

From: [Vickie Crowley](#)
To: [Planning Department](#)
Subject: Comments for HBCU-22-001
Date: Wednesday, November 30, 2022 11:48:04 PM

This Message originated outside your organization.

Subject: Comments for HBCU-22-001

To: Chris MacWhorter, Principal Planner
From: Vickie Crowley

Please include these comments into the hearing record for the Bandon Biota Conditional Use application HBCU-22-001 and also please let me know you have received this, thank you.

I fully support the staff recommendation to deny the application for lack of information and continue when sufficient information can be supplied.

ORS 197.763 (4)(a) requires, "All documents or evidence relied upon by the applicant shall be submitted to the local government and be made available to the public."

I am concerned about possible deferral of compliances for this cumbersome application along with the haphazardness that goes with incremental approvals and permitting stages. Any one part of the project affects the others and it's important to see it as a whole. In addition, I am also concerned that deferred compliances may impermissibly escape public review. The planning commission should deny the application and instruct the applicant to provide full information on missing items so that the application, and all its environmental impacts, may be considered in a single package by both decision-makers and the public. This includes, among other things, water availability, geologic hazard assessment and development impacts on the Beaches and Dunes overlay.

Geologic Assessment Review

Quoting from Staff Report page 34 —

The applicant did submit a technical memorandum from Eric Oberbeck, CEG #1332, with Cascadia Geoservices... only three pages... **No evidence was provided** to discuss the impacts from the development... [emphasis added]

Quoting from Staff Report page 45 —

The application was initially deemed incomplete because the applicant did not report consistent with the requirements of a geologic assessment review. The applicant further submitted a technical memorandum from a Certified Engineering Geologist. However, **that document does not meet the standards of being a geologic assessment report**. The Planning Commission may make this a condition of approval or request that the information be provided along with a plot plan. [emphasis added]

Beaches and Dunes Special Development Consideration for 120 acres of ground disturbance activities

Quoting from Staff Report page 31 —

While not all of the subject tract is within the Beaches and Dunes Special Development Consideration, **the entire proposed golf course and requested structure development** is located within the Beaches and Dunes with Limited Development Suitability Special Development Consideration... [emphasis added]

Quoting from Staff Report page 36 —

There are findings required when 120 acres of ground disturbance activities for development occurring within the Beaches and Dunes — Unsuitable and Limited Suitability zones.

Therefore, *until there is more information* to address the criteria staff is unable to provide recommended finds and would suggest that the Planning Commission consider continuing the matter until that information is provided or they may deny the request. [emphasis added]

Exclusive Farm Use

It boggles the mind that the project application equates a recreational golf development as being the same and/or similar to farming such as commercial production of cranberries or other crops. It is not. The comparative intensity of the golf management activities and the quantity of “farming” chemicals and water use are just not the same. It is the applicant’s burden of proof to provide full information on the golf management system and make clear the ways in which it differs from commercial farming operations, so that decision-makers can decide whether or not a golf course in this area is suitable. Clearly, with respect to protecting farm operations and exclusive farm use lands, a golf course is highly unsuitable.

Water Analyses, Wetlands, and Native Plants

An analysis of how golf course chemical management affects the water quality in the groundwater, on the water table, and on the wetlands at different times of the year. Wetlands protections are required within or near the project boundary, and in the adjacent Bandon State Natural Area, and the associated native birds and plants that rely on them. Drawing down the water table for irrigation especially in dry summers robs this sandy ground quickly, as sandy soils in dunal regions are notoriously porous.

The applicant has failed completely to provide information, data, sources and estimated amounts of water use, water availability and the relationship between the applicant’s proposed water use and the pre-existing water rights of farmers, local residents and the Oregon Parks and Recreation Department, which is the owner of Bandon State Natural Area. The park contains many fragile wetlands, and the applicant must consider the impact the project’s water needs will have on those public and protected wetlands. The application itself (page 7), admits that their own hydrology assessment by Golder Associates is severely lacking: “It was determined that there is not sufficient information available to absolutely assess potential impacts.” The report merely recommended testing in conjunction with the future development of wells! — in other words, to defer the critical issue of water availability and impacts to a mere technicality, to be dealt with after the conditional use permit is granted. This turns the land use laws on their head and is impermissible. The information must be available to decision-makers at the level of public process, and it is the applicant’s burden of proof to provide it.

A good stormwater management plan would be just as important in the wet winters, when it can rain heavily and cause much erosion. Natural values also need protections during the development/construction/landscaping phase.

In sum, the planning commission cannot approve this application. I note as a final matter that there is no discussion of whether an Exception is needed to Goal 3, the Farmland goal. The application has simply not raised the question of whether the criteria for an Exception have been met, and the decision-makers must insist they do so. In addition, the application is so flimsy in key areas of natural resource protection — water, farming land, beaches and dunal habitat zones, to name a few — as well as transportation impacts on the local, rural road system, that a great deal more work needs to be done before this application can be seriously considered. The applicant has not yet taken seriously the requirement to bear the burden of proof for the proposed golf course.

Thank you for your careful consideration.

Sincerely,
Vickie Crowley
1425 Beach Loop
Bandon, Oregon 97411