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AMENDMENT/REZONE APPLICATION
PLEASE SUBMIT 2 COMPLETE UNBOUND COPIES OF THIS APPLICATION
OR 1 ELECTRONIC AND ONE UNBOUND COPY

The following questions are to be completed in full. An application **will not** be accepted for an Amendment/Rezone without this information. The applicant should contact the Planning Department prior to filing, in order to determine a valid basis for the request.

The Board of Commissioners and Hearings Body will use these answers in their analysis of the merits of the request.

PLEASE PRINT OR TYPE:

A. APPLICANT:

Name: Don Crowe Telephone: 541-347-5870
 Address: 57744 Round Lake Road, Bandon, OR 97411

As applicant, I am (check one):

- Property owner or a purchaser under a recorded land sale contract. "Property owner" means the owner of record, including a contract purchaser. The application shall include the signature of all owners of the property. A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign;
- A person or persons that have written consent of the property owner to make an application. A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign. In the case of an attorney a statement of representation shall accompany the application;
- Transportation agency, utility or entity that meets the criteria in Section 5.0.175 of the Coos County Zoning and Land Use Development Ordinance (CCZLDO)

If other than the owner, please give the owner's name and address:

B. DESCRIPTION OF PROPERTY: Bandon Dunes Resort

Township _____ Range _____ Section _____ Tax Lot _____
 Account No. _____ Lot Size _____ Zoning District BDR
 Existing Use _____

C. STATE SPECIFIC ZONE DISTRICT REQUESTED: Subzone Rezone/Plan Amendment

D. JUSTIFICATION:

- (1) If the purpose of this rezone request is to rezone one or more lots or parcels in the interior of an exclusive farm use zone for non-farm uses, the following question must be answered:
Were the lots or parcels for which a rezone request is made, physically developed for a non-farm use prior to February 16, 1983? No
Explain and provide documentation: _____

- (2) If the purpose of this rezone request is for other than (1) above the following questions must be answered:
- a. Will the rezone conform with the comprehensive plan? Yes
Explain: See the attached Proposed Amendments, Supplemental Exception Statement, and Proposed Findings document.

- b. Will the rezone seriously interfere with the permitted uses on other nearby parcels? No
Explain: The entire Rezone/Amendment is totally contained within the Bandon Dunes Resort

- c. Will the rezone comply with other adopted plan policies and ordinances? Yes
Explain: See attached Findings document

- (3) If a Goal Exception is required please review and address this section. N/A

All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The Coos County Comprehensive Plan (CCCP) and Implementing Zoning Land Development Ordinance (CCZLDO) was acknowledge¹ as having all necessary components of a comprehensive plan as defined in ORS 197.015(5) after the Coos County adopted the documents on April 4, 1985. The date of the effective plan and ordinance is January 1, 1986. Coos County did go through a periodic review exercise in the 1990's but due to lack of gain in population, economic growth and public request plan zones were not altered. Changes to the comprehensive plan and implementing ordinance have been done to ensure that any required statutory or rules requirements have been complied with. However, sometimes it is necessary for property owners or applicants to make a request to have certain properties or situations such as text amendments considered to reflect a current condition or conditions. These applications are reviewed on a case by case basis with the Board of Commissioners making a final determination. This type application and process is way to ensure that process is available to ensure changing needs are considered and met. The process for plan amendments and rezones are set out in CCZLDO Article 5.1.

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

¹ "Acknowledgment" means a commission order that certifies that a comprehensive plan and land use regulations, land use regulation or plan or regulation amendment complies with the goals or certifies that Metro land use planning goals and objectives, Metro regional framework plan, amendments to Metro planning goals and objectives or amendments to the Metro regional framework plan comply with the goals. In Coos County's case the commission refers to the Land Conservation and Development Commission.

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.

NOTE: This information outlines standards at OAR 660-004-0025, 660-004-0028 and 660-04-0022 for goal exceptions, but is NOT to be considered a substitute for specific language of the OARs. Consult the specific Oregon Administrative Rule for the detailed legal requirements.

A local government may adopt an exception to a goal when one of the following exception process is justified:

- (a) 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;
- (b) 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; or
- (c) A “reasons exception” addressing the following standards is met:
 - (1) Reasons justify why the state policy embodied in the applicable goals should not apply;
 - (2) Areas which do not require a new exception cannot reasonably accommodate the use;
 - (3) 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 typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and
 - (4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. Compatible, as used in subparagraph (4) is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the

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PART III -- USE OF GUIDELINES Governmental units shall review the guidelines set forth for the goals and either utilize the guidelines or develop alternative means that will achieve the

E. REQUIRED SUPPLEMENTAL INFORMATION TO BE SUBMITTED WITH APPLICATION:

1. A legal description of the subject property (deed);
2. Covenants or deed restrictions on property, if any;
3. A general location map of the property;
4. A detailed parcel map of the property illustrating the size and location of existing and proposed uses and structures on 8 ½” x 11” paper. If proposed structures are not know then the plot plan will need to include only existing with a note that no new structures are proposed at this time;
5. If applicant is not the owner, documentation of consent of the owner, including:
 - a. A description of the property;
 - b. Date of consent
 - c. Signature of owner
 - d. Party to whom consent is given
6. The applicant must supply a minimum of 2 copies of the entire application or one paper copy and electronic copy (email is acceptable), including all exhibits and color photocopies, or as directed by the Planning Staff.

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G. Authorization:

All areas must be initialed by all applicants, if this application pertains to a certain property all property owners² must either sign or provide consistent for application unless otherwise allowed by Section 5.0.175 of the CCZLDO. As an applicant by initializing each statement I am accepting or agreeing to the statements next to each area designated for my initials and/or signature. All property owners shall sign and initial the designated areas of the application or provide consent from another party to sign on their behalf. If another party is signing as part of a consent that does not release that party that gave consent from complying with requirements listed below or any conditions that may be placed on an application. In the case of a text amendment the procedures for set out in Section 5.1.110 WHO SEEK CHANGE applies and an applicant may not be a property owner.

PC

I hereby attest that I am authorized to make the application and the statements within this application are true and correct to the best of my knowledge. I affirm to the best of my knowledge that the property is in compliance with or will become in compliance with CCCP and CCZLDO. I understand that any action authorized by Coos County may be revoked if it is determined that the action was issued based upon false statements or misrepresentation.

PC

I understand it is the function of the planning staff to impartially review my application and to address all issues affecting it regardless of whether the issues promote or hinder the approval of my application. In the event a public hearing is required to consider my application, I agree, as applicant I have the burden of proof. I understand that approval is not guaranteed and the applicant(s) has the burden of proof to demonstrate compliance with the applicable review criteria.

PC

As the applicant(s) I acknowledge that it is in my desire to submit this application of free will and staff has not encouraged or discouraged the submittal of this application.

PC

I understand as applicant I am responsible for actual cost of that review if the Board of Commissioners appoints a hearings officer to hear the application I have submitted. As applicant I will be billed for actual time of planning services, materials and hearings officer cost and if not paid the application maybe become void.

Applicant(s) Original Signature

John Cune
Applicant(s) Original Signature

Date

12/7/2021

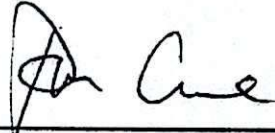
² Property owner" means the owner of record, including a contract purchaser

BANDON BIOTA, LLC

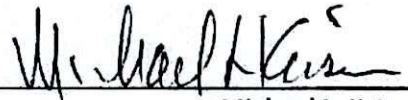
Michael L. Keiser, on behalf of Keiser Family Partnership, LP, and as President of Bandon Biota, LLC (the "Company") hereby certifies:

The individual named below is authorized to engage in business transactions necessary for the operation of Bandon Biota, LLC, to negotiate, execute and deliver agreements necessary for same, and to complete records, reports, and statements necessary for same. All such documents signed by the individual named below shall be conclusive evidence of the fact that such Instruments have been executed and delivered with the full authority of the Company.

This document, including but not limited to its meaning and effect, shall be interpreted pursuant to the laws of the State of Oregon.



Don Crowe, General Manager

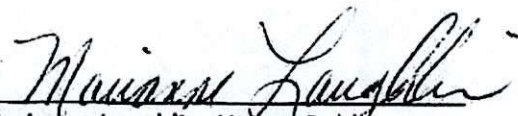


Michael L. Keiser
President, Keiser Family Partnership, LP,
Bandon Biota, LLC

STATE OF ILLINOIS)
)
COUNTY OF COOK)

Before me, a Notary Public in and for the State and County aforesaid, personally appeared Michael L. Keiser, to me known to be the person described in and who executed the foregoing Instrument, and acknowledge that he executed the same as his free act and deed.

Witness my hand and notarial seal this 13th day of July, 2021.


Marianne Laughlin, Notary Public

**APPLICANT'S STATEMENT,
PROPOSED AMENDMENTS,
SUPPLEMENTAL EXCEPTION STATEMENT
AND PROPOSED FINDINGS
FOR
2021 TEXT AND MAP AMENDMENTS
TO
BANDON DUNES RESORT MASTER PLAN
AND
BANDON DUNES RESORT ZONING DISTRICT
SUBMITTED DECEMBER 2021**



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**APPLICANT’S STATEMENT,
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AND PROPOSED FINDINGS
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2021 TEXT AND MAP AMENDMENTS
TO
BANDON DUNES RESORT MASTER PLAN
AND
BANDON DUNES RESORT ZONING DISTRICT

SUBMITTED DECEMBER 2021**

I. INTRODUCTION

This application is for amendments to the text and maps of the Coos County Comprehensive Plan (Plan) and Coos County Zoning and Land Development Ordinance (ZLDO). Specifically, the amendments to the Plan are to the Bandon Dunes Resort Supplemental Master Plan (SMP) and the Bandon Dunes Resort (BDR) Exception Statement, and the amendments to the ZLDO are to sections of the BDR zoning district.

This application has been submitted by Don Crow, General Manager for Bandon Dunes Resort, as agent for the owners of the subject properties, Bandon Dunes, L.P., and Bandon Resort Properties, LLC. All referred to collectively hereafter as “Applicants.”

II. PROPOSED AMENDMENTS

The purpose of the amendments is as follows:

1. Amend the sub-zone boundary between the NR-3 and NR-8 natural resource conservation districts, by expanding the NR-3 sub-zone and reducing the NR-8 subzone to better reflect the intent of the two districts based upon their definition and conservation inventories (Map Amendment).
2. Allow a second small-scale special-purpose golf course on 32 acres within the amended NR-3 district to expand the dune land habitat conservation and restoration program implemented in conjunction with the Preserve Golf Course in 2014 (Text Amendment/Exception).
3. Allow a restaurant as an accessory use in conjunction with a golf course (Pacific Dunes) in the GR-3 subzone and a restaurant as an accessory use in conjunction with the Practice Center in the GR-4 subzone (Text Amendment/Exception).

A. NR-8 to NR-3 Map Amendment

Pursuant to the Coos County Comprehensive Plan Volume I, Part 3 (11.3.1) (1996 Band Dunes Resort Master Plan) the extent and purpose of the identified Natural Conservation areas is as follows:

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 of the 1996 Master Plan 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.

NR-3 SUBZONE

Pursuant to the Coos County Comprehensive Plan Volume I, Part 3 (11.3.1.3) (1996 Band Dunes Resort Master Plan) the area and intent of the NR-3 Subzone is as follows:

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.

This definition remains in effect subject to the 2010, 2014, and 2021 amendments authorizing two small-scale, special-purpose golf courses and duneland habitat conservation program on 18 (Preserve) and 32 acres (second special purpose golf course) south of Cut Creek, and the amended boundary between the NR-8 and NR-3 subzones to better reflect the definition, purpose and intent of each subzone.

NR-8 SUBZONE

Pursuant to the Coos County Comprehensive Plan Volume I, Part 3 (11.3.1.4) (1996 Band Dunes Resort Master Plan) the area and intent of the NR-8 Subzone is as follows:

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.

This definition remains in effect as adopted in the original 1996 Bandon Dunes Resort Master Plan subject to the amended boundary between the NR-8 and NR-3 subzones.

AMENDMENT JUSTIFICATION

The basis for amending the boundary between the NR-3 and NR-8 natural resource conservation subzones is to better reflect the definition, purpose and intent of the two districts based upon their descriptions and conservation inventories.

The NR-3 subzone is identified as “Scenic Dunes” consisting of “primarily open sand and grassland that adjoins the northeast corner of Bullards Beach State Park.” The NR-8 subzone is identified as “Interdune Valley Lowlands” that “contains both a major willow-alder type wetland and a remnant stand of Port Orford Cedar Dunes Forest.”

The portion the NR-8 subzone amended to NR-3 consists of an upland dunes area containing open sand and grassland intermingled with the threatened Silvery Phacelia plant. Soils information (See Exhibits A and B) from the US Natural Resource Conservation Service (NRCS) identifies the amendment area as primarily containing a “Dune Land” soil type that consists mainly of hills and ridges of shifting sand. There are no willow-alder type wetlands, nor are there stands of Port Orford Cedar Forests contained within the “amendment area.” The amendment area is at the same elevation as the existing NR-3 subzone with identical features and soil types, and a natural extension of the existing NR-3 subzone. In other words, the amendment area, by definition, is better suited to the NR-3 subzone than it is to the NR-8 subzone.

This map amendment is intended to amend one conservation subzone designation (NR-8) to another conservation subzone (NR-3) to better comply with the definitions for each specific subzone. There are no uses or development within the proposed amendment area that would conflict with intent of the NR-3 subzone. There are no uses or development that will be permitted as a direct result of the proposed map amendment, and therefore, a reasons exception is not required. The proposed map amendment must only comply with Statewide Planning Goals and the Coos County Comprehensive Plan.

B. Special Purpose Golf Courses

BACKGROUND

In January 2010, Coos County approved Plan and ZLDO amendments authorizing a small-scale, special-purpose golf course (Preserve) and duneland habitat conservation program on 18 acres south of Cut Creek, located in the Scenic Dunes Natural Resource (NR-3) subzone, between the Resort Village complex at the center of the 2140-acre resort property and the Trails Golf Course. The County concurrently approved a Phase 8 Final Development Plan (FDP) for this area, approving development of the golf course. The Preserve Course was constructed in 2011-2012, and opened on May 1, 2012.

In February 2014, Coos County approved Plan amendments to authorize certain modifications to the design of the Preserve Course that were made during the final design and construction of the course. While the Preserve Course remained located within the 18-acre area for which it was originally approved in 2010, the following changes were made in the design of the course by the 2014 amendments:

- Development of 13 holes, rather than 12 holes.
- Use of 10.76 acres of turf, rather than 6.23 acres of turf.
- Use of continuous turf fairways, rather than archipelago-style turf fairways.
- Construction of two paved walkways to protect sensitive conservation areas.
- Construction of a 185 sq. ft. Starter Shack and 476 sq. ft. Preserve Bunker (restroom/snack bar structure) in the western portion of the course.
- Inclusion of stabilization activity on the upper slopes of the Cut Creek ravine.
- Relocation of the Beach Trail to the south of the Preserve Course.

The amendment is currently adopted into the Ordinance under Section 5.5.130 (BDR USE EXCEPTIONS) Subsection (1) as follows:

- (1) One special purpose, small-footprint golf course as authorized by the 2010 and 2014 supplement to Bandon Dunes Resort Master Plan. One special-purpose, low-impact course south of Cut Creek with no clubhouse, no more than two golf service buildings totaling no more than 700 square feet in area, no more than 13 holes, and a total of no more than 11 acres of turf for tees, fairways and greens.

SECOND SPECIAL PURPOSE GOLF COURSE (SPGC)

This amendment is to allow a second Special Purpose Golf Course in the amended NR-3 subzone. The course will contain a total of 32 acres with a maximum of 17 acres of turf area. The course will allow no more than two golf service buildings (starter shack and turn-stand with restrooms and minimal food and beverage) with a combined maximum of 1,000 Square Feet. There will be a parking lot served by a driveway from an existing main road, and an interior road from the parking lot to the starter shack to accommodate food and beverage deliveries.

AMENDMENT JUSTIFICATION

The primary purpose for the second SPGC is to continue with long term protection of the Silvery Phacelia habitat, which includes expansion, research, education, management, and funding. While the NR-3 district is set aside for conservation management, the subzone contains open dune formations that are subject to the encroachment of invasive species, including European beach grass, scotch broom, and gorse. The development of the SPGC's helps support manual efforts to eradicate and control invasive species and encourage the survival of native and threatened species.

Based on successful preservation efforts associated with the Preserve Course, the Bandon Dunes Resort was recently informed that they now contain the largest managed inventory (conservation bank) for the Silvery Phacelia plant species. The resort also received recognition from the US Department of the Interior with regard to their thriving Silvery Phacelia population that is in part due to their excellent

stewardship of the land and their aggressive efforts to battle invasive species. The success of the initial SPGC (Preserve) has clearly demonstrated that by utilizing a relatively small portion of conservation area for a low intensity recreational use, not only can conservation efforts be afforded on-site, but the revenue generated can exponentially support conservation efforts throughout the region.

The square footage for improvements, the number of holes, and the turf area for the second SPGC have increased for several reasons. The first SPGC (Preserve) is directly adjacent to the Bandon Trails golf course and is able to utilize its parking lot and clubhouse services. Because the second SPGC is removed from those facilities, a parking lot, a service road, and a larger starter shack is necessary to accommodate golfers. The number of holes has increased to provide diversity from the first course, which accommodates 13 holes. The turf area has increased due to topography and the desire to keep golfers on the improved surfaces (turf) and off conservation habitat areas that are intermingled and surrounding the course. The overall size has increased due to topography and the desire to substantially increase the dunal area available for conservation management.

C. One Restaurant as an Accessory Use in the GR-3 Subzone (Pacific Dunes) and One Restaurant in the GR-4 Subzone (Practice Center)

This amendment is intended to allow one restaurant as an accessory use in conjunction with the golf course in the GR-3 subzone (Pacific Dunes) and one restaurant as an accessory use in conjunction with the Practice Center in the GR-4 subzone. There are currently four professional golf courses located within the Bandon Dunes GR subzones and one expansive Practice Center. The Bandon Dunes golf course is located within the GR-1 subzone, the Bandon Trails golf course is located within the GR-2 subzone, the Pacific Dunes golf course and Old MacDonald golf courses are located within the GR-3 subzone, and the Practice Center is located within the GR-4 subzone.

AMENDMENT JUSTIFICATION

Three of the golf courses, Bandon Dunes, Bandon Trails, and the Preserve course, are all located in direct proximity to the Resort Village Center that allows multiple commercial uses, including restaurants. Those three courses have historically utilized the Village Center restaurants for food and beverage service.

Currently, the Pacific Dunes golf course has a restaurant/clubhouse that was constructed in conjunction with the developed of the golf course. During the expansion of the Bandon Dunes Resort in 2003, the GR-3 designation was applied to the Pacific Dunes course. Currently, the GR-3 designation does not allow restaurants, and therefore the food and beverage segment of the Pacific Dunes facility exists as a non-conforming use. This amendment allowing one restaurant in the GR-3 subzone will correct that non-conforming status.

Allowing a restaurant as an accessory use in the GR-4 subzone (Practice Center) provides convenience to golfers at the facility, alleviates congestion at the Village Center, limits unnecessary transportation (traffic), and will therefore result in social, economic, and environmental assets to the resort.

D. Comprehensive Plan Text Amendments

1. **Revision to Bandon Dunes Resort Supplemental Master Plan Text:** Add Section IV (“Amendments to 1996 Master Plan as Amended in 2003”), as follows:

IV. Amendments to 1996 Master Plan as Amended in 2003

Natural Resource Conservation Areas: The 1996 Bandon Dunes Resort Master Plan as amended in 2003, 2010, and 2014, was further amended in 2021 to authorize a second small-footprint, low-impact golf course on 32 acres of the Scenic Dunes Natural Resource Conservation Area (NR-3) (as amended in 2021) south of Cut Creek and west of the Trails Golf Course. The primary purpose of the course is to expand the existing program (established by the 2010 and 2014 amendments) for the long-term silvery phacelia habitat protection, expansion, research, education, management, and funding. A secondary purpose is to deepen and extend the experience of resort visitors by educating them about coastal habitat management and restoration while exposing them to golf as it was when it began in similar settings centuries ago. The course that will incorporate no more than 32 acres is subject to the following special standards:

- a. No more than a cumulative total of 17 acres of turf for tees, fairways, and greens.
- b. No buildings, other than a maximum of two structures for providing golf course services, totaling less than 1000 sq. ft. in floor area.
- c. One new road and one new parking lot.
- d. Not more than 14 holes.
- e. Outside riparian setbacks.
- f. Outside shorelands boundaries.

2. **Revision to Bandon Dunes Resort Supplemental Master Plan Text:** Amend Table 1 (“Constructed, Approved, and Authorized Bandon Dunes Resort Development”), adopted as part of the SMP 2014 and amended in 2021, as follows:

Table 1

**Authorized, Approved and Constructed
Bandon Dunes Resort Development (Amended 2021)**

Development Category	Authorized by 1996, 2003, and 2014 Exceptions	Additionally Authorized by the 2021 Exception	Approved through 2021	Constructed through 2021	Total Authorized
Overnight Lodging Units	300	0	224	186	300
Private Dwelling Units	600	0	0	0	600
Golf Courses	5.5	1.0*	5.0	5.0	6.5

Acres	2,140	32	--	--	2,172
-------	-------	----	----	----	-------

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

Additionally Approved as Part of
2003 Supplemental Exception

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

Additionally Approved as Part of
2010 and 2014 Supplemental
Exceptions

One Special Purpose Golf Course

***Additionally Authorized by 2021 Exceptions:**

A second special-purpose, low-impact course south of Cut Creek with no Clubhouse, no more than two golf services buildings totaling no more than 1000 sq. ft. in area, no more than 14 holes, and no more than 17 acres of turf for tees, fairways and greens.

One restaurant in the GR-3 subzone (Pacific Dunes) and one restaurant in the GR-4 subzone as accessory uses in conjunction with a Golf Course and Practice Center. The restaurants shall be sized and designed as an accessory use primarily intended to provide food and beverage to golfers utilizing the Golf Course or Practice Center.

- Exception Statement:** Amend Coos County Comprehensive Plan Volume I, Part 3, Statewide Goal Exceptions, to add the “2021 Fourth Supplemental Exception, Bandon Dunes Resort Master

Plan,” found in Section V of this document, to the Bandon Dunes Resort Master Plan and Exception Statement as initially adopted in 1996 (Coos County Ordinance 96-030-03PL) and amended in 2003 (Coos County Ordinance 03-04-003PL) and 2010 (Coos County Ordinance 10-01’01-003PL) and 2014 (Coos County Ordinance 14-04-004 PL).

E. Comprehensive Plan Map Amendment

Amend Figure 4 (Natural Resource Conservation Areas Map) of the 2003 Supplemental Master Plan, as reflected in Figure 1 of this amendment.

The NR-3 subzone is increased by approximately 30 acres based upon the existing topography, vegetation, and other natural features defined under “Scenic Dunes” in the 1993 Bandon Dunes Resort Master Plan. The NR-8 subzone is reduced by approximately 30 acres as a result of the NR-3 subzone expansion.

F. ZLDO Text Amendments

SECTION 4.5.125 – USES PERMITTED AND THE TYPE OF REVIEW REQUIRED

In the Use Matrix under “Commercial Uses,” a Restaurant, Lounge or Cafe shall be permitted subject to a Final Development Plan (FDP) in both the GR-3 and GR-4 subzones.

The amendment for the second SPGC to the Ordinance under Section 4.5.130 (BDR USE EXCEPTIONS) is as follows:

(13) A second special purpose, small-footprint golf course as authorized by the 2021 supplement to Bandon Dunes Resort Master Plan. A second special-purpose, low-impact course south of Cut Creek with no clubhouse, no more than two golf service buildings totaling no more than 1000 square feet in area, no more than 14 holes, and a total of no more than 17 acres of turf for tees, fairways and greens.

The amendment for a Restaurant accessory to a golf course or Practice Center to the Ordinance under Section 5.5.130 (BDR USE EXCEPTIONS) is as follows:

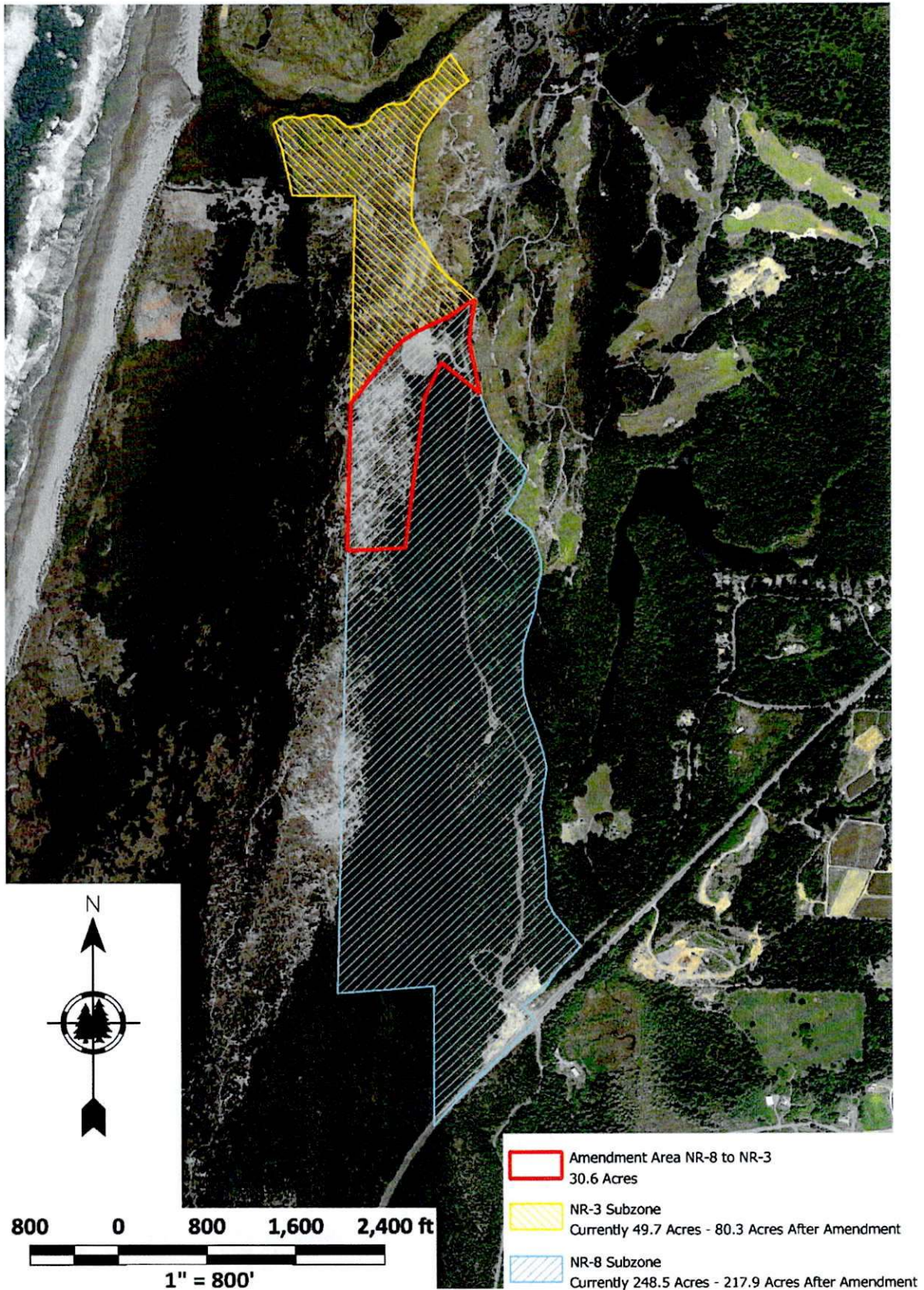
(14) One restaurant, lounge or café as an accessory use in conjunction with a Golf Course or Practice Center in the GR-3 (Pacific Dunes) and GR-4 (Practice Center) subzones.

III. HISTORY OF LAND USE APPROVALS TO DATE

Bandon Dunes Resort is an approved and partially-developed Goal Two Exception Destination Resort with its own acknowledged Master Plan and zoning district. The Bandon Dunes Resort (BDR) Master Plan and Bandon Dunes Resort (BDR) Zone entitle the applicant to final approval of phased development and related land divisions, as long as the Final Development Plan for each phase is consistent with the Exception Statement, the BDR Master Plan and the BDR Zone.

Bandon Dunes has been developed based on a “reasons exception” to the general prohibition of Statewide Planning Goals 3, 4, 11, and 14 against such development in rural and resource areas. To date, Bandon Dunes is the only destination resort ever to develop as a reasons exception resort. A special “Destination Resort Statute” was adopted in the late 1980’s to provide an alternative to the onerous “goal exception”

Figure 1 - Proposed Subzone Changes



process, but it has thus far failed to produce an approved destination resort on the Oregon Coast. See ORS 197.435 to 197.467. The statute has been implemented with more success elsewhere, primarily in Central Oregon.

The original Bandon Dunes Resort Master Plan (Master Plan) and Bandon Dunes Resort zoning district (BDR Zone) were adopted in 1996. The Master Plan is part of the Coos County Comprehensive Plan. The BDR Zone is part of the Coos County Zoning and Land Development Ordinance. See Coos County Ordinances 96-030-03PL (comprehensive plan amendments) and 96-04-006PL (zoning ordinance amendments).

The 1996 Master Plan covered an approximately 1,215-acre area, located about 2.5 miles north of Bandon, Oregon, between Highway 101 and the Pacific Ocean. The southern end of the site adjoins a large state park, Bullards Beach, on the west. The northern ½ mile of the property fronts directly on the beach.

The 1996 Master Plan and the BDR Zone were amended in 2003 to expand the site from 1,215 acres to approximately 2,140 acres. The 2003 amendments also adjusted some policies, maps, and zoning regulations applicable to the original resort area. See Coos County Ordinances 03-04-003PL (plan amendments) and 03-04-004PL (zoning ordinance amendments).

The approved “Primary Expansion Area” covered by the 2003 Supplemental Master Plan (SMP) consists of about 925 acres, extending the resort site north along the ocean front another mile to Whiskey Run Road.

The following description of the existing Master Plan is taken from page 6 of the Land Use Findings and Goal Exception Statement, adopted as part of the Coos County Comprehensive Plan, in support of the 2003 Supplemental Master Plan:

“The Conservation, Recreation and Resort Development Master Plan (hereafter ‘Master Plan’) for the Bandon Dunes Resort, adopted by Coos County as part of its 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 currently proposed 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 proposed resort expansion is to ensure 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 proposed as part of the expansion, is found in Table 1, on page 9.”

The Supplemental Master Plan was amended in 2010 and 2014 to authorize development of a small-scale, special-purpose, low-impact golf course on 21 acres in the Natural Resource Subzone south of Cut Creek.

IV. HISTORY OF RESORT DEVELOPMENT TO DATE

The Resort Village Center is on the east side of the Bandon Dunes Golf Course, near the center of the property where Cut Creek drains two small lakes through a ravine to the beach.

The 2003 Supplemental Master Plan added two new village centers, a fourth championship golf course, and additional lodging and residential development. The Madrone Village Center will be located near the west end of Brown Road, by Madrone Reservoir, just east of the north-south ridge that separates the Madrone Village Center from the golf courses to the west. The Randolph Village Center will be located at the northwest corner of the site, overlooking Whiskey Run Road and Creek to the north and the ocean to the west. Two smaller expansion areas to the south and east of the original resort area will accommodate an interpretive center and an RV park.

Development to date includes four 18-hole golf courses, a 13-hole low-impact Par 3 golf course, a driving range, a golf training and practice area, a trail system, several clubhouses and restaurants, a main lodge, an inn, several clusters of overnight lodging, an employee lodging cluster, administrative, storage, and maintenance buildings, sewer and water systems, roads, parking lots, and other support facilities. Traffic circulation is minimized with an internal van system and frequent airport van service.

The first course, Bandon Dunes, opened in 1999 and is located along the ocean bluff just north of Cut Creek and west of the Resort Village Center, midway between the northern and southern ends of the Master Plan area.

The second course, Pacific Dunes, opened in 2001 and is located along the ocean bluff just north of the Bandon Dunes Course.

The third course, Bandon Trails, opened in 2005 and is located south of the Resort Village Center and inland, on mixed dunal and forest terrain.

The fourth course, Old MacDonald, opened in 2010. Old MacDonald is located along the ocean bluff north of Pacific Dunes. The layout of Old MacDonald is a tribute to Charles Blair MacDonald (1856-1939), the father of American golf course architecture and the founder of the U.S. Golf Association. Designed by Tom Doak and Jim Urbina, Old MacDonald evokes the classic principles and strategies that MacDonald incorporated into his own courses.

The fifth course, the Preserve Course, opened in 2012, and is located south of Cut Creek on dunal terrain. The Preserve Course is a 13-hole, par 3 low-turf course designed to promote conservation and maintenance of habitat for the rare dunal plant Silvery Phacelia, while offering resort guests a diverse golfing opportunity.

In the 14 years since Bandon Dunes opened, the resort and its courses have established an international reputation for authenticity and excellence and have become a destination for golf enthusiasts from around the world. After the opening of Bandon Trails, Golf Odyssey magazine reported that “Bandon Trails cements Bandon Dunes’ position as the single best place to play golf in the world.” Links Magazine has said that “as an idyllic place to stay and play golf it has only two peers - the Monterey Peninsula and the town of St. Andrews.” The resort and its existing four courses are consistently ranked at or near the top in various lists of top courses and resorts in golf magazines. Among many other tournaments at the resort, Pacific Dunes has hosted the Curtis Cup, an international competition between the best women golfers of the United States and their counterparts from Great Britain and Ireland. The resort’s courses provide the setting for much of the motion picture “Golf in the Kingdom,” with other scenes being shot in and around the City of Bandon. The movie is based on Michael Murphy’s popular novel, said to be the best-selling golf fiction book of all time.

From the standpoint of impacts, it is worth noting that, in marked contrast to conventional statutory destination resort development practice, Bandon Dunes has chosen to develop its recreational and overnight facilities before beginning development of the 600 units of permanent housing authorized by the Master Plan.

There are no current plans to seek final development plan approval for any permanent housing in the near-term. Rather than 600 homes in the period 2003-2020, it is now expected that the beginning and end-dates for residential construction will be at least a decade after the beginning and ending dates assumed in the 2003 Supplemental Master Plan and related impact analyses.

In addition to deferring many of the anticipated impacts upon transportation facilities and other infrastructure, this approach enables Bandon Dunes to be certain that permanent housing will be designed and sited to protect the special qualities essential to the long-term success of the resort and its world-class golf courses.

V. 2021 FOURTH SUPPLEMENTAL EXCEPTION STATEMENT

A. Introduction

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 one 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 original Bandon Dunes Resort Master Plan and associated Comprehensive Plan and implementing ZLDO amendments were approved and acknowledged in 1996 pursuant to a “Reasons” exception to Statewide Planning Goals 3 (Agricultural Lands), 4 (Forest Lands), 11 (Public Facilities and Services) and 14 (Urbanization).

LCDC’s Exceptions Rule, OAR Chapter 660, Division 004, requires a supplemental exception whenever a new use or change in intensity of use is authorized in an area subject to a reasons exception. OAR 660-004-0018(4)(b). For example, the 2003 amendments to the BDR Master Plan and Zone modified the 1996 reasons exception for the resort by adding several hundred acres and authorizing substantial additional resort and residential development. Therefore, the 2003 amendments necessitated a supplemental exception statement.

The 2010 and 2014 amendments to the BDR Master Plan and Zone involved less than 25 acres in the heart of the area covered by the Master Plan, and authorized only the construction of a special purpose, low-intensity golf course at this location. Unlike the 2003 amendments, the 2010 amendments did not involve changes to the existing boundaries of the Master Plan area or to the boundaries of any internal plan designation, zone, or subzone. Unlike the 2003 amendments, the 2010 and 2014 amendments did not involve additional lodging, permanent housing, clubhouses, or roads. Although the scope of the 2010 and 2014 amendments were tiny by comparison with the 2003 amendments, a second and third Supplemental Exception were required because the amendments changed the uses allowed at a single location within the 1996 and 2003 exception area. However, like the 2003 supplemental exception, the 2010 and 2014 supplemental exceptions supplemented rather than replaced the existing acknowledged exceptions.

The proposed amendments are to allow a second special-purpose, low-impact golf course within the amended NR-3 subzone and to allow restaurants in conjunction with a golf course (Pacific Dunes) and Practice Center in the GR-3 and GR-4 subzones. The proposed amendments will not change the existing boundaries of the Master Plan area, as the intent is to allow new uses within the 1996 and 2003 Bandon Dunes Resort Master Plan area. The proposed amendments will require a Fourth Supplemental Exception that, in turn, will supplement existing acknowledged exceptions.

The proposed amendments are intended to enhance the resort's menu of unique golf experiences, enhancing the resort's ability to accommodate and retain guests, which is central to the success and sustainability of a destination resort. *See* DLCD Destination Resort Handbook (1989 and 1995). The modifications will continue to enhance the conservation and maintenance of the Silvery Phacelia habitat and will not interfere with continued use of the mechanism for long-term funding, research on, reclamation of and management of open-sand habitat that was established as part of the 2010 and 2014 amendments.

The acknowledged 1996, 2003, 2010 and 2014 Exception Statements and Findings (ES&F) provide much of the basis for this fourth supplemental exception. Like the 2003, 2010, and 2014 supplemental exceptions, this exception supplements rather than replaces the existing acknowledged exceptions. Similarly, the applicant's proposed supporting statement of findings addressing statutes, statewide planning goals, rules, and other criteria supplements rather than replaces the existing acknowledged findings.

B. Reasons Exception

The general reasons exception standards have not changed since the adoption and acknowledgement of the original, first, second, and third supplemental Bandon Dunes Resort exceptions in 1996, 2003, 2010, and 2014. 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
- “(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 (LCDC), 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 is the case with the Bandon Dunes Resort.¹ OAR 660-014-0040(2) and (3)(a)

¹ 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), and *VinCEP v. Yamhill County*, 215 Or App 414, 171, P3d 368 (2007).

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 and in the previous ES&F documents, followed by sections addressing the additional requirements of OAR 660-014-0040(3)(d) and (e).

The findings of fact and statement of reasons supporting a goal exception must be adopted as part of the County's Comprehensive Plan. OAR 660-004-0015(1).

C. "Reasons" Standards

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**
- "(A) 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**"
- "(B) The proposed use or activity has **special features or qualities** that necessitate its location on or near the proposed exception site." (Emphases added.)

OAR 660-014-0040(2) elaborates on what reasons can justify an exception to allow urban uses on rural lands:

"* * * Reasons that 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 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 interference that its terms are intended to be exclusive.

1. Need for Proposed Uses

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. As with the first, second, and third supplemental exceptions, the purpose of this fourth supplemental exception is to enable Bandon Dunes Resort, Coos County, and the State of Oregon to consolidate and amplify that gain and to help assure the long-term sustainability of that success.

Findings demonstrating the need for the Bandon Dunes Resort were summarized in the 1996 Exception Statement, updated in the 2003 Supplemental Exception Statement, and further updated with regard to the first Special Purpose Golf Course (Preserve Course) in 2010 and 2014.

The proposed 2021 Fourth Supplemental Exception, allowing a subzone map amendment, a second Special Purpose Golf Course, Restaurants as an accessory use to a golf course and practice center, is justified under OAR 660-004-0022(1) and 660-014-0040(2) (each proposed amendment is addressed separately under the subject exception criteria) as follows:

SPECIAL PURPOSE GOLF COURSE:

- a. “The proposed use is needed to continue an aggressive long-term dunal habitat management and enhancement strategy.”**

“The second low-intensity, small-scale recreational use proposed for the area south of Cut Creek and the Preserve Course will further focus effort, attention, and funding on dune-land management in a location where it is needed. It will also serve as an additional field station for focused research and experimentation in dunal habitat preservation, restoration, and enhancement, with special attention to Silvery Phacelia habitat. If successful, it will contribute to the existing funding source for these activities. If all goes well, proceeds will benefit not only the site and its immediate vicinity, but similar dunal habitats at nearby Bullards Beach Park and south of Bandon as well.

“In so doing, the proposed use will reinforce one of the key reasons for the existing exceptions, which is to provide an economically self-supporting activity that is institutionally motivated to roll back encroachment and alteration by invasive non-native plant species, especially beach grass and gorse. As a result of human activity going back to the late 19th century, duneland areas on the resort site and the adjacent Bullards Beach State Park have been subject to steady encroachment of European beachgrass and gorse, with consequent fire hazards and loss of open sand area and habitat for native animals, insects, and plants, as well as changes in sand migration, dune formation, and drainage.

“Like the two previous exceptions, this supplemental exception will enhance implementation of the open space and habitat protection and enhancement objectives of statewide land use goals, including Goal 5 (Open Space and Natural Resources) and Goal 18 (Beaches and Dunes).

“The proposed use will also enable Coos County to better achieve the purposes of LCDC’s Goal Eight (Recreational Needs) and Goal Nine (Economic Development), as detailed in the previous exception statements. It will enable Bandon Dunes Golf Resort to offer an additional golf-related activity that in itself is not intended to be a profit center, but should entice guests to stay longer than they would otherwise.

“Since 2003, the Resort’s success has continued, but with recent changes in the world, national, state, and local economies, it becomes all the more important to give those who come to this remote location reasons to stay a bit longer. Unlike each of the four large golf courses, the second small-format, minimal-turf course is not expected to bring guests who wouldn’t come to the Resort otherwise, but it is hoped that it will keep them here, teach them something about a unique natural environment, and deepen their experience of golf as it emerged long ago in a similar setting on a distant shore.”

During design modifications to the Preserve Course that was approved in 2010 it became clear that fairway connectivity between tees and greens was necessary to protect sensitive open sand Silvery Phacelia habitat areas. Without greens constituting defined “walking corridors” for golfers to follow between holes, the course architects realized there was no way to keep golfers out of the sensitive Phacelia habitat areas. This design technique is the basis for the second special purpose course.

The second special purpose golf course covers a larger management area. The intent is to provide a mechanism for the conservation management of the entire dunal habitat contained within the Scenic Dune NR-3 subzone. While the second course is larger than the Preserve and is contained within a 32 acre area, its implementation will allow the management of 60 to 70 acres of total scenic dune that would otherwise be subject to inundation by invasive species.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

- a. **“The proposed use is needed to provide food and beverage for locations that are close by and convenient for golfers.”**

This amendment is intended to allow one restaurant as an accessory use in conjunction with the golf course in the GR-3 subzone (Pacific Dunes) and one restaurant as an accessory use in conjunction with the Practice Center in the GR-4 subzone. There are currently four professional golf courses located within the Bandon Dunes GR subzones and one expansive Practice Center. The Bandon Dunes golf course is located within the GR-1 subzone, the Bandon Trails golf course is located within the GR-2 subzone, the Pacific Dunes golf course and Old MacDonald golf courses are located within the GR-3 subzone, and the Practice Center is located within the GR-4 subzone.

Three of the golf courses (Bandon Dunes, Bandon Trails, and the Preserve course) are all located in direct proximity to the Resort Village Center that allows multiple commercial uses, including restaurants. Those three courses have historically utilized the Village Center restaurants for food and beverage service.

Currently, the Pacific Dunes golf course has a restaurant/clubhouse that was constructed in conjunction with the development of the golf course. During the expansion of the Bandon Dunes Resort in 2003, the GR-3 designation was applied to the Pacific Dunes course. Currently, the GR-3 designation does not

allow restaurants and, therefore the food and beverage segment of the Pacific Dunes facility exists as a non-conforming use. This amendment allowing one restaurant in the GR-3 subzone will correct that non-conforming status.

Allowing a restaurant as an accessory use in the GR-4 subzone (Practice Center) provides convenience to golfers at the facility, alleviates congestion at the Village Center, limits unnecessary transportation (traffic), and therefore will result in social, economic, and environmental assets to the resort.

B and C. "Need to be at Specific Rural Location/Resource Dependency and Site Dependency"

SPECIAL PURPOSE GOLF COURSE:

The second proposed small-footprint golf course requires a specific location in order to achieve its purposes. The chosen site needs to be located in duneland habitat that has proven capacity for enhancement and is experiencing continued encroachment.

Moreover, as recognized in the existing exceptions, the entire Bandon Dunes Destination Resort concept depends on the natural features, the dunal landforms, the variety of natural settings, and the 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 the 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.

During construction of the Preserve Course, it was realized that, like all courses at the resort, a Starter Shack was needed. A Starter Shack provides golfers with a place to check in for their tee times, get information about the course layout, pick-up their golf bag if dropped off early by resort staff, and to meet up with their caddies near the first tee. Operation of the Preserve Course also demonstrated the restrooms at the Trails Clubhouse were too far away to serve golfers needing a restroom or a snack. Additional foot traffic from the Preserve Course to and from the Trails Clubhouse would interrupt play and disturb set-aside conservation areas.

The second special purpose course is further away from the Trails Clubhouse and its amenities, including restrooms, food and beverage, and parking. The course will therefore include a starter shack common to all courses within the resort, and a turn-stand that will provide restrooms and a snack bar at a strategic location within the course. A new parking lot closer to where play begins is also needed. The new parking lot will be constructed in an old sand borrow pit directly adjacent to both the proposed course and an existing primary road that traverses the resort. Because the parking lot will be located with an existing disturbed area (sand pit), there will be no impacts to sensitive conservation features located within the NR-3 subzone. There will also be a short road from the parking lot to the starter shack for deliveries and golfer access. Just as with the Preserve Course, the Starter Shack and Turn-Stand will be integrated into dunal landforms to minimize their visual presence.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

Three golf courses (Bandon Dunes, Bandon Trails, and the Preserve course) are all located in direct proximity to the Resort Village Center that allows multiple commercial uses, including restaurants. Those three courses have historically utilized the Village Center restaurants for food and beverage service. Currently, the Pacific Dunes golf course has a restaurant/clubhouse that was constructed in conjunction with the development of the golf course. During the expansion of the Bandon Dunes Resort in 2003, the GR-3 designation was applied to the Pacific Dunes course. Currently, the GR-3 designation does not allow restaurants, and therefore, the food and beverage segment of the Pacific Dunes facility is a non-conforming use. This amendment will correct that non-conforming status.

The Pacific Dunes clubhouse/restaurant has provided insight as to the benefits associated with having food and beverage facilities directly available to golfers playing a specific course. Just as with the restaurant at the Pacific Dunes golf course, an accessory use in the GR-4 subzone (Practice Center) provides convenience to golfers at the facility, alleviates congestion at the Village Center, and limits unnecessary transportation to and from the facility.

2. Need to Meet Requirements and Fulfill Purposes of Goals 8 and 9

SPECIAL PURPOSE GOLF COURSE:

Findings in the 1996 Exception Statement and the 2003 Supplemental Exception Statement demonstrated that the Bandon Dunes Resort is needed by Coos County to meet the requirements and fulfill the purposes of Statewide Planning Goals 8 (Recreational Needs) and 9 (Economic Development).

The purpose of Goal 8 is “to satisfy the recreational needs of the citizens of the state and visitors* * *.” The purpose of Goal 9 is “to provide adequate opportunities * * * for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.” Providing a variety of unique and satisfying golf recreational experiences that make users want to stay longer at or return to the resort, is essential to the continued success of Bandon Dunes, Coos County’s only destination resort. As with the Preserve, the unique features of the second Special Purpose Course will provide golfers with a second unique golf experience, which is essential to the continued success of the resort.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The intent of restaurants in conjunction with golf facilities is to supplement the resort as it grows and expands. Restaurants at each golf facility in themselves are not intended to fulfill a specific Recreational or Economic Development need, but rather to support existing recreation (golf) within the resort. As such, the restaurants will fulfill a need that is necessary to maintain and enhance the resort's recreational and economic viability.

3. Market Demand

The acknowledged 2003 Supplemental Exception Statement and Findings addressed market demand as follows:

“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 the Bandon Dunes site may be 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 worked together with the experience of Bandon Dunes to date, the ERA analysis, and the resort's high visibility and world-class ranking.” 2003 ES&F, page 171.

The continued growth, health, and reputation of Coos County's only destination resort since 2003 have further reinforced the validity of the Ragatz analysis. The proposed additional use strengthens the resort's status and attractiveness to its customer base.

SPECIAL PURPOSE GOLF COURSE:

Sections 1 and 2 explain why the second special purpose course will improve the experience of playing golf, increase the resort's attractiveness to guests and visitors, and assist in satisfying Market Demand.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

Sections 1 and 2 explain why accessory use restaurants will improve the experience of playing golf and increase the resort's attractiveness to guests and visitors, and assist in satisfying Market Demand.

4. Need for Urban Levels of Population and Facilities

The 2003 Supplemental Exception Statement and Findings addressed this issue as follows:

“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 aspects, 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.” 2003 ES&F, page 171.

In fact, the allocation of land to open space is far more than half:

“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 conservation areas, woodland buffers and golf courses.” 2003 ES&F, page 23.

Moreover, the proposed additional use qualifies as “open space” under the Destination Resort statutes and the existing exception. It will not, therefore, reduce the 2140-acre resort site’s current allocation of approximately 75-80% to open space--well in excess of the standard for statutory destination resorts.

SPECIAL PURPOSE GOLF COURSE:

An urban level of sewer and water services will be provided to the Turn-Stand through an extension of the resort sewer and water system serving the Trails Clubhouse. The need for the restroom and snack facilities of the Turn-Stand is addressed in section 1(b) and (c), *supra*. Allowing a maximum of two golf service structures, with a maximum area of 1,000 sq. ft. (approximately 0.02 acres) will not have a significant effect on the percentage of the 2140-acre resort allocated to open space.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

An urban level of sewer and water services will be provided to each restaurant through an extension of the resort sewer and water system currently serving restrooms at each facility. Permitting an existing restaurant and allowing an accessory restaurant will not have a significant impact on the percentage of the 2140-acre resort allocated to open space.

5. Need to be at a Specific Rural Location: Resource Dependency and Site Dependency

The acknowledged 2003 Supplemental Exception Statement and Findings determine that:

“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 the 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.” 2003 ES&F page 172.

SPECIAL PURPOSE GOLF COURSE:

The proposed second special purpose golf course is dependent on the same site and setting as the other courses that are part of the resort. In fact, it is designed to implement a very site-specific strategy to reclaim and enhance dunal plant habitat in a specific microhabitat within the resort site.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The need for the specific rural location has been addressed for the resort as a whole and more specifically, the need for a site that accommodates a specific style of golf. Restaurants at the two golf facilities are intended to supplement and serve the primary use of golf. The location is therefore necessary based upon the location of the golf facilities and the reciprocal relationship between the primary golf use and accessory uses needed to support that primary use.

6. Enabling Coos County to Meet Its Planning Obligations

The acknowledged 2003 Supplemental Exception Statement and Findings addresses this issue as follows:

“Under OAR 660-004-0022(1), one example of a reason helping to establish 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 ensure 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 worldwide clientele. It is also available to Oregonians and the general public, with special off-season rates for Oregonians. ***

“* * * * *

“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.” 2003 ES&F, pages 172-173.

SPECIAL PURPOSE GOLF COURSE:

As previously explained, the addition of a second small, special-purpose golf course will enhance the resort’s ability to achieve the goals identified above and is supported by the above reasons.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

Restaurants, as golf facilities in themselves, are not intended to fulfill a specific goal, but rather to support the primary use (golf) within the resort. As such, the restaurants will assist in enhancing the resort’s ability to achieve the goals identified above.

D. Alternative Locations

1. Applicable Standards

OAR 660-004-0020(2)(b) and (c) and 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. The exception must meet the following requirements:

- “(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 may be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under this test 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 unincorporated communities, 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?”

“(iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?”

“(C) The ‘alternative areas’ standard in paragraph B may 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 those 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 describes 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 communities.”

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 would typically result from the same proposal being located in other areas requiring a Goal exception other than the proposed site.’ The exception shall describe the characteristics of each alternative area considered by the jurisdiction in which an exception might be taken, the typical advantages 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 a description of: 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 whether the ESEE consequences resulting from use of alternative sites which do require an exception are significantly more adverse 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 not 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 and Analysis of Eligible Sites

A meaningful comparison requires the identification of reasonable alternative sites, if there are any. The acknowledged 1996 and 2003 Exception and Supplemental Exception Statements and Findings address this issue for the resort as a whole. The 2021 Fourth Supplemental Exception Statement includes a supplemental analysis “limited to the identification of eligible sites for the single use authorized by the proposed amendments, which is a special-purpose golf course designed, sited, and operated to provide sustained and funded Silvery Phacelia habitat reclamation, enhancement, and enlargement, while improving the county’s only destination resort’s ability to maximize guests’ length of stay.” That supplemental analysis is set out below.

SPECIAL PURPOSE GOLF COURSE AND RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

Because of the nature and purposes of this second special purpose golf course and proposed supporting restaurants to be authorized by these amendments, there are, in reality, no reasonable alternatives to the proposed site, which will be an integral part of the existing destination resort. Only the site identified in this application provides both the requisite mix of existing and potential plant habitat and the requisite combination of proximity to the resort center with its concentration of services, facilities, and guests.

The second proposed special purpose golf course is located within the same general area with the same topography and features as the 2010 Preserve Course. It is necessary that the restaurants be located in direct proximity to the golf facilities. Therefore the same analysis and findings cited above apply.

Nevertheless, in an abundance of caution, the following supplemental alternatives analysis is provided, limited to the area within the previously-justified boundaries of the resort.

“a. Areas that Do Not Require a Goal Exception

SPECIAL PURPOSE GOLF COURSE

The only areas that would not require a goal exception are those designated for golf course development on the acknowledged Bandon Dunes Resort Master Plan. Except for a small non-dunal area of about 10 acres along Whiskey Creek at the northeast corner of the resort site, all those areas have been fully developed with the four championship courses and associated facilities development, such as the driving range, the golf academy, practice greens, clubhouses, reservoirs, and the like. There are no available reasonable alternative areas of existing or potential dunal plant habitat on the resort site that would not require a goal exception to accommodate the proposed use. No other area with reasonable potential for reclamation and enhancement of dunal habitat is planned or zoned for golf course use under the existing exceptions, and none has the requisite proximity to existing infrastructure, services, and lodgings.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The proposed restaurants are located in areas for which an exception has been taken for golf course purposes. The restaurants are primarily supplemental uses intended to support and enhance the golf experience at each facility (exception area) and are not stand-alone uses intended to provide service to the entire resort.

“b. Areas that Do Require a Goal Exception

SPECIAL PURPOSE GOLF COURSE

There are no sites within the Bandon Dunes Resort’s existing acknowledged exception area that can reasonably accommodate the proposed use because they lack the requisite existing and potential Silvery Phacelia habitat, the requisite proximity to the resort center, and the ocean views that are essential to attracting sufficient use to generate reliable, long-term funding essential to a sustained habitat reclamation, enhancement, and enlargement program.

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. As elsewhere in this statement, the present comparison is supplemental to the existing acknowledged exception statements and is accordingly limited to the acknowledged Bandon Dunes Resort Exception Area.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The proposed restaurants are located in areas for which an exception has been taken for golf course purposes. The restaurants are primarily supplemental uses intended to support and enhance the golf experience at each facility (exception area) and are not stand-alone uses intended to provide service to the entire resort.

(1) Environmental Consequences

SPECIAL PURPOSE GOLF COURSE

The environmental consequences of the destination resort as a whole are addressed in the acknowledged 1996 and 2003 Exception Statements and Findings. This second special purpose use and proposed measures to reduce and mitigate any adverse impacts are discussed in the findings addressing statewide Goals 5 (Open Space), 6 (Air, Land and Water Quality), and 7 (Natural Hazards).

The proposed small-footprint golf course has no lakes, streams, wetlands, or riparian areas, but it does, of course, include scenic dunes and important dunal plant habitat. The Master Plan and BDR zone, as adopted in 1996 and amended in 2003, 2010, and 2014, incorporate a variety of provisions which protect a wide range of important environmental features on the resort site. In addition, development of the resort pursuant to the Master Plan has had a number of positive environmental consequences, including (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.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The restaurant in the GR-3 subzone currently exists and is receiving authorization through this amendment process. Allowing a restaurant as an accessory use in the GR-4 subzone (Practice Center) provides convenience to golfers at the facility, alleviates congestion at the Village Center, limits unnecessary transportation (traffic), and therefore will result in social, economic, and environmental assets to the resort.

(2) Economic Consequences

SPECIAL PURPOSE GOLF COURSE

The economic consequences of the destination resort as a whole are addressed at length in the acknowledged 1996 and 2003 Exception Statements and Findings. See, e.g., 1996 ES&F pages 41-51, 70, 107-108, 142-147, and 2003 ES&F pages 1-5, 2-30, 161-173, 243, etc. The main additional economic consequences of the additional use proposed in the current application will be to strengthen the long-term ability of the resort to deliver the economic benefits identified in the previous exception statements, to retain guests in the area, to maintain employment levels, and to create a funding mechanism for more aggressive, systematic, and sustained efforts to control invasive plant species. No negative economic consequences have been identified.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The restaurant in the GR-3 subzone currently exists and is receiving authorization through this amendment process. Allowing a restaurant as an accessory use in the GR-4 subzone (Practice Center) provides convenience to golfers at the facility, alleviates congestion at the Village Center, limits unnecessary transportation (traffic), and therefore will result in social, economic, and environmental assets to the resort. No negative economic consequences have been identified.

(3) Social Consequences

SPECIAL PURPOSE GOLF COURSE

The social consequences of the destination resort as a whole are addressed in the acknowledged 1996 and 2003 Exception Statements and Findings. 2003 ES&F 81ff. The main additional social consequence of the additional use proposed in the current application will be to enhance the long-term prospect that the resort will continue to deliver the social benefits identified in the previous exception statements.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The restaurant in the GR-3 subzone currently exists and is receiving authorization through this amendment process. Allowing a restaurant as an accessory use in the GR-4 subzone (Practice Center) provides convenience to golfers at the facility, alleviates congestion at the Village Center, limits unnecessary transportation (traffic), and therefore will result in social, economic, and environmental assets to the resort.

(4) Energy Consequences

SPECIAL PURPOSE GOLF COURSE

The energy consequences of the destination resort as a whole are addressed in the acknowledged 1996 and 2003 Exception Statements and Findings. The main additional energy consequence of the additional use proposed in the current application will be to increase length of stay onsite and to enhance the long-term ability of the resort to continue to deliver energy benefits identified in the previous exception statements.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The restaurant in the GR-3 subzone currently exists and is receiving authorization through this amendment process. Allowing a restaurant as an accessory use in the GR- 3 and GR-4 subzones provides convenience to golfers at the facilities, alleviates congestion at the Village Center, limits unnecessary transportation (traffic), and therefore will result in social, economic, and environmental assets to the resort.

(5) Quantity of Land Involved

SPECIAL PURPOSE GOLF COURSE

Under OAR 660-014-0040(3)(b)(A), the comparison of alternative sites for the proposed use which do not require an exception must include consideration of ‘whether the amount of land included within the boundaries of the proposed urban development is appropriate.’

The resort owner and course architect have aggressively limited the quantity of land involved to the minimum necessary to provide the golfing experience required to make the course a success while still achieving the environmental goals of the project. Among other things, they have narrowed fairways,

shortened holes, and reduced the layout from 18 to 14 holes to minimize both the overall site acreage and the turfed playing areas.

The proposed course will occupy 32-acre site, a small fraction of the average 200 acres for each of the four 18-hole championship golf course at Bandon Dunes. Moreover, the entire course will have less than 17 acres of turf for tees, greens, and fairways. This compares favorably to an average of more than six acres of turf per hole on the resort's four championship courses. The turf areas will surround and protect conservation set-aside areas of Silvery Phacelia habitat. After construction of the course, these set-aside areas will be marked as 'out-of-bounds' play areas for golfers. Golfers are allowed to retrieve a ball hit into one of these conservation areas, but no balls can be played from within the set-aside areas. These conservation areas are within and integral with a larger area of existing and potential dunal habitat, which will also benefit from the reclamation, enhancement, and expansion programs supported by the proposed golf course.

The resulting acreage and configuration is one that could only be achieved in the specific setting proposed without seriously compromising the viability of the entire concept.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The proposed restaurants will be accessory to the primary golf use at each facility and are intended to provide convenient food and beverage to golfers utilizing each facility. One restaurant currently exists and the land utilized for development of the second restaurant will be minimal and will be confined to the area necessary to provide food and beverage to golfers playing the specific facility. The environmental benefits associated with the reduction of transportation to and from alternative food and beverage locations throughout the resort will offset the nominal quantity of land needed for an onsite facility.

(6) Carrying Capacity

SPECIAL PURPOSE GOLF COURSE

Under OAR 660-014-0040(3)(b)(B), the comparison of alternative sites which do not 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 acknowledged 1996 and 2003 Exception Statements and Findings address this issue with regard to the resort as a whole. See, e.g., 2003 ES&F at pages 210ff. This application only involves comparative impacts within the site. The proposed use at the proposed site will require only one small parking lot in an existing disturbed area (borrow sand pit), one additional small service road from the parking lot to the Starter Shack and two structures (Starter Shack and Turn Stand) for providing golf services, totaling not more than 1000 sq. ft. in area.

The turfed areas to be irrigated (mainly during the grow-in period) total about 17 acres for the entire course, compared with an average of about six acres for each of the 72 holes on the resort's four 18-hole championship courses.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The proposed restaurants are uses accessory to golf use within an exception area. The use is primarily intended to serve golfers utilizing the specific golf facility at which they are located and will minimize impacts to natural resources. Environmental benefits will be achieved through the reduction of transportation to and from alternative food and beverage locations. As addressed elsewhere in the amendment, any additional need for water and sanitary services can currently be met with existing facilities within the resort with no further improvements required.

(7) Overall Consequences

The acknowledged 1996 and 2003 Exception Statements and Findings address this issue with respect to the resort as a whole. See, e.g., 2003 ES&F at 211ff. As the discussion above demonstrates, the ESEE consequences of allowing a second special-purpose course and restaurants as accessory uses are very positive, on balance, and are certainly not significantly more adverse than those of siting the proposed use elsewhere.

E. 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.”

These issues are addressed for the Resort as a whole by the acknowledged 1996 and 2003 Exception Statements and Findings. See 1996 ES&F at pages 122a-126, 2003 ES&F at pages 211ff.

The rules do not require a showing that each use within an area covered by a reasons exception is compatible with each of the other uses within the area.

SPECIAL PURPOSE GOLF COURSE

The proposed use will be sited directly adjacent to Bullards Beach State Park. That segment of the State Park consists of primitive and partially vegetated dune formations. There is a state park horse trail that parallels the Resort boundary and the proposed use to the West. The trail is generally lower in elevation than the majority of the proposed golf site and the course will meander amongst the ridges and valleys of the dune formation. The majority of the course, and neither of the two structures or the parking lot, will be visible from the trail. The intent of the golf course design is to integrate the course with the natural

contours of the land and maintain as much of the natural features as possible. It is anticipated that only 30 percent of the overall area will be golf course and 70 percent will remain natural dunes. The course will be designed with buffers to retain play within the resort. Any visual impact to the State Park will be minimal and nonintrusive.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The proposed restaurants are uses accessory to golf and will be located adjacent to existing golf facilities within an exception area. The facilities at which the restaurants will be sited are centrally located within the resort and will have no impact to uses existing on lands adjacent to or nearby the resort.

F. 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 showing is made as to the resort as a whole by the acknowledged 1996 and 2003 Exception Statements and Findings.

SPECIAL PURPOSE GOLF COURSE

The Turn Stands limited restroom and snack service building requires water and sewer services that will be an extension of the resort sewer and water systems using pipes extended from the Trails Clubhouse location.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The restaurants located at the golf facilities are, or will be, served by existing water and sanitary facilities that are currently extended to each site.

G. Plan Coordination and Consistency

OAR 660-014-0040(s)(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.D.1.c. The second requirement is satisfied by the findings in Section X below, which demonstrate that the proposed golf course design modifications are consistent with the relevant provisions of the Coos County Comprehensive Plan.

H. Procedures for Adoption of Exceptions

OAR 660-004-0030(1) requires that each notice of a public hearing on a proposed exception "shall specifically note that a goal exception is proposed and shall summarize the issues in an understandable manner." OAR 660-004-0015(1) requires that a local government approving a proposed exception "adopt, as part of its comprehensive plan, findings of fact and a statement of reasons that demonstrate that the standards for an exception have been met." Consequently, applicants have proposed that this section (Fourth Supplemental Exception Statement) of this document be adopted as part of the Coos County Comprehensive Plan. However, compliance with these notice and adoption standards can be determined only after the County has conducted its proceeding on this application.

VI. OTHER 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. This statement attempts to minimize repetition and redundancy, using cross-references where possible and adding or repeating material only where necessary for clarity and completeness.

In this statement, applicable standards and criteria are set forth verbatim or summarized, followed by explanatory text including facts, reasons and legal conclusions demonstrating the compliance of the proposed golf course, and/or the proposed procedures for FDP approvals and modifications, with the standard.

This statement is organized so that the analysis begins with state law and proceeds to local law. The preceding section dealt with statutory, Goal 2, Part II, and administrative rule provisions governing exceptions to Statewide Planning Goals. The next section deals with other state statutes and implementing administrative rules, followed by a section addressing the Statewide Planning Goals and implementing administrative rules. These sections are followed by sections addressing applicable standards and criteria from the Coos County Comprehensive Plan and finally, the Coos County Zoning and Land Development Ordinance.

The applicable standards and procedural requirements addressed in the following sections include the following:

A. Statutes

1. ORS 197.175(2)(d) -- Plan and goal consistency,
2. ORS 197.610 and 195.615 -- Post-acknowledgment amendment procedures.
3. ORS 197.712(2)(g)(A) -- Economic development obligation.
4. ORS 197.732 -- Goal exception standards.
5. ORS 215.060 -- Procedure for action on comprehensive plan.
6. ORS 215.223(1) -- Procedure for adopting zoning ordinances.
7. ORS 215.416(11) -- Procedures for county land use permit decisions without a hearing.
8. ORS 215.427 -- Final action on permit application.
9. ORS 455.446 to 445.447 -- Tsunami inundation zone.

B. Statewide Planning Goals

1. Goal 1 -- Citizen Involvement
2. Goal 2 -- Land Use Planning
3. Goal 3 -- Agricultural Lands
4. Goal 4 -- Forest Lands
5. Goal 5 -- Natural Resources, Scenic and Historic Areas, and Open Spaces
6. Goal 6 -- Air, Water and Land Resources Quality
7. Goal 7 -- Areas Subject to Natural Hazards
8. Goal 8 -- Recreational Needs
9. Goal 9 -- Economic Development
10. Goal 11 -- Public Facilities and Services
11. Goal 12 -- Transportation

12. Goal 13 -- Energy Conservation
13. Goal 17 -- Coastal Shorelands
14. Goal 18 -- Beaches and Dunes

C. State Agency Rules

1. OAR Chapter 660, Division 4 -- Interpretation of Goal 2 Exception Process
 - 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
2. OAR Chapter 660, Division 12 -- Transportation Planning
 - 660-012-0060 Plan and Land Use Regulation Amendments
3. OAR 660, Division 14 -- Application of the Statewide Planning Goals to * Urban Development of Rural Lands
 - 660-014-0040 Establishment of New Urban Development on Undeveloped Rural Lands
4. OAR 660, Division 18 -- Plan and Land Use Regulation Amendment Review
 - 660-018-0020 Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation
 - 660-018-0040 Submittal of Adopted Change
 - 660-018-0050 Notice to Other Parties of Adopted Changes
5. OAR Chapter 660, Division 23 -- Procedures and Requirements for Complying with Goal 5
 - 660-023-0090 Riparian Corridors
 - 660-023-0110 Wildlife Habitat
 - 660-023-0140 Groundwater Resources
 - 660-023-0250 Applicability

D. Comprehensive Plan Provisions

The key comprehensive plan requirements relevant to this application are those set forth in the Bandon Dunes Resort Master Plan, as amended, together with the 1996 and 2003 exception statements incorporated therein.

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 and Community Development Planning) of the Plan.² These requirements address notice, hearings, citizen participation, and agency coordination. They do not impose substantive plan amendment criteria separate from those

² Unless otherwise specified, all subsequent citations in these findings to the Plan are to Volume I, Part 1. 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 applicable, these plan provisions are separately addressed in Section IX.

1. Citizen Involvement
2. Land Use & Community Development Planning
3. Agricultural Lands
4. Forestlands
5. Mineral & Aggregate Resources
6. Fish & Wildlife Habitats
7. Historical & Archeological Resources, Natural Areas and Wilderness
8. Water Resources
10. Dunes, and Ocean and Coastal Lake Shorelands
11. Natural Hazards
12. Air, Land & Water Quality
13. Industrial & Commercial Lands
15. Public Facilities & Services
16. Transportation
17. Recreation
18. Energy

E. Zoning & Land Development Ordinance Provisions

The ZLDO does not include substantive standards for text amendments to the Plan and ZLDO³, 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 in Sections VII and VIII. However, the ZLDO contains the following provisions concerning procedures for legislative amendments to the text of the Plan and ZLDO:

1. ZLDO Article 1.2 -- Legislative Amendments
 - 1.2.200 -- Who May Seek Change
 - 1.2.325 -- Procedure for Legislative Amendment

F. BDR Zoning District Standards

Standards applicable to 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 ZLDO Article 4.10 (BDR Zone). These standards will be addressed in conjunction with a Final Development Plan approval subsequent to the approval of this amendment and prior to developing the new golf course.

VII. STATE STATUTES

A. ORS 197.175(2)(a) and (d) -- Plan and Goal Consistency

These provisions require the county to amend its comprehensive plan in compliance with the Statewide

³ This application does not involve a zoning map amendment, so the requirements of ZLDO Article 5.1 (Rezone) are not applicable.

Planning Goals (Goals), and to amend its land use regulations in compliance with its acknowledged comprehensive plan. These requirements are addressed in Sections VIII and IX.

B. ORS 197.610 and 197.615 -- Post-Acknowledgment Amendment Procedures

ORS 197.610(1) requires a local government to forward a proposed change to its acknowledged comprehensive plan or land use regulations to the DLCD director within the deadline established by LCDC rule. OAR 660-018-0020(1) requires a local government to submit proposed changes to its acknowledged comprehensive plan or land use regulations, including the information described in OAR 660-018-0022(2), to the DLCD director at least 35 days prior to its first evidentiary hearing on adoption of the proposed changes. Findings on compliance with these requirements cannot be made until **after** the County conducts its proceedings on the proposed Plan and ZLDO amendments.

ORS 197.615(1) and OAR 660-018-0040(1) 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, the supporting findings, and other items identified in OAR 660-018-0040(3), to the DLCD director within 20 days after the amendment is adopted. On the same day the local government submits the adopted amendment to the Director, ORS 197.615(4) requires it to mail notice of the decision to persons who participated in the local government proceedings and requested notice in writing. In a practical sense, findings on county compliance with the notice of adoption requirements can never be made, because the notice cannot be given until after the county's decision, including its findings, is adopted.

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 forest land base." 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 V.C.2 of this document.

D. ORS 197.732 -- Goal Exception Standards

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 V, *supra*.

E. ORS 215.060 -- Procedure for Action on Comprehensive Plan

This statute requires the Board of Commissioners to conduct at least one public hearing on proposed amendments to the Plan, with at least 10 days advance public notice of each hearing being published in a newspaper of general circulation in the county. Findings on compliance with these requirements cannot be made until **after** the County conducts its proceedings on the proposed Plan amendments.

F. ORS 215.223(1) -- Procedure for Adopting Zoning Ordinances

This statute requires the Board of Commissioners or the Planning Commission to conduct at least one public hearing on proposed amendments to the ZLDO, with at least 10 days advance public notice of hearing being published in a newspaper of general circulation in the county. Findings on compliance with

these requirements cannot be made until **after** the County conducts its proceedings on the proposed ZLDO amendments.

G. ORS 215.416(11) – Procedures for County Land Use Permit Decisions Without a Hearing

1. Notice of Decision Made Without Hearing

ORS 215.416(11)(a)(A) allows a hearings officer or the designee of the governing body to approve or deny an application for a permit without a hearing if the decision maker mails notice of the decision, as described in ORS 215.416(11)(a)(C), to the persons entitled to notice under ORS 215.416(11)(c).

The proposed amendments to ZLDO 4.10.060 and 4.10.075, the BDR Zone sections establishing procedures for approval/denial and modification of FDP's, are intended to implement the provisions of ORS 215.416(11). As proposed to be amended, both sections would allow the Planning Director to make decisions on such applications without a hearing. As proposed to be amended, ZLDO 4.10.060.G (and ZLDO 4.10.075.B by reference to ZLDO 4.10.060) would require the Planning Director to give notice of such decisions as provided in ZLDO 5.0.900. ZLDO 5.0.900.B.i(b) provides that a notice of an Administrative Decision must be given to "the owners of record of property as described in ORS 215.416(11)(c)." ZLDO 5.0.900.B.ii(a)-(g) sets out the required contents for such a Notice of Administrative Decision. These requirements parallel, virtually word for word, the requirements of ORS 215.416(11)(a)(C) (including the provisions of ORS 197.763(3) incorporated by reference).

2. Opportunity for *de novo* Local Appeal

ORS 215.416(11)(a)(A), (D) and (E) require a county to provide the opportunity for a *de novo* local appeal to anyone who is entitled to notice under ORS 215.416(11)(c) or who is adversely affected or aggrieved by a permit decision made without a hearing. ORS 215.416(11)(b) provides that the period for filing such an appeal may not be less than 12 days from the date the required written notice of the decision is mailed.

As proposed to be amended, ZLDO 4.10.060.H (and ZLDO 4.10.075.B by reference to ZLDO 4.10.060) would provide that the decision made without a hearing could be appealed as provided in ZLDO Article 5.8 (Appeals of Discretionary Decisions). ZLDO 5.8.150 says that a decision by the Planning Director may be appealed by a person who was entitled to notice of the decision or who "is aggrieved or has interests adversely affected by the decision." ZLDO 5.8.200.1 states that the appeal of an administrative decision "shall be *de novo*." ZLDO 5.8.100 provides that the period for filing an appeal is 15 days from when notice of an administrative decision is mailed.

H. ORS 215.427 – Final Action on Permit Application

1. Application Completeness

ORS 215.427(2) requires a county to notify a permit applicant in writing, within 30 days of receipt of an application, whether an application is incomplete and, if so, what information is missing. ORS 215.427(4) specifies the consequences of not bringing an application into completeness. The proposed amendments bring the BDR zone procedures for FDP approval and modification applications into compliance with these requirements by adding to ZLDO 4.10.060.C (and ZLDO 4.10.075.B by reference to ZLDO 4.10.060) a reference to ZLDO 5.0.200 (Application Completeness (ORS 215.427)).

2. Deadline for Final Action on Permit Application

ORS 215.427(1) requires a county to take final action on permit applications concerning land outside urban growth boundaries (other than permits for aggregate extraction) within 150 days after the application is deemed complete. ORS 215.427(5) allows this deadline to be extended for a specific period at the request of the applicant. The proposed amendments bring the BDR zone procedures for FDP approval and modification applications into compliance with these requirements by adding to ZLDO 4.10.060.C (and ZLDO 4.10.075.B by reference to ZLDO 4.10.060) a reference to ZLDO 5.0.250 (Timetable for Final Decisions (ORS 215.427)).

I. ORS 455.446 to 445.447 – Tsunami Inundation Zone

This statute, and its implementing administrative rules in OAR Chapter 632, Division 005, 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 proposed amendments authorize no essential facilities or special occupancy structures, as defined in the statute.

VIII. STATEWIDE PLANNING GOALS AND ADMINISTRATIVE RULES

33 A. Goal 1 - Citizen Involvement

“To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.”

Compliance with Goal 1 is demonstrated through compliance with the county’s acknowledged Citizen Involvement Program. *See* Section IX.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 course of action, ultimate policy choices, and 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.

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 the Statewide Planning Goals (Goals). The BDR Supplemental Master Plan and BDR Zone, as amended in 2003, are the primary comprehensive plan and implementing regulations for the resort site.

Specific aspects of the process relevant to the proposed Plan and ZLDO amendments are:

a. Adequate Factual Base

Factual information from numerous sources, including published information, original research conducted, 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. Comprehensive Plan Consistency

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 IX, "Coos County Comprehensive Plan."

c. Coordination with Affected Governmental Units

Goal 2 requires comprehensive plans and implementing measures to be coordinated with the plans of affected governmental units. Plan Land Use & Community Development Planning Plan Implementation Strategy (PIS) 5.2.12 implements this requirement and will be addressed in Section IX.B, *infra*.

d. Public Hearings and Input

Goal 2 requires all comprehensive plan and implementation ordinance provisions to be adopted by the governing body after public hearing, and to provide opportunities for review and comment by citizens and affected governmental units. Specific provisions regarding public hearings, notice of hearing and adoption by the Board of Commissioners are found in ORS 215.060 (Section VII.E), ORS 215.223(1) (Section VII.F), Plan Land Use & Community Development Planning PIS 5.2.7 and 5.2.8 (Section IX.B) and ZLDO 1.2.325 (Section X.A). Findings on compliance with these requirements will be made after the County conducts its proceedings on the proposed Plan and ZLDO amendments.

1. 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 V.

C. Goal 3 - Agricultural Lands

"To preserve and maintain agricultural lands."

The Goal 3 definition of "agricultural lands" provides, in relevant part:

"Agricultural land does not include * * * land within acknowledged exceptions to Goals 3 or 4."

SPECIAL PURPOSE GOLF COURSE AND RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The land subject to the proposed Plan and ZLDO amendments is within the acknowledged exception to Goals 3 and 4 adopted as part of the Plan by the BDR Exception Statement, as amended by the First,

Second, and Third Exception Statements. The second Special Purpose Golf Course and additional restaurants authorized by the proposed Plan and ZLDO amendments are authorized by the Fourth Supplemental Exception Statement, which will be adopted and acknowledged as part of these amendments. *See* Section V, *supra*. In addition, the proposed golf course occupies a small interior sub-area of the resort site that is comprised of stabilized dunes and does not qualify as agricultural land under Goal 3. Consequently, Goal 3 is not applicable to the proposed Plan and ZLDO amendments.

SUBZONE MAP AMENDMENT NR-8 TO NR-3

The land subject to the proposed Plan and ZLDO amendments is within the acknowledged exception to Goals 3 and 4 adopted as part of the Plan by the BDR Exception Statement, as amended by the First, Second and Third Supplemental Exception Statements. This map amendment is intended to change a portion of one conservation subzone designation (NR-8) to another conservation subzone (NR-3) to better reflect the specific subzone definitions. Consequently, the subzone amendment in itself will not change the resource use occurring on the property. In addition, the expanded NR-3 subzone is in a subarea of the resort site that is comprised of semi-stabilized sand dunes that do not qualify as agricultural land under Goal 3. Consequently, Goal 3 is not applicable to the proposed Plan and ZLDO amendment.

D. Goal 4 - Forest Lands

“To conserve forest lands for forest uses.”

The acknowledged 2003 Exception Statement and Findings determined that:

“Destination resort communities, golf courses, and related development are not permitted forest or non-forest uses under Goal 4. Because the Bandon Dunes site contains land that meets the Goal 4 definition of ‘forest lands’ described above, an exception to Goal 4 is being taken, based on the reasons set forth in Part VIII, Conformity with the ‘Reasons’ Goal Exception Criteria, below.” 2003 ES&F p. 23.

SPECIAL PURPOSE GOLF COURSE AND RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The land subject to the proposed Plan and ZLDO amendments is within the acknowledged exception to Goals 3 and 4 adopted as part of the Plan by the BDR Exception Statement, as amended by the First, Second and Third Supplemental Exception Statements. The Second Special Purpose Course and additional restaurants authorized by the proposed plan and ZLDO amendments are authorized by the Fourth Supplemental Exception Statement, which will be adopted and acknowledged as part of these amendments. *See* Section V, *supra*. Consequently, Goal 4 is not applicable to the proposed Plan and ZLDO amendments.

SUBZONE MAP AMENDMENT NR-8 TO NR-3

The land subject to the proposed Plan and ZLDO amendments is within the acknowledged exception to Goals 3 and 4 adopted as part of the Plan by the BDR Exception Statement, as amended by the First, Second and Third Supplemental Exception Statements. This map amendment is intended to change a portion of one conservation subzone designation (NR-8) to another conservation subzone (NR-3) to better reflect the specific subzone definitions. Consequently, the subzone amendment in itself will not change the resource use occurring on the property. In addition, the expanded NR-3 subzone is in a sub-area of the resort site that is comprised of semi-stabilized sand dunes that do not qualify as forest land under Goal 4. Consequently, Goal 4 is not applicable to the proposed Plan and ZLDO amendment.

E. Goal 5 - Open Spaces Scenic and Historic Areas, and Natural Resources

Goal 5 provides as follows:

“To provide 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 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 commission rules, local governments shall determine significant sites for inventoried resources and develop programs to achieve the goal.”

Goal 5 and its implementing rule, OAR Chapter 660, Division 23, 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. Identification of the location of listed resources.
2. Evaluation of the quality and quantity of each identified resource.
3. Determination of the significance of the identified resource.
4. Identification of uses which may conflict with a significant Goal 5 resource.
5. Assessment of the environmental, economic, social, and energy (ESEE) consequences of the conflicts on both the resource and the conflicting uses.
6. Development of programs to “achieve the goal” by resolving the conflicts, based on the ESEE consequence assessment.

Under OAR 660-023-0040(5), a program adopted pursuant to the above process can have one of three outcomes:

- (1) It can prohibit the conflicting uses and protect the Goal 5 resource completely.
- (2) It can limit the conflicting uses and provide limited protection for the Goal 5 resource.
- (3) It can allow the conflicting use fully.

The choice of any of the three above types of programs for resolving conflicts with a Goal 5 resource must be based on an analysis of the ESEE consequences of the conflicts. The analysis of the ESEE consequences must be adopted as part of either the comprehensive plan or an implementing land use regulation. OAR 660-023-0040(4).

As relevant here, under OAR 660-023-0250(3), a local government is required to apply Goal 5 to consideration of a post-acknowledgement comprehensive plan or land use regulation amendment (PAPA) only if:

- “(a) The PAPA creates or amends a resource list of 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;
[or]
- “(b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on acknowledged resource list[.]”

1. Riparian Corridors, Water and Riparian Areas, and Fish Habitat

OAR 660-023-0090 (Riparian Corridors) implements Goal 5 with regard to its first listed resource -- riparian corridors, riparian and water areas and fish habitat.⁴ OAR 660-023-0090(5) and (8) provide “safe harbor” standards as an alternative to following the general Goal 5 inventory, conflict identification, ESEE consequences analysis and program development process set out in OAR 660-023-0030 to 660-023-0050.

When the BDR was expanded in 2003, it was determined that “no streams on or affected by the site” are designated on Plan Special Consideration Maps as anadromous fish habitat. 2003 ES&F, p. 235. At that time, the Goal 5 safe harbor standards for riparian corridors were implemented by adding the safe harbor

provisions to the BDR Zone. The relevant definitions from OAR 660-023-0090(1) were added to ZLDO 4.10.030.H(1). The riparian corridor boundaries, as defined by OAR 660-023-0090(5), were identified in ZLDO 4.10.030.H(2). The riparian corridor protection provisions required by OAR 660-023-0090(8) were added to ZLDO 4.10.030.H(3)(7). 2003 ES&F, pp. 34-36.

SPECIAL PURPOSE GOLF COURSE

The Cut Creek riparian corridor is the closest riparian corridor in the vicinity of the proposed course. However, the Cut Creek Corridor is north of the Preserve Course and approximately 1200 feet north of the north end of the second special purpose course. Goal 5 does not apply to this amendment with regard to riparian corridors.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

Any restaurants developed in conjunction with this amendment will be specifically sited to avoid impacts and comply with setbacks to riparian areas.

SUBZONE MAP AMENDMENT NR-8 TO NR-3

This map amendment is intended to change a portion of one conservation subzone designation (NR-8) to another conservation subzone (NR-3) to better reflect the specific subzone definitions. The amendment area does not contain a riparian area or fish habitat. Goal 5 does not apply to this amendment with regard to riparian corridors or fish habitat.

2. Wetlands

SPECIAL PURPOSE GOLF COURSE

There are wetlands lying south and east of the proposed course that are within the resort (NR-8 Subzone) and wetlands to the west that are within the Bullards Beach State Park. The amended NR-3 subzone, in which the course will be developed, was intentionally designed to avoid inclusion of any existing wetlands contained within the NR-8 subzone. The course will be designed to avoid any impacts to wetlands or riparian setback areas associated with wetlands. Consequently, the proposed course will be in compliance with Goal 5.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

Any restaurants developed in conjunction with this amendment will be specifically sited to avoid impacts to wetlands or riparian areas associated with wetlands.

SUBZONE MAP AMENDMENT NR-8 TO NR-3

This map amendment is intended to change a portion of one conservation subzone designation (NR-8) to another conservation subzone (NR-3) to better reflect the specific subzone definitions. The amendment in itself does not allow any specific use or development that was not allowed prior to the amendment. The amendment will have no direct impact to wetlands.

3. Wildlife Habitat

The 2003 resort expansion was supported by the following findings regarding 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). 2003 ES&F, p. 40.

SPECIAL PURPOSE GOLF COURSE

The area affected by the subject Plan and ZLDO amendments is not an identified wildlife habitat area. These amendments do not affect provisions that designate or protect wildlife habitat. Consequently, Goal 5 does not apply to these amendments with regard to wildlife habitat.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The locations for the proposed restaurants are not within a wildlife habitat area.

SUBZONE MAP AMENDMENT NR-8 TO NR-3

This map amendment is intended to change a portion of one conservation subzone designation (NR-8) to another conservation subzone (NR-3) to better reflect the specific subzone definitions. The amendment in itself does not allow any specific use or development that was not allowed prior to the amendment. The amendment will have no direct impact to wildlife.

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. The OPRD 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. *See* 1996 ES&F, P. 30; 2003 ES&F, p. 40. Therefore, no further consideration of this Goal 5 resource is required.

5. Groundwater Resources

The location, quality and quantity of the Dunal Aquifer underlying the BDR site and surrounding areas, the identification of conflicting uses, the evaluation of ESEE consequences of BDR use of this aquifer, and the use of acknowledged BDR Master Plan, Exception Statement and BDR Zone as the County’s program to protect the resource while allowing limited use, are comprehensively discussed in the 2003 ES&F, pp. 41-65.

SPECIAL PURPOSE GOLF COURSE

These 2021 Plan and BDR amendments authorize at most an additional 17 acres of turf irrigation. The amount authorized is relatively negligible in relation to the overall water usage authorized for the prior four professional courses and the Preserve Course authorized in the 1996, 2003, and 2014 exceptions. The proposed course would increase the amount of irrigated turf already authorized by prior exceptions by approximately 0.04% of usage. The increase of water usage for one restroom, as compared to the overall development allowed at the resort by the acknowledged 1996 Master Plan, the 2003 Supplemental Master Plan, and the 2010/2014 Supplemental Master Plans, will not conflict with the groundwater resource or alter the County's acknowledged Goal 5 protection program for the groundwater resource.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The water usage for the proposed restaurants will be insignificant as well and will not exceed the water usage authorized for the golf courses and improvements through the 1996, 2003 and 2014 exceptions.

SUBZONE MAP AMENDMENT NR-8 TO NR-3

This map amendment is intended change a portion of one conservation subzone designation (NR-8) to another conservation subzone (NR-3) to better reflect the specific subzone definitions. The amendment in itself does not allow any specific use or development that was not allowed prior to the amendment. The amendment will have no impact to groundwater resources.

6. Approved Oregon Recreation Trails

The Plan Special Consideration Maps identify no approved Oregon Recreation Trails on or near the Bandon Dunes Resort. 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). Consequently, no further consideration of this Goal 5 resource is required.

SPECIAL PURPOSE GOLF COURSE

The applicants recognize that the designated route of the Oregon Coast Trail is along the beach to the west of the resort. The existing Beach Trail, recognized as part of the resort's hiking trail system, originally led from the Resort Village Center through the area of the Preserve Course and onto the Bullards Beach State Park property to the south, then out to the beach. *See* Supplemental Master Plan, Figure 13, p. 34. This trail provided access to the beach and Oregon Coast Trail for resort guests and visitors. In recent years the OPRD requested that the trail be rerouted so that it is entirely on BDR property. The proposed modifications to the Preserve Course design include rerouting the Beach Trail to the south of the Preserve Course to avoid conflicts between hikers and golf play, and then extending it out to the beach on resort property, between the Preserve Course and the state park boundary. The proposed course will be developed south of the rerouted trail, and the Oregon Coast Trail will not be adversely affected.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The Oregon Coast Trail avoids all existing golf facilities and therefore the restaurants located within the facilities will not impact the Oregon Coast Trail.

SUBZONE MAP AMENDMENT NR-8 TO NR-3

This map amendment is intended to change a portion of one conservation subzone designation (NR-8) to another conservation subzone (NR-3) to better reflect the specific subzone definitions. The amendment in itself does not allow any specific use or development that was not allowed prior to the amendment. The amendment will have no impact to recreational trails.

7. Natural Areas

OAR 660-023-0160(1) defines “natural areas,” for the purposes of the Goal 5 Rule, as “areas listed in the Oregon State Register of Natural Heritage Resources.” There are no areas listed on the Oregon State Register of Natural Heritage Resources in the vicinity of the area that is subject to the proposed Plan and ZLDO amendments.

8. Wilderness Areas

The Plan Special Considerations maps disclose no Wilderness Areas on or near the Bandon Dunes site. Therefore, no further consideration of this Goal 5 resource is required.

9. Mineral and Aggregate Resources

The 2021 ES&F addresses this Goal 5 resource by quoting the following findings from the acknowledged 1996 ES&F:

“The only identified mineral and aggregate resources on or near the Bandon [Dunes Resort] 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 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. The applicant stands ready to provide any information it has or obtains regarding the black sand potential. In the meantime, the applicant has no plans to exploit the resource, and the proposed development will not interfere with preservation of the resource for future use, as resort structures are not proposed to be located on the portions of the site with black sand potential.

“Regarding the sand and gravel pits, the County’s usual program for protection is to maintain the sites in their present state, except where a conflicting use is identified during the 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].

“As relevant to the Bandon Dunes 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 sites will be maintained in their present use until such time as reclamation becomes appropriate.” 1996 ES&F, page 28.

SPECIAL PURPOSE GOLF COURSE AND RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The proposed second special purpose course and restaurants do not include placing a structure within 500 feet of the sand and gravel pits adjoining Highway 101. Consequently, they neither authorize a conflicting use for this Goal 5 resource site nor change the County’s protection program and, therefore, no further consideration of this Goal 5 resource is required.

SUBZONE MAP AMENDMENT NR-8 TO NR-3

This map amendment is intended to change a portion of one conservation subzone designation (NR-8) to another conservation subzone (NR-3) to better reflect the specific subzone definitions. The amendment in itself does not allow any specific use or development that was not allowed prior to the amendment. The amendment will have no impact to mineral aggregate resources.

10. Energy Sources

The 1996 and 2003 ES&F's addressed Goal 5 energy sources with virtually identical findings:

“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’ shows that the [Bandon Dunes site is/resort expansion areas are] not within an area of potential coal fields, but [is/are] within a broadly defined area within which oil and gas resources may exist. No such resources are known to exist on or near the [Bandon Dunes site/expansion areas]. No further Goal 5 consideration is required.” 1996 ES&F, pp. 28-29; 2003 ES&F, p. 67.

SPECIAL PURPOSE GOLF COURSE AND RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The proposed course and restaurants authorized by these proposed amendments do not authorize or modify conflicting uses for Goal 5 energy resources. No further consideration of this Goal 5 resource is required.

SUBZONE MAP AMENDMENT NR-8 TO NR-3

This map amendment is intended to change a portion of one conservation subzone designation (NR-8) to another conservation subzone (NR-3) to better reflect the specific subzone definitions. The amendment in itself does not allow any specific use or development that was not allowed prior to the amendment. The amendment will have no impact to energy resources.

11. Cultural Areas

The 1996 ES&F addressed this issue as follows:

“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. See also ‘Historic Areas, Sites, Structures, and Objects’ above.” 1996 ES&F, p. 29.

The Bandon Dunes Resort Supplemental Master Plan notes:

“Archeological surveys, undertaken on behalf of the Coquille and Coos Tribes, have identified a number of sites within the [2003] 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.” 2003 SMP, p. 50.

The 2010 ES&F addressed this issue as follows:

“Bandon Dunes has continued to coordinate with the tribes. Site visits and other research since 2003 have not disclosed sites within or adjacent to the footprint of the proposed additional golf course. The site will be monitored for archeological and cultural finds during construction. If Native American remains or other culturally significant sites are identified, then treatment of the sites will be determined in consultation with the tribes.

“Based on existing information, like the previous amendments, the proposed amendment does not affect identified sites of cultural significance on or near the Bandon Dunes property. Therefore, no further consideration of this resource is required.” 2010 ES&F, p. 59.

SPECIAL PURPOSE GOLF COURSE

The proposed second special purpose golf course will involve limited construction during development of the course within the amended NR-3 subzone. However, the resort has an agreement with the local Coquille Tribe, and a protocol is in place to handle situations where artifacts are discovered on resort land before or during construction activities. Resort staff and a representative(s) from the planning and design team will meet with a Native American official to discuss how to handle this situation if artifacts are discovered during construction.

Based on the agreements and procedures, the proposed amendments will not affect sites of cultural significance on or near the subject portion of development. No further consideration of this resource is required.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The proposed new restaurant will involve limited excavation during development. However, the resort has an agreement with the local Coquille Tribe, and a protocol is in place to handle situations where artifacts are discovered on resort land before or during construction activities. Resort staff and a representative(s) from the planning and design team will meet with a Native American official to discuss how to handle this situation if artifacts are discovered during construction.

Based on the agreements and procedures, the proposed amendments will not affect sites of cultural significance on or near the subject portion of development. No further consideration of this resource is required.

SUBZONE MAP AMENDMENT NR-8 TO NR-3

This map amendment is intended to change a portion of one conservation subzone designation (NR-8) to another conservation subzone (NR-3) to better reflect the specific subzone definitions. The amendment in itself does not allow any specific use or development that was not allowed prior to the amendment. The amendment will have no impact to Cultural Resources.

12. Historic Resources

The 1996 ES&F addressed this issue as follows:

“No areas, sites, structures, or objects of historical significance on or near the Bandon Dunes site are recognized by Coos County or the State Office of Historic Preservation. However, the local history of the area suggests that past activities such as gold mining on Cut Creek, chrome mining during World War II, commercial activity associated with the Fahy homestead (“Fayville” circa

1860-1880) and activities by Native Americans in pre-settlement times can be recognized and acknowledged through the installation of historic plaques at selected locations. These actions would provide cultural resources to future visitors and enhance the environmental education potential of the proposed resort.

“Also, the development will be conducted in compliance with ORS 358.905 to 358.955 regarding Archeological Objects and Sites, and with ORS 97.740 to 97.760 regarding protection of Indian graves and other archeological sites of interest, to the extent those laws apply to the property.”
1996 ES&F, p. 29.

Like the 1996, 2003, 2010, and 2014 amendments, the proposed 2021 amendments do not affect historic resources or any County program regarding the listing or protection of historic resources. Accordingly, no further consideration of this Goal 5 resource is required.

SUBZONE MAP AMENDMENT NR-8 TO NR-3

This map amendment is intended to change a portion of one conservation subzone designation (NR-8) to another conservation subzone (NR-3) to better reflect the specific subzone definitions. The amendment in itself does not allow any specific use or development that was not allowed prior to the amendment. The amendment will have no impact to Historic Resources.

13. Open Space

No portion of the Bandon Dunes Resort site has been specifically listed or inventoried in the Plan as needed or desirable open space, nor is any portion of the Bandon Dunes site within the impact area of potential conflicts with any listed or inventoried open space site.

No further consideration of this Goal 5 resource is required. However, the SMP does require approximately 75% to 80% of the 2,140-acre Bandon Dunes Resort site to remain as permanent open space, principally in the form of natural conservation areas, woodland buffers, and golf courses. The proposed amendments authorize diminishment of this open space by a maximum of only 5000 sq. ft. for golf structures and a restaurant, which equals approximately one tenth of one acre being removed from the 1,712 acres of required open space.

SUBZONE MAP AMENDMENT NR-8 TO NR-3

This map amendment is intended to change a portion of one conservation subzone designation (NR-8) to another conservation subzone (NR-3) to better reflect the specific subzone definitions. The amendment in itself does not allow any specific use or development that was not allowed prior to the amendment. The amendment will have no impact to the amount of open space.

14. Scenic Views and Sites

The 1996 ES&F addressed this issue as follows:

“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 [development on] the Bandon Dunes site. Therefore, no further consideration of this Goal 5 resource is required.” 1996 ES&F, p. 29.

SUBZONE MAP AMENDMENT NR-8 TO NR-3

This map amendment is intended to change a portion of one conservation subzone designation (NR-8) to another conservation subzone (NR-3) to better reflect the specific subzone definitions. The amendment in itself does not allow any specific use or development that was not allowed prior to the amendment. The amendment will have no impact to scenic views.

F. Goal 6 - Air, Water, and Land Resources Quality

“To maintain and improve the quality of air, water, and land resources of the state.”

SUBZONE MAP AMENDMENT NR-8 TO NR-3

This map amendment is intended to change a portion of one conservation subzone designation (NR-8) to another conservation subzone (NR-3) to better reflect the specific subzone definitions. The amendment in itself does not allow any specific use or development that was not allowed prior to the amendment. The amendment will have no impact to Air, Water, or Land resources.

Goal 6 provides that

“All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.”

1. Air Quality

SPECIAL PURPOSE GOLF COURSE AND RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The proposed golf course will not affect air quality. The onsite restaurants will improve air quality by reducing transportation to and from other restaurants within the resort.

2. Water Quality

SPECIAL PURPOSE GOLF COURSE AND RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The proposed limited restroom/snack bar and additional restaurant facilities authorized by these amendments will be a negligible addition to the existing resort sewer system. The proposed golf course will authorize irrigation of a maximum of 17 acres of turf. This minimal additional irrigation will be carried out applying standards and procedures set forth in the existing acknowledged comprehensive plan and implementing regulations. Fertilizers and chemicals will be used sparingly, if at all, and in accordance with standards and procedures set forth in the existing acknowledged BDR Master Plan and implementing regulations.

3. Land Resources

SPECIAL PURPOSE GOLF COURSE AND RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The continuous fairways authorized by these amendments will enhance rather than degrade the land resource, by resulting in better protection of the conservation areas set aside for proliferation of Silvery Phacelia and other native dunal vegetation. Removal of gorse and other invasive species aid in the resort's program of allowing the native dunal landscape to regenerate. The impacts of restaurants as they relate to land impacts have been addressed above.

G. Goal 7 - Areas Subject to Natural Hazards

"To protect people and property from natural hazards."

SPECIAL PURPOSE GOLF COURSE

This Goal requires local governments to adopt comprehensive plans, inventories, and policy measures to reduce risk to people and property from natural hazards. These hazards are listed in the goal as follows: floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. The NR-3 area of the resort has not been identified or inventoried as being subject to any of the listed hazards. The current amendments authorize two small structures (total <1000 sq. ft.) in an area of conditionally stable dunes. These structures will have to comply with the acknowledged ZLDO 4.10.030.I requirements for construction in areas of conditionally stabilized dunes implementing Goal 18 (Beaches and Dunes). It is not necessary, therefore, to impose additional measures to maintain compliance with Goal 7.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

If restaurants are located within natural hazard areas, prior to development, it will be required that the identified hazard be mitigated pursuant to the County Ordinance and/or Comprehensive Plan.

SUBZONE MAP AMENDMENT NR-8 TO NR-3

This map amendment is intended to change a portion of one conservation subzone designation (NR-8) to another conservation subzone (NR-3) to better reflect the specific subzone definitions. The amendment in itself does not allow any specific use or development that was not allowed prior to the amendment. The amendment will have no impact with regard to Natural Hazards.

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."

SPECIAL PURPOSE GOLF COURSE AND RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

This Goal requires planning for recreation areas, facilities, and opportunities in appropriate proportions and in such quality and quantity and locations as is consistent with the availability of resources. The proposed amendments authorize one of six golf courses and two additional restaurants on the resort's menu of developed recreational facilities. This second special purpose course will improve the experience

of golfing within the resort. As the 1996 and 2003 Exception Statements and Findings have determined, Bandon Dunes Resort is in substance a destination resort, even though it does not meet all of the tests for siting destination resorts under ORS 197.435 et seq. The proposed amendments therefore enhance the resort's existing compliance with Goal 8.

SUBZONE MAP AMENDMENT NR-8 TO NR-3

This map amendment is intended to change a portion of one conservation subzone designation (NR-8) to another conservation subzone (NR-3) to better reflect the specific subzone definitions. The amendment is also one step in permitting a second special purpose golf course that will expand and enhance the recreational experience within the resort. While the map amendment in itself does not allow a specific use or development, other amendments proposed in this application will permit a golf course in the expanded NR-3 subzone.

I. 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.”

SPECIAL PURPOSE GOLF COURSE AND RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

Goal 9 requires comprehensive plans and policies to contribute to a stable and healthy economy in all regions of the state. Such plans are required to be based on inventories of areas suitable for increased economic growth and activity, taking into consideration a number of factors. Coos County recognized the Bandon Dunes Resort site as being suitable for increased economic growth and activity when it approved the BDR Master Plan and Supplemental Master Plan as part of its comprehensive plan in 1996 and 2003, respectively. The 2021 amendments authorizing development of a second special purpose course and two additional restaurants will enhance and diversify the resort's golf-related offerings, increase length of stay, and generally further the long-term health and sustainability of the resort as a key economic asset of Coos County and the central Oregon Coast.

SUBZONE MAP AMENDMENT NR-8 TO NR-3

This map amendment is intended to change a portion of one conservation subzone designation (NR-8) to another conservation subzone (NR-3) to better reflect the specific subzone definitions. The amendment is also one step in permitting a second special purpose golf course that will expand and enhance the economic prosperity of the resort. While the map amendment in itself does not allow a specific use or development, other amendments proposed in this application will permit a new golf course that will enhance the overall economic health of the resort.

J. Goal 10 - Housing

“To provide for the housing needs of the citizens of the state.”

The proposed amendments do not involve added housing or other changes relevant to this goal.

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.”

SPECIAL PURPOSE GOLF COURSE

Bandon Dunes Resort is the subject of an acknowledged exception to Goal 11 that allows development of urban level public facilities and services on the BDR site, consistent with the BDR Master Plan. The restroom/snack bar facility and proposed restaurants will be served by the existing resort sewer and water facilities. Surface runoff from the maximum additional 17 acres of turf will be handled by a system of inlet drains and underground stormwater lines leading to a soakage pit, consistent with the Surface Runoff section of the BDR Supplemental Master Plan. SMP, p. 40. Consequently, these amendments comply with Goal 11.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The existing restaurant at Pacific Dunes is currently connected to the resort's urban level sanitary sewer and water system. There is currently sufficient capacity at both the sewer and water facilities to accommodate the needs for the proposed restaurant at the Practice Center. At the time of development, the capacity for both facilities will be addressed in further detail in conjunction with the required final development plan application.

SUBZONE MAP AMENDMENT NR-8 TO NR-3

This map amendment is intended to change a portion of one conservation subzone designation (NR-8) to another conservation subzone (NR-3) to better reflect the specific subzone definitions. The amendment in itself does not allow any specific use or development that was not allowed prior to the amendment. Therefore, the amendment will have no impact to the capacity of the existing Public Facilities and Services.

L. Goal 12 - Transportation

“To provide and encourage a safe, convenient, and economic transportation system.”

Goal 12 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. The only TPR provision applicable to these post-acknowledgement Plan and ZLDO amendments, which make only small modifications to the uses allowed on the Preserve Course and update the procedures for adoption of BDR Final Development Plans, is OAR 660-012-0060 (“Plan and Land Use Regulation Amendments”). Specifically, Section (1) of OAR 660-0012-0060 provides:

“If an amendment to a functional plan, and acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9), or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

“(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

“(b) Change standards implementing a functional classification system; or

“(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. * * *”

[Paragraphs (A) through (C) describe various changes to types or levels of access or performance of existing or planned transportation facilities.]

The 2010 ES&F supporting the initial authorization of the Preserve Course, at page 70, found:

SPECIAL PURPOSE GOLF COURSE

“The tiny, special-purpose 14-hole course authorized by the 2021 amendments will not generate additional visitors or be a separate external traffic generator. It will be located as an additional onsite amenity and activity for guests and their families who are staying at the resort because of its four championship golf courses.

“In short, this 2021 amendment will not have any incremental effect, much less a ‘significant’ effect, on transportation facilities within the meaning of Goal 12 and the Transportation Planning Rule. It will not change the functional classification of any existing or planned facilities, change standards implementing a functional classification system, allow uses or levels of development that would be inconsistent with the functional classification of existing or planned facilities, reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan, or worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan. “

The proposed amendments improve the golfing experience, and avoid disturbance of Silvery Phacelia habitat, by authorizing use of continuous greens and walkways. The proposed amendment will not become a separate external traffic generator. The Course will function as an extra attraction, mainly providing existing guests with a reason to stay onsite longer.

The proposed course will neither change the functional classification of an existing or planned transportation facility nor change standards implementing a function classification system. Additionally, the proposed amendments would have no effect on access to or performance by any existing or planned transportation facility. Consequently, the proposed amendments comply with OAR 660-012-0060, and no other provisions of the TPS apply to these proposed amendments.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The addition of restaurants at golf facilities will not generate additional visitors or be a separate external traffic generator. The restaurants are intended provide convenient access to food and beverage for golfers who are staying at the resort because of its four championship golf courses. If anything, by providing close and convenient access to food and beverage at each golf facility, interior trip generation and traffic congestion will be reduced throughout the resort as well as at restaurants located within the village center.

SUBZONE MAP AMENDMENT NR-8 TO NR-3

This map amendment is intended to change a portion of one conservation subzone designation (NR-8) to another conservation subzone (NR-3) to better reflect the specific subzone definitions. The amendment in

itself does not allow any specific use or development that was not allowed prior to the amendment. Therefore, the amendment will have no impact to Transportation needs within or outside the resort.

M. Goal 13 - Energy Conservation

“To conserve energy.”

SPECIAL PURPOSE GOLF COURSE

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. The only respect in which the proposed amendments might affect energy consumption is with regard to authorizing construction and use of the Starter Shack and Turn Stand. However, neither of these structures is authorized for human occupancy, and neither uses heat or air-conditioning, so their energy footprint will be minimal. Additionally, the proposed amendments are expected to result in no net increase in automobile usage, and the structures are co-located with central resort facilities to make efficient use of existing infrastructure and minimize the need for onsite, as well as offsite, vehicular transportation.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The restaurants are intended to provide convenient access to food and beverage for golfers who are staying at the resort because of its four championship golf courses. By providing close and convenient access to food and beverage at each golf facility, trip generation will be decreased throughout the resort, which will act to conserve energy.

SUBZONE MAP AMENDMENT NR-8 TO NR-3

This map amendment is intended to change a portion of one conservation subzone designation (NR-8) to another conservation subzone (NR-3) to better reflect the specific subzone definitions. The amendment in itself does not allow any specific use or development that was not allowed prior to the amendment. The amendment will have no impact to Energy use.

N. Goal 14 - Urbanization

“To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”

Bandon Dunes Resort is the subject of an acknowledged exception to Goal 14 that allows development of urban level uses on the BDR site, consistent with the BDR Master Plan. The proposed second special purpose course and restaurants do not significantly change or intensify the type of uses allowed within the resort.

SUBZONE MAP AMENDMENT NR-8 TO NR-3

This map amendment is intended to change a portion of one conservation subzone designation (NR-8) to another conservation subzone (NR-3) to better reflect the specific subzone definitions. The amendment in

itself does not allow any specific use or development that was not allowed prior to the amendment. The amendment will have no impact with regard to urbanization.

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 expansion areas approved in 2003 are outside the area covered by the Coquille River Estuary Management Plan and have neither estuaries nor associated wetlands. Therefore, Goal 16 does not apply to the proposed amendments.

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.”

1. Designation of Coastal Shorelands

SPECIAL PURPOSE GOLF COURSE

The acknowledged Coos County Comprehensive Plan designates as Coastal Shorelands only the westerly fringe of the northern three-quarters of the 2,140-acre Bandon Dunes Resort property, between the ocean bluff line and the dry-sand beach (hereafter ocean shorelands), and the areas within 100 feet of Chrome, Round and Fahy Lakes (hereafter lake shorelands). The proposed second special purpose golf course will be located east of the ocean bluff and not within 100 feet of any of the coastal lakes and, therefore, is not within the coastal shorelands. Accordingly, Goal 17 does not apply to the proposed course.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

All development within the resort is required to comply with identified special consideration (coastal shorelands) areas at the time of construction. Any restaurants developed in conjunction with golf facilities will be sited to avoid Coastal Shorelands and their attributes.

SUBZONE MAP AMENDMENT NR-8 TO NR-3

This map amendment is intended to change a portion of one conservation subzone designation (NR-8) to another conservation subzone (NR-3) to better reflect the specific subzone definitions. The amendment in itself does not allow any specific use or development that was not allowed prior to the amendment. The amendment will have no impact with regard to Coastal Shorelands.

2. Coastal Shoreland Uses

SPECIAL PURPOSE GOLF COURSE AND RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The proposed restaurants and the second Special Purpose Golf Course will not be located within an identified Coastal Shoreland. This amendment is therefore consistent with the rural shorelands use provisions of Goal 17.

SUBZONE MAP AMENDMENT NR-8 TO NR-3

This map amendment is intended to change a portion of one conservation subzone designation (NR-8) to another conservation subzone (NR-3) to better reflect the specific subzone definitions. The amendment in itself does not allow any specific use or development that was not allowed prior to the amendment. The amendment is consistent with the Coastal Shorelands provisions of Goal 17.

3. Goal 17 Implementation Requirements

Goal 17, Implementation Requirement (IR) 3 states “[c]oastal shorelands identified under the Estuarine Resources Goal for dredged material disposal shall be protected from new uses and activities which would prevent their ultimate use for dredged material disposal.” No portion of the BDR site has been identified for use for dredged material disposal. Goal 17, IR 3 does not apply to the proposed amendments.

Goal 17, IR 4 states “riparian vegetation shall be maintained; and where appropriate, restored and enhanced, consistent with water-dependent uses.” This provision of Goal 17 has been implemented by the acknowledged Plan Sec. 5.10 (Dunes, Ocean, and Coastal Lake Shorelands), Plan Implementing Strategy (PIS) 11 and ZLDO 4.10.030.H. The proposed amendments would not affect these Plan and ZLDO provisions.

Goal 17, IR 5, requires local governments to demonstrate a preference for land use management practices and non-structural solutions to problems of erosion and flooding. The proposed golf course is not in a coastal shoreland area. The proposed amendments do not authorize use of any structural solution to problems of erosion or flooding. Goal 17, IR 5, does not apply to the proposed amendments.

Goal 17, IR 6 requires local governments, in coordination with OPRD, to develop and implement a program to provide increased public access. The proposed amendments do not in any way impede existing public access and the proposed use is therefore in compliance with Goal 17, IR 6.

Q. Goal 18 - Beach and Dunes

“To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man induced actions associated with these 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 (IR) 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 Sec. 5.10 (Dunes, Ocean, and Coastal Lake Shorelands), Plan Implementing Strategy (PIS) 1 states this map “specifically delineates the boundaries for areas identified” in the County’s inventory and

assessment of beaches and dunes. On the Development Potential Map, the entire area south of Cut Creek, where the Second Special Purpose Course will be located, is inventoried as an area west of the ocean shoreland boundary, at the southwestern corner of the area adjacent to Bullards Beach State Park, is designated as “Not Suitable for Residential, Commercial or Industrial Structures.” This designation identifies areas subject to Goal 18, IR 2. Plan, Section 5.10, PIS 3.

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 Plan Sec. 5.10, PIS 2 allows development in designated “Limited Suitability” areas only if findings identical to those required by Goal 18, IR 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, IR 1 and Plan Sec. 5.10, IS 2. This Plan provision is implemented for the BDR zone through sections 4.10.030.I and 4.10.070.C, which require the findings identified in Goal 18, IR 1, and Plan Sec. 5.10, PIS 2, for approval of a final development plan that includes any area designated as “Limited Suitability” on the Development Potential Map.

The acknowledged 2003 ES&F concluded:

“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 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.” 2003 ES&F, page 109.

In this case, the findings required by Goal 18, IR 1; Plan Sec. 5.10, IS 2; and ZLDO 4.10.030.I for the proposed Second Special Purpose Course, will be made in conjunction with the approval of a Final Development Plan that will be submitted prior to receiving development permits.

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. In addition to the findings required by Goal 18, IR 1, address above, IR 2 requires that the development:

- “a. Is adequately protected from any geological hazards, wind erosion, undercutting, ocean flooding and storm waves; or is **minimal value**; and
- “b. Is designed to minimize adverse environmental effects.” (Emphasis added.)

The proposed Second Special Purpose Golf Course will not be located in a “Not Suitable” area and therefore, this requirement does not apply.

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.” The areas of the Preserve Course and Beach Trail designated as “Not Suitable” or “Limited Suitability” are within the Dunelands Management Unit established by the Master Plan. Master Plan, Fig. 15. This management unit 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. *Id.* At p. 50.

Goal 18, Implementation Requirement 4 requires that the County Plan protect the groundwater in dunal aquifers from drawdown leading to loss of stabilizing vegetation, loss of water quality or intrusion of salt water. As explained in more detail in Section VIII.E.5, *supra*, the proposed amendments would authorize adding a small restroom/snack bar and at most an additional 17 acres of irrigation to the resort’s water system. The demand on groundwater due to these uses would be insignificant compared to the overall use of groundwater by the resort water system authorized by the 2003 SMP, as amended in 2010 and 2014.

The Supplemental Master plan, as proposed to be amended would neither contemplate nor allow the foredune breaching and grading activities prohibited by Goal 18, Implementation Requirements 6 and 7, or beachfront protective structures, as regulated by Goal 18, Implementation Requirement 5.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The restaurant at Pacific Dunes Golf Course in the GR-3 subzone currently exists. If a restaurant at the practice center is proposed within an area identified as Beaches and Dunes Limited Development Suitability, Goal 18 findings will be required in conjunction with the Final Development Plan application for the restaurant.

SUBZONE MAP AMENDMENT NR-8 TO NR-3

This map amendment is intended to change a portion of one conservation subzone designation (NR-8) to another conservation subzone (NR-3) to better reflect the specific subzone definitions. The amendment in itself does not allow any specific use or development that was not allowed prior to the amendment. Therefore, the Beach and Dunes provisions of Goal 18 do not apply.

IX. COOS COUNTY COMPREHENSIVE PLAN

Chapter 5 of Volume I, Part 1 of the Coos County Comprehensive Plan (“the Plan”)⁶ 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, p. 35. Plan “implementation strategies” are “policies that provide specific guidance [and] establish specific implementation measures * * * for achieving respective goal statements.” *Id.* “Goals” and “strategies,” once adopted, are “official policy statements of Coos County.” *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 proposed BDR Master Plan and Zone amendments were identified by first segregating plan policies into two basic categories. The first are those for which achievement of the amendments 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 requires protection of riparian vegetation. Proposed amendments which would require development in a riparian corridor to employ particular protective measures to actually carry out the direction indicated by the plan policy. Approval of that type of amendment 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

Plan Section 5.1 constitutes the County’s acknowledged Citizen Involvement Program. The Citizen Involvement Goal is:

⁶ As stated above, unless otherwise noted, all references to the Plan are to Volume I, Part 1 of the Plan.

“To develop a Citizen Advisory Committee, which sets in motion one phase of the Citizen Involvement Program that ensures the opportunity for citizens to be involved in all phases of the planning process.” Plan, p. 37.

This goal is carried out by seven Plan Implementation Strategies (PIS’s), two 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

For a Plan and ZLDO amendment applied for by a property owner, as is the case here, the opportunity for citizen involvement is appropriately provided through Planning Commission public hearings.

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 proposed findings identify the applicable legal standards, set out the facts relied on by the applicant, and explain why the proposal meets those standards. Following public hearings and deliberations, the Board of Commissioners will adopt final findings explaining their decision and responding to relevant issues raised in the course of the proceedings.

B. Land Use & Community Development Planning

The Plan Land Use & Community Development Planning Goal 5.2 states that 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. The Goal also recognizes that “it will be necessary to revise and modify the plan and implementing ordinance from time to time.” Plan, p. 39. This goal is carried out by 10 PIS’s, four of which are relevant to the proposed Plan and ZLDO amendments.

1. Initiation of Plan Amendments

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. 40. The applicants have filed a Plan/Ordinance Text Amendment application, accompanied by the prescribed filing fee.

2. Notices

Land Use & Community Development Planning PIS 7 sets out requirements for public notice on public hearings to consider proposed Plan/ZLDO amendments. PIS 7(a)(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. 40.

Land Use & Community Development Planning PIS 7(a)(ii) requires the County to mail 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.

Land Use & Community Development Planning PIS 7(b) requires the County give notice of a proposed Plan amendment to the DLCD Director at least 45 days before the first public hearing.

Findings demonstrating compliance with these requirements cannot be adopted until **after** the County conducts its hearing on the proposed Plan/ZLDO amendments.

3. Hearing and Recommendation by Planning Commission

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/ordinance amendment. PIS 8 also requires the Planning Commission to conduct a public hearing “prior to formulating its recommendation.” Plan, p. 41. The applicants respectfully request that the Planning Commission conduct a public hearing and recommend approval of this application.

4. Coordination

Land Use & Community Development Planning PIS 12 provides that “[w]hen a plan and/or ordinance amendment is proposed, the County shall request and consider written comments from the affected agencies, entities, and special districts.” Plan, p. 41. The applicants respectfully ask that the County request and consider written comments from other agencies, entities, and special districts that could potentially be affected by the proposed amendments.

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

The entire resort site is already designated for non-agricultural use by the acknowledged Bandon Dunes Resort Goal Exception Statement and Master Plan.

D. Forest Lands

The entire resort site is already designated for non-forest use by the acknowledged Bandon Dunes Resort Goal Exception Statement and Master Plan.

E. Mineral & Aggregate Resources

The County’s Mineral and Aggregate Resources Goal 5.5 is to “value its identified mineral and aggregate deposits and * * * strive to protect them where practicable.” Plan, p. 50. This goal is carried out by five PIS’s, two of which are potentially relevant to the proposed Plan and ZLDO amendments.

Under Mineral and Aggregate Resources 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. No portion of the Second Special Purpose Golf Course or restaurants will be within 500 feet of a “sand & gravel pit” designated on the Plan Mineral/Aggregate/Energy Resources Special Consideration Map. Therefore, the proposed Plan and ZLDO amendments will not result in any conflicting use with a designated mineral and aggregate resources site.

Mineral and Aggregate Resources PIS 3 states that inventoried black sand prospect areas are designated as a “1B” resource under OAR 660-16-000(5)(a) (“Old” Goal 5 Rule), and that this decision will be reconsidered during the scheduled Plan update. Plan, p. 51. PIS 3 also states that the County “shall refrain from implementing special protective measures for black sand prospect areas until such time as sufficient information on the quality and quantity of the resource merit such.” The Plan states there is a potential for black sand deposits on the beach and some areas of the Bandon Dunes site. However, PIS 3 does not require that any action be taken with regard to protection of this potential resource. In any case, the applicants have no plans to exploit the resource, nor will the proposed Plan and ZLDO amendments compromise preservation of any such resource for future use.

F. Fish & Wildlife Habitats

The County’s Fish and Wildlife Habitats Goal 5.6 is to “value its identified significant fish and wildlife habitat and * * * strive to protect them where practicable.” Plan, p. 51. This goal is carried out by five PIS’s, two of which are potentially relevant to the proposed Plan and ZLDO amendments.

The acknowledged 2003 Exception Statement and Findings addresses Fish and Wildlife Habitats PIS 1 as follows:

“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. * * *” 2003 ES&F, p. 164.

Additionally, Plan Fish & Wildlife Habitat I map does not show Cut Creek, the only stream in the vicinity of the Second Purpose Course as “Anadromous Fish Habitat” or a “Salmonid Spawning and Rearing Area.” Finally, none of the bird nesting areas listed on Plan, p. 53 as Goal 5 “5c” resources are near the proposed course. Consequently, Plan Fish & Wildlife Habitats PIS 1 does not apply to the proposed Plan amendments authorizing a new course.

Fish & Wildlife Habitats 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. 54. Sections VIII.E.1 and 2 of these findings address the identification and protection of riparian corridors and significant wetlands in or near the Second Special Purpose Golf Course. Additionally, the Riparian Corridor and Wetland Protection section of the BDR zone (ZLDO 4.10.030.H) satisfies the safe harbor requirements of the 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 & Archeological Resources, Natural Areas and Wilderness

The acknowledged 2003 Exception Statement and Findings addressed this issue as follows:

“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 archeological resources located within the proposed expansion areas is discussed in Section VIII.E.12.” 2003 ES&F, pp. 165-166.

The 2010 ES&F added the following update:

“The above finding remains current and applicable. Based upon pre-application inquiries, site investigations, communications with tribal representatives, and a review of existing archeological surveys, no additional archeological resources have been identified in the project area. Protection of archeological resources will continue as provided for under the resort’s existing acknowledged policies, procedures, and Goal 5 program.” 2010 ES&F, p. 83.

The above quoted findings remain valid for the proposed golf course. No additional findings are required to address the Plan Historical & Archeological Resources, Natural Areas and Wilderness. 5.7 Goal or PIS 1-4.

H. Water Resources

The County’s Water Resources Goal 5.8 is to “value its identified water resources and protect them where practicable.” Plan, p. 59.

The acknowledged 2003 Exception Statement and Findings address this issue as follows:

“The Plan, at p. [59], expresses a goal of valuing identified water resources and protecting them where practicable. [Water Resources] PIS 1, at Plan p. [59], states that new residential development shall not be permitted on 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 Bandon Dunes Resort Area’ (Vol. I, App. G); ‘Groundwater Resource Investigation for Expansion of the Bandon Dunes Resort’ (Vol I, App. H).” 2003 ES&F, p. 166.

The 2010 ES&F added the following update:

“The above findings have been borne out by experience since the 2003 approval. The proposed use, involving only about 17 acres of turf, will require no new wells or surface water impoundments. It will have negligible impact on overall demand, equivalent to one or two championship course holes.” 2010 ES&F, p. 83.

The currently proposed amendments would add at most two restaurants, an additional 17 acres of irrigated turf and a limited restroom/snack bar (Turn Stand) facility to the Preserve Course. These changes would use water from the resort’s developed water and irrigation systems, would not require any new well or surface impoundment, and would have a negligible impact on overall water demand, compared to the 4.5 18-hole golf courses, 300 overnight accommodation units, lodges, restaurants and other facilities, and the original Preserve Course design already authorized by the BDR Supplemental Master Plan.

I. Dunes, and Ocean and Coastal Lake Shorelands

Plan Dunes, and Ocean and Coastal Lake Shorelands (DOCLS) Goal 5.10 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.” Plan, p. 61.

The acknowledged 2003 Exception Statement and Findings address this issue as follows:

“The above Goal is implemented through numerous implementation strategies. DOCLS PIS 1, at Plan p. 61 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 * * * and was used in determining compliance of the proposed expansion with Statewide Planning Goal 17.

“DOCLS PIS 2, at Plan pp. [61-62], 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. [62-63], imposes requirements identical to 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 marshes, significant wildlife habitat, coastal headlands, exceptional aesthetic resources, and historic and archeological sites located **within** the Coastal Shorelands Boundary of the ocean, coastal lakes, and minor estuaries.’ Plan, p. [63]. 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. [64-65], 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.” (Emphasis in original.) Plan, p. [64].

“The above list of uses is very similar to that in Statewide Planning Goal 17, Coastal Shorelands Uses, paragraph 4, 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. Mast 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, [p. 65]. 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. [65]. 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. [66]. 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.” 2003 ES&F, pp. 166-168.

The additional uses proposed by this application do not occupy any area designated or classified as shorelands of the ocean and coastal lakes or any area within riparian or other setbacks thereto. The above findings are therefore unaffected and do not require further updating.

J. Natural Hazards

Plan Natural Hazards Goal 5.11 provides:

“Coos County shall strive to protect life and property from natural disasters and hazards, based on an inventory of areas potentially subject to such problems.” Plan, p. 66.

The acknowledged 2003 Exception Statement and Findings address this issue as follows:

“* * * 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 Plan ‘Natural Hazards’ Special Considerations Map.

“* * * *

“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. [67]. 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.” 2003 ES&F, pp. 86-87.

Section VIII.G of these findings provides:

SPECIAL PURPOSE GOLF COURSE

“* * * The Second Special Purpose Golf Course area of the resort has not been identified or inventoried as being subject to any of the listed [natural] hazards. The current amendments authorize two small structures (total < 1000 sq. ft.) in an area of conditionally stable dunes. These structures will have to comply with the acknowledged ZLDO 4.10.030.I requirements for construction in areas of conditionally stable dunes implementing Goal 18 (Beaches and Dunes).”

Compliance at the time of FDP approval with the requirements of ZLDO 4.10.030.I for development within “areas of limited suitability,” and the “not suitable” area south of the Cut Creek delta, which incorporates the requirements of Plan Policy 5.10, PIS 2, will be sufficient to ensure that the two small golf service structures authorized by these amendments are sufficiently protected from natural hazards.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

It is required that structures within the resort comply with all special development standards when development occurs within identified Special Consideration or Natural Hazard areas. The Restaurant proposed for the GR-3 (Pacific Dunes) subzone currently exists. The exact location of a restaurant in the GR-4 (Practice Center) subzone is unknown at this time. If a proposed restaurant is located within an identified Beaches and Dunes area of Limited Development Suitability, it will be required that an application be approved in conjunction with a Final Development Plan that satisfies the requirements of ZLDO 4.10.030.I which implements Plan Policy 5.10.

K. Air, Land & Water Quality

Plan Air, Land & Water Quality Goal 5.12 provides:

“Coos County shall exercise sound land use practices to maintain the quality of its air, land, and water resources in a manner that reflects County citizens’ desires for a quality environment and a healthy economy.” Plan, p. 69.

The acknowledged 2003 Exception Statement and Findings address this issue as follows:

“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 [Plan Implementation Strategies] 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. [69]. 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. [69]. 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 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).” 2003 ES&F, p. 169.

“The single proposed recreational use authorized by the proposed amendments will involve only minor construction and maintenance activities generating a negligible amount of emissions. All such activities will be subject to the same safeguards as those described in the above findings, which do not require further supplementation.” 2010 ES&F, p. 88.

The proposed restaurants and Second Special Purpose Golf Course will comply with legally established state air, water quality and noise source standards, as required by Air, Land & Water Quality PIS 5. *See* Sec. VIII.F of these findings.

L. Economic Development

The acknowledged 2003 Exception Statement and Findings address this issue as follows:

“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 Economic Development Goal 5.16 requires Coos County ‘to diversify and improve its regional economy.’ Plan, p. [3]. 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 forest lands 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. * * *” 2003 ES&F, pp. 169-170.

As explained earlier in these findings, the proposed Second Special Purpose Golf Course has dual environmental and economic purposes, both of which reinforce core elements of the Bandon Dunes Destination Resort that help assure its longer, sustainability and health, which in turn enable it to continue to provide the benefits identified in the acknowledged exception statements.

The proposed amendments will positively affect the golfing and recreational experiences of resort visitors and guests and, therefore, will contribute to the long-term sustainability and economic health of the Bandon Dunes Resort and its program for eradicating non-native species and safeguarding the dunal habitat within and adjacent to the new course and other coastal locations.

N. Public Facilities and Services

The acknowledged 2003 Exception Statement and Findings address this issue as follows:

“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 farmland 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 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). 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." 2003 ES&F, p. 90.

The proposed restaurants and second special purpose golf course will not require additional public facilities and services and will not place additional demands on existing public facilities and services. No change to the above findings is required

The proposed amendment authorizes construction of a limited-service restroom and snack bar (Turn Stand) to serve primarily people golfing on the western end of the Course. Water and sewer service to the facility will be extended from the existing resort water and sewer system infrastructure serving the Trails Clubhouse to the southeast. Surface runoff from the maximum additional four acres of turf authorized by the proposed amendments will be handled by a system of inlet drains and underground stormwater lines leading to a soakage pit, consistent with the Surface Runoff section of the BDR Supplemental Master Plan. SMP, p. 40.

O. Transportation

Plan Transportation Goal 5.19 provides:

"Coos County shall 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." Plan, p. 80.

The 2003 Exception Statement and Findings address this issue as follows:

"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).” 2003 ES&F, p. 172.

Neither the restaurants or the second special purpose golf course authorized by the proposed amendments are expected to generate additional traffic to and from the site. It will not affect LOS or volume-to-capacity ratios and will not require reclassification, improvements, or alterations to any public transportation facilities. On the contrary, it is expected to enable the resort to improve retention of destination resort guests by giving them an additional onsite amenity that can be easily accessed as desired.

P. Recreation

The Plan Section 5.19 Recreational Goal provides:

“Coos County shall strive to meet the recreational needs of its citizens and visitors.” Plan, p. 82.

SPECIAL PURPOSE GOLF COURSE

The above Goal is relevant to the proposed Plan and ZLDO amendments because the proposed second special purpose golf course will better meet the recreational needs of citizens and visitors. As previously explained, the new course increases the variety of golfing opportunities available at the Bandon Dunes Resort. The proposed course improves the golfing experience for the guests and visitors because they will be able to check their golf bags and get starting information at the Starters Shack, will have an additional hole to play, will have narrow but continuous greens to follow from tee to green (rather than trudging through open sand areas), and will have restrooms, water and snacks available at the Turn-Stand.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The restaurants are intended provide convenient access to food and beverage for golfers who are staying at the resort because of its four championship golf courses. Providing close and convenient access to food and beverage at each golf facility will enhance the golf experience and better meet the recreational needs of the patrons at the resort.

Q. Energy

The Plan Section 5.21 Energy Goal provides:

“Coos County shall strive to: (1) conserve energy, and (2) make wise use of its energy resources.” Plan, p. 85.

The 2003 acknowledged Exception Statement and Findings address this issue as follows:

“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 [an energy] resource site.

“* * * *

“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.” 2003 ES&F, p. 174.

SPECIAL PURPOSE GOLF COURSE

The single proposed additional use will not be located on a site identified in any plan inventory or otherwise for energy generation, transmission, or mining. It will be a walk-only course and will not require heating or cooling. Access to the course will be predominately by shuttles that serve the entire resort. Because shuttles currently serve facilities directly adjacent to the course, the increased vehicle usage will be minimal.

Both of the additional structures authorized by the proposed Plan and BDR Zone amendments have been designed to minimize their construction footprint. The Starter Shack will be an open-air structure, using only a de minimus amount of electricity for lighting. Although the restroom and snack bar portions of the Turn Stand will be enclosed, and have electricity for lighting, microwave operation, etc., they will not require heating or air-conditioning and, therefore, will conserve energy.

RESTAURANT IN THE GR-3 AND GR-4 SUBZONES

The majority of energy utilized by a restaurant is for the storage and preparation of food and beverage. If restaurants are not located at each golf facility, energy will still be required to serve golfers at other restaurants within the resort. Providing direct access to food and beverage at each golf facility will considerably reduce energy usage that is currently needed to transport golfers from each golf facility to restaurants in the village center. Having food and beverage directly available to golfers saves transportation energy while also reducing traffic levels, alleviating congestion and decreases vehicular pollution through the resort.

SUBZONE MAP AMENDMENT NR-8 TO NR-3

The provisions of the Coos County Comprehensive Plan essentially mirror the Statewide Planning Goals that have been addressed above regarding the proposed map amendment. The proposed amendment is intended to rezone a segment of the NR-8 subzone that is better suited to the NR-3 subzone based upon the specific subzone definitions of the Bandon Dunes provisions of the Comprehensive Plan. The

amendment is essentially moving the line between the two resource conservation districts, which in itself, does not permit uses or development not permitted prior to the amendment. Based upon the fact that the land will remain in a natural resource (conservation) subzone, and the permitted uses will not change as a result of the amendment, the amendment is in compliance with both the State Goals and the Coos County Comprehensive Plan.

X. COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE

Amendments to the text of the Coos County Comprehensive Plan or Zoning and Land Division Ordinance (ZLDO) are governed by ZLDO Article 1.2 (Legislative Amendments), which does not establish substantive criteria for text amendments.

A. ZLDO 1.2.200 - Who May Seek Change

“A text amendment may be initiated by the Board of Commissioners, Planning Commission or by application of a property owner or their authorized agent. An application by a property owner shall be accompanied by the required fee.”

This application was filed by Don Crowe, General Manager and authorized agent of the property owners Bandon Dunes, L.P., and Bandon Resort Properties, LLC. The application was accompanied by the required fee for a Plan/Ordinance Text Amendment.

B. ZLDO 1.2.325 - Procedure for Legislative Amendment

ZLDO 1.2.325 requires the Board of Commissioners to conduct one or more public hearings with 10 days advance published notice before each hearing. The notice of a Board hearing shall “state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance [sic amendments] under consideration.”

In addition, ZLDO 1.2.325 requires the County to provide notice to DLCD “45 days prior to the initial hearing per ORS 197.610,” and also to provide notice of the adoption of legislative amendments as required by ORS 197.615. *See* VII.B of these findings.

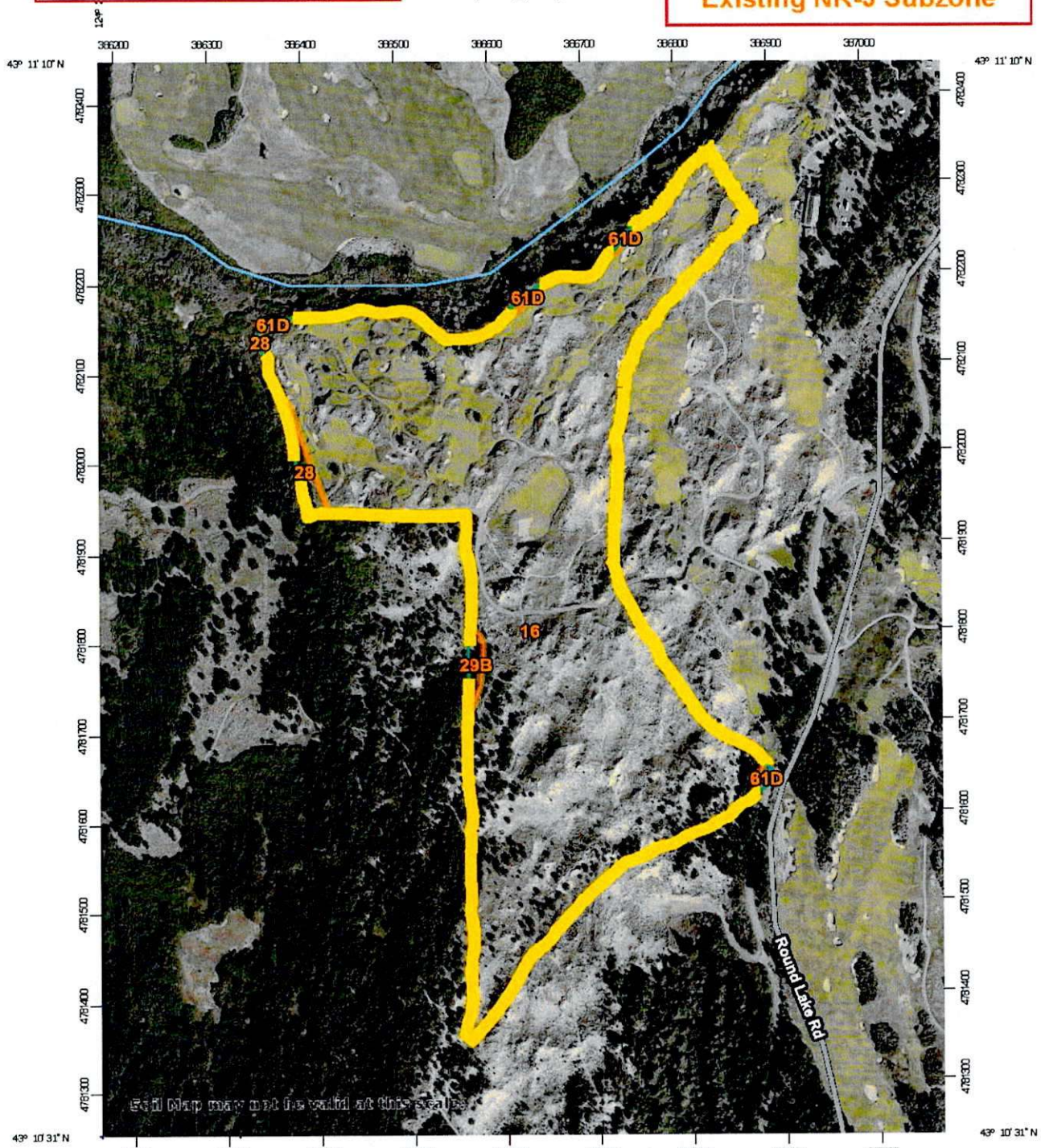
XI. CONCLUSION

For the reasons set forth above, the applicants respectfully request that the proposed text amendments to the Bandon Dunes Resort Goal Exception Statement, Supplemental Master Plan and BDR Zone be approved.

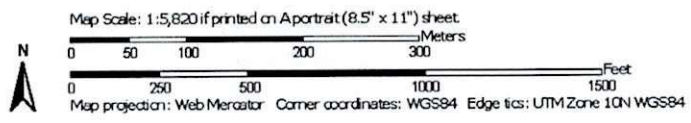
Exhibit A

Soil Map—Coos County, Oregon
(NR-3_Zone)

Soils Map Existing NR-3 Subzone







































Soil Map may not be valid at this scale.



Soil Map—Coos County, Oregon
(NR-3_Zone)

MAP LEGEND

Area of Interest (AOI)	 Area of Interest (AOI)	 Spoil Area
Soils	 Soil Map Unit Polygons	 Stony Spot
	 Soil Map Unit Lines	 Very Stony Spot
	 Soil Map Unit Points	 Wet Spot
Special Point Features		 Other
 Blowout		 Special Line Features
 Borrow Pit	Water Features	 Streams and Canals
 Clay Spot	Transportation	 Rails
 Closed Depression	 Interstate Highways	 US Routes
 Gravel Pit	 Major Roads	 Local Roads
 Gravelly Spot	Background	 Aerial Photography
 Landfill		
 Lava Flow		
 Marsh or swamp		
 Mine or Quarry		
 Miscellaneous Water		
 Perennial Water		
 Rock Outcrop		
 Saline Spot		
 Sandy Spot		
 Severely Eroded Spot		
 Sinkhole		
 Slide or Slip		
 Sodic Spot		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Coos County, Oregon
Survey Area Data: Version 17, Oct 27, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Oct 5, 2019—Oct 10, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

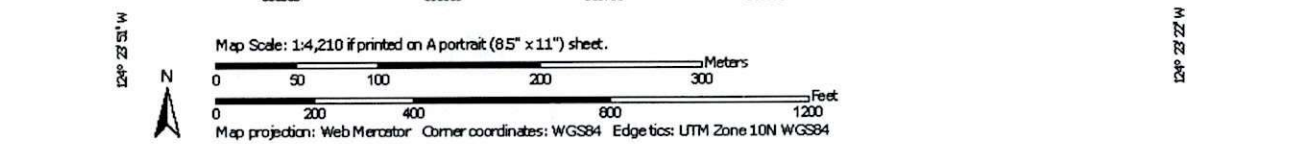
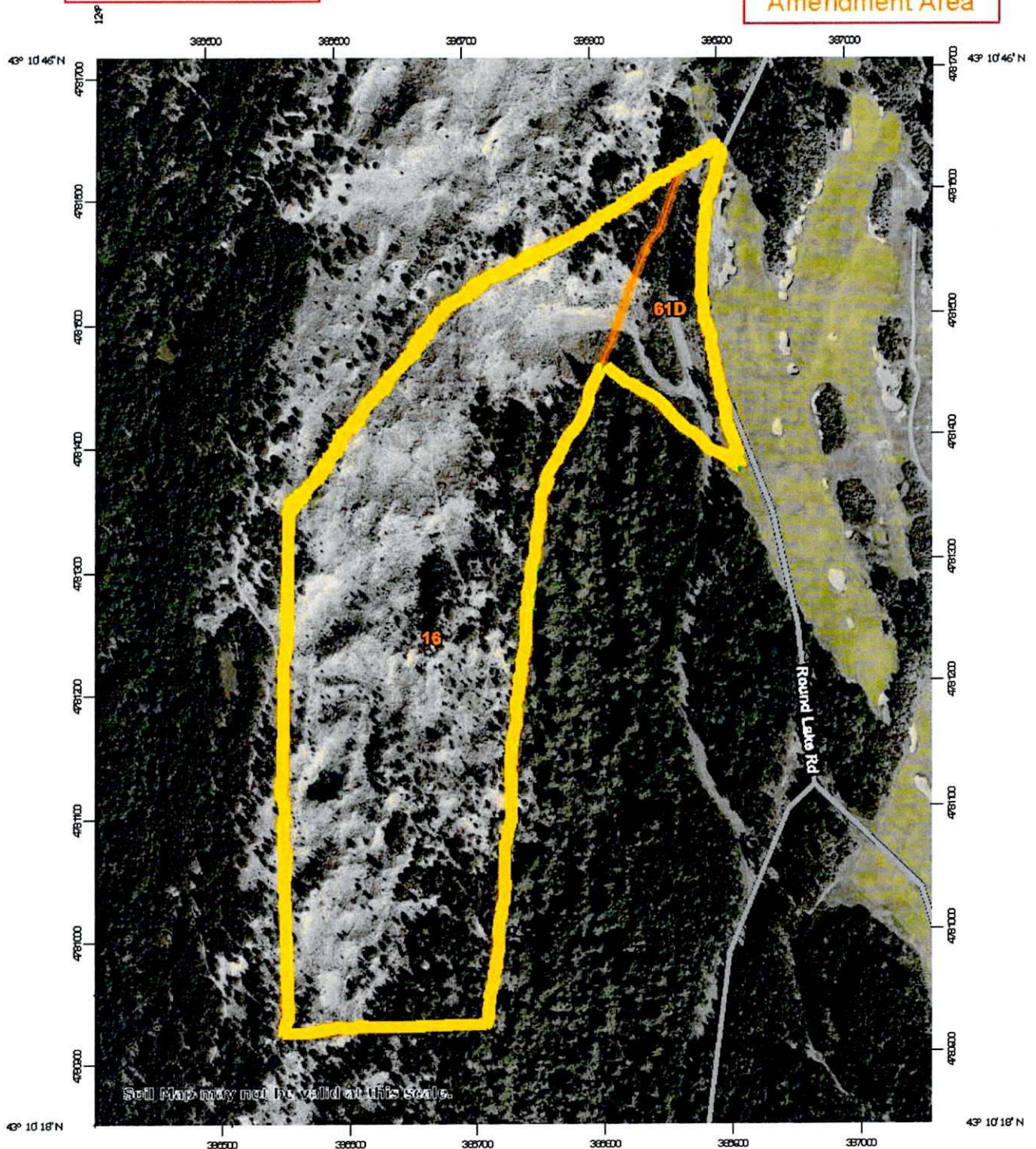
Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
16	Dune land	48.7	98.0%
28	Heceta fine sand	0.5	1.0%
29B	Heceta-Waldport fine sands, 0 to 7 percent slopes	0.3	0.5%
61D	Waldport-Heceta fine sands, 0 to 30 percent slopes	0.2	0.5%
Totals for Area of Interest		49.7	100.0%

Exhibit B





































Soil Map—Coos County, Oregon
(RezoneArea)

**Soils Map
NR-8 to NR-3
Amendment Area**



Soil Map—Coos County, Oregon
(RezoneArea)

MAP LEGEND

 Area of Interest (AOI)	 Spoil Area
Soils	 Stony Spot
 Soil Map Unit Polygons	 Very Stony Spot
 Soil Map Unit Lines	 Wet Spot
 Soil Map Unit Points	 Other
Special Point Features	 Special Line Features
 Blowout	Water Features
 Borrow Pit	 Streams and Canals
 Clay Spot	Transportation
 Closed Depression	 Rails
 Gravel Pit	 Interstate Highways
 Gravelly Spot	 US Routes
 Landfill	 Major Roads
 Lava Flow	 Local Roads
 Marsh or swamp	Background
 Mine or Quarry	 Aerial Photography
 Miscellaneous Water	
 Perennial Water	
 Rock Outcrop	
 Saline Spot	
 Sandy Spot	
 Severely Eroded Spot	
 Sinkhole	
 Slide or Slip	
 Sodic Spot	

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

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Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

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The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
16	Dune land	27.5	90.0%
61D	Waldport-Heceta fine sands, 0 to 30 percent slopes	3.1	10.0%
Totals for Area of Interest		30.6	100.0%