



STAFF REPORT

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

I. MATTER DETAILS – AGENDA ITEM IV. B

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): Chris MacWhorter, Principal Planner
541-3963-7770
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 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 the 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.

PUBLIC HEARING:

The time and place for the Coos County Planning Commission to review this matter in a public hearing is December 1, 2022, at 7:00 P.M. in the Owen Building, 201 N. Adams Street, Coquille Oregon

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.



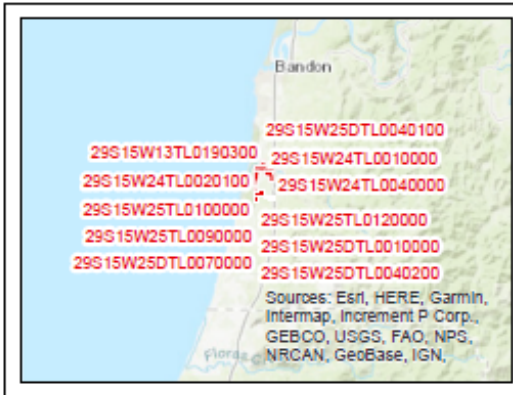
COOS COUNTY PLANNING DEPARTMENT

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



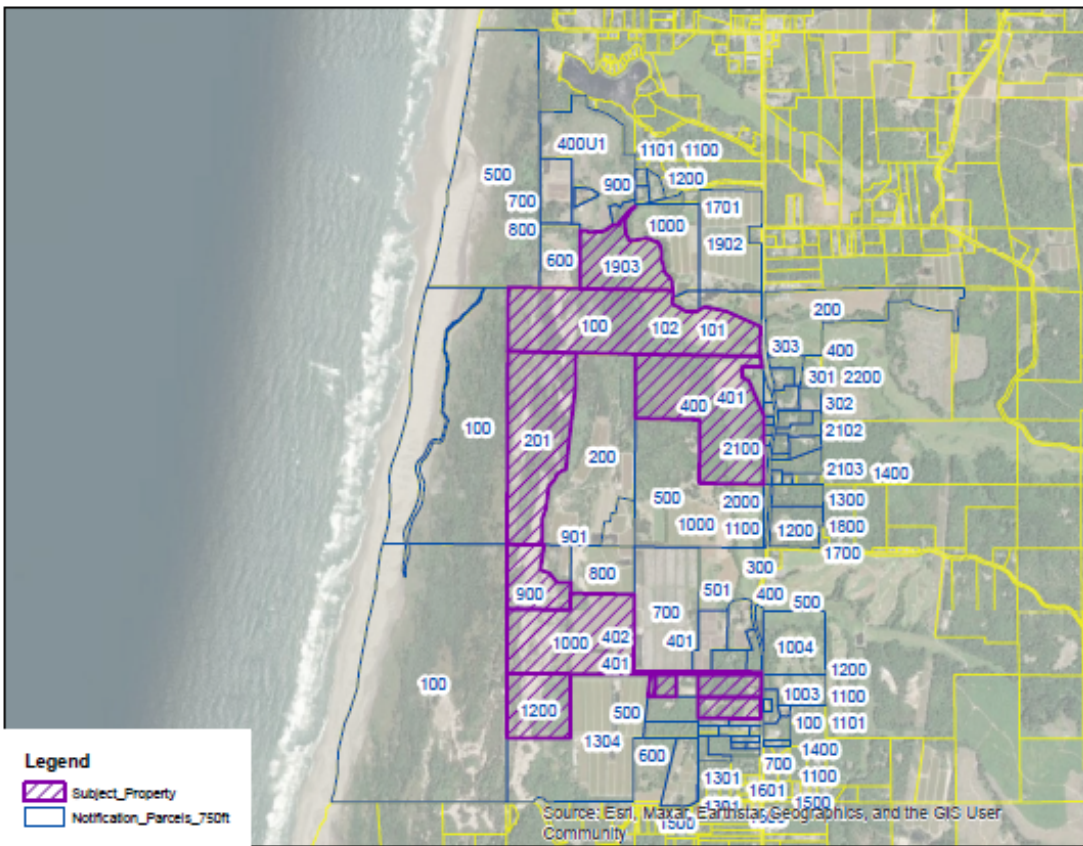
File: HBCU-22-001

Owner: Bandon Biota LLC

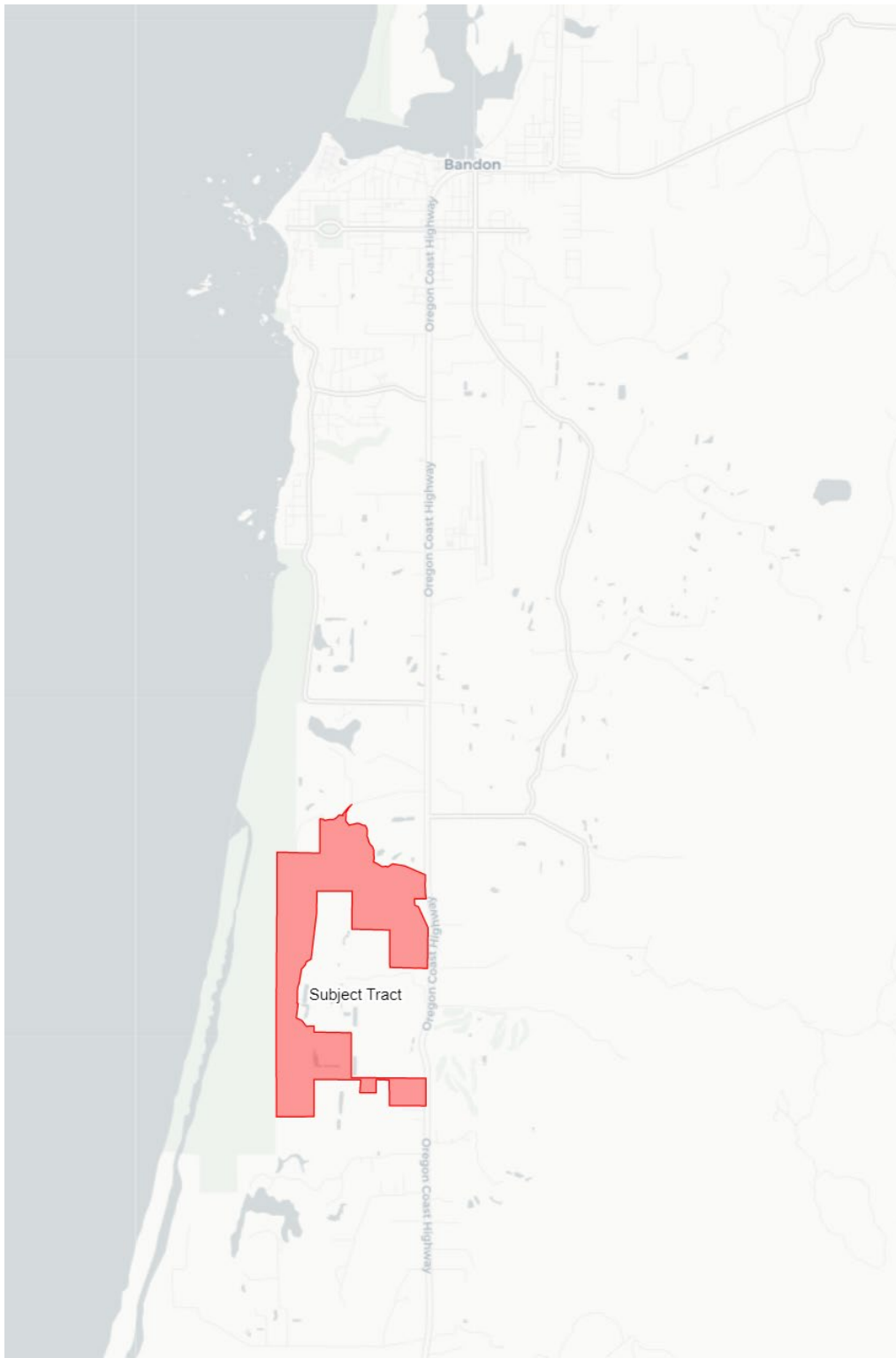
Date: November 10, 2022

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.

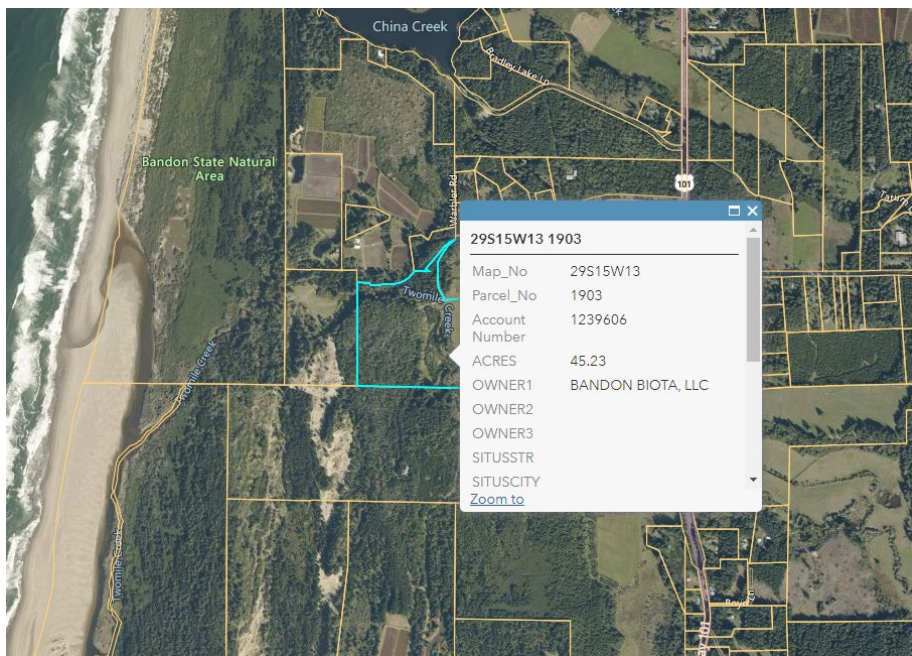
- ii. **REVIEW PERIOD:** This application was originally submitted on July 21, 2022. The application was deemed incomplete pending additional information. The applicant provide additional information on September 15, 2022 and October 12, 2022. The application was found to be complete on October 14, 2022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

II. 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.

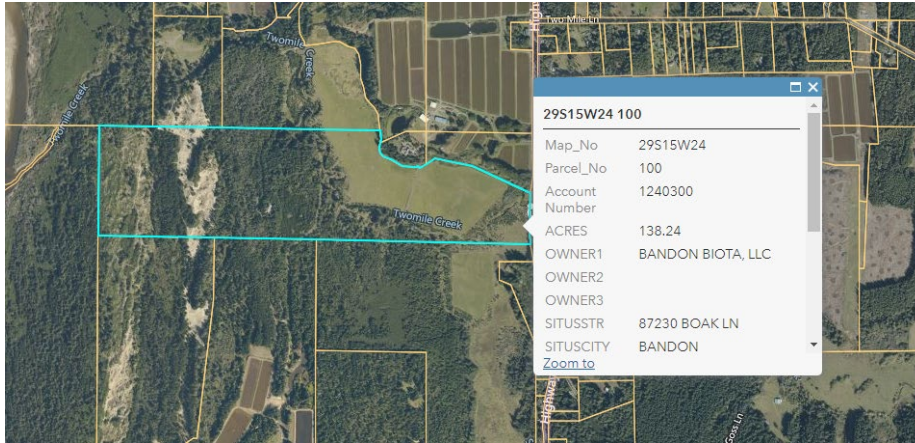


MAP NUMBER:	TOWNSHIP 29S, RANGE 15W, SECTION 13 TAX LOT 1903
TAX ACCOUNT:	1239606
ACREAGE:	45.23 ACRES
PROPERTY ADDRESS:	NO SITUS ADDRESS
PROPERTY ZONES:	EXCLUSIVE FARM USE (EFU) FOREST (F) MINOR ESTUARY & SHORELANDS (MES)
SPECIAL DEVELOPMENT CONSIDERATIONS:	BEACHES/DUNES - LIMITED (BDL) BIRD SITE MEETS 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

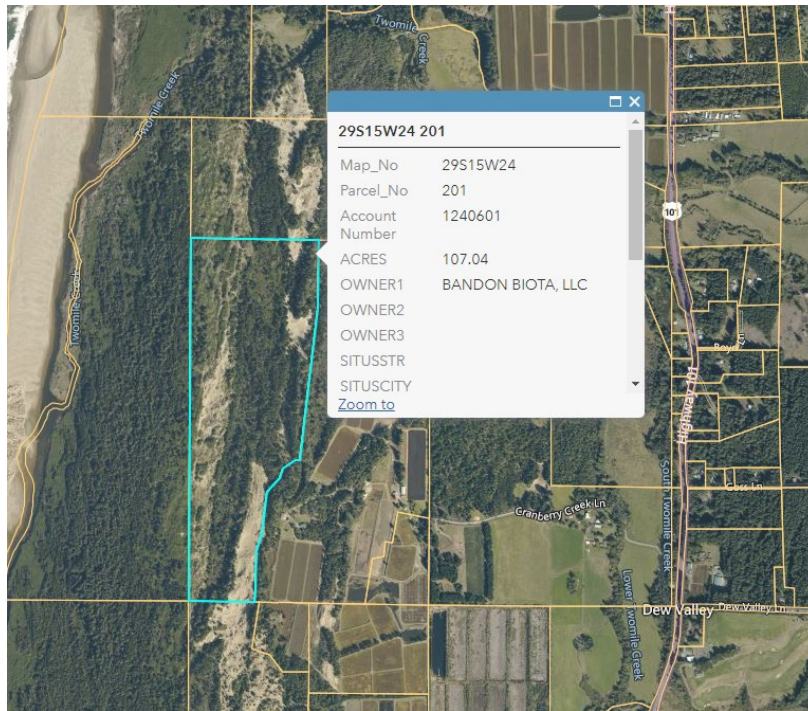
On August 8, 1987, a verification letter (VL-97-385). On December 10, 1996, a verification letter (VL-96-570) for repair/replacing existing septic. On December 23, 2002, a property line adjustment (unnumbered). On September 29, 2006, a property line adjustment (PLA-06-074). On July 28, 2021, an Amendment/Rezone (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 CONSIDERATIONS: BEACH EROSION & DEPOSITION (HZB)
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

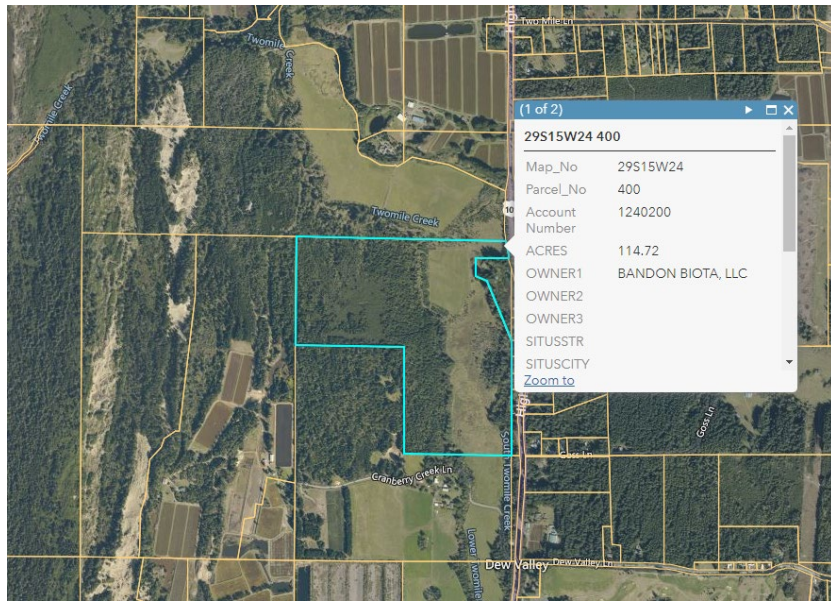
On July 28, 2021, an amendment/rezone (AM-21-002/RZ-21-002) was issued to rezone the portion of the Forest zoning district to Exclusive Farm Use. This property does not contain any development according the assessment records



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

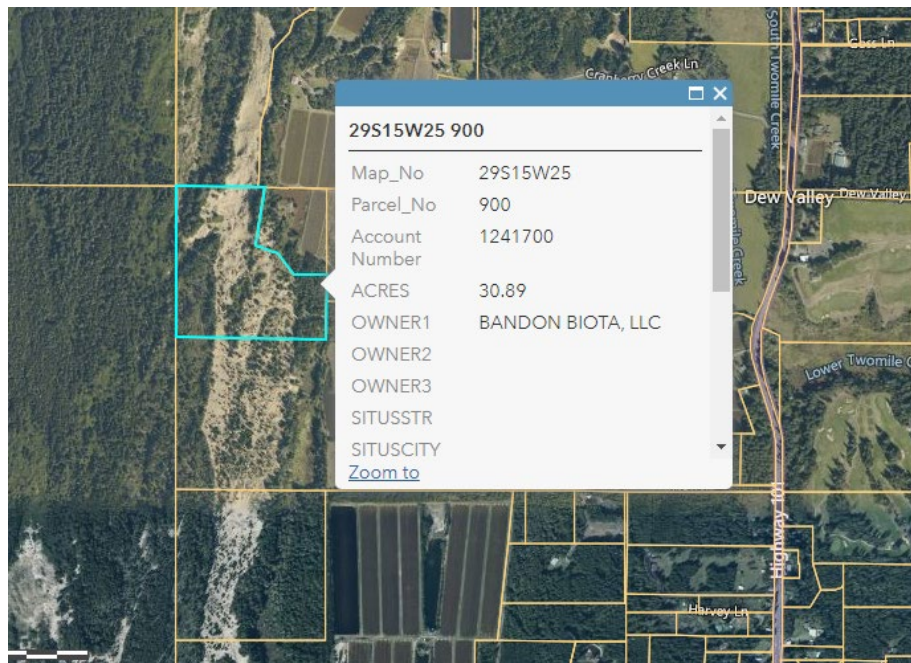
On October 23, 2003, an administrative conditional use (ACU-03-035) for \$40,000 farm income test dwelling on less than high value farmland. On November 6, 2003, a zoning compliance letter (ZCL-03-546) to site single family dwelling. On September 29, 2006, a property line adjustment (PLA-06-070), which 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

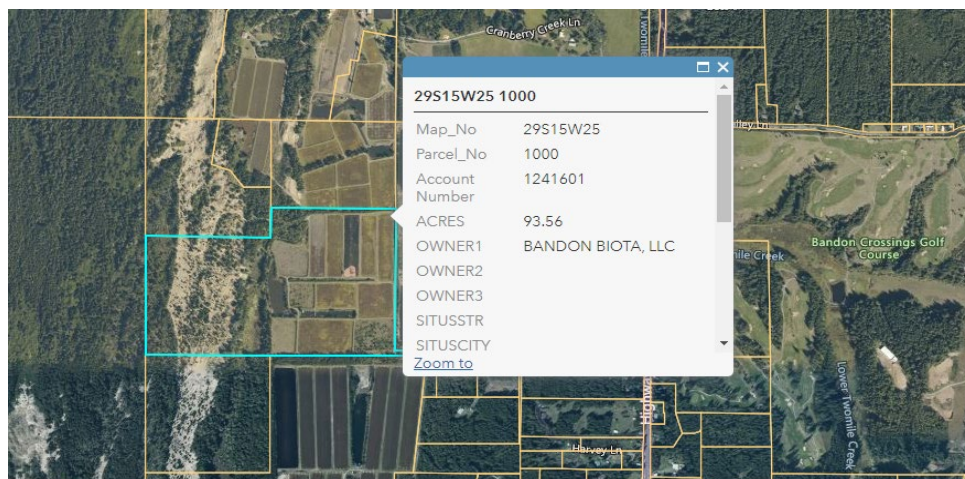
On August 18, 1986, an administrative conditional use (ACU-86-055) for a second dwelling in conjunction with agricultural use. On May 8, 1989, an administrative conditional use (ACU-89-022) for a cranberry farm expansion. On May 14, 2003 property determined lawfully created. The development was not on 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

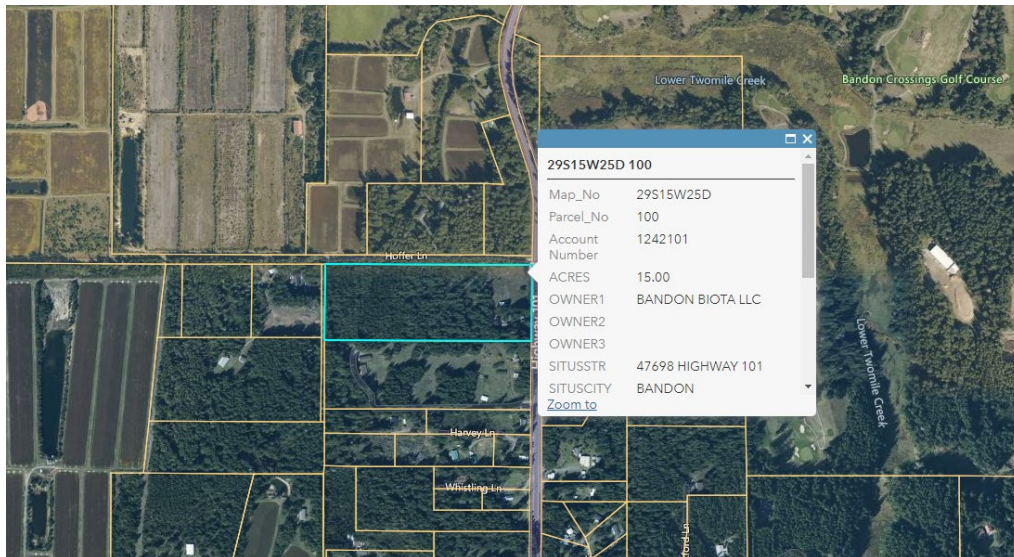
On July 2, 1980, a verification letter for single family dwelling. It appears this was not constructed as there are no improvements on this property. Improvements were confirmed using the assessor records.



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

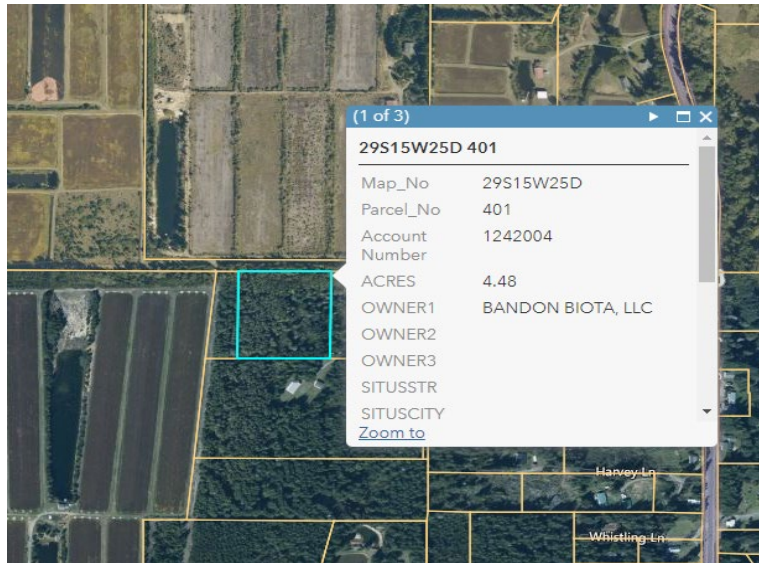
On February 12, 1982, a permit to site mobile home in forest portion of property.
 On October 13, 2005, an administrative conditional use (ACU-05-52) for a commercial stable in the Forest zone. On November 21, 2019, a zoning compliance letter (ZCL-19-369) for clearance to replace the existing single 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

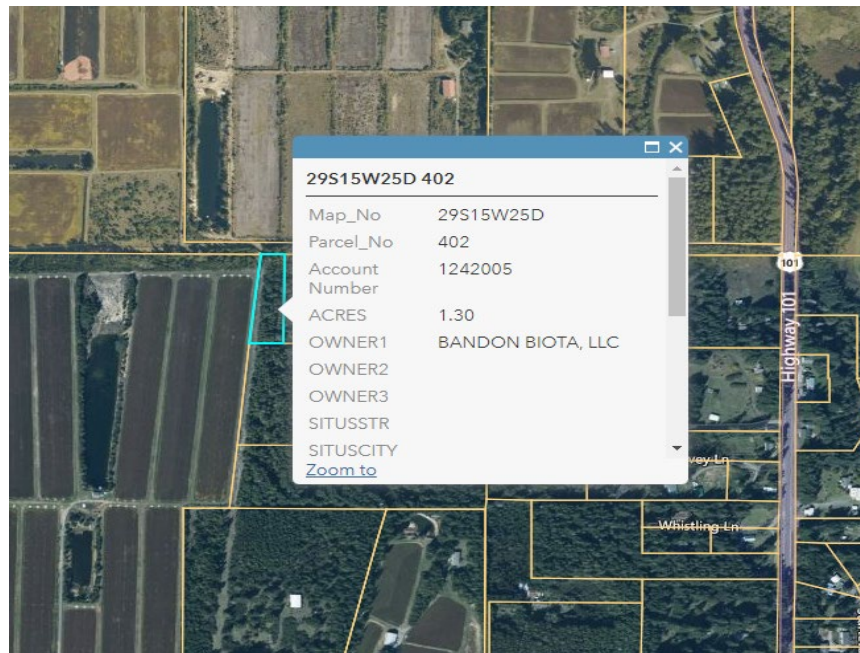
In 1979 a septic evaluation was approved and on June 30, 1883, a hearing body conditional use (HBCU-83-06) was approved to site a Non-Farm Dwelling. The dwelling was not constructed



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

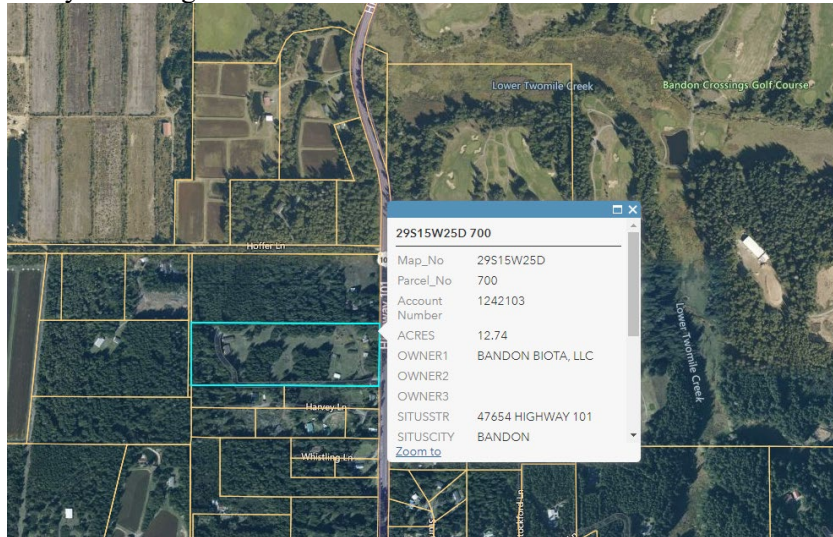
No prior land use activity on the subject property.



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 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.

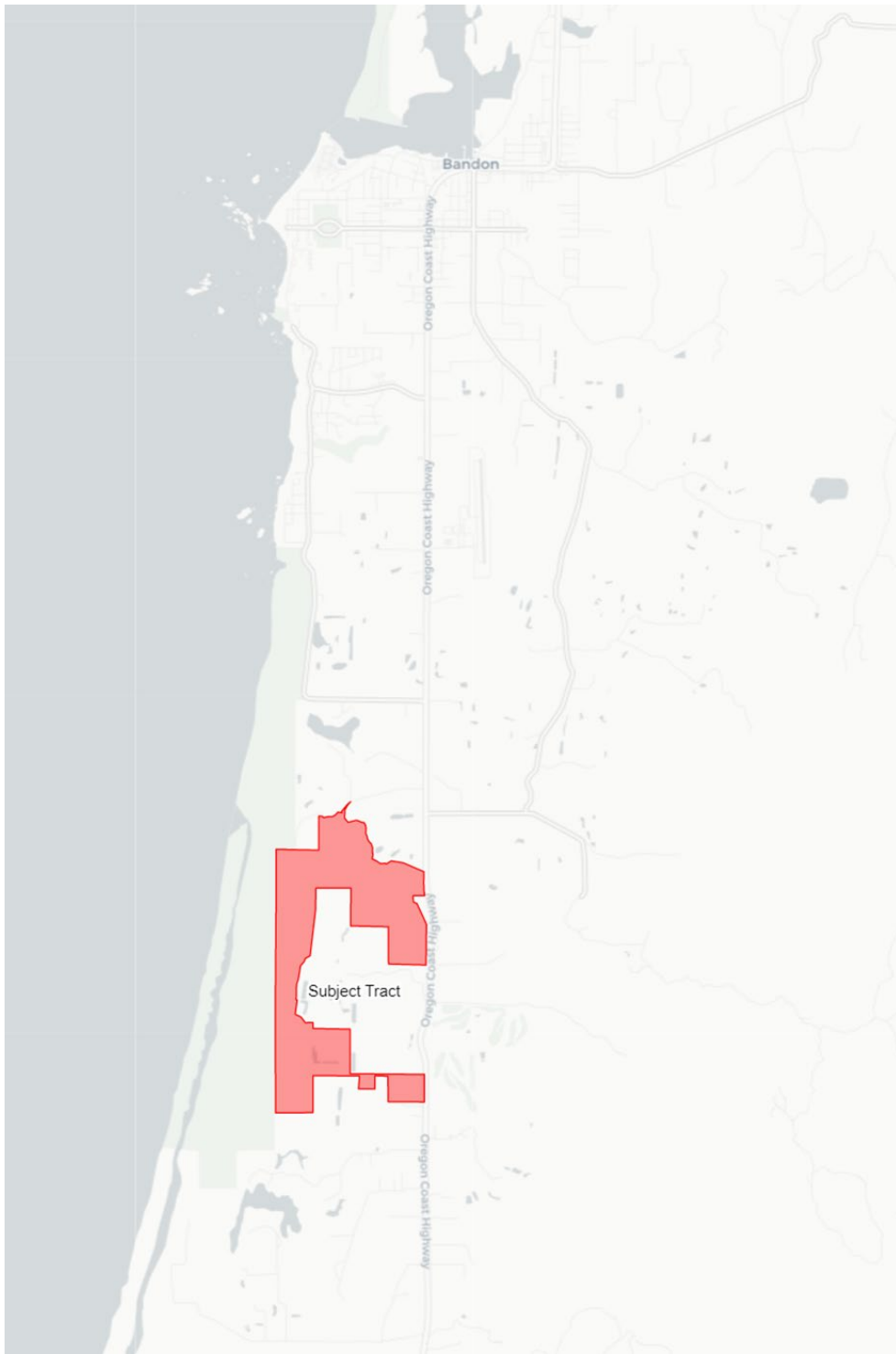
B. SURROUNDING LAND USES:

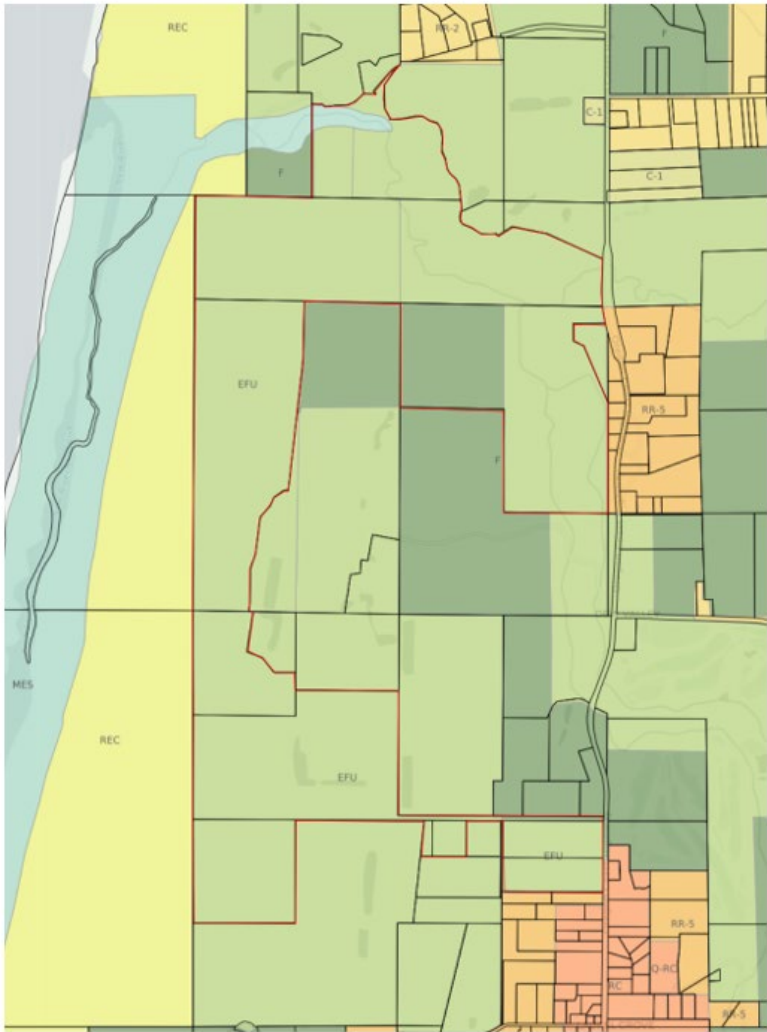
Based on aerial imagery, the subject tract is currently covered with timber with sparse areas of light understory forest vegetation, bottom lands fields used for either livestock or hay production, non-active cranberry bogs, residential development, and open sand dunes.

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.

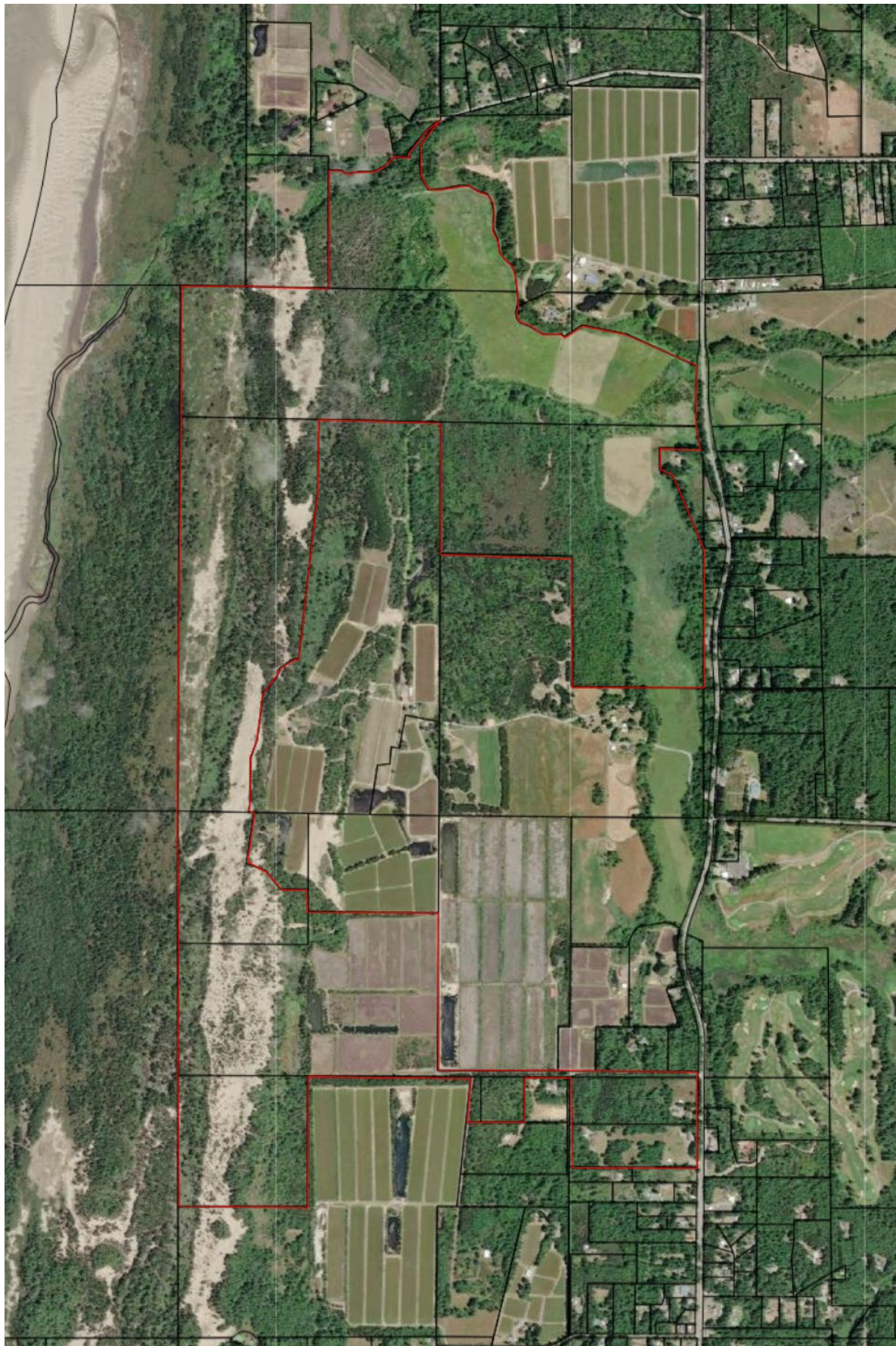
There are Rural Residential-2 zoned parcels located near the proposed public entrance of the golf course. There is Rural Residential-5 zoned parcels located east of section 24 – tax lot 400 on the east side of Highway 101. There is a combination of Rural Center and Rural Residential-5 zoned parcels located 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.

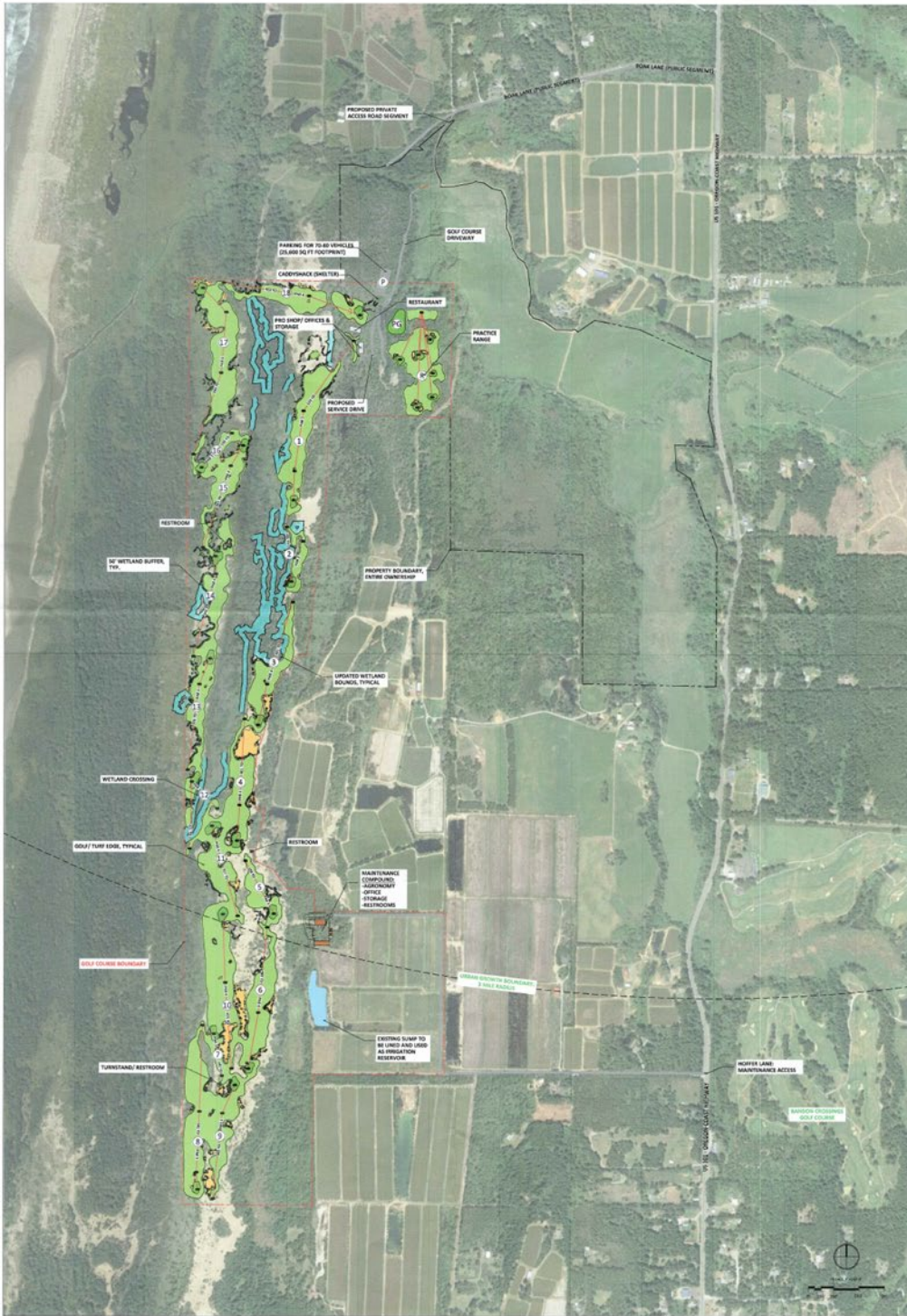




- Commercial
- Controlled Development 10
- Controlled Development 5
- City Zoning
- City Estuary Plan - Aquatic
- City Estuary Plan - Shoreland
- Coos Bay Estuary Plan - Aquatic
- Coos Bay Estuary Plan - Shoreland
- Coquille River Estuary Plan - Aquatic
- Coquille River Estuary Plan - Shoreland
- Exclusive 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

REVISID

NEW RIVER DUNES GOLF COURSE

REVISID

DAVID MCLAY KIDD

C. GENERAL PROPERTY COMPLAINE

i. **COMPLIANCE PURSUANT TO SECTION 1.1.300:**

It shall be unlawful for any person, firm, or corporation to cause, develop, permit, erect, construct, alter or use any building, structure or parcel of land contrary to the provisions of the district in which it is located. No permit for construction or alteration of any structure shall be issued unless the plans, specifications, and intended use of any structure or land conform in all respects with the provisions of this Ordinance, unless approval has been granted by the Hearings Body.

STAFF RESPONSE: Staff has reviewed the property history and the County files at the time of this report; the properties are complaint with the Coos County Zoning and Land Development Ordinance. This does not mean that there is not additional information that was unavailable during this review that would make the properties non-complaint.

ii. **SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:**

“Lawfully established unit of land” means:

1. *The unit of land was created:*

- a. *Through an approved or pre-ordinance plat;*
- b. *Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;*
- c. *In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.*
- d. *By a public dedicated road that was held in fee simple creating an interviewing ownership prior to January 1, 1986;*
- e. *By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.*
- f. *By the claim of intervening state or federal ownership of navigable streams, meandered lakes or tidewaters. “Navigable-for-title” or “title-navigable” means that ownership of the waterway, including its bed, was passed from the federal government to the state at statehood. If a waterway is navigable-for-title, then it also is generally open to public use for navigation, commerce, recreation, and fisheries.*

STAFF RESPONSE: The units of land was created pursuant to Section 6.1.125.1.e, by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation. Therefore, staff concludes the property is a lawfully created lot.

D. COMMENTS: Staff requested comments from Department of Land Conservation, Department of State Lands, Oregon Department Agriculture, Oregon Department of Transportation and Coos County Public Works. The Comments have been included as part of this packet.

E. 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.

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.

II. KEY DEFINITIONS:

- *ACTIVITY: Any action taken either in conjunction with a use or to make a use possible. Activities do not in and of themselves result in a specific use. Several activities such as dredging, piling and fill may be undertaken for a single use such as a port facility. Most activities may take place in conjunction with a variety of uses.*
- *DEVELOP: To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights to access.*
- *DEVELOPMENT: The act, process or result of developing.*
- *USE: The end to which a land or water area is ultimately employed. A use often involves the placement of structures or facilities for industry, commerce, habitation, or recreation.*
- *ZONING DISTRICT: A zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed.*
- *DWELLING: Any building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.*

III. 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.	<i>Golf courses not on high-value farmland as defined in ORS 195.300. (new golf course prohibited on High Value)</i>	<i>HBCU (2), (5), (20)</i>
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- (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.*

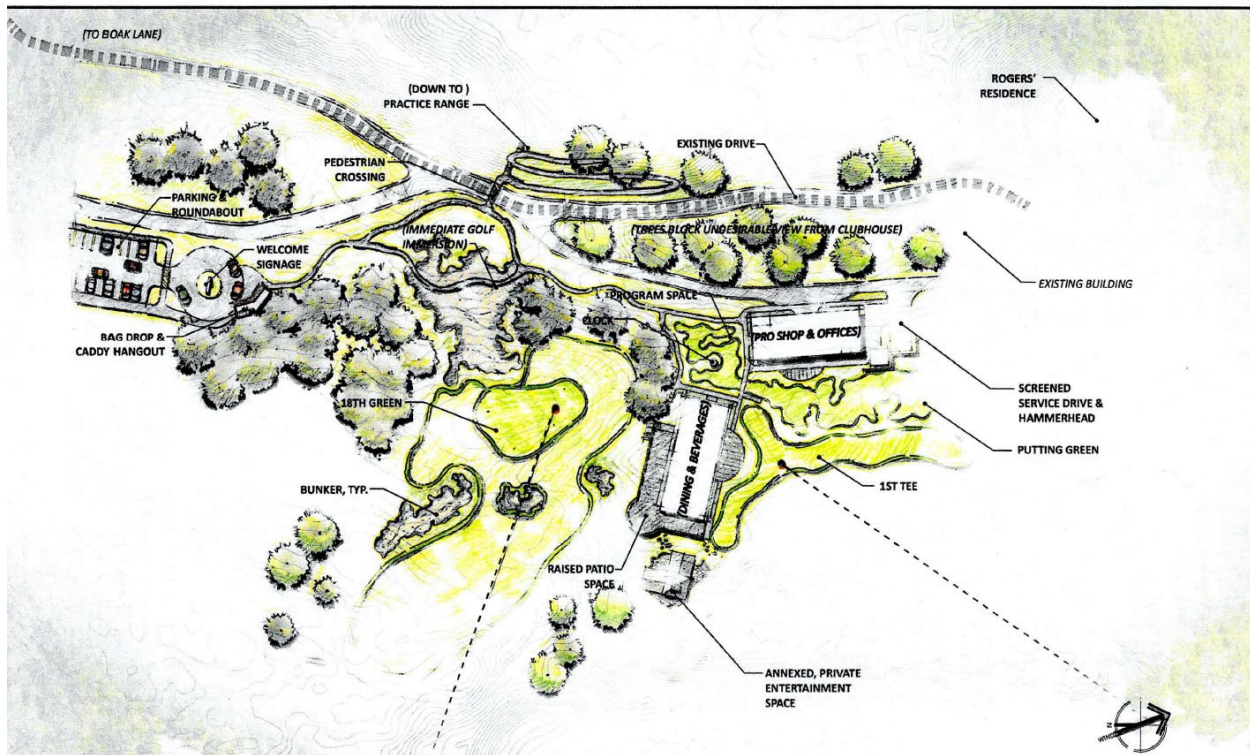
STAFF RESPONSE: *The applicant stated the following in regards to “These standards have been addressed above under OAR 660-033-0130 (2)(a)(b) and (c)”. The applicant did not address most of the County’s ordinance but addressed State OAR’s individually and references their responses for to these sections.*

Planning Staff initially deemed incomplete this application 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.

The applicant included a letter from Scott Edwards Architecture and the applicant stated that the letter was “verifying that the proposed development should adequately comply with the required design capacity of 100 persons or less”.

The letter from Sidney Scott, Scott Edwards Architectural, states “the proposed enclosed structures for the New River Dunes Golf Course should adequately comply with the required Design Capacity of 100 persons or less”. The letter is addressing the proposed general occupancy for restaurant/clubhouse with pro-shop, caddy shack, turn-stand, and agronomy structures.

However, the letter from Sidney Scott did not include any building plans for structures, or any other sketches of the proposed structural development. The applicant submitted a conceptual site plan as addendum exhibit “D”, but the plan does not indicate the proposed sizes or square footages of the structures. The site plan is shown below.



There was no evidence submitted by the applicant supporting the statements that the proposed structure will be under the 100-person in design capacity. Two important Land Use of Board of Appeals (LUBA) cases regarding proposed golf courses within 3 miles of a City's Urban Growth Boundary are Oregon Coast Alliance vs Curry County, LUBA No. 2015-006 and Oregon Coast Alliance vs Curry County, LUBA No. 2015-080.

LUBA did issue some critical guidance for approval. Their Final Opinion instructed *“at the time of conditional use permit approval, the county may approve the permit only if it finds that the total “design capacity” of all enclosed structures will not exceed 100 persons. To make that finding a design of some sort is likely a prerequisite. That finding also likely requires evidentiary support in the form of testimony of the architect or building designer, and calculations or explanations establishing the designed capacity of the structure”*.

LUBA pointed out in prior case the following *“as we understand it, the clubhouse has not yet been designed, and there are no plans or other specific information in the record regarding the design or capacity of the restaurant, lounge, and other areas of the clubhouse or other structures. It may well be that plans of some sort, beyond the general description of the proposed clubhouse at Record 279, will be needed for an architect or building designer to provide testimony or other evidence to establish that the proposed buildings do not have a “total design capacity of more than 100 people.” Absent such plans, testimony and information, the county has no basis on which to determine that the proposed structures comply with OAR 660-033-23 0130(2)(a)”*.

The County shall make findings that the proposed structures will not exceed 100-person capacity and those findings needs to be based on evidentiary support. The applicant has stated that the Planning Director may approve these structures as future Compliance Determinations; however, there is no legal pathway for this zoning district that allows that process to take place.

The County should find absent additional evidence or testimony that the applicant has not sufficiently addressed the capacity or structural requirements. If the applicant fails to provide this information at the hearing the Planning Commission may continue the meeting to request additional evidence to support the statements or deny the application for failure to meet the burden of evidence. Any future proposals related to the golf course shall be subject to the appropriate Review Authority established by the use tables in the Coos County Zoning and Land Development Ordinance.

(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.

STAFF RESPONSE: Again, the applicant choose to address the County's ordinance by referencing their responses for OARs. They only state that "*The county criteria has been addressed above under OAR 660-033-0130 (5)(a) and (b)*".

The applicant stated that the surrounding property to the north, south, and west of the proposed golf course "*are not devoted to either farm or forest uses*". When looking at an impact study to consider if a use will not force a significant change in accept farm or forest practices on surrounding lands devoted to farm or forest uses and a significant increase in cost of accepted farm or forest practices on surrounding land devoted to farm and forest uses you have to consider the following:

- Establish what is meant by surrounding lands;
- What uses are currently occurring on the surrounding properties identified in the first bullet;
- What are considered accepted farm and forest practices;
- How will the prosed uses change or impact the accepted farm and forest practices, and if it does what will be the cost to that change on those applicable surrounding properties identified in the first two bullets.

The county typically established the buffer of surrounding properties based on the notification range (notice to adjacent properties within 750 feet). Within the 750 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 has to be significant which is for the county to decide base on evidence.

According to Oregon Department of Agriculture:

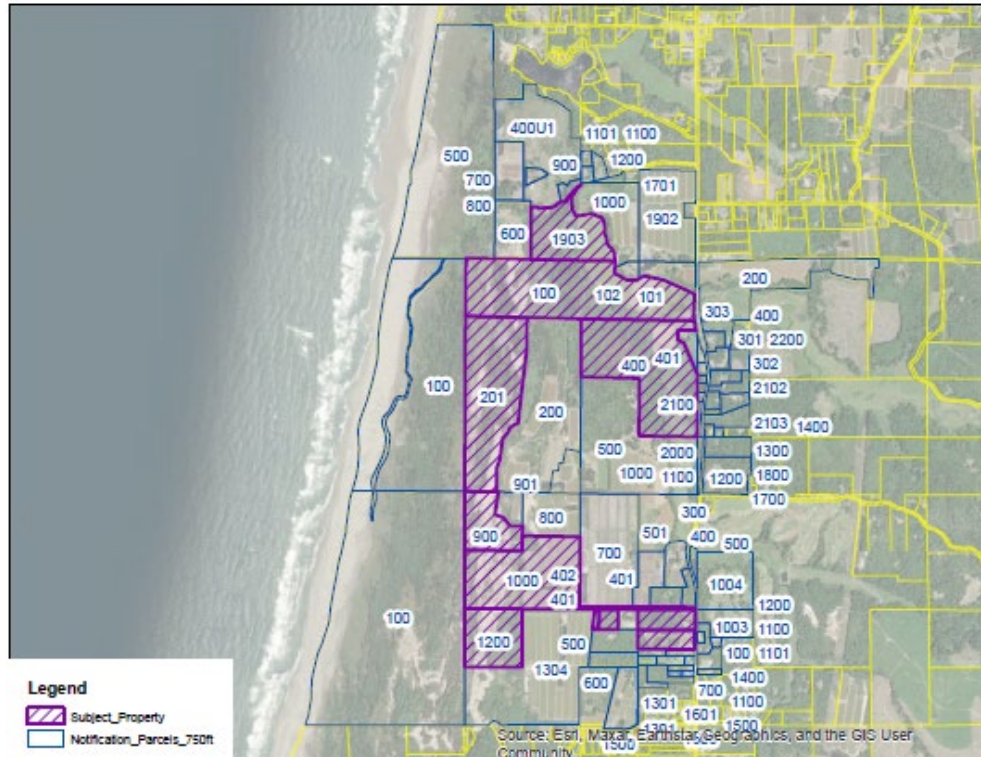
Protected practices include farming or forest practices that are characterized by one or more of the following:

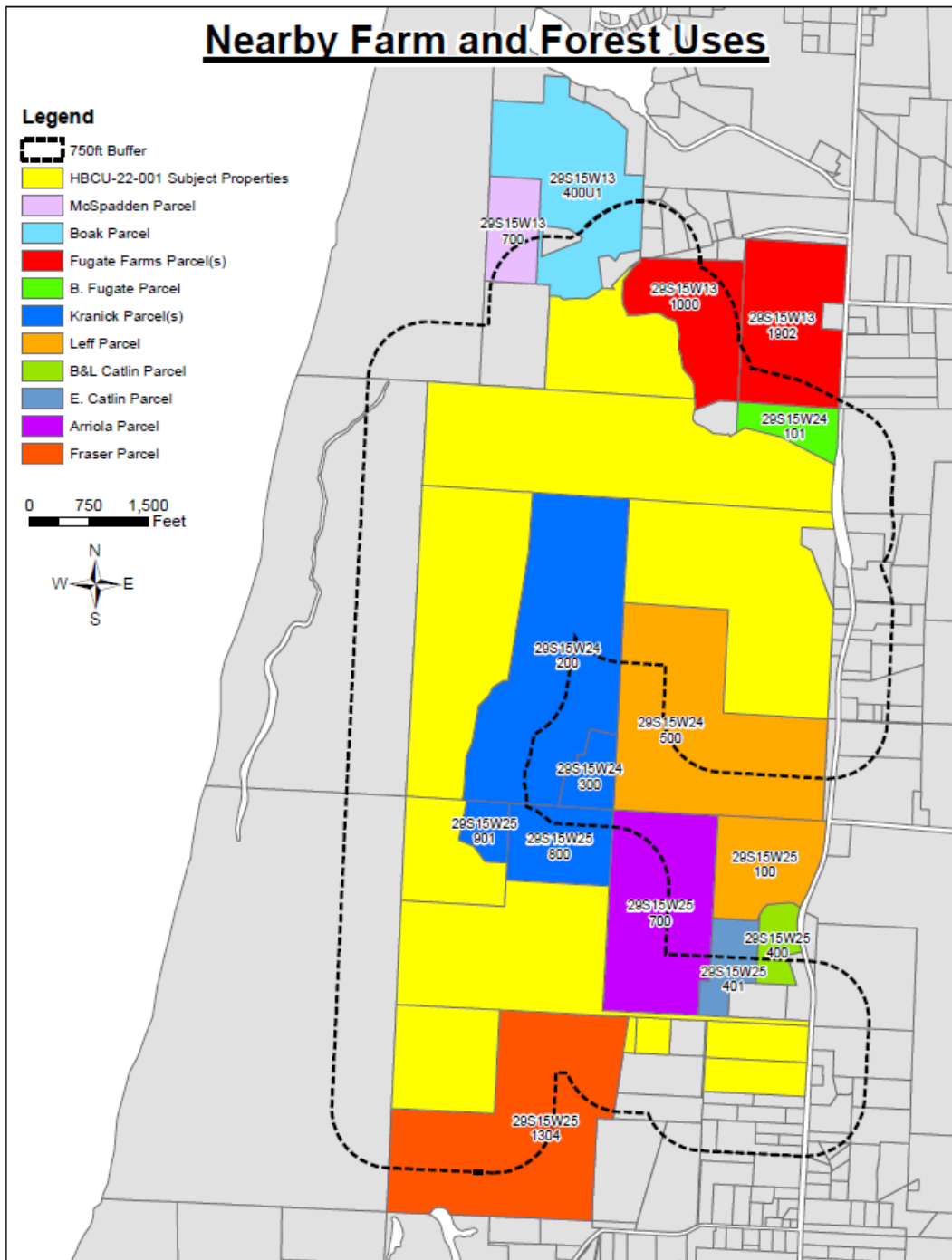
- *Are or may be used on a farm or forestland of similar nature*

- *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 subject tract is a ‘C’ shaped tract as shown on the notification map.





The applicant states that there is *“no viable commercial farm or forest use”* on the parcels towards the west of the subject property. The lands are owned by State Parks and Recreation Department and part of the Bandon State Natural Area. Oregon Parks and Recreation Department manages this area for a combination of public recreation, beach access and habitat protection of the Western

Snowy Plover¹. Staff does not disagree with the statements the applicant has made regarding this property.

The applicant stated that *“the land to the south is private open space land with no existing commercial farm or forest uses”*. However, based on a combination of aerial imagery and Assessor records, Staff is able to confirm the unit of land (Map Number 29-15-25-1304, the Fraser parcel) immediately to the south of the subject tract is being utilized for commercial cranberry farming. There are approximately 20.7 acres of cranberries currently being farmed on this parcel. Staff is deriving this acreage from Oregon Water Resources Department permit #G11595 along with aerial images and property history.

The applicant stated the following about the land to the north: *“The land to the north contains open space state park lands and a private ownership with a single-family residential use”*. Based on OWRD records and aerial imagery, there are two cranberry farming operations north of the subject tract. These would be the McSpadden unit (Map Number 29-15-13-700) and the Boak unit of land (Map Number 29-15-13-400). The Boak property also has harvested timber in the last ten years. Based on aerial imagery, Staff estimates there was a 30-acre timber harvest unit on this parcel.

The stated the following about the agricultural uses on the lands to the east: *“The land to the east has historically been utilized for commercial agriculture. At one time in the recent past there were a minimum of four independent cranberry farms located east of and along the southerly two thirds of the proposed golf course area. Due to market conditions, two of the four farms ceased operations. There are now two viable farm operations adjacent to the proposed golf course and one of the farms that ceased operations appears to be replanting a portion of the original cranberry bogs.”*

The Fugate Farms unit (Map Numbers 29-15-13-1000 & 1902) currently has approximately 50-60 acres under cranberry production. There is another unit (Map Number 29-15-24-101) owned by a different Fugate that has approximately 5 to 7 acres in cranberry production.

The proposed golf course directly abuts the Kranick unit (Map Numbers 29-15-24-200 & 300, 29-15-25-800 & 901) which has approximately 40 to 50 acres that are capable of cranberry production. This farm is located adjacent to the southeastern portion of the subject tract. It is unclear if they are utilizing this property for Farming.

Located adjacent to the southeastern portion of the subject tract is the Arriola unit (Map Number 29-15-25-700). The Arriola property has water rights and irrigation infrastructure developed for 55 acres of cranberry production. This property did sell less within the last year and the current property owner participated in the County 2022 cost-share program for noxious weed control and shared the property is currently going through some reconditioning for cranberry production.

The last two units of land within the study area do not appear to be used for Farm or Forest purposes at this time. They are identified as the Nelson unit (Map Number 29-14-19-200) and Leff unit (Map Numbers 29-15-24-500 & 29-15-25-100). However, that does not mean they are not capable of Farming or Forest practices given the size.

¹ *Charadrius alexandrinus nivosus* is a small wader in the plover bird family. It breeds in the southern and western United States and the Caribbean. On March 5, 1993, the Western Snowy Plover was listed as a threatened species under the Endangered Species Act of 1973. As of June 19, 2012, the habitat along the California, Oregon, and Washington Coasts have been listed as critical.

The applicant provide the following information to support that *there will be no change or cost increase to adjacent farm and forest uses*: *“The development and maintenance of a golf course is essentially a farm activity consisting of seeding, irrigating, fertilizing, and mowing specialty grasses at various lengths. These farm type activities are very similar to the management of grazing land or land upon which various types of hay or grass crops are produced. Those types of agricultural uses are permitted outright in conjunction with or adjacent to cranberry operations, as it is generally recognized by Oregon statute that one type of agricultural use or farm activity is essentially compatible with other types of farm uses and activities. There is no reason to believe that the development of a golf course, or the day-to-day maintenance of the course will conflict with other types of adjacent farm uses, and specifically the production of cranberries that employs similar management practices and activities. Conclusion: There are no nearby commercial forest practices occurring that could be impacted by the proposed golf course. The management activities associated with a golf course are so similar to other types of agricultural practices, that they can only be deemed as compatible. It is therefore reasonable to conclude that the proposed golf course will not force a significant change in accepted farm practices on surrounding lands devoted to farm use.”*

Staff can see the relationship between groundskeeping and agricultural use but Golf Course are defined as recreational uses not agricultural uses. They can be accommodated on nonhigh value farmland providing they can meet the criteria including the impacts analysis required to address impacts to actual farm and forest operations. Coos County’s Zoning and Land Development Ordinance recognizes golfing as a recreational leisure activity, not any type of farming activity. Remember the question is if the use will impact the surrounding accepted farm and forest uses.

The applicant provides further justification that *“there is no reason to believe that the development of a golf course, or the day-to-day maintenance of the course will conflict with other types of adjacent farm uses, and specifically the production of cranberries that employs similar management practices and activities”*.

The applicant did address some basic criteria regarding traffic to the subject property. However, the applicant did not state how the increase in traffic from the proposed development will affect farm and forest activities along Boak and Hoffer Lane. The Coos County Roadmaster will need to sign off on any traffic and parking plan. Staff suggested the applicant provide more evidence to address adjacent Farm and Forest Use prior to receiving a favorable decision.

- (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;

STAFF RESPONSE: The applicant’s stated the following *“These standards have been addressed above under OAR 660-033-0130 (20)(a)(b)(c) and (d)”*. However, the applicant shall respond to the acknowledged Coos County Zoning and Land Development Ordinance. Based on the plot plan, attached with the application, the applicant appears to be requesting an 18-hole golf course, with a practice range and putting green. The applicant submitted excessive testimony about how to calculate the acreage of the golf course. The applicant also stated that the golf course *“will contain approximately 120 acres of vegetated surface (Tees, Greens, Fairways), with approximately 175 acres of surrounding open space, with two to three acres containing structural improvements”*.

Staff added up the playable distances of the 18 holes, the total distance is 6608 yards. There is an applicable LUBA ruling (Oregon Coast Alliance v. Curry County, 71 Or LUBA 297) that does not impose a strict upper limit of 150 acres. However, the “surrounding open space” land is essentially part of the golf course. It will not be usable EFU lands. The proposed golf course is effectively near 300 acres.

The applicants are proposing to construct an 18-hole golf course with approximately 6608 playable yards and near 300 acres of lands devoted to the golf course. The applicant seems to have addressed the size and complies with the meaning of the Golf Course.

(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;

STAFF RESPONSE: The applicant is proposing a regulation Golf Course. Therefore, this subsection does not apply.

(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.*

STAFF RESPONSE: The applicant stated the following “These standards have been addressed above under OAR 660-033-0130 (20)(a)(b)(c) and (d)”. The applicant is requesting to construct as clubhouse/restaurant with parking, an agronomy center/maintenance facility, a turn-stand (combination restrooms/vendor facility), a minimum of two stand-alone restrooms, a caddy shack, and a practice range.

As long as the structures are restricted to allow only to the people using the golf course and the employees working at this specific golf course these can be permitted. During the previous rezoning hearing, the applicant’s representative stated the restaurant will be opened the general public. The

restaurant shall not be able to be opened to the general public. The customers of the restaurant will be restricted to golfers and onsite employees.

Staff initially deemed the application incomplete because no building plans or Beaches and Dunes site investigation report was provided. The applicant submitted responses that Staff could approved those through future Compliance Determinations. However, there is no legal pathway for this process to take place in this particular zoning district. The zoning tables make it clear who the reviewing authority is and the type of application that is required. It is difficult to make an approval recommendation to the Planning Commission as the applicant has not provide a plot plan showing all of the accessory uses and structures; therefore, the applicant shall provide a plan to the Planning Commission for approval and if one is not available at the time of the hearing staff recommends that Planning Commission continue the meeting until the applicant is able to provide the plot plan or deny the application if one can not be made available.

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.

STAFF 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.

STAFF RESPONSE: The proposed structures and dwellings will need to comply with all setbacks if approve.

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

STAFF 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.*

STAFF RESPONSE: This 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.*

STAFF RESPONSE: The applicable 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.*

STAFF 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*

STAFF 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.*

STAFF 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]*

STAFF 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.*

STAFF RESPONSE: All applicable riparian setbacks will be met and maintained.

IV. 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.

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.*

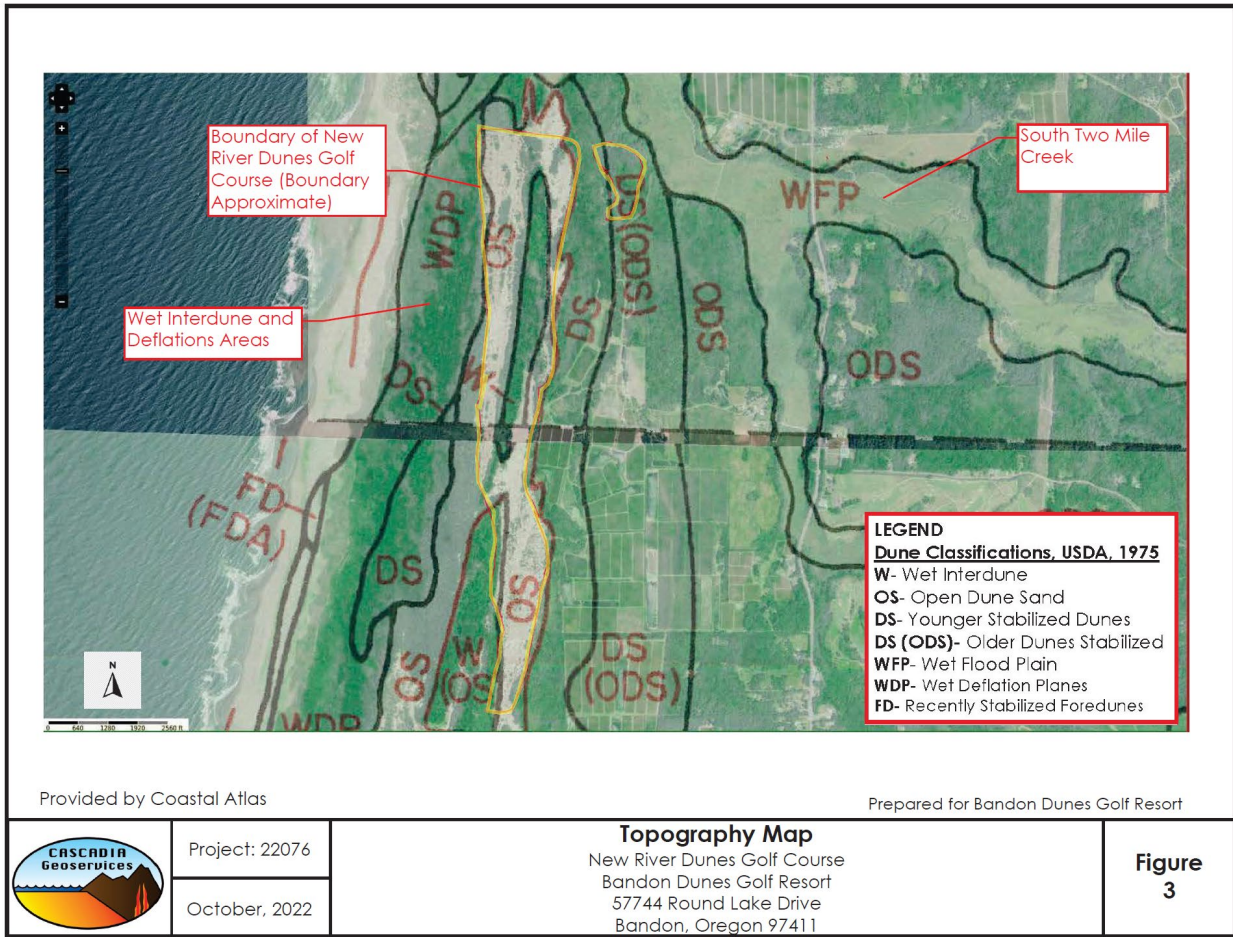
ii. Further, Coos County shall cooperate with affected local, state and federal agencies to protect the groundwater from drawdown, which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies. Coos County shall cooperate with state and federal 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.*

STAFF 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”.

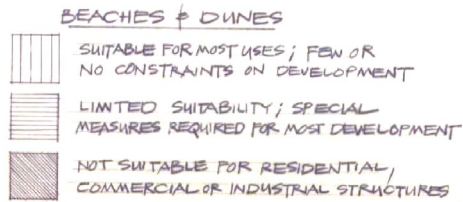
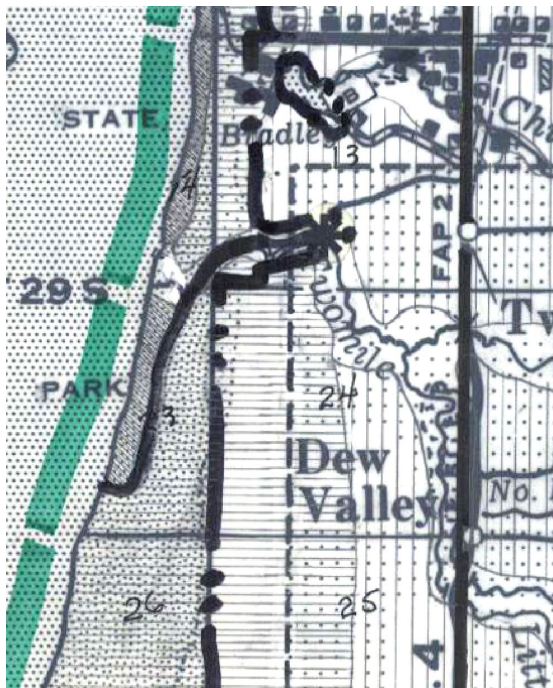
Below is the reference table that relates to the USDA mapping classifications compared to the Goal 18 dune classifications.

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 Foredunes	FDA	A growing barrier ridge of sand paralleling the beach which lies immediately above the high tide line.
Recently Stabilized Dunes	Foredunes	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 Foredunes	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.

The applicant did submit a technical memorandum from Eric Oberbeck, CEG #1332, with Cascadia Geoservices. The technical memo is only three pages and simply states that *“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”*.

No evidence was provided to discuss the impacts from the development but more generalized statements were made. The proposal is for ground disturbance of approximately 120 acres of dunes, mostly Open Dune Sand (OS) which are active dune formations. The Coos County Comprehensive Plan and the Zoning & Land Development Ordinance directly references that:

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.*

Development is further defined by the County ordinance as the following:

- **DEVELOPMENT:** *The act, process or result of developing.*
- **DEVELOP:** *To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights to access.*

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.

4.11.130 Non-Estuarine Shoreland Boundary (Balance of County Policy 5.10)

The Coastal Shoreland Boundary map has inventoried the following:

- *Coastal Shoreland Boundary*
- *Beach Erosion*
- *Coastal Recreation Areas*
- *Area of Water-Dependent Uses*
- *Riparian Vegetation*
- *Fore Dunes*
- *Head of Tide*
- *Steep Bluffs over 50% Slope*
- *Significant wetland wildlife habitats*
- *Wetlands under agricultural use*
- *Areas of Exceptional Aesthetic or Scenic Quality and Coastal Headlands*
- *Headland Erosion*

Purpose Statement:

Protection of major marshes (wetlands), habitats, headlands, aesthetics, historical and archaeological sites: Coos County shall provide special protection to major marshes, significant wildlife habitat, coastal headlands, exceptional aesthetic resources, and historic and archaeological sites located within the Coastal Shorelands Boundary of the ocean, coastal lakes and minor estuaries. This strategy shall be implemented through plan designations and ordinance measures that limit uses in these special areas to those uses that are consistent with protection of natural values, such as propagation and selective harvesting of forest products, grazing, harvesting wild crops, and low intensity water-dependent recreation. This strategy recognizes that special protective consideration must be given to key resources in coastal shorelands over and above the protection afforded such resources elsewhere in this plan.

Coos County shall consider:

- i. *"Major marshes" to include certain extensive marshes associated with dune lakes in the Oregon Dunes National Recreation Area and wetlands associated with New River as identified in the Inventory text and maps, and on the Special Considerations Map;*

- ii. *"Significant wildlife habitat" to include "sensitive big-game range", Snowy Plover nesting areas, Bald Eagle, and Osprey nesting areas, Salmonid spawning and rearing areas, and wetlands;*
 - iii. *"Coastal headlands" to include Yoakum Point, Gregory Point, Shore Acres, Cape Arago south to Three-Mile Creek, Five Mile Point, and Coquille Point;*
 - iv. *"Exceptional resources Aesthetic or Scenic Quality" to include the coastal headlands identified above, and other areas identified in the Coastal Shorelands Inventory Map; and*
 - v. *"Historical, cultural and archaeological sites" to include those identified in the Historical, Cultural and Archaeological Sites Inventory and Assessment.*
- a. *Uses allowed within the Coastal Shoreland Boundary: This strategy recognizes: (1) that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration; and (2) that Statewide Planning Goal #17 places strict limitations on land divisions within coastal shorelands.*
- i. *Uses within the Coastal Shoreland Boundary: Coos County shall manage its rural areas within the "Coastal Shorelands Boundary" of the ocean, coastal lakes and minor estuaries through implementing ordinance measures that allow the following uses:*
 - a) *Farm uses as provided in ORS 215;*
 - b) *Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act.*
 - c) *private and public water dependent recreation developments;*
 - d) *aquaculture;*
 - e) *water-dependent commercial and industrial uses and water-related uses are allowed only upon finding by the Board of Commissioners that such uses satisfy a need, which cannot otherwise be accommodated on shorelands in urban and urbanizable areas;*
 - f) *single family residences on existing lots, parcels, or units of land when compatible with the objectives and implementation standards of the Coastal Shorelands goal, and as otherwise permitted by the underlying zone; or*
 - g) *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 Statewide Planning Goal #17 to protect riparian vegetation and wildlife habitat;*
 - c. *The "other" use complies with the implementation standard of the underlying zone designation; and*
 - d. *In addition, the above uses shall only be permitted upon a finding that such uses do not otherwise conflict with the resource preservation and protection policies established elsewhere in this plan.*
 - ii. *A site plan and design review is only necessary when required in Coos County Comprehensive Plan Volume I Part 2 § 3.5: Structures associated with the above uses, with the exception of farm and forest uses, shall only be permitted after an Administrative Conditional Use Review or higher review addressing the criteria and requirements of this*

subsection below and upon a finding that such uses do not otherwise conflict with the Special Development Considerations and Overlay Zones found in this Ordinance.

a) Site Review and Approval Criteria.

Construction, site development and landscaping shall be carried out in substantial accord with the plans, drawings, sketches and other documents as approved.

Nothing in this subsection shall be construed to prevent ordinary repair, maintenance and replacement of any part of the building or landscaping which does not involve a substantial change from the purpose and objectives of this section. Proposed "substantial changes" shall be submitted to the Planning Director for approval.

All variances from the site development criteria which are deemed necessary by the applicant shall be requested pursuant to ARTICLE 5.3.

These standards are intended to provide a frame of reference for the applicant to the development of a site and building plans as well as a method of review. These standards shall not be regarded as inflexible requirements, nor do they advocate any particular architectural style, for they are intended to encourage creativity, invention and innovation. The following standards shall be utilized in reviewing the plans, drawings, sketches and other documents required under for this review:

- 1. Landscaping*
 - a. The landscape shall be such to minimize soil erosion and lessen the visual impact;*
 - b. Any grade changes shall be in keeping with the general appearance of neighboring developed areas.*
- 2. Structures*
 - a. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings;*
 - b. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.*
- 3. Drives, Parking and Circulation*

With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to the location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and must comply with the standards found in Chapter VII. The Roadmaster is responsible for determining compliance with this subsection.
- 4. Surface Water Drainage*

Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties, the public storm drainage system, or create environmental problems.
- 5. Utility Service*
 - a. Whenever feasible, electric, telephone and other utility lines shall be underground;*
 - b. Any utility installations remaining above ground shall be located so as to*

- have an harmonious relation to neighboring properties and the site;*
- c. *The proposed method of sanitary sewage disposal from all buildings shall be indicated.*

b) *Application Submittal and Review Procedure.*

- 1. *Submission of Documents - A prospective applicant for a building or other permit who is subject to site design review shall submit the following to the County Planning Director:*
 - a. *A site plan, drawn to scale, shows the proposed layout of all structures and other improvements;*
 - b. *A landscape plan, drawn to scale, showing the location of existing trees proposed to be retained on the site, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials;*
 - c. *Architectural drawings or sketches, drawn to scale, including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction;*
 - d. *Specifications as to type, color and texture of exterior surfaces of proposed structures including reflective surfaces of solar collectors;*
 - e. *An application request which shall include:*
 - 1) *Name and address of applicant;*
 - 2) *Statement of applicant's legal interest in the property (owner, contract purchaser, lessee, renter, etc.) and a description of that interest, and in case the applicant is not the owner, verification of the owner's consent;*
 - 3) *Address and legal description of the property;*
 - 4) *Statement explaining the intended request;*
 - 5) *The required fee; and*
 - 6) *Any other materials or information as may be deemed necessary to assist in evaluation of the request. The request will be made prior to deeming the application complete. However, if this review is before the hearings body they may request for additional information to ensure compliance.*
- 2. *Threshold Standard. The Planning Director has the discretion to waive part or all of the site plan requirements if, in the Director's judgment, the proposed development is "de minimis" in extent to the existing development.*

b. *Land Divisions within the Coastal Shoreland Boundary: This strategy recognizes that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration under Statewide Planning Goal #17. Coos County shall permit subdivisions and partitions within the "Coastal Shorelands Boundary" of the ocean, coastal lakes or minor estuaries in rural areas only upon finding by the governing body:*

- i. *That such land divisions will not conflict with agriculture and forest policies and ordinance provisions of the Coos County Comprehensive Plan and would be compatible with the objectives of Statewide Planning Goal #17 to protect riparian vegetation and wildlife and either;*
- ii. *That the new land divisions fulfill a need that cannot otherwise be accommodated in other uplands or in urban and urbanizable areas;*

- iii. *That the new land divisions are in a documented area, "committed" area; or*
 - iv. *That the new land divisions have been justified through a goal exception.*
- c. *Coastal Lakes and Minor Estuary Coastal Shorelands: Coos County shall consider the following general priorities for the overall use of ocean, coastal lake or minor estuary coastal shorelands (from highest to lowest):*
- i. *promote uses, which maintain the integrity of estuaries and coastal waters;*
 - ii. *provide for water-dependent uses;*
 - iii. *provide for water-related uses;*
 - iv. *provide for nondependent, nonrelated uses, which retain flexibility of future use and do not prematurely or inalterably commit shorelands to more intensive uses;*
 - v. *provide for development, including nondependent, nonrelated uses, in urban areas compatible with existing or committed uses;*
 - vi. *permit nondependent, nonrelated uses, which cause a permanent or long-term change in the features of coastal shorelands only upon a demonstration of public need.*

In addition, priority uses for flood hazard and floodplain areas shall include agriculture, forestry, recreation and open space uses, which are water-dependent. This strategy shall serve as a guide when evaluating discretionary zoning and land development actions. This strategy recognizes Statewide Planning Goal #17 requirements.

- d. *Non-structural solutions for erosion control: Coos County shall prefer non-structural solutions to problems of erosion and flooding to structural solutions in ocean, coastal lake or minor estuary shorelands. Where shown to be necessary, water and erosion control structures, such as jetties, bulkheads, seawalls, and similar protective structures and fill shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns. Implementation of this strategy shall occur through county review of and comment on state and federal permit applications for such projects. This strategy is based on the recognition that non-structural solutions are often more cost-effective as corrective measures but that carefully designed structural solutions are occasionally necessary.*
- e. *Riparian vegetation in Coastal Shoreland Boundary: Maintain, restore or enhancing riparian vegetation as consistent with water dependent uses requires a conditional use. Coos County shall maintain riparian vegetation within the shorelands of the ocean, coastal lakes, and minor estuaries, and when appropriate, restore or enhance it, as consistent with water-dependent uses. Variances to riparian vegetation setback shall not be permitted within the CSB unless it is to allow for a water dependent use as permitted by the zoning. If a property owner would like to remove vegetation in the Coastal Shoreland Boundary then a conditional use is required. The Planning Department will request comments from ODFW and DEQ regarding water quality and fish habitat. An applicant may provide reports from a qualified biologist.*

Timber harvest, if permitted in the zoning ordinance, shall be regulated by the Oregon Forest Practices Act. Where the County's Comprehensive Plan identifies riparian vegetation on lands in the coastal shorelands subject to forest operations governed by the FPA, the Act and Forest

Practices Rules administered by the Department of Forestry will be used in such a manner as to maintain, and where appropriate, restore and enhance riparian vegetation. This strategy shall be implemented by County review of and comment on state permit applications for waterfront development.

This strategy is based on the recognition that prohibiting excessive removal of vegetative cover is necessary to stabilize the shoreline and, for coastal lakes and minor estuaries, to maintain water quality and temperature necessary for the maintenance of fish habitat.

STAFF RESPONSE: The applicant initially stated that *“Pursuant to the Coos County Comprehensive Plan inventory maps, no portion of the golf course is located within a non-estuarine coastal shoreland boundary”*. However, Staff initially deemed incomplete the application since there the project is located within the inventoried mapped Coastal Shoreland Boundary at the northern part of the subject property.

The applicant submitted the following statements and a map showing an existing road, with bridge, though the CSB that will be utilized as the access to the proposed golf course. The applicant responded that *“The attached revised Master Plan shows the location of the road system providing access to the golf course. A Special Considerations map (Exhibit “A”) has also been submitted showing a limited segment of the existing access road where it crosses the Coastal Shoreland overlay. The road at that location contains a single lane concrete bridge that crosses Two-Mile Creek, and a single lane road continuing westerly before turning south. The only inventoried Coastal Shoreland feature at that location are significant wetlands associated with the Two-Mile Creek drainage, however, the existing single lane road passing though the CSB wetlands will not be improved outside of its current roadbed, and there will be no impact to the adjacent wetlands. This Coastal Shoreland criterion has therefore been addressed”*.



Staff has concerns that there appears to be an assumption that this access road, and bridge, meets the County definition for new commercial roads in the rural area. Road standards are based on uses and this will need to comply with a commercial use standard.

The applicant did not include any proof the road could be constructed to these standards without expanding the current “single lane” road and bridge to a 32’ paved roadway as required by Table 7.2A and a bridge that meets or exceeds the H-20 AASHTO loading requirement per Section 7.1.400 Bridge Standards. This will need to be addressed through an approved traffic plan.

4.11.132 Natural Hazards (Balance of County Policy 5.11)

Coos County has inventoried the following hazards:

- *Flood Hazard*
 - *Riverine flooding*
 - *Coastal flooding*
- *Landslides and Earthquakes*
 - *Landslide Susceptibility*
 - *Liquefaction potential*
- *Tsunamis*
- *Erosion*
 - *Riverine streambank erosion*
 - *Coastal*
 - *Shoreline and headlands*
 - *Wind*
- *Wildfire*

Purpose Statements:

Coos County shall regulate development in known areas potentially subject to natural disasters and hazards, so as to minimize possible risks to life and property. Coos County considers natural disasters and hazards to include river and coastal flooding, landslides, liquefaction potential due to earthquakes, fault lines, tsunamis, river bank erosion, coastal erosion along shorelines and headlands, coastal erosion due to wind, and wildfires, including those areas affected by gorse.

This strategy shall be implemented by enacting special protective measures through zoning and other implementing devices, designed to minimize risks to life and property associated with new development and substantial improvements. The determination of whether a property is located in one of the above referenced potentially hazardous areas shall be made by the reviewing body (Planning Director, Planning Commission, Board of Commissioners, or any designee based upon adopted inventory mapping). A specific site may not include the characteristics for which it is mapped. In these circumstances staff shall apply § 4.11.132.ii.2m.

- a. *Flooding: Coos County shall promote protection of valued property from risks associated with river and coastal flooding along waterways in the County through the establishment of a floodplain overlay zone (/FP) that conforms to the requirements for participation in the National Flood Insurance Program. See Sections 4.11.211-257 for the requirements of this overlay zone. See Sections 4.11.211-257 for the requirements of this overlay zone.*

STAFF RESPONSE: The applicant stated the following: **“Pursuant to the US Federal Emergency Management Agency (FEMA) flood hazard maps, no portion of the proposed golf course is located within a Flood Hazard zone.”** Similar to the Coastal Shoreland Boundary, Staff has concerns where

the access proceeds through the Floodplain zone. The access road is clearly proceeding through Flood Zone A.



Any development, including bridge and road improvements, in the floodplain will require a floodplain application for development in the special floodplain.

Staff has concerns that there appears to be an assumption that this access road, and bridge, meets the County definition for new commercial roads in the rural area. The use of the existing road will change from either a residential driveway or resource use.

The applicant did not include any proof the road could be constructed to these standards without expanding the current “single lane” road and bridge to a 32’ paved roadway as required by Table 7.2A and a bridge that meets or exceeds the H-20 AASHTO loading requirement per Section 7.1.400 Bridge Standards. This can be made a condition of approval that the a Floodplain application be submitted to address the impacts of a commercial road and bridge.

b. Landslides and Earthquakes

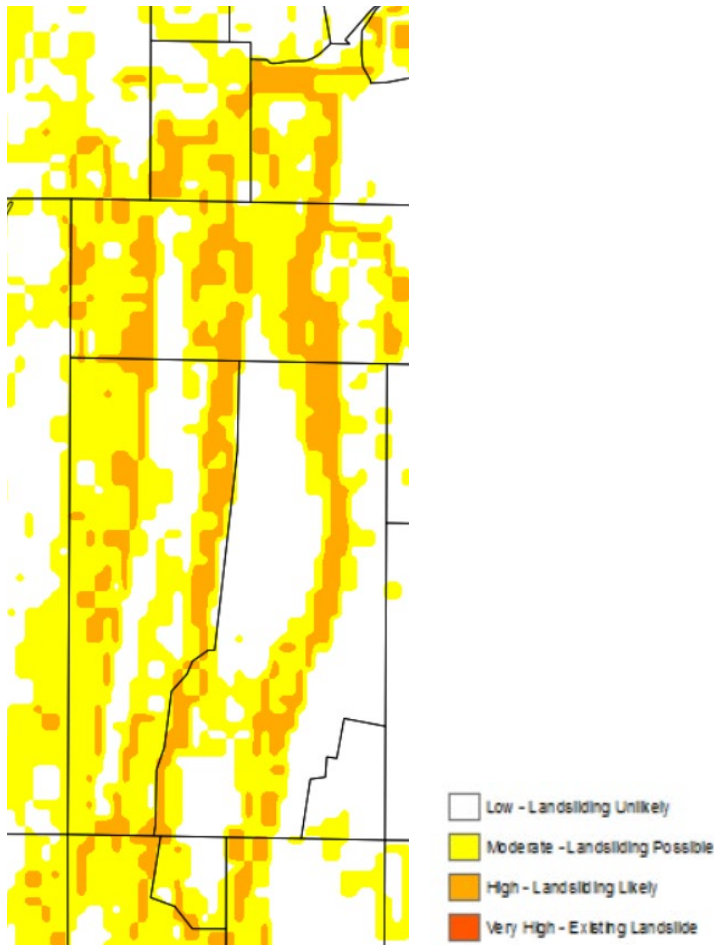
Landslides: Coos County shall promote protection to life and property in areas potentially subject to landslides. New development or substantial improvements proposed in such areas shall be subject to geologic assessment review in accordance with section 4.11.150. Potential landslide areas subject to geologic assessment review shall include all lands partially or completely within “very high” landslide susceptibility areas as mapped in DOGAMI Open File Report O-16-02, “Landslide susceptibility map of Oregon.”

Earthquakes: Coos County shall promote protection of life and property in areas potentially subject to earthquake hazards. New development or substantial improvements in mapped areas identified as

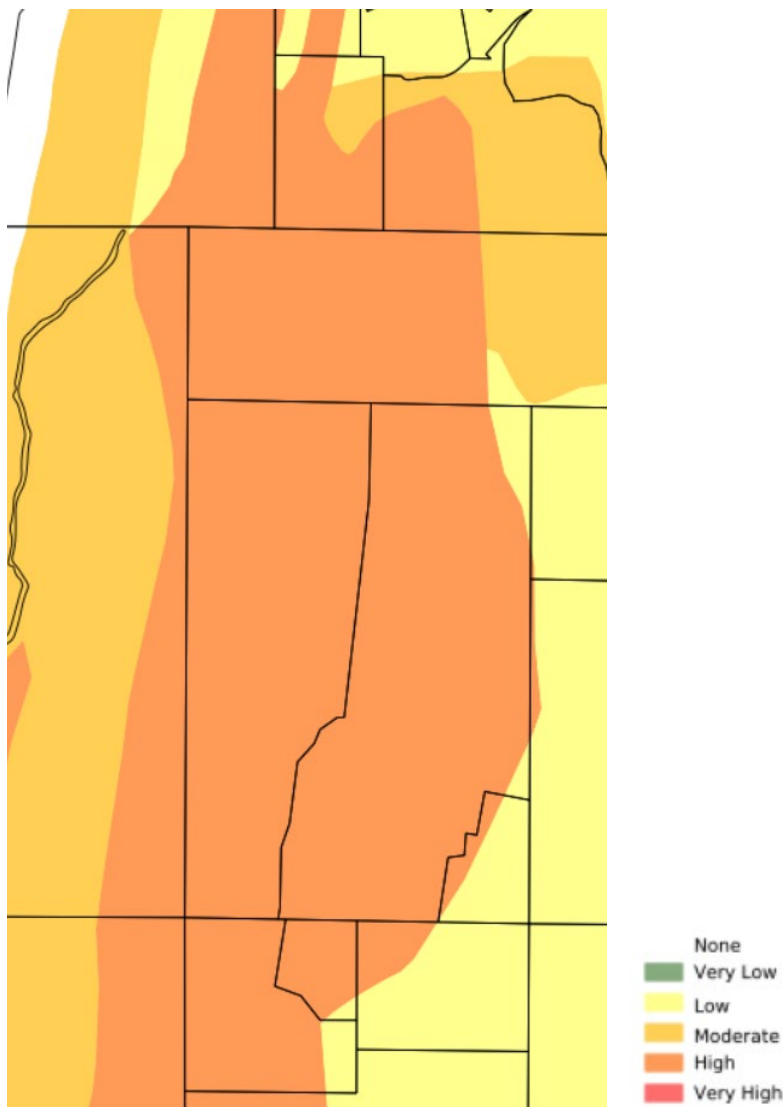
potentially subject to earthquake induced liquefaction shall be subject to a geologic assessment review as set out in this section. Such areas shall include lands subject to “very high” and “high” liquefaction identified in DOGAMI Open File Report O-13-06, “Ground motion, ground deformation, tsunami inundation, co-seismic subsidence, and damage potential maps for the 2012 Oregon Resilience Plan for Cascadia Subduction Zone Earthquakes.”

Coos County shall continue to support Oregon State Building Codes to enforce any structural requirements related to landslide and earthquakes. Staff will notify Oregon State Building Codes by providing a copy of the geologic assessment report with the Zoning Compliance Letter.

STAFF RESPONSE: Staff verified using the adopted landslide data that the proposed development areas on the subject property are outside of regulated landslide areas.



However, the subject property is within the earthquake hazard zone where there is a potential for earthquake induced liquefaction of the soils. The proposed golf course and structural development areas are in the “Moderate” to “High” classification zones and do not require any further analysis.



The application did state the subject property is within the liquefaction susceptibility zone. The applicant stated *“Pursuant to the Coos County Comprehensive Plan inventory maps, portions of the proposed golf course are located within high liquefaction potential area and all new structures developed within a high liquefaction area shall be subject to a Geologic Assessment (see below). The structures proposed in conjunction with the golf course have not been architecturally designed and, while the general location of structures is shown on the submitted golf course layout, the exact location, size, and structural design have not been established. Therefore, an additional conditional use application will be required addressing the stability of development proposed within a high liquefaction area prior to development of structures. Because the standards of Section 4.11.115 will be addressed under a “noticed” conditional use process and quasi-judicial land use decision, it is not required that the standards for proposed structures be addressed at this time”.*

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.

- c. *Tsunamis: Coos County shall promote increased resilience to a potentially catastrophic Cascadia Subduction Zone (CSZ) tsunami through the establishment of a Tsunami Hazard Overlay Zone (THO) in the Balance of County Zoning. See Sections 4.11.260-4.11.270 for the requirements of this overlay zone.*

STAFF RESPONSE: Portions of proposed development are located in the Large to XX-Large Tsunami zones. However, the proposal is for a golf course which is not an essential facility.

- d. *Reserved.*

- e. *Erosion: Coos County shall promote protection of property from risks associated with shoreline, headland, and wind erosion and deposition hazards.*

Coos County shall promote protection of property from risks associated with bank erosion along rivers and streams through necessary erosion-control and stabilization measures, preferring non-structural solutions when practical.

Any proposed structural development within a wind erosion/deposition area, within 100 feet of a designated bank erosion area, or on a parcel subject to wave attack, including all oceanfront lots, will be subject to a geologic assessment review as set out in Section 4.11.150. There is a setback of 100 feet from any rivers or streams that have been inventoried in the erosion layer. If a variance is requested, a geologic assessment will be required.

STAFF RESPONSE: The development is outside of the erosion inventoried area and is not an ocean lot; therefore, this does not apply.

- f. *Wildfires: Coos County shall promote protection of property from risks associated with wildfires. New development or substantial improvements shall, at a minimum, meet the following standards, on parcels designated or partially designated as "High" or "Moderate" risk on the Oregon Department of Forestry 2013 Fire Threat Index Map for Coos County or as designated as at-risk of fire hazard on the 2015 Coos County Comprehensive Plan Natural Hazards Map:*

1. *The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district or is provided fire protection by contract.*
2. *When it is determined that these standards are impractical the Planning Director may authorize alternative forms of fire protection that shall comply with the following:*
 - a. *The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions, as established by credible documentation approved in writing by the Director;*
 - b. *If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons per dwelling or a stream that has a continuous year round flow of at least one cubic foot per second per dwelling;*
 - c. *The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and*
 - d. *Road access shall be provided to within 15 feet of the water's edge for firefighting*

pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

3. Fire Siting Standards for New Dwellings:

- a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.*
- b. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water’s edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*

4. Firebreak:

- a. A firebreak shall be established and maintained around all structures, including decks, on land owned or controlled by the applicant for a distance of at least 30 feet in all directions.*
- b. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone 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.*
- c. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.*
- d. The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures that is owned or controlled by the owner in accordance with the provisions in “Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads” dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.*

Table 1 – Minimum Primary Safety Zone

<i>Slope</i>	<i>Feet of Primary Safety Zone</i>	<i>Feet of Additional Primary Safety Zone Down Slope</i>
<i>0%</i>	<i>30</i>	<i>0</i>
<i>10%</i>	<i>30</i>	<i>50</i>
<i>20%</i>	<i>30</i>	<i>75</i>
<i>25%</i>	<i>30</i>	<i>100</i>
<i>40%</i>	<i>30</i>	<i>150</i>

- e. All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit.*
- f. If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall*

be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).

- g. The structure shall not be sited on a slope of greater than 40 percent.*
- h. If the structure has a chimney or chimneys, each chimney shall have a spark arrester.*
- i. Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads, and driveways shall be constructed so as to provide adequate access for firefighting equipment. Confirmation shall be provided from the Coos County Road Department or local fire protection district that these standards have been met.*

- 5. Wildfires inside urban growth boundaries. Certain areas inside urban growth boundaries may present special risks and may be made subject to additional or different standards and requirements jointly adopted by a city and the county in the form of code requirements, master plans, annexation plans, or other means.*

STAFF RESPONSE: There are portions of the subject tract, where the proposed golf course, is located within the High-Risk Wildfire Hazard area. The proposed development is a golf course and the requested structural development does not sufficiently address compliance with the Coos County Zoning and Land Development Ordinance. The golf course itself is not residential development or accessory structures. Therefore, Staff recommends that this criterion is not applicable.

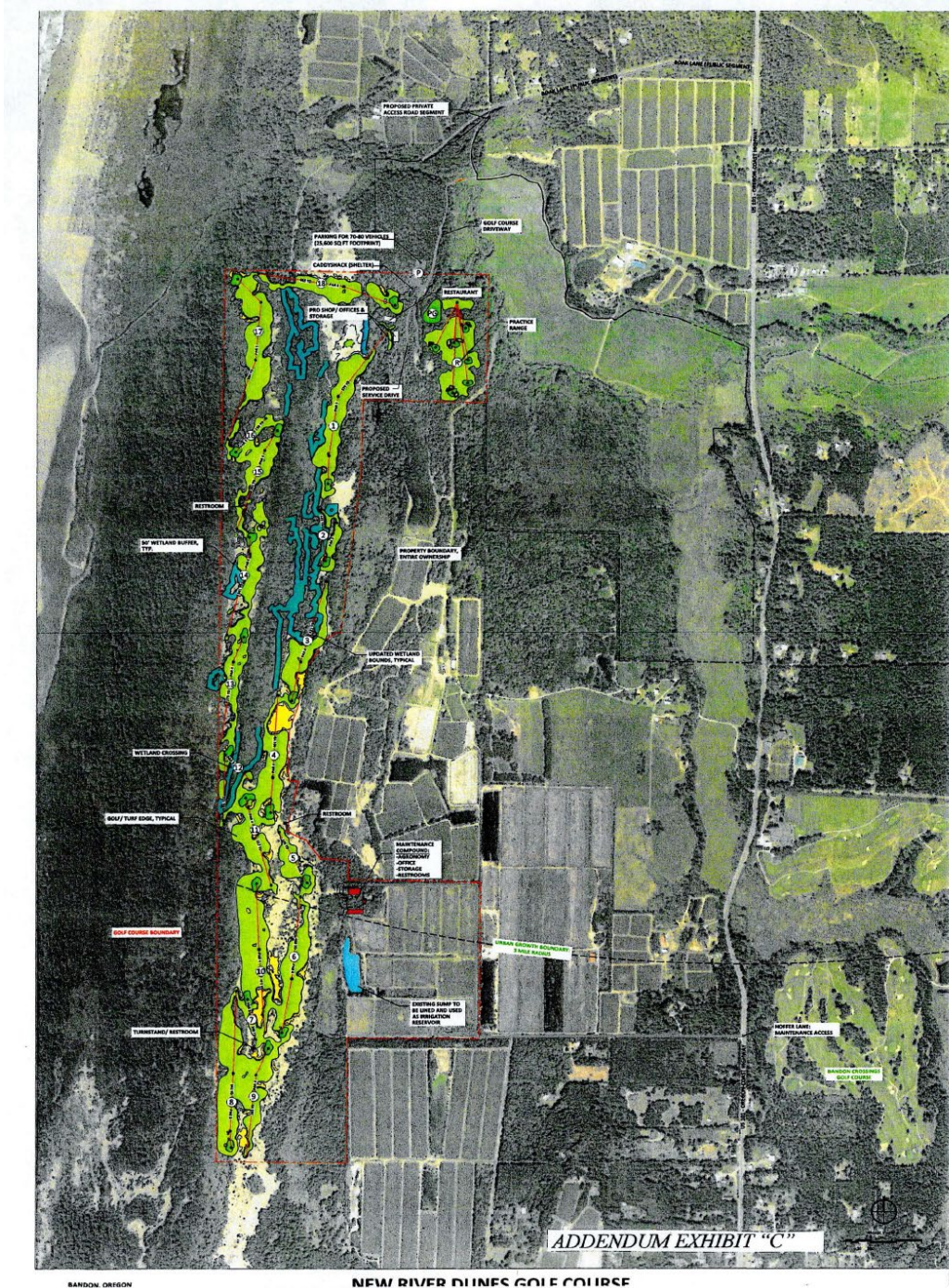
V. CHAPTER VII TRANSPORTATION, ACCESS, AND PARKING

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:
 - a. Property boundaries;**

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 (Exhibit “C”) and Preliminary Clubhouse Site Plan (Exhibit “D”).*” Staff generally agrees with this statement; however, their conceptual master plan does not appear to clearly delineate the tract ownership as there are additional parcels located alongside Hoffer Lane.



b. Location of all structures on the subject property;

STAFF RESPONSE: The applicant states that “a conceptual plan for the proposed structures is reflected on the revised master plan and preliminary clubhouse plan”.

c. Required parking spaces;

STAFF RESPONSE: The applicant stated *“the parking facility has not been designed. The county ordinance does not appear to have a parking space requirement for a golf course. The applicant plans to construct at least one parking lot for the facility with approximately 70 to 80 spaces. Prior to development, the applicant will submit a parking plan to the county for processing through a compliance determination”*. Staff does have the ability to calculate the required parking spaces based on square footage of the restaurant, square footage of the retail shop, and the requirements for the golf course. However, no proposed building plans or dimensions were included in this application and there is insufficient information to determine compliance with this criterion.

d. *Current utilities and proposed utilities;*

STAFF RESPONSE: The applicant stated that *“Potable water will occur through an on-site well. Sanitation service will occur through on-site septic systems approved through the Oregon Department of Environmental Quality. The only public services to the golf course will be electrical service from Coos Curry Electric or the City of Bandon, and perhaps cable service for providing internet and wi-fi service. The installation and location will be determined by agreements with the service providers and the location of existing improvements”*.

e. *Roadmaster may require drawings and specs from the Oregon Standards Specification Manual (OSSC) (current edition);*

STAFF RESPONSE: The applicant stated that *“the Oregon Department of Transportation has standardized plans for deceleration lanes and intersections that will provide the information necessary to develop the only substantial intersection applicable to the project. The 1/2 mile of Boak Lane (half public and half private) providing ingress and egress to the proposed golf course currently consists of a well-maintained gravel road with a substantial base from years of use and maintenance. The proposed 24-foot paved road will occur over the existing road surface with any improvements necessary to meet county standards. The private driveway currently exists but will require some widening to meet the proposed 24-foot, two lane, paved surface. The proposed ingress and egress will occur over improved rural roads that require no special design or drawings to meet county standards”*.

Staff has notified and communicated with ODOT about this proposal. As of the writing of this report, Staff has not received formal comments from ODOT. Approximately ¼ mile of the eastern end of Boak Lane is a County controlled road. The applicant’s stated they plan on paving the surface to 24-foot wide. Staff could not locate any section in Chapter 7 that uses 24 feet travel surface, this is not a County standard identified in Table 7.2A. The applicable will need to improve the road to the minimum standards for local commercial/industrial road standards, which is a 32 wide travel surface.

- f. *The location and design of bicycle and pedestrian facilities shall be indicated on the site plan if applicable;*
- g. *Pedestrian access and circulation will be required if applicable. Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of walkways, landscaping, accessways, or similar techniques;*
- h. *All plans (industrial and commercial) shall clearly show how the internal pedestrian and bicycle facilities of the site connect with external existing or planned facilities or systems;*
- i. *Location of existing and proposed access point(s) on both sides of the road where applicable;*
- j. *Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;*

- k. *Number and direction of lanes to be constructed on the road plus striping plans;*
- l. *All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.); and*
- m. *Parking and internal circulation plans including walkways and bikeways, in UGB's and UUC's.*

STAFF RESPONSE: The applicant noted there are no plans for bicycle or pedestrian facilities, but there will be pedestrian access and circulation around the clubhouse. The applicant will need to provide a final plan to determine final requirements. The applicant does note the plan for a 24-foot paved road, but the requirement for commercial/industrial use is 32 feet paved traveling surface. The applicant does correctly note the proposed golf course is not contained within an Urban Growth Boundary or Urban Unincorporated Community.

- 2. *Traffic Study completed by a registered traffic engineer.*
- 3. *Access Analysis completed by a registered traffic engineer*
- 4. *Sight Distance Certification from a registered traffic engineer.*

STAFF RESPONSE: Staff could not locate in the application where Hoffer Lane traffic impacts were discussed. The Roadmaster ultimately has the authority to determine compliance with the road standards, pursuant to Section 7.1.225 Authority & Responsibility for Determining Compliance with This Chapter. Therefore, any approval shall be on the determination made by the Roadmaster.

VI. 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.*

STAFF RESPONSE: To summarize, staff did not find that all of the criteria had been addressed due to some missing information. Staff would recommend the planning commission continue the meeting to a date and time certain to allow the applicant to submit an accurate plot plan with size and compacity of the structures and are used in the golfing course, explanation of the intent of the existing development (it may not be part of the proposal), geotechnical report and information to satisfy any other deficiencies of criteria that were identified. The Planning Commission could deny the application for lack of evidence or approve if information is presented to address the criteria. Approvals may be conditions but conditions may be made only “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”.

Attached: **Application with supporting documents**

From: [REED Meg * DLCD](#)
To: [Chris MacWhorter](#)
Cc: [PHIPPS Lisa * DLCD](#); [RODOMSKY Hui * DLCD](#)
Subject: DLCD comments for HBCU-22-001
Date: Monday, November 21, 2022 1:40:31 PM

This Message originated outside your organization.

Hi Chris,

Please include these comments from DLCD in the record regarding HBCU-22-001 Bandon Biota Conditional Use application.

The proposed New River Dunes Golf Course application materials provide a general overview of the uses and structures proposed for the site but lack additional details on the specific components for the site's development. Therefore, we are highlighting several requirements and issues that the applicant and County should keep in mind if the application moves forward with additional permitting stages.

- All development, including access roads, should avoid locating within the County's Coastal Shoreland Boundary.
 - If any development is proposed within the Coastal Shoreland Boundary, then the County's applicable criteria should be addressed.
- All wetland areas within or near the golf course boundary should be avoided and protected.
- Vegetation within the beaches and dunes overlay zone (which encompasses the entirety of the proposed golf course boundary) should be maintained to the extent possible to ensure the area does not destabilize. This includes during construction and staging activities. For areas where vegetation removal is needed, stabilization plans shall be included and identify how the area will be re-vegetated and maintained, prioritizing native dune plants to the extent possible. Stabilization plans shall also address temporary stabilization methods during construction activities.
- All proposed structures will need to complete site investigation reports by a qualified registered and licensed geologist or engineer in compliance with the County's land use ordinance. These investigations can be done at the same time but should address each proposed structure individually.
- Given the dynamic and sensitive ecosystems and uses in this area, water quality should also be addressed to ensure adequate protections of wetland and cranberry bog areas, including the management of stormwater.

Thank you for your consideration,
Meg

Meg Reed

Coastal Policy Specialist | Oregon Coastal Management Program
Pronouns: She/her
Oregon Department of Land Conservation and Development



DLCD

Cell: 541-514-0091 | Main: 503-373-0050

meg.reed@dlcd.oregon.gov | www.oregon.gov/LCD



Response Page

Department of State Lands (DSL) WN# *

WN2022-0754

Responsible Jurisdiction

Staff Contact	Jurisdiction Type	Municipality
Michelle Berglund	County	Coos
Local case file #	County	
HBCU-22-001	Coos	

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
29S	15W	24		100, 201

Street Address

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

Coos

Latitude

Longitude

43.041124

-124.433807

Township	Range	Section	QQ section	Tax Lot(s)
29S	15W	25		900, 1000, 1200

Street Address

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

Latitude

Longitude

43.041124

-124.433807

Wetland/Waterway/Other Water Features



- There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.

- The National Wetlands Inventory shows wetland, waterway or other water features on the property
- The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.

Your Activity

- It appears that the proposed project **may** impact Essential Salmonid Habitat and, therefore, **may** require a State permit.
- It appears that the proposed project **may** impact wetlands and **may** require a State permit.
- An onsite inspection by a qualified wetland consultant is recommended prior to site development to determine if the site has wetlands or other waters that may be regulated. The determination or delineation report should be submitted to DSL for review and approval. Approved maps will have a DSL stamp with approval date and expiration date.

Applicable Oregon Removal-Fill Permit Requirement(s)

- A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.
- A state permit is required for any amount of fill, removal, and/or other ground alteration in Essential Salmonid Habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.

Closing Information

Additional Comments

The National Wetlands Inventory mapped wetlands in the project area. However, this mapping is not intended for site-level development, and a wetland delineation of current conditions is needed. Proposed access to the golf course from the north has to cross Twomile Creek, which is designated Essential Salmonid Habitat, and any type of crossing may require a permit. A wetland delineation of the entire project area, including access should be sent to DSL for review and approval.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

8/22/2022

Response by:

Lynne McAllister

Response Phone:

503-986-5300



Coos County Land Use Permit Application

SUBMIT TO COOS COUNTY PLANNING DEPT. AT 60 E. SECOND STREET OR MAIL
TO: COOS COUNTY PLANNING 250 N. BAXTER, COQUILLE OR 97423. EMAIL
PHONE: 541-396-7770

FILE NUMBER: HBCU-22-001

Date Received: 7/21/22 Receipt #: 235431 Received by: MB

This application shall be filled out electronically. If you need assistance please contact staff.

If the fee is not included the application will not be processed.
(If payment is received on line a file number is required prior to submittal)

LAND INFORMATION

A. Land Owner(s) Bandon Biota, LLC (Attn: LeeAnn Remy)

Mailing address: 57744 Round Lake Road, Bandon, Oregon 97411

Phone: 541-347-5870

Email: lremy@bandondunesgolf.com

Township:	Range:	Section:	¼ Section:	1/16 Section:	Tax lots:
29S <input type="checkbox"/>	15W <input type="checkbox"/>	24 <input type="checkbox"/>	Select	Select	<u>100 - 201</u>
29S <input type="checkbox"/>	15W <input type="checkbox"/>	25 <input type="checkbox"/>	Select	Select	<u>900 - 1000 - 1200</u>

Tax Account Number(s): _____ Zone: Select Zone Exclusive Farm Use (EFU)

Tax Account Number(s) _____ Please Select

SEC 24 - 1240300, 1240590, 1240601
SEC 25 - 1241700, 1241601, 1241602

B. Applicant(s) Bandon Biota, LLC

Mailing address: 57744 Round lake Road, Bandon, Oregon 97411

Phone: 541-347-5870

C. Consultant or Agent: Cris Hood CHRIS HOOD

Mailing Address PO Box 118 Coos Bay Or. 97420

Phone #: 541-267-2872

Email: chris@stuntzner.com

Type of Application Requested

- Comp Plan Amendment
- Text Amendment
- Map - Rezone

- Administrative Conditional Use Review - ACU
- Hearings Body Conditional Use Review - HBCU
- Variance - V

- Land Division - P, SUB or PUD
- Family/Medical Hardship Dwelling
- Home Occupation/Cottage Industry

Special Districts and Services

Water Service Type: On-Site (Well or Spring)

Sewage Disposal On-Site Septic

School District: Select School District

Fire Bandon RFPD

Please include the supplement application with request. If you need assistance with the application or supplemental application please contact staff. Staff is not able to provide legal advice. If you need help with findings please contact a land use attorney or consultant.

Any property information may be obtained from a tax statement or can be found on the County Assessor's webpage at the following links: [Map Information](#) Or [Account Information](#)

D. **ATTACHED WRITTEN STATEMENT.** With all land use applications, the "burden of proof" is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County Zoning and Land Development Ordinance (CCZLDO). You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. A planner will explain which sections of the Ordinance pertain to your specific request. The information described below is required at the time you submit your application. The processing of your application does not begin until the application is determined to be complete. An incomplete application will postpone the decision, or may result in denial of the request. Please mark the items below to ensure your submittal is complete.

SEE APPLICANTS EXHIBIT "A"

Application Check List: Please make off all steps as you complete them.

- I. A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:
 - 1. A complete explanation of how the request complies with the applicable provisions and criteria in the Zoning Ordinance. A planner will explain which sections of the Ordinance pertain to your specific request. You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete.
 - 2. A description of the property in question, including, but not limited to the following: size, vegetation, crops grown, access, existing buildings, topography, etc.
 - 3. A complete description of the request, including any new structures proposed.
 - 4. If applicable, documentation from sewer and water district showing availability for connection.
- II. A plot plan (map) of the property. Please indicate the following on your plot plan:
 - 1. Location of all existing and proposed buildings and structures
 - 2. Existing County Road, public right-of-way or other means of legal access
 - 3. Location of any existing septic systems and designated repair areas
 - 4. Limits of 100-year floodplain elevation (if applicable)
 - 5. Vegetation on the property
 - 6. Location of any outstanding physical features
 - 7. Location and description (paved, gravel, etc.) of vehicular access to the dwelling location
- III. A copy of the current deed, including the legal description, of the subject property. Copies may be obtained at the Coos County Clerk's Office.

I certify that this application and its related documents are accurate to the best of my knowledge. I am aware that there is an appeal period following the date of the Planning Director's decision on this land use action. I understand that the signature on this application authorizes representatives of the Coos County Planning Department to enter upon the subject property to gather information pertinent to this request. If the application is signed by an agent, the owner's written authorization must be attached.

If this application is refereed directly to a hearings officer or hearings body I understand that I am obligated to pay the additional fees incurred as part of the conditions of approval. I understand that I/we are not acting on the county's behalf and any fee that is a result of complying with any conditions of approval is the applicants/property owner responsibility. I understand that conditions of approval are required to be complied with at all time and an violation of such conditions may result in a revocation of this permit. Signatures required below for application processing.

[Handwritten signature]

ACCESS INFORMATION

The Coos County Road Department will be reviewing your proposal for safe access, driveway, road, and parking standards. There is a fee for this service. If you have questions about these services please contact the Road Department at 541-396-7660.

Property Address: _____

Type of Access: Select Name of Access: _____

Is this property in the Urban Growth Boundary? Select

Is a new road created as part of this request? Select

Required parking spaces are based on the use of the property. If this is for a residential use two spaces are required. Any other use will require a separate parking plan submitted that is required to have the following items:

- Current utilities and proposed utilities;
- Roadmaster may require drawings and specs from the Oregon Standards Specification Manual (OSSC) (current edition).
- The location and design of bicycle and pedestrian facilities shall be indicated on the site plan if this is a parking plan;
- Location of existing and proposed access point(s) on both sides of the road where applicable;
- Pedestrian access and circulation will be required if applicable. Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of walkways, landscaping, accessways, or similar techniques;
- All plans (industrial and commercial) shall clearly show how the internal pedestrian and bicycle facilities of the site connect with external existing or planned facilities or systems;
- Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
- Number and direction of lanes to be constructed on the road plus striping plans;
- All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.); and
- Parking and internal circulation plans including walkways and bikeways, in UGB's and UUC's.

Additional requirements that may apply depending on size of proposed development.

- a. Traffic Study completed by a registered traffic engineer.
- b. Access Analysis completed by a registered traffic engineer
- c. Sight Distance Certification from a registered traffic engineer.

Regulations regarding roads, driveways, access and parking standards can be found in Coos County Zoning and Land Development Ordinance (CCZLDO) Article 7.

By signing the application I am authorizing Coos County Roadmaster or designee to enter the property to determine compliance with Access, Parking, driveway and Road Standards. Inspections should be made by calling the Road Department at 541-396-7660

Coos County Road Department Use Only

Roadmaster or designee: _____

Driveway Parking Access Bonded Date: Receipt # _____

File Number: DR-21-

ADDRESS OF DRIVEWAY #1 CLOSEST TO YOUR NEW DRIVEWAY: _____

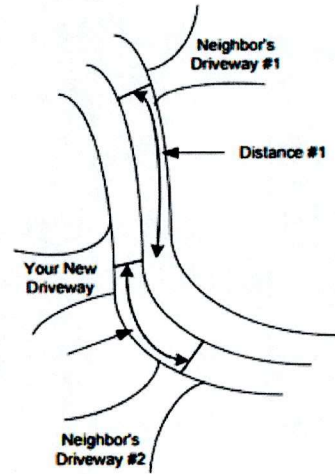
DISTANCE FROM DRIVEWAY #1 TO YOUR NEW DRIVEWAY: _____

Is this driveway on the same side of the road as your Driveway: Select

ADDRESS OF DRIVEWAY #2 CLOSEST TO YOUR NEW DRIVEWAY: _____

DISTANCE FROM DRIVEWAY #2 TO YOUR NEW DRIVEWAY: _____

Is this driveway on the same side of the road as your Driveway: Select



The distance information is important from your new driveway to the closest driveways on either side of you (doesn't matter which side of the road) and what the addresses are to those two driveways. This information is important to include in the formula used to calculate the correct address.

Staff from the County Road Department will place the stake and once the driveway stake has been placed, it must not be moved. If your stake is removed or damaged you may purchase replacements.

Additional Notes or directions:

This application is not required.

SANITATION INFORMATION

If this is a request for a recreational, commercial, industrial, vacation rental, manufactured home park, mass or small gathering Coos Health and Wellness, Environmental Health Staff will be reviewing the proposal to ensure the use meets environmental health standards for sanitation and water requirements to serve the facility. If the proposal indicates that you are using a community water system a review may be required. A fee is charged for this service and shall be submitted with the application \$83.00. If you have questions about regulations regarding environmental health services please call 541-266-6720. This form is required to be signed off for any type of subdivision, recreational, commercial, industrial, vacation rental, manufactured home park, mass or small gathering.

Water Service Type: Select

Sewage Disposal Type: Select

Please check if this request is for industrial, commercial, recreational or home base business use and complete the following questions:

- How many employees/vendors/patrons, total, will be on site?
- Will food be offered as part of the an on-site business?
- Will overnight accommodations be offered as part of an on-site business?
- What will be the hours of operation of the business?

Please check if the request is for a land division.

Coos County Environmental Health Use Only:

Staff Reviewing Application: _____

Staff Signature: _____

- This application is found to be in compliance and will require no additional inspections
- This application is found to be in compliance but will require future inspections
- This application will require inspection prior to determining initial compliance. The applicant shall contact Coos Health and Wellness, Environmental Heath Division to make an appointment.

Additional Comments:

APPLICANT'S EXHIBIT "A"

BANDON BIOTA, L.L.C. CONDITIONAL USE APPLICATION NEW RIVER DUNES GOLF COURSE

LOCATED IN SECTIONS 13, 24, AND 25 OF
TOWNSHIP 29 SOUTH, RANGE 15 WEST OF THE WILLAMETTE MERIDIAN IN
COOS COUNTY, OREGON

PROPOSAL AND BACKGROUND INFORMATION

This application is for a Conditional Use to allow an 18-hole golf course with accessory uses in the Exclusive Farm Use (EFU) zone district. The accessory uses that are described in more detail below, consist of a clubhouse/restaurant with parking, an agronomy center/maintenance facility, a turn-stand (combination restrooms/vendors facility), a minimum of two stand-alone restrooms, a caddy shack, and a practice range.

The applicant's entire ownership consists of roughly 600 acres. The golf course, restaurant and parking area will be contained within approximately 300 acres of dune lands that are entirely zoned Exclusive Farm Use. It is estimated that the golf course will contain approximately 120 acres of vegetated surface (Tees, Greens, Fairways), approximately 175 acres of open space, and several acres of structural improvements.

Access to the property is by way of Boak Lane, which extends west from US Highway 101 to the property. The clubhouse/restaurant, practice range, caddy facility and parking, will be located at the north end of the course with restrooms and a turn-stand located strategically throughout the course. The agronomy/maintenance center will be located along the easterly boundary of the course with a separate access from Hoffer Lane, which also extends west from Highway 101, south of Boak Lane. Attached is a conceptual master plan, which includes the proposed course, accessory facilities, access roads, and parking.

PROPERTY CHARACTERISTICS

The westerly segment containing the golf course consists of approximately 200 acres of partially vegetated sand dune stretching north and south. There are 11 soil types contained within the tract that primarily consist of either sand or sandy complex soil types. The soil types are described in further detail below. The vegetation on the upland dunes primarily consists of the invasive species "gorse," with a mixture of dune grasses and other dune-type vegetation. The primary tree type is Shore Pine intermingled with various types of conifers (primarily spruce) that are more predominant near identified wetlands described below. The open sand areas are generally located between dune ridges with north/south facing slopes.

There are approximately 35 acres of identified wetlands within the segment. The primary wetland (containing approximately 25 acres) is centrally located and sandwiched between easterly and westerly fairways. There are also scattered wetlands in the northeasterly segment of the course that have been avoided by adjacent fairways as it is the applicant's intent to avoid all wetlands and riparian areas.

SURROUNDING LANDS

The proposed golf course is directly adjacent to Recreation (Rec) zoned land to the west (Bandon State Park) and EFU land to the east, north and south. The State ownership to the west consists of vacant open space land. Although the park land is available for recreational use by the public, it is heavily vegetated in gorse, and therefore largely inaccessible. It should be noted that the invasive species, "gorse," is a looming fire hazard to the surrounding area, and specifically to the City of Bandon, that has been destroyed by fire on two separate occasions.

The lands to the north, south, and east are all zoned EFU. The EFU land to the east contains three historic cranberry farms. One of the farms is operational and the adjacent farm has ceased operations due to economic conditions. The third farm ceased production some years ago but appears to be in the process of re-establishing new cranberry bogs.

CONDITIONAL USE CRITERIA

Oregon Statute

ORS 215.283 Uses permitted in exclusive farm use zones in non-marginal lands counties; rules.

(1) The following uses may be established in any area zoned for exclusive farm use:

APPLICANT'S RESPONSE: Coos County is a non-marginal lands county. The area proposed for the golf course and uses accessory to golf, is entirely zoned for Exclusive Farm Use (EFU).

(2) The following non-farm uses may be established, subject to the approval of the governing body or its designee in any area zoned for exclusive farm use subject to ORS 215.296:

APPLICANT'S RESPONSE: This application is for a conditional use that is subject to approval by the Coos County Planning Commission. The Planning Commission is a designee of the governing body, aka, the Coos County Board of Commissioners.

ORS 215.283(2)(f) Golf courses on land:

(A) Determined not to be high-value farmland, as defined in ORS 195.300 (10); or

(B) Determined to be high-value farmland described in ORS 195.300 (10)(c) if the land:

- (i) Is not otherwise described in ORS 195.300 (10);
- (ii) Is surrounded on all sides by an approved golf course; and
- (iii) Is west of U.S. Highway 101.

APPLICANT'S RESPONSE: Subsection "B" above does not apply. ORS 195.300(10) is addressed below in its entirety including ORS 195.300(10)(c).

ORS 195.300 (10) "High-value farmland" means:

(a) High-value farmland as described in ORS 215.710 that is land in an exclusive farm use zone or a mixed farm and forest zone, except that the dates specified in ORS 215.710 (2), (4) and (6) are December 6, 2007.

ORS 215.710 High-value farmland description for ORS 215.705.

(1) For purposes of ORS 215.705, high-value farmland is land in a tract composed predominantly of soils that, at the time the siting of a dwelling is approved for the tract, are:

- (a) Irrigated and classified prime, unique, Class I or Class II; or
- (b) Not irrigated and classified prime, unique, Class I or Class II.

APPLICANT'S RESPONSE: The soil types for the land upon which the golf course is proposed are attached as Applicant's Exhibit "B." The segment of the applicant's ownership upon which the golf course is proposed does not contain irrigated or non-irrigated prime, unique, Class I or II soils.

(2) In addition to that land described in subsection (1) of this section, for purposes of ORS 215.705, high-value farmland, if outside the Willamette Valley, includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. For purposes of this subsection, "specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards but not including seed crops, hay, pasture or alfalfa.

APPLICANT'S RESPONSE: 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.

(3) In addition to that land described in subsection (1) of this section, for purposes of ORS 215.705, high-value farmland, if in the Willamette Valley, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of soils described in subsection (1) of this section and the following soils:

- (a) Subclassification IIIe, specifically, Bellpine, Bornstedt, Burlington, Briedwell, Carlton, Cascade, Chehalem, Cornelius, Cornelius Variant, Cornelius and Kinton, Helvetia, Hillsboro, Hultt, Jory, Kinton, Latourell, Laurelwood, Melbourne, Multnomah, Nekia, Powell, Price, Quatama, Salkum, Santiam, Saum, Sawtell, Silverton, Veneta, Willakenzie, Woodburn and Yamhill;
- (b) Subclassification IIIw, specifically, Concord, Conser, Cornelius Variant, Dayton (thick surface) and Sifton (occasionally flooded);
- (c) Subclassification IVe, specifically, Bellpine Silty Clay Loam, Carlton, Cornelius, Jory, Kinton, Latourell, Laurelwood, Powell, Quatama, Springwater, Willakenzie and Yamhill; and

(d) Subclassification IVw, specifically, Awbrig, Bashaw, Courtney, Dayton, Natroy, Noti and Whiteson.

APPLICANT'S RESPONSE: The proposed golf course is not located in the Willamette Valley and therefore, this criterion is not applicable.

(4) In addition to that land described in subsection (1) of this section, for purposes of ORS 215.705, high-value farmland, if west of the summit of the Coast Range and used in conjunction with a dairy operation on January 1, 1993, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of soils described in subsection (1) of this section and the following soils:

- (a) Subclassification IIIe, specifically, Astoria, Hembre, Knappa, Meda, Quillayutte and Winema;
- (b) Subclassification IIIw, specifically, Brenner and Chitwood;
- (c) Subclassification IVe, specifically, Astoria, Hembre, Meda, Nehalan, Neskowin and Winema; and
- (d) Subclassification IVw, specifically, Coquille.

APPLICANT'S RESPONSE: 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 was not used in conjunction with a dairy operation. This criterion has been satisfied.

(5) For purposes of approving a land use application under ORS 215.705, the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner:

(a) Submits a statement of agreement from the Natural Resources Conservation Service of the United States Department of Agriculture that the soil class, soil rating or other soil designation should be adjusted based on new information; or

(A) Submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and

(B) Submits a statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report described in subparagraph (A) of this paragraph and finds the analysis in the report to be soundly and scientifically based.

APPLICANT'S RESPONSE: There is no request to change a soil rating and therefore, this provision does not apply.

(6) Soil classes, soil ratings or other soil designations used in or made pursuant to this section are those of the Soil Conservation Service in its most recent publication for that class, rating or designation before November 4, 1993. [1993 c.792 §3; 1995 c.79 §78; 1995 c.812 §8]

APPLICANT'S RESPONSE: The soil rating and designations were derived from the most current National Resource Conservation Service (NRCS) database.

(b) Land west of U.S. Highway 101 that is composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in ORS 215.710 (1) and the following soils:

- (A) Subclassification IIIw, specifically Ettersburg Silt Loam and Croftland Silty Clay Loam;
- (B) Subclassification IIIe, specifically Klooqueth Silty Clay Loam and Winchuck Silt Loam; and
- (C) Subclassification IVw, specifically Huffling Silty Clay Loam.

APPLICANT'S RESPONSE: The subject property is not predominantly composed of the Class III or IV soil types listed above.

(c) Land that is in an exclusive farm use zone or a mixed farm and forest zone and that on June 28, 2007, is:

- (A) Within the place of use for a permit, certificate or decree for the use of water for irrigation issued by the Water Resources Department.

APPLICANT'S RESPONSE: On June 28, 2007, the segment of the property upon which the golf course is proposed did not contain a water permit, certificate, or decree for the use of water.

- (B) Within the boundaries of a district, as defined in ORS 540.505; or

APPLICANT'S RESPONSE: On June 28, 2007, the segment of the property upon which the golf course is proposed was not within a district as defined under ORS 540 to 505.

- (C) Within the boundaries of a diking district formed under ORS Chapter 551.

APPLICANT'S RESPONSE: On June 28, 2007, the segment of the property upon which the golf course is proposed was not within a diking district formed under ORS Chapter 551.

(d) Land that contains not less than five acres planted in wine grapes.

APPLICANT'S RESPONSE: The segment of the property upon which the golf course is proposed has never been used for the production of wine grapes or any other type of agricultural use.

(e) Land that is in an exclusive farm use zone and that is at an elevation between 200 and 1,000 feet above mean sea level, with an aspect between 67.5 and 292.5 degrees and a slope between zero and 15 percent, and that is located within:

- (A) The Southern Oregon viticultural area as described in 27 C.F.R. 9.179;
- (B) The Umpqua Valley viticultural area as described in 27 C.F.R. 9.89; or
- (C) The Willamette Valley viticultural area as described in 27 C.F.R. 9.90.

APPLICANT'S RESPONSE: The subject property is not located within any of the viticultural areas described above and therefore, this criterion has been satisfied.

(f) Land that is in an exclusive farm use zone and that is no more than 3,000 feet above mean sea level, with an aspect between 67.5 and 292.5 degrees and a slope between zero and 15 percent, and that is located within:

- (A) The portion of the Columbia Gorge viticultural area as described in 27 C.F.R. 9.178 that is within the State of Oregon;
- (B) The Rogue Valley viticultural area as described in 27 C.F.R. 9.132;
- (C) The portion of the Columbia Valley viticultural area as described in 27 C.F.R. 9.74 that is within the State of Oregon;
- (D) The portion of the Walla Walla Valley viticultural area as described in 27 C.F.R. 9.91 that is within the State of Oregon; or
- (E) The portion of the Snake River Valley viticultural area as described in 27 C.F.R. 9.208 that is within the State of Oregon.

APPLICANT'S RESPONSE: The subject property is not located within any of the viticultural areas described above and therefore, this criterion has been satisfied.

ORS 215.296 Standards for approval of certain uses in exclusive farm use zones; violation of standards; complaint; penalties; exceptions to standards.

(1) A use allowed under ORS 215.213 (2) or (11) or 215.283 (2) or (4) may be approved only where the local governing body or its designee finds that the use will not:

- (a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

Farm and Forest Practices

APPLICANT'S RESPONSE: The lands surrounding the golf course to the north, south and west are not devoted to either farm or forest uses. The land to the north contains open space state park lands and a private ownership with a single-family residential use. The land to the west consists entirely of open space State Park land with no viable commercial farm or forest use. The land to the south is private open space land with no existing commercial farm or forest uses. There are no commercial forest uses either adjacent to or near the proposed golf course.

The land to the east has historically been utilized for commercial agriculture. At one time in the recent past there were a minimum of four independent cranberry farms located east of and along the southerly two thirds of the proposed golf course area. Due to market conditions, two of the four farms ceased operations. There are now two viable farm operations adjacent to the proposed golf course and one of the farms that ceased operations appears to be replanting a portion of the original cranberry bogs.

The development and maintenance of a golf course is essentially a farm activity consisting of seeding, irrigating, fertilizing, and mowing specialty grasses at various lengths. These farm type activities are very similar to the management of grazing land or land upon which various types of hay or grass crops are produced. Those types of agricultural uses are permitted outright in conjunction with or adjacent to cranberry operations, as it is generally recognized by Oregon statute that one type of agricultural use or farm activity is essentially compatible with other types of farm uses and activities. There is no reason to

believe that the development of a golf course, or the day-to-day maintenance of the course will conflict with other types of adjacent farm uses, and specifically the production of cranberries that employs similar management practices and activities.

Conclusion:

There are no nearby commercial forest practices occurring that could be impacted by the proposed golf course. The management activities associated with a golf course are so similar to other types of agricultural practices, that they can only be deemed as compatible. It is therefore reasonable to conclude that the proposed golf course will not force a significant change in accepted farm practices on surrounding lands devoted to farm use.

Irrigation and Water Management

Regardless of the various types of agricultural activities occurring within a specific area, the availability of water is generally a primary consideration. This is particularly true regarding the cranberry operations occurring on lands directly adjacent to the proposed golf course.

A preliminary hydrology assessment prepared by Golder Associates is attached as Exhibit "C". The purpose of the assessment is two-fold; determine the feasibility of using groundwater for golf course irrigation, and evaluate whether the use of groundwater by the golf course will impact adjacent agricultural water sources. The report summary concluded that primary aquifers contained within the unconsolidated sediments consist of both a shallow and a deep-water bearing zone, separated by a 20 to 40 ft. thick sandy clay layer. The agricultural uses (cranberry bogs) adjacent to the proposed golf course generally utilize surface water from the shallow water bearing zone that ranges from 4 to 25 feet below the ground surface, while the test wells for the golf course were drilled to a depth of approximately 130 feet. This indicates that adjacent agricultural uses and the proposed golf course could potentially be utilizing water from separate water bearing zones. However, it was determined that there is not sufficient information available to absolutely assess potential impacts. The Data Gaps cited in the assessment include the following:

- *Information on aquifer properties within the Dune Sand Aquifer.*
- *Information on aquifer properties and groundwater quality of the deeper Marine Terrace Aquifer System, as well as hydraulic connection to the upper shallow Marine Terrace Aquifer System.*
- *Groundwater quality within the project area overall. There is limited publicly available groundwater quality within the projected area and the Bandon area.*

Because a conclusion could not be reached regarding potential water use impacts, the report recommended that testing should be performed in conjunction with the future development of wells within the proposed golf course. The specific recommendation is as follows:

- *A step-rate pumping test should be performed to evaluate the well performance followed by a 72-hour constant-rate pumping test to evaluate aquifer hydraulic properties, aquifer boundaries, and potential impacts to nearby groundwater users. Existing groundwater wells should be monitored during the test and/or shallow piezometers near the eastern edges of the property boundary should be installed to monitor for potential impacts of pumping.*

Based upon the proximity of the golf course to existing agricultural water rights and uses, any water permits granted for golf by the Oregon Department of Water Resources, will automatically contain conditions for groundwater monitoring to assure that existing agricultural rights are protected. It is important to note that existing agricultural water rights will be considered "senior rights" and therefore permits granted in conjunction with the golf course will be subordinate to those rights. In other words, the existing agricultural uses are guaranteed full use of their senior rights regardless of the needs of the golf course.

Conclusion:

Based upon water rights law protecting senior water rights, the proposed golf course cannot, and will not, impact the viability of existing agricultural uses in the area as a result of water usage. Therefore, with regard to water usage, it is reasonable to conclude that the proposed golf course will not force a significant change in accepted farm practices on surrounding lands devoted to farm use.

- (b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

APPLICANT'S RESPONSE: As stated above, there are no commercial forest practices occurring on land surrounding the proposed golf course. Also stated above, there are two or three agricultural uses occurring on land directly adjacent to the proposed course.

The development and maintenance of a golf course is essentially a farm activity consisting of seeding, irrigating, fertilizing, and mowing specialty grasses at various lengths. These farm type activities are very similar to the management of grazing land or land upon which various types of hay or grass crops are produced. Those types of agricultural uses are permitted outright in conjunction with or adjacent to cranberry operations, as it is generally recognized by Oregon statute that one type of agricultural use or farm activity is essentially compatible with other types of farm activities. There is no reason to believe that the development of a golf course or the day-to-day maintenance of the course will conflict in any way with other types of adjacent farm uses, and specifically the production of cranberries that employs similar management practices and activities.

Based upon the proximity of the golf course to existing agricultural water rights, any water permits granted for golf use by the Oregon Department of Water Resources will contain conditions for groundwater monitoring to assure that existing agricultural rights are protected. It is important to note that existing agricultural water rights will be considered "senior rights" and therefore, permits granted in conjunction with the golf course will be subordinate to existing rights. In other words, the existing agricultural uses are guaranteed full use of their permitted water rights regardless of the water needs of the golf course.

The development of the course will assist in eradicating an invasive species (gorse), that presents a consistent fire hazard, and a management nuisance to adjacent uses. The development of fire protection measures in the form of fire hydrants and a consistent water source at the golf course will provide additional security to adjacent property owners.

Conclusion:

The management activities associated with the golf course are fundamentally standard farm practices conducted for a recreational purpose. Water for existing agricultural use is protected by state statute. Development activities associated with the golf course will provide several significant benefits at no cost to the adjacent property owners who are farming. There is no reason to believe that the proposed golf course will increase (significantly or modestly) the cost of accepted farm practices on surrounding lands devoted to farm use.

(2) An applicant for a use allowed under ORS 215.213 (2) or (11) or 215.283 (2) or (4) may demonstrate that the standards for approval set forth in subsection (1) of this section will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

APPLICANT'S RESPONSE: While it is reasonable to conclude that the proposed golf course is compatible with adjacent farm and forest uses, the applicant is amenable to reasonable conditions of approval that the Planning Commission determines are necessary to ensure the use will be compatible.

OREGON ADMINISTRATIVE RULES

OAR 660-033-0120

Uses Authorized on Agricultural Lands

The specific development and uses listed in the following table are allowed or may be allowed in the areas that qualify for the designation pursuant to this division. All uses are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in this division. The abbreviations used within the schedule shall have the following meanings:

(1) A — Use is allowed. Authorization of some uses may require notice and the opportunity for a hearing because the authorization qualifies as a land use decision pursuant to ORS chapter 197. Minimum standards for uses in the table that include a numerical reference are specified in OAR 660-033-0130. Counties may prescribe additional limitations and requirements to meet local concerns only to the extent authorized by law.

(2) R — Use may be allowed, after required review. The use requires notice and the opportunity for a hearing. Minimum standards for uses in the table that include a numerical reference are specified in OAR 660-033-0130. Counties may prescribe additional limitations and requirements to meet local concerns.

(3) * — Use not allowed.

(4) # — Numerical references for specific uses shown on the chart refer to the corresponding section of OAR 660-033-0130. Where no numerical reference is noted for a use on the chart, this rule does not establish criteria for the use.

HV Farmland	All Other	USES
R 2,18(a)	R 2,5,20	Golf courses on land determined not to be on high-value farmland as defined in ORS 195.300

APPLICANT'S RESPONSE: The Administrative Rule separates uses allowed on high-value farmland (HV farmland) and those lands determined not to be high-value farmland (All Others). Because the golf course is not being developed on high-value farmland, it is allowed subject to the requirement of (R) above and the provisions of 660-033-0130 (2), (5) and (20), which are addressed below. The requirement of (R) is consistent with the Oregon Statute and the Coos County Zoning Ordinance, in that a public hearing is required.

OAR 660-033-0130

Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses

The following standards apply to uses listed in OAR 660-033-0120 where the corresponding section number is shown on the chart for a specific use under consideration. Where no numerical reference is indicated on the chart, this division does not specify any minimum review or approval criteria. Counties may include procedures and conditions in addition to those listed in the chart as authorized by law:

(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.

DESIGN CAPACITY DISCUSSION

The primary enclosed structure of which the 100-person design standard applies, is the combined clubhouse and restaurant which will be located on the northerly segment of the golf course, which is within three miles of the City of Bandon Urban Growth Boundary. however to address compliance with this standard, it is first necessary to define the intent of the rule with regard to the ambiguous language "design capacity."

The adoption of the 100-person limit was triggered by a court decision that applied a federal law prohibiting state and local governments from regulating churches more strictly than they regulate secular places of assembly. Young v. Jackson County, 58 Or LUBA 64 (2008), aff'd 227 Or App 290 (2009). To ensure that all places of assembly were regulated equally, the agency adopted this rule that places the same 100-person design capacity on all enclosed structures within three miles of a UGB: churches, schools, parks, golf courses, etc.

The term "design capacity" is not defined by Statute or Administrative Rule, however there is a 2015 appellate decision from the Oregon Land Use Board of Appeals (LUBA) that helps clarify its meaning. In Oregon Coast Alliance vs. Curry County, 71 Or LUBA 279 (2015), it was determined that Design Capacity

(while similar) is not synonymous with Maximum Occupancy under Fire and Safety Code. LUBA determined that while the intended use and Design Capacity of a structure plays a role in determining the Maximum Occupancy, and vice versa, the two concepts are distinct.

LUBA also found that while the “intended use” of a structure may play a role in determining design capacity, estimates of how many persons that are likely to use a structure at any given time under typical circumstances, is not sufficient to establish the design capacity of the structure. LUBA concluded that it may be necessary to provide some “plans of some sort” to determine that the buildings do not have a total design capacity of more than 100 people.

The applicant has submitted a conceptual design for the proposed clubhouse showing the restaurant and pro-shop (see Applicant’s Exhibit “D”). The design was created for the Bandon Trails Golf Course at the Bandon Dunes Golf Resort, which is located approximately 10 miles north of this proposed New River Dunes Golf Course. The Trails Clubhouse contains 3,900 square feet and provides service for an 18-hole professional golf course. However, it is important to note that the clubhouse is supported by an entire golf resort with a variety of amenities, including other restaurants, retail shopping, storage, and overnight accommodations, that will not be available at the proposed New River Golf Course. Therefore, it is likely that the New River Clubhouse will be designed with more square footage to accommodate the additional needs.

The New River restaurant will be designed to seat 60 people, rather than the 40-person restaurant design in the Trails Clubhouse. The pro-shop may increase in size to accommodate more products. However, based on foot traffic at Bandon Dunes pro-shops, the average number of patrons at any one time is relatively static regardless of size. The kitchen size may slightly increase to accommodate the needs for the entire golf course. However, 4 kitchen staff is generous for a restaurant with 60 seats. An increase in square footage may result from the need for additional storage space. As a stand-alone facility, all food, beverage, retail, janitorial, deck furniture, etc. will need to be stored near their intended use at or near the clubhouse.

NOTE: Regardless of the increased size of the Club House facility, the indoor seating at the restaurant will remain the same. In other words, the larger size of the structure will not affect the design capacity.

Regarding other structures throughout the facility, there will be a partially enclosed greeting facility to provide direction and information for arriving golfers, and a partially enclosed starter shack that sends golfers onto the course at the appropriate time. Two independent restrooms will be located at strategic locations throughout the course, and there will be a turn-stand mid-way through the course with restrooms and snack bar with catered food and drinks. There will be a caddy shack located near the clubhouse for management and deployment of caddies.

The maintenance operations for the golf course will occur from an agronomy center that consists of pole buildings to house equipment and offices for management staff. Nearly all management/office staff oversee maintenance operations throughout the golf course and the number of individuals occupying offices and other structures at any one time would normally not exceed a half dozen.

General Occupancy for Enclosed Structures

<i>Clubhouse Restaurant</i>	
<i>Patrons (Maximum seating)</i>	60
<i>Waiters</i>	3
<i>Kitchen Staff</i>	4
<i>Sales (Pro-shop staff)</i>	1
<i>Pro-shop (Customers)</i>	4
<i>Caddy Shack</i>	8
<i>Turn-Stand</i>	
<i>Staff</i>	1
<i>Agronomy</i>	
<i>Management (general, agronomy)</i>	3
<i>Maintenance (equipment)</i>	2
<i>Independent restrooms</i>	4
<u>Total</u>	90

CONCLUSION:

Although the numbers will vary based on the nature of golf course operations, it is reasonable to conclude that the total number of golfers, management staff, and service employees occupying the various enclosed structures at any given time, will not exceed 100 people.

(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.

APPLICANT'S RESPONSE: The primary structure, the clubhouse/restaurant and caddie shack, will be located at the north end of the golf course, within three miles of the City of Bandon Urban Growth Boundary. All other structures within three miles of the Bandon Urban Growth Boundary and subject to the 100-person design capacity standard of subsection "a" above, will be separated by 1/2 mile as shown on the attached golf course routing exhibit layout. The maintenance facility and turn-stand located at the southerly portion of the golf course is not within three miles of the Bandon Urban Growth Boundary and the one-half mile standard does not apply.

(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.

APPLICANT'S RESPONSE: There are no existing facilities within the proposed golf course.

(5) 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.

APPLICANT'S RESPONSE: The criteria for both subsections (a) and (b) above have been addressed above under the provisions of ORS 215.296(1)(a) and (b).

(20) "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:

APPLICANT'S RESPONSE: The subject property is zoned Exclusive Farm Use (EFU). The proposed golf course will consist of a regulation 18-hole, highly maintained natural turf, Scottish links style course with tees, greens, fairways, and natural hazards (bunkers).

(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;

APPLICANT'S RESPONSE: The applicant's ownership consists of approximately 600 acres. The golf course and all facilities will be contained within approximately 300 acres. It is estimated that the golf course will contain approximately 120 acres of vegetated surface (Tees, Greens, Fairways), with approximately 175 acres of surrounding open space, with two to three acres containing structural improvements.

The statutory definition of a golf course on EFU land is "a regulation 18-hole golf course generally characterized by a site of about 120 to 150 acres of land." The provision is intended to differentiate between a regulation golf course that is allowed in an EFU zone and non-regulation golf courses such as: an executive course, a par-three course, independent driving range, or a miniature golf course, all of which are specifically excluded in the EFU zone. The subjective language, "generally characterized," is intended to provide approximate parameters that would allow a reasonable person to distinguish between a regulation course and a non-regulation golf activity. It is also clear that the provision is not intended to be static or intended to establish a minimum or maximum acreage. If that were the case, the provision would state that a regulation golf course shall not be less than 120 acres nor more than 150 acres.

When interpreting a portion of a provision, particularly a subjective provision, it is important to consider the provision in its entirety. In this case, the provision includes a regulation golf course as having a playable distance of 5,000 to 7,500 yards and a par of 64 to 73 strokes. The average width for a golf course is approximately 300 feet (100 yards). A course 7,500 yards long (100 yds. x 7,500 yds) would consume 150 acres. This example does not include additional acreage needed for space between tees and

greens or the spacing for cart paths, a clubhouse, maintenance structures, irrigation ponds, driving ranges, practice courses, or parking, all of which are allowed under the Administrative Rule.

The definition of a regulation golf course and the size needed to accommodate the entire facility is generalized. It is therefore reasonable to conclude that the parameters characterizing a regulation golf course are generalized rather than strict or static requirements. It should also be noted that a Scottish Links course requires additional width (open space) for safety purposes, as a Links style course does not normally contain the natural protective buffers (trees and shrubs) between fairways that are generally associated with a standard course.

The applicant's response above is supported by the decision of the Land Use Board of Appeals, Oregon Coast Alliance vs. Curry County, 71 Or LUBA 279 (2015).

(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.

APPLICANT'S RESPONSE: The proposed course is a regulation 18-hole course and subsections (b) and (c) above do not apply.

(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;

APPLICANT'S RESPONSE: As cited throughout this application, the golf course facility will contain accessory uses in the form of a clubhouse, pro-shop, restaurant, turn-stand, parking, restrooms, a practice facility, an agronomy/maintenance center, and office space. There are no uses proposed that are not accessory to the golf course, nor are there retail facilities that are oriented to the non-golfing public.

(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

APPLICANT'S RESPONSE: Because the accessory uses are only intended to serve golfers utilizing the golf course, it is practical and cost effective to limit the size and orientation for the intended use. The pro-shop will be the only retail facility and it will be located in the clubhouse structure that also contains the restaurant.

(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 an 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.

APPLICANT'S RESPONSE: As cited throughout this application, there will be a turn-stand located strategically on the golf course route that will contain restrooms and a vendor's station with catered food and an assortment of beverages. The turn-stand will not contain a formal kitchen, as the intent is to provide snacks and beverages midway through the course. Because it is in the best interest of the golf course to promote continued play throughout the course, the facility will essentially serve as a pit-stop. The accessory service is clearly incidental to the operations of the golf course.

COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE (CCZLDO)

SECTION 4.6.200 EXCLUSIVE FARM USE

Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses

The following requirements apply to uses specified, and as listed in the table adopted by OAR 660-033-0120. For each section of this rule, the corresponding section number is shown in the table. Where no numerical reference is indicated on the table, this rule does not specify any minimum review or approval criteria. Counties may include procedures and conditions in addition to those listed in the table, as authorized by law.

APPLICANT'S RESPONSE: Within the specified use table for the Exclusive Farm Use zone, a golf course is allowed on non-high value farmland subject to the applicable Review Standards. Because Coos County has adopted OAR 660-033-0120 and 660-033-0130 verbatim for golf courses, the allowed uses, review standards, criteria, and sequencing mirror the Oregon Administrative Rules. The County Zoning Ordinance Use Table cites Review Standards 2, 5, and 20, as review criteria for the proposed golf course use.

(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.

APPLICANT'S RESPONSE: These standards have been addressed above under OAR 660-033-0130 (2)(a)(b) and (c).

(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.

APPLICANT'S RESPONSE: The county criteria has been addressed above under OAR 660-033-0130 (5)(a) and (b).

(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 an 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

APPLICANT'S RESPONSE: These standards have been addressed above under OAR 660-033-0130 (20)(a)(b)(c) and (d).

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.

APPLICANT'S RESPONSE: There are no land divisions or dwellings proposed in conjunction with this application.

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. IV- 144

APPLICANT'S RESPONSE: The majority of transportation within the golf course complex will occur across private driveways within the applicant's ownership. Driveways are not roads pursuant to county definitions and are therefore not subject to road setback standards.

- 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.

APPLICANT'S RESPONSE: There are no dwellings proposed in conjunction with this application and therefore these standards are not applicable.

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

APPLICANT'S RESPONSE: All structures will correspond with the height limitations of any applicable airport overlay zone.

4. Lot Coverage: No requirements.

APPLICANT'S RESPONSE: Although there are no lot coverage requirements, the golf course development will comply with all other lot coverage requirements pursuant to statutory, administrative, or county ordinance requirements for golf courses in the EFU zone.

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

APPLICANT'S RESPONSE: The golf course development will comply with any vision clearance requirements of 7.1.525.

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

APPLICANT'S RESPONSE: All parking and loading areas throughout the golf facility will comply with the standards of Chapter VII, CCZLDO.

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.

APPLICANT'S RESPONSE: There are no land divisions proposed in conjunction with this application and therefore this lot frontage provision does not apply.

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

APPLICANT'S RESPONSE: There are no dwellings proposed in conjunction with this application.

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]

APPLICANT'S RESPONSE: There are no dwellings proposed in conjunction with this application.

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:

APPLICANT'S RESPONSE: All riparian vegetation shall be protected in conjunction with the development of the golf course.

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.

APPLICANT'S RESPONSE: Any tree removal within riparian areas shall comply with all local, state, and federal agencies.

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;

APPLICANT'S RESPONSE: There are no water-dependent uses proposed in conjunction with this application.

c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;

APPLICANT'S RESPONSE: There are no shoreline stabilization activities proposed in conjunction with this application.

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; IV- 145

APPLICANT'S RESPONSE: There are no stream bank clearance projects proposed in conjunction with this application.

e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;

APPLICANT'S RESPONSE: There are no public roadways or public utilities proposed in conjunction with this application.

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

APPLICANT'S RESPONSE: There are no existing agricultural operations that will be continued in conjunction with the proposed use.

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".

APPLICANT'S RESPONSE: There are no existing structures sited near riparian areas within the proposed development.

h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.

APPLICANT'S RESPONSE: There is no coastal shoreland boundary existing within the proposed golf course development.

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.

APPLICANT'S RESPONSE: Any development proposed near a wetland or other waterway will maintain a minimum 50-foot setback.

SPECIAL CONSIDERATIONS, NATURAL HAZARDS AND ACCESS

ARTICLE 4.11 SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS

SECTION 4.11.100 PURPOSE: The purpose of this Article is to prescribe special regulations for the use and development of lands situated within resource or hazard areas identified on the Plan Maps for Volume I (Balance of County6).

SECTION 4.11.110 PRIORITY OF RESTRICTIONS: When the restrictions imposed by the provisions of an overlay or special development consideration pertaining to a property is found to be in conflict with the primary zone the more restrictive provisions shall govern.

SECTION 4.11.120 GOAL #5 CONFLICT RESOLUTION PROCESS: When in the course of implementing the Coos County Comprehensive Plan it becomes evident that a conflict exists concerning the use of land identified as a Oregon Statewide Planning Goal #5 resource that is otherwise protected pursuant to OAR 660-16-005(1), then any proposed conflicting use may only be allowed after the an Administrative Conditional Use application has been completed based on findings that address the requirements of OAR 660-16-0005(2) and OAR 660-165-0010.

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.

APPLICANT'S RESPONSE: There are several Special Development Considerations that are identified in conjunction with the land upon which the golf course is proposed. Each relevant consideration is addressed below. While there is sufficient information available to address most considerations in their entirety, other considerations can only be addressed when certain factors, such as structural size and location, have been determined. To reduce the size of the applicant's submittal, each special consideration is listed by title, and where possible, the lengthy ordinance provisions addressing each consideration have been omitted. The intent and applicability of each consideration is addressed in the "Applicant's Response."

SECTION 4.11.126 MINERAL & AGGREGATE PLAN IMPLEMENTATION STRATEGIES
(BALANCE OF COUNTY POLICY 5.5)

APPLICANT'S RESPONSE: Pursuant to the Coos County Comprehensive Plan inventory maps, the proposed golf course property is not located within an identified Mineral & Aggregate area.

SECTION 4.11.127 WATER RESOURCES (BALANCE OF COUNTY POLICY 5.8)

APPLICANT'S RESPONSE: Pursuant to the Coos County Comprehensive Plan inventory maps, the proposed golf course property is not located within an identified water resource area.

SECTION 4.11.128 HISTORICAL, CULTURAL AND ARCHAEOLOGICAL RESOURCES, NATURAL AREAS AND WILDERNESS (BALANCE OF COUNTY POLICY 5.7)

APPLICANT'S RESPONSE: Pursuant to the Coos County Comprehensive Plan inventory maps, the proposed golf course property is not located within an identified Historical, Cultural, Archaeological, Natural or Wilderness area.

SECTION 4.11.129 BEACHES AND DUNES (POLICY 5.10)

APPLICANT'S RESPONSE: Pursuant to the Coos County Comprehensive Plan inventory maps, the proposed golf course property is located within a Beaches and Dunes area of "Limited Suitability" for development.

Beach and Dune Areas with "limited development suitability" include 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. Implementation shall occur through an "Administrative Conditional Use process," which shall include submission of a site investigation report by a qualified registered and licensed geologist or engineer that addresses the standards below. 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.*

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 structures proposed in conjunction with the golf course have not been architecturally designed and, while the general location of structures is shown on the submitted golf course layout, the exact location of each structure is subject to change as development of the course proceeds. This being the case, a second conditional use application addressing the limited development suitability standards will be required prior to development of structures. Because the standards will be addressed under a "noticed" conditional use process and quasi-judicial land use decision, it is not required that the standards for proposed structures be addressed at this time. As a condition of approval to this application, the applicant will be required to seek approval for a Beaches and Dunes limited development suitability application prior to development of any structure.

SECTION 4.11.130 NON-ESTUARINE SHORELAND BOUNDARY (BALANCE OF COUNTY POLICY 5.10)

APPLICANT'S RESPONSE: Pursuant to the Coos County Comprehensive Plan inventory maps, no portion of the golf course is located within a non-estuarine coastal shoreland boundary.

SECTION 4.11.131 SIGNIFICANT WILDLIFE HABITAT (BALANCE OF COUNTY POLICY 5.6)

APPLICANT'S RESPONSE: Pursuant to the Coos County Comprehensive Plan inventory maps, no portion of the golf course is located within an identified Significant Wildlife Habitat area.

SECTION 4.11.132 NATURAL HAZARDS (BALANCE OF COUNTY POLICY 5.11)

APPLICANT'S RESPONSE: Pursuant to the Coos County Comprehensive Plan inventory maps, the golf course is located within numerous identified Natural Hazard areas. Each of the hazard types are addressed below.

Flood Hazard, Riverine Flooding, Coastal Flooding

APPLICANT'S RESPONSE: Pursuant to the US Federal Emergency Management Agency (FEMA) flood hazard maps, no portion of the proposed golf course is located within a Flood Hazard zone.

Landslides and Earthquakes, Landslide Susceptibility

APPLICANT'S RESPONSE: Pursuant to the Coos County Comprehensive Plan inventory maps, the proposed golf course is located within areas with moderate and high land slide susceptibility. Coos County only regulates development within areas subject to very-high land slide susceptibility and therefore landslide susceptibility is not applicable to this application.

Liquefaction Potential

Earthquakes: Coos County shall promote protection of life and property in areas potentially subject to earthquake hazards. New development or substantial improvements in mapped areas identified as potentially subject to earthquake induced liquefaction shall be subject to a geologic assessment review as set out in this section. Such areas shall include lands subject to "very high" and "high" liquefaction identified in DOGAMI Open File Report O-13-06, "Ground motion, ground deformation, tsunami inundation, co-seismic subsidence, and damage potential maps for the 2012 Oregon Resilience Plan for Cascadia Subduction Zone Earthquakes."

APPLICANT'S RESPONSE: Pursuant to the Coos County Comprehensive Plan inventory maps, portions of the proposed golf course are located within high liquefaction potential area and all new structures developed within a high liquefaction area shall be subject to a Geologic Assessment (see below).

SECTION 4.11.155 GEOLOGICAL ASSESSMENT REVIEW GEOLOGIC ASSESSMENT REVIEW:

The applicant(s) shall complete the following review to determine compliance with this section. This type of review requires a conditional use application and shall follow the administrative procedures for conditional uses found in Article 5 of the CCZLDO.

The structures proposed in conjunction with the golf course have not been architecturally designed and, while the general location of structures is shown on the submitted golf course layout, the exact location, size, and structural design have not been established. Therefore, an additional conditional use application will be required addressing the stability of development proposed within a high liquefaction area prior to development of structures. Because the standards of Section 4.11.115 will be addressed under a "noticed" conditional use process and quasi-judicial land use decision, it is not required that the standards for proposed structures be addressed at this time.

Tsunamis

APPLICANT'S RESPONSE: Pursuant to the Coos County Comprehensive Plan inventory maps, the golf course is located within a tsunami zone. Currently, Coos County only regulates the development of "Essential Facilities" in tsunami zones. The structures proposed in conjunction with the golf course do not

qualify as Essential Facilities Pursuant to the Tsunami Hazard Overlay Definitions of Section 4.11.265, CCZLDO and therefore tsunami provisions do not apply to this application.

Erosion, Riverine Streambank Erosion, Coastal, Shoreline and Headlands, Wind

APPLICANT'S RESPONSE: The standards for regulating Erosion are as follows:

Erosion

Coos County shall promote protection of property from risks associated with shoreline, headland, and wind erosion and deposition hazards.

Coos County shall promote protection of property from risks associated with bank erosion along rivers and streams through necessary erosion-control and stabilization measures, preferring nonstructural solutions when practical.

Any proposed structural development within a wind erosion/deposition area, within 100 feet of a designated bank erosion area, or on a parcel subject to wave attack, including all oceanfront lots, will be subject to a geologic assessment review as set out in Section 4.11.150. There is a setback of 100 feet from any rivers or streams that have been inventoried in the erosion layer. If a variance is requested, a geologic assessment will be required.

The proposed golf course is not located adjacent to a river or stream bank, a coastal shoreline, or a headland. The golf course is not within 100 feet of a designated bank erosion area, or on a parcel subject to wave attack, including an oceanfront lot. While the proposed golf course is not subject to this specific provision, erosion control when necessary, will be complied with in conjunction with development on land within the area designated as Beaches and Dunes Limited Development Suitability, Liquefaction Potential, and in conjunction with the required Department of Environmental Quality 1200-C Stormwater permit.

Wildfire

Coos County shall promote protection of property from risks associated with wildfires. New development or substantial improvements shall, at a minimum, meet the following standards, on parcels designated or partially designated as "High" or "Moderate" risk on the Oregon Department of Forestry 2013 Fire Threat Index Map for Coos County or as designated as at-risk of fire hazard on the 2015 Coos County Comprehensive Plan Natural Hazards Map:

APPLICANT'S RESPONSE: The proposed golf course is identified as being located within a High-Risk Wildfire Hazard area. The primary cause for fire hazard throughout the area is the presence of the invasive

species, gorse, that exists on the subject property and on surrounding lands, primarily state park lands to the west.

The development of the golf course will result in the removal of gorse within the applicant's ownership designated for golf. The golf course will primarily consist of fine fescue grasses that will be irrigated and manicured for the establishment of tees, fairways, greens, and open space. The development of the course will improve fire hazard conditions by providing a green buffer between the state lands to the west and other ownerships to the east.

There is no question that hazardous vegetation (primarily gorse) will be removed, and buffers will be maintained around all structures associated with the golf course. Applicable provisions addressing fire protection buffers, mitigation, and abatement have been addressed below. While some of the provisions may be formulated as criteria, other provisions are "requirements of law," the implementation of which are the absolute responsibility of the applicant/owner at the time of development.

1. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district or is provided fire protection by contract.
2. When it is determined that these standards are impractical the Planning Director may authorize alternative forms of fire protection that shall comply with the following:
 - a. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site IV- 168 conditions, as established by credible documentation approved in writing by the Director;
 - b. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons per dwelling or a stream that has a continuous year round flow of at least one cubic foot per second per dwelling;
 - c. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and
 - d. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

3. Fire Siting Standards for New Dwellings:

- a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.
- b. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

4. Firebreak:

- a. A firebreak shall be established and maintained around all structures, including decks, on land owned or controlled by the applicant for a distance of at least 30 feet in all directions.
- b. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone 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.
- c. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.
- d. The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.

Table 2 – Minimum Primary Safety Zone

Slope Feet of Primary Safety Zone Feet of Additional Primary Safety Zone Down Slope

0%	0 feet of additional primary safety zone down slope
10%	50 feet of additional primary safety zone down slope
20%	75 feet of additional primary safety zone down slope

- 25% 100 feet of additional primary safety zone down slope
- 40% 150 feet of additional primary safety zone down slope

- e. All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit.
- f. If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).
- g. The structure shall not be sited on a slope of greater than 40 percent.
- h. If the structure has a chimney or chimneys, each chimney shall have a spark arrester.
- i. Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads, and driveways shall be constructed so as to provide adequate access for firefighting equipment. Confirmation shall be provided from the Coos County Road Department or local fire protection district that these standards have been met.

5. Wildfires inside urban growth boundaries.

Certain areas inside urban growth boundaries may present special risks and may be made subject to additional or different standards and requirements jointly adopted by a city and the county in the form of code requirements, master plans, annexation plans, or other means.

APPLICANT'S RESPONSE: It seems clear that the provisions above are primarily intended to address dwellings (residential uses) cited on lands with a wildfire hazard designation. However, the provisions also address "structures" or "all structures," so out of an abundance of caution, the applicant will apply the primary fire protection standards to the proposed golf course development.

Subsection #1 above requires that dwellings shall be located within a Fire Protection District (RFPD) or asked to be included within the nearest Fire Protection District. While this requirement clearly applies to dwellings, it should be noted that the proposed golf course is located within the City of Bandon RFPD.

Subsection #2 above also appears to apply to residential uses and addresses the availability of water sources at the development site. The development and maintenance of a golf course requires substantial amounts of water for irrigation, which is generally procured from a highly developed groundwater source that often involves ponds and/or reservoirs. The golf course water sources will also be utilized for

domestic, landscape irrigation and fire protection. As a part of the irrigation system, high-pressure, high-volume hydrants for fire suppression will be strategically located throughout the facility as recommended by the local RFPD Fire Chief.

It is worthy of noting that the irrigation and fire protection measures available at the course will not only protect structures within the facility, but will also be available, if needed, to suppress fire on adjacent lands inundated with the highly flammable vegetation (gorse).

Subsection 3 above addresses fire standards for new dwellings. The fire standards cited under subsections (a) and (b) are nominal when compared with the fire suppression sources that will be implemented in conjunction with the golf course.

Subsection 4 above addresses fire break buffers and appropriate vegetation around structures. All structures within the golf course will meet or exceed fire break standards. Where vegetation is appropriate near structures, it will consist of low-lying landscaping with irrigation.

Structures on slopes and safety buffers are also addressed under subsection #4. The proposed structures throughout the course will be constructed on relatively flat land that does not exceed a 10% slope in any direction. The standards also address fire resistant roofing, chimney spark arresters and road development capable of supporting fire-fighting equipment. The roofing on all structures will be fire resistant and there are no anticipated fireplaces with chimneys needing spark arresters. Roads to primary structures throughout the facility will be constructed to county standards with paved asphalt surfaces.

Subsection 5 above addresses uses and applicable fire standards within Urban Growth Boundaries. The proposed golf course is not contained within an Urban Growth Boundary.

HIGHWAY ACCESS

APPLICANT'S RESPONSE: Access to the golf course is from Oregon State Highway 101. The Oregon Department of Transportation (ODOT) has been contacted regarding the project and the applicant's representatives have met on site with ODOT staff. ODOT does not provide access permits for projects until a formal application has been filed with the local jurisdiction (Coos County) responsible for permitting the proposed use. It is anticipated that during the review of the application, the county planning department will contact ODOT for comment. At that time, ODOT will provide written comment regarding the proposed access location. During the on-site inspection, ODOT staff did not see any serious concerns regarding the proposed access location and noted that the proposed location provided for good Highway visibility to both the north and south.

ON-SITE SANITARY

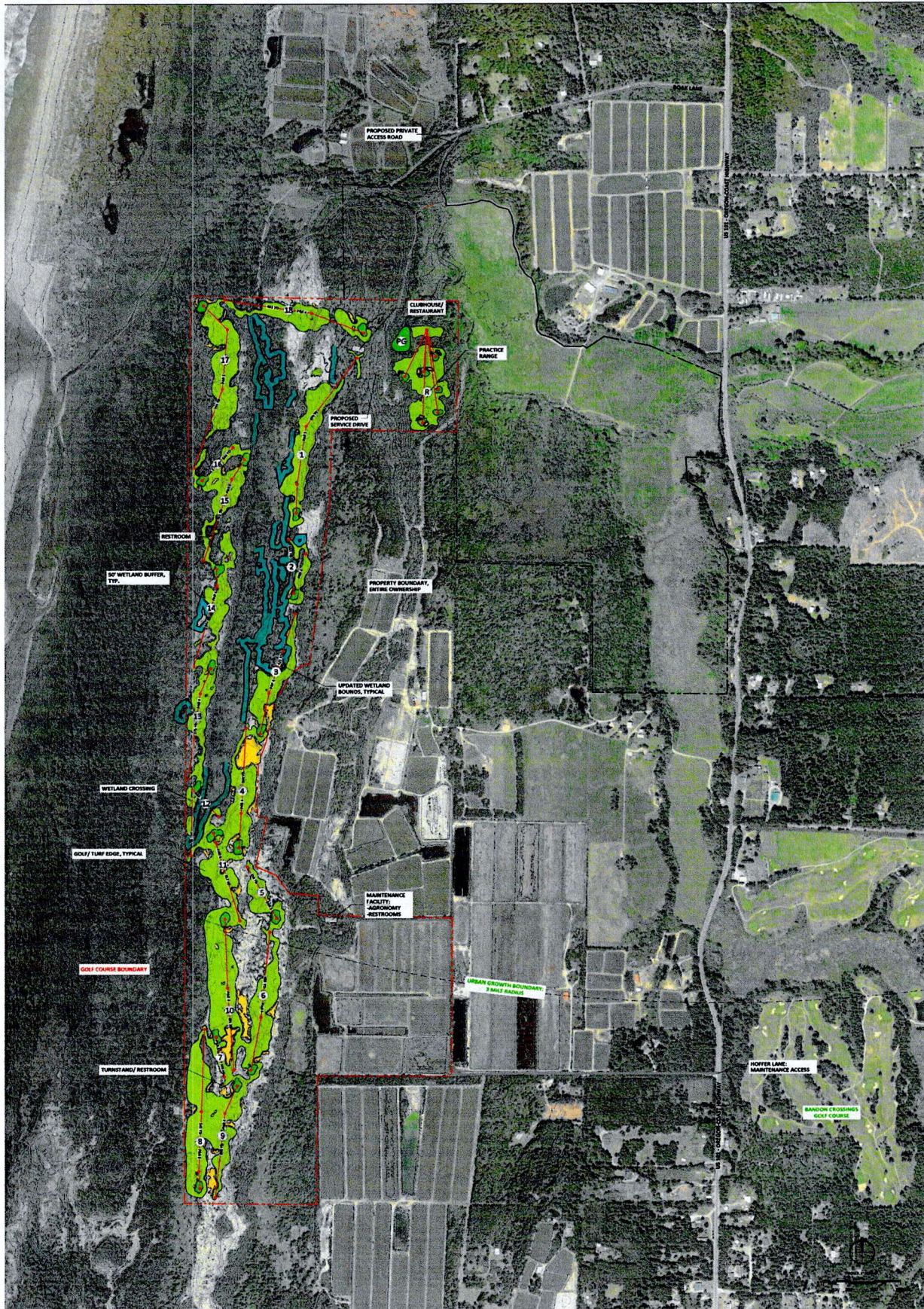
APPLICANT'S RESPONSE: It is anticipated that on-site sanitary waste will be addressed through an on-site sanitary septic system and drainfield. Prior to development, it will be required that the applicant receive a Wastewater Pollution Control Facility (WPCF) permit from the Oregon Department of Environmental Quality (DEQ) for a subsurface waste disposal system.

WATER RIGHTS

APPLICANT'S RESPONSE: It is anticipated that the water source for irrigation and domestic use will be from deep water wells and potentially reservoirs or ponds. Any groundwater irrigation sources developed in conjunction with the golf course will require water permits through the Oregon Water Resources Department (OWRD). Water use in conjunction with the golf course will be monitored to assure that the use will not impact other water uses in the vicinity.

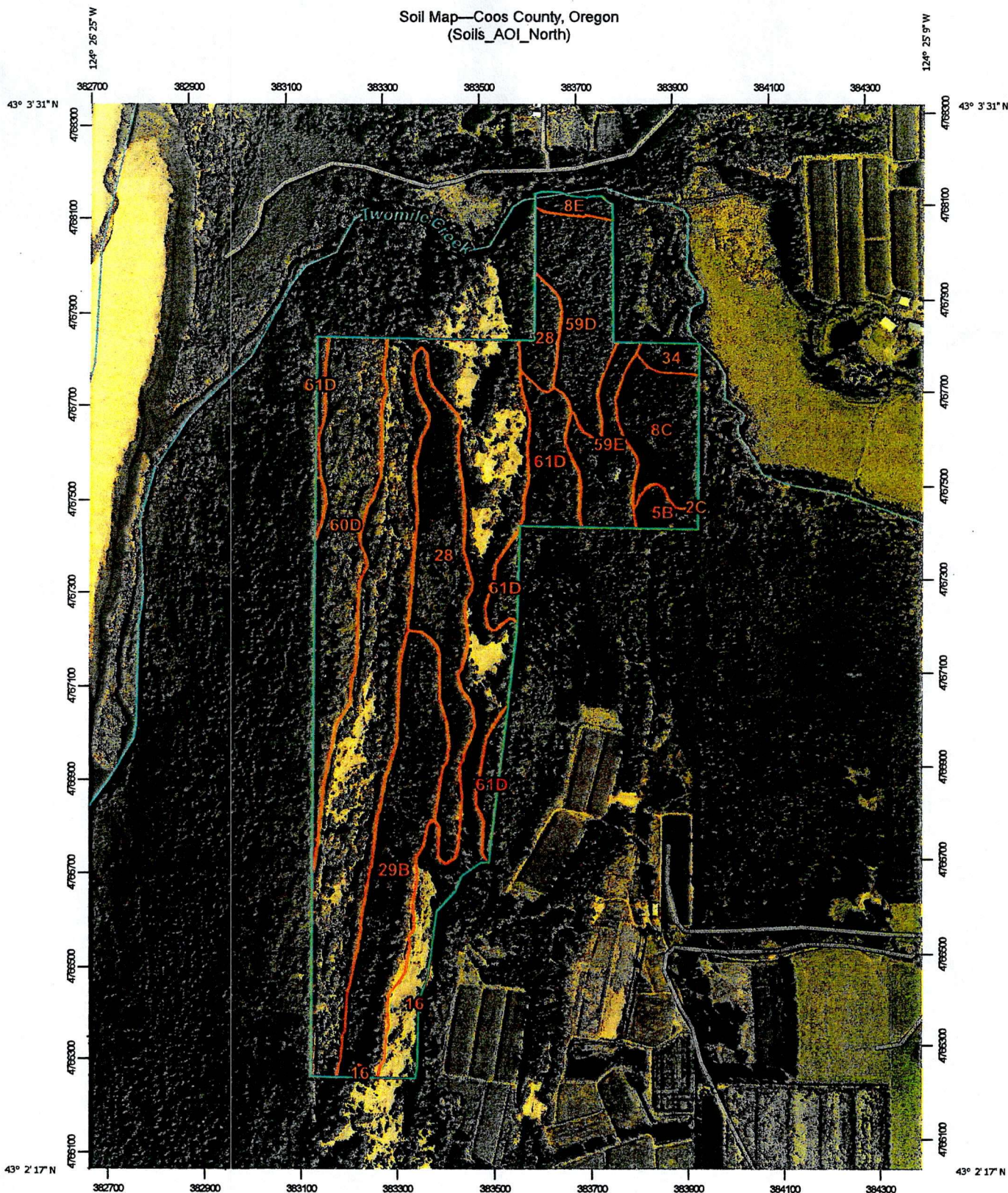
1200-C STORMWATER EROSION CONTROL PERMIT

APPLICANT'S RESPONSE: Prior to ground disturbance for development of the golf course, it is required that a Stormwater Erosion and Sediment Control Plan be filed and approved by the Oregon Department of Environmental Quality. The plan assures that surface waters of the state, including wetlands, are protected from high levels of sediment from stormwater runoff during excavation and development activities.

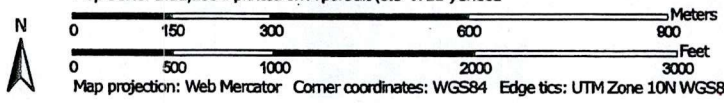


APPLICANT'S EXHIBIT "B"

Soil Map—Coos County, Oregon (Soils_AOI_North)



Map Scale: 1:11,100 if printed on A portrait (8.5" x 11") sheet.



Soil Map—Coos County, Oregon
(Soils_AOI_North)

MAP LEGEND

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

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 15, Jun 11, 2020

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
2C	Bandon-Blacklock complex, 0 to 12 percent slopes	0.0	0.0%
5B	Blacklock fine sandy loam, 3 to 7 percent slopes	2.1	1.1%
8C	Bullards sandy loam, 7 to 12 percent slopes	10.3	5.4%
8E	Bullards sandy loam, 30 to 50 percent slopes	1.7	0.9%
16	Dune land	72.2	37.8%
28	Heceta fine sand	22.1	11.5%
29B	Heceta-Waldport fine sands, 0 to 7 percent slopes	23.0	12.0%
34	Langlois silty clay loam	1.9	1.0%
59D	Waldport fine sand, 0 to 30 percent slopes	13.4	7.0%
59E	Waldport fine sand, 30 to 70 percent slopes	8.0	4.2%
60D	Waldport-Dune land complex, 12 to 30 percent slopes	22.9	12.0%
61D	Waldport-Heceta fine sands, 0 to 30 percent slopes	13.5	7.0%
Totals for Area of Interest		191.2	100.0%

2C-Bandon-Blacklock complex, 0 to 12 percent slopes.

This map unit is on dissected marine terraces. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 25 to 300 feet. The average annual precipitation is 55 to 75 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

This unit is 60 percent Bandon sandy loam and 20 percent Blacklock fine sandy loam. The Bandon soil is in lightly convex areas where slope is 0 to 12 percent, and the Blacklock soil is in scattered depressional areas where slope is 0 to 3 percent. The components of this unit are so intricately intermingled that it was not practical to map them separately at the scale used.

Included in this unit are small areas of Bullards, Heceta, and Yaquina soils. Included areas make up about 20 percent of the total acreage. The percentage varies from one area to another.

The Bandon soil is deep and well drained. It formed in sandy marine deposits. Typically, the surface is covered with a mat of decomposed organic litter 1 inch thick. The surface layer is dark grayish brown sandy loam 5 inches thick. The upper 25 inches of the subsoil is dark reddish brown sandy loam and loam, and the lower 13 inches is pale brown, cemented, sandy material. The substratum to a depth of 60 inches or more is yellowish brown loam.

Permeability of the Bandon soil is moderate above the cemented layer, very slow through it, and moderately rapid below it. Available water capacity is about 2 to 6 inches. Effective rooting depth is 18 to 36 inches. Runoff is medium, and the hazard of water erosion is moderate. The hazard of soil blowing is severe.

The Blacklock soil is deep and poorly drained. It formed in sandy marine deposits. Typically, the surface is covered with a mat of organic litter 1 inch thick. The surface layer is black and very dark gray fine sandy loam 9 inches thick. The subsurface layer is gray loamy fine sand 4 inches thick. The upper 2 inches of the subsoil is black mucky loam, and the lower 37 inches is mottled, strong brown to yellowish brown, cemented sand. The substratum to a depth of 75 inches or more is mottled, light olive brown, red, and brown sand.

Permeability of the Blacklock soil is moderate above the cemented layer, very slow through it, and moderately rapid below it. Available water capacity is about 1.5 to 3.5 inches. Effective rooting depth is 12 to 24 inches. Runoff is very slow, and the hazard of water erosion is slight. The water table fluctuates from 6 inches above the surface to 30 inches below the surface from October to May.

This unit is used mainly for timber production and wildlife habitat. Areas of the Bandon soil are also used for pasture, recreation, and homesite development.

The Bandon soil is suited to the production of Douglas fir. Among the other species that grow on this soil are Sitka spruce, western hemlock, red alder, and western red cedar. The understory vegetation is mainly salal, evergreen huckleberry, western brackenfern, and Pacific waxmyrtle.

The Blacklock soil is suited to the production of shore pine. Among the other species that grow on this soil are Sitka spruce, western hemlock, and Port Orford cedar. The understory vegetation is mainly salal, evergreen huckleberry, Pacific rhododendron, manzanita, and slough sedge.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 137 on the Bandon soil. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 140 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 105.

On the basis of a 100-year site curve, the mean site index for shore pine is 90 on the Blacklock soil. At the culmination of the mean annual increment (CMAI), the production of 60-year-old shore pine trees 1.5 inches in diameter or more at breast height is 79 cubic feet per acre per year.

High winds from the Pacific Ocean may seriously limit the growth of trees on this unit unless the trees are in a protected area.

The main limitations for the management of timber on this unit are the hazard of windthrow, seasonal wetness on the Blacklock soil, and plant competition on the Bandon soil. Windthrow is a hazard when the soil is wet and winds are strong. Tree roots are restricted by the cemented layer in the soils. The seasonal high water table in the Blacklock soil limits the use of equipment during wet periods. When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants reduce natural or artificial reforestation unless intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting Douglas fir seedlings on the Bandon soil and shore pine seedlings on the Blacklock soil. Tree seedlings on the Blacklock soil have only a moderate rate of survival because of the seasonal high water table.

If this unit is used for pasture, the main limitations are the droughtiness of the Bandon soil in summer and the wetness of the Blacklock soil. Supplemental irrigation is needed for maximum production on the Bandon soil. Sprinkler irrigation is a suitable method of applying water. Use of this method permits the even, controlled application of water. Water should be applied in amounts sufficient to wet the root zone but small enough to minimize the leaching of plant nutrients. Applications of water should be adjusted to the available water capacity, the water intake rate, and the crop needs. Drainage is needed for maximum production. Water on or near the surface can be removed with open ditches or tile drains. Fertilizer is needed to ensure optimum growth of grasses and legumes. Grasses respond to nitrogen, and legumes respond to sulfur and phosphorus. Proper stocking rates and pasture rotation help to keep the pasture in good condition and to protect the soil from erosion.

If this unit is used for recreational development, the main limitations are the very slow permeability of the Bandon soil and the wetness and very slow permeability of the Blacklock soil. Water perched above the cemented layer may limit the use of recreational facilities to dry periods. Drainage should be provided for paths and trails. Wetness can be reduced by ripping the cemented layer in the Bandon soil and by installing open ditches or tile drains in the Blacklock soil.

If this unit is used for homesite development, the main limitations are the very slow permeability of the soils and the hazard of erosion. Use of septic tank absorption fields is limited by the very slow permeability. Because of the cemented layer, onsite sewage disposal systems often fail or do not function properly during periods of high rainfall. The limitation of very slow permeability may be overcome by increasing the size of the absorption field.

Erosion is a hazard in the steeper areas. Only the part of the site that is used for construction should be disturbed. The risk of erosion is increased if the soil is left exposed during site development. Revegetating disturbed areas around construction sites as soon as feasible helps to control erosion. Structures to divert runoff are needed if buildings and roads are constructed.

This map unit is in capability subclass VIw.

5B-Blacklock fine sandy loam, 3 to 7 percent slopes.

This deep, poorly drained soil is in depressional areas on marine terraces. It formed in sandy marine deposits. The native vegetation is mainly conifers, shrubs, forbs, and sedges. Elevation is 25 to 350 feet. The average annual precipitation is 55 to 75 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

Typically, the surface is covered with a mat of organic litter 1 inch thick. The surface layer is black and very dark gray fine sandy loam 9 inches thick. The subsurface layer is gray fine sandy loam 4 inches thick. The upper 2 inches of the subsoil is black mucky loam, and the lower 37 inches is mottled, strong brown to yellowish brown, cemented sand. The substratum to a depth of 75 inches or more is mottled, light olive brown sand.

Included in this unit are small areas of Bandon, Bullards, and Heceta soils. Included areas make up about 25 percent of the total acreage. The percentage varies from one area to another.

Permeability of this Blacklock soil is moderate above the cemented layer, very slow through it, and moderately rapid below it. Available water capacity is about 1.5 to 3.5 inches. Effective rooting depth is 12 to 24 inches. Runoff is very slow, and the hazard of water erosion is slight. The water table fluctuates from 6 inches above the surface to 30 inches below the surface from October to May.

This unit is used mainly for timber production and wildlife habitat. It is also used for cranberry production and recreation.

This unit is suited to the production of shore pine. Among the other species that grow on this unit are Sitka spruce, western hemlock, and Port Orford cedar. The understory vegetation is mainly salal, evergreen huckleberry, Pacific rhododendron, manzanita, and slough sedge.

On the basis of a 100-year site curve, the mean site index for shore pine is 90. At the culmination of the mean annual increment (CMAI), the production of 60-year-old shore pine trees 1.5 inches in diameter or more at breast height is 79 cubic feet per acre per year. High winds from the Pacific Ocean may seriously limit the growth of trees unless they are in a protected area.

The main limitations for the management of timber on this unit are seasonal wetness and the hazard of windthrow. The seasonal high water table limits the use of equipment to dry periods. Because roots are restricted by the cemented layer, trees commonly are subject to windthrow. Reforestation can be accomplished by planting shore pine, Sitka spruce, and western hemlock seedlings. Tree seedlings have only a moderate rate of survival because of the seasonal high water table.

Irrigation and drainage are needed if the soil in this unit is intensively managed for cranberry production. Fields are prepared by removing the soil material above the cemented layer and replacing it with about 10 inches of sandy soil material. The top of the cemented layer should be graded toward the edge of the field to provide internal drainage. Open ditches and dikes are needed around the edge of fields to provide drainage and to control the water level; however, open ditches should not extend into the cemented layer.

Sprinkler irrigation is an efficient method of applying water during the dry period in summer. Sprinklers can also be used to control the temperature in summer, to prevent frost damage during winter, and to apply fertilizer, pesticides, and herbicides.

The very slow permeability of the cemented layer facilitates water management by preventing excessive seepage and reduces losses of fertilizer and soil amendments. Excessive seepage may occur in the sandy substratum. Yields vary greatly depending on management practices used. Because of the steepness of

slope, deep cuts and fills may be necessary to provide level fields. Excessive seepage may occur if cuts are made below the cemented layer.

If this unit is used for recreational development, the main limitations are wetness and the very slow permeability. Water perched above the cemented layer may limit the use of recreational facilities to 3 or 4 months during the dry period. Drainage should be provided for paths and trails. Septic tank absorption fields do not function properly because of the seasonal high water table and the cemented layer. If sanitary facilities are constructed on this unit, holding tanks or effluent treatment systems should be used.

This map unit is in capability subclass VIw.

8C-Bullards sandy loam, 7 to 12 percent slopes.

This deep, well drained soil is on dissected marine terraces. It formed in mixed eolian and marine deposits. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 50 to 600 feet. The average annual precipitation is 55 to 75 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

Typically, the surface is covered with a mat of undecomposed organic matter 3 inches thick. The surface layer is very dark grayish brown sandy loam 7 inches thick. The subsoil is dark reddish brown, dark brown, and strong brown gravelly sandy loam 34 inches thick. The substratum to a depth of 60 inches or more is yellowish brown sand.

Included in this unit are small areas of Bandon and Templeton soils. Also included are small areas of Blacklock soils. Included areas make up about 25 percent of the total acreage.

Permeability of this Bullards soil is moderate. Available water capacity is about 4.0 to 5.5 inches. Effective rooting depth is 60 inches or more. Runoff is medium, and the hazard of water erosion is moderate. The hazard of soil blowing is severe.

This unit is used mainly for timber production, wildlife habitat, and homesite development. It is also used for pasture and recreation.

This unit is suited to the production of Douglas fir. Among the other species that grow on this unit are Sitka spruce, western hemlock, western redcedar, shore pine, and red alder. The understory vegetation is mainly evergreen huckleberry, creambush oceanspray, salal, Pacific rhododendron, cascara, and western swordfern.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 132. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 133 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 105.

The main limitations for the management of timber on this unit are the hazard of windthrow and plant competition. Careful use of wheeled and tracked equipment reduces the disturbance of the protective layer of duff.

Proper design of road drainage systems and care in the placement of culverts help to control erosion. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available in this unit. Windthrow is a hazard when the soil is wet and winds are strong. When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants reduce

natural or artificial reforestation unless intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting Douglas fir, Sitka spruce, and western hemlock seedlings.

If this unit is used for homesite development, the main limitations are slope and droughtiness in summer. Absorption lines should be installed on the contour. In summer, irrigation is needed for lawn grasses, shrubs, vines, shade trees, and ornamental trees.

If this unit is used for pasture, the main limitation is droughtiness in summer. Supplemental irrigation is needed for maximum production. Sprinkler irrigation is a suitable method of applying water. Use of this method permits the even, controlled application of water. Water should be applied in amounts sufficient to wet the root zone but small enough to minimize the leaching of plant nutrients. Applications of water should be adjusted to the available water capacity, the water intake rate, and the crop needs.

Fertilizer is needed to ensure optimum growth of grasses and legumes. Grasses respond to nitrogen, and legumes respond to sulfur and phosphorus. Proper stocking rates and pasture rotation help to keep the pasture in good condition and to protect the soil from erosion. Periodic mowing and clipping help to maintain uniform growth, discourage selective grazing, and reduce clumpy growth.

If this unit is used for recreational development, the main limitation is steepness of slope. Slope may restrict some kinds of activities and increase the cost of constructing facilities.

This map unit is in capability subclass IIe.

8E-Bullards sandy loam, 30 to 50 percent slopes.

This deep, well drained soil is on dissected marine terraces. It formed in mixed eolian and marine deposits. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 50 to 600 feet. The average annual precipitation is 55 to 75 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

Typically, the surface is covered with a mat of undecomposed organic matter 3 inches thick. The surface layer is very dark grayish brown sandy loam 7 inches thick. The subsoil is dark reddish brown, dark brown, and strong brown gravelly sandy loam 34 inches thick. The substratum to a depth of 60 inches or more is yellowish brown sand.

Included in this unit are small areas of Templeton soils. Included areas make up about 20 percent of the total acreage. The percentage varies from area to area.

Permeability of this Bullards soil is moderate. Available water capacity is about 4.0 to 5.5 inches. Effective rooting depth is 60 inches or more. Runoff is rapid, and the hazard of water erosion is high. The hazard of soil blowing is severe.

This unit is used mainly for timber production and wildlife habitat. It is also used for recreation.

This unit is suited to the production of Douglas fir. Among the other species that grow on this unit are Sitka spruce, western hemlock, western redcedar, shore pine, and red alder. The understory vegetation is mainly evergreen huckleberry, creambush oceanspray, salal, Pacific rhododendron, cascara, and western swordfern.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 132. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 133 cubic feet per acre per year. On the basis of a 50-year site curve, the mean

site index for Douglas fir is 105. High winds from the Pacific Ocean may seriously limit the growth of trees unless they are in a protected area.

The main limitations for the management of timber on this unit are steepness of slope, the hazard of erosion, the hazard of windthrow, and plant competition. Careful use of wheeled and tracked equipment reduces the disturbance of the protective layer of duff. Highlead or other logging systems that fully or partially suspend logs damage the soil less and generally are less costly than tractor systems.

Proper design of road drainage systems and care in the placement of culverts help to control erosion. Cut and fill areas are subject to erosion unless treated. Seeding, mulching, benching, and compacting the soil can reduce erosion. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available in this unit. Steep yarding paths, skid trails, and firebreaks are subject to rilling and gullying unless they are provided with adequate water bars or are protected by plant cover, or both.

Windthrow is a hazard when the soil is wet and winds are strong. When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants reduce natural or artificial reforestation unless intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting Douglas fir, Sitka spruce, and western hemlock seedlings.

If this unit is used for recreational development, the main limitations are slope and the hazard of erosion. Slope limits the use of areas of this unit mainly to a few paths and trails, which should extend across the slope.

The risk of erosion is increased if the soil is left exposed during site development. Revegetating disturbed areas around construction sites as soon as feasible helps to control erosion.

This map unit is in capability subclass VIe.

16-Dune land.

Dune land consists mainly of hills and ridges of shifting fine and medium textured sand. It formed in eolian deposits derived dominantly from deflation basins adjacent to coastal beaches. Slope is 0 to 30 percent. Areas of Dune land do not support vegetation. Elevation is 5 to 100 feet. The average annual precipitation is 50 to 70 inches, the average annual air temperature is 51 to 53 degrees *F*, and the average frost-free period is 200 to 240 days.

Included in this unit are small areas of Waldport soils, some of which have a thin surface layer, and Heceta soils. Included areas make up about 20 percent of the total acreage.

Permeability of Dune land is very rapid. Runoff is slow, and the hazard of water erosion is slight. The hazard of soil blowing is severe.

This unit is used for recreation. The hazard of soil blowing and the instability of the areas limit the unit for most kinds of recreational development. It is suitable for low-intensity uses such as hiking and horseback riding and for off-road vehicle traffic.

This map unit is in capability subclass VIIe.

28-Heceta fine sand.

This deep, poorly drained soil is in deflation basins and depressional areas between dunes. It formed in eolian material. Slopes are 0 to 3 percent. The native vegetation is mainly sedges, rushes, water-tolerant grasses, and shrubs. Elevation is 0 to 80 feet. The average annual precipitation is 50 to 70 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

Typically, the surface layer is very dark grayish brown fine sand 4 inches thick. The substratum to a depth of 60 inches or more is mottled, grayish brown sand.

Included in this unit are small areas of Waldport and Netarts soils and Dune land, Included areas make up about 20 percent of the total acreage. The percentage varies from one area to another.

Permeability of this Heceta soil is rapid. Available water capacity is about 1 to 2 inches. Effective rooting depth is 60 inches for water-tolerant plants, but it is limited by the water table for non-water-tolerant plants. Runoff is ponded, and the hazard of water erosion is slight. The water table fluctuates from 12 inches above the surface to 6 inches below the surface from October to May.

This unit is used for recreation and wildlife habitat. If this unit is used for recreational development, the main limitation is wetness. Use of paths and trails may be limited to 2 or 3 months in summer.

This map unit is in capability subclass IVw.

29B-Heceta-Waldport fine sands, 0 to 7 percent slopes.

This map unit is on deflation plains and small dunes. The native vegetation is mainly rushes, sedges, and shrubs on the Heceta soil and grasses and shrubs on the Waldport soil. Elevation is 0 to 40 feet. The average annual precipitation is 50 to 70 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

This unit is 55 percent Heceta fine sand and 25 percent Waldport fine sand. The Heceta soil is on nearly level deflation plains, and the Waldport soil is on small, stabilized sand dunes. The components of this unit are so intricately intermingled that it was not practical to map them separately at the scale used.

Included in this unit are small areas of Dune land. Also included are small areas of Yaquina soils. Included areas make up about 20 percent of the total acreage.

The Heceta soil is deep and poorly drained. It formed in eolian material. Slope is 0 to 3 percent. Typically, the surface layer is very dark grayish brown fine sand 4 inches thick. The substratum to a depth of 60 inches or more is mottled, grayish brown sand.

Permeability of the Heceta soil is rapid. Available water capacity is about 1 to 2 inches. Effective rooting depth is 60 inches for water-tolerant plants, but it is limited by the water table for non-water-tolerant plants. Runoff is ponded, and the hazard of water erosion is slight. The water table fluctuates from 12 inches above the surface to 6 inches below the surface from October to May.

The Waldport soil is deep and excessively drained. It formed in eolian deposits. Slope is 0 to 7 percent. Typically, the surface layer is very dark grayish brown fine sand 4 inches thick. The substratum to a depth of 60 inches or more is dark yellowish brown fine sand.

Permeability of the Waldport soil is very rapid. Available water capacity is about 3 to 4 inches. Effective rooting depth is 60 inches or more. Runoff is very slow, and the hazard of water erosion is slight. The hazard of soil blowing is severe.

This unit is used for recreation and wildlife habitat. If this unit is used for recreational development, the main limitations are wetness of the Heceta soil and the hazard of soil blowing on the Waldport soil. Use of this unit is restricted mainly to low-intensity types of recreation, such as hiking and horseback riding. The unit can also be used for other kinds of recreational activities that require a minimum of construction and soil disturbance.

The Heceta soil is ponded in winter; therefore, use of paths and trails constructed on this soil is limited to summer. Areas used for recreation can be protected from soil blowing by maintaining plant cover.

This map unit is in capability subclass VIIe.

34-Langlois silty clay loam.

This deep, very poorly drained soil is in depressional areas of flood plains and on old tidal flats. It formed in recent alluvium. Slope is 0 to 1 percent. The native vegetation is mainly hardwoods, shrubs, forbs, and conifers. Elevation is 0 to 20 feet. The average annual precipitation is 50 to 80 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

Typically, the surface layer is mottled, dark grayish brown silty clay loam 10 inches thick. The upper 20 inches of the substratum is dark grayish brown and dark gray silty clay, and the lower part to a depth of 60 inches or more is dark gray clay. In some areas the surface layer is peaty.

Included in this unit are small areas of Chetco and Nestucca soils. Also included are small areas of Coquille soils. Included areas make up about 20 percent of the total acreage. The percentage varies from one area to another.

Permeability of this Langlois soil is slow. Available water capacity is about 2.5 to 4.5 inches. Effective rooting depth is 60 inches or more for water-tolerant plants, but it is limited by the water table for non-water-tolerant plants. The water table fluctuates between the surface and a depth of 36 inches below the surface from November to March. Runoff is slow, and the hazard of water erosion is slight. This soil is subject to frequent periods of flooding in winter.

This unit is used mainly for hay and pasture and for wildlife habitat. The vegetation in areas not cultivated is mainly Pacific willow, red alder, black cottonwood, and Sitka spruce. The understory vegetation is mainly slough sedge, soft rush, brown-headed rush, and skunkcabbage.

If this unit is used for hay and pasture, the main limitations are the susceptibility of the surface layer to compaction, droughtiness in summer, the hazard of flooding, wetness, and, for the curing of hay, high humidity. Grazing when the soil is wet results in compaction of the surface layer and poor tilth. Compaction limits the movement of air and water in the soil and restricts the growth of roots; it can seriously reduce the productivity of the soil. Grazing should be delayed until the soil has drained sufficiently and is firm enough to withstand trampling by livestock.

Supplemental irrigation is needed for maximum production. Sprinkler irrigation is a suitable method of applying water. Use of this method permits the even, controlled application of water. Water should be applied in amounts sufficient to wet the root zone but in amounts small enough to minimize the leaching of plant nutrients. Applications of water should be adjusted to the available water capacity, the water intake rate, and the crop needs.

Frequent, long periods of flooding restrict the use of this unit in winter. Protection from flooding is impractical.

Drainage is needed to lower the water table. Water on or near the surface can be removed by use of open ditches and tide gates. Wetness and flooding restrict grazing in winter. The choice of plants is limited to those that withstand periodic inundation.

High humidity and frequent periods of rainfall late in spring prevent the production of high-quality hay. The quality of grass for hay can be maintained by increasing the stocking rate in spring. Excess forage in spring can be used as silage.

Fertilizer is needed to ensure optimum growth of grasses. Grasses respond to nitrogen. Proper stocking rates, pasture rotation, and restricted grazing during wet periods help to keep the pasture in good condition. Rotation grazing increases the production of forage and helps to control weeds. Periodic mowing and clipping help to maintain uniform growth, discourage selective grazing, and reduce clumpy growth.

This map unit is in capability subclass IVw.

59D-Waldport fine sand, 0 to 30 percent slopes.

This deep, excessively drained soil is on stabilized sand dunes. It formed in eolian deposits. The native vegetation is mainly conifers, shrubs, grasses, and forbs. Elevation is 10 to 120 feet. The average annual precipitation is 50 to 70 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

Typically, the surface layer is very dark grayish brown and brown fine sand 7 inches thick. The underlying material to a depth of 60 inches or more is dark yellowish brown fine sand.

Included in this unit are small areas of Heceta soils and Dune land. Also included are small areas of Netarts soils. Included areas make up about 25 percent of the total acreage.

Permeability of this Waldport soil is very rapid. Available water capacity is about 3 to 4 inches. Effective rooting depth is 60 inches or more. Runoff is very slow, and the hazard of water erosion is slight. The hazard of soil blowing is severe.

This unit is used mainly for timber production, wildlife habitat, and recreation. It is also used for homesite development.

This unit is suited to the production of shore pine. Among the other species that grow on this unit are western hemlock, Sitka spruce, and Douglas fir. The understory vegetation is mainly Pacific rhododendron, salal, red huckleberry, evergreen huckleberry, and European beachgrass.

On the basis of a 100-year site curve, the mean site index for shore pine is 90. At the culmination of the mean annual increment (CMAI), the production of 60-year-old shore pine trees 1.5 inches in diameter or more at breast height is 79 cubic feet per acre per year. High winds from the Pacific Ocean may seriously limit the growth of trees unless they are in a protected area.

The main limitations for the management of timber on this unit are seedling mortality and plant competition. Careful use of wheeled and tracked equipment reduces the disturbance of the protective layer of duff. The risk of soil blowing increases if the timber is harvested or the understory is removed. Conventional methods can be used for harvesting timber, but use of skid trails can accelerate erosion.

Proper design of road drainage systems and care in the placement of culverts help to control erosion. Seeding road cuts and fills helps to stabilize the soil and reduces the risk of soil blowing. Windthrow is a hazard when the soil is wet and winds are strong.

When openings are made in the canopy, invading brushy plants delay natural reforestation. Undesirable plants reduce adequate natural or artificial reforestation. Intensive site preparation and maintenance generally are not needed. Reforestation can be accomplished by planting shore pine and Sitka spruce seedlings. Droughtiness increases seedling mortality.

If this unit is used for recreational development, the main limitations are the hazard of soil blowing, the instability of the soil, and slope. Use of the unit is restricted to low-intensity types of recreation, such as hiking and horseback riding. Areas used for recreation can be protected from soil blowing by maintaining plant cover. Plant cover can be maintained by limiting traffic.

Roads, paths, and trails are difficult to maintain because of the loose sand. Cutbanks are not stable and are subject to slumping. Access roads should be placed on lower slopes and designed to provide low cut-slope grades.

If this unit is used for homesite development, the main limitations are the hazard of ground water pollution, slope, the hazard of soil blowing, and droughtiness in summer. The very rapid permeability of the subsoil may permit untreated effluent to enter the ground water. Special designs may be needed to prevent contamination of water supplies. The steeper areas of this unit are not suitable for installation of absorption fields. Community sewage treatment systems may be needed.

Extensive cutting and filling are required to provide level building sites. Excavation for houses and access roads exposes material that is highly susceptible to soil blowing. Revegetating disturbed areas around construction sites as soon as feasible helps to control soil blowing. It is difficult to establish plants in areas where the surface layer has been removed. Mulching and fertilizing cut areas help to establish plants. In summer, irrigation is needed for lawn grasses, shrubs, vines, shade trees, and ornamental trees.

This map unit is in capability subclass VIIe.

59E-Waldport fine sand; 30 to 70 percent slopes.

This deep, excessively drained soil is on stabilized sand dunes. It formed in eolian deposits. The native vegetation is mainly conifers, shrubs, grasses, and forbs. Elevation is 10 to 160 feet. The average annual precipitation is 50 to 70 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

Typically, the surface layer is very dark grayish brown and brown fine sand 7 inches thick. The underlying material to a depth of 60 inches or more is dark yellowish brown fine sand.

Included in this unit are small areas of Dune land. Also included are small areas of Netarts and Heceta soils. Included areas make up about 25 percent of the total acreage.

Permeability of this Waldport soil is very rapid. Available water capacity is about 3 to 4 inches. Effective rooting depth is 60 inches or more. Runoff is very slow, and the hazard of water erosion is moderate. The hazard of soil blowing is severe.

This unit is used for timber production and wildlife habitat.

This unit is suited to the production of shore pine. Among the other species that grow on this unit are western hemlock, Sitka spruce, and Douglas fir. The understory vegetation is mainly Pacific rhododendron, salal, red huckleberry, evergreen huckleberry, and European beachgrass.

On the basis of a 100-year site curve, the mean site index for shore pine is 90. At the culmination of the mean annual increment (CMAI), the production of 60-year-old shore pine trees 1.5 inches in diameter or more at breast height is 79 cubic feet per acre per year. High winds from the Pacific Ocean may seriously limit the growth of trees unless they are in a protected area.

The main limitations for the management of timber on this unit are the hazard of erosion, seedling mortality, and plant competition. Careful use of wheeled and tracked equipment reduces the disturbance of the protective layer of duff. The risk of soil blowing increases if the timber is harvested or the understory is removed. Conventional methods can be used for harvesting timber, but use of skid trails can accelerate erosion. Steepness of slope restricts the use of wheeled and tracked equipment on skid trails. Cable yarding generally is safer and disturbs the soil less.

Proper design of road drainage systems and care in the placement of culverts help to control erosion. Seeding cuts and fills helps to stabilize the soil and reduces soil blowing. Road location and maintenance costs are greater in the more steeply sloping areas. Material cast to the side when building roads can damage vegetation. It is also a potential source of sedimentation. End hauling of waste material minimizes damage to the vegetation downslope and reduces the potential for sedimentation. Windthrow is a hazard when the soil is wet and winds are strong.

When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants reduce adequate natural or artificial reforestation. Intensive site preparation and maintenance generally are not needed.

Reforestation can be accomplished by planting shore pine and Sitka spruce seedlings. Droughtiness increases seedling mortality.

This map unit is in capability subclass VIIe.

60D-Waldport-Dune land complex, 12 to 30 percent slopes.

This map unit is on stabilized and active foredunes. The vegetation on the Waldport soil is mainly European beachgrass. Dune land does not support vegetation. Elevation is 10 to 80 feet. The average annual precipitation is 50 to 70 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

This unit is 60 percent Waldport fine sand and 30 percent Dune land. The Waldport soil is in areas that have been stabilized with vegetation. The components of this unit are so intricately intermingled that it was not practical to map them separately at the scale used.

Included in this unit are small areas of Heceta soils. Included areas make up about 10 percent of the total acreage.

The Waldport soil is deep and excessively drained. It formed in eolian deposits. Typically, the surface layer is very dark grayish brown fine sand 4 inches thick. The substratum to a depth of 60 inches or more is dark yellowish brown fine sand.

Permeability of the Waldport soil is very rapid. Available water capacity is about 3 to 4 inches. Effective rooting depth is 60 inches or more. Runoff is very slow, and the hazard of erosion is slight. The hazard of soil blowing is severe.

Dune land is deep and excessively drained. It formed in eolian deposits. Typically, the areas of Dune land are fine and medium sand to a depth of 60 inches or more.

Permeability of Dune land is very rapid. Available water capacity is about 3 to 4 inches. Runoff is slow, and the hazard of water erosion is slight. The hazard of soil blowing is severe.

This unit is used for recreation and wildlife habitat.

If this unit is used for recreational development, the main limitations are soil blowing and the instability of the soil. Use of this unit is limited to low-intensity types of recreation, such as hiking, horseback riding, and operating off-road vehicles.

Areas used for recreation can be protected from soil blowing by establishing plant cover. Plant cover can be maintained by limiting traffic. Excavation for roads and buildings exposes material that is highly susceptible to soil blowing. Establishing vegetation on disturbed areas around construction sites as soon as possible helps to control soil blowing. Roads and trails are difficult to maintain because of the loose sand. Roads must be surfaced for use by conventional vehicles.

This map unit is in capability subclass VIIe.

61D-Waldport-Heceta fine sands, 0 to 30 percent slopes.

This map unit is mainly on stabilized sand dunes and in depressional areas between sand dunes. Some areas are on deflation basins. The native vegetation is mainly conifers, shrubs, grasses, and forbs on the Waldport soil and sedges, rushes, water-tolerant grasses, and shrubs on the Heceta soil. Elevation is 0 to 80 feet. The average annual precipitation is 50 to 70 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

This unit is 50 percent Waldport fine sand and 30 percent Heceta fine sand. The Waldport soil is on stabilized sand dunes, and the Heceta soil is in interdunal swales and depressional areas. The components of this unit are so intricately intermingled that it was not practical to map them separately at the scale used.

Included in this unit are small areas of Netarts and Yaquina soils and Dune land. Included areas make up about 20 percent of the total acreage.

The Waldport soil is deep and excessively drained. It formed in eolian deposits. Slope is 7 to 30 percent. Typically, the surface layer is very dark grayish brown and brown fine sand 7 inches thick. The substratum to a depth of 60 inches or more is dark yellowish brown fine sand.

Permeability of the Waldport soil is very rapid. Available water capacity is about 3 to 4 inches. Effective rooting depth is 60 inches or more. Runoff is very slow, and the hazard of water erosion is slight. The hazard of soil blowing is severe.

The Heceta soil is deep and poorly drained. It formed in eolian material. Slope is 0 to 3 percent. Typically, the surface layer is very dark grayish brown fine sand 4 inches thick. The substratum to a depth of 60 inches or more is mottled, grayish brown sand.

Permeability of the Heceta soil is rapid. Available water capacity is about 1 inch to 2 inches. Effective rooting depth is 60 inches for water-tolerant plants, but it is limited by the water table for non-water-tolerant plants. Runoff is ponded, and the hazard of water erosion is slight. The water table fluctuates from 12 inches above the surface to 6 inches below the surface from October to May.

The Waldport soil in this unit is used mainly for timber production, and the Heceta soil is used mainly for wildlife habitat. The unit is also used for recreation.

The Waldport soil is suited to the production of shore pine. Other species that grow on this soil include western hemlock, Sitka spruce, and Douglas fir. The understory vegetation is mainly Pacific rhododendron, salal, red huckleberry, evergreen huckleberry, and European beachgrass. The Heceta soil is poorly suited to the production of timber. The vegetation on this soil is mainly slough sedge, salt rush, coast willow, waxmyrtle, evergreen huckleberry, and salal.

On the basis of a 100-year site curve, the mean site index for shore pine is 90 on the Waldport soil. At the culmination of the mean annual increment (CMAI), the production of 60-year-old shore pine trees 1.5 inches in diameter or more at breast height is 79 cubic feet per acre per year. High winds from the Pacific Ocean may seriously limit the growth of trees unless they are in a protected area.

The main limitations for the management of timber on this soil are seedling mortality and plant competition. Careful use of wheeled and tracked equipment reduces the disturbance of the protective layer of duff. The risk of soil blowing increases if the timber is harvested or the understory is removed. Conventional methods can be used for harvesting timber, but use of skid trails can accelerate erosion.

Proper design of road drainage systems and care in the placement of culverts help to control erosion. Seeding cuts and fills helps to stabilize the soil and reduce soil blowing. Windthrow is a hazard when the soil is wet and winds are strong.

When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants reduce adequate natural or artificial reforestation. Intensive site preparation and maintenance generally are not needed. Reforestation can be accomplished by planting shore pine and Sitka spruce seedlings. Droughtiness increases seedling mortality.

If this unit is used for recreational development, the main limitations are the hazard of soil blowing, the instability of the Waldport soil, and the wetness of the Heceta soil. These limitations restrict the use of this unit mainly to low-intensity types of recreation, such as hiking and horseback riding. The unit can be used for other kinds of recreational activities that require a minimum of construction and soil disturbance.

Areas used for recreation can be protected from soil blowing by maintaining plant cover. Plant cover can be maintained by limiting traffic. Excavation for houses and access roads exposes material that is highly susceptible to soil blowing. Revegetating disturbed areas around construction sites as soon as feasible helps to control soil blowing.

Roads, paths, and trails are difficult to maintain because of the loose sand. Cutbanks are not stable and are subject to slumping.

Wetness limits most recreational development on the Heceta soil. Use of paths and trails may be limited to 2 to 3 months in summer. Drainage is impractical because of the lack of suitable outlets.

This map unit is in capability subclass VIIe.

APPLICANT'S EXHIBIT "C"



TECHNICAL MEMORANDUM

DATE November 11, 2021

Project No. 21494501

TO Ken Nice, Director of Agronomy
Bandon Biota, LLC

CC Chris Hood, Stuntzner Engineering & Forestry, LLC

FROM Matt Thomas and Derek Holom

EMAIL dholom@golder.com

BANDON DUNES MUNICIPAL SOUTH GOLF COURSE HYDROGEOLOGY ASSESSMENT (PRELIMINARY)

1.0 INTRODUCTION

This preliminary hydrogeologic assessment was prepared by Golder Associates Inc. (Golder) (a member of WSP) to summarize the hydrogeologic conditions underlying land owned by Bandon Biota, LLC's (Bandon Biota), and located approximately 6 miles south of Bandon, Oregon. Golder understands that Bandon Biota wishes to construct a new golf course on the property and requested this preliminary investigation to assess the feasibility of using groundwater resources to support the development.

Bandon Biota estimates 400 gallons per minute (gpm) will be required to develop and maintain the proposed golf course.

This technical memorandum was prepared in accordance with the scope of work presented in Golder's proposal dated September 9, 2021 and as approved the same day by Bandon Biota.

1.1 Data Sources

Golder reviewed the following information and sources as part of this evaluation:

- Previous evaluations prepared by Golder for both the Bandon region and the northern half of the project area specifically (Golder 2004, 2005).
- Information on water rights and irrigation wells relating to the Ronald and Mary Anne Puhl Trust (Puhl) property purchase (Golder 2010).
- Well logs and groundwater level data in the project area from the Oregon Water Resources Department (OWRD).
- Well logs from Bandon Biota for two geotechnical exploration boreholes completed in 2016.

2.0 HYDROGEOLOGIC SETTING

Golder conducted reviews of the geologic and hydrogeologic conditions in the Bandon area as part of previous work for the Bandon Cranberry Water Control District (BCWCD) (Golder 2004) and Bandon Biota (Golder 2005).

In addition to these studies, we reviewed readily available well logs and groundwater level data in and around the project area. These findings are summarized below.

2.1 Site Setting

The project area is located about six miles south of Bandon, Oregon and within the Twomile Creek watershed, which flows from east to west toward the Pacific Ocean and drains approximately 5,300 acres (Figure 2-1). Most of the watershed (68%) is covered in forest, while agricultural land use accounts for 27% of land use area in the form of pastureland (22%) and cranberry bogs (5%). Twomile Creek forms the northern boundary of the project area. Surface elevation of the project area ranges from 30 to 128 feet above sea level¹ (asl).

2.2 Geologic Setting

The surface geology of the area south of Bandon, Oregon can generally be characterized as unconsolidated Quaternary sediments, primarily beach and dune sands (Golder 2004). These sediments overly older unconsolidated Quaternary marine terrace deposits that mantle most of the area between the Pacific Ocean and coastal uplands. The marine terrace deposits are comprised of sand, gravel, and some shell debris intermixed and locally interlayered with clay and silt. Both of the unconsolidated sediment units sit atop a bedrock composed mainly of marine sedimentary rocks and minor volcanics of the Roseburg Formation and Otter Point Formation. These bedrock units are exposed at the eastern end of the marine terraces in the coastal uplands (Figure 2-2).

The proposed site has surface exposures of both dune sands and marine terrace deposits. Semi-vegetated sand dunes are located at the western half of the project area, while the eastern half is primarily the marine terrace deposits of the Whiskey Run marine terrace horizon. Dune sand deposits extend inland from the Pacific Ocean and can reach up to 4,000 feet inland in the southern part of the project area. Across the Bandon region, dune sands are generally thin or absent just south of Bandon and north of Cape Blanco. Geologic cross sections from prior work for the BCWCD (Golder 2004) indicate that the marine terrace deposits thicken from east to west and north to south, averaging 50 to 60 feet thick (Appendix A). Dune sand deposits extend inland from the Pacific Ocean and can reach up to 4,000 feet inland in the southern part of the project area. Well reports provide additional detail on subsurface conditions in the immediate vicinity of the Bandon Biota property. Copies of these reports are presented in Appendix B and well locations are presented on Figure 2-1. The reports, combined with information presented in Golder (2004) suggest the bedrock surface gently slopes toward the Pacific Ocean in the eastern half of the project area, then abruptly steepens, resulting in sediment thicknesses of up to about 150 feet. The sediments encountered at deeper depths in these wells were composed of sand and sandy clay with occasional gravel lenses becoming more frequent near the bedrock contact, which is similar to the shallow marine terrace deposits encountered in the shallower portions of the boreholes (Figure 2-2, Appendix B). The apparent sharp increase in the bedrock surface corresponding to the abrupt increase in sediment thickness in the western portion of the project area is interpreted to be a buried sea cliff.

¹ Elevations in this report are referenced to the North American Vertical Datum of 1988 (NAVD 88), unless specified otherwise.

2.3 Hydrogeology

2.3.1 Hydrogeologic Units

There are two primary aquifer systems present in the project area: the dune sand aquifer (DSA) and marine terrace aquifer system (MTAS). The underlying bedrock is a fine-grained mudstone (i.e. sedimentary rock) and does not appear to be a viable aquifer based on the lack water production noted on area well logs.

2.3.1.1 Dune Sand Aquifer

The DSA is an unconfined aquifer composed of windblown medium to fine-grained quartz and feldspar sand. Within the project area, dune sand deposits that hold the DSA range from absent to 60 feet thick. No water level data are available to determine typical saturated thickness. Well logs indicate that the DSA is homogenous, composed of medium- to fine-grained sand with occasional lenses of higher clay content. These higher clay content sections create locally semi-confined conditions. The bottom of the DSA is generally marked by a thick layer of sandy clay in well logs within the project area. The primary source of recharge to the aquifer is precipitation, with most recharge occurring during the wet season from November to March (Golder 2004).

2.3.1.2 Marine Terrace Aquifer System (Shallow Zone)

The shallow MTAS is an unconfined aquifer composed of fine to coarse grained sand and gravel with locally interlayered clay and silt that can create local semi-confined to confined conditions. When compared to the DSA, the MTAS has a higher degree of heterogeneity. The total thickness of the shallow MTAS ranges from 50 to 60 feet within the project area, generally thickening from east to west. The base of the hydrogeologic unit is typically defined by gravel intermixed with shell material. Recharge to the shallow MTAS primarily comes from precipitation in the winter months and infiltration of irrigation during the summer months, including some leakage from lined and unlined cranberry bogs (Golder 2004).

2.3.1.2.1 Marine Terrace Aquifer System (Deep Zone)

The six most recent wells drilled in the project area, located within the surface exposure of the DSA, were drilled until encountering bedrock at 130 to 210 feet below ground surface (bgs). Based on well logs, gravel lenses varying in thickness from 2 to 30 feet were encountered between depths of approximately 80 to 120 feet bgs; the gravel lenses were typically interlayered with sandy clays. This deeper water bearing zone of the MTAS is not well defined and was not identified in prior work as a separate hydrogeologic unit. However, well logs suggest that this deeper water bearing zone may act as a confined or semi-confined aquifer due to the presence of relatively thick sandy clay layers (20 to 40 feet thick) that separates it from the overlying shallow MTAS and DSA. The deep MTAS is a heterogenous aquifer based on the varying thicknesses of and varying presence gravel lenses. The deeper MTAS is bounded to the east by low permeability bedrock, suggesting that most water pumped at wells completed in the deeper MTAS may come from the west; saltwater intrusion may be more likely as a result.

2.3.2 Well Inventory

There are currently seventeen wells registered with OWRD (2021) in the vicinity of the project area, as well as two additional wells on the Bandon Biota property that do not appear in the OWRD database (Figure 2-1). A summary of construction details for these wells is provided in Table 2-1.

Table 2-1: Well Construction Summary

Well ID	Install Date	Total Depth (feet bgs)	Screened Interval (feet bgs)	Well Casing Diameter (inches)	Specific Capacity (gpm/ft)
MTAS (Shallow Zone)					
COOS 672	1992	54	35 to 54	4.5	-
COOS 699	1993	62	36 to 51	8	3.8
COOS 962	1994	58	32 to 48	8	4.6
COOS 1272	1994	65	41 to 57	8	1
COOS 1274	1994	48	26 to 32	6	2.2
COOS 4293	1987	45	40 to 45	6	0.5
COOS 4375	1980	80	71 to 75	6	0.5
COOS 50123	1996	35	29 to 34	5	-
COOS 50393	1997	48	18 to 48	4.5	-
COOS 50394	1997	50	20 to 50	4.5	-
COOS 51154	1998	60	20 to 50	6	1.3
COOS 51155	1998	49	35 to 45	8	-
COOS 51156	1998	51	20 to 40	8	1.5
MTAS (Deep Zone)					
COOS 55895	2014	168	125 to 130	5	0.1
COOS 55926	2014	158	78 to 142	6	0.1
COOS 56183	2015	153	117 to 137	5	0.4
Unknown Aquifer Completion					
COOS 56184	2015	207	-	6	-
10-J-1595	2016	129	-	6	-
K-11-1596	2016	163	-	6	-

Notes:

MTAS = Marine Terrace Aquifer System

bgs = below ground surface

gpm/ft = gallons per minute per foot of drawdown

2.3.3 Aquifer Hydraulic Properties

Aquifer hydraulic properties (i.e. transmissivity, storativity, and hydraulic conductivity) for the shallow MTAS in the vicinity of the project area are summarized in Table 2-2. These values are based on previous work by Golder (2004). We were unable to find any published, publicly available information about the hydraulic properties of the DSA for this report.

Table2-2: MTAS (Shallow Zone) Aquifer Hydraulic Properties

Value	Transmissivity (ft ² /d)	Storativity
Low	100	0.001
Geometric Mean	709	0.005
High	5,000	0.2

2.3.4 Groundwater Levels

Recorded groundwater levels within the project area range from 46.9 ft NGVD29 (25.2 ft bgs) at Well 50394 to 82.35 ft NGVD29 (3.85 ft bgs) at Well 50123 (Appendix C). Seasonal groundwater level fluctuations in the Bandon region ranges from 0 to 25 ft, with an average fluctuation of about 10 to 15 ft (Golder 2004). Near the project area, limited water level data in 2020 show seasonal non-pumping fluctuations of 4 ft at Well 50393 and 11 ft at Well 50394 (OWRD). There are no apparent long-term trends in groundwater levels in limited OWRD data for the shallow MTAS in the project area; no groundwater level data is available for the DSA or deeper MTAS. Groundwater level data are too coarse to see possible tidal effects on groundwater levels; however, about half of the project area is west of the head of tide² for Twomile Creek.

2.3.5 Groundwater Quality

Groundwater quality across the Bandon area is highly variable. No new groundwater quality data since 2005 was available for review. Based on Golder's previous work, we found that groundwater samples from six sites across the area taken between 1995 and 1999 each were distinctly different, with little relation among them (Golder 2004). However, there were some similarities in groundwater quality across the area, where all sites contained low levels of magnesium (less than 6 mg/L) and sulfate (less than 7 mg/L) and no exceedances of federal drinking water standards were found for major chemistry parameters that were analyzed (dissolved calcium, dissolved magnesium, dissolved sodium, dissolved potassium, bicarbonate, total alkalinity, sulfate, chloride, fluoride, silica, total dissolved solids, and nitrate-nitrite). Based on the previous assessment, there was an apparent spatial trend in groundwater quality, with groundwater becoming less sodium/chloride rich and more calcium/carbonate rich from the eastern uplands to the western marine terraces. Two samples taken north of Bandon at the Bandon Dunes resort from the shallow and deep aquifers there found high levels of manganese (0.12 mg/L) and iron (13.7 mg/L) in the shallow aquifer and average levels (0.06 mg/L for both manganese and iron) in the deeper aquifer, indicating local isolation of the two groundwater systems and possible stratification of groundwater quality; this stratification may exist elsewhere in the Bandon region, including within the project area. Previous reports have not found any significant saltwater intrusion in the unconsolidated aquifers but noted that it is possible if extensive groundwater development were to occur near the coast (Golder 2004, 2005).

3.0 WELL SITE EVALUATIONS

3.1 Previous Work (Golder 2005)

The previous feasibility study by Golder in 2005 found that 25% to 43% (90 to 150 gpm) of the estimated water demand could be supplied by three wells pumping at 30 to 50 gpm each and we recommended further groundwater exploration in the southwestern region of the property owned by Bandon Biota at the time (roughly

² Head of tide: the most upstream point at which tidal effects are observed in a stream/river

from the northern end of the Puhl property purchase to Twomile Creek). Wells drilled in this area were predicted to have the least potential impact on Twomile Creek and would be closest to wells near the southern boundary that reported higher yields (70 to 80 gpm) compared to wells on the northern end of the property that produce less water (less than 35 gpm). A map of estimated transmissivities based on well logs information from Golder 2004 is included in Appendix D; this map shows that most wells in the Twomile Creek Basin are completed in relatively low transmissivity aquifer materials (i.e. ranging from 100 to 500 feet squared per day[ft²/d]). However, a couple wells on the southern border between the Twomile and Fourmile Creek basins were completed in higher transmissivity aquifer materials (i.e. ranging from 500 to 1,000 ft²/d and 1,000 to 5,000 ft²/d).

3.2 New Well Site Evaluation

Following our recommendation, Bandon Biota drilled six wells from 2014 to 2016 on the previously proposed site and on the Puhl property to the south of the previous project area (Figure 2-1, Table 2-1). All six of these wells were completed in the deep zone of the MTAS. Pumping tests were conducted in three of these wells (Well IDs 55895, 55926, and 56183) by Bandon Well & Pump Company at pumping rates ranging from 6 to 37 gpm. Based on the drawdown observed, the reported specific capacities of these three wells were less than 0.5 gpm per foot of drawdown [gpm/ft] (Table 3-1). Aquifer transmissivity was estimated from the specific capacity data using the following equation (Driscoll 1986):

$$T = SC \times 2000 / 7.48$$

Where:

- T is transmissivity [ft²/d]
- SC is specific capacity [gpm/ft of drawdown]
- 2000 is a constant for confined aquifers
- 7.48 is a conversion from gallons to cubic feet

In all three cases, the estimated transmissivity is less than 100 ft²/d. No pumping test data are available for the remaining three wells (Well IDs 56184, 10-J-1595, and K-11-1596).

Table 3-1: Pumping Test Results

Well ID	Test Duration (hours)	Static Water Level (feet bgs)	Pumping Rate (gpm)	Drawdown (feet)	Specific Capacity (gpm/ft)	Estimated Transmissivity (ft ² /d)
55895	2	17	6	101	0.06	16
55926	3	7	9	111	0.10	27
56183	1	11	37	103	0.36	96

Well logs for all recently drilled wells except for K-11-1596 indicate the presence of 10 to 20-ft thick saturated sand and gravel layers ranging from a depth of 18 to 44 ft bgs. These layers are interpreted to be part of the shallow zone in the MTAS but have not been tested for groundwater production, as each of these wells were screened in the deeper zone MTAS.

To evaluate the potential production of a new well and its potential impacts on nearby groundwater users and cranberry bogs, a distance-drawdown analysis was conducted using the Cooper-Jacob method (1946):

$$s = \frac{2.3Q}{4\pi T} \log \frac{2.25Tt}{r^2S}$$

Where

- s is drawdown at r distance from the well [feet]
- Q is the pumping rate in the well [cubic feet per day]
- T is the aquifer transmissivity [hydraulic conductivity times the saturated aquifer thickness in feet squared per day]
- r is the distance from the well where drawdown is calculated [feet]
- t is the time drawdown is calculated [days]
- S is the aquifer storativity [dimensionless]

The distance-drawdown analysis was used to evaluate four different scenarios based on a combination of previously documented aquifer properties for the shallow MTAS (Appendix D; Golder 2004, 2005) and the two different pumping rates (100 and 400 gpm). All the scenarios assumed the new well was pumped continuously for 100 days. The scenarios and assumptions used in our evaluation are summarized in Table 3-2:

Table 3-2: Distance-Drawdown Analysis Scenarios

Scenario	Description	T (ft ² /d)	S (dimensionless)
1	High T, Low S	5,000	0.001
2	Low T, High S	100	0.2
3	High T, High S	5,000	0.2
4	Average T, Average S	709	0.005

Assumptions:

- Well depth: 50 to 65 feet bgs
- Pump intake depth: 48 to 63 feet bgs
- Static water level: 5 to 20 feet bgs
- Available drawdown: 30 to 55 feet
- Well efficiency: 100%
- Pumping rate: 100 to 400 gpm
- Pumping time: 100 days, continuous
- Solution is valid for $u \leq 0.01$, where $u = (r^2S)/(4Tt)$.
 - For Scenario 2, the solution is not valid for predicting drawdown beyond 100 feet (i.e. $u > 0.01$).
 - For Scenarios 3 and 4, the u assumption is violated for distances greater than 300 feet from the pumping well.

The results of our analysis are shown in Figures 3-1 and 3-2 for pumping rates of 100 and 400 gpm, respectively, and summarized in Table 3-3. Dashed lines represent the distance where the predicted drawdown violates the u assumption for the Cooper-Jacob solution. The estimated maximum possible distance of a new well within Bandon Biota's property to an existing water supply well (or cranberry sump) is about 2,500 feet.

Table 3-3: Predicted Drawdown Results

Scenario	Description	Pumping Rate (gpm)	Estimated Drawdown in Pumping Well (feet)	Estimated Drawdown at 2,500 feet from Pumping Well (feet)
1	High T, Low S	100	7.8	1.6
		400	31	6.4
2	Low T, High S	100	248	---
		400	994	---
3	High T, High S	100	6.2	< 1.6
		400	20	< 6.4
4	Average T, Average S	100	47	3.5
		400	189	14

Notes:

Drawdown estimates assume continuous pumping for 100 days

Estimated drawdown in the pumping well assumes 100% well efficiency

"---" or "<" indicates the solution is not valid at a distance of 2,500 feet

Figure 3-1 indicates that a new well pumping at 100 gpm for 100 days would result in less than 0.1 to about 1.6 feet of drawdown at a distance of 2,500 feet from the pumping well under Scenario 1 (high T and low S) and Scenario 3 (high T and high S), respectively. For Scenario 4 (average conditions), pumping at a rate of 100 gpm is predicted to result in about 3.5 feet of drawdown at 2,500 feet from the well. However, this may not be feasible because the predicted drawdown at the pumping well would be approaching the maximum estimated available drawdown (55 feet) for a well in the shallow MTAS (and assuming the well efficiency is 100%). Pumping at 100 gpm under Scenario 3 (low T and high S) is not feasible because the maximum available drawdown would be exceeded.

Figure 3-2 indicates that pumping at a rate of 400 gpm under high T conditions (Scenarios 1 and 3) is predicted to result in up to 6.4 feet of drawdown at 2,500 feet from the pumping well (the drawdown predicted for Scenario 3 at 400 gpm is less than the predicted drawdown for 100 gpm, because of the u assumption is violated). Figure 3-2 also shows that pumping 400 gpm under Scenarios 2 and 4 (low T/high S and average conditions) is not feasible, as it would exceed the likely available drawdown at the well.

4.0 SUMMARY

Bandon Biota is seeking 400 gpm in groundwater supply to develop a new golf course approximately six miles south of Bandon, OR. The proposed golf course location is in a mostly forested watershed, with cranberry bogs and other agricultural land uses adjacent to the proposed location.

Surficial geology at the site is characterized by unconsolidated sediments composed of dune sands overlying older marine terrace deposits. Underlying the unconsolidated sediments is bedrock composed primarily of marine sedimentary deposits and some minor volcanics. In the eastern portion of the project site, the bedrock surface gradually descends from east to west toward the Pacific Ocean, and then drops off steeply, which is interpreted to be a buried sea cliff. As a result, the overlying unconsolidated sediments are thicker to the west, with an overall average thickness of about 50 to 60 feet.

The primary aquifers are found in the unconsolidated sediments and include the Dune Sand Aquifer (DSA) and Marine Terrance Aquifer System (MTAS), which is interpreted to have two different water bearing zones (shallow and deep). These water bearing zones are separated by a 20 to 40-ft thick sandy clay layer. Most wells in the area are completed in the shallow MTAS. Some of the more recent well have been completed in the deeper zone of the MTAS.

Groundwater levels in the shallow MTAS near the project area range from about 4 to 25 feet bgs (groundwater elevation ranges from about 47 to 82 feet above mean sea level), with average seasonal fluctuations of 10 to 15 feet. There are no apparent long-term trends on groundwater levels in the shallow MTAS; however, groundwater level data are limited. No groundwater level data is available for the DSA or deep MTAS.

Aquifer transmissivity in the shallow MTAS in the area ranges from 100 ft²/d to 5,000 ft²/d, with an average (geometric mean) value of 709 ft²/d . Estimated aquifer storativity in the shallow MTAS ranges from 0.001 to 0.2, with an average value of 0.005. Higher yields have been observed from wells completed in the shallow MTAS near the southern end of project area.

A previous groundwater resource study by Golder in 2005 estimated that the shallow MTAS in the central portion of the project area could produce 90 to 150 gpm from three wells. Bandon Biota drilled six wells into the deeper MTAS in the central and southern portions of the project area from 2014 to 2016. Three of the six wells were tested for water production during drilling, with reported yields of 6 to 37 gpm, resulting in specific capacities that were less than 0.5 gpm/ft of drawdown. The estimated transmissivity based on the specific capacity data is less than 100 ft²/d (i.e. low range of observed transmissivities in the area).

Golder evaluated the potential impacts of pumping a new well based on a distance-drawdown analysis using the Cooper-Jacob (1946) solution. The evaluation used a range of previously reported aquifer properties (Golder 2005) and assumed the wells would be installed to a depth of 65 feet in the shallow MTAS. The results show that for average to high aquifer T values, a well pumping 100 gpm for 100 days continuously is predicted to result in less than 0.1 to about 3.5 feet of drawdown at a distance of 2,500 feet from the well (the estimated maximum distance a new could be installed from existing water supply wells or cranberry bogs sumps). At 400 gpm, a new well is predicted to result in more than 6 feet of drawdown at 2,500 feet away for 100 days pumping (only under high T conditions). For average and low T values, the predicted drawdown at the well would likely exceed the available drawdown based on the observed saturated thicknesses and static water levels in the MTAS.

Based on the predicted drawdown for the various scenarios defined above, it is unlikely that Bandon Biota will be able to achieve their desired pumping rate of 400 gpm with one well. Instead, three or (likely) more widely spaced wells producing at lower pumping rates may be needed. The number of wells will be dependent on the actual aquifer properties encountered, performance of the new wells, and groundwater quality (there is a potential for sea water intrusion, depending on the radius of influence for the new wells on the western property boundary). Two preliminary boreholes drilled into the deeper MTAS showed promising potential for well yields of 100 to 150 gpm (K-11 1596 and 10-J-1595), but no drawdown or test details were available to evaluate further.

5.0 DATA GAPS

Golder identified the following data gaps during this evaluation:

- Information on aquifer properties within the DSA.
- Information on aquifer properties and groundwater quality of the deeper MTAS, as well as hydraulic connection to the upper shallow MTAS.
- Groundwater quality within project area overall. There is limited publicly available groundwater quality within the project area and the Bandon area.

6.0 RECOMMENDATIONS

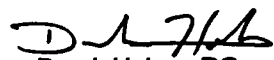
We understand Bandon Biota has hired a contractor to locate wells for drilling. We recommend prioritizing the well locations based on the maximum distance from existing groundwater users (i.e. drill the farthest location first). Furthermore, we recommend the following based on our review of existing data, our drawdown evaluation, and identified data gaps:

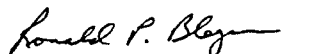
- Drill new wells using casing advancer methods, such as dual rotary, ODEX, or cable tool. Avoid the use of mud rotary drilling, as this can result in lower well efficiency compared to the other methods mentioned. The use of mud creates a filter cake on the borehole walls during drilling which can lead to clogged pore spaces (or damaged zones) in the aquifer or water bearing zones.
- Perform airlift or pumping tests using temporary pumps during drilling once sufficient water has been encountered to evaluate the potential water bearing zones with depth. We recommend measuring a static water level prior to pumping and monitoring water quality field parameters, such as pH, temperature, and conductivity to evaluate any potential changes in water quality with depth.
- Collect sieve samples within the target aquifer (or production zone) to properly design a stainless-steel v-wire wrap well screen to maximize efficiency. Well efficiency will be key to a successful well in this area, as drawdown may be limited (especially for shallower completions)
- The new well(s) should be developed to ensure maximum efficiency. This should be confirmed by monitoring for turbidity and measuring sand content during development and establishing performance criteria (e.g. less than 0.1 inch of new sand or fines produced after 15 minutes of swabbing).
- A step-rate pumping tests should be performed to evaluate the well performance followed by a 72-hour constant-rate pumping test to evaluate aquifer hydraulic properties, aquifer boundaries, and potential impacts to nearby groundwater users). Existing groundwater wells should be monitored during the test

and/or new shallow piezometers near the eastern edges of the property boundary should be installed to monitor for potential impacts of pumping.

Golder Associates USA Inc.


Matt Thomas
Hydrogeologist


Derek Holom, RG
Senior Hydrogeologist


Ron Blegen, RG
Associate / Senior Consultant

MT/DH

Distribution: Ken Nice (Bandon Biota) and Chris Hood (Stuntzner Engineering)

Attachments: **Figures**
Figure 2-1: Site Overview
Figure 2-2: Surficial Geology
Figure 3-1: Distance-Drawdown Evaluation, 100 GPM
Figure 3-2: Distance-Drawdown Evaluation, 400 GPM
Appendix A – Geologic Cross-Sections
Appendix B – Well Logs
Appendix C – Well Hydrographs
Appendix D – Bandon Area Aquifer Transmissivity

[https://golderassociates.sharepoint.com/sites/152769/project/files/6/deliverables/hydrogeology assessment tm/final/21494501-tm-rev0-hydrogeoassessment_11112021.docx](https://golderassociates.sharepoint.com/sites/152769/project/files/6/deliverables/hydrogeology%20assessment%20tm/final/21494501-tm-rev0-hydrogeoassessment_11112021.docx)

BANDON TRAILS CLUBHOUSE

STRUCTURAL PERMIT PACKAGE

OWNER:
BANDON DUNES RESORT L.P.
RIZ 5774 ROUND LAKE ROAD
BANDON, OR 97411
T (541) 347-6189
F (541) 347-6190
Contact: HOWARD MORSE

ARCHITECT:
WILLIAM CHURCH, FAIA ARCHITECT P.C.
1815 N.W. FLANDEYS, STE. 104
PORTLAND, OR 97209
T (503) 227-6188
F (503) 227-6738
Contact: CHAD SCHWOT
chad@wpcn.net

CONTRACTOR:
PALSH CONSTRUCTION
2305 S.W. 49TH AVE
PORTLAND, OR 97201
T (503) 222-4375
F (503) 274-7676
Contact: ERIC STEVENS

DRAWING INDEX:

ARCHITECTURAL:

- AC.0 COVER SHEET
- AD.1 SITE PLANS
- AI.1 FLOOR PLAN
- AI.2 FLOOR PLAN / HARDWARE SCHEDULE
- AI.3 DINING PAVILION
- AI.4 GATEHOUSE
- AI.5 ADA RAMP AND FENCE
- AS.1 EXTERIOR ELEVATIONS
- AS.2 EXTERIOR ELEVATIONS
- AA.1 BUILDING SECTIONS
- AA.2 BUILDING SECTIONS
- AS.1 REFLECTED CEILING PLAN
- AS.2 REFLECTED CEILING PLAN
- A7.1 INTERIOR ELEVATIONS
- A7.2 INTERIOR ELEVATIONS
- AB.1 WINDOW AND DOOR TYPES
- AB.2 EXTERIOR DETAILS
- AB.3 EXTERIOR DETAILS
- AB.4 EXTERIOR DETAILS
- AB.5 EXTERIOR DETAILS
- AB.6 EXTERIOR DETAILS
- AB.7 DINING PAVILION DETAILS
- AB.8 GATEHOUSE DETAILS
- AB.9 INTERIOR DETAILS
- AI.2 DINING PAVILION
- AI.1.1 RETAIL CASEWORK
- AI.1.2 BAR COUNTER & BACK BAR
- AI.1.3 CASEWORK DETAILS

STRUCTURAL:

- S1 STRUCTURAL FOUNDATION
- S2 STRUCTURAL DETAILS
- S3 STRUCTURAL FRAMING PLANS
- S4 STRUCTURAL DETAILS
- S5 STRUCTURAL DETAILS
- PS1 PAVILION FOUNDATION & FRAMING PLANS
- PS2 PAVILION FOUNDATION & FRAMING PLANS

MECHANICAL:

- M1.1 HVAC CONCEPT (REFERENCE)

PLUMBING:

- PI.1 PLUMBING CONCEPT (REFERENCE)

FOOD SERVICE:

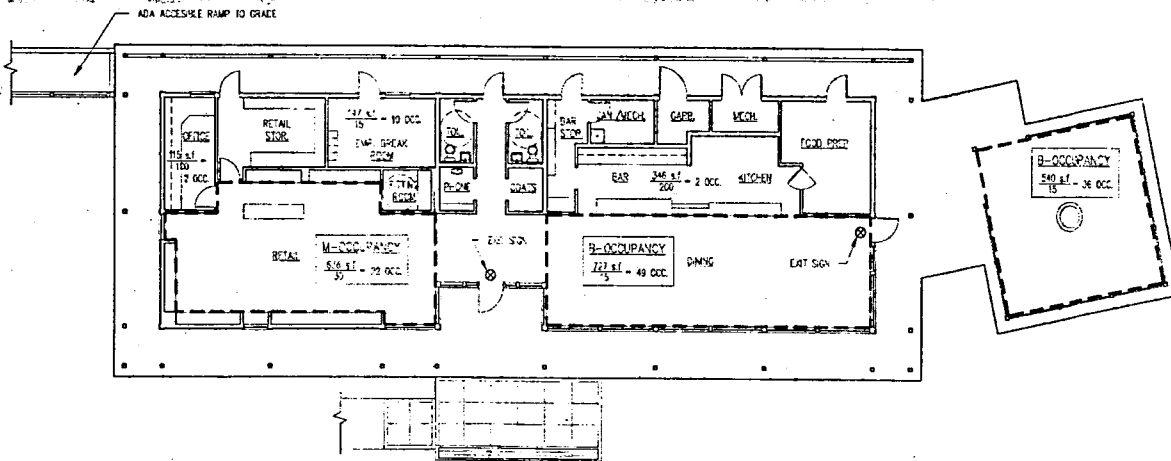
- K1 EQUIPMENT LAYOUT
- K2 EQUIPMENT SCHEDULE

STRUCTURAL ENGINEER:
AFGHAN ASSOCIATES
6960 S.W. VARNIS ST., STE. 230
TIGARD, OR 97223
T (503) 620-3030
F (503) 620-3539
Contact: HAMID AFGHAN

INTERIORS:
SCOTT CONVERSE INTERIORS, LTD.
515 N.W. SLAYMAN RD. #110
PORTLAND, OR 97229
(503) 286-3650
Contact: SCOTT CONVERSE

MECHANICAL ENGINEER:
THE HANCOCK-HART ENGINEERING DESIGN
14488 S.E. WESSE RD.
BORING, OR 97009
T (503) 619-5305
F (503) 654-0900
Contact: CHAD MARCHAND

APPLICANT'S EXHIBIT "D"



ENGINEERING ASSUMPTIONS:
GROUP B / GROUP M
(CLIMATE AND FAULTING CONSIDERED ONE BUILDING)

CONSTRUCTION:
TYPE V - FULLY FINISHED

BUILDING HEIGHT:
10'-0" ACTUAL / 40'-0" ALLOWABLE (PER TABLE 5-B)
1 STORY ACTUAL / 4 STORES ALLOWED (PER TABLE 5-B)

BUILDING AREA:
3,925 SF ACTUAL (CLUBHOUSE AND PAVILION TOTAL)
- SEPARATION ON ALL SIDES (REF. TABLE 5-B)
- 5,000 SF ALLOWED (PER TABLE 5-B)
+ 5 FEET WALKS
TOTAL 4,425 SF TOTAL ALLOWABLE

SEWERAGE TO C:
65' TOTAL (AS CALICATED PER TABLE 10-A)

THESE ASSUMPTIONS APPLY TO ALL:
BUILDING IS SEPARATED ON FOUR SIDES WITH WALKS
GREATER THAN 20 FT. THEREFORE STRUCTURE IS
NON-RATIO AND CHARGES ARE NOT REQUIRED TO BE
PROVIDED (PER TABLE 5-A)

1 CODE PLAN
AC.0 SCALE: N.T.S.



WILLIAM CHURCH

ARCHITECT
FAIA P.C.

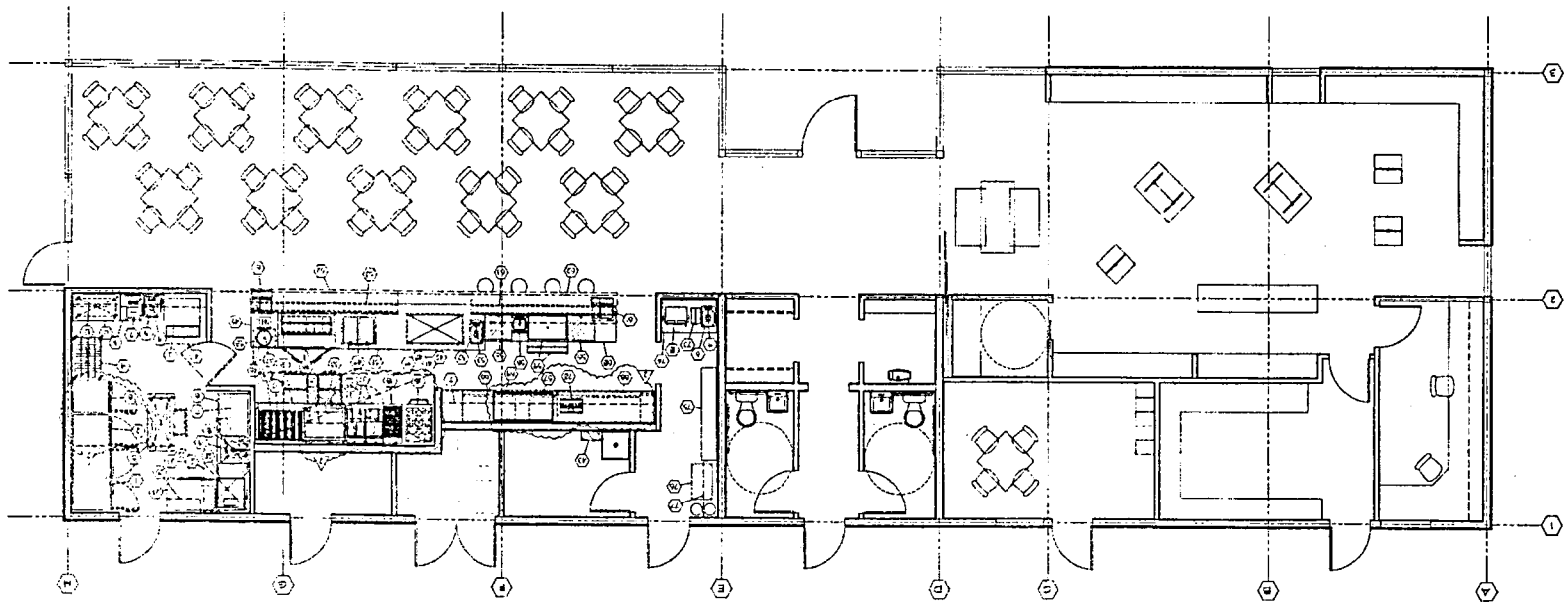


BANDON TRAILS CLUBHOUSE
BANDON DUNES RESORT - BANDON, OREGON
COVER SHEET

Revisions	
Date	Issued For
5.7.04	PERMIT
5.24.04	PERMIT
7.5.04	PERMIT

Job No: 0404

A0.0
SHEET X OF Y



Equipment
Layout

Scale: 1/8" = 1'-0"

Sheet Number	6-487
Date	08/20/04
Drawn by	DBH
Checked by	
Project Name	Bandon Trails Clubhouse

Bandon Trails Clubhouse
Bandon Dunes Golf Resort
Round Lake Drive
Bandon, OR 97411

BARGREEN ELLINGSON
ARCHITECTS

2225 Hwy. 101, Bandon, OR 97411
Phone: (503) 325-1144
Fax: (503) 325-1144

This document is the property of Bargreen Ellingson Architects, Inc. It is to be used only for the project and location specifically identified herein. It is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Bargreen Ellingson Architects, Inc. The user of this document is advised that the user shall be responsible for obtaining all necessary permits and approvals for the project and location identified herein. The user shall be responsible for obtaining all necessary permits and approvals for the project and location identified herein. The user shall be responsible for obtaining all necessary permits and approvals for the project and location identified herein.

After recording return to:

~~XXXXXXXXXX~~ Lawrence F. Finneran
~~PO Box 29~~, PO Box 359
Coos Bay, OR 97420

Coos County, Oregon
\$101.00

2021-08283
07/22/2021 11:09 AM
Pgs=4

Until a change is requested,
send all tax statements to:



Debbie Heller, CCC, Coos County Clerk

David Kranick and Marci Murray
87228 Cranberry Creek Lane
Bandon, OR 97411

The consideration is \$280,000.00

Tax account numbers of property: 12416.00; 12417.00; 12406.90; 12406.00;
12409.90; 12409.00

Address of Grantors: 87226 Cranberry Creek Lane, Bandon, OR 97411

Address of Grantee: 87228 Cranberry Creek Lane, Bandon, OR 97411

WARRANTY DEED

FLOYD BROWN and VIVIAN M. BROWN hereinafter called "Grantors", convey to DAVID KRANICK and MARCI MURRAY, hereinafter called "Grantees", all that real property situated in Coos County, State of Oregon, described as follows:

See Exhibit 1 attached hereto and incorporated herein by reference.

Together with a non-exclusive easement for ingress and egress as set forth in instrument recorded January 16, 1981 as Microfilm No. 81-1-0684, and in instrument recorded December 14, 1932 in Volume 118, Page 119, Deed Records of Coos County, Oregon.

Reserving unto Grantors a life estate on the real property described in Exhibit 1 for the joint lives of Vivian M. Brown and Floyd Brown in the residence

WARRANTY DEED - 1

occupied by Floyd Brown and Vivian M. Brown on the date of this Deed, and the property immediately surrounding that residence, consisting of approximately five (5) acres, more or less.

And covenant that Grantors are the owners of the above described property free of all encumbrances, except as follows:

1. The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land pursuant to ORS 321.358 to 321.372. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for the last five (5) or lesser number of years in which the land was subject to the special land assessment.
2. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
3. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
4. Easement, including the terms and provisions contained therein recorded October 13, 1989 as Microfilm Reel No. 89-10-0840, Records of Coos County, Oregon in favor of General Telephone Company of the Northwest, Inc.
5. Easement, including the terms and provisions thereof recorded May 2, 1990 as Microfilm No. 90-5-0134, Records of Coos County, Oregon in favor of Coos-Curry Electric Cooperative, Inc.
6. Easement, including the terms and provisions thereof recorded October 22, 1999 as Microfilm No. 1999-13390, Records of Coos County, Oregon in favor of Coos Curry Electric Cooperative, Inc.

and will warrant and defend the same against all persons who may lawfully claim the same.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO

THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

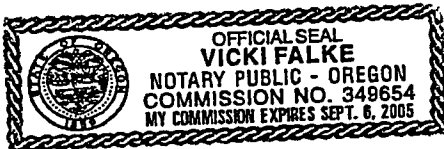
DATED this 20th day of June, 2003.

Floyd Brown
Floyd Brown

Vivian M. Brown
Vivian M. Brown, formerly Vivian Kranick, aka
Vivian M. Kranick

STATE OF OREGON)
) ss.
County of Coos)

Personally appeared the above named Floyd Brown and Vivian M. Brown and acknowledged the foregoing instrument to be their voluntary act and deed. Before me this 20th day of June, 2003.



Vicki Falke
Notary Public for Oregon

EXHIBIT "A"
Legal Description

PARCEL A:

Beginning at the Northeast corner of the SE 1/4 of the NW 1/4 of Section 24, Township 29 South, Range 15 west of the Willamette Meridian, Coos County, Oregon; thence South 0° 03' 00" West 2607.57 feet along the North/South centerline of said Section 24 to the Northeast corner of the SE 1/4 of the SW 1/4, the same being the CS 1/16 corner of said Section 24; thence continuing South 374 feet along said North/South centerline; thence North 78° 25' 00" West 345.6 feet; thence South 10° 45' 00" West 338.7 feet; thence North 80° 30' 00" West 83.0 feet; thence South 5° 05' 00" West 167.0 feet; thence South 83° 15' 00" West 124.2 feet; thence South 9° 35' 00" West 494 feet, more or less, to the South line of said Section 24; thence Westerly a record deed distance of 615 feet along said South boundary to the Northeast corner of the NW 1/4 of the NW 1/4 of Section 25, said Township and Range; thence Southerly 753.11 feet, more or less, along the East line of said NW 1/4 of the NW 1/4 to a point which bears due East 247.76 feet from a 5/8 inch iron rod; thence due West 247.76 feet to said 5/8" iron rod; thence continuing due West 30.00 feet; thence North 38° 33' 45" West 235.10 feet to a 5/8" iron rod; thence North 70° 00' 03" West 209.12 feet to a 5/8" iron rod; thence North 9° 00' 32" East 600.82 feet to a 5/8" iron rod; thence North 0° 56' 41" East 451.89 feet to a 5/8" iron rod; thence North 19° 04' 01" East 193.18 feet to a 5/8" iron rod; thence North 11° 25' 26" East 474.96 feet to a point (from which a 5/8" iron rod bears due West 35.00 feet); thence North 32° 51' 38" East 168.24 feet to a 5/8" iron rod; thence North 22° 44' 55" East 113.84 feet to a 5/8" iron rod; thence North 53° 50' 11" East 162.01 feet to a point (from which a 5/8" iron rod bears due West 60.00 feet); thence due East 50.00 feet; thence North 5° 20' 10" East 1650.84 feet to a point (from which a 5/8" iron rod bears due West 50.00 feet); thence due North 735.89 feet, more or less to the North line of the SE 1/4 of the NW 1/4 of said Section 24; thence South 88° 55' 38" East 1214.33 feet along said North line to the point of beginning.

PARCEL B:

The NE 1/4 of the NW 1/4 of Section 25 AND the SE 1/4 of the SW 1/4 of Section 24, all in Township 29 South, range 15 West of the Willamette Meridian, Coos County, Oregon, EXCEPTING THAT PART DESCRIBED AS FOLLOWS:

Beginning at the Northeast corner of said SE 1/4 of the SW 1/4; thence South 374 feet; thence North 78° 25' West 345.06 feet; thence South 10° 45' West 338.7 feet; thence North 80° 30' West 83 feet; thence South 5° 05' West 167 feet; thence South 83° 15' West 124.2 feet; thence South 9° 35' West 494 feet; thence West 615 feet along South boundary of said Section 24; thence North 1320 feet; thence East 1320 feet to the point of beginning.

ALSO SAVE AND EXCEPT THEREFROM THE FOLLOWING DESCRIBED PARCEL:

Beginning at the Southeast corner of the NE 1/4 of the NW 1/4 of Section 25, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon; thence 1320 feet West; thence 330 feet North; thence 1320 feet East; thence 330 feet South to the point of beginning

TOGETHER WITH an easement for ingress and egress as conveyed in deed recorded December 14, 1932 in Book 118, Page 219, Deed Records of Coos County, Oregon.

Return to F.A.T.C.O.



After recording return to:
Bandon Biota LLC
2450 N. Lakeview Avenue
Chicago, IL 60614


Until a change is requested all tax
statements shall be sent to the
following address:
Bandon Biota LLC
2450 N. Lakeview Avenue
Chicago, IL 60614

File No.: 7131-2200775 (VRR)
Date: March 14, 2014

RECORDED BY
FIRST AMERICAN TITLE

THIS SPACE RESERVED FOR RECORDER'S USE

COOS COUNTY, OREGON **2014-02185**
\$51.00 03/24/2014 02:22:55 PM
Pgs=2



00005144201400021850020024
 Terr L. Turt, Coos County Clerk

STATUTORY WARRANTY DEED

Brian K. Flanagan and Connie R. Flanagan, as tenants by the entirety, Grantor, conveys and warrants to Bandon Biota LLC, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Coos, State of Oregon, described as follows:

Beginning at the Northwest corner of the Northeast quarter of the Southeast quarter of Section 25, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, running thence East to the West side of the Oregon Coast Highway; thence South on the West side of said Highway, 495 feet; thence West to a point due South of the place of beginning; thence North 495 feet to the place of beginning.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$300,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 17 day of March, 2014

Brian K Flanagan
Brian K Flanagan

Connie R. Flanagan
Connie R Flanagan

STATE OF Oregon

County of Coos

This instrument was acknowledged before me on this 17 day of March, 2014 by **Brian K Flanagan and Connie R Flanagan.**

UNOFFICIAL COPY

Kathleen A Downard
Notary Public for Oregon

My commission expires:



After recording, return to:

Michael L. Dado Surveying, Inc.
Professional Land Surveyor #2661
2047 Grant Street
North Bend, OR 97459

RE-RECORDING CERTIFICATE COVER SHEET
PROPERTY LINE ADJUSTMENT DEED

GRANTOR: Fugate Farms, L.L.C.

GRANTEE: Bandon Biota, L.L.C. a Delaware Limited Liability Company

Consideration: None

Send Tax
Statements to: Bandon Biota, L.L.C.
2450 Lakeview Avenue
Chicago, IL 60614

MICHAEL L. DADO

This deed is being re-recorded at the request of the Coos County Assessor's office in order to correct the legal descriptions in "Exhibit A" and "Exhibit B" by changing the reference from Tax Lot Numbers in the earlier deed, to the Coos County Document number of the Deed describing said Tax Lots. This instrument was previously recorded in the Coos County deed records at No. 2007-11974, consisting of 6 pages. See attached corrected legals.

RETURN TO F.A.T. CO.

875812

RECORDED BY
FIRST AMERICAN TITLE

Send tax statements to:

After recording return to:

Bandon Biota, L.L.C.
2450 Lakeview Avenue
Chicago, IL 60614

Bandon Biota, L.L.C.
2450 Lakeview Avenue
Chicago, IL 60614

PROPERTY LINE ADJUSTMENT DEED

Fugate Farms L.L.C. GRANTOR(s) conveys and warrants to

Bandon Biota, L.L.C. a Delaware Limited Liability Company GRANTEE(s) the following described real property, situated in the County of Coos, State of Oregon:

SEE LEGAL DESCRIPTION ON ATTACHED EXHIBIT "A"

Subject to and excepting:

1. The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways.

Coos County real property Tax Account No. 12403.00 and 12386.06

The consideration for this conveyance stated in terms of dollars is \$657,170.95

This is a property line adjustment deed. In compliance with ORS 92.190, the following information is furnished:

- The names of the parties to this deed are as set forth above.
- The description of the adjusted line is as follows:

SEE LEGAL DESCRIPTION ON ATTACHED EXHIBIT "B"

3. The deed whereby Grantor acquired title to the transferred property is recorded in Microfilm Reel No. 95-12-0453 of the Deed of Records of Coos County, Oregon.

4. The deed whereby Grantee acquired title to the property to which the transferred property is joined is recorded in Microfilm Reel No. 2003-10695 of the Deed Records of Coos County, Oregon.

5. The survey and monumentation, as required by ORS 92.060 and ORS 209.250, were done by Michael L. Dado PLS No. 2661. His survey is filed with the County Surveyor under Coos County Surveyor's Records, Map No. N/A.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Page 1 of 2

COOS COUNTY CLERK, OREGON
TERRI L. TURI, CCC, COUNTY CLERK
TOTAL \$51.00

09/11/2007 #2007-11974
02:36PM
1 OF 6

COOS COUNTY CLERK
State of Oregon
County of Coos
I hereby certify that the within is
a copy of the original record on
file in the County Clerk's office
and custody.
This date 5-26-10
TERRI L. TURI, CCC, COUNTY CLERK
By Marie Penick
Deputy

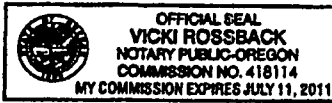
DATED this 6 day of September 2007.

John R. Fugate
John R. Fugate
Barbara Fugate
Barbara Fugate

COOS COUNTY CLERK, OREGON
TERRI L. TURL, CCC, COUNTY CLERK
TOTAL \$51.00

STATE OF OREGON)
)ss.
County of Coos)

This instrument was acknowledged before me on 9-6 2007, by John R. Fugate and Barbara Fugate



Vicki Rossback
Notary Public of Oregon
My Commission expires: 7/11/11

ACCEPTANCE

The undersigned grantee(s) hereby accept(s) this property line adjustment deed and signs this acceptance in accordance with ORS 92.190(4).

Representative: Bandon Biota, L.L.C.

STATE OF OREGON)
)ss.
County of Coos)

This instrument was acknowledged before me on _____, 200__, by _____

Notary Public of Oregon
My Commission expires: _____

09/11/2007 #2007-11974
02:36PM 2 OF 6

2

DATED this 7th day of September 2007

John R. Fugate

Barbara Fugate

STATE OF OREGON)
) yes.
County of Coos)

This instrument was acknowledged before me on _____, 2007, by _____

Notary Public of Oregon

My Commission expires: _____

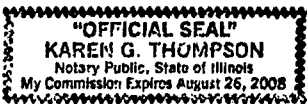
ACCEPTANCE

The undersigned grantee(s) hereby accept(s) this property line adjustment deed and signs this acceptance in accordance with ORS 82.190(4).

Michael Keiser
Representative: Brandon Bieta, LLC.

STATE OF Ill.)
) yes.
County of Cook)

This instrument was acknowledged before me on Sept. 2, 2007, by Michael Keiser



Karen G. Thompson
Notary Public of Illinois
My Commission expires: 8/26/08

3

COOS COUNTY CLERK, OREGON
TERRI L. TURTI, CCC, COUNTY CLERK
TOTAL \$51.00

09/11/2007 #2007-11974
02:36PM 3 OF 6

"Exhibit A"

Being a portion of the North ½ of Section 24 and the South ½ of Section 13, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon

Beginning at a point on the West line of the NE ¼ of the NE ¼ of Section 24, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, said point being North 89° 01' 34" West - 1300.71 feet and South 00° 09' 47" East - 398.04 feet from the Northeast corner of said Section 24: thence leaving said West line, South 57° 32' 44" West for a distance of 81.06 feet; thence North 40° 31' 25" West for a distance of 40.35 feet; thence South 62° 06' 14" West for a distance of 21.06 feet; thence North 87° 59' 24" West for a distance of 165.71 feet; thence North 57° 53' 22" West for a distance of 151.73 feet; thence North 67° 59' 10" West for a distance of 108.11 feet; thence North 39° 01' 30" West for a distance of 53.74 feet; thence North 06° 01' 49" West for a distance of 56.84 feet; thence North 12° 55' 13" East for a distance of 111.77 feet; thence North 05° 39' 42" West for a distance of 266.90 feet; thence North 29° 13' 47" West for a distance of 89.70 feet; thence North 48° 59' 49" West for a distance of 84.01 feet; thence North 32° 28' 36" West for a distance of 73.61 feet; thence North 09° 27' 50" West for a distance of 132.67 feet; thence North 21° 50' 37" West for a distance of 106.74 feet; thence North 00° 30' 37" West for a distance of 82.76 feet; thence North 03° 59' 42" East for a distance of 88.06 feet; thence North 10° 48' 38" West for a distance of 119.94 feet; thence North 30° 50' 34" West for a distance of 77.30 feet; thence North 74° 25' 22" West for a distance of 91.29 feet; thence North 59° 03' 45" West for a distance of 111.26 feet; thence North 84° 08' 11" West for a distance of 73.32 feet; thence South 79° 55' 15" West for a distance of 212.31 feet; thence South 87° 37' 22" West for a distance of 164.22 feet to the East line of Tax Lot 1903, Map 29-15-13; thence Southerly along the East line of said Tax Lot 1903 for a distance of 1232 feet more or less to the Northeast corner of Tax Lot 100, Map 29-15-24; thence Southerly along the East line of said Tax Lot 100 for a distance of 1405 feet more or less to the Southeast corner of said Tax Lot 100, said point being on the South line of the NE ¼ of the NW ¼ of Section 24, Township 29 South, Range 15 W.W.M.; thence East along said 1/16 line for a distance of 3047.5 feet more or less to the Southeast Corner of the NE ¼ of the NE ¼ of said Section 24; thence along the East line of said Section 24, North 00° 19' 06" West for a distance of 579.64 feet; thence leaving said East line, thence North 65° 47' 03" West for a distance of 819.48 feet; thence North 78° 48' 33" West for a distance of 455.53 feet; thence South 57° 32' 44" West for a distance of 129.41 feet back to the point of beginning. Said parcel containing 96.8 acres of land more or less.

ALSO AND INCLUDING THE FOLLOWING DESCRIBED EASEMENT:

COOS COUNTY CLERK, OREGON
TERRI L. TURTI, CCC, COUNTY CLERK
TOTAL \$51.00

09/11/2007 #2007-11974
02:58PM 4 OF 6

4

An easement for ingress, egress and utilities including the installation and maintenance of such, said easement being 50 feet in width, 10 feet to the right and 40 feet to the left of the following described line:

Beginning at a point on the West line of the NE ¼ of the NE ¼ of Section 24, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, said point being North 89° 01' 34" West - 1300.71 feet and South 00° 09' 47" East - 398.04 feet from the Northeast corner of said Section 24: thence leaving said West line, South 57° 32' 44" West for a distance of 81.06 feet; thence North 40° 31' 25" West for a distance of 40.35 feet; thence South 62° 06' 14" West for a distance of 21.06 feet; thence North 87° 59' 24" West for a distance of 165.71 feet; thence North 57° 53' 22" West for a distance of 151.73 feet; thence North 67° 59' 10" West for a distance of 106.11 feet; thence North 39° 01' 30" West for a distance of 53.74 feet; thence North 06° 01' 49" West for a distance of 56.84 feet; thence North 12° 55' 13" East for a distance of 111.77 feet; thence North 05° 39' 42" West for a distance of 266.90 feet; thence North 29° 13' 47" West for a distance of 89.70 feet; thence North 48° 59' 49" West for a distance of 84.01 feet; thence North 32° 28' 36" West for a distance of 73.61 feet; thence North 09° 27' 50" West for a distance of 132.67 feet; thence North 21° 50' 37" West for a distance of 106.74 feet; thence North 00° 30' 37" West for a distance of 82.76 feet; thence North 03° 59' 42" East for a distance of 88.06 feet; thence North 10° 48' 38" West for a distance of 119.94 feet; thence North 30° 50' 34" West for a distance of 77.30 feet; thence North 74° 25' 22" West for a distance of 91.29 feet; thence North 59° 03' 45" West for a distance of 111.26 feet; thence North 84° 08' 11" West for a distance of 73.32 feet; thence South 79° 55' 15" West for a distance of 212.31 feet; thence South 87° 37' 22" West for a distance of 164.22 feet to the East line of Tax Lot 1903, Map 29-15-13.

ALSO AND INCLUDING THE FOLLOWING DESCRIBED EASEMENT:

Being located in the NE ¼ of the NE ¼ of Section 24, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon

An easement for the continued use and maintenance of an existing underground waterline, said easement being 50 feet in width, 25 feet on both sides of the following described line:

Beginning at a point 1283 feet South and 1039 feet West of the Northeast corner of said Section 24: thence North 02° 17' East for a distance of 950 feet.

06-07-900C



5

COOS COUNTY CLERK, OREGON
TERRI L. TURTI, CCC, COUNTY CLERK
TOTAL \$51.00

09/11/2007 #2007-11974
02:36PM 5 OF 6

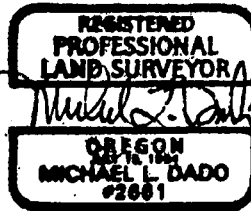
"Exhibit B"

Being located in the North 1/4 of Section 24 and the South 1/4 of Section 13,
Township 29 South, Range 15 West of the Willamette Meridian, Coos County,
Oregon

Beginning at the Southeast corner of Tax Lot 100, Map 29-15-24, said point being on the South line of the NE 1/4 of the NW 1/4 of Section 24, Township 29 South, Range 15 W.W.M. said point also being the point of beginning of the following adjusted line:
thence East along said 1/16 line for a distance of 3047.5 feet more or less to the Southeast Corner of the NE 1/4 of the NE 1/4 of said Section 24; thence along the East line of said Section 24, North 00° 19' 06" West for a distance of 579.64 feet; thence leaving said East line, thence North 65° 47' 03" West for a distance of 819.48 feet; thence North 78° 48' 33" West for a distance of 455.53 feet; thence South 57° 32' 44" West for a distance of 129.41 feet; thence continuing South 57° 32' 44" West for a distance of 81.06 feet; thence North 40° 31' 25" West for a distance of 40.35 feet; thence South 62° 06' 14" West for a distance of 21.06 feet; thence North 87° 59' 24" West for a distance of 165.71 feet; thence North 57° 53' 22" West for a distance of 151.73 feet; thence North 67° 59' 10" West for a distance of 106.11 feet; thence North 39° 01' 30" West for a distance of 53.74 feet; thence North 06° 01' 49" West for a distance of 56.84 feet; thence North 12° 55' 13" East for a distance of 111.77 feet; thence North 05° 39' 42" West for a distance of 266.90 feet; thence North 29° 13' 47" West for a distance of 89.70 feet; thence North 48° 59' 49" West for a distance of 84.01 feet; thence North 32° 28' 36" West for a distance of 73.61 feet; thence North 09° 27' 50" West for a distance of 132.67 feet; thence North 21° 50' 37" West for a distance of 106.74 feet; thence North 00° 30' 37" West for a distance of 82.76 feet; thence North 03° 59' 42" East for a distance of 88.06 feet; thence North 10° 48' 38" West for a distance of 119.94 feet; thence North 30° 50' 34" West for a distance of 77.30 feet; thence North 74° 25' 22" West for a distance of 91.29 feet; thence North 59° 03' 45" West for a distance of 111.26 feet; thence North 84° 08' 11" West for a distance of 73.32 feet; thence South 79° 55' 15" West for a distance of 212.31 feet; thence South 87° 37' 22" West for a distance of 164.22 feet to the East line of Tax Lot 1903, Map 29-15-13.

COOS COUNTY CLERK, OREGON
TERRI L. TURLI, CCC, COUNTY CLERK
TOTAL \$51.00

09/11/2007 #2007-11974
02:56PM 6 OF 6



06-07-900D

6

CORRECTED

"Exhibit A"

Being a portion of the North ½ of Section 24 and the South ½ of Section 13, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon

Beginning at a point on the West line of the NE ¼ of the NE ¼ of Section 24, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, said point being North 89° 01' 34" West - 1300.71 feet and South 00° 09' 47" East - 398.04 feet from the Northeast corner of said Section 24: thence leaving said West line, South 57° 32' 44" West for a distance of 81.06 feet; thence North 40° 31' 25" West for a distance of 40.35 feet; thence South 62° 06' 14" West for a distance of 21.06 feet; thence North 87° 59' 24" West for a distance of 165.71 feet; thence North 57° 53' 22" West for a distance of 151.73 feet; thence North 67° 59' 10" West for a distance of 106.11 feet; thence North 39° 01' 30" West for a distance of 53.74 feet; thence North 06° 01' 49" West for a distance of 56.84 feet; thence North 12° 55' 13" East for a distance of 111.77 feet; thence North 05° 39' 42" West for a distance of 266.90 feet; thence North 29° 13' 47" West for a distance of 89.70 feet; thence North 48° 59' 49" West for a distance of 84.01 feet; thence North 32° 28' 36" West for a distance of 73.61 feet; thence North 09° 27' 50" West for a distance of 132.67 feet; thence North 21° 50' 37" West for a distance of 106.74 feet; thence North 00° 30' 37" West for a distance of 82.76 feet; thence North 03° 59' 42" East for a distance of 88.06 feet; thence North 10° 48' 38" West for a distance of 119.94 feet; thence North 30° 50' 34" West for a distance of 77.30 feet; thence North 74° 25' 22" West for a distance of 91.29 feet; thence North 59° 03' 45" West for a distance of 111.26 feet; thence North 84° 08' 11" West for a distance of 73.32 feet; thence South 79° 55' 15" West for a distance of 212.31 feet; thence South 87° 37' 22" West for a distance of 164.22 feet to the East line of a tract of land, as described in Coos County Document # 2003-10695; thence Southerly along the East line of said tract for a distance of 1232 feet more or less to the Northeast corner of a second tract of land as described in Coos County Document # 2003-10695; thence Southerly along the East line of said second tract for a distance of 1405 feet more or less to the Southeast corner of said second tract, as described in Coos County Document # 2003-10695, said point being on the South line of the NE ¼ of the NW ¼ of Section 24, Township 29 South, Range 15 W.W.M.; thence East along said 1/16 line for a distance of 3047.5 feet more or less to the Southeast Corner of the NE ¼ of the NE ¼ of said Section 24; thence along the East line of said Section 24, North 00° 19' 06" West for a distance of 579.64 feet; thence leaving said East line, thence North 65° 47' 03" West for a distance of 819.48 feet; thence North 78° 48' 33" West for a distance of 455.53 feet; thence South 57° 32' 44" West for a distance of 129.41 feet back to the point of beginning. Said parcel containing 96.8 acres of land more or less.

ALSO AND INCLUDING THE FOLLOWING DESCRIBED EASEMENT:

An easement for ingress, egress and utilities including the installation and maintenance of such, said easement being 50 feet in width, 10 feet to the right and 40 feet to the left of the following described line:

Beginning at a point on the West line of the NE ¼ of the NE ¼ of Section 24, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, said point being North 89° 01' 34" West - 1300.71 feet and South 00° 09' 47" East - 398.04 feet from the Northeast corner of said Section 24: thence leaving said West line, South 57° 32' 44" West for a distance of 81.06 feet; thence North 40° 31' 25" West for a distance of 40.35 feet; thence South 62° 06' 14" West for a distance of 21.06 feet; thence North 87° 59' 24" West for a distance of 165.71 feet; thence North 57° 53' 22" West for a distance of 151.73 feet; thence North 67° 59' 10" West for a distance of 106.11 feet; thence North 39° 01' 30" West for a distance of 53.74 feet; thence North 06° 01' 49" West for a distance of 56.84 feet; thence North 12° 55' 13" East for a distance of 111.77 feet; thence North 05° 39' 42" West for a distance of 266.90 feet; thence North 29° 13' 47" West for a distance of 89.70 feet; thence North 48° 59' 49" West for a distance of 84.01 feet; thence North 32° 28' 36" West for a distance of 73.61 feet; thence North 09° 27' 50" West for a distance of 132.67 feet; thence North 21° 50' 37" West for a distance of 106.74 feet; thence North 00° 30' 37" West for a distance of 82.76 feet; thence North 03° 59' 42" East for a distance of 88.06 feet; thence North 10° 48' 38" West for a distance of 119.94 feet; thence North 30° 50' 34" West for a distance of 77.30 feet; thence North 74° 25' 22" West for a distance of 91.29 feet; thence North 59° 03' 45" West for a distance of 111.26 feet; thence North 84° 08' 11" West for a distance of 73.32 feet; thence South 79° 55' 15" West for a distance of 212.31 feet; thence South 87° 37' 22" West for a distance of 164.22 feet to the East line of a tract of land, as described in Coos County Document # 2003-10695.

ALSO AND INCLUDING THE FOLLOWING DESCRIBED EASEMENT:

Being located in the NE ¼ of the NE ¼ of Section 24, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon

An easement for the continued use and maintenance of an existing underground waterline, said easement being 50 feet in width, 25 feet on both sides of the following described line:

Beginning at a point 1283 feet South and 1039 feet West of the Northeast corner of said Section 24:
thence North 02° 17' East for a distance of 950 feet.

06-07-900C



EXP 12-31-11

CORRECTED

"Exhibit B"

Being located in the North ½ of Section 24 and the South ½ of Section 13,
Township 29 South, Range 15 West of the Willamette Meridian, Coos County,
Oregon

Beginning at the Southeast corner of a tract of land, as described in Coos County Document # 2003-10695, said point being on the South line of the NE ¼ of the NW ¼ of Section 24, Township 29 South, Range 15 W.W.M. said point also being the point of beginning of the following adjusted line:

thence East along said 1/16 line for a distance of 3047.5 feet more or less to the Southeast Corner of the NE ¼ of the NE ¼ of said Section 24; thence along the East line of said Section 24, North 00° 19' 06" West for a distance of 579.64 feet; thence leaving said East line, thence North 65° 47' 03" West for a distance of 819.48 feet; thence North 78° 48' 33" West for a distance of 455.53 feet; thence South 57° 32' 44" West for a distance of 129.41 feet; thence continuing South 57° 32' 44" West for a distance of 81.06 feet; thence North 40° 31' 25" West for a distance of 40.35 feet; thence South 62° 06' 14" West for a distance of 21.06 feet; thence North 87° 59' 24" West for a distance of 165.71 feet; thence North 57° 53' 22" West for a distance of 151.73 feet; thence North 67° 59' 10" West for a distance of 106.11 feet; thence North 39° 01' 30" West for a distance of 53.74 feet; thence North 06° 01' 49" West for a distance of 56.84 feet; thence North 12° 55' 13" East for a distance of 111.77 feet; thence North 05° 39' 42" West for a distance of 266.90 feet; thence North 29° 13' 47" West for a distance of 89.70 feet; thence North 48° 59' 49" West for a distance of 84.01 feet; thence North 32° 28' 36" West for a distance of 73.61 feet; thence North 09° 27' 50" West for a distance of 132.67 feet; thence North 21° 50' 37" West for a distance of 106.74 feet; thence North 00° 30' 37" West for a distance of 82.76 feet; thence North 03° 59' 42" East for a distance of 88.06 feet; thence North 10° 48' 38" West for a distance of 119.94 feet; thence North 30° 50' 34" West for a distance of 77.30 feet; thence North 74° 25' 22" West for a distance of 91.29 feet; thence North 59° 03' 45" West for a distance of 111.26 feet; thence North 84° 08' 11" West for a distance of 73.32 feet; thence South 79° 55' 15" West for a distance of 212.31 feet; thence South 87° 37' 22" West for a distance of 164.22 feet to the East line of a tract of land, as described in Coos County Document # 2003-10695.



06-07-900D

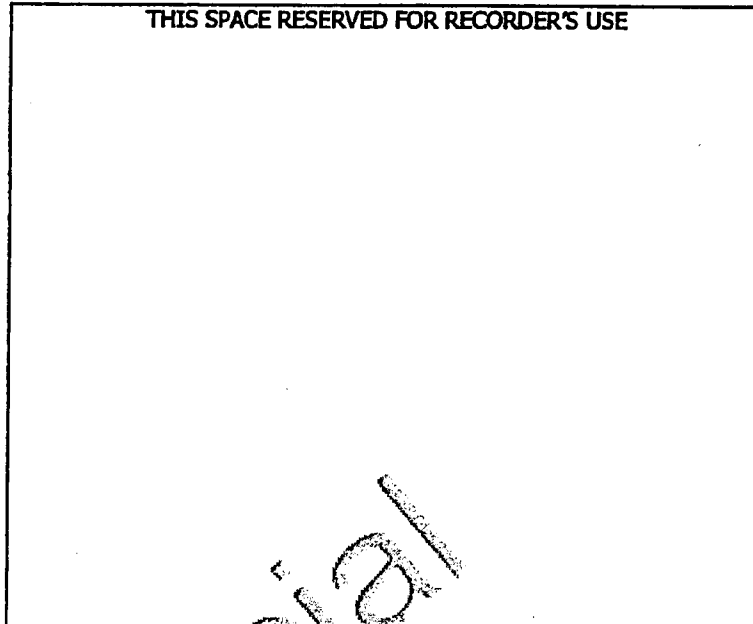
EXP 12-31-11



After recording return to:
Bandon Biota, LLC
3535 North Broadway
Chicago, IL 60613

Until a change is requested all tax statements shall be sent to the following address:
Bandon Biota, LLC
3535 North Broadway
Chicago, IL 60613

File No.: 7132-117409 (VEF)
Date: May 08, 2003



RETURN TO F.A.T. CO.

STATUTORY WARRANTY DEED

Marci Murray and David Kranick as tenants by the entirety, Grantor, conveys and warrants to Bandon Biota, LLC, a Delaware Limited Liability Company, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Attached Exhibit "A"

This property is free from liens and encumbrances, EXCEPT: those liens or encumbrances of record, if any

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is **\$270,000.00**. (Here comply with requirements of ORS 93.030)

Date: February 25, 2003

File No.: 7132-117409 (VEF)

EXHIBIT 'A'

LEGAL DESCRIPTION:

Beginning on the North line of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) of Section 24, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, from which it's Northeast Corner (CN 1/16 corner) bears South 88° 55' 38" East 1214.33 feet; thence due South 735.89 feet to a point (from which a 5/8" iron rod bears due West 50.00 feet); thence South 5° 20' 10" West 1650.84 feet; thence due West 50.00 feet to a point (from which a 5/8" iron rod bears due West 60.00 feet); thence South 53° 50' 11" West 162.01 feet to a 5/8" iron rod; thence South 22° 44' 55" West 113.84 feet to a 5/8" iron rod; thence South 32° 51' 38" West 168.24 feet to a point (from which a 5/8" iron rod bears due West 35.00 feet); thence South 11° 25' 25" West 472.96 feet to a 5/8" iron rod; thence South 19° 04' 01" West 193.18 feet to a 5/8" iron rod; thence South 0° 56' 41" West 451.89 feet to a 5/8" iron rod; thence South 9° 00' 32" West 600.82 feet to a 5/8" iron rod; thence South 70° 00' 03" East 209.12 feet to a 5/8" iron rod; thence South 38° 33' 45" East 235.10 feet to a point (from which a 5/8" iron rod bears due East 30.00 feet); thence due East 30.00 feet to a said 5/8" iron rod; thence continuing due East 247.76 feet, more or less, to the East line of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section 25, and Township 29 South, Range 15 West; thence Southerly 552.20 feet, more or less, along said East line into the South line of said Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4); thence Westerly 1299.29 feet, more or less, along said South line to a 5/8" iron rod at the Southwest corner of said NW 1/4 of the NW 1/4; thence North 0° 02' 17" West 1314.64 feet, along the Bandon State Park Boundary to a 2 1/2" brass cap iron pipe at the Northwest corner of said Section 25; thence continuing along said park boundary North 00° 18' 28" East 3919.44 feet to a 5/8" iron rod at the Northwest corner of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of Section 24; thence South 88° 55' 38" East 1316.22 feet along the North line of said Northwest Quarter (NW 1/4) to a 5/8" iron rod; thence continuing South 88° 55' 38" East 71.45 feet to the point of beginning.

The above described property is based on that survey dated April 16, 2003 and recorded as CS#39B84, Survey Records of said Coos County, Oregon.

"Together with a non-exclusive easement for ingress and egress as set forth in instrument recorded January 16, 1981 as Microfilm No. 81-1-0684, and in instrument recorded December 14, 1932 in Vol. 118, Page 119, Deed Records of Coos County, Oregon.

After recording, return to:
Steve Wilgers, P.C.
P.O. Box 29
Coos Bay, OR 97420

Until a change is requested,
Send all tax statements to:

Vivian M. Brown
87226 Kranberry Lane
Bandon, OR 97411

RETURN TO F.A.T. CO.

117409 VF

The consideration is nil

Grantor: Vivian M. Brown, 87226 Kranberry Lane, Bandon, OR 97411
Grantee: Vivian M. Brown, 87226 Kranberry Lane, Bandon, OR 97411

BOUNDARY ADJUSTMENT DEED

VIVIAN M. BROWN (formerly VIVIAN M. KRANICK), is the owner of the real property described as:

PARCEL ONE AS IDENTIFIED IN INSTRUMENT NO. 32862, VOLUME 171, PAGE 21, DEED RECORDS OF COOS COUNTY, described as follows:

The Southwest quarter of the Northwest quarter, the West half of the Southwest quarter of Section 24, The Northwest quarter of the Northwest quarter of Section 25, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon.

VIVIAN M. BROWN (formerly VIVIAN M. KRANICK), is also the owner of the real property described as:

PARCEL TWO AS IDENTIFIED AS INSTRUMENT NO. 46305, IN VOLUME 300, PAGE 221, DEED RECORDS OF COOS COUNTY, OREGON, described as follows:

Parcel II. The Southeast quarter of the Northwest quarter (SE1/4 NW1/4), the northeast quarter of the southwest quarter (NE1/4 SW1/4), and the southeast quarter of the southwest quarter (SE1/4 SW1/4), of Section 24, Township 29 South, Range 15 West of the Willamette Meridian, in Coos County, excepting that portion theretofore deeded to Martin E. Kranick and Vivian M. Kranick, the

deed recorded September 11, 1952 in Book 221, Page 242, Deed Records, Coos County, Oregon.

Parcel One and Parcel Two share a common boundary. Vivian M. Brown desires to adjust that boundary by a conveyance from Parcel One to Parcel Two and a conveyance from Parcel Two to Parcel One.

ADJUSTMENT ONE

Vivian M. Brown hereby conveys to Vivian M. Brown the following described property from Parcel One to Parcel Two:

Commencing at the southeast corner of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section 25, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon;
Thence Northerly along the North/South centerline of said Northwest Quarter (NW ¼) 552.20 feet to the True Point of Beginning;
Thence Due West 247.76 feet to a 5/8" iron rod;
Thence continuing Due West 30.00 feet;
Thence North 38° 33' 45" West 285.10 feet to a 5/8" iron rod;
Thence North 70° 00' 03" West 209.12 feet to a 5/8" iron rod;
Thence North 9° 00' 52" East 300.82 feet to a 5/8" iron rod;
Thence North 0° 56' 41" East 451.89 feet to a 5/8" iron rod;
Thence North 19° 04' 01" East 193.18 feet to a 5/8" iron rod;
Thence North 11° 25' 26" East 472.96 feet to a point (from which a 5/8" iron rod bears Due West 35.00 feet);
Thence North 32° 51' 38" East 166.24 feet to a 5/8" iron rod;
Thence North 22° 44' 55" East 113.84 feet to a 5/8" iron rod;
Thence North 53° 50' 11" East 162.01 feet to a point (from which a 5/8" iron rod bears Due West 60.00 feet);
Thence Due East 50.00 feet;
Thence North 5° 20' 10" East 629.38 feet, more or less, to the North/South centerline of Southwest Quarter (SW ¼) of Section 24, said Township and Range;
Thence Southerly 2162.22 feet, more or less, along said centerline to the Section line common to said Sections 24 and 25;
Thence continuing Southerly 753.11 feet along the North/South centerline of the Northwest Quarter (NW ¼) of said Section 25 to the True Point of Beginning, containing 24.62 acres, more or less.

ADJUSTMENT TWO

Vivian M. Brown conveys from Parcel Two to Parcel One the following described property:

Beginning on the North line of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section 24, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, from which it's Northeast corner (CN 1/16 corner) bears South 88° 55' 38" East 1214.33 feet;
Thence Due South 735.89 feet to a point (from which a 5/8" iron rod bears Due West 50.00 feet);
Thence South 5° 20' 10" West 1021.46 feet, more or less, to the North/South centerline of the Southwest Quarter (SW ¼) of said Section 24;
Thence Northerly 1754.56 feet, more or less, along the North/South centerline of said Southwest Quarter (SW ¼) and the Northwest Quarter (NW ¼) to the Northwest corner of said Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼);
Thence South 88° 55' 38" East 86.67 feet to the Point of beginning, containing 2.55 acres, more or less.

After transfer of the above described adjustments, the description of the property owned by Vivian M. Brown as Parcel One above is as follows:

Beginning on the North line of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section 24, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, from which it's Northeast corner (CN 1/16 corner) bears South 88° 55' 38" East 1214.33 feet;
Thence Due South 735.89 feet to a point (from which a 5/8" iron rod bears Due West 50.00 feet);
Thence South 5° 20' 10" West 1650.84 feet;
Thence Due West 50.00 feet to a point (from which a 5/8" iron rod bears Due West 60.00 feet);
Thence South 53° 50' 11" West 162.01 feet to a 5/8" iron rod;
Thence South 22° 44' 55" West 113.84 feet to a 5/8" iron rod;
Thence South 32° 51' 38" West 168.24 feet to a point (from which a 5/8" iron rod bears Due West 35.00 feet);
Thence South 11° 25' 26" West 472.96 feet to a 5/8" iron rod;
Thence South 19° 04' 01" West 193.18 feet to a 5/8" iron rod;
Thence South 0° 56' 41" West 451.89 feet to a 5/8" iron rod;
Thence South 9° 00' 32" West 600.82 feet to a 5/8" iron rod;
Thence South 70° 00' 03" East 209.12 feet to a 5/8" iron rod;

Thence South 38° 33' 45" East 235.10 feet to a point (from which a 5/8" iron rod bears Due East 30.00 feet);
Thence Due East 30.00 feet to said 5/8" iron rod;
Thence continuing Due East 247.76 feet, more or less, to the East line of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section 25, said Township 29 South, Range 15 West;
Thence Southerly 552.20 feet, more or less, along said East line to the South line of said Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼);
Thence Westerly 1299.29 feet, more or less, along said South line to a 5/8" iron rod at the Southwest corner of said NW ¼ of the NW ¼;
Thence North 0° 02' 17" West 1314.64 feet, along the Bandon State Park Boundary to a 2 ½" brass cap iron pipe at the Northwest corner of said Section 25;
Thence continuing along said park boundary North 0° 18' 28" East 3919.44 feet to a 5/8" iron rod at the Northwest corner of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of said Section 24;
Thence South 88° 55' 38" East 1316.22 feet along the North line of said Northwest Quarter (NW ¼) to a 5/8" iron rod;
Thence continuing South 88° 55' 38" East 71.45 feet to the Point of Beginning.

The above described area contains 134.2 acres, more or less, and is based on that survey dated April 16, 2003, and recorded as CS #39B84, Survey Records of said Coos County, Oregon.

After transfer of the above described adjustments, the boundary line, the description of the property owned by Vivian M. Brown as Parcel Two above is as follows:

Beginning at the Northeast corner of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section 24, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon;
Thence South 0° 03' 00" West 2607.57 feet along the North/South centerline of said Section 24 to the Northeast corner of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼), the same being the CS 1/16 corner of said Section 24;
Thence continuing South 374 feet along said North/South centerline;
Thence North 78° 25' 00" West 345.6 feet;
Thence South 10° 45' 00" West 338.7 feet;
Thence North 80° 30' 00" West 83.0 feet;

Thence South 5° 05' 00" West 167.0 feet;
Thence South 83° 15' 00" West 124.2 feet;
Thence South 9° 35' 00" West 494 feet, more or less, to the South line of said Section 24;
Thence Westerly a Record Deed distance of 615 feet along said South boundary to the Northeast corner of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section 25, said Township and Range;
Thence Southerly 753.11 feet, more or less, along the East line of said NW ¼ of the NW ¼ to a point which bears Due East 247.76 feet from a 5/8" iron rod;
Thence Due West 247.76 feet to said 5/8" iron rod;
Thence continuing Due West 30.00 feet;
Thence North 38° 33' 45" West 235.10 feet to a 5/8" iron rod;
Thence North 70° 00' 03" West 209.12 feet to a 5/8" iron rod;
Thence North 9° 00' 32" East 600.82 feet to a 5/8" iron rod;
Thence North 0° 56' 41" East 451.89 feet to a 5/8" iron rod;
Thence North 19° 04' 01" East 193.18 feet to a 5/8" iron rod;
Thence North 11° 25' 26" East 472.96 feet to a point (from which a 5/8" iron rod bears Due West 35.90 feet);
Thence North 32° 51' 38" East 168.24 feet to a 5/8" iron rod;
Thence North 22° 44' 55" East 113.84 feet to a 5/8" iron rod;
Thence North 53° 50' 11" East 162.01 feet to a point (from which a 5/8" iron rod bears Due West 60.00 feet);
Thence Due East 50.00 feet;
Thence North 5° 20' 10" East 1650.84 feet to a point (from which a 5/8" iron rod bears Due West 50.00 feet);
Thence Due North 735.89 feet, more or less, to the North line of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of said Section 24;
Thence South 88° 55' 38" East 1214.33 feet along said North line to the Point of Beginning, containing 127.6 acres, more or less.
Also, that parcel described in Vol. 221, Pg. 242, Deed Records of Coos County, Oregon, containing 41.01 acres, more or less. (Tax Lot 300, 29-15-24 and Tax Lot 800, 29-15-25).

The adjusted line is described as follows:

Commencing at the Northeast corner of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section 24, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon;
Thence North 88° 55' 38" West 1214.33 feet along the North line of said Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼)

to the True Point of Beginning of the adjusted line described as follows:

Thence Due South 735.89 feet to a point (from which a 5/8" iron rod bears Due West 50.00 feet);
Thence South 5° 20' 10" West 1650.84 feet;
Thence Due West 50.00 feet to a point (from which a 5/8" iron rod bears Due West 60.00 feet);
Thence South 53° 50' 11" West 162.01 feet to a 5/8" iron rod;
Thence South 22° 44' 55" West 113.84 feet to a 5/8" iron rod;
Thence South 32° 51' 38" West 168.24 feet to a point (from which a 5/8" iron rod bears Due West 35.00 feet);
Thence South 11° 25' 26" East 472.96 feet to a 5/8" iron rod;
Thence South 19° 04' 01" West 193.18 feet to a 5/8" iron rod;
Thence South 0° 56' 41" West 451.89 feet to a 5/8" iron rod;
Thence South 9° 00' 32" West 600.82 feet to a 5/8" iron rod;
Thence South 70° 00' 03" East 209.12 feet to a 5/8" iron rod;
Thence South 38° 33' 45" East 235.10 feet to a point (from which a 5/8" iron rod bears Due East 30.00 feet);
Thence Due East 30.00 feet to said 5/8" iron rod;
Thence continuing Due East 247.76 feet, more or less, to the East line of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section 25, said Township 29 South, Range 15 West and the end of the hereby described adjusted line.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED this 8 day of May, 2003.

Vivian M. Brown
Vivian M. Brown (formerly Vivian M. Kranick)

TL 1000
HOFFER LANE.



After recording return to:
Bandon Biota, LLC
2450 Lakeview Ave.
Chicago, IL 60614

Until a change is requested all tax statements
shall be sent to the following address:
Bandon Biota, LLC
2450 Lakeview Ave.
Chicago, IL 60614

File No.: 7132-1531282 (VRR)
Date: February 08, 2010

THIS SPACE RESERVED FOR RECORDER'S USE

RECORDED BY
FIRST AMERICAN TITLE

STATUTORY WARRANTY DEED

Ronald Dale Puhl and Mary Anne Puhl, trustees of the Ronald & Mary Anne Puhl Trust under agreement, dated December 1, 1995, Grantor, conveys and warrants to Bandon Biota, LLC, a Delaware limited liability company, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$1,300,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007.

Dated this 24 day of May, 2010

Ronald Dale Puhl and Mary Anne Puhl,
trustees of the Ronald & Mary Anne Puhl
Trust under agreement dated December 1,
1995

Ronald Dale Puhl
Ronald Dale Puhl, Trustee

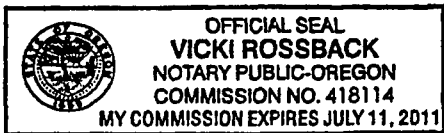
Mary Anne Puhl
Mary Anne Puhl, Trustee

Unofficial Copy

STATE OF Oregon)
)ss.
County of Coos)

This instrument was acknowledged before me on this 24 day of May, 2010
by Ronald Dale Puhl and Mary Anne Puhl as Trustees of Ronald & Mary Anne Puhl Trust under agreement
dated December 1, 1995, on behalf of the Trust.

Vicki Rossback



Notary Public for Oregon
My commission expires: 7/11/11

APN: 12416.01

Statutory Warranty Deed
- continued

File No.: 7132-1531282 (VRR)
Date: 02/08/2010

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Coos, State of Oregon, described as follows:

PARCEL I:

THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 29 SOUTH, RANGE 15 WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON.

EXCEPTING THEREFROM THE SOUTH 60 FEET OF THE ABOVE DESCRIBED PARCEL.

ALSO: BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 29 SOUTH, RANGE 15 WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON; THENCE WEST 1320 FEET; THENCE NORTH 330 FEET; THENCE EAST 1320 FEET; THENCE SOUTH 330 FEET TO THE POINT OF BEGINNING.

ALSO: THE SOUTH 60 FEET OF THE NORTH HALF OF SECTION 25, TOWNSHIP 29 SOUTH, RANGE 15 WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION, BY INSTRUMENT RECORDED APRIL 30, 1984 AS MICROFILM NO. 84-3-4121, RECORDS OF COOS COUNTY, OREGON.

PARCEL II:

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 29 SOUTH, RANGE 15 WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON.



After recording return to:
Bandon Biota, LLC
2450 N. Lakeview Avenue
Chicago, IL 60614


Until a change is requested all tax
statements shall be sent to the
following address:
Bandon Biota, LLC
2450 N. Lakeview Avenue
Chicago, IL 60614

File No.: 7131-2344093 (VRR)
Date: November 05, 2014

THIS SPACE RESERVED FOR RECORDER'S USE

COOS COUNTY, OREGON **2015-00427**

\$56.00 01/16/2016 02:22:41 PM
Pg=3



00018668201500004270030037

Terri L. Turl, Coos County Clerk

STATUTORY WARRANTY DEED

Edward D. Mills and F. Eileen Mills, as tenants by the entirety, Grantor, conveys and warrants to Bandon Biota, LLC, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$325,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 15 day of Jan, 2015

Edward D. Mills
Edward D. Mills

F. Eileen Mills
F. Eileen Mills

STATE OF Oregon

County of Coos

UNOFFICIAL COPY

This instrument was acknowledged before me on this 15 day of Jan, 2015 by **Edward D. Mills and F. Eileen Mills.**

Vicki R. Rosback



Notary Public for Oregon
My commission expires: 7/13/15

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Coos, State of Oregon, described as follows:

PARCEL I: The North 100 feet of the S 1/2 of the N 1/2 of the S 1/2 of the NE 1/4 of the SE 1/4 of Section 25, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon.

ALSO: The South 50 feet of the N 1/2 of the N 1/2 of the S 1/2 of the NE 1/4 of the SE 1/4 of Section 25, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon.

PARCEL II: Beginning at a point which is the Northwest corner of the NE 1/4 of the SE 1/4 of Section 25, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon; thence South 495 feet to the place of beginning; thence South 165 feet; thence East 1320 feet; thence North 165 feet; thence West 1320 feet to the place of beginning.

ALSO: The N 1/2 of the N 1/2 of the S 1/2 of the NE 1/4 of the SE 1/4 of Section 25, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon. Except the South 50 feet thereof

NOTE: This Legal Description was created prior to January 01, 2008.

Unofficial Copy

72100+

RETURN TO F.A.T. CO.



After recording return to:
Bandon Biota, LLC
2450 Lakeview Ave
Chicago, IL 60614

Until a change is requested all tax statements shall be sent to the following address:
Bandon Biota, LLC
2450 Lakeview Ave
Chicago, IL 60614

File No.: 7132-194678 (VEF)
Date: July 16, 2003

THIS SPACE RESERVED FOR RECORDER'S USE

STATUTORY WARRANTY DEED

John R. Fugate and Barbara Fugate, Grantor, conveys and warrants to **Bandon Biota, LLC, a Delaware Limited Liability Company**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

This property is free from liens and encumbrances, EXCEPT: those liens and encumbrances of record if any

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is **\$1,150,000.00**. (Here comply with requirements of ORS 93.030)

3

APN:

Statutory Warranty Deed
- continued

File No.: 7132-194678 (VEF)
Date: 07/16/2003

John R. Fugate
John R. Fugate

Barbara Fugate
Barbara Fugate

STATE OF Oregon)
County of Coos)ss.
)

This instrument was acknowledged before me on this 17th day of July, 2003
by **John R. Fugate and Barbara Fugate.**

Vicki Falke
Notary Public for Oregon

My commission expires: 9/6/05



Unofficial Copy

APN:

Statutory Warranty Deed
- continued

File No.: 7132-194678 (VEF)
Date: 07/16/2003

EXHIBIT A

LEGAL DESCRIPTION:

Parcel I

A portion of the Southeast 1/4 of the Southwest 1/4 of Section 13, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon.

Beginning at a point on the South line of Section 13, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, said point being North 88° 56' 17" West a distance of 482.22 feet from the 5/8" iron rod which marks the 1/4 corner common to Sections 24 and 13, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon:

Thence continuing along said South line, North 88° 56' 17" West for a distance of 643.41 feet more or less to a point which is 175.00 feet from the Southwest corner of said Southeast 1/4 of the Southwest 1/4 of Section 13; thence in a Northerly direction, parallel to and 175.00 feet from the East line of said Southeast 1/4 of the Southwest 1/4 of Section 13, North 00° 05' 10" East for a distance of 1309.34 feet more or less to the North line of the Southeast 1/4 of the Southwest 1/4 of Section 13; thence along said North line, South 88° 56' 24" East for a distance of 669.22 feet; thence leaving said North line of the Southeast 1/4 of the Southwest 1/4 of Section 13, South 11° 52' 14" East for a distance of 579.13 feet, thence South 04° 31' 42" East for a distance of 183.66 feet; thence South 14° 16' 03" West for a distance of 145.09 feet; thence South 05° 06' 48" West for a distance of 361.77 feet; thence South 58° 07' 21" West for a distance of 110.00 feet more or less back to the point of beginning.

EXCEPT: That portion conveyed to Melvin E. Boak, et ux, in Instrument bearing Microfilm No. 81-2-7779, Records of Coos County, Oregon.

Parcel II

The North half of the Northwest quarter of Section 24, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon.

Save and except therefrom the following described parcel;

A portion of the Northeast 1/4 of the Northwest 1/4 of Section 24, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon.

Beginning at the 5/8" iron rod which marks the 1/4 corner common to Sections 24 and 13, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon:

APN:

Statutory Warranty Deed
- continued

File No.: 7132-194678 (VEF)
Date: 07/16/2003

Thence along the North line of said Section 24, North 88° 56' 17" West for a distance of 482.22 feet; thence leaving said North line, South 14° 24' 12" West for a distance of 129.16 feet; thence South 27° 16' 00" West for a distance of 184.16 feet; thence South 00° 47' 58" East for a distance of 450.24 feet; thence South 60° 51' 35" East for a distance of 130.08 feet; thence South 21° 34' 47" East for a distance of 80.74 feet; thence South 09° 17' 13" East for a distance of 169.10 feet; thence South 10° 00' 56" West for a distance of 119.20 feet; thence South 01° 33' 48" East for a distance of 145.80 feet more or less to the South line of the Northeast 1/4 of the Northwest 1/4 of said Section 24; thence along said South line, South 88° 56' 13" East for a distance of 434.47 feet more or less to the Southeast corner of said Northeast 1/4 of the Northwest 1/4 of Section 24; thence along the East line of said Northeast 1/4 of the Northwest 1/4 of Section 24, North 00° 10' 49" East for a distance of 1306.58 feet more or less back to the point of beginning.

Parcel III

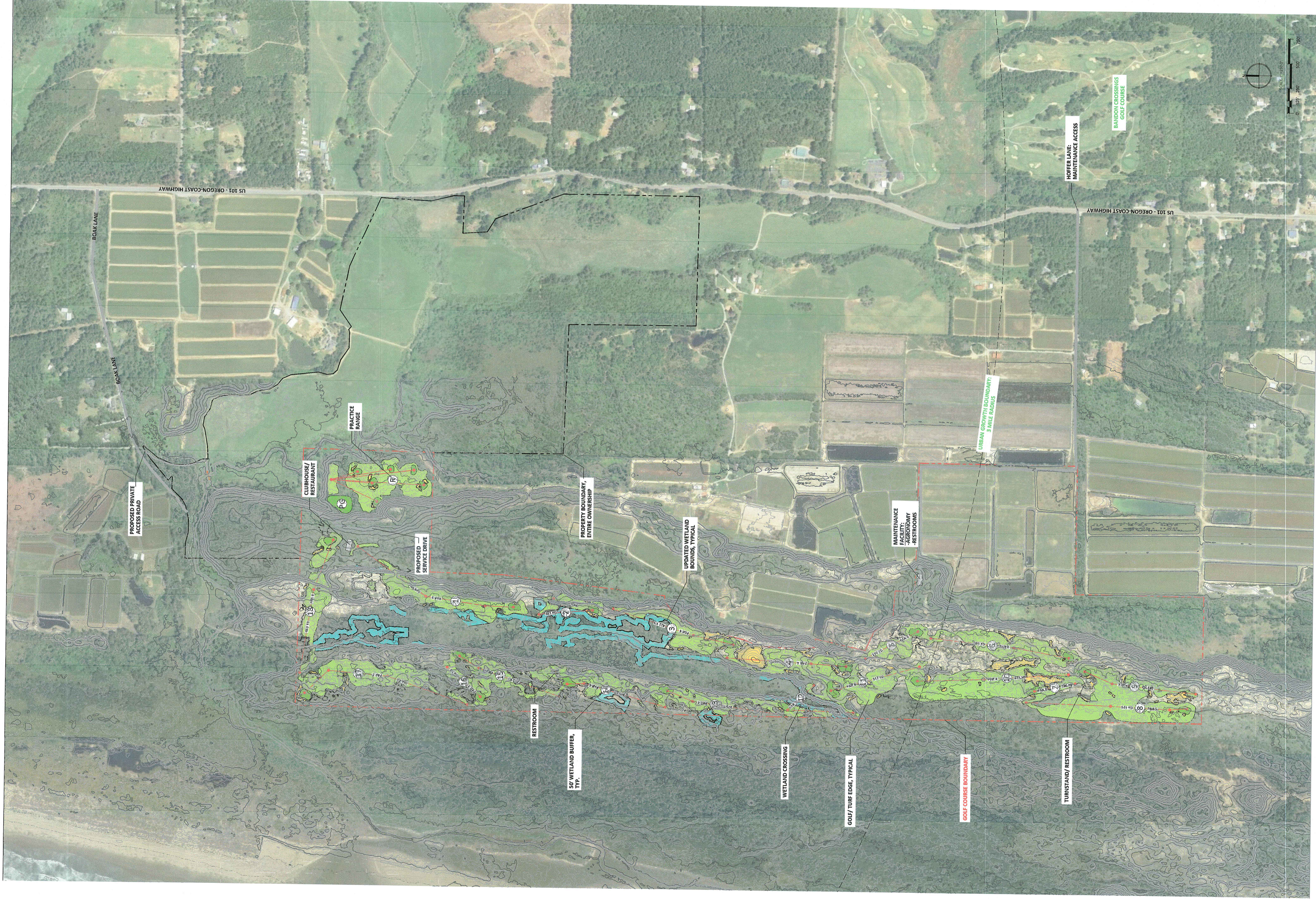
A portion of the East 1/2 of the Southwest 1/4 of Section 13, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon.

Beginning at a point on the South line of Section 13, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, said point being North 88° 56' 17" West a distance of 482.22 feet from the 5/8" Inch iron rod which marks the 1/4 corner common to Sections 24 and 13, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon:

Thence North 58° 07' 21" East for a distance of 110.00 feet; thence North 05° 06' 48" East for a distance of 361.77 feet; thence North 14° 16' 03" East for a distance of 145.09 feet; thence North 04° 31' 42" West for a distance of 183.66 feet; thence North 11° 52' 14" West for a distance of 161.73 feet to the true point of beginning of the following described parcel:

Thence North 75° 31' 01" East for a distance of 100.20 feet; thence North 83° 12' 58" East for a distance of 98.42 feet; thence North 67° 52' 48" East for a distance of 53.89 feet; thence North 03° 19' 43" West for a distance of 52.11 feet; thence North 23° 32' 17" West for a distance of 115.00 feet; thence North 10° 44' 51" West for a distance of 70.05 feet; thence North 02° 02' 34" East for a distance of 182.52 feet; thence North 12° 49' 49" East for a distance of 91.49 feet; thence North 23° 37' 04" East for a distance of 119.16 feet; thence North 32° 18' 25" East for a distance of 43.99 feet; thence North 40° 59' 47" East for a distance of 61 feet more or less to a point on the Northwesterly line of that property described as "PARCEL D" in Coos County Document 93-06-1183; thence following said Northwesterly line in a Southerly direction to a point on the 1/16 line running East-West through the center of the Southwest 1/4 of said Section 13; thence along said 1/16 line, North 88° 56' 24" West for a distance of 133 feet more or less to a point which bears North 11° 52' 14" West from the true point of beginning; thence South 11° 52' 14" East for a distance of 417 feet more or less back to the true point of beginning.

EXCEPT: Any portion of the above described parcel, conveyed to Melvin E. Boak, et ux, in instrument bearing Microfilm No. 81-2-7779, Records of Coos County, Oregon.





TELEPHONE (541) 267-2872
FAX (541) 267-0588
EMAIL: stuntzner.com

705 South 4th Street – PO Box 118
Coos Bay, Oregon 97420

COOS BAY • BROOKINGS • FOREST GROVE • DALLAS

September 15, 2022

Jill Rolfe, Director
60 East Second
Coquille, Oregon 97423

RE: BANDON BIOTA GOLF COURSE ADDENDUM (COMPLETENESS HBCU-22-001)

Dear Jill,

Enclosed is a response to the Notice of Completeness issued by the Department on August 12, 2022.

Please preview the information before passing it on. We believe that staff has a misunderstanding regarding the Counties ability to issue a decision without a full geotechnical analysis for permitted uses in conjunction with a golf course. As with other applications, the geotechnical issues can be resolved through conditions of approval and future conditional use applications with notice, when the necessary information becomes available. Eric Oberbeck has been to the property and will issue a positive preliminary analysis upon his return.

Based upon prior LUBA decisions that we participated in, Bill Kloos and I feel that we have a good handle on the design capacity and enclosed structure separation provisions. Regarding traffic studies, etc., I hope we can wait for a response from ODOT (in conjunction with application notice), since the only meaningful impact will occur in their jurisdiction at the intersection of Boak Lane and Hwy. 101.

We have more thoroughly addressed these issues in the enclosed addendum. After your review, please let us know if we are ready to move forward with the application. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Hood". The signature is stylized and written over the word "Sincerely,".

Chris Hood



NOTICE OF COMPLETENESS

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

Friday, August 12, 2022

Bandon Biota, LLC
57744 Round Lake Rd
Bandon, OR 97411

Chris Hood
PO Box 118
Coos Bay, OR 97420

RE: Completeness Review for HBCU-22-001

Dear Applicant(s):

Thank you for submitting a Hearings Body Conditional Use for a golf course. The first step in the application process is a completeness review. The following items are required to be addressed or included in with the application or determined prior to the acceptance of the application. The **unchecked** boxes indicate the items that are required to be addressed or included with your application:

1. The correct and completed application form was filed. If the proposed use/activity will occur in an identified hazard area the correct reports or certifications have been included.
2. Applications shall be submitted by the 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 consent form may be accepted
3. One original and one exact unbound copy of the application or an electronic copy shall be provided at the time of submittal for all applications;
4. A detailed Project Proposal was provided;
5. A detailed parcel map of the subject property illustrating the size and location of existing and proposed uses, structures and roads on an 8½" x 11" paper to scale. Applicable distances must be noted on the parcel map along with slopes. (See example plot map);
6. Covenants or deed restrictions on the property were provided or were found not to exist.
7. All of the lots or parcels that are currently within the applicant's ownership, co-ownership or is purchasing which have a common boundary with the subject property on an assessment map were listed on the application; **Include all parcels**
8. A copy of the current deed of record has been provided;
9. All the applicable criteria have been addressed; **See page 3-12 for details on criteria.**
10. The property was created legally;
11. All development was cited in compliance with the Coos County Zoning and Land Development Ordinance or this application will bring a use or activity into compliance; and

12. All road, driveway, access, parking plan or traffic impact analysis has been submitted as required by the Coos County Zoning and Land Development Ordinance. – **Missing traffic plan required by Section 7.1.250**

This application has been:

- Deemed complete as of the date this letter was sent and the application has been forwarded to all applicable agencies or departments for comment; or
- Deemed incomplete due to missing information as shown by the unchecked boxes above. As the applicant for a permit or limited land use it is your responsibility to submit one of the following within 180 days to the Planning Department:
- a. All of the missing information;
 - b. Some of the missing information and written notice from the applicant that no other information will be provided; or
 - c. Written notice from the applicant that none of the missing information will be provided.

If the application is found to be incomplete and steps a, b or c are not completed within the required timeframe (180 days), then on the 181st day the application will be deemed void. If you submit material by email you are responsible to follow up with staff to ensure that information was received. On the day the department receives one of the options (a. through c.) above is the date your application will be considered complete.

Once your application has been deemed complete staff will continue with the review process. Your application will go through the following steps (checked steps apply to your application):

<input type="checkbox"/>	1.	The first step is requesting comments from any applicable agency or department. Most agencies have 30 days to respond to comments.
<input type="checkbox"/>	2.	If this is a land division Technical Review Committee (TRC) will be scheduled once all comments have been received. Once the TRC has been completed a tentative decision is mailed out approximately six (6) weeks after. The notice of tentative decision will provide for a fifteen (15) day opportunity to appeal. If appealed it will be scheduled for hearing. The decision only becomes final after the final partition plat has been filed.
<input type="checkbox"/>	3.	If this is application requires a hearing, a notice of hearing will be provided 20 days prior to the hearing. Once the hearing is concluded a notice of decision will be mailed out within five to seven days. If this is a Planning Commission decision the notice will provide for an opportunity to appeal (15) fifteen days to the Board of Commissioners. If this is a Board of Commissioners decision there is a twenty-one (21) day appeal period to the Land Use Board of Appeals.
<input type="checkbox"/>	4.	If this is an administrative review (Administrative Conditional Use, Extension, or Variance) a notice of decision with an opportunity to appeal will be mailed out once the review has been completed. Approximately, six weeks after the application has been deemed complete. The notice of decision will provide for a fifteen (15) day opportunity to appeal. If not appealed the decision becomes final. Property line adjustment discrete parcel 12 day opportunity to appeal.
<input type="checkbox"/>	5.	If this is a limited land use notice then a notice requesting comments will be mailed as soon as the application has been deemed complete and then a review and decision will be issued. Approximately, four weeks after the comments time has expired. The notice of decision will provide for a fifteen (15) day opportunity to appeal. If not appealed the decision becomes final.

Except when an applicant requests an extension of the timelines, the governing body of the county or its designee shall take final action on an application for a permit or limited land use decision within 120 (urban zone) days or 150 (rural) days as applicable.

If you have questions about the land use process please contact planning staff for assistance.

Thank you,

Chris MacWhorter

Chris MacWhorter, Planning Staff

C: File

Item 1: Insufficient responses were given for Section 4.11.129. The applicant will need to address all criteria for development in limited suitability. This includes proposing to build a golf course in beaches and dunes overlay zone. This also includes all structures required for operating a golf course.

4.11.129 Beaches and Dunes (Policy 5.10)

The Beaches and Dunes map has inventoried the following:

- *Beaches and Dunes*
 - *Suitable for most uses; few or no constraints (Does not require a review)*
 - *Limited Suitability; special measures required for most development*
 - *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.*

Item 2: The applicant will need to clearly identify the road accessing the proposed golf course. If the road proceeds through the Coastal Shoreland Boundary, then the CBS criteria will need to be addressed.

4.11.130 Non-Estuarine Shoreland Boundary (Balance of County Policy 5.10)

The Coastal Shoreland Boundary map has inventoried the following:

- *Coastal Shoreland Boundary*
- *Beach Erosion*
- *Coastal Recreation Areas*
- *Area of Water-Dependent Uses*
- *Riparian Vegetation*
- *Fore Dunes*
- *Head of Tide*
- *Steep Bluffs over 50% Slope*
- *Significant wetland wildlife habitats*
- *Wetlands under agricultural use*

- *Areas of Exceptional Aesthetic or Scenic Quality and Coastal Headlands*
- *Headland Erosion*

Purpose Statement:

Protection of major marshes (wetlands), habitats, headlands, aesthetics, historical and archaeological sites: Coos County shall provide special protection to major marshes, significant wildlife habitat, coastal headlands, exceptional aesthetic resources, and historic and archaeological sites located within the Coastal Shorelands Boundary of the ocean, coastal lakes and minor estuaries. This strategy shall be implemented through plan designations and ordinance measures that limit uses in these special areas to those uses that are consistent with protection of natural values, such as propagation and selective harvesting of forest products, grazing, harvesting wild crops, and low intensity water-dependent recreation. This strategy recognizes that special protective consideration must be given to key resources in coastal shorelands over and above the protection afforded such resources elsewhere in this plan.

Coos County shall consider:

- i. *"Major marshes" to include certain extensive marshes associated with dune lakes in the Oregon Dunes National Recreation Area and wetlands associated with New River as identified in the Inventory text and maps, and on the Special Considerations Map;*
 - ii. *"Significant wildlife habitat" to include "sensitive big-game range", Snowy Plover nesting areas, Bald Eagle, and Osprey nesting areas, Salmonid spawning and rearing areas, and wetlands;*
 - iii. *"Coastal headlands" to include Yoakum Point, Gregory Point, Shore Acres, Cape Arago south to Three-Mile Creek, Five Mile Point, and Coquille Point;*
 - iv. *"Exceptional resources Aesthetic or Scenic Quality" to include the coastal headlands identified above, and other areas identified in the Coastal Shorelands Inventory Map; and*
 - v. *"Historical, cultural and archaeological sites" to include those identified in the Historical, Cultural and Archaeological Sites Inventory and Assessment.*
- a. *Uses allowed within the Coastal Shoreland Boundary: This strategy recognizes: (1) that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration; and (2) that Statewide Planning Goal #17 places strict limitations on land divisions within coastal shorelands.*
- i. *Uses within the Coastal Shoreland Boundary: Coos County shall manage its rural areas within the "Coastal Shorelands Boundary" of the ocean, coastal lakes and minor estuaries through implementing ordinance measures that allow the following uses:*

- a) *Farm uses as provided in ORS 215;*
 - b) *Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act.*
 - c) *private and public water dependent recreation developments;*
 - d) *aquaculture;*
 - e) *water-dependent commercial and industrial uses and water-related uses are allowed only upon finding by the Board of Commissioners that such uses satisfy a need, which cannot otherwise be accommodated on shorelands in urban and urbanizable areas;*
 - f) *single family residences on existing lots, parcels, or units of land when compatible with the objectives and implementation standards of the Coastal Shorelands goal, and as otherwise permitted by the underlying zone; or*
 - g) *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 Statewide Planning Goal #17 to protect riparian vegetation and wildlife habitat;*
 - c. *The "other" use complies with the implementation standard of the underlying zone designation; and*
 - d. *In addition, the above uses shall only be permitted upon a finding that such uses do not otherwise conflict with the resource preservation and protection policies established elsewhere in this plan.*
- ii. *A site plan and design review is only necessary when required in Coos County Comprehensive Plan Volume I Part 2 § 3.5: Structures associated with the above uses, with the exception of farm and forest uses, shall only be permitted after an Administrative Conditional Use Review or higher review addressing the criteria and requirements of this subsection below and upon a finding that such uses do not otherwise conflict with the Special Development Considerations and Overlay Zones found in this Ordinance.*

a) *Site Review and Approval Criteria.*

Construction, site development and landscaping shall be carried out in substantial accord with the plans, drawings, sketches and other documents as approved.

Nothing in this subsection shall be construed to prevent ordinary repair, maintenance and replacement of any part of the building or landscaping which

does not involve a substantial change from the purpose and objectives of this section. Proposed "substantial changes" shall be submitted to the Planning Director for approval.

All variances from the site development criteria which are deemed necessary by the applicant shall be requested pursuant to ARTICLE 5.3.

These standards are intended to provide a frame of reference for the applicant to the development of a site and building plans as well as a method of review. These standards shall not be regarded as inflexible requirements, nor do they advocate any particular architectural style, for they are intended to encourage creativity, invention and innovation. The following standards shall be utilized in reviewing the plans, drawings, sketches and other documents required under for this review:

1. Landscaping

- a. The landscape shall be such to minimize soil erosion and lessen the visual impact;*
- b. Any grade changes shall be in keeping with the general appearance of neighboring developed areas.*

2. Structures

- a. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings;*
- b. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.*

3. Drives, Parking and Circulation

With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to the location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and must comply with the standards found in Chapter VII. The Roadmaster is responsible for determining compliance with this subsection.

4. Surface Water Drainage

Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties, the public storm drainage system, or create environmental problems.

5. Utility Service

- a. Whenever feasible, electric, telephone and other utility lines shall be underground;*
- b. Any utility installations remaining above ground shall be located so as to have an harmonious relation to neighboring properties and the site;*
- c. The proposed method of sanitary sewage disposal from all buildings shall be indicated.*

b) Application Submittal and Review Procedure.

1. Submission of Documents - A prospective applicant for a building or other permit who is subject to site design review shall submit the following to the County Planning Director:

- a. A site plan, drawn to scale, shows the proposed layout of all structures and other improvements;*
- b. A landscape plan, drawn to scale, showing the location of existing trees proposed to be retained on the site, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials;*
- c. Architectural drawings or sketches, drawn to scale, including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction;*
- d. Specifications as to type, color and texture of exterior surfaces of proposed structures including reflective surfaces of solar collectors;*
- e. An application request which shall include:*
 - 1) Name and address of applicant;*
 - 2) Statement of applicant's legal interest in the property (owner, contract purchaser, lessee, renter, etc.) and a description of that interest, and in case the applicant is not the owner, verification of the owner's consent;*
 - 3) Address and legal description of the property;*
 - 4) Statement explaining the intended request;*
 - 5) The required fee; and*
 - 6) Any other materials or information as may be deemed necessary to assist in evaluation of the request. The request will be made prior to deeming the application complete. However, if this review is before the hearings body they may request for additional information to ensure compliance.*

2. Threshold Standard. The Planning Director has the discretion to waive part or all of the site plan requirements if, in the Director's judgment, the proposed development is "de minimis" in extent to the existing development.

- b. Land Divisions within the Coastal Shoreland Boundary: This strategy recognizes that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration under Statewide Planning Goal #17. Coos County shall permit subdivisions and partitions within the "Coastal Shorelands Boundary" of the ocean, coastal lakes or minor estuaries in rural areas only upon finding by the governing body:*

- i. *That such land divisions will not conflict with agriculture and forest policies and ordinance provisions of the Coos County Comprehensive Plan and would be compatible with the objectives of Statewide Planning Goal #17 to protect riparian vegetation and wildlife and either;*
 - ii. *That the new land divisions fulfill a need that cannot otherwise be accommodated in other uplands or in urban and urbanizable areas;*
 - iii. *That the new land divisions are in a documented area, "committed" area; or*
 - iv. *That the new land divisions have been justified through a goal exception.*
- c. *Coastal Lakes and Minor Estuary Coastal Shorelands: Coos County shall consider the following general priorities for the overall use of ocean, coastal lake or minor estuary coastal shorelands (from highest to lowest):*
- i. *promote uses, which maintain the integrity of estuaries and coastal waters;*
 - ii. *provide for water-dependent uses;*
 - iii. *provide for water-related uses;*
 - iv. *provide for nondependent, nonrelated uses, which retain flexibility of future use and do not prematurely or inalterably commit shorelands to more intensive uses;*
 - v. *provide for development, including nondependent, nonrelated uses, in urban areas compatible with existing or committed uses;*
 - vi. *permit nondependent, nonrelated uses, which cause a permanent or long-term change in the features of coastal shorelands only upon a demonstration of public need.*

In addition, priority uses for flood hazard and floodplain areas shall include agriculture, forestry, recreation and open space uses, which are water-dependent. This strategy shall serve as a guide when evaluating discretionary zoning and land development actions. This strategy recognizes Statewide Planning Goal #17 requirements.

- d. *Non-structural solutions for erosion control: Coos County shall prefer non-structural solutions to problems of erosion and flooding to structural solutions in ocean, coastal lake or minor estuary shorelands. Where shown to be necessary, water and erosion control structures, such as jetties, bulkheads, seawalls, and similar protective structures and fill shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns. Implementation of this strategy shall occur through county review of and comment on state and federal permit applications for such projects. This strategy is based on the recognition that non-structural solutions are often more cost-effective as corrective measures but that carefully designed structural solutions are occasionally necessary.*

- e. *Riparian vegetation in Coastal Shoreland Boundary: Maintain, restore or enhancing riparian vegetation as consistent with water dependent uses requires a conditional use. Coos County shall maintain riparian vegetation within the shorelands of the ocean, coastal lakes, and minor estuaries, and when appropriate, restore or enhance it, as consistent with water-dependent uses. Variances to riparian vegetation setback shall not be permitted within the CSB unless it is to allow for a water dependent use as permitted by the zoning. If a property owner would like to remove vegetation in the Coastal Shoreland Boundary then a conditional use is required. The Planning Department will request comments from ODFW and DEQ regarding water quality and fish habitat. An applicant may provide reports from a qualified biologist.*

Timber harvest, if permitted in the zoning ordinance, shall be regulated by the Oregon Forest Practices Act. Where the County's Comprehensive Plan identifies riparian vegetation on lands in the coastal shorelands subject to forest operations governed by the FPA, the Act and Forest Practices Rules administered by the Department of Forestry will be used in such a manner as to maintain, and where appropriate, restore and enhance riparian vegetation. This strategy shall be implemented by County review of and comment on state permit applications for waterfront development.

This strategy is based on the recognition that prohibiting excessive removal of vegetative cover is necessary to stabilize the shoreline and, for coastal lakes and minor estuaries, to maintain water quality and temperature necessary for the maintenance of fish habitat.

Item 3: The application did not include geologic assessment reports for the proposed structures. The proposed building locations are within three miles of the City of Bandon Urban Growth Boundary. This application assumes that the proposed structures will be permitted in this 3-mile buffer. However, that is impossible for the County to approve findings that these structures will be allowed at these locations given that the fact there was no geologic reports commissioned for this area. The County cannot possibly issue findings that structures will not exceed 100 persons. These geologic reports must be signed by a Certified Engineering Geologist.

4.11.132 Natural Hazards (Balance of County Policy 5.11)

b. Landslides and Earthquakes

Earthquakes: Coos County shall promote protection of life and property in areas potentially subject to earthquake hazards. New development or substantial improvements in mapped areas identified as potentially subject to earthquake induced liquefaction shall be subject to a geologic assessment review as set out in this section. Such areas shall include lands subject to "very high" and "high" liquefaction identified in DOGAMI Open File Report O-13-06, "Ground motion, ground deformation, tsunami inundation, co-seismic subsidence, and damage potential maps for the 2012 Oregon Resilience Plan for Cascadia Subduction Zone Earthquakes."

Coos County shall continue to support Oregon State Building Codes to enforce any structural requirements related to landslide and earthquakes. Staff will notify Oregon State Building Codes by providing a copy of the geologic assessment report with the Zoning Compliance Letter.

Item 4: There was no proposed building plans submitted with this application. The submitted plot plan indicated there are structures proposed within 3-miles of the City of Bandon UGB. The proposed buildings plans must include documentation from Oregon licensed registered design professional that the group of structure's design capacity shall not exceed 100 people. The application also did not include sufficient documentation that proposed structures are separated by at least ½ mile.

SECTION 4.6.200 EXCLUSIVE FARM USE – USE TABLES

- (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*

Item 5: The application did not address traffic requirements as required per Section 7.1.250. The proposed use is a golf course, which is classified as high-intensity recreation. The applicant will need to submit the Item 1 -4. This will include a traffic plan, traffic study, access analysis, and sight distance certification. The application must include the access routes and traffic impacts of the proposal.

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:*
 - a. *Property boundaries;*
 - b. *Location of all structures on the subject property;*
 - c. *Required parking spaces;*
 - d. *Current utilities and proposed utilities;*
 - e. *Roadmaster may require drawings and specs from the Oregon Standards Specification Manual (OSSC) (current edition);*
 - f. *The location and design of bicycle and pedestrian facilities shall be indicated on the site plan if applicable;*
 - g. *Pedestrian access and circulation will be required if applicable. Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of walkways, landscaping, accessways, or similar techniques;*

- h. *All plans (industrial and commercial) shall clearly show how the internal pedestrian and bicycle facilities of the site connect with external existing or planned facilities or systems;*
 - i. *Location of existing and proposed access point(s) on both sides of the road where applicable;*
 - j. *Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;*
 - k. *Number and direction of lanes to be constructed on the road plus striping plans;*
 - l. *All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.); and*
 - m. *Parking and internal circulation plans including walkways and bikeways, in UGB's and UUC's.*
2. *Traffic Study completed by a registered traffic engineer.*
 3. *Access Analysis completed by a registered traffic engineer*
 4. *Sight Distance Certification from a registered traffic engineer.*

Item 6: The application did not include all of the lots or parcels that are currently within the applicant's ownership, co-ownership or is purchasing which have a common boundary with the subject property on an assessment map were listed on the application.

APPLICANT'S ADDENDUM
RESPONSE TO NOTICE OF COMPLETENESS
HBCU-22-001 BANDON BIOTA GOLF COURSE

Item 1: Insufficient responses were given for Section 4.11.129. The applicant will need to address all criteria for development in limited suitability. This includes proposing to build a golf course in Beaches and Dunes overlay. This also includes all structures required for operating a Golf Course.

A Technical Memorandum has been requested from Cascadia Geoservices, Inc., similar to the one provided in conjunction with the Amendment/Rezone for the Second Par 3 Golf Course at Bandon Dunes. The Technical Memorandum was accepted by the Planning Department during the application process in lieu of a full Goal 18 analysis because the full design of the golf course, golf course structures, and exact structure locations were unknown at that time. A Goal 18 review can and has historically been processed as a condition of approval based upon the fact that public notice is required in conjunction with both the geologic and beaches and dunes application process.

NOTE: Cascadia Geoservices has visited the site and has determined that structures can be established in the general locations proposed on the master plan, subject to further geotechnical analysis when structural design and specific locations are known. A letter will follow as additional evidence, prior to the required Planning Commission hearing. Therefore, with regard to Item 1, the applicant requests that the application be deemed complete pursuant the Section 5.0.200(3)(b).

Item 2: The applicant will need to clearly identify the road accessing the proposed golf course. If the road proceeds through the Coastal Shoreland Boundary, then the CSB criteria will need to be addressed.

APPLICANT'S RESPONSE: The attached revised Master Plan shows the location of the road system providing access to the golf course. A Special Considerations map (Exhibit "A") has also been submitted showing a limited segment of the existing access road where it crosses the Coastal Shoreland overlay. The road at that location contains a single lane concrete bridge that crosses Two-Mile Creek, and a single lane road continuing westerly before turning south.

The only inventoried Coastal Shoreland feature at that location are significant wetlands associated with the Two-Mile Creek drainage, however, the existing single lane road passing through the CSB wetlands will not be improved outside of its current roadbed, and there will be no impact to the adjacent wetlands. This Coastal Shoreland criterion has therefore been addressed.

Item 3: The application did not include geologic assessment reports for the proposed structures. The proposed building locations are within three miles of the City of Bandon Urban Growth Boundary. This application assumes that the proposed structures will be permitted in the 3-mile buffer. However, it is impossible for the county to approve findings that these structures will be allowed at these

locations given the fact that there were no geologic reports commissioned for this area. The County cannot possibly issue findings that structures will not exceed 100 persons. These geologic reports must be signed by a certified Engineering Geologist.

APPLICANT'S RESPONSE: Almost the entire golf course is located on land that is identified as susceptible to liquefaction as well as Beach and Dunes limited development suitability, and any new development is subject to a geologic assessment review. To perform a geologic assessment, the Engineering Geologist must know the exact location of the proposed structure as well as its dimensions and design. Unlike some developments that can be designed in their entirety before construction begins, the actual playing surface of a 200 plus acre golf course is developed based on conceptual plans that are modified and perfected during construction. Tees, greens, and fairways ebb and flow as they are shaped and contoured. Because the location of supporting structures (clubhouse, restrooms, turn-stands, maintenance, etc.) are critical to coordinating play and maintenance of the course, they are normally the last element designed when the exact location for each structure is determined.

A conceptual plan has been submitted to demonstrate that the golf course meets the general description of an 18-hole course, together with the supplemental uses that are permitted outright in conjunction with an EFU golf course. The general location of structures has been shown based on the proposed access from the north and the proposed routing, however, the exact location of each structure will be based on the final design of features such as the placement of tees, greens, maintenance roads, practice facilities and parking lots, just to name a few.

Considering the logistics for constructing a golf course, it is not feasible to perform the required geological analysis with geotechnical reports prior to knowing the exact location and design of all proposed structures. Because the geological analysis for the applicable hazards will be processed with notice in conjunction with the required conditional use process, the analysis can be performed as a separate application, prior to the onset of structural development.

NOTE: A Technical Memorandum has been requested from Cascadia Geoservices, Inc., similar to the one provided in conjunction with the Amendment/Rezone for the Second Par 3 Golf Course at the Bandon Dunes Resort. A Technical Memorandum was accepted by the Planning Department in lieu of a full Goal 18 analysis, based on the fact the full design of the golf course and exact location of structures was unknown. As stated above, public notice will be required in conjunction with the required geologic and beaches and dunes applications.

100-Person Design Capacity

It appears that staff is concluding that a finding cannot be made regarding the 100-person design capacity criteria unless geotechnical work is performed, to assure the absolute location of each structure. However, the routing design submitted with the application clearly shows that the statutory three-mile boundary crosses the southerly one-third of the course. It is therefore reasonable to assume that most structures (as illustrated) will be sited on the northerly two-thirds of the course and within the three-mile boundary.

Because the primary access is proposed at the north end of the golf course, the clubhouse, pro-shop, and restaurant structure will also be located at the north end adjacent to the first tee and 18th green. That area is clearly within the three-mile boundary and subject to the 100-person design capacity standard. Based upon the design of the course and location of the proposed access, there is no reason to assume that the clubhouse or other proposed structures subject to the 100-person standard will be located outside of the 3-mile boundary. Therefore, the decision as to whether proposed structures meet the 100-person design capacity threshold can be made based upon the submitted clubhouse/restaurant design, its seating capacity and institutional knowledge of the needs necessary to serve the patrons of a single golf course.

NOTE: A letter from Scott Edwards Architecture (Exhibit "B") is attached to this addendum, verifying that the proposed development should adequately comply with the required design capacity of 100 persons or less. However, the project is currently in the conceptual design phase and therefore, to assure compliance with this rule, a condition of approval shall be imposed that requires verification from a professional structural designer that the final design for all structures maintains a design capacity of 100-persons or less. A determination of compliance, at the discretion of the Planning Director, shall be made through a compliance determination process, or in conjunction with future geotechnical or beaches and dunes applications and notice, that will be required in conjunction with the siting of all structures.

Item 4: There was no proposed building plans submitted with this application. The submitted plot plan indicated that there are structures proposed within 3 miles of the city of Bandon UGB. The proposed building plans must include documentation from Oregon licensed registered design professional that the group of structures design capacity shall not exceed 100 people. The application also did not include sufficient documentation that proposed structures are separated by at least one-half mile.

APPLICANT'S RESPONSE: With regard to the 100-person Design Capacity and the separation of structures by one-half mile:

Based upon considerable analysis and discussions with the applicant's attorney, it appears that the intent of the rule (Oregon Administrative Rule (OAR) 660-033-0130(2)(a) and (b) below) is not to separate every enclosed structure within 3 miles of an Urban Growth Boundary (UGB) by one-half mile, but rather to separate structures or "groups of structures" that have a total design capacity of 100 people from other structures in the tract.

OAR 660-033-0130

(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.

Subsection "a" refers to both a single enclosed structure as well as a "group of structures" with a total design capacity of 100 people. Subsection "b" addresses "any enclosed structures or group of enclosed structures described in subsection (a) within a tract must be separated by at least one-half mile." Subsection (a) is identifying structures or groups of structures "with a design capacity of 100 people and therefore, the intent of Subsection (b) is to separate structures or groups of structures with a 100-person design capacity from other structures or groups of structures within the tract.

In other words, the golf course can have any number of structures, and the one-half mile standard does not apply to any structure until a structure or group of structures meets a 100-person design capacity. At that juncture, no other structures or group of structures would be allowed within the tract unless it or they, were separated by one-half mile. It is therefore possible for a tract within three miles of a UGB to have several groups of structures with a design capacity of 100 people, so long as they are separated by one-half mile.

Design plans for the clubhouse/restaurant at Bandon Trails Golf Course were submitted with the application to demonstrate the approximate need for the proposed golf course. The Bandon Trails facility is a typical model for a clubhouse/restaurant intended to serve an individual golf course as it does at the Bandon Dunes Resort. As stated on Page 11 of the application, the actual structure size may be larger to provide for storage and additional seating, however, regardless of the final design, the restaurant will be designed for no more than 60 seats.

Contained in the application is an anticipated capacity analysis for the various structures and uses throughout the course. In the spirit of conservatism, the applicant included all employees that will be working within enclosed structures. However, in Oregon Coast Alliance vs. Curry County, 71Or LUBA 279 (2015), Page 20, the board determined that it "may not be necessary to account for employees, servers, cooks, etc. who are present only to provide services to those assembled." The example being a prison. The design capacity of 100 would be based upon the number of cells and beds available for prisoners and prison guards and other staff would not be included in the design capacity analysis.

If employees were not included, the overall design capacity analysis for the proposed course would be based upon seating for patrons, pro-shop customers and perhaps restrooms (that are not necessarily designed for assembly) which equates to a design capacity of less than 70 people.

NOTE: A letter from Scott Edwards Architecture is attached to this addendum, verifying that the proposed development should adequately comply with the required design capacity of 100 persons or less. However, the project is currently in the conceptual design phase and therefore to assure compliance with this rule, a condition of approval shall be imposed that requires verification from a professional structural designer that the final design for all structures maintains a design capacity of 100-persons or less. A determination of compliance, at the

discretion of the Planning Director, shall be made through a compliance determination process or in conjunction with future geotechnical or beaches and dunes applications and notice, that will be required in conjunction with the siting of all structures.

Item 5: The application did not address traffic requirements as required per Section 7.1.250. The proposed use is a golf course, which is classified as high-intensity recreation. The applicant will need to submit the Item 1 -4. This will include a traffic plan, traffic study, access analysis, and sight distance certification. The application must include the access routes and traffic impacts of the proposal.

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.

APPLICANT'S RESPONSE: The applicant requests that Roadmaster and the Planning Director waive items 2 through 4 based upon the following facts: Subsection (1) is addressed below.

- *Access to the proposed development is from US Highway 101 to Boak Lane, which consists of a public right-of-way for 1300 feet, and a private easement for an additional 1300 feet, to where it intersects with the applicant's ownership.*
- *The applicant has met on-site with the Oregon Department of Transportation (ODOT), District 7 Permit Specialist and has discussed the proposed access location with the Region 3 Senior Transportation Planner. It has been determined that there are no line-of-sight conflicts in either direction and that the only required improvements may be a southbound deceleration lane on Highway 101, together with the relocation of utility poles and lines along the highway.*
- *The applicant was informed that ODOT does not provide official comment until notice is received in conjunction with the processing of the application. ODOT will respond with comments and any requirements during the application process. Based upon available information and their site visit, the department did not believe that a formal traffic study will be required. Because the Boak Road intersection with Hwy 101 is the only significant public intersection that will be directly affected by the proposed use, it is premature to require a traffic plan, study, or analysis unless requested by ODOT.*
- *The applicant is proposing to improve the one-half mile of gravel road (Boak Lane) as well as the private driveway to the golf course, with a 24-foot, two-lane, paved surface. The road is relatively straight with excellent visibility.*
- *There are 16 residential uses that currently utilize Boak Lane for ingress and egress. Utilizing the recognized standard of 10 trips per day for each residence, that equates to 160 trips. The proposed golf course, based on 150 rounds per day max, could potentially*

generate 150 to 200 trips per day with consideration given to caddy and employee traffic. An intersection with 1000 trips or below per day maintains an "A" classification on an A to F (failing) scale. The total residential and golf trip generation per day will not exceed 350 to 400 trips, well below the 1000 trips necessary to maintain an "A" classification.

- *The proposed golf course will act as a satellite course for the Bandon Dunes Resort. Reservations and tee times will occur through the resort, and it is anticipated that a large percentage of the golfers playing the proposed course will be patrons of the resort. The resort will provide a shuttle service (16-person capacity) to and from the resort, which will reduce the number of trips per day calculated above.*
- *Based on the type of use, the trips generated will be spread evenly throughout the day as golfers arrive and depart based upon standardized tee times. The staggered traffic patterns reduce stacking at the applicable intersections.*
- *A deceleration lane will be constructed adjacent to the southbound lane of Hwy. 101, at its intersection with Boak Lane and Highway 101. There will be no left turn lane for north bound traffic.*
- *Relocation of utility poles, utility lines and mailboxes will be required.*
- *Boak Lane will be improved from its current gravel surface to a 24-foot paved surface.*
- *There are two roundabouts proposed within the first half mile of Boak Lane (county road and private easement) as speed control and turnaround features. The centers of the roundabouts will be landscaped with signage.*
- *The private driveway across the applicant's ownership to the golf course will also consist of a 24-foot, two-lane road with a paved surface. The road will be improved in the same general location as the existing gravel road that will provide access to the north end of the golf course and proposed parking lot.*
- *The one exception to the two-lane private driveway occurs where a bridge crossed Two-Mile Creek and its associated wetlands. That location will remain a single-lane road with pull-outs on both sides of the bridge, with visual clearance between pull-outs.*
- *The Traffic Plan provisions of section 7.1.250 are addressed below:*

SECTION 7.1.250 materials Required for an application:

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

APPLICANT'S RESPONSE: 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 (Exhibit "C") and Preliminary Clubhouse Site Plan (Exhibit "D").

- b. *Location of all structures on the subject property;*

APPLICANT'S RESPONSE: A conceptual plan for the proposed structures is reflected on the revised master plan and preliminary clubhouse plan.

- c. *Required parking spaces;*

APPLICANT'S RESPONSE: The parking facility has not been designed. The county ordinance does not appear to have a parking space requirement for a golf course. The applicant plans to construct at least one parking lot for the facility with approximately 70 to 80 spaces. Prior to development, the applicant will submit a parking plan to the county for processing through a compliance determination.

- d. *Current utilities and proposed utilities;*

APPLICANT'S RESPONSE: Potable water will occur through an on-site well. Sanitation service will occur through on-site septic systems approved through the Oregon Department of Environmental Quality. The only public services to the golf course will be electrical service from Coos Curry Electric or the City of Bandon, and perhaps cable service for providing internet and wi-fi service. The installation and location will be determined by agreements with the service providers and the location of existing improvements.

- e. *Roadmaster may require drawings and specs from the Oregon Standards Specification Manual (OSSC) (current edition);*

APPLICANT'S RESPONSE: The Oregon Department of Transportation has standardized plans for deceleration lanes and intersections that will provide the information necessary to develop the only substantial intersection applicable to the project. The 1/2 mile of Boak Lane (half public and half private) providing ingress and egress to the proposed golf course currently consists of a well-maintained gravel road with a substantial base from years of use and maintenance. The proposed 24-foot paved road will occur over the existing road surface with any improvements necessary to meet county standards.

The private driveway currently exists but will require some widening to meet the proposed 24-foot, two lane, paved surface. The proposed ingress and egress will occur over improved rural roads that require no special design or drawings to meet county standards.

- f. *The location and design of bicycle and pedestrian facilities shall be indicated on the site plan if applicable;*

APPLICANT'S RESPONSE: No bicycle or pedestrian facilities are required in conjunction with rural roads.

- g. *Pedestrian access and circulation will be required if applicable. Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of walkways, landscaping, accessways, or similar techniques:*

APPLICANT'S RESPONSE: The proposed golf course does not include commercial, office or multi-family residential development. However, pedestrian access and circulation is reflected on the preliminary clubhouse site plan.

- h. *All plans (industrial and commercial) shall clearly show how the internal pedestrian and bicycle facilities of the site connect with external existing or planned facilities or systems;*

APPLICANT'S RESPONSE: This requirement is not applicable to the proposed development.

- i. *Location of existing and proposed access point(s) on both sides of the road where applicable;*

APPLICANT'S RESPONSE: There are seven dwelling parcels with driveways on the north side and one dwelling parcel with a driveway on the south side of Boak Lane. Wobbler Road extends north from Boak Lane and serves a half dozen dwelling parcels. There are no access points from the private driveway crossing the applicant's property.

- j. *Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property:*

APPLICANT'S RESPONSE: The applicant could find no rural road standards for distances between residential driveways for rural roads. The applicant's driveway that will provide access to and from the golf course is one half mile from US Highway 101. There are no traffic signals proposed, other than a stop signs at the intersection the applicant's driveway with Boak Lane.

- k. *Number and direction of lanes to be constructed on the road plus striping plans;*

APPLICANT'S RESPONSE: Boak Lane as well as the private driveway to the golf course will be improved to a 24-foot paved surfaces. Striping will be provided as required by the Roadmaster.

- l. *All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.); and*

APPLICANT'S RESPONSE: No sidewalks, bikeways or auxiliary lanes are proposed.

- m. *Parking and internal circulation plans including walkways and bikeways, in UGB's and UUC's.*

APPLICANT'S RESPONSE: The proposed golf course is not contained within a UGB or UUC.

- 2. *Traffic Study completed by a registered traffic engineer.*

3. *Access Analysis completed by a registered traffic engineer*
4. *Sight Distance Certification from a registered traffic engineer.*

APPLICANT'S RESPONSE:

- *The applicant will be working with ODOT and will provide any required design drawings for improvements at the intersection of Boak Lane and Hwy. 101.*
- *The applicant will provide design drawings to the Coos County Road Department for improvements at the intersection of the applicant's driveway and Boak Lane.*
- *The applicant will provide design drawings to the County Road Department for the roundabouts proposed within the first one-half mile of Boak Lane.*

By all standards, the proposed golf course will generate an acceptable level of traffic based upon the level of improvements proposed above. The needed improvements (deceleration lane and intersection improvements) can be designed utilizing standardized information from ODOT and Coos County Road Standards.

There is no logical reason to require a Traffic Study when the road and intersections will remain at the highest level of classification. The Oregon Department of Transportation will conduct an access analysis for the intersection of Boak Lane with their state highway. The Oregon Department of Transportation will determine whether there is adequate sight distance at the Boak Lane and Hwy. 101 intersection.

Because the classification of the road and intersections will not change, the proposed impact is diminimus. The applicant therefore requests that the Planning Director and the Roadmaster waive subsections (2), (3), and (4) pursuant to Section 7.1.150. based upon the factual information provided above.

Item 6: The application did not include all of the lots or parcels that are currently within the applicant's ownership, co-ownership or is purchasing which have a common boundary with the subject property on an assessment map were listed on the application.

APPLICANT'S RESPONSE: A map showing the applicant's entire ownership is attached (Exhibit E).

NO CHANGE TO ROAD OR BRIDGE WIDTH
WITHIN COASTAL SHORELAND BOUNDARY

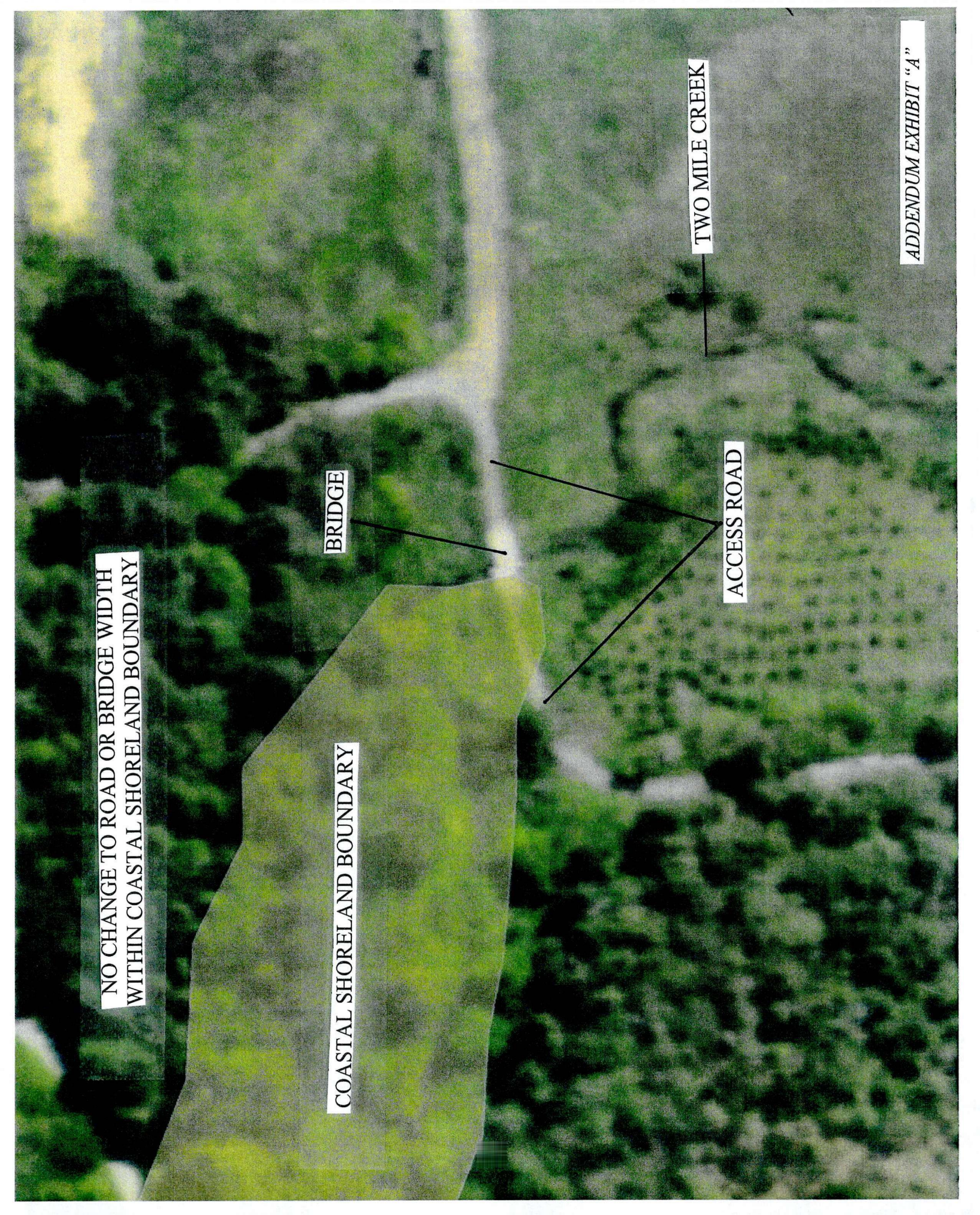
COASTAL SHORELAND BOUNDARY

BRIDGE

ACCESS ROAD

TWO MILE CREEK

ADDENDUM EXHIBIT "A"





Scott
Edwards
Architecture

2525 E Burnside St.
Portland, OR 97214
P 503 221-3627
F 503-226-3615
seallp.com

September 1, 2022

Conditional Use Application
Bandon Dune Resort
57744 Round Lake Rd
Bandon, OR 97411

Architectural Review of Design Capacity for Proposed Clubhouse, Turn-Stand and Agronomy Buildings

Bandon Dunes Resort proposes a new golf course and facilities called New River Dunes south of Bandon Oregon. The proposed development is within 3 miles of the City of Bandon Urban Growth boundary and per revised OAR 660-033-0130 is subject to a maximum 'Design Capacity' of 100 persons accumulative for all 'enclosed structures' within ½ miles of each other. Evidentiary support of the Design Capacity in the form of testimony of the architect is required for preliminary approval of the development. The project is currently in the Conceptual Design Phase and Design Capacity will be a condition of final building approval.

For Conceptual Design purposes, the proposal draws upon similar existing buildings at Bandon Dunes Resort with proven capacity to provide the support necessary for a similar golf course of this size. The proposed occupied buildings are a Clubhouse and Pro-Shop containing client hospitality areas, a Turn-Stand (a small mid-course food kiosk) and restrooms to facilitate course use, and Agronomy buildings to maintain the course. The latter 2 buildings are primarily staff spaces with easily defined capacities based upon known staffing and storage needs and operating budget for a course of this size. The Clubhouse provides both basic course support needs (restrooms, sales areas, administration) as well as hospitality amenities related to the course use (Restaurant, Pro-shop). The Clubhouse size is a projection based upon the capacity of clients able to use the course at any given time and average length of stay given the specific amenities. A typical course Clubhouse is a single structure but is being explored as several stand-alone buildings at New River Dunes.

Bandon Trails Clubhouse is comparable to the proposed development in both scale of course and desired amenities and is used here for planning purposes. The approximately 3400 sf building has a consistent staff occupancy and a fluctuating client occupancy that cycles throughout the day. The amenities and capacity are sized for the times of peak use, with a lower average client occupant load. Bandon Trails Clubhouse has the support of other facilities in the Resort for storage, supplies etc. so the

ADDENDUM EXHIBIT "B"

proposed New River Dunes Clubhouse will likely require additional space for these functions. Unlike the Bandon Trails Clubhouse, the restaurant will not support adjacent courses that lack amenities. so a more dependable Design Capacity can be defined. Based on Bandon Dune Trails amenities and capacity. the following proposed occupancy is anticipated.

Proposed General Occupancy for Enclosed Structures

Clubhouse Restaurant and Pro-shop

Patrons (Maximum seating)	60 (20 more than Bandon Trails)
Wait Staff	3
Kitchen Staff	4
Sales (Pro-shop Staff)	1
Pro-shop (Customers)	4
Caddy Shack (Staff)	8 (separate building)

Turn-Stand (outside 3-mile limit)

Staff	1
-------	---

Agronomy

Management (general. agronomy)	3
Maintenance (equipment)	2
Independent Restrooms	4

Total 90

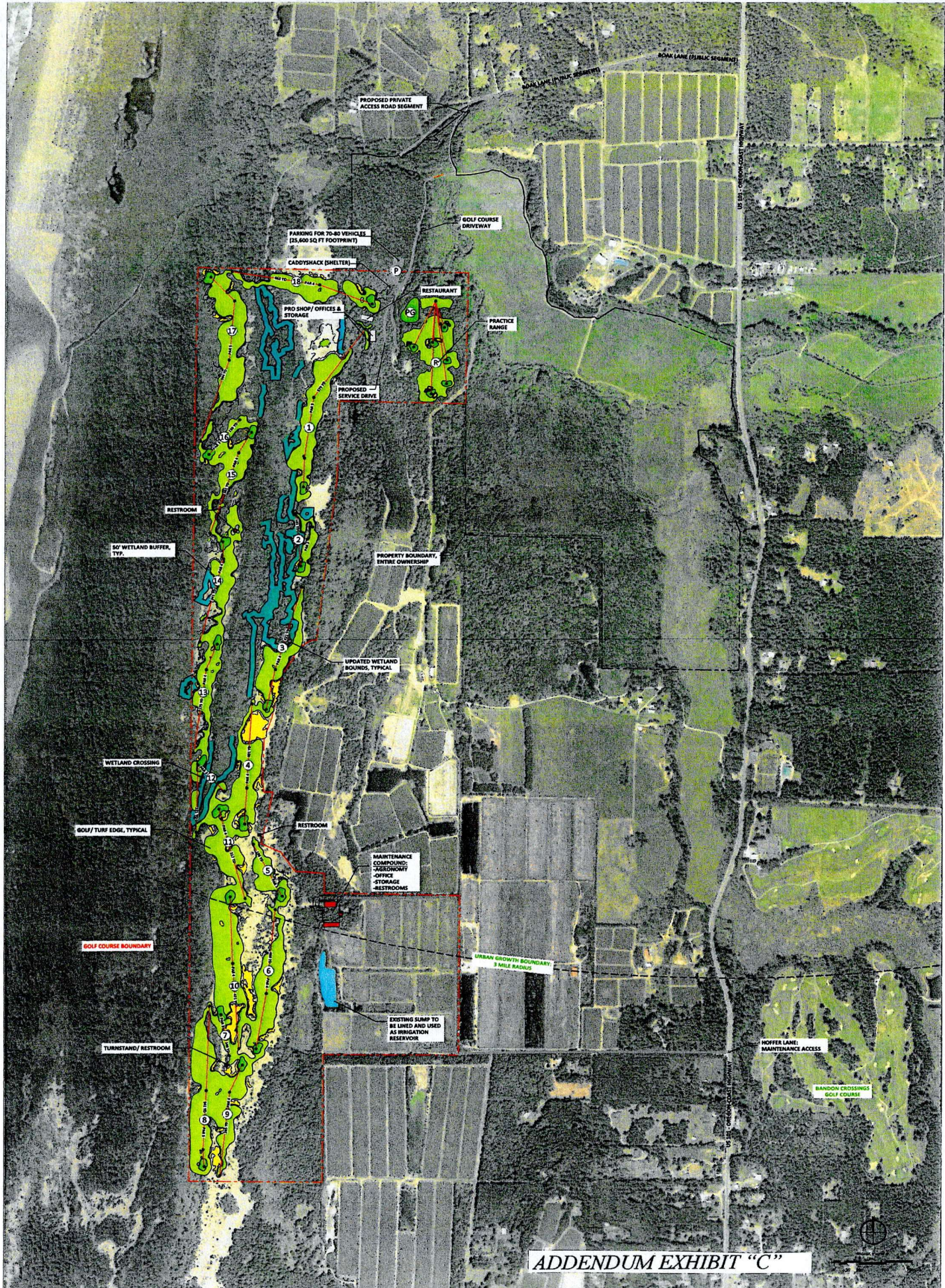
Conclusion

Based upon comparable local facilities. the proposed enclosed structures for the New River Dunes Golf Course should adequately comply with the required Design Capacity of 100 persons or less.

Sincerely,

Sid Scott. Principal Architect
AIA. LEED AP
Scott Edwards Architecture LLP
2525 East Burnside St. Portland. OR 97214
503 226.3617





PROPOSED PRIVATE ACCESS ROAD SEGMENT

ROCK LANE (PUBLIC SEGMENT)

PARKING FOR 70-80 VEHICLES (25,400 SQ FT FOOTPRINT)

CADDYSHACK (SHELTER)

GOLF COURSE DRIVEWAY

P

RESTAURANT

PRO SHOP/ OFFICES & STORAGE

PRACTICE RANGE

PROPOSED SERVICE DRIVE

RESTROOM

50' WETLAND BUFFER, TYP.

PROPERTY BOUNDARY, ENTIRE OWNERSHIP

UPDATED WETLAND BOUNDARIES, TYPICAL

WETLAND CROSSING

60U/ TURF EDGE, TYPICAL

RESTROOM

MAINTENANCE COMPOUND:
-EQUIPMENT
-OFFICE
-STORAGE
-RESTROOMS

URBAN GROWTH BOUNDARY
3 MILE RADIUS

GOLF COURSE BOUNDARY

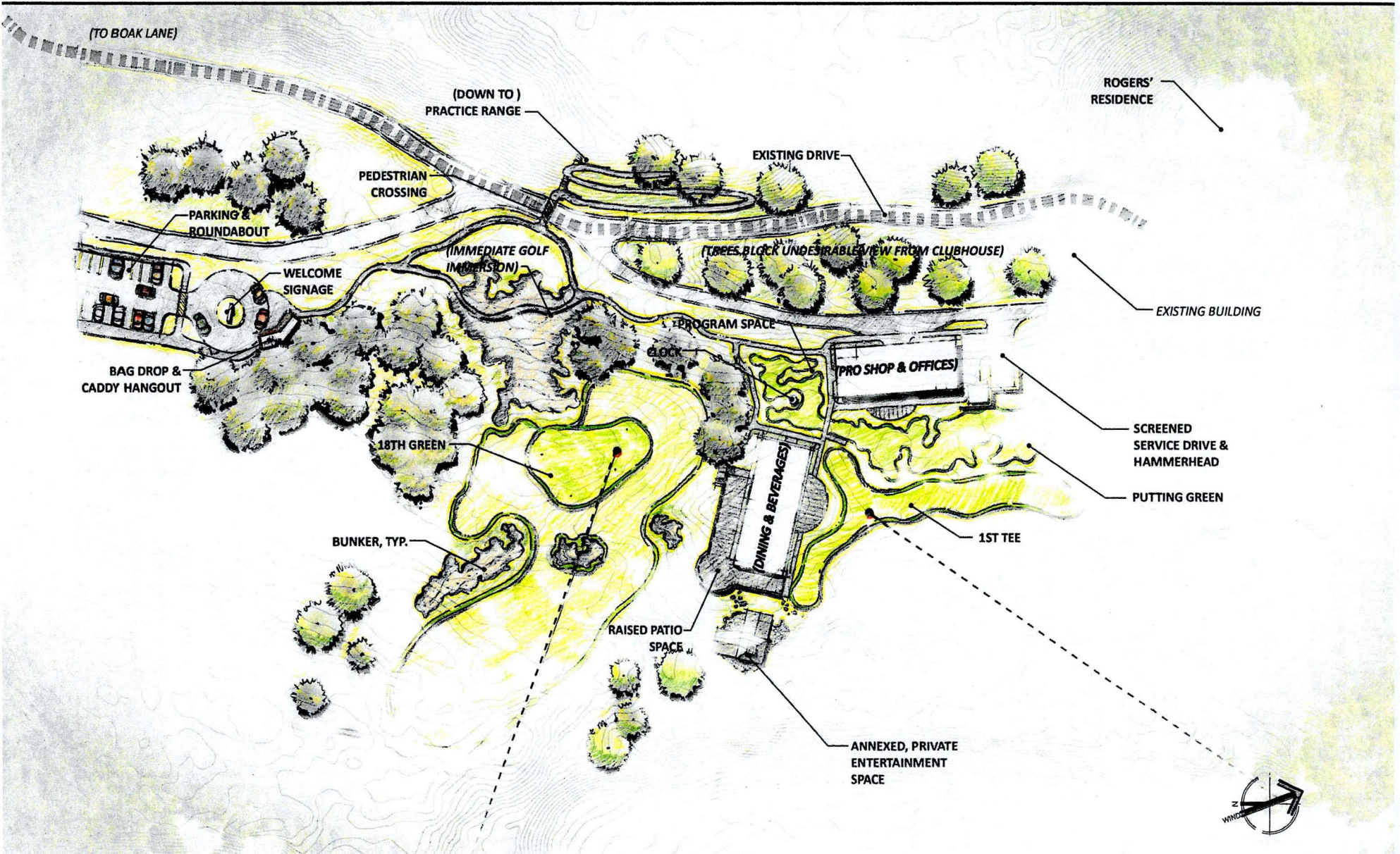
EXISTING SUMP TO BE LINED AND USED AS IRRIGATION RESERVOIR

TURNSTAND/ RESTROOM

HOFFER LANE, MAINTENANCE ACCESS

BANDON CROSSINGS GOLF COURSE

ADDENDUM EXHIBIT "C"



MARCH 17, 2022

NEW RIVER DUNES GOLF COURSE

PRELIMINARY CLUBHOUSE SITE PLAN

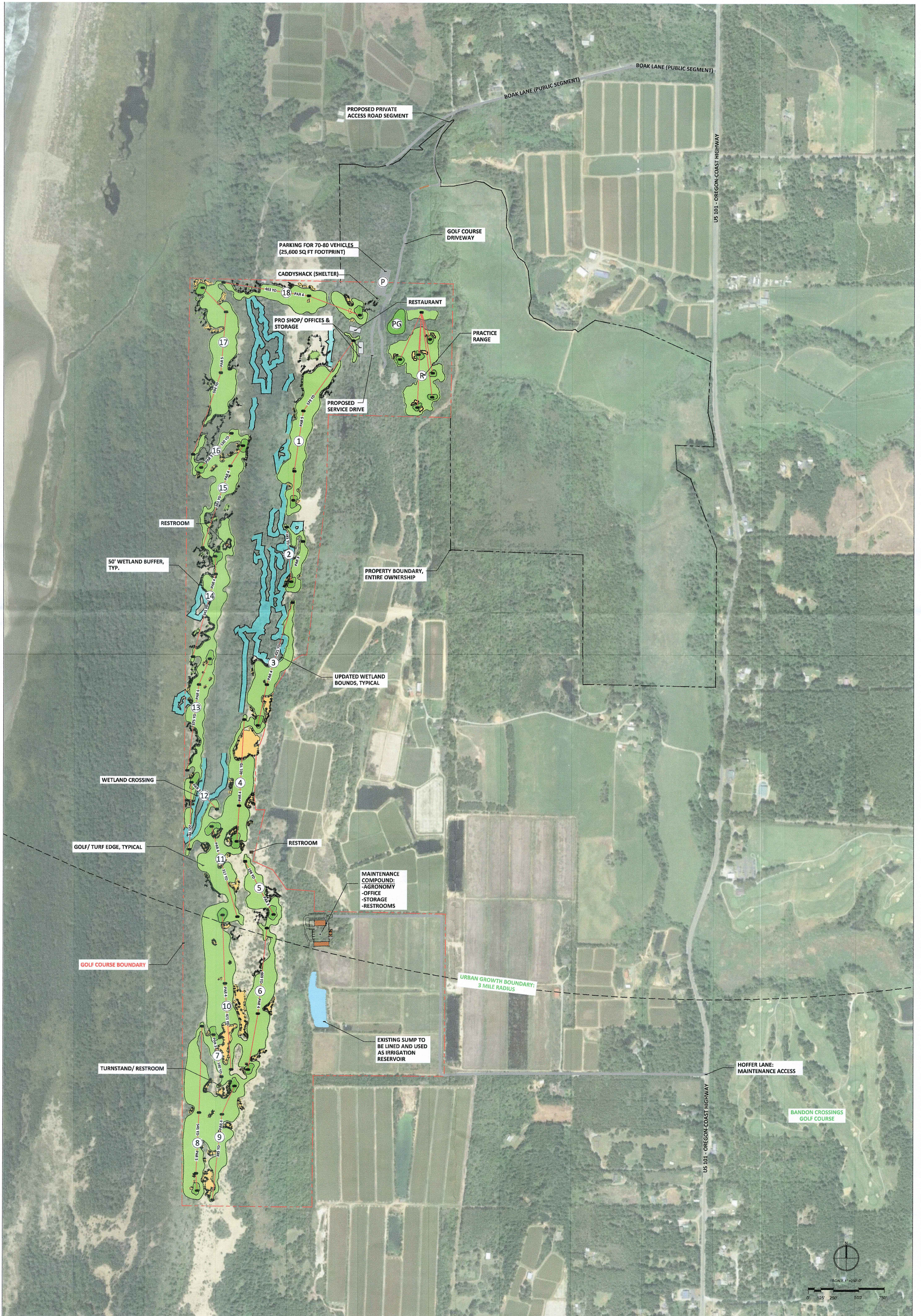


SCALE: 1" = 40'



ADDENDUM EXHIBIT "D"

ADDENDUM EXHIBIT "C"



Cascadia Geoservices, Inc.

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www: CascadiaGeoservices.com



October 12, 2022

Mr. Zach Bascom, Director of Construction
Bandon Dunes Golf Resort
57744 Round Lake Drive
Bandon, Oregon 97411
E-mail: zbascom@bandondunesgolf.com

Technical Memorandum Regarding Proposed New River Dunes Golf Course
Preliminary Dune Classification and Geotechnical Suitability
Bandon, Oregon 97411
CGS Project No 22076

Dear Mr. Bascom,

Cascadia Geoservices, Inc. (CGS) is pleased to provide you with this Technical Memorandum regarding the proposed New River Dunes Golf Course (site or subject property). Our understanding is based on a site plan provided to us by you (undated) and on a site visit to the subject property on September 6, 2022. We understand that the golf course will be located approximately 3.5 miles south of Bandon, Oregon and west of Highway 101 (see Figure 1, Location Map) and golf course development will encompass approximately 170 acres (Figure 2, Site Map). The surrounding area is currently used for cranberry farming and for large acreage rural residences. Access to the area is from Boak Lane on the north and Hoeffler Lane to the south.

The topography of the site (Figure 3) consists of a series of north-south aligned older stabilized sand dunes within the eastern and central portion of the site which have been stabilized by both native and exotic vegetation, and which are bordered to the west by geologically younger open dune sand. The northern portion of the younger dune sand has wet interdune and deflation areas. These areas are shown on Figure 3.

Golf course development will be principally within the open dune sand areas. The wet interdune areas have been identified on the county map and have been further evaluated for this project by a Wetland Delineation Report. The site is bordered on the

east by the South Two-Mile Creek Drainage and floodplain and on the west by wet, deflation plans which are characterized by hydric vegetation and shore pines. The proposed new golf course will not impact either area.

The site is underlain by Quaternary Age surficial deposits of eolian, unconsolidated fine grained dune sand. Within the older stabilized sand dune areas, the sands are mantled with a thin veneer of sandy and silty clay loam soils. These soils cover only a small percentage of the area proposed for golf course development. Where cohesive soils form confining layers under the sands, wet areas have formed. Otherwise, the sands are extremely well drained.

The site is located within the Statewide Planning Goal 18 Beach and Dune Overlay Zone. Based on a review of the Coos County Map Atlas¹, the area proposed has been classified, in accordance with Goal 18 eligibility inventory, as having "Limited Suitability" for development. In agreement with our site observations, the USDA has mapped the area as both Open Dune Sand and Younger Stabilized Dunes.

As discussed, the area proposed for development consists primarily of the open dune sand areas. 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 Practices².

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

¹ View online at <https://www.coastalatlant.net/coos-all-hazards/>

² Industrial Stormwater Best Management Practices Manual, February 2013. State of Oregon Department of Environmental Quality at <https://www.oregon.gov>

damage), cause exposure of stable and conditionally stable areas to erosion or modify current air wave patterns leading to beach erosion.

As part of the proposed golf course development, a restaurant and club house will be constructed into other ancillary structures. These will be a wood framed structures supported on conventional shallow foundations. We have observed these building sites and it is our opinion that the sites are suitable for the proposed development. Prior to finalizing design, CGS should be retained to perform site-specific geotechnical evaluations of the sites. The site evaluations should include subsurface explorations, laboratory testing and, if required, a slope stability analysis. The report should provide geotechnical design parameters for the soils encountered and provide special siting measures including setbacks.

PROFESSIONAL QUALIFICATIONS

To review our professional qualifications, please visit our website at www.CascadiaGeoservices.com.

Sincerely,

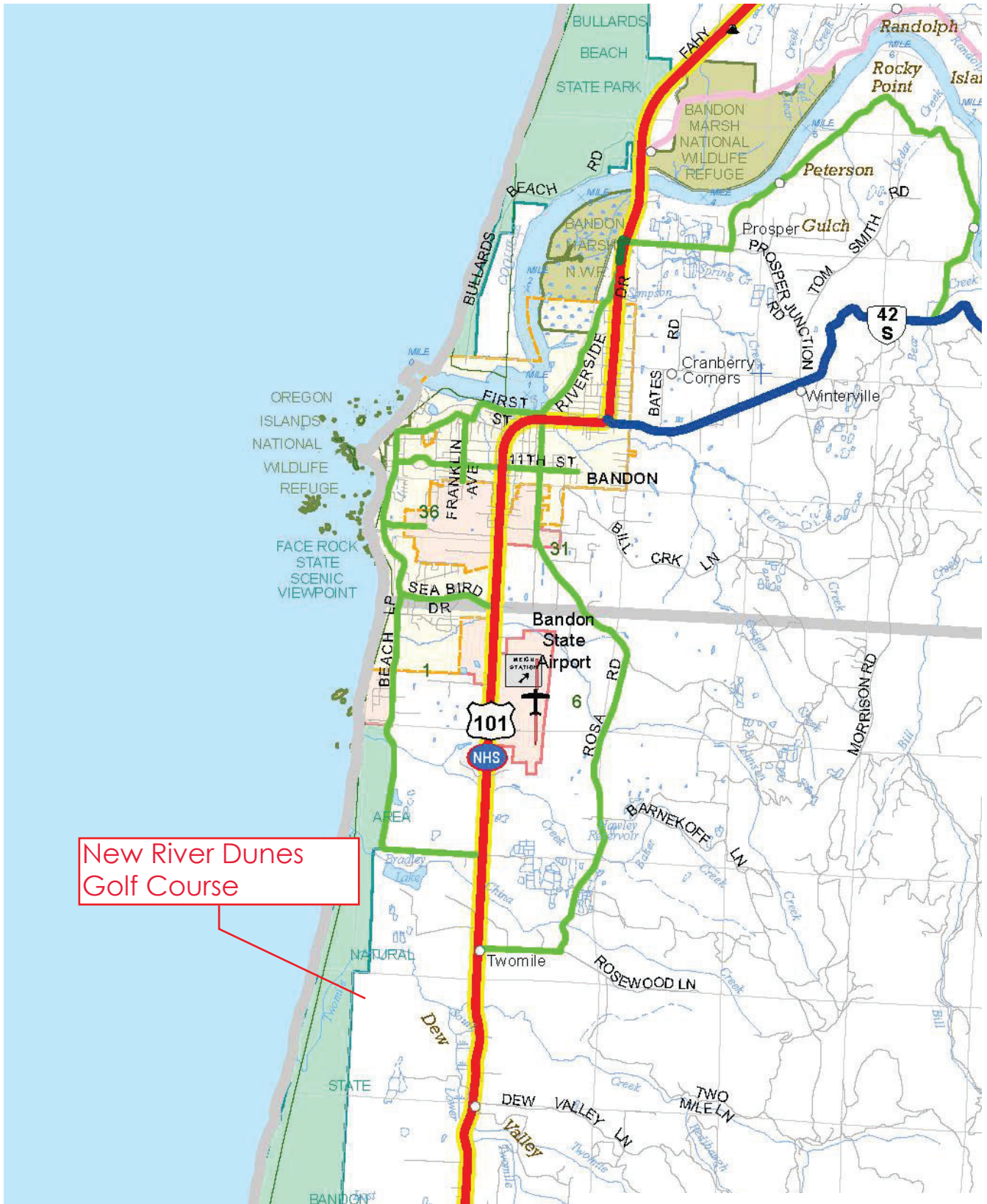
Cascadia Geoservices, Inc.



Eric Oberbeck, RG/CEG
Expires June 1, 2023

Figures

- Figure 1, Location Map
- Figure 2, Site Map
- Figure 3, Topography Map



New River Dunes
Golf Course

Provided by ODOT

Prepared for Bandon Dunes Golf Resort

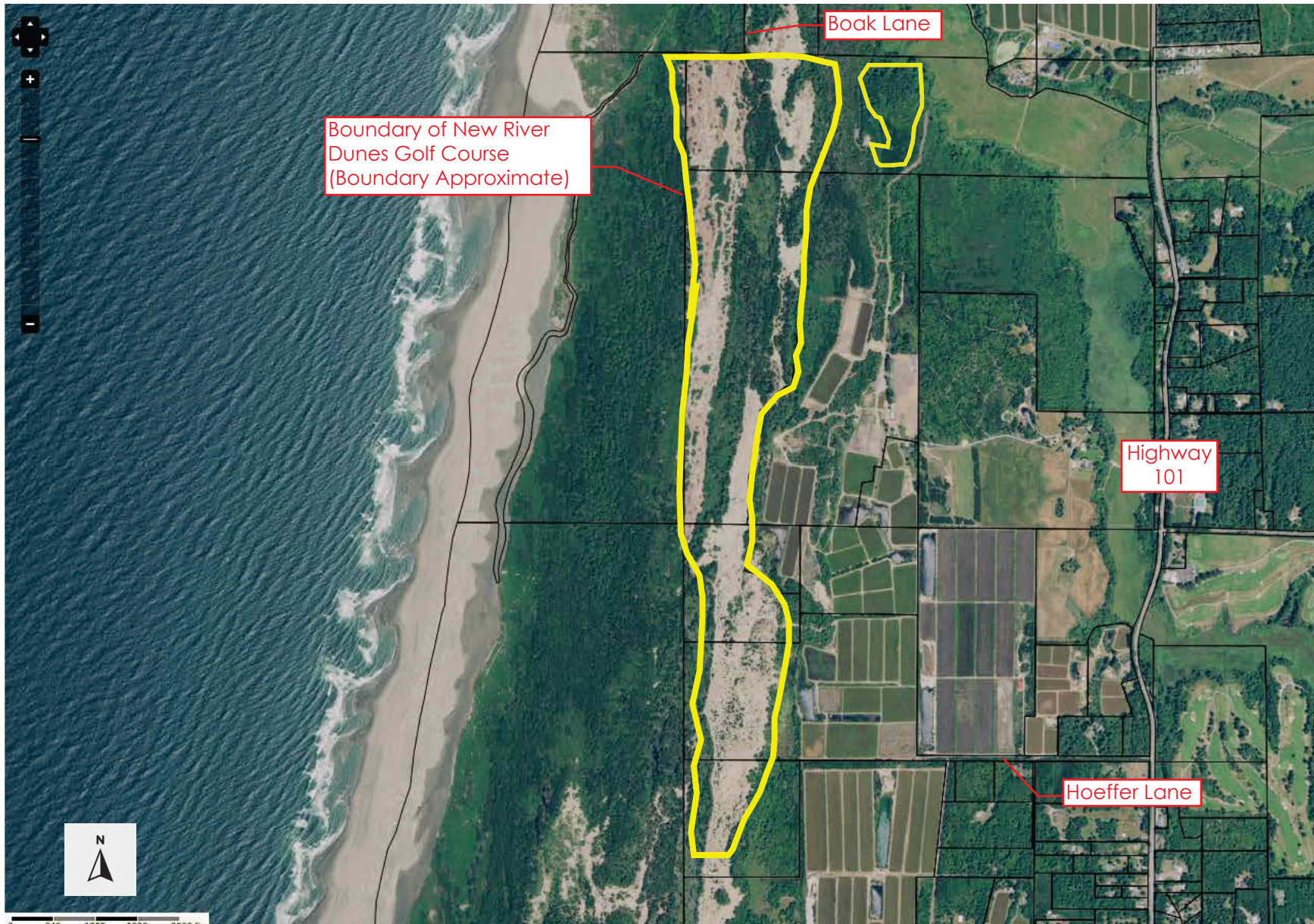


Project: 22076

October, 2022

Location Map
 New River Dunes Golf Course
 Bandon Dunes Golf Resort
 57744 Round Lake Drive
 Bandon, Oregon 97411

Figure
 1



Provided by Coastal Atlas

Prepared for Bandon Dunes Golf Resort



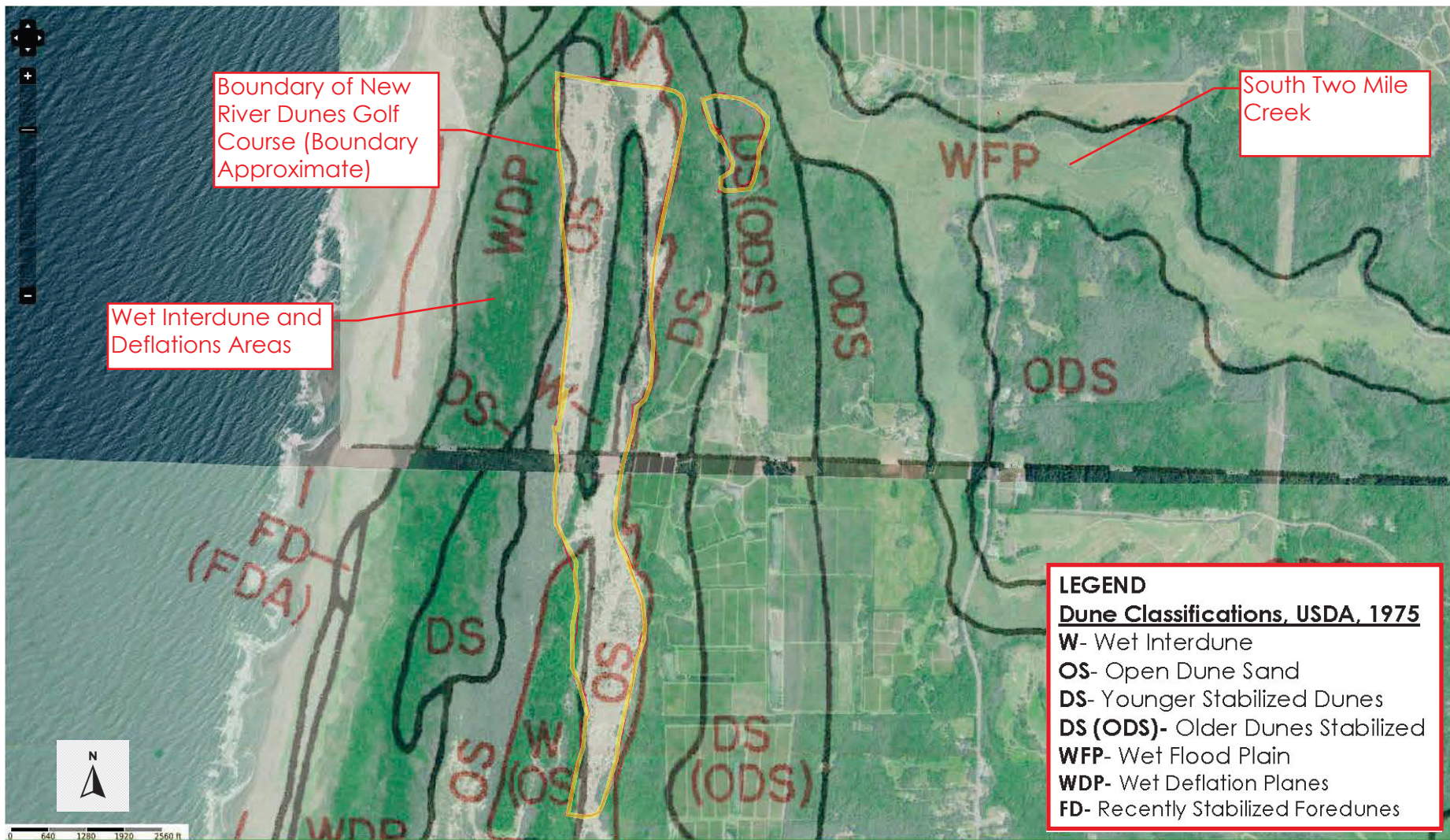
Project: 22076

October, 2022

Site Map

New River Dunes Golf Course
 Bandon Dunes Golf Resort
 57744 Round Lake Drive
 Bandon, Oregon 97411

**Figure
2**



Provided by Coastal Atlas

Prepared for Bandon Dunes Golf Resort



Project: 22076

October, 2022

Topography Map

New River Dunes Golf Course
 Bandon Dunes Golf Resort
 57744 Round Lake Drive
 Bandon, Oregon 97411

Figure
3