

1 COOS COUNTY

2 PLANNING COMMISSION

3

4 IN THE MATTER OF A CONDITIONAL USE ) File No.: HBCU-22-001  
5 APPLICATION TO ALLOW AN 18-HOLE ) Planning Commission Final Decision  
6 GOLF COURSE IN THE NON HIGH-VALUE )  
7 PROTION OF THE EXCLUSIVE FARM USE )  
8 ZONE )

9

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11 WHEREAS, on July 21, 2022, Bandon Biota LLC applied for a Hearings Body Conditional Use  
12 (HBCU) approval for a new 18-hole Golf Course with Accessory Uses in the Non High-Value portion of  
13 the Exclusive Farm Use Zone on the subject property. The subject property is located in the following  
14 maps: Township 29S Range 15W Section 13 Tax Lot 1903; Township 29S Range 15W Section 24 Tax  
15 Lot 100, 201, and 400; Township 29S Range 15W Section 25 Tax Lots 900, 1000, and 1200; and  
16 Township 29S Range 15W Section 25D Tax Lots 100, 401, 402, and 700. The subject properties are a  
17 tract that were rezoned to Exclusive Farm Use in 2021 (*see* County File AM-21-002/RZ-21-002 for  
18 details).  
19

20 WHEREAS, on October 14, 2022 the application was determined to be complete. A hearing  
21 notice on the matter was mailed out to all property owners within 500 feet of the subject properties,  
22 special districts and agencies on November 10, 2016.

23 WHEREAS, on November 23, 2022 staff provided a staff report to the Planning Commission  
24 recommending that approval based on the criteria.

25 WHEREAS, on December 1, 2022 the Planning Commission held a public hearing to consider  
26 this matter taking public testimony. The Planning Commission voted to hold the record open as follows:  
27  
28

1 December 9, 2022 at 12:00 p.m. all new testimony and evidence is due. Testimony received  
2 after the deadline will not be accepted into the record. Emailed testimony shall be received no later than  
3 the deadline or it will not be accepted.

4 December 16, 2022 at 12:00 p.m. all rebuttal testimony is due. There will be no new evidence  
5 only rebuttal received during this time frame. Testimony received after the deadline will not be accepted  
6 into the record. Emailed testimony shall be received no later than the deadline or it will not be accepted.  
7

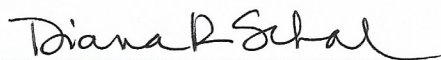
8 December 23, 2022 at 12:00 pm the applicant's final argument is due. If the applicant fails to  
9 provide the final argument by 12:00 p.m. it will not be accepted.

10 WHEREAS, on December 16, 2022 staff questions if Oregon Coast Alliance had submitted "New  
11 Evidence" in the matter during the rebuttal period. Response from County Counsel that this was not  
12 considered "New Evidence" if response was to the Applicant's submittal. Staff confirmed that it could be  
13 shown as response and provided the testimony as part of the record.

14 WHEREAS, on December 23, 2022, all testimony was transmitted to the Planning Commission  
15 including the final argument.  
16

17 The Planning Commission reconvened on January 5th at 7:00 p.m. for deliberation. Staff did  
18 not provide a supplemental staff report but did provide the procedures and walked through each of the  
19 relevant criteria.

20 NOW, THEREFORE, the Planning Commission made Findings found attached as Exhibit "A"  
21 and incorporated into this order herein. This application received a partial approval with conditions on the  
22 5<sup>th</sup> Day of January, 2023 with instruction that the Chair was authorized to sign the order and with the  
23 findings attached.  
24

25 

26 \_\_\_\_\_  
27 Planning Commission Chair  
28



## ATTACHMENT A

Coos County Planning  
60 E. Second  
Coquille, OR 97423  
<http://www.co.coos.or.us/>  
Phone: 541-396-7770

### **BACKGROUND PRESENTED AT THE HEARING**

**FILE NUMBERS:** HBCU-22-001

**PROPERTY OWNER:** BANDON BIOTA, LLC  
2450 LAKEVIEW AV  
CHICAGO, IL 60614-2878

**CONSULTANT:** Chris Hood, Stuntzner Engineering

**STAFF CONTACT(S):** Jill Rolfe, Community Development Director  
Chris MacWhorter, Principal Planner  
541-3963-7770  
[planning@co.coos.or.us](mailto:planning@co.coos.or.us)

### **SUMMARY PROPOSAL:**

According to the application the property owner is seeking approval for a new 18-hole golf course with an accessory uses in the Exclusive Farm Use zoning district portion of the subject properties. The applicant also requested a clubhouse/restaurant with parking, an agronomy center/maintenance facility, a turn-stand (combination restroom/vendor facility), a minimum of two standalone restrooms, a caddy shack, and a practice range.

The application states the primary access for the public will be from Boak Lane. Boak Lane extents west from Highway 101 to the northern portion of the subject tract. Boak Lane is approximately ¼ mile south of Bradley Lake. The Boak Lane route will provide access for the clubhouse/restaurant, practice range, caddy shack, and main parking lot.

The application states the agronomy/maintenance center will be accessed primarily by the way Hoffer Lane. Hoffer Lane is a private access road that proceeds west off of Highway 101. Hoffer Lane is approximately ¼ mile north of the Rural Center of Laurel Grove.

There is no indication that any other development is proposed at this time.

**LOCATION OF PROPOSAL:** The subject property is located four miles southwest of the City of Bandon. The subject property is accessed off of Boak Lane and Hoffer Lane. Both Boak Lane and Hoffer Lane directly access off of Highway 101.



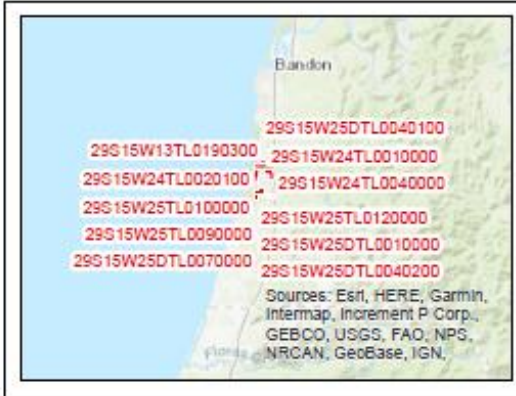
# COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423

Physical Address: 225 N. Adams, Coquille Oregon

Phone: (541) 396-7770

Fax: (541) 396-1022/TDD (800) 735-2900



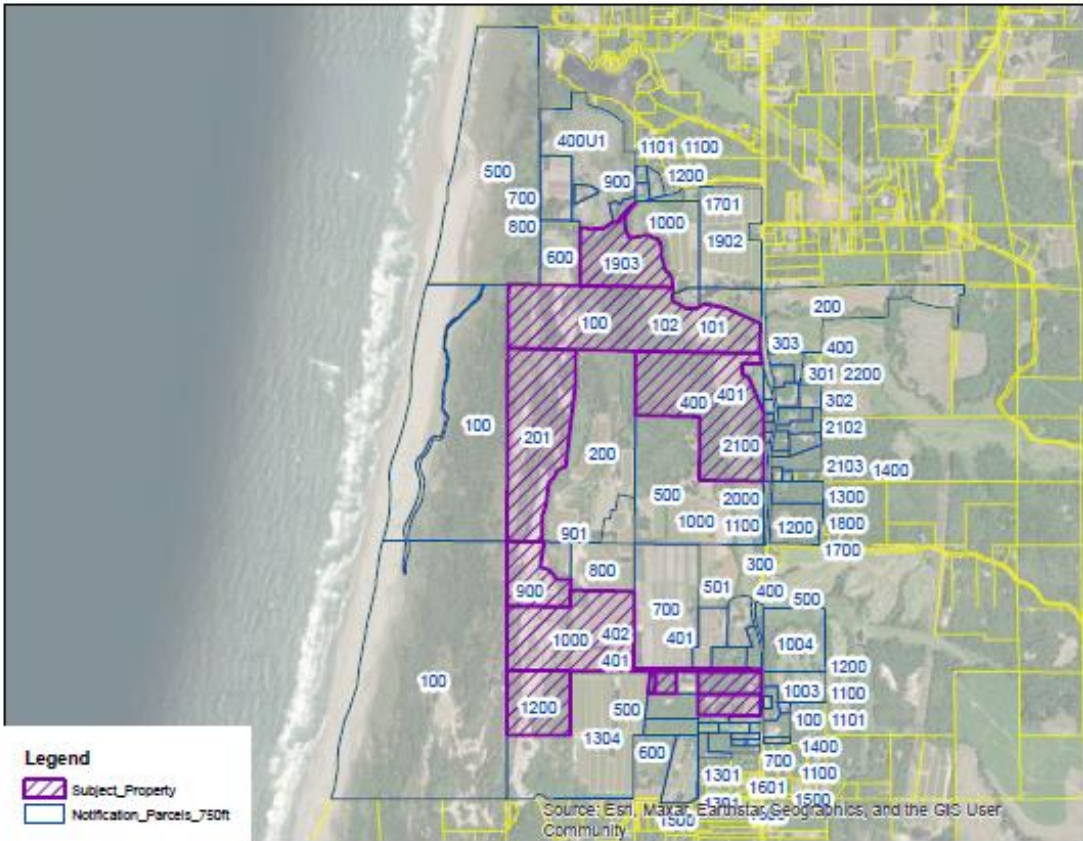
File: HBCU-22-001

Owner: Bandon Biota LLC

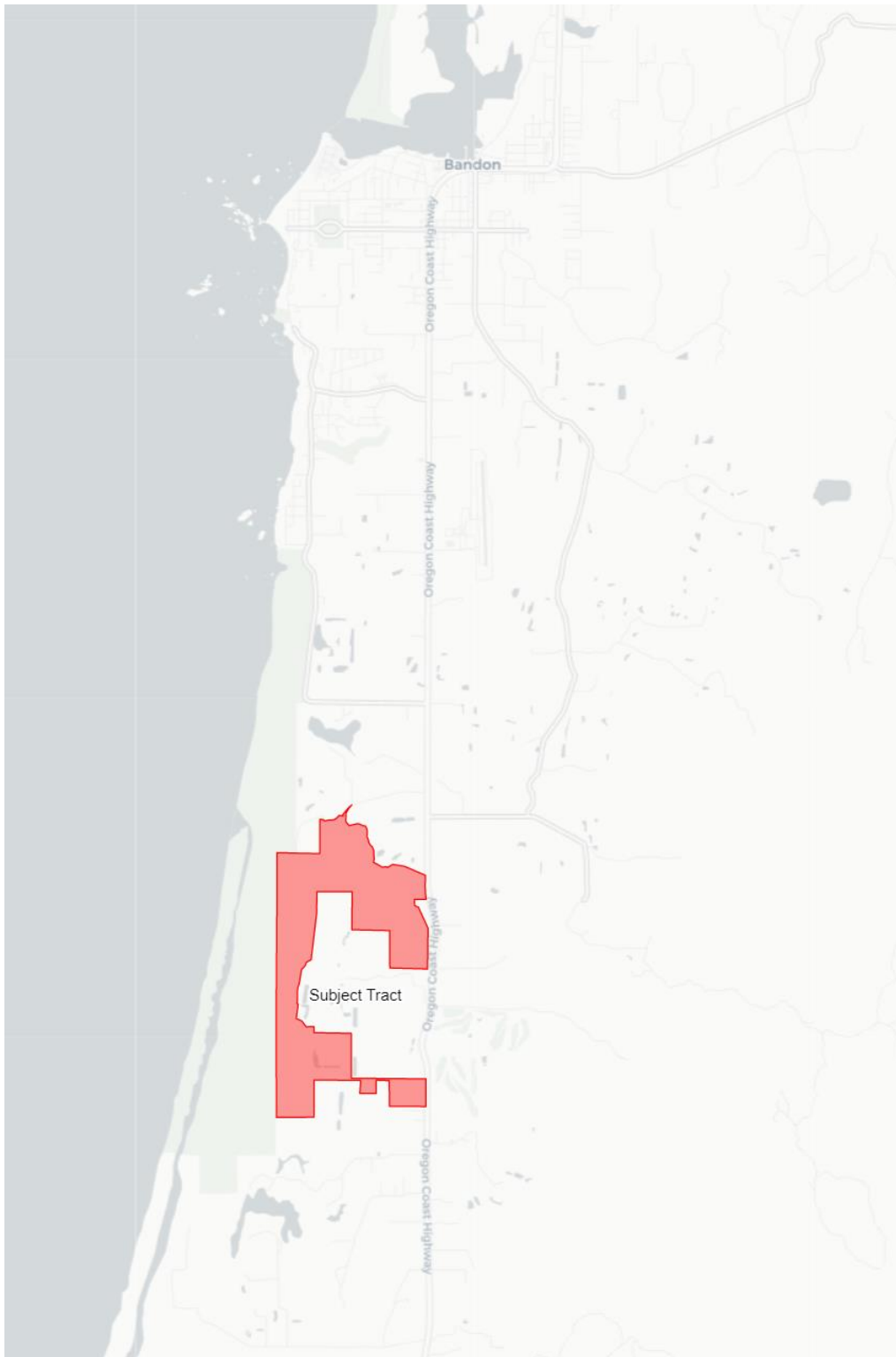
Date: November 10, 2022

Location: Township 29S Range 15W  
Section 13/24/25./25D  
TL 1903/100,201,400/  
900,1000,1200/100,401,402,700

Proposal: Hearing Body Conditional Use



Map is not to scale.



- i. **Notice Requirement:** This application is a Hearings Body Conditional Use (HBCU) governed by CCZLDO Section 5.0.900. Notice was mailed to property owners in compliance with CCZLDO Section 5.0.900.1 Notice of Public Hearings.

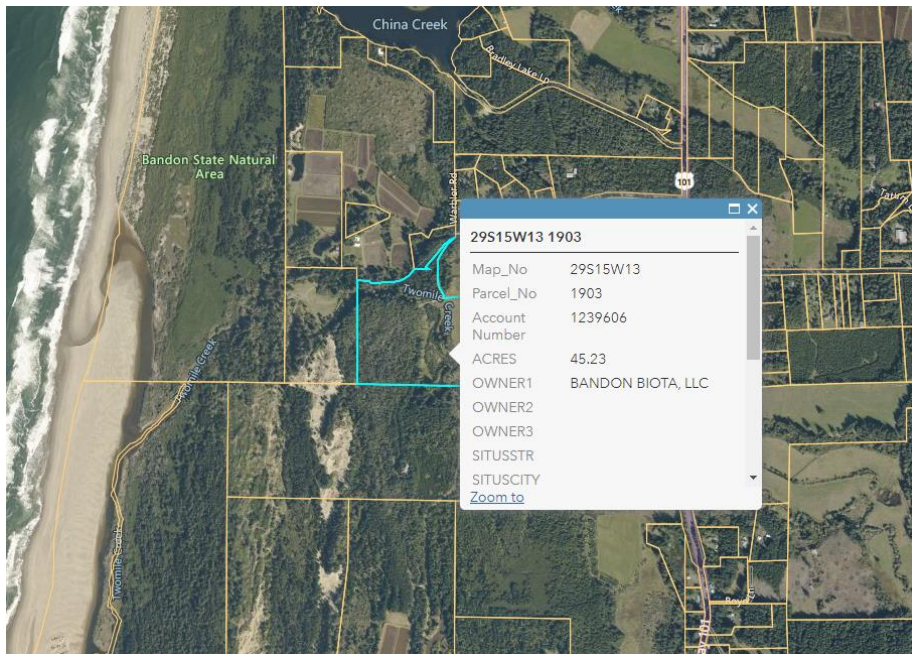
ii. **REVIEW PERIOD:** This application was originally submitted on July 21, 2022. The application was deemed incomplete pending additional information. The applicant provide additional information on September 15, 2022 and October 12, 2022. The application was found to be complete on October 14, 2022 for the purpose of review. This proposal is subject to the 150-day timeline to make a final decision pursuant to ORS 215.422.

**I. STAFF REPORT – WITH RECOMMENDATIONS AND PROPOSED FINDINGS**

**A. SUBJECT PROPERTY DETAILS AND BACKGROUND:**

- **TAX ACCOUNT:** 1239606

On July 28, 2021, an Amendment/Rezone (AM-21-002/RZ-21-002) was issued to rezone the portion of the Forest zoning district to Exclusive Farm Use. This property does not contain any development according the assessment records.

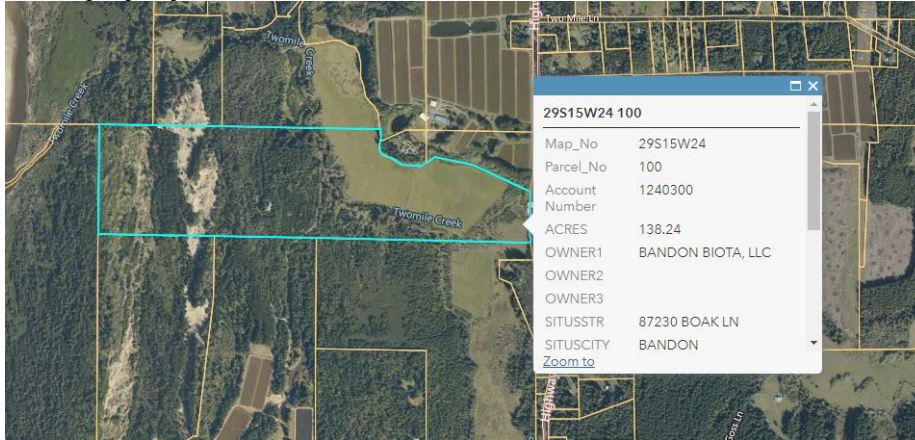


MAP NUMBER:	TOWNSHIP 29S, RANGE 15W, SECTION 13 TAX LOT 1903
TAX ACCOUNT:	1239606
ACREAGE:	45.23 ACRES
PROPERTY ADDRESS:	NO SITUS ADDRESS
PROPERTY ZONES:	EXCLUSIVE FARM USE (EFU) FOREST (F) MINOR ESTUARY & SHORELANDS (MES)
SPECIAL DEVELOPMENT CONSIDERATIONS:	BEACHES/DUNES - LIMITED (BDL) BIRD SITE MEETS GOAL 5C REQMT (B5C) COASTAL SHORELAND BOUNDARY (CSB) FLOODPLAIN (FP) FOREST MIXED USE (MU) NAT. HAZARDS WIND EROSION (HZW) NATIONAL WETLAND INVENTORY SITE (NWI) NATURAL HAZARD - EARTHQUAKE - LIQUEFACTION (NHEQL)

NATURAL HAZARD - TSUNAMI (NHTHO)

• TAX ACCOUNT: 1240300

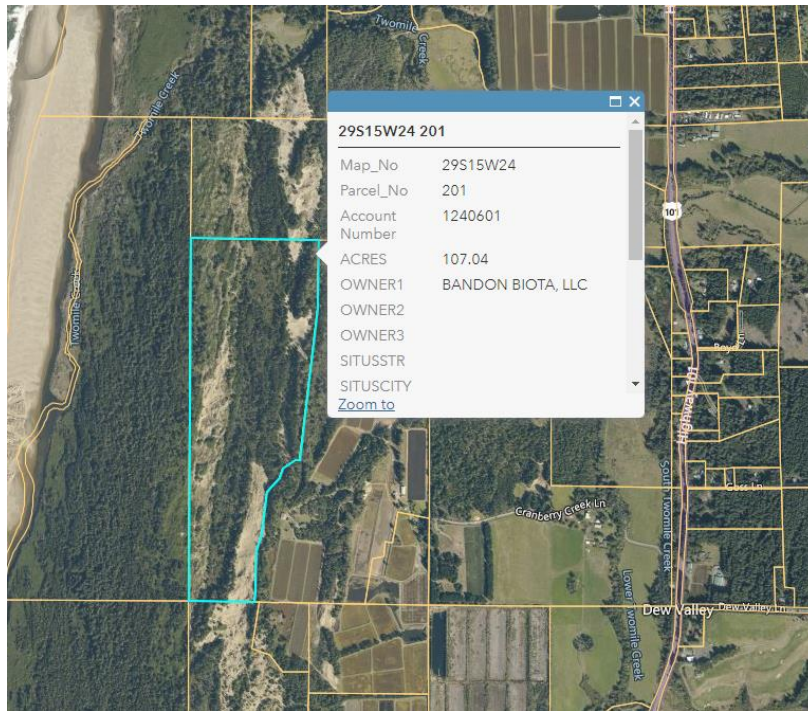
On June 5, 1986, a verification letter (VL-86-167) for an accessory structure (garage – non-commercial). On August 8, 1987, a verification letter (VL-87-385), repair or alter existing dwelling. On December 10, 1996, a verification letter (VL-96-570) for repair/replacing existing septic. On December 23, 2002, a property line adjustment (unnumbered). On September 29, 2006, a property line adjustment (PLA-06-074). On July 28, 2021, an Amendment/Rezone (AM-21-002/RZ-21-002) was issued to rezone the portion of the Forest zoning district to Exclusive Farm Use. On September 12, 2022, a clearance to repair existing septic for the Single Family Dwelling. Improvements from the assessment records confirm there is a dwelling on this property.



MAP NUMBER: TOWNSHIP 29S, RANGE 15W, SECTION 24 TAX LOT 100  
TAX ACCOUNT: 1240300  
ACREAGE: 138.24 ACRES  
PROPERTY ADDRESS: 87230 BOAK LN BANDON, OR 97411  
PROPERTY ZONES: FOREST (F)  
SPECIAL DEVELOPMENT BEACH EROSION & DEPOSITION (HZB)  
CONSIDERATIONS: BEACHES/DUNES - LIMITED (BDL)  
FLOODPLAIN (FP)  
FOREST MIXED USE (MU)  
NAT. HAZARDS WIND EROSION (HZW)  
NATIONAL WETLAND INVENTORY SITE (NWI)  
NATURAL HAZARD - EARTHQUAKE - LIQUEFACTION (NHEQL)  
NATURAL HAZARD - TSUNAMI (NHTHO)  
NATURAL HAZARD - WILDFIRE (NHWF)

• TAX ACCOUNT: 1240601

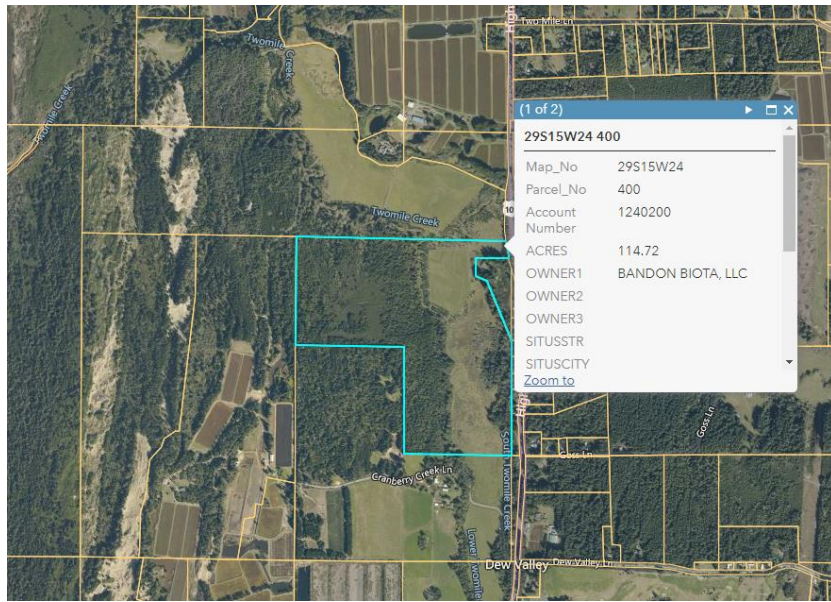
On July 28, 2021, an amendment/rezone (AM-21-002/RZ-21-002) was issued to rezone the portion of the Forest zoning district to Exclusive Farm Use. This property does not contain any development according the assessment records



MAP NUMBER: TOWNSHIP 29S, RANGE 15W, SECTION 24 TAX LOT 201  
 TAX ACCOUNT: 1240601  
 ACREAGE: 107.04 ACRES  
 PROPERTY ADDRESS: NO SITUS ADDRESS  
 PROPERTY ZONES: EXCLUSIVE FARM USE (EFU)  
 FOREST (F)  
 SPECIAL DEVELOPMENT BEACHES/DUNES - LIMITED (BDL)  
 CONSIDERATIONS: FOREST MIXED USE (MU)  
 NAT. HAZARDS WIND EROSION (HZW)  
 NATIONAL WETLAND INVENTORY SITE (NWI)  
 NATURAL HAZARD - EARTHQUAKE - LIQUEFACTION (NHEQL)  
 NATURAL HAZARD - TSUNAMI (NHTHO)  
 NATURAL HAZARD - WILDFIRE (NHWF)  
 WETLANDS (WET)

- TAX ACCOUNT: 1240200

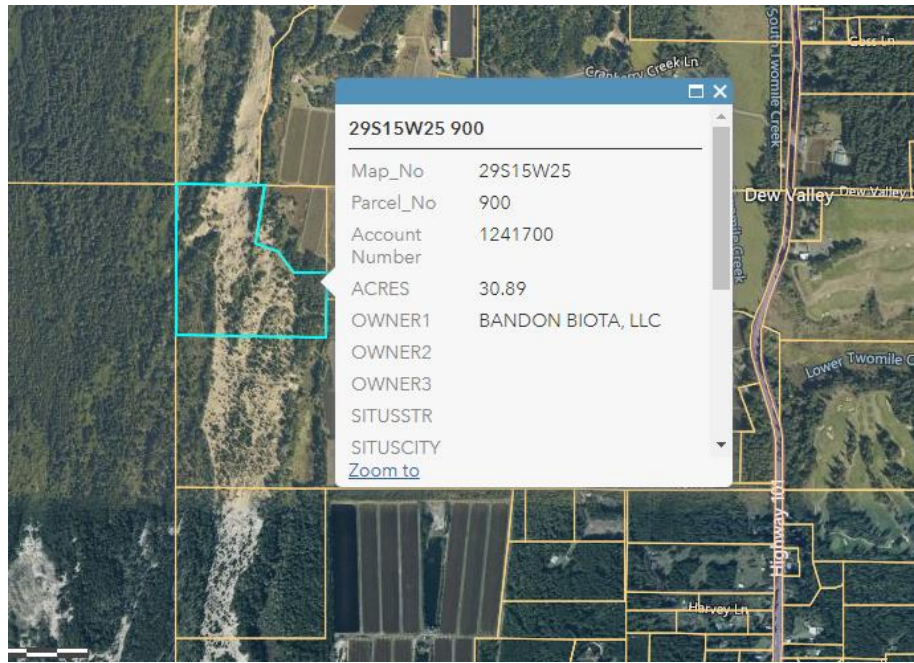
On October 23, 2003, an administrative conditional use (ACU-03-035) for \$40,000 farm income test dwelling on less than high value farmland. On November 6, 2003, a zoning compliance letter (ZCL-03-546) to site single family dwelling. On September 29, 2006, a property line adjustment (PLA-06-070), which removed any development from this property. According to the assessment records there is no development on this property.



MAP NUMBER: TOWNSHIP 29S, RANGE 15W, SECTION 24 TAX LOT 400  
 TAX ACCOUNT: 1240200  
 ACREAGE: 114.72 ACRES  
 PROPERTY ADDRESS: NO SITUS ADDRESS  
 PROPERTY ZONES: EXCLUSIVE FARM USE (EFU)  
 FOREST (F)  
 SPECIAL DEVELOPMENT BEACHES/DUNES - LIMITED (BDL)  
 CONSIDERATIONS: FLOODPLAIN (FP)  
 FOREST MIXED USE (MU)  
 NATIONAL WETLAND INVENTORY SITE (NWI)  
 NATURAL HAZARD - EARTHQUAKE - LIQUEFACTION (NHEQL)  
 NATURAL HAZARD - TSUNAMI (NHTHO)  
 NATURAL HAZARD - WILDFIRE (NHWF)  
 WET MEADOW WETLAND (WM)

- TAX ACCOUNT: 1241700

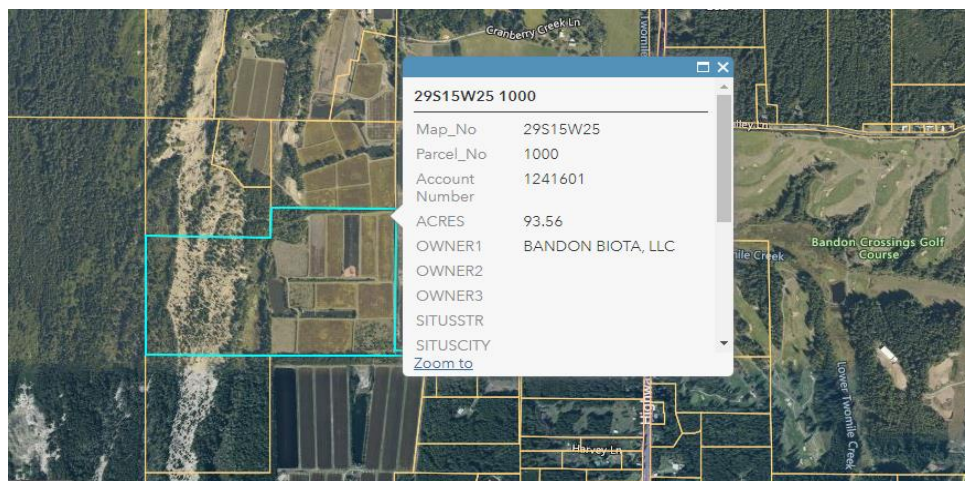
On August 18, 1986, an administrative conditional use (ACU-86-055) for a second dwelling in conjunction with agricultural use. On May 8, 1989, an administrative conditional use (ACU-89-022) for a cranberry farm expansion. On May 14, 2003 property determined lawfully created. The development was not on this property. Confirmed with assessment records there is still no development on this property.



MAP NUMBER: TOWNSHIP 29S, RANGE 15W, SECTION 25 TAX LOT 900  
 TAX ACCOUNT: 1241700  
 ACREAGE: 30.89 ACRES  
 PROPERTY ADDRESS: NO SITUS ADDRESS  
 PROPERTY ZONES: EXCLUSIVE FARM USE (EFU)  
 SPECIAL DEVELOPMENT BEACHES/DUNES - LIMITED (BDL)  
 CONSIDERATIONS: NAT. HAZARDS WIND EROSION (HZW)  
 NATIONAL WETLAND INVENTORY SITE (NWI)  
 NATURAL HAZARD - EARTHQUAKE - LIQUEFACTION (NHEQL)  
 NATURAL HAZARD - TSUNAMI (NHTHO)  
 NATURAL HAZARD - WILDFIRE (NHWF)

- TAX ACCOUNT: 1241601

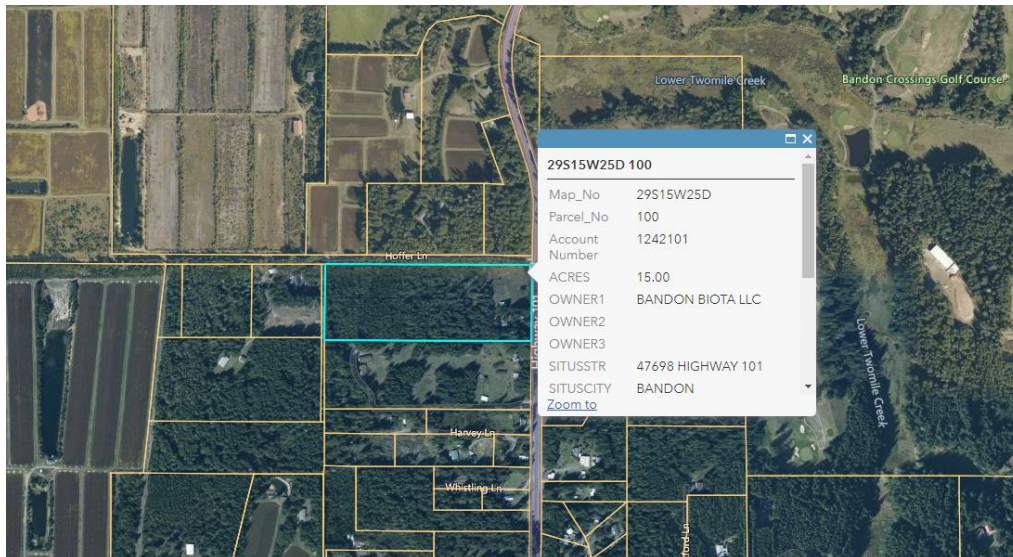
On July 2, 1980, a verification letter for single family dwelling. It appears this was not constructed as there are no improvements on this property. Improvements were confirmed using the assessor records.



MAP NUMBER: TOWNSHIP 29S, RANGE 15W, SECTION 25 TAX LOT 1000  
 TAX ACCOUNT: 1241601  
 ACREAGE: 93.56 ACRES  
 PROPERTY ADDRESS: NO SITUS ADDRESS  
 PROPERTY ZONES: EXCLUSIVE FARM USE (EFU)  
 SPECIAL DEVELOPMENT CONSIDERATIONS: BEACHES/DUNES - LIMITED (BDL)  
 NAT. HAZARDS WIND EROSION (HZW)  
 NATIONAL WETLAND INVENTORY SITE (NWI)  
 NATURAL HAZARD - EARTHQUAKE - LIQUEFACTION (NHEQL)  
 NATURAL HAZARD - TSUNAMI (NHTHO)  
 WETLANDS (WET)

- TAX ACCOUNT: 1242101

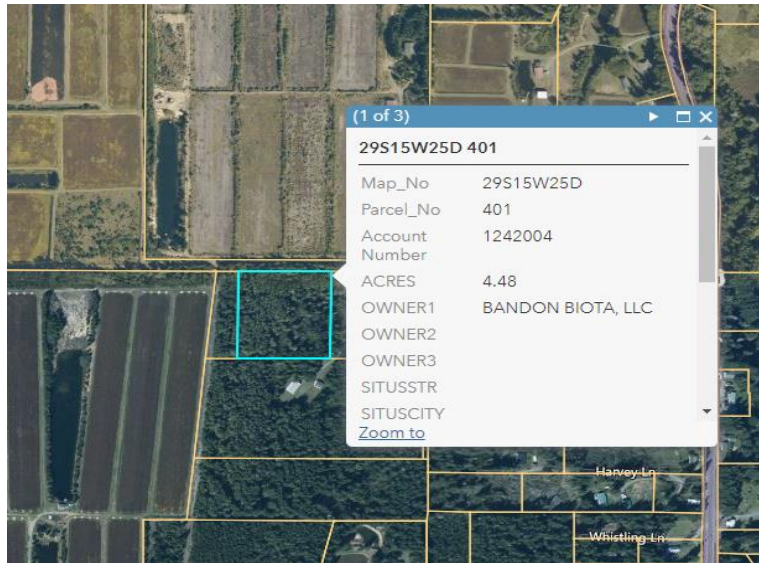
On February 12, 1982, a permit to site a mobile home in the forest portion of property.  
 On October 13, 2005, an administrative conditional use (ACU-05-52) for a commercial stable in the Forest zone. On November 21, 2019, a zoning compliance letter (ZCL-19-369) for clearance to replace the existing single dwelling. There is a Single Family Dwelling on this property. This was confirmed through assessment records.



MAP NUMBER: TOWNSHIP 29S, RANGE 15W, SECTION 25D TAX LOT 100  
 TAX ACCOUNT: 1242101  
 ACREAGE: 15 ACRES  
 PROPERTY ADDRESS: 47698 HIGHWAY 101 BANDON, OR 97411  
 PROPERTY ZONES: EXCLUSIVE FARM USE (EFU)  
 SPECIAL DEVELOPMENT CONSIDERATIONS: NONE

- TAX ACCOUNT: 1242004

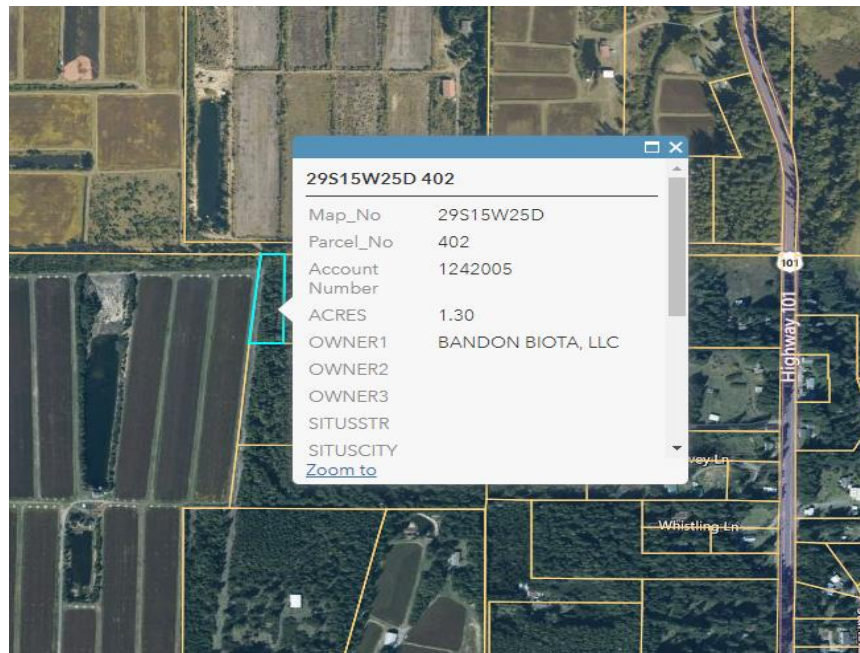
In 1979 a septic evaluation was approved and on June 30, 1883, a hearing body conditional use (HBCU-83-06) was approved to site a Non-Farm Dwelling. The dwelling was not constructed.



MAP NUMBER: TOWNSHIP 29S, RANGE 15W, SECTION 25D TAX LOT 401  
 TAX ACCOUNT: 1242004  
 ACREAGE: 4.48 ACRES  
 PROPERTY ADDRESS: NO SITUS ADDRESS  
 PROPERTY ZONES: EXCLUSIVE FARM USE (EFU)  
 SPECIAL DEVELOPMENT NONE  
 CONSIDERATIONS:

- TAX ACCOUNT: 1242005

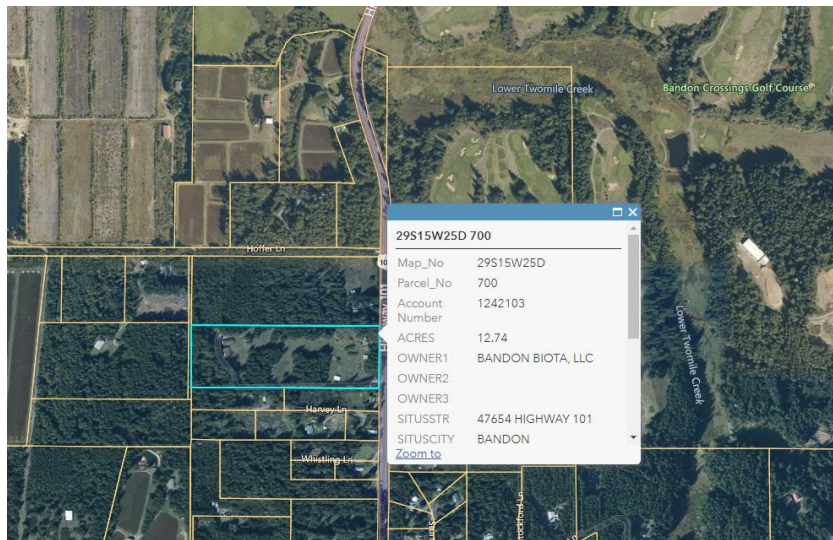
No prior land use activity on the subject property.



MAP NUMBER: TOWNSHIP 29S, RANGE 15W, SECTION 25D TAX LOT 402  
TAX ACCOUNT: 1242005  
ACREAGE: 1.30 ACRES  
PROPERTY ADDRESS: NO SITUS ADDRESS  
PROPERTY ZONES: EXCLUSIVE FARM USE (EFU)  
SPECIAL DEVELOPMENT NONE  
CONSIDERATIONS:

- TAX ACCOUNT: 1242103

On August 17, 1977 a verification letter (unnumbered) for a septic site evaluation. On July 24, 1979, a site dwelling in IFG-10 (forest) portion of the property. On August 6, 1991, a verification letter (VL-91-381) to site a dwelling. On November 21, 2019, a zoning clearance letter (ZCL-19-370) for replacing one of the existing dwellings with a manufactured dwelling. This property does contain a Single-Family Dwelling.



MAP NUMBER: TOWNSHIP 29S, RANGE 15W, SECTION 25D TAX LOT 700  
TAX ACCOUNT: 1242103  
ACREAGE: 12.74 ACRES  
PROPERTY ADDRESS: 47652 HIGHWAY 101 BANDON, OR 97411  
47654 HIGHWAY 101 BANDON, OR 97411  
PROPERTY ZONES: EXCLUSIVE FARM USE (EFU)  
SPECIAL DEVELOPMENT NONE  
CONSIDERATIONS:

**ZONING:** - This property is split-zoned consisting of Exclusive Farm Use (EFU), Forest with a Mixed-Use Overlay (F/MU), and Minor Estuary and Shorelands (MES). Below in the Site Descriptions and Surrounding Uses is a map showing the zoning the subject tract. The subject tract is identified in red outline.

**ARTICLE 4.2 – ZONING PURPOSE AND INTENT**

**SECTION 4.2.400 OPEN SPACE AND NATURAL RESOURCE ZONING DISTRICTS**

*Open Space and Natural Resource Districts are intended for especially sensitive areas where wildlife habitat or special scenic values have been identified or where natural hazards totally preclude any development.*

#### *Minor Estuary and Shorelands (MES)*

*The purpose of the "MES" district is to regulate uses within the inventoried minor estuaries and adjacent shorelands within unincorporated Coos County. The estuaries within the district are treated as "natural management units" per LCDC Goal 16. There are no hearings body applications or development standards with the exception of road standards found in Chapter VII.*

#### *SECTION 4.2.500 RESOURCE ZONES*

##### *Forest (F)*

*The intent of the Forest District is to include all inventoried "forestlands" not otherwise found to be needed (excepted) for other uses.*

*The purpose of the Forest zone is to conserve and protect forest land for forest uses. Some of the areas covered by the "F" zone are exclusive forest lands, while other areas include a combination of mixed farm and forest uses.*

##### *Forest Mixed Use (FMU)*

*The purpose of the Forest Mixed Farm-Forest Areas ("MU" areas) is to include land which is currently or potentially in farm-forest use. Typically, such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and grazing uses. The areas generally occupy land on the periphery of large corporate and agency holdings and tend to form a buffer between more remote uplands and populated valleys. In addition, these "mixed use" areas contain ownership of smaller size than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.*

*If land is in a zone that allows both farm and forest uses, a dwelling may be sited based on the predominate use of the tract on January 1, 1993.*

*If a use is only allowed in the mixed use zone it will be explained in the text. Otherwise the uses listed are allowed in both the Forest and Forest Mixed Use zones.*

##### *Exclusive Farm Use (EFU)*

*These include all inventoried "agricultural lands" not otherwise found to be needed (excepted) for other uses.*

*The purpose of the EFU district is to preserve the integrity and encourage the conservation of agricultural lands within Coos County and thereby comply with the provisions of ORS 215 and OAR 660. Division 33 to minimize conflicts between agricultural practices and non-farm uses by limiting any development to uses distinguished as dependent upon or accessory to supporting agricultural or forestry production and which qualify such farm lands for special tax relief pursuant to the provisions of Oregon Revised Statutes. This zone is also for the cultivation and marketing of specialty crops, horticultural crops and other intensive farm uses.*

*According to the Coos County Comprehensive Plan Exclusive Farm Use lands are inventoried as Agricultural Lands. The Main criterion for establishing the "Agricultural Lands Inventory" was land identified on the agricultural lands based on soils, Class I-IV soils or "other lands" suitable for agricultural use, with the following exceptions:*

- 1. Committed rural residential areas and urban growth areas.*

2. *Proposed rural residential areas as per the Exception to Goals #3 and #4.*
3. *Proposed industrial/commercial sites.*
4. *Existing recreation areas (e.g., golf courses) [Recreation designation]*
5. *Isolated parcels of Class I-IV soils in upland areas, which are under, forest cover. (Forestlands designation).*
6. *Narrow valley bottomlands where no agricultural activity is occurring anywhere in the vicinity [Forestlands designation].*

*The secondary criterion for establishing the “Agricultural Lands Inventory” was the use of aerial photos used to identify additional areas without Class I-IV soils in current agricultural use which were not initially identified in the agricultural lands inventory from Assessor's Data. This situation typically occurs on benches, immediately above agricultural valleys, where grazing often takes place on non-class I-IV soils. However, if lands were zoned predominately forest it may have resulted in a Mixed Use Overlay.*

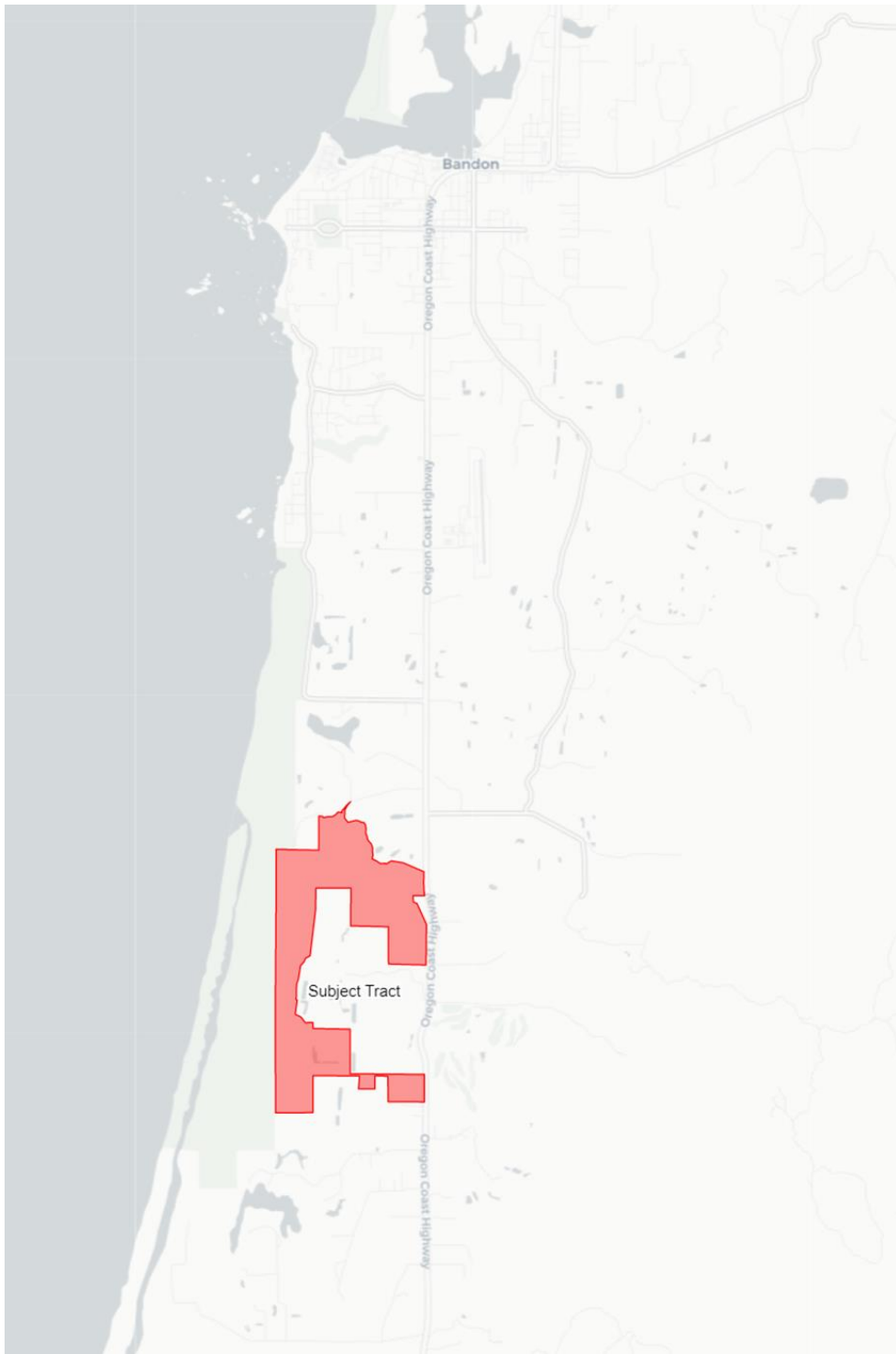
## **B. SURROUNDING LAND USES:**

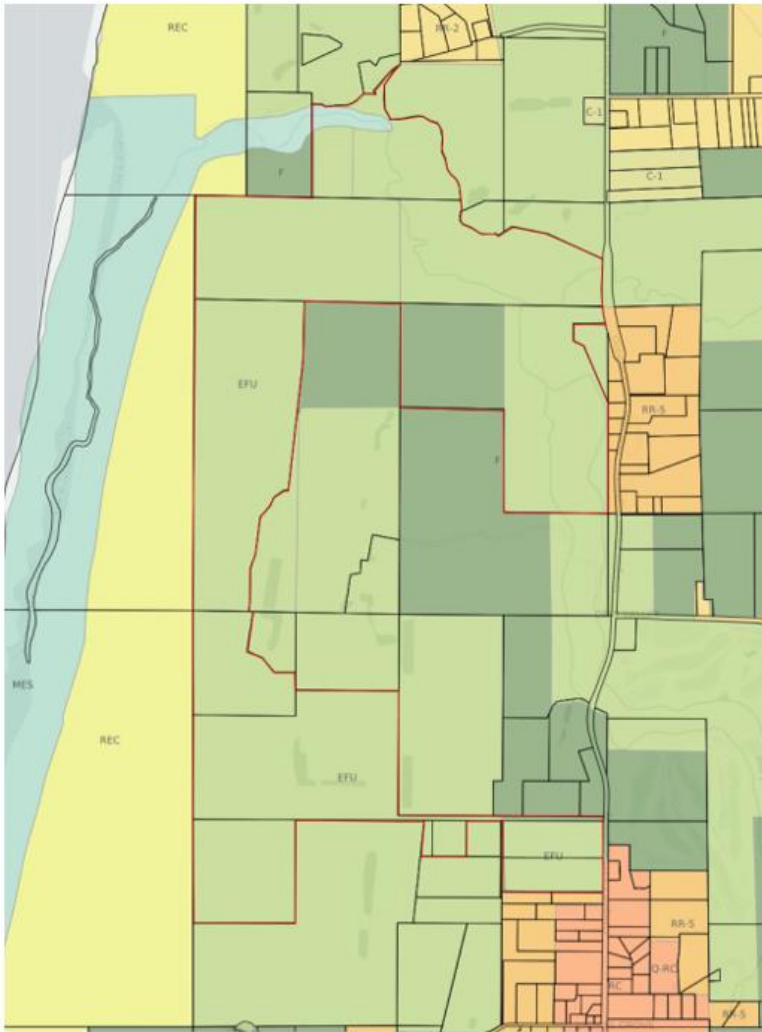
Based on aerial imagery, the subject tract is currently covered with timber with sparse areas of light understory forest vegetation, bottom land fields used for either livestock or hay production, non-active cranberry bogs, residential development, and open sand dunes.

Staff expands on adjacent farm and forestry uses below, but Staff has identified nine separate cranberry farms in the nearby area. There are also two nearby ranches with either livestock or hay production occurring onsite. Staff identified three nearby parcels with timber uses that were also addressed below.

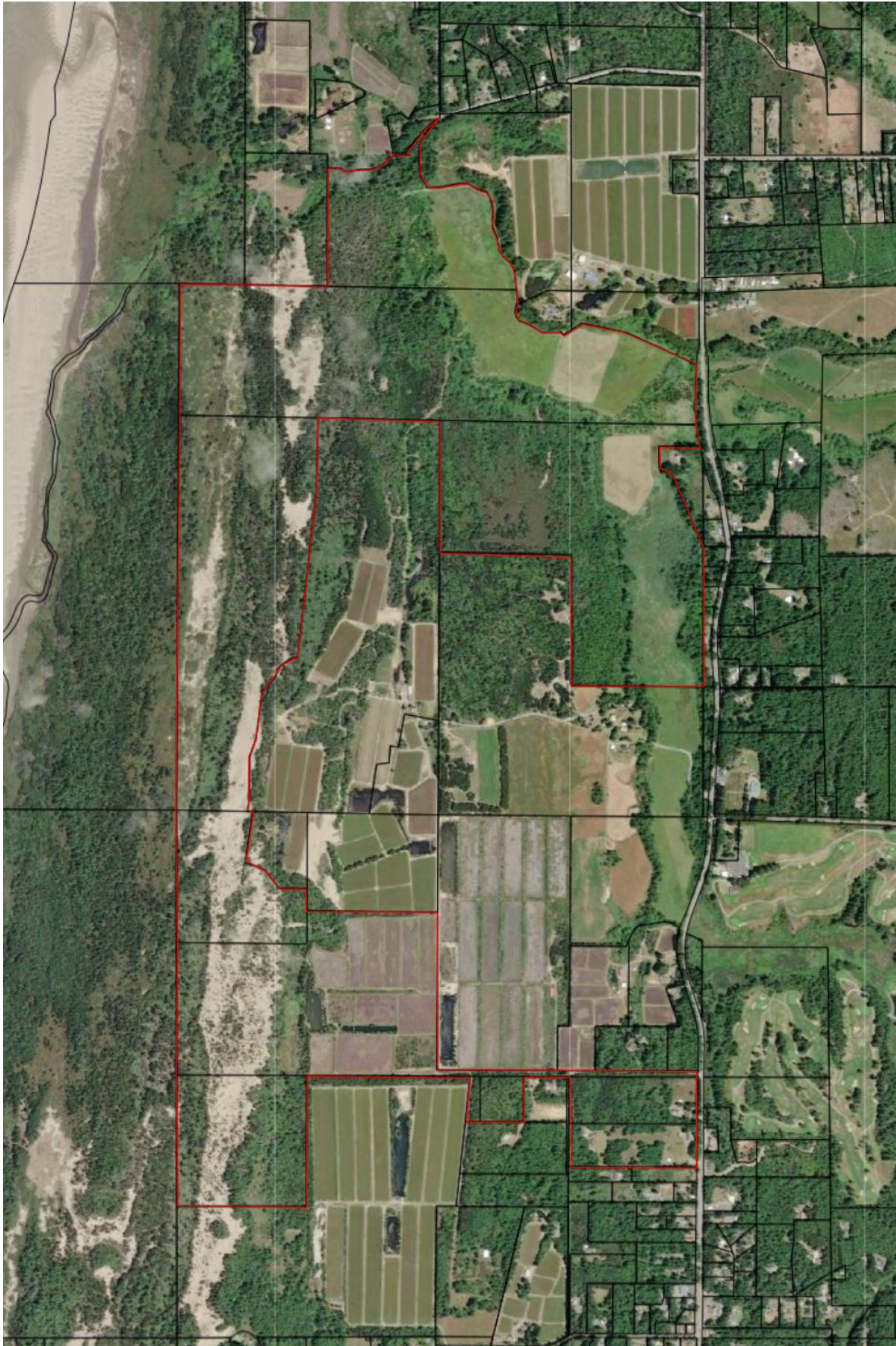
There are Rural Residential-2 zoned parcels located near the proposed public entrance of the golf course. There is Rural Residential-5 zoned parcels located east of section 24 – tax lot 400 on the east side of Highway 101. There is a combination of Rural Center and Rural Residential-5 zoned parcels located south of the subject tract off Hoffer Lane. Hoffer Lane is the proposed employee entrance for the golf course. The rural center of Laurel Grove is located in this area.

There is Recreation zoned parcels located west of the subject tract. These parcels consist of the Bandon State Natural Area and are managed by Oregon Department of Parks and Recreation.

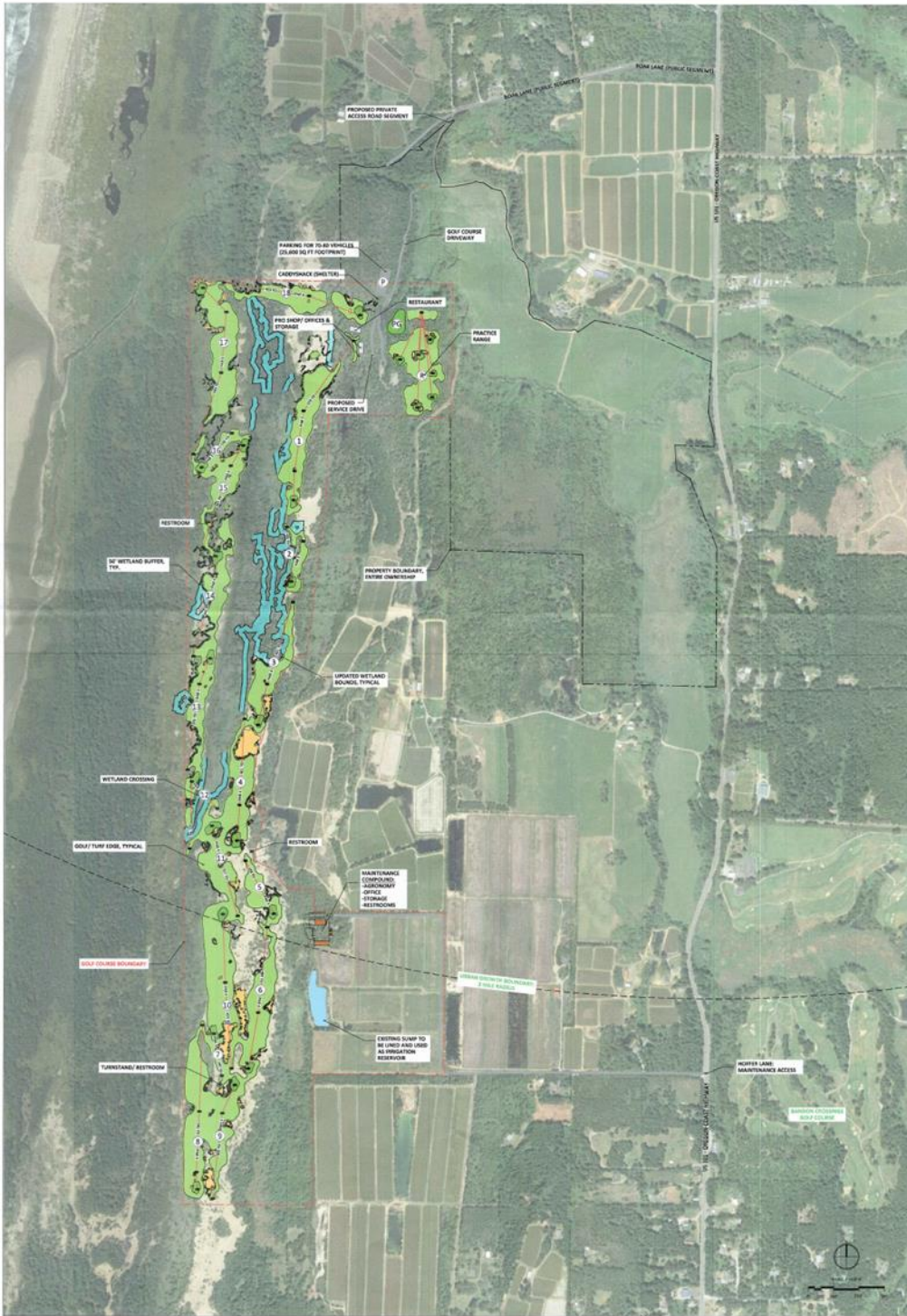




- Commercial
- Controlled Development 10
- Controlled Development 5
- City Zoning
- City Estuary Plan - Aquatic
- City Estuary Plan - Shoreland
- Coos Bay Estuary Plan - Aquatic
- Coos Bay Estuary Plan - Shoreland
- Coquille River Estuary Plan - Aquatic
- Coquille River Estuary Plan - Shoreland
- Exclusive Farm Use
- Forest
- Industrial
- Minor Estuary and Shorelands
- Rural Center
- Recreation
- Rural Residential 2
- Rural Residential 5
- South Slough
- Urban Residential 1
- Urban Residential 2
- Urban Residential M



ADDENDUM EXHIBIT "C"



BANDON, OREGON  
PROPOSED 18-HOLE GOLF COURSE

REVISED

NEW RIVER DUNES GOLF COURSE

REVISED

DAVID MCLAY KIDD

## **C. APPLICABLE IDENTIFIED REVIEW CRITERIA:**

### **I. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:**

The proposal is for Planning Commission Approval of a Golf Course not on high-value farmland as defined in ORS 195.300 in the Exclusive Farm Use zone pursuant to Section 4.6.200.67. According to the application, the applicant is also requesting a clubhouse/restaurant with parking, an agronomy center/maintenance facility, a turn-stand (combination restrooms/vendor facility), a minimum of two standalone restrooms, a caddy shack, and a practice range.

Staff identified the applicable review criteria are found in Coos County Zoning and Land Development (CCZLDO) 4.6.200 Table 2 identifies the uses and activities in the Exclusive Farm Use zone. The tables describe the use, type of review, applicable review standards. Table 2 of CCZLDO Section 4.6.200.67 defines the relevant criteria for Golf Courses not on high-value farmland as defined in ORS 195.300 subject to an HBCU, Section 4.6.200 Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses (2)(5)(20). Development shall also comply with Section 4.6.210 Development and Use Standards for the Exclusive Farm Use Zone. Properties that are in a Special Development Consideration and/or overlays shall comply with the applicable review process identified by that Special Development Consideration and/or overlay located in Article 4.11. This proposal is subject to review under Natural Hazards Section 4.11.

Staff verbally reviewed the language from Section 5.0.350 Conditions of Approval, Section 5.0.400 Consolidated Applications, Section 5.2.100 Conditional Used and Section 5.2.500 Criteria for Approval of Application. Staff reiterated to the Planning Commission the following: A proposal that complies with all of the criteria will be approved. A proposal that can comply with the criteria with mitigation measures or limitations will be approved with conditions. A proposal that cannot comply with the criteria outright or cannot comply with mitigation measures will be denied. The record was closed by the Planning Commission but could be reopened if they wanted more information.

### **II. GOLF COURSE CRITERIA AND FOREST SITING STANDARDS**

#### ***SECTION 4.6.200 EXCLUSIVE FARM USE – USE TABLES***

*Table II identifies the uses and activities in the Exclusive Farm Use (EFU) zone. The tables describe the use, type of review, applicable review standards and Section 4.6.210 Development and Siting Standards. Properties that are located in a Special Development Consideration and/or overlays shall comply with the applicable review process identified by that Special Development Consideration and/or overlay located in Article 4.11.*

*Table II identifies the uses and activities in the Exclusive Farm Use (EFU) zone*

*As used in this section, “farm use” means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. “Farm use” includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. “Farm use” also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. “Farm use” also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. “Farm use” includes the on-site construction and maintenance of equipment and facilities used for the activities described in*

*this subsection. "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subsection (3) of this section or land described in ORS 321.267 (3) or 321.824 (3). Agricultural Land does not include land within acknowledged urban growth boundaries or land within acknowledged exception areas for Goal 3 or 4.*

67.	Golf courses not on high-value farmland as defined in ORS 195.300. (new golf course prohibited on High Value)	HBCU (2), (5), (20)
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**PLANNING COMMISSION RESPONSE:** The first discussion by the Planning Commission was to determine if the new golf course was going to be located on high-value farmland. The Planning Commission considered testimony from Sean T. Malone, Attorney at Law (see Exhibit 9) that stated:

*"In response to this criterion, the applicant concedes that: "Aerial photographs confirm that on December 6, 2007 [195.300(10)(a)], the segment of the applicant's ownership upon which the golf course is proposed, does contain lands growing specified perennials." Applicant's Exhibit A, Page 3. Indeed, the 93.56-acre parcel identified as map no. 29S15W251000 is plainly in farm use according to aerial photos in the staff report. The applicant, therefore, concedes that the subject property contains high-value farmland. Because the subject properties are in common ownership, the entirety of the subject property is considered high-value farmland. Golf courses are not permitted on high-value farmland, except for limited circumstances that do not apply here."*

The next written testimony considered was the applicants (see Exhibit 17) which states the following:

*"OAR 60-033-020 (8)(a) defines High Value Farmland is as: "High-Value Farmland" means land in a tract composed predominantly of soils that are:*

*660-033-020 (I 4) defines a tract as: "Tract" means one or more contiguous lots or parcels under the same ownership.*

*The Bandon Biota tract consists of hundreds of acres, and the portion of the "tract" that contains High Value Farmland is less 40 acres. It is clear that the "tract" by definition, is not "predominantly" composed of High Value Farmland."*

In response to the testimony and the evidence in the record the Planning Commission stated that the tract was not “predominantly” considered High-Value Farm Land. There was an area to the north as defined in the record that would be considered High-Value and the applicant would be prohibited from siting the golf course in this area to ensure compliance. Therefore, a condition was placed the Golf Course would be located outside of the High-Value Farm Land. Therefore, this criterion has been met.

(2) (a) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to

*ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.*

*(b) Any enclosed structures or group of enclosed structures described in subsection (a) within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.*

*(c) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this rule.*

**PLANNING COMMISSION RESPONSE: Planning Staff initially deemed this application incomplete due to the fact that there were no specific building plans submitted in the application. The application included a building plan, but the applicant indicated those were the plans for a different clubhouse/restaurant from another golf course design, specifically the Bandon Trails Golf Courses. The applicant indicated they were not planning on constructing that building plan. However, during the open testimony time the applicant responded to this issue by stating:**

*The applicant is changing their position regarding the development of the proposed clubhouse and pro-shop. The design submitted in the initial application; "Bandon Trails Clubhouse " is no longer conceptual. The applicant is committing to developing that exact design.*

*A new letter has been attached (Exhibit "A ") from Scott Edwards Architecture that states, "Bandon Dunes is planning to utilize the same design as the Bandon Trails Clubhouse, which is comparable to the proposed development in both scale of course and desired amenities, and has proven a successful model to replicate. " Based upon the fact that there is no longer a conceptual plan that proposes 60 seats, the occupancy matrix in the architect letter is reduced to the 48 seats shown on the Bandon Trails Plan. This adjustment alone reduces the overall design capacity for all facilities from 90 to 78.*

*Above, ORCA states that "LUBA counseled, that to satisfy the design capacity requirement, the applicant must include a specific, detailed plan. " However, ORCA is exaggerating at best. Planning staff also cited the LUBA cases in their staff report.*

**The Planning Commission did not find it was appropriate to change the proposal. The applicant proposed in the application an occupancy of 90 total for the following enclosed structures:**

- **Clubhouse Restaurant: 80**
- **Turn-Stand: 1**
- **Agronomy: 9**

**For a total of 90 people located in the enclosed structures. After reviewing the information in the record, the Planning Commission did not find there was adequate information to approve the structures listed under the clubhouse but felt that the necessary structures were the Turn-Stand and Agronomy which would provide a total compacity of 10. This is well below the required maximum. Therefore, these are the only structural development that can take place. The applicant may come back to the Planning Commission when they have the building designs along with parking and geohazards report completed.**

**Therefore, the total design capacity is far less than the maximum of 100 and meets the criteria.**

*(5) APPROVAL CRITERIA Approval requires review by the governing body or its designate under ORS 215.296. Uses may be approved only where such uses:*

*(a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and*

*(b) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.*

**PLANNING COMMISSION RESPONSE:** The County Planning Staff typically established the buffer of surrounding properties based on the notification range (notice to adjacent properties within 500 feet). Within the 500 foot buffer each property is listed out and the uses that are occurring are discussed. The use information is based on planning approvals, assessment records, zoning and aerial images. Other information may be obtained from testimony and comments if provided. Once that is complete the properties that are utilized for Farm and Forest Uses (we do not make a determination if it is commercial or not just what it is used for) then the consideration of what are accepted farm and forest practices are and how the proposed use may be impacted. The impact have to be significant which is for the county to decide base on evidence.

**According to Oregon Department of Agriculture:**

*Protected practices include farming or forest practices that are characterized by one or more of the following:*

- Are or may be used on a farm or forestland of similar nature*
- Are generally accepted, reasonable, and prudent methods for the operation to obtain profit in money (commercial)*
- Comply with applicable law*
- Are performed in a reasonable manner*

*The lawful and proper use of pesticides is considered a protected farming or forest practice.*

The applicant did explain that the development and maintenance of a golf course was similar in nature to the farm management in the sense it consists of seeding, irrigating, fertilizing, and mowing specialty grasses at various lengths.

The Planning Commission did not reject the staff analysis from the staff report or the applicant's justification but did find the biggest factor in this criteria was the water. When calculated water impacts on agricultural or forest use the boundary for impacts may be sustainably larger than suggested by staff.

However, the Planning Commission did accept the hydrology reports provided by the applicant in this case. The Planning Commission found the largest impact would be water. However, they found in favor of the applicant in this matter given the monitoring wells, junior water right and regulations from the Oregon Water Resources. With this information and a condition of approval that the applicant comply with Oregon Water Resources the proposal would not have a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.

*(20) GOLF COURSE - "Golf Course" means an area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "golf course" for purposes of ORS*

- 215.213(2)(f), 215.283(2)(f), and this division means a nine or 18 hole regulation golf course or a combination nine and 18 hole regulation golf course consistent with the following:
- (a) A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes;
  - (b) A regulation nine hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;
  - (c) Non-regulation golf courses are not allowed uses within these areas. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in this rule, including but not limited to executive golf courses, Par three golf courses, pitch and putt golf courses, miniature golf courses and driving ranges;
  - (d) Counties shall limit accessory uses provided as part of a golf course consistent with the following standards:
    - (A) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing;
    - (B) Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings; and
    - (C) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.

**PLANNING COMMISSION RESPONSE:** The Planning Commission found that this an 18-hole golf course that will not exceed the 150 acres but this does not include the “surrounding open space” . This is based on the record and as a condition of approval will be limited to the 150 acres that does not include surrounding open space.

**The accessory uses that were accepted by the Planning Commission are limited to the items identified under the Turn-Stand and Agronomy which will ensure limited size and orientation on the site to serve the needs of persons and their guests who patronize the golf course.**

**Therefore, this has been addressed.**

*Section 4.6.210 Development and Use Standards for the Exclusive Farm Use Zone.*

*Development Standards All dwellings and structures approved shall be sited in accordance with this section.*

1. *Minimum Lot Size: The minimum parcel size shall be at least 80 acres. Land divisions involving a house that existed prior to June 1, 1995 see § 4.6.210(5)(a). For land divisions where all resulting*

*parcels are at least 80 acres, a conditional use is not required. However, the applicable standards in Chapter VI must be met. [OR96-06-007PL 9/4/96]*

*New lots or parcels for dwellings not in conjunction with farm use may be allowed when the requirements of § 4.6.210(3), § 4.6.210(4)(a or b) and § 4.6.210(5) are met. In addition, the creation of new parcels for nonfarm uses may be allowed only when such new parcel is the minimum size needed to accommodate the use in a manner consistent with other provisions of the Ordinance.*

*The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.*

**PLANNING COMMISSION RESPONSE: No land division is being proposed at this time; therefore, this is not relevant criteria for this proposal.**

2. *Setbacks*

*a. Road: All buildings or structures with the exception of fences shall be setback a minimum of thirty five (35) feet from any road right-of-way centerline or five (5) feet from any right-of-way line, whichever is greater.*

*b. Firebreak: New or replacement dwellings on lots, parcels, or tracts abutting the "Forest" zone shall establish and maintain a firebreak for a distance of at least 30 in all directions. Vegetation within this firebreak may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs, and other dead vegetation should be removed from beneath trees.*

**PLANNING COMMISSION RESPONSE: The approved structures will meet the required setbacks.**

3. *Structure Height: Farm-related structures are exempt from height limits unless subject to Airport Overlay zone or Urban Growth Boundary requirements.*

**PLANNING COMMISSION RESPONSE: None of the subject properties are within the Airport Overlay or Urban Growth Boundary. Therefore, this criterion is not applicable with this proposal.**

4. *Lot Coverage: No requirements.*

**PLANNING COMMISSION RESPONSE: This is not relevant to the current proposal as there are no required lot coverage requirements in the zone.**

5. *Fences, Hedges and Walls: No requirement except for vision clearance provisions of § 7.1.525 apply.*

**PLANNING COMMISSION RESPONSE: The applicant stated that "the golf course development will comply with any vision clearance requirements of 7.1.525". This shall be addressed in the traffic plan.**

6. *Off-street parking and Loading: See Chapter VII.*

**PLANNING COMMISSION RESPONSE: This shall be addressed as part of any approval. This shall be addressed under the traffic plan requirements.**

7. *Minimum Road Frontage/Lot Width unless waived by the Planning Director in consultation with the County Surveyor due to creating an unsafe or irregular configuration:*

- a. *Within UGB's – 50 feet*
- b. *Outside UGB's – 20 feet*

**PLANNING COMMISSION RESPONSE: No land divisions are proposed in this application. Therefore, these criteria are not applicable with this proposal.**

8. *Access: Access to new dwellings shall meet road design standards in Chapter VII.*

**PLANNING COMMISSION RESPONSE: No new dwellings are proposed in this application. Therefore, this criterion has been addressed.**

9. *Minimizing Impacts: in order to minimize the impacts of dwellings in agricultural lands, all applicants requesting a nonfarm dwelling shall acknowledge and file in the deed records of Coos County, a Farm Practices Management Easement. The Farm Practices Easement shall be recorded in the deed records of the county prior to any final county approval for a single family dwelling. [OR96-06-007PL 9/4/96]*

**PLANNING COMMISSION RESPONSE: No new dwellings are proposed in this application. Therefore, this criterion has been addressed.**

10. *Riparian Vegetation Protection within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife Habitat Inventory maps shall be maintained except that:*

- a. *Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.*
- b. *Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;*
- c. *Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;*
- d. *Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;*
- e. *Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;*
- f. *Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or*
- g. *The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".*
- h. *Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.*
- i. *The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*

**PLANNING COMMISSION RESPONSE:** All applicable riparian setbacks will be met and maintained.

**III. ARTICLE 4.11 SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS**

*SECTION 4.11.125 Special Development Considerations:*

*The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should be allowed In the Balance of County zoning. The adopted plan maps and overlay maps have to be examined in order to determine how the inventory applies to the specific site.*

**PLANNING COMMISSION RESPONSE:** The staff addressed all Special Development Considerations but the only relevant criteria to the approved development is the Beaches and Dunes with Limited Development Suitability. This has been addressed below. Any new development proposed may have to comply with additional Special Development Considerations depending on location and type.

*4.11.129 Beaches and Dunes (Policy 5.10)*

*The Beaches and Dunes map has inventoried the following:*

- *Beaches and Dunes*
  - o Suitable for most uses; few or no constraints (Does not require a review)*
  - o Limited Suitability; special measures required for most development*
  - o Not Suitable for Residential, commercial or Industrial Structures*

*Purpose Statement:*

*Coos County shall base policy decisions for dunes on the boundaries for these areas as identified on the plan map titled "Development Potential within Ocean Shorelands and Dunes" and the boundaries delineates following specific areas "Suitable", "Limited Suitability" and "Not Suitable" areas of development potential.*

*a. Limited Suitability: "Beach and Dune Areas with Limited Development Suitability" includes all dune forms except older stabilized dunes, active foredunes, conditionally stable foredunes that are subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) subject to ocean flooding.*

*The measures prescribed in this policy are specifically required by Statewide Planning Goal #18 for the above-referenced dune forms; and that this strategy recognizes that designated mitigation sites must be protected from other uses.*

*Implementation shall occur through an Administrative Conditional Use process, which shall include submission of a site investigation report that addresses this subsection, by a qualified registered and licensed geologist or engineer.*

*i. Coos County shall permit development within areas designated as "Beach and Dune Areas with Limited Development Suitability" only upon the establishment of findings that consider at least:*

- a) The type of use proposed and the adverse effects it might have on the site and adjacent areas;*
- b) The need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;*
- c) The need for 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.*

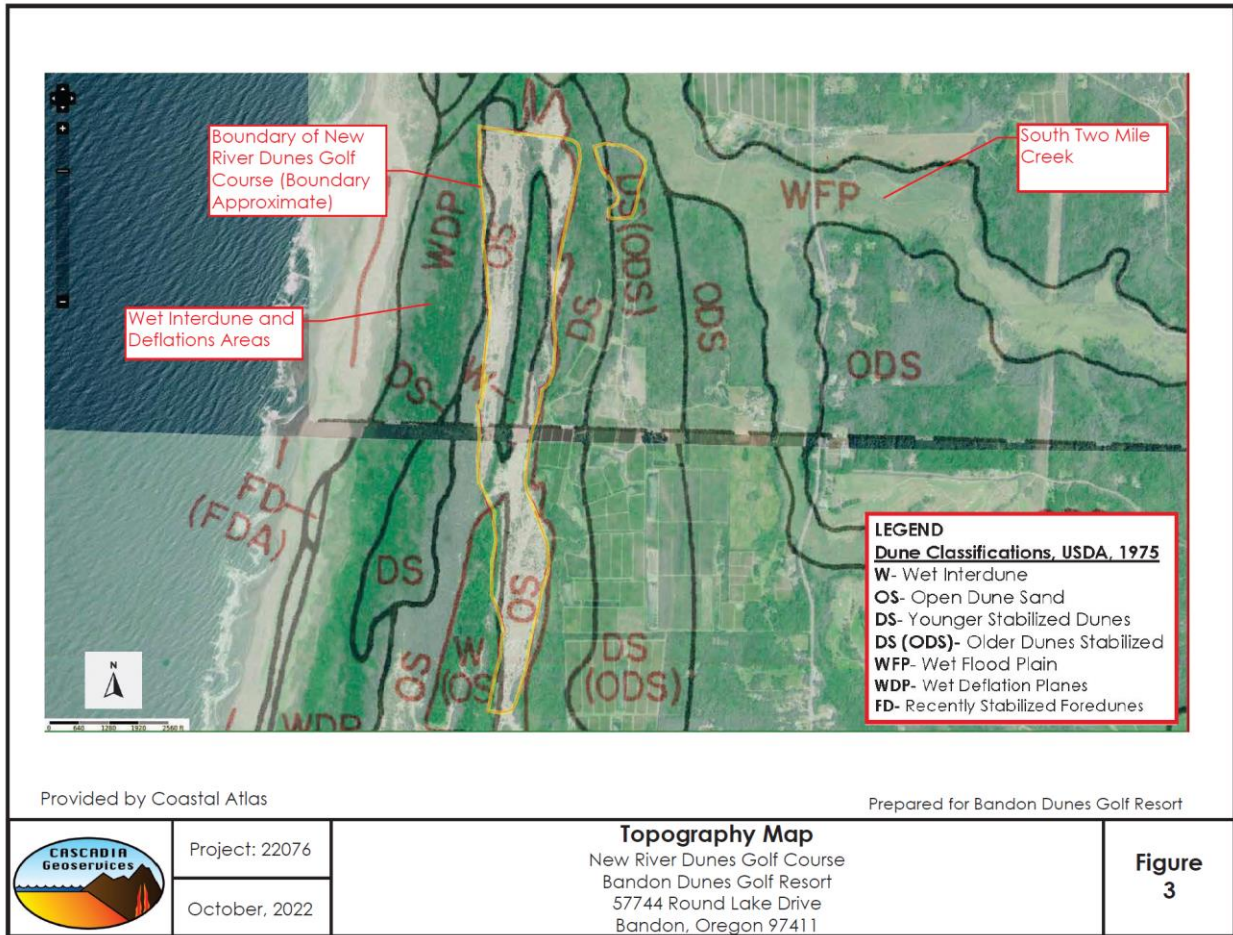
*ii. Further, Coos County shall cooperate with affected local, state and federal agencies to protect the groundwater from drawdown, which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies. Coos County shall cooperate with state and federal agencies in regulating the following actions in the beach and dune areas with limited development potential:*

- a) Destruction of desirable vegetation (including inadvertent destruction by moisture loss or root damage);*
- b) The exposure of stable and conditionally stable areas to erosion;*
- c) Construction of shore structures which modify current air wave patterns leading to beach erosion; and*
- d) Any other development actions with potential adverse impacts.*

**PLANNING COMMISSION RESPONSE: While not all of the subject tract is within the Beaches and Dunes Special Development Consideration, the entire proposed golf course and requested structural development is located within the Beaches and Dunes with Limited Development Suitability Special Development Consideration. The relevant criteria has been included above and the map shows the area gold.**



**According to the applicant's submitted technical memorandum, the proposed golf course is located in Open Dune Sand (OS), Wet Interdune (W), and Older Dunes Stabilized (DS-ODS).**



The County’s Beaches and Dunes overlay zone derives from the Oregon Planning Goal #18. Goal #18 specifically directed local governments to “begin the beach and dune inventory with a review of Beaches and Dunes of the Oregon Coast, USDA Soil Conservation Service and OCCDC, March 1975, and determine what additional information is necessary”.

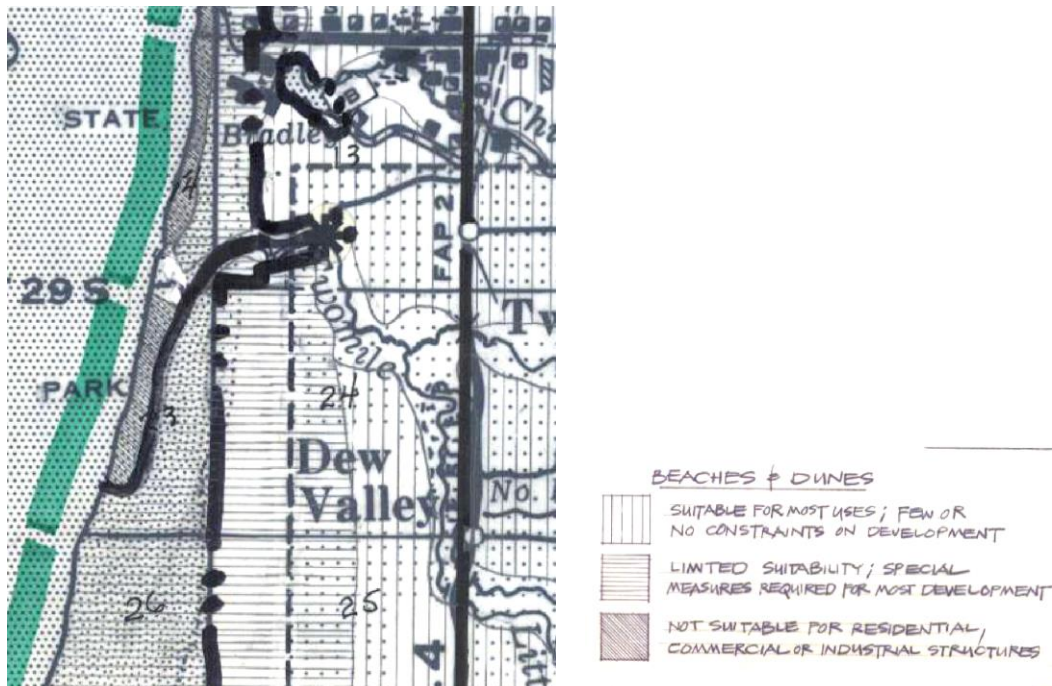
Below is the reference table that relates to the USDA mapping classifications compared to the Goal 18 dune classifications.

TABLE 2 A  
SAND DUNE MAPPING UNITS AND DUNE FORMS

ASSOCIATED DUNE CATEGORIES	MAPPING UNIT		ABBREVIATED DESCRIPTION
	NAME	SYMBOL	
Active Dunes	Open Dune Sand	OS	Wind drifted sand in the form of dunes and ridges, that are essentially bare of vegetation.
	Active Dune Hummocks	H	Partly vegetated circular and elevated mounds of sand.
	Active Foredues	FDA	A growing barrier ridge of sand paralleling the beach which lies immediately above the high tide line.
Recently Stabilized Dunes	Foredues	FD	An active foredune that has become conditionally stable with regard to wind erosion.
	Open Dune Sand Conditionally Stable	OSC	A sand dune presently in wind stable condition but vegetated by fragile plantings.
	Dune Complex	DC	Various patterns of small dunes with partially stabilized intervening areas.
	Younger Stabilized Dunes	DS	A youthful wind stable dune landform.
Older Stabilized Dunes	Older Stabilized Dunes	ODS	A wind stable dune landform that has soils with weakly cemented nodules and lenses to strongly cemented nodules or strongly cemented Bir horizons.
	Older Foredues	OFD	A wind stable former foredune landform that lies approximately parallel but back away from the beach.

January 1975

Below is the County's adopted Mylar maps for Beaches and Dunes.



Even with the differences between the USDA 1975 map and the County's Beaches and Dunes map. The proposed golf course is located within the Beaches and Dunes zones that require reviews.

**i. Coos County shall permit development within areas designated as "Beach and Dune Areas with Limited Development Suitability" only upon the establishment of findings that consider at least:**

- a) The type of use proposed and the adverse effects it might have on the site and adjacent areas;**
- b) The need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;**
- c) The need for 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.**

**ii. Further, Coos County shall cooperate with affected local, state and federal agencies to protect the groundwater from drawdown, which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies. Coos County shall cooperate with state and federal agencies in regulating the following actions in the beach and dune areas with limited development potential:**

- a) Destruction of desirable vegetation (including inadvertent destruction by moisture loss or root damage);**
- b) The exposure of stable and conditionally stable areas to erosion;**
- c) Construction of shore structures which modify current air wave patterns leading to beach erosion; and**
- d) Any other development actions with potential adverse impacts.**

**The applicant did submit a technical memorandum from Eric Oberbeck, CEG #1332, with Cascadia Geoservices. The technical memo states “Based on our site evaluation and on our experience working in this region, it is our opinion that developing the site into a golf course will not have an adverse impact on either the site or adjacent areas. Further, it is our opinion that because the golf course will provide and maintain permanent vegetation, the younger open dunes will be stabilize from further wind erosion. This permanent stabilization will occur after final shaping eliminating the need for temporary stabilization measures. As with other development projects in windy areas, erosion and sediment control measures should be adopted during clearing and shaping of the site in accordance with DEQ’s Best Management Practices. Further, we see no hazards to either life, public and private property, or to the natural environment by the proposed development. Finally, it is our professional opinion that the proposed development will not cause excessive destruction of desirable vegetation, where preserved (including inadvertent destruction by moisture loss or root damage), cause exposure of stable and conditionally stable areas to erosion or modify current air wave patterns leading to beach erosion”.**

**The Planning Commission found the applicant addressed the Beaches and Dunes with Limited Development Suitability for the golf course and limited development that is proposed. At the time the applicant submits a request for additional uses and/or structures are provided another review to determine the effect of that development will be required.**

#### **IV. CHAPTER VII TRANSPORTATION, ACCESS, AND PARKING**

*SECTION 7.1.250 MATERIALS REQUIRED FOR AN APPLICATION:*A traffic plan (item 1) will be required for all rezones, recreational vehicle parks, campgrounds, mobile home parks, land divisions, industrial developments, commercial developments and high intensity development plans. The Roadmaster in consultation with the Planning Director will have discretion to waive items 2 through 4 based on the findings that the increase in development is diminimus to the existing development.

1. *Traffic Plan - A parking/traffic plan shall be submitted to address all of the following:*

**STAFF RESPONSE:** While the subject tract consists of multiple parcels, the applicant states “*The boundaries of the golf course subject to traffic and parking plans have been submitted in the form of the revised New River Dunes Conceptual Master Plan (Applicant’s Exhibit “C”) and Preliminary Clubhouse Site Plan (Applicant’s Exhibit “D).*”

**The Planning Commission discussed the traffic impacts and the proposed access roads. There was some concern about using Boak Lane during flood events. The Planning Commission conditioned that the applicant shall obtain a permit from the County Road Department, Oregon Department of Transportation (for any access onto Hwy 101 which may require moving the utility poles and creating a turn lane) and show proof of legal use of all roads.**

**The Roadmaster shall determine compliance with the county requirements of this section and will need to provide the final approval prior to receiving a Zoning Compliance Letter.**

#### **V. DECISION AND STAFF RESPONSE**

*SECTION 5.7.100 REVIEWING AUTHORITY (4) Decision:*

- a. *Decision: After the record has been closed and all evidence submitted into the record has been reviewed the Review Authority shall:*
  - i. *Approve or deny all or part of the application; or*
  - ii. *Approve all or part with modifications or conditions of approval.*
- b. *Basis for Decision: An approval or denial of a development action shall be based upon substantial evidence in the record that addresses the pertinent standards and criteria set forth in the applicable provisions of state law, the Comprehensive Plan, Coos County Zoning and Land Development Ordinance and other applicable laws as determined by the Review Authority.*
- c. *Findings and Conclusions: The Review Authority shall provide brief and concise findings of fact, conclusions of law and an order for all development approvals, conditional approvals or denials. The findings and order shall set forth the criteria and standards considered relevant to the decision, state the facts relied upon and briefly indicate how those facts support the decision. In the case of denial, it shall be sufficient to address only those standards upon which the applicant failed to carry the burden of proof or, when appropriate, the facts in the record that support denial.*
- d. *Conditions of Approval: The Review Authority may impose conditions on any conditional use approval in compliance with Section 5.0.350.*
- e. *Appeal Deadlines: Appeal deadlines are set out in Section 5.0.900.*

*SECTION 5.0.350 CONDITIONS OF APPROVAL:*

1. *Conditions of approval may be imposed on any land use decision when deemed necessary to ensure compliance with the applicable provisions of this Ordinance, Comprehensive Plan, or other requirements of law. Any conditions attached to approvals shall be directly related to the impacts of the proposed use*

*or development and shall be roughly proportional in both the extent and amount to the anticipated impacts of the proposed use or development.*

- 2. An applicant who has received development approval is responsible for complying with all conditions of approval. Failure to comply with such conditions is a violation of this ordinance, and may result in revocation of the approval in accordance with the provisions of Section 1.3.300.*
- 3. At an applicant's request, the County may modify or amend one or more conditions of approval for an application previously approved and final. Decisions to modify or amend final conditions of approval will be made by the review authority with the initial jurisdiction over the original application using the same type of review procedure in the original review.*

**PLANNING COMMISSION DECISION:** The Planning Commission approved the 18-hole golf course in the Non-High-Value portion of the Exclusive Farm Use Zone. The course will not exceed 150 acres and that does not include the “surrounding open space”. The golf course may only contain the following structures: Turn-Stand, Agronomy for maintenance and independent Restrooms. The approval is based on the following conditions:

- 1. Driveways, parking and access permit sign off by the County Roadmaster for all access roads;**
- 2. Access and road permit signed off by Oregon Department of Transportation for all accesses from HWY 101;**
- 3. Documents to show legal right to use all access roads;**
- 4. No use of Boak Lane during flood events that cover the road;**
- 5. Development is restricted to the essential buildings to include Turn-Stand, Agronomy for maintenance, and Restrooms.**
- 6. Applicant shall comply with conditions set out in Exhibit 6 (Oregon Department of Fish and Wildlife).**
- 7. Applicant shall obtain permits for Oregon Water Resources including installing and monitoring wells.**
- 8. Any development beyond this approval will require a new application and Beaches and Dunes Review.**
- 9. Development Transferability - Unless otherwise provided in the approval, a land use approval that was obtained through a conditional use process shall be transferable provided the transferor files a statement with the Planning Director signed by the transferee. This document shall be recorded in the chain of title of the property, indicating that the transferee has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions, unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title to alert a purchaser that development was approved subject to conditions and possible restrictions.**
- 10. Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single-family dwelling shall acknowledge and file in the deed record of Coos County, a Farm/Forest Management Covenant. The Forest Management Covenant shall be filed prior to issuance of a Zoning Compliance Letter.**
- 11. Obtain Zoning Compliance Letter from the County once conditions are satisfied.**