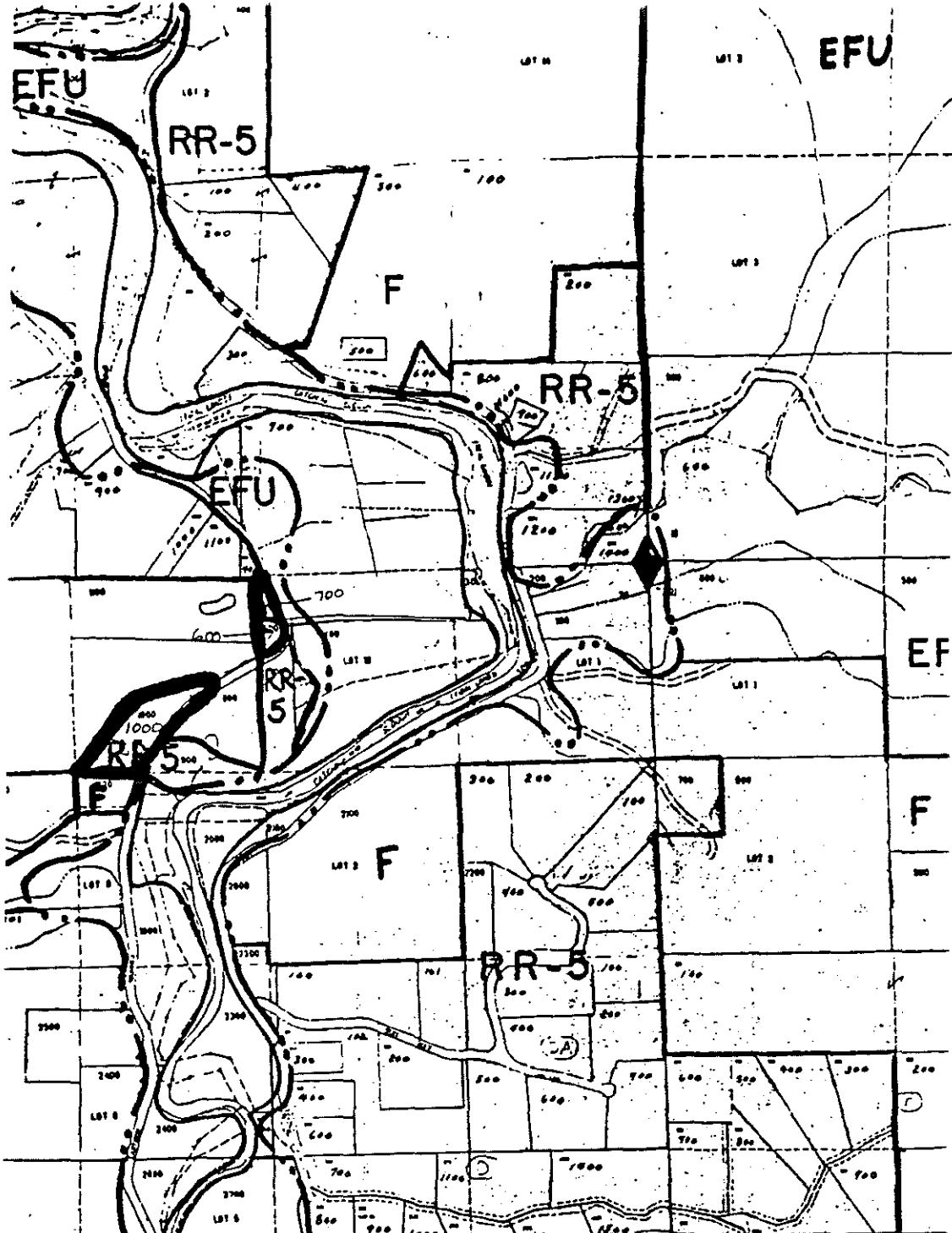
■ dwelling unit
○ feet


▲ N

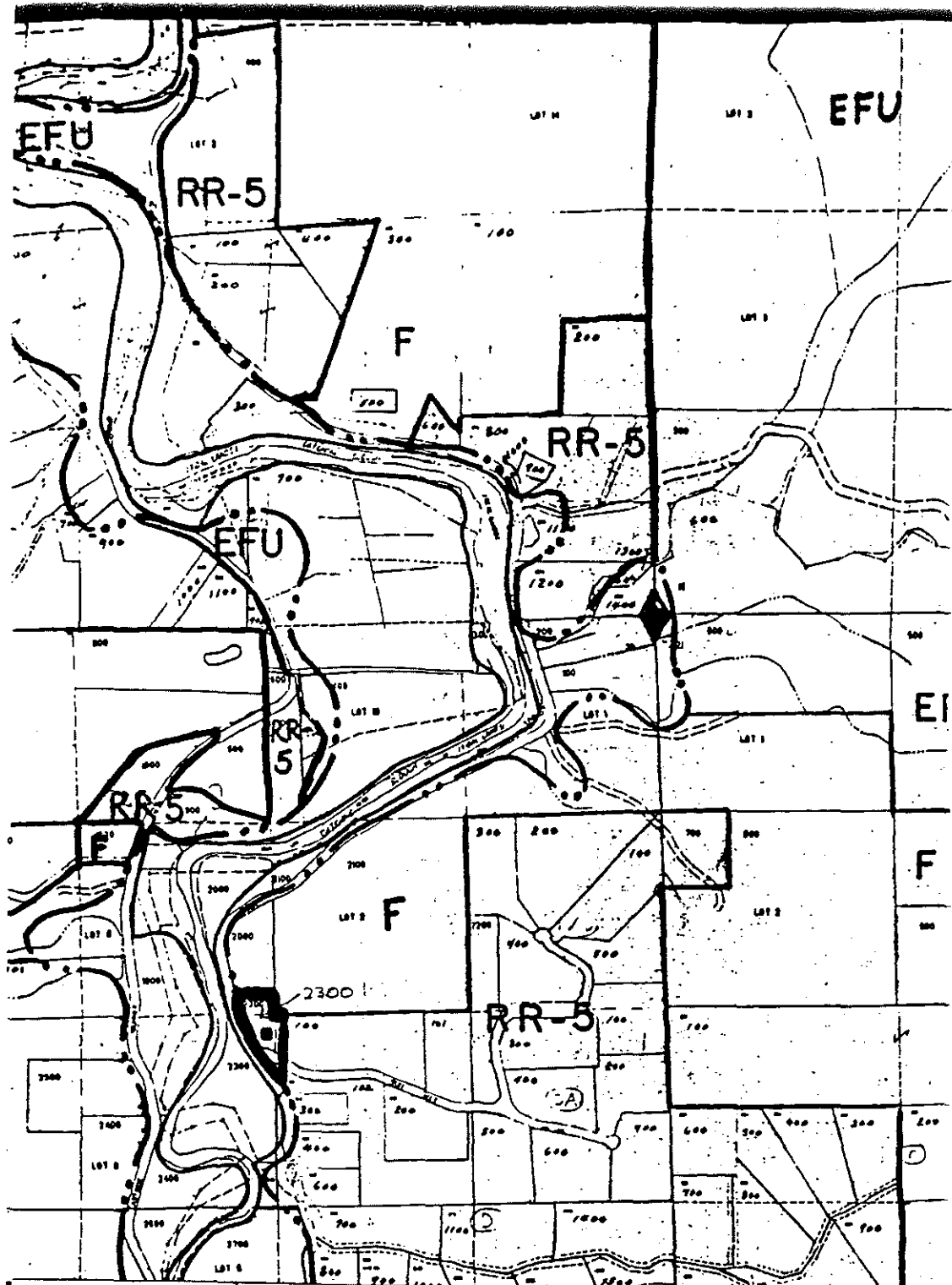
See Conclusio

0

22



T. 26 R. 12 S20/170	Dwelling Unit Density of Area: 0 du's per acre	Predominant Ownership Size: 1	LEGEND <input checked="" type="checkbox"/> dwelling units  0 feet 8 See Conclusion # 23
Total Ac. 6	# of Separate Ownerships: 3		
Natural Boundaries and Other Factors: Areas are adjacent to residential committed areas and Catching Slough Road.			
Area is: Bordered on 2 sides by smaller parcels: Y N			
Area is: Bordered on 3 or more sides by smaller parcels: Y N			
Areas outside the Area are: smaller similar larger			



T. 26	R. 12	Dwelling Unit Density of Area: .33 du's per acre	Predominant Ownership Size: 3
S. 20		# of Separate Ownerships: 1	
Total Ac. 3			
Natural Boundaries and Other Factors: Parcel is surrounded by a committed area to the east and by Catching Slough to the west and southwest.			
Area is: Bordered on 2 sides by smaller parcels: <input checked="" type="radio"/> Y <input type="radio"/> N			
Area is: Bordered on 3 or more sides by smaller parcels: <input type="radio"/> Y <input checked="" type="radio"/> N			
Areas outside the Area are: smaller similar <input checked="" type="radio"/> larger			

LEGEND

dwelling unit

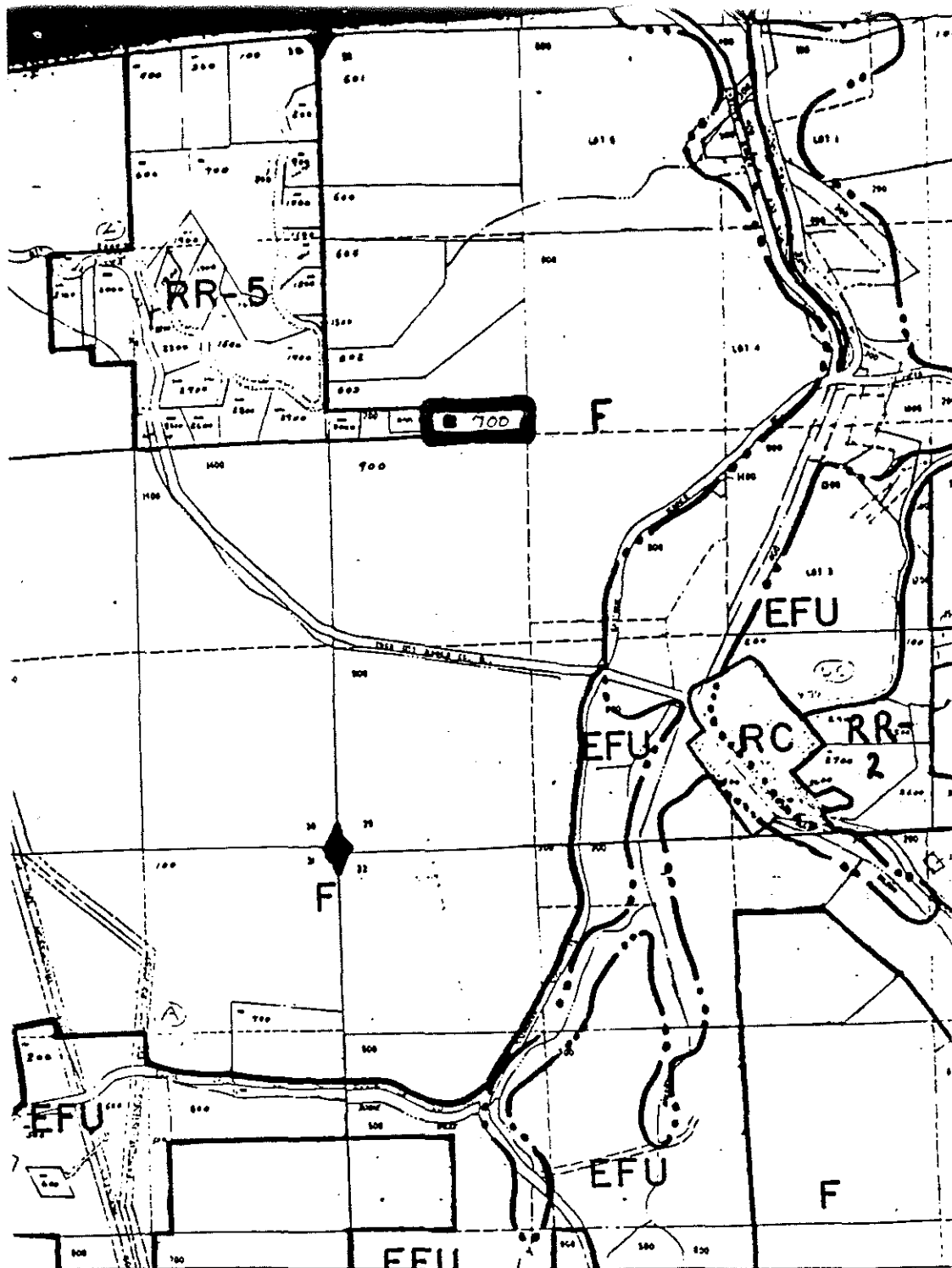
feet

N

See Conclusio

0

24



T. 26 R. 12 S. 29	Dwelling Unit Density of Area: .50 du's per acre	Predominant Ownership Size: 2
Total Ac. 2	# of Separate Ownerships: 1	
Natural Boundaries and Other Factors: Parcel is adjacent to a residential committed area and has a dwelling on it.		
Area is: Bordered on 2 sides by smaller parcels:	Y	<input checked="" type="radio"/> N
Area is: Bordered on 3 or more sides by smaller parcels:	Y	<input checked="" type="radio"/> N
Areas outside the Area are:	smaller	similar <input checked="" type="radio"/> larger

LEGEND

dwelling uni

0 feet 8

N

See Conclusi

0

25



Federal Emergency Management Agency

Washington, D.C. 20472

Mr. Bill Grile
Director
Coos County Planning Department
Courthouse Annex
Coquille, Oregon 97423

MAY 13 1982
RECEIVED
COOS COUNTY PLANNING DEPT
By ck

Dear Mr. Grile:

This is in response to your letter of April 27, 1982, concerning the impact of crisis relocation on Coos County.

You are correct in your assessment that for planning purposes, Coos County is not considered to be at high risk to the direct nuclear weapons effects. Planners working in conjunction with the State of Oregon plan to utilize Coos County as a host area for approximately 96,000 persons to be evacuated from Eugene, Oregon. This allocation amounts to less than two evacuees for every host area resident. Surveys of existing facilities will be (or already have been) conducted to verify that resources exist to lodge, feed, and provide fallout protection for evacuees and host area residents. Adjustments in the allocation may be necessary if host area resources are found to be insufficient. Other risk areas in the State include Portland, Salem, Madras and Klamath Falls.

We trust that the above information is responsive to your concerns.

Sincerely,

John E. Dickey
Assistant Associate Director
Emergency Management Programs Office

This page intentionally
left blank

7. Sunset Golf Course
Expansion Goal Exception

7.0 SUNSET GOLF COURSE EXPANSION GOAL EXCEPTION

7.1 Introduction

Project Summary

The required goal exception is to allow for the expansion of an existing golf course and recreational facility. Expansion is to include an additional nine (9) holes to the golf course, equestrian trails, bicycle trails, jogging trails, and a church related counseling and camp center. The attached Exhibit "B" illustrates the exception area.

Purpose

Oregon Administrative Rules 660-04-020 states in part that "if a jurisdiction determines there are reasons consistent with OAR 660-04-022 to use resource lands for uses not allowed by the applicable Goal, the justification shall be set forth in the comprehensive plan as an exception." The golf course and recreation expansion site is identified on the plan inventory maps as being agriculture and forest land. Thus, an exception must be taken to the requirements of Goals #3 and #4 to allow such non-agricultural/non-forest uses on resource designated lands.

Goal #2 (OAR 660-04-020) requirements

The four factors in Goal 2 Part II(c) required to be addressed when taking an exception to a Goal are:

- a. "Reasons justify why the state policy embodied in the applicable goals should not apply,
- b. Areas which do not require a new exception cannot reasonably accommodate the use,
- c. The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception,
- d. The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts."

Goal #3 and #4 Requirements

Statewide Goals #3 (Agricultural Lands) and #4 (Forest Lands) require that preservation of identified agricultural lands

Exhibit "B"

RR-2

REC

RR-2

SW-10

EFU-20

SW-10

REC

EFU-20

CAPES ARAGO STATE

SW-10

FF-40

T. 26 South
R. 14 W.W.M.
Sections 9 & 16

FF-40

REC

Existing 9
hole golf
Course Area

FF-40

Golf Course Expansion
Area (Additional 9 holes)
and other Recreational Uses

REC

REC

FF-40

FF-40

F-160

EFU-20

SW-10

RR-2

FF-40

RR-2

for agriculture uses and the conservation of forest lands for forest uses, respectively.

The following is a list of the soils for the proposed Sunset Bay Golf Course Expansion:

<u>Symbol</u>	<u>Soil Type</u>	<u>Ag Capability</u>	<u>Woodland Site Index</u>	<u>Acres</u>
10B	Chismore silt 3 to 7% slopes	3e	none	1.5
31B	Joeney very fine sandy loam	4w	120	32.5
41	Nestucca silt	3w	none	28
54D	Templeton silt 7 to 30% slopes	6e	180	83
54E	Templeton silt	6e	130	100

Class 3 soils have severe limitations that reduce the choice of plants, require special conservation practices, or both. Class 4 soils have very severe limitations that reduce the choice of plants, require very careful management, or both. Class 6 soils have severe limitations that make them generally unsuited to cultivation and limit their use largely to pasture or range, woodland, or wildlife. The letter e indicates the main limitation is the risk of erosion unless close-growing plant cover is maintained. The letter w shows that water in or on the soil interferes with plant growth or cultivation.

Templeton soils are some of the most productive in Coos County for producing timber. Agricultural productivity of the other soils is about average for Coos County.*

The golf course expansion recreational area historically has been marginal in its resource productivity. Grazing currently is being exercised on the property with supplemental feed necessary to sustain the dozen head of cattle currently being supported on the property.

Timber production is severely limited due to the shallow soils and high wind velocities common to the valley areas. Young trees are frequently subject to up-rooting. The hill lands support sitka spruce as the predominant commercial forest species which is low in quality, being fast growth and heavy with limbs (Stuntzner Engineers and Forestry Report, September, 1981).

* February 21, 1985 information submitted by Tom Purvis, USDA-SCS Soil Conservation Technician.

The proposed golf course and recreation expansion would allow preservation of these hill areas for continued marginal grazing, wildlife habitat, aesthetic recreational quality, and necessary buffer for the golf course.

7.2 "Reasons Justify Why the State Policy Embodied in the Applicable Goals Should not Apply"

Several reasons have been identified as justification for "why" Goals #3 and #4 should not apply to the proposed recreation golf course expansion area.

- The proposed recreation golf course expansion fulfills a need identified in the comprehensive plan inventory to allow for expanded and/or additional public recreation areas;
- The site identified for this exception is unique in regards to other identified sites (See 7.3, below) in that it is located in close proximity to other recreational developments as well as urbanized areas;
- As stated above (Sec. 7.1), the value of this site for agriculture or forestry productivity historically has been and potentially is minimal;
- The golf course expansion would provide county citizens and tourists with the only eighteen (18) hole public golf course available in the area on a year-round basis;
- There is a need to expand and diversify the local economy in the area; the expanded recreational facility would create a larger tourist and local citizen demand on the area, and thus more employees would be hired and more dollars would be returned to the local economy;
- The site is the only one identified which could feasibly accommodate a sizable (profitable) golf tournament which could attract out of the area participants:
 - the site is located adjacent to other recreational activities which would be attractive to non-golfing members of a family (the expanded recreation exception area would provide for some of these "other" recreational activities)
 - there is a demonstrated need for the expanded facility by out-of-state golfers as illustrated below.

RECEIVED

FEB 13 1985

COOS COUNTY PLANNING DEPT.

By Cd

SUNSET BAY GOLF CLUB

As a result of extensive improvements that have been made at Sunset Bay Golf Club, such as a new clubhouse, shop, and widened road, etc., the annual gross income has doubled from \$30,000 to \$60,000. These improvements were made in the fall of 1982 through the spring of 1983.

In January of 1985, 646 golfers signed in and played golf at Sunset. During the spring, summer, and early months during fall there are between 850 and 1200 golfers per month that play the course.

The excellent location of the course near Sunset Bay State Park, Shore Acres, and Cape Arago make this a favorite spot of many of the tourists, who enjoy a challenging game of golf in an absolutely beautiful setting. Many of these tourists stay in Coos Bay, Charleston or camp at Bastendorff Beach or Sunset Bay State Park Campground. The facilities at Sunset Bay Campground are adjacent to the golf course, so many of the campers just walk over directly from their campsites.

Sunset Bay Golf Course has been in existence since 1967 and enjoys a great deal of repeat business from tourists who visit our area for their vacations about every two to four years. Of the visitors this past summer, it was amazing how many had not seen the course since the new clubhouse and shop were completed. Attached is a list of the out of state golfers, who signed our guest list.

SUNSET BAY GOLF CLUB
PROPERTY IMPROVEMENTS & INVESTMENTS MADE
FOR DEVELOPMENT OF AN 18 HOLE GOLF COURSE

New clubhouse	\$50,700
New shop	12,000
Roads & gravel	19,300
Legal & engineering	10,000
Legal & Consulting	2,140
City water	4,600
Other golf course improvements	21,000
Equipment rental	1,000
Equipment purchased - irrigation, mowers, etc.	<u>58,000</u>
	\$178,740

SUNSET BAY GOLF CLUB
NAMES OF OUT OF STATE GOLFERS, WHO SIGNED OUR GUEST LIST
SUMMER, 1984

Robert Bennett, Knoxville, Tenn.
Vern Raymond - Helena, Montana
Wally Trerise - Helena, Montana
Lars Knudson - Spokane, Washington
R. Brouillette - Montreal, Canada
Clay Christ - Haverfordwest, Dyfed, S.W. Wales, United Kingdom
Roger Gould - Edmonds, Washington
Marc Sheldon - Arcadia, California
Mike McCormack - British Columbia, Canada
Ian Dagenais - Golden, British Columbia
Craig Mintonye - Bullhean City, Arizona
C.M. Beyer - Minnesota
R. Crenshaw - Wyoming
Harry Rohrer - Pleasant Hill, California
Jim Rohrer - Santa Rosa, California
Ron Burns - Everson, Washington
Bob Gibson - Seattle, Washington
Wanda Salaun - Carson City, Nevada
James Lopez - Oakland, California
Annie McQueen - Martinez, California
Jerry Hannock - Spring Valley, Wisconsin
Lee & Dot Bartell - Sacramento, California
Dave and George Hendricks - Kent, Ohio (Kent State)
George Dell - Seattle, Washington
Joe & Angela Wollard - Springfield, Missouri
Dan Deniels - Seattle, Washington
Bob Templin - Seattle, Washington
Red & Evelyn King - Scottsdale, Arizona
Dick Davis - Carson City, Nevada

Sunset Bay Golf Club
Out of State Golfers
Page 2

Dick & Carolyn Danielson - Costa Mesa, California
Adrian & Dulcie Bretton - Calgary, Canada
Leonard & Stella Dixon - Santa Paula, California
Howard & Doreen Horn - Pasadena, California
Walt Hagstron - Henderson; Nevada
Joel Anderson - Tyler, Minnesota
Steve Anderson - Tyler Minnesota
Wayne W. Anderson - Tyler, Minnesota
R.J. Panciera - Stillwater, Oklahoma
Al & Joyce Walsh - Oroville, California
John Haflich - Elk Grove Valley High
June Haflich - Elk Grove Valley High
Larry Nostrant - Wllensburg, Washington
Sam Wright - Thousand Palms, California
Ed Allison - Twin Falls, Idaho
W. Keith Teverbaugh - San Angelo, Texas
George & Mary Cumming - Florence, Arizona
Wanda Carroll - Moyadore, Ohio
Tim & Ginger Neil - Boise, Idaho
Ross Paterson - Melbourne, Australia
Jack & Sandy Kalina - Seattle, Washington
Astrid & Fred Hanzalek - Suffield, Connecticut
Clyde Leaf - Richland, Washington
John Campbell - Niagara Falls, New York
Jack & Gail Skauland - Poulsbo, Washington
Dick Davis - Carson City, Nevada
Mike Sokoloff - Los Altos, California
Mary Dobyms - Long Beach, California
Jim Dobyms - Long Beach, California
Ray & Evelyn Dirksen - Long Beach, California
Dick von Reyn - Long Beach, California
Robert M. Gray - Long Beach, California
Ilva Stroili - Bolzano (Dolomites), Italy
Tom & Helen Matsubi - Fruitland, Idaho

Sunset Bay Golf Club
Out of State Golfers
Page 3

Tom Cates - Wickenburg, Arizona
Helen Degnan - Walnut Creek, California
Lows M. Duncan - Sacramento, California
Dauson Milner - Revelstoke, British Columbia
Peter Milner - Revelstoke, British Columbia
Joe Brandis - Springfield, Idaho
Ben Raugh - Big Sur, California
Nita Raugh - Big Sur, California
Gary Hauer & family - Hayward, California
William Malcolm - Yonkers, New York
Tom Eversole - Big Sur, California
Bob Thompson - Big Sur, California
Barry McGilvra - Las Vegas, Nevada
Edward Freel - Sonora, California
Leroy Stuart - Vancouver, Washington
Richard Kruitmoes - Provo, Utah
Joan Kruitmoes - Provo, Utah
George Storrs - Provo, Utah
Pat Storrs - Provo, Utah
Donna & John Williams - Bellflower, California
Phil & Lil Nigro - California
The Ackermans - Kelowna, British Columbia
Jack Baker - Huntington Beach, California
Dennis Garcia - Slough, England
Boyd Hedrick - St. Petersburg, Florida
Bill & Lucille Griffin - Hemet, California
Richard Fisher - Longview, Washington
Fryhoff - Pasadena, California
Pytel - Sierra Madre, California
Murphy - Davis, Colorado
Dick & Arlene Lape - Trona, California
Don Dill - Trona, California

Sunset Bay Golf Club
Out of State Golfers
Page 4

Dennis Orr - Trona, California
Bob Gaska - Ridgecrest, California
Chris Owens - Trona, California
Yvonne Houwers - Maastricht, Holland (now Canada)
Stan & Patti Leacock - Canti, Ohio
Ken Bayne - Oakmont, Pennsylvania
Billie Jacobson - Seattle, Washington
Lee Elliott - Seattle, Washington
Al Schlesinger - Warrenton, Missouri
Dick Ohlwerk - Inlet, New York
David Schrieber - Oakland, California
Jim & Carol Coon - Indian Springs, Nevada
Malcom & Anita Andrew - Vancouver, British Columbia
Jim & Dot McLennan - Phoenix, Arizona
Marian Mayer - Seminole, Florida
Jack Orr - Seminole, Florida
V.L. Stull - Mexico, Missouri
Ed Tygielski - Martinez, California
Gene Boswell - Ruidoso, New Mexico
Ingrid Boswell - Mahrish-Schonberg, Czechoslovakia
Dick Rahman - Bremerton, Washington
Bob Eble - Easton, Pennsylvania
Mary Eble - Easton, Pennsylvania
Gordie Marsh - Coquitlam, British Columbia
Jim Turner - Coquitlam, British Columbia
Samuel Stourt - Poulsbo, Washington
Art Kalahido - Honolulu, Hawaii
Rohn Garth - Sandpoint, Idaho
Bill Galli - San Ramon, California
Don Marsh - Corvallis, Oregon
Stan Rubel - Laurel, Montana
Alex Jeffrey - McCloud, California
Sue Kenney - Oakland, California

7.3 "Areas Which Do Not Require a New Exception Cannot Reasonably Accommodate the Use"

An 18-hole golf course facility and recreational area would best be utilized in an area which is in close proximity to a large population center which could accommodate over-night golfers especially if involved in tournament activities. Food, beverage and other ancillary needs of vacationing golfers need to be accommodated, as well as mixed recreational possibilities in addition to golf. Several alternative areas were identified in consideration of the proposed use. That assessment of those alternatives is as follows:

Alternative #1: Kentuck Golf Course

This is a public golf course facility with 18 holes. It is located approximately eight (8) miles from the North Bend/Coos Bay area. Kentuck golf course has the potential to be a busy year round facility if it is filled and re-planted. The course floods at various times during the winter making golfing predictably difficult especially for the many winter months' tourists. A proposal was initiated by the owner of this club to fill the course but is not being pursued at this time due to the negative economic feasibility of the project.

Alternative #2: Coos Country Club

This is a 9-hole private golf course with provisions to allow public golfing for those who live fifty (50) miles or beyond the golf course. It is located approximately six (6) miles from Coos Bay. The owner has stated an interest for expansion of the facility to 18 holes. However, expansion would involve a Goal #3 exception and would still only accommodate those who have a member in the club or live 50 miles away.

Alternative #3: Coquille Valley Elks Club

This is a private 9-hole golf course with provisions to allow non-members as guests of a member on a three (3) times per year basis. It is located half-way between Coquille and Myrtle Point. No plans for expansion or allowance of more public golfing have been initiated.

Alternative #4: Bandon Face Rock Golf Course

This is a public 9-hole golf course located within the city limits of Bandon. The facility has no plans for expansion in the future. Its distance from the large population center of Coos Bay/North Bend makes it an economically unfeasible alternative for meeting the recreational needs of the citizens in the county, even if expansion did occur.

Alternative #5: Sunset Golf Course

The Sunset Golf Course recreational facility has been selected over the other alternatives because it has several distinct advantages:

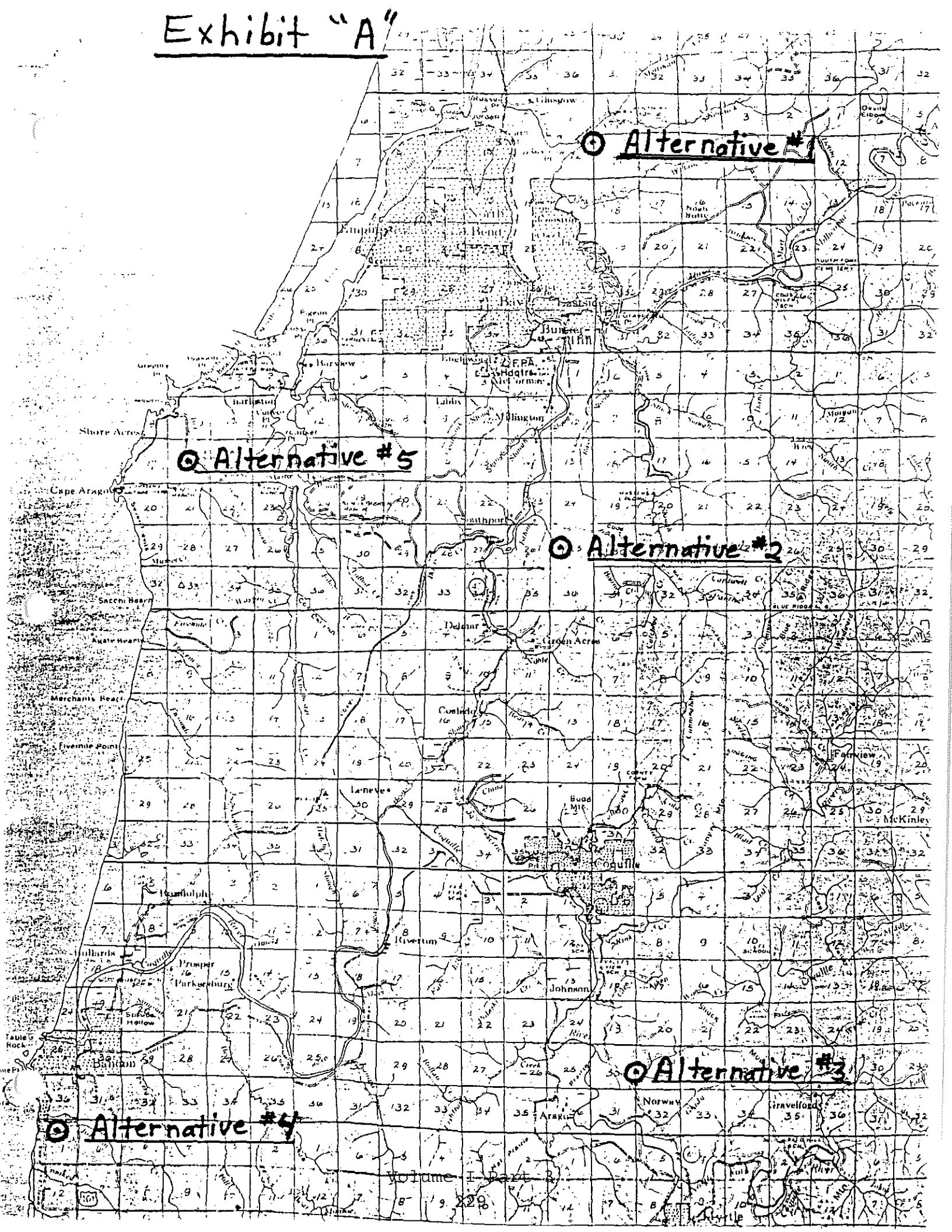
- It is a public golf facility, no membership restrictions are involved.
- It is located close to Charleston, Coos Bay and North Bend, the County's largest population center.
- It is located close to (walking distance) Sunset Bay State Park, Shore Acres, and Cape Arago State park which enhances its use by tourists.
- It is located adjacent to a high intensity recreational area currently managed by the State Parks Division and Coos County.
- It would allow for year-round golfing on 18 holes for all persons, which would be a unique characteristic of this facility over all other county golf courses.
- It has the best potential for attracting and being able to accommodate large scale golf tournaments.
- It has the best location for equestrian trails, bicycle trails, jogging trails and a church-related counseling camp center in that it is in close proximity to other such recreational activities.

Alternative #6: "No Expansion"

This alternative would be to simply rely on existing golf course and recreational facilities, which do not adequately provide for the recreational needs of the citizens in Coos County, and visitors. No expansion would be a continuance of not having a facility during winter months which would enable the public to enjoy a full 18 hole game of golf.

The following map (Exhibit "A") illustrates the alternatives discussed above.

Exhibit "A"



Alternative #1

Alternative #5

Alternative #2

Alternative #3

Alternative #4

7.4 The Long-term Environmental, Economic, Social and Energy Consequences Resulting From the Use at the Proposed Site

7.4.1 Environmental Consequences

Utilizing the marginal agricultural and forested area for a golf course and recreational area will result in a very limited loss of existing resource productivity of the land. Cattle grazing will continue throughout the buffering areas of the course. No trees will be removed as a result of the expansion. The owner's intent is to enhance the aesthetics of the area by managing a favorable environment for wildlife and continuing the existing forest management practices that have historically occurred on the property. Approval of the project would further result in arresting existing stream bank erosion and enhancing newly established fish runs, as the owner wants to do this. Expansion of recreational facilities located at other alternative sites would involve taking resource lands of higher productivity out of farm or forest uses.

7.4.2 Economic Consequences

The eighteen (18) hole golf course would have a significant positive effect on the economy of the area. Increased use by tourists, tournament groups and local citizens would result in increased revenues for the local businesses that would provide such things as lodging, campsites, groceries, gasoline, and other recreational entertainment. The current family-operated golf course speculates that at least four full-time employees would be needed to run the expanded facility. Additional purchases of supplies and equipment by the golf course would also be necessary.

Alternative locations identified in Section 7.3, above, would not provide the amount of recreational uses available at this site; thus economic benefits obtained would be less than those obtainable at the exception site.

7.4.3 Social Consequences

The expanded facility would increase the number of users of the course, thus increasing the social benefits currently obtained by the present golf course. It would also fill a citizen recreation need in that this would be the only public golf course with eighteen (18) holes which has a predictable "golfability" during the winter months (refer to alternatives, 7.3).

7.4.4 Energy Consequences

The close proximity of the course to major urban centers and outdoor camping and park areas will result in less energy expenditure by users than if the expansion were to take place

at any other alternative. The existing location allows many tourists to be able to walk from their over-night lodging/camping site to the golf course. It does not appear that any loss of revenues will result from managing the resource area differently than that which is required by Goals #3 and #4. No timber will be removed as a result of the expansion.

7.5 The Proposed Uses are Compatible With Other Adjacent Uses

The area adjacent to the Sunset Bay Golf Course is predominantly recreation. Campgrounds, look-out points, beaches, picnicing areas and natural wildlife trails are the general overall area use. The golf course is an asset to this established recreation area and provides for an additional variation of activity. The golf course buffer zone of existing brush and low quality sitka spruce will protect and maintain the marginal resource productivity occurring on adjacent resource lands from the increased recreational use of the property.

7.6 Conclusion

An exception to the requirements of Goals #3 and #4 is justified because:

- There is a need for an 18-hole golf course recreational facility which is available to the general public, in close proximity to urban services, on a year round basis.
- The selected alternative best meets the parameters of the established recreational need as identified in the comprehensive plan inventory.
- The long-term environmental, economic, social and energy consequences from not applying Goal #3 and #4 are largely beneficial and thus desirable.
- The use is compatible with the existing surrounding recreational and forest uses, and will be an asset in increasing the quality of recreational variety in an area predominantly let to that use.

This page intentionally
left blank

8. Special Exception for
Riley/McKeown Properties

8.0 Special Exception for Riley/McKeown Properties

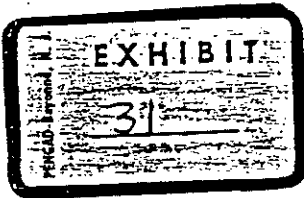
The properties north of North Bend, west of Highway 101, south of Saunders Lake, are suited for Rural and Industrial development, and little if anything else. These properties have been subject to litigation in federal court for several years.

Because of the somewhat unique characteristics and situation of the Riley/McKeown properties, findings supporting an appropriate Statewide Goal Exception are presented in this section, separate from other exceptions taken by the county.

Appendix "A" presents findings supporting an exception pertinent to Statewide Planning Goals to allow appropriate development zoning for the Riley property.

Appendix "B" presents findings supporting an exception pertinent to Statewide Planning Goals to allow appropriate development zoning for the McKeown property.

Appendix A



THOM, GANT & WHITTY

ATTORNEYS AT LAW
590 COMMERCIAL AVENUE
P.O. BOX 1117
COOS BAY, OREGON 97420-0249

CAMERON C. THOM
GEORGE T. GANT
MICHAEL O. WHITTY

March 27, 1985

RECEIVED
MAR 27 1985
COOS COUNTY PLANNING DEPT.
By RJC
TELEPHONE 503 267-3169
IF REPLY REFER TO FILE NO.

Mr. Bill Grile
Coos County Planning Department
Coos County Courthouse
Coquille, OR 97423

Dear Bill,

I wrote you previously on March 21, concerning the property of our clients George and Edna Riley. Since writing you I have had an opportunity to review the submission of Jeff Campbell on behalf of our client's neighbor, Raymond McKeown, which is Exhibit 30 of this Record of Adoption. Mr. Campbell's submission deals with both the Riley and McKeown property as a unit. In all respects I concur with his joining these properties as one parcel to be considered for industrial zoning.

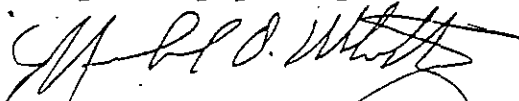
In my previous submission, which is Exhibit 31, the last portion of the Memorandum suggests that at least a portion of the Riley property should be zoned industrial. Our primary request is that all of the Riley property lying East of the Southern Pacific Railway and involving portions of Section 2, 3, 10, and 11 should be zoned industrial. The last paragraph of my Memorandum was intended only to point out that even if the Oregon Dunes National Recreation Area were not consistent with the industrial zone on the portion of the Riley property within the DNRA boundary, the remaining property would still be an excellent industrial site. In no respect did I intend that only that property lying outside the boundary be zoned industrial.

pg. - 1 -

Mr. Bill Grile
March 27, 1985
pg. - 2 -

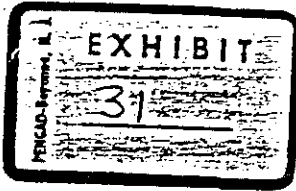
Please consider the comments made by Mr. Campbell in respect to his client's property, to be applicable also to the Riley property in regard to its' committed status, and the rural industrial development exception.

Very truly yours,



Michael O. Whitty

MOW:ms



THOM, GANT & WHITTY
ATTORNEYS AT LAW
590 COMMERCIAL AVENUE
P.O. BOX 1117
COOS BAY, OREGON 97420-0249

RECEIVED
MAR 27 1985
COOS COUNTY PLANNING DEPT.
By cd

CAMERON C. THOM
GEORGE T. GANT
MICHAEL O. WHITTY

March 21, 1985

TELEPHONE
(503) 267-3169
IN REPLY REFER
TO FILE NO.

Mr. Bill Grile
Coos County Planning Department
Coos County Courthouse
Coquille, OR 97423

Dear Bill,

Enclosed please find a Memorandum supporting the position of our clients George Riley and Edna Riley that their land is committed land and should not be classified as forest land under the Coos County plan. The Memorandum makes reference to exhibit "52" which was part of an earlier submission by Jeff Campbell, our client's former attorney.

Our clients have gone to considerable expense obtaining the back ground material included in exhibit "52" which supports this Memorandum. We request that your department and the DLCD give thorough consideration to classifying the Riley property as industrial land.

Very truly yours,

Michael O. Whitty

Michael O. Whitty

MOW:ms
encl.

MEMORANDUM

To: Coos County Planning Commission

From: Michael O. Whitty and Cameron C. Thom, attorneys
for George M. Riley and Edna Riley

Re: Facts on "Committed Land" Classification of Riley
and McKeown Properties in Section 2 and 10, Township
24 S., Range 13 W.W.M.

Dated: March 7, 1985

1. Existing Adjacent Uses:

The subject properties are bordered on the north by the Saunders and Maude Lake Subdivisions and the unplatted Saunders Lake parcels. This is an extensively developed rural residential housing area. The subject properties are bordered on the east by the State Highway Department weigh station, Highway 101, and across Highway 101, by mobil home parks, rural residential, commercial, industrial and other developed parcels, constituting the Hauser community area. The parcels are bordered immediately on the south by the Hauser Art Village complex, a commercial center for some time, and the Westbrook Pole and Piling Log Yard, an industrial use. Just further to the south of the subject properties is the Bayview Myrtle Manufacturing Plant, George Walker's manufacturing plant, a restaurant, several small acreage residences, and the Conrad Wood Preserving Plant. The subject properties are bordered on the west by the Southern Pacific Railroad and the Oregon Dunes National Recreation Area.

2. Public Facilities and Services:

The subject properties are strategically located between Highway 101 on the east and the Southern Pacific Railroad right-of-way on the west. The parcels are serviced by the Central Lincoln PUD for electricity. Although water services by the Coos Bay/North Bend Water Board are not yet available for the properties, in the event of substantial development these could be provided. See statement of Cal Heckard submitted as a part of Exhibit 52. Because of the properties' location in the Dunes aquifer, however, private wells would probably be used for any development. Subsurface sewage disposal would be provided by a private system of septic tanks and drain fields. As is set forth in the report by Steven Scheer R.S., these properties are ideally suited for intensive development under

subsurface sewage disposal constraints. See statement of Steven Scheer submitted as a part of Exhibit 52. School services are provided for by the Sunny Hill Elementary School on North Bay Drive, and the North Bay Elementary School, both of which are located within a few miles of the subject properties. Fire protection is provided by the Hauser Rural Fire Protection District.

3. Parcel Size Ownership Patterns of the Exception Area and Adjacent Lands:

The Riley Parcel is approximately 356 acres in size. There are two residential structures on the Riley property. As is indicated under existing adjacent uses above, immediately to the north of the properties lies the Saunders and Maude Lake Subdivisions. In addition to these subdivision parcels, which are of small size, a number of metes and bounds of small residential parcels also adjoin the subject properties to the north. Substantial parcelization has also occurred to the east of these properties on the east side of Highway 101. A number of small parcels have been created on the southern area of these parcels.

The Riley property was acquired during the early 1960's by Mr. and Mrs. Riley for the purpose of constructing a golf course and surrounding residential and condominiums. The development was envisioned to be similar to that found at Salishan. During the early 1960's, the Coos County Country Club almost moved to the property as part of this development scheme. On a narrow vote, the conservative members of the Coos County Country Club decided not to relocate their country club. Mr. and Mrs. Riley have spent substantial sums of money in acquiring equipment to clear portions of the property for this golf course development. The Rileys have cleared substantial portions of the property in furtherance of their development pursuits. See, Summary of Investments, Riley property. The Riley property contains an extensive series of interior roads. Also on the Riley property is a water diversion system for the residences. Some cattle are presently grazed on the Riley property, although they are utilized principally for brush control rather than for beef production. The property does not have a present economic viable use for beef production or other farm uses. The Rileys, for a short period of time, continued a cranberry operation on the property. This was discontinued, however, when it no longer was economically viable.

4. Neighborhood and Regional Characteristics:

The subject properties are a part of the greater Hauser rural community center. The Rileys are members of this

community and have been for some time. The area of the Hauser community is one of the fastest growing rural residential centers in Coos County. The Hauser community area is characterized by a mix of residential, commercial and industrial uses, which commits the area to nonresource production. In addition, the climate of the area, the winds, soil conditions, and other relevant factors, make the Riley property not viable for resource production. Indeed, these constraining characteristics, together with the close proximity of Highway 101 and other transportation and public facilities, services, and schools, probably account for the rapid development of the Hauser rural community.

5. Natural Boundaries and Other Buffers Separating Exception Areas from Adjacent Resource Lands:

Adjacent resource land lies to the west and consists of lands owned by the federal government in fee simple as part of the Oregon Dunes National Recreation Area. These resource lands are separated topographically from the exception areas by a high ridge which runs in a north-south direction on the east side of the Southern Pacific Railroad. The Southern Pacific Railroad right-of-way and this natural ridge, therefore, provide a natural boundary between the exception committed lands and resource lands to the west. Indeed, the Rileys requested during the 1970's that their properties lying to the east of the Southern Pacific Railroad be excluded from the boundaries of the Oregon Dunes National Recreation Area. Although the Forest Service and other interested parties recognize the natural boundary provided by the Southern Pacific Railroad right-of-way, this proposal was narrowly defeated. The exception lands are not visible from the Oregon Dunes Recreation Area lying west of the Southern Pacific Railroad right-of-way, and the activities on these properties would be removed from sight and sound of public uses of the Oregon Dunes National Recreation Area.

6. Physical Development in Accordance with OAR 66-04-025:

A list of the physical development features of the Riley property is set forth above under the parcel size and ownership patterns and will not be repeated here. In addition to the physical developments on the Riley property, the extensive boundary upon United States Highway 101 and the Southern Pacific Railroad right-of-way would appear to substantially commit this property to non-resource uses.

7. Other Relevant Factors:

As indicated in the reports of Ted Ellingson and Ken Messerle in Exhibit 52, the subject property is not now economically

viable for any resource uses. The property is surrounded by committed and developed areas and is ideally suited for development.

The subject property was identified in the Coos County Rural Residential Exception. The subject property also was identified as extremely viable for industrial development in the Coos County Comprehensive Plan. Coos County decided, however, not to include these properties in the rural industrial land exception, since they were included within the ODNRA, and a limited amount of rural industrial lands could be "justified" under the need requirements of Goal 2. These same constraints would not appear to be applicable to a classification of these properties under a "committed lands" exception.

The Rileys committed their property for development prior to the passage of the Oregon Dunes National Recreation Area. They had formed the Hauser Development Association and actively pursued the development of their properties in accordance with long-standing, investment-backed expectations. Indeed, prior to passage of the ODNRA, they approached Coos County for a zoning designation which would protect their substantial investment and prevent federal control of their property. This could not occur because the County was in the infancy of its planning process. Upon passage of the Oregon Dunes National Recreation Area, they were frustrated in their development attempts, because of the provisions of that Act which made these properties subject to immediate condemnation should any non-compatible land use activity occur which is not in accordance with the purposes for the establishment of the Oregon Dunes National Recreation Area. As might be expected under such a threat of condemnation, the Rileys are presently unable to acquire any financing for their development plans and they have, as a practical matter, no buyers for their property except the federal government. As a matter of equity, the Rileys and McKeowns believe that a classification of their properties as "committed lands" would be appropriate and in accordance with the provisions of Oregon law.

Of the total 356 acre Riley parcel, 226 acres are within the Oregon Dunes National Recreation Area, and 130 acres lie outside of that area. This 130 acre parcel is one mile long and varies in width from just under 1,000 feet to just over 1,100 feet. A long narrow parcel such as this is extremely difficult to manage for resource purposes. It would be, however, ideal for industrial parcels adjacent to Highway 101 with rail access. This portion of the property does touch the Southern Pacific Railroad at its extreme northern boundary, and rail access to it is feasible. Therefore, at least the 130 acre portion of the Riley property

lying outside of the Dunes National Recreation Area should be placed in the industrial land zone. The DNRA boundary is a north-south line that coincides with the boundary between Sections 2 and 3 and extends southerly along the line between Sections 10 and 11.

Appendix B

BEFORE THE BOARD OF COMMISSIONERS OF COOS COUNTY

Regarding the Designation as)
Industrial in the Coos County)
Comprehensive Plan and Zoning)
Ordinance of Certain Real Property)
Located in Section 2, Township 24)
South, Range 13 West Willamette)
Meridian, Coos County, Oregon,)
Lying West of Highway 101 by a)
Goal 2 Exception to Goals 3, 4, 5,)
and 14.)

RECEIVED

MAR 11 1985

COOS COUNTY PLANNING DEPT.

By Rje

VOLUME I

IRREVOCABLY COMMITTED TO DEVELOPMENT AND RURAL
INDUSTRIAL DEVELOPMENT EXCEPTION UNDER GOAL 2 -
COMPELLING REASONS AND FINDINGS OF FACT

CONTENTS

	<u>Page</u>
I. INTRODUCTION	1
II. IRREVOCABLY COMMITTED TO DEVELOPMENT EXCEPTION	6
A. Existing Adjacent Uses	7
B. Public Facilities and Services	11
C. Parcel Size and Ownership Pattern of the Exception Area and Adjacent Lands	14
1. Exception Area Characteristics	15
2. Adjacent Land Characteristics	18
3. How Existing Development Pattern Came About	19
4. Existing Parcel Sizes/Relation to Land's Actual Use	21
D. Neighborhood and Regional Characteristics	23
E. Natural Boundaries or Other Buffers Separating Exception Area from Adjacent Resource Land	25
F. Physical Development under OAR 660-04-025	25
G. Other Relevant Factors	26
1. U.S. Supreme Court Standard	27
2. Character of Governmental Action	27
3. Interference with Reasonable Investment-Backed Expectations of Landowners By Application of Resource and Other Goals to Property	29
4. Economic Impact on Landowners By Application of Resource and Other Goals to Property	31
H. Conclusion	34
III. RURAL INDUSTRIAL DEVELOPMENT EXCEPTION	35
A. "Why These Other Uses Should Be Provided For" Analysis Under OAR 660-04-022 (3) For Rural Industrial Development Exception	36

1.	Use Significantly Dependent Upon Unique Resources	37
	a. Natural Features	37
	b. Rail and Highway Access Under Unitary Ownership Within Close Proximity to Metropolitan Area	38
	c. Mineral and Aggregate Deposits	39
	d. Water Reservoirs and Subsurface Disposal Suitability	40
2.	Inability to Locate Use Inside Urban Growth Boundary Due to Hazardous or Incompatibility With Densely Populated Areas	40
3.	Use Has Significant Comparative Advantage Due to Location, Which Benefits County and Causes Only Minimal Loss of Productive Resource Lands	41
	a. Specific Transportation and Resource Advantages Supporting Decision	42
	b. Lost Resource Productivity and Values in Relation to County's Gain From Industrial Use	43
4.	Conclusion	44
B.	"What Alternative Locations Within The Area Could Be Be Used For The Purposed Uses" Analysis	44
C.	"What Are The Long Term Environmental, Economic, Social And Energy Consequences To The Locality, The Region Or The State From Not Applying The Goal Or Permitting The Alternative Use" Analysis	46
D.	"A Finding That The Proposed Uses Will Be Compatible With Other Adjacent Uses" Analysis	48
E.	Conclusion	48
IV.	CONCLUSION	49
V.	NOTES	50

I. INTRODUCTION

The "McKeown Property" which is the subject of this exception has been the subject of intense study and discussion by the Coos County Planning Commission and the Coos County Board of Commissioners over the last ten years.¹ Perhaps more than for any other upland parcel of its size, it has been analyzed in depth and vast quantities of information have been gathered on it in order to determine its appropriate planning classification in Coos County's Comprehensive Plan. Additionally, this property, along with the "Riley Property" to the immediate North, has been the subject of on-going litigation in the U.S. Claims Court for the last eight years, which has required intense study and produced detailed expert reports on the characteristics and potential economic viable uses of the property.

The landowners have, since the early 1960's, held reasonable, investment-backed expectations for the development of the property. These expectations were for the creation of a rural residential subdivision development, in conjunction with a golf course and planned unit development, condominium and rural residential subdivision on the adjacent Riley property. In 1981, an entirely independent analysis by the leading private industrial siting consultant in Coos County, indicated that this property, and the adjacent Riley property, were the two best upland industrial sites presently available in Coos County. Upon being advised of this, the landowners have since sought the designation of the property as industrial in the Coos County Comprehensive Plan. For the compelling reasons and findings of fact set forth herein, Coos County has determined that an industrial classification of the property is now justified and required.

The property was initially placed in an "interim zone" of IFG-10 in July, 1975.² This was a temporary designation designed largely to maintain

the status quo while further analysis and planning was undertaken as part of the adoption of Coos County's Comprehensive Plan. As part of this comprehensive plan analysis, the property was studied in detail under Coos County's matrix scoring system for "rural residential exception areas". It received very high scores and was thus classified as "rural residential" in the first Coos County Comprehensive Plan submitted to the LCDC.

After the LCDC refused to acknowledge the first Coos County Comprehensive Plan, the property was suggested for designation as industrial by the above referenced independent industrial siting consultant, and subsequently proposed by the landowners, for such a designation. Coos County thereafter undertook an in-depth study of the property as part of its proposed 502 acre rural industrial siting exception. Coos County determined that the property was, indeed, prime industrial property, and was prepared to designate it as such in the comprehensive plan. Solely because of a concern over the practical effect of the Oregon Dunes NRA Act and U.S. Forest Service administrative rules, practices and procedures, on the ability of the landowners to actually develop a portion of the property for industrial use, Coos County decided not to include the property in its "need" exception for rural industrial lands. As it later developed, this concern by the County was not well placed, since the DLCD and the LCDC later approved all 502 acres of Coos County's proposed rural industrial "need" exception lands by having them designate as "irrevocably committed to development." As is set forth hereunder, many of these "committed" 502 acres of rural industrial lands actually have less development or other factors supporting a "committedness" designation than does the subject property. This exception, therefore, to a great extent, corrects a prior problem as to the designation of the property, and makes the property's designation consistent with prior planning decisions in the County.

Prior to the last submission of a comprehensive plan for Coos County, the landowners submitted a detailed set of findings of fact and supporting exhibits and documents, together with a request that the property be designated as industrial under the provisions of OAR 660-04-028. This request was based on the property's irrevocable commitment to uses not allowed by certain resource goals and the urbanization goal. The Coos County Planning Commission and the Coos County Board of Commissioners held several hearings on this proposal, at which no public comment in opposition thereto was expressed, and determined that compelling reasons and facts existed to designate the property as irrevocably committed to development.

It was the intent of the Coos County Planning Commission and the Coos County Board of Commissioners to adopt by reference certain of the findings and supporting exhibits and documents submitted by the landowners. Through a clerical error, however, this incorporation was not included in the last Coos County Comprehensive Plan submitted for acknowledgement to the LCDC. The property was, however, designated as industrial on the zoning maps submitted with the comprehensive plan. When the last Coos County Comprehensive Plan was reviewed by the LCDC in December, 1984, the DLCD noted the failure of the County to have any adopted findings on the subject property, but indicated these existed in the form of an exhibit to the comprehensive plan. The DLCD further indicated that it had not reviewed this exhibit, since it was outside the formally adopted comprehensive plan. Coos County requested permission to correct the clerical error and this was basically granted in the remand decision. The record of the December, 1984 hearing of the LCDC indicates that no formal decision on the prior compelling reasons and facts supporting the proposed use of the property have as yet been made by the LCDC.

After the December, 1984 LCDC meeting, the Coos County Planning Commission and the Coos County Board of Commissioners again reviewed the

property and held hearings on this proposed exception. Based upon the prior compelling reasons and facts, certain new compelling reasons and facts developed during the course of such hearings, as well as an even more detailed study and analysis of the property, Coos County has again concluded that the subject property should be designated as industrial in the Coos County Comprehensive Plan. Supporting exhibits and documentation, which constitutes a portion of "the record" on this exception, are being submitted as a separate volume to this exception document.

The following justification, explanation and analysis of compelling reasons and findings of fact to support the proposed designation of the property is based upon two alternative, independent, and mutually exclusive, legal grounds, viz: *

1. That the property is "irrevocably committed to development" based upon the factors and analysis required by OAR 660-04-028; and
2. That compelling reasons and findings of fact exist to justify an exception under Goal 2, Part II (c), for a rural industrial development siting under the "appropriate reasons and facts" set forth in OAR 660-04-022 (3).

Coos County finds that under either, or both, of these two grounds the property is required to be designated as industrial in the Coos County Comprehensive Plan. The fact that the designation of the property as industrial is compelled under both legal standards is a further reason and factual basis for the County's action.

The legal standard for determining whether an exception should be taken to any statewide goal is whether a "reasonable person" would be "compelled to conclude" based on reasons and facts in the record that it was not possible to apply the particular goal or goals to the subject property under analysis. This standard, obviously, is somewhat difficult to apply. "Reasonable persons" may well differ on what "compels" them to conclude that a certain

* Based on findings that follow, it is questionable whether an exception is even necessary, as the findings demonstrate the subject property is not true "resource land" Volume 1 Part 3 protection by LCDC Goals 3 and 4.

proposition is true or false. What may be "compelling" to one reasonable person, may well fail the standards of another. Clearly, the standard implies something more than a mere preponderance of the evidence or facts to support the decision. But how much more? Does, for example, the standard require proof beyond all reasonable doubt?

Coos County believes that the exception standard does not require proof beyond a reasonable doubt. In analyzing the reasons and facts giving rise to this exception, Coos County has concluded that a reasonable person would be compelled to find, as it has, that the property should be designated as industrial based on all the reasons and facts contained in the record. This decision was based on a determination that reasons and facts in the record indicate clearly and convincingly that an exception should be taken.

Specifically, Coos County finds that the members of the Coos County Planning Commission and the Board of Commissioners, who adopted this exception after careful review, analysis, hearings, and public input, are reasonable individuals, and that they were compelled to adopt this exception based upon all the reasons and facts set forth herein and in the record of the hearings on this exception. Coos County further finds that these individuals so acted only after being specifically advised as to the exception standard required under State law, the LCDC goals, and in the regulations promulgated by the LCDC.

Coos County's decision on the property is based, in part, on the fact that numerous public hearings, held after extensive publicity, over the last several years, have failed to produce any serious countervailing arguments or facts indicating a contrary decision should be reached by the County. This lack of public input on any countervailing argument or facts has occurred notwithstanding the existence of ample opportunity for interested parties to produce such arguments and/or facts so that they might be appropriately

analyzed and considered by the County. Coos County finds that this paucity of negative public input is a strong indication that the exception should be taken and is compelled by reasons and facts set forth in the record and this exception document.

The exception taken in this document is principally to the "Urbanization Goal", Goal 14, since Coos County has concluded that the subject property is neither "agricultural land" under Goal 3, nor "forest land" under Goal 4. The property has also been determined not to be "open space" land under Goal 5. In order to avoid any potential, technical legal issues with regard to this exception, however, a formal exception is also being taken for the property as to Goals 3, 4, 5, and 14. Additional analysis of Goals 6 and 11 are also set forth herein, although Coos County has determined no exception need be taken as to these goals.

II. IRREVOCABLY COMMITTED TO DEVELOPMENT EXCEPTION

Analyzed hereunder are the compelling reasons and facts contained in the record which require the conclusion that the property has been irrevocably committed to development, and thus is not subject to Goals 3, 4, 5, and 14, or any other resource goal which might be applicable. OAR 660-04-028 (1) provides that a local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable. OAR 660-04-028 (2) indicates that whether land has been irrevocably committed will depend upon the situation at the specific site and the areas adjacent to it. OAR 660-04-028 (2) further requires that the "exact nature and extent of the areas found committed" must be set forth in the justification for the exception, and must be shown on a map or otherwise described and keyed to the

appropriated findings of fact.

OAR 660-04-028 (2) further requires that the "findings of fact" in support of an irrevocably committed to development exception shall "address" certain specified "factors." It appears clear from OAR 660-04-028 that the analysis by a local jurisdiction of the factors set forth in OAR 660-04-028 (2) was intended to replace the analysis of need, alternatives, consequences, etc. which otherwise would be required under a Goal 2, Part II exception. See OAR 660-04-022 (1). It should be noted that nowhere is there a requirement in OAR 660-04-028 (2) that a local jurisdiction find that facts for commitment exist under all the listed factors. Rather, it would appear clear that the local jurisdiction must consider the listed factors in making its ultimate determination of whether compelling reasons and facts exist in the record to find that the property has been "irrevocably committed to development not allowed by a goal because existing adjacent uses and other factors make uses allowed by the applicable goal impracticable."

Each of the factors set forth in OAR 660-04-028 (2) are analyzed immediately hereunder with appropriate reasons and findings of fact compelling the committed to development designation found under this exception. A separate statement of reasons for commitment is found after each of the factors. This statement of reasons may also contain additional findings of fact.

Exact Nature and Extent of the Areas Found Committed: The "exact nature and extent of the areas found committed" in this exception document are set forth in the legal description to the property set forth on Exhibit 2, Volume II, which is hereby incorporated by reference. A map of the property and the adjacent area is also being submitted on Exhibit 3, Volume II.

A. Existing Adjacent Uses

Existing adjacent uses to the property are as follows:

1. The property is bordered on the Northwest by a 3.1 acre parcel presently owned by Michael J. McKeown and Patricia McKeown. On this parcel is located a large, single family residence. In addition to the residence, a large detached workshop has been constructed. This parcel also contains other amenities associated with a rural residential site.

2. Immediately to the West of the property is the Southern Pacific Railroad right-of-way and railroad tracks. This railroad right-of-way and railroad tracks is utilized on a daily basis by freight trains servicing the Coos Bay/North Bend area of Coos County. This railroad right-of-way and railroad tracks constitute the sole rail connection of Coos County with other areas of the state. This rail track is a primary transportation system for industrial goods produced or used in Coos County. West of the railroad is the Oregon Dunes National Recreation Area federal park. This is used for intensive recreational uses, including sand dune buggy riding, hiking, camping, horseback riding, fishing, etc.

3. Immediately to the South adjoining the Western portion of the property is a parcel of property utilized by the Westbrook Pole and Piling Company for a pole and piling storage facility. A portion of the property is under long term lease from the Southern Pacific Railroad Company. This parcel is approximately 39.48 acres in size and has been utilized for heavy industrial uses since prior to 1975.

4. Immediately to the South adjoining the Eastern portion of the property is a parcel of property utilized for various commercial and industrial uses since the 1960's. This parcel, owned by Mr. Leroy E. Hansen, et al, has been under lease to various intense commercial enterprises, including in recent years, the "Bay View Myrtlewood Manufacturing Company," "Bird Land," and "Hauser Art Village." The parcel contains numerous large commercial buildings and outbuildings, a parking lot, signs, and other

commercial and industrial property amenities.

5. Immediately to the East of the property is Highway 101. Highway 101 is the major North-South surface transportation corridor for Coos County, and carries by truck many industrial products produced or used in Coos County. East of Highway 101 lie numerous commercial, industrial and residential developments.

6. Lying immediately to the North of the property lies several parcels of property owned by George M. Riley, individually, or by Mr. Riley and his wife, Mrs. Edna Riley. These Riley parcels was acquired during the 1960's for the sole and express purpose of development of a golf course and planned unit development, condominium, and rural residential subdivision. These Riley parcels have two residential structures, several outbuildings, roads and other improvements located thereon. There are presently no economic viable uses occurring on these Riley parcels, and Coos County concludes that the Riley property is not resource lands based on the soil, climate and other relevant factors existing on the property. North of the Riley parcels lie the Saunders Lake subdivisions with numerous residential parcels.

Statement of Reasons: The existence of the intense level of development immediately adjacent to the exception property, as described above, below, and in the record, supports the property's classification as irrevocably committed to development. Coos County finds that it is impractical to place the property into a resource classification under Goals 3, 4, 5, or any other resource goal, because the location of the property next to the above described adjacent uses would significantly adversely effect any proposed resource use on the property. Many of these adjacent uses are directly incompatible with possible resource uses on the property. Coos County finds for example, that the designation of the property as "open space" would not be "practical", because of the existing uses occurring on the property; the

existing intense commercial and industrial adjacent uses; and the property's location between the two major railroad and road transportation corridors for Coos County. Coos County further finds based on the facts in the record that the property is not "open space" as defined in Goal 5. Designation of the property as "agricultural" or "forest" land would also be "impractical", in addition to not being appropriate, because of soil and climate considerations discussed elsewhere in this exception document. The property's existing non-resource uses and those occurring on adjacent lands cause significantly higher production costs and impose other practical constraints for the production of agricultural crops or forest products on the property. Coos County finds, for example, that the existence of numerous residences, commercial and industrial uses, standing water, and rail and highway corridors on or in close proximity to the property, will require "hand release" and other costly forest management techniques, which will cause the property to be incapable of producing sufficient income to justify its economic viable use for timber production. Similarly, Coos County finds that the current location of the property next to incompatible industrial and commercial uses, and between rail and highway corridors, will present significantly adverse agricultural management constraints, particularly when taken in conjunction with the property's size, which is too small for commercial agricultural use. Because of its location next to developed areas and the ODNRA, the property has repeatedly also been subject to substantial levels of public trespass and vandalism. The landowners have filed numerous complaints concerning these matters with public authorities. The landowners have been required to install substantial security systems for their safety. Livestock maintained by Mr. Riley in the vicinity of the property to control shrub growth of cleared areas have been killed. Coos County finds that if the property were utilized for resource uses such as

agriculture or forest use, there would be high levels of vandalism to farm equipment, harassment of livestock, fire damage, pilferage of crops and complaints about herbicides and pesticides. This is not a situation in which people have build residences in a farm area. This area has never been an agriculture or forest area because of poor soils, climate and other factors. All of the foregoing facts and reasons concerning existing adjacent uses support the property's classification as irrevocably committed.

B. Public Facilities and Services

Reviewed below are the current public facilities and services for the property which justify the designation of the property as irrevocably committed to development.

1. Water. The property is currently serviced by a private water system. The property is located over the Dunes Acquifer, a natural source of abundant water. The property also has available public water, if required, to facilitate proposed industrial uses. The property is also included in the long-term planning service district for the Coos Bay-North Bend Water Board. Coos County finds that there is sufficient existing or readily available water resources to support the proposed industrial designation and future use of the property. These water resources will either be developed on site, or provided on a user fee basis with no significantly adverse impact on the public's health, safety or welfare.

2. Sewage. Sub-surface sewage disposal systems are provided for the two current single-family residences now located on the property. A detailed analysis of the property by a highly qualified State of Oregon Registered Sanitarian and former DEQ field representative for the County indicates that existing soil conditions will support a heavy industrial park development under Department of Environmental Quality regulations. Coos County specifically adopts these findings for the property. In the event that sewer

sewage disposal is required for future industrial uses, which Coos County finds is highly improbable, an existing sewer system in the area could be extended to the subject property without cost to the public. Adjacent industrial uses and other industrial uses in close proximity to the property now operate without the necessity of a sewer sewage disposal system.

3. Electrical. Existing electrical service to the two residences on the property is provided by Central Lincoln PUD, consisting of an overhead and underground power line. Central Lincoln PUD has indicated the ability to service all heavy industrial proposed uses for the property. Coos County specifically finds that existing electrical service to the property is now, or can be provided without significant adverse impacts on the public's health, safety or welfare.

4. Telephone. Existing telephone service to the two residences on the property is provided by the General Telephone Company of the Northwest, Inc., consisting of an overhead and buried telephone cable. General Telephone has indicated the ability to service all heavy industrial uses proposed for the property. Coos County specifically finds that existing telephone facilities exist to adequately service the property and the proposed industrial uses allowed under the industrial designation.

5. Fire Protection. Fire protection is provided by the Hauser Rural Fire Protection District. This RFPD utilizes an existing pond on the property for fire protection purposes in the District. The Hauser Rural Fire Protection District is a full fledged fire department, having a paid staff and numerous pieces of expensive fire fighting equipment, including fire trucks and water pumpers. It services the greater Hauser area, which contains numerous residences, commercial and industrial structures and uses. The Hauser Rural Fire Protection District has indicated its ability to service the fire protection needs of all heavy industrial uses on the

property. Coos County specifically finds that existing fire protection services exist to adequately service the property and the proposed industrial uses allowed under the industrial designation.

6. Transportation. Transportation to the property is provided by the Southern Pacific Railroad on the Western boundary of the property and by U.S. Highway 101 on the Eastern boundary of the property. These are the two main transportation links for Coos County with the rest of the state. The property is also located within 15 miles of the North Bend Airport. The Southern Pacific Railroad Company has indicated that a spur line to the existing rail tracks bordering the property can be constructed. Coos County specifically finds that sufficient air, rail and highway transportation systems currently exist to service the proposed industrial uses allowed under the industrial designation.

7. School District. The property is located in the North Bend Public School System. A mid-high school is located at Hauser, approximately 1 mile from the property. An elementary school is located at Sunny Hill and is located approximately 3 miles from the property.

8. Port Special District. The property is located within the International Port of Coos Bay taxing district. Coos County finds that the property's close proximity to Coos Bay makes it a valuable upland industrial parcel for port related uses.

9. Hospital Special District. The property is located within the Bay Area Hospital taxing district. Coos County finds that existing health care facilities exist to service employees and other individuals connected with the proposed industrial uses allowed under the industrial designation.

Statement of Reasons: The public facilities and services for the property described above strongly supports the property's designation as committed to development. The existing or available public facilities and

services in the Hauser development area establish that this area has been committed to providing goods and services largely inconsistent with resource production. One of the fundamental policy underpinnings of the statewide planning program is an attempt to avoid "leapfrog" type development which is felt by some to be inefficient and costly to the public. As is set forth in the findings of fact and compelling reasons under this factor, Coos County finds that development of the property on an industrial basis will not cause such inefficient and costly "leapfrog" type development. Coos County specifically finds that development of the property will not significantly cause an increased cost to the public or result in an inefficient use of public facilities and services. This is largely because the use of the property for industrial development will either be self-sufficient and contained on the property, or will be provided by existing public facilities and services in the Hauser development area. Any increased housing demand by the planned industrial park and uses should occur in the Hauser area, which is already heavily developed for residential uses, or within existing urban growth boundaries. Thus, the location of the industrial use outside the nearest UGB should not cause "urban sprawl". The existing rail and highway transportation systems servicing the property strongly support its efficient use for development. There are few other parcels in Coos County, if any, which have such a mix of adjacent transportation systems. These transportation systems are essential for vital industrial development.

C. Parcel Size and Ownership Pattern of the Exception Area and Adjacent Lands

Parcel size and ownership patterns of the exception area and adjacent lands are keyed to the map being submitted herewith as Exhibit 3 and by reference incorporated herein. Set forth below is a detail description of the exception area and adjacent uses. This is followed by an analysis of how the existing development pattern came about, and existing parcel sizes and their

relation to the land's actual use.

1. Exception Area Characteristics:

a. Description of Property:

The exception area consists of the McKeown Property, which is identified as Parcels 1 and 2 on the area map (Exhibit 3), and the legal description of which is set forth on Exhibit 2 submitted herewith. The McKeown property actually consists of two legally separate parcels and ownerships. The following are the approximate acreage calculations for these parcels and the legal owner of each parcel.

<u>Parcel</u>	<u>Acreage</u>	<u>Owner(s)</u>
1	70.90	Charlotte V. McKeown, individually.
2	22.12	Raymond M. McKeown and Charlotte V. McKeown, as tenants by the entireties.

b. Existing Structures and Uses on the Property:

Existing structures and uses on the McKeown property include the following:

1. Two residential structures: One structure is over 4,000 square feet in size and is the residence of the landowners; the other structure is approximately 1,200 square feet in size and is presently rented by the landowners. Both structures were constructed prior to any zoning.

2. Outbuilding structures: There are several existing outbuilding structures on the subject property, including a large shed, 42' x 28', which is located East of the main house and approximately 500 feet from it; a shed/workshop, in an "L" shape 16' x 12' x 200', approximately 40' North of the main house; a barn for horses, 300' x 150', in cleared area North of main house; a shed, 60' x 30', next to the cleared area north of main house; a pump house, with 5 h.p. electric motor, drawing water from pond; a pump house for the Dr. Michael J. McKeown and Patricia McKeown well; and a reservoir

used by Hauser Rural Fire Protection Department, located near main house. All outbuildings, except the barn for horses, were constructed prior to any zoning.

3. Road system: The property is criss-crossed by an extensive private road system, having four principal branches. The length of this road system extends from East to West and from North to South across the property and exceeds over 3,000 feet of road surface. The main access road to the residence of the landowners is gravelled and an all-weather road. Portions of the road system providing access to Michael J. McKeown and Patricia McKeown's residence is paved. All roads were constructed prior to zoning.

4. Utility Lines: The property is criss-crossed by an series of above and below ground electrical and telephone lines. All utility lines were installed prior to zoning.

c. Existing Soil, Climate and Topological Characteristics of the Property:

A detailed analysis of the soil, climate and topological characteristics of the property has been undertaken. This analysis indicates the following facts compel the designation of the property to an irrevocably committed to development status.

1. The property was recently the subject of an on site inspection and analysis by the U.S.D.A. Soil Conservation Technician for Coos County. This study concluded, based on a new and recently completed soil mapping of the area, that the property is not predominately composed of Class I - IV soils. This differs from the prior factual assumptions held by the County as to this property. Specifically, Coos County now finds that the property is predominately composed of Class V soils, and this, taken together with other relevant factors discussed herein, requires that the property not be classified as "agricultural" or "forest land" under Goals 3 and 4. The land

cannot now produce minimum timber production requirements on a per acre basis for the timber's growth cycle to be classified as "forest land."

2. The property is subject to severe winds and soil erosion caused by such wind action. This results from the property's close proximity to the Pacific Ocean. Such winds significantly adversely effect any resource production uses which might otherwise occur on the property.

3. The property is subject to excessive foggy conditions. This results from the property's low elevation and location near the Pacific Ocean. Such foggy conditions significantly adversely effect any resource production uses which might otherwise occur on the property.

4. The property is subject to excessive rain and other adverse weather conditions, such as low average temperatures, which significantly inhibit the property's use for any resource production uses.

5. Coos County finds based on substantial evidence in the record that the property is not now needed for watershed, protection, wildlife and fisheries habitat and recreation. Existing uses on and/or near the property make such land uses impossible or improbable.

6. Coos County finds that the land conditions are not such that vegetative cover is required for the property irrespective of use. The property is basically flat. Other industrial uses near the property with common climate, soil and topography do not require vegetative cover maintenance for the public's health, safety and welfare. Neither does the property.

7. The property is not located in an "urban" or an "agricultural" area, as defined by the L.C.D.C. goals. The property does not provide an urban buffer, wind break, significant wildlife or fisheries habitat, livestock habitat, scenic corridor or recreation use.

8. Contrary to the vast majority of the land base in Coos County, the

property is basically flat. This topological characteristic is highly desirable for industrial uses. It is a significant factor in the determination that the designation of the property as irrevocably committed is compelled.

2. Adjacent Lands Characteristics:

The current owners and acreages of parcels shown on the area map (Exhibit 3), are set forth on Exhibit 4, which is being submitted herewith and is hereby incorporated by reference.

Existing uses and structures located on the parcels identified on Exhibit 4 and in the immediate vicinity of the property is set forth on Exhibit 5, which is being submitted herewith and hereby is incorporated by reference.

The current ownership patterns and the existing uses and structures located on the parcels described on Exhibits 4 and 5, which are in the immediate vicinity of the property, further compels the designation of the property as committed to development. A review of the area map (Exhibit 3) shows that the property and the Riley parcels to the North are the only parcels on both sides of Highway 101 in the Hauser area which have heretofore not been formally designated as committed and accepted by the DLCD and LCDC. They stick out like a "sore thumb." Numerous industrial uses are now occurring next to and in close proximity to the property, making its designation as industrial in the Coos County Comprehensive Plan logically required. Coos County specifically finds that the level of development that has already occurred on the property, on adjacent parcels, and in the immediate vicinity of the property, makes further designation of the property as resource lands "impractical" and inconsistent with logic and common sense. Even assuming arguendo that any meaningful resource production could have ever occurred on the property, the property is now part of the Hauser

development area and is not capable of further meaningful resource production, solely because of the encroachments of civilization. Coos County finds based on substantial evidence in the record, and as further detailed and analyzed in this exception document, existing development on resulting parcels and other relevant factors now effectively prevents the resource use of the McKeown property and nearby lands.

3. How Existing Development Patterns Came About:

An analysis of how the existing development patterns came about and whether findings against the state-wide goals were made at the time of any partitionings or subdivisions, shows the following:

a. The McKeown property is located in Hauser, an unincorporated community and designated "rural center." This portion of Coos County has been the subject of increasing development since the 1950's, when Highway 101 was widened. Indeed, it appears this area of the County has experienced the highest level of growth of all areas of the County outside existing UGB's.

b. During the 1960's and early 1970's, hearings were held by several Congressional committees and the State legislature concerning the proposed Oregon Dunes National Seashore and the Oregon Dunes National Recreation Area. Testimony at these hearings shows that it has long been anticipated by the State and local leaders that commercial and industrial development would occur in the area West of Highway 101 and South of Ten Mile Creek, i.e., the area of the McKeown property. Further support for this, as well as the official position of the State of Oregon in support of such industrial and commercial development, can be seen in the provisions and hearings record on House Joint Memorial Resolution No. 7 (HJM 7), which proposed the establishment of the Oregon Dunes National Recreation Area with a southern boundary at Ten Mile Creek. HJM 7 was adopted by the Oregon legislature in 1970.

c. In a Legislative Environmental Impact Statement for the proposed Oregon Dunes National Recreation Area, the U.S. Forest Service indicated, in 1970, that if the area located within the ODNRA South of Ten Mile Creek were not included inside the proposed federal park, this area would develop for industrial and commercial uses. Thus, it is clear substantial development pressures existed prior to zoning of the area.

d. Such industrial and commercial development and uses have occurred for all of the area South of Ten Mile Creek outside of the ODNRA. Substantial development has, in fact, occurred within the area West and East of Highway 101, South of Ten Mile Creek and North of Coos Bay.

e. The major factors contributing to the existing development pattern in the area of the property are the following:

1. The area's close proximity to the Coos Bay/North Bend metropolitan area;
2. The area's generally flat topography;
3. The existence of rail and highway transportation services to this area;
4. The lack of economically viable farm and forest land in the area; and
5. The location of the property in the area North of Coos Bay and of the Southern Pacific Railroad bridge across Coos Bay.

f. A study of land divisions occurring between 1972 and 1979 in the four sections, Section 35, Township 23 South, and Sections 2, 11 and 14, Township 24 South, Range 13 West Willamette Meridian, Coos County, Oregon, lying immediately to the East of the property, for example, indicates there has been a high rate of partitions and transfers. Between March, 1972 and January, 1979, excluding subdivisions, there were 74 separate partitions or divisions of parcels in these four sections. There were also 573 transfers within this area for this period. Numerous residential subdivisions in the area of the property have also been created since the early 1900's.

g. The vast majority of land divisions and subdivisions in the area occurred well before the promulgation of the statewide goals or adoption of

zoning. Coos County finds that even with the elimination of all divisions and subdivisions for which exceptions to the statewide goals were taken, the designation of the property to an irrevocably committed to development status would be warranted.

4. Existing Parcel Sizes/Relation to Land's Actual Use:

An analysis of the existing parcel sizes and their ownership, considered together in relation to the land's actual use, shows the following:

a. Exhibits 4 and 5 set forth in detail the ownership of all parcels found to exist in the area of the exception property. Exhibit 5 describes whether any improvements are located on such property and the value of such improvements.

b. There are no known resource uses occurring on the parcels identified on Exhibits 4 and 5.

c. Those parcels identified in Exhibit 4, which are not indicated as having improvements located thereon, are found by the County to be unimproved. Exhibits 4 and 5 are based on the current County tax records for the area.

d. As shown on Exhibit 3, the area map, and on Exhibits 4 and 5, all of the unimproved parcels in the area of the exception, which are under separate ownership, are clustered in a large group, constituting the Hauser development area. These parcels are specifically found by Coos County not to be standing alone.

e. As discussed herein, the McKeown property is actually two separate legal parcels, which taken together with all the other parcels in the area, must be considered clustered.

f. Although not determinative, Coos County finds that the existence of numerous small parcels in and on the exception property supports the irrevocably committed to development classification of the exception

property.

g. All of the clustered small parcels under separate ownership in the area of the exception property are presently found to be buffered from all nearby designated resource land. Only the property of the United States of America in the ODNRA could possibly constitute such resource land. The ODNRA park in federal ownership is presently buffered and separated from the above described separate legal parcels by the Southern Pacific Railroad track, and by a high natural ridge which runs North and South along this railroad right-of-way. The ridge separates the park ODNRA property from sight and sound of the property and other parcels in the area. The railroad right of way and ridge has been recognized in ODNRA planning discussions as a natural buffer.

h. The description of parcels set forth on Exhibits 4 and 5 does not separate several contiguous parcels under one ownership, whether divided or not by a road or highway, which are being used as one farm or forest operation, unless expressly shown thereon. Adjoining tax parcels under a common ownership were considered as single parcels.

Statement of Reasons: The parcel size and ownership pattern of the exception area and adjacent lands strongly support the designation of the property to a irrevocably committed to development status. The property consists of two parcels with separate legal ownerships, which Coos County finds to be incapable of use for any economically viable resource use. The parcel sizes of the parcels making up the property are well below the sizes of commercial agriculture and forest land in Coos County. The soil conditions on the property indicates that it is not agriculture or forest land. Severe winds and poor climate conditions also makes the property incapable of meaningful resource production. On the other hand, the basically flat topography of the property and its sandy soils makes the

property ideal for industrial development. Existing physical development on the property makes it difficult, if not impossible, to be used for resource production. Such resource uses are further substantially interfered with by adjacent land uses which are incompatible with any proposed resource uses in the exception area. Adjacent lands indicate a strong committed to development pattern in the Hauser area. This is characterized by industrial and commercial development lying next to and in the immediate vicinity of the property. The development of the property and the area Hauser area was substantially caused by the widening of Highway 101 in the 1950's and several other factors, including: the proximity of the property to the Coos Bay/North Bend metropolitan area; the area's generally flat topography; the existence of rail and highway transportation service to the area; the lack of economically viable farm, forest or other resource uses in the area; and the location of the property north of Coos Bay and the Southern Pacific Railroad bridge across Coos Bay. The substantial majority of land divisions and physical development of the property and adjacent lands all occurred prior to the adoption of the statewide goals. These land divisions and physical development were predicted by federal, state and local leaders in the 1950's, 1960's and the 1970's. Such development of the area for industrial and commercial development was, in fact, encouraged by the State as an "official policy" under House Joint Memorial 7 passed by the Oregon legislature in 1970. All of the foregoing reasons make the designation of the property as irrevocably committed to development appropriate and compelled.

D. Neighborhood and Regional Characteristics

The property is located in the Hauser development area. Much of the Hauser development area is a designated "Rural Center" in Coos County's Comprehensive Plan. This portion of Coos County has a clearly identifiable identity. There is, for example, directional signs along Highway 101, which

indicate that one is in "Hauser." Hauser has schools, markets, businesses, gas stations, houses, industrial and commercial enterprises. It has a fire department. Individuals living in Hauser have a sense of community.

The immediate neighborhood of the property is characterized by the location of several existing industrial uses. These include the Westbrook Pole and Piling Yard, the Bay View Myrtlewood Manufacturing Company, the Conrad Wood Preserving Plant, and the Smith-Bibbey industrial site. A short distance to the South is located a glass sand mining operation. The State of Oregon has a weigh station on Highway 101 slightly North of the property, and this services numerous long and short haul trucks. Christian Trucking is located across Highway 101 from the property. This is a truck hauling operation and has large buildings, equipment and other developments located thereon. Also located near the property to the East is a developed mobile home park, a wrecking yard, and a horse arena. A commercial facility, last housing the "Hauser Art Village," and before that "Bird Land," is located just South of the exception property. The Holiday House Restaurant is also located across Highway 101 and slightly South of the exception property.

Statement of Reasons: Regional characteristics of the area are consistent with development that normally occurs along major highways, railroads and in close proximity to urban centers. The North County Region is marked by exceptional pro-development characteristics outlined herein. These characteristics have led to substantial prior industrial and commercial pre-statewide planning law development. Much of this development has been for industrial uses, since this is one of the few areas of the County which is best suited by topography, climate, energy, social and economic factors for such development.

Coos County finds that the neighborhood and regional characteristics outlined herein and in the hearing record strongly support the designation of

the property as irrevocably committed to development. These characteristics indicate that the exception property is located in a neighborhood and region which has already been committed to development. This prior development is basically incompatible with any resource use of the property, and causes any proposed resource use of the property to be impracticable, if not impossible.

E. Natural Boundaries or Other Buffers Separating the Exception Area From Adjacent Resource Land

There is no adjacent resource land to the "exception area." The closest land, which could possibly be characterized as resource lands, is the property of the United States of America in the ODNRA. This land, however, is not zoned to any resource use, since it is in federal fee simple ownership. The "exception area" is naturally buffered from federal park property, in any event, by the Southern Pacific Railroad track and right-of-way, and by a high ridge which runs North and South along this right of way. This ridge and the right of way effectively buffer land uses on the property from the federal park property. It is impossible, for example, to see activities occurring to the East side of the ridge from the federal park property. Since the prevailing winds are also from the West, noises from land uses on the property are also buffered from the federal park property.

Statement of Reasons: The existing of a clear and natural buffer between the property and any potential nearby resource lands, as outlined herein and in the record, makes designation of the property as irrevocably committed to development appropriate and compelled.

F. Physical Development According to OAR 660-04-025

OAR 660-04-025 indicates that a local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal. It further provides that the exact nature and extent of the areas

found to be physically developed shall be clearly set forth in the justification for the exception. The specific area(s) must be shown on a map or otherwise described and keyed to appropriate findings of fact. These findings of fact are required to identify the extent and location of the existing physical development on the land and can include information on structures, roads, sewer and water facilities, and utility facilities. Apparently, the reference to "physical development according to OAR 660-04-025" was intended by LCDC to reference the structures, roads, sewer, etc. existing on the exception area.

Set forth elsewhere in this exception document is a detailed description of the physical development now existing on the property. Also being submitted herewith is a site map of the McKeown property with the approximate location of existing structures, roads, utilities, and other relevant developments. This site map is set forth as Exhibit 6, Volume II, and is hereby incorporated by reference.

Statement of Reasons: The physical development on the property, as outlined in this exception document and in the record, is inconsistent and incompatible with resource use of the property. This physical development of the property makes the irrevocably committed to development designation of the property appropriate and compelled.

G. Other Relevant Factors

ORS 197.732(1)(c) provides that exceptions may be authorized for "other reasons." OAR 660-04-028(1)(g) indicates that "other relevant factors" should be considered in determining whether land is irrevocably committed to other uses. In a recent Order, the LCDC indicated that the "other reasons" language of ORS 197.732(1)(c) and OAR 660-04-022(1) (dealing with exceptions generally under Goal 2, Part II(c)) authorizes exceptions "where the application of a goal would clearly constitute a taking consistent with the

standards applied by the United States and Oregon Supreme Courts ...". See Order Denying Petition to Adopt New Rule (ORS 183.390) dated February 12, 1985. Set forth below are compelling reasons and findings of fact supporting this exception on "other relevant factor" grounds based upon the United States Supreme Court's standards for a regulatory taking.

1. United States Supreme Court Standard for Takings

The United Supreme Court has indicated that each "taking" case will be analyzed on an ad hoc, case-by-case basis. The ultimate test for determining whether a taking has occurred, according to the United States Supreme Court, is whether "justice and fairness" requires that economic injuries caused by public action be compensated, rather than remain disproportionately concentrated on a few persons. Armstrong v. United States, 364 U.S. 40, 49, 4 L Ed 2d 1554, 80 S Ct 1563 (1960). In the landmark Penn Central Transportation Co. v. City of New York, 438 US 108 (1978) case, the Court set forth three factors, which, it felt, were particularly significant in analysis of taking claims. These were:

1. The character of the government action;
2. The extent to which the regulation has interfered with distinct investment backed expectations; and
3. The economic impact of the regulation on the claimant.

Each of these factors are analyzed below with particular reference to the facts of the property involved in this exception.

2. Character of the Government Action

In the regulation of the property under the statewide planning goals, it would appear that the State is largely exercising its traditional police power. What is unclear, however, is whether the statewide planning program dictated by state law and the LCDC can be characterized as a governmental action designed to implement a "community based" comprehensive plan. Under

the present state law and LCDC goals and regulations, essential ingredients of the County's comprehensive plan are dictated or required by the state, and do not represent a balancing of benefits and burdens among local land owners. The government action involved herein, therefore, may differ from traditional zoning actions. For purposes of this exception, however, it has been assumed that the character of the governmental action is essentially a police power regulation. Under this type of arbitral, police power regulation, the United States Supreme Court has indicated the taking "test" is whether the "ordinance does not substantially advance legitimate state interests ..., or denies an owner economically viable use of his land." Agins v. City of Tiburon, 447 U.S. 255 (1980).

There is one exception to the characterization of the governmental action involved herein as an arbitral, police power regulation, and this relates to Goal 5. Under Goal 5, one of the definitions of "open space" is lands which if preserved and continued in their present use would "enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space". This type of regulation would appear to involve a government action "that may be characterized as [an] acquisition of resources to permit or facilitate uniquely public functions." Penn Central, supra at 57 L Ed 2d 631, 651. For this type of government action, "takings" have more often been found, and a showing of substantial diminution in value to the property appears to be the applicable standard. See, e.g., Martino v. Santa Clara Valley Water District, 703 F.2d 1141 (9th Cir. 1983); McShane v. City of Faribault, 292 N.W.2d 253 (Minn. 1980). To the extent that Goal 5 requires the restrictive regulation of the landowners' property to benefit the nearby ODNRA, therefore, Coos County finds that the character of the government action involved is essentially not an arbitral, police power regulation, but rather one designed

to "permit or facilitate uniquely public functions." Penn Central, supra. As is set forth hereunder, the application of Goals 3, 4, 5 and any other resource goal to the property, will clearly cause a substantial diminution to the value of the landowner's property.

3. Interference with Reasonable Investment-Backed Expectations of Landowners By Application of Resource and Other Goals to Property

The landowners have, since acquisition of the property, invested substantial time and money into the property in furtherance of their development expectations for the property. Parcel 1 of the property was purchased in the 1930's as a long term investment. The property was titled at the time in Mrs. McKeown's name on the advice of counsel. This was done to avoid potential malpractice claims. Title to Parcel 1 has remained in Mrs. McKeown's name since that time. In the 1950's, the landowners acquired Parcel 2, being additional adjoining acreage bordering on Highway 101. This was titled into both the landowners' names as tenants by the entireties.

When the landowners purchased the property they desired to build a residence on a few acres of the property, and devote the remainder of the property to a profitable use so as to have retirement income. During the 1950's they attempted several agricultural uses, including cranberry production and a holly grove, without success because of the poor soils, climate, disease and other factors. In the early 1960's, when Mr. Riley acquired the adjoining acreage for his golf course, condominium, planned unit development and subdivision development, the landowners decided to attempt to develop their property on a rural residential subdivision basis in conjunction with the Riley development. Toward this end they invested further time and money. A Hauser Development Association was formed, and appearances in the early 1970's were made before the then fledgling Coos County Planning Commission, in support of the property's development.

Upon passage of the ODNRA Act in 1972, most development and planning was forced to a halt, because of the threat of condemnation features of the Inland Sector provisions of the ODNRA Act. The landowners, however, attempted to pursue through the Forest Service their longstanding investment-backed expectations for residential development. Although they were initially successful in getting U.S. Forest Service approval for residential development on their property, by 1974, the Forest Service had adopted a "no new residences" rule. Since then they have been required to sue the federal government for relief and just compensation in the U.S. Claims Court.

The record reflects that the landowners have expended substantial sums on the property and in furtherance of their investment-backed expectations. One study, undertaken by a well recognized local banker and financial consultant, establishes that if the landowners had invested a similar amount of capital in conservative alternative investments, the value of their investment would as of 1981 exceed \$1,128,170.93. Coos County finds this study accurate and hereby adopts its findings. The type of investment made by the landowners in rural properties was common at the time of the investment and reasonable in nature and degree, as the record clearly establishes.

Since discovering the highest and best use of their property is industrial, the landowners have expended yet further funds toward gaining the property's ultimate development. This has included appraisal, attorney, engineering, developer, sanitation, and other expert fees and development costs.

If the property is subject to the provisions of Goal 3, 4, 5, and 14, the landowners will be unable to develop their property either for residential or industrial uses. These regulations, if applicable, therefore,

destroy totally the investment-backed expectations of the landowners. Coos County specifically finds that the present uses of the property are not the landowner's primary investment-backed expectations for the property.

4. The Economic Impact on Landowners By Application of Resource and Other Goals to Property

The economic impact of application of Goals 3, 4, 5, 14 and other resource goals to the landowners property is severe. If the landowners property is subjected to these provisions, its value will be substantially diminished. The diminution in value equals 85% for an industrial highest and best use, based on an appraisal by a well recognized local industrial land appraiser. The diminution in value to Parcels 1 and 2 equals 92% for a rural residential use, excluding the value of the homesite acreage and improvements, based on a well recognized local fee appraiser's appraisal. The diminution in value to Parcel 2 including improvements equals 92% under a residential subdivision highest and best use. These appraisals are specifically found to be reasonable and accurate by Coos County. Industrial use is hereby found to be the property's highest and best use by Coos County.

In addition to the economic impact of Goals 3, 4, 5, 14 and other resource goals on the property's diminution in value, there will also be a substantial effect on the ability of the landowners to use the property for any economic viable uses. Without this exception, Coos County finds that there are under Goals 3, 4, 5, 14 and the other resource goals, no economic viable uses remaining for the landowners.

An in-depth study by a leading forester in the state indicates that no prudent forester would utilize the property for forest uses. This study further finds that there will be a \$293.76 loss per acre, if the property was committed to sustain yield forest use. Coos County specifically adopts this study and its findings as reasonable and accurate. Another study by the

Coos County Forester consulting privately with the landowners indicates the property is extremely poor for forest production. This study and its findings are also hereby adopted by Coos County.

Because of extremely poor soil and climate conditions, as well as other factors, Coos County finds the property cannot now be used for any economically viable agricultural use. A study of the property by one of Coos County's leading agricultural experts supports this conclusion, as does the County's U.S.D.A. Soil and Conservation District's Soil Technician. Their findings and studies on the property are hereby adopted as reasonable and accurate. The Riley property to the North, with somewhat better soil, if different from the exception property, was denied U.S.D.A. finding in 1971 for pasture development because it was too marginal for production. Coos County further finds specifically that cranberry production on the property is not economically viable, based upon the landowner's earlier attempts and failure to develop this use, and based on another study by one of Coos County's leading cranberry growers. This study is specifically found by Coos County to be reasonable and accurate, and its findings are hereby adopted.

No other use allowed by the referenced goals has been found to be economically viable. Coos County specifically finds that commercial campground or recreational uses for the property are not economically viable based on evidence in the record. This evidence indicates:

- 1) That the property has a very short season for such recreational uses;
- 2) The property is located too far from metropolitan population centers;
- 3) Based upon market demand and the State's Outdoor Recreation study there is presently and through the year 2000 will be a surplus of campgrounds in Coos County and thus there will be insufficient demand for any recreational use on the property;
- 4) The property would be required to compete against federally and state subsidized campgrounds located in close proximity to the property, which it could not effectively do; and

- 5) Campground and other possible recreational uses have a history in Coos County of marginal economic return and a high rate of failures, including attempted campgrounds in the immediate vicinity of the property.

The record also contains additional reasons and facts for the lack of economic viable recreational uses on the property.

Coos County specifically finds that the landowners do not presently require the total acreage of the property for the existing residential uses. It is further found that, at most, five (5) acres is all that is reasonably required by the landowners for the existing residential uses. Existing taking regulations and other appropriate measurements of needed residential uses all fall within this 5 acre maximum. The ODNRA establishes a 3 acre maximum for residential sites. The remaining acreage of the property has long been held by the landowners for economic return through development. Coos County specifically finds that to require the landowners to maintain the present large acreage just to continue the existing residential uses is not reasonable.

Since 1978, the landowners have been prosecuting a claim against the United States of America for the taking of property under the ODNRA Act and Forest Service's administration. The landowners have indicated that they will be forced to sue Coos County and other interested parties, including the LCDC, for a taking, if the property is downzoned to a resource classification from its present industrial classification. Based on the facts in the record, it appears there is substantial risk exposure to Coos County from such a taking claim, if the property is now downzoned. In accordance with the LCDC's recent Order Denying Petition to Adopt New Rule (ORS 183.390) dated February 12, 1985, Coos County finds it is necessary to "commit" the property to avoid such a taking claim and liability.

Statement of Reasons: Application of Goals 3, 4, 5, and 14 to the

property would expose Coos County to substantial risk exposure of a taking of the landowners' property based upon the applicable U.S. Supreme Court factor analysis for taking claims. Coos County specifically has found that the landowners hold reasonable, investment-backed expectations for the development of their property, which would not only be frustrated by the application of Goals 3, 4, 5, and 14 to the property, but which would be destroyed. Coos County has also specifically found that the application of such goals to the property would cause an extremely severe economic impact on the landowners and diminution in the value of their property. Coos County has further found there would be no know economically viable uses remaining on the landowners' property, if Goals 3, 4, 5, and 14 were applied. Coos County has further found that the existing residential uses are not "reasonable" remaining uses or economically viable, since the landowners would otherwise be required to hold substantial amounts of unneeded and unnecessary excess acreage just to maintain such residential uses merely because of the application of Goals 3, 4, 5, and 14. Such residential uses do not exist as to Parcel 2. The provisions of the 5th Amendment to the U.S. Constitution and the U.S. Supreme Court taking jurisprudence clearly indicate that a committed designation of the property is compelled to avoid liability for the County and based upon the application of Goals 3, 4, 5, and 14 to the property.

H. CONCLUSION

Coos County concludes based on substantial evidence in the record that the property which is the subject to this exception is irrevocably committed to uses not allowed by Goals 3, 4, 5 and 14, because existing adjacent uses and other relevant factors make the uses allowed by these applicable goals impracticable. Coos County further concludes that the property has been irrevocably committed based upon the situation now existing at the specific

site of the property and the areas adjacent to it. The exact nature and extent of the area found to be irrevocably committed is set forth in this exception document, and is shown on a map, as well as being otherwise described herein. Coos County has concluded that the property is irrevocably committed based upon appropriate findings of fact set forth within this exception document. These findings of fact specifically address each of the factors outlined at OAR 660-04-028(2)(a)-(g). A statement of reasons of why the facts support the conclusion is set forth below each of the factors required to be analyzed under OAR 660-04-028(2). Coos County has further reviewed the overall impact of these factors, taken as a whole, and finds that the cumulative effect of all the factors further compels the designation of the property as irrevocably committed to development. Indeed, the fact that each factor, considered separately, supports the conclusion reached by Coos County strongly compels the designation of the property as committed.

III. RURAL INDUSTRIAL DEVELOPMENT EXCEPTION

Statewide Goal 2, Part II provides that when "it is not possible to apply the appropriate goal to specific properties or situations", a goal exception "shall be set forth" with "compelling reasons and facts" which justify the conclusion that an exception must be taken. This portion of this exception document sets forth the compelling reasons and facts which justify the conclusion that an exception must be taken to the requirements of Goal 3, 4, 5, and 14, to allow rural industrial development on the McKeown property.

Goal 2, Part II sets forth four separate required factors or matters which must be analyzed in any exception taken under Goal 2, Part II. These four factors or matters are separately analyzed below.

II. The property is not located within an existing urban growth boundary.

1. Use Significantly Dependent Upon Unique Resources

Coos County specifically finds that the property's use and development for industrial uses is significantly dependent upon unique resources existing on the property. Each of these unique resources are analyzed below.

a. Natural Features

Coos County is plagued by the lack of flat, developable land. The County consists principally of steep forested hillsides interrupted by narrow fingers of estuarine valleys. Coos County finds, therefore, that in virtually all cases the urban growth boundaries of each city cannot reasonably be expanded except as narrow tentacles extended in a spot pattern for several miles along the major highway corridors. In the case of the property in this exception, moreover, the problem is further compounded by the existence of Coos Bay, which serves as a substantial practical barrier to the extension of the City of North Bend's urban growth boundary to the North. Coos County finds that the extension of urban growth boundaries in a tenacle pattern serves no useful purpose, since it largely defeats the underlying policy for urban growth boundaries, viz concentrated and centralized development near available public facilities and services.

In order to overcome the lack of viable industrial sites within existing urban growth boundaries, Coos County previously identified the best flat sites with good access in the County. The property involved in this exception is one of, if not the best, such sites now existing in Coos County. As described elsewhere in this exception document, Coos County analyzed in detail this property along with other properties in the County for industrial classification as part of its rural industrial siting exception. That exception was ultimately not formally adopted, since the DLCD and LCDC found all the identified parcels were "committed." Several of the sites found

A. "Why These Other Uses Should Be Provided For" Analysis Under OAR 660-04-022(3) For Rural Industrial Development Exception

OAR 660-04-022(3) sets forth "appropriate reasons and facts" for "rural industrial development" taken as an exception "under Goal 2, Part II(c)" (sic) [probably should be Goal 2, Part II(a)]. Since OAR 660-04-022(1) specifically exempts "uses ... specifically provided for in subsequent sections of this rule or OAR 660, Division 14 (sic)", it appears clear that the "why these other uses should be provided for" analysis for a rural industrial development exception is to be governed by the three factors set forth in OAR 660-04-022(3). Set forth below is an analysis of the three factors specifically identified at OAR 660-04-022 for rural industrial development siting outside urban growth boundaries on resource lands.

As is developed under the irrevocably committed to development exception in this exception document, Coos County has specifically found that the subject property is not "resource lands" within the meaning of the statewide planning law and goals. To avoid any technical legal issues, however, this exception has been analyzed under OAR 660-04-022 as if the property was resource lands. This analysis should not be viewed, in any way, as a determination by Coos County that the property is "resource lands." Because the property is not resource lands, this rural industrial development exception is primarily concerned with taking an exception to Goal 14, and its requirement that all industrial uses be located within an existing urban growth boundary.

Location of Exception Area Subject to Rural Industrial Development

Exception: The location of the exception area subject to the rural industrial exception in this exception document is set forth in the legal description to the property set forth on Exhibit 2, Volume II. A map of the property and the adjacent area is also being submitted on Exhibit 3, Volume

committed did not have the level of "committedness" as the property involved in this exception. The Industrial Lands Inventory for the Coos County Comprehensive Plan clearly indicates that industrial diversification in Coos County, as a means for economic improvement, cannot begin without an adequate supply of vacant suitable industrial sites. Coos County finds that the property in this exception is needed based upon prior study of industrial needs in the County. The outstanding site specific natural features of the property dictate its classification as industrial.

The primary natural feature of the property is its flat topography. This characteristic alone causes the property to be ideally suited to development. When this characteristic is coupled with the property's location in close proximity to Coos Bay and the Coos Bay/North Bend metropolitan area, even further justification for designating the property to industrial development exists. When these two facts are further joined with the property's location on poor soils and next to existing rail and highway transportation systems, the designation of this property to development should be self-evident to all reasonable persons. The foregoing natural features, while probably not unique to other areas of the state, are unique to Coos County, and compel the designation of the property for rural industrial development.

b. Rail and Highway Access Under Unitary Ownership
Within Close Proximity to Metropolitan Area

The industrial use of the property under this rural industrial development siting exception is significantly dependent on the unique resource of joint direct rail and highway access in a strategically located area. Coos County has reviewed all other parcels in the County and finds that this parcel and the Riley parcel to the North are the only two large parcels in the whole County which have have effective direct joint rail and

d. Water Reservoirs and Subsurface Disposal Suitability

The property is located over the Dunes Aquifer. This natural subterranean source of water is unique in the state. Its existence causes the property to have abundant private sources of water from subsurface wells. The availability of such water is essential for industrial use of the property. The fact that such water sources exist on the property makes the industrial development of the property significantly dependent upon the property's unique resources. Normally, water would be required to be brought to rural industrial parcels from public facilities, which might cause a great cost to the public and produce an inefficient use of resources. Where, as here, the vital water resources exist on the property, the designation of the property to rural industrial is substantially encouraged.

The property has been studied in depth by a leading State registered sanitarian, in terms of its ability to support industrial or residential development, based on subsurface sewage disposal constraints. This study, the findings of which are hereby adopted by Coos County, clearly establishes that the soil conditions of the property are such that subsurface sewage disposal is not only feasible, but strongly supported. The type of soils present on the property make it uniquely qualified with a few other areas in the County for industrial development, based on subsurface sewage disposal constraints. The industrial use of the property is significantly dependent on this unique resource.

2. Inability to Locate Use Inside Urban Growth Boundary Due to Hazardous or Incompatibility With Densely Populated Areas

Coos County's designation of the property as industrial in the Coos County Comprehensive Plan and implementing ordinances will allow it to be used for several hazardous uses, as well as uses which are not compatible with location in the urban populated areas of the County. The landowners

highway access existing under a single or related unitary ownership. Such joint access over a parcel is essential for heavy and light industrial development. The property is unique in that not only does it have such direct rail and highway access existing in a single or related unitary ownership, but this access occurs on the property in a useable fashion. Highway access is on the East boundary of the property, while rail access is on the West boundary of the property. This configuration presents one of the best possible layouts for transportation systems for the industrial development of the property. When this unique resource is considered together with the property's location in close proximity to the Coos Bay/North Bend metropolitan area, the property's designation to rural industrial development is compelled.

c. Mineral and Aggregate Deposits

The property involved in this exception has large quantities of glass sand, which Coos County finds to be marketable. A commercial glass sand mining operation already exists near the property. A recent study by the Bureau of Mines of the Department of Interior indicates that the existence of such mineral and aggregate deposits of glass sand occurs rarely in the United States. The fact that it occurs on the property next to existing rail and highway transportation systems, makes this property's rural industrial development compelled by a site specific, unique resource. The landowner has submitted a study indicating the volume of glass sand on the property. Coos County finds this study accurate and reasonable. Coos County further has reviewed and accepts the expert opinion testimony of Coos County's leading industrial siting consultant, which indicates that the property, if developed on an industrial basis, would more than likely take advantage of existing glass sand mineral and aggregate deposits as part of this development.

plan on developing the property as an industrial park. No such rural industrial parks now exist in Coos County, and one is desperately needed. It is obvious that many industrial uses which would be permitted on the property are or could be hazardous in nature. These uses should not be located inside urban growth boundaries, unless adequate precautions exist for their development. Coos County has reviewed the zoned upland industrial sites within the urban growth boundaries of the cities in Coos County and finds that hazardous industrial uses on these lands would pose significant health and safety concerns. Coos County, therefore, finds that the type of hazardous industrial uses authorized by the industrial designation of this property are unable to be safely sited inside of existing urban growth boundaries. The property in this exception is located in the Hauser development area, near other existing industrial uses. Its size and location in a less populated, suburban area, makes it much better suited for industrial uses than other upland industrial sites within urban growth boundaries.

The property is also much better buffered from incompatible resource and residential uses than many of the industrial sites within urban growth boundaries. The buffering effect of the ridge on the West side of the property and Highway 101 on the East side of the property makes the industrial use of the property very unique. A review of zoned upland industrial sites within the urban growth boundaries of cities in Coos County indicates that these sites do not have near the buffering benefits that the subject property possesses.

3. Use Has Significant Comparative Advantage Due to Location, Which Benefits County and Causes Only Minimal Loss of Productive Resource Lands

As is analyzed below, the property has significant comparative advantages due to its location. These comparative advantages significantly

- 9) The existence of minerals and aggregate deposits on the property complimenting, if not encouraging, further industrial development of the property;
- 10) The location of the property near existing industrial activity; and
- 11) The property's size which is sufficient for an industrial park or other major industrial development.

It is specifically found that designation of the property as a rural industrial development site because of each and every one of the comparative advantages existing on the property would significantly benefit Coos County. Without diverse industrial development, Coos County is locked into roller-coaster unemployment gyrations, a dismal economy, and excessive dependence on the timber industry. Sadly, this is the present state of the County's economy. It must be remedied, and Coos County finds that the designation of this property as a rural industrial development site should help attract new industry to the County. Coos County specifically finds that this property is one of the best sites available to attract such industry, and the public's health, safety and welfare demands that this property be so designated.

b. Lost Resource Productivity and Values in Relation to County's Gain From Industrial Use

As is developed elsewhere in this exception document and in the record, there are few, if any resource production values for the property. The property is not agriculture or forest land, as defined in the statewide planning law and goals. Coos County has specifically found that it is not resource lands. The designation of the property as industrial, therefore, does not require a complicated analysis of the trade offs between resource values and the gain to the County for designation of the property as industrial. This property is one of the rare parcels in Coos County where it can be stated that the designation of the parcel as a rural industrial

benefit Coos County. Coos County has a shortage of flat upland, non-estuarine industrial property capable of development. This places the County at a horrendous disadvantage, when it is forced to compete with other jurisdictions in this state and in other states for new industrial sitings. Coos County finds that the property which is the subject of this exception is one of the few parcels in Coos County which can effectively compete with sites in other jurisdictions in this State and other states for such industries. Fortunately, as is developed below, this property has extremely poor or non-existent resource production values. As such, there will be little, if any, loss of productive resource land in Coos County, by designating the property as a rural industrial site.

a. Specific Transportation and Resource Advantages Supporting Decision to Designate Site to Rural Industrial Development

The property has substantial comparative advantages because of its location. These comparative advantages are developed in detail elsewhere in this exception document, and in the record, but include the following:

- 1) The property's close proximity to the Coos Bay/North Bend metropolitan area;
- 2) The property's generally flat topography;
- 3) The existence of rail and highway transportation services to the property with a highly desirable configuration of such transportation services and unitary ownership of the property;
- 4) The existence of urban level public facilities and services for the property;
- 5) The location of the property in the area North of Coos Bay and of the Southern Pacific Railroad bridge across Coos Bay;
- 6) The existence of plentiful water resources on the property;
- 7) The existence of highly developable soil conditions in terms of subsurface sewage disposal constraints;
- 8) The existence of natural buffers from incompatible residential and other land uses;

development site will not convert agriculture or forest land to non-resource uses. There is thus a "win-win" situation for designating the property as industrial. An industrial designation allows the County to reap the benefits of the property's significant comparative advantages for industrial development, while at the same time it conserves true resource lands from being converted to industrial uses. The fact that the property is located in the Hauser development area near other existing industrial uses, further benefits the County, since it concentrates the County's industrial uses together for more efficiency.

4. Conclusion

Based upon an analysis of the three factors set forth in OAR 660-04-022(3) for rural industrial development sitings, Coos County concludes the property should be designated as a rural industrial development site. This determination was reached only after careful study and analysis of the facts existing in the record as to the property. The fact that each of the three factors setting forth "appropriate reasons and facts" under OAR 660-04-022(3) strongly supports the action of the County, is further grounds for the County's determination that an industrial designation of the property is compelled. The County's analysis clearly establishes "why the proposed other uses of the property should be provided for."

B. "What Alternative Locations Within The Area Could Be Used For Proposed Uses" Analysis

Coos County previously inventoried all potential industrial sites in Coos County as part of its so-called "Rural Industrial Need Exception." Although Coos County eventually did not take such a need exception based upon the conclusion by the DLCD and the LCDC that all of the rural parcels were "committed", the results of that inventory of industrial lands is still valid. Coos County also finds that the underlying facts and statement of

reasons supporting the Rural Industrial Nedd Exception are also valid. The portion of the prior draft Coos County Comprehensive Plan setting for the prior Rural Industrial Need Exception is set forth in Exhibit 1, Volume II to this exception document, and is hereby incorporated by reference.

Part IV of the prior Rural Industrial Need Exception, pages 4.4-6 through 4.4-17, appears particularly relevant to the "alternative locations" analysis required for a Goal 2, Part II exception. In this portion of the prior Rural Industrial Need Exception, Coos County inventoried and mapped each potential industrial site in Coos County. Approximately 190 candidate sites were analyzed in this inventory. The McKeown property was analyzed in this inventory study as Site #2-1B. (It should be noted that due to the lack of available in-depth soil analysis and other information concerning the property, the inventory indicated that the McKeown site had "Ag. Soils" and "Forest Soils.")

Using the Industrial Site Analysis of Part IV of the prior Rural Industrial Need Exception, it is possible to review each potential site in Coos County which could be used for the proposed industrial use, including those not requiring a siting outside of the UGB. A review of these potential alternative sites indicates that there are no upland, non-estuarine industrial sites available for development, either inside or outside existing urban growth boundaries, that have direct and useable rail and highway access, and which are of sufficient size to support industrial development. Coos County has concluded based on the reasons set forth in this exception document that it is essential that one or more parcels classified as industrial in Coos County Comprehensive Plan have direct rail and highway access in order to attract new industrial sitings to the county.

Based upon the foregoing, Coos County concludes that there there are no "alternative locations within the area which could be used for the proposed

uses" to satisfy the need identified in this exception document and in the incorporated prior Rural Industrial Need Exception being submitted as Exhibit 1, Volume II to this exception document.

C. "What Are The Long Term Environmental, Economic, Social And Energy Consequences To The Locality, The Region Or The State From Not Applying The Goal Or Permitting The Alternative Use" Analysis

Analyzed below are the long term environmental, economic, social and energy consequences to the locality, the region or the state from this exception.

Environmental Consequences: Designating the McKeown property as industrial will allow utilization of approximately 90 acres of non-resource lands for productive use. This designation of 90 acres will not impact upon Coos County's forest land base, but even if it would this would constitute less than 0.01 percent, or one-one hundredth of one percent of Coos County's forest land resources. This designation of 90 acres will not impact upon Coos County's agricultural land base, but even if it would this would constitute less than 0.08 percent, or less than one-tenth of one percent of Coos County's agricultural land resources. Ground cover loss should be less, since portions of the McKeown property have already been cleared and devoted to non-resource uses. Designation of the property will relieve development pressure on resource lands in Coos County and benefit the region and the State's environmental resources.

Economic Consequences: Designation and use of the 90 acres of the McKeown property as industrial will enable Coos County to provide a suitable site for development and help diversify Coos County's economy away from its excessive dependence on forest industries. Diversification through the provision of a suitable industrial site will help dampen the wide cyclical swings in unemployment and reduce the current 17 percent official

unemployment rate. The diversification of Coos County's economy will have beneficial effects on the region and State economy.

Social Consequences: An improvement in the local economy from designation of this property for industrial use and its development, especially in the alteration of the wild cyclical unemployment swings and the lowering of the unemployment rate, will improve social conditions in Coos County. Coos County should be able to experience reductions in the recently increased incidence of alcoholism, divorce, child abuse and spouse abuse that appear directly related to Coos County's severe economic problems.

Energy Consequences: The proposed 90 acres of industrial property is located on Highway 101 and the Southern Pacific Railroad track. This siting has substantial energy benefits as goods and products need be moved a minimal distance from production to the major transportation corridors. The 90 acres are located North of Coos Bay and in close proximity to anticipated industrial development on the North Spit. This proximity to other industrial development should lessen overall energy usage, as it is anticipated that one or more industrial sitings on the property will be in conjunction with the North Spit development. Since the 90 acres and the North Spit developments are all North of Coos Bay and in the direction of shipments out of the area, overall energy savings should occur from this exception, as compared to an industrial siting South of Coos Bay. It is anticipated that a large percentage of the employees at businesses siting on the 90 acres will live in the Hauser area. Some increased commuting may occur outside urban areas. This is by no means certain, however, as a significant amount of cross-commuting already occurs between Hauser and the Bay Area. The proposed site is within this commuting corridor.

D. "A Finding That The Proposed Uses Will Be Compatible With Other Adjacent Uses" Analysis

As is discussed elsewhere in this exception document, Coos County has found that the proposed industrial use of the McKeown property will be compatible with other adjacent uses. See, in particular, the analysis of "Existing Adjacent Uses", "Adjacent Lands Characteristics", "Neighborhood and Regional Characteristics" and "Natural Boundaries or Other Buffers Separating the Exception Area From Adjacent Resource Land" sections and subsections in the Irrevocably Committed to Development Exception of this exception document. The industrial use of the property is clearly compatible with existing industrial and commercial uses on the South and East of the property. Coos County finds that the industrial use of the property is compatible with the Southern Pacific Railroad right of way useage to the West, and with the present non-resource useage of the Riley property to the North. The property is effectively buffered in sight and sound from the property of the United States of America in the ODNRA. By designating an industrial site outside of existing urban growth boundaries, Coos County is promoting compatibility of uses within such boundaries. Finally, industrial uses are required to submit a site plan, which has as its major concern the compatibility of any new industrial use or construction with adjacent permitted uses.

E. Conclusion

For the reasons set forth hereinabove, Coos County has concluded that there are compelling reasons and facts to designate the McKeown property as industrial in the Coos County Comprehensive Plan and take an exception to Goals 3, 4, 5 and 14 for its rural industrial development siting. This conclusion has been reached only after a careful review of the subject property and the relevant facts surrounding it. This exception was taken

based upon an extensive review and analysis of the factors set forth in OAR 660-04-022(3) for rural industrial development sitings. In reaching its conclusion, Coos County not only has relied upon each of the three factors specified in OAR 660-04-022(3), each of which support the exception, but also upon the cumulative effect of each such factor. Coos County has also reviewed alternative sites and found that none are presently available, either inside urban growth boundaries or outside, to satisfy the need for an available, upland, non-estuarine industrial site having practical and direct rail and highway access. Coos County has analyzed environmental, economic, social and energy consequences of the proposed exception, and has found that these consequences generally support the designation of the property as industrial. Finally, Coos County has reviewed adjacent uses and found that the proposed use of the property will be compatible with adjacent uses.

IV. CONCLUSION

Based upon the compelling reasons and facts set forth in this exception document and the substantial evidence contained in the record, Coos County has concluded that the property should be designated as industrial. This conclusion has been reached only after numerous hearings and a review of a massive body of facts and data on the property contained in the hearing record. This exception represents the product of a careful analysis and study of the property, the requirements of state law and the needs of the citizens of Coos County. Based upon substantial evidence in the record, and the compelling reasons and facts set forth herein, Coos County does hereby designate the property as industrial in the Coos County Comprehensive Plan and implementing ordinances, and does further formally hereby take exception to Statewide Planning Goals 3, 4, 5, and 14, in making this designation.

BEFORE THE BOARD OF COMMISSIONERS OF COOS COUNTY

Regarding the Designation as)
Industrial in the Coos County)
Comprehensive Plan and Zoning)
Ordinance of Certain Real Property)
Located in Section 2, Township 24)
South, Range 13 West Willamette)
Meridian, Coos County, Oregon,)
Lying West of Highway 101 by a)
Goal 2 Exception to Goals 3, 4, 5,)
and 14.)

RECEIVED
MAR 1 1985
COOS COUNTY PLANNING DEPT.
By Rje

VOLUME II

EXHIBITS FOR
IRREVOCABLY COMMITTED TO DEVELOPMENT AND RURAL
INDUSTRIAL DEVELOPMENT EXCEPTION UNDER GOAL 2 -
COMPELLING REASONS AND FINDINGS OF FACT

2.0 RURAL INDUSTRIAL LANDS GOAL EXCEPTION

2.1 Introduction

Purpose

Statewide Goal #2, "Land Use Planning", states in part that, when it is not possible to apply the appropriate statewide goal to specific properties or situations, a goal exception "shall be set forth" with "compelling reasons and facts" which justify the conclusion that an exception must be taken. Coos County's preparation of an inventory and factual base for industrial development planning has produced the conclusion that:

- i. Vacant suitable industrial sites within incorporated cities and urban growth areas of Coos County (and outside the area of the Coos Bay Estuary Management Plan), are insufficient to meet projected needs for industrial land to the year 2000; therefore,
- ii. Other sites in unincorporated areas that would otherwise be protected as agricultural land pursuant to Goal #3 or forest land pursuant to Goal #4 must instead be used to meet industrial development needs.

This document sets forth the compelling reasons and facts which justify the conclusion that an exception must be taken to the requirements of Goals #3 and #4 as applied to 507 acres of resource land needed for industrial uses.

Other Plans

Separate goal exceptions are being taken, where necessary, for industrial sites included within the boundaries of the Coos Bay Estuary Management Plan and the Coquille River Estuary Management Plan.

Goal #2 Requirements

The means for establishing the "compelling reasons and facts" of the goal exception are set out in four parts in Goal #2, as follows:

- (a) Why these other uses should be provided for;
- (b) What alternative locations within the area could be used for the proposed uses;
- (c) What are the long-term environmental, economic, social and energy consequences to the locality, the region or the state from not applying the goal or permitting the alternative use;
- (d) A finding that the proposed uses will be compatible with

CONTENTS

Description

4.4 Industrial and Commercial Lands,
Draft Coos County Comprehensive Plan Exhibit 1

Legal Description of Exception Property Exhibit 2

Area Map Exhibit 3

Description of Parcels, Owners & Acreage
of Nearby Lands Exhibit 4

Existing Uses & Structures Located on
Nearby Lands By Assessed Values Exhibit 5

Site Map of McKeown Parcels With Improvements Exhibit 6

Soil Map of Exception Property and U.S.C.S.
Soil Classification Description Sheets Exhibit 7

Present Worth of Alternative Investment Analysis
Report Exhibit 8

Additional Expert Reports, Studies, Affidavits, Etc Previously
Submitted

other adjacent uses.

The following sections separately address each factor of the four-part test.

2.2 "Why These Other Uses Should Be Provided For"

Statewide Goals #3 (Agricultural Lands) and #4 (Forest Lands) require the preservation of identified agricultural lands for agriculture uses and the conservation of forest lands for forest uses. This requirement for protection is excused when the land is included within an urban growth boundary; at that point, non-farm and non-forest uses can be allowed to provide for urban development.

Coos County's Industrial Lands Inventory has projected an overall need by the year 2000 for 1183 acres of industrial land in all areas of the county outside the area of the Coos Bay Estuary Management Plan. (Needs for that plan were separately projected.) However, the inventory's analysis of candidate industrial sites for their industrial suitability shows that sites in cities and urban growth areas proposed by the various cities for industrial use fall short of the projected need by 507 acres.

According to Wright vs. Marion County Board of Commissioners (LUBA NO. 80-010), the ideal planning response in this situation is simply to extend urban growth boundaries until the need can be fulfilled. If Coos County's topography were even roughly similar to that of the Willamette Valley, no doubt the urban growth boundaries would simply be expanded outward in a neat and concentric pattern. In fact, Coos County's topography (as noted more extensively in the Inventory document) of steep forested hillsides interrupted by narrow fingers of estuarine valleys does not permit any sort of neat and simple expansion. In virtually all cases, the urban growth boundaries of each city cannot reasonably be expanded except as narrow tentacles extended in a spot pattern for several miles along the major highway corridors.

Such a configuration would obviously serve no legitimate purpose. Instead, Coos County has carefully identified the best flat sites with good access (road, and usually rail) that can overcome the deficiency of industrial sites within urban growth areas. It happens that all of these sites except one qualify under the terms of either Goal #3 as agricultural land or Goal #4 as forest land. Coos County now finds that it must designate these resource lands for a more precious resource: industrial land.

The Industrial Lands Inventory clearly indicates that industrial diversification, as a means for economic improvement, cannot begin without an adequate supply of vacant suitable industrial sites. However, many local governments have found it exceedingly difficult to provide an adequate supply of industrial land, in

part because Goal #9 is not as well-structured as other goals in addressing resource considerations.

Most of the statewide goals focus on a particular class of resource, describing how conservation actions shall be required and how development actions shall be limited. This is not true, however, for Goal #9, Economy of the State. While Goal #9 implies that there may be economic resources worth improving, it is seriously flawed because it fails to identify conservation and development actions for one of the most important (and scarce) resources in Coos County: land suitable for industrial uses:

The statewide goals most concerned with the conservation of land resources, Goal #3, Agricultural Lands, and Goal #4, Forest Lands, have the most direct effect on economic development:

- i. The uses and lands they consider constitute a large portion of the competitive uses for potential industrial land;
- ii. The goals are concerned with protecting agricultural and forest lands primarily because of their economic importance.

Since agricultural use accounts for the major source of competition for potential industrial land in Coos County, it is important to explore the effects of the agricultural goal on Coos County's economy.

For many years, the United States has produced a tremendous surplus of farm products. Despite the conflicting assortment of governmental policies to alternately encourage and discourage the surplus production, that surplus has continued to have its expected depressing effect on primary farm products.

Farming as a successful full-time business in Coos County requires the acquisition of very large land holdings (usually at least several hundred acres). In the United States, the natural trend has been toward corporate farming because of its more advantageous position in risk capital accumulation.

The agricultural goal's emphasis on the economic importance of agricultural land therefore appears to favor corporate farming, and favors farming over all other forms of resource production, such as industrial use.

Given the limited uses of Coos County's agricultural land (mainly grazing), this less-than-explicit policy of Goal #3 has two disturbing effects:

- i. It forces Coos County to compete on a small scale against other areas of the state and nation that can transport similar products (meat and dairy products) to large markets at cheaper rates.

review process eliminated occupied sites as well as vacant sites that were deemed unsuitable because of size (less than one acre), steepness of slope, and other potential legal constraints.

An unacceptable alternative would be for Coos County to designate an insufficient number of industrial sites. This would mean that the alternative locations would be outside Coos County, thereby locking-in Coos County to roller-coaster unemployment gyrations, a dismal economy, and excessive dependence on one industry.

2.4 "What Are the Long-Term Environmental, Economic, Social and Energy Consequences to the Locality, the Region, or the State from Not Applying the Goal or Permitting the Alternative Use."

2.4.1 Environmental Consequences

Taking 507 acres of natural resource land for industrial use will result in a loss of 0.05 percent, or one-twentieth of one percent of Coos County's forest land resources, or will result in a loss of 0.4 percent of Coos County's potential agricultural land resources. Ground cover loss will naturally be substantially less, since less than half the sites currently have forest cover and only a few sites are in current agricultural use (pasture).

2.4.2 Economic Consequences

Industrial use on 507 acres of natural resource lands in Coos County will enable a minimally adequate provision of suitable industrial sites to help diversify Coos County's economy away from its excessive dependence on forest industries. Diversification through the provision of suitable alternative sites will help dampen the wide cyclical swings in unemployment and reduce the current 17 percent official unemployment rate.

2.4.3 Social Consequences

Improvements in the local economy from designating 507 acres of natural resource land for industrial use, especially in the alteration of the wild cyclical unemployment swings and the lowering of the unemployment rate, will improve social conditions more directly than any other single program. Coos County would be able to experience reductions in the recently increased incidence of alcoholism, divorce, child abuse and spouse abuse that appear directly related to Coos County's severe economic problems.

- ii. It forces Coos County to compete in a type of agriculture whose major food product (beef) is widely held to be much less efficient than grain (as a human food) in terms of the percentage of digestible protein produced per acre of land.

In addition, Coos County is placed in an even more difficult position because many of the parcels suitable both for agricultural and industrial uses are not sufficiently large to permit the large-scale farming apparently favored by Goal #3. Certainly, some small-scale or small-parcel farming occurs within Coos County:

- i. Cranberry production conceivably can be carried on with parcels as small as five acres in size. Nevertheless, production generally is limited by contractual arrangements with the local processor/buyer, and the land type suitable for cranberry production (Dogs) is rarely, if ever, suitable for industrial use.
- ii. A person can engage in agricultural practices (with the exception of dairying) on nearly any size parcel if he or she has full-time employment available elsewhere. Such farming, however, does not often produce a surplus beyond the person's needs.

The relationship of industrial land to forest land is more simple: Coos County has protected roughly 860,000 acres of forest land for forest uses. Coos County is heavily dependent on the forest products industry and has made a local economic policy choice to diversify its industrial base. The diversification requires 507 acres of the forest land.

The conclusion is obvious: industrial land in Coos County is far more scarce than either agricultural or forest land. Common sense dictates the protection of parcels that are suitable both for industrial and natural resource uses for the use that has the more stringent locational requirements -- industry.

2.3 "What Alternative Locations Within the Area Could Be Used for the Proposed Uses"

A maximum acreage of sites has already been located within incorporated cities and urban growth areas, given the constraints of topography, limitations on adequate road access, and the importance of selecting sites compatible with other uses such as urban residential.

Development of the list of candidate sites included areas presently zoned industrial; areas identified in the Coos-Curry-Douglas Business Development Corporation (CCD-BDC) "Factbook" as industrial sites, and areas requested by citizens through the Citizen Involvement process for an industrial designation. The

2.4.4 Energy Consequences

The 507 acres of proposed industrial sites having agricultural or forest potential are generally proposed along Coos County's two major highways, U.S. Highway 101 and OR 42. Some increased commuting may occur outside of urban areas, although this is by no means certain: a significant amount of cross-commuting already occurs between Coquille/Myrtle Point and Coos Bay/North Bend, between Lakeside/Hausser and the Bay Area, and between Bandon and the Bay Area. Virtually all proposed industrial sites in unincorporated areas are proposed to occur within these existing commuting corridors.

2.5 "A Finding That the Proposed Uses Will Be Compatible with Adjacent Uses."

Coos County's proposal promotes compatibility by not forcing sites to occur in the middle of urban residential areas simply to squeeze all industrial activity inside urban growth boundaries. In fact, the placing of some sites outside UGA's will generally promote compatibility by lessening the extent of typical industrial impacts (such as noise and odor) on neighboring residential areas. Additionally, the implementing ordinance contains a site plan review process such that no new industrial use shall be constructed without prior approval of the site plan, which has as its major concern the compatibility of any new industrial use or construction with adjacent permitted uses.

IV. SITE ANALYSIS AND SELECTION

A. Introduction

Earlier sections stressed the importance of industrial diversification to improve the health of the local economy, and the local government's role in projecting the amount of industrial land required. This section discusses how the quantity required (970 acres outside the Coos Bay Estuary) can be provided.

B. Inventory

The availability of suitable industrial land determines whether the quantity demanded can be supplied. The crucial issue is the extent of uncertainty regarding what is available. This uncertainty takes three separate forms that must be addressed in the planning process:

- I. Whether there exists a sufficient quantity of land physically suited for industrial uses;
- II. Whether there exists a sufficient quantity of land that is legally suited for industrial uses; (the legal process must not inadvertently impede the efficiency of the market process but must ensure the provision of appropriately designated land sufficient to support the market process);
- III. Whether the quantity required is actually available, and being offered on the market.

A properly functioning market requires the constant provision of a diversity of sites sufficient to create competition and reduce monopolistic tendencies. The comprehensive planning process can directly address only the first two aspects above, and must deal with market factors indirectly by providing what is hopefully a sufficient quantity of physically suitable and legally suitable sites.

Accordingly, the following inventory of candidate sites was developed to provide a base from which to select the best sites to meet the identified need. Physical characteristics were the primary concern of a preliminary review; where a potential site was steep or contained less than one acre, the site was eliminated from the list of candidate sites. The review also included an occupancy/vacancy survey to eliminate sites that are fully occupied but to include the available acreage of partially-occupied sites.

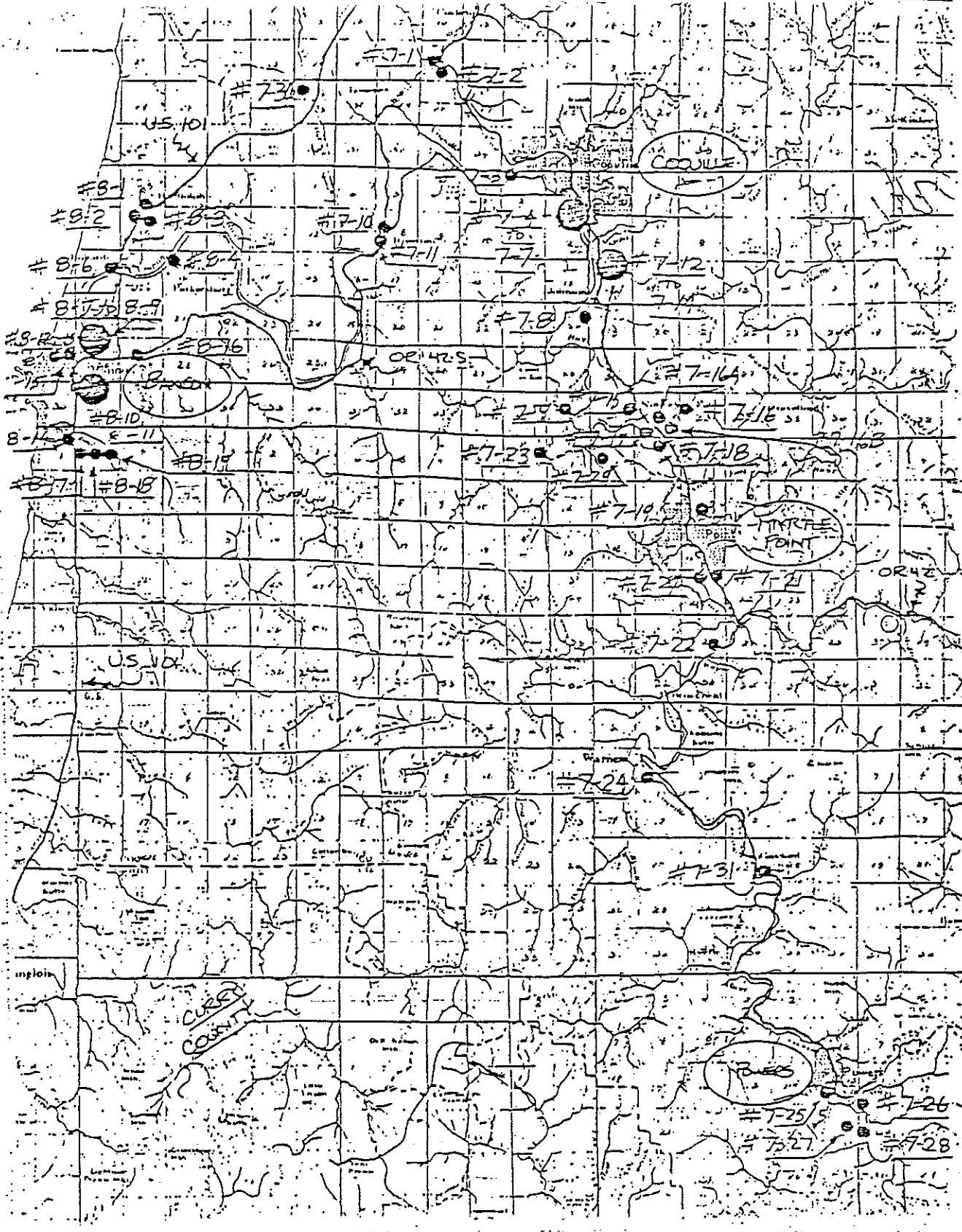
Since the land use planning program in Oregon tends to discourage most development outside urban growth areas (UGA's), especially where soils are considered suitable for agricultural or forest production, the location of sites has been listed together with

the extent of agricultural/forest soils that occur on sites in unincorporated areas outside a UGA. This latter criterion reveals those sites which, if selected for an "Industrial" designation, must be justified through the taking of an exception to the Statewide goals.

Finally, the last column also notes whether the site is included within the Coos Bay Estuary Management Plan (COEMP). Separate goal exceptions are being taken, where needed, for these estuarine sites.

The location maps preceding the charts show the general location of each site (COEMP sites are not shown). All sites are also mapped at 1" = 800' to show actual parcel dimensions. (See Map Atlas).

or within the Coquille River Estuary Management Plan (CREMP).



8-44

INDUSTRIAL SITE ANALYSIS

ITE #	LOCATION								NOTES (CBEMP=Coos Bay Estuary) (E.R. = Exception Required) (CREMP=Coquille River Estuary)
	OCCUPIED	PARTIALLY OCCUPIED	VACANT ACRES AVAILABLE (POTENTIALLY)	CITY	UNINCORP. UGA	Outside UGA, and....			
						Ag. Soils?	Forest Soils?		
2-8			8			X	Yes	Yes	E.R.
2-9		X	50			X	No	No	-- ?
2-10 through 2-18									CBEMP
2-19	X					X	N.A.	N.A.	--
2-20									CBEMP
3-1 through 3-11									CBEMP
4-1 through 4-5									CBEMP
4-6		X	55	X					--
4-7 through 4-20									CBEMP
4-21	X		0	X					--
4-22			1	X					--
4-23									CBEMP

44-10

INDUSTRIAL SITE ANALYSIS

SITE #	LOCATION								NOTES (CBEMP=Coos Bay Estuary) (E.R. = Exception Required) (CREMP = Coquille River Estuary)
	OCCUPIED	PARTIALLY OCCUPIED	VACANT ACRES AVAILABLE (POTENTIALLY)	CITY	UNINCORP. UGA	Outside UGA, and....			
						Ag. Soils?	Forest Soils?		
5-15			25		X	Yes	Yes	(Would go to UGA)	
5-16	X							(Reservoir)	
5-17 through 5-23								CBEMP	
6-1 through 6-6								CBEMP	
6-7			7	X					
6-8 through 6-16A								CBEMP	
6-16B through 6-17C			0					(Forested Hillside)	
6-17A								CBEMP	
6-18								CBEMP	
6-19A and 19B			7		X	N.A.	N.A.		
6-19C	X		0		X				
6-20 through 6-22								CBEMP	

44-12

INDUSTRIAL SITE ANALYSIS

SITE #	LOCATION								NOTES (CSEMP=Coos Bay Estuary) (E.R. = Exception Required) (CREMP = Coquille River Estuary)
	OCCUPIED	PARTIALLY OCCUPIED	VACANT ACRES AVAILABLE (POTENTIALLY)	CITY	UNINCORP. UGA	Outside UGA, and....			
						Ag. Soils?	Forest Soils?		
7-4			6	X	-	-	-	-	CRMP
7-5	X		0		X	-	-	-	CRMP
7-6			3		X	-	-	-	-
7-7	X		0		X	-	-	-	-
7-8	X		0			X	N.A.	N.A.	CRMP
7-8A	X		0			X	N.A.	N.A.	-
7-9	X		0			X	N.A.	N.A.	-
7-10			4			X	Yes	Yes	CRMP
7-11	X		0			X	N.A.	N.A.	CRMP
7-12	X		0			X	N.A.	N.A.	-
7-13	X		0			X	N.A.	N.A.	CRMP
7-14	X		0			X	N.A.	N.A.	-
7-15			7			X	Yes	Yes	E.R.
7-16 7-16A 7-16B	X X X		0 0 0			X X X	N.A. N.A. N.A.	N.A. N.A. N.A.	- - -
7-17			28			X	Yes	Yes	E.R. (CRMP)

44-14

INDUSTRIAL SITE ANALYSIS

SITE #	LOCATION								NOTES (CEMP=Coos Bay Estuary) (E.R. = Exception Required) (CREMP = Coquille River Estuary)
	OCCUPIED	PARTIALLY OCCUPIED	VACANT ACRES AVAILABLE (POTENTIALLY)	CITY	UNINCORP. UGA	Outside UGA, and....			
						Ag. Soils?	Forest Soils?		
8-1	X		0			X	NA	NA	-
8-2	X		0			X	NA	NA	-
8-3	X		0			X	NA	NA	-
8-4A	X		0			X	NA	NA	-
8-4B			6			X	Yes	Yes	CREMP
8-4C	X		0			X	NA	NA	-
8-5	X		0			X	NA	NA	-
8-6			5			X	Yes	No	CREMP
8-7			10	X		-	-	-	CREMP
8-8	X		0	X		-	-	-	-
8-9			11*	X		-	-	-	CREMP (when filled)*
8-10	X		0	X		-	-	-	-
8-11		X	35 40		X	- X	- YES	- YES	(Some residential) E.R...
8-12	X		0	-X		-	-	-	-

44-16

LEGAL DESCRIPTION

Parcel No. 1

A parcel of real property within Coos County, Oregon, more particularly described as follows:

The Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of Section 11, Township 24 South, Range 13 West of the Willamette Meridian excepting therefrom any portions within public roads or right of ways.

Also excepting a parcel of real property described as follows:

Beginning at the Southeast corner of Lot which is a 1-1/2" pipe in the existing private road and which point is located on the East boundary of the Southwest quarter (SW 1/4) of the Northwest quarter (NW 1/4) of Section Eleven (11), Township Twenty-four (24) South, Range Thirteen (13) West of Willamette Meridian, Coos County, Oregon, and is 170.43 feet North and 1.14 feet West of the Southeast corner of the Southwest quarter (SW 1/4) of the Northwest quarter (NW 1/4) of Section Eleven (11), Township Twenty-four (24) South, Range Thirteen (13) West of Willamette Meridian, go North 64° 02' West 199.38 feet to a 1-1/2" pipe on the North side of said private road; thence North 60° 59' West 193.18 feet to a 1-1/2" pipe on the North side of said private road which is the Southwest corner of lot; thence North 05° 54' East 176.74 feet to a 1-1/2" pipe along the East right of way boundary of a private access area to the Northwest corner of this described lot; thence South 84°

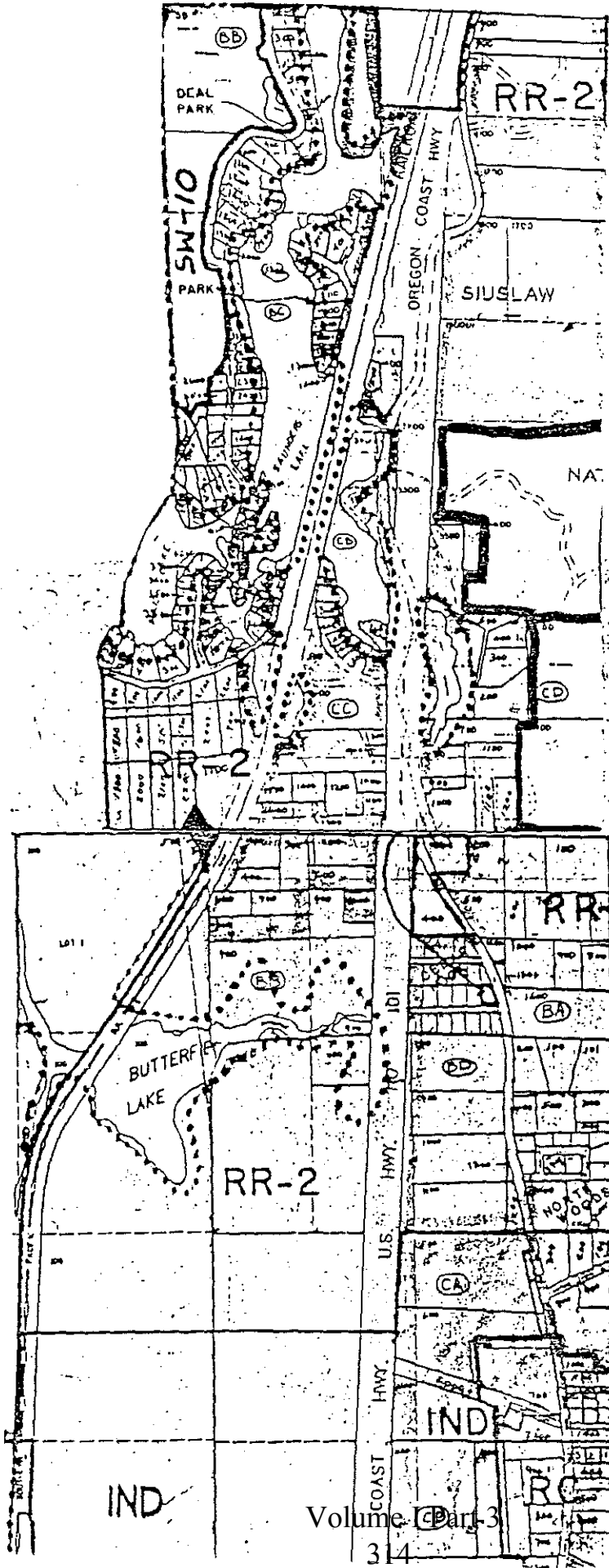
37' East 178 feet to a 1-1/2" pipe; thence South 84° 37' East 151.50 feet to a 1/2" rod covered by a 1-1/2" pipe which point is located on the East boundary of said Southwest quarter (SW 1/4) of the Northwest quarter (NW 1/4) of Section Eleven (11) and is the Northeast corner of said described lot; thence South 00° 23' East 182.84 feet along said East boundary of the Southwest quarter (SW 1/4) of the Northwest quarter (NW 1/4) to 1-1/2" pipe; thence continue along said East boundary of the Southwest quarter (SW 1/4) of the Northwest quarter (NW 1/4) South 00° 23' East 142.98 feet to point of beginning; all located in the Southwest quarter (SW 1/4) of the Northwest quarter (NW 1/4) of Section Eleven (11), Township Twenty-four (24) South, Range Thirteen (13) West of Willamette Meridian, Coos County, Oregon.

Parcel No. 2

A parcel of real property within Coos County, Oregon, more particularly described as follows:

All that portion of the Northeast Quarter (NE 1/4) of Section 10, Township 24 South, Range 13 West of the Willamette Meridian lying East of the Southern Pacific Railroad right of way, excepting therefrom those portions conveyed by instruments recorded as Nos. 73-4-84731 and 76-11-17240, Deed Records, Coos County, Oregon.

AREA MAP



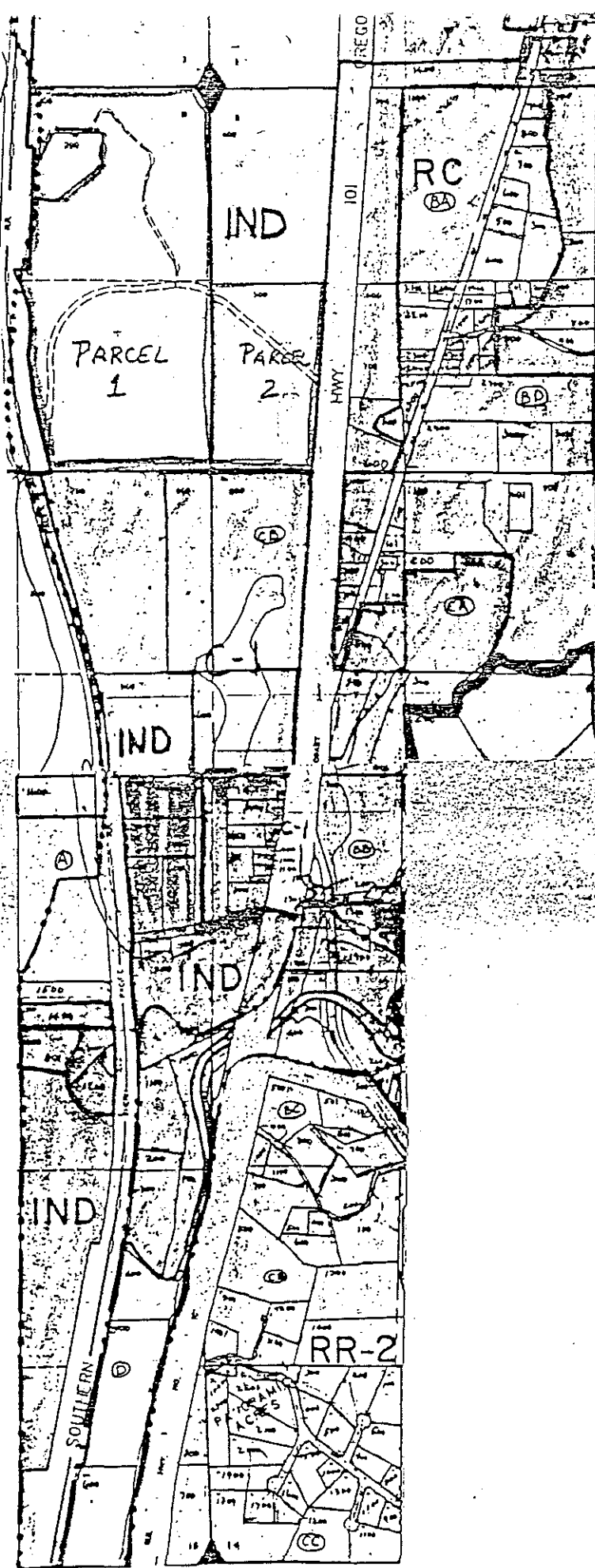


Exhibit 4

OWNERSHIP LIST FOR G. JEFFERSON CAMPBELL FOR PROPERTY LYING WITHIN
 Section 35, Township 23 South, Range 13, Sections 2, 3, 10, 11, 14
 and 15 of Township 24 South, Range 13 West of the Willamette
 Meridian, Coos County, Oregon. Our Order No. 6-50-182

NAMES AND ADDRESSES	ARB NO.	TAX LOT NO.	ACREAGE
Section 35, Township 23 South, Range 13			
John W. Purdy & L. L. %Guy M. Holliday 81149 North Beach Road Creswell, OR 97426	25	S35 TL900	3.00
Guy M. Holliday & Dana M. 81149 North Beach Road Creswell, OR 97426	24	S35 TL901	2.04
Ronald T. Andersen & Christine A. 7166 Wildwood Drive North Bend, OR 97459	79	S35 TL1000	8.90
John N. Schneider & L. B. 7122 Wildwood Drive North Bend, OR 97459	23	S35 TL1100	6.60
John N. Schneider & L. B. 7122 Wildwood Drive North Bend, OR 97459	21	S35 TL1200	6.40
Dorothy Jarvis (life estate) Lois M. Aungier et al 11302 SW Barber Boulevard Portland, OR 97219	26	S35 TL1300	54.08
Howard B. Lentz (life estate) Howard Lentz, Jr. & Gordon 1821 Johnson North Bend, OR 97459	16 17 38	S35 TL1400	2.12
William J. Burke & Louise C. 6544 Coast Highway North Bend, OR 97459	15	S35 TL1500	17.08
Louise C. Burke 6544 Coast Highway North Bend, OR 97459	91	sill assessed with TL1500	

Page 2.
Order No. 6-50-182

Lola C. Nutt 806 Huntington Avenue Huntington Beach, CA 92646	19	S35 TL1600	6.08
Darrel V. Mayhew & P. D. 2350 Commercial North Bend, OR 97459	20	S35 TL1700	10.00
James A. Holbert & M. Z. 2330 Broadway North Bend, OR 97459	28	S35BB TL100	14.85
DEAL PARK			
Thurman R. Goodman & Mary J. 1240 North Way North Bend, OR 97459		S35BB TL200	.24
Robert F. Harvey & Eleanor A. 454 Northwood Road North Bend, OR 97459		S35BB TL500	2.35
Coos County		S35BB TL600	.04
Leo L. Bing & Winifred M. 1021 South 12th Street Tacoma, WA 98444		S35BB TL700	.12
James R. Kelly & Barbara A. 1113 Ranch Road Reedsport, OR 97467		S35BB TL800	.58
Monika P. Butcher P. O. Box 8236 Portland, OR 97207		S35BB TL900	.44
William N. Grannell & M. E. P. O. Box 12729 Salem, OR 97309		S35BB TL1000	.90
Willis G. Harding & E. E. %William N. Grannell & M. E. P. O. Box 12729 Salem, OR 97309		S35BB TL1100	.91

Page 3.

Order No. 6-50-182

James B. Mills & Susan N. S35BB TL1200 .07
 P. O. Box 946
 North Bend, OR 97459

Mike Smith & Cindy S35BB TL1400
 P. O. Box 85
 Douglas, AK 99824

LAKWOOD PARK

Stanley O. Scelrath & Judith Ann S35BC TL100
 %David L. Hudson Jr.
 232 Lakewood Road
 North Bend, OR 97459

Roger Morrell & Virginia S35BC TL200
 254 Lakewood Drive
 North Bend, OR 97459

John M. Wright & K. L. S35BC TL300
 253 Lakewood Drive
 North Bend, OR 97459

Everett Allen & Tess S35BC TL400
 249 Lakewood Drive
 North Bend, OR 97459

Harold D. Peck & C. M. S35BC TL500 .72
 16234 SW Wright
 Beaverton, OR 97005

Donald H. Banta & C. P. S35BC TL600
 237 Lakewood Drive
 North Bend, OR 97459

Donald H. Banta & C. P. S35BC TL700 .12
 237 Lakewood Drive
 North Bend, OR 97459

Robert T. VanLandingham S35BC TL701
 233 Lakewood Drive
 North Bend, OR 97459

James S. Cochran & Mary McKay S35BC TL800
 229 Lakewood Drive
 North Bend, OR 97459

Page 4.

Order No. 6-50-182

John E. Hoffman & M. L.
225 Lakewood Drive
North Bend, OR 97459

S35BC TL900

Robert L. Palmer & Gertrude T.
%James Bradley & #.
221 Lakewood Drive
North Bend, OR 97459

S35BC TL1000

Rachel H. Davis
%Duane A. Davis & Patricia
217 Lakewood Drive
North Bend, OR 97459

S35BC TL1100

Edward R. Lind & Alice M.
135 East Prather Highway #10 C
Sparks, NV 89431

S35BC TL1200

Lorne T. Swenson & Rachel H.
211 Lakewood Drive
North Bend, OR 97459

S35BC TL1300

James E. Emerson & Pauline H.
209 Lakewood Drive
North Bend, OR 97459

S35BC TL1400

Section 35, Township 23 South, Range 13

Dorothy Jarvis (life estate)
Lois M. Aungier et al
11302 SW Barber Boulevard
Portland, OR 97219

37

S35BC TL1500

.45

Kenneth L. Waldron & Aimee
%James D. Henson
1400 Newmark
Coos Bay, OR 97459

39

S35BC TL1600

.79

Anthony Barness, Jr. & Virginia L.
P. O. Box 3448
Coos Bay, OR 97420

32

S35BC TL1700

.59

Henry T. Scheirman & Mary
950 Spalding Road
Coos Bay, OR 97459

29

S35BC TL1800

.69

Page 5.
Order No. 6-50-182

Earl W. Parken & Norma Lee 30 S35BC TL1900 .52
1090 Clark Street
North Bend, OR 97459

Mary M. Seibel (life estate) 31 S35BC TL2000 .41
W. B. Young & M. A. Debolt
226 Island Drive
North Bend, OR 97459

Leonard S. Orr & Charles D. 34 S35BC TL2100 .37
2820 Stormes Avenue
Oroville, CA 95965

NORTHWOOD

Edwin J. Quinn & Amelia S35BC TL2200
1890 Waite #01
North Bend, OR 97459

Rondall P. Bracken & Paula F. S35BC TL2300 .32
885 South 42nd Street
Springfield, OR 97477

M. G. Strassburg & Starlene S35BC TL2400
318 Northwood Road
North Bend, OR 97459

Ralph C. Shivers, et al S35BC TL2500 .23
%Laurence R. Dixon & Gayle A.
1466 Sardine Court
Gold Hill, Or 97525

Ralph C. Shivers, et al S35BC TL2600 .23
Laurence R. Dixon & Gayle A.
1466 Sardine Court
Gold Hill, OR 97525

J. L. Lapp & Mae O. S35CB TL1200
306 Northwood Road
North Bend, OR 97459

Jack D. Ripper & Nellie C. S35CB TL1800
P. O. Box 489
North Bend, OR 97459

Page 6.

Order No. 6-50-182

Jack D. Ripper & Nellie C.
P. O. Box 489
North Bend, OR 97459

S35CB TL1900

Western Bank
P. O. Box 1720
Coos Bay, OR 97420

S35CB TL2000

Walter R. White & L. L.
319 Maud Lake
North Bend, OR 97459

S35CB TL2100

Adolph Bastendorff
2226 McPherson
North Bend, OR 97459

S35CB TL2200

Section 35, Township 23 South, Range 13

Sylvester J. Savery
P. O. Box 6596
Brookings, OR 97415

75

S35 TL3100

25.55

Ella F. Savery
6320 Coast Highway
North Bend, OR 97459

74

S35 TL3101

5.05

Sylvester J. Savery & Ella F.
P. O. Box 6596
Brookings, OR 97415

76

S35 TL3200

.36

Myron D. Cain & Loretta
6254 Coast Highway
North Bend, OR 97459

in 83

S35 TL3300

.20

Dorothy Jarvis (life estate)
Lois M. Aungier, et al
11302 SW Barber Boulevard
Portland, OR 97219

72

S35 TL3400

7.00

Myron D. Cain & Loretta
6254 Coast Highway
North Bend, OR 97459

in 83

S35 TL3500

2.88

Tommy D. Devlin & R. A.
6276 Coast Highway
North Bend, OR 97459

73

S35 TL3600

.69

Page 7.
Order No. 6-50-182

SAUNDERS LAKE

Fred C. Fischer & C. P. S35CC TL500
119 Crannog Road
North Bend, OR 97459

Section 35, Township 23 South, Range 13

Theodore I. Martindale & F. 48 S35CC TL600 4.69
5997 Saunders Lake Road
North Bend, OR 97459

Donald E. Barrington & Joann L. 51 S35CC TL700 4.55
5973 Saunders Lake Road
North Bend, OR 97459

State of Oregon 49 S35CC TL800 .45
Highway Commission

Donald E. Barrington & J. L. 50 S35CC TL900 .33
5973 Saunders Lake Road
North Bend, OR 97459

Fredric G. Mahaney & Donna M. 58 S35CC TL1000 .62
P. O. Box 251
North Bend, OR 97459

Hale Crabb & June 57 S35CC TL1100 .52
5917 Saunders Lake Road
North Bend, OR 97459

Paul J. Burgett & Karleen Arney 56 S35CC TL1200 1.60
1751 Milligan
Coos Bay, OR 97420

T. H. Crawford & A. L. 55 S35CC TL1300 .23
163 Willow Lane
North Bend, OR 97459

Doris M. Mann 54 S35CC TL1400 1.10
178 Willow Lane
North Bend, OR 97459

Page 8.

Order No. 6-50-182

Joseph E. Branscomb J. Mehringer (agent) 492 Park Avenue Eugene, OR 97404	52	S35CC TL1500	.99
Joseph E. Branscomb J. Mehringer (agent) 492 Park Avenue Eugene, OR 97404	53	S35CC TL1600	.95
Richmond G. Chaney & W. R. 227 Dunes Road North Bend, OR 97459	77	S35CC TL1700	2.46
Stephen C. Johnson & Barbara A. 214 Dunes Road North Bend, OR 97459	44	S35CC TL1800 ALSO Lot 26 Southwood	.90
Esther V. Warkentin 160 Circle Drive North Bend, OR 97459	45	S35CC TL1900	1.10
Richmond G. Chaney & W. R. 227 Dunes Road North Bend, OR 97459	80	S35CC TL2000	1.10
Frank Setelia & Brenda L. Snyder %Ronald F. Setelia & P. 229 Dunes Road North Bend, OR 97459	47	S35CC TL2100 ALSO Lot 24 Southwood	.82
Dalton Leo Sewell & L. B. 223 Dunes Road North Bend, OR 97459	46	S35CC TL2200 ALSO Lot 25 Southwood	.95
Cecil W. Sharp & Gordon L. 2650 Frontage Road Reedsport, OR 97467	66	S35CD TL100	8.13
Vera L. Sharp 320 Sharp Lane North Bend, OR 97459	67	S35CD TL200	2.17
Elizabeth Conlin Donald C. Simmons & Gladys 285 Sharp Lane North Bend, OR 97459	68 69	S35CD TL300	1.57

Page 9.

Order No. 6-50-182

John D. Shearer 191 Sharp Lane North Bend, OR 97459	78	S35CD TL400	.95
Cecil W. Sharp & Gordon L. 2650 Frontage Road Reedsport, OR 97467	70	S35CD TL500	.58
James A. Smejkal 280 Saunders Lake Drive North Bend, OR 97459	71 84	S35CD TL600	5.57
Clarence E. Ridling & B. L. 5940 Wildwood Drive North Bend, OR 97459	62	S35CD TL700	2.37
Elton Ridling & Betty 5940 Wildwood Drive North Bend, OR 97459	61	S35CD TL800	1.74
Clarence E. Ridling & B. L. 5940 Wildwood Drive North Bend, OR 97459	60	S35CD TL900	.56
Leo A. McLain & Delma R. 5918 Wildwood Drive North Bend, OR 97459	59	S35CD TL1000	1.43
Lloyd E. Cochran & Ethel W. 5922 Wildwood Drive North Bend, OR 97459	82	S35CD TL1100	2.80
Nina F. Hogan Chester D. Crabb & Jake L. %Lloyd E. Cochran & Ethel W. 5922 Wildwood Drive North Bend, OR 97459	63 64	S35CD TL1200	1.00
Cecil W. Sharp & Gordon L. 2650 Frontage Road Reedsport, OR 97467	65	S35CD TL1300	9.09

Page 10.
Order No. 6-50-182

SOUTHWOOD

Ernest R. Edick & W. L. %E. Irene Wilkinson & John D. Patton Jr. 322 Peninsula Drive North Bend, OR 97459	S35CB TL2700	
Edwin R. Grossaint & Mildred 326 Peninsula Drive North Bend, OR 97459	S35CB TL2701	.10
Kenneth Mickelson & Elizabeth P. O. Box 462 North Bend, OR 97459	S35CB TL3000	
John W. Golembiewski & Linda M. 4004 Meadowwood Court Mobile, AL 36609	S35CB TL3100	
Garnet Johnson (life estate) Vicky Katsikis & Wilfred A. Johnson 333 Peninsula Drive North Bend, OR 97459	S35CB TL3200	.22
Garnet Johnson (life estate) Vicky Katsikis & Wilfred A. Johnson 333 Peninsula Drive North Bend, OR 97459	S35CB TL3300	.14
Ian C. Hastings & C. %Christopher A. Engel 329 Peninsula Drive North Bend, OR 97459	S35CB TL3400	
Ian C. Hastings & C. %Christopher A. Engel 329 Peninsula Drive North Bend, OR 97459	S35CB TL3500	.31
Carl Pearson & Julia A. 321 Peninsula Drive North Bend, OR 97459	S35CB TL3600	
Horace W. Riley & Metha 3591 Vista Drive North Bend, OR 97459	S35CC TL2400	
James D. Carter & A. M. 314 Pensinsula #01 North Bend, OR 97459	S35CC TL2600	

Page 11.
Order No. 6-50-182

SAUNDERS LAKE

State of Oregon S35CB TL100 1.06
Game Commission

David L. Hudson & L. M. S35CB TL200
138 Crannog Road
North Bend, OR 97459

Norman W. Smyth & Beverly W. S35CB TL300
134 Crannog Road
North Bend, OR 97459

Harold L. Kirk & Betty V. S35CB TL400
132 Crannog Road
North Bend, OR 97459

ISLAND PARK

Weslie C. Robinson & B. S35CB TL500
210 Island Drive
North Bend, OR 97459

Norman Lyle Steward S35CB TL600
218 Island Drive
North Bend, OR 97459

Mary M. Seibel (life estate) S35CB TL700
W. B. Young & M. A. Debolt
226 Island Drive
North Bend, OR 97459

Mary M. Seibel (life estate) S35CB TL800
Wayne B. Young & M. A. Debolt
226 Island Drive
North Bend, OR 97459

Mary M. Seibel (life estate) S35CB TL900
W. B. Young & M. A. Debolt
226 Island Drive
North Bend, OR 97459

William L. Gill & Edith L. S35CB TL1000
234 Island Drive
North Bend, OR 97459

Page 12.

Order No. 6-50-182

Richard C. Brown & Ella
238 Island Drive
North Bend, OR 97459

S35CB TL1100

Alberta M. Wilson &
Jessie A. Cheney
P. O. Box 97
North Bend, OR 97459

S35CB TL2300

.71

Leona Marion Martin
204 Sycamore Street
Swainsboro, GA 30401

S35CB TL2400

Mary M. Seibel (life estate)
Wayne B. Young & Mary A. Debolt
226 Island Drive
North Bend, OR 97459

S35CB TL2500

Stephen C. Johnson & Barbara A.
214 Dunes Road
North Bend, OR 97459

S35CB TL2600

SAUNDERS LAKE

Larry B. McCormack & Joan T.
110 Crannog Road
North Bend, OR 97459

S35CC TL100

Harold E. Scott & W. M.
114 Crannog Road
North Bend, OR 97459

S35CC TL200

Stanley Fagin & Hazel
P. O. Box 3507
Coos Bay, OR 97420

S35CC TL400

Michael R. Lee & L. C.
122 1/2 Crannog
North Bend, OR 97459

S35CC TL401

Fred C. Fischer & C. P.
119 Crannog Road
North Bend, OR 97459

S35CC TL500

Page 13.
Order No. 6-50-182

Section 2, Township 24 South, Range 13

George M. Riley & Edna E. 5335 Coast Highway North Bend, OR 97459	in 41 45 56.	S02 TL400	86.17
Doyle W. Hall & C. E. 197 Raymond Road North Bend, OR 97459	35	S02BA TL100	2.79
Charles G. Hayward & D. B. 5808 Wildwood Drive North Bend, OR 97459	34	S02BA TL200	4.43
Clyde L. Head & B. J. %William R. Hastings & Carole L. 5852 Wildwood Drive North Bend, OR 97459	37	S02BA TL300	1.15
Rolland M. Cole & Colleen 5815 Wildwood Drive North Bend, OR 97459	39	S02BA TL400	2.73
Fred Parks & Joyce F. 530 Ridge Road North Bend, OR 97459	36	S02BA TL500	2.06
Galen Tarter 130 West Sixth Street Medford, OR 97501	101	S02BA TL600	1.00
Richard C. Ball 190 Raymond Road North Bend, OR 97459	33	S02BA TL700	2.91
Richard C. Ball 190 Raymond Road North Bend, OR 97459	142	S02BA TL701	.94
Dennis C. Wormington & Barbara A. 280 Raymond Road North Bend, OR 97459	137	S02BA TL800	1.02

Page 14.
Order No. 6-50-182

Lloyd E. Fowler & L. K. 210 Raymond Road North Bend, OR 97459	127	S02BA TL900	1.35
Linda J. Bessey %Warren Whitsell & M. F. 180 Crawford Drive North Bend, OR 97459	31 128	S02BA TL1000	2.45
Rolland M. Cole & Colleen 5815 Wildwood Drive North Bend, OR 97459	in 30	S02BA TL1100	.47
Rolland M. Cole & Caraleen J. Reeves 5815 Wildwood Drive North Bend, OR 97459	32	S02BA 1300	.04
Rolland M. Cole & Colleen 5815 Wildwood Drive North Bend, OR 97459	in 30 100	S02BA TL1400	5.45
CEDAR NOOK			
Leonard Lux & Jemima M. 5753 Wildwood Drive North Bend, OR 97459		S02BA TL1600	.46
William N. Hess & V. M. 1999 North Eighth Street Coos Bay, OR 97420		S02BA TL1700	
Howard S. Martin & L. L. P. O. Box S Lakeside, OR 97449		S02BA TL1800	.32
Howard S. Martin & L. L. P. O. Box S Lakeside, OR 97449		S02BA TL1900	.32
Daniel W. Arnett & P. A. 5741 Wildwood Drive North Bend, OR 97459		S02BA TL2000	.64
Daniel W. Arnett & P. A. 5741 Wildwood Drive North Bend, OR 97459		S02BA TL2200	.32

Page 15.
Order No. 6-50-182

Robert Gordon 8970 Huff Avenue NE Salem, OR 97303	S02BA TL2300	.47
Tecky, Inc. P. O. Box 3614 Coos Bay, OR 97420	S02BA TL2400	.32
Robert G. Wilmont & Sandra 5687 Wildwood Drive North Bend, OR 97459	S02BA TL2500	.32
Lois I. Miller 1817 Third Avenue North Seattle, WA 98109	S02BA TL2600	.32
Lois I. Miller 1817 Third Avenue North Seattle, WA 98109	S02BA TL2700	.61
Harold I. Moretz & S. 195 Thunder Road North Bend, OR 97459	S02BA TL2800	.32
Eugene E. Kellogg & K. V. 235 South Comucopia Exeter, CA 93221	S02BA TL2900	.32
Bill R. Hargis & T. R. 195 Thunder Road North Bend, OR 97459	S02BA TL3000	
Bill R. Hargis & T. R. 195 Thunder Road North Bend, OR 97459	S02BA TL3100	.31
M. Allene Jacobson P. O. Box 1049 Tonopah, NV 89049	S02BA TL3200	.96
Clair B. Walker & Cordelia O. Melodee M. Gentry 5683 Wildwood Drive North Bend, OR 97459	S02BA TL3300	.46

Page 16.
Order No. 6-50-182

Section 2, Township 24 South, Range 13

Jesse D. Brubaker & Betty M. Bastendorff 5873 Saunders Lake Road North Bend, OR 97459	49	S02BB TL100	1.52
R. S. Fitzgerald & D. M. 5835 Saunders Lake Road North Bend, OR 97459	50	S02BB TL200	1.72
Allen Crawford P. O. Box 791 North Bend, OR 97459	51 116	S02BB TL300	1.66
T. H. Crawford & A. L. 163 Willow Lane North Bend, OR 97459	53	S02BB TL400	1.26
Doris M. Mann 178 Willow Lane North Bend, OR 97459	54	S02BB TL600	1.03
Paul Cook & Peggy P. O. Box 791 North Bend, OR 97459	55	S02BB TL700	1.52
Doris M. Mann 178 Willow Lane North Bend, OR 97459	52	S02BB TL800	2.55
George M. Riley & Edna E. 5335 Coast Highway North Bend, OR 97459	46 47	S02BB TL900	18.81
Sharon Crutchfield 2587 Sherman North Bend, OR 97459	48	S02BB TL1000	1.00
Richard Prouty & S. J. 160 Forest Drive North Bend, OR 97459	146	S02BD TL100	1.51
Thomas Alton Banton & Frances Olive %Harold A. Miller & C. 180 Forest Drive North Bend, OR 97459	29	S02BD TL101	1.47

Page 17.
Order No. 6-50-182

Michael H. Gibson P. O. Box 192 Gardiner, OR 97441	144	S02BD TL200	1.50
Harold A. Miller & C. 180 Forest Drive North Bend, OR 97459	in 124	S02BD TL300	1.01
Harold A. Miller & C. 180 Forest Drive North Bend, OR 97459	in 124	S02BD TL400	.33
Terry L. Hale & Debra 140 Forest Drive North Bend, OR 97459	27	S02BD TL500	1.71
Gilbert C. Fickett & Jssie L. 363 Shutters Landing Road North Bend, OR 97459	129	S02BD TL600	1.15
Virgil Shefstad & Caryl 5593 Wildwood Drive North Bend, OR 97459	42	S02BD TL700	3.79
Harry D. Cope & Yvola 5593 Wildwood Dirve North Bend, OR 97459	150	S02BD TL701	1.06
George M. Riley & Edna E. 5335 Coast Highway North Bend, OR 97459	in 41 45 56	S02BD TL800	.23
Evelyn J. Haynes %Marie-Annick Mangold 5545 Wildwood Drive North Bend, OR 97459	28	S02BD TL900	4.87
Clifford V. Freude 2020 Kentuck Way North Bend, OR 97459	43 92	S02BD TL1000	6.49
John C. Brockett & M. H. %David A. Karow & Marilyn K. 5477 Wildwood Drive North Bend, OR 97459	44	S02BD TL1100	5.00

Page 18.
Order No. 6-50-182

Wade W. McDougall & Helen L. in 136 S02BD TL1200 .68
P. O. Box 807
North Bend, OR 97459

Cliff C. Freude & P. A. 26 S02BD TL1300 .16
2020 Kentuck Way
North Bend, OR 97459

PLAT OF NORTH WOODS

J. K. Fitzpatrick, et al S02BD TL1400
%Lewis E. Orr & Irene
P. O. Box 1276
Gold Beach, OR 97444

J. K. Fitzpatrick, et al S02BD TL1500
%Lewis E. Orr & Irene
P. O. Box 1276
Gold Beach, OR 97444

J. K. Fitzpatrick, et al S02BD TL1600
%Lewis E. Orr & Irene
P. O. Box 1276
Gold Beach, OR 97444

J. K. Fitzpatrick, et al S02BD TL1700
%Lewis E. Orr & Irene
P. O. Box 1276
Gold Beach, OR 97444

J. K. Fitzpatrick, et al S02BD TL1800
%Lewis E. Orr & Irene
P. O. Box 1276
Gold Beach, OR 97444

J. K. Fitzpatrick, et al S02BD TL1900
%Lewis E. Orr & Irene
P. O. Box 1276
Gold Beach, OR 97444

J. K. Fitzpatrick, et al S02BD TL2000
%Lewis E. Orr & Irene
P. O. Box 1276
Gold Beach, Or 97444

Page 19.
Order No. 6-50-182

J. K. Fitzpatrick, et al %Lewis E. Orr & Irene P. O. Box 1276 Gold Beach, Or 97444		S02BD TL2100	
J. K. Fitzpatrick, et al %Lewis E. Orr & Irene P. O. Box 1276 Gold Beach, OR 97444		S02BD TL2200	
J. K. Fitzpatrick, et al %Lewis E. Orr & Irene P. O. Box 1276 Gold Beach, OR 97444		S02BD TL2300	
Section 2, Township 24 South, Range 13			
Wade W. McDougall & Helen L. P. O. Box 807 North Bend, OR 97459	in 136	S02BD TL2400	2.00
Real Estate Loan Fund Oreg. Ltd. %Rita R. Johnson 204 White Lane North Bend, OR 97459	24	S02BD TL2500	1.01
Leslie G. Hunter & S. C. 220 White Lane North Bend, OR 97459	141	S02BD TL2501	1.00
Section 2, Township 24 South, Range 13			
George M. Riley & Edna E. 5335 Coast Highway North Bend, OR 97459	in 56	S02 TL400	86.17
Michael D. McDaniel & Elizabeth M. .195 Shutters Landing Road North Bend, OR 97459	77	S02CA TL100	.54
Ernest B. Szabo & M. E. 2550 Ocean Boulevard Coos Bay, OR 97420	78	S02CA TL200	.87

Page 20.
Order No. 6-50-182

Gary T. Mitchell & M. 5450 Wildwood Drive North Bend, OR 97459	79	S02CA TL300	1.46
George M. Riley & Edna E. %James A. William & Creagh P. 5405 Wildwood Drive North Bend, OR 97459	in 56	S02CA TL500	10.03
George M. Riley %Wayne Gervais 185 Isthmus Coos Bay, OR 97420	in 56	S02CA TL600	7.14
Coos County Mounted Sheriff's Posse	133	S02CA TL700	5.04
Elsie L. Rogers 5334 Wildwood Drive North Bend, OR 97459	75	S02CA TL800	3.56
Well Taylor Johnson (life estate) Western Oregon Conference 7th Day Adventist 180 Shutters Landing Road North Bend, OR 97459	119	S02CA TL900	.98
Donald D. Banta & Wanda L. 5268 Wildwood Drive North Bend, OR 97459	76	S02CA TL1000	.48
Amelia A. Fry (life estate) Clark L. Fry, et al 5236 Wildwood Drive North Bend, OR 97459	71	S02CA TL1100	.72
Coos County	151	S02CA TL1200	.26
Coos County	67	S02CA TL1300	.09
Terry L. Stuhlmiller 5228 Wildwood Drive North Bend, OR 97459	69 105	S02CA TL1400	.46
Earl W. Badgley & Audrey R. 5224 Wildwood Drive North Bend, OR 97459	70	S02CA T11500	.22

Page 21.
Order No. 6-50-182

Richard E. McMillan & Patricia M. 113 Branch Lane North Bend, OR 97459	65	S02CA TL1600	.21
Richard E. McMillan & Patricia M. 113 Branch Lane North Bend, OR 97459	104	S02CA TL1700	.23
Leota S. Ryan %Robert G. Wheadon & Jolly V. 303 Stage Road North Bend, OR 97459	64	S02CA TL1800	.23
Coos County	152	S02CA TL1900	.33
Central Lincoln PUD	58 95 96	S02CA TL2000	3.43
George M. Riley & Edna E. %Donald D. Breakfield & Mary 5339 Coast Highway North Bend, OR 97459	in 56	S02CA TL2100	4.40
Albert C. Nasby & L. P. 138 Branch Lane North Bend, OR 97459	66	S02CD TL100	.23
James E. McGlothlin & Shirley E. 126 Branch Lane North Bend, OR 97459	68	S02CD TL200	.23
William A. Gordon & Mildred R. HC 52 Box 461 D Coos Bay, OR 97420	73	S02CD TL300	.19
Irving A. BOGS (life estate) Phillip D. Bogs, et al 5116 Wildwood Drive North Bend, OR 97459	74	S02CD TL400	1.13
Thomas J. Slechta & Theresa M. 5092 Wildwood Drive North Bend, OR 97459	72	S02CD TL500	.97

Page 22.
Order No. 6-50-182

Haueser Community Church 5050 Wildwood Drive North Bend, OR 97459	61	S02CD TL600	2.60
Keith P. Mouser & Barbara L. 5013 Wildwood Drive North Bend, OR 97459	149	S02CD TL700	.69
Hauser Community Church 5050 Wildwood Drive North Bend, OR 97459	132	S02CD TL800	1.02
Hauser Community Church 5050 Wildwood Drive North Bend, OR 97459	145	S02CD TL900	3.92
George M. Riley & Edna E. %Donald O. Breakfield & Mary 5339 Coast Highway North Bend, OR 97459	60	S02CD TL1000	3.94
George M. Riley & Edna E. %Donald O. Breakfield & Mary 5339 Coast Highway North Bend, OR 97459	in 56	S02CD TL1100	9.21
Robert E. Christiansen 2500 East Bay Drive #5A North Bend, OR 97459	134	S02CD TL1200	9.95
William B. Precht1 & Gertrude 4995 Wildwood Drive North Bend, OR 97459	59	S02CD TL1300	.92
Kenneth S. Solomon %Esther Schneider 4825 Wildwood Drive North Bend, OR 97459	115	S02CD T11400	3.93
Russell D. Wayland & Virginia V. 869 SW Camano Drive Camano Island, WA 98292	40 63 102 103	S02CD TL1500	2.01
William F. Goodman & R. L. 153 Nabb Road North Bend, OR 97459	153	S02CD TL1600	1.25

Page 23.
Order No. 6-50-182

Sterling M. Bolton & E. M. 4898 Wildwood Drive North Bend, OR 97459	62	S02CD TL1700	1.05
Section 3, Township 24 South, Range 13.			
George M. Riley & Edna E. 5335 Coast Highway North Bend, OR 97459	2	S03 TL100	227.56
Section 10, Township 24 South, Range 13			
C. V. McKeown 4399 Coast Highway North Bend, OR 97459	2	S10 TL100	70.90
Michael J. McKeown & P. P. O. Box 1088 North Bend, OR 97459	11	S10 TL200	3.10
Reservation Ranch P. O. Box 75 Smith River, CA 95567	3	S10 TL700	21.00
LeRoy E. Hanson & B. Jane L. Hanson, et al 4125 Coast Highway North Bend, OR 97459	5	S10 TL800	10.00
Southern Pacific Company Tax Department 304 Union Station Portland, OR 97209	6	S10 TL900	18.48
Section 11, Township 24 South, Range 13			
Kenneth S. Solomon Esther Schneider 4825 Wildwood Drive North Bend, OR 97459	in 48	S11 TL300	7.77
George M. Riley & Edna E. 5335 Coast Highway North Bend, OR 97459	20	S11 TL400	25.00

Page 24.

Order No. 6-50-182

Raymond M. McKeown & C. V. 4399 Coast Highway North Bend, OR 97459	in 53	S11 TL500	22.12
Raymond M. McKeown & C. V. 4399 Coast Highway North Bend, OR 97459	in 53	S11 TL600	8.48
Ida Marie Jenkins 33817 Jenkins Road Cottage Grove, OR 97424	54	S11 TL700	1.32
Gerald J. Haider & D. S. 4395 Wildwood Drive North Bend, OR 97459	55	S11 TL800	.56
Douglas E. Johnson & Rhonda 316 Sandbug Lane North Bend, OR 97459	47	S11BA TL100	7.06
John T. Clark & R. E. 298 Sandbug Lane North Bend, OR 97459	83	S11BA TL200	1.64
James E. Furgason & B. 4748 Wildwood Drive North Bend, OR 97459	49	S11BA TL300	2.85
Joan M. Brennan %Norman O. Oyler & Matthew L. 4682 Wildwood Drive North Bend, OR 97459	51	S11BA TL400	2.20
Claudene L. Fry P. O. Box 465 North Bend, OR 97459	52	S11BA TL500	1.06
Dorothy M. Kellogg 4810 Wildwood Drive North Bend, OR 97459	82	S11BA TL600	1.00
John E. Melton & A. P. 4846 Wildwood Drive North Bend, OR 97459	50	S11BA TL700	2.64

Page 25.

Order No. 6-50-182

Keith F. Bowden & Norma 866 Wildwood Drive North Bend, OR 97459	89	S11BA TL800	1.04
Earl L. Young and Viola M. 4886 Wildwood Drive North Bend, OR 97459	85	S11BA TL900	.83
Kenneth S. Solomon %Esther Schneider 4825 Wildwood Drive North Bend, OR 97459	in 48	S11BA TL1000	18.20
Robert C. Barnes & M. L. 256 Sandbug Lane North Bend, OR 97459	29 35 77	S11BD TL100	1.22
Robert O. Olson & M. L. 245 Sandbug Lane North Bend, OR 97459	36 37 80	S11BD TL200	.39
Donald S. Jacobson & Mabel 237 Sandbug Lane North Bend, OR 97459	33 34 103	S11BD TL501	1.42
Mabel Jacobson 237 Sandbug Lane North Bend, OR 97459	31	S11BD TL700	.02
Mary Ann Roethler & E. L. 209 Driftwood Inn Road North Bend, OR 97459	30	S11BD TL800	1.39
Gary L. Roethler S. John Velure & Lyle C. 2601 West Louise Tacoma, WA 98466	28	S11BD TL900	4.53
Ethan J. Heley & Tracy L. 142 Driftwood Inn Road North Bend, OR 97459	100	S11BD TL1000	.38
Willard B. Savey 166 Oak North Bend, OR 97459	101	S11BD TL1100	.68

Page 26.

Order No. 6-50-182

Donald J. Jolley & Debrah A. 4510 Wildwood Drive North Bend, OR 97459	86	S11BD TL1200	.34
Vernon E. Kelly & Junita E. 4532 Wildwood Drive North Bend, OR 97459	90	S11BD TL1300	.27
George W. Crawford & Beulah M. 4546 Wildwood Drive North Bend, OR 97459	99	S11BD TL1400	.23
W. W. Dunn & M. R. %Harold R. Coleman & Wandell J. 154 Driftwood Inn Road North Bend, OR 97459	40	S11BD TL1500	.49
Madillyn M. Gaoiran 159 Driftwood Inn Road North Bend, OR 97459	46	S11BD TL1600	.52
Thurman R. Goodman & Mary J. 1240 North Way North Bend, OR 97459	39	S11BD TL1700	.55
Larry J. Jacobson & Margo J. 241 Circle Drive North Bend, OR 97459	32	S11BD TL1800	.79
Shirley May Music 4640 Wildwood Drive North Bend, OR 97459	41	S11BD TL1900	.42
Ray E. Shaw & F. G. %William J. Workman & M. 4599 Wildwood Drive North Bend, OR 97459	42	S11BD TL2000	.59
Doris A. Kimble P. O. Box 14 Hamilton, WA 98255	44	S11BD TL2100	.93
John W. Walker & Susan M. 4557 Wildwood Drive North Bend, OR 97459	45	S11BD TL2200	1.90

Page 27.
Order No. 6-50-182

Lloyd Spurgin & Joyce P. O. Box 74 North Bend, OR 97459	38	S11BD TL2300	.50
Frank J. Green & Mary D. 4483 Wildwood Drive North Bend, OR 97459	43	S11BD TL2400	.38
Harry Dejabet %Melvin T. Allen & N. A. 413 Big Creek Road Lakeside, OR 97449	25	S11BD TL2500	.85
W. Potts & G. Lumpkin, Trustees Hauser Road North Bend, OR 97459	27	S11BD TL2600	.47
Maxine A. Reed and Linda L. Reed 1126 Kellogg Road North Bend, OR 97459	26	S11BD TL2700	8.25
Gerald J. Haider & D. S. 4395 Wildwood Drive North Bend, OR 97459	24	S11BD TL2800	.12
Bert B. Wyatt & Lucy G. 4388 Wildwood Drive North Bend, OR 97459	23	S11BD TL2900	4.45
Edward L. Brink & Irene B. 515 Viking Highway North Bend, OR 97459	98	S11BD TL3000	5.00
School District No. 13	75	S11 TL900	69.46
Hauser Rural Fire Protection P. O. Box 177 Coos Bay, OR 97420	96	S11 TL901	1.13
Donald M. Davison & Dickalon M. 433 Lakeshore Drive North Bend, OR 97459	69	S11C TL400	7.52

Page 28.
Order No. 6-50-182

Donald M. Davison & Dickalon M. 433 Lakeshore Drive North Bend, OR 97459	68	S11C TL500	1.25
Ernest Hayward & Alice E. 4156 Wildwood Drive North Bend, OR 97459	93	S11C TL501	2.01
Leroy E. Hanson & B. Jane L. Hanson, et al 4125 Coast Highway North Bend, OR 97459	in 56	S11C TL600	12.90
Jane L. Hanson, et al 4125 Coast Highway North Bend, OR 97459	81	S11C TL700	1.00
U. S. A.	94	S11CA TL100	6.04
Wendell A. Mesner & P. 4284 Wildwood Drive North Bend, OR 97459	74	S11CA TL200	1.02
Menasha 1980 Corporation Land & Timber Division P. O. Box 588 North Bend, OR 97459	70	S11CA TL300	11.20
Thomas J. Pirtle & C. B. Route 3, Box 41 Reedsport, OR 97467	63	S11CB TL100	.33
Linda J. Deeter %Norman W. Smyth & B. W. 134 Crannog North Bend, OR 97459	97	S11CB TL101	.46
Clemence Laskey (life estate) Robert P. Lovell & Judith M. 4250 Wildwood Drive North Bend, OR 97459	64	S11CB TL200	.81
Dwight Pargeon & E. M. 4276 Wildwood Drive North Bend, OR 97459	66 67	S11CB TL300	.80
Russell K. Maine & Margie Lucille 4184 Wildwood Drive North Bend, OR 97459	62	S11CB TL400	2.09

Page 29.
Order No. 6-50-182

Rueben Lyon & Marianne %Reuben Lyon, Jr. & G. 4160 Wildwood Drive North Bend, OR 97459	65	S11CB TL500	1.64
Ross C. Miles & Beverly A. %David Cardwell & J. 4163 Wildwood Drive North Bend, OR 97459	61	S11CB TL600	.58
Coos Curry Teachers Federal CU 851 North Central Boulevard Coquille, OR 97423	57	S11CB TL700	.51
Esther S. Schneider 4825 Wildwood Drive #5 North Bend, OR 97459	59	S11CB TL800	.65
Ray E. Centers & L. H. 4289 Wildwood Drive North Bend, OR 97459	60 78	S11CB TL900	.88
Ray E. Centers & L. H. %Marvin L. Schenck & M. 4263 Wildwood Drive North Bend, OR 97459	102	S11CB TL901	.47
Marrietta Dumont 4355 Wildwood Drive North Bend, OR 97459	58	S11CB TL1000	2.40
Leroy E. Hanson & B. Jane L. Hanson, et al 4125 Coast Highway North Bend, OR 97459	in 56	S11CB TL1100	19.13
Section 14, Township 24 South, Range 13			
Frank W. Koch & Shirley M. 228 Ranch Road North Bend, OR 97459	17	S14 TL300	5.00

Page 30.
Order No. 6-50-182

Leslie J. Myers & E. L. %Larry Burgin & Sara 240 Hidden Glen Drive Scotts Valley, CA 95066	in 22	S14 TL601	119.39
Lawrence C. Wallace & L. B. 145 Ranch Road North Bend, OR 97459	19	S14BA TL300	2.19
Lawrence C. Wallace & L. B., 145 Ranch Road North Bend, OR 97459	97	S14BA TL1100	.33
First Interstate Bank of Oregon P. O. Box 3131 Portland, OR 97208	18	S14BA TL1200	1.63
Menasha 1980 Corporation Land & Timber Division P. O. Box 588 North Bend, OR 97459	5	S14BB TL100	.19
Lorraine Ocana 117 Ranch Road North Bend, OR 97459	36	S14BB TL200	.17
Donald M. Davison & Dickalon M. 433 Lakeshore Drive North Bend, OR 97459	6	S14BB TL300	11.01
Kaye J. Howard & Dora 4117 Hauser Drive North Bend, OR 97459	23	S14BB TL400	1.61
Neil F. Ferre 4085 Hauser Road North Bend, OR 97459	28	S14BB TL500	1.56
Neil F. Ferre & B. 4085 Hauser Road North Bend, OR 97459	33	S14BB TL600	.95
Donald L. Garnett & F. M. 4059 Hauser Road North Bend, OR 97459	34 35	S14BB TL700	.33
Ralph M. Sutterfield & Patricia L. 4041 Hauser Road North Bend, OR 97459	32	S14BB TL800	1.29

Page 31.

Order No. 6-50-182

Victor H. Schmidt & Roberta 4025 Hauser Road North Bend, OR 97459	126	S14BB TL801	1.23
Charles J. Lucas & Frances P. 4035 Hauser Road North Bend, OR 97459	29	S14BB TL900	.24
Charles J. Lucas & Frances P. 4035 Hauser Road North Bend, OR 97459	30	S14BB TL1000	.24
James H. Burton & E. E. 4043 Hauser Road North Bend, OR 97459	31	S14BB TL1100	31
Frank C. Bowman & Doris M. 2865 North Bay Drive North Bend, OR 97459	25	S14BB TL1200	.43
Frank C. Bowman & Doris M. 2865 North Bay Drive North Bend, OR 97459	26	S14BB TL1300	.10
Ernest E. Hayward, Jr. & A. %Donald Hunter & Barbara 4011 Wildwood Drive North Bend, OR 97459	27	S14BB TL1400	.21
Conrad Wood Preserving Co. P. O. Box 59 Coos Bay, OR 97420	24	S14BB TL1600	.02
Conrad Wood Preserving Co. P. O. Box 59 Coos Bay, OR 97420	in 14 16 124	S14BB TL1601 S14BB TL1700	.02 8.37
Bud J. Weltzheimer & E. 132 Ranch Road North Bend, OR 97459	15	S14BB TL1800	.43
Conrad Wood Preserving Co. P. O. Box 59 Coos Bay, OR 97420	in 14	S14BC TL100	1.63

Page 32.
Order No. 6-50-182

Genevieve Kelly & D. F. Harry Hayden (agent) 2053 Maple Street #4 Longview, WA 98632	39 89	S14BC TL200	3.88
Coos County	133	S14BC TL300	.02
Coos County	40	S14BC TL400	3.10
Delbert S. Jones & Ruth I. 37115 Immigrant Road Pleasant Hill, OR 97401	in 59	S14BC TL500	3.34
Delbert S. Jones & Ruth I. %Don Haueter 3865 North Bay Drive North Bend, OR 97459	in 59	S14BC TL501	1.88
Delbert S. Jones & Ruth I. 37115 Immigrant Road Pleasant Hill, OR 97401	64	S14BC TL600	.54
Frank E. Merritt & Gladys 3749 North Bay Drive North Bend, OR 97459	52	S14BC TL700	2.15
Larry R. Young 188 Kelso Drive North Bend, OR 97459	58	S14BC TL800	2.07
Hilda L. Thomas Nolen Looman (agent) 63 Umpqua Star Route EX Oakland, OR 97462	--	S14BC TL900	.40
State of Oregon Highway Commission	61	S14BC TL1000	.78
Patrick L. Wyatt & Peggy A. 166 Kelso Drive North Bend, OR 97459	62	S14BC TL1100	1.09
U. S. A.	38	S15A TL100	5.11

Page 33.
Order No. 6-50-182

B. Roger Clark & C. J. 1515 17th Street North Bend, OR 97459	117	S15A TL800	12.95
General Telephone Company of the NW Coos Head Timber Co. P. O. Box 750 Coos Bay, OR 97420	128	S15A TL801	2.05
Layton B. Dierks & Harriett 3703 North Bay Drive North Bend, OR 97459	60	S14CB TL100	5.31
Hilda L. Thomas Nolen Looman (agent) 63 Umpqua Star Route Bx Oakland, OR 97462	86	S14CB TL200	.56
Colin S. James 3725 North Bay Drive North Bend, OR 97459	56	S14CB TL300	2.28
Sherrell D. Alford 210 Kelso Drive North Bend, OR 97459	103	S14CB TL400	.63
Gary Alford 2064 Sheridan North Bend, OR 97459	112	S14CB TL500	.68
Robert D. Boddie & Myrna V. 222 Kelso Drive North Bend, OR 97459	42	S14CB TL600	1.68
Larry R. Young & M. J. 188 Kelso Drive North Bend, OR 97459	57	S14CB TL700	3.00
Richard T. Carr & Loretta 2540 Coast Highway North Bend, OR 97459	46	S14CB TL800	6.27

Page 34.

Order No. 6-50-182

Joseph E. Bourell & V. J. 137 Kadora Drive North Bend, OR 97459	47	S14CB TL900	2.70
Alfred L. England & N. L. 506 East Avenue C Sweetwater, TX 79556	45	S14CB TL1000	.16
Anna M. Wenzel Trust 121 Kadora Drive North Bend, OR 97459	129	S14CB TL1001	1.03
Barry Lee Grant 157 Kadora Drive North Bend, OR 97459	44	S14CB TL1100	1.16
Robert E. Leckband & Constance A. 167 Kadora Drive North Bend, OR 97459	63	S14CB TL1200	1.59
Gary L. Gregor & Martha J. 244 Delore Road North Bend, OR 97459	55	S14CB TL1300	5.67
Murdie Linton & Robbie S. 317 Delor Road North Bend, OR 97459	54	S14CB TL1400	6.94
PANORAMIC ACRES			
Richard A. Fertig & F. J. 131 Tioga Place North Bend, OR 97459		S14CC TL100	
Theodore F. Thoren & Ruth E. 124 Tioga Place North Bend, OR 97459		S14CC TL200	
Ottis P. Grayson & Alice M. 181 Kadora Drive North Bend, OR 97459		S14CC TL300	
Department of Veterans Affairs %Gerald L. Ashenfelter & Judith M. P. O. ox 696 North Bend, OR 97459		S14CC TL400	.91

Page 35.

Order No. 6-50-182

Leonard H. Ackerman & Joan C. 165 Tioga Place North Bend, OR 97459	S14CC TL500	
Lanny Mix & Karen 2700 Highway 101 South Coos Bay, OR 97420	S14CC TL600	1.55
Spencer B. Heidi %Archie C. Mahon & B. 670 Kadora Drive North Bend, OR 97459	S14CC TL700	
Arthur R. Dietz, Jr. & Linda L. 579 Kadora Drive North Bend, OR 97459	S14CC TL800	.58
Thomas E. Coburn & B. K. 560 Kadora Drive North Bend, OR 97459	S14CC TL900	
Jimmie R. Keely & Donna L. 400 Kadora Drive North Bend, OR 97459	S14CC TL1000	
Henry H. Ronning & M. F. 320 Arawana Court North Bend, OR 97459	S14CC TL1100	
Tom B. Branderhorst & Marijke R. 280 Arawana Court North Bend, OR 97459	S14CC TL1200	3.16
Woodrow E. Burton & S. A. 232 Kadora Drive North Bend, OR 97459	S14CC TL1300	
George W. Baughman 228 Kadora Drive North Bend, OR 97459	S14CC TL1400	
Lloyd Levezow & Maridyth 1055 Lockhart North Bend, OR 97459	S14CC TL1500	

Page 36.

Order No. 6-50-182

Paul O. Grayson & Alice M. 181 Kadora Drive North Bend, OR 97459		S14CC TL1600	.72
Wayne B. Reeves & E. E. 140 Oceanic Court North Bend, OR 97459		S14CC TL1700	1.53
Wayne B. Reeves & E. E. 140 Oceanic Court North Bend, OR 97459		S14CC TL1800	4.73
Timothy E. Koppy & Ann E. %Paul W. Ehrlich 3600 Avenue G #33 White City, OR 97503		S14CC TL1900	
John F. Galloway 1730 Pamelaia Marietta, GA 30060		S14CC TL2000	1.76
Marvin A. Wickre & V. R. 100 Oceanic Court North Bend, OR 97459		S14CC TL2100	
J. Lawrence Perry & Anna E. P. O. Box 685 North Bend, OR 97459		S14CC TL2200	
Section 14, Township 24 South, Range 13			
Dennis D. Pooler & Rebecca A. 98 Kadora Drive North Bend, OR 97459	66	S14CC TL2300	1.85
Section 15, Township 24 South, Range 13			
U. S. A. Reservation Ranch P. O. Box 75 Smith River, CA 95567	23	S15A TL100	5.11
	18	S15A TL200	3.08
U. S. A. Forest Service	19	S15A TL300	2.97
U. S. A. Forest Service	20	S15A TL400	2.85

Page 37.

Order No. 6-50-182

U. S. A. Forest Service	26	S15A TL500	.08
U. S. A. Forest Service	21	S15A TL600	2.41
State of Oregon	22	S15A TL700	.64
B. Roger Clark & C. J. 1515 17th Street North Bend, OR 97459	31	S15A TL800	12.95
General Telephone Co. of the NW	34	S15A TL801	.05
D. M. Wright & Ora Sharp P. O. Box 345 Coquille, OR 97423	in 24	S15A TL900	.48
Coos Head Timber Co. P. O. Box 750 Coos Bay, OR 97420	in 8	S15A TL1000	3.90
Lewis Stankavich & Bonnie L. 369 Sandy Way North Bend, OR 97459	9	S15A TL1100	4.05
Coos Head Timber Co. P. O. Box 750 North Bend, OR 97459	in 8	S15D TL100	3.40
Timbertech, Inc. P. O. Box 632 North Bend, OR 97459	35	S15D TL200	5.78
D. M. Wright & Ora Sharp P. O. Box 345 Coquille, OR 97423	in 24	S15D TL300	
Dana M. Wright & Lucille P. O. Box 345 Coquille, OR 97423	10	S15D TL400	3.50
Samuel J. Slighton 9114 Fox Creek Stockton, CA 95205	11	S15D TL500	9.21

Page 38.
Order No. 6-50-182

U. S. National Bank of Oregon P. O. Box 3168 Portland, OR 97208	32	S15D TL600	6.05
Dennis D. Pooler & Rebecca A. 98 Kadora Drive North Bend, OR 97459	13 30	S15D TL800	5.93

THIS IS NOT A TITLE REPORT AND OUR LIABILITY IS THEREFORE EXPRESSLY LIMITED TO THE AMOUNT PAID FOR THIS SERVICE.-----

Exhibit 5

Page 39.

Order No. 6-50-182

OWNERSHIP LIST FOR G. JEFFERSON CAMPBELL FOR PROPERTY LYING WITHIN
Section 35, Township 23 South, Range 13, Sections 2, 3, 10, 11, 14
and 15 of Township 24 South, Range 13 West of the Willamette
Meridian, Coos County, Oregon. Our Order No. 6-50-182

NAMES AND ADDRESSES	ARB NO.	TAX LOT NO.	IMPROVEMENTS
Section 35, Township 23 South, Range 13			
John W. Purdy & L. L. Guy M. Holliday 81149 North Beach Road Creswell, OR 97426	25	S35 TL900	\$28,500.00
Ronald T. Andersen & Christine A. 7166 Wildwood Drive North Bend, OR 97459	79	S35 TL1000	600.00
John N. Schneider & L. B. 7122 Wildwood Drive North Bend, OR 97459	23	S35 TL1100	mobile home 2,700.00
John N. Schneider & L. B. 7122 Wildwood Drive North Bend, OR 97459	21	S35 TL1200	41,300.00
Howard B. Lentz (life estate) Howard Lentz, Jr. & Gordon 1821 Johnson North Bend, OR 97459	16 17 38	S35 TL1400	2,500.00
William J. Burke & Louise C. 6544 Coast Highway North Bend, OR 97459	15	S35 TL1500	mobile home 4,500.00
Louise C. Burke 6544 Coast Highway North Bend, OR 97459	91	sill assessed with TL1500	
DEAL PARK			
Robert F. Harvey & Eleanor A. 454 Northwood Road North Bend, OR 97459		S35BB TL500	69,700.00

Page 40.

Order No. 6-50-182

William N. Grannell & M. E. P. O. Box 12729 Salem, OR 97309	S35BB TL1000	44,300.00
James B. Mills & Susan N. P. O. Box 946 North Bend, OR 97459	S35BB TL1200	mobile home 2,100.00
Mike Smith & Cindy P. O. Box 85 Douglas, AK 99824	S35BB TL1400	mobile home 800.00
LAKEWOOD PARK		
Stanley O. Sceirath & Judith Ann David L. Hudson Jr. 232 Lakewood Road North Bend, OR 97459	S35BC TL100	16,800.00
Roger Morrell & Virginia 254 Lakewood Drive North Bend, OR 97459	S35BC TL200	57,600.00
John M. Wright & K. L. 253 Lakewood Drive North Bend, OR 97459	S35BC TL300	49,600.00
Everett Allen & Tess 249 Lakewood Drive North Bend, OR 97459	S35BC TL400	34,600.00
Donald H. Banta & C. P. 237 Lakewood Drive North Bend, OR 97459	S35BC TL600	mobile home 2,300.00
Robert T. VanLandingham 233 Lakewood Drive North Bend, OR 97459	S35BC TL701	20,800.00
James S. Cochran & Mary McKay 229 Lakewood Drive North Bend, OR 97459	S35BC TL800	31,100.00
John E. Hoffman & M. L. 225 Lakewood Drive North Bend, OR 97459	S35BC TL900	45,300.00

Page 41.

Order No. 6-50-182

Robert L. Palmer & Gertrude T. %James Bradley & #. 221 Lakewood Drive North Bend, OR 97459		S35BC TL1000	16,400.00
Rachel H. Davis %Duane A. Davis & Patricia 217 Lakewood Drive North Bend, OR 97459		S35BC TL1100	23,900.00
Lorne T. Swenson & Rachel H. 211 Lakewood Drive North Bend, OR 97459		S35BC TL1300	mobile home 2,400.00
James E. Emerson & Pauline H. 209 Lakewood Drive North Bend, OR 97459		S35BC TL1400	mobile home 1,400.00
Section 35, Township 23 South, Range 13			
Kenneth L. Waldron & Aimee %James D. Henson 1400 Newmark Coos Bay, OR 97459	39	S35BC TL1600	32,700.00
Anthony Barness, Jr. & Virginia L. P. O. Box 3448 Coos Bay, OR 97420	32	S35BC TL1700	15,200.00
Henry T. Scheirman & Mary 950 Spalding Road Coos Bay, OR 97459	29	S35BC TL1800	mobile home 36,500.00
Earl W. Parken & Norma Lee 1090 Clark Street North Bend, OR 97459	30	S35BC TL1900	21,900.00
Mary M. Seibel (life estate) W. B. Young & M. A. Debolt 226 Island Drive North Bend, OR 97459	31	S35BC TL2000	21,300.00

Page 42.
Order No. 6-50-182

NORTHWOOD

Edwin J. Quinn & Amelia 1890 Waite #01 North Bend, OR 97459	S35BC TL2200	11,200.00
Rondall P. Bracken & Paula F. 885 South 42nd Street Springfield, OR 97477	S35BC TL2300	mobile home 700.00
M. G. Strassburg & Starlene 318 Northwood Road North Bend, OR 97459	S35BC TL2400	19,400.00
Jack D. Ripper & Nellie C. P. O. Box 489 North Bend, OR 97459	S35CB TL1800	100.00
Jack D. Ripper & Nellie C. P. O. Box 489 North Bend, OR 97459	S35CB TL1900	63,700.00
Western Bank P. O. Box 1720 Coos Bay, OR 97420	S35CB TL2000	52,300.00
Walter R. White & L. L. 319 Maud Lake North Bend, OR 97459	S35CB TL2100	mobile home 1,300.00
Adolph Bastendorff 2226 McPherson North Bend, OR 97459	S35CB TL2200	5,900.00
Section 35, Township 23 South, Range 13		
Ella F. Savery 6320 Coast Highway North Bend, OR 97459	74 S35 TL3101	mobile home 17,500.00
Myron D. Cain & Loretta 6254 Coast Highway North Bend, OR 97459	in 83 S35 TL3500	mobile home 2,900.00
Tommy D. Devlin & R. A. 6276 Coast Highway North Bend, OR 97459	73 S35 TL3600	55,600.00

Page 43.

Order No. 6-50-182

SAUNDERS LAKE

Fred C. Fischer & C. P. 119 Crannog Road North Bend, OR 97459		S35CC TL500	14,900.00
Section 35, Township 23 South, Range 13			
Theodore I. Martindale & F. 5997 Saunders Lake Road North Bend, OR 97459	48	S35CC TL600	26,100.00
Donald E. Barrington & Joann L. 5973 Saunders Lake Road North Bend, OR 97459	51	S35CC TL700	27,400.00
Donald E. Barrington & J. L. 5973 Saunders Lake Road North Bend, OR 97459	50	S35CC TL900	6,300.00
Fredric G. Mahaney & Donna M. P. O. Box 251 North Bend, OR 97459	58	S35CC TL1000	21,300.00
Hale Crabb & June 5917 Saunders Lake Road North Bend, OR 97459	57	S35CC TL1100	mobile home 1,200.00
Paul J. Burgett & Karleen Arney 1751 Milligan Coos Bay, OR 97420	56	S35CC TL1200	13,700.00
Doris M. Mann 178 Willow Lane North Bend, OR 97459	54	S35CC TL1400	27,800.00
Joseph E. Branscomb J. Mehringer (agent) 492 Park Avenue Eugene, OR 97404	52	S35CC TL1500	mobile home 15,400.00
Joseph E. Branscomb J. Mehringer (agent) 492 Park Avenue Eugene, OR 97404	53	S35CC TL1600	15,700.00

Page 44.
Order No. 6-50-182

Esther V. Warkentin 160 Circle Drive North Bend, OR 97459	45	S35CC TL1900	mobile home 1,500.00
Richmond G. Chaney & W. R. 227 Dunes Road North Bend, OR 97459	80	S35CC TL2000	15,300.00
Frank Setelia & Brenda L. Snyder %Ronald F. Setelia & P. 229 Dunes Road North Bend, OR 97459	47	S35CC TL2100 ALSO Lot 24 Southwood	29,900.00
Dalton Leo Sewell & L. B. 223 Dunes Road North Bend, OR 97459	46	S35CC TL2200 ALSO Lot 25 Southwood	28,700.00
Vera L. Sharp 320 Sharp Lane North Bend, OR 97459	67	S35CD TL200	mobile home 10,200.00
Elizabeth Conlin Donald C. Simmons & Gladys 285 Sharp Lane North Bend, OR 97459	68 69	S35CD TL300	mobile home 6,200.00
John D. Shearer 191 Sharp Lane North Bend, OR 97459	78	S35CD TL400	mobile home 700.00
James A. Smejkal 280 Saunders Lake Drive North Bend, OR 97459	71 84	S35CD TL600	119,300.00
Clarence E. Ridling & B. L. 5940 Wildwood Drive North Bend, OR 97459	62	S35CD TL700	300.00
Clarence E. Ridling & B. L. 5940 Wildwood Drive North Bend, OR 97459	60	S35CD TL900	23,500.00
Leo A. McLain & Delma R. 5918 Wildwood Drive North Bend, OR 97459	59	S35CD TL1000	31,600.00

Page 45.

Order No. 6-50-182

Lloyd E. Cochran & Ethel W. 5922 Wildwood Drive North Bend, OR 97459	82	S35CD TL1100	mobile home 23,900.00
Nina F. Hogan Chester D. Crabb & Jake L. %Lloyd E. Cochran & Ethel W. 5922 Wildwood Drive North Bend, OR 97459	63 64	S35CD TL1200	mobile home 2,900.00
SOUTHWOOD			
Ernest R. Edick & W. L. %E. Irene Wilkinson & John D. Patton Jr. 322 Peninsula Drive North Bend, OR 97459		S35CB TL2700	mobile home 700.00
Kenneth Mickelson & Elizabeth P. O. Box 462 North Bend, OR 97459		S35CB TL3000	17,480.00
John W. Golembiewski & Linda M. 4004 Meadowwood Court Mobile, AL 36609		S35CB TL3100	25,100.00
Garnet Johnson (life estate) Vicky Katsikis & Wilfred A. Johnson 333 Peninsula Drive North Bend, OR 97459		S35CB TL3300	26,000.00
Ian C. Hastings & C. %Christopher A. Engel 329 Peninsula Drive North Bend, OR 97459		S35CB TL3400	22,100.00
Carl Pearson & Julia A. 321 Peninsula Drive North Bend, OR 97459		S35CB TL3600	38,300.00
Horace W. Riley & Metha 3591 Vista Drive North Bend, OR 97459		S35CC TL2400	44,400.00
James D. Carter & A. M. 314 Pensinula #01 North Bend, OR 97459		S35CC TL2600	mobile home 9,200.00

Page 46.
Order No. 6-50-182

SAUNDERS LAKE

David L. Hudson & L. M. 138 Crannog Road North Bend, OR 97459	S35CB TL200	51,300.00
Norman W. Smyth & Beverly W. 134 Crannog Road North Bend, OR 97459	S35CB TL300	54,500.00
Harold L. Kirk & Betty V. 132 Crannog Road North Bend, OR 97459	S35CB TL400	83,700.00

ISLAND PARK

Weslie C. Robinson & B. 210 Island Drive North Bend, OR 97459	S35CB TL500	mobile home 1,300.00
Norman Lyle Steward 218 Island Drive North Bend, OR 97459	S35CB TL600	34,600.00
Mary M. Seibel (life estate) W. B. Young & M. A. Debolt 226 Island Drive North Bend, OR 97459	S35CB TL700	18,800.00
Mary M. Seibel (life estate) Wayne B. Young & M. A. Debolt 226 Island Drive North Bend, OR 97459	S35CB TL800	17,900.00
Mary M. Seibel (life estate) W. B. Young & M. A. Debolt 226 Island Drive North Bend, OR 97459	S35CB TL900	6,000.00
William L. Gill & Edith L. 234 Island Drive North Bend, OR 97459	S35CB TL1000	30,400.00
Richard C. Brown & Ella 238 Island Drive North Bend, OR 97459	S35CB TL1100	44,100.00

Page 47.

Order No. 6-50-182

Alberta M. Wilson & Jessie A. Cheney P. O. Box 97 North Bend, OR 97459	S35CB TL2300	29,860.00
Leona Marion Martin 204 Sycamore Street Swainsboro, GA 30401	S35CB TL2400	30,900.00
Mary M. Seibel (life estate) Wayne B. Young & Mary A. Debolt, 226 Island Drive North Bend, OR 97459	S35CB TL2500	mobile home 1,300.00
Stephen C. Johnson & Barbara A. 214 Dunes Road North Bend, OR 97459	S35CB TL2600	14,700.00
SAUNDERS LAKE		
Larry B. McCormack & Joan T. 110 Crannog Road North Bend, OR 97459	S35CC TL100	49,500.00
Harold E. Scott & W. M. 114 Crannog Road North Bend, OR 97459	S35CC TL200	23,800.00
Stanley Fagin & Hazel P. O. Box 3507 Coos Bay, OR 97420	S35CC TL400	11,900.00
Michael R. Lee & L. C. 122 1/2 Crannog Road North Bend, OR 97459	S35CC TL401	17,000.00
Fred C. Fischer & C. P. 119 Crannog Road North Bend, OR 97459	S35CC TL500	14,900.00
Section 2, Township 24 South, Range 13		
Doyle W. Hall & C. E. 197 Raymond Road North Bend, OR 97459	35 S02BA TL100	52,400.00

Page 48.
Order No. 6-50-182

Charles G. Hayward & D. B. 5808 Wildwood Drive North Bend, OR 97459	34	S02BA TL200	mobile home 600.00
Clyde L. Head & B. J. %William R. Hastings & Carole L. 5852 Wildwood Drive North Bend, OR 97459	37	S02BA TL300	mobile home 51,900.00
Rolland M. Cole & Colleen 5815 Wildwood Drive North Bend, OR 97459	39	S02BA TL400	mobile home 29,400.00
Fred Parks & Joyce F. 530 Ridge Road North Bend, OR 97459	36	S02BA TL500	mobile home 36,300.00
Galen Tarter 130 West Sixth Street Medford, OR 97501	101	S02BA TL600	26,900.00
Richard C. Ball 190 Raymond Road North Bend, OR 97459	33	S02BA TL700	mobile home 700.00
Dennis C. Wormington & Barbara A. 280 Raymond Road North Bend, OR 97459	137	S02BA TL800	23,800.00
Lloyd E. Fowler & L. K. 210 Raymond Road North Bend, OR 97459	127	S02BA TL900	mobile home 4,200.00
Linda J. Bessey %Warren Whitsell & M. F. 180 Crawford Drive North Bend, OR 97459	31 128	S02BA TL1000	22,400.00
CEDAR NOOK			
Leonard Lux & Jemima M. 5753 Wildwood Drive North Bend, OR 97459		S02BA TL1600	mobile home 3,700.00

Page 49.
Order No. 6-50-182

Daniel W. Arnett & P. A. 5741 Wildwood Drive North Bend, OR 97459	S02BA TL2000	mobile home 1,100.00
Tecky, Inc. P. O. Box 3614 Coos Bay, OR 97420	S02BA TL2400	33,600.00
Robert G. Wilmont & Sandra 5687 Wildwood Drive North Bend, OR 97459	S02BA TL2500	37,100.00
Bill R. Hargis & T. R. 195 Thunder Road North Bend, OR 97459	S02BA TL3000	mobile home 12,500.00
Clair B. Walker & Cordelia O. %Melodee M. Gentry 5683 Wildwood Drive North Bend, OR 97459	S02BA TL3300	mobile home 1,100.00
Daniel W. Arnett & P. A. 5741 Wildwood Drive North Bend, OR 97459	S02BA TL2000	mobile home 1,100.00
Tecky, Inc. P. O. Box 3614 Coos Bay, OR 97420	S02BA TL2400	33,600.00
Robert G. Wilmont & Sandra 5687 Wildwood Drive North Bend, OR 97459	S02BA TL2500	37,100.00
Bill R. Hargis & T. R. 195 Thunder Road North Bend, OR 97459	S02BA TL3000	mobile home 12,500.00
Clair B. Walker & Cordelia O. %Melodee M. Gentry 5683 Wildwood Drive North Bend, OR 97459	S02BA TL3300	mobile home 1,100.00
Section 2, Township 24 South, Range 13		
Jesse D. Brubaker & Betty M. Bastendorff 5873 Saunders Lake Road North Bend, OR 97459	49 S02BB TL100	14,700.00

Page 50.

Order No. 6-50-182

R. S. Fitzgerald & D. M. 5835 Saunders Lake Road North Bend, OR 97459	50	S02BB TL200	mobile home 10,300.00
Allen Crawford P. O. Box 791 North Bend, OR 97459	51 116	S02BB TL300	20,300.00
Paul Cook & Peggy P. O. Box 791 North Bend, OR 97459	55	S02BB TL700	mobile home
Doris M. Mann 178 Willow Lane North Bend, OR 97459	52	S02BB TL800	mobile home
Sharon Crutchfield 2587 Sherman North Bend, OR 97459	48	S02BB TL1000	37,600.00
Richard Prouty & S. J. 160 Forest Drive North Bend, OR 97459	146	S02BD TL100	56,100.00
Michael H. Gibson P. O. Box 192 Gardiner, OR 97441	144	S02BD TL200	37,600.00
Harold A. Miller & C. 180 Forest Drive North Bend, OR 97459	in 124	S02BD TL300	41,600.00
Terry L. Hale & Debra 140 Forest Drive North Bend, OR 97459	27	S02BD TL500	41,600.00
Gilbert C. Pickett & Jssie L. 363. Shutters Landing Road North Bend, OR 97459	129	S02BD TL600	19,700.00
Virgil Shefstad & Caryl 5593 Wildwood Drive North Bend, OR 97459	42	S02BD TL700	6,600.00
Harry D. Cope & Yvola 5593 Wildwood Dirve North Bend, OR 97459	150	S02BD TL701	mobile home

Page 51.

Order No. 6-50-182

Evelyn J. Haynes %Marie-Annick Mangold 5545 Wildwood Drive North Bend, OR 97459	28	S02BD TL900	14,900.00
John C. Brockett & M. H. %David A. Karow & Marilyn K. 5477 Wildwood Drive North Bend, OR 97459	44	S02BD TL1100	mobile home
PLAT OF NORTH WOODS			
J. K. Fitzpatrick, et al %Lewis E. Orr & Irene P. O. Box 1276 Gold Beach, OR 97444		S02BD TL1400	3,000.00
Richard Prouty & S. J. 160 Forest Drive North Bend, OR 97459	146	S02BD TL100	56,100.00
Michael H. Gibson P. O. Box 192 Gardiner, OR 97441	144	S02BD TL200	37,600.00
Harold A. Miller & C. 180 Forest Drive North Bend, OR 97459	in 124	S02BD TL300	41,600.00
Terry L. Hale & Debra 140 Forest Drive North Bend, OR 97459	27	S02BD TL500	41,600.00
Gilbert C. Pickett & Jssie L. 363 Shutters Landing Road North Bend, OR 97459	129	S02BD TL600	19,700.00
Virgil Shefstad & Caryl 5593 Wildwood Drive North Bend, OR 97459	42	S02BD TL700	6,600.00
Harry D. Cope & Yvola 5593 Wildwood Dirve North Bend, OR 97459	150	S02BD TL701	mobile home

Page 52.
Order No. 6-50-182

Evelyn J. Haynes %Marie-Annick Mangold 5545 Wildwood Drive North Bend, OR 97459	28	S02BD TL900	14,900.00
--	----	-------------	-----------

John C. Brockett & M. H. %David A. Karow & Marilyn K. 5477 Wildwood Drive North Bend, OR 97459	44	S02BD TL1100	mobile home
---	----	--------------	-------------

PLAT OF NORTH WOODS

J. K. Fitzpatrick, et al %Lewis E. Orr & Irene P. O. Box 1276 Gold Beach, OR 97444		S02BD TL1400	3,000.00
---	--	--------------	----------

J. K. Fitzpatrick, et al %Lewis E. Orr & Irene P. O. Box 1276 Gold Beach, OR 97444		S02BD TL1500	mobile home 2,000.00
---	--	--------------	-------------------------

J. K. Fitzpatrick, et al %Lewis E. Orr & Irene P. O. Box 1276 Gold Beach, OR 97444		S02BD TL1600	3,000.00
---	--	--------------	----------

J. K. Fitzpatrick, et al %Lewis E. Orr & Irene P. O. Box 1276 Gold Beach, OR 97444		S02BD TL1700	2,000.00
---	--	--------------	----------

J. K. Fitzpatrick, et al %Lewis E. Orr & Irene P. O. Box 1276 Gold Beach, OR 97444		S02BD TL1800	5,000.00
---	--	--------------	----------

J. K. Fitzpatrick, et al %Lewis E. Orr & Irene P. O. Box 1276 Gold Beach, OR 97444		S02BD TL1900	1,500.00
---	--	--------------	----------

J. K. Fitzpatrick, et al %Lewis E. Orr & Irene P. O. Box 1276 Gold Beach, OR 97444		S02BD TL2000	5,000.00
---	--	--------------	----------

Page 53.

Order No. 6-50-182

Elsie L. Rogers 5334 Wildwood Drive North Bend, OR 97459	75	S02CA TL800	mobile home 19,500.00
Well Taylor Johnson (life estate) Western Oregon Conference 7th Day Adventist 180 Shutters Landing Road North Bend, OR 97459	119	S02CA TL900	mobile home 7,500.00
Donald D. Banta & Wanda L. 5268 Wildwood Drive North Bend, OR 97459	76	S02CA TL1000	21,000.00
Amelia A. Fry (life estate) Clark L. Fry, et al 5236 Wildwood Drive North Bend, OR 97459	71	S02CA TL1100	9,200.00
Terry L. Stuhlmiller 5228 Wildwood Drive North Bend, OR 97459	69 105	S02CA TL1400	25,200.00
Richard E. McMillan & Patricia M. 113 Branch Lane North Bend, OR 97459	65	S02CA TL1600	30,600.00
Leota S. Ryan %Robert G. Wheadon & Jolly V. 303 Stage Road North Bend, OR 97459	64	S02CA TL1800	25,200.00
Albert C. Nasby & L. P. 138 Branch Lane North Bend, OR 97459	66	S02CD TL100	28,400.00
James E. McGlothlin & Shirley E. 126 Branch Lane North Bend, OR 97459	68	S02CD TL200	26,700.00
William A. Gordon & Mildred R. HC 52 Box 461 D Coos Bay, OR 97420	73	S02CD TL300	mobile home 300.00
Irving A. BOGS (life estate) Phillip D. Bogs, et al 5116 Wildwood Drive North Bend, OR 97459	74	S02CD TL400	33,800.00

Page 54.

Order No. 6-50-182

Thomas J. Slechta & Theresa M. 5092 Wildwood Drive North Bend, OR 97459	72	S02CD TL500	30,100.00
Keith P. Mouser & Barbara L. 5013 Wildwood Drive North Bend, OR 97459	149	S02CD TL700	32,100.00
Hauser Community Church 5050 Wildwood Drive North Bend, OR 97459	132	S02CD TL800	mobile home 200.00
Hauser Community Church 5050 Wildwood Drive North Bend, OR 97459	145	S02CD TL900	5,900.00
Robert E. Christiansen 2500 East Bay Drive #5A North Bend, OR 97459	134	S02CD TL1200	mobile home 100,300.00
William B. Prechtl & Gertrude 4995 Wildwood Drive North Bend, OR 97459	59	S02CD TL1300	24,500.00
Russell D. Wayland & Virginia V. 869 SW Camano Drive Camano Island, WA 98292	40 63 102 103	S02CD TL1500	mobile home 32,200.00
Sterling M. Bolton & E. M. 4898 Wildwood Drive North Bend, OR 97459	62	S02CD TL1700	23,300.00
Section 3, Township 24 South, Range 13			
George M. Riley & Edna E. 5335 Coast Highway North Bend, OR 97459	2	S03 TL100	20,700.00
Section 10, Township 24 South, Range 13			
C. V. McKeown 4399 Coast Highway North Bend, OR 97459	2	S10 TL100	80,800.00
Michael J. McKeown & P. P. O. Box 1088 North Bend, OR 97459	11	S10 TL200	120,300.00

Page 55.

Order No. 6-50-182

Reservation Ranch P. O. Box 75 Smith River, CA 95567	3	S10 TL700	9,500.00
Section 11, Township 24 South, Range 13			
Ida Marie Jenkins 33817 Jenkins Road Cottage Grove, OR 97424	54	S11 TL700	700.00
Gerald J. Haider & D. S. 4395 Wildwood Drive North Bend, OR 97459	55	S11 TL800	32,700.00
Douglas E. Johnson & Rhonda 316 Sandbug Lane North Bend, OR 97459	47	S11BA TL100	7,900.00
John T. Clark & R. E. 298 Sandbug Lane North Bend, OR 97459	83	S11BA TL200	24,000.00
James E. Furgason & B. 4748 Wildwood Drive North Bend, OR 97459	49	S11BA TL300	25,200.00
Joan M. Brennan Norman O. Oyler & Matthew L. 4682 Wildwood Drive North Bend, OR 97459	51	S11BA TL400	22,080.00
Claudene L. Fry P. O. Box 465 North Bend, OR 97459	52	S11BA TL500	9,000.00
Dorothy M. Kellogg 4810 Wildwood Drive North Bend, OR 97459	82	S11BA TL600	7,000.00
John E. Melton & A. P. 4846 Wildwood Drive North Bend, OR 97459	50	S11BA TL700	15,100.00
Keith F. Bowden & Norma 866 Wildwood Drive North Bend, OR 97459	89	S11BA TL800	33,300.00

Page 56.

Order No. 6-50-182

Earl L. Young and Viola M. 4886 Wildwood Drive North Bend, OR 97459	85	S11BA TL900	mobile home 2,000.00
Kenneth S. Solomon %Esther Schneider 4825 Wildwood Drive North Bend, OR 97459	in 48	S11BA TL1000	mobile home 225,000.00
Robert C. Barnes & M. L. 256 Sandbug Lane North Bend, OR 97459	29 35 77	S11BD TL100	mobile home 100.00
Robert O. Olson & M. L. 245 Sandbug Lane North Bend, OR. 97459	36 37 80	S11BD TL200	15,295.00
Donald S. Jacobson & Mabel 237 Sandbug Lane North Bend, OR 97459	33 34 103	S11BD TL501	20,500.00
Mary Ann Roethler & E. L. 209 Driftwood Inn Road North Bend, OR 97459	30	S11BD TL800	17,200.00
Ethan J. Heley & Tracy L. 142 Driftwood Inn Road North Bend, OR 97459	100	S11BD TL1000	24,000.00
Willard B. Savey 166 Oak North Bend, OR 97459	101	S11BD TL1100	21,000.00
Donald J. Jolley & Debrah A. 4510 Wildwood Drive North Bend, OR 97459	86	S11BD TL1200	28,500.00
Vernon E. Kelly & Junita E. 4532 Wildwood Drive North Bend, OR 97459	90	S11BD TL1300	20,500.00
George W. Crawford & Beulah M. 4546 Wildwood Drive North Bend, OR 97459	99	S11BD TL1400	20,000.00

Page 57.

Order No. 6-50-182

W. W. Dunn & M. R. %Harold R. Coleman & Wandell J. 154 Driftwood Inn Road North Bend, OR 97459	40	S11BD TL1500	21,900.00
Madillyn M. Gaoiran 159 Driftwood Inn Road North Bend, OR 97459	46	S11BD TL1600	7,900.00
Thurman R. Goodman & Mary J. 1240 North Way North Bend, OR 97459	39	S11BD TL1700	29,400.00
Larry J. Jacobson & Margo J. 241 Circle Drive North Bend, OR 97459	32	S11BD TL1800	15,400.00
Shirley May Music 4640 Wildwood Drive North Bend, OR 97459	41	S11BD TL1900	12,500.00
Ray E. Shaw & F. G. %William J. Workman & M. 4599 Wildwood Drive North Bend, OR 97459	42	S11BD TL2000	21,000.00
John W. Walker & Susan M. 4557 Wildwood Drive North Bend, OR 97459	45	S11BD TL2200	18,400.00
Lloyd Spurgin & Joyce P. O. Box 74 North Bend, OR 97459	38	S11BD TL2300	44,800.00
Frank J. Green & Mary D. 4483 Wildwood Drive North Bend, OR 97459	43	S11BD TL2400	27,400.00
Harry Dejabet %Melvin T. Allen & N. A. 413 Big Creek Road Lakeside, OR 97449	25	S11BD TL2500	mobile home 16,100.00
Maxine A. Reed and Linda L. Reed 1126 Kellogg Road North Bend, OR 97459	26	S11BD TL2700	209,600.00

Page 58.

Order No. 6-50-182

Bert B. Wyatt & Lucy G. 4388 Wildwood Drive North Bend, OR 97459	23	S11BD TL2900	32,100.00
Edward L. Brink & Irene B. 515 Viking Highway North Bend, OR 97459	98	S11BD TL3000	76,800.00
Ernest Hayward & Alice E. 4156 Wildwood Drive North Bend, OR 97459	93	S11C TL501	mobile home 5,700.00
Jane L. Hanson, et al 4125 Coast Highway North Bend, OR 97459	81	S11C TL700	56,700.00
Wendell A. Mesner & P. 4284 Wildwood Drive North Bend, OR 97459	74	S11CA TL200	56,300.00
Linda J. Deeter %Norman W. Smyth & B. W. 134 Crannog North Bend, OR 97459	97	S11CB TL101	17,000.00
Clemence Laskey (life estate) Robert P. Lovell & Judith M. 4250 Wildwood Drive North Bend, OR 97459	64	S11CB TL200	14,300.00
Dwight Pargeon & E. M. 4276 Wildwood Drive North Bend, OR 97459	66 67	S11CB TL300	mobile home 2,300.00
Russell K. Maine & Margie Lucille 4184 Wildwood Drive North Bend, OR 97459	62	S11CB TL400	18,400.00
Rueben Lyon & Marianne %Reuben Lyon, Jr. & G. 4160 Wildwood Drive North Bend, OR 97459	65	S11CB TL500	mobile home 4,800.00
Ross C. Miles & Beverly A. %David Cardwell & J. 4163 Wildwood Drive North Bend, OR 97459	61	S11CB TL600	mobile home 36,000.00

Page 59.

Order No. 6-50-182

Coos Curry Teachers Federal CU 851 North Central Boulevard Coquille, OR 97423	57	S11CB TL700	28,700.00
Esther S. Schneider 4825 Wildwood Drive #5 North Bend, OR 97459	59	S11CB TL800	18,500.00
Ray E. Centers & L. H. 4289 Wildwood Drive North Bend, OR 97459	60 78	S11CB TL900	26,200.00
Ray E. Centers & L. H. %Marvin L. Schenck & M. 4263 Wildwood Drive North Bend, OR 97459	102	S11CB TL901	12,400.00
Marrietta Dumont 4355 Wildwood Drive North Bend, OR 97459	58	S11CB TL1000	15,100.00
Section 14, Township 24 South, Range 13			
Frank W. Koch & Shirley M. 228 Ranch Road North Bend, OR 97459	17	S14 TL300	mobile home 8,900.00
Leslie J. Myers & E. L. %Larry Burgin & Sara 240 Hidden Glen Drive Scotts Valley, CA 95066	in 22	S14 TL601	2,600.00
Lawrence C. Wallace & L. B. 145 Ranch Road North Bend, OR 97459	19	S14BA TL300	26,700.00
Lawrence C. Wallace & L. B. 145 Ranch Road North Bend, OR 97459	97	S14BA TL1100	10,500.00
First Interstate Bank of Oregon P. O. Box 3131 Portland, OR 97208	18	S14BA TL1200	30,200.00
Lorraine Ocana 117 Ranch Road North Bend, OR 97459	36	S14BB TL200	5,500.00

Page 60.

Order No. 6-50-182

Donald M. Davison & Dickalon M. 433 Lakeshore Drive North Bend, OR 97459	6	S14BB TL300	50,300.00
Kaye J. Howard & Dora 4117 Hauser Drive North Bend, OR 97459	23	S14BB TL400	18,600.00
Neil F. Ferre 4085 Hauser Road North Bend, OR 97459	28	S14BB TL500	31,400.00
Donald L. Garnett & F. M. 4059 Hauser Road North Bend, OR 97459	34 35	S14BB TL700	43,600.00
Ralph M. Sutterfield & Patricia L. 4041 Hauser Road North Bend, OR 97459	32	S14BB TL800	mobile home
Victor H. Schmidt & Roberta 4025 Hauser Road North Bend, OR 97459	126	S14BB TL801	mobile home 200.00
Charles J. Lucas & Frances P. 4035 Hauser Road North Bend, OR 97459	29	S14BB TL900	12,500.00
Charles J. Lucas & Frances P. 4035 Hauser Road North Bend, OR 97459	30	S14BB TL1000	3,000.00
James H. Burton & E. E. 4043 Hauser Road North Bend, OR 97459	31	S14BB TL1100	mobile home 1,500.00
Frank C. Bowman & Doris M. 2865 North Bay Drive North Bend, OR 97459	25	S14BB TL1200	6,800.00
Ernest E. Hayward, Jr. & A. %Donald Hunter & Barbara 4011 Wildwood Drive North Bend, OR 97459	27	S14BB TL1400	mobile home 14,000.00
Conrad Wood Preserving Company P. O. Box 59 Coos Bay, OR 97420	16	S14BB TL1700	227,200.00

Page 61.

Order No. 6-50-182

Bud J. Weltzheimer & E. 132 Ranch Road North Bend, OR 97459	15	S14BB TL1800	mobile home 1,100.00
Delbert S. Jones & Ruth I. 37115 Immigrant Road Pleasant Hill, OR 97401	in 59	S14BC TL500	800.00
Delbert S. Jones & Ruth I. %Don Haueter 3865 North Bay Drive North Bend, OR 97459	in 59	S14BC TL501	25,200.00
Frank E. Merritt & Gladys 3749 North Bay Drive North Bend, OR 97459	52	S14BC TL700	mobile home 5,600.00
Patrick L. Wyatt & Peggy A. 166 Kelso Drive North Bend, OR 97459	62	S14BC TL1100	23,700.00
B. Roger Clark & C. J. 1515 17th Street North Bend, OR 97459	117	S15A TL800	322,000.00
Layton B. Dierks & Harriett 3703 North Bay Drive North Bend, OR 97459	60	S14CB TL100	28,000.00
Colin S. James 3725 North Bay Drive North Bend, OR 97459	56	S14CB TL300	28,500.00
Sherrell D. Alford 210 Kelso Drive North Bend, OR 97459	103	S14CB TL400	49,700.00
Robert D. Boddie & Myrna V. 222 Kelso Drive North Bend, OR 97459	42	S14CB TL600	53,200.00
Larry R. Young & M. J. 188 Kelso Drive North Bend, OR 97459	57	S14CB TL700	49,900.00
Richard T. Carr & Loretta 2540 Coast Highway North Bend, OR 97459	46	S14CB TL800	78,100.00

Page 62.

Order No. 6-50-182

Anna M. Wenzel Trust 121 Kadora Drive North Bend, OR 97459	129	S14CB TL1001	77,000.00
Barry Lee Grant 157 Kadora Drive North Bend, OR 97459	44	S14CB TL1100	45,700.00
Robert E. Leckband & Constance A. 167 Kadora Drive North Bend, OR 97459	63	S14CB TL1200	44,600.00
Gary L. Gregor & Martha J. 244 Delore Road North Bend, OR 97459	55	S14CB TL1300	37,700.00
Murdie Linton & Robbie S. 317 Delor Road North Bend, OR 97459	54	S14CB TL1400	8,300.00
PANORAMIC ACRES			
Richard A. Fertig & F. J. 131 Tioga Place North Bend, OR 97459		S14CC TL100	44,100.00
Theodore F. Thoren & Ruth E. 124 Tioga Place North Bend, OR 97459		S14CC TL200	95,800.00
Ottis P. Grayson & Alice M. 181 Kadora Drive North Bend, OR 97459		S14CC TL300	37,200.00
Department of Veterans Affairs %Gerald L. Ashenfelter & Judith M. P. O. ox 696 North Bend, OR 97459		S14CC TL400	mobile home 800.00
Leonard H. Ackerman & Joan C. 165 Tioga Place North Bend, OR 97459		S14CC TL500	48,000.00
Lanny Mix & Karen 2700 Highway 101 South Coos Bay, OR 97420		S14CC TL600	96,900.00

Page 63.

Order No. 6-50-182

Spencer B. Heidi %Archie C. Mahon & B. 670 Kadora Drive North Bend, OR 97459	S14CC TL700	81,400.00
Arthur R. Dietz, Jr. & Linda L. 579 Kadora Drive North Bend, OR 97459	S14CC TL800	95,100.00
Thomas E. Coburn & B. K. 560 Kadora Drive North Bend, OR 97459	S14CC TL900	mobile home 200.00
Jimmie R. Keely & Donna L. 400 Kadora Drive North Bend, OR 97459	S14CC TL1000	mobile home 3,000.00
Henry H. Ronning & M. F. 320 Arawana Court North Bend, OR 97459	S14CC TL1100	mobile home 10,300.00
Tom B. Branderhorst & Marijke R. 280 Arawana Court North Bend, OR 97459	S14CC TL1200	50,000.00
Woodrow E. Burton & S. A. 232 Kadora Drive North Bend, OR 97459	S14CC TL1300	mobile home 8,300.00
George W. Baughman 228 Kadora Drive North Bend, OR 97459	S14CC TL1400	42,700.00
Lloyd Levezow & Maridyth 1055 Lockhart North Bend, OR 97459	S14CC TL1500	mobile home 6,400.00
Wayne B. Reeves & E. E. 140 Oceanic Court North Bend, OR 97459	S14CC TL1700	56,600.00
Timothy E. Koppy & Ann E. %Paul W. Ehrlich 3600 Avenue G #33 White City, OR 97503	S14CC TL1900	mobile home 4,300.00

Page 64.

Order No. 6-50-182

Marvin A. Wickre & V. R.
100 Oceanic Court
North Bend, OR 97459

S14CC TL2100

54,400.00

Section 15, Township 24 South, Range 13

B. Roger Clark & C. J.
1515 17th Street
North Bend, OR 97459

31

S15A TL800

322,000.00

Dennis D. Pooler & Rebecca A.
98 Kadora Drive
North Bend, OR 97459

13
30

S15D TL800

62,900.00

THIS IS NOT A TITLE REPORT AND OUR LIABILITY IS THEREFORE EXPRESSLY
LIMITED TO THE AMOUNT PAID FOR THIS SERVICE.-----

Exhibit 6

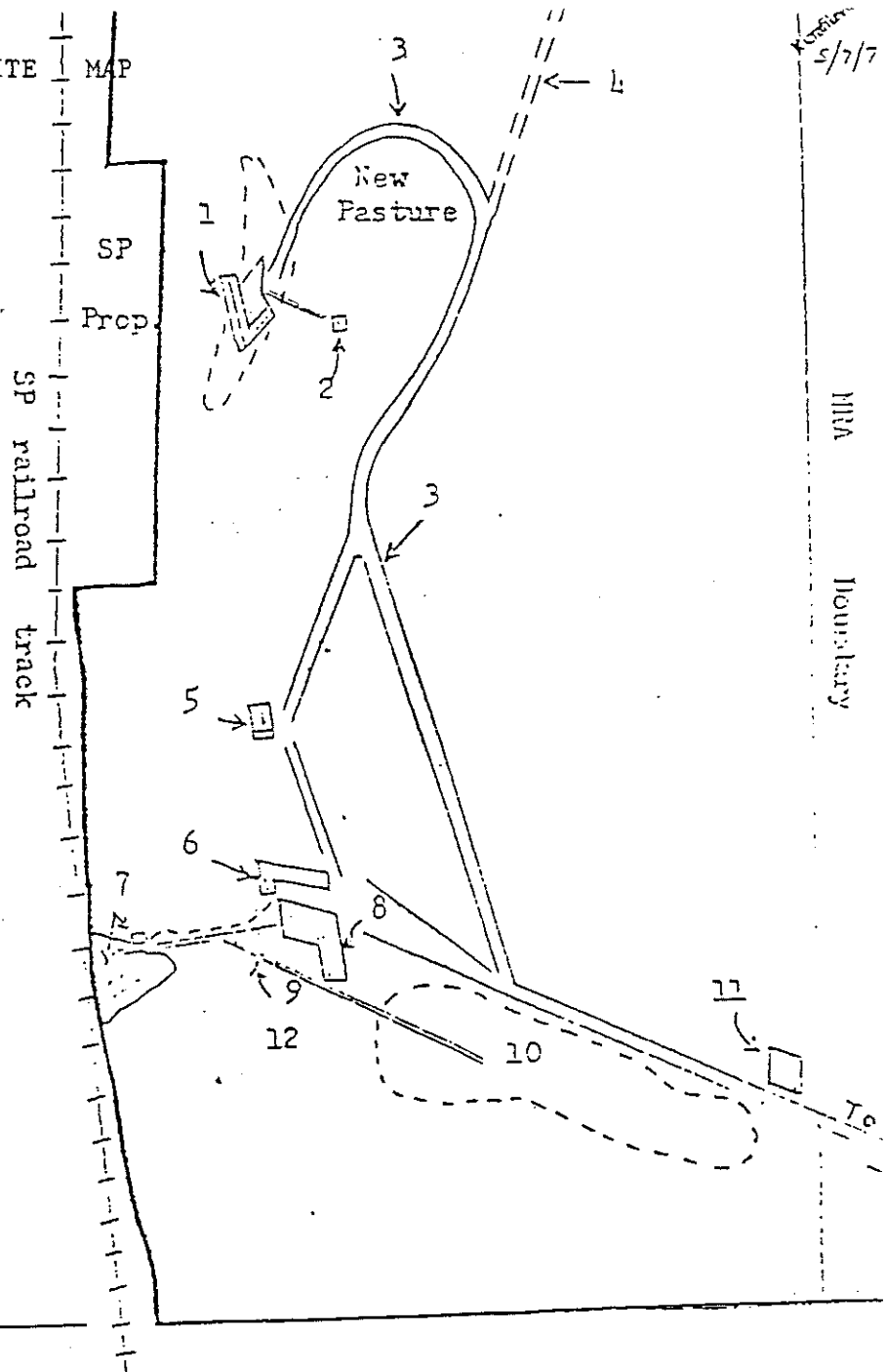
PROPERTY: McKeown, R. M.
McKeown, M. J.

SITE MAP

T 24 S, R 13 W, Section 10

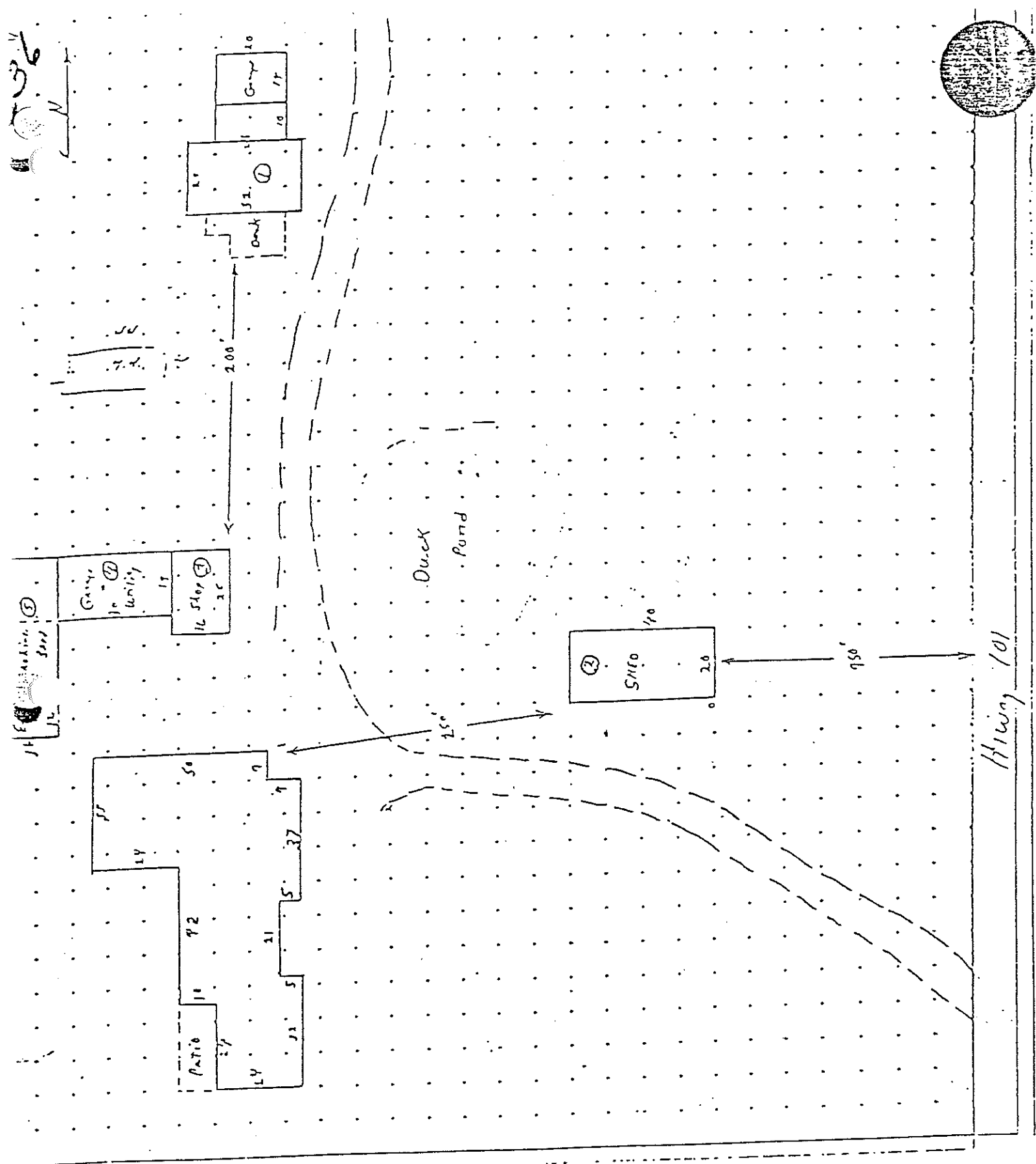
Features NOT Drawn to Scale

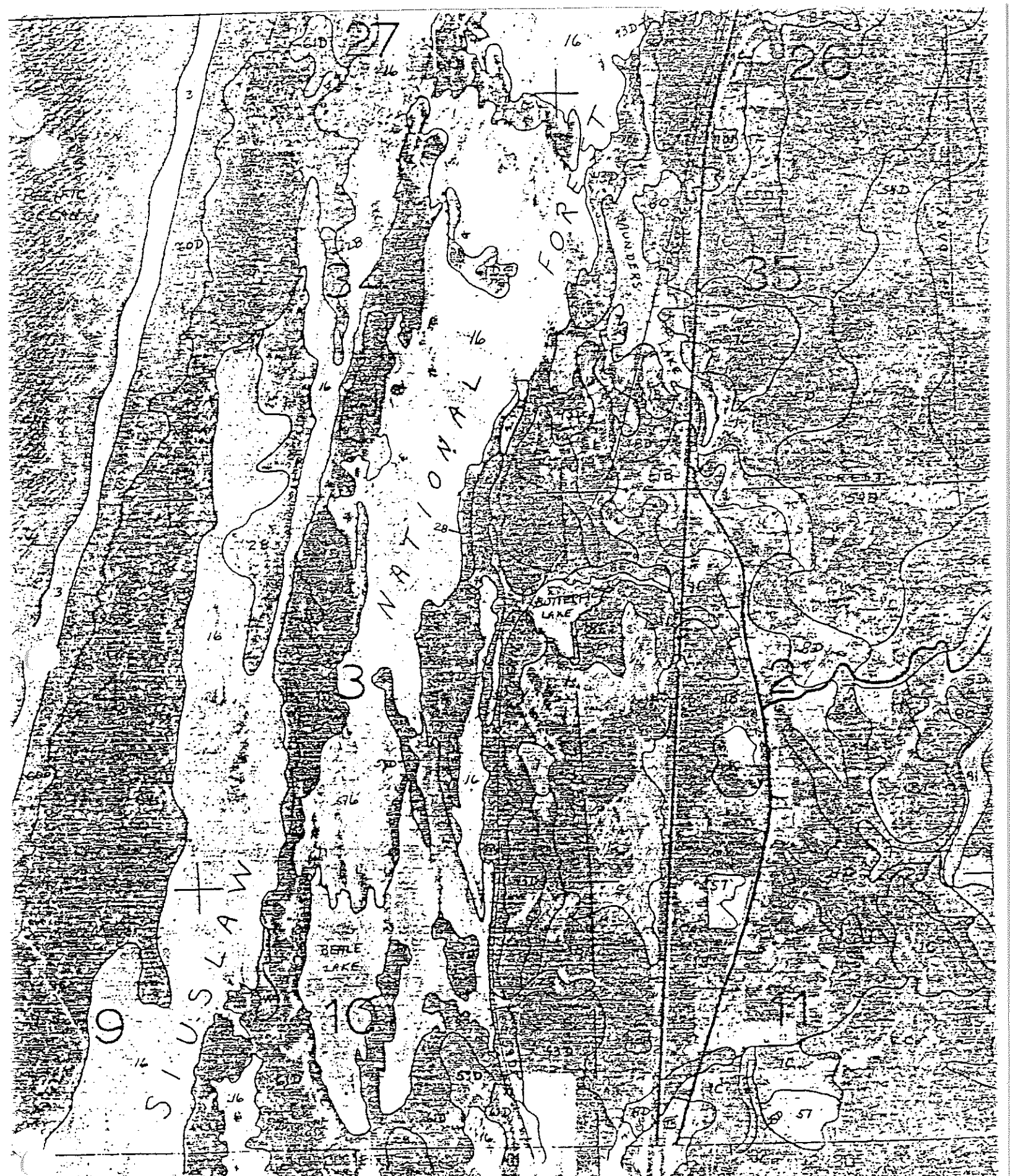
By: RC Coffman 11/20/73



- Key To Developments -

Number	Development
1	----- New Home (Dr. MJ McKeown).
2	----- Pumphouse & Well to new home.
3	----- New Access Road THRU Property.
4	----- Old Road to Riley Property.
5	----- Cottage
6	----- Tool Shed and Garage.
7	----- Small Lake (water source for prop.) & Pumphouse.
8	----- Home - (Dr. RM McKeown).
9	----- Pipe Line From Water Source - For Home & Cranberry Bog.
10	----- Cranberry Bog (Currently not in use).
11	----- Cranberry Shed (Currently being used for storage).
12	----- Orchard and Garden Area.





Produced by the Geological Survey

Aerophotograph prepared from 1:62,500 scale

Aerial photographs taken Aug. 29, 1975

Section and 10,000-foot grid ticks. Dismantled

Volume I (part 3)

RECREATIONAL DEVELOPMENT

SEVERE-CEMENTED PAN	SEVERE-CEMENTED PAN
HP AREAS	PLAYGROUNDS
SEVERE-CEMENTED PAN	SLIGHT
PICNIC AREAS	PATHS AND TRAILS

CAPABILITY AND YIELDS PER ACRE OF CROPS AND PASTURE (HIGH LEVEL MANAGEMENT)

CAPABILITY	PASTURE		CRANBERRIES									
	(AUM)	(TONS)	(TONS)	(TONS)								
	NIRR	IRR	NIRR	IRR	NIRR	IRR	NIRR	IRR	NIRR	IRR	NIRR	IRR
	3E	3E	3	10		6						

WOODLAND SUITABILITY

ORD SYM	MANAGEMENT PROBLEMS					POTENTIAL PRODUCTIVITY		TRES TO PLANT
	EROSION HAZARD	EQUIP. LIMIT	SEEDLING MORT.Y.	WINDTH. HAZARD	PLANT COMPET.	COMMON TREES	SITE INDEX	
10D	SLIGHT	SLIGHT	MODERATE	MODERATE	MODERATE	DOUGLAS-FIR SITKA SPRUCE WESTERN HEMLOCK SHORE PINE WESTERN RED CEDAR PORT-ORFORD-CEDAR RED ALDER PACIFIC MADRONE	137	DOUGLAS-FIR SITKA SPRUCE WESTERN HEMLOCK

WINDBREAKS

SPECIES	HT	SPECIES	HT	SPECIES	HT	SPECIES	HT
NONE							

WILDLIFE HABITAT SUITABILITY

POTENTIAL FOR HABITAT ELEMENTS						POTENTIAL AS HABITAT FOR:					
GRAIN	GRASS	WILD SEED	HARDWD	CONIFER	SHRUBS	WETLAND	SHALLOW	OPENLD	WOODLD	WETLAND	RANGELD
FAIR	FAIR	FAIR	POOR	FAIR	FAIR	POOR	IV. POOR	FAIR	FAIR	V. POOR	-

POTENTIAL NATIVE PLANT COMMUNITY (RANGELAND OR FOREST UNDERSTORY VEGETATION)

COMMON PLANT NAME	PLANT SYMBO (INLSPN)	PERCENTAGE COMPOSITION (DRY WEIGHT)	
SHORE PINE	PICOC*		
SITKA SPRUCE	PISI		
DOUGLAS-FIR	PSHE		
WESTERN HEMLOCK	TSHE		
WESTERN RED CEDAR	TMPL		
PORT-ORFORD-CEDAR	CHLA		
PACIFIC MADRONE	ARME		
EVERGREEN HUCKLEBERRY	VADV2		
SALAL	GASH		
PACIFIC RHODODENDRON	RHMA3		
RED ALDER	ALRU2		

POTENTIAL PRODUCTION (LBS./AC. DRY WT):

FAVORABLE YEARS
NORMAL YEARS
UNFAVORABLE YEARS

FOOTNOTES

RECREATIONAL DEVELOPMENT

MP AREAS	SEVERE-CEMENTED PAN	PLAYGROUNDS	SEVERE-SLOPE-CEMENTED PAN
PICNIC AREAS	SEVERE-CEMENTED PAN	PATHS AND TRAILS	SLIGHT

CAPABILITY AND YIELDS PER ACRE OF CROPS AND PASTURE (HIGH LEVEL MANAGEMENT)

CAPABILITY	PASTURE		CRANBERRIES		YIELD (TONS)	CORN	SOYBEANS	WHEAT	BARLEY	RYE	OATS	ALFALFA	CLOVER	LEGUMES
	(AUM)	(TONS)	(TONS)	(TONS)										
3E	3E	3	10	8										

WOODLAND SUITABILITY

ORD SYM	MANAGEMENT PROBLEMS				POTENTIAL PRODUCTIVITY		TRES TO PLANT
	EROSION HAZARD	EQUIP. LIMIT	SEEDLING MORTALITY	WINDM. HAZARD	PLANT COMPET.	COMMON TREES		SITE INDEX
100	MODERATE	SLIGHT	MODERATE	MODERATE	MODERATE	DOUGLAS-FIR SITKA SPRUCE WESTERN HEMLOCK SHORE PINE WESTERN RED CEDAR PORT-ORFORD-CEDAR RED ALDER PACIFIC MADRONE	137 DOUGLAS-FIR SITKA SPRUCE WESTERN HEMLOCK

WINDBREAKS

SPECIES	HGT	SPECIES	HGT	SPECIES	HGT	SPECIES	HGT
NONE							

WILDLIFE HABITAT SUITABILITY

POTENTIAL FOR HABITAT ELEMENTS						POTENTIAL AS HABITAT FOR:					
GRAIN SEED	GRASS LEGUMES	WILD HERB TREES	HARDWOOD	CONIFER TREES	SHRUBS	WETLAND PLANTS	SHALLOW WATER	OPENLAND	WOODLAND	WETLAND	RANGELAND
FAIR	FAIR	FAIR	POOR	FAIR	FAIR	POOR	IV. POOR	FAIR	FAIR	IV. POOR	-

POTENTIAL NATIVE PLANT COMMUNITY (RANGELAND OR FOREST UNDERSTORY VEGETATION)

COMMON PLANT NAME	PLANT SYMBO (NLSPN)	PERCENTAGE COMPOSITION (DRY WEIGHT)									
SHORE PINE	PICO*										
SITKA SPRUCE	PISI										
DOUGLAS-FIR	PSHE										
WESTERN HEMLOCK	TSHE										
WESTERN RED CEDAR	THPL										
PORT-ORFORD-CEDAR	CHLA										
PACIFIC MADRONE	ARHE										
EVERGREEN HUCKLEBERRY	VADV2										
SALAL	GASH										
PACIFIC RHODODENDRON	RHMA3										
RED ALDER	ALRU2										

POTENTIAL PRODUCTION (LBS./AC. DRY WT):
 FAVORABLE YEARS
 NORMAL YEARS
 UNFAVORABLE YEARS

FOOTNOTES

RECREATIONAL DEVELOPMENT

SLIGHT	MODERATE-SLOPE
AREAS	PLAYGROUNDS
SLIGHT	SLIGHT
CNIC AREAS	PATHS AND TRAILS

CAPABILITY AND YIELDS PER ACRE OF CROPS AND PASTURE (HIGH LEVEL MANAGEMENT)

CAPABILITY	PASTURE		GRASS- LEGUME HAY		CRANBERRIES									
	(AUM)	(TONS)	(TONS)	(TONS)	(TONS)	(TONS)								
	NIRR	IRR	NIRR	IRR	NIRR	IRR	NIRR	IRR	NIRR	IRR	NIRR	IRR	NIRR	IRR
3E	4	10	2	4	8									

WOODLAND SUITABILITY

ORD SYM	MANAGEMENT PROBLEMS					POTENTIAL PRODUCTIVITY		SITE INDEX	TREES TO PLANT
	EROSION HAZARD	EQUIP. LIMIT	SEEDLING MORT'Y.	WINDTH. HAZARD	PLANT COMPET.	COMMON TREES			
9A	SLIGHT	SLIGHT	MODERATE	MODERATE	MODERATE	DOUGLAS-FIR	132	DOUGLAS-FIR	
						SITKA SPRUCE	160	SITKA SPRUCE	
						WESTERN HEMLOCK		WESTERN HEMLOCK	
						SHORE PINE			
						RED ALDER			
						WESTERN RED CEDAR			
						PACIFIC MADRONE			

WINDBREAKS

SPECIES	HT.	SPECIES	HT.	SPECIES	HT.	SPECIES	HT.
NONE							

WILDLIFE HABITAT SUITABILITY

POTENTIAL FOR HABITAT ELEMENTS						POTENTIAL AS HABITAT FOR:					
GRAIN	GRASS	WILD	HARDWD	CONIFER	SHRUBS	WETLAND	SHALLOW	OPENLD	WOODLD	WETLAND	RANGELD
SEED	LEGUME	HERE	TREES	PLANTS		PLANTS	WATER	WILDLF	WILDLF	WILDLF	WILDLF
FAIR	FAIR	FAIR	GOOD	GOOD	GOOD	POOR	IV. POOR	FAIR	FAIR	IV. POOR	-

POTENTIAL NATIVE PLANT COMMUNITY (RANGELAND OR FOREST UNDER DRY VEGETATION)

COMMON PLANT NAME	PLANT SYMBOL (NLSPN)	PERCENTAGE COMPOSITION (DRY WEIGHT)			
DOUGLAS-FIR	PSME				
SHORE PINE	PICOC*				
SITKA SPRUCE	PISI				
RED ALDER	ALRU2				
WESTERN RED CEDAR	THPL				
DRY-ORFORD-CEGAR	CHLA				
PACIFIC MADRONE	ARME				
PACIFIC RHODODENDRON	RHMA3				
WETGREEN HUCKLEBERRY	VAOV2				
SLAL	GASH				
BLACKENFERA	PTAO				

TOTAL PRODUCTION (LBS./AC. DRY WT):
FAVORABLE YEARS
NORMAL YEARS
UNFAVORABLE YEARS

FOOTNOTES

DUNE LAND CONSISTS OF SAND IN RIDGES AND INTERVENING TROUGHS THAT SHIFT WITH THE WIND. IT IS ESSENTIALLY BARREN.

ESTIMATED SOIL PROPERTIES

DEPTH (IN.)	USDA TEXTURE	UNIFIED	AASHTO	PERCENT OF MATERIAL LESS THAN 3" PASSING SIEVE NO.					LIGUID LIMIT	PLASTICITY INDEX
0-60	SP	SF-SM, SH	A-3, A-2	0	100	100	50-80	0-25	-	NP

DEPTH (IN.)	CLAY (PCT)	MOIST DENSITY (G/CM ³)	BULK DENSITY (G/CM ³)	PERMEABILITY (IN/HR)	AVAILABLE WATER CAPACITY (IN/IN)	SOIL REACTION (PH)	SALINITY (MMHOS/CM)	SHRINK-SWELL POTENTIAL (%)	EROSION FACTORS: K, T, C, P, Q	ORGANIC MATTER (PCT)	CORROSIONIVITY: STEEL, CONCRETE
0-60	0-1	-	-	>6.0	0.04-0.05	-	-	LOW	0.15, 5, 1, <.1	<.1	-

FLOODING			HIGH WATER TABLE		CEMENTED FAN		FORDOK		SURSIDENCE		HYDRO-POTENTIAL	
FREQ	DUR	MON	DEPTH (FT)	KIND	DEPTH (IN)	HARDNESS	DEPTH (IN)	HARDNESS	INITIAL	TOTAL	GRP	FROST ACTION
NONE			>6.0						>60			-

SANITARY FACILITIES

CONSTRUCTION MATERIAL

SEPTIC TANK ABSORPTION FIELDS	SEVERE-POOR FILTER, SLOPE	ROADFILL	FAIR-SLOPE
SEWAGE LAGOON AREAS	SEVERE-SEEPAGE, SLOPE	SAND	PROBABLE
SANITARY LANDFILL (TRENCH)	SEVERE-SEEPAGE, SLOPE, TOO SANDY	GRAVEL	IMPROBABLE-TOO SANDY
SANITARY LANDFILL (AREA)	SEVERE-SEEPAGE, SLOPE	TOPSOIL	POOR-TOO SANDY, SLOPE
DAILY COVER FOR LANDFILL	POOR-SEEPAGE, TOO SANDY, SLOPE	POND RESERVOIR AREA	SEVERE-SEEPAGE, SLOPE

BUILDING SITE DEVELOPMENT

SHALLOW EXCAVATIONS	SEVERE-CUTBANKS CAVE, SLOPE	EMBANKMENTS, DIKES AND LEVEES	SEVERE-SEEPAGE, PIPING
DWELLINGS WITHOUT BASEMENTS	SEVERE-SLOPE	EXCAVATED PONDS, AQUIFER FED	SEVERE-NO WATER
DWELLINGS WITH BASEMENTS	SEVERE-SLOPE	DRAINAGE	DEEP TO WATER
SMALL COMMERCIAL BUILDINGS	SEVERE-SLOPE	IRRIGATION	DROUGHTY, FAST INTAKE, SOIL BLOWING
LOCAL ROADS AND STREETS	SEVERE-SLOPE	TERRACES AND DIVERSIONS	SLOPE, TOO SANDY, SOIL BLOWING
LAWNS, LANDSCAPING AND GOLF FAIRWAYS	SEVERE-DROUGHTY, SLOPE	GRASSED WATERWAYS	SLOPE, DROUGHTY

SOIL INTERPRETATIONS RECORD

28 HECETA FINE SAND

THE HECETA SERIES CONSISTS OF DEEP, POORLY DRAINED SOILS FORMED IN COLLIAN SAND. THESE NEARLY LEVEL SOILS ARE IN INTERDUNAL DEPRESSIONS AND DEFLATION PLAINS. ELEVATION RANGES FROM 0 TO 20 FEET. TYPICALLY, THE SURFACE LAYER IS OF GRAYISH BROWN FINE SAND ABOUT 4 INCHES THICK. THE SUBSTRATUM IS GRAYISH BROWN SAND THAT EXTENDS TO 60 INCHES OR MORE. THE MEAN ANNUAL PRECIPITATION IS 50 TO 70 INCHES. MEAN ANNUAL AIR TEMPERATURE IS 51 TO 53 F. FROST FREE PERIOD IS 200 TO 240 DAYS.

ESTIMATED SOIL PROPERTIES												
DEPTH (IN.)	USDA TEXTURE	UNIFIED	AASHTO	PERCENT OF MATERIAL LESS THAN 3" PASSING SIEVE NO.				LIQUID LIMIT	PLASTICITY INDEX			
0-4	IFS	SM	A-2	0	100	100	65-80	20-30	-	NP		
4-60	S, FS, LS	SP-SM, SM	A-3, A-2	0	100	100	50-80	5-30	-	NP		
DEPTH (IN.)	CLAY (PCT)	MOIST BULK DENSITY (G/CM3)	PERMEABILITY (IN/HR)	AVAILABLE WATER CAPACITY (IN/IN)	SOIL REACTION (PH)	SALINITY (MMHOS/CM)	SHRINK-SWELL POTENTIAL	EROSION FACTORS	WIND EROSION GROUP	ORGANIC MATTER (PCT)	CORROSIVITY	
0-4	3-10	1.20-1.40	6.0-20	0.05-0.07	5.6-6.5	-	LOW	1.10	5	2	2-4	MODERATE
4-60	3-15	1.30-1.60	6.0-20	0.05-0.07	5.6-7.3	-	LOW	1.10				MODERATE

FLOODING		HIGH WATER TABLE		CEMENTED PAN		BEDROCK		SUDDENNESS		HYDROPORE	
FREQUENCY	DURATION (MONTHS)	DEPTH (FT)	KIND	DEPTH (IN)	HARDNESS	DEPTH (IN)	HARDNESS	INITIAL	TOTAL	GROUP	FROST ACTION
NONE		1-0.5	APPARENT	OCT-MAY	-	>60					

SANITARY FACILITIES		CONSTRUCTION MATERIAL	
SEPTIC TANK ABSORPTION FIELDS	SEVERE-PONDING, POOR FILTER	ROADFILL	POOR-WETNESS
SEWAGE LAGOON AREAS	SEVERE-SEEPAGE, PONDING	SAND	PROBABLE
SANITARY LANDFILL (TRENCH)	SEVERE-SEEPAGE, PONDING, TOO SANDY	GRAVEL	IMPROBABLE-TOO SANDY
SANITARY LANDFILL (AREA)	SEVERE-SEEPAGE, PONDING	TOPSOIL	POOR-TOO SANDY, WETNESS
DAILY COVER FOR LANDFILL	POOR-SEEPAGE, TOO SANDY, PONDING	POND RESERVOIR AREA	SEVERE-SEEPAGE

BUILDING SITE DEVELOPMENT		WATER MANAGEMENT	
SHALLOW EXCAVATIONS	SEVERE-CUTBANKS CAVE, PONDING	EMBANKMENTS DIKES AND LEVEES	SEVERE-SEEPAGE, PIPING, PONDING
DWELLINGS WITHOUT BASEMENTS	SEVERE-PONDING	EXCAVATED PONDS AQUIFER FED	SEVERE-CUTBANKS CAVE
DWELLINGS WITH BASEMENTS	SEVERE-PONDING	DRAINAGE	PONDING, CUTBANKS CAVE
SMALL COMMERCIAL BUILDINGS	SEVERE-PONDING	IRRIGATION	PONDING, DROUGHTY, FAST INTAKE
LOCAL ROADS AND STREETS	SEVERE-PONDING	TERRACES AND DIVERSIONS	PONDING, TOO SANDY, SOIL BLOWING
LAWNS, LANDSCAPING AND GOLF FAIRWAYS	SEVERE-PONDING	GRASSED WATERWAYS	WETNESS, DROUGHTY

RECREATIONAL DEVELOPMENT

SEVERE-SLOPE

SEVERE-SLOPE

AREAS

PLAYGROUNDS

SEVERE-SLOPE

MODERATE-SLOPE

CONIC AREAS

PATHS
AND
TRAILS

CAPABILITY AND YIELDS PER ACRE OF CROPS AND PASTURE (HIGH LEVEL MANAGEMENT)

CAPA-
BILITY

NIRR IRR. INPR IRR. NIRR IRR. NIRR IRR. NIRR IRR. NIRR IRR. NIRR IRR.

6E

WOODLAND SUITABILITY

ORD
SYM

MANAGEMENT PROBLEMS

POTENTIAL PRODUCTIVITY

EROSION: EGUP. SEEDLING: WINDTH.: PLANT COMMON TREES SITE TREES TO PLANT

HAZARD LIMIT HORTY. HAZARD COMPET. DOUGLAS-FIR 125 WESTERN HEMLOCK

6S SLIGHT SLIGHT MODERATE MODERATE MODERATE WESTERN HEMLOCK SITKA SPRUCE
SITKA SPRUCE SHORE PINE

WINDBREAKS

SPECIES

HT

SPECIES

HT

SPECIES

HT

SPECIES

HT

NONE

WILDLIFE HABITAT SUITABILITY

POTENTIAL FOR HABITAT ELEMENTS

POTENTIAL AS HABITAT FOR:

GRAIN & GRASS & WILD HARDWD CONIFER SHRUBS WETLAND SHALLOW OPENLD WOODLD WETLAND RANGELD
SEED LEGUME HERE TREES PLANTS PLANTS WATER WILDLF WILDLF WILDLF WILDLF
POOR POOR FAIR FAIR FAIR FAIR IV. POOR IV. POOR POOR FAIR IV. POOR

POTENTIAL NATIVE PLANT COMMUNITY (RANGELAND OR FOREST UNDERSTORY VEGETATION)

COMMON PLANT NAME

PLANT
SYMBOL
(NLSPN)

PERCENTAGE COMPOSITION (DRY WEIGHT)

POTENTIAL PRODUCTION (LBS./AC. DRY WT):
FAVORABLE YEARS
NORMAL YEARS
UNFAVORABLE YEARS

FOOTNOTES

SOIL INTERPRETATIONS RECORD

59D WALDPORT FINE SAND, 0 TO 36 PERCENT SLOPES

THE WALDPORT SERIES CONSISTS OF DEEP EXCESSIVELY DRAINED SOILS FORMED IN DUNE SAND. THEY ARE ON UNDULATING TO HILLY STABILIZED DUNES AT ELEVATIONS OF 10 TO 120 FT. TYPICALLY THE SURFACE LAYER IS VERY DARK GRAY AND GRAYISH BROWN FINE AND ABOUT 5 INCHES THICK OVER YELLOWISH BROWN FINE SAND ABOUT 15 INCHES THICK. THE SUBSTRATUM IS FINE SAND MANY FEET THICK. MEAN ANNUAL PRECIP. IS 50 TO 70 INCHES. MEAN ANNUAL AIR TEMPERATURE IS 51 TO 53 DEGREES F. AND THE FROST-FREE PERIOD IS 200 TO 240 DAYS.

ESTIMATED SOIL PROPERTIES

DEPTH (IN.)	USDA TEXTURE	UNIFIED	AASHTO	PERCENT OF MATERIAL LESS THAN 3" PASSING SIEVE NO.					LIQUID LIMIT (%)	PLASTICITY INDEX
				>3 IN (PCT)	4	10	40	200		
0-7	SFS	SM	A-2	0	100	100	70-80	20-30	-	NP
7-60	SFS	SM	A-2	0	100	100	70-80	20-30	-	NP

DEPTH (IN.)	CLAY (PCT)	MOIST DENSITY (G/CM ³)	PERMEABILITY (IN/HR)	AVAILABLE WATER CAPACITY (IN/IN)	SOIL REACTION (PH)	SALINITY (MMHOS/CM)	SHRINK-SWELL POTENTIAL (%)	EROSION FACTORS (K, T, GROUP)	CORROSION			
									STEEL	CONCRETE		
0-7	1-5	1.30-1.60	6.0-20	0.05-0.07	4.5-6.0	-	LOW	5	1	3-B	HIGH	HIGH
7-60	1-5	1.30-1.60	>20	0.05-0.07	5.1-6.5	-	LOW	17				

FLOODING			HIGH WATER TABLE		CEMENTED PAV.		BEDROCK		SUBSIDENCE		HYDRO. POTENTIAL	
FREQUENCY	DURATION	MONTHS	DEPTH (FT)	KIND	DEPTH (IN)	HARDNESS	DEPTH (IN)	HARDNESS	INITIAL	TOTAL	GROUP	FROST ACTION
NONE			26.0				>60					

SANITARY FACILITIES

CONSTRUCTION MATERIAL

SEPTIC TANK ABSORPTION FIELDS	SEVERE-POOR FILTER, SLOPE	ROADFILL	FAIR-SLOPE
SEWAGE LAGOON AREAS	SEVERE-SEEPAGE, SLOPE	SAND	IMPROBABLE-EXCESS FINES
SANITARY LANDFILL (TRENCH)	SEVERE-SEEPAGE, SLOPE, TOO SANDY	GRAVEL	IMPROBABLE-EXCESS FINES
SANITARY LANDFILL (AREA)	SEVERE-SEEPAGE, SLOPE	TOPSOIL	POOR-TOO SANDY, SLOPE
DAILY COVER FOR LANDFILL	POOR-TOO SANDY, SLOPE	POND RESERVOIR AREA	SEVERE-SEEPAGE, SLOPE

BUILDING SITE DEVELOPMENT

SHALLOW EXCAVATIONS	SEVERE-CUTBANKS CAVE, SLOPE	EMBANKMENTS DIKES AND LEVEES	SEVERE-PIPING
DWELLINGS WITHOUT BASEMENTS	SEVERE-SLOPE	EXCAVATED PONDS AQUIFER FED	SEVERE-NO WATER
DWELLINGS WITH BASEMENTS	SEVERE-SLOPE	DRAINAGE	DEEP TO WATER
SMALL COMMERCIAL BUILDINGS	SEVERE-SLOPE	IRRIGATION	DROUGHTY, FAST INTAKE, SOIL BLOWING
LOCAL ROADS AND STREETS	SEVERE-SLOPE	TERRACES AND DIVERSIONS	SLOPE, TOO SANDY, SOIL BLOWING
LAWNS, LANDSCAPING AND GOLF FAIRWAYS	SEVERE-SLOPE	GRASSED WATERWAYS	SLOPE, DROUGHTY

Present Value Calculation
of an Alternative Investment
Dr. Raymond M. McKeown, et ux
Mr. George M. Riley, et ux

Prepared January 18, 1982

Prepared by Scott A. Davidson

CONTENTS

Introduction	Page	1
Cash Flows/Investment Opportunity Cost		
Dr. Raymond M. McKeown	Page	2
Mr. George M. Riley	Page	3
Data Supplied by Foss, Whitty & Roess	Pages	4 - 7
Footnotes	Page	8
Schedule of Rates	Page	9
Qualifications of Scott A. Davidson	Page	10

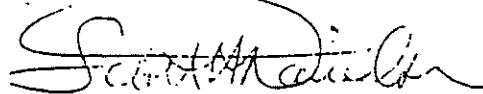
TO WHOM IT MAY CONCERN:

The attached report was prepared at the request of the office of Foss, Whitty and Roess, Attorney at Law, Coos Bay, Oregon, for further benefit of their clients, Dr. Raymond M. McKeown, et ux and Mr. George M. Riley, et ux.

The purpose of the report was to calculate the present value of certain cash flows as provided by G. Jefferson Campbell, Jr. Attorney. Many assumptions needed to be made regarding these cash flows and are more fully explained in the accompanying footnotes which are an integral part of this report.

Great care has been taken in these calculations and information was extracted from sources believed to be reliable, however, the final figures should be regarded solely as approximates and are specifically not guaranteed as absolute.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Scott A. Davidson". The signature is written in dark ink and is positioned above the printed name.

Scott A. Davidson

Dr. Raymond M. McKeown, et ux

Cash Flows/Investment Opportunity Cost

Year	Acquisition 1.)	Property Taxes 2.)	Capital Expenses 3.)	Operating Expenses 4.)	Labor 5.)	Total	Present Value 12/31/80 7.)
1941	\$3,410.00	\$	\$ 1,676.22	\$ 1,445.43	\$ 287.50	\$ 6,819.15	\$ 37,848.11
1942			1,676.22	1,445.43	287.50	3,409.15	18,467.39
1943		19.24	1,676.22	1,445.43	287.50	3,428.39	18,123.95
1944		38.49	1,676.22	1,445.43	287.50	3,447.64	17,784.66
1945		57.73	1,676.22	1,445.43	460.00	3,639.38	18,339.11
1946		76.97	1,676.22	1,445.43	460.00	3,658.62	18,040.97
1947		96.21	1,676.22	1,445.43	460.00	3,677.86	17,736.77
1948		115.46	1,676.22	1,445.43	460.00	3,697.11	17,404.92
1949		134.70	1,676.22	3,712.59	460.00	5,983.51	27,532.63
1950		153.94	1,676.22	3,712.59	862.50	6,405.25	28,804.95
1951		173.18	1,676.22	3,712.59	862.50	6,424.49	28,167.58
1952		192.43	1,676.22	3,712.59	862.50	6,443.74	27,514.59
1953		211.67	1,676.22	3,712.59	862.50	6,462.98	26,808.57
1954		230.91	1,676.22	3,712.59	862.50	6,482.22	26,219.77
1955		250.15	1,676.22	5,604.95	862.50	8,393.82	33,014.35
1956		269.40	1,676.22	5,604.95	1,150.00	8,700.57	33,198.34
1957		288.64	1,676.22	5,604.95	1,150.00	8,719.81	32,155.94
1958		307.88	1,676.22	5,604.95	1,150.00	8,739.05	31,158.17
1959		327.12	1,676.22	5,604.95	1,150.00	8,758.29	30,005.55
1960		346.37	1,676.22	3,252.07	1,150.00	6,424.66	21,162.03
1961		365.61	1,676.22	3,252.07	1,322.50	6,616.40	20,975.55
1962		384.85	1,676.22	3,252.07	1,322.50	6,635.64	20,237.18
1963		404.09	1,676.22	3,252.07	1,437.50	6,769.88	19,852.48
1964		423.34	1,676.22	2,895.11	1,437.50	6,432.17	18,110.56
1965		442.58	1,676.22	2,895.11	1,437.50	6,451.41	17,430.90
1966		461.82	1,676.22	2,895.11	1,437.50	6,470.65	16,706.05
1967		481.06	1,676.22	2,895.11	1,610.00	6,662.39	16,405.43
1968		500.31	1,676.22	2,895.11	1,932.00	7,003.64	16,383.92
1969		519.55	1,676.22	2,895.11	1,932.00	7,022.88	15,336.94
1970		538.79	1,676.22	3,665.33	1,932.00	7,812.34	16,007.70
1971		558.03	1,676.22	3,665.33	1,932.00	7,831.58	15,181.76
1972		577.28	1,676.22	3,665.33	1,932.00	7,850.83	14,420.20
1973		596.52	1,676.22	4,213.97	1,932.00	8,418.71	14,559.15
1974		615.76	1,676.22	4,842.94	2,300.00	9,434.92	15,266.24
1975		635.00	1,676.22	4,842.94	2,415.00	9,569.16	14,475.93
1976		654.25	1,676.22	4,842.94	2,645.00	9,818.41	13,908.59
1977		673.49	1,676.22	4,842.94	2,645.00	9,837.65	12,959.96
1978		692.73	1,676.22	4,842.94	3,047.50	10,259.39	12,468.23
1979		711.97	1,676.22	4,842.94	3,335.00	10,566.13	11,752.71
1980		731.48	1,676.22	8,783.32	3,565.00	14,756.22	14,756.22
TOTAL	\$3,410.00	\$14,259.00	\$67,049.00	\$145,293.59	\$55,924.50	\$285,936.09	\$826,684.05

George M. Riley, et ux

Cash Flows/Investment Opportunity Cost

Year	Acquisitions 1.)	Property Taxes 2.)	Capital Expenses 3.)	Operating Expenses 4.)	Labor 5.)	Loss on Rental 6.)	Total	Present Value 12/31/80 7.)
1961	\$168,400.00	\$	\$ 3,274.25	\$ 13,962.00	\$ 1,265.00	\$	\$186,901.25	\$ 592,521.1
1962			3,274.25	5,224.00	1,265.00	780.00	10,543.25	32,154.4
1963		83.39	3,274.25	6,079.00	1,375.00	780.00	11,591.64	33,992.1
1964		166.77	3,274.25	5,546.00	1,375.00	780.00	11,142.02	31,371.7
1965		250.16	3,274.25	9,227.00	1,375.00	900.00	15,026.41	40,599.4
1966		333.54	3,274.25	6,446.00	1,375.00	900.00	12,328.79	31,380.7
1967		416.93	3,274.25	7,733.00	1,540.00	900.00	13,864.18	34,139.0
1968		500.32	3,274.25	8,283.00	1,848.00	900.00	14,805.57	34,635.3
1969		583.70	3,274.25	8,079.00	1,848.00	1,200.00	14,984.95	32,724.9
1970		667.09	3,274.25	5,583.00	1,848.00	1,500.00	12,872.34	26,375.7
1971		750.47	3,274.25	8,377.00	1,848.00	1,500.00	15,749.72	30,531.3
1972		833.86	3,274.25	9,566.00	1,848.00	1,800.00	17,322.11	31,816.8
1973		917.24	3,274.25	5,152.00	1,848.00	1,800.00	12,991.49	22,467.2
1974		1,000.63	3,274.25	8,633.00	2,200.00	1,800.00	16,907.88	27,357.9
1975		1,084.02	3,274.25	6,608.00	2,310.00	2,100.00	15,376.27	23,260.7
1976		1,167.40	3,274.25	7,150.00	2,530.00	2,100.00	16,221.65	22,979.3
1977		1,250.79	3,274.25	9,124.00	2,530.00	2,700.00	18,879.04	24,870.9
1978		1,334.17	3,274.25	7,005.00	2,915.00	2,700.00	17,228.42	20,937.6
1979		1,417.56	3,274.25	10,248.00	3,190.00	2,700.00	20,829.81	23,168.9
1980		1,500.96	3,274.25	-0-	3,410.00	2,700.00	10,885.21	10,885.2
TOTAL	\$168,400.00	\$14,259.00	\$65,485.00	\$148,025.00	\$39,743.00	\$30,540.00	\$466,452.00	\$1,128,170.9

SUMMARY OF INVESTMENT IN
PROPERTY BY

DR. RAYMOND M. MCKEOWN, ET UX.

1.	Acquisition of Property	\$ 3,410.00
2.	Property Taxes (1943-1980)	14,259.00
3.	Capital Expenses - Equipment and Capital Improvements:	
1.	Equipment	\$16,069.00
2.	Water and Irrigation Systems	10,935.00
3.	Roads - Excavation	17,088.00
4.	Surveys	1,497.00
5.	Cedar House	13,065.00
6.	Clearing Costs	8,395.00
	TOTAL	67,049.00

4.	Operating Expenses - Labor, repairs, materials, etc.:	
1.	1941 - 1948	\$11,563.45
2.	1949 - 1954	22,275.53
3.	1955 - 1959	28,024.93
4.	1960 - 1963	13,008.29
5.	1964 - 1969	17,370.66
6.	1970 - 1972	10,995.98
7.	1973	4,213.97
8.	1974 - 1979	29,057.64
9.	1980	8,783.34
	TOTAL	145,293.59

5.	Labor (1,150 hours per year [estimated] at minimum wage):	
1.	1941	\$ 287.50
2.	1942	287.50
3.	1943	287.50
4.	1944	287.50
5.	1945	460.00
6.	1946	460.00
7.	1947	460.00
8.	1948	460.00
9.	1949	460.00
10.	1950	862.50
11.	1951	862.50
12.	1952	862.50
13.	1953	862.50
14.	1954	862.50
15.	1955	862.50

16.	1956	1,150.00
17.	1957	1,150.00
18.	1958	1,150.00
19.	1959	1,150.00
20.	1960	1,150.00
21.	1961	1,322.50
22.	1962	1,322.50
23.	1963	1,437.50
24.	1964	1,437.50
25.	1965	1,437.50
26.	1966	1,437.50
27.	1967	1,610.00
28.	1968	1,932.00
29.	1969	1,932.00
30.	1970	1,932.00
31.	1971	1,932.00
32.	1972	1,932.00
33.	1973	1,932.00
34.	1974	2,300.00
35.	1975	2,415.00
36.	1976	2,645.00
37.	1977	2,645.00
38.	1978	3,047.50
29.	1979	3,335.00
40.	1980	3,565.00

TOTAL 55,924.50

TOTAL \$285,936.09

SUMMARY OF INVESTMENT IN
PROPERTY BY

GEORGE M. RILEY, ET UX.

- 1. Acquisition of Property \$168,400.00
- 2. Property Taxes (1963-1980) 14,259.00
- 3. Capital Expenditures 65,485.00
- 4. Operating Expenses - Labor, repairs;
materials, etc.:

1.	1961	\$13,962.00
2.	1962	5,224.00
3.	1963	6,079.00
4.	1964	5,546.00
5.	1965	9,227.00
6.	1966	6,446.00
7.	1967	7,733.00
8.	1968	8,283.00
9.	1969	8,079.00
10.	1970	5,583.00
11.	1971	8,377.00
12.	1972	9,566.00
13.	1973	5,152.00
14.	1974	8,633.00
15.	1975	6,608.00
16.	1976	7,150.00
17.	1977	9,124.00
18.	1978	7,005.00
19.	1979	10,248.00

TOTAL ~~148,075.00~~
148,031.00

5. Lost Rent on Caretaker House:

1.	1962	\$ 780.00
2.	1963	780.00
3.	1964	780.00
4.	1965	900.00
5.	1966	900.00
6.	1967	900.00
7.	1968	900.00
8.	1969	1,200.00
9.	1970	1,500.00
10.	1971	1,500.00
11.	1972	1,800.00
12.	1973	1,800.00
13.	1974	1,800.00
14.	1975	2,100.00
15.	1976	2,100.00

16.	1977	. . . . .	2,700.00
17.	1978	. . . . .	2,700.00
18.	1979	. . . . .	2,700.00
19.	1980	. . . . .	2,700.00

TOTAL 30,540.00

6. Labor (1,100 hours per year [estimated] at minimum wage)

1.	1961	. . . . .	1,265.00
2.	1962	. . . . .	1,265.00
3.	1963	. . . . .	1,375.00
4.	1964	. . . . .	1,375.00
5.	1965	. . . . .	1,375.00
6.	1966	. . . . .	1,375.00
7.	1967	. . . . .	1,540.00
8.	1968	. . . . .	1,848.00
9.	1969	. . . . .	1,848.00
10.	1970	. . . . .	1,848.00
11.	1971	. . . . .	1,848.00
12.	1972	. . . . .	1,848.00
13.	1973	. . . . .	1,848.00
14.	1974	. . . . .	2,200.00
15.	1975	. . . . .	2,310.00
16.	1976	. . . . .	2,530.00
17.	1977	. . . . .	2,530.00
18.	1978	. . . . .	2,915.00
19.	1979	. . . . .	3,190.00
20.	1980	. . . . .	3,410.00

TOTAL 39,743.00

TOTAL \$466,458.00

FOOTNOTES

- 1.) Acquisition: It was assumed that the McKeown property was acquired during 1941 and the Riley property in 1961.
- 2.) Property Taxes: The information supplied for property taxes was a total amount over the life of the investment. To allocate annual expenses, a sum-of-the-years digits formula was applied to arrive at an even, annual increase in tax to reflect an actual experience.
- 3.) Capital Expense: The information supplied for this expense was a total amount over the life of the investment. To allocate annual expenses, this amount was simply divided equally over the period.
- 4.) Operating: The information supplied for McKeown was grouped by various number of years. In those instances, the amount was spread evenly within the group.
- 5.) Labor: Annual information was provided.
- 6.) Loss of Rent: Annual information was provided.
- 7.) Present Value: Earnings value for each expense was calculated to start accruing the first day of the year following the year in which it occurred. Cumulative values were calculated through December 31, 1980. The investment yield applied in calculating the present value was the average annual rate of return on long term U. S. Treasury Bonds (Schedule enclosed).

INVESTMENT YIELDS

Average Annual Rates

Year	*Long Term T - Bond %
1941	2.05%
1942	2.46
1943	2.47
1944	2.48
1945	2.37
1946	2.19
1947	2.25
1948	2.44
1949	2.31
1950	2.32
1951	2.57
1952	2.68
1953	2.94
1954	2.55
1955	2.84
1956	3.08
1957	3.47
1958	3.43
1959	4.07
1960	4.01
1961	3.90
1962	3.95
1963	4.00
1964	4.15
1965	4.21
1966	4.65
1967	4.85
1968	5.26
1969	7.12
1970	6.58
1971	5.70
1972	5.54
1973	6.21
1974	6.88
1975	6.96
1976	6.79
1977	7.53
1978	8.40
1979	9.26
1980	11.23

*Long-term: due or callable after 15 years, Jan., 1941-March, 1952; after 12 years, April, 1952-March, 1953; 10 years or more, beginning April, 1953.

Qualifications

Scott A. Davidson

Current Occupation: Vice President and Investment Manager
Western Bank
P. O. Box 461
Coos Bay, Oregon 97420
(503) 269-5171

Past Occupations: Fixed Income Investment Advisor
Peoples National Bank of Washington

Account Executive
Merrill Lynch, Pierce, Fenner & Smith, Inc.

Account Executive
Clayton Brokerage Co. of St. Louis

Education: A.A. Degree Tacoma Community College 1975
B.A. Work University of Puget Sound 1977

Home Address 3884 Ross Inlet Road
Coos Bay, Oregon 97420
(503) 267-5200

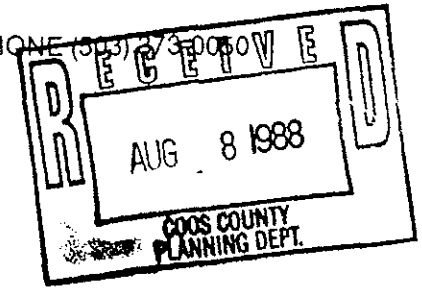


EXCEPTION 7
UPPER PONY CREEK

114 / *WB*

Department of Land Conservation and Development

1175 COURT STREET NE, SALEM, OREGON 97310-0590 PHONE (503) 733-0000



NOTICE OF ADOPTED AMENDMENT

August 5, 1988

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: James F. Ross, Director *JFR*

SUBJECT: Coos County Plan Amendment (LCDC File #005-88)

Notice of adoption of the attached plan or land use regulation amendment was received by the Department of Land Conservation and Development on August 1, 1988 and postmarked on July 29, 1988. The amendment was adopted on July 27, 1988. Notice of the proposed amendment had been received by the Department on May 31, 1988.

Persons who participated in the local government proceedings leading to adoption of the amendment may file an appeal of this decision with the Land Use Board of Appeals (LUBA). If the local government did not provide 45 days notice of its final hearing on adoption claiming that the statewide goals are inapplicable or that an emergency exists, any person may file an appeal of the decision with LUBA even if they did not participate locally.

In order to file an appeal, a notice of intent to appeal must be filed no later than 21 days after the date the decision sought to be reviewed is mailed to persons entitled to notice under OAR 660-18-040 and 660-18-050. Copies of the notice of intent to appeal must be served upon the local government and the applicant of record. The notice shall be served and filed in the form and manner prescribed by rule of LUBA. Further proceedings are governed by the administrative rules of LUBA.

JFR:DB:blh

<PAA>

cc: Dale Blanton, Operations Supervisor
Glen Hale, Field Representative
Portland Office

CONSERVATION & DEV
AUG - 1 1988

CERTIFIED

NOTICE OF ADOPTION

Must Be Filed Within 5 Working Days
See OAR 660-18-040

SALEM

Jurisdiction Coos County Local File Number AM-88-06

Date Mailed July 28, 1988 Date of Adoption July 27, 1988

Date Proposal was Provided to DLCD May 27, 1988

Type of Adopted Action (Check all that apply)

<input checked="" type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Land Use Regulation Amendment	<input type="checkbox"/> New Land Use Regulation
---	---	---

Please complete (A) for text amendments and (B) for map amendments

A. Summary of Adopted Action (A brief description is adequate. Please avoid highly technical terms and zone code abbreviations. Please do not write "see attached."):

Proposal would permit the expansion of the Upper Pony Creek Reservoir onto Forest Land. Action takes an exception to Goal #4.

Describe How the Adopted Amendment Differs from the Proposal (If it is the same, write "Same." If it was not proposed, write "N/A."):

SAME

B. If the Action Amends the Plan or Zone Map, Provide the Following Information for Each Area Which was Changed (Provide a separate sheet for each area. Multiple sheets can be submitted as a single adoption action. Please include street address whenever possible. Do not use tax lot number alone.):

Previous Plan Designation: _____ New Plan Designation: _____

Previous Zone: _____ New Zone: _____

Location: _____

Acreage Involved: _____

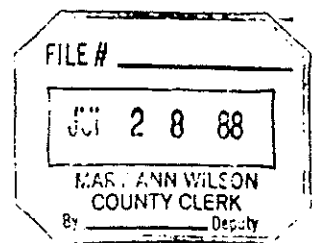
Does this Change Include a Goal Exception? Yes No

For Residential Changes Please Indicate the Change in Allowed Density in Units Per Net Acre

Previous Density: _____ New Density: _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BOARD OF COMMISSIONERS
COUNTY OF COOS
STATE OF OREGON



In the Matter of Amending)
Coos County Ordinance 82-12-022L,)
and Amendments thereto;)
Upper Pony Creek Reservoir)
Expansion)

ORDINANCE
88-05-012PL

THE BOARD OF COMMISSIONERS for the County of Coos ordains as follows:

SECTION 1. TITLE

This Ordinance shall be known as "Coos County Ordinance No. 88-05-012PL."

SECTION 2. AUTHORITY

This Ordinance is enacted pursuant to the provisions of ORS 203.035 and ORS Chapter 215.

SECTION 3. PURPOSE

The purpose of this Ordinance is to amend Volume I of the Coos County Comprehensive Plan. This Ordinance amends Coos County Ordinance 82-12-022L, and amendments thereto, by adopting "Exception No. 9", an exception to Statewide Planning Goal #4 ("Forest Land"), to permit the expansion of the Upper Pony Creek Reservoir.

SECTION 4. FINDINGS

The Board of Commissioners of Coos County finds that the adoption of this Ordinance is a land use decision which must be made in accordance with the Statewide Land Use Planning Goals. This Ordinance does comply with the requirements of the Statewide Land Use Planning Goals. The findings establishing this compliance are set forth in Exhibit "A" of this Ordinance, attached hereto and incorporated herein by this reference.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ADOPTED this 27th day of July, 1988.

BOARD OF COMMISSIONERS

Jack L. Beebe
COMMISSIONER

Jordan Row
COMMISSIONER

Doc Stevenson
COMMISSIONER

ATTEST:

Rhonda Abbey
Recording Secretary

APPROVED AS TO FORM:

David R. Ras
Office of County Counsel

SIGNED THIS 27th day of July, 1988.

1st Reading: July 13, 1988

2nd Reading: July 27, 1988

Emergency Adoption: yes

Effective Date: July 27, 1988

EXHIBIT "A"
UPPER PONY CREEK
RESERVOIR EXPANSION

EXCEPTION No. 9: UPPER PONY CREEK RESERVOIR EXPANSION
An Amendment to Volume I, Part 3
of the Coos County Comprehensive Plan

I. BACKGROUND INFORMATION

A. General

Coos County possesses an abundant supply of water. Annual precipitation varies from 50-70 inches along the coast while increasing to 120 inches further inland. Approximately 70% of this rainfall results in runoff. This runoff represents the primary source of consumable water for Coos County. (1)

Runoff approximately follows the seasonal precipitation pattern. The greatest amount of precipitation falls between the months of November through April. In turn, 90% of the annual runoff occurs during these months. (2) In contrast, the driest months of August and September yield only 1% of the annual runoff. As an example of this seasonal fluctuation, the monthly stream flow on the South Fork Coquille River averages 1880 cubic feet per second (cfs) in January and drops to 32 cfs in September. (3)

The demand for water also faces seasonal fluctuations. Summer months show increased usage as farmland is irrigated, lawns and gardens are watered and seasonal tourist/recreational facilities are utilized. In addition, certain industries, such as fish processing, have a peak seasonal demand during the summer months. (4) Finally, there is a further demand on summer water resources as the State mandates minimum stream flows to protect anadromous fish habitat. (5) Insufficient runoff will restrict water withdrawals which, in turn, can reduce the potential water supply.

These two components, seasonal fluctuations in water supply and season fluctuations in demand, often create a conflict. During times of low summer runoff demand can exceed supply thereby possibly causing water shortages. This problem is further exacerbated by minimum stream flow requirements.

Because of these fluctuations in supply and demand the use of storage reservoirs is necessary to insure adequate water supplies. Runoff is accumulated, and stored, during the winter months in order to meet annual demand. It is this type of system that supplies the bulk of the water within the Coos Bay-North Bend urban area.

B. Coos Bay-North Bend Water Resources

The cities of Coos Bay and North Bend are joint owners of a regional water system: the Coos Bay-North Bend Water Board

As noted above, conservation is utilized during times of imminent water shortages. Also as noted, however, recent conservation efforts produced only a minimally insufficient decrease in water demand. Further, conservation will only reduce the demand to meet the existing supply; it does not address future supply requirements. Conservation remains only an imperfect short-term solution.

A second alternative is expansion of the dunes aquifer well system. The aquifer's estimated total capacity is 21 MGD of which a maximum of 3 MGD are currently utilized. (15) This leaves 18 MGD for expansion purposes. However, an existing North Spit industrial firm holds the right of first refusal for 12 MGD of this water, leaving only 6 MGD for alternative uses. (16) This well water contains a high mineral content which, though adequate for industrial purposes, requires extensive, and expensive, treatment to make it suitable for municipal users. (17) The adjacent location of the dunes aquifer to current industrial users, as well as potential industrial sites, further supports maintaining the aquifer supply for industrial purposes.

With the exception of the dunes aquifer, the Coos Bay-North Bend urban area depends solely on the containment of water to create supply. Again, this is essentially due to the seasonal nature of the rainfall and resultant runoff, the area's primary source of water.

In order to address the immediate water shortage situation, and to provide for expected future demands, the CBNBWB is proposing to expand the storage capacity of the Upper Pony Creek reservoir (see map, Attachment "A"). The expansion would be accomplished by raising the height of the existing dam by 21 feet. This would result in a doubling of the surface area to 300 acres and a tripling of capacity to 2100 MG. (18) The additional capacity, when combined with the new water treatment plant, will provide an additional 1.5 MGD of treated water to the region. (19)

The bulk of the expanded surface area would lie within the corporate limits of the City of Coos Bay. However, approximately 50 to 60 acres of new water surface area would be created outside the city limits, within the jurisdiction of Coos County. This land is zoned for forest use (F). This area is located in Township 26, Range 13, Sections 4 and 5.

The Coos County Zoning and Land Development Ordinance conditionally permits dams, and the attendant reservoir, in the forest zone only if (a) the reservoir is less than 1000 acre feet, (b) the dam is not used for generating power for public sale, and (c) the reservoir is not used as a domestic water supply. As the proposal conflicts with these requirements, and will occur on resource land, a Goal exception is required. Therefore, Coos County is seeking an exception to Goal 4 of the Statewide Planning Goals to permit the expansion of an existing reservoir onto forest lands.

commercial and industrial activity. Without adequate water supplies, economic growth cannot occur.

The proposed expansion is also consistent with the "...timely, orderly and efficient..." aspects of public utility expansion embodied in Goal 11. The CBNBWB developed a twenty year plan to meet expected future demand. This planning period reflects a reasonable time span whereby a predictable level of future water usage can be estimated and projects can be developed to meet future needs. The plan's initial objective is to reduce current water shortages, and in this regard, the project represents a timely response to the existing problem. The reservoir expansion will not require additional structures as the existing water transmission system and water treatment facilities will be utilized, thereby ensuring an efficient use of the existing water supply network. (20)

The proposal will remove some acreage from forest production. Compared to the vast amount of forest land within the County, the loss of 50 to 60 acres is minimal. However, more importantly, health concerns with regard to water quality and the need to maintain adequate water supplies for economic growth are expected to more than offset any losses. For these reasons the proposal is consistent with the requirements of OAR 660-04-022(1)(a) and OAR 660-04-020(2)(a).

2. 660-04-020(2)(b) "Areas which do not require a new exception cannot reasonably accommodate the use."

and,

660-04-022(1)(c): The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.

(Compliance with OAR 660-04-022(1)(c) is necessary to establish compliance with OAR 660-04-020(2)(b).)

Currently, the Coos County Zoning and Land Development Ordinance permits dam construction outright on farmland (EFU), and conditionally within the Controlled Development (CD-5, CD-10), Commercial (C-1), Industrial (IND), and Forest (F) zones. For the CD-5, CD-10, C-1 and IND zones, the only applicable standard to address is compatibility with adjacent land uses. The forest zone prohibits the development of dams for domestic water supply purposes and limits their attendant reservoirs to 1000 acre feet. This proposal seeks to expand an existing reservoir onto F-zoned property.

As this is a reservoir expansion, the topography will determine the areas to be inundated and the increase in water volume. In the strictest sense, there is no physical alternative to having the water enter onto the forest land, if the dam is raised. The

The expansion represents an efficient use of the current water system by utilizing all existing water transmission and treatment facilities. No additional construction will be required. Furthermore, there will be no energy impact, as gravity will be utilized to transport the water to the treatment facility.

As previously noted in (2)(b), the proposal's unique qualities eliminate the possibility of alternative expansion sites. The proposal is not only efficient in its resource utilization, but will have positive social implications with negligible environmental impacts. It is the most economical approach to reducing the water shortages in the short-term while providing for future expansion. For these reasons the proposal is consistent with the requirements of OAR 660-04-020(2)(c).

4. 660-04-020(2)(d): "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts."

The existing reservoir site is surrounded by forest lands with no negative impacts occurring on these lands. The expansion onto adjacent forest property will similarly not produce negative impacts.

Adjacent property uses will continue to be primarily forest management activities. There are no residential structures within at least 2000 feet of the proposed expansion boundary nor are there any commercial or industrial activities within that distance. In addition, continuation of the existing forest zoning will limit non-forest uses, thereby reducing, if not eliminating, potential future conflicts. OAR 660-04-020(2)(d) is therefore satisfied.

III. CONCLUSIONS AND ULTIMATE FINDINGS

A. CONCLUSIONS

The proposed expansion, due to factors of location and topography, can only physically occur at the specified site. As this site is zoned for forest management purposes, and the zone prohibits dams, and reservoirs, of this nature, a goal exception is required to permit the expansion. Though forest management of some 50 to 60 acres would be precluded, overriding concerns of water quality (Goal 6) and the need to provide water essential for economic growth (Goal 9), necessitates inundation of these forest lands. In addition, the expansion is found to be consistent with, and appropriate for, the level of service needed for the region (Goal 11).

Environmental impacts will be, at worst, negligible, while the expected social impacts are positive. The expansion represents an efficient use of the current regional water system, as it will be able to utilize existing facilities. No additional pump

FOOTNOTES

- (1) Fresh Water Resources of the Oregon Coastal Zone
(Salem, Oregon: State Water Resources Board, 1975)
p.15.
- (2) Ibid, p. 16.
- (3) Ibid, pp. 16-17.
- (4) Conversation with Coos Bay - North Bend Water Board
General Manager Phil Matson; January 20, 1988.
- (5) ORS 536.235 establishes the minimum stream flow policy.
ORS 536.325 provides guidelines to implement that
policy.
- (6) Planning Report: Water Source Development Concepts of
the Coos Bay-North Bend Water Board (Coos Bay, Oregon:
Coos Bay-North Bend Water Board, 1988) p.11.
- (7) Examples of treated water usage in 1987: January 1,
4.0 MGD; April 10, 5.0 MGD; July 31, 6.6 MGD and
November 6, 4.0 MGD (CBNBWB information). Also note
the seasonal variations.
- (8) Planning Report, pp. 5-11.
- (9) Ibid, p.5.
- (10) Ibid, p.5.
- (11) Coos Bay-North Bend Water Board correspondence
of April 29, 1988, p.2.
- (12) Ibid, p.2.
- (13) Ibid, p.1.
- (14) Planning Report, p.11.
- (15) Ibid, pp.6,11.
- (16) CBNBWB, April 29, 1988, p.2.
- (17) Planning Report, p.6.
- (18) Ibid, p.5. January 20, 1988, conversation with
Phil Matson provided additional information on water
volume.

UPPER PONY CREEK RESERVOIR EXPANSION

ATTACHMENT "A"

T.26 R.13 S.32&33

T.26 R.13 S.4&5

SUBJECT AREA

32

COOS BAY CITY LIMITS

COOS BAY CITY LIMITS

LIMITS

UR-1

F

T25
T86

CITY

COOS BAY

UR-2

F

PIPELINE FROM JOE NEY CREEK
JOE NEY LIBBEY-NICHOLS CO. RD

EXISTING RESERVOIR
CITY BOUNDARY
PROPOSED RESERVOIR EXPANSION
BOUNDARY OF PROPOSED EXCEPTION AREA



ZONING F Forest
UR-1 Urban Residential 1
UR-2 Urban Residential 2

0 1/4 1/2 miles



9.0 EXCEPTION FOR UPPER PONY CREEK RESERVOIR EXPANSION

I. BACKGROUND INFORMATION

A. General

Coos County possesses an abundant supply of water. Annual precipitation varies from 50-70 inches along the coast while increasing to 120 inches further inland. Approximately 70% of this rainfall results in runoff. This runoff represents the primary source of consumable water for Coos County. (1)

Runoff approximately follows the seasonal precipitation pattern. The greatest amount of precipitation falls between the months of November through April. In turn, 90% of the annual runoff occurs during these months. (2) In contrast, the driest months of August and September yield only 1% of the annual runoff. As an example of this seasonal fluctuation, the monthly stream flow on the South Fork Coquille River averages 1880 cubic feet per second (cfs) in January and drops to 32 cfs in September. (3)

The demand for water also faces seasonal fluctuations. Summer months show increased usage as farmland is irrigated, lawns and gardens are watered and seasonal tourist/recreational facilities are utilized. In addition, certain industries, such as fish processing, have a peak seasonal demand during the summer months. (4) Finally, there is a further demand on summer water resources as the State mandates minimum stream flows to protect anadromous fish habitat. (5) Insufficient runoff will restrict water withdrawals which, in turn, can reduce the potential water supply.

These two components, seasonal fluctuations in water supply and season fluctuations in demand, often create a conflict. During times of low summer runoff demand can exceed supply thereby possibly causing water shortages. This problem is further exacerbated by minimum stream flow requirements.

Because of these fluctuations in supply and demand the use of storage reservoirs is necessary to insure adequate water supplies. Runoff is accumulated, and stored, during the winter months in order to meet annual demand. It is this type of system that supplies the bulk of the water within the Coos Bay-North Bend urban area.

B. Coos Bay-North Bend Water Resources

The cities of Coos Bay and North Bend are joint owners of a regional water system: the Coos Bay-North Bend Water Board (CBNBWB). The system supplies the area with approximately 11.5 million gallons per day (MGD) during periods of maximum daily use. (6) Generally, the average daily usage is approximately 7.0 MGD. (7) Of this total, two million gallons (MG) consists

of well water from the dunes aquifer located on the Coos Bay North Spit. This water is untreated and is primarily earmarked for current (and future) North Spit industrial users. The remaining 5.0 MG constitutes the area's municipal water system. This water is treated by three separate plants, the largest of which is located adjacent to the Upper Pony Creek Reservoir system. (8)

The Upper Pony Creek Reservoir has a capacity of 690 MG. Normally, the reservoir is capable of providing approximately 4.5 MGD to the adjacent treatment plant. (9) This daily yield, however, can only be sustained for a limited duration during the summer months. Generally, during periods of normal rainfall the existing reservoir system is usually filled to capacity by early June. This supply is responsible for the bulk of the treated water needs for the region until such time additional runoff is accumulated. Given the higher average daily summer usage, the 690 MG is capable of providing water for 120 to 130 days, sufficient time before being replenished by the early fall rains. (10)

However, if these rains are delayed, supplies can dwindle, thereby necessitating conservation methods to "stretch" the water supply. In fact, late summer demand has exceeded the available supply during the last four years thereby resulting in water shortages. (11) In addition, both voluntary and mandatory conservation methods were required twice in the last ten years. During 1987, mandatory measures resulted in an approximate 5% reduction in demand, an insufficient amount to address the shortage problem. (12)

Water conservation is, at best, a short-term solution that fails to address current and long-term needs. In the period between 1978-79 to 1986-87 water usage increased an annual rate of 9.5% while the annual rate of customer growth was 1%. (13) By the year 2008, total water demand will reach 35.0 MGD, of which 10 MGD will be for treated water. (14) This future demand represents an annual growth rate of 5.7% when compared to the current maximum daily usage. During this same time period the demand for treated water will double when compared to current average daily usage.

Even if the expected rate of growth were zero, recent water shortages indicate an immediate need to increase the available water storage capability. This expansion will insure adequate supplies to prevent future water shortages.

C. PROPOSAL

Alternative approaches to the water shortage problem do exist. As noted above, conservation is utilized during times of imminent water shortages. Also as noted, however, recent conservation efforts produced only a minimally insufficient decrease in water demand. Further, conservation will only reduce the demand to meet

the existing supply; it does not address future supply requirements. Conservation remains only an imperfect short-term solution.

A second alternative is expansion of the dunes aquifer well system. The aquifer's estimated total capacity is 21 MGD of which a maximum of 3 MGD are currently utilized. (15) This leaves 18 MGD for expansion purposes. However, an existing North Spit industrial firm holds the right of first refusal for 12 MGD of the water, leaving only 6 MGD for alternative uses. (16) This well water contains a high mineral content which, though adequate for industrial purposes, requires extensive, and expensive, treatment to make it suitable for municipal users. (17) The adjacent location of the dunes aquifer to current industrial users, as well as potential industrial sites, further supports maintaining the aquifer supply for industrial purpose.

With the exception of the dunes aquifer, the Coos Bay-North Bend urban area depends solely on the containment of water to create supply. Again, this is essentially due to the seasonal nature of the rainfall and resultant runoff, the area's primary source of water.

In order to address the immediate water shortage situation, and to provide for expected future demands, the CBNBWB is proposing to expand the storage capacity of the Upper Pony Creek reservoir (see map, Attachment "A"). The expansion would be accomplished by raising the height of the existing dam by 21 feet. This would result in a doubling of the surface area to 300 acres and a tripling of capacity to 2100 MG. (18) The additional capacity, when combined with the new water treatment plant, will provide an additional 1.5 MGD of treated water to the region. (19)

The bulk of the expanded surface area would lie within the corporate limits of the City of Coos Bay. However, approximately 50 to 60 acres of new water surface area would be created outside the city limits, within the jurisdiction of Coos County. This land is zoned for forest use (F). This area is located in Township 26, Range 13, Sections 4 and 5.

The Coos County Zoning and Land Development Ordinance conditionally permits dams, and the attendant reservoir, in the forest zone only if (a) the reservoir is less than 1000 acre feet, (b) the dam is not used for generating power for public sale, and (c) the reservoir is not used as a domestic water supply. As the proposal conflicts with these requirements, and will occur on resource land, a Goal exception is required. Therefore, Coos County is seeking an exception to Goal 4 of the Statewide Planning goals to permit the expansion of an existing reservoir onto forest lands.

II. EXCEPTION

The reasons necessary to justify an exception are established at OAR 660-04-022 while the exception requirements are outlined at OAR 660-04-020(2). For the proposed exception the relevant portions of 660-04-022 are subsection (1), (a) and (c). Subsection (1) (a), which requires a demonstration of need, will be incorporated in the analysis of OAR 660-04-020 (2) (a). Subsection (1) (a), which establishes the necessity of the proposed site, will be incorporated in the analysis of OAR 660-04-020(2) (b). Each of the review factors in OAR 660-04-020(2) is addressed, separately, below.

1. 660-04-020(2)(a): "Reasons justify why the State policy embodied in the applicable goals should not apply."

and,

660-04-022(1)(a): There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Statewide Goals 3 to 19.

(Compliance with OAR 660-04-022(1)(a) is necessary to establish compliance with OAR 660-04-020(a).)

As noted in Part I, there exists a serious need to expand the water supply in the Coos Bay-North Bend service area. The reason supporting this need is two-fold. First, there is a need to reduce, or eliminate, the potential for water shortages. Second, there is a need to expand the water supply to meet anticipated future demand. Based on the seasonal nature of rainfall and runoff the only feasible method of increasing the water availability is to develop reservoirs. To avoid future water shortage problems will require construction of new reservoirs, or, the expansion of existing ones.

In the case of the Upper Pony Creek Reservoir, expansion can only occur on forest zoned property. It is simply not possible to divert the accumulating water in such a manner to avoid impacts on these lands. The expansion will obviously preclude forest management activities. In turn, removal of the land from forest production conflicts with Goal 4, which requires conservation of "...forest lands for forest uses." However, a further conflict appears to exist as the proposed expansion is consistent with the requirements of Goal 6 and Goal 9. Specifically, Goal 6 seeks, in part, "(to) maintain and improve the quality of the ...water...resources of the state." The project is consistent with this objective as the expanded reservoir will maintain any shortages and any diminution of water quality associated with such shortages. The objective of Goal 9 is "(to) diversify and improve the economy of the state." The expansion will ensure continued water availability for the area. This water availability is essential for both residential uses and future commercial and industrial activity. Without adequate water

supplies, economic growth cannot occur.

The proposed expansion is also consistent with the "...timely, orderly and efficient..." aspects of public utility expansion embodied in Goal 11. The CBNBWB developed a twenty year plan to meet expected future demand. This planning period reflects a reasonable time span whereby a predictable level of future water usage can be estimated and projects can be developed to meet water shortages, and in this regard, the project represents a timely response to the existing problem. The reservoir expansion will not require additional structures as the existing water transmission system and water treatment facilities will be utilized, thereby ensuring an efficient use of the existing water supply network. (20)

The proposal will remove some acreage from forest production. Compared to the vast amount of forest land within the County, the loss of 50 to 60 acres is minimal. However, more importantly, health concerns with regard to water quality and the need to maintain adequate water supplies for economic growth are expected to more than offset any losses. For these reasons the proposal is consistent with the requirements of OAR 660-04-022(1)(a) and OAR 660-04-020(2)(a).

2. 660-04-020(2)(b) "Areas which do not require a new exception cannot reasonably accommodate the use."

and,

660-04-022(1)(c): The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.

(Compliance with OAR 660-04-022(1)(c) is necessary to establish compliance with OAR 660-04-020(2)(b).

Currently, the Coos County Zoning and Land Development Ordinance permits dam construction outright on farmland (EFU), and conditionally within the Controlled Development (CD-5, CD-10), Commercial (C-1), Industrial (IND), and Forest (F) zones. For the CD-5, CD-10, C-1 and IND zones, the only applicable standard to address is compatibility with adjacent land uses. The forest zone prohibits the development of dams for domestic water supply purposes and limits their attendant reservoirs to 1000 acre feet. This proposal seeks to expand an existing reservoir onto F-zoned property.

As this is a reservoir expansion, the topography will determine the areas to be inundated and the increase in water volume. In the strictest sense, there is no physical alternative to having the water enter onto the forest land, if the dam is raised. The waters cannot be diverted onto zoned areas which would permit a dam and reservoir, or that would not require an exception.

Two alternatives do hypothetically exist. One alternative would be to construct an entirely new reservoir. This alternative, with the cost and time associated with construction, would fail to address the immediate need of preventing additional water shortages. However, as demand is expected to increase over time, a new reservoir and its additional water storage capacity will eventually become a necessity. A concurrent exception application to develop a reservoir on Joe Ney Creek will explore this alternative. A second alternative is to raise the dam less than the proposed 21 feet. The proposed height will obtain the maximum watershed yield and ensure an adequate annual cyclical of development which is necessary to protect the treated water system from future shortages.(21) Therefore, the expansion remains the only feasible approach offering immediate relief and one that is of adequate capacity to prevent future water supply shortfalls.

For the above reasons the proposal is consistent with the requirements of OAR 660-04-022(1)(c) and OAR 660-04-020(2)(b).

3. 660-04-020(2)(c) "The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts, are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception."

As noted, the proposal would remove about 50 to 60 acres of land from potential forest management. There does not exist any inventoried wetlands, wildlife habitat or other areas of critical environmental concern within the proposed expansion area. Riparian vegetation will be maintained to reduce the possibility of erosion. The expanded water surface is also expected to provide additional habitat for migratory water fowl.

The proposal is the least-cost alternative to providing immediate relief for current and potential future water shortages. Other than raising the level of the dam, no other construction such as control structures or pump stations will be necessary. All other water transport facilities are in place, and the current water treatment system will be utilized. This investment reduces the potential for water shortages and maintains, if not enhances, water quality within the service area without requiring new facilities.

The expansion will not require the relocation of any dwellings, businesses, roadways or public facilities. The entire area will be surrounded by forestland thereby eliminating any visual impacts. Any social impacts are expected to be positive as the short-term potential for water shortages will be reduced if not eliminated.

The expansion represents an efficient use of the current water system by utilizing all existing water transmission and treatment

facilities. No additional construction will be required. Furthermore, there will be no energy impact, as gravity will be utilized to transport the water to the treatment facility.

As previously noted in (2)(b), the proposal's unique qualities eliminate the possibility of alternative expansion sites. The proposal is not only efficient in its resource utilization, but will have positive social implications with negligible environmental impacts. It is the most economical approach to reducing the water shortages in the short-term while providing for future expansion. For these reasons the proposal is consistent with the requirements of OAR 660-04-020(2)(c).

4. 660-04-020(2)(d): "The proposed uses are compatible with other and adjacent uses or will be so rendered through measures designed to reduce adverse impacts."

The existing reservoir site is surrounded by forest lands with no negative impacts occurring on these lands. The expansion onto adjacent forest property will similarly not produce negative impacts.

Adjacent property uses will continue to be primarily forest management activities. There are no residential structures within at least 2000 feet of the proposed expansion boundary nor are there any commercial or industrial activities within that distance. In addition, continuation of the existing forest zoning will limit non-forest uses, thereby reducing, if not eliminating, potential future conflicts. OAR 660-04-020(2)(d) is therefore satisfied.

III. CONCLUSIONS AND ULTIMATE FINDINGS

A. CONCLUSIONS

The proposed expansion, due to factors of location and topography, can only physically occur at the specified site. As this site is zoned for forest management purposes, and the zone prohibits dams and reservoirs of this nature, a goal exception is required to permit the expansion. Though forest management of some 50 to 60 acres would be precluded, overriding concerns of water quality (Goal 6) and the need to provide water essential for economic growth (Goal 9), necessitates inundation of these forest lands. In addition, the expansion is found to be consistent with, and appropriate for, the level of service needed for the region (Goal 11).

Environmental impacts will be, at worst, negligible, while the expected social impacts are positive. The expansion represents an efficient use of the current regional water system, as it will be able to utilize existing facilities. No additional pump stations, spillways or other facilities will need to be constructed. This represents a least-cost approach to solving an immediate water shortage problem. In addition, as the

surrounding area will remain under forest management, there will be little, if any impact on adjacent property uses.

B. ULTIMATE FINDINGS

For all the reasons set forth above, the proposed reservoir expansion upon forest zoned land is found to be appropriate and justified as an exception to Goal 4 of the Statewide Planning Goals and an amendment to the Coos County Comprehensive Plan.

FOOTNOTES

- (1) Fresh Water Resources of the Oregon Coastal Zone
(Salem, Oregon: State Water Resources Board, 1975)
p.15.
- (2) Ibid, p. 16.
- (3) Ibid, pp. 16-17.
- (4) Conversation with Coos Bay - North Bend Water Board
General Manager Phil Matson; January 20, 1988.
- (5) ORS 536.235 establishes the minimum stream flow policy.
ORS 536.325 provides guidelines to implement that
policy.
- (6) Planning Report: Water Source Development Concepts of
the Coos Bay-North Bend Water Board (Coos Bay, Oregon:
Coos Bay-North Bend Water Board, 1988) p.11.
- (7) Examples of treated water usage in 1987: January 1,
4.0 MGD; April 10, 5.0 MGD; July 31, 6.6 MGD and
November 6, 4.0 MGD (CBNBWB information). Also note the
seasonal variations.
- (8) Planning Report, pp.5-11.
- (9) Ibid, p.5.
- (10) Ibid, p.5.
- (11) Coos Bay-North Bend Water Board correspondence
of April 29, 1988, p.2.
- (12) Ibid, p.2.
- (13) Ibid, p.1.
- (14) Planning Report, p. 11.
- (15) Ibid, pp. 6,11.
- (16) CBNBWB, April 29, 1988, p.2.
- (17) Planning Report, p.6.
- (18) Ibid, p.5. January 20, 1988, conversation with
Phil Matson provided additional information on water
volume.



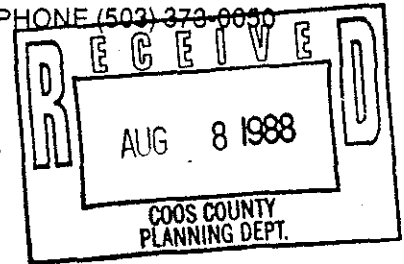
EXCISE
JOE NEY RESERVOIR

114/ WAB

Department of Land Conservation and Development

1175 COURT STREET NE, SALEM, OREGON 97310-0590 PHONE (503) 373-0050

NOTICE OF ADOPTED AMENDMENT



August 5, 1988

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: James F. Ross, Director *[Signature]*

SUBJECT: Coos County Plan Amendment (LCDC File #006-88)

Notice of adoption of the attached plan or land use regulation amendment was received by the Department of Land Conservation and Development on August 1, 1988 and postmarked on July 29, 1988. The amendment was adopted on July 17, 1988. Notice of the proposed amendment had been received by the Department on May 31, 1988.

Persons who participated in the local government proceedings leading to adoption of the amendment may file an appeal of this decision with the Land Use Board of Appeals (LUBA). If the local government did not provide 45 days notice of its final hearing on adoption claiming that the statewide goals are inapplicable or that an emergency exists, any person may file an appeal of the decision with LUBA even if they did not participate locally.

In order to file an appeal, a notice of intent to appeal must be filed no later than 21 days after the date the decision sought to be reviewed is mailed to persons entitled to notice under OAR 660-18-040 and 660-18-050. Copies of the notice of intent to appeal must be served upon the local government and the applicant of record. The notice shall be served and filed in the form and manner prescribed by rule of LUBA. Further proceedings are governed by the administrative rules of LUBA.

JFR:DB:blh

<PAA>

cc: Dale Blanton, Operations Supervisor
Glen Hale, Field Representative
Portland Office

UNSERVED

AUG - 1 1988

NOTICE OF ADOPTION

Must Be Filed Within 5 Working Days
See OAR 660-18-040

SA: MA
 Jurisdiction Coos County Local File Number All-88-07
 Date Mailed July 28, 1988 Date of Adoption July 27, 1988
 Date Proposal was Provided to DLCD May 27, 1988
 Type of Adopted Action (Check all that apply)
 Comprehensive Land Use New Land Use
 Plan Amendment Regulation Amendment Regulation

Please complete (A) for text amendments and (B) for map amendments

A. Summary of Adopted Action (A brief description is adequate. Please avoid highly technical terms and zone code abbreviations. Please do not write "see attached."):

Proposal would permit the development of a municipal reservoir on Forest Land adjacent to Joe Ney Creek. Action takes an exception to Goal #4 and includes ESEE findings to address elimination of identified wetlands and salmonid spawning areas.

Describe How the Adopted Amendment Differs from the Proposal (If it is the same, write "Same." If it was not proposed, write "N/A."):

SAME

B. If the Action Amends the Plan or Zone Map, Provide the Following Information for Each Area Which was Changed (Provide a separate sheet for each area. Multiple sheets can be submitted as a single adoption action. Please include street address whenever possible. Do not use tax lot number alone.):

Previous Plan Designation: _____ New Plan Designation: _____

Previous Zone: _____ New Zone: _____

Location: _____

Acreage Involved: _____

Does this Change Include a Goal Exception? Yes No

For Residential Changes Please Indicate the Change in Allowed Density in Units Per Net Acre

Previous Density: _____ New Density: _____

If Notice of Proposal was Not Sent to DLCD 45 Days Prior to the Final Hearing, Please Indicate Why:

_____ Statewide Planning Goals are inapplicable

_____ Emergency Circumstances Required Expedited Review

List Statewide Goals Which May Apply:

Goals 2, 4, 6, 9, 11

List any State or Federal Agencies, Local Government or Local Special Service Districts Which may be Interested in or Impacted by the Adoption:

Coos Bay-North Bend Water Board

Direct Questions and Comments To: Walter J. Wendolowski, Planner

Coos County Planning, Courthouse Annex

Coquille, Oregon 97423

(Phone) 396-3121, Ext. 212

Send To: Department of Land Conservation and Development
1175 Court Street, N.E
Salem, Oregon 97310-0590

Attach One (1) Copy of the Adopted Action to this Form and/or three (3) Copies of Bound Materials and Maps Larger than 8 1/2 by 11 Inches.

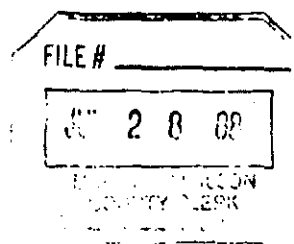
NOTE: If more copies of this form are needed, please contact the DLCD office at 373-0050, or this form may be duplicated on green paper. Failure to provide notice of an adopted plan or land use regulation amendment results in an extension of the appeal period. Appeals may be filed within 21 days of the date the proposal is mailed to DLCD. Statutes require mailing within 5 days of the action becoming final (See OAR 660-18-040).

*** FOR DLCD OFFICE USE ***

DLCD File Number 006-88

<pa>adoptform

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



BOARD OF COMMISSIONERS
COUNTY OF COOS
STATE OF OREGON

In the Matter of Amending)
Coos County Ordinance 82-12-022L) ORDINANCE
Joe Ney Reservoir Development) 88-05-013PL

THE BOARD OF COMMISSIONERS for the County of Coos ordains as follows:

SECTION 1. TITLE

This Ordinance shall be known as "Coos County Ordinance No. 88-05-013PL."

SECTION 2. AUTHORITY

This Ordinance is enacted pursuant to the provisions of ORS 203.035 and ORS Chapter 215.

SECTION 3. PURPOSE

The purpose of this Ordinance is to amend Volume I of the Coos County Comprehensive Plan. This Ordinance amends Coos County Ordinance 82-12-022L, and amendments thereto, by adopting "Exception No. 10", an exception to Statewide Planning Goal #4, ("Forest Land") to permit the development of a municipal reservoir on Joe Ney Creek.

SECTION 4. FINDINGS

The Board of Commissioners of Coos County finds that the adoption of this Ordinance is a land use decision which must be made in accordance with the Statewide Land Use Planning Goals. This Ordinance does comply with the requirements of the Statewide Land Use Planning Goals. The findings establishing this compliance are set forth in Exhibit "A" of this Ordinance, attached hereto and incorporated herein by this reference.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SECTION 5. AMENDMENT TO THE COOS COUNTY COMPREHENSIVE PLAN

Exhibit "A" is adopted as an amendment to Coos County Ordinance 82-12-022L, and amendments thereto, Volume I of the Coos County Comprehensive Plan. Development of the Joe Ney Reservoir, as proposed herein, is a land use action specifically authorized by the Coos County Comprehensive Plan.

SECTION 6. SAVINGS CLAUSE

If any section, subsection, provision, clause or paragraph of this Ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this Ordinance; and it is hereby expressly declared that every other section, subsection, provision, clause or paragraph of this Ordinance enacted, irrespective of the enactment or validity of the portion thereof declared to be unconstitutional or invalid, is valid.

SECTION 7. REPEAL OF INCONSISTENT ORDINANCES

Coos County Ordinance 82-12-022L, and amendments thereto, are repealed to the extent that such are in conflict with this Ordinance. Coos County Ordinance 82-12-022L shall remain in full force and effect in all other respects. Nothing in the Coos County Comprehensive Plan or its implementing ordinance measures shall prohibit development of the Upper Joe Ney Reservoir, as authorized by findings adopted by this Ordinance.

SECTION 8. EMERGENCY CLAUSE

The Board of Commissioners for the County of Coos deems this Ordinance necessary for the immediate preservation and protection of the public peace, safety, health and general welfare for Coos County and declares an emergency exists, and this Ordinance shall be in full force and effect upon its passage.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ADOPTED this 27th day of July, 1988.

BOARD OF COMMISSIONERS

[Signature]
COMMISSIONER

[Signature]
COMMISSIONER

[Signature]
COMMISSIONER

ATTEST:

Rhonda Abbey
Recording Secretary

APPROVED AS TO FORM:

David R. Pis
Office of County Counsel

SIGNED THIS 27th day of July, 1988.

1st Reading: July 13, 1988

2nd Reading: July 27, 1988

Emergency Adoption: yes

Effective Date: July 27, 1988

EXHIBIT "A"
JOE NEY RESERVOIR

EXCEPTION NO. 10: JOE NEY RESERVOIR
An Amendment to Volume I, Part 3
of the Coos County Comprehensive Plan

I. BACKGROUND INFORMATION

A. General

Coos County posses an abundant supply of water. Annual precipitation varies from 50-70 inches along the coast while increasing to 120 inches further inland. Approximately 70% of this rainfall results in runoff. This runoff represents the primary source of consumable water for Coos County.(1)

Runoff approximately follows the seasonal precipitation pattern. The greatest amount of precipitation falls between the months of November through April. In turn, 90% of the annual runoff occurs during these months.(2) In contrast the driest months of August and September yield only 1% of the annual runoff. As an example of this seasonal fluctuation, the monthly stream flow on the South Fork Coquille River averages 1880 cubic feet per second (cfs) in January and drops to 32 cfs in September.(3)

The demand for water also faces seasonal fluctuations. Summer months show increased usage as farmland is irrigated, lawns and gardens are watered and seasonal tourist recreational facilities are utilized. In addition, certain industries, such as fish processing, have a peak seasonal demand during the summer months.(4) Finally, there is a further demand on summer water resources as the state mandates minimum stream flows to protect anadromous fish habitat.(5) Insufficient runoff will restrict water withdrawals which, in turn, can reduce the potential water supply.

These two components, seasonal fluctuations in water supply and season fluctuations in demand, often create a conflict. During times of low summer runoff demand can exceed supply thereby possibly causing water shortages. This problem is further exacerbated by minimum stream flow requirements.

Because of the fluctuations in supply and demand the use of storage reservoirs is necessary to insure adequate water supplies. Runoff is accumulated, and stored, during the winter months in order to meet annual demand. It is this type of system that supplies the bulk of the water within the Coos Bay-North Bend urban area.

B. Coos Bay-North Bend Water Resources

The cities of Coos Bay and North Bend are joint owners of a regional water system: the Coos Bay-North Bend Water Board (CBNBWB). The system supplies the area with approximately 11.5 million gallons per day (MGD) during periods of maximum daily use. (6) Generally, the average daily usage is approximately 7.0 MGD. Of this total, two million gallons (MG) consists of well water from the dunes aquifer located on the Coos Bay North Spit. This water is untreated and is primarily earmarked for current (and future) North Spit industrial users. The remaining 5.0 MG constitutes the area's municipal water system. This water is treated by three separate plants, the largest of which is located adjacent to the Upper Pony Creek Reservoir system. (8)

The Upper Pony Creek Reservoir has a capacity of 690 MG. Normally, the reservoir is capable of providing approximately 4.5 MGD to the adjacent treatment plant. (9) This daily yield, however, can only be sustained for a limited duration during summer months. Generally, during periods of normal rainfall the existing reservoir system is usually filled to capacity by early June. This supply is responsible for the bulk of the treated water needs for the region until such time additional runoff is accumulated. Given the higher average daily summer usage, the 690 MG is capable of providing water for 120 to 130 days, sufficient time before being replenished by the early fall rains. (10)

However, if these rains are delayed, supplies can dwindle, thereby necessitating conservation methods to "stretch" the water supply. In fact, late summer demand has exceeded the available supply during the last four years thereby resulting in water shortages. (11) In addition, both voluntary and mandatory conservation methods were required twice in the last ten years. During 1987, mandatory measures resulted in an approximate 5% reduction in demand, an insufficient amount to address the shortage problem. (12)

Water conservation is, at best, a short-term solution that fails to address current and long-term needs. In the period between 1978-79 to 1986-87, water usage increased at an annual rate of 9.5% while the annual rate of customer growth was 1%. (13) By the year 2008, total water demand will reach 35.0 MGD of which 10 MGD will be for treated water. (14) This future demand represents an annual growth rate of 5.7% when compared to the current maximum daily usage. During this same time period, the demand for treated water will double when compared to current average daily usage.

Seasonal demand currently exceeds the available supply. It is also apparent that this demand will continue to increase thereby annually exceeding the available supply. As a result of this increasing demand for water, it will become necessary to develop additional storage capacity.

C. Proposal

Alternative approaches to the water supply problem do exist. As noted above, conservation is utilized during times of imminent water shortages. Also as noted, however, recent conservation efforts produced only a minimally insufficient decrease in water demand. Further, conservation will only reduce the demand to meet the existing supply; it does not address future supply requirements. Conservation remains only an imperfect, short-term solution.

A second alternative is expansion of the dunes aquifer well system. The aquifer's estimated total capacity is 21 MGD of which a maximum of 3 MGD are currently utilized. (15) This leaves 18 MGD for expansion purposes. However, an existing North Spit industrial firm holds the right of first refusal for 12 MGD of this water, leaving only 6 MGD for alternatives uses. (16) This well water contains a high mineral content which, though adequate for industrial purposes, requires extensive and expensive, treatment to make it suitable for municipal users. (17) The adjacent location of the dunes aquifer to current industrial users, as well as potential industrial sites, further supports maintaining the aquifer supply for industrial purposes.

With the exception of the dunes aquifer, the Coos Bay-North Bend urban area depends solely on the containment of water to create supply. Again this is essentially due to the seasonal nature of the rainfall and resultant runoff, the area's primary source of water.

In order to address the long term water needs of their service area, the CBNBWB is proposing to develop a new reservoir at the headwaters of the Joe Ney Slough (see map, Attachment "A"). This reservoir would be created by the construction of a 40-foot earth-filled dam. The reservoir would contain a surface area of 194 acres and have a storage capacity of 4,730 acre feet, or approximately 1.54 billion gallons. (18) This additional capacity, coupled with a concurrent proposal to expand the Upper Pony Creek Reservoir and development of the new water treatment facility (currently funded), will increase the daily treated water capacity to 12 MGD. (19) This increased capacity will provide sufficient supply capabilities for at least a 20 year period unless major industrial uses generate additional demand. The proposed development would occur in Township 26, Range 13, Sections 5, 6, 7, and 8.

The proposed dam and reservoir will occur on land zoned for forest uses (F). Currently, the Coos County Zoning and Land Development Ordinance conditionally permits dams construction, and the attendant reservoir, in the forest zone only if (a) the reservoir is less than 1000 acre feet, (b) the dam is not used for generating power for public sale, and (c) the reservoir is not used as a domestic water supply. As the proposal conflicts with these requirements, and will occur on resource land, a Goal

exception will be required. Therefore, Coos County is seeking an exception to Goal 4 of the Statewide Planning Goals to permit the siting of a dam and reservoir on forest land.

II. EXCEPTION

The reasons necessary to justify an exception are established at OAR 660-04-022 while the exception requirements are outlined at OAR 660-04-020(2). For the proposed exception the relevant portions of 660-04-022 are Subsection (1), (a) and (c). Subsection (1)(a), which require a demonstration of need, will be incorporated in the analysis of OAR 660-04-020(2)(a). Subsection (1)(c), which establishes the necessity of the proposed site, will be incorporated in the analysis of OAR 660-04-020(2)(b). Each of the review factors in OAR 660-04-020(2) is addressed, separately, below.

1. 660-04-020(2)(a) "Reasons justify why the State policy embodied in the applicable goals should not apply."

and,

660-04-022(1)(a): There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Statewide Goals 3 to 19(.)

(Compliance with OAR 660-04-022(1)(a) is necessary to establish compliance with OAR 660-04-020(a).)

As noted in Part I, there exists a serious need to expand the water supply in the Coos Bay-North Bend area to meet anticipated future demand for treated water. In addition, based on the seasonal nature of rainfall, the only feasible method of increasing water availability is to develop reservoirs.

The development of a reservoir essentially involves the damming of a stream or river so that a water impoundment area is created. The proposed dam must also be located in a watershed of sufficient size to insure adequate runoff.

Within the Coos Bay area such stream and watershed combinations exist only on resource lands. Watersheds within the urban areas are either currently utilized for reservoir purposes (Pony Creek) or are of inadequate size to be potential dam sites. As further evidence, all of the potential dam sites identified by the Department of Water Resources are located on resource land (this proposal is included in that group). As with mineral extraction or other resource utilization, the activity can only occur where the resource is situated, in this instance on forest land.

The proposed reservoir site will impact forest conservation and management. This appears to be in conflict with Goal 4 which

requires conservation of "forest lands for forest uses". However, a further conflict appears to exist as the proposed expansion is consistent with the requirements of Goal 6 and Goal 9. Specifically, Goal 6 seeks, in part, "(to) maintain and improve the quality of the ...water...resources of the State." The project is consistent with this objective as it will expand the existing water supply, preventing shortages and any diminution of water quality associated with such shortages. The objective of Goal 9 is "(to) diversify and improve the economy of the State". The expansion will meet expected increases in treated water demand. This water availability is essential for both residential uses and future commercial and industrial activity. Without adequate water supplies, economic growth cannot occur.

The proposed expansion is also consistent with the "...timely, orderly and efficient..." aspects of public utility expansion embodied in Goal 11. The CBNBWB developed a twenty-year plan to meet expected future demand. This planning period reflects a reasonable time-span whereby a predictable level of future water usage can be estimated and projects can be developed to meet future needs. The plan's long-range objective is to increase the water supply. The proposal is expected to provide additional water for at least the 20 year planning period, and is therefore appropriate for the expected long-term water needs. Furthermore, the reservoir will be connected to the existing storage and treatment system, thus eliminating the need for new transmission and treatment facilities and ensuring efficient use of existing facilities.

The proposal will, in fact, remove some 194 acres from current forest management. This is primarily due to the limited availability of potential dam and reservoir sites in the Coos Bay area. However, more importantly, health concerns with regard to water quality, and increasing water supplies for economic growth, are expected to offset any losses. For these reasons the proposal is consistent with the requirements of OAR 660-04-022(1)(a) and OAR 660-04-020(2)(a).

2. 660-04-020(2)(b): "Areas which do not require a new exception cannot reasonably accomodate the use."

and,

660-04-022(1)(c): The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.

(Compliance with OAR 660-04-022(1)(c) is necessary to establish compliance with OAR 660-04-020(2)(b).]

Currently, the Coos County Zoning and Land Development Ordinance permits dam construction outright on farmland (EFU) and

conditionally within the Controlled Development (CD-5, CD-10), Commercial (C-1), Industrial (IND) and Forest (F) zones. For the CD-5, CD-10, C-1, and IND zones, the only applicable review standard is compatibility with adjacent land uses. As noted in the previous section, the proposal cannot meet the qualifying conditions of the forest zone without an exception to Goal 4.

Lands zoned CD-5 and CD-10 are situated within city urban growth boundaries (UGB's) and offer a mix of both residential uses and some conditionally permitted commercial activities. Owing to topography and a limited watershed, the Department of Water Resources has not identified any potential reservoir sites in these areas. A further potential restriction is the cost involved with land acquisition. Compared to resource lands, acquisition costs would be prohibitive as the lands possess some commercial potential. Finally, those lands zoned CD-10 are located solely within the Bandon UGB. Their distance from the Coos Bay water basin makes it physically difficult, and economically prohibitive, for reservoir development.

The C-1 and IND zones face restrictions similar to the CD-5 and CD-10 zones. Topography and watershed restrictions preclude their utility for reservoir development. The cost of obtaining C-1 or IND lands would be expected to be even more costly. In addition, while there may be residential, and to a lesser extent commercial, alternatives to the CD-5 and CD-10 zones, no such direct alternative exists for the C-1 and IND zones. Removal of property from these zones for the purpose of developing a reservoir would reduce the County's commercial and industrial inventory and potentially limit future economic development.

As a further restriction, reservoir development in the CD-5, CD-10, C-1 and IND zones would most likely require the displacement of residential dwellings, businesses or industries. Beside the prohibitive costs in obtaining the property, there are additional direct costs and potential social costs for relocation.

The only other zone which can permit a dam, and reservoir, without the need for an exception is the farm zone (EFU). Three of the eight water impoundment areas identified by the Water Resources Department have a portion of the site within the EFU zone. The remaining portions, as well as the other potential sites, are all zoned as forest land. (Note: see map Attachment "B" for location of these identified sites. Comparative impacts will be reviewed in Part (2)(c), below.) Reservoir development on farmland faces two problems. First, compared to forest land, there is a relatively small amount of farmland within the County. A significant portion of these are flooded annually. Removal of these lands from farm uses would further diminish the County's agricultural production. Second, unlike forest lands which are usually managed by an absentee owner, agricultural land usually contains farm-related dwellings and structures. Reservoir development would again be faced with direct costs for

acquisition and relocation as well as the social costs related to relocation. An example of this type of development can be illustrated by comparing those potential reservoir sites with agricultural land and those without. Each site in the former category contains at least one dwelling, and assorted farm structures, within the general area of the potential reservoir boundary. This is not the case for the latter group; their potential reservoir areas are devoid of dwellings and other structures. Though farm land has some potential for site development, this potential is only "second best" in comparison to forest land. There are greater costs associated with development and removal of these lands from resource production than for forest land.

Those areas where exceptions are unnecessary do not represent viable alternatives to the proposal. Concerns over topography, size of the watershed, acquisition and potential relocation costs as well as peripheral social costs limit their potential as suitable sites for a reservoir. For these reasons the proposal is consistent with OAR 660-04-022(1)(c) and OAR 660-04-020(2)(b).

3. 660-04-020(2)(c): "The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception."

(i) Joe Ney Site

As noted, the proposal would remove some 19- acres of land from resource production. This property has been historically managed for both forest and agricultural purposes. Significant inventoried wildlife habitat does not exist within the proposed reservoir boundaries. The inventoried big-game habitat contained within the proposed boundaries is classified as either "Impacted" or "Peripheral". Being of marginal value, its loss will not significantly impact big-game. Riparian vegetation will be maintained to reduce possible erosion.

The reservoir will, inundate approximately 65 acres of identified wetland as well as salmon spawning and rearing areas along both forks of Joe Ney Creek (See map attachments "C" and "D", respectively). The reservoir is expected to create some additional wetland and the loss of spawning habitat is not expected to diminish salmon productivity within the County. However, as the wetland and salmon spawning areas were inventoried as Goal 5 resources, the consequences of the proposal must be addressed. Therefore, Appendix A reviews impacts on the wetland and Appendix B, the salmon spawning area.

No other environmental consequences were identified.

The project will cost approximately 2 to 4 million dollars. Beside the earth dam, a pump house/control station will be constructed. Water from the proposed reservoir will be pumped to the Upper Pony Creek Reservoir through an existing pipeline (see map, Attachment "A"). In turn, this water will be processed by an existing water treatment facility. (Note: the current facility is being replaced by one capable of processing 12 MGD.) The proposal will therefore be able to utilize the existing transmission and treatment system. Additional facilities will not be necessary, thus reducing construction and operational costs. It is expected that the elimination of 194 acres from resource production will be more than offset by the increased economic potential associated with the additional water supply.

The reservoir development will not require the relocation of any dwellings, businesses, roadways or public facilities. The entire reservoir will be surrounded by forest land thereby reducing any visual impacts. It is expected that the only social impacts will be positive as the reservoir will permit an expansion of the water supply, thereby assisting in economic development.

The reservoir also represents an efficient use of the existing water system by utilizing all existing water transmission and treatment facilities. Except for improving the capacity of the existing pumping system, no additional construction will be required. The increase in pump capacity will only require a negligible increase in energy consumption.

25 June 20

(ii) Alternative Sites

Joe Ney is only one of eight locations identified by the Water Resources Department as potential water impoundment sites within Coos County. The other seven are Catching Creek, North Fork Coquille, Fourmile Creek, Rock Creek, West Fork Millicoma, South Fork Coquille, and North Fork Floras (see map, Attachment "B").

Dam construction costs at the alternative sites vary and are dependent on such factors as geological structure, slopes, etc. Further studies would be necessary to determine specific costs. Regardless, these alternative sites are located between 12 and 45 miles from Coos Bay. Significant additional costs would be incurred with transporting the water to Coos Bay. These costs include obtaining right-of-way authorization for the pipeline, the actual pipeline construction and construction of any additional pumping stations. There will also be increased operating and maintenance expenses to run the pipeline facilities. Current and future levels of demand cannot justify the costs necessary to transport water from such extreme distances. In addition, some sites contain residential dwellings within or adjacent to the proposed dam sites. Additional costs would be incurred for relocation.

The environmental impacts would be similar at all seven sites.

All but the South Fork Coquille and North Fork Floras Creek sites will have some impact on salmon spawning areas, while the North and South Fork Coquille and the West Fork Millicoma sites will impact "sensitive" big game habitat. By comparison, the big game habitat value at Joe Ney is less due to the "sensitive" status of these alternative sites. In addition, salmonid habitat values are less at Joe Ney owing to the tidegate barrier. However, the seven alternative sites do require facilities to transport the water to Coos Bay. It is expected that the construction of these facilities would create additional environmental impacts, impacts greater than at the site alone. Furthermore, mitigation of any potential impacts would further increase development costs.

As noted above, some sites would require residential relocation. Besides direct costs, there are negative social impacts associated with relocation. Two particular sites, West Fork Millicoma and South Fork Coquille, include important recreational areas. Elimination of these would have negative social impacts. Finally, these seven sites all lie outside the immediate Coos Bay area. The North Fork Coquille is a potential future source of water for Coquille; Rock Creek and Catching Creek are potential sources for Myrtle Point, and possibly Powers; and, Fourmile Creek and North Fork Floras Creek are potential sources for the Bandon area. Pre-emption of these sites to provide water for the Coos Bay area would potentially increase the future cost of obtaining additional water for these communities. At the extreme, if alternative supplies could not be obtained, this may result in restricting community development. The net result is the potential for serious negative impacts on these rural communities if one of these outlying sites should be used.

The above alternatives do not represent practicable approaches to providing additional water. Greater amounts of energy will be necessary to both construct all required facilities and to operate and maintain the system.

(iii) Conclusion

In terms of ESEE impacts, the Joe Ney site is either comparable or clearly preferable to the alternatives on all aspects of the analysis, with the exception of wetlands and salmonid habitat impacts. Development at Joe Ney will result in a net loss of some seasonal wetlands and some marginal salmonid habitat. The clear advantage of Joe Ney on so many of the remaining relevant factors makes it the preferred site because it will have the least adverse impacts. On the balance it is fair to conclude that in comparison to the other sites, the Joe Ney site will minimize the ESEE consequences. The adverse impacts are not significantly more adverse than would occur on any of the alternatives. The proposal is therefore consistent with OAR 660-04-020(2)(c).

- (4) 660-04-020(2)(d): "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts."

The existing primary reservoir in the CBNBWR system is located at Upper Pony Creek. This reservoir is located within the city limits of Coos Bay, but is surrounded by forest land. Currently, there are no negative impacts by the existing reservoir on adjacent property uses.

The proposed Joe Ney Reservoir will continue to be surrounded by forest land. There are no residential dwellings or commercial structures within 1,500 feet of the proposed reservoir boundary. As with the existing Upper Pony Creek Reservoir, negative impacts are not expected. In addition, continuation of the existing forest zoning will limit non-forest uses thereby reducing, if not eliminating, potential future conflicts. Therefore, the requirements of OAR 660-04-020(2)(d) are satisfied.

III. CONCLUSIONS

A. General Conclusions

Current demand and future growth in the Coos Bay-North Bend area will require additional water supplies. The area's only feasible method of obtaining additional water is to create water impoundment sites, (i.e., dams and reservoirs). The proposed Joe Ney project would create a 194 acre reservoir containing 4,730 acre feet of water on forest zoned property. Owing to Goal 4, an exception is required.

Though resource management at the site would be precluded, overriding concerns of water quality (Goal 6) and the need to provide additional water for economic development (Goal 9) necessitate the inundation of forest land. In addition, the development is found to be consistent with and appropriate for the level of service needed for the area (Goal 11). Areas not requiring an exception are incapable of adequately supporting a reservoir.

Negative social impacts at the Joe Ney site were considered negligible with environmental impacts addressed and resolved per zoning ordinance requirements in Appendices "A" and "B". The project represents an efficient use of the current regional water system as well as the least-cost alternative to meeting supply requirements. Alternative sites carry the burden of requiring additional water transportation facilities. This results in increased costs, environmental impacts, negative social impacts and less efficiency overall in comparison to the Joe Ney project. Finally, the Joe Ney proposal is expected to have little, if any, impact on surrounding land uses.

B. Ultimate Conclusion

For all the reasons set forth above, the proposed reservoir project upon forest zoned land is found to be appropriate and justified as an exception to Goal 4 of the Statewide Planning Goals and an amendment to the Coos County Comprehensive Plan.

EXCEPTION NO. 10: JOE NEY RESERVOIR
APPENDIX "A"

1. INTRODUCTION

In the course of evaluating the economic, social, environment and energy (ESEE) consequences of the proposal, it was determined the reservoir would inundate three identified Goal 5 wetland sites (see map Attachment "C"). Coos County Comprehensive Plan Policy 5.6 (2), requires, in pertinent part, the following:

"Coos County shall manage its riparian vegetation and identified non-agricultural wetland areas so as to preserve their significant habitat value, as well as to protect their hydrologic and water quality benefits."

The proposed reservoir development represents a conflict with wetland protection goals. However, Section 4.7.120, "Goal #5 Conflict Resolution Process", of the Coos County Zoning and Land Development Ordinance, permits a conflicting use provided findings are established that address the requirements of OAR-660-16-005 (2) and OAR 660-16-010. OAR 660-16-005 (2) requires evaluation of the ESEE consequences of the conflicting use on the site, as well as determination of the applicability and requirements of other Statewide Planning Goals. OAR 660-16-010 outlines the procedure to resolve conflicts at a specific site based upon the ESEE consequences and other appropriate Statewide Goals. If justified by findings, a conflicting use may be fully allowed.

2. ANALYSIS

a) Economic, Social, Environmental and Energy Consequences

As the prior exception analysis indicates, the development of the Joe Ney Reservoir is critical for future economic growth in the Coos Bay area. This reservoir, along with the proposed expansion of the Upper Pony Creek Reservoir and development of the new water treatment plant, will be able to provide 12 MGD of treated water. This nearly doubles the existing capacity and will be able to provide water for new residential and commercial development.

Currently, the 65 acres of wetland is seasonal and a portion of it has been used for grazing in recent years. The economic loss associated with this activity is minimal, especially when compared to potential economic gains associated with the proposal.

Social benefits would accrue from developing the reservoir site. Also noted, negative social impacts are minimized as no dwellings, businesses or significant structures are within or adjacent to the reservoir site.

The only potential social benefit for maintaining the wetland is its recreational value. The site, however, has been restricted to the public for several years and will continue to be so. It is therefore doubtful the wetland loss would have any negative social impacts.

With the exception of the salmonid spawning area (see Appendix "B") and the wetland, the reservoir is expected to have minimal environmental impact. Significant big-game habitat would not be impacted nor would other significant wildlife or environmental resources. In addition, the proposed reservoir would create a water surface area of 194 acres. The expanded water surface is expected to create some additional habitat for migratory waterfowl.

The reservoir represents an efficient use of the existing water system as it will utilize all current water transmission and treatment facilities in providing needed water. Little additional energy consumption will be necessary. If alternative sites are selected, however, energy costs will substantially increase as additional power will be required to pump the water to Coos Bay. These costs, in all likelihood, exceed any potential gain in preserving the wetland.

b) Other Statewide Planning Goals

The development of the reservoir is consistent with Statewide Planning Goals 6 (Air, Water and Land Resources Quality), 9 (Economy of the State) and 11 (Public Facilities and Services). Goal 6 seeks, in part, "(to) maintain and improve the quality of the ...water...resources of the State." The project is consistent with this objective as it will expand the existing water supply thereby preventing future shortages and the diminution of water quality associated with such shortages. Goal 9 seeks "(to) diversify and improve the economy of the State." The expanded water supply will insure continued water availability for the area as well as meet expected increases in demand. This water is necessary for commercial, industrial and residential purposes. Economic growth cannot occur without adequate water supplies. Goal 11 requires a "...timely, orderly and efficient..." expansion of public facilities and services. The project will ensure an adequate water supply for a minimum of 20 years. In addition, no additional transmission or treatment facilities will be necessary, thereby ensuring efficient use of existing facilities.

3. CONCLUSION

a) General

The proposal would eliminate identified wetlands. However, the new reservoir is expected to create additional habitat for migratory waterfowl. The wetland loss is not expected to have

negative social, economic or environmental impacts. The energy impact would only be significant if an alternative water impoundment site were to be selected. Overriding goal concerns also favor development.

In contrast, the economic and social impacts of the reservoir are expected to be positive. The reservoir represents an efficient approach to system expansion; and, except for the wetland and salmonid spawning area (See Appendix "B"), does not affect significant environmental resources.

b) Ultimate Conclusion

For all the reasons set forth above, the proposal to permit the development of a water reservoir within identified wetland areas is found to be appropriate and justified as a fully allowed conflicting use within an identified Goal 5 resource area, pursuant to the requirements of Section 4.7.120 of the Coos County Zoning and Land Development Ordinance and the purpose of this exception.

EXCEPTION NO. 10: JOE NEY RESERVOIR

APPENDIX "B"

1. INTRODUCTION

In the course of evaluating the economic, social, environmental and energy (ESEE) consequences of the proposal, it was determined the reservoir would inundate identified Goal 5 salmonid spawning and rearing areas (see map attachment "D"). Coos County Comprehensive Plan Policy 5.6 (1) identifies salmonid areas as a "5c" Goal 5 resource (pursuant to OAR 660-16-000) and requires, in pertinent part, that:

"(Special) care must be taken when developing property adjacent to salmonid spawning and rearing areas so as to avoid, to the greatest practicable extent, the unnecessary destruction of riparian vegetation that may exist along stream banks."

The proposed reservoir development would conflict with the above noted plan policy. However, Section 4.7.120, "Goal #5 Conflict Resolution Process," of the Coos County Zoning and Land Development Ordinance permits a conflicting use provided findings are established that address the requirements of OAR 660-16-005 (2) and OAR 660-16-010. OAR 660-16-005 (2) requires the evaluation of the ESEE consequences of the conflicting use on the site, as well as determination of the applicability and requirements of other Statewide Planning Goals. OAR 660-16-010 outlines the procedure to resolve conflicts at a specific site based upon the ESEE consequences and other appropriate Statewide Goals. If justified by the findings, a conflicting use may be fully allowed.

2. ANALYSIS

a) Economic, Social, Environmental and Energy Consequences

As the prior exception analysis indicates, the development of the Joe Ney Reservoir is critical for future economic growth in the Coos Bay area. This reservoir, along with the proposed expansion of the Upper Pony Creek reservoir, and development of the new water treatment plant, will be able to provide 12 MGD of treated water. This nearly doubles the existing capacity and will be able to provide for new residential and commercial development.

In contrast the salmonid spawning area can generally be described as marginal, at best. This is primarily due to the tidegate located at the mouth of the creek. According to the CBNBWB, few, if any, salmonid are able to pass through the tidegate. Most of

the fish that enter the creek do so when tidal floodwaters overflow the dike.

Loss of the creek would therefore have a marginal, if any, impact on salmonid rearing and production in the region. The economic impact of this would be insignificant.

Social benefits, primarily economic, are expected to accrue as a result of developing the reservoir site. Also noted, as no dwellings, businesses or structures are within or adjacent to the reservoir site, negative social impacts are negligible. The only potential loss would be in regard to recreational fishing. However, as noted above, the creek does not contain significant fish runs. In addition, public use of the site will continue to be restricted. Therefore, loss of the spawning area should have no social impacts.

With the exception of wetlands (see Appendix "A" for analysis) and the salmonid spawning area, the reservoir is expected to have minimal environmental impact. Significant big-game habitat will not be impacted and the reservoir site does not contain other significant wildlife habitat or areas of environmental concern. Though the salmonid spawning area will be eliminated, it appears this area is of marginal significance owing to the tidegate. The effect on the availability of salmonids in the Coos Bay area should be insignificant.

The reservoir represents an efficient use of the existing water system as it will utilize all current water transmission and treatment facilities in providing needed water. Little additional energy consumption will be necessary. If alternative sites are selected, energy costs will increase significantly as additional power will be required to pump the water to Coos Bay. And, with few exceptions, these sites will also impact salmonid spawning areas, areas of greater significance than Joe Ney Creek.

b) Other Statewide Planning Goals

The development of the reservoir is consistent with Statewide Planning Goals 6 (Air, Water and Land Resources Quality), 9 (Economy of the State) and 11 (Public Facilities and Services). Goal 6 seeks, in part, "(to) maintain and improve the quality of the ...water...resources of the State." The project is consistent with this objective as it will expand the existing water supply, thereby preventing future shortages and the diminution of water quality associated with such shortages. Goal 9 seeks "(to) diversify and improve the economy of the State." The expanded water supply will insure continued water availability for the area as well as meet expected increases in demand. This water is necessary for commercial, industrial and residential purposes. Economic growth cannot occur without adequate water supplies. Goal 11 requires a "...timely, orderly and efficient..." expansion of public facilities and services.

The project will ensure an adequate water supply for a minimum of 20 years. In addition, no additional transmission or treatment facilities will be necessary, thereby ensuring efficient use of existing facilities.

3. CONCLUSIONS

a) General

The proposal would eliminate an identified salmonid spawning and rearing area. However, due to an existing tidegate, this particular spawning area does not appear to be significant. The elimination of the spawning area is not expected to have negative economic, social and environmental impacts. Energy impacts would only be significant if an alternative water impoundment site is chosen. Overriding goal concerns also favor development.

In contrast, the economic and social impacts of the proposed reservoir are expected to be positive. The reservoir represents an efficient approach to system expansion; and, except for the salmonid spawning area and the wetland (addressed in Appendix "A"), the proposed project would not impact areas of significant environmental concerns.

b) Ultimate Conclusion

For the reasons set forth above, the proposal to permit the development of a water reservoir within an identified salmonid spawning and rearing area is found to be appropriate and justified as a fully allowed conflicting use within an identified Goal 5 resource area, pursuant to the requirements of Section 4.7.120 of the Coos County Zoning and Land Development Ordinance and the purpose of this exception.

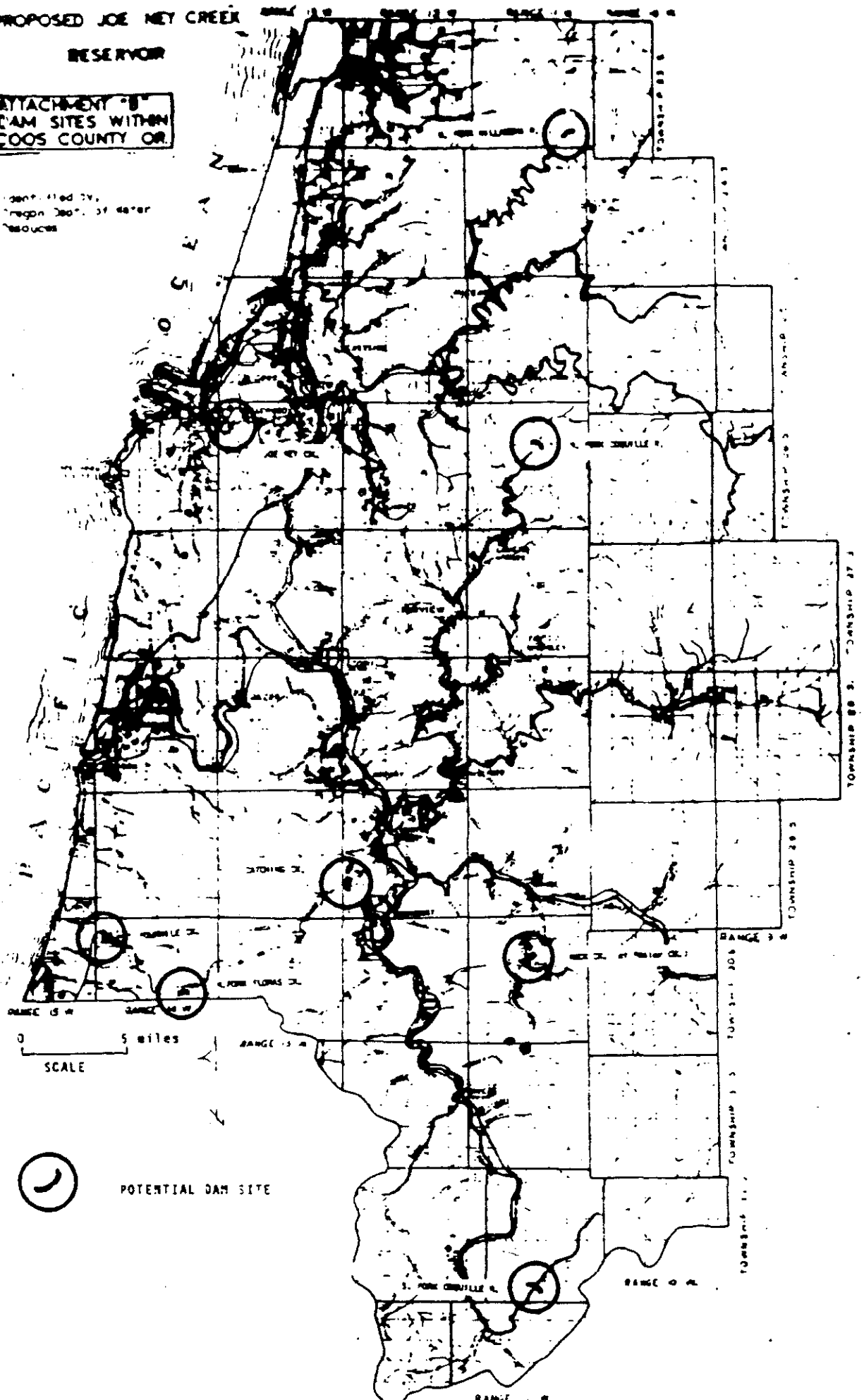
FOOTNOTES

- (1) Fresh Water Resources of the Oregon Coastal Zone (Salem, Oregon: State Water Resources Board, 1975) p.15.
- (2) Ibid, p. 16.
- (3) Ibid, pp. 16-17.
- (4) Conversation with Coos Bay-North Bend Water Board General Manager Phil Matson, January 20, 1988.
- (5) ORS 536.235, establishing the minimum stream flow policy. ORS 536.325 provides guidelines to implement that policy.
- (6) Planning Report: Water Source Development Concepts of the Coos Bay-North Bend Water Board (Coos Bay, Oregon: Coos Bay-North Bend Water Board, 1988) p.11.
- (7) Examples of treated water usage in 1987: January 1, 4.0 MGD; April 10, 5.0 MGD; July 31, 6.6 MGD, and November 6, 4.0 MGD (CBNBWB information). Also note the seasonal variations.
- (8) Planning Report, pp. 5-11.
- (9) Ibid, p.5.
- (10) Ibid, p.5.
- (11) Coos Bay-North Bend Water Board correspondence of April 29, 1988, p.2.
- (12) Ibid, p.2.
- (13) Ibid, p.1.
- (14) Planning Report, p.11.
- (15) Ibid, pp.6,11.
- (16) CBNBWB, April 29, 1988, p.2.
- (17) Planning Report, p.6.
- (18) Coos Bay-North Bend Water Board correspondence of January 22, 1988.
- (19) Planning Report, p.6.

PROPOSED JOE MEY CREEK
RESERVOIR

ATTACHMENT "B"
DAM SITES WITHIN
COOS COUNTY, OR.

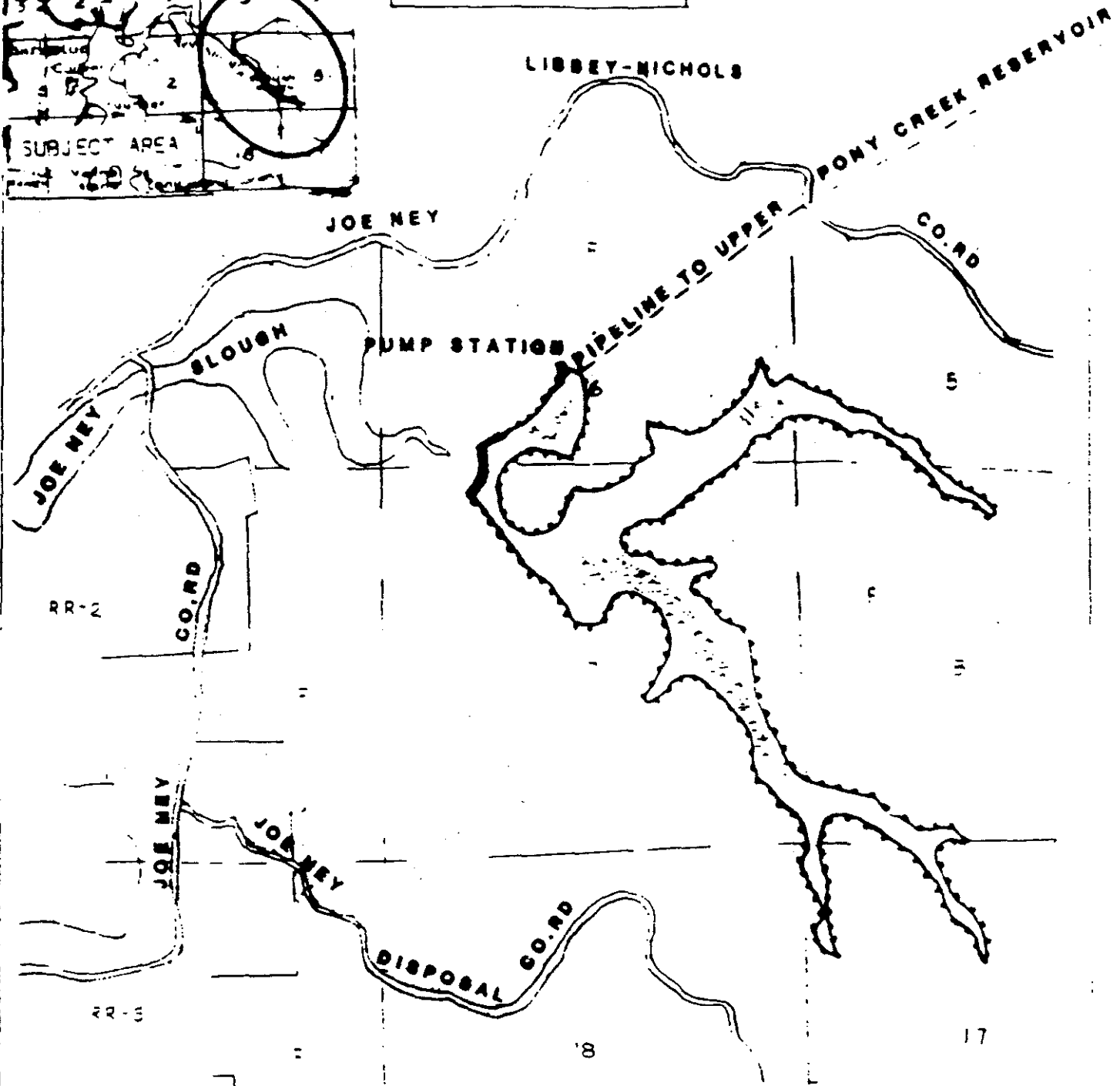
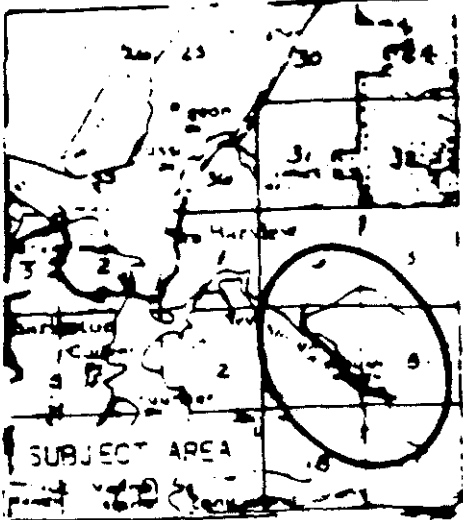
Identified by
Oregon Dept. of Water
Resources



PROPOSED JOE NEY CREEK RESERVOIR

ATTACHMENT "C"
WETLAND AREAS

T.20 R.13 S.6,6,7&8



ZONING F Forest
RR-2 Rural Residential 2
RR-5 Rural Residential 5

Boundary of Proposed Reservoir Site
Dam Location
Pipeline
Wetland areas

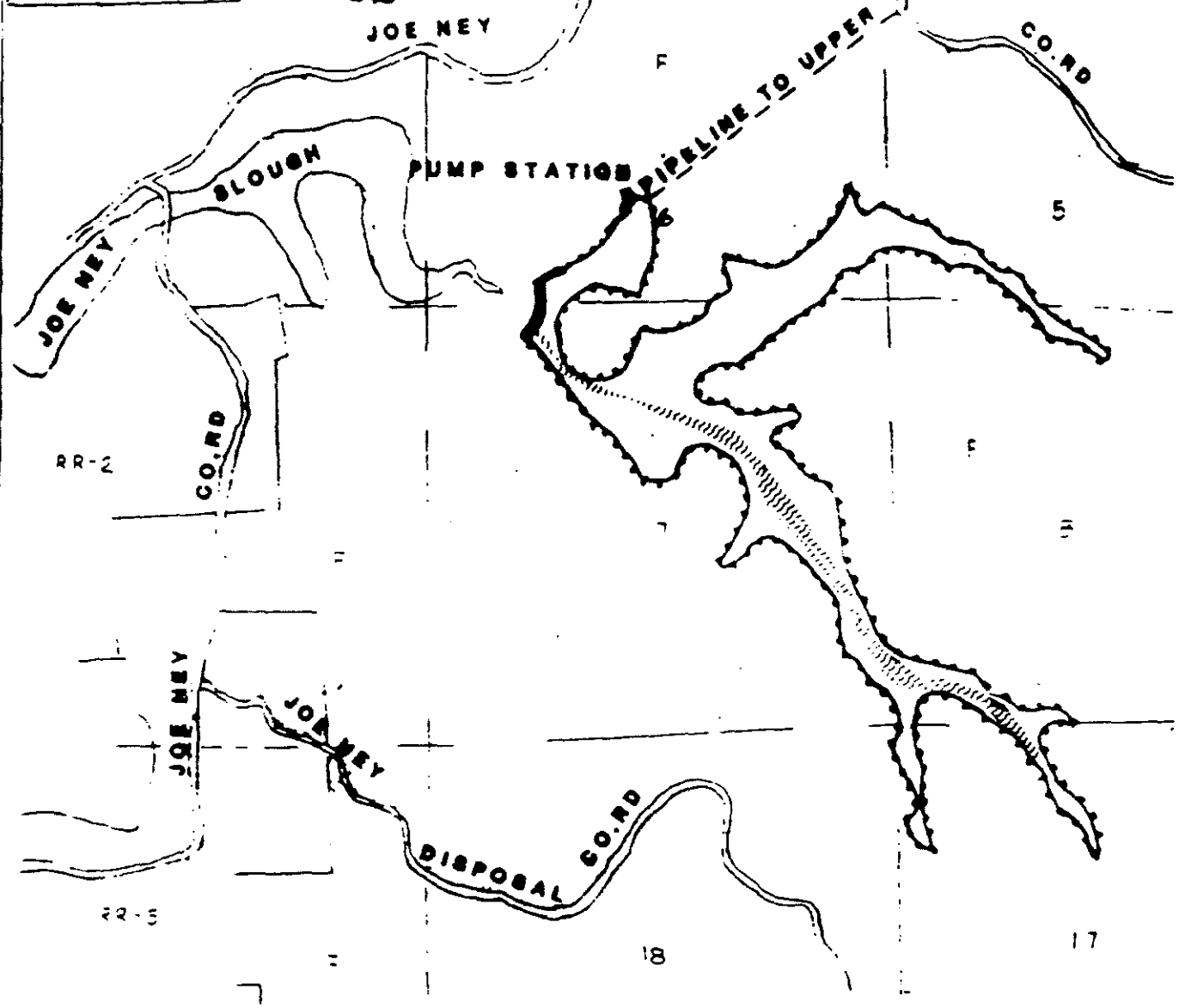
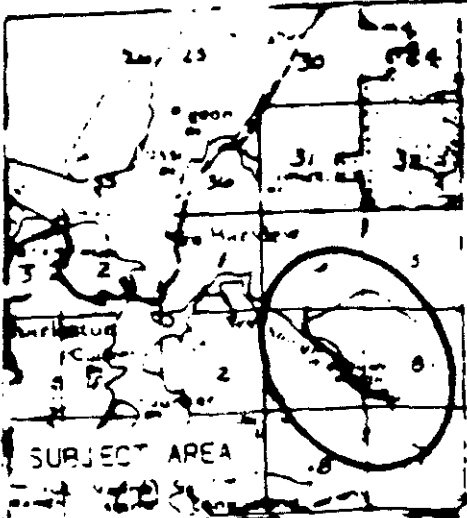


0 1/4 1/2 miles

PROPOSED JOE NEY CREEK RESERVOIR

ATTACHMENT "D"
SALMONID SPAWNING
AND REARING AREA

T.20 R.13 S.6.0.740



ZONING F Forest
RR-2 Rural Residential 2
RR-5 Rural Residential 5

Boundary of Proposed Reservoir Site
Dam Location
Pipeline
Salmonid Spawning and rearing area



BIBLIOGRAPHY

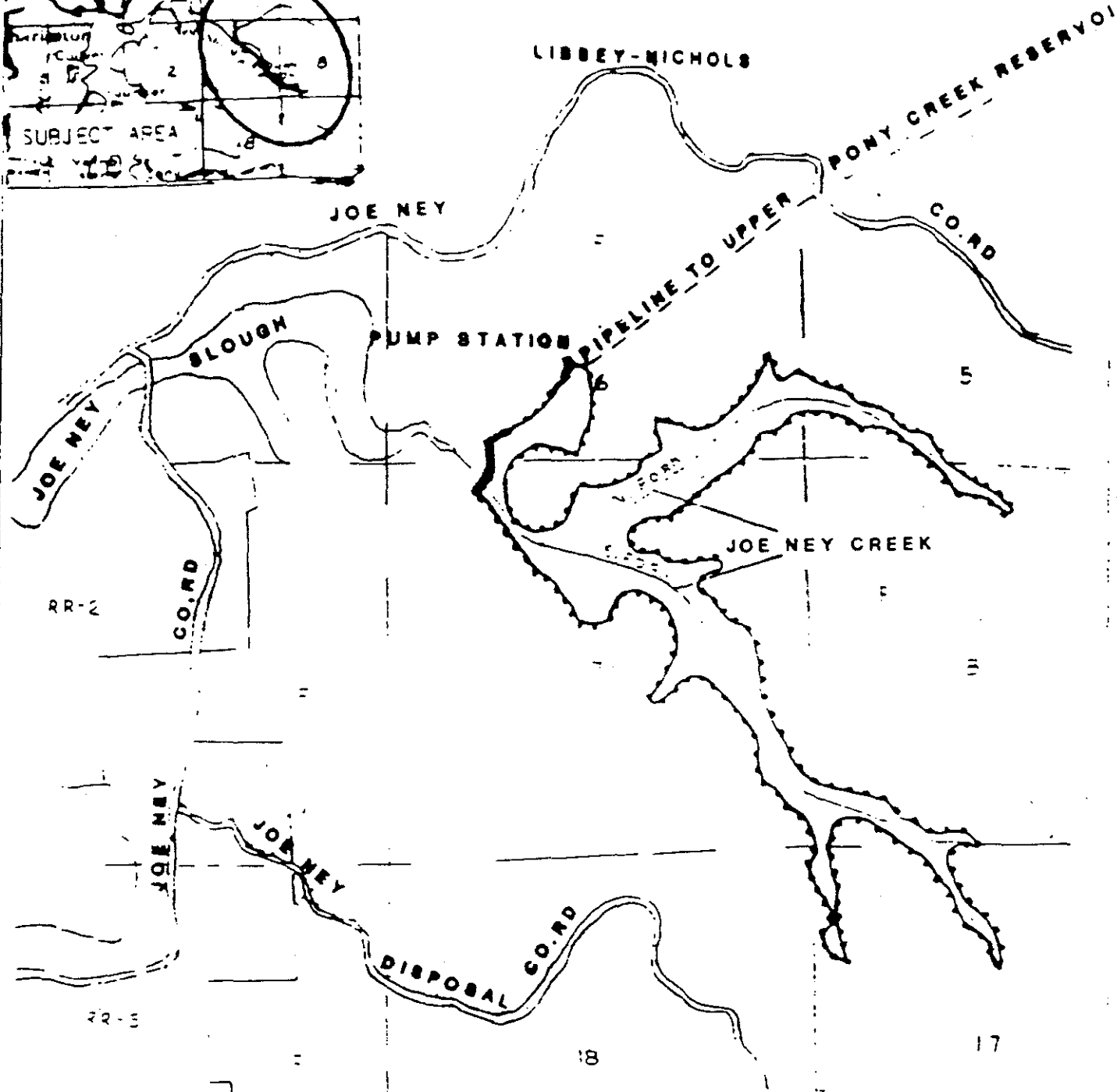
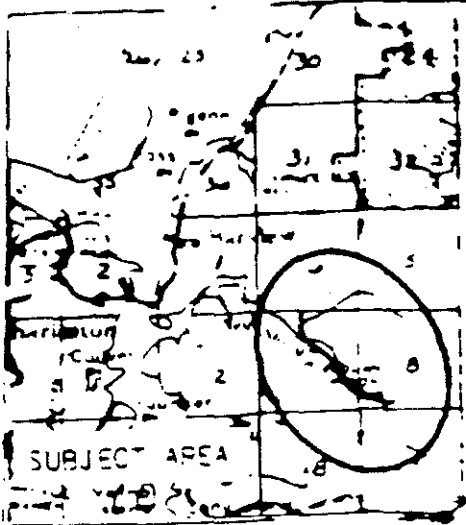
Coos Bay-North Bend Water Board. Planning Report: Water Source Development Concepts of the Coos Bay-North Bend Water Board. Coos Bay, Oregon: Report prepared by Phil A. Matson, General Manager, January, 1988.

State Water Resources Board. Fresh Water Resources of the Oregon Coastal Zone. Salem, Oregon: Report to the Oregon Coastal Conservation and Development Commission, December, 1974.

PROPOSED JOE NEY CREEK RESERVOIR

ATTACHMENT MAP

T.20 R.13 S.6,6,7&8



ZONING F Forest
 RR-2 Rural Residential 2
 RR-5 Rural Residential 5

Boundary of Proposed Reservoir Site
 Dam Location
 Pipeline

0 1/4 1/2 miles

Volume I Part 3

EXCEPTION NO. 10: JOE NEY RESERVOIR

An Amendment to Volume I, Part 3 of the Coos County Comprehensive Plan

I. BACKGROUND INFORMATION

A. General

Coos County possesses an abundant supply of water. Annual precipitation varies from 50-70 inches along the coast while increasing to 120 inches further inland. Approximately 70% of this rainfall results in runoff. This runoff represents the primary source of consumable water for Coos County.(1)

Runoff approximately follows the seasonal precipitation pattern. The greatest amount of precipitation falls between the months of November through April. In turn, 90% of the annual runoff occurs during these months.(2) In contrast the driest months of August and September yield only 1% of the annual runoff. As an example of this seasonal fluctuation, the monthly stream flow on the South Fork Coquille River averages 1880 cubic feet per second (cfs) in January and drops to 32 cfs in September. (3)

The demand for water also faces seasonal fluctuations. Summer months show increased usage as farmland is irrigated, lawns and gardens are watered and seasonal tourist recreational facilities are utilized. In addition, certain industries, such as fish processing, have a peak seasonal demand during the summer months. (4) Finally there is a further demand on summer water resources as the state mandates minimum stream flows to protect anadromous fish habitat.(5) Insufficient runoff will restrict water withdrawals which, in turn, can reduce the potential water supply.

These two components, seasonal fluctuations in water supply and season fluctuations in demand, often create a conflict. During times of low summer runoff demand can exceed supply thereby possibly causing water shortages. This problem is further exacerbated by minimum stream flow requirements.

Because of the fluctuations in supply and demand the use of storage reservoirs is necessary to insure adequate water supplies. Runoff is accumulated, and stored, during the winter months in order to meet annual demand. It is this type of system that supplies the bulk of the water within the Coos Bay-North Bend urban area.

B. Coos Bay-North Bend Water Resources

The cities of Coos Bay and North Bend are joint owners of a regional water system: the Coos Bay-North Bend Water Board (CBNBWB). The system supplies the area with approximately 11.5

million gallons per day (MGD) during periods of maximum daily use.(6) Generally, the average daily usage is approximately 7.0 MGD.(7) Of this total, two million gallons (MG) consists of well water from the dunes aquifer located on the Coos Bay North Spit. This water is untreated and is primarily earmarked for current (and future) North Spit industrial users. The remaining 5.0 MG constitutes the area's municipal water system. This water is treated by three separate plans, the largest of which is located adjacent to the Upper Pony Creek Reservoir System.(8)

The Upper Pony Creek Reservoir has a capacity of 690 MG. Normally, the reservoir is capable of providing approximately 4.5 MGD to the adjacent treatment plan.(9) This daily yield, however, can only be sustained for a limited duration during summer months. Generally, during periods of normal rainfall the existing reservoir system is usually filled to capacity by early June. This supply is responsible for the bulk of the treated water needs for the region until such time additional runoff is accumulated. Given the higher average daily summer usage, the 690 MG is capable of providing water for 120 to 130 days, sufficient time before being replenished by the early fall rains. (10)

However, if these rains are delayed, supplies can dwindle, thereby necessitating conservation methods to "stretch" the water supply. In fact, late summer demand has exceeded the available supply during the last four years thereby resulting in water shortages.(11) In addition, both voluntary and mandatory conservation methods were required twice in the last ten years. During 1987, mandatory measures resulted in an approximate 5% reduction in demand, an insufficient amount to address the shortage problem.(12)

Water conservation is, at best, a short-term solution that fails to address current and long-term needs. In the period between 1978-79 to 1986-87, water usage increased at an annual rate of 9.5% while the annual rate of customer growth was 1%.(13) By the year 2008, total water demand will reach 35.0 MGD of which 10 MGD will be for treated water.(14) This future demand represents an annual growth rate of 5.7% when compared to the current maximum daily usage. During this same time period, the demand for treated water will double when compared to current average daily usage.

Seasonal demand currently exceeds the available supply. It is also apparent that this demand will continue to increase thereby annually exceeding the available supply. As a result of this increasing demand for water, it will become necessary to develop additional storage capacity.

C. Proposal

Alternative approaches to the water supply problem do exist. As noted above, conservation is utilized during times of imminent

water shortages. Also as noted, however, recent conservation efforts produced only a minimally insufficient decrease in water demand. Further, conservation will only reduce the demand to meet the existing supply; it does not address future supply requirements. Conservation remains only an imperfect, short-term solution.

A second alternative is expansion of the dunes aquifer well system. The aquifer's estimated total capacity is 21 MGD of which a maximum of 3 MGD are currently utilized.(15) This leaves 18 MGD for expansion purposes. However, an existing North Spit industrial firm holds the right of first refusal for 12 MGD of this water, leaving only 6 MGD for alternative uses.(16) This well water contains a high mineral content which, though adequate for industrial purposes, requires extensive and expensive, treatment to make it suitable for municipal users.(17) The adjacent location of the dunes aquifer to current industrial users, as well as potential industrial sites, further supports maintaining the aquifer supply for industrial purposes.

With the exception of the dunes aquifer, the Coos Bay-North Bend urban area depends solely on the containment of water to create supply. Again this is essentially due to the seasonal nature of the rainfall and resultant runoff, the area's primary source of water.

In order to address the long term water needs of their service area, the CBNBWB is proposing to develop a new reservoir at the headwaters of the Joe Ney Slough (see map, Attachment "A"). This reservoir would be created by the construction of a 40-foot earth-filled dam. The reservoir would contain a surface area of 194 acres and have a storage capacity of 4,730 acre feet, or approximately 1.54 billion gallons.(18) This additional capability, coupled with a concurrent proposal to expand the Upper Pony Creek Reservoir and development of the new water treatment facility (currently funded), will increase the daily treated water capacity to 12 MGD.(19) This increased capacity will provide sufficient supply capabilities for at least a 20 year period unless major industrial uses generate additional demand. The proposed development would occur in Township 26, Range 13, Sections 5, 6, 7, and 8.

The proposed dam and reservoir will occur on land zoned for forest uses (f). Currently, the Coos County Zoning and Land Development Ordinance conditionally permits dam construction, and the attendant reservoir, in the forest zone only if (a) the reservoir is less than 1000 acre feet, (b) the dam is not used for generating power for public sale, and (c) the reservoir is not used as a domestic water supply. As the proposal conflicts with these requirements, and will occur on resource land, a Goal exception will be required. Therefore, Coos County is seeking an exception to Goal 4 of the Statewide Planning Goals to permit the siting of a dam and reservoir on forest land.

II. EXCEPTION

The reasons necessary to justify an exception are established at OAR 660-04-022 while the exception requirements are outlined at OAR 660-04-020(2). For the proposed exception the relevant portions of 660-04-022 are Subsection (1), (a) and (c). Subsection (1)(a), which require a demonstration of need, will be incorporated in the analysis of OAR 660-04-020(2)(a). Subsection (1)(c), which establishes the necessity of the proposed site, will be incorporated in the analysis of OAR 660-04-020(2)(b). Each of the review factors in OAR 660-04-020(2) is addressed, separately, below.

1. 660-04-040(2)(a) "Reasons justify why the State policy embodied in the applicable goals should not apply."

and,

660-04-022(1)(a): There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Statewide Goals 3 to 19.

(Compliance with OAR 660-04-022(1)(a) is necessary to establish compliance with OAR 660-04-020(a).

As noted in Part I, there exists a serious need to expand the water supply in the Coos Bay-North Bend area to meet anticipated future demand for treated water. In addition, based on the seasonal nature of rainfall, the only feasible method of increasing water availability is to develop reservoirs.

The development of a reservoir essentially involves the damming of a stream or river so that a water impoundment area is created. The proposed dam must also be located in a watershed of sufficient size to insure adequate runoff.

Within the Coos Bay area such stream and watershed combinations exist only on resource lands. Watersheds within the urban areas are either currently utilized for reservoir purposes (Pony Creek) or are of inadequate size to be potential dam sites. As further evidence, all of the potential dam sites identified by the Department of Water Resources are located on resource land (this proposal is included in that group). As with mineral extraction or other resource utilization, the activity can only occur where the resource is situated, in this instance on forest land.

The proposed reservoir site will impact forest conservation and management. This appears to be in conflict with Goal 4 which requires conservation of "forest lands for forest uses". However, a further conflict appears to exist as the proposed expansion is consistent with the requirements of Goal 6 and Goal 9. Specifically, Goal 6 seeks, in part, "(to) maintain and improve the quality of the ...water...resources of the State."

The project is consistent with this objective as it will expand the existing water supply, preventing shortages and any diminution of water quality associated with such shortages. The objective of Goal 9 is "(to) diversify and improve the economy of the State". The expansion will meet expected increases in treated water demand. This water availability is essential for both residential uses and future commercial and industrial activity. Without adequate water supplies, economic growth cannot occur.

The proposed expansion is also consistent with the "...timely, orderly and efficient..." aspects of public utility expansion embodied in Goal 11. The CBNBWB developed a twenty-year plan to meet expected future demand. This planning period reflects a reasonable time-span whereby a predictable level of future water usage can be estimated and projects can be developed to meet future needs. The plan's long-range objective is to increase the water supply. The proposal is expected to provide additional water for at least the 20 year planning period, and is therefore appropriate for the expected long-term water needs. Furthermore, the reservoir will be connected to the existing storage and treatment system, thus eliminating the need for new transmission and treatment facilities and ensuring efficient use of existing facilities.

The proposal will, in fact, remove some 194 acres from current forest management. This is primarily due to the limited availability of potential dam and reservoir sites in the Coos Bay area. However, more importantly, health concerns with regard to water quality, and increasing water supplies for economic growth, are expected to offset any losses. For these reasons the proposal is consistent with the requirements of OAR 660-04-022(1)(a) and OAR 660-04-020(2)(a).

2. 660-04-020(2)(b): "Areas which do not require a new exception cannot reasonably accommodate the use."

and,

660-04-022(1)(c): The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.

(Compliance with OAR 660-04-022(1)(c) is necessary to establish compliance with OAR 660-04-020(2)(b).

Currently, the Coos County Zoning and Land Development Ordinance permits dam construction outright on farmland (EFU) and conditionally within the Controlled Development (CD-5, CD-10), Commercial (C-1), Industrial (IND) and Forest (F) zones. For the CD-5, CD-10, C-1, and IND zones, the only applicable review standard is compatibility with adjacent land uses. As noted in the previous section, the proposal cannot meet the qualifying conditions of the forest zone without an exception to Goal 4.

Lands zoned CD-5 and CD-10 are situated within city urban growth boundaries (UGB's) and offer a mix of both residential uses and some conditionally permitted commercial activities. Owing to topography and limited watershed, the Department of Water Resources has not identified any potential reservoir sites in these areas. A further potential restriction is the cost involved with land acquisition. Compared to resource lands, acquisition costs would be prohibitive as the lands possess some commercial potential. Finally, those lands zoned CD-10 are located solely within the Bandon UGB. Their distance from the Coos Bay water basin makes it physically difficult, and economically prohibitive, for reservoir development.

The C-1 and IND zones face restrictions similar to the CD-5 and CD-10 zones. Topography and watershed restrictions preclude their utility for reservoir development. The cost of obtaining C-1 or IND lands would be expected to be even more costly. In addition, while there may be residential, and to a lesser extent commercial, alternatives to the CD-5 and CD-10 zones, no such direct alternative exists for the C-1 and IND zones. Removal of property from these zones for the purpose of developing a reservoir would reduce the County's commercial and industrial inventory and potentially limit future economic development.

As a further restriction, reservoir development in the CD-5, CD-10, C-1 and IND zones would most likely require the displacement of residential dwellings, businesses or industries. Besides the prohibitive costs in obtaining the property, there are additional direct costs and potential social costs for relocation.

The only other zone which can permit a dam, and reservoir, without the need for an exception is the farm zone (EFU). Three of the eight water impoundment areas identified by the Water Resources Department have a portion of the site within the EFU zone. The remaining portions, as well as the other potential sites, are all zoned as forest land. (Note: see map Attachment "B" for location of these identified sites. Comparative impacts will be reviewed in Part (2)(c), below.) Reservoir development on farmland faces two problems. First, compared to forest land, there is a relatively small amount of farmland within the County. A significant portion of these are flooded annually. Removal of these lands from farm uses would further diminish the County's agricultural production. Second, unlike forest lands which are usually managed by an absentee owner, agricultural land usually contains farm-related dwellings and structures. Reservoir development would again be faced with direct costs for acquisition and relocation as well as the social costs related to relocation. An example of this type of development can be illustrated by comparing those potential reservoir sites with agricultural land and those without. Each site in the former category contains at least one dwelling, and assorted farm structures, within the general area of the potential reservoir boundary. This is not the case for the latter group; their

potential reservoir areas are devoid of dwellings and other structures. Though farm land has some potential for site development, this potential is only "second best" in comparison to forest land. There are greater costs associated with development and removal of these lands from resource production than for forest land.

Those areas where exceptions are unnecessary do not represent viable alternatives to the proposal. Concerns over topography, size of the watershed, acquisition and potential relocation costs as well as peripheral social costs limit their potential as suitable sites for a reservoir. For these reasons the proposal is consistent with OAR 660-04-022(1)(c) and OAR 660-04-020(2)(b).

3. 660-04-020(2)(c): "The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception."

(i) Joe Ney Site

As noted, the proposal would remove some 194 acres of land from resource production. This property has been historically managed for both forest and agricultural purposes. Significant inventoried wildlife habitat does not exist within the proposed reservoir boundaries. The inventoried big-game habitat contained within the proposed boundaries is classified as either "Impacted" or "Peripheral". Being of marginal value, its loss will not significantly impact big-game. Riparian vegetation will be maintained to reduce possible erosion.

The reservoir will inundate approximately 65 acres of identified wetland as well as salmon spawning and rearing areas along both forks of Joe Ney Creek (See map attachments "C" and "D", respectively). The reservoir is expected to create some additional wetland and the loss of spawning habitat is not expected to diminish salmon productivity within the County. However, as the wetland and salmon spawning areas were inventoried as Goal 5 resources, the consequences of the proposal must be addressed. Therefore, Appendix A reviews impacts on the wetland and Appendix B, the salmon spawning area.

No other environmental consequences were identified.

The project will cost approximately 2 to 4 million dollars. Besides the earth dam, a pump house/control station will be constructed. Water from the proposed reservoir will be pumped to the Upper Pony Creek Reservoir through an existing pipeline (see map, Attachment "A"). In turn, this water will be processed by an existing water treatment facility. (Note: the current facility is being replaced by one capable of processing 12

MGD.) The proposal will therefore be able to utilize the existing transmission and treatment system. Additional facilities will not be necessary, thus reducing construction and operational costs. It is expected that the elimination of 194 acres from resource production will be more than offset by the increased economic potential associated with the additional water supply.

The reservoir development will not require the relocation of any dwellings, businesses, roadways or public facilities. The entire reservoir will be surrounded by forest land thereby reducing any visual impacts. It is expected that the only social impacts will be positive as the reservoir will permit an expansion of the water supply, thereby assisting in economic development.

The reservoir also represents an efficient use of the existing water system by utilizing all existing water transmission and treatment facilities. Except for improving the capacity of the existing pumping system, no additional construction will be required. The increase in pump capacity will only require a negligible increase in energy consumption.

(ii) Alternative Sites

Joe Ney is only one of eight locations identified by the Water Resources Department as potential water impoundment sites within Coos County. The other seven are Catching Creek, North Fork Coquille, Fourmile Creek, Rock Creek, West Fork Millicoma, South Fork Coquille, and North Fork Floras (see map, Attachment "B").

Dam construction costs at the alternative sites vary and are dependent on such factors as geological structure, slopes, etc. Further studies would be necessary to determine specific costs. Regardless, these alternative sites are located between 12 and 45 miles from Coos Bay. Significant additional costs would be incurred with transporting the water to Coos Bay. These costs include obtaining right-of-way authorization for the pipeline, the actual pipeline construction and construction of any additional pumping stations. There will also be increased operating and maintenance expenses to run the pipeline facilities. Current and future levels of demand cannot justify the costs necessary to transport water from such extreme distances. In addition, some sites contain residential dwellings within or adjacent to the proposed dam sites. Additional costs would be incurred for relocation.

The environmental impacts would be similar at all seven sites.

All but the South Fork Coquille and North Fork Floras Creek sites will have some impact on salmon spawning areas, while the North and South Fork Coquille and the West Fork Millicoma sites will impact "sensitive" big game habitat. By comparison, the big game habitat value at Joe Ney is less due to the "sensitive" status of these alternative sites. In addition, salmonid habitat values

are less at Joe Ney owing to the tidegate barrier. However, the seven alternative sites do require facilities to transport the water to Coos Bay. It is expected that the construction of these facilities would create additional environmental impacts, impacts greater than at the site alone. Furthermore, mitigation of any potential impacts would further increase development costs.

As noted above, some sites would require residential relocation. Besides direct costs, there are negative social impacts associated with relocation. Two particular sites, West Fork Millicoma and South Fork Coquille, include important recreational areas. Elimination of these would have negative social impacts. Finally, these seven sites all lie outside the immediate Coos Bay area. The North Fork Coquille is a potential future source of water for Coquille; Rock Creek and Catching Creek are potential sources for Myrtle Point, and possibly Powers; and, Fourmile Creek and North Fork Floras Creek are potential sources for the Bandon area. Pre-emption of these sites to provide water for the Coos Bay area would potentially increase the future cost of obtaining additional water for these communities. At the extreme, if alternative supplies could not be obtained, this may result in restricting community development. The net result is the potential for serious negative impacts on these rural communities if one of these outlying sites should be used.

The above alternatives do not represent practicable approaches to providing additional water. Greater amounts of energy will be necessary to both construct all required facilities and to operate and maintain the system.

(iii) Conclusion

In terms of ESEE impacts, the Joe Ney site is either comparable or clearly preferable to the alternatives on all aspects of the analysis, with the exception of wetlands and salmonid habitat impacts. Development at Joe Ney will result in a net loss of some seasonal wetlands and some marginal salmonid habitat. The clear advantage of Joe Ney on so many of the remaining relevant factors makes it the preferred site because it will have the least adverse impacts. On the balance it is fair to conclude that in comparison to the other sites, the Joe Ney site will minimize the ESEE consequences. The adverse impacts are not significantly more adverse than would occur on any of the alternatives. The proposal is therefore consistent with OAR 660-04-020(2)(c).

- (4) 660-04-020(2)(d): "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts."

The existing primary reservoir in the CBNBWB system is located at Upper Pony Creek. This reservoir is located within the city limits of Coos Bay, but is surrounded by forest land. Currently,

there are no negative impacts by the existing reservoir on adjacent property uses.

The proposed Joe Ney Reservoir will continue to be surrounded by forest land. There are no residential dwellings or commercial structures within 1,500 feet of the proposed reservoir boundary. As with the existing Upper Pony Creek Reservoir, negative impacts are not expected. In addition, continuation of the existing forest zoning will limit non-forest uses thereby reducing, if not eliminating, potential future conflicts. Therefore, the requirements of OAR 660-04-020(2)(d) are satisfied.

III. CONCLUSIONS

A. General Conclusions

Current demand and future growth in the Coos Bay-North Bend area will require additional water supplies. The area's only feasible method of obtaining additional water is to create water impoundment sites, (i.e., dams and reservoirs). The proposed Joe Ney project would create a 194 acre reservoir containing 4,730 acre feet of water on forest zoned property. Owing to Goal 4, an exception is required.

Though resource management at the site would be precluded, overriding concerns of water quality (Goal 6) and the need to provide additional water for economic development (Goal 9) necessitate the inundation of forest land. In addition, the development is found to be consistent with and appropriate for the level of service needed for the area (Goal 11). Areas not requiring an exception are incapable of adequately supporting a reservoir.

Negative social impacts at the Joe Ney site were considered negligible with environmental impacts addressed and resolved per zoning ordinance requirements in Appendices "A" and "B". The project represents an efficient use of the current regional water system as well as the least-cost alternative to meeting supply requirements. Alternative sites carry the burden of requiring additional water transportation facilities. This results in increased costs, environmental impacts, negative social impacts and less efficiency overall in comparison to the Joe Ney project. Finally, the Joe Ney proposal is expected to have little, if any, impact on surrounding land uses.

B. Ultimate Conclusion

For all the reasons set forth above, the proposed reservoir project upon forest zoned land is found to be appropriate and justified as an exception to Goal 4 of the Statewide Planning Goals and an amendment to the Coos County Comprehensive Plan.

EXCEPTION NO. 10: JOE NEY RESERVOIR
APPENDIX "A"

1. INTRODUCTION

In the course of evaluating the economic, social, environment and energy (ESEE) consequences of the proposal, it was determined the reservoir would inundate three identified Goal 5 wetland sites (see map Attachment "C"). Coos County Comprehensive Plan Policy 5.6(2), requires, in pertinent part, the following:

"Coos County shall manage its riparian vegetation and identified non-agricultural wetland areas so as to preserve their significant habitat value, as well as to protect their hydrologic and water quality benefits."

The proposed reservoir development represents a conflict with wetland protection goals. However, Section 4.7.120, "Goals #5 Conflict Resolution Process", of the Coos County Zoning and Land Development Ordinance, permits a conflicting use provided findings are established that address the requirements of OAR-660-16-005(2) and OAR 660-16-010. OAR 660-16-005(2) requires evaluation of the ESEE consequences of the conflicting use on the site, as well as determination of the applicability and requirements of other Statewide Planning Goals. OAR 660-16-010) outlines the procedure to resolve conflicts at a specific site based upon the ESEE consequences and other appropriate Statewide Goals. If justified by findings, a conflicting use may be fully allowed.

2. ANALYSIS

a) Economic, Social, Environmental and Energy Consequences

As the prior exception analysis indicates, the development of the Joe Ney Reservoir is critical for future economic growth in the Coos Bay area. This reservoir, along with the proposed expansion of the Upper Pony Creek Reservoir and development of the new water treatment plant, will be able to provide 12 MGD of treated water. This nearly doubles the existing capacity and will be able to provide water for new residential and commercial development.

Currently, the 65 acres of wetland is seasonal and a portion of it has been used for grazing in recent years. The economic loss associated with this activity is minimal, especially when compared to potential economic gains associated with the proposal.

Social benefits would accrue from developing the reservoir site. Also noted, negative social impacts are minimized as no dwellings, businesses or significant structures are within or

adjacent to the reservoir site.

The only potential social benefit for maintaining the wetland is its recreational value. The site, however, has been restricted to the public for several years and will continue to be so. It is therefore doubtful the wetland loss would have any negative social impacts.

With the exception of the salmonid spawning area (see Appendix "B") and the wetland, the reservoir is expected to have minimal environmental impact. Significant big-game habitat would not be impacted nor would any other significant wildlife or environmental resources. In addition, the proposed reservoir would create a water surface area of 194 acres. The expanded water surface is expected to create some additional habitat for migratory waterfowl.

The reservoir represents an efficient use of the existing water system as it will utilize all current water transmission and treatment facilities in providing needed water. Little additional energy consumption will be necessary. If alternative sites are selected, however, energy costs will substantially increase as additional power will be required to pump the water to Coos Bay. These costs, in all likelihood, exceed any potential gain in preserving the wetland.

b) Other Statewide Planning Goals

The development of the reservoir is consistent with Statewide Planning Goals 6 (Air, Water and Land Resources Quality), 9 (Economy of the State), and 11 (Public Facilities and Services). Goal 6 seeks, in part, "(to) maintain and improve the quality of the ...water...resources of the State." The project is consistent with this objective as it will expand the existing water supply thereby preventing future shortages and the diminution of water quality associated with such shortages. Goal 9 seeks "(to) diversify and improve the economy of the State." The expanded water supply will insure continued water availability for the area as well as meet expected increases in demand. This water is necessary for commercial, industrial and residential purposes. Economic growth cannot occur without adequate water supplies. Goal 11 requires a "...timely, orderly and efficient..." expansion of public facilities and services. The project will ensure an adequate water supply for a minimum of 20 years. In addition, no additional transmission or treatment facilities will be necessary, thereby ensuring efficient use of existing facilities.

3. CONCLUSION

A) General

The proposal would eliminate identified wetlands. However, the new reservoir is expected to create additional habitat for

migratory waterfowl. The wetland loss is not expected to have negative social, economic or environmental impacts. The energy impact would only be significant if an alternative water impoundment site were to be selected. Overriding goal concerns also favor development.

In contrast, the economic and social impacts of the reservoir are expected to be positive. The reservoir represents an efficient approach to system expansion; and, except for the wetland and salmonid spawning area (See Appendix "B"), does not affect significant environmental resources.

b) Ultimate Conclusion

For all the reasons set forth above, the proposal to permit the development of a water reservoir within identified wetland areas is found to be appropriate and justified as a fully allowed conflicting use within an identified Goal 5 resource area, pursuant to the requirements of Section 4.7.120 of the Coos County Zoning and Land Development Ordinance and the purpose of this exception.

EXCEPTION NO. 10: JOE NEY RESERVOIR
APPENDIX "B"

1. INTRODUCTION

In the course of evaluating the economic, social, environmental and energy (ESEE) consequences of the proposal, it was determined the reservoir would inundate identified Goal 5 salmonid spawning and rearing areas (see map Attachment "D"). Coos County Comprehensive Plan Policy 5.6 (1) identifies salmonid areas as a "5c" Goal 5 resource (pursuant to OAR 660-16-000) and requires, in pertinent part, that:

"(Special) care must be taken when developing property adjacent to salmonid spawning and rearing areas so as to avoid, to the greatest practicable extent, the unnecessary destruction of riparian vegetation that may exist along stream banks."

The proposed reservoir development would conflict with the above noted plan policy. However, Section 4.7.120, "Goal #5 Conflict Resolution Process," of the Coos county Zoning and Land Development Ordinance permits a conflicting use provided findings are established that address the requirements of OAR 660-16-005 (2) and OAR 660-16-010. OAR 660-16-005 (2) requires the evaluation of the ESEE consequences of the conflicting use on the site, as well as determination of the applicability and requirements of other Statewide Planning Goals. OAR 660-16-010 outlines the procedure to resolve conflicts at a specific site based upon the ESEE consequences and other appropriate Statewide Goals. If justified by the findings, a conflicting use may be fully allowed.

2. ANALYSIS

a) Economic, Social, Environmental and Energy Consequences

As the prior exception analysis indicates, the development of the Joe Ney Reservoir is critical for future economic growth in the Coos Bay area. This reservoir, along with the proposed expansion of the Upper Pony Creek reservoir, and development of the new water treatment plan, will be able to provide 12 MGD of treated water. This nearly doubles the existing capacity and will be able to provide for new residential and commercial development.

In contrast the salmonid spawning area can generally be described as marginal, at best. This is primarily due to the tidegate located at the mouth of the creek. According to the CBNBWB, few, if any, salmonid are able to pass through the tidegate. Most of the fish that enter the creek do so when tidal floodwaters overflow the dike.

Loss of the creek would therefore have a marginal, if any, impact on salmonid rearing and production in the region. The economic impact of this would be insignificant.

Social benefits, primarily economic, are expected to accrue as a result of developing the reservoir site. Also noted, as no dwellings, businesses or structures are within or adjacent to the reservoir site, negative social impacts are negligible. The only potential loss would be in regard to recreational fishing. However, as noted above, the creek does not contain significant fish runs. In addition, public use of the site will continue to be restricted. Therefore, loss of the spawning area should have no social impacts.

With the exception of wetlands (see Appendix "A" for analysis) and the salmonid spawning area, the reservoir is expected to have minimal environmental impact. Significant big-game habitat will not be impacted and the reservoir site does not contain other significant wildlife habitat or areas of environmental concern. Though the salmonid spawning area will be eliminated, it appears this area is of marginal significance owing to the tidegate. The effect on the availability of salmonids in the Coos Bay area should be insignificant.

The reservoir represents an efficient use of the existing water system as it will utilize all current water transmission and treatment facilities in providing needed water. Little additional energy consumption will be necessary. If alternative sites are selected, energy costs will increase significantly as additional power will be required to pump the water to Coos Bay. And, with few exceptions, these sites will also impact salmonid spawning areas, areas of greater significance than Joe Ney Creek.

b) Other Statewide Planning Goals

The development of the reservoir is consistent with Statewide Planning Goals 6 (Air, Water and Land Resources Quality), 9 (Economy of the State) and 11 (Public Facilities and Services). Goal 6 seeks, in part, "(to) maintain and improve the quality of the...water...resources of the State." The project is consistent with this objective as it will expand the existing water supply, thereby preventing future shortages and the diminution of water quality associated with such shortages. Goal 9 seeks "(to) diversify and improve the economy of the State." The expanded water supply will ensure continued water availability for the area as well as meet expected increases in demand. This water is necessary for commercial, industrial and residential purposes. Economic growth cannot occur without adequate water supplies. Goal 11 requires a "...timely, orderly and efficient..." expansion of public facilities and services.

The project will ensure an adequate water supply for a minimum of 20 years. In addition, no additional transmission or treatment

facilities will be necessary, thereby ensuring efficient use of existing facilities.

3. CONCLUSIONS

a) General

The proposal would eliminate an identified salmonid spawning and rearing area. However, due to an existing tidegate, this particular spawning area does not appear to be significant. The elimination of the spawning area is not expected to have negative economic, social and environmental impacts. Energy impacts would only be significant if an alternative water impoundment site is chosen. Overriding goal concerns also favor development.

In contrast, the economic and social impacts of the proposed reservoir are expected to be positive. The reservoir represents an efficient approach to system expansion; and, except for the salmonid spawning area and the wetland (addressed in Appendix "A"), the proposed project would not impact areas of significant environmental concerns.

b) Ultimate Conclusion

For the reasons set forth above, the proposal to permit the development of a water reservoir within an identified salmonid spawning and rearing area is found to be appropriate and justified as a fully allowed conflicting use within an identified Goal 5 resource area, pursuant to the requirements of Section 4.7.120 of the Coos County Zoning and Land Development Ordinance and the purpose of this exception.

FOOTNOTES

- (1) Fresh Water Resources of the Oregon Coastal Zone
(Salem, Oregon: State Water Resources Board, 1975)
p.15.
- (2) Ibid, p. 16.
- (3) Ibid, pp. 16-17.
- (4) Conversation with Coos Bay-North Bend Water Board
General Manager Phil Matson, January 20, 1988.
- (5) ORS 536.235, establishing the minimum stream flow
policy. ORS 536.325 provides guidelines to implement
that policy.
- (6) Planning Report: Water Source Development Concepts of
the Coos Bay-North Bend Water Board (Coos Bay, Oregon:
Coos Bay-North Bend Water Board, 1988) p.11.
- (7) Examples of treated water usage in 1987: January 1, 4.0
MGD; April 10, 5.0 MGD; July 31, 6.6 MGD, and
November 6, 4.0 MGD (CBNBWB information). Also
note the seasonal variations.
- (8) Planning Report, pp.5-11.
- (9) Ibid, p.5.
- (10) Ibid, p.5.
- (11) Coos Bay-North Bend Water Board correspondence of
April 29, 1988, p.2.
- (12) Ibid, p.2.
- (13) Ibid, p.1,
- (14) Planning Report, p.11.
- (15) Ibid, pp.6,11.
- (16) CBNBWB, April 29, 1988, p.2.
- (17) Planning Report, p.6.
- (18) Coos Bay-North Bend Water Board correspondence
of January 22, 1988.
- (19) Planning Report, p. 6.

BIBLIOGRAPHY

Coos Bay-North Bend Water Board. Planning Report: Water Source Development Concepts of the Coos Bay-North Bend Water Board. Coos Bay, Oregon: Report prepared by Phil A. Matson, General Manager, January, 1988.

State Water Resources Board. Fresh Water Resources of the Oregon Coastal Zone. Salem, Oregon: Report to the Oregon Coastal Conservation and Development Commission, December, 1974.

11. BANDON COASTAL DUNELANDS

11.1 INTRODUCTION

11.1.1 Purpose

This Master Plan is intended to establish comprehensive policies and implementation principles governing the development of the Bandon Dunes Destination Resort. Development of the Bandon Dunes Destination Resort will play an integral part in satisfying Coos County's economic development goals for improving its tourist industry. The Bandon Dunes Destination Resort will include a variety of recreational features, including an authentic Scottish seaside links golf course, as well as facilities for overnight accommodations, a multi-purpose conference center, nature study facilities and low-key, coast-style recreational housing.

The Master Plan has been carefully tailored to provide for resource conservation and enhancement while providing economic and recreational development pursuant to Statewide Planning Goals. The Master Plan calls for harnessing resource protection and low-impact recreational development in a manner that makes them mutually dependent and mutually supporting. The site has been heavily impacted by the encroachment of noxious alien plant species, unregulated hunting, off-road vehicle activity, gold mining and commercial timber management. Recovery and enhancement of the natural and scenic qualities of the site will be made both necessary and economically feasible as a key to the success of a development whose main selling point is the environmental health and beauty of its unique coastal setting.

11.1.2 Approval Process and Future Use

Because the site adjoins Bullards Beach State Park, the owner of the site, Bandon Dunes Limited Partnership (BDLP), cooperated with Oregon Parks and Recreation Department staff to develop a comprehensive planning and development strategy that would benefit both properties. BDLP also coordinated the initial planning for its destination resort project through the Governor's Office of Resource Management, using a standing committee comprised of representatives of state agencies involved in the Coos County Comprehensive Plan periodic review process. The planning team also coordinated extensively with the planning staffs of Coos County and the City of Bandon. In addition, BDLP sought input from other public agencies and private conservation groups such as The Nature Conservancy in formulating long-term management and wildlife habitat restoration programs for the site.

In November of 1995, BDLP applied to Coos County for approval of amendments to the Coos County Comprehensive Plan, Coos County Zoning and Land Development Ordinance (CCZLDO) and an exception to Statewide Planning Goals 3 (Agricultural Lands), 4 (Forest Lands), 11 (Public Facilities and Services) and 14

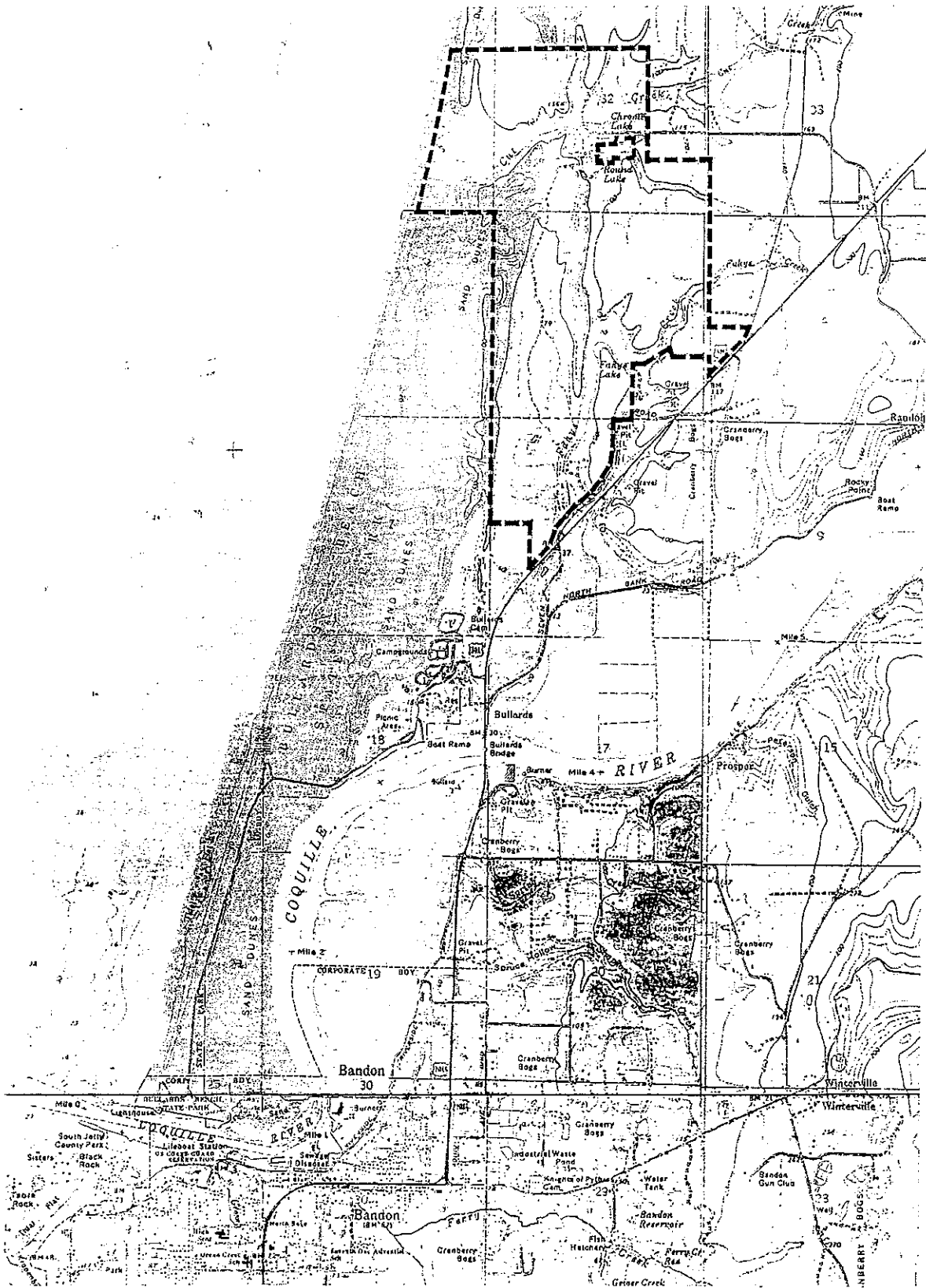


Fig. 1: Site Location and Boundary Map

(Urbanization) necessary to allow establishment of the proposed Bandon Dunes Destination Resort. The proposed plan amendments included adoption of this Master Plan as part of the Coos County Comprehensive Plan (Plan), essentially to become the embodiment of what the Plan envisions with regard to future use of this particular site. Development of the Bandon Dunes Destination Resort will proceed via county approval of a Final Development Plan for each phase or element of the resort before that phase or element may be built. The Master Plan will govern the development and approval of Final Development Plans. All Final Development Plans are required to comply with the provisions of the Master Plan. The Master Plan also guided development of the Bandon Dunes Resort (BDR) zone, which was applied to the site when the Master Plan was adopted as part of the Coos County Comprehensive Plan.

11.1.3 Overview of Site

The site is comprised of 1,215 acres and is located about 2.5 miles north of Bandon, Oregon on US Highway 101, the main coastal highway that serves Washington, Oregon and California. The highway runs along the southeasterly border of the property. Bullards Beach State Park abuts the westerly property line; the northerly portion of the site has one-half mile of ocean beach frontage. See Figure 1.

A ridge running north-south roughly bisects the site. To the west of the ridge, the soils and vegetation types are typically those of dune and interdunal areas. To the east of the ridge, the soils and vegetation types are generally those of coastal woodlands. Three lakes are also found on the site, to the east of the ridge -- Chrome, Round and Fahys Lake. Chrome and Round Lakes are drained by Cut Creek, which flows into the Pacific Ocean near the southern edge of the oceanfront portion of the site. Fahys Lake is drained by Fahys Creek, which exits the site and flows under Highway 101 near the southeastern tip of the site.

When this Master Plan was approved, the site was comprised of several tax lots, but was under a single ownership, that of the Bandon Dunes Limited Partnership (BDLP). The site is currently undeveloped, except for a ranch manager's residence near the southern end of the site, a rental residence near Round Lake, several forest roads and a pumping structure maintained by the Cut Creek Water Improvement District to withdraw water from Chrome Lake for use in irrigation of cranberry bogs located on the other side of Highway 101.

11.1.4 Surrounding Area

Land to the north and northeast of the site is designated and zoned for forest use, as is the approximately 10-acre parcel encompassing the eastern end of Round Lake that is surrounded by the site. That parcel contains a single family residence.

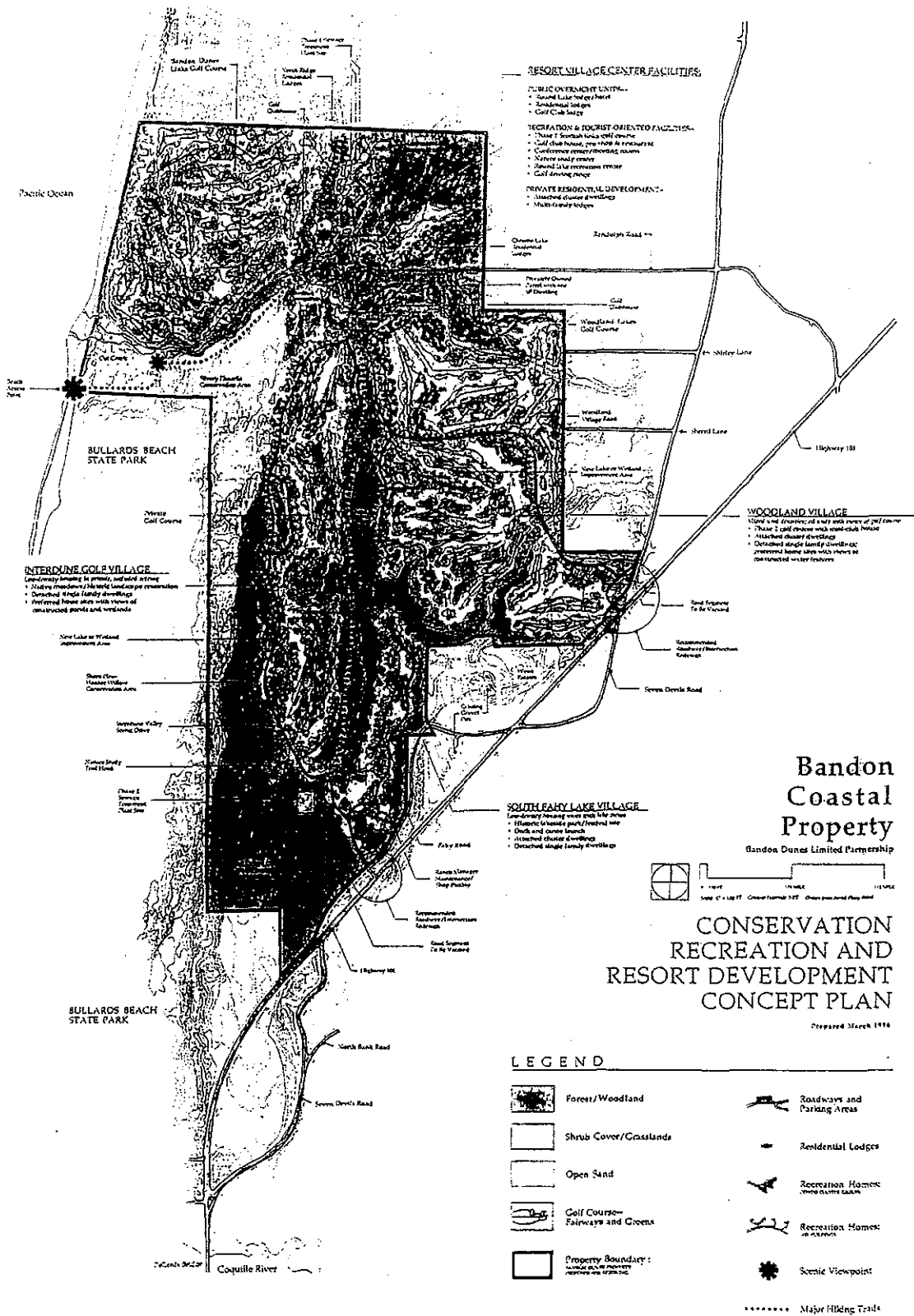


Fig. 2: Conservation, Recreation and Resort Development Concept Plan

11-2a

Certain land to the east of the site, along Shirley Lane and Sherrill Lane, is designated and zoned for rural residential use, with a five-acre minimum lot size, and is partially developed. To the southeast of the site are two currently unoccupied parcels owned by BDLP that are designated and zoned for industrial use and Weiss Estates, a largely developed rural residential subdivision with approximately 20 lots. Adjoining the site to the southwest is a primarily undeveloped portion of Bullards Beach State Park.

11.2 Conservation, Recreation and Resort Development Concept

The Conservation, Recreation and Resort Development Concept Plan for the Bandon Dunes Destination Resort (Fig. 2) reflects the following principles:

- ~ Low key, modest retreat atmosphere like Cascade Head Ranch.
- ~ Emphasis on the natural landscape; with architecture subordinated to setting.
- ~ Locating structures so they cannot be seen from public places like Bullards Beach State Park.
- ~ Minimalist golf course design with minimum water demands and chemical applications.
- ~ Inclusion of a Scottish Links type golf course in Phase 1 of the development.
- ~ Using golf course and landscape maintenance as a means to control Gorse and provide firebreaks in the landscape.
- ~ Locating and designing roads to cause minimal disruption to the natural environment.
- ~ Encouragement of walking and bicycling to expose visitors to nature.
- ~ Total water reclamation where all water is purified and returned to the earth.

The Concept Plan shown in Figure 2 provides a conceptual illustration of the proposed development at completion. This diagram is a schematic illustration of the written descriptions of the proposed resort presented in the following sections of this Master Plan. The precise location, number and design of resort, recreational and residential facilities described in the Master Plan will be established in future Final Development Plans submitted to and reviewed by the County.

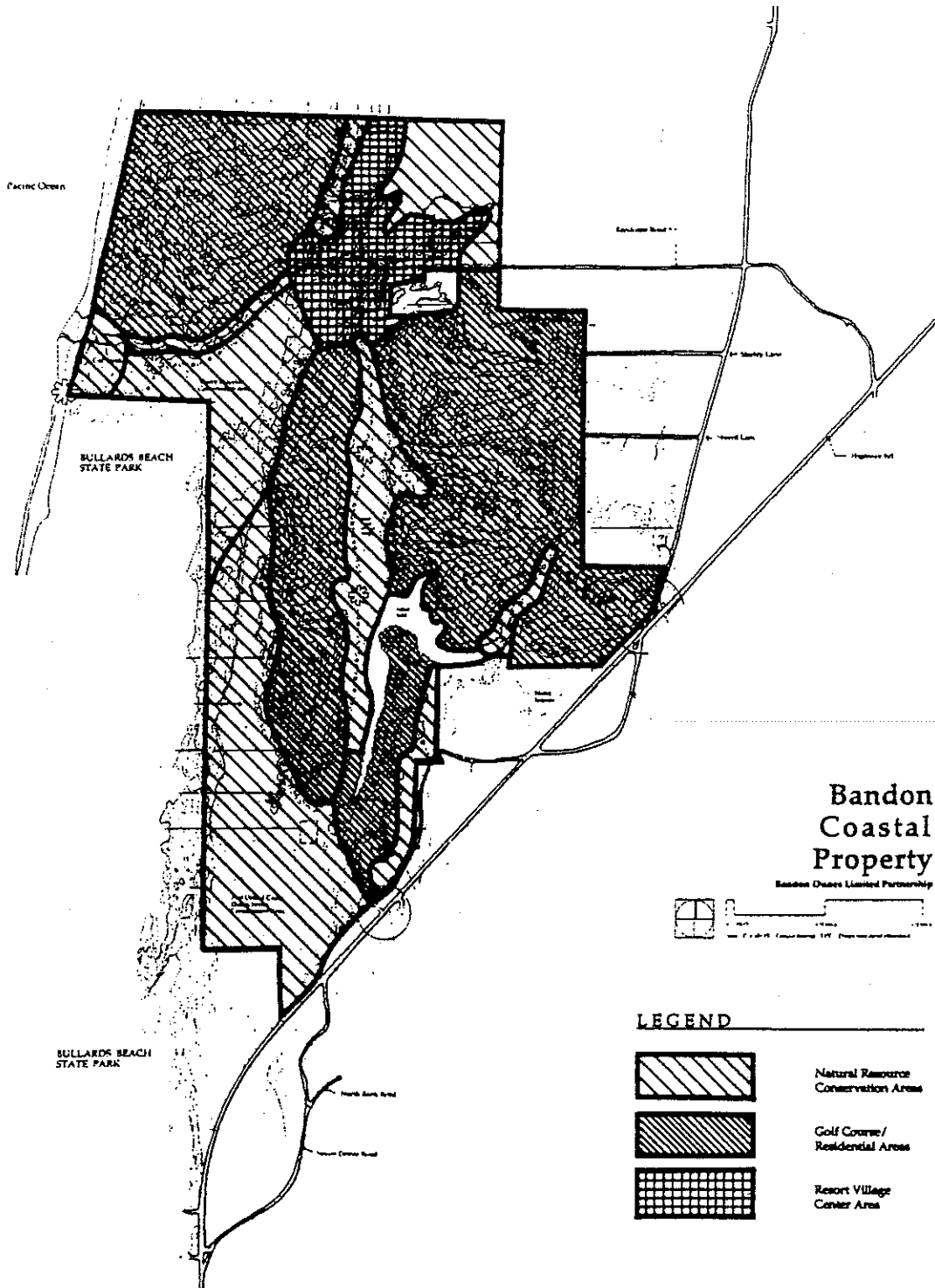


Fig. 3: Primary Use Areas

11-3a

11.3 Primary Use Areas

Based on the Conservation, Recreation and Resort Development Concept Plan (Fig. 2) the resort site has been divided into subareas having one of three primary types and intensities of development -- natural resource conservation areas, golf course/residential areas and the Resort Village Center (see Fig 3). These subareas are also reflected by the subzones of the implementing BDR zoning district (see Section 9.6, Project Implementation).

11.3.1 Natural Resource Conservation Areas

The Master Plan recognizes that about 30 percent of the site contains sensitive environmental areas and other valuable natural resource areas. These have been designated as "natural resource conservation areas" on Fig. 4 and are to be considered "set-aside" areas for long-term resource protection. Use of these areas will be low intensity: existing forest lands will be maintained for wildlife habitat and visual buffer purposes, wetlands will be preserved, restored and enhanced. Other activities will include reforestation, environmental education, scientific research, plant nursery(s) for resort restoration, mitigation and landscaping use, and low-intensity recreation such as hiking trails and bicycle paths, as well as utility corridors and facilities, where necessary.

11.3.1.1 Cut Creek Delta

The existing riparian habitat will be preserved "as is" in the short-term. This area and the adjacent beach frontage have been recognized as potential Snowy Plover habitat. Discussions have been held with the Oregon Departments of Parks and Recreation and the Department of Fish and Wildlife regarding the restoration of Snowy Plover habitat at the mouth of Cut Creek. Both agencies agree a future restoration project is feasible if jurisdictional wetland concerns by other regulatory agencies can be met.

Foot access to the area will be controlled. A beach access trail leading from the Resort Village Center will be located to the south of this area in order to minimize potential adverse impacts on riparian environment or future Plover habitat. No active recreation or resort development, including off-trail recreational vehicle use and utility corridors or facilities, will be permitted in this area.

11.3.1.2 Cut Creek Corridor

This is riparian corridor adjoining Cut Creek that will be preserved in the short and long-term. Development will be limited to the development of a nature study trail along portions of the watercourse. No off-trail recreational vehicle use will be allowed.

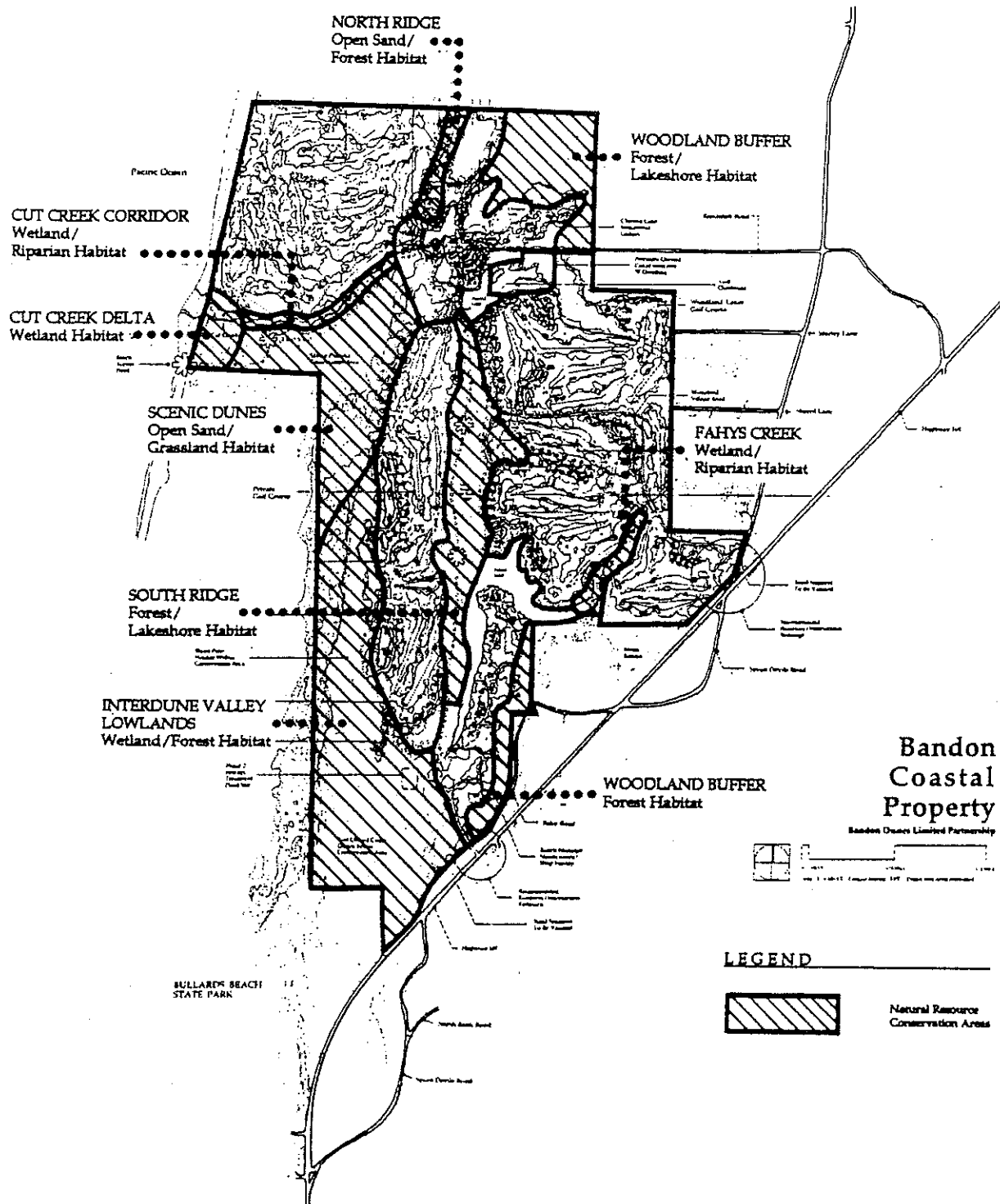


Fig. 4 Natural Resource Conservation Areas

11-4a

11.3.1.3 Scenic Dunes

This is an area of primarily open sand and grassland that adjoins the northeast corner of Bullards Beach State Park. Some of the site's best scenic amenity values are found in this area, as well as the threatened Silvery Phacelia plant. By controlling foot access and prohibiting off-road recreational vehicle use, existing populations of Silvery Phacelia will be protected both on the Bandon Dunes site and on the northern portion of Bullards Beach State Park. Any future planning to protect or improve habitat conditions involving human intervention will be accomplished in concert with staff from the Oregon Department of Parks and Recreation. The only utility facilities that may be located here are a deep aquifer well(s), pump station, chlorination facility and/or storage tank, which may be located in the southern portion of the area (see Fig. 11).

11.3.1.4 Interdune Valley Lowlands

This is a diverse natural resource area located on the western side of the Interdune Valley. It contains both a major willow-alder type wetland and a remnant stand of Port Orford Cedar Dunes Forest. The use of the area will be planned to preserve these sensitive natural environments. A site near Interdune Valley Scenic Drive, at the southeastern edge of this area, is designated on the Concept Plan as a possible site for a Phase 2 sewage treatment plant.

The alignment of Interdune Scenic Drive, which will form the eastern border of this area, will be selected to minimize impact on the wetland and protected cedar forest. The only utility facility that may be located here is a deep aquifer well(s), which may be located in the northern portion of the area (see Fig. 11).

Future access to the cedar forest by both vehicles and foot will be restricted in order to prevent the spread of a root rot disease which has affected the cedar trees. Use of the area will be restricted to scientific research and environmental education activities. Access will be only by designated trails and/or supervised nature study tours.

11.3.1.5 North and South Ridges

These forested ridges run north-south, roughly bisecting the resort site. The north and south ridges are visible from the proposed Scottish Links golf course and Bullards Beach State Park, respectively. These ridges provide some of the best scenic view points on the site. Timber harvesting will no longer be permitted in these areas. The only allowable uses of these areas will be low-intensity recreation, limited to the provision of hiking trails and scenic view points, habitat restoration and nature studies, with the exception that a local road/utility

corridor may cross a lobe of the South Ridge area that extends to the east, south of Woodland Village Road (see Figs. 10-12).

11.3.1.6 Woodland Buffers

These areas are existing woodlands along the southeastern and northeastern boundaries of the site which will be preserved as land use buffers. Use of the areas will be limited to forestry practices to maintain the health of the stand, nature studies and low intensity recreational use such as hiking.

11.3.1.7 Fahys Creek

The water course upstream of Fahys Lake will be preserved as riparian habitat, with no foot or vehicle access southwest of where Woodland Village Road crosses the creek. Since golf course development will occur near the creek, stands of existing trees and riparian vegetation will be maintained as scenic buffers for a minimum width of 100 feet on both sides of the creek.

11.3.2 Golf Course/Residential Areas

The Master Plan shows that golf course/residential areas comprise about 50 percent of the site. General land uses in these areas will include golf course facilities, facilities for active recreation such as tennis, bicycling, boating and swimming, overnight lodgings and various forms of residential uses, including detached single family dwellings and townhouses. Interspersed in these areas will be remnant woodland and existing water and wetland features. Temporary outdoor fairs and festivals serving residents of and visitors to the resort may be located in designated open space areas in golf course/residential areas provided the proposed locations are not environmentally sensitive (e.g., wetlands).

The Master Plan limits the number of dwelling units on the site to 300. Requirements for phasing in the construction of dwelling units are addressed under "PHASING" in Section VI of the Master Plan. Each residential area is planned as a residential "village", with a target number of proposed overnight lodging or recreational dwelling units. Since actual site conditions and other design constraints that become apparent during Final Development Plan preparation could affect the number of units appropriately placed in a particular area, the final number of units in a particular residential area should be within 20 percent of the stated target, with the total number of dwelling units on the site not to exceed 300.

Recreational dwellings will consist of second homes used by owners periodically, homes for retirees attracted by the recreational opportunities or time share/rental units which are used on a seasonal basis. Recreational home development will be a mixture of detached and cluster unit development in village settings, to provide privacy and protection from coastal winds.

11.0-6

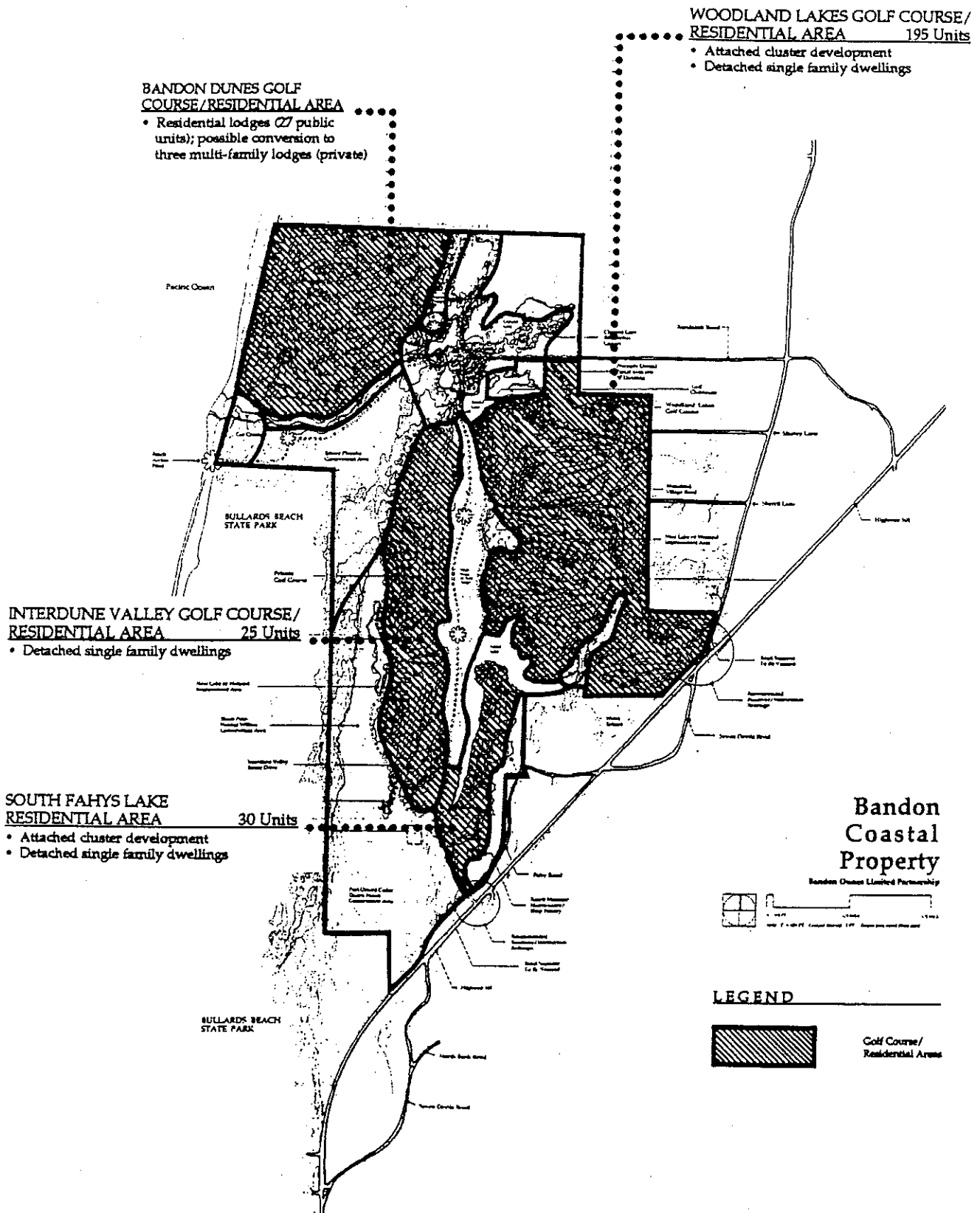


Fig. 5: Golf Course/Residential Areas

11.-6a

Overnight lodgings in golf course/residential areas will be in the form of residential lodges holding fewer than ten accommodation units per structure. Most dwelling or lodging units will have a lakeside or golf course fairway view.

The market analysis report prepared for the resort indicates that several forms of dwelling ownership may be appropriate. Alternatives include fee interest, condominiums, timeshare and fractional interests. More detailed marketing studies conducted following the construction of Phase 1 recreational amenities will establish a more precise breakdown of desired unit types and ownership arrangements.

11.3.2.1 Bandon Dunes Golf Course/Residential Area

This area is located on the upper marine terrace in the northwest corner of the site, which has a strong resemblance to coastal settings in Scotland. During Phase 1 of the development, an authentic 18-hole Scottish Links style golf course will be constructed in this area. The county's ocean Coastal Shorelands Boundary (CSB) is at the existing bluff edge of this upper marine terrace. No development activity will occur west of the ocean CSB. To provide a measure of additional protection, no buildings, structural development or golf course green or tee improvements will be located within 25 feet from the bluff's edge. Golf course fairway and rough plantings and associated maintenance activities may occur in this 25-foot buffer area.

This area will also include, along its eastern edge, at the base of the North Ridge, three residential lodges, providing approximately 27 units of overnight lodging during Phase 1 of the development. During Phase 2, these structures may be converted to recreational homes if sufficient replacement overnight lodging units are provided (see Section 9.6.1, Phasing).

11.3.2.2 Woodland Lakes Golf Course/Residential Area

This is a woodland area located between and to the east of Round Lake and Fahys Lake. To enhance the resort's appeal and encourage longer stays, a second 18-hole golf course open to the public will be developed in this area during Phase 2. As shown on the Concept Plan, clusters of recreational dwellings, totaling approximately 195 units, and several water features will be interspersed among the fairways and greens.

A small golf clubhouse and pro shop facility will be located on the south shore of Round Lake to service the Woodland Lakes golf course. Facilities housed at this location will be limited to:

- ~ Course reservations/sign-in
- ~ Cart rental and storage
- ~ Equipment rental

11.0-7

- Management office

- Rest rooms

11.3.2.3 Interdune Valley Golf Course/Residential Area

This is an upland/wetland mosaic area located on the eastern side of the Interdune Valley (see Fig. 13). Interdune Valley Scenic Drive, which will form the western boundary of this area, will be aligned to avoid wetlands and mitigate any unavoidable impacts. The northern portion of this area includes a rare example of a native Red Fescue-Kinnikinnick meadow and a site for one Phase 1 private residence near the base of the South Ridge. The nine-hole golf course and 25 clustered recreational dwellings planned for this area will be designed and sited to preserve and restore the existing meadow and wetland areas and to restore native grasslands located along the base of the South Ridge.

11.3.2.4 South Fahys Lake Residential Area

This is a predominantly wooded area located along the southern arm of Fahys Lake. No golf course development is planned for this area. The area is planned to include approximately 30 recreational dwellings, plus the existing ranch manager's dwelling. An existing meadow area near the ranch manager's dwelling may be used for special events such as a music concert, outdoor art show or other types of festivals.

11.3.3 Resort Village Center

Major resort facilities have been grouped together into a village like center between Chrome and Round Lakes. The provision of a new storage basin along Cut Creek immediately west of Chrome Lake and restoration of the Lily Pond feature between Round Lake and Cut Creek will create an attractive, scenic setting that invites walking, bicycling and nature discovery activities.

A main hotel/lodge, conference center, nature study facilities, guest parking area, golf clubhouse and mixture of private recreational dwellings and residential lodges will create a focal center for the planned resort. Future development of the resort lodge/hotel will include indoor recreation facilities and a gift shop. In addition, once the conference center is built, other selective commercial activity including a neighborhood grocery (country store type building) may be built at the Resort Village Center. Located in the Resort Village Center, such commercial development will be sized and designed to serve guests and residents of the resort, and not the general public using the coastal highway.

RESORT VILLAGE CENTER 50 Units

- Attached cluster development
- Residential lodges (public); possible conversion to multi-family lodges (private)

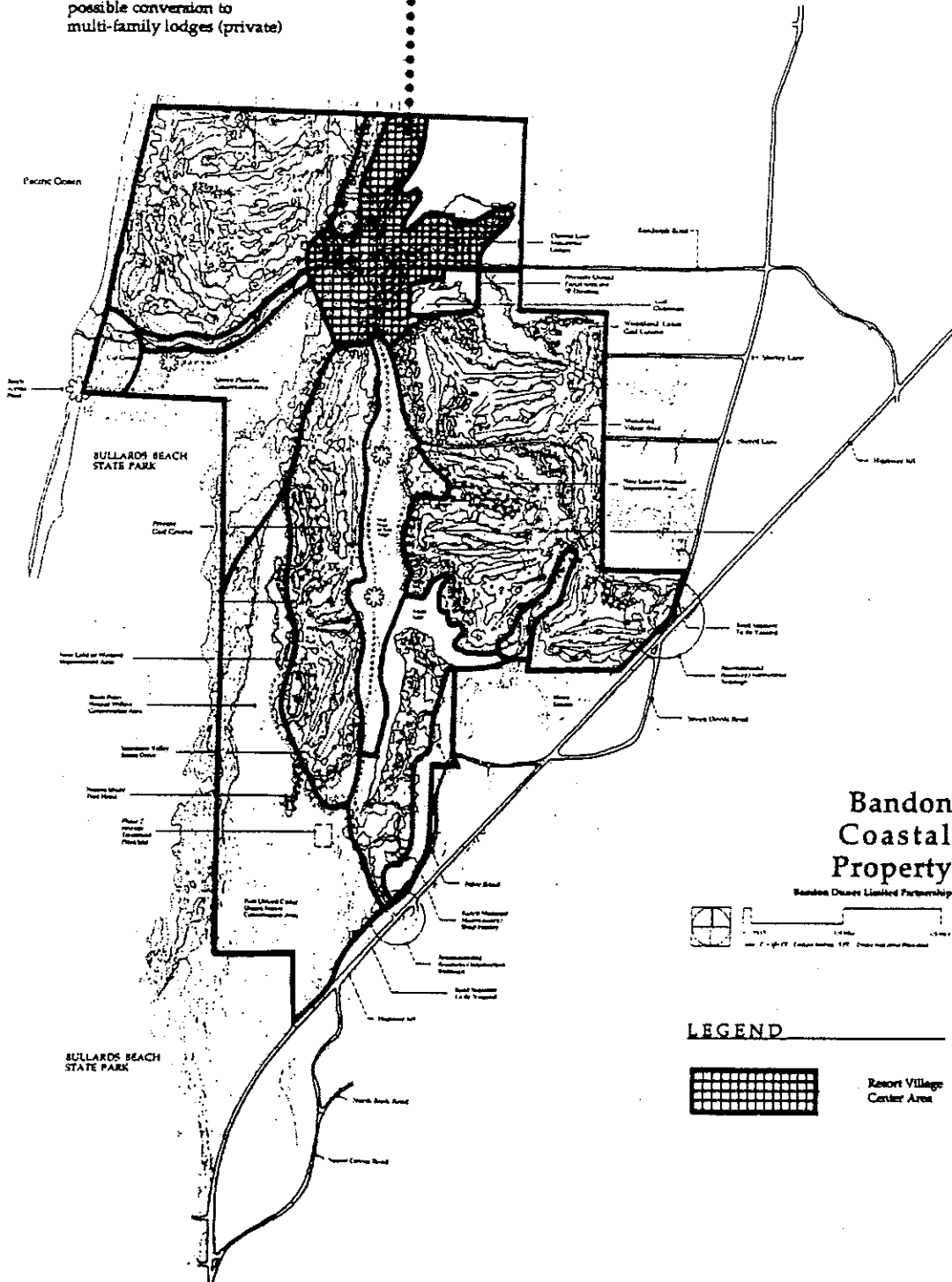


Fig. 6: Resort Village Center Area

11-8a

11.3.3.1 Cut Creek Storage Basin

A two to three-acre storage basin will be built on Cut Creek, just west of Chrome Lake, an existing three-acre water body. In addition to its value as a visual amenity, the storage basin will induce additional surface water recharge and storage in the underground aquifers available for reuse by the resort.

During Phase 1, the storage basin's visual prominence will provide an identifiable focus for the resort until later development establishes the long-term character of the Resort Village Center. Southern edges of the basin offer excellent sites for Phase 1 attached recreational dwellings; the balance of the edges will be landscaped to resemble a natural lakeside setting, with possible inclusion of riparian, marsh habitat.

11.3.3.2 Main Golf Clubhouse

The main golf clubhouse will be built overlooking Cut Creek and the proposed storage basin. The building will include:

- ~ Lobby/foyer (registration and guest check-in)
- ~ Great room (with fireplace, reading and card playing area)
- ~ Bar/lounge
- ~ Restaurant (seating for at least 100 persons)
- ~ Meeting rooms
- ~ Overnight accommodations -- 20 units
- ~ Lockers, restrooms and showers (men and women)
- ~ Management office(s) and storage areas

A pro shop either within the clubhouse or in a detached structure would include:

- ~ Golf course reservations/sign-in/cart rental and storage
- ~ Equipment rental
- ~ Management office

The clubhouse and pro shop, together with the Phase 1 residential lodges, would form a compact grouping of related buildings, designed around a common architectural theme. A series of outdoor patios and terrace areas would integrate the building complex into the woodland setting, with views of the adjacent Scottish Links golf course and other scenic amenities.

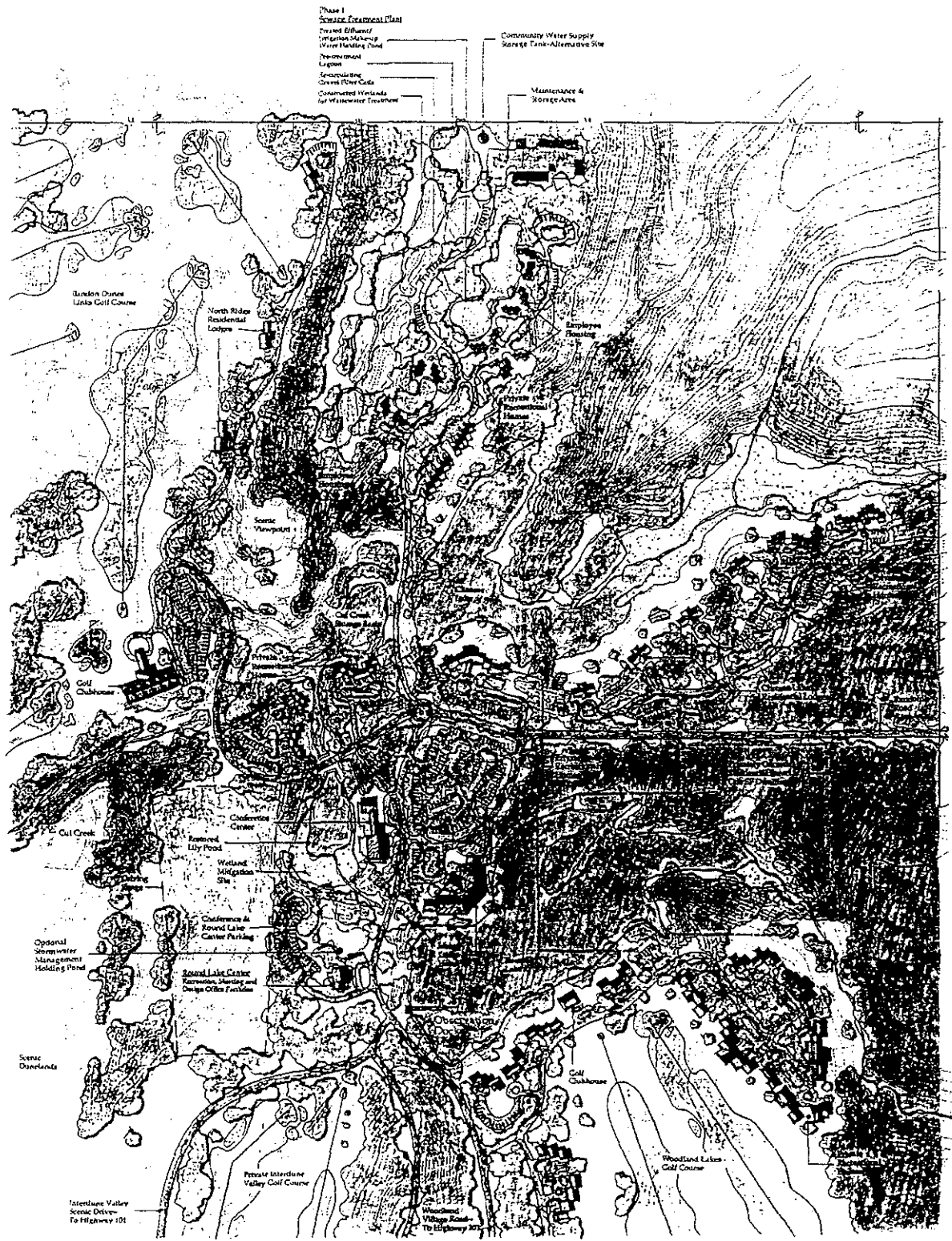


Fig. 7: Resort Village Center Concept Plan

11.-9a

11.3.3.3 Round Lake Center/Driving Range

An existing dwelling west of Round Lake will be converted to the Round Lake Center. The Round Lake Center will be principally a recreation center, and will be used to orient and educate resort guests about playing a Scottish Links golf course. It will also be used as a physical fitness center and to store boats and tennis equipment. It will include meeting rooms for use during Phase 1, and a portion of the building will be converted to a project office to serve the project during implementation. A golf driving range will be built immediately west of the Round Lake Center building.

11.3.3.4 Overnight Lodgings/Hotel

During Phase 1, in addition to the 20 units of overnight accommodations in the main golf clubhouse, 28 units of overnight accommodations in four residential lodge structures, located near the south shore of Chrome Lake, will be constructed in the Resort Village Center. During Phase 2, an additional 75 units of overnight accommodations will be provided. These units are likely to be provided in a hotel located on the western shore of Round Lake. Such a hotel would include a second restaurant, indoor recreation facilities, gift shop and could include other commercial uses designed to serve the needs of resort residents and guests.

11.3.3.5 Conference Center

Land northwest of Round Lake and south of the proposed storage basin will be used for a conference center. The center will be designed to serve small executive retreats, multiple events or a single large conference for up to 300 persons. An existing lily pond provides an attractive setting for this facility. Nature study facilities could also be accommodated at this location. Since there is an established nature study program at Bullards Beach State Park, there is an opportunity to expand this environmental education program through sharing indoor facilities in the proposed conference center, in conjunction with guided tours of selected natural resource areas of the resort.

11.3.3.6 Recreational Dwellings

A total of 50 recreational dwellings may be located in the Resort Village Center during Phase 1 of the development. These dwellings will be located on the south shores of the storage basin and west shore of Chrome Lake. During Phase 2, additional recreational homes may be constructed in the Resort Village Center, south of the wetland area upstream from Chrome Lake. In addition, if sufficient replacement overnight lodging units are provided during Phase 2, the four residential lodges south of Chrome Lake may be converted to recreational dwellings.

11.3.3.7 Indoor Recreation Facilities

Other on-site recreation facilities will include an indoor swimming pool with outdoor sun terrace and game room. These activities will probably be incorporated into the main hotel/lodge.

11.3.3.8 Outdoor Recreation Facilities

Surface water use of existing coastal lakes will be restricted in order to maintain water quality, wildlife habitat and scenic resource values. Swimming activities will be provided for through indoor and outdoor swimming pools, rather than use of the lakes.

Due to its small surface area and limited fish population, Chrome Lake is inappropriate for boat use or sports fishing, and will be limited to wildlife observation, nature study and environmental education use. Round Lake is also inappropriate for boating. However, since Round Lake is host to a variety of fish species, limited sports fishing may be allowed in Round Lake, in addition to wildlife observation, nature study and environmental education uses.

Limited canoe or kayak use will be permitted on Fahys Lake, since its extended surface area and curved shape can provide users with maximum privacy and the longest paddling route along its perimeter. Development around Fahys Lake may include a historic lakeside park area, and a dock for launching canoes and limited canoe storage area on the southern arm of Fahys Lake. The park would commemorate the 1880's Fahysville settlement--the original saw-mill, homestead, and other land use activity associated with the settlement and development of this local area.

Tennis courts will be developed near the Round Lake Center building or south of the maintenance and storage area north of Chrome Lake.

11.3.3.9 Maintenance and Storage Area

Along the north property line, east of the North Ridge and in association with the Phase 1 sewage treatment plant, a maintenance and storage area will be constructed. This service area will contain a maintenance shop and other storage buildings necessary for the construction and operations activities. Other activities that may be developed at this location include a composting facility, greenhouses, nursery plantings and storage beds.

11.3.3.10 Sewage Treatment Facilities

A sewage treatment plant, including recirculating gravel filter cells and constructed wetlands for wastewater treatment, will be

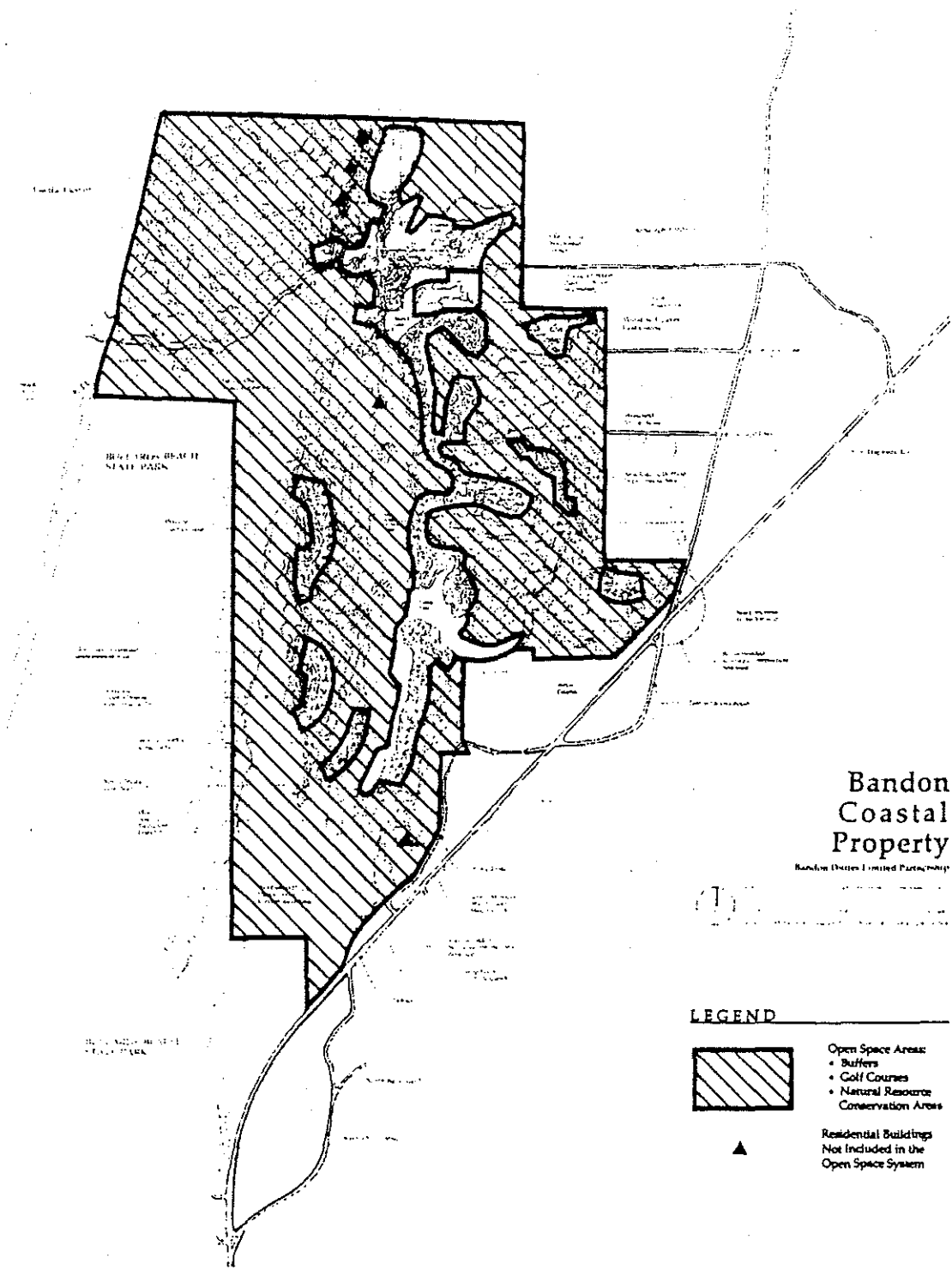


Fig. 8: Open Space

11, -11a

located to the south of the maintenance and storage area, to the east of the base of the North Ridge (see Figs. 7 and 12).

11.3.3.11 Service Employee Quarters

Optional provision has been made for living quarters for service employees at a location south of the maintenance and storage area and to the east of the sewage treatment facilities.

11.4 Architecture, Open Space & Infrastructure

11.4.1 Architectural Design

Site and architectural design will be integrated: building design for clusters or individual buildings will respond to the intrinsic qualities of the site's diverse landscape character. In general architectural design will be subordinated to the landscape setting. A general theme may evolve as the resort is constructed incrementally. However, it is more likely that a number of interrelated themes will be used, depending upon the nature of natural influences present at each specific site(s). The intent is to let natural determinants rather than introduced concepts drive the site and architectural design. Architectural design requirements will be included in the Conditions, Covenants and Restrictions (CC&R's) that will be made a part of any sale or lease agreements entered into by future occupants or property owners.

11.4.2 Dedicated Open Space

About 80 percent of the site will be maintained as permanent open space, principally as natural resource conservation areas, golf courses, or woodland buffer areas (see Fig. 7). Conversion of woodlands to golf courses will provide needed firebreaks, especially in eastern portions of the site. The development of the Scottish Links golf course in Phase 1 will provide long-term Gorse management on this infested part of the site.

Prior to approval of a Final Development Plan, the only permissible uses of the site will be nonstructural uses permitted under the county's Forest zone. At the time of final development plan approval for a particular phase or element of the resort, an easement must be recorded dedicating the appropriate portions of that phase or element as permanent open space (see Fig. 8). At all times, more than 50 percent of the total site will remain existing or dedicated open space.

11.4.3 Hiking Trail System

A comprehensive system of soft surface hiking and nature trails (Fig. 8) has been planned to provide foot access between major resort facilities, recreational use areas, selected conservation areas and scenic view points. The system has several destination and loop trails including:

11.0-12

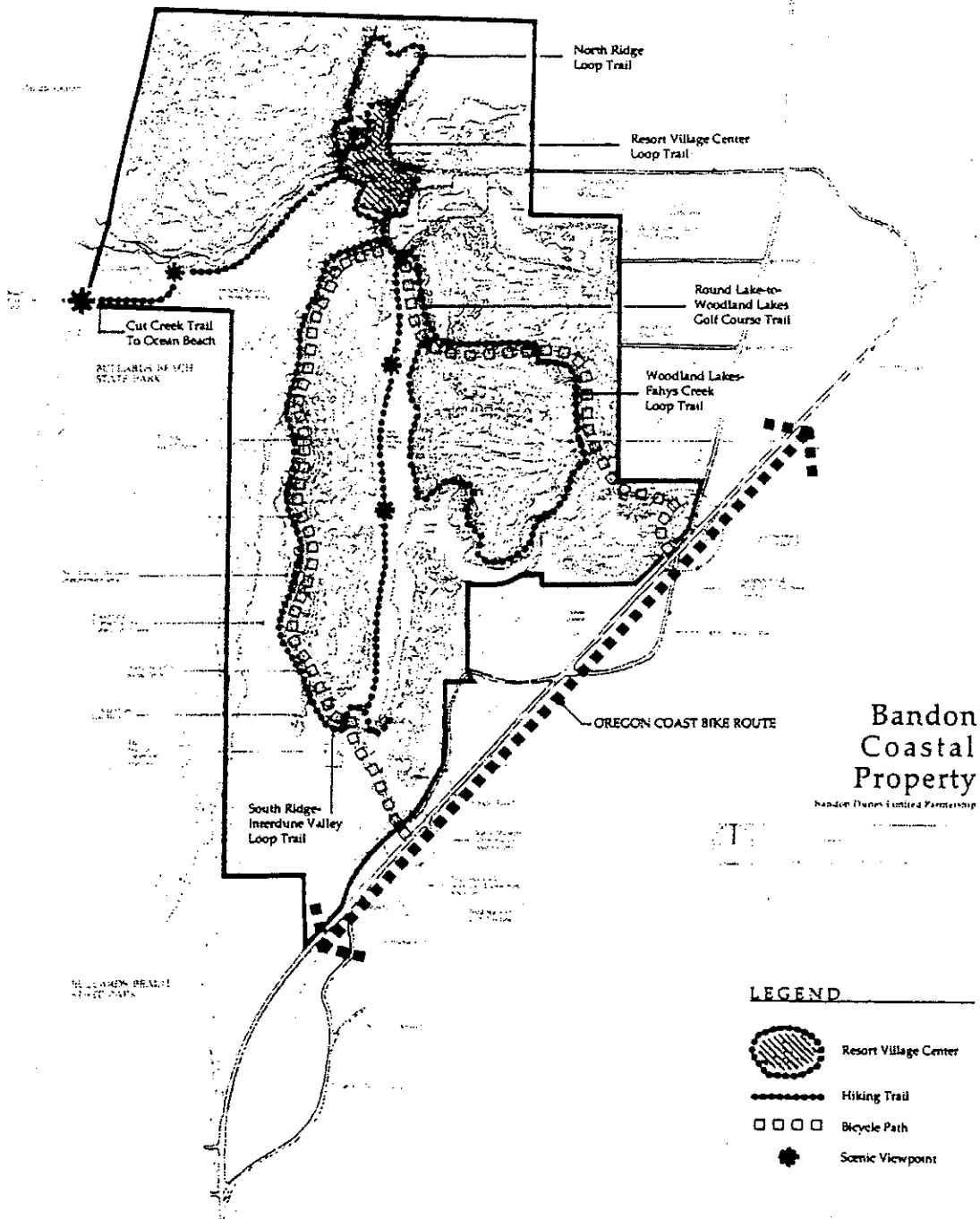


Fig. 9 Hiking Trails and Bicycle Path System

11.-12a

- ~ North Ridge Loop Trail
- ~ Resort Village Center Loop Trail
- ~ Cut Creek Trail to Ocean Beach
- ~ Round Lake-to-Woodland Lakes Golf Course Trail
- ~ Woodland Lakes-Fahys Creek Loop Trail
- ~ South Ridge-Interdune Valley Loop Trail (between Round Lake and Fahys Lake canoe launch area and return to Round Lake)

In order to minimize potential impacts on adjacent state park land, a designated trail from the Resort Village Center to the ocean beach near the mouth of Cut Creek will be built in Phase 2. Detailed planning and design will involve the Oregon Department of Parks and Recreation and other state agencies to ensure wildlife habitat values, especially in Bullards Beach State Park, are protected.

Trail heads will be signed, and self-guided nature trails will have informational exhibits to highlight key landscape features and features of the natural environment. Guided public tours will be used to protect especially sensitive natural resources areas.

11.4.4 Bicycle Path System

As part of the disincentive program regarding automobile use within the resort, bicycle rental facilities will be available for guests and visitors. General bicycle use will be encouraged and permitted on designated segments of hard and soft surfaced walking paths and trails throughout the resort. Figure 9 shows the proposed location of the bicycle paths.

11.4.5 Road Network

A private system of internal vehicular roads will provide visitors, guests and residents with convenient access to all activity areas. Major roadway corridors will be designed to respond to the natural landscape setting:

- ~ Alignments will follow topographic features.
- ~ Lanes will be designed to minimum widths to reduce impacts and maintain "natural" character.
- ~ Open swales will be developed for drainage.

This approval will reduce the visual prominence of roadways and maximize the retention of surface run-off in local areas. The principal components of the road network are:

11.0-13

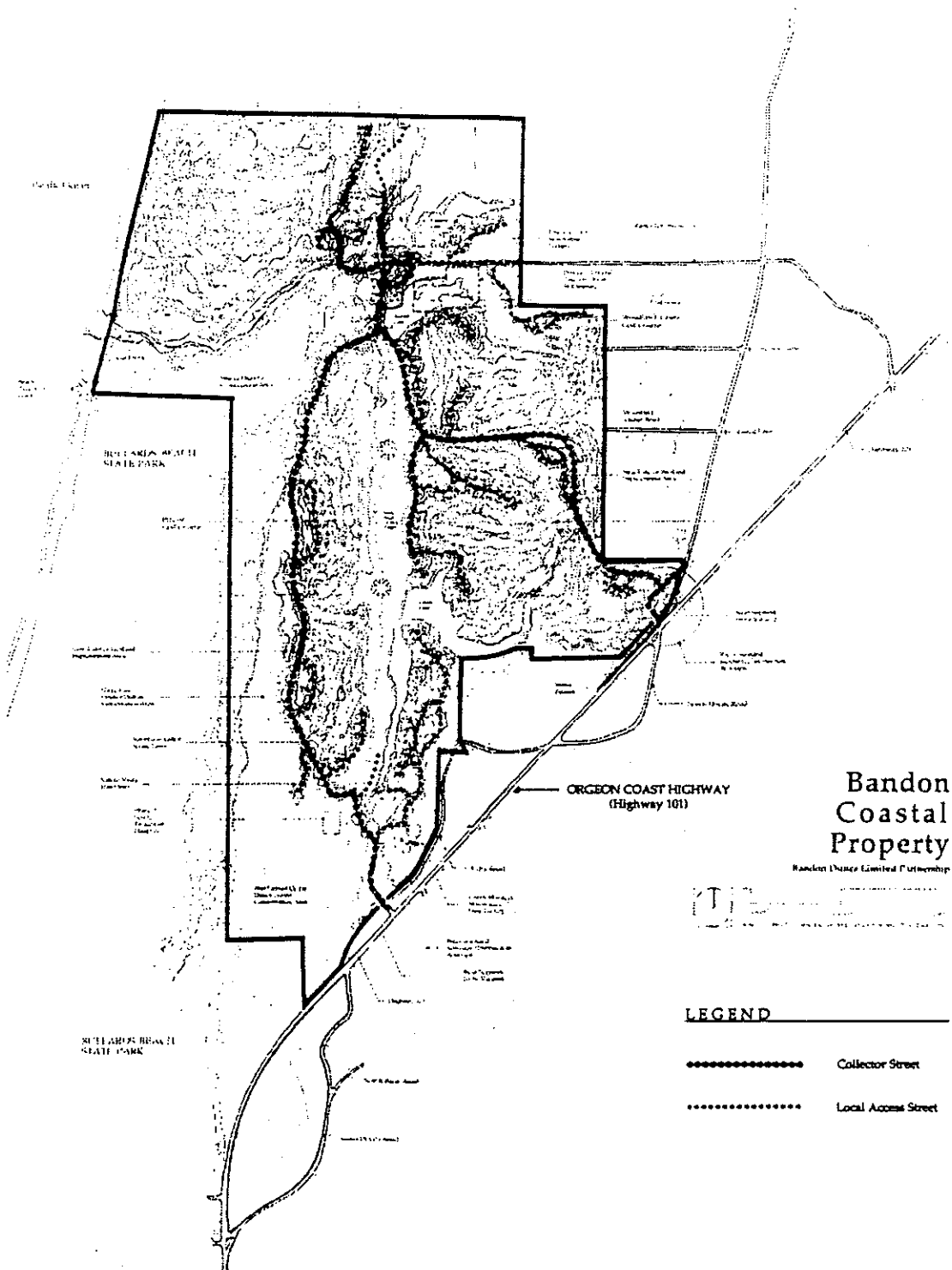


Fig. 10: Road Network

11-13a

- ~ Construction in Phase 1 of a new entrance and scenic drive (Woodland Village Road) which will provide direct access from Highway 101 to the Resort Village Center via a realigned portion of Seven Devils Road. In Phase 2, this road will also provide access to the Phase 2 golf course and related recreational housing development.
- ~ The use of Randolph Road as the Phase 1 construction road.
- ~ Construction during Phase 2 of a new entry point off Highway 101 and another scenic drive (Interdune Valley Scenic Drive) which will be routed through the interdune valley to distribute resort traffic between two entry points.
- ~ The Resort Village Center will be served by an interconnecting system of loop roads which will provide vehicular access to facilities including golf course facilities, hotel, conference center, parking areas, recreation center, recreational housing and scenic conservation areas.

A supporting system of local access roads, also built to county standards and in an environmentally sensitive manner, is proposed to serve the residential villages.

11.4.5.1 Roadway Types and Location

Two types of roadways define the proposed road network (Fig. 10) within the resort site:

- ~ Collector Street -- a roadway which is projected to have an average daily traffic count (ADT) of 80 vehicles or more
- ~ Local Access Street -- a roadway which is projected to have an ADT of less than 80 vehicles.

Two collector streets, Woodland Village Road and Interdune Valley Scenic Drive, will provide access to the project from Highway 101. These two roads will merge near Round Lake and provide access to the Resort Village Center. Other collector roads will continue north and west of Round Lake, providing access to the main golf clubhouse, residential lodges, private residences, the maintenance and storage area and the Phase 1 sewage treatment plant. A system of local access streets leading to these collectors will serve the residential villages.

11.4.5.2 Roadway Design Guidelines

This road network will be a private road system. The alignments shown on Figure 10 are to be viewed as general corridors. These corridors will also be used for the installation of all utility systems. Detailed engineering design will establish appropriate roadway easement boundaries at the time of Final Development Plan

11.0-14

approval. Final alignments will be prepared and submitted for review by the County. In general, roadway design will:

- ~ Respond to site topography and natural features to create low speed, scenic driving experiences.
- ~ Use geo-textile fabrics to stabilize wet, soft, or otherwise potentially unstable areas.
- ~ Use drainage ditches with shallow and generally flat grades in order to collect and dissipate stormwater run-off as near as possible to the point of origination.
- ~ Incorporate bio-swales in order to pre-treat stormwater run-off prior to discharge to the groundwater system.
- ~ Use minimum widths.
- ~ Comply with County design standards.

11.4.5.3 Highway 101 Access

Woodland Village Road will provide a northern entrance to the resort via a realigned intersection of Seven Devils Road and Highway 101 that will be constructed during Phase 1. Interdune Valley Scenic Drive will provide a southern entrance to the resort via a realigned intersection of the southern end of Fahy Road and Highway 101 that will be constructed during Phase 2. A cooperative improvement agreement between BDLP, ODOT and Coos County will assure that the necessary improvements to these intersections with Highway 101 are constructed and available for service prior to occupancy or use of the relevant phase of the resort development.

11.4.6 Parking Facilities

The parking concept is to disperse parking facilities throughout the site. In the Resort Village Center, most of the parking will be centrally located to support major facilities. Elsewhere on the site, parking will be available, but at less convenient locations. After their arrival, guests will be encouraged to leave their automobiles in "storage" until their departure. A comprehensive system of pedestrian and bicycle paths will offer a more inviting way to explore the site.

All parking areas will be landscaped to blend with the surrounding natural setting and will be screened from public view. Designed to fit around and blend with existing tree stands, less efficient parking facility designs will be used in order to maximize the preservation of existing trees. Supplemental landscaping treatment in the understory will further screen parking areas.

It is estimated that about 200 spaces are needed to support Phase 1 development. Additional parking facilities will be built incrementally to support Phase 2 expansion. The precise number of parking spaces required for each phase or element of the resort will be determined at the time of final Development Plan approval. A preliminary estimate of required parking spaces is:

~ Phase 1 Development (75 overnight lodgings, golf course, clubhouse, restaurant, 50 dwelling units)	200
~ Resort Expansion (to 150 overnight lodgings and 300 person conference center)	275
~ Private Residential Expansion (250 dwelling units)	<u>425</u>
Total spaces	900

11.4.7 Water Supply

A schematic design for the community water supply system is presented in Figure 11. The diagram indicates the proposed location of alternative sites for a water storage tank, pump station and chlorinating facilities, water supply distribution system, and well field locations. Two well field areas, one for the deep aquifer well and another for the shallow sump well field, are also identified. The anticipated well fields will be a minimum of 1/4 mile away from all existing water bodies -- Cut Creek, Chrome Lake, Round Lake and Fahys Lake. The effects of pumping groundwater on the flows in Cut Creek and the water level in the Interdune Valley Willow-Alder wetland area will be monitored and a mitigation plan will be instituted if adverse impacts occur.

Water will be withdrawn from a well or a series of wells, disinfected, and pumped into the distribution system with a pump station designed to maintain system operating pressures (see black octagonal map symbol). Alternative reservoir locations for water storage are indicated by a black triangular map symbol. Design storage capacity is estimated to be 100,000 gallons. Depending upon the proposed location either an above ground storage tank or a partially buried tank may be installed. In either case, earth modeling and landscaping will be used to screen the tank from adjacent properties and from nearby activity areas within the resort.

The water system will also be designed to provide fire protection. Fire hydrants will be located within 500 feet of any structure.

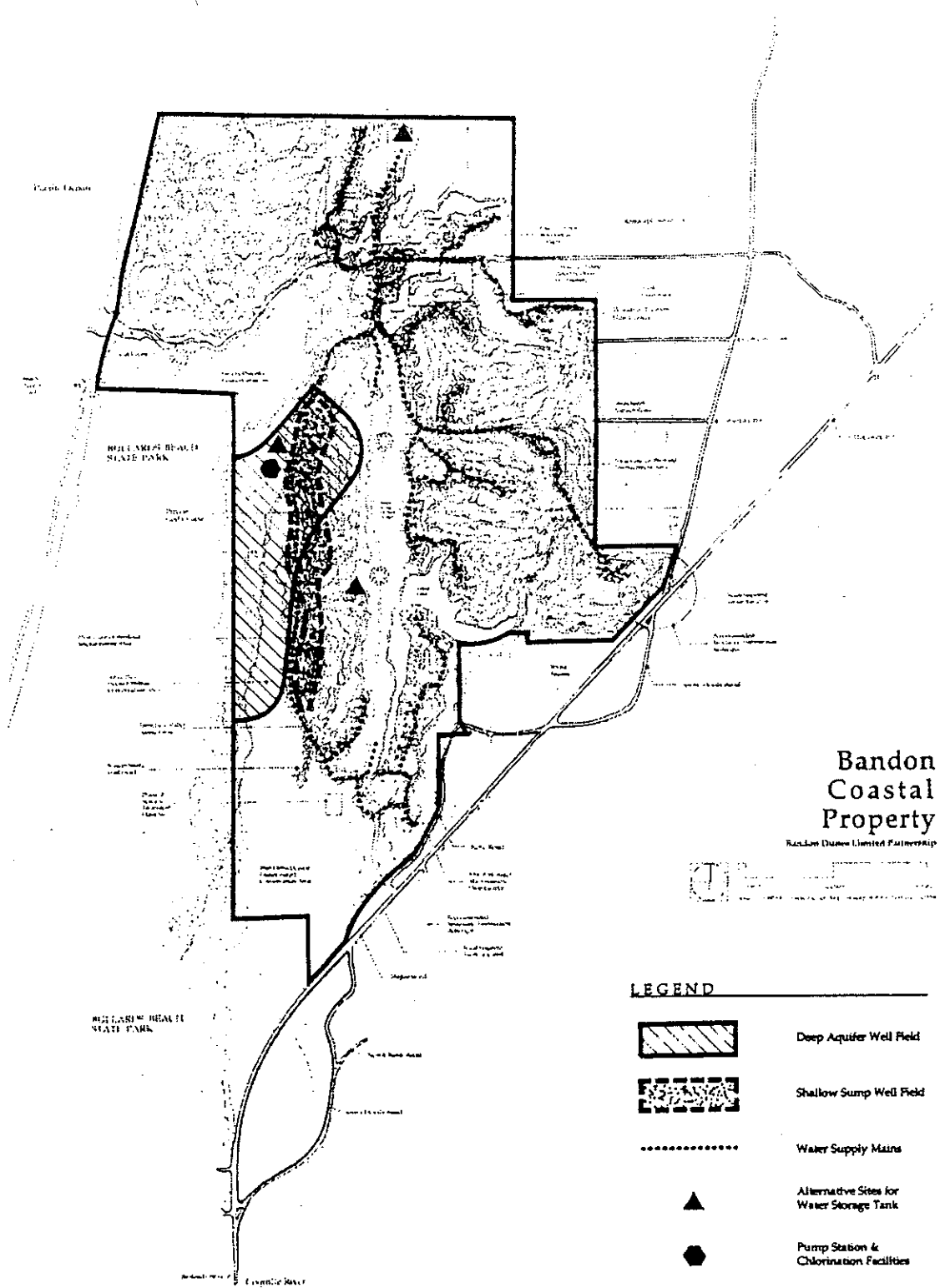


Fig. 11: Water Supply

11-16a

11.4.8 Sewage Facilities

11.4.8.1 Location

Figure 12 presents a schematic layout of the sewage collection force mains and the proposed location of Phase 1 and 2 sewage treatment plants. Initial sewage treatment facilities will be located near the north end of the site, east of the North Ridge. This facility will serve all Phase 1 development, expansion of the Resort Village Center and major portions of the development associated with the Phase 2 Woodland Lakes golf course and associated residential development. This area is visually contained and separated from major site facilities, yet close enough to the Phase 1 resort facilities and Scottish Links golf course to keep initial infrastructure costs to a reasonable level. Phase 1 sewage facilities will be located on topographic conditions well above the elevation of existing lakes and natural drainage corridors. This fact and the use of waterproof liners for all waste water treatment facilities built into the ground will assure maximum protection of groundwater resources.

A second treatment area may be required for Phase 2. An optional sewage treatment site has been designated in the Master Plan for this eventuality. Located in the southern portion of the site and directly accessible from Interdune Valley Scenic Drive, this site could conveniently serve development in the Interdune Valley Village and South Fahy Lake Village areas, with disposal of treated effluent in nearby constructed wetlands.

11.4.8.2 Waste Treatment System

The proposed sewage treatment system will be developed as a private system. It will be designed as part of a comprehensive water management program in which the treated effluent is returned to the earth as purified irrigation water. Sewage will be collected and subjected to primary treatment, including a reduction of wastewater solids, at localized clusters of septic tanks throughout the site. Effluent will then be pumped to an on-site sewage facility for secondary treatment. Secondary treatment will occur in a system of constructed wetlands and recirculating gravel filters. The effluent will then be chlorinated and discharged to a holding pond for timed release to the golf courses, landscaped areas and the site nursery. High strength wastes from the resort restaurant(s) will be routed through an aerated lagoon to reduce waste strength prior to introduction into the constructed wetlands. Septage sludge from the septic tanks will be trucked off-site to a suitable facility permitted to accept such wastes or applied to an approved land site within the project area.

11.4.8.3 Treated Effluent Disposal

Treated effluent will be disposed of as spray irrigation water on the proposed golf course areas. Due to existing soil conditions,

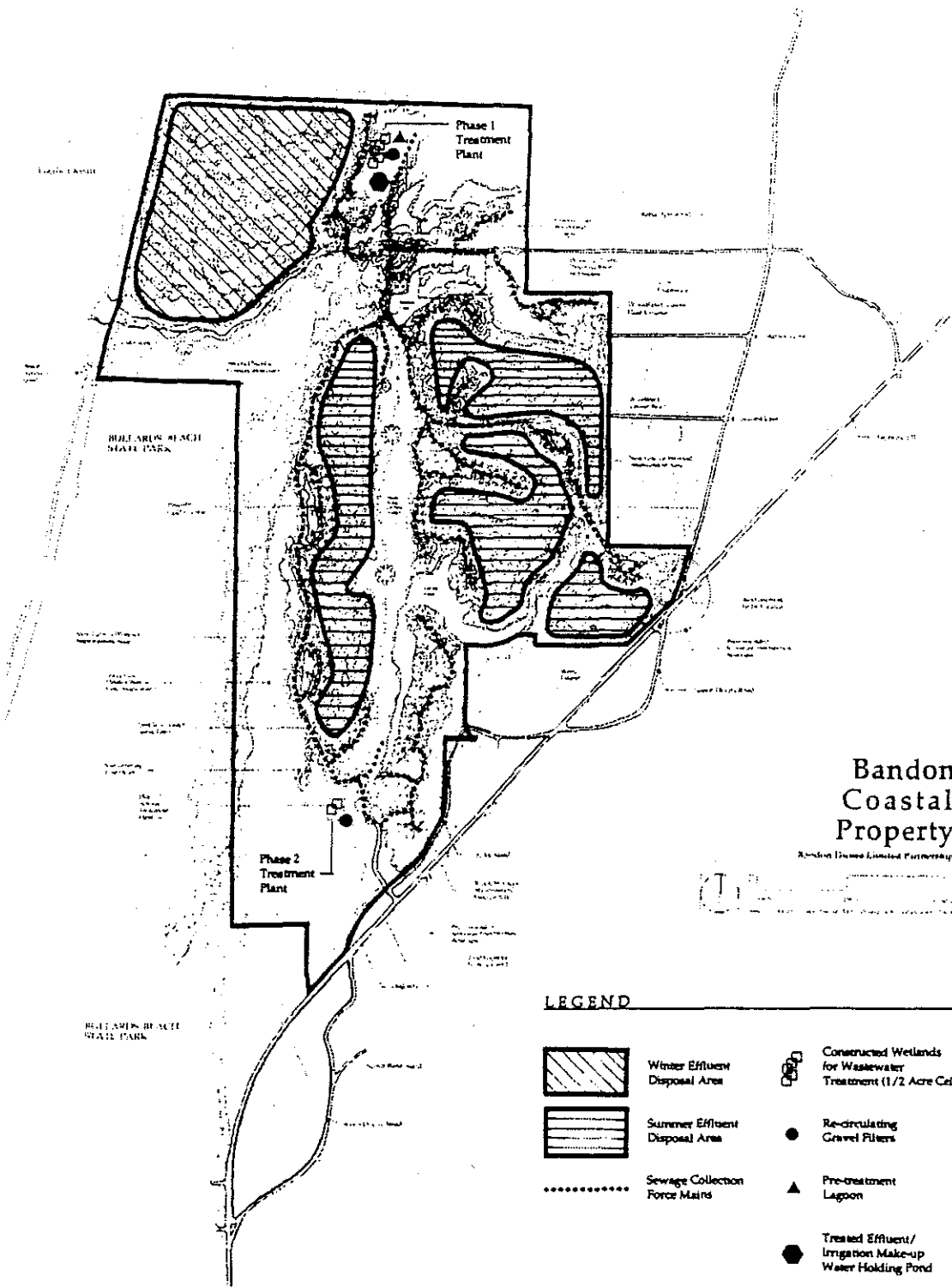


Fig. 12: Sewage Facilities

11,-17a

seasonal application will dictate which courses receive the majority of the effluent. Winter applications will be on the Scottish Links course, and summer applications will be on the Woodland Lakes course. Initially, the low volume of effluent associated with Phase 1 will be applied year around to the Scottish Links course or applied to general landscape areas and open meadow areas. Another disposal option would be to use the treated effluent in association with site nursery operations.

11.4.9 Solid Waste Disposal

Consistent with the objectives of promoting a sustainable development, programs will be employed to minimize the production of solid waste. Wherever possible, solid waste will be reduced, recycled or reused. Organic waste, including grass clippings, will be processed in an engineered compost facility, the product of which will be used as a soil amendment.

A central waste storage facility where residents will deposit their solid waste, sorted appropriately for recycling, will be provided. The material will periodically be collected by a cartage company for ultimate disposal. The commercial facilities (hotel, restaurant, etc.) will have their own storage facilities, with collection based on the generation of waste. Bandon Disposal and Recycling, Inc. provides collection services for the City of Bandon and will likely rendering similar services to the resort.

11.4.10 Surface Runoff

The general design intent is to minimize potential groundwater contamination impacts while emphasizing a park-like setting along all roadways. Except for the Resort Village Center, there are no concentrations of roadway surfaces and parking areas within the project site. Within the Resort Village Center, surface runoff will be collected through a system of drain inlets, underground stormwater pipes and bio-swales which will convey runoff to designated discharge points.

An optional stormwater management holding pond has been incorporated into the Master Plan to handle overflow stormwater flows in the Resort Village Center area. Designed in conjunction with constructed wetlands by the Lily Pond, stormwater flows will be directed into a holding pond and then released into constructed wetlands. When not needed for stormwater, the holding pond could be used as outdoor amphitheater for special events.

11.4.11 Public Services

11.4.11.1 Access Control

Access to the site will be controlled. Three access points will be provided -- a main entrance at the intersection of Woodland

11.0-18

Village Road and Seven Devils Road, a second entrance at the intersection of Interdune Valley Scenic Drive and Fahys Road, and a service entrance at the boundary of the site on Randolph Road.

11.4.11.2 Police Services and Security Protection

Police service will be provided by the Coos County Sheriff's office, which will coordinate any additional services that might be required from the Oregon State Police or the City of Bandon. Additional on-site security services will be provided by a private security company. This will ensure adequate resources to handle potential security problems and emergency situations. It will also serve as a deterrent to car burglaries in parking areas and at more remote parking areas associated with nature study, hiking and passive recreation use areas. Emergency services can be activated conveniently utilizing the local 911 system or through the electronic alarm systems that property owners may install in their residences.

11.4.11.3 Fire Protection

Fire protection will be provided by the Bandon Rural Fire District, which is currently constructing a firehouse on Randolph Road near the entrance to the resort. The domestic water piping system will be sized to accommodate fire flows throughout the project, as well as the provision of fire hydrants as required by local fire codes.

The present hazard of a forest fire in the woodland setting will be significantly reduced due to the construction of golf courses, which will create major fire breaks. The proposed road network, golf cart paths, maintenance roads, and hiking trail system will provide access for fire fighting equipment to all areas of the site. In addition, existing lakes and proposed man-made water features will form a dispersed system of emergency water supply points for fire fighting, water tender and helicopter use outside residential and commercial areas that are served by hydrants. The removal of significant areas of dense Gorse will also reduce fire hazard conditions.

The Master Plan design has several features which form the basis for a fire control management plan for the property:

- ~ Residential areas and associated local access roads will be designed to handle fire equipment; the use of cul-de-sacs will be minimized.
- ~ Provision of stand pipe hookups at designated lakeside water supply points.
- ~ Assessment of woodland understory conditions will be conducted on an annual basis to identify potentially hazardous fuel ladder source build-up.

purposes, the shallow aquifer will be used and more extensive treatment systems installed as per Oregon State Health Division rules governing water treatment systems for municipal supply.

Irrigation water supplies will be developed from the shallow aquifer through the use of sump wells. A set of three sump wells from 3 to 9 acres in size will be utilized. The sump wells will be placed more than 1.4 mile from any surface water body (see Fig. 11). Sump wells will allow for substantial withdrawal rates (in excess of 200 gpm) with minimal drawdowns, since the maximum flow rate will be controlled by the area of the sump exposed to the aquifer rather than depth of drawdown (as in a conventional well). The shallow aquifer will also be used to supply water for the resort facilities and resort dwellings, if use of the deep aquifer is not feasible.

To ensure maximum long-term groundwater supply, additional groundwater recharge will be induced by storage of water in a new reservoir (Cut Creek Storage Basin) located downstream from Chrome Lake. The additional storage water will be used to supplement stream flows, to provide additional assurance of adequate water supplies in drought conditions, and to offset the effects of withdrawing water from the shallow aquifer through sump wells on groundwater flows in the vicinity of Cut Creek.

The effects of withdrawing groundwater from the deep and shallow aquifers on water flow in the Cut Creek delta and water levels in the willow-alder wetland in the Interdune Valley will be monitored. If adverse effects on the water regime of these areas is observed, a mitigation plan will be instituted. Some of the possible mitigation measures that might be used include modifying sump well construction, changing points of withdrawal, modifying well pumping schedules, direct discharging of a portion of the groundwater removed, increasing groundwater storage and increasing water recycling.

11.5.2 Riparian Vegetation Protection

Field investigations by wetland specialists undertaken at the three coastal lakes, Chrome, Round and Fahys Lakes, indicate that the riparian vegetation found within 50 feet of the lake edge is adequate to stabilize existing shorelines, maintain water quality and temperature, and protect existing wildlife. However, to provide an extra measure of protection, all nonwater-dependent resort development will be set back at 100 feet from the high water mark of these lakes, except in three locations where the required setback will be 50 feet. The three locations where a 50 foot setback will be required are the northwest and southern shores of Round Lake and the southern, outlet tip of Fahys Lake.

Annual rainfall in the Bandon area is 58.4 inches, which translates into an amount equal to 3,534 million gallons per year over the Cut Creek and Fahys Creek watersheds. The resort, dwellings and golf courses will "use" a maximum of 344 million gallons per year, or less than one-tenth of the water that falls on the site with probable use being much lower, perhaps as low as 125 million gallons per year. While there is more than an adequate supply of water on an annual basis, the accelerated rate of withdrawal required during the summer months for irrigation will entail development of a storage system that uses the natural storage potential of the dunal aquifers directly underneath the western portion of the site.

To further reduce water usage below estimated design levels, the following water conservation practices, including recycling methods, will be used:

- (i) Construction of a Scottish Links golf course that, by design, has reduced irrigation requirements and which will use turf grass species that are biologically correct for the geographic region.
- (ii) Use of native and naturalized plants for the site landscaping program; careful monitoring of water requirements and use of efficient irrigation methods such as drip irrigation to conserve water.
- (ii) Incorporation of water conservation improvements such as low-flow or aerated faucet heads into building construction.
- (iv) Recycling of water by collecting and purifying it and returning it to the earth; none will be discharged directly into streams or the ocean. The treated waste water effluent will be applied to the golf courses and landscaped areas as irrigation or groundwater recharge.
- (v) Development of a stormwater management system that directs stormwater through bio-filtration swales to detention ponds or wetlands that hold the water for slow release into the ground. Appropriate filtration and monitoring will assure water quality where potential contaminants may be present.

If feasible, water supplies for the resort facilities (overnight accommodations, clubhouse, restaurant, etc.) and the resort dwellings (domestic water users) will come from wells drawing from the deep aquifer. Although the deep aquifer is not directly connected to surface water bodies, wells drawing from the deep aquifer must be placed more than 1/4 mile from any surface water body (see Fig. 11). If the deep aquifer does not yield sufficient water for domestic

- Removal of hazardous understory fuel ladder supply buildup.
- On-site burning will not be allowed, except under special conditions, and under special permit.

11.4.11.4 Electric Service and Telecommunications

Electric service will be supplied by one of the electric utilities operating in the area. Currently the area is served by Coos Curry Electric Cooperative, Pacific Power and Light, and the City of Bandon Electric Utility. Each has expressed an interest in serving the project.

Telephone service is available from GTE Northwest, which has two switching stations, one on Randolph Road and another on Prosper Road, to serve the area. The company is prepared to accommodate the development and commits to providing a high level of service. U.S. Cellular provides mobile phone service and is upgrading its service in the local area. The company is seeking a site to install a microwave relay station to improve reception. Falcon Cable currently serves the City of Bandon with cable television services, operating under a franchise agreement. Bandon Dunes intends to keep abreast of the technological developments and consolidations occurring in the telecommunications field and, at the appropriate time, contract for the state-of-the-art system available from the most competitive services provider.

11.5 Site Management

Perhaps more important than the physical development, is the program for managing the site over the long-term. The philosophy of this Master Plan is to create a pattern of land uses and human activities that are sustainable. That is, the activities that occur should not diminish the resources present on the site, but rather should seek to correct abuses and turn around a trend of degradation that has occurred on the site in the past.

11.5.1 Water Management

To achieve this goal of stewardship, the management of water will be fundamental. Water will be managed as a circular system in which the water that comes to the site through streams, aquifers or rainfall is conserved or "borrowed" from the system and returned to the site undiminished in quality. All of the aquatic natural features (lakes, wetlands, streams, etc.) are maintained or enhanced in the Master Plan.

BDLP has coordinated with the Cut Creek Water Improvement District and the District 19 Watermaster on preparation of a local water management plan for the site and surrounding area. This plan will assure a balance and continuation of surface and underground water resources to all existing and future users. The water management program is summarized below:

11.0-20

These three locations are defined by the county comprehensive plan's Coastal Shorelands Boundary for these three lakes.

Riparian vegetation within 100 feet of the inventoried streams and wetlands on the site, and within the Coastal Shorelands Boundary around the existing lakes, shall not be removed except for water-dependent uses, hazard protection, utilities and stream/lake enhancement projects, as set out in the Riparian Vegetation Protection provisions of the CCZLDO. Where nonhydrophytic woodland vegetation is found in this area, it may be removed to facilitate a restoration project that will significantly increase the overall quality and quantity of riparian vegetation at that location, to restore or enhance wildlife habitat or to manage hazardous forest fire conditions.

11.5.3 Site-wide Conservation Programs

11.5.3.1 Gorse Removal and Abatement

BDLP initiated a Gorse management program in the Summer/Fall of 1995. A major portion of the Phase 1 Scottish Links golf course, about 75 acres, was cleared of Gorse plants. Six test sites were established and a number of different types of native and ornamental grasses planted to test their ability to suppress regrowth of Gorse seedlings. Information gained from evaluating these experimental test plots will provide guidance in selecting plant material that will aid in long-term Gorse control.

11.5.3.2 Forest Fire Prevention and Control

Selective timber harvesting has been used to thin out timber stands in order to improve the health of the stand and to reduce hazardous fuel buildup conditions in the understory. These operations also provided fire access trails and are the first stage in the provision of needed firebreaks.

11.5.3.3 Preservation of Sensitive Plant Habitats

The Oregon Heritage Foundation inventoried and mapped sensitive plant habitat on the Bandon Dunes property as well as Bullards Beach State Park. Three plant species and/or plant associations were identified for special attention and management (defined as "Important Natural Features [INF]" by the LCDC Destination Resort Handbook).

a. Silvery Phacelia

A population of Silvery Phacelia, a candidate for listing as an endangered or threatened species under both state and federal legislation, is found along the common boundary with the Bullards Beach State Park. This plant requires an unstabilized or partially stabilized coastal duneland settings for survival.

The current population, estimated to have declined by 75 percent over the last decade both in numbers and area occupied, is threatened by the invasive European beachgrass. Management to ensure survival of remaining plants will be difficult due to the continuing advance of beachgrass. Available techniques include manual pulling and destruction using heavy equipment, the use of herbicides and possibly irrigation with saltwater. Manual pulling is an alternative which has been successfully used at the Nature Conservancy's 470-acre Lanphere-Christensen Dunes Preserve in Arcata, California. However, manual removal is extremely costly, as high as \$50,000 to \$60,000 per acre.

Management guidelines for this threatened Silvery Phacelia Habitat, as mapped by the Oregon Heritage Foundation are:

- ~ Establish a coordinated monitoring program with the Oregon Department of Parks and Recreation (State Parks) on public and private lands near the north end of Bullards Beach State Park and the 100-acre parcel on the North Spit.
- ~ Monitor at least every five years to assess whether the population in both area size and plant numbers has stabilized or is still decreasing.
- ~ Continue research and investigations regarding methods to control the invasion of European beachgrass.
- ~ Mitigate as necessary where site work may disturb areas to be protected.

b. Red Fescue-Kinnikinnik Meadows

Red Fescue meadows represent the earliest stabilized vegetation on the Oregon dunes. This is a pre-settlement type landscape which succumbed to large-scale plantings of European beachgrass and Shore Pine throughout the coastal dunes by settlers, the invasion of Gorse and Scot's Broom, and the replacement of native Red Fescue with European pasture grasses in the 1860's. Most of these habitats are gone from the Oregon coast.

A small, but high quality example of this habitat in association with a dense mat of kinnikinnick is found on upland areas in the Interdune Valley. This area is under threat by groups of Gorse and Scottish Broom plants in an early stage of invasion.

Management guidelines to protect this rare habitat, as mapped by the Oregon Heritage Foundation, include:

- ~ Mechanical removal of invasive species by cutting and spraying with selective herbicides.
- ~ Annual inspection to identify re-emerging noxious plants.

c. Port Orford Cedar Dune Forest

A stand of Port Orford Cedar Dune Forest is located at the southern portion of the site spanning the boundary with Bullards Beach State Park. Two such stands exist in Oregon. While the stand's future is uncertain due to root rot disease spread through water-borne spores transported by foot traffic or mechanical equipment, an effort will be made to maintain the stand by managing access. Management guidelines to protect this plant species and plant associations, as mapped by the Oregon Heritage Foundation, include:

- ~ Designate conservation area as a "set aside" and restrict access by foot or mechanical equipment, especially in the wet season, while the stand is still reasonably healthy.
- ~ Prohibit logging, pruning or thinning of the trees and understory.
- ~ Design access trails for supervised educational use on slightly raised gravel beds or elevated boardwalks; visitor use only on guided tours.
- ~ Maintain forest edge condition along Interdune Valley Scenic Drive.
- ~ Locate proposed nature study facilities -- shelter, education display, access road and parking area -- to avoid the removal of any mature cedar trees.

11.5.3.4 Wildlife Habitat Conservation

Based on background investigations by a fish and wildlife consultant and discussions with the Oregon Department of Fish and Wildlife, the Master Plan includes several guidelines to protect critical habitat areas and increase habitat bio-diversity on-site. The only identified fauna species which is of concern is the Snowy Plover, and a potential candidate site for restoration has been identified.

a. Habitat Preservation

General guidelines to use in protecting and designing wildlife habitats include:

- ~ Not adversely impacting local wildlife populations by diminishing food sources, shelter and water.
- ~ Protecting ecologically sensitive wetlands and upland habitats.
- ~ Not posing threats to species indirectly or directly through significant increases of air and water pollution.

- ~ Not increasing noise levels to disruptive level.
- ~ Assuring migratory species access to habitual routes, food sources and breeding grounds.
- ~ Maintaining opportunities for the movement of plants and animals.

b. Habitat Restoration

Many habitat resources on-site have been degraded and are in need of restoration. Several restoration opportunities are available to state agencies and environmental groups. In some instances, restoration may require sponsorship by a public agency or a public-private partnership with Bandon Dunes. The Cut Creek delta is a potential Snowy Plover habitat restoration site.

Initiating restoration projects at these locations will require more discussion and study to determine technical feasibility, especially where approvals are required by permitting agencies such as the Corps of Engineers. In addition, there is a degree of experimentation associated with the proposals, with each requiring sound monitoring as part of the overall management program.

Opportunities also exist to restore portions of the site to pre-settlement Red Fescue meadows. Significant portions of the upper marine terrace will be converted to native grasslands as part of the Phase 1 golf course development. Other opportunities exist to restore upland areas in the Interdune Valley.

c. Habitat Enhancement

There will be many opportunities during the course of the proposed development to enhance and increase habitat biodiversity. Opening up existing conifer stands will allow the growth of more diverse vegetation that will attract a greater variety of small birds and wildlife. Man-made wetland development and modification of existing lakeshore environments will also add more bio-diversity to the site.

d. Potential Conservation District

A special opportunity exists to create a conservation district of several hundred acres that would contain a variety of habitats similar to the Cascade Head Scenic Research Area near Neskowin. This district would bring several resources, including riparian and sand dune habitats located at Cut Creek, marshy wetlands and remnants of a Port Orford Cedar Dune Forest found in an interdune valley, and other scenic and valuable habitat areas located in the north spit area, together under a comprehensive management program. These privately held sites, together with Bullards Beach State Park and the Bandon Marsh Federal Wildlife Service Refuge located on the east side of the Coquille River represent a

diverse and significant conservation resource area. Discussion on management responsibilities will continue with State Parks, the Nature Conservancy and other interest groups.

11.5.3.5 Wetland and Mitigation Planning

a. Field Determinations and Delineations

Early vegetation mapping identified major wetland resources areas which were key determinants and constraints in preparing the Master Plan. A wetland determination accomplished by a wetland specialist in Spring, 1996, documented all existing jurisdictional wetland areas. With the exception of a few discrete wetlands located in areas proposed for golf course or residential development, no new wetlands were identified.

b. Mitigation

Major conflicts are limited to portions of Cut Creek immediately west of Chrome Lake and the Lily Pond feature. Construction of the proposed storage basin will require inundation of portions of the creek. Basin construction will include mitigation and replacement of similar riparian environments. The unstable Lily Pond, which is susceptible to "blow out" during stormwater flows, will be stabilized and existing wetlands expanded. If a phase or element of the resort would adversely impact existing wetlands, a detailed wetland mitigation plan will be required as part of Final Development Plan approval.

Construction of the proposed Cut Creek Storage Basin will disturb about 1.4 acres of wetlands and creek bottom, and between 1.4 and 2.25 acres of compensatory mitigation will be required. The new basin will provide 2.5 acres of water surface and about 2300 linear feet of available new edge condition. Assuming an average of 10 feet of new emergent wetland along the basin shoreline, about a half acre of replacement emergent wetland could be created. Together the aquatic and shoreline habitats would total about 3.0 acres of mitigation to satisfy the projected 1.4-2.25 acre compensatory mitigation requirement.

In addition, there are other sites available for mitigation, including the Lily Pond area. The Master Plan proposes to enhance the Lily Pond area with an expansion of wetland area in conjunction with construction of the golf driving range and stormwater management pond.

Existing riparian vegetation along Cut Creek is dominated by sedge grasses, which are easily field collected and can be transplanted to an on-site nursery. After construction of the basin, these can then be replanted at the mitigation site.

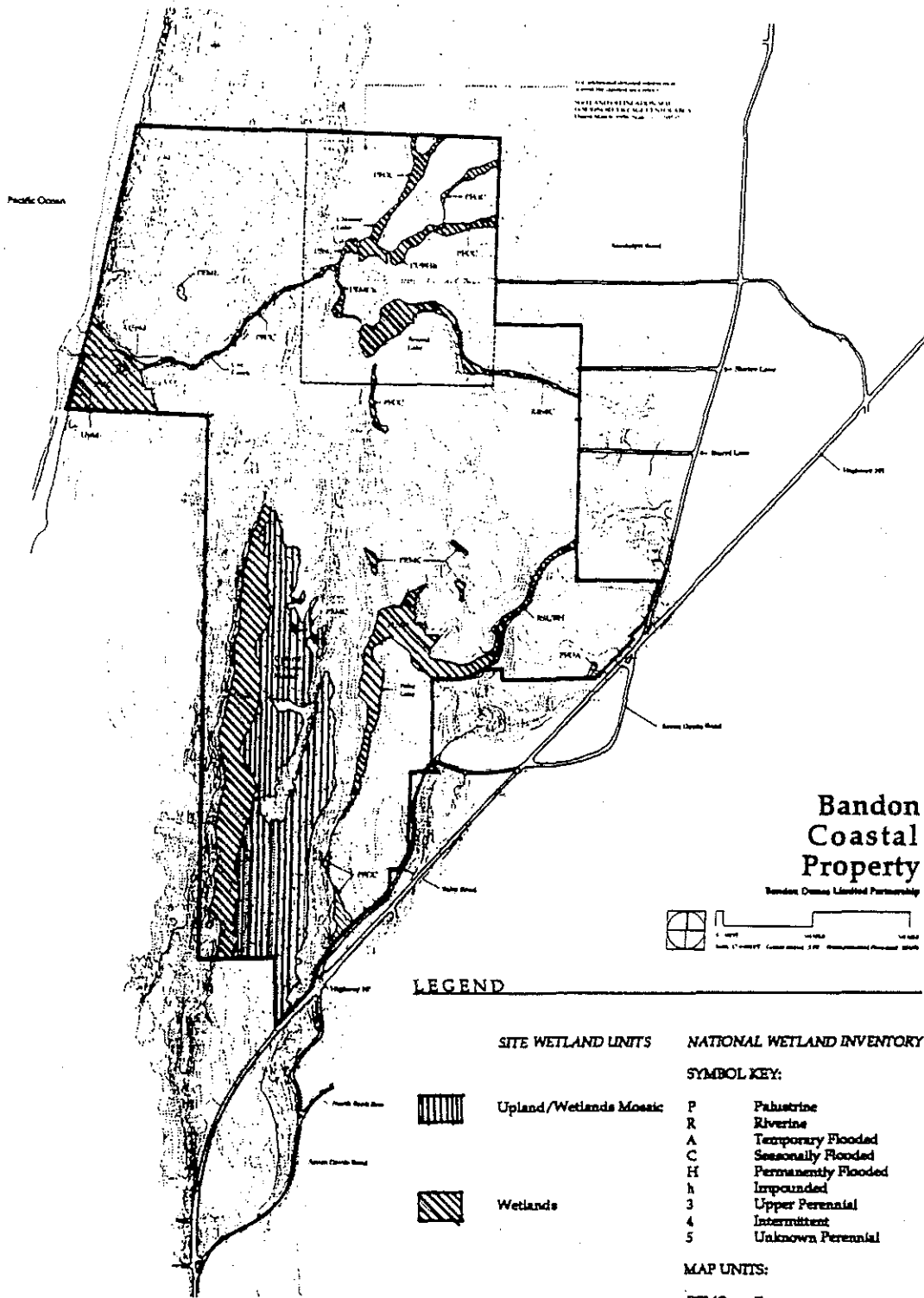


Fig. 13 : Wetlands Determination (Site)

11.-27a

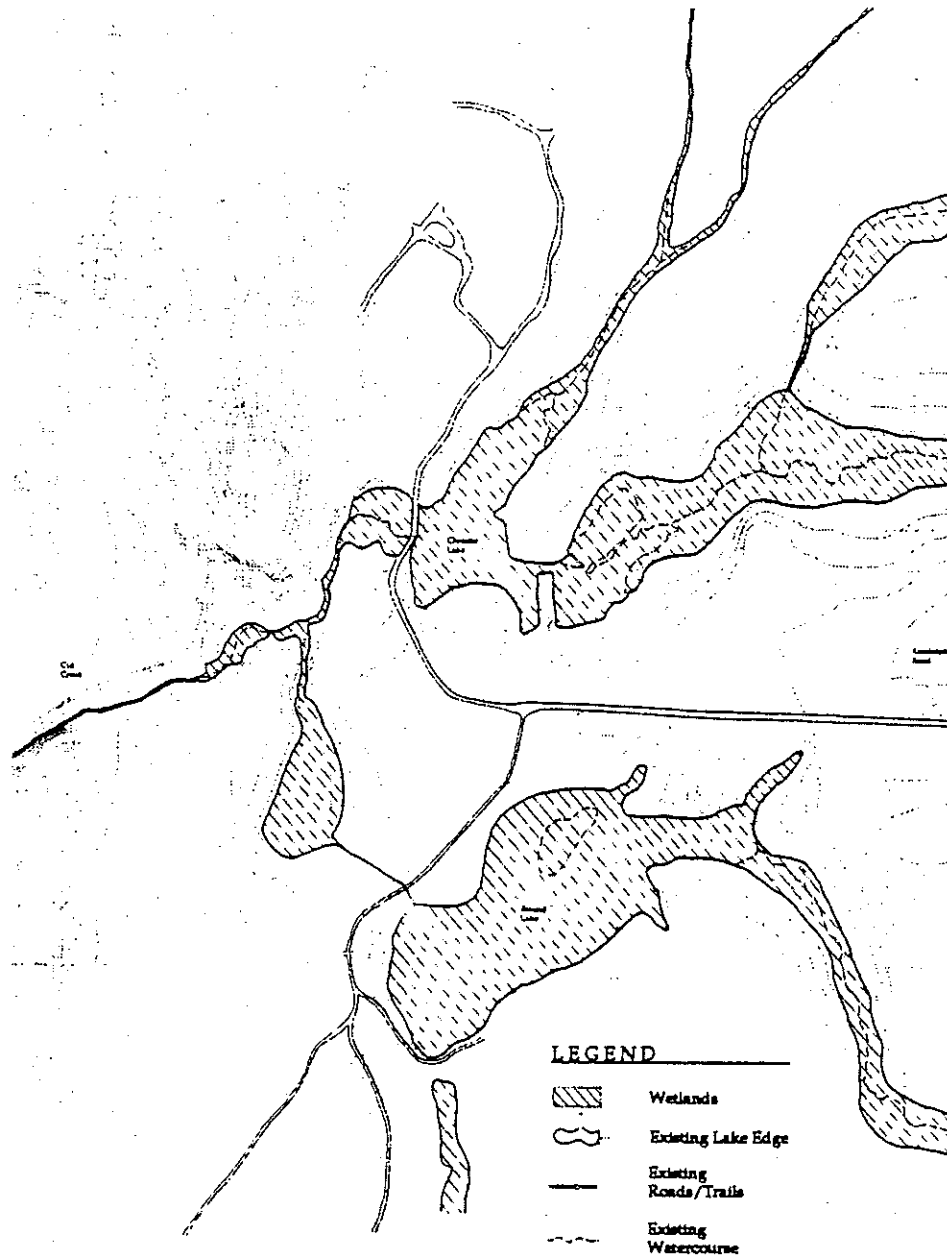


Fig. 14: Wetlands Delineation (Resort Village Center Area)

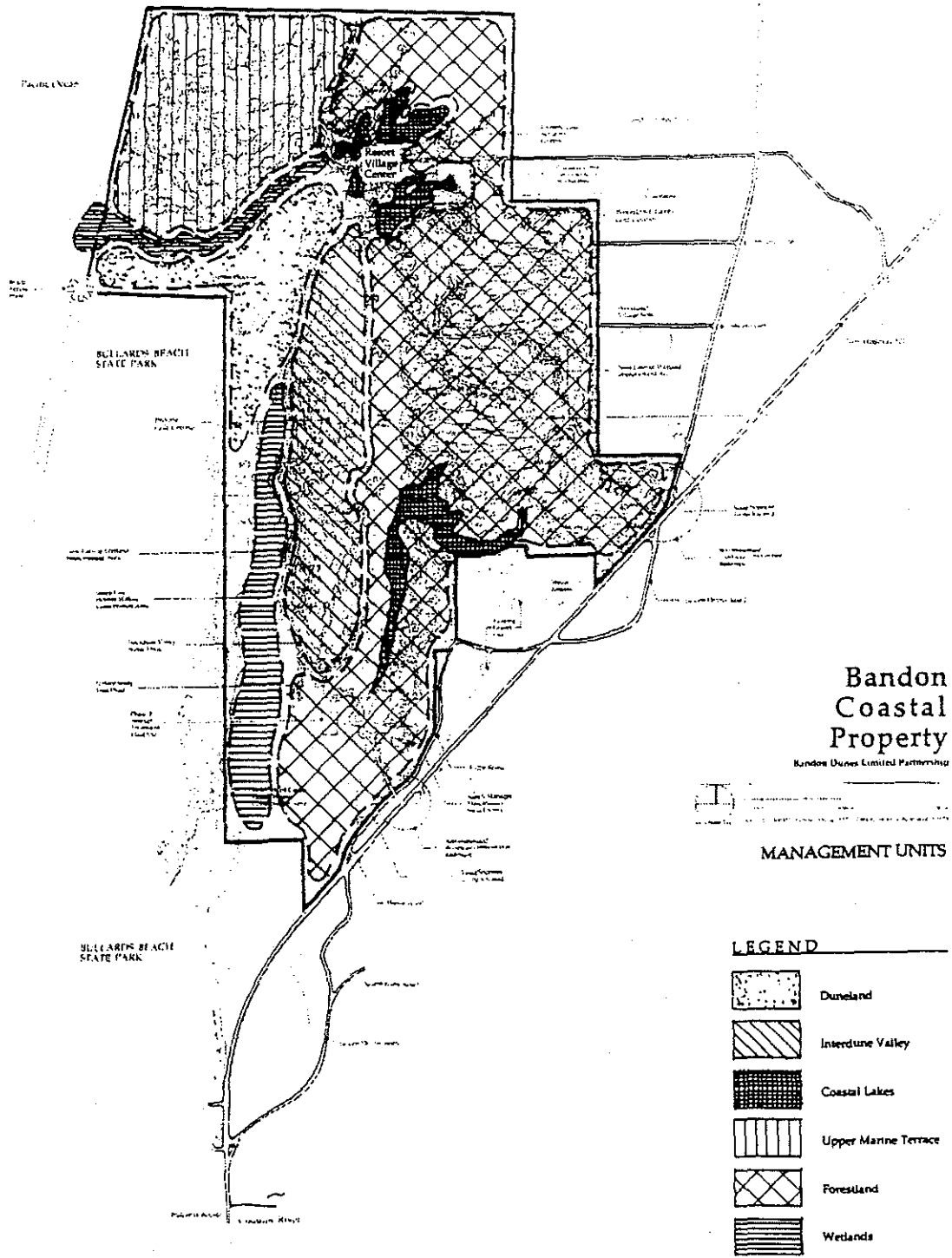


Fig. 15: Management Units

11,-27C

11.5.4 Management Units and Guidelines

For purposes of analysis, the site has been divided into six management subareas or subunits, each of which has distinct characteristics (see Fig. 15). Each subarea has been assessed to determine the most suitable resort-related activities that are compatible with existing resource values and can promote the most effective land stewardship. Areas that are subject to degradation by human activity have been set aside for conservation. Management units are:

- ~ Dunelands
- ~ Interdune Valley
- ~ Coastal lakes
- ~ Upper Marine Terrace
- ~ Forest lands
- ~ Wetlands

Each of these management units will require different management strategies and actions at different times throughout the build-out period. Each will also require assignment of management among landowners, future management entities such as a resort management group and homeowners' association. In addition, the management guidelines are stated for three project stages- planning, design and construction, and operation and maintenance. Many of the guidelines have already been followed in the planning phase of the development.

Furthermore, the implementation of each project phase and related site improvements will require permits from the various regulatory agencies having jurisdiction. Conditions imposed by the various permit approvals will govern.

Table A: Dunelands Management Unit

The scenic beauty and other natural resource values present in this management unit are under threat due to natural forces and changes occurring in the environmental setting. The management unit exhibits the following:

- ~ Pervasive presence of European beachgrass and Gorse.
- ~ Continuing loss of habitat for threatened Silvery Phacelia.
- ~ Presence of seasonal and jurisdictional wetlands.
- ~ Diverse wildlife habitat resources.
- ~ Fire hazard conditions due to Gorse.
- ~ Fragile soil cover which if disturbed is subject to "blow-out".

Management of this subarea will require a coordinated effort with State Parks since similar problems exist in this management unit and the adjacent public lands. The management guidelines for the dunelands unit include:

Planning

Inventory and determine location and extent of Silvery Phacelia.

Monitor experiment by US Army Corps of Engineers to control European beachgrass using saltwater spray irrigation.

Coordinate planning and management for Gorse abatement.

Coordinate planning for integrated trail system with State Parks.

Determine feasibility of Snowy Plover habitat restoration project at the mouth of Cut Creek by regulatory agencies.

Limit access to the area (no off-road recreation vehicle use; fire and emergency vehicle access only).

Design and Construction

Locate and design public beach access trail to minimize impacts on natural resources.

Minimize use of mechanical equipment to remove noxious plants; immediate repair of all disturbed areas to prevent blow-outs.

Operations and Maintenance

Coordinate management program with State Parks; long-term monitoring of Silvery Phacelia, a threatened plant species, and Gorse control.

Table B: Interdune Valley Unit

Portions of this unit have high quality wildlife habitat due to the bio-diversity of the understory vegetation. A rare plant community type is present--Red Fescue/Kinnikinnik meadow. The management unit exhibits the following:

- ~ High water table near wetland area.
- ~ Adjacent to Willow/Alder wetland.
- ~ Diverse wildlife habitat resources at selected locations.
- ~ Modest fire hazard due to proximity to adjacent forest land.
- ~ Fragile thin soil cover, subject to easy disturbance.
- ~ Meadows being invaded by individual or small groups of Gorse plants.

In response to these conditions, the management guidelines for the Interdune Valley unit include:

Planning

- Create firebreaks and thin forest areas to improve woodland health.
- Maintain wildlife habitat in an undisturbed state where possible.
- Implement selective Gorse removal program in meadow areas.
- Limit foot traffic.
- Prohibit off-road recreation vehicle use.
- Identify wetland mitigation sites; plan and design as integral component in overall water management plan.

Design and Construction

- Restore native meadows in conjunction with golf course construction.
- Protect existing wetlands during construction.
- Increase habitat and bio-diversity by restoring and enhancing native plant communities which will border future golf course and residential development.

Operations and Maintenance

- Monitor water quality of natural and man-made wetland features as necessary.
- Use wetland and rare habitat areas for scientific research and environmental education purposes to improve long-term management of area.

Table C: Coastal Lakes and Shoreline Unit

The coastal lakes--Chrome, Round and Fahys Lake--are attractive scenic features. They are natural focal points for selected development such as a major hotel facility and residential lodges. This management unit exhibits the following:

- ~ Varied edge conditions and habitat value, including associated marshes.
- ~ Creation of a new water body--Cut Creek Storage Basin--in Phase 1.
- ~ High scenic value areas; each lake has distinctive features resulting in several lake settings with contrasting landscape character.

Water quality is a major issue--residents of Weiss Estates, a subdivision abutting portions of Fahys Lake, are concerned about potential water quality degradation since the lake is the source of their community water supply. The management guidelines for the coastal lakes unit are:

Planning

- ~ Establish an on-going water quality monitoring program.
- ~ Avoid discharge of surface run-off into existing lakes.
- ~ Determine appropriate water activity use in lakes--boating, canoeing, swimming, fishing, etc.

Design and Construction

Prepare wetland mitigation plans for specific development improvements, if adverse impacts are anticipated.

Design and build new water features in golf courses as integral components in the over-all management program.

Provide view corridors to scenic lakes.

Restore and enhance lakeshore riparian vegetation at selected locations.

Prepare erosion control and sedimentation management plans that protect all wetlands and lakes consistent with permitting agency requirements for each phase of the water management program.

Operations and Maintenance

Continue a long-term monitoring program to protect water quality in all lakes; provide periodic reports to Coos County and other regulatory agencies.

Table D: Upper Maine Terrace Management Unit

The Phase 1 golf course occupies the entire management unit.

This unit exhibits the following:

- ~ Pervasive presence of Gorse and loss of natural grassland environment.
- ~ Limited wildlife habitat resources.
- ~ Extreme fire hazard due to Gorse and proximity to adjacent tinder forest conditions.
- ~ Fragile soil cover in certain areas which, if disturbed, is subject to "blow-out".

In response to these conditions, the management guidelines for the upper marine terrace unit include:

Planning

- ~ Identify existing wildlife habitats; protect from adverse impacts.
- ~ Remove Gorse and introduce stabilizing vegetative cover.
- ~ Manage site prior to development by periodic mowings and selective use of herbicides to remove isolated noxious plants.
- ~ Plan and design golf course development: minimize grading, select plant material which requires minimum fertilization and irrigation; establish long-term grounds maintenance program which precludes re-introduction of noxious plants.

Design and Construction

- ~ Schedule and conduct construction activities to minimize erosion.
- ~ Clear site incrementally and plant protective cover; construct irrigation facilities to ensure establishment of grass cover.
- ~ Implement landscape maintenance program for golf course facilities.
- ~ Implement an Integrated Pest Management Program which includes minimum chemical applications and a groundwater monitoring program.

Operations and Maintenance

- ~ Preserve and enhance selected wildlife habitats.
- ~ Monitor golf course maintenance program to achieve long-term control of noxious plants and minimize potential fire hazards.
- ~ Continue groundwater monitoring program and provide periodic reports to Coos County and other regulatory agencies.

Table E: Forest Land Management Unit

Nearly half the site is forest land, including a rare plant community type--Port Orford Cedar Dunes Forest. Because the Master Plan will be implemented on an incremental basis, site management in the short and mid-term will need to address the following:

- ~ High fire danger due to extensive forest cover; lack of management has created high fuel build-up in many understory areas.
- ~ Forested area abuts existing residential land uses.
- ~ Forested edges along coastal lakes provide scenic amenity and habitat.
- ~ Ridge tops have fragile soils subject to blow-out. Selective logging is difficult due to environmental conditions--coastal winds and fine, sandy soils.

In response to these conditions, the management unit guidelines for forestlands include:

Planning

- ~ Implement Gorse control program at selected locations in recently logged areas.
- ~ Incorporate woodland buffers to protect adjacent land uses and sensitive natural resource areas.
- ~ Prohibit vehicle access and limit foot access in port Orford Cedar Dunes Forest.

Design and Construction

- ~ Maintain a visual buffer of at least 50 feet of existing woodland vegetation along all property boundaries during Phase 2 construction of the Woodland Lakes golf course.
- ~ Provide view corridors to scenic lakes; maintain existing lakeshore vegetation as a transition buffer.
- ~ Restore and enhance lakeshore riparian vegetation.
- ~ Provide long-term forestry maintenance practices to maintain health of woodland areas.

Operations and Maintenance

Protect and manage environmental and visual buffer areas for long-term benefits to the Resort and neighboring land uses.

Monitor Port Orford Cedar Dunes Forest habitat for root rot condition.

Table F: Wetlands Management Unit

Management procedures have been codified into state and federal regulations to ensure preservation of wetlands. Permits are necessary for any construction activity and will contain any required mitigation actions. The management unit exhibits the following:

- A diverse range of aquatic environments including riparian areas, freshwater and estuarine marshes, Sitka Spruce, Willow/Alder wetland areas and other seasonally wet areas.
- Jurisdictional wetlands in Cut Creek delta due to sedimentation and invasion of Gorse and European beachgrass.
- Wildlife habitat resources along Cut Creek, Fahy Creek, other watercourses and coastal lake shorelines.

The management guidelines for the wetlands unit include:

Planning

- Plan and design roadways and facilities to avoid major wetlands.
- Plan and design a surface drainage system for all facilities (including golf courses) to avoid contamination of wetlands; use bio-filtration swales, holding ponds and controlled discharge releases, where necessary.
- Identify candidate wetland mitigation sites during wetland determination and delineation studies and submit permit application to DSL.

Design and Construction

- Prepare detailed mitigation plans incrementally for each development phase.
- Design and construct roadways which cross streams and minor watercourses in a way that minimizes impacts; mitigate as required by statute.
- Construct storage basin; mitigate impacts to Cut Creek.
- Stabilize and enhance watercourse and Lily Pond area between Round Lake and Cut Creek.

Operations and Maintenance

- Implement a long-term management program which will include monitoring of selected run-off discharge control points as necessary.

11.5.5 Golf Course/Landscape Design and Management

Golf courses and landscaping will be designed to use native and naturalized plant species, where possible. Maintenance practices will use sustainability principles: resources will be conserved, recycled, reused and obtained from renewable sources whenever possible. The long-term golf course and landscape maintenance program for the site will use an integrated pest management approach.

11.5.5.1 Golf Course and Landscape Design

Landscape design will use native and naturalized plants to support the overall sustainable resource management approach at this site. Using native or naturalized plants reduces the need for special watering and ground preparation, while natural landscaping can help hold valuable topsoil.

For this reason, landscape design using native and naturalized plants will be used exclusively, except for special purposes, such as golf greens, fairways and special ornamental gardens. Landscape design will also seek to preserve existing natural vegetation and enhance wildlife habitat and bio-diversity. An integrated resource management program will be implemented to deal with plant pests and infestations in order to eliminate or minimize the use of chemical pesticides, herbicides and fertilizers.

In general, natural soil and coastal climatic conditions at this northwest regional site are benign to native plants except where plant materials are exposed to strong coastal winds. Most of the disturbed areas that will require landscaping are in sheltered areas. Replacement cover on disturbed or areas open to sunlight are priority replanting areas, immediately after construction, in order to minimize encroachment by noxious weeds.

Plant selection will emphasis native plants that:

- ~ Survive in low-fertility soils.
- ~ Require little no irrigation.
- ~ Require low-maintenance.
- ~ Complete favorably with noxious plants.
- ~ Have rapid growth habitats if used for erosion control or protective ground cover.

Selection of grass varieties for the golf courses, ornamental grass plantings and recreational lawn areas will take the need for chemical applications into account. Where fertilizers may be needed, professional landscape management will be used to control

and monitor applications, so groundwater resources are protected from any degradation.

The landscape design approach also includes the restoration of pre-settlement landscape types and specialized theme gardens. These landscape features will be installed for educational or special interest reasons. In some instances, an exotic or garden variety plant may be introduced to accent a particular visual condition or to create a special feature. Specialized natural landscape areas and garden-type settings under consideration include:

- ~ Coastal arboretum type exhibit areas.
- ~ Restored Red Fescue and Kinnikinnick meadows.
- ~ Edible plant gardens.
- ~ Herb garden featuring plants with medicinal qualities.
- ~ Meadows with native wildflowers.

11.5.5.2 Integrated Pest Management

Given legitimate concerns over effects of fertilizers and pesticides on golf courses, considerable research has been undertaken to develop techniques for minimizing adverse impacts. Integrated pest management (IPM) has become standard procedure for progressive golf course design and maintenance. Since the goal is to reduce the use of water, pesticides and fertilizers, key components of an IPM program include the design of effective irrigation systems, greens management, drainage, grass selection and monitoring. Elimination of all pests is no longer a goal in this method of management. Chemicals are applied only when needed to control a problem, and then with careful monitoring.

Fortunately, the climatic condition of the Pacific Northwest, unlike many other parts of the country, is a relatively low-stress environment for plants, thereby requiring less chemical intervention for golf course maintenance. In addition, a links-type course is largely natural with only the green and tee areas requiring a higher degree of maintenance. These areas will comprise only about four acres out of the total of perhaps 120 acres. At this location, dilution is so great and the quantities of potential chemical use are projected to be so small, that no measurable impact to the groundwater is to be expected.

Beyond these generalizations, concerns about pesticides can best be addressed on a case by case basis with each management plan tailored to specific climate and geography. Suffice to say, techniques are available and are being approved in a number of applications elsewhere to meet stringent environmental requirements, and this site should be no exception.

11.5.5.3 Chemical Use

The use of chemical applications to stimulate growth, color appearance and control pests will be minimized. Chemical management guidelines include:

- ~ Application of fertilizers, herbicides and pesticides using monitoring equipment to ensure controlled release and near total take-up and use by plants.
- ~ Incorporation of experimental biological agents to control pests, i.e., spider mites for Gorse control; coordination with Oregon Department of Agriculture, Noxious Weed Section.

11.5.5.4 Horticultural Practices

Maintenance guidelines for lawns, grasslands, golf courses, woodlands and trails include:

- ~ Regular mowing of golf course fairways, roughs and outer roughs to control noxious weeds.
- ~ Possible experimental use of controlled burns with appropriate safeguards to manage grassland and meadow environments.
- ~ Annual inspections and cleanup of woodlands to remove ladder fuel buildup.
- ~ Compost grass clippings and leaf litter for reuse as soil amendments and top dressing.
- ~ Chip cleared brush and pruning debris for use as a mulch on hiking trails.
- ~ Removal of understory shrubs which conflict with trail use using root-kill methods.
- ~ Selective use of herbicides where other methods are impractical.

11.5.5.5 Site Nursery

Project implementation will require substantial stocks of plant material including trees, shrubs, ground covers and grasses. In addition, there will be a special need to provide riparian plants for wetland mitigation.

In order to ensure a healthy supply of plant material which is suitable for coastal conditions, or to acclimate acquired seedlings or young stocks, an on-site nursery will be established prior to Phase 1 construction. Since soil conditions vary over the site, it may be appropriate to bed out and grow different materials at different locations throughout the site. To ensure

11.0-37

there is no conflict with sensitive environments, plans for the development and use of an on-site nursery and/or on-site bedding areas to produce or acclimate landscaping plants suited to coastal conditions will be included in Landscape/Golf Course Management Plans developed and approved as part of the Final Development Plan approval process.

11.5.5.6 Landscape/Golf Course Management Plans

Plans for maintaining landscaping around resort residential, commercial and recreational development and for maintaining and operating resort golf courses, based on the above described principles, will be developed and approved as part of final Development Plan approval. Such plans shall include:

- ~ Site Description and Evaluation -- ad detailed description of site and climatic conditions, evaluating how specific conditions will impact management strategies.
- ~ Landscape/Golf Course Cultural Practices - identification of objectives and practices for mowing, pruning, irrigation, fertilization, etc. These practices shall be 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.
- ~ Integrated Pest Management Program - identification and monitoring of potential pest populations; determination of action thresholds for pest damage; evaluation of possible control options; education of personnel; evaluation of results.
- ~ Safety Measures - details regarding storage, handling, disposal and recordkeeping of pesticides.
- ~ Monitoring Program - 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 requirements for periodic reporting of the results of such tests to the County and other appropriate agencies.
- ~ Nursery/Bedding Areas - location, design and management practices for nursery and bedding areas used to produce or acclimatize landscaping plants, including a description of the surrounding areas and any measures needed to mitigate impacts on sensitive environments.
- ~ Forest Fire Control Measures - descriptions of measures to be used to reduce the danger of the combat forest fires.

Covenants and restrictions shall be imposed on persons leasing or purchasing residential or commercial units or lots, to ensure

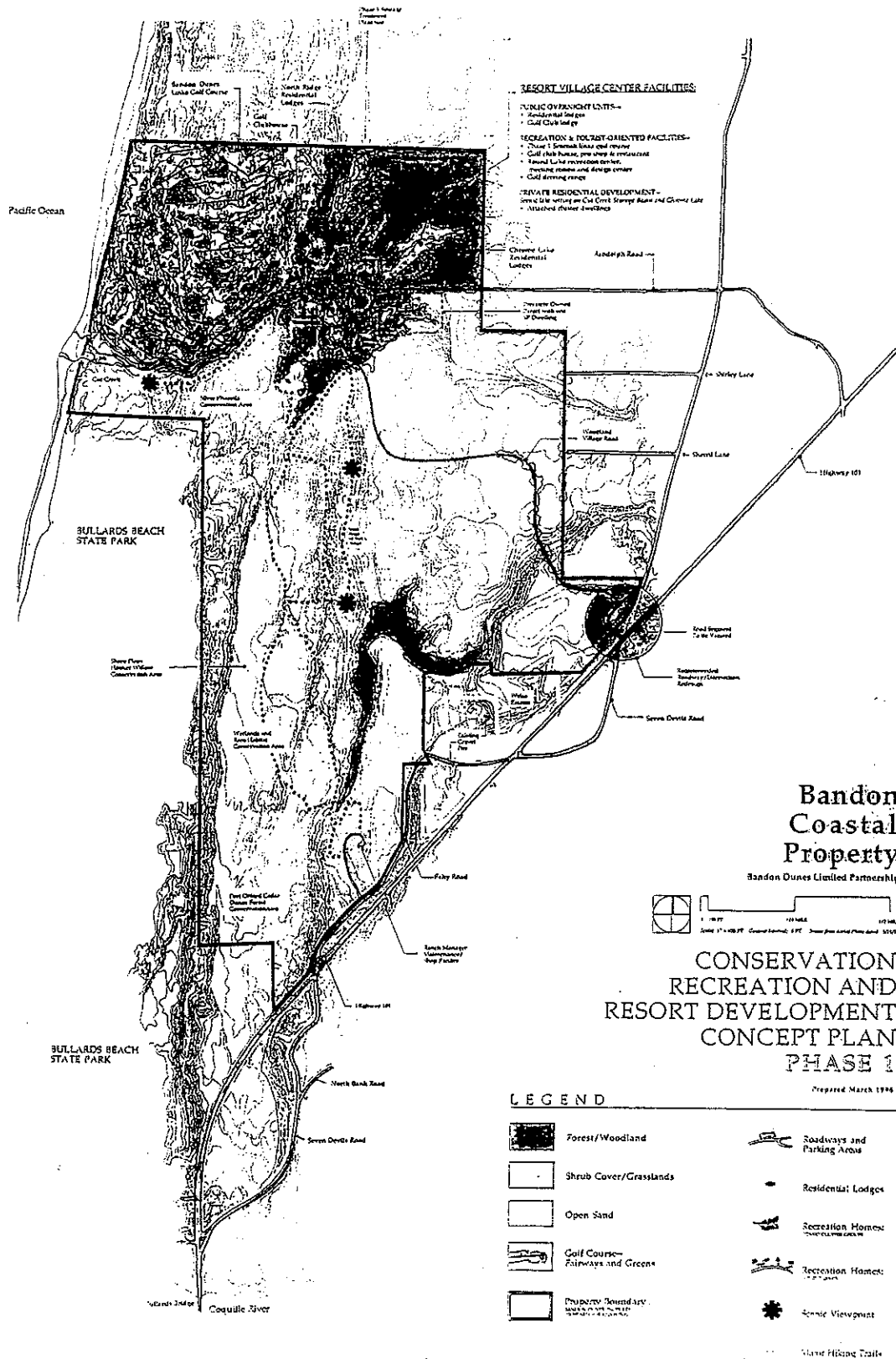


Fig. 16: Phase 1 Concept Plan

11.-38a

compliance with the above described Landscape/Golf Course Management Plans. Such restrictions shall be imposed at the time of land division or through Property Owners' Associations, if no land division is involved.

11.6 Project Implementation

11.6.1 Phasing

The resort will be developed in two phases. Phase 1 development will be limited to the north end of the site, away from adjacent residential development such as the Weiss Estates subdivision (see Fig. 16). Phase 1 development will generally be north of Randolph Road and Cut Creek. The only development south of these areas during Phase 1 will be a driving range, conversion of a private dwelling into the Round Lake Center, one private dwelling, drilling of wells for the water system and construction of Woodland Village Road to provide direct access to the resort from Highway 101 and Seven Devils Road. Phase 1 development will include 75 units of overnight lodging, provided in the main golf clubhouse and in residential lodges on the west side of the North Ridge and south of Chrome Lake, and up to 50 recreational dwellings.

Phase 2 development will likely proceed in two or more stages. Initial Phase 2 construction and mid to long-term improvements will focus on the completion of public tourist facilities at the Resort Village Center (main hotel/lodge providing at least 75 additional units of overnight lodging, conference center, etc.) and construction of the Woodland Village golf course and residential area south of Round Lake. As spelled out in the Cooperative Improvement Agreement between BDLP, Coos County and ODOT, when Final Development Plans for Phase 2 development that will generate more than a certain amount of traffic are approved, construction of Interdune Valley Scenic Drive will be required, to provide a second access to the resort from Highway 101. Phase 2 development will next proceed to the South Fahy Lake Village and, finally, the Interdune Golf Village and private 9-hole golf course.

The resort will satisfy the requirement of the Destination Resort Statute in ORS 197.445(4) for a total of a least 150 units of public overnight lodging as follows:

<u>Phase 1</u>	
Golf course lodge	1 Building-- 20 units
Chrome Lake residential lodges	4 Buildings--28 units
North Ridge residential lodges	3 Buildings--27 units
Sub-total	75 units

<u>Phase 2</u>	
Round Lake lodges/hotel	Additional--75 units
Total Public Overnight Lodging	150 units

The above described phasing of overnight lodging will be carried out in such a way as to comply with the requirements of ORS 197.445(3) and (4) regarding required expenditures for visitor-oriented accommodations and developed recreational facilities and the phasing of required overnight lodging in relation to the sale of residential lots or units. In addition, this Master Plan and its implementing Bandon Dunes Resort (BDR) zone (see following section) go beyond what is required by the Destination Resort Statute, by requiring that 75 units of overnight lodging must actually be constructed as part of Phase 1 before any residential lot or unit can be sold. In addition, the full statutory \$7.59 million for construction of visitor-oriented accommodations and developed recreational facilities must be spent or guaranteed before the sale of the first residential lot or unit. Finally, although once the initial 75 units of overnight lodging in Phase 1 have been constructed, individual residential lots and units may be sold, the Master Plan allows only 50 residential units in Phase 1 (as opposed to 150 residential units that would be allowed under the statute).

Only when multiple safeguards are all in place, as shown in the following table, can a permanent residence or lot in the resort be sold:

	Residential Lot or Unit Sales Allowed?
Phase 1 Final Development Plan Approval	No
+	
Construction of First 75 Overnight Lodging Units	No
+	
Expenditure or guarantee of at least \$7.59 million for visitor accommodations and developed recreational facilities, with minimum of 1/3 (\$2.53 million) going exclusively to on-site recreational facilities	Up to 50
+	
Phase 2 Final Development Plan Approval	Up to 100
+	
Provision of Second 75 Overnight Lodging Units	2 for each additional overnight unit up to a maximum of 150
Total Allowed:	300

11.6.2 BDR Zone

The Master Plan will be implemented through the Bandon Dunes Resort (BDR) zone, which was adopted as part of the CCZLDO and applied to the resort site at the same time as this Master Plan was adopted as part of the Coos County Comprehensive Plan. The intent is to provide an integrated and definite source of applicable approval standards for Final Development Plans and land divisions. Therefore, all provisions of the Coos County Comprehensive Plan (other than the Master Plan and the Bandon Dunes Resort Goal Exception Statement) and the CCZLDO (other than the BDR zone) which are directly applicable to Final Development Plan and land division approvals are specifically identified as approval standards in the text of the BDR zone.

11.6.2.1 Standards

The BDR zone will include standards necessary to ensure the resort complies with the definitional requirements of ORS 197.445 for a destination resort. The BDR zone will also identify any applicable Coos County Comprehensive Plan policies with which compliance by the Bandon Dunes Resort was not demonstrated at the time of adoption of this Master Plan, and shall require a determination of compliance with such identified plan policies at the time of Final Development Plan approval. Finally, the BDR

zone shall include standards specifically identifying any provisions of the CCZLDO, in addition to the BDR zone itself, which are applicable at the time of Final Development Plan or land division approval.

11.6.2.2 Final Development Plans and Permitting

Prior to approval of a Final Development Plan, the only uses allowed on the site will be those that are outright permitted uses under the county's Forest zone, consistent with OAR 660-06-025. Construction or commencement of any other use allowable under this Master Plan and the BDR zone requires prior approval of a Final Development Plans shall allow for an initial decision by the Planning Director, with notice of the decision being provided to potentially affected persons, and the opportunity for a hearing before the Planning Commission on appeal.

11.6.2.3 Land Divisions

To provide flexibility in ownership and development of resort uses allowed under the Master Plan, division of smaller lots or parcels from the parent resort parcel, for individual residential, recreational or commercial uses, may occur at the same time as or subsequent to approval of a final Development Plan for the phase or element of the resort of which that use is a part. Land within the County's coastal Shorelands Boundary and land designated by the Master Plan for future designation as permanent open space cannot be included in smaller lots or parcels divided from the parent resort parcel. Implementing standards for such land divisions will otherwise be flexible, to promote a harmonious variety of structures and uses, with emphasis placed on the relationships between uses, structures and site amenities.

11.6.3 Resort Operation and Management

Management responsibilities for the resort will initially reside with the development corporation, Bandon Dunes Limited Partnership. In particular, the development corporation will be responsible for the development and operation of all the recreational facilities and infrastructure for the entire development. Some of the resort facility development, for example the major hotel, may be undertaken by a company which specializes in hotel operations and management. The development corporation will also retain responsibility for management of all natural resource conservation areas of the site and other dedicated open space. However, bilateral agreements may be developed with public and/or private conservation groups for the management of certain natural resource areas.

The water and sewage systems will be developed and operated as a community system and will be managed by the development corporation. Other public utility services such as police and fire protection, as mentioned earlier, will be provided by local

service providers, such as GTE, P.P.L., Coos County Sheriff's Office.

A homeowner's association(s) will be formed for the residential components of the development and will function as a quasi-governmental entity responsible for collecting assessments, building maintenance and services normal to such entities. Although land management and seasonal maintenance of all grounds and landscaped areas in the project are the responsibility of the development corporation, selective landscape maintenance tasks may become the responsibility of a homeowner's association, subject to approval by the development corporation.

The quality of the development is of primary interest to the development corporation and will be assured, among other ways, by the Conditions, Covenants and Restrictions (CC&Rs) that will be made a part of any sale or lease agreements entered into by future occupants or property owners. The content of such CC&R's must be designed to ensure compliance with the site planning, design and management guidelines articulated in this Master Plan, any relevant approved final development plans, and applicable Landscape/Golf Course Management Plans approved as part of final development plan approval.

11.6.4 Project Schedule

The project construction schedule cannot be precisely stated because construction is dependent upon the review and approval of several detailed development plans. Three levels of approvals are required: planning and zoning approval; permits for certain infrastructure and site development improvements, such as the water supply; and building permits. Each will require increasing levels of design and engineering, and technical documentation. The anticipated schedule for Phase 1 is:

Activities	1996	1997	1998	1999
Public Hearings	---			
ANTICIPATED REZONING APPROVAL	0			
Design and Engineering	-----			
SPECIAL PERMIT APPROVALS		0		
Building Permit Review		-----		
BUILDING PERMIT APPROVALS		0		
Phase 1 Construction		-----		
PROJECT OPENING				0

11.0-43

12. BANDON COASTAL DUNELANDS LAND USE FINDINGS AND GOAL EXCEPTION STATEMENT

12.1 INTRODUCTION

This document supports Coos County Ordinances 96-03-003PL and 96-04-006PL, which adopt a statewide planning goal exception, related map and text amendments to the Coos County Comprehensive Plan (hereafter "Plan") and Coos County Zoning and Land Development Ordinance (hereafter "ZLDO"), a Master Plan and an implementing zoning district for a destination resort on the Bandon Coastal Dunelands property, adjacent to Bullards Beach State Park in Coos County.

Upon adoption of all elements of this decision, the Bandon Coastal Dunelands property will be properly planned and zoned for the approved destination resort use and all necessary adjustments to relevant provisions of the Plan and ZLDO will be in place. Implementation may occur upon approval of final development plans, as provided for in the Bandon Dunes Resort (BDR) zone, consistent with the approved Master Plan and goal exception.

12.2 APPLICANT

The application was submitted by the Bandon Dunes Limited Partnership (hereafter "applicant" or "BDLP"), owner of the subject property.

12.3 SITE

The Bandon Coastal Dunelands property includes approximately 1215 acres of undeveloped land just north of Bandon, Oregon, between U.S. Highway 101 and the Pacific Ocean, hereafter referred to as the "Bandon Dunes site". Bullards Beach State Park abuts the westerly property line except for the northwesterly portion of the site, which has about a half-mile of ocean beach frontage.

The site is identified in county tax records as Assessor's Map 27-14-32, tax lots 300, 400, 403, 600, 601, 602 and 603; Assessor's Map 28-14-4, tax lots 1301 and 1500; Assessor's Map 28-14-5, tax lots 100, 200, 300, 400, 500, 600, 700, 800, 900, 1000, 1100 and 1200; Assessor's Map 28-14-8, tax lots 100, 200, 300, 500 and 601; and Assessor's Map 28-14-8A, tax lot 500. The boundaries of the site are shown in Figure 1. The site is currently planned and zoned for forest use. All parcels are owned by or under purchase contract to the applicant.

Two parcels under the same ownership along the west side of Highway 101 are planned and zoned for industrial use and are not included in this application. Assessor' Map 28-14-5, Tax Lot 1500 (12.1 acres) and Assessor's Map 28-14-8A, Tax Lot 300 (11.7 acres). See Figure 2.

The applicant also owns nearby noncontiguous parcels on the North Spit and on the east side of Highway 101 that are not included in the application. These are the 89-acre "teardrop" parcel on the east side of Highway 101 across from the southern end of the site, the 27-acre Coquille River parcel just east of the Highway 101 bridge over the Coquille River, and the 100-acre North Spit parcel, located on the North Spit near the mouth of the Coquille River. See Figure 1.

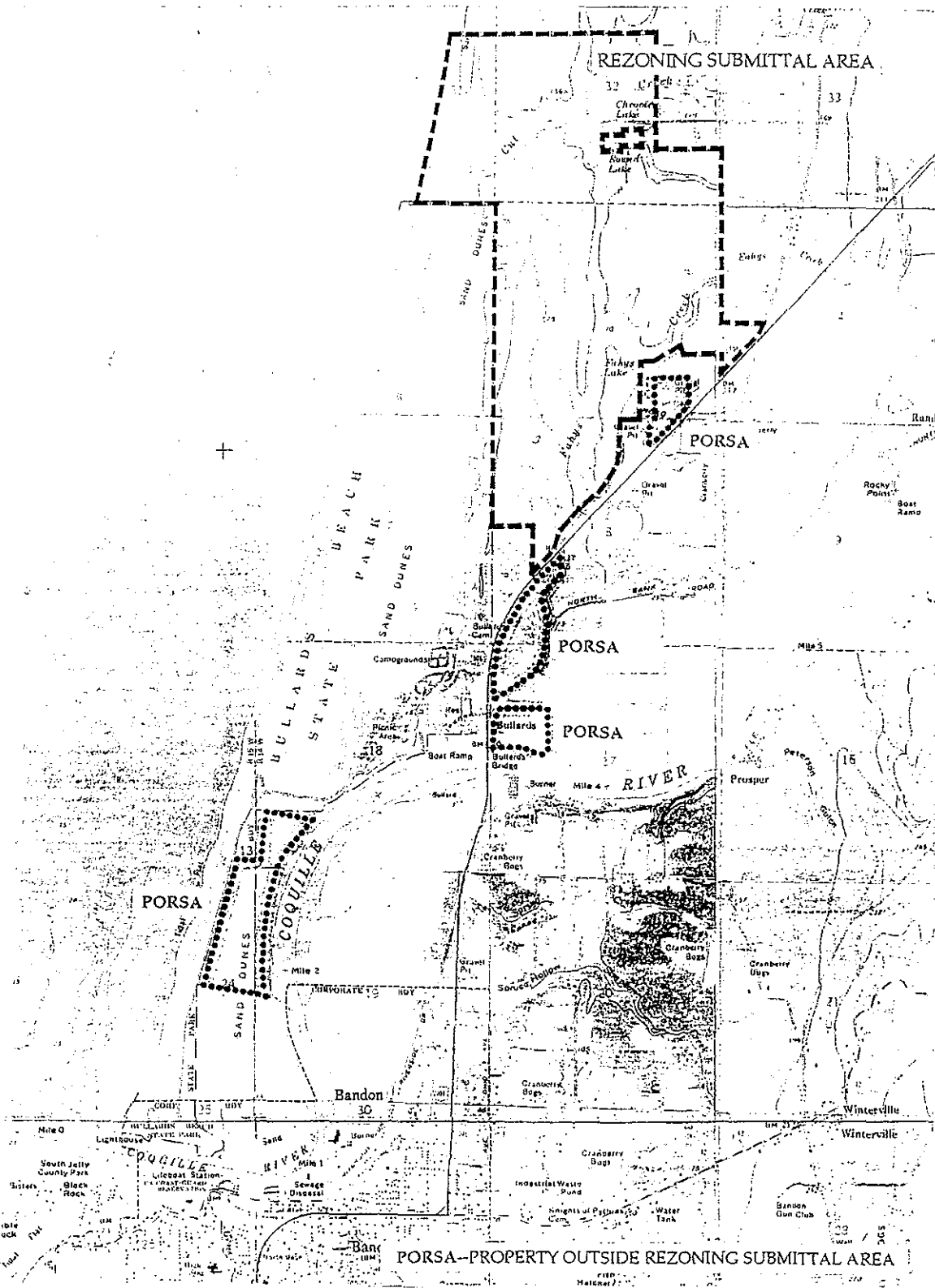


Fig. 1 Site Location and Boundaries Map

12.-1a

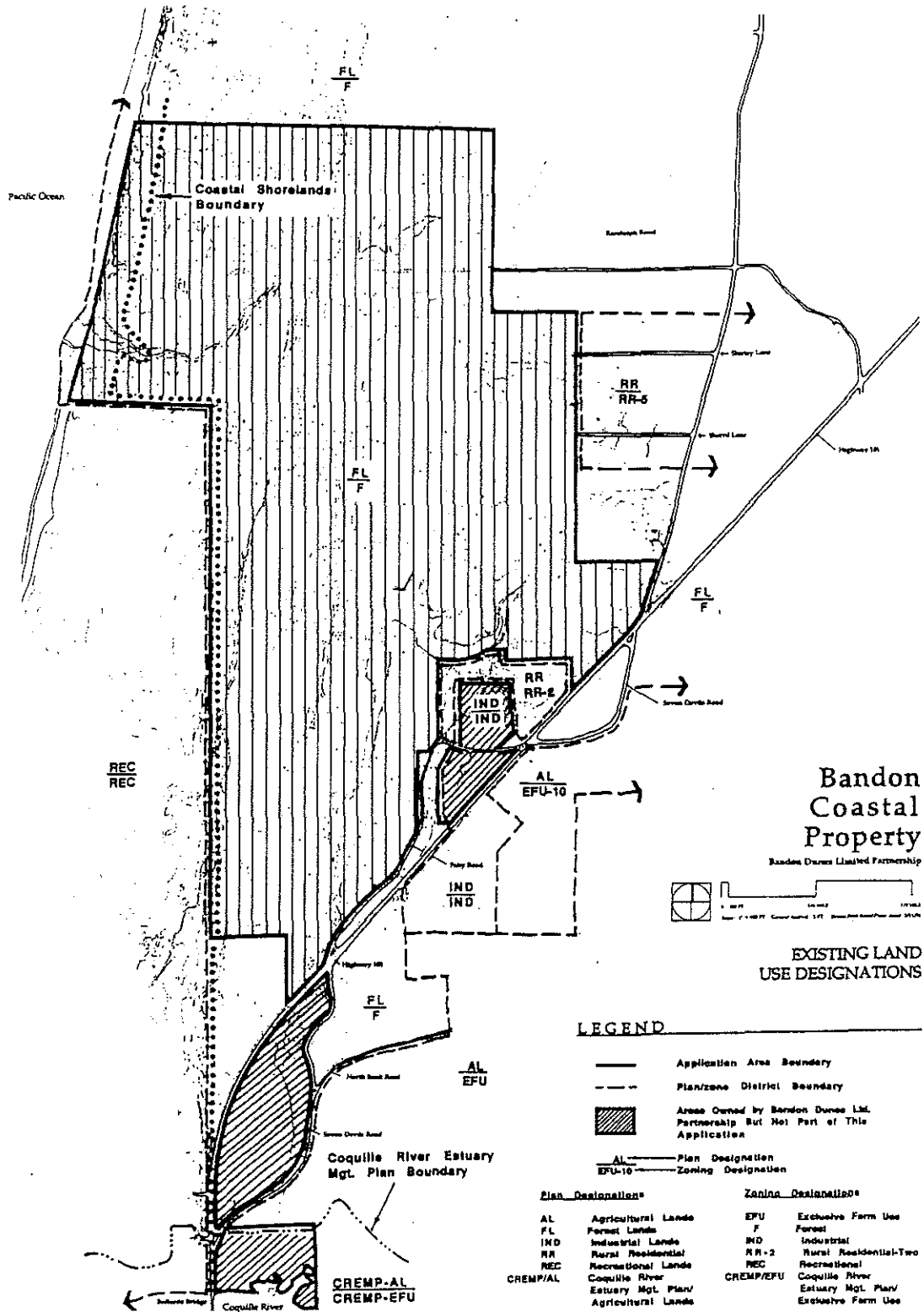


Fig. 2 Existing Land Use Designations

12.4 PURPOSE

The BDLP application provided an opportunity to choose between dramatically different futures for the Bandon Dunes site -- one of continued decline and loss of values that the statewide goals are designed to protect; the other of recovery, enrichment, and active management to achieve those goals. The adopted amendments choose the latter direction, by creating a carefully tailored framework for conservation and development of this exceptional segment of the Oregon Coast.

The Bandon Coastal Dunelands property has been heavily impacted by the encroachment of nonnative vegetation, unregulated hunting, off-road vehicle activity, gold mining, and industrial timber management. The future of the site under current land use regulations is bleak. Prior to these changes, the only permissible economic land use was continued management for commercial timber production. There are no resources or incentives to alter current trends on the nonproductive soils where Gorse and beach grass continue to colonize open sand areas. In the words of a September 11, 1994, *Oregonian* article entitled "Vegetation Threatening Sand Dunes":

"Year by year, like mold spreading across a piece of cheese, vegetation is steadily advancing and laying a carpet of green over Oregon's coastal dunes."

The adopted Master Plan takes an entirely different direction. It calls for harnessing resource protection and low-impact recreational development in a manner that makes them mutually dependent and supportive. Recovery and enhancement of the historic natural and scenic qualities of the site will be made necessary and economically feasible as a key to the success of a destination resort development whose main selling point is the health and beauty of its unique coastal setting.

Specifically, the Master Plan calls for development of a destination resort featuring a true traditional Scottish seaside "links" golf course and related facilities, nature trails and conservation areas, a multi-purpose conference/art/nature center, overnight tourist accommodations, native flora gardens, and low-key, coastal residential development.

The destination resort will be served to two scenic drives leading to the central resort area -- Woodland Village Road and Interdune Valley Scenic Drive -- and a network of internal roadways. Woodland Village Road will intersect Seven Devils Road just north of the intersection of Seven Devils Road and Highway 101. Interdune Valley Scenic Drive will intersect Fahy Road and Highway 101 approximately 900 ft. north of the current intersection of the southern end of Fahy Road and Highway 101. After construction of Interdune Valley Scenic Drive, the section of Fahy Road south of the new intersection will be vacated. See Figure 3. Both Woodland Village Road and Interdune Valley Scenic Drive will function as on-site minor collectors.

A successful destination resort on the Southern Oregon Coast must offer a unique experience with the potential to draw from a broad and affluent market base. That opportunity is presented by the Bandon Coastal Dunelands property's suitability for creation of a true seaside Scottish Links golfing experience within a destination resort setting. The Bandon Dunes site offers the optimum combination of Pacific Northwest coast climate, seaside setting,

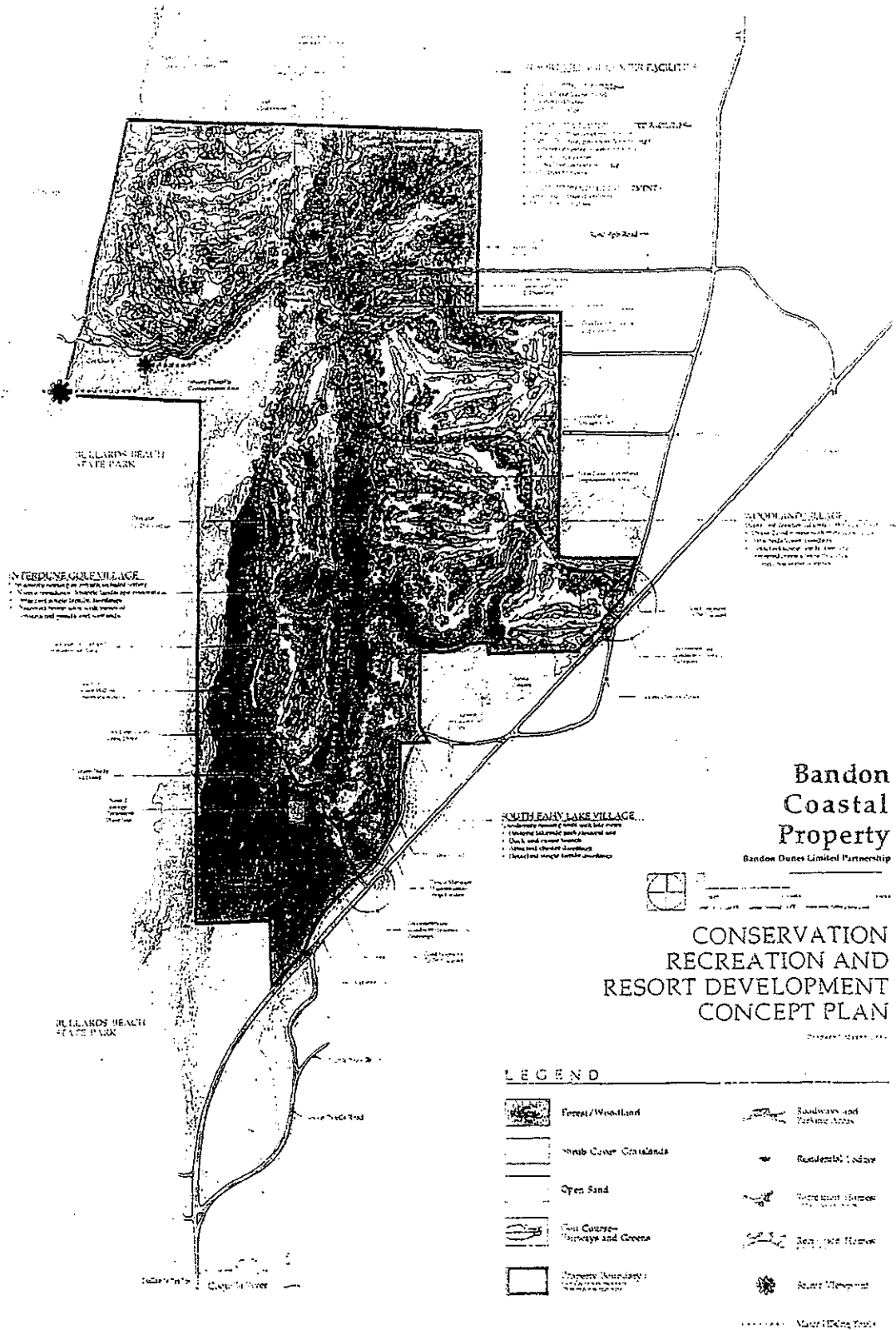


Fig. 3 Conservation, Recreation and Resort Development Concept Plan

12.-2a

dunal topography, spectacular views, buildable areas, direct access from the west coast's major tourist highway, and proximity to the popular tourist community of Bandon, just across the Coquille River to the south.

The site's proximity to Bandon will enable local businesses to benefit from longer visits to the area by more up-scale tourists and vacations. It will also mean convenient access from the resort to shopping, supplies, health care, and other supporting urban uses, facilities and services, all within an existing acknowledged urban growth area.

The project has been planned to harmonize with the management of Bullards Beach State Park, which adjoins most of the western boundary of the Bandon Coastal Dunelands property. The project concept is an integrated conservation and development program that responds to the special qualities of the site, addresses critical resource management issues and seeks to provide an economically viable development.

The extensive research and investigation that have gone into this project are reflected in the many background studies covering a wide range of topics. These studies included such topics as site history, existing site conditions, site utilities and services, transportation impacts, market analysis, economic impact, topography and relief, geologic features and hazards, soils, surface and groundwater hydrology, wetlands, vegetation, forestry, wildlife habitat, visual and scenic qualities and cultural features. See Table 1; also application Volume V (Technical Appendices).

Table 1: Technical Appendices to BDLP Application

- A. Natural Resources Inventory/Site Analysis; prepared by Bandon Dunes Planning Team; March, 1993.
- B. Preliminary Development Program and Alternative Development Concepts; prepared by Bandon Dunes Planning Team; March, 1993.
- C. A Market Analysis; prepared by Ragatz Associates; December, 1994.
- D. Traffic Impact Study; prepared by JRH Transportation Engineering; October, 1995.
- E. Water Supply Report; prepared by EFT & Associates, Inc.; December 19, 1994.
- F. Wastewater Systems for Bandon Project (Technical Memo to DEQ); prepared by Wert & Associates, Inc.; July 24, 1995
- G. Historic Landscape Patterns: Bandon Coastal Property from 1939 to 1984; prepared by Bandon Dunes Planning Team; November, 1994.
- H. Bullards Beach State Park/Bandon Coastal Property Inventory Report; prepared by James S. Kagan, Oregon Natural Heritage Program; November, 1994.
- I. Wildlife Habitat Survey and Assessment for the Bandon Coastal Property; prepared by Bill Haight, Fish and Wildlife Consultant; April 2, 1995.
- J. Technical Memorandum -- Conceptual Evaluation of Site Groundwater Hydrology and Water Supply Development Issues, Bandon Coastal Property; prepared by Luzier Hydrosiences; April 30, 1993.
- K. Fahys East Property--A Supplementary Natural Resources Inventory/Site Analysis; prepared by Bandon Dunes Planning Team; October, 1995.
- L. Coastal Dunelands at Bandon (video); prepared by Bandon Dunes Planning Team; 1993.
- M. Bandon Coastal Properties Planning Background Studies; prepared by Al Couper & Associates; December 15, 1995.
- N. Bandon Coastal Dunelands Wetland Delineation Report; prepared by Wetland Environmental Technologies, Inc.; April 1, 1996.
- O. Analysis of Coastal Lakes and Related Riparian Environments; prepared by Wetland Environmental Technologies, Inc.; April 1, 1996.
- P. Bandon Coastal Dunelands Water Supply; prepared by EFR & Associates, Inc.; March 13, 1996.
- Q. Tsunami Inundation Zone: Statute, Rules and Map; Department of Geology and Mineral Industries; March 15, 1996.
- R. Phase 2 Road Improvement Triggerpoint Analysis; prepared by JRH Transportation Engineering; February 13, 1996.

Table 1: continued

S. Draft BDLP/Coos County/ODOT Cooperative Improvement Agreement; prepared by ODOT and BDLP; March 13, 1996.

T. Conceptual Sewage System Design; prepared by EFR & Associates, Inc.; April 4, 1996.

The project is modeled upon the statutory destination resort concept recognized and authorized under Statewide Planning Goal 8 (Recreational Needs) and ORS 197.435 to 197.467. However, because the Bandon Dunes site is located within three miles of cranberry bogs found on the other side of Highway 101, the project must be approved as a goal exception area rather than as a statutory destination resort.

12.5 ELEMENTS OF THE APPROVED AMENDMENTS

Ordinances 96-03-003PL and 96-04-006PL adopt the following Plan and ZLDO amendments.

12.5.1 Comprehensive Plan Text Amendments

1. Taking exceptions to statewide planning goals necessary to allow the use of the Bandon Dunes site for a destination resort.

2. Creating a "Bandon Dunes Resort" (BDR) plan map designation and a policy statement for that designation.

3. Adopting a Master Plan for destination resort use of the Bandon Dunes site, establishing: a. Types, intensities and locations of uses; b. Building and utility sizes and locations; c. Recreational and tourist facility types and locations; d. Landscaping design guidelines; e. Transportation facility design and phasing; f. Operation and maintenance guidelines; g. Natural resource management, restoration, and conservation measures.

4. Adopting adjustments and cross-references of Plan text needed to maintain internal consistency.

5. Amending the Coastal Shorelands Boundary around Round and Fahys Lakes.

12.5.2 Comprehensive Plan Map Amendment

Applying the BDR plan map designation to the Bandon Dunes site.

12.5.3 Zoning and Land Development Ordinance Text Amendments

1. Creating a "Bandon Dunes Resort" (BDR) primary zoning district which establishes standards and procedures for final development plan review for phases and elements of the Bandon Dunes destination resort and land divisions within the Bandon Dunes destination resort area.

2. Amending the ZLDO text to maintain internal consistency.

12.5.4 Zoning Map Amendment

Applying the BDR zone to the Bandon Dunes site.

12.6 APPLICABLE STANDARDS AND CRITERIA

This application involves amendments to acknowledged comprehensive plan provisions and acknowledged land use regulations. Under Oregon's land use statutes, these amendments must be shown to comply with a wide range of standards and criteria, including the following.

12.6.1. Statutes

1. ORS 197.175(2)(d) -- Plan and goal consistency.
2. ORS 197.435 to 197.445 -- Destination resort definitions and criteria.
3. ORS 197.610 and 195.615 -- Postacknowledgment amendment procedures.
4. ORS 197.646 -- Implementation of new or amended goals, rules, or statutes.
5. ORS 197.712(2)(g)(A) -- Economic development obligation to provide reasonable opportunities for economic development on appropriate lands outside urban growth boundaries.
6. ORS 197.732 -- Goal exception standards.
7. ORS 197.763 -- Notice and procedures for quasi-judicial land use hearings.
8. ORS 215.402 to 215.431 -- Notice and procedures for county proceedings on applications for discretionary development permits and zone changes.
9. ORS 455.446 to 455.447 -- Prohibition on construction of certain facilities and structures in Tsunami inundation zone.

12.6.2 Statewide Planning Goals

1. Goal One -- Citizen Involvement
2. Goal Two -- Land Use Planning
3. Goal Three -- Agricultural Lands
4. Goal Four -- Forest Lands
5. Goal Five -- Open Spaces, Scenic and Historic Areas, and Natural Resources
6. Goal Six -- Air, Water and Land Resources Quality
7. Goal Seven -- Areas Subject to Natural Disasters and Hazards

8. Goal Eight -- Recreational Needs
9. Goal Nine -- Economic Development
10. Goal Ten -- Housing
11. Goal Eleven -- Public Facilities and Services
12. Goal Twelve -- Transportation
13. Goal Thirteen -- Energy Conservation
14. Goal Fourteen -- Urbanization
15. Goal Sixteen -- Estuarine Resources
16. Goal Seventeen -- Coastal Shorelands
17. Goal Eighteen -- Beaches and Dunes
18. Goal Nineteen -- Ocean Resources

12.6.3 State Agency Rules

1. OAR Chapter 632, Division 5 -- Tsunami Inundation Zone
2. OAR Chapter 660, Division 4 -- Interpretation of Goal 2 Exception Process
 - 660-04-000 Purpose
 - 660-04-005 Definitions
 - 660-04-010 Application of the Goal 2 Exception Process to Certain Goals
 - 660-04-015 Inclusion as Part of the Plan
 - 660-04-018 Planning and Zoning For Exception Areas
 - 660-04-020 Goal 2, Part II(c), Exception Requirements
 - 660-04-022 Reasons Necessary to Justify an Exception Under Goal 2, Part II(c)
 - 660-04-030 Notice and Adoption of an Exception
3. OAR Chapter 660, Division 12 -- Transportation Planning
 - 660-12-060 Plan and Land Use Regulation Amendments
 - 660-12-065 Transportation Improvements on Rural Lands
4. OAR Chapter 660, Division 14 -- Application of Statewide Planning Goals to Incorporation of New Cities
 - 660-14-040 [Establishment of New Urban Development] on Undeveloped Rural Lands
5. OAR Chapter 660, Division 16 -- Requirements and Application Procedures for Complying with Goal 5
 - 660-16-000 Inventory Goal 5 Resources
 - 660-16-005 Identify Conflicting Uses
 - 660-16-010 Develop Program to Achieve the Goal
 - 660-16-015 Post-Acknowledgment Period

6. OAR 660, Division 18 -- Plan and Land Use Regulation Amendment Review

12.6.4 Comprehensive Plan Provisions

Procedures and requirements governing amendments to the Coos County Comprehensive Plan (Plan) are set forth in Volume I, Part 1, Sections 5.1 (Citizen Involvement) and 5.2 (Land Use & Community Development Planning) of the Plan.¹ These requirements address notice, citizen participation, and agency coordination. They do not impose substantive plan amendment criteria separate from those contained in state land use statutes, statewide planning goals, and state agency rules. However, a variety of substantive plan provisions implementing statewide planning goals constitute potential standards for individual decisions amending the Plan and the ZLDO. As relevant here, the Plan establishes the following categories of plan provisions, covering a range of topics substantially the same as the range of topics addressed by the statewide planning goals discussed in detail in Section 12.8 of these findings. Where necessary, these plan provisions are separately addressed in Section 12.11.

1. Citizen Involvement
2. Land Use & Community Development Planning
3. Agricultural Lands
4. Forest Lands
5. Mineral & Aggregate Resources
6. Fish & Wildlife Habitat
7. Historical & Archaeological Resources, Natural Areas and Wilderness
8. Water Resources
9. Unique Scenic Resources
10. Dunes, and Ocean and Coastal Lake Shorelands
11. Natural Hazards
12. Air, Land & Water Quality
13. Industrial & Commercial Lands
14. Housing
15. Public Facilities & Services
16. Transportation
17. Recreation
18. Energy

12.6.5 ZLDO Provisions

The ZLDO does not include specific standards for amendments to the Plan, but rather relies on the standards for such changes established by state land use statutes, statewide planning goals, and state agency rules, as listed above and addressed in this volume. The ZLDO does contain the following provisions concerning amendments to the text of the ZLDO or the county Zoning Map:

1. ZLDO Text Amendment -- ZLDO 1.2.100

The "purpose" section (ZLDO 1.2.100) does not establish specific criteria, but notes conformance with the Plan as it exists or may exist and with "other changes in circumstances and conditions".

2. Zoning Map Amendment -- ZLDO 5.1.400

- a. The rezoning will conform with the Plan or ZLDO 5.1.150; and
- b. The rezoning will not seriously interfere with permitted uses on other nearby parcels; and
- c. The rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners.

12.6.6 BDR Zoning District Standards

Standards applicable to future final development plan approvals for a phase or element of the Bandon Dunes destination resort, after this adoption of the Master Plan for the resort through the goal exception and comprehensive plan amendment approval process, are found in Sections 4.10.030 and 4.10.070 of the adopted BDR zone. Standards applicable to future approval of land divisions within the Bandon Dunes site are found in Section 4.10.090 of the adopted BDR zone.

12.6.7 Other Regulations Incorporated by Reference

The above land use standards frequently require demonstration of compliance with local, state, and federal environmental, safety, and fiscal requirements.

It is not always easy to determine just which specific statutory, goal, rule and plan provisions apply to a given proposal. Nor is it easy to resolve all of the conflicts and interpretive issues which arise out of such a dense thicket of overlapping regulations. In the case of state statutes, goals, and rules, the Land Use Board of Appeals (LUBA), the Land Conservation and Development Commission (LCDC), and the courts have the final word on the interpretive issues. However, if a local governing body expresses, in its decision, an interpretation of a local enactment that is adequate for review, that interpretation will be upheld by LUBA and the Oregon appellate courts if it is not "clearly wrong". See ORS 197.829; *Gage v. City of Portland*, 319 OR 308, 877 P2d 1187 (1994); *Clark v. Jackson County*, 313 Or 508, 515, 836 P2d 710 (1992). Thus, where issues concerning the interpretation or applicability of local regulations arise, it is important for the county governing body to clearly state, and explain the basis for, its interpretation of Plan and ZLDO provisions.

Amendments to acknowledged plans must comply with the Statewide Planning Goals adopted by LCDC. Eighteen of the nineteen goals are addressed, the exception being Goal 15 (Willamette River Greenway).

The adopted amendments comply fully with most statewide planning goals, but do involve nonresource uses and some urban levels of facilities and services. They therefore depart from certain goal requirements, such as those of the Forest Lands Goal and Urbanization Goal. These departures require the taking of a formal "exception", which is an amendment to a comprehensive plan setting forth facts and reasons authorizing and justifying the necessary departures from the goals. The type of exception involved here is known as a "reasons" exception. The standards or a reasons exception are set forth in three places, substantially overlapping in their requirements:

Statute: ORS 197.732(1)(c)

Goal: LCDC Goal 2, Part II [also cited as OAR 660-15-000(2)(II)]

Rules: LCDC interpretive rules, including OAR 660-04-000, 660-04-005, 660-04-010, 660-04-020 and 660-04-022.

In this statement, applicable standards and criteria are set forth verbatim in bold-face type followed by explanatory text including facts, reasons and legal conclusions. This statement is organized so that the analysis begins with state law and proceeds to local law. Thus, the next section deals with state statutes and implementing administrative rules, followed by a section addressing the Statewide Planning Goals and implementing administrative rules, and a section addressing the standards for a goal exception. These sections are followed by sections addressing applicable standards and criteria from the Coos County Comprehensive Plan and Coos County Zoning and Land Development Ordinance. Often the same or very similar criteria are found in more than one source. This statement attempts to minimize repetition and redundancy, using cross-references where possible and adding or repairing material only where necessary.

12.7. STATE STATUTES ²

12.7.1 ORS 197.435 to 445 -- Destination Resort Definitions and Criteria

The proposed Bandon Dunes Destination Resort cannot be sited without a goal exception, pursuant to the process provided by ORS 197.450 to 197.467, because it is located within three miles of high value crop areas. ³ ORS 197.445(1)(b)(B). However, the findings below demonstrate that this proposal satisfies the standards of ORS 197.445 for being considered a destination resort. Therefore, the legislative findings set forth in ORS 197.440, which establish the existence of a need for destination resorts to further economic development in the state, are applicable to this resort proposal.

12.7.1.1. ORS 197.445(1) - Site Area

This provision requires that a destination resort within two miles of the ocean be located on a site of at least 40 acres. The Bandon Dunes site is 1,215 acres in size.

12.7.1.2. ORS 197.445(2) - Open Space

This provision requires that at least 50 percent of a destination resort site "be dedicated to permanent open space, excluding streets and parking areas".

The only structures on the Bandon Dunes site at the present time are a ranch manager's residence near Fahy Road and a dwelling near Round Lake. The Open Space Map adopted as part of the Master Plan (Figure 4) demonstrates that approximately 80% of the Bandon Dunes site is proposed to remain as permanent open space, principally in the form of natural resource conservation areas, woodland buffers and golf courses. Under the Master Plan and BDR zone, prior to final development plan approval, the only permissible uses of the site will be certain nonstructural uses permitted under the County's forest zone. When final development plan approval for a part of the site is granted, an easement will be recorded dedicating the portions of that part of the site shown as open space on the Open Space Map as permanent open space. See Master Plan,

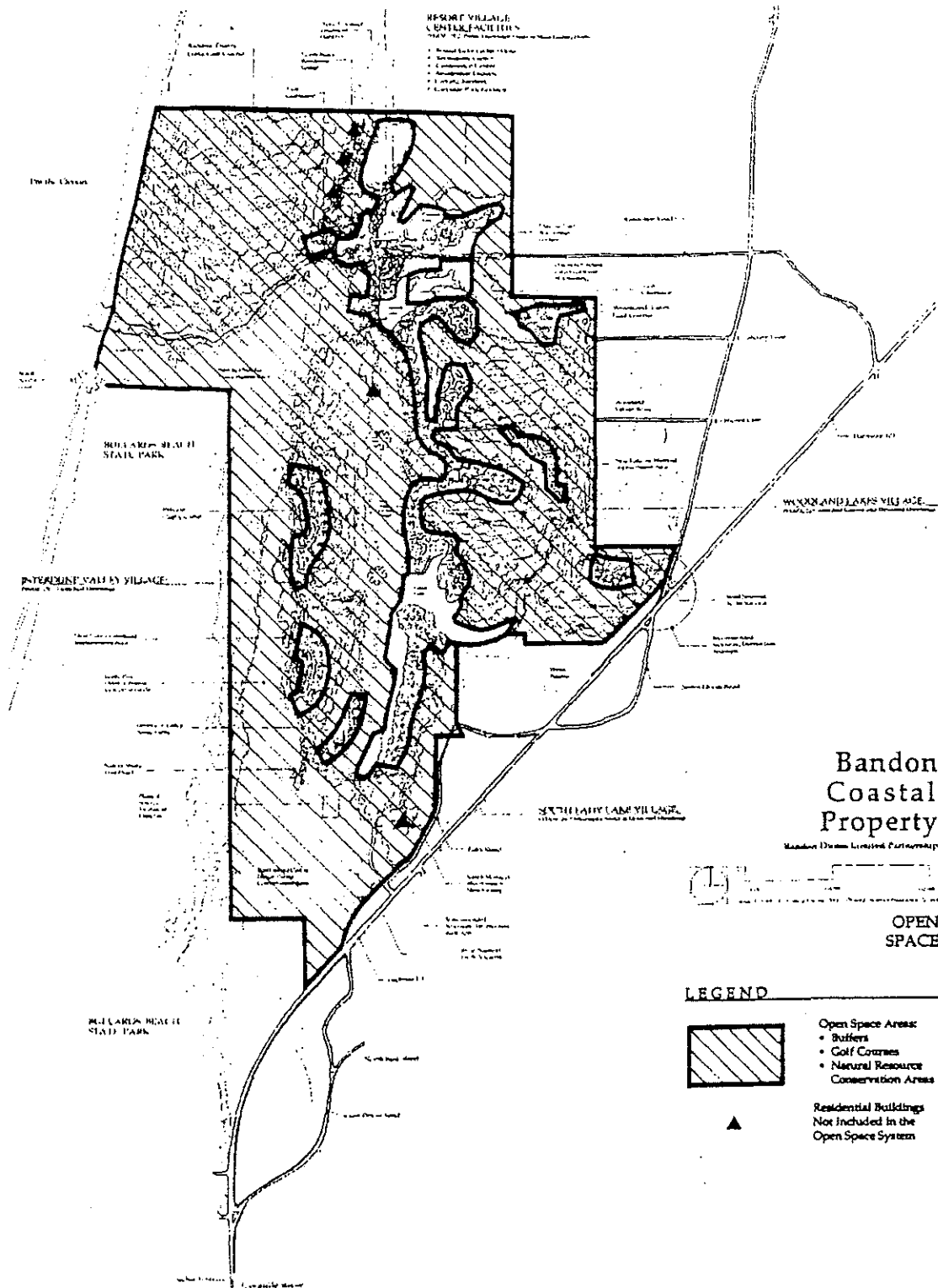


Fig. 4 Open Space

12, - 10a

p.23; BDR zone Sections 4.10.045, 4.10.065.C.3 and 4.10.070.B. At all times, more than 50% of the Bandon Dunes site will remain as existing or dedicated open space.

12.7.1.3. ORS 197.445(3) and (8) - Required Expenditures

These provisions require that at least \$7.59 million be spent on "on-site developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities and roads".⁴ Not less than 1/3 of this amount (\$2.53 million) must be spent on developed recreational facilities.

The development costs of the Phase 1 Scottish Links golf course, including site clearing, grading Gorse abatement, landscaping, irrigation system and fire access trails, are estimated to be \$5.0 million. The development costs for the Phase 1 golf clubhouse, which will include a reception and lounge area, pro shop, gift shop, restaurant, and meeting rooms, are estimated to be \$2.0 million. The development costs of the 75 units of visitor lodgings to be built during Phase 1 are estimated to be \$4.0 million. Finally, the estimated development costs of other Phase 1 recreation and visitor accommodation related improvements, such as the Round Lake Center, wetland mitigation and riparian mitigation and restoration projects, hiking and bicycle paths, are \$0.75 million. Thus, the total expenditures on developed recreational facilities and visitor-oriented accommodations during Phase 1 alone will be at least \$11.75 million. Of this Phase 1 total, over \$5 million, will be spent on developed recreational facilities.

12.7.1.4. ORS 197.445(4) - Visitor-Oriented Accommodations

ORS 197.445(4) requires that a destination resort provide meeting rooms and restaurants with seating for 100 persons. Under the Master Plan, meeting rooms will be provided during Phase 1 of resort development in the Main Golf Clubhouse and Round Lake Center. These meeting rooms will eventually be replaced during Phase 2 by meeting rooms provided in the Conference Center. The Master Plan also includes a restaurant with seating for 100 persons in the Main Golf Clubhouse to be built during Phase 1 of resort development. This requirement is also included in the BDR zone development standards, at Section 4.10.030.C.

ORS 197.445(4) also requires that a destination resort provide "150 separate rentable units for overnight lodging." In addition, ORS 197.445(4)(b) limits the number of residential dwelling units to not more than two units for each unit of permanent overnight lodging. The Master Plan provides for 150 units of overnight lodging. Under the Master Plan, during Phase 1, 75 units of overnight lodging will be provided in the Main Golf Clubhouse (20 units), four residential lodges located south of Chrome Lake (28 units) and three residential lodges located west of the North Ridge (27 units). During Phase 2, a hotel will be built on the west shore of Round Lake. This hotel will include at least 75 units of overnight lodging. If the hotel includes at least 130 units of overnight lodging, the Master Plan will allow the seven Phase 1 residential lodge structures to be converted to private dwellings. The Master Plan limits the number of residential dwelling units constructed during Phase 1 to 50, and the total number of residential dwelling units at build-out to 300. These requirements are also incorporated into the BDR zone development standards at Section 4.10.030.C.1 and 2.

ORS 197.445(4)(a) and (c) govern the timing of the construction of the required 150 units of overnight lodging. ORS 197.445(4)(a)(A) requires that at least 75 units of overnight lodging, not including individually owned homes, lots or units, be constructed or guaranteed prior to the closure of sale of individual residential lots or units. ORS 197.445(4)(a)(B) allows the remainder of the required 150 units of overnight lodging to be provided as individually owned lots or units subject to deed restrictions that limit their use to use as overnight lodging units. Such deed restrictions may be rescinded when the resort has constructed the required 150 units of permanent overnight lodging. Finally, ORS 197.445(4)(c) requires that all 150 units of required permanent overnight lodging be constructed within five years of initial lot sales. The Master Plan, at pp. 61-62, goes beyond what is required by ORS 197.445(4)(a)(A), by requiring that 75 units of overnight lodging actually be constructed (not just guaranteed) before any residential lot or unit can be sold. The limitations of ORS 197.445(4) have also been incorporated into the BDR zone, in the development standard set out at Section 4.10.030.C.1 and the land division requirements at Section 4.10.090.D.4 and E.2.d.

12.7.1.5. ORS 197.445(5) - Commercial Uses

This provision prohibits industrial uses in a destination resort and limits commercial uses to "types and levels of use necessary to meet the needs of visitors to the development".⁵ The Master Plan and BDR zone, at Section 4.10.040.F, do not allow any industrial uses. The Master Plan, at p.17, provides that commercial uses will be limited to types and levels of use required to meet the needs of guests and residents of the resort, not the general public using Highway 101. Section 4.10.040.E of the BDR zone provides that commercial uses allowed in the BDR zone 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". Under Section 4.10.070B and D of the BDR zone, at the time of approval of a final development plan for a phase or element of the resort, it must be demonstrated that these criteria of the Master Plan and BDR zone for commercial uses are met.

During the county proceedings, some opponents contended the proposed BDR zone listed too many commercial uses as allowable and improperly failed to limit the size, character and location of Destination Resort Handbook (hereafter 1995 DR Handbook) published by the Department of Land Conservation and Development (DLCD). Opponents argued that according to the 1995 DR Handbook, commercial uses should be allowed only within the main resort building and should not duplicate services available in Bandon, and convenience stores and gas stations are "questionable uses" that should only be provided if the resort is "remote".

Following its title page, the 1995 DR Handbook bears the following disclaimer:

"Note: The Department of Land Conservation and Development (DLCD) produced this handbook to give information and general advice about siting destination resorts in Oregon. This handbook is not the official policy of the Land Conservation and Development Commission (LCDC). It is not intended to substitute for language in state statutes or the statewide planning goals."

As indicated by the above quote, and by the fact it has not been adopted as an administrative rule by LCDC, the 1995 DR Handbook is merely advisory in nature and does not establish approval standards for these amendments. ⁶ The only standard established by ORS 197.445 (and Goal 8) for commercial uses in a destination resort is that they be "limited to types and levels of use necessary to meet the needs of visitors to the development". This requirement has been made part of the Master Plan and will be implemented by the BDR zone, which makes it a standard for approval of final development plans. Such a limitation is appropriately applied at the time of final development plan approval for a specific phase or element of the resort, when the specific details regarding the nature, design, size and location of the proposed commercial uses will be known. At that time, the BDR zone will require the County Approval Authority to assure that any commercial uses allowable under the BDR zone are appropriately limited.

We also note that the commercial uses potentially allowable under Section 4.10.050.C of the BDR zone are all appropriate for a destination resort environment and do not include "convenience stores" or "gas stations", although a "country store" limited to the scope and size necessary to meet the needs of visitors to the resort is allowable and might include a fuel pump, depending on what the evidence submitted during the final development plan approval process shows the needs of visitors to be. In addition, under Section 4.10.050.C, commercial uses are allowed only in the Resort Village Center (RVC) subzone, which is located at the heart of Bandon Dunes site, at some distance from Highway 101. There is no reason to think that commercial uses at this location would attract the general public traveling on Highway 101.

12.7.2. ORS 197.610 and 197.615 - Postacknowledgment Amendments

ORS 197.610(1) and OAR 660-18-022 require a local government to forward a proposal to amend its acknowledged comprehensive plan or land use regulations to the DLCD director at least 45 days prior to the final hearing on adoption. The county sent notice of its proposed adoption of the Plan and ZLDO amendments proposed by BDLP, including a copy of BDLP's application materials, to the DLCD director on April 30, 1996, 72 days prior to the final hearing before the Board of Commissioners on July 11, 1996.

ORS 197.615(1) and OAR 660-18-040 require a local government which adopted an amendment to its acknowledged comprehensive plan or land use regulations to submit a copy of the text of the amendment and the supporting findings to the DLCD director within five working days after the final decision is adopted. Within the same time period, these provisions also require the local government to submit notice of the adopted amendment to persons who participated in the local proceedings and requested in writing that they be given such notice. The County will comply with these requirements after it finally adopts these Plan and ZLDO amendments.

12.7.3. ORS 197.712(2)(g)(A) - Economic Development Obligation

This statute requires the County to provide "reasonable opportunities to satisfy local and rural needs for residential and industrial development and other economic activities on appropriate lands outside urban growth boundaries, in a manner consistent with conservation of the state's agricultural and forest land bases". That these amendments further this

purpose is demonstrated by the findings addressing Goal 9 (Economic Development) in Section 12.8.9 of this statement, and the findings justifying an exception from Goals 3, 4, 11 and 14 found in Section 12.9 below.

12.7.4. ORS 197.732 - Goal Exceptions

The requirements established by ORS 197.732 for goal exceptions, as well as the parallel requirements of Goal 2, Part II, are addressed in Section 12.9 below.

12.7.5. ORS 197.763 - Quasi-Judicial Land Use Hearing Notice and Procedures

ORS 197.763(2)(a)(C) required the County to mail notice of the hearings on the BDLP application to owners of record on the most recent tax assessment roll of property within 500 ft. of the property subject to the BDLP application.⁷ ORS 197.763(3)(f)(B) required that this notice be mailed at least 10 days before the first evidentiary hearing, if two or more evidentiary hearings are held. ORS 197.763(3)(a)-(e) and (g)(j) establish requirements for the content of such notice. The county scheduled three evidentiary hearings on the BDLP application -- before the Planning Commission on May 8, 1996, and before the Board of Commissioners on June 5 and July 11, 1996. On April 26, 1996, the County Planning Department mailed notice of these three hearings, containing the information required by ORS 197.763(3)(a)-(e) and (g)-(j), to owners of property within 500 ft. of the BDLP property.

During the course of these proceedings, all documents and evidence submitted to the County by the applicant, as well as those submitted by other parties, were available to the public for review at the County Planning Department office, as required by ORS 197.763(4)(a). The county Staff Report used at the May 8, 1996 Planning Commission hearing became available on April 26, 1996, in compliance with the requirement of ORS 197.763(4)(b) that such staff reports be available at least seven days prior to the hearing. At the beginning of each hearing, the Planning Director or County Counsel made a statement identifying the applicable procedures and criteria. ORS 197.763(5). In compliance with ORS 197.763(4)(b) and (6)(c), at the request of an opponent, the Board of Commissioners held the record open for 14 days after the July 11, 1996 hearing, to allow parties an opportunity to respond in writing to any new evidence submitted in support of the application at the July 11 hearing.

12.7.6. ORS 455.446 to 445.447 - Tsunami Inundation Zone

This statute, and its implementing administrative rules in OAR Chapter 632, Division 5, prohibit the construction of certain new "essential facilities" and "special occupancy structures", as those terms are defined in ORS 455.447(1)(a) and (e), within the tsunami inundation zone established by the Department of Geology and Mineral Industries (DOGAMI) under ORS 455.446(1)(c). The portion of the Tsunami Hazard Map adopted by DOGAMI pursuant to these provisions that includes the Bandon Dunes site is found in Appendix Q of Volume V of the BDLP application. This map shows that the only portions of the subject site within the tsunami inundation zone line are the ocean beaches and a narrow corridor at the mouth of Cut Creek. The Master Plan for the proposed Bandon Dunes destination resort indicates no structures or facilities of any type are proposed in these areas.

12.8. STATEWIDE PLANNING GOALS AND ADMINISTRATIVE RULES

12.8.1. Goal 1 - Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Coos County has a history of citizen involvement in all phases of the planning process, dating back well into the 1960s. See Plan, Section 1.3. This citizen involvement process has evolved over time to include several key features, including: establishment of a formal Citizen Advisory Committee (consisting of the Coos County Planning Commission; see acknowledged plan amendment AM-86-02, adopted February 25, 1987; DLCD file no. 5-86B); maintenance of two-way communication via newsletters, mailings, posters, questionnaires and other media; provision of technical information in an understandable form; referrals to various interested public agencies; and encouragement of citizen influence and feedback through town hall workshops and public hearings. These mechanisms were used in the preparation of the current plan.

The above processes have been formally incorporated into the acknowledged comprehensive plan as the county's Citizen Involvement Program. See Plan, Section 5.1. Compliance with Goal 1 is demonstrated through compliance with the county's acknowledged Citizen Involvement Program. See Section 12.10.1 below.

12.8.2. Goal - Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions.

12.8.2.1 Part I - Planning

Goal 2, Part I, requires each city or county to adopt comprehensive plans and implementing ordinances based upon:

- ~ Identification of issues and problems, inventories and other factual information pertinent to each statewide goal.
- ~ Evaluation of alternative courses of action.
- ~ Ultimate policy choices.
- ~ Consideration of social, environmental, energy, and economic needs.

Plans must be consistent with statewide planning goals, and implementing ordinances must be consistent with plans. Plans must be coordinated with other affected governmental units and must be revised on a periodic cycle to take account of "changing public policies and circumstances".

Coos County has an acknowledged comprehensive plan and implementing ordinances consisting of extensive text, tables, figures, graphs, and maps addressing the full range of issues covered by state land use goals. The county's on-going planning process involves the identification of issues, maintenance of

detailed inventories and factual material, evaluation of alternative courses of action, ultimate decisions which consider economic, social, environmental and economic needs, revisions consistent with relevant state and local policies, and a process accessible to the public.

Specific aspects of the process relevant to these Plan and ZLDO amendments are as follows:

a. Factual Base

Factual information from numerous sources, including published information, original research conducted and data gathered by the applicant's planning team, and testimony was submitted by the applicant. Additional evidence in the form of testimony and documents was submitted by participants in the hearing process. These findings identify the facts in the record which support the Board of Commissioners' decision to adopt these Plan and ZLDO amendments.

b. Compliance with Comprehensive Plan

Compliance with the Goals and Objectives of the Coos County Comprehensive Plan is required by Goal 2, as well as by the Plan's own criteria for a plan amendment. Analysis of Plan compliance is presented under Section 10., "Comprehensive Plan Amendment Criteria".

c. Coordination with Affected Governmental Units

In the fall of 1993, over two years before filing its application with Coos County in November 1995, BDLP initiated agency coordination, meeting with DLCD staff, the Governor's Natural Resource Coordinator and the entire Coos County Periodic Review Interagency Coordination Team, as well as with representatives of individual agencies. This process continued over a series of meetings that continued through the filing and processing of the application during 1995 and 1996. Additional studies were conducted and the proposal went through many drafts and revisions designed to respond to concerns, issues and desires expressed in that process.

Of particular note, is that in response to concerns expressed by the Oregon Department of Parks and Recreation regarding potential impacts on the adjacent Bullards Beach State Park, the resort was designed so it will not be visible from, and will not have impacts on, the state park. For example, no development will be allowed on the ocean shorelands or North and South Ridge areas, because development in those areas would be visible from the state park and ocean beaches.

The agencies and related private entities contacted by the applicant while developing its proposal include:

Federal: Army Corps of Engineers
Natural Resources Conservation Service
Bureau of Land Management

State: Office of the Governor - Natural Resources Advisor
Department of Agriculture
Department of Economic Development

Department of Environmental Quality
Department of Fish and Wildlife
Department of Forestry
Department of Land Conservation and Development
Department of Parks and Recreation
Department of Transportation
Department of Water Resources
Division of State Lands
Oregon State University - Cooperative Extension Service

Local: Coos County Legal Counsel
Coos County Planning Department
Coos County Sanitation Department
City of Bandon

Other: Cut Creek Water Improvement District
Coos, Curry, Douglas Business Development Corporation
Native American Tribes/Organizations
Nature Conservancy-Heritage Program
Oregon Shores Conservation Coalition
SWIM - State/Federal Interagency Wetlands Team

After the application was filed, the applicant and the Oregon Department of Transportation (ODOT), in consultation with the Coos County Highway Department, developed a proposed Cooperative Improvement Agreement (CIA) covering the road and highway improvements needed for the proposed destination resort, and the responsibilities the State, County and BDLP would have in assuring that such improvements are carried out in a timely fashion. The CIA required to be entered into as a condition of this approval was found acceptable by both ODOT and the County Highway Department.

The applicant also continued to meet with representatives of DLCD after the initial application was filed, and in April 1996 modified its proposal in part to respond to comments by DLCD. After the May 8, 1996 hearing before the Planning Commission, responding to suggestions made by DLCD and others, the applicant consolidated and modified the original Volumes I and II of its application into a proposed Master Plan (May 1996 Draft). Representatives of the County Planning Department met with DLCD and the applicant to evaluate the Master Plan document. As a result of this meeting, a revised Master Plan (June, 1996 Draft) was submitted to the Board of Commissioners at its June 5, 1996 hearing, as well as a letter from DLCD indicating general acceptance of the proposed Master Plan, with certain additional suggestions regarding protection of riparian vegetation. On June 20, 1996, the applicant submitted proposed changes to the Master Plan to respond to the concerns identified by DLCD. No further comment was made by DLCD, and the proposed changes have been incorporated into the adopted Master Plan.

The County also solicited input from ODOT, DLCD and other federal, state and local agencies by mailing them notice of the hearings on the BDLP application, together with the County Planning Department Staff Report. The agencies so notified include:

Federal: Army Corps of Engineers

State: Office of the Governor - Natural Resources Advisor

Department of Agriculture
Department of Economic Development
Department of Fish and Wildlife
Department of Forestry
Department of Geology and Mineral Industries
Department of Land Conservation and Development
Department of Parks and Recreation
Department of Transportation
Department of Water Resources
Division of State Lands
Oregon Housing & Community Services
State Health Division

Local: City of Bandon
Bandon Cranberry Water Control District
Coos County Assessor's Office
Coos County Legal Counsel
Coos County Roadmaster
Coos Forest Protective Association
Coos Soil & Water Conservation District
Cut Creek Water Improvement District
Southern Coos Health District

Other: Coos, Curry, Douglas Business Development Corporation
Coquille Tribes
The Nature Conservancy
100 Friends of Oregon

In addition, the applicant contacted the Coos-Curry Electric Cooperative and the Bandon School District and submitted for the record letters from those entities stating they have no concerns about being able to provide service to the proposed resort. In fact, of all the agencies listed above, only DLCD ever submitted anything to the County indicating the agency had any concerns about the proposed resort. As detailed above, DLCD's concerns were resolved through a process of meetings between representatives of DLCD, the applicant and the County Planning Department, development of a resort Master Plan by the applicant and subsequent modification of that Master Plan.

12.8.2.2. Part II -- Exceptions

Goal 2, Part II provides a process for departing from the strict requirements of other statewide goals in limited circumstances. Because the exceptions process is central to this application, it is discussed at length in Part 10.9, "Reasons' Goal Exception", below.

12.8.3 Goal 3 - Agricultural Lands

To preserve and maintain agricultural lands.

Goal 3 requires that:

"Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for forest products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700."

Goal 3 defines "Agricultural Land" in western Oregon as including three classes of land:

1. "Land of predominantly Class I, II, III and IV soils *** as identified in the Soil Capability Classification System of the United States Soil Conservation Service."

2. "Other lands which are suitable for farm use taking into consideration [certain factors]."

3. "Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands."

The goal excludes from the definition of "agricultural land" any "*** land within acknowledged urban growth boundaries or land within acknowledged exceptions to Goals 3 or 4".

No land within the boundaries of the Bandon Dunes site has been inventoried, planned, or zoned for agricultural use. The property includes lands which could have been so classified; however, the applicable LCDC rules allowed the county to choose between forest or agricultural plan and zone designations without having to take a goal exception to show why one designation was chosen over the other. The type of land occurring in the vicinity of the Bandon Dunes property is described generally in the Plan at 3.1 to 3.10 as "extensive areas of land on the flat, coastal plain hav[ing] Class III or IV soils where no current agricultural use is occurring and the land is under forest cover ***".

The site classes, locations, and distributions of agricultural soils on the Bandon Dunes property are shown on the Farm and Forest Soils Map (Figure 5), the Chart of Farm and Forest Soils Capability (Figure 6), and the Table of Farm and Forest Soils Capability (Table 2). No part of the site is currently farmed; no lands adjacent to the site are currently farmed. Water from Chrome Lake is used to irrigate cranberry bogs east of Highway 101, pursuant to certified water rights. This water is piped from Chrome Lake east along Randolph Road, pursuant to an easement and recently updated maintenance agreement between the applicant and the Cut Creek Water Improvement District.

Destination resort communities, golf courses, and related development are not farm or nonfarm uses that can be allowed under Goal 3. Because the Bandon Dunes site contains land that meets the Goal 3 definition of "agricultural lands" described above, and because this proposal cannot qualify for use of the statutory process for siting destination resorts without a goal exception (due to the presence of cranberry bogs in the vicinity -- see Section 12.7.1 above), an exception to Goal 3 is being taken, based on the reasons set forth in Part 10.9, "Reasons" Goal Exception Criteria, below. When approved, this exception will exempt the Bandon Dunes site from strict application of Goal 3.

12.8.4. Goal 4 - Forest Lands

To conserve forest lands for forest uses.

Goal 4 requires counties:

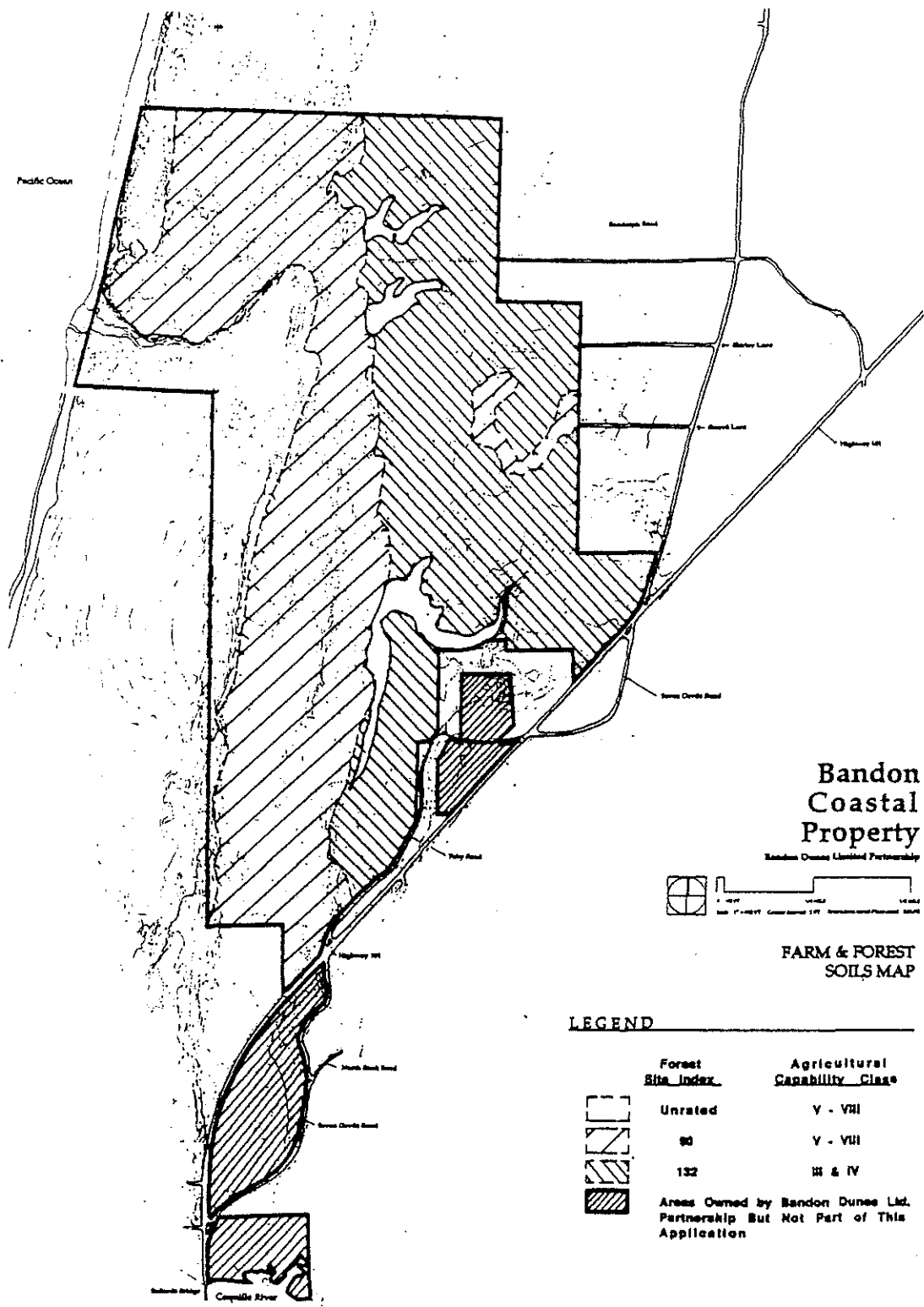
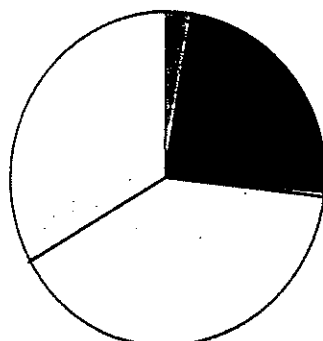


Fig. 5 Farm and Forest Soils Map

12-19a

FOREST CAPABILITY

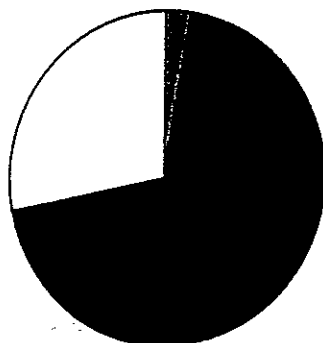
(Site Area - 1215 Ac.)



- Lakes (2.7% - 33 Ac.)
- Site Index 0 (24.1% - 292 Ac.)
- Site Index 90 (39.9% - 485 Ac.)
- Site Index 132 (33.3% - 405 Ac.)

AGRICULTURAL CAPABILITY

(Site Area - 1215 Ac.)



- Lakes (2.7% - 33 Ac.)
- Classes VI - VIII (69.8% - 839 Ac.)
- Classes I - IV (28.2% - 343 Ac.)

Data Source: Soil Survey of Coos County, Oregon; July, 1989.

Definitions:

- (1) Forest Capability refers to the Site Index Ratings used by the USDA Soil Conservation Service (SCS).
- (2) Agricultural Capability refers to the Class I through VIII system used by the SCS.

Fig. 6 Farm and Forest Soils Chart

12.-196

Table III-2: Farm & Forest Soil Capability

Soil Map Unit		Acreage	% Total	Ag Class	Forest Site Index	Ft3/ac/yr
3	Beaches	29	2.4	VIIIw	0	0
5B	Blacklock Fine Sandy Loam	17	1.4	VIw	90	79
8B	Bullards Sandy Loam	269	22.1	IIIe	132	133
8C	Bullards Sandy Loam	55	4.5	IIIe	132	133
8E	Bullards Sandy Loam	81	6.7	VIe	132	133
16	Duneland	153	12.6	VIIIe	0	0
28	Heceta Fine Sand	19	1.6	IVw	0	0
29B	Heceta-Waldport Fine Sand	68	5.6	VIIe	0	0
59D	Waldport Fine Sand	14	1.1	VIIe	90	79
59E	Waldport Fine Sand	86	7.1	VIIe	90	79
60D	Waldport-Duneland Complex	23	1.9	VIIe	0	0
61D	Waldport-Heceta Fine Sand	368	30.3	VIIe	90	79
	Lakes	33	2.7	--	--	--
Totals		1215	100			

12-19c

"To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture."

In cases like this, involving a proposed change in designation of lands acknowledged as forest lands, forest lands are defined to include:

"*** lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources."

The entire exception area is designated "Forest Lands" on the Plan Map and is included in the county's Forest Lands Inventory. The timber management potential of the site was evaluated in 1992 by Siskiyou Forest Management, Inc. It was determined that only the eastern 405 acres of the 1215-acre site have commercial forest management potential, while the western 810 acres are too sandy and windy or are in lakes. This is consistent with the forest site index of the soils on the property, as shown in Figure 4. Timber stands in the eastern portion of the property are dominated by Douglas Fir and Sitka Spruce, with co-dominant and understory stands of Grand Fir, Western Hemlock, and Port Orford Cedar. Using the methodology of the Oregon Department of Forestry, the 405 acres of the site capable of producing 133 cubic feet per acre per year are classified as Cubic Foot Site Class 5.

Destination resort communities, golf courses, and related development are not permitted forest or nonforest uses under Goal 4. Because the Bandon Dunes site contains land that meets the Goal 4 definition of "forest lands" described above, and because this proposal cannot qualify for use of the statutory process for siting destination resorts without a goal exception (due to the presence of cranberry bogs within three miles -- see Section 12.7.1 above), an exception to Goal 4 is being taken, based on the reasons set forth in Part 10.9, "Reasons' Goal Exception", below.

12.8.5. Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources

Goal 5 provides as follows:

"To conserve open space and protect natural and scenic resources."

"Programs shall be provided that will (1) insure open space, (2) protect scenic and historic areas and natural resources for future generations, and (3) promote healthy and visually attractive environments in harmony with the natural landscape character. The locations, quality and quantity of the following resources shall be inventoried: a. Land needed or desirable for open space; b. Mineral and aggregate resources; c. Energy sources; d. Fish and wildlife areas and habitats; e. Ecologically and scientifically significant natural areas, including desert areas; f. Outstanding scenic views and sites; g. Water areas, wetlands, watersheds and groundwater resources; h. Wilderness

areas; i. Historic areas, sites, structures and objects; j. Cultural areas; k. Potential and approved Oregon recreation trails; l. Potential and approved federal wild and scenic waterways and state scenic waterways."

"Where no conflicting uses for such resources have been identified, such resources shall be managed so as to preserve their original character. Where conflicting uses have been identified the economic, social, environmental and energy consequences of the conflicting uses shall be determined and programs developed to achieve the goal. ****"

The meaning and application of this complex goal are elaborated in an extensive LCDC interpretive rule (OAR Chapter 660, Division 16) and a long line of appellate decisions. *1000 Friends of Oregon v. LCDC (Tillamook Co.)*, 303 Or 430, 434-35, 737 P2d. 607 (1987), is a leading case construing both Goal 5 and its interpretive rule. In its opinion, the Oregon Supreme Court summarized Goal 5's requirements as follows:

"Goal 5 is designed to protect open spaces, scenic and historic areas and natural resources. The goal requires that local governments first inventory the location, quality and quantity of these resources (Goal 5 resources). Second, local governments must identify potential uses in each area containing Goal 5 resources that conflict with the preservation of the Goal 5 resources. The third step is to assess the economic, social, environmental and energy (ESEE) consequences of allowing or prohibiting the conflicting uses. Fourth, the local government must develop a program to protect its Goal 5 resources."

"Under OAR 660-16-010, promulgated by LCDC, the local government has three choices after making the ESEE assessment. If it concludes that the resource should be protected fully, it may prohibit the conflicting use. OAR 660-16-010(1). If, on the other hand, it concludes that the conflicting use is more important than the Goal 5 resources in the area, the conflicting use may be allowed fully. OAR 660-16-010(2). Finally, if it concludes that both the resource and the conflicting use are sufficiently important so that neither should be sacrificed entirely, it may allow the conflicting use but limit it so that the resource is protected to some extent. OAR 660-16-010(3)."

As noted by the Court, Goal 5 and its implementing rule establish their own internal mechanism for identifying and resolving conflicts involving Goal 5 resources. The basic elements of the planning and conflict resolution process established by the goal and rule can be described as follows:

1. Inventory of the resource:
 - a. Identification of the location of each identified resources.
 - b. Evaluation of the quality and quantity of each identified resource.
 - c. Determination of the significance of the identified resource.
2. Identification of uses which may conflict with a significant Goal 5 resource.

3. Assessment of the economic, social, environmental, and energy (ESEE) consequences of the conflicts on both the resource and the conflicting uses. 8

4. Development of programs to "achieve the goal" by resolving the conflicts, based on the preceding ESEE consequence assessment.

A program adopted pursuant to the above process can have three outcomes:

(1) It can prohibit the conflicting use and protect the Goal 5 resource completely.

(2) It can allow the conflicting use fully and provide only such protection for the Goal 5 resource as remains feasible.

(3) It can limit the conflicting use and provide limited protection for the resource.

The choice of any of the three above types of programs for resolving conflicts must be based on an analysis of the ESEE consequences of the conflicts. The reasons which support a local government's choice must be presented in the comprehensive plan. See *Coats v. LCDC*, 67 Or App 504, 511, 679 P2d 898 (1984).

Because Coos County's comprehensive plan and implementing regulations have been acknowledged by LCDC under ORS 197.251 as being in compliance with the Statewide Planning Goals, in this postacknowledgment Plan and ZLDO amendment proceeding the county is entitled to rely on its acknowledged inventory of Goal 5 resources in determining what resources subject to Goal 5 are present on or near the Bandon Dunes site (step 1.a through 1.c above). *Urquhart v. Lane Council of Governments*, 80 Or App 176, 721 P2d 870 (1986). The findings below demonstrate that the only Goal 5 resources inventoried by the county as being on or near the Bandon Dunes site are two gravel pits across Fahy Road from the site, six wetland areas on the site, and a groundwater aquifer underlying the western portion of the site. Because the proposed goal exception and plan/ZLDO amendments will significantly change the allowable uses affecting the wetlands and groundwater aquifer, upon which the county's acknowledged Goal 5 analysis regarding these resources was based, a new Goal 5 conflicts and protection analysis (steps 2 through 4 above) regarding these resources is required and is provided below. See *Welch v. City of Portland*, 28 Or LUBA 439, 443-44 (1994).

12.8.5.1. Land Needed or Desirable for Open Space

None of the Bandon Dunes property has been specifically identified or inventoried in the acknowledged Coos County Comprehensive Plan as needed or desirable for open space, nor is the site within the area of potential conflicts with any inventoried site. Under previous Goal 4 definitions, some open space value was noted as derivative of a "Forest" plan designation. See Statewide Planning Goals and Guidelines, March, 1980. Current Goal 4 language omits such reference and focuses on forest use plus soil, air, water and fish and wildlife resources.

12.8.5.2. Mineral and Aggregate Resources

The only identified mineral and aggregate resources on or near the Bandon Dune site are a potential for black sand in certain areas and the sand and gravel pits adjoining Highway 101 to the west, located on other parcels owned by the applicant. The Bandon Dunes site is not within the area of potential conflicts of any other inventoried mineral or aggregate site.

Black sand is listed by the Plan as a "1B" resource, which means the County has delayed the Goal 5 inventory and significance determination process until periodic review, and no special implementing measure are appropriate. OAR 660-16-000(5)(b). In any case, even if the resource is present, the applicant has no plans to exploit it and the proposed development will not interfere with its preservation for future use, as resort structures are not proposed to be located on the portions of the site indicated as having black sand potential.

Regarding the sand and gravel pits, the County's usual program for protection of such resources is to maintain the sites in their present state, except where a conflicting use is identified during implementation of the plan. A conflicting use is defined as any dwelling or other structure within 500 feet of the resource site. Plan at 5-21.

Under the Master Plan, no structures or dwellings that are part of the resort are proposed to be located within 500 feet of the sand and gravel pit sites. The applicant intends to maintain these sites in their present use until such time as reclamation becomes appropriate.

12.8.5.3. Energy Sources

Energy sources are identified in the Plan as coal and oil. Plan at 5-67. Reference to the plan "Special Considerations" map entitled "Mineral/Aggregate/Energy Resources" ⁹ shows that the Bandon Dunes site is not within an area of potential coal fields, but is within a broadly defined area within which oil and gas resources may exist. No such resources are known to exist on the Bandon Dunes site. No further Goal 5 consideration is required.

12.8.5.4. Fish and Wildlife Areas and Habitat

The Plan at 5-23a identifies as significant habitat (1) Sensitive and Peripheral Big-Game Range, and (2) Salmonid Spawning and Rearing Areas. Fish and Wildlife resources are identified on Special Consideration maps titled "Fish and Wildlife Habitat - Maps I & II". The entire Bandon Dunes site is identified on Map II as "Impacted - Little or No Habitat Value". Contrary to an opponent's claim, the Plan does not designate Round Lake as a significant wildlife habitat area. Because none of the site is Sensitive or Peripheral Big-Game Range, and no streams on or affected by the site are shown as used for anadromous fish habitat, no further Goal 5 consideration is required concerning these resources.

None of the other significant fish and wildlife resources identified in the Plan are inventoried as located on or near the Bandon Dunes site. There are no Bald Eagle nesting areas, Great Blue Heron rookeries or Pigeon mineral springs. See Application, Volume V, Appendix A (*Natural Resources Inventory Site Analysis; March, 1993*); Appendix H (*Bullards Beach State Park/Bandon Coastal Property Inventory Report; November, 1994*); Appendix I (*Wildlife*

Habitat Survey and Assessment for the Bandon Coastal Property; April, 1995); No further Goal 5 consideration is required regarding these resources.

Certain other fish and wildlife habitat resources potentially located in various parts of Coos County are listed in the Plan as "1B" (delay Goal 5 analysis) resources. These include Osprey nesting sites, certain Pigeon mineral springs, Spotted Owl nesting sites and Snowy Plover habitat. As explained above. No consideration of such "1B" resources is required as part of this postacknowledgment Plan/ZLDO amendment proceeding.

12.8.5.5. Ecologically and Scientifically Significant Natural Areas

The Plan does not list resources under this specific heading. Rather, these resources are included under other categories. See, eg., discussions elsewhere regarding wetlands and fish and wildlife habitat.

12.8.5.6. Outstanding Scenic Views and Sites

The Plan, at 5-32, discusses the "exceptional coastal experience", along with identified scenic views, and calls for management that will preserve their original character. The Plan calls for reliance on the Forest Practices Act for some protection and appears to favor multiple-use concepts, at least on State and Federal resource lands. Beginning at 3.7-1, the Plan discusses the implications of Goals 5, 17 (Coastal Shorelands) and 18 (Beaches and dunes) and then lists, in Table 1, the "outstanding scenic resources" identified for Coos County. None of the inventoried sites are on or affected by the Bandon Dunes site. Therefore, no further consideration of this Goal 5 resource is required.

12.8.5.7. Wilderness Areas

The Special Considerations maps disclose no significant wilderness areas on or near the Bandon Dunes site. Therefore, no further consideration of this Goal 5 resource is required.

12.8.5.8. Historic Areas, Sites, Structures and Objects

No areas, sites, structures or objects of historical significance on or near the Bandon Dunes site are designated by the Plan or recognized by the State Office of Historic Preservation. The only evidence in the record that sites with archaeological value may be present is a second hand report of a statement that "there were lots of [native American] camps scattered throughout the golf resort site, especially in the northwest part near Cut Creek". Although it was also report that the person making the statement is a "well known and respected archaeologist and expert on local Native American history", evidence of that persons' credentials is not found in the record. The County has chosen to rely on its own acknowledged inventory, which indicates no sites of historical significance on or near the Bandon Dunes site. In any case, development of the resort will be conducted in compliance with ORS 358.905 to 358.955 regarding Archaeological Objects and Sites, and with ORS 97.740 to 97.760 regarding protection of Indian graves and other archaeological sites of interest, to the extent those laws apply to the property.

12.8.5.9. Cultural Areas

No sites of cultural significance have been identified on or near the Bandon Dunes property. Therefore no consideration of this Goal 5 resource is required.

12.8.5.10. Potential and Approved Oregon Recreation Trails

The Special Considerations maps discloses no existing or potential Oregon Recreation Trails on or near the Bandon Dunes site. Therefore, no further consideration of this Goal 5 resource is required.

12.8.5.11. Potential and Approved Federal Wild and Scenic Waterways and State Scenic Waterways

The Special Considerations maps disclose no potential or approved federal or state scenic waterways on or near the Bandon Dunes site. The Oregon Department of Parks and Recreation has confirmed that no scenic waterway designation exists or is proposed for the lower reaches of the Coquille River in the vicinity of the Bandon Dunes site. Therefore, no further consideration of this Goal 5 resource is required.

12.8.5.12. Water Areas, Wetlands, Watersheds and Groundwater Resources

a. Water Areas (Surface Waters) None of the lakes or streams on the Bandon Dunes property are identified in the Plan as significant surface waters or potential reservoir sites. Plan at 3.6-2. See also the Special Considerations map titled "Water Resources". No further consideration of this Goal 5 resource is required.

b. Watersheds The Water Resources Special Considerations map discloses no significant watersheds on or near the Bandon Dunes property. No further consideration of this Goal 5 resource is required.

c. Groundwater Resources The Water Resources Special Considerations map shows an area designated "Approximate Extent of Dunes Aquifer" which includes roughly the Upper Marine Terrace and Dunelands management units of the site, as shown in the Master Plan at Figure 15. The Plan at 3.6-2 indicates that groundwater availability in the County has not been comprehensively mapped, but that dunal aquifers are the areas of highest estimated yield. For this reason, the groundwater resource of the Bandon Dunes property is found to be a "1C" significant" resource, as described in more detail under (1) below.

(1) Inventory of Resource The first step in the Goal 5 process involves a description of the location, quantity and quality of the resource and determination of its significance. This section sets out the essential facts regarding the groundwater resources in Coos County generally and the groundwater resource at the Bandon Dunes site in particular.

This and other information set forth below is taken from studies by Luzier Hydrosciences and by Ralph Christensen of Engineering & Geologic Resources, Inc. The Luzier study (Application, Volume V, Appendix J) was commissioned specifically as a first step in identifying water supplies, demands and management programs and was completed in April, 1993. The area studied by Luzier covers about eight square miles and includes seven watersheds. Almost

two square miles of watershed area lie east of Highway 101 and serve the existing cranberry bogs. Of the remaining six square miles, about two lie within the Bandon Dunes site, with the remaining four square miles including the terrace slopes and dunes within Bullards Beach State Park.

The Luzier study was followed up by the Christensen study, which was completed in December, 1994 (Application, Volume V, Appendix E). The Christensen Study checked the data used by Luzier, collected additional data and performed analyses to determine an overall water balance for the area. The Christensen study also provides general guidance on the method of storage, quantities to be stored, expected well yields, and a framework for the actual use of water for the proposed destination resort. The resort development program assumed in the Christensen study was identical to the Phase 1 and Phase 2 development program set forth below in Table 3. Avoidance of adverse impacts to existing water users and to the natural resources of the Bandon Dunes site was a major focus of the Christensen Study.

The Christensen study examined well logs from a 17 square mile area surrounding the Bandon Dunes site in order to broadly characterize the groundwater and aquifer characteristics of the area. However, the detailed study area for the Christensen analysis consisted of the watersheds of Cut Creek (including Chrome and Round Lakes) and Fahys Creek, along with the dune and terrace areas to the west of these watersheds. The Sevenmile Creek watershed to the east, and other nearby cranberry bog areas to the south and southeast, were included in the detailed study area only to the extent water from the Cut Creek watershed is used in these areas.

The Christensen study is supplemented by a memo prepared by Christensen in March, 1996 (Application, Volume 5, Appendix P). The memo discusses the types of groundwater resources found in Coos County and their relative significance. It also describes the design and management measures included in the Master Plan to protect the groundwater resource underlying the Bandon Dunes site.

Coos County Groundwater Resources. Coos County has four different groundwater resources that are used as sources of water by the residents of the County. These four resources are unevenly distributed across the County, and they have widely varying abilities to supply water to wells.

The most widespread groundwater resource is the bedrock aquifers. The bedrock aquifers are also the most difficult geologic formation from which to recover water. The bedrock aquifers are made up of sandstones, mudstones, siltstone, shales, conglomerates, coal layers, metamorphic and volcanic rocks. Individual wells can have production rates of upwards of 100 gallons per minute (gpm). Usually groundwater flows are low to moderate, with average flows generally 5 to 20 gpm. Not uncommonly flows are less than 5 gpm and occasionally there is no discernible flow at all (dry holes). Bedrock aquifers are found underlying nearly all of Coos County. Water quality in bedrock aquifers depends upon the type of rock. In areas with sedimentary rocks and coal deposits, host aquifers often contain water high in sulfur and iron. In contrast, volcanic rocks can have excellent water quality, with low dissolved solids and no foul tastes or odors.

The second type of groundwater resource is found along the river valleys, particularly below tide water, where there are deep unconsolidated fine grained sedimentary deposits of recent origin. Fine sediments do not supply

large quantities of water to wells. In the sediment filled river valleys high production wells are generally unknown. Well flows can be expected to be low to moderate (less than 20 gpm). The Coquille River Valley and Coos Bay are excellent examples of such river valley systems. Water quality in the sediments along the Coquille River Valley is often poor, since the sediments contain significant amounts of organic debris, which was deposited along with the sediments. As this organic debris decomposes, it releases sulfur compounds, weak organic acids, and hydrogen sulfide. The result can be unpalatable and corrosive (acid) water.

The third groundwater resource exploited in Coos County is in sand and gravel deposits in wave cut terraces. Flows tend to be moderate since quite often the sands and gravels have a significant clay and silt content, the permeable deposits are of limited thickness, and the sands can be partially cemented by iron oxides. All of these things tend to restrict groundwater flows. Where the permeable terrace deposits have a limited thickness, the terrace deposits are often exploited using sump wells, which are essentially ponds dug into the water table. Sump wells rely on gathering water from a larger surface area, rather than using a deeper drawdown to supply the same quantity of water. Therefore, a sump well will supply more water than a small diameter well constructed to the same depth. A large number of residences and agricultural users exploit the terrace sand deposits in the Bandon area either directly or indirectly. In the Bandon area, the ancient Coquille River deposited clean gravels and sandy gravels in a number of locations and depths within the terrace deposits. These layers can supply moderate to good quantities of water to wells (20 to 100+ gpm). Water quality is often affected by a high iron content and some hydrogen sulfide.

The fourth groundwater resource readily exploited in Coos County is the dunal aquifers. Dunal aquifers are found from the North Spit at Coos Bay north to the Douglas County line; north of the mouth of the Coquille River to just south of Whisky Run (the aquifer underlying the western portion of the Bandon Dunes site); and from a few miles south of Bandon to the Curry County line. These dunal aquifers represent some of the best groundwater resources in Coos County. The sand which makes up these aquifers is fairly uniform and sufficiently fine grained that these aquifers yield water at moderate to good rates (20 to 100+ gpm). The dunal sands can also be of limited vertical thickness, particularly where the dunes rest on the underlying terrace deposits or shallow bedrock. Water quality in the dunal sands is variable, but is often of poor quality, with very high dissolved iron, hydrogen sulfide, and other taste and odor problems.

Groundwater Resources at the Bandon Dunes Site. The detailed study area is drained by Cut Creek and Fahys Creek, with significant water discharges directly to the ocean through sheet flow and underflow of groundwater from land bordering the beach. The productive groundwater aquifers are the dunal sands and alluvial terrace deposits west of Chrome, Round and Fahys Lakes. ¹⁰ The underlying bedrock is very poorly permeable and does not produce significant quantities of water. A general picture of the groundwater hydrology of the Bandon Dunes site and the surrounding area is presented in the Groundwater Elevation Contours map at Figure 7, the Regional Hydrogeology Section at Figure 8, and the Regional Watershed Catchments map at Figure 9.

An annual rainfall of 4.8 feet, occurring primarily between November and April, provides 3,534 million gallons of water per year (mgy) over the Cut

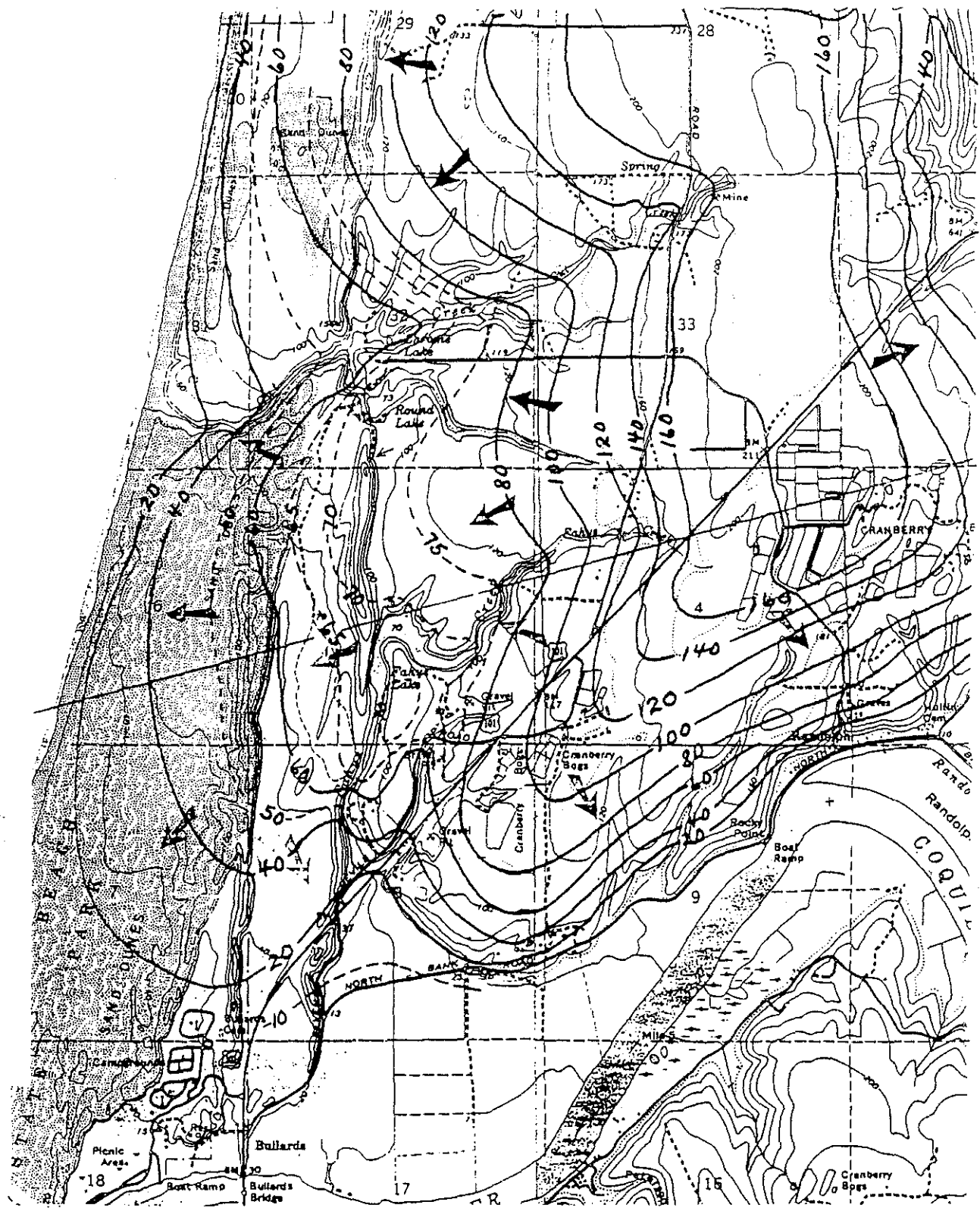


Fig. 7 Groundwater Elevation Contours

12.- 27a

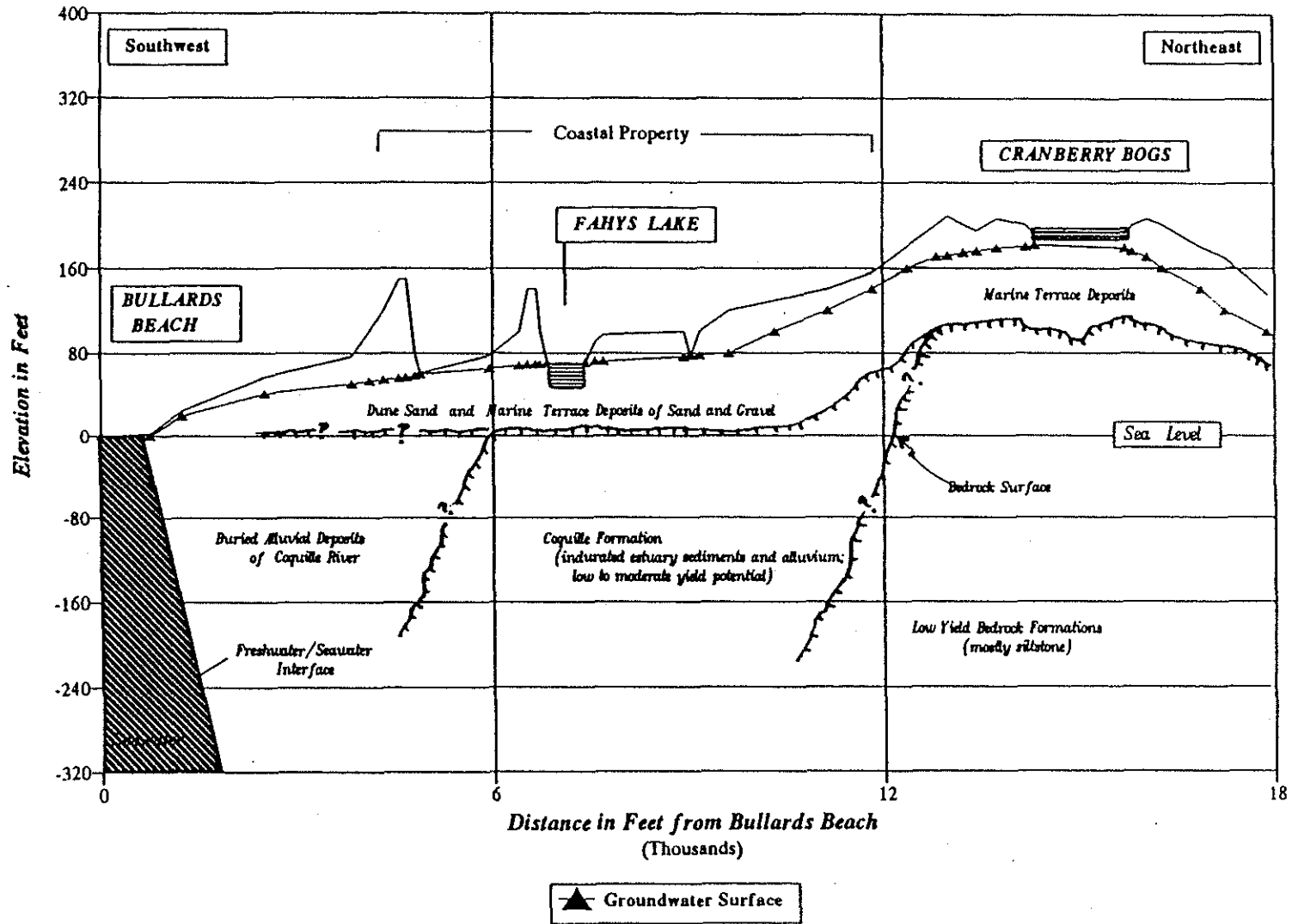
Volume I Part 3

566

Fig. 8 Regional Hydrogeology Section

12-27b

REGIONAL HYDROGEOLOGY SECTION
(Bullards Beach to Seven Mile Creek)



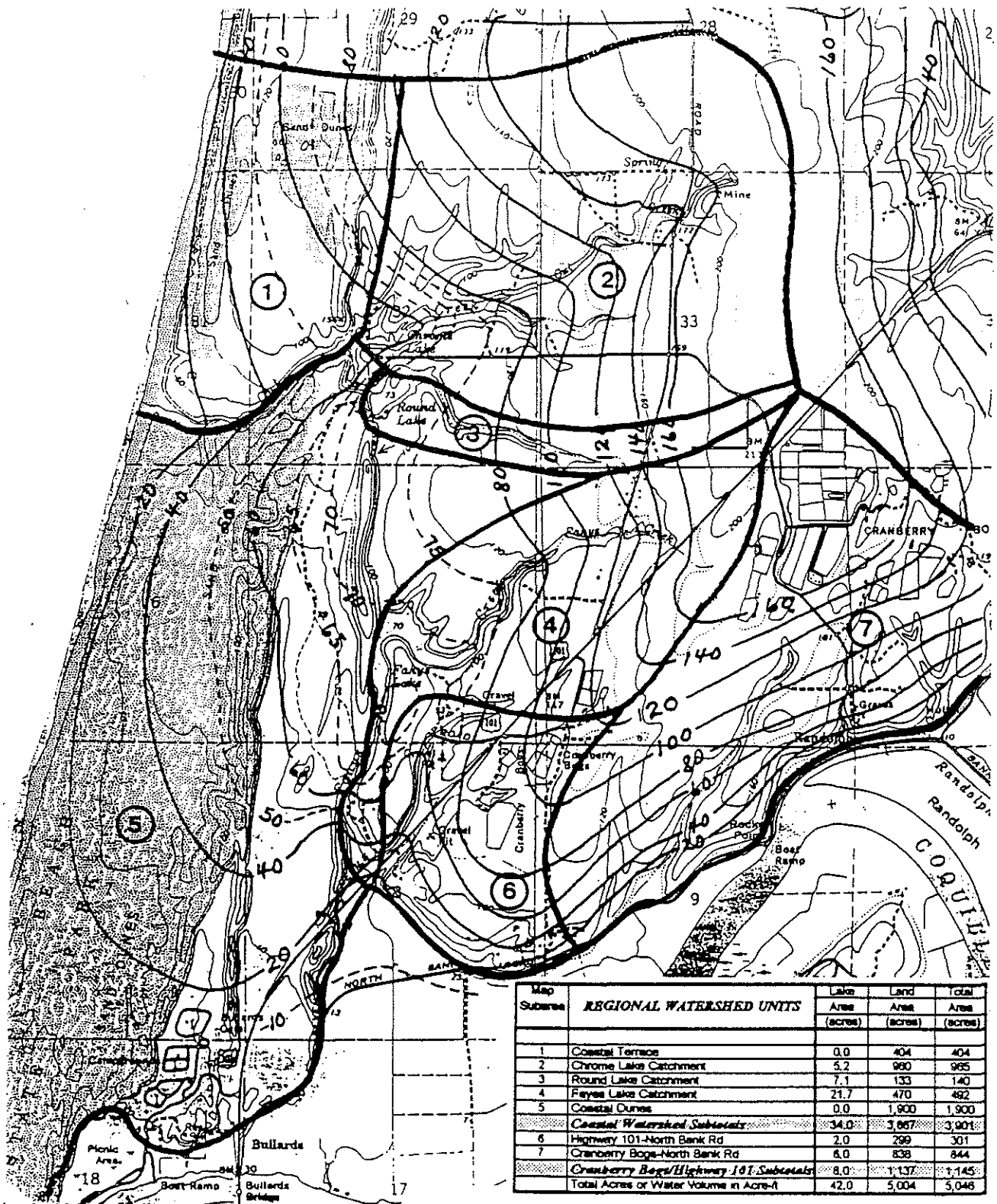


Fig. 9 Regional Watershed Catchments

12-27c

Creek and Fahys Creek watersheds and the nearby "dunes area" (an area considered usable for water capture, 1/2 mile by 2 miles, or 640 acres, to the west of the Cut Creek and Fahys Creek watersheds). Lake evaporation on the Oregon coast is about 2.0 feet per year, as measured at Coos Bay, or about 40% of the annual rainfall. Land evaporation and plant transpiration (evapotranspiration) is generally less than lake evaporation, but for the purposes of this analysis is conservatively assumed to equal lake evaporation. Therefore, total evapotranspiration in this area is assumed to be approximately 1,410 mg/y, leaving a total water supply (surface runoff plus groundwater recharge) of approximately 2,120 mg/y. If surface runoff is conservatively assumed to be 35% of the annual rainfall (1,240 mg/y), then a minimum of 25% of the annual rainfall (approximately 880 mg/y) would be available to become groundwater recharge.

However, in areas of open sandy soils, such as dunes and recently stabilized dune areas, which form a significant portion of the 640-acre dunes area west of the Cut Creek and Fahys Creek watersheds, runoff may actually be less than 10% of the annual rainfall. In such areas groundwater recharge may be 50% or more of the annual rainfall. It is estimated that about 455 mg/y of groundwater recharge (45% of annual rainfall) occurs in the 640-acre dunes area. It is also estimated that a total of 1,250 million gallons of water is stored in the shallow aquifer underlying the 640-acre dunes area.

The western side of the Bandon Dunes site is within the 640-acre dunes area referred to above. This portion of the Bandon Dunes site consists of dunes and deflation plains where water-saturated dunal sands will yield usable quantities of groundwater. Water quality in the shallow dunal sands is poor, but treatable, with high levels of iron and hydrogen sulfide. The dunal sands often sit atop layers of river deposits, some which are "clean": (low amount of silt and clay mixed in). Beneath the clean sandy gravels are silty and clayey sand deposits of probable estuarine origin. These deposits do not generally yield significant quantities of groundwater. However, explorations have revealed gravel layers at greater depths in the estuarine deposits that yield significant quantities of water.

Three exploration wells were installed in an area at least 1/4 mile from Cut Creek, Chrome Lake, Round Lake and Fahys Lake. Two of these wells confirmed the presence of the shallow gravel aquifer (30 to 50 feet below ground surface) that is commonly used as a water source in the area north of the Coquille River. Usable pumping rates were moderate (20 gpm), due to limited drawdown potential, with noticeable hydrogen sulfide odor and high iron content. The calculated hydraulic conductivity was 15 gpd/ft². The shallow aquifer will be most efficiently utilized by employing "sump wells", rather than conventional wells.

A 5-day shallow aquifer pumping test resulted in a drawdown of 20 feet at 20 gpm. Concurrent observation of water levels in seven monitoring wells and four existing wells in the area confirmed that this aquifer is partially confined and capable of supplying sufficient water without adverse impact on surrounding uses. The pumping test data, when analyzed together with rainfall and barometric pressure data currently being collected by the applicant, will yield information on the size of the sump wells needed to capture the required water. It is likely that a sump or sumps totalling up to five acres will be required to capture the necessary flow.

The third exploration well encountered a previously undiscovered gravel aquifer within silty sands beneath the shallow aquifer zone, between 107 and 117 feet below ground surface. This deep aquifer had a higher permeability of over 800 gpd/ft² at a tested pumping rate of 84 gpm. The water in this deeper aquifer appears to contain significantly less iron and, therefore, is the aquifer of choice for potable water supply. The deep aquifer is clearly distinct from the shallow aquifer, based upon a head difference of 23 feet above mean sea level (msl), compared to the 60 to 65 foot msl elevation for the shallow aquifer, and has significantly different water chemistry (lower iron content).

A 5-day pumping test, in which water levels were taken from the deep aquifer well, seven monitoring wells located between the pumping well and Cut Creek or the Interdune Valley wetland area, and four existing wells in the area, was conducted for five days of pumping and 3 days of recovery. Drawdown at the end of the pumping test was less than 25 feet. There did not appear to be a connection between the deep aquifer and shallow aquifers with high enough permeability for a measurable impact to be detected. The test shows the deep aquifer well will sustainably yield at least 45 gpm of low iron content water, without adverse impact on surrounding uses. Additional wells drilled into this or similar deep aquifers underlying this part of the Bandon Dunes site will produce sufficient water for the domestic and public water needs of the resort.

(2) Identification of Conflicting Uses There are 84 groundwater and surface water rights in the detailed study area. All existing groundwater and surface water rights in the study area have points of withdrawal or diversion within the Cut Creek and Fahys Creek watersheds. ¹¹ Existing agricultural surface water rights are for an estimated 332 mgy, primarily for irrigation, temperature control and harvesting of 340 acres of cranberry bogs. Existing domestic water rights approximate 32 mgy, leaving an unallocated surface flow (runoff) of approximately 870 mgy. ¹² No existing groundwater rights are listed for the Cut Creek watershed. Only two groundwater right applications are pending, one of which is the applicant's and is discussed below. ¹³ Downstream from Chrome Lake and Round Lake, and west of Fahys Lake, no groundwater or surface water points of diversion exist or have been applied for, except by the applicant. The dunes area west of the three lakes (Chrome, Round and Fahys) is the primary untapped water supply source in the area.

The Plan states that conflicting uses for groundwater "abound when all existing and potential users are taken into account: municipalities, farmers, domestic users, fish, recreational users, industrial users, power companies, and mining concerns". Plan at 3.6-4. Of these user groups, all but industrial users, power companies and mining concerns have an existing or potential interest in the dunal aquifer underlying the western portion of the Bandon Dunes site.

The conflicting uses for this groundwater resource can be separated into three general categories: (1) uses associated with the proposed destination resort, such as golf courses, overnight accommodations, restaurants and dwellings; (2) existing and future uses possible under the current forest plan designation and zone, including agriculture and domestic use; and (3) possible municipal use by the City of Bandon. These potential conflicting uses are described in more detail below.

Resort Use. In calculating demand for water by the approved destination resort, it is important to realize that the economic feasibility of the project depends on having a critical mix of golf course, overnight accommodation, commercial and residential uses. The projected water demand of 344 mgd is based upon the most demand-intensive use permitted under the Master Plan at build-out, as set forth in the Development Program Summary, Table 3, at p.42. The applicant has filed a groundwater permit application for 344 mgd (5.88 cfs) with the Water Resources Department (WRD).

Water needed for irrigation is conservatively estimated to be 244 mgd (300 acres at 2.5 acre-feet per acre). As the Christensen study states, standard figures for American-style golf courses substantially overstate potential water demands. Those figures are in the range of 500,000 gallons per day for 180 days for an 18-hole course. By contrast, actual water usage for links-style courses in Scotland and in the most comparable North American settings are far less. In addition, waste water disposal investigations (see also Section 12.8.11.5) suggest that treated effluent water can be disposed by spray irrigating golf course fairways and roughs, thereby further reducing the need to use additional groundwater for irrigation. Finally, a substantial portion of the treated effluent applied during the winter will recharge the groundwater aquifers.

As approved, the destination resort will include overnight accommodations, conference facilities, a golf clubhouse and pro shop, restaurant and other commercial uses. Estimated demand by these uses is 9 mgd. The resort will also include 300 recreational homes, with a projected demand of 91 mgd.

Allowing for all of the variations in seasonality, peak demand loads, and percentages of use, about 344 mgd will be required for all proposed uses, including irrigation. This can be compared to the previously estimated 455 mgd of recharge and to the estimated 1,250 million gallons of groundwater stored under the 640-acre dunes area from which the proposed destination resort will draw groundwater. The combined effect is that, in a normal year, there will be an excess of 111 million gallons of annual recharge in the dunes area and, in a dry year, the buffer provided by the ambient groundwater supply will prevent any long-term degradation of the aquifer.

Utilization of the available groundwater resources by the destination resort will be accomplished as follows:

~ If feasible, water supplies for the resort facilities (overnight accommodations, clubhouse, restaurant, etc.) and the resort dwellings (domestic water users) will come from wells drawing from the deep aquifer. Although the deep aquifer is not directly connected to surface water bodies, the Master Plan, at p.31, conservatively requires that wells drawing from the deep aquifer be placed more than 1.4 mile from any surface water body. If the deep aquifer does not yield sufficient water for domestic purposes, the shallow aquifer can be used and more extensive treatment systems installed as per Oregon State Health Division rules governing water treatment systems for municipal supply.

~ Irrigation water supplies will be developed from the shallow aquifer through the use of sump wells. A set of three sump wells from 3 to 9 acres in size will be utilized. The sump wells will be placed more than 1/4 mile from

any surface water body. See Master Plan, Fig. 11. Sump wells will allow for substantial withdrawal rates (in excess of 200 gpm) with minimal drawdowns, since the maximum flow rate will be controlled by the area of the sump exposed to the aquifer rather than depth of drawdown (as in a conventional well). The shallow aquifer will also be used to supply water for the resort facilities and resort dwellings, if use of the deep aquifer is not feasible.

~ To ensure maximum long-term groundwater supply, additional groundwater recharge will be induced by storage of water in a new reservoir (Cut Creek Storage Basin) located downstream from Chrome Lake. The additional stored water will be used to supplement stream flows in Cut Creek, to provide additional assurance of adequate water supplies in drought conditions and, if necessary, to offset the effects of withdrawing water from the shallow aquifer through sump wells on groundwater flows in the vicinity of Cut Creek.

~ It should be noted that this groundwater storage does not employ direct injection of water into the groundwater system. Instead, the storage of water in the Cut Creek Storage Basin will raise the discharge zones for the local groundwater flow, so water that normally would be lost to winter time runoff is induced to become longer term groundwater storage and flow. All recharge and groundwater storage will be by natural means.

Domestic Use. Neither the proposed use of groundwater for a destination resort, or other uses of the groundwater resource, would conflict with existing domestic uses of water in the detailed study area. Existing domestic uses of water are located in the Cut Creek and Fahys Creek watersheds, upstream or upgradient from the proposed destination resort use, and are protected by law. The only potential conflict would be with domestic use of groundwater for dwellings on the Bandon Dunes site, if it were not developed as a destination resort. Under current land use regulations, forest designated lands are subject to an 80 acre minimum lot size. Thus, the 1215-acre Bandon Dunes site could support a maximum of 15 forest dwellings. However, other applicable standards for forest dwellings would reduce the potential number to 7 or 8. Annual water consumption by a typical rural household is in the 350 to 500 gpd range. This would translate into 1.4 mgy. This is approximately 3/10 of one percent of the 455 mgy annual groundwater recharge in the dunes area.

Agricultural Use. The primary existing use of water in the detailed study area for agricultural purposes is for cranberry production. Under existing water rights held by the Cut Creek Water Improvement District (water district) and by individuals, up to 332 mgy of surface water may be withdrawn from Chrome Lake and other points in the Cut Creek and Fahy Creek watersheds. This water is applied to 340 acres of cranberry bogs in these two watersheds and in other watersheds to the south and southeast. These withdrawal points and uses are located upstream or upgradient from the proposed destination resort use, and are protected by law. The existing agricultural uses do not conflict with uses of the groundwater resource underlying the Bandon Dunes site.

The water district also has an application pending with the WRD for 313 mgy (7 cfs) from Chrome Lake to irrigate, cool and harvest an additional 320 acres of cranberry bogs (almost doubling the current acreage of cranberry bogs in the area). Obtaining this much additional water from Chrome Lake will require raising the level of the lake, by raising earthen dam that forms the lake. This would significantly increase the surface area of the lake. Although

raising Chrome Lake is not part of the approved destination resort, the Master Plan has been designed not to preclude such an action, if the water district secures WRD approval of its application. In particular, the Master Plan indicates that the four Phase 1 Chrome Lake residential lodges, and additional dwellings constructed in the vicinity of the lake during Phase 2, will be located so as not to interfere with raising the level of the lake to accommodate the cranberry growers.

The remaining potential conflicting agricultural use of the Bandon Dunes site's groundwater resource would be for use of the Bandon Dunes site itself for cranberry production. It may be more accurate to refer to this as a competing rather than conflicting use, in that the issue would be whether the owner of the site wishes to grow cranberries or to operate a destination resort. The possibility of cranberry bog use is buttressed by the fact that soils are not a limiting factor in cranberry production. Expert agronomists state that cranberry bogs can be created in a variety of locations; the limiting factors are market demand, production contract and water. Favorable climate is also important, but exists in many locations along the Washington and Oregon Coast.

Approximately 300 acres of the site contain Bullards and Blacklock soils types that have some potential for cranberry production. As explained below, the economics of cranberry production make the use of the Bandon Dunes site for this purpose highly problematic. For example, there were only 688 acres in cranberry production in all of Coos County in 1980 and only 1500 acres in all of Oregon in 1993. The industry is tightly controlled and the economics of cranberry production include high front end establishment costs of \$15,000 to \$25,000 per acre. Also, up to several feet of water per year per acre can be required depending on the cultural practices used.

Municipal use. With regard to municipal use, as noted elsewhere, neither the Bandon Dunes site itself nor the dunes aquifer underlying the western portion of the site, is inventoried by the Plan as a potential source of municipal water. On the other hand, it would be legally and technically possible to develop and use the site's groundwater resource to augment the existing sources serving the City Bandon.

(3) ESEE Consequences Analysis This section analyzes the economic, social, environmental and energy consequences of allowing 344 million gallons of groundwater per year to be used for the approved destination resort, rather than for the potentially conflicting uses of agriculture (cranberries), domestic use or municipal water for the City of Bandon.

Under the approved Master Plan, groundwater underlying the Bandon Dunes site will be used as the source of commercial and domestic water for the destination resort and as a supplemental source of irrigation water during times when wastewater reuse is inadequate to meet irrigation requirements. See Water Management Program, Master Plan, pp.37-38. Because the proposed resort development would not be possible without use of the groundwater resource, the ESEE consequences analysis set out below includes consideration of the consequences of the entire destination resort project as consequences of allowing the proposed use of the groundwater. [This reasoning is also generally applicable to the balancing assessments required by the goal exceptions process.]

Economic Consequences

Domestic use. Use of the groundwater resource to supply domestic water to forest dwellings on the Bandon Dunes site would have little or no economic consequences, except where a family conducts a home business. Forest operations on the site would be likely to occur under forest zoning, regardless of whether forest dwelling are present.

Agricultural use. The economic impacts of using groundwater underlying the Bandon Dunes site for cranberry production are difficult to assess. It is beyond the scope of this analysis to present a highly refined cost benefit picture of cranberry production. These facts are known, however:

~ Producing cranberries requires high front-end costs, estimated at between \$15,000 to \$25,000 per acre.

~ The cranberry market is tightly controlled and tied to demand. In other words, establishing cranberry bogs on the Bandon Dunes site would not guarantee that there would be a buyer for the crop.

~ There are many other locations in the area equally suited to cranberry production. Using the Bandon Dunes site for a destination resort is not depleting a scarce land resource.

~ After the first year of development, cranberry production is not a labor intensive activity. For example, the first year involves 37.6 FTE workers per acre doing such things as land clearing; land leveling; installation of ditches, irrigation and roads; weed control; planting; and harvesting. For the next three years, the need for labor drops to less than 1.0 FTE and rises to only 2.94 FTE in the fifth year, when production levels are mature. Most of this labor would be used only during the harvest season of late September and early October. It is hard to predict total employment because it is not known how many acres of cranberries the market could support. What can be stated is that the jobs would be seasonal and lower paying.

Municipal Use. The detailed economic consequences of using the Bandon Dunes site's groundwater resources for municipal use by the City of Bandon are also beyond the scope of this analysis. However, the following general principles can be stated with confidence:

~ The City of Bandon will need additional water at some point in the future. The City's current population of about 4,050 uses about 89 mgd at 60 gpd per person.

~ Technically and legally it would be possible to appropriate and develop the groundwater resource for municipal use, using some combination of shallow and deep wells. All of the water would have to be treated, however, for municipal use.

~ A major obstacle would be transporting the water from the Bandon Dunes site to the City. At present, there is no room for additional pipes on the Highway 101 bridge. This means the water main would have to be placed on the bottom of, or under, Coquille Bay. It may be more cost effective for the City to

develop a surface reservoir site which would allow delivery of water by gravity feed rather than pumping.

~ The hydrological studies demonstrate that there is sufficient water to supply the proposed destination resort. The applicant is willing to consider making any excess water available to the City. Whether there is an excess will not be known until the resort is fully operational.

Resort Use. The following information is intended to provide a more detailed picture of the specific economic impacts attributable to the proposed destination resort. Economic impacts are often described in terms of fiscal, employment and income/consumption consequences. Fiscal consequences describe public facilities and services required versus taxes and fees paid. Employment consequences look at the short term (construction phase) and long term (operations phase) direct, indirect and induced job creation. Income/consumption consequences look at money brought into the area by the resort and how that money recirculates through the local economy in the form of wages and salaries and money spent on goods and services locally compared to that which leaks out of the local economy. These effects are described in more detail below.

The destination resort project will be developed in two phases. Phase 1 will build-out in a relatively short two-year period. Phase 2 will occur over a longer period, perhaps up to ten years depending on market forces. Because of this, the economic forecasts for Phase 1 are more certain. Phase 2a will focus on the eastern portion of the site. The focus during Phase 2b will shift to development in the interdune valley area. The development phasing is summarized in Table 3.

Regarding fiscal impacts, experts in the study of destination resorts report that a resort will usually contribute 1.5 to 7.5 times as much to public revenue as it requires in the cost of public services. In this case, the demand for public services will be minimal. By definition, a destination resort will provide for adequate access from Highway 101 by constructing a realignment of the intersection of Highway 101 and Seven Devils Road and a new intersection of Highway 101 and Interdune Valley Scenic Drive (to replace the existing intersection of Highway 101 and the south end of Fahy Road). The resort will also construct and maintain all of its on-site roads. The recreational type of occupancy will result in few, if any, school children to be educated at public expense. The proposed destination resort will either have its own on-site security and fire protection services or will contract with the nearby City of Bandon. In either event, the project will pay for the services it receives.

By contrast, the destination resort will contribute greatly to public revenue. Although precise figures are not available, the general impacts can be understood by looking at examples in other jurisdictions. For example, in Deschutes County, the following figures were reported in 1992:

~ Eagle Crest: contributed \$505,000 to the Redmond School District. There were only eight year-round occupied housing units on-site -- none of which contained children.

TABLE 3: DEVELOPMENT PROGRAM SUMMARY

Phase 1 *

Residential Lodges	75 overnight units
Recreational Homes	50 dwelling units
Golf Clubhouse/Restaurant/Pro Shop	
18-hole Links Golf Course & Driving Range	
Temporary Recreation Center/Design Office	
Recreation Facilities (docks, trails, etc.)	
Cut Creek Storage Basin	
Woodland Village Road	

Phase 2a *

Residential Lodges/or Main Lodge (Hotel)	75 overnight units
Recreational Homes	225 dwelling units
Conference Center	300 person capacity
Permanent Recreation Center	
18-hole Woodland golf Course	
Mini-clubhouse/Pro Shop	
interdune Valley Scenic Drive	

Phase 2b *

Interdune Valley Recreational Homes	25 dwelling units
9-hole Interdune Valley Golf Course	

* Also included in each phase are local access roads, parking and loading areas, drainage systems, sewage and water systems and storage and maintenance facilities.

12-34a

~ Black Butte: generated only 16 out of the total of 824 children enrolled in the Sisters School District, but paid almost half of the district's total budget.

~ Sun River: generated about \$7 million in property taxes and sent fewer than 250 children to the Bend/La Pine School District.

In addition to property tax revenue generated by the resort itself, destination resorts have a positive impact on neighboring property. Generally, the effect is to increase the worth of nearby property. For those properties designated for resource use, Oregon's property tax valuation practices insure that assessment rates will remain the same so long as the property is maintained in resource use. Conversely, a positive economic impact due to appreciation will be felt by owners of nearby nonresource designated property, if they ever sell their property.

Regarding employment impacts, the proposed destination resort will provide significant employment opportunities for the local labor force, both directly at the resort itself and indirectly elsewhere in the community. Jobs will be created in two basic phases - construction and operations.

Construction employment impact project is a complex process best made by disaggregating the project into component parts, e.g., golf course, roads, sewer and water systems, residential and overnight lodging facilities, other resort construction, etc.

For some projects, most of the construction is done on-site, with a work force which starts at the beginning, stays through until completion and uses relatively little materials and services imported from off-site. Trail building might be example. For many other projects, some workers will be on-site from start to finish, whereas others will come and go in a relatively short time. For hotel construction, for example, plumbers, electricians and heating and ventilating workers are in the former category, whereas bathroom tile layers are in the latter. In some cases, component parts will be manufactured locally, but off-site, e.g. residential trusses. In other cases, such as electrical fixtures, motors, toilets, etc. the products will be manufactured outside of the region. And finally, construction activities will vary in terms of the number of jobs which will be filled from the local labor force versus those which will be filled by out-of-town transient workers.

Because of these complexities, forecasting the economic impact of a development project on the community is a less than perfect art. Information and techniques came from a variety of sources including published material such as the "Development Impact Assessment Handbook" published in 1994 by the Urban Land Institute and, equally important, from local economic development specialists, contractors and others.

The Bandon Dunes Destination Resort will exert a positive influence on local employment picture in two basic ways. First, much of the labor force will be local people who already are housed in the area. Information from the managers of two recent large-scale construction projects in Bandon indicates that at least half of the jobs can be filled by local residents. When suppliers are included, the figure jumps to three-fourths. Other workers will come from larger metropolitan areas such as Medford and Eugene. These folks

tend to be skilled specialists who are imported for a particular task and then leave. They often live in recreational vehicles stationed at local RV parks.

The second beneficial impact is that the resort project will take 10 to 12 years to build out. This means that many types of construction workers will be able to stay in residence in the community for an extended period. As noted below under "Social Consequences", this has a stabilizing effect on the community.

Specific job numbers for Phase 1 construction were developed with a variety of estimating techniques. For structures, the starting point was building square footage, which can be estimated with good precision. These figures were multiplied by square foot construction costs to arrive at total construction dollars. The dollar amounts were then multiplied by standard estimates of labor hours per \$1000 of construction cost, resulting in total construction hours. Finally, the total hours were divided by 2000 hours per year to result in full time equivalent job years (FTE job years). The use of FTE job years is helpful for comparative purposes and accounts for both part-time and full-time jobs. This technique was used for the residential lodges, recreation dwellings, pro shop, recreation center and miscellaneous storage and maintenance facilities.

Job figures for the golf course, recreation facilities (e.g., trails and docks), roads, parking lots, sewer and water systems and improvements to water features were estimated by consulting experts in those fields. The Phase 1 job estimates are summarized in Table 4.

As noted above, Phase 2 development will occur over a 10 to 12 year period, depending on market forces. As seen from the development program summary, Phase 2 will include development of 250 recreational dwellings, additional overnight accommodations, a second 18-hole golf course, and new recreation and conference facilities. With this volume of development, the community will benefit from a continuity of need for skilled labor. Construction job estimates for Phase 2 are shown in the following table, except that jobs due to construction of the additional 9-hole private golf course planned for Phase 2b have not yet been projected.

In summary, the construction jobs could amount to more than 800 FTE job years over the time the resort is built out. Depending on the nature of the work, the period of employment of any given job will last from several months to several years. Generally, the project will maintain a steady level of construction employment so as to create "permanent" construction jobs and to minimize impacts on housing and public facilities and services. Also, the impacts on the City of Bandon will be mitigated in that, for certain specialized trades which are on the job site for only a short time, the workers typically live in mobile homes and travel from job to job. These are generally the sub-contractors such as plumbers, electricians, tile installers, etc. The general contractors tend to stay on the site from beginning to end.

The employment impacts do not stop, of course, with construction. Many jobs will be created to maintain, operate and market the resort facility. Golf courses, for example, may employ between 17 and 44 FTE employees per course, according to a 1989 study of the economic impact of golf courses on the Arizona economy. (Barkley & Simmons, Contributions of the Golf Industry to

Table 4: Construction Job Creation - Phase 1

Structure/Facility	Jobs Created (FTE Job Years)
Residential Lodges	34
Golf Clubhouse/Restaurant/Pro Shop	4
Residential Units	131
Golf Course	30
Recreation Center	3
Recreation Facilities	10
Roads/utilities	25
Water Feature Improvements	15
Total	252

12.-36 a

Table 5: Construction Job Creation - Phase 2

Structure/Facility	Jobs Created (FTE Job Years)
Residential Lodges	30
Residential Units	431
New Recreation Center	4
Conference Center	10
Golf Courses	40
Roads/utilities	35
Total	550

12.-366

the Arizona Economy, University of Arizona Department of Agricultural Economics, Tech. Bul 263, 1989).

For this project, the best estimate is 25 employees for one 18-hole golf course and a total of 40 employees for two 18-hole and one 9-hole golf courses. The numbers are somewhat lower than average because of the nature of the Scottish Links course and the lower maintenance needed. These employees would hold a variety of jobs associated with administration and marketing, reservations, course maintenance, instruction, pro shop sales, and food service.

The 150 units of overnight accommodations and the restaurant will provide a variety of jobs such as department managers, marketing, accounting, secretarial and security personnel, front desk clerks, cooks, hostesses, bellpersons, maids, waiters, waitresses and building maintenance staff. A total of 70 employees can reasonably be expected, with more if banquet facilities are developed in addition to the regular restaurant. Another 10 to 20 jobs will be generated by the conference center, commercial uses, nongolf recreational facilities, etc.

The recreational dwellings provided in the resort will create jobs in both the rental and the development/sales operations. These jobs will be in reservations, sales, advertising, management, security, fire protection, utilities, road operation and maintenance, office operations, and general maintenance. In all, 35 jobs might result from this aspect of the resort.

All in all, the Bandon Dunes destination resort project will create between 140 and 175 operational jobs after construction. The diversity of jobs available will create full time and part time employment opportunities for a broad spectrum of age groups, both genders and minority groups.

To some degree, the above job projections result in a multiplier effect because of off-site jobs created in response to on-site jobs. This is more true of the projected construction employment than of the projected operational employment. The multiplier varies from region to region and job to job, but is well known to exist. On the average, 0.4 off-site jobs are created for every on-site job, producing an employment multiplier of 1.4.

During the hearing process, opponents of the resort contended the jobs projected to be created by the proposed destination resort, particularly the operation phase jobs, would not be beneficial to the local economy because of low wages in the tourism industry. It was suggested that persons holding such jobs would in fact require public subsidies for housing and social services because of the low paying nature of these jobs.

However, the County finds more persuasive, and chooses to rely upon, the testimony of Dr. Dean Runyan, an expert on the tourism and resort industry. Dr. Runyan explained that destination resorts and other "high service" elements of the tourism industry need experienced, dependable workers, and tend to hire more on a full-time, year-round basis and pay better salaries. Dr. Runyan pointed out that the new Columbia Gorge Conference Center has 18 positions that pay at least \$24,000 per year. Dr. Runyan also explained that the entry level and part-time jobs created by the tourism industry provide desirable opportunities for young people in the community who need such work in order to gain their careers and/or study, and for others in the community

who desire supplemental income. There are such persons living in Coos County now. The County does not believe that significant numbers of persons not currently living in the Bandon area will move there to take entry level operational jobs at the Bandon Dunes resort and thereafter will require public subsidies.

In addition, a persuasive real-life example of the economic impact of a destination resort is that reported by the City of Stevenson in Skamania County, Washington. That community was severely depressed due to job reductions in the timber industry. Unemployment was averaging more than 20%. After identifying tourism as a viable economic resource, a project was undertaken to develop a 155,000 square foot lodge and conference facility to meet the need for a destination resort. According to the Mayor of Stevenson, the results were "phenomenal". In the Mayor's words:

"The lodge opened in February of 1993. By the 1993 peak season more than 310 FT/PT job positions had been created by the primary beneficiary. In the first twelve months there were 44 new business start ups. In the first quarter of 1993, Skamania County was identified as the fastest growing county in taxable retail sales in Washington State. Unemployment rates plummeted to the lowest levels in decades:

July, 1992	23.9%
July, 1994	7.4%

Annual job growth is now in double digits at 12% with employment in the service sector increasing 147.6%. While services has been the main focus of new jobs, there have been spill over effects in other areas of the local economy. Even more significant is the number of local residents who are able to find employment within Skamania County as a result of the economic diversification anchored by the lodge/conference center development. In July of 1992 the County's resident employment was 1,720 and in July of 1994 local resident employment had increased to 3,730 persons. The number of county residents receiving food stamps has dropped as well. The trend is clearly in a positive direction."

Opponents have pointed out that the Columbia River Gorge Center and the City of Stevenson are located much closer to the Portland Metropolitan Area than the Bandon Dunes destination resort would be (50 miles vs. 250 miles). However, the Bandon Dunes site has its own significant advantages, including the lack of nearby competition, a location on the state's premier tourist highway, the Oregon Coast being a major interstate tourism magnet, and the fact that the Bandon Dunes destination resort will offer a unique feature in a unique setting -- an authentic Scottish Links course -- prized by golf enthusiasts worldwide, as well as multiple opportunities to enjoy the natural beauty of the southern Oregon coast in a high end resort setting.

Regarding income/consumption impacts, economic impacts include both spending and job creation. Expenditures by and at the Bandon Dunes Destination Resort, for labor, goods and services, constitute the first round of economic impacts. The total contribution can multiply as the income passes through the economy.

For example, revenues from the golf course part of the project will accrue as a result of tourist and resident spending at the courses, pro shop and restaurant (e.g., green fees, cart rental fees, tournament entry fees, golf

lessons, food and beverages). These earnings are then passed on to the staffs, local businesses and out-of-the area suppliers of goods and services to golf courses. These "direct" expenditures to local households and businesses will set in motion additional rounds of "indirect" and "induced" expenditures as the households and business undertake local purchases with the money earned from the golf facilities. This process continues indefinitely with each round becoming smaller as money leaks out of the economic stream for taxes, profits, savings and purchases outside of the area. This process results in what economists call "multipliers" which are a way of quantifying the economic impact of successive rounds of spending.

A typical income multiplier is 1.4, which is the same as the employment multiplier noted above. Precise figures are not available for the revenue contributions of golf courses in Oregon but, in an exhaustive study of 191 facilities in Arizona, it was learned that annual revenues ranged from \$683,271 to \$1,894,166 with an average of \$1,417,757 (Barkley and Simmons, supra.) Local residents were responsible for 56.1% of the spending, and 43.9% was attributable to tourists and winter residents. Here, the proportion generated by tourists and part-time residents should be higher, representing an influx of new capital into the region.

In addition to revenue, i.e. money spent at the resort, there will be the economic impact of expenditures made by the resort. here again, the Arizona study can provide some insight. Expenditures were reported in four categories. The average annual expenditures per golf course in each category were: (a) maintenance, \$96,609 (34%); (b) pro shop, \$289,000 (24%); (c) food and beverages, \$320,037 (27%); and (d) administration/clubhouse, \$176,525 (15%).

During the hearing process, opponents argued that a lower income multiplier should be used when determining the economic benefits of a destination resort, because of "high leakage" of tourist expenditures in the Pacific Northwest. Opponents contended the benefits of resort-related expenditures to the economy of Coos County would be less than projected by the applicant because services and goods would primarily be purchased outside of Coos County, suggesting that in Coos County local income from tourism is actually only 30 to 50 percent of tourist expenditures.

The opponents offer no documentation or sound evidentiary support for their suggestion that 50 to 70 percent of the expenditures on tourism in Coos County do not enter the local economy. In any case, the County does not believe that the question of degree of "leakage" is determinative of the desirability and economic benefits of a destination resort in Coos County. We agree with Dr. Runyan, who testified that "leakage" and its effect on income multipliers affect all primary industries (e.g., lumber and wood products, agriculture) in an area, not just the tourism industry. The more diverse the economy of an area, the lower the leakage that occurs when goods and services are bought elsewhere, and the higher the income multipliers. One of the County's main reasons for approving the Bandon Dunes destination resort is that it promotes the diversification of the County's economy and adds a "high end" element to the tourism industry in Coos County that is presently lacking.

Opponents also argued that the Bandon Dunes destination resort would have an adverse economic impact on the City of Bandon through competition with existing tourism businesses in the city. However, opponents provided no

evidence to support this argument, and the County disagrees with their contention.

The Bandon Dunes destination resort is supported by the Chambers of Commerce of both the City of Bandon and the Coos Bay area. Owners and operators of local tourist-related business who submitted comments during the hearing process almost unanimously supported the resort. The Bandon Dunes destination resort will fill a currently empty niche in the Coos County tourism industry by offering a world class links golf course with high end accommodations and will attract a considerable number of visitors who would not otherwise have come to Coos County. While visiting the resort, those visitors will also make side trips in the vicinity and will patronize local businesses in the Bandon area.

This strong support from the affected economic interests supports the County's conclusion that the economic impacts on local tourism and related businesses will be positive. These business people know their community and its economy. They know their businesses. Their written and oral testimony was detailed, specific and well-reasoned. They have determined that the proposed development will be a healthy and much-needed addition to the current mix of use and attractions in coastal Coos County. They are not about to support a newcomer that they think will hurt their businesses or the local economy. Their testimony in support of the project is highly persuasive.

Finally, opponents argued that the resort's effect of promoting the Coos County tourism industry would not be beneficial to the local or regional economy because it would discourage retirees, who presently contribute significantly to the County economy, from settling in the Bandon area and would mean forgoing other economic development opportunities.

The County agrees with Dr. Runyan that good quality destination resorts, with recreational amenities, such as Sun River, Black Butte, Salishan and the proposed Bandon Dunes resort, have great appeal for retirees. It is likely that a many affluent retirees will be among the people who will visit or purchase recreational homes at the Bandon Dunes resort. Contrary to the testimony of some opponents that the Bandon Dunes resort would somehow make the Bandon area less attractive for retirees, the County finds that the resort will enhance the attractiveness of the area for such people by adding an attractive recreational and residential choice which will not be visible from Bandon or Highway 101, and will be in harmony with its beautiful coastal setting.

The County also rejects the opponents' contention that developing the County's tourism industry means losing the opportunity to develop other industries. The tourism industry is compatible with other major industries, as can be seen in locations such as Central Oregon (combining tourism, manufacturing and agriculture), Columbia River Gorge (tourism, agriculture, timber) and Newport (tourism, fishing). In Central Oregon, the quality of the area, as evidenced by its tourism industry, has been successfully used as a means of attracting new manufacturing and other business development. Tourism has been selected by the Coos, Curry, Douglas Regional Board as a "Key Industry" for this region. The County believes the Bandon Dunes Destination Resort will increase the overall quality of its tourism industry and will aid it in diversifying its economy. The Bandon Dunes Destination Resort also supports the call for providing enhanced recreational opportunities promoting longer visitor stays

and greater economic benefits, which is found in the County's new draft Tourism Strategic and Implementation Plan.

Conclusions. Only time will reveal the precise contributions to the local and regional economies from the Bandon Dunes project, but, based on the above analysis the County believes the Bandon Dunes destination resort will have significant positive economic consequences by diversifying the County's economic base, promoting the County's tourism industry, generating local revenues and creating local jobs. The County believes the economic impacts on Bandon and Coos County from use of the groundwater resources at the Bandon Dunes site for a destination resort will be positive and will be greater than those attributable to using the groundwater resource for any other potential conflicting use.

Social Consequences Social consequences are defined in the Statewide Planning Goals to mean "the tangible and intangible effects upon people and their relationships with the community in which they live resulting from a particular action or decision."

Resort Use. The starting point for social consequences analysis is to examine the demographic impact of a proposed development. At full build-out, the proposed destination resort will include 150 units of overnight accommodations and 300 recreational dwellings. Assuming a 75% average annual occupancy rate with two persons/room in the overnight facilities and an average of 3.5 persons per recreational dwelling (expected because of the high number of owners/renters who will bring friends, children and grandchildren with them), there could be more than 1000 persons at the resort on a given day when the project is fully developed over the next 10 to 12 years.

Typically, there are seasonal fluctuations in resort populations. This is most extreme at mountain resorts such as those in Central Oregon, where the winter population may be only 10% of the summer peak. According to a market analysis study by Ragatz Associates (see Application, Volume V, Appendix C), with which the County concurs, the occupancy rates in overnight accommodations at the Bandon Dunes destination resort will vary from a low of 60% in January to a high of 95% in July and August. Ragatz predicts and we find that occupancy rates would be higher and more uniform than other resorts because of the more uniform coastal climate, superior location and amenities, and the recognition created by the Scottish Links style golf course. The 1000 persons noted above are assumed to represent an average summer population. The winter population is more difficult to forecast but may be less than that number, e.g. 500 to 800. These figures lump together overnight accommodations and recreational dwellings. This is justifiable in that many dwellings may be owned as fractional interests (i.e. by more than one family). Such dwellings tend to be occupied more often than typical "summer cottages" owned by only one individual or family.

It is expected that the age composition of the resort occupants will differ somewhat from that of the Coos County region as a whole. The region, in turn, differs from state averages in at least two significant ways that evolved over the past decade -- a 30% decline in population aged 15 to 24 and a 43% jump in the population aged 65 and older, while the total population remained essentially static. If current regional trends continue, Coos County will have the following population mix:

Table 6: Coos County Population Mix

<u>Age</u>	<u>% of Population</u>
0 to 14	21.4%
15 to 24	11.4%
25 to 44	28.5%
45 to 64	21.7%
65+	17.0%

However, the proposed destination resort is likely to vary from this population mix as follows:

~ There will be more people in the 45 and older age groups -- probably more than half. Most people must work and save for years to afford a recreational home in a resort development.

~ During the summer, there will probably be significant increases in the 0 to 14 age group and in the 25 to 44 year old range. This would represent owners' children and grandchildren.

Based on the above, the social consequences of allowing use of the groundwater resource for the Bandon Dunes destination resort are likely to include the following:

~ Demand for locally-financed public services will be less than that expected from a similar increase in population with a more average age distribution. For example, the owners' grandchildren who will be present in the summer will leave by mid-September and will not create a demand for school services. Because there will be relatively few year-around residents, there probably will not be the type of negative impact on school budget elections that is found, for example, in the City of Woodburn, which has a high percentage of retired permanent residents. Resort users will not be commuting daily to and from urban areas, but will tend to stay on-site except for arrivals, departures, and excursions.

~ An unusually large proportion of the money brought into the area will be imported in the form of pensions, social security, medicaid, proceeds from sales of prior homes, and investment income.

~ Demand for other governmental services will be substantially lower than the mean. As discussed earlier, much of the resort will be self-sufficient in terms of sewer, water, storm drainage and roads and walkways and will contract for police and fire protection. Some additional land development services will be demanded, e.g. building inspection, as the resort builds out. Given the greater relative affluence of the population, there will relatively be minor demands on public medical and other social services.

~ Demand for private professional services will be unusually strong. Resort users and residents will require professional services in real estate, law, accounting, finance, insurance, and medical care.

~ Resort residents and guests will generate demand for basics such as gas, groceries, and household goods as well as for fine food, gifts, artwork, clothing and personal care, book stores, sports equipment, arts and

entertainment, and travel services. Many of these businesses are already in the area because of Bandon's own changing demographics, which feature higher than average numbers of retired people and tourists. For those business which benefit from increased trade volume, the destination resort population will have a major positive impact.

~ The Bandon Dunes resort project will enlarge and diversify the region's population and should have an overall positive social impact.

In addition to the impacts of the resort and its customers and residents, the impact of the 802 FTE job year construction jobs and the 140 to 175 operational jobs, must be considered.

With regard to the construction jobs, social impacts tend to be more adverse when large construction projects import significant numbers of "outsiders" who work for a short period of time and then depart the area. These workers may have less sense of community and less concern for the community's long term welfare. However, as discussed in more detail under Employment Impacts above, this will not be the case with the Bandon Dunes resort.

First, it is important to remember the projected figure of 802 FTE job years of construction jobs does not represent 802 new jobs that will be created simultaneously for 802 individuals. Rather, these 802 FTE job years of construction jobs will exist over a 12 to 15 year period of resort build out (e.g. 550 FTE job years spread out over 10 years for Phase 2 build out would be an average of 55 full time jobs per year). Although some construction jobs will be short term specialty jobs (e.g. elevator installation), many construction jobs will span several years, so that one worker's job will encompass several FTE years and that worker will be able to reside in the community for an extended period.

Second, information from local planners, developers and economists indicates that anywhere from 50% to 75% of the construction labor force will be drawn from the local community. See Section 12.8.10 (Goal 10 - Housing). This not only means these workers will already be part of the social structure, but that the community will not have to provide them with large amounts of new housing and public facilities and services. What this project really means is that over the next 15 years, many types of construction specialists and tradespeople in the Bandon/Coos Bay/Coquille area can expect a long term economic stimulus. The related social effect is that these workers will earn living wages and be able to stay in the community long enough to be contributing members, and the project will not create a "boom-and-bust" cycle in the local economy.

The same can be said regarding the 140 to 175 ongoing operational jobs that will be created by the Bandon Dunes resort. These jobs will range from management and sales positions to greenskeeping and housekeeping. They will provide a spectrum of full-time and part-time income opportunities for all age groups in the community. As with the construction jobs, most of these jobs will be taken by people already living in the community. One opponent expressed a fear that the Bandon Dunes resort would turn the City of Bandon into "servants quarters" for the resort. However, even if half of the operational jobs were taken by newcomers, and half of those chose to live in Bandon (see Section 12.8.10), an influx of 35 to 44 such individuals and their

families would hardly be sufficient to change the social character of that city of some 4,700 persons into a "servants quarters". 14

As Dr. Runyan explained in his response to opponents' concerns, the proposed resort will provide a stable source of positions across a wide compensation range, and it will provide our young people with the kinds of entry level work that they will need to enable them to remain in the County while they achieve the schooling and other training necessary to enable them to move into family-wage positions.

Agricultural Use. Use of the available groundwater resource to put additional acres into cranberry production would result in a relatively small number of construction jobs during the first year, when the water supply system and cranberry bogs are constructed. After the first year of development, an unknown number of harvesting jobs would become available over a short, two-to-four week period in September or October. The timing of these jobs would be bad for school-age young people, which means that the employees would be either long or short term unemployed people or people from outside of the region. Neither scenario would come close to providing the long term community stability that would result from the jobs generated by the Bandon Dunes destination resort.

Domestic Use. Use of the groundwater resource for on-site domestic use by up to 15 forest dwellings would have virtually no measurable social consequences.

Municipal Use. If the groundwater resource were used for municipal use, it would be to meet water needs of the City of Bandon generated by future growth in population. Growth in a community such as Bandon is usually stimulated by job creation. Therefore, if additional jobs are created, the City at some point will need an additional water source, whether it is the aquifer underlying the Bandon Dunes site or some other source. Any social consequences experienced by the City would be due primarily to its growth in population, not to its choice of an additional water source.

Conclusions. If the opportunity to develop the Bandon Dunes Destination Resort is foregone, and the groundwater resource is used for domestic, agricultural or municipal use, then the positive social consequences due to the resort, described above, would not occur. On balance, the greater job and income security, the greater social diversity, the greater demand for arts, entertainment, high quality goods and professional services, and the boost to education financing through increased property tax revenues are all positive social consequences of allowing the groundwater to be used for the Bandon Dunes destination resort.

Environmental Consequences

Resort Use. The proposed use of the groundwater resource by the Bandon Dunes destination resort will not lead to adverse environmental consequences such as saltwater intrusion or land subsidence. Pumping extensively from deep well(s) on the site could theoretically result in saltwater intrusion into the deep aquifer. However, a 5-day pumping test from the deep aquifer showed very little draw down. See Section 12.8.5.12.c(1) (Inventory of Resource). In addition, under the proposed Master Plan, wells in the deep aquifer will be used only to provide domestic water to the site. The more extensive use of

water for irrigation will come from the shallow aquifer, which is located above sea level.

Land subsidence results when water, which is bearing some of the weight of the soil above and around it, is removed in large quantities. Subsidence occurs almost exclusively in finer soils such as silts or clays. Coarse soils, such as the sandy soils on the Bandon Dunes site, possess "grain to grain" contact of the mineral particles and, therefore, resist subsidence.

The proposed use of groundwater for the destination resort does not conflict with providing fish habitat. This is because the proposed water management program for the destination resort, which includes construction of a new reservoir on Cut Creek, and emphasizes integrated surface and groundwater management, capturing and recycling water, and streamflow and lake level maintenance, has as one of its purposes the maintenance of fish habitat values on the site, and will result in improved fish habitat values compared to the present on-site situation.

However, there is some possibility that despite the construction of the Cut Creek Storage Basin, the proposed pumping of approximately 244 mgy from the shallow aquifer for irrigation during the summer and early fall could result in lower surface flows in the delta of Cut Creek and lower water levels in the Interdune Valley Willow-Alder wetland (see also Section 12.8.5.12.D).

During the County proceedings, opponents expressed concern that construction and operation of the Bandon Dunes resort, and especially irrigation of and application of pesticides to the proposed golf courses, would result in pollution of groundwater and surface water bodies. Opponents were particularly concerned about preserving the current good water quality of Fahys Lake, which is the water source for the community water system serving Weiss Estates. Opponents feared that even if a monitoring program were instituted, it would not detect problems until after the site's water resources had become irreversibly polluted.

Opponents presented generalized documentation, primarily in the form of excerpts from state and federal agency publications and articles from various golf and environmental journals, that large amounts of fertilizers, herbicides and pesticides are used on some golf courses and that some golf courses have caused water pollution problems. However, these articles did not address conditions and practices specific to the Pacific Northwest, the Oregon Coast or the Bandon Dunes site, and they did not claim that water pollution is the inevitable result of all golf courses in all settings. In addition, opponents did not submit any expert testimony specifically directed at the Bandon Dunes site or at the plans for golf course construction, management and testing proposed by the applicant.

On the other hand, the applicant submitted convincing expert evidence which is specific to golf courses in the Pacific Northwest or to the Bandon Dunes site. For instance, in an article in the Journal of Pesticide Reform entitled Cosmetic Standards on Golf Courses, Tom Cook, Associate Professor of Horticulture at Oregon State University, explains that herbicide and pesticide use on golf courses is much lower in the Pacific Northwest, because weed, disease and insect pressures are much less than in other parts of the country, and because of our mild climate.

David and James Kidd, golf course designer and director of turf grass management, respectively, for Gleneagles Golf Developments, testified regarding how they would design and operate an authentic Scottish Links golf course at the Bandon Dunes site. They explained the course they envision at the site would require minimum grading and irrigation and would use native grasses that are not dependent on fertilizers or pesticides and are highly salt tolerant. They stated they would use recycling of organic matter and would adopt an integrated environmental management plan that would protect the site's groundwater, as the groundwater of Scotland has been protected for hundreds of years.

In addition, convincing expert testimony was presented by Dr. Charles H. Peacock, Principal Agronomic Scientist, The Turf Science Group, Inc., who is a world renowned expert on golf course management. Dr. Peacock examined the Bandon Dunes site and conferred with the applicants' golf course designer (David Kidd), turf grass manager (James Kidd) and hydrologist (Ralph Christensen). Dr. Peacock confirmed there will be few disease and pest problems at the Bandon Dunes site because of the climate and location. Dr. Peacock explained that an Integrated Pest Management (IPM) program could be designed for golf courses at the site which would minimize use of fertilizers, herbicides and pesticides. Together with hydrologist Ralph Christensen, Dr. Peacock proposed a monitoring program for the Bandon Dunes site what would include surface water, groundwater and lake sediment sampling for a variety of compounds, metals, pH, solids, turbidity, dissolved oxygen, etc. The monitoring program would include sampling to establish a baseline and sampling during and after golf course construction. In response to concerns regarding the effectiveness of such a monitoring program, Dr. Peacock replied:

**** A well planned and implemented [monitoring] program will detect materials and the source of those [materials] long before they present any health concerns, either human or environmental. Of the parameters to be monitored, pesticides detection limits will be set at concentrations well below health Advisory Levels (HALs). Nutrients will also be monitored as to a baseline condition and then to determine whether the levels are changing seasonally or as a result of management of the property. Sensitivity of detection limits for both pesticides and nutrient[s] will let the monitoring program have enough time to provide a management response for correction of problems."

Dr. Peacock concluded his testimony by stating that he believes golf courses can be built and operated on the Bandon Dunes site with no problems protecting the environmentally sensitive areas of the site and without any negative environmental impact.

The testimony of the applicant's engineers, IPM experts and golf course designers, supported by authoritative articles by experts on Pacific Northwest golf course management, established that the golf courses proposed as part of the Bandon Dunes resort will be adapted to their setting, rather than the other way around, and that the northwest climate is so hospitable to golf course grasses that the kind of intensive chemical management required in areas such as the southeast or southwest U.S. simply will not be necessary. The evidence shows that the applicant's proposed combination of setting, design, monitoring and management, carried out with appropriate protective measures [see Section 12.8.5.12.c(4) - Program for Resource Protection], will make it feasible to establish and operate the proposed golf courses on the

Bandon Dunes site without adverse consequences to the quality of surface water or groundwater on or off the site or other significant adverse environmental impacts.

Finally, there are several additional reasons why, on balance, the Bandon Dunes destination resort will be an environmental plus:

~ The proposed development is sensitive to the environmental characteristics of the site. The application is supported by a comprehensive inventory of existing site conditions and natural resources performed by a multi-discipline planning team. This thorough analysis identifies key design constraints, opportunities and land use suitability factors for various landscape units. Alternative design concepts were prepared and evaluated to ensure minimum conflict with natural resource values. The preferred design reflects a process of fitting and blending human uses into the natural landscape. The result is a design which, in the words of the design team, "capitalizes on the site's uniqueness and location while respecting the value of the site's fragile natural resources".

~ The development will reverse certain undesirable environmental conditions. These positive development actions include (a) Gorse eradication and control, (b) streamflow maintenance and other fisheries enhancement, (c) cessation of uncontrolled ORV access, (d) cessation of unregulated hunting, (e) adoption of more environmentally sensitive forestry practices, and (f) possible restoration of Snowy Plover habitat.

~ Approval of the development will add certainty that there will be no further future environmental degradation due to other activities which might be permitted under existing zoning. For example, another owner could choose to clearcut the remaining timber and do nothing to enhance threatened species habitat or control invasive exotic plant species.

Agricultural and Municipal Use. Withdrawals of groundwater for agricultural or municipal use, in quantities similar to the proposed withdrawals for resort use, would also not result in saltwater intrusion or subsidence, but would be more likely to result in lower surface flows in the Cut Creek delta, if not accompanied by construction of an additional storage basin on Cut Creek. Also, it is unlikely that withdrawals for these uses would be carried out in conjunction with an integrated plan for surface and groundwater management on the Bandon Dunes site. According to the OSU Extension Service, the secondary environmental consequences of using groundwater for cranberry production are essentially benign, in that irrigation, fertilization, pest control, harvesting or other uses of water for cranberry production will not adversely impact groundwater quality.

Domestic Use. Little or no adverse environmental consequences would likely result from use of the groundwater resource to serve up to 15 forest dwellings.

Conclusions. The positive environmental consequences of the proposed destination resort project described above would not occur if another conflicting use of the groundwater resource was fully allowed. The only potential negative consequence of the uses involving extensive withdrawals from the shallow aquifer is the possibility of lower surface flows in the Cut

Creek delta and lower water levels in the Interdune Valley Willow-Alder wetland.

Energy Consequences The energy required to pump groundwater from the aquifer for use by the proposed destination resort, for cranberry production or for municipal use by the City of Bandon would be of similar magnitudes. Using a much lesser quantity of groundwater to serve the domestic needs of up to 15 forest dwellings on the subject site would require significantly less energy for pumping. Use of the groundwater on-site, by the proposed destination resort, forest dwellings or cranberry bogs, would require less transport energy than transporting the erstwhile groundwater to off-site cranberry bogs or to the City of Bandon for municipal use.

Considerable amounts of energy, mainly from fossil fuels, would be required for construction of the proposed destination resort. It is beyond the scope of this analysis to quantify the amount required. Energy consumption during the operation phase of the resort will be minimized through the use of energy conservation techniques, as described at Section 12.8.13 (Goal 13 - Energy Conservation).

The energy consequences of using the groundwater resource for cranberry production are difficult to quantify. Certainly, fossil fuels would be used during the extensive land clearing and construction stage during which the bogs are formed. Later, during operations, certain amounts of energy consumption would be associated with fertilizer and pesticide application, irrigation, and harvesting. Finally, use of the groundwater resource underlying the Bandon Dunes site for municipal use by the City of Bandon would appear to result in greater energy consumption than if the city used a reservoir site from which water could flow by gravity, instead of being pumped.

Overall Consequences Use of the groundwater resource for domestic use by up to 15 forest dwellings on the Bandon Dunes site would have no significant ESEE consequences. The use of the groundwater resource for additional cranberry bogs or for municipal use by the City of Bandon would have some positive economic and social consequences, but would also have some potential for adverse environmental consequences on the surface flows in the Cut Creek delta and the water levels in the Interdune Valley wetland. Use of the groundwater for municipal use by the City of Bandon or off-site cranberry bogs would have the most negative energy consequences. Use of the groundwater for the proposed Bandon Dunes destination resort would have by far the greatest positive economic and social consequences. Resort use would also have less possibility of a negative environmental consequence on surface flows in the Cut Creek delta and water levels in the Interdune Valley wetland, because it would be carried out in conjunction with construction of the Cut Creek Storage Basin and in conjunction with implementation of an integrated plan for management of the surface and groundwater resources of the site.

(4) Program for Resource Protection Based on the above analysis of conflicting uses for the groundwater resource and their consequences, the County has decided to allow the proposed destination resort use, as a "3C" "limit conflicting uses" program under OAR 660-16-010(3). The destination resort use will be limited by the resort Master Plan and goal exception statement, both of which are adopted as part of the county comprehensive plan, and by the BDR zoning district applied to the Bandon Dunes

site. The following text is a description of the measures limiting adverse impacts on the groundwater resource included in or reflected by the Master Plan and BDR zone.

Under the Master Plan, the resort is laid out with overnight accommodations and dwellings clustered so that much of the area of the resort is available for natural groundwater recharge. Thus, broad areas with a high percentage of low permeability areas are avoided. All street, parking lot, and roof runoff will be directed to adjacent swales so that it also can contribute to recharge. Storm water runoff will not be collected but will be dispersed instead. The swales will be designed as bio-swales for treatment of any storm water runoff.

The sewage treatment system for the resort facility is designed to greatly reduce nutrients and treat the water until it is human contact safe. The water will then be distributed over the entire Scottish Links golf course where, after passing through the ground, it will discharge to the ocean. The loading on the links course will be less than 0.05 gallons (8/10 of a cup) per day per square foot. Though the water will be of excellent quality, some final polishing of the water will occur at the ground surface. As additional golf courses are added to the resort they will be incorporated into the waste water disposal system to further disperse the water and to avoid over watering the links course. Use of treated sewage effluent for golf course irrigation will reduce the amount of groundwater withdrawn from the shallow aquifer for irrigation purposes.

Groundwater will be further protected by the use of landscape/golf course management plans that incorporate integrated pest management (IPM) practices and resource conservation ideals into the maintenance of resort landscaping and the operation and maintenance of the golf courses. The Phase 1 Scottish Links style golf course is naturally well suited to minimization of human intervention. Maintenance of the other golf courses will also minimize the use of water, nutrients, and pesticides. Zoned irrigation systems with soil moisture sensors will minimize water application. Spot applications of agricultural chemicals will be used rather than broadcast applications. Applications will be based upon actual problem identification rather than as a pre-emptive application. Biological controls, such as the use of New Zealand spider mites for Gorse control, will be used whenever possible. In addition, experimental Gorse removal techniques using saline water are being conducted in the area and are being monitored for possible incorporation into environmentally sensitive management practices for water, nutrient and pesticide application that will be utilized at the Bandon Dunes resort.

During the hearing process, opponents expressed concerns that simply requiring IPM techniques to be used in golf course management would not ensure adequate protection against pollution. Opponents argued that the goals of any IPM plan must be defined to include prevention of pollution, that all three proposed golf courses (not just the Scottish Links course) must be built and managed to prevent pollution and there must be adequate means to ensure that homeowners and residents of the resort comply with restrictions on landscape maintenance.

The adopted Master Plan and BDR zone were modified during the hearing process to respond to the concerns described above. The Master Plan, at pp. 57-59, sets out specific principles for golf course and landscape design supporting a sustainable resource management approach. Both the Master Plan and BDR zone

provisions requiring landscape/golf course management plans specify the goal of such management plans will be to reduce the use of water, fertilizers and pesticides. See Master Plan, p.58; Section 4.10.065.B of the BDR zone. Both the Master Plan and BDR zone require that such plans be prepared as part of the final development plans for all resort golf course and residential, commercial and recreational development landscaping. Finally, both require that covenants and restrictions ensuring compliance with the landscape/golf course management plans be imposed on persons leasing or purchasing residential or commercial property within the resort. Master Plan, p.59; Section 4.10.065.C.3 of the BDR zone.

In addition, well(s) for withdrawing water from the deep aquifer for domestic use will be located more than 1/4 mile from the existing streams and lakes and fully down gradient of any other water users. No other water users utilize this groundwater source. By using the deep aquifer for the domestic water supply, the resort's total impact on the site's aquifers can be spread both laterally and vertically.

Sump wells will be used to provide irrigation water to supplement the use of treated waste water. The sump wells will also be located more than 1/4 mile from the existing streams and lakes and down gradient from all other water right holders. By picking this water up in a sump well it is possible to spread the area of capture so that drawdowns are minimized and thus the impact of this water collection is reduced or eliminated from any nearby water bodies.

A reservoir will be constructed on Cut Creek immediately downstream from Chrome Lake. This new storage basin is designed primarily to raise the water table in its vicinity by raising the level at which groundwater discharges. This will cause natural recharge to accumulate to a higher elevation in the water table, and thus more recharge will be stored during the rainy winter months. This excess groundwater will then discharge through the sand into Cut Creek, below the reservoir, during the summer months. This will augment Cut Creek's summer flows and mitigate adverse impacts on groundwater flow into Cut Creek due to removing water from the shallow aquifer via the sump wells.

However, to further protect the riparian resources in the Cut Creek delta and the Interdune Valley Willow-Alder wetland from any possible effects of groundwater removal, the Master Plan requires that the groundwater levels in these areas be monitored and that a mitigation plan be instituted if adverse effects occur. Monitoring can be accomplished by placing piezometers between the well field and the delta or wetland. If significant negative impacts are observed, some of the possible mitigation measures that might be used include modifying sump well construction, changing points of withdrawal, modifying well pumping schedules, direct discharging of a portion of the groundwater removed, increasing groundwater storage and increasing water recycling.

Finally, the management unit guidelines in the Master Plan, especially those for the duneland and wetlands management units, include measures designed to protect the groundwater resource underlying the Bandon Dunes site.

d. Wetlands

(1) Inventory of Resource The Plan Special Considerations Map titled "Fish & Wildlife Habitat - Map II" (Map II) constitutes the Plan's

acknowledged Goal 5 inventory of wetland resources. Map II indicates there are six inventoried wetland areas on or near the Bandon Dunes site. See Figure 10. These areas are:

- ~ Cut Creek delta upstream of its outfall to the Pacific Ocean
- ~ Areas along two streams emptying into Chrome Lake.
- ~ Lily pond on the watercourse leading from Round Lake to Cut Creek.
- ~ An area along a stream emptying into Round Lake.
- ~ Willow-Alder wetland near the west edge of the Interdune Valley.

The acknowledged Plan treats wetlands shown on Map II as inventoried "1C" Goal 5 resources. A brief description of each area follows:

Cut Creek Delta This area is an emergent freshwater wetland which has established itself on a built-up sand terrace. The sand terrace was initially formed by the deposition of logs and other material washed in by the tides. Subsequently, this material created a barrier, and deposits from Cut Creek raised the ground level about 6 to 8 feet above the level of the beach. This area is principally populated by a mixture of riparian grasses, including bulrush (*Scripus* sp.), rush (*Juncus* sp.) and sedge (*Carex* sp.). However, this area has been invaded by Gorse and European Beach Grass. Currently, just enough water flows through the delta to keep bush species from becoming dominant. The area is an important area for wildlife, although investigations by the Oregon Department of Fish and Wildlife (ODFW) indicate there are no anadromous fish populations which use Cut Creek.

Chrome Lake Inlet Streams Two streams flow into the present lake -- one from the north and another from the east. These areas were classified as Willow-Alder type wetlands in the Vegetation Survey undertaken as part of the Bandon Coastal Property Natural Resources Inventory and Site Analysis (Application, Volume V, Appendix A). Hooker's Willow (*Salix hookeriana*) is ubiquitous in these areas, with alder (*Alnus rubra*) forming an overstory canopy. The herbaceous layer is rich in terms of species and cover value. Slough Sedge (*Carex Obnupta*) and skunk cabbage (*Lysichitum americanum*) are the largest dominants. Both these areas have high scenic and wildlife habitat values.

Lily Pond Area A small pond about one acre in surface area exists midway on the watercourse that leads from Round Lake to Cut Creek to the north. The Lily pond was created by a beaver dam and is not a stable feature. During high water flows, the beaver dam is subject to blow-outs. The most recent blow-out occurred during the winter of 1995, during which the water level in the Lily pond dropped 4 to 6 feet. A portion of the pond's surface is covered with Lily pads (*Brasenia schrebera*). Dominant vegetation is Slough Sedge (*Carex obnupta*) and alder (*Alnus rubra*), with some Hooker's Willow (*Salix hookeriana*). The herbaceous layer is dominated sedge, and skunk cabbage is also present. This area has high wildlife habitat value.

Round Lake Inlet Stream This area is located along a stream that flows into the northeast end of Round Lake. This area is a Willow-Alder type wetland, and is similar in vegetation characteristics to the wetlands associated with the Chrome Lake inlet streams. This area also has similar high wildlife

habitat values, but its scenic values are much lower than the Chrome Lake inlet stream wetlands. An approximately 200 foot stretch of the inlet stream immediately upstream of Round Lake, and the associated wetlands, are not included in the Bandon Dunes site (see Fig. 1 property boundary delineation).
15

Interdune Valley Willow-Alder Area Geologically, this area is a younger stabilized dune. Previously this area was a deflation plain which has become depressed relative to a more active dune that is on higher topography to the west. The wetland area has developed along the toe of a steep slope which forms a natural catchment. A high water table and modifications to the natural drainage pattern that occurred when Highway 101 was constructed in the 1950's have resulted in the formation of a linear wetland feature. This area is about one mile in length on a north-south axis, and varies in width from about 100-150 feet to about 300-400 feet. Dominant vegetation is Hooker's Willow (*Salix hookeriana*), alder (*Alnus rubra*) and Slough Sedge (*Carex obnupta*). The herbaceous layer is rich in species and cover value. The area also has high wildlife habitat value.

(2) Identification of Conflicting Uses the conflicting uses for these wetlands can be separated into two general categories: (1) existing and future uses possible under the current forest plan designation and zone, including forest dwellings and forest operations; and (2) uses associated with the proposed destination resort, such as withdrawal of groundwater and commercial, recreational and residential development. The following text describes these potential conflicting uses in more detail.

Continued Forest Use Continued use of the Bandon Dunes site under the current forest zoning could result in conflicts with preservation of the inventoried wetlands due to environmental damage and degradation associated with timber harvesting operations. OAR Chapter 629, Division 645, which implements the State Forest Practices Act, imposes certain limitations on timber harvest operations conducted in the vicinity of wetlands designated "significant" by the ODOF under OAR 629-56-310. These limitations include establishing a riparian management area extending 100 feet from such wetlands, retaining approximately 50% of the original live trees, limiting disturbances of understory vegetation and protecting soil from disturbances that impair water quality. However, on-site enforcement of these rules is problematic, and riparian wetlands are often adversely affected by indiscriminate operation of mechanized equipment or falling timber.

An important consideration is the fact that selective timber removal at this site is difficult primarily because of the soil conditions. Selective cutting would open up the tree canopy to ocean winds which would result in significant occurrence of "wind-downed" timber. Because of this, future timber harvesting would use clear cutting operations. In addition, site soil and climatic conditions will retard the re-establishment and regrowth of new timber stands, as the previous landowners found out when they tried to establish new trees by planting conifer seedlings on the upper marine terrace area. Therefore, timber harvesting would likely result in major portions of the site being subject to erosion which could result in the degradation of wetland areas, especially the wetlands in the interdune valley and along upland streams associated with the coastal lakes.

Resort Use Many potential conflicts between wetlands and resort uses were avoided early in the site planning process. Natural resources with high conservation values were identified and designated as areas to be designated as Natural Resource Conservation Areas in the Master Plan and/or were designated by the Master Plan to eventually become part of the over 50% of the resort site dedicated as permanent open space. Potential conflicts between natural resource such as wetlands and proposed recreation, resort and residential uses were identified in the site inventory/analysis stage. The selection of a preferred concept plan from several alternative development approaches reflected an attempt to minimize such conflicts.

Cut Creek Delta. The Master Plan designates this area as a Natural Resource Conservation Area and part of the resort's Open Space system. See Fig. 4; Master Plan, Figs. 4 and 8. No elements of resort utilities or infrastructure are proposed to be located in this area. In addition, this area will be placed in the NR-1 (Cut Creek Delta) subzone of the BDR zone, which will essentially allow only wetland and wildlife habitat mitigation and restoration activities and low-intensity recreational uses. The only potential conflict between resort use and this wetland area is that proposed withdrawal of groundwater from the shallow aquifer by sump wells could reduce the surface flows of Cut Creek in this delta. See also Section 12.8.5.12.c(3).

Chrome Lake Inlet Streams. The Master Plan includes these areas in the Woodland Buffer -- forest/Lakeshore Habitat area designated as a Natural Resource Conservation Area and in the resort's Open Space system. See Fig. 4; Master Plan, Figs. 4 and 8. No elements of resort utilities or infrastructure are proposed to be located in these areas. In addition, these areas will be placed in the NR-5 (Woodland Buffer) subzone of the BDR zone, which will allow essentially only wetland and wildlife habitat mitigation and restoration activities and low-intensity recreational uses. Nevertheless, there could be a conflict if residential uses in the resort village center (RVC subzone) are located too close to these wetlands. The Conservation, Recreation and Resort Development Concept Plan (Figure 3; Master Plan, Figure 2) indicates two residential lodge/single-family dwellings and two clusters of attached townhouses will be located south of the stream entering Chrome Lake from the east.

Lily Pond Area. The Lily pond area is not designated as a Natural Resource Conservation Area by the Master Plan, but is designated for dedication as permanent open space. See Fig. 4; Master Plan, Figs. 4 and 8. It is within the RVC (Resort Village Center) development subzone. Potential conflicting uses include the Conference Center proposed to be located on the east side of the Lily pond, and roadways proposed to cross the water course leading from Round Lake to Cut Creek both above and below the Lily pond. However, the road crossing of the watercourse just downstream from the Lily pond should not really be considered a conflicting use, as it provides an opportunity to permanently stabilize this unstable impoundment created by a beaver dam and prevent future sudden changes in the water level of the Lily pond wetland area.

Round Lake Inlet Stream. This wetland area is not designated as a Natural Resource Conservation Area by the Master Plan, but is designated for dedication as permanent open space. See Fig. 4; Master Plan, Figs. 4 and 8. It is within the GR-2 (Woodland Lakes Golf Course/Residential Area) development subzone. The Concept Plan (Figure 3) and Road Network Map (Master

Plan, Figure 10) indicate the only resort use located to the north of this wetland will be a local access street approximately 300 feet north of the wetland. However, the Concept Plan also indicates that a recreational home cluster and golf fairways will be located fairly close to the south side of this wetland and, therefore, should be considered potential conflicting uses.

Interdune Valley Willow-Alder Wetland. The Master Plan includes this wetland in the Interdune Valley Lowlands -- Wetland/Forest Habitat Natural Resource Conservation Area and in the resort's Open Space system. See Fig. 4; Master Plan, Figs. 4 and 8. This area will be placed in the NR-8 (Interdune Valley Lowlands) natural resource subzone which, with one exception, will allow only wetland and wildlife habitat mitigation and restoration activities and low-intensity recreational uses. The exception is utility facilities, and the Master Plan's Water Supply Map (Master Plan, Figure 11) indicates the northern end of this wetland is a possible location for one or more deep aquifer wells. In addition, the Concept Plan (Figure 3) and Road Network Map (Master Plan, Figure 10) indicate a collector street, Interdune Valley Scenic Drive, will be located near the eastern edge of the northern half of this wetland.

Another potential conflict is that the shallow aquifer sump well field adjoins the eastern side of the northern half of this wetland. See Master Plan, Figure 11. It is possible that pumping groundwater from the shallow aquifer could lower water levels in this wetland area, if pumping occurs when the water table is saturated and overflow is evidenced as surface water. Two key factors will affect whether a conflict occurs. First, the season when groundwater withdrawal occurs; and second, the period of time during which the withdrawal occurs. No conflict will occur if withdrawal occurs when the surface waters have naturally receded, which happens by the late spring. Furthermore, if the pumping can be scheduled in such a way as to allow localized affected wetlands to naturally recharge themselves from the water table, then wetland vegetation and values will not be adversely affected.

In fact, this is what occurs during the natural annual hydrologic cycle for this and other wetlands on the Bandon Dunes site. Late winter and early spring rains stimulate and nourish regrowth of the wetland vegetation, replacing inundated wetland areas. As summer approaches, existing water levels recede, exposing more lush areas of sedge, rush and other associated plant material. In the fall, some of these plants die back or are subject to partial inundation as water tables rise again due to natural rainfall. Furthermore, such wetlands are subject to natural cycles of drought and continued high water tables.

(3) ESEE Consequences Analysis

Economic Consequences The use of groundwater that could possibly cause conflicts with water levels in the Cut Creek Delta and Interdune Valley wetlands is essential to the development of a destination resort on the subject site. The Conference Center, which will be located adjacent to the Lily pond wetland, is an essential component of such a destination resort. The significant positive economic consequences of allowing a destination resort to be developed on the Bandon Dunes site are set out in detail in Section 12.8.5.12.c(3). In addition, allowing resort dwellings to be constructed too close to the Chrome Lake Inlet Streams wetlands could result in precluding any future raising of the water level in Chrome Lake by the Cut Creek Water Improvement District and the economic benefits that would result

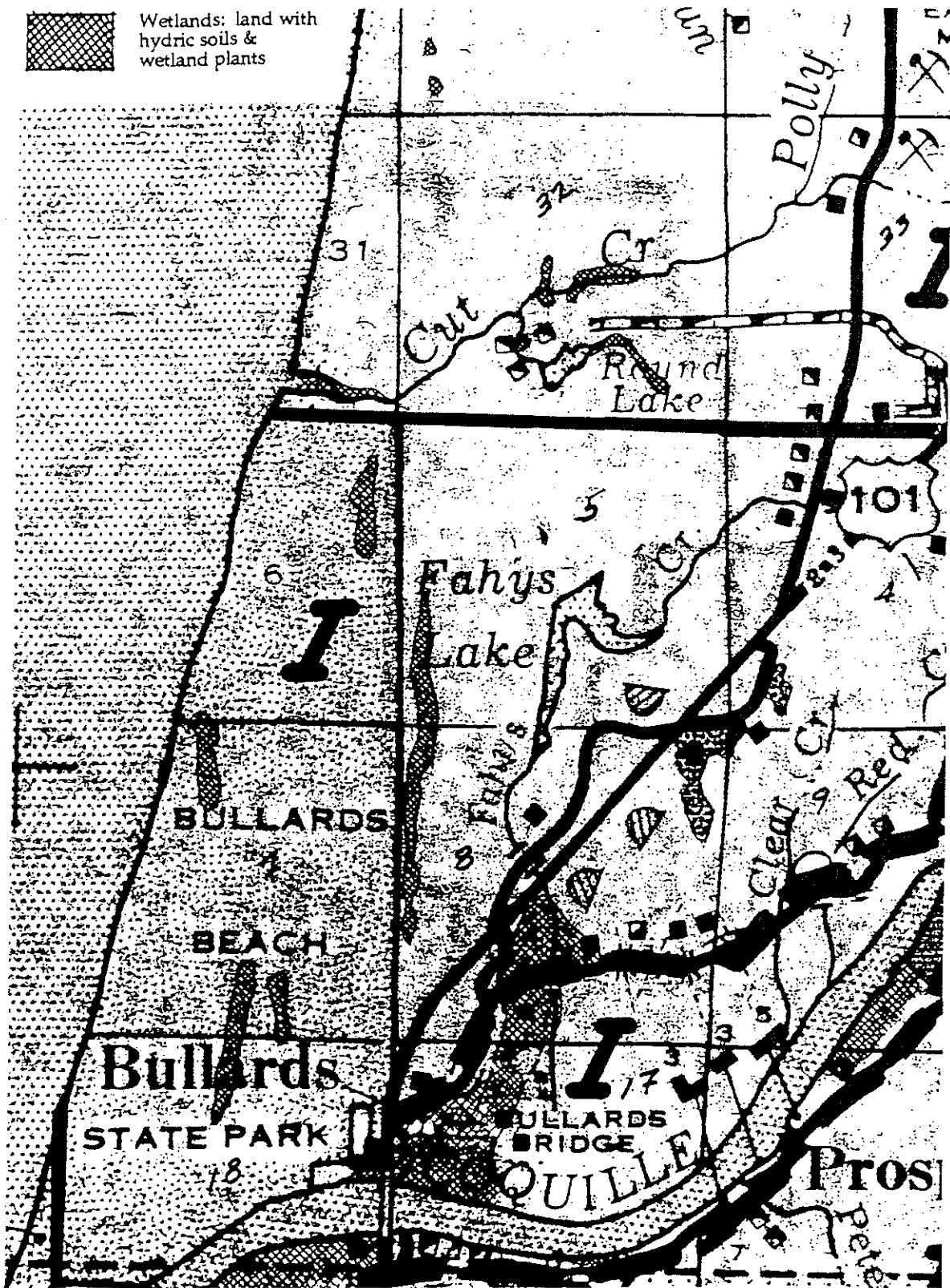


Fig. 10 Fish & Wildlife Habitat -- Map II

12.- 54a

Volume I Part 3

599

from using additional water from Chrome Lake to serve an additional 320 acres of cranberry bogs.

The economic consequences of allowing the site to continue to be used for forestry purposes under the current forest zoning would be minor. Over time, a small number of jobs would be generated by timber operations and construction of up to 15 forest dwellings on the site.

Social Consequences The social consequences of allowing a destination resort to be developed on the subject site are set out in detail in Section 12.8.5.12.c(3). Allowing the site to continue to be used for forestry purposes would have no significant social consequences.

Environmental Consequences

Forest Use. Wetland vegetation could be damaged by indiscriminate operation of mechanized equipment or falling timber. Erosion due to clearcutting would likely result in degradation of wetland areas, particularly the Chrome Lake Inlet Streams, Round Lake Inlet Stream and Interdune Valley wetlands.

Resort Use.

~ Cut Creek Delta and Interdune Valley Willow-Alder Wetlands. If there are impacts on the Cut Creek and Interdune Valley Willow-Alder wetlands due to groundwater withdrawal from sump wells associated with the shallow aquifer system, such impacts will vary according to the season. Flows in the Cut Creek Delta and natural water tables in the Interdune Valley Willow-Alder wetland are normally highest in the months of November to March. However, since the sump wells drawing on the shallow aquifer will primarily be used as a source for golf course irrigation water, which is only needed in late spring, summer and sometimes early fall, no adverse effects on these wetlands are anticipated due to this pumping activity. By late spring or early summer, the surface waters in these two wetland areas have already receded significantly as part of the natural hydrological cycle.

Cut Creek does continue to have natural flows in the summer. If flow is reduced due to groundwater pumping and the existing surface water level in the delta is lowered, the principle environmental impact would be a loss of some existing vegetation at the fringe of the wetland. This might give Gorse vegetation a slight edge in competition but, under no circumstances, except for an extended natural drought, would this result in a fundamental change in the natural wetland character of the Cut Creek Delta. Only a major event, such as a breaching of the narrow foredune, could significantly alter the Cut Creek Delta by removing the log jam and sand deposition terrace that has built up behind this barrier.

~ Chrome Lake Inlet Streams. Since these wetlands include some of the best scenic resources among the existing riparian environments of the site, dwellings have been sited near them to take advantage of the background scenic value. However, locating resort dwellings too close to these wetlands could adversely affect their scenic and habitat values.

~ Lily Pond Area. If not properly managed, construction of the Conference Center and the road crossings above and below this wetland could adversely

affect the wetland due to erosion, removal of riparian vegetation or altering the water level in the Lily pond itself.

~ Round Lake Inlet Stream. There will be no adverse environmental impact on this wetland due to the presence of a local access road approximately 300 to 400 feet to the north, as all runoff from that road will be directed into bio-swales. Location of dwellings and golf fairways too close to the south side of this wetland could have adverse environmental impacts if erosion and/or runoff containing fertilizers or pesticides were allowed to enter the wetland.

~ Interdune Valley Willow-Alder Wetland. Siting a conventional well to withdraw water from the deep aquifer in this wetland area should have little or no adverse environmental consequences, as there is no hydraulic connection between the deep and shallow aquifers. A well can be drilled, and a pump installed, with little disturbance of the wetland. Siting the Interdune Valley Scenic Drive along the eastern edge of this wetland should have few adverse environmental impacts, as all runoff from the road will be directed into a bio-swale and will not be allowed to reach the wetland.

Energy Consequences The energy consequences associated with the general construction and long-term operation of the proposed destination resort, associated residential development, and groundwater withdrawal and pumping are addressed in Section 12.8.5.12.c(3). Continuing timber harvesting operations permitted under the existing forest zoning would consume fossil fuels. However, this would be a short to medium term expenditure of energy, followed by a long period of little energy expenditure, as the operator(s) attempted to re-establish timber resources on the site.

Overall Consequences Allowing the site to remain in forest use would have relatively minor economic benefits, but could have serious adverse environmental consequences on the inventoried wetlands, due to erosion and equipment damage caused by clearcutting operations. Allowing the site to be used as a destination resort would have enormous positive economic benefits, but could have some negative environmental impacts on the inventoried wetlands, such as reduced water levels, erosion from construction or contamination from surface runoff, unless special care is taken in developing resort uses near these wetlands.

(4) Program for Resource Protection Based on the above analysis of conflicting uses of the inventoried wetlands and their consequences, the County has decided to allow the proposed destination resort use, as a "3C" "limit conflicting uses" program under OAR 660-16-010(3). The destination resort use will be limited by the resort Master Plan and goal exception statement, both of which are adopted as part of the county comprehensive plan, and by the BDR zoning district applied to the Bandon Dunes site. The following text is a description of the measures included in or reflected by the Master Plan and BDR zone that will limit adverse impacts on the inventoried wetlands. 16

Cut Creek Delta and Interdune Valley Willow-Alder Wetland The watering schedule for the golf courses will be designed so irrigation activities can be scheduled intermittently and at alternative times during the week, to minimize the need for peak pumping periods. This approach will also allow water tables to recover during off-pumping periods. To assure efficient use and conservation of the shallow aquifer, irrigation water will be applied at

controlled rates. On-going hydrological investigations, testing and monitoring will be carried out and submitted to concerned regulatory agencies, e.g., the Water Resources Department. In addition, the Master Plan requires that the groundwater levels in these wetland areas be monitored and that a mitigation plan be instituted if adverse effects occur. Monitoring can be accomplished by placing piezometers between the well field and the delta or wetland. If significant negative impacts are observed, some of the possible mitigation measures that might be used include modifying sump well construction, changing points of withdrawal, modifying well pumping schedules, direct discharging of a portion of the groundwater removed, increasing groundwater storage and increasing water recycling.

Chrome Lake Inlet Streams Since these wetlands include some of the most scenic riparian resources on the Bandon Dunes site, residential buildings have been sited nearby to take advantage of their scenic value. However, it is important that these residential structures not be located too close to the wetlands, both for environmental reasons and because preservation of these resources is of the utmost importance in marketing the residential aspect of the resort. However, the Coastal Shorelands Boundary, as amended, will not allow residential structures to be placed within 100 feet of the inlet stream's entrance to Chrome Lake. Also, the residential structures shown on the Concept Map as being located south of the eastern inlet stream will have to be sited at least 100 feet from the wetland to avoid precluding a future raising of the level of Chrome Lake to facilitate use of additional surface water for agricultural purposes by the Cut Creek Water Improvement District.

¹⁷ See also Section 12.8.5.12.c(2). In addition, the riparian vegetation protection standard of the BDR zone does not allow riparian vegetation within 100 feet of these wetlands to be removed, except in certain limited circumstances, and prohibits removal of protected riparian vegetation to provide enhanced views of Chrome Lake. It also prohibits lawns within 50 feet of these wetlands. Finally, at the time of final development plan approval for the residential areas adjacent to these wetlands, a landscape management plan that reduces as much as possible the chemicals loading and transport of nutrients, sediment and pesticides will be required.

Lily Pond Area Since this area was damaged during high water flows during the winter of 1995, a wetland resource mitigation, restoration and enhancement program will be implemented at this location as part of the proposed Master Plan. This area is also a prime candidate for wetland mitigation projects required due to construction of the Cut Creek Storage basin. See Application, Volume 5, Appendix O. Potential conflicts between this wetland and the proposed Conference Center building can be minimized or eliminated by the provision of an elevated deck which will not disturb the wetlands. In addition, construction activities related to the Conference Center will include appropriate erosion control and management measures to protect wetland resources. Finally, as described above, the BDR zone riparian vegetation protection standard will not allow riparian vegetation within 100 feet of the Lily pond wetland to be removed, except in certain limited circumstances, and imposes other safeguards. Once again, the BDR zone will require a landscape management plan at the time of final development plan approval for this area.

Round Lake Inlet Stream Construction activities related to the cluster of residences south of this wetland will include appropriate erosion control and management measures to protect wetland resources. Also, as mentioned above, the riparian vegetation protection standard of the BDR zone will not allow

riparian vegetation within 100 feet of this wetland to be removed, except in certain limited circumstances. These limited circumstances do not include construction of residences or golf courses. Under the BDR zone, the final development plan for this area of the resort must include a management plan for the landscaping and golf course. Such a management plan must be designed to minimize the use of irrigation, fertilizers, herbicides and pesticides.

Interdune Valley Willow-Alder Wetland To assure all existing wetland features are protected, the final alignment for the Interdune Valley Scenic Drive will be determined in the field, with the participation of the applicant's wetland specialist. The applicant will concurrently prepare additional detailed wetland mapping that will be submitted to the Division of State Lands (DSL) and US Army Corps of Engineers (ACOE). 18

12.8.6. Goal 6 - Air, Water and Land Resources Quality

To maintain and improve the quality of air, water and land resources of the state.

12.8.6.1. Air

The Bandon Dunes site is not located in or near a federal nonattainment area. No foreseeable aspects of the Bandon Dunes project will invoke the need for state or federal air quality permits. If a 150-room hotel is constructed, its parking lot would be exempt under current standards. No uses proposed in the Master Plan will violate or threaten to violate Department of Environmental Quality (DEQ) noise standards.

12.8.6.2. Water

A groundwater extraction permit from the WRD is needed for the water to be used by the proposed resort for domestic, commercial and irrigation purposes. Discussion of the water source and proposed water system is found in Sections 12.8.5.12.d and 12.8.11.6. Neither the WRD nor DEQ requires permits for the application of chemicals to golf courses or landscaping. The person who conducts the application, however, must be licensed. The applicant will minimize the use of fertilizers, pesticides and herbicides on the golf courses. As explained in more detail in Section 12.8.5.12.c(3) and (4), the landscape/golf course management plans and monitoring program required by the BDR zone will ensure that the quality of the groundwater underlying the site, as well as that of the site's lakes and streams, is not lowered.

Treatment of sewage from the resort will be regulated by DEQ. A Water Pollution Control Facility (WPCF) permit will be required for the discharge of the effluent produced by the sewage treatment system. Standards for the quality of the effluent will be adopted as part of the WPCF permit process. The proposed sewage treatment system will have no difficulty producing effluent that satisfies such standards. Soils on the site are suitable for spray irrigation of treated effluent. Additional discussion of the sewage treatment system is found in Section 12.8.11.5.

12.8.6.3. Land Resources

There are no foreseeable solid waste or other contaminants from this project which will require any sort of environmental permit. This proposal, in both

its design and management, will restore and maintain the quality of this unique tract of land.

In summary, this proposal raises few, if any, Goal 6 issues. No Goal 6 problem areas were identified by the County as part of its plan acknowledgement inventory process. Any and all required permits will be obtained as part of the further processing of this project.

12.8.7. Goal 7 - Areas Subject to Natural Disaster and Hazards

To protect life and property from natural disasters and hazards.

The only natural hazard on the Bandon Dunes site inventoried on the Plan Special Considerations Map entitled "Natural Hazards" is an area along the ocean, north of Cut Creek, that is labeled "wind erosion/deposition". This area includes the ocean beaches and western edge of the marine terrace deposit, including the irregular bluffs above the beaches (Map Units 1 and 8C described below). Under the Master Plan, at p.13, no development will occur on or west of the edge of the bluffs and no buildings, structures or golf course green or tee improvements will be located within 25 feet from the bluff's edge. The only development located to the east of this 25-foot buffer area will be the Scottish Links golf course.

Even though there are no other natural hazards areas on the Bandon Dunes site officially designated by the Plan, the applicant performed a detailed site-specific analysis of the limitations of various portions of the site for development and used this information in developing its resort proposal and choosing a design for the proposed resort. The applicant's Bandon Dunes planning team began with an analysis of existing background information such as soils and geological studies, dunes studies and aerial photographs taken at different times. This was followed by field surveys of the surrounding area to gain an understanding of the local landscape and geological setting. The final step was detailed, on-foot examination of the Bandon Dunes site to inventory specific conditions, features, opportunities, problems and potential development hazards, and mitigation measures. The results were then mapped and were instrumental in preparation of the resort Master Plan. See "Geological Landscape Units Map" following page 24 of the Natural Resources Inventory/Site Analysis (Application, Volume V, Appendix A).

The following summary of recommendations from the Site Analysis illustrates the design process used by the Bandon Dunes planning team to protect life and property from natural disasters and hazards. Comparison of the Site Analysis data and the Master Plan reveals that the limitations of each map unit were influential in shaping many aspects of the resort, including the arrangement of land uses, design of water supply and sewage treatment systems and identification of management units and management unit guidelines.

Map Unit 1: Ocean Beach

Limitations:

- Oregon Beach Bill excludes development.
- Tidal influence, including flooding, erosion and potential tsunami events.
- Wind erosion and deposition.

Mitigation:

Designate as nonbuildable.

Map Unit 2: Active Foredune

Limitations:

Ocean erosion and flooding, including potential tsunami events.
Wind erosion and deposition where vegetation is disturbed.
Beach grass prone to wildfire in summer.
Possible black sands at unknown depths.
Possible compressible soil at unknown depths.

Mitigation:

Shoreline protection for new development not allowed.
Not likely to increase size naturally; not practicable to augment artificially.
Low cost structures, such as board walks and viewing platforms might be possible.

Map Unit 3: Cut Creek Delta

Limitations:

Ocean erosion, wind erosion and sand deposition in the western half of delta area.
High wetland values.
Stream flooding, erosion and deposition from tidal actions and stream flushing.

Mitigation:

Consider nonbuildable except for low cost facilities such as trails, boardwalks and foot bridges.

Map Unit 4: Recent, Wet Deflation Plain

Limitations:

Shallow water tables, high potential for ponding.
Potential ocean flooding from storm surges and tsunami events.
Severely limited for septic tank sewage disposal systems.
Possible compressible soils at shallow depths.
Fire hazard in upland, dry beachgrass areas.

Mitigation:

Development on ridges and hillocks appears feasible; development in low, semi-wet areas subject to drainage improvements and mitigation if existing wetlands are disturbed.
Providing protection from potential ocean flooding and erosion could be difficult and expensive.

Map Unit 5: Active and Conditionally Stable Dunes - Undifferentiated

(Note: This unit includes both areas of active, unvegetated sand and areas of conditionally stable dunes covered with European Beachgrass. Without wildfire or human intervention, the area will continue to be colonized by the beachgrass. The remaining active sand dunes will diminish and eventually

disappear in the next few decades, being replaced by conditionally stable dunes with succession plant species.)

Limitations:

- Shifting sands in active dune areas; potential reactivation of conditionally stable dunes.
- Steep sloped dunes along northerly and easterly edges of the map unit are unsuitable for foot traffic without degradation of scenic value.
- Because of soil permeability, development for active recreation could possibly cause groundwater contamination from fertilizers.

Mitigation:

- Active dune areas will require at least partial stabilization before or in conjunction with development.
- Conditionally stable areas must be protected from wind erosion and stabilized after any disturbance.
- Local groundwater sources need to be protected from contamination.

Map Unit 6: Younger Stabilized Interdune Areas

Limitations:

- Unconsolidated sand below the thin topsoil is prone to wind erosion.
- Shallow groundwater and potential ponding will limit development.
- Compressible soils possible at the surface and at known depths.
- Permeable sands and shallow groundwater could severely limit the use of septic tank sewage disposal systems.

Mitigation:

- Wetland areas are considered off-limits for all but essential development or alteration.
- Where the top surface is disturbed, restabilization measures will be used to prevent wind erosion.

Map Unit 7: Younger Stabilized Dunes

Limitations:

- Map Unit 7B has steep slopes with moderate to severe limitations for grading.
- Existing vegetation soil conditions are fragile.
- The underlying, unconsolidated sand is prone to wind erosion.

Mitigation:

- Steep slopes should be avoided or development minimized; careful design and mitigation will be required.
- Prevailing winds need to be carefully considered during detailed site planning and design for all structures.

Map Unit 8: Marine Terrace Deposit

Limitations:

- No severe limitations to general land development.
- Stream erosion can cause instability of adjacent slopes.
- Suitability for septic tank sewage disposal is site specific, but generally moderate to good depending on the density of

development. Some well contamination has been reported in this formation.

Mitigation:

Grading activities on steep slopes may require costly engineering. Development guidelines for Unit 8C should include setbacks in response to the influence of ground and surface water on bluff and cliff retreat and stability.

Map Unit 9: Marine Terrace Deposit Mantled by Dune Sand

Limitations:

Similar to Map Units 5, 6 and 7. Potential limitations regarding shallow groundwater adversely affecting excavations and septic effluent disposal.

Mitigation:

Similar to Map Units 5, 6 and 7. The potential for shallow groundwater needs further investigation.

Map Unit 10: Swales - Locally Wet

Limitations:

Shallow groundwater and wetlands areas which will require delineation if disturbed. This soil condition is subject to moderate wind blow outs and erosion.

Mitigation:

Drainage functions within the swales should not be disrupted, but some alteration might be considered if the environmental setting is not adversely affected.

Map Unit 11: Lake and Stream Valley Bottoms

Limitations:

Severe development restrictions due to wetlands, shallow groundwater conditions, potential flooding and soft, compressible soils.

Mitigation:

Generally, these areas should be avoided. Where disturbance is necessary, creation or restoration of compensating wetlands will probably be a requirement.

Map Unit 12: Coquille River Floodplain and Wetlands

(Note: This portion of the site consists of wetland and floodplain environments. Resources, limitations and mitigation are similar to Map Unit 11.)

Map Unit D: Disturbed Areas

(Note: These areas are caused by past and present excavation and filling. Each area is unique and will require further investigation in response to specific development proposals for each area.)

Conclusions. The Master Plan and BDR zone have successfully been designed to avoid locating development in areas where life and property could be endangered by natural hazards. A few of many examples are (1) placement of structures to avoid tidal inundation or stream corridor runoff, (2) placement of structures to avoid possible erosion of the terrace bluffs north of Cut Creek, (3) consideration of many factors affecting dune stabilization and destabilization in the placement of golf course facilities, and (4) avoidance of steep sloped areas on the North and South Ridges which have vegetative cover but may be susceptible to sand blowouts. See also findings in Section 12.7.6 addressing tsunami inundation zone requirements.

12.8.8. Goal 8 - Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts.

This goal requires planning for recreation areas, facilities and opportunities, including destination resorts, in appropriate proportions and in such quantity and locations as is consistent with the availability of resources. As noted in Section 12.7.1, this proposal satisfies the requirements of ORS 197.445 for being considered a "destination resort".

12.8.9. Goal 9 - Economic Development

To diversify and improve the economy of the state.

This goal requires that urban areas and implement policies that "diversify and improve the economy of the state". The goal also requires local plans and policies to "contribute to a stable and healthy economy in all regions of the state". By "diversity", the goal means to increase the "variety, type, scale and location of business, industrial and commercial activities".

Economic impacts are often analyzed and described in three separate categories as follows:

"Fiscal impacts" refers to the demand for public services versus the capacity to pay through taxes or fees. On this score the Bandon Dunes resort rates high. It is largely self-contained as to water, sewerage, streets and walkways and storm drainage. It will generate little need for school services and will generate large amounts of revenue via local property taxes. Police and fire protection will be provided by the resort or under a contract which reimburses local government for its costs.

"Employment impacts" refers to the creation of jobs and training opportunities. The project will create about 800 FTE job years during the construction phase and 140 to 175 FTE permanent jobs related to operation of the resort.

"Income impacts" refers to the infusion of money into the local economy either directly in terms of wages paid and products and services purchased, or indirectly as spent by others and measured by economic multipliers. By this measure, the project is an economic benefit which will contribute more than \$1,000,000 annually to the local economy.

Also, the resort will assist to the County in fulfilling its economic goals as set forth in the Coos, Curry, Douglas Regional Strategy Plan and incorporated into the Coos County Comprehensive Plan.

For a full discussion of the fiscal, employment and income benefits of the Bandon Dunes resort, see the Goal 5 economic consequences analysis at pages 41-49 above. Discussion of the benefit to local and regional economic goals is found in Section 12.10.13.4 below.

12.8.10. Goal 10 - Housing

To provide for the housing needs of the citizens of the state.

The Housing Goal requires that "buildable lands for residential use shall be inventoried", and that the county's plan "shall encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density".

The term "buildable lands" means lands in urban and urbanizable areas that are suitable, available and necessary for residential uses. ORS 197.295(1). Because urban and urbanizable lands are located only within urban growth boundaries (UGBs), Goal 10 has no effect on residential development outside UGBs. *Osborne v. Lane Cty.*, 5 Or LUBA 172, 191 (1982). To the extent that the recreational housing provided by the proposed destination resort might be considered urban, its location outside a UGB is addressed in the section of this report dealing with an exception to certain Statewide Planning Goals, including Goal 14 (Urbanization).

The effect of the Bandon Dunes destination resort project on housing demand and supply due to the jobs generated by the project must also be considered. This effect is complex and is inter-related with issues concerning the availability of buildable land and urban facilities and services.

A first step in measuring the effect of a development is to analyze the employment demands and resultant impact on local population growth. For example, the rapid construction and mobilization of a military base in an isolated, small community would have a far different impact than the moderate accretion of small business growth on a large metropolitan community. As explained below, the Bandon Dunes project fits somewhere in between these two extremes.

There are two key aspects to the employment analysis. One is the number of jobs created over time, and the other is the existing supply of skills and training in the local labor pool. As noted above, the Bandon Dunes project will generate in the range of 140 to 175 jobs in the operations phase and approximately 800 FTE job years in construction over a 10 to 15 year period. Because the construction jobs will last over a long time period, they can be treated as permanent jobs for the purpose of analyzing housing needs. To deal with the maximum impact, this analysis will assume the high end of the range, ie. that 975 new jobs will be generated over the ten year period. ¹⁹

Regarding the local labor pool, there is abundant evidence from developers, Chambers of Commerce and employment specialists indicating that a project built in the Bandon area will benefit from a substantial pool of well trained,

diversely skilled workers. Estimates are that between 50% and 75% of the workers needed to construct and operate a large-scale project will come from the local area. "Local area" means the Coos Bay/North Bend-Coquille-Bandon triangle. Information from the 1990 Census of Population indicates that 80% of the people in Coos County reside in that area. The same percentage applies to the work force. Total county population between 16 and 65 years of age was 36,342 in 1990. Population for the same age cohort in the Bandon, Coquille and Eastside Census County Divisions was 29,312 (80.6%).

Labor pool statistics from the Oregon State Employment Division confirm the stories of a substantial local labor supply. One measurement is unemployment, which ranged between 14.4% and 8.3% during the 1984 to 1994 period. Comparable figures for the entire state are 11.5% and 5.4%, and for the nation, 9.7% and 5.3%.

Oregon unemployment statistics are based on household sampling, with adjustments for actual unemployment insurance claims. They tend to underestimate the actual pool of qualified people who desire employment. A more accurate and detailed look at the local labor force comes from the list of actual job applicants compiled by the Employment Department. While these statistics may include some double counting, i.e. when one person applies for more than one occupational category, they tend to accurately reflect the number who are earnestly seeking employment.

Figures available for 1993-94 indicated a total of 10,840 job applicants county-wide. Adjusting those numbers for the local area indicates 8,672 job applicants (80% of the county total). Not all of those job seekers, of course, would match up with the type of jobs to be created by construction and operation of the Bandon Dunes resort. Many, however, would. The following table lists some of the relevant categories and the number of job seekers in each.

Table 7: Occupation and Number of Job Applicants

July, 1993 to June, 1994

Inspectors	33
Repair	168
Electronics Repair & Install	156
Precisions Repair	45
Electricians	40
Masons	39
Painters	78
Floor & Carpet Installation	8
Heavy Construction	25
Other Construction	181
Earth Movers	30
Machine Tool Trades	60
Wood Machine Trades	14
Wood Products Mfg.	96
Assemblers	150
Construction Helpers	21
Misc. Hand Laborers	334

Source: Workforce Analysis Section, Oregon Employment Department.

It is safe, in fact conservative, to assume that half of the 975 new jobs will be filled by people in the local labor force who are already housed. This leaves 487 new jobs to be accounted for. Based on the anecdotal evidence noted above, a certain percentage of the work will be performed by specialists from out of the area no matter what the local employment situation. These might be employees who come to install equipment purchased from their firm, or workers in some highly specialized trade found only in larger metropolitan areas. For this analysis it is assumed that 20% (195 jobs) will be in this category. These workers do not impact the local housing supply because, predominately, they either live in recreational vehicles/mobile homes or seek short-term rental housing.

The remaining 30% (292 jobs) represent jobs to be filled by new residents of the area. It is further assumed that one dwelling unit will be required per job because it is unlikely that in very many families two or more people will be employed by the destination resort. It could happen, but not in significant numbers.

The next step in measuring housing impact is to allocate the new jobs among the communities in the area and over time.

There is much evidence from public agencies and others to the effect that many people live in one town and work in another in the Bandon, Coquille, Coos Bay/North Bend area. That situation existed before this project was conceived and will likely exist after it is completed, barring a major hike in transportation costs and change in lifestyle choices.

Given that reality, if a new development was located equal distant from the three city areas, employment would be drawn from each in proportion to the population mass. For example, Coos Bay/North Bend, which has about 80% of the area's population, would likely house 80% of the new employees who will reside inside urban areas. The project is, however, located much closer to Bandon; this requires a weighting of employee residences toward the Bandon side of the area.

Also, a choice was made to shift the balance between urban and rural residency. Currently about 20% of the population lives in rural areas. Because of the policy directions in Oregon's land use laws, it was assumed that only 10% of the new employees would reside in rural areas. After consultation with local experts in transportation, land use and employment, the following distribution was found to be reasonable:

Table 8: Place of Residence of New Employees

<u>Location</u>	<u>Percentage</u>	<u>Number</u>
Rural	10%	29
Coos Bay/North Bend	43%	126
Bandon	41%	120
Coquille	<u>6%</u>	<u>17</u>

These numbers then provide a basis for looking at the supply of buildable land available in each of the communities over time and for making an assessment as to whether the impact of this project can be met with ease or difficulty.

Earlier, the time factor was mentioned. That is, will housing for 292 new families need to be provided in one year, two years or ten years. The best estimate is that the first phase of the project will build out in two to three years, with the remainder to follow over 10 to 12 years, depending on market conditions. This fact alone suggests much of the new housing would need to be provided in the first two to three years. Mitigating against this assumption is the fact there are significant numbers of unemployed, qualified workers in the labor force. It is likely the first jobs would go to them and only as the project takes roots and becomes well known, will new workers be attracted to the area. It is therefore assumed that new housing will be needed in even amounts each year.

Bandon, for example, could be expected to absorb about 10 to 12 dwellings per year, Coos Bay/North Bend about the same number, etc. A review of local land use and public facilities plans indicates that these numbers are well within the amount of population growth contemplated by each of the communities.

Bandon's current comprehensive plan, for example, contemplates adding more than 570 households between 1990 and 2000. This amounts to 57 households per year, roughly 5 times the amount projected to be attributable to the Bandon Dunes resort. Similar increases are planned in the other urban areas. While most of these plans are in some phase of update, and the numbers could change, demand created by the Bandon Dunes project. In fact, when city officials in each of the communities were asked whether projects such as the Bandon Dunes resort were assumed in their growth projections, they all answered in the affirmative.

In summary, the Bandon Dunes resort will stimulate growth in jobs, population and housing demand, but at a rate well within the ability of the area to accommodate.

12.8.11. Goal 11 - Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Goal 11 defines a "timely, orderly and efficient arrangement of public facilities and services" as "a system or plan that coordinates the type, location, and delivery of public facilities and services in a manner that best supports the existing and proposed land uses". Goal 11 specifically lists police protection, fire protection, sewer services, storm drainage facilities, planning and zoning, health services, recreation facilities and services, energy and communication services and community governmental services as matters of concern.

12.8.11.1. Transportation

Transportation issues are addressed in Section 12.8.12 below concerning Statewide Planning Goal 12 (Transportation) and the Transportation Planning Rule.

12.8.11.2. Police

Police protection will be provided either by a resort security force or by contract with the City of Bandon.

12.8.11.3. Fire Protection

Fire protection will be provided using trained resort personnel and equipment, and through contract services and equipment from the Coos County Forest Fire Patrol and Bandon City Fire Department, all in accordance with a master fire safety and management plan to be approved by the office of the Fire Marshall. See also Section 12.8.11.6 below. Existing lakes and water features, proposed water storage areas and water features in golf course areas will comprise a system of water supply sources for fire suppression and control.

12.8.11.4. Health Facilities

First aid will be provided by trained resort personnel. Ambulance service is available from Bay Cities Medical Supply in Bandon. Medical facilities available in nearby Bandon include the Bandon Medical Group and the Bandon Community Based Clinic (Department of Veterans Affairs). The area is also served by a substantial medical community in Coos Bay/North Bend and Coquille. The Bay Area Hospital in Coos Bay provides the full range of hospital inpatient and outpatient services, including critical/intermediate care, 24-hour emergency services, home health care, hospices care, partial and short-stay hospitalization, radiology, rehabilitation, respiratory care, surgery, maternity, oncology, and radiation therapy. The Master Plan and BDR zone will allow an emergency medical facility (not to exceed 500 sq. ft.) and a landing site for emergency helicopter transport to be located in the RVC subzone.

12.8.11.5. Sanitary Waste Disposal

a. Location of Facilities Figure 12 of the Master Plan (Sewage Facilities) presents a schematic layout of the sewage collection force mains and the proposed location of Phase 1 and 2 sewage treatment plants. The initial sewage treatment facility will be located near the north end of the Bandon Dunes site, east of the North Ridge. This facility will serve all Phase 1 development, expansion of the resort village center and major portions of the development associated with the Phase 2 golf course and associated residential development. This area is visually contained and separated from major site facilities, yet close enough to the Phase 1 resort facilities and Scottish Links golf course to keep initial infrastructure costs to a reasonable level. Phase 1 sewage facilities will be located on topographic conditions well above the elevation of existing lakes and natural drainage corridors. This fact, together with the use of waterproof liners for all wastewater treatment facilities built into the ground will assure maximum protection of groundwater resources.

A second treatment area may be required for Phase 2. An optional sewage treatment plant site has been designated in the Master Plan for this eventuality. Located in the southern portion of the site and directly

accessible from Interdune Valley Scenic Drive, this site could conveniently serve development in the Interdune Valley Village and South Fahy Lake Village areas, with disposal of treated effluent in nearby constructed wetlands.

b. Waste Treatment System The proposed sewage treatment system will be developed as a private system. It will be designed as part of a comprehensive water management program in which the treated effluent is returned to the earth as purified irrigation water. Sewage will be collected and subjected to primary treatment, including a reduction of wastewater solids, at localized clusters of septic tanks throughout the site. Effluent will then be pumped to an on-site sewage facility for secondary treatment. Secondary treatment will occur in a system of constructed wetlands and re-circulating gravel filters. The effluent will then be chlorinated and discharged to a holding pond for timed release to the golf courses, landscaped areas and the site nursery. High strength wastes from the resort restaurant(s) will be routed through an aerated lagoon to reduce waste strength prior to introduction into the constructed wetlands. Septage sludge from the septic tanks will be trucked off-site to a suitable facility permitted to accept such wastes or applied to an approved land site within the project area.

c. Treated Effluent Disposal Treated effluent will be disposed of as spray irrigation water on the resort golf course areas. Due to existing soil conditions, seasonal application will dictate which courses receive the majority of the effluent. Winter applications will be on the Scottish Links course, and summer applications will be on the Woodland Lakes course. Initially, the low volume of effluent associated with Phase 1 will be applied year around to the Scottish Links course or applied to general landscape areas and open meadow areas. Another disposal option would be to use the treated effluent in association with site nursery operations.

12.8.11.6. Water Supply System

Figure 11 of the Master Plan (Water Supply) presents a schematic layout of the proposed water main system. This diagram also indicates the proposed location of alternative sites for a water storage tank, pump station and chlorinating facilities. Two well field areas, one for the deep aquifer well(s) and another for the shallow sump well field, are also identified. The anticipated well fields will be a minimum of 1/4 mile away from all existing water bodies -- Cut Creek, Chrome Lake, Round Lake and Fahys Lake. The effects of pumping groundwater on the flows in Cut Creek and the water levels in the Interdune Valley Willow-Alder wetland area will be monitored and a mitigation plan will be instituted if significant adverse impacts occur.

Water will be withdrawn from a well or a series of wells [see Section 12.8.5.12.c(2)], disinfected, and pumped into the distribution system with a pump station designed to maintain system operating pressures (see black octagonal map symbol). Alternative reservoir locations for water storage are indicated by a black triangular map symbol. Design storage capacity is estimated to be 100,000 gallons. Depending upon the selected location, either an above ground storage tank or a partially buried tank may be installed. In either case, earth modeling and landscaping will be used to screen the tank from adjacent properties and from nearby activity areas within the resort.

The water system will also be designed to provide fire protection. There will be a fire hydrant located within 500 feet of any structure.

12.8.11.7. Storm Drainage

The project will create areas of impervious surfaces - principally paved roads, parking areas and rooftops. Run-off from these areas will be directed into designed drainage swales with, where appropriate, bio-filter cloth. This technique will be applied to protect sensitive environments, such as wetlands or surface water features, which might be subject to adverse effects. All state and local regulations which control the discharge of run-off from paved surfaces will be complied with to prevent contamination and degradation of existing water quality. A storm drainage plan prepared by a registered professional engineer and approved by the appropriate agencies shall be required before approval of a final development plan for any phase or element of the resort.

12.8.11.8. Planning and Zoning

The entire site is located in unincorporated Coos County outside of all urban growth boundaries. It is therefore within the jurisdiction of Coos County and the Coos County Planning Department. A portion of the site is also within the boundaries of the Cut Creek Water Improvement District, requiring coordination between the county and the district. Although land in the same ownership is within the Coquille River Estuary Management Plan boundary, no land that is to be designated or used for destination resort purposes is within that boundary. For coordination purposes, the Cities and Bandon and Coos Bay have significant interests in the proposal.

12.8.11.9. Recreational Facilities and Services

As described in the Master Plan, the Bandon Dunes destination resort will provide a wide variety of recreational facilities and services for visitors to the resort. These will include golf courses, hiking trails, bike paths, wildlife observation, fishing, canoeing on Fahys Lake, an indoor swimming pool and tennis courts.

12.8.11.10. Energy and Communications Facilities and Services

Electric services will be provided by Coos-Curry Electric Cooperative, Inc. Telephone services will be provided by General Telephone Co.

12.8.11.11. Solid Waste Disposal

Solid waste disposal will be handled by the existing residential and commercial solid waste transport and disposal facilities serving the area.

12.8.11.12. Schools

The Bandon Dunes site is within the boundaries of Bandon School District No. 54. The school district operates three schools that would provide service to children of residents of the Bandon Dunes resort and any resort employees living in the Bandon area -- Ocean Crest Elementary School (K-4), Harbor Lights Middle School (5-8), and Bandon High School (9-12). The 1994-1995 enrollments at these three schools were 319, 314 and 303, respectively.

Enrollment at each school is below capacity and each can accommodate at least an additional 50 students. The superintendent of the school district submitted a statement the school district has no concerns about providing service to the Bandon Dunes resort. Although granted a continuance to respond to this statement, no opponent contradicted or questioned it by submitting supplemental evidence. The previous discussion of economic, social and housing impacts (see Sections 12.8.5.12.c(3) and 10) indicates that few school age children will reside at the resort and that the resort will be built out over a period of at least a decade, resulting in at most 10 to 12 new households per year in the Bandon area for resort employees. Based on this evidence, the County concludes there is adequate school service available for children of resort residents and employees.

12.8.11.13. Relation to Goal Exception

Because the Bandon Dunes destination resort will include an urban level of some facilities and services, it is necessary to take an exception to Goal 11's prohibition against urban levels of service on rural lands. However, the facilities and services proposed for the Bandon Dunes resort otherwise comply with Goal 11 in that they will be timely, orderly, and efficient for the reasons set forth above and stated in the more detailed discussions of such services and facilities elsewhere in this report.

12.8.11.14. OAR Chapter 660, Division 22

OAR Chapter 660, Division 22, adopted by LCDC on October 28, 1994, interprets how Goal 11 applies to "Unincorporated Communities". However, the rule applies only to unincorporated communities that were "designated in a county's acknowledged comprehensive plan as a 'rural community', 'service center', 'rural center', or similar term before this rule was adopted". OAR 660-22-010(9). The subject property has never been so designated in the county's acknowledged comprehensive plan. Accordingly, the rule does not apply to this application.

12.8.12. Goal 12 - Transportation

To provide and encourage a safe, convenient, and economic transportation system.

This goal requires the provision of a safe, convenient, and economic transportation system to move people and goods between geographic and jurisdictional areas. It is implemented by LCDC's Transportation Planning Rule (TPR), OAR Chapter 660, Division 12.

Goal 12 requires local government transportation plans to be based upon state, regional and local transportation needs. The TPR sets specific requirements for compliance and coordination among affected units of local government for preparation, adoption, refinement, implementation and amendment of transportation system plans. Through measures designed to reduce reliance on the automobile, the TPR is also intended to encourage travel and land use patterns in urban areas that reduce air pollution, traffic and livability problems associated with much of urban development. The TPR also identifies the transportation facilities that may be provided on rural lands, consistent with the goals.

12.8.12.1. Background

The Bandon Dunes site is located about three miles north of Bandon and about 15 miles south of Coos Bay. The site is currently undeveloped. Access from Highway 101 is currently from Randolph Road in the north and Fahy Road in the south. See Figure 11.

The Bandon Dunes project will be developed in two phases. Phase 1 construction will occur primarily in the northern portion of the property. Phase 1 will include 75 units of overnight accommodation, 50 recreational homes, an 18-hole Scottish Links golf course on the upper terrace north of Cut Creek and a golf clubhouse/restaurant/pro shop. Initial access during construction will be via Randolph Road. However, during Phase 1, a new permanent access road, Woodland Village Road, will be developed further south, where the Bandon Dunes property has direct frontage on Highway 101. Woodland Village Road will serve as an internal collector, and will intersect a realigned segment of Seven Devils Road which, in turn, will connect with Highway 101 at a 90 degree angle. The reconfigured Seven Devils Road/Highway 101 intersection is shown in Figure 12. After construction of Woodland Village Road, Randolph Road will be used only as an emergency and service access roadway.

Phase 2a construction will occur primarily in the central and eastern portions of the property. Phase 2a will include construction of an additional 75 units of overnight accommodations, 225 recreational homes, a second 18-hole golf course, a mini-clubhouse/pro shop for the second golf course and a conference/nature study center. Phase 2b construction will occur primarily in the southern portion of the site. Phase 2b will include development of 25 recreational homes, with a private 9-hole golf course serving those residences.

During Phase 2, Interdune Valley Scenic Drive, a second permanent access road, will be constructed. Interdune Valley Scenic Drive will serve as an internal collector and will intersect Highway 101 at a right angle, approximately 900 ft. north of where the southern end of Fahy Road now intersects Highway 101 at an acute angle. The portion of Fahy Road south of its intersection with Interdune Valley Scenic Drive will be vacated. See Figure 12. The final configuration of both internal collectors and the Highway 101 intersections is shown on Figure 13 and in the Master Plan, at Figure 10.

That these Highway 101 intersection improvements will be built by the applicant, and be acceptable to ODOT and the County, before occupancy/public use of the phase of the resort for which such improvements are needed, will be ensured through a Cooperative Improvement Agreement (CIA) entered into by the applicant, ODOT and Coos County. A condition of the County's approval of these Plan and ZLDO amendments requires that, within 60 days after this decision is finally adopted by the County and any appeals are concluded, the CIA found at Exhibit F to the decision must be signed by BDLP and delivered to the Coos County Board of Commissioners and ODOT for their signatures.

Under the CIA, the county is required to impose, as a condition of Phase 1 final development plan approval, a requirement that Woodland Village Road and the realigned Seven Devils Road/Highway 101 intersection be constructed by the applicant and approved by ODOT, prior to public use or residential occupancy of Phase 1 resort facilities. The county is also required to impose, as a

condition of approving any Phase 2 development that would generate 44 or more PM peak hour trips, a requirement that Interdune Valley Scenic Drive and the realigned Interdune Valley/Fahy Road/Highway 101 intersection be constructed by the applicant and approved by ODOT, prior to public use or residential occupancy of that Phase 2 development. The "triggerpoint" of 44 PM peak hour trips was selected because that is the point at which the Level of Service for making a left turn from Seven Devils Road onto Highway 101 would decrease from D to E. See Application, Volume V, Appendix R.

In order to demonstrate compliance with Goal 12 and the TPR, the applicant retained JRH Transportation Engineering of Eugene to prepare a traffic impact study and assist with the necessary coordination to assure that the required compliance is achieved. See Application, Volume V, Appendix D. JRH's traffic evaluation considered build-out of the project in the two phases described above. The evaluation considered two design horizons: one at the projected completion of build-out by year 2005; and a second assessment at 20 years from the application date, i.e., 2015. The operation of the access intersections was analyzed and traffic signal and left-turn warrants were applied to the design year traffic forecasts to determine whether traffic signals and left-turn storage on Highway 101 would be needed. In addition, the evaluation included a sensitivity analysis to determine how use of the resort's recreational dwellings as principal dwellings would effect the operation of the access intersections and need for traffic signals and left-turn storage.

The results of the evaluation indicate that "with the provision of adequately designed access roads, the development will not adversely affect the operation of Highway 101, and the introduction of traffic signals will not be necessary at any of the access points during the periods analyzed". Appendix D, p.1. The evaluation also demonstrates that additional left-turn storage for turns from Highway 101 into the proposed development will not be required through the year 2015. However, for safety reasons, considering the high speeds on Highway 101, the study recommends retaining the existing northbound left turn pocket at the Highway 101/Seven Devils Road intersection and providing a minimum length left-turn pocket for northbound traffic at the new Highway 101/Interdune Valley Scenic Drive intersection. The study also shows that no access intersection will fall below acceptable Level of Service standards during the relevant periods, provided that a left-turn pocket is provided for traffic turning left from Seven Devils Road onto Highway 101. The applicant will provide such left-turn pockets for both Seven Devils Road and Interdune Valley Scenic Drive. Finally,, the sensitivity analysis shows that the Levels of Service at the access intersections will remain adequate, and the lack of need for traffic signals and additional left-turn storage will remain unchanged, even if up to 25% of the proposed recreational homes are used as principle residences.

12.8.12.2. OAR 660-12-060 (Plan and Land Use Regulation Amendments)

OAR 660-12-060 requires local governments amending comprehensive plans and land use regulations to determine whether the amendments "significantly affect a transportation facility" and, if so, to assure that land uses authorized by the amendments "are consistent with the identified function, capacity, and level of service of the facility". OAR 660-12-060 also requires local governments to coordinate with the Oregon Department of Transportation (ODOT) and other affected local governments in making these determinations.

OAR 660-12-060 provides: "(1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility. This shall be accomplished by either: (a) Limiting allowed land uses to be consistent with the planned function, capacity and level of service of the transportation facility; (b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division; or (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes."

"(2) A plan or land use regulation amendment significantly affects a transportation facility if it: (a) Changes the functional classification of an existing or planned transportation facility; (b) Changes standards implementing a functional classification system; (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or (d) Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP."

"(3) Determinations under sections (1) and (2) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments."

"(4) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-04-022 and 660-04-028".

"Transportation facility" is defined in OAR 660-12-005(14) as "any physical facility that moves or assists in the movement of people or goods including facilities identified in OAR 660-12-020 but excluding electricity, sewage and water systems." OAR 660-12-020 identifies collector and arterial roads and bicycle routes as "transportation facilities". Seven Devils Road, Highway 101 and the Oregon Coast Bike Route are "transportation facilities". However, the amendments to the county's acknowledged comprehensive plan and land use regulations sought by the applicant here do not "significantly affect" a transportation facility, within the meaning of the rule.

a. (2)(a) Functional Classification Changes The adopted Plan and ZLDO amendments do not reclassify a transportation facility. An example of this would be amending a plan to redesignate a collector as an arterial. Highway 101 is classified as a Primary Arterial by both Coos County and ODOT and will remain so after the plan amendment. The portion of Seven Devils Road affected by this proposal is designated by the Coos County Comprehensive Plan as a collector. Its classification also will remain unchanged.

b. (2)(b) Changes to Implementation Standards The adopted amendments do not change standards for implementing a functional classification system, as would be the case where an amendment changed the definition of "arterial" to require fewer trips per day or to require a broader paved surface.

c. (2)(c) Inconsistent Levels of Travel or Access The adopted amendments do not allow types or levels of land uses which would result in levels of travel which are inconsistent with the functional classification of a transportation facility. The two on-site roads noted above are new facilities and, therefore, no impact analysis is required under the TPR. For descriptive purposes, however, they fit the county's definition of "collectors", in that they "carry internal traffic within areas having a single land use" and "join arterial roads and minor traffic generators such as schools and shopping centers". Plan at 4.7-17. Both on-site roads will carry traffic originating from or destined to the resort, as well as facilitating some traffic movements which are entirely on-site.

The small section of Seven Devils Road affected by the proposed amendments will carry traffic between the on-site collector street and the principal arterial. This is consistent with its designation by the county as a collector. ZLDO Table 7.2 provides that a rural collector should have an Average Daily Traffic (ADT) of 81 or more, but set no upper limit on the ADT of rural collectors. Both Seven Devils Road and the two on-site collectors will carry traffic levels and provide access consistent with classification as a collector.

Highway 101 will provide for travel between the proposed destination resort and the cities of Bandon and Coos Bay, as well as other cities further away. This is consistent with its classification as a primary arterial.

Regarding the "level of access" referred to in OAR 660-12-060(2)(c), the adopted amendments will result in a net improvement in access to Highway 101, as compared to the existing situation. As depicted Figure 11, at the existing intersections of Seven Devils Road and Fahy Road with Highway 101 that are affected by these amendments, the roads in question intersect Highway 101 at acute angles. The reconfiguration recommended by JRH Transportation Engineering and required by this decision will result in both Seven Devils Road and Interdune Valley Scenic Drive (replacing the Fahy Road intersection), the major access points to the development, intersecting Highway 101 at right angles. This design is preferred by traffic engineers and safety experts because it allows motorists entering the highway to see with equal ease in both directions. This section of Highway 101 is one of the longest straight sections in the entire coastal highway and is on relatively flat topography. As a result, the sight distances are excellent in both directions.

The JRH study evaluated the proposed design in terms of ODOT's Access Management Policy, which is aimed at maintaining the capacity and enhancing the safety of the state highway system through a careful management of the number, spacing, type and location of accesses and intersections. See Application, Volume V, Appendix D, p.12. This section of the Oregon Coast Highway has been designated as "Category 3", which refers to highway segments which provide for medium to high speed and medium to high volume traffic on inter-regional routes. This designation also recognizes that the surrounding area has a dependence on the highway to provide access and that the financial and social costs of attaining full access control would substantially exceed the benefits.

ODOT's Category 3 access management guidelines reflect a policy of spacing intersections rather than not allowing them. In this case, the existing

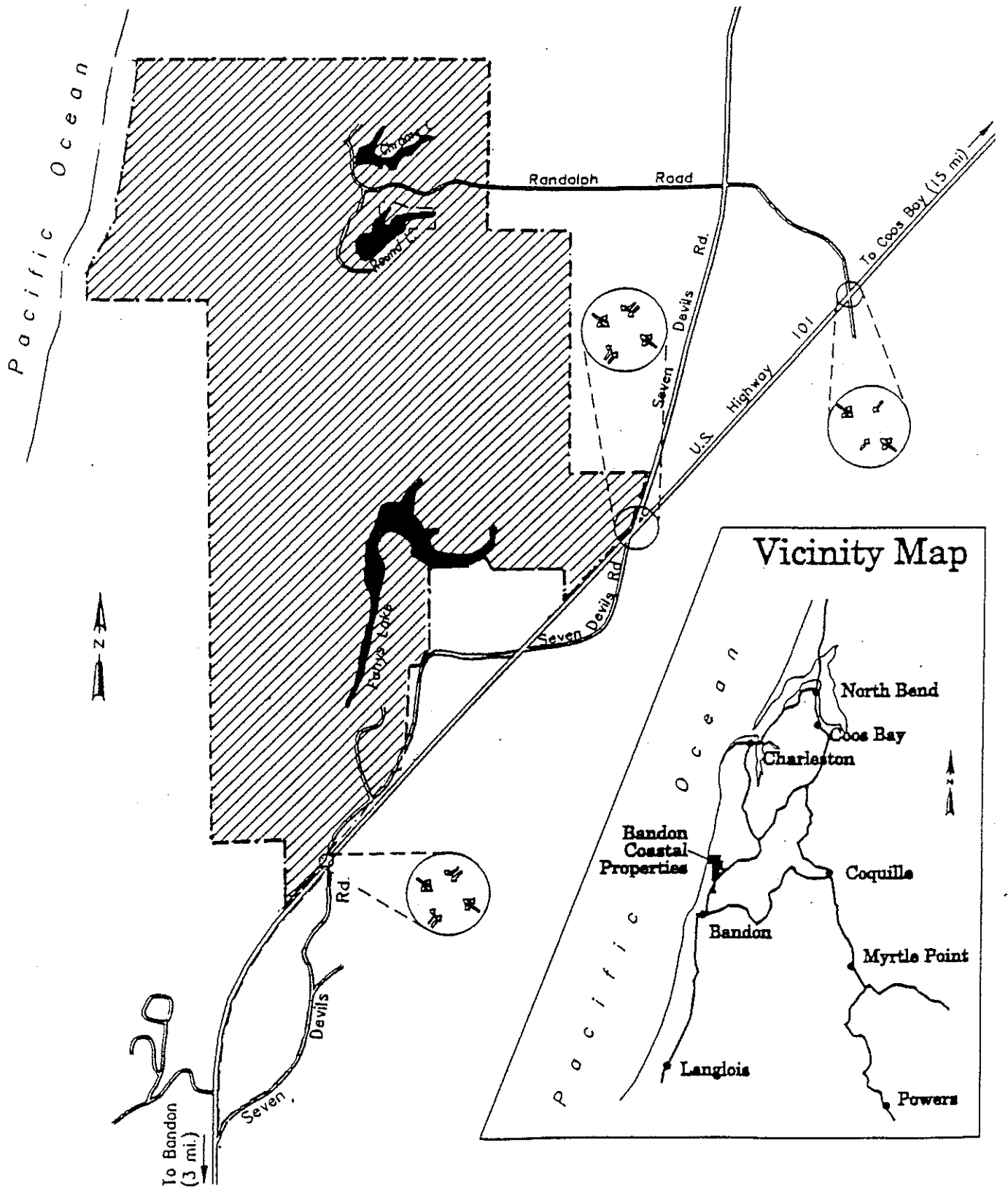
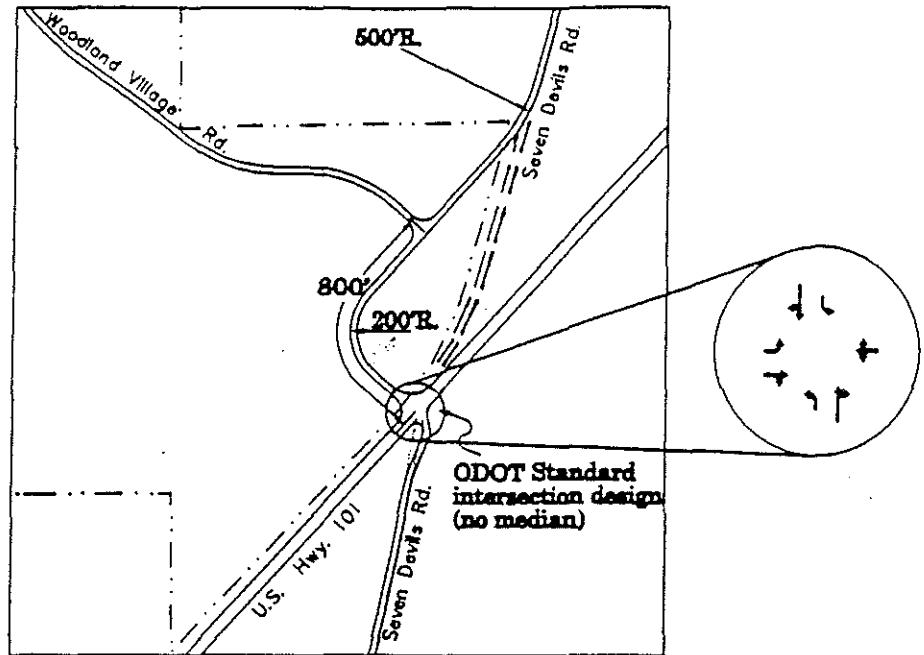


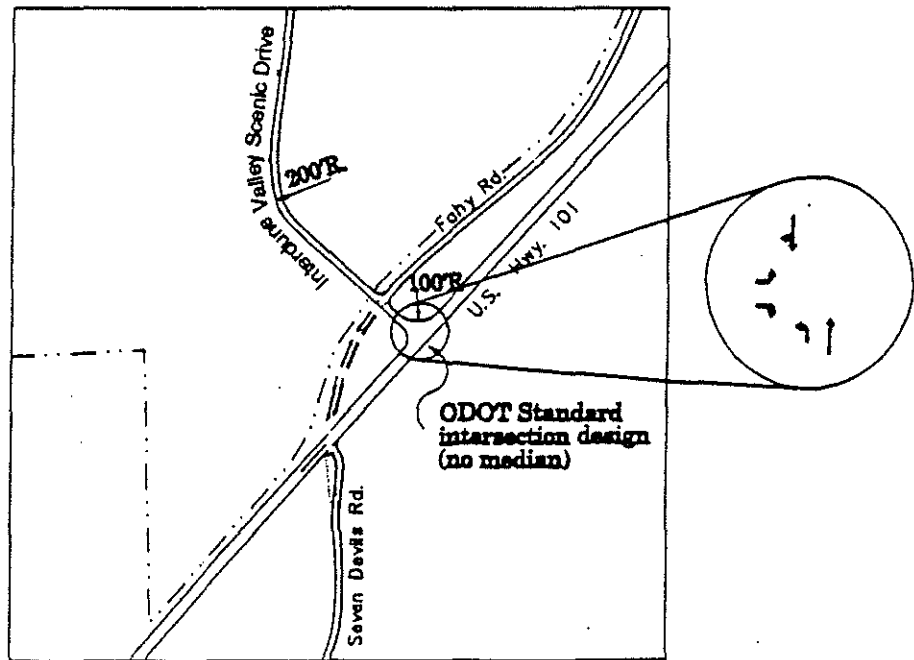
Fig. 11 Site Location & Current Layout at Study Area Intersections

12.-75a

**Phase 1
U.S. Hwy. 101 and
Seven Devils Road**



**Phase 2
U.S. Hwy. 101 and
Fahy Road**



- · — · — · — · — Property Boundary
- ==== Recommended Design
- == == == == Previous Design

Fig. 12 Proposed Intersection Modifications

12-75b

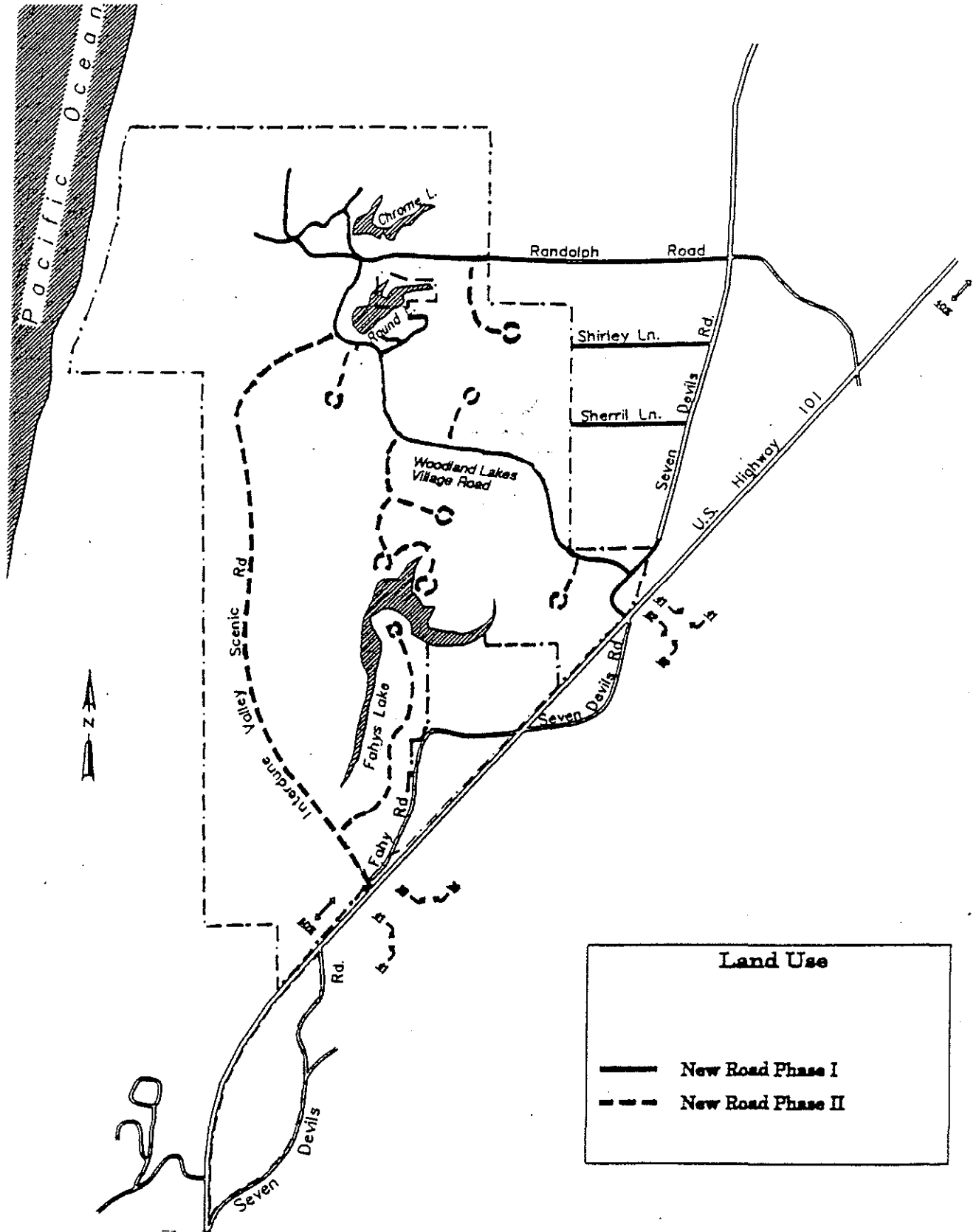


Fig. 13 Phase 1 & 2 Development, Trip Generation, Distribution and Assignment

12, - 75c

number of intersections in the three-mile stretch of Highway 101 between Randolph Road and Bullards Bridge already exceeds the ODOT guideline of one intersection every one to three miles. The intersection improvements required by this decision will create no additional intersections and, as noted above, will realign existing intersections to a safer configuration.

The JRH study notes that the Oregon Coast Bike Route is an important facility in the State's system. However, no particular levels of travel or access standards have been established for this facility. Providing a bicycle connection to this system along Woodland Village Road is possible.

Each affected transportation facility will carry a level of travel and provide a level of access consistent with its functional classification.

d. (2)(d) Acceptable Level of Service Identified in TSP The approved Master Plan and BDR zone allow densities and uses of the Bandon Dunes site that will not cause a reduction in the planned LOS of a transportation facility below the minimum acceptable level identified in any adopted TSP.

OAR 660-12-060(2)(d) provides that a comprehensive plan or land use regulation amendment significantly affects a transportation facility if it would "reduce the level of service of the facility below the minimum acceptable level identified in the TSP." Level of Service (LOS) is a measure of the **quality** of traffic flow and is primarily calculated in terms of specified standards of delay and inconvenience. LOS "A" indicates free-flowing traffic, no interruptions, where the driver's speed is uninterrupted by roadside conditions or other traffic. LOS "F" indicates virtual gridlock, e.g. a tree across the roadway. A Transportation System Plan (TSP) is a "plan for one or more transportation facilities that are planned, developed, operated and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic and jurisdictional areas". OAR 660-12-005(22).

ODOT is required to adopt a state TSP, including "modal system plans". OAR 660-12-015(1)(a). The 1991 Oregon Highway Plan is a modal system plan and is part of the state TSP. The Highway Plan, at p.8, establishes LOS "C" as the Minimum Tolerable Condition for rural portions of state highways with statewide significance, such as the portion of Highway 101 adjoining the Bandon Dunes site. The JRH Traffic Impact Study establishes that the LOS for traffic on Highway 101 will remain at LOS "A" through the year 2015, even if the Bandon Dunes destination resort is constructed. See Table 9.

Counties and cities outside the Willamette Valley generally must complete development of their regional and local TSPs, in coordination with ODOT, by May, 1997. Coos County recently proposed a work program that should result in adoption of the county's first TSP by November, 1996. When the county does adopt a TSP, it is likely that the TSP's LOS standards for county roads will be satisfied, even if the Bandon Dunes destination resort is developed, as demonstrated by the following evidence and conclusions from the JRH Traffic Impact Study.

Existing LOS for turn movements requiring the yielding of right-of-way (movements that do not require yielding right-of-way are assumed to be LOS A) was determined at key intersections and any changes were forecast based on predicted traffic volumes. LOS for key intersections affected by these

Table 9: LOS for Movements at Unsignalized Intersections

PM Peak Hour Analysis

Intersection	Existing	1995 + Phase 1	2005 + Phase 1 & 2	2015 without Development	2015 + Phase 1 & 2
Randolph Rd @ Hwy 101					
Northbound Left	A	A	-	-	-
Southbound Left	A	A	-	-	-
Eastbound Left-thru-right	C	C	-	-	-
Westbound Left-thru-right	B	C	-	-	-
Seven Devils Rd. @ Hwy 101					
Northbound Left	A	A	A	A	A
Southbound Left	A	A	A	A	A
Eastbound Left-thru-right	A	C	E	B	E*
Westbound Left-thru-right	C	C	D	D	E
Fahy Road (Phase 1)/ Interdune V.S. Dr. (Phase 2) @ Hwy 101					
Northbound Left	A	A	A	A	A
Southbound Left	A	A	A	A	A
Eastbound Left-thru-right	B	C	E	D	E
Westbound Left-thru-right	C	D	D	E	E

12.-76a

Source: Traffic Impact Study; October, 1995; Figure III.

amendments was calculated at Phase 1 completion, at Phase 2 completion (2005) and 10 years after Phase 2 completion (2015). LOS in 2015 with and without construction of the proposed development was compared. The impacts on LOS are summarized in Table 9.

As indicated in Table 9, turning movements from Highway 101 onto the access roads involved in this proposal are at LOS "A" now and will be at that level after the entire project is completed. As shown by the JRH study, all intersections are expected to operate at an acceptable LOS in 2015. In only one case (turns from Seven Devils Road onto Highway 101) is the projected 2015 LOS with the resort development more than one level below the projected LOS without the resort development.

e. Conclusion The above facts establish that these Plan and ZLDO amendments will not "significantly affect a transportation facility", as that phrase is used in OAR 660-12-060(1) and (2).

f. Coordination OAR 660-12-060(3) requires that determinations under OAR 660-12-060 (1) and (2) be coordinated with transportation providers and affected local governments. The applicant coordinated its traffic engineering with ODOT and the Coos County Highway Department, by providing these agencies with drafts of its traffic impact study for review and developing a proposed Cooperative Improvement Agreement (CIA) in conjunction with these agencies. In addition, the County Planning Department notified ODOT and the Coos County Highway Department of its public hearings on the application and invited their comments and participation. Both ODOT and the County Highway Department submitted statements that they are satisfied with the CIA. ODOT's letter specifically states that the planning concerns of Goal 12 and the TPR have been satisfied.

In summary, the coordinated planning among the applicant, ODOT and the County Highway Department resulted in a project that will have no significant impact to a transportation facility if the traffic improvements required by the Master Plan and CIA are constructed.

3. OAR 660-12-065 (Transportation Improvements on Rural Lands)

OAR 660-12-065 "identifies transportation facilities, services and improvements which may be permitted on rural lands consistent with Goals 3, 4, 11 and 14 without a goal exception". OAR 660-12-065 (1). This application includes an exception to Goals 3, 4, 11 and 14 for the Bandon Dunes site, to allow an arguably urban level of destination resort use on rural resource lands. Accordingly, OAR 660-12-065 does not apply to the road improvements proposed as part of the destination resort on the Bandon Dunes site itself. However, OAR 660-12-065 does apply to portions of the proposed improvements to the intersections of Fahy Road and Seven Devils Road with Highway 101, where those improvements will occur on rural forest designated land in the right-of-way of Highway 101.

OAR 660-12-065(3) allows on rural resource land "transportation improvements that are allowed or conditionally allowed by *** OAR (Chapter) 660, Division 6 (Forest Lands)". OAR 660-06-025(3)(h) allows certain transportation improvements outright on forest lands, including those allowed under ORS 215.283(1)(L). ORS 215.283(1)(L) permits "reconstruction or modification of public roads and highways, not including the addition of travel lanes, where

no removal or displacement of building would occur [and] no new parcels result." The intersection reconfigurations planned for the Fahy Road and Seven Devils Road intersections with Highway 101 will not add travel lanes, will not remove or displace buildings and will not create new parcels. The portion of these reconfigurations that will take place on Forest designated land are modifications of public highways allowed under ORS 215.283(1)(L).

12.8.13. Goal 13 - Energy Conservation

To conserve energy.

This goal requires that land uses maximize conservation of all forms of energy based on sound economic principles. It is implemented by local plans and regulations that control location, orientation and density of development to minimize net energy consumption.

Energy conservation measures generally fall into two categories: (1) development of energy resources, and (2) wise use of energy. Regarding energy sources, the Bandon Dunes site provides few alternatives other than solar power and wind. With the generally flat topography and low density that characterize the Bandon Dunes project, both options will always be available. However, two recent wind farm experiments, one by Pacific Power and Light Company and one by the City of Bandon have not proven commercially successful.

The areas most appropriate for solar applications are the conference center, clubhouse, and lodges. Solar opportunities are more limited in those areas that feature a subdued, natural design theme in which structures are integrated into the forest canopy for aesthetic reasons. Solar opportunities may also be limited because of the local climate. The applicant will monitor developments in both solar and wind energy and will adopt whatever measures become practicable for the site.

Energy conservation is well regulated by state law. The Bandon Dunes project will be constructed in strict conformance with the Oregon Energy Code, as adopted into various sections of the State Building Code dealing with residential, commercial and other building types. The Oregon Energy Code, already one of the most strict in the nation, is expected to contain even more rigorous standards following revision in 1996. In addition, the project will incorporate a range of other energy conservation methods including:

- ~ Reduction of heating and cooling loads by using passive solar design.
- ~ Orientation and design for passive cooling through ventilation.
- ~ Use of high-efficiency heating and cooling systems, lighting and electrical appliances.
- ~ Strategic siting of structures to avoid wind cooling heat loss effects.

12.8.14. Goal 14 - Urbanization

To provide for an orderly and efficient transition from rural to urban land use.

This goal requires that comprehensive plans of counties and cities provide for an orderly and efficient transition from rural to urban use. It requires that urban growth boundaries (UGBs) be established around incorporated cities through a cooperative process with surrounding counties to assure compact and efficient urban growth within the boundary while protecting and facilitating rural resource uses outside the boundary. The goal has been interpreted by the Oregon Supreme Court as prohibiting urban levels of development outside of acknowledged urban growth boundaries unless an exception is taken to Goal 14. See *1000 Friends of Oregon v. LCDC (Curry Co.)*, 301 Or 447, 474-75, 724 P2d 268 (1986).

In the absence of an authoritative interpretation by LCDC as to what constitutes an urban level of development or use, the determination has been made on a case-by-case basis by local government jurisdictions, with review by LUBA and the courts.

The Bandon Dunes resort will have both rural and urban elements. The ultimate residential density of more than one dwelling per ten acres (at full build-out, the resort would have an overall residential density of approximately one dwelling per four acres), the clustered nature of the development, the presence of community water and sewerage systems, and the development of hotel and restaurant facilities are urban in level and type. On the other hand, the large amount of untouched open space, forest resources, wetlands, dunes and lakes, and the absence of industrial and nontourist-related commercial facilities, are typical of a rural setting and level of use.

Because of the admixture of urban uses, facilities and services, it is necessary to take an exception to the Urbanization Goal's implicit prohibition against urban uses outside of acknowledged UGBs. As noted elsewhere, however, this development is tailored to meet the standards of a statutory destination resort, which is recognized by law to be acceptable outside of a UGB.

12.8.15. Goal 16 - Estuarine Resources

To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands.

The Bandon Dunes site is outside the area covered by the Coquille River Estuary Management Plan. Therefore, Goal 16 does not apply.

12.8.16. Goal 17 - Coastal Shorelands

To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics.

The Plan designates as Coastal Shorelands only the westerly fringe of the northern third of the property, between the bluff line and the dry-sand beach (hereafter ocean shorelands), and the areas within 100 feet of Chrome, Round and Fahys Lakes (hereafter lake shorelands).

With regard to uses of rural coastal shorelands, Goal 17 provides:

"Shorelands in rural areas other than those built upon or irrevocably committed to nonresource use *** shall be used as appropriate for: a. Farm uses as provided in ORS Chapter 215; b. Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act; c. Private and public water-dependent recreation developments; d. Aquaculture; e. Water-dependent commercial and industrial uses, water-related uses and other uses only upon a finding by the county that such uses satisfy a need which cannot be accommodated on uplands or in urban and urbanizable areas or in rural areas built upon or irrevocably committed to non-resource use."

12.8.16.1. Ocean Shorelands

a. Uses Allowed in Ocean Shorelands North of the Cut Creek delta, the Plan Special Considerations Map titled "Developed Potential within Ocean Shorelands and Dunes" shows the ocean Coastal Shorelands Boundary (CSB) running along the bluff overlooking the ocean north of Cut Creek. The plan text regarding ocean CSB Segment 5 (Agate Beach to Cut Creek) states it "generally follows the edge of the ocean bluff". Plan, p.3.8-12. To be authentic, the proposed Scottish Links golf course must be located on the upper marine terrace, next to the ocean. However, the Master Plan, at p.13, prohibits development activity west of the ocean CSB. To provide a measure of additional protection, the Master Plan provides that no buildings, structural development or golf course green or tee improvements will be located within 25 feet from the bluff's edge. The Master Plan also designates this part of the ocean shorelands as permanent open space. Master Plan, Figure 8.

Within the Cut Creek delta portion of the ocean shorelands, and the portion of the ocean shorelands located between the Cut Creek delta and Bullards Beach State Park, the only use designated on the Master Plan is a hiking trail that skirts the Cut Creek delta to the south and leads to a beach access point. See Figure 3. This portion of the ocean shorelands is partly in the Dunelands management unit and partly in the Wetlands management unit of the Master Plan, and is also part of the dedicated open space. See Master Plan, Figures 8 and 15. The mouth and delta of Cut Creek, and the dunes area south of Cut Creek to the boundary of Bullards Beach State Park, will be subject to the NR-1 (Cut Creek Delta) subzone. See Exhibit I. As shown in Section 4.10.050.A of the BDR zone, the NR-1 subzone potentially permits only open space, wildlife observation, wildlife/plant habitat mitigation, restoration and enhancement and unpaved hiking/nature trail uses. In addition, much of this portion of the ocean shorelands will be protected by the riparian vegetation protection provision of Section 4.10.030.H.1 of the BDR zone, which requires riparian vegetation to be maintained in areas within 100 feet of Cut Creek and the Cut Creek delta wetland.

In summary, the above described provisions of the Master Plan and BDR zone will (1) prohibit any development activity in or near the ocean shorelands north of the Cut Creek delta, and (2) limit uses of the Cut Creek delta and ocean shorelands south of the Cut Creek delta to low intensity, water-dependent shorelands recreation uses. Consequently, with regard to ocean shorelands, these Plan and ZLDO amendments are consistent with the above quoted Goal 17 provisions concerning uses of rural coastal shorelands.

b. Resort Development Outside of Ocean Shorelands With regard to the effects of resort development allowed outside the ocean CSB on the land within the ocean CSB, no resort development will be visible from the ocean beaches,

except perhaps for the terminus of the unpaved beach access trail. The Master Plan calls for protecting the riparian habitat of the Cut Creek delta "as is", while continuing to work with the Oregon Departments of Parks and Recreation and ODFW to develop a Snowy Plover habitat restoration program. Master Plan, p.9. The water management program established by the Master Plan requires that the effects of withdrawing groundwater on the water levels of the Cut Creek delta wetland be monitored, and that any adverse impacts on the water regime in this area be mitigated by a variety of feasible means. See Section 12.8.5.12.c(2) and (4); Master Plan, pp. 37-38.

The Scottish Links golf course located on the upper marine terrace, adjacent to the ocean shorelands north of the Cut Creek delta, will be designed to fit the natural contours of the land and will use native grasses, while the non-native Gorse that has invaded this area will be removed. See Section 12.8.5.12.C(3) (Environmental Consequences); Master Plan, p.39. The management unit guidelines for the Upper Marine Terrace Management Unit require development activities to minimize erosion and maintain stabilizing vegetative cover. Master Plan, p.53. Finally, the golf course management plan required by the Master Plan and BDR zone will require minimization of irrigation and application of nutrients, herbicides and pesticides, and will ensure that excessive surface runoff does not occur and that chemicals do not pollute the surface or groundwater. See Section 12.8.5.12.c(3) (Environmental Consequences); Master Plan, p.55-56; Section 4.10.065.B and 4.10.070.B of the BDR zone.

Based on the provisions of the Master Plan and BDR zone described above, the County concludes the resort development allowed by the Master Plan and BDR zone outside the CSB will not adversely affect the ocean shorelands resources within the CSB or interfere with the mandate of Goal 17 to protect and maintain such resources for their water quality, habitat, aesthetic and recreational values.

12.8.16.2. Lake Shorelands

a. Location of Lake Coastal Shorelands Boundaries As relevant to coastal lakes, Goal 17 requires that a county's designated coastal shorelands include at least the following: (1) Land within 50 feet of a coastal lake; (2) Adjacent areas of geologic instability; (3) Antural or man-made riparian resources, especially riparian vegetation necessary for shore stabilization and to maintain water quality; (4) Significant shoreland and wetland biological habitats; (5) Areas necessary for water-dependent and water-related uses; (6) Areas of exceptional aesthetic or scenic quality.

The acknowledged Plan does not establish a unique CSB for each coastal lake, based on consideration of the above factors. Rather, the Plan establishes a "uniform shoreland boundary extending horizontally 100 feet from the ordinary high water mark *** for coastal lakes outside the main coastal shorelands area", on the basis that "100 feet is sufficient in all situations to protect riparian vegetation". Plan at 3.8-13. The Plan further states the "100 foot boundary is intended as a site review area, within which development proposals would be examined to determine their effect on riparian resources and minimize such effects". Id. The Plan's Coastal Lakes Inventory table indicates the CSB's of Chrome and Round Lakes were determined by riparian vegetation and wetlands, and that of Fahys Lake by riparian vegetation alone. Plan at 3.8-14.

This decision approves site specific amendments to the CSB's for Round and Fahys Lakes, establishing two areas on the northwest and southeast sides of Round Lake and one area at the southern tip of Fahys Lake where the CSB will be 50 feet from the ordinary high water marks of these lakes. The specific location of these three areas is shown in Exhibit A (Coastal Shorelands Boundary Amendment). This decision also includes a corresponding amendment to the Plan CSB text quoted in the preceding paragraph, to maintain internal Plan consistency. These amendments are consistent with Goal 17 requirements for designating coastal shorelands because detailed site inventories (see Application, Volume V, Appendices A, K and O) and other evidence show that the land between removed from the CSB's of these two lakes does not include any of the types of areas listed in (2) through (6) above.

With regard to category (2), there are no areas of geologic instability. As depicted on the Geologic Landscape Units map following page 24 in the Natural Resources Inventory/Site Analysis (Application, Volume V, Appendix A), there are steep slopes adjacent to some portions of the shorelines of each of the three lakes. However, these areas are completely within the revised 50-foot boundary for the two areas on Round Lake. In those few locations at the southern tip of Fahys Lake where steep slopes may extend beyond 50 feet from the lake, preservation of the vegetation within the 50 foot boundary will prevent any erosion or soil movement that might be injurious to the lake.

With regard to categories (3) and (4), there are no areas of significant riparian vegetation (especially that which might be necessary for shoreland stabilization or to maintain water quality) or shoreland or wetland biological habitat in the areas removed from the CSB's of Round and Fahy's Lakes. In addition, none of the sensitive plant and wildlife habitat areas identified on pages 39-41 of the Master Plan are located in the removed areas.

The northwest shore of Round Lake exhibits very little swampy or wetland conditions and has no areas beyond 50 feet where riparian vegetation is needed for bank stabilization or maintenance of water quality via natural filtration. This area is now occupied by a dense, "dog hair patch" stand of second growth Sitka Spruce and Port Orford Cedar which extends to the top of the steep bank adjacent to the lake. The lake bed below the bank is also steep, and provides no shoal area. This shoreline lacks the aquatic vegetation and riparian growth often associated with coastal lake shores. Breeding, foraging and hiding requirements for many birds, amphibians and mammals are lacking in this area. The southeast shore includes a site previously occupied by a trailer home. Trees have been removed from an area of approximately 1/4 acre at this site and, except for some small bushes, this area has little wildlife value.

The west side of the southern tip of Fahys Lake is similar in appearance to the northwest shore of Round Lake. It is occupied by a dense stand of second growth conifers which extends to the top of a steep bank. The east side of the southern tip of Fahys Lake has a long sloping, conifer-covered bank. Fahys Lake is not deep in this location and some emergent aquatic vegetation can be seen, but good riparian habitat is nonexistent.

With regard to category (5), there are no existing or proposed uses which can only be carried out on, in or adjacent to these three sites on Round and Fahys Lakes, nor are there existing or proposed uses that provide goods or services directly associated with such water-dependent uses.

Regarding category (6), as noted in Section 12.8.5.6, there are no locations on the Bandon Dunes site inventoried in the Plan as uniquely scenic. However, as noted elsewhere (see Sections 12.9.2.5.a(1) and 12.9), the applicant considers the property to have high aesthetic values and intends to site any structures with sensitivity toward maintenance of the scenic factors of the site. This attitude is made manifest by the guidelines for the Forest Land Management Unit adjoining these lakes. Master Plan, p.54. Under Section 4.10.070.B of the BDR zoning district, these management unit guidelines will serve as criteria for the approval of final development plans for these areas.

Finally, with regard to areas of potential geologic instability or significant riparian, habitat or scenic values, the primary response of the destination resort design embodied in the Master Plan is to leave such areas as they are. In other words, regardless of how far areas in categories (2) through (6) may be from a coastal lake, actual development will occur only where the Goal 17 qualities of such areas will not be adversely affected.

b. Uses Allowed in Lake Shorelands The Master Plan states that "[s]urface water use of existing coastal lakes will be restricted in order to maintain water quality, wildlife habitat and scenic resource values". Master Plan, p.21. The Master Plan goes on to provide that swimming will not be allowed in any of the lakes and limited canoe or kayak use will be allowed only in Fahys Lake. The Master Plan also states that use of Chrome Lake will be limited to wildlife observation, nature study and environmental education, and that use of Round Lake will be limited to these uses plus sports fishing. The only structural development which the Master Plan would allow within the lake CSB's is a wildlife observation/sports fishing pier at the west end of Round Lake and a canoe dock and limited canoe storage area on the eastern side of the southern end of Fahys Lake. 20

The areas within the lake CSB's are located within various subzones of the BDR zone, but all land within the lake CSB's is protected by the Riparian Vegetation Protection provision of Section 4.10.030.H of the BDR zone. This provision prohibits removal of "riparian" ²¹ vegetation within the CSB's except for either listed purposes. This provision is identical to the Riparian Vegetation Protection provision currently applied to all other coastal lakes in Coos County, and found in each of the acknowledged zoning districts in the ZLDO, except that two reasons for allowing removal of riparian vegetation have been added to the standard list, as well as two additional prohibitions. ²² The two additional reasons for which riparian vegetation within the CSB may be removed are: "g. 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; or h. Nonhydrophytic vegetation in a woodland setting 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." BDR zone, Section 4.10.030.H.1.

The two prohibitions added to the Riparian Vegetation Protection provisions (at the suggestion of DLCD) are that lawns are prohibited within 50 feet of lakes, wetlands and streams and that riparian vegetation may not be removed

solely for the purpose of providing enhanced views of Chrome, Round and Fahys Lakes.

When a final development plan for a phase or element of the resort including area within a lake CSB is submitted to the county for approval, it will be required to include: "A description of any riparian vegetation to be removed within 100 feet of a wetland or stream identified on the Comprehensive Plan Coastal Shoreland and Fish and Wildlife Habitat Inventory Maps, or within the Coastal Shorelands Boundary around Chrome, Round and Fahys Lakes, together with an explanation of why such removal is justified under Section 4.10.030.H.1.a-h." BDR zone, Section 4.10.065.C.1.

As part of final development approval process, the County will have to determine whether any such proposed riparian vegetation removal with a lake CSB complies with the BDR zone's Riparian Vegetation Protection provision. BDR zone, Section 4.10.070.C.

In summary, these provisions of the Master Plan and BDR zone will (1) prohibit any structural development other than an observation/fishing pier (Round Lake) and a canoe dock and storage facility (Fahys Lake) within the lake shorelands, and (2) limit uses of the lake shorelands and the lakes themselves to low intensity, water-dependent shorelands recreation uses, forest maintenance practices and riparian vegetation or wildlife habitat enhancement projects.

Consequently, with regard to lake shorelands, these Plan and ZLDO amendments are consistent with the above quoted Goal 17 provisions concerning uses of rural coastal shorelands.

c. Resort Development Outside of Lake Shorelands The Chrome Lake CSB will be adjoined by residential lodges and recreational dwellings to the northwest, south and southeast, the Cut Creek Storage Basin to the southwest, and the Woodland Buffer natural resources conservation area to the north and northeast. Master Plan, Figure 7. The wetlands associated with the northern and eastern inlet streams to Chrome Lake will be protected, as described in Section 12.8.5.12.d(4). The Cut Creek Storage Basin will be a two to three-acre water body that contributes to the aesthetic, habitat and recreational values of the area. Its eastern edges, adjacent to the Chrome Lake CSB will be landscaped to resemble a natural lakeside setting, with possible inclusion of riparian, marsh-like habitat. Master Plan, p.17.

The Round Lake CSB will be adjoined by recreational dwellings and a mini-golf clubhouse to the southeast and the main lodge/hotel to the northwest. Master Plan, Figure 7. To the west of the Round Lake CSB, across Woodland Village Road, will be the Round Lake Center building, containing certain recreation and meeting facilities. See Master Plan, p.19. The northern and eastern portions of the Round Lake CSB are not within the Bandon Dunes site. They will remain designated and zoned forest, and their uses are not expected to change.

To the north and south, the Fahys Lake CSB will be adjoined by recreational dwellings. There is an existing residential subdivision, Weiss Estates, adjoining the Fahys Lake CSB to the southeast. To the northeast, the Fahys Lake CSB will be adjoined by the Phase 2 Woodland Lakes golf course. The requirements of the Master Plan and BDR zone for golf course management plans that minimize irrigation and application of chemicals, and require monitoring

to protect water quality, have been described in detail elsewhere in these findings. See Section 12.8.5.12.c(4). The inlet creek at the eastern end of Fahys Lake, Fahys Creek, will be protected as a natural resource conservation area and wetland. See Section 12.8.5.12.d(4); Master Plan, Figure 4. Existing trees and riparian vegetation will be maintained as a scenic buffer for at least 100 feet on each side of the creek. Master Plan, p.11. Except for recreational dwellings at the southern tip, the land to the west of the Fahys Lake CSB will be included in the South Ridge natural conservation area, where uses will be limited to low-intensity recreation. Master Plan, p.11.

The residential lodges and recreational dwellings adjoining parts of each lake's CSB will be clustered, and their architecture will be subordinate to the landscape setting. Master Plan, p.23. A landscape management plan that requires use of native plants and minimization of irrigation and chemical application will be required as part of final development plan approval and will be made binding on future lessees and homeowners through covenants and restrictions. Master Plan, pp.57-59; Section 4.10.065.B and C.3 of the BDR zone.

As explained in detail in Section 12.8.11.5, the Bandon Dunes resort will be served by a private community sewage treatment system that will insure adequate treatment of sewage and disposal of treated effluent in a manner that will not adversely affect the water quality or other qualities of community water system using groundwater withdrawn from the dunal aquifer underlying the western portion of the site. As explained in Section 12.8.5.12.c(3), the quantity and quality of water entering the coastal lakes will not be affected.

Protecting the presently outstanding water quality, habitat, recreational and aesthetic values of Chrome, Round and Fahys Lakes and their surrounding shorelands is not only required by Goal 17, it is critical to the success of the Bandon Dunes destination resort. The coastal lakes, rather than the oceanfront, are the enterprises of the proposed resort. Maintaining their environmental health and aesthetic appeal is a primary focus of the Bandon Dunes project. As explained above, numerous provisions have been incorporated into the Master Plan and BDR zone to serve this purpose. The county concludes the resort development allowed by the Master Plan and BDR zone outside the lake CSB's will not adversely affect the shorelands resources within the lake CSB's or interfere with the mandate of Goal 17 to protect and maintain such resources for their water quality, habitat, aesthetic and recreational values.

12.8.16.3. Additional Goal Issues

During the county hearing process, an opponent contended the county must find that the uses allowed as part of the Bandon Dunes resort "satisfy a need which cannot be accommodated on uplands or in urban and urbanizable areas". The opponent appears to be referring to Goal 17, Coastal Shoreland Uses, paragraph 4, which lists the types of uses allowable on rural shorelands, and is quoted at the beginning of this Goal 17 section. ²³ First, this Goal 17 provision applies only to uses allowed within the ocean and lake CSB's, not the entire Bandon Dunes site. Second, in subsections 1.a and 2.b above we analyzed the uses allowed within the ocean and lake CSB's by the Master Plan and BDR zone and concluded they are limited to water-dependent recreation and, in some instances, certain forest management practices. Such uses of rural shorelands are **not** subject to the requirement that they "satisfy a need which cannot be accommodated on uplands or in urban and urbanizable areas".

Goal 17 "general priority" 6 provides that the County may "[p]ermit non[-water]dependent, non[-water]related uses which cause a permanent or long-term change in the features of coastal shorelands only upon a demonstration of public need". During the county proceedings, the same opponent argued that the uses allowed as part of the Bandon Dunes resort must be shown to satisfy this "public need" requirement. Once again, this Goal 17 provision applies only to areas with CSB's, not the entire Bandon Dunes site. The uses allowed within the ocean and lake CSB's of the Bandon Dunes site are described in detail in subsections 1.a and 2.b above. The low intensity recreation and forest management uses allowed in these areas will not cause a "permanent or long-term change in the features of these shorelands". Consequently the Goal 17 requirement for a demonstration of public need does not apply. ²⁴

12.8.17. Goal 18 - Beaches and Dunes

To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of coastal beach and dune areas.

Goal 18 requires county comprehensive plans to identify and classify beach and dunes areas and to establish policies for the use of these areas, based on the capabilities and limitations of different types of beach and dunes areas to sustain different levels of use and development. Goal 18, Implementation Requirements 1-7 establish specific requirements for allowing development in particular types of beach and dunes areas, or for specific activities in beach and dune areas.

The acknowledged Coos County Comprehensive Plan includes a special considerations map entitled "Development Potential within Ocean Shorelands and Dunes" (hereafter Development Potential Map) Plan Section 5.10, Implementation Strategy 1, states this map "specifically delineates the areas identified" in the County's inventory and assessment of beaches and dunes. On the Development Potential Map, the entire Bandon Dunes site is inventoried as an area subject to Goal 18. Two small areas of the Bandon Dunes site, one between the Cut Creek delta and the northern boundary of Bullards Beach State Park and the other within (west of) the ocean CSB at the very north end of the site, are designated as "Not Suitable for Residential, Commercial or Industrial Structures". This designation identifies areas subject to Goal 18, Implementation Requirement 2. Plan, Section 5.10, Implementation Strategy 3. Other than these two areas, the Development Potential Map designates the portion of the Bandon Dunes site lying west of a north-south line drawn approximately along the west shore of Fahys Lake, the east side of the South Ridge, the west side of Round and Chrome Lakes and the east side of the North Ridge as identified areas subject to Goal 18, Implementation Requirement 1. Plan, Section 5.10, Implementation Strategy 2. The Development Potential map designates the remaining, eastern portions of the Bandon Dunes site as "Suitable for Most Uses; Few or No Constraints on Development".

The Master Plan and BDR zone are designed to reflect the County's acknowledged inventory of beach and dunes resources found on the Development Potential Map. The bulk of the resort development, including the hotel and conference center and most of the recreational dwellings, will be located in the area designated as "Suitable" for development. The Master Plan limits development in the area designated as "Limited Suitability" for development primarily to the Scottish Links golf course and clubhouse, a driving range, the Interdune Valley golf

course, three residential lodges along the west side of the North Ridge and approximately 25 recreational dwellings in the Interdune Valley area. ²⁵ The only development allowed by the Master Plan in the areas designated as "Not Suitable" is the western terminus of an unpaved beach access trail south of the Cut Creek delta. As explained in detail below, all development in the areas designated "Not Suitable" or "Limited Suitability" will be subject to the County's acknowledged implementation measures for such areas.

12.8.17.1. Implementation Requirement 1

Goal 18, Implementation Requirement 1 requires local governments to base decisions on uses in beach and dunes areas, other than older stabilized dunes, on the following "specific findings": "a. The type of use proposed and the adverse effects it might have on the site and adjacent areas; b. Temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation; c. Methods of protecting the surrounding area from any adverse effects of the development; and d. Hazards to life, public and private property, and the natural environment which may be caused by the proposed use."

As explained above, the areas subject to this requirement are designated as "Limited Suitability" on the Development Potential Map. The County's acknowledged program for compliance with Goal 18, Implementation Requirement 1 is that when a specific development is proposed in a beach and dune area designated on the Development Potential Map as "Limited Suitability", it will be allowed only if the above findings are made in a discretionary permit approval process.

Acknowledged Plan Dunes and Ocean and Coastal Lake Shorelands Implementation Strategy 2 (Plan, p.5.-33) allows development in designated "Limited Suitability" areas only if findings identical to those required by Goal 18, Implementation Requirement 1 are adopted. The Plan goes on to specify this strategy is implemented through a discretionary permit process that includes submission of a site investigation report addressing the factors required by Goal 18, Implementation Requirement 1 and Plan Implementation Strategy 2. This Plan provision is implemented by ZLDO Section 4.7.105; Table 4.7a, Phenomenon 4.a; Appendix 1-27, Strategy 2. ²⁶ The BDR zone, through Sections 4.10.030.I and 4.10.070.C, requires compliance with these ZLDO for approval of a final development plan that includes any area designated as "Limited Suitability" on the Development Potential Map.

It is appropriate to require that the specific findings mandated by Goal 18, Implementation Requirement 1 be made for uses in the BDR zone at the time of final development plan approval for a specific phase or element of the resort, when the specific details regarding the design, size, location and construction of the proposed uses will be known, just as these findings are required at the time of permit approval for uses in other County zoning district. In addition, the County has determined that it is feasible for the resort development proposed by the Master Plan to be located in "Limited Suitability" designated areas to satisfy the requirements of Goal 18, Implementation Requirement 1 and the above described Plan and ZLDO provisions.

The areas designated as having "Limited Suitability" by the Development Potential Map are primarily areas where unconsolidated sands exist at the surface or immediately below a thin vegetated soil mantle. Disturbance of the

COOS COUNTY

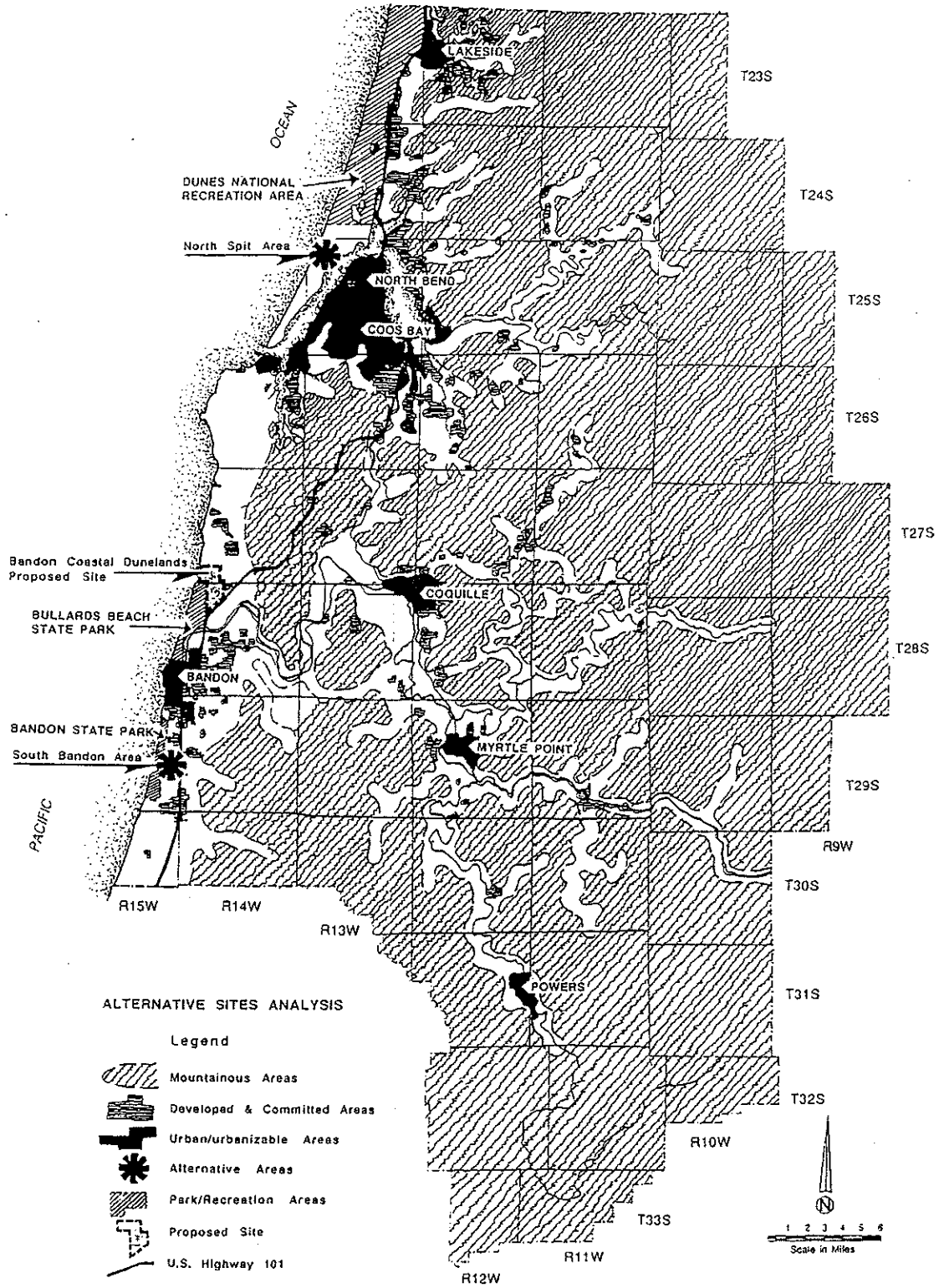


Fig. 14 Alternative Sites Analysis

12.-87.a

thin soil and vegetative cover can open the loose sand to both wind and water erosion. Otherwise, the sand in these areas is stable as a basis for building. Proper engineering practices can easily avoid adverse sand erosion situations by avoiding steeper slopes wherever possible, minimizing soil and vegetation disturbance, planning construction activities for the rainy season, placing temporary soil covers (e.g., hydro-seeding or geo-textiles), and replacing disturbed soils and vegetation with permanent plantings as soon as possible after construction. All resort development proposed to occur on "Limited Suitability" areas can readily be constructed without hazard to life and property, or damage to the surrounding area and the natural environment, using the property protection measures.

12.8.17.2. Implementation Requirement 2

Goal 18, Implementation Requirement 2, prohibits residential, commercial and industrial buildings on beaches, active foredunes, other foredunes which are conditionally stable but subject to wave overtopping or ocean undercutting, or deflation plains subject to ocean flooding, and allows other development in such areas only upon certain findings. As explained above, the areas subject to this requirement are designated as "Not Suitable" on the Development Potential Map. The Master Plan prohibits any development within the ocean CSB, which is where the more northerly of the two designated Not Suitable areas is located. The only development allowed by the Master Plan in the more southerly Not Suitable area is an unpaved beach access trail. In addition to the findings required by Goal 18, Implementation Requirement 1, addressed above, Implementation Requirement 2 requires that the development: "a. Is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm waves; or is of minimal value; and b. Is designed to minimize adverse environmental effects." (Emphasis added.)

With regard to "a", an unpaved beach access trail satisfies the requirement that the development be of minimal value. With regard to "b", the Master Plan requires that the beach access trail be located in the southern portion of the area south of the Cut Creek delta, near the boundary of Bullards Beach State Park, "in order to minimize potential adverse impacts on riparian environment or future [Snowy] Plover habitat", and prohibits off-trail recreational vehicle use. Master Plan, p.9. In addition, the "Design and Construction" guidelines for the Dunelands Management Unit, which are final development plan approval criteria, impose a requirement to "[l]ocate and design [the] beach access trail to minimize impacts on natural resources". Master Plan, p.50. Finally, Section 4.10.030I of the BDR zone requires a beach access trail in the designated "Not Suitable" area to be supported by the findings required for Goal 18, Implementation Requirement 1. As explained above, this standard must be found to be satisfied at the time of final development plan approval for any such beach access trail. BDR Zone; Section 4.10.070.C.

12.8.17.3. Implementation Requirements 3-7

Goal 18, Implementation Requirement 3 requires the County to "regulate actions in beach and dune areas to minimize the resulting erosion". With the exception of the Cut Creek riparian corridor and other wetlands, the areas of the Bandon Dunes site designated as "Not Suitable" or "Limited Suitability" are within the Dunelands, Interdune Valley and Upper Marine Terrace Management Units established by the Master Plan. Master Plan, Figure 15. Each of these management units recognizes that fragile soil cover, subject to disturbance,

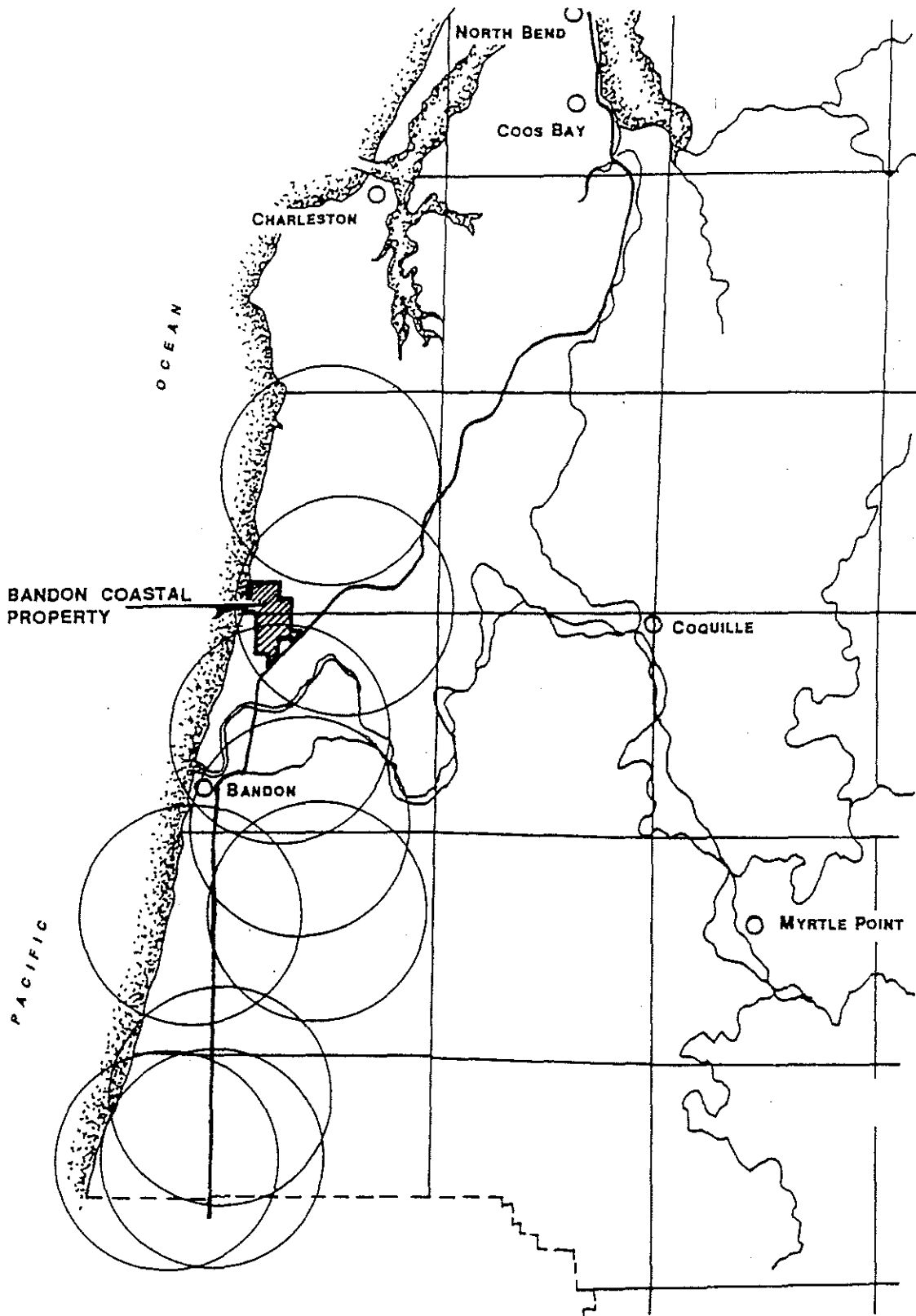


Fig. 15 Land Within Three Miles of High Value Crop Areas

12.- 88 a

is a constraint in that management unit, and establishes planning, design and construction guidelines to minimize erosion.

As required by Goal 18, Implementation Requirement 4, the findings at pp. 52-54 establish the proposed use of groundwater from the dunal aquifer will not result in saltwater intrusion, subsidence or other adverse environmental consequences. The Master Plan neither contemplates nor allows the foredune beaching and grading activities prohibited by Goal 18, Implementation Requirements 6 and 7, or beachfront protective structures, regulated Goal 18, Implementation Requirement 5.

12.8.18. Goal 19 - Ocean Resources

To conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.

This goal is not applicable.

12.9. "REASONS" GOAL EXCEPTION

Goal exceptions are authorized under statewide planning statutes, goals and administrative rules as flexibility tools for situations in which a departure from the strict application of a substantive goal is justified based on site specific conditions. Goal 2 defines the term as follows:

"**Exception** means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that: (a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability; (b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and (c) Complies with standards for an exception."

Exceptions are of three types:

~ "Developed exceptions" are justified where the property is physically developed to the point where resource use is no longer practicable.

~ "Committed exceptions" are justified where the nature of nearby physical development makes resource use impracticable.

~ "Reasons exceptions" are justified where there is a need for development at the site in question and where the site compares favorably with other possible locations for the proposed land use.

This decision approves a "reasons" exception to Statewide Planning Goals 3 (Agricultural Lands), 4 (Forest Lands), 11 (Public Facilities and Services) and 14 (Urbanization). An exception to Goal 3 is required because the Master Plan, BDR Plan map designation and BDR zoning district allow uses not permitted by the Exclusive Farm Use Zoning statute on land that would satisfy the Goal 3 definition of "agricultural land". An exception to Goal 4 is required because the Master Plan and plan and zoning designations allow uses not permitted by Goal 4 and OAR Chapter 660, Division 6 (Goal 4 Rule) on land that is defined as "forest land" under Goal 4.

An exception to Goals 11 and 14 is required because those goals prohibit urban levels of public facilities and services and urban levels of use, respectively, on rural lands outside a UGB. Because the destination resort will cluster a total of 300 dwellings, 150 overnight accommodation units, a hotel, conference center, restaurant and other commercial uses on approximately 20% of the 1,215 acre site, and serve them with community sewer and water systems, the County has taken the precaution of assuming these uses and service would be considered urban in nature. In addition, because the destination resort would be served by new community sewer and water systems, the exception to Goal 11 necessarily includes an exception to the provisions of Goal 11 prohibiting the establishment of new sewer systems outside of UGBs and not allowing the establishment of a water system to authorize a higher residential density than would otherwise be allowed.

The general reasons exception standards are set forth in almost identical terms in ORS 197.731(1)(c) and Goal 2, Part II(c). The statute and the goal provide that a local government may adopt a reasons exception when all of the following standards are met:

"(1) **[Reasons/Need]** Reasons justify why the state policy embodied in the applicable goals should not apply;

(2) **[Nonexception Alternatives]** Areas which do not require a new exception cannot reasonably accommodate the use;

(3) **[Exception Alternatives/Comparative Impacts]** The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

(4) **[Compatibility]** The proposed uses are compatible with other adjacent uses or will be so rendered through measure designed to reduce adverse impacts."

More detailed interpretive guidance is provided in administrative rules adopted by the Land Conservation and Development Commission, principally OAR 660-04-020(2) and 660-04-022. In addition, OAR 660-14-040 explains the requirements for reasons exceptions to allow urban uses on undeveloped rural lands, as will be the case here.²⁷ OAR 660-14-040(2) and (3)(a) through (c) elaborate on the showings that must be made under each of the four basic reasons exceptions standards in situations involving exceptions for urban uses on rural lands. The special requirements of these provisions are set forth and addressed in the discussion of the four reasons exception standards below, followed by sections addressing the additional requirements of OAR 660-14-040(3)(d) and (e).

The documentation supporting an exception must be adopted as part of the County's Comprehensive Plan. The exception should include all conditions, limitations, and requirements necessary to define the nature, scope, location, and conduct of the proposed land uses.

12.9.1. **Reasons/Need**

LCDC has promulgated an administrative rule which explains the "reasons" requirement to mean:

The exception shall set forth facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations. OAR 660-04-020(2)(a).

OAR 660-04-022(1) gives examples of the kinds of reasons which can justify a reasons exception:

***Such reasons include but are not limited to the following: (a) There is a **demonstrated need** for the proposed use or activity, based on one or more of the **requirements** of Statewide Goals 3 to 19; **and either** (b) A **resource** upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or... (c) the proposed use or activity has **special features or qualities** that necessitate its location on or near the proposed exception site". (Emphases added.)

OAR 660-14-040(2) elaborates on what reasons can justify an exception to allow urban uses on rural lands:

*** Reasons which can justify why the policies in Goals 3, 4, 11, and 14 should not apply can include but are not limited to findings that an urban population and urban levels of facilities and services are necessary to support an economic activity which is dependent upon an adjacent or nearby natural resource."

The rules recognize that exceptions are exceptional and that it is not possible to foresee all of the combinations of factors that may constitute an adequate set of "reasons" to justify an exception. They do not purport to restrict the types of reasons which may support an exception. OAR 660-04-022(1) simply provides "examples" that "are not limited" to the examples of type of reasons provided. It recognizes that market demand and assistance to counties in meeting their planning obligations under statewide goals and acknowledged plans may be among the reasons that, taken together, explain why a particular exception is justified. By its use of the terms "examples" and "not limited to" OAR 660-04-022(1) clearly rules out any inference that its terms are intended to be exclusive. This exception is justified for a number of reasons, several of which are very similar to the examples given in the rule. Those reasons are summarized here.

1. Coos County's acknowledged comprehensive plan recognizes the need for a destination resort as part of the county's tourist industry, which is a primary element of the county's economy.

2. The Oregon legislature has recognized the need for destination resorts as an important component of the economies of Oregon counties.

3. The need is particularly acute in rural counties like Coos County which are heavily dependent upon interstate tourism and which need a strong

and stable tourism sector to attract new business and to off set declines in traditional resource extraction industries.

4. Destination resorts are a key element of the area's strategic planning for economic development.

5. Coos County has no destination resorts and no reasonable proposal of having one unless the Bandon Dunes destination resort is approved.

6. Siting a destination resort in Coos County through the statutory process is not feasible because of siting restrictions and other factors that exclude all potential sites with reasonable prospects for development as a destination resort.

7. A successful destination resort in Coos County must be within the Coos County coastal tourism corridor.

8. A successful destination resort in Coos County must have unusual aesthetic and recreational amenity resort characteristics which provide it with a broad base of potential users with the motivation and the means to travel to coastal Coos County to enjoy a recreational asset not readily available elsewhere.

9. The only such distinguishing qualities for a destination resort in coastal Coos County identified and substantiated by any participant in the hearings leading up to this decision are those of a seaside Scottish Links golf course strongly resembling classic Scottish golf courses such as those at Turnberry, along the Firth of Clyde, where golfers play "among patches of thorny gorse" and "the 6,408-yard, par-69 Ailsa Course [which] starts off inland before sweeping to the sea at the windswept fourth hole". McCallen, Golf Resorts of the World: the Best Places to Stay and Play (Harry Abrams: 1993), pp. 245-46.

10. The Bandon Dunes site has the soils, setting, and size that are needed to provide a sufficiently authentic Scottish Links course and related facilities to make the resort an attractive destination for tourists seeking such an experience.

11. There is a need for a use which makes the preservation and enhancement of the site's natural assets economically feasible and necessary. Important natural features of the site are threatened with further deterioration under continued strict application of the Statewide Planning Goals to which this exception is taken. Open sands, dunal forms, plant and animal habitat, and other natural assets of the Bandon Dunes site are steadily deteriorating because of its location, soils, climate, and human intervention, particularly the introduction of beach grass and Gorse, but also including off-road dune-buggy and vehicle use, commercial timber management and illegal hunting. Establishment of the Bandon Dunes destination resort, which is dependent for its appeal upon maintenance, preservation, and enhancement of the natural assets of the site, will substantially reduce and in some areas even reverse, the ongoing deterioration.

12.9.1.1. **Need to Meet Requirements and Fulfill Purposes of Goals 8 and 9**

Coos County has no destination resorts. Because of the narrowness of its principal tourist asset, the coast, coupled with the wide distribution of high value croplands among available private lands within the coastal strip, Coos County has no realistic potential for acquiring the type of resort contemplated by Goal 8 (Recreational Needs) and the Destination Resort statute. An exception is therefore necessary to permit the county to meet the need identified by the goal and the statute. Additionally, Goal 9 (Economic Development) **requires** a diversity of economic activity and opportunity. The Recreational Needs Goal and Destination Resort Statute determine as a matter of state policy that destination resorts are a vital part of a county's economic diversity. Coos County cannot achieve that diversity without taking a goal exception. Accordingly, the exception is also necessary to allow the county to achieve the diversity requirement of the Economic Development Goal.

This decision approves a destination resort which in concept, size and scope meets the statutory qualifications for a destination resort set out in ORS 197.445 (see Section 12.7.1). But for the presence of high value crop areas within three miles of the site, the project would meet all of the requirements of the Destination Resort Statute and could be approved without an exception to any statewide planning goal. The proposed project, tailored to be consistent with all required elements of a statutory destination resort, and sited in what is unquestionably Coos County's best location for such a resort, clearly meets the need for such facilities recognized in the Destination Resort Statute and the Recreational Needs goal.

This need has been legislatively defined as follows:

"The Legislative Assembly finds that: (1) It is the policy of this state to promote Oregon as a vacation destination and to encourage tourism as a valuable segment of our state's economy; (2) There is a growing need to provide year-round destination resort accommodations to attract visitors and encourage them to stay longer. The establishment of destination resorts will provide jobs for Oregonians and contribute to the state's economic development; (3) It is a difficult and costly process to site and establish destination resorts in rural areas of this state; and (4) The siting of destination resort facilities is an issue of statewide concern." ORS 197.440.

These findings hold true for Coos County. We find persuasive and adopt the comments of Dr. Dean Runyan on this issue. A former professor of planning at the University of Oregon with extensive experience conducting economic impact analyses, market analyses and planning studies for travel, tourism, and recreation, Dr. Runyan is co-author of the recently completed Tourism Strategic and Implementation Plan prepared for the Coos County Economic Development Commission. In his June 19, 1996, letter, Dr. Runyan explained:

"Bringing the [Bandon Dunes resort] on line will help increase overall quality of the county as a travel destination and accordingly add stability and predictability to the industry. The new employment provided by the resort will be a welcome change from the declines in the timber industry and fishing on which the County previously relied."

He also pointed out that destination resorts support other kinds of economic diversification:

"[T]he travel industry should be seen as very compatible with other major industries in Oregon, as evidenced by the success of locations such as Central Oregon (combining travel, manufacturing and agriculture), the Columbia River Gorge (travel, agriculture), Newport (travel, fishing) and Baker County (travel, agriculture). The Portland Metro area also successfully mixes the travel industry with manufacturing and a variety of other industries.

"In Central Oregon, for example, the quality of the area, as evidenced by its visitor industry, is used successfully as a means of attracting new manufacturing and other business development. In today's business recruitment and development market, the community amenities associated with good quality recreation facilities, such as will be provided by the proposed resort, are valuable assets."

The 1996 Draft Tourism Strategic and Implementation Plan for Coos County underlines the complementary nature of tourism and the need to upgrade the county's tourism industry by the addition of destination facilities:

"Conditions for tourism development in Coos County as a complementary element of the local economy are determined by the County's setting, its potential to become a visitor destination, its ability to attract broader markets, the seasonality of travel to the Southern Oregon coast, the area's competitive qualities, and the presence of new opportunities for the future."

The study notes that "Coos County does not at present have a strong image as a visitor destination", and identifies two "important reasons why Coos County should aspire to change its image from a nearby coastal playground to that of a vacation destination". Those reasons are: "1. A vacation destination can be much more successfully marketed than an area that is merely 'a place near the ocean', and 2. A vacation destination inspires and represents more promising opportunities for capital investments in visitor-serving facilities and associated infrastructure."

The draft strategic plan also cites a 1995 Bay Area Economic Council study finding that attracting a typical destination resort to the area will be difficult in the near future. The study points out that Coos County's relative isolation means that it must "pursue a different strategy for attracting visitors than some of its neighbors to the south and north". The Bandon Dunes resort will address both the need for a destination resort and the need for a distinctive identity, strongly reinforcing the area's ecological and historic affinity with coastal Scotland and Ireland, recognized early on by Lord Bennett of Bandon, who gave the town both its name and its Gorse. Commenting specifically on the Bandon Dunes proposal, the study observes:

"[T]he {Bandon Dunes} development *** would greatly enhance Coos County's image as a visitor destination, and it is doubtful that even the most concerted promotional efforts could have lured resort developers to Coos County, unless they chose to be there."

It is clear that, without a goal exception, Coos County cannot practically receive the **benefits** recognized by the Economic Development Goal and by the Destination Resort Statute and Recreational Needs Goal as appropriate for rural and tourist-dependent areas throughout the state.

12.9.1.2. Market Demand

While market demand alone does not justify an exception, it is a relevant factor in a reasons analysis such as this because the need identified is to create a certain kind of product which will create the desired benefits only if the product can be successfully marketed. Recognizing that the market for a highly-discretionary purchase item such as is represented by a destination resort is inherently speculative, we find the existence of the necessary market demand is sufficiently established by the detailed study prepared by Ragatz Associates. See Application, Volume V, Appendix C, as supplemented. We also find that our conviction that the necessary demand can be generated has been reinforced by the enthusiastic and knowledgeable testimony of representatives of Gleneagles Golf Development Group, which designs, operates, and markets Scottish-style golf courses in several countries, as well as by the strong support and confidence expressed by local chambers of commerce and representatives of the county's tourism industry.

The Ragatz study found the market climate favorable for a variety of reasons. Many of these reasons derive from the plans to develop a true Scottish Links golf course. Experts state there are only about five true Scottish Links courses in the United States. With the possible exception of the links-type courses at Carmel, California, there are none on the west coast. Because of its unique combination of size, topography, climate, vegetation, ocean views and access, the Bandon Dunes site may be one of the best suited properties in the nation for this type of golf course. The experts also say that demand is increasing rapidly for this type of golfing experience.

The States of Oregon and Washington, both in the Bandon Dunes destination resort market area, rank high in need for golf courses of all sorts. Oregon ranks 6th and Washington 5th in the nation in numbers of golfers for each 18 holes of existing courses. In particular, there is a scarcity of 18-hole golf courses on the Southern Oregon coast.

The economies of the Puget Sound and Portland regions, primary market areas for the Bandon Dunes resort, are expanding rapidly and will continue to expand due to Pacific Rim trade. As the economies expand, the population increases. Also, tourism increased greatly during the last five years. The drop in salmon fishing has caused a decline, but not enough to reverse the upward trend.

Due to the extensive lead time and high front end expense, it is unlikely that any other projects will be proposed in the foreseeable future to compete with Bandon Dunes in the destination resort business. Also, with the possible exception of Salishan Lodge, there are few existing high-quality, year-round coastal destination resorts to compete for the market share. Another market attraction of the Bandon Dunes project is the high quality master planning that has occurred. This avoids the unplanned, hodgepodge character which has befallen many other resorts on the Oregon coast.

The demographics of coastal tourism strongly support the proposal. The ageing baby boom generation will swell the ranks of potential customers. Both the 40 to 49 and 50 to 59 age cohorts are expected to increase by 50% over the next ten years Ragatz' income eligibility analysis disclosed that the primary market for the recreational dwellings might come from those households earning more than \$50,000 per year. Of the 1,189,900 households in Oregon, 933,400

live in the primary, in-state market area. Of these, 20.3% (189,480) earn between \$50,000 and \$100,000 annually and 6.7% (62,538) earn more than \$100,000.

If the above household numbers are further discounted to include only the 13% to 15% who play golf, and if the Bandon Dunes recreational dwellings were marketed as "fractional share" interests, only 1.9% of the first income group and 1.1% of the second would have to become buyers for the project to completely build-out. According to Ragatz, this amount of market penetration is entirely feasible using normal marketing techniques.

For the reasons mentioned briefly above, the market is expected to be as favorable for overnight guests, conventions etc. The specific amenities contributing to a solid market position include: privacy, diversity of choice in both active and passive recreational activity, nature study/environmental education attractions present at the nearby state park, social setting, service, health and outdoor features, family opportunities and a rustic retreat ambiance.

12.9.1.3. Need for Urban Levels of Population and Facilities

As noted at page 103, this application is for a destination resort which, in concept, size and scope, meets the qualifications set out in ORS 197.445 for a statutory destination resort. But for the presence of high value crop areas within three miles of the Bandon Dunes site, the project would meet all of the requirements of the Destination Resort Statute and would have been processed pursuant to that statute.

The Destination Resort Statute sets out requirements for features essential to the successful development of a destination resort and requires certain levels of investment. These translate into certain levels of land use density and intensity as modified by the unique physical attributes of a given site. Specifically, the statute requires a mix of visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities. It requires a minimum site of 160 acres (40 acres if within two miles of the ocean shoreline) and an investment of \$7.59 million (in 1996 dollars) on improvements for on-site developed recreational facilities and visitor-oriented accommodations, exclusive of costs for land, sewer and water facilities and roads. The statute also requires the provision of meeting rooms, restaurants with seating for 100 persons and 150 separate rentable units for overnight lodging. The overnight lodging may be phased in over a five-year period, and the resort may include two units for individual residential sale for each unit of permanent overnight lodging. Sales of such recreational residences are essential to the successful operation of a destination resort.

Providing the uses described above on the subject 1215-acre site, while preserving at least half of the site as permanent open space (another statutory requirement for a destination resort) will necessarily result in a level of use which may be regarded, in some respects, as urban. Such a concentration of uses cannot be served by individual water and sewage disposal systems, but rather requires the type of public or community facilities that are typically considered urban.

12.9.1.4. Need to be at Specific Rural Location: Resource Dependency and Site Dependency

The entire Bandon Dunes Destination Resort concept depends on the natural features, dunal landforms, variety of natural settings, and coastal location of the site. These are resources within the meaning of the goals and the rule. Because it has these resources, the site uniquely suits a destination resort based upon a Scottish Links golf course. Only here can such a course be developed in conjunction with the rich mixture of amenities and recreational activities necessary for an economically viable operation. Unlike a manufacturing plant which can import raw materials, a resort of this type must be located on the site where the resources upon which it depends are located. The 1989 Destination Resort Handbook further elaborates:

"Destination resorts, by definition, are located on sites with very high natural amenities. The beauty and natural characteristics of the site are essential elements in attracting visitors. One of the major challenges to resort development is to provide for fairly intense human use and yet maintain an almost wilderness feel to the site." Destination Resort Handbook (DLCD, 1989), page 38.

In this case, the site and the critical resources are so integrated that same analysis supporting resource dependency also supports a finding of site dependency. Only here are all of the necessary resources together in one place. Only here can a resort of the type contemplated be implemented.

12.9.1.5. Enabling Coos County to Meet Its Planning Obligations

Under OAR 660-14-022(1), one example of a reason helping to establishing the justification for an exception may be that the exception will enable a local government to meet one or more of its planning obligations. Such obligations can be found in both the Statewide Planning Goals and in acknowledged comprehensive plans. In Coos County, an exception for a destination resort like Bandon Coastal Dunelands is necessary to make use of a use identified in state legislation, local plans, and local economic development studies as important, even essential, and to enable the County to secure a key element necessary to achieve its goals of diversification and stabilization of the local economy.

The Coos County Comprehensive Plan's Industrial and Commercial Lands Goal is to "diversify and improve [the county's] regional economy". The goal carries out the mandate of LCDC Goal 9 (Economic Development), which is:

"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

The goal requires comprehensive plans and policies to:

"*** contribute to a stable and healthy economy in all regions of the state."

To achieve the Goal, the Coos County Comprehensive Plan requires that the county "shall sanction and support the economic development efforts" of the Coos, Curry, Douglas Economic Improvement Association and that it "shall

support the regional economic goals and objectives periodically adopted by the Coos County Overall Economic Development Program Committee." Plan, Section 5.16, Implementation Strategies 2 and 3. As discussed in the findings just above as well as in Section 10.10.13, below, this goal exception will provide the county with an important vehicle, not otherwise available, to provide that support, to contribute to a stable and healthy Coos County economy through diversification, and to provide employment and training opportunities for the area's high percentage of young adults without post-high-school education.

The Coos County Comprehensive Plan's Recreational Goal mandates:

"Coos County shall strive to meet the recreational needs of its citizens and visitors."

This goal implements Statewide Planning Goal 8 (Recreational Needs), which requires local jurisdictions:

"To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts."

The county's implementing strategies recognize the need for destination tourist facilities similar to the statutory destination resort concept, calling upon the county to use its "Recreational Planned Unit Development" ordinance to "provide significant diversification of the local economy by increasing the attraction of tourists to the County". Plan, Section 5.20, Implementation Strategy 5. This strategy preceded the adoption of the Destination Resort Statute and Goal 8 destination resort provisions, the Curry County case's restrictions on urban development outside urban growth boundaries, and recent amendments to Statewide Planning Goal 11 (Public Facilities and Services) which effectively render this implementation strategy a dead letter for purposes of siting destination resorts of the kind contemplated by the county at the time the strategy was adopted.

Because the Destination Resort Statute doesn't work for Coos County either, it is apparent that, if this element of the county's recreational needs fulfillment policy is to be realized, it must be realized through the goal exceptions process.

12.9.2. Alternative Locations

12.9.2.1 Applicable Standards

OAR 660-04-020(2)(b) and (c) and OAR 660-14-040(3)(a) and (b) elaborate on the analysis of alternative locations for the proposed use that is required to support a goal exception. The analysis is divided between areas which do not require a goal exception and areas which do.

a. Areas Which Do Not Require a Goal Exception With regard to areas that do not require a goal exception, OAR 660-04-020(2)(b) elaborates on the standard established by ORS 197.732(1)(c)(B) and Goal 2, Part II(c)(2):

"Areas which do not require a new exception cannot reasonably accommodate the use:"

"(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which do not require a new exception. The area for which the exception is taken shall be identified."

"(B) To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed:

(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?

(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses, not allowed by the applicable goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?

(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?"

"(C) This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether the similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding."

In addition, OAR 660-14-040(3)(a) provides that the "areas which do not require a new exception cannot reasonably accommodate the use" standard can be met:

"*** by showing the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development at existing rural centers."

In the case of a destination resort which is sufficiently urban in nature to require an exception to Goals 11 and 14, "areas which do not require an exception" generally consist of (1) land within urban growth boundaries, (2) land irrevocably committed to an urban level of nonresource use, and (3) land on which the destination resort could be sited without an exception pursuant to the Destination Resort Statute (see ORS 197.450 and 197.445). For such areas, the test is whether they could "reasonably accommodate" the proposed destination resort.

b. Areas Which Require a Goal Exception With regard to areas that do require a goal exception, OAR 660-04-020(2)(c) elaborates on the standard established by ORS 197.732(1)(c)(C) and Goal 2, Part II(c)(3):

"The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas [sic] considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts."

In addition, OAR 660-14-040(3)(b) provides that with regard to exceptions to allow urban uses on rural lands the analysis of alternative site which do require an exception must include consideration of:

"(A) Whether the amount of land included within the boundaries of the proposed urban development is appropriate, and

(B) Whether urban development is limited by the air, water, energy and land resources at or available to the proposed site, and whether urban development at the proposed site will adversely affect the air, water, energy and land resources of the surrounding area."

In the case of a destination resort which is sufficiently urban in nature to require an exception to Goals 11 and 14, "areas which do require an exception" typically consist of rural land which does not qualify for destination resort siting without an exception, pursuant to the Destination Resort Statute (see ORS 197.450 and 197.445). For these areas, the test is whether the economic, social, environmental and energy (ESEE) impacts of the proposed destination resort at the proposed site would not be significantly greater than the impacts of the proposed destination resort at the other locations.

12.9.2.2. Identification of Eligible Sites

A meaningful comparison requires the identification of reasonable alternative sites, if there are any. This in turn requires definition of the key elements of the proposed use. In this case, it requires development of a model of those site characteristics reasonably required for a feasible destination

resort of the general type proposed by the BDLP application. In this case, the key elements of the proposed destination resort area:

- ~ 45 holes of golf (at least 18 of the authentic seaside Scottish Links variety)
- ~ Central resort facilities (150 lodging units/conference center/commercial uses)
- ~ Recreational dwellings (300 units)
- ~ Significant natural and environmental features
- ~ Significant scenic values

The eligible sites model may not be so tightly drawn as to describe only the proposed site. Based on the above key elements of the BDLP proposal, seven criteria were developed:

Size: The Bandon Dunes site has 1,215 acres, but includes substantial areas that will not be developed because they merit conservation or preservation. These areas are inter-related and intertwined with the developable property in such a way as to constitute a single management system. That is, it would compromise the integrity of the proposal to leave out some of the areas. It is likely that the same considerations would require a similar amount of land elsewhere. However, solely to assure that no viable alternative sites are excluded, a minimum size of 800 acres was used for purposes of screening potential alternative locations, representing the minimum acreage needed to provide at least two 18-hole golf courses, 150 units of overnight accommodations, 300 dwellings, a conference center, associated commercial uses and a variety of outdoor recreational amenities.

Soils/Topography: Certain aspects of a site are fundamental to the development of a resort centered on a Scottish Links golf course. Analysis of the Bandon Dunes site and another links-type course in Florence shows a strong similarity in underlying soils and geology. Both sites have soils of the Waldport-Heceta-Dunes types. Both have a combination of active and stable dune formations.

Setting: A true Scottish Links course generally has a seaside setting, with exposure to ocean winds and views. In addition, it has a distinctive feel that is a product of the vistas, the landforms, the weather, and the vegetation. The critical ingredients are a windy seaside setting, with narrow fairways set among linear dunes formations, with the rough consisting of native dunes grasses and low shrubs.

Natural Amenities: A success full destination resort requires a critical mass of natural amenities if it is to fulfill its mission of becoming a tourist destination. In addition to the golf courses, there must be a variety of beautiful natural settings for passive enjoyment as well as room for a full range of low-impact outdoor recreational activities such as hiking, boating, fishing, nature walks, beachcombing, swimming, and horseback riding. There is a critical relationship among (1) the variety of site characteristics, (2) the ability of the resort to develop a financially viable mix of multiple uses, and (3) the resulting ability to enhance the natural environment and reverse

those environmental trends that, left unaddressed, would severely diminish the site's beauty and resource amenity value over time.

Availability: This factor favors areas which are relatively undeveloped over those in which substantial investments and physical changes have been made for purposes such as truck farming or cranberry bog development. It also favors large holdings, because land assembly is costly, time-consuming, and uncertain.

Transportation Facilities: Adequate transportation is a necessity for a viable destination resort. In the context of a destination resort in coastal Coös County, adequate transportation means reasonably close access to Highway 101.

Proximity to Urban Areas: Mutually beneficial linkages can arise between a destination resort and a nearby urban area. A nearby resort community, in particular, becomes an additional amenity for the resort, while the resort does the same for the community, pulling in more upscale visitors to the area and keeping such visitors in the area for longer periods of time. Urban areas provide homes for resort employees and their families, with the full range of urban services, while the resort provides additional employment opportunities within easy reach of the urban area. Visitors to the resort can also avail themselves of the stores, professional offices and other services provided by the nearby community. The result is less need for the full range of urban facilities and services outside of an urban growth boundary than would be the case with a more isolated destination resort.

During the hearing process, an opponent argued that the site criteria proposed by the applicant regarding dunal soils types and topography and an ocean vista setting were too restrictive. The opponent claimed two courses identified in the applicant's materials as authentic Scottish Links courses do not have dune locations. Specifically, the opponent stated that Devil's Paintbrush, north of Brampton, Ontario, "is 35 miles from Lake Ontario and has no dunelands", and Shinnacock Hills, in South Hampton, New York, also "is not in dunes".²⁸ According to this opponent, the unusually restrictive definition of a Scottish Links course proposed by the applicant "is not universally accepted in the world of golf". The opponent also pointed out that the Woodland Lakes golf course on the eastern portion of the Bandon Dunes site would not have a dune location.

With regard to what is required for an authentic Scottish Links course, we find persuasive and accept the evidence submitted by Richard Ragatz, in the applicant's market analysis, and by David and James Kidd, the applicant's Scottish Links course design and maintenance experts. These experts concede the definition of a true links course has become blurred over time, at least partly because more or less conventional course are calling themselves true links courses. These experts point out the term "links" originates from the first golf courses of Scotland, where stretches of land along the coast were unfit for farming. These "linkslands", typically bearing only grasses and low-growing woody plants, were the unusable areas between the ocean and the coastal communities. Unsuitable for traditional uses, the first golf courses appeared on these unforested lands. These original links courses were located on alluvial deposits left on top of sand dunes by a river as it flowed into the sea, as well as on land associated with rolling dunes along the ocean shoreline. Links courses have been most successful where the architects have

sought to recreate the natural challenges of early links courses, such as St. Andrews, on which the game of golf evolved.

In conclusion, certain characteristics of soils, location and design are generally associated with a Scottish Links course. The soils must be sandy, spring and porous, supporting the types of grasses that grow in the cool, wet climate of Scotland. Links courses are typically located between the coast and the mainland, usually near oceans, where sandy soils are most often found. Links courses are designed using a property's natural topography, not by moving soil. A typical Scottish Links consists of windswept sand dune ridges and hillocks, with grass growing in hollows and behind the hillocks. In view of these characteristics, we agree with the applicant that an eligible alternative site for the proposed resort must have sufficient sandy (*i.e.* dunes) soils and formations to allow construction of an authentic Scottish Links course. A direct oceanside setting may not be critical to an authentic links course. However, the evaluation of sites set out below does not reject any site solely because it not located directly on the ocean.

Further, having an authentic Scottish Links course is essential to the economic success of the proposed destination resort. The market resource shows there is no true Scottish Links course anywhere on the West Coast, so the Bandon Dunes course would be truly unique. A survey of golf course architects and golf magazine editors revealed that all agreed some golfers have a passionate preference for links courses, and 85 percent of the respondents believe golfers have a passionate preference for links courses, and 85 percent of the respondents believe golfers will travel further to play on a links course. That one of the two 18-hole golf course planned for the Bandon Dunes site will not be a links course does not mean that a true links course is not needed for the success of the resort. No prospective alternative site was rejected because it did not have sufficient dunal terrain for two 18-hole links courses.

12.9.2.3. Identification of Alternative Sites

As required by OAR 660-04-020(2)(b)(A), the possible alternative areas considered in the alternative site identification process are illustrated in Figure 14.

Initially, County topographical data was used to eliminate from consideration all of the inland mountainous areas, leaving the coastal terrace and the finger valleys. These areas were further narrowed by eliminating areas without dunes soils and land forms, leaving basically the coastal terrace, almost all of which is west of Highway 101. The only area east of Highway 101 with some dunes soils is south of Hauser and west of Haynes Inlet. This area contains very little dunes soil and no coastal terrace. The topography is primarily very narrow finger valleys between hilly areas in forest use. The flat areas are largely developed. The area has no ocean exposure and is completely lacking in the topographical and scenic attributes of coastal setting which are essential to a Scottish Links golf course.

The search then focused on coastal terrace areas with dunes soils and land forms. All are west of Highway 101. However, all of Coos County west of Highway 101 from the Coos-Curry County line to Sacchi Beach, 10 miles north of Bandon, is within three miles of cranberry bog clusters qualifying as high value crop areas under the Destination Resort Statute and the Recreational

Needs goal. See Figure 15. All of Coos County west of Highway 101 from the Coos-Lane County line south to North Bend is Oregon Dunes National Recreation Area (NRA), part of the federally-owned Siuslaw National Forest, and is unavailable for public or private destination resort development. The rest of the North Spit, south to the mouth of Coos Bay, is planned and zoned for conservation, water-dependent industrial/commercial uses, and estuary under the Coos Bay Estuary Management Plan. An exception to the Estuarine Resources and Coastal Shorelands Goals would be required for development of a destination resort on the North Spit. The area from the mouth of Coos Bay to Sacchi Beach consists mainly of Cape Arago's hilly headlands and rocky shores, with no dunes soils or land forms.

The areas examined included all acknowledged developed and committed exception areas, urban growth areas and nonresource areas west of Highway 101. Based on county parcelization maps and the exceptions statements, maps, and supporting data set forth in the Coos County Comprehensive Plan, none of these areas has vacant land anywhere near the size needed to support the proposed resort.

All vacant land inside UGBs is committed to residential, commercial, industrial and public needs other than destination resorts. No land in any acknowledged urban area in coastal Coos County has been allocated or is available for destination resort purposes. The removal of such land from urban commercial, residential, and industrial lands inventories would be inconsistent with acknowledged urban growth area comprehensive plans. Amendments of such plans would require the replacement of all or most of the lost land with other buildable land. Because no such land is available within current urban growth boundaries, those boundaries probably would have to be expanded, a process which itself requires the taking of an exception. In addition, the creation of a parcel large enough to accommodate such a resort would require an impractical amount of land assembly.

Acknowledged developed and committed exception areas in the County are all characterized by extensive parcelization, multiple ownerships, and substantial existing rural residential development.

No candidate areas which do not require an exception were identified. Two candidate areas were identified that would require an exception. One is the North Spit. The other is the area between Highway 101 and Bandon State Park, about three miles south of Bandon.

The dunes area beginning at the northern end of the North Spit and running north is within the Oregon Dunes NRA and is unavailable for private development. South of the NRA, on the spit itself, the land is either zoned for water-related and water-dependent industrial use, or is within some sort of conservation management zone because of wetlands or other fragile habitat for sensitive threatened or endangered plants or animals. By contrast, the Bandon Dunes site has areas suitable for resort development which are adjacent to, but not on, such fragile areas.

The area east of Bandon State Park bears some resemblance to the Bandon Dunes site. It contains similar dunes soils, is located west of Highway 101 and is adjacent to a large state park. Close analysis, however shows the area to be heavily committed to cranberry production. Not only does it include extensive bogs on the traditional Blacklock fine sandy loam soils, but equally large plantations on Bullards soils, which are being used for most of the newer

bogs. As discussed below, conversion of existing bogs would represent a substantial abandonment of capital investment. In addition to the high value bogs, the area has a fair number of rural residential tracts. ID also lacks lakes and the direct access to the ocean which are features of the Bandon Dunes sites.

In short, there really are no comparable sites within Coos County for the type of development proposed by the BDLP application. Notwithstanding this conclusion, this decision sets forth, in the following sections, an analysis applying the exception criteria to the site which comes closest to satisfying the seven criteria identified above. The site selected was the one most comparable to the Bandon dunes site, i.e., the area between Highway 101 and Bandon State Park. It will be referred to hereafter as the South Bandon site.

12.9.2.4. Evaluation of Alternative Sites Which do Not Require an Exception

OAR 660-14-040(3)(a) requires the analysis and exclusion of potential alternative solutions. Specifically, it must be shown that the proposed urban development cannot be "reasonably accommodated": (1) Within existing urban growth boundaries; (2) Through expansion of existing urban growth boundaries; (3) By intensification of development at existing rural centers.

The site identification process described above demonstrates the absence of viable alternatives within existing urban growth boundaries. The same process also shows there are no suitable areas into which existing urban growth boundaries could expand. Neither the Bandon Dunes site nor the South Bandon site is contiguous to an existing UGB. Bandon's key urban facilities -- sewer and water -- are not available north of the Coquille River and cannot be practically extended across or under the river and beyond to the proposed resort's main development areas two miles to the north.

Intensification of development at an existing rural center is not an appropriate technique for a land intensive operation such as a golf course destination resort. It would apply, for example, to increasing the supply of available land for housing or perhaps commercial development. Most of the rural centers in Coos County such as Arago, Dora, Fairview, Greenacres, Hauser, Mckinley and Sitkum are in physical settings such as finger valleys which do not have the dunal landforms and soil types required for an authentic Scottish Links course.

12.9.2.5. Evaluation of Alternative Sites Which Do Require an Exception

OAR 660-14-040(3)(b) requires an analysis of the comparative long-term environmental, economic, social and energy consequences of locating the proposed urban development at the proposed site, as mitigated by measures designed to reduce adverse impacts, with those of locating "the same proposal" on other undeveloped rural lands. This comparison is limited to the Bandon Dunes site and the only other site which is even marginally suitable, namely the South Bandon site between Bandon State Park and Highway 101.

a. Environmental Consequences

(1) Bandon Dunes Site In addition to the county-inventoried Goal 5 groundwater and wetland resources discussed in detail in Section 12.8.5.12.c and d above, the Bandon Dunes site contains other valuable, although noninventoried, environmental resources. For instance, a potential restoration site for Snowy Plover habitat was identified at the mouth of Cut Creek. Future discussions between the applicant, ODFW, the Division of State Lands (DSL) and the Army Corps of Engineers will determine if a restoration and habitat management project is feasible. Such a project would include removal of encroaching vegetation and control of access to the area during nesting season, to minimize human conflict with the habitat. If such a project can be implemented, proposed development of the Bandon Dunes site not only will not conflict with the habitat resource, but will actually improve upon the present situation.

Two studies commissioned by the applicant indicate there are significant botanical areas on the Bandon Dunes site. See Application, Volume V, Appendices A and H. As a result, a "Dunelands Management Unit" has been identified and guidelines for planning, design, construction, and operations and maintenance have been developed. See Master Plan, pp. 9-11, 39-41, 50. Key features of these guidelines include location and design of the beach access trail to minimize impacts on natural resources, minimizing the use of mechanical equipment to remove noxious plants, immediate repair of disturbed areas to prevent blow-outs, and long term coordinated management of the area with the Oregon Department of Parks and Recreation (State Parks).

The inventory of plant species in Volume V, Appendix H identified several small but important areas of Silvery Phacelia along the eastern border of the state park and extending about 1/4 mile onto the Bandon Dunes property to the northeast. The study predicts that management of the Silvery Phacelia will be difficult due to the near impossible task of stopping the spread of European Beach grass. A coordinated monitoring program will be established by the applicant and State Parks. Master Plan, p.40.

Although the Bandon Dunes site is not inventoried in the Plan as uniquely scenic, the applicant considers it to be extremely scenic. The visual and scenic qualities of the site are described in the Application, Appendix A, pages 37-40. See the discussion in Section 12.10.9 regarding the various means the applicant will use to preserve and enhance the scenic qualities of the property.

The Master Plan treats the watersheds on the site as part of an integrated hydrological system to be protected and enhanced through measures including riparian vegetation and wetlands protection, improved surface storage, protection and restoration of native plant species, and careful design and management of sewage and stormwater drainage systems. Master Plan, pp. 37-38, 45-55.

There are several reasons why, on balance, the approved destination resort at the Bandon Dunes site will be an environmental plus:

~ The development is sensitive to the environmental characteristics of the site. The application was supported by a comprehensive inventory of existing site conditions and natural resources performed by a multi-discipline planning team. This thorough analysis identifies key design constraints, opportunities and land use suitability factors for various landscape units. Alternative

design concepts were prepared and evaluated to ensure minimum conflict with natural resource values. The preferred design reflects a process of fitting and blending human uses into the natural landscape. The result is a design which, in the words of the design team, "capitalizes on the site's uniqueness and location while respecting the value of the site's fragile natural resources".

~ The development will reverse certain undesirable environmental conditions. These positive development actions include (a) Gorse eradication and control, (b) streamflow maintenance and other fisheries enhancement, (c) cessation of uncontrolled ORV access, (d) cessation of unregulated hunting, (e) adoption of more environmentally sensitive forestry practices, and (f) possible restoration of Snowy Plover habitat.

~ Approval of the development will add certainty that there will be no further future environmental degradation due to other activities which might be permitted under existing zoning. For example, another owner could choose to clearcut the remaining timber and do nothing to enhance threatened species habitat or control invasive exotic plant species.

(2) South Bandon Site Unmitigated environmental impacts at the South Bandon site would be generally similar to those at the selected site, based upon the similarity of soils and geological landscape units. However, the South Bandon site lacks the freshwater streams and lakes of the Bandon Dunes site as well as the Port Orford Cedar Forest, the Cut Creek delta and other unique botanical areas found at the Bandon Dunes site.

(3) Conclusions While the unmitigated environmental impacts at the Bandon Dunes site might be greater than those at the South Bandon site, the mitigation, enhancement, protection and restoration measures incorporated into the Master Plan will result in net environmental benefits at the Bandon Dunes site that substantially exceed those that would result from development at the South Bandon site. The Bandon Dunes site has a variety of assets, including its open sand areas, creek delta, Port Orford grove, Silvery Phacelia areas and Red Fescue meadow (rare habitat), that are in a state of decline that can only be meaningfully addressed in conjunction with the economic incentives and resources that accompany the destination resort development requesting an exception.

b. Economic Consequences The economic consequences of carrying out the proposed development on the Bandon Dunes site are set out in detail in Section 12.8.5.12.c(3). Development of a destination resort at the South Bandon site would have positive economic impacts on the local economy similar to that from a destination resort on the Bandon Dune site but, as explained below, would also have significant negative economic impacts, due to the need to remove rural homes and cranberry bogs occupying portions of the site.

Development of the South Bandon site would require the removal of many rural homes. More important, it would require the elimination of existing high value crop areas created through the heavy investment of time and money by the industry.

An analysis of Sections 24 and 25 in Township 29S, Range 15W. using 1994 aerial photography indicates that approximately 300 acres are currently under production with more on the way. Experts advise that the cost of creating an

acre of cranberry bog ranges between \$20,000 and \$25,000. This indicates a value of between \$6,000,000 and \$7,500,000. Information from the OSU Extension Service indicates that gross annual incomes in the \$4,500 to \$5,500 per acre range are not uncommon. This translates to an annual gross income in the range of \$1,350,000 to \$1,650,000 from this area. A large resort in this area would eliminate all or most bogs because they are located where the residential portions of the resort would have to be located.

Finally, the South Bandon site lacks the abundant groundwater resources underlying the Bandon Dunes site. Development of a water supply adequate to serve a destination resort on the South Bandon site would be expensive.

c. Social Consequences A comparison of the social consequences in terms of supply and demand for public and private services indicates that the social consequences of using the two sites for a destination resort would be equivalent. See also Section 12.8.5.12.c(3).

d. Energy Consequences A comparison of the energy consequences in terms of supply and conservation indicates that the energy consequences of using the two areas for a destination resort would be equivalent.

e. Quantity of Land Involved Under OAR 660-14-040(3)(b)(A), the comparison of alternative sites which do require an exception must include consideration of "whether the amount of land included within the boundaries of the proposed urban development is appropriate."

For purposes of the alternative locations identification, the applicant has used a minimum size of 800 acres. However, as noted, the purpose of that size was to assure that no potentially viable alternatives were excluded, and it is very unlikely that a destination resort with the qualities of the one proposed could be located on such a small acreage. The Bandon Dunes site has substantial natural areas, open water bodies, habitat areas, and fragile areas that are an integral part of the package that makes the proposed destination resort a destination resort. Protection, preservation, restoration, and mitigation will take up all of the site not used for the improvements that, combined with the natural amenities of the site, will make it a successful destination resort.

f. Carrying Capacity Under OAR 660-14-040(3)(b)(B), the comparison of alternative sites which do require an exception must include consideration of "whether urban development is limited by the air, water, energy and land resources at or available to the proposed site, and whether urban development at the proposed site will adversely affect the air, water, energy and land resources of the surrounding site".

The air and energy resource consequences would be equivalent at the South Bandon site. The land resource consequences, however, would be severe. In terms of strict carrying capacity, i.e. the ability of the land to support a destination resort, the two areas are equivalent. But, the removal of, or conflict with, high value farmland would be contrary to sound land economics and resource preservation policy.

The net water quality and quantity impacts at the proposed site would be positive, as documented in the Christensen and Luzier reports, because development of the resort will enable restoration and enhancement of the

site's water retention capabilities as well as the development of new groundwater and storage sources. See discussion of groundwater resources in Section 12.8.5.12.c(1).

g. Overall Consequences The Bandon Dunes site is superior to the South Bandon site in all respects. It is ample in size, enabling development in a manner that avoids or minimizes impacts to its many natural features. It is undeveloped and in single ownership. It has the requisite coastal setting, soils, landforms, and climate, and has a wide variety of natural amenities, including freshwater lakes. It has access to both the ocean and Highway 101, and is close to the acknowledged urban community of Bandon.

12.9.2.6. Evaluation of Alternative Sites Suggested During Hearing Process

a. Sites Outside of Coos County During the course of the County hearings, some opponents suggested that a variety of sites outside Coos County should be considered as alternative sites for the proposed destination resort, or as existing uses that make the proposed resort unneeded. These included sites in Warrenton, Gearheart-Astoria (Reed Ranch), Newport (Wolf Tree Resort), Florence (Sand Pines) and Brookings (Jack Creek and Borax).

As explained in Section 12.9.1 above the "reasons" justifying this goal exception are the need to diversify Coos County's economy, promote Coos County's tourism industry, provide economic benefits to the local economy in the Bandon area and carry out Coos County's economic planning responsibilities. These purposes can only be served by a destination resort located in Coos County, not one elsewhere in the state or country. The County therefore properly limited its identification of alternative sites to Coos County.

b. City of Bandon Some opponents contended either that a destination resort could be developed within the Bandon UGB or that Bandon itself should be considered as a destination resort, thereby eliminating any need for a second destination resort in Coos County. These opponents argued that according to the Bandon Comprehensive Plan, there are 1600 acres of vacant land in Bandon, including 600 designated for residential use and 35 designated for controlled development. They conceded, however, that this land is in many ownerships. They also pointed out the Face Rock Golf Course in Bandon advertises itself as a Scottish Links course, and argued there is no need for an additional such course.

The City of Bandon is a fine city, and has numerous tourist accommodations and businesses, but it cannot in itself be considered a destination resort. A destination resort is a distinct area containing only visitor-oriented accommodations and recreational opportunities and commercial uses limited to serving the needs of those visitors. A City, with full-blown industrial and commercial uses, simply does not fit this definition.

Because the opponents failed to identify a specific site within the Bandon UGB which they contend can reasonably accommodate a destination resort, no site specific comparison is required. OAR 660-04-020(2)(b)(C). In any case, with regard to the possibility of assembling enough vacant land inside the Bandon UGB to site a destination resort of the type proposed, we rely on the evidence submitted by Al Couper & Associates, professional land use planning

consultant. Couper found that it would be impractical to assemble sufficient undeveloped land in the Bandon UGB, and that to allocate sufficient land for a destination resort would be inconsistent with the city's own policies regarding needed residential, commercial and industrial land. We also find that the Face Rock Golf Course in Bandon is a nine-hole conventional golf course that lacks the characteristics and attributes of a Scottish Links course. This golf course is on 39 acres and is adjoined by existing residential development to the north and south, oceanside homes to the west and an Ocean Spray plant to the east. This site cannot reasonably accommodate a destination resort.

We conclude there is no alternative site which could reasonably accommodate the proposed destination resort within the UGB of the City of Bandon.

c. Rosboro, McDougall and Georgia Pacific Sites During the hearings, opponents identified three sites north of the Bandon Dunes site as potential alternative sites. The first site (Rosboro site) is an area of 1334 acres located 10 miles north of Bandon, between Highway 101 and Seven Devils Road, designated and zoned forest. It is located within Township 27 S., Range 14 W., Sections 3, 9-11 and 15. The second site (McDougall site) is an area of approximately 500 acres located approximately 12 miles north of Bandon, on the Pacific Ocean at Sacchi Beach, bordering Seven Devils Road at its southeast corner, designated and zoned forest. It is located within T.26 S. R.14 W., Sections 29 and 32, and T.27 S., R.14 W., Section 5. The opponents asserted that neither of these sites is within three miles of high value crop areas, but submitted no evidence on this issue. The third site (Georgia Pacific site) is an area of approximately 3900 acres located north of the Rosboro site, between the South Slough and the Pacific Ocean.²⁹ It is located within Township 26 S., Range 14 W., Sections 10, 11, 14, 15, 20-22, 27-29 and 34. No information on the zoning of this site, access to the site, resource values of the site or whether it is within three miles of high value crop areas was provided by the opponents.

All three of these sites are located in the steep terrain of the Cape Arago headlands between the Pacific Ocean and the South Slough estuary. In Section 12.9.2.3, of these findings, we explain that no candidate areas meeting the site identification criteria described in Section 12.9.2.2 (Identification of Eligible Sites) were identified in the Cape Arago headlands area, primarily due to the area's steep terrain and rocky shores, with no dunes soils or landforms. Opponents submitted no evidence regarding these sites which refutes that conclusion. However, perhaps in an excess of caution, the findings below explain in more detail why the County has determined that the three Cape Arago headlands sites identified by opponents are not reasonable alternative sites for a destination resort of the type proposed. [In so doing, the findings also demonstrate that even if these sites were considered potential alternative sites for the proposed destination resort that would not require a new goal exception, they "cannot reasonably accommodate the use".]

Although the McDougall property has the advantage of adjoining the ocean, it lacks the dunal soils and formations necessary for a Scottish Links golf course. It consists mainly of steep terrain, in the 30 to 50 percent slope range. It lacks coastal lakes or other significant natural features. It is remote, accessible to Highway 101 only over many miles of steep and winding roads. Its distance from Bandon, and the difficult road access make it likely that more services and facilities for visitors would have to be provided on-

site. Based on the relatively small size of this site, its lack of dunal or other significant natural features, overall steep terrain, difficult access to Highway 101 and distance from the City of Bandon, we find the McDougall site cannot reasonably be considered an alternative site for the proposed destination resort use.

The Rosboro site has adequate size, but also is completely lacking in the dunal soils and formations necessary for a Scottish Links golf course. The site is comprised of steep, mountainous terrain, with slopes above 30% and deeply dissected marine terraces with small streams draining toward the ocean. It lacks ocean views or significant natural features. It has the best access to Highway 101 of these three sites, but even this site requires use of a steep, winding road for at least two miles to reach Highway 101. Based on this site's lack of dunal or other significant natural features, overall steep terrain, and lack of direct access to Highway 101, we find the Rosboro site cannot reasonably be considered an alternative site for the proposed destination resort use.

The Georgia Pacific site is adequate in size, but has the same types of soils and steep terrain as the other two sites. It, too, lacks the dunal soils and formations necessary for a Scottish Links course. Getting to this site from Highway 101 would require traveling over many miles of steep and winding roads. George Gant, a member of the County Planning Commission, testified before us that this site is "steep canyons up and down" and said he could not imagine anyone thinking it had golf course potential. Bill Grile, who was County Planning Director for 16 years, also testified that this site lacks the terrain and dune forms necessary for the proposed destination resort and is similar to a nearby site where a subdivision failed for lack of a water supply. Finally, Ralph Christensen, a geologist knowledgeable about this part of the County, testified that this site is in a different hydrogeologic area than the Bandon Dunes site, and would not contain a reliable water supply for the proposed destination resort. We believe the testimony of Gant, Grile and Christensen is reliable, and conclude that due to its steep terrain, lack of dunal features, difficult access to Highway 101, distance from the City of Bandon, and lack of a reliable water supply, the Georgia Pacific site cannot reasonably be considered an alternative site for the proposed destination resort and, even if it could be so considered, cannot reasonably accommodate the proposed destination resort use.

In addition, we specifically find that the McDougall and Rosboro sites are within three miles of a high value crop area and, therefore, siting a destination resort on either of these sites does require a goal exception. Figure 15 of these findings depicts graphically the land in Coos County within three miles of high value crop areas. The northernmost three-mile radius circle shown on this map occupies almost all of T.27S., R.14W., and most of T.26S., R.14S., Section 32 (compare with Figure 14) and, therefore, includes all of the Rosboro site and approximately the southern half of the McDougall site. Further, the topographic map in the record of coastal Coos County, comprised of U.S.G.S. quadrangle maps, indicates there are cranberry bogs located in T.27S., R.14W., Section 8, on Blacklock soils just west of Seven Devils Road and within three miles of the McDougall and Rosboro sites.

This means that even if the McDougall and Rosboro sites are reasonably considered as potential alternative sites, which we do not find to be the case, they are not eligible for siting a destination resort through the

statutory process, and require a goal exception. Under OAR 660-04-020(2)(c), it is not necessary to do a detailed evaluation of such sites unless they are "specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exception proceeding". Here, the opponents proposing the McDougall and Rosboro sites have submitted no facts to demonstrate a destination resort at these sites would have significantly fewer adverse impacts and, therefore, no detailed analysis is required.

Nevertheless, the limited information on these sites in the record indicates the economic consequences of siting a resort at either site would be less beneficial than at the Bandon Dunes site, because the greater distance from the City of Bandon would reduce the synergistic effect of the resort on the Bandon tourism industry, as resorts at these sites would likely be more self contained. Social consequences of a resort at either of these sites and the Bandon Dunes site would likely be similar. However, the greater isolation/distance of these sites from Highway 101 and the Bandon UGB would result in adverse energy consequences for visitors, employees and suppliers. With regard to environmental consequences, the Rosboro site is significantly more productive forest land than the Bandon Dunes site, having soils predominantly in the Site class 2 and 3 range, including approximately 100 acres of Blacklock soils classified as "prime and unique" by the SCS. The Rosboro site also contains a stream designated as significant anadromous fish habitat. The McDougall site contains an inventoried area of archaeological significance. Development of a destination resort at either the McDougall or Rosboro sites would not have significantly less adverse ESEE consequences than locating it at the Bandon Dunes site.

12.9.3. Compatibility

OAR 660-04-020(2)(d) elaborates on the statutory and goal requirement that the proposed use be "compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts", as follows:

**** The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. 'Compatible' is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses."

In addition, OAR 660-14-040(3)(c) specifically requires consideration of:

(A) Whether urban development at the proposed site detracts from the ability of existing cities and service districts to provide services; and

(B) Whether the potential for continued resource management of land at present levels surrounding and nearby the site proposed for urban development is assured."

Because the Bandon Dunes resort will be virtually self-sufficient as to storm and sanitary discharge handling, and water supply and storage, and will either provide its own public security and fire protection or pay the cost of those services through contracting with existing service providers, there will be very little impact on the ability of existing cities and service districts to

provide those services. Also, in Section 12.8.11.12. above regarding school service, we find that the Bandon School District is capable of providing adequate school service if the Bandon Dunes resort is developed.

The only farm use occurring on lands adjacent and nearby the Bandon Dunes site is cranberry production. While no cranberry bogs directly abut the Bandon Dunes site, some exist to the east across Highway 101, especially near the intersections of Randolph Road and Seven Devils Road with Highway 101. According to the County Extension Service, conflicts between residents and cranberry growers based on complaints regarding agricultural practices used on the cranberry bogs are rare. The cranberry bogs are located over one-half mile from any proposed resort development.

A more important potential conflict, discussed extensively above under Goal 5, in Section 12.8.5.12.c(1) and (2), is with regard to demand for use of water. As noted above, the Cut Creek Water Improvement District, which provides water to cranberry operations, withdraws water from Chrome Lake. The applicant has worked extensively with the cranberry growers to insure protection of this water supply for existing and planned cranberry production. In fact, the Bandon Dunes resort has been designed so that it will not preclude the possibility of raising the level in Chrome Lake to provide additional water to the cranberry growers. Also, with regard to maintaining the water quality of the cranberry growers' Chrome Lake water source, we explain in Section 12.8.5.12.c(4) how the provisions of the Master Plan and BDR zone will ensure that water quality of this lake (and other water sources on the Bandon Dunes site) will be maintained.

Another potential conflict is with regard to the effect of resort development on the value of agricultural land. The opinion of an experienced licensed MIA appraiser from Coos Bay, familiar with the area and with specific experience in appraising farms with cranberry bogs, that the proposed resort will not drive up land values for cranberry bogs is persuasive, and we so find. This conclusion is reinforced by evidence that the cranberry farms are separated from the Bandon Dunes site by Highway 101 and substantial rural residential development, and that the bogs are not situated so that they would provide any scenic or other amenity value for residential development. We also concur with testimony that the bogs represent a significant capital investment and are of substantial economic value in their current use.

These conclusions are reinforced by the fact that the only testimony from cranberry farmers was supportive of the project, such as the testimony of Susan Mast, who owns the bogs closest to the site and who testified that "I don't think its going to hurt us at all".

The other type of resource use occurring on land adjacent to or nearby the Bandon Dunes site is forest management. Except for the Wehner inholding discussed below, the only area in which the Bandon Dunes site abuts land designated for forest use is to the north and along a portion of the eastern property line down to just south of Randolph Road, and another portion of the eastern property line from just south of Sherril Lane to where the Bandon Dunes property adjoins Seven Devils Road.³⁰ Information from the regional office of the Department of Forestry indicates little cause for concern. Most of the timber activity within one mile of the Bandon Dunes property consists of small private owners logging three to ten acres under the Forest Practices Act. The primarily and only land use recommendation from the Department of

Forestry was to maintain effective setbacks and buffers between the resort and the adjacent forest lands.

The proposed resort development indicated on the Master Plan is generally 500 to 800 feet from adjacent Forest zoned property. The road pattern itself is self contained, i.e. none of the internal roads lead to nearby forest land. The one exception is Randolph Road, which will provide access during the construction of Phase 1. Lastly, the overall design of the project is inward oriented; the center of the resort is near Chrome and Round Lakes. Residents and guests will be focused on the golf courses, the lakes, the trails to the beach and the central resort features. There will be little incentive and no trail systems leading resort users to the northeast borders of the site.

The proposed destination resort site surrounds an approximately 10 acre parcel (Wehner parcel) that includes the eastern end of Round Lake. The Wehner parcel is the site of one single family dwelling. Randolph Road provides access to this parcel. Although the Wehner parcel is designated and zoned for forest use, its small size and separation from other forest designated land have resulted in its being used as a rural residential site. The wooded nature of the terrain and an island in Round Lake will obscure the view of the residential lodges or hotel proposed to adjoin the northwest shore of Round Lake from the existing single family dwelling on the Wehner parcel. The residential development that the Master Plan indicates will be located near the southeast shore of Round Lake will be visually buffered from the existing single family dwelling. The distance between the existing dwelling and the proposed development near the southeast shore of Round Lake will be 500 to 1,000 feet. The development closest to the existing dwelling will be visually screened by existing lakeside vegetation.

In response to concerns expressed by the Wehners concerning habitat and riparian values of Round Lake, more stringent use restrictions and riparian setbacks for Round Lake have been adopted than originally proposed. The applicant incorporated into the draft Master Plan, and we adopt as part of the final Master Plan, policies reserving the lake for sports fishing, wildlife observation and environmental education, placing it off limits to swimming and boating. In addition, the watercourse which connects Round Lake, the Lily pond area, and Cut Creek will be restored to stabilize the hydrological regime and seasonal flow conditions in Round Lake, thereby enhancing both its scenic and habitat values.

Except for two areas -- the hotel/lodge site on the northwest shore of Round Lake and the sites for residences along the southeast shore, development will be set back at least 100 feet from the shore of Round Lake, even though most of that shoreline has little habitat or riparian value. In fact, approval of the proposal, with Round Lake as the centerpiece, makes it likely that the applicant will follow the advice of its wildlife consultant and enhance the currently marginal habitat values of this artificial lake's shores. We also note that the Wehners sought special permission to place their structure within 30 feet of the lake and received it based upon their written representations that "present riparian vegetation consists of huckleberries, salal, and grass", and that the structure would be "outside the riparian vegetation growth".

Any temporary inconvenience to the residents of the Wehner parcel due to use of Randolph Road for construction access during development of Phase 1 will be

minimized. After construction of Woodland Village Road, Randolph Road will be used only for incidental access and will bear little resort traffic. The traffic study in Appendix D of Volume V of the application indicates the Level of Service at the intersection of Randolph Road and Highway 101 will remain acceptable during construction and after completion of Phase 1. In addition, the residents of the Wehner parcel, Weiss Estates and the rural residential areas on Sherril and Shirley Lanes will benefit from the proposed improvements in access to Highway 101 from Seven Devils Road and Fahy Road.

Concerns were expressed by the Smith's, who live out of state, that they did not receive adequate notice, that the use of Randolph Road would create conflicts for them and that the resort development on adjoining property would adversely affect their privacy and the wildlife on their property. A staff check of the notice lists shows that notices were timely mailed to the Smith's at the correct address. In addition, their letter of concern, as well as two other letters, were submitted well before the final public hearings and the closing of the record.

The Smith property abuts the northeasterly corner of the site. The dwelling on the Smith property is about 450 feet north of Randolph Road and is screened from the road by heavy vegetation. Randolph Road will not be a main access to the Bandon Dunes resort. There will be some use of the Randolph Road during construction of Phase 1, but post-Phase 1 construction use will be limited to service and emergency vehicle use. For reasons of security, amenity, traffic control, and the like, all other access to Phase 1 of the resort will be via Woodland Village Road, a new paved access road connecting the resort center and Highway 101 via Seven Devils Road. Randolph Road will remain at its current width and will retain its graveled surface, deterring casual use by visitors.

Under the Master Plan and BDR zone, the part of the BCD site closest to the Smith property is designated and zoned as a woodland buffer area. As one of the site's designated Natural Resource Conservation Areas, this set-aside area will not be developed. The closest proposed development will be a cluster of attached dwelling units 600-700 feet from the Smith dwelling and about 500 feet west of the resort site's eastern border. No hiking trails or other public use facilities are proposed near the Smith property. The impact on their privacy and wildlife will be minimal.

South of Cut Creek, the western edge of the destination resort site borders Bullards Beach State Park. The portions of the state park adjoining the site are undeveloped and are currently used for low-intensity recreation. The Oregon Department of Parks and Recreation's Bullards Beach State Park Master Plan designates most of the park area adjoining the site of the proposed destination resort as Primary Protection Area or Secondary Protection Area. A small portion of the park adjacent to the southwest corner of the destination resort site is designated as a Limited Development Area. Other than a beach access hiking trail south of Cut Creek, the Master Plan shows no resort development within 800 feet of the state park boundary. As shown in Figure 15 of the Master Plan, the areas of the site adjoining the state park are planned as Dunelands and Wetlands management units. The guidelines for these management units indicate that environmental impacts will be minimized. See Master Plan, pp. 50 and 55.

The adopted Master Plan includes plans to preserve and restore sensitive plant and wildlife habitat areas adjacent to the state park. Master Plan, pp. 9, 39-41. The portions of the Bandon Dunes site adjoining the state park have been placed in the Cut Creek delta (NR-1), Scenic Dunes (NR-3) and Interdune Valley Lowlands (NR-8) subzones. See Exhibit I. Other than utilities, none of which are planned to be located within 800 feet of the state park boundary, these subzones permit only nature study, observation and research, low-intensity recreation and wetlands mitigation uses. Limiting and controlling development in this fashion will ensure that the Bandon Dunes resort is compatible with continued recreational use of the adjoining state park.

Two approximately 12-acre parcels located between the destination resort site and Highway 101, on Fahy Road, are designated and zoned Industrial (IND). These parcels are owned by the applicant. The parcel south of Fahy Road is the site of a former aggregate extraction operation. The aggregate resource at this site has been exhausted, and no extraction operation will operate on this parcel in the future. The parcel north of Fahy Road is surrounded on three sides by the rural residential development of Weiss Estates. The developer of Weiss Estates leases a portion of this parcel for a currently inactive hobby gold mining operation. When this operation was active in the past, there were no complaints of conflicts with the rural residential use of Weiss Estate. A small amount of aggregate resource remains on this northern parcel, and may be extracted by the applicant for use as road base during the construction of Phase 1 of the resort and possibly Interdune Valley Scenic Drive. The applicant will not extract aggregate from the site after resort construction is completed. The Master Plan indicates the recreational dwellings proposed along the southern shore of Fahy Lake will be focused on the lake itself and will be separated from the two industrially zoned parcels by Fahy Road, Weiss Estate (at the north end) and at least 400 feet of heavily wooded terrain. The proposed destination resort use will be compatible with the uses of these two 12-acre parcels.

The final use adjoining the Bandon Dunes resort is Weiss Estates, a developed residential subdivision of approximately 20 homes on land designated Rural Residential and zoned RR-2. Weiss Estates adjoins the southeastern portion of the Bandon Dunes site. The western end of Weiss Estates will be screened from the South Fahys Lake Special Residential area of the resort by a heavily wooded designated Woodland Buffer area that is generally at least 200 feet in width, narrowing to approximately 100 feet at Fahys Lake. In any case, the approximately 30 recreational dwellings to be located in the South Fahys Lake Special Residential area are similar in nature and density to the residential uses in Weiss Estates itself. The central portion of Weiss Estates borders the southern shore of Fahys Lake. The area of the resort directly across the lake at this point will be part of the Woodland Lakes golf course. Views of a golf course are not generally considered a conflict with residential use, but in any case, the Riparian Vegetation Protection provision of Section 4.10.030.H of the BDR zone will require that a vegetative buffer of 100 feet be left on the wooded north shore of the lake. The eastern end of Weiss Estates adjoins an area of the resort that will be part of the Woodland Lakes golf course. The only resort residential uses in this area indicated by the Master Plan is a cluster of recreational dwellings off of Woodland Village Road, at least 800 feet to the north of the Weiss Estates boundary, and separated from it by portions of the golf course. Section 4.10.030.J.5 of the BDR zone requires that the golf course be set back at least 50 feet from the

exterior boundary of the BDR site, assuring Weiss Estates of an adequate buffer at this heavily wooded location.

One concern expressed by some residents of Weiss Estates was with regard to the protection of the water quality of Fahys Lake. Weiss Estates is served by a community water system that draws its water from Fahys Lake. At present, the water quality is good and meets federal drinking water standards. One response made to these concerns was to modify the Master Plan to prohibit swimming and boating Fahys Lake except for limited canoe and kayak use. In addition, the applicant prepared a proposed water quality monitoring program, and the BDR zone was revised to require a detailed landscape/golf course management plan addressing water quality concerns as part of final development plan approval. The water quality issue, and the ways in which the Master Plan and BDR zone have been designed to protect the water quality of Fahys Lake (as well as other water resources of the Bandon Dunes site) are discussed in detail in Section 12.8.5.12.c(3) and (4) of these findings.

With regard to roads and traffic, the two access points to Highway 101 closest to Weiss Estates -- Weiss Estates Road and the north end of Fahy Road -- will remain unaffected by the resort. After construction of Phase 2 of the resort, should Weiss Estates residents choose to access Highway 101 by traveling south on Fahy Road, they will use the new Interdune Valley Drive intersection with Highway 101. While there will be more traffic at this intersection than there was at the former intersection of the southern end of Fahy Road with Highway 101, due to the presence of the resort, this will be mitigated by the fact that the realignment and left turn pocket will make this a safer intersection. See Section 12.8.12.1.

Based on the above discussion, the County concludes that the Bandon Dunes destination resort will be compatible with the adjacent uses and with surrounding and nearby resource management uses, and will not detract from the ability of cities and special districts in the area to provide their services.

12.9.4. Public Services and Facilities

OAR 660-14-040(3)(d) requires a showing that an appropriate level of public facilities and services are likely to be provided in a timely and efficient manner. This is demonstrated by the findings addressing Goal 11 in Section 12.8.11, which are incorporated herein by reference.

12.9.5. Plan Coordination and Consistency

OAR 660-14-040(3)(e) requires a showing that the proposed new urban development on rural land is (1) "coordinated with comprehensive plans of affected jurisdictions"; and (2) "consistent with plans that control the area proposed for [urbanization]."

The first requirement is satisfied by the findings on the Goal 2 coordination requirement located in Section 12.8.2.1.c, which are incorporated herein. The second requirement is satisfied by the findings in Section 12.10 below, which demonstrate that the proposed development is consistent with the relevant provisions of the Coos County Comprehensive Plan and are incorporated herein by reference.

12.10. COOS COUNTY COMPREHENSIVE PLAN

Chapter 5 of the Plan ³¹ contains a series of sections under separate subject matter headings, each of which is separated into (1) Problem/Opportunity Statement, (2) Issues, (3) Goals, and (4) Plan Implementation Strategies. Plan Sections 1.8 (How to Use this Plan) and 5.0 (Problems, Planning Issues, Local Goals and Plans Implementation Strategies) explain that the "goals" and "plan implementation strategies" are the adopted plan "policies". Plan "goals" are "policies that provide extremely general guidance, and are developed as a means of dealing with corresponding, general problem statements". Plan, Section 5.0 Plan "implementation strategies" are "policies that provide specific guidance [and] establish specific implementation measures *** for achieving respective goal statements". Id. For simplicity, Plan "goals" and "implementation strategies" are sometimes referred to in these findings generally as "policies".

Coos County planning obligations potentially relevant to the Bandon Dunes resort project were identified by first segregating plan policies into two basic categories. The first are those for which achievement of the Bandon Dunes project will not materially further the accomplishment of a given goal. An example would be a plan policy which strives to protect life and property by keeping development out of a flood hazard area. As long as there is no development, the threat is only potential. If a development is approved for the subject property, but not for the flood hazard area, the threat is still only potential. Nothing has changed even though a project has been approved and developed which complies with the plan policy.

The second category is those policies which can be materially furthered by a given development. An example would be a plan policy which advocates diversification of the local economy. A project which promotes a new and unique industry and creates new jobs actually carries out the direction indicted by the plan policy. Approval of that type of project could truly be said to aid the County in meeting such a planning obligation.

Once the policies are segregated into those two categories, the analysis proceeds by an evaluation of those in the second category against the facts of the proposed development to see whether the goals and policies are furthered, hindered or not affected at all. The relevant plan policies are presented first, along with the facts which demonstrate whether that particular planning obligation has been met.

12.10.1. Citizen Involvement

As explained in Section 12.8.1 of these findings, this section of the Plan (5.1) constitutes the County's acknowledged Citizen Involvement Program. The Citizen Involvement Goal is:

"To develop a Citizen Involvement Program that insures the opportunity for citizens to be involved in all phases of the planning process." Plan, p.5-4.

This goal is carried out by seven Plan Implementation Strategies (PIS's), three of which are relevant to this quasi-judicial Plan and ZLDO amendment proceeding.

Citizen Involvement PIS 3 (Citizen Influence) states:

"The purpose of this component is to provide the opportunity for citizens to be involved in all phases of the planning process, including preparation of plans and implementation measures, plan content, plan adoption, and minor and major revisions to the plan and implementing measures. This shall be accomplished by townhall workshops (as appropriate) and public hearings." Plan, p.5-5.

The "townhall workshops" referred to in PIS 3 are appropriate for periodic updates of the Plan and implementing ordinances, or other legislative Plan or ZLDO amendment proceedings. For a quasi-judicial Plan and ZLDO amendment applied for by the property owner, as is the case here, the opportunity for citizen involvement is appropriately provided through public hearings. In this case, public hearings were held before the Planning Commission on May 8, 1996 and before the Board of Commissioners on June 5 and July 11, 1996.

Citizen Involvement PIS 4 (Technical Information) requires the County to make technical information available to citizens in an understandable form and to assist citizens, as necessary, in interpreting such information. PIS 4 also requires a copy of all technical information to be made available at public libraries or other public locations in the County. The BDLP application, including supporting Technical Appendices (Volume V), as well as all additional documentation submitted by the applicant over the course of the lengthy review and hearing process, were made available for public review at the County Planning Department and at public libraries in Coquille and Bandon. County Planning Department staff provided assistance to citizens upon request and by preparing a Staff Report analyzing the application, which was made available prior to the Planning Commission hearing.

As relevant here, Citizen Involvement PIS 5 (Feedback Mechanisms) provides:

"**** Citizens who have participated in the planning process shall receive a response from policy makers. The rationale used to reach land use policy decisions shall be available in the form of a written record." Plan, p.5-6.

These findings express the rationale used by the Board of Commissioners to make the policy decisions involved in adopting these Plan and ZLDO amendments. The findings also respond to specific issues and concerns raised by citizens during the hearing process.

12.10.2. Land Use & Community Development Planning

The Plan Land Use & Community Development Planning Goal provides the County considers the Plan Map, Goals and Implementation Strategies to be "official statements of policy" that guide the County, but recognizes that "it will be necessary to revise and modify this Plan from time to time as situations and events change". Plan, p. 5-7. This goal is carried out by 11 PIS's, five of which are relevant to this Plan and ZLDO amendment proceeding.

Land Use & Community Development Planning PIS 6.C provides that the County shall consider Plan amendment proposals upon "an application filed by a citizen or organization, accompanied by a prescribed filing fee". Plan, p.5-8. BDLP filed a Plan amendment application, accompanied by the prescribed filing fee, on November 9, 1995.

Land Use & Community Development Planning PIS 7 sets out requirements for public notice on public hearings to consider proposed Plan amendments. PIS 7 requires that notice be published in one of the county's designated official newspapers "at least 30 calendar days prior to the date of scheduled hearing". Plan, p.5-9. Notice of the hearings before the Planning Commission and Board of Commissioners was published in the Coos Bay World, an official newspaper, on April 22, 1996. Although the notice was published in the Coos Bay World, an official newspaper, on April 22, 1996. Although the notice was published only 16 days prior to the Planning Commission hearing, it was published 44 and 80 days, respectively, prior to the June 6 and July 11 Board of Commissioners hearings. We find this requirement of PIS 7 is satisfied if public notice is published at least 30 days prior to the Board of Commissioners hearing(s) on a proposed Plan amendment or, in the alternative, that publishing notice only 16 days, rather than 30 days, prior to the Planning Commission hearing was not prejudicial to participants in the hearing process, in view of the adequate opportunity they had to participate in the de novo evidentiary hearings before the Board of Commissioners.

Land Use & Community Development Planning PIS 7 also requires the County to give written notice of the public hearing on a proposed Plan amendment to each member of a "Regional Planning Group" or "equivalent group [established] in an amended C.I.P. ***" at least 30 days before the scheduled hearing. Plan, p.5-9. There is no "Regional Planning Group" for the subject area. A "Citizen Advisory Committee", consisting of the Coos County Planning Commission, is established under Citizen Involvement PIS 1. Members of the Planning Commission were notified in writing of the upcoming Plan amendment hearing at least 30 days prior to the hearing.

Land Use & Community Development Planning PIS 7 and 7a require the County to comply with the requirements of ORS 197.610 and 197.615 with regard to sending notice to the DLC Director of proposed and adopted postacknowledgment Plan and land use regulation amendments. Compliance with these requirements is addressed in Section 12.7.2 above.

Land Use & Community Development Planning PIS 8 requires the Board of Commissioners to consider a recommendation from the Planning Commission as to the appropriateness of each requested Plan amendment. PIS 8 also requires the Planning Commission to conduct a public hearing "prior to formulating its recommendation". Plan, p.5-9. After conducting a public hearing on May 8, 1996, the Planning Commission adopted a recommendation to approve the proposed Plan and ZLDO amendments, with conditions, which recommendation was forwarded to and considered by the Board of Commissioners. Of the five conditions recommended by the Planning Commission, three were incorporated into the text of the Master Plan or BDR zone, and two were adopted as conditions to this decision.

Land Use & Community Development Planning PIS 12 provides that "[w]hen a formal *** plan amendment is proposed, the County shall request and consider written comments from the affected agencies, entities and special districts". Plan, p.5-11. The extensive coordination process carried out in conjunction with the review and adoption of these Plan and ZLDO amendments is described in detail in Section 12.7.2.1.c. above.

12.10.3. Agricultural Lands

Although none of the Bandon Dunes site is designated Agricultural, the eastern portions of the site are subject to the Plan's "Mixed Use" overlay designation, which is applied to forest areas that have a history of management for mixed farm and forest uses. Plan, p.3.2-44. The "Forest/Mixed Use" zoning of such areas allows additional uses normally allowed in exclusive farm use zones that are not allowed in purely forest zones. Because of the "Mixed Use" designation of portions of the Bandon Dunes site, Plan Agricultural Lands policies are potentially applicable to Plan and ZLDO amendments affecting this site.

The Plan Agricultural Lands Goal states:

"Coos County shall preserve and maintain agricultural lands for farm use, 'consistent with existing and future needs for agricultural products, forest and open space', *** **except where legitimate needs for nonfarm uses are justified**". (Emphasis added.) Plan, p.5-14.

Amending the Plan and ZLDO to allow destination resort use of this site is consistent with the above goal, because the findings in Section 12.9 supporting an exception to statewide Goal 3 demonstrate there is a "legitimate need" for nonfarm use of the site.

In addition, Agricultural Lands PIS 5 states:

"Coos County shall generally support the efforts of the Coos SWCD and other entities to develop water storage projects to supply additional irrigation water to improve the County's agricultural economy ***". Plan, p.5-15.

As explained in more detail on p.39, the Cut Creek Water Improvement District has expressed an interest in raising the water level in Chrome Lake to irrigate, cool and harvest an additional 320 acres of cranberry bogs. Although raising Chrome Lake is not part of the approved destination resort, the Master Plan has been designed not to preclude such an action, if the water district secures WRD approval of its application. Therefore, these Plan and ZLDO amendments are consistent with the above quoted PIS 5.

12.10.4. Forest Lands

The Bandon Dunes site is designated forest by the Comprehensive Plan and is zoned accordingly. This decision approves a redesignation of the site to the BDR plan designation and BDR zone.

The Plan recognizes that lower site class lands on the coastal plain are poorly suited to large scale forest management. Plan, p.5-17, Issue 3. The forest capacity of the Bandon Dunes site is displayed in Figures 5 and 6 and Table 2 of these findings.

The western two thirds of the Bandon Dune site are "lower site class lands". Specifically, beginning with the area south of Cut Creek near the ocean, the soils are dunelands and other fine sands and are not rated for timber production. The marine terrace north of Cut Creek and the linear strip running south of Cut Creek between Bullards Beach State Park and the "Back Ridge" are covered with stabilized dunes of the Waldport-Heceta complex and

have a forest site index of 90. A site index of 90 means that a merchantable tree such as Shore Pine will reach a height of 90 feet at the end of a 100 year growth cycle. By comparison, the higher site classes in Coos County are found on soils with site index numbers ranging between 160 and 180, nearly double the productivity of soils at the Bandon Dunes site.

The eastern third of the Bandon Dunes site, roughly from the western edge of the lakes to the east property boundary, contains mostly Bullards Sandy loam soil, which has a site index of 132. With such a mixture of low to moderate quality soils, the entire property cannot generate enough potential income to capitalize the more intensive and productive forms of forest management. In addition, the owner has been advised that the marginal quality of the Shore Pine forest west of the south ridge is not suited to selective harvesting. The recommended commercial approach would be to clear cut the interdune valley area and chip the material on site. Forest regrowth would be very slow because of poor soils and wind conditions.

These amendments are consistent with the Plan Forest Lands Goal, which states:

"Coos County shall conserve forest lands by retaining them for the production of wood fiber and other forest uses, **except where legitimate needs for nonforest uses are justified.** ***" (Emphasis added) Plan, p.5-18.

Amending the Plan and ZLDO to allow destination resort use of this site is consistent with the above goal, because the findings in Section 12.9 supporting an exception to statewide Goal 4 demonstrate there is a "legitimate need" for nonforest use of the site.

Forest Lands PIS 2 provides:

"Coos County shall ensure that new rural residential dwellings are compatible with adjacent forest and agricultural management practices and production."

"This strategy shall be implemented by requiring applicants for building and septic permits to sign a statement *** acknowledging that the normal intensive management practice occurring on adjacent resource land will not conflict with the rural residential landowner's enjoyment of his or her property. ***". Plan, p.5-18.

Regardless of whether the recreational dwellings of the Bandon Dunes resort are properly considered "rural residential dwellings", the first part of the above policy is satisfied by the findings in Section 12.9.3 demonstrating compatibility between the resort and adjoining forest land. The second part is satisfied by the requirement imposed as a condition of this approval that the applicant execute the Waiver of Right to Object to Forest and Farm Practices Management Easement found as Exhibit E to this decision and deliver the executed easement to the County Planning Director for acceptance and recording. Such an easement will run with the land and will be binding on future owners of residential lots in the Bandon Dunes resort, if land divisions are subsequently approved.

Forest Lands PIS 3 provides:

"Coos County shall require all new residential development that is on lots, parcels or tracts within or abutting the "F" [Forest] zone to agree to construct and maintain a fire-break of at least 30 feet in radius around the dwelling prior to completion of the dwelling. A fire-break is defined as an area free of readily inflammable material and may include lawns, ornamental shrubs, and scattered single specimen trees." Plan, p.5-19.

The Bandon Dunes site abuts F-zoned land at its northern and northeastern boundaries and along the boundary immediately north of the proposed Woodland Village Road entrance to the resort. In addition, the Wehner parcel, a 10-acre inholding is zoned F. The BDR zone requires that the landscape management plan included as part of the final development plan for each phase or element of the resort satisfy Forest Lands PIS 3. BDR zone, Section 4.10.065.B.7. Covenants and deed restrictions will be used to ensure that residential occupants and property owners are required to comply with approved landscape management plans. BDR zone, Section 4.10.065.C.3.

12.10.5. Mineral and Aggregate Resources

The Plan Mineral and Aggregate Resources Goal requires the County to "value its identified mineral and aggregate deposits" and "strive to protect them where practicable". Plan, p.5-21.

Under PIS 1, the Plan's policy for protection of identified mineral and aggregate resources (other than coal deposits and black sand prospects) is to maintain the sites in their present state, except where a conflicting use is identified during implementation of the Plan. A conflicting use is defined as any dwelling or other structure within 500 feet of the resource site. Plan, p.5-21.

There are two identified gravel pits on property owned by the applicant, but located outside the Bandon Dunes site, adjacent to Highway 101. See Figure 1. These gravel pits have been mined but are not yet ready for reclamation. The applicant intends to maintain these sites in their present use until such time as reclamation becomes appropriate. Some gravel resource remains, and it will be used for road base construction on the project site. Under the Master Plan, no structures or dwellings that are part of the resort are proposed to be located within 500 feet of the sand and gravel pit sites. Because the sand and gravel pits will be maintained in their present state until the resource is exhausted, and the resort will not create conflicting uses for these resource sites, the project complies with this strategy.

PIS 3 states that inventoried black sand prospect areas are designated as a "1B" resource under OAR 660-16-000(5)(a), and that this decision will be reconsidered during the scheduled Plan update. Plan, p.5-23. This designation simply means that no decision has been made regarding whether the resource is significant and deserves protection. In choosing the "1B" category, the County also committed to complete the Goal 5 process at some time in the future. Specifically, the County opted to resume the Goal 5 process as part of periodic review, a process in which all cities and counties must update their comprehensive plans every 4 to 7 years.

The Plan states there is a potential for black sand deposits on the beach and some areas of the Bandon Dunes site. PIS 3 does not require that any action be taken with regard to this potential resource until periodic review. Until

that time, the applicant has no plans to exploit the resource, nor will be Bandon Dunes project compromise preservation of the resource for future use.

12.10.6. Fish and Wildlife Habitat

Beginning on page 5-23, the Plan contains policies designed to identify, categorize and protect various forms of fish and wildlife habitat. These policies are based on a goal statement that recognizes the commercial, recreational and ecological significance of the wide variety of fish and wildlife species found in various areas of the county. The goal expresses the need to carefully identify significant habitat and to balance protection against legitimate development needs.

PIS 1, at Plan p.5-23(a), states the County deems as a significant habitat resource under Statewide Goal 5 (1) Sensitive and Peripheral Big-game Range, and (2) Salmonid Spawning and Rearing Areas. PIS 1a, at Plan p.5-24, identifies specific bald eagle habitat sites, great blue heron nesting sites and pigeon mineral springs considered as significant habitat resources under Statewide Goal 5.

Fish and Wildlife resources are identified on Plan Special Considerations maps titled "Fish and Wildlife Habitat - Maps I & II". The entire Bandon Dunes site is identified on Map II as "Impacted - Little or No Habitat Value". Because none of the site is Sensitive or Peripheral Big-Game Range, and no streams on or affected by the site are shown on the Special Consideration Map as used for anadromous fish habitat, PIS 1 is not applicable to this decision. In addition, none of the sites identified by PIS 1a are on or near the Bandon Dunes site.

Even though the Bandon Dunes site does not contain significant habitat protected by PIS 1, the Bandon Dunes project has been designed with great sensitivity to wildlife habitat. It not only preserves habitat but, as explained below, will enhance certain situations. The site was recently surveyed by William I. Haight, Fish and Wildlife Consultant. Application, Volume V, Appendix I. The survey was designed to provide detailed information to ODFW as well as to meet requirements that eventually will enable the Bandon Dunes site to be certified under the Audubon Signature Cooperative Sanctuary Program.

PIS 2 requires the County to "manage its riparian vegetation and identified nonagricultural wetland areas so as to preserve their significant habitat value as well as to protect their hydrologic and water quality benefits". Plan, p.5-25.

The findings addressing the Statewide Goal 5 requirement to protect inventoried wetlands at Section 12.8.5.12.d identify the wetlands identified by the Plan on the Bandon Dunes site, identify how the resort development will affect those wetlands and explain how the provisions of the Master Plan and BDR zone establish a program that will protect the wetlands' resource value. This is sufficient to satisfy PIS 2 with regard to identified wetlands.

With regard to protection of riparian vegetation, the Master Plan requires all nonwater-dependent resort development to be located outside the CSB's around Chrome, Round and Fahys Lakes. Master Plan, p.38. The Master Plan also states:

"Riparian vegetation within 100 feet of the inventoried streams and wetlands on the site, and within the Coastal Shorelands Boundary around the existing lakes, shall not be removed except for water-dependent uses, hazard protection, utilities and stream/lake enhancement projects, as set out in the Riparian Vegetation Protection provisions of the [BDR zone]. Where nonhydrophytic woodland vegetation is found in this area, it may be removed to facilitate a restoration project that will significantly increase the overall quality and quantity of riparian vegetation at that location, to restore or enhance wildlife habitat or to manage hazardous forest fire conditions." Master Plan, p.39.

The provisions of the BDR zone Riparian Vegetation Protection provision that implement the above provisions of the Master Plan are described in detail in Section 12.8.16.2.b. As explained in that section of these findings, the Riparian Vegetation Protection provision of the BDR zone is similar to that found in every other county zoning district. If anything, the BDR zone provision is **more** protective in that it applies with **100 feet** of identified wetlands, streams and lakes, rather than 50 feet.³² These Master Plan and BDR zone provisions adequately protect the habitat, hydrologic and water quality benefits of the riparian vegetation adjoining streams, wetlands and lakes on the Bandon Dunes site.

PIS 3 requires the County to "support the efforts of [ODFW] to maintain a productive fishery in County streams and lakes". Plan, p.5-26. Cut Creek and Chrome Lake were, at one time, considered by ODFW as an environment for supporting new Coho Salmon or Steelhead runs. The most recent information, however, indicates that the salmon runs have ceased, but the creek is home to a population of coastal cutthroat trout. Historically, the creek and the lake may have had Coho or Steelhead, but current factors such as the lack of gravel in the Creek bed for spawning and environmental changes at the mouth of the creek have eliminated runs, if they ever existed.

Regardless of whether ODFW pursues the development of new fish runs, the resort Maser Plan protects the lake environment and enhances the stream environment such that whatever opportunity for fish runs exists now will be preserved for future consideration. This is accomplished by designation of a corridor along Cut Creek as a protected natural resource area. Some residential lodges, and later, some recreational homes will be sited near Chrome Lake, but this will be done with sensitivity for riparian vegetation. Pollution from the dwellings will be inhibited by the use of sewage disposal systems which meet DEQ standards and also by landscape management plans and CC&Rs regulating the use of fertilizers, pesticides and other chemicals by the occupants of the dwellings.

The applicant will continue to cooperate with ODFW in conducting a STEP hatchery supplementation program involving Fahys Lake. That lake is viewed as a special opportunity because it is so near the ocean and has never had a natural Coho Salmon or Steelhead population which competed with natural fish populations in the lower Coquille River drainage basin.

PIS 6, at Plan p.5-26, identifies certain habitat sites, including Snowy Plover habitat (outside the area covered by the Coquille River Estuary Management Plan), as "1B" resources under Statewide Goal 5. This means no special implementation measures to protect such sites are required at this

time. In any case, no actual Snowy Plover habitat has been identified on the Bandon Dunes site. However, as mentioned above, the Cut Creek delta has been identified as a site with Snowy Plover habitat potential, and the Master Plan calls for determining the feasibility of conducting such a restoration project in conjunction with state and federal agencies. Master Plan, pp. 41,50.

One over-arching reality touches all of the significant natural features issues, be they wetlands, wildlife habitat, scenic areas or others. That reality is that approval of the Bandon Dunes resort, with the proposed Master Plan and BDR zone, will significantly remove the uncertainty surrounding the long-range fate of the unique resources present on this site. For example, although there is some protection of resources under the Forest Practices Act, there is no comparable regulation concerning farming activities. The present owner has amply demonstrated his environmental sensitivity, but nothing would prevent some future owner from clearing land, introducing exotic plant species, constructing roads inappropriately, applying excessive fertilizers, etc. Approval of the Bandon Dunes project provides long-term protection and aids the County in meeting a host of planning obligations, as discussed throughout this section of the findings.

12.10.7. Historical & Archaeological Resources, Natural Areas and Wilderness

The Plan policies regarding these resources generally call for protection where practicable. Plan, p.5-28. A range of implementation strategies is discussed including preservation, modification consistent with the original character, refraining from widespread dissemination of information concerning the resource, and case-by-case evaluation of the appropriate protection required for identified significant resources.

The Plan, at p. 5-28, and also in Table 2 on page 3.5-4, notes 40 significant historic sites and structures, none of which occur on the Bandon Dunes site. Also, the site is not listed on the table of significant botanical areas identified in the Plan. Table 1 at page 3.5-2. As discussed above, the site vegetation has been extensively inventoried, and the inventory has been determinative of much of the resort design. Here again, by adopting a specific Master Plan to govern this property, uncertainty is being removed regarding resource preservation and the County's planning obligations are being furthered.

As noted elsewhere, there is significant potential for cooperative resource restoration and enhancement through coordinated management of the Bandon Dunes destination resort and Bullards Beach State Park. The park and the resort are complementary amenities. The presence of the resort will allow cooperative programs to reverse undesirable environmental trends such as the loss of Snowy Plover habitat, beach grass and Gorse control, unregulated off-road vehicle use etc. There is a critical relationship among: (1) the variety of site characteristics, (2) the ability of the resort to develop a financially viable mix of multiple uses, and (3) the resulting ability to enhance the natural environment and reverse those environmental trends that, left unaddressed, would severely diminish the site's beauty and resource amenity value over time.

12.10.8. Water Resources

The Plan, at p.5-31, expresses a policy of valuing identified water sources and protecting them where practicable PIS 1, at Plan p.5-31, states that new residential development shall not be permitted in areas where, by compelling evidence, the Water Resources Department, the Environmental Quality Commission or the Health Division has established that water resources would be irreversibly degraded by new consumptive withdrawal or by additional septic tank or other waste discharge. No such areas have been identified on or near the Bandon Dunes site.

Regardless of the absence of identified critical areas, the Bandon Dunes project demonstrates considerable sensitivity to the value of water resources. A comprehensive water supply study was conducted by Engineering & Geologic Resources, Inc., Ralph Christensen, Principal Geologist/hydrologist. The purpose of the study was to develop supporting water availability information for a pending WRD water right application, for this land use proceeding and for use by State Parks. To that end, information was developed including: (1) a review of existing water related information including climate, well logs, water rights and prior studies; (2) identification of existing potential water use demands; (3) preparation of an overall water balance for the study area; (4) installation and testing of exploration wells; and (5) preparation of a balanced water management program to utilize water resources of the area while protecting all existing users, accommodating potential future uses and enhancing the naturally occurring streams and wetlands.

The findings of the Christensen study are discussed fully in Section 12.8.5.12.c(1) above. They can be summarized as follows: (1) all existing and pending domestic and agricultural water rights are protected and will be unaffected by the proposed resort; (2) there is an abundant water supply for the resort, which will be developed through a combination of deep wells for resort facilities, lodges and dwellings and shallow sump wells for golf course irrigation; (3) through not required by the water supply balance, additional water will be stored, and means to facilitate groundwater recharge provided, by construction of a new storage reservoir, and (4) though not assured at this point, it is possible that the deeper aquifer, discovered during well exploration, may provide water for uses beyond the resort facility.

The Master Plan describes a water supply system and adopts a water management program for the resort. Findings describing how these provisions will protect the ground and surface water resources of the site are set out in detail in Section 12.8.5.12.c(4). All of these efforts certainly comply with Plan policies regarding the value of water resources and also further a county policy to encourage the development of water supplies to help meet the needs of the Bandon area. See Plan, p.5-32.

12.10.9. Unique Scenic Resources

The Plan, at p.5-32, discusses the "exceptional coastal experience" along with identified scenic views and calls for management which will preserve their original character. The Plan, beginning at p.3.7-1, discusses the implications of Statewide Goals 5 (Open Space, Scenic and Historic Areas, and Natural Resources), 17 (Coastal Shorelands) and 18 (Beaches and Dunes) and then lists, in Table 1, the "outstanding scenic resources" identified for Coos County. None of the identified sites involves the Bandon Dunes property.

The visual and scenic qualities of the Bandon Dunes site are described on pp. 37-40 of Appendix A in Volume V of the application. The site has a diverse range of scenic landscape features including active dunes, ocean beaches and bluffs, the Cut Creek corridor, the lakes, back ridge, the Randolph Road corridor and the Oregon Coast Highway (Highway 101). Highlights of each feature and some design comments are set forth below:

~ The active dunes are noteworthy because such dunes along the Oregon Coast are becoming conditionally stable and could disappear within two or three decades. The dunes have long fascinated coastal visitors with their dynamic, ever changing shapes and windy environment. Several selected high points offer magnificent views from the dunes field.

~ There is about three-quarters of a mile of beach frontage and about half a mile of ocean bluffs north of Cut Creek which provide excellent views of the ocean and Bullards Beach State Park. The Cut Creek corridor which is incised into the land form is filled with dense stands of trees, shrubs and marsh plants. It is very scenic when viewed from selected locations along the bluffs of the marine terrace on the north side of the creek.

~ All three of the lakes are outstanding scenic features, although some restoration at sites previously or presently used for residential activity will be required.

~ The highest points on the property are along the "North Ridge" and "South Ridge", linear forms derived from an old foredune which divide the property into east and west halves. Looking west from one of these ridges presents a panoramic view of the interdune landscape, the ocean and glimpses of Fahys Lake to the east.

~ The Randolph Road corridor is flanked by vegetation, but is somewhat uninteresting because of its straight alignment. The on-site portion of Randolph Road will be realigned to better fit the landscape and be more visually interesting.

As noted in Section 12.8.5.6, none of the scenic resources on the Bandon Dunes site have been identified as significant goal 5 scenic resources. Nonetheless, it is important to realize that the applicant has treated the visual and scenic qualities of this property with utmost sensitivity. The applicant's Concept Plan reflects a balanced approach. For example, structures near existing lakes with riparian vegetation will be sited carefully to maintain the scenic and habitat values and still provide scenic views from the structures. For the areas within which new water features (the Cut Creek Storage Basin and golf course ponds) will be created, the site presents opportunities to create visual amenities of unique and scenic character.

Care has been taken so that no encroachment is allowed on the top of the Ridges which will disrupt the continuity of the existing tree line. The tree line is a visual backdrop for viewers looking east from the edge of the state park, sand dunes areas, the interdune area and the golf courses. Other specific locations have outstanding existing or potential views which can be enhanced by selective pruning to open up view corridors.

Lastly, the designation of Highway 101 as a "scenic highway or byway" has implications for both tree removal and signaled. The Bandon Dunes resort has been designed and coordinated so as to have no adverse scenic impact on Highway 101.

The applicant is aware that the scenic qualities of the Bandon Dunes site are among its most important assets. The Master Plan and BDR zoning district will insure the preservation and enhancement of these attributes and help Coos County meet an important planning obligation.

12.10.10. Dunes, and Ocean and Coastal Lake Shorelands

The Plan Dunes, and Ocean and Coastal Lake Shorelands Goal provides:

"Coos County shall manage its dune areas, ocean and coastal lake shorelands, and minor estuary shorelands, to provide for diverse uses consistent with maintenance of the natural values associated with such areas and with the need to reduce hazards to human life and property."

The above Goal is implemented through numerous implementation strategies. PIS 1 states that the County bases its decisions regarding various categories of beach, dune and shoreland areas on the boundaries for those areas shown on the Plan Special Considerations Map entitled "Development Potential within Ocean Shorelands and Dunes" (hereafter Development Potential Map). What this map indicates with regard to the beach and dunes features of the Bandon Dunes site is described in detail in Section 12.8.17 and was relied on in determining compliance of the proposal with Statewide Goal 18. What this map indicates with regard to the coastal shorelands boundaries on the Bandon Dunes site is described in Section 12.8.16.1.a and 2.a, and was used in determining compliance of the Bandon Dunes project with Statewide Goal 17.

Dunes, and Ocean and Coastal Lake Shorelands PIS 2, at Plan p.5-33, carries out the requirements of Goal 18, Implementation Requirement 1, and is described in detail in Section 12.8.17.1. Those findings also explain in detail how compliance of the resort development in the "Limited Suitability" designated portion of the Bandon Dunes site with PIS 2 will be ensured through application of the BDR zone.

Dunes, and Ocean and Coastal Lake Shorelands PIS 3, at Plan p.5-34, imposes requirements identical to those of Goal 18, Implementation Requirement 2, which is described in detail in Section 12.8.17.2, at p.98. Those findings also explain in detail how the Bandon Dunes resort complies with the restrictions on development in the "Not Suitable" designated area of the site established by PIS 3.

Both Dunes, and Ocean and Coastal Lake Shorelands PIS 2 and 3 also contain provisions regarding protecting groundwater from drawdown that are virtually identical with Goal 18, Implementation Requirement 4. Compliance of the Bandon Dunes project with this requirement is demonstrated in Section 12.8.17.3. In addition, PIS 3 contains provisions similar to Goal 18, Implementation Requirement 6 restricting the breaching of foredunes. As explained in Section 12.8.17.3, the Bandon Dunes Master Plan neither contemplates nor allows the breaching of foredunes.

Dunes, and Ocean and Coastal Lake Shorelands PIS 5 requires the County to "provide **special** protection to major marshes, significant wildlife habitat, coastal headlands, exceptional aesthetic resources, and historic and archaeological sites located **within** the Coastal Shorelands Boundary of the ocean, coastal lakes and minor estuaries".³³ (Emphasis in original.) Plan, p.5-36. PIS 5 goes on to identify what resources fall within each of these five categories, with reference to Plan inventories and Special Considerations Maps. For instance, PIS 5 identifies "major marshes" as being certain marshes associated with dune lakes in the Oregon Dunes NRA and wetlands associated with the New River, as identified in Plan Inventory text and on the Special Consideration Map. However, none of the resources identified by PIS 5 are present on the Bandon Dunes site. Accordingly, PIS 5 does not apply to this decision.

Dunes, and Ocean and Coastal Lake Shorelands PIS 7, at Plan P. 5-36, requires the County to adopt implementing ordinance provisions limiting the uses of its rural shorelands to certain listed uses: "i. farm uses as provided in ORS [Chapter] 215; ii. propagation and harvesting of forest products consistent with the Oregon Forest Practices Act; iii. private and public water-dependent recreation developments; iv. aquaculture; v. water-dependent commercial and industrial uses and water-related uses only upon [a] finding by the Board of Commissioners that such uses satisfy a need which cannot otherwise be accommodated on shorelands in urban and urbanizable areas; vi. single family residences on existing lots, parcels, or units of land when compatible with the objectives and implementation standards of [Goal 17], and as otherwise permitted by the underlying zone[']; vii. Any other uses, provided that the Board of Commissioners determines that such uses (a) satisfy a need which cannot be accommodated at other upland locations or in urban or urbanizable areas; (b) are compatible with the objectives of LCDC Goal #17 to protect riparian vegetation and wildlife habitat; and (c) the 'other' use complies with the implementation standard of the underlying zone designation." (Emphases in original.) Plan, p.5-37.

The above list of uses is very similar to that in Statewide Goal 17, Coastal Shorelands Uses, paragraph 4,³⁴ which is quoted on p.89. In fact, the first four paragraphs are identical. Section 12.8.16.1.a and 2.b of these findings analyze the types of uses allowed on ocean and lake shorelands of the Bandon Dunes site by the Master Plan and BDR zone and are incorporated here by reference. Those findings conclude the uses allowed fall within categories ii and iv above. Consequently, these plan and ZLDO amendments are consistent with PIS 7.

Dunes, and Ocean and Coastal Lake Shorelands PIS 8 provides the County can approve land divisions within the ocean and lake CSB's in rural areas only if certain findings are made. However, both the Master Plan and the BDR zone prohibit the inclusion of land within the CSB's in any smaller lots or parcels divided from the parent Bandon Dunes property in the future. Master Plan, p.63; BDR zone, Section 4.10.090.C.2. Consequently, they are consistent with PIS 8.

Dunes, and Ocean and Coastal Lake Shorelands PIS 9 requires the County to consider six listed "general priorities for the overall use of ocean [and] coastal lake shorelands". Plan, p.5-38. The list of general priorities is identical to that in Statewide Goal 17. PIS 9 goes on to say "this strategy shall serve as a **guide** when evaluating discretionary zoning and land

development actions". [Emphasis added.] Id. We interpret the emphasized language to mean that PIS 9 is a factor to be considered rather than a mandatory standard. In this case, the description of the uses allowed on the ocean and lake shorelands of the Bandon Dunes site by the Master Plan and BDR zone, found in Sections 12.8.16.1.a and 2.b, indicate those uses would fall in categories (i) and (ii) (low intensity water-dependent recreation; riparian vegetation or wildlife habitat restoration and enhancement projects), or (iv) (accepted forest maintenance practices). In any case, the findings in Section 10.8.16.3, incorporated here, explain that no activities allowed on shorelands by the Master Plan and BDR zone fall in priority category (vi) and, therefore, no demonstration of public need is required.

Dunes, and Ocean and Coastal Lake Shorelands PIS 10 requires the County to "prefer nonstructural solutions to problems of erosion and flooding to structural solutions in ocean [and] coastal lake *** shorelands". Plan, p.5-38. However, PIS 10 goes on to state that its implementation shall "occur through County review of and comment on state and federal permit applications for such projects". Id. Accordingly, PIS 10 does not apply to this Plan and ZLDO amendment proceeding.

Dunes, and Ocean and Coastal Lake Shorelands PIS 11 requires the County to "maintain riparian vegetation within the shorelands of the ocean [and] coastal lakes *** and when appropriate, restore or enhance it, as consistent with water dependent uses". Plan, p.5-38. The acknowledged ZLDO implements this provision through the standard Riparian Vegetation Protection provision found in each of its zoning districts. Section 12.8.16.2.b of describes the ways in which the Riparian Vegetation Protection provision in Section 4.10.030.H of the BDR zone differs from the provision in the County's other zoning districts. As explained in more detail therein, unlike the standard provision, the BDR provision applies to the entire shoreland area. Also, the BDR provision adds two paragraphs that facilitate the applicant's ability to carry out riparian vegetation and wildlife habitat restoration and enhancement projects within the shorelands area of the site. Based on these facts, the County concludes that under the adopted Master Plan and BDR zone, riparian vegetation will be adequately maintained on the shorelands portions of the Bandon Dunes site.

12.10.11. Natural Hazards

The Plan Natural Hazards Goal requires the County "to protect life and property from natural disasters and hazards, based on an inventory of areas potentially subject to such problems". Plan, p.5-39. Under Natural Hazards PIS 1, development is to be regulated in known areas potentially subject to stream and ocean flooding, wind hazards, wind erosion and deposition, critical streambank erosion, coastal erosion and deposition, mass movements, earthquakes and weak foundation soils. The inventoried areas referred to in the goal and PIS 1 are indicated on the "Natural Hazards" Special Considerations Map.

The findings addressing Statewide Goal 7, in Section 12.8.7, identify the only portion of the Bandon Dune site designated as an area of natural hazard on the Special Considerations Map, and discuss the protective measures taken by the Master Plan and BDR zone. Those findings are incorporated herein by reference.

Natural Hazards PIS 5 provides that the County "shall promote protection of valued property from risks associated with **critical streambank and ocean-front erosion** through necessary erosion control stabilization measures, preferring nonstructural solutions where practicable". (Emphasis in original.) Plan, p.5-40. However, the PIS goes on to state that it is implemented "by making 'Consistency Statements' required for State and Federal permits' for structural protection measures only in certain circumstances. Id. Accordingly, PIS 5 does not apply to this Plan and ZLDO amendment proceeding.

12.10.12. Air, Land & Water Quality

County policies in this area express a desire for balance between maintenance of environmental quality versus avoidance of overly strict controls which stifle legitimate development. Most of the policies are directed at other agencies such as the Federal Environmental Protection Agency, the State Department of Environmental Quality and the Coos Soil and Water Conservation District. Plan, p.5-43. As such, there seems to be little direct connection between these policies and the Bandon Dunes project.

The Air, Land & Water Quality Goal, however, requires the county to "exercise sound land use practices to maintain the quality of its air, land and water resources in a manner that reflects the County citizens' desires for a quality environment and a healthy economy". Plan, p.5-42.

Other portions of these findings discuss various aspects of sound land use practices that are incorporated into the Bandon Dunes project's design. These practices deal with such things as obtaining permits for waste disposal and fill and removal, retention of riparian vegetation, retention of wetlands which have a multiplicity of environmental functions, encouragement of nonautomobile transportation, solar orientation and others. See also the findings in Section 12.8.5.12.c(3) (environmental consequences) addressing water quality issues and those in Section 12.8.6 addressing Statewide Goal 6.

12.10.13. Industrial and Commercial Lands

Although this section of the Plan is entitled "Industrial and Commercial Lands", it is the Plan's general economic development section. The Bandon Dunes project will help Coos County, in a substantial way, to satisfy this area of its planning obligations.

The Plan goal requires Coos County "to diversify and improve its regional economy". Plan, p.5-50. PIS 2 and 3 require that the county to "sanction and support the economic development efforts" of the Coos, Curry, Douglas Economic Improvement Association and to "support the regional economic goals and objectives periodically adopted by the Coos County Overall Economic Development Program Committee". Plan, p.5-50.

Among the problems cited as underlying the County's policies are: high and unstable unemployment, past reliance on lumber and wood products, poor transportation, rugged terrain and relative isolation of the area. Plan, pl.5-49. The Plan goes on to discuss "undue emphasis on protection of farm and forest lands to the detriment of other economic activities" and also the opinion that some commercial activities should be allowed outside of UGBs.

In making the case for extra-urban commercial development, the Plan cites several examples which serve a legitimate purpose in providing goods and services to farmers and rural residents. It is equally true that destination resorts are legitimately located outside of UGBs. As one commentator noted, "When you are locating the sea lion caves, you have to go where the sea lions are". The Oregon Legislature recognized this fact when it created a statutory provision which allows destination resorts to locate in rural areas without a goal exception.

The chief attributes of the Bandon Dunes project are that it fosters economic diversification, creates jobs and is a basic industry which brings in outside money to the region. In all of these ways, the Bandon Dunes project helps the county meet its planning obligation to provide land areas for all legitimate economic activities.

The economic goals and objectives of Coos County are part of a regional strategy developed by the Coos, Curry, Douglas Business Development Corporation (CCD) which has been incorporated into appropriate elements of the Coos County Comprehensive Plan.

A first step in understanding the relationships between the Bandon Dunes project and various local and regional economic goals and objectives is to understand the structure of the local economy. Since 1971, economic data has been collected and analyzed for southwestern Oregon by CCD. CCD has been designated as an Economic Development District by the federal government, making it eligible for grants for public facilities construction and for other types of assistance for private sector business expansion. CCD operates in cooperation with individual cities, counties and private entities. As such, CCD is an accurate and timely source of information about the local economy.

A few pertinent statistics from CCD's Development Report and Plan will outline what have come to be well-known facts about the southern Oregon coastal economy and the economy of Coos County in particular.

12.10.13.1. Population Trends

The population of Coos County declined 5.9% during the decade 1980 to 1990, moving from 64,047 to 60,273. Since 1990 the decline has reversed and the county is growing at between 0.7% and 1.5% each year. The 1994 population estimated to be 66,813. Much of the recent growth is from in-migration rather than natural increase. For example, the 1992 increase of 900 included a natural increase of 51 persons and a net migration of 849 persons.

Along with the increased net migration have come significant changes in the composition of the population. For one thing, the number of older people is increasing while the number of young is decreasing. The middle age groups are staying roughly the same. Specifically, in 1970 those 65 and older were 9.1% of total population. In 1992, that group increased to 17.6% of total population. This compares to 12.8% nationally and 13.8% in Oregon.

By comparison, those in the 0 to 24 age group declined from 45.1% of total population in 1970 to 32.9% in 1992. The middle group, 25 to 64, stayed fairly stable, moving from 45.8% to 1970 to 48.9% in 1992. The age of the local population is dramatically reflected in the Bandon area, which in 1990

had a median age of 46.5 compared to 34.5 for Oregon and 37.6 for all of Coos County.

12.10.13.2. Employment Trends

Along with population shifts have come changes in employment. In general, employment in resource based industries such as lumber and wood products (LWP) and fishing has declined while employment in tourism and retirement activities and other nonmanufacturing industries has increased. Specifically, LWP employment fell 46.6% and the food products manufacturing sector declined 8.9% between 1983 and 1993. During the same 10 years increases were seen in other sectors - other manufacturing (18.1%), construction/mining (71.4%), trade (30.4%), finance/insurance/real estate (13.2%), services/misc. (21.2%), and government employment (15.1%).

Unemployment in Coos County moved from 14.5% in 1983 to a low of 8.2% in 1987 and back to a double-digit figure of 11.1% in 1992.

12.10.13.3. Income Trends

Generally, Coos County's personal income has lagged behind other areas of the state. Specifically, total personal income increased 64% in Coos County between 1981 and 1991. In the same 10-year period the state's total increased by 83%. Also, there have been some changes in the magnitude and make-up of personal income.

Per capita personal income rose statewide from \$7556 in 1979 to \$13,418 in 1989, a 76% increase. During the same period, income in Coos County rose from \$6930 to \$11,088, a 60% increase.

The sources of local income have changed along with the changes in population make-up. Specifically, the population's aging has caused proportional decreased in net earnings (primarily wage, salary and proprietorship income) balanced by increased in income from interest, dividends, rents and transfer payments (retirement, disability, medical and income maintenance).

12.10.13.4. Economic Development and the Bandon Dunes Project

Against this backdrop of economic reality, and with broad based participation by a variety of experts and policy makers, the CCD has developed lists of economic growth opportunities, obstacles, goals and objectives which have been incorporated into the county Plan.

The need for the Bandon Dunes project can be assessed in large part by the manner in which the project measures up against the items in these list: Does it make use of an opportunity? Does it overcome an obstacle? Does it help achieve a regional goal? Does it meet a specific objective?

The items on the lists, as reported in the Development Report and Plan, are set out below in three main categories: (1) opportunities, (2) obstacles and (3) goals and objectives. Each category is followed by an analysis of how the items apply to the Bandon Dunes project.

a. Economic Growth Opportunities Opportunities for the tourism and retirement sectors of the economy are:

~ Tourism: The district's recreational resources are of outstanding quality - the area's ocean, mountains, lakes and rivers support much recreation, including fishing, hunting photography and hiking.

Cultural resources are developing with a uniqueness that makes them attractive to the tourists.

The historical background of the area provides a wealth of opportunity. This includes vanishing landmarks -- covered bridges, wigwam burners, etc.

Opportunities to tie products and tours together [such as] winery and forest tours.

Sport fishing is a major recreational resource within the district, from lakes to streams and rivers to the ocean. Fish hatcheries should be promoted as part of overall tourism development.

Local events that have developed a particular character and uniqueness over a period of time.

~ Retirement: The district's mild climate.

The high ratio of health care provider per capita.

The wide variety of recreational activities accessible within the context of a single day.

An increasing senior population as a magnet for still more seniors.

A strong and growing senior network creates the impetus for a continually expanding program of senior activities and services.

Analysis: One of the prime attractions of the Bandon Dunes site for a destination resort is the diversity of its landscape. As noted in the resource inventory (Application, Volume V, Appendix A), the site's 1215 acres include ocean front, active and stable sand dunes, coastal lakes, ocean bluffs, streams, forested areas, several types of wetland environments plant communities and associations. These are the raw natural materials that can attract and support a variety of recreational opportunities.

The site also features a variety of cultural and historic resources. Appendix A outlines a rich heritage of Native American cultural life as indicated by arrowheads, scrappers and other tools. This heritage will be preserved and celebrated by coordination with local tribes during all phases of development and construction. The historic aspects of the site are also recognized and worthy of preservation. As noted in Appendix A, they included homesteading, early cattle ranching and logging, and gold and chrome mining. Provision of historical plaques at selected locations will acknowledge this heritage.

Although sport fishing is not a major emphasis of the Bandon Dunes project, the property does provide the opportunity for enhancement projects such as the STEP hatchery supplementation program for Coho Salmon or Steelhead as discussed in the Site Analysis. On site lakes also support a variety of other fish populations such as Cut Throat Trout and Bass.

Perhaps most importantly, the Bandon Dunes site's oceanside location and dunal soils and formations provide an opportunity to create, in the Scottish Links golf course, a facility with a particular character and uniqueness which, over time, can attain a national and even international reputation.

Several aspects of the site and project are consistent with the opportunity to enhance the market for retirement services and facilities. The site benefits from the region's mild climate, high ratio of health care providers per capita and accessibility to a wide variety of recreational activities. An increasing senior population serves as a magnet for still others. As the senior population grows, an increasing number of services and activities can move from being unattainable or marginal to being economically viable.

b. Economic Development Obstacles The CCD report identified general and specific obstacles to economic growth. General obstacles which the Bandon Dunes project helps to overcome are:

- ~ Lack of adequate passing lanes and slow vehicle turnouts to handle heavy traffic volumes along Coast Highway 101.
- ~ Inadequate water supply, storage, treatment and distribution, as well as sewerage and waste treatment facilities, which limit the capacity of many areas to sustain increased residential, tourist, recreational, commercial and industrial activities.
- ~ Insufficient job opportunities to employ the resident labor force and prevent out-migration of younger residents.
- ~ Insufficient debt and equity capital, as well as management assistance, for business start-ups and expansions.
- ~ Lack of first class convention/banquet facilities in the entire district.
- ~ Failure of the state land-use planning process to recognize that "urban" development also takes place outside of defined Urban Growth Boundaries (UGBs). The current program provides for only urban (as defined by UGBs) and resource (agricultural and forestry) uses.

Specific obstacles identified for tourism and retirement include:

- ~ Inadequate funding for promotion, development and maintenance of tourist facilities and parks.
- ~ Lack of an aggressive tour package promotion in the district.
- ~ Lack of small, medium and large convention/banquet facilities in the district.
- ~ Lack of a tourism destination identity in inland areas of the district.
- ~ Insufficient promotion of investment in tourism. Lack of venture capital and other investment necessary for the promotion of tourist business development.

~ Insufficient community awareness of the economic impacts of tourism and of the need for concerted efforts to promote tourism.

~ Lack of a plan to develop and promote the retirement market.

Analysis: The stated obstacle regarding traffic on Highway 101 is a generalization for the entire coastal highway. Most aspects are beyond the control of any one development. The applicant accepted the responsibility for its share of potential adverse traffic impact and hired JRH Transportation Engineering to analyze the existing situation, predict the impact of the Bandon Dunes project and recommend appropriate traffic control facilities and devices. The JRH report indicates no signalization improvements are needed along Highway 101 at existing or proposed access points. No adverse traffic impacts will be incurred as a result of implementing the Master Plan and the Cooperative Improvement Agreement that this decision requires the applicant to execute with ODOT and the County. In addition, no signalization improvements are needed along Highway 101 at existing or proposed access points. For a complete discussion of transportation issues, see Section 12.8.12.

The identified obstacles regarding water supply and waste treatment will be overcome. Water will be withdrawn from both deep and shallow aquifers. The issue of water is critical both from the standpoint of the development's needs and from existing nearby water consumers such as the cranberry farms. Engineering and Geologic Resources, Inc. (EGR), a professional engineering firm, was hired to make a thorough study of both the water supply and the waste disposal issues. Their conclusion is that the Bandon Dunes site has abundant groundwater. See Section 12.8.5.12.c(1). Evaluation of soils data and projected waste volumes indicates a self-contained sewage collection and treatment facility for the project is feasible. See Section 12.8.11.5.

The County's lack of job opportunities to employ the resident labor force and prevent out-migration of younger residents will be partly remedied by the Bandon Dunes project. The first type of jobs will be the construction jobs created by the initial Phase 1 development and later phases. The statutory standard for destination resorts is that at least \$7 million (1993 dollars) must be spent on improvements for on-site developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities, and roads. Using generally accepted conversion factors, this translates into about 800 FTE job years, including those required to construct sewer and water facilities and roads. The second type of jobs created will be those associated with the on-going operation of the resort, including a wide variety of management jobs for the hotel and restaurant, golf courses and residential units, as well as numerous jobs in food and room service and maintenance. These permanent, post-construction jobs could range between 140 to 175 jobs.

Although it will certainly not solve the entire problem, the Bandon Dunes project will provide significant help in promoting the region as a tourists destination and retirement location. This effect will flow naturally from the resort's need to promote itself. The infusion of more than \$7 million of venture capital into the project guarantees that the investors will protect that investment by whatever means are reasonably available. It is expected that promotion of the Bandon Dunes project will be done in concert with other private and public efforts and will be complementary, rather than competitive, in that there are no similar facilities existing or planned for the region.

The Bandon Dunes destination resort will alleviate the problem of a lack of first class convention/banquet facilities. As noted in the concepts document, "facilities similar to the Conference Center at Silver Falls State Park could offer family style dining, lodging and meeting services in buildings overlooking Round and Chrome Lakes. Such facilities meet the need on the South Coast for conferences, banquets and special education training sessions".

c. Goals and Objectives of the Region Specific economic goals and objectives for tourism and retirement of relevance to the Bandon Dunes project are listed and discussed as follows:

"I. Goal: Greater Economic Diversification"

"A. Relationship of the Goal to Economic Conditions [This section of the CCD report summarizes facts noted above regarding inherent problems with dependence on the timber industry. It emphasizes the need for greater diversity including enhancement of existing industries and the attraction of other new industries to the area. The Bandon Dunes destination resort be in the latter category.]"

"B. Objectives

1. Attract new industries to the district in fields other than primary wood processing.

4. Provide adequate land area in city and county land use plans for district commercial and industrial growth.

9. Improve water supply systems with respect to all uses, including fire protection, domestic, industrial and agricultural uses."

"V. Goal: Greater Development of Tourism and Recreation in the District"

"A. Relationship of the Goal to Economic conditions

Tourism and recreation have been identified as one of the fastest growing economic sectors in the district..."

"B. Objectives

1. Improve tourist facilities such as major tourist attractions or destination resorts, convention centers, overnight accommodations, improved sport fishing facilities and service, improved fresh and saltwater-oriented facilities, multiple-use, all weather facilities, museums, cultural attractions and related public utilities.

3. Promote winter tourist attractions.

4. Improve access to and parking areas for tourist facilities and recreational areas.

5. Improve traffic patterns and parking facilities for large vehicles.
6. Improve marked routes and traffic flow between tourist areas.

8. Promote tourism planning and promotion by the state and region, including promotion of foreign travel to the district, particularly targeting California, Canada and Japan."

"VIII. Goal: Capitalizing on Growth in the Retirement Sector"

"A. Relationship of the Goal to Economic conditions

The retirement service sector is another growth area in the district economy"

"B. Objectives

1. Target those individuals and couples with a net worth of at least \$100,000 and an annual income of at least \$20,000 to consider [the] district as a retirement base.

2. Promote the livability of the district -- affordable housing and services, clean environment, minimum security needs, availability of health related facilities and recreational and cultural activities.

3. Create an atmosphere of hospitality and welcome for the retirement community.

4. Analyze and market those existing amenities and benefits that appeal to the senior market.

5. Analyze those areas that need to be improved to make the district more attractive to seniors, and work to bring about those improvements.

6. Develop a marketing program for the retirement market.

7. Review demographic trends and projections for the next ten years and plan in accordance with those projections.

8. Develop a marketing program for the retirement market."

Analysis: Economic diversification is a signal feature of the Bandon Dunes project. Much has been written here and elsewhere about the need to broaden the area's economic base beyond timber and fisheries. As set forth in more detail above, this project will provide employment in a variety of nonresource oriented sectors, including construction and operation plus secondary and tertiary employment in providing goods and services to Bandon Dunes residents and visitors.

The allocation of a sufficient area of land to accomplish the project is the central function of the land use processes to which this application is

directed. The objectives of providing public facilities and services to the project are capable of being met largely on-site and largely through the owner's own financing. This is not the type of project which comes to the community laden with requests for incentives such as tax breaks, free public facilities, interest-free loans etc.

This project is directly on target with the County's goals for tourism and recreation, which have been identified as the fastest growing economic sectors in the district. The project will provide several facilities which are specifically listed in the CCD plan. These include: destination resort, convention center, overnight accommodations, cultural attractions and related public utilities.

The project will provide needed improvements to intersections on Highway 101, access to the Bandon Dunes site, parking areas, and related traffic control devices and facilities. It will also, via its scenic hiking trails and bicycle path system, provide an auto-free mode of transportation connecting residential areas, recreational sites and natural areas.

As noted above, the promotion of tourism by the state and region will be aided by the efforts of Bandon Dunes. The target markets for the proposed Scottish Links golf course based destination resort will be:

Primary: Northwest and California

Secondary: U.S. and Canada

Tertiary: Pacific Rim

Regarding regional goals and objectives for the retirement sector, the primary target population cohort for outright or fractional ownership of recreational dwellings will be those households which play golf and have an annual income of more than \$50,000. For the overnight guests, it is common knowledge that a high percentage of golfers are retired. The marketing program will be based on a detailed analysis of the demographic trends such as those reported in the Ragatz market analysis study described above, as well as the existing area amenities and benefits that appeal to the senior market.

Because Bandon Dunes marketing will be aimed at both visitors and long-term residents, all aspects of climate, security, public and cultural services, medical services and costs of living will be utilized. Creating an atmosphere of hospitality and welcome will be in Bandon Dunes' interest as well as the County's.

Promotion of the area's economic goals requires a partnership between public and private enterprise. That is why the CCD goals and objectives are endorsed by the Coos County Comprehensive Plan. In addressing those market forces and trends, The Bandon Dunes proposal aids Coos County in meeting its planning obligations.

12.10.14. Housing

As noted in Section 12.8.10, Statewide Planning Goal 10 (Housing) has no effect on residential development outside of UGBs. Counties may, however,

adopt housing policies for rural lands for reasons other than the imperative of Goal 10.

In the comprehensive plan, Coos County has assessed its housing issues, in general terms. It first notes the desire to protect valuable farm land while meeting the need for acreage homesites. It notes that market conditions have made housing unaffordable for many county residents and identifies a need for different types and densities of housing in a variety of urban and rural locations. Plan, p. 5-52.

These issues are then addressed in a series of implementation strategies. Those which appear relevant to the Bandon Dunes destination resort project include: (1) Encouraging the availability of adequate numbers of housing units at prices commensurate with the financial capabilities of future county residents; (2) Implementing appropriate Comprehensive Plan map and zoning designations; and, (3) Allowing multiple family dwellings outside of UGBs when part of a Recreational Planned Unit Development.

Noting the strong link between income and affordability, the Bandon Dunes destination resort project complies with the County's strategies in a least the following ways:

~ As discussed at pp.43-47, the project will create jobs for current and future County residents at wages which will help them afford housing.

~ As discussed at pp. 71-74, the project has been coordinated with nearby cities to insure there will be no adverse impact on the supply of buildable lands within UGBs.

~ Because the subject property is now planned and zoned for forest use, approval will not make unavailable any land that has been inventoried and designated as needed for rural or urban housing.

~ Although the exact proportions are not known, the project will provide a level of multiple-family housing for individuals who will become county residents, at least on a seasonal level. Although the project is not strictly a Recreational Planned Unit Development, it is similar in that it is a planned community consisting of dwellings, over-night accommodations, open space, commercial and related recreational structures and uses. Only the magnitude of the Bandon Dunelands destination resort project is different.

12.10.15. Public Facilities and Services

The Plan notes that Statewide Goal 11 requires appropriate levels of planned facilities and services and requires that rural services must be planned so as not to misdirect urban growth. Plan, p. 5-53. It also recognizes that recreational planned developments are a unique form of land use which will import tourist income and which will need community-type urban services outside of urban growth boundaries. Plan, p.5-54, Issue 4.

The Bandon Dunes project will not misdirect growth because its community services will be self-contained, on-site and will not serve as a magnet for other urban development. This is in contradistinction, for example, to running a large sewer or water main across miles of farm land to serve a regional shopping mall. There will be no utility lines extending urban

services from the City of Bandon, for example, to the Bandon Dunes site. [The reverse might occur, however, to the extent that a water source might be developed on the Bandon Dunes property which might be used to augment the City of Bandon's water supply. This situation is no different from many other cities which have remote water sources.]

Public services such as power, communications and solid waste disposal will be provided by the usual franchised utilities operating in the area. Fire and police protection will be provided by the development or will be contracted for from local service providers. However, the demand, especially for police protection, is expected to be low. None of these services are of the type which stimulates urban sprawl. Streets, sidewalks, and storm drainage will be self-contained and provided at the developer's expense.

In summary, the Bandon Dunes project will further the County's planning obligations to the extent it facilitates a planned recreational development. In all other respects it is consistent with plan policies.

12.10.16. Transportation

The policy trust of the Plan is to relate the development of transportation systems to the health of the economy. Plan, p.5-59. Both the Plan Transportation Goal and PIS 1 require the County to "strive to provide and encourage a transportation system that promotes safety and convenience for citizens and travelers and that strengthens the local and regional economy by facilitating the flow of goods and services".

The applicant has demonstrated to the County that nothing about the Bandon Dunes project will degrade the service level of Highway 101. The applicant commissioned a traffic engineering study by JRH Transportation. The study considered trip generation and distribution, service level impacts, intersection safety and visibility, emergency access and internal circulation. throughout the process, the work was coordinated with ODOT. The analysis of traffic impacts on time frame. A series of specific recommendations were generated, primarily aimed at upgrading the entrance intersections with Highway 101 to provide capacity and promote safety, and have been incorporated into the Master Plan. Further, the applicant, working with ODOT and the County Highway Department, developed a Cooperative Improvement Agreement (CIA) that will ensure the necessary transportation improvements are constructed in a timely fashion, at the applicant's expense, in conjunction with other aspects of the resort development. A condition of approval of this decision is that the CIA be signed by the applicant, and presented to ODOT and the County for their signatures, within 60 days after this decision becomes final and any appeals are concluded.

In addition, the Bandon Dunes project is designed to encourage and facilitate nonauto modes of transportation. Specifically it includes a trail system connecting private and public recreational sites and nature areas. See Master Plan, Figure 9. The trail system will include all-weather paths for walking, bicycling and, perhaps, horseback riding. In addition, an opportunity exists to develop a seasonal public transit shuttle and tour service using electric vehicles or small-scale tour buses (airport shuttle vehicles).

Finally, the Bandon State Airport will help and be helped by the project. The airport is located on the southern edge of Bandon, about 3 1/2 miles south of

13. SAUNDERS LAKE BRIDGE EXCEPTION
An Amendment to Volume I, Part 3
of the Coos County Comprehensive Plan

I. BACKGROUND

Island Drive and the Saunders Lake Bridge provide access for 60 to 70 residents to U.S. Highway 101 (Oregon Coast Highway). The existing bridge must be replaced. The plan is to remove the existing structure and replace it with a new bridge built to current standards.

Because the project involves wetland fill within the Coastal Shoreland Boundary, a Goal 17 exception is required.

II. EXCEPTION

The reasons necessary to justify an exception are established at OAR 660-04-022 while the exception requirements are outlined at OAR 660-04-020(2). For the proposed exception the relevant portions of 660-04-022 are Subsection (1), (a) and (c) and (8) (A) are addressed below.

660-04-020(2)(a) "Reasons justify why the State policy embodied in the applicable goals should not apply" and,

660-04-022

(1)(a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Statewide Goals 3 to 19.

The proposed use is fill within the Coastal Shoreland Boundary. The fill is necessary to meet safety requirements and minimize the bridge's cumulative impact on the immediate environment.

The existing facility has no approach guardrail, has substandard bridge railing, deteriorated timber caps and piling, and substandard roadway width. The bridge's substructure is in poor condition with decay, insect infestation, and cracking of timber. The bridge is classified as structurally deficient.

Goal 9 Economic Development "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens." - The Saunders Lake Bridge provides access to 60 to 70 residential properties. The project will allow Island Drive to remain operational as a full-service County Road and provide users a safe transportation facility. The bridge configuration and condition make rehabilitation of the existing structure to meet current design standards impractical and uneconomical.

In 1994, the average daily traffic (ADT) for this roadway was estimated at 120 vehicles, mostly residential with about 2% trucks. Growth is estimated to be approximately 0.5% for the 20-year life span of the project.

Options for the project are to construct coffer dams during construction in order to place non-structural fill below the water line, or use riprap to stabilize the fill. Using coffer dams would be more expensive and would present a greater immediate impact to the site, as piles are driven into the wetland and it is drained during construction.

Goal 12 Transportation - The proposed project is included in the 2000-2003 Transportation Improvement Program (STIP). Therefore, the proposal is consistent with Goal 12 and the transportation Rule.

(1)(c) The proposed use has special features or qualities that necessitate its location on or near the proposed exception site.

The fill will be placed in wetland areas in Maud Lake and Saunders Lake. The proposed bridge replacement is in the general area of the existing bridge. The new bridge will be built with a broader curve, which will improve roadway safety while allowing the bridge to be open during staged construction. No detour facility will be required, which minimizes right of way purchases and impact on Saunders Lake. The runoff for the existing bridge drains directly into Saunders Lake. The new design includes on bio-filter swale on the southwest quadrant of the site to naturally capture and filter the runoff. Though the bio-filter swale will improve the long-term health of the wetland and site, it will require the use of fill to extend the bridge's embankment into the water. The area designated for excavation and fill is limited to the immediate vicinity of the bridge.

The National Marine Fisheries Service has determined that Saunders Lake is not critical fish habitat.

(8) Goal 17 – Incompatible Uses in Coastal Shoreland Areas: Exceptions are required to allow certain uses in Coastal Shoreland areas:

(b) To allow a use which is incompatible with Goal 17 requirements for coastal shoreland areas listed in subsection (8)(a) of this rule the exception must demonstrate:

(A) A need, based on the factors in Goal 9, for additional land to accommodate the proposed use;

Replacement of the Saunders Lake bridge is necessary to maintain a transportation facility for 60 to 70 residents in the immediate area. The replacement is necessary because the bridge is structurally deficient. The proposed replacement method will allow replacement with least impact to Saunders and Maud Lake and the users of the bridge. The alternative, using coffer dams, would be more expensive and would present a greater immediate impact to the site, as piles are driven into the wetland and it is drained during construction.

(B) Why the proposed use or activity needs to be located on the protected site considering the unique characteristics of the use or the site which require use of the protected site; and

of the land area for open space for passive and active outdoor recreation, including nonmotorized vehicle or pedestrian trails, hazard control structures, and vegetation alteration such as golf courses and landscaped grounds.

On p. 5-65, the Plan discusses the mix of recreational dwelling units in relation to owner-occupied dwelling units in a Recreational PUD and declares that the allowed mix should be structured as an incentive for the developer" *** to provide cultural amenities, a value to the local economy, that promote the concept of a 'destination-resort', such as a convention center, and commercial uses". (Emphasis added.) The Plan states the above strategies are based on the recognition:

"*****

"ii. that Recreational PUD's can provide significant diversification of the local economy by increasing the attraction of tourists to the County;

iii. That the flexible density provision for recreational dwellings offers necessary incentives to stimulate the development of destination resort complexes ***."

For various technical reasons the Bandon Dunes project could not be proposed as a Recreational PUD. However, a comparison of the criteria stated above and the facts concerning the Bandon Dunes project show that the concept of the Bandon Dunes project is similar to a Recreational PUD. Therefore, approval of the Bandon Dunes project will aid the county in meeting several of its important recreational planning obligations.

Another indication of the positive impact on recreations needs comes from the State Comprehensive Outdoor Recreation Plan (SCORP). SCORP statistics show that 39% to 43% of Oregonians enjoy nature study and hiking and that 25% enjoy golf. An interesting statistic is that an additional 13% would golf if more facilities were available. The shortage is indicated by the fact that Oregon ranks 6th nationally, and Washington 5th nationally, in numbers of golfers per 18 holes of existing golf courses. Because the Bandon Dunes project will provide golf, hiking and nature study experiences, it will assist in meeting all three recreational needs.

12.10.18. Energy

The Plan Energy Goal requires the County to "strive to: (1) conserve energy, and (2) make wise use of its energy resources". Plan, p.5-67.

The goal is to be implemented through a series of strategies, the first of which encourages exploration and recovery of nonrenewable resources such as coal, gas and oil on lands on which the County holds an ownership interest. Reference to the "Special Considerations" map for energy resources shows that the Bandon Dunes property is not within an area of potential coal fields, but is within a broadly defined area within which oil and gas leases may exist. However, because this policy affects only County ownerships, the Bandon Dunes property is exempt from further consideration as a resource site.

As noted above, recent experiments with wind power have not proved the feasibility of that source, nor has solar power had wide applicability. The

the Bandon Dunes site. It features a 3600 foot runway with a lighted beacon. A radio signal navigational aid is planned for next year with a satellite based global positioning system to follow in two to three years. The airport is attended from 8 am to 7 pm. Presently, 20 aircraft are based there and annual operations are in the 3500 to 4000 range. There is a fixed base operator on the site.

The State Aeronautics Division has stated that the Bandon State Airport can easily handle additional based aircraft and operations. They have commented, "the planned destination resort should be an attractive addition to the area and having the airport available to provide air service to managers, guests and owners should be an added plus for the project".

Although precise figures are difficult to predict, the following ranges are reasonable. At build-out, the resort will have 150 units of overnight lodging and 300 recreational dwellings, many of which may be sold as fractional interests. If most of them are sold as fractional interests, then an average occupancy rate of 75% is attainable, with an average stay of about 4 days. Seventy-five percent occupancy means that about 338 units would be occupied on any given day. A length of stay of 4 days means that the 338 occupied units would change occupancy an average of 90 times each year. This means more than 30,000 parties would be passing through the resort each year.

Next, if one assumes that 10% of the parties arrive by air, then 3000 parties would use airports in the Coos Bay/Bandon area each year. It is difficult to predict the split between the major airport located at North Bend and the smaller facility at Bandon. The North Bend Municipal Airport has commercial service to Portland, Eugene, Medford and San Francisco plus services such as rental cars. As such, it would cater more to people who travel by common carrier and need a car, or those who fly privately but need a car. The Bandon Airport, by contrast would be of use to those who fly privately, have surface transportation available and want to be closer to the resort. Nevertheless, however one allocates the percentages, the impact on both airports will be positive.

12.10.17 Recreation

The Plan Recreation Goal states the county shall "strive to meet the recreational needs of its citizens and visitors". Plan, p.5-63. Achievement of this goal relies on several plan implementation strategies which are substantially met by the Bandon Dunes project.

Recreation PIS 1 provides, in relevant part: "This strategy [of increasing recreational opportunities and facilities] shall be implemented by *** (2) encouraging applications for 'Recreational' PUD's, (3) requiring open space standards in new PUD's/subdivisions, (4) cooperating with state/federal agencies involved in developing recreation facilities ***" ³⁵ Plan, p.5-63.

Recreation PIS 5 states that "Coos County shall conditionally permit the establishment of Recreational Planned Unit Developments (Recreational PUD's) within specific land areas of the County". Plan, p. 5-64. The Plan goes on to lay out a series of criteria for Recreational PUD's including (1) inclusion of at least 80 contiguous acres in private ownership; (2) proximity to a significant natural resource that has value for recreational purposes such as an estuary, waterfall, lake or dune formation; and (3) retention of a portion

applicant will continue to monitor developments, particularly in the solar field, and will consider applications as they prove feasible.

The Bandon Dunes project has another way to conserve energy. The County's policy in this regard is to build energy conservation standards into its development codes. Plan, p. 5-58. The Bandon Dunes project will be subject to those standards. At a minimum, all of the heated structures will be built to comply with the Oregon Energy Code. Beyond that, the developers have indicated they will monitor developments in solar technology and integrate those which are practicable and in keeping with the selected design themes of the built portions of the development.

Also, as noted elsewhere, the Bandon Dunes project contributes toward energy conservation directly by encouraging nonmotorized transportation and indirectly through minimizing use of fertilizers and other chemicals which rely on petro-resources as a constituent or as part of the manufacturing process.

12.11. COOS COUNTY ZONING AND LAND DIVISION ORDINANCE

12.11.1. Text Amendments

Amendments to the text of the Coos County Zoning and Land Division Ordinance (ZLDO) are governed by ZLDO Article 1.2, which does not establish specific criteria for text amendments. However, ZLDO 1.2.100 (Purpose) notes that text changes are made "in order to conform (i) with the Comprehensive Plan as it is adopted or amended, [or] (ii) to other changes in circumstances and conditions".

Section 12.10 of these findings demonstrates that the proposed Plan and ZLDO amendments are consistent with applicable policies of the Comprehensive Plan. In addition, these amendments adopt the resort Master Plan and this goal exception statement as part of the Plan. The ZLDO text amendment adopting the text of the BDR zoning district is consistent with the adopted Master Plan, in that the criteria established in Sections 4.10.030 and 4.10.070 of the BDR zone for approval of final development plans for phases or elements of the Bandon Dunes resort, and those for approval of land division in Section 4.10.090.B to D, can be satisfied consistent with the approved Master Plan.

For instance, the Bandon Dunes site has the size and access required by Section 4.10.030.A and B or the BDR zone. The residential and recreational development proposed can meet the requirements and limitations of Section 4.10.030.C through E. Commercial uses proposed as part of the Master Plan do not exceed those allowed by Section 4.10.050C of the BDR zone, as limited by Section 4.10.040.E. The amount of open space and treatment of natural resources indicated as part of the Master Plan are consistent with Section 4.10.030H and I. The setbacks indicated on the Master Plan are consistent with those required by Section 4.10.030.J.

12.11.2. Map Amendments

ZLDO 5.1.400(1) establishes the following three criteria for approval of a rezoning:

"(a) The rezoning will conform with the Comprehensive Plan or [ZLDO] Section 5.1.250; and

(b) The rezoning will not seriously interfere with permitted uses on other nearby parcels; and

(c) The rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners."

Section 12.10 of these findings demonstrate that the rezoning of the destination resort to the new BDR zone complies with the relevant provisions of the Comprehensive Plan and, therefore, also demonstrates that ZLDO 5.1.400(1)(a) is satisfied. Section 12.9.3 of these findings demonstrates the approved Bandon Dunes destination resort will be compatible with other uses on adjacent parcels and, therefore, also establishes that the destination resort will not seriously interfere with these other uses, as required by ZLDO Section 5.1.400(1)(b). Finally, because the Board of Commissioners has adopted no other policies or ordinances applicable to the proposed rezoning, ZLDO Section 5.1.400(1)(c) is inapplicable.

12.12. MASTER PLAN "INTEGRATION CLAUSE"

The Project Implementation chapter of the Master Plan for the Bandon Dunes resort contains the following provisions regarding the purpose and application of the BDR zone:

"The Master Plan will be implemented through the Bandon Dunes Resort (BDR) zone, which was adopted as part of the CCZLDO and applied to the resort site at the same time as this Master Plan was adopted as part of the Coos County Comprehensive Plan. The intent is to provide an integrated and definite source of applicable approval standards for Final Development Plans and land divisions. Therefore, all provisions of the Coos County Comprehensive Plan (other than the Master Plan and the Bandon Dunes Resort Goal Exception Statement) and the CCZLDO (other than the BDR zone) which are directly applicable to Final Development Plan and land division approvals are specifically identified as approval standards in the text of the BDR zone."

"Standards": "The BDR zone will include standards necessary to ensure the resort complies with the definitional requirements of ORS 197.445 for a destination resort. The BDR zone will also identify any applicable Coos County Comprehensive Plan policies with which compliance by the Bandon Dunes Resort was not demonstrated at the time of adoption of this Master Plan, and shall require a determination of compliance with such identified plan policies at the time of Final Development Plan approval. Finally, the BDR zone shall include standards specifically identifying any provisions of the CCZLDO, in addition to the BDR zone itself, which are applicable at the time of Final Development Plan or land division approval." Master Plan, p.62.

During the county proceedings, some opponents objected to the above quoted "integration clause", contending it improperly give the resort developer a "blanket exemption" from compliance with the Statewide Planning Goals and comprehensive plan provisions "protecting natural resources, forest and farmland, coastal shorelands and dunes, and governing urbanization and housing development in urban area".

The Master Plan for the Bandon Dunes resort, as well as this Land Use Findings and Goal Exception Statement (Statement), have been adopted as part of the Coos County Comprehensive Plan. Once these amendments to the Plan are acknowledged, any change to either the Master Plan or the Statement will require a postacknowledgment comprehensive plan amendment, which would be governed by the Statewide Planning Goals and the policies of the Comprehensive Plan. The Master Plan is essentially a "refinement" plan, carrying out very detailed planning for a particular development on a particular area of the County.

The above quoted provisions explain how the Master Plan and BDR zone will govern future decisions on approving final development plans for a phase or element of the Bandon Dunes resort and land divisions within the Bandon Dunes site. Such final development plans and land divisions are specifically required to be consistent with the standards of the BDR zone and with both the Master Plan and this Statement. BDR zone, Sections 4.10.070 and 4.10.090.E.1. A decision on a final development plan or land use division in the BDR zone will be a discretionary "permit" decision, not an amendment to the County Comprehensive Plan or land use regulations. Therefore, the Statewide Planning Goals will not apply to a decision approving a final development permit or land division in the BDR zone. ORS 197.175(2)(d).

In this decision adopting the Master Plan and BDR zone, with certain exceptions, we have specifically found that the Master Plan and BDR zone are adequate to ensure compliance of future resort development will all potentially applicable Plan policies. Where this is the case, a future demonstration of compliance with the Master Plan and standards of the BDR zone will be sufficient to ensure that the Plan policies are satisfied. There is no reason to reapply the Plan policies again at a later date. On the other hand, where we have determined that compliance of future resort development with a particular relevant Plan policy is feasible, but has not been demonstrated at the Master Plan approval stage, that plan policy has explicitly been referenced in the BDR zone as a standard for final development a plan approval. For example, this is the case with regard to Plan Dunes, and Ocean and Coastal Lake Shorelands PIS 2, which requires certain specific findings on individual structures to be located in dunes areas with "limited suitability" for development. See BDR zone, Section 4.10.030.I. ³⁶

Under the "integration clause", only those Plan and ZLDO provisions specifically referenced as standards in the text of the BDR zone will be standards for future decisions on resort final development plans and land divisions. This has the great practical advantage of allowing applicants, county staff and other participants involved in the process of reviewing applications for final development plan or land division approval in the BDR zone to be able to identify the applicable approval standards simply by reference to the text of the BDR zone itself, rather than having to comb through a voluminous comprehensive plan document.

FOOTNOTES

1 Unless otherwise specified, all subsequent citations in these findings to the Plan are to Volume I, Part 1.

2 The statutes listed in Section 12.6.A.1 and 4 require that these Plan and ZLDO amendments be consistent with applicable provisions of the statewide planning goals, rules and county comprehensive plan. These requirements are addressed in Sections 12.8 to 12.10 below.

3 During the county hearings, an opponent contended the Bandon Dunes resort is ineligible for siting without a goal exception also because it contains "class 2 forest land". Presumably the opponent was referring to ORS 197.455(1)(c), which provides that land eligible for destination resort siting on rural land without goal exceptions does not include "land predominantly Cubic Foot Site Class 1 or 2 forest lands***". As explained under Section 12.8 D below, the Bandon Dunes site does not contain any Cubic Foot Site Class 1 or 2 forest land.

4 The statute requires an expenditure of \$7 million in 1993 dollars. ORS 197.445(8) provides that the expenditure required "shall be adjusted to the year in which calculations are made in accordance with the United States Consumer Price Index". The 1996 U.S. Consumer Price Index is 156.7, and the 1993 index was 144.6. Therefore, the expenditure required by the statute must be multiplied by 1.0837, yielding a requirement of \$7.59 million.

5 Statewide Planning Goal 8 (Recreational Needs) contains the same language in its definition of "destination resort".

6 Because it is not a rule, the 1995 Handbook, did not go through any public notice, hearing or comment process. In fact, there is no evidence in the handbook or elsewhere in the record that the Land Conservation and Development Commission ever knew that the document was proposed, much less adopted it. As noted by the applicant's counsel at the June 5, 1996 hearing before the Board of Commissioners, DLCD staff considered the 1995 Handbook so unofficial that DLCD never cited the handbook in any of its letters commenting on the BDLP application during the hearing process. Further, DLCD never mentioned the existence of the 1995 Handbook to the applicant, even though the applicant had been working through DLCD to coordinate its application with affected state agencies for over two years prior to the November, 1995 submittal of the application. During all that time the applicant had relied on DLCD's 1989 Destination Resort Handbook, and it was the 1989 Handbook that the applicant placed in the record of the county proceedings.

7 ORS 197.763(3)(b) requires the notice also be provided to any neighborhood or community organization recognized by the county governing body whose boundaries include the site. There are no such neighborhood or community organizations with regard to the BDLP site.

8 A Goal 8 ESEE consequence analysis substantially overlaps the analyses of impacts required for "reasons" exceptions by Goal 2, Part II and for UGB amendments by Goal 14.

9 Special Considerations maps are described as an "implementation measure" in the Comprehensive Plan. See, e.g., Plan at 5-32.

10 Both Chrome Lake and Round Lake are within the Cut Creek watershed.

11 The oldest water rights in these watersheds are a group of mining water rights with a total instantaneous rate of 17.2 cfs. Although these rights are listed in the records of the Water Resources Department, they are not being used and are, therefore, subject to cancellation because of forfeiture.

12 Recently filed water permit applications ask for an additional 313 mgd of surface water flow for an additional 320 acres of cranberry bogs. If these surface water right permit applications are granted, the remaining unallocated surface flow would be only 557 mgd (about 2.4 cfs). Accordingly, some sort of storage of winter runoff is likely needed to accommodate these additional surface water permits without causing serious impact to summertime surface water flows.

13 The other groundwater application is for a well and sump for irrigation of 5.1 acres (0.77 cfs).

14 According to the population projections in the Plan, in the year 2000 the area within the Bandon Urban Growth Boundary is projected to have a population of 4,747. Plan, at p.5-48.

15 This portion of the wetland is part of a parcel whose acknowledged Forest plan and zoning designation will not be changed. Therefore, it is considered in this analysis only with regard to how the proposed redesignation and rezoning of the surrounding area might impact this portion of the wetland as well.

16 Certain aspects of the Master Plan and BDR zone that limit resort development, such as the Master Plan's designation of Natural Resource Conservation Areas and land to be dedicated as permanent open space, and the application of BDR zone use subzones, have already been considered in identifying potential conflicting uses for these wetlands. See Section 12.8.5.12.d(2).

17 Of course, impacts on these wetlands due to raising Chrome Lake is something that will have to be addressed by the water district in obtaining necessary federal, state and local approvals for such a project.

18 The Interdune Valley Scenic Drive will not be constructed until final development plans for Phase 2 development that generates 44 or more PM peak hour trips have been approved. See Section 12.8.12.1. At that time, permits from the DSL and ACOE will be required. However, this is unlikely to happen within the next five years, and these agencies require that detailed wetlands mapping have been performed within the past five years.

19 The figure of 975 new jobs over a 10 year period is an extremely conservative assumption, in that it uses the short end of the build out projection and presumes that the 802 FTE job years of construction jobs will

be 802 separate jobs, whereas if individual construction jobs continue for more than one year, the number of separate construction jobs created over the time period is lessened accordingly.

20 The record contains references to an earlier proposal by the applicant, subsequently withdrawn, which would have included allowing decks and patios associated with a hotel to be constructed within the CSB of Round Lake. No such activity is approved in this decision.

21 Both the ZLDO and the Statewide Planning goals define "riparian" as [o]f, pertaining to, or situated on the edge of the bank of a river or other body of water".

22 There is an additional distinction. Despite the fact that, as described above, the Plan text heretofore set the CSB around all coastal lakes at 100 ft. from the high water mark, the acknowledged riparian vegetation protection in all other zoning districts of the ZLDO applies only to areas within 50 ft. of the lakes. On the other hand, the riparian vegetation protection provision of the BDR zone applies to all area within the CSB's around Chrome, Round and Fahys Lakes.

23 Subparagraph e of paragraph 4 states that uses other than those listed in subparagraphs a-d (basically farm, forest, water-dependent recreation, and aquaculture uses) may be allowed on rural shorelands only upon "a finding by the county that such uses satisfy a need which cannot be accommodated on uplands or in urban and urbanizable areas or in rural areas built upon or irrevocably committed to nonresource use."

24 However, even if this Goal 17 requirement did apply, the County believes its findings demonstrating the "reasons" a goal exception for the Bandon Dunes destination resort is justified satisfy this requirement as well. See Section 12.9.1.

25 The list in the text is not intended to be determinative of what resort uses will be located in areas designated as "Limited Suitability". That will be determined by the County, during the final development plan review process, by reference to the Development Potential Map.

26 These ZLDO provisions require the same findings and process as Plan Dunes and Ocean and Coastal Lake Shorelands Implementation Strategy 2.

27 OAR Chapter 660, Division 14 was adopted to govern proposals for the incorporation of new cities on undeveloped rural land. However, OAR 660-14-040 includes provisions that are generally applicable to reasons exceptions for "new urban development on rural land", even where the creation of a new city is not involved. See *Caine v. Tillamook County*, 25 Or LUBA 209, 221 (1993).

28 While dune formations are usually found near a body of water, this is not always the case. The basis for the opponent's assertion that these two links courses do not have dunes soils and topography is unclear, as he submitted no documentation regarding this claim.

29 This site actually has two noncontiguous subareas. A subarea of approximately 3,100 acres, located in Sections 20, 21, 27-29 and 34, adjoining the Rosboro site to the north, is owned by Georgia Pacific. A subarea of approximately 800 acres in Sections 10, 11, 14, 15 and 22, owned by Georgia Pacific, Roseburg Resources and Westbrook lies between the larger subarea and the South Slough.

30 During the course of the County proceedings, the approximately 400 acre Forest designated parcel adjoining the northern boundary of the Bandon Dunes site was purchased by BDLP. Being held in common ownership will make it easier to avoid conflicts between resort and forest management uses.

31 As stated in 1 above, unless otherwise noted, all references to the Plan are to Volume I, Part 1 of the Plan.

32 The one exception to the 100 feet applicability of the BDR zone Riparian Vegetation Protection provision is at the two sites on Round Lake and one site on Fahys Lake where the CSB is only 50 feet from the lake.

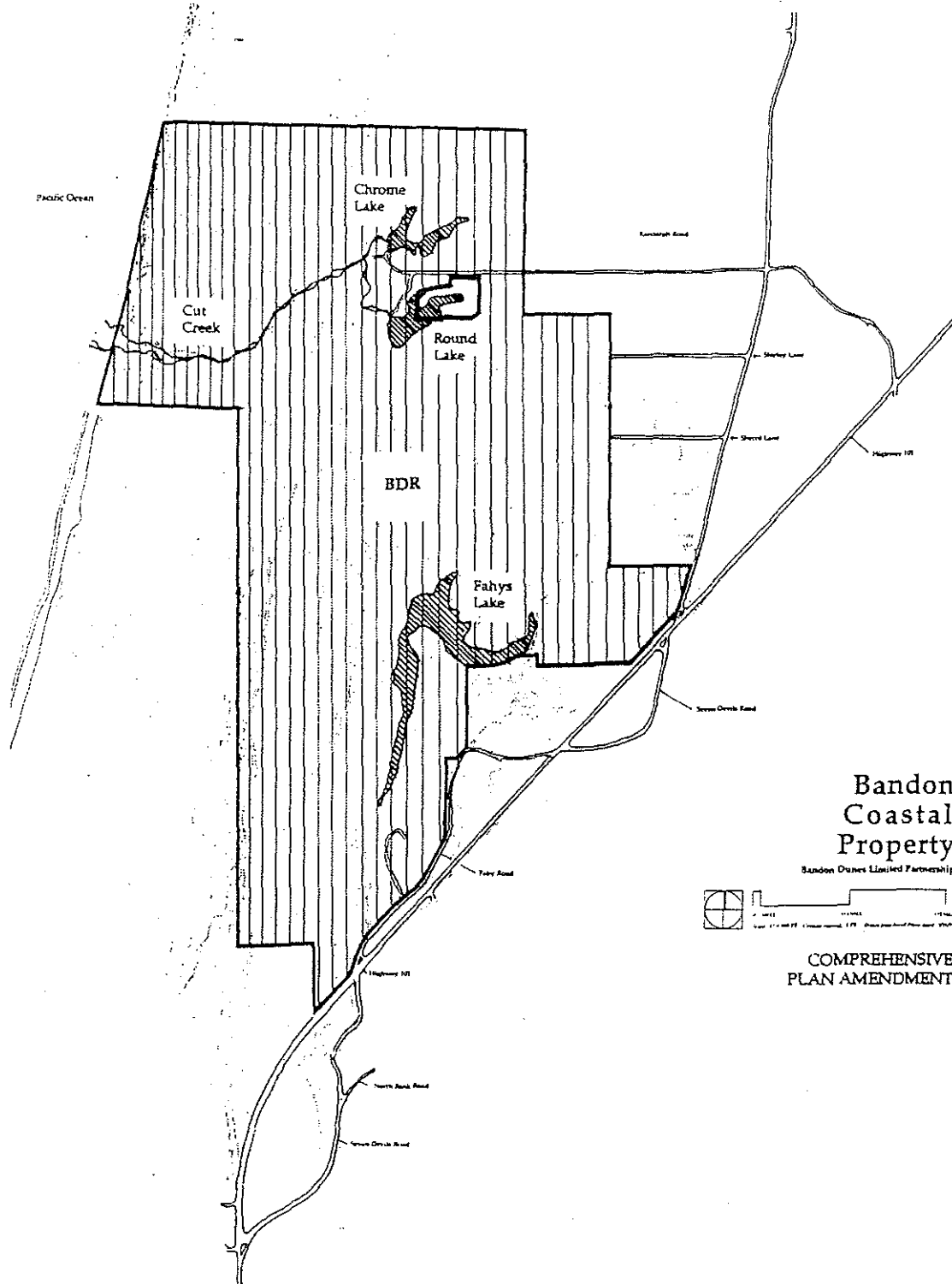
33 This requirement parallels that of Goal 17, Coastal Shoreland Uses, paragraph 1.

34 In fact the list of uses in PIS 7 is identical to that in Goal 17, Coastal Shorelands Uses, paragraph 4, before it was amended in 1984.

35 A Recreational PUD is defined in the Plan as providing a combination of owner's primary dwelling units, recreational dwelling units, and required open space. A recreational PUD may contain retail and service establishments that can serve more than just the needs of the development users and must contain at least 80 acres.

36 For a more detailed explanation of how Section 4.10.030.I of the BDR zone requires compliance with the ZLDO implementing measures that are identical to, and carry out, Dunes, and Ocean and Coastal Lake Shorelands PIS 2, see Section 12.8.17.1 of these findings.

Figure 16



WAIVER OF RIGHT TO OBJECT
FOREST AND FARM PRACTICES MANAGEMENT EASEMENT

_____ herein called grantor(s)
(Property Owner's Name)
are the owners of real property described as follows:

Microfilm Reel No. _____

Township _____ S., Range _____ W.W.M., Section _____, Tax Lot _____

In accordance with the conditions set forth in the decision of the Coos County Planning Department, dated _____ approving a _____ for the above described property and in consideration of such approval, grantor(s) hereby grant to Coos County on behalf of the owners of all property adjacent to the above described property, a perpetual non-exclusive forest and farm practices management easement as follows:

1. Grantors, their heirs, successors and assigns, hereby acknowledge by granting this easement that the above described property is situated within a forest or farm zone, or adjacent or near a forest or farm zone in Coos County, Oregon, and may be subjected to conditions resulting from commercial forest or agricultural operations being undertaken on adjacent lands located in a farm or forest zone. Such operations include, but are not limited to, management and harvesting of timber, disposal of slash, reforestation, application of chemicals, road construction and maintenance, management of farm animals and farm lands and other accepted and customary forest and farm management activities conducted in accordance with state laws. Said forest and farm management activities ordinarily and necessarily produce noise, dust, smoke, odor and other conditions that may conflict with grantors' use of grantors' property for residential or other land uses not related to commercial forestry or farm management. Grantors hereby waive all common law rights to object to normal, necessary, and non-negligent forest or farm management activities legally conducted on adjacent lands located in a farm or forest zone that may conflict with grantors' use of grantors' property for residential or other land uses not related to commercial forestry or farm management purposes and grantors hereby give an easement to Coos County for the benefit of adjacent property owners for the resultant impact on grantors' property that may be caused by non-negligent forest and farm management activities occurring on adjacent lands located in a farm or forest zone.

2. Grantors shall comply with all restrictions and conditions for maintaining residences on rural lands that may be required by state and local land use laws and regulations. Grantors shall comply with all fire safety regulations set forth in the Coos County Zoning & Land Development Ordinance and applicable to the subject property.

3. Grantors shall comply with all restrictions and conditions for maintaining residences in farm zones, pursuant to state and local laws and regulations if a farm-use dwelling has been approved for the subject property.

This easement is appurtenant to all property adjacent to the above described property and shall bind the heirs, successors and assigns of grantors and shall endure for the benefit of the adjacent landowners, their heirs, successors and assigns. Adjacent landowners, their heirs, successors and assigns are hereby expressly granted the right of third party enforcement of this easement.

IN WITNESS WHEREOF, the grantors have executed this easement on _____

(Titleholder's signature)

(Titleholder's signature)

STATE OF OREGON)
COUNTY OF COOS)

Personally appeared the above named _____ and _____ and acknowledged the above easement to be their voluntary act and deed.

Notary Public for Oregon

My Commission expires: _____

This easement is hereby accepted for the benefit of adjacent property owners this _____ day of _____ 19____.

COOS COUNTY
BOARD OF COMMISSIONERS

By: _____
Planning Director

Misc. Contracts & Agreement
No. 14185
August 21, 1996

**COOPERATIVE IMPROVEMENT AGREEMENT
PRELIMINARY ENGINEERING AND CONSTRUCTION FINANCE**

THIS AGREEMENT is made and entered into by and between THE STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State"; BANDON DUNES, L.P., which is authorized to transact business in the State of Oregon, acting by and through its Company Officials, hereinafter referred to as "Company", and the COUNTY OF COOS, acting by and through its Elected Officials, hereinafter referred to as "County."

WITNESSETH

RECITALS

1. By the authority granted in ORS 366.770 and 366.775, State may enter into cooperative agreements with the counties and cities for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
2. By the authority granted in ORS 366.425, State may accept deposits of money, or an irrevocable letter of credit, from any person, firm, or corporation for the performance of work on any public highway within State. When said money or a letter of credit is deposited, State shall proceed with the project. Money so deposited shall be disbursed for the purpose for which it was deposited.
3. For the purpose of providing acceptable traffic circulation patterns and safety on public highways and roads in the vicinity of a development on property owned by Company; State, County, and Company plan and propose to design and construct standard left turn lanes on Highway 101 at the Company's proposed intersection of Highway 101 and realigned westerly Seven Devils Road (approximate mile point 257.30); and at the Company's proposed intersection of Highway 101 and Interdune Valley Scenic Drive (approximate mile point 258.45). Additionally, the intersecting County Roads (at mile point 257.30 and at mile point 258.45) will be constructed to provide 2 exiting lanes to separate east bound right and left turn movements at the Highway 101 intersections. The location of the project is approximately as shown on the sketch map attached hereto, marked Exhibit A, and by this reference made a part hereof. This project will be financed 100 percent by Company, at no expense to State or County.

4. By the authority granted in ORS 810.210, State is authorized to determine the character or type of traffic control devices to be used, and to place or erect them upon State highways at places where State deems necessary for the safe and expeditious control of traffic. No traffic control devices shall be erected, maintained, or operated upon any State highway by any authority other than the State, except with its written approval. All highway construction work on the project shall conform to the current State standards and specifications.
5. By the authority granted in ORS 810.210, County is authorized to determine the character or type of traffic control devices to be used, and to place or erect them upon County Roads and Local Access Roads at places where County deems necessary for the safe and expeditious control of traffic. No traffic control devices shall be erected, maintained, or operated upon any County Road or Local Access Road by any authority other than the County, except with its written approval. All construction work on County Roads and Local Access Roads shall conform to the current County standards and specifications.

NOW, THEREFORE, the premises being in general as stated in the foregoing RECITALS, it is agreed by and between the parties hereto as follows:

STATE OBLIGATIONS

1. State District 7 Manager shall, at Company expense, review and approve all roadway plans and specifications, prior to advertisement for construction bids.
2. State District 7 Manager shall, at Company expense, provide an Inspector to inspect the construction of the project to insure all work and materials on the project conforms to current State standards.
3. State shall compile accurate cost accounting records. Company may request a statement of State costs to date at anytime by submitting a written request. When the actual total State costs of the project have been computed, State shall furnish Company with an itemized statement of said final costs, including preliminary and construction engineering, and all contingency items attributable to the project.
4. State shall paint necessary lane lines upon completion of Company's obligation 6.
5. Following completion of final inspection and approval by State, permanent permits will be issued to Coos County for the intersections of the realigned Seven Devils Road and Interdune Valley Scenic Drive with Highway 101 by the Oregon Department of Transportation District 7 office.

COMPANY OBLIGATIONS

1. Company shall conduct the necessary preliminary engineering investigations, identify and obtain the required permits, arrange for relocation or adjustment of any conflicting utility facilities, perform all preliminary engineering and design work for the project.
2. Company shall submit to State for review and approval project plans and specifications. Specific work areas are:
 - a. During proposed Phase 1, construct an improved intersection of Seven Devils Road and Highway 101 (approximate mile point 257.30) per ODOT standard drawing #2104A. Realign the westerly leg of Seven Devils Road to provide a 90 degree intersection. Dedicate right-of-way for the realigned westerly leg of Seven Devils Road to County for use as a County Road. Construct two lanes exiting Seven Devils Road onto Highway 101 to separate the east bound right and left turn movements. These improvements will be shown on the Phase 1 final development plans. The improved intersection, as shown on Exhibit B, will be approved by State and open for traffic before commencement of public use of Phase 1 recreational or commercial development or occupancy of Phase 1 residential development. This requirement will be enforced by the County through a condition imposed at the time of Phase 1 final development plan approval and through the County's code enforcement procedures.
 - b. During Phase 2, construct an improved intersection of Interdune Valley Scenic Drive and Highway 101 (approximately mile point 258.45) per ODOT Standard Drawing #2104A. The westerly leg of the intersection (Interdune Valley Scenic Drive) will be constructed with two lanes exiting onto Highway 101 to separate the east bound right and left turn movements. These intersection improvements will be shown on the Phase 2 final development plans. The improved intersection, as shown of Exhibit C, will be approved by State and open for traffic before commencement of public use of Phase 2 recreational or commercial development, or occupancy of Phase 2 residential development, any combination of which will generate 44 or more PM Peak Hour trips, as determined using appropriate tables from the current ITE Trip Generation Manual, which tables are attached hereto as Exhibit D, provided that Phase 2 golf course PM Peak Hour trip generation may alternatively be determined based on comparable actual traffic data provided by the Company, if such data is acceptable to State. This requirement will be enforced by the County through a condition imposed at the time of final development plan approval for that portion of Phase 2 development that will generate 44 or more PM Peak Hour trips, determined as described above, and through the County's code enforcement procedures.

12,-156

3. Company shall provide the necessary Right-of-Way and easements for any required roadway work and shall furnish all related Right-of-Way maps and descriptions for said Right-of-Way.
4. Company shall advertise for bid proposals, award all contracts, pay all contractor costs, and furnish all construction engineering, material testing, technical inspection, and project manager services for administration of the contract for the project and provide permanent mylar "as constructed" plans.
5. Company shall submit to State for review and approval the construction schedule for this project after this agreement has been fully executed and before the Oregon Department of Transportation District 7 issues a temporary permit for construction. Company may not begin construction until after State reviews and approves the construction schedule. Company will be required to submit to State for review and approval any and all changes to the approved schedule.
6. Company shall layout the necessary lane lines and channelization, and erect the required directional and traffic control signing for the project, as directed by State and County.
7. Company shall, upon filing an application with the County for approval of any Phase 1 Final Development Plan, forward to State an advance deposit or irrevocable letter of credit in the amount of \$1,000, said amount being equal to the estimated total cost for the review of plans and specifications, and construction inspection with regard to the intersection improvements identified in paragraph 2a above.
8. Company shall, upon filing an application with the County for approval of any Phase 2 Final Development Plan, other than a final development plan for a portion of Phase 2 development that will generate fewer than 44 PM Peak Hour Trips, determined as provided in paragraph 2b above, forward to State an advance deposit or irrevocable letter of credit in the amount of \$1,000, said amount being equal to the estimated cost for the review of plans and specifications, and construction inspection with regard to the intersection improvements identified in paragraph 2b above.
9. Upon completion of the project and receipt from State of an itemized statement of the actual total cost of State's participation for the project, Company shall pay any amount which, when added to Company's advance deposits, will equal 100 percent of actual total State costs for the project, including preliminary and construction engineering, and all contingency items attributable to the project. Any portion of said advance deposits which is in excess of the State's total costs will be refunded or released to Company.

10. Company shall obtain, at its own expense, and keep in effect during the term of this agreement, Comprehensive or Commercial General Liability Insurance covering bodily injury and property damage. This insurance shall include personal injury coverage, contractual liability coverage for the indemnity provided under this agreement and products/completed operations liability. Combined single limit per occurrence shall not be less than \$1,000,000, or the Combined equivalent. Each annual aggregate limit shall not be less than \$1,000,000, when applicable.
11. The liability coverage required for performance of the agreement shall include the State of Oregon, Oregon Transportation Commission and its members, Oregon Department of Transportation and its officers and employees, Coos County, Coos County Board of Commissioners and its members, and the Coos County Highway Department and its officers and employees as Additional Insureds, but only with respect to Company's activities to be performed under this agreement.
12. Before this agreement is executed, Company shall furnish to State and County a Certificate of Insurance for the limits set out above, which is to be in force and applicable to the project.
13. The insurance coverage shall not be amended, altered, modified or canceled insofar as the coverage contemplated herein is concerned without at least 30 days prior written notice to State and County.
14. Company shall indemnify, defend, and hold harmless the State of Oregon, Oregon Transportation Commission and its members, Department of Transportation and its officers and employees, Coos County, Coos County Board of Commissioners and its members, and the Coos County Highway Department and its officers and employees from all claims, suits or actions of any nature arising out of the activities of the company, its officers, subcontractors, agents, or employees under this agreement.
15. Within 30 days after the improvements described in paragraphs 2a or 2b above have been completed and approved by State and County, Company shall initiate a proceeding before County to vacate the portion of Seven Devils Road or Fahy Road, respectively, that is no longer in use. At or before the time such vacation proceeding is concluded, Company shall dedicate easements for any underground utilities underlying the vacated portion of Seven Devils Road or Fahy Road.
16. Within 60 days after a portion of Seven Devils Road or Fahy Road (both of which are County Roads) has been vacated, as described in paragraph 15 above, Company shall remove the asphalt from the vacated portion of such road and shall grade the roadbed in the vacated area to provide drainage and to allow the terrain to return to as natural a condition as possible.

12.-158

COUNTY OBLIGATIONS

1. County hereby grants State and Company the right to enter onto and occupy County road right-of-way for the purpose of constructing the above-specified intersection improvements.
2. County, by execution of this agreement, does hereby give its consent to any and all changes of grade on county roads, if any there be, in connection with or arising out of the project covered by this agreement.
3. County shall enforce the requirements of Company obligation 2a and 2b through its code enforcement procedures and as follows:
 - a. At the time of Phase 1 final development plan approval, County shall impose a condition requiring that the road improvements described in Company obligation 2a be approved by State and open for traffic before commencement of public use of Phase 1 recreational or commercial development, or occupancy of Phase 1 residential development.
 - b. At the time of Phase 2 final development plan approval for that portion of Phase 2 development that will generate 44 or more PM Peak Hour trips, determined as described in Company obligation 2b, County shall impose a condition requiring that the road improvements described in Company obligation 2b be approved by State and open for traffic before commencement of public use of such portion of Phase 2 recreational or commercial development, or occupancy of such portion of Phase 2 residential development.
4. County Highway Department shall review and approve all roadway plans and specifications, prior to advertisement for construction bids.
5. County Highway Department shall provide an Inspector to inspect the construction of the project to insure all work on and materials used in construction of County Roads and Local Access Roads conforms to current County standards.
6. County shall paint necessary lane lines on County Roads upon completion of Company's obligation 6.
7. Upon approval of the completed road improvements specified under Company's obligation 2a or 2b, respectively, County shall accept into its road maintenance program the realigned westerly leg of Seven Devils Road and the portion of Interdune Valley Scenic Drive extending from the western edge of the right-of-way of Fahy Road to Highway 101.
8. County shall enter into and execute this agreement during a duly authorized session of its County Board of Commissioners.

GENERAL PROVISIONS

12.-159

Agreement No. 14185
BDLP/COOS COUNTY/ODOT

1. State, County, and Company agree and understand that a mutual review of the roadway improvement plans and specifications, any utility agreements, and any necessary Right-of-Way dedications will be conducted prior to advertisement for construction bid proposals, and that written approval by State must be obtained prior to such advertisement.
2. State and Company agree that the award of the contract will be subject to State's written approval.
3. The Contractor, its subcontractors, if any, and all employers working under this Agreement are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all their subject workers.
4. Each party agrees to proceed in a reasonable manner to fulfill its obligations under this Agreement.

12-160

Agreement No. 14185
BDLP/COOS COUNTY/ODOT

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written.

On April 12, 1995, the Oregon Transportation Commission adopted Delegation Order 1, which became effective May 1, 1995. The order grants authority to the Director or Deputy Director to approve and execute agreements up to \$50,000 for work not included in the current Statewide Transportation Improvement Program or approved work plan budget.

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Asst. Attorney General

Date _____

STATE OF OREGON, by and through its
Department of Transportation

By _____
Director

Date _____

APPROVAL RECOMMENDED

By _____
Region Manager

Date _____

APPROVAL RECOMMENDED

By _____
District Manager

Date _____

County of Coos, by and through
its Elected Officials

By _____
Commissioner Date

By _____
Commissioner Date

By _____
Commissioner Date

Bandon Dunes, L.P., by and through its
General Partner, Cascade Ranch, Inc.

By _____
Title

Date _____

Billing Address:

12.-161

Figure 19

Bandon Coastal Property Traffic Impact Study Year 2005 with Phase I & II PM Peak Hour Traffic Volumes

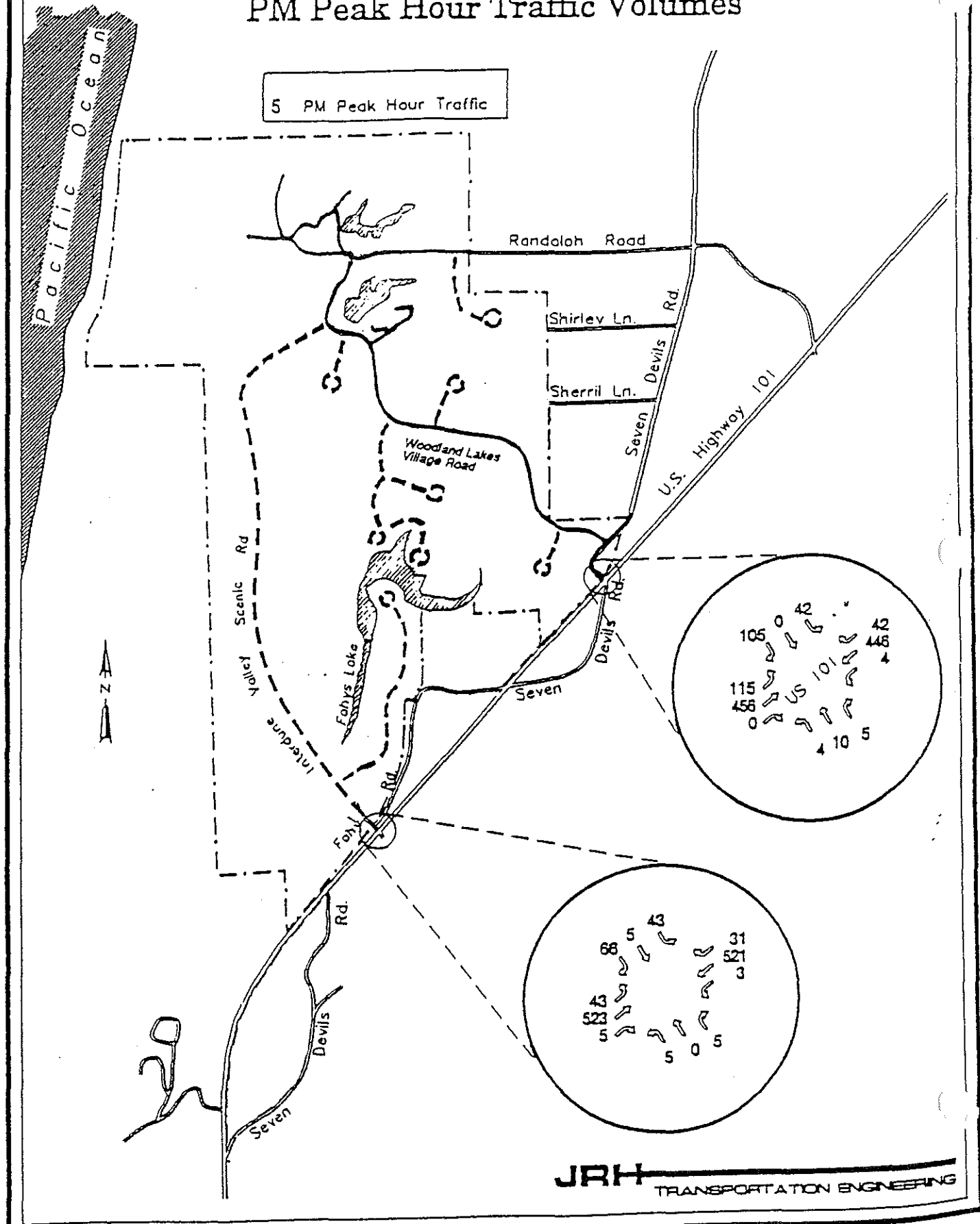


Figure 20

NORTH ENTRANCE
SCHEMATIC LAYOUT

BANDON COASTAL DUNE LANDS

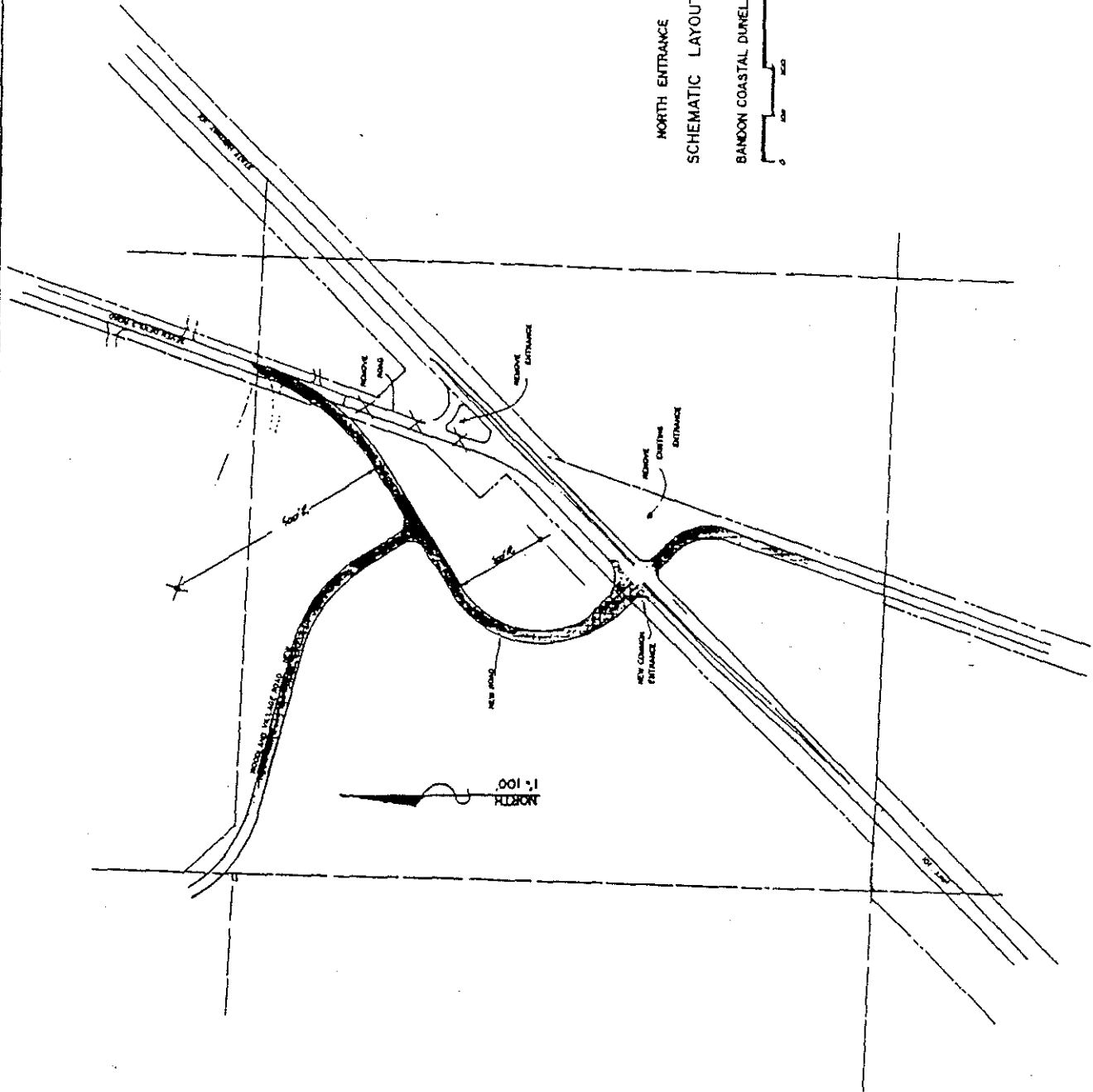
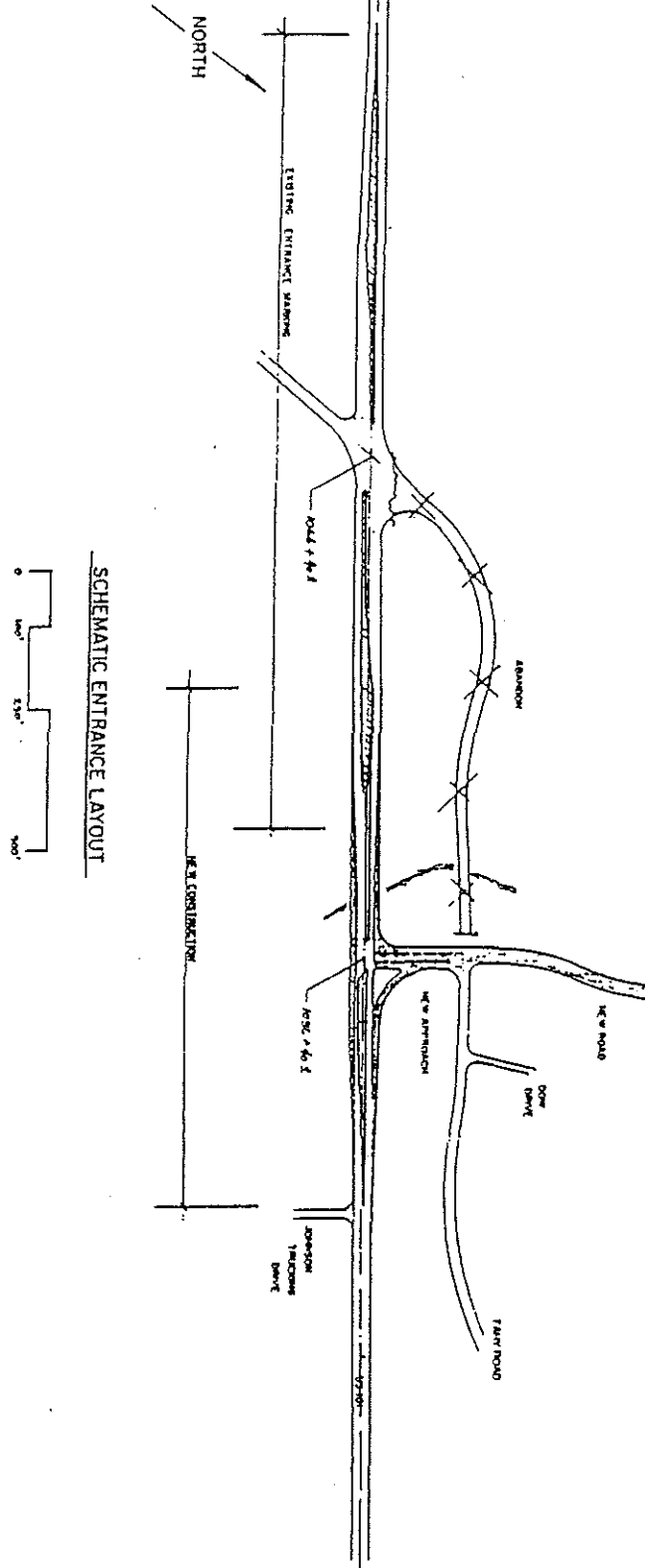


Figure 21



<p>SOUTH ENTRANCE SCHEMATIC LAYOUT</p>		<p>BANDON DUNES LIMITED PARTNERSHIP BANDON, OREGON</p>	<table border="1"> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>											<table border="1"> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>										

The wetland fill within the Coastal Shoreland Boundary is necessary to meet safety requirements and minimize the bridge's cumulative impact on the immediate environment. The existing bridge is classified structurally deficient.

(C) That the project cannot be reduced in size or redesigned to be consistent with protection of the site and where applicable consistent with protection of natural values.

Options for the project are to construct coffer dams during construction in order to place non-structural fill below the water line, or use riprap to stabilize the fill. Using coffer dams would be more expensive and would present a greater immediate impact to the site, as piles are driven into the wetland and it is drained during construction.

(d) Uses which would convert a portion of a major marsh, coastal headland, significant wildlife habitat, exceptional aesthetic resource, or historic or archeological site must use as little of the site as possible, be designed and located and, where appropriate, buffered to protect natural values of the remainder of the site.

To reduce impacts on the lake and wetlands, a retaining wall instead of an embankment slope, is planned for the northwest corner of the bridge. The new roadway embankment fill slopes would extend below the ordinary high water mark into Saunders Lake in the northeast quadrant and Maud Lake at the southwest, as the bridge crosses the connection between the two systems. The fill slopes would consist of Class 25 riprap in the lower parts of the slopes below the 25-year high water line, overlaid with aggregate base fill and native topsoil. Excavation below the OHWM would be required to construct Footings for the bridge abutments and retaining wall. The project proposes to isolate and de-water the areas around the existing bridge piers to facilitate removal and excavation for embankment construction. Abutment construction areas would also be de-watered. A Staked Silt Fence Turbidity Barrier will be installed in the lake around the project to restrict the release of turbidity from construction into the larger water of the lake. The concrete abutments, wingwalls, and retaining wall would constitute permanent fill in the wetland area.

III. CONCLUSION AND FINDING

The proposed wetland fill is necessary due to the need to replace the existing bridge facility and limit impacts to Maud Lake and Saunders Lake. The applicant is complying with coastal consistency requirements through the 404 permitting process with the Division of State Lands and the Corps of Engineers. The applicant has demonstrated the need and the unique circumstances requiring the fill in order to replace the existing bridge.

Based upon the reasons set forth above, the proposed wetland fill is found to be appropriate and justified as an exception to Goal 17 of the Statewide Planning Goals and an amendment to the Coos County Comprehensive Plan.

Recreational Homes (260)

Figure 22

Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic
One Hour Between 4 and 6 p.m.

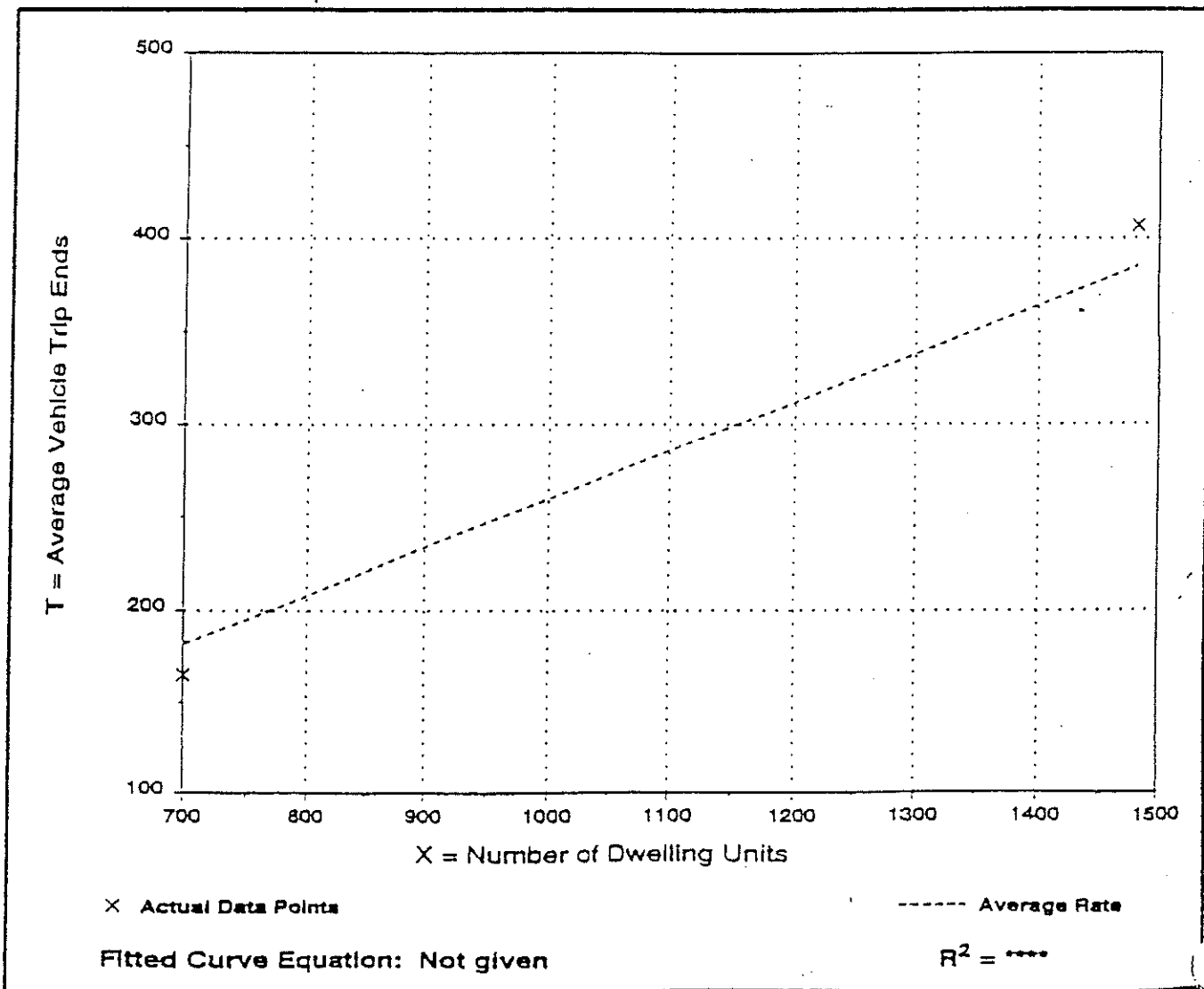
Number of Studies: 2
 Average Number of Dwelling Units: 1,091
 Directional Distribution: 41% entering, 59% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.26	0.24 - 0.27	.

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



Hotel (310)

Figure 23

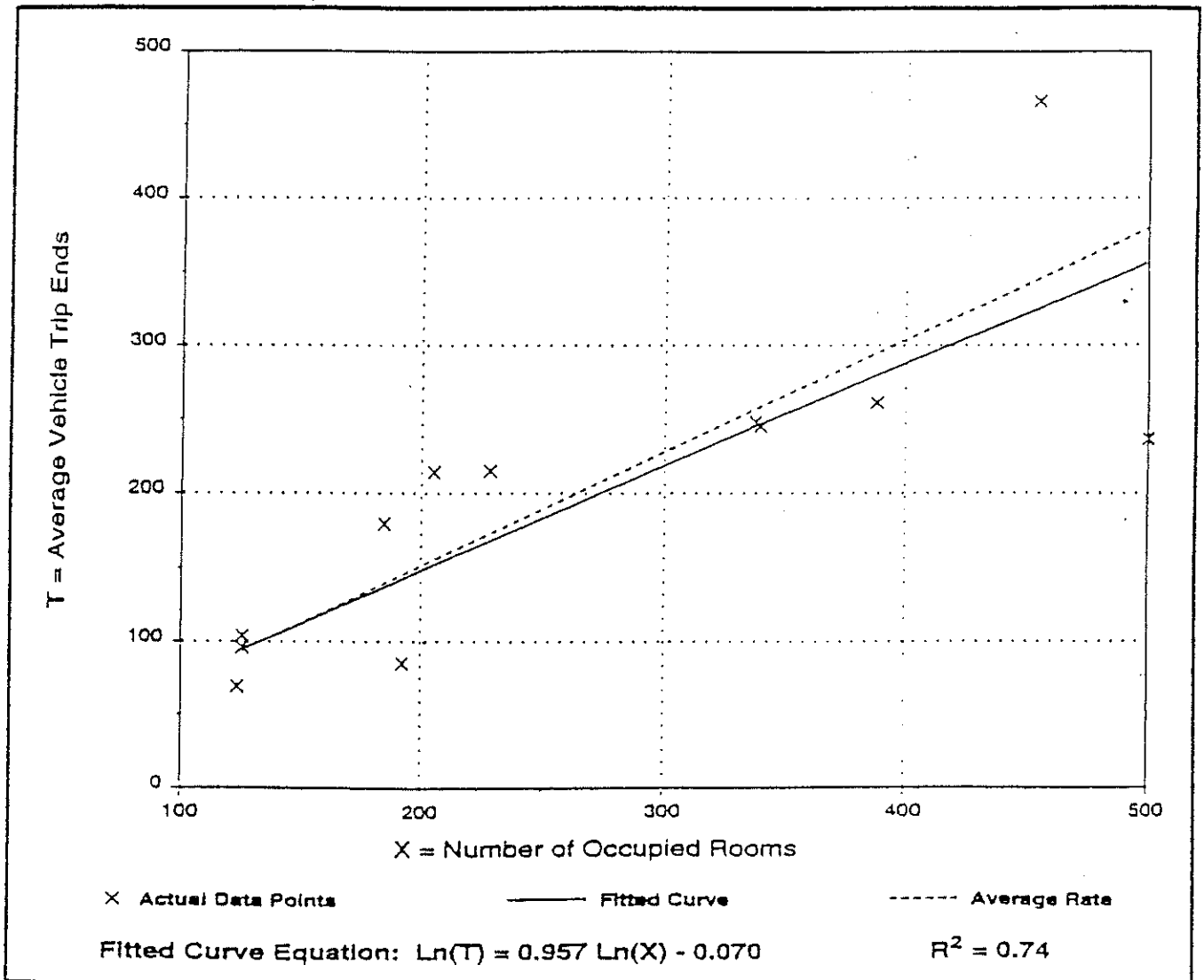
Average Vehicle Trip Ends vs: Occupied Rooms
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.

Number of Studies: 12
 Average Number of Occupied Rooms: 267
 Directional Distribution: 54% entering, 46% exiting

Trip Generation per Occupied Room

Average Rate	Range of Rates	Standard Deviation
0.76	0.44 - 1.04	0.89

Data Plot and Equation



Golf Course (430)

Figure 24

Average Vehicle Trip Ends vs: Holes
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

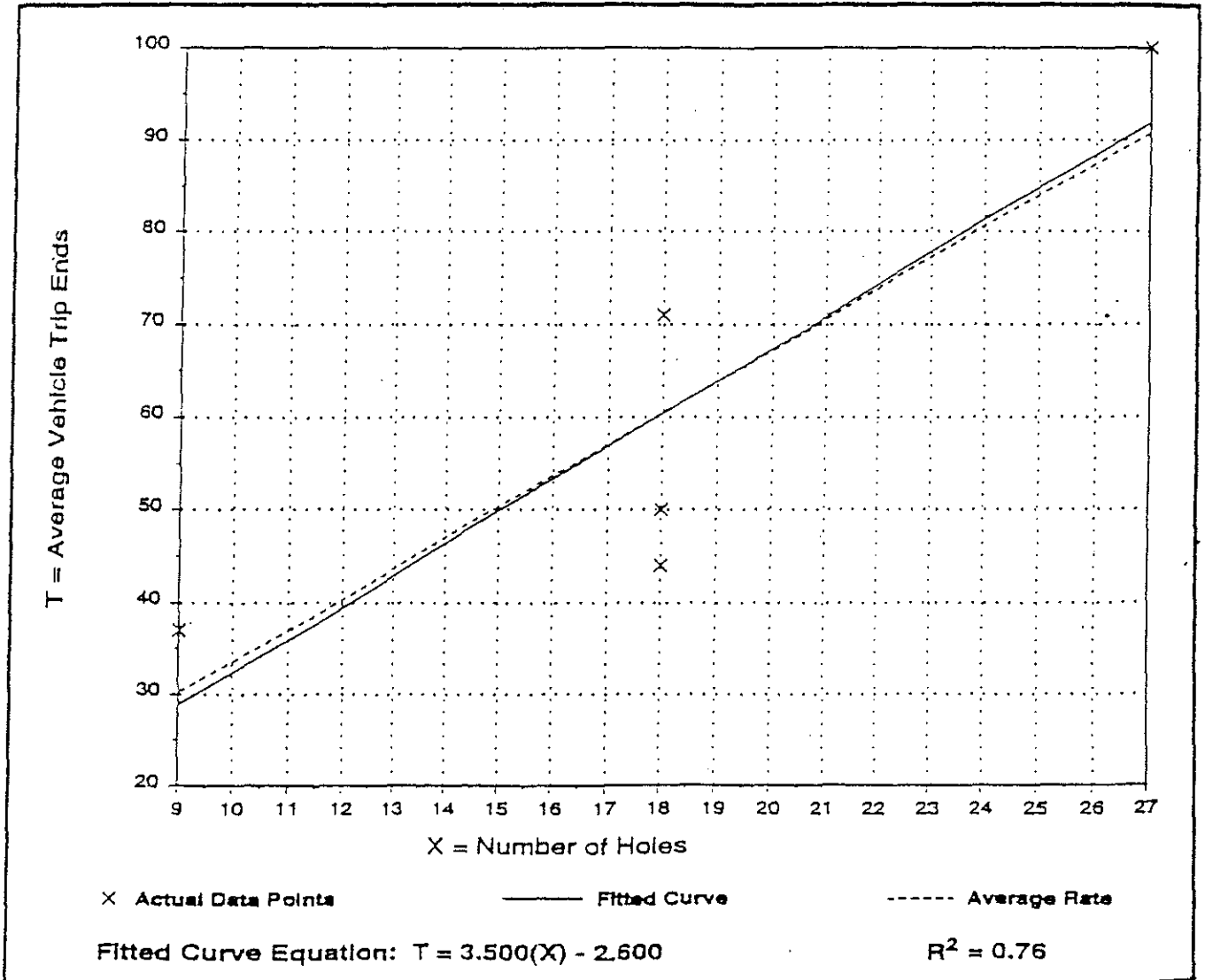
Number of Studies: 5
Average Number of Holes: 18
Directional Distribution: 52% entering, 48% exiting

Trip Generation per Hole

Average Rate	Range of Rates	Standard Deviation
3.36	2.44 - 4.11	1.90

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



13. SAUNDERS LAKE BRIDGE EXCEPTION

ATTACHMENT "B"

JOINT PERMIT APPLICATION FOR
THE US ARMY CORPS OF ENGINEERS
AND
OREGON DIVISION OF STATE LANDS
WITH ATTACHED
WETLAND DELINEATION



Attachment A

Wetland Delineation

Wetland Delineation of the Saunders Lake Bridge Site Coos County, Oregon

Prepared for

Coos County Highway Department

Prepared by



Shapiro and Associates, Inc.

November 23, 1999



JOINT PERMIT APPLICATION FORM

THIS APPLICATION WILL MEET THE REQUIREMENTS OF BOTH AGENCIES

AGENCIES WILL ASSIGN NUMBERS

Corps Action ID Number _____ Oregon Division of State Lands Number _____
Date Received: _____ Date Received: _____

SEND ONE SIGNED COPY OF YOUR APPLICATION TO EACH AGENCY

District Engineer
ATTN: CENPP-PE-RP
PO Box 2946
Portland, OR 97208-2946
503/326-7730

State of Oregon
Division of State Lands
775 Summer Street NE
Salem, OR 97310
503/378-3805

1 Applicant Name and Address	Coos County Road Department Second and Baxter Coos County Courthouse Coquille, Oregon 97423-1152	Phone # (541) 396-3121 FAX # (541) 396-4011
Authorized Agent Contractor Name and Address	Shapiro and Associates, Inc. (Attn: Robert E. Dillinger) 1650 NW Naito Parkway, Suite 302 Portland, Oregon 97209	Phone # (503) 274-9000 FAX # (503) 274-0123
Property Owner (If different than application) Name and Address		Business phone # home phone # FAX #

2 PROJECT LOCATION				
Street, Road or other descriptive location		Legal Description		
Bridge # 11C90X, County Rd. #220, MP 0.313-0.355		Quarter	Section	Township
			35	23 South
In or Near (City or Town)		County		Range
East of Highway 101 in the community of Saunders Lake		Coos		13 West
Waterway		River Mile		Tax Map #
A narrow channel that connects the main body of Saunders Lake with a smaller, western arm (Maud Lake).				Tax Lot #
		Latitude		Longitude

Is consent to enter property granted to the Corps and the Division of State Lands? Yes No

3 PROPOSED PROJECT INFORMATION	
Activity Type:	<input checked="" type="radio"/> Fill <input checked="" type="radio"/> Excavation (removal) <input type="radio"/> In-water Structure <input type="radio"/> Maintain/Repair an Existing Structure
Brief Description:	Replacement of bridge structure in the same location
Fill will involve:	_____ cubic yards annually and/or <u>348</u> cubic yards for the total project <u>348</u> Cubic yards in a wetland or below the ordinary high water or high tide line
Fill will be:	Riprap Rock Gravel Sand <input type="radio"/> Silt <input type="radio"/> Clay <input type="radio"/> Organics <input type="radio"/> Other
Fill Impact Area is:	<u>0.066</u> Acres; <u>various</u> length; <u>various</u> width; <u>various</u> depth
Removal will involve:	_____ cubic yards annually and/or <u>65</u> cubic yards for the total project <u>65</u> Cubic yards below the ordinary high water or high tide line
Removal will be:	<input type="radio"/> Riprap <input type="radio"/> Rock <input type="radio"/> Gravel Sand Silt <input type="radio"/> Clay <input type="radio"/> Organics <input type="radio"/> Other
Removal Impact Area is:	_____ Acres; _____ length; _____ width; _____ depth
Estimated Start Date:	_____ Estimated Completion Date: _____
Will any material, construction debris, runoff, etc. enter a wetland or waterway? <input checked="" type="radio"/> Yes <input type="radio"/> No (Figure 3). If yes, describe the type of discharge and show the discharge location on the site plan. The project area would be isolated by coffer dams, and all excavation and fill would be done without any debris entering the flowing water. A Staked Silt Fence Turbidity Barrier will be installed in the lake around the project to restrict the release of turbidity from the lake and prevent sediment from entering the channel.	

Project Purpose and Need:

Island Drive and the Saunders Lake Bridge provide access for 60 to 70 residents to the Oregon Coast Highway (Figure 1). The existing bridge has no approach guardrail, substandard bridge railing, deteriorated timber caps and piling, and substandard roadway width. With a sufficiency rating of 23.0, the bridge is classified as structurally deficient. The Oregon Department of Transportation (ODOT) typically replaces bridges with a sufficiency rating of 50 or below. The plan is to remove the existing structure and replace it with a new bridge built to current standards. The bridge configuration and condition make rehabilitation of the existing structure to meet current design standards impractical and uneconomical.

In 1994, the average daily traffic (ADT) figure for this roadway was estimated to be 120 vehicles, mostly residential with about 2% trucks. Growth is estimated to be approximately 0.5% for the 20-year life span of the project.

Project Description:

The existing single-span bridge would be replaced with a single-span structure using the approximate locations of the present bridge for the new structure (Figures 2 and 3). Minimum roadway width for the new bridge would be 24 ft (8 m), with two 9.5-ft (3.0 m) lanes and 3.25-ft (1.00-m) shoulders.

The proposed bridge location and roadway alignment would essentially match the existing alignment (with a slight shift to the east and a slight increase in length), providing improvements in roadway width and horizontal alignment. The project would also improve the middle of three sharp curves. The proposed bridge would be composed of 18-in (455 mm) thick precast, prestressed concrete slabs supported on short, vertical abutments with a single row of pipe pile. The increase in bridge length is to decrease depth of soil retained by the abutments and provide a better fit to site conditions. A retaining wall, instead of an embankment slope, would be constructed at the northwest corner of the bridge. The wall type would be mechanically stabilized earth (MSE), with segmental modular blocks. The wall height would vary from 10.7 ft (3.25 m) at the south end near the bridge to 2.0 ft (0.6m) at the north end and would be approximately 66 ft (20 m) long. The proposed bridge would have a vertical clearance above the 25-year flood event of 2.6 ft (0.787 m).

Existing riprap extends below the ordinary high water mark (OHWM) at all four corners of the bridge. Hydraulic analysis indicated the Saunders Lake Bridge is not scour critical (BRW 2000). The proposed plan would place no new riprap in the vicinity of the bridge and all existing riprap would be removed where it is not within the proposed fill areas. The new roadway embankment fill slopes would extend below the OHWM into Saunders Lake in the northeast quadrant and Maud Lake at the southwest, as the bridge crosses the connection between the two systems. The fill slopes would consist of Class 25 riprap on the lower parts of the slopes below the 25-year high water line, overlaid with aggregate base fill and native topsoil. Excavation below the OHWM would be required to construct footings for the bridge abutments and retaining wall. The project proposes to isolate and de-water the areas around the existing bridge piers to facilitate removal and excavation for embankment construction. Abutment construction areas would also be de-watered. A Staked Silt Fence Turbidity Barrier will be installed in the lake around the project area to restrict the release of turbidity from construction into the larger water of the lake. The concrete abutments, wingwalls, and retaining wall would constitute permanent fill in the wetland area. Because the road would not be closed for the duration of the project, staging areas would be needed; they have not been defined, but would not be within wetland areas. Approximately 12,912 ft² (1200 m²) of vegetated upland and wetland would be cleared and grubbed for this project.

The proposed project would result in approximately 9,547.6 ft² (887 m²) of impervious surface, the majority of which already exists and would be re-paved. New impervious surface would total 2,744.8 ft² (255 m²). Currently, stormwater from the existing bridge runs directly into Saunders Lake. In addition, a half-culvert drains roadway stormwater directly into the lake. For the proposed bridge, a type "F" bridge rail would be provided for durability on the curve and to prevent runoff from directly entering the lake waters. The southwest quadrant of bridge area will have a native bio-filter swale for stormwater runoff; the remaining quadrants will have vegetated slopes over which stormwater would spread.

How many project drawing sheets are included with this application? 5

NOTE: A complete application must include drawings and a location map submitted on separate 8½ x 11 sheets.

Describe alternative sites and project designs that were considered to avoid impact to the waterway or wetland.

The existing bridge has no approach guardrail, substandard bridge railing, deteriorated timber caps and piling, and substandard roadway width. The plan is to remove the existing structure and replace it with a new bridge built to current standards. The bridge configuration and condition make rehabilitation of the existing structure to meet current design standards impractical and uneconomical. The proposed bridge location and roadway alignment would essentially match the existing alignment (with a slight shift to the east and a slight increase in length), providing safety improvements in roadway width and horizontal alignment. The project would also improve the middle of three sharp curves. The increase in bridge length is to decrease depth of soil retained by the abutments and provide a better fit to site conditions. Approximately 348 yds³ (266 m³) of wetland fill would cover 2,871 ft² (0.066 acre, 267 m²). Approximately 65 yds³ (50 m³) of soil excavated below the OHWM would be required to construct footings for the bridge abutments and retaining wall (Figure 4). The project proposes to isolate and de-water the areas around the existing bridge piers to reduce sediment release and facilitate removal and excavation for embankment construction. Abutment construction areas would also be de-watered. The concrete abutments, wingwalls and retaining wall would constitute permanent fill in the wetland area. Because the road would not be closed for the duration of the project, staging areas would be needed; they have not been defined, but would not be within wetland areas.

Describe what measures you will (before and after construction) to minimize impacts to the waterway or wetland. To reduce impacts on the lake and wetlands, Coos County has requested a retaining wall, instead of an embankment slope, for the northwest corner of the bridge. The wall type would be MSE, with segmental modular blocks. The new roadway embankment fill slopes would extend below the CHWM into Saunders Lake in the northeast quadrant and Maud Lake in the southwest, as the bridge crosses the connection between the two systems. The fill slopes would consist of Class 25 riprap in the lower parts of the slope below the 25-year high water line to reduce the possibility of sediment entering the lake. Above this the fill slope would be overlaid with aggregated base fill and native topsoil. Sediment would be prevented from entering the lake using best management practices of a silt fence and a row of clean, weed-free straw bales at the OHWM. A Staked Silt Fence Turbidity Barrier will be installed in the lake around the project to restrict the release of turbidity from construction into the larger water of the lake. The slopes would be stabilized by hydroseeding with a native grass seed mix and plantings of trees and shrubs.

The project proposes to isolate and de-water the areas around the existing bridge piers to facilitate removal, excavation, and abutment construction. Cofferdams around the work areas would be constructed of sheet piling to reduce sediment release.

For the proposed bridge, a type "F" bridge rail would be provided for durability on the curve and to prevent runoff from directly entering the lake. The southeast quadrant of the bridge embankment slope will have a native bio-swale installed for stormwater runoff. The remaining quadrants would have a vegetated slope over which stormwater would run before entering the lake.

NOTE: If necessary, use additional sheets.

6

MISCELLANEOUS INFORMATION

Adjoining Property Owners and Their Addresses and Phone Numbers

Donald R. & Sherry D. McCall, 2874 Millerburg Drive, Albany OR 97321 (541) 928-2315

Carol A Long, 253 Lakewood Drive, North Bend OR 97459 (541) 759-3113

Terence J. & Constance C. Hackenbruck, 5003 SW Nash Avenue, Corvallis, Oregon 97333 (541) 752-0366

R.T. and Kathleen M. Green, 310 Northwood Road, North Bend, Oregon 97459 (541) 504-0150

List all other approvals or certificates received, applied for, or denied that are related to this application.

Issuing Agency	Type of Approval	Identification Number	Dates of application / Approval / Denial
----------------	------------------	-----------------------	--

Has the proposed activity or any related activity received the attention of the Corps of Engineers or the State of Oregon in the past, e.g., wetland delineation, violation, permit, lease request, etc.? Yes No

Wetland delineation by Shapiro and Associates, Inc., November 23, 1999.

If yes, what identification number(s) were assigned by the respective agencies:

Corps of Eng. #: State of Oregon #: OET #99-0569

SUPPLEMENTAL WETLAND IMPACT INFORMATION*
(FOR WETLAND FILLS ONLY)

Site conditions of impact area

Impact area is Ocean Estuary River Lake Stream Freshwater Wetland

NOTE: Estuarine Resource Replacement is required by state law for projects involving intertidal marsh alterations. A separate Wetlands Resource Compensation Plan may be appended to the application.

Has a wetland delineation been completed for this site? Yes No

If yes, by whom:

Wetland delineation by Shapiro and Associates, Inc., November 23, 1999. Concurrence by DSL on January 4, 2000.

Describe the existing physical and biological character of the wetland/waterway site by area and type of resource (use separate sheets and photos, if necessary)

Approximately 0.10 acre (0.04 hectare) of the site is a potentially jurisdictional wetland. Palustrine, emergent wetlands are located on the lower slopes of the banks of the lake and less than 2 ft (600 mm) above the water's edge. Hydrophytic vegetation is dominant and consists of lodgepole pine (*Pinus contorta*), Sitka willow (*Salix sitchensis*), Pacific bayberry (*Myrica californica*), Douglas spirea (*Spiraea douglasii*), and slough sedge (*Carex obnupta*) along the water's edge. Lacustrine, aquatic bed wetlands are located within the shallow lake areas in the project area and are dominated by yellow cow-lily (*Nuphar luteum*) and white water lily (*Nymphaea odorata*). Upland areas within and adjacent to the project site are dominated by ornamental plants in the yards of nearby residences and lodgepole pine, Sitka willow, and Pacific bayberry. See wetland delineation, Shapiro and Associates, Inc. 1999 and Biological Assessment, Shapiro and Associates, Inc. February, 2001 (included with the original permit application in 2001).

Resource Replacement Mitigation

Compensatory mitigation for the proposed fill of 0.066 acres of palustrine emergent and lacustrine aquatic bed wetlands located within the bridge project area will be accomplished by payment to provide to be used by DSL for an as-yet-unspecified wetland restoration project in the Coos River Watershed area. Fill slopes on the project site will be planted with native riparian and wetland trees, shrubs, and herbaceous plants in similar community groups as existing on site prior to construction (Figure 5).

7

CITY / COUNTY PLANNING DEPARTMENT AFFIDAVIT

(To be completed by local planning official)

- This project is not regulated by the local comprehensive plan and zoning ordinance.
- This project has been reviewed and is consistent with the local comprehensive plan and zoning ordinance.
- This project has been reviewed and is not consistent with the local plan and zoning ordinance.
- Consistency of this project with the local planning ordinance cannot be determined until the following local approval(s) are obtained:

- Conditional Use Approval
- Development Permit
- Plan Amendment
- Zone Change
- Other:

An application has has not been made for local approvals checked above.

Patty Eversmiller Director CCDCS 3-11-02
 Signature (of local planning official) Title City / County Date

8 COASTAL ZONE CERTIFICATION

If the proposed activity described in your permit application is within the Oregon coastal zone, the following certification is required before your application can be processed. A public notice will be issued with the certification statement which will be forwarded to the Oregon Department of Land Conservation and Department (DLCD) for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program, contact the department at 1175 Court Street NE, Salem, Oregon 97301 or call 503-373-0050.

CERTIFICATION STATEMENT

I certify that, to the best of my knowledge and belief, the proposed activity described in this application complies with the approved Oregon Coastal Zone Management Program and will be completed in a manner consistent with the program.

 Print/Type Name Title

 Applicant Signature Date

9 SIGNATURE FOR JOINT APPLICATION (REQUIRED)

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete, and accurate. I further certify that I possess the authority including the necessary requisite property interests to undertake the proposed activities. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirement of obtaining the permits requested before commencing the project. I understand that local permits may be required before the state removal-fill permit is issued. I understand that payment of the required state processing fee does not guarantee permit issuance.

LARRY R. Van Elsberg Roadmaster
 Print/Type Name (coapplicant) Title

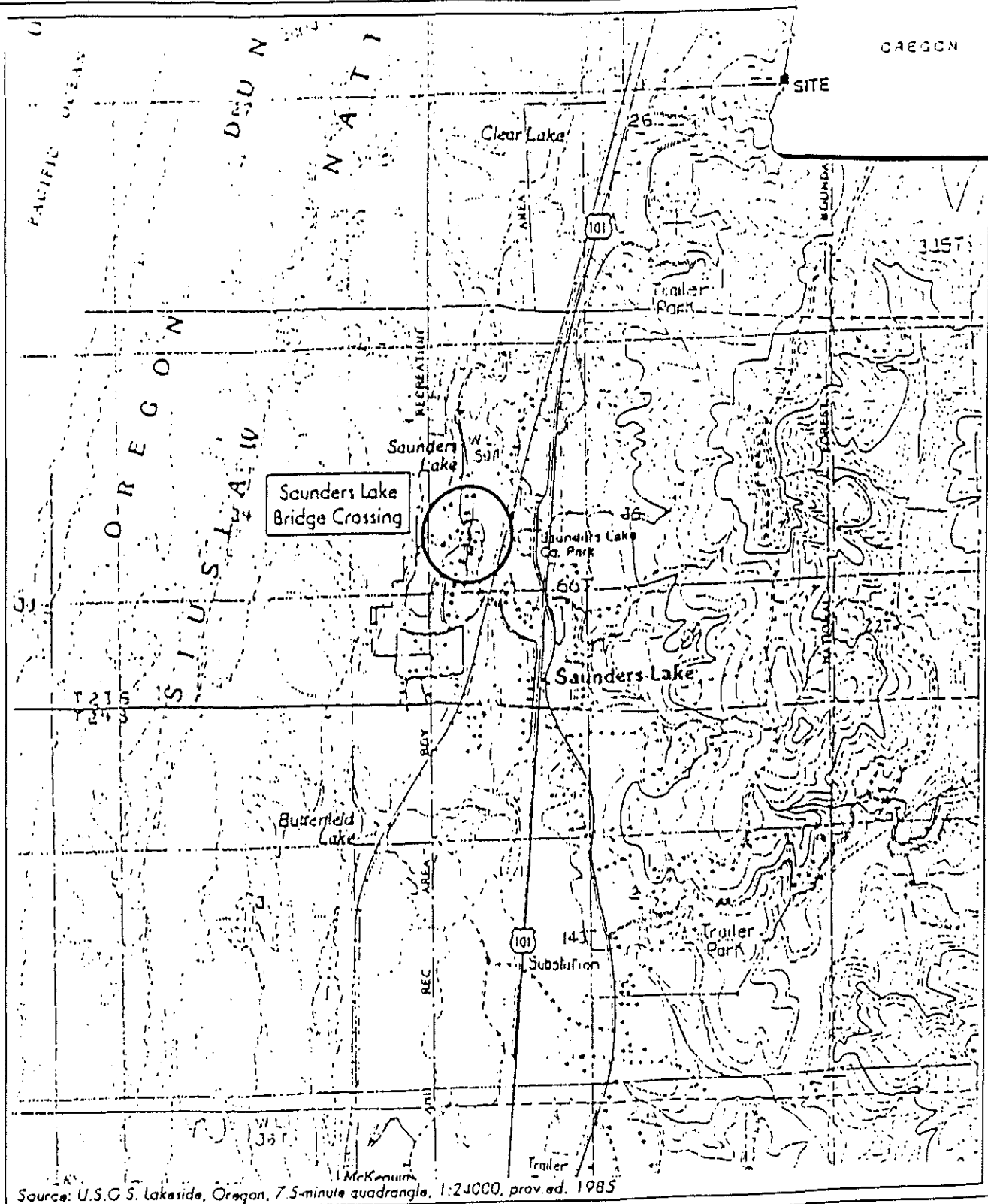
Larry R. Van Elsberg 3-7-02
 Applicant Signature (coapplicant) Date

I certify that I may act as the duly authorized agent of the applicant.

 Print/Type Name Title

Robert Dullinger 2-27-02
 Authorized Agent Signature Date

ALSC Publication: 53 Project: 799 AOJ: 9 2 2011

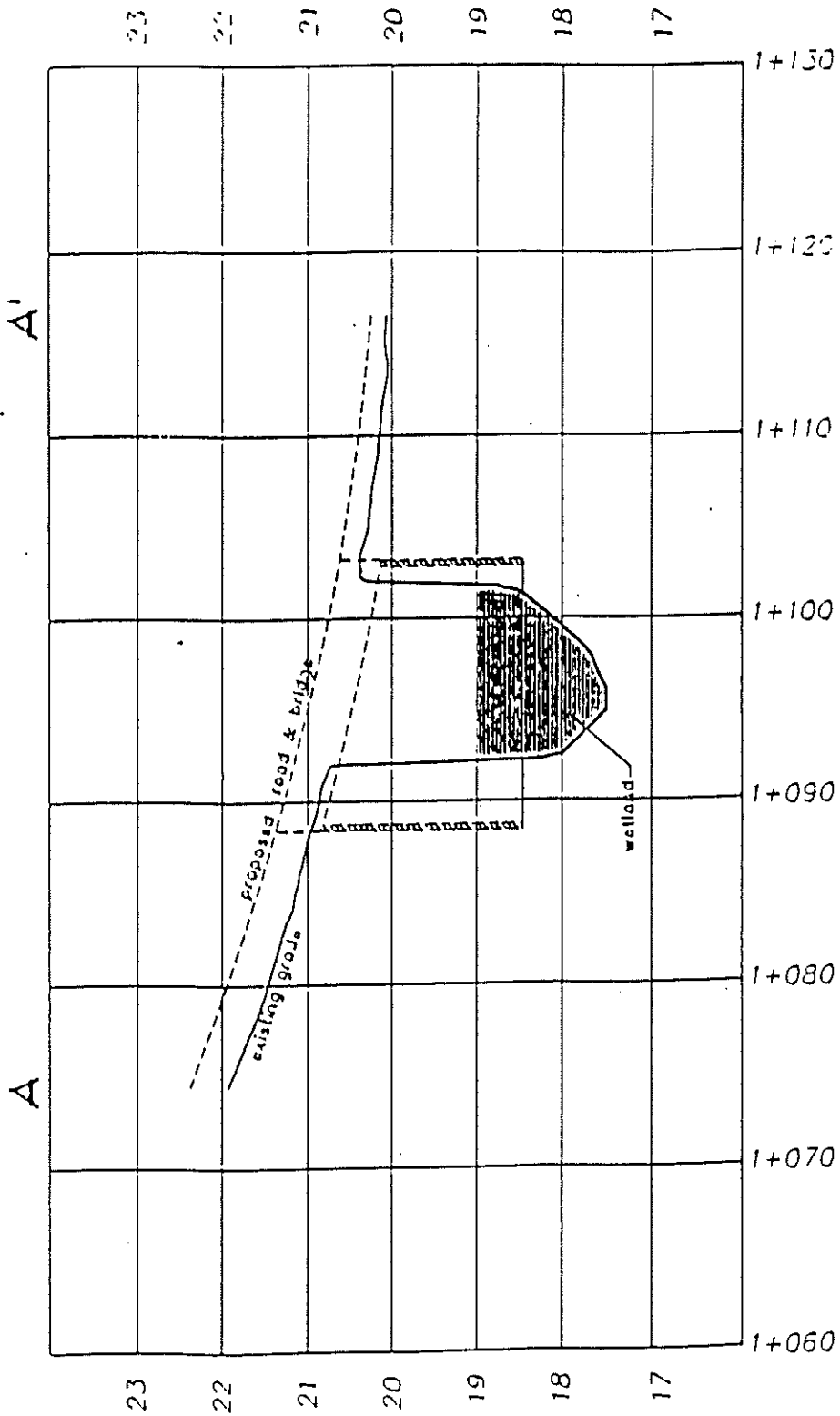


Source: U.S.G.S. Lakeside, Oregon, 7.5-minute quadrangle, 1:24000, prev. ed. 1985

FIGURE 1

LOCATION MAP

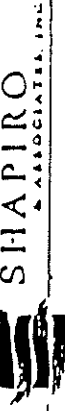


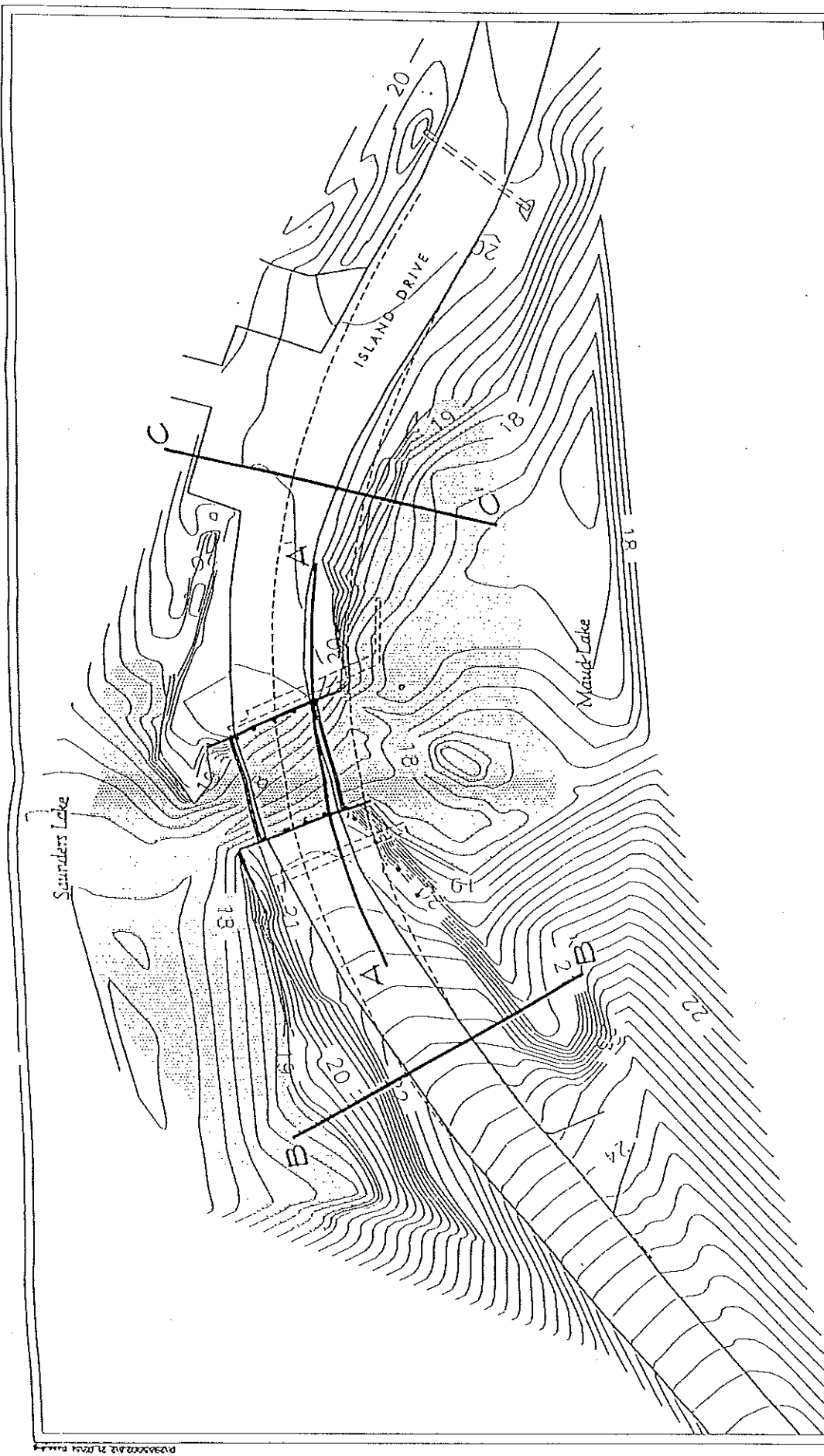


Source: URS Corporation, 2001

FIGURE 3a

PROFILE VIEW
A-A'





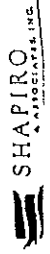
Source: URS Corporation, 2002

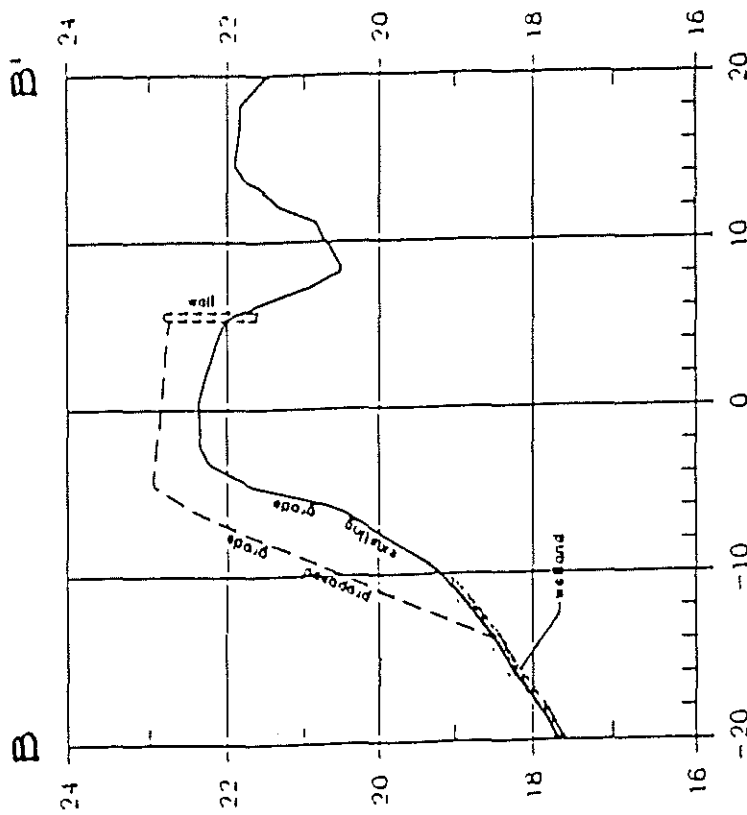
0
 5
 10
 15
 20
 25
 30
 35
 40
 45
 50
 55
 60
 65
 70
 75
 80
 85
 90
 95
 100
 105
 110
 115
 120
 125
 130
 135
 140
 145
 150
 155
 160
 165
 170
 175
 180
 185
 190
 195
 200
 205
 210
 215
 220
 225
 230
 235
 240
 245
 250
 255
 260
 265
 270
 275
 280
 285
 290
 295
 300
 305
 310
 315
 320
 325
 330
 335
 340
 345
 350
 355
 360
 365
 370
 375
 380
 385
 390
 395
 400
 405
 410
 415
 420
 425
 430
 435
 440
 445
 450
 455
 460
 465
 470
 475
 480
 485
 490
 495
 500
 505
 510
 515
 520
 525
 530
 535
 540
 545
 550
 555
 560
 565
 570
 575
 580
 585
 590
 595
 600
 605
 610
 615
 620
 625
 630
 635
 640
 645
 650
 655
 660
 665
 670
 675
 680
 685
 690
 695
 700
 705
 710
 715
 720
 725
 730
 735
 740
 745
 750
 755
 760
 765
 770
 775
 780
 785
 790
 795
 800
 805
 810
 815
 820
 825
 830
 835
 840
 845
 850
 855
 860
 865
 870
 875
 880
 885
 890
 895
 900
 905
 910
 915
 920
 925
 930
 935
 940
 945
 950
 955
 960
 965
 970
 975
 980
 985
 990
 995
 1000

FIGURE 2

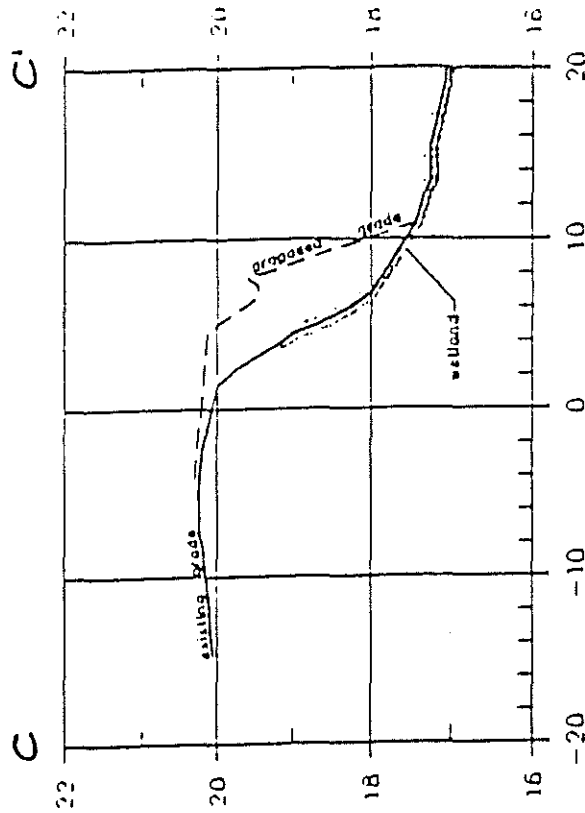
PLAN VIEW

— Existing road and bridge
 - - - Proposed road and bridge
 See Figures 3a and 3b for profile (A-A) and cross-section (B-B, C-C) view





1+070.000



1+120.000

Source: URS Corporation, 2002

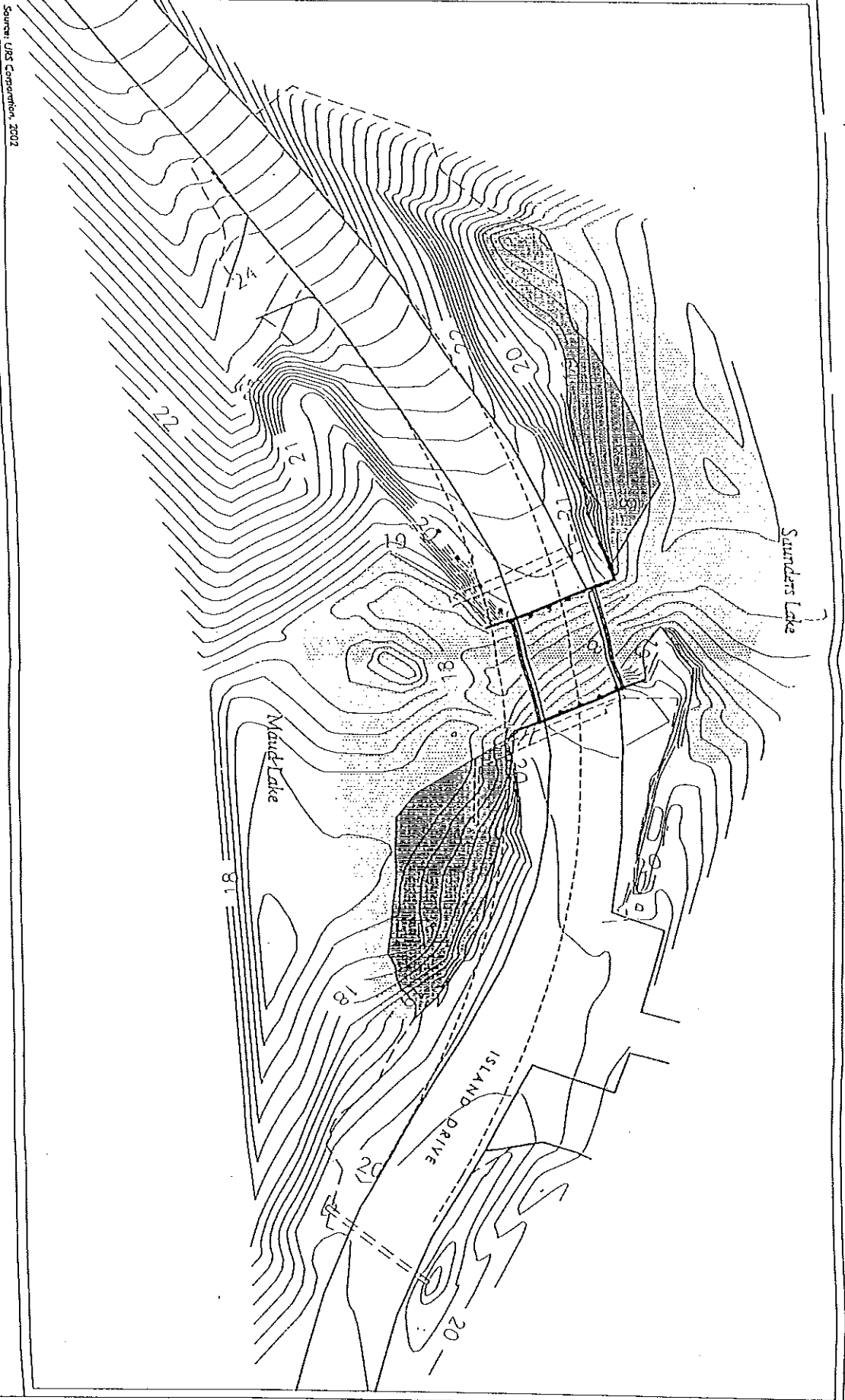
FIGURE 3b


CROSS-SECTION VIEWS
B-B' AND C-C'



SHAPIRO
& ASSOCIATES, INC.

SAUNDERS LAKE BRIDGE
2943002.B 2.27.02






 0' 1" = 100'


 Approximate Scale in Meters

 0' 1" = 30'

 Approximate Scale in Feet

--- Toe of slope

 Welland Impacts



SHAPIRO

 ASSOCIATES, INC.

IMPACT MAP

FIGURE 4

Wetland Delineation of the Saunders Lake Bridge Site Coos County, Oregon

Prepared for

Marian (Bits) Klemm
Roadmaster
Coos County Highway Department
Second and Baxter
Coos County Courthouse
Coquille, Oregon 97423-1852

Prepared by

Dan Cary
John Gordon
Ed Strohmaier
Shapiro and Associates, Inc.
1650 N.W. Naito Parkway, Suite 302
Portland, Oregon 97209
SHAPIRO Project #2983002.8

November 23, 1999

TABLE OF CONTENTS

WETLAND DELINEATION SUMMARY	1
1.0 INTRODUCTION	3
2.0 SOURCE MATERIALS AND METHODS	3
2.1 Source Materials	3
2.2 Data Collection Methods to Address Technical Criteria	4
2.2.1 Hydrologic Assessment	4
2.2.2 Soils Assessment	4
2.2.3 Vegetation Assessment	5
3.0 EXISTING SITE CHARACTERISTICS	5
3.1 Background Information	5
3.4.1 Summary of Hydrology Conditions	7
3.5 Soils	7
3.6.1 Summary of Vegetation Conditions	9
4.0 WETLAND FINDINGS	9
4.1 Data Compilation	9
4.2 Wetland Characteristics	10
5.0 CONCLUSIONS	10
6.0 REFERENCES	12

List of Appendices

- Appendix A. Photographs
- Appendix B. Data sheets

List of Figures

- Figure 1. Location and generalized topography
- Figure 2. Detailed topography
- Figure 3. National Wetland Inventory map
- Figure 4. Soil Conservation Service soil mapping units
- Figure 5. Sample plots and potentially jurisdictional wetlands

WETLAND DELINEATION SUMMARY

SITE NAME: Saunders Lake Bridge

SITE LOCATION: Saunders Lake Road (County Road #220), Coos County, Oregon (Township 23 South, Range 13 West, Section 35)

SITE ACREAGE: Approximately 0.18 acre

WETLAND ACREAGE: 0.10 acre

CLIENT: Coos County Highway Department

SHAPIRO PROJECT #: 2983002.8

HYDROLOGY:

Saunders Lake is the primary water source affecting hydrology on the project site. Seasonal fluctuations in the surface level of the lake are likely between months of highest and lowest precipitation. No seeps or springs are on the site. Wetland hydrology was documented at two sample plots.

SOILS:

The soils mapped on the project site are Netarts loamy fine sand, map unit 43D, and Bullards sandy loam, map unit 8C. Neither soil is listed as a hydric soil; however, Netarts loamy fine sand can have inclusions of Heceta fine sand, which is listed as a hydric soil in Coos County, and Bullards sandy loam can have Blacklock fine sandy loam soil inclusions, which is also listed as a hydric soil in Coos County. Soil on much of the site is reflective of disturbance caused by original construction and continued maintenance of the road. Soil from two sample plots near the water line had hydric soil indicators and characteristics somewhat similar to the published descriptions of Heceta fine sand and Blacklock fine sandy loam.

VEGETATION:

Hydrophytic vegetation on the project site consists of lodgepole pine (*Pinus contorta*, FAC), Sitka willow (*Salix sitchensis*, FACW), Pacific bayberry (*Myrica californica*, FACW), Douglas' spirea (*Spiraea douglasii*, FACW), slough sedge (*Carex obnupta*, OBL), yellow cow-lily (*Nuphar luteum*, OBL), and white water-lily (*Nymphaea odorata*, OBL). Wetland species dominate the vegetation communities at Sample Plots 1 and 3, and on the water surface in the channel beneath the bridge. Upslope from the water's edge, the vegetation assemblage includes a higher percentage of upland species, including western thimble-berry (*Rubus parviflorus*, FAC-), early blueberry (*Vaccinium*

ovalifolium, UPL), western rhododendron (*Rhododendron macrophyllum*, UPL), salal (*Gaultheria shallon*, FACU), sword fern (*Polystichum munitum*, FACU), and Himalayan blackberry (*Rubus discolor*, FACU).

WETLAND DETERMINATION:

SHAPIRO's investigation of hydric soils, wetland hydrology, and hydrophytic vegetation has determined that approximately 0.10 acre of the site is potentially jurisdictional, palustrine, emergent, scrub/shrub, and lacustrine limnetic wetland. Wetlands identified on the site are located along the lower slopes of the banks of the lake and near the water's edge. These areas exhibit drainage patterns and hydric soil characteristics, and are dominated by hydrophytic vegetation. Additionally, the areas directly under the bridge and adjacent to the bridge to the west and east were inundated, supporting a dominant aquatic wetland plant community. Upland areas lacked evidence of wetland hydrology or hydric soils, and included a mix of hydrophytic and non-hydrophytic plants.

PROJECT STAFF:

Dan Cary, John Gordon, Ed Strohmaier

1.0 INTRODUCTION

Coos County proposes to replace a bridge that crosses a narrow channel of Saunders Lake. The channel connects the main body of the lake with a smaller, western arm. The bridge is on County Road #220 (CR220), east of Highway 101 and the community of Saunders Lake in Coos County, Oregon (Township 23 South, Range 13 West, Section 35; Figures 1 and 2). On July 29, 1999, Shapiro and Associates, Inc. (SHAPIRO) conducted a wetland delineation on the site as a subcontractor to BRW.

This report includes general information (2.0 Methods and Source Materials) and site-specific information (3.0 Existing Site Conditions, 4.0 Wetland Findings, 5.0 Conclusions) to document SHAPIRO's wetland delineation. This report also includes site photographs taken at various locations on the project site (Appendix A) and wetland delineation data sheets (Appendix B).

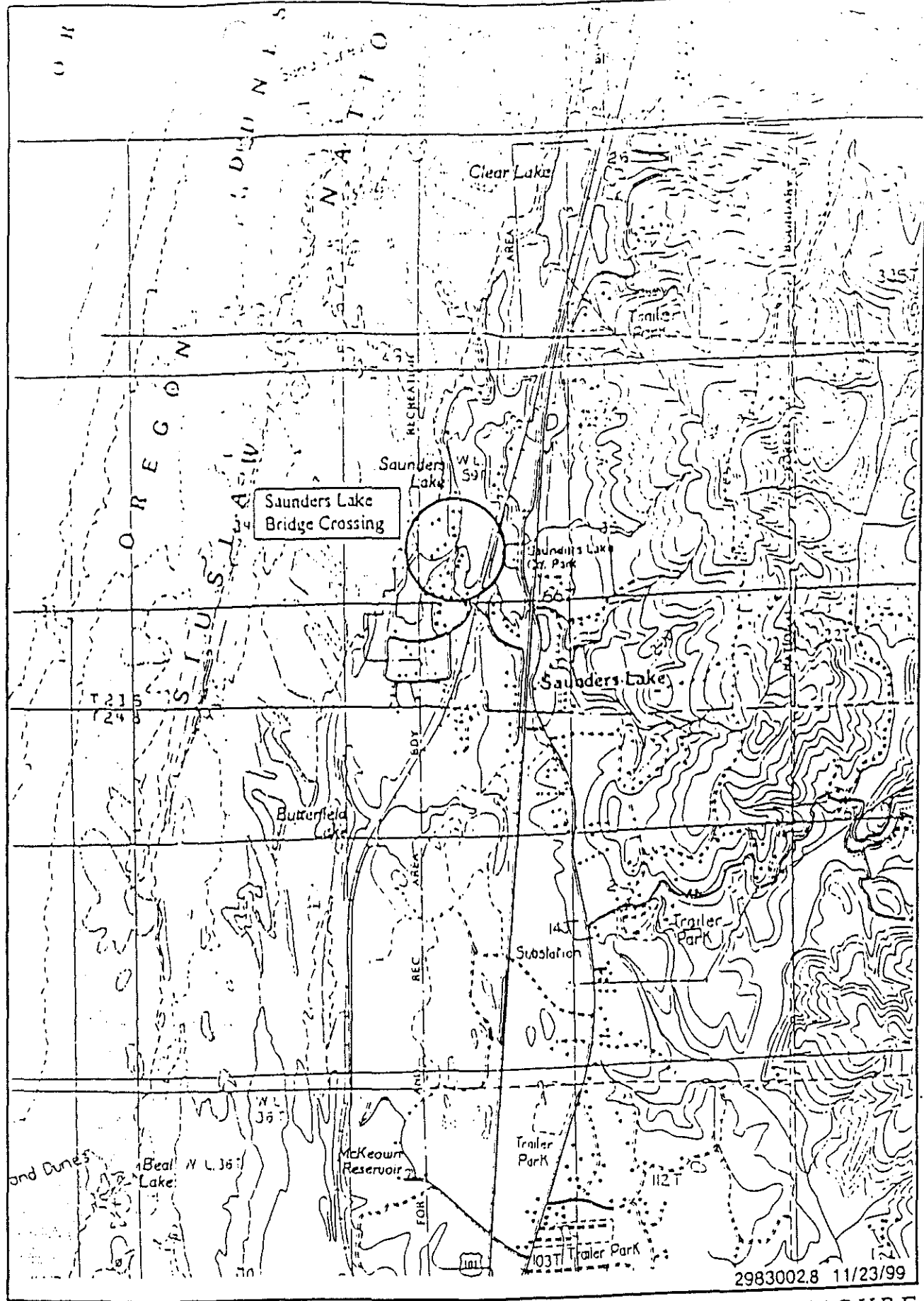
2.0 SOURCE MATERIALS AND METHODS

2.1 Source Materials

Primary guidance for SHAPIRO's investigation was the *Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1* (Manual; Environmental Laboratory, 1987). The U.S. Army Corps of Engineers (COE) and Oregon Division of State Lands (DSL) recognize the use of the 1987 Manual for the delineation of wetlands.

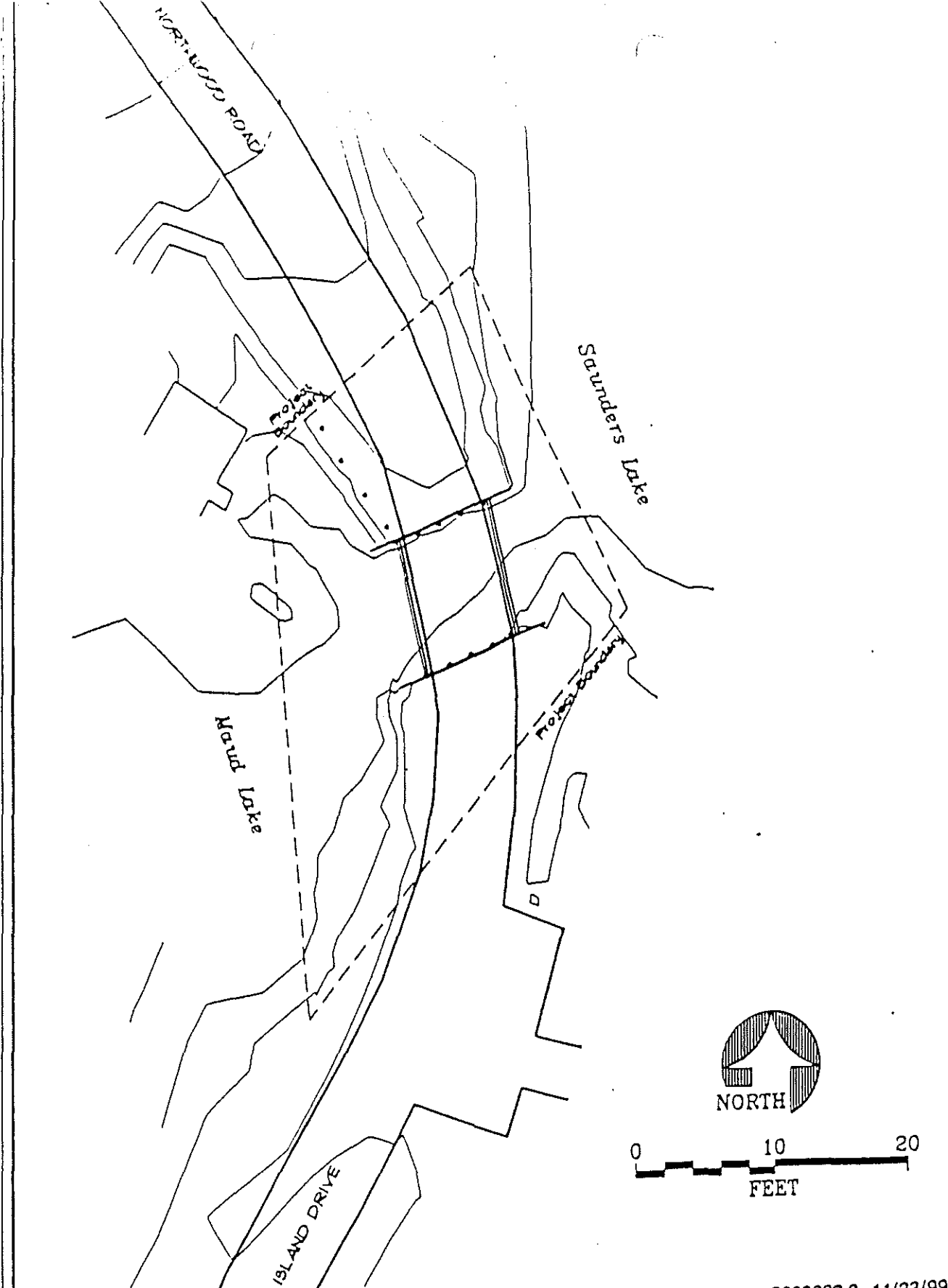
The Manual provides technical criteria, field indicators, and recommended procedures to be used in determining whether an area is a jurisdictional wetland, and the location of the wetland boundaries. The Manual requires that three technical criteria be met in undisturbed situations before areas can be considered wetland under federal or state jurisdiction. These criteria are the presence of hydric soils, hydrophytic vegetation, and wetland hydrology under normal circumstances. If one of these criteria cannot be determined because of disturbance caused by recent natural events or human activities, an alternative method must be used to make wetland determinations. The determination of undisturbed or disturbed site conditions and normal circumstances is provided in Section 3.1.

Available information and data were compiled and reviewed before field work. Soil mapping information was compiled from data available in the U.S. Department of Agriculture (USDA) Soil Conservation Service (SCS, now known as the Natural Resource Conservation Service [NRCS]) county soils survey. U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle and U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) maps also were consulted. This information was used to develop a preliminary indication of the location of wetlands and to facilitate on-site gathering of data.



Location and generalized topography of the Saunders Lake Bridge crossing on Saunders Lake Road in Coos County, Oregon (U.S.G.S. Lakeside, Oregon, 7.5-minute quadrangle, 1:24000, provisional edition 1985.)

FIGURE 1



Base map from Stutzer Engineering, 1999

2983002.8 11/23/99

Site boundary and detailed topography at the Saunders Lake Bridge crossing on Saunders Lake Road in Coos County, Oregon.

FIGURE
2



2.2 Data Collection Methods to Address Technical Criteria

Observations of soils, vegetation, and hydrology were made using a modification of the Manual's "Routine Onsite" method. Data sites were selected to provide a valid representation of site conditions. Data were collected from representative sampling locations to justify the location of the wetland boundary. Additional sample sites were investigated between these data points to verify changes in the three parameters, further characterize the wetland, and refine the wetland boundary. Data were recorded in the field and subsequently transferred to standard wetland delineation data sheets. A summary of data sheets was prepared to compare characteristics among sample sites (Table 1 in Appendix B). Key sampling site locations were recorded on the wetland delineation map. The boundaries of potentially jurisdictional wetlands were flagged with surveyor's flagging.

2.2.1 Hydrologic Assessment

The Manual defines wetland hydrology as saturation within a major portion of the root zone (usually above 12 inches), typically for at least 12.5% of the growing season. The growing season for any given site or location is determined from NRCS data and information (see Section 3.0). The growing season is defined as the frost-free period recorded at the nearest recording station five years out of ten. The wetland hydrology criterion can be met, however, if saturation within the major portion of the root zone is present for only 5% of the growing season, depending on the wetland status of the plant community. Wetland hydrology field indicators were recorded for each excavated soil pit. Data typically recorded include depth of inundation, water table, and soil saturation. Primary indicators, such as sediment deposits, watermarks, drift lines, and drainage patterns, or secondary indicators, such as oxidized rhizospheres (root zones), also were recorded.

2.2.2 Soils Assessment

Hydric soils are those that have formed exclusively under wet conditions (soils that characteristically have high water tables, are ponded or frequently flooded, or are otherwise saturated for extended periods during the growing season). The possible location of hydric areas on the site was obtained from the SCS or NRCS county soil survey. Soil pits were excavated to a depth of 18 inches or more in selected locations inside and outside mapped hydric soil areas. Soil profiles were examined for hydric soil indicators. Soil characteristics (matrix color, mottling, texture, and other features) were recorded.

2.2.3 Vegetation Assessment

Hydrophytic vegetation consists of those plant species that have adapted to growing in substrates that are periodically deficient of oxygen due to saturated soil conditions. Five basic groups of vegetation are recognized based on their frequency of occurrence in wetlands (Reed, 1988, 1994).

These categories, referred to as the "wetland indicator status" (from the wettest to driest habitats), are as follows: obligate wetland (OBL) plants; facultative wetland (FACW) plants; facultative (FAC) plants; facultative upland (FACU) plants; and obligate upland (UPL) plants.

A visual percent-cover estimate of the dominant species of the plant community was performed for key sample sites. A 30-foot-radius area was investigated for dominant tree and shrub species, and a 10-foot-radius area for dominant herbaceous species, using soil pit locations as a center of reference. Dominance of plant species was determined by estimating their percent areal cover per stratum (herbaceous, shrubs, woody vines, and trees). Species from each stratum were listed together in descending order of percent cover. A determination as to predominance of hydrophytic vegetation was made using the 50-20 technique. The most abundant plant species (when ranked in descending order of abundance and cumulatively totaled) that, when totaled, immediately exceed 50% cover, plus any species comprising more than 20% cover, represent the dominant species (Federal Interagency Committee for Wetland Delineation, 1989). If more than 50% of the dominant species included by the above criteria are FAC or wetter, the vegetation community is considered hydrophytic. FAC- species are excluded and are considered non-hydrophytic vegetation. The "-" indicates plant species that prefer slightly drier conditions on average. A "+" indicates plant species that prefer slightly wetter conditions on average.

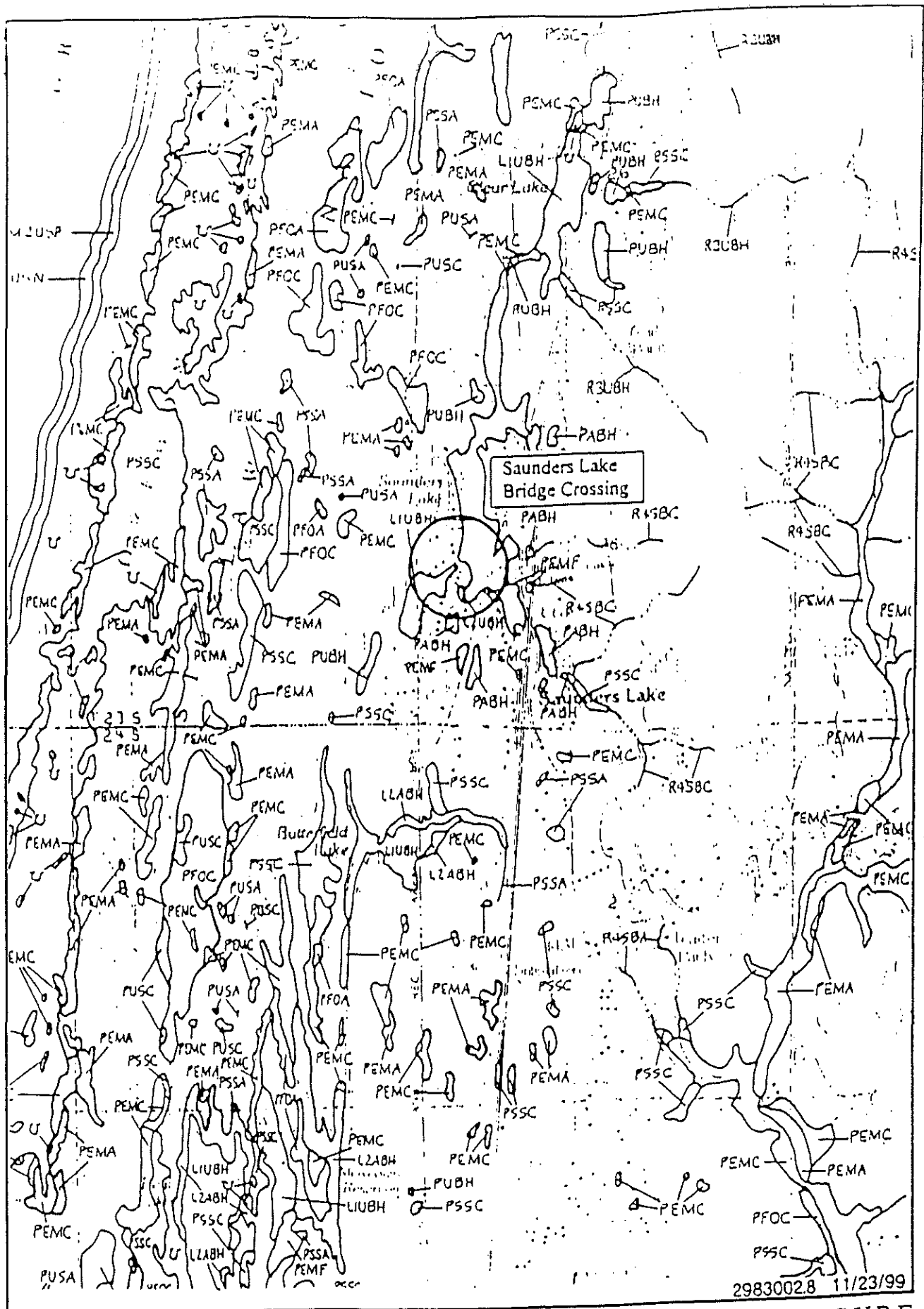
Plant nomenclature in this report is according to the *National List of Plant Species That Occur in Wetlands* (Reed, 1989).

3.0 EXISTING SITE CHARACTERISTICS

3.1 Background Information

The following information was used to develop a preliminary indication of where potential wetlands may exist and to facilitate on-site gathering of data. Soil information was compiled from data available in *Soils Survey of Coos County, Oregon* (SCS, 1989). The USGS Lakeside, Oregon 7.5-minute topographic quadrangle (1985) and USFWS NWI Lakeside, Oregon quadrangle map (1989) were reviewed.

The NWI mapped wetlands adjacent to the project site (Figure 3). Saunders Lake is mapped as lacustrine limnetic unconsolidated bottom permanently flooded wetland. The vegetated areas that will be affected by the bridge replacement were not mapped by the



National Wetlands Inventory designations of the Saunders Lake Bridge crossing on Saunders Lake Road in Coos County, Oregon (U.S. Fish and Wildlife Service, Lakeside, Oregon, 7.5-minute quadrangle, 1:24000 based on 1982 color infrared photography)
 Volume I Part 3

FIGURE 3



NWI, because these relatively small areas are below the minimum mapping resolution at which the NWI mapping is done. The NWI map was generated from color infrared aerial photographs (scale of 1:53000), with selected on-site reconnaissance conducted to confirm the interpretations.

The growing season for the project site is 335 days, starting on January 29. This growing season is based on 28° Fahrenheit, five years out of ten, measured at North Bend, Oregon (SCS, 1989).

After a preliminary assessment, it was determined that the site's hydrology, soils, and vegetation were undisturbed and "under normal circumstances." Sufficient information was available to apply a modification of the "Routine Method" described in the Manual to assess the wetlands.

3.2 Landscape Context and Position

The project site crosses a narrow channel of Saunders Lake approximately 0.23 mile west of Highway 101 along CR220, just east of the Oregon Dunes National Recreation Area (Figure 1). The areas adjacent to the project site are used for recreation and residential development. Upland areas above the lake are forested mainly with conifer and some deciduous species (Appendix A, Photograph B). Development consists mainly of rural residences and associated outbuildings along the lakeside.

3.3 Topography

The elevation of Saunders Lake Bridge on the project site is approximately 40 feet National Geodetic Vertical Datum (NGVD; Figure 1). Saunders Lake itself is about 5 to 10 feet lower than the bridge and top of bank. The Oregon Dunes National Recreation Area is west of the project site. This area consists of extensive south-to-north, longitudinal sand dunes. Elevations in the dune area vary from 20 to 40 feet. East of Saunders Lake, forested hills, which are the result of dissected ancient marine terraces, rise gradually to over 600 feet in elevation. North and south of Saunders Lake is a series of lakes similar in character, though not connected by surface water, to Saunders Lake.

The project site is at a constricted channel that connects the main body of Saunders Lake to a smaller arm of the lake to the west. Terrain to the north rises gently, while terrain south of the existing bridge is generally level. Banks along each corner of the bridge are steeply sloped, descending approximately 5 to 10 feet to the lake from the road surface. Riprap boulders have been used to stabilize the channel banks under the bridge.

3.4 Hydrology

Saunders Lake, which formed on the eastern edge of an extensive coastal dune system, is the main source of hydrology on the project site. It has an approximate total surface area of 50 acres. The smaller arm of the lake west of the project site is about 7 acres in size. The lake has no outlet and only one small, perennial stream flowing from the eastern hills

provides surface flow into the lake. Groundwater and precipitation are the primary sources of lake water. During periods of highest annual precipitation, the level of the lake likely rises, though apparently not for a sufficient length of time to affect the range of hydric soil formation or vegetation composition beyond the current site conditions. The depth of water directly under the bridge at the time of the delineation was approximately 4 feet. No active seeps or springs were located on the project site.

Positive hydrology indicators were found at Sample Plots 1 and 3, located close to the water's edge. These plots contained moist soils and showed evidence of drainage patterns at the time of the site visit. Sample Plots 2 and 4 were located near the top of the lake bank. They contained dry soils and lacked positive indicators of wetland hydrology.

3.4.1 Summary of Hydrology Conditions

Saunders Lake is the primary source of hydrology on the project site. Groundwater, precipitation, and a small stream to the east are the main sources of lake water. Periods of seasonally high precipitation likely increase the water level of the lake for part of the year. No seeps or springs are on the site. Wetland hydrology was documented at Sample Plots 1 and 3.

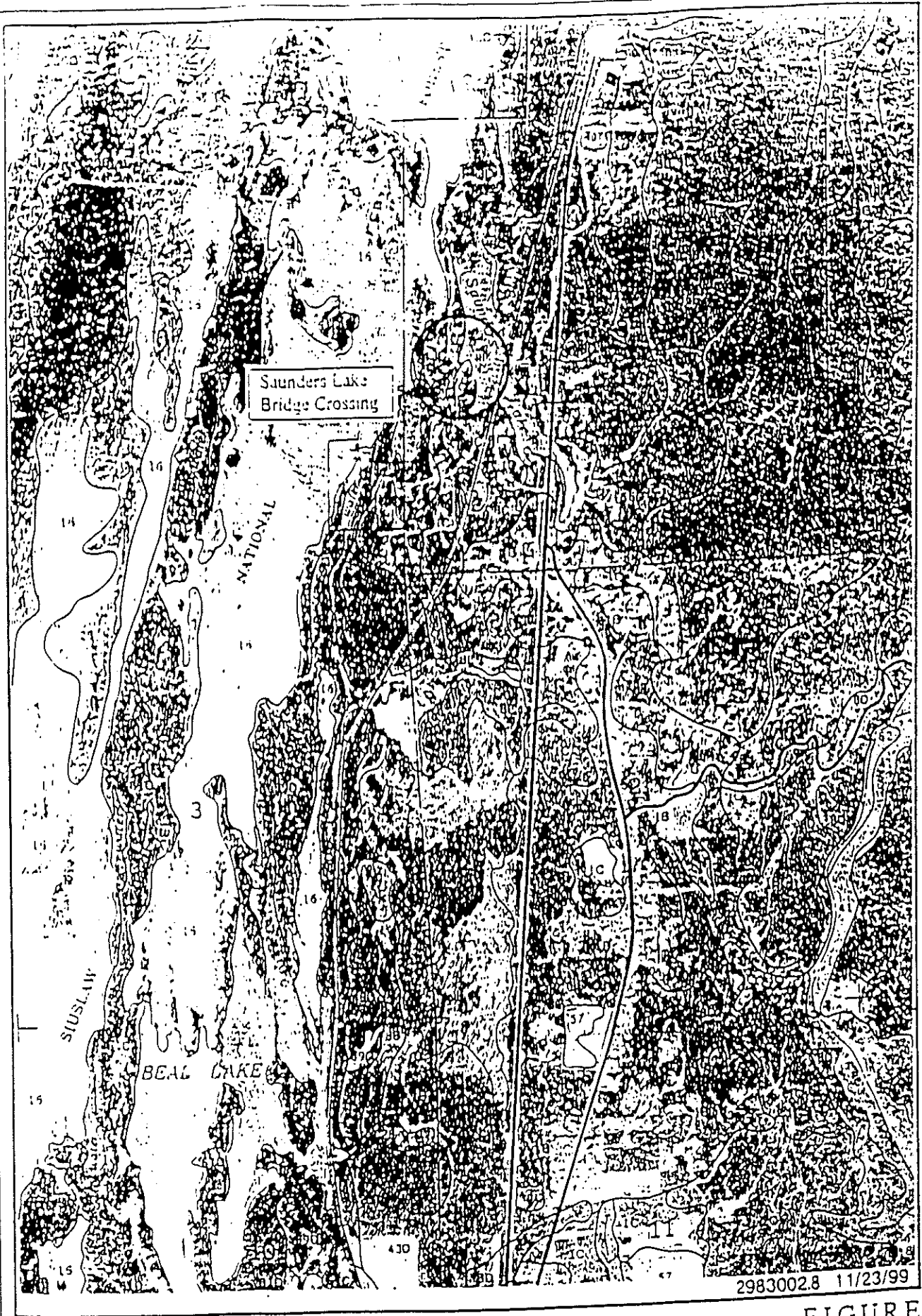
3.5 Soils

Two soils are mapped on the project site by the SCS Coos County Soil Survey (Figure 4): 1) Netarts loamy fine sand, 2 to 30% slopes (43D), mapped on the northern half of the site; and 2) Bullards sandy loam, 7 to 12% slopes (8C), mapped on the southern half of the site.

Netarts loamy fine sand is listed as a non-hydric soil in Coos County, although it may contain hydric inclusions of Heceta fine sand. The Netarts soil is a deep, well-drained soil on old, stabilized sand dunes. It formed in wind-driven soils from beach environments. The soil belongs to hydrologic group B, indicating a moderate infiltration rate and slow runoff potential. The water table is typically 6 feet below the surface. The soil is found on slope gradients of 2 to 30%.

The surface is typically covered by a 1-inch-thick, dark reddish-brown (5YR2/2) litter of leaves on a partially decomposed root mat. The surface layer is 0- to 4-inch-thick, light brownish-gray (10YR6/2) loamy fine sand with few strong brown (7.5YR4/6) stains on sand grains. The subsoil is a 4- to 13-inch-thick dark brown (7.5YR4/4) fine sand with brown (10YR5/3) tongues of material from the surface layer.

Bullards sandy loam is also listed as non-hydric in Coos County, but may contain hydric inclusions of Blacklock fine sandy loam. Bullards soil is a deep, well-drained soil located on dissected marine terraces. It formed in mixed wind-blown and marine deposits. The soil belongs to hydrologic group B, having moderate permeability and medium runoff potential, and has a water table greater than 6 feet below the surface. The soil is found on surfaces with slopes of 7 to 12%.



Soil mapping units of the Saunders Lake Bridge crossing on Saunders Lake Road in Coos County, Oregon (Soil Conservation Service, *Soil Survey of Coos County, Oregon*. 1:20000, 1985.)

FIGURE
4

The surface is typically covered with a 3-inch-thick mat of undecomposed, organic matter. The surface layer is a 0- to 7-inch-thick, very dark grayish-brown (10YR3/2) sandy loam with an abrupt, irregular boundary. The subsoil layer is a 7- to 16-inch-thick, dark reddish-brown (5YR3/4) gravelly sandy loam with an abrupt, irregular boundary. The upper layers contain 10 to 25% rounded iron nodules 0.079 to 0.79 inch in diameter.

Soil at Sample Plot 1, toward the bottom of the bank on the northeastern corner of the project site, had hydric indicators consisting of low chroma (10YR3/2) with few fine, distinct (7.5YR4/6) mottles (Figure 5). Sample Plot 3 near the water line on the southwestern corner of the project site had very low chroma (10YR2/1). Soil at Sample Plots 2 and 4 did not exhibit positive indicators of hydric soil, lacking both redoximorphic features and low chroma. Sample Plots 1 and 3 exhibited characteristics somewhat similar to the hydric soil inclusions that may be found in the mapped soils directly north and south of Saunders Lake Bridge. Soil colors of Sample Plots 2 and 4 were less similar to the mapped soils than characteristics at Sample Plots 1 and 3.

Soils in the immediate vicinity of CR220, adjacent to the bridge, have been disturbed to some extent by the original construction and continued maintenance of the road. This disturbance may explain why soils taken from the sample plots have different characteristics than mapped soils.

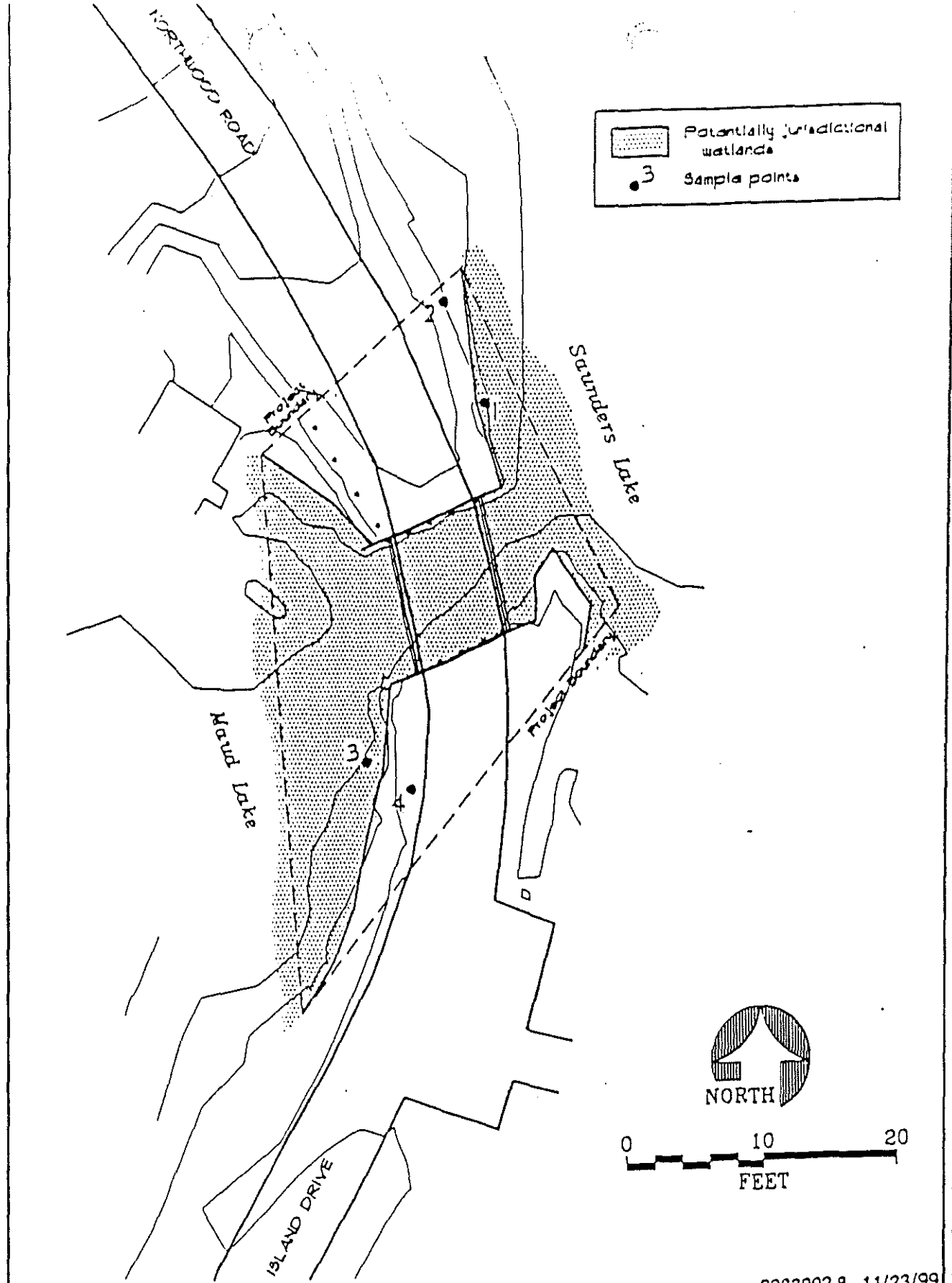
3.5.1 Summary of Soil Conditions

The soils mapped on the project site are Netarts loamy fine sand, map unit 43D, and Bullards sandy loam, map unit 8C. Netarts loamy fine sand is listed as a non-hydric soil in Coos County, although it can have hydric inclusions of Heceta fine sand. Bullards sandy loam is also listed as a non-hydric soil, but can have inclusions of Blacklock fine sandy loam, a hydric soil. Soils adjacent to the bridge on the project site were likely disturbed during construction and maintenance of CR220. Soils from Sample Plots 1 and 3, which are in relatively undisturbed parts of the site, had hydric soil.

3.6 Vegetation

Hydrophytic species dominate the vegetation community at Sample Plots 1 and 3 (Figure 5). Plant species documented at Sample Plots 2 and 4 are transitional from wetland to mainly upland in composition.

Vegetation on the project site consists mostly of a narrow band of shrubs and trees along the edges of the lake, with a smaller component of herbaceous species. The northwestern quarter of the project site consists of a riprap boulder-lined bank with Sitka willow and Himalayan blackberry growing out from the side of the bank, and a mowed grassy area at the top of the bank. This area is located between the end of the northwestern corner of the bridge and a lakeside residence (Appendix A, Photograph A).



Base map from Stuntzer Engineering, 1999

2983002.8 11/23/99

FIGURE
5

Potentially jurisdictional wetlands and sample sites at the Saunders Lake Bridge crossing on Saunders Lake Road in Coos County, Oregon.



The northeastern quarter of the site (Appendix A, Photograph B) bordering the main body of Saunders Lake consists of a strip of mixed upland and wetland species. Lodge-pole pine forms an overstory, with predominantly upland shrub and herbaceous species, such as bracken fern (*Pteridium aquilinum*, FACU), trailing blackberry (*Rubus ursinus*, FACU), early blueberry, western rhododendron, and salal higher along the bank. Near the edge of the water, hydrophytic species, such as slough sedge, Pacific bayberry, and Douglas' spirea become dominants along with lodge-pole pine.

Sample Plot 3, located about 2 feet above the surface of the lake in the southwestern quarter of the site, is dominated by wetland vegetation, including lodge-pole pine, Sitka willow, slough sedge, Douglas' spirea, and common velvet grass (*Holcus lanatus*, FAC; Appendix A, Photograph D). Upslope from Sample Plot 3, at the top of the bank, the vegetation becomes a mix of upland and wetland species, as noted at Sample Plot 4.

East and south of the southeastern corner of the bridge, following the contour of the slope, hydrophytic species, such as slough sedge, yellow cow-lily, and white water-lily, dominate the waterline area and slightly above this area (). Above this area, mixed upland/wetland species predominate (Appendix A, Photograph C).

Yellow cow-lily and white water-lily were floating on the surface of the water west and east of the bridge (Appendix A, Photographs A and B).

3.6.1 Summary of Vegetation Conditions

Vegetation on the project site consists mostly of shrub and tree species. Wetland plants are generally positioned lowest along the bank of the lake or at the water's edge. Upland species are more dominant nearer the top of the bank and along the road edge. Hydrophytic species, primarily lodge-pole pine, Sitka willow, Pacific bayberry, Douglas' spirea, and slough sedge dominate the vegetation communities at Sample Plots 1 and 3. In addition, yellow cow-lily and white water-lily, which are obligate wetland species, were observed on the surface of the lake west and east of the bridge.

4.0 WETLAND FINDINGS

4.1 Data Compilation

SHAPIRO's investigation of soil, hydrology, and vegetation indicates that approximately 0.10 acre of the project study area is potentially jurisdictional palustrine emergent, palustrine scrub/shrub, and lacustrine limnetic wetland (Figure 5). Data sheets in Appendix B contain field data collected during site visits. Four data sheets were prepared, with data sheet numbers corresponding to field sample sites. A data sheet summary (Table 1) is located in Appendix B. Wetland boundaries flagged in the field were surveyed, and an AutoCAD map was produced. Wetland acreages were calculated using the AutoCAD system.

4.2 Wetland Characteristics

The palustrine emergent, palustrine scrub/shrub, and lacustrine limnetic wetlands on the site (approximately 0.10 acre) consist of narrow strips of hydrophytic vegetation along the edges of the lake, below the road grade of CR 220 adjacent to the bridge, and the aquatic plant community in the inundated channel area beneath the bridge, respectively (Figure 5). On the eastern side of the bridge, the wetland boundary varies from near the waterline to slightly upslope along the bank. Hydrophytic species dominate the lower part of the bank slope to the water's edge. On the western side of the bridge, the wetland boundary is where the waterline meets the riprap shore. Approximately 20 feet south of the southwestern corner of the bridge, the riprap ends and another narrow strip of scrub/shrub wetland continues south along the road.

As mentioned in Section 3.1, Saunders Lake has been mapped by the NWI as a lacustrine wetland system. Floating hydrophytes, such as yellow cow-lily and white water-lily, are present directly adjacent to the bridge to the west and east and beneath the bridge in the narrow channel section of the lake. The presence of these species indicates that water depth is sufficiently shallow to support the growth of these perennial, native, submerged forbs. The wetland is continuous beneath the bridge and extends outward some distance beyond the sides of the bridge.

The soils mapped at the project site are listed as non-hydric soils. Soil from relatively undisturbed parts of the project site nearest the water's edge are similar to the description of the hydric inclusions associated with the project site's mapped soils.

The predominant wetland vegetation species in the wetland area is lodge-pole pine. Other hydrophytic species are present in quantities large enough to be included as dominant species in determinations of dominance.

Generally, wetland conditions end approximately 2 feet above the surface of the water, upslope from the lake. Above this zone, lack of demonstrable hydrology and hydric soil indicators precludes the upper slope and top of bank from being designated as wetland.

5.0 CONCLUSIONS

SHAPIRO's investigation of soils, hydrology, and vegetation indicates that approximately 0.10 acre of the site is a potentially jurisdictional palustrine emergent, palustrine scrub/shrub, and lacustrine limnetic wetland (Figure 5). Seasonal or year-round saturation is sufficiently consistent along the lower slopes of the lake banks and near the water line to allow creation of hydric soil indicators and sustain growth of hydrophytic vegetation. The wetland areas contain soil with hydric indicators, though they are not mapped as having hydric soil. Lake water depth is sufficiently shallow beneath the bridge and adjacent to the bridge to support a submerged and floating aquatic wetland plant community. The wetland is dominated by hydrophytic vegetation,

primarily lodge-pole pine, Sitka willow, Pacific bayberry, Douglas' spirea, slough sedge, yellow cow-lily, and white water-lily.

The COE and DSL must make final jurisdictional decisions regarding these wetlands. SHAPIRO recommends consultation with these agencies or submission of a permit application to them before any ground disturbance activity is conducted within the wetland areas of the project site.

6.0 REFERENCES

Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual, technical report Y-87-1, U.S. Army Engineer Waterways Experimental Station, Vicksburg, MS.

Reed, Porter B., Jr. 1983. National list of plant species that occur in wetlands: northwest (region 9). Prepared by the U. S. Fish and Wildlife Service, St. Petersburg, Florida. NERC-88/18.37.

U.S. Department of Agriculture, Soil Conservation Service. 1989. Oregon hydric soils by counties.

U.S. Department of Agriculture, Soil Conservation Service. 1989. Soil survey of Coos County, Oregon.

Federal Interagency Committee for Wetland Delineation. 1989. Federal manual for identifying and delineating jurisdictional wetlands. U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, and U.S.D.A. Soil Conservation Service, Washington, D.C. Cooperative technical publication.

U.S. Fish and Wildlife Service National Wetlands Inventory maps. 1989. Lakeside, Oregon 7.5-minute topographic quadrangle. 1:58000, 1982 CIR aerial photography, overlaid on USGS quadrangle.

U.S. Geological Survey topographic map. 1985. Lakeside, Oregon. 1:24000, 7.5-minute quadrangle.



Appendix A

Photographs





Appendix B

Data Sheets

Table 1. Data Sheet Summary

Sample Site Location	Meets Wetland Criteria for Vegetation	Meets Wetland Criteria for Soil	Meets Wetland Criteria for Hydrology	Determination: Is the plot a wetland?
1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Yes
2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No
3	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Yes
4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No

SHAPIRO Project #: 2983002.8

WETLAND DETERMINATION DATA SHEET - 1987 MANUAL

Client/Agency: () Department: Site: Latitude: Longitude: Plot:
 Date: / / Day: County: State:

Plot Location: Topography: East of the northeast corner of the bridge, approximately 2 feet above the water surface on sloping terrain.

Project #: Determined by: Date:

VEGETATION DETERMINATION: IS THIS PLOT IN A WETLAND? Yes

Do Normal Circumstances exist on the site? Yes
 Are Soils Vegetation Hydrology significantly disturbed? No

VEGETATION	Dominant Plant Species	Ind. %Cover:	Ind. %Cover:
Herb Stratum - % total cover		20	Shrub/Sapling Stratum - % total cover
<i>Carex obnupta</i>	OBL	100	<i>Myrica californica</i>
			FACW
			<i>Gaultheria shallon</i>
			FACU
			<i>Spiraea douglasii</i>
			FACW
			<i>Cytisus scoparius</i>
			UPL
Woody Vine Stratum - % total cover		10	Tree Stratum - % total cover
<i>Rubus discolor</i>	FACU	100	<i>Pinus contorta</i>
			FAC
			70

Percent of Dominant Species that are OBL, FACW, or FAC (excluding FAC-) 4 of 6 = 67 % (50/20 Rule)

Remarks: White water-lily (*Nymphaea odorata*), and yellow cow-lily (*Nuphar luteum*) were observed floating on the lake surface adjacent to the sample plot.

Vegetation Criterion Met? Yes

SOILS Mapped Unit Name: 43D-Netarts loamy fine sand
 Drainage Class: Well drained
 Taxonomy: Sandy, mixed, mesic Entic Haplorthods

FIELD SOIL CHARACTERISTICS:

Horizon	Depth	Matrix Color	Redox Abundance, Size, Color	Texture, Structure, Other
	0"-16"	10YR 3/2	few, fine, distinct, 7.5YR 4/6	sand

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Histosol | <input type="checkbox"/> Prob. Aquic moisture regime | <input checked="" type="checkbox"/> Redox features | <input type="checkbox"/> Organic streaking |
| <input type="checkbox"/> Histic epipedon | <input type="checkbox"/> Reducing conditions | <input type="checkbox"/> Concretions | <input type="checkbox"/> Organic pan |
| <input type="checkbox"/> Sulfidic odor | <input type="checkbox"/> Gleyed | <input type="checkbox"/> Highly organic surface layer | <input type="checkbox"/> On hydric soils list |

Remarks: Soil was moist throughout the profile.

Soil Criterion Met? Yes

HYDROLOGY

Depth of inundation: 0" Depth to water table: >16" Depth to saturation: >16"

- | | |
|---|--|
| Primary Indicators: | Secondary Indicators (2 or more required): |
| <input type="checkbox"/> Inundated | <input type="checkbox"/> Oxidized rhizospheres |
| <input type="checkbox"/> Saturated in upper 12" | <input type="checkbox"/> Water-stained leaves |
| <input type="checkbox"/> Water marks | <input type="checkbox"/> Recorded data (aerials, groundwater data) |
| <input type="checkbox"/> Drift lines | Explain: |
| <input type="checkbox"/> Sediment deposits | <input type="checkbox"/> Other |
| <input checked="" type="checkbox"/> Drainage patterns | Explain: |
| | <input type="checkbox"/> Local soil survey data |
| | <input type="checkbox"/> FAC-Neutral test |

Hydrology Criterion Met? Yes

WETLAND DETERMINATION DATA SHEET - 1987 MANUAL

Client/Applicant: City of San Diego Department: Sanitation Site: San Diego Post: 1
 T: 619 P: 213 S: 335 City: San Diego County: San Diego State: CA

Plot Location; Topography: Northeast of the northeast corner of the bridge.

Project #: 2983002.3 Determined by: IC ES Date: 7/20/00

WETLAND DETERMINATION: IS THIS PLOT IN A WETLAND? No

Do Normal Circumstances exist on the site? Yes
 Are Soils Vegetation Hydrology significantly disturbed? No

VEGETATION		Dominant Plant Species	Ind. %Cover:-		Ind. %Cover:
Herb Stratum - % total cover			<u>5</u>	Shrub/Sapling Stratum - % total cover	<u>60</u>
	<i>Pteridium aquilinum</i>	FACU	<u>100</u>	<i>Myrica californica</i>	FACW <u>60</u>
				<i>Vaccinium ovalifolium</i>	UPL <u>20</u>
				<i>Rhododendron macrophyllum</i>	UPL <u>15</u>
				<i>Gaultheria shallon</i>	FACU <u>10</u>
				<i>Rubus parviflorus</i>	FAC- <u>5</u>
Woody Vine Stratum - % total cover			<u>15</u>	Tree Stratum - % total cover	<u>90</u>
	<i>Rubus ursinus</i>	FACU	<u>100</u>	<i>Pinus contorta</i>	FAC <u>100</u>

Percent of Dominant Species that are OBL, FACW, or FAC (excluding FAC-) 2 of 6 = 33 % (50/20 Rule)

Vegetation Criterion Met? No

SOILS Mapped Unit Name: 4JD-Netarts loamy fine sand
 Drainage Class: Well drained
 Taxonomy: Sandy, mixed, mesic Entic Haplothods

FIELD SOIL CHARACTERISTICS:

Horizon	Depth	Matrix Color	Redox Abundance, Size, Color	Texture, Structure, Other
	<u>0"-4"</u>	<u>10 YR 4/2</u>		<u>Sand, w/ organics</u>
	<u>4"-16"</u>	<u>7.5 YR 4/3</u>		<u>Sand</u>

- Histosol
- Histic epipedon
- Sulfidic odor
- Prob. Aquic moisture regime
- Reducing conditions
- Gleyed
- Redox features
- Concretions
- Highly organic surface layer
- Organic streaking
- Organic pan
- On hydric soils list

Remarks: 0-4" includes decomposing organic matter. No banding observed.

Soil Criterion Met? No

HYDROLOGY

Depth of inundation: 0" Depth to water table: >16" Depth to saturation: >16"

- Primary Indicators:
- Inundated
 - Saturated in upper 12"
 - Water marks
 - Drift lines
 - Sediment deposits
 - Drainage patterns
- Secondary Indicators (2 or more required):
- Oxidized rhizospheres
 - Water-stained leaves
 - Recorded data (aerials, groundwater data)
 - Local soil survey data
 - FAC-Neutral test
- Explain: Other

Remarks: Dry soils throughout the profile.

Hydrology Criterion Met? No

WETLAND DETERMINATION DATA SHEET - 1987 MANUAL

Client/Account: State: Department: Site: S. Bullard Lake Plot: 3
 Date: 8/21/00 City: County: State: OR

Plot Location: Topography: Approximately 4 feet east from the lake edge, and 2 feet above the water line, and 20 feet south of the southwest corner of the bridge.

Project #: 2087002.8 Determined by: Date: 8/20/00

DETERMINATION: IS THIS PLOT IN A WETLAND? Yes

Do Normal Circumstances exist on the site? **Yes**
 Are Soils Vegetation Hydrology significantly disturbed? **No**

VEGETATION: Dominant Plant Species		Ind. % Cover:	Ind. % Cover:	
Herb Stratum - % total cover:		10	Shrub/Sapling Stratum - % total cover	80
<i>Holcus lanatus</i>	FAC	50	<i>Salix sitchensis</i>	FACW 50
<i>Carex ohnupta</i>	OBL	50	<i>Spiraea douglasii</i>	FACW 50
Woody Vine Stratum - % total cover		0	Tree Stratum - % total cover	10
			<i>Pinus contorta</i>	FAC 100

Percent of Dominant Species that are OBL, FACW, or FAC (excluding FAC-) 5 of 5 = 100 % (50/20 Rule)

Vegetation Criterion Met? Yes

SOILS: Mapped Unit Name: 3C-Bullards sandy loam
 Drainage Class: Well drained
 Taxonomy: Coarse-loamy, mixed, mesic Typic Haplorthods

FIELD SOIL CHARACTERISTICS:

Horizon	Depth	Matrix Color	Redox Abundance, Size, Color	Texture, Structure, Other
	0"-16"	10 YR 2/1		Sand with organics

Histosol Prob. Aquic moisture regime Redox features Organic streaking
 Histic epipedon Reducing conditions Concretions Organic pan
 Sulfidic odor Gleyed Highly organic surface layer On hydric soils list

Soil Criterion Met? Yes

HYDROLOGY

Depth of inundation: 0" Depth to water table: >16" Depth to saturation: >16"

Primary Indicators: **Secondary Indicators (2 or more required):**

Inundated Oxidized rhizospheres Local soil survey data
 Saturated in upper 12" Water-stained leaves FAC-Neutral test
 Water marks Recorded data (aerials, groundwater data)
 Drift lines Explain:
 Sediment deposits Other
 Drainage patterns Explain:

Remarks: Soil very moist.

Hydrology Criterion Met? Yes

WETLAND DETERMINATION DATA SHEET 1987 MANUAL

State/Agency: Illinois / Illinois Department of Natural Resources Site: Saunder's Lake Plot: 1
 T: 7035 R.R. 3 S: 35 City: _____ County: Greene State: IL
 Plot Location: Topography: Near the top of the slope about 20 to 25 feet south of the southwest corner of the bridge.
 Project #: 2083002.3 Determined by: JG. ES Date: 7/20/90

DETERMINATION: IS THIS PLOT IN A WETLAND? No

Do Normal Circumstances exist on the site? Yes
 Are Soils Vegetation Hydrology significantly disturbed? No

VEGETATION		Dominant Plant Species	Ind. %Cover:		Ind. %Cover:
Herb Stratum - % total cover			50	Shrub/Sapling Stratum - % total cover	
	<i>Carex ohnupta</i>	OBL	40		FAC- 50
	<i>Agrostis sp.</i>	FAC	10		FACW 50
	<i>Festuca sp.</i>	FACU	10		
	<i>Pteridium aquilinum</i>	FACU	10		
			0		
Woody Vine Stratum - % total cover			20	Tree Stratum - % total cover	
	<i>Rubus discolor</i>	FACU	100		

Percent of Dominant Species that are OBL, FACW, or FAC (excluding FAC-) 3 of 7 = 43 % (50/20 Rule)
 Remarks: 20 percent of the herbaceous layer was unidentifiable dead grass species.

Vegetation Criterion Met? No

SOILS Mapped Unit Name: _____
 Drainage Class: _____
 Taxonomy: _____

FIELD SOIL CHARACTERISTICS:

Horizon	Depth	Matrix Color	Redox Abundance, Size, Color	Texture, Structure, Other
	0"-4"	10 YR 3/2		sand with organics
	4"-16"	7.5 YR 4/3		sand

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Histosol | <input type="checkbox"/> Prob. Aquic moisture regime | <input type="checkbox"/> Redox features | <input type="checkbox"/> Organic streaking |
| <input type="checkbox"/> Histic epipedon | <input type="checkbox"/> Reducing conditions | <input type="checkbox"/> Concretions | <input type="checkbox"/> Organic pan |
| <input type="checkbox"/> Sulfidic odor | <input type="checkbox"/> Gleyed | <input type="checkbox"/> Highly organic surface layer | <input type="checkbox"/> On hydric soils list |

Soil Criterion Met? No

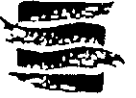
HYDROLOGY

Depth of inundation: 0 Depth to water table: >16" Depth to saturation: >16"

- | | |
|---|--|
| Primary Indicators: | Secondary Indicators (2 or more required): |
| <input type="checkbox"/> Inundated | <input type="checkbox"/> Oxidized rhizospheres |
| <input type="checkbox"/> Saturated in upper 12" | <input type="checkbox"/> Water-stained leaves |
| <input type="checkbox"/> Water marks | <input type="checkbox"/> Recorded data (aerials, groundwater data) |
| <input type="checkbox"/> Drift lines | Explain: _____ |
| <input type="checkbox"/> Sediment deposits | <input type="checkbox"/> Other |
| <input type="checkbox"/> Drainage patterns | Explain: _____ |

Remarks: Dry to slightly moist 5' above lake

Hydrology Criterion Met? No



Attachment B

DSL/ODOT Information

February 11, 2000



SHAPIRO
& ASSOCIATES, INC.

Mr. Ron Lee
BRW
700 N.E. Multnomah St., Suite 1000
Portland, Oregon 97232

Re: Oregon Department of Transportation (ODOT) comments on Coos County
bridges wetland delineation reports (SHAPIRO Project #2983002)

Dear Ron:

I have reviewed William Fletcher's comments on the wetland delineation reports for the Benson Creek, Larson Slough, and Saunders Lake Bridge projects. Mr. Fletcher's comments are generally correct. His comments are attached, and SHAPIRO's discussion of them are detailed below.

Larson Slough Bridge Site

1. Reed canarygrass (*Phalaris arundinacea*) as a dominant species: a better choice of words might have been "most common" instead of "dominant."
2. Data sheet 2: The hydrophytic vegetation cover is 75% as calculated by Mr. Fletcher. The site does not qualify as wetland because hydric soil indicators and hydrology indicators were absent.
3. Data sheet 3: The "Saturated in upper 12" box should have been marked.
4. Data sheet 4: The hydrophytic vegetation cover is 50% as calculated by Mr. Fletcher. This does not change the assessment of the vegetation. The site does not qualify as wetland because none of the three criteria are met.

As Mr. Fletcher noted, none of these items affects the delineation.

Saunders Lake Bridge Site

1. Text for the report was prepared on the basis of information on the project prospectus and U.S. Geological Survey quad map, which identified the water body west of the project site as an arm of Saunders Lake.
2. Data sheet 3: Data sheets indicate that soil at the plot was "very moist." Proximity to the lake, predominance of hydrophytic vegetation, the seasonal timing of the delineation, and indicators of hydric soil support the conclusion that

Fremont II

1610 NW Naito Pkwy

Suite 302

Portland, OR 97107

Telephone:

503.274.9000

Facsimile:

503.274.0123

E-mail:

this plot has hydrology sufficient to support wetland vegetation and cause development of hydric soil indicators; hydrology is therefore inferred.

3. Data sheet 4: The hydrophytic vegetation cover is 50% as calculated by Mr. Fletcher. This does not change the assessment of the vegetation. The site does not qualify as wetland because none of the three criteria are met.

Mr. Fletcher noted that the hydrology, or lack thereof, at Data Point 3 could affect the delineation. SHAPIRO believes wetland conditions exist at that data point, and the delineation is accurate.

Benson Creek Floodplain Outlet

No comments.

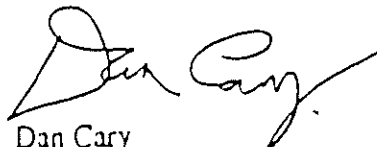
Summary

Mr. Fletcher's comments address real but minor errors in the delineations. Errors on the data sheets generally are corrected in SHAPIRO's review process. The errors in these data sheets were missed in that process. During their review of the delineations, Oregon Division of State Lands (DSL) staff contacted SHAPIRO to obtain clarification of the same data sheet inaccuracies that Mr. Fletcher noted. SHAPIRO will discuss methods to improve quality control of the data in delineation reports.

The DSL has concurred with all three delineations.

Sincerely,

Shapiro and Associates, Inc.



Dan Cary
Project Manager

Enclosure

LOCAL AGENCY DOCUMENT REVIEW

Larson Slough Bridge Site
Coos County
Key No. 07311

Return Comments Brenda by: January 5, 2000

Assigned to: William Fletcher, Wetlands Specialist

Comments: No Problems that would affect the delineation
179 - Para 2 Line 4 - "The dominant species are water grass (70%)
and nut grass (10%)..." Technically, RCG is not
a dominant species.
Data sheet Plot 2 - For vegetation, the % Hydrophyte is
3/4, on the side where the V. c. is
Data sheet Plot 4 - Veg % is 3/6 (Does not change the
call) - unless soil shows that marsh is
not applicable (if that is the case)
Data sheet Plot 3 - Apparently should go mark the "Saturated"
in upper 12" box

William Fletcher
Reviewed by

23 Dec 99
Date

503-986-3509
Phone #

cc: Max Mizjewski, Region 3
Ken Norton, Region 3 Federal Aid Specialist

WETLAND DETERMINATION DATA SHEET (FIELD MANUAL)

County: Franklin State: VT Date: 7/19/00
 City: Windsor State: VT
 Plot Location: Topography: 30 feet west of centerline of North Jay Dr., 60 feet north of bridge. Roadside. Flat. 10 feet above high water line.
 Project #: 29810019 Determined by: JG, BS Date: 7/19/00

DETERMINATION: IS THIS PLOT IN A WETLAND? No

Do Normal Circumstances exist on the site? Yes

Are Soils, Vegetation, or Hydrology significantly disturbed? No

VEGETATION	Dominant Plant Species	Ind. % Cover:	Ind. % Cover:
Herb Stratum - % total cover:		70	Shrub/Sapling Stratum - % total cover:
<i>Equisetum arvense</i>	→ FAC	30	<i>Cytisus scoparius</i>
<i>Holcus lanatus</i>	→ FAC	30	UPL
<i>Phalaris arundinacea</i>	→ FACW	20	
<i>Achillea millefolium</i>	FACU	5	
<i>Epilobium watsonii</i>	FACW	5	
<i>Hypericum perforatum</i>	UPL	5	
<i>Festuca rubra</i>	FAC+	5	
<i>Matricaria maritima</i>	FACU	5	
Woody Vine Stratum - % total cover:		25	Tree Stratum - % total cover:
<i>Rubus discolor</i>	X FACU	100	3 2 4

Percent of Dominant Species that are OBL, FACW, or FAC (excluding FAC+) 2 of 4 = 50 % (50/20 Rule)

Vegetation Criterion Met? No

SOILS Mapped Unit Name: Satander silt loam, 50 to 75 percent slopes

Drainage Class: Well drained

Taxonomy: Medial, isomesic Typic Dystrandepts

FIELD SOIL CHARACTERISTICS:

Horizon	Depth	Matrix Color	Redox Abundance, Size, Color	Texture, Structure, Other
	0"-5"	10 YR 3/3	few, fine, distinct, 10 YR 3/3	grainy loam
	5"-14"	10 YR 3/4	common, fine, distinct 10 YR 4/6	compacted
	14"-	10 YR 5/2-4/2		loam with gravel

- Histosol
- Prob. Aquic moisture regime
- Redox features
- Organic streaking
- Histic epipedon
- Reducing conditions
- Concretions
- Organic pan
- Sulfidic odor
- Gleyed
- Highly organic surface layer
- On hydric soils list

Remarks: Mixed matrix, compacted, with gravel. Probably disturbance/fill related to road.

Soil Criterion Met? No

HYDROLOGY

Depth of inundation: 0 Depth to water table: >16 Depth to saturation: >16

Primary Indicators:

- Inundated
- Saturated in upper 12"
- Water marks
- Drift lines
- Sediment deposits
- Drainage patterns

Secondary Indicators (2 or more required):

- Oxidized rhizospheres
- Water-stained leaves
- Recorded data (aerials, groundwater data)
- Explain
- Other
- Explain
- Local soil survey data
- FAC-Neutral test

WETLAND DETERMINATION DATA SHEET - 1987 MANUAL

Project # 20130019 Determined by IG ES Date 2/20/00
 Plot Location: 60 feet west of centerline, North Bay Drive, 120 feet south of bridge, Plot in marsh
 County: San Diego State: CA

DETERMINATION: IS THIS PLOT IN A WETLAND? Yes

Do Normal Circumstances exist on the site? Yes
 Are Soils Vegetation Hydrology significantly disturbed? No

VEGETATION: Dominant Plant Species		Ind. %Cover:	Ind. %Cover:	
Herb Stratum - % total cover:		100	Shrub/Sapling Stratum - % total cover: 0	
<i>Carex lyngbyei</i>	OBL	30		
<i>Distichlis spicata</i>	FAC+	20		
<i>Trifolium macrocephalum</i>	FACU-	20		
<i>Salicornia virginica</i>	OBL	20		
Woody Vine Stratum - % total cover:		0	Tree Stratum - % total cover: 0	

Percent of Dominant Species that are OBL, FACW, or FAC (excluding FAC-) 3 of 4 = 75 % (50/20 Rule)

Vegetation Criterion Met? Yes

SOILS Mapped Unit Name: Fluvaquents-Histosols complex
 Drainage Class:
 Taxonomy: Fluvaquents

FIELD SOIL CHARACTERISTICS:

Horizon	Depth	Matrix Color	Redox Abundance, Size, Color	Texture, Structure, Other
	0"-4"	10 YR 3/2		silt
	4"-11"	10 YR 4/1		silt
	11"-	10 YR 5/1		sand

- Histosol
- Histic epipedon
- Sulfidic odor
- Prob. Aquic moisture regime
- Reducing conditions
- Gleyed
- Redox features
- Concretions
- Highly organic surface layer
- Organic streaking
- Organic pan
- On hydric soils list

Soil Criterion Met? Yes

HYDROLOGY

Depth of inundation: 0 Depth to water table: 14" Depth to saturation: 0"

- Primary Indicators:
- Inundated
 - Saturated in upper 12"
 - Water marks
 - Drift lines
 - Sediment deposits
 - Drainage patterns
- Secondary Indicators (2 or more required):
- Oxidized rhizospheres
 - Water-stained leaves
 - Recorded data (aerials, groundwater data)
 - Local soil survey data
 - FAC-Neutral test
- Other: Explain:

Remarks: Small area of inundation adjacent to sample site.

Hydrology Criterion Met? Yes

Handwritten notes:
 1/30/00
 12/12/00

WETLAND DETERMINATION DATA SHEET - 1987 MANUAL

Agency/Department: Orange County Department of Public Works Project:
 File # Date: County: State:
 Plot Location: Topography: At the southwest edge of bridge road grade, about 2' below road surface and about 7' from road shoulder. Gently sloping.
 Project # 20130029 Determined by IG/ES Date 7/10/90

DETERMINATION: IS THIS PLOT IN A WETLAND? No

Do Normal Circumstances exist on the site? Yes
 Are Soils Vegetation Hydrology significantly disturbed? No

VEGETATION	Dominant Plant Species	Ind. %Cover:		Ind. %Cover:
Herb Stratum - % total cover:		60	Shrub/Sapling Stratum - % total cover:	
<i>Agrostis alba</i>	→ FAC	10	<i>Cytisus scoparius</i>	× UPL 100
<i>Grindelia integrifolia</i>	→ FACW	10		
<i>Daucus carota</i>	× UPL	10		
<i>Festuca arundinacea</i>	× FAC	10		
<i>Rumex crispus</i>	→ FAC+	10		
<i>Cynosurus echinatus</i>	UPL	5		
<i>Lolium perenne</i>	FACU	5		
<i>Hypochaeris radicata</i>	FACU	5		
<i>Distichlis spicata</i>	FAC+	5		
<i>Halcus lanatus</i>	FAC	5		
<i>Bromus mollis</i>	UPL	5		
Woody Vine Stratum - % total cover:		0	Tree Stratum - % total cover:	

5 5 6

Percent of Dominant Species that are OBL, FACW, or FAC (excluding FAC-) 2 of 5 = 40 % (50/20 Rule)

Vegetation Criterion Met? No

SOILS Mapped Unit Name: Coquille silt loam
 Drainage Class: Very poorly drained
 Taxonomy: Fine-silty, mixed, acid, isomesic Aeric Tropic Fluvaquents

FIELD SOIL CHARACTERISTICS:

Horizon	Depth	Matrix Color	Redox Abundance, Size, Color	Texture, Structure, Other
	0"-16"	<u>NYC a/N</u>		gravel, road fill

- Histosol
- Histic epipedon
- Sulfidic odor
- Prob. Aquic moisture regime
- Reducing conditions
- Gleyed
- Redox features
- Concretions
- Highly organic surface layer
- Organic streaking
- Organic pan
- On hydric soils list

Soil Criterion Met? No

HYDROLOGY

Depth of inundation: 0" Depth to water table: >16" Depth to saturation: >16"

- Primary Indicators:
- Inundated
 - Saturated in upper 12"
 - Water marks
 - Drift lines
 - Sediment deposits
 - Drainage patterns
- Secondary Indicators (2 or more required):
- Oxidized rhizospheres
 - Water-stained leaves
 - Recorded data (aerials, groundwater data)
 - Local soil survey data
 - FAC-Neutral test
- Explain:
 Other:
 Explain:

Hydrology Criterion Met? No

LOCAL AGENCY DOCUMENT REVIEW

Saunders Lake Bridge #11C90X
 Coos County
 Saunders Lake Highway
 Key No. 10977
 EA: C2061900/000

Return Comments Brenda by: January 5, 2000

Assigned to: William Fletcher, Wetlands Specialist

Comments: ~~There are~~ Some Questions:
 FIG 2 SHOWS THE TRAIL CROSSING THE CONCRETE BRIDGE AND LAND
 (ADJACENT TO THE BRIDGE) SAUNDERS LAKE

DATA SHEET PAGE 3 - NO INFORMATION IS GIVEN UNDER HYDROLOGY TO
 SUPPORT CONCLUSION THAT THE HYDROLOGY CRITERIA IS MET.
 THIS WOULD AFFECT THE DETERMINATION

DATA SHEET PAGE 4 - I ASSUME THE % COVER FOR INDIVIDUAL SPECIES
 IS NORMALIZED IN WHICH CASE ONLY THE 4 DOMINANTS, NOT
 I. THIS WOULD NOT AFFECT THE CONCLUSION ABOUT OTHER
 VEGETATION CRITERIA

William Fletcher
 Reviewed by

23 DEC 99
 Date

503 986-3509
 Phone #

cc: Max Mizjewski, Region 3
 Ken Norton, Region 3 Federal Aid Specialist

Paul	File	Victi	Frank
Terry H.	Loy	Jenny	Ron
Matt	Lori	Bill	Gary
Mark L.			Greg
Devin			Tony
Mike B.			Daye
Janell	Ken	Duane	Clayton
Tom	Stu	Lee	Robert
			Craig

LOCAL AGENCY DOCUMENT REVIEW

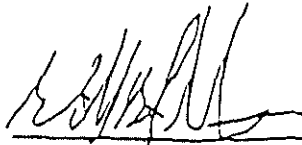
Benson Creek Floodplain Outlet
Benson Extension Highway
Coos County
Key #10976
EA: C2061909/000

Return Comments to Brenda by: January 5, 2000

Assigned to: William Fletcher, Wetlands Specialist

Comments: No Comments - Just Fine

(NOTE TO BRENDA - DATA SHEET HAS BEEN REVISIONS
IN DELINEATION AREA)



Reviewed by

23 Dec 99

Date

Phone #

cc: Max Mizjewski, Region 3
Ken Norton, Region 3



Oregon

John A. Kitzhaber, M.D., Governor

Division of State Lands
775 Summer Street NE
Salem, OR 97301-1279
(503) 378-3805
FAX (503) 378-4844
TTY (503) 378-4615

January 4, 2000

745
RECEIVED JAN 9 4 2000

State Land Board

John A. Kitzhaber
Governor

Bill Bradbury
Secretary of State

Jim Hill
State Treasurer

Dan Cary
Shapiro and Associates, Inc.
1650 N.W. Naito Parkway, Suite 302
Portland, OR 97209

**RE: Wetland Delineation for Saunders Lake Bridge, Coos County;
T23S R13W Section 35; Det. #99-0569**

Dear Mr. Cary:

Thanks to you and your associate, John Gordon, for discussing the details of this project on January 3, 2000. Changes to the data sheets and notes of our discussion have been filed with the delineation report.

I have reviewed your delineation report for the above site and concur with your conclusions. The wetlands and waterways mapped in Figure 5 of your report are subject to permit requirements of the state Removal-Fill Law. A state permit is required for fill or excavation of 50 cubic yards or more in these areas. According to your report, approximately 0.10 acres of the study area is wetlands/waters of the state. Please advise your client that state law establishes a preference for avoidance of wetland and waterway impacts.

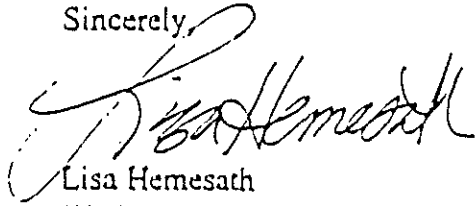
This concurrence is for purposes of the state Removal-Fill Law only. Federal or local permit requirements may apply as well. The Army Corps of Engineers will review the report and make a determination of jurisdiction for purposes of the Clean Water Act at the time that a permit application is submitted. We recommend that you attach a copy of this concurrence letter to both copies of any subsequent joint permit application to speed application review.

Division approval of wetland delineation reports is based upon the information provided to us. Should additional information be brought to our attention or should site conditions

change, we would consider the new information and re-evaluate the site and our jurisdictional determination as needed.

Thank you for your report.

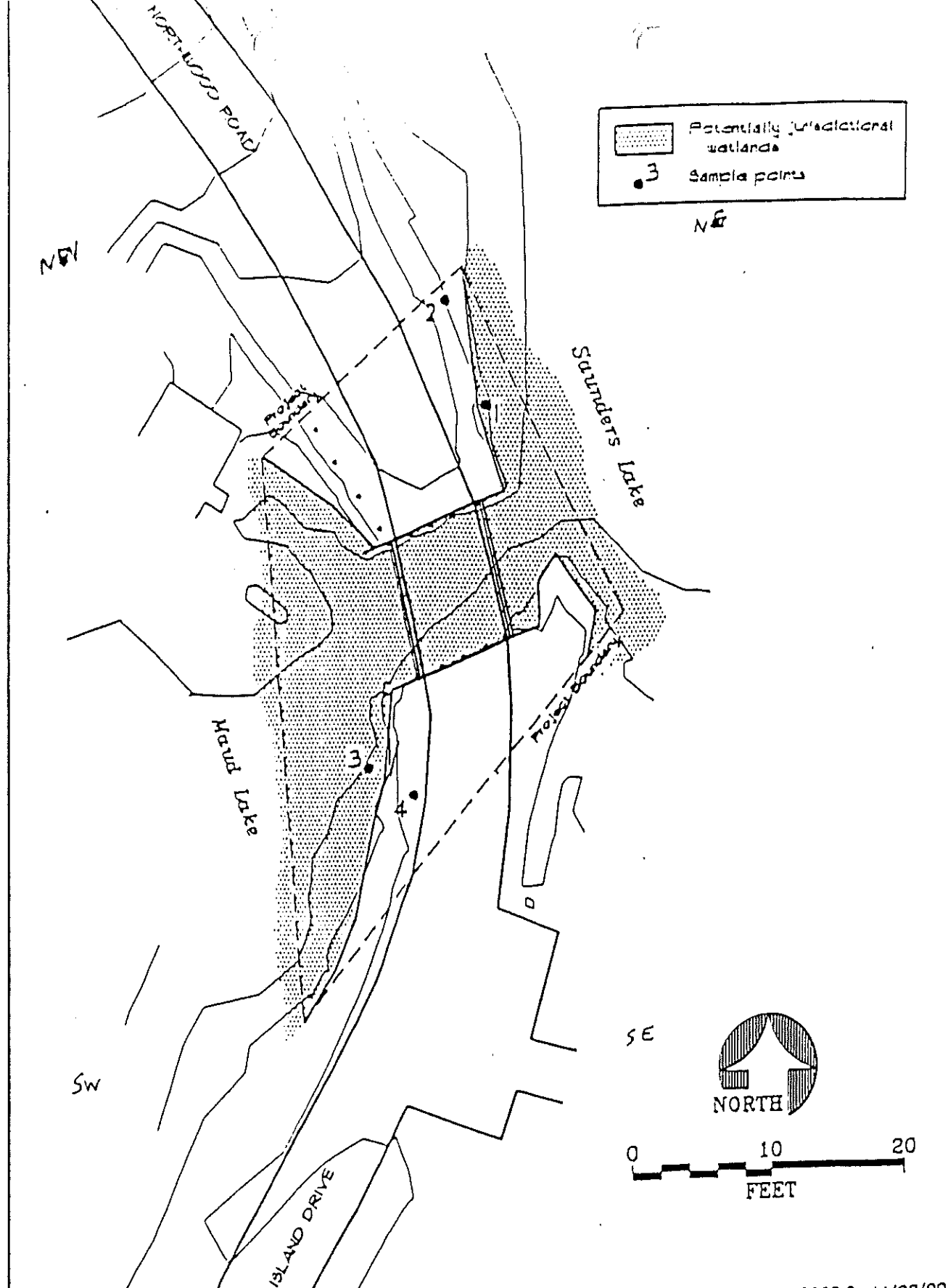
Sincerely,



Lisa Hemesath
Wetlands Technician

Enclosure

cc: Planning Director, Coos County
Ron Marg, Corps of Engineers
Mike McCabe, DSL
Marian Klemm, Coos County Highway Department



Base map from Stutzer Engineering, 1999

2983002.8 11/23/99

FIGURE

5

Potentially jurisdictional wetlands and sample sites at the Saunders Lake Bridge crossing on Saunders Lake Road in Coos County, Oregon.



13. SAUNDERS LAKE BRIDGE EXCEPTION

ATTACHMENT "C"

OREGON DEPARTMENT OF TRANSPORTATION
FINAL STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM
2000-2003
TEA-21 HIGH PRIORITY PROJECTS
REGION 3 PAGE 97 OF 160

COOS COUNTY

Name: COOS BAY RAILROAD BRIDGE
REHAB. STAGE I
Hwy: NORTH BEND RR BR.

	Total Cost:	Year:	1st Fund:	Cost:	2nd Fund:	Cost:	3rd Fund:	Cost:
Design:	\$80,000	2000	EARMK	\$64,000	OTHER	\$16,000		
Land Purchase:	\$0							
Construction:	\$630,000	2001	EARMK	\$403,200	OTHER	\$126,000		
Total:	\$710,000							

Route:
Milepoints: 0.00 to 0.00

Applicant: PORT OF COOS BAY

Owner: Local

Status: Ready for Construction, 2001

Description: STAGE 2 CONSTRUCTION ANTICIPATED IN YEAR 2003 UNDER KEY #11437.

MPO: Non-MPO

Work type: Modernization

Key: 11006

Footnote: TEA-21 Earmarked project funding received in annual increments of 11%, 15%, 18%, 18%, 19% and 19% from 1998-2003 respectively.

Name: COOS BAY RAILROAD BRIDGE
COATING
Hwy: NORTH BEND RR BR.

	Total Cost:	Year:	1st Fund:	Cost:	2nd Fund:	Cost:	3rd Fund:	Cost:
Design:	\$1,233,000	2001	EARMK	\$986,400	OTHER	\$246,600		
Land Purchase:	\$0							
Construction:	\$4,932,000	2003	EARMK	\$3,156,480	OTHER	\$986,400		
Total:	\$6,165,000							

Route:
Milepoints: 0.00 to 0.00

Applicant: PORT OF COOS BAY

Owner: Local

Status: Ready for Construction, 2003

Description: PHASE 2 OF COOS BAY RAILROAD BRIDGE REHAB. PHASE 1- KEY # 11006

MPO: Non-MPO

Work type: Modernization

Key: 11457

Footnote: TEA-21 Earmarked project funding received in annual increments of 11%, 15%, 18%, 18%, 19% and 19% from 1998-2003 respectively.

Name: SLOUGH (GRAYDEN ANDERSON)
BRIDGE #015410
Hwy: COQUILLE/FAT ELK/CNT

	Total Cost:	Year:	1st Fund:	Cost:	2nd Fund:	Cost:	3rd Fund:	Cost:
Design:	\$49,000	1998						
Land Purchase:	\$5,000	1999						
Construction:	\$493,000	2000	HBRRL	\$394,400				
Total:	\$547,000							

Route:
Milepoints: 3.30 to 0.30

Applicant: COOS COUNTY

Owner: Local

Status: Ready for Construction, 2000

Description: REPLACE STRUCTURE.

MPO: Non-MPO

Work type: Bridge

Key: 10075

Name: SAUNDERS LAKE BRIDGE
#11C90X
Hwy: SAUNDERS LAKE

	Total Cost:	Year:	1st Fund:	Cost:	2nd Fund:	Cost:	3rd Fund:	Cost:
Design:	\$45,000	1999						
Land Purchase:	\$10,000	2000	HBRRL	\$8,000				
Construction:	\$282,000	2001	HBRRL	\$225,600				
Total:	\$337,000							

Route:
Milepoints: 0.40 to 0.41

Applicant: COOS COUNTY

Owner: Local

Status: Ready for Construction, 2001

Description: REPLACE STRUCTURE

MPO: Non-MPO

Work type: Bridge

Key: 10977

Name: LARSON SLOUGH BRIDGE #C1101
Hwy: NORTH BAY DRIVE

	Total Cost:	Year:	1st Fund:	Cost:	2nd Fund:	Cost:	3rd Fund:	Cost:
Design:	\$56,000	1999						
Land Purchase:	\$20,000	2000	HBRRL	\$16,000				
Construction:	\$352,000	2001	HBRRL	\$281,600				
Total:	\$428,000							

Route:
Milepoints: 2.30 to 2.31

Applicant: COOS COUNTY

Owner: Local

Status: Ready for Construction, 2001

Description: REPLACE STRUCTURE.

MPO: Non-MPO

Work type: Bridge

Key: 10975

Name: BENSON CREEK DRAIN DITCH
#11C108
Hwy: BENSON EXTENSION

	Total Cost:	Year:	1st Fund:	Cost:	2nd Fund:	Cost:	3rd Fund:	Cost:
Design:	\$24,000	1999						
Land Purchase:	\$10,000	2000	HBRRL	\$8,000				
Construction:	\$152,000	2001	HBRRL	\$121,600				
Total:	\$186,000							

Route:
Milepoints: 1.30 to 1.31

Applicant: COOS COUNTY

Owner: Local

Status: Ready for Construction, 2001

Description: REPLACE STRUCTURE.

MPO: Non-MPO

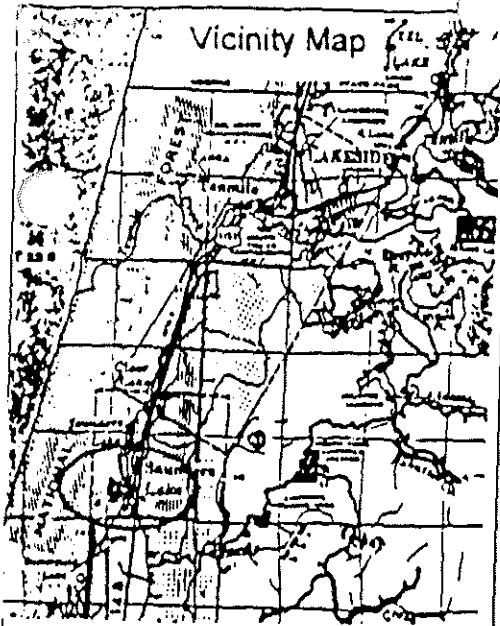
Work type: Bridge

Key: 10976

COOS COUNTY PLANNING DEPARTMENT

Coos County Courthouse Annex, 290 N. Central
Coquille, Oregon 97423

(541) 396-3121 Ext.210 Fax (541) 396-2690



File Number: AM -02-02/ACU-02-07

Applicant: Coos County Hwy Dept.
1281 W Central
Coquille OR, 97423

Location: T23 R13 Sec.35/35CB TL 1300/1100,1200,2200

Proposal: Bridge Replacement

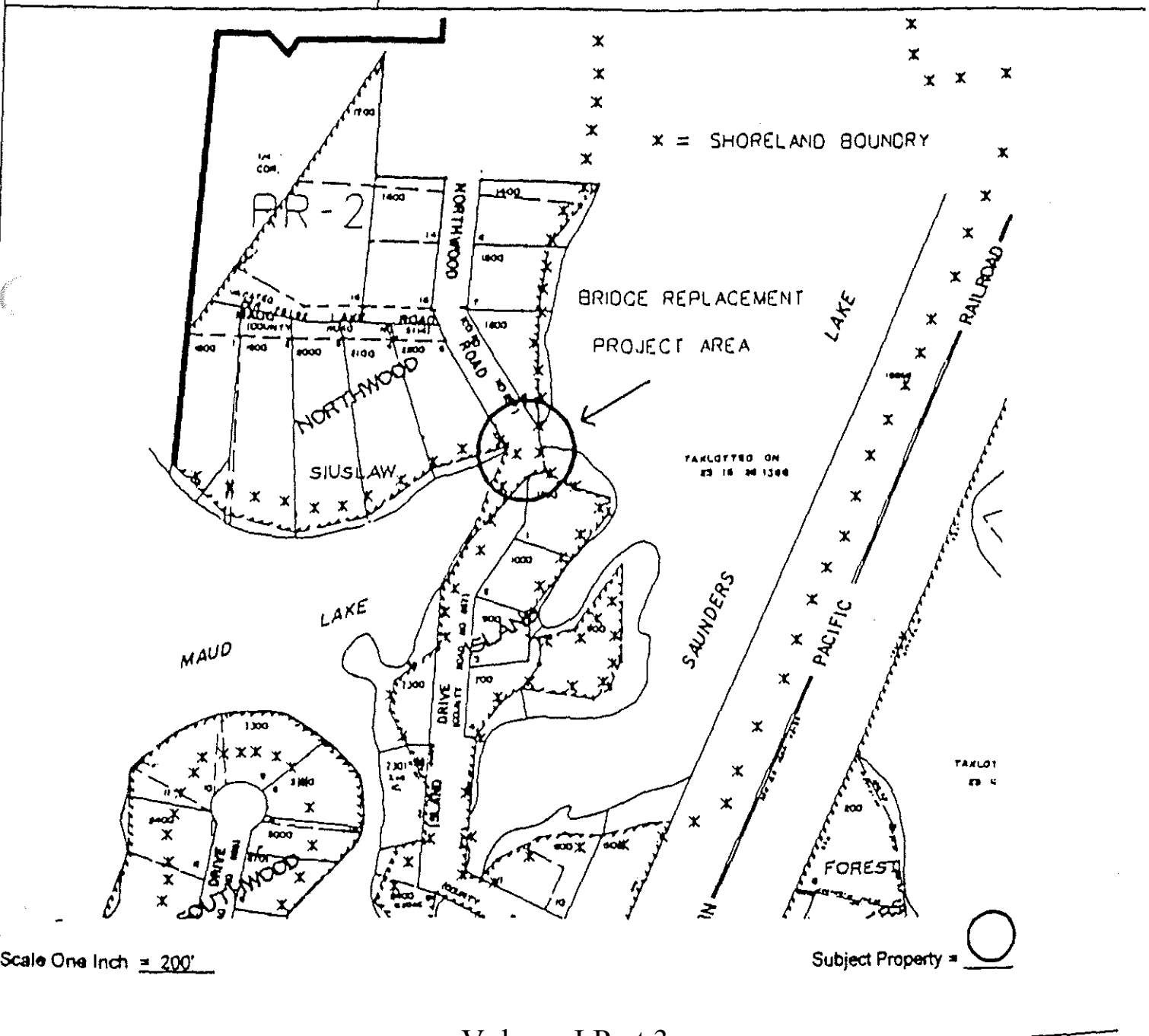


Table of Contents

I. INTRODUCTION 1
PURPOSE OF THE REVISED MASTER PLAN 1
CONTENTS OF THE SUPPLEMENTAL MASTER PLAN 1
BACKGROUND STUDIES 1
OVERVIEW OF PROPOSED EXPANSION AREAS 2

II. RESORT EXPANSION CONCEPT OVERVIEW 5
NATURAL RESOURCE CONSERVATION 5
GOLF FACILITIES 5
RESIDENTIAL DEVELOPMENT 5
MIXED-USE CENTERS 6
TRANSPORTATION 6

III. PRIMARY USE AREAS 8
NATURAL RESOURCE CONSERVATION AREAS 8
 Central Ridge 8
 Whiskey Run Creek 8
 Whiskey Run Woodland Park 9
 Tear Drop Buffer/Wetlands Areas 9
GOLF COURSE/RESIDENTIAL AREAS 11
 Pacific Dunes Golf Course/Residential Area 11
 Golf Practice Facility 11
 Randolph Links Golf Course/Residential Area 11
 9-Hole Golf Course/Residential Area 12
 Future Golf Clubhouse Development in the Primary Expansion Area 12
SPECIAL RESIDENTIAL 14
 Woodland Estates 14
 Upper Chrome Lake Housing 14
 Fahy Creek/Seven Devils Road Residential Area 14
MIXED-USE ACTIVITYCENTERS 17
MADRONE VILLAGE CENTER 20
 Principal Activities and Siting Guidelines 20
 Preliminary Building Development Program 20
 Public Overnight Accommodations 21
 Residential Use 21
 Recreation Activities 21
 Meeting Facilities 21
 Pedestrian Circulation 21
 Vehicular Circulation 21
 Parking 22
 Building Design 22
RANDOLPH VILLAGE CENTER 23
 Historical Precedent 23
 Principal Activities 23
 Siting Guidelines 24
 Public Overnight Accommodations 24
 Residential use 24
 Recreation Activities 24
 Meeting Facilities 24
 Pedestrian Circulation 24
 Vehicular Circulation 24

Forest Fire Prevention and Control	48
Preservation of Sensitive Plant Habitat	48
WILDLIFE HABITAT CONSERVATION	48
ARCHEOLOGICAL PRESERVATION	49
WETLAND DETERMINATIONS AND PLANNING	51
Wetland Determinations	51
Wetland Planning and Mitigation	52
MANAGEMENT UNITS AND GUIDELINES FOR EXPANSION AREAS.....	52
GOLF COURSE /LANDSCAPE DESIGN AND MANAGEMENT	61

VII. PROJECT IMPLEMENTATION	62
CURRENT CONSTRUCTION	62
FUTURE CONSTRUCTION PHASING	62
COOS COUNTY COMPREHENSIVE PLAN AND ZLDO AMENDMENTS.....	62
Comprehensive Plan Amendments	62
ZLDO Amendments	63

List of Figures

Fig. 1	Site Location and Boundary Map	3
Fig. 2	New Resort Development Concept Plan	4
Fig. 3	Primary Use Areas.....	7
Fig. 4	Natural Resource Conservation Areas.....	10
Fig. 5	Golf Course/Residential Areas	13
Fig. 6	Special Residential Areas	16
Fig. 7	Mixed-Use Activity Centers	18
Fig. 8	Concept Plan: Madrone Village Center.....	19
Fig. 9	Concept Plan: Randolph Village Center	23
Fig. 10	Randolph Village Center--Design Section Through Ocean Facing Bluff.....	27
Fig. 11	Randolph Village Center--Design Sections Through Whiskey Run Slopes	29
Fig. 12	Open Space	30
Fig. 13	Hiking Trail System.....	33
Fig. 14	Road Network.....	35
Fig. 15	Significant Wetland Areas.....	50
Fig. 16	Management Units.....	53

List of Tables

Table A	Dunelands Management Unit in Primary Expansion Area	54
Table D	Upper Marine Terrace Management Unit in Primary Expansion Area	55
Table E1	Forestland Management Unit / Primary Expansion Area.....	56
Table F1	Wetlands Management Unit / Primary Expansion Area	57
Table E2	Forestland Management Unit / Seven Devils Road Parcel.....	58
Table F2	Wetlands Management Unit / Seven Devils Road Parcel	59
Table E3	Forestland Management Unit / Tear Drop Site	60
Table F3	Wetlands Management Unit / Tear Drop Site	61

List of Photographs

The Randolph Village Center Vision – A Photographic Collage	26
---	----

14.0 Bandon Dunes Resort Exceptions, Exhibit A
(Supplemental Conservation, Recreation, and Resort Development Master Plan)

I. INTRODUCTION

PURPOSE OF THE SUPPLEMENTAL MASTER PLAN

The Master Plan approved in 1996 is being revised to respond to the need to expand the facilities to assure long-term sustainability of the resort. Over the past four years the resort has received national and international acclaim as a unique world-class facility. As an economic stimulus to the local economy, it has created permanent long-term jobs for local residents as well as seasonal and construction jobs numbering in the hundreds. Indirect benefits include revenues to local businesses, entrepreneurial opportunities and tax payments to local governments.

An economic assessment conducted by Economic Research Associates (ERA) has identified and confirmed the need to expand existing golf-oriented facilities and to add new activities to broaden the range of recreational pursuits available to future resort guests. New facilities will include an additional 18-hole and a 9-hole golf course, 150 overnight lodging units, 300 recreational dwelling units, three restaurants, and related resort facilities. A comprehensive discussion regarding the resort expansion development program is found in *Appendix A: Analysis of the Economic Benefits of the Bandon Dunes Resort To Coos County, Oregon*, dated July 18, 2002 by ERA.

CONTENTS OF THE SUPPLEMENTAL MASTER PLAN

The Supplemental Master Plan consists of a number of plans, diagrams and related narrative text that illustrate the key plan relationships that interconnect future land uses and infrastructure with existing resort development. Also included are new and revised design guidelines and standards that apply to both the existing and proposed resort uses. The new Resort Development Concept Plan, Fig. 2, provides a simple graphic representation of the future resort design. Except as specified in Chapter V (Revisions to 1996 Master Plan), the Supplemental Master Plan supplements, rather than amends, the Master Plan for the Bandon Dunes Resort approved by Coos County in 1996.

BACKGROUND STUDIES

The planning team undertook several independent consultant studies. These included an economic benefit analysis, transportation impact analysis, geological investigations, wildlife habitat survey, vegetation and wetland survey, and assessments of alternative sites for the resort expansion. Some of this technical material is included in the appendices to this plan, while other material is included in appendices to the *Natural Resources Inventory and Site Analysis Report* for the Bandon Dunes Resort Expansion Areas, dated August 2002.

OVERVIEW OF PROPOSED EXPANSION AREAS

Bandon Dunes Resort is proposing to add three areas, totaling about 925 acres, to the existing resort land holdings. The largest parcel, the Primary Expansion Area, consists of 825 acres of land located directly north of the existing resort. The property runs northward along the coastal bluff up to Whiskey Run Road and creek. To the east, the property abuts a developed rural residential subdivision in the north and undeveloped forestland in the south.

Two smaller parcels that are contiguous to the existing resort include a 37.5-acre parcel located near the intersection of Highway 101 and Seven Devils Road, known as the Seven Devils Road Parcel, and a 62-acre parcel known as the Tear Drop Site. The Tear Drop Site is located just north of the Bullards Bridge crossing of the Coquille River, across Highway 101 from the south entry to the resort.

A central ridge running on a north to south axis roughly bisects the Primary Expansion Area. West of the ridge, the terrain is a flat marine terrace overlain with sand deposits. The area is conditionally stable and is primarily covered with Gorse. The southern portion of the Primary Expansion Area has been cleared of Gorse and is now the site of the Pacific Dunes Golf Course. The course was approved in 1999 as a conditional use in a Forest/Mixed Use zone.

East of the ridge, Whiskey Run Creek flows through a shallow valley. Further east, the land transitions to an upland forest. This area was recently logged and reforested. However, Gorse has invaded the area and has overrun most of the native shrubs and ground cover that had initially been re-established.

A 32-acre golf driving range and practice area has been constructed in the southeast portion of the Primary Expansion Area under the conditional use permit approved in 1999. An existing barn built by the previous owner, a private residence and a temporary clubhouse are the only existing buildings in the Primary Expansion Area. Near the barn, a 5-acre reservoir was built to store ground water used to irrigate the golf course facilities. A single-family dwelling and four outbuildings are located on the Seven Devils Road Parcel.

The Tear Drop Site is an undeveloped wooded hillock adjacent to Highway 101. Highway construction, several decades ago, left this dune formation isolated from the natural coastal dune land pattern. It is surrounded on all sides by roadways, but its proximity to the Coquille River and the Ni-les'tun Unit Addition of the Bandon Marsh National Wildlife Refuge creates a special development opportunity for a regional Cultural/Visitor Center Facility.

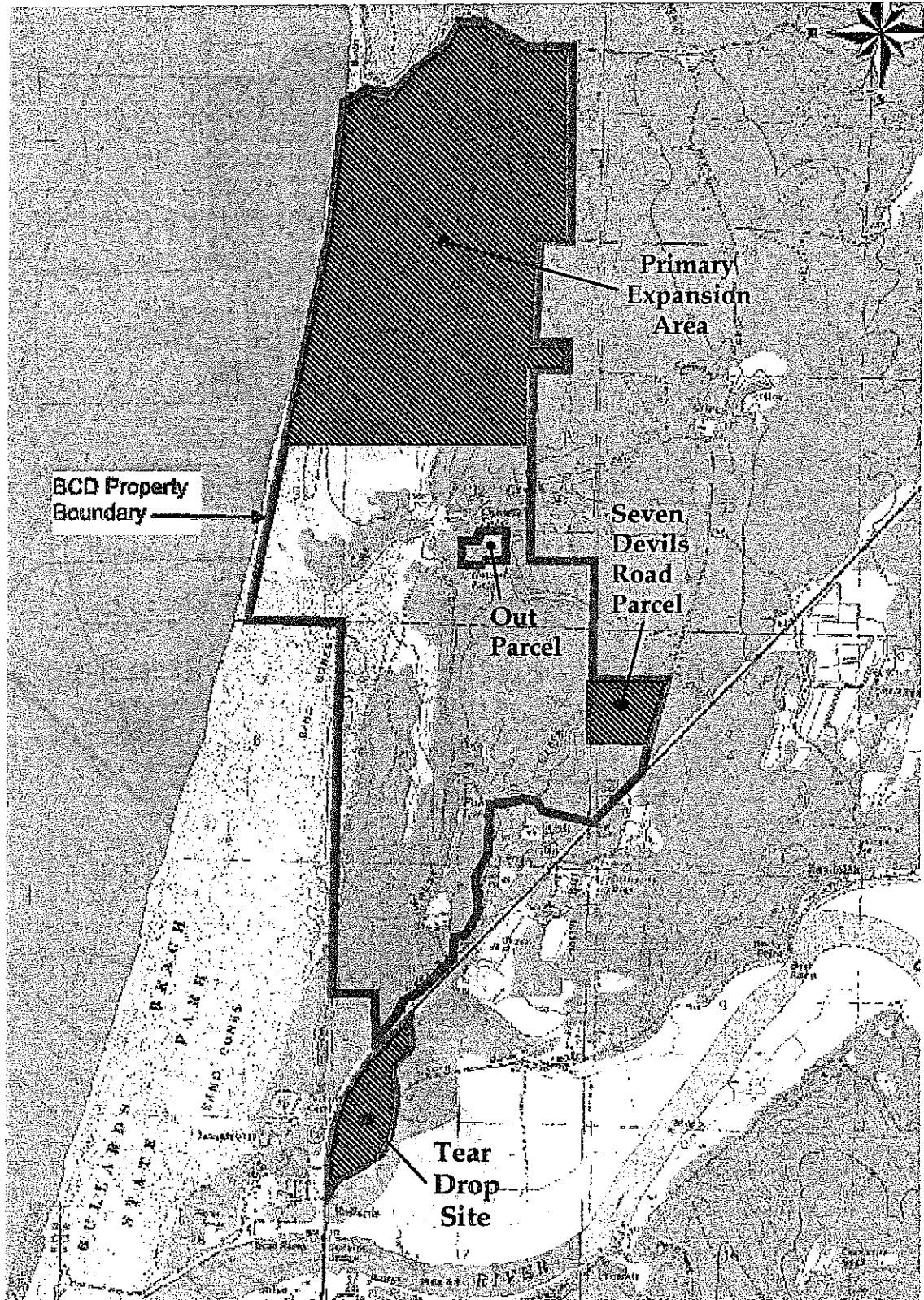
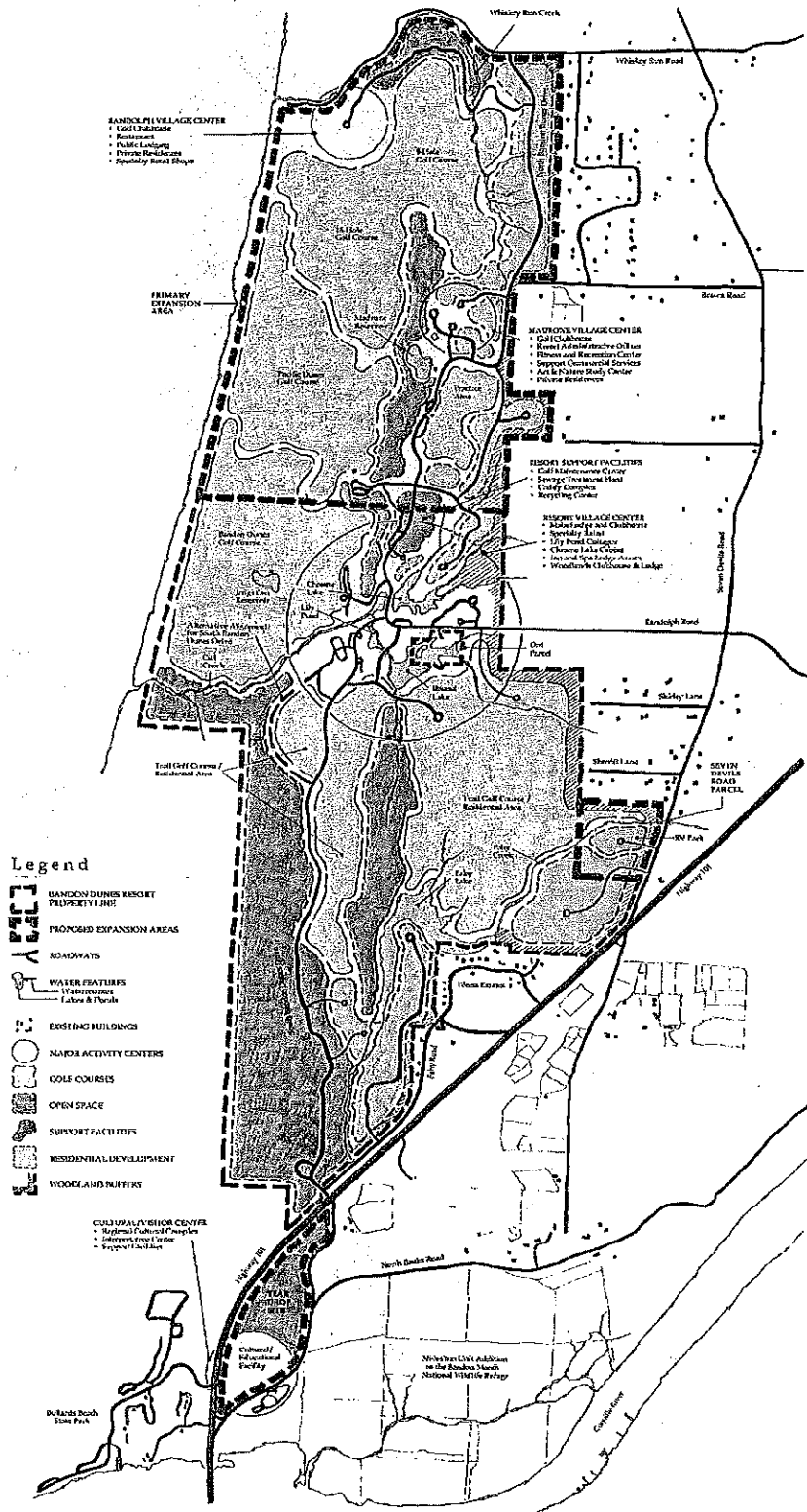


Figure 1: Site Location and Boundary Map

BANDON DUNES RESORT EXPANSION



New Resort Development Concept Plan

Scale: 1" = 600.00' 0 300' 600' 900' 1200' 1500'

WSP | 10/10/10

Fig. 2: New Resort Development Concept Plan

II. RESORT EXPANSION CONCEPT OVERVIEW

The basic concept of the proposed resort expansion is to ensure resort sustainability on a year-round basis, by adding to the resort's golf facilities and providing a greater variety of lodging and recreational opportunities, without detracting from the resort's core emphasis on golf excellence. As with the original Bandon Dunes Resort property, the majority of land in the expansion areas will be left in a natural-like state or as recreational open space, with built-up areas occupying only a small percentage of the land.

NATURAL RESOURCE CONSERVATION

Selected portions of the proposed expansion areas have been designated as natural resource conservation areas. Resource management will also include a major restoration program for disturbed wetlands and preservation of significant stream environments that were identified in the *Natural Resources Inventory and Site Analysis Report* prepared by the planning team. As was the case in the 1996 Master Plan, the Supplemental Master Plan continues to require resource protection, restoration and enhancement, while providing economic and recreation facility development directed towards assuring the long-term sustainability of a world class resort.

GOLF FACILITIES

The majority of the land in the Primary Expansion Area will be converted to golf course development that will be placed in open marine terrace areas that have been logged and/or have been infested with Gorse and other exotic plants such as Scotch Broom. Existing golf facilities in this area include the Pacific Dunes Golf Course and associated golf practice facility (including driving ranges, putting greens and bunker areas), which opened in May 2001.

An additional 18-hole links style golf course will be constructed along the coast, north of the Pacific Dunes Golf Course. A companion 9-hole golf course to the east will be built, providing sufficient area is available, as determined by detailed design work.

RESIDENTIAL DEVELOPMENT

A total of 300 additional dwelling units are proposed as part of the resort expansion, all of which will be located in the Primary Expansion Area. Of this total, 170 units will be constructed in the Madrone and Randolph Village Centers, and 130 will be located in Special Residential and Golf Course/Residential Areas.

Consistent with existing land use patterns, the entire eastern edge of the Primary Expansion Area is planned for private residential development. Low-density dwellings will be developed near the eastern edge of the Primary Expansion Area, north of Brown Road, thus extending the established low-density, rural residential character exemplified by housing in the adjacent Pacific Riviera Subdivision. Other sites along the east property boundary will also be used for private residential development, principally clustered dwelling units. This residential use will extend south to Chrome Lake. A buffer of existing woodland vegetation will be maintained along the east property line to serve as a transition between adjacent land uses and proposed resort residential areas.

The area designated for construction of the 9-hole golf course will also include private residential development. Dwelling units, probably of a cluster building type, will be located on upland areas overlooking the golf course. These buildings will be set back from adjacent watercourses and will have accompanying plantings of native trees and shrubs to create a woodland setting for the residential use.

MIXED-USE CENTERS

The existing Resort Village Center located west of Chrome Lake will be expanded slightly, and will absorb approximately 110 of the proposed additional 150 overnight lodging units. Two new Mixed-Use Village Centers are proposed to provide a wider range of activity choices for resort guests and residents. These two new village centers -- the Madrone and Randolph Village Centers -- will be located near the west end of Brown Road and at the northwest corner of the Primary Expansion Area just south of Whiskey Run Road, respectively. The Randolph Village Center will include approximately 40 units of overnight lodging. The concentration of new development in these two smaller centers will reduce auto usage and travel within the resort, as each center will be pedestrian-oriented and all facilities will be connected by a shuttle bus system. This development pattern will also reduce the amount of land used and minimize infrastructure expansion.

A fourth mixed-use center is planned for the Tear Drop Site. This site, because of location, is designated for a cultural/visitor facility that would introduce resort guests, the local population and traveling public to the multiple environmental, historic and recreational amenities in the area. Bandon Dunes Resort is willing to work cooperatively with any public entity interested in pursuing a public/private partnership for the development of such a cultural/educational visitor facility.

TRANSPORTATION

The existing north-south oriented spine road (Bandon Dunes Drive) will be extended north to serve the new village centers, thereby creating an interior roadway system that will interconnect all resort facilities on private land. In the future the resort will have four vehicular access points off Highway 101 -- at South Bandon Dunes Drive, Randolph Road, Seven Devils Road and Beaver Hill Road. These Highway 101 intersections will lead to two major, signed public entrances to the resort on Bandon Dunes Drive and Randolph Road, and four minor access points, primarily used by resort residents, one on Fahy Road (near its intersection with South Bandon Dunes Drive), two on Seven Devils Road (near its intersection with Highway 101), and one on Whiskey Run Road (leading to Highway 101 via East Humphries Road and Beaver Hill Road).

The existing resort shuttle bus system will be expanded to discourage internal auto use and to more efficiently move guests and visitors between the four activity centers and golfing facilities. A comprehensive system of pathways will offer multiple opportunities for guests, residents and visitors to explore the resort on foot or bicycle.

Adding the Seven Devils Road Parcel to the resort will provide a site for a recreational vehicle park serving resort guests who travel via recreational vehicle, within the new Fahy Creek/Seven Devils Road Residential Area.

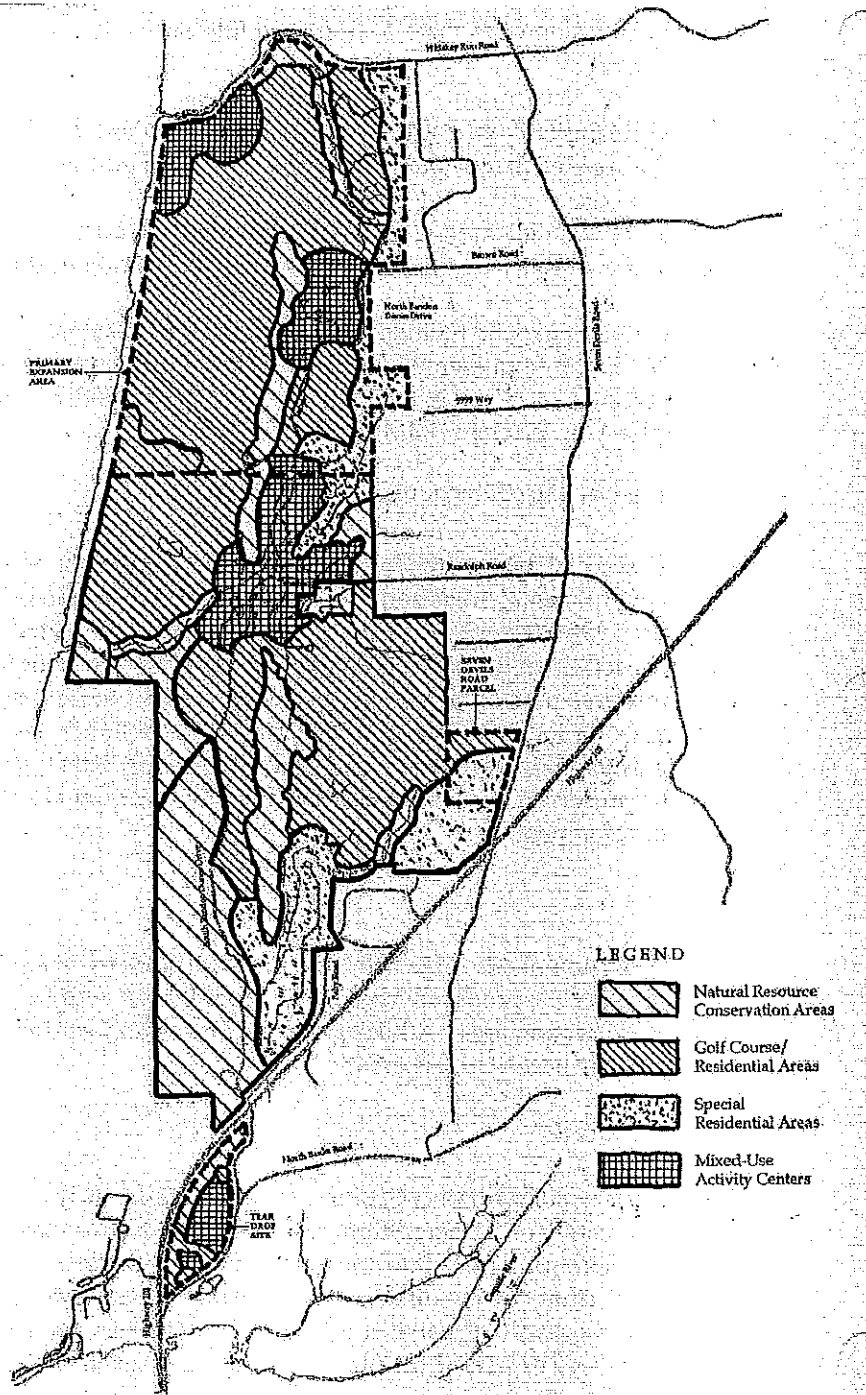


Fig. 3: Primary Use Areas

III. PRIMARY USE AREAS

Based on the new Resort Development Concept Plan (Fig. 2), areas within the three proposed expansion areas have been placed into one of four categories, based on primary type of land use:

- Natural Resource Conservation Area--areas of limited development.
- Golf Course/Residential Area--areas for exclusive golf use or golf use mixed with residential use.
- Special Residential Area--exclusive residential use area.
- Mixed-Use Activity Center--areas with a concentration of different activities.

A variety of uses may be included in each primary use subarea, and these are described below. See Fig. 3 for a plan diagram showing the location of these subareas. These subareas are also reflected in the boundaries of the subzones of the BDR zoning district (see Chapter VII. PROJECT IMPLEMENTATION).

NATURAL RESOURCE CONSERVATION AREAS

Based on the resource inventories, about 15 percent of the site contains sensitive environmental areas and other valuable natural resource areas. As was done in the 1996 Master Plan, these areas have been designated as "natural resource conservation areas" and are to be considered "set-aside" areas for long-term resource protection (see Fig. 3 and 4). Use of these areas will be low intensity: existing forest lands will be maintained for wildlife habitat and visual buffer purposes; disturbed wetlands and the Whiskey Run Creek riparian corridor will be preserved, restored and enhanced as part of the planned golf course development.

Central Ridge

A portion of the ridge that extends north from the main lodge to a location just north of the proposed Madrone Village Center will be preserved as a conservation area. A hiking trail beginning in the Madrone Village Center will provide access to this area.

Whiskey Run Creek

This existing riparian habitat has been significantly degraded due to past timber harvesting on adjacent slopes. In addition, high winds during winter storms have toppled many trees into and across the watercourse throughout the Primary Expansion Area. Gorse has also invaded the streamside environment, crowding out re-growth of native vegetation. The riparian corridor will be restored and enhanced as part of the planning and construction of the proposed 9-Hole golf course.

The northern, downstream portion of the creek is within a deeply incised ravine exhibiting a broad cross-sectional profile, sometimes as much as 250 feet in width. Upstream, to the south, the relatively deep ravines incised by the main creek and tributary watercourses narrow to a width of 100 feet or less. The proposed access road connecting the Randolph Village Center to North Bandon Dunes Drive will cross the main creek at either an existing road crossing point or a more suitable location, based on further engineering investigations. North

Bandon Dunes Drive will cross the main creek, and possibly one of its tributaries, at one or two upstream locations in the forested northeast portion of the Primary Expansion Area, near the eastern property boundary.

Whiskey Run Woodland Park

The Central Ridge terminates at its most northerly extent in a wooded portion of the marine terrace that slopes down to Whiskey Run Creek. Past logging activity did not affect this area due to steep slope conditions. It will be preserved as a natural scenic feature of the resort since it is visible from Whiskey Run Road and is deemed to be a building hazard area. Future hiking trails may be provided within this woodland park.

Tear Drop Buffer/Wetlands Areas

Portions of the Tear Drop Site are designated as Natural Resource Conservation Areas. The west edge of the Tear Drop abuts Highway 101 and will be protected as a scenic highway visual corridor. Wetland areas at the south end of the site, and a small wetland area on the east side near the intersection of North Bank Road and Fahy Road, will also be protected from development. The wetland areas could be incorporated into a master plan for a future Cultural/Visitor Center and become attractive passive recreation features for visitors to enjoy.

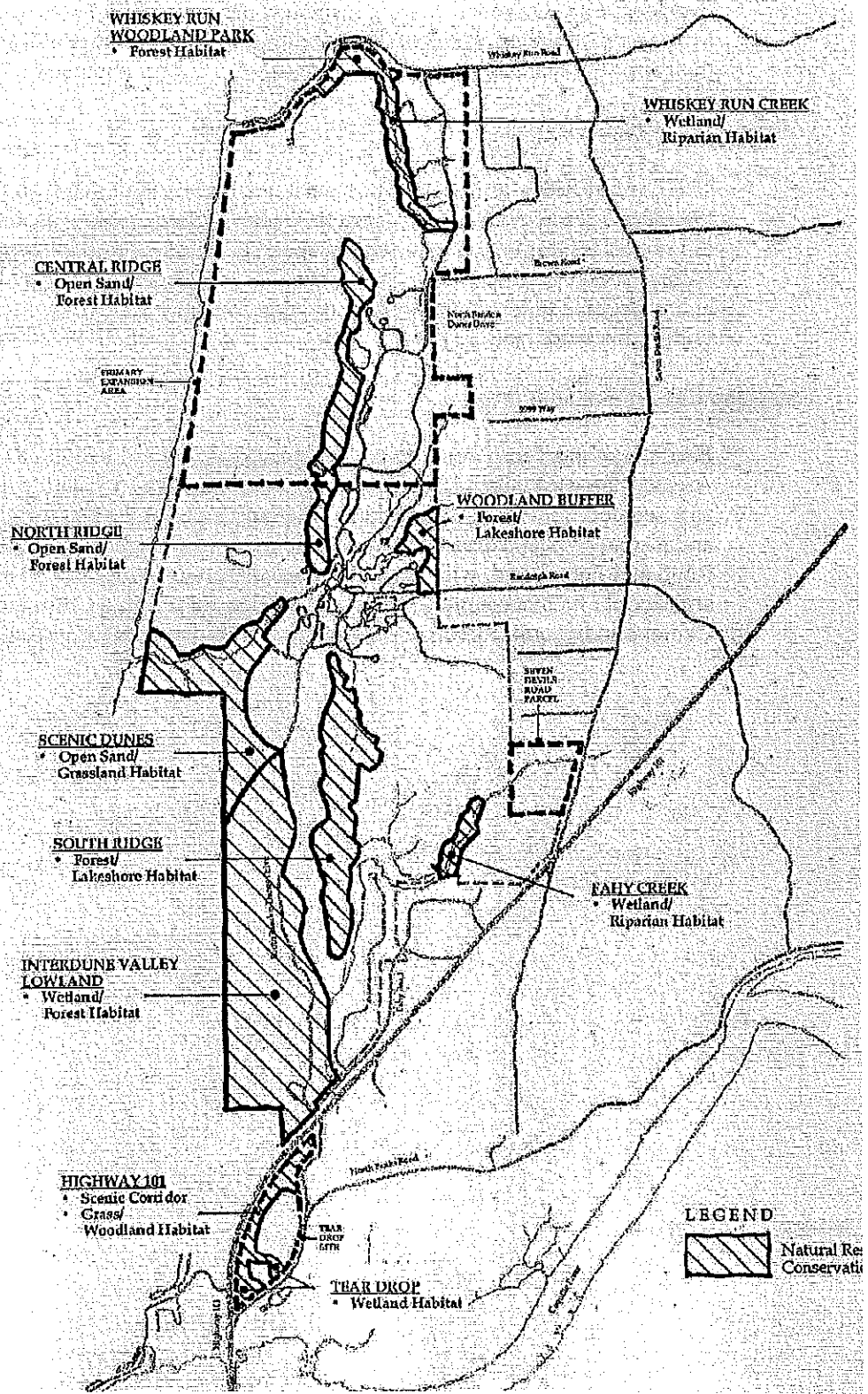


Fig. 4: Natural Resource Conservation Areas

GOLF COURSE/RESIDENTIAL AREAS

The Supplemental Master Plan indicates that approximately 60 percent of the Primary Expansion Area will be used for new golf activities. Existing golf facilities include the Pacific Dunes Golf Course, which opened in May 2001, the golf practice facility, which occupies about 32 acres of land and also opened in May 2001 and a small portion of the Bandon Dunes Golf Course. Future facilities will include another 18-hole golf course, the Randolph Links Golf Course, and a 9-hole golf course, both of which will be built south of Whiskey Run Road. The Golf Course/Residential Areas are shown on Fig. 3 and 5.

Pacific Dunes Golf Course/Residential Area

This 18-hole golf course was the second course built in the resort. It is a coastal links course similar to the Bandon Dunes Golf Course. It is located in the southwestern portion of the Primary Expansion Area. A man-made lake, Madrone Reservoir, was constructed to store irrigation water for this course.

Development of the course was accomplished in a manner that protected natural resources and wetlands. An existing wetland was preserved as a natural feature in the golf course design. In general, golf course development was set back at least 25 feet from the edge of the ocean bluff and potential bluff erosion areas were avoided as much as possible. In addition, selected areas of Gorse were preserved and beach grass was planted to minimize the effects of wind erosion on ocean bluffs adjacent to golf fairway and rough areas.

As explained in Chapter V, some of the 25 recreational dwelling units originally allocated to the Bandon Dunes Golf Course/Residential Area may be constructed on the eastern edge of the Pacific Dunes Golf Course/Residential Area, along the western slopes of the North and Central Ridges. Access to such dwellings would be provided by an extension of the maintenance road that currently extends from the Madrone Village Center to serve the Pacific Dunes Golf Course/Residential Area.

Golf Practice Facility

A 32-acre practice facility with a diverse range of practice areas, including driving ranges with multiple target greens, chipping greens, bunker areas and an extra large putting green is located north of the maintenance center and sewage treatment plant. The golf practice facility is accessed off North Bandon Dunes Drive and is served by the resort shuttle bus system. A small building serves as a service center, providing restroom facilities, drinks and snacks and golf equipment. This facility may be expanded in the future to house a golf teaching academy.

Randolph Links Golf Course/Residential Area

An 18-hole links golf course will be built just north of the Pacific Dunes Golf Course, giving the resort three coastal links courses. This facility will extend north to the planned Randolph Village mixed-use commercial/residential center and east to the prominent north-south ridge feature. Golf course development will be set back at least 25 feet from the edge of the ocean bluff, and will avoid potential bluff erosion areas as much as possible. The design for this golf course may require some modification of the north end of the ridge in order to attain a

successful layout and provide a functional linkage for access and maintenance to the planned 9-hole golf course further to the east. Completion of these two golf courses will effectively provide a firebreak that will minimize the threat of coastal wild fires to adjacent rural residences and resort use areas to the east.

As explained in Chapter V, some of the 25 recreational dwelling units originally allocated to the Bandon Dunes Golf Course/Residential Area may be constructed on the eastern edge of the southern portion of the Randolph Links Golf Course/Residential Area, along the western slope of the North Ridge. Access to such dwellings would be provided by an extension of the maintenance road that currently extends from the Madrone Village Center to serve the Pacific Dunes Golf Course/Residential Area.

9-Hole Golf Course/Residential Area

A family-oriented 9-hole golf course is proposed for construction in the northeast corner of the Primary Expansion Area. Situated in a valley between the central ridge and wooded uplands, the course will be laid out on both sides of the upper reaches of Whiskey Run Creek. Construction of the golf course will also include removal of logging debris, trees downed by wind, and Gorse that has invaded the banks of the creek. The provision of pedestrian bridges will allow golfers access across the watercourse and will cause minimal disturbance of the riparian corridor.

This area will include private residential development (Whiskey Run Overlook Housing) that would appeal to those seeking recreational homes along a golf course. Approximately 70 dwelling units, probably of a cluster building type, will be located on upland areas overlooking the golf course developed in the valley below. Typical development would occur on flat knolls between flanking tributary watercourses. The buildings will be set back from adjacent watercourses and will have accompanying plantings of native trees and shrubs to create a woodland setting for the residential use. Access roads to the dwelling clusters will be provided from North Bandon Dunes Drive.

Future Golf Clubhouse Development in the Primary Expansion Area

The selection of a location for a clubhouse(s) to support the new 18-hole Randolph Links Golf Course and the 9-Hole Golf Course will depend upon the layout of these two future courses. Candidate locations for a clubhouse include, but are not limited to:

- The north end of the Madrone Village Center.
- The south edge of the Randolph Village Center.
- Along the slopes of the Central Ridge overlooking golf course development.

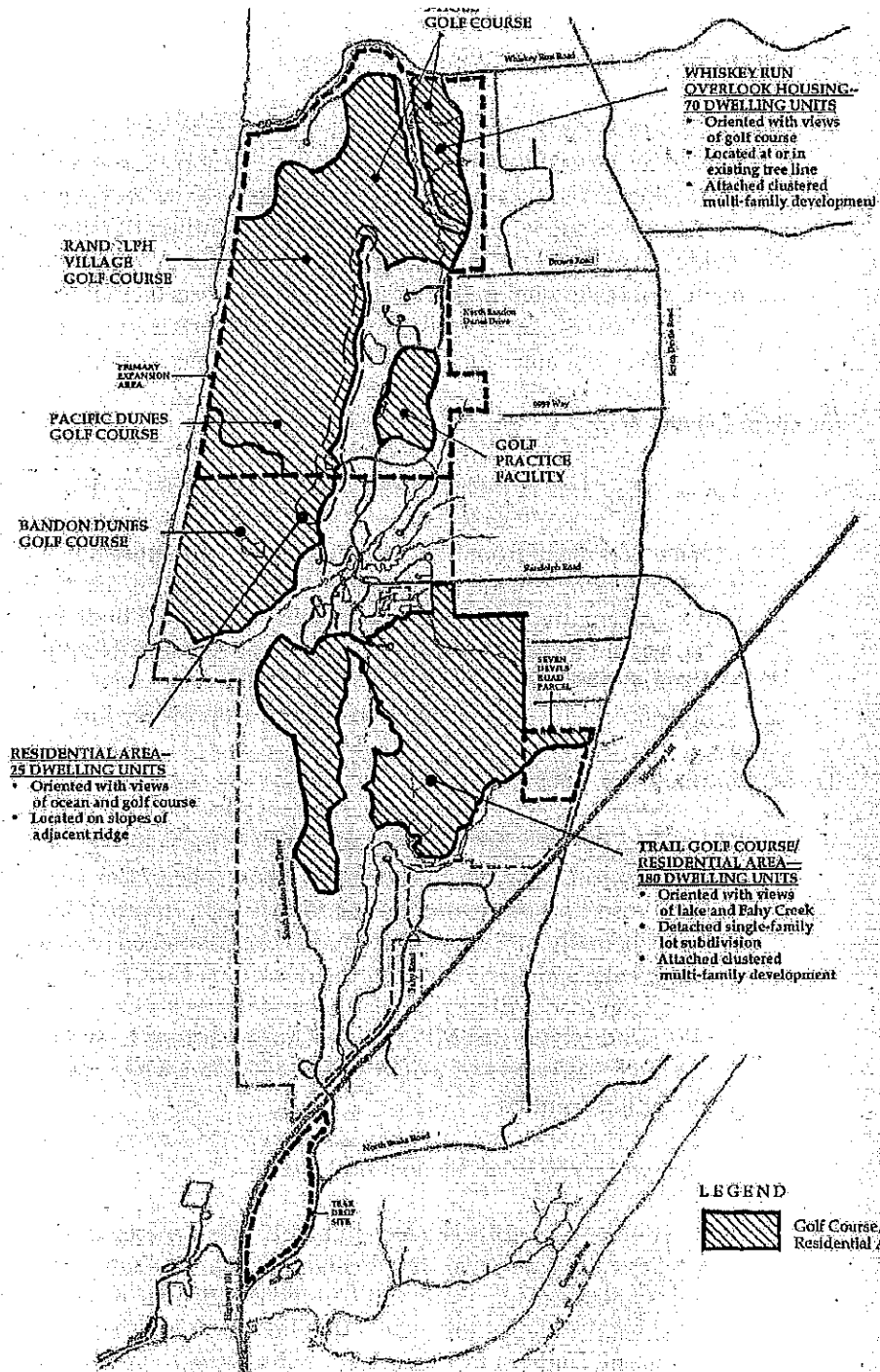


Fig. 5: Golf Course / Residential Areas

SPECIAL RESIDENTIAL AREAS

The entire eastern edge of the Primary Expansion Area has been designated for private residential development. See Fig. 3 and 6. About 60 dwelling units have been allocated to this area. These buildings will be set back from adjacent watercourses and will have accompanying plantings of native trees and shrubs to create a woodland setting for the residential use. A variety of building types could be constructed in these residential use areas including: single-family detached houses; small multiple family units such as duplexes, triplexes or fourplexes; and other medium-density type cluster buildings.

Woodland Estates

The wooded area in the northeast corner of the Primary Expansion Area, between Whiskey Run Road and Brown Road, is suitable for large lot estates, which could range from 3 to 5 acres in size. Approximately 30 lots could be developed using several cul-de-sac access roads off of North Bandon Dunes Drive. Alternatively, low-density clustered dwelling units with woodland buffers could be built in this area without adversely affecting adjacent rural residential uses in the Pacific Riviera Subdivision. Any residential development will observe a 100-foot setback from the east property line.

Upper Chrome Lake Housing

This area extends south from Brown Road to the southern boundary of the Primary Expansion Area. The southernmost lobe of this area extends into the original resort property, north of Chrome Lake. Approximately 30 dwelling units, principally of a cluster type, could be developed around the upper arm of Chrome Lake and along the eastern edge of the Golf Practice Facility. A local service loop road will be provided around the east side of the Golf Practice Facility to serve the dwellings in the Upper Chrome Lake Housing area. These sites are very private and would appeal to buyers who want to get away from the active village centers.

Fahy Creek/Seven Devils Road Residential Area

The 37.5-acre Seven Devils Road Parcel abuts the area designated as the Fahy Creek/Seven Devils Road Residential Area on the southwest and south, and the area designated as the Trail Golf Course/Residential Area on the northwest. The approximately 20% of this parcel that lies north of Fahy Creek will be added to the adjacent Trail Golf Course/Residential Area. The approximately 80% of this parcel located south of Fahy Creek, which includes the existing dwelling and outbuildings, will be added to the Fahy Creek/Seven Devils Road Residential Area.

The Fahy Creek/Seven Devils Road Residential Area is bounded by Fahy Creek on the west and north, Seven Devils Road and Highway 101 on the east, and Weiss Estates Subdivision on the south. It includes the portion of the Seven Devils Road Parcel south of Fahy Creek and the adjoining area to the south, east of Fahy Creek, that was formerly designated as part of the Woodland Lakes Golf Course/Residential Area. Except for approximately the northern quarter of the Fahy Creek/Seven Devils Road Residential Area, which will be used for a recreational vehicle parking area, as described below, this special residential area

will be used for single-family dwellings or multi-family clustered dwellings, constructed to preserve the forest canopy as much as practicable. Placing approximately 40 dwelling units along the southeastern edge of the resort is compatible with the surrounding residential land uses and follows the general planning principle used for the location of future dwellings in the Primary Expansion Area.

Good access from the Fahy Creek/Seven Devils Road Residential Area onto Seven Devils Road provides an opportunity to use the portion of this area south of Fahy Creek as the location for an RV parking facility allowing limited stays by approximately 30-60 marathon-type recreational vehicles belonging to resort guests. Currently, guests who arrive in recreational vehicles are directed to a parking area near the maintenance center. Because of the size and lack of maneuverability of these vehicles and potential conflicts with other vehicles, an RV parking area located closer to an entrance to the resort is needed. Locating an RV parking area in the Fahy Creek/Seven Devils Road Residential Area will allow the separation of RV traffic from guest and visitor traffic on the internal resort roadway network. The RV parking area will have its own access from Seven Devils Road, separate from the access for the residential portion of the Fahy Creek/Seven Devils Road Residential Area, and will be connected to the main resort facilities by the resort shuttle system. The existing single-family residence and outbuildings on the Seven Devils Road Parcel will be evaluated for feasible reuse as facilities ancillary to the RV park, but most likely will be torn down. The Fahy Creek riparian corridor to the north and the 100-foot woodland buffer to the north and east will screen the RV park from the rural residential area further to the north and from Seven Devils Road.

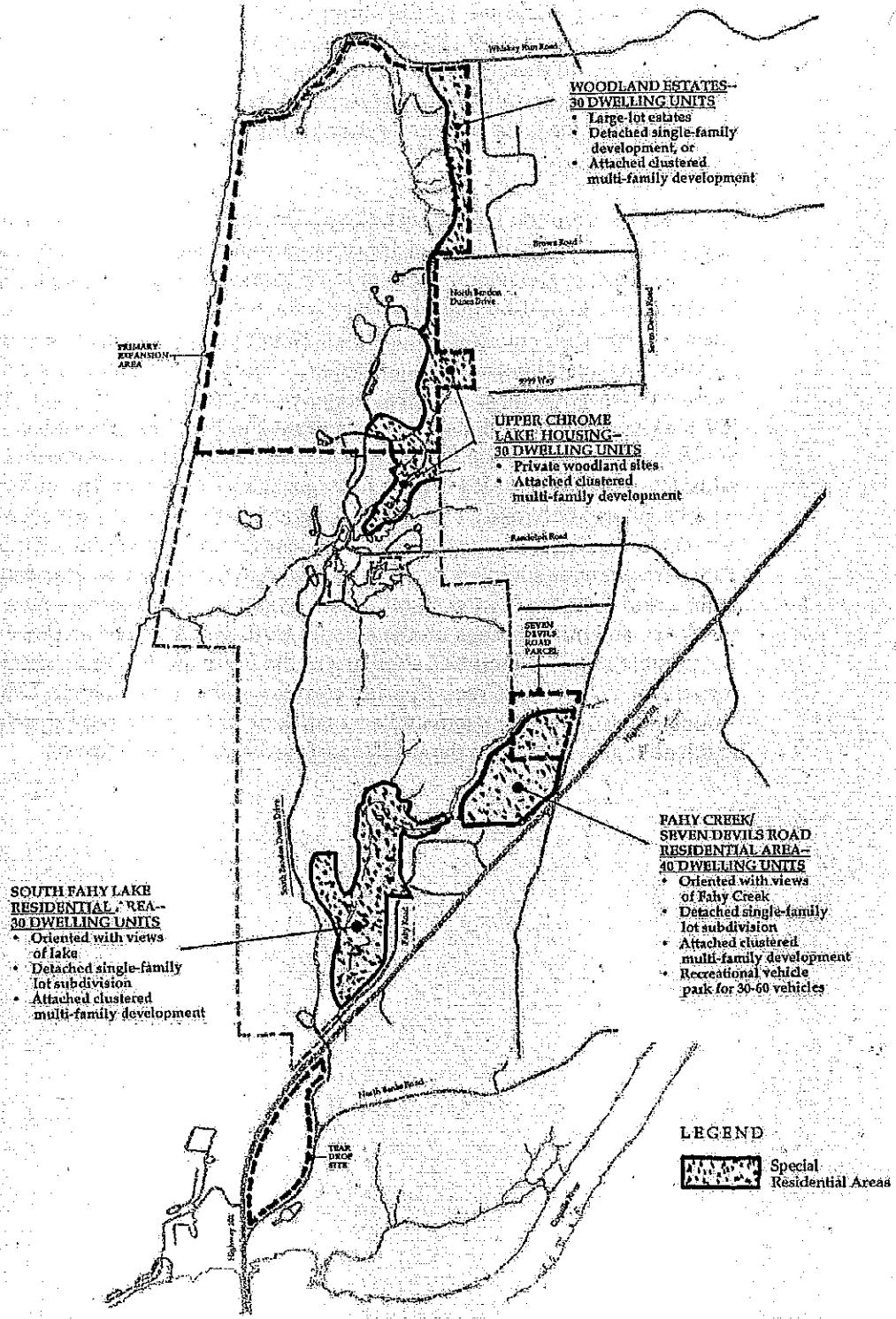


Fig. 6: Special Residential Areas

MIXED-USE ACTIVITY CENTERS

The Resort Village Center, located in the original resort, includes the existing Bandon Dunes clubhouse and main lodge, pub, meeting facility and nearby overnight lodging facilities. The Resort Village Center has been extended to the north, including a small area north of the southern boundary of the Primary Expansion Area, to include the resort maintenance center, caddy complex and sewage treatment plant.

The Supplemental Master Plan also adds three new mixed-use activity centers:

- Madrone Village Center
- Randolph Village Center
- Cultural/Visitor Center

Figure 7 indicates the location of these secondary centers, their general boundaries and the approximate number of private dwelling units and public overnight lodging units allocated to the Resort, Madrone and Randolph Village Centers.

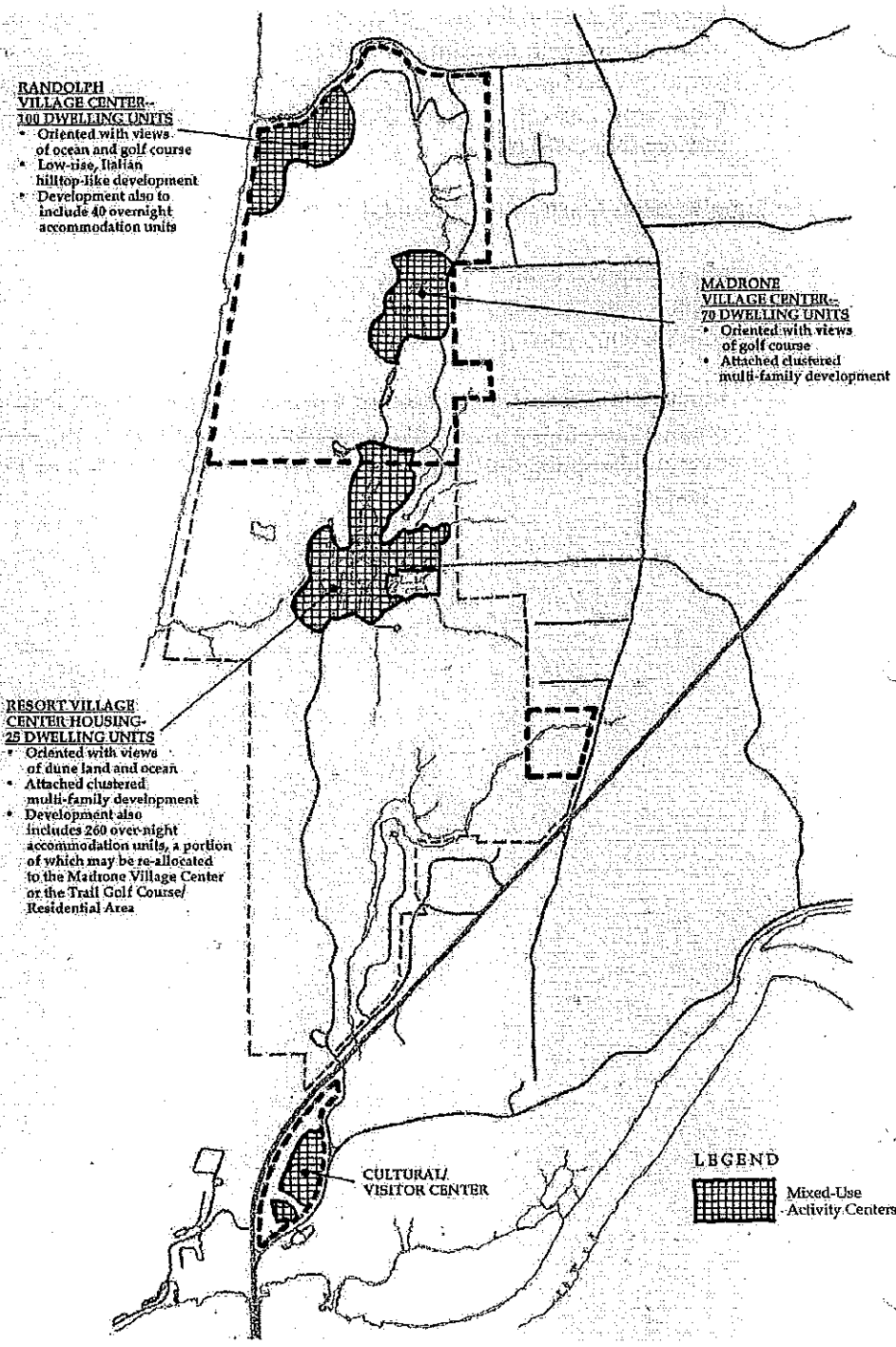


Fig. 7: Mixed-Use Activity Centers

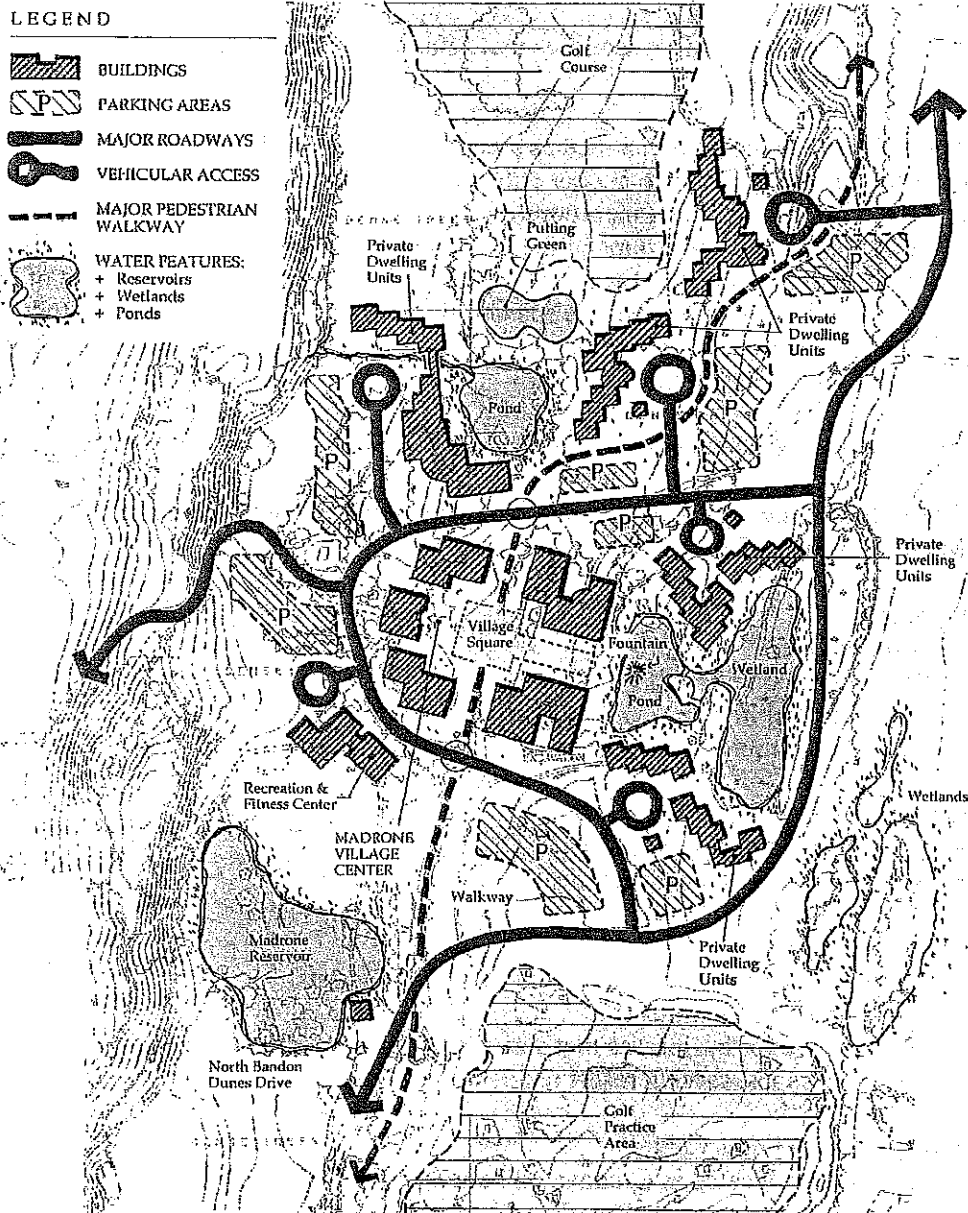


Figure 8: Concept Plan – Madrone Village Center

MADRONE VILLAGE CENTER

Principal Activities and Siting Guidelines

Nestled among restored wetlands and the Madrone Reservoir, this new village center will provide:

- A gathering place and support services for year-around and seasonal residents as well as non-golf oriented visitors.
- Administration office space for resort management operations and support professional offices.
- Indoor and outdoor facilities that offer a range of recreational and educational experiences.

The village complex is envisioned as a number of low-rise buildings that surround a central open space with two anchor activity areas -- the 9-hole golf course to the north and a recreational complex incorporating an existing barn to the south. Buildings will be placed to preserve large groups of the handsome Madrone trees that give the village its name. A central park-like space will serve as a focal point for the placement of buildings housing administration services, a spa and fitness center, an art and nature study center and other support retail or commercial services. Views of restored wetlands features will provide a scenic backdrop to the east.

Preliminary Building Development Program

The following buildings and service functions will provide the core activities at the Madrone Village Center:

Clubhouse

- Bistro and bar
- Proshop and other retail sales outlets
- Changing facilities
- Special club room/reading room for residents

Resort Administration Offices

- Accounting and Reservations
- Non-public oriented management services

Resort Services Center

- Convenience shopping for resort residents and guests
- Resort meeting facilities
- Office space for businesses that serve guests and residents of the resort
- Specialty shops, serving resort residents and guests

Recreation and Fitness Center

A facility to be located in a renovated barn near the Madrone Reservoir with building additions as necessary to house planned uses, including:

- Indoor pool/outdoor sun bathing area
- Whirlpool tub(s), showers, sauna, changing rooms, lockers, etc.
- Massage rooms
- Exercise rooms with equipment

Art and Nature Center

- Book store and gift shop
- Administration space/director's office
- Multipurpose room -- orientation space and cinema use
- Artist studios/workshops
- Gallery display space

Public Overnight Accommodations

The development program at the Madrone Village Center may also include a portion of the 110 additional overnight accommodation units for the general public otherwise allocated to the Resort Village Center. This would add diversity to the Madrone Village Center's population and provide convenient access for guests interested in the non-golf activities that will be available at this location.

Residential Use

About 70 private dwelling units, constructed in clusters with nearby parking, will be developed with scenic views of the 9-Hole golf course to the north and along the west side of the restored and enhanced wetland environments to the east.

Recreation Activities

The environment around the Madrone Reservoir will include low-impact recreation uses such as swimming, croquet, hiking, and fishing. In the future, a dock might be constructed at the reservoir. The lawn around the reservoir would serve as a future venue for picnicking or occasional concerts.

Meeting Facilities

Future development of this village center may include the provision of multiple use facilities for meeting or small conference activities.

Pedestrian Circulation

The site will be developed as a pedestrian-oriented village that encourages walking and bicycling over auto use. A system of pedestrian walkways and bicycle paths will form two axes that interconnect at the central open space. Extending to outlying residential areas, this walkway system will merge with a number of hiking trails that allow residents and guests to explore the surrounding landscape.

Walking paths will be sized to accommodate electric carts in the future. Provision of carts for use by resort guests and residents will reduce vehicular traffic in selected resort areas. This will allow residents to travel between the Randolph Village Center and the Madrone Village Center by electric cart, in lieu of using automobiles. These carts could also be used on the 9-hole golf course.

Vehicular Circulation

A roadway system that locates portions of North Bandon Dunes Drive along the east perimeter of the complex will direct traffic around the center, thereby protecting the pedestrian atmosphere in the village center. A portion of the roadway will be integrated with the restoration of jurisdictional wetlands as a scenic drive with pull-outs for nature viewing.

The major auto entry into the village center will be from the south, with a secondary entry from the north. Both will have dead end drop off points to provide access to core buildings and provision for service courts.

Parking

Parking facilities will be scattered throughout the complex to provide convenient access to residential clusters. A designated parking area for visitors will be developed adjacent to the south vehicular entry access point. Overflow parking will also be developed along the spine road.

Building Design

Building design at the Madrone Village Center will recognize the character and scenic amenity associated with the numerous groups of Madrone trees present at the site. Generally, the building design process will seek to:

- Dissolve the barrier between indoors and outdoors.
- Keep the building forms simple as a contrast to the visual diversity of the natural landscape.
- Create the feeling of compactness and intimacy associated with rural village life.



Figure 9: Concept Plan - Randolph Village Center

RANDOLPH VILLAGE CENTER

Historical Precedent

During the mid-19th century settlement era, a gold rush town of over 1000 inhabitants was established on the marine terrace above the beach where Whiskey Run Creek reached the Pacific Ocean. The town, according to an article written in October, 1856 and published in Harpers Magazine and historic accounts in books by Ralph Friedman, Dow Beckham, and others, experienced the fate of many short-lived mining towns: it was abandoned after the gold was exhausted. In this case, winter storms washed away the rich black sand that held the gold. See *Natural Resources Inventory and Site Analysis Report*, Appendix J for additional historical information.

Principal Activities

Near this historic site (archeological studies have been unable to establish its precise location) a new "Randolph Village" is planned. The village complex is envisioned as a collection of low-rise buildings developed on topographic high points that provide views of the ocean and the planned golf course to the south. This mixed-use development will include a small golf clubhouse, restaurant, bar, specialty retail, and overnight lodging units operated by the resort. Development at this location will provide the resort with

facilities that will give guests and day visitors scenic views of the ocean, otherwise available on the balance of the resort only from the links golf courses.

Siting Guidelines

Key siting guidelines are:

- 100-foot setback from edge of ocean bluffs.
- Locate buildings where subsoil conditions permit safe and stable construction.
- Compact building design; all units to have ocean views if possible.
- Provision of outdoor "sun catch" plaza.
- Placement of buildings to protect guests from harsh winds.

Preliminary siting and schematic architectural studies indicate the village could take the form of three concentrations of clustered buildings connected by pedestrian paths and service drives, in compliance with the above guidelines.

Public Overnight Accommodations

Approximately 40 overnight accommodation units will be available at the Randolph Village Center. These units will provide resort guests the opportunity to stay in a unit with ocean views.

Residential Use

About 100 dwelling units in tight cluster configurations with elevated views of the ocean or adjacent golf course are planned for this location. Units will be centrally managed and maintained by the resort management and likely marketed as fractional ownership interests.

Recreation Activities

Golf will be the main recreational activity. A small clubhouse and proshop may be located here to support the 18-hole Randolph Links Golf Course. This course will complete the trio of coastal links courses that are the main attraction of the resort.

Meeting Facilities

Future development of this village center may include the provision of multiple use facilities for meeting or small conference activities.

Pedestrian Circulation

This area is planned as a pedestrian environment. The use of electric carts will be a feature of this development.

Vehicular Circulation

A spur road linking the Randolph Village Center to the North Bandon Dunes Drive will provide vehicular access for residents, guests and staff. The routing of this new road will generally follow an existing logging road and use an existing crossing over Whiskey Run Creek, or a more suitable location, based on further engineering investigations. The exact routing of the road will be planned in conjunction with design of the 9-Hole golf

course, to avoid conflicts with golf play and to ensure that the road does not become a visual distraction when viewed from the golf course.

Bluff Protection and Erosion Control

The ocean bluff and the bluffs along Whiskey Run Creek at the north end of the Primary Expansion Area have very steep slopes and are hazard areas. Geological investigations identified critical hazard areas where the construction of habitable buildings will be prohibited. The Site Hazards and Problems presented in *Natural Resources Inventory & Site Analysis Report* give graphic detail on areas not suitable for construction of buildings. Construction on nearby areas suitable for limited development will have erosion control measures implemented prior to any construction activity in order to protect these fragile areas. Site-specific investigations by an engineering geologist or geo-technical engineer will be undertaken before any construction occurs. Such investigations will confirm compliance with structural setbacks recommended in *Natural Resources Inventory & Site Analysis Report, Appendix A: Environmental Geologic and Engineering Geologic Investigation for the Bandon Dunes Resort Expansion Area* (Redfern Report).

Minimum setbacks have been established for bluffs facing the ocean and Whiskey Run Creek following recommendations set forth in the Redfern Report. Figure 10, following page 28, illustrates compliance with a 100-foot minimum setback and an additional setback distance that may be required in certain circumstances for development facing the ocean bluff. Following this drawing, Fig. 11 illustrates two conceptual designs facing Whiskey Run Creek. Section B-B complies with an established 50-foot minimum setback, but illustrates a greater distance that would allow for a roadway and stabilizing landscape treatment of any disturbed areas. Section A-A illustrates compliance with a 50-foot minimum setback.

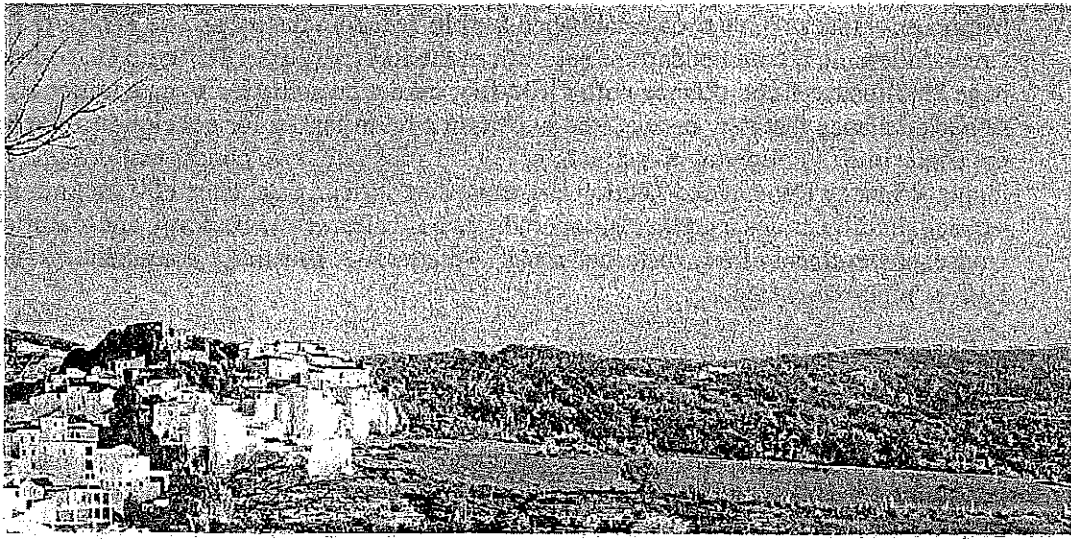
Illustrative Concept Plan

Topographic conditions, primarily elevated knolls and associated sloped areas that face the ocean, present an opportunity to employ site design principles and techniques embodied in European hill town design. The building forms will appear to grow out of the landform, be close together and incorporate small-scale pedestrian spaces and walkways between concentrations of buildings. Commercial and service functions will occur on the ground level, where storefront facades will provide pedestrian interest.

The schematic plan for the Randolph Village Center (see Fig 9) is conceptual and not to scale. It illustrates how several building clusters following a linear pattern along the bluff edges can provide views to the ocean and to the proposed Randolph Links Golf Course. Designed as a contemporary hilltop environment, the interplay of building forms and masses will create a pleasant pedestrian-oriented environment with a variety of outdoor spaces that are sheltered from the strong wind conditions present both in the winter and summer months.

Schematic design sections presented in Figures 10 and 11 illustrate how future development can be screened from off-site viewing locations. Careful placement of buildings with respect to existing landforms and sight lines will result in near or total invisibility of the buildings from Whiskey Run Road and the beach area at the end of this road.

Another challenge at this site will be the provision of parking for guest or resident automobiles. The preferred approach is to excavate and construct an underground parking structure with the buildings on top. Alternatively, terraced or sunken surface parking could be located along the Randolph Bluff Drive and at main entries to the building complexes. Surface parking areas could take the form of terraced or sunken landforms, and all would be screened with landscaping.



The Randolph Village Center Vision—A Photographic Collage

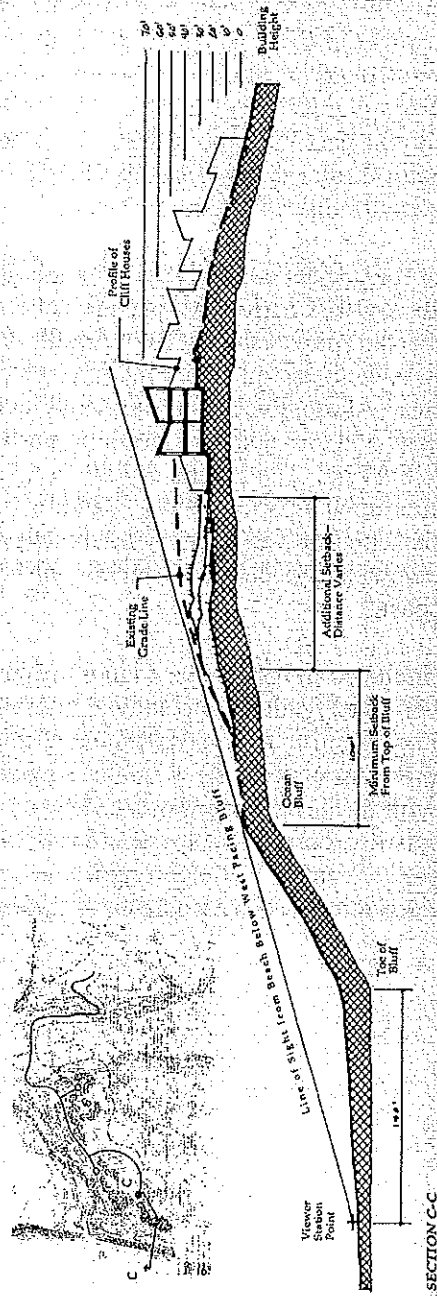


Figure 10: Randolph Village Center – Design Section Through Ocean-Facing Bluff

CULTURAL/VISITOR CENTER

The 62-acre Tear Drop Site links the resort with a number of public natural resources along the Coquille River. The newly expanded Bandon Marsh National Wildlife Refuge, under the auspices of the U.S. Fish and Wildlife Service, and the Bullards Beach State Park largely surround the site on the south, east and west. In addition, the site is highly accessible, being bordered by Highway 101 on the west, and South Fahy Road and North Bank Road on the east. This confluence of factors make this site an ideal location for a Cultural/Visitor Center that would introduce the local population and traveling public to the multiple environmental, cultural, historic and recreational amenities in the area.

The scope of the project could range from a highway wayside (identified in the 1995 ODOT Highway 101 Corridor Management Plan) to a full-fledged cultural complex, perhaps under the sponsorship of the Coquille Indian Tribe. An example of this type of development is the museum at Warm Springs undertaken by the Confederated Tribes of Warm Springs. Alternatively, the site could be a research center for the study of coastal bird life as part of a university program or, perhaps, under the auspices of the US Fish and Wildlife Service. The latter would be a facility not unlike the Hatfield Marine Science Center in Newport, Oregon. Bandon Dunes Resort is willing to work cooperatively with any public entity interested in pursuing a public/private partnership for the development of a cultural/educational facility that would be a tourist attraction on the South Coast.

The area is included in the Master Plan in order to establish a zoning framework to permit further investigations into some combination of resort-related recreation or educational type facility to be constructed at this location. The *Traffic Impact Analysis* by Kittelson & Associates, Inc., found at Appendix B, examined the traffic impacts associated with the development of a cultural/visitor center at this location. In the future, should a realistic proposal and sponsor come forward, a detailed feasibility study would be undertaken to identify key planning issues, related environmental impacts, costs and other implementation issues associated with development at this site.

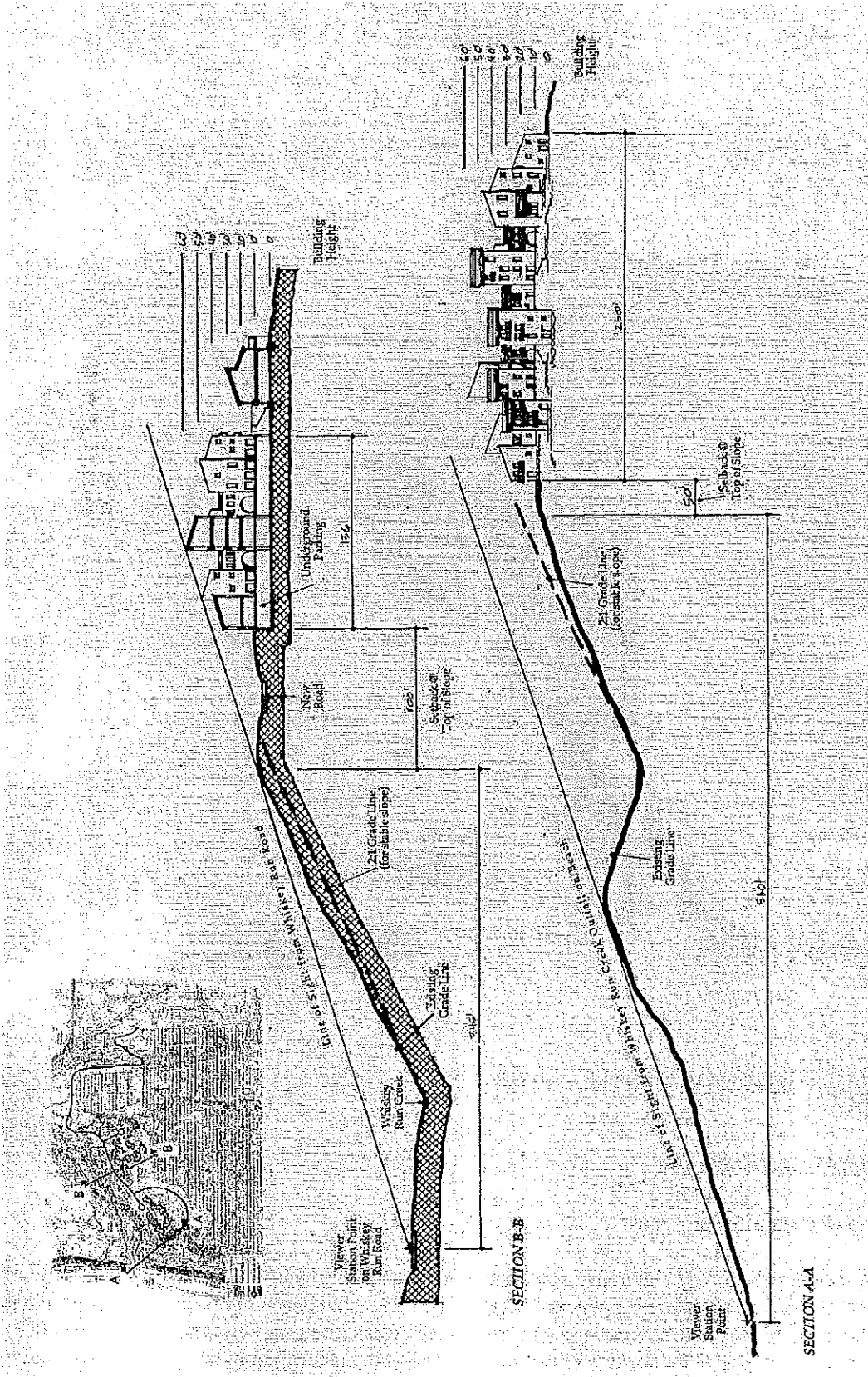


Figure 11: Randolph Village Center – Design Sections Through Whiskey Run Slopes

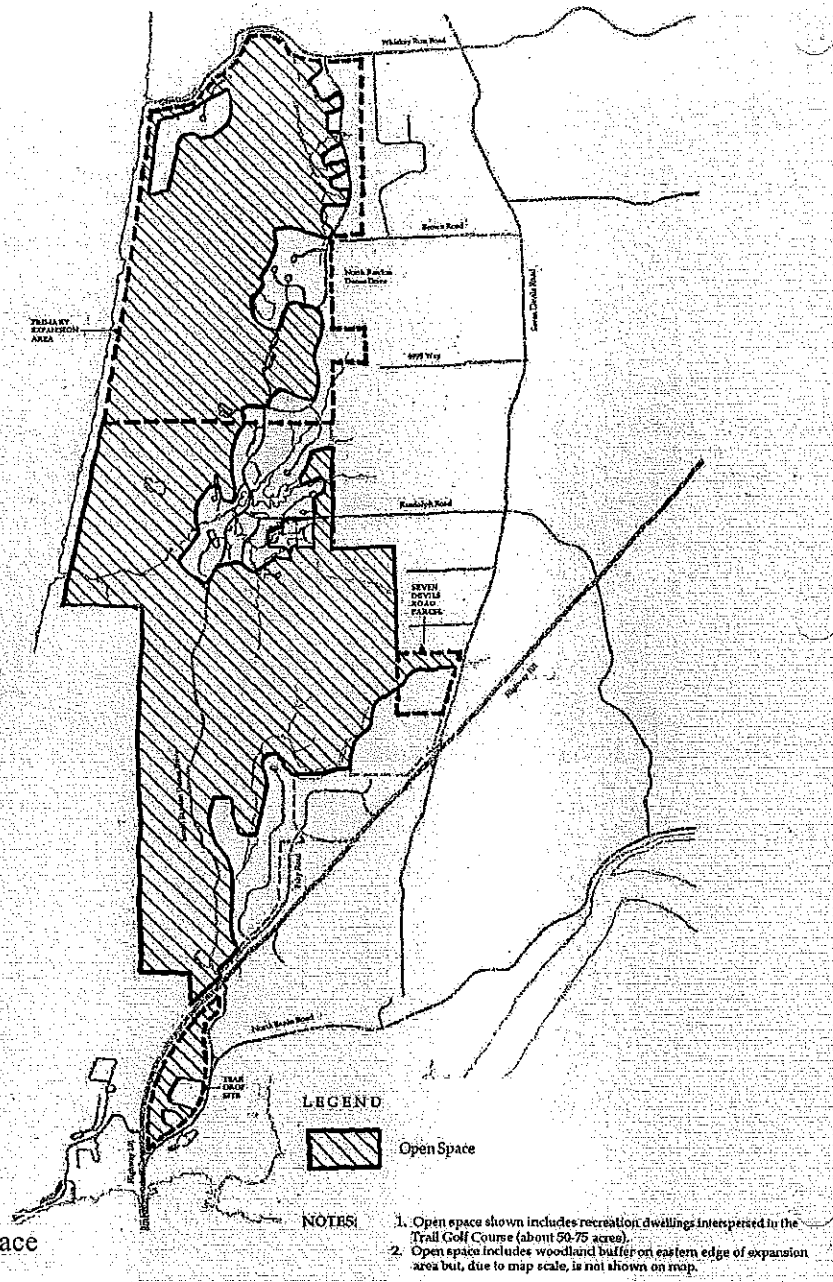


Figure 12: Open Space

IV. OPEN SPACE & INFRASTRUCTURE

DEDICATED OPEN SPACE

Proposed Expansion Areas

A large portion of the Primary Expansion Area, approximately 75 to 80 percent, will be maintained as permanent open space (see Fig. 12). This permanent open space includes the designated Natural Resource Conservation Areas, the golf courses and golf practice facility, and the 100-foot woodland buffer along the eastern boundary of the expanded resort.

For the Seven Devils Road Parcel, the Fahy Creek riparian corridor and the 100-foot woodland buffer along the north and east boundaries of this parcel will be in open space use. A portion of the Tear Drop Site will be designated as a Natural Resource Conservation Area in order to preserve a scenic corridor along Highway 101. In addition, two significant wetlands on the Tear Drop Site will be designated as Natural Resource Conservation Areas and included in the resort open space system.

Total Resort Open Space

The portion of the entire resort dedicated as open space, after the planned expansion, including adjustments to the 1996 Concept Plan and BDR Use Subzones Map, will be approximately 75-80 percent of the total resort area (see Fig. 12). The final percentage will reflect the amount of land used in both the Madrone and Randolph Village Centers for buildings and parking uses. Also, if most of the private housing is built using clustered, multi-family type buildings, there will be more dedicated open space associated with this type of residential development.

Most of the dedicated open space will be developed as golf courses. Additionally, there will be a minimum 100-foot wide buffer of preserved forestland along the eastern border of the resort, from Whiskey Run Road to Fahy Lake and from Fahy Lake to the South Bandon Dunes Drive resort entrance. Furthermore, the open space system will also include other woodland buffers and parks, areas with fragile slopes, ocean bluffs, riparian corridors, wetlands, natural landscaped areas, lakes, man-made reservoirs and landscaped areas along roadway corridors such as the scenic entry drive.

Whiskey Run Woodland Park

The upland slopes south of Whiskey Run Creek, where Whiskey Run Road curves around the resort at its north boundary, will become a nature park. It will serve as a northerly terminus for the hiking trail that reaches this end of the resort. View stations at this location will provide resort guests and visitors panoramic views of the ocean and surrounding countryside north of the resort.

Whiskey Run Creek

An important component of the Master Plan is the restoration and enhancement of riparian corridors associated with Whiskey Run Creek and its tributaries. The present degraded condition of these corridors will be improved so that in the future they will add amenity value to the overall landscape setting. Creekside restoration and enhancement will be undertaken as part of the planning and construction of future golf course and residential development on surrounding lands.

Central Ridge

The central ridge is an extension of the north ridge feature that was preserved as part of the open space system in the 1996 Master Plan. Approximately the southern half of the central ridge feature will be incorporated into the resort's open space and hiking trail system.

Fahy Creek

The segment of Fahy Creek located in the Seven Devils Road Parcel will be preserved through application of the Riparian Corridor Protection provisions of the BDR zone.

Unlike that of Whiskey Run Creek, the adjacent streamside environment of Fahy Creek has not been subject to commercial timber harvesting. The natural stream course has a moderately deep incised cross sectional profile with native vegetation on both sides of the creek. Existing Gorse plants should be removed, and new Gorse seedlings should be removed to prevent future infestation by this nuisance plant.

Tear Drop Buffer/Wetlands Areas

The west flank of this wooded sand dune is considered to be important since the treed landform is part of the Highway 101 visual corridor. Grassed and treed slopes facing the coastal highway will be preserved in their present natural state, although strong coastal wind conditions can result in sand blow-outs and active on-going erosion of affected slopes. Wetland areas at the south end of this site, and a small wetland area in the east side of the site, will be preserved in their natural condition.

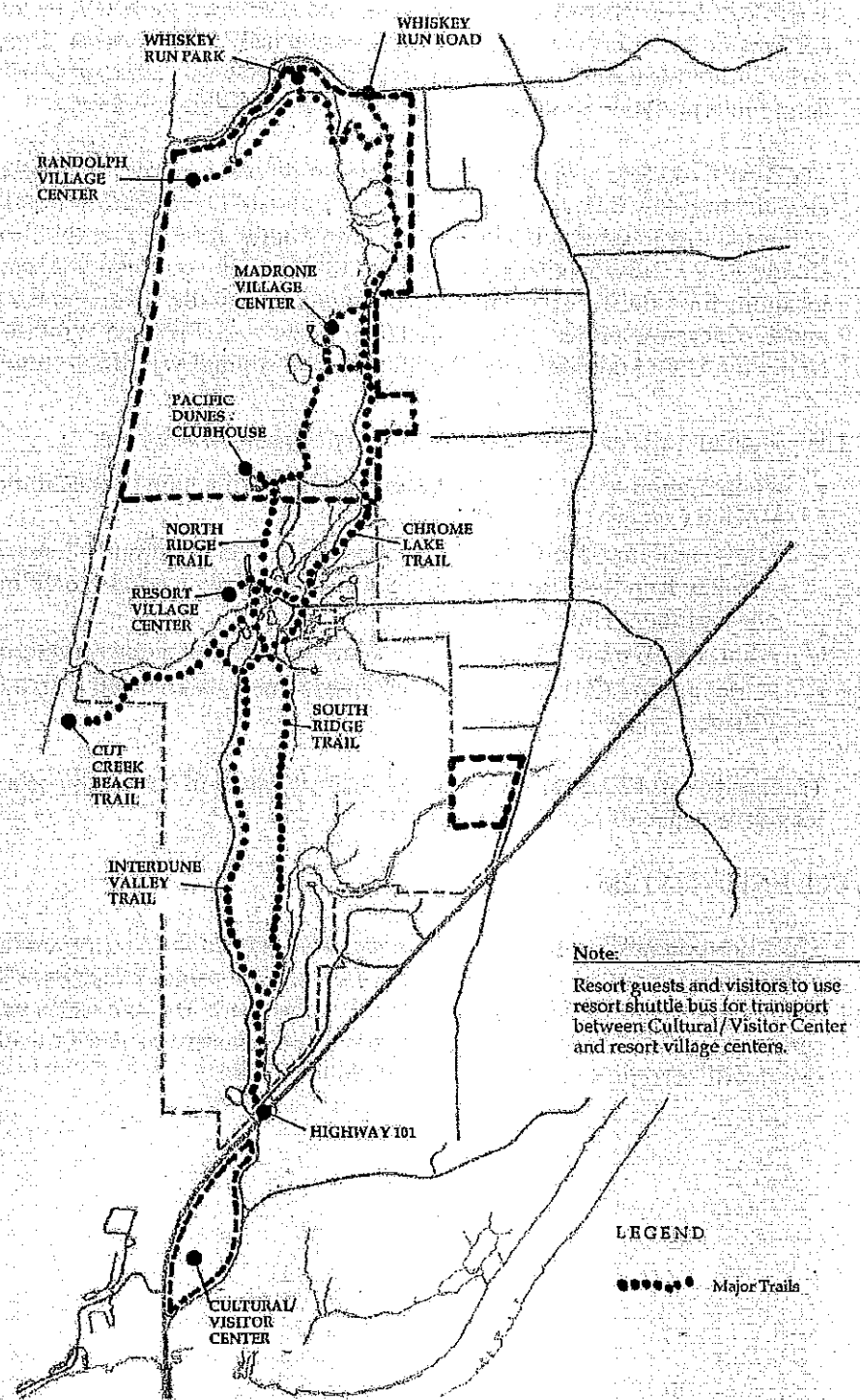


Figure 13 Hiking Trail System

HIKING TRAIL SYSTEM

Several additional hiking trails will be constructed in the Primary Expansion Area. These will be connected to existing trails, and additional trails will be built in existing portions of the resort to create a comprehensive nature trail system. Conceived as a series of looped trails, these hiking paths will form the skeleton on which to build a nature interpretation program for resort guests and future residents.

The Tear Drop Site also offers a great opportunity to construct a hiking trail up to an elevated meadow on top of this site. This trail could be expanded to include a trail south of the site to a low-lying land parcel on the Coquille River currently owned by Bandon Dunes, LLP. Developed as a loop trail to the south, it could provide wonderful viewing locations for wildlife, especially birds, along the Coquille River and the planned riparian marsh restoration project to be undertaken by the U.S. Fish and Wildlife Service on the Ne-les'tun Unit Addition to the Bandon Marsh National Wildlife Refuge.

The principal trails envisioned in the Primary Expansion Area are:

- Continuation of a trail on the Central Ridge with a loop connection to the Madrone Village Center.
- Trail paralleling North Bandon Dunes Drive from Madrone Village Center to Whiskey Run Road, and possibly a short trail along a portion of Whiskey Run Creek north of the 9-Hole Golf Course
- A short loop trail in Whiskey Run Woodland Park if slope conditions will permit
- A trail around the restored wetland environments associated with the Madrone Village Center.

Trailheads will be signed and, where possible, they will be located near parking facilities for convenience of access (see Fig. 13).

BICYCLE PATH SYSTEM

The resort intends to offer bicycle rental services once the trail system is more fully developed. However, as recreational homes and overnight lodging units become available at the resort, this program will be expanded. Bicycle use is permitted on paved surfaces as of now, and it is expected that this alternative mode of travel throughout the resort will become a popular alternative in the future.

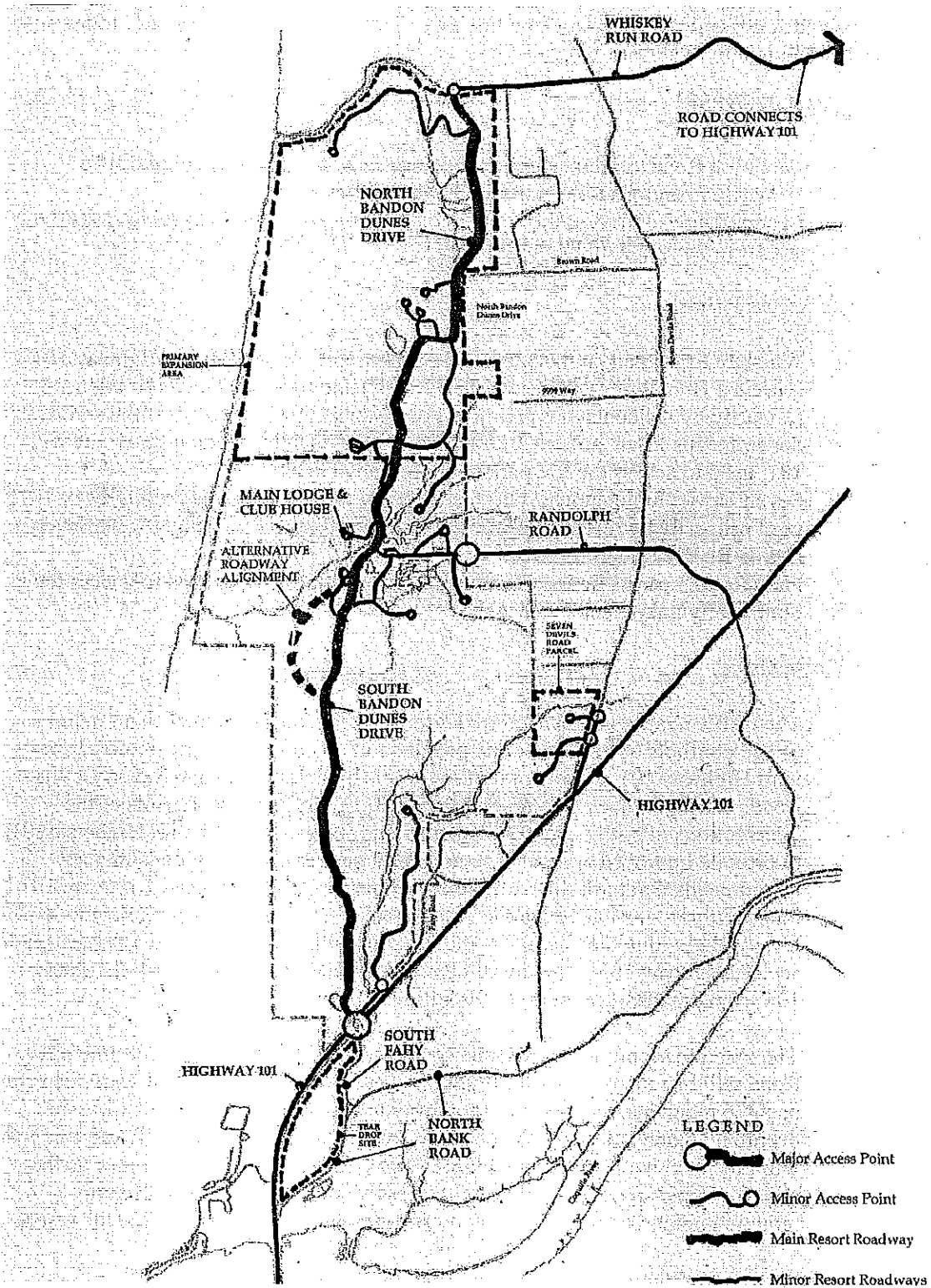


Figure 14: Road Network

ROAD NETWORK

The Master Plan incorporates a system of internal roads that will provide direct access to the main lodge and clubhouse and associated facilities at the Resort Village Center, while also providing access to planned secondary centers and residential areas at the north and south ends of the resort (see Fig. 14). There will be two major and four minor access points into the resort:

Major Access Points

- Randolph Road, directly east of the Resort Village Center, serving traffic primarily to and from the north on Highway 101.
- Bandon Dunes Drive, at the south end of the resort, serving primarily traffic to and from the south on Highway 101.

Minor Access Points

- Whiskey Run Road, at the north end of the resort, connecting to Highway 101 (via East Humphries and Beaver Hill Roads) and to Seven Devils Road, used primarily by residents of recreational dwellings at the north end of the resort.
- Seven Devils Road, at least 1,000 feet north of its intersection with Highway 101, used to access the RV park south of Fahy Creek.
- Seven Devils Road, at least 600 feet north of its intersection with Highway 101, used primarily by residents of recreational dwellings in the Fahy Creek/Seven Devils Road Residential Area.
- Fahy Road, near its intersection with Bandon Dunes Drive, used to access the South Fahy Lake Residential Area.

Traffic Analysis

The traffic analysis conducted by Kittelson & Associates indicates no major traffic conflicts or traffic volume problems at any of the affected intersections with Highway 101, or at the intersection of Randolph Road and Seven Devils Road. Kittelson does recommend intersection design improvements at the intersections of both Seven Devils Road and Randolph Road with Highway 101, to provide improved approaches and sight lines for drivers. Kittelson also recommends that until the realignment of the Seven Devils Road/Highway 101 intersection is carried out, guide signs should be installed directing northbound RV traffic exiting the site to use the Randolph Road/Highway 101 intersection to access Highway 101. There will be no additional direct access onto Highway 101 from the resort property in the future.

The existing scenic drive from the south entry off Highway 101 to Randolph Road will be renamed South Bandon Dunes Drive. This road will continue north past the maintenance center and roadway to the Pacific Dunes Golf Course, eventually connecting to Whiskey Run Road. North of Randolph Road, this road will be called North Bandon Dunes Drive. This scenic drive will serve as the major internal spine road providing access to all resort facilities, thereby reducing potential traffic impacts on surrounding local roads outside the resort.

Roadway and Intersection Improvements

Depending on the ultimate design for the Trail Golf Course, a section of South Bandon Dunes Drive, near its northern end, may be realigned to follow the

western edge of the dunes portion of this golf course (see Alternative Alignment shown on Fig. 14).

Randolph Road, originally planned as a service road mainly used by resort employees and vendors, will be upgraded to a major entry road. Recently the road was upgraded from a gravel road to an asphalt-paved roadway, and right turning lanes were added to serve the Chrome Lake lodging facility. Currently, the resort management is discussing with Coos County the installation of speed bumps on Randolph Road to control traffic speeds.

A planned realignment of the west approach of Randolph Road to Highway 101 will provide better and safer local traffic flow than currently exists. The proposed resort expansion will slightly increase traffic levels on Seven Devils Road and Fahy Road adjacent to the resort, but the level of anticipated traffic flow should not adversely affect local residents.

All future roads will be kept to minimum widths as a means of controlling vehicular speed. If problems are encountered in the future, speed bumps will be implemented to control problems. Roadway construction will continue to use open swales and limited use of curbs in order to reduce concentrations of surface drainage and allow natural filtration of surface run-off. All major parking areas will be screened from the view of all major resort facilities and adjacent uses outside the resort.

PARKING FACILITIES

Day-to-Day Needs

The guiding principle is to encourage internal movement by walking, bicycle or transit shuttle so the provision of multiple parking spaces for the same guest are minimized.

Future Tournament Needs

While golf tournaments may be held at the resort in the future, these will likely be amateur tournaments that do not attract large spectator crowds and associated parking demand. Temporary parking, when needed, will be provided in large open areas that are maintained as meadows and restored after an event is over.

UTILITY CORRIDOR

North Bandon Dunes Drive will become the main utility corridor for proposed development in the Primary Expansion Area. This will include underground pipes, conduit and wire for potable water, sewer, power and telecommunications. Any irrigation main lines needed in the area could also be in this utility corridor. Gas, if required, will be propane and will be located on an individual site basis.

WATER SUPPLY

EGR & Associates conducted a study of water availability in the groundwater watershed occupied by the Bandon Dunes Resort. The EGR study included a review of water input and output, existing ground and surface water rights, and current and proposed uses of water by the approved and expanded resort. Their study concluded that additional uses

proposed as part of the expansion, when fully developed, would require use of an additional 453 acre-feet per year of groundwater, and would require Bandon Dunes Resort to obtain additional water rights for approximately 334 acre-feet per year of groundwater. Their study also showed that when all existing water rights are fully exercised, the watershed will have an annual excess of 1,710 acre-feet of groundwater that flows out to the ocean. The study concluded that water rights for use of an additional 334 acre-feet of groundwater per year for resort expansion use are available, and that an additional 453 acre-feet per year of groundwater can be used for resort expansion without depleting the aquifer or causing salt water intrusion.

Additional technical material on this subject is available in *Natural Resources Inventory and Site Analysis Report*, App. F and G: "Water Availability Study" and "Groundwater Resources Investigation," by EGR & Associates.

WATER SYSTEMS

Expansion of the resort's drinking water system to accommodate the proposed development of the Primary Expansion Area and Seven Devils Road Parcel will require connecting secondary pipelines to the main pipeline to direct the water to proposed points of use. Expansion of the resort's irrigation system will require the drilling of additional wells, installation of a third surge pond, ancillary piping, and additional sprinklers to accommodate the water requirements for irrigating the 18-hole and 9-hole golf courses to be developed in the Primary Expansion Area, as well as the future development of the Trail Golf Course. Delivery of this water will use existing and new water mains. A new main will be installed in the North Bandon Dunes Drive corridor to transport water to locations in the Primary Expansion Area. Water needed at the Tear Drop Site will be piped to this site from the main resort area or supplied by wells sited at the southern portion of the site.

SEWAGE FACILITIES

The waste treatment system at the existing sewage treatment plant has been modified since the original plant was built to incorporate a state-of-the-art filtration process. The patented process, Kabota, is not dependent on the constructed wetlands for its performance and operates consistently throughout all seasons of the year. The system has been permitted by DEQ to process up to 250,000 gallons per day, a ten-fold increase over the original system. Treated effluent is returned to the land via the golf course irrigation system. Currently, the waste treatment plant has been built with the capacity to handle both the originally approved and proposed expanded development of the resort. New filtration cells will be required and added to the infrastructure as new development occurs in the future. New sewage collection force mains will be located along North Bandon Dunes Drive and extended into the designated Trail Golf Course/Residential Area and Fahy Creek/Seven Devils Road Residential Area, including the Seven Devils Road Parcel.

Pumping stations required in conjunction with sewage collection mains will typically be provided at specific project areas or in individual buildings. Future development will continue to integrate pumping stations, as needed, in each phase of resort development as it occurs.

Since the specific nature of future development at the Tear Drop Site is unknown at this point in time, no definite plans for sewage treatment have been made for this development site. Options include provision of on-site facilities or piping to a new sewage treatment center that could be located in the southern end of the existing resort.

Future feasibility studies for development of the Tear Drop Site will address this issue.

SOLID WASTE DISPOSAL

Solid waste will be handled consistently with the current system in place at the resort. Waste is collected every few days, and sometimes daily, from the various sources and brought to a central compaction facility located at the resort maintenance center. Recycled items are sorted and, periodically, the refuse is taken to the county landfill site or recycling facility.

SURFACE RUNOFF

Future development will continue the practice of minimizing curbs along roadways unless special circumstances require them. Surface runoff will be directed to a system of drain inlets, underground stormwater pipes and bio-swales that will convey runoff to designated discharge points in undeveloped or naturally occurring low points, typically along North Bandon Dunes Drive near existing watercourses. Bio-swales will be installed to carry run-off from paved surfaces to natural areas.

Where opportunities exist, collected runoff will be piped to wetlands and used to recharge these natural features. Sediment detention ponds and other devices will be used to assure harmful pollutants do not reach wetland environments. No ocean outfalls are planned in the Primary Expansion Area or the other two proposed expansion areas. Both of the latter areas have wetland or watercourse features that can become drainage recharge areas for surface run-off waters.

PUBLIC SERVICES

Access Control

The vehicular access off Whiskey Run Road will have a controlled access point similar to that at the south entry off Highway 101. It will be manned as needed to provide guests and visitors with information and security. Security and access control for the Tear Drop Site will be examined and resolved when specific plans are put forth for this site.

Police Services and Security Protection

Existing resort security services will be expanded to cover all future development. The Coos County Sheriff's Office and the Oregon State Police provide law enforcement at the resort.

Fire Protection

The Bandon Rural Fire District will continue to provide fire protection for the resort and all new development. Fire hydrants will be provided as part of the domestic water supply system in all new development areas.

Expansion of the resort north to Whiskey Run Road will result in removal of more of the fire prone Gorse plant material infesting the Primary Expansion Area. In doing so, it will provide a much improved firebreak for the adjacent rural residential uses, including the Pacific Riviera subdivisions. The additional water reservoir that will be built to provide irrigation water for the new golf courses to be located in the Primary Expansion Area will also provide additional water for fire fighting activities, if needed in the future.

Electric Service and Telecommunications

Additional electric service as required when new development is constructed will be provided by Coos Curry Electric Cooperative. Future power will be supplied by the provision of a new power supply loop for the northern portion of the resort.

Verizon provides telephone service to the resort. Edge Wireless recently installed a cellular communications tower and provides mobile communications service.

SERVICE EMPLOYEE QUARTERS

Quarters for use by resort staff and support employees will be built on an as-needed basis in the future. Facilities may include dormitory style accommodations or other structures suitable as temporary quarters for caddy employees, guest staff, design consultants and research personnel. Specific locations for these facilities will be determined as detailed project planning and programming proceeds, and will be approved through the Final Development Plan process. Possible areas for siting such facilities include the South Fahy Lake Residential Area, Fahy Creek/Seven Devils Road Residential Area, and the Madrone Village Center.

V. REVISIONS TO 1996 MASTER PLAN

This Supplemental Master Plan incorporates the following changes to the Master Plan approved by Coos County in 1996:

PRIMARY USE AREAS MAPPING

The new Primary Use Areas Maps shown in Figures 3 through 7 supersede the Primary Use Areas Maps in the 1996 Master Plan. Changes in the primary use area mapping for the original resort area are described below.

Resort Village Center (RVC)

The RVC has been expanded to the north to include resort facilities and infrastructure (sewage treatment plant, caddy complex, employee parking) that are central to the function of the resort. A boundary adjustment expanding the RVC to the southwest will allow the construction of a public lodging annex and associated indoor and outdoor spa facilities on the south side of Cut Creek opposite the main lodge and clubhouse. This boundary line adjustment is also necessary to provide adequate parking facilities and a loop service road.

Natural Resource Conservation (NRC) Areas

The Woodland Buffer NRC Area located north of Chrome Lake will be reduced in size due to the enlargement of the RVC area and creation of the southern lobe of the new Upper Chrome Lake Housing Area, north of Chrome Lake. However, sufficient natural resource conservation land has been designated and retained along the eastern boundary line of the resort to provide for a visual buffer as a transition between resort activities and adjacent private land that is currently undeveloped forestland.

The northern end of the South Ridge Natural Resource Conservation Area has been moved slightly to the south, so that it does not abut Round Lake, and the Resort Village Center area correspondingly expanded. This change reflects actual topography, as there is a relatively level area between the north end of the South Ridge and Round Lake.

The northeastern extension of the Scenic Dunes NRC Area will be reduced due to the expansion of the RVC to the southwest and the creation of the dunes portion of the Trail Golf Course. There are no concentrations of endangered Silvery Phacelia located in the portion of the Scenic Dunes NRC Area that will become part of the RVC. Selected areas of open sand containing populations of Silvery Phacelia plants, located in the portion of the Scenic Dunes NRC Area that will become part of the Trail Golf Course, will be incorporated into the design of the golf course as natural features, much as has been done at the Pacific Dunes Golf Course. This type of development will preserve existing scenic amenity and ecological values otherwise threatened by sand stabilization due to the encroachment of natural vegetation cover.

The Interdune Valley Lowlands NRC Area has been enlarged along its eastern boundary, incorporating the southwestern portion of the former Interdune Valley Golf Course/Residential Area, and forming a scenic corridor for the South Bandon Dunes Drive. This expansion will protect historic values associated with the early pioneer trail (which the scenic South Bandon Dunes Drive follows) from any future development.

The southern Woodland Buffer NRC Area located south of Fahy Lake and along Fahy Road has been incorporated into the South Fahy Lake Residential Area. The function of this buffer area, to provide visual screening from the adjacent Fahy Road and rural residential properties, will be carried out by the Eastern Boundary Woodland Buffer provisions of the BDR zone [ZLDO 4.10.030(L)]. These provisions create a 100-foot wide buffer along the resort boundary within which no development, other than entry and fire roads, hiking trails and underground utility lines, may be placed, and vegetation may be removed only to replace invasive non-native vegetation with native species or to remove excessive understory fuel build-up.

Golf Course/Residential (GR) Areas

Bandon Dunes Golf Course/Residential Area

The Bandon Dunes Golf Course/Residential Area has been extended north, to include a small area in the southwest corner of the Primary Expansion Area containing the northernmost portion of the Bandon Dunes Golf Course.

Interdune Valley Golf Course/Residential Area

The Interdune Valley GR Area has been eliminated. The northern 3/4 of this area has been redesignated as part of the Trail Golf Course/Residential Area. The southwestern portion of this area has been incorporated into the Interdune Valley Lowlands NRC Area. The southeastern portion of this area has been incorporated into the South Fahy Lake Residential Area. The 9-hole golf course originally planned for this area will instead be built in the northeastern portion of the Primary Expansion Area.

Woodland Lakes Golf Course/Residential Area

The portion of the area designated in the 1996 Master Plan as the Woodland Lakes Golf Course/Residential Area, which is located east of Fahy Creek, will

not be needed for golf course facilities and, therefore, has been included in the new Fahy Creek/Seven Devils Road Residential Area. Placement of residential land uses along the southeastern edge of the resort is compatible with the surrounding residential land uses and follows the general planning principle used for the location of future dwellings in the Primary Expansion Area.

The rest of the area designated in the 1996 Master Plan as the Woodland Lakes Golf Course/Residential Area (together with the northern 3/4 of the Interdune Valley Golf Course/Residential Area, and an adjoining approximately 30 to 35-acre area of the Scenic Dunes NRC Area) has been redesignated as the Trail Golf Course/Residential Area.

Special Residential (SR) Areas

South Fahy Lake Residential Area

The South Fahy Lake Residential Area is not planned to include any golf facilities. Accordingly, it has been reassigned to the new Special Residential (SR) Area primary use designation. This SR area has been expanded to the west, incorporating the southeastern portion of the former Interdune Valley Golf Course/Residential Area. It has also been expanded slightly along its eastern boundary, by incorporating the former Woodland Buffer NRC Area, as described above.

PRIMARY USE AREAS

In addition to the mapping changes described above, there are several other minor changes that involve addition, deletion or relocation of built or planned resort facilities or amenities that have been incorporated into the Supplemental Master Plan.

Resort Village Center

Round Lake Center

Name changed from Round Lake Center/Driving Range because the driving range has been built in the Primary Expansion Area under a conditional use permit. The resort design center and telephone reservations office will continue to be housed in an existing building built by the previous owner for the short-term. Eventually, this area may be developed for additional public lodging, private residential use, or a specialized recreation facility associated with the Trail Golf Course.

Overnight Lodgings/Hotel

Another 150 overnight public lodging units will be added to the resort as part of the expansion plan. Forty units are allocated to the Randolph Village Center; the remaining 110 units are programmed for construction in the Resort Village Center. However, a portion of these units may be re-allocated to the Madrone Village Center or Trail Golf Course/Residential Area. Approximately 75 of these new overnight lodging units will be included in the public lodging annex to be built on the south side of Cut Creek. A variety of other locations in the Resort Village Center are available for the remaining units, including sites adjacent to Round Lake, the hilltop west of the Lily Pond Cottages and the sand ridges overlooking dunes along the western edge of the Resort Village Center.

Conference Center

The 1996 Master Plan included approval of a 300-person conference center. Present development includes two meeting facilities -- a 15-person meeting room at the main lodge and another 50-person meeting room adjacent to the Scottish Pub that is a conversion of a previous cart storage area. In addition, the dining room facilities at the main lodge can be subdivided into two meeting rooms, each accommodating 60 persons and the meeting/dining space above the pub (MacKenzie Hall) can accommodate 120 people.

Since future plans envision several "centers" at the resort, the approach to provision of conference facilities will be to decentralize new facilities and provide multiple-purpose type meeting facilities at a number of different locations. In the future, more meeting facilities could be located at the Resort Village Center, if needed, and at either the Madrone or Randolph Village Centers. This approach will better satisfy the need for these specialized facilities in the future.

Recreational Dwellings

The 50 recreational dwellings envisioned along the south shores of the Cut Creek Storage Basin as indicated in the 1996 Master Plan have not been built. The number planned has been reduced to 25 dwelling units and will still be located in the Resort Village Center. Other locations in the RVC, either adjacent to Round Lake or along the west edge of the Resort Village Center are being considered as candidate sites for these dwelling units.

Indoor Recreational Facilities

The indoor swimming pool will be incorporated into the renovation and addition to the existing barn structure in the future Madrone Village Center.

Outdoor Recreational Facilities

The resort management has decided not to build any tennis courts in the resort. Outdoor recreational facilities, including an international style croquet lawn court, will be built at the new Madrone Village Center.

Service Employee Quarters

This section is deleted. The RVC location described is being used for caddy facilities. See the new section titled "Service Employee Quarters" in Chapter IV of this Supplemental Master Plan.

Golf Course/Residential Areas

Bandon Dunes Golf Course/Residential Area

The 27 units of overnight lodging/recreational dwellings to be located along the west side of the North Ridge, on the eastern edge of this area, as discussed in the 1996 Master Plan, have been reduced to 25 units, and will consist solely of recreation dwellings. In addition, as discussed in Chapter III of this Supplemental Master Plan, some of these dwellings may be located in the Pacific Dunes or Randolph Links Golf Course/Residential Areas. However, up to 20

units of the 260 units of overnight lodging allocated to the Resort Village Center may be relocated to an appropriate site in the Bandon Dunes Golf Course/Residential Area.

Trail Golf Course/Residential Area

The Trail Golf Course will be designed to incorporate dunelands, meadows, lakes and forested areas, all elements of the complex ecosystem found at this location. This approach will provide a course with more diversity in terms of landscape settings. Including a dunelands area (formerly part of the Scenic Dunes NRC Area) will provide the opportunity to better manage the open sand and native grass habitat associated with the duneland environment, which are currently under threat due to the intrusion of European Beach Grass and Shore Pines. The meadow portion of the course (formerly part of the Interdune Valley Golf Course/Residential Area) includes rare examples of a native Red Fescue-Kinnikinnick meadow. This portion of the course will be designed to preserve and restore the existing meadow and wetland areas and to restore native grasslands located along the base of the South Ridge. Throughout the course, the location of tees, greens and fairways will observe established setbacks from all lakes, streams and wetlands. In addition, tees and greens will not be located within 50 feet from the resort drinking water well or within 25 feet from the nearby monitoring wells.

The dunelands and meadow portions of the course are currently separated by South Bandon Dunes Drive. Either pedestrian/golf cart crossings of South Bandon Dunes Drive will be provided, or this portion of South Bandon Dunes Drive will be relocated to an alignment along the western edge of the duneland portion of the course. Other than at the northern end of the course, the forest portion of the course will be separated from the meadow portion of the course by the South Ridge. An east-west pedestrian/golf cart path connection across the South Ridge will be used to link golf holes at the south end of the course.

The Trail Golf Course/Residential Area is planned to include up to 180 dwelling units (detached single-family dwellings or attached, clustered multi-family dwellings), and may also include a portion of the overnight lodging units allocated to the Resort Village Center. Most of the dwelling units, and any overnight lodging units, will likely be located in the eastern third of the Trail Golf Course/Residential Area. There will be no dwellings or overnight lodging units located in the dunelands portion of this area, west of the current location of South Bandon Dunes Drive.

Special Residential Areas

Upper Chrome Lake Housing Residential Area

A portion of the Woodland Buffer north of Chrome Lake will be redesignated for private residential use. This portion of the original resort property will be the southern end of the new Upper Chrome Lake Housing Residential Area, extending along the eastern boundary of the property north to Brown Road, which is planned to contain approximately 30 recreational dwellings.

Allocation of Dwelling Units by Primary Use Area

The following shows the revised allocation of dwelling units within the original resort property, by Primary Use Area:

<u>Primary Use Area</u>	<u>Dwelling Units</u>
Resort Village Center	25
Bandon Dunes Golf Course/Residential Area	25
Trail Golf Course/Residential Area	180
Fahy Creek/Seven Devils Road Residential Area	40
South Fahy Lake Residential Area	<u>30</u>
Total	300

The 1996 Master Plan permits a 20 percent deviation from the allocated totals in each primary use area, providing the total units permitted for the entire resort are not exceeded. If detailed investigations indicate a primary use area cannot absorb the projected allocation, the excess units will be assigned to a pool and reallocated through the Final Development Plan approval process (if the reallocation will not result in the number of dwelling units in an area exceeding the number provided in this Supplemental Master Plan by more than 20%), or through a revision to the Supplemental Master Plan at a future date.

DEDICATED OPEN SPACE

Dedicated open space within the expanded resort will be approximately 75 to 80 percent, as discussed previously.

ROAD NETWORK

The "Road Network" section, found at pages 27-28 of the 1996 Master Plan, with the exception of the "Roadway Design Guidelines" subsection, is superseded by the "Road Network" section in Chapter IV of the Supplemental Master Plan.

RIPARIAN VEGETATION PROTECTION

Under the Riparian Corridor Protection provisions set out in Chapter VI below and in Section 4.10.030(H) of the BDR zone, restrictions on the removal of riparian vegetation will apply within 50 feet of the top of bank of an inventoried stream or upland edge of an inventoried wetland, and within the Coastal Shorelands Boundary of Chrome, Round and Fahy Lakes.

MANAGEMENT UNITS AND GUIDELINES

A portion of the Dunelands area, including the location of the resort drinking water well and two monitoring wells has been designated by this Supplemental Master Plan for use as part of the Trail Golf Course. To reflect this change, the final "Planning" guideline of "Table A: Dunelands Management Unit" is replaced by the following guidelines:

- Limit access to the non-golf course portions of the area (no off-road recreational vehicle use; fire and emergency vehicle access only).
- Do not locate tees or greens of the Trail Golf Course within 50 feet from the resort drinking water well or within 25 feet from the nearby monitoring wells.

“Table A: Dunelands Management Unit” is also amended to include the following “Design and Construction” guidelines:

- That portion of any golf tee or green located within 100 feet from the drinking water well, or within 100 feet from the nearby monitoring wells, will be constructed with an underground liner to capture and divert any water that passes through the tee or green to a capture tank.

“Table A: Dunelands Management Unit” is also amended to include the following “Operations and Maintenance” guideline:

- Capture tanks receiving groundwater diverted from tees and greens within 100 feet from the drinking water well and monitoring wells will be periodically pumped and the water disposed of on the rest of the golf course.

VI. SITE MANAGEMENT

The 1996 Master Plan underscored the fact that site management would be an important aspect of the success of this project. The over-riding management goal is sustainability. Since the resort's opening, the general manager and his staff have established working practices and feedback mechanisms to monitor the use of water resources, riparian and wetland environments and site-wide conservation programs put forth in the 1996 Master Plan.

The planning team has conducted an assessment of the outcomes experienced in response to the use of management guidelines and strategies outlined in Final Decision document prepared in 1996. This assessment can be viewed as an environmental report card and is presented in Appendix F, *Environmental Review of the Six Management Units in the Bandon Coastal Dunelands 1996 Master Plan* (dated August 2002, by Janet Rogers). Principal findings include:

- It is very difficult to intervene to de-stabilize the dune by removing European Beachgrass. The natural forces of invasion by exotic plants are difficult to overcome. The revised policy is not to fight nature; in the future, the policy will be to conform to natural forces.
- Forest areas are subject to high incidences of tree blow down. In the future singular or small groups of trees should not be isolated from the forest body. Openings in the tree canopy should be kept as small as possible. Forest edges that reflect past logging cuts should be left intact as they have acclimated to prevailing wind conditions and represent a stable edge.
- Sand lacks nutrients and when subject to coastal wind conditions at this site, the regeneration of native vegetation is very difficult without adequate water, fertilizer and, in the case of trees, staking. On typical dune land and marine terrace environments, nature does not restore itself once disturbed. Land disturbance for development should be limited and areas immediately adjacent to construction sites should be protected from inadvertent damage.

- Gorse tends to infest denuded areas very rapidly after timber harvesting opens these areas up to the sunlight. Any thinning or forestry activity should occur in conjunction with a planned grounds maintenance and management program in order to control the re-growth of Gorse.

WATER MANAGEMENT

The 1996 Master Plan, at page 38, required monitoring of the “effects of withdrawing groundwater from the deep and shallow aquifers on water flow in the Cut Creek delta and water levels in the willow-alder wetland in the Interdune Valley.” However, the 1996 Master Plan envisioned that sump wells would be used to tap shallow groundwater as a water source for the resort. This turned out to be unnecessary because it was found that using deeper wells in the terrace gravels and estuarine channel deposits could provide adequate water for the resort.

Well #2 is the primary source of drinking water at the resort, and is located approximately 3/8 mile south of Cut Creek. Water levels in the Cut Creek Delta and the Interdune Valley wetland were monitored during the initial pump test of Well #2, using piezometers installed into the shallow groundwater table in these areas. No drawdown effect due to pumping was observed. Since pump testing of Well #2 did not indicate any effect on the water level in the shallow aquifer, no further monitoring of the piezometers was performed. Subsequent visual observation of the Interdune Valley wetland and the Cut Creek delta indicates no significant decline in water level has occurred in either the delta or the wetland. In addition, construction of a reservoir on Cut Creek, below Chrome Lake, has had a beneficial effect on groundwater level in that vicinity by raising the shallow groundwater level around the reservoir

No further monitoring of the piezometers in the vicinity of the Interdune Valley wetland will be performed unless additional construction or well development occurs in that vicinity. To monitor the flow in Cut Creek, flow measurements will be taken where Cut Creek enters the delta. These measurements will consist of quarterly staff gauge or other suitable depth measurements at a set location where the creek cross section is stable to provide reliable estimates of flow. Quarterly reports will be submitted to the Oregon Water Resources Department. The method of flow measurement will be determined jointly by resort staff and the local Watermaster.

RIPARIAN CORRIDOR PROTECTION

The Supplemental Master Plan and BDR Zone recognize the riparian corridors of Cut Creek, Fahy Creek, Whiskey Run Creek and their tributaries, as well as the Coastal Shorelands Boundaries around Chrome, Round and Fahy Lakes as being significant resources worthy of protection. On-going development will honor the 50-foot and 100-foot setbacks established by the Riparian Corridor Protection provisions of the BDR zone. No development has occurred around Round Lake. No new building development associated with the proposed resort expansion will occur within riparian corridors. In some instances, residential or commercial uses may be located near these features. However, appropriate setbacks will be observed.

SITE-WIDE CONSERVATION PROGRAMS

Gorse Removal and Abatement

Gorse plants have proved to be both a nuisance and an attraction at the resort. Any disturbed earth is an open invitation for Gorse to spring up. At the same time, patches of Gorse form boundaries between fairways and add color and texture to the golf course development.

At present and in the future, management will selectively remove or preserve Gorse depending upon the situation. Bulldozing and uprooting all of the root ball has proved to be the best way to get rid of Gorse. It then becomes necessary to seed the reclaimed area and mow it to keep new seedlings in check. This is why conversion to golf course use is one of the best ways to eliminate the Gorse and provide on-going land management to minimize and control Gorse re-infestation.

Forest Fire Prevention and Control

Management continues to selectively thin out dense stands of timber and dense, dead underbrush to reduce the potential "fuel ladder supply" and associated fire hazard. Fire access trails and fire hydrants will be provided in all future development areas.

Preservation of Sensitive Plant Habitat

Silvery Phacelia, where found in areas being considered for golf course development, will be incorporated into the design and layout of the course as a natural feature. A small population of Silvery Phacelia was found and incorporated into the design of the Pacific Dunes Golf Course. The new inventory report on the expansion areas did not identify any additional Silvery Phacelia areas that need to be protected.

The new natural resources inventory did not identify any Red Fescue-Kinnikinnick meadows in the expansion areas. However, the planning and design team continues to look for opportunities in detailed design and site planning that allow for the creation of this type of landscape feature.

WILDLIFE HABITAT CONSERVATION

An assessment of biological resources was included in the new inventory report (see *Natural Resources Inventory and Site Analysis Report*, App. D). No significant wildlife habitats are found in any of the proposed expansion areas. There are interesting native plant materials and natural landscape settings that will be protected and, possibly, featured as areas of interest along new hiking trails in the future.

The restoration and enhancement of disturbed wetland environments will improve habitat conditions for some creatures and diminish conditions for others. Golf course development will add more grass habitat for deer to feed on, while the loss of slash piles and underbrush may reduce certain populations of bird life. The view is that a balance of sorts will be maintained.

ARCHEOLOGICAL PRESERVATION

Archeological surveys, undertaken on behalf of the Coquille and Coos Tribes, have identified a number of sites within the expansion areas. All are located along the ocean bluffs in the Primary Expansion Area. By agreement with the Tribes, Bandon Dunes is committed to preserving the integrity of these sites by encapsulating them with sand and incorporating them into any future golf course development. In this manner, the sites will be protected and maintained in perpetuity.

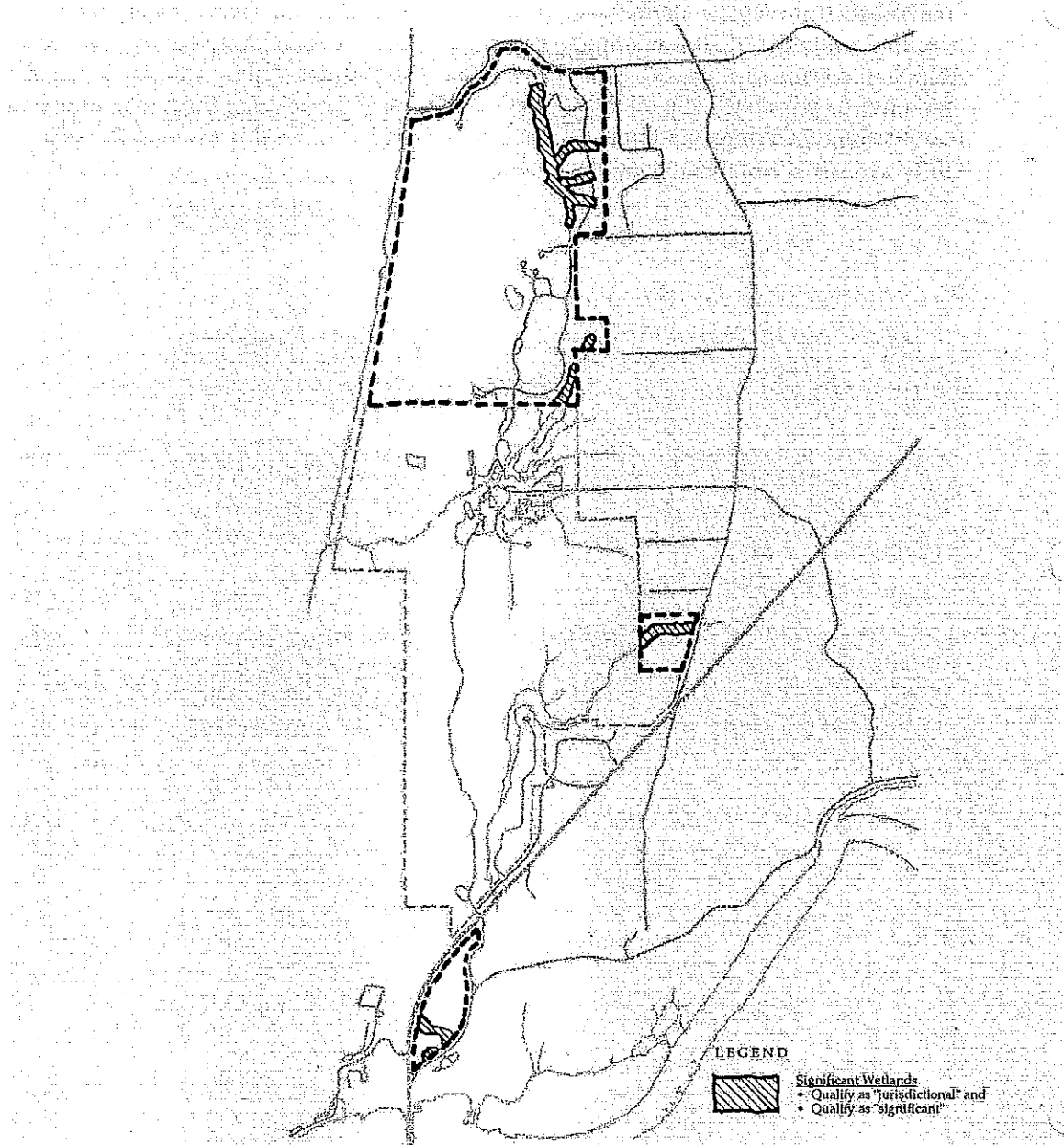


Figure 15: Significant Wetland Areas

WETLAND DETERMINATIONS AND PLANNING

Wetland Determinations

In 1996-1997, a wetland delineation survey was conducted by Wetland Environmental Technologies, Inc. (WET) on approximately 118 acres in the southwestern corner of the Primary Expansion Area, to identify jurisdictional wetlands and "other waters," as provided by DSL rules. No areas likely to qualify as jurisdictional wetlands or other waters were found. In 2000, a similar wetland delineation survey was conducted by WET on an approximately 363-acre portion of the Primary Exception Area located predominantly west of the prominent north-south ridge, including the site of the Pacific Dunes Golf Course. This survey showed that four small wetlands, totaling less than one acre in area, likely qualified as jurisdictional wetlands. As a result of that survey, one wetland, approximately one-quarter acre in size, was permanently protected by being included in the design of the Pacific Dunes Golf Course.

In 2002, the remaining 344 acres of the Primary Expansion Area, as well as the 37.5-acre Seven Devils Road Parcel and 62-acre Tear Drop Site, were subject to detailed field investigations and analysis by WET. Appendix C to the *Natural Resources Inventory and Site Analysis Report* is the 2002 WET wetland determination survey. This 2002 WET determination survey shows that approximately 18 acres, including eight wetlands (five in the Primary Expansion Area and three in the Tear Drop Site; totaling approximately 12 acres) and four watercourses (reaches of Whiskey Run Creek and its tributaries, Cut Creek and Fahy Creek; totaling approximately 6 acres), likely qualify as jurisdictional wetlands or other waters, according to DSL rules. Maps indicating the location of these jurisdictional wetlands are found in Appendix C (see Chapter II, maps 1A through 1G and Chapter IV, Appendix 8E, Figures 5 and 7). The 2002 determination survey also identified an approximately 1-acre area of indeterminate jurisdiction.

The 1-acre area of indeterminate jurisdiction is a possible wetland area within the proposed Madrone Village Center (east side), which could not be assessed. This is a disturbed area due to prolonged storage of slash and stumps from past logging operations during the last five years. This debris was burned sometime in 2000-2001 and investigations in the summer of 2002 did not find any evidence of standing water. However, the summer of 2002 was exceptionally dry; and this area was re-evaluated during the early growing season in February 2003. Based on the lack of dominance by hydrophytic species, the slope and drainage of the surface, and the presence of relatively recent deposits of wind-blown sand, it was determined that this area does not qualify as a jurisdictional wetland.

For purposes of resort planning, the 2002 WET report also applied the Oregon Freshwater Wetland Assessment Methodology (OFWAM) to identify "significant" wetlands and "other waters" within the proposed expansion areas. This analysis shows that in the Primary Expansion Area, Whiskey Run Creek and its tributaries, and a tributary of Chrome Lake, should be considered significant "other waters." On the Seven Devils Road Parcel, Fahy Creek should be considered a significant "other waters." Also, near the south end of the Tear Drop Site, there are an approximately 7-acre wetland and an approximately 0.7-acre wetland that should be considered "significant." The locations of these six significant wetlands and other waters are illustrated on Fig. 15.

Wetland Planning and Mitigation

The significant wetlands and “other waters” identified by the 2002 WET report will be protected by the riparian corridor and wetland protection provisions of the BDR zone. In addition, some portions of Whiskey Run Creek and its tributaries, the Chrome Lake tributary and Fahy Creek are located within the 100-foot woodland buffer along the eastern boundary of the BDR property, where the BDR zone will prohibit development. The significant wetlands at the south end of the Tear Drop Site will also be protected by designation as Natural Resource Conservation Areas where development, including grading, fill and vegetation removal other than for wetland enhancement, is prohibited.

In addition, as specific portions of the expansion areas are targeted for development, detailed wetland delineation surveys will be undertaken. This information will be incorporated into site-specific resort planning and design activities. The schematic concept plan for the Madrone Village Center (see Fig. 8) indicates several water features and wetland environments that will become amenity features at this village center.

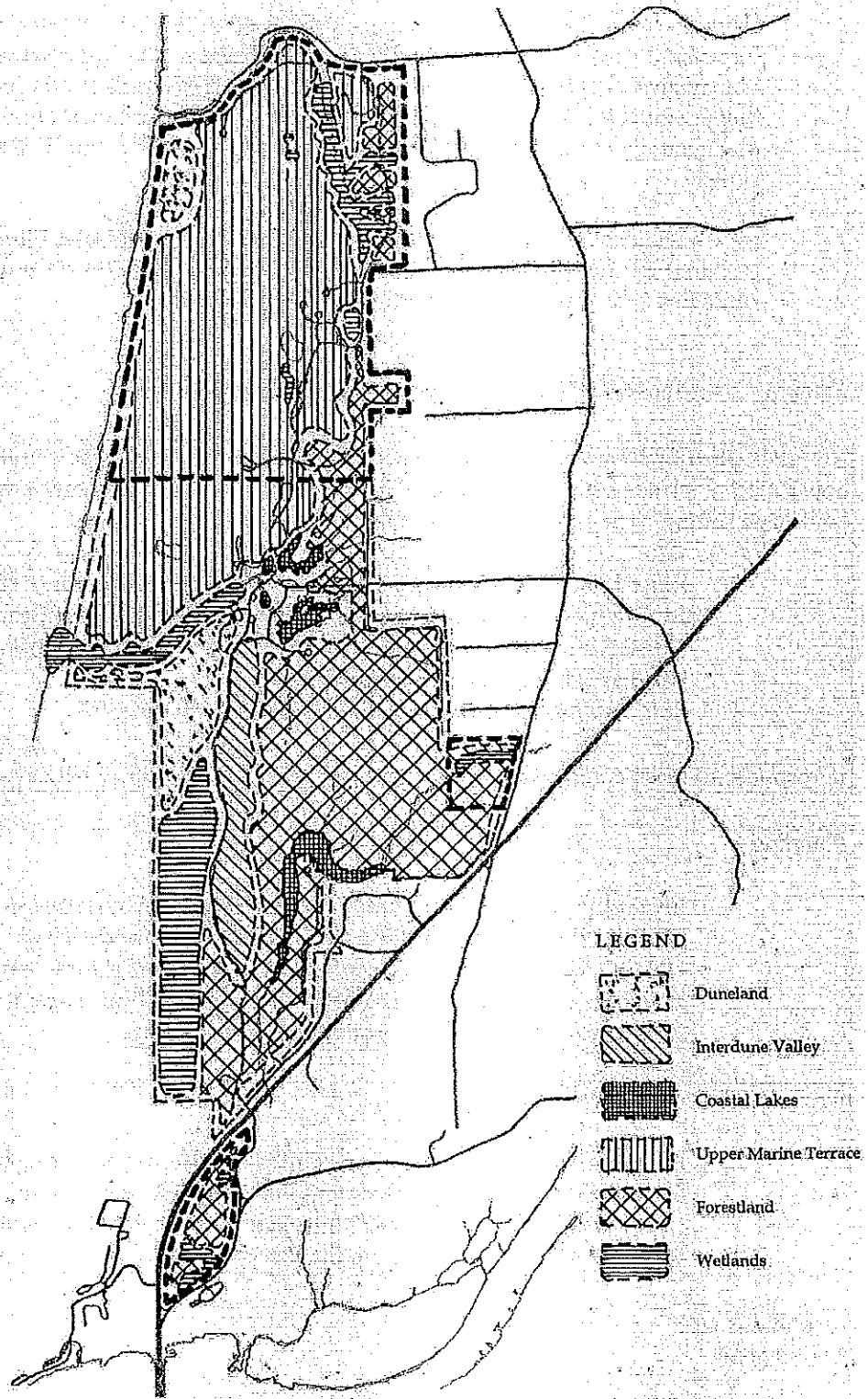


Figure 16: Management Units

MANAGEMENT UNITS AND GUIDELINES FOR EXPANSION AREAS

Using the same classification system as was used in the 1996 Master Plan, the Primary Expansion Area consists principally of an extension of the Upper Marine Terrace Management Unit and small areas of the Duneland, Wetland and Forestland Management Units. The Seven Devils Road Parcel is a continuation of a Forestland Management Unit. The Tear Drop Site has both Forestland and Wetland Management Units.

New management unit tables, similar to those in the 1996 Master Plan report, have been prepared for these four units. Tables A, D, E and F outline the different management strategies and actions that apply to these four subareas.

Table A: Dunelands Management Unit / Primary Expansion Area

No established foredune exist; there are occasional scattered incidences of open sand that dot the upper marine terrace management unit. These areas add to the appearance and scenic beauty of the landscape setting. The unit exhibits the following:

- Raised open sand areas are located in the northwest corner of this unit.
- Bluff edges and open sand areas are being invaded by European Beach Grass and Gorse plants, that are the major stabilizing force in this environment.
- Fire hazards conditions due to Gorse.
- Soil conditions are fragile and are subject to "blowouts".

In response to these conditions, the management guidelines for the dunelands unit are:

Planning

- Inventory extent of Gorse and Beach Grass prior to construction.
- Bluffs and steep drop off are a potential hazard to pedestrians.
- Obtain a geo-technical survey of subsoil conditions prior to detailed planning & design
- Maintain a minimum set back of 25 feet from the bluff edge; increase set back if sub surface conditions indicate potential soil instability.

Design and Construction

- Disturb as little of the site as possible; provide erosion and sediment control during construction and use water to prevent sand movement.
- Landscape all disturbed areas immediately to stabilize the sandy soil conditions.
- Restrict vehicle and pedestrian movements away from ocean bluffs.

Operations and Maintenance

- Repair potential blow out areas in open sand.

Table D: Upper Marine Terrace Management Unit / Primary Expansion Area

Almost the entire Primary Expansion Area is a marine terrace that is raised about 100 to 125 feet above the ocean beach below. The unit exhibits the following:

- Pervasive presence of Gorse and loss of natural grassland environment.
- Bisected by an elevated ridge that divides the area into two distinct spatial zones.
- Presence of the upper reaches of Whiskey Run Creek and tributary streams.
- Extreme fire hazard due to Gorse and slash piles from past logging activity.
- Fragile soil cover in certain areas, which, if disturbed, is subject to blow-outs.
- Outstanding, panoramic views of the Pacific Ocean and surrounding coast line.
- Presence of several disturbed wetlands that need to be restored.

In response to these conditions, the management guidelines for the upper marine terrace unit are:

Planning

- Provision of vehicular access to northwest corner should be accomplished in a manner that the road does not require massive cuts and fills and is not a dominant visual feature in the landscape.
- Future buildings should be clustered and kept as compact as possible.
- Locate building clusters to take advantage of available scenic views.
- Area is ideally suited for golf course development.

Design and Construction

- Schedule and conduct construction operations to minimize erosion.
- Provide foundation and/or piling system that responds to site conditions.
- Investigate use of earth cuts and terrace benching to provide stable foundation for stepped multi-storied buildings.
- Locate access roadway in an earth cut or swale along north slope edge to hide from interior recreational uses.

Operations and Maintenance

- Apply established landscape maintenance and Integrated Pest Management Programs on all future golf courses.
- Monitor golf course maintenance programs to achieve long-term control of noxious plants and minimize potential for fire hazards.
- Continue groundwater monitoring program and provide periodic reports to Coos County and other regulatory agencies.

Table E1: Forestland Management Unit / Primary Expansion Area

A very small portion of this unit is wooded, about 130 acres is undisturbed forestland. Site management will want to address the following issues as the area is planned for residential and roadway development:

- Clean up of understory to reduce fuel ladder.
- Forested area abuts existing residential area to the east.
- West edge of forest is a straight line reflecting recent logging operation.
- Opening large holes in tree canopy may encourage blow down during storms.
- Several existing watercourses pass through forested area.

In response to these conditions, the management guidelines for this forestland unit are:

Planning

- Locate roadway alignments through open gaps in tree stands.
- Locate home sites in forest openings.
- Maintain minimum 100-foot set backs from east property border.
- Do not disturb west edge of forest; this will minimize potential for blow down.
- Minimize cut in canopy for building sites; provide controls in estate CC&R's.
- Maintain existing vegetation within 50 feet from top of bank of all existing watercourses.

Design and Construction

- Plant additional conifer trees to create a more natural appearing tree line at west edge; consider advance plantings prior to design, subdivision and land sales.
- Provide forestry management and maintenance guidelines for future residential property owners in CC&R's.
- Provide view corridors of nearby golf course through forest at selected locations.
- Reserve an easement for a public hiking trail corridor through the forested area.
- Provide a gated/manned entry from Whiskey Run Road into resort property and residential area.

Operations and Maintenance

- Establish a homeowners association to oversee long-term management of forestland.

Table F1: Wetlands Management Unit / Primary Expansion Area

Major portions of Whiskey Run Creek flow through the expansion area and there are several tributary streams along the east side of the area. Issues to consider:

- Protection of riparian corridor and integration with golf course development.
- Use existing creek crossing for access road to Randolph Village Center.
- Protect existing wetland environments.
- Significant segments of watercourse are degraded with logging debris.

In response to these conditions, the management guidelines for the wetlands unit are:

Planning

- Preserve remaining trees within riparian corridor.
- Remove logging debris, restore and enhance wetlands within riparian corridor.
- Fill-in marginal wetlands outside of riparian corridor; mitigate if necessary.
- Provide bridges for pedestrian access across creek where necessary for golf course development.

Design and Construction

- Disturb as little of the site as possible; provide erosion and sediment control during construction and use water to prevent sand movement.
- Landscape all disturbed areas immediately; establish new grass, ground cover, or other native plant material to stabilize existing soil conditions.
- Restore and enhance disturbed wetland areas.

Operations and Maintenance

- Protect water quality in Whiskey Run Creek.

Table E2: Forestland Management Unit / Seven Devils Road Parcel

Most of this unit is wooded with some open shrub and lawn areas around the existing homestead. Site management will want to address the following issues as the area is planned for golf course, roadway and residential development:

- Clean up of understory to reduce fuel ladder.
- Maintain continuity of wooded forest environment.
- East edge of parcel lacks trees; no screening from roadway.
- Opening large holes in tree canopy may encourage blow down during storms.
- An existing watercourse passes through forested area.

In response to these conditions, the management guidelines for this forestland unit are:

Planning

- Maintain existing vegetation within 50 feet from top of bank of all existing watercourses.
- Use open areas for building sites.
- Maintain minimum 100-foot set backs from east property border.
- Do not disturb north edge of forest along Fahy Creek.
- Limit golf course development and restrict to north side of Fahy Creek.
- Minimize cuts in canopy for golf course development.
- Screen recreational vehicle park and service employee quarters from residential areas.

Design and Construction

- Plant additional conifer trees to create a more natural appearing tree line along Seven Devils Road.
- Provide forestry management and maintenance guidelines for future residential property owners in CC&R's.
- Utilize existing breaks in forest canopy as view corridors from private dwelling units to golf course across Fahy Creek.
- Reserve an easement for a public hiking trail corridor through the forested area.
- Provide low-profile pedestrian bridges over Fahy Creek as necessary for hiking trail from residential area to north side of Fahy Lake.

Operations and Maintenance

- Apply golf course maintenance procedures on any golf course area.
- Monitor and remove fuel ladder build up in forested areas around residential uses.

Table F2: Wetlands Management Unit / Seven Devils Road Parcel

The upper reaches of Fahy Creek that flow into Fahy Lake run through the parcel from the east to the west. There are two culverts under Hwy 101 carrying the creek flow onto the property. Issues to consider:

- Protection of the watercourse, steeply incised banks and adjacent natural areas from golf course, roadway and residential development.
- Existing wetlands absorb run-off from the parcel.

In response to these conditions, the management guidelines for this wetlands unit are:

Planning

- Provide bridges instead of culverts and earth fills if pedestrian access is needed.

Design and Construction

- Disturb as little of the area within the riparian corridor as possible.
- Landscape all disturbed areas immediately; establish new grass, ground cover or native plant material to stabilize existing soil conditions
- Preserve existing trees on south side of creek; fill in gaps in tree line.
- Provide low-profile pedestrian bridges over Fahy Creek as necessary for hiking trail from residential area to north side of Fahy Lake.

Operations and Maintenance

- Protect water quality in Fahy Creek.

Table E3: Forestland Management Unit / Tear Drop Site

The north, central and eastern parts of this forestland management unit are moderately to steeply wooded slopes. The parcel is a remnant of an old dune formation that was cut off when the Coastal Highway was built. Issues to consider:

- Open sand areas on west slopes and south end.
- Fragile sandy soil conditions covered with native grass are subject to strong ocean winds on the are fragile and are subject to "blowouts".
- Bowl shaped open area on top of dune; excellent opportunity for passive recreation activities, hiking, etc.
- Good potential for view of Coquille River and surrounding land to the east.
- Good accessibility to Highway 101 and tourist traffic.

In response to these conditions, the management guidelines for this forestland unit are:

Planning

- Prepare wetland delineation for significant areas.
- Protect west flank of hill as scenic buffer for coastal highway.
- Obtain a geo-technical survey of subsoil conditions prior to detailed planning & design.
- Plan view corridors to Coquille River.
- Undertake discussions with ODOT re traffic access.

Design and Construction

- Disturb as little of the site as possible; provide erosion and sediment control during construction and use water to prevent sand movement.
- Landscape all disturbed areas immediately to stabilize the sandy soil conditions.
- Ensure project has "visual presence" and signage from Hwy 101.

Operations and Maintenance

- Repair existing and potential blow out areas in open sand.

Table F3: Wetlands Management Unit / Tear Drop Site

The south end of the site and a small area on the east side near the intersection of North Bank Road and Fahy Road are wetland environments. Issues to consider:

- Protection of wetlands and conflict with potential development of cultural/ visitor facility.
- Soil conditions are fragile and are subject to "blowouts".
- Existing wetlands absorb run-off from the site and adjacent roadway.

In response to these conditions, the management guidelines for this wetlands unit are:

Planning

- Undertake a wetland delineation before site planning begins.
- Explore ways to incorporate wetlands as a feature in development.

Design and Construction

- Disturb as little of the site as possible next to wetlands.
- Landscape all disturbed areas immediately to stabilize existing soil conditions.
- Prohibit or minimize roadway access points at wetland locations.

Operations and Maintenance

- Protect water quality in wetlands.

GOLF COURSE/LANDSCAPE DESIGN AND MANAGEMENT

Comments from guests and visitors frequently note that they enjoyed the simplicity and natural beauty associated with the resort's landscaping theme(s). Therefore, the current practice of using native or naturalized plants for golf course and general landscaping along roadways and other disturbed areas of the resort will continue. Occasionally, exotic or ornamental plant material may be used to accent a specific use area, such as around a patio space.

Plant selection will continue to emphasis plants that survive in low-fertility soils, those that have low water needs, require low-maintenance (except at establishment) and those that compete favorably with noxious plants and have rapid growth habitats for quick coverage. The grasses used at the resort tend to be blends using Red Fescue as a base component.

As more land is developed, there will be need for additional landscape maintenance staff. The resort's management is aware of this and will add staff as required to maintain the appearance of the resort.

The maintenance department has begun the task of establishing an on-site nursery. They have holding beds to store plant material on-site for future use. When plant material has to be removed for construction, plants sometimes are subdivided thereby increasing the plant material stocks for other projects.

VII. PROJECT IMPLEMENTATION

CURRENT CONSTRUCTION

The resort has recently expanded facilities authorized under the 1996 Master Plan. New facilities include:

- Public overnight lodging facilities at Chrome Lake.
- A pub/dining facility and a meeting room at the Main Lodge/Clubhouse Complex.

FUTURE CONSTRUCTION PHASING

The following indicates the general sequence of improvements envisioned at this point in time. The schedule is subject to alteration due to future interest and joint ventures with new limited partners, the availability of financing at acceptable interest rates and future demand for services by the marketplace.

- The 18-hole Trail Golf Course
- Public lodging and Spa Annex near the main lodge and clubhouse
- Private residential development in Trail Golf Course/Residential Area and South Fahy Lake Residential Area
- Partial development of Madrone Village Center /construction of North Bandon Dunes Drive
- The 9-hole golf course
- Private residential development at north end of resort
- The Randolph Village Center and 18-hole Randolph Links Golf Course
- Completion of Madrone Village and Randolph Village Centers

COOS COUNTY COMPREHENSIVE PLAN AND ZLDO AMENDMENTS

The Master Plan, as revised by the Supplemental Master Plan, will be implemented through additional amendments to the Coos County Comprehensive Plan and Zoning and Land Development Ordinance (ZLDO). The documentation that identifies the need and rationale for these plan amendments and ZLDO changes is contained in a companion volume entitled *Bandon Dunes Resort Expansion Land Use Findings and Goal Exception Statement*.

Comprehensive Plan Amendments

Both this Supplemental Master Plan and the Goal Exception Statement supporting the Supplemental Master Plan will be adopted as part of Coos County Comprehensive Plan, Volume I, Part 3 (Statewide Goal Exceptions). In addition, the Plan Map designations for the expansion areas will be changed from Forest (approximately 915 acres) and Rural Residential (a single 9.6-acre parcel in the Primary Expansion Area) to Bandon Dunes Resort. See App. G(1). Also, the Comprehensive Plan Fish & Wildlife Habitat II Special Considerations Map will be amended to remove two non-existent wetlands currently shown to be in the Primary Expansion Area, and to add the six significant "wetlands and other waters" identified in the expansion areas. See App. G(2).

ZLDO Amendments

The Zoning Map designations for the expansion areas will be changed from Forest/Mixed Use (approximately 915 acres) and Rural Residential - 5 (a single 9.6-acre parcel in the Primary Expansion Area) to Bandon Dunes Resort (BDR). See App. H(1). Also, a new BDR Use Subzones Map for the entire resort area will be adopted and will supersede the BDR Use Subzones map adopted with the 1996 Master Plan. See App. H(2). The primary use designations for the expansion areas, discussed in Sec. III of this Supplemental Master Plan, will be implemented through adoption of BDR Use Subzones for the expansion areas. The modifications to the primary use mapping for the original resort area, discussed in Sec. V of this Supplemental Master Plan, and shown in the new Primary Use Areas Maps (Fig. 3 through 7), are reflected in the new BDR Use Subzones Map.

The text of the BDR zone will also be amended to implement the Master Plan, as revised by the Supplemental Master Plan. See App. H(3). The subzone categories will be changed to recognize the new primary use categories of Special Residential Areas (SR) and Mixed Use Centers (MXC). See Sec. 4.10.050(C) and (E). The uses allowed in Golf Course/Residential (GR) subzones and the Resort Village Center (RVC) subzone will be changed to reflect the intent of the Master Plan, as revised. See Sec. 4.10.050(B) and (D). The uses allowed in the new subzones for the expansion areas will be established, together with some changes in the uses allowed in the original resort subzones, by changes to the listing of subzones in Sec. 4.10.050. Significant new Riparian Corridor and Wetland Protection provisions will be added to the BDR Zone. See Sec. 4.10.030.H. A new 100-foot Woodland Buffer along the eastern boundary of the resort will be adopted. See Sec. 4.10.030.L. These are the most significant changes to the BDR zone. Additional "housekeeping" and "fine-tuning" amendments can be seen in App. H(3).

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

15.0 Bandon Dunes Resort Expansion Exhibit B:
 Land Use Findings and Goal Exception Statement
 TABLE OF CONTENTS

I.	Introduction	1
II.	Applicants	1
III.	Expansion Area	1
	A. Primary Expansion Area	3
	B. Seven Devils Road Parcel.....	3
	C. Tear Drop Site.....	5
IV.	Overview of Expansion Proposal.....	5
	A. Natural Resource Conservation	9
	B. Golf Facilities	9
	C. Residential Development.....	9
	D. Mixed-Use Centers	10
	E. Transportation.....	10
V.	Proposed Amendments	10
	A. Comprehensive Plan Text Amendments.....	11
	B. Comprehensive Plan Map Amendments.....	11
	C. ZLDO Text Amendments	11
	D. ZLDO Map Amendments	11
VI.	Applicable Standards and Criteria	11
	A. Statutes	12
	B. Statewide Planning Goals	12
	C. State Agency Rules.....	13
	D. Comprehensive Plan Provisions	13
	E. ZLDO Provisions.....	14
	F. BDR Zoning District Standards.....	15
	G. Other Regulations Incorporated by Reference.....	15
VII.	State Statutes	16
	A. ORS 197.435-445 – Destination Resort Definitions and Criteria.....	16
	1. ORS 197.445(1) – Site Area.....	16
	2. ORS 197.445(2) – Open Space	16
	3. ORS 197.445(3) and (8) – Required Expenditures	18
	4. ORS 197.445(4) – Visitor-Oriented Accommodations	18
	5. ORS 197.445(5) – Commercial Uses	20
	B. ORS 197.610 and ORS 197.615 – Post Acknowledgement Amendments	20
	C. ORS 197.712(2)(g)(A) – Economic Development Obligation	21
	D. ORS 197.732 – Goal Exceptions	21
	E. ORS 197.763 – Quasi-Judicial Land Use Hearing Notice and Procedures	21
	F. ORS 445.446 to 445.447 – Tsunami Inundation Zone	22

VIII.	Statewide Planning Goals and Administrative Rules	22
A.	Goal 1 – Citizen Involvement	22
B.	Goal 2 – Land Use Planning	23
	1. Part I – Planning	23
	a. Factual Base	24
	b. Compliance with Comprehensive Plan	24
	c. Coordination with Affected Governmental Units	24
	2. Part II – Exceptions	27
C.	Goal 3 – Agricultural Lands	27
D.	Goal 4 – Forest Lands	30
E.	Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces	33
	1. Riparian Corridors (Water and Riparian Areas and Fish Habitat)	35
	2. Wetlands	38
	3. Wildlife Habitat	42
	4. Federal Wild and Scenic Waterways and State Scenic Waterways	42
	5. Groundwater Resources	42
	a. Inventory of Resource	44
	(1) Resource Location and Quality	44
	(2) Resource Quantity	46
	b. Identification of Conflicting Uses	48
	(1) Expanded Resort Use	49
	(2) Domestic Use	50
	(3) Agricultural Use	52
	(4) Municipal Use	53
	(5) Conclusions	54
	c. Impact Area	55
	d. ESEE Consequences Analysis	55
	(1) Domestic Use	55
	(2) Agricultural Use	56
	(3) Municipal Use	57
	(4) Expanded Resort Use	59
	e. Program to Achieve Goal 5	69
	(1) Domestic Use	70
	(2) Agricultural Use	70
	(3) Municipal Use	71
	(4) Expanded Resort Use	71
	6. Approved Oregon Recreation Trails	74
	7. Natural Areas	74
	8. Wilderness Areas	74
	9. Mineral and Aggregate Resources	75
	10. Energy Sources	76
	11. Cultural Areas	76
	12. Historic Resources	76
	13. Open Spaces	77
	14. Scenic Views and Sites	78
F.	Goal 6 – Air, Water, and Land Resources Quality	78
	1. Air	78
	2. Water	78
	3. Land Resources	79
G.	Goal 7 – Areas Subject to Natural Disasters and Hazards	79
H.	Goal 8 – Recreational Needs	80

H.	Goal 8 – Recreational Needs	80
I.	Goal 9 – Economic Development.....	82
J.	Goal 10 – Housing.....	82
K.	Goal 11 – Public Facilities and Services	83
	1. Transportation	84
	2. Police	84
	3. Fire Protection.....	84
	4. Health Facilities	84
	5. Sanitary Waste Disposal	84
	6. Water Supply System.....	85
	7. Storm Drainage	86
	8. Planning and Zoning	87
	9. Recreational Facilities and Services.....	87
	10. Energy and Communications Facilities and Services	87
	11. Solid Waste Disposal	87
	12. Schools	87
	13 OAR Chapter 660, Division 22	88
L.	Goal 12 – Transportation.....	88
	1. Background	88
	2. Transportation Impact Analysis	93
	3. OAR-660-012-0060 (Plan and Land Use Regulation Amendments).....	101
	a. (2)(a) Functional Classification Changes	106
	b. (2)(b) Changes to Implementation Standards	106
	c. (2)(c) Inconsistent Levels of Travel or Access.....	106
	(1) Highway 101	106
	(2) County Roads.....	107
	(3) Oregon Coast Bike Route.....	110
	d. (2)(d) Acceptable Performance Standards Identified in TSP.....	111
	e. Conclusion	111
	f. Coordination.....	111
	4. OAR-660-012-0065 (Transportation Improvements on Rural Lands).....	112
	5. Other Goal 12 Requirements.....	112
M.	Goal 13 – Energy Conservation.....	114
N.	Goal 14 – Urbanization.....	115
O.	Goal 16 – Estuarine Resources	116
P.	Goal 17 – Coastal Shorelands.....	116
	1. Ocean Shorelands.....	116
	a. Uses Allowed in Ocean Shorelands.....	117
	b. Resort Development Outside of Ocean Shorelands.....	117
	2. Lake Shorelands	118
	a. Location of Lake Coastal Shorelands Boundaries	118
	b. Uses Allowed in Lake Shorelands	119
	c. Resort Development Outside of Lake Shorelands	120
	(1) Chrome Lake.....	120
	(2) Round Lake	121
	(3) Fahy Lake.....	121
	3. Implementation Requirements	121
Q.	Goal 18 – Beaches and Dunes	123
	1. Implementation Requirement 1	124
	2. Implementation Requirement 2.....	125
	3. Implementation Requirement 3.....	125

R.	Goal 19 – Ocean Resources	126
IX.	“Reasons” Goal Exceptions	126
A.	Reasons	128
	1. Why Coos County Needs the Proposed Expansion of the Bandon Dunes Destination Resort.....	129
	2. Need to Meet Requirements and Fulfill Purposes of Goals 8 and 9	135
	3. Market Demand.....	138
	4. Need for Urban Levels of Population and Facilities	138
	5. Need to be at Specific Rural Location: Resource Dependency and site Dependency.....	139
	6. Enabling Coos County to Meet its Planning Obligations.....	139
B.	Alternative Locations.....	141
	1. Applicable Standards	141
	a. Areas Which do not Require a Goal Exception.....	141
	b. Areas Which do Require a Goal Exception.....	143
	2. Identification of Eligible Sites	144
	3. Identification of Alternate Sites	146
	a. Areas that do not Require a Goal Exception	148
	b. Areas that do Require a Goal Exception.....	153
	(1) Rosboro and McDougall Sites	153
	(2) South Bandon Site.....	154
	(3) Adjacent Areas.....	156
	4. Evaluation of Alternative Sites Which do not Require an Exception	165
	5. Evaluation of Alternative Sites Which do Require an Exception	165
	a. Environmental Consequences.....	165
	b. Economic Consequences	166
	c. Social Consequences	167
	d. Energy Consequences.....	167
	e. Quantity of Land Involved.....	167
	f. Carrying Capacity.....	168
	g. Overall Consequences	168
C.	Compatibility	169
	1. Primary Expansion Area	169
	a. Compatibility with Area F.....	170
	b. Compatibility with Northern and Central Portions of Area E	173
	2. Seven Devils Road Parcel	175
	3. Tear Drop Site.....	177
	a. Compatibility with Area A	177
	b. Compatibility with Western Portion of Area B	177
	c. Compatibility with Western Portion of Area C	178
	4. Existing Bandon Dunes Resort	179
	a. Compatibility with In-Holding Area	179
	b. Compatibility with Area E, Central Subarea	180
	c. Compatibility with Area E, Southern Subarea.....	180
	d. Compatibility with Area D	181
	5. Conclusions.....	181
D.	Public Services and Facilities	182
E.	Plan Coordination and Consistency.....	182

X.	Coos County Comprehensive Plan	183
A.	Citizen Involvement.....	183
B.	Land Use and Community Development Planning	184
C.	Agricultural Lands.....	186
D.	Forest Land.....	186
E.	Mineral and Aggregate Resources.....	188
F.	Fish and Wildlife Habitats	188
G.	Historical & Archaeological Resources, Natural Areas and Wilderness.....	189
H.	Water Resources	190
I.	Dunes and Ocean and Coastal Lake Shorelands.....	190
J.	Natural Hazards	192
K.	Air, Land, and Water Quality	193
L.	Industrial and Commercial Lands.....	193
M.	Housing.....	194
N.	Public Facilities and Services	195
O.	Transportation.....	196
P.	Recreation.....	197
Q.	Energy	198
XI.	Coos County Zoning and Land Development Ordinance.....	199
A.	Text Amendments.....	199
B.	Map Amendments.....	199

List of Figures

Fig. 1	Site Location and Boundary Map	2
Fig. 2	Existing Comprehensive Plan Map Designations.....	4
Fig. 3	Existing ZLDO Map Designations	6
Fig. 4	New Resort Development Concept Plan	7
Fig. 5	Open Space	17
Fig. 6	Agricultural Capability Map.....	29
Fig. 7	Forest Capability Map	32
Fig. 8	Significant Wetland Areas	41
Fig. 9	Groundwater Study Area Location Map.....	47
Fig. 10	Randolph Village Center – Design Section Through Ocean-Facing Bluff.....	81
Fig. 11	Site Vicinity Map.....	91
Fig. 12	Road Network.....	92
Fig. 13	Intersection Lane Configurations and Traffic Control Devices.....	94
Fig. 14	Proposed Expanded Resort Site – Generated Traffic Volumes	99
Fig. 15	Seven Devils Road/Highway 101 Conceptual Intersection Improvement Design.....	104
Fig. 16	Randolph Road/Highway 101 Conceptual Intersection Improvement Design.....	105
Fig. 17	Alternative Sites Analysis.....	147
Fig. 18	Land Within Three Miles of High Value Crop Areas	151
Fig. 19	North Spit Ownerships	152
Fig. 20	Location of Areas A Through F.....	157
Fig. 21	Area C [T28S, R14W] – Zoning & Selected Features.....	160
Fig. 22	Area E [T27S, R 14W] – Zoning & Selected Features.....	164
Fig. 23	Randolph Village Center – Design Sections Through Whiskey Run Slopes.....	172

List of Tables

Table 1	Constructed, Approved and Authorized Bandon Dunes Resort Development.....	8
Table 2	Soils Assessment for Bandon Dunes Resort Expansion.....	30
Table 3	BDR Groundwater Study Area Water Balance	48
Table 4	Groundwater Use by Bandon Dunes Resort.....	50
Table 5	Summary of Economic Benefits to Coos County, from Bandon Dunes Resort.....	59
Table 6	Existing Transportation Facilities and Roadway Designations	95
Table 7	Trip Generation Estimates for Uses Authorized But Not Yet Constructed	97
Table 8	Trip Generation Estimates for Future Uses	98
Table 9	Summary of Intersection Operational Analysis Findings.....	100
Table 10	Comparison of Original and Expanded Resort Development.....	145

Appendix

Appendix A:	Excerpt from 1996 Bandon Dunes Resort Land Use Findings and Goal Exception Statement	
-------------	--	--

I. INTRODUCTION

In 1996, the Coos County Board of Commissioners adopted a statewide planning goal exception, related map and text amendments to the Coos County Comprehensive Plan (hereafter "Plan") and the Coos County Zoning and Land Development Ordinance (hereafter "ZLDO"), a Master Plan and an implementing zoning district for the 1,215-acre Bandon Dunes Resort, a destination resort located adjacent to the Pacific Ocean and Bullards Beach State Park.

Since 1996, Coos County has approved Final Development Plans for several phases of the Bandon Dunes Resort. The Bandon Dunes Golf Course opened in May 1999, and the main lodge and Lily Pond Cottages opened in July of 1999. The main lodge includes 21 overnight lodging units, a restaurant, pro shop, sports bar, exercise and sauna facility, and meeting rooms. The Lily Pond Cottages consist of four buildings with 12 lodging units each. The Chrome Lake Lodging, including 63 units, opened in April 2002. A 125-seat "pub" restaurant, including a 60-person meeting room, opened in the summer of 2002. In addition, a Driving Range/Golf Practice Center and the Pacific Dunes Golf Course were constructed on adjacent land to the north of the Bandon Dunes Resort, through the conditional use permit process, and opened in April and July 2001, respectively.

Over the past four years the Bandon Dunes Resort has received national and international acclaim as a unique world-class facility. As an economic stimulus to the local economy, it has created permanent long-term jobs for local residents, as well as seasonal and construction jobs numbering in the hundreds. Indirect benefits include revenues to local businesses, entrepreneurial opportunities and tax payments to local governments. Nevertheless, an economic assessment conducted by Economic Research Associates (ERA) has identified a significant difference between peak and off-season overnight lodging occupancy rates at the resort, and has confirmed the need to increase off-season occupancy rates and average lengths of stay through expanding the existing golf-oriented facilities and adding new year-round activities to broaden the range of recreational pursuits available to future resort guests and residents.

The approved expansion of the Bandon Dunes Resort was designed to provide a more balanced mix of uses that includes year-around activities and will assure the long-term economic sustainability of the resort. An overview of the resort expansion concept is found in Section IV. The Plan and ZLDO amendments necessary to carry out the expansion are described in Section V. This document identifies the legal standards applicable to the approved resort expansion and sets out the findings and conclusions demonstrating that those standards are satisfied.

II. APPLICANTS

The application was submitted by Howard McKee, as agent for the owners of the subject properties, Bandon Dunes, L.P., and Bally Bandon, L.P. All three are referred to collectively hereafter as "applicants."

III. EXPANSION AREA

The approximately 925-acre expansion area is comprised of three physically separate sites, each of which adjoin the existing Bandon Dunes Resort and are described below. The boundaries of the three expansion sites are shown on Fig. 1.

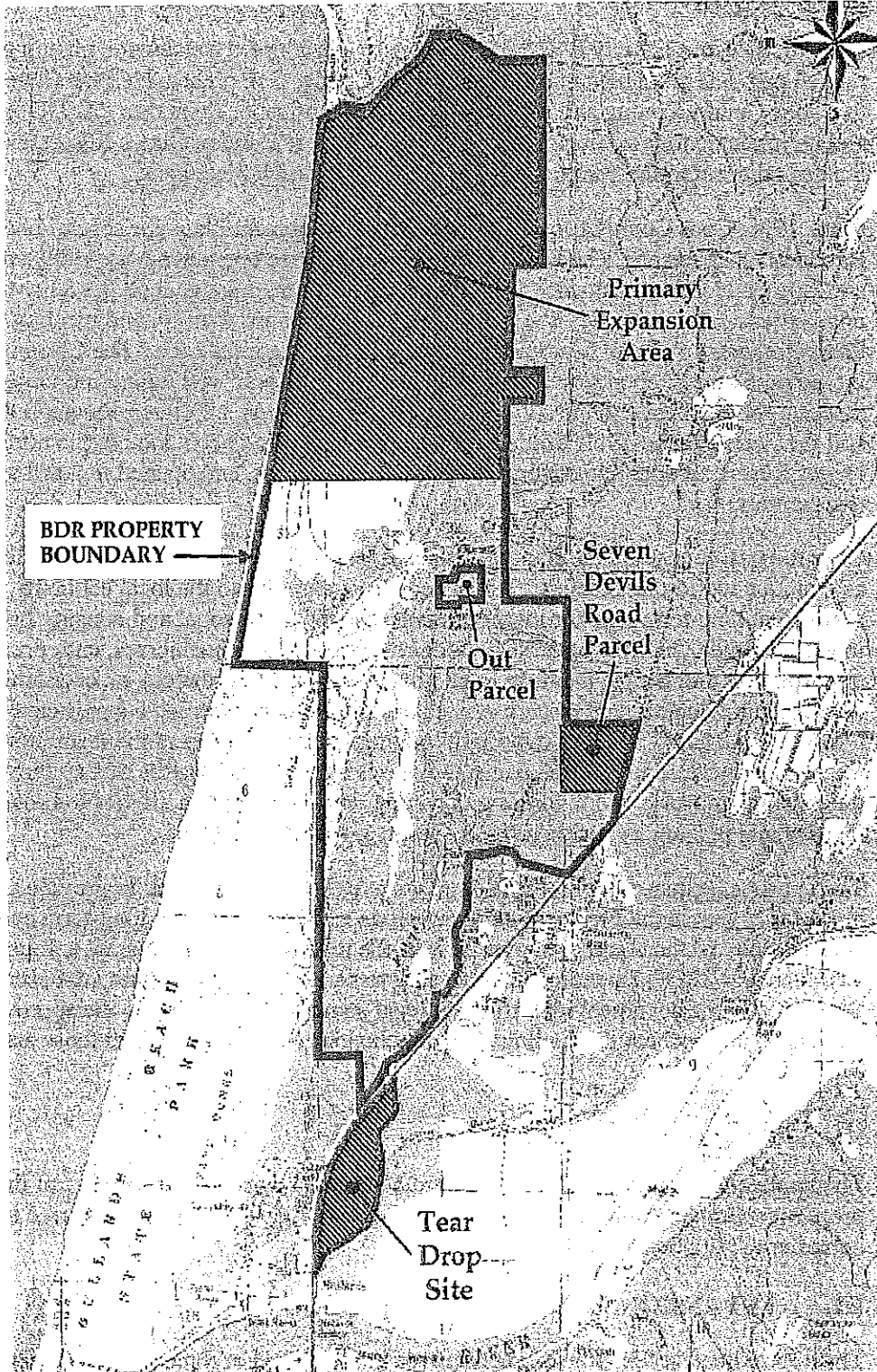


Figure 1: Site Location and Boundary Map

A. Primary Expansion Area

The Primary Expansion Area consists of 824.85 acres owned by Bally Bandon, L.P. The Primary Expansion Area contains the following parcels:

T.27S, R.14W, Sec. 20, Tax Lots 401, 600
T.27S, R.14W, Sec. 20D, Tax Lots 500, 600, 700, 800, 900
T.27S, R.14W, Sec. 20DD, Tax Lots 400, 300
T.27S, R.14W, Sec. 29, Tax Lots 400, 300, 200, 100, 401, 601, 600, 700, 1400, 1300,
1200, 1100, 1700
T.27S, R.14W, Sec. 31, Tax Lot 100
T.27S, R.14W, Sec. 32, Tax Lot 401

The Primary Expansion Area extends for about 1 1/4 miles along the Pacific Ocean, from the existing Bandon Dunes Resort on the south to Whiskey Run Road on the north. To the east, the Primary Expansion Area abuts a developed rural residential subdivision in the north and undeveloped forestland in the south. Except for one 9.62-acre parcel in the northeast corner, which is planned Rural Residential and zoned Rural Residential-5 (RR-5), the entire Primary Expansion Area is currently designated Forest and zoned Forest/Mixed Use (F/MU). See Figs. 2 and 3.

A central ridge running on a north to south axis roughly bisects the Primary Expansion Area. West of the ridge, the terrain is a flat marine terrace overlain with sand deposits. The area is conditionally stable and is primarily covered with gorse. The southwestern portion of the Primary Expansion Area has been cleared of gorse and is now the site of the Pacific Dunes Golf Course. This course was approved in 1999 as a conditional use in a Forest/Mixed Use zone.

East of the central ridge, Whiskey Run Creek flows through a shallow valley. Further east, the land transitions to an upland forest. This area was recently logged and reforested. However, gorse has invaded the area and has overrun most of the native shrubs and ground cover that had initially been re-established.

A 32-acre golf driving range/practice area has been constructed in the southeast portion of the Primary Expansion Area, under the conditional use permit approved in 1999. A barn built by the previous owner, a private dwelling and a temporary clubhouse are the only existing buildings in the Primary Expansion Area. Near the barn, the 5-acre Madrone Reservoir was built to store ground water used to irrigate the golf course facilities.

B. Seven Devils Road Parcel

The Seven Devils Road Parcel consists of a 37.52-acre parcel owned by Bandon Dunes, L.P. The Seven Devils Road Parcel is described as T.28S, R.14W, S.4, Tax Lot 1300. The parcel is located directly northwest of the intersection of Highway 101 and Seven Devils Road, and is adjoined to the south and west by the existing Bandon Dunes Resort. This parcel is currently designated Forest and zoned F/MU. See Figs. 2 and 3.

The Seven Devils Road Parcel contains a dwelling, a garage and four outbuildings. A portion of Fahy Creek passes through the property. Near Seven Devils Road the creek splits into two tributary branches. This parcel was inventoried as a woodland area with mixed tree species. Previous owners have logged portions of the parcel.

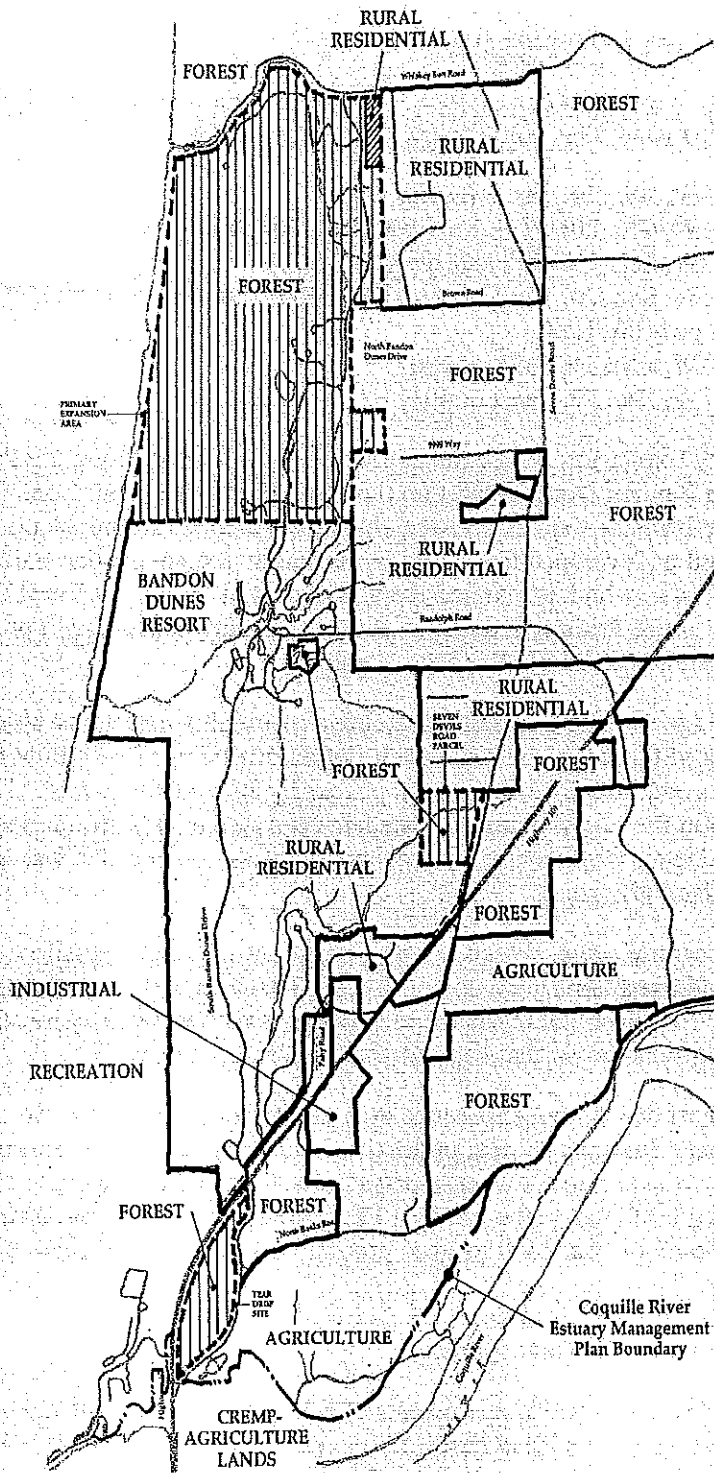


Figure 2: Existing Comprehensive Plan Map Designation

C. Tear Drop Site

The Tear Drop Site consists of 62.02 acres owned by Bandon Dunes, L.P. The Tear Drop Site contains the following parcels or portions of parcels:

T.28S, R.14W, S.8, Tax Lots 500 (29.38 ac. east of Hwy. 101), 603, 604

T.28S, R.14W, S.17, Tax Lot 200 (28.80 ac. northwest of North Bank Road)

The Tear Drop Site is located north of the intersection of Highway 101 and North Bank Road, on the east side of Highway 101. The northern end of the Tear Drop Site is located directly across Highway 101 from the southern (Bandon Dunes Drive) entrance to the existing Bandon Dunes Resort. The Tear Drop Site is an undeveloped wooded hillock adjacent to Highway 101. Highway construction, several decades ago, left this dune formation isolated from the natural coastal dunes land pattern. It is surrounded on all sides by roadways; but its proximity to the Coquille River and the Ni-les'tun Unit Addition to the Bandon Marsh National Wildlife Refuge creates a special development opportunity for a regional Cultural/Visitor Center.

IV. OVERVIEW OF EXPANSION PROPOSAL

The Conservation, Recreation, and Resort Development Master Plan (hereafter "Master Plan") for the Bandon Dunes Resort, adopted by Coos County as part of its Comprehensive Plan in 1996, calls for development of a destination resort featuring a true traditional Scottish seaside "links" golf course and related facilities, nature trails and conservation areas, a multipurpose conference/nature center, overnight tourist accommodations, native flora gardens, and low-key, coastal residential development. The adopted Supplemental Conservation, Recreation, and Resort Development Master Plan (hereafter "Supplemental Master Plan" or "SMP") for the Bandon Dunes Resort will, unless specifically stated otherwise, add to rather than supersede the provisions of the 1996 Master Plan.

The basic concept of the approved resort expansion is to ensure resort sustainability on a year-round basis by adding to the resort's golf facilities and providing a greater variety of lodging and year-round recreational opportunities, without detracting from the resort's core emphasis on golf excellence. As with the original Bandon Dunes Resort, the majority of land in the expansion areas will be left in a natural-like state or as recreational open space with built-up areas occupying only a small percentage of the land. The New Resort Development Concept Plan (hereafter "Concept Plan"), shown in Figure 4, will replace the Conservation, Recreation, and Resort Development Concept Plan in the 1996 Master Plan, and will guide decisions on the use of both the original resort property and the expansion areas. The Concept Plan will be implemented by the Bandon Dunes Resort (BDR) zoning district and BDR Use Subzones Map. A summary table indicating the major uses authorized by the 1996 Master Plan, what has already been constructed and the additional uses approved as part of the expansion is found in Table 1, on page 8.

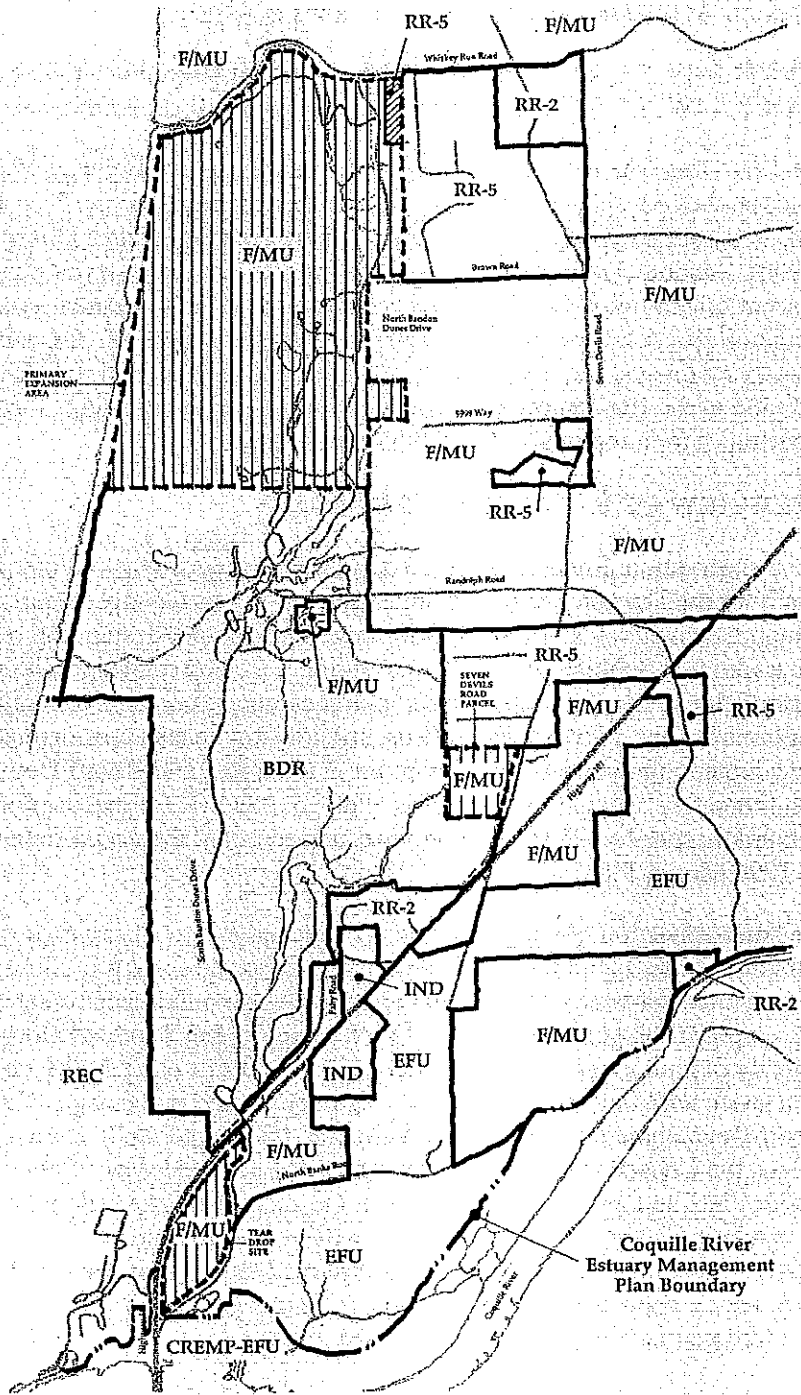
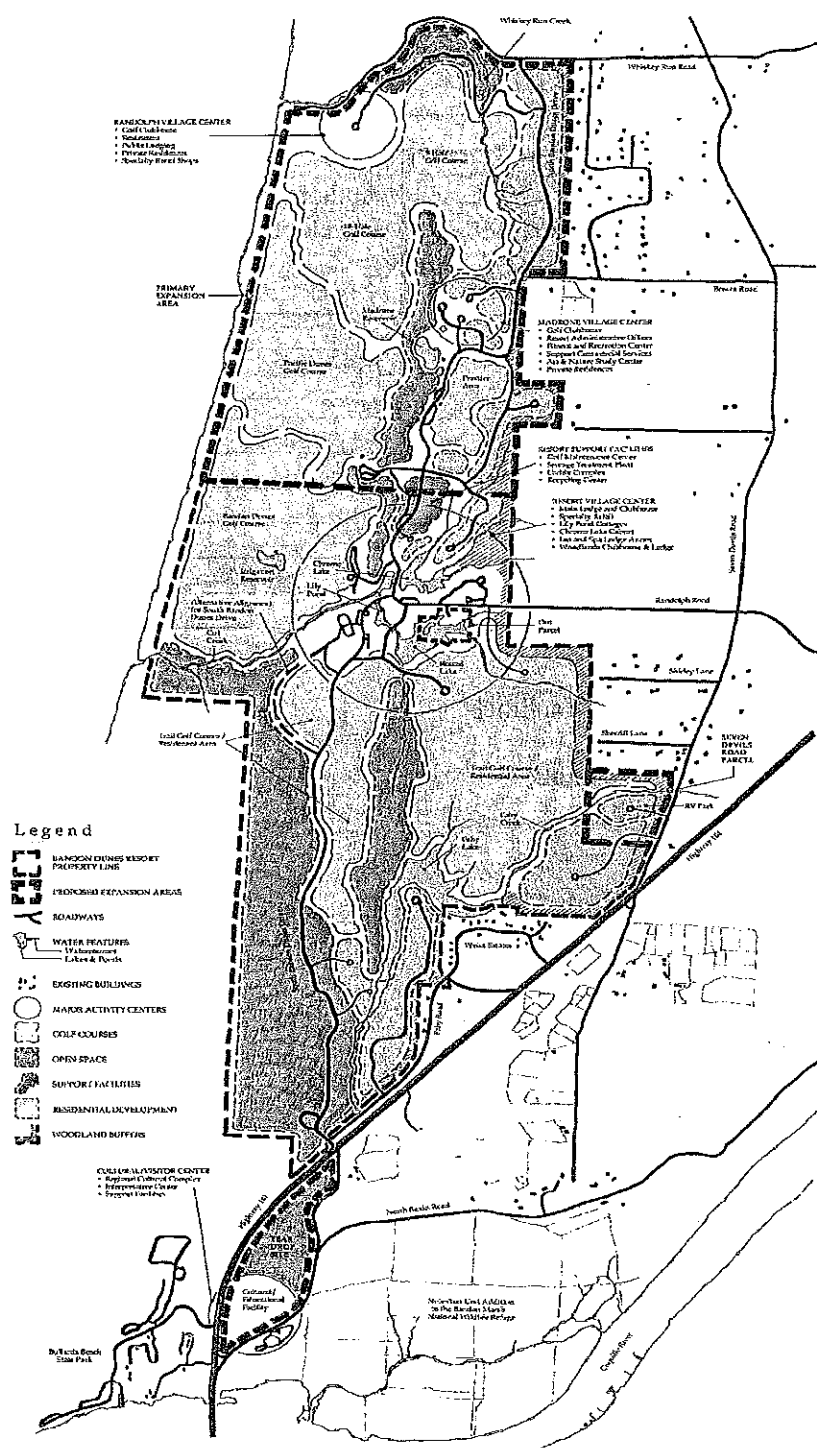


Fig. 3: Existing ZLDO Map Designations

BANDON DUNES RESORT EXPANSION



- Legend**
- BANDON DUNES RESORT PROPERTY LINE
 - PROPOSED EXPANSION AREAS
 - ROADWAYS
 - WATER FEATURES
Watercourse
Lakes & Ponds
 - EXISTING BUILDINGS
 - MAJOR ACTIVITY CENTERS
 - GOLF COURSES
 - OPEN SPACE
 - SUPPORT FACILITIES
 - RESIDENTIAL DEVELOPMENT
 - WOODLAND BUFFERS

New Resort Development Concept Plan



Table 1

**Constructed, Approved and Authorized
Bandon Dunes Resort Development**

Development Feature	Approved by 1996 Exception or 1999 CUP [Already Constructed]	Authorized Expansion Development	Total Development
Overnight Lodging Units	150 [132]	150	300
Private Dwelling Units	300 [0]	300	600
Golf Courses	3.5 [2.0]	1.0	4.5
Acres	1,215	925	2,140

Other Recreational and Commercial Facilities

Approved as Part of Original Exception:

- Golf Clubhouse/Pro Shop †
- Restaurants (2) †
- Meeting Facilities †
- Recreation Center
- Conference Center
- Retail Shops
- Mini-Clubhouse/Pro Shop
- Dock @ Fahy Lake
- Nature Trail System

Authorized for Addition to Expanded Exception Area:

- Golf Clubhouse/Pro Shop (3)
- Golf Academy & Practice Center ††
- Restaurants (3)
- Spa/Fitness Center
- Retail Shops
- Swimming Pool
- Art/Nature Study Center
- Cultural/Visitor Center
- Croquet Courts
- Dock @ Madrone Lake
- Additions to Nature Trail System

† Already constructed and operational.

†† A driving range/practice area, approved as part of the 1999 Pacific Dunes Golf Course CUP, is currently occupying the site of the future golf academy and practice center.

A. Natural Resource Conservation

Selected portions of the approved expansion areas have been designated as natural resource conservation areas. Resource management will also include a major restoration program for disturbed wetlands and preservation of significant stream environments that were identified in the Natural Resources Inventory and Site Analysis Report (hereafter "Natural Resources Inventory" or "NRI") prepared by the Bandon Dunes planning team. As was the case in the 1996 Master Plan, the Supplemental Master Plan continues to require resource protection, restoration, and enhancement while providing economic and recreation facility development directed towards assuring the long-term sustainability of a world class resort.

B. Golf Facilities

The majority of the land in the Primary Expansion Area will be used for golf course development placed in open marine terrace areas that have been logged and/or have been infested with gorse and other exotic plants such as Scotch Broom. Existing golf facilities in this area include the Pacific Dunes Golf Course and the associated golf practice facility (including driving ranges, putting greens, and bunker areas), both of which opened in 2001.

An additional 18-hole links-style golf course will be constructed along the coast, north of the Pacific Dunes Golf Course. A companion 9-hole golf course will be built to the east, providing sufficient area is available, as determined through detailed design work.

C. Residential Development

A total of 300 additional dwelling units are proposed as part of the resort expansion, all of which will be located in the Primary Expansion Area. Of this total, 170 units will be constructed in the Madrone and Randolph Village Centers and 130 will be located in Special Residential and Golf Course/Residential Areas.

Consistent with existing land use patterns, the entire eastern edge of the Primary Expansion Area is planned for private residential development. Low-density dwellings will be developed near the eastern edge of the Primary Expansion Area, north of Brown Road, thus extending the established low-density, rural residential character exemplified by housing in the adjacent Pacific Riviera subdivision. Other sites along the eastern property boundary will also be used for private residential development, principally clustered dwelling units, extending south to Chrome Lake. The major portion of the Seven Devils Road Parcel, located south of Fahy Creek, will be used for a recreational vehicle parking area and for individual and clustered single-family dwelling units. A buffer of existing woodland vegetation will be maintained along the eastern boundary of the expanded resort to serve as a transition between adjacent land uses and resort residential areas.

The area designated for construction of the 9-hole golf course will also include private residential development. Dwelling units, probably of a cluster building type, will be located on upland areas overlooking the golf course. These buildings will be set back from adjacent watercourses and will have accompanying plantings of native trees and shrubs to create a woodland setting for the residential use.

D. Mixed-Use Centers

The existing Resort Village Center, located west of Chrome Lake, will be expanded slightly and will absorb approximately 110 of the proposed additional 150 overnight lodging units. Two new Mixed-Use Village Centers are proposed to provide a wider range of activity choices for resort guests and residents. These two new village centers -- Madrone Village Center and Randolph Village Center -- will be located respectively near the west end of Brown Road and at the northwest corner of the Primary Expansion Area just south of Whiskey Run Road. The Randolph Village Center will include approximately 40 units of overnight lodging. The concentration of new development in these two smaller centers will reduce auto usage and travel within the resort, as each center will be pedestrian-oriented and all facilities will be connected by a shuttle bus system. This development pattern will also reduce the amount of land used and minimize infrastructure expansion.

A fourth mixed-use center is planned for the Tear Drop Site. This site, because of location, is designated for a cultural/visitor center that would introduce resort guests, the local population, and traveling public to the multiple environmental, historical, and recreational amenities in the area. Bandon Dunes Resort is willing to work cooperatively with any public entity interested in pursuing a public/private partnership for the development of such a cultural/educational visitor facility.

E. Transportation

The existing north-south oriented spine road (Bandon Dunes Drive) will be extended north to serve the new Madrone and Randolph Village Centers; thereby, creating an interior roadway system that will interconnect all resort facilities on private land. In the future, the expanded resort will have four vehicular access points off Highway 101 - at South Bandon Dunes Drive, Randolph Road, Seven Devils Road, and Beaver Hill Road. These Highway 101 intersections will lead to two major, signed public entrances to the resort on South Bandon Dunes Drive and Randolph Road and to four minor access points, primarily used by resort residents: one on Fahy Road (near its intersection with South Bandon Dunes Drive), two on Seven Devils Road (near its intersection with Highway 101), and one on Whiskey Run Road (leading to Highway 101 via East Humphries Road and Beaver Hill Road).

The existing resort shuttle bus system will be expanded to discourage internal auto use and to more efficiently move guests and visitors between the four activity centers and the golfing facilities. Also, a comprehensive system of pathways will offer multiple opportunities for guests, residents, and visitors to explore the resort on foot or bicycle.

V. PROPOSED AMENDMENTS

The approved expansion of the Bandon Dunes Resort requires adoption of the following amendments to the Plan and ZLDO. However, even after these amendments are adopted, development at the expanded Bandon Dunes Resort may occur only after County approval of a Final Development Plan, as provided in the BDR zone, consistent with the approved Master Plan, as amended by the Supplemental Master Plan, and this Land Use Findings and Goal Exception Statement.

A. Comprehensive Plan Text Amendments

1. Adoption of exception to Statewide Planning Goals 3, 4, 11, and 14 necessary to allow use of the Expansion Area for a destination resort (see Section IX).
2. Adoption of Supplemental Conservation, Recreation, and Resort Development Master Plan (Final Decision, Exhibit A), supplementing 1996 Master Plan regarding:
 - a. Types, intensities, and locations of uses.
 - b. Recreational and tourist facility types and locations.
 - c. Utility sizes and locations.
 - d. Transportation facility design and phasing.
 - e. Operation and maintenance guidelines.
 - f. Natural resource management, restoration, and conservation measures.
3. Amendment of Plan Volume I, Part 1, Table 1 ("Approved Land Use Designations for Coos County Comprehensive Plan Map") to reflect that the area to which the Bandon Dunes Resort designation applies has been increased from 1,215 acres to 2,140 acres.

B. Comprehensive Plan Map Amendments

1. Applying the Bandon Dunes Resort Plan Map designation to the Expansion Areas (Final Decision, Exhibit C).
2. Amending the Plan Fish & Wildlife Habitat II Special Consideration Map to reflect the identification of significant wetlands in the SMP (Final Decision, Exhibit D).

C. ZLDO Text Amendments

1. Adoption of amendments to the text of the Article 4.10, the Bandon Dunes Resort (BDR) zone (Final Decision, Exhibit F), which establishes standards and procedures for final development plan review for phases and elements of the expanded Bandon Dunes Resort and land divisions within the expanded Bandon Dunes Resort area.

D. ZLDO Map Amendments

1. Applying the BDR zone to the Expansion Areas (Final Decision, Exhibit G).
2. Adopting the BDR Use Subzones Map for the expanded Bandon Dunes Resort area (Final Decision, Exhibit H).

VI. APPLICABLE STANDARDS AND CRITERIA

This application involves amendments to acknowledged comprehensive plan provisions and acknowledged land use regulations. Under Oregon's land use statutes, these

amendments must be shown to comply with a wide range of standards and criteria, including the following:

A. Statutes

1. ORS 197.175(2)(d) -- Plan and goal consistency.
2. ORS 197.435 to 197.445 -- Destination resort definitions and criteria (compliance not required where an exception to Goals 3, 4, 11, and 14 is taken).
3. ORS 197.610 and 195.615—Post-acknowledgment amendment procedures.
4. ORS 197.646 -- Implementation of new or amended goals, rules, or statutes.
5. ORS 197.712(2)(g)(A) -- Economic development obligation to provide reasonable opportunities for economic development on appropriate lands outside urban growth boundaries.
6. ORS 197.732 -- Goal exception standards.
7. ORS 197.763 -- Notice and procedures for quasi-judicial land use hearings.
8. ORS 455.446 to 455.447 -- Prohibition on construction of certain facilities and structures in tsunami inundation zone.

B. Statewide Planning Goals

1. Goal One -- Citizen Involvement
2. Goal Two -- Land Use Planning
3. Goal Three -- Agricultural Lands
4. Goal Four -- Forestlands
5. Goal Five -- Natural Resources, Scenic and Historic Areas, and Open Spaces
6. Goal Six -- Air, Water and Land Resources Quality
7. Goal Seven -- Areas Subject to Natural Disasters and Hazards
8. Goal Eight -- Recreational Needs
9. Goal Nine -- Economic Development
10. Goal Ten -- Housing
11. Goal Eleven -- Public Facilities and Services
12. Goal Twelve -- Transportation
13. Goal Thirteen -- Energy Conservation

14. Goal Fourteen -- Urbanization
15. Goal Seventeen -- Coastal Shorelands
16. Goal Eighteen -- Beaches and Dunes

C. State Agency Rules

1. OAR Chapter 632, Division 5 -- Tsunami Inundation Zone
2. OAR Chapter 660, Division 4 -- Interpretation of Goal 2 Exception Process
 - 660-004-0000 Purpose
 - 660-004-0005 Definitions
 - 660-004-0010 Application of the Goal 2 Exception Process to Certain Goals
 - 660-004-0015 Inclusion as Part of the Plan
 - 660-004-0018 Planning and Zoning for Exception Areas
 - 660-004-0020 Goal 2, Part II(c), Exception Requirements
 - 660-004-0022 Reasons Necessary to Justify an Exception Under Goal 2, Part II(c)
 - 660-004-0030 Notice and Adoption of an Exception
3. OAR Chapter 660, Division 12 -- Transportation Planning
 - 660-012-0060 Plan and Land Use Regulation Amendments
 - 660-012-0065 Transportation Improvements on Rural Lands
4. OAR Chapter 660, Division 14 -- Application of Statewide Planning Goals to Incorporation of New Cities
 - 660-014-0040 [Establishment of New Urban Development] on Undeveloped Rural Lands
5. OAR Chapter 660, Division 18 -- Plan and Land Use Regulation Amendment Review
6. OAR Chapter 660, Division 23 -- Procedures and Requirements for Complying with Goal 5
 - 660-023-0090 Riparian Corridors
 - 660-023-0100 Wetlands
 - 660-023-0110 Wildlife Habitat
 - 660-023-0140 Groundwater Resources
 - 660-023-0250 Applicability

D. Comprehensive Plan Provisions

Procedures and requirements governing amendments to the Coos County Comprehensive Plan (Plan) are set forth in Volume I, Part 1, Sections 5.1 (Citizen Involvement) and 5.2 (Land Use & Community Development

Planning).¹ These requirements address notice, citizen participation, and agency coordination. They do not impose substantive plan amendment criteria separate from those contained in state land use statutes, statewide planning goals, and state agency rules. However, a variety of substantive plan provisions implementing statewide planning goals constitute potential standards for individual decisions amending the Plan and the ZLDO. As relevant here, the Plan establishes the following categories of plan provisions covering a range of topics substantially the same as the range of topics addressed by the statewide planning goals discussed in detail in Section VIII of these findings. Where necessary, these plan provisions are addressed separately in Section X.

1. Citizen Involvement
2. Land Use & Community Development Planning
3. Agricultural Lands
4. Forestlands
5. Mineral & Aggregate Resources
6. Fish & Wildlife Habitats
7. Historical & Archaeological Resources, Natural Areas and Wilderness
8. Water Resources
9. Unique Scenic Resources
10. Dunes, and Ocean and Coastal Lake Shorelands
11. Natural Hazards
12. Air, Land, & Water Quality
13. Industrial & Commercial Lands
14. Housing
15. Public Facilities & Services
16. Transportation
17. Recreation
18. Energy

E. ZLDO Provisions

The ZLDO does not include specific standards for amendments to the Plan, but rather relies on the standards for such changes established by state land use statutes, statewide planning goals, and state agency rules as listed above and addressed in this volume. The ZLDO does contain the following provisions

¹ Unless otherwise specified, all subsequent citations in these findings to the Plan are to Volume I, Part 1.

concerning amendments to the text of the ZLDO or the county Zoning Map:

1. ZLDO Text Amendment -- ZLDO 1.2.100

The "purpose" section (ZLDO 1.2.100) does not establish specific criteria, but notes conformance with the Plan as it exists or may exist and with "other changes in circumstances and conditions."

2. Zoning Map Amendment -- ZLDO 5.1.400

- a. The rezoning will conform with the Plan or ZLDO 5.1.150; and
- b. The rezoning will not seriously interfere with permitted uses on other nearby parcels; and
- c. The rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners.

F. BDR Zoning District Standards

Standards applicable to future final development plan approvals for a phase or element of the expanded Bandon Dunes Resort are found in Sections 4.10.030 and 4.10.070 of the amended BDR zone. Standards applicable to future approval of land divisions within the expanded Bandon Dunes Resort area are found in Section 4.10.090 of the amended BDR zone.

G. Other Regulations Incorporated by Reference

The above land use standards frequently require demonstration of compliance with local, state, and federal environmental, safety, and fiscal requirements.

It is not always easy to determine just which specific statutory goal, rule, plan or ordinance provisions apply to a given proposal. Nor is it easy to resolve all of the conflicts and interpretive issues which arise out of such a dense thicket of overlapping regulations. In the case of state statutes, goals, and rules; the Land Use Board of Appeals (LUBA), the Land Conservation and Development Commission (LCDC), and the courts have the final word on interpretive issues. However, if a local governing body expresses, in its decision, an interpretation of a local enactment that is adequate for review, that interpretation will be upheld by LUBA and the Oregon appellate courts if it is not "clearly wrong." See ORS 197.829; Gage v. City of Portland, 319 Or 308, 877 P2d 1187 (1994); Clark v. Jackson County, 313 Or 508, 515, 836 P2d 710 (1992). Thus, where issues concerning the interpretation or applicability of local regulations arise, it is important for the county governing body to clearly state and explain the basis for its interpretation of Plan and ZLDO provisions.

Amendments to acknowledged plans must comply with the Statewide Planning Goals adopted by LCDC. The adopted amendments comply fully with most statewide planning goals, but do involve allowing nonresource uses and some urban levels of facilities and services on resource land outside of an urban growth boundary. They therefore depart from certain goal requirements, such as those of the Forestlands goal and Urbanization goal. These departures require the taking of a formal "exception," which is an amendment to a comprehensive plan setting forth facts and reasons authorizing and justifying the necessary departures from the goals. The type of exception involved here is known as a "reasons" exception. The standards for a reasons exception are set forth in three places, substantially overlapping in their requirements:

Statute: ORS 197.732(1)(c)

Goal: LCDC Goal 2, Part II (also cited as OAR 660-15-000(2)(II))

Rules: LCDC rules, including OAR 660-004-0000, 660-004-0005,
660-004-0010, 660-004-0020, and 660-004-0022

In this statement, applicable standards and criteria are set forth verbatim in bold type, followed by explanatory text including facts, reasons and legal conclusions. This statement is organized so that the analysis begins with state law and proceeds to local law. Thus, the next section deals with state statutes and implementing administrative rules, followed by a section addressing the Statewide Planning Goals and implementing administrative rules, and a section addressing the standards for a goal exception. These sections are followed by sections addressing applicable standards and criteria from the Coos County Comprehensive Plan and Coos County Zoning and Land Development Ordinance. Often the same or very similar criteria are found in more than one source. This statement attempts to minimize repetition and redundancy, using cross-references where possible and adding or repeating material only where necessary.

VII. STATE STATUTES²

A. ORS 197.435 to 445 - Destination Resort Definitions and Criteria

The expansion of the Bandon Dunes Resort cannot be approved pursuant to the process provided by ORS 197.450 to 197.467 and Goal 8 without a goal exception because all three expansion sites are located within three miles of high value crop areas (see Fig. 18). ORS 197.455(1)(b)(B). However, the findings below demonstrate that the expanded Bandon Dunes Resort satisfies the standards of ORS 197.445 for being considered a destination resort. Therefore, the legislative findings set forth in ORS 197.440, which establish the existence of a need for destination resorts to further economic development in the state, are applicable to this decision.

1. ORS 197.445(1) - Site Area

This provision requires that a destination resort within two miles of the ocean be located on a site of at least 40 acres. The existing Bandon Dunes Resort is 1,215 acres in size, and the expanded Bandon Dunes Resort is 2,140 acres in size.

2. ORS 197.445(2) - Open Space

This provision requires that at least 50 percent of a destination resort site "be dedicated to permanent open space, excluding streets and parking areas." The Open Space Map adopted as part of the Supplemental Master Plan (see Fig. 5) demonstrates that approximately 75% to 80% of the expanded Bandon Dunes Resort site is proposed to remain as permanent open space, principally in the form of natural resource

² The statutes listed in Section VI.A.1 and 4 require that these Plan and ZLDO amendments be consistent with applicable provisions of the statewide planning goals, rules and county comprehensive plan. These requirements are addressed in Sections VIII to X below.

conservation areas, woodland buffers, and golf courses. Under the Master Plan, as amended by the Supplemental Master Plan, and the BDR zone prior to final development plan approval, the only permissible uses of the expansion areas will be certain nonstructural uses permitted under the County's Forest zone. When final development plan approval for a part of the resort site is granted, an easement will be recorded dedicating the portions of that part of the site shown as open space on the Open Space Map as permanent open space. See Master Plan, p. 23; SMP, p. 31; BDR zone Sections 4.10.045, 4.10.065(C)(3) and 4.10.070(B). At all times, more than 50% of the expanded Bandon Dunes Resort site will remain as existing or dedicated open space.

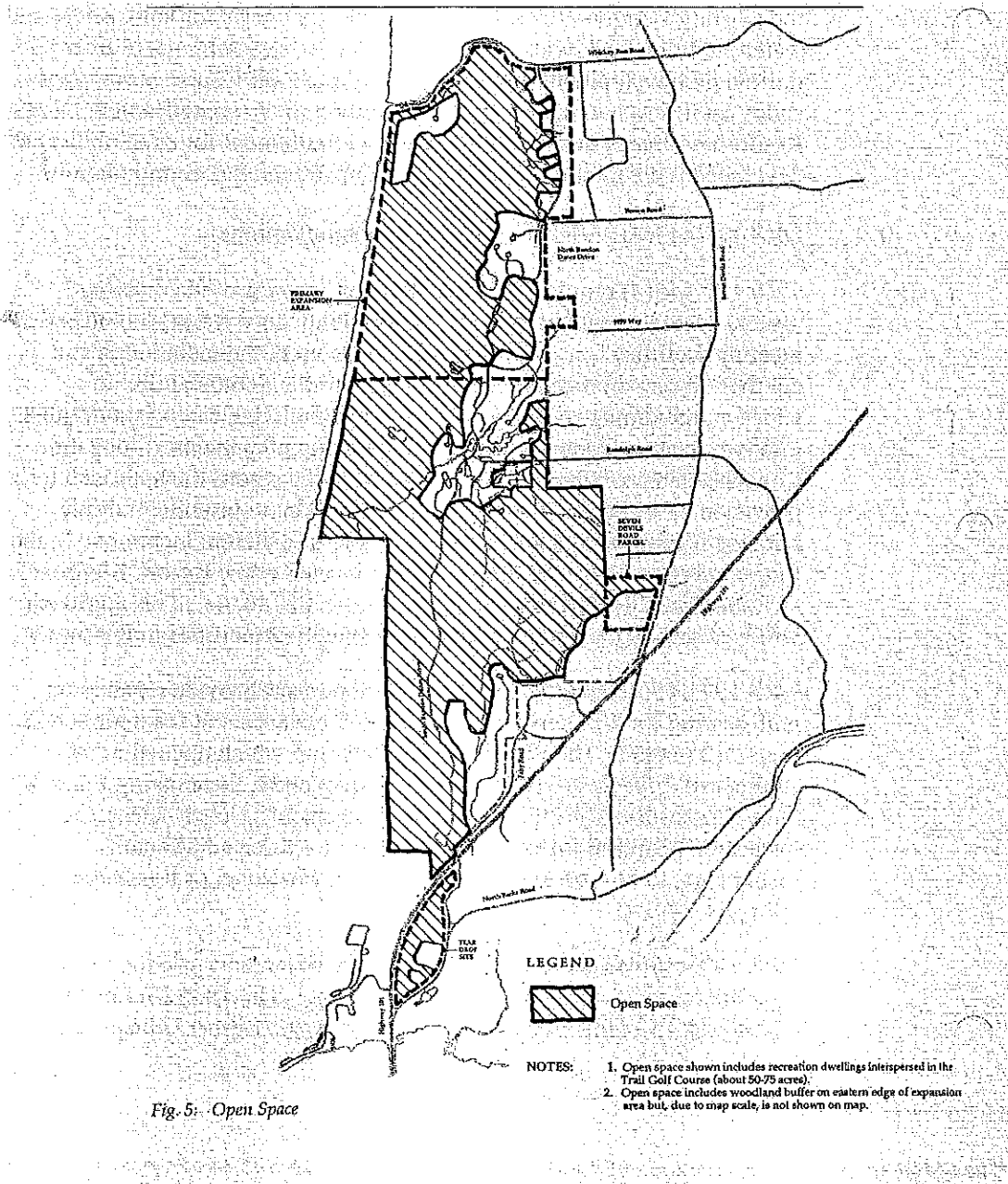


Fig. 5: Open Space

3. ORS 197.445(3) and (8) - Required Expenditures

These provisions require that at least \$8.75 million be spent on “on site-developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities, and roads.”³ Not less than 1/3 of this amount (\$2.92 million) must be spent on developed recreational facilities.

The applicants have already made expenditures of over \$27 million on developed recreational facilities and visitor-oriented accommodations at the existing Bandon Dunes Resort (exclusive of costs for land, sewer and water facilities, and roads). This sum includes expenditures of over \$5 million on development of the Bandon Dunes Golf Course, associated caddy facilities, and nature trails. Therefore, the existing Bandon Dunes Resort has already satisfied the statutory requirement for expenditures on developed recreational facilities and visitor-oriented accommodations.

4. ORS 197.445(4) - Visitor-Oriented Accommodations

ORS 197.445(4) requires that a destination resort provide meeting rooms. Development at the existing Bandon Dunes Resort includes two meeting facilities -- a 15-person meeting room at the main lodge and another 60-person meeting room adjacent to the Scottish Pub. In addition, the dining room facilities at the main lodge can be subdivided into two meeting rooms, each accommodating 60 persons. Since the Concept Plan envisions several "centers" at the resort, the approach to provision of additional meeting facilities will be to provide multiple-purpose type meeting facilities at a number of different locations. In the future, more meeting facilities could be located at the Resort, Madrone, or Randolph Village Centers. See SMP, pp. 22, 26, 44. This approach will best satisfy the need for specialized meeting facilities in the future.

ORS 197.445(4) requires that a destination resort provide restaurants with seating for 100 persons. The existing restaurant at the main lodge seats 212 people. The Scottish Pub restaurant, which opened in the summer of 2002, seats 125 people. Consequently, the existing Bandon Dunes Resort satisfies this statutory requirement. Nevertheless, the expansion proposal includes authorization for three additional restaurants, to be constructed in the Resort, Madrone, or Randolph Village Centers.

ORS 197.445(4) also requires that a destination resort provide “150 separate rentable units for overnight lodging.” The 1996 Master Plan authorized 150 units of overnight lodging, in the Resort Village Center.

³ The statute requires an expenditure of \$7 million in 1993 dollars. ORS 197.445(8) provides that the expenditure required “shall be adjusted to the year in which calculations are made in accordance with the United States Consumer Price Index.” The U.S. Consumer Price Index for November 2002, the latest figure available from the U.S. Bureau of Labor Statistics, is 181.3, and the 1993 index was 144.5. Therefore, the expenditure required by the statute must be multiplied by 1.2546, yielding a requirement of \$8.78 million.

During Phase 1 development of the original Bandon Dunes Resort, 21 overnight lodging units were included in the main lodge and 48 units in the Lily Pond cottages, both of which opened in July 1999. During Phase 2 development, 63 additional overnight lodging units were provided in the Chrome Lake Lodging, which opened in April 2002. This makes a total of 132 units of overnight lodging that have already been developed at the existing Bandon Dunes Resort. The proposed expansion would authorize development of an additional 150 units of overnight lodging, or a total of 168 units in addition to those already constructed. Of these 168 units of overnight lodging, 40 are planned for the Randolph Village Center, and the remaining 128 units for the Resort Village Center, including a planned 75-unit public lodging annex to be built on the south side of Cut Creek. (See SMP, p. 44.) However, the SMP also provides that some of these overnight lodging units could be allocated to the Madrone Village Center or included in a clubhouse in conjunction with the future Trail Golf Course. Id.

ORS 197.445(4)(b) limits the number of residential dwelling units to not more than two units for each unit of permanent overnight lodging. This limitation was incorporated into the BDR zone, in the development standard set out at Section 4.10.030(C)(2). In addition, the 1996 Master Plan limited the number of residential dwelling units constructed during Phase 1 to 50 and the total number of residential dwelling units at build-out to 300. To date, no residential dwelling units have been approved or constructed at the existing Bandon Dunes Resort, and no land divisions to create parcels for future residential development have been requested or approved. The approved expansion would authorize an additional 300 residential dwelling units, to be located primarily in the Randolph Village Center (100 units), Madrone Village Center (70 units), and in the eastern portion of the Primary Expansion Area (Whiskey Run Overlook Housing – 70 units; Woodland Estates – 30 units; Upper Chrome Lake Housing – 30 units). Thus, the Master Plan, as supplemented by the SMP, would authorize a maximum of 600 residential dwelling units and 300 overnight lodging units, but not more than two residential dwelling units for each unit of permanent overnight lodging.

In addition, ORS 197.445(4)(a) and (c) govern the timing of the construction of the required 150 units of overnight lodging. ORS 197.445(4)(a)(A) requires that at least 75 units of overnight lodging, not including individually owned homes, lots, or units, be constructed or guaranteed prior to the closure of sale of individual residential lots or units. ORS 197.445(4)(a)(B) allows the remainder of the required 150 units of overnight lodging to be provided as individually owned lots or units subject to deed restrictions that limit their use to use as overnight lodging units. Such deed restrictions may be rescinded when the resort has constructed the required 150 units of permanent overnight lodging. Finally, ORS 197.445(4)(c) requires that all 150 units of required permanent overnight lodging be constructed within five years of initial lot sales. The Master Plan, at pp. 61-62, went beyond what is required by ORS 197.445(4)(a)(A), by requiring that 75 units of overnight lodging actually be constructed (not just guaranteed) before any residential lot or unit can be sold. That point has now been passed, with the construction of 132 overnight lodging units. However, as

explained above, no residential lots or units have yet been sold. The limitations of ORS 197.445(4)(a) and (c) have also been incorporated into the BDR zone, in the development standard set out at Section 4.10.030.C.1 and the land division requirements at Section 4.10.090(D)(4) and E(2)(d).

5. ORS 197.445(5) - Commercial Uses

This provision prohibits industrial uses in a destination resort and limits commercial uses to “types and levels of use necessary to meet the needs of visitors to the development.” The Master Plan, as supplemented by the SMP, and the BDR zone at 4.10.040(F) do not allow any industrial uses. The Master Plan, at p. 17, provides that commercial uses at the Resort Village Center will be limited to types and levels of use required to meet the needs of guests and residents of the resort, not the general public using Highway 101. The Supplemental Master Plan says that specialty shops and convenience shopping in the Madrone Village Center will be designed to serve resort residents and guests. (SMP, p.21.) The Supplemental Master Plan also says that specialty shops in the Randolph Village Center will be designed to serve resort residents, guests and visitors. (SMP, p.25.) The Cultural/Visitor Center envisioned for the Tear Drop site is intended to be a cultural/educational facility that introduces the local population and traveling public to the multiple environmental, cultural, historical, and recreational amenities in the area. (SMP, p. 29.)

Section 4.10.040(E) of the BDR zone provides that commercial uses allowed in the BDR zone 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.” Under Section 4.10.070(B) and (D) of the BDR zone, at the time of approval of a final development plan for a phase or element of the resort, it must be demonstrated that these criteria of the Master Plan and BDR zone for commercial uses are met.

The commercial uses allowable under Section 4.10.050(D) and (E) of the BDR zone are all appropriate for a destination resort environment and do not include “convenience stores” or “gas stations,” although a “country store” limited in scope and size to what is necessary to meet the needs of visitors to the resort is allowable and might include a fuel pump, depending on what the needs of visitors are shown to be during the final development plan approval process. Also, under Section 4.10.050(D) and (E), commercial uses are allowed in the Resort Village Center, Madrone Village Center, and Randolph Village Center subzones, all of which are located some distance from Highway 101. There is no reason to think commercial uses at these locations would attract the general public traveling on Highway 101. Section 4.10.050(E)(7) would allow specialty retail shops as part of a Cultural/Visitor Center on the Tear Drop Site, but they would be limited to what is appropriate to serving the visitors to such a facility.

B. ORS 197.610 and 197.615 - Post-acknowledgement Amendments

ORS 197.610(1) and OAR 660-018-0022 require a local government to forward a proposal to amend its acknowledged comprehensive plan or land use regulations

to the DLCDD director at least 45 days prior to its first evidentiary hearing on adoption. The County mailed notice of its proposed adoption of the Plan and ZLDO amendments for the expansion of the Bandon Dunes Resort, including three copies of the application and Vols. I and II of the applicants' supporting documents, to the DLCDD director on November 26, 2002. The County mailed a revised notice to the DLCDD Director on January 10, 2003, together with Vol. III of the applicants' supporting documents. The revised notice was received by DLCDD on January 13, 2003, 45 days prior to the first evidentiary hearing before the Planning Commission which, after a postponement, was rescheduled for February 27, 2003.

ORS 197.615(1) and OAR 660-018-0040 require a local government, which adopts an amendment to its acknowledged comprehensive plan or land use regulations, to submit a copy of the text of the amendment and the supporting findings to the DLCDD director within five working days after the final decision is adopted. Within the same time period, these provisions also require the local government to submit notice of the adopted amendment to persons who participated in the local proceedings and requested in writing that they be given such notice. The County will comply with these requirements after it adopts the amendments to the Plan and ZLDO.

C. ORS 197.712(2)(g)(A) - Economic Development Obligation

This statute requires the County to provide "reasonable opportunities to satisfy local and rural needs for residential and industrial development and other economic activities on appropriate lands outside urban growth boundaries, in a manner consistent with conservation of the state's agricultural and forestland bases." That these amendments further this purpose is demonstrated by the findings addressing Goal 9 (Economic Development) in Section VIII.I of this document and the findings justifying an exception from Goals 3, 4, 11, and 14 found in Section IX below.

D. ORS 197.732 - Goal Exceptions

The requirements established by ORS 197.732 for goal exceptions, as well as the parallel requirements of Goal 2, Part II, are addressed in Section IX below.

E. ORS 197.763 - Quasi-Judicial Land Use Hearing Notice and Procedures

ORS 197.763(2)(a)(C) required the County to mail notice of hearings on this application to owners of record, on the most recent tax assessment roll, of property within 500 ft. of the property subject to the application.⁴ ORS 197.763(3)(f)(B) required this notice to be mailed at least 10 days before the first evidentiary hearing, if two or more evidentiary hearings are held. ORS 197.763(3)(a)-(e) and (g)-(j) establish requirements for the content of such notice. The county scheduled three evidentiary hearings on the BDLP application -- before the Planning Commission on January 16, 2003, and before

⁴ ORS 197.763(2)(b) requires the notice also be provided to any neighborhood or community organization recognized by the county governing body whose boundaries include the site. There are no such neighborhood or community organizations with regard to the proposed expansion areas or the original resort site.

the Board of Commissioners on February 19 and March 12, 2003. On December 26, 2002, the County Planning Department mailed an Amended Notice of these three hearings, containing the information required by ORS 197.763(3)(a)-(e) and (g)-(j), to owners of property within 500 ft. of the proposed sites for expansion of the Bandon Dunes Resort. On January 6, 2003, the County Planning Department mailed a Notice of Hearing Postponement, stating that the hearing before the Planning Commission was postponed to February 27, 2003 and the hearings before the Board of Commissioners were postponed to April 16 and April 30, 2003, to owners of property within 500 ft. of the original Bandon Dunes Resort site or the proposed expansion areas. A copy of the December 26, 2002 Amended Notice was attached to each mailed Notice of Hearing Postponement. Finally, on May 8, 2003, the County Planning Department mailed to these same property owners a notice of hearing, also containing the information required by ORS 197.763(3)(a)-(e) and (g)-(j), stating that the Board of Commissioners would hold an additional hearing on the proposed resort expansion on May 28, 2003.

During the course of these proceedings, all documents and evidence submitted to the County by the applicants, as well as those submitted by other parties, will be available to the public for review at the County Planning Department offices, as required by ORS 197.763(4)(a). The County Staff Report used at the February 27, 2003 Planning Commission hearing became available on December 31, 2002, in compliance with the requirement of ORS 197.763(4)(b) that such staff reports be available at least seven days prior to the hearing. At the beginning of each hearing, the Planning Director or County Counsel made a statement identifying the applicable procedures and criteria and explaining that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision makers and the parties an opportunity to respond precludes appeal on that issue. ORS 197.763(5).

F. ORS 455.446 to 445.447 - Tsunami Inundation Zone

This statute, and its implementing administrative rules in OAR Chapter 632, Division 5, prohibit the construction of certain new "essential facilities" and "special occupancy structures," as those terms are defined in ORS 455.447(1)(a) and (e), within the tsunami inundation zone established by the Department of Geology and Mineral Industries (DOGAMI) under ORS 455.446(1)(c). The Tsunami Hazard Map adopted by DOGAMI pursuant to these provisions shows that the only portions of the proposed expansion areas within the tsunami inundation zone line are the ocean beaches and a very narrow corridor at the mouth of Whiskey Run Creek. The Supplemental Master Plan for the expanded resort indicates no development of any type is proposed in these areas.

VIII. STATEWIDE PLANNING GOALS AND ADMINISTRATIVE RULES

A. Goal 1 - Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Coos County has a history of citizen involvement in all phases of the planning process, dating back well into the 1960s. See Plan, Section 1.3. This citizen involvement process has evolved over time to include several key features, including: establishment of a formal Citizen Advisory Committee; maintenance

of two-way communication via newsletters, mailings, posters, questionnaires and other media; provision of technical information in an understandable form; referrals to various interested public agencies; and encouragement of citizen influence and feedback through town hall workshops and public hearings. These mechanisms were used in the preparation of the current Coos County Comprehensive Plan.

The above processes have been formally incorporated into the acknowledged comprehensive plan as the county's Citizen Involvement Program. See Plan, Section 5.1. Compliance with Goal 1 is demonstrated through compliance with the county's acknowledged Citizen Involvement Program. See Section X.A.

B. Goal 2 - Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions.

1. Part I - Planning

Goal 2, Part I, requires each city or county to adopt comprehensive plans and implementing ordinances based upon:

- Identification of issues and problems, inventories and other factual information pertinent to each statewide goal.
- Evaluation of alternative courses of action.
- Ultimate policy choices.
- Consideration of social, environmental, energy, and economic needs.

Plans must be consistent with statewide planning goals, and implementing ordinances must be consistent with plans. Plans must be coordinated with other affected governmental units and must be revised on a periodic cycle to take account of "changing public policies and circumstances."

Coos County has an acknowledged comprehensive plan and implementing ordinances consisting of extensive text, tables, figures, graphs, and maps addressing the full range of issues covered by state land use goals. The County's ongoing planning process involves the identification of issues; maintenance of detailed inventories and factual material; evaluation of alternative courses of action; ultimate decisions which consider economic, social, environmental, and economic needs; revisions consistent with relevant state and local policies; and a process accessible to the public.

Specific aspects of the process relevant to these Plan and ZLDO amendments are:

a. **Factual Base**

Factual information from numerous sources, including published information, original research conducted and data gathered by the applicants' planning team, and testimony will be submitted by the applicants. Additional evidence in the form of testimony and documents will be submitted by participants in the hearing process. These findings identify the facts in the record which support a decision to adopt these Plan and ZLDO amendments.

b. **Compliance with Comprehensive Plan**

Compliance with the Goals and Policy Implementation Strategies of the Coos County Comprehensive Plan is required by Goal 2, as well as by the Plan's own criteria for a plan amendment. Analysis of Plan compliance is presented under Section X, "Comprehensive Plan Amendment Criteria."

c. **Coordination with Affected Governmental Units**

In July of 2002, approximately four months before filing this application with Coos County in November 2002, the applicants initiated a pre-application conference with representatives of the Department of Land Conservation and Development (DLCD), Department of Economic & Community Development (DECD), Water Resources Department (WRD), Oregon Department of Transportation (ODOT), and Coos County. Representatives from the Department of Environmental Quality (DEQ) and Division of State Lands (DSL) were also invited, but chose not to attend. Representatives attending were supplied with a summary of the Bandon Dunes Resort expansion proposal and a draft of the Supplemental Master Plan. No substantive concerns about the proposed expansion of the Bandon Dunes Resort were expressed.

After this conference, the applicants sent a draft of the *Transportation Impact Analysis (TIA)* by Kittelson & Assoc. to a representative of ODOT for review and drafts of the *Water Availability Study* and *Groundwater Resource Investigation* by EGR & Associates, Inc. to a representative of WRD for review. Suggestions and comments by ODOT and WRD were considered in preparing the final documents submitted to the County.

The County also solicited input from DLCDC, ODOT, WRD and other federal, state and local agencies by mailing them notice of the hearings on the Bandon Dunes Resort expansion application. The agencies so notified include:

Federal: Army Corps of Engineers
 NRCS, US Department of Agriculture
 US Bureau of Land Management

State: Department of Agriculture
Department of Economic & Community
Development
Department of Environmental Quality
Department of Fish and Wildlife
Department of Forestry
Department of Geology and Mineral Industries
Department of Land Conservation and
Development
Department of Parks and Recreation
Department of Transportation
Department of Water Resources
Division of State Lands
Oregon Health Division
Oregon Housing & Community Services

Local: City of Bandon
Bandon Cranberry Water Control District
Bandon RFPD
Bandon School District
Coos County Airport District
Coos County Roadmaster
Coos County Sheriff's Office
Coos Forest Protective Association
Coos Soil & Water Conservation District
Southern Coos Hospital & Health Center
Coos-Curry Electric Cooperative
City of Coos Bay
International Port of Coos Bay
Cut Creek Water Improvement District
City of North Bend
North Bend Municipal Airport

Other: Coos-Curry-Douglas Business Development
Corporation
Coos-Curry-Douglas Economic Improvement
Association
South Coast Development Council
Coquille Tribes
Confederated Tribes of Coos, Lower Umpqua
and Siuslaw Indians

Responses were received from the Department of Parks and Recreation (OPRD), Oregon Department of Transportation (ODOT), Division of State Lands (DSL), Bandon RFPD, Bandon School District, Coos County Sheriff's Office, Coos-Curry Electric Cooperative, City of Coos Bay, North Bend Municipal Airport, and Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians (Confederated Tribes). Of these agencies, only OPRD, ODOT, DSL and the Confederated Tribes had any concerns regarding the proposed resort expansion.

OPRD wanted the County's decision to recognize the existence of the Oregon Coast Trail and its alternate overland route around

Five-Mile Point, north of the resort, connecting to Whiskey Run Road east of the resort's northern access point. OPRD's concerns have been addressed by adding statements to these findings regarding the location of the Oregon Coast Trail and its alternate overland route around Five-Mile point and agreeing to seek input from OPRD when a Final Development Plan application that includes the proposed northern entrance, Whiskey Run Road, to the resort is submitted.

ODOT wanted it made clear that there would be no additional direct access from resort property onto Highway 101, that the approved Randolph Road/Highway 101 intersection realignment would be completed before the opening of a third golf course at the resort, and that ODOT would be notified and consulted prior to approval of a Final Development Plan for the Tear Drop Site. ODOT also wanted to make sure that the resort's minor access points onto Seven Devils Road would not be too close to its intersection with Highway 101, and that until the Seven Devils Road/Highway 101 intersection realignment is completed, northbound RVs exiting the RV parking area would be directed to use the Randolph Road/Highway 101 intersection. Finally, ODOT wanted to have the process for approval of engineering plans for the intersection realignments clarified and the 1996 Cooperative Improvement Agreement between Bandon Dunes Resort and ODOT updated to conform to the SMP and the 2002 Transportation Impact Analysis (TIA) by Kittelson and Assoc. ODOT's concerns have been addressed by:

- Adding statements to the SMP and these findings that there will be no additional direct access from Bandon Dunes Resort property onto Highway 101.
- Adding statements to the SMP that the minor access point from Seven Devils Road into the Fahy Creek/Seven Devils Road Residential Area will be at least 600 feet north of the intersection of Seven Devils Road and Highway 101 and that the minor access point from Seven Devils Road into the RV parking area will be at least 1,000 feet north of the intersection of Seven Devils Road and Highway 101.
- Adding a statement to the SMP that until the realignment of the Seven Devils Road/Highway 101 intersection is carried out, guide signs will be installed directing northbound RV traffic exiting the RV parking area to use the Randolph Road/Highway 101 intersection to access Highway 101.
- Adding statements to these findings describing the process for approval of the applicants' engineering plans for the future realignments of the Randolph Road/Highway 101 and Seven Devils Road/Highway 101 intersections.
- The County agreeing to notify ODOT when any application for Final Development Plan approval for the Tear Drop Site

is received by the County and to coordinate with ODOT regarding any transportation improvements necessary to assure the safety of access to the Tear Drop Site.

- Adopting, as part of the County's Final Decision, a condition requiring the applicants to revise the Cooperative Improvement Agreement entered into with ODOT in 1996 to conform to the adopted SMP and 2002 TIA.
- Adopting, as part of the County's Final Decision, a condition requiring the applicants to construct the approved realignment of the intersection of Randolph Road and Highway 101 prior to the opening for public use of a third golf course at the resort and to construct the approved realignment of the intersection of Seven Devils Road and Highway 101 prior to final build-out of the expanded resort.

DSL stated that the Local Wetland Inventory (LWI) submitted by the applicants for the expansion areas did not meet its procedural or substantive requirements. DSL's concerns have been addressed by amending the SMP text so that it does not adopt the applicants' originally proposed LWI for the resort expansion areas, and also by amending the BDR zone to adopt the portions of the Statewide Wetland Inventory (SWI) applicable to the area zoned BDR and to require the County Planning Department to notify DSL when a final development plan or land division application is received for any area within the BDR zone that includes wetlands identified on the SWI.

The Confederated Tribes stated that they wanted the applicants to enter into a written agreement with them implementing the Archaeological Preservation section of the SMP. The concerns of the Confederated Tribes have been addressed by the applicants, who worked out an Archaeological Preservation Agreement with the Confederated Tribes, and have agreed to execute that agreement within 30 days after the County makes a decision approving the proposed resort expansion. The Confederated Tribes submitted a letter to the County indicating they are satisfied that their concerns have been addressed.

2. Part II -- Exceptions

Goal 2, Part II provides a process for departing from the strict requirements of other statewide goals in limited circumstances. Because the exceptions process is central to this application, it is discussed at length in Section IX, "Reasons' Goal Exception," below.

C. Goal 3 - Agricultural Lands

To preserve and maintain agricultural lands.

Goal 3 requires that

"Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for forest products, forest and

open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700."

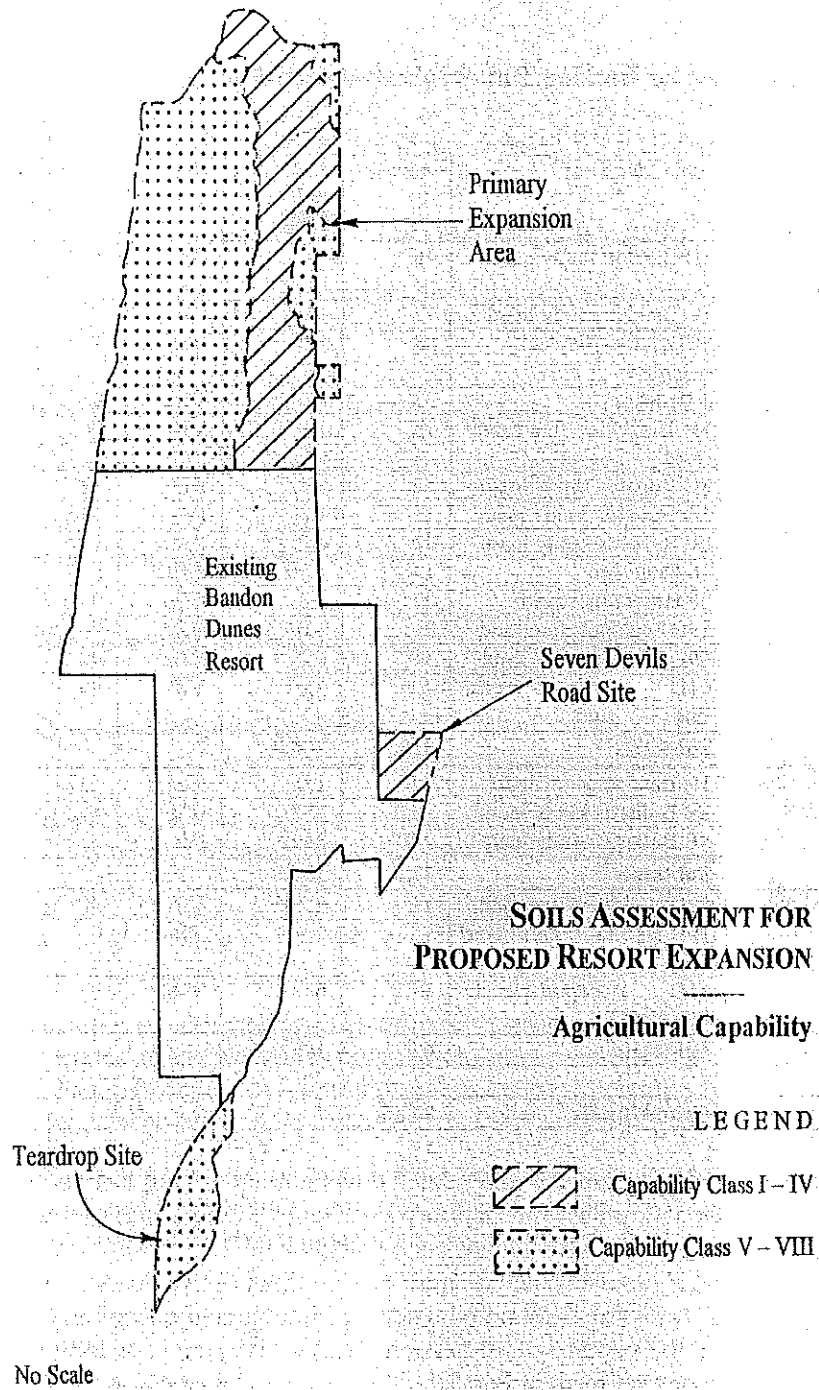
Goal 3 defines "Agricultural Land" in western Oregon as including three classes of land:

1. "Land of predominantly Class I, II, III and IV soils * * * as identified in the Soil Capability Classification System of the United States Soil Conservation Service."
2. "Other lands which are suitable for farm use taking into consideration [certain factors]."
3. "Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands."

The goal excludes from the definition of "agricultural land" any "* * * land within acknowledged urban growth boundaries or land within acknowledged exceptions to Goals 3 or 4."

No land within the boundaries of the proposed expansion areas has been inventoried, planned, or zoned for agricultural use. The expansion areas include lands which could have been so classified; however, the applicable LCDC rules allowed the County to choose between forest or agricultural plan and zone designations without having to take a goal exception to show why one designation was chosen over the other. The type of land occurring in the vicinity of the expansion areas is described generally in the Plan at 3.1 to 3.10 as "extensive areas of land on the flat, coastal plain hav[ing] Class III or IV soils where no current agricultural use is occurring and the land is under forest cover * * *."

The capability classes, locations, and acreages of agricultural soils in the Bandon Dunes Resort expansion areas are shown on the Agricultural Capability Map (Fig. 6) and the table of farm and forest soils capability (Table 2). No part of the expansion areas is currently farmed. The only active farming occurring in the vicinity of the expansion areas are two cranberry growing operations located on a 30-acre and 10-acre parcel, approximately 600-700 ft. and 300 ft. east of the Primary Expansion Area, respectively.



Source: USDA/SCS Soil Survey of Coos County, Oregon, July 1989

AI Couper & Associates May 2002

Fig. 6: Agricultural Capability Map

Table 2

Soils Assessment for Bandon Dunes Resort Expansion

Sub-Area	Soils Map Unit	Acreage	% of Sub-Area	Ag Class	Forest Site Index	ft ³ /ac/year	% of Total Area
Primary Expansion Area	1B Bandon sandy loam	46	5.6	IIIe	137	128	5.0
	1C Bandon sandy loam	127	15.4	IIIe	137	128	13.8
	2CBandon-Blaylock complex	28	5.0	VIw	137	128	4.1
	3 Beaches	35	4.0	VIIIw	0	0	3.8
	5B Blacklock fine sandy loam	13	1.6	VIw	90	79	1.4
	8C Bullards sandy loam	52	6.3	IIIe	132	133	5.6
	8D Bullards sandy loam	13	1.6	IVe	146	138	1.4
	8E Bullards sandy loam	41	4.9	IVe	132	133	4.4
	16 Duneland	148	17.9	VIIIe	0	0	16.0
	28 Heceta fine sand	27	3.3	IVw	0	0	2.9
	59D Waldport fine sand	25	3.0	VIIe	90	79	2.7
	59E Waldport fine sand	51	6.2	VIIe	90	79	5.5
61D Waldport-Heceta fine sand	209	25.3	VIIe	90	79	22.6	
Subtotals		825	100.0				89.2
Seven Devils Road Parcel	1B Bandon sandy loam	0.5	1.0	IIIe	137	128	0.1
	8B Bullards sandy loam	28.0	75.0	IIIe	132	133	3.0
	8E Bullards sandy loam	9.0	24.0	IVe	132	133	1.0
	Subtotals	37.5	100.0				4.1
Tear Drop Site	59D Waldport fine sand	22	35.0	VIIe	90	79	2.4
	29B Heceta-Walport fine sand	1	2.0	VIIe	0	0	0.1
	61D Waldport-Heceta fine sand	39	63.0	VIIe	90	79	4.2
Subtotals	62	100.0				6.7	
Grand Totals		924.5					100.0

Destination resort communities and related development are not farm or nonfarm uses that can be allowed under Goal 3, unless the statutory and Goal 8 siting criteria for a destination resort can be satisfied. Because the Bandon Dunes site contains land that meets the Goal 3 definition of “agricultural lands” described above, and because this proposal cannot qualify for use of the statutory process for siting destination resorts without a goal exception (due to the presence of cranberry bogs in the vicinity -- see Section VII.A above), an exception to Goal 3 is being taken, based on the reasons set forth in Part IX, “Reasons Goal Exception” below. When approved, this exception will exempt the Bandon Dunes Resort expansion areas from the strict application of Goal 3.

D. Goal 4 - Forestlands

To conserve forestlands for forest uses.

Goal 4 requires counties

"To conserve forestlands by maintaining the forestland base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree

species as the leading use on forestland consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture."

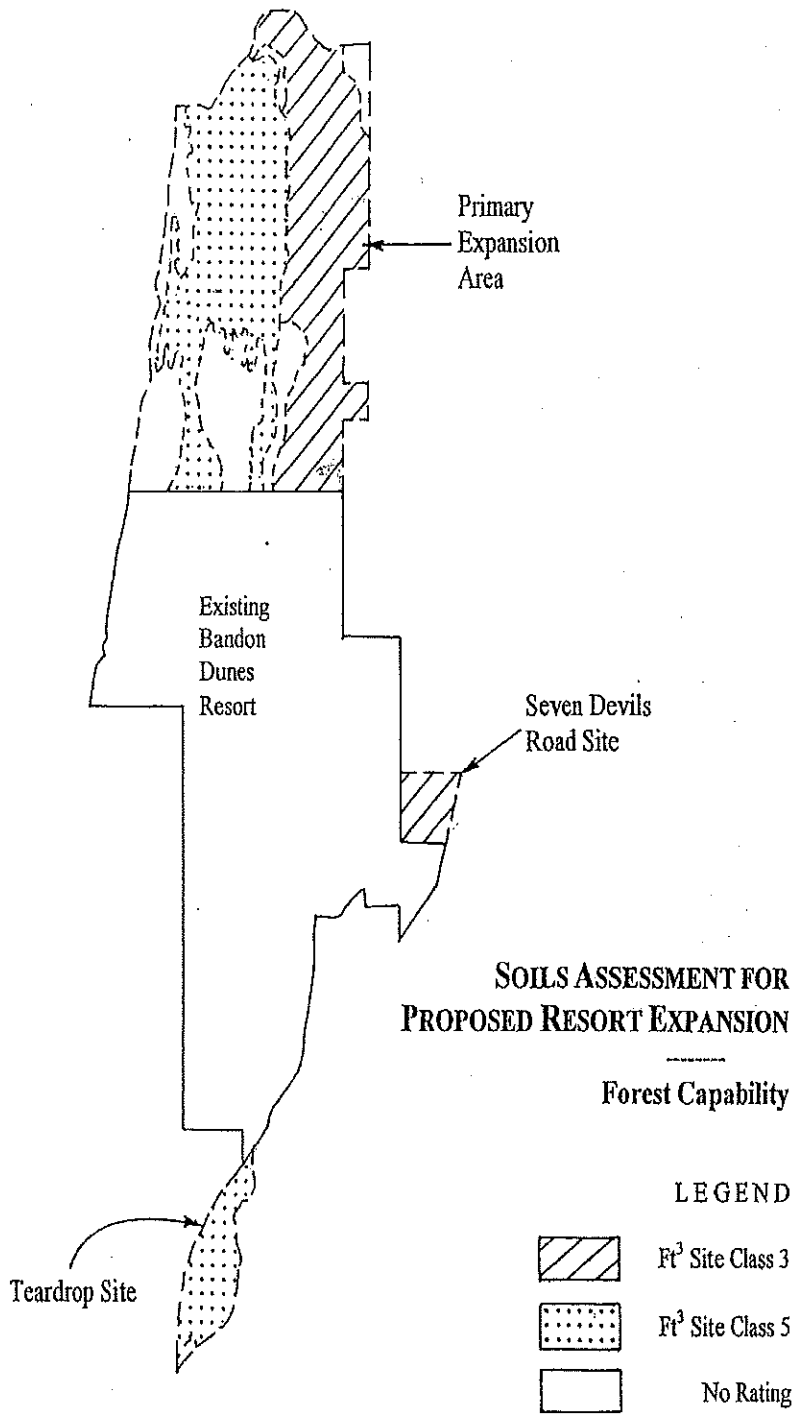
In cases like this, involving a proposed change in designation of lands acknowledged as forestlands, forestlands are defined to include

"* * * lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources."

With the exception of one 9.62-acre parcel in the northeast corner of the Primary Expansion Area, which is designated "Rural Residential," all of the expansion areas are designated "Forestlands" on the Plan Map and are included in the county's Forestlands Inventory. The acreages, locations, distributions, site indices and cubic foot site classes of forest soils in the Bandon Dunes Resort expansion areas are shown on the Forest Capability Map (Fig. 7) and the table of farm and forest soils capability (Table 2). Using the methodology of the Oregon Department of Forestry, the 317 acres of the Primary Expansion Area and 37.5 acres of the Seven Devils Road Parcel capable of producing 128 to 133 cubic feet per acre per year are classified as Cubic Foot Site Class 3; whereas, the 298 acres of the Primary Expansion Area and the 61 acres of the Tear Drop Site capable of producing 79 cubic feet per acre per year are classified as Cubic Foot Site Class 5.

Cubic Foot Site Class 3 soils are concentrated in the portion of the Primary Expansion Area east of the central ridge and in the Seven Devils Road Parcel. The only portion of the 825-acre Primary Expansion Area not logged in recent years is about 50 acres along the eastern boundary north of Brown Road and about 20 acres in the southeast corner. These areas are mature second growth forest, where the predominant tree species are Douglas fir and western hemlock. The remainder of the Primary Expansion Area, east of the central ridge and north of the golf practice area, and Madrone Reservoir has been heavily disturbed by logging that took place 5 to 10 years ago with much slash being left on both sides of Whiskey Run Creek and a serious gorse infestation. Portions of the Seven Devils Road Parcel were cleared around the existing dwelling and outbuildings.

Destination resort communities and related development are not permitted forest or nonforest uses under Goal 4. Because the proposed expansion areas contain land that meets the Goal 4 definition of "forestlands" described above and because this proposal cannot qualify for use of the statutory process for siting destination resorts without a goal exception (due to the presence of cranberry bogs within three miles -- see Section VII.A above), an exception to Goal 4 is being taken based on the reasons set forth in Section IX, "Reasons Goal Exception," below. When approved, this exception will exempt the Bandon Dunes Resort expansion areas from the strict application of Goal 4.



No Scale

Source: USDA/SCS Soil Survey of Coos County, Oregon, July 1989

Al Couper & Associates May 2002

Fig. 7: Forest Capability Map

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

Goal 5 was amended, effective September 1, 1996, to read as follows:

"To protect natural resources and conserve scenic and historic areas and open spaces. Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

"The following resources shall be inventoried:

- "a. Riparian corridors, including water and riparian areas and fish habitat;
- "b. Wetlands;
- "c. Wildlife habitat;
- "d. Federal Wild and Scenic Rivers;
- "e. State Scenic Waterways;
- "f. Groundwater resources;
- "g. Approved Oregon recreation trails;
- "h. Natural areas;
- "i. Wilderness areas;
- "j. Mineral and aggregate resources;
- "k. Energy sources;
- "l. Cultural areas;

"Local governments and state agencies are encouraged to maintain current inventories of the following resources:

- "a. Historic Resources;
- "b. Open space;
- "c. Scenic Views and Sites.

"Following procedures, standards, and definitions contained in [LCDC] rules, local governments shall determine significant sites for inventoried resources and adopt programs to achieve the goal."

LCDC also adopted a "New Goal 5 Rule," OAR Chapter 660, Division 23, effective September 1, 1996. The New Goal 5 Rule superseded the "Old Goal 5 Rule," OAR Chapter 660, Division 16, under which Coos County's Comprehensive Plan had been acknowledged by LCDC pursuant to ORS 197.251.⁵

Under OAR 660-023-0250(3) of the New Goal 5 Rule, local governments are

⁵ The County ordinances approving the original Bandon Dunes Resort were adopted on September 11, 1996. The New Goal 5 Rule was not applied to the original Bandon Dunes Resort approval, because it applies only to postacknowledgment plan or land use regulation amendments that were initiated after September 1, 1996. OAR 660-023-0250(2).

required to apply Goal 5 and its interpretive rule in considering a Post-acknowledgement comprehensive plan or land use regulation amendment (PAPA) only if the PAPA “affects a Goal 5 resource.” As relevant here, a PAPA affects a Goal 5 resource only if:

- “(a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;
- “(b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or

“* * * *” OAR 660-023-0250(3).⁶

The term “resource list” used the above quote is defined as:

“‘Resource list’ includes the description, maps, and other information about significant Goal 5 resource sites within a jurisdiction, adopted by a local government as a part of the comprehensive plan or as a land use regulation. A ‘plan inventory’ adopted under OAR 660-016-0000(5)(c) shall be considered to be a resource list.” OAR 660-023-0010(9).

Thus, the acknowledged “plan inventories” of significant Goal 5 resources, adopted by the County pursuant to OAR 660-016-0000(5)(c), constitute “resource lists” for the purposes of applying the New Goal 5 Rule.

The findings below demonstrate that the only significant Goal 5 resource sites listed on a Plan inventory that are within the Bandon Dunes Resort expansion areas are two wetland areas, a riparian corridor, and the groundwater aquifer underlying the western portion of the Primary Expansion Area. There are also a couple of metal mine prospects and osprey nests that are shown on Plan inventories as being reasonably close to the resort expansion areas. Because the proposed goal exception and Plan/ZLDO amendments will allow new uses that could conflict with these inventoried resource sites, the New Goal 5 Rule has been applied to these resource sites. Goal 5 and the New Goal 5 Rule are also applicable to the proposed PAPA in that it includes amendments to the Plan inventory of significant wetlands and riparian corridors.

⁶ In addition, OAR 660-023-0250(4) provides:

“Consideration of a PAPA regarding a specific resource site, or regarding a specific provision of a Goal 5 implementing measure, does not require a local government to revise acknowledged inventories or other implementing measures, for the resource site or for other Goal 5 sites, that are not affected by the PAPA, regardless of whether such inventories or provisions were acknowledged under this rule or under OAR 660, Division 16.”

1. Riparian Corridors (Water and Riparian Areas and Fish Habitat)

The Plan Fish & Wildlife Habitat I Special Considerations Map identifies the main stem of Whiskey Run Creek in the Primary Expansion Area as significant anadromous fish habitat.⁷ In addition, as explained in the following section, the inventory carried out by the applicants' wetlands consultant additionally identified the water and riparian areas of tributaries of Whiskey Run Creek and a tributary of Cut Creek in the Primary Expansion Area and the water and riparian areas of a reach of Fahy Creek in the Seven Devils Road Parcel as significant wetland areas. In view of the fact that the proposed Plan and ZLDO amendments would allow resort development in the vicinity of these riparian corridors, the New Goal 5 Riparian Corridor Rule, OAR 660-023-0090, was applied.

Sections (5) and (8) of the New Goal 5 Riparian Corridor Rule provide "safe harbor" standards as an alternative to following the general Goal 5 inventory, economic, social, environmental, and energy (ESEE) consequence analysis and program development processes set out in OAR 660-023-0030 to 660-023-0050.⁸ OAR 660-023-0090(5) provides a safe harbor method of identifying the boundaries of significant riparian corridors:

"As a safe harbor in order to address the requirements under OAR 660-023-0030, a local government may determine the boundaries of significant riparian corridors within its jurisdiction using a standard setback distance from all fish-bearing lakes and streams* * * as follows:

- "(a) Along all streams with average annual stream flow greater than 1,000 cubic feet per second (cfs) the riparian corridor boundary shall be 75 feet upland from the top of each bank.
- "(b) Along all lakes, and fish-bearing streams with average annual stream flow less than 1,000 cfs, the riparian corridor boundary shall be 50 feet from the top of bank.

⁷ The Plan "Special Considerations Maps" constitute the County's Plan inventories of significant Goal 5 resource sites.

⁸ OAR 660-023-0020(2) provides:

"A 'safe harbor' consists of an optional course of action that satisfies certain requirements under the standard process. Local governments may follow safe harbor requirements rather than addressing certain requirements in the standard Goal 5 process. For example, a jurisdiction may choose to identify 'significant' riparian corridors using the safe harbor criteria under OAR 660-023-0090(5) rather than follow the general requirements for determining 'significance' in the standard Goal 5 process under OAR 660-023-0030(4). Similarly, a jurisdiction may adopt a wetlands ordinance that meets the requirements of OAR 660-023-0100(4)(b) in lieu of following the ESEE decision process in OAR 660-023-0040."

- “(c) Where the riparian corridor includes all or portions of a significant wetland as set out in OAR 660-023-0100, the standard distance to the riparian corridor boundary shall be measured from, and include, the upland edge of the wetland.
- “(d) In areas where the top of each bank is not clearly defined, or where the predominant terrain consists of steep cliffs, local governments shall apply OAR 660-023-0030 rather than apply the safe harbor provisions of this section.”

None of the resort expansion areas contains a stream with an average annual stream flow greater than 1,000 cfs and all fish-bearing streams within the expansion areas (Whiskey Run Creek and tributaries, Cut Creek tributary, Fahy Creek) have clearly defined banks. Therefore, the above safe harbor provisions will be implemented by adding the definitions in OAR 660-023-0090(1) to subsection (1) of Section 4.10.030(H) (Riparian Corridor and Wetland Protection) of the BDR zone, and adding the following definition of “riparian corridor boundary” as subsection (2) of Section 4.10.030(H):

“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.”⁹

OAR 660-023-0080 provides a safe harbor method of protecting significant riparian corridors in lieu of using the standard ESEE analysis and program development process:

“As a safe harbor in lieu of following the ESEE process requirements of OAR 660-023-0040 and 660-023-0050, a local government may adopt an ordinance to protect a significant riparian corridor as follows:

⁹ The Coastal Shorelands Boundary around these lakes is defined as “100 feet from the ordinary high water mark (unless floodplains or wetlands extend further),” except for two locations on the shore of Round Lake and one location on the shore of Fahy Lake, within the original Bandon Dunes Resort site, where 50 feet was found to be sufficient to protect riparian vegetation as part of the original 1996 resort approval. Plan, Volume I, Part 2, Section 3.8.

“(a) The ordinance shall prevent permanent alteration of the riparian area by grading or by the placement of structures or impervious surfaces, 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.

“(b) The ordinance shall contain provisions to control the removal of riparian vegetation, except that the ordinance shall allow:

“(A) Removal of non-native vegetation and replacement with native plant species; and

“(B) Removal of vegetation necessary for the development of water-related or water-dependent uses;

“* * * * *

“(d) The ordinance shall include a procedure to consider hardship variances, claims of map error, and reduction or removal of the restrictions under subsections (a) and (b) of this section for any existing lot or parcel demonstrated to have been rendered not buildable by application of the ordinance; and

“(e) The ordinance may authorize the permanent alteration of the riparian area by placement of structures or impervious surfaces within the riparian corridor boundary established under subsection (5)(a) of this rule upon a demonstration that equal or better protection for identified 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 percent of the width of the riparian area measured from the upland edge of the corridor.”

The limitations on alteration of the riparian corridor through grading or the placement of structures or impervious structures in (a) and (e) above have been incorporated into Section 4.10.030(3) of the BDR zone. Controls on the removal of riparian vegetation within the riparian

corridor, as required by (b) above, are set out in Section 4.10.030(4). The hardship variance and map error processes required by (d) above will be added to the BDR zone as Section 4.10.030(6) and (7). A procedure for removal of restrictions under Section 4.10.030(H)(3) and (4) for properties shown to have been rendered unbuildable due to application of these restrictions is not required in the BDR zone, as there are many buildable sites on the expanded Bandon Dunes Resort site that are not affected by the restrictions of Section 4.10.030(H)(3) and (4) on significant riparian corridors.

During the County proceedings, neighboring property owners Michael and Lynne Leisy objected to amending the BDR zone text in a way that they perceived would reduce the width of the protected riparian corridor of streams and coastal lakes on the resort property. However, the Leisy's were mistaken. The riparian buffer around the coastal lakes is determined by the Coastal Shoreland Boundary around these 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, and is not changed by the adopted amendments to Section 4.10.030(H) of the BDR zone. The adopted amendments to Section 4.10.030(H) do change the width of the protected riparian corridor for streams from 100 feet from the centerline (a total width of 200 feet) to "50 feet from the top of bank," which in almost all instances on the resort property will produce a total riparian corridor width greater than 200 feet.

The Leisy's also asked the County to retain certain provisions in BDR zone Section 4.10.030(H) which they believe give added protection to riparian corridors (and wetlands) – (1) a prohibition against lawns within 50 feet of an inventoried wetland, stream or lake; and (2) a prohibition against removing protected riparian vegetation solely for the purpose of providing enhanced views of Chrome, Round or Fahy Lake. These provisions have been retained – in Section 4.10.030(H)(4).

2. Wetlands

The Plan Special Considerations Map titled "Fish & Wildlife Habitat - Map II" (Map II) constitutes the acknowledged Plan Goal 5 inventory of significant wetland sites. The only wetlands shown to be within the proposed resort expansion areas on Map II are two small (<2 acres) wetlands in the southwestern portion of the Primary Expansion Area. There are additional wetlands shown to the east of the Tear Drop Site, across North Bank and South Fahy Roads.

In 1996-1997, a wetland delineation survey was conducted by Wetland Environmental Technologies, Inc. (WET) on approximately 118 acres in the southwestern corner of the Primary Expansion Area, to identify jurisdictional wetlands and "other waters," as provided by DSL rules. No areas likely to qualify as jurisdictional wetlands or other waters were found. In 2000, a similar wetland delineation survey was conducted by WET on an approximately 363-acre portion of the Primary Exception Area located predominantly west of the prominent north-south ridge, including the site of the Pacific Dunes Golf Course. This survey showed that four small wetlands, totaling less than one acre in area, likely qualified as jurisdictional wetlands. As a result of the survey, one wetland, approximately one-quarter acre in size, was permanently protected by

being included in the design of the Pacific Dunes Golf Course. The two small wetlands shown on Map II were not found in the 2000 delineation survey. In all probability, they were localized ground depressions that were filled in with wind blown dune sand over time.

In 2002, the remaining 344 acres of the Primary Expansion Area, as well as the 37.5-acre Seven Devils Road Parcel and 62-acre Tear Drop Site, were subject to detailed field investigations and analysis by WET. Appendix C to the Natural Resources Inventory is the 2002 WET wetland determination survey. This 2002 WET determination survey incorporates the work done in the earlier delineations and shows that approximately 18 acres, including eight wetlands (five in the Primary Expansion Area and three in the Tear Drop Site; totaling approximately 12 acres) and four watercourses (reaches of Whiskey Run Creek and its tributaries, a Cut Creek tributary, and a reach of Fahy Creek; totaling approximately 6 acres) likely qualify as jurisdictional wetlands or other waters, according to DSL rules. Maps indicating the location of these jurisdictional wetlands are found in Appendix C to the Natural Resources Inventory (see Section II, maps 1A through 1G and Section IV, Appendix 8E, Figures 5 and 7). The 2002 determination survey also identified an approximately one-acre area of indeterminate jurisdiction.

The one-acre area of indeterminate jurisdiction was a possible wetland area within the proposed Madrone Village Center which could not be assessed. This is a disturbed area due to prolonged storage of slash and stumps from past logging operations during the last five years. This debris was burned sometime in 2000-2001 and investigations in the summer of 2002 did not find any evidence of standing water. However, the summer of 2002 was exceptionally dry and this area was re-evaluated during the early growing season in February 2003. Based on the lack of dominance by hydrophytic species, the slope and drainage of the surface, and the presence of relatively recent deposits of wind-blown sand, this area does not qualify as a jurisdictional wetland.

For purposes of resort planning, the 2002 WET report also includes a study (OFWAM Study) subjecting the wetlands and other waters identified in its 1996-1997, 2000, and 2002 surveys to an analysis of "significance," applying OAR 141-086-0300 to 141-086-0390 -- significance criteria adopted by DSL pursuant to ORS 197.279(3)(b). This analysis shows that in the Primary Expansion Area, Whiskey Run Creek and its tributaries and a tributary of Cut Creek should be considered significant "other waters." On the Seven Devils Road Parcel, Fahy Creek should be considered a significant "other waters." Also, near the south end of the Tear Drop Site, there are an approximately 7-acre wetland and an approximately 0.7-acre wetland that should be considered significant. The locations of these six significant wetlands and other waters are shown in Fig. 8.

For areas outside Urban Growth Boundaries (UGBs) and Urban Unincorporated Communities (UUCs), such as the resort expansion areas, the New Goal 5 Rule requires the County only to adopt the Statewide Wetland Inventory (SWI) for such areas as part of its comprehensive plan or land use regulations and to adopt land use regulations that require DSL to be notified when the County receives applications for development permits or other land use decisions that could affect areas shown as wetlands on the SWI. OAR 660-023-0100(5) and (7). The County has satisfied these requirements by amending Sections 4.10.060(C) and 4.10.090(F) of the BDR zone to adopt the portions of the Statewide Wetland

Inventory (SWI) applicable to the area zoned BDR and to require the County Planning Department to notify DSL when a final development plan or land division application is received for any area within the BDR zone that is identified as wetlands on the SWI.

Nevertheless, the adopted amendments to the BDR zone provide protection to the "significant" wetlands identified in the amended Plan Fish and Wildlife Habitat II Special Considerations Map, Fig. 15 of the SMP and Fig. 8 of these findings. The amendments to the BDR zone include significant wetlands under the "Riparian Corridor and Wetland Protection" Section 4.10.030(H). This section protects not only the significant wetland itself, but also an area within 50 feet from its upland edge. ZLDO 4.10.030(H)(2)(b). During the County proceedings, the Leisy's objected that the amendments to Section 4.10.030(H) of the BDR zone would reduce the protected riparian area around significant wetlands in the original resort from 100 feet to 50 feet from the upland edge of the wetland. However, the only mapped wetland location on the original resort site that is located in a BDR subzone allowing development, and which does not already have adjacent development, is the east side of the Lily Pond, in the Resort Village Center. The slopes on the east side of the Lily Pond are much steeper than those to the south, west or north. Riparian vegetation does not extend more than 50 feet from the edge of the pond at this location. Therefore, the reduction of the riparian corridor buffer on the east side of the Lily Pond from 100 feet to 50 feet is reasonable.

As amended, Section 4.10.030(H)(3) and (4) of the BDR zone imposes restrictions on permanent alteration of a significant wetland, or the area within 50 feet of the upland edge of a significant wetland, through grading (including both filling and excavating), placement of structures or impervious surfaces, and removal of vegetation. Procedures for considering hardship variances and claims of map error are established by Section 4.10.030(H)(6) and (7). A procedure for removal of restrictions under Section 4.10.030(H)(3) and (4) for properties demonstrated to have been rendered not buildable due to application of the restrictions is not required in the BDR zone, as there are many buildable sites on the expanded Bandon Dunes Resort property that are not affected by the restrictions of Section 4.10.030(H)(3) and (4) on significant wetlands.

In addition, some portions of Whiskey Run Creek and its tributaries, the Cut Creek tributary and Fahy Creek are located within the 100-foot woodland buffer along the eastern boundary of the property, where the Section 4.10.030(L) of the BDR zone will prohibit structural and most other types of development. The significant wetlands at the south end of the Tear Drop Site will also be protected by designation as Natural Resource Conservation Areas, where development, including grading, fill and vegetation removal other than for wetland enhancement, is prohibited.

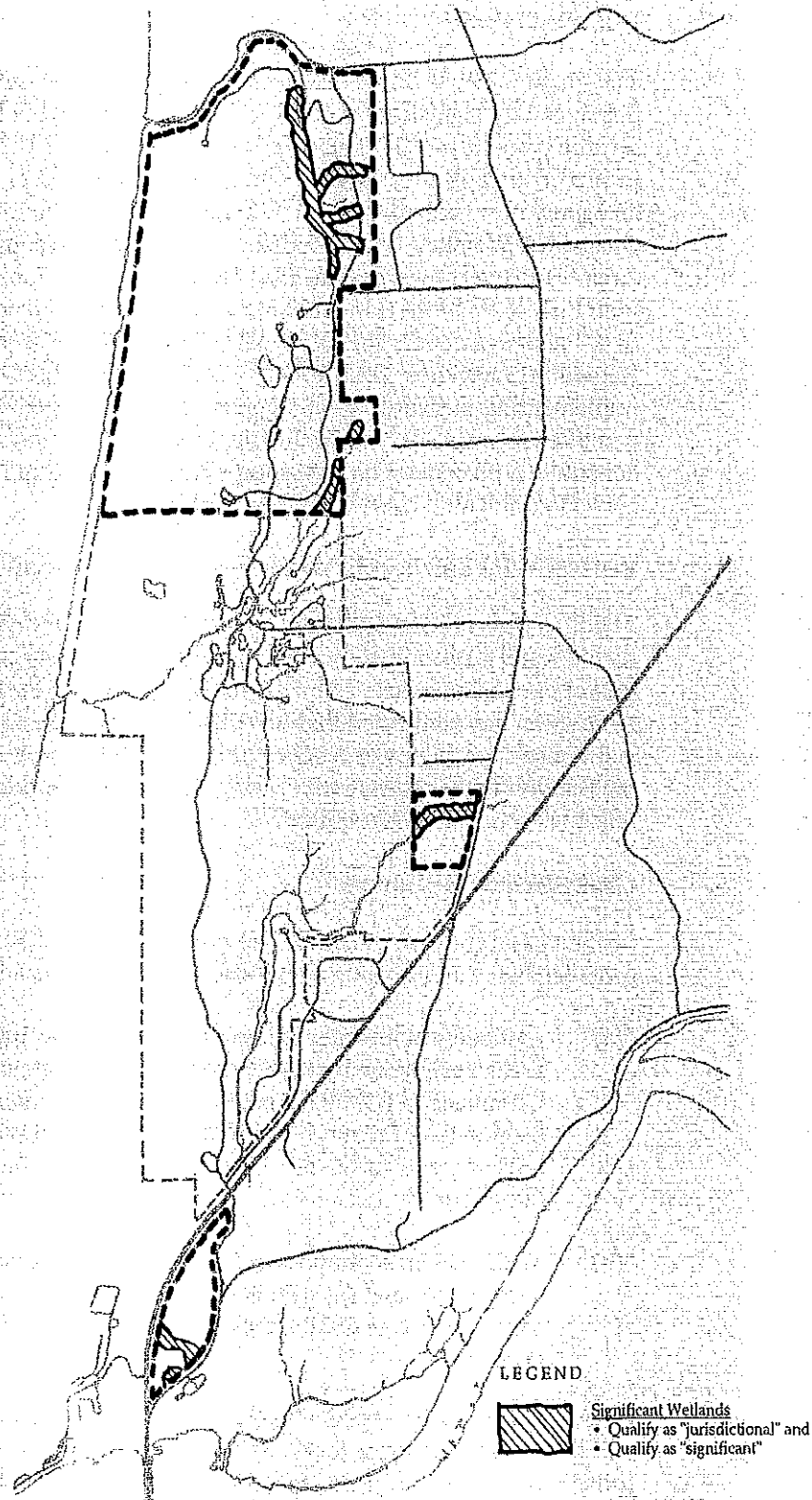


Fig. 8: Significant Wetland Areas

3. Wildlife Habitat

The Plan Fish & Wildlife Habitat I and II Special Consideration Maps do not show any significant wildlife habitat sites located in the proposed resort expansion areas. The only wildlife habitat site shown as being located within 500 feet of the boundaries of the resort expansion areas is an osprey nest located north of Whiskey Run Road, across from the designated Whiskey Run Woodland Park Natural Resource Conservation Area. However, according to Plan Fish & Wildlife Habitats PIS 6 and Plan Fish & Wildlife Habitats Map I, osprey nest sites are considered "1-B" resources under the Old Goal 5 Rule. OAR 660-016-0000(5)(b). Regarding such sites, OAR 660-016-0000(5)(b) states that "special implementing measures are not appropriate or required for Goal 5 compliance purposes." A 1B listing under the Old Goal 5 Rule does not constitute a placement on a "resource list," as that term is defined by the New Goal 5 Rule. OAR 660-023-0000(9).

4. Federal Wild and Scenic Waterways and State Scenic Waterways

The Plan Special Considerations maps disclose no federal wild and scenic waterways or state scenic waterways on or near the Bandon Dunes Resort expansion areas. The Oregon Department of Parks and Recreation has confirmed that no scenic waterway designation exists or is proposed for the lower reaches of the Coquille River in the vicinity of the Bandon Dunes Resort site. Therefore, no further consideration of this Goal 5 resource is required.

5. Groundwater Resources

Section (2) of the New Goal 5 Groundwater Rule, OAR 660-023-0140, provides that "significant groundwater resources" are limited to:

- "(a) Critical groundwater areas and ground-water-limited areas designated by the Oregon Water Resources Commission (OWRC), subject to the requirements in section (3) of this rule applied in conjunction with the requirements of OAR 660-023-0030 through 660-023-0050; and
- "(b) Wellhead protection areas, subject to the requirements in sections (4) and (5) of this rule instead of the requirements in OAR 660-023-0030 through 660-023-0050."

OAR 660-023-0140(4) provides that a local government **may** delineate a wellhead protection area for wells or well fields that serve land within its jurisdiction, following the standards and procedures established by the Oregon Health Division in OAR Chapter 333, Division 61. Under OAR 660-023-0140(5), a designated wellhead protection area is a significant groundwater resource only if either:

- "(a) The public water system served by the wellhead area has a service population greater than 10,000 or has more

than 3,000 service connections and relies on groundwater from the wellhead area as the primary or secondary source of drinking water; or

- "(b) The wellhead protection area is determined to be significant under criteria established by a local government, for the portion of the wellhead protection area within the jurisdiction of the local government."

No critical groundwater area or ground water limited area has been designated by the OWRC in the vicinity of the existing Bandon Dunes Resort or the proposed expansion areas. Neither has the County designated any wellhead protection areas in the vicinity of the resort or the expansion areas. Thus, it would seem that there are no significant groundwater resources potentially affected by the proposed resort expansion.

However, as explained above, OAR 660-023-0010(9) defines "resource list" as the maps and other information about significant resource sites adopted as part of the local government plan, and provides that a "plan inventory" of significant resources adopted under OAR 660-016-0000(5)(c) is considered a resource list. In this case, the Plan Water Resources Special Considerations Map identifies a significant "Dunes Aquifers" groundwater resource area extending inland from the Pacific Ocean for about 3/4 of a mile and from slightly south of Whiskey Run Creek to the northern part of Bullards Beach State Park. This arguably makes the "Dunes Aquifers" an inventoried significant Goal 5 resource, even though it does not constitute a significant groundwater resource as described in section (2) of the New Goal 5 Groundwater Rule, OAR 660-023-0140. Therefore, perhaps in an excess of caution, the "Dunes Aquifers" has been treated as a significant groundwater resource and a Goal 5 analysis has been performed regarding the impacts of changing the uses allowed within the impact area of this resource and allowing some of this resource to be used for the purpose of expanding the Bandon Dunes Resort.

Prior to the original approval of the Bandon Dunes Resort in 1996, the County had not adopted Plan Implementing Strategies or ZLDO provisions to protect this resource area. As part of the 1996 County proceedings which authorized development of the Bandon Dunes Resort, conflicting uses for the Dunes Aquifer were identified, the ESEE consequences of allowing the conflicting uses were analyzed, and a decision was made to adopt a "3C" limit conflicting uses program under OAR 660-016-0010(3) of the Old Goal 5 Rule. According to that decision, the potentially conflicting destination resort use was to be limited by the Master Plan and goal exception statement, both of which were adopted as part of the Coos County Comprehensive Plan, and by application of the new BDR zone. Much of the Goal 5 analysis performed in 1996 is still valid regarding the current proposal to expand the Bandon Dunes Resort. However, there is now updated information available regarding the nature and extent of the resource, the impacts of the existing resort use, and other possible uses of the groundwater resource. Therefore, the following analysis effectively updates the County's Goal 5 analysis for this resource adopted in 1996.

a. **Inventory of Resource**

(1) **Resource Location and Quality**

EGR & Associates has prepared a study of the "Dunes Aquifers" groundwater resources, titled "Groundwater Resource Investigation for Expansion of the Bandon Dunes Resort" (Volume I, Appendix H). The EGR study describes the aquifers inventoried as "Dunes Aquifers" underlying the existing resort and proposed expansion areas.¹⁰

Coos County has four different groundwater resources that are utilized for area water supply needs. These four resources are the bedrock aquifer, the river valley alluvial aquifer (including the alluvial estuarine aquifer), the terrace gravel and sand aquifer, and the dunal aquifer. These resources are unevenly distributed across Coos County, and they have widely varying abilities to supply water to wells. At the Bandon Dunes Resort site, both terrace and dunal sands are exposed at the surface.

The most widespread groundwater source is the bedrock aquifer. This aquifer is the most difficult geologic formation from which to recover water. Water quality in bedrock aquifers depends upon the type of rock. In areas with sedimentary rocks and coal deposits, host aquifers often contain water high in sulfur and iron. In contrast, volcanic rocks can have excellent water quality with low dissolved solids and no foul tastes or odors. Individual wells usually have yields which are low to moderate, with flows generally between 5 and 20 gpm. It is not uncommon to find flows less than 5 gpm and occasionally there is no discernible flow at all (dry holes). Bedrock aquifers are found throughout Coos County. However, no water is produced from the bedrock aquifer at the Bandon Dunes Resort.

The second major aquifer type is found along the river valleys, particularly below tidewater, where there are deep unconsolidated fine-grained sedimentary deposits of recent origin. Owing to the fine-grained nature of the river valley sediments, water does not flow rapidly through these sediments except in those locations where the sediments are coarser grained sands and gravels. Well flows can be expected to be low to moderate (less than 20 gpm) in the finer grained deposits. However,

¹⁰ The text of the Plan provides no further information regarding the intent of the "Dunes Aquifers" designation shown on the Plan Water Resources Special Consideration Map. However, the County interprets the "Dunes Aquifers" designation as applying to all potentially useful groundwater aquifers underlying the area (comprised primarily of dunes landforms) shown on the Plan Water Resources Map, not just to the shallow aquifer that is commonly referred to as the "Dunal Aquifer."

within the coarser grained sediments flows can be much higher. Water quality in the sediments of the Coquille River Valley alluvial aquifer can be poor, since the sediments contain significant amounts of organic debris such as bits of leaves, twigs, and microscopic organisms. However, water quality within the estuarine alluvial deposits is much better, owing to the geologic environment of deposition and the increased circulation within the coarser grained sediments.

In the Bandon Dunes Resort area, the river valley aquifer predominantly contains finer sediments but includes areas of coarser grained deposits that are associated with the channel of the ancestral Coquille River Estuary. In the channel portions of the ancient river system, these coarser grained deposits form a productive aquifer beneath the finer dunal and river valley fill deposits. On the Bandon Dunes Resort site, wells completed into the estuarine channel aquifer have good water quality and yields of more than 200 gpm.

The third groundwater source exploited in Coos County is in the sand and gravel deposits found in the wave cut terraces. Flows tend to be moderate since quite often the sands and gravels have significant clay and silt content, the permeable deposits are of limited thickness, and the sands can be partially cemented by iron oxides. All of these factors tend to restrict groundwater flows. Water quality in the terrace sands can be quite good to poor, depending upon the specific geologic environment in which the sediments of the terrace sand were deposited. Water quality is often affected by a high iron content and some hydrogen sulfide.

On the Bandon Dunes site, well logs indicate that the more productive portions of this aquifer, associated with the ancient Coquille River deposits, underlie the southern portion of the study area and extend under the western half of the existing Bandon Dunes Resort site to approximately 1/4 mile north of Cut Creek. Bandon Dunes Resort wells completed into this aquifer have yields in excess of 100 gpm.

The fourth groundwater source exploited in Coos County is in dunal aquifers. These dunal aquifers are of varying size and distribution and represent one of the better local groundwater resources in the County. The sands which contain these aquifers are fairly uniform, however, they are fine grained and only yield moderate to good rates of water to wells (20 to 100 gpm). The dunal sands can also be of limited vertical thickness, particularly where the dunes rest on the underlying terrace deposits or on shallow bedrock. Significant variability in permeability can be found vertically within

interdunal areas. Water quality in the dunal sands is variable but often of poor quality with very high dissolved iron, hydrogen sulfide, and other taste and odor problems.

Along the western side of the existing Bandon Dunes Resort and the Primary Expansion Area lie dunes and deflation plains where water saturated dunal sands will yield usable quantities of groundwater to wells. However, at the current time Bandon Dunes Resort has no plans to use these water sources.

(2) Resource Quantity

A "Water Availability Study for the Bandon Dunes Resort Area" was completed by EGR in October 2002 (Volume II, Appendix G). This report included a water balance model for a regional watershed covering approximately 5.57 square miles (3,565 acres) located between Whiskey Run Creek on the north, the Pacific Ocean on the west, U.S. Highway 101 on the southeast, and forest properties on the east, as shown in Figure 9. This watershed area approximates the boundaries within which rainfall will be captured and either infiltrate or be stored; and where such water will exit the basin either as subsurface flow, surface runoff or evaporation. The study area excluded the southwestern portion of the dunal area underlying Bullards Beach State Park because, while this area would add considerable recharge to the model, it is outside the likely capture area of on-site wells for the Bandon Dunes Resort, and groundwater in this area is not likely to be available for development. The area south and east of Highway 101 was excluded because groundwater there flows to the southeast and is unlikely to have a significant impact on the study area or vice versa. This left about 5.6 square miles of the regional watershed in which groundwater flows predominantly westward through the existing Bandon Dunes Resort and Primary Expansion Area and discharges to the ocean.

To determine the amount of available groundwater for **additional** development, beyond the Bandon Dunes Resort development authorized by the 1996 Plan amendment and 1999 conditional use permit approval, a water balance model was prepared. Inputs to the model include recharge from precipitation and groundwater influx from adjacent basins as determined from a groundwater contour map. Evapotranspiration, lake evaporation, beneficial water uses, and stream discharge were subtracted from the water input to yield water available for development. Existing water rights and pending water right applications to divert water within the watershed were used to calculate the consumptive

use. Based on this analysis, the amount of groundwater flowing into the ocean and available for future development, assuming full development of existing water rights and pending applications, was determined to be 1,710 acre-feet/year.¹¹ See Table 3. However, if all ground water flow to the ocean were used for development, salt-water intrusion would become a problem. Therefore, some residual groundwater flow into the ocean must be maintained.

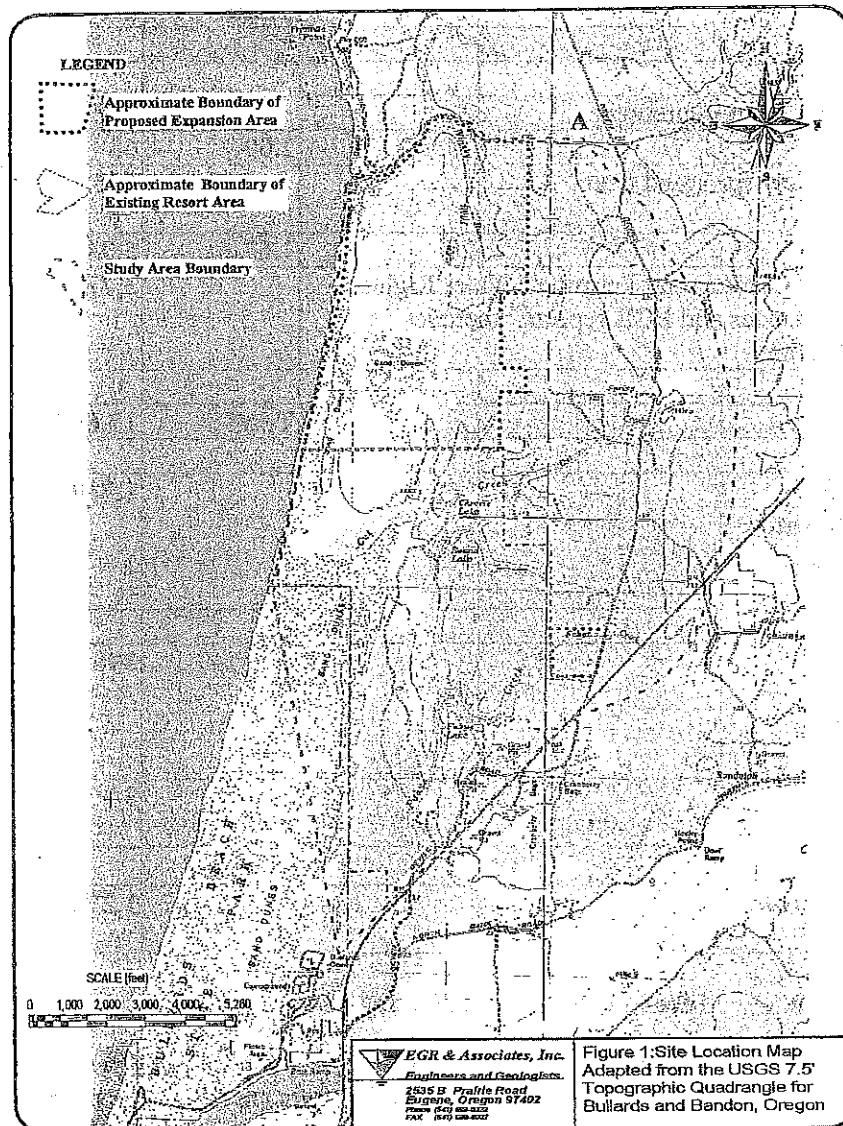


Fig. 9: Groundwater Study Area Location Map

¹¹ Groundwater flow out of the study area is assumed to be equal to the amount available for development, as there is no significant downgradient use.

Table 3

BDR Groundwater Study Area Water Balance

Study Area	5.57 square miles			
Water Input	Study Area (acres)	Inches/Year	Feet/Year	acre-feet/year
Precipitation	3,565.1	55.69	4.64	16,545
Shallow Ground water inflow				2,862
			Total	19,407
Water Output				
Surface water outflow (from measurements)				7,253
Reservoir evaporation		24	2.00	68
Exported water surface flow (prorated from Luzier (1993))				660
Evapotranspiration		20	1.67	5,942
Irrigation, Domestic, and Commercial Permitted Water Rights modified from previous Luzier and EGR reports. Includes existing BDR Water Rights				3,774
			Total	17,697
Available groundwater (acre-feet) for groundwater flow to ocean or use as irrigation				1,710
1 additional golf course, based on 120 acres/golf course and irrigation of 2.5 acre-feet/acre/year				300
100 additional private dwelling units @ 300 gpd				34
Groundwater Flow to Ocean				1,376

b. Identification of Conflicting Uses

The Plan states that conflicting uses for groundwater "abound when all existing and potential users are taken into account: municipalities, farmers, domestic users, fish, recreational users, industrial users, power companies, and mining concerns." Plan at 3.6-4. Of these user groups, only municipalities, farmers, domestic users, and recreation users have an existing or potential interest in the groundwater aquifers underlying the western portion of the existing Bandon Dunes Resort site and Primary Expansion Area.

The likely conflicting uses for this groundwater resource can be separated into three general categories: (1) uses associated with the development of the Bandon Dunes Resort, such as golf courses, overnight accommodations, dwellings, restaurants, spa and fitness center; (2) existing and future uses possible under the current Forest, Agricultural, and Rural Residential Plan designations and zoning of portions of the study area outside the Bandon Dunes Resort, including domestic and irrigation use; and (3) possible municipal use by the City of Bandon.¹² These existing and potential conflicting uses for the Dunes Aquifers were identified and their ESEE consequences analyzed in the Goal 5 section of the findings supporting the 1996 approval for the original Bandon Dunes Resort, which were adopted and acknowledged as part of the Plan. The current requirements of OAR 660-023-0040 and 660-023-0050 essentially parallel those of OAR 660-016-0005 and 660-016-0010. The difference now is that the volume and location of resort uses associated with the Bandon Dunes Resort will be expanded, more information is available regarding other potential conflicting uses, and facts are now available regarding the impacts of the resort development that has occurred so far. Accordingly, the discussion below, and in sections (c) and (d), updates the information contained in the 1996 Goal 5 findings regarding the "Dunes Aquifers."

(1) Expanded Resort Use

The existing Master Plan approved for the Bandon Dunes Resort, and the conditional use permit (CUP) approved for the Pacific Dunes Golf Course authorize the development of a total of 3.5 golf courses, a golf driving range/practice area, 3 golf clubhouses/pro shops, 2 restaurants, 150 overnight lodging units, 300 private dwelling units, and other associated commercial and recreational resort uses. The approved Master Plan and CUP indicate that the water required for all these uses will be supplied from the groundwater aquifers underlying the Bandon Dunes Resort site. As shown in the following table, approximately 1,288 acre-feet of groundwater per year will be needed to serve these authorized uses at full development (this is a conservative estimate, not taking into account any reduction in groundwater needed due to reuse of treated wastewater for golf course irrigation).

The expansion of the Bandon Dunes Resort will add one golf course, 2 golf clubhouses/pro shops, 3 restaurants, 150 overnight lodging units, 300 private dwelling units,

¹² The adjacent Bullards Beach State Park draws its water from wells located hydrologically side gradient to the Bandon Dunes Resort. These wells are likely more influenced by the Coquille River watershed than by the aquifer underlying the Bandon Dunes Resort and Primary Expansion Area. The possibility of acquiring additional groundwater for possible future expansion of the State Park Facilities is not likely to be adversely affected by use of additional groundwater by an expanded Bandon Dunes Resort.

and other associated commercial and recreational resort uses to the uses currently authorized. See Table 1. These additional uses, when fully developed, would need approximately an additional 453 acre-feet of groundwater per year. This would require water rights for an additional 334 acre-feet per year, out of the 1,710 acre-feet per year that the Water Balance study showed to otherwise flow out to the ocean, reducing the 1,710 acre-feet/year surplus by about 20%¹³. Table 4 shows the generalized amount of existing and expanded groundwater use by use type.¹⁴

Table 4

Groundwater Use by Bandon Dunes Resort

<u>Water Use (Acre-Feet/Year)</u>			
Development Under	Expanded		
<u>Use Type</u>	<u>Existing Approvals</u>	<u>Development</u>	<u>Total</u>
Golf Courses/Range	1130	300	1430
Residential	101	101	202
Commercial	57	52	109
TOTAL	1288	453	1741

(2) Domestic Use

Neither the use of groundwater for expansion of the Bandon Dunes Resort nor other uses of the groundwater resource would conflict with existing domestic uses of water in the study area. Existing domestic uses of groundwater consist of approximately 100 Rural Residential dwellings located in the Whiskey Run Creek, Cut Creek and Fahy Creek watersheds, upstream or upgradient from the proposed expanded destination resort use, and are protected by law. There have been no

¹³ The Water Balance study showed a surplus of 1,710 acre-feet/year, based on an assumption that all existing and pending water rights would be fully used. Because some of the resort's expanded residential use and all of the resort's expanded commercial use can be accommodated within the resort's existing water rights, additional water rights would be needed only for one additional golf course and 100 additional dwellings -- a total of 334 acre-feet/year.

¹⁴ The table in Appendix C of the EGR Groundwater Resources report (*Natural Resources Inventory and Site Analysis Report*, Appendix H) provides a detailed listing of the water requirements for the previously authorized Bandon Dunes Resort uses, the uses approved through the 1996 CUP, and the resort uses proposed as part of the current Bandon Dunes Resort expansion.

reported conflicts between the existing Bandon Dunes Resort and these existing domestic water uses.

There is a potential for additional dwellings to be placed on vacant parcels zoned Forest, Exclusive Farm Use, and Rural Residential within the study area. Such rural dwellings would almost certainly be served by individual wells that are exempt from the requirement for a groundwater appropriation permit from the Oregon Water Resources Department (WRD).

Within the Water Availability Study Area, exclusive of the Bandon Dunes Resort and proposed expansion areas, there are approximately 462 acres of land zoned for Rural Residential use. This area comprises approximately 142 existing Rural Residential parcels. The number of existing parcels actually exceeds the number of parcels which could be created under the existing Rural Residential zoning¹⁵. Full residential development of these parcels could amount to a total of approximately 150 residences (including the approximately 100 existing residences). Domestic water use and associated irrigation of up to 1/2 acre associated with residential use is exempt from Water Rights permitting. Assuming an average use of 500 gallons per day (gpd) per residence, additional domestic water use for approximately 50 additional residences could amount to 28 acre-feet per year within the study area.

Under current land use regulations, Forest and Agricultural designated lands have an 80-acre minimum lot size. Within the study area, excluding the Bandon Dunes Resort, proposed resort expansion areas, and residentially zoned land, there are approximately 1000-acres zoned F/MU or EFU. These lands could support a maximum of 12 forest or farm dwellings¹⁶, potentially using 6.72 acre-feet per year for domestic purposes.

Thus, within the study area, excluding the Bandon Dunes Resort and proposed expansion areas, the potential for additional domestic water use is approximately 35 acre-feet per year. This is about 0.2% of the recharge (water input) within the study area, and about 2% of the study area's estimated surplus of 1,710 acre-feet per year.

¹⁵ Many of these existing parcels are smaller than the minimum lot size for the Rural Residential zoning.

¹⁶ This is a conservative estimate because other applicable land use restrictions would tend to result in less than one residence per 80 acres being approved.

The additional 453 acre-feet/year of groundwater use projected for the Bandon Dunes Resort will come from deeper, more productive estuarine gravels and will not significantly impact the water level in the shallower aquifer into which residential wells are likely to be completed. Restrictive layers (aquitards) found between the shallow and deeper terrace/estuarine aquifers prevent high rates of flow between these aquifers. In addition, the locations of the deeper resort wells are expected to be in a downgradient position with respect to other users (wells in an upgradient position intercept the water first).

(3) Agricultural Use

Other than the Bandon Dunes Resort itself, and the areas zoned Rural Residential, most of the remainder of the study area is under Forest/Mixed Use zoning. The forest uses allowed under this zoning do not require irrigation.

Irrigated agriculture within the study area is almost exclusively cranberry bogs. The source of irrigation for existing cranberry cultivation is exclusively surface water and shallow groundwater. Use of the groundwater resource underlying the Bandon Dunes site for resort expansion will not conflict with these existing irrigation uses.

Under existing water rights held by the Cut Creek Water Improvement District and by individuals, up to 332 million gallons per year (mgy) of surface water may be withdrawn from Chrome Lake and other points in the Cut Creek and Fahy Creek watersheds. This water is applied to 340 acres of cranberry bogs in these watersheds and in other watersheds to the south and southeast. Water rights mapping shows approximately 190 acres of cranberry bogs within the study area boundary. There are existing groundwater rights for approximately 187 acres of cranberry irrigation within the study area. These surface and groundwater withdrawal points and uses are located upstream or upgradient from the proposed resort expansion areas, and are protected by law.

Some decline in the overall water table can be expected due to the withdrawal of an additional 453 acre-feet/year of groundwater for the expanded resort. However, due to the presence of aquitards (restrictive layers that prevent significant flow between aquifers), the withdrawal of this additional amount of groundwater from wells completed into the deeper terrace and estuarine aquifers is not expected to significantly affect levels in the shallow aquifer (or surface water) used to irrigate existing cranberry bogs, because the impact of the withdrawal will be spread over a very broad area.

If an additional 453 acre-feet/year of groundwater is used for resort expansion, it would diminish the amount of groundwater potentially available for expansion of existing cranberry bogs or development of new bogs. The amount of water available for expansion of cranberry production after accommodating the additional 453 acre-feet/year for resort expansion depends on the source of water chosen for cranberry bog irrigation. The most likely source is surface water, which is poorly connected to the aquifers tapped by the deeper wells expected to be used for the resort.

Finally, whether there is potential for significant additional development of cranberry bogs within the study area is doubtful. The cranberry industry is currently in a cyclical downturn, due to a price drop caused at least in part by overproduction. Also, cranberry bogs have recently been developed in Minnesota, where shipping costs to the eastern markets are significantly less. The best estimates are that the acreage of cranberry bogs in the Bandon area currently harvested has declined to about the level that existed in 1995. However, there is no indication of large-scale conversion of cranberry bog acreage to other crops. See "Bandon Coastal Properties Planning Background Studies; Alternative Sites for Proposed Goal Exception to Expand Bandon Dunes Resort," May 17, 2002, by Al Couper & Associates. In fact, new bog construction has been observed in the area southeast of the Bandon Dunes Resort (across Highway 101 and outside the study area). Thus, while it is likely that currently inactive cranberry bogs will eventually be put back into use, it is relatively unlikely that any significant acreage of new cranberry bogs will be developed within the study area.

(4) **Municipal Use**

There are no municipalities within the study area, and the aquifers underlying the western portion of the Bandon Dunes Resort and Primary Expansion Area are not inventoried by the Plan as a potential source of municipal water. However, the City of Bandon will need additional water at some point in the future.

The population of the City of Bandon is about 2,833. The City Water Department supplies approximately 1,337 residential connections and 381 commercial connections. Annual water use in the City Water Service Area is about 168 million gallons per year (mgy) at about 162 gallons per day (gpd) per person, including commercial water use.

The City projects an annual growth rate of 2.2% to 2.4% over the next five years. Thus, it will need an additional

20 mgly for its municipal water system. It would be legally and technically possible to develop and use the "Dunal Aquifers" underlying the Bandon Dunes Resort and Primary Expansion Area to augment the existing sources serving the City of Bandon, using some combination of shallow and deep wells. However, communications with the City of Bandon Planning staff indicate that the City is not currently considering the possibility of obtaining groundwater from north of the Coquille River.

In any case, any water obtained by the City of Bandon from the Dunal Aquifers would have to be treated for municipal use. In addition, a major obstacle would be transporting the water from the Bandon Dunes Resort site to the City. At present, there is no room for additional pipes on the Highway 101 bridge over the Coquille River. This means the water main would have to be placed on the bottom of, or under, Coquille Bay. It would likely be more cost effective for the City to develop a surface reservoir site which would allow delivery of water by gravity feed rather than having to pump the water to the City from the Bandon Dunes site.

(5) Conclusions

The expansion of the Bandon Dunes Resort will require use of an additional 453 acre-feet/year of groundwater from the Dunes Aquifers, beyond the water needed for the resort development already authorized by the original 1996 land use approval for the resort. If all water rights within the study area are fully utilized (including the resort's existing water right), the resort expansion would result in the amount of groundwater flow to the ocean being reduced by 334 acre-feet/year, to 1,376 acre-feet/year.¹⁷

Existing domestic and irrigation uses of groundwater within the study area will not be affected by the resort expansion. If Forest, Agricultural and Rural Residential designated properties within the study area were developed with the maximum number of dwellings allowed under current regulations, and each new dwelling used 500 gpd from an onsite well for domestic use, approximately an additional 35 acre-feet/year of groundwater would be withdrawn.

Existing irrigation water uses within the study area will not be affected by the resort expansion. The resort

¹⁷ The outflow to the ocean would be reduced by only 334 acre-feet/year, rather than the full 453 acre-feet/year needed for the expanded uses, because some of the expansion uses (200 of 300 recreational dwellings and all commercial uses) can be served by the resort's existing water right.

expansion could limit the amount of groundwater available for new agricultural operations located within the study area or for agricultural operations using groundwater from within the study area. Irrigated agriculture within and near the study area is almost exclusively cranberry bogs. It is relatively unlikely that any significant acreage of new cranberry bogs will be developed within or near the study area.

The resort expansion could limit the amount of groundwater available for future municipal use by the City of Bandon. However, neither the City of Bandon nor any other municipal user has expressed any interest in considering future use of groundwater from the Dunes Aquifer.

c. Impact Area

The New Goal 5 Rule requires identification of an Impact Area within which allowed uses could adversely affect the identified resource. OAR 660-023-0040(3). For the Dunes Aquifers, the Impact Area is the Groundwater Study Area shown on Figure 9. As explained in Section VIII.E.5.a(2), this area approximates the regional watershed in which groundwater flows predominantly westward through the existing Bandon Dunes Resort and Primary Expansion Area and discharges to the ocean.

d. ESEE Consequences Analysis

The New Goal 5 Rule requires the County to analyze the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use. OAR 660-023-0040(4).

(1) Domestic Use

Economic Consequences. Current land use regulations would allow approximately an additional 50 rural residential dwellings and up to an additional 15 farm or forest dwellings within the study area. The economic consequences of allowing these additional dwellings in the study area, each of which will have a well for domestic use, will consist of an increase in property tax revenues for the county, revenues for construction businesses in the county, and possibly other economic benefits if any of the residents of such dwellings conducts a home business. Allowing up to an additional 15 farm or forest dwellings in the study area would likely have little additional economic consequence, as forest operations are likely to occur regardless of whether a dwelling is present and it appears unlikely there will be significant development of new cranberry farming operations, the predominant form of agriculture in the area. Prohibiting additional rural residential, farm or forest dwellings in the study area would have a

negative economic consequence in that it would decrease the value of the properties so limited and, therefore, decrease the county's property tax revenues.

Social Consequences. There would be virtually no social consequences from allowing an additional 50 rural residences in the Rural Residential designated areas, which already have a rural residential character, or from allowing up to an additional 15 farm or forest dwellings. However, if the county prohibited development of additional residences on the Forest, Agricultural and Rural Residential designated properties in the study area, there would be considerable negative social consequences, as the owners purchased these properties in reliance on their ability to place a dwelling on them.

Environmental Consequences. Little or no adverse environmental consequences to the groundwater resource would likely result from allowing 50 additional rural residential dwellings and up to 15 farm or forest dwellings in the study area. Wells for domestic use in conjunction with such dwellings would be exempt from Water Rights permit requirements of the WRD, but would withdraw a total of only approximately 35 acre-feet of groundwater per year, and probably from a shallow aquifer. This would have a negligible effect on the deeper, more productive aquifers, or on the groundwater resource overall, which will have a surplus outflow to the ocean, assuming full development of all existing and pending water rights, of approximately 1,710 acre-feet/year, or 1,346 acre-feet/year if the resort expansion is approved.

Energy Consequences. There would be little or no energy consequences from allowing 50 additional rural dwellings and up to 15 farm or forest dwellings in the study area.

(2) Agricultural Use

Economic Consequences. Current land use regulations allow wells, irrigation pumps and pipelines, as accepted farming practices, in the EFU, F/MU and BDR zones. Existing irrigation uses in the study area, which are virtually entirely cranberry growing operations, have not adversely affected the groundwater resource, and have not adversely affected or been adversely affected by the existing Bandon Dunes Resort. Allowing or limiting additional use of groundwater for new cranberry farming operations would have little economic consequence, as there is little likelihood that significant additional acreages of cranberry bogs will be developed in the study area. Producing cranberries requires high front end costs, estimated at between \$15,000 to \$25,000 per

acre. The cranberry industry is in a cyclical downturn. There are a number of developed bogs that are currently unused, and these will likely be put back into service before any new bogs are developed.

Social Consequences. Putting additional acres into cranberry production would result in a relatively small number of construction jobs during the first year, when the water supply system and cranberry bogs are constructed. After the first year of development, an unknown number of harvesting jobs would become available over a short, two-to-four week period in September or October. The timing of these jobs would be bad for school-age young people, which means that the employees would be either long or short term unemployed people or people from outside of the region.

Environmental Consequences. If the resort expansion is approved, and all other existing and pending water rights are fully developed, the Dunes Aquifer within the study area will still have a surplus outflow to the ocean of approximately 1,376 acre-feet/year. The amount of that remaining surplus which could be withdrawn for irrigation (or other uses) without resulting in saltwater intrusion is not known at present. However, any new use of groundwater for irrigation will require a Water Right permit from the WRD, and the WRD is required to determine that the permit will not result in overdrafting of the aquifer, lowering of ground water levels, or interference with existing rights to appropriate groundwater. ORS 537.525, 537.621(2). Additionally, according to the OSU Extension Service, the secondary environmental consequences of using groundwater for cranberry production are essentially benign, in that irrigation, fertilization, pest control, harvesting or other uses of water for cranberry production will not adversely impact groundwater quality.

Energy Consequences. The energy consequences of using the groundwater resource for new cranberry farming operations developed in or near the study area are difficult to quantify. Certainly, fossil fuels would be used during the extensive land clearing and construction stage during which the bogs are formed. Later, during operations, certain amounts of energy consumption would be associated with fertilizer and pesticide application, irrigation, and harvesting. Also, energy will be required to pump the groundwater and transport it to its destination.

(3) Municipal Use

Economic Consequences. Technically and legally it would be possible to appropriate and develop water from

the Dunes Aquifers for municipal use by the City of Bandon, using some combination of shallow and deep wells. However, all of the water would have to be treated for municipal use, and it would be costly to transmit the water to the City. At present, there is no room for additional pipes on the Highway 101 bridge. This means the water main would have to be placed on the bottom of, or under, Coquille Bay. It might be less costly for the City to develop a surface reservoir site which would allow delivery of water by gravity feed rather than pumping. Because the City of Bandon has not even considered using the Dunes Aquifer as a municipal water source, much less expended funds on planning for such use, not allowing such use of the Dunes Aquifers would not have adverse economic consequences for the City.

Social Consequences. If the Dunes Aquifers were used for municipal use, it would be to meet water needs of the City of Bandon generated by future growth in population. Growth in a community such as Bandon is usually stimulated by job creation. Therefore, if additional jobs are created, the City at some point will need an additional water source, whether it is the aquifer underlying the Bandon Dunes Resort site or some other source. Any social consequences experienced by the City would be due primarily to its growth in population, not to its choice of an additional water source.

Environmental Consequences. If the resort expansion is approved, and all other existing and pending water rights are fully developed, the Dunes Aquifer within the study area will still have a surplus outflow to the ocean of approximately 1,376 acre-feet/year. The amount of that remaining surplus which could be withdrawn for municipal use (or other uses) without resulting in saltwater intrusion is not known at present. However, any new use of groundwater for municipal use will require a Water Right permit from the WRD, and the WRD is required to determine that the permit will not result in overdrafting of the aquifer, lowering of ground water levels, or interference with existing rights to appropriate groundwater. ORS 537.525, 537.621(2).

Energy Consequences. Considerable energy would be required to pump groundwater from the Dunes Aquifers and transport it to the City of Bandon for municipal use, certainly more than if the city used a reservoir site from which water could flow by gravity, rather than being pumped.

(4) **Expanded Resort Use**

Economic Consequences. Economic Research Associates (ERA) conducted a study to identify the economic benefits to Coos County of the Bandon Dunes Resort, under current approvals (including the 1996 goal exception/plan amendment and the 1999 conditional use permit), and the economic benefits resulting from the proposed expansion. See "Analysis of the Economic Benefits of the Bandon Dunes Resort to Coos County, Oregon." The ERA report considers data from the resort's current operation, likely impacts of the additional facilities and programs that will be developed under the 1996 authorization and under the proposed expansion, the impact of key trends in the resort industry, and the goal of the resort developers to have Bandon Dunes be a world-class year-round resort. ERA assumed that the level of resort development would be as shown in Table-1, i.e. 3.5 golf courses, 150 overnight lodging units and 300 private dwelling units under the current authorizations, with the expansion adding 1 golf course, another 150 overnight lodging units and another 300 private dwelling units. Based on its analysis, ERA projected economic benefits to Coos County in three categories -- visitor spending, jobs created and property tax revenues.

Table 5

<i>Summary of Economic Benefits to Coos County, from Bandon Dunes Resort, Stabilized Level of Resort Operation at Project Build-Out, Year 2002 Dollars</i>			
<i>Category of Economic Benefit</i>	<i>Existing Approvals</i>	<i>Expansion Plan</i>	<i>Total</i>
Total Annual Impact of Visitor Spending	\$46,195,485	\$27,834,886	\$74,030,371
Construction Jobs ^{1/}	791	525	1,316
Total Annual Jobs From Resort Operations	921	426	1,347
Annual Property Taxes	\$2,492,103	\$2,119,354	\$4,611,457

^{1/} Full-time equivalent person years of employment.

Source: Economics Research Associates, April 2002.

With regard to visitor spending, ERA made the following key points:

- Direct Spending: Total annual direct spending in Coos County by visitors to Bandon Dunes Resort is estimated at about \$40 million under existing approvals and an

additional \$24 million with the proposed resort expansion (using constant year 2002 dollars).

- Indirect Direct Spending: An allowance for “leakage” of spending outside the County was included. Leakage relates primarily to the cost of goods sold for goods produced outside the County. With allowances for leakage of 25 percent for food and beverage and 45 percent for retail/other, annual *net* direct spending under existing approvals is estimated at nearly \$33 million, and an additional nearly \$20 million with the proposed resort expansion.

- Indirect and Induced Impacts (Multiplier Effect): Net direct spending by visitors to the Bandon Dunes Resort constitutes the first round of economic benefits to Coos County. Then, the total contribution multiplies as the income passes through the economy. For example, as paraphrased from the 1996 Bandon Coastal Dunelands Final Decision:

“Revenues from the golf course part of the project will accrue as a result of tourist and resident spending at the golf courses, pro shop, and restaurant. These earnings are then passed on to the staffs, local businesses, and out-of-the-area suppliers of good and services to the resort. These 'direct' expenditures to local households and businesses will set in motion additional rounds of 'indirect' and 'induced' expenditures as the households and businesses undertake local purchases with the money earned from the resort. This process continues indefinitely with each round becoming smaller as money leaks out of the economic stream for taxes, profits, savings, and purchases outside the area. The process results in what economists call 'multipliers' which are a way of quantifying the economic impact of successive rounds of spending.”

- Total Annual Economic Impact of Resort Guest Spending: Considering, in part, the characteristics of the Coos County economy, ERA utilized a multiplier of 1.4 in order to account for the indirect and induced economic impacts of visitor spending. (This was the same multiplier quoted in the 1996 Bandon Coastal Dunelands Final Decision). This produced a total annual visitor spending economic impact under the existing approvals of \$46.2 million, and an additional annual visitor spending economic impact of \$27.8 million with the proposed resort expansion.

With regard to job creation, ERA made the following key points:

- Under existing approvals, the resort is expected to directly employ 458 people with average total compensation of about \$25,000 per year (this includes both permanent and part-time positions). These jobs will range from management and sales positions to greenskeeping and housekeeping. They will provide a spectrum of full-time and part-time income opportunities for all age groups in the community.
- Under existing approvals, the equivalent of about 200 full time-equivalent jobs per year will be created for caddies who serve as independent contractors not directly employed by the resort. The average compensation for each full-time equivalent caddie position is estimated at about \$26,000 per year including wages and tips.
- In the same manner as discussed above for the multiplier effect for direct visitor spending, an employment multiplier of 1.4 was also incorporated into the job creation analysis (Bandon Coastal Dunelands Final Decision). As shown, it is estimated that a total of about 921 jobs per year will be created as a result of Bandon Dunes Resort operations under the existing approvals, and an additional 426 jobs per year will be created with the proposed expansion.
- According to Dr. Dean Runyan, an expert on the tourism and resort industry:

“The proposed resort will provide a stable source of positions across a wide compensation range, and it will provide our young people with the kinds of entry-level work that they will need to enable them to remain in the County while they achieve the schooling and other training necessary to enable them to move into family-wage positions.” (1996 Bandon Coastal Dunelands Final Decision).
- Finally, estimates are that between 50 percent and 75 percent of the workers needed to construct and operate the Bandon Dunes Resort will come from the local area defined as the Coos Bay/North Bend – Coquille – Bandon triangle.

ERA also noted that the Bandon Dunes Resort will create few, if any, costs for the County, pointing out that the Bandon Dunes Resort is, and will remain, largely self-contained as to water, sewerage, streets and walkways, and storm drainage. It will generate little need for school services and will generate large amounts of revenue via local property taxes. Police and fire

protection will be provided by the resort under a contract which reimburses local government for its cost (1996 Bandon Coastal Dunelands Final Decision).

Finally, ERA concluded that, with the proposed expansion plan, additional and more diverse facilities will be added to the Bandon Dunes Resort. This will, in turn, lead to higher off-season overnight lodging occupancy rates, a larger and less seasonal visitor base, and will transform the Bandon Dunes Resort into a true year-round resort that will make a larger and more stable contribution to the Coos County economy.

The ERA report is well-researched and analyzed. Its findings and conclusions present an accurate picture of the economic impacts of the Bandon Dunes Resort on Coos County, both at full build-out under the existing approvals, and with the proposed expansion.

Social Consequences. The starting point for social consequences analysis is to examine the demographic impact of a proposed development. At full build out under the existing approvals, the Bandon Dunes Resort will include 150 units of overnight lodging and 300 recreational dwellings. In 2001, the overnight lodging at Bandon Dunes averaged 80% occupancy in the peak season and 50% in the off-season, with an average of 1.6 people per lodging unit. It is assumed that future private dwellings will have a similar occupancy rate, but average 3.5 persons per recreational dwelling (a higher average is expected because of the high number of owners/renters who will bring friends, children and grandchildren with them). Therefore, at full build-out under the existing approvals there could be approximately 1,000-1,100 guests and residents at the resort on a given day during the peak season and 600-700 guests and residents at the resort on a given day during the off-season.

One of the main purposes of the proposed expansion is to increase occupancy rates at the resort during the off-season, and make it into a true year-round resort. More diverse programs and facilities should also result in increasing the average number of persons per overnight lodging unit, as more couples and families will be attracted to the resort. It is reasonable to project that the proposed expansion, besides adding an additional 150 overnight lodging units and 300 private dwellings to the resort, will raise the off-season occupancy rate to at least 70%, and increase the overnight lodging occupancy to at least 2.0 persons per unit. These changes would increase the number of guests and residents at the resort on a given day to a more constant 2,000-2,200. Therefore, the net result of the proposed expansion will be to increase the number of guests and residents at the resort by around 1,000 in the peak season and by around 1,500 in the off-season.

It is expected that the age composition of the occupants of the expanded resort will be the same as for the originally approved resort, and will differ somewhat from that of the Coos County

region as a whole, as follows:

- There will be more people in the 45 and older age groups -- probably more than half. Most people must work and save for years to afford a recreational home in a resort development.
- During the summer, there will be significant increases in the 0-14 age group and in the 25-44 year old range. This represents owners' children and grandchildren.

Based on the above, the social consequences of allowing use of the groundwater resource for the expansion of the Bandon Dunes Resort are likely to be the same as those for approval of the original resort, including the following:

- (1) Demand for locally financed public services will be less than that expected from a similar increase in population with a more average age distribution. For example, the owners' grandchildren who will be present in the summer will leave by mid-September and will not create a demand for school services. Because there will be relatively few year-around residents, there probably will not be the type of negative impact on school budget elections that is found, for example, in the City of Woodburn, which has a high percentage of retired permanent residents. Resort users will not be commuting daily to and from urban areas, but will tend to stay on site except for arrivals, departures, and excursions.
- (2) An unusually large proportion of the money brought into the area will be imported in the form of pensions, social security, Medicaid, proceeds from sales of prior homes, and investment income.
- (3) Demand for other governmental services will be substantially lower than the mean. As discussed earlier, much of the resort will be self-sufficient in terms of sewer, water, storm drainage and roads and walkways and will contract for police and fire protection. Some additional land development services will be demanded, e.g. building inspection, as the resort builds out. Given the greater relative affluence of the population, there will be relatively minor demands on public medical and other social services.
- (4) Demand for private professional services will be unusually strong. Resort users and residents will require professional services in real estate, law, accounting, finance, insurance, and medical care.
- (5) Resort residents and guests will generate demand for basics such as gas, groceries, and household goods as well as for fine food, gifts, artwork, clothing and personal care, book stores, sports equipment, arts and entertainment, and

travel services. Many of these businesses are already in the area because of Bandon's own changing demographics, which feature higher than average numbers of retired people and tourists. For those business which benefit from increased trade volume, the destination resort population will have a major positive impact.

- (6) The Bandon Dunes resort project will enlarge and diversify the region's population and should have an overall positive social impact.

The expansion of the resort will be carried out without undue disruption of existing rural residential communities. Only two parcels containing existing dwellings (one 9.6-acre rural residential zoned parcel and one 37.5-acre forest zoned parcel) have been included in the expansion areas.¹⁸ The Supplemental Master Plan and BDR zone require a 100-ft. woodland buffer along the eastern boundary of the resort, where it adjoins rural residential zoned areas. Private housing allowed in the eastern part of the Primary Expansion Area will be similar in density to that of adjoining rural residential areas.

In addition to the impacts of additional resort guests and residents due to the expansion of the resort, the impact of the additional 525 FTE person-years of construction jobs and the additional 426 operational jobs resulting from the expansion of the resort must be considered.

With regard to the construction jobs, social impacts tend to be more adverse when large construction projects import significant numbers of "outsiders" who work for a short period of time and then depart the area. These workers may have less sense of community and less concern for the community's long term welfare. However, as discussed in more detail under "Economic Consequences" above, this will not be the case with the Bandon Dunes Resort.

First, it is important to remember the projected figure of an additional 525 FTE person-years of construction jobs does not represent 525 new jobs that will be created simultaneously for 525 individuals. Rather, these 525 FTE person-years of construction jobs, together with the 791 FTE person-years of construction jobs created by build-out of the originally approved resort (a total of 1,316 FTE person-years), will exist over a 20-year period of resort build out (*i.e.*, 1997-2017). Thus, 1,316 FTE person-years spread out over 20 years for build out of the expanded resort are equivalent to an average of 66 full time construction jobs per year, or only 11 more jobs per year than the 55 projected for build-out of Phase 2 of the originally approved resort. Although some construction jobs will be short term specialty jobs (*e.g.*, elevator installation), many construction jobs

¹⁸ These parcels have been purchased by the resort owners from willing sellers.

will span several years, so that one worker's job will encompass several FTE years and that worker will be able to reside in the community for an extended period.

Second, information from local planners, developers, and economists indicates that anywhere from 50% to 75% of the construction labor force will be drawn from the local community. This not only means these workers will already be part of the social structure, but that the community will not have to provide them with large amounts of new housing and public facilities and services. What this expansion project really means is that over the next 12 to 15 years, even more construction specialists and tradespeople in the Bandon/Coos Bay/Coquille area can expect a long term economic stimulus. The related social effect is that these workers will earn living wages and be able to stay in the community long enough to be contributing members and the project will not create a "boom-and-bust" cycle in the local economy.

The same can be said regarding the additional approximately 426 ongoing operational jobs that will be created by expansion of the Bandon Dunes resort. These 426 jobs will range from management and sales positions to greenskeeping and housekeeping.¹⁹ They will provide a spectrum of full-time and part-time income opportunities for all age groups in the community. As with the construction jobs, most of these jobs will be taken by people already living in the community.

In the 1996 proceedings for the original approval of the Bandon Dunes Resort, Dr. Dean Runyan, an expert on the tourism and resort industry, testified that the proposed resort will provide a stable source of positions across a wide compensation range and it will provide the County's young people with the kinds of entry level work that they will need to enable them to remain in the County while they achieve the schooling and other training necessary to enable them to move into family-wage positions. The proposed expansion of the Bandon Dunes Resort will result in the resort providing even more such jobs and on a more stable year-round basis.

Environmental Consequences. As described below, the Master Plan for the Bandon Dunes Resort, as modified by the Supplemental Master Plan approved as part of the resort expansion, is designed to protect the groundwater and surface water resources of both the original resort site and the expansion areas.

The Bandon Dunes Resort has taken special design and protective measures to properly utilize and protect the groundwater resource. These protective measures include the

¹⁹ The 426 jobs also include approximately 60 to 70 caddies, who technically are independent contractors and are not employed by the resort.

type of golf courses, resort layout, storm water runoff, waste water treatment system, well field distribution, reservoir construction, and golf course management plans.

Both the Pacific Dunes and Randolph Links Golf Courses will be Scottish Links style courses. This type of golf course uses a mixture of coarser native grasses, which require much less water and nutrients than the usual golf course. A links golf course ideally has a less manicured look. In fact, one of the primary concerns is to limit water and nutrient use on the golf course to give it the tough playing surface of a Scottish Links course. Development of these golf courses will also involve removal of the invasive non-native gorse that has threatened native vegetation and created a severe fire hazard in the past.

The SMP's New Concept Plan demonstrates that development of both the original resort site and the expansion areas is laid out in a low density manner, with housing and other development clustered, so that much of the area of the resort is open to natural groundwater recharge. Thus, a high percentage of low permeability areas is avoided. Also, all street, parking lot, and roof runoff will be directed to adjacent swales so that it also can contribute to recharge. Storm water runoff is not collected but is dispersed instead. The swales are designed as bio-swales for treatment of any storm water runoff.

The waste water treatment system that serves the existing resort, and will serve the expanded resort, is designed to greatly reduce nutrients and treat the wastewater until it is safe for human contact. The water is then discharged into an irrigation surge pond. During the irrigation season, it is mixed with water pumped from the irrigation wells and subsequently distributed over the entire Bandon Dunes Golf Course. The loading on the course is less than 0.05 gallons per day per square foot. Though the water is of excellent quality, some final polishing of the water will occur at the ground surface. As additional golf courses are added to the resort, they could be incorporated into the wastewater disposal system to further disperse the water. Irrigation with this treated wastewater significantly reduces the amount of irrigation water required from the irrigation wells.

From November through February, in compliance with the resort's Water Pollution Control Facility (WPCF) Permit, treated wastewater is applied by irrigating a specially permitted 10.4-acre discharge area. Water excess to plant uptake needs passes through the ground and ultimately discharges to the ocean in an area set apart from golf course play areas.

Irrigation water is obtained from wells in the terrace gravels (and the surrounding sands) north of Cut Creek. The drinking water well field²⁰ is located south of Cut Creek, remote (more than 1/4

²⁰ The "drinking water" wells actually provide water to the resort for all purposes other than irrigation

mile) from the existing streams and lakes and fully down-gradient from any other water users. The drinking water wells draw on the estuary alluvial aquifer. No other water users utilize this groundwater source. Head differences and water chemistry confirm that this groundwater source is not directly connected to the shallow dunal aquifer. By utilizing this deeper groundwater source for the drinking water supply, the total impact to the area's aquifers is spread both laterally and vertically.

A reservoir has been constructed on Cut Creek immediately downstream from Chrome Lake. While this new reservoir is designed primarily as an aesthetic feature, it does raise the water table in its vicinity by raising the level at which groundwater discharges. This causes natural recharge to accumulate to a higher elevation in the water table and thus more recharge to be stored during the rainy winter months. This excess groundwater discharges through the sand into Cut Creek, below the reservoir, during the summer months. This will augment Cut Creek's summer flows and mitigate any unanticipated impacts on Cut Creek.

Groundwater is further protected by the use of a golf course management plan that incorporates integrated pest management practices and resource conservation ideals into the operation of the golf courses. Specifically, a Scottish Links style course is naturally well suited to minimization of human intervention. The use of water, nutrients, and pesticides will also be minimized on any future Bandon Dunes Resort golf courses that are constructed in non-Scottish Links style. Zoned irrigation systems with soil moisture sensors minimize water application. Spot applications of agricultural chemicals are used rather than broadcast applications. Applications of chemicals are based upon actual problem identification rather than as a preemptive strike. Natural predators, such as ravens for mealy worm infestations, are used whenever possible. These are examples of the integrated pest management practices and the best management practice for water, nutrient, and pesticide management that are utilized at the existing Bandon Dunes Resort and will be utilized in the expansion areas as well.

Well #2 is the primary source of drinking water at the resort, and is located approximately 0.37 miles south of Cut Creek, west of South Bandon Dunes Drive. The SMP includes a reconfiguration of the Resort Concept Plan that places the site of Well #2, and two nearby monitoring wells, within the newly-denominated Trail Golf Course/Residential Area. However, a policy added to the SMP provides that no dwellings or overnight accommodations in the Trail Golf Course/Residential Area will be placed west of the present location of South Bandon Dunes Drive. Therefore, the only realistic potential use in the vicinity of these wells is the Trail

(e.g. drinking water, domestic use, commercial use).

Golf Course itself. EGR has explained that there is little risk in placing a golf course near the drinking water wellhead. Because Well #2 has a seal that extends 85 feet below ground surface, though a 20-foot layer of heavy clay, there is excellent separation between the upper, shallow aquifer and the deeper drinking water aquifer. There is a high flow/recharge rate in the shallow aquifer that will tend to flush any turf care contaminants out to the ocean and golf course management practices at Bandon Dunes Resort insure that a minimum of turf care products are used. However, additional measures recommended by EGR to ensure the Trail Golf Course will not adversely affect the drinking water wellhead have been incorporated into the SMP, and are described below in Section VIII.E.5.e(4).

The proposed expansion will require pumping of more groundwater for both drinking water and irrigation, but is not expected to have a significant impact on either surface water or groundwater levels. Water levels in the Cut Creek Delta and the Interdune Valley Wetland were monitored during the initial pump test of Well #2, using piezometers installed into the shallow groundwater table in these areas. Drawdown effects due to pumping were not observed. Subsequent visual observation of the wetlands and the delta indicates no significant decline in water level has occurred in either the Cut Creek delta or the wetlands. Since no effect on surface water has been observed, no adverse impact on fish habitat is expected.

To ensure that the expanded use of groundwater does not adversely affect flow levels in Cut Creek, flow measurements will be taken where Cut Creek enters the Delta. To provide reliable estimates of flow, these measurements will consist of quarterly staff gauge or other suitable depth measurements at a set location where the creek cross section is stable. Quarterly reports will be submitted to the WRD. The method of flow measurement will be determined jointly by resort staff and the local Watermaster. Surface water level measurements are also proposed at Chrome Lake, Chrome Reservoir, and Round Lake. These measurements will be collected quarterly from staff gauges installed at each of the reservoirs. Quarterly reports will be submitted to the WRD.

Water levels measured in 16 on-site wells show an expected decline in the well water levels during the irrigation season and a compensating recovery during the winter months. There is no indication of any permanent decline in groundwater levels. To ensure that no permanent decline occurs in the future, water levels will be monitored in the 16 wells at monthly intervals and will be reported to the WRD. Groundwater quality monitoring is performed regularly and samples are transmitted to the DEQ, WRD and Oregon Health Division (OHD). See Section VIII.F.2. No groundwater quality problems have been observed, and there is no reason to think that any will be caused by the proposed expansion.

A major concern regarding groundwater quality is the possibility of saltwater intrusion in response to increased withdrawal associated with the approved resort expansion. However, the water availability study by EGR shows that at least 1,376 acre-feet/year of groundwater will continue to be discharged from the Dunes Aquifers to the Pacific Ocean, even after full development of the expanded resort has occurred. This discharge should continue to prevent saltwater intrusion. However, conductivity measurements now being performed for the WRD will warn of any potential salt water encroachment into the aquifer. Additionally, pumping tests of any new wells developed to support resort expansion will demonstrate the extent of the cone of depression associated with a given pumping rate, and thus will indicate the sustainable rate of pumping that can be carried out without salt water intrusion. If salt water intrusion is indicated, preventive measures (e.g., different well field configurations or altering the irrigation schedule) can be instituted to eliminate the intrusion.

Subsidence is the lowering of the land surface associated with removing large volumes of water, under relatively high confining pressure, and thick confining beds and aquifers. At the Bandon Dunes Resort site, subsidence is not expected to be a problem due to the limited amount of water to be removed, the thin layers of aquifer materials, and the low confined pressure associated with the estuarine aquifers from which the water is withdrawn.

Energy Consequences. Energy will be required to pump additional groundwater from the aquifer for use by the proposed expanded resort. Considerable amounts of energy, mainly from fossil fuels, would be required for construction of the additional facilities proposed as part of the resort expansion. It is beyond the scope of this analysis to quantify the amount required. Energy consumption during the operation phase of the expanded resort will be minimized through the use of energy conservation techniques, as described at Section VIII.M (Goal 13 - Energy Conservation).

e. Program to Achieve Goal 5

OAR 660-023-0040(5) requires the County to determine whether to allow, limit, or prohibit identified conflicting uses. The County's acknowledged Goal 5 program for the Dunes Aquifers imposes no limitations on residential or agricultural uses otherwise allowed under the F/MU, EFU, RR-5 and RR-2 zones within the study area and places no restrictions on use of water from the Dunes Aquifers for municipal use. The County's acknowledged Goal 5 program does, however, limit the resort use of the Bandon Dunes Resort site through application of the acknowledged Master Plan, Goal Exception Statement and BDR zone. The analysis below determines whether there is sufficient justification for imposing new restrictions on residential, agricultural, or municipal uses within the study area and whether

restrictions should be imposed on use of groundwater by the expanded Bandon Dunes Resort.

(1) Domestic Use

Continuing to allow new dwellings to be approved within the study area, outside the Bandon Dunes Resort and the proposed resort expansion areas, as allowed under the current F/MU, EFU, RR-5 and RR-2 zoning, will result in appropriation of only approximately 35 acre-feet/year of groundwater for domestic use. This amount represents less than 3% of the groundwater estimated to be available after existing and pending water rights are fully exercised and an additional 334 acre-feet/year is allocated to the expansion of the Bandon Dunes Resort. This minor withdrawal of groundwater, primarily from the shallow aquifer, poses a minimal, if any, risk of conflict with the Dunes Aquifers. On the other hand, limiting or prohibiting the new dwellings otherwise allowed under current regulations would cause severe economic and social consequences for the property owners and the County. The extremely remote possibility of any damage to or conflict with uses of the Dunes Aquifers does not justify the imposition of significant new restrictions on new dwellings within the study area.

(2) Agricultural Use

Irrigation for agricultural use within the study area is almost entirely for cranberry farming operations. Because the cranberry industry is currently in a cyclical downturn, there are significant amounts of unused cranberry bogs in the County. Due to the high front-end costs of developing bogs for cranberry operations, it is extremely likely that currently inactive bogs will be put into use, before any significant amount of new cranberry bogs are developed in the study area. Development of cranberry bogs in other parts of the country, closer to East Coast markets, makes it unlikely that there will be a significant increase in cranberry bog development in Coos County in the foreseeable future. Even if new cranberry bogs are developed, they are more likely to use surface water sources for irrigation rather than the Dunes Aquifers. Finally, even if groundwater from the Dunes Aquifers was sought to be used for irrigation of new cranberry bog development, the WRD statutes and rules require it to review such a water right permit to ensure no harm to the groundwater resource. Cranberry farming operations generally do not have adverse environmental effects. Considering the unlikelihood that groundwater from the Dunes Aquifers will be sought to irrigate new cranberry farms, together with the lack of adverse environmental consequences and positive

economic consequences should such use of groundwater from the Dunes Aquifers occur, the imposition of new restrictions on use of groundwater for irrigation within the study area is not warranted.

(3) Municipal Use

There are no municipalities within the study area, and no municipality has expressed interest in, or made plans for, using the Dunes Aquifers as a source of water for municipal use. However, considering the importance of providing adequate supplies of water for municipal use, that even if appropriation of an additional 334 acre-feet/year from the Dunes Aquifers for resort expansion is approved, there will still be an outflow of surplus groundwater to the ocean, and that any permit to appropriate water from the Dunes Aquifers will require approval by the WRD under statutes and rules requiring that the groundwater resource not be harmed, the imposition of new restrictions on use of groundwater from the Dunes Aquifers for municipal use is not warranted.

(4) Expanded Resort Use

The proposed expansion of the Bandon Dunes Resort will provide great economic and social additional 453 acre-feet/year of groundwater from the Dunes Aquifers. However, as with approval of the original resort, it is important to ensure that the expansion of the resort does not have adverse impacts on that groundwater resource.

As described in more detail in Section VIII.E.5.d(4), the Master Plan and Supplemental Master Plan are designed to protect the groundwater resources of the original resort site and the expansion areas. Development at the resort, including the expansion areas, is laid out in a low density manner, with clustered housing so that low permeability areas are reduced and much of the area of the resort is open for natural recharge. The wastewater treatment system for the resort facility is designed to greatly reduce nutrients and treat the water until it is safe for human contact.

The Master Plan requires resort use of the following water conservation practices, including recycling methods:

- Construction of a Scottish links golf course that, by design, has reduced irrigation requirements and which will use turf grass species that are biologically

correct for the geographic region.²¹

- Use of native and naturalized plants for the site landscaping program; careful monitoring of water requirements and use of efficient irrigation methods, such as drip irrigation, to conserve water.
- Incorporation of water conservation improvements such as low-flow or aerated faucet heads into building construction.
- Recycling of water by collecting and purifying it and returning it to the earth; none will be discharged directly into streams or the ocean. The treated waste water effluent will be applied to the golf courses and landscaped areas as irrigation or ground water recharge.
- Development of a stormwater management system that directs stormwater through bio-filtration swales to detention ponds or wetlands that hold the water for slow release into the ground. Appropriate filtration and monitoring will assure water quality where potential contaminants may be present.

The Master Plan and SMP require development of landscape/golf course management plans which, among other things, require irrigation and fertilization practices "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." Master Plan, p. 59. These management plans must also include an Integrated Pest Management (IPM) program and a detailed program to monitor surface and groundwater quality. A landscape/golf course management plan is required to be submitted as part of a Final Development Plan application and the Final Development Plan can be approved only if it complies with the Exception Statement, Master Plan and SMP. ZLDO 4.10.065(B), 4.10.070(A) and (B).

Environmentally sensitive irrigation, fertilization, and IPM practices currently used at the resort will be continued on the expansion areas, including the following:

- Zoned irrigation systems with soil moisture sensors will minimize water application.

²¹ The Pacific Dunes Golf Course, located in the Primary Expansion Area, was also constructed as a Scottish Links course.

- Spot applications of agricultural chemicals will be used rather than broadcast applications.
- Applications of chemicals are based upon actual problem identification rather than as a preemptive strike.
- Natural predators, such as ravens for mealy worm infestations, will be used whenever possible.

The SMP requires Bandon Dunes Resort to carry out the following well location, testing, and monitoring practices recommended by EGR:

- Drill wells to bedrock to determine the vertical extent of the estuarine channel aquifer.
- Locate well drilling sites outside a 1/4 mile radius from surface water bodies to minimize the potential for interference with surface water.
- Consider the distance of proposed well sites from the ocean to minimize the potential for salt-water intrusion. Conduct pumping tests to identify the cone of depression in those wells closest to the ocean and to determine a sustainable rate of pumping that can be carried out without salt water intrusion.
- Continue the groundwater quality monitoring required by the resort's Water Pollution Control Facility (WPCF) permit issued by the DEQ.
- Continue the periodic drinking water quality testing required by OHD for the resort's public drinking water permit.
- Continue monthly monitoring of water levels, temperature, and conductivity in the irrigation and drinking water wells, as required by the WRD. Submit quarterly reports to the WRD.
- Institute quarterly measurement of surface water levels in Chrome Lake, Round Lake, Cut Creek Reservoir, and surface water flow in Cut Creek at the entrance to the Cut Creek delta. Submit quarterly reports to the WRD.

Additionally, the following additional measures recommended by EGR to ensure protection of the drinking water wellhead, located within the future Trail Golf Course, have been incorporated into the SMP:

- Tees and greens will not be located within 50 feet from the drinking water well or within 25 feet from the nearby monitoring wells.
- Tees and greens located 50 to 100 feet from the drinking water well, or 25 to 100 feet from the nearby monitoring wells will be constructed with an underground liner to capture and divert any water that passes through the tee or green to a capture tank.
- Capture tanks receiving groundwater diverted from tees and greens within 100 feet from the drinking water well and monitoring wells will be periodically pumped and the water disposed of on the rest of the golf course.

Based on the above described requirements and limitations, the proposed resort expansion, including the use of an additional 453 acre-feet/year of groundwater (requiring a water right to appropriate an additional 334 acre-feet/year), will be able to take place without harming the Dunes Aquifers groundwater resource.

6. Approved Oregon Recreation Trails

The Plan Special Considerations maps identify no approved Oregon Recreation Trails on or near the proposed resort expansion areas. The County is not required to amend its Plan to designate recreation trails designated by OPRC as significant Goal 5 resources until its next periodic review. OAR 660-023-0150(2). However, the County recognizes that the designated route of the Oregon Coast Trail is along the beach to the west and north of the Primary Expansion Area and that an alternate overland route for getting around Five-Mile Point at high tide exists on the property north of the Primary Expansion Area, across Whiskey Run Road, which is not part of the resort expansion proposal. The proposed resort expansion will not affect the beach to the west of the Primary Expansion Area and, therefore will have no impact on the primary Oregon Coast Trail route. The concerns of the OPRD regarding the safety of Oregon Coast Trail users walking along Whiskey Run Road to or from the alternate overland route are addressed in Section. VIII.L.5.

7. Natural Areas

The Plan Special Considerations maps do not identify any "Natural Areas" on or near the resort expansion areas. Therefore, no further consideration of this Goal 5 resource is required.

8. Wilderness Areas

The Plan Special Considerations maps disclose no Wilderness Areas on or near the resort expansion areas. Therefore, no further consideration of this Goal 5 resource is required.

9. Mineral and Aggregate Resources

The County's acknowledged program for protection of designated mineral and aggregate resource sites is to maintain the sites in their present state, except where a conflicting use is identified during implementation of the Plan. A conflicting use is defined as any dwelling or other structure within 500 feet of the resource site. Plan at 5-21.

The Plan Mineral/Aggregate/Energy Resources Special Consideration Map does not designate any mineral or aggregate resource sites within the resort expansion areas. The Plan Map does show the existence of three "sand & gravel pits" to the east of Highway 101, north of the Coquille River. One is located close to the river, in Sec. 17 of T28S, R14W. The area of the resort closest to this sand and gravel pit is the Tear Drop Site, but the pit site is almost 1/2 mile from any development that would occur on the Tear Drop Site. Two of the sand and gravel pits are located north of North Bank Road, in Sec. 8 of T28S, R14W. Considering that the north end of the Tear Drop Site is designated for Open Space, the closer, more southerly of these two pit sites is over 1000 feet from any structures that will be developed on the Tear Drop Site. The area of the resort closest to the more northerly of these two sand and gravel pit sites are the south end of the South Fahy Residential Area. However, the pit site is located at least 500 feet from any part of the resort's South Fahy Residential Area.

A fourth sand and gravel pit site is located on the west side of Highway 101, in Sec. 5, of T28S, R14W, and is owned by applicant BDLP. Under the Master Plan, as modified by the SMP, no structures or dwellings that are part of the resort are proposed to be located within 500 feet of the sand and gravel pit site. The applicant intends to maintain this site in its present use until such time as reclamation becomes appropriate.

The Plan Mineral/Aggregate/Energy Resources Special Consideration Map also identifies three "Metal Mines & Prospects" sites on the east side of Seven Devils Road, between Randolph Road and Whiskey Run Road, in Sec. 28 and 33 of T27S, R14W. These gold mining claims are currently inactive and, in any case are located over 1/2 mile from any development that will occur on the existing Bandon Dunes Resort site or in the Primary Expansion Area.

The Plan discusses the potential for "black sand" being found in certain portions of the Primary Expansion Area. Black sand is listed by the Plan as a "1B" resource, which under the Old Goal 5 Rule meant the County had delayed the Goal 5 inventory and significance determination process until periodic review and no special implementing measures are appropriate. OAR 660-016-0000(5)(b). There is no equivalent category of resource recognized under the New Goal 5 Rule. In any case, even if the resource is present, the applicants have no plans to exploit it and the proposed development of the Primary Expansion Area will not interfere with its preservation for future use, as resort structures are not proposed to be located on the portions of the area indicated as having black sand potential.

10. Energy Sources

Energy sources are identified in the Plan as coal and oil. Plan at 5-67. The plan "Special Considerations map entitled "Mineral/Aggregate/Energy Resources" shows that the resort expansion areas are not within an area of potential coal fields, but are within a broadly defined area within which oil and gas resources may exist. However, no such resources are known to exist on or near the expansion areas. No further Goal 5 consideration is required.

11. Cultural Areas

No sites of cultural significance have been identified on or near the proposed resort expansion areas. Therefore no consideration of this Goal 5 resource is required.

12. Historic Resources

No areas, sites, structures, or objects of historical significance on or near the Bandon Dunes site or expansion areas are designated by the Plan or recognized by the State Office of Historic Preservation. With regard to archaeological sites, the County's acknowledged protection plan does not require identification and designation of specific archaeological sites, but rather that specific development proposals be accompanied by documentation that the proposed project would not adversely impact the archaeological values of the site. Plan PIS 5.7-3. Where adverse impacts are identified, "appropriate measures must be taken to preserve the archaeological value of the site." *Id.* If no adverse impacts are identified, then the archaeological site will be preserved.

In the case of the proposed resort expansion, the area of primary archaeological concern is the western, coastal portion of the Primary Expansion Area. The descendants of the Native Americans that inhabited the coastal areas around Whiskey Run Creek to the north and south have a "cultural" interest in this portion of the Primary Expansion Area. Their ancestors used this coastal area from at least 500 years ago up to the gold mining era of the mid 1850's. The area served as a travel corridor between settlements at Cape Arago, South Slough, Coquille River, and along the beaches and bluffs in the general area. Seasonal encampments were established along the coast for hunting, food gathering, food processing, and trading.

In 1996, a study of the coastal area immediately north and south of Whiskey Run Creek was performed by qualified archaeologists. *See* "Preliminary Results of an Archaeological Evaluation of the Five Mile Point/Whiskey Run Area," by Mark Tveskov and Jon Erlandson (Natural Resources Inventory, App. E). In 1999, a study of the area proposed to become the Pacific Dunes Golf Course was performed. *See* "Archaeological Reconnaissance Survey of the Schuman Property," by Mark Tveskov (Natural Resources Inventory, App. F). The owners of the resort have coordinated with representatives of the modern Coquille and Coos Tribes in having these studies prepared.

These surveys found evidence of pre-settlement activity in the form of fire rock, chipped stone debris, and primitive tools. Most of these finds

were along the ocean bluffs or in deflation areas adjacent to the bluffs that have been subject to erosion, which has created a window of visibility. General archaeological recommendations from all of these investigations include:

- Preserving exposed sites by avoidance or by covering up exposed sites with new soil and capping them with a stabilizing ground cover.
- Minimizing ground disturbing activities including the removal of gorse in areas where there is only a thin layer of Stratum I sands along the bluffs.
- Informing all machine operators and other construction personnel of the possibility of impacting intact cultural resources.
- Monitoring of gorse removal and construction activities by designated members of the Coquille Indian Tribe and professional archaeologists.
- Consultation between the Tribe and its agents and resort personnel to mitigate the damage to any intact cultural deposits that may be revealed by gorse removal or construction activities in the future.

Under the Master Plan, as modified by the SMP, the identified archaeological sites are either in the ocean bluffs, where no resort development is proposed, or they are within the areas covered by the existing Pacific Dunes Golf Course and the future Randolph Links Golf Course. Due to periodic gorse fires in the past, it is apparent that despite mapping of the archeological sites, extensive damage resulted from fire fighting equipment cutting fire breaks through the site in an emergency. Eliminating the gorse and the associated fire hazard and managing the landscape to keep the gorse from revegetating is the best way to protect the archeological sites.

All discovered sites have been surveyed and material samples collected. If technological advances permit more accurate dating and interpretation of archeological materials, the sites can be opened and additional materials collected for analysis. Under the SMP, Bandon Dunes Resort is committed to preserving the integrity of these sites by encapsulating them with sand and incorporating them into future golf course development. In this manner, the sites will be protected and maintained in perpetuity. By being under perpetual management by the resort, the archeological resources will not be lost to pilfering or inadvertent destruction. At the request of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, an Archaeological Preservation Agreement implementing the SMP has been drafted, and will be signed by representatives of Bandon Dunes Resort and the Confederated Tribes within 30 days after the resort expansion is approved.

13. **Open Space**

The proposed resort expansion areas have not been specifically identified

or inventoried in the Plan as needed or desirable for open space nor are the expansion areas within the area of potential conflicts with any inventoried site. However, as discussed in Section VII.A.2, approximately 75% to 80% of the Bandon Dunes Resort site is proposed to remain as permanent open space, principally in the form of natural resource conservation areas, woodland buffers, and golf courses.

14. Scenic Views and Sites

The Plan, at 5-32, discusses the "exceptional coastal experience," along with identified scenic views, and calls for management that will preserve their original character. The Plan calls for reliance on the Forest Practices Act for some protection and appears to favor multiple-use concepts, at least on State and Federal resource lands. Beginning at 3.7-1, the Plan discusses the implications of Goals 5, 17 (Coastal Shorelands) and 18 (Beaches and Dunes) and then lists, in Table 1, the "outstanding scenic resources" identified for Coos County. None of the inventoried sites are within, or would be affected by development on, the resort expansion areas. Therefore, no further consideration of this Goal 5 resource is required.

F. Goal 6 - Air, Water and Land Resources Quality

To maintain and improve the quality of air, water and land resources of the state.

1. Air

The resort expansion areas are not located in or near a federal nonattainment area. No foreseeable aspects of the Bandon Dunes Resort expansion will invoke the need for state or federal air quality permits. No uses proposed as part of the expansion will violate or threaten to violate Department of Environmental Quality (DEQ) noise standards.

2. Water

A WRD groundwater appropriation permit for an additional 334 acre-feet/year, to be used by the expanded resort for domestic, commercial, and irrigation purposes is needed. Discussion of the water source and proposed water system is found in Sections VIII.E.5.a, d(4), e(4) and VIII.K.6. The WRD, DEQ, and OHD have all required that the quality of the groundwater produced by the resort's wells be monitored and the results of required periodic tests be submitted to each of these agencies. To date, there have been no problems with the quality of the groundwater from the resort's wells and there is no reason to think that the quality will decline due to the approved resort expansion.

Neither the WRD nor DEQ requires permits for the application of chemicals to golf courses or landscaping. The person who conducts the application, however, must be licensed. The applicant is required to minimize the use of fertilizers, pesticides, and herbicides on the additional golf course authorized by the expansion. As explained in more detail in Section VIII.E.5.d(4) and e(4), the landscape/golf course management plans and monitoring program required by the Master Plan and BDR zone will ensure that the quality of the groundwater underlying

the site, as well as that of the site's lakes and streams, is not lowered.

Treatment of sewage from the expanded resort will continue to be regulated by DEQ. A WPCF permit is required for the discharge of the effluent produced by the sewage treatment system. Standards for the quality of the effluent have been adopted as part of the WPCF permit process. The existing sewage treatment plant has had no difficulty producing effluent that satisfies those standards and has the capacity to handle the additional load resulting from the approved expansion. Soils in the western portion of the Primary Expansion Area, including those of the existing Pacific Dunes Golf Course and proposed Randolph Village Golf Course, are suitable for spray irrigation of treated effluent. Additional discussion of the sewage treatment system is found in Section VIII.K.5.

3. Land Resources

There are no foreseeable solid waste or other contaminants that would be produced due to the expansion of the resort, and which will require any sort of environmental permit. This approved expansion, in both its design and management, will restore and maintain the quality of this unique land within the expansion areas.

In summary, the resort expansion raises few, if any, Goal 6 issues. No Goal 6 problem areas were identified by the County as part of its plan acknowledgment inventory process. Any and all required permits will be obtained as part of the further development of this destination resort.

G. Goal 7 - Areas Subject to Natural Disaster and Hazards

To protect life and property from natural disasters and hazards.

Goal 7 requires that development shall not be planned or located in known areas of disasters and hazards without appropriate safeguards. The only natural hazard shown on the Plan Special Considerations Map titled "Natural Hazards" that is within the proposed resort expansion areas is the portion of the Primary Expansion Area directly adjacent to the ocean, which is labeled "wind erosion/deposition." This area includes the ocean beaches and western edge of the marine terrace deposit, including the irregular ocean bluff above the beaches.

The applicants had a geologic study of the Primary Expansion Area performed. See "Environmental Geologic and Engineering Geologic Investigation for the Bandon Dunes Resort Expansion Area," by Roger A. Redfern, CEG, December 2001 (Natural Resources Inventory, App. A). This report confirms that there is an erosion hazard at the ocean shoreline but finds no evidence of recent erosion at the base of the ocean bluff. The report also finds the ocean bluff in this area has had a low rate of retreat and that this relative stability continues in the present. The report states that a rate of 0.5 feet or less of retreat per year would appear to be a reasonable estimate; but, to be conservative, a rate of one foot per year was used to develop the report's recommendations for structural setbacks from the ocean bluff. Those recommendations are:

- A minimum setback of 100 feet from the edge of the ocean bluff, where the structural load is placed on or within the marine terrace deposits.

- If the structural load will be placed within dune sand within 200 feet of the edge of the ocean bluff, an additional setback of two feet for every one foot of dune sand above the top of the marine terrace deposits.
- A minimum setback of 200 feet from the U-shaped and V-shaped indentations in the ocean bluff (see points A through G on the Geological Landscape Units Map-Plate 1, in NRI, App. A), where the structural load is placed on or within the marine terrace deposits.
- An additional setback from the U-shaped and V-shaped indentations in the ocean bluff of two feet for every one foot of dune sand above the top of the marine terrace deposits, where the structural load will be placed within dune sand.

The Supplemental Master Plan follows the recommendations of the geologic report with regard to development of the proposed Randolph Village Center. The SMP requires compliance with the minimum structural setbacks from the ocean bluffs recommended in the geologic report. SMP, p. 26. Figure 10, taken from the SMP, illustrates compliance with the 100-foot minimum setback and the additional setback distance that is required where the structural load is placed within dune sands. Erosion control measures are required to be implemented prior to any construction activity in order to protect the ocean bluffs. Site-specific investigations by an engineering geologist or geo-technical engineer are required before any construction occurs. Such investigations must confirm compliance with the structural setbacks recommended in the geologic report.

Under the Supplemental Master Plan, there will be no structures or facilities subject to damage placed adjacent to the ocean bluffs south of the Randolph Village Center, only the existing Pacific Dunes Golf Course and the future Randolph Links Golf Course. For the existing Pacific Dunes Golf Course, golf course development (*i.e.* greens, fairways and rough) was set back at least 25 feet from the edge of the ocean bluff and potential bluff erosion areas²² were avoided as much as possible. In addition, selected areas of gorse were preserved and beach grass was planted to minimize the effects of wind erosion on ocean bluffs adjacent to golf fairway and rough areas. SMP, p. 13. The Supplemental Master Plan requires that development of the future Randolph Links Golf Course also be set back at least 25 feet from the edge of the ocean bluff and avoid potential bluff erosion areas as much as possible. *Id.*

H. Goal 8 - Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts.

This Goal requires planning for recreation areas, facilities, and opportunities, including destination resorts, in appropriate proportions and in such quantity and locations as is consistent with the availability of resources. As noted in Section VII.A, the expanded Bandon Dunes Resort satisfies the requirements of ORS 197.445 for being considered a “destination resort.”

²² See Points B through F on Geologic Landscape Units Map, NRI, Appendix A, Plate 1.

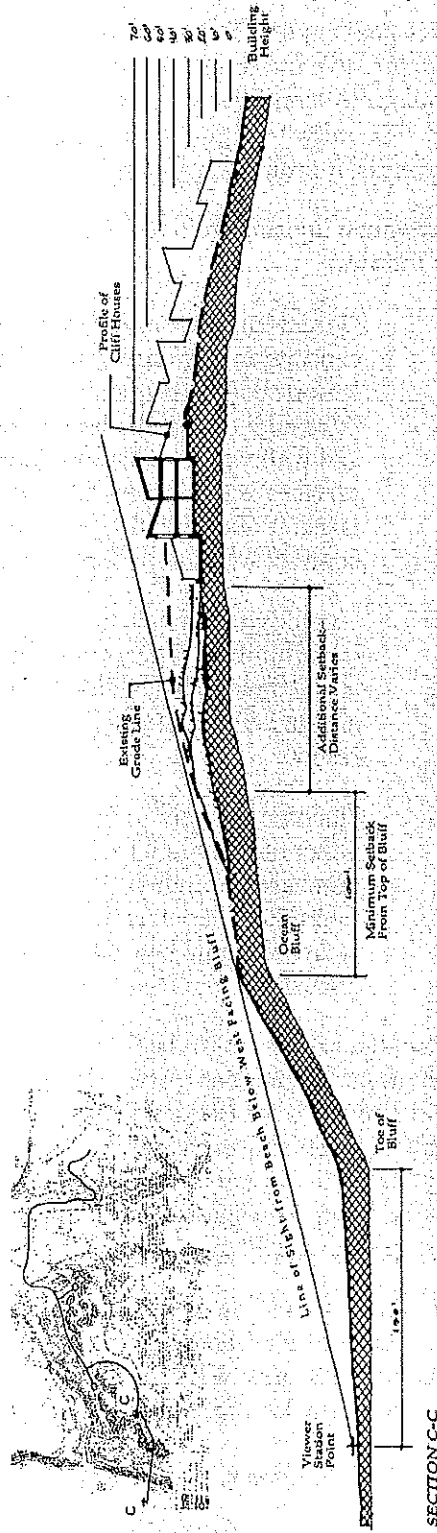


Fig. 10: Randolph Village Center -- Design Section Through Ocean-Facing Bluff

I. Goal 9 - Economic Development

To diversify and improve the economy of the state.

This goal requires that urban areas adopt and implement policies that "diversify and improve the economy of the state." The goal also requires local plans and policies to "contribute to a stable and healthy economy in all regions of the state." By "diversify," the goal means to increase the "variety, type, scale and location of business, industrial, and commercial activities."

Economic impacts are often analyzed and described in three separate categories as follows:

"Fiscal impacts" refers to the demand for public services versus the capacity to pay through taxes or fees. On this score the Bandon Dunes Resort, both as originally approved and as proposed to be expanded, rates high. It will be largely self-contained as to water, sewerage, streets and walkways, and storm drainage. It will generate little need for school services and will generate large amounts of revenue via local property taxes. Police and fire protection will be provided by the resort or under a contract which reimburses local government for its costs.

"Employment impacts" refers to the creation of jobs and training opportunities. The expansion of the Bandon Dunes Resort will create approximately an additional 525 FTE person-years of construction jobs and an additional 426 FTE permanent jobs related to operation of the resort.

"Income impacts" refers to the infusion of money into the local economy either directly in terms of wages paid and products and services purchased or indirectly as spent by others and measured by economic multipliers. By this measure, the expansion of the Bandon Dunes Resort is an economic benefit which will contribute more than \$27.8 million annually to the local economy.

Also, the expansion of the Bandon Dunes Resort will lead to higher off-season overnight lodging occupancy rates, a larger and less seasonal visitor base, and will transform the Bandon Dunes Resort into a true year-round resort that will make a larger and more stable contribution to the Coos County economy. This will assist the County in fulfilling its economic goals as set forth in the Coos, Curry, Douglas Regional Strategy Plan and incorporated into the Coos County Comprehensive Plan.

For a full discussion of the fiscal, employment, and income benefits from the expansion of the Bandon Dunes resort, see the Goal 5 economic consequences analysis in Section VIII.E.5.d(4). Discussion of the benefit to local and regional economic goals is found in Sections IX.A and X.M.4 below.

J. Goal 10 - Housing

To provide for the housing needs of the citizens of the state.

The Housing Goal requires that "buildable lands for residential use shall be inventoried," and that the county's plan "shall encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for

flexibility of housing location, type and density."

The term "buildable lands" means lands in urban and urbanizable areas that are suitable, available, and necessary for residential uses. ORS 197.295(1) Because urban and urbanizable lands are located only within urban growth boundaries (UGBs), Goal 10 has no effect on residential development outside UGBs. Osborne v. Lane Cty., 5 Or LUBA 172, 191 (1982). To the extent that the recreational housing provided by the approved destination resort expansion might be considered urban, its location outside a UGB is addressed in Section X of this report, which addresses an exception to certain Statewide Planning Goals, including Goal 14 (Urbanization).

Bandon Dunes Resort is one of many businesses in Coos County that provide jobs. The fact that a source of jobs is outside an urban growth boundary instead of inside does not, of itself, mean that the rural job source must demonstrate, under Goal 10, that there will be adequate housing to meet its needs. A land use change with the potential for generating jobs does not, under Oregon's statewide goals as interpreted by LUBA and the Courts, trigger an obligation to show that there will be housing to accommodate those workers.

In the case of the expansion of the Bandon Dunes Resort, the job source is located within reasonable commuting distance from several Coos County cities, including Bandon, Coos Bay, North Bend, and Coquille. All of these cities have acknowledged plans with acknowledged supplies of buildable land for urban residential development. These plans were acknowledged with the expectation that they would accommodate the county's needs for housing, other than rural resource-related housing. They were also acknowledged with the expectation that there would be job creation from other economic sectors that has not materialized.

K. Goal 11 - Public Facilities and Services

To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Goal 11 requires that development be "guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served." However, Goal 11 prohibits the establishment and extension of sewer systems outside urban growth boundaries (UGBs) and unincorporated community boundaries (UCBs) and prohibits relying on the establishment or extension of a water or sewer system to allow higher densities of residential development outside UGBs and UCBs. The original establishment of the Bandon Dunes Resort and this expansion of the Bandon Dunes Resort are based on taking an exception to these prohibitions of Goal 11 regarding sewer and water systems outside of UGBs and UCBs. Nevertheless, the proposed expansion must still comply with the basic requirement of Goal 11 that public facilities and services adequate to serve the needs of the proposed development be provided.

Goal 11 defines a "timely, orderly and efficient arrangement of public facilities and services" as "a system or plan that coordinates the type, location, and delivery of public facilities and services in a manner that best supports the existing and proposed land uses." Considering the nature of the development proposed for the expansion of the resort (see Table 1), including a variety of

residential, commercial and recreational uses, it is appropriate to provide the full range of "urban facilities and services" identified in Goal 11. These services include police protection, fire protection, sewer services, storm drainage facilities, planning and zoning, health services, recreation facilities and services, energy and communication services, and community governmental services.

1. Transportation

Transportation issues are addressed in Section VIII.L below concerning Statewide Planning Goal 12 (Transportation) and the Transportation Planning Rule.

2. Police

Existing resort security services will be expanded to cover all future development. The Coos County Sheriff's Office and the Oregon State Police provide law enforcement at the resort.

3. Fire Protection

The Bandon Rural Fire District will continue to provide fire protection for the existing resort and to all new development proposed in the expansion areas. Fire hydrants will be provided as part of the domestic water supply system in all new development areas.

Expansion of the resort north to Whiskey Run Road will result in removal of more of the fire prone gorse plant material infesting the Primary Expansion Area. This will provide a much improved firebreak for the adjacent rural residential uses, including the Pacific Riviera subdivisions. The existing Madrone Reservoir and the additional water reservoir that will be built to provide irrigation water for the new golf courses to be located in the Primary Expansion Area will also provide additional water for fire fighting activities, if needed in the future.

4. Health Facilities

First aid will be provided by trained resort personnel. Ambulance service is available from Bay Cities Medical Supply in Bandon. Medical facilities available in nearby Bandon include the Bandon Medical Group and the Bandon Community Based Clinic (Dept. of Veterans Affairs). The area is also served by a substantial medical community in Coos Bay/North Bend and Coquille. The Bay Area Hospital in Coos Bay provides a full range of hospital inpatient and outpatient services, including critical/intermediate care, 24-hour emergency services, home health care, hospice care, partial and short-stay hospitalization, radiology, rehabilitation, respiratory care, surgery, maternity, oncology, and radiation therapy. The Master Plan and BDR zone allow an emergency medical facility (not to exceed 500 sq. ft.) and a landing site for emergency helicopter transport to be located in the Resort Village Center, Madrone Village Center, or Randolph Village Center.

5. Sanitary Waste Disposal

The waste treatment system at the existing sewage treatment plant has been modified since the original plant was built to incorporate a state-of-

the-art filtration process. The patented process, Kabota, is not dependent on the constructed wetlands for its performance and operates consistently throughout all seasons of the year. The system has been approved by DEQ permit to process up to 250,000 gallons per day, a ten-fold increase over the original system. Treated effluent is returned to the land via the golf course irrigation system. Currently, the waste treatment plant has been built with the capacity to handle both the originally approved and expanded development of the resort. New filtration cells will be required and will be added to the infrastructure as new development occurs in the future. New sewage collection force mains will be located along North Bandon Dunes Drive to serve the Primary Expansion Area and will be extended into the Trail Golf Course/Residential Area and Fahy Creek/Seven Devils Road Residential Area, including the Seven Devils Road Parcel expansion site.

Pumping stations required in conjunction with sewage collection mains will typically be provided at specific project areas or in individual buildings. Future development will continue to integrate pumping stations, as needed, in each phase of resort development as it occurs.

Since the specific nature of future development at the Tear Drop Site is unknown at this point in time, no definite plans for sewage treatment have been made for this development site. Options include provision of on-site package facilities or piping to a new sewage treatment center that could be located in the southern end of the existing resort. Future feasibility studies and final development plan approval for development of the Tear Drop Site will address this issue.

6. Water Supply System

The existing resort holds a permit (Oregon Water Resources Department Permit # G13498; priority date October 7, 1998) to use groundwater for domestic, commercial, and irrigation purposes. The existing permit allows for irrigation of 500 acres as follows: up to 2.5 acre-feet per irrigated acre during irrigation season and 0.5 acre-feet per irrigated acre out-of-season, not to exceed a total of 2.5 acre-feet per acre per year.²³ A permit amendment is pending that will redefine the 1,000-acre area, within which the 500 acres of irrigation may occur, to include the portions of the Primary Expansion Area proposed for golf course use. The existing permit also allows for use of up to 333 acre-feet per year for domestic and commercial use.

A study by EGR & Associates, titled "Water Availability in the Bandon Dunes Resort Area" (Volume II, Appendix G) has shown that the proposed expansion of the Bandon Dunes Resort will require a second water right to use an additional 300 acre-feet of groundwater per year to

²³ For the purposes of the Water Availability Report, one 18-hole golf course was conservatively estimated to require 120 acres of irrigation, using a total of 300 acre-feet/year. This estimate is conservative because (1) the golf courses at the Bandon Dunes Resort, especially the two existing and one proposed Scottish links-style courses, have been and will be designed to require less irrigation; and (2) as much treated wastewater as is permitted by DEQ will be reused for irrigation of the Scottish links-style courses.

irrigate one golf course and an additional 34 acre-feet per year for domestic use for 100 private dwelling units (the existing permit provides enough water for all other approved and proposed domestic and commercial uses). The EGR report also establishes that the current groundwater balance for the area, considering all existing sources of inflow and outflow, as well as full development of existing water rights and pending water right applications, allows for 1,710 acre-feet of outflow of groundwater to the ocean. Consequently, the report concludes that a water right for an additional 334 acre-feet of groundwater for resort irrigation and domestic purposes can be granted, since 1,376 acre-feet of fresh water would still flow to the ocean to abate salt water intrusion into the aquifer. Further information on the adequacy of the water supply to serve the expanded resort is found in Section VIII.E.5.a(2) and b(1).

Expansion of the resort's drinking water system to accommodate the authorized development of the Primary Expansion Area and Seven Devils Road Parcel will require connecting secondary pipelines to the main pipeline to direct the water to the future points of use. Expansion of the resort's irrigation system will require the drilling of additional wells, installation of a third surge pond, ancillary piping, and additional sprinklers to accommodate the water requirements for irrigating the additional 18-hole and 9-hole golf courses to be developed in the Primary Expansion Area, as well as the future development of the Trail Golf Course. Delivery of this water will use existing and new water mains. A new main will be installed in the North Bandon Dunes Drive corridor to transport water to locations in the Primary Expansion Area. Water needed at the Tear Drop Site will be piped to this site from the main resort area or supplied by wells sited at the southern portion of the site.

7. Storm Drainage

Development in the resort expansion areas will create areas of impervious surfaces - principally paved roads, parking areas and rooftops. The practice of minimizing curbs along roadways, unless special circumstances require them, will be continued. Surface runoff will be directed to a system of drain inlets, underground stormwater pipes and bio-swales that will convey runoff to designated discharge points in undeveloped or naturally occurring low points, typically along North Bandon Dunes Drive near existing watercourses. Bio-swales with, where appropriate, bio-filter cloth will be installed to carry run-off from paved surfaces to natural areas.

Where opportunities exist, collected runoff will be piped to wetlands and used to recharge these natural features. Sediment detention ponds and other devices will be used to assure harmful pollutants do not reach wetland environments. No ocean outfalls are planned in the Primary Expansion Area or the other two proposed expansion areas. Both of the latter areas have wetland or watercourse features that can become drainage recharge areas for surface run-off waters from which any harmful pollutants have been removed.

All state and local regulations which control the discharge of run-off

from paved surfaces will be complied with to prevent contamination and degradation of existing water quality. A storm drainage plan that is consistent with the Master Plan, as modified by the Supplemental Master Plan, and all other applicable regulations prepared by a registered professional engineer shall be submitted as part of any application for approval of a Final Development Plan for any phase or element of the resort. ZLDO 4.10.065(A)(11).

8. Planning and Zoning

The expansion areas are located in unincorporated Coos County, outside of all urban growth boundaries. They are therefore within the jurisdiction of Coos County and the Coos County Planning Department. Although land in the same ownership is within the Coquille River Estuary Management Plan (CREMP) boundary, no land that is to be designated or used for destination resort purposes is within that boundary. For coordination purposes, the Cities of Bandon, Coos Bay, and North Bend are considered to have interests potentially affected by the expansion of the Bandon Dunes Resort.

9. Recreational Facilities and Services

As described in the Master Plan and Supplemental Master Plan, the expanded Bandon Dunes Resort will provide a wide variety of recreational facilities and services for visitors to the resort. These will include golf courses, hiking trails, bike paths, wildlife observation, fishing, canoeing on Fahy Lake, an indoor swimming pool, a spa and fitness center, and croquet.

10. Energy and Communications Facilities and Services

The additional electric service required for the proposed resort expansion will be provided by the Coos-Curry Electric Cooperative when new development is constructed. A new power supply loop will be provided for the northern portion of the expanded resort.

Telephone service to the expanded resort will be provided by Verizon. Edge Wireless recently installed a cellular communications tower at the resort and will provide mobile communications service for the expanded resort.

11. Solid Waste Disposal

Solid waste will be handled consistently with the current system in place at the resort. Waste is collected every few days, and sometimes daily, from the various sources and brought to a central compaction facility located at the resort maintenance center. Recycled items are sorted and, periodically, the refuse is taken to the county land fill site or recycling facility.

12. Schools

The Bandon Dunes site is within the boundaries of Bandon School District No. 54. The school district operates three schools that would provide service to children of residents of the Bandon Dunes Resort and

any resort employees or construction workers living in the Bandon area - Ocean Crest Elementary School (K-4), Harbor Lights Middle School (5-8), and Bandon High School (9-12). The 1994-1995 enrollments at these three schools were 319, 314 and 303, respectively. The current enrollment at these schools, as of May 2003, was considerably lower -- 273, 241 and 275, respectively. Enrollment at each school is below capacity. The previous discussion of economic, social, and housing impacts (see Section VIII.E.5.d(4)) indicates that relatively few school age children will reside at the resort and that the expanded resort will be built out over a span of 20 years, with 50% to 75% of the new jobs being taken by people already residing in the local community, thereby reducing the number of new households for resort employees in the Bandon area. The Superintendent of the Bandon School District projected that the 600 dwellings authorized in the expanded Bandon Dunes Resort might produce an additional 300 students, which could be accommodated within existing District facilities. Based on this evidence, there is adequate school service available for children of resort residents and employees.

13. OAR Chapter 660, Division 22

OAR Chapter 660, Division 22, adopted by LCDC on October 28, 1994, interprets how Goal 11 applies to "Unincorporated Communities." However, the rule applies only to unincorporated communities that were "designated in a county's acknowledged comprehensive plan as a 'rural community,' 'service center,' 'rural center,' or similar term before this rule was adopted." OAR 660-22-010(9). The subject property has never been so designated in the county's acknowledged comprehensive plan. Accordingly, the rule is not applicable.

L. Goal 12 - Transportation

To provide and encourage a safe, convenient, and economic transportation system.

This goal requires the provision of a safe, convenient, and economic transportation system to move people and goods between geographic and jurisdictional areas. It is implemented by LCDC's Transportation Planning Rule (TPR), OAR Chapter 660, Division 12.

Goal 12 requires local government transportation plans to be based upon state, regional, and local transportation needs. The TPR sets specific requirements for compliance and coordination among affected units of local government for preparation, adoption, refinement, implementation, and amendment of transportation system plans. Through measures designed to reduce reliance on the automobile, the TPR is also intended to encourage travel and land use patterns in urban areas that reduce air pollution, traffic and livability problems associated with much of urban development. The TPR also identifies the transportation facilities that may be provided on rural lands, consistent with the goals.

1. Background

The Bandon Dunes Resort site is located about 3 miles north of the City of Bandon and about 15 miles south of the City of Coos Bay. The main

access to the existing resort from Highway 101 is from Bandon Dunes Drive in the south. A secondary access to the existing resort is from Randolph Road in the north. See Figure 11.

Bandon Dunes Drive is a private, two-lane paved scenic drive, constructed as part of Phase 1 of the resort development. Bandon Dunes Drive leads from Highway 101 north to the Resort Village Center. When Bandon Dunes Drive was constructed, the acutely angled intersection of Fahy Road with Highway 101 was reconstructed at the preferred 90° angle and separate lanes for right and left turns onto Highway 101 were provided.

Randolph Road is a County two-lane paved local road. Randolph Road leads west from Highway 101, across Seven Devils Road, a County two-lane paved major collector, to the Resort Village Center. Randolph Road was recently upgraded from a gravel road to an asphalt-paved roadway and right turning lanes were added to access the recently constructed Chrome Lake Lodging facility at the resort.

As part of the resort expansion, the “Road Network” section of the 1996 Master Plan (pages 26-28), with the exception of the “Roadway Design Guidelines” subsection, is replaced by the “Road Network” section at pages 36-38 of the Supplemental Master Plan, including the new Road Network map shown in Figure 12.

The Road Network, as laid out in the Supplemental Master Plan, incorporates a system of internal roads that will provide direct access to the main lodge, clubhouse and associated facilities at the Resort Village Center, while also providing access to the newly planned secondary mixed use village centers and residential areas at the north and south ends of the expanded resort (see Figure 12). There will be two major and four minor access points into the expanded resort:

Major Access Points

- Bandon Dunes Drive, at the south end of the resort, serving primarily traffic to and from the south on Highway 101.
- Randolph Road, directly east of the Resort Village Center, serving traffic primarily to and from the north on Highway 101.

Minor Access Points

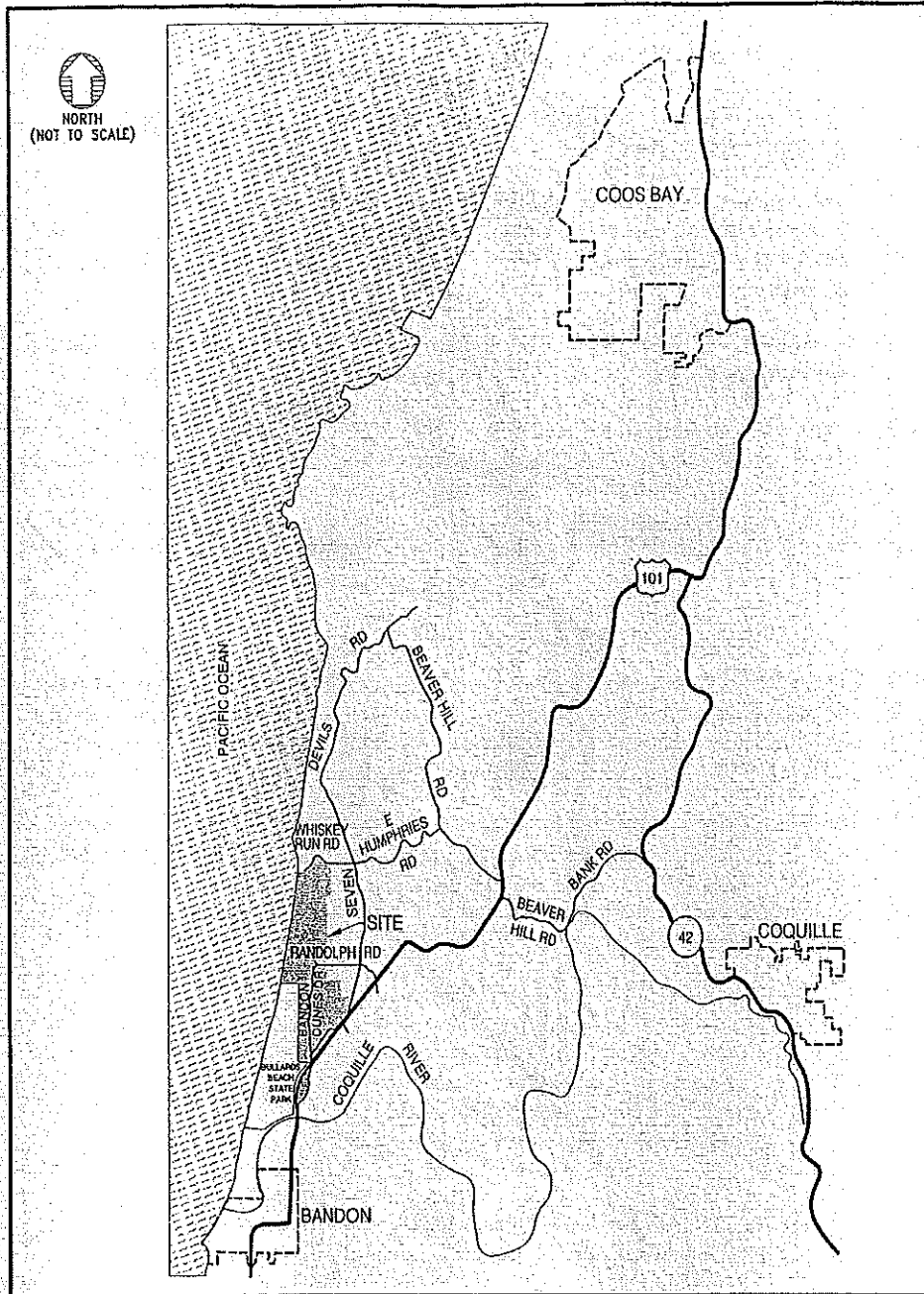
- Fahy Road, near its intersection with Bandon Dunes Drive, used to access the South Fahy Lake Residential Area.
- Seven Devils Road, at least 600 feet north of its intersection with Highway 101, used primarily by residents of recreational dwellings in the Fahy Creek/Seven Devils Road Residential Area.
- Seven Devils Road, at least 1,000 feet north of its intersection with Highway 101, used to access the RV park south of Fahy Creek.
- Whiskey Run Road, at the north end of the resort, connecting to

Highway 101 (via East Humphries and Beaver Hill Roads) and to Seven Devils Road, used primarily by residents of recreational dwellings at the north end of the resort.

There will be no additional direct access onto Highway 101 from the resort property in the future.

The existing scenic Bandon Dunes Drive, from the south entry off Highway 101 to Randolph Road, will be renamed South Bandon Dunes Drive. This road is planned to continue north, past the maintenance center and access roadway for the Pacific Dunes Golf Course, eventually connecting to Whiskey Run Road. North of Randolph Road, this road will be called North Bandon Dunes Drive. This scenic drive will serve as the major internal spine road providing access to all Bandon Dunes Resort facilities, and thereby reducing potential traffic impacts on surrounding local roads outside the resort.

All future roads will be kept to minimum widths as a means of controlling vehicular speed. If problems are encountered in the future, speed bumps will be implemented to control problems. Roadway construction will continue to use open swales and limited use of curbs in order to reduce concentrations of surface drainage and allow natural filtration of surface run-off. All major parking areas will be screened from the view of all major resort facilities and adjacent uses outside the resort.



SITE VICINITY MAP

BANDON DUNES RESORT MASTER PLAN
 COOS COUNTY, OREGON
 JULY 2002

FIGURE

1



5210F001

Fig. 11: Site Vicinity Map

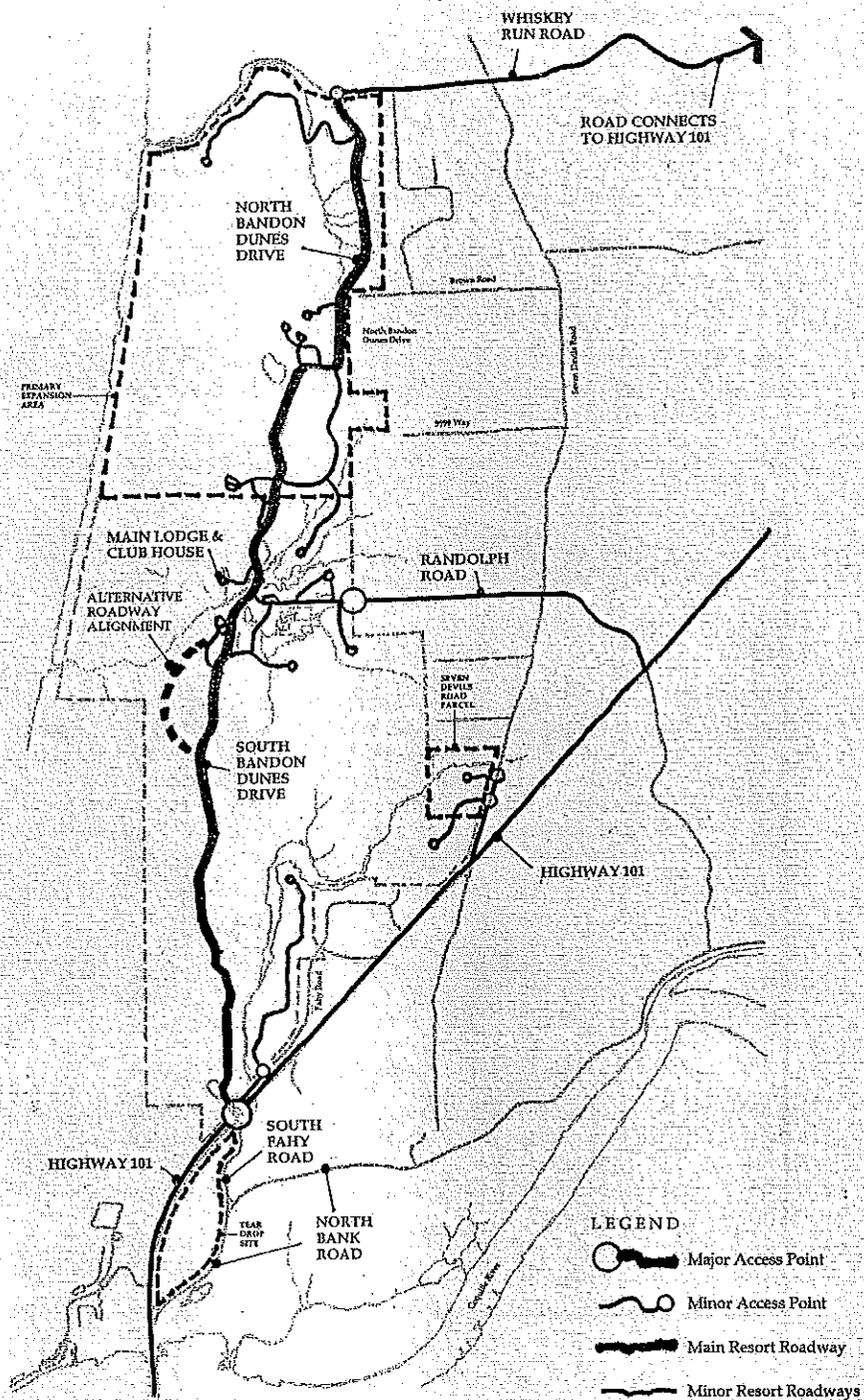


Fig. 12: Road Network

2. Transportation Impact Analysis

To evaluate compliance of the proposed resort expansion with Goal 12, the TPR, and the Coos County Transportation System Plan (TSP), the applicant retained Kittelson & Associates, Inc., to prepare a transportation impact analysis (TIA) and to assist with the necessary coordination to assure that the required compliance is achieved. See Applicant's Vol. II, App. B.

The Kittelson TIA identified seven study intersections for operational analysis:

- Highway 101/Beaver Hill Road
- Highway 101/Randolph Road
- Highway 101/Seven Devils Road (North)
- Highway 101/Seven Devils Road (South)
- Highway 101/Bandon Dunes Drive
- Highway 101/North Bank Road
- Seven Devils Road/Randolph Road

The location, lane configurations, and traffic control devices for these intersections are shown in Figure 13. Additional information on these roads is shown in Table 6. According to the TSP, no improvements are planned for the section of Highway 101 or any of the county roads within the study area.

Based on historical data for Highway 101, the TIA determined that the peak design hour for the study should be an average Friday in August between 4:00 and 5:00 p.m. Manual turning movement counts were obtained at the study intersections in March 2002. All of the traffic counts were conducted between 4:00 and 5:00 p.m. during an average Friday. The traffic counts collected in March 2002 were adjusted upward to reflect expected traffic conditions during August 2002.²⁴ Based on this data, the current critical movement volume-to-capacity (v/c) ratio for each of the study intersections was determined (see Table 9 below; "Year 2002 Existing Traffic").

²⁴ A seasonal adjustment of 1.23 was applied to all the study intersections (indicating that a Friday peak hour in August is 23% higher than a Friday peak hour in March). This adjustment was developed based on the ODOT ATR station located on Highway 101.

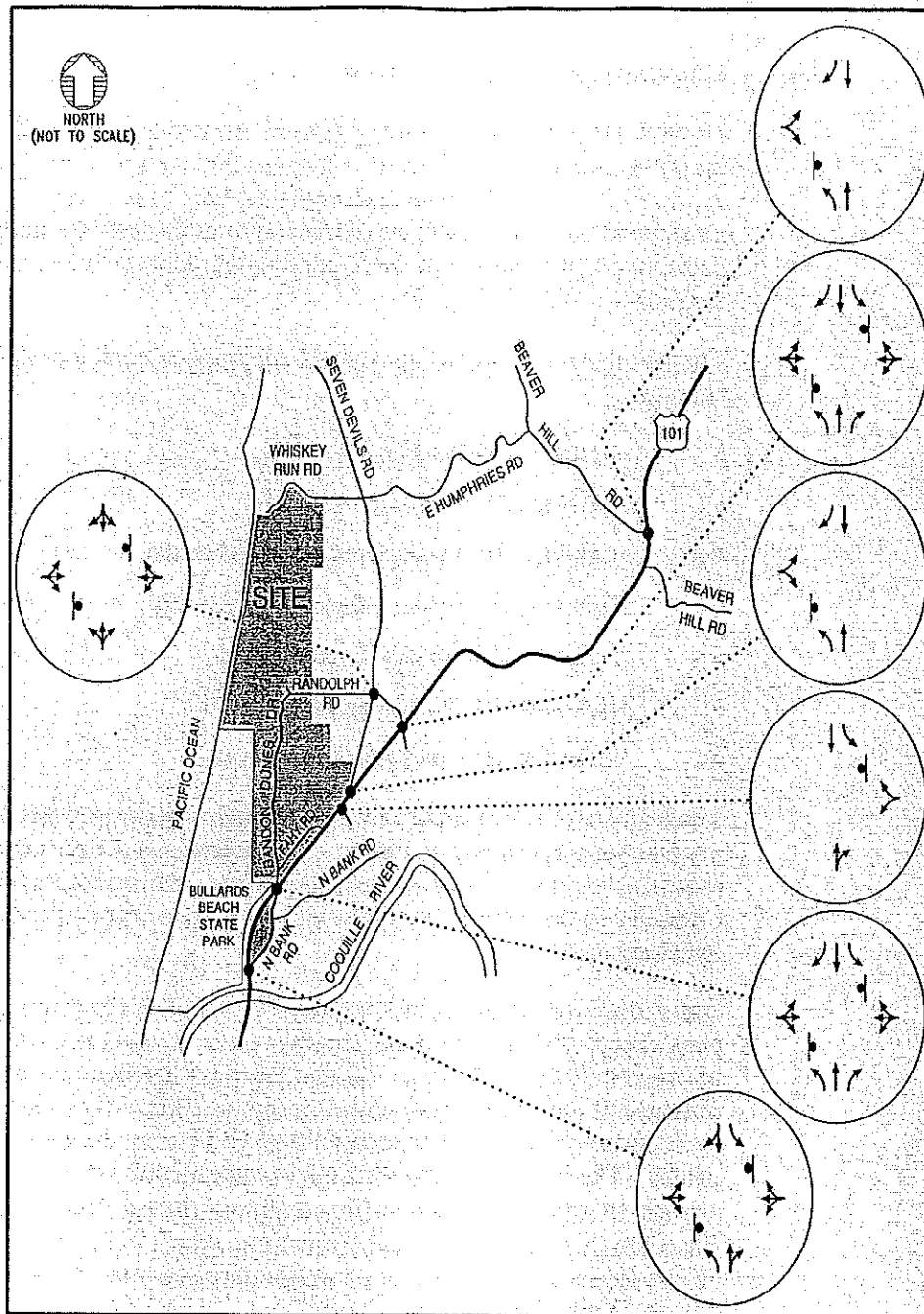


Fig. 13: Intersection Lane Configurations and Traffic Control Devices

Table 6

Existing Transportation Facilities and Roadway Designations

Roadway	Classification	Cross Section	Speed Limit	Sidewalks ¹	Bicycle Lanes ¹	On-Street Parking ¹
Highway 101	Statewide Highway	2-lane	45 mph	No	No	No
Beaver Hill Road	Major Collector	2-lane	Not Posted	No	No	No
Randolph Road	Minor Street	2-lane	Not Posted	No	No	No
Seven Devils Road	Major Collector	2-lane	Not Posted	No	No	No
Bandon Dunes Drive	Private Drive	2-lane	Not Posted	No	No	No
Whiskey Run Road	Minor Street	2-lane	Not Posted	No	No	No
East Humphries Rd.	Minor Street	2-lane	Not Posted	No	No	No
Fahy Road	Minor Street	2-lane	Not Posted	No	No	No
North Bank Road	Minor Collector	2-lane	Not Posted	No	No	No

¹ There are no sidewalks, bicycle lanes, or on-street parking within the vicinity of the Bandon Dunes Resort site; however, these elements exist at various locations within the City limits of Coos Bay and Bandon.

To analyze the impact of the proposed resort expansion, the TIA projects how the study intersections will operate in the year 2020 under two scenarios: (1) a "2020 Background" scenario in which the Bandon Dunes Resort is fully developed at the location, and with the uses authorized by, the original 1996 approval; and (2) a "2020 Expanded Development" scenario in which an expanded Bandon Dunes Resort is fully developed, including the expansion areas and the additional development proposed in the Supplemental Master Plan. In identifying the existing resort development, the additional development authorized by the 1996 approval, and the additional development proposed as part of the expansion, the TIA relies on the information shown in Table 1. Applicant's Vol. II, App. B, pp. 28-30 (Appendix F).

First, base traffic projections for the year 2020, without any additional Bandon Dunes Resort development, were developed to account for anticipated regional growth of traffic in the study area. To account for regional growth on Highway 101, a 2.97 percent annual growth rate was applied to the existing Highway 101 through traffic volumes. This growth rate was based on ODOT's comparison of 1999 traffic volumes on Highway 101 and the future year 2019 traffic volumes projected by ODOT. To account for regional growth for all minor street movements within the site vicinity, a 2.4 percent annual growth rate taken from the adopted Coos County TSP was applied to the existing 2002 traffic volumes.

Next, trip generation estimates for the Bandon Dunes Resort uses authorized in 1996, and those proposed as part of the resort expansion, were calculated based on empirical observations of other similar land uses. These observations are summarized in the standard reference manual, "Trip Generation, 6th Edition," published by the Institute of Transportation Engineers (ITE), 1997. The trip generation projection assumes the maximum reasonable development based on the Master Plan and BDR zone. Table 7 summarizes the trip generation estimates for those resort uses that are authorized by the 1996 Master Plan, but were not yet constructed and operational as of March 2002. As indicated in Table 7, it is estimated that the authorized, but not yet constructed, uses at the Bandon Dunes Resort will generate approximately 165 net new trips (70 in/95 out) during an average August Friday p.m. peak hour.

Table 7 Trip Generation Estimates for Uses Authorized But Not Yet Constructed¹

Land Use	ITE Code	Units	August Friday P.M. Peak Hour		
			Total	In	Out
Recreational Homes	260	300 ⁴	75	30	45
Overnight Lodging	330	81 ⁵	45	20	25
Golf Course <i>(Internal Trips)²</i>	430	27 holes ⁶	75 <i>(40)</i>	35 <i>(20)</i>	40 <i>(20)</i>
Restaurant <i>(Internal Trips)³</i>	831	150 seats ⁷	40 <i>(30)</i>	25 <i>(20)</i>	15 <i>(10)</i>
Total Trips			235	110	125
Total Internal Trips			<i>(70)</i>	<i>(40)</i>	<i>(30)</i>
NET NEW TRIPS			165	70	95

1. Uses included in this table are those that are authorized by the already approved 1996 Master Plan but not yet constructed and operational.
2. According to market sources and corroborated by current site use, an estimated 50% of the trips to the golf course will be made by people staying in the resort.
3. According to market sources and corroborated by current site use, an estimated 85% of the trips to the restaurants will be made by people staying or playing in the resort.
4. The 1996 Master Plan includes approval for 300 recreational homes, none of which are currently built.
5. The 1996 Master Plan includes approval for 150 overnight lodging rooms, 69 of which were built at the time the traffic counts were conducted in March 2002.
6. The 1996 Master Plan included approval for two 18-hole golf courses and one 9-hole golf course. In addition, the 18-hole golf course at Pacific Dunes was approved by Coos County in 1999 through a conditional use process. Hence, to date Bandon Dunes Resort has approval to build 63 golf holes of which 36 have been constructed.
7. The original exception included approval for 2 restaurants. One restaurant has already been constructed as part of the main lodge. A second pub/restaurant, with a total of approximately 150 seats, is currently under construction and expected to open in July 2002.

The same process was used to produce trip generation estimates for the additional resort uses proposed in the Supplemental Master Plan. Table 8 below includes only uses that are above and beyond those authorized by the previously approved 1996 Master Plan and the existing uses approved by the 1999 Pacific Dunes Golf Course conditional use permit. For purposes of the TIA, the trips generated by the proposed cultural/visitor center at the Tear Drop Site were estimated based on historical data taken from the High Desert Museum located south of Bend on US Highway 97 in Central Oregon. As indicated in Table 8, it is estimated that the additional uses proposed for the expansion of the Bandon Dunes Resort will generate approximately 240 net new trips (100 in/140 out) during an average August Friday p.m. peak hour.

Table 8

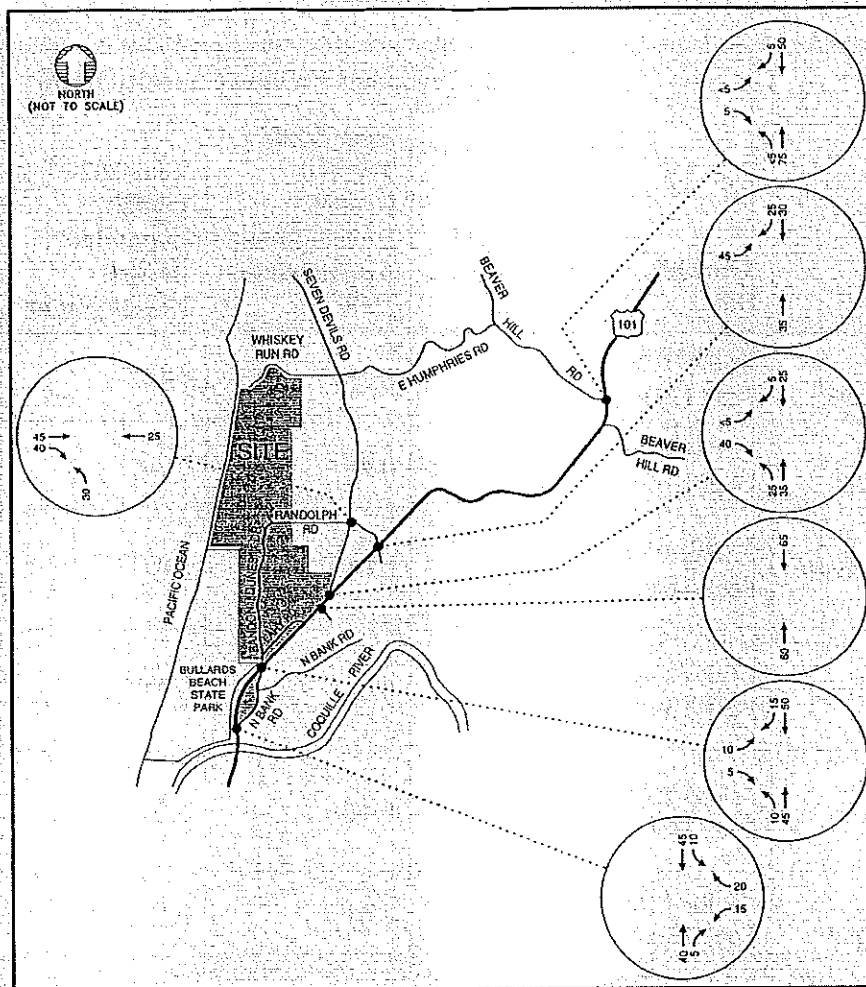
Trip Generation Estimates for Future Uses¹

Land Use	ITE Code	Units	August Friday P.M. Peak Hour		
			Total	In	Out
Recreational Homes	260	300	75	30	45
Overnight Lodging	330	150	75	35	40
Golf Course <i>(Internal Trips)²</i>	430	18 holes	50 <i>(25)</i>	20 <i>(10)</i>	30 <i>(15)</i>
Restaurants <i>(Internal Trips)³</i>	831	450 seats	120 <i>(105)</i>	80 <i>(70)</i>	40 <i>(35)</i>
Cultural/Visitor Center ⁴			50	15	35
Total Trips			370	180	190
Total Internal Trips			<i>(130)</i>	<i>(80)</i>	<i>(50)</i>
NET NEW TRIPS			240	100	140

1. Uses included in this table are those that are authorized by the Supplemental Master Plan, above and beyond those already constructed or authorized by the previous 1996 Master Plan and Pacific Dunes Golf Course conditional use permit.
2. According to market sources and corroborated by current site use, an estimated 50% of the trips to the golf course will be made by people staying in the resort.
3. According to market sources and corroborated by current site use, an estimated 85% of the trips to the restaurants will be made by people staying or playing golf in the resort.
4. The proposed cultural/visitor center trip generation is based on August 2001 visitor data for the High Desert Museum south of Bend, Oregon.

Based on the figures in Tables 7 and 8, full development of the expanded Bandon Dunes Resort will generate approximately 405 net new trips (170 in/235 out) during an average August Friday p.m. peak hour, in addition to the trips generated by the Bandon Dunes Resort as it existed in March 2002.

Next, the distribution of new resort-generated trips onto the study area roadway system was estimated by evaluating existing travel patterns to and from the Bandon Dunes Resort. Based on the estimated trip distribution pattern, Figure 14 shows the assignment of the additional site-generated traffic from the proposed expanded Bandon Dunes Resort development, during the Friday p.m. peak hour, to the study intersections.



LEGEND	
CM	= CRITICAL MOVEMENT (UN SIGNALIZED)
LOS	= INTERSECTION LEVEL OF SERVICE (SIGNALIZED) CRITICAL MOVEMENT LEVEL OF SERVICE (UN SIGNALIZED)
Del	= INTERSECTION AVERAGE DELAY (SIGNALIZED) CRITICAL MOVEMENT DELAY (UN SIGNALIZED)
VC	= CRITICAL VOLUME-TO-CAPACITY RATIO

**PROPOSED EXPANDED RESORT
SITE-GENERATED TRAFFIC VOLUMES
AUGUST FRIDAY PM PEAK HOUR**

BANDON DUNES RESORT MASTER PLAN COOS COUNTY, OREGON JULY 2002	FIGURE 10	
---	---------------------	--

Fig. 14: Proposed Expanded Resort Site-Generated Traffic Volumes

Following this, the base traffic projections for the year 2020 were combined with either (1) the additional traffic generated by the resort if fully developed under the 1996 Master Plan (to produce the 2020 Background scenario); or (2) the additional traffic generated by the expanded resort if fully developed under the Supplemental Master Plan (to produce the 2020 Expanded Development scenario).

Finally, using the forecast August Friday p.m. peak hour critical turning movement volumes for the 2020 Background scenario and the 2020 Expanded Development Scenario, an operational analysis was conducted to determine the critical movement volume/capacity ratio for each of the study intersections under both the 2020 Background Scenario (Table 9; "Year 2020 Traffic, Resort Development Approved in 1996") and the 2020 Expanded Development scenario (Table 9; "Year 2020 Traffic, Expanded Resort Development").

Table 9

Summary of Intersection Operational Analysis Findings

Intersection	Time of Day	Critical Movement Volume/Capacity Ratio			Mitigation Required?
		Year 2002 Existing Traffic	Year 2020 Traffic, Resort Development Approved in 1996	Year 2020 Traffic, Expanded Resort Development	
Highway 101/ Beaver Hill Road	Friday P.M. Peak Hour	0.04	0.09	0.11	No
Highway 101/ Randolph Road	Friday P.M. Peak Hour	0.13	0.48	0.70	No
Highway 101/ Seven Devils Road (North)	Friday P.M. Peak Hour	0.07	0.01	0.02	No
Highway 101/ Seven Devils Road (South)	Friday P.M. Peak Hour	0.01	0.01	0.01	No
Highway 101/ Bandon Dunes Drive	Friday P.M. Peak Hour	0.03	0.16	0.29	No
Highway 101/ North Bank Road	Friday P.M. Peak Hour	0.01	0.01	0.33	No
Seven Devils Road/ Randolph Road	Friday P.M. Peak Hour	0.07	0.20	0.33	No

The traffic analysis conducted by Kittelson & Associates indicates no major traffic conflicts or traffic volume/capacity problems at any of the affected intersections with Highway 101 or at the intersection of Randolph Road and Seven Devils Road. However, the TIA does

recommend three safety-related improvements.

Seven Devils Road (North) and Randolph Road intersect Highway 101 at highly-skewed angles (25 degrees and 55 degrees, respectively). Current roadway design practice is to align intersections at or nearly at 90-degree angles. As shown in Figures 15 and 16, the recommended improvement designs involve realigning a total of approximately 700-800 feet of each county roadway through a series of reversing curves to achieve nearly perpendicular intersections at approximately the same locations as the existing intersections.²⁵ Based on these conceptual designs, the intersection improvements can be achieved with no significant modifications to the geometry of Highway 101. The existing left-turn lanes and right-turn deceleration lanes would be maintained. Minor restriping of the turn lanes may be required in order to reduce the overall length of the intersection area and to better clarify the lane markings.

In carrying out the realignments of the Randolph Road/Highway 101 and Seven Devils Road/Highway 101 intersections, the process for approval of the engineering plans for the realignments will be as follows: (1) Bandon Dunes Resort will have final engineering plans for the improvements prepared and will submit the plans to the Coos County Road Department for review and concurrence; (2) Bandon Dunes Resort, with County concurrence, will submit an application to ODOT for a public road approach permit.

The TIA also recommends that ODOT consider moving the stop bar on eastbound Beaver Hill Road at the Highway 101/Beaver Hill Road intersection forward approximately 10 feet, in order to ensure drivers have adequate visibility to view traffic. If it is not possible to move the stop bar due to turning path requirements of northbound-to-westbound left-turn movements, the TIA recommends clearing some of the trees and brush on the northwest and southwest corners of the intersection within the Highway 101 right-of-way to provide adequate sight distance in both directions.

3. OAR 660-012-0060 (Plan and Land Use Regulation Amendments)

OAR 660-012-0060 requires local governments amending comprehensive plans and land use regulations to determine whether the amendments “significantly affect a transportation facility” and, if so, to assure that land uses authorized by the amendments “are consistent with the identified function, capacity, and level of service of the facility.” OAR 660-012-0060 also requires local governments to coordinate with ODOT and other affected local governments in making these determinations.

²⁵ A virtually identical realignment of Seven Devils Road at the Highway 101/Seven Devils Road (North) intersection is required by the 1996 approval of the original resort, but has not yet been carried out, because no development of the adjacent Woodland Golf Course/Residential Area portion of the resort (now reconfigured as the Trail Golf Course/Residential Area and Fahy Creek/Seven Devils Road Residential Area) has yet occurred.

OAR 660-012-0060 provides:

- “(1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. This shall be accomplished by either:
 - “(a) Limiting allowed land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility;
 - “(b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;
 - “(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or
 - “(d) Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.
- “(2) A plan or land use regulation amendment significantly affects a transportation facility if it:
 - “(a) Changes the functional classification of an existing or planned transportation facility;
 - “(b) Changes the standards implementing a functional classification system;
 - “(c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
 - “(d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.
- “(3) Determinations under subsections (1) and (2) of this section shall be coordinated with affected transportation facility and service providers and other affected local governments.
- “(4) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential,

commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

“* * * *”

"Transportation facility" is defined in OAR 660-012-0005(14) as "any physical facility that moves or assists in the movement of people or goods including facilities identified in OAR 660-012-0020 but excluding electricity, sewage, and water systems." OAR 660-012-0020 identifies collector and arterial roads and bicycle routes as "transportation facilities." Seven Devils Road, North Bank Road, Fahy Road, Randolph Road, Beaver Hill Road, E. Humphries Road, Whiskey Run Road, Highway 101 and the Oregon Coast Bike Route are all "transportation facilities." However, as will be shown below, the amendments to the county's acknowledged comprehensive plan and land use regulations sought to carry out the proposed resort expansion do not "significantly affect" a transportation facility, within the meaning of OAR 660-012-0060(2).

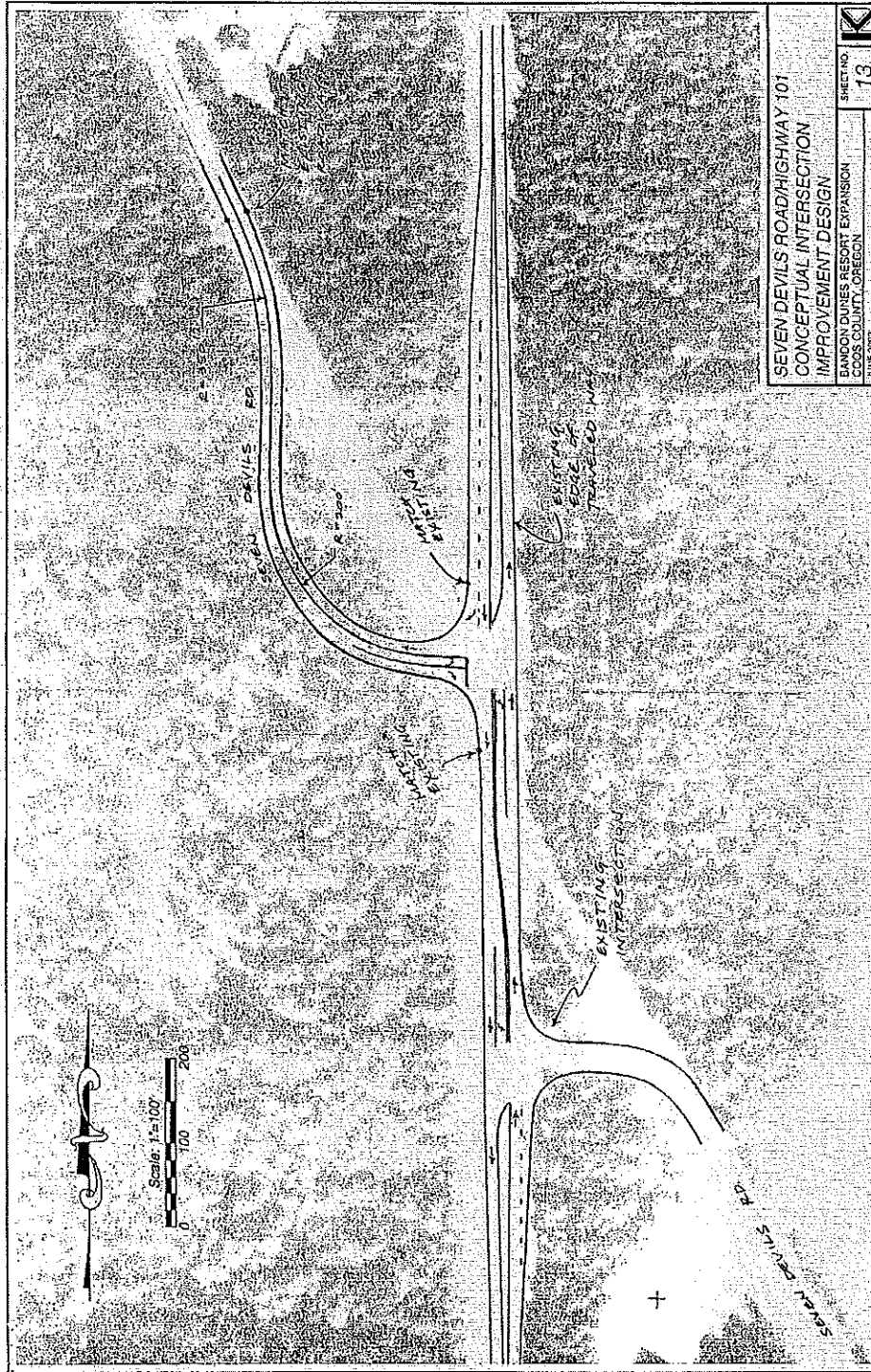


Fig. 15: Seven Devils Road/Highway 101 Conceptual Intersection Improvement Design

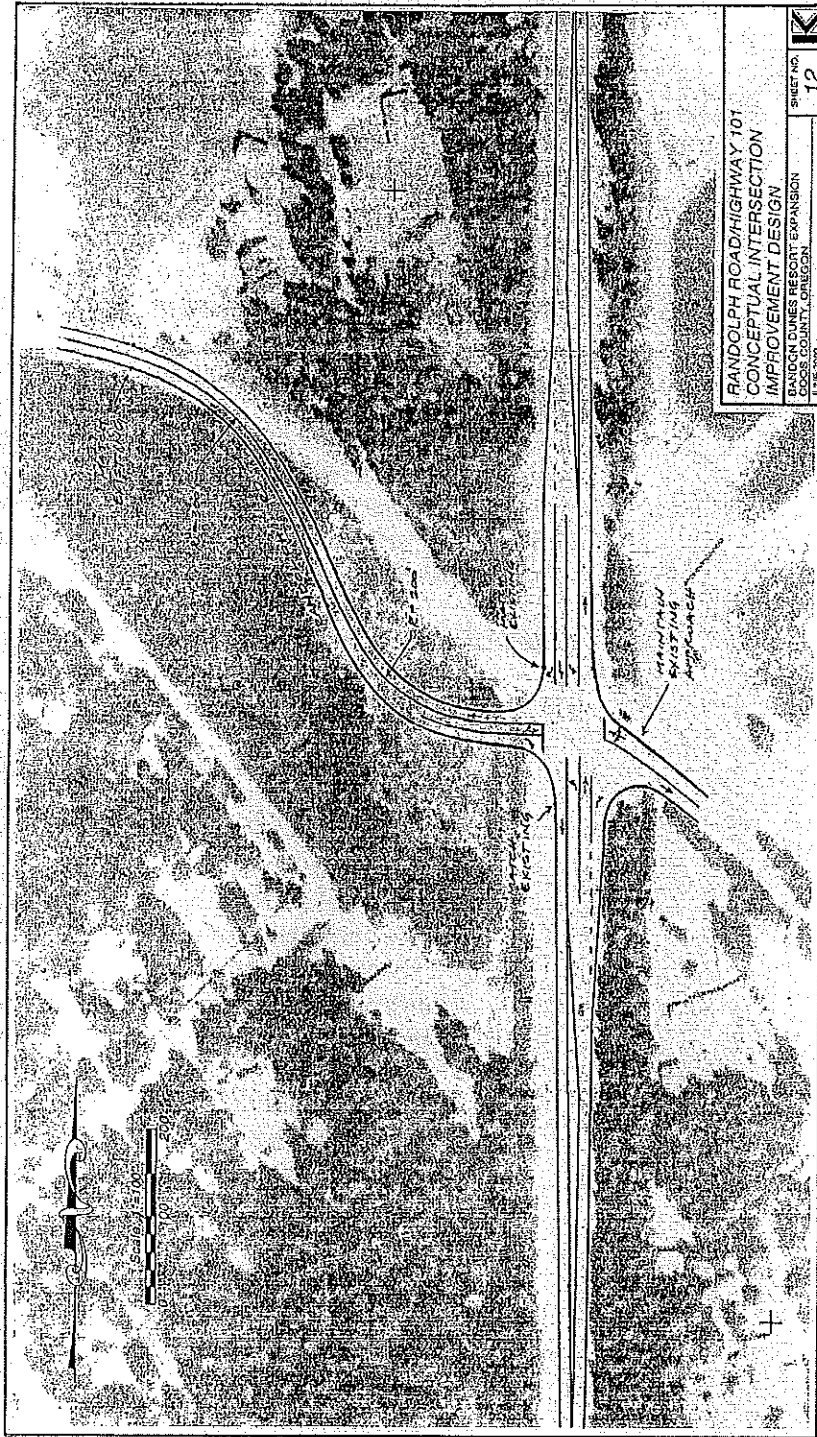


Fig. 16: Randolph Road/Highway 101 Conceptual Intersection Improvement Design

a. **(2)(a) Functional Classification Changes**

The adopted Plan and ZLDO amendments do not reclassify a transportation facility. An example of this would be amending the Plan or TSP to redesignate a collector as an arterial or vice versa. Highway 101 is classified as a Statewide Highway by both the Oregon Highway Plan (OHP) and the Coos County TSP and will remain so. The portion of Seven Devils Road affected by this development is designated by the TSP as a major collector. Its classification also will remain unchanged.

b. **(2)(b) Changes to Implementation Standards**

The adopted Plan and ZLDO amendments do not change standards for implementing a functional classification system, as would be the case, e.g., where an amendment changed a definition of "arterial" to require more trips per day or to require a broader paved surface, more lanes, etc.

c. **(2)(c) Inconsistent Levels of Travel or Access**

(1) **Highway 101**

As mentioned above, Highway 101 is classified as a Statewide Highway by both the OHP and TSP. According to the OHP, the primary function of a statewide highway is to "provide inter-urban and inter-regional mobility and provide connections to larger urban areas, ports, and major recreation areas that are not directly served by Interstate Highways." TSP, p. 28. Highway 101 will provide for travel between the expanded Bandon Dunes Resort, which is a major recreation area in Coos County, and the cities of Bandon and Coos Bay, as well as other cities further away. This is consistent with its classification as a Statewide Highway.

Regarding the "level of access" referred to in OAR 660-012-0060(2)(c), no direct access onto Highway 101 is proposed and no additional direct access onto Highway 101 is authorized by the adopted Plan and ZLDO amendments. In addition, the amendments will result in a net improvement in access to Highway 101, as compared to the existing situation and what is already required by the original 1996 resort approval. As depicted in Figure 16, and described in Section VIII.L.2 above, at the existing intersection of Randolph Road and Highway 101, approximately 700 to 800 feet of Randolph Road will be realigned so that it intersects

Highway 101 at a right angle.²⁶ This design is preferred by traffic engineers and safety experts because it allows motorists entering the highway to see with equal ease in both directions. This intersection is in one of the longest straight sections in the entire coastal highway and is on relatively flat topography. As a result, the sight distances are excellent in both directions.

(2) **County Roads**

Regarding "levels of travel," the Coos County TSP states that county collector streets "are intended to carry between 1,200 and 10,000 vehicles per day" and that "generally, the average weekday traffic volume on a rural local residential street is less than 500 vehicles per day". TSP, pp. 101-102. However, these traffic volume levels are presented as *guidelines* and are not intended to be used as *standards*.²⁷ Guidelines are levels that are desired but not required; whereas, standards are requirements. Under the TSP, the adequacy of roads is measured using prevailing operational and safety standards. The prevailing operational standards that Coos County uses are ODOT's standards for volume-to-capacity ratio (v/c). TSP, pp. 54-57. Prevailing safety standards consider a street's geometric characteristics, sight distance, curve radii, and accident history. Thus, the TSP does not determine a given local or collector street's adequacy to support a particular level of travel by simply comparing that street's existing or projected traffic volume to an established traffic volume standard.

Collectors. The TSP designates Seven Devils Road and Beaver Hill Road as a "major collector," and North Bank Road as a "minor collector." Table 6; TSP, pp. 30-31. The TSP describes "collector" as follows:

"Streets connecting residential neighborhoods with smaller community centers and facilities, as well as access to the arterial system. Property access is generally a higher priority for [collectors]; through traffic movements are served as a lower priority." *Id.*

²⁶ As shown in Figure 15, the same sort of realignment will be carried out for the Seven Devils Road/Highway 101 intersection. However, this realignment was previously approved as part of the 1996 Plan and ZLDO amendments authorizing the resort and, therefore, is not technically part of the approved expansion.

²⁷ There is a gap between the "generally" less than 500 vehicles per day figure for local streets and the minimum of 1,200 vehicles per day that a collector is "intended" to carry. The County does not intend to prohibit, or at least give no classification to, roads that happen to average between 500 and 1,200 vehicles per day.

The TSP also says that "collector streets are primarily intended to serve abutting lands and local access needs of neighborhoods [and] can serve residential, commercial, industrial, and mixed land uses." TSP, p. 102.

The TIA shows the Seven Devils Road/Highway 101 intersection had a low crash record for the past five years. Applicant's Vol. II, App. B, pp. 22-23. Under the approved resort expansion, Seven Devils Road will be used primarily to connect the Fahy Creek/Seven Devils Road Residential Area, including the RV parking area south of Fahy Creek, to the Highway 101 arterial. However, there will be some use of Seven Devils Road to connect from Highway 101 north to the Randolph and Whiskey Run Road entrances to the resort, although most resort guests will use the internal resort roads. Use of Seven Devils Road to connect Highway 101 to the resort's entrance points is consistent with its function as a major collector.

The TIA shows the Beaver Hill Road/Highway 101 intersection had no accidents for the past five years. Applicant's Vol. II, App. B, pp. 22-23. With the approved resort expansion, Beaver Hill Road will be used as a connector between Highway 101 and E. Humphries and Whiskey Run Creek Roads, two local roads which will provide access primarily for the residents of recreational dwellings at the north end of the Primary Expansion Area. The amount of traffic added to Beaver Hill Road by the expanded resort will be light -- less than 10 trips in the August Friday p.m. peak hour. See Fig. 14. The use of Beaver Hill Road to connect Highway 101 to the local roads leading to the expanded resort's northern entrance is consistent with its function as a major collector.

The TIA shows that the North Bank Road/Highway 101 intersection had a very low crash record for the past five years. Applicant's Vol. II, App. B, pp. 22-23. Under the approved resort expansion, North Bank Road will be used primarily as a connector between the cultural/visitor center on the Tear Drop Site and nearby Highway 101. This is consistent with the TSP description of a collector as serving local access needs of a mixed land use development and connecting it with the arterial system.

The TSP also contains the following provision regarding access to collectors:

"If traffic volume forecasts exceed 5,000 vehicles per day, then driveways serving single-family houses, duplexes, or

triplexes should not be permitted on that section." TSP, p. 102.

Based on the TIA, neither Seven Devils Road, Beaver Hill Road, North Bank Road (nor any of the other local County roads in the study area) will exceed 5,000 vehicles per day.

Local/Minor Streets.²⁸ All the county roads in the study area that are not designated as arterials or collectors are considered "minor streets." See TSP p. 30; Table 6. The TSP describes "minor streets" as:

"Streets that serve [to connect] residential properties with the arterial system. Property access is the main priority; through traffic movement is not encouraged. They are designed to carry low traffic volumes." TSP, p. 31.

As described above, the TSP also states that "local residential streets" "generally" have average weekday traffic volumes of less than 500 vehicles per day. TSP, p. 101.

The TIA shows that, with the exception of Randolph Road, the levels of travel of all local roads in the study area will remain relatively low in the year 2020, as can be seen from the relatively low v/c ratios shown in Table 9. The E. Humphries Road/Whiskey Run Road connection will be used, relatively infrequently, to access residential areas at the north end of the expanded resort. Figure 14 shows fewer than 10 ingoing and outgoing peak hour trips being added to Beaver Hill Road via E. Humphries and Whiskey Run Roads because of additional development at the expanded resort. Fahy Road will be used only for access to the 30 recreational dwellings planned for the area south of Fahy Lake, and the use will be primarily only of the approximately 1,000-foot section of Fahy Road between the resort access point and Fahy Road's intersection with South Bandon Dunes Drive and Highway 101. Based on these considerations, if the resort is expanded as approved in this decision, the levels of travel and access on these roads will not be inconsistent with their functional classification as minor streets.

The volume of traffic on Randolph Road will be relatively heavy, both under the development approved

²⁸ The TSP uses both the terms "Minor Street" and "Local Street."

in 1996 and with the approved expansion.²⁹ However, as discussed previously, the adequacy of a road with respect to its functional classification is dependent on operational and safety standards, not the TSP's traffic volume guidelines. The fact that Randolph Road will carry a greater traffic volume than is indicated in the TSP guidelines is not sufficient reason to consider reclassification of this facility. One factor to consider is that geometric improvements will be made at the Highway 101/Randolph Road intersection to enhance traffic safety and operations. Figure 16. Another important factor to consider is the function that the facility serves, and its connectivity with other similarly and higher classified roadways. Local roads are intended to serve primarily as access to local land uses, while collector and arterial streets are intended to be an interconnected system serving countywide, regional, and statewide movements. Considering that Randolph Road terminates at Bandon Dunes Resort, the section west of Seven Devils Road does not possess the interconnected character required of a collector or arterial street. The classification of Randolph Road between Highway 101 and Seven Devils Road is not as clear-cut. This section of Randolph Road provides interconnection between a Statewide Highway and a county major collector, thereby arguably having the interconnection quality mentioned above. However, most of the traffic on this section of Randolph Road will be going to or from Bandon Dunes Resort. Thus, it will be primarily serving as access to local property rather than as an interconnection to the county, regional, and state road system. Therefore, even considering the additional traffic generated by expansion of the resort, the current classification of Randolph Road as a minor street in both sections (Highway 101 to Seven Devils Road and Seven Devils Road to Bandon Dunes Resort) is consistent with the operational, safety and functional characteristics in the Coos County TSP.

(3) Oregon Coast Bike Route

The Oregon Coast Bike Route, which runs along Highway 101 north of the Coquille River bridge, then up Seven Devils Road to E. Humphries Road and W. Beaver Hill Road, is an important facility in the State's transportation system. However, no particular levels of

²⁹ A comparison of Figures 8 and 11 of the TSP shows that approximately 160 vehicles will enter or exit from Randolph Road, at its intersection with Highway 101, during the August Friday p.m. peak hour in 2020 with the resort development approved in 1996; whereas approximately 225 vehicles will enter or exit from Randolph Road, at its intersection with Highway 101, during the August Friday p.m. peak hour, if the resort is expanded.

travel or access standards have been established for this facility.

d. (2)(d) Acceptable Performance Standards Identified in TSP

The 1999 Oregon Highway Plan (OHP) sets performance standards for state highway intersections based on the volume-to-capacity (v/c) ratio during peak hour operating conditions. The section of Highway 101 adjacent to the existing Bandon Dunes Resort and proposed expansion areas is classified as a Statewide Non-Freight Route. For this classification of highway in a rural area, the OHP performance standards allow a maximum v/c ratio of 0.70 for the state highway approaches that are not stopped (*i.e.* the northbound and southbound Highway 101 approaches). For all minor street approaches at intersections with Highway 101, the OHP standards require that a v/c ratio of less than 0.80 be maintained.

Because the highest volume roads in Coos County are all state highways, the County no longer has its own roadway performance standards. The TSP explains that because ODOT changed to a v/c ratio based performance standard system, the County will use that same system when it re-evaluates highway intersections. TSP, pp. 54-55. The TSP also states that the maximum v/c ratio for a Statewide Non-Freight Route in a rural area is 0.70 and that turns from an unsignalized stop from a local road onto a state highway, outside a UGB, can have a maximum v/c ratio of 0.80. TSP, p. 55.

As shown in Table 9, the TIA demonstrates that all of the study intersections are forecast to comply with applicable OHP and TSP performance standards during the August Friday p.m. peak hour under **both** the 2020 Background and 2020 Expanded Development scenarios.

e. Conclusion

The above facts establish that the proposed Plan and ZLDO amendments to expand the Bandon Dunes Resort will not “significantly affect a transportation facility,” as that phrase is used in OAR 660-012-0060(1) and (2).

f. Coordination

OAR 660-012-0060(3) requires that determinations under OAR 660-012-0060(1) and (2) be coordinated with transportation providers and affected local governments. Kittelson communicated with ODOT and the Coos County Highway Department in preparing the TIA. ODOT and County representatives attended the July 2002 pre-application conference at DLCD. An ODOT representative was provided with a draft of the TIA for review prior to the filing of the application. In addition, the County Planning Department notified ODOT and the Coos County Highway Department of its public hearings on the application. In response to concerns

expressed by ODOT, the SMP and these findings were modified and two conditions of approval were adopted. See Section VIII.B.1.c.

4. **OAR 660-012-0065 (Transportation Improvements on Rural Lands**

OAR 660-012-0065 "identifies transportation facilities, services and improvements which may be permitted on rural lands consistent with Goals 3, 4, 11 and 14 **without** a goal exception." OAR 660-012-0065(1) In 1996, an exception to Goals 3, 4, 11, and 14, for the original Bandon Dunes Resort site, was taken to allow an arguably urban level of destination resort use on rural resource lands. A similar exception has now been adopted for the resort expansion areas. Accordingly, OAR 660-012-0065 does not apply to on-site transportation improvements proposed to take place on the original Bandon Dunes Resort site or the approved expansion areas. This includes the approved realignment of Seven Devils Road at its intersection with Highway 101, which will take place entirely on Bandon Dunes Resort/BDR designated/ BDR zoned property.

However, OAR 660-012-0065 does apply the approved realignment of 700 to 800 feet of Randolph Road at its intersection with Highway 101 because those improvements will occur on land owned by applicant BDLP, but designated/zoned Rural Residential/RR-5. As relevant here, OAR 660-012-0065(3)(d) allows "realignments" of roads on rural land. OAR 660-012-0065(2)(f) defines "realignment" as:

"[R]ebuilding an existing roadway on a new alignment where the new centerline shifts outside the existing right of way, and where the existing road surface is either removed, maintained as an access road or maintained as a connection between the realigned roadway and a road that intersects the original alignment. The realignment shall maintain the function of the existing road segment being realigned as specified in the acknowledged comprehensive plan."

The approved realignment of Randolph Road, as shown on Figure 16, will shift the centerline of Randolph Road outside the existing right of way onto property owned by the applicant that can be dedicated to the County as a condition of resort expansion. The existing road surface can either be removed or maintained to serve as access to the adjoining property. The function of the realigned segment of Randolph Road will not change. Thus, this realignment is allowed under OAR 660-012-0065(3)(d).

5. **Other Goal 12 Requirements**

Goal 12 requires the provision of a safe transportation system for moving people and goods between geographic and jurisdictional areas. Three safety-related road improvements are recommended by the TIA -- (1) moving the stop line or otherwise improving the sight distance at the Beaver Hill Road/Highway 101 intersection; (2) realigning Randolph Road at its intersection with Highway 101; and (3) realigning Seven Devils Road at its intersection with Highway 101. These improvements

are described in some detail in Section VIII.L.2 and Figures 15 and 16, and are required by this decision. In addition, after the location of the proposed RV parking area was changed to the Seven Devils Road Parcel, Kittelson & Assoc. with ODOT concurrence recommended that until the Seven Devils Road/Highway 101 intersection is realigned, appropriate signage should direct northbound departing RVs to use the Randolph Road/Highway 101 intersection. This requirement has been added to the SMP.

One other concern related to safety is that of pedestrian access to the proposed cultural/visitor center at the Tear Drop Site. Based on visitor statistics acquired from a similar facility – the High Desert Museum south of Bend, Oregon -- on a typical Friday in August, the cultural/visitor center would have about 45 visitors per hour. It is reasonable to assume that the majority of these visitors will be travelers on Highway 101 coming to the site via private auto and that the second highest number of visitors will come from the Bandon Dunes Resort (via resort shuttle bus or private auto). Thus, it is reasonable to assume that a minimal number of all visitors to the cultural/visitor center will be arriving on foot from across Highway 101. This is supported by the fact that the likely walking distance from Bullards Beach State Park (virtually the only activity within reasonable walking distance) to the cultural/visitor center is approximately 1/2 mile, so most of the visitors coming from the park would likely drive as well. Thus, it is reasonable to conclude that a very minimal number of pedestrians will cross Highway 101 to visit the proposed cultural/visitor center. This low volume of pedestrian movement does not warrant the installation of a pedestrian signal or grade-separated crossing structure. Additionally, the plans for development of the Tear Drop Site are indefinite. When a specific development is proposed for the Tear Drop Site, the Final Development Plan application will be required to include "proposed methods of access to the development" and "major pedestrian * * * systems." ZLDO 4.10.065(A)(5) and (7). At that time the issue of providing safe pedestrian access, considering the nature of the proposed development, can be revisited. The County has agreed to notify ODOT when any application for Final Development Plan approval for the Tear Drop Site is received and will coordinate with ODOT regarding any transportation improvements necessary to assure the safety of access to the site.

Another concern related to safety is regarding Oregon Coast Trail users walking along Whiskey Run Road to or from the alternate overland route which will connect to Whiskey Run Road on the north, probably slightly east of the eastern boundary of the Primary Expansion Area. The location of the future Bandon Dunes Drive North intersection with Whiskey Run Road will be from 1/8 to 1/4 mile west of the terminus of the alternate overland Coast Trail route. Fewer than 20 trips will be added to Whiskey Run Road during the p.m. peak hour due to the proposed resort expansion. Figure 14. Thus, any impact on Oregon Coast Trail users due to traffic resulting from the proposed resort expansion will be minimal. Nevertheless, when a Final Development Plan application that includes the proposed northern entrance to the resort is submitted, it will be required to address "major pedestrian * * * trail systems." ZLDO 4.10.065(A)(7). At that time the County will

request input from and consider the concerns of OPRD.

A final concern related to safety was raised by neighboring property owners H. Peter and Beatrice A. Reents during the County proceedings. The Reents own and reside on property on Sherrill Lane to the west of Seven Devils Road and adjoining the Seven Devils Road Parcel resort expansion site to the north. The Reents were concerned that siting the planned RV parking area on the Seven Devils Road Parcel would create dangerous traffic conditions on Seven Devils Road, which is also a major bicycle route. However, at the May 28 hearing, it was clear the Reents were not aware that the proposed RV parking area would serve only visitors to the resort, rather than the general public traveling on Highway 101. As previously mentioned, this section of Seven Devils Road is designated by the County TSP as a major collector and by ODOT as part of the Oregon Coast Bike Route. The traffic impacts of siting the RV parking area on the Seven Devils Road Parcel were considered by Kittelson and Assoc. in a memorandum prepared as an addendum to the 2002 TIA. This memo was reviewed by ODOT, which had no concerns. The memorandum explains that the RV facility will generate minimal traffic volumes during peak periods, an estimated maximum of 50 trips per day at full occupancy in the peak summer season, fewer than 5 of which will occur during the weekday p.m. peak hour. Kittelson concluded the effect of the RV parking area on Seven Devils Road would be minimal.

M. Goal 13 - Energy Conservation

To conserve energy.

This goal requires that land uses maximize conservation of all forms of energy based on sound economic principles. It is implemented by local plans and regulations that control location, orientation, and density of development to minimize net energy consumption.

Energy conservation measures generally fall into two categories: (1) development of energy resources and (2) wise use of energy. Regarding energy sources, the Bandon Dunes site provides few alternatives other than solar power and wind. With the generally flat topography and low density that characterize the Bandon Dunes project, both options will always be available. However, two recent wind farm experiments, one by Pacific Power and Light Company and one by the City of Bandon, have not proven commercially successful.

The developments most appropriate for solar applications are the recreation centers, clubhouses, and lodges. Solar opportunities are more limited in those areas that feature a subdued, natural design theme in which structures are integrated into the forest canopy for aesthetic reasons. Solar opportunities may also be limited because of the local climate. The applicants will monitor developments in both solar and wind energy and will adopt whatever measures become practicable for the site.

Energy conservation is well regulated by state law. The Bandon Dunes project will continue to be constructed in strict conformance with the Oregon Energy Code, as adopted into various sections of the state Building Code dealing with residential, commercial, and other building types. In addition, the expanded resort will incorporate a range of other energy conservation methods including:

- Reduction of heating and cooling loads by using passive solar design.
- Orientation and design for passive cooling through ventilation.
- Use of high-efficiency heating and cooling systems, lighting, and electrical appliances.
- Strategic siting of structures to avoid wind cooling heat loss effects.

N. Goal 14 - Urbanization

To provide for an orderly and efficient transition from rural to urban land use.

This goal requires that comprehensive plans of counties and cities provide for an orderly and efficient transition from rural to urban use. It requires that urban growth boundaries (UGBs) be established around incorporated cities through a cooperative process with surrounding counties to assure compact and efficient urban growth within the boundary while protecting and facilitating rural resource uses outside the boundary. The goal has been interpreted by the Oregon Supreme Court as prohibiting urban levels of development outside of acknowledged urban growth boundaries unless an exception is taken to Goal 14. See 1000 Friends of Oregon v. LCDC (Curry Co.), 301 Or 447, 474-75, 724 P2d 268 (1986).

Without an authoritative interpretation by LCDC as to what constitutes an urban level of development, the determination must be made on a case-by-case basis by local governments, with review by LUBA and the courts. However, in 2000, LCDC did amend Goal 14 and adopt OAR 660-004-0040, which essentially provides that for rural residential exception areas, dwellings on parcels less than two acres in size are considered urban.

The Bandon Dunes resort will have both rural and urban elements. The proposed expansion would allow 300 dwellings to be placed in the 825-acre Primary Expansion Area for an overall density of more than two acres per dwelling after subtracting the proposed Madrone and Randolph Village Centers. However, there is no minimum parcel size for land divisions in the BDR zone and the clustered nature of the development, the presence of community water and sewerage systems, and the development of hotel, restaurant and other commercial facilities will be urban in level and type. On the other hand, the large amount of untouched open space, forest resources, wetlands, dunes and lakes, and the absence of industrial and nontourist-related commercial facilities will be typical of a rural setting and level of use.

Because of the mixture of urban and rural uses, facilities, and services, it is necessary to take an exception to the Urbanization Goal's implicit prohibition against urban uses outside of acknowledged UGBs for the proposed resort expansion areas. As noted elsewhere, however, this development is tailored to meet the standards of a statutory destination resort, which is recognized by law to be acceptable outside of a UGB.

O. Goal 16 - Estuarine Resources

To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands.

Both the original Bandon Dunes Resort site and the approved expansion areas are outside the area covered by the Coquille River Estuary Management Plan. Therefore, Goal 16 does not apply.

P. Goal 17 - Coastal Shorelands

To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics.

Concerning rural coastal shorelands,³⁰ the Coastal Shoreland Uses section of Goal 17 provides:

“Shorelands in rural areas other than those built upon or irrevocably committed to nonresource use * * * shall be used as appropriate for:

- “a. farm uses as provided in ORS Chapter 215;
- “b. propagation and harvesting of forest products consistent with the Oregon Forest Practices Act;
- “c. private and public water-dependent recreation developments;
- “d. aquaculture;
- “e. water-dependent commercial and industrial uses, water-related uses and other uses only upon a finding by the county that such uses satisfy a need which cannot be accommodated on uplands or in urban and urbanizable areas or in rural areas built upon or irrevocably committed to non-resource use.”

1. Ocean Shorelands

As explained below, the only portion of the expansion areas designated as Coastal Shorelands by the Plan is the westerly fringe of the Primary

³⁰ In the alternative, the result of taking an exception to Goal 14 for the original resort site and expansion areas means that the coastal shorelands portions of the expanded resort site should no longer be considered "rural" shorelands, even though almost no development is proposed to occur within these coastal shorelands. That would mean that the provisions of Goal 17 regarding uses of rural shorelands are not applicable, and that there are no provisions in the Coastal Shorelands Uses portion of Goal 17 applicable to the coastal shorelands of the expanded Bandon Dunes Resort. The Goal 17 Coastal Shoreland Uses provisions for "Water-Dependent Shorelands" (as amended in 1999) apply only to "urban or urbanizable areas" (within the UGB of an incorporated city), "rural areas built upon or irrevocably committed to non-resource use," and "any unincorporated community subject to OAR Chapter 660, Division 022." The coastal shorelands of the expanded Bandon Dunes Resort site fit none of these categories.

Expansion Area, between the bluff line and the dry-sand beach (hereafter ocean shorelands).³¹

a. Uses Allowed in Ocean Shorelands

The Plan Special Considerations Map titled “Development Potential within Ocean Shorelands and Dunes” (Development Potential Map) shows the ocean Coastal Shorelands Boundary (CSB) running along the bluff overlooking the ocean beaches at the western edge of the Primary Expansion Area. The plan text regarding ocean CSB Segment 5 (Agate Beach to Cut Creek) states it “generally follows the edge of the ocean bluff.” Plan, p. 3.8-12. To be authentic Scottish links courses, the existing Pacific Dunes Golf Course and the future Randolph Links Golf Course must be located on the upper marine terrace next to the ocean. However, no golf course development activity will occur west of the ocean CSB. To provide a measure of additional protection, the Supplemental Master Plan provides that all golf course development will be set back at least 25 feet from the edge of the ocean bluff. The Supplemental Master Plan also designates these ocean shorelands as permanent open space. Fig. 5; SMP, Fig. 12.

In the proposed Randolph Village Center, at the north end of the Primary Expansion Area, no development will occur west of the ocean CSB. SMP, pp. 24-26. All development will be set back at least 100 feet from the edge of the ocean bluff, and the Supplemental Master Plan designates this setback area as permanent open space. Fig. 5; SMP, Fig. 12. Also, as described in more detail in Section VIII.G, the Supplemental Master Plan requires up to an additional 100-foot setback (up to a total of 200 feet) where a structural load will be placed on dune sands.

In summary, the above described provisions of the Supplemental Master Plan and the BDR zone will prohibit any development activity in or near the ocean shorelands of the Primary Expansion Area. Consequently, with regard to ocean shorelands, the adopted Plan and ZLDO amendments are consistent with the above quoted Goal 17 provisions concerning uses of rural coastal shorelands.

b. Resort Development Outside of Ocean Shorelands

As was done with the existing Pacific Dunes Golf Course, the future Randolph Links Golf Course, located on the upper marine terrace, will be designed to fit the natural contours of the land and will use native or naturalized grasses while the non-native

³¹ South of the Primary Expansion Area, the westerly fringe of the original Bandon Dunes Resort site, down to the northern boundary of Bullards Beach State Park, between the bluff line and the dry-sand beach, is also designated as Coastal Shorelands. However, these amendments, including adoption of the Supplemental Master Plan and amendments to the BDR zone, will not result in any changes in the uses of this area. Therefore, it need not be considered further.

gorse that invaded this area will be removed (except where patches of gorse are selectively retained as golf course features). See Section VIII.E.5.d(4) (Environmental Consequences); NRI, p. 7; Master Plan, p. 57. The management unit guidelines for the Upper Marine Terrace Management Unit require development activities to minimize erosion, maintain stabilizing vegetative cover, and control noxious plants. SMP, p. 55. Finally, the golf course management plan required by the Master Plan and BDR zone will require minimization of irrigation and application of nutrients, herbicides, and pesticides and will insure excessive surface runoff does not occur and that chemicals do not pollute the surface or ground water. See Section VIII.E.5.d(4) (Environmental Consequences); Master Plan, p. 57-59; ZLDO 4.10.065(B) and 4.10.070(B).

With regard to the future Randolph Village Center, in addition to requiring the setbacks described in the previous section, the Supplemental Master Plan requires that erosion control measures be implemented prior to any construction activity in order to protect fragile steep slopes and ocean bluffs. SMP, p. 26. The management unit guidelines require buildings to be clustered and kept as compact as possible. SMP, p. 55. In addition, careful placement of buildings with respect to existing landforms and sight lines will result in near or total invisibility of the Randolph Village buildings from the ocean beach. Fig. 10; SMP, p. 27.

Based on the provisions of the Master Plan, Supplemental Master Plan, and BDR zone described above, the resort development allowed outside the ocean CSB by the Master Plan, as modified by the Supplemental Master Plan and the BDR zone, will not adversely affect the ocean shorelands resources within the CSB or interfere with the mandate of Goal 17 to protect and maintain such resources for their water quality, habitat, aesthetic, and recreational values.

2. Lake Shorelands

There are no natural coastal lakes within the resort expansion areas and, therefore, no lake coastal shorelands. Lake coastal shorelands within the original Bandon Dunes Resort site include certain areas around Chrome, Round and Fahy Lakes. Because the adopted Plan and ZLDO amendments include changes to the Master Plan and BDR zone that may effect these areas, the compliance of these amendments with Goal 17 with regard to the lake coastal shorelands of the original resort site must be addressed.

a. Location of Lake Coastal Shorelands Boundaries

The Development Potential Map does not establish a unique "lake CSB" for each coastal lake. Rather, the Plan text establishes a "uniform shoreland boundary extending horizontally 100 feet from the ordinary high water mark * * * for coastal lakes outside the main coastal shorelands area," on the basis that "100 feet is sufficient in all situations to protect

riparian vegetation.” Plan at 3.8-13. The Plan further states the “100 foot boundary is intended as a site review area, within which development proposals would be examined to determine their effect on riparian resources and minimize such effects.” Id. The Plan’s Coastal Lakes Inventory table indicates the lake CSB’s of Chrome and Round Lakes were determined by riparian vegetation and wetlands, and that of Fahy Lake by riparian vegetation alone. Plan at 3.8-14. The original 1996 decision approving the Bandon Dunes Resort included specific amendments to the CSB’s for Round and Fahy Lakes, establishing two areas on the northwest and southeast sides of Round Lake and one area at the southern tip of Fahy Lake where the lake CSB will be 50 feet from the ordinary high water marks of these lakes.³² Ordinance 96-03-003PL, Ex. A.

b. Uses Allowed in Lake Shorelands

The Master Plan states that “[s]urface water use of existing coastal lakes will be restricted in order to maintain water quality, wildlife habitat, and scenic resource values.” Master Plan, p. 21. The Master Plan goes on to provide that swimming will not be allowed in any of the lakes and limited canoe or kayak use will be allowed only in Fahy Lake. The Master Plan also states that use of Chrome Lake will be limited to wildlife observation, nature study, and environmental education and that use of Round Lake will be limited to these uses plus sports fishing. The only structural development which the Master Plan would allow within the lake CSB’s is a wildlife observation/sports fishing pier at the west end of Round Lake and a canoe dock and limited canoe storage area on the eastern side of the southern end of Fahy Lake. These uses are within the “private and public water-dependent recreation developments” allowed on rural shorelands by Goal 17. None of these Master Plan provisions are modified by the Supplemental Master Plan.

All land within lake CSB’s will be protected by the BDR zone’s amended “Riparian Corridor and Wetland Protection” section. ZLDO 4.10.030(H)(2)(c). As amended, the Riparian Corridor and Wetland Protection section complies with LCDC’s New Goal 5 Riparian Corridor Rule, OAR 660-023-0090, which became effective on September 1, 1996, and was not applicable to the original resort approval. See Section VIII.E.1.

In addition, when a final development plan for a phase or element of the resort including area within a lake CSB is submitted to the county for approval, it will be required to include a description of any riparian vegetation to be removed within the Coastal Shorelands Boundary around Chrome, Round, and Fahy Lakes together with an explanation of why such

³² The decision also included a corresponding amendment to the Plan CSB text quoted in the preceding paragraph, to maintain internal Plan consistency.

removal is justified under Section 4.10.030(H), the Riparian Corridor and Wetland Protection section of the BDR zone. ZLDO 4.10.065(C)(1). As part of final development plan approval process, the County will determine whether any such proposed riparian vegetation removal within a lake CSB complies with the Riparian Corridor and Wetland Protection section. ZLDO 4.10.070(C). Neither of these requirements will be changed by the proposed amendments to the BDR zone.

In summary, the provisions of the Master Plan and BDR zone described above will continue to (1) prohibit any structural development other than an observation/fishing pier (Round Lake) and a canoe dock and storage facility (Fahy Lake) within the lake coastal shorelands and (2) limit uses of the lake coastal shorelands and the lakes themselves to low intensity, water-dependent shoreland recreation uses, accepted forest maintenance practices, and riparian vegetation or wildlife habitat enhancement projects. Consequently, with regard to lake shorelands, the adopted Plan and ZLDO amendments are consistent with the above quoted Goal 17 provisions concerning uses of rural coastal shorelands.

c. Resort Development Outside of Lake Shorelands

The Supplemental Master Plan proposes certain changes to the uses allowed outside of the lake CSB's by the original Master Plan.

(1) Chrome Lake

The Woodland Buffer Natural Resource Conservation (NRC) Area located north of Chrome Lake will be reduced in size due to the enlargement of the RVC area and creation of the southern lobe of the new Upper Chrome Lake Housing area north of Chrome Lake. This means that a portion of the CSB on the north side of Chrome Lake between the northern and northeastern inlet streams will be adjoined by residential development rather than a woodland buffer area.

The Chrome Lake CSB was originally planned to be adjoined by residential lodges and recreational dwellings to the northwest, south, and southeast. Master Plan, Fig. 7. The Upper Chrome Lake Housing area, which extends north into the Primary Expansion Area up to Brown Road, is planned to contain a total of 30 recreational dwellings. These dwellings will be clustered and very private in nature. SMP, p. 17. A landscape management plan that requires use of native plants and minimization of irrigation and chemical application will be required as part of final development plan approval and will be made binding on future lessees and homeowners through covenants and restrictions. Master Plan, pp. 57-59; ZLDO 4.10.065(B) and (C)(3).

The wetlands associated with the northern and eastern inlet streams to Chrome Lake will be protected by the amended Riparian Corridor and Wetland Protection section of the BDR zone. The proposed changes to the uses allowed outside the Chrome Lake CSB will not have an adverse effect on the area within this lake CSB.

(2) Round Lake

Under both the Master Plan and Supplemental Master Plan, the portion of the Round Lake coastal shorelands within the Bandon Dunes Resort is in the Resort Village Center.³³ The only significant change in the development planned adjacent to the Round Lake CSB is that the Supplemental Master Plan no longer calls for a 300-person conference center to be placed on land northwest of Round Lake, opting instead to provide several smaller conference facilities at several locations in the resort. SMP, p. 43. This proposed change will tend to lessen the development intensity around Round Lake and, therefore, will not have an adverse effect on the area within this lake CSB.

(3) Fahy Lake

Under both the Master Plan and Supplemental Master Plan, Fahy Lake is adjoined by a Golf Course/Residential Area (formerly Woodland, now Trail) to the north and east, the South Fahy Lake Residential Area to the south, and the South Ridge Natural Resource Conservation Area to the west. The only significant change in the uses allowed in these areas by the Supplemental Master Plan is that its Open Space map shows an increase in the area adjoining the north shore of Fahy Lake that is required to be maintained as permanent open space. Figure 5; SMP Fig. 12; Master Plan, Fig. 8. This proposed change will tend to lessen the development intensity around Fahy Lake and, therefore, will not have an adverse effect on the area within this lake CSB.

3. Implementation Requirements

Goal 17 Implementation Requirements 2 and 3 require local governments to identify coastal shoreland areas which may be used to fulfill estuarine mitigation requirements or as dredge material disposal sites, respectively. No such areas have been identified within the proposed resort expansion areas.

³³ The northern and eastern portions of the Round Lake CSB are not within the Bandon Dunes Resort site. These areas will remain designated and zoned Forest and their uses are not expected to change.

Goal 17 Implementation Requirement 4 provides:

"Because of the importance of the vegetative fringe adjacent to coastal waters to water quality, fish and wildlife habitat, recreational use and aesthetic resources, riparian vegetation shall be maintained; and where appropriate, restored and enhanced, consistent with water-dependent uses."

Riparian vegetation adjacent to the coastal lakes on the Bandon Dunes Resort site will be protected by the amended Riparian Corridor and Wetland Protection section of the BDR zone as described above. This section generally prohibits removal of riparian vegetation but does specifically allow restoration and enhancement projects [ZLDO 4.10.030(H)(4)(c) and (f)] and allows riparian vegetation to be removed where necessary for the development of a water-dependent use [ZLDO 4.10.030(H)(4)(b)].

At present, the western facing slopes of the ocean bluff are heavily vegetated with gorse and other shrubby plants. NRI, p. 43. As explained above, no resort development activity will be allowed within 25 feet of the edge of the ocean bluff where the Pacific Dunes and Randolph Links Golf Courses will be located or within 100 feet of the edge of the ocean bluff at the location of the Randolph Village Center.

Goal 17 Implementation Requirement 5 provides:

"Land-use management practices and non-structural solutions to problems [of] erosion or flooding shall be preferred to structural solutions. Where shown to be necessary, water and erosion control structures, such as jetties, bulkheads, seawalls, and similar protective structures; and fill, whether located in the waterways or on shorelands above ordinary high water mark, shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns."

No flooding hazards have been identified within the resort expansion areas. The only erosion hazard identified within the expansion areas is found along the western edge of the Primary Expansion Area, including the ocean beaches and western edge of the marine terrace deposit including the irregular ocean bluff above the beaches. See Section VIII.G. The geologic study performed by Roger A. Redfern, CEG, confirms that there is an erosion hazard at the ocean shoreline, but finds no evidence of recent erosion at the base of the ocean bluff. The report also finds the ocean bluff in this area has had a low rate of retreat and that this relative stability continues in the present. The report states that a rate of 0.5 feet or less a year of retreat would appear to be a reasonable estimate; but to be conservative, a rate of one foot per year was used to develop the report's recommendations for structural setbacks from the ocean bluff. The Supplemental Master Plan requires compliance with the minimum structural setbacks from the ocean bluffs recommended in the geologic report. SMP, p. 26. The Supplemental Master Plan also requires a set back of 25 feet from the edge of the ocean bluff for all golf

course development. These measures constitute using a land management practice solution for an erosion problem as preferred under Goal 17 Implementation Requirement 5.

The BDR zone contains no provisions authorizing use of structural flooding or erosion control measures, such as jetties, bulkheads, seawalls and similar protective structures, or for using fill in waterways or on shorelands as a flooding or erosion control measure.

Q. Goal 18 - Beaches and Dunes

To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas.

Goal 18 requires county comprehensive plans to identify and classify beach and dunes areas and to establish policies for the use of these areas based on the capabilities and limitations of different types of beach and dunes areas to sustain different levels of use and development. Goal 18, Implementation Requirements 1-7, establish specific requirements for allowing development in particular types of beach and dunes areas or for specific activities in beach and dune areas.

The acknowledged Coos County Comprehensive Plan includes a special considerations map entitled "Development Potential within Ocean Shorelands and Dunes" (hereafter Development Potential Map). Plan Section 5.10, Implementation Strategy 1, states this map "specifically delineates the areas identified" in the County's inventory and assessment of beaches and dunes. On the Development Potential Map, all three resort expansion areas are inventoried as areas subject to Goal 18. One small area within (west of) the ocean CSB at the southwestern corner of the Primary Expansion Area is designated as "Not Suitable for Residential, Commercial, or Industrial Structures." This designation identifies areas subject to Goal 18, Implementation Requirement 2. Plan, Section 5.10, Implementation Strategy 3. Other than this area, the Development Potential Map designates the portion of the Primary Expansion Area lying west of the north-south central ridge feature, and the Tear Drop Site, as "Limited Suitability; Special Measures Required for Most Development." This designation identifies areas subject to Goal 18, Implementation Requirement 1. Plan, Section 5.10, Implementation Strategy 2. The Development Potential Map designates the remaining, eastern portion of the Primary Expansion Area and the Seven Devils Road Parcel as "Suitable for Most Uses; Few or No Constraints on Development."

The Supplemental Master Plan Concept Plan for the Primary Expansion Area is designed to reflect the County's acknowledged inventory of beach and dunes resources found on the Development Potential Map. The majority of the expanded resort development, including 110 of the additional 150 overnight lodging units, 200 of the 300 additional recreational dwelling units, the resort services center (convenience shopping, meeting facilities, office space, specialty shops), an art and nature center, a recreation and fitness center, and the resort administration offices will be located in the area east of the central ridge that is designated as "Suitable" for development. The Master Plan limits development in the area designated as "Limited Suitability" for development primarily to the Pacific Dunes Golf Course, the Randolph Links Golf Course and clubhouse, the Randolph Village Center and possibly some of 25 recreational dwellings

originally allocated to the Bandon Dunes Golf Course and allowed to be placed along the western slope of the North Ridge.³⁴ As explained in detail below, all development in the areas designated “Limited Suitability” will be subject to the County’s acknowledged implementation measures for such areas. No development is allowed by the Supplemental Master Plan in the area along the ocean bluff in the southwest corner of the Primary Expansion Area designated as “Not Suitable.”

1. Implementation Requirement 1

Goal 18, Implementation Requirement 1 requires local governments to base decisions on uses in beach and dunes areas, other than older stabilized dunes, on the following “specific findings”:

- “a. The type of use proposed and the adverse effects it might have on the site and adjacent areas;
- “b. Temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;
- “c. Methods for protecting the surrounding area from any adverse effects of the development; and
- “d. Hazards to life, public and private property, and the natural environment which may be caused by the proposed use.”

As explained above, the areas subject to this requirement are designated as “Limited Suitability” on the Development Potential Map. The County’s acknowledged program for compliance with Goal 18, Implementation Requirement 1 is that when a specific development is proposed in a beach and dune area designated on the Development Potential Map as “Limited Suitability,” it will be allowed only if the above findings are made in a discretionary permit approval process.

Acknowledged Dunes and Ocean and Coastal Lake Shorelands Plan Implementation Strategy (PIS) 2 (Plan, pp. 62-63) allows development in designated “Limited Suitability” areas only if findings identical to those required by Goal 18, Implementation Requirement 1 are adopted. The Plan goes on to specify that this strategy is implemented through a discretionary permit process that includes submission of a site investigation report addressing the factors required by Goal 18, Implementation Requirement 1 and PIS 2. This Plan provision is implemented by ZLDO 4.7.105; Table 4.7a, Phenomenon 4.a; Appendix 1-27, Strategy 2.³⁵ The BDR zone, through Sections 4.10.030(I) and 4.10.070(C) requires compliance with these ZLDO provisions for approval of a Final Development Plan that includes any area designated

³⁴ The list in the text is not intended to be determinative of what resort uses will be located in areas designated as “Limited Suitability.” That will be determined by the County during the final development plan review process.

³⁵ These ZLDO provisions require the same findings and process as Dunes, and Ocean and Coastal Lake Shorelands Plan Implementation Strategy 2.

as “Limited Suitability” on the Development Potential Map.

It is appropriate to require that the specific findings mandated by Goal 18, Implementation Requirement 1, be made for uses in the BDR zone at the time of Final Development Plan approval for a specific phase or element of the resort when the specific details regarding the design, size, location, and construction of the proposed uses will be known, just as these findings are required at the time of permit approval for uses in other County zoning districts. In addition, the applicant has shown that it is feasible for the expanded resort development proposed by the Supplemental Master Plan to be located in “Limited Suitability” designated areas to satisfy the requirements of Goal 18, Implementation Requirement 1, and the above described Plan and ZLDO provisions.

The areas designated as having “Limited Suitability” by the Development Potential Map are primarily areas where unconsolidated sands exist at the surface or immediately below a thin vegetated soil mantle. Disturbance of the thin soil and vegetative cover can open the loose sand to both wind and water erosion. Otherwise, the sand in these areas is stable as a basis for building. Proper engineering practices can avoid adverse sand erosion situations by avoiding steeper slopes wherever possible, minimizing soil and vegetation disturbance, planning construction activities for the rainy season, placing temporary soil covers (e.g., hydro-seeding or geo-textiles), and replacing disturbed soils and vegetation with permanent plantings as soon as possible after construction. All resort development proposed to occur on “Limited Suitability” areas can readily be constructed without hazard to life and property or damage to the surrounding area and the natural environment using the proper protection measures.

2. Implementation Requirement 2

Goal 18, Implementation Requirement 2, prohibits residential, commercial, and industrial buildings on beaches, active foredunes, other foredunes which are conditionally stable but subject to wave overtopping or ocean undercutting, or deflation plains subject to ocean flooding and allows other development in such areas only upon certain findings. As explained above, the areas subject to this requirement are designated as “Not Suitable” on the Development Potential Map. The Supplemental Master Plan prohibits any development within the ocean CSB, which is where the only portion of the expansion areas designated “Not Suitable” is located.

3. Implementation Requirements 3-7

Goal 18, Implementation Requirement 3 requires the County to “regulate actions in beach and dune areas to minimize the resulting erosion.” With the exception of the wetlands of the Tear Drop Site, the portions of the expansion areas designated as “Not Suitable” or “Limited Suitability” are within the Duneland/Primary Expansion Area, Upper Marine Terrace/Primary Expansion Area, or Forestland/Tear Drop Site Management Units established by the Supplemental Master Plan. SMP, Figure 16. Each of these management units recognizes that fragile soil cover, subject to disturbance, is a constraint in that management unit, and

establishes planning, design, and construction guidelines to minimize erosion.

As required by Goal 18, Implementation Requirement 4, the findings in Section VIII.E.5.d(4) and e(4) establish the proposed use of groundwater from the Dunal Aquifers will not result in saltwater intrusion, subsidence, or other adverse environmental consequences. The Master Plan, as modified by the Supplemental Master Plan, neither contemplates nor allows the foredune breaching and grading activities prohibited by Goal 18, Implementation Requirements 6 and 7, or the beachfront protective structures regulated by Goal 18, Implementation Requirement 5.

R. Goal 19 - Ocean Resources

To conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.

This goal is not applicable.

IX. "REASONS" GOAL EXCEPTION

Goal exceptions are a flexibility tool authorized under statewide planning statutes, goals, and administrative rules for situations in which a departure from the strict application of a substantive goal is justified based on site specific conditions. Goal 2 defines the term as follows:

"Exception" means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that:

- "(a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;
- "(b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and
- "(c) Complies with standards for an exception."

Exceptions are of three types:

- "Developed lands exceptions are justified where the property is physically developed to the point where resource use is no longer practicable."
- "Committed lands exceptions are justified where the nature of nearby physical development makes resource use impracticable."
- "Reasons exceptions are justified where there is a need for development at the site in question and where the site compares favorably with other possible locations for the proposed land use."

The existing Bandon Dunes Resort Master Plan and associated Plan and implementing ZLDO amendments were approved and acknowledged in 1996 as a "Reasons" exception to Statewide Planning Goals 3 (Agricultural Lands), 4 (Forestlands), 11 (Public Facilities

and Services), and 14 (Urbanization). The current resort expansion also requires a "reasons" exception to Statewide Planning Goals 3, 4, 11, and 14. An exception to Goal 3 is required because the Supplemental Master Plan, BDR Plan Map designation, and BDR zoning district allow uses not permitted by Goal 3 on land that would satisfy the Goal 3 definition of "agricultural land." An exception to Goal 4 is required because the Supplemental Master Plan and BDR plan and zoning designations allow uses not permitted by Goal 4 and OAR Chapter 660, Division 6 (Goal 4 Rule) on land that is defined as "forestland" under Goal 4.

An exception to Goals 11 and 14 is required because those goals prohibit urban levels of public facilities and services and urban levels of use, respectively, on rural lands outside a UGB. Because this decision authorizes a total of 300 dwellings, 40 overnight accommodation units,³⁶ three restaurants, a resort services center (convenience shopping, meeting facilities, office space, specialty shops), an art and nature center, a recreation and fitness center, a cultural/visitor center, resort administration offices, and other commercial uses on approximately 20% of the 925-acre expansion area and these uses will be served by community sewer and water systems, it is likely these uses and services would be considered urban in nature. In addition, because the resort expansion areas would be served by the extension of the resort's existing community sewer and water systems (or possibly new community sewer and water systems, in the case of the Tear Drop Site), the exception to Goal 11 necessarily includes an exception to the provisions of Goal 11 prohibiting the extension of sewer systems outside of UGBs and not allowing the establishment of a water system to authorize a higher residential density than would otherwise be allowed.³⁷

The general reasons exception standards have not changed since the adoption and acknowledgment of the original Bandon Dunes Resort exception in 1996. Those standards are set forth in almost identical terms in ORS 197.732(1)(c) and Goal 2, Part II(c). The statute and the goal provide that a local government may adopt a reasons exception when all of the following standards are met:

- "(1) **[Reasons]** Reasons justify why the state policy embodied in the applicable goals should not apply;
- "(2) **[Nonexception Alternatives]** Areas which do not require a new exception cannot reasonably accommodate the use;
- "(3) **[Exception Alternatives/Comparative Impacts]** The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

³⁶ The application proposes 150 additional overnight lodging units, but 110 of these are proposed to be placed on the original resort site within the Resort Village Center.

³⁷ A new "reasons" exception to Goals 3, 4, 11, and 14 may also be required because the Supplemental Master Plan, BDR zone amendments, and new BDR Use Subzones Map include changes that affect the uses allowed on various portions of the original Bandon Dunes Resort site. OAR 660-004-0018(4)(b). Changes to the original Master Plan are described in detail in Section V of the Supplemental Master Plan. The adopted amendments to the BDR zone are found in Appendix F.

"(4) [Compatibility] The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts."

More detailed interpretive guidance is provided in administrative rules adopted by the Land Conservation and Development Commission, principally OAR 660-004-0020(2) and 660-004-0022. In addition, OAR 660-014-0040 explains the requirements for reasons exceptions to allow urban uses on undeveloped rural lands, as will be the case here.³⁸ OAR 660-014-0040(2) and (3)(a) through (c) elaborate on the showings that must be made under each of the four basic reasons exceptions standards in situations involving exceptions for urban uses on rural lands. The special requirements of these provisions are set forth and addressed in the discussion of the four reasons exception standards below, followed by sections addressing the additional requirements of OAR 660-014-0040(3)(d) and (e).

The documentation supporting an exception must be adopted as part of the County's Comprehensive Plan. The exception should include all conditions, limitations, and requirements necessary to define the nature, scope, location, and conduct of the proposed land uses.

A. Reasons

LCDC has promulgated an administrative rule which explains the "reasons" requirement to mean:

"* * * The exception shall set forth facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations * * *." OAR 660-004-0020(2)(a).

OAR 660-004-0022(1) gives **examples** of the kinds of reasons which can justify a reasons exception:

"* * * **Such reasons include but are not limited to** the following:

- "(a) There is a **demonstrated need** for the proposed use or activity, based on one or more of the **requirements** of Statewide Goals 3 to 19; **and either**
- "(b) A **resource** upon which the proposed use or activity is **dependent** can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; **or . . .**"
- "(c) The proposed use or activity has **special features or qualities**

³⁸ OAR Chapter 660, Division 14 was adopted to govern proposals for the incorporation of new cities on undeveloped rural land. However, OAR 660-014-0040 includes provisions that are generally applicable to reasons exceptions for "new urban development on rural land," even where the creation of a new city is not involved. See Caine v. Tillamook County, 25 Or LUBA 209, 221 (1993).

that necessitate its location on or near the proposed exception site.” (Emphases added.)

OAR 660-014-0040(2) elaborates on what reasons can justify an exception to allow urban uses on rural lands:

“* * * Reasons which can justify why the policies in Goals 3, 4, 11, and 14 should not apply can include but are not limited to findings that an urban population and urban levels of facilities and services are necessary to support an economic activity which is dependent upon an adjacent or nearby natural resource.”

The rules recognize that exceptions are exceptional and that it is not possible to foresee all of the combinations of factors that may constitute an adequate set of “reasons” to justify an exception. They do not purport to restrict the types of reasons which may support an exception. OAR 660-004-0022(1) simply provides “examples” that “are not limited” to the examples of types of reasons provided. It recognizes that market demand and assistance to counties in meeting their planning obligations under statewide goals and acknowledged plans may be among the reasons that, taken together, explain why a particular exception is justified. By its use of the terms “examples” and “not limited to,” the rule clearly rules out any inference that its terms are intended to be exclusive.

1. Why Coos County Needs the Proposed Expansion of the Bandon Dunes Destination Resort

The Bandon Dunes Destination Resort is, by almost universal consensus and by a wide margin, the Southern Oregon Coast’s most visible, substantial, and potentially sustainable economic success story in an era when sustainable economic gains are desperately needed. The purpose of the adopted exception is to enable Coos County and the State of Oregon to consolidate and amplify that gain and to help assure the long-term sustainability of that success.

Since 1970, Oregon has seen traditional core industries, such as logging and fishing, disappear. It has seen basic manufacturing jobs shipped out of state and out of country. It has learned that chip plants, research parks, and bioscience are highly portable. (Close to home, the Bandon Cheese factory closed late in 2002.) During that same time, Oregon has seen the emergence of large-scale, comprehensive, and distinctive destination resorts. Not all have been successful, but those that have, like Black Butte and Sunriver, have proven to be long-term contributors to a healthy tourist economy.

Coos County needs the kind of long-term recreational asset and economic mainstay of a healthy coastal economy that Sunriver and Black Butte have been for central Oregon. And while there is no way to guarantee long-term success, there are certainly ways to improve the odds. The most important, beyond continued sound management and stewardship of the existing facility, is the opportunity to increase the depth and breadth of the resort’s setting and offerings. Bandon Dunes needs to build on its unique strength with additional land for links golf courses along the ocean bluff. It needs to provide alternatives and additions to the golf experience for the off-season, the nongolfer, and families of the dedicated golfer. It needs to be able to assure long-term control of its spectacular setting. And, although it has chosen to front-

load its investment with recreational assets, it has the need for permanent housing in the ratio to overnight lodging that has been legislatively recognized by the destination resort statute.

LCDC's 1995 Destination Resort Handbook recognizes that size, diversity, and depth can be critical to the long-term success of a destination resort in a remote part of Oregon such as coastal Coos County:

"Oregon's distance from major population centers means we must compete with major national tourist destinations. Several factors make it difficult for Oregon to compete:

- Oregon's major resort areas (the coast and central Oregon) are not easily accessible by air travel.
- Oregon's reputation for a rainy climate, deserved or not, hinders competition with Sunbelt vacation spots.
- Oregon has excellent beaches and ski slopes, but the competition is tough. The warm beaches of Hawaii and Southern California are strong attractions, as is the dry powder snow of the Rocky Mountain resorts.
- **By national and international standards, Oregon's resort areas are small. Major resort areas usually are much more diverse, and offer more and better developed facilities than smaller resorts. Smaller resorts can have difficulty attracting the number of visitors needed to make a resort successful."**

(Emphasis added.) LCDC Destination Resort Handbook, 1995, p. 4.

Updated Summary of Reasons from the 1996 Exception Statement

The 1996 exception was found to be justified for a number of reasons, several of which are very similar to the examples given in the exception rule. Those reasons are still valid and were summarized in the 1996 exception statement. The 1996 summary statements follow, with brief updates:

- (1) **1996 Finding:** "Coos County's acknowledged comprehensive plan recognizes the need for a destination resort as part of the county's tourist industry, which is a primary element of the county's economy."

2003 Update: Coos County's Plan continues to recognize this need. The 1996 Master Plan addressed that need. Since then, the Bandon Dunes Resort has come into being and has become a primary element of the County's economy. Over the past four years, Bandon Dunes has created permanent long-term jobs for local residents as well as seasonal and construction jobs numbering in the hundreds. Indirect benefits include revenues to

local businesses, entrepreneurial opportunities and tax payments to local governments. However, important needs remain. Economic benefits can be increased, made more stable for the long term, and spread more evenly throughout the year. A key problem for Coos County is the seasonality of its major industries. As the 2000-2005 South Coast Workforce Investment Plan points out:

“Seasonality is an issue for two major components of South Coast economy. The resource industries, lumber and fishing, are directly impacted by seasons and related weather. Tourism is also seasonal.”

An economic assessment conducted by Economic Research Associates (ERA) has identified a significant difference between peak and off-season overnight lodging occupancy rates at the resort and has confirmed the need to increase off-season occupancy rates and average lengths of stay through expanding the existing golf-oriented facilities and adding new year-round activities to broaden the range of recreational pursuits available to future resort guests and residents.

For a detailed review of the ERA study’s findings and implications, see the “Economic Consequences” analysis in Section VIII.E.5.d(4). The ERA study itself is found in Applicant’s Vol. II, App. A.

- (2) **1996 Finding:** “The Oregon legislature has recognized the need for destination resorts as an important component of the economies of Oregon counties.”

2003 Update: Legislation recognizing the need for destination resorts is still on the books. That need is addressed in Coos County by the Bandon Dunes Resort. No other destination resort has been proposed or approved in Coos County.

- (3) **1996 Finding:** “The need is particularly acute in rural counties like Coos County which are heavily dependent upon interstate tourism and which need a strong and stable tourism sector to attract new business and to offset declines in traditional resource extraction industries.”

2003 Update: The need has become even more acute in Coos County as the fishing, forest, and food processing industries have continued their downward slide. Bandon Dunes Resort has surpassed all projections and expectations in meeting that need to date but will be unable to provide the year-round jobs and assurance of long-term staying power unless it builds upon its early success in the manner contemplated by the approved expansion.

- (4) **1996 Finding:** “Destination resorts are a key element of the area’s strategic planning for economic development.”

2003 Update: Coos County's only destination resort is fulfilling its role as a key the area's strategic planning and development. The high visibility of Bandon Dunes Resort and its golf courses have brought a bountiful harvest of positive state, regional, national, and international awareness of and interest in Coos County and what it has to offer. A few examples:

A report in the Fall, 2002, issue of the Oregon Department of Aviation's newsletter, *Flightlines*, reports that Bandon Dunes is a key element in growing traffic through the North Bend Airport, which is in turn key to the area's economic well-being. As the newsletter reports,

"Golfers flying in from all over the country to play the two courses at nearby Bandon Dunes Resort may account for a major part of the airport's traffic; more than half of the 70,000-plus rounds of golf at the resort this year will be played by golfers from outside the Pacific Northwest."

The newsletter further observes that North Bend Airport is "critical to the economy of the area" and reports that

"Representatives from the South Coast Economic Development Council advocate that existing companies in the area depend greatly on the airport for business-related travel, and that the availability of an airport is a strong factor in determining where many new companies decide to locate."

An ABC Evening News special feature highlighted both the contribution Bandon Dunes Resort is making to the area's economic plight and the availability of a talented, motivated, and underutilized labor pool.

A January, 2003, search for references to "Bandon Dunes" on a major internet search engine (Google) turns up 2,630 "hits."

News stories such as the following excerpt from the February 1, 2002 issue of *Friday Update*, the weekly newsletter of the City of Coos Bay, directly link the community's economic development efforts to the resort's success, visibility, and marketing.

"CITY MANAGER CONFERS WITH BANDON DUNES ABOUT TOURISM - This week City Manager Bill Grile met with Bandon Dunes owner Mike Keiser and his chief project manager, Howard McKee, to discuss tourism and opportunities to partner for the betterment of the region. Clearly, nothing has done more to put Coos County on the map than Keiser's world class development, and just this week he learned

that Bandon Dunes has earned another great achievement. For the first time in the magazine's history, Golf Digest has ranked the best golf resorts in the country and want to make any guesses about what that might mean to the South Coast? Still in its development stages, Bandon Dunes has been ranked 'Number Five' out of 75 top USA golf resorts! Pebble Beach ranked tops, but being fifth out of 75 when the project is not even finished is certainly no slap in the face!

"Mayor Joe Benetti and Grile plan to meet with Keiser in the near future to learn more about his feeling about marketing the region and leveraging opportunities to benefit from the attention Bandon Dunes is receiving. That attention is due in no small part to the considerable investment Bandon Dunes makes through its annual advertising and promotions budget."

The 2000-2005 Local Unified Workforce Plan of the South Coast Workforce Investment Board lists Bandon Dunes first among the promising developments for this economically distressed region. The Plan's "Local Market Analysis" reports:

"Coos and Curry Counties have suffered economically as the resource based industries of lumber and fishing have declined. Only recently has the prospect of economic growth solidified in the form of Bandon Dunes world class golf courses, a new dock at Port Orford, improvements on the Brookings sewer system, and the location of a large (300+ employee) company in the Bay Area. Southwestern Oregon Community College is developing a technical training center which will support the expansion of Information Technology-based industry in the region. Efforts to increase bandwidth also support the hope that computer information and support will become central to the economic health of the region."

- (5) **1996 Finding:** "Coos County has no destination resorts and no reasonable prospect of having one unless the Bandon Dunes destination resort is approved."

2003 Update: Coos County now has the Bandon Dunes destination resort. Under existing state land use regulations, it has no reasonable prospect of having any others in the foreseeable future.

- (6) **1996 Finding:** "Siting a statutory destination resort in Coos

County through the statutory process is not feasible because of siting restrictions and other factors that exclude all potential sites with reasonable prospects for development as a destination resort.”

2003 Update: This continues to be the case for the reasons set forth in Section IX.B.3.a of these findings and in the acknowledged 1996 Bandon Dunes Land Use Findings and Goal Exception Statement (1996 Exception Statement).

- (7) **1996 Finding:** “A successful destination resort in Coos County must be within the Coos County coastal tourism corridor.”

2003 Update: This continues to be the case, for the reasons set forth in the 1996 Exception Statement.

- (8) **1996 Finding:** “A successful destination resort in Coos County must have unusual aesthetic and recreational amenity resort characteristics which provide it with a broad base of potential users with the motivation and the means to travel to Coastal Coos County to enjoy a recreational asset not readily available elsewhere.”

2003 Update: This continues to be the case, for the reasons set forth in the 1996 exceptions statement.

- (9) **1996 Finding:** “The only such distinguishing qualities for a destination resort in Coastal Coos County to be identified and substantiated by any participant in the hearings leading up to this decision are those of a seaside Scottish links course strongly resembling classic Scottish courses such as those at Turnberry, along the Firth of Clyde, where golfers play 'among patches of thorny gorse' and 'the 6,408-yard, par-69 Ailsa Course . . . starts off inland before sweeping to the sea at the windswept fourth hole.' McCallen, *Golf Resorts of the World: the Best Places to Stay and Play* (Harry Abrams: 1993) pp. 245-46.”

2003 Update: Still true for reasons set forth in the 1996 exceptions statement.

- (10) **1996 Finding:** “The Bandon Dunes site has the soils, setting, and size that are needed to provide a sufficiently authentic Scottish Links course and related facilities to make the resort an attractive destination for tourists seeking such an experience.”

2003 Update: This finding still holds and has been confirmed by experience. The site has proven to be an essential element of the Bandon Dunes Resort’s success, and the proposed expansion will both expand and protect this essential locational asset, offering a range of settings, challenges, and activities as part of an overall experience.

- (11) **1996 Finding:** “There is a need for a use which makes the preservation and enhancement of the site’s natural assets economically feasible and necessary. Important natural features of the site are threatened with further deterioration under

continued strict application of the Goals to which this exception is being taken. Open sands, dunal forms, plant and animal habitat, and other natural assets of the Bandon Dunes Site are steadily deteriorating because of its location, soils, climate, and human intervention, particularly the introduction of beach grass and gorse, but also including off-road dune-buggy and vehicle use, commercial timber management, and illegal hunting. Establishment of the proposed destination resort, which is dependent for its appeal upon maintenance, preservation, and enhancement of the natural assets of the site, will substantially reduce and in some areas even reverse the ongoing deterioration.”

2003 Update: As a result of the 1996 exception, many large gorse-infested areas have been converted to managed landscapes. Much of the gorse removal area has been replaced with fairways and greens, of course, but a significant amount is now open sand, grassy roughs, shrubs, wooded buffers, and riparian strips. A large Port Orford Cedar stand has been isolated from recreational and commercial use to prevent contamination. Poaching and recreational off-road vehicle use have ceased.

2. **Need to Meet Requirements and Fulfill Purposes of Goals 8 and 9**

Aside from Bandon Dunes, Coos County has no destination resorts. The narrowness of its principal tourist asset, the coast, coupled with the wide distribution of high value croplands among available private lands within the coastal strip, Coos County has no realistic potential for acquiring the statutory resort contemplated by Goal 8 (Recreational Needs Goal) and the Destination Resort statute. An exception is therefore necessary to permit the county to meet the need identified by the goal and the statute. Additionally, Goal 9 (Economic Development) requires a diversity of economic activity and opportunity. The Recreational Needs Goal and Destination Resort Statute determine as a matter of state policy that destination resorts are a vital part of a county's economic diversity. Coos County was not able to achieve that diversity without taking a goal exception. The initial exception has allowed the County's sole destination resort the opportunity to prove itself and to become the County's most successful economic development initiative. This goal exception is also necessary to allow the county to assure the continued health and viability of Bandon Dunes Resort and, thereby, to achieve the diversity requirement of the Economic Development Goal.

The expanded resort will continue to be a destination resort which in concept, size, and scope meets the statutory qualifications for a destination resort set out in ORS 197.445 (see Section VII.A). But for the presence of high value crop areas within three miles of the site, the expanded resort would meet all of the requirements of the Destination Resort Statute and could be approved without an exception to any statewide planning goal. The proposed expansion, tailored to be consistent with all required elements of a statutory destination resort, and sited in what is unquestionably Coos County's best location for such a resort, clearly meets the need for such facilities recognized in the Destination Resort Statute and the Recreational Needs Goal.

This need has been legislatively defined as follows:

“The Legislative Assembly finds that:

- “(1) It is the policy of this state to promote Oregon as a vacation destination and to encourage tourism as a valuable segment of our state's economy;
- “(2) There is a growing need to provide year-round destination resort accommodations to attract visitors and encourage them to stay longer. The establishment of destination resorts will provide jobs for Oregonians and contribute to the state's economic development;
- “(3) It is a difficult and costly process to site and establish destination resorts in rural areas of this state; and
- “(4) The siting of destination resort facilities is an issue of statewide concern.” ORS 197.440.

These findings hold true for Coos County. The 1996 exception statement adopts the comments of Dr. Dean Runyan on this issue. A former professor of planning at the University of Oregon with extensive experience conducting economic impact analyses, market analyses and planning studies for travel, tourism, and recreation Dr. Runyan is co-author of the recently completed Tourism Strategic and Implementation Plan prepared for the Coos County Economic Development Commission. In his June 19, 1996 letter, Dr. Runyan explained:

“Bringing the [Bandon Dunes Resort] on line will help increase overall quality of the county as a travel destination and accordingly add stability and predictability to the industry. The new employment provided by the resort will be a welcome change from the declines in the timber industry and fishing on which the County previously relied.”

He also pointed out that destination resorts support other kinds of economic diversification:

“[T]he travel industry should be seen as very compatible with other major industries in Oregon, as evidenced by the success of locations such as Central Oregon (combining travel, manufacturing and agriculture), the Columbia River Gorge (travel, agriculture), Newport (travel, fishing) and Baker County (travel, agriculture). The Portland Metro area also successfully mixes the travel industry with manufacturing and a variety of other industries.

“In Central Oregon, for example, the quality of the area, as evidenced by its visitor industry, is used successfully as a means of attracting new manufacturing and other business development. In today's business recruitment

and development market, the community amenities associated with good quality recreation facilities, such as will be provided by the proposed resort, are valuable assets.”

The 1996 Draft Tourism Strategic and Implementation Plan for Coos County underlines the complementary nature of tourism and the need to upgrade the county’s tourism industry by the addition of destination facilities:

“Conditions for tourism development in Coos County as a complementary element of the local economy are determined by the County’s setting, its potential to become a visitor destination, its ability to attract broader markets, the seasonality of travel to the Southern Oregon coast, the area’s competitive qualities, and the presence of new opportunities for the future.”

The study notes that “Coos County does not at present have a strong image as a visitor destination,” and identifies two “important reasons why Coos County should aspire to change its image from a ‘nearby coastal playground’ to that of a vacation destination.” Those reasons are:

- “(7) A vacation destination can be much more successfully marketed than an area that is merely ‘a place near the ocean,’ and
- “(8) A vacation destination inspires and represents more promising opportunities for capital investments in visitor-serving facilities and associated infrastructure.”

The draft strategic plan also cites a 1995 Bay Area Economic Council study finding that attracting a typical destination resort in the area will be difficult in the near future; and it points out that Coos County’s relative isolation means that it must “pursue a different strategy for attracting visitors than some of its neighbors to the south and north.” The Bandon Dunes resort addresses both the need for a destination resort and the need for a distinctive identity, strongly reinforcing the area’s ecological and historic affinity with coastal Scotland and Ireland, recognized early on by Lord Bennett of Bandon, who gave the town both its name and its gorse. Commenting specifically on the Bandon Dunes proposal, the study observes:

“[T]he [Bandon Dunes] development . . . would greatly enhance Coos County’s image as a visitor destination, and because it is doubtful that even the most concerted promotional efforts could have lured resort developers to Coos County, unless they chose to be there.”

Coos County’s Board of Commissioners (and Planning Commission) recognized in 1996, that, without an exception, Coos County cannot practically receive the benefits recognized by the Economic Development Goal and by the Destination Resort Statute and

Recreational Needs Goal as appropriate for rural and tourist-dependent areas throughout the state. As a result of their foresight, Coos County now has two of the nation's premiere golf courses and one of its premiere destination resorts. The Board of Commissioners is now taking action to assure that Coos County can build on its success and establish itself as a regional, national, and international tourism destination for the long term.

3. Market Demand

While market demand alone does not justify an exception, it is a relevant factor in a reasons analysis such as this because the need identified is to create a certain kind of product which will create the desired benefits only if the product can be successfully marketed. Recognizing that the market for a highly-discretionary purchase item such as the services provided by a destination resort is inherently speculative, the Board of Commissioners found in 1996 that the existence of the necessary market demand was sufficiently established by the detailed study prepared by Ragatz Associates. See 1996 Application, Volume V, Appendix C, as supplemented. The Board said its confidence was reinforced by the enthusiastic and knowledgeable testimony of representatives of Glenneagles Golf Development Group, which designs, operates, and markets Scottish-style golf courses in several countries, as well as by the strong support and confidence expressed by local chambers of commerce and representatives of the area's tourism industry.

The Ragatz study found the market climate favorable for a variety of reasons. Many of these reasons derive from the plans to develop a true Scottish links golf course. Experts state that there are only about five true Scottish links courses in the United States. With the possible exception of the links-type courses at Carmel, California, there are none on the west coast. Because of its unique combination of size, topography, climate, vegetation, ocean views, and access, Ragatz determined that Bandon Dunes site may one of the best suited properties in the nation for this type of course.

Experience has proven the soundness of the Ragatz analysis. Continued market demand and growth are reasonable to expect based on that foundation work together with the experience of Bandon Dunes to date, the ERA analysis, and the resort's high visibility and world-class ranking

4. Need for Urban Levels of Population and Facilities

As noted, this approval is for the expansion of a destination resort, which in concept, size, and scope meets the qualifications set out in ORS 197.445 for a statutory destination resort. But for the presence of high value crop areas within three miles of the Bandon Dunes site, the expansion project would meet all of the requirements of the Destination Resort Statute and would have been processed pursuant to that statute.

The Destination Resort Statute sets out requirements for features essential to the successful development of a destination resort and requires certain levels of investment. These translate into certain levels of land use density and intensity as modified by the unique physical attributes of a given site. Providing the uses described above on the

subject 925-acre expansion area, while preserving at least half of the site as permanent open space (another statutory requirement for a destination resort) will necessarily result in a level of use which may be regarded, in some respects, as urban. Such a concentration of uses cannot be served by individual water and sewage disposal systems, but rather requires the type of public or community facilities that are typically considered urban.

5. Need to be at Specific Rural Location: Resource Dependency and Site Dependency

The entire Bandon Dunes Destination Resort concept depends on the natural features, dunal landforms, variety of natural settings, and coastal location of the site. The centrality of these features and resources to Bandon Dunes' success is indisputable. Innumerable articles, stories, and reviews describe the rugged, sandy, windy seaside setting as being perfect for the recreation of the traditional Scottish and Irish links types of courses. These are resources within the meaning of the goals and the rule. Because it has these resources, the site uniquely suits a destination resort based upon a Scottish links golf course. Only here can such a course be developed in conjunction with the rich mixture of amenities and recreational activities necessary for an economically viable operation. Unlike a manufacturing plant which can import raw materials, a resort of this type must be located on the site where the resources upon which it depends are located. The 1989 Destination Resort Handbook further elaborates:

"Destination resorts, by definition, are located on sites with very high natural amenities. The beauty and natural characteristics of the site are essential elements in attracting visitors. One of the major challenges to resort development is to provide for fairly intense human use and yet maintain an almost wilderness feel to the site."
Destination Resort Handbook (DLCD, 1989), page 38.

In this case, the site and the critical resources are so integrated that same analysis supporting resource dependency also supports a finding of site dependency. Only here are all of the necessary resources together in one place. Only here can a resort of the type contemplated be implemented.

6. Enabling Coos County to Meet Its Planning Obligations

Under OAR 660-004-0022(1), one example of a reason helping to establishing the need for an exception may be that the exception will enable a local government to meet one or more of its planning obligations. Such obligations can be found in both the Statewide Planning Goals and in acknowledged comprehensive plans. In Coos County, an exception for the expansion of a destination resort like Bandon Dunes is necessary to allow the county to make use of an economic development resource which has been identified in state legislation, local plans, and local economic development studies as important, even essential. In so doing, the proposed exception enables the County to secure for the long-term a key element necessary to achieve its goals of diversification and stabilization of the local

economy.

The Coos County Plan's Industrial and Commercial Lands Goal is to "diversify and improve its regional economy." The Goal carries out the mandate of LCDC Goal 9, Economy of the State, which is

"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

The goal requires comprehensive plans and policies to

"* * * contribute to a stable and healthy economy in all regions of the state."

To achieve this Goal, the Plan requires that the county "shall sanction and support the economic development efforts" of the Coos Curry Douglas Economic Development Association" and that it "shall support the regional economic goals and objectives periodically adopted by the Coos County Overall Economic Development Program Committee." Plan, Section 5.16, Implementation Strategies 2 and 3. The 1996 exception provided the County with an important vehicle, not otherwise available, to provide that support, to contribute to a stable and healthy Coos County economy through diversification, and to provide employment and training opportunities for the area's high percentage of young adults without post-high-school education. The approved exception to expand the Bandon Dunes Resort will insure that this vehicle is successful, sustainable, and better able to generate its benefits year-round.

The County Comprehensive Plan's Recreational Goal mandates that

"Coos County shall strive to meet the recreational needs of its citizens and visitors."

This goal implements LCDC Goal 8 (Recreational Needs), which requires local jurisdictions

"To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts."

Bandon Dunes Resort is a world-class facility with a world-wide clientele. It is also available to Oregonians and the general public, with special off-season rates for Oregonians. The following excerpt from an alumni magazine profile of Mike Keiser, the principal force behind Bandon Dunes Resort, illustrates how "purist" doesn't have to mean "elitist":

"Keiser is proud that both Bandon and Pacific Dunes are public courses, open to anyone who wants to play. He keeps the fees relatively low (\$150 during peak months, and \$55 in the off-season; compared with Pebble Beach's \$350 fees and the \$270 cost of playing at Pine

Valley.

“Keiser’s philosophy of golf includes a commitment to playability. He considers himself ‘the ultimate user’ and insists that the greatest courses are built not for Tiger, Jack, or Arnold, but for golfers like himself. * * * ‘For the average golfer or worse—and I represent that group, and that group is most people—what makes a hole great is two things, in order: its beauty, and its playability, which really means the hole is fun to play.’” *Amherst Magazine*, Winter, 2002.

The County’s implementing strategies recognize the need for destination tourist facilities similar to the statutory destination resort concept, calling upon the county to use its “Recreational Planned Unit Development” ordinance to “provide significant diversification of the local economy by increasing the attraction of tourists to the County.” Recreation Plan Implementation Strategy 5. This strategy preceded the adoption of the destination resort statute and destination resort amendments to Goal 8, the **Curry County** case restrictions on urban development outside urban growth boundaries, and recent amendments to Goal 11 that effectively render the County’s Recreational PUD policies a dead letter for purposes of siting destination resorts of the kind contemplated by the county at the time the Recreational PUD policies were adopted. Because the destination resort statute doesn’t work for Coos County either, it is apparent that, if this element of the county’s recreational needs fulfillment goal is to be realized, it must be realized through the goal exception process.

B. Alternative Locations

1. Applicable Standards

OAR 660-004-0020(2)(b) and (c) and OAR 660-014-0040(3)(a) and (b) elaborate on the analysis of alternative locations for a proposed use that is required to support a goal exception. The analysis is divided between areas which do not require a goal exception and areas which do require one.

a. Areas Which Do Not Require a Goal Exception

With regard to areas that do not require a goal exception, OAR 660-004-0020(2)(b) elaborates on the standard established by ORS 197.732(1)(c)(B) and Goal 2, Part II(c)(2):

“‘Areas which do not require a new exception cannot reasonably accommodate the use’:

“(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which do not require a new exception. The area for which the exception is taken shall be identified.

“(B) To show why the particular site is justified, it is

necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed:

“(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?”

“(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses, not allowed by the applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?”

“(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?”

“(C) This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether the similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding.”

In addition, OAR 660-014-0040(3)(a) provides that the “areas which do not require a new exception cannot reasonably accommodate the use” standard can be met:

“* * * by showing the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development at existing rural centers.”

In the case of a destination resort which is sufficiently urban in nature to require an exception to Goals 11 and 14, "areas which do not require an exception" generally consist of (1) land within urban growth boundaries, (2) land irrevocably committed to an urban level of nonresource use, and (3) land on which the destination resort could be sited without an exception pursuant to the Destination Resort Statute (see ORS 197.450 and 197.445). For such areas, the test is whether they could "reasonably accommodate" the proposed destination resort.

b. Areas Which Do Require a Goal Exception

With regard to areas that **do** require a goal exception, OAR 660-004-0020(2)(c) elaborates on the standard established by ORS 197.732(1)(c)(C) and Goal 2, Part II(c)(3):

"The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas [sic] considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts."

In addition, OAR 660-014-0040(3)(b) provides that with regard to exceptions to allow urban uses on rural lands the analysis of alternative sites which do require an exception must include consideration of:

"(A) Whether the amount of land included within the boundaries of the proposed urban development is appropriate, and

“(B) Whether urban development is limited by the air, water, energy and land resources at or available to the proposed site, and whether urban development at the proposed site will adversely affect the air, water, energy and land resources of the surrounding area.”

In the case of a destination resort which is sufficiently urban in nature to require an exception to Goals 11 and 14, “areas which do require an exception” typically consist of rural land which does **not** qualify for destination resort siting without an exception, pursuant to the Destination Resort Statute (see ORS 197.450 and 197.445). For these areas, the test is whether the economic, social, environmental, and energy (ESEE) impacts of the proposed destination resort at the proposed site would not be significantly greater than the impacts of the proposed destination resort at the other locations.

2. Identification of Eligible Sites

A meaningful comparison requires the identification of reasonable alternative sites, if there are any. This in turn requires definition of the key elements of the proposed use. In the original 1996 approval, a site model for the proposed Bandon Dunes Resort was developed, based on those site characteristics reasonably required for a feasible destination resort of the general type proposed by the Bandon Dunes Resort application. The original site model was predicated on the concept of a true Scottish links golf course with related resort and residential development. 1996 Bandon Coastal Dunelands Application, Vol. V, App. M, pp. 17-18. The concept featured an inter-related system of conservation/preservation, active/passive, high-density/low-density, and urban/rural areas managed as a single unit. Because the approved Bandon Dunes Resort expansion is based on the same conceptual model as the original destination resort and the additional development authorized as part of the expansion is similar in extent to that authorized for the original exception area (see Table 10 below), use of the original site model for analysis of the approved resort expansion is appropriate.³⁹

³⁹ Arguably, the original site model could be “tweaked” to reflect the desirable aspects of an expansion site being located close to the existing destination resort. These advantages include infrastructure and operational efficiency, convenience and variety of opportunity for resort guests, and the ability to protect the existing site from encroachments such as fire and noxious vegetation from the currently unmanaged property to the north. However, the locational advantages noted above can be adequately considered as part of the analysis of identified feasible alternative sites required by the applicable legal standards.

Table 10

Comparison of Original and Expanded Resort Development

Development Feature	Approved by Original Exception	Additional Expansion Development	Total Development
Overnight Lodging Units	150	150	300
Private Dwelling Units	300	300	600
Golf Courses	2.5	2.0 ⁴⁰	4.5
Acres	1,215	925	2,140

Other Recreational and Commercial Facilities

Approved as Part of Original Exception:

Golf Clubhouse/Pro Shop	Conference Center
Restaurants (2)	Mini-Clubhouse/Pro Shop
Meeting Facilities	Dock @ Fahy Lake
Recreation Center	Nature Trail System

Proposed Additional Development In Expanded Exception Area:

Golf Clubhouse/Pro Shop (3)	Swimming Pool
Golf Academy & Practice Area	Art/Nature Study Center
Restaurants (3)	Cultural/Education Center
Spa/Fitness Center	Croquet Courts
Retail Shops	Dock @ Madrone Lake
Additions to Nature Trail System	

As part of the 1996 approval, the original site model was translated into seven factors, each of which is summarized below:

Size: 800 acres minimum.

Soils/Topography: Combination of alluvial soils and areas of active and stable dune formations.

Setting: Ocean exposure for views and wind. Linear dunes formation with native dune grasses and shrubs, for at least one Scottish Links-style golf course.

⁴⁰ This number includes the existing Pacific Dunes Golf Course, because this course was not approved by the original 1996 goal exception and is located within the approved expansion area.

Natural Amenities:	Varied site features to provide beauty, tranquility, and a range of active and passive recreational opportunities that could provide for an economically and physically sustainable project.
Availability:	Undeveloped areas in large holdings favored over small holdings with intensive capital investments such as rural residential or cranberry bog development.
Transportation:	Proximity to Highway 101.
Urban Proximity:	Closeness to a city in order to provide the economic and cultural synergy useful to both the city and the resort. The resort would attract visitors and provide jobs. The city would provide the labor pool, employee housing, shopping, professional services, restaurants, etc.

3. Identification of Alternative Sites

All of the land area within Coos County was screened using the site model. As required by OAR 660-004-0020(2)(b)(A), the possible alternative areas considered in the alternative site identification process are illustrated in Figure 17.

Initially, County topographical data was used to eliminate from consideration all of the inland mountainous areas, leaving the coastal terrace and the finger valleys. These areas were further narrowed by eliminating areas without dunes soils and land forms, leaving basically the coastal terrace, almost all of which is west of Highway 101. The only area east of Highway 101 with some dunes soils is south of Hauser and west of Haynes Inlet. However, this area contains very little dunes soil and no coastal terrace and, therefore, was not considered further.⁴¹ Lastly, exclusions were made based on lack of proximity to cities, and existing state and national recreational areas. The resultant areas were then divided into two categories: (1) those that **do not** require taking an exception to the Statewide Planning Goals, and (2) those that **do** require a goal exception.

⁴¹ The topography is primarily very narrow finger valleys between hilly areas in forest use. The flat areas are largely developed. The area has no ocean exposure and is completely lacking in the topographical and scenic attributes of coastal setting which are essential to a Scottish links golf course.

COOS COUNTY

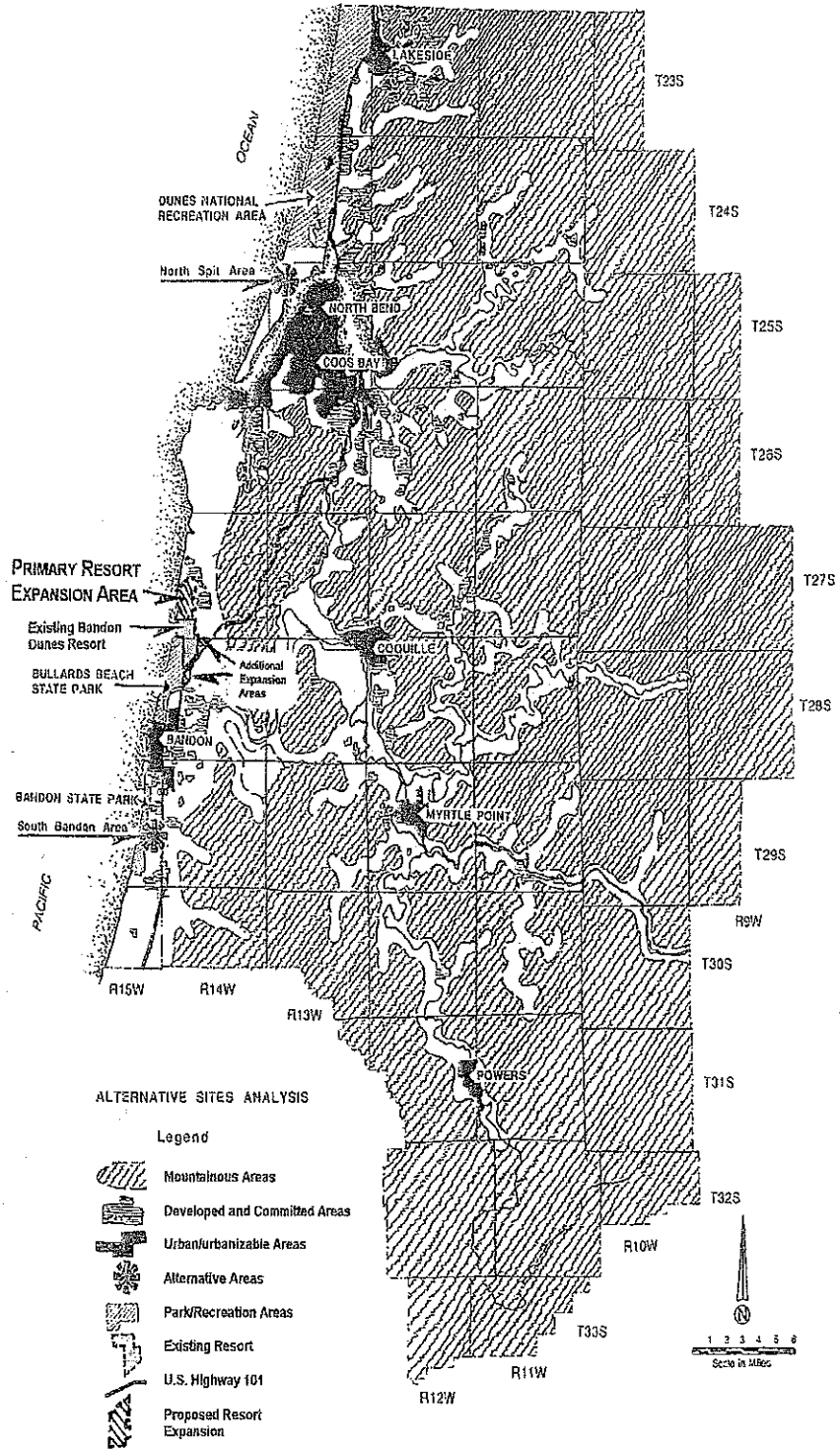


Fig. 17: Alternative Sites Analysis

a. **Areas that Do Not Require a Goal Exception**

The approved destination resort development would not require an exception to any Statewide Planning Goal if it were placed on (1) lands within an existing urban growth boundary; (2) lands within an expanded urban growth boundary; or (3) lands within an existing rural center (i.e. an urban-type unincorporated area), through intensification of development within such center. OAR 660-014-0040(3)(a). In addition, under ORS 197.450, the approved development would not require an exception to Goals 3, 4, 11, or 14 if it could be placed on a site where a destination resort can be allowed without an exception to these goals. Finally, the approved development would not require an exception to Goals 3 or 4 if it were placed on (1) non-resource lands (i.e. lands that do not meet the state law definitions of either farm or forestland) or (2) resource lands irrevocably committed to rural non-resource use, but would in all likelihood still require an exception to Goals 11 and 14 if placed on these areas, due to the urban level of services required to serve destination resort development and the quasi-urban nature of some aspects of the proposed resort development. Nevertheless, perhaps in an excess of caution, the original 1995 alternative sites study (hereafter 1995 alternatives study)⁴² included non-resource lands and resource lands irrevocably committed to rural non-resource use in its screening for possible alternative sites that do not require a goal exception.

The 1995 alternatives study found that the non-resource areas would not have the requisite site characteristics, that the committed resource lands consisted of small holdings with considerable existing development, and that intensification of development was contrary to the design concept of a low-density, high natural amenity golf resort. In addition, the study found that none of the UGBs in Coos County contain anywhere near the amount of vacant land needed for the proposed resort. Most of the vacant land currently within UGBs has, pursuant to state statutes and goals, been carefully rationed to meet projected needs for residential, commercial, and industrial land. Pre-empting those lands for a destination resort would require a UGB boundary expansion elsewhere, a process which, itself, would require a goal exception. Further, the only arguably feasible sites located by the original study were either within three miles of a High Value Crop Area (thus, ineligible for destination resort siting without a goal exception; ORS 197.455(1)(b)(B) – see Figure 18) (South Bandon site), or required an exception from Goals 16 and 17 (North Spit site). Consequently, the 1995 alternatives study concluded there were no feasible sites that

⁴² See Bandon Coastal Dunelands Application, Vol. V, App. M, "Bandon Coastal Properties Planning Background Studies," by Al Couper & Associates, December 15, 1995, pp. 16-26.

would **not** require a goal exception.

During the 1996 Coos County proceedings on the original goal exception for the Bandon Dunes Resort, opponents suggested the possibility of using the "Georgia Pacific" site, an area of some 3900 acres located on the Cape Arago headland. The Georgia Pacific site is located between the South Slough and the Pacific Ocean within Township 26 S., Range 14 W., Sections 10, 11, 14, 15, 20-22, 27-29 and 34. It is designated Forest and zoned F/MU.

As indicated in the 1996 BCD Land Use Findings and Goal Exception Statement, the Georgia Pacific site is located in the steep terrain of the Cape Arago headland and lacks the dunal soils and formations necessary for a Scottish links golf course. Getting to this site from Highway 101 would require traveling over many miles of steep and winding roads. Testimony also established that the site lacks a reliable water source and is not close to a city. In summary, the Georgia Pacific site could not reasonably accommodate the approved resort expansion as determined by application of the site model described in Section IX.B.2. In addition, it appears that the Georgia Pacific site contains "Sensitive Big Game Range." Under ORS 197.455(1)(e), this fact precludes approval of a destination resort on the property without a goal exception. However, as noted above, the site is not a viable candidate, either with or without a goal exception, because it does not fit the criteria of the site model.

With one exception, the facts set out in the 1995 alternatives study and in the original exception findings regarding alternative sites have not changed. That exception is with regard to the North Spit site. Amendments to Goal 17 and the Goal 17 Water-Dependent Shorelands Rule (OAR Chapter 660, Division 037) adopted in 1999 have made it possible that much of the land on the North Spit currently planned and zoned for water-dependent industrial or commercial use could be redesignated for destination resort use **without** an exception to Goal 17.⁴³ Therefore, additional consideration was given to whether the North Spit contains a viable alternative site for the approved destination resort use.

For the purposes of these findings, the North Spit is defined as the area lying south of both the Dunes National Recreation Area (Dunes NRA), which terminates at the southern line of Sections 27, 28 and 29, Township 24S, Range 13W, and the federally administered "buffer area" consisting of the tier of sections

⁴³ Under current Goal 17 and the Goal 17 Rule, Coos County must protect 501.02 rural acres within the Coos Bay Estuary Management Plan area for "Water-Dependent (WD)" use. Currently 1440.50 acres are designated WD, leaving 939.48 acres that could be changed to another management unit that is "Non-Water-Dependent (NWD)." A recent County plan/zone change, which became effective on April 5, 2000, changed the designation of about 50 acres from WD to NWD.

immediately south of the Dunes NRA (Sections 31, 32, 33, and part of 34, T24S, R13W). A primary concern is the ownership pattern on the North Spit. The largest landowner on the spit is the U.S. Bureau of Land Management (BLM), which controls about 1,700 of the 3,700 acres comprising the North Spit. The other land owners are Weyerhaeuser Co. (about 1,200 acres), the Oregon International Port of Coos Bay (about 560 acres), and Roseburg Forest Products (about 240 acres). See Figure 19.

A comparison of ownership patterns and physical characteristics shows that the land most suitable for golf course development is BLM land, either within the "buffer area" or south of the Weyerhaeuser ownership. In either case, those lands are simply not available for private ownership or management as a golf course resort.⁴⁴ Further, even if the BLM land on the North Spit were available, it is not well suited to golf course development based on other factors in the site model. Most of it is either adjacent to industrial land or, as noted above, is designated as an Area of Critical Environmental Concern (ACEC) by the BLM.

The BLM "Coos Bay Shorelands Final Management Plan," adopted in September 1995, indicates that the land in question predominantly consists of critical wildlife habitat, wetlands, or active sand dunes. Although areas with these characteristics also exist in the original BDR exception area and, to a lesser extent, in the approved expansion areas, such areas are intermingled with abundant buildable areas suitable for golf courses and for the related residential and resort facilities.

The second largest landholder on the North Spit is the Weyerhaeuser Company. Its holdings, however, are heavily industrialized, including a large industrial waste pond, and are not suited to the proposed golf destination resort use. The remaining lands owned by the Oregon International Port of Coos Bay and Roseburg Forest Products are either developed or held for industrial use and likewise not suitable for a Scottish-links golf destination resort.

Thus, there are no viable alternative sites for the approved Bandon Dunes Resort expansion that would not require a goal exception

⁴⁴ On a national basis, BLM land is sometimes converted to private ownership, either by sale or land swap. These alternatives, however, are not generally available on the North Spit, according to BLM property managers. Most of the area is designated for protection as an Area of Critical Environmental Concern (ACEC) because of Snowy Plover habitat and other sensitive environmental elements. The only instances of potential for sale would be one or two small areas of industrial land. Likewise, the buffer area is administered by the U.S. Forest Service for low impact recreational use and is unavailable for private development.

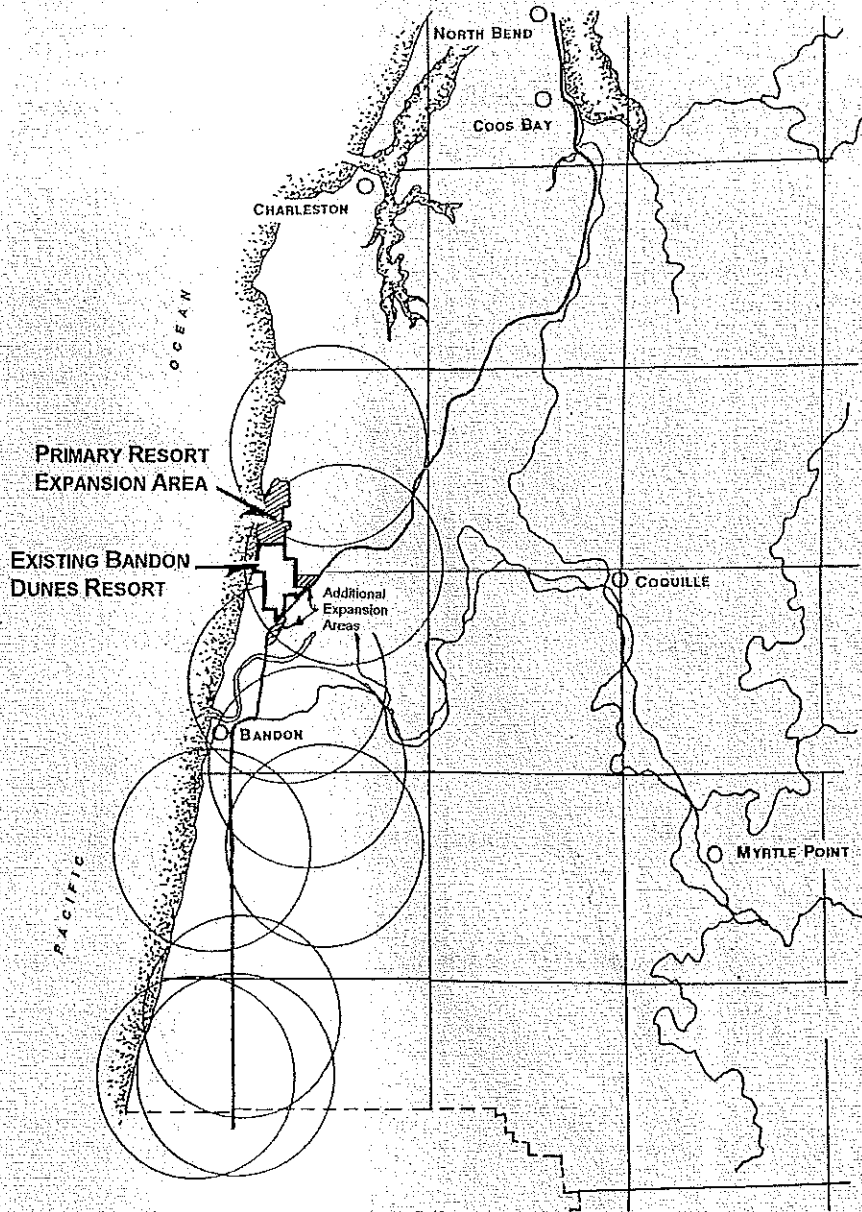


Fig. 18: Land Within Three Miles of High Value Crop Areas

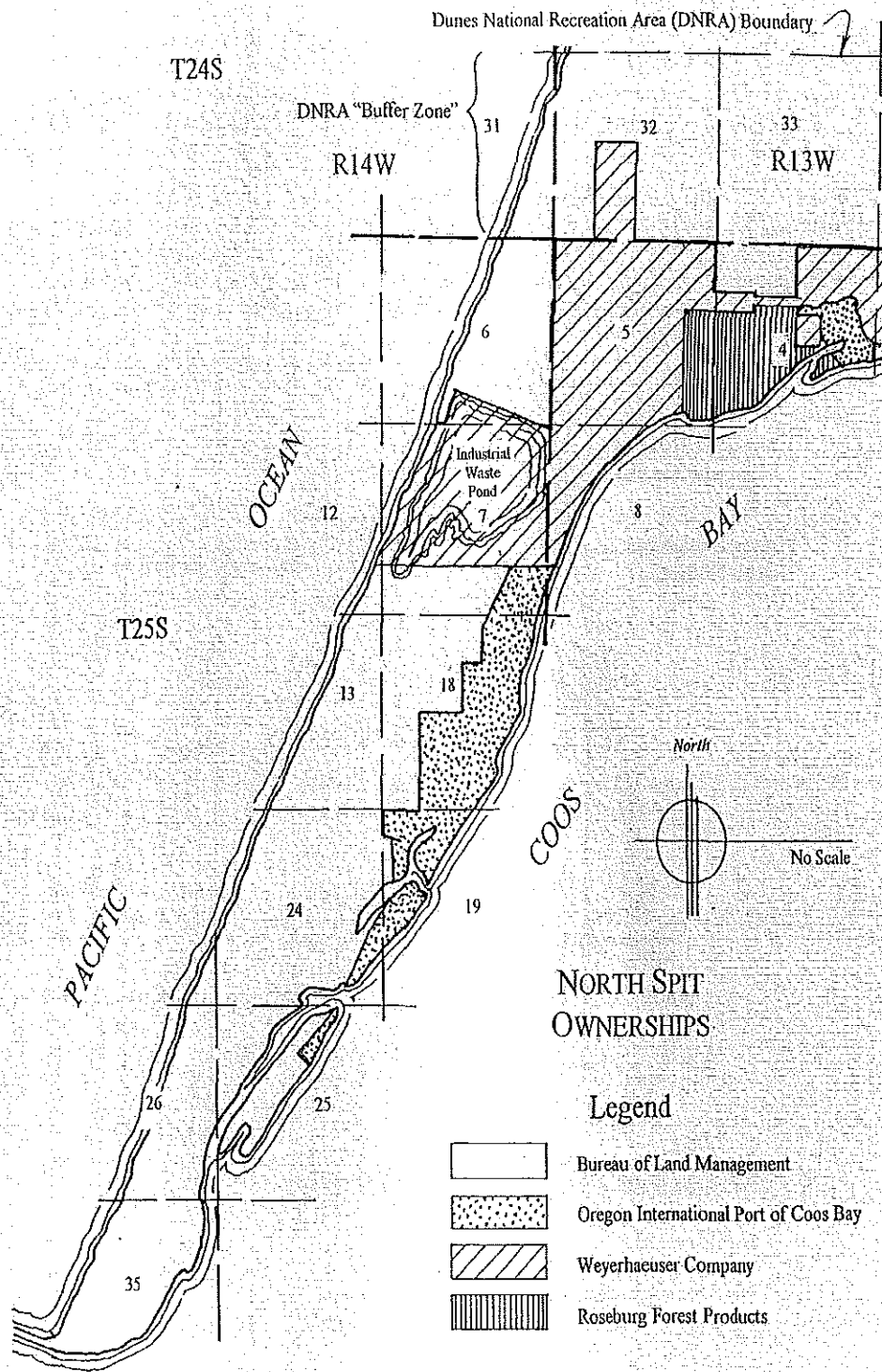


Fig. 19: North Spit Ownerships

b. Areas that Do Require a Goal Exception

The 1995 alternatives study found that the only alternative site that was even marginally feasible for the type of golf destination resort use proposed by Bandon Dunes LP was a site south of the City of Bandon on land between Bandon State Park and Highway 101 (South Bandon site), which would require a goal exception. This South Bandon site is addressed in section (2) below. However, during the 1996 Coos County proceedings on the original goal exception, opponents suggested the possibility of using two other sites located on the Cape Arago headland, termed "Rosboro" and "McDougall."

(1) Rosboro and McDougall Sites

The Rosboro site is an area of 1334 acres located 10 miles north of Bandon, between Highway 101 and Seven Devils Road, designated Forest and zoned F/MU. It is located within Township 27S, Range 14W, Sections 3, 9-11, and 15. The McDougall site is an area of approximately 500 acres located approximately 12 miles north of Bandon, on the Pacific Ocean at Sacchi Beach, bordering Seven Devils Road at its southeast corner. It, too, is designated Forest and zoned F/MU. It is located within T26S, R14W, Sections 29 and 32, and T27S, R14W, Section 5.

The 1996 Land Use Findings and Goal Exception Statement specifically found that the McDougall and Rosboro sites are within three miles of a High Value Crop Area and, therefore, siting a destination resort on either of these sites **does** require a goal exception. Figure 18 depicts graphically the land in Coos County within three miles of High Value Crop Areas. The northernmost three-mile radius circle shown on this map occupies almost all of T27S, R14W, and most of T26S, R14S, Section 32 and, therefore, includes all of the Rosboro site and approximately the southern half of the McDougall site. Further, the U.S.G.S. quadrangle maps and the Natural Resource Conservation Service "Soil Survey of Coos County" indicate there are cranberry bogs located in T27S, R14W, Section 8, on Blacklock soils just west of Seven Devils Road and within three miles of the McDougall and Rosboro sites. Additionally, the Coos County Planning Department has indicated that the McDougall and Rosboro sites contain "Sensitive Big Game Range." Under ORS 197.455(1)(e), this precludes approval of a destination resort on either property without a goal exception.

In the 1996 proceedings, the McDougall and Rosboro sites were not described with sufficient specificity as to require a detailed evaluation pursuant to OAR 660-004-0020(2)(c). However, after further review and application of the site model, for the reasons set forth below, neither site possesses the characteristics necessary to be considered a feasible alternative for the approved resort expansion.

As indicated in the land use findings for the original exception, the Rosboro site has adequate size but is completely lacking in the dunal soils and formations necessary for a Scottish links golf course. The site is comprised of steep, mountainous terrain with slopes above 30% and deeply dissected marine terraces with small streams draining toward the ocean. It lacks ocean views or significant natural features. It has the best access to Highway 101 of the three sites mentioned in the original proceedings, but even this site requires use of a steep, winding road for at least two miles to reach Highway 101. Based on this site's lack of dunal or other significant natural features, overall steep terrain, and lack of direct access to Highway 101, the Rosboro site cannot reasonably be considered an alternative site for the proposed destination resort expansion, as determined by the site model set out in Section IX.B.2.

As also set forth in the original findings, although the McDougall property has the advantage of adjoining the ocean, it lacks the dunal soils and formations necessary for a Scottish links golf course. It consists mainly of steep terrain, in the 30 to 50 percent slope range. It lacks coastal lakes or other significant natural features. It is remote, accessible to Highway 101 only over many miles of steep and winding roads. Its distance from the existing Bandon Dunes Resort, and the difficult road access make it likely that more services and facilities for visitors would have to be provided onsite. As indicated in the original land use findings and based on the relatively small size of this site, its lack of dunal or other significant natural features, overall steep terrain, difficult access to Highway 101 and distance from the existing resort, the McDougall site also cannot reasonably be considered an alternative site for the approved destination resort expansion, as determined by the site model set out in Section IX.B.2.

(2) South Bandon Site

The South Bandon site was the only alternative site found to be even marginally feasible for the proposed destination resort use by the 1995 alternatives study. It is an area located about two to four miles south of the

City of Bandon, on land between Bandon State Park on the west and Highway 101 on the east. The South Bandon site bears some resemblance to the original resort site and the Primary Expansion Area. It contains similar dunes soils, is located west of Highway 101, and is adjacent to a large state park. Closer analysis, however shows the South Bandon site to be heavily committed to cranberry production. Not only does it include extensive bogs on the traditional Blacklock fine sandy loam soils, but equally large plantations on Bullards soils, which are being used for most of the newer bogs. In addition to the high value bogs, the site has a fair number of rural residential tracts. It also lacks the direct access to the ocean which is a key feature of the Primary Expansion Area.

The 1995 alternatives study discusses the ESEE consequences of using the South Bandon site for destination resort development. The same author, when conducting the 2002 alternatives study, "Alternative Sites for Proposed Goal Exception to Expand Bandon Dunes Resort" (Applicant's Vol. II, App. C), found that except for the current economic condition of the cranberry industry, discussed below, the facts regarding the South Bandon site have not changed since 1995.

The recent downturn in the cranberry industry is a complex event that has resulted in lower per-acre returns to all farmers and zero returns to those who were unable to obtain contracts. Specifically, the price dropped from 39.8 cents per pound in 1998 to 11.9 cents per pound in 1999 according to the Oregon Agricultural Statistics Service (OASS). Part of the drop is attributed to overproduction and part to market share movements, such as the recent development of cranberry bogs in other parts of the country. Since then, the price has rebounded slightly to between 18 and 19 cents per pound. The OASS data shows a resultant drop in production value from \$14.1 million in 1998 to \$3.6 million in 1999. However, in those years the harvested acreage had actually increased from 2300 acres to 2400 acres.

The significance for this analysis is that if there were a large-scale conversion of cranberry bog acreage to some other commodity of far less value, then there would be less impediment to assembly of land into a holding large enough to accommodate the proposed destination resort expansion. However, as explained below, this is not likely to happen.

According to the Oregon State Cooperative Extension Service, the cranberry growers most impacted by the downturn were those who created bogs during 1996

through 1998. Not only were their bog establishment costs higher than those for older bogs, but also they were less able to ride out the significant price drop due to a heavier debt load. Although data is somewhat sketchy, the experts report that many of the new growers simply sold their land to older, established growers. Some land did go out of production, but not massive amounts. Furthermore, none of the sources interviewed for the 2002 alternatives study foresaw the demise of the Oregon cranberry industry. Consumers are demanding cranberries in a greater variety of products than ever before and in greater numbers than ever before. The price drop appears to be a cyclical event common to many agricultural commodities.

The best estimates are that the harvested cranberry acreage has currently returned to about the level that existed in 1995, when the original alternatives study was conducted. That being the case, the findings of that study remain valid. Specifically, destination resort development of the South of Bandon site would eliminate all or most of the existing cranberry bogs in that area, because they are located where the residential portions of the resort would have to be developed.

(3) Adjacent Areas

There are inherent advantages to expanding the existing resort onto adjacent lands instead of using separate sites located elsewhere in Coos County. Expansion of the resort onto adjacent sites could build on existing infrastructure, such as the community water supply and sewage treatment facilities. Internal roadways could be extended to provide convenient vehicular access and foot access via hiking trails for resort guests. Other advantages of using adjacent sites include the ability to easily extend the use of management practices that protect resort lands and other nearby private lands from coastal fire hazards. Accordingly, the rural areas adjacent to the existing Bandon Dunes Resort were carefully examined, applying the site model set out in Section IX.B.2, to determine whether they contain viable alternative sites for the approved resort expansion development.

The Alternatives Study Area is bounded by Whiskey Run Road on the north, Seven Devils Road and Randolph Road on the east, the Coquille River on the south, and the Pacific Ocean on the west and was divided into five subareas (Areas A, B, C, D and E) for consideration. Figure 20. The characteristics of Areas A through E are set out in detail in "Assessment of Alternative Sites Adjacent to the Bandon Dunes Resort,"

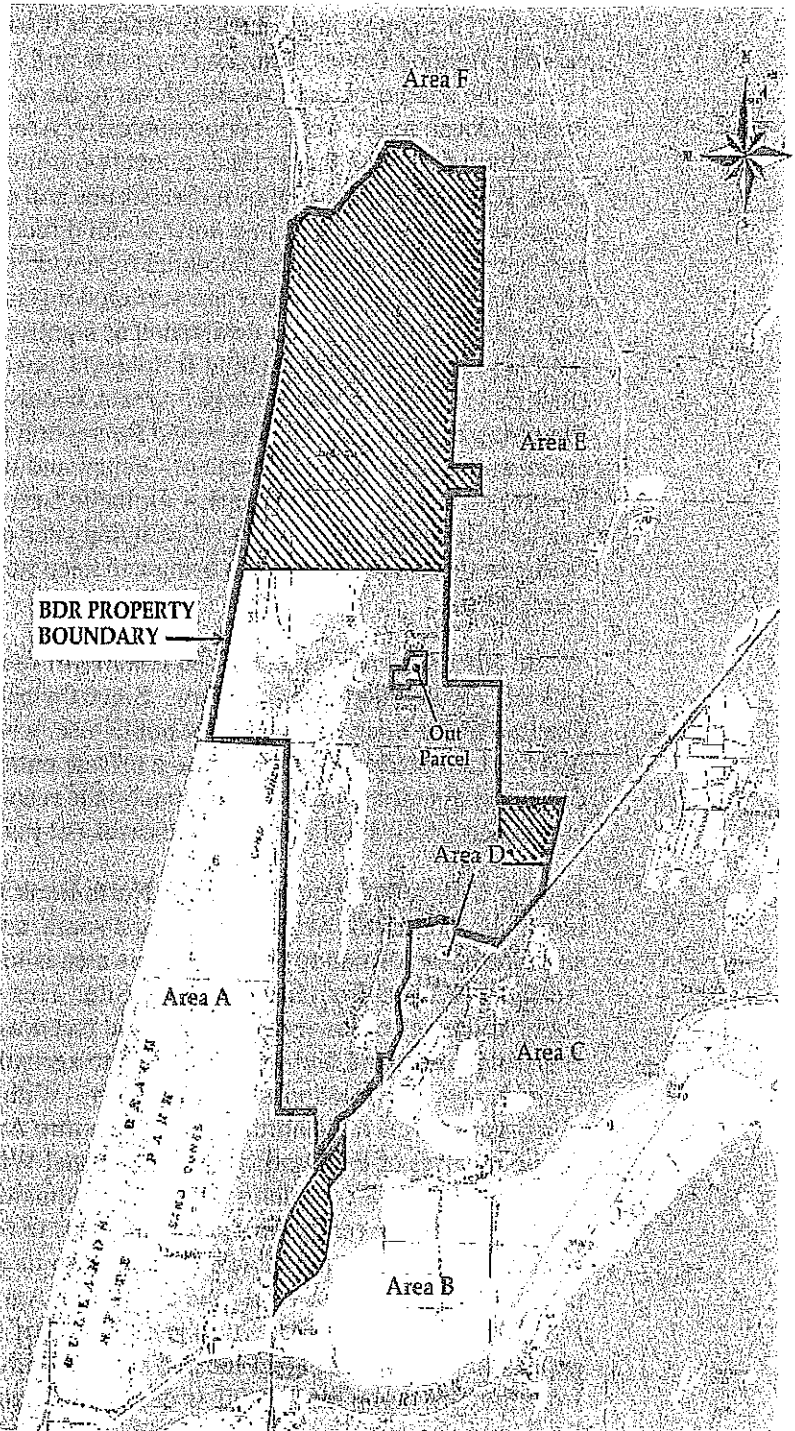


Fig. 20: Location of Areas A Through F

by Bruce Johnson Design (Applicant's Vol. II, App. D), and will only be summarized here.

Area A. This approximate 1300-acre area is bounded by the existing Bandon Dunes Resort on the north and east, Highway 101 on the southeast, the Coquille River to the south, and the Pacific Ocean to the west. Topographically, Area A is undulating duneland that extends about two miles along the coast, containing a mixture of native shrubs and expansive areas of gorse. Along its center in a north-south direction are dense stands of Coastal Pine trees, bordered by unstable sand dunes along its western edge. There are scattered instances of localized wetlands, five of which are designated as significant wetlands on the Plan Fish & Wildlife Habitat II Special Considerations Map (Fish & Wildlife Habitat II Map). Area A is designated on the Plan Map as Recreation and is zoned Recreation (REC). The entire area is owned by the State of Oregon and has been developed as a coastal state park -- Bullards Beach State Park. It is a heavily used public park with camping sites and special facilities that allow campers to bring and keep horses at their camp sites.

While Area A satisfies most of the features of the site model, its lack of "availability" is a fatal flaw. Since the entire area was donated to the State of Oregon for public use, with the condition that the land could never be sold to a private entity and has been developed as a state park, acquisition by the resort owner and/or use as part of the Bandon Dunes Resort is not possible.

Area B. This area is bounded by the North Bank Road to the north, the Coquille River to the east and south, and Highway 101 and North Bank Road to the west. This area is located across North Bank Road from the Tear Drop Site. This site consists of about 560 acres of low-lying bottomland that was originally estuarine marshland, but was converted to agricultural uses through past construction of a dike system. With the exception of a 5-acre parcel at its northeast tip, the entire Area B is within the boundaries of the Bandon Marsh National Wildlife Refuge. When the USFWS completes its priority acquisition of two farm parcels within the refuge boundaries, it plans to remove all dike structures; thus, returning this bottom land to its natural estuarine marshland state. All of Area B is designated Agriculture on the Plan Map and zoned EFU, with the exception of an approximately 8-acre parcel located across North Bank Road from the Tear Drop Site, which is designated Recreation, zoned REC, and contains an existing RV park. There are few dwellings in this area. An existing barn and other outbuildings south of North Bank Road have recently been torn down by the USFWS. Further to the east, a private dwelling and its farm outbuildings still remain along the south side of North Bank Road. However, this parcel has been identified as a "Priority Acquisition" by the USFWS.

While not adjacent to the existing resort, this 560-acre area was

considered because it is adjacent to the Tear Drop Site, and because it could theoretically be used in combination with portions of Area C to form an alternative site that is adjacent to the existing resort. However, Area B is naturally an estuarine marsh and lacks the ocean exposure and dune formations required by the site model. More importantly, all but approximately 5 acres of this area are within the boundaries of the Bandon Marsh National Wildlife Refuge and all but this 5-acre parcel and one other are or soon will be under USFWS ownership. Thus, lack of availability for acquisition and use as part of the Bandon Dunes Resort means no portion of this area can be considered as part of a feasible alternative site for resort expansion.

Area C. This approximately 880-acre area is bounded by Highway 101 to the northwest, Randolph Road to the east, North Bank Road to the south, and South Fahy Road to the west. Highway 101 separates Area C from the southern Bandon Dunes Drive entrance to the existing resort. The topography of Area C is undulating slopes on the western half, with the eastern half is composed of more rugged upland topography. Zoning and selected features of Area C are shown on Figure 21. The western end of Area C, across which Fahy Creek flows, is shown as containing "wetlands" on the Fish & Wildlife Habitat II Map. Approximately 90 acres along the North Bank Road at the western end of Area C is included within the boundaries of the Bandon Marsh National Wildlife Refuge. At its northeast tip, Area C includes approximately five acres that are designated Rural Residential and zoned RR-5. This area contains several dwellings. Area C also includes an approximately 39-acre area designated Industrial and zoned IND, located across Highway 101 from Area D. This area is comprised of a 23-acre parcel containing a truck shop and an approximately 16-acre parcel owned by the Oregon Highway Commission, which contains a designated "Sand & Gravel Pit" site. The remainder of Area C is either designated Forest and zoned F/MU or designated Agriculture and zoned EFU. A significant amount of the agricultural land, particularly in central and northern portions of Area C, has been developed into cranberry bogs. New bogs are currently under construction. Along the north side of North Bank Road and the west side of Randolph Road there are twelve private residences, some of which are associated with the cranberry farms, and one of which has a kennel operation.

Area C satisfies the requirement of the site model for at least 800 acres. However, approximately 90 acres at the west end of Area C have been included within the boundaries of the Bandon Marsh National Wildlife Refuge, making them unavailable for resort expansion use. Besides reducing the potentially available amount of Area C to a marginal 790 acres, the unavailability of the 90 acres at the western end of Area C is particularly detrimental to use of this area for resort expansion because it removes from consideration the portion of Area C that is directly across Highway 101 from the southern main entrance to the

Bandon Dunes Resort, and eliminates the possibility of accessing Area C from South Fahy Road to the west. Providing connectivity with the existing resort across Highway 101 would constitute a management problem of major proportions. Perhaps more importantly, Area C lacks the ocean views, dune formations, and varied site features required by the site model. The range of landscape settings is not very great and associated visual amenities are minimal except for areas where there is undisturbed second growth forestland along portions of North Bank Road at the east end of the subarea. Area C is also disfavored because it contains at its center and north end intensive capital development in cranberry bogs and rural residences. Finally, assembling the 800 contiguous areas needed for the expansion would be very difficult, as the 800 acres would have to include areas intensively developed for cranberry farming and some area(s) already divided and developed for rural residences.

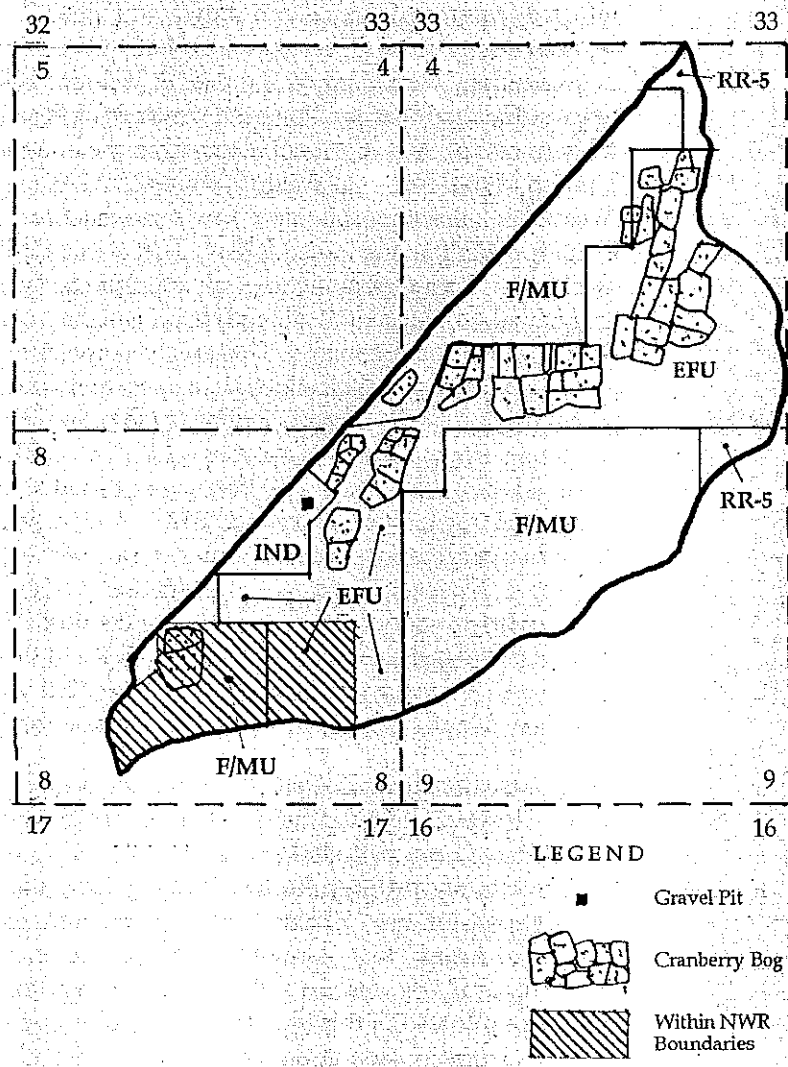


Fig. 21: Area C [T28S, R14W] -- Zoning & Selected Features

Area D. This approximately 63-acre area abuts the existing Bandon Dunes Resort property to the west and north. Area D is bounded by parcels adjoining Fahy Road on the west, parcels adjoining Weiss Estates Road on the North, and Highway 101 on the southeast. Area D contains Weiss Estates, a 25-lot, suburban-like subdivision, which is designated Rural Residential and zoned RR-2. The lots in Weiss Estates range from 0.45 to 1.4 acres in size. Seven of the lots have frontage on Fahy Lake and there is also an easement providing access for several home sites that do not have lakeshore frontage. The lots are located along Weiss Way, which extends from Fahy Road to connect to Highway 101. There are currently 16 dwellings in the subdivision, with approximately nine lots remaining undeveloped. Area D also contains approximately 24 acres of property designated Industrial and zoned IND. Generally, this industrial area is screened from Weiss Estates and Highway 101 by trees and shrubs that surround its perimeter. Fahy Road separates this industrial area into two parcels. The northern parcel (12.1 acres), which abuts Weiss Estates, is leased to a private individual for residential use. In the past, the area has been used as a gravel pit, and it has a "Sand & Gravel Pit" designation on the Plan Mineral/Aggregate Map. A small creek and pond with associated wetland areas also exist on this parcel. The southern industrial parcel (11.7 acres) is not in use at this time. Previously, a sand, gravel and cement processing operation was located here. Two vacant commercial-type buildings remain on site. A creek flows along the western boundary of this parcel, and there is an active water right associated with the property. Area D also contains 11 acres of property designated Forest and zoned F/MU. These four parcels are located along Fahy Road at the western border of Area D adjoining the southern industrially-zoned parcel to the west and range in size from 0.5 to 4.8 acres. Each of these four parcels contains a dwelling.

Combining Area D with Area C would add about 60 acres, yielding 850 acres. However, including Area D would not remedy the deficiencies in Area C, as Area D also lacks ocean views and dune formations. Area D includes many small, residentially developed parcels that would be prohibitively difficult to acquire for purposes of resort expansion. Similarly, combining Area D with the southern end of Area E would not produce a suitable alternative site, as the southern end of Area E is also primarily a developed rural residential area that also lacks ocean views and dune formations.

Area E. This slightly more than 1,000-acre area is bounded by Whiskey Run Road on the north, Seven Devils Road and Randolph Road on the east, Highway 101 on the south and the eastern boundary of the existing Bandon Dunes Resort and proposed Primary Expansion Area on the west. Thus, Area E is essentially a strip extending for approximately 2.75 miles, between the existing resort and proposed resort expansion areas on the west and Seven Devils and Highway 101 on the east and

to the south. Area E is almost entirely forested with second growth fir and spruce trees. The Plan designations and zoning of Area E are shown on Figure 22. Geologically, the area lacks linear dune forms and has no open sand except where areas have been cleared and ponds dug for cranberry production. The land forms in Area E are varied, including incised ravines that define creeks and upland slopes associated with stabilized marine terraces that have a thin layer of fertile soil overlain with organic debris and leaf litter from the second growth forest trees.

The southern portion of Area E, extends from where Seven Devils Road intersects Highway 101 to approximately 600 feet south of Randolph Road, and contains approximately 240 acres. There are two Forest designated and zoned parcels, which total approximately 36 acres, at the southern end of this subarea adjoining Highway 101. These parcels are in rural residential use, not under commercial forest management. The remainder of this southern portion of Area E (approximately 200 acres) is designated Rural Residential and zoned RR-5. This rural residential area includes west of Seven Devils Road, the Pacific Riviera No. 2 subdivision, which has 16 lots, 4 to 6 acres in size, located along Shirley Lane and the west end of Sherrill Lane. The Pacific Riviera No. 1 subdivision, which contains 16 lots, 1.2 to 1.5 acres in size, is located between Seven Devils Road and Highway 101, accessing Randolph Road via Beverly Drive. This rural residential subarea contains approximately 17 additional parcels, ranging from 0.5 to 10 acres in size. Sherrill Lane and Shirley Lane have 8 dwellings apiece. An additional 15 dwellings are located on Beverly Drive. Along the east and west sides of Seven Devils Road, there are another 16 dwellings. Many of these dwellings are year-around residences, while a few are seasonal dwellings.

The central portion of Area E, approximately 560 acres in size, extends from Brown Road on the north to about 600 feet south of Randolph Road, which is one of the two entrances to the existing resort. A small Rural Residential/RR-5 designated and zoned area is located on the west side of Seven Devils Road, approximately 1/2 mile north of Randolph Road. Part of this rural residential area on the west side of Seven Devils Road is comprised of four parcels, with five dwellings, totaling about 17 acres. The rest of the central portion of Area E is designated Forest and zoned F/MU and contains approximately 10 dwellings. Two parcels in this subarea, totaling about 44-acres in size, have been developed with cranberry bogs. The resort has recently purchased the larger of the two parcels, approximately 30-acres in size, near the west end of Brown Road. The rest of the forestland in the central portion of Area E is not being managed for forest or farm uses at the present time. The origin of Cut Creek is found in the southern portion of this subarea. The creek is generally in an incised ravine with heavy stands of alders and conifers along the edges. A seasonal dwelling is located near the creek.

The northern portion of Area E, extending from Brown Road to Whiskey Run Road, west of Seven Devils Road, is approximately 250-acres of land designated Rural Residential and zoned RR-5 and RR-2. Almost half of the western portion of this subarea is comprised of the Pacific Riviera No. 3 subdivision, which contains 48 lots, ranging from 1 to 2.5 acres in size. The eastern portion of this subarea contains 22 parcels, ranging in size from 1 to 18 acres, with most being 3 to 10 acres in size. At present there are approximately 30-40 dwellings in this subarea. Many of these homes are year-around residences, while a few are seasonal dwellings.

Area E comes closer than Areas A-D to being able to provide an alternative site for resort expansion that could satisfy the site model set out in Section IX.B.2. Because of its close geographical proximity to the existing resort, use of Area E would permit extension and connection to existing resort infrastructure and reasonable accessibility and convenience of service to resort guests. In addition, Area E has some of the same natural resources present at the existing resort – woodland settings, watercourses and associated wetland environments, and a strong coastal forest landscape character.

However, Area E does not satisfy the requirement of the site model for ocean exposure and linear dune formations. Also, the requirement of the site model for at least 800 acres could not be met without including the rural residentially zoned and developed portion of either the southern or northern subareas of Area E, as well as the 560-acre predominantly forest-zoned central subarea. This means that any 800-acre alternative expansion site formed from Area E would have to include at least approximately 50 rural residential parcels in diverse ownership, most of which contain dwellings. Acquisition of these areas for resort expansion would be difficult, if not impossible, and require displacement of many residents. Use of Area E as a site for resort expansion would also require acquisition of an approximately 14-acre parcel with intensive capital investment in cranberry bogs, which is disfavored by the site model.

Because of its lack of ocean exposure and dunes formations, and the insurmountable difficulty of acquiring at least 200 acres of rural residentially developed land in diverse, small parcel ownership as well as a parcel with developed cranberry bogs, Area E does not provide a viable alternative site for the proposed resort expansion.

Conclusion. There are no sites within Areas A through E, or any combination of those areas, that satisfy the site model set out in Section IX.B.2. Accordingly, there are no viable alternative sites for the proposed resort expansion on other lands adjacent to the existing Bandon Dunes Resort.

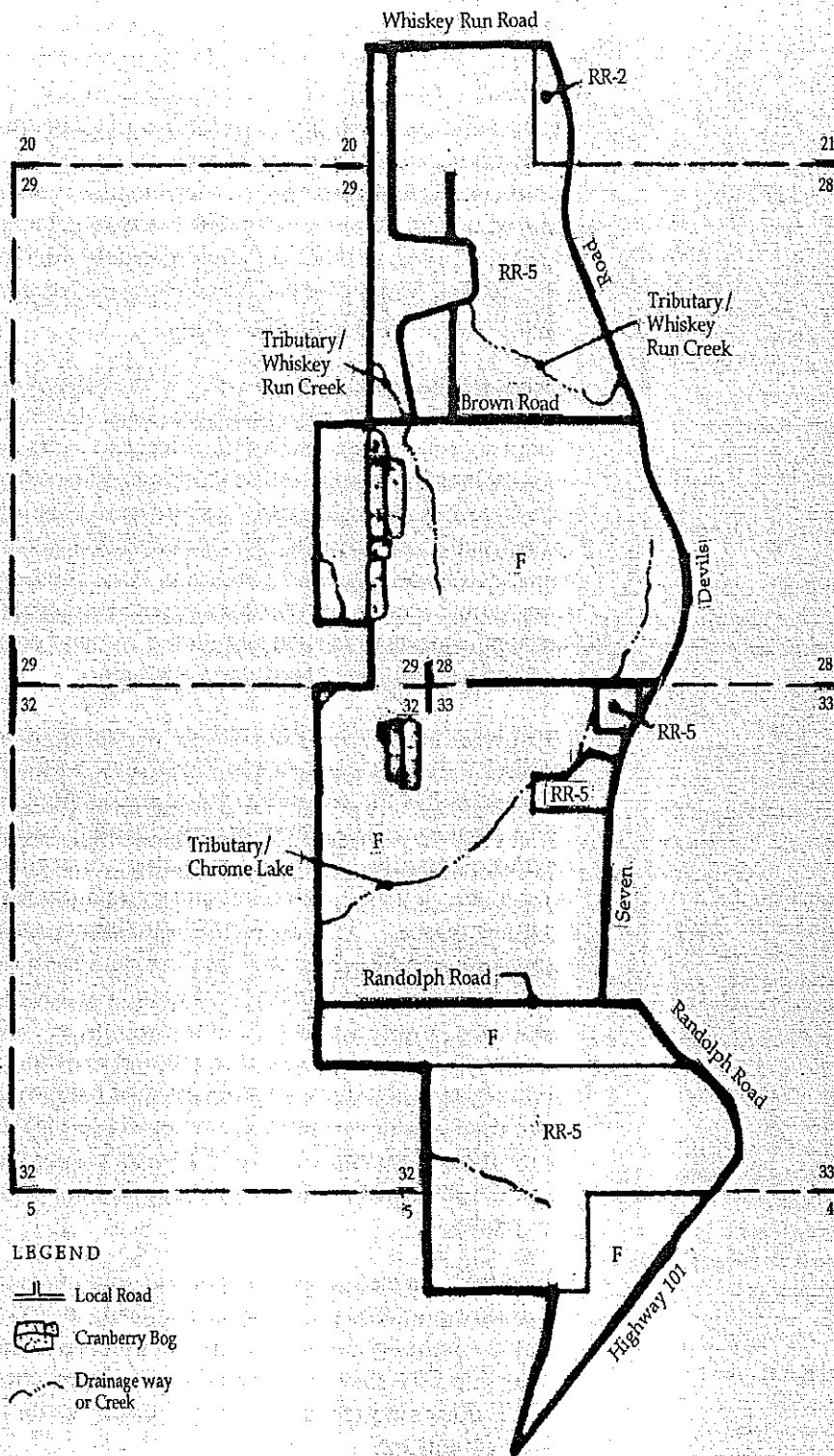


Fig. 22: Area E [T27S, R14W] -- Zoning & Selected Features

4. Evaluation of Alternative Sites Which Do Not Require an Exception

OAR 660-014-0040(3)(a) requires the analysis and exclusion of potential alternative solutions. Specifically, it must be shown that the proposed urban development cannot be "reasonably accommodated:"

- (1) Within existing urban growth boundaries.
- (2) Through expansion of existing urban growth boundaries.
- (3) By intensification of development at existing rural centers.

The site identification process described above demonstrates the absence of viable alternatives within existing urban growth boundaries. The same process also shows there are no suitable areas into which existing urban growth boundaries could expand. Neither the Bandon Dunes site nor the South Bandon site is contiguous to an existing UGB. Bandon's key urban facilities -- sewer and water -- are not available north of the Coquille River and cannot be practically extended across or under the river and beyond to the proposed resort's main development areas two miles to the north.

Intensification of development at an existing rural center may be an appropriate technique for increasing, for example, the supply of rural housing or perhaps particular kinds of commercial development; but it is not suitable for a land intensive operation such as a golf destination resort. Also, the rural centers in Coos County, such as Arago, Dora, Fairview, Greenacres, Hauser, McKinley, and Sitkum, are in physical settings such as finger valleys that do not have the dunal landforms and soil types required for the proposed destination resort expansion.

5. Evaluation of Alternative Sites Which Do Require an Exception

OAR 660-004-0020(2)(c) and OAR 660-014-0040(3)(b) require an analysis of the comparative long-term environmental, economic, social, and energy consequences of locating the proposed destination resort development at the proposed site, as mitigated by measures designed to reduce adverse impacts, with those of locating "the same proposal" on other rural lands. This comparison is limited to the proposed expansion areas and the only other site which is even marginally suitable for the expanded destination resort use is the South Bandon site between Bandon State Park and Highway 101.

a. Environmental Consequences

The environmental consequences of the proposed destination resort development on the proposed expansion areas and proposed measures to reduce any adverse impacts are discussed in detail in Sections VIII.E (Goal 5), VIII.F (Goal 6), and VIII.Q (Goal 18). The proposed expansion areas include a number of important environmental features (i.e. creeks, wetlands, ocean bluffs, and the Dunal Aquifers). However, the Master Plan, as modified by the Supplemental Master Plan, together with the BDR zone, incorporates provisions which assure no adverse impacts to these important environmental features will occur. In

addition, the proposed resort development in the Primary Expansion Area, in particular, will reverse certain undesirable environmental conditions and thereby protect the environment of the existing Bandon Dunes Resort to the south. These positive development effects include (a) gorse eradication and fire control, (b) riparian corridor improvement and other fisheries enhancement, (c) cessation of uncontrolled off-road vehicle access, (d) cessation of unregulated hunting, and (e) adoption of more environmentally sensitive forestry practices.

The South Bandon site lacks the important environmental features found in the proposed expansion areas. Consequently, there is less potential for adverse environmental impacts at the South Bandon site. However, the mitigation, enhancement, protection, and restoration measures incorporated into the Master Plan, as modified by the Supplemental Master Plan, will prevent adverse environmental impacts on the proposed expansion areas and will result in net environmental benefits to the existing Bandon Dunes Resort and proposed expansion areas that substantially exceed those that would result from resort development at the South Bandon site.

b. Economic Consequences

The economic consequences of the proposed destination resort development of the proposed expansion areas are discussed in detail in Sections VIII.E.5.d(4) and IX.A.

Expansion of the Bandon Dunes Resort at the South Bandon site would have positive economic impacts on the local economy, due to visitor spending, jobs creation, and increased property tax revenues, similar to those from resort expansion at the proposed expansion areas; but at significantly greater cost to the developer. Unlike resort development at the proposed expansion areas, resort development at the South Bandon site would require development of entirely new infrastructure, especially sewerage and water systems. Also, because the South Bandon site lacks the abundant groundwater resources underlying the original Bandon Dunes site and Primary Expansion Area, development of a water supply adequate to serve destination resort development on the South Bandon site would be extremely expensive.

In addition, resort development at the South Bandon site would also have significant negative economic impacts, due to the need to remove numerous dwellings⁴⁵ and cranberry bogs occupying portions of the site. The acreage of cranberry bogs currently harvested is about the same as it was in 1995. An analysis of Sections 24 and 25 in Township 29S, Range 15W using 1994 aerial photography indicated that approximately 300 acres were

⁴⁵ By contrast, the proposed expansion areas include only two rural dwellings. The Primary Expansion Area contains one rural residential dwelling on a 9.6-acre parcel and the Seven Devils Road Parcel has one dwelling on a 37.5-acre parcel.

under production at that time. The cost of creating an acre of cranberry bog ranges between \$20,000 and \$25,000. This indicates a value of between \$6,000,000 and \$7,500,000 in the existing cranberry bogs. Resort development in this area would eliminate all or most of these cranberry bogs because they are located where the residential portions of the resort would have to be located.

c. Social Consequences

The social consequences of destination resort development of the proposed expansion areas are discussed in detail in Section VIII.E.5.d(4). These same social consequences would occur due to resort development at the South Bandon site. However, there would be additional significant negative social consequences from resort development at the South Bandon site because of the need to remove numerous rural residences from the site with a resulting adverse social impact on the local community.

d. Energy Consequences

The energy consequences of destination resort development of the proposed expansion areas are discussed in detail in Section VIII.E.5.d(4). Similar energy consequences would occur from resort development at the South Bandon site, except that energy consumption during the operation phase of the expanded resort would be significantly greater due to guests and resort staff frequently having to traverse the approximately six mile distance between the two parts of the expanded resort.

e. Quantity of Land Involved

Under OAR 660-014-0040(3)(b)(A), the comparison of alternative sites for the proposed resort development which do require an exception must include consideration of "whether the amount of land included within the boundaries of the proposed urban development is appropriate."

For purposes of the alternative sites analysis, a minimum size of 800 acres was used. However, as noted, the purpose of that size was to assure that no potentially viable alternatives were excluded. The approved expansion areas total 925 acres. The resort expansion areas are planned to contain 2.5 golf courses, two clubhouses/pro shops, 300 dwellings, 40 overnight lodging units, three restaurants, a cultural/visitor center, a recreation center, a spa and fitness center, an art and nature center, and other commercial uses. If the average golf course acreage is 150 acres, and the dwellings have an average density of one per acre, which are reasonable assumptions, these uses alone would account for 675 acres, leaving 250 acres for all the other commercial and recreational uses, plus areas providing buffers for adjacent lands, riparian corridor protection, wetland protection and natural resource conservation areas. Based on these considerations, an area of 925 acres is appropriate for the approved resort expansion development.

f. Carrying Capacity

Under OAR 660-014-0040(3)(b)(B), the comparison of alternative sites which do require an exception must include consideration of "whether urban development is limited by the air, water, energy, and land resources at or available to the proposed site and whether urban development at the proposed site will adversely affect the air, water, energy, and land resources of the surrounding site."

The air and energy resource consequences from resort development of the approved expansion areas and the South Bandon site would be equivalent. However, the land resource consequences of development at the South Bandon site would be significantly more adverse. In terms of strict carrying capacity, *i.e.* the ability of the land to support a destination resort, the two sites are equivalent. However, the removal of or conflict with high value farmland at the South Bandon site would be contrary to sound land economics and resource preservation policy.

The detailed discussion of groundwater in Section VIII.E.5 of these findings demonstrates that resort development of the approved expansion areas can occur without negative impacts on the Dunal Aquifers underlying the Primary Expansion Area. As explained in Sections VIII.E. 1 and 3, the surface water resources of the proposed expansion areas will be protected by the Riparian Corridor and Wetland protection section of the BDR zone. There are no significant surface water resources on the South Bandon site.

g. Overall Consequences

Resort development at both the approved expansion areas and the South Bandon site could be carried out without adverse environmental consequences. However, resort development at the approved expansion areas would also provide positive environmental consequences in terms of protecting the existing resort from fire through gorse removal, restoration and enhancement of riparian corridors and wetlands, and protection against illegal off-road vehicle use, and artifact collection.

Resort development at the South Bandon site would have economic benefits similar to those of resort development at the approved expansion areas, but at significantly greater costs to the developer. Resort development at the South Bandon site would also have significantly adverse economic consequences, due to displacement of rural dwellings and developed cranberry bogs, that would not occur at the approved expansion areas.

Unlike resort development of the approved expansion areas, resort development of the South Bandon site would have adverse social consequences due to the displacement of numerous rural residences. Resort development at the South Bandon site would also have negative energy consequences due the travel distance between the two parts of the expanded resort.

Obviously, this leads to the conclusion that the ESEE consequences of expanding the Bandon Dunes Resort onto the approved expansion areas are **not** significantly more adverse than those of expanding the resort onto the South Bandon site. Rather, they are significantly **less** adverse -- in fact, they are positive.

C. **Compatibility**

OAR 660-004-0020(2)(d) elaborates on the statutory and goal requirement that the proposed use be "compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts," as follows:

"* * * The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. 'Compatible' is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses."

In addition, OAR 660-014-0040(3)(c) specifically requires consideration of:

- "(A) Whether urban development at the proposed site detracts from the ability of existing cities and service districts to provide services; and
- "(B) Whether the potential for continued resource management of land at present levels surrounding and nearby the site proposed for urban development is assured."

Because the expanded Bandon Dunes Resort will be virtually self-sufficient as to storm and sanitary discharge handling and water supply and storage and will either provide its own public security and fire protection or pay the cost of those services through contracting with existing service providers, there will be very little, if any, impact on the ability of existing cities and service districts to provide those services. Also, the findings in Section VIII.K.12. above, regarding school service, demonstrate that the Bandon School District is capable of providing adequate school service if the Bandon Dunes Resort is expanded. Water from Chrome Lake is used to irrigate cranberry bogs east of Highway 101, pursuant to certified water rights. This water is piped from Chrome Lake east along Randolph Road, pursuant to an easement and maintenance agreement between the resort and the Cut Creek Water Improvement District. Nothing proposed as part of the resort expansion will interfere with the ability of the Cut Creek Water Improvement District to withdraw this water and deliver it to the cranberry bog operators.

The remainder of this section demonstrates the compatibility of the proposed resort expansion with the land uses of various areas adjacent to and nearby the expanded resort.

1. **Primary Expansion Area**

The Primary Expansion Area is bordered by the original Bandon Dunes Resort to the south, the Pacific Ocean to the west, Area F to the north,

and the northern portion of Area E to the east.

a. Compatibility with Area F

Area F is comprised of about 560 acres of land and is located north of Whiskey Run Creek and Road. See Fig. 20. Area F extends from the Pacific Ocean east to Seven Devils Road and extends north of the proposed Primary Expansion Area for slightly less than a mile. Except for some rural residential designated parcels at its eastern end, Area F is designated Forest and zoned F/MU.

At the west end of Whiskey Run Road there is a public beach access and asphalt paved parking area. From there, visitors can walk directly to the beach and the outflow of Whiskey Run Creek into the ocean. This area is open to public use all year around. Generally the heaviest use is during the summer.

The western half of Area F was previously owned by PP&L, an electric power company, which logged the property, leaving significant areas denuded of trees. This portion of Area F is now under a single ownership. The current owner has removed substantial areas of Gorse and has re-established major areas of grassland for use as a sheep farm in the future. Forestland that was not logged by PP&L has been preserved, notably along a natural watercourse. In addition, a private "wilderness-type" golf course has been constructed. The current owner has granted an easement along the eastern side of this property for an alternate overland route for the Oregon Coast Trail, used by hikers when the tide is too high to round Five-Mile Point. At present, there are no habitable structures on the property.

The eastern half of Area F is undeveloped forestland or in low-density rural residential use. None of the "forest" parcels are being managed as commercial forestland. Along Whiskey Run Road, near Seven Devils Road, there are four parcels of approximately 5 to 40 acres designated Forest and zoned F/MU that contain rural residential-type dwellings. Along the west side of Seven Devils Road there are another five or six parcels approximately 5 to 10 acres in size on land designated Rural Residential and zoned RR-5 that contain rural residential dwellings.

The northwest corner of the Primary Expansion Area will become the Randolph Village Center. Resort development in the Randolph Village Center will include a mix of recreation, residential, and commercial activities. Structural development along the west facing ocean bluff will be located at least 100 feet from the edge of the bluff. A greater setback from the edge of the ocean bluff will be used if shown to be necessary by the site-specific geologic investigation that will be required before development is approved. The local access road from North Bandon Dunes Drive to the Randolph Village Center will be located along and parallel to the north-facing slope overlooking Whiskey Run Creek. It will be designed to minimize cuts and

views from below. Structures will be set back at least 50 feet from the top of the this north-facing slope. A greater setback will be observed where necessary to locate structures no closer than an imaginary plane at an inclination of 50% (2H:1V) extending from the base of the slope.

The Randolph Village complex will be designed in a compact form to reduce its appearance from below. Generally, the steep grade line of the west and north facing slopes will cut off views of the development. The schematic design sections presented in Figures 10 and 23 illustrate the visual screening associated with natural topographic conditions with respect to the development at the Randolph Village Center.

Associated golf course development will be restricted to the interior of the resort and will not be visible from off-site locations. Existing forested land along Whiskey Run Creek and the south side of Whiskey Run Road to the east of the Randolph Village Center will be designated as the Whiskey Run Woodland Park, a Natural Resources Conservation Area, under the Supplemental Master Plan.. Uses in this area will be limited to passive recreation, principally hiking and nature interpretation.

The portion of the Primary Expansion Area immediately east of where Whiskey Run Creek turns to the south and no longer parallels Whiskey Run Road will be part of the 9-Hole Golf Course/Residential Area and will be developed with a golf course and private recreational dwellings at low to medium densities (Whiskey Run Overlook Housing). The area east of North Bandon Dunes Drive will be designated as the Woodland Estates Residential Area. Development in this area will range from single-family dwellings on sites as large as 3-to-5 acres to cluster type buildings including multiple dwelling units.

A new minor resort access point from Whiskey Run Road, located about one mile from the ocean, will provide access to the resort's internal roadway network. This entrance will be located approximately four miles from Highway 101 via East Humphries Road and Beaver Hill Road. Because the access to Highway 101 is lengthy and the road winds through several clear-cut forest areas, the Whiskey Run Road access point will not be signed on Highway 101 or otherwise advertised to resort visitors. Use of this entry is expected to be very light, mostly by residents of the Whiskey Run Overlook Housing and Woodland Estates Residential Area and, therefore, will not interfere with forest management of land north of Whiskey Run Road. In addition, the light automobile use of this northern entrance to the resort should not interfere with occasional use of an approximately 1/8 to 1/4 mile stretch of Whiskey Run Road by hikers taking the alternate overland route of the Oregon Coast Trail to round Five-Mile Point at high tide. Such hikers could also, if they choose, use the Bandon Dunes Resort trail system to proceed south and rejoin the Coast Trail via the resort's Cut Creek Trail.

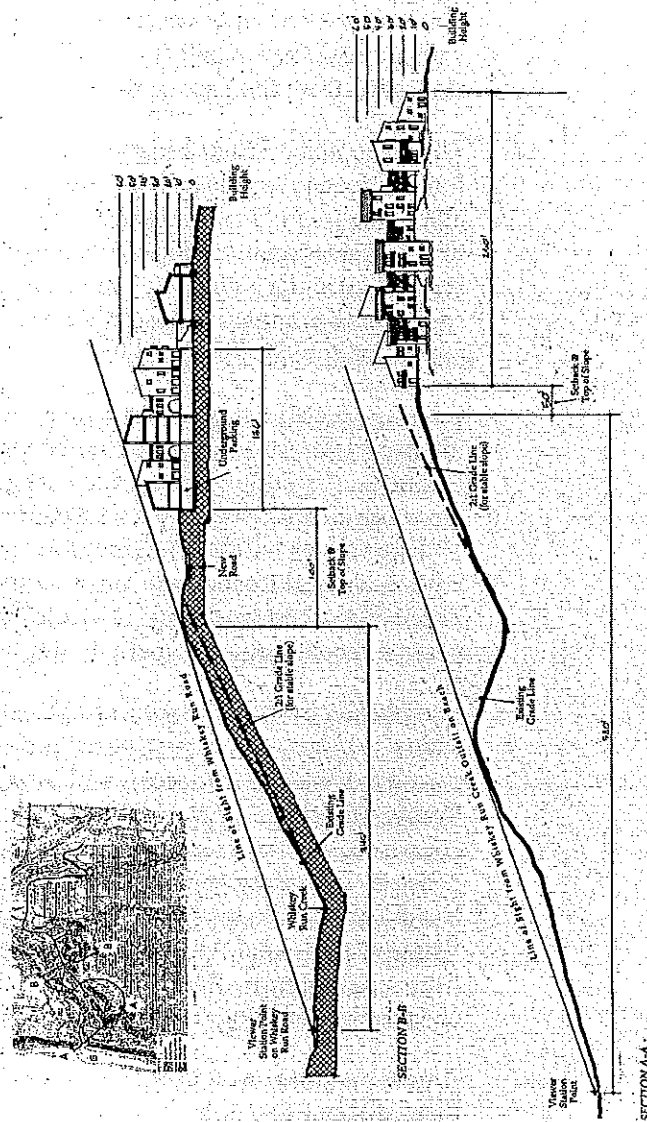


Fig. 23: Randolph Village Center -- Design Sections Through Whiskey Run Slopes

In general, development near the northern border of the resort will not be visible to the general public unless they choose to visit the resort. The natural grade changes between the upper marine terrace and lower grade elevation of Whiskey Run Road and the ocean beach, together with required structural setbacks from the ocean bluff and north-facing slopes, will provide a noise buffer and visual screening between resort development and all off-site traffic, public beach use, and any dwellings located north of Whiskey Run Road. Some resort guests may choose to drive down to the public beach access. Future development will include a walkway from Randolph Village Center to the public beach access; thereby, encouraging guests and visitors to leave their vehicles parked at the village center and walk to and from the beach.

Golf course development at the north end of the proposed Primary Expansion Area will serve as a needed firebreak in the event of a coastal fire in the future. Historically, this part of the Southern Oregon coast has been subjected to repeated fires due to natural causes or human negligence.

b. Compatibility with Northern and Central Portions of Area E

The approximately 250-acre portion of Area E abutting the Primary Expansion Area to the east and bounded by Whiskey Run Road on the north, Seven Devils Road on the east, and Brown Road on the south is designated Rural Residential and zoned RR-5, except for a small area in the northeast corner that is zoned RR-2. The westerly half of the area is developed as a 48-lot single-family type subdivision -- the Pacific Riviera No. 3 subdivision. Parcels range from 1 to 2.5 acres in size. There are another 22 parcels in the eastern half of this area, ranging in size from 1 to 18 acres. There are a total of approximately 30-40 private single-family detached dwellings in this portion of Area E. Access to the homes in this area is from Whiskey Run Road, Brown Road, and Seven Devils Road. There are no commercial, agricultural, or commercial forest uses in this area

The Supplemental Master Plan designates the portion of the Primary Expansion Area adjacent to the northern portion of Area E as the Woodland Estates Residential Area. This area will provide low-density residential home sites, for single-family detached residences or clustered multi-family housing, that are similar in density to the rural residential development in Area E. This will minimize the loss of forest canopy, thereby maintaining the dominant forestland character. A woodland buffer of 100 feet will be established along the eastern boundary of the Primary Expansion Area to provide a transition between the proposed resort residential development and existing single-family dwellings along the east border of the resort.

The portion of Area E adjoining the Primary Expansion Area, from Brown Road south to the southern boundary of the Primary Expansion Area, is designated Forest and zoned F/MU. This area contains undeveloped forestland and two cranberry farms. Both cranberry farms found in Area E are located near the eastern border of the Primary Expansion Area.

One 30-acre cranberry farm is owned by Bandon Dunes Resort and is located south of the end of Brown Road. Currently this farm is leased to a private party who continues to raise cranberries. The bog property is about 600-700 feet away from the resort except where it touches the boundary of the Primary Expansion Area at its southwest corner. A privately owned, wooded parcel of land is located between the resort and this agricultural use.

The other cranberry farm is located on an approximately 14-acre parcel south of 9999 Way, a local access road that intersects with Seven Devils Road and ends just before reaching the Primary

Expansion Area's eastern boundary. At its closest point, this cranberry farm is about 300 feet from the eastern boundary of the Primary Expansion Area. The cranberry farm at this location is relatively small in comparison to other cranberry operations east of Highway 101.

The portion of the Primary Expansion Area located directly west of the cranberry bog operations is designated as part of the Upper Chrome Lake Housing Area. This area will be developed with up to 30 low-density clustered recreational dwellings. The 100-foot woodland buffer established along the eastern edge of the Primary Expansion Area, and the distance between the eastern boundary of the resort and the cranberry operations will provide sufficient screening to avoid visual conflicts. Cranberry bog operations do not generate significant amounts of dust, noise and odors, and do not use invasive techniques such as aerial spraying.

Cranberry farms use herbicide treatments during the growing season to control weeds around the bogs. Toxicity levels are low and are regulated for public health reasons. By harvesting time, when the bogs are flooded with water to float the berries to the surface, there is no health danger to the operators or neighbors. Harvest water is either returned, usually by gravity flow, to the holding basins on the farm or left in the bog to slowly leach into the subsoil. Contamination of nearby potable wells by cranberry operators that live on-site has not been a problem. Residential development in the Primary Expansion Area will be anywhere from 800 to 1000 feet from either of the two nearby bogs. The potable water supply source(s) for the resort are about one mile south of these two cranberry growing operations.

Based on the above, there should be no reason for residents of future recreational dwellings in the Upper Chrome Lake Housing Area to notice, much less object to, the farming practices used by these cranberry operations. Additionally, the "Water Availability Study for the Bandon Dunes Resort Area" by EGR & Associates (NRI, App. G) has demonstrated that there is sufficient water available to serve future uses of the expanded resort without interfering with existing water rights used by the cranberry bog operations.

The resort's internal roadway network will not be connected to Brown Road, a private local access road. Resort traffic will be kept internal to the resort and directed primarily to the major resort entrances located on Randolph Road and South Bandon Dunes Drive. A minor entrance point will be created on Whiskey Run Road. Some traffic generated by residents of the north end of the Woodland Estates Residential Area will use this minor northern access and some of these may proceed south on Seven Devils Road past Area E. However, traffic projections by Kittelson & Associates, Inc. indicate the level of use of this access by resort traffic will be light and will not adversely impact rural residents of Area E.

2. Seven Devils Road Parcel

The Seven Devils Road Parcel is a 37.5-acre parcel bordered on the south and west by the existing resort, on the north by the southern portion of Area E, on the east by Seven Devils Road, and across the road more of the southern portion of Area E.

The southern portion of Area E contains about 240 acres of land, of which 36 acres adjacent to Highway 101 are in two parcels designated and zoned for Forest use. Neither of these parcels are under active resource management. Portions of these forest-zoned parcels have been cleared, and contain single-family dwellings. The remaining approximately 204 acres is designated Rural Residential and zoned RR-5. This rural residential area includes, west of Seven Devils Road, the Pacific Riviera No. 2 subdivision, which has 16 lots, 4 to 6 acres in size, located along Shirley Lane and the west end of Sherrill Lane. The Pacific Riviera No. 1 subdivision, which contains 16 lots, 1.2 to 1.5 acres in size, is located between Seven Devils Road and Highway 101, accessing Randolph Road via Beverly Drive. This rural residential area also contains approximately 17 additional parcels, ranging from 0.5 to 10 acres in size. Sherrill Lane and Shirley Lane each have an additional 8 dwellings. There are 15 more dwellings located along Beverly Drive. Along the east and west side of Seven Devils Road, as it passes through this subarea, there are another 16 dwellings. Many of these dwellings are year-around residences, while a few are seasonal dwellings.

A section of Fahy Creek passes through the Seven Devils Road Parcel, dividing the property into two areas. The approximately three-quarters of the parcel located south of Fahy Creek is designated by the SMP, together with the adjacent portion of the original resort property located south of Fahy Creek, as the Fahy Creek/Seven Devils Road Residential Area.

Approximately the northern half of the portion of the Seven Devils Road Parcel south of Fahy Creek will be the site of a parking area for 30 to 60 marathon-size RVs owned by guests of the resort. The RVs will not be allowed to drive around the resort. Once the guests arrive, they will park their RVs in the parking area and use the resort shuttle system to get to the various recreational and commercial use sites in the resort. These guests will stay either in their own RVs in the RV parking area or in resort overnight lodgings. The RV parking area will be provided with electric service, water service through connection with the resort water system, and with sewerage service either through connection to the main resort sewerage system or through use of an on-site package treatment plant. The RV parking area site currently contains a single-family dwelling and several out buildings clustered in an open area. These buildings are not on any County, State, or Federal inventory of historic resources. These buildings will remain onsite until they can be evaluated for possible use in conjunction with the RV park. Access to the RV parking area will be via a private resort drive from a resort minor access point onto Seven Devils Road, located at least 1,000 feet north of the current Seven Devils Road/Highway 101 intersection. Until the realignment of Seven Devils Road/Highway 101 intersection is complete, departing northbound RVs will be directed with appropriate

signage to use the Randolph Road/Highway 101 intersection.

Approximately the southern half of the portion of the Seven Devils Road Parcel south of Fahy Creek will be combined with the portion of the original resort south of Fahy Creek to form a special residential area for up to 40 single-family dwellings or multi-family clustered dwellings, constructed to preserve the forest canopy as much as practicable. Access to the residential area south of Fahy Creek will be from Seven Devils Road via a private resort drive and minor resort entrance onto Seven Devils Road, located at least 600 feet north of the current Seven Devils Road/Highway 101 intersection.

The approximately one-quarter of the Seven Devils Road Parcel located north of Fahy Creek is designated by the SMP as part of the Trail Golf Course/Residential Area. However, as a practical matter, the width of the protected Fahy Creek riparian corridor at this location together with the 100-foot Woodland Buffer along the resort property boundary make it likely that no golf course greens or tees or recreational dwellings can be sited in this portion of the Seven Devils Road Parcel.

The main compatibility issue concerning the Seven Devils Road Parcel is compatibility with the rural residential uses to the east and north. Placement of recreational dwellings in the southernmost portion of this parcel should be inherently compatible with rural residential uses, particularly since there will be a 100-foot woodland buffer separating these recreational dwellings from Seven Devils Road. Finally, allowing traffic from this residential area to access Seven Devils Road actually represents a decrease in traffic on Seven Devils Road as compared to the originally approved resort Master Plan, which placed one of the two major resort entrances, providing access to the 195 dwellings in the former Woodland Lakes Golf Course/Residential Area, as well as the Resort Village Center, onto Seven Devils Road.

The Reents' letter indicates they are concerned that the RV parking area planned for the portion of the Seven Devils Road Parcel immediately south of Fahy Creek will not be compatible with the existing rural residential area to the north, including their residence on Sherrill Lane. However, the rural residences along Sherrill Lane and to the north will be separated from the planned RV park by the width of the Fahy Creek riparian corridor, where appropriate natural landscaping treatments will be used to restore and enhance the upper banks of the watercourses, and by the 100-foot Woodland Buffer along the northern boundary of the Seven Devils Road Parcel, where existing trees will be preserved and no structural development allowed, thus combining to constitute at least 300 feet of vegetated buffer between the RV parking area and the properties along Sherrill Lane. Further, existing vegetation and new infill landscaping in the Woodland Buffer along the eastern boundary of the Seven Devils Road parcel will screen the RV parking area from Seven Devils Road and the rural residence on the east side of Seven Devils Road. Once again, the traffic produced by this RV parking area, projected to be a maximum of 50 trips per day (at least half of which will be southbound and go directly onto Highway 101), is expected to have a negligible effect on Seven Devils Road, which is designated as a major collector.

3. Tear Drop Site

This 62-acre site is a mounded, wooded area surrounded by Highway 101 on the west, South Fahy Road on the northeast, and North Bank Road on the southeast. Under the Supplemental Master Plan, the western side of the site along Highway 101 will be preserved as a buffer/NRC area in order to preserve the landscaping amenity value along the coast highway. Significant wetland areas at the south end of the site will also be preserved as natural features. There is no development or buildings on the site. The Supplemental Master Plan envisions the development of a special cultural/visitor center on this site as a long-term goal. No sponsor or development program has been identified to date. However, the Supplemental Master Plan provides a framework for discussion and feasibility studies if a good idea is advanced in the future.

a. Compatibility with Area A

Area A is located west of the Tear Drop Site across Highway 101 and contains Bullards Beach State Park. This park provides public campsites; special facilities for campers with horses; and yurts, circular tent-like structures, for rent. There is also a large yurt that can be used for public or private meetings. Local and intra-state tourists use the park most heavily during summer months.

Development of the Tear Drop Site will be compatible with recreation and tourist activities at the state park located across Highway 101 from the Tear Drop Site. The vegetation on the west flank of this sand dune feature will be preserved as a Natural Resources Conservation Area, in accordance with the goal of maintaining a natural appearance along the scenic highway. Development being considered for this site includes resort recreation and educational oriented activities.

Traffic associated with future development of the Tear Drop Site would use North Bank Road and access the site from the east. Future traffic coming and leaving a cultural/visitor center at this location can be distributed between two intersections with the coast highway. Development of specific uses for the cultural/visitor center will be reviewed in the future with ODOT staff to ensure compliance with all scenic highway goals and regulations. When development occurs at the Tear Drop Site, resort guests and visitors would be encouraged to use the resort's shuttle bus system. This would minimize the number of vehicles entering the site and reduce the number of parking spaces required. Pedestrian movement directly across the highway to and from the state park will be addressed as part of Final Development Plan approval for the site.

b. Compatibility with Western Portion of Area B

The US Fish and Wildlife Service will develop a portion of Area B as the 577-acre Ni-les'tun Unit Addition to the Bandon Marsh National Wildlife Refuge (NWR). After restoration projects are completed, the public will be able to use the refuge unit for

wildlife-dependent recreational activities. These uses could include wildlife observation, nature photography, environmental education, and interpretation. In addition, fishing and hunting may be permitted if these activities are compatible with the purposes of the refuge unit.

The Coquille River RV Park is located directly south of the Tear Drop Site across North Bank Road. Both the RV park and a future cultural/visitor center would use North Bank Road for vehicular access. The entry to the RV park is about 900 feet east of Highway 101. The RV park has 48 rental sites and an additional area for tent camping. The rental sites have electric hookups, but not water or waste hookups. Common amenities include restrooms and showers, two portable toilets, a picnic area and fire ring, and a central water supply source. A lot of people with boats use the RV park because of the nearby presence of a county park with boat launch facilities. The launch area is about 1/2 mile east on the Coquille River

Development at the Tear Drop Site is viewed as an opportunity to expand resort recreational choices by building on the types of recreational and educational activities available at the Bandon Marsh NWR. Detailed programming, planning, and design of resort facilities at this location will seek to integrate the views of representatives from both State Parks and the US Fish and Wildlife Service, as well as ODOT traffic planners, Bandon city officials, and the local Cranberry Growers Association. Nature interpretative programs at the future cultural/visitor center would expand the type of landscape settings available at the Bandon Dunes Resort and complement recreational and educational opportunities offered at the Bandon Marsh NWR.

Vehicular access to a future cultural/visitor center on the Tear Drop Site would be from the North Bank Road, which separates the Tear Drop Site from Area B. The traffic generated by a cultural/visitor center would not overload the capacity of the intersections with Highway 101 at the south and north ends of the Tear Drop Site. The future entrance to the Tear Drop Site will be located to provide adequate separation from the RV park entrance and the North Bank Road/South Fahy Road intersection to avoid any traffic conflicts.

c. Compatibility with Western Portion of Area C

The western end of Area C is designated Forest and zoned F/MU. Immediately northeast of the Tear Drop Site directly across South Fahy Road in Area C, there is a cranberry farming operation. Intervening vegetation provides a visual buffer between the Tear Drop Site and the cranberry operation. Future development will be at the southern end of the Tear Drop Site, where topographic conditions permit easy construction of buildings and parking facilities. The distance between the two ends of the Tear Drop Site is about three-quarters of a mile.

4. Existing Bandon Dunes Resort

During the 1996 goal exception proceedings, the proposed resort use of the original Bandon Dunes Resort site was shown to be compatible with existing uses of adjacent lands. However, because the Supplemental Master Plan and proposed amendments to the BDR zone include changes that will affect uses of the original resort exception area, it is necessary to show that changed uses of portions of the original resort will remain compatible with uses of potentially affected adjacent areas.

a. Compatibility with In-Holding Parcel

The existing resort surrounds an approximately 10-acre in-holding parcel (Wehner parcel) that includes the eastern end of Round Lake. The Wehner parcel is the site of one single-family dwelling. Randolph Road provides access to this parcel. Although the Wehner parcel is designated Forest and zoned F/MU, its small size and separation from other forest-designated land have resulted in its being used as a rural residential site. The wooded nature of the terrain and an island in Round Lake will obscure the view of resort development adjoining the northwest shore of Round Lake from the existing single family dwelling on the Wehner parcel. The residential development that the Master Plan indicates may be located near the southeast shore of Round Lake will be visually buffered from the existing single-family dwelling by existing lakeside vegetation. Alternatively, the southern shore of Round Lake may be incorporated into the new Trail Golf Course. The Master Plan, as modified by the Supplemental Master Plan, and the BDR zone, incorporate provisions reserving the resort's portion of Round Lake for sports fishing, wildlife observation, and environmental education and placing it off limits to swimming and boating.

The proposed amendments include the adoption of ZLDO 4.10.030(K), a new subsection in the BDR zone that establishes specific development setbacks from the boundaries of the in-holding parcel.⁴⁶ These new setbacks will help ensure compatibility with continued rural residential use of the in-holding parcel. In addition, as described in Section VIII.P.2.c(2) of these findings, the Master Plan, as modified by the Supplemental Master Plan, no longer calls for a 300-person conference center to be placed on land adjoining Round Lake to the west. Although overnight lodging structures can still be placed around Round Lake, this proposed change will tend to lessen the development intensity around Round Lake and, therefore, increase compatibility with rural residential use of the in-holding parcel.

Finally, the Supplemental Master Plan modifies the Master Plan

⁴⁶ The existing setback requirements for the BDR zone, in ZLDO 4.10.030(J), had applied only to the exterior property boundaries of the resort.

to recognize the existing function of Randolph Road, which also provides access to the in-holding parcel, as a second major entrance to the expanded resort. Randolph Road was recently upgraded from a gravel road to an asphalt-paved roadway. The TIA found no structural or safety problems with the existing Randolph Road; but recommended geometric improvements to its intersection with Highway 101, which the applicant will carry out prior to the opening of a third golf course at the expanded resort. The TIA also recognizes that with the proposed amendments, traffic on Randolph Road will be relatively heavy, but Randolph Road will still be consistent with the operational, safety, and functional characteristics for a local residential street in the County TSP.

b. Compatibility with Area E, Central Subarea

From about 600 feet south of Randolph Road to the northern boundary of the existing resort, the existing resort is adjacent to the central subarea of Area E, which is designated Forest and zoned F/MU. Most of the timber activity in this area, within one mile of the Bandon Dunes Resort boundary, consists of small private owners logging three to ten acres under the Forest Practices Act. The primary and only land use recommendation from the Department of Forestry was to maintain effective setbacks and buffers between the resort and the adjacent forestlands.

Under the Supplemental Master Plan, the Woodland Buffer NRC Area located along the eastern boundary of the existing resort, north of Chrome Lake, will be reduced in size due to the enlargement of the RVC area and creation of the southern lobe of the new Upper Chrome Lake Housing Area. However, sufficient natural resource conservation land has been retained along the eastern boundary line of the resort to provide for a visual and noise buffer for the transition between resort activities and use of the adjacent private undeveloped forestland. In addition, the proposed new Eastern Boundary Woodland Buffer, ZLDO 4.10.030(L), within which no structures or other resort uses (except underground utilities, resort entry roads, fire roads and hiking trails) can occur will provide additional assurances of compatibility with the adjacent private undeveloped forestland. Changes affecting the use of Randolph Road are addressed in the preceding section.

c. Compatibility with Area E, Southern Subarea

From about 600 feet south of Randolph Road to the northern boundary of the Tear Drop Parcel, the existing resort is adjacent to the southern subarea of Area E, specifically to the areas of rural residential development along Shirley Lane and Sherrill Lane. This area is described in more detail in Section IX.B.3.b(3). The portion of the existing resort adjoining this area is designated as part of the Trail Golf Course/Residential Area. The only proposed change to the use of this area of the

resort is adoption of the new Eastern Boundary Woodland Buffer, ZLDO 4.10.03(L), within which no structures or other resort uses (except underground utilities, resort entry roads, fire roads, and hiking trails) can occur. This change will provide additional assurances of compatibility with the adjacent rural residential uses.

d. Compatibility with Area D

Area D is basically comprised of Weiss Estates, a developed suburban-style subdivision, and two larger, industrially-zoned parcels that are owned by the resort developer. Area D is described in more detail in Section IX.B.3.b(3). Weiss Estates is the portion of Area D that is directly adjacent to the existing resort. The east end of Weiss Estates adjoins the Fahy Creek/Seven Devils Road Residential Area to the south. The central portion of Weiss Estates adjoins Fahy Lake to the south. The western portion of Weiss Estates adjoins the South Fahy Lake Residential Area.

The changes potentially affecting Weiss Estates are (1) designation of the new Fahy Creek/Seven Devils Road Residential Area to the north of the eastern end of Weiss Estates, in place of the former Woodland Lakes Golf Course/Residential Area; and (2) replacing the former Woodland Buffer NRC Area along the eastern edge of the South Fahy Residential Area with the BDR zone's 100-foot Eastern Boundary Woodland Buffer. Change (1) should increase compatibility with Weiss Estates, since it means there will be recreational dwellings, rather than a public golf course, adjacent to the eastern end of Weiss Estates. Change(2) should also increase compatibility with Weiss Estates, since the Eastern Boundary Woodland Buffer imposes greater limitations on development and vegetation removal than the former Woodland Buffer NRC Area.

5. Conclusions

Future expanded resort development within the Primary Expansion Area, Seven Devils Road Parcel and Tear Drop Site, and changes to the uses planned in the original resort area, will be compatible with adjacent land uses for a number of reasons:

- Development at the Randolph Village Center and northern portions of the Primary Expansion Area will be visually separated from Whiskey Run Road, the existing public beach access, and other land uses to the north.
- Expansion of the resort to the north of existing resort facilities will reduce the coastal fire hazard by removing additional areas of gorse.
- Active land management of grasslands and woodland environments will further reduce the fire hazard to surrounding rural residential areas.
- Wildlife corridors, especially along creeks and watercourses will be

preserved, thereby permitting movement by local fauna.

- Although there will be some increase in traffic on county roads, such as Whiskey Run Road, Seven Devils Road, and Randolph Road due to resort expansion, the levels of traffic on these roads will remain well within their functional classifications and will not have a significant impact on rural residential uses adjacent to the expanded resort.
- Improvements for the intersections of Seven Devils Road and Randolph Road with Highway 101 in conjunction with resort expansion will improve functional use of the roadway system for resort guests, visitors, local residents, and coastal travelers.
- Creation of a 100-foot woodland buffer along the eastern boundary of the expanded resort, from Whiskey Run Road to South Bandon Dunes Drive, within which no resort structures or uses (other than underground utilities, resort entry roads, fire roads, and hiking trails) can occur, will reduce potential conflicts with resource and rural residential uses of adjacent properties.
- Resort expansion will not displace any existing homes or residents.
- Resort expansion will not remove any land from agricultural or commercial forest use.

In general, the development of low to medium-density residential uses interspersed within a conifer forestland, along the eastern boundary of the Primary Expansion Area and on the Seven Devils Road Parcel, together with the required 100-foot woodland buffer, will preserve the wooded landscape character associated with existing forestlands and ensure compatibility with the adjacent rural residential uses.

Construction of golf courses on already disturbed coastal dune land will stabilize and ensure long-term land management and stewardship of this coastal site. Development of a cultural/visitor center on the Tear Drop Site will complement the recreational opportunities offered by Bullards Beach State Park and the Bandon Marsh National Wildlife Refuge.

D. Public Services and Facilities

OAR 660-014-0040(3)(d) requires a showing that an appropriate level of public facilities and services are likely to be provided in a timely and efficient manner. This is demonstrated by the findings addressing Goal 11 in Section VIII.K.

E. Plan Coordination and Consistency

OAR 660-014-0040 (3)(e) requires a showing that the proposed new urban development on rural land is (1) “coordinated with comprehensive plans of affected jurisdictions;” and (2) “consistent with plans that control the area proposed for [urbanization].”

The first requirement is satisfied by the findings on the Goal 2 coordination requirement located in Section VIII.B.1.c. The second requirement is satisfied by the findings in Section X below, which demonstrate that the proposed

expanded resort development is consistent with the relevant provisions of the Coos County Comprehensive Plan.

X. COOS COUNTY COMPREHENSIVE PLAN

Chapter 5 of the Volume I, Part 1 of the Plan⁴⁷ contains a series of sections under separate subject matter headings, each of which is separated into (1) Problem/Opportunity Statement, (2) Issues, (3) Goals, and (4) Plan Implementation Strategies. Plan Sections 1.8 (How to Use this Plan) and 5.0 (Problems, Planning Issues, Local Goals and Plan Implementation Strategies) explain that the “goals” and “plan implementation strategies” are the adopted plan “policies.” Plan “goals” are “policies that provide extremely general guidance and are developed as a means of dealing with corresponding, general problem statements.” Plan, Section 5.0. Plan “implementation strategies” are “policies that provide specific guidance [and] establish specific implementation measures * * * for achieving respective goal statements.” *Id.* For simplicity, Plan “goals” and “implementation strategies” are sometimes referred to in these findings generally as “policies.”

Coos County planning obligations potentially relevant to the Bandon Dunes Resort expansion project were identified by first segregating plan policies into two basic categories. The first are those for which achievement of the Bandon Dunes project will not materially further the accomplishment of a given goal. An example would be a plan policy which strives to protect life and property by keeping development out of a flood hazard area. As long as there is no development, the threat is only potential. If a development is approved for the subject property, but not within a flood hazard area, the threat is still only potential. Nothing has changed even though a project has been approved and developed which complies with the plan policy.

The second category is those policies which can be materially furthered by a given development. An example would be a plan policy which advocates diversification of the local economy. A project which promotes a new and unique industry and creates new jobs actually carries out the direction indicated by the plan policy. Approval of that type of project could truly be said to aid the County in meeting such a planning obligation.

Once the policies are segregated into those two categories, the analysis proceeds by an evaluation of the policies in the second category against the facts of the proposed development to see whether the goals and policies are furthered, hindered, or not affected at all. The relevant plan policies are presented first, along with the facts which demonstrate whether that particular planning obligation has been met.

A. Citizen Involvement

As explained in Section VIII.A of these findings, Plan Section 5.1 constitutes the County’s acknowledged Citizen Involvement Program. The Citizen Involvement Goal is:

“To develop a Citizen Involvement Program that insures the opportunity for citizens to be involved in all phases of the planning process.” Plan, p. 36.

⁴⁷ As stated in n 1 above, unless otherwise noted, all references to the Plan are to Volume I, Part 1 of the Plan.

This goal is carried out by seven Plan Implementation Strategies (PIS's), three of which are relevant to this quasi-judicial Plan and ZLDO amendment proceeding.

Citizen Involvement PIS 3 (Citizen Influence) states:

“The purpose of this component is to provide the opportunity for citizens to be involved in all phases of the planning process, including revising and updating of plans and implementation ordinances. This shall be accomplished in two (2) ways: (a) Citizen Advisory Committee workshops (as appropriate) and public meetings, and (b) Planning Commission public hearings on property owner applications, as well as Plan and Ordinance amendments.” Plan, p. 37.

The "Citizen Advisory Committee workshops" and "public meetings" referred to in PIS 3 are appropriate for periodic updates of the Plan and implementing ordinances or other legislative Plan or ZLDO amendment proceedings. For a quasi-judicial Plan and ZLDO amendment applied for by the property owner, as is the case here, the opportunity for citizen involvement is appropriately provided through public hearings. In this case, public hearings were held before the Planning Commission on February 27, 2003 and before the Board of Commissioners on April 16, April 30, and May 28, 2003.

Citizen Involvement PIS 4 (Technical Information) requires the County to make technical information available to citizens in an understandable form and to assist citizens, as necessary, in interpreting such information. PIS 4 also requires a copy of all technical information to be made available at public libraries or other public locations in the County. The Bandon Dunes Resort expansion application, including supporting Technical Appendices (Volumes I and II), these Proposed Land Use Findings and Goal Exception Statement (Volume III), as well as all additional documentation submitted during the review and hearing process were made available for public review at the County Planning Department and at the public library in Bandon. County Planning Department staff provided assistance to citizens upon request and by preparing a Staff Report reviewing the application, which was available prior to the Planning Commission hearing.

As relevant here, Citizen Involvement PIS 5 (Feedback Mechanisms) provides:

“* * * Citizens who have participated in the planning process shall receive a response from the policy makers. The rationale used to reach land use policy decisions shall be available in the form of a written record.” Plan, p. 37.

These findings identify the applicable legal standards, set out the facts relied on by the Board of Commissioners, and explain the legal and policy conclusions that were reached by the Board. These findings also respond to specific issues and concerns raised by citizens during the hearing process.

B. Land Use & Community Development Planning

The Plan Land Use & Community Development Planning Goal provides the County considers the Plan Map, Goals and Implementation Strategies to be “official statements of policy” that guide the County's land use planning efforts, but recognizes that “it will be necessary to revise and modify this Plan and implementing ordinance from time to time.” Plan, p. 38. This goal is carried out

by 10 PIS's, five of which are relevant to this Plan and ZLDO amendment proceeding.

Land Use & Community Development Planning PIS 6.C provides that the County shall consider Plan amendment proposals upon "an application filed by a citizen or organization, accompanied by a prescribed filing fee." Plan, p. 39. The applicants filed a Plan amendment application, accompanied by the prescribed filing fee, on November 12, 2002.

Land Use & Community Development Planning PIS 7 sets out requirements for public notice on public hearings to consider proposed Plan amendments. PIS 7A(i) requires that notice be published in one of the county's designated official newspapers "at least 30 calendar days prior to the date of scheduled hearing." Plan, p. 39. Notice of the hearings before the Planning Commission and Board of Commissioners were published in the Coos Bay World, an official newspaper, on January 13, 2003 -- 45 days before the scheduled Planning Commission hearing on this application.

Land Use & Community Development Planning PIS 7A(ii) also requires the County to give written notice of the public hearing on a proposed Plan amendment to "adjacent property owners, agencies and affected cities * * *" at least 30 days before the scheduled hearing." Plan, p. 40. The Coos County Planning Department mailed notice of the Planning Commission and Board of Commissioners public hearings to the owners of record of property located within 500 feet of the boundaries of the existing resort and the proposed expansion area, on January 6, 2003. The same notice was mailed to a wide variety of state, federal, and local units of government as listed in Section VIII.B.1.c of these findings. On May 8, 2003, the County Planning Department mailed to these same property owners and units of government a notice of hearing, stating that the Board of Commissioners would hold an additional hearing on the proposed resort expansion on May 28, 2003.

Land Use & Community Development Planning PIS 7B requires the County to comply with the requirements of ORS 197.610 with regard to sending notice to the DLCD Director of a proposed Post-acknowledgement Plan and land use regulation amendment. Compliance with these requirements is addressed in Section VII.B above.

Land Use & Community Development Planning PIS 8 requires the Board of Commissioners to consider a recommendation from the Planning Commission as to the appropriateness of each requested Plan amendment. PIS 8 also requires the Planning Commission to conduct a public hearing "prior to formulating its recommendation." Plan, p. 40. After conducting a public hearing on February 27, 2003, the Planning Commission unanimously adopted a recommendation to approve the resort expansion proposal, which recommendation was forwarded to and considered by the Board of Commissioners.

Land Use & Community Development Planning PIS 12 provides that "[w]hen a formal * * * plan amendment is proposed, the County shall request and consider written comments from the affected agencies, entities, and special districts." Plan, p. 41. The extensive coordination process carried out in conjunction with the review and adoption of these Plan and ZLDO amendments is described in detail in Section VIII.B.1.c above.

Land Use & Community Development Planning PIS 14 identifies the types of zones that may implement each plan map designation. The table indicates that the only zone which may implement the Bandon Dunes Resort designation is the BDR zone. Plan, p. 42. The proposed Plan and ZLDO map amendments comply with this policy because they would apply the BDR zone to the area designated Bandon Dunes Resort on the Plan map.

C. Agricultural Lands

Although none of the proposed expansion areas is designated Agricultural, they are subject to the Plan's "Mixed Use" overlay designation, which is applied to forest areas that have a history of management for mixed farm and forest uses. Plan, p.3.2-44. The "Forest/Mixed Use" zoning of such areas allows additional uses normally allowed in exclusive farm use zones that are not allowed in purely forest zones. Because of the "Mixed Use" designation of the proposed expansion areas, Plan Agricultural Lands' policies are potentially applicable to Plan and ZLDO amendments affecting these areas.

The Plan Agricultural Lands Goal states:

"Coos County shall preserve and maintain agricultural lands for farm use, 'consistent with existing and future needs for agricultural products, forest and open space,' * * * **except where legitimate needs for nonfarm uses are justified.**" (Emphasis added.) Plan, p. 44.

Amending the Plan and ZLDO to allow destination resort use of the proposed resort expansion areas is consistent with the above goal because the findings in Section IX supporting an exception to Statewide Planning Goal 3 demonstrate there is a "legitimate need" for nonfarm use of these areas.

D. Forestlands

Except for one 9.6-acre parcel in the northeast corner of the Primary Expansion Area, the approved resort expansion areas are all designated Forest by the Comprehensive Plan and zoned F/MU. This decision redesignates these areas to the Bandon Dunes Resort plan designation and BDR zone.

The Plan recognizes that lower site class lands on the coastal plain are poorly suited to large scale forest management. Plan, p. 46, Issue 3. The forest capability of the Bandon Dunes site is displayed in Figure 7 and Table 2 of these findings.

The western two-thirds of the Primary Expansion Area and the entire Tear Drop Site are "lower site class lands." These areas consist of dunelands or stabilized dune forms with predominantly dune sands that are not rated for forest production or Heceta-Waldport complex soils that are rated as cubic foot site class 5 (a forest site index of 90). A site index of 90 means that a merchantable tree such as shore pine will reach a height of 90 feet at the end of a 100 year growth cycle. By comparison, the higher site classes in Coos County are found on soils with site index numbers ranging between 160 and 180, nearly double the productivity of soils in the Tear Drop Site and western two-thirds of the Primary Expansion Area.

The eastern third of the Primary Expansion Area and the entire Seven Devils

Road Parcel, contain mostly Bullards Sandy Loam and Bandon Sandy Loam soils, which are cubic foot site class 3 and have a site index of 132 or 137, respectively. With such a mixture of low to moderate quality soils, these areas cannot generate enough potential income to capitalize the more intensive and productive forms of forest management. Further, forest regrowth would be very slow because of poor soils and wind conditions.

These amendments are consistent with the Plan Forestlands Goal, which states:

"Coos County shall conserve forestlands by retaining them for the production of wood fiber and other forest uses, **except where legitimate needs for non-forest uses are justified.** * * *"
(Emphasis added.) Plan, p. 47.

Amending the Plan and ZLDO to allow destination resort use of the proposed expansion areas is consistent with the above goal because the findings in Section IX supporting an exception to statewide Goal 4 demonstrate there is a "legitimate need" for nonforest use of these areas.

Forestlands PIS 2 provides:

"Coos County shall ensure that new rural residential dwellings are compatible with adjacent forest and agricultural management practices and production.

"This strategy shall be implemented by requiring applicants for building and septic permits to sign a statement * * * acknowledging that the normal intensive management practice occurring on adjacent resource land will not conflict with the rural residential landowner's enjoyment of his or her property.

"* * * * *" Plan, p. 48.

Regardless of whether the recreational dwellings of the expanded Bandon Dunes Resort are properly considered "rural residential dwellings," the first part of the above policy is satisfied by the findings in Section IX.C demonstrating compatibility between the resort uses of the expansion areas and adjoining forestland. The second part could be satisfied by imposing, as a condition of approval, a requirement that the applicant execute the Waiver of Right to Object to Forest and Farm Practices Management Easement found as Exhibit E to the 1996 decision approving the original Bandon Dunes Resort and deliver the executed easement to the County Planning Director for acceptance and recording. Such easements will run with the land and will be binding on future owners of residential lots in the expanded Bandon Dunes Resort, if land divisions are subsequently approved.

Forestlands PIS 3 provides:

"Coos County shall require all new residential development that is on lots, parcels or tracts within or abutting the 'F' [Forest] zone to agree to construct and maintain a fire-break of at least 30 feet in radius around the dwelling prior to completion of the dwelling. A fire-break is defined as an area free of readily inflammable material and may include lawns, ornamental shrubs, and scattered single specimen trees." Plan, p. 5-48.

The expanded Bandon Dunes Resort site abuts F-zoned land at its northern and eastern boundaries and to the northeast of the Tear Drop Site. In addition, the Wehner parcel, a 10-acre inholding, is zoned F. The BDR zone will continue to require that the landscape management plan included as part of the Final Development Plan for each phase or element of the resort satisfy Forestlands PIS 3. ZLDO 4.10.065(B)(7). Additionally, covenants and deed restrictions will be used to ensure that residential occupants and property owners are required to comply with approved landscape management plans. ZLDO 4.10.065(C)(3).

E. Mineral & Aggregate Resources

The Plan Mineral and Aggregate Resources Goal requires the County to "value its identified mineral and aggregate deposits" and "strive to protect them where practicable." Plan, p. 50.

Under PIS 1, the Plan's policy for protection of identified mineral and aggregate resources (other than coal deposits and black sand prospects) is to maintain the sites in their present state, except where a conflicting use is identified during implementation of the Plan. A conflicting use is defined as any dwelling or other structure within 500 feet of the resource site. Plan, p. 50. Under the Supplemental Master Plan, no resort dwelling or other structure on any of the expansion areas will be within 500 feet of a "sand & gravel pit" designated on the Plan Mineral/Aggregate/Energy Resources Special Consideration Map. Therefore, the adopted Plan and ZLDO amendments will not result in any conflicting use with a designated aggregate resources site.

F. Fish & Wildlife Habitats

The Plan contains policies designed to identify, categorize, and protect various forms of fish and wildlife habitat. These policies are based on an issue statement that recognizes the commercial, recreational, and ecological significance of the wide variety of fish and wildlife species found in various areas of the county. The goal expresses the need to identify significant fish and wildlife habitats and to protect them "where practicable."

Fish & Wildlife Habitat PIS 1, at Plan p. 52, states the County deems as a significant habitat resource under Statewide Goal 5 (1) Sensitive and Peripheral Big-game Range, (2) Bird Habitat Sites, and (3) Salmonid Spawning and Rearing Areas. Fish & Wildlife Habitat PIS 1.C states that the Plan Fish & Wildlife Habitat I and II Special Consideration maps are used to identify salmonid spawning and rearing areas subject to special riparian vegetation protection and sensitive and peripheral big game range. On Map II, the entire expanded Bandon Dunes Resort site is identified as "Impacted - Little or No Habitat Value" and, therefore, none of the site is designated Sensitive or Peripheral Big-Game Range. However, Plan Fish & Wildlife Habitat I Map designates the mainstem of Whiskey Run Creek within the Primary Expansion Area as Anadromous Fish Habitat.⁴⁸

⁴⁸ As explained in Section VIII.E.3, the Fish & Wildlife Habitat I Map also shows an osprey nest located north of Whiskey Run Road, across from the designated Whiskey Run Woodland Park Natural Resource Conservation Area. However, according to Plan Fish & Wildlife Habitats PIS 6 and the Plan Fish & Wildlife Habitats I Map, osprey nest sites are considered "1-B" resources under the Old Goal 5 Rule. OAR 660-016-0000(5)(b). Regarding such sites, the rule states that "special implementing measures are

For designated Salmonid Spawning and Rearing Areas, Fish & Wildlife PIS 1.B requires the ZLDO to "provide an adequate riparian vegetation protection setback, recognizing that 'virtually all acknowledged counties have adopted a 50 foot or greater standard.'" Plan, p. 52. PIS 1.E requires the County to "adopt an appropriate structural setback along wetlands, streams, lakes, and rivers as identified on the Coastal Shorelands and Fish and Wildlife habitat inventory maps." Plan, p. 53.

Statewide Planning Goal 5, as amended in 1996, groups "riparian corridors, including water and riparian areas and fish habitat" together as one type of natural resource. As explained in more detail in Section VIII.E.1, the New Goal 5 Riparian Corridor Rule provides that establishing a riparian corridor boundary located 50 feet from the top of bank of lakes and fish-bearing streams and 50 feet from the upland edge of a significant wetland located within the riparian corridor, prohibiting the placement of structures and controlling the removal of riparian vegetation within that riparian boundary, is a "safe harbor" that satisfies the requirements of Goal 5. OAR 660-023-0090(5) and (8). As discussed in Sections VIII.E.1 and 2, the new Riparian Corridor and Wetland Protection section of the BDR zone [ZLDO 4.10.030(H)] has been drafted to comply with the safe harbor provisions of both the New Goal 5 Riparian Corridor and Wetland Rules and, therefore, also satisfies the riparian vegetation and structural setback requirements of Fish & Wildlife Habitat PIS 1.B and 1.E.

Fish & Wildlife Habitat PIS 2 requires the County to "manage its riparian vegetation and identified non-agricultural wetland areas so as to preserve their significant habitat value as well as to protect their hydrologic and water quality benefits." Plan, p. 55. As explained above, Sections VIII.E.1 and 2 of these findings address the identification and protection of riparian corridors and significant wetlands in the proposed resort expansion areas. The Supplemental Plan designates riparian corridors and wetlands within the proposed expansion areas for protection. Additionally, the Riparian Corridor and Wetland Protection section of the BDR zone will satisfy the safe harbor requirements of the New Goal 5 Rule for protecting riparian corridors and wetlands and, therefore, also satisfies the riparian vegetation and wetland protection requirements of Fish & Wildlife Habitat PIS 2.

G. Historical & Archaeological Resources, Natural Areas and Wilderness

The Plan policies regarding these resources generally call for protection where practicable. Plan, p. 58. A range of implementation strategies is discussed including preservation, modification consistent with the original character, refraining from widespread dissemination of information concerning the resource, and case-by-case evaluation of the appropriate protection required for identified significant resources.

No areas, sites, structures, or objects of historical significance on or near the Bandon Dunes site are designated by the Plan or recognized by the State Office of Historic Preservation. The protection of archaeological resources located within the proposed expansion areas is discussed in Section VIII.E.12.

H. Water Resources

The Plan, at p. 60, expresses a goal of valuing identified water sources and protecting them where practicable. PIS 1, at Plan p. 60, states that new residential development shall not be permitted in areas where by compelling evidence the Water Resources Department, the Environmental Quality Commission, or the Health Division has established that water resources would be irreversibly degraded by new consumptive withdrawal or by additional septic tank or other waste discharge. No such areas have been identified on or near the Bandon Dunes site.

Regardless of the absence of identified critical areas, the applicants have gone to great lengths to demonstrate that there is adequate groundwater available to serve the proposed resort expansion without interfering with other water uses or adversely affecting the Dunal Aquifers resource designated on the Plan Water Resources Special Consideration Map. See Section VIII.E.5 of these findings; "Water Availability Study for the Bandon Dunes Resort Area" (Vol. I, App. G); "Groundwater Resource Investigation for Expansion of the Bandon Dunes Resort" (Vol. I, App. H).

I. Dunes, and Ocean and Coastal Lake Shorelands

The Plan Dunes and Ocean and Coastal Lake Shorelands (DOCLS) Goal provides:

"Coos County shall manage its dune areas, ocean and coastal lake shorelands, and minor estuary shorelands, to provide for diverse uses consistent with maintenance of the natural values associated with such areas and with the need to reduce hazards to human life and property."

The above Goal is implemented through numerous implementation strategies. DOCLS PIS 1, at Plan p. 62, states that the County bases its decisions regarding various categories of beach, dune, and shoreland areas on the boundaries for those areas shown on the Plan Special Considerations Map entitled "Development Potential within Ocean Shorelands and Dunes" (hereafter Development Potential Map). What this map indicates with regard to the beach and dunes features of the Bandon Dunes site is described in detail in Section VIII.Q and was relied on in determining compliance of the proposed resort expansion with Statewide Planning Goal 18. What this map indicates with regard to the coastal shorelands boundaries on the expanded Bandon Dunes Resort site is described in Section VIII.P.1.a and 2.a. and was used in determining compliance of the proposed expansion with Statewide Planning Goal 17.

DOCLS PIS 2, at Plan pp. 62-63, carries out the requirements of Goal 18, Implementation Requirement 1, as described in detail in Section VIII.Q.1. Those findings also explain in detail how compliance of the proposed resort development in the "Limited Suitability" designated portion of the expansion areas with PIS 2 will be ensured through application of the BDR zone.

DOCLS PIS 3, Plan pp. 63-64, imposes requirements identical Goal 18, Implementation Requirement 2, which is described in detail in Section VIII.Q.2. Those findings also explain in detail how the Bandon Dunes Resort expansion complies with the restrictions on development established by PIS 3 for the "Not

Suitable” designated area of the site.

Both DOCLS PIS 2 and 3 also contain provisions regarding protecting groundwater from drawdown that are virtually identical with Goal 18, Implementation Requirement 4. Compliance of the proposed resort expansion with this requirement is addressed in Section VIII.Q.3, by reference to the Statewide Planning Goal 5 groundwater analysis in Sections VIII.E.5.d(4) and e(4). In addition, DOCLS PIS 3 contains provisions similar to Goal 18, Implementation Requirement 6 restricting the breaching of foredunes. As explained in Section VIII.Q.3, the Master Plan, as modified by the Supplemental Master Plan, neither contemplates nor allows the breaching of foredunes.

DOCLS PIS 5 requires the County to “provide special protection to major marches, significant wildlife habitat, coastal headlands, exceptional aesthetic resources, and historic and archaeological sites located **within** the Coastal Shorelands Boundary of the ocean, coastal lakes and minor estuaries.”⁴⁹ Plan, p. 65. DOCLS PIS 5 goes on to identify what resources fall within each of these five categories, with reference to Plan inventories and Special Considerations Maps. For instance, DOCLS PIS 5 identifies “major marshes” as being certain marshes associated with dune lakes in the Oregon Dunes NRA and wetlands associated with the New River, as identified in Plan Inventory text and on the Special Consideration Map. However, none of the resources identified by DOCLS PIS 5 are present on the Bandon Dunes site. Accordingly, DOCLS PIS 5 does not apply to this decision.

DOCLS PIS 7, at Plan pp. 65-66, requires the County to adopt implementing ordinance provisions limiting the uses of its rural shorelands to certain listed uses:

- “i. farm uses as provided in ORS [Chapter] 215;
- “ii. propagation and harvesting of forest products consistent with the Oregon Forest Practices Act;
- “iii. private and public water-dependent recreation developments;
- “iv. aquaculture;
- “v. water-dependent commercial and industrial uses and water-related uses **only** upon [a] finding by the Board of Commissioners that such uses satisfy a need which cannot otherwise be accommodated on shorelands in urban and urbanizable areas;
- “vi. single family residences on **existing** lots, parcels, or units of land when compatible with the objectives and implementation standards of [Goal 17], and as otherwise permitted by the underlying zone[.];
- “vii. any **other** uses, provided that the Board of Commissioners determines that such uses (a) satisfy a need which cannot be accommodated at other upland locations or in urban or urbanizable areas; (b) are compatible with the objectives of LCDG Goal #17 to protect riparian vegetation and wildlife habitat; and (c) the ‘other’ use complies with the implementation standard of the underlying zone designation.” (Emphases in original.) Plan, p. 5-37.

⁴⁹ This requirement parallels that of Goal 17, Coastal Shoreland Uses, paragraph 1.

The above list of uses is very similar to that in Statewide Planning Goal 17, Coastal Shorelands Uses, paragraph 4,⁵⁰ which is quoted at the beginning of Section VIII.P. In fact, the first four paragraphs are identical. Section VIII.P.1.a and 2.b of these findings analyze the types of uses allowed on the coastal shorelands of the expanded Bandon Dunes Resort site by the Master Plan, Supplemental Master Plan, and BDR zone. Those findings conclude the uses allowed fall within categories ii and iii above. Consequently, these Plan and ZLDO amendments are consistent with DOCLS PIS 7.

DOCLS PIS 8 provides the County can approve land divisions within the ocean and lake CSB's in rural areas only if certain findings are made. However, both the Master Plan and the BDR zone prohibit the inclusion of land inside the CSB's within any smaller lots or parcels divided from the parent Bandon Dunes Resort property in the future. Master Plan, p. 63; ZLDO 4.10.090(C)(2). Consequently, these Plan and ZLDO amendments are consistent with DOCLS PIS 8.

DOCLS PIS 9 requires the County to consider six listed "general priorities for the overall use of ocean [and] coastal lake shorelands." Plan, pp. 66-67. The list of general priorities is identical to that in Statewide Planning Goal 17. DOCLS PIS 9 goes on to say "this strategy shall serve as a **guide** when evaluating discretionary zoning and land development actions." (Emphasis added.) *Id.* The use of the term "guide" means that PIS 9 is a factor to be considered rather than a mandatory standard. However, in this case, the description of the uses allowed within the ocean and lake CSB's of the expanded Bandon Dunes site by the Master Plan, as modified by the Supplemental Master Plan, and the BDR zone, found in Sections VIII.P.1.a and 2.b, indicate those uses would fall in categories (i) or (ii).

DOCLS PIS 10 requires the County to "prefer non-structural solutions to problems of erosion and flooding to structural solutions in ocean [and] coastal lake * * * shorelands." Plan, p. 67. However, DOCLS PIS 10 goes on to state that its implementation shall "occur through County review of and comment on state and federal permit applications for such projects." *Id.* Accordingly, DOCLS PIS 10 does not apply to this Plan and ZLDO amendment proceeding.

DOCLS PIS 11 requires the County to "maintain riparian vegetation within the shorelands of the ocean [and] coastal lakes * * * and when appropriate, restore or enhance it, as consistent with water dependent uses." Plan, p. 67. This requirement is very similar to Goal 17, Implementation Requirement 4. The findings in Section VIII.P.3 explain how this requirement is satisfied by the proposed resort expansion.

J. Natural Hazards

The Plan Natural Hazards Goal requires the County "to protect life and property from natural disasters and hazards, based on an inventory of areas potentially subject to such problems." Plan, p. 68. Under Natural Hazards PIS 1, development is to be regulated in known areas potentially subject to stream and ocean flooding, wind hazards, wind erosion and deposition, critical streambank erosion, coastal erosion and deposition, mass movements, earthquakes, and weak

⁵⁰ In fact the list of uses in DOCLS PIS 7 is identical to that in Goal 17, Coastal Shorelands Uses, paragraph 4, before it was amended in 1984.

foundation soils. The inventoried areas referred to in the Goal and PIS 1 are indicated on the Plan "Natural Hazards" Special Considerations Map.

The findings addressing Statewide Planning Goal 7, in Section VIII.G, identify the ocean fringe of the Primary Expansion Area as the only portion of the proposed expansion areas designated as an area of natural hazard on the Natural Hazards Special Considerations Map and discuss the protective measures required by the Master Plan, Supplemental Master Plan, and BDR zone.

Natural Hazards PIS 5 provides that the County "shall promote protection of valued property from risks associated with critical streambank and ocean-front erosion through necessary erosion control stabilization measures, preferring non-structural solutions where practicable." Plan, p. 69. However, the PIS goes on to state that it is implemented "by making 'Consistency Statements' required for State and Federal permits" for structural protection measures only in certain circumstances. *Id.* Accordingly, Natural Hazards PIS 5 does not apply to this Plan and ZLDO amendment proceeding.

K. Air, Land & Water Quality

County policies in this area express a desire for balance between maintenance of environmental quality versus avoidance of overly strict controls which stifle legitimate development. Most of the policies are directed at other agencies such as the federal Environmental Protection Agency, the state Department of Environmental Quality and the Coos Soil and Water Conservation District. Plan, p. 71. As such, there seems to be little direct connection between these policies and the approved expansion of the Bandon Dunes Resort.

The Air, Land & Water Quality Goal does, however, require the county to "exercise sound land use practices to maintain the quality of its air, land, and water resources in a manner that reflects the County citizens' desires for a quality environment and a healthy economy." Plan, p. 71. Also, Air, Land & Water Quality PIS 5 requires the County to "comply with state air, water quality, and noise source standards that are established as law." *Id.*

Other portions of these findings discuss various aspects of sound land use practices that are incorporated into the Bandon Dunes project's design. These practices deal with such things as obtaining permits for waste disposal and fill and removal, retention of riparian vegetation, retention of wetlands which have a multiplicity of environmental functions, encouragement of non-automobile transportation, solar orientation, and others. With regard to water quality, air quality, and noise, see the findings in Section VIII.E.5.d(4) (environmental consequences) and those in Section VIII.F (Statewide Planning Goal 6).

L. Industrial and Commercial Lands

Although this section of the Plan is entitled "Industrial and Commercial Lands," it is the Plan's general economic development section. The Bandon Dunes project will help Coos County in a substantial way to satisfy this area of its planning obligations.

The Plan goal requires Coos County "to diversify and improve its regional economy." Plan, p. 75. PIS 2 and 3 require the county to "sanction and support the economic development efforts" of the Coos, Curry Douglas Economic Improvement Association and to "support the regional economic goals and

objectives periodically adopted by the Coos County Overall Economic Development Program Committee." Plan, p. 76.

Among the problems cited as underlying the County's policies are: high and unstable unemployment, past reliance on lumber and wood products, poor transportation, rugged terrain, and relative isolation of the area. Plan, p. 74. The Plan goes on to discuss undue emphasis on preservation of farm and forestlands to the detriment of other economic activities and also advances the opinion that some commercial activities should be allowed outside of UGBs.

In making the case for extra-urban commercial development, the Plan cites several examples which serve a legitimate purpose in providing goods and services to farmers and rural residents. It is equally true that destination resorts are legitimately located outside of UGBs. As one commentator noted, "When you are locating the sea lion caves, you have to go where the sea lions are." The Oregon Legislature recognized this fact when it created the statutory provisions which allow destination resorts to locate in rural areas without a goal exception.

The chief attributes of the Bandon Dunes Resort expansion project are that it fosters economic diversification, creates jobs and stabilizes a basic industry which brings in outside money to the region. In all of these ways, the Bandon Dunes Resort expansion project helps the county meet its planning obligation to diversify its economy and provide land areas for all legitimate economic activities. See, in particular, the discussion of the ERA report in Sections VIII.E.5.d(4) and IX.A.1.

The adopted exception and related plan and zoning ordinance amendments will provide Bandon Dunes with additional depth, breadth, and staying power. It will enable Bandon Dunes to provide more jobs and revenue. It will enhance the attractiveness of Coos County as a place to visit, recreate, work, relocate, and retire. It will support the continuation and enhancement of commercial and general aviation connections through North Bend and Bandon Airports. It will provide Coos County's youth with jobs, a reason to stay in the community, the ability to finance an education, and the experience of working in a highly professional service organization. In short, the findings of 1996 have been more than validated. Except to the degree that they understated the potential marketing area, which has turned out to be worldwide, and the potential for job creation, which has turned out to be more than double what was expected (and will be even greater as a result of the proposed expansion), the 1996 findings are equally applicable to this application. For convenience of reference, the 1996 findings are set out in Appendix A to these findings.

M. Housing

As noted in Section VIII.J, Statewide Planning Goal 10 (Housing) has no effect on residential development outside of UGBs. Counties may, however, adopt housing policies for rural lands for reasons other than the imperatives of Goal 10.

In its Plan, Coos County has assessed its housing issues, in general terms. It first notes the desire to protect valuable farm land while meeting the need for acreage homesites. It notes that market conditions have made housing unaffordable for many county residents and identifies a need for different types and densities of housing in a variety of urban and rural locations. Plan, p. 77.

These issues are then addressed in a series of implementation strategies. Those

which appear relevant to expansion of the Bandon Dunes Resort include:

- Encouraging the availability of adequate numbers of housing units at prices commensurate with the financial capabilities of future county residents.
- Implementing appropriate Comprehensive Plan map and zoning designations.
- Allowing multiple family dwellings outside of UGBs when part of a Recreational Planned Unit Development.

Noting the strong link between income and affordability, the Bandon Dunes Resort expansion project complies with the County's strategies in at least the following ways:

- The project will create jobs for current and future County residents at wages which will help them afford housing.
- The project has been coordinated with nearby cities to insure there will be no adverse impact on the supply of buildable lands within UGBs.
- Because the subject property is now planned and zoned for forest use,⁵¹ approval will not make unavailable any land that has been inventoried and designated as needed for rural or urban housing.
- Although the exact proportions are not known, the project will provide a level of multiple-family housing for individuals who will become county residents, at least on a seasonal level. Although the project is not strictly a Recreational Planned Unit Development, it is similar in that it is a planned community consisting of dwellings, overnight accommodations, open space, commercial, and related recreational structures and uses. Only the magnitude of the Bandon Dunes Resort expansion is different.

N. Public Facilities and Services

The Plan notes that Statewide Goal 11 requires appropriate levels of planned facilities and services and requires that rural services must be planned so as not to misdirect urban growth. Plan, p. 78. It also recognizes that recreational planned developments are a unique form of land use which will import tourist income and which will need community-type urban services outside of urban growth boundaries. Plan, p. 79, Issue 4.

Development of an expanded Bandon Dunes Resort will not misdirect growth because its community services will be self-contained, on-site, and will not serve as a magnet for other urban development. This is in contradistinction, for example, to running a large sewer or water main across miles of farm land to serve a regional shopping mall. There will be no utility lines extending urban services from the City of Bandon, for example, to the Bandon Dunes site.

Public services such as power, communications, and solid waste disposal will be

⁵¹ With the exception of one 9.6-acre parcel that is currently designated and zoned for rural residential use.

provided by the usual franchised utilities operating in the area. Fire and police protection will be provided by the development or will be contracted for from local service providers. However, the demand, especially for police protection, is expected to be low. None of these services are of the type which stimulates urban sprawl. Streets, sidewalks, and storm drainage will be self-contained and provided at the developer's expense.

The services provided at an expanded Bandon Dunes Resort will be consistent with those identified as appropriate for rural parcels by Public Facilities & Services PIS 2a. Of the types of uses discussed in Public Facilities & Services PIS 3 through 6, the Bandon Dunes Resort is most similar in nature to, although certainly greater in extent than, a recreational planned unit development (PUD).⁵² Public Facilities & Services PIS 5 recognizes that self-contained community water and sewer systems are appropriate for recreational PUDs.

In summary, the Bandon Dunes project will further the County's planning obligations to the extent it facilitates a planned recreational development. In all other respects it is consistent with plan policies.

O. Transportation

The policy thrust of the Plan is to relate the development of transportation systems to the health of the economy. Plan, p. 83. Both the Plan Transportation Goal and PIS 1 require the County to "strive to provide and encourage a transportation system that promotes safety and convenience for citizens and travelers and that strengthens the local and regional economy by facilitating the flow of goods and services."

The applicant's TIA by Kittelson & Associates demonstrates that the proposed expansion of the Bandon Dunes Resort can be carried out without overloading the capacity or function of Highway 101 or the affected county roads. Specific requirements of the TPR and the County TSP are addressed in Section VIII.L.

In addition, the Bandon Dunes Resort expansion is designed to encourage and facilitate non-auto modes of transportation. Specifically it includes expanding the resort's trail system, connecting private and public recreational sites, and nature areas. See SMP, Fig. 13. The trail system will include all-weather paths for walking, bicycling, and, perhaps, horseback riding. In addition, the resort's shuttle bus system will be expanded to serve all activity centers in the proposed expansion areas, including the RV park and the proposed cultural/visitor center on the Tear Drop Site. The resort may also try using electric vehicles or small-scale tour busses (airport shuttle vehicles).

Finally, both the North Bend Municipal Airport and the Bandon State Airport will help and be helped by the project. It is difficult to predict the split of use between the major airport located at North Bend and the smaller facility at Bandon. The North Bend Municipal Airport has commercial service to Portland, Eugene, Medford, and San Francisco plus services such as rental cars. As such, it would cater more to people who travel by common carrier and need a car or those who fly privately but need a car. The Bandon airport, by contrast would be of use to those who fly privately, have surface transportation available, and want

⁵² See Section X.P and n 54 re the Plan's definition and criteria for a recreational PUD.

to be closer to the resort. Nevertheless, however one allocates the percentages, the impact on both airports will be positive.

The Bandon State Airport is located on the southern edge of Bandon, about 3 1/2 miles south of the Bandon Dunes site. It features a 3600 foot runway with a lighted beacon. A radio signal navigational aid is planned for next year with a satellite based global positioning system to follow in two to three years. The airport is attended from 8 am to 7 pm. Presently, 20 aircraft are based there and annual operations are in the 3500 to 4000 range. There is a fixed base operator on the site. The State Aeronautics Division has stated that the Bandon State Airport can easily handle additional based aircraft and operations. They have commented, "the planned destination resort should be an attractive addition to the area and having the airport available to provide air service to managers, guests and owners should be an added plus for the project."

P. Recreation

The Plan Recreation Goal states the County shall "strive to meet the recreational needs of its citizens and visitors." Plan, p. 86. Achievement of this goal relies on several plan implementation strategies which are substantially met by the proposed expansion of the Bandon Dunes Resort.

Recreation PIS 1 provides, in relevant part:

"This strategy [of increasing recreational opportunities and facilities] shall be implemented by * * * (2) encouraging applications for 'recreational' PUD's, (3) requiring open space standards in new PUD's/subdivisions, (4) cooperating with state/federal agencies involved in developing recreation facilities * * *." Plan, p. 86.

Recreation PIS 5 states that "Coos County shall conditionally permit the establishment of Recreational Planned Unit Developments (Recreational PUD's) within specific land areas of the County." Plan, p. 87. The Plan goes on to lay out a series of criteria for Recreational PUD's including (1) inclusion of at least 80 contiguous acres in private ownership; (2) proximity to a significant natural resource that has value for recreational purposes such as an estuary, waterfall, lake, or dune formation; and (3) retention of a portion of the land area for open space for passive and active outdoor recreation, including non-motorized vehicle or pedestrian trails, hazard control structures, and vegetation alteration such as golf courses and landscaped grounds.⁵³

On p. 88, the Plan discusses the mix of recreational dwelling units in relation to owner-occupied dwelling units in a Recreational PUD and declares that the allowed mix should be structured as an incentive for the developer "* * * to provide cultural amenities, a value to the local economy, that promote the concept of a 'destination-resort,' such as a convention center, and commercial uses." (Emphasis added.) The Plan states the above strategies are based on the

⁵³A Recreational PUD is defined in the Plan as providing a combination of owner's primary dwelling units, recreational dwelling units, and required open space. A recreational PUD may contain retail and service establishments that can serve more than just the needs of the development users and must contain at least 80 acres.

recognition:

“* * * * *

- “ii. that Recreational PUD's can provide significant diversification of the local economy by increasing the attraction of tourists to the County;
- “iii. that the flexible density provision for recreational dwellings offers necessary incentives to stimulate the development of destination resort complexes * * *.” Plan, P. 89.

For various technical reasons neither the original Bandon Dunes Resort nor the approved expansion could be proposed as a Recreational PUD. However, a comparison of the criteria stated above and the facts concerning the Bandon Dunes Resort show that the concept of the expanded Bandon Dunes Resort is similar to a Recreational PUD. Therefore, approval of the Bandon Dunes Resort expansion will aid the County in meeting several of its important recreational planning obligations.

Q. Energy

The Plan Energy Goal requires the County to “strive to: (1) conserve energy, and (2) make wise use of its energy resources.” Plan, p. 90.

The goal is to be implemented through a series of strategies, the first of which encourages exploration and recovery of non-renewable resources such as coal, gas and oil on lands on which the County holds an ownership interest. Energy PIS 1. Reference to the “Special Considerations” map for energy resources shows that the proposed resort expansion areas are not within an area of potential coal fields, but are within a broadly defined area within which oil and gas leases may exist. However, because this policy affects only County ownerships, the Bandon Dunes property is exempt from further consideration as a resource site.

The Primary Expansion Area is adjacent to the “Whiskey Run Energy Site.” However, this windpower site is classified as a “1B” Goal 5 resource, for which no protective implementing measures are required or appropriate. Energy PIS 8

The County policy with regard to energy conservation is to build energy conservation standards into its development code. Energy PIS 6. The expanded resort development will be subject to those standards. At a minimum, all of the heated structures will be built to comply with the Oregon Energy Code. Beyond that, the developers have indicated they will monitor developments in solar technology and integrate those which are practicable and in keeping with the selected design themes of the built portions of the resort.

Also, as noted elsewhere in these findings, the expanded Bandon Dunes Resort will contribute toward energy conservation directly by encouraging non-motorized transportation and indirectly through minimizing use of fertilizers and other chemicals which rely on petro-resources as a constituent or as part of the manufacturing process.

XI. COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE

A. Text Amendments

Amendments to the text of the Coos County Zoning and Land Division Ordinance (ZLDO) are governed by ZLDO Article 1.2, which does not establish specific criteria for text amendments. However, ZLDO 1.2.100 (Purpose) notes that text changes are made “in order to conform (i) with the Comprehensive Plan as it is adopted or amended, [or] (ii) to other changes in circumstances and conditions.”

Section X of these findings demonstrates that the adopted Plan and ZLDO amendments are consistent with applicable policies of the Comprehensive Plan. These amendments include adoption of the Supplemental Master Plan and these findings and goal exception statement as part of the Plan. The ZLDO text amendment adopting amendments to the text of the BDR zoning district is consistent with the adopted Master Plan, as modified by the Supplemental Master Plan, in that the criteria established in Sections 4.10.030 and 4.10.070 of the BDR zone for approval of final development plans for phases or elements of the Bandon Dunes resort, and those for approval of land divisions in Section 4.10.090(B) to (D), can be satisfied consistent with the approved Master Plan/Supplemental Master Plan.

For instance, the expanded Bandon Dunes Resort has the size and access required by Section 4.10.030(A) and (B) of the BDR zone. The residential and recreational development proposed can meet the requirements and limitations of Section 4.10.030(C) through (E). New commercial uses proposed as part of the Supplemental Master Plan do not exceed those allowed by Section 4.10.050(C) of the BDR zone, as limited by Section 4.10.040(E). The amount of open space and treatment of natural resources indicated as part of the Supplemental Master Plan are consistent with Section 4.10.030(H) and (I). The setbacks and buffers indicated in the Master Plan, as modified by the Supplemental Master Plan are consistent with those required by Section 4.10.030(J), (K), and (L).

B. Map Amendments

ZLDO 5.1.400(1) establishes the following three criteria for approval of a rezoning:

- “(a) The rezoning will conform with the Comprehensive Plan or [ZLDO] Section 5.1.250; and
- “(b) The rezoning will not seriously interfere with permitted uses on other nearby parcels; and
- “(c) The rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners.”

Section X of these findings demonstrates that the rezoning of the expansion areas to the new BDR zone complies with the relevant provisions of the Comprehensive Plan and, therefore, also demonstrates that ZLDO 5.1.400(1)(a) is satisfied. Section IX.C of these findings demonstrates the uses of the expanded Bandon Dunes Resort site will be compatible with the uses on adjacent parcels and, therefore, also establishes that the destination resort will not seriously interfere with these other uses, as required by ZLDO 5.1.400(1)(b).

Finally, because the Board of Commissioners has adopted no other policies or ordinances applicable to the rezoning of the expansion areas, ZLDO 5.1.400(1)(c) is inapplicable.

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

APPENDIX A

EXCERPT FROM 1996 BANDON DUNES RESORT LAND USE FINDINGS AND GOAL EXCEPTION STATEMENT

X. COOS COUNTY Comprehensive Plan

* * * * *

M. Industrial and Commercial Lands

* * * * *

The economic goals and objectives of Coos County are part of a regional strategy developed by the Coos-Curry-Douglas Business Development Corporation (CCD) which has been incorporated into appropriate elements of the Coos County Comprehensive Plan.

A first step in understanding the relationships between the Bandon Dunes project and various local and regional economic goals and objectives is to understand the structure of the local economy. Since 1971, economic data has been collected and analyzed for southwestern Oregon by CCD. CCD has been designated as an Economic Development District by the federal government, making it eligible for grants for public facilities construction and for other types of assistance for private sector business expansion. CCD operates in cooperation with individual cities, counties, and private entities. As such, CCD is an accurate and timely source of information about the local economy.

A few pertinent statistics from CCD's Development Report and Plan will outline what have come to be well-known facts about the southern Oregon coastal economy and the economy of Coos County in particular.

1. Population Trends

The population of Coos County declined 5.9% during the decade 1980 to 1990, moving from 64,047 to 60,273. Since 1990 the decline has reversed and the county is growing at between 0.7% and 1.5% each year. The 1994 population is estimated to be 66,813. Much of the recent growth is from in-migration rather than natural increase. For example, the 1992 increase of 900 included a natural increase of 51 persons and a net migration of 849 persons.

Along with the increased net migration have come significant changes in the composition of the population. For one thing, the number of older people is increasing while the number of young is decreasing. The middle age groups are staying roughly the same. Specifically, in 1970 those 65 and older were 9.1% of total population. In 1992, that group increased to 17.6% of total population. This compares to 12.8% nationally and 13.8% in Oregon.

By comparison, those in the 0 to 24 age group declined from 45.1% of total population in 1970 to 32.9% in 1992. The middle group, 25 to 64, stayed fairly stable, moving from 45.8% in 1970 to 48.9% in 1992. The age of the local population is dramatically reflected in the Bandon area, which in 1990 had a median age of 46.5 compared to 34.5 for Oregon and 37.6 for all of Coos County.

2. Employment Trends

Along with population shifts have come changes in employment. In general, employment in resource based industries such as lumber and wood products (LWP) and fishing has declined while employment in tourism and retirement activities and other non-manufacturing industries has increased. Specifically, LWP employment fell 46.6% and the food products manufacturing sector declined 8.9% between 1983 and 1993. During the same 10 years increases were seen in other sectors - other manufacturing (18.1%), construction/mining (71.4%), trade (30.4%), finance/insurance/real estate (13.2%), services/misc. (21.2%), and government employment (15.1%).

Unemployment in Coos County moved from 14.5% in 1983 to a low of 8.2% in 1987 and back to a double-digit figure of 11.1% in 1992.

3. Income Trends

Generally, Coos County's personal income has lagged behind other areas of the state. Specifically, total personal income increased 64% in Coos County between 1981 and 1991. In the same 10-year period the state's total increased by 83%. Also, there have been some changes in the magnitude and make-up of personal income.

Per capita personal income rose statewide from \$7556 in 1979 to \$13,418 in 1989, a 76% increase. During the same period, income in Coos County rose from \$6930 to \$11,088, a 60% increase.

The sources of local income have changed along with the changes in population make-up. Specifically, the population's aging has caused proportional decreases in net earnings (primarily wage, salary, and proprietorship income) balanced by increases in income from interest, dividends, rents, and transfer payments (retirement, disability, medical and income maintenance).

4. Economic Development and the Bandon Dunes Project

Against this backdrop of economic reality and with broad based participation by a variety of experts and policy makers, the CCD has developed lists of economic growth opportunities, obstacles, goals, and objectives which have been incorporated into the county Plan.

The need for the Bandon Dunes project can be assessed in large part by the manner in which the project measures up against the items in these lists: Does it make use of an opportunity? Does it overcome an obstacle? Does it help achieve a regional goal? Does it meet a specific objective?

The items on the lists, as reported in the Development Report and Plan, are set out below in three main categories: (1) opportunities, (2) obstacles, and (3) goals and objectives. Each category is followed by an analysis of how the items apply to the Bandon Dunes project.

a. **Economic Growth Opportunities**

Opportunities for the tourism and retirement sectors of the economy are:

Tourism:

- The district's recreational resources are of outstanding quality--the area's ocean, mountains, lakes, and rivers support much recreation, including fishing, hunting, photography, and hiking.
- Cultural resources are developing with a uniqueness that makes them attractive to the tourists.
- The historical background of the area provides a wealth of opportunity. This includes vanishing landmarks--covered bridges, wigwam burners, etc.
- Opportunities to tie products and tours together [such as] winery and forest tours.
- Sport fishing is a major recreational resource within the district, from lakes to streams and rivers to the ocean. Fish hatcheries should be promoted as part of overall tourism development.
- Local events that have developed a particular character and uniqueness over a period of time.

Retirement:

- The district's mild climate.
- The high ratio of health care providers per capita.
- The wide variety of recreational activities accessible within the context of a single day.
- An increasing senior population as a magnet for still more seniors.
- A strong and growing senior network creates the impetus for a continually expanding program of senior activities and services.

Analysis:

One of the prime attractions of the Bandon Dunes site for a destination resort is the diversity of its landscape. As noted in the resource inventory (Application, Volume V, Appendix A), the site's 1215 acres include ocean front, active and stable sand dunes, coastal lakes, ocean bluffs, streams, forested areas, several types of wetland environments plant communities and associations. These are the raw natural materials that can attract and support a variety of recreational opportunities.

The site also features a variety of cultural and historic resources. Appendix A outlines a rich heritage of Native American cultural life as indicated by arrowheads, scrappers, and other tools. This heritage will be preserved and celebrated by coordination with local tribes during all phases of development and construction. The historic aspects of the site are also recognized and worthy of preservation. As noted in Appendix A, they included homesteading, early cattle ranching and logging, and gold and chrome mining. Provision of historical plaques at selected locations will

acknowledge this heritage.

Although sport fishing is not a major emphasis of the Bandon Dunes project, the property does provide the opportunity for enhancement projects such as the STEP hatchery supplementation program for Coho Salmon or Steelhead as discussed in the Site Analysis. On site lakes also support a variety of other fish populations such as Cut Throat Trout and Bass.

Perhaps most importantly, the Bandon Dunes site's oceanside location and dunal soils and formations provide an opportunity to create, in the Scottish links golf course, a facility with a particular character and uniqueness which, over time, can attain a national and even international reputation.

Several aspects of the site and project are consistent with the opportunity to enhance the market for retirement services and facilities. The site benefits from the region's mild climate, high ratio of health care providers per capita and accessibility to a wide variety of recreational activities. An increasing senior population serves as a magnet for still others. As the senior population grows, an increasing number of services and activities can move from being unattainable or marginal to being economically viable.

b. Economic Development Obstacles

The CCD report identifies general and specific obstacles to economic growth. General obstacles, which the Bandon Dunes project helps to overcome, are:

- Lack of adequate passing lanes and slow vehicle turnouts to handle heavy traffic volumes along Coast Highway 101.
- Inadequate water supply, storage, treatment and distribution, as well as sewerage and waste treatment facilities, which limit the capacity of many areas to sustain increased residential, tourist, recreational, commercial, and industrial activities.
- Insufficient job opportunities to employ the resident labor force and prevent out-migration of younger residents.
- Insufficient debt and equity capital, as well as management assistance, for business start-ups and expansions.
- Lack of first class convention/banquet facilities in the entire district.
- Failure of the state land-use planning process to recognize that "urban" development also takes place outside of defined Urban Growth Boundaries (UGBs). The current program provides for only urban (as defined by UGBs) and resource (agricultural and forestry) uses.

Specific obstacles identified for tourism and retirement include:

- Inadequate funding for promotion, development and maintenance of tourist facilities and parks.
- Lack of an aggressive tour package promotion in the district.
- Lack of small, medium, and large convention/banquet facilities in the district.
- Lack of a tourism destination identity in inland areas of the district.

- Insufficient promotion of investment in tourism. Lack of venture capital and other investment necessary for the promotion of tourist business development.
- Insufficient community awareness of the economic impacts of tourism and of the need for concerted efforts to promote tourism.
- Lack of a plan to develop and promote the retirement market.

Analysis:

The stated obstacle regarding traffic on Highway 101 is a generalization for the entire coastal highway. Most aspects are beyond the control of any one development. The applicant accepted the responsibility for its share of potential adverse traffic impact and hired JRH Transportation Engineering to analyze the existing situation, predict the impact of the Bandon Dunes project, and recommend appropriate traffic control facilities and devices. The JRH report indicates no signalization improvements are needed along Highway 101 at existing or proposed access points. No adverse traffic impacts will be incurred as a result of implementing the Master Plan and the Cooperative Improvement Agreement that this decision requires the applicant to execute with ODOT and the County. In addition, no signalization improvements are needed along Highway 101 at existing or proposed access points. For a complete discussion of transportation issues, see section VIII.L.

The identified obstacles regarding water supply and waste treatment will be overcome. Water will be withdrawn from both deep and shallow aquifers. The issue of water is critical both from the standpoint of the development's needs and from existing nearby water consumers such as the cranberry farms. Engineering and Geologic Resources, Inc. (EGR), a professional engineering firm, was hired to make a thorough study of both the water supply and the waste disposal issues. Their conclusion is that the Bandon Dunes site has abundant groundwater. See section VIII.E.12.c(1). Evaluation of soils data and projected waste volumes indicates a self-contained sewage collection and treatment facility for the project is feasible. See section VIII.K.5.

The County's lack of job opportunities to employ the resident labor force and prevent out-migration of younger residents will be partly remedied by the Bandon Dunes project. The first type of jobs will be the construction jobs created by the initial Phase 1 development and later phases. The statutory standard for destination resorts is that at least \$7 million (1993 dollars) must be spent on improvements for onsite developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities, and roads. Using generally accepted conversion factors, this translates into about 800 FTE job years, including those required to construct sewer and water facilities and roads. The second type of job created will be those associated with the ongoing operation of the resort, including a wide variety of management jobs for the hotel and restaurant, golf courses and residential units, as well as numerous jobs in food and room service and maintenance. These permanent, post-construction jobs could range between 140 to 175 jobs.

Although it will certainly not solve the entire problem, the Bandon Dunes project will provide significant help in promoting the region as a tourist destination and retirement location. This effect will flow naturally from the resort's need to promote itself. The infusion of more than \$7 million of venture capital into the project guarantees that the investors will protect that investment by whatever means are reasonably available. It is expected that promotion of the Bandon Dunes project will be done in concert with other private and public efforts and will be complementary, rather than competitive, in that there are no similar facilities existing or planned for the region.

The Bandon Dunes destination resort will alleviate the problem of a lack of first class convention/banquet facilities. As noted in the concepts document, "facilities similar to the Conference Center at Silver Falls State Park could offer family style dining, lodging and meeting services in buildings overlooking Round and Chrome lakes. Such facilities meet the need on the South Coast for conferences, banquets and special education training sessions."

c. Goals and Objectives of the Region

Specific economic goals and objectives for tourism and retirement of relevance to the Bandon Dunes project are listed and discussed as follows:

"I. GOAL: GREATER ECONOMIC DIVERSIFICATION

"A. Relationship of the Goal to Economic Conditions

[This section of the CCD report summarizes facts noted above regarding inherent problems with dependence on the timber industry. It emphasizes the need for greater diversity including enhancement of existing industries and the attraction of other new industries to the area. The Bandon Dunes destination resort be in the latter category.]

"B. Objectives

"1. Attract new industries to the district in fields other than primary wood processing.

"4. Provide adequate land area in city and county land use plans for district commercial and industrial growth.

"9. Improve water supply systems with respect to all uses, including fire protection, domestic, industrial and agricultural uses."

"V. GOAL: GREATER DEVELOPMENT OF TOURISM AND RECREATION IN THE DISTRICT

"A. Relationship of the Goal to Economic conditions

"Tourism and recreation have been identified as one of the fastest growing economic sectors in the district. . . ."

"B. Objectives

"1. Improve tourist facilities such as major tourist attractions or destination resorts, convention centers, overnight accommodations, improved sport fishing facilities and services, improved fresh and salt water-oriented facilities, multiple-use, all weather facilities, museums, cultural attractions and related public utilities.

“* * * * *

- "3. Promote winter tourist attractions.
- "4. Improve access to and parking areas for tourist facilities and recreational areas.
- "5. Improve traffic patterns and parking facilities for large vehicles.
- "6. Improve marked routes and traffic flow between tourist areas.

“* * * * *

- "8. Promote tourism planning and promotion by the state and region, including promotion of foreign travel to the district, particularly targeting California, Canada and Japan."

"VIII. GOAL: CAPITALIZING ON GROWTH IN THE RETIREMENT SECTOR

"A. Relationship of the Goal to Economic Conditions

"The retirement service sector is another growth area in the district economy. ..."

"B. Objectives

- "1. Target those individuals and couples with a net worth of at least \$100,000 and an annual income of at least \$20,000 to consider [the] district as a retirement base.
- "2. Promote the livability of the district -- affordable housing and services, clean environment, minimum security needs, availability of health related facilities and recreational and cultural activities.
- "3. Create an atmosphere of hospitality and welcome for the retirement community.
- "4. Analyze and market those existing amenities and benefits that appeal to the senior market.
- "5. Analyze those areas that need to be improved to make the district more attractive to seniors, and work to bring about those improvements.
- "6. Develop a marketing program for the retirement market.
- "7. Review demographic trends and projections for the next ten years and plan in accordance with those projections.
- "8. Develop a marketing program for the retirement market."

Analysis:

Economic diversification is a signal feature of the Bandon Dunes project. Much has been written here and elsewhere about the need to broaden the area's economic base beyond timber and fisheries. As set forth in more detail above, this project will provide employment in a variety of nonresource oriented sectors, including construction and operation plus secondary and tertiary employment in providing goods and services to Bandon Dunes residents and visitors.

The allocation of a sufficient area of land to accomplish the project is the central function of the land use processes to which this application is directed. The objectives of providing public facilities and services to the project are capable of being met largely on-site and largely through the owner's own financing. This is not the type of project which comes to the community laden with requests for incentives such as tax breaks, free public facilities, interest-free loans etc.

This project is directly on target with the County's goals for tourism and recreation, which have been identified as the fastest growing economic sectors in the district. The project will provide several facilities which are specifically listed in the CCD plan. These include: destination resort, convention center, overnight accommodations, cultural attractions and related public utilities.

The project will provide needed improvements to intersections on Highway 101, access to the Bandon Dunes site, parking areas, and related traffic control devices and facilities. It will also, via its scenic hiking trails and bicycle path system, provide an auto-free mode of transportation connecting residential areas, recreational sites and natural areas.

As noted above, the promotion of tourism by the state and region will be aided by the efforts of Bandon Dunes. The target markets for the proposed Scottish links golf course based destination resort will be:

- Primary: Northwest and California
- Secondary: U.S. and Canada
- Tertiary: Pacific Rim

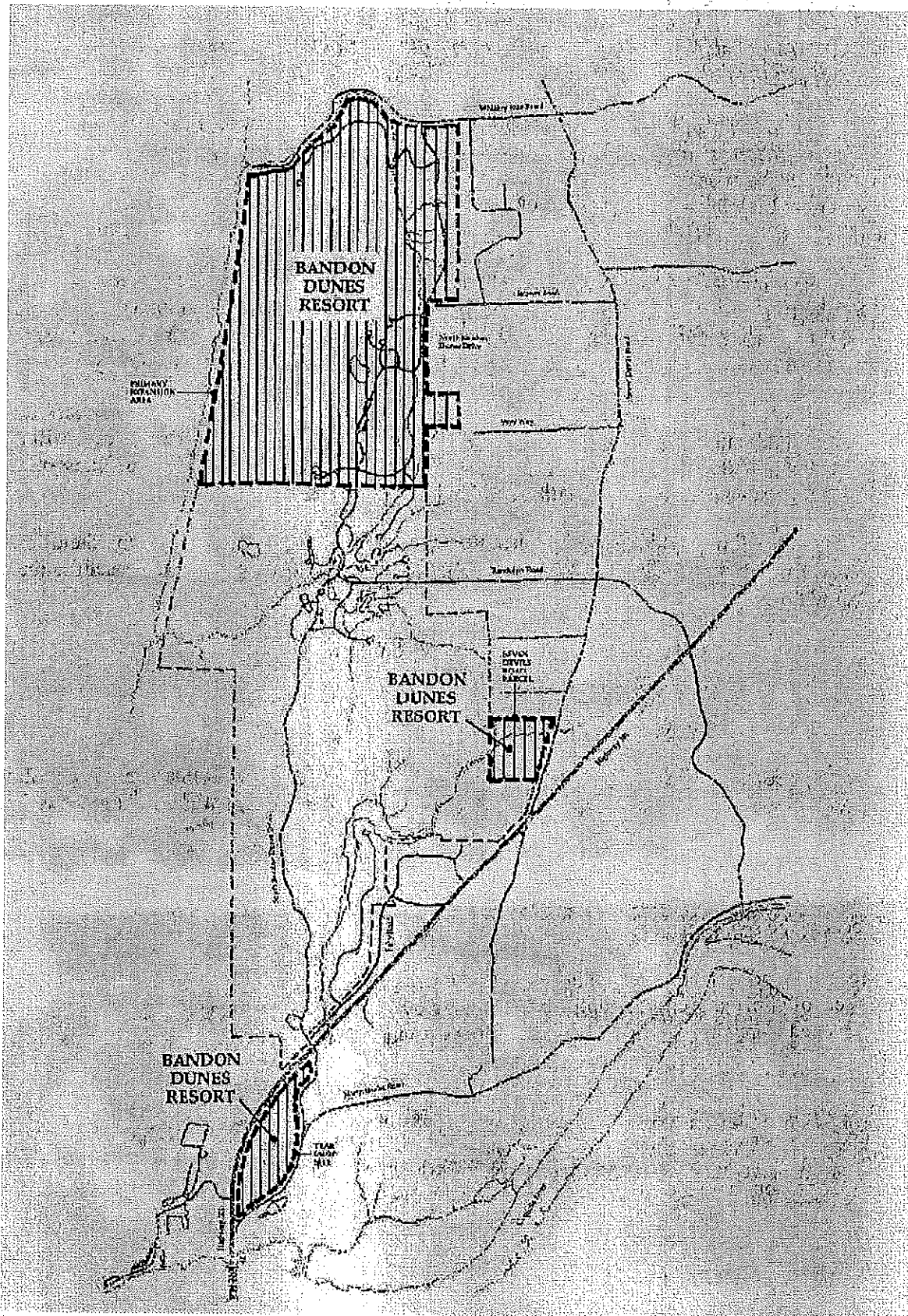
Regarding regional goals and objectives for the retirement sector, the primary target population cohort for outright or fractional ownership of recreational dwellings will be those households which play golf and have an annual income of more than \$50,000. For the overnight guests, it is common knowledge that a high percentage of golfers are retired. The marketing program will be based on a detailed analysis of the demographic trends such as those reported in the Ragatz market analysis study described above, as well as the existing area amenities and benefits that appeal to the senior market.

Because Bandon Dunes marketing will be aimed at both visitors and long-term residents, all aspects of climate, security, public and cultural services, medical services and costs of living will be utilized. Creating an atmosphere of hospitality and welcome will be in Bandon Dunes' interest as well as the County's.

Promotion of the area's economic goals requires a partnership between public and private enterprise. That is why the CCD goals and objectives are endorsed by the Coos County Comprehensive Plan. In addressing those market forces and trends, the Bandon Dunes proposal aids Coos County in meeting its planning obligations.

COMPREHENSIVE PLAN MAP AMENDMENTS

Exhibit C June, 2003



AMENDED FISH & WILDLIFE HABITAT II-MAP

Exhibit D June 2003

