



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

2/4/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Coos County Plan Amendment
DLCD File Number 005-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, February 18, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Jill Rolfe, Coos County
Jon Jinings, DLCD Community Services Specialist
Dave Perry, DLCD Regional Representative
Patty Evernden, Coos County Planning Director

<paa> YA

Notice of Adoption

**THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**

In person electronic mailed

DEPT OF

JAN 29 2010

**LAND CONSERVATION
AND DEVELOPMENT**

For DLCD Use Only

Jurisdiction: **Coos County**

Local file number: **AM-09-06**

Date of Adoption: **1/26/2010**

Date Mailed: **1/28/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes Date: November 11, 2009

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
Amend 2003 Bandon Dunes Resort Master Plan and associated supplementary exception statement to authorize beach grass removal and dunal plant habitat reclamation project supported by small-footprint golf course with not more than a total of 8 acres of groomed turf served by existing facilities in dunal open space south of Cut Creek near resort center.

Does the Adoption differ from proposal? **No**

Plan Map Changed from: _____ to: _____
Zone Map Changed from: _____ to: _____
Location: _____ Acres Involved: _____
Specify Density: Previous: _____ New: _____

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment. Yes, Goals: 3, 4, 11, 14, 17, 18

- 45-days prior to first evidentiary hearing? Yes No
- If no, do the statewide planning goals apply? Yes No
- If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. 005-09 (17954) [15962]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

(DLCD only records this information): DLCD, ODOT, State Parks, DSL, DEQ, ODFW, Coquille Indian Tribe, Confederated Tribes, USDFW, BLM, and Cut Creek Irrigation District

Local Contact: **Patty Evernden, Planning Director**

Phone: (541) 396-3121 Extension: 210

Address: **250 N. Baxter St.**

Fax Number: 541-756-8630

City: **Coquille**

Zip: **97423**

E-mail Address: **planning@co.coos.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:**
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, or by emailing **larry.french@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **larry.french@state.or.us** - **Attention: Plan Amendment Specialist.**



Coos County Planning Department

Coos County Courthouse Annex, Coquille, Oregon 97423
Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423
Physical Address: 225 N. Adams, Coquille, Oregon
(541) 396-3121 Ext.210
FAX (541) 756-8630 / TDD (800) 735-2900

Patty Evernden, Planning Director

CERTIFIED MAIL 70081300000186486419

January 28, 2010

Larry French
Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol St. NE, Ste. 150
Salem, Oregon 97301-2540

RE: Form 2, DLCD Notice of Adoption (file # AM-09-06), Legislative Amendment

Dear Mr. French:

Enclosed please find the Form 2 Notice of Adoption with two (2) copies of the adopted materials.

If you have any questions, or we can be of further service, please do not hesitate to phone the Department at (541) 396-3121, extension 210.

Sincerely,

COOS COUNTY PLANNING DEPARTMENT


Jill Rolfe, Administrative Planner

cc: David Perry
file

1 BOARD OF COMMISSIONERS

2
3 COUNTY OF COOS

4
5 STATE OF OREGON

6
7 IN THE MATTER OF AMENDING THE)
8 COOS COUNTY ZONING AND LAND)
9 DEVELOPMENT ORDINANCE) FINAL DECISION AND
10 APPLICATION FOR AMENDMENTS TO THE) ORDINANCE 10-01-002PL
11 BANDON DUNES RESORT ZONING)
12 ORDINANCE- COUNTY FILE: AM-09-06)

13
14 The Board of Commissioners for the County of Coos ordains
15 as follows:

16
17 SECTION 1. TITLE

18
19 This ordinance shall be known as "Coos County Ordinance 10-
20 01-002PL."

21
22 SECTION 2. AUTHORITY

23
24 This ordinance is enacted pursuant to the provisions of ORS
25 203.035 and ORS Chapter 215.

26
27 SECTION 3. PURPOSE

28
29 The purpose of this ordinance is to amend Coos County
30 Ordinance 85-03-004L, and amendments thereto, which is the
31 Coos County Zoning and Land Development Ordinance (CCZLDO)
32 that implements Volume I of the Coos County Comprehensive
33 Plan, consistent with the comprehensive plan amendments
34 adopted concurrently with this Ordinance by Ordinance 10-
35 01-002PL, approving a supplemental goal exception and text
36 amendments to authorize one small-footprint golf course in
37 a Natural Resource Area south of Cut Creek and west of the
38 Bandon Trails Golf Course substantially as proposed in the
39 Resort's Phase 8 Final Development Plan (County File SP-09-
40 04), also approved concurrently with this Ordinance.

41
42
43 SECTION 4. ZONING AND LAND DEVELOPMENT
44 ORDINANCE TEXT AMENDMENTS

45
46 Coos County Ordinance 85-03-0041 and amendments thereto
47 adopting implementing Volume I of the Coos County
48 Comprehensive Plan are amended to change the text of the

1 Coos County Zoning and Land Development Ordinance, Article
2 4.10 Bandon Dunes Resort Zone (BDR) as follows, with new
3 matter underlined and deleted matter struck through:
4

5 **4.10.050 - USES PERMITTED UNDER APPROVED FINAL DEVELOPMENT PLAN**
6

7 The following uses may be permitted in the BDR subzones identified in brackets
8 following each listed use, pursuant to a final development plan approved under Sections
9 4.10.060 to 4.10.070. If a particular subzone is not noted in brackets following the listed
10 use, the use is prohibited in that subzone, except as may be authorized by
11 antidiscrimination laws.
12

13 **A. Natural Resource Subzones**
14

- 15 1. Open space. [NR-1 through NR-13]
- 16 2. Wildlife observation facilities. [NR-1 through NR-13]
- 17 3. Fish and wildlife research and rehabilitation facilities, habitat mitigation,
18 restoration and enhancement. [NR-1 through NR-13]
- 19 4. Wetland and plant research and habitat mitigation, restoration and
20 enhancement. [NR-1 through NR-13]
- 21 5. Nature interpretive centers and educational facilities. [NR-4, NR-5,
22 NR-6, NR-8, NR-9, NR-11, NR-13]
- 23 6. Pedestrian hiking trails, nature trails, walkways, bridges and lookouts.
24 [NR-1, NR-3 through NR-6, NR-8 through NR-13]
- 25 7. Bicycle paths and equestrian trails. [NR-3 through NR-6, NR-8, NR-11,
26 NR-12]
- 27 8. Paved roads. [NR-6, NR-8, NR-9, NR-11]
- 28 9. Paved golf-cart paths. [NR-6]
- 29 10. Facilities necessary for public safety and utilities serving the resort.
30 [NR-2 through NR-13]
- 31 11. Accepted agricultural and forestry practices other than commercial
32 timber harvesting. [NR-2 through NR-12]
- 33 12. One special-purpose, small-footprint golf course as authorized by 2010
34 supplement to Bandon Dunes Resort Master Plan. [NR-3]

35 **4.10.030(J) - STANDARDS - EXTERIOR SETBACKS**
36
37

- 38 J. The minimum setback from the exterior boundaries of the BDR zone for
39 all development including structures, roads and site-obscuring fences over three
40 feet in height, but excepting existing buildings and uses, entry roadways,
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1 landscaping, utilities and signs) shall be:
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- 3 1. 100 feet for commercial development listed in Section 4.10.050. D and E.,
4 including all associated parking uses;
5
- 6 2. 100 feet for visitor-oriented accommodations other than single-family
7 residences, including all associated parking areas;
8
- 9 3. 50 feet for above-grade development other than that listed in paragraphs (1) and (2);
10
- 11 4. 25 feet for internal roads;
12
- 13 5. 50 feet for golf courses and playing fields except for the special-
14 purpose, low-impact golf course authorized in the NR-3 subzone;
15 and
16
- 17 6. 25 feet for jogging trails, nature trails and bike paths where they
18 abut private developed lots, but no setback for where they abut
19 public roads and public lands.
20

21 SECTION 5: FINDINGS
22

23 The review standards applicable to the above-described
24 amendments, together with the findings of fact and conclusions
25 demonstrating that those standards have been satisfied, are set
26 forth in Exhibit 1, "Applicant's Statement, Proposed Findings, and
27 Supplemental Exception Statement for 2010 Text Amendments to
28 Bandon Dunes Resort Master Plan and Bandon Dunes Resort Zoning
29 Ordinance," which is attached hereto and incorporated herein by
30 this reference.
31

32 SECTION 6: REPEAL OF INCONSISTENT ORDINANCES
33

34 Coos County Ordinance 85-03-004L and amendments thereto are
35 repealed to the extent they conflict with this Ordinance.
36 Said Ordinances shall remain in full force and effect in
37 all other respects.
38

39 SECTION 7: SEVERANCE CLAUSE
40

41 If any section, subsection, provision, clause, or paragraph
42 of this Ordinance shall be adjudged or declared by any
43 court of competent jurisdiction to be unconstitutional or
44 invalid, such judgment shall not affect the validity of the
45 remaining portions of this ordinance; and it is hereby
46 expressly declared that every other section, subsection,
47 provision, clause or paragraph of this ordinance enacted,
48 irrespective of the enactment or validity of the portion

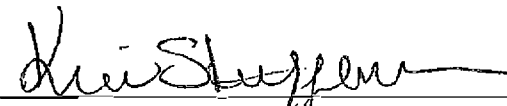
1 thereof declared to be unconstitutional or invalid, is
2 valid.

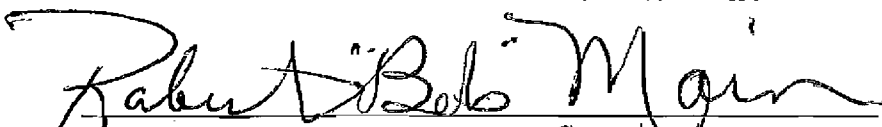
3
4 SECTION 11: EMERGENCY CLAUSE

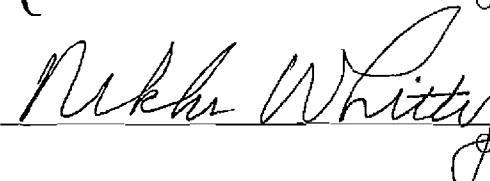
5
6 The Board of Commissioners for the County of Coos deems
7 this Ordinance necessary for the immediate preservation and
8 protection of the public peace, safety, health and general
9 welfare of Coos County and declares an emergency exists,
10 and this Ordinance shall be in full force and effect upon
11 its passage.

12
13 ADOPTED this 26th day of January, 2010.

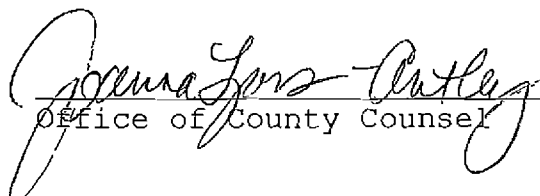
14
15 BOARD OF COMMISSIONERS, COOS COUNTY

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17 
18 _____
19 Commissioner

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22 _____
23 Commissioner

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26 _____
27 Commissioner

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31 APPROVED AS TO FORM:

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33 
34 _____
35 Office of County Counsel

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40 ATTEST:

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42 
43 _____
44 Recording Secretary

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46

**APPLICANT'S STATEMENT,
PROPOSED FINDINGS, AND
SUPPLEMENTAL EXCEPTION STATEMENT
FOR
2010 TEXT AMENDMENTS
TO
BANDON DUNES RESORT MASTER PLAN
AND
BANDON DUNES RESORT ZONING ORDINANCE**

SUBMITTED NOVEMBER 12, 2009

I. INTRODUCTION

The purpose of this application is to obtain conforming amendments to the Bandon Dunes Resort Master Plan and Zoning Ordinance for a small-scale, special-purpose, low-turf golf course on 18 acres south of Cut Creek near the Resort Village complex at the center of the 2000-acre resort property.

The site is mostly stabilized duneland which includes existing and potential silvery phacelia habitat but which is also subject to continuing encroachment by shore pine, gorse, and beachgrass. The purpose of the course is to serve as the core of a permanent, in-situ active-management strategy for dunal habitat research, enhancement, restoration, expansion, research, and education. The very short 12-hole course will be carefully integrated into its setting, using a total of less than 8 acres of turf dispersed in an archipelago of tees, greens, and short approaches, with no fairways. The rest of the site will remain an integral and interconnected part of a much larger area of existing and potential native dunal plant habitat.

The reason for the proposed amendments and supplemental reasons exception is that the proposed use will enable the resort to more effectively implement Oregon's coastal, recreation, and open space goals.

In order to provide specificity and to expedite the process, the applicant is submitting a concurrent final development plan (FDP) for the proposed course, which will be the eighth phase in the resort's ongoing development history. The proposed plan and zoning text amendments modify the existing zoning ordinance and master plan only to the extent necessary to allow approval of the proposed Phase 8 FDP.

This application has been submitted by Donald Stastny, FAIA, FAICP, as agent for the owners of the subject properties, Bandon Dunes, L.P., and Bandon Dunes Golf Courses LLC. All three are referred to collectively hereafter as "applicants."

II. PROPOSED AMENDMENTS

Approval of the Phase 8 Final Development Plan requires adoption of the following amendments to the Plan and ZLDO:

A. Comprehensive Plan Text Amendments

1. **Revisions to Master Plan Text:** Add new Section VIII, "Amendments to 1996 Master Plan as Amended in 2003," as follows (new language) (~~deleted language~~):

VIII. Amendments to 1996 Master Plan as Amended in 2003

Natural Resource Conservation Areas: The 1996 Bandon Dunes Resort Master Plan as amended in 2003 was further amended in 2010/2010 to authorize a small-footprint, archipelago-style golf course on 21 acres of the Scenic Dunes Natural Resource Conservation Area south of Cut Creek and west of the Trails Golf Course. The primary purpose of the course is to create a vehicle for long-term silvery phacelia habitat protection, expansion, research, education, management, and funding. A secondary purpose is to deepen and extend the experience of resort visitors by educating them about coastal habitat management and restoration while exposing them to golf as it was when it began in similar settings centuries ago. The course will be subject to the following special standards:

- a. No continuous fairways
- b. No more than a cumulative total of seven acres of turf for tees, greens, and approaches.
- c. No buildings, roads, or parking lots.
- d. Not more than 12 holes
- e. Not more than two acres within 50 feet of an external resort site boundary
- f. Outside riparian setbacks
- g. Outside shorelands boundaries

This amendment to the Bandon Dunes Resort Master Plan is adopted concurrently with and establishes comprehensive plan consistency for the Bandon Dunes Resort Phase VIII Final Development Plan.

Amend Table I, Constructed, Approved, and Authorized Bandon Dunes Resort Development, to add the following:

One special-purpose, small-footprint golf course in Natural Resource Area south of Cut Creek.

2. **Exception Statement:** Amend Coos County Comprehensive Plan Volume I, Part 3, Statewide Goal Exceptions, to add this 2010 Supplemental Exception and Supporting Statement to the Bandon Dunes Resort Master Plan and Exception Statement, as initially adopted in 1996 and amended in 2003.

B. ZLDO Text Amendments

Amend the text of the Bandon Dunes Resort Zone (BDRZ), Article 4.10 of the Coos County Zoning and Land Use Development Ordinance (ZLDO), which establishes standards and procedures for final development plan review for phases and elements of the expanded Bandon Dunes Resort and for land divisions within the expanded Bandon Dunes Resort area. Specifically, amend CCZLDO 4.10.050 as follows:

4.10.050 - USES PERMITTED UNDER APPROVED FINAL DEVELOPMENT PLAN

The following uses may be permitted in the BDR subzones identified in brackets following each listed use, pursuant to a final development plan approved under Sections 4.10.060 to 4.10.070. If a particular subzone is not noted in brackets following the listed use, the use is prohibited in that subzone, except as may be authorized by antidiscrimination laws.

A. Natural Resource Subzones

1. Open space. [NR-1 through NR-13]
2. Wildlife observation facilities. [NR-1 through NR-13]
3. Fish and wildlife research and rehabilitation facilities, habitat mitigation, restoration and enhancement. [NR-1 through NR-13]
4. Wetland and plant research and habitat mitigation, restoration and enhancement. [NR-1 through NR-13]
5. Nature interpretive centers and educational facilities. [NR-4, NR-5, NR-6, NR-8, NR-9, NR-11, NR-13]
6. Pedestrian hiking trails, nature trails, walkways, bridges and lookouts.

[NR-1, NR-3 through NR-6, NR-8 through NR-13]

7. Bicycle paths and equestrian trails. [NR-3 through NR-6, NR-8, NR-11, NR-12]
8. Paved roads. [NR-6, NR-8, NR-9, NR-11]
9. Paved golf-cart paths. [NR-6]
10. Facilities necessary for public safety and utilities serving the resort. [NR-2 through NR-13]
11. Accepted agricultural and forestry practices other than commercial timber harvesting. [NR-2 through NR-12]
12. One special-purpose, small-footprint golf course as authorized by 2010 supplement to Bandon Dunes Resort Master Plan. [NR-3]

4.10.030(J) - STANDARDS - EXTERIOR SETBACKS

- J. The minimum setback from the exterior boundaries of the BDR zone for all development including structures, roads and site-obscuring fences over three feet in height, but excepting existing buildings and uses, entry roadways, landscaping, utilities and signs) shall be:
 1. 100 feet for commercial development listed in Section 4.10.050. D and E., including all associated parking uses;
 2. 100 feet for visitor-oriented accommodations other than single-family residences, including all associated parking areas;
 3. 50 feet for above-grade development other than that listed in paragraphs (1) and (2);
 4. 25 feet for internal roads;
 5. 50 feet for golf courses and playing fields except for the special-purpose, low-impact golf course authorized in the NR-3 subzone; and
 6. 25 feet for jogging trails, nature trails and bike paths where they abut private developed lots, but no setback for where they abut public roads and public lands.

III. HISTORY OF LAND USE APPROVALS TO DATE

Bandon Dunes Resort is an approved and partially-developed Goal Two Exception Destination Resort with its own acknowledged master plan and zoning district. The Bandon Dunes Resort Master Plan and Bandon Dunes Zoning Ordinance entitle the applicants to final approval of phased development and related land divisions as long as the final development plan for each phase is consistent with the BDR Master Plan and the BDR Zoning Ordinance.

Bandon Dunes has been developed based on a “reasons exception” to the general prohibition of Statewide Planning Goals 3, 4, 11 and 14 against such development in rural and resource areas. To date, Bandon Dunes is the only destination resort ever to develop as a reasons exception resort. A special “Destination Resort Statute” was adopted in the late 1980's to provide an alternative to the onerous “goal exception” process, but it has thus far failed to produce an approved destination resort on the Oregon Coast. See ORS 197.435 to 197.467. The statute has been implemented with more success elsewhere, primarily in Central Oregon.

The original Bandon Dunes Resort Master Plan (Master Plan) and Bandon Dunes Resort zoning district (BDR Zone) were adopted in 1996. The master plan is part of the Coos County Comprehensive Plan. The BDR Zone is part of the county's land development code. See Coos County Ordinance Nos. 96-030-03PL (plan amendments) and 96-04-006PL (zoning amendments).

The 1996 Master Plan covered an approximately 1,215-acre area, located about 2.5 miles north of Bandon, Oregon between Highway 101 and the Pacific Ocean. The southern end of the site adjoins a large state park, Bullard Beach, on the west. The northern 1/2 mile of the property fronts directly on the beach.

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

The approved “Primary Expansion Area” covered by the 2003 Supplemental Master Plan (SMP) consists of about 825 acres extending the resort site north along the ocean front another mile to Whiskey Run Road.

The entire 2140-acre Bandon Dunes Master Plan area, with internal master plan designations, is shown on the attached Figure 1. Zoning and subzoning for the current Master Plan area is shown on the attached Figure 2.

The following summary of the existing master plan is taken from pages 1 and 2 of the 2003 Supplemental Master Plan:

“The Conservation, Recreation and Resort Development Master Plan (hereafter “Master Plan”) for the Bandon Dunes Resort, adopted by Coos County as part of its Plan in 1996, calls for development of a destination resort featuring a true traditional Scottish seaside “links” golf course and related facilities, nature trails and conservation areas, a multipurpose conference/ nature center, overnight tourist accommodations, native flora gardens, and low-key, coastal residential development. The currently proposed Supplemental Conservation, Recreation and Resort Development Master Plan (hereafter “Supplemental Master Plan” or “SMP”) for the Bandon Dunes Resort will, unless specifically stated otherwise, add to, rather than supersede the provisions of the 1996 Master Plan.”

“The basic concept of the proposed resort expansion is to ensure resort sustainability on a year-round basis, by adding to the resort’s golf facilities and providing a greater variety of lodging and year-round recreational opportunities, without detracting from the resort’s core emphasis on golf excellence. As with the original Bandon Dunes Resort, the majority of land in the expansion areas will be left in a natural-like state or as recreational open space, with built-up areas occupying only a small percentage of the land. The New Resort Development Concept Plan (hereafter “Concept Plan”), shown in Figure 4, will replace the Conservation, Recreation and Resort Development Concept Plan in the 1996 Master Plan, and will guide decisions on the use of both the original resort property and the expansion areas. The Concept Plan will be implemented by the Bandon Dunes Resort (BDR) zoning district and BDR Use Subzones Map. A summary table indicating the major uses authorized by the 1996 Master Plan, what has already been constructed, and the additional uses proposed as part of the expansion, is found in Table III-1, on page 9.”

Table III-1 will be amended to read as follows upon approval of this application:

**Table 1
Constructed, Approved and Authorized
Bandon Dunes Resort Development (Amended 2010)**

Development Authorized	Approved by 1996 and 2003 Exceptions	Constructed through 2010	Newly Authorized by 2010 Exception	Total
Overnight Lodging Units	300	300	0	300
Private Dwelling Units	600	0	0	600
Golf Courses	4.5	4.5	1.0*	5.5
Acres	2,140		0	2,140

Other Recreational and Commercial Facilities

Approved as Part of Original Exception	Golf Clubhouse/Pro Shop Restaurants (2) Meeting Facilities Recreation Center Conference Center Retail Shops Mini-Clubhouse/Pro Shop Dock @ Fahy Lake Nature Trail System
Additionally Approved as Part of 2003 Supplemental Exception	Golf Clubhouse/Pro Shop (3) Golf Academy & Practice Center Restaurants (3) Spa/Fitness Center Retail Shops Swimming Pool Art/Nature Study Center Cultural/Visitor Center Croquet Courts Dock @ Madrone Lake Additions to Nature Trail System

Additionally Approved by 2010 Supplemental Exception

One special-purpose, low-intensity course south of Cut Creek with no turfed fairways, no clubhouse, no more than 12 holes, and a total of no more than eight acres of turf for tees, holes, and approaches.

Table III-1 from the 2003 Supplemental Master Plan is copied here for ease of comparison:

LAND USE FINDINGS AND QUAL EXCEPTION STATEMENT Bandon Dunes Resort Expansion		June 2005	
Table 1			
Constructed, Approved and Authorized Bandon Dunes Resort Development			
<u>Development Feature</u>	<u>Approved by 1996 Exception or 1999 CDF [Already Constructed]</u>	<u>Authorized Expansion Development</u>	<u>Total Development</u>
Overnight Lodging Units	150 [132]	150	300
Private Dwelling Units	300 [0]	300	600
Golf Courses	4.5 [2.0]	1.0	4.5
Acres	1,215	925	2,140
Other Recreational and Commercial Facilities			
Approved as Part of Original Exception:	Golf Clubhouse/Pro Shop † Restaurants (2) † Meeting Facilities † Recreation Center Conference Center Retail Shops Mini-Clubhouse/Pro Shop Deck @ Fairy Lake Nature Trail System		
Authorized for Addition to Expanded Exception Area:	Golf Clubhouse/Pro Shop (3) Golf Academy & Practice Center †† Restaurants (3) Spa/Fitness Center Retail Shops Swimming Pool Art/Nature Study Center Cultural/Visitor Center Croquet Courts Deck @ Madrone Lake Additions to Nature Trail System		
† Already constructed and operational.			
†† A driving range/practice area, approved as part of the 1999 Pacific Dunes Golf Course			

IV. HISTORY OF RESORT DEVELOPMENT TO DATE

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

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

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

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

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

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

The fourth course, Old Macdonald, has been completed and will formally open in 2010. Old MacDonald is located along the ocean bluff north of Pacific Dunes. Preview play on a 10-hole loop began this spring. The layout of Old Macdonald is a tribute to Charles Blair Macdonald (1856-1939), the father of American golf course architecture and the founder of the U.S. Golf Association. Designed by Tom Doak and Jim Urbina, Old Macdonald evokes the classic principles and strategies that Macdonald incorporated into his own courses.

In the ten years since Bandon Dunes opened, the resort and its courses have established

an international reputation for authenticity and excellence and have become a destination for golf enthusiasts from around the world. After the opening of Bandon Trails, Golf Odyssey magazine reported that "Bandon Trails cements Bandon Dunes' position as the single best place to play golf in the world." Links Magazine has said that "As an idyllic place to stay and play golf it has only two peers—the Monterey Peninsula and the town of St. Andrews." The resort and its three existing three courses are consistently ranked at or near the top in various lists of top courses and resorts in golf magazines. The story of Bandon Dunes has been told in Steve Goodwin's 2006 book, **Dream Golf: The Making of Bandon Dunes**. Among many other tournaments at the resort, Pacific Dunes has hosted the Curtis Cup, an international competition between the best women golfers of the United States and their counterparts from Great Britain and Ireland. The resort's courses provide the setting for much of the motion picture, "Golf in the Kingdom," where filming began this spring, with other scenes being shot in and around the City of Bandon. The movie is based on Michael Murphy's popular novel, said to be the best-selling golf fiction book of all time.

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

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

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

V. SECOND SUPPLEMENTAL EXCEPTION REQUIREMENT

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

The current proposal is much smaller in scope and effect: Unlike the 2003 amendments,

this 2010 application involves less than 25 acres in the heart of the existing master plan area. Unlike the 2003 amendments, this application does not involve changes to the existing boundaries of the Master Plan area or to the boundaries of any internal plan designation, zone or subzone. Unlike the 2003 amendments, this application does not involve additional lodging, permanent housing, clubhouses, or roads.

The current proposal authorizes only a single change for a specific location in the range of nonstructural recreational uses that are currently allowed at that location. Thus, although the change is tiny by comparison with the 2003 amendments, a second supplemental exception is required. However, like the 2003 supplemental exception, this exception supplements rather than replaces the existing acknowledged exceptions. Similarly, the applicant's proposed supporting statement of findings addressing statewide goals, rules, and other criteria supplements rather than replaces the existing acknowledged findings.

The existing Bandon Dunes Resort Master Plan and associated Plan and implementing ZLDO amendments were approved and acknowledged in 1996 as a "Reasons" exception to Statewide Planning Goals 3 (Agricultural Lands), 4 (Forest Lands), 11 (Public Facilities and Services) and 14 (Urbanization).

The 2003 resort expansion application proposed a supplemental "reasons" exception to Statewide Planning Goals 3, 4, 11 and 14. The 2003 amendments required a supplemental exception to LCDC's Agricultural Lands Goal (Goal 3) and Forest Lands Goal (Goal 4) because the Supplemental Master Plan, BDR Plan Map designation and BDR zoning district allowed uses not permitted on agricultural and forest lands by those goals. A supplemental exception to LCDC's Public Facilities and Services Goal (Goal 11) and Urbanization Goal (Goal 14) was required because those goals prohibit urban levels of public facilities and services and urban levels of use, respectively, on rural lands outside a UGB. The supplemental exception was also necessary because the 2003 amendments made a number of changes in uses and intensities allowed within the original 1996 Bandon Dunes Master Plan Area.

The acknowledged 1996 and 2003 Exception Statements and Findings (ES&F) provide much of the basis for the additional proposed use. That use will be a modest addition to the resort's menu of unique golf experiences, enhancing the resort's ability to retain guests, which is central to the success and sustainability of a destination resort. See DLCD Destination Resort Handbook (1989 and 1995). More importantly, it will establish a promising new mechanism for long-term funding, research, and management of open-sand habitat reclamation, enlargement, and enhancement.

VI. REASONS JUSTIFYING 2ND SUPPLEMENTAL GOAL EXCEPTION

Goal exceptions are a flexibility tool authorized under statewide planning statutes, goals, and administrative rules for situations in which a departure from the strict application of a substantive goal is justified based on site specific conditions. Goal 2 defines the term as follows:

"**Exception**' means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that:

- "(a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;
- "(b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and
- "(c) Complies with standards for an exception."

Exceptions are of three types:

- "Developed lands exceptions" are justified where the property is physically developed to the point where resource use is no longer practicable."
- "Committed lands exceptions" are justified where the nature of nearby physical development makes resource use impracticable."
- "Reasons exceptions" are justified where there is a need for development at the site in question and where the site compares favorably with other possible locations for the proposed land use."

The existing Bandon Dunes Resort Master Plan and associated Plan and implementing ZLDO amendments were approved and acknowledged in 1996 and 2003 pursuant to a "Reasons" exception to Statewide Planning Goals 3 (Agricultural Lands), 4 (Forest Lands), 11 (Public Facilities and Services) and 14 (Urbanization).

The proposed 2010-2010 amendment requires this second supplemental reasons exception to Statewide Planning Goals 3, 4, 11 and 14 because it would permit a single additional nonfarm, nonforest, nonurban use, served by existing resort infrastructure, within the footprint of the original 1996 exception and the 2003 supplemental exception. OAR 660-004-0018(4)(b).

The general reasons exception standards have not changed since the adoption and acknowledgment of the original and first supplemental Bandon Dunes Resort exceptions in 1996 and 2003. Those standards are set forth in almost identical terms in ORS 197.732(1)(c) and Goal 2, Part II(c). The statute and the goal provide that a local government may adopt a reasons exception when all of the following standards are met:

- "(1) **[Reasons]** Reasons justify why the state policy embodied in the applicable goals should not apply;
- "(2) **[Nonexception Alternatives]** Areas which do not require a new exception cannot reasonably accommodate the use;
- "(3) **[Exception Alternatives/Comparative Impacts]** The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would result from the same proposal being located in areas requiring a goal exception other than the proposed site; and
- "(4) **[Compatibility]** The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts."

More detailed interpretive guidance is provided in administrative rules adopted by the Land Conservation and Development Commission, principally OAR 660-004-0020(2) and 660-004-0022. In addition, OAR 660-014-0040 explains the requirements for reasons exceptions to allow urban uses on undeveloped rural lands, as will be the case here.¹ OAR 660-014-0040(2) and (3)(a) through (c) elaborate on the showings that must be made under each of the four basic reasons exceptions standards in situations involving exceptions for urban uses on rural lands. The special requirements of these provisions are set forth and addressed in the discussion of the four reasons exception standards below, followed by sections addressing the additional requirements of OAR 660-014-0040(3)(d) and (e).

The documentation supporting an exception must be adopted as part of the County's Comprehensive Plan.

¹ OAR Chapter 660, Division 14 was adopted to govern proposals for the incorporation of new cities on undeveloped rural land. However, OAR 660-014-0040 includes provisions that are generally applicable to reasons exceptions for "new urban development on rural land," even where the creation of a new city is not involved. See Caine v. Tillamook County, 25 Or LUBA 209, 221 (1993), and Vincep v. Yamhill County, 215 Or App 414, 171 P3d 368 (2007).

LCDC has promulgated an administrative rule which explains the "reasons" requirement to mean that

"* * * The exception shall set forth facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations * * *." OAR 660-004-0020(2)(a).

OAR 660-004-0022(1) gives **examples** of the kinds of reasons which can justify a reasons exception:

"* * * **Such reasons include but are not limited to the following:**

- "(a) There is a **demonstrated need** for the proposed use or activity, based on one or more of the **requirements** of Statewide Goals 3 to 19; **and either**
- "(b) A **resource** upon which the proposed use or activity is **dependent** can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or . . ."
- "(c) The proposed use or activity has **special features or qualities** that necessitate its location on or near the proposed exception site." (Emphases added.)

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

"* * * Reasons which can justify why the policies in Goals 3, 4, 11, and 14 should not apply can include but are not limited to findings that an urban population and urban levels of facilities and services are necessary to support an economic activity which is dependent upon an adjacent or nearby natural resource."

The rules recognize that it is not possible to foresee all of the combinations of factors that may constitute an adequate set of "reasons" to justify an exception. They do not purport to restrict the types of reasons which may support an exception. OAR 660-004-0022(1) simply provides "examples" that "are not limited" to the examples of types of reasons provided. It recognizes that market demand and assistance to counties in meeting their planning obligations under statewide goals and acknowledged plans may be among the reasons that, taken together, explain why a

particular exception is justified. By its use of the terms “examples” and “not limited to,” the rule clearly rules out any inference that its terms are intended to be exclusive.

1. Need for proposed additional use

The Bandon Dunes Destination Resort is, by almost universal consensus and by a wide margin, the Southern Oregon Coast’s most visible, substantial, and potentially sustainable economic success story in an era when sustainable economic gains are desperately needed. As with the first supplemental exception, the purpose of this second supplemental exception is to enable Bandon Dunes Resort, Coos County and the State of Oregon to consolidate and amplify that gain and to help assure the long-term sustainability of that success.

The proposed 2010 supplemental exception is justified under the above standards as follows:

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

The proposed low-intensity, small-scale recreational use proposed for the area just south of Cut Creek will focus effort, attention, and funding on duneland management in a location where it is needed. It will also serve as a dedicated field station for focused research and experimentation in dunal habitat preservation, restoration, and enhancement, with special attention to silvery phacelia habitat. If successful, it will provide a source of dedicated funding for these activities. If all goes well, proceeds will benefit not only the site and its immediate vicinity, but similar dunal habitats at nearby Bullard Beach Park and south of Bandon as well.

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

Like the two previous exceptions, this supplemental exception will enhance implementation of the open space and habitat protection and enhancement objectives of statewide land use goals, including Goal Five (Open Space and Natural Resources) and Goal 17 (Beaches and Dunes).

The proposed use will also enable Coos County to better achieve the purposes of LCDC's Goal Eight, Recreation, and Goal Nine, Economy of the State, as detailed in the previous exception statements. It will enable Bandon Dunes Golf Resort to offer an additional golf-related activity that, while not itself intended to be a profit center, should induce guests to stay longer than they would otherwise.

This is important for such a remotely-located destination resort and the community of which it is a part. As the 2003 Exception statement found,

“The Bandon Dunes Destination Resort is, by almost universal consensus and by a wide margin, the Southern Oregon Coast's most visible, substantial, and potentially sustainable economic success story in an era when sustainable economic gains are desperately needed. The purpose of the proposed exception is to enable Coos County and the State of Oregon to consolidate and amplify that gain and to help assure the long-term sustainability of that success.”

“Since 1970, Oregon has seen traditional core industries such as logging and fishing disappear. It has seen basic manufacturing jobs shipped out of state and out of country. It has learned that chip plants, research parks, and bioscience are highly portable. (Close to home, the Bandon Cheese factory closed late in 2002.) During that same time, Oregon has seen the emergence of large-scale, comprehensive, and distinctive destination resorts. Not all have been successful, but those that have, like Black Butte and Sunriver, have proven to be long-term contributors to a healthy tourist economy.

“Coos County needs the kind of long-term recreational asset and economic mainstay of a healthy coastal economy that Sunriver and Black Butte have been for central Oregon. And while there is no way to guarantee long-term success, there are certainly ways to improve the odds. The most important, beyond continued sound management and stewardship of the existing facility, is the opportunity to increase the depth and breadth of the resort's setting and offerings. Bandon Dunes needs to build on its unique strength with additional land for links golf courses along the ocean bluff. It needs to provide alternatives and additions to the golf experience for the off-season, the nongolfer, and families of the dedicated golfer. It needs to be able to assure long-term control of its spectacular setting. And, although it has chosen to front-load its investment with recreational assets, it has the need for permanent housing in the ratio to overnight lodging that has been legislatively recognized by the destination resort statute.

“LCDC's 1995 Destination Resort Handbook recognizes that size, diversity, and depth can be critical to the long-term success of a destination resort in a remote

part of Oregon such as coastal Coos County:

"Oregon's distance from major population centers means we must compete with major national tourist destinations. Several factors make it difficult for Oregon to compete:

- Oregon's major resort areas (the coast and central Oregon) are not easily accessible by air travel.
- Oregon's reputation for a rainy climate, deserved or not, hinders competition with Sunbelt vacation spots.
- Oregon has excellent beaches and ski slopes, but the competition is tough. The warm beaches of Hawaii and Southern California are strong attractions, as is the dry powder snow of the Rocky Mountain resorts.
- By national and international standards, Oregon's resort areas are small. Major resort areas usually are much more diverse, and offer more and better developed facilities than smaller resorts. Smaller resorts can have difficulty attracting the number of visitors needed to make a resort successful." LCDC Destination Resort Handbook, 1995, p. 4.

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

(b) and (c) Need to be at Specific Rural Location/Resource Dependency and Site Dependency

The proposed small-footprint golf course requires its specific location in order to achieve its purposes. The chosen site needs to be located in duneland habitat that has proven capacity for enhancement and is experiencing continued encroachment. It also needs to be located close to the existing Resort Center and the Trails clubhouse so that it can be supported by the resort's existing infrastructure and customer base, without the need for additional structures, roads, and parking areas. Only the proposed site meets these requirements.

Moreover, as recognized in the existing exceptions, the entire Bandon Dunes Destination Resort concept depends on the natural features, the dunal landforms, the variety of natural settings, and the coastal location of the site. The centrality of these features and resources to Bandon Dunes' success is indisputable. Innumerable articles, stories, and reviews describe the rugged, sandy, windy seaside setting as being perfect for the recreation of the traditional Scottish and Irish links types of courses. These are resources within the meaning of the goals and the rule. Because it has these resources, the site uniquely suits a destination resort based upon a Scottish links golf course. Only here can such a course be developed in conjunction with the rich mixture of amenities and recreational activities necessary for an economically viable operation.

Unlike a manufacturing plant which can import raw materials, a resort of this type must be located on the site where the resources upon which it depends are located. The 1989 Destination Resort Handbook further elaborates:

"Destination resorts, by definition, are located on sites with very high natural amenities. The beauty and natural characteristics of the site are essential elements in attracting visitors. One of the major challenges to resort development is to provide for fairly intense human use and yet maintain an almost wilderness feel to the site." *Destination Resort Handbook* (DLCD, 1989), page 38.

In this case, the site and the critical resources are so integrated that same analysis supporting resource dependency also supports a finding of site dependency. Only here are all of the necessary resources together in one place. Only here can a resort of the type contemplated be implemented.

The current set of proposed amendments do not add to the footprint of the current resort Master Plan area and does not convert additional agricultural or forestland to nonagricultural uses. The current amendments will authorize only a single change in use within the 2000-plus-acre resort site: they will allow just one additional low-intensity, non-structural recreational activity on about 20 acres of a much larger area designated natural resource.

Updated Summary of Reasons from the 1996 and 2003 Exception Statements

The 1996 exception was found to be justified for a number of reasons, several of which are very similar to the examples given in the exception rule. Those reasons are still valid and were summarized in the 1996 exception statement. The 1996 summary statements were updated in the 2003 exception statement, and are further updated for this exception statement as follows:

- (1) **1996 Finding:** "Coos County's acknowledged comprehensive plan recognizes

the need for a destination resort as part of the county's tourist industry, which is a primary element of the county's economy."

2003 Update: Coos County's Plan continues to recognize this need. The 1996 Master Plan addressed that need. Since then, the Bandon Dunes Resort has come into being and has become a primary element of the county's economy. Over the past four years, Bandon Dunes has created permanent long-term jobs for local residents as well as seasonal and construction jobs numbering in the hundreds. Indirect benefits include revenues to local businesses, entrepreneurial opportunities and tax payments to local governments. However, important needs remain. Economic benefits can be increased, made more stable for the long term, and spread more evenly throughout the year. A key problem for Coos County is the seasonality of its major industries. As the 2000-2005 South Coast Workforce Investment Plan points out:

"Seasonality is an issue for two major components of South Coast economy. The resource industries, lumber and fishing, are directly impacted by seasons and related weather. Tourism is also seasonal."

An economic assessment conducted by Economic Research Associates (ERA) has identified a significant difference between peak and off-season overnight lodging occupancy rates at the resort, and has confirmed the need to increase off-season occupancy rates and average lengths of stay through expanding the existing golf-oriented facilities and adding new year-round activities to broaden the range of recreational pursuits available to future resort guests and residents.

For a detailed review of the ERA study's findings and implications, see the "Economic Consequences" analysis in Section VIII.E.5.d(4). The ERA study itself is found in Applicant's Vol. II, App. A.

2010 Update: The 2003 Exception has enabled the Resort to increase its offerings to four championship golf courses and to add lodging, restaurants, and other facilities, all of which has improved the year-round viability of the resort. Addition of the proposed small-scale, special-purpose golf course, together with related opportunities for environmental education, enhancement, and research, will give the resort additional resilience in responding to changing economic conditions, energy costs, and other factors making it ever more important to increase length of stay.

- (2) **1996 Finding:** "The Oregon legislature has recognized the need for destination resorts as an important component of the economies of Oregon counties."

2003 Update: Legislation recognizing the need for destination resorts is still on

the books. That need is addressed in Coos County by the Bandon Dunes Resort. No other destination resort has been proposed or approved in Coos County.

2010 Update: Bandon Dunes is still the only resort proposed or approved in Coos County.

- (3) **1996 Finding:** “The need is particularly acute in rural counties like Coos County which are heavily dependent upon interstate tourism and which need a strong and stable tourism sector to attract new business and to offset declines in traditional resource extraction industries.”

2003 Update: The need has become even more acute in Coos County as the fishing, forest, and food processing industries have continued their downward slide. Bandon Dunes Resort has surpassed all projections and expectations in meeting that need to date but will be unable to provide the year-round jobs and assurance of long-term staying power unless it builds upon its early success in the manner contemplated by the approved expansion.

2010 Update: Bandon Dunes has retained and enhanced its world-class reputation. Its expansion since 2003 has generated substantial additional construction, seasonal, and year-round employment, making it one of the Central Coast's major employment centers. The additional use will generate a modest amount of additional construction, operational and seasonal work.

- (4) **1996 Finding:** “Destination resorts are a key element of the area’s strategic planning for economic development.”

2003 Update: Coos County’s only destination resort is fulfilling its role as a key to the area’s strategic planning and development. The high visibility of Bandon Dunes Resort and its golf courses have brought a bountiful harvest of positive state, regional, national, and international awareness of and interest in Coos County and what it has to offer. A few examples:

A report in the Fall, 2002, issue of the Oregon Department of Aviation’s newsletter, *Flightlines*, reports that Bandon Dunes is a key element in growing traffic through the North Bend Airport, which is in turn key to the area’s economic well-being. As the newsletter reports,

“Golfers flying in from all over the country to play the two courses at nearby Bandon Dunes Resort may account for a major part of the airport’s traffic; more than half of the 70,000-plus rounds of golf at the resort this year will be played by golfers from outside the Pacific Northwest. “

The newsletter further observes that North Bend Airport is “critical to the economy of the area” and reports that

“Representatives from the South Coast Economic Development Council advocate that existing companies in the area depend greatly on the airport for business-related travel, and that the availability of an airport is a strong factor in determining where many new companies decide to locate.”

An ABC Evening News special feature highlighted both the contribution Bandon Dunes Resort is making to the area’s economy and the availability of a talented, motivated, and underutilized labor pool.

A January, 2003, search for references to “Bandon Dunes” on a major internet search engine (Google) turns up 2,630 hits. [Update: 57,500 hits Nov. 3, 2010]

News stories such as the following excerpt from the February 1, 2002 issue of *Friday Update*, the weekly newsletter of the City of Coos Bay, directly link the community’s economic development efforts to the resort’s success, visibility, and marketing.

“CITY MANAGER CONFERS WITH BANDON DUNES ABOUT TOURISM -- This week City Manager Bill Grile met with Bandon Dunes owner Mike Keiser and his chief project manager, Howard McKee, to discuss tourism and opportunities to partner for the betterment of the region. Clearly, nothing has done more to put Coos County on the map than Keiser's world class development, and just this week he learned that Bandon Dunes has earned another great achievement. For the first time in the magazine's history, Golf Digest has ranked the best golf resorts in the country and want to make any guesses about what that might mean to the South Coast? Still in its development stages, Bandon Dunes has been ranked ‘Number Five’ out of 75 top USA golf resorts! Pebble Beach ranked tops, but being fifth out of 75 when the project is not even finished is certainly no slap in the face!

“Mayor Joe Benetti and Grile plan to meet with Keiser in the near future to learn more about his feeling about marketing the region and leveraging opportunities to benefit from the attention Bandon Dunes is receiving. That attention is due in no small part to the considerable investment Bandon Dunes makes through its annual advertising and promotions budget.”

The 2000-2005 Local Unified Workforce Plan of the South Coast Workforce Investment Board lists Bandon Dunes first among the promising developments for this economically distressed region. The Plan's "Local Market Analysis" reports:

"Coos and Curry Counties have suffered economically as the resource-based industries of lumber and fishing have declined. Only recently has the prospect of economic growth solidified in the form of Bandon Dunes world-class golf courses, a new dock at Port Orford, improvements on the Brookings sewer system, and the location of a large (300+ employee) company in the Bay Area. Southwestern Oregon Community College is developing a technical training center which will support the expansion of Information Technology-based industry in the region. Efforts to increase bandwidth also support the hope that computer information and support will become central to the economic health of the region."

2010 Update: Bandon Dunes has played a key role in retaining commercial air service to the region in the years since 2003. Its ability to continue to do so will be enhanced by allowing an additional use that broadens and deepens its offerings while enabling it to more effectively protect and enhance its unique natural setting.

- (5) **1996 Finding:** "Coos County has no destination resorts and no reasonable prospect of having one unless the Bandon Dunes destination resort is approved."

2003 Update: Coos County now has the Bandon Dunes destination resort. Under existing state land use regulations, it has no reasonable prospect of having any others in the foreseeable future.

2010 Update: A 2010 amendment to the destination resort statute creates a very limited opportunity for a small-scale "eco-resort," but does not change the prospects for a destination resort similar in scale and effect to a regular statutory destination resort or for another "equal-to-or-better-than-statutory" reasons exception resort.

- (6) **1996 Finding:** "Siting a statutory destination resort in Coos County through the statutory process is not feasible because of siting restrictions and other factors that exclude all potential sites with reasonable prospects for development as a destination resort."

2003 Update: This continues to be the case for the reasons set forth in Section IX.B.3.a of these findings and in the acknowledged 1996 Bandon Dunes Land

Use Findings and Goal Exception Statement (1996 Exception Statement).

2010 Update: No change.

- (7) **1996 Finding:** “A successful destination resort in Coos County must be within the Coos County coastal tourism corridor.”

2003 Update: This continues to be the case, for the reasons set forth in the 1996 Exception Statement.

2010 Update: No change.

- (8) **1996 Finding:** “A successful destination resort in Coos County must have unusual aesthetic and recreational amenity resort characteristics which provide it with a broad base of potential users with the motivation and the means to travel to Coastal Coos County to enjoy a recreational asset not readily available elsewhere.”

2003 Update: This continues to be the case, for the reasons set forth in the 1996 exceptions statement.

2010 Update: No change.

- (9) **1996 Finding:** “The only such distinguishing qualities for a destination resort in Coastal Coos County to be identified and substantiated by any participant in the hearings leading up to this decision are those of a seaside Scottish links course strongly resembling classic Scottish courses such as those at Turnberry, along the Firth of Clyde, where golfers play 'among patches of thorny gorse' and 'the 6,408-yard, par-69 Ailsa Course . . . starts off inland before sweeping to the sea at the windswept fourth hole.' McCallen, *Golf Resorts of the World: the Best Places to Stay and Play* (Harry Abrams: 1993) pp. 245-46.”

2003 Update: Still true for reasons set forth in the 1996 exceptions statement.

2010 Update: No change.

- (10) **1996 Finding:** “The Bandon Dunes site has the soils, setting, and size that are needed to provide a sufficiently authentic Scottish Links course and related facilities to make the resort an attractive destination for tourists seeking such an experience.”

2003 Update: This finding still holds and has been confirmed by experience. The site has proven to be an essential element of the Bandon Dunes Resort’s

success, and the proposed expansion will both expand and protect this essential locational asset, offering a range of settings, challenges and activities as part of an overall experience.

2010 Update: The proposed additional use will further protect the site from degradation by invasive species by putting in place a self-funded mechanism to establish and sustain an intensive, long-term program of dunal habitat reclamation, enhancement, expansion, research, and education.

- (11) **1996 Finding:** “There is a need for a use which makes the preservation and enhancement of the site’s natural assets economically feasible and necessary. Important natural features of the site are threatened with further deterioration under continued strict application of the Goals to which this exception is being taken. Open sands, dunal forms, plant and animal habitat, and other natural assets of the Bandon Dunes Site are steadily deteriorating because of its location, soils, climate, and human intervention, particularly the introduction of beach grass and gorse, but also including off-road dune-buggy and vehicle use, commercial timber management, and illegal hunting. Establishment of the proposed destination resort, which is dependent for its appeal upon maintenance, preservation, and enhancement of the natural assets of the site, will substantially reduce and in some areas even reverse the ongoing deterioration.”

2003 Update: As a result of the 1996 exception, many large gorse-infested areas have been converted to managed landscapes. Much of the gorse removal area has been replaced with fairways and greens, of course, but a significant amount is now open sand, grassy roughs, shrubs, wooded buffers, and riparian strips. A large Port Orford Cedar stand has been isolated from recreational and commercial use to prevent contamination. Poaching and recreational off-road vehicle use have ceased.

2010 Update: The additional courses approved by the 2003 Supplemental Exception have extended the reclamation of gorse-infested areas and have isolated several existing open-sand areas from further invasion by gorse and beach grass. They have also created substantial additional buffers against the spread of wildfire, as evidenced by the 2007 burn at the north end of the property, which was contained with much less difficulty than would otherwise have been the case. The new special-purpose course will move beyond replacement, isolation, and containment to active, ongoing reclamation, enhancement, and enlargement of dunal plant habitat.

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

As the acknowledged 2003 Supplemental Exception Statement and Findings determined, at pages 167-170:

"Aside from Bandon Dunes, Coos County has no destination resorts. The narrowness of its principal tourist asset, the coast, coupled with the wide distribution of high value croplands among available private lands within the coastal strip, Coos County has no realistic potential for acquiring the statutory resort contemplated by Goal 8 (Recreational Needs Goal) and the Destination Resort statute. An exception is therefore necessary to permit the county to meet the need identified by the goal and the statute. Additionally, Goal 9 (Economic Development) requires a diversity of economic activity and opportunity. The Recreational Needs Goal and Destination Resort Statute determine as a matter of state policy that destination resorts are a vital part of a county's economic diversity. Coos County was not able to achieve that diversity without taking a goal exception. The initial exception has allowed the County's sole destination resort the opportunity to prove itself and to become the County's most successful economic development initiative. This goal exception is also necessary to allow the county to assure the continued health and viability of Bandon Dunes Resort, and thereby to achieve the diversity requirement of the Economic Development Goal.

"The expanded resort will continue to be a destination resort which in concept, size and scope meets the statutory qualifications for a destination resort set out in ORS 197.445 (see Section VII.A). But for the presence of high value crop areas within three miles of the site, the expanded resort would meet all of the requirements of the Destination Resort Statute and could be approved without an exception to any statewide planning goal. The proposed expansion, tailored to be consistent with all required elements of a statutory destination resort, and sited in what is unquestionably Coos County's best location for such a resort, clearly meets the need for such facilities recognized in the Destination Resort Statute and the Recreational Needs Goal.

"This need has been legislatively defined as follows:

"The Legislative Assembly finds that:

"(1) It is the policy of this state to promote Oregon as a vacation destination and to encourage tourism as a valuable

segment of our state's economy;

- “(2) There is a growing need to provide year-round destination resort accommodations to attract visitors and encourage them to stay longer. The establishment of destination resorts will provide jobs for Oregonians and contribute to the state's economic development;
- “(3) It is a difficult and costly process to site and establish destination resorts in rural areas of this state; and
- “(4) The siting of destination resort facilities is an issue of statewide concern.” ORS 197.440.

"These findings hold true for Coos County. The 1996 exception statement adopts the comments of Dr. Dean Runyan on this issue. A former professor of planning at the University of Oregon with extensive experience conducting economic impact analyses, market analyses and planning studies for travel, tourism, and recreation, Dr. Runyan is co-author of the recently-completed Tourism Strategic and Implementation Plan prepared for the Coos County Economic Development Commission. In his June 19, 1996 letter, Dr. Runyan explained:

“Bringing the [Bandon Dunes Resort] on line will help increase overall quality of the county as a travel destination and accordingly add stability and predictability to the industry. The new employment provided by the resort will be a welcome change from the declines in the timber industry and fishing on which the County previously relied.’

"He also pointed out that destination resorts support other kinds of economic diversification:

“The travel industry should be seen as very compatible with other major industries in Oregon, as evidenced by the success of locations such as Central Oregon (combining travel, manufacturing and agriculture), the Columbia River Gorge (travel, agriculture), Newport (travel, fishing) and Baker County (travel, agriculture). The Portland Metro area also successfully mixes the travel industry with manufacturing and a variety of other industries.’

“In Central Oregon, for example, the quality of the area, as

evidenced by its visitor industry, is used successfully as a means of attracting new manufacturing and other business development. In today's business recruitment and development market, the

community amenities associated with good quality recreation facilities, such as will be provided by the proposed resort, are valuable assets.'

"The 1996 Draft Tourism Strategic and Implementation Plan for Coos County underlines the complementary nature of tourism and the need to upgrade the county's tourism industry by the addition of destination facilities:

"Conditions for tourism development in Coos County as a complementary element of the local economy are determined by the County's setting, its potential to become a visitor destination, its ability to attract broader markets, the seasonality of travel to the Southern Oregon coast, the area's competitive qualities, and the presence of new opportunities for the future.'

"The study notes that "Coos County does not at present have a strong image as a visitor destination," and identifies two "important reasons why Coos County should aspire to change its image from a 'nearby coastal playground' to that of a vacation destination." Those reasons are:

- "(7) A vacation destination can be much more successfully marketed than an area that is merely 'a place near the ocean,' and
- "(8) A vacation destination inspires and represents more promising opportunities for capital investments in visitor-serving facilities and associated infrastructure."

"The draft strategic plan also cites a 1995 Bay Area Economic Council study finding that attracting a typical destination resort in the area will be difficult in the near future; and it points out that Coos County's relative isolation means that it must "pursue a different strategy for attracting visitors than some of its neighbors to the south and north." The Bandon Dunes resort addresses both the need for a destination resort and the need for a distinctive identity, strongly reinforcing the area's ecological and historic affinity with coastal Scotland and Ireland, recognized early on by Lord Bennett of Bandon, who gave the town both its name

and its gorse. Commenting specifically on the Bandon Dunes proposal, the study observes:

"The [Bandon Dunes] development . . . would greatly enhance Coos County's image as a visitor destination, and because it is doubtful that even the most concerted promotional efforts could have lured resort developers to Coos County, unless they chose to be there.'

"Coos County's Board of Commissioners (and Planning Commission) recognized in 1996, that, without an exception, Coos County cannot practically receive the benefits recognized by the Economic Development Goal and by the Destination Resort Statute and Recreational Needs Goal as appropriate for rural and tourist-dependent areas throughout the state. As a result of their foresight, Coos County now has two of the nation's premiere golf courses and one of its premiere destination resorts. The Board of Commissioners is now taking action to assure that Coos County can build on its success and establish itself as a regional, national, and international tourism destination for the long term."

2010 Update: The proposed amendment is consistent with both the 1996 and 2003 statements. It keeps Bandon Dunes Resort firmly on the course established in the prior exceptions and strengthens its ability to continue to achieve the purposes of those exceptions.

3. Market Demand

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

"While market demand alone does not justify an exception, it is a relevant factor in a reasons analysis such as this because the need identified is to create a certain kind of product which will create the desired benefits only if the product can be successfully marketed. Recognizing that the market for a highly-discretionary purchase item such as the services provided by a destination resort is inherently speculative, the Board of Commissioners found in 1996 that the existence of the necessary market demand was sufficiently established by the detailed study prepared by Ragatz Associates. See 1996 Application, Volume V, Appendix C, as supplemented. The Board said its confidence was reinforced by the enthusiastic and knowledgeable testimony of representatives of Glenneagles Golf Development Group, which designs, operates, and markets Scottish-style golf courses in several countries, as well as by the strong support and confidence

expressed by local chambers of commerce and representatives of the area's tourism industry.

"The Ragatz study found the market climate favorable for a variety of reasons. Many of these reasons derive from the plans to develop a true Scottish links golf course. Experts state that there are only about five true Scottish links courses in the United States. With the possible exception of the links-type courses at Carmel, California, there are none on the west coast. Because of its unique combination of size, topography, climate, vegetation, ocean views and access, Ragatz determined that Bandon Dunes site may one of the best suited properties in the nation for this type of course.

"Experience has proven the soundness of the Ragatz analysis. Continued market demand and growth are reasonable to expect based on that foundation work together with the experience of Bandon Dunes to date, the ERA analysis, and the resort's high visibility and world-class ranking." 2003 ES&F, page 171

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

4. Need for Urban Levels of Population and Facilities

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

"As noted, this approval is for the expansion of a destination resort which, in concept, size and scope, meets the qualifications set out in ORS 197.445 for a statutory destination resort. But for the presence of high value crop areas within three miles of the Bandon Dunes site, the expansion project would meet all of the requirements of the Destination Resort Statute and would have been processed pursuant to that statute.

"The Destination Resort Statute sets out requirements for features essential to the successful development of a destination resort and requires certain levels of investment. These translate into certain levels of land use density and intensity as modified by the unique physical attributes of a given site. Providing the uses described above on the subject 925-acre expansion area, while preserving at least half of the site as permanent open space (another statutory requirement for a destination resort) will necessarily result in a level of use which may be regarded, in some respects, as urban. Such a concentration of uses cannot be served by individual water and sewage disposal systems, but rather requires the type of public or community facilities that are typically considered urban." 2003 ES&F,

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

"The Open Space Map adopted as part of the Supplemental Master Plan (see Fig. 5) demonstrates that approximately 75% to 80% of the expanded Bandon Dunes Resort site is proposed to remain as permanent open space, principally in the form of natural resource conservation areas, woodland buffers and golf courses." 2003 ES&F, page 23.

Because of its location next to the resort's Village Center and the Trails clubhouse and parking lot, the proposed additional use will not require construction of new or expanded roads, parking lots, restaurants, lodging, sewers, or other urban types or levels of facilities. Moreover, the proposed additional use qualifies as "open space" under the Destination Resort statute and the existing exception. It will not, therefore, reduce the 2140-acre resort site's current allocation of approximately acres or 75-80% to open space--well in excess of the standard for statutory destination resorts.

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

The acknowledged 2003 Supplemental Exception Statement and Findings determine that:

"The entire Bandon Dunes Destination Resort concept depends on the natural features, dunal landforms, variety of natural settings, and coastal location of the site. The centrality of these features and resources to Bandon Dunes' success is indisputable. Innumerable articles, stories, and reviews describe the rugged, sandy, windy seaside setting as being perfect for the recreation of the traditional Scottish and Irish links types of courses. These are resources within the meaning of the goals and the rule. Because it has these resources, the site uniquely suits a destination resort based upon a Scottish links golf course. Only here can such a course be developed in conjunction with the rich mixture of amenities and recreational activities necessary for an economically viable operation. Unlike a manufacturing plant which can import raw materials, a resort of this type must be located on the site where the resources upon which it depends are located. The 1989 Destination Resort Handbook further elaborates:

"Destination resorts, by definition, are located on sites with very high natural amenities. The beauty and natural characteristics of the site are essential elements in attracting visitors. One of the major challenges to resort development is to provide for fairly intense human use and yet maintain an almost wilderness feel to the site." *Destination Resort Handbook* (DLCD, 1989), page 38.

"In this case, the site and the critical resources are so integrated that same analysis supporting resource dependency also supports a finding of site dependency. Only here are all of the necessary resources together in one place. Only here can a resort of the type contemplated be implemented." 2003 ES&F page 172

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

6. Enabling Coos County to Meet Its Planning Obligations

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

" Under OAR 660-004-0022(1), one example of a reason helping to establish the need for an exception may be that the exception will enable a local government to meet one or more of its planning obligations. Such obligations can be found in both the Statewide Planning Goals and in acknowledged comprehensive plans. In Coos County, an exception for the expansion of a destination resort like Bandon Dunes is necessary to allow the county to make use of an economic development resource which has been identified in state legislation, local plans, and local economic development studies as important, even essential. In so doing, the proposed exception enables the County to secure for the long-term a key element necessary to achieve its goals of diversification and stabilization of the local economy.

"The Coos County Plan's Industrial and Commercial Lands Goal is to "diversify and improve its regional economy." The Goal carries out the mandate of LCDC Goal 9, Economy of the State, which is

"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.'

"The goal requires comprehensive plans and policies to

"* * * contribute to a stable and healthy economy in all regions of the state.'

"To achieve this Goal, the Plan requires that the county 'shall sanction and support

the economic development efforts of the Coos Curry Douglas Economic Development Association' and that it 'shall support the regional economic goals and objectives periodically adopted by the Coos County Overall Economic Development Program Committee.' Plan, Section 5.16, Implementation Strategies 2 and 3. The 1996 exception provided the county with an important vehicle, not otherwise available, to provide that support, to contribute to a stable and healthy Coos County economy through diversification, and to provide employment and training opportunities for the area's high percentage of young adults without post-high-school education. The approved exception to expand the Bandon Dunes Resort will insure that this vehicle is successful, sustainable, and better able to generate its benefits year-round.

"The County Comprehensive Plan's Recreational Goal mandates that

"Coos County shall strive to meet the recreational needs of its citizens and visitors.'

"This goal implements LCDC Goal 8 (Recreational Needs), which requires local jurisdictions

"To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts.'

"Bandon Dunes Resort is a world-class facility with a worldwide clientele. It is also available to Oregonians and the general public, with special off-season rates for Oregonians. The following excerpt from an alumni magazine profile of Mike Keiser, the principal force behind Bandon Dunes Resort, illustrates how "purist" doesn't have to mean "elitist":

"Keiser is proud that both Bandon and Pacific Dunes are public courses, open to anyone who wants to play. He keeps the fees relatively low (\$150 during peak months, and \$55 in the off-season; compared with Pebble Beach's \$350 fees and the \$270 cost of playing at Pine Valley.'

"Keiser's philosophy of golf includes a commitment to playability. He considers himself 'the ultimate user' and insists that the greatest courses are built not for Tiger, Jack, or Arnold, but for golfers like himself. * * * 'For the average golfer or worse—and I represent that group, and that group is most people—what makes a hole great is two things, in order: its beauty, and its

playability, which really means the hole is fun to play." *Amherst Magazine*, Winter, 2002.

"The County's implementing strategies recognize the need for destination tourist facilities similar to the statutory destination resort concept, calling upon the county to use its "Recreational Planned Unit Development" ordinance to "provide significant diversification of the local economy by increasing the attraction of tourists to the County." Recreation Plan Implementation Strategy 5. This strategy preceded the adoption of the destination resort statute and destination resort amendments to Goal 8, the **Curry County** case restrictions on urban development outside urban growth boundaries, and recent amendments to Goal 11 that effectively render the County's Recreational PUD policies a dead letter for purposes of siting destination resorts of the kind contemplated by the county at the time the Recreational PUD policies were adopted. Because the destination resort statute doesn't work for Coos County either, it is apparent that, if this element of the county's recreational needs fulfillment goal is to be realized, it must be realized through the goal exception process." 2003 ES&F pages 172-173.

As previously explained, the addition of the small, special-purpose golf course authorized by the proposed 2010 supplemental exception will enhance the resort's ability to achieve the goals identified above and is supported by the above reasons

B. Alternative Locations

1. Applicable Standards

OAR 660-004-0020(2)(b) and (c) and OAR 660-014-0040(3)(a) and (b) elaborate on the analysis of alternative locations for a proposed use that is required to support a goal exception. The analysis is divided between areas which do not require a goal exception and areas which do require one.

a. Areas Which Do Not Require a Goal Exception

With regard to areas that do **not** require a goal exception, OAR 660-004-0020(2)(b) elaborates on the standard established by ORS 197.732(1)(c)(B) and Goal 2, Part II(c)(2):

“Areas which do not require a new exception cannot reasonably accommodate the use”:

“(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which

do not require a new exception. The area for which the exception is taken shall be identified.

- “(B) To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed:
- “(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?
 - “(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses, not allowed by the applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?
 - “(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?
- “(C) This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether the similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding.”

In addition, OAR 660-014-0040(3)(a) provides that the “areas which do not require a new exception cannot reasonably accommodate the use” standard can be met:

“* * * by showing the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development at existing rural centers.”

In the case of a destination resort which is sufficiently urban in nature to require an exception to Goals 11 and 14, “areas which do not require an exception” generally consist of (1) land within urban growth boundaries, (2) land irrevocably committed to an urban level of nonresource use, and (3) land on which the destination resort could be sited without an exception pursuant to the Destination Resort Statute (see ORS 197.450 and 197.445). For such areas, the test is whether they could “reasonably accommodate” the proposed destination resort.

b. Areas Which Do Require a Goal Exception

With regard to areas that **do** require a goal exception, OAR 660-004-0020(2)(c) elaborates on the standard established by ORS 197.732(1)(c)(C) and Goal 2, Part II(c)(3):

“The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas [sic] considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts.”

In addition, OAR 660-014-0040(3)(b) provides that with regard to exceptions to allow urban uses on rural lands the analysis of alternative sites which do require an exception must include consideration of:

- “(A) Whether the amount of land included within the boundaries of the proposed urban development is appropriate, and
- “(B) Whether urban development is limited by the air, water, energy and land resources at or available to the proposed site, and whether urban development at the proposed site will adversely affect the air, water, energy and land resources of the surrounding area.”

In the case of a destination resort which is sufficiently urban in nature to require an exception to Goals 11 and 14, “areas which do require an exception” typically consist of rural land which does **not** qualify for destination resort siting without an exception, pursuant to the Destination Resort Statute (see ORS 197.450 and 197.445). For these areas, the test is whether the economic, social, environmental and energy (ESEEE) impacts of the proposed destination resort at the proposed site would not be significantly greater than the impacts of the proposed destination resort at the other locations.

2. Identification of Eligible Sites

A meaningful comparison requires the identification of reasonable alternative sites, if there are any.

The acknowledged 1996 and 2003 Exception and Supplemental Exception Statements and Findings address this issue for the resort as a whole. This supplemental analysis is limited to the identification of eligible sites for the single use authorized by the proposed amendments, which is a special-purpose golf course designed, sited, and operated to provide sustained and funded silvery phacelia habitat reclamation, enhancement, and enlargement, while improving the county's only destination resort's ability to maximize guests' length of stay.

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

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

a. Areas that Do Not Require a Goal Exception

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

b. Areas that Do Require a Goal Exception

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

OAR 660-004-0020(2)(c) and OAR 660-014-0040(3)(b) require an analysis of the comparative long-term environmental, economic, social and energy consequences of locating the proposed destination resort development at the proposed site, as mitigated by measures designed to reduce adverse impacts, with those of locating "the same proposal" on other rural lands. As elsewhere in this statement, the present comparison is supplemental to the existing acknowledged exception statements, and is accordingly limited to the acknowledged Bandon Dunes Resort Site Exception Area.

a. Environmental Consequences

The environmental consequences of the destination resort as a whole are addressed in the acknowledged 1996 and 2003 Exception Statements and Findings. The single additional proposed use and proposed measures to reduce and mitigate any adverse impacts are discussed in detail in the Phase 8 Final Development Plan which accompanies this application, as well as in the findings addressing statewide Goals 5 (Open Space), 6 (Air, Land and Water Quality), and 7 (Natural Hazards).

The proposed small-footprint golf course has no lakes, streams, wetlands, or riparian areas, but it does, of course, include scenic dunes and important dunal plant habitat. The Master Plan and BDR zone, as adopted in 1996 and amended in 2003, incorporate a variety of provisions which protect a wide range of important environmental features on

the resort site. In addition, development of the resort pursuant to the Master Plan has had a number of positive environmental consequences, including (a) Gorse eradication and fire control, (b) riparian corridor improvement and other fisheries enhancement, (c) cessation of uncontrolled off-road vehicle access, (d) cessation of unregulated hunting, and (e) adoption of more environmentally sensitive forestry practices.

b. Economic Consequences

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

c. Social Consequences

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

d. Energy Consequences

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

e. Quantity of Land Involved

Under OAR 660-014-0040(3)(b)(A), the comparison of alternative sites for the proposed use which do require an exception must include consideration of “whether the amount of land included within the boundaries of the proposed urban development is appropriate.”

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

layout from 18 to 12 holes to minimize both the overall site acreage and the turfed playing areas.

As detailed elsewhere in these findings and in the Phase 8 final development application, the proposed course will occupy a 21-acre site, a small fraction of the average 200 acres for each of the four 18-hole championship golf courses at Bandon Dunes. Moreover, the entire course will have less than 8 acres of turf for tees, greens, and approaches, for an average of less than 3/4 acre of turf per hole. This compares with an average of more than six acres of turf per hole on the resort's four championship courses. These bits of turf, adding up to slightly more than the equivalent of a single conventional hole, will be dispersed over the 21-acre site as an archipelago of tiny islands of turf in a much larger area of interconnected existing and potential dunal plant habitat. This primary area is itself adjacent to and integral with the larger area of existing and potential habitat, which will benefit from the reclamation, enhancement, and expansion programs supported by the proposed golf course.

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

f. Carrying Capacity

Under OAR 660-014-0040(3)(b)(B), the comparison of alternative sites which do require an exception must include consideration of "whether urban development is limited by the air, water, energy and land resources at or available to the proposed site, and whether urban development at the proposed site will adversely affect the air, water, energy and land resources of the surrounding site."

The acknowledged 1996 and 2003 Exception Statements and Findings address this issue with regard to the resort as a whole. See, e.g., 2003 ES&F at pages 210ff. This application only involves comparative impacts within the site. The proposed use at the proposed site will require no new roads, structures, or other facilities. The turfed areas to be irrigated, mainly during the grow-in period, total about 8 acres for the entire course, compared with an average of about six acres for each of the 72 holes on the resort's four 18-hole championship courses. A course located anywhere else on the site would require substantially more irrigation and would require additional facilities and services instead of being able to rely on existing infrastructure close to the Village Center.

g. Overall Consequences

The acknowledged 1996 and 2003 Exception Statements and Findings address this issue with respect to the resort as a whole. See, e.g., 2003 ES&F at 211ff. As the discussion above and the analysis in the Phase 8 Final Development Plan demonstrate, the ESEE consequences of allowing the proposed special-purpose course are very positive, on balance, and are certainly not significantly more adverse than those of siting the proposed

use elsewhere.

C. Compatibility

OAR 660-004-0020(2)(d) elaborates on the statutory and goal requirement that the proposed use be "compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts," as follows:

"* * * The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. 'Compatible' is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses."

In addition, OAR 660-014-0040(3)(c) specifically requires consideration of:

- "(A) Whether urban development at the proposed site detracts from the ability of existing cities and service districts to provide services; and
- "(B) Whether the potential for continued resource management of land at present levels surrounding and nearby the site proposed for urban development is assured."

These issues are addressed as to the Resort as a whole by the acknowledged 1996 and 2003 Exception Statements and Findings. See 1996 ES&F at pages 122a-126, 2003 ES&F at pages 211ff. The rules do not require a showing that each use within an area covered by a reasons exception is compatible with each of the other uses within the area. The proposed use will be sited well within the existing site, will be nonstructural, and will be targeted at and utilized almost entirely by guests already onsite for other reasons. It will create no new offsite impacts and therefore does not change the analysis provided by the existing exceptions.

D. Public Services and Facilities

OAR 660-014-0040(3)(d) requires a showing that an appropriate level of public facilities and services are likely to be provided in a timely and efficient manner. This showing is made as to the resort as a whole by the acknowledged 1996 and 2003 Exception Statements and Findings. The single proposed additional use would not require additional public facilities or services.

E. Plan Coordination and Consistency

OAR 660-014-0040 (3)(e) requires a showing that the proposed new urban development on rural land is (1) “coordinated with comprehensive plans of affected jurisdictions;” and (2) “consistent with plans that control the area proposed for [urbanization].”

The first requirement is satisfied by the findings on the Goal 2 coordination requirement located in Section VIII.B.1.c. The second requirement is satisfied by the findings in Section X below, which demonstrate that the proposed expanded resort development is consistent with the relevant provisions of the Coos County Comprehensive Plan.

VII. OTHER APPLICABLE STANDARDS AND CRITERIA

This application involves amendments to acknowledged comprehensive plan provisions and acknowledged land use regulations. Under Oregon's land use statutes, these amendments must be shown to comply with a wide range of standards and criteria. This statement attempts to minimize repetition and redundancy, using cross-references where possible and adding or repeating material only where necessary for clarity or completeness.

In this statement, applicable standards and criteria are set forth verbatim in bold type, followed by explanatory text including facts, reasons and legal conclusions. This statement is organized so that the analysis begins with state law and proceeds to local law. Thus, the next section deals with state statutes and implementing administrative rules, followed by a section addressing the Statewide Planning Goals and implementing administrative rules, and a section addressing the standards for a goal exception. These sections are followed by sections addressing applicable standards and criteria from the Coos County Comprehensive Plan and Coos County Zoning and Land Development Ordinance.

Sources of applicable or potentially applicable standards and procedural requirements include the following:

A. Statutes

1. ORS 197.175(2)(d) -- Plan and goal consistency.
2. ORS 197.610 and 195.615-- Postacknowledgment amendment procedures.
3. ORS 197.646 -- Implementation of new or amended goals, rules, or statutes.
4. ORS 197.732 -- Goal exception standards.
5. ORS 197.763 -- Notice and procedures for quasi-judicial land use hearings.

B. Statewide Planning Goals

1. Goal One -- Citizen Involvement
2. Goal Two -- Land Use Planning
3. Goal Three -- Agricultural Lands
4. Goal Four -- Forest Lands
5. Goal Five -- Natural Resources, Scenic and Historic Areas, and Open Spaces
6. Goal Six -- Air, Water and Land Resources Quality
7. Goal Seven -- Areas Subject to Natural Disasters and Hazards
8. Goal Eight -- Recreational Needs
9. Goal Nine -- Economic Development
10. Goal Twelve -- Transportation
11. Goal Thirteen -- Energy Conservation
12. Goal Seventeen -- Coastal Shorelands
13. Goal Eighteen -- Beaches and Dunes

C. State Agency Rules

1. OAR Chapter 660, Division 4 -- Interpretation of Goal 2 Exception Process
 - 660-04-000 Purpose
 - 660-04-005 Definitions
 - 660-04-010 Application of the Goal 2 Exception Process to Certain Goals
 - 660-04-015 Inclusion as Part of the Plan
 - 660-04-018 Planning and Zoning for Exception Areas
 - 660-04-020 Goal 2, Part II(c), Exception Requirements
 - 660-04-022 Reasons Necessary to Justify an Exception Under Goal 2, Part II(c)
 - 660-04-030 Notice and Adoption of an Exception
2. OAR Chapter 660, Division 12 -- Transportation Planning
 - 660-12-060 Plan and Land Use Regulation Amendments
3. OAR 660, Division 18 -- Plan and Land Use Regulation Amendment Review
4. OAR Chapter 660, Division 23 - Procedures and Requirements for Complying with Goal 5
 - 660-023-0090 Riparian Corridors
 - 660-023-0100 Wetlands
 - 660-023-0110 Wildlife Habitat
 - 660-023-0140 Groundwater Resources
 - 660-023-0250 Applicability

D. Comprehensive Plan Provisions

The key comprehensive plan requirements relevant to this application are those set forth

in the Bandon Dunes Resort Master Plan, as amended, together with the 1996 and 2003 exception statements incorporated therein.

Procedures and requirements governing amendments to the Coos County Comprehensive Plan (Plan) are set forth in Volume I, Part 1, Sections 5.1 (Citizen Involvement) and 5.2 (Land Use & Community Development Planning) of the Plan.² These requirements address notice, citizen participation, and agency coordination. They do not impose substantive plan amendment criteria separate from those contained in state land use statutes, statewide planning goals, and state agency rules. However, a variety of substantive plan provisions implementing statewide planning goals constitute potential standards for individual decisions amending the Plan and the ZLDO. As relevant here, the Plan establishes the following categories of plan provisions, covering a range of topics substantially the same as the range of topics addressed by the statewide planning goals discussed in detail in Section VIII of these findings. Where necessary, these plan provisions are separately addressed in Section X.

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

E. Zoning Code Provisions

The ZLDO does not include specific standards for amendments to the Plan, but rather relies on the standards for such changes established by state land use statutes, statewide planning goals, and state agency rules, as listed above and addressed in this volume. In

² Unless otherwise specified, all subsequent citations in these findings to the Plan are to Volume I, Part 1.

addition to the requirements of plan and goal consistency established by state land use goals and statutes for all plan and zoning map and text changes, the ZLDO has the following provisions concerning amendments to the text and maps of the ZLDO:

1. ZLDO Text Amendment -- ZLDO 1.2.100
The "purpose" section (ZLDO 1.2.100) does not establish specific criteria, but notes conformance with the Plan as it exists or may exist and with "other changes in circumstances and conditions."
2. Zoning Map Amendment -- ZLDO 5.1.400
 - a. The rezoning will conform with the Plan or ZLDO 5.1.150; and
 - b. The rezoning will not seriously interfere with permitted uses on other nearby parcels; and
 - c. The rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners.

This application does not involve a zoning map amendment, so these requirements are not applicable as separate standards.

F. BDR Zoning District Standards

Standards applicable to future final development plan approvals for a phase or element of the expanded Bandon Dunes Resort, are found in sections 4.10.030 and 4.10.070 of the Bandon Dunes division of the county land use code. These standards are addressed in the Phase 12 Final Development Approval application that accompanies this application for plan and zoning text amendments.

G. STATE STATUTES

ORS 197.435 to 445 - Destination Resort Definitions and Criteria

As noted above, Bandon Dunes is a "reasons exception resort." The findings adopted in support of the 1996 and 2003 exception demonstrated that the resort more than meets the standards for statutory destination resorts set forth in ORS 197.445, except that it is located within 3 miles of a high-value crop area, i.e. cranberry farms along Highway 101, thus necessitating the exception.

Unlike the 1996 and 2003 exceptions, this exception will not authorize an increase in the resort's footprint, more lodging and restaurant facilities, more housing, more roads and parking areas, or other intensifications with offsite impacts.

The proposed additional use will be strictly limited to a small area well within the approved resort site boundaries. It will be a multi-purpose low-intensity recreational,

educational, and habitat-enhancement activity that will assist the resort in its battle against invasive beachgrass. The proposed amendments do not authorize the conversion of additional land to destination resort use. It does not involve any additional roads, clubhouses, lodging, or other facilities.

It will also help the resort continue to achieve a key purpose of destination resorts, which is to give resort visitors reasons to stay longer in Oregon's rural areas, where traditional economic mainstays such as forestry and fishing are in decline.

As DLCD's Destination Resort Handbook puts it, "The typical visitor to Oregon is on the move," but destination resort visitors "are different."

"They typically spend four days to one week at the resort. They seek out a resort to enjoy a specific recreational activity, like golfing or skiing. The resort also provides visitors an attractive environment, secondary recreational activities, and fine dining. Visitors also stay at the resort to attend a convention, business meeting, or seminar." 1995 DLCD Destination Resort Handbook at page 4.

To the same effect, see the destination resort statute's legislative findings at ORS 197.440(2), recognizing "a growing need to provide year-round destination resort accommodations to attract visitors and encourage them to stay longer" in order to "provide jobs for Oregonians and contribute to the state's economic development."

1. ORS 197.445(1) - Site Area

This provision requires that a destination resort within two miles of the ocean be located on a site of at least 40 acres. The Bandon Dunes Resort Site will continue to be 2,140 acres in size. It won't move or change shape as a result of these amendments.

2. ORS 197.445(2) - Open Space

This provision requires that at least 50 percent of a destination resort site "be dedicated to permanent open space, excluding streets and parking areas." The destination resort statute defines "open space" as follows:

"'Open Space' means any land that is retained in a substantially natural condition or is improved for recreational use such as golf courses, hiking or nature trails or equestrian or bicycle paths or is specifically required to be protected by a conservation easement. Open spaces may include ponds, lands protected as important natural features, lands preserved for farm or forest use and lands used as buffers. Open space does not include residential lots or yards, streets or parking areas." ORS 197.435(4)

The Open Space Map adopted as part of the 2003 Supplemental Master Plan (Fig. 5) demonstrated that approximately 75% to 80% of the expanded Bandon Dunes Resort site would be remain as “permanent open space, principally in the form of natural resource conservation areas, woodland buffers and golf courses.” 2003 Master Plan Findings at page 23. The proposed 2010 amendments would not change that figure because they do not change the boundaries of the 2003 plan's open space areas and the only new use they authorize is itself an open space use.

3. ORS 197.445(3) and (8) - Required Expenditures

These provisions require, for statutory destination resorts, “that at least \$8.75 million be spent on “on-site developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities and roads.”³ Not less than 1/3 of this amount must be spent on “developed recreational facilities.” The acknowledged exception statement supporting the 2003 supplemental exception determined that the Bandon Dunes reasons-exception resort had already far exceeded this standard, even though it was not directly applicable, as follows:

“The applicants have already made expenditures of over \$27 million on developed recreational facilities and visitor-oriented accommodations at the existing Bandon Dunes Resort (exclusive of costs for land, sewer and water facilities and roads). This sum includes expenditures of over \$5 million on development of the Bandon Dunes Golf Course, associated caddy facilities, and nature trails. Therefore, the existing Bandon Dunes Resort has already satisfied the statutory requirement for expenditures on developed recreational facilities and visitor-oriented accommodations.”

2003 Findings and Goal Exception Statement at p. 27. Since then, the resort has spent several million more dollars on additional developed recreational facilities, including but not limited to two more championship golf courses, Bandon Trails and Old MacDonald. In sum, the Resort has already spent several times the \$10.43 million that would apply to an application for a new statutory destination resort filed this year.

4. ORS 197.445(4) - Visitor-Oriented Accommodations

3 The statute requires an expenditure of \$7 million in 1993 dollars. ORS 197.445(8) provides that the expenditure required “shall be adjusted to the year in which calculations are made in accordance with the United States Consumer Price Index.” The U.S. Consumer Price Index for November 2002, the latest figure available from the U.S. Bureau of Labor Statistics in 2003, was 181.3, and the 1993 index was 144.5 with 1982 as the base year at 100. Therefore, the expenditure required by the statute was multiplied by 1.2546, yielding a requirement of \$8.78 million. The most recent index available, for 2008, was 215, which would require multiplying \$7 million by 1.49, yielding a requirement of \$10.43 million.

The 2003 Findings and Exception statement determined that the resort had already exceeded all of the destination resort statute's requirements for visitor-oriented accommodations, including restaurants, meeting rooms, and overnight lodging. See 2003 Findings and Exception Statement at pages 27-29.

Since 2003, the Resort has expanded the Gallery Restaurant at the main lodge and has added two more restaurants, one at the Bandon Trails clubhouse and one at the Pacific Dunes clubhouse.

Four meeting areas, the Wedge Room, St. Andrews Room, Garden Room, and MacKenzie Hall, can each accommodate from 12-75 guests at dining tables, and up to ___ attendees in each area in other seating arrangements.

The Resort has also added overnight lodging in the new Grove Lodges complex and the new Inn at Bandon Dunes. All overnight lodging, including the original Lodge at Bandon Dunes, the Lily Pond Cottages, the Chrome Lake Cottages, the Grove Lodges, and the Inn, is concentrated at the Resort's Village Center, to minimize the need for onsite vehicular travel.

No additional visitor-oriented accommodations are proposed at this time.

B. ORS 197.610 and 197.615 - Postacknowledgment Amendments

ORS 197.610(1) and OAR 660-018-0022 require a local government to forward a proposal to amend its acknowledged comprehensive plan or land use regulations to the DLCDC director at least 45 days prior to its first evidentiary hearing on adoption. The County mailed notice of its proposed adoption of the Plan and ZLDO amendments for the expansion of the Bandon Dunes Resort, including three copies of the application and Vols. I and II of the applicants' supporting documents, to the DLCDC director on November 26, 2002. The County mailed a revised notice to the DLCDC Director on January 10, 2003, together with Vol. III of the applicants' supporting documents. The revised notice was received by DLCDC on January 13, 2003, 45 days prior to the first evidentiary hearing before the Planning Commission which, after a postponement, was rescheduled for February 27, 2003.

ORS 197.615(1) and OAR 660-018-0040 require a local government which adopts an amendment to its acknowledged comprehensive plan or land use regulations to submit a copy of the text of the amendment and the supporting findings to the DLCDC director within five working days after the final decision is adopted. Within the same time period, these provisions also require the local government to submit notice of the adopted amendment to persons who participated in the local proceedings and requested in writing that they be given such notice. The County will comply with these requirements after it adopts the amendments to the Plan and ZLDO.

ORS 197.712(2)(g)(A) - Economic Development Obligation

This statute requires the County to provide “reasonable opportunities to satisfy local and rural needs for residential and industrial development and other economic activities on appropriate lands outside urban growth boundaries, in a manner consistent with conservation of the state’s agricultural and forest land bases.” That these amendments further this purpose is demonstrated by the findings addressing Goal 9 (Economic Development) in Section VIII.I of this document, and the findings justifying an exception from Goals 3, 4, 11 and 14, found in Section IX below.

ORS 197.732 - Goal Exceptions

The requirements established by ORS 197.732 for goal exceptions, as well as the parallel requirements of Goal 2, Part II, are addressed in Section IX below.

ORS 197.763 - Quasi-Judicial Land Use Hearing Notice and Procedures

ORS 197.763(2)(a)(C) requires the County to mail notice of hearings on this application to owners of record, on the most recent tax assessment roll, of property within 500 ft. of the property subject to the application. ORS 197.763(3)(f)(B) requires this notice to be mailed at least 10 days before the first evidentiary hearing, if two or more evidentiary hearings are held. ORS 197.763(3)(a)-(e) and (g)-(j) establish requirements for the content of such notice. The county will provide notice and conduct hearings as required.

During the course of these proceedings, all documents and evidence submitted to the County by the applicants, as well as those submitted by other parties, will be available to the public for review at the County Planning Department offices, as required by ORS 197.763(4)(a). The county Staff Report used at the February 27, 2003 Planning Commission hearing will be made available in compliance with the requirement of ORS 197.763(4)(b) that such staff reports be available at least seven days prior to the hearing. At the beginning of each hearing, county staff will make a statement identifying the applicable procedures and criteria and explaining that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision makers and the parties an opportunity to respond precludes appeal on that issue. ORS 197.763(5).

ORS 197.763(2)(b) requires the notice also be provided to any neighborhood or community organization recognized by the county governing body whose boundaries include the site. There are no such neighborhood or community organizations with regard to the proposed expansion areas or the original resort site. However, the applicant has requested that notice be sent to the Bandon Woodlands Community Association, PO Box 592, Bandon, OR 97411.

ORS 455.446 to 445.447 - Tsunami Inundation Zone

This statute, and its implementing administrative rules in OAR Chapter 632, Division 5, prohibit the construction of certain new “essential facilities” and “special occupancy structures,” as those terms are defined in ORS 455.447(1)(a) and (e), within the tsunami inundation zone established by the Department of Geology and Mineral Industries

(DOGAMI) under ORS 455.446(1)(c). The proposed amendments authorize no essential facilities or special occupancy structures as defined. In fact, they authorize no additional structures at all.

IX. STATEWIDE PLANNING GOALS AND ADMINISTRATIVE RULES

A. GOAL 1 - CITIZEN INVOLVEMENT

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

Coos County has a history of citizen involvement in all phases of the planning process, dating back well into the 1960s. See Plan, Section 1.3. This citizen involvement process has evolved over time to include several key features, including: establishment of a formal Citizen Advisory Committee; maintenance of two-way communication via newsletters, mailings, posters, questionnaires and other media; provision of technical information in an understandable form; referrals to various interested public agencies; and encouragement of citizen influence and feedback through town hall workshops and public hearings. These mechanisms were used in the preparation of the current Coos County Comprehensive Plan.

The above processes have been formally incorporated into the acknowledged comprehensive plan as the county's Citizen Involvement Program. See Plan, Section 5.1. Compliance with Goal 1 is demonstrated through compliance with the county's acknowledged Citizen Involvement Program. See Section X.A.

B. Goal 2 - Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions.

1. Goal 2, Part I - Planning

Goal 2, Part I, requires each city or county to adopt comprehensive plans and implementing ordinances based upon identification of issues and problems, inventories and other factual information pertinent to each statewide goal, evaluation of alternative courses of action, ultimate policy choices, and consideration of social, environmental, energy, and economic needs. Plans must be consistent with statewide planning goals, and implementing ordinances must be consistent with plans. Plans must be coordinated with other affected governmental units.

Coos County has an acknowledged comprehensive plan and implementing ordinances consisting of extensive text, tables, figures, graphs, and maps addressing the full range of issues covered by state land use goals. The Bandon Dunes Resort Master Plan and Zoning Ordinance, as amended, are the

primary comprehensive plan and implementing regulations for the resort site.

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

a. Adequate Factual Base

Factual information from numerous sources, including published information, original research conducted and data gathered by the applicants' planning team, and testimony will be submitted by the applicants. Additional evidence in the form of testimony and documents will be submitted by participants in the hearing process. These findings identify the facts in the record which support a decision to adopt these Plan and ZLDO amendments.

b. Comprehensive Plan Consistency

Compliance with the Goals and Policy Implementation Strategies of the Coos County Comprehensive Plan is required by Goal 2, as well as by the Plan's own criteria for a plan amendment. Analysis of Plan compliance is presented under Section X, "Comprehensive Plan Amendment Criteria."

c. Coordination with Affected Governmental Units

In June of 2010, approximately three months before filing this application with Coos County in September, 2010, the applicants initiated a pre-application conference with Coos County, which was attended by county planning, surveying, and road staff as well as by representatives of the Department of Land Conservation and Development (DLCD) and the Oregon Department of Transportation (ODOT).

Those attending were supplied with a draft summary of the proposal and the accompanying Phase 8 Final Development Plan. No substantive concerns about the proposal were expressed. The ODOT representative asked for findings addressing transportation impacts and related mitigation. Those findings had not been prepared at the time. They have since been prepared and transmitted for review by ODOT, along with a copy of the 2003 *Transportation Impact Analysis* (TIA) by Kittelson & Associates, which was reviewed by ODOT prior to adoption of the 2003 Supplemental Exception.

In addition, the applicant has spent many months of informal coordination, including field trips, site visits, and information sharing, with representatives of the Oregon State Parks Department, US Fish and Wildlife, and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, Oregon Trout, the Cape Blanco Challenge, and others.

2. Goal 2, Part II -- Exceptions

Goal 2, Part II provides a process for departing from the strict requirements of other statewide goals in limited circumstances. Because the exceptions process is central to this application, it is discussed at length in Section IX, "'Reasons' Goal Exception," below.

C. Goal 3 - Agricultural Lands

To preserve and maintain agricultural lands.

Goal 3 requires that

"Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for forest products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700."

The acknowledged 2003 Exception Statement and Findings determined that

"The goal excludes from the definition of 'agricultural land' any ' * * * land within acknowledged urban growth boundaries or land within acknowledged exceptions to Goals 3 or 4.'

"No land within the boundaries of the Bandon Coastal Dunelands site has been inventoried, planned, or zoned for agricultural use. The property includes lands which could have been so classified; however, the applicable LCDC rules allowed the county to choose between forest or agricultural plan and zone designations without having to take a goal exception to show why one designation was chosen over the other. The type of land occurring in the vicinity of the Bandon Dunes property is described generally in the Plan at 3.1 to 3.10 as:

"Extensive areas of land on the flat, coastal plain have Class III or IV soils where no current agricultural use is occurring and the land is under forest cover. . . !

"The site classes, locations, and distributions of agricultural soils on the Bandon Dunes property are as shown on the Farm and Forest Soils Map (Figure III-4), the table of farm and forest soils capability (Table III-2) and the Chart of Farm and Forest Soils Capability (Figure III-5). No part of the site is currently being farmed; no lands adjacent to the site are currently in agricultural use. Water for crop irrigation is supplied to cranberry bogs east of Highway 101 from Chrome Lake, pursuant to certified water rights. This irrigation water is piped from Chrome Lake east along Randolph Road, pursuant to an easement and recently updated maintenance agreement between the applicant and the Cut Creek Water Control District.

"Destination resort communities, golf courses, and related development are not farm or nonfarm uses that can be allowed under Goal 3. Because the Bandon Dunes site contains land that meets the Goal 3 definition of 'agricultural lands' described above, an exception to Goal 3 is being taken, based on the reasons set forth in Part VIII, Conformity with the "Reasons" Goal Exception Criteria, below. When approved, this exception will exempt the Bandon Dunes site from strict application of Goal 3." 2003 ES&F page 18.

Both the 1996 and 2003 master plan amendments expanded the footprint of the resort site. This amendment will not. As noted, the Agricultural Lands Goal excludes from the definition of

"agricultural land" any " * * * land within acknowledged urban growth boundaries or land within acknowledged exceptions to Goals 3 or 4." All land within the Bandon Dunes Resort site is already land within an area subject to an acknowledged exception to Goals 3 and 4. Goal Three is therefore inapplicable.

Moreover, the proposed additional use is authorized for a small interior subarea of the resort site that is comprised of stabilized dunes and beachgrass and does not qualify as agricultural land under Goal 3.

Finally, the proposed golf course is a nonfarm use permitted in an exclusive farm use zone, and LCDC's rules exempt the proposed use from requiring an exception. OAR 660-004-0010(1)(a) ". . . [A]n exception to Goal 3 "Agricultural Lands" is not required for any of the farm or nonfarm uses permitted in an exclusive farm use (EFU) zone under ORS chapter 215 and OAR chapter 660, division 33, 'Agricultural Lands.'

Alternatively, if Goal 3 considered applicable, the additional use is justified by the proposed supplemental exception to the goal.

D. Goal 4 - Forest Lands

To conserve forest lands for forest uses.

Goal 4 requires counties

"To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture."

The acknowledged 2003 Exception Statement and Findings determined that

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

Both the 1996 and 2003 master plan amendments expanded the footprint of the resort site. This amendment will not. The entire Bandon Dunes Resort site is already subject to an acknowledged exception to Goal 4, and the proposed amendments do not involve additional conversion of forest lands to nonforest uses. The goal is therefore inapplicable.

Moreover, the only proposed new use is authorized for a small interior subarea area of the resort site in an area of sandy soils and beachgrass and does not qualify as forest lands under Goal 4.

Finally, the proposed golf course is a nonforest use permitted in a forest or mixed farm/forest zone, and LCDC's rules exempt the proposed use from requiring an exception. OAR 660-004-0010(1)(b) ". . .

[A]n exception to Goal 4 "Forest Lands" is not required for any of the forest or nonforest uses permitted in a forest or mixed farm/forest zone under ORS chapter 215 and OAR chapter 660, division 6, 'Forest Lands.'

Alternatively, if Goal 4 is considered applicable, the additional nonforest use is justified by the proposed supplemental exception to the goal.

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

Goal 5 provides as follows:

"To protect natural resources and conserve scenic and historic areas and open spaces.

"Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

"The following resources shall be inventoried:

- "a. Riparian corridors, including water and riparian areas and fish habitat;**
- "b. Wetlands;**
- "c. Wildlife Habitat;**
- "d. Federal Wild and Scenic Rivers;**
- "e. State Scenic Waterways;**
- "f. Groundwater Resources;**
- "g. Approved Oregon Recreation Trails;**
- "h. Natural Areas;**
- "i. Wilderness Areas;**
- "j. Mineral and Aggregate Resources;**
- "k. Energy sources;**
- "l. Cultural areas.**

"Local governments and state agencies are encouraged to maintain current inventories of the following resources;

- "a. Historic Resources;**
- "b. Open Space;**
- "c. Scenic Views and Sites.**

"Following procedures, standards, and definitions contained in commission rules, local governments shall

determine significant sites for inventoried resources and develop programs to achieve the goal.”

Goal 5 identifies a wide range of natural resources and values, many of which are present on the Bandon Coastal Dunelands site. As noted in the 2003 Supplemental Exception Statement and Findings,

“Because of prior human activity on and off the site, many of those natural values are now placed at risk by a continuation of the status quo and have a better chance of preservation under the Bandon Coastal Dunelands conservation and development proposal.” 2003 ES&F page 26.

The 2003 Exception Statement and Findings also determined that “None of the Bandon Dunes property has been specifically identified or inventoried in the acknowledged Coos County Comprehensive Plan as needed or desirable for open space, nor is the site within the area of potential conflicts with any inventoried site.” 2003 ES&F page 26

The acknowledged Bandon Dunes Master Plan and supporting exception statements and findings remedy that deficiency with detailed Goal 5 analyses and implementation programs for the entire resort site. 1996 ES&F pages 26-65, 2003 ES&F pages 24-57.

The 2003 findings conclude as follows:

“Basically, the program for resource protection is to allow the proposed destination resort use fully and to limit the conflicting uses. "Fully" means, however, to allow the use only with all of the environmental sensitivity protections and controls that went into the design of the project and which will be required during operation under the DRX-Z zone. These environmental protections and controls are set forth in detail in Vol. II - Site Management, and are adopted herein by reference. As explained in Vol. II and elsewhere, allowing the proposed destination resort will make the water production and conservation measures described therein be economically feasible.” 2003 ES&F page 57.

Goal 5 and its implementing rule establish their own internal mechanism for identifying and resolving conflicts involving Goal 5 resources. The basic elements of the planning and conflict resolution process established by the goal and rule can be described as follows:

1. Identification of the location of listed resources.
2. Evaluation of the quality and quantity of each identified resource.
3. Determination of the significance of the identified resource.
4. Identification of uses which may conflict with a significant Goal 5 resource.
5. Assessment of the environmental, economic, social, and energy (ESEE) consequences of the conflicts on both the resource and the conflicting uses. [The ESEE analysis substantially overlaps the analyses of impacts required by Goals 2, 14 and 18.]
6. Development of programs to "achieve the goal" by resolving the conflicts, based on the preceding ESEE consequence assessment.

A program adopted pursuant to the above process can have three outcomes:

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

The choice of any of the three above types of programs for resolving conflicts must be based on an analysis of the ESEE consequences of the conflicts. The reasons which support a local government's choice must be presented in the comprehensive plan. See *Coats v. LCDC*, 67 Or App 504, 511, 679 P2d 898 (1984).

1. Land Needed or Desirable for Open Space

The acknowledged 2003 Master Plan Exception and Findings Statement determines that

“None of the Bandon Dunes property has been specifically identified or inventoried in the acknowledged Coos County Comprehensive Plan as needed or desirable for open space, nor is the site within the area of potential conflicts with any inventoried site.” 2003 ES&F page 96.

2. Mineral and Aggregate Resources

The acknowledged 2003 Master Plan Exception and Findings Statement determines that

“The only identified mineral and aggregate resources on or near the Bandon Coastal Dunelands site are a potential for black sand in certain areas and the sand and gravel pits adjoining Highway 101 to the west, located on other parcels owned by the applicant. The site is not within the area of potential conflicts of any other inventoried mineral or aggregate site.

Black sand is listed by the Plan as a "1B" resource, which means the County has delayed the Goal 5 inventory and significance determination process until periodic review. The applicant stands ready to provide any information it has or obtains regarding the black sand potential. In the meantime, the applicant has no plans to exploit the resource, and the proposed development will not interfere with preservation of the resource for future use, as resort structures are not proposed to be located on the portions of the site with black sand potential.

“Regarding the sand and gravel pits, the County's usual program for protection is to maintain the sites in their present state, except where a conflicting use is identified during implementation of the plan. A conflicting use is defined as any dwelling or other structure within 500 feet of the resource site. Plan at 5-21.

As relevant to the Bandon Dunes Master Plan, no structures or dwellings that are part of the resort are proposed to be located within 500 feet of the sand and gravel pit sites. The sites will be maintained in their present use until such time as reclamation becomes appropriate.” 2003 ES&F page 94.

The proposed 2010 amendment adds no structures, dwellings, parking lots, or roads at all and involves only a minimum of surface landscaping and contouring. It neither creates nor modifies a conflicting use and therefore does not require a change to the 2003 Goal 5 analysis and program for this resource.

3. Energy Sources

The acknowledged 2003 Master Plan Exception and Findings Statement determines that

“Energy sources are identified in the Plan as coal and oil. Plan at 5-67. Reference to the "Special Considerations" map for energy resources shows that the Bandon Dunes property is not within an area of potential coal fields, but is within a broadly defined area within which oil and gas resources may exist. No such resources are known to exist on the Bandon Dunes property. No further Goal 5 consideration is required.” 2003 ES&F page 94 .

The proposed 2010 neither creates nor modifies a conflicting use and therefore does not require a change to the 2003 Goal 5 analysis and program for this resource.

4. Fish and Wildlife Areas and Habitat

The acknowledged 2003 Master Plan Exception and Findings Statement determines that

“The Plan at 5-23a identifies as significant habitat (1) Sensitive and Peripheral Big-Game Range, and (2) Salmonid Spawning and Rearing Areas. Fish and wildlife resources are identified on Special Considerations maps titled Fish and Wildlife Habitat I & II. The entire Bandon Dunes site is identified on Map II as "Impacted - Little or No Habitat Value." Because none of the site is Sensitive or Peripheral Big-Game Range, and no streams on or affected by the site are shown as used for anadromous fish habitat, no further Goal 5 analysis is needed concerning these resources.

“None of the other significant fish and wildlife resources identified in the Plan are inventoried as located on or near the Bandon Dunes site. There are no Bald Eagle nesting areas, Great Blue Heron rookeries or Pigeon mineral springs. See Appendix A (*Natural Resources Inventory Site Analysis*,; March, 1993); Appendix H (*Bullards Beach State Park/Bandon Coastal Property Inventory Report*; November, 1994); Appendix I (*Wildlife Habitat Survey and Assessment for the Bandon Coastal Property*; April, 1995). No further Goal 5 analysis is required regarding these resources.

“Certain other fish and wildlife habitat resources potentially located in various parts of Coos County are listed in the Plan as "5B" (delay Goal 5 analysis) resources. These include Osprey nesting sites, certain Pigeon mineral springs, Spotted Owl nesting sites and Snowy Plover habitat. After intensive site review, including work by Kagan as noted in the preceding paragraph, no Osprey or Spotted Owl nesting sites or Pigeon mineral springs were found on or near the Bandon Dunes site. At the mouth of Cut Creek, potential Snowy Plover habitat was found, but no bird sightings were documented. Because this area is not inventoried as significant wildlife habitat, no further Goal 5 analysis is required.

“However, even though none of the Bandon Dunes site rises to the level of a "significant" fish and wildlife habitat resource under Goal 5, the habitat values of the site are treated with considerable respect under the Master Plan. A potential restoration site for snowy plover habitat was identified at the mouth of Cut Creek. Future discussions between ODFW, the Division of State Lands (DSL) and the Army Corps of Engineers will determine if a restoration and habitat management project is feasible. Such a project would include removal of encroaching vegetation and control of access to the area during nesting season, to minimize human conflict with the habitat. If such a project can be implemented, the development proposed not only will not conflict with the habitat resource, but will actually improve upon the present situation.”
2003 ES&F pages 235-237.

No changes are required to the analysis or program for fish and wildlife. The only change authorized the proposed amendments involves minor landscaping, contouring, and recreational use of about 21 acres of a large, dry, sandy upland area outside of any wildlife habitat restoration area, wetland, wetland buffer, riparian zone, or potential wildlife restoration area, and well back from the acknowledged shorelands boundary. No new or relocated trails are proposed at or near the mouth of Cut Creek. Consistent with the 2003 findings, the proposed long-term multipurpose recreation, research, and habitat enhancement project will, over time, substantially enlarge open sand areas and increase native plant populations, fostering corresponding improvements in related native animal species, from insects to birds, while reducing invasive plant cover for predators of snowy plover and other shorebirds.

5. Ecologically and Scientifically Significant Natural Areas

The acknowledged 1996 Master Plan Exception and Findings Statement determines that

“The Coos County Comprehensive Plan does not list resources under this specific heading. However, these resources are treated in a variety of other categories. See, e.g., discussions elsewhere regarding wetlands and fish and wildlife habitat.

“One specific resource which does fit this heading is the "Area of Botanical Interest" identified on the Special Considerations map. Areas of botanical interest are deemed significant and are to be kept in their natural character according to Implementation Strategy 4, Plan at 5-29. The area of botanical interest is shown as a linear strip adjacent to the ocean and running from the north jetty of the Coquille River northerly to a point just south of Cut Creek. The table at Plan 3.5-2 limits the area of botanical interest to the Bullards Beach State Park property. Significant features listed include beach, dunes and shore pine forest, Silvery Phacelia, and Snowy Plover nesting sites.

“Although the Plan Area of Botanical Interest designation does not include any portion of the Bandon Dunes site, it was useful in directing more specific research by the Bandon Dunes Planning Team. Two particular studies commissioned by the applicant brought greater understanding of significant botanical features. See Appendices A and H. As a result, a "dunelands management unit" has been identified and guidelines developed for planning, design and construction, and operations and maintenance has been developed. See Vol. II at II-4 to II-11, II-14. Key features include location and design of the beach access trail to minimize

impacts on natural resources, minimizing the use of mechanical equipment to remove noxious plants, immediate repair of disturbed areas to prevent blow-outs, and long term coordinated management with the Oregon Department of Parks and Recreation (State Parks).

“The inventory of plant species in Appendix H identified several small but important areas of Silvery Phacelia along the eastern border of the state park and extending about one quarter of a mile onto the Bandon Dunes property to the northeast. The study predicts that management of the Silvery Phacelia will be difficult due to the near impossible task of stopping the spread of European Beach grass. A coordinated monitoring program will be established by the applicant and State Parks. See Vol. II at II-4 and II-14.” 1996 ES & F pages 27-29 .

Although the proposed additional use will initially require removal of some silvery phacelia and other native plants, as detailed in the Phase VIII final development plan, it also offers greatly improved prospects for rolling back the steady invasion of nonnative beachgrass, gorse, and beach pine that continues to diminish the habitat available to the largest known remaining population of silvery phacelia.

6. Outstanding Scenic Views and Sites

The 1996 Exception Statement and Findings address this issue as follows:

“The Plan, at 5-32, discusses the "exceptional coastal experience," along with identified scenic views, and calls for management that will preserve their original character. The plan calls for reliance on the Forest Practices Act for some protection and appears to favor multiple-use concepts, at least on State and Federal resource lands.

“Beginning at 3.7-1, the Plan discusses the implications of Goals 5, 17 (Coastal Shorelands) and 18 (Beaches and Dunes) and then lists, in Table 1, the "outstanding scenic resources" identified for Coos County. None of the inventoried sites is on or affected by the Bandon Dunes site. Therefore, no further analysis of this Goal 5 resource is required. See discussion of Goals 17, 18 and 19 at pages III-66 through III-69.

“Although the Bandon Dunes site is not inventoried in the Plan as uniquely scenic, the applicant considers it to be extraordinarily scenic. The visual and scenic qualities of the site are described in Appendix A, pages 37-40. See also the discussion at pages III-93 through III-94 regarding the various means the applicant will use to preserve and enhance the scenic qualities of the property.” 1996 ES&F pages 28-29

The amendments do not involve structures or other impairments to the scenic values discussed above.

7. Wilderness Areas

The 1996 and 2003 ES&F address this issue as follows:

“The Special Considerations map discloses no significant wilderness areas on or near the Bandon Dunes site. Therefore, no further consideration of this Goal 5 resource is required.” 2003 ES&F page 237, 1996 ES&F page 28.

The amendments do not change the size or shape of the Bandon Dunes site or otherwise affect wilderness areas. Therefore no further consideration of this resource is required.

8. Historic Areas, Sites, Structures and Objects

The 1996 ES&F addressed this issue as follows:

“No areas, sites, structures or objects of historical significance on or near the Bandon Dunes site are recognized by Coos County or the State Office of Historic Preservation. However, the local history of the area suggests that past activities such as gold mining on Cut Creek, chrome mining during World War II, commercial activity associated with the Fahy homestead ("Fayville" circa 1860-1880) and activities by Native Americans in pre-settlement times can be recognized and acknowledged through the installation of historic plaques at selected locations. These actions would provide cultural resources to future visitors and enhance the environmental education potential of the proposed resort.

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

Like the previous amendments, the proposed amendment does not affect historic areas, sites, structures, or objects. Therefore no further consideration of this resource is required.

9. Cultural Areas

The 1996 ES&F addressed this issue as follows:

“No sites of cultural significance have been identified on or near the Bandon Dunes property. Therefore no consideration of this Goal 5 resource is required. See also 'Historic Areas, Sites, Structures and Objects ' above.” 1996 ES&F page 29.

The Bandon Dunes Resort Master Plan notes that

“Archeological surveys, undertaken on behalf of the Coquille and Coos Tribes, have identified a number of sites within the [2003] expansion areas. All are located along the ocean bluffs in the Primary Expansion Area. By agreement with the Tribes, Bandon Dunes is committed to preserving the integrity of these sites by encapsulating them with sand and incorporating them into any future golf course development. In this manner, the sites will be protected and maintained in perpetuity.” 2003 BDRMP page 50.

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

Based on existing information, like the previous amendments, the proposed amendment does not affect sites of cultural significance on or near the Bandon Dunes property. Therefore no further consideration of this resource is required.

10. Potential and Approved Oregon Recreation Trails

The 1996 ES&F addressed this issue as follows:

“The Coos County Special Considerations map discloses no existing or potential Oregon Recreation Trails on or near the Bandon Dunes site. Therefore, no further consideration of this Goal 5 resource is required. However, the proposed resort will have a comprehensive system of hiking trails and bicycle paths that will interconnect activity areas. See Figure III - 6 and Vol. I at I-23. The applicant will also coordinate with State Parks to ensure continuity of foot traffic between the Bandon Dunes site and Bullards Beach State Park.” 1996 ES&F pages 29-30.

The proposed amendments do not amend the existing Master Plan plan with regard to trails. Coordination with State Parks will continue as provided in the above passage from the 2003 Master Plan.

11. Potential and Approved Federal Wild and Scenic Waterways and State Scenic Waterways

The 1996 ES&F addressed this issue as follows:

“The Special Considerations map discloses no potential or approved federal or state scenic waterways on or near the Bandon Dunes site. State Parks has confirmed that no scenic waterway designation exists or is proposed for the lower reaches of the Coquille River in the vicinity of the Bandon Dunes site. Therefore, no further consideration of this Goal 5 resource is required.” 1996 ES&F page 30.

The proposed amendments do not amend the existing Master Plan with regard to state or federal scenic waterways.

12. Water Areas, Wetlands, Watersheds and Groundwater Resources

The 1996 ES&F addressed this issue as follows:

“a. Water Areas (Surface Waters)

“None of the lakes or streams on the Bandon Dunes property are identified in the Plan as significant surface waters or potential reservoir sites. Plan at 3.6-2. See also Special Considerations map titled "Water Resources." No further analysis of this Goal 5 resource is required.”

None of the area affected by the subject amendment includes or abuts surface waters, and the entire area is outside of riparian setbacks.

“b. Wetlands

“Several areas of potential jurisdictional wetlands are identified in Appendix A. They include Physiographic Area 4 (Estuarine Wetlands) and Vegetation Mapping Units 2 (Sitka Spruce Wetland), 4 (Willow/Alder Wetlands) and 8 (Emergent Freshwater Wetlands). See also Vol. II, Figure II - 2.” 2003 ES&F page

The previous exceptions go on to address wetlands in detail. However, none of the area affected by the subject amendment includes or abuts wetlands or wetland buffers, and this amendment therefore does not require updating the existing analysis or program.

“c. Watersheds

The 2003 ES&F addressed this issue as follows:

“The Special Considerations map discloses no significant watersheds on or near the Bandon Dunes property. The proposed development treats the watersheds on the site as part of the integrated hydrological system to be protected and enhanced through measures including stream buffers and setbacks, wetland protection, improved surface storage, protection and restoration of native plant varieties, careful design and management of sanitary and stormwater drainage, and the like. See Volume II at II-2 to II-3 (Water Management Program), II-8 to II-11 (Wetlands and Mitigation Program, and II-12 to II-19 (Management Units and Guidelines). See also discussion of impacts on wetlands and allocation and use of water resources in Volume I at I-47 to I-48 and Appendices E, F, and G.” 1996 ES&F pages 30-32 .

For the same reasons, the proposed amendments, which involve only a minor additional use on a small area on the interior of the resort site, do not affect significant watersheds on or near the Bandon Dunes property or otherwise alter the premises of the above findings.

“d. Groundwater Resources

This issue is comprehensively addressed in the acknowledged 2003 ES&F. The analysis is excerpted here for ease of reference:

“The Special Considerations map shows an area designated "Approximate Extent of Dunes Aquifer" which includes roughly the Upper Marine Terrace and Dunelands management units of the site, as shown in Vol. II at Figure II-3. The Plan at 3.6-2 indicates that groundwater availability in the County has not been comprehensively mapped, but that dunes aquifers are the areas of highest estimated yield. For this analysis, the groundwater resource of the Bandon Dunes property is treated as a "1C" "significant" resource, as described in more detail under (1) below.

“(1) Inventory of Resource

"The first step in the Goal 5 process involves a description of the location, quantity and quality of the resource. The following are the essential facts regarding the Bandon Dunes site and the regional watershed hydrology. A general picture of the groundwater hydrology of the area is portrayed in the Groundwater Elevation Contours map at Figure III - 7, the Regional Hydrogeology Section at Figure III - 8, and the Regional Watershed Catchments map at Figure III - 9.

"This and other information set forth below is taken from a study completed on April 30, 1993 by Luzier Hydrosociences (Appendix J). The study was commissioned specifically as a first step in identifying water supplies, demands and management programs. The Luzier study was followed up with a water supply report by Ralph Christensen of Engineering & Geologic Resources, Inc. (Appendix E). The Christensen study checked the data used by Luzier, collected additional data and performed analyses to determine an overall water balance for the area and provide general guidance on the method of storage, quantities to be stored, expected well yields, and a framework for the actual use of water for the proposed destination resort. Avoidance of adverse impacts to existing water users and to the environment was a major focus of the Christensen study.

"The area studied by Luzier covers about eight square miles and includes seven watersheds. Almost two square miles of watershed area lie east of Highway 101 and serve the existing cranberry bogs. Of the remaining six square miles, about two lie on the Bandon Dunes site, with the remaining four square miles covering the terrace slopes and dunes within Bullards Beach State Park.

"The Christensen study examined well logs from a 17 square mile area surrounding the Bandon Coastal Dunelands property in order to broadly characterize the groundwater and aquifer characteristics of the area. However, the detailed study area for the Christensen analysis consisted of the watersheds of Cut Creek (including Round Lake) and Fahys Creek, along with the dune and terrace areas to the west of these watersheds. The Sevenmile Creek watershed to the east, and other nearby cranberry bog areas to the south and southeast, were included in the detailed study area only to the extent water from the Cut Creek watershed is used in these areas.

"The development program assumed in the Christensen study is identical to the Phase 1 and Phase 2 development program set forth below in Table III - 3, at page III - 36.

"(2) Identification of Conflicting Uses

"Once the resource is identified and deemed significant, the next step of the Goal 5 planning process is to identify conflicting uses. The Plan states that conflicting uses for groundwater "abound when all existing and potential users are taken into account: municipalities, farmers, domestic users, fish, recreational users, industrial users, power companies, and mining concerns." Plan at 3.6-4. Of these, all but industrial users, power companies and mining concerns have an existing or potential interest in the dunes aquifer underlying the Bandon Dunes site.

“Generally, the conflicting uses for the groundwater resource can be separated into three categories: (1) uses associated with the proposed destination resort, such as golf courses, overnight accommodations, restaurant, and dwellings; (2) existing and future uses not associated with the development, including agriculture, domestic use and fish habitat; and (3) possible municipal use by the City of Bandon. The following information describes in more detail the uses which pose a potential conflict.

“The primary conflicting agricultural use is cranberry production. As explained above, the water currently used or planned for use by existing cranberry plantations is protected under this proposal through an integrated program which minimizes water use onsite and maximizes recharge.

“* * * *

“The proposed use of groundwater for a destination resort would not conflict with existing domestic uses of water in the Fahys Creek and Chrome Lake Basins. Existing domestic uses of water in these basins are upstream or upgradient from the proposed destination resort use, and are protected by law. The only potential conflict would be with domestic use of groundwater for dwellings on the site itself, if it were not developed as a destination resort. Under current land use regulations, forest designated lands are subject to an 80 acre minimum lot size. Thus, the 1215-acre Bandon Dunes site could support a maximum of 15 forest dwellings. However, other applicable standards for forest dwellings would reduce the potential number to 7 or 8. Annual water consumption by a typical rural household is in the 350 to 500 gpd range. This would translate into 1.4 mgd. This is about 1/25 of one percent of the water which falls on the catchment area (Chrome Lake and Fahys Creek Basins) each year or approximately 1/7 of one percent of the amount of water falling on the catchment area that enters the groundwater system as recharge.

“The proposed use of groundwater for the destination resort does not conflict with using the groundwater resource to provide fish habitat. This is because the proposed water management program for the destination resort, with its emphasis on integrated surface and groundwater management, capturing and recycling water, and streamflow and lake level maintenance has as one of its purposes the maintenance of fish habitat values on the site, and will result in improved fish habitat values compared to the present onsite situation.

“With regard to municipal use, as noted elsewhere, neither the Bandon Dunes site itself nor the dunes aquifer underlying the western portion of site, is inventoried by the County as a potential source of municipal water. * * * *

“In calculating demand for water from the proposed destination resort, it is important to realize that the economic feasibility of the project depends on having a critical mix of golf, commercial, overnight housing and residential uses. The projected water demand is based upon the most demand-intensive use permitted under these amendments at build-out, as set forth in the Development Program Summary, Table III - 3, at p. III - 36. Based on municipal water records, resort residential water use is estimated at approximately 160 to 350 gpd. As the Christensen report makes clear, standard figures for American-style golf courses substantially

overstate potential water demands. Those figures are in the range of 500,000 gallons per day for 180 days for an 18-hole course. By contrast, actual water usage for links-style courses in Scotland and in the most comparable North American settings are far less. In addition, the hydrology of the site is such that an exceptionally large amount of water used for irrigation will return to the groundwater reservoir from which it came. Furthermore, waste water disposal investigations suggest that treated effluent water can be disposed by spray irrigating golf course fairways and roughs, thereby further reducing the need to use additional groundwater for irrigation.

“The project will include a golf clubhouse and pro shop, restaurant and other commercial uses, conference facilities, overnight accommodations and dwellings. Allowing for all of the variations in seasonality, peak demand loads, and percentages of use, about 344 mgd will be required for all proposed uses, including irrigation. This can be compared to the estimated 455 mgd of recharge and to the estimated 1,250 million gallons of groundwater stored under the 640-acre area of the site from which the proposed destination resort will draw its water. The combined effect is that, in a normal year, there will be an excess of 111 million gallons of annual recharge, and in a dry year, the buffer provided by the ambient groundwater supply will prevent any long-term degradation of the aquifer.

“Within the study area covered by the Luzier and Christensen studies, there is an estimated 1,237 mgd of annual surface water runoff to serve existing and proposed domestic and agricultural water rights. There are existing agricultural rights for 332 mgd and domestic rights to 32 mgd. Recent applications for agricultural water rights total another 313 mgd, leaving 557 mgd for surface runoff. If all of these rights were exercised, storage of some sort would likely be needed to accommodate these demands without causing serious impact to summertime surface water flows.

“The proposed destination resort would not decrease the surface water available for these uses, as the resort’s water supply will come from groundwater and will be drawn from land downstream (west) of any existing or proposed groundwater or surface water points of diversion. In fact, the proposed destination resort would increase the availability of surface water in the summertime to upstream users by allowing an increase in the level, and storage volume, of Chrome Lake.

“The general conclusion reached in the hydrological studies is that the Bandon Dunes site is blessed with ample water to serve this project without harm to any other potentially competing use.” (Emphasis added). 1996 ES&F pages 32-40. See also, 2003 ES&F pages 58-92.

The only added water demand created by this amendment is that needed to provide irrigation to not more than eight acres of turfed tees, greens, and approach areas. This amount is negligible in relation to the overall development and water usage authorized by the 1996 and 2003 Master Plans and related exceptions.

“(3) ESEE Consequence Analysis

The 2003 Findings go on to develop an elaborate evaluation of ESEE consequences, which is unaffected by the minimal additional demand, if any, authorized by this 2010 amendment. 2003 ES&F pages 58-92.. They conclude by adopting a program to “allow the proposed destination resort fully,” which is also unaffected by the proposed amendments. 2003 ES&F pages 58-92 .

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

LCDC Goal 6 is “**To maintain and improve the quality of air, water and land resources of the state.**” The goal provides that

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

1. Air quality

The proposed use will not affect air quality.

2. Water quality

The single additional use authorized by this amendment will rely on existing resort facilities for production, distribution, treatment, and disposal of groundwater. The minimal additional irrigation involved will be carried out applying standards and procedures set forth in the existing acknowledged comprehensive plan and implementing regulations. Fertilizers and chemicals will be used sparingly, if at all, and in accordance with standards and procedures set forth in the existing acknowledged Bandon Dunes Resort Master Plan and implementing regulations.

3. Land Resources

The added use authorized by this amendment will enhance rather than degrade the land resource, by containing and rolling back invasive plant species and allowing the native dunal landscape to regenerate.

G. Goal 7 - Areas Subject to Natural Disaster and Hazards

To protect life and property from natural disasters and hazards.

This Goal requires local governments to adopt comprehensive plans, inventories, and policy measures to reduce risk to people and property from natural hazards. These hazards are listed in the goal as follows: floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. The subject area of the resort has not been identified or inventoried as being subject to any of the listed hazards. The current amendment authorizes only one additional nonstructural recreational use in an area of conditionally stable dunes at elevations of from about 70 to about 150 feet above sea level, with a westernmost extent about 800 feet east of the bluff above the coastal beach. It is not necessary, therefore, to impose additional measures to maintain compliance with Goal 7.

H. Goal 8 - Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts.

This Goal requires planning for recreation areas, facilities and opportunities in appropriate proportions and in such quantity and locations as is consistent with the availability of resources. The proposed amendments authorize a minor addition to the resort's menu of developed recreational facilities. As the 1996 and 2003 Exception Statements and Findings have determined, Bandon Dunes Resort is in substance a destination resort, even though it does not meet all of the tests for siting destination resorts under ORS 197.435 et seq. The proposed amendments therefore enhance the resort's existing compliance with Goal 8.

I. Goal 9 - Economic Development

To diversify and improve the economy of the state.

This goal requires that urban areas adopt and implement policies that "diversify and improve the economy of the state." The goal also requires local plans and policies to "contribute to a stable and healthy economy in all regions of the state." By "diversify," the goal means to increase the "variety, type, scale and location of business, industrial and commercial activities."

Economic impacts are often analyzed and described in three separate categories as follows:

"Fiscal impacts" refers to the demand for public services versus the capacity to pay through taxes or fees. On this score the Bandon Dunes project rates high. It is largely self-contained as to water, sewerage, streets and walkways, and storm drainage. It will generate little need for school services and will generate large amounts of revenue via local property taxes. Police and fire protection will be provided under a contract which reimburses local government for its costs.

"Employment impacts" refers to the creation of jobs and training opportunities. The project will create about 800 FTE jobs during the construction phase and 140 to 175 FTE permanent jobs related to operation of the resort.

"Income impacts" refers to the infusion of money into the local stream either directly in terms of wages paid and products and services purchased, or indirectly as spent by others and measured by economic multipliers. By this measure, the project is an economic benefit which will contribute more than

\$1,000,000 annually to the local economy.

Also, the project will assist the County in fulfilling its economic goals as set forth in the Coos, Curry, Douglas Regional Strategy Plan and incorporated into the Coos County Comprehensive Plan.

For a full discussion of the fiscal, employment and income benefits, see the Goal 5 economic consequences analysis at pages III-34 through III-40 of the 2003 Exceptions Statement and Findings, together with the analysis of the resort's many benefits to local and regional economic goals in the Exceptions Analysis at pages III-100 through III-106 below of the acknowledged 2003 ES&F.

As noted elsewhere, the special-purpose golf course will enhance and diversify the resort's golf-related offerings, increase length of stay, and generally further the long-term health and sustainability of the resort as a key economic asset of Coos County and the central Oregon Coast.

J. Goal 10 – Housing

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

The proposed amendment does not involve added housing or other changes relevant to this goal.

K. Goal 11 - Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Goal 11 defines a "timely, orderly and efficient arrangement of public facilities and services" as "a system or plan that coordinates the type, location, and delivery of public facilities and services in a manner that best supports the existing and proposed land uses." Goal 11 specifically lists police protection, fire protection, sewer services, storm drainage facilities, planning and zoning, health services, recreation facilities and services, energy and communication services and community governmental services as matters of concern.

The subject amendments do not authorize uses or activities requiring any additional public facilities or services.

L. Goal 12 - Transportation

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

This goal requires the provision of a safe, convenient, and economic transportation system to move people and goods between geographic and jurisdictional areas. It is implemented by LCDC's Transportation Planning Rule (TPR), OAR Chapter 660, Division 12.

Goal 12 requires local government transportation plans to be based upon state, regional and local transportation needs. The TPR sets specific requirements for compliance and coordination among affected units of local government for preparation, adoption, refinement, implementation and amendment of transportation system plans. Through measures designed to reduce reliance on the automobile, the TPR is also intended to encourage travel and land use patterns in urban areas that reduce air pollution, traffic and livability problems associated with much of urban development.

Most of the TPR deals with the adoption of local government Transportation System Plans (TSPs) and regulations implementing TSPs. However, OAR 660-012-0060 ("Plan and Land Use Regulation Amendments") specifically applies to the adoption of such comprehensive plan and land use regulation designation amendments. As a recent DLCDC "guidance" memo explains:

"OAR 660-012-0060(1) is directed at maintaining balance between the land uses allowed under a comprehensive plan and zoning and the transportation system that supports those land uses. The rule provides that where a proposed comprehensive plan or land use regulation amendment would "**significantly affect**" an existing or planned transportation facility, then the local government must put in place measures to assure that the land uses allowed by the amendment are consistent with the identified function, capacity and performance standards of the affected facility." September 16, 2005 draft DLCDC TPR guidelines.

Specifically, Section (1) of OAR 660-0012-0060 provides that

"(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility.

Section (1) also provides that a plan or land use regulation amendment

". . . significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Section (2) of OAR 660-0012-0060 describes how a local government can mitigate any "significant effects" that are otherwise likely to result from the proposed plan or land use regulation amendment. Specifically, the rule states that

Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

(d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.

Significant Impact Analysis:

The proposed amendments will not have any of the effects identified by the rule as "significant" under Section 1. Therefore there is no need to consider additional mitigation under Section 2.

Only the incremental effect, if any, of authorizing the proposed special-purpose golf course, are relevant to the proposed amendments:

“Implicit in OAR 660-012-0060(2)(d) is a causative element. *ODOT v. City of Klamath Falls*, 39 Or LUBA 641, 647, aff'd 177 Or App 1, 34 P3d 667 (2001). The focus of inquiry under OAR 660-012-0060(2)(d) is on 'transportation impacts allowed by the proposed amendment, not on impacts from uses already allowed under the existing plan or zoning.' Id. Therefore, the initial question under OAR 660-012-0060(2)(d) is whether the plan amendment causes a net increase in impacts on transportation facilities, comparing uses allowed under the unamended plan and zoning code with uses allowed under the amended plan and zoning code. Id. If the answer to that initial question is no, then the plan amendment does not 'significantly affect' any transportation facility within the meaning of OAR 660-012-0060(2)(d).” *Griffith v. City of Corvallis*, 50 Or LUBA 588, (2005).

Both the 1996 and 2003 Exceptions and Master Plans were supported by comprehensive Transportation Impact Analyses (TIAs) and have been acknowledged as complying with Goal 12 and the TPR through complete buildout of the Resort, including 81 holes of golf. See 2003 ES&F at pages 110-143, and Tables 7 and 8, reproduced below.

The resort has already completed the major mitigation projects called for by the TIA, including significant upgrades to existing intersections with State Highway 101 along a long, straight stretch of highway that was already well below its designated volume-to-capacity ratio and is expected to stay well below that ratio through buildout of the entire resort. Four 18-hole championship courses have now been built. The remaining nine-hole course has not been built, and there are no plans to build it in the near future. Nor are there any plans to begin building any of the 600 permanent homes authorized by the 2003 Master Plan and assumed in the acknowledged 2003 TIA and Goal 12/TPR findings. It is now clear that buildout of the permanent housing will begin at least 10 years later and will end more than 10 years later than assumed in the 1996 and 2003 TIAs.

The acknowledged 2003 Bandon Dunes Resort Master Plan, and the acknowledged Goal 12/TPR Findings determine that half the trips expected to be generated by the resort's planned golf courses will be generated on-site. The 1996 and 2003 TIAs and the 1996 and 2003 acknowledged Exception Statements and Findings also determine that each full 18-hole championship golf course at Bandon Dunes will generate an average of 25 net new off-site trips (10 in/15 out) during an average August Friday p.m. peak hour. They also determine that the remaining undeveloped nine-hole course would generate an average of half that, or about 5 peak-hour trips in and 7 or 8 trips out, if it were built. See Tables 7 and 8 from acknowledged 2003 Supplemental Master Plan Exception Statement and Findings, below.

The tiny, special-purpose 12-hole course authorized by the 2010 amendments will not generate

additional visits or be a separate external traffic generator. It has been designed and located as a convenient additional onsite amenity and activity for guests and their families who are staying at the resort because of its four championship golf courses. If anything, by providing a reason for guests to stay onsite longer, it is likely to result in a net reduction in external trip generation.

In short, this 2010 amendment will not have any incremental effect, much less a “significant” effect, on transportation facilities within the meaning of Goal 12 and the Transportation Planning Rule. It will not change the functional classification of any existing or planned facilities, change standards implementing a functional classification system, allow uses or levels of development that would be inconsistent with the functional classification of existing or planned facilities, reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan, or worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Table 7 from 2003 Exception Statement and Land Use Findings, page 112:

LAND USE FINDINGS AND GENERAL EXCEPTION STATEMENT
Sandwich Dunes Resort Expansion

June 2008

Table 7
Trip Generation Estimates for Uses Authorized But Not Yet Constructed¹

Land Use	ITE Code	Limits	August Friday P.M. Peak Hour		
			Total	In	Out
Recreational Homes	260	300 ²	75	50	25
Overnight Lodging	350	81 ³	45	20	25
Golf Course	450	27 holes ⁴	75	35	40
(Internal Trips) ⁵			(40)	(20)	(20)
Restaurant	S31	150 seats ⁶	20	25	15
(Internal Trips) ⁷			(30)	(20)	(10)
Total Trips			255	110	125
Total Internal Trips			(70)	(40)	(30)
NET NEW TRIPS			165	70	95

- Uses included in this table are those that are authorized by the already approved 1996 Master Plan but not yet constructed and operational.
- According to market sources and corroborated by current site use, an estimated 50% of the trips to the golf course will be made by people staying in the resort.
- According to market sources and corroborated by current site use, an estimated 65% of the trips to the restaurants will be made by people staying or playing in the resort.
- The 1996 Master Plan includes approval for 300 recreational homes, none of which are currently built.
- The 1996 Master Plan includes approval for 150 overnight lodging units, 89 of which were built at the time the traffic counts were conducted in March 2002.
- The 1996 Master Plan included approval for two 18-hole golf courses and one 9-hole golf course. In addition, the 18-hole golf course at Pacific Dunes was approved by Cook County in 1999 through a conditional use process. Hence, to date Sandwich Dunes Resort has approval to build 83 golf holes of which 56 have been constructed.
- The original exception included approval for 2 restaurants. One restaurant has already been constructed as part of the main lodge. A second pub/restaurant, with a total of approximately 150 seats, is currently under construction and expected to open in July 2002.

Dunes Master Plan and Page 71

Table 8 from 2003 Exception Statement and Land Use Findings page 113:

LAND USE FINDINGS AND LOCAL EXCEPTION STATEMENT
Bandon Dunes Resort Expansion June 2005

are above and beyond those authorized by the previously approved 1996 Master Plan and the existing uses approved by the 1999 Pacific Dunes Golf Course conditional use permit. For purposes of the TIA, the trips generated by the proposed cultural/visitor center at the Fear Drop Site were estimated based on historical data taken from the High Desert Museum located south of Bend on US Highway 97, in Central Oregon. As indicated in Table 8, it is estimated that the additional uses proposed for the expansion of the Bandon Dunes Resort will generate approximately 240 net new trips (100 in/140 out) during an average August Friday p.m. peak hour.

Table 8
Trip Generation Estimates for Future Uses¹

⊕

Land Use	ITE Code	Units	August Friday P.M. Peak Hour		
			Total	In	Out
Recreational Homes	260	300	75	30	45
Overnight Lodging	330	150	75	35	40
Golf Course	450	18 holes	50	20	30
(Internal Trips) ²			(25)	(10)	(15)
Restaurants	651	250 seats	120	30	40
(Internal Trips) ³			(105)	(70)	(35)
Cultural/Visitor Center ⁴			50	15	35
Total Trips			370	130	190
Total Internal Trips			(130)	(80)	(50)
NET NEW TRIPS			240	100	140

1. Uses included in this table are those that are authorized by the Supplemental Master Plan, above and beyond those already constructed or authorized by the previous 1996 Master Plan and Pacific Dunes Golf Course conditional use permit.
2. According to market sources and corroborated by current site use, an estimated 50% of the trips to the golf course will be made by people staying in the resort.
3. According to market sources and corroborated by current site use, an estimated 85% of the trips to the restaurants will be made by people staying or playing golf in the resort.
4. The proposed cultural/visitor center trip generation is based on August 2001 visitor data for the High Desert Museum south of Bend, Oregon.

□

M. Goal 13 - Energy Conservation

To conserve energy.

This goal requires that land uses maximize conservation of all forms of energy based on sound economic principles. It is implemented by local plans and regulations that control location, orientation and density of development to minimize net energy consumption. The proposed additional use authorized by the current amendments does not include additional structures, roads, or other facilities needed heating or cooling. It is expected to result in no net increase in automobile usage and is co-located with central resort facilities to make efficient use of existing infrastructure and minimize the need for onsite as well as offsite vehicular transportation.

N. Goal 14 - Urbanization

To provide for an orderly and efficient transition from rural to urban land use.

The acknowledged 2003 Exception Statement and Findings address Goal 14 as follows:

“This goal requires that comprehensive plans of counties and cities provide for an orderly and efficient transition from rural to urban use. It requires that urban growth boundaries (UGBs) be established around incorporated cities through a cooperative process with surrounding counties to assure compact and efficient urban growth within the boundary while protecting and facilitating rural resource uses outside the boundary. The goal has been interpreted by the Oregon Supreme Court as prohibiting urban levels of development outside of acknowledged urban growth boundaries unless an exception is taken to Goal 14. See 1000 Friends of Oregon v. LCDC (Curry Co.), 301 Or 447, 474-75, 724 P2d 268 (1986).

“Without an authoritative interpretation by LCDC as to what constitutes an urban level of development, the determination must be made on a case-by-case basis by local governments, with review by LUBA and the courts. However, in 2000, LCDC did amend Goal 14 and adopt OAR 660004-0040, which essentially provides that for rural residential exception areas, dwellings on parcels less than two acres in size are considered urban.

“The Bandon Dunes resort will have both rural and urban elements. The proposed expansion would allow 300 dwellings to be placed in the 825-acre Primary Expansion Area, for an overall density of more than two acres per dwelling, after subtracting the proposed Madrone and Randolph Village Centers. However, there is no minimum parcel size for land divisions in the BDR zone, and the clustered nature of the development, the presence of community water and sewerage systems, and the development of hotel, restaurant and other commercial facilities will be urban in level and type. On the other hand, the large amount of untouched open space, forest resources, wetlands, dunes and lakes, and the absence of industrial and nontourist-related commercial facilities, will be typical of a rural setting and level of use.

“Because of the mixture of urban and rural uses, facilities and services, it is necessary to take an exception to the Urbanization Goal's implicit prohibition against urban uses outside of acknowledged UGBs, for the proposed resort expansion areas. As noted elsewhere, however, this development is tailored to meet the standards of a statutory destination resort, which is recognized by law to be acceptable outside of a UGB.” 2003 ES&F page 145

The small, special-purpose golf course authorized by these amendments involves no additional structures, roads, or paved parking areas and is designed to be an integral part of a part of the rural coastal landscape, supporting the recovery, enhancement, and enlargement of native plant habitat. Considered in isolation, therefore, it is undoubtedly rural in nature. Only because it will be an added use within the Bandon Dunes Resort Master Plan Area, which authorizes a mix of rural and urban uses, is this supplemental exception necessary.

O. Goal 16 - Estuarine Resources

To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands.

Both the original Bandon Dunes Resort site and the approved expansion areas are outside the area covered by the Coquille River Estuary Management Plan and have neither estuaries nor associated wetlands. Therefore, Goal 16 does not apply.

P. Goal 17 - Coastal Shorelands

To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics.

With regard to uses of rural coastal shorelands, Goal 17 provides that:

“Shorelands in rural areas other than those built upon or irrevocably committed to nonresource use * * * shall be used as appropriate for:

- “a. farm uses as provided in ORS Chapter 215;
- “b. propagation and harvesting of forest products consistent with the Oregon Forest Practices Act;
- “c. private and public water-dependent recreation developments;
- “d. aquaculture;
- “e. water-dependent commercial and industrial uses, water-related uses and other uses only upon a finding by the county that such uses satisfy a need which cannot be accommodated on uplands or in urban and urbanizable areas or in rural areas built

upon or irrevocably committed to non-resource use.”

The area of the proposed additional authorized use is entirely on uplands outside the acknowledged shorelands boundary and will not affect shorelands west of the boundary. The acknowledged 1996 Exception Statement and Findings determine that

“The [acknowledged Coos County Comprehensive] Plan designates as Coastal Shorelands only the westerly fringe of the northern third of the [original 1215-acre Bandon Dunes Resort Site] property, between the bluff line and the dry-sand beach (hereafter ocean shorelands), and the areas within 100 feet of Chrome, Round and Fahys Lakes (hereafter lake shorelands). Within the Cut Creek delta and corridor portions of the ocean shorelands, and the portion of the ocean shorelands between the Cut Creek delta and Bullards Beach State Park, the only use designated on the Master Plan is a hiking trail that skirts the Cut Creek delta to the south and leads to a beach access point. See Figure I - 3. This portion of the ocean shorelands is partly in the Dunelands management unit and partly in the Wetlands management unit of the Master Plan. See Figure II - 3. The mouth and delta of Cut Creek will be subject to the NR-1 (Cut Creek Delta) subzone. The remaining ocean shorelands portion of the Cut Creek Corridor will be subject to the NR-2 (Cut Creek Corridor) subzone. See Figure IV - 3. As shown on the DRX-Z Natural Resources Subzones Use Matrix in Vol. IV, subzones NR-1 and NR-2 permit only low-intensity passive recreation activities, nature studies and research. Therefore, the uses of this portion of the ocean shorelands will be consistent with the above quoted requirement of Goal 17. 1996 ES&F page 88.

The use to be authorized is located entirely south of Cut Creek and east of the bluff and is therefore out of the coastal shorelands area.

The acknowledged 2003 Exception Statement and Findings point out that

In the alternative, the result of taking an exception to Goal 14 for the original resort site and expansion areas means that the coastal shorelands portions of the expanded resort site should no longer be considered "rural" shorelands, even though almost no development is proposed to occur within these coastal shorelands. That would mean that the provisions of Goal 17 regarding uses of rural shorelands are not applicable, and that there are no provisions in the Coastal Shorelands Uses portion of Goal 17 applicable to the coastal shorelands of the expanded Bandon Dunes Resort. The Goal 17 Coastal Shoreland Uses provisions for "Water-Dependent Shorelands" (as amended in 1999) apply only to "urban or urbanizable areas" (within the UGB of an incorporated city), "rural areas built upon or irrevocably committed to non-resource use," and "any unincorporated community subject to OAR Chapter 660, Division 022." The coastal shorelands of the expanded Bandon Dunes Resort site fit none of these categories. 2003 ES&F page 146.

Under either analysis, Goal 17 is inapplicable to the current proposal.

Q. Goal 18 - Beaches and Dunes

To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of coastal beach and dune areas.

The acknowledged 1996 Exception Statement and Findings determine that

“Virtually the entire [1996] Bandon Dunes site is inventoried as a Beaches and Dunes area subject to Goal 18. Goal 18, Implementation Requirement 2 prohibits residential, commercial and industrial buildings on beaches, active foredunes, other foredunes which are conditionally stable but subject to wave overtopping or ocean undercutting, or deflation plains subject to ocean flooding, and allows other development in such areas only upon certain findings. However, the Bandon Dunes Master Plan and its implementing DRX-Z subzones do not allow any development or use other than low-intensity recreation, nature studies and research to occur in such areas. Neither does this application or the Master Plan propose foredune breaching or grading activities prohibited by Implementation Requirement 6 and 7, or beachfront protective structures, regulated by Implementation Requirement 5. As required by Implementation Requirement 4, the findings at III - 43 to III - 44 above establish the proposed use of groundwater from the dunes aquifer will not result in saltwater intrusion, subsidence or other adverse environmental consequences. 1996 ES&F p.

Goal 1, Implementation Requirement 1 requires local governments to base decisions on uses in beach and dunes areas, other than older stabilized dunes, on certain findings. The acknowledged county Plan and land use regulations include Dunes and Ocean and Coastal Lake Shorelands Implementation Strategy 2, which allows development in these beach and dune areas if the findings required by Goal 18, Implementation Requirement 1 are adopted. The Oregon Land Use Board of Appeals has recently interpreted this requirement and the county's implementing regulations as requiring the county to address only adverse geologic or geotechnical impacts and not general development issues. *Borton v. Coos County*, 52 Or LUBA 46 (2006).

The current amendment involves no structural development, no foredune breaching or grading activities prohibited by Implementation requirement 6 and 7, or any beachfront protective structures, regulated by Implementation Requirement 5. No increases in existing authorized groundwater usage is authorized, and no additional development or uses are proposed, with the sole exception of one additional form of low-intensity recreation, nature studies, and research on a small site which includes no active dunes or foredunes which are conditionally stable and that are subject to ocean undercutting or wave overtopping.

R. Goal 19 - Ocean Resources

To conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.

The acknowledged 2003 Master Plan Findings and Exception Statement address this goal as follows:

The primary identified ocean resources near the Bandon Dunes property are off-shore fisheries, black sand, oil and gas supplies. See Plan at 5-44.

No part of the project will extend onto the beach or into the ocean. The Scottish links golf course will lie to the east of an elevated bluff top. A public overlook will be carefully sited on the bluff top. South of the Cut Creek delta, a non-intrusive trail with a scenic outlook will provide beach access. The access point will be jointly managed with the Oregon State departments of Fish and Wildlife and State Parks so as to minimize conflict with any Snowy Plover habitat restoration areas associated with the beach littoral strip.

The Geologic Landscape Units map following page 24 in Appendix A shows that the primary land forms parallel to the ocean are, from west to east, first the beach and then a very narrow conditionally stable foredune. Near the mouth of Cut Creek is a delta which is an emergent freshwater wetland. A small area of active foredune lies south of the delta. The Vegetation Survey map following page 32 of Appendix A shows gorse dominated shrubland on the stabilized dune.

The primary plant forms on the linear strip along ocean are, moving from west to east, first undisturbed beach and then dense duneland shrubs. The same is true for the Cut Creek delta. The delta grades into "forest/woodland" further upstream.

The next tier away from the ocean, and running parallel to the ocean, is composed of marine terrace deposit mantled by conditionally stable and younger stabilized dunes. These formations are vegetated by grassshrubs and varying degrees of gorse. The Scottish links golf course will be developed within this area. Construction of the golf course will remove most of the gorse plants in this area. Ongoing fairway maintenance operations will include abatement measures to control or eliminate gorse in the long term.

The fairways and greens will be managed so that only minimal amounts of water-borne chemicals will be used. Those will be employed in an integrated pest management and fertilization program so that they do not infiltrate the groundwater or cause environmental damage.

The net result is that nothing about the Bandon Dunes site plan or management practices will degrade or diminish the potential of the ocean resources. Continuing land management where no management currently exists will encourage the return of more natural conditions. The project will be consistent with Goal 19, insofar as applicable.

These findings apply as well to the current proposal. The current proposal involves only one additional low-intensity recreational use on a limited area within the boundaries of the resort site. It will create no additional offsite impacts affecting conservation of the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.

XI. COOS COUNTY COMPREHENSIVE PLAN

Chapter 5 of Volume I, Part 1 of the Coos County Comprehensive Plan ("the Plan")⁴ contains a series of sections under separate subject matter headings, each of which is separated into (1) Problem/Opportunity Statement, (2) Issues, (3) Goals, and (4) Plan Implementation Strategies.

Plan Sections 1.8 (How to Use this Plan) and 5.0 (Problems, Planning Issues, Local Goals and Plan Implementation Strategies) explain that the "goals" and "plan implementation strategies" are the adopted plan "policies."

Plan "goals" are "policies that provide extremely general guidance, and are developed as a means of

⁴ As stated in n 1 above, unless otherwise noted, all references to the Plan are to Volume I, Part 1 of the Plan.

dealing with corresponding, general problem statements.” Plan, Section 5.0.

Plan “implementation strategies” are “policies that provide specific guidance [and] establish specific implementation measures * * * for achieving respective goal statements.” Id.

For simplicity, Plan “goals” and “implementation strategies” are sometimes referred to in these findings generally as “policies.”

Coos County planning obligations potentially relevant to the Bandon Dunes Resort expansion project were identified by first segregating plan policies into two basic categories. The first are those for which achievement of the Bandon Dunes project will not materially further the accomplishment of a given goal. An example would be a plan policy which strives to protect life and property by keeping development out of a flood hazard area. As long as there is no development, the threat is only potential. If a development is approved for the subject property, but not within a flood hazard area, the threat is still only potential. Nothing has changed even though a project has been approved and developed which complies with the plan policy.

The second category is those policies which can be materially furthered by a given development. An example would be a plan policy which advocates diversification of the local economy. A project which promotes a new and unique industry and creates new jobs actually carries out the direction indicated by the plan policy. Approval of that type of project could truly be said to aid the County in meeting such a planning obligation.

Once the policies are segregated into those two categories, the analysis proceeds by an evaluation of the policies in the second category against the facts of the proposed development to see whether the goals and policies are furthered, hindered or not affected at all. The relevant plan policies are presented first, along with the facts which demonstrate whether that particular planning obligation has been met.

A. Citizen Involvement

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

“To develop a Citizen Involvement Program that insures the opportunity for citizens to be involved in all phases of the planning process.” Plan, p. 36.

This goal is carried out by seven Plan Implementation Strategies (PIS’s), three of which are relevant to this quasi-judicial Plan and ZLDO amendment proceeding.

Citizen Involvement PIS 3 (Citizen Influence) states:

“The purpose of this component is to provide the opportunity for citizens to be

involved in all phases of the planning process, including revising and updating of plans and implementation ordinances. This shall be accomplished in two (2) ways: (a) Citizen Advisory Committee workshops (as appropriate) and public meetings, and (b) Planning Commission public hearings on property owner applications, as well as Plan and Ordinance amendments." Plan, p. 37.

The "Citizen Advisory Committee workshops" and "public meetings" referred to in PIS 3 are appropriate for periodic updates of the Plan and implementing ordinances, or other legislative Plan or ZLDO amendment proceedings. For a quasi-judicial Plan and ZLDO amendment applied for by the property owner, as is the case here, the opportunity for citizen involvement is appropriately provided through public hearings.

As relevant here, Citizen Involvement PIS 5 (Feedback Mechanisms) provides:

"* * * Citizens who have participated in the planning process shall receive a response from the policy makers. The rationale used to reach land use policy decisions shall be available in the form of a written record." Plan, p. 37.

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

B. Land Use & Community Development Planning

The Plan Land Use & Community Development Planning Goal states that the County considers the Plan Map, Goals and Implementation Strategies to be "official statements of policy" that guide the County's land use planning efforts. The Goal also recognizes that "it will be necessary to revise and modify this Plan and implementing ordinance from time to time." Plan, p. 38. This goal is carried out by 10 PIS's, five of which are relevant to this Plan and ZLDO amendment proceeding.

Land Use & Community Development Planning PIS 6.C provides that the County shall consider Plan amendment proposals upon "an application filed by a citizen or organization, accompanied by a prescribed filing fee." Plan, p. 39. The applicants have filed Plan amendment application, accompanied by the prescribed filing fee.

Land Use & Community Development Planning PIS 7 sets out requirements for public notice on public hearings to consider proposed Plan amendments. PIS 7A(i) requires that notice be published in one of the county's designated official newspapers "at least 30 calendar days prior to the date of scheduled hearing." Plan, p. 39. Notices of the hearings will be published accordingly.

Land Use & Community Development Planning PIS 7A(ii) requires the County to give written notice of the public hearing on a proposed Plan amendment to "adjacent property owners, agencies and affected cities * * *" at least 30 days before the scheduled hearing." Plan, p. 40. Written notices will be mailed to property owners in accordance with this requirement.

Land Use & Community Development Planning PIS 7B requires the County to comply with the requirements of ORS 197.610 with regard to sending notice to the DLCD Director of a proposed postacknowledgment Plan and land use regulation amendment. The required notices will be provided accordingly.

Land Use & Community Development Planning PIS 8 requires the Board of Commissioners to consider a recommendation from the Planning Commission as to the appropriateness of each requested Plan amendment. PIS 8 also requires the Planning Commission to conduct a public hearing "prior to formulating its recommendation." Plan, p. 40. The applicants respectfully request that the Planning Commission recommend approval of this application.

Land Use & Community Development Planning PIS 12 provides that "[w]hen a formal * * * plan amendment is proposed, the County shall request and consider written comments from the affected agencies, entities and special districts." Plan, p. 41. Coordination on this project began well before the filing of the application and included meetings, site visits, and information exchanges with various state, local, federal, and tribal agencies and entities. This process will continue.

Land Use & Community Development Planning PIS 14 identifies the types of zones that may implement each plan map designation. The table indicates that the only zone which may implement the Bandon Dunes Resort designation is the BDR zone. Plan, p. 42. The proposed Plan and ZLDO map amendments comply with this policy because they would apply the BDR zone to the area designated Bandon Dunes Resort on the Plan map.

C. Agricultural Lands

The entire resort site is already designated for nonagricultural use by the acknowledged Bandon Dunes Master Plan and Bandon Dunes Zoning Ordinance.

D. Forestlands

The entire resort site is already designated for nonforest use by the acknowledged Bandon Dunes Master Plan and Bandon Dunes Zoning Ordinance.

E. Mineral & Aggregate Resources

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

"The Plan Mineral and Aggregate Resources Goal requires the County to "value its identified mineral and aggregate deposits" and 'strive to protect them where practicable.' Plan, p. 50.

"Under PIS 1, the Plan's policy for protection of identified mineral and aggregate resources (other than coal deposits and black sand prospects) is to maintain the sites in their present state, except where a conflicting use is identified during implementation of the Plan. A conflicting use is defined as any dwelling or other structure within 500 feet of the resource site. Plan, p. 50. Under the Supplemental Master Plan, no resort dwelling or other structure on any of the expansion areas will be within 500 feet of a "sand & gravel pit" designated on the Plan Mineral/Aggregate/Energy Resources Special Consideration Map. Therefore, the adopted Plan and ZLDO amendments will not result in any conflicting use with a designated aggregate resources site." 2003 ES&F page 236.

The proposed amendment does not authorize any new conflicting use, and this finding therefore does not require supplementation.

F. Fish & Wildlife Habitats

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

"The Plan contains policies designed to identify, categorize and protect various forms of fish and wildlife habitat. These policies are based on an issue statement that recognizes the commercial, recreational and ecological significance of the wide variety of fish and wildlife species found in various areas of the county. The goal expresses the need to identify significant fish and wildlife habitats and to protect them 'where practicable.'

"Fish & Wildlife Habitat PIS 1, at Plan p. 52, states the County deems as a significant habitat resource under Statewide Goal 5 (1) Sensitive and Peripheral Big-game Range, (2) Bird Habitat Sites, and (3) Salmonid Spawning and Rearing Areas. Fish & Wildlife Habitat PIS 1.C states that the Plan Fish & Wildlife Habitat I and II Special Consideration maps are used to identify salmonid spawning and rearing areas subject to special riparian vegetation protection; and sensitive and peripheral big game range. On Map II, the entire expanded Bandon Dunes Resort site is identified as 'Impacted - Little or No Habitat Value' and, therefore, none of the site is designated Sensitive or Peripheral Big-Game Range. However, Plan Fish & Wildlife Habitat I Map designates the mainstem of Whiskey Run Creek within the Primary Expansion Area as Anadromous Fish Habitat. [fn. omitted]

"For designated Salmonid Spawning and Rearing Areas, Fish & Wildlife PIS 1.B requires the ZLDO to 'provide an adequate riparian vegetation protection setback, recognizing that 'virtually all acknowledged counties have adopted a 50 foot or greater standard.' Plan, p. 52. PIS 1.E requires the County to 'adopt an appropriate structural setback along wetlands, streams, lakes and rivers as identified on the Coastal Shorelands and Fish and Wildlife habitat

inventory maps.' Plan, p. 53.

"Statewide Planning Goal 5, as amended in 1996, groups 'riparian corridors, including water and riparian areas and fish habitat,' together as one type of natural resource. As explained in more detail in Section VIII.E.1, the New Goal 5 Riparian Corridor Rule provides that establishing a riparian corridor boundary located 50 feet from the top of bank of lakes and fish-bearing streams and 50 feet from the upland edge of a significant wetland located within the riparian corridor, prohibiting the placement of structures and controlling the removal of riparian vegetation within that riparian boundary, is a "safe harbor" that satisfies the requirements of Goal 5. OAR 660-023-0090(5) and (8). As discussed in Sections VIII.E.1 and 2, the new Riparian Corridor and Wetland Protection section of the BDR zone (ZLDO 4.10.030.H) has been drafted to comply with the safe harbor provisions of both the New Goal 5 Riparian Corridor and Wetland Rules and, therefore, also satisfies the riparian vegetation and structural setback requirements of Fish & Wildlife Habitat PIS 1.B and 1.E.

"Fish & Wildlife Habitat PIS 2 requires the County to 'manage its riparian vegetation and identified non-agricultural wetland areas so as to preserve their significant habitat value as well as to protect their hydrologic and water quality benefits.' Plan, p. 55. As explained above, Sections VIII.E.1 and 2 of these findings address the identification and protection of riparian corridors and significant wetlands in the proposed resort expansion areas. The Supplemental Plan designates riparian corridors and wetlands within the proposed expansion areas for protection. Additionally, the Riparian Corridor and Wetland Protection section of the BDR zone will satisfy the safe harbor requirements of the New Goal 5 Rule for protecting riparian corridors and wetlands and, therefore, also satisfies the riparian vegetation and wetland protection requirements of Fish & Wildlife Habitat PIS 2." 2003 ES&F page 237.

As detailed in the text and graphics included in the Phase 8 Final Development Plan, the site of the single proposed additional use is outside all streams, wetlands, riparian areas and buffers on the resort site. It does not affect the subject resources and therefore does not require further modification of the above findings.

G. Historical & Archaeological Resources, Natural Areas and Wilderness

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

"The Plan policies regarding these resources generally call for protection where practicable. Plan, p. 58. A range of implementation strategies is discussed including preservation, modification consistent with the original character, refraining from widespread dissemination of information concerning the resource, and case-by-case evaluation of the appropriate protection required for identified significant resources.

"No areas, sites, structures or objects of historical significance on or near the Bandon Dunes

site are designated by the Plan or recognized by the State Office of Historic Preservation. The protection of archaeological resources located within the proposed expansion areas is discussed in Section VIII.E.12." 2003 ES&F page 237.

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

H. Water Resources

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

"The Plan, at p. 60, expresses a goal of valuing identified water sources and protecting them where practicable. PIS 1, at Plan p. 60, states that new residential development shall not be permitted in areas where, by compelling evidence, the Water Resources Department, the Environmental Quality Commission or the Health Division has established that water resources would be irreversibly degraded by new consumptive withdrawal or by additional septic tank or other waste discharge. No such areas have been identified on or near the Bandon Dunes site.

"Regardless of the absence of identified critical areas, the applicants have gone to great lengths to demonstrate that there is adequate groundwater available to serve the proposed resort expansion without interfering with other water uses or adversely affecting the Dunal Aquifers resource designated on the Plan Water Resources Special Consideration Map. See Section VIII.E.5 of these findings; "Water Availability Study for the Bandon Dunes Resort Area" (Vol. I, App. G); "Groundwater Resource Investigation for Expansion of the Bandon Dunes Resort" (Vol. I, App. H)." 2003 Exception Statement and Findings, pages 238ff.

The above findings have been borne out by experience since the 2003 approval. The proposed use, involving only about 8 acres of turf, will require no new wells or surface water impoundments. It will have negligible impact on overall demand, equivalent to only or two championship golf course holes.

I. Dunes, and Ocean and Coastal Lake Shorelands

The Plan Dunes, and Ocean and Coastal Lake Shorelands (DOCLS) Goal provides:

"Coos County shall manage its dune areas, ocean and coastal lake shorelands, and minor estuary shorelands, to provide for diverse uses consistent with maintenance of the natural values associated with such areas and with the need to reduce hazards to human life and property."

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

"The above Goal is implemented through numerous implementation strategies. DOCLS PIS 1, at Plan p. 62, states that the County bases its decisions regarding various categories of beach, dune and shoreland areas on the boundaries for those areas shown on the Plan Special Considerations Map entitled "Development Potential within Ocean Shorelands and Dunes" (hereafter Development Potential Map). What this map indicates with regard to the beach and dunes features of the Bandon Dunes site is described in detail in Section VIII.Q, and was relied on in determining compliance of the proposed resort expansion with Statewide Planning Goal 18. What this map indicates with regard to the coastal shorelands boundaries on the expanded Bandon Dunes Resort site is described in Section VIII.P.1.a and 2.a., and was used in determining compliance of the proposed expansion with Statewide Planning Goal 17.

DOCLS PIS 2, at Plan pp. 62-63, carries out the requirements of Goal 18, Implementation Requirement 1, as described in detail in Section VIII.Q.1. Those findings also explain in detail how compliance of the proposed resort development in the "Limited Suitability" designated portion of the expansion areas with PIS 2 will be ensured through application of the BDR zone.

"DOCLS PIS 3, Plan pp. 63-64, imposes requirements identical to Goal 18, Implementation Requirement 2, which is described in detail in Section VIII.Q.2. Those findings also explain in detail how the Bandon Dunes Resort expansion complies with the restrictions on development established by PIS 3 for the "Not Suitable" designated area of the site.

"Both DOCLS PIS 2 and 3 also contain provisions regarding protecting groundwater from drawdown that are virtually identical with Goal 18, Implementation Requirement 4. Compliance of the proposed resort expansion with this requirement is addressed in Section VIII.Q.3, by reference to the Statewide Planning Goal 5 groundwater analysis in Sections VIII.E.5.d(4) and e(4). In addition, DOCLS PIS 3 contains provisions similar to Goal 18, Implementation Requirement 6 restricting the breaching of foredunes. As explained in Section VIII.Q.3, the Master Plan, as modified by the Supplemental Master Plan, neither contemplates nor allows the breaching of foredunes.

"DOCLS PIS 5 requires the County to "provide special protection to major marshes, significant wildlife habitat, coastal headlands, exceptional aesthetic resources, and historic and archaeological sites located **within** the Coastal Shorelands Boundary of the ocean, coastal lakes and minor estuaries."⁵ Plan, p. 65. DOCLS PIS 5 goes on to identify what resources fall within each of these five categories, with reference to Plan inventories and Special Considerations Maps. For instance, DOCLS PIS 5 identifies "major marshes" as being

⁵ This requirement parallels that of Goal 17, Coastal Shoreland Uses, paragraph 1.

certain marshes associated with dune lakes in the Oregon Dunes NRA and wetlands associated with the New River, as identified in Plan Inventory text and on the Special Consideration Map. However, none of the resources identified by DOCLS PIS 5 are present on the Bandon Dunes site. Accordingly, DOCLS PIS 5 does not apply to this decision.

"DOCLS PIS 7, at Plan pp. 65-66, requires the County to adopt implementing ordinance provisions limiting the uses of its rural shorelands to certain listed uses:

- "i. farm uses as provided in ORS [Chapter] 215;
- "ii. propagation and harvesting of forest products consistent with the Oregon Forest Practices Act;
- "iii. private and public water-dependent recreation developments;
- "iv. aquaculture;
- "v. water-dependent commercial and industrial uses and water-related uses **only** upon [a] finding by the Board of Commissioners that such uses satisfy a need which cannot otherwise be accommodated on shorelands in urban and urbanizable areas;
- "vi. single family residences on **existing** lots, parcels, or units of land when compatible with the objectives and implementation standards of [Goal 17], and as otherwise permitted by the underlying zone[;]
- "vii. any **other** uses, provided that the Board of Commissioners determines that such uses (a) satisfy a need which cannot be accommodated at other upland locations or in urban or urbanizable areas; (b) are compatible with the objectives of LCDC Goal #17 to protect riparian vegetation and wildlife habitat; and (c) the 'other' use complies with the implementation standard of the underlying zone designation." (Emphases in original.) Plan, p. 5-37."

"The above list of uses is very similar to that in Statewide Planning Goal 17, Coastal Shorelands Uses, paragraph 4,⁶ which is quoted at the beginning of Section VIII.P. In fact, the first four paragraphs are identical. Section VIII.P.1.a and 2.b of these findings analyze the types of uses allowed on the coastal shorelands of the expanded Bandon Dunes Resort site by the Master Plan, Supplemental Master Plan and BDR zone. Those findings conclude the uses allowed fall within categories ii and iii above. Consequently, these Plan and ZLDO amendments are consistent with DOCLS PIS 7.

"DOCLS PIS 8 provides the County can approve land divisions within the ocean and lake CSB's in rural areas only if certain findings are made. However, both the Master Plan and the

⁶ In fact the list of uses in DOCLS PIS 7 is identical to that in Goal 17, Coastal Shorelands Uses, paragraph 4, before it was amended in 1984.

BDR zone prohibit the inclusion of land inside the CSB's within any smaller lots or parcels divided from the parent Bandon Dunes Resort property in the future. Master Plan, p. 63; ZLDO 4.10.090.C.2. Consequently, these Plan and ZLDO amendments are consistent with DOCLS PIS 8.

"DOCLS PIS 9 requires the County to consider six listed "general priorities for the overall use of ocean [and] coastal lake shorelands." Plan, pp. 66-67. The list of general priorities is identical to that in Statewide Planning Goal 17. DOCLS PIS 9 goes on to say "this strategy shall serve as a **guide** when evaluating discretionary zoning and land development actions." (Emphasis added.) *Id.* The use of the term "guide" means that PIS 9 is a factor to be considered rather than a mandatory standard. However, in this case, the description of the uses allowed within the ocean and lake CSB's of the expanded Bandon Dunes site by the Master Plan, as modified by the Supplemental Master Plan, and the BDR zone, found in Sections VIII.P.1.a and 2.b, indicate those uses would fall in categories (i) or (ii).

"DOCLS PIS 10 requires the County to "prefer non-structural solutions to problems of erosion and flooding to structural solutions in ocean [and] coastal lake * * * shorelands." Plan, p. 67. However, DOCLS PIS 10 goes on to state that its implementation shall "occur through County review of and comment on state and federal permit applications for such projects." *Id.* Accordingly, DOCLS PIS 10 does not apply to this Plan and ZLDO amendment proceeding.

"DOCLS PIS 11 requires the County to "maintain riparian vegetation within the shorelands of the ocean [and] coastal lakes * * * and when appropriate, restore or enhance it, as consistent with water dependent uses." Plan, p. 67. This requirement is very similar to Goal 17, Implementation Requirement 4. The findings in Section VIII.P.3 explain how this requirement is satisfied by the proposed resort expansion." 2003 ES&F pages 239-44.

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

J. Natural Hazards

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

"The Plan Natural Hazards Goal requires the County "to protect life and property from natural disasters and hazards, based on an inventory of areas potentially subject to such problems." Plan, p. 68. Under Natural Hazards PIS 1, development is to be regulated in known areas potentially subject to stream and ocean flooding, wind hazards, wind erosion and deposition, critical streambank erosion, coastal erosion and deposition, mass movements, earthquakes and

weak foundation soils. The inventoried areas referred to in the Goal and PIS 1 are indicated on the Plan "Natural Hazards" Special Considerations Map.

"The findings addressing Statewide Planning Goal 7, in Section VIII.G, identify the ocean fringe of the Primary Expansion Area as the only portion of the proposed expansion areas designated as an area of natural hazard on the Natural Hazards Special Considerations Map, and discuss the protective measures required by the Master Plan, Supplemental Master Plan and BDR zone.

"Natural Hazards PIS 5 provides that the County "shall promote protection of valued property from risks associated with critical streambank and ocean-front erosion through necessary erosion control stabilization measures, preferring non-structural solutions where practicable." Plan, p. 69. However, the PIS goes on to state that it is implemented "by making 'Consistency Statements' required for State and Federal permits" for structural protection measures only in certain circumstances. *Id.* Accordingly, Natural Hazards PIS 5 does not apply to this Plan and ZLDO amendment proceeding."

The single proposed nonstructural use authorized by the proposed amendment does not involve grading or other alterations to streambanks, ocean-fronts, or foredunes and does not create or increase hazards addressed in the above findings.

K. Air, Land & Water Quality

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

"County policies in this area express a desire for balance between maintenance of environmental quality versus avoidance of overly strict controls which stifle legitimate development. Most of the policies are directed at other agencies such as the federal Environmental Protection Agency, the state Department of Environmental Quality and the Coos Soil and Water Conservation District. Plan, p. 71. As such, there seems to be little direct connection between these policies and the approved expansion of the Bandon Dunes Resort.

"The Air, Land & Water Quality Goal does, however, require the county to "exercise sound land use practices to maintain the quality of its air, land and water resources in a manner that reflects the County citizens' desires for a quality environment and a healthy economy." Plan, p. 71. Also, Air, Land & Water Quality PIS 5 requires the County to "comply with state air, water quality and noise source standards that are established as law." *Id.*

"Other portions of these findings discuss various aspects of sound land use practices that are incorporated into the Bandon Dunes project's design. These practices deal with such things as

obtaining permits for waste disposal and fill and removal, retention of riparian vegetation, retention of wetlands which have a multiplicity of environmental functions, encouragement of non-automobile transportation, solar orientation and others. With regard to water quality, air quality and noise, see the findings in Section VIII.E.5.d(4) (environmental consequences) and those in Section VIII.F (Statewide Planning Goal 6).

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

L. Economic Development

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

"Although this section of the Plan is entitled "Industrial and Commercial Lands," it is the Plan's general economic development section. The Bandon Dunes project will help Coos County, in a substantial way, to satisfy this area of its planning obligations.

"The Plan goal requires Coos County "to diversify and improve its regional economy." Plan, p. 75. PIS 2 and 3 require the county to "sanction and support the economic development efforts" of the Coos-Curry-Douglas Economic Improvement Association and to "support the regional economic goals and objectives periodically adopted by the Coos County Overall Economic Development Program Committee." Plan, p. 76.

"Among the problems cited as underlying the County's policies are: high and unstable unemployment, past reliance on lumber and wood products, poor transportation, rugged terrain and relative isolation of the area. Plan, p. 74. The Plan goes on to discuss undue emphasis on preservation of farm and forest lands to the detriment of other economic activities, and also advances the opinion that some commercial activities should be allowed outside of UGBs.

"In making the case for extra-urban commercial development, the Plan cites several examples which serve a legitimate purpose in providing goods and services to farmers and rural residents. It is equally true that destination resorts are legitimately located outside of UGBs. As one commentator noted, "When you are locating the sea lion caves, you have to go where the sea lions are." The Oregon Legislature recognized this fact when it created the statutory provisions which allow destination resorts to locate in rural areas without a goal exception. "The chief attributes of the Bandon Dunes Resort expansion project are that it fosters economic diversification, creates jobs and stabilizes a basic industry which brings in outside money to the region. In all of these ways, the Bandon Dunes Resort expansion project helps the county meet its planning obligation to diversify its economy and provide land areas for all

legitimate economic activities. See, in particular, the discussion of the ERA report in Sections VIII.E.5.d(4) and IX.A.1.

"The adopted exception and related plan and zoning ordinance amendments will provide Bandon Dunes with additional depth, breadth, and staying power. It will enable Bandon Dunes to provide more jobs and revenue. It will enhance the attractiveness of Coos County as a place to visit, recreate, work, relocate, and retire. It will support the continuation and enhancement of commercial and general aviation connections through North Bend and Bandon Airports. It will provide Coos County's youth with jobs, a reason to stay in the community, the ability to finance an education, and the experience of working in a highly professional service organization. In short, the findings of 1996 have been more than validated. Except to the degree that they understated the potential marketing area, which has turned out to be worldwide, and the potential for job creation, which has turned out to be more than double what was expected (and will be even greater as a result of the proposed expansion), the 1996 findings are equally applicable to this application. For convenience of reference, the 1996 findings are set out in Appendix A to these findings." 2003 ES&F pages 242ff.

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

N. Public Facilities and Services

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

"The Plan notes that Statewide Goal 11 requires appropriate levels of planned facilities and services and requires that rural services must be planned so as not to misdirect urban growth. Plan, p. 78. It also recognizes that recreational planned developments are a unique form of land use which will import tourist income and which will need community-type urban services outside of urban growth boundaries. Plan, p. 79, Issue 4.

"Development of an expanded Bandon Dunes Resort will not misdirect growth because its community services will be self-contained, on-site and will not serve as a magnet for other urban development. This is in contradistinction, for example, to running a large sewer or water main across miles of farm land to serve a regional shopping mall. There will be no utility lines extending urban services from the City of Bandon, for example, to the Bandon Dunes site.

"Public services such as power, communications and solid waste disposal will be provided by the usual franchised utilities operating in the area. Fire and police protection will be provided

by the development or will be contracted for from local service providers. However, the demand, especially for police protection, is expected to be low. None of these services are of the type which stimulates urban sprawl. Streets, sidewalks, and storm drainage will be self-contained and provided at the developer's expense.

"The services provided at an expanded Bandon Dunes Resort will be consistent with those identified as appropriate for rural parcels by Public Facilities & Services PIS 2a. Of the types of uses discussed in Public Facilities & Services PIS 3 through 6, the Bandon Dunes Resort is most similar in nature to, although certainly greater in extent than, a recreational planned unit development (PUD).⁷ Public Facilities & Services PIS 5 recognizes that self-contained community water and sewer systems are appropriate for recreational PUDs.

"In summary, the Bandon Dunes project will further the County's planning obligations to the extent it facilitates a planned recreational development. In all other respects it is consistent with plan policies. 2003 ES&F pages 245ff.

The single proposed additional use will not require additional public facilities and services and will not place additional demands on existing public facilities and services. No change to the above findings is required.

O. Transportation

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

"The policy thrust of the Plan is to relate the development of transportation systems to the health of the economy. Plan, p. 83. Both the Plan Transportation Goal and PIS 1 require the County to "strive to provide and encourage a transportation system that promotes safety and convenience for citizens and travelers and that strengthens the local and regional economy by facilitating the flow of goods and services."

"The applicant's TIA, by Kittelson & Associates, demonstrates that the proposed expansion of the Bandon Dunes Resort can be carried out without overloading the capacity or function of Highway 101 or the affected county roads. Specific requirements of the TPR and the County TSP are addressed in Section VIII.L.

"In addition, the Bandon Dunes Resort expansion is designed to encourage and facilitate non-auto modes of transportation. Specifically it includes expanding the resort's trail system, connecting private and public recreational sites and nature areas. See SMP, Fig. 13. The trail system will include all-weather paths for walking, bicycling and, perhaps, horseback riding. In addition, the resort's shuttle bus system will be expanded to serve all activity centers in the

⁷ See Section X.P and n 54 re the Plan's definition and criteria for a recreational PUD.

proposed expansion areas, including the RV park and the proposed cultural/visitor center on the Tear Drop Site. The resort may also try using electric vehicles or small-scale tour busses (airport shuttle vehicles).

"Finally, both the North Bend Municipal Airport and the Bandon State Airport will help and be helped by the project. It is difficult to predict the split of use between the major airport located at North Bend and the smaller facility at Bandon. The North Bend Municipal Airport has commercial service to Portland, Eugene, Medford and San Francisco plus services such as rental cars. As such, it would cater more to people who travel by common carrier and need a car, or those who fly privately but need a car. The Bandon airport, by contrast would be of use to those who fly privately, have surface transportation available and want to be closer to the resort. Nevertheless, however one allocates the percentages, the impact on both airports will be positive.

"The Bandon State Airport is located on the southern edge of Bandon, about 3 1/2 miles south of the Bandon Dunes site. It features a 3600 foot runway with a lighted beacon: A radio signal navigational aid is planned for next year with a satellite based global positioning system to follow in two to three years. The airport is attended from 8 am to 7 pm. Presently, 20 aircraft are based there and annual operations are in the 3500 to 4000 range. There is a fixed base operator on the site. The State Aeronautics Division has stated that the Bandon State Airport can easily handle additional based aircraft and operations. They have commented, "the planned destination resort should be an attractive addition to the area and having the airport available to provide air service to managers, guests and owners should be an added plus for the project." 2003 ES&F page 247.

The single additional use authorized by the proposed amendments is not expected to generate additional traffic to and from the site. It will not affect LOS or volume-to-capacity ratios and will not require reclassification, improvements, or alterations to any public transportation facilities. On the contrary, it is expected to enable the resort to improve retention of destination resort guests by giving them an additional onsite amenity that can be easily accessed as desired.

P. Recreation

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

"The Plan Recreation Goal states the County shall "strive to meet the recreational needs of its citizens and visitors." Plan, p. 86. Achievement of this goal relies on several plan implementation strategies which are substantially met by the proposed expansion of the Bandon Dunes Resort.

"Recreation PIS 1 provides, in relevant part:

'This strategy [of increasing recreational opportunities and facilities] shall be implemented by * * * (2) encouraging applications for 'recreational' PUD's, (3) requiring open space standards in new PUD's/subdivisions, (4) cooperating with state/federal agencies involved in developing recreation facilities * * *.' Plan, p. 86.

"Recreation PIS 5 states that 'Coos County shall conditionally permit the establishment of Recreational Planned Unit Developments (Recreational PUD's) within specific land areas of the County.' Plan, p. 87. The Plan goes on to lay out a series of criteria for Recreational PUD's including (1) inclusion of at least 80 contiguous acres in private ownership; (2) proximity to a significant natural resource that has value for recreational purposes such as an estuary, waterfall, lake or dune formation; and (3) retention of a portion of the land area for open space for passive and active outdoor recreation, including non-motorized vehicle or pedestrian trails, hazard control structures, and vegetation alteration such as golf courses and landscaped grounds. [Footnote:] A Recreational PUD is defined in the Plan as providing a combination of owner's primary dwelling units, recreational dwelling units, and required open space. A recreational PUD may contain retail and service establishments that can serve more than just the needs of the development users and must contain at least 80 acres.

"On p. 88, the Plan discusses the mix of recreational dwelling units in relation to owner-occupied dwelling units in a Recreational PUD and declares that the allowed mix should be structured as an incentive for the developer "* * * to provide cultural amenities, a value to the local economy, that promote the concept of a '**destination-resort**,' such as a convention center, and commercial uses." (Emphasis added.) The Plan states the above strategies are based on the recognition:

* * * * *

- 'ii. that Recreational PUD's can provide significant diversification of the local economy by increasing the attraction of tourists to the County;
- 'iii. that the flexible density provision for recreational dwellings offers necessary incentives to stimulate the development of destination resort complexes * * *.' Plan, P. 89.

"For various technical reasons neither the original Bandon Dunes Resort nor the approved expansion could be proposed as a Recreational PUD. However, a comparison of the criteria stated above and the facts concerning the Bandon Dunes Resort show that the concept of the expanded Bandon Dunes Resort is similar to a Recreational PUD. Therefore, approval of the Bandon Dunes Resort expansion will aid the County in meeting several of its important recreational planning obligations." 2003 ES & F pages 247-249.

Q. Energy

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

"The Plan Energy Goal requires the County to "strive to: (1) conserve energy, and (2) make wise use of its energy resources." Plan, p. 90.

"The goal is to be implemented through a series of strategies, the first of which encourages exploration and recovery of non-renewable resources such as coal, gas and oil on lands on which the County holds an ownership interest. Energy PIS 1. Reference to the "Special Considerations" map for energy resources shows that the proposed resort expansion areas are not within an area of potential coal fields, but are within a broadly defined area within which oil and gas leases may exist. However, because this policy affects only County ownerships, the Bandon Dunes property is exempt from further consideration as a resource site.

"The Primary Expansion Area is adjacent to the "Whiskey Run Energy Site." However, this windpower site is classified as a "1B" Goal 5 resource, for which no protective implementing measures are required or appropriate. Energy PIS 8

"The County policy with regard to energy conservation is to build energy conservation standards into its development code. Energy PIS 6. The expanded resort development will be subject to those standards. At a minimum, all of the heated structures will be built to comply with the Oregon Energy Code. Beyond that, the developers have indicated they will monitor developments in solar technology and integrate those which are practicable and in keeping with the selected design themes of the built portions of the resort.

Also, as noted elsewhere in these findings, the expanded Bandon Dunes Resort will contribute toward energy conservation directly by encouraging non-motorized transportation and indirectly through minimizing use of fertilizers and other chemicals which rely on petro-resources as a constituent or as part of the manufacturing process." 2003 ES&F page 248-49.

The single proposed additional use will not be located on a site identified in any plan inventory or otherwise for energy generation, transmission, or mining. It will be a walk-only course and will not require any additional roads, parking lots, heating, or cooling. If anything, it will reduce vehicle usage by providing an additional activity for resort guests within easy walking distance of the Village Center and the resort's overnight lodging facilities.

XI. COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE (CCZLDO)

A. Text Amendments

Amendments to the text of the Coos County Zoning and Land Division Ordinance (ZLDO) are governed by ZLDO Article 1.2, which does not establish specific criteria for text amendments. However, ZLDO 1.2.100 (Purpose) notes that text changes are made “in order to conform (i) with the Comprehensive Plan as it is adopted or amended, [or] (ii) to other changes in circumstances and conditions.”

Section X of these findings demonstrates that the adopted Plan and ZLDO amendments are consistent with applicable policies of the Comprehensive Plan. The proposed ZLDO text amendment is consistent with the adopted Master Plan, as modified by the proposed amendments to the Master Plan, and the criteria established in Sections 4.10.030 and 4.10.070 of the BDR zone for approval of final development plans for phases or elements of the Bandon Dunes resort, and those for approval of land divisions in Section 4.10.090.B to D, can be satisfied consistent with the approved Master Plan/Supplemental Master Plan.

XII. CONCLUSION

For the reasons set forth above, the applicant respectfully requests that the minor text amendments and supporting supplement to the resort's existing acknowledged exception statements be approved.

BEFORE THE BOARD OF COMMISSIONERS
OF THE COUNTY OF COOS, OREGON

IN THE MATTER OF THE APPLICATION)
OF BANDON DUNES LP & BANDON)
DUNES GOLF COURSES LLC c/o DONALD)
R. STASTNY, FAICP, for FINAL DEVELOP-)
MENT PLAN APPROVAL FOR PHASE 8)
OF BANDON DUNES RESORT)
FILE NO. SP-09-04)
T 27, R 14S 20/20D/20DD, Tax Lots 600/900/300)
T 27, R 14S 29/31/32, Tax Lots 700, 1200, 1400/200/400, 403)
T 28, R 14S 4/5/8/8A, Tax Lots 1300/400, 500/100, 601/500)

**FINAL DECISION AND
ORDER NO. 10-01-006PL**

1. On November 16, 2009, Donald R. Stastny, authorized agent for Bandon Dunes LP and Bandon Golf Courses LLC, filed concurrent applications for final development plan approval for Phase 8 of the Bandon Dunes Resort and conforming amendments to the Bandon Dunes Master Plan and Zoning Ordinance.

2. Notice of the applications, applicable criteria, and public hearings before the Planning Commission and this board has been provided as set forth in the Coos County Planning Commission Staff Report, attached hereto as Exhibit A, and the Coos County Board of Commissioners Staff Report, attached hereto as Exhibit B.

3. The Bandon Dunes Golf Resort Phase 8 Final Development Plan, dated November 5, 2009, authorizes one small low-turf golf course, integrated with an open-sand plant habitat reclamation, restoration, research, and enhancement plan, on about 20 acres in a 27-acre project area in an area designated Open Space in the Bandon Dunes Resort Master Plan and zoned Natural Resource Subzone 3 on the Bandon Dunes Resort Subzone Map.

4. Following a duly-noticed public hearing on January 7, 2010, the Coos County Planning Commission unanimously recommended approval of the combined applications.

5. A duly-noticed de novo public hearing was held on January 26, 2010, before this Board.

6. The Bandon Dunes Golf Resort Phase 8 Final Development Plan dated November 5, 2009, is approved as submitted.

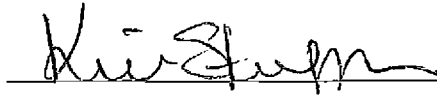
7. Based upon the record herein and the Planning Commission's unanimous recommendation of approval, the Board hereby approves the subject Final Development Plan for Bandon Dunes Golf Resort Phase 8, dated November 5, 2009, marked Exhibit C hereto and incorporated herein by this reference.

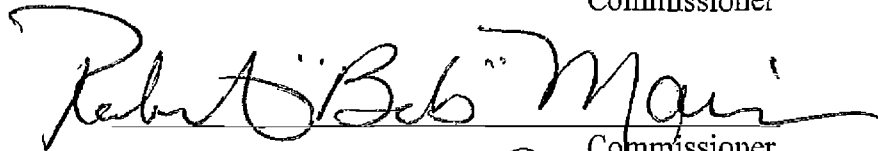
8. The Board adopts Exhibits A, B, and C hereto, as well as "Applicant's Statement, Proposed Findings, and Supplemental Exception Statement for 2010 Text Amendments to

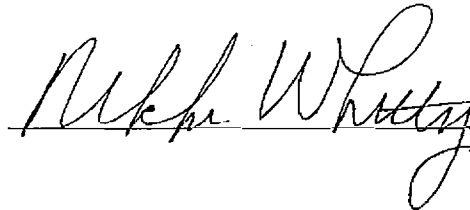
1 Bandon Dunes Resort Master Plan and Bandon Dunes Resort Zoning Ordinance," as
2 submitted with the application, as its findings in support of this decision.

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4 ADOPTED this 26th day of January, 2010.

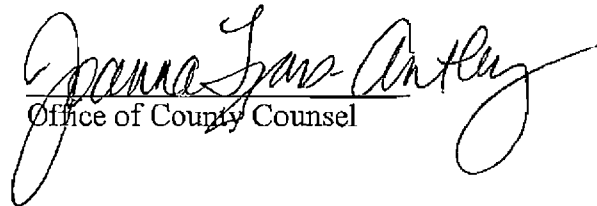
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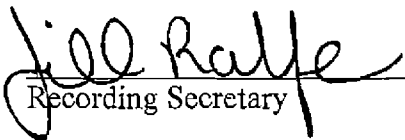
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22 APPROVED AS TO FORM:

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COOS COUNTY PLANNING COMMISSION
STAFF REPORT

FILE NO. : AM-09-06/SP-09-04

SUBJECT : Amend the Coos County Comprehensive Plan text to the 2003
Bandon Dunes Resort Master Plan and associated supplementary
exception statement

Amend Coos County Zoning and Land Development Ordinance
(CCZLDO) text at Section 4.10.050, Uses Permitted Under Final
Development Plan

Final Development Plan Review to allow small-scale, special-
purpose preserve area walk-only golf course on 21-acre site with
no more than a total of 8 acres of turf in island configuration

HEARING DATE : January 7, 2010

HEARING TIME : 7:00 PM

HEARING PLACE : Owen Building
Coos County Annex Building
201 N. Adams St.
Coquille, Oregon 97423

APPLICANT : Bandon Dunes LLP & Bandon Dunes Golf Courses LLC
c/o Donald R. Stastny, FAICP
1630 SW Morrison St., Suite 210
Portland, Oregon 97205

APPLICANT'S
REPRESENTATIVE : Allen L. Johnson
Attorney at Law
Johnson & Sherton, PC.
2303 SE Grant St.
Portland, Oregon 97214

STAFF CONTACT : Patty Evernden, Planning Director

Exhibit # **A**
Date

I. APPLICABLE STANDARDS & CRITERIA

The applicable standards and criteria for the consolidated applications are listed as follows:

COMPREHENSIVE PLAN AND ORDINANCE AMENDMENTS

CCZLDO

1. Article 1.2

Coos County Comprehensive Plan

1. Policy 5.1 Citizen Involvement, Plan Implementation Strategies 3-5
2. Policy 5.2 Land Use & Community Development Planning, Plan Implementation Strategies 6-8, 12, 14
3. Policy 5.4 Forest Lands, Plan Implementation Strategies 2, 3, 5
4. Policy 5.5 Mineral & Aggregate Resources, Plan Implementation Strategy 1
5. Policy 5.6 Fish & Wildlife Habitats, Plan Implementation Strategies 1-3, 6
6. Policy 5.7 Historical and Archeological Resources, Natural Areas and Wilderness, Plan Implementation Strategies 1, 3
7. Policy 5.8 Water Resources, Plan Implementation Strategies 1, 4
8. Policy 5.10 Dunes, and Ocean and Coastal Lakes Shorelands, Plan Implementation Strategies 1-3, 7-9, 11
9. Policy 5.11 Natural Hazards, Plan Implementation Strategies 1, 5
10. Policy 5.12 Air, Land & Water Quality, Plan Implementation Strategy 5
11. Policy 5.16 Industrial and Commercial Lands, Plan Implementation Strategies 2, 3
12. Policy 5.17 Housing, Plan Implementation Strategies 1-4
13. Policy 5.18 Public Facilities and Services, Plan Implementation Strategies 2a, 5
14. Policy 5.19 Transportation, Plan Implementation Strategies 1, 5, 6
15. Policy 5.20 Recreation, Plan Implementation Strategies 1, 5
16. Policy 5.21 Energy, Plan Implementation Strategy 6

Oregon Statewide Planning Goals

1. Goal 1 -- Citizen Involvement
2. Goal 2 -- Land Use Planning
3. Goal 3 -- Agricultural Lands
4. Goal 4 -- Forest Lands
5. Goal 5 -- Open Spaces, Scenic and Historic areas, and Natural Resources
6. Goal 7 -- Areas Subject to natural Disasters and Hazards
7. Goal 8 -- Recreational Needs
8. Goal 9 -- Economic Development
9. Goal 10 -- Housing
10. Goal 11 -- Public Facilities and Services
11. Goal 12 -- Transportation
12. Goal 13 -- Energy Conservation
13. Goal 14 -- Urbanization
14. Goal 17 -- Coastal Shorelands
15. Goal 18 -- Beaches and Dunes

Oregon Administrative Rules

1. Chapter 660, Divisions 004, 012, 014, 018 and 023

PHASE 8 FINAL DEVELOPMENT PLAN

CCZLDO

1. Section 4.10.030 Standards
2. Section 4.10.040 Use Specific Subzones
3. Section 4.10.050 Uses Permitted Under Approved Final Development Plan
4. Section 4.10.060 Final Development Plan Review Procedure
5. Section 4.10.065 Final Development Plan Application Content
6. Section 4.10.070 Final Development Plan Approval Criteria
7. Section 4.10.080 Effect of Final Development Plan Approval

II. BASIC FINDINGS

- A. **LOCATION:** The subject property is located approximately 2.5 miles north of the City of Bandon. The Assessor's map identifies the site of the proposed golf course as Township 27 Range 14 Section 32 Tax Lot 400.
- B. **ZONING:** The subject property is zoned Bandon Dunes Resort (BDR). This designation is applied to a 2,140-acre area located north of the City of Bandon for which an exception to applicable statewide planning goals to permit a destination resort has been adopted as an amendment to the comprehensive plan. The purpose of the BDR zone is to implement an exception to the Statewide Planning Goals and a Master Plan for a destination resort that have been adopted as part of the Coos County Comprehensive Plan.

The BDR zone is divided into thirteen natural resource subzones (designated NR-1 through NR-13), four golf course/residential subzones (designated GR-1 through GR-4), four special residential subzones (designated SR-1 through SR-4), the Resort Village Center subzone (designated RVC), and three mixed use center subzones (designated MXC-1 through MXC-3), as identified on the BDR Use Subzones Map.

The proposed development will be sited in the Natural Resource Subzone-3 (NR-3) which the Master Plan identifies as a duneland portion of the property.

C. SPECIAL CONSIDERATIONS:

Area of Archeological Concern – there have been no additional archeological resources identified for the project site.

- D. **SURROUNDING LAND USES:** South of the BDR zone is Bullards State Park. The Pacific Ocean lies to the west. East and north of the property is primarily rural residential uses.

- E. **SITE DESCRIPTION:** The property consists of 2,140 acres which is currently developed with four 18-hole golf courses, a driving range, a golf training and practice area, a trail system, several clubhouses and restaurants, a main lodge, an inn, overnight lodging, storage and maintenance buildings along with support facilities.

The property has areas that have been cleared and landscaped, wooded areas, natural dune areas, cliffs and areas that have been or are intended to be developed consistent with the Master-Plan.

- F. **BACKGROUND:** In 1996, the County rezoned approximately 1,215 acres to Bandon Dunes Resort (BDR) through the goal exception process. In 2003 the County rezoned an additional 925+/- acres for inclusion in the BDR zone. The County's action included the adoption of Master Plans and subzones with implementing provisions contained in Article 4.10 of the CCZLDO.

The applicant seeks approval to site a special-purpose, small-footprint golf course in the Natural Resource subzone NR-3. The use is not authorized in the NR-3 zone; therefore, the applicant also proposes amendments to the 1996 Master Plan as amended in 2003.

The proposal is a walk-only course that will not require any additional roads, parking lots, heating, or cooling. Vehicle usage will be reduced by providing an additional activity for resort guests within walking distance of the Village Center and the resort's overnight lodging facilities.

The applicant has submitted concurrent applications for the amendments and the site specific final development plan for Phase 8 of the golf course.

The Comprehensive Plan amendment includes the addition of a new Section VIII to the Master Plan. This new provision will state the purpose of the amendment which is the authorization of a golf course on 21 acres in the Natural Resource Conservation Area south of Cut Creek and west of the Trails Golf Course. Section VIII will further identify that the golf course could have no more than 12 holes and no more than a cumulative total of 7-acres of turf for tees, greens and approaches. There would be no buildings, roads or parking lots authorized. The applicant states two purposes for this amendment; (1) create long-term silvery phacelia habitat protection, expansion, research, education, management and funding; and (2) education for visitors about coastal habitat management and restoration while providing an opportunity to experience golf as it began.

Section 5.0.400 sets forth the process for consolidating applications. Applications paired with a plan amendment shall be contingent upon final approval of the amendment by the Board of Commissioners.

G. NOTICE & AGENCY COMMENTS: Notice of this application and the hearing was provided on December 8, 2009 to the following agencies: Department of Land Conservation and Development (DLCD); Oregon Department of Transportation (ODOT); Oregon State Parks; Department of State Lands (DSL); Department of Environmental Quality (DEQ); Oregon Department of Fish and Wildlife (ODF&W); Coquille Indian Tribe, Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians; U.S. Department of Fish and Wildlife (USDF&W); Bureau of Land Management (BLM); and Cut Creek Irrigation District.

Notice of wetlands was provided to Department of State Lands on November 23, 2009.

Department of Land Conservation and Development was provided notice of the initial hearing on November 19, 2009, to comply with the 45-day notice deadline set-forth in ORS 197.610.

DLCD notified staff on December 21, 2009, they have no comments.

Individual written notice of the proposal and public hearings were mailed to the owners of record of all property located within 250-feet of the subject property on December 8, 2009, consistent with CCZLDO Section 5.0.900 and ORS 197.763.

Notice was posted and published on December 8, 2009.

III. ADDITIONAL FINDINGS

A. COMPREHENSIVE PLAN AND ORDINANCE AMENDMENTS

1. Article 1.2 Legislative Amendments

FINDING: The provisions of this article set forth the process for initiating and adopting amendments to the text of the comprehensive plan or implementing ordinance. Section 1.2.200 specifically identifies who may initiate an amendment – either an applicant or the County. In this matter, the applicant has complied with the submittal requirements of Article 1.2, Section 1.2.200.

2. Policy 5.1 Citizen Involvement

FINDING: Citizen involvement is provided through the public hearing process for this matter. At least 2 hearing opportunities will be provided. The initial hearing will take place before the Planning Commission. The Planning Commission will make a recommendation to the Board of Commissioners who will issue the final decision.

3. Policy 5.2 Land Use & Community Development Planning

FINDING: The application was submitted on the appropriate form along with the prescribed fee as required by this plan policy and Article 1.2 above. Public notice requirements identified in Policy 5.2 are addressed above under Basic Findings.

The Planning Commission is scheduled to hear this matter on January 7, 2010. The Planning Commission will make a recommendation to the Board of Commissioners who will ultimately decide the matter.

This Strategy includes a Table that lists all of the plan designations and implementing zones for the unincorporated areas of Coos County. The applicant is not proposing any changes to the existing designations and implementing zones, therefore, this list will remain unchanged.

4. Policy 5.4 Forest Lands
5. Policy 5.5 Mineral & Aggregate Resources, Plan Implementation Strategy 1
6. Policy 5.6 Fish & Wildlife Habitats
7. Policy 5.7 Historical and Archeological Resources, Natural Areas and Wilderness
8. Policy 5.10 Dunes, and Ocean and Coastal Lakes Shorelands
9. Policy 5.8 Water Resources
10. Policy 5.11 Natural Hazards
11. Policy 5.12 Air, Land & Water Quality
12. Policy 5.16 Industrial and Commercial Lands
13. Policy 5.17 Housing
14. Policy 5.18 Public Facilities and Services
15. Policy 5.19 Transportation
16. Policy 5.20 Recreation
17. Policy 5.21 Energy

FINDING: The applicant has demonstrated the proposed amendments comply with the existing Goal exceptions adopted in 1996 and 2003 that address the Policies listed above.

Oregon Statewide Planning Goals

1. Goal 1 – Citizen Involvement

FINDING: This goal is addressed above under Plan Policy 5.1

2. Goal 2 – Land Use Planning

FINDING: The Goal 2 exception is address below.

3. Goal 3 – Agricultural Lands

FINDING: The subject property is a Goal 2 exception site. The proposed use will be limited to the Natural Resource subzone and will be consistent with other uses permitted in that zoning designation. The applicant is not seeking to re-designate resource land.

4. Goal 4 – Forest Lands

FINDING: See Finding above for Policy 5.4.

5. Goal 5 – Open Spaces, Scenic and Historic areas, and Natural Resources

FINDING: See Finding above for Policy 5.7

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

FINDING: See Finding above for Policy 5.12.

7. Goal 7 – Areas Subject to Natural Disasters and Hazards

FINDING: See Finding above for Policy 5.11.

8. Goal 8 – Recreational Needs

FINDING: See Finding above for Policy 5.20.

9. Goal 9 – Economic Development

FINDING: See Finding above for Policy 5.16.

10. Goal 10 – Housing

FINDING: See Finding above for Policy 5.17

11. Goal 11 – Public Facilities and Services

FINDING: See Finding above for Policy 5.18

12. Goal 12 – Transportation

FINDING: See Finding above for Policy 5.19.

13. Goal 13 – Energy Conservation

FINDING: See Finding above for Policy 5.21

14. Goal 14 – Urbanization

FINDING: The proposal would not authorize an urban use. The proposed use is within the footprint of the 1996 exception. The applicant's submitted justification demonstrates the proposed amendments comply with the existing Goal exceptions.

15. Goal 17 – Coastal Shorelands

FINDING: See finding under Policy 5.10.

16. Goal 18 – Beaches and Dunes

FINDING: See finding under Policy 5.10.

Oregon Administrative Rules

1. Chapter 660, Division 004

660-004-0018(4)(b) "Reasons" Exceptions: When a local government changes the types or intensities of uses or public facilities and services within an area approved as a "Reasons" exception, a new "Reasons" exception is required.

FINDING: A new reasons exception is required when changing the types or intensities of uses within an area subject to a reasons exception.

The BDR zone was adopted through the "Reasons" exception process. To comply with OAR 660-004-0018(4)(b), the applicant has submitted this supplemental "Reasons" exception to Goals 3, 4, 11 and 14 in order to allow the proposed use in Natural Resource subzone NR-3. The amendment would allow 1 "...special-purpose, small-footprint golf course..." on a very small portion of the property (27+/- acres of 2,140+/- acres). The use is not a significant change and is consistent with other uses listed for the zone.

The applicant has demonstrated the proposed amendments comply with the existing Goal exceptions adopted in 1996 and 2003.

B. PHASE 8 FINAL DEVELOPMENT PLAN

CCZLDO

1. Section 4.10.030 (H) Riparian Corridor and Wetland Protection, (J) Minimum Setback

FINDING: This development is subject to County adoption of the concurrent Plan and CCZLDO amendment application. The amendment application demonstrates the proposal is consistent with the 1996 Master Plan as revised in 2003 and 2010. The development does not impact riparian vegetation or wetlands. The proposal complies with the setback requirements of this Section.

2. Section 4.10.060 Final Development Plan Review Procedure

- A. Before submitting final development plans for approval of any phase or element of the destination resort, the applicant shall participate in a pre-application conference with the Planning Department to obtain general information, guidelines, procedural requirements, advisory opinions, and technical assistance for the project concept.
- B. Following a pre-application conference, the applicant shall submit a final development plan for review by the Approval Authority. Fifteen (15) copies of the final development plan shall be submitted to the Planning Department along with a filing fee set by the Board of County Commissioners to defray costs incidental to the review process.
- C. If the final development plan includes areas identified as wetlands on the Statewide Wetlands Inventory, as shown on Exhibit A to this Ordinance, the Planning Department shall submit a Wetland Land Use Notification Form to the Division of State Lands within five working days after acceptance of a complete application for final development plan review.
- D. Review of the final development plan shall be in accordance with the provision of Section 5.6.500 (Site Plan Application Submittal and Review Procedure), except that

notwithstanding Section 5.6.500(2), the Planning Director shall approve or deny an application for final development plan approval or, if significant interpretation or policy issues are raised by the final development plan application, may submit the application to the Planning Commission for its review pursuant to applicable provisions of Article 5.7.

- E. The Approval Authority may impose conditions that are necessary to enable it to approve the final development plan under the approval standards of Section 4.10.070.
- F. The Approval Authority shall issue a final order setting out its decision on the final development plan and shall give notice of that decision as provided in Section 5.6.500(4).

FINDING: The applicant complied with the provisions of “A” and “B” above. The proposed development will not impact wetlands; however, DSL was provided notice of this application. Section 5.6.500 is the application submittal and review procedures for site plan review. The application meets the site plan submittal requirements of Section 5.6.500.

IV. CONCLUSION & RECOMMENDATION

The Bandon Dunes Resort is a unique development that has allowed Coos County to comply with the above listed Plan Policies including increased recreational opportunities, economic development, cultural resource protection and wildlife habitat management.

The proposed development is consistent with the County’s adopted Master Plan. Staff recommends the Hearings Body recommend approval of the proposed amendment and Phase 8 Final Development Plan to the Board of Commissioners.

Date and mailed this 23rd day of December, 2009

EC: Office of County Counsel w/attachments

C: File



Coos County Planning Department

Coos County Courthouse Annex, Coquille, Oregon 97423

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

Physical Address: 225 N. Adams, Coquille, Oregon

(541) 396-3121 Ext.210

FAX (541) 756-8630 / TDD (800) 735-2900

Patty Evernden, Planning Director

DATE: January 14, 2010

TO: Board of Commissioners
County Counsel

FROM: Jill Rolfe, Administrative Planner

RE: Bandon Dunes Hearing on January 26, 2010 @ 1:30 p.m. File No's AM-09-06/SP-09-04

This is an amendment to the Coos County Comprehensive Plan text of the 2003 Bandon Dunes Resort Master Plan and associated supplementary exception statement. Amend Coos County Zoning and Land Development Ordinance (CCZLDO) text at Section 4.10.050, Uses Permitted under Final Development Plan. Final Development Plan Review to allow small-scale, special-purpose preserve area walk-only golf course on 21-acre site with no more than a total of 8 acres of turf in island configuration. The proposed golf course site is approximately 20 acres in the SW quarters of Sections 31 and 32 in Township 27 South, Range 14 West.

The Planning Commission unanimously voted to recommend approval of this application to the Board of Commissioners.

Please find the Planning Commission Decision, staff report and application in your packet. The only comments were from ODOT and DLCD. ODOT stated there would be nothing required from them for this project and DLCD had no comments. If you have any question please let me know.

Exhibit # B
Date



Coos County Planning Department

Coos County Courthouse Annex, Coquille, Oregon 97423

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

Physical Address: 225 N. Adams, Coquille, Oregon

planning@co.coos.or.us

Patty Evernden, Planning Director

COOS COUNTY PLANNING COMMISSION

NOTICE OF DECISION

Re: **FILE No. AM-09-06&SP-09-04** – Amend the Coos County Comprehensive Plan text to the 2003 Bandon Dunes Resort Master Plan and associated supplementary exception statement. Amend Coos County Zoning and Land Development Ordinance (CCZLDO) text at Section 4.10.050, Uses Permitted under Final Development Plan. Final Development Plan Review to allow small-scale, special-purpose preserve area walk-only golf course on 21-acre site with no more than a total of 8 acres of turf in island configuration. The proposed golf course site is approximately 20 acres in the SW quarters of Sections 31 and 32 in Township 27 South, Range 14 West.

This is an official Coos County Planning Commission Notice of Decision for the above-referenced application. The Planning Commission held a public hearing on January 7, 2010, and made the following decision:

- Approved without conditions
- Approved with conditions (see conditions in the attached report)
- Recommended Approval to the Board of Commissioners
- Denied

COOS COUNTY PLANNING COMMISSION


Andrew Combs, Coos County Planning Chair

1-7-2010
Date

The Planning Commission's decision is final unless appealed in writing to the Board of Commissioners within 15 days from the Date of Mailing as noted below. This means appeals must be received in the Planning Department by 5:00 p.m. on January 29, 2010, in order to be considered. The Notice of Appeal (NOA) shall be filed pursuant to CCZLDO Section 5.8.223, and shall be accompanied by a written statement of the grounds for the appeal and the required filing fee. Appeals before the Board of Commissioners may be limited to the record with no additional testimony or evidence considered. If this is an amendment or rezone application there will be another hearing to take testimony and evidence. For detailed information on this matter and the decision, see the attached report or contact a staff member (contact information is listed in the header of this page). NOA can be found on our webpage <http://www.co.coos.or.us/Planning/applications>.

Date of Decision: January 7, 2010
Date of Mailing: January 14, 2010
Appeal Dead Line: January 29, 2010 (5:00 p.m.)

¹ Pursuant to §5.8.223 of the LDO "All items to be submitted to the County must actually be received by the County Planning Department no later than 5:00 p.m. on the deadline date. If the deadline date falls on a weekend or County holiday, then the item must actually be received by the County Planning Department no later than 12:00 p.m. on the next County business day following the deadline date. All items to be mailed to another party must be postmarked no later than the deadline date."

The Planning Commission has **recommended approval** to the Board of Commissioners (Board) and the Board will consider the matter and the Planning Commission's recommendations at a public hearing on **January 26, 2010, at 1:30 p.m.** in the Coos County Annex (Owen Building), 201 N. Adams, Coquille, Oregon, thus providing the opportunity to present additional oral or written testimony at the Board hearing, or submit additional written testimony prior to the hearing.

APPLICATION REQUEST:

In the matter of File No's AM-09-06/SP-09-04 an amendment to the Coos County Comprehensive Plan text of the 2003 Bandon Dunes Resort Master Plan and associated supplementary exception statement. Amend Coos County Zoning and Land Development Ordinance (CCZLDO) text at Section 4.10.050, Uses Permitted under Final Development Plan. Final Development Plan Review to allow small-scale, special-purpose preserve area walk-only golf course on 21-acre site with no more than a total of 8 acres of turf in island configuration. The proposed golf course site is approximately 20 acres in the SW quarters of Sections 31 and 32 in Township 27 South, Range 14 West.

Facts of the Matter:

A. The property is located approximately 2.5 miles north of the City of Bandon. The Assessor's map identifies the site of the proposed golf course as Township 27 Range 14 Section 32 Tax Lot 400. The property is owned by Bandon Dunes L.P. and consists of approximately 21-acres. The property consists of approximately 2,140-acres.

The Coos County Planning Commission (Commission) found the proposal to be consistent and in compliance with the Coos County Zoning and Land Development Ordinance (CCZLDO) and the Coos County Comprehensive Plan (CCCP) applicable criteria as listed below and explained in this report.

APPLICABLE CRITERIA:

CCZLDO

1. Article 1.2

Coos County Comprehensive Plan

1. Policy 5.1 Citizen Involvement, Plan Implementation Strategies 3-5
2. Policy 5.2 Land Use & Community Development Planning, Plan Implementation Strategies 6-8, 12, 14
3. Policy 5.4 Forest Lands, Plan Implementation Strategies 2, 3, 5
4. Policy 5.5 Mineral & Aggregate Resources, Plan Implementation Strategy 1
5. Policy 5.6 Fish & Wildlife Habitats, Plan Implementation Strategies 1-3, 6
6. Policy 5.7 Historical and Archeological Resources, Natural Areas and Wilderness, Plan Implementation Strategies 1, 3
7. Policy 5.8 Water Resources, Plan Implementation Strategies 1, 4
8. Policy 5.10 Dunes, and Ocean and Coastal Lakes Shorelands, Plan Implementation Strategies 1-3, 7-9, 11
9. Policy 5.11 Natural Hazards, Plan Implementation Strategies 1, 5
10. Policy 5.12 Air, Land & Water Quality, Plan Implementation Strategy 5

11. Policy 5.16 Industrial and Commercial Lands, Plan Implementation Strategies 2, 3
12. Policy 5.17 Housing, Plan Implementation Strategies 1-4
13. Policy 5.18 Public Facilities and Services, Plan Implementation Strategies 2a, 5
14. Policy 5.19 Transportation, Plan Implementation Strategies 1, 5, 6
15. Policy 5.20 Recreation, Plan Implementation Strategies 1, 5
16. Policy 5.21 Energy, Plan Implementation Strategy 6

Oregon Statewide Planning Goals

1. Goal 1 – Citizen Involvement
2. Goal 2 – Land Use Planning
3. Goal 3 – Agricultural Lands
4. Goal 4 – Forest Lands
5. Goal 5 – Open Spaces, Scenic and Historic areas, and Natural Resources
6. Goal 7 – Areas Subject to natural Disasters and Hazards
7. Goal 8 – Recreational Needs
8. Goal 9 – Economic Development
9. Goal 10 – Housing
10. Goal 11 – Public Facilities and Services
11. Goal 12 -- Transportation
12. Goal 13 – Energy Conservation
13. Goal 14 – Urbanization
14. Goal 17 – Coastal Shorelands
15. Goal 18 -- Beaches and Dunes

Oregon Administrative Rules

1. Chapter 660, Divisions 004, 012, 014, 018 and 023

PHASE 8 FINAL DEVELOPMENT PLAN

CCZLDO

1. Section 4.10.030 Standards
2. Section 4.10.040 Use Specific Subzones
3. Section 4.10.050 Uses Permitted Under Approved Final Development Plan
4. Section 4.10.060 Final Development Plan Review Procedure
5. Section 4.10.065 Final Development Plan Application Content
6. Section 4.10.070 Final Development Plan Approval Criteria
7. Section 4.10.080 Effect of Final Development Plan Approval

FINDINGS TO THE CRITERIA

A. COMPREHENSIVE PLAN AND ORDINANCE AMENDMENTS

1. Article 1.2 Legislative Amendments

FINDING: The provisions of this article set forth the process for initiating and adopting amendments to the text of the comprehensive plan or implementing ordinance. Section 1.2.200 specifically identifies

who may initiate an amendment – either an applicant or the County. In this matter, the applicant has complied with the submittal requirements of Article 1.2, Section 1.2.200.

2. Policy 5.1 Citizen Involvement

FINDING: Citizen Involvement is provided through the public hearing process for this matter. There has been one hearing opportunity provided and another one is scheduled before the Board of Commissioners. The initial hearing took place before the Planning Commission on January 7, 2010 and they made a recommendation of approval to the Board of Commissioners who will issue the final decision.

3. Policy 5.2 Land Use & Community Development Planning

FINDING: The application was submitted on the appropriate form along with the prescribed fee as required by this plan policy and Article 1.2 above. Public notice requirements identified in Policy 5.2 are addressed above under Basic Findings. The hearings were set before the Planning and the Board of Commissioners.

This Strategy includes a Table that lists all of the plan designations and implementing zones for the unincorporated areas of Coos County. The applicant is not proposing any changes to the existing designations and implementing zones, therefore, this list will remain unchanged.

- 4. Policy 5.4 Forest Lands**
- 5. Policy 5.5 Mineral & Aggregate Resources, Plan Implementation Strategy 1**
- 6. Policy 5.6 Fish & Wildlife Habitats**
- 7. Policy 5.7 Historical and Archeological Resources, Natural Areas and Wilderness**
- 8. Policy 5.10 Dunes, and Ocean and Coastal Lakes Shorelands**
- 9. Policy 5.8 Water Resources**
- 10. Policy 5.11 Natural Hazards**
- 11. Policy 5.12 Air, Land & Water Quality**
- 12. Policy 5.16 Industrial and Commercial Lands**
- 13. Policy 5.17 Housing**
- 14. Policy 5.18 Public Facilities and Services**
- 15. Policy 5.19 Transportation**
- 16. Policy 5.20 Recreation**
- 17. Policy 5.21 Energy**

FINDING: The applicant has demonstrated the proposed amendments comply with the existing Goal exceptions adopted in 1996 and 2003 that address the Policies listed above.

Oregon Statewide Planning Goals

1. Goal 1 – Citizen Involvement

FINDING: This goal is addressed above under Plan Policy 5.1

2. Goal 2 – Land Use Planning

FINDING: The Goal 2 exception is address below.

3. Goal 3 – Agricultural Lands

FINDING: The subject property is a Goal 2 exception site. The proposed use will be limited to the Natural Resource subzone and will be consistent with other uses permitted in that zoning designation. The applicant is not seeking to re-designate resource land.

4. Goal 4 – Forest Lands

FINDING: See Finding above for Policy 5.4.

5. Goal 5 – Open Spaces, Scenic and Historic areas, and Natural Resources

FINDING: See Finding above for Policy 5.7

6. Goal 6 - Air, Water, and land Resources Quality

FINDING: See Finding above for Policy 5.12.

7. Goal 7 – Areas Subject to Natural Disasters and Hazards

FINDING: See Finding above for Policy 5.11.

8. Goal 8 – Recreational Needs

FINDING: See Finding above for Policy 5.20.

9. Goal 9 – Economic Development

FINDING: See Finding above for Policy 5.16.

10. Goal 10 – Housing

FINDING: See Finding above for Policy 5.17

11. Goal 11 -- Public Facilities and Services

FINDING: See Finding above for Policy 5.18

12. Goal 12 – Transportation

FINDING: See Finding above for Policy 5.19.

13. Goal 13 – Energy Conservation

FINDING: See Finding above for Policy 5.21

14. Goal 14 – Urbanization

FINDING: The proposal would not authorize an urban use. The proposed use is within the footprint of the 1996 exception. The applicant's submitted justification demonstrates the proposed amendments comply with the existing Goal exceptions.

15. Goal 17 – Coastal Shorelands

FINDING: See finding under Policy 5.10.

16. Goal 18 – Beaches and Dunes

FINDING: See finding under Policy 5.10.

Oregon Administrative Rules

1. Chapter 660, Division 004

660-004-0018(4)(b) "Reasons" Exceptions: When a local governments changes the types or intensities of uses or public facilities and services within an area approved as a "Reasons" exception, a new "Reasons" exception is required.

FINDING: A new reasons exception is required when changing the types or intensities of uses within an area subject to a reasons exception.

The BDR zone was adopted through the "Reasons" exception process. To comply with OAR 660-004-0018(4)(b), the applicant has submitted this supplemental "Reasons" exception to Goals 3, 4, 11 and 14 in order to allow the proposed use in Natural Resource subzone NR-3. The amendment would allow 1 "...special-purpose, small-footprint golf course..." on a very small portion of the property (27+/- acres of 2,140+/- acres). The use is not a significant change and is consistent with other uses listed for the zone.

The applicant has demonstrated the proposed amendments comply with the existing Goal exceptions adopted in 1996 and 2003.

B. PHASE 8 FINAL DEVELOPMENT PLAN

CCZLDO

1. Section 4.10.030 (H) Riparian Corridor and Wetland Protection, (J) Minimum Setback

FINDING: This development is subject to County adoption of the concurrent CCCP and CCZLDO amendment application. The amendment application demonstrates the proposal is consistent with the 1996 Master Plan as revised in 2003 and 2010. The development does not impact riparian vegetation or wetlands. The proposal complies with the setback requirements of this Section.

2. Section 4.10.060 Final Development Plan Review Procedure

- A. Before submitting final development plans for approval of any phase or element of the destination resort, the applicant shall participate in a pre-application conference with the Planning Department

- B. To obtain general information, guidelines, procedural requirements, advisory opinions, and technical assistance for the project concept.
- C. Following a pre-application conference, the applicant shall submit a final development plan for review by the Approval Authority. Fifteen (15) copies of the final development plan shall be submitted to the Planning Department along with a filing fee set by the Board of County Commissioners to defray costs incidental to the review process.
- D. If the final development plan includes areas identified as wetlands on the Statewide Wetlands Inventory, as shown on Exhibit A to this Ordinance, the Planning Department shall submit a Wetland Land Use Notification Form to the Division of State Lands within five working days after acceptance of a complete application for final development plan review.
- E. Review of the final development plan shall be in accordance with the provision of Section 5.6.500 (Site Plan Application Submittal and Review Procedure), except that notwithstanding Section 5.6.500(2), the Planning Director shall approve or deny an application for final development plan approval or, if significant interpretation or policy issues are raised by the final development plan application, may submit the application to the Planning Commission for its review pursuant to applicable provisions of Article 5.7.
- F. The Approval Authority may impose conditions that are necessary to enable it to approve the final development plan under the approval standards of Section 4.10.070.
- G. The Approval Authority shall issue a final order setting out its decision on the final development plan and shall give notice of that decision as provided in Section 5.6.500(4).

FINDING: The applicant complied with the provisions of “A” and “B” above. The proposed development will not impact wetlands; however, DSL was provided notice of this application. Section 5.6.500 is the application submittal and review procedures for site plan review. The application meets the site plan submittal requirements of Section 5.6.500.

MOTION/ DECISION

To **RECOMMEND APPROVAL** of the applications File No’s AM-09-06/SP-09-04. This recommendation was based on the Facts of the Matter, Findings of the Criteria, staff report, and public testimony received. The Planning Commission unanimously voted to **RECOMMEND APPROVAL** of the application to the Board of Commissioners.

For questions regarding the decision or any information contained in this notice, please contact the Coos County Planning Department at (541) 396-3121, extension 210.

Dated this 14th day of January 2010.

c: Board of Commissioners
 Applicant/Owner
 Planning Commission
 Parties (See affidavit of delivery for parties)

EC: Assistant County Counsel
 David Perry, DLCD
 File

Bandon Dunes Golf Resort

PHASE 8 FINAL DEVELOPMENT PLAN

NOVEMBER 5, 2009

Exhibit # *C*
Date

Bandon Dunes Golf Resort

PHASE 8 FINAL DEVELOPMENT PLAN

PART I: INTRODUCTION & SUMMARY MATRIX CHART

PART II: TECHNICAL DISCUSSION

PLANS & DRAWINGS

APPENDICES

NOVEMBER 5, 2009

Bandon Dunes Limited Partnership
14477 Round Lake Drive • Bandon, OR 97411
Telephone 541-347-4380

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PART I:

**INTRODUCTION &
SUMMARY MATRIX CHART**

INTRODUCTION

ORGANIZATION OF THIS SUBMITTAL

To facilitate review, the Phase 8 Final Development Plan Review Application is organized into three parts in the same manner as the previous submittals:

- PART I--An Introduction which provides an explanation and rationale for a proposal that would blend two mutually supportive projects--a low-impact recreation use with a long-term natural resources conservation program as well as background material and the planning context for the project.

A Summary Matrix Chart follows that allows the reader to quickly gain an overview of the submittal, a reference key to the various maps, plans, other graphic materials, and appendix documents that comprise the application. The chart is organized with subheadings that reflect the requirements outlined in Section 4.10.065 of the 1996 Final Decision document.

- PART II— The Technical Discussion section presents detailed information on important planning issues affecting the two components.
- APPENDICES—Support materials are included in this section of the report.

PROPOSED PROJECT AND LOCATION MAP

Project Description

Phase 8 will involve about 27 acres of the 2140-acre Bandon Dunes Resort site. It will be located in the Natural-Resource zone just south of the Cut Creek ravine and west of the Bandon Trails golf course.

Almost three-fourths of the project area, about 20 acres, will be intensively managed to enhance and expand native plant communities, especially open-sand species such as silvery phacelia, in place of an existing landscape increasingly dominated by European beach grass, gorse, and dense stands of shore pine.

The remaining seven acres will become small islands of turf, mainly native fescue, constituting the tees, greens, and approaches of a special-purpose, low-intensity, small-scale golf course. These elements will be carefully integrated into the restored duneland setting to ensure long-term sustainability as well as compatibility between recreation and habitat restoration.

Sustainability and integration permeate the thinking behind the design concept. This approach will establish a built-in, ongoing source of funding for

observation, research, experimentation, and management of open-sand plant habitat reclamation, restoration, and enhancement. At present, continuing encroachment is steadily reducing available open-sand habitat for what may be the largest documented remaining population of silvery phacelia. Meanwhile, experience with the dunelands portions of the Bandon Trails course shows that this trend can be arrested and even reversed with ongoing, intensive management of open-sand areas as elements of a specially-designed compact traditional links course. This project will employ a much smaller turf footprint to extend the benefits of that experience to a larger habitat reclamation and expansion area.

The site's location close to the resort center is as important as its location in a prime opportunity area for habitat restoration and enhancement. The new course will be located close to the Resort Center and will be served by existing maintenance facilities, clubhouses, lodging, parking, roads, water, sewer, and other support systems. It will be tied in with the resort's extensive trail system and will be a walking-only course, except as necessary to accommodate disabilities.

The compact new course is not expected to attract additional guests. They will continue to come to Bandon Dunes for its four 18-hole championship golf courses and world-class destination resort facilities. The new course will be a modest amenity, enhancing guests' immersion in the resort's natural setting, and, it is hoped, inducing them to stay a bit longer. As such, it is not expected to generate additional traffic or other off-site impacts.

In short, the proposed preserve course/habitat enhancement project will align with the Resort's dual missions of (1) providing a rich world-class golf experience for its guests, and (2) providing conscientious stewardship of the world-class natural setting central to that experience.

Conceived as an integral element of the scenic dunes natural resources area, the new course will be known as the "Preserve Course."

Project Location

This proposed project site is located immediately south of Cut Creek. It extends from the drop-off turnaround at the Bandon Trails clubhouse on the east, westward to an upland bluff overlooking the Cut Creek delta. To the south, the site ends just north of a section corner where the common property boundary line with Bullards Beach State Park turns from east-west to north-south.

BANDON DUNES GOLF RESORT
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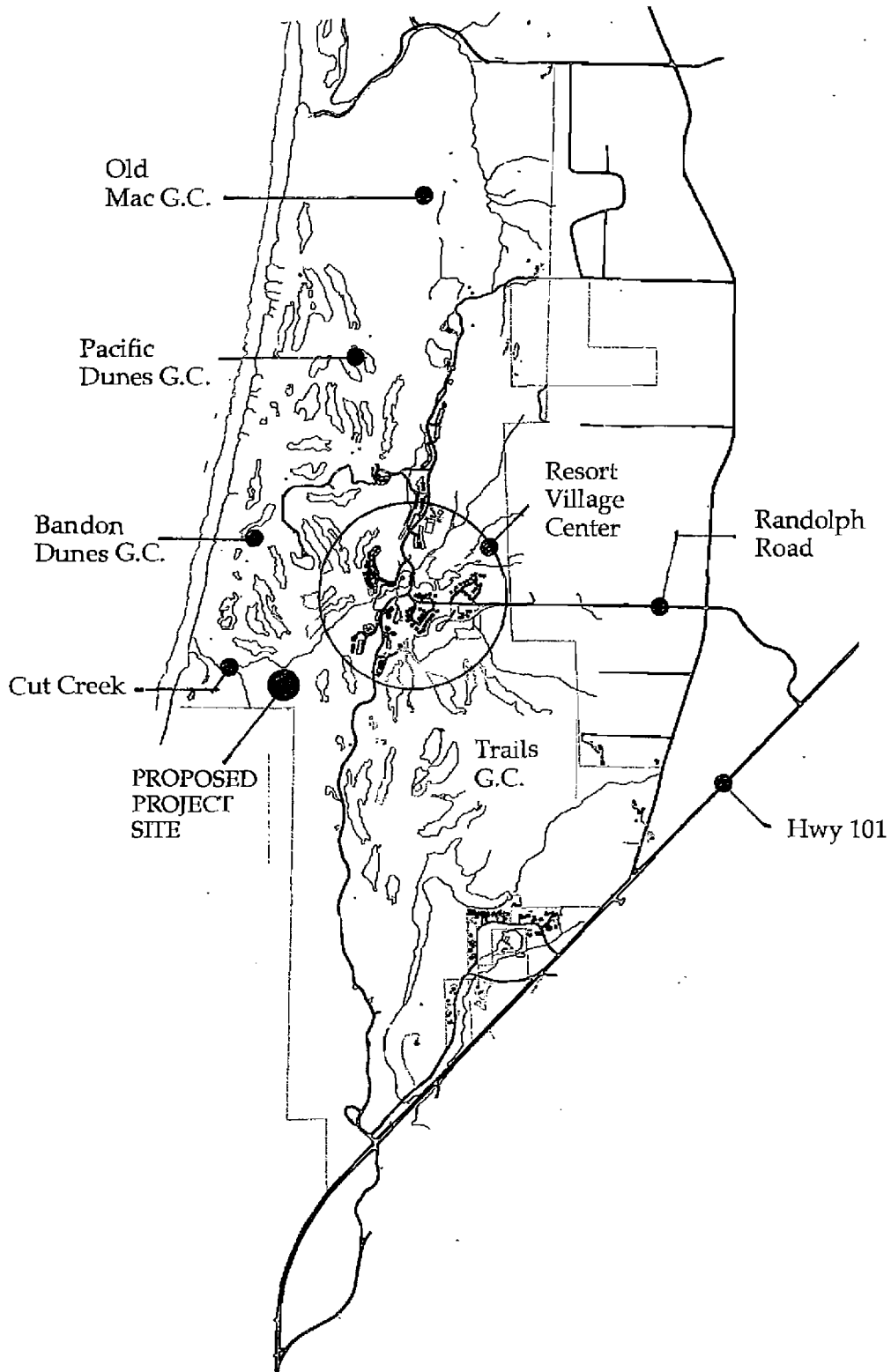


Exhibit 1: Project Location Map

THE EXISTING SCENIC DUNES ENVIRONMENT

As stated in the *Bandon Coastal Dunelands Conservation, Recreation and Resort Development Master Plan*, August 1996, one of the primary purposes of the project has been to

“Provide for resource conservation and enhancement while providing economic and recreational development pursuant to Statewide Planning Goals. The Master Plan calls for harnessing resource protection and low-impact recreational development in a manner that makes them mutually dependent and mutually supporting. The site has been heavily impacted by the encroachment of noxious alien plant species, unregulated hunting, off-road vehicle activity, gold mining and commercial timber management. Recovery and enhancement of the natural and scenic qualities of the site will be made both necessary and economically feasible as a key to the success of a development whose main selling point is the environmental health and beauty of its unique coastal setting.”

The past 16 years of planning, design, construction, operations, and management on the 2140-acre Bandon Dunes Resort site have succeeded in realizing most of these goals. However, in the dunelands areas south of Cut Creek, where resort-related activity has been minimal, encroachment by gorse, scotch broom, beach grass has continued to reduce habitat for silvery phacelia, sand verbena, and other open-sand species. Except where construction activities have involved use of heavy equipment to remove extensive areas of exotic plant species, the three main invasive plant species--gorse, Scotch broom and European beach grass--have continued to gain ground.

One of the sensitive environmental areas recognized in the 1996 Master Plan is the “Scenic Dunes” area located immediately south of Cut Creek. At that time, substantially larger areas of mixed open sand and grassland habitat characterized this area and adjacent state park land. Then as now, the plant community included silvery phacelia, thought to be the largest population in the United States. The State of Oregon lists this plant species as threatened, although it is not federally-listed as either threatened or endangered. As a result, it was deemed to be a primary candidate for protection and preservation. At that time, the recommended conservation strategy was to leave it alone, prohibiting structural improvements, intensive recreational uses, controlling foot access and prohibiting the use of off-road vehicles.

Over the years, encroachment has continued and it has become apparent that more aggressive management is needed. Invasive species encroachment has continued to change the ecology of the scenic dunes since 1993. Fortunately, a promising way forward has been suggested by experience since then. Silvery phacelia are colonizing and thriving in open sand areas opened up and maintained within the playing boundaries of the western holes of the Bandon

Trails golf course just to the east. See photographs and graphics in Appendix A: *Silvery Phacelia Vegetation on the Bandon Trails*.

Experience since 1996 demonstrates that it will take more than passive management to reverse encroachment trends that have a long head start. Early in the project planning stages, the planning and design team reviewed historical aerial photographs of the coastline where the future resort would be located. These investigations revealed the dynamic nature of the ecological setting, notably the movement of beach grass inland and subsequent loss of open sand and associated plant species.

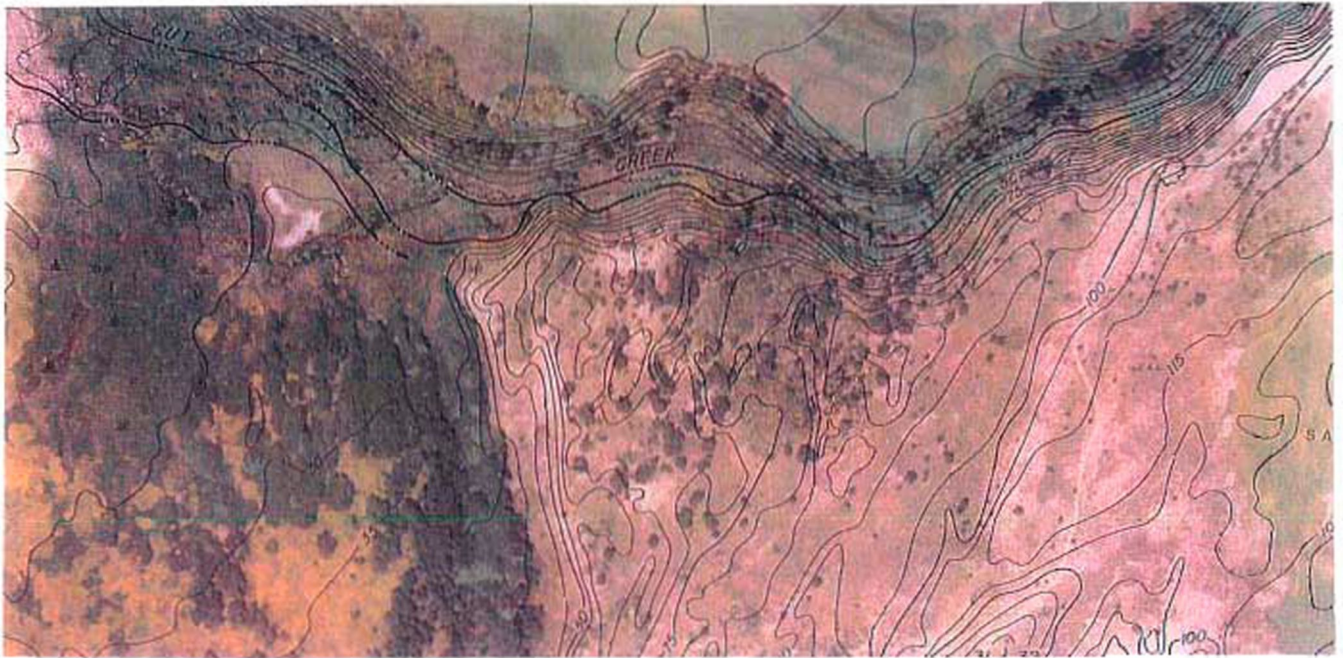
Observations by early explorers and pioneers noted that prairie-type grasses and occasional stands of trees characterized the vegetation along the Oregon coastline. However, grazing and cultivation activities by pioneers, and subsequent sand activity destabilized the natural plant communities prior to settlement. Later the introduction of gorse in the 1880's and the introduction of European beach grass by the Corps of Engineers in the early 1900's further contributed to changes in the duneland environment. Stabilization of the moving sand by the beach grass resulted in the formation of a foredune and subsequent formation of a deflation plain and seasonal wetlands.

A review of the historical aerial photographs taken in 1939, 1964, 1977, 1989' and 1994 shows the progressive loss of open sand areas and the changes in associated vegetation patterns. See *Historic Landscape Patterns, Bandon Dunes Coastal Property from 1939 to 1984*, October 1995, in Vol. V: Technical Appendices, 1996 Bandon Dunes Resort Master Plan.

These photographs (see Appendix B) clearly show the reduction of open sand areas and the new vegetation patterns that resulted from the invasion and spread of the introduced exotic plant species. The existing plant community located south of Cut Creek will continue to change since the two dominant exotic plants, European beach grass and gorse, have established a strong foothold. Another plant species, the Oregon shore pine, is also a factor in this changing vegetation pattern in a process known as plant succession. The shore pine is a pioneer forest tree, and it is spreading from west to east in the Cut Creek delta area and on Bullards Beach State Park. While not itself a nonnative species, it would not be colonizing these former open sand areas if the way had not first been prepared for it by the nonnative beach grass and gorse.

A review of the shore pine vegetation pattern within the proposed project site and the tree cover pattern shown on the June 2009 aerial photograph shows significant change during just the last five years. The previous scattered tree pattern is rapidly being replaced by stands of shore pine that also include native spruce trees and understory native shrubs. A comparison of tree cover patterns in the 2005 and 2009 aerial photographs shows that the stand of trees in the

center of the photographs has become denser. Unless checked, the advance of shore pine trees, together with the other exotic plants, will dramatically alter the scenic quality and ecology of the existing scenic dunelands.



2005 Site Aerial Photograph: Partial View of West End of Proposed Golf Course



2009 Site Aerial Photograph: Partial View of West End of Proposed Golf Course

Exhibit 3: Comparison of 2005 NS 2009 Aerial Photographs

MANAGEMENT PRACTICES AND STUDIES IN THE SCENIC DUNELANDS

In 2000, a hiking trail was built to allow resort guests and day visitors' foot access from the resort center to the beach just south of where Cut Creek flows into the ocean. The presence of this trail gave resort staff maintenance access to the area so they could begin actions to protect the silvery phacelia population.

The past five years have seen some reduction of beach grass through a European beach grass eradication and abatement Program initiated by the resort. Resort staff and a citizen volunteer have accomplished the work by hand pulling the beach grass. This effort was concentrated on five primary sites, each of which was revisited several times to remove re-growth. During the summer of 2008, the resort hired two maintenance specialists to assist in the beach grass removal and abatement program.

USF&W Study

In 2006 the U.S. Fish & Wildlife (USF&W) Service office in Arcata, California contracted with Jennifer Kalt to undertake a Status Review and Field Inventory for Silvery phacelia along portions of the Oregon and California coast. Her on-site inventory of the silvery phacelia populations on resort and state parkland was accomplished in June 2007. A final report was published on April 1, 2008, and it documented the fact that there have been only 30 occurrences of silvery phacelia reported since 1916 with the majority being in southern Oregon (see Appendix C: *Status Review and Field Inventory for Silvery phacelia: Phacelia argentea (Hydrophyllaceae), April 1, 2008*).

The study confirmed that the existing populations are small and highly fragmented. Most are declining in numbers. The study confirms that all phacelia habitats are primarily threatened by European beachgrass and notes that gorse is also a threat in southern Oregon. It reports that there is a significant population on Bandon Dunes Resort property. The USF&W study estimated the phacelia population on resort and neighboring state park land to be approximately 3000 plants. In Oregon silvery phacelia is classified as a "Listed Threatened Species" by the Oregon Department of Agriculture. It is not federally listed.

In 2007, during her study, Ms. Kalt prepared a photographic aerial plan map showing the approximate extent of the existing silvery phacelia population as well as the approximate extent of suitable habitat on resort and adjacent state park land (See Appendix D: *Sand Dune Phacelia (Phacelia argentea) at Bandon Coastal Property, Bandon, Oregon, June 29, 2007*). Boundary data from this plan map was copied and superimposed over the proposed golf course routing plan. This information was used to help identify potential impacts and to help identify habitat reclamation and expansion opportunities.

The US Fish and Wildlife Report confirms that European beach grass and gorse are serious threats to silvery phacelia:

"The primary threat to populations and habitat of silvery phacelia is invasion by nonnatives. In particular, silvery phacelia is threatened by European beachgrass (*Ammophila arenaria*) throughout its range, and in addition by gorse (*Ulex europaea*) in [the] northern part of its range (particularly in sites near Bandon, Oregon)." *USF&W 2008 Report, Section IV.A.*

A very promising finding in the 2008 Fish and Wildlife Study is that silvery phacelia seed beneath a mat of beach grass can re-colonize an area after the beach grass has been removed:

"Fortunately, silvery phacelia appears to persist for some time beneath a canopy of European beachgrass, potentially allowing for successful recovery of populations by manual removal of European beachgrass." *2008 USF&W Report, Section IV.A.*

Another of the report's findings, equally relevant to this proposal, is the importance of sustained effort:

"Ongoing management of European beachgrass is crucial to the conservation and recovery of silvery phacelia populations throughout its range." *2008 USF&W Report, Section IV.A*

The proposed preserve golf course and habitat enhancement project responds directly to these findings.

Environmental Management Thesis Project

In June 2008, Ashley Edwards, a staff intern at the Bandon Dunes Golf Resort, undertook a recreational land management study of the proposed Par 3 Golf Course as the focus for a master's thesis in Environmental Management at Portland State University. As part of her study she assessed numbers and locations of silvery phacelia plants potentially affected by the proposed golf course. During the summer of 2008, Ms Edwards conducted an on-site inventory of the population and interviewed resort maintenance staff regarding silvery phacelia habitat maintenance and restoration activities, including invasive plant abatement measures.

The following extract from Ms. Edward's 2009 thesis describes the methodology she used to inventory the silvery phacelia population:

To conduct the silvery phacelia inventory, a Garmin HCx etrex Global Positioning Unit (GPS) was used. This is a midline recreational GPS unit that was used to collect positional data on silvery phacelia. A minimum of four satellites was used for the inventory, allowing for the most precise locations. The accuracy of this Garmin GPS unit is approximately nine feet, resulting in any individual plants falling in that radius to be counted as the same location. A single Silvery phacelia, completely surrounded by sand, was categorized as one individual plant. When collecting positional data, a minimum of 50 points was used to produce the most accurate latitude and longitude reading in the WGS84 datum. Each of the 50 points consists of one-second GPS data, which includes latitude and longitude location and its specific time. Using a large number of points increases precision when averaging all point locations to get the overall coordinates. Working the active dune sheet from south to north, in a zig-zag west to east orientation, plants were inventoried as they were encountered. Portions of the dune sheet that are heavily invaded by European beachgrass received a less thorough search due to Silvery phacelia's inability to compete for resources with this invasive species.

After collecting point information on the Silvery phacelia population, data was saved in an Excel spreadsheet. All of the data from the spreadsheet can be imported into ArcGIS (proprietary ESRI software) as the attribute table for the Silvery phacelia locations. Each point has a number of plants associated with a set of coordinates. Due to the accuracy of the GPS being nine feet, the number of plants in any given location can be determined in the GIS attribute table. Latitude and longitude coordinates were then converted from degree minute seconds into decimal degree coordinates, allowing the information to be displayed spatially in ArcGIS. Prior to this step, the Excel spreadsheet was saved as a database file (.dbf) format, which can be imported into a personal geodatabase and added to an ArcMap (.mxd) window. After pre-processing the data, it was assigned a spatial location using the decimal degrees coordinates in the WGS84 datum. Data then had to be projected into harn international feet state plane Oregon south to overlay correctly with additional GIS data. Thesis at page 25-26.

Ms. Edwards determined that about 5000 plants were in the H. L. McKee Preserve, of which the project site is a part, and that the next largest population, about 1250 plants, is found on the Bandon Trails golf course adjacent to the project site. She found another 27 plants on the Bandon Dunes course north of Cut Creek and 420 more on the Pacific Dunes course north of the Bandon Dunes course. Thesis at page 30-31.

Inventoried plants were mapped and several plan graphics prepared to illustrate the location of the silvery phacelia population on resort and state park land. See Appendix G: *Silvery Phacelia/Intern Mapping*. A review of these maps indicates that the golf course will be routed along the north edge of the existing plant

population. Only a portion of the proposed golf improvements will affect the north edge of Phacelia plants.

In response to these findings, a preliminary course routing was modified to reduce expected impacts. The mapping also shows that the existing population extends south on resort and state park land, and that most of the localized population would not be affected.

LONG-TERM VIABILITY OF THE SCENIC DUNES ENVIRONMENT

A review of past studies and reports indicates current management practices may not offset the adverse impacts associated with the plant succession trend in the scenic dunes area. The resort has followed guidelines recommended by the Oregon Heritage Foundation in an attempt to abate the advance of European beach grass. Past and current hand pulling activities have been only partially successful in the scenic dunes area.

In the past limited operational funds for state park lands have restricted park officials from abating Gorse growth on Bullards Beach State Park. Recently about 50 acres of infested state park land was cleared of gorse plants. Coordination with state park officials will be a necessary component in a long-term effort to abate the spread of gorse along this portion of Oregon's coastline.

The current Bandon Dunes Resort (BDR) zoning classifies the scenic dunes area as the NR-3 (Scenic Dunes) subzone as adopted by Coos County. It appears the management of the NR-3 subzone and adjacent state parkland will need to consider alternative approaches to adequately protect and enhance the silvery phacelia habitat from extinction and to preserve the scenic amenity and beauty associated with the scenic dunes for future generations. This is especially important considering that the resort and neighboring Bullards Beach State Park currently host what may be the largest existing population of silvery phacelia.

CONSERVATION~RECREATION PROJECT

PROPOSED DEVELOPMENT & RATIONALE

Integrated Conservation and Recreation Improvements

A unique opportunity exists to blend 12 holes of golf with a natural resources conservation program that will reclaim and expand important plant habitat and restore the native duneland plant community that has been altered by the invasion of exotic plant species.

Plant Community Protection and Restoration

Much of the project site is covered with European beach grass. Construction of the golf course would result in removal of much of this invasive species by a combination of manual and mechanical removal.

Immediately west of the project site in the Cut Creek Delta area, the dominant plant species are gorse and shore pine trees. Over the past few decades the Shore pines have spread to upland areas. A dense stand of Shore pine with some native Spruce mixed in is present on the western portion of the proposed site. About one and a half acres of existing shore pine and native spruce trees would be preserved as accent features in the golf course design.

Improvement Benefits

The sustained intervention proposed by this application will result in the permanent removal of extensive areas of existing trees, exotic plants and European beach grass. New areas of open sand will be created within and abutting the new course layout. The new restoration areas will be replanted and restored to reestablish the native plant community that thrived in the dunes before the introduction of exotic plant species.

Other benefits will include a long-term funding source for on-site, and potentially off-site, natural resource habitat restoration. A significant portion of the revenue generated by the Par 3 Golf Course will be allocated for these purposes. The integration of a low-impact golf course within a unique natural resource area will also provide an "immersive" means of educating golfers and other visitors about habitat restoration and coastal ecology. Foot trail access into the scenic dunes area south of Cut Creek will would give resort guests and day visitors similar opportunities to see and appreciate the unique ecology and stunning visual character of the central Oregon coastal environment.

In sum, the proposed preserve course will blend natural resource protection, long-term funding, and low-impact recreational development in a creative, mutually dependent and mutually supportive manner. It will also provide a sustainable source of funding for long-term reclamation, enlargement, enhancement, and maintenance of silvery phacelia habitat.

DUNELAND RECREATION-PAR 3 GOLF COURSE

Course Design

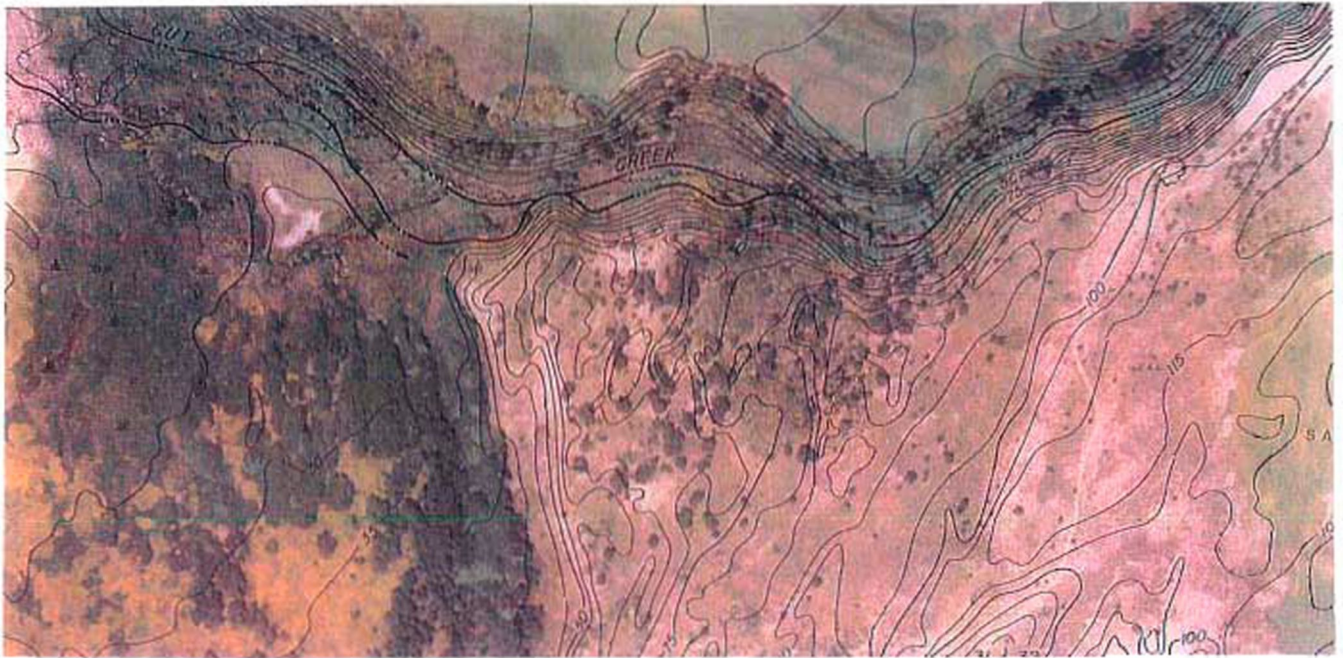
The proposed golf course has been designed to facilitate restoration of the native "dune mat" community, to expand silvery phacelia habitat, to minimize impacts on existing plants, and, finally, to provide a golfing experience rooted in the origins of golf. The Bill Coore layout minimizes impacts and maintains habitat connectivity with an archipelago-like layout of short par-three holes. Turf acreage is kept to a minimum by concentrating tees, greens, and approaches on small islands of mown fescue for the approach and landing areas, rather than continuous maintained turf fairways.

The proposed golf course has been reduced from 18 to 12 holes of play to further reduce habitat impacts. The course architect and resort owner were guided by a combination of their broad experience and their deep personal acquaintance with the resort site, together with advice gathered from resort maintenance managers, naturalists, and other experts and members of the community familiar with coastal restoration and management strategies.

The preserve course will be short. The shortest hole (number 1) will be 92 yards long, and the longest hole (number 10) will be 165 yards long. In contrast, at the Bandon Dunes Golf Resort, the typical par-3 hole runs about 130 yards, and longer holes can be over 500 yards. Overall, each of the resort's four championship courses is from 5000 to almost 7000 yards long, depending on which tees are used. Finally, each of the four championship courses occupies a footprint of over 200 acres, with a turf footprint of about 70 acres, compared with a total of less than 8 acres of turf for the entire Preserve Course.

The proposed course will offer resort guests more golfing choices. The preserve course will offer golfers of all skill levels the opportunity to play a round of golf requiring less time than an 18-hole course. The requirement to play from all holes from a tee box to a limited approach and landing area over open sand will presents a unique and novel challenge.

At the same time, the course will offer a less strenuous experience for families and guests staying at the resort, enabling all to play different courses at their own level of confidence.



2005 Site Aerial Photograph: Partial View of West End of Proposed Golf Course



2009 Site Aerial Photograph: Partial View of West End of Proposed Golf Course

Exhibit 3: Comparison of 2005 NS 2009 Aerial Photographs

MANAGEMENT PRACTICES AND STUDIES IN THE SCENIC DUNELANDS

In 2000, a hiking trail was built to allow resort guests and day visitors' foot access from the resort center to the beach just south of where Cut Creek flows into the ocean. The presence of this trail gave resort staff maintenance access to the area so they could begin actions to protect the silvery phacelia population.

The past five years have seen some reduction of beach grass through a European beach grass eradication and abatement Program initiated by the resort. Resort staff and a citizen volunteer have accomplished the work by hand pulling the beach grass. This effort was concentrated on five primary sites, each of which was revisited several times to remove re-growth. During the summer of 2008, the resort hired two maintenance specialists to assist in the beach grass removal and abatement program.

USF&W Study

In 2006 the U.S. Fish & Wildlife (USF&W) Service office in Arcata, California contracted with Jennifer Kalt to undertake a Status Review and Field Inventory for Silvery phacelia along portions of the Oregon and California coast. Her on-site inventory of the silvery phacelia populations on resort and state parkland was accomplished in June 2007. A final report was published on April 1, 2008, and it documented the fact that there have been only 30 occurrences of silvery phacelia reported since 1916 with the majority being in southern Oregon (see Appendix C: *Status Review and Field Inventory for Silvery phacelia: Phacelia argentea (Hydrophyllaceae), April 1, 2008*).

The study confirmed that the existing populations are small and highly fragmented. Most are declining in numbers. The study confirms that all phacelia habitats are primarily threatened by European beachgrass and notes that gorse is also a threat in southern Oregon. It reports that there is a significant population on Bandon Dunes Resort property. The USF&W study estimated the phacelia population on resort and neighboring state park land to be approximately 3000 plants. In Oregon silvery phacelia is classified as a "Listed Threatened Species" by the Oregon Department of Agriculture. It is not federally listed.

In 2007, during her study, Ms. Kalt prepared a photographic aerial plan map showing the approximate extent of the existing silvery phacelia population as well as the approximate extent of suitable habitat on resort and adjacent state park land (See Appendix D: *Sand Dune Phacelia (Phacelia argentea) at Bandon Coastal Property, Bandon, Oregon, June 29, 2007*). Boundary data from this plan map was copied and superimposed over the proposed golf course routing plan. This information was used to help identify potential impacts and to help identify habitat reclamation and expansion opportunities.

The US Fish and Wildlife Report confirms that European beach grass and gorse are serious threats to silvery phacelia:

"The primary threat to populations and habitat of silvery phacelia is invasion by nonnatives. In particular, silvery phacelia is threatened by European beachgrass (*Ammophila arenaria*) throughout its range, and in addition by gorse (*Ulex europaea*) in [the] northern part of its range (particularly in sites near Bandon, Oregon)." *USF&W 2008 Report, Section IV.A.*

A very promising finding in the 2008 Fish and Wildlife Study is that silvery phacelia seed beneath a mat of beach grass can re-colonize an area after the beach grass has been removed:

"Fortunately, silvery phacelia appears to persist for some time beneath a canopy of European beachgrass, potentially allowing for successful recovery of populations by manual removal of European beachgrass." *2008 USF&W Report, Section IV.A.*

Another of the report's findings, equally relevant to this proposal, is the importance of sustained effort:

"Ongoing management of European beachgrass is crucial to the conservation and recovery of silvery phacelia populations throughout its range." *2008 USF&W Report, Section IV.A*

The proposed preserve golf course and habitat enhancement project responds directly to these findings.

Environmental Management Thesis Project

In June 2008, Ashley Edwards, a staff intern at the Bandon Dunes Golf Resort, undertook a recreational land management study of the proposed Par 3 Golf Course as the focus for a master's thesis in Environmental Management at Portland State University. As part of her study she assessed numbers and locations of silvery phacelia plants potentially affected by the proposed golf course. During the summer of 2008, Ms Edwards conducted an on-site inventory of the population and interviewed resort maintenance staff regarding silvery phacelia habitat maintenance and restoration activities, including invasive plant abatement measures.

The following extract from Ms. Edward's 2009 thesis describes the methodology she used to inventory the silvery phacelia population:

To conduct the silvery phacelia inventory, a Garmin HCx etrex Global Positioning Unit (GPS) was used. This is a midline recreational GPS unit that was used to collect positional data on silvery phacelia. A minimum of four satellites was used for the inventory, allowing for the most precise locations. The accuracy of this Garmin GPS unit is approximately nine feet, resulting in any individual plants falling in that radius to be counted as the same location. A single Silvery phacelia, completely surrounded by sand, was categorized as one individual plant. When collecting positional data, a minimum of 50 points was used to produce the most accurate latitude and longitude reading in the WGS84 datum. Each of the 50 points consists of one-second GPS data, which includes latitude and longitude location and its specific time. Using a large number of points increases precision when averaging all point locations to get the overall coordinates. Working the active dune sheet from south to north, in a zig-zag west to east orientation, plants were inventoried as they were encountered. Portions of the dune sheet that are heavily invaded by European beachgrass received a less thorough search due to Silvery phacelia's inability to compete for resources with this invasive species.

After collecting point information on the Silvery phacelia population, data was saved in an Excel spreadsheet. All of the data from the spreadsheet can be imported into ArcGIS (proprietary ESRI software) as the attribute table for the Silvery phacelia locations. Each point has a number of plants associated with a set of coordinates. Due to the accuracy of the GPS being nine feet, the number of plants in any given location can be determined in the GIS attribute table. Latitude and longitude coordinates were then converted from degree minute seconds into decimal degree coordinates, allowing the information to be displayed spatially in ArcGIS. Prior to this step, the Excel spreadsheet was saved as a database file (.dbf) format, which can be imported into a personal geodatabase and added to an ArcMap (.mxd) window. After pre-processing the data, it was assigned a spatial location using the decimal degrees coordinates in the WGS84 datum. Data then had to be projected into harn international feet state plane Oregon south to overlay correctly with additional GIS data. Thesis at page 25-26.

Ms. Edwards determined that about 5000 plants were in the H. L. McKee Preserve, of which the project site is a part, and that the next largest population, about 1250 plants, is found on the Bandon Trails golf course adjacent to the project site. She found another 27 plants on the Bandon Dunes course north of Cut Creek and 420 more on the Pacific Dunes course north of the Bandon Dunes course. Thesis at page 30-31.

Inventoried plants were mapped and several plan graphics prepared to illustrate the location of the silvery phacelia population on resort and state park land. See Appendix G: *Silvery Phacelia/Intern Mapping*. A review of these maps indicates that the golf course will be routed along the north edge of the existing plant

population. Only a portion of the proposed golf improvements will affect the north edge of Phacelia plants.

In response to these findings, a preliminary course routing was modified to reduce expected impacts. The mapping also shows that the existing population extends south on resort and state park land, and that most of the localized population would not be affected.

LONG-TERM VIABILITY OF THE SCENIC DUNES ENVIRONMENT

A review of past studies and reports indicates current management practices may not offset the adverse impacts associated with the plant succession trend in the scenic dunes area. The resort has followed guidelines recommended by the Oregon Heritage Foundation in an attempt to abate the advance of European beach grass. Past and current hand pulling activities have been only partially successful in the scenic dunes area.

In the past limited operational funds for state park lands have restricted park officials from abating Gorse growth on Bullards Beach State Park. Recently about 50 acres of infested state park land was cleared of gorse plants. Coordination with state park officials will be a necessary component in a long-term effort to abate the spread of gorse along this portion of Oregon's coastline.

The current Bandon Dunes Resort (BDR) zoning classifies the scenic dunes area as the NR-3 (Scenic Dunes) subzone as adopted by Coos County. It appears the management of the NR-3 subzone and adjacent state parkland will need to consider alternative approaches to adequately protect and enhance the silvery phacelia habitat from extinction and to preserve the scenic amenity and beauty associated with the scenic dunes for future generations. This is especially important considering that the resort and neighboring Bullards Beach State Park currently host what may be the largest existing population of silvery phacelia.

CONSERVATION~RECREATION PROJECT

PROPOSED DEVELOPMENT & RATIONALE

Integrated Conservation and Recreation Improvements

A unique opportunity exists to blend 12 holes of golf with a natural resources conservation program that will reclaim and expand important plant habitat and restore the native duneland plant community that has been altered by the invasion of exotic plant species.

Plant Community Protection and Restoration

Much of the project site is covered with European beach grass. Construction of the golf course would result in removal of much of this invasive species by a combination of manual and mechanical removal.

Immediately west of the project site in the Cut Creek Delta area, the dominant plant species are gorse and shore pine trees. Over the past few decades the Shore pines have spread to upland areas. A dense stand of Shore pine with some native Spruce mixed in is present on the western portion of the proposed site. About one and a half acres of existing shore pine and native spruce trees would be preserved as accent features in the golf course design.

Improvement Benefits

The sustained intervention proposed by this application will result in the permanent removal of extensive areas of existing trees, exotic plants and European beach grass. New areas of open sand will be created within and abutting the new course layout. The new restoration areas will be replanted and restored to reestablish the native plant community that thrived in the dunes before the introduction of exotic plant species.

Other benefits will include a long-term funding source for on-site, and potentially off-site, natural resource habitat restoration. A significant portion of the revenue generated by the Par 3 Golf Course will be allocated for these purposes. The integration of a low-impact golf course within a unique natural resource area will also provide an "immersive" means of educating golfers and other visitors about habitat restoration and coastal ecology. Foot trail access into the scenic dunes area south of Cut Creek will would give resort guests and day visitors similar opportunities to see and appreciate the unique ecology and stunning visual character of the central Oregon coastal environment.

In sum, the proposed preserve course will blend natural resource protection, long-term funding, and low-impact recreational development in a creative, mutually dependent and mutually supportive manner. It will also provide a sustainable source of funding for long-term reclamation, enlargement, enhancement, and maintenance of silvery phacelia habitat.

DUNELAND RECREATION-PAR 3 GOLF COURSE

Course Design

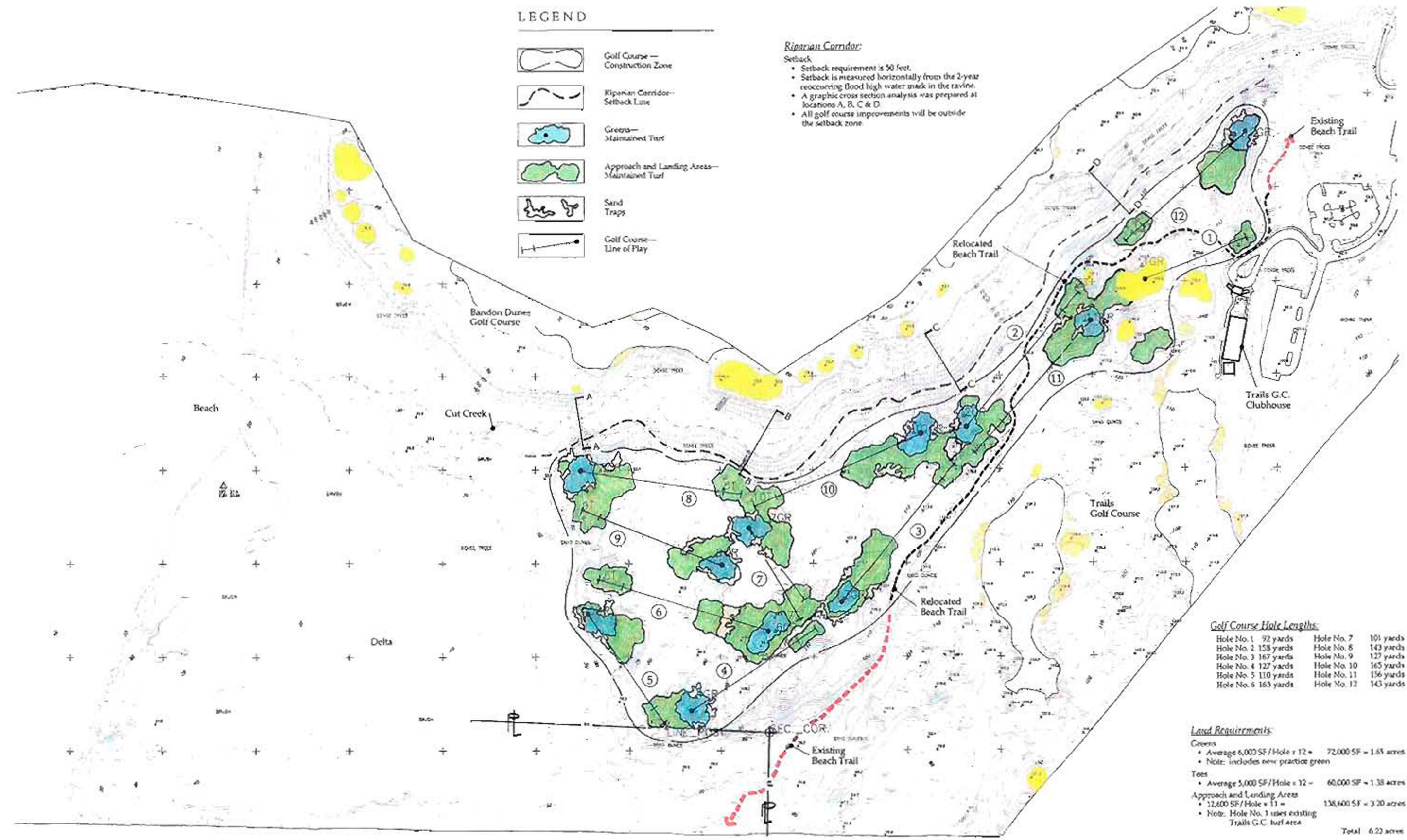
The proposed golf course has been designed to facilitate restoration of the native "dune mat" community, to expand silvery phacelia habitat, to minimize impacts on existing plants, and, finally, to provide a golfing experience rooted in the origins of golf. The Bill Coore layout minimizes impacts and maintains habitat connectivity with an archipelago-like layout of short par-three holes. Turf acreage is kept to a minimum by concentrating tees, greens, and approaches on small islands of mown fescue for the approach and landing areas, rather than continuous maintained turf fairways.

The proposed golf course has been reduced from 18 to 12 holes of play to further reduce habitat impacts. The course architect and resort owner were guided by a combination of their broad experience and their deep personal acquaintance with the resort site, together with advice gathered from resort maintenance managers, naturalists, and other experts and members of the community familiar with coastal restoration and management strategies.

The preserve course will be short. The shortest hole (number 1) will be 92 yards long, and the longest hole (number 10) will be 165 yards long. In contrast, at the Bandon Dunes Golf Resort, the typical par-3 hole runs about 130 yards, and longer holes can be over 500 yards. Overall, each of the resort's four championship courses is from 5000 to almost 7000 yards long, depending on which tees are used. Finally, each of the four championship courses occupies a footprint of over 200 acres, with a turf footprint of about 70 acres, compared with a total of less than 8 acres of turf for the entire Preserve Course.

The proposed course will offer resort guests more golfing choices. The preserve course will offer golfers of all skill levels the opportunity to play a round of golf requiring less time than an 18-hole course. The requirement to play from all holes from a tee box to a limited approach and landing area over open sand will presents a unique and novel challenge.

At the same time, the course will offer a less strenuous experience for families and guests staying at the resort, enabling all to play different courses at their own level of confidence.



Bandon Dunes Golf Resort
Duneland Conservation~Recreation Project

RECREATION: PAR 3 GOLF COURSE/ROUTING PLAN



Course Location and Layout

The routing plan of the Preserve Course architect, Bill Coore, starts with the first tee near the vehicular drop-off at the Bandon Trails clubhouse. Play continues to the west along the south bluff side of the Cut Creek ravine for holes 1 and 2. Hole 3 slants away from the ravine and continues toward a section corner near the common boundary line of with Bullards Beach State Park. Holes 5, 6, 7, 8 and 9 will be located on an elevated landform above and just east of the Cut Creek delta. The remaining holes 10, 11 and 12 are routed eastward along the south bluff of the ravine, returning to a natural bowl landform immediately north of Hole 1. The site is about 2300 feet long from east to west and varies from about 200 feet wide at the east end to about 800 feet wide at the west end.

Golfers will use the existing facilities and services at the Bandon Trails Clubhouse, including the parking area and the shuttle drop-off. The starting tee will be only 200 feet from the clubhouse, and the finishing green will be about 500 feet from the clubhouse. An existing irrigation water supply pipe serving the Bandon Trails course will easily meet the modest needs of the new course as well. Close proximity to existing infrastructure, staff, and dining facilities is key to minimizing impacts and providing easy access for resort guests.

The Bill Coore golf architectural team also designed the Bandon Trails Golf Course, and it has made good use of the knowledge and experience gained with Bandon Trails. Several holes on Bandon Trails were designed to incorporate existing silvery phacelia plants and habitat as natural features of the course. These holes depart from the usual design, where a grassed fairway runs continuously from the tee boxes to the green. That strategy has been extended to become a defining feature of the Preserve Course. This and other lessons learned have been used in designing and planning for the new course, where the prime focus will be to reclaim, preserve, extend, and enhance silvery phacelia habitat in particular, and to remove exotic plant species and restore native plant communities in general.

Schematic plan drawings have been prepared to illustrate the design approach envisioned by the golf course architect. The design for the 12th hole shows how the maintained turf associated with the tee area, approach/landing area and green are surrounded by an expansive open sand area that in the future will be populated by Silvery phacelia plants.

The other drawing of the 8th and 9th holes illustrates how tees, approach and landing areas, and greens can be aggregated into small islands of maintained turf that sit like islands in a sea of native plant habitat. A comparison of two existing golf holes on the Bandon Trails Golf Course with two of the proposed Preserve Course holes shows the dramatic reduction in area dedicated to golf course use.

The drawings also illustrate the dramatic character difference in the surrounding landscape setting.

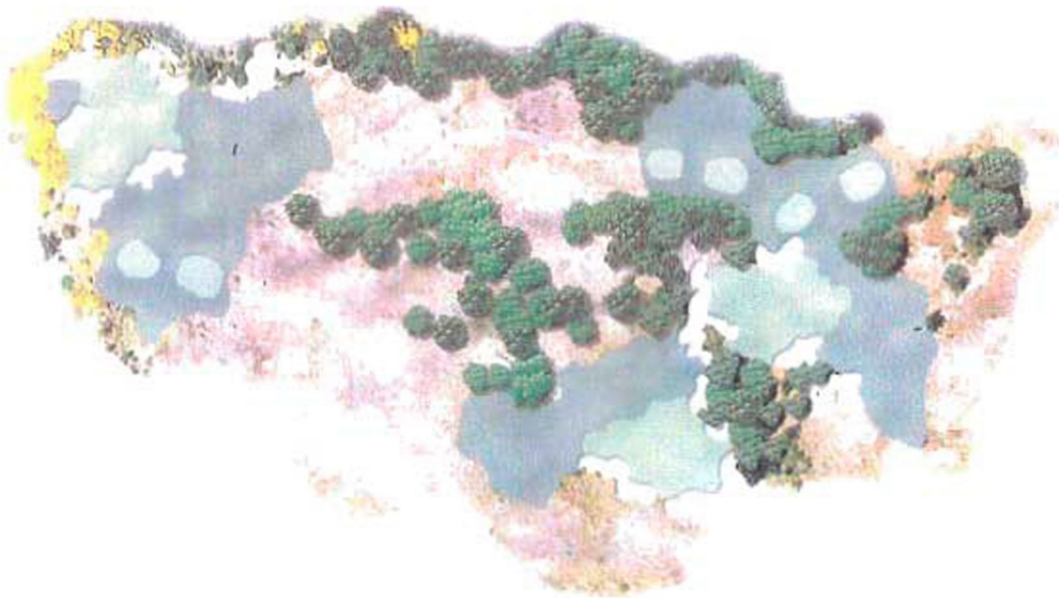


Exhibit 5: Par 3 Golf Course / Illustrative Plan of Holes 8 and 9



Exhibit 6: Par 3 Golf Course / Illustrative Plan of Hole 12



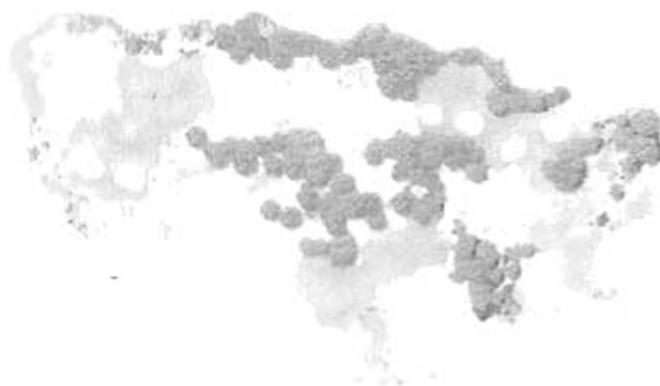
Trails Hole 1



Par 3 Hole 12



Trails Hole 2



Par 3 Holes 8 & 9

Note: All plans are shown at a common scale to indicate:

- Differences in golf course hole lengths.
- Reduction of land required for Par 3 golf course holes.
- Reduction of maintained turf when comparing existing and proposed golf course holes.

Exhibit 7: Comparison of Par 3 Illustrative Plans and Bandon Trails Plans

Land Requirements

The golf course will occupy less than 20 acres of land. This is about 15 % of the area (average 120 acres) required for a typical PGA 18-hole golf course and only 10 % of the area of each of the four championship courses at Bandon Dunes.

The design of the Par 3 Course calls for only a small fraction of the turf development that has occurred on the four championship Bandon Dunes courses. The amount of groomed turf (less than 7 acres) proposed as part of the Preserve Course will be only about 10 % of the 70 acres of turf found on a typical 18-hole golf course and less than 7 % of the average 108 acres of turf on each of the resort's four championship courses.

The golf course architect estimates turf coverage requirements would be:

• Tees	1.38 acres
• Greens and bunkers	1.65 acres
• Grass turf surrounds, approach-and-landing areas	<u>3.20 acres</u>
Total turf coverage	6.23 acres

Only about a third of the preserve course site will be groomed turf. The remaining areas will remain as part of the larger dunal habitat setting and will be the focus of intensive conservation, restoration, reclamation, and research initiatives targeted at dunal plant habitat protection and enhancement.

Riparian Corridor Setback

All of the tee and green improvements along the edge of the Cut Creek ravine have been located beyond the regulatory setback of 50 feet that applies to this riparian corridor. A consulting civil engineer has determined the high level watermark associated with a two-year flood event in Cut Creek, which defines the top of bank as defined in the Bandon Dunes Resort Master Plan and provides the baseline for measurement of the setback. See *Par 3 Golf Course/ Routing*, page 16, and Appendix E: *Report on The Effect of a 2-Year Flood Level on the Setback for Construction* for more detail.

DUNELAND CONSERVATION PROGRAM

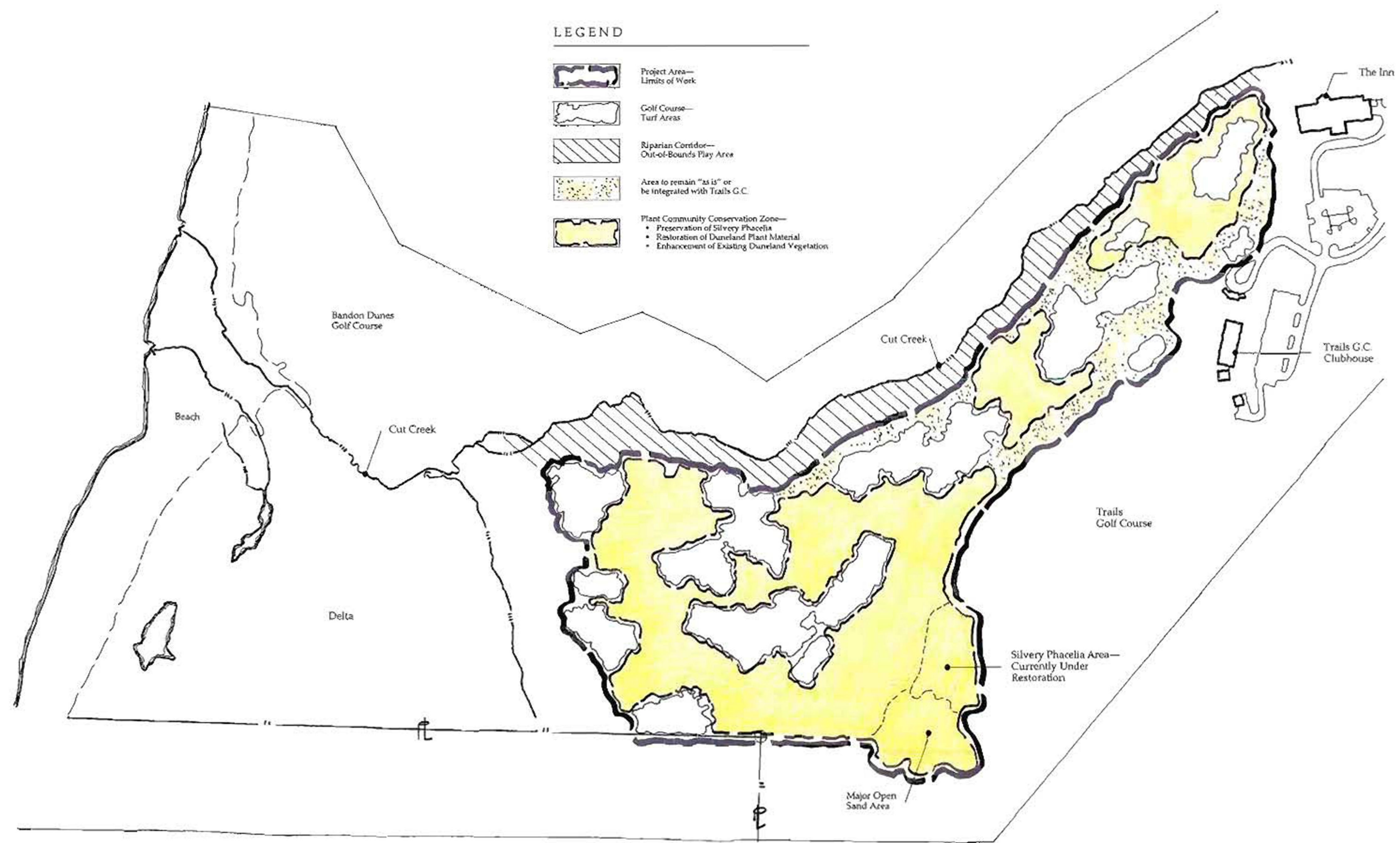
Improvement Program Area

About three-quarters of the main project area, about 21 acres will be improved as a natural resource conservation area. Within this area there are three main objectives:

- Preservation of silvery phacelia plants.
- Restoration of a native duneland plant species community.
- Enhancement of existing duneland vegetation

The resort has been engaged in the preservation and restoration of silvery phacelia habitat for nearly a decade. Even as the resort's existing golf courses, utility infrastructure and buildings were being planned, built and occupied, the planning and design team, together with resort staff, have monitored the spread of European beachgrass and its impact on the silvery phacelia population. Past work by a USF&W contract specialist and a recent inventory by a resort intern have given us a greater appreciation of the total phacelia population present on the resort and state park lands.

Recent efforts by resort staff, adjacent to the proposed project site, have resulted in the removal of European beachgrass from a large area duneland area. Manual removal activities have cleared almost one (1) acre of beachgrass to allow open sand for the spread of the existing population of silvery phacelia plants.



Bandon Dunes Golf Resort
Duneland Conservation~Recreation Project

CONSERVATION: IMPROVEMENT PROGRAM AREA

Exhibit 8
 Page 22



Silvery Phacelia Test Plots

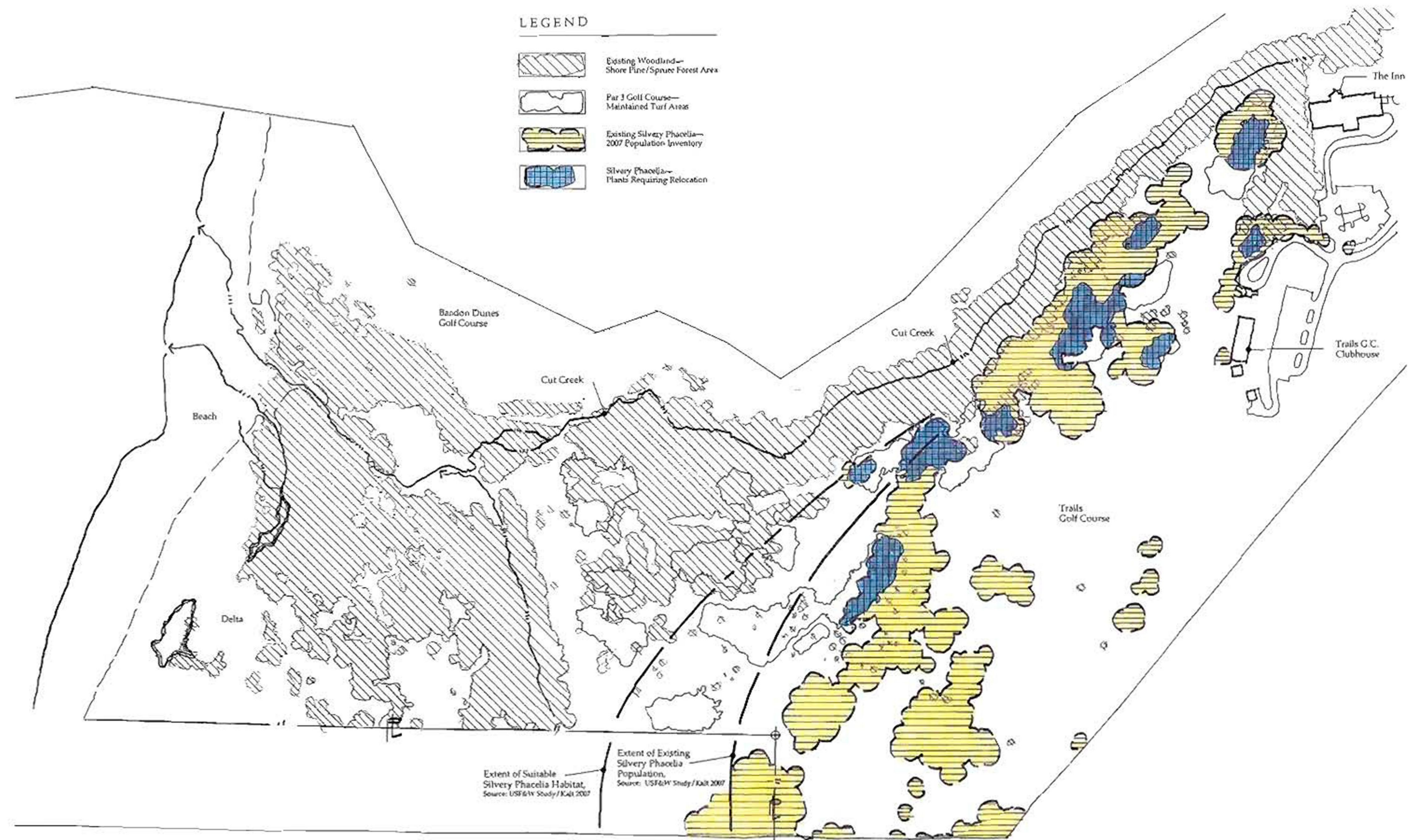
The proposed conservation program will integrate into the project several existing silvery phacelia test plots that the resort has installed in the scenic dunes. The test plots were established in the summer and fall of 2008. The plots were installed to test the survival rates of transplanted phacelia (4" diameter) plants with exposure to irrigation and plots with different exposure to predominant seasonal wind conditions. The resort is currently installing more transplant sites to test survival rates associated with spring and early summer plantings.

The resort is also investigating the field collection of seeds and beachgrass mat removal, among other methods of reclamation and propagation.

Initial Plant Impacts

In order to assess potential construction impacts on the existing silvery phacelia population, resort staff undertook a field hand count in June 2009. They determined that about 1000 plants located around holes 1, 2, 3, 10, 11 and 12 will be displaced. The team responsible for the count used the same inventory method as was used by the resort's research intern.

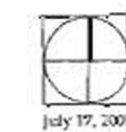
This would represent less than a fifth of the estimated existing population in the proposed Par 3 Golf Course area. The proposed habitat expansion and enhancement conservation improvement program integral to the project constitutes an aggressive mitigation action plan that is expected to result in habitat and plant-count increases of several times the magnitude of the expected impact.



Bandon Dunes Golf Resort
Duneland Conservation~Recreation Project

SILVERY PHACELIA: CONSTRUCTION IMPACT MAP

Exhibit 9
 Page 24



Long-Term Environmental Benefits

While the existing silvery phacelia population is not in imminent danger of total loss, it will remain at risk unless aggressive, dramatic action is taken to halt the advance of invasive and incompatible exotic plant species. This proposal, with its built-in long-term commitment to intensive management for reclamation, restoration, enlargement and enhancement of dunal habitat, responds directly to this threat. Passive "conservation" will not suffice.

Approval will have the following long-term environmental benefits:

- Establishment of the preserve course will initiate and sustain an aggressive abatement and enhancement program targeting removal of exotic plant species, especially European beachgrass, and replacement of those species with native open-sand species, especially silvery phacelia.
- The project will provide an important building block for a coordinated collection of duneland restoration initiatives, with substantial funding, research, education, and implementation components.
- The project will support, inform, and inspire similar efforts elsewhere on the South Oregon Coast.
- The project will significantly advance the art and science of dunal plant habitat restoration on the Oregon coast.
- If successful, the project will be a major step forward in ensuring the survival and expansion of what may be the world's largest population of silvery phacelia—a funded legacy for future generations of the plants and the people who care for them

IMPLEMENTATION OF A CONSERVATION PLAN

Implementation will include consist of mitigation, abatement, preservation, restoration and enhancement activities.

Silvery Phacelia Mitigation Actions

One of the critical components of the plan will be mitigation of initial impacts to the existing silvery phacelia population by golf course construction activities. This component has several elements:

First, silvery phacelia plants disturbed or removed due to movement of equipment during construction will be replaced or re-established during and after construction.

Second, silvery phacelia plants displaced by turf will be mitigated by a combination of transplanting, propagation, and recovery and expansion of habitat affected by invasive plant species.

A June, 2009 inventory of silvery phacelia plants by resort staff determined numbers of plants likely to require removal or replacement at specific turf "islands," as follows:

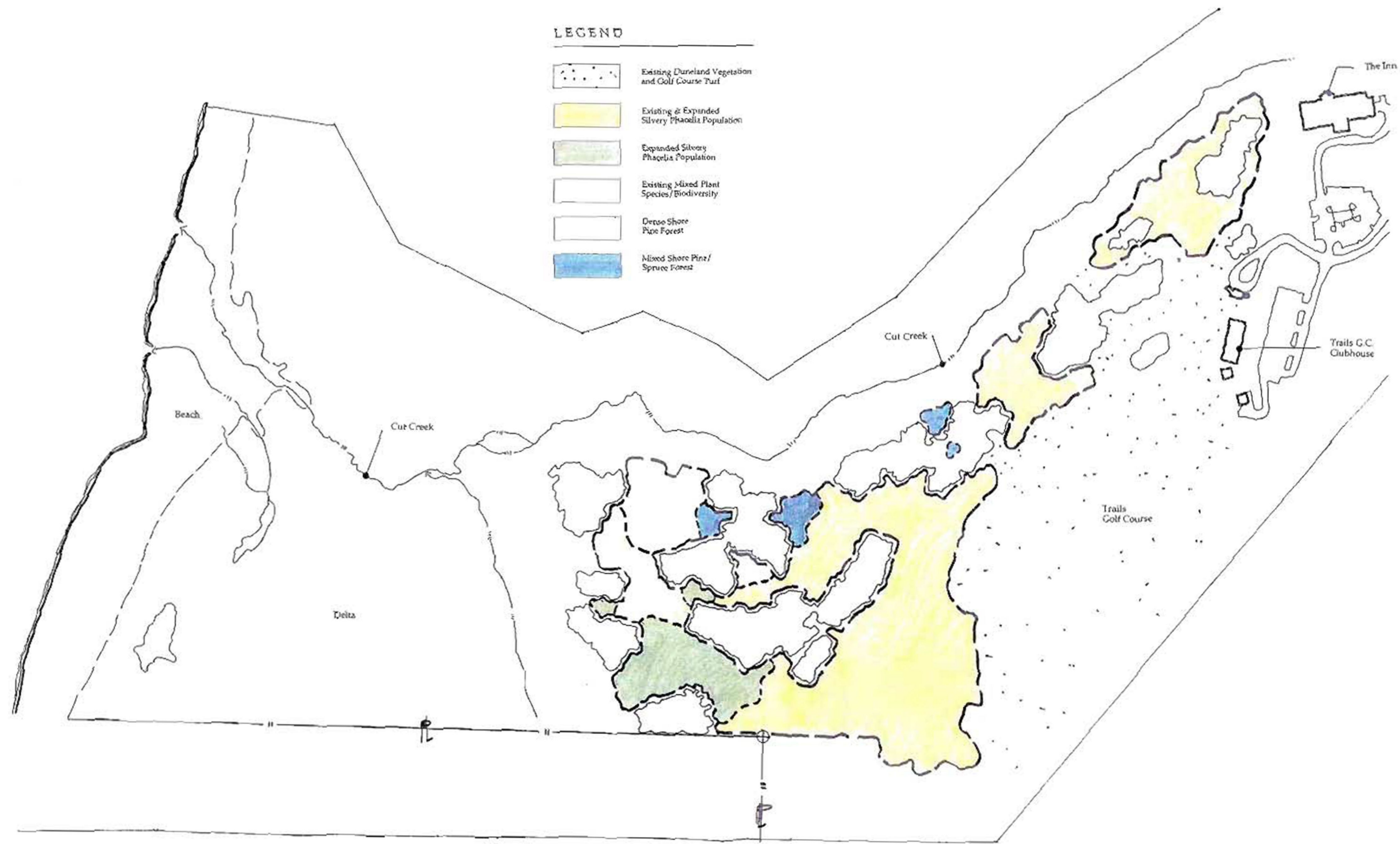
• Tee #1:	10
• Tee #12:	544
• Green # 12:	86
• Green #1, Tee #2 and Green #11 complex:	150
• Green #2, Tee #11, Tee #3 and Green #10 complex:	103
• Green #3:	<u>154</u>
Total plants disturbed:	1,047

No plants were found in the western part of the site.

Plant Community Subzones

The proposed project site exhibits a high degree of biodiversity among existing plant species. To assist in formulating an implementation approach, the design team has subdivided the site into six (6) plant community subzones. Each of the subzones will require a different approach and intensity of abatement, preservation, restoration and enhancement. To gain an appreciation of the land area involved, the acreage of each subzone was determined:

• Subzone 1: Existing Duneland Vegetation and Golf Course Turf:	5.68 acres
• Subzone 2: Existing & Expanded Silvery Phacelia Population:	10.50 acres
• Subzone 3: Expanded Silvery Phacelia Population:	1.50 acres
• Subzone 4: Existing Mixed Plant Species/Biodiversity:	1.15 acres
• Subzone 5: Dense Shore Pine Forest:	1.35 acres
• Subzone 6: Native Shore Pine/Spruce Mixed Forest:	<u>.50 acres</u>
Total	20.68 acres



Bandon Dunes Golf Resort
Duneland Conservation~Recreation Project

PLANT COMMUNITY SUBZONES

Exhibit 10
 Page 27



SUBZONE 1: EXISTING DUNELAND VEGETATION & GOLF COURSE TURF

This area contains a mixture of plant species including European beachgrass and turf areas associated with the Bandon Trails Golf Course. An existing putting green is in this area. The putting green will be redesigned, and a strip of vegetation will be retained to provide a transition between the proposed Par 3 course and the Bandon Trails course.

The primary objectives in this subzone are:

- Preservation of the functional layout of the Bandon Trails Golf Course and provision of visual and spatial separation between the two golf courses.
- Preservation of existing duneland plant material with minor modifications to enhance the overall landscape character.

A segment of the rerouted paved Beach Trail will run through this area, requiring minor modification of terrain along and outside the south side of the Cut Creek riparian corridor. (see Recreation: Par 3 Golf Course/Routing Plan on page 15). Native shrubs and ground covers will be installed to blend the paved walking path into the landscape setting.

SUBZONE 2: EXISTING & EXPANDED SILVERY PHACELIA POPULATION

This area contains the majority of inventoried Silvery phacelia plants. The objectives in this subzone are:

- Long-term preservation and enhancement of existing silvery phacelia plants.
- Expansion of the silvery phacelia population.
- Re-introduction of native plants typically resident in the dunes prior to the pioneer settlement era and dune stabilization activities, circa. 1910, along the Oregon coast.

Restoration will require substantial removal of European beachgrass, gorse, and other nonnative plants, as well as some coastal pine that has encroached prematurely because of nonnative plant effects on dunal forms. This will include substantial hand pulling of beachgrass in order to avoid existing silvery phacelia plants.

Construction impacts will be mitigated as described above.

Golf play on holes 1, 2, 3, 10, 11 and 12 will involve some foot traffic in limited areas. Impacts will be minimized by providing designated footpaths between

turf areas, together with rules of play restricting play in sensitive areas, based upon ongoing experience and research.

Design, management, and mitigation activities will be reinforced by educational measures enabling golfers and trail users to understand, appreciate, and respect the special setting they are walking through. One of the goals of the resort is to demonstrate that golfers can be educated to respect ecologically sensitive settings and that their activities can be managed to keep adverse impacts to a minimum.

A key premise of the Preserve Course initiative is that an excellent golfing experience can be blended with an excellent environmental education experience. Many users are expected to be young people visiting the resort with their families. Bandon Dunes sees this project as a golden opportunity to attract, educate, and retain an environmentally sensitive new generation of resort visitors.

SUBZONE 3: EXPANDED SILVERY PHACELIA POPULATION

This area currently lacks concentrations of silvery phacelia plants. Construction will involve removal of invasive beach grass, gorse, and other exotic plant materials as well as some shore pines.

The objectives in this subzone are:

- The removal of all exotic vegetation, including gorse, Scotch broom and European beachgrass.
- Installation of mixture of native plants from a list of plants in order to establish a replacement native coastal plant community (see Appendix G: *Recommended Plant Species for Bandon Dunes Native Coastal Plant Community*).

Selected shore pines will remain as visual features in the course design. Native shrubs, including coyote bush, ceanothus and wax myrtle, will generally be retained to provide habitat and visual diversity in the understory. Native ground covers, such as yellow verbena, knotweed, fescue and poa grasses, sand mat and lupine, will also be preserved and encouraged to spread, where feasible and consistent with silvery phacelia habitat objectives.

SUBZONE 4: EXISTING MIXED PLANT SPECIES/BIODIVERSITY

Western parts of the proposed site are characterized by a variety of landforms and mixture of plant materials.

The objectives in this subzone are:

- Preservation of the biodiversity of existing native plant material.

- Limited removal of existing shore pine trees with the preservation and enhancement of the shore pine/kinnikinnick community.
- Preservation of localized sand depressions and associated sand mat plants

SUBZONE 5: DENSE SHORE PINE FOREST

The design of the Par 3 course will incorporate several groups of existing Shore pine trees as natural features.

The objectives in this subzone are:

- Selective removal of Shore pine trees during construction of the golf course.
- Selective preservation of other native plants to maximize biodiversity.

SUBZONE 6: NATIVE SHORE PINE/SPRUCE MIXED FOREST

The golf course architect has designated four specific areas characterized by the presence of shore pine and native spruce trees to be generally retained as features of the Par 3 course.

The objectives in this subzone are:

- Preservation and enhancement of habitat.
- Construction fencing as necessary to protect habitat.

Vegetation Removal and Restoration Methods

Both mechanical and manual methods will be used to remove beachgrass and other exotic plants. Sensitive areas will be protected with construction fencing. Manual pulling of beachgrass will be used as necessary to protect silvery phacelia plants and enhance or increase their habitat. No chemical control will be used on non-turf areas.

Site work will begin in the western portion of the proposed site. Disposal of debris will be handled by a combination of onsite recycling and onsite incineration of plant debris, followed by burial of ash in place in deep holes prior to final grading and shaping activities.

Resort personnel, with the help of volunteers and possibly contract personnel, will gather seeds in the fall for seeding operations. The resort nursery as well as the site itself will be used for field-testing techniques for reseeding, transplanting, and otherwise propagating native plant species.

Monitoring operations are already in place in association with previously installed test plots. Active monitoring will continue under the supervision of senior resort staff and the resort landscape architect to ensure the short and long-term survival of the restored and enhanced native plant community.

Resort staff and the resort landscape architect have consulted with John Christy, an ecologist from the Oregon Natural Heritage Program, about the feasibility of restoring the native plant community at the proposed project site. After reviewing existing conditions in the field, this consultant advised that

“(he) saw no problems with any of the design concepts for the Par 3 Golf Course (and related conservation activities) and (he thought) the project is definitely doable”.

Furthermore, he felt the silvery phacelia and other plant material indigenous to the duneland environment would establish readily and advised that

“assuming that rejuvenated sand movement will not cause major site problems, a moderate amount of long-term care will be needed to monitor vegetation and remove invasive species (that will come in as volunteer plants).”

CONSTRUCTION CONSIDERATIONS

Golf Course Construction

Construction access to the proposed site is severely limited by the narrow corridor of available land between portions of the existing Trails Golf Course and the Cut Creek ravine. In some places the distance is only 250 to 300 feet of available land.

The construction of tees, greens and turf surrounds will affect limited areas of silvery phacelia plant material. Construction fencing will be erected around the plants where possible to provide enclosures. Fencing and other site-management measures will limit the movement of heavy equipment during construction. Disturbed areas will be repaired and replacement plants will be installed during the completion of the golf course improvements and as part of the operational mitigation program.

Conservation Area Implementation

Almost 70 % of the proposed project site will require some modification during construction, including clearance of nonnative plants from areas without

inventoried phacelia plants. Heavy equipment will be used with care to contour playing surfaces and create habitat enhancement opportunity areas.

A variety of techniques will be used to encourage re-colonization of reclaimed open sand areas. Experience with Bandon Trails and other research has shown that silvery phacelia seed remain viable for a long time beneath beach grass and will re-colonize open sand areas following removal of the beach grass. Other measures to be employed include transplantation, reseeding, propagation from plant cuttings, and exposure of existing seedbeds by removal of beachgrass mats. These and other methods will be mixed and matched based upon experience, new research, and availability of materials.

In addition, some open sand areas may be left relatively untouched in order to determine whether silvery phacelia and other native plants volunteer to re-colonize these areas on their own.

HIKING TRAILS

Relocation of the Existing Beach Trail

The construction of the Par 3 Golf Course and the conservation program will require partial rerouting of the existing hiking trail to the beach. The existing trail from the Inn lodging facility south of Cut Creek will continue on its current routing for the most part, but its east end will be rerouted behind and east of the proposed 1st tee. Using the existing paved sidewalk, the trail will circle around the 1st tee boxes in a westerly direction, slipping between the 1st green and 12th tee boxes. At this point the trail will run around the north side of the 2nd tee boxes following the edge of the riparian corridor. It will then cross over the line of golf play to pass just south of the 11th tee boxes where it will connect up with the existing "soft" beach trail.

The proposed landscape setting at these locations will be open with no visual barriers to block the view of golf play. The proposed trail relocation has been routed to maximize the visibility of golfers and hikers to one another. Signage will advise golfers and hikers of potential conflicts and protocols at crossing points, consistent with current practice elsewhere on the resort. Aware of potential conflicts, golfers and hikers will wait until it is safe to tee off or hike across the line of play.

This new trail alignment will be routed to bypass established colonies of slivery phacelia plants as well as existing and new test plots. Some grading and manipulation of grade lines might be necessary to minimize any potential visual conflicts between golfers and hikers (see Recreation: Par 3 Golf Course/Routing Plan on page 15).

Potential Cut Creek Delta Trail:

Besides relocating the Beach Trail, there is an opportunity to provide a hiking trail that will give resort guests a special visual experience in the scenic dunes area. A branch loop trail could depart from a segment of the existing Beach Trail that is located on the adjacent state park land.

This trail would follow a routing alignment from south to north at a location west of the proposed golf course. Located at the bottom of a west-facing slope, the trail could be integrated along an existing tree line and/or through existing open beachgrass areas. With this routing, hikers would be hidden from the view of golfers playing on an elevated ridge slightly more than a hundred feet away from the trail. As the trail approaches the Cut Creek delta there is a natural landform that offers a spectacular scenic overlook.

A further opportunity is available as well: the trail could be continued into the existing delta area following one of the braided watercourses until it reached the open ocean beach. From there, hikers could walk along the beach, proceeding southward for a distance of about 250 feet, until intersecting with the existing Beach Trail connection that traverses the foredune.

This trail would provide resort guests and the public with panoramic views of the Pacific Ocean, headland coastline features, and views of the delta. It would further expand opportunities available to educate guests and visitors about the diversity of coastal habitat found on the resort and state parkland.

Coordination with Bullards Beach State Park officials would be needed to plan and gain approval of this proposed trail. In addition, portions of the trail in the delta might need to be built as elevated walkways to allow for use during the winter months when the delta floods.

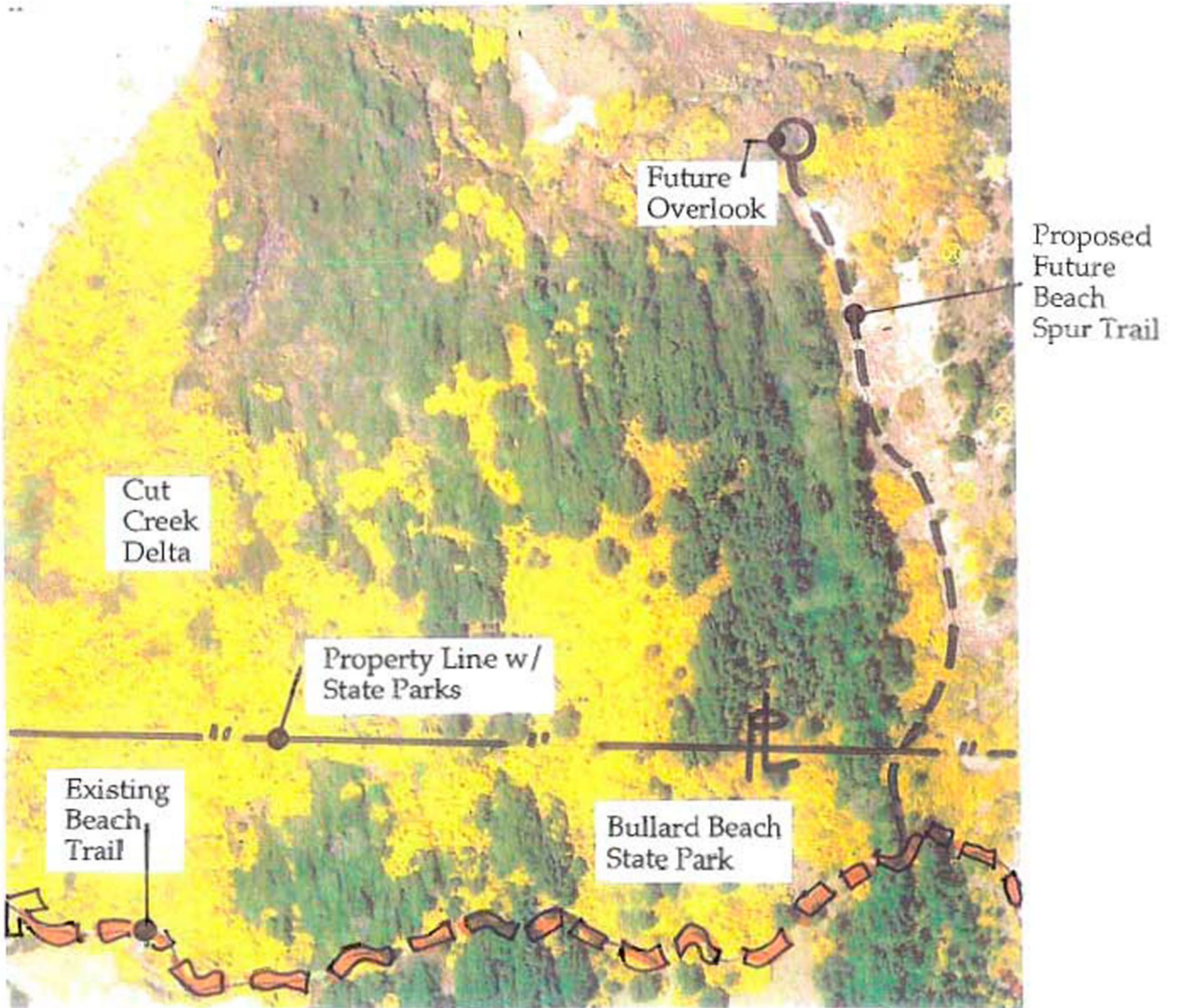


Exhibit 11: Location for a Potential Future Beach Spur Trail

CONSERVATION FOUNDATION CONCEPT

Off-Site Conservation

The 1996 Master Plan introduced the idea of creating a conservation district that would include valuable natural resource areas outside the Bandon Dunes Golf Resort. The Cascade Head Scenic Research Area near Neskowin is one example of this approach.

This 1996 conservation concept envisioned combining the diverse set of natural resource areas within the resort with natural resource conservation areas previously established on Bullards Beach State Park. To this end, the resort and Oregon State Parks and Recreation have entered into an agreement to manage and protect designated conservation areas. The resort is in the process of establishing the H.L. McKee Preserve as a managed conservation area encompassing both resort and state park land to accomplish this goal.

On a broader scale, the conservation effort could be expanded to include a comprehensive management program embracing public and private sites along the Oregon South Coast. The presence of the Bandon Marsh Federal Wildlife Service Refuge and Ni-Les'Tun Addition together with the resort and state parkland constitute a core group of conservation lands. The addition of other private conservation efforts would complement and enhance this regional coastal approach.

Future Funding for Conservation Activities

One of the issues associated with this concept is funding for the restoration, management and long-term maintenance of coastal conservation lands, including those natural resource conservation areas in the Par 3 Course. To meet this need, the owner of the Bandon Dunes Golf Resort is considering the establishment of a private foundation to support conservation efforts on the South Oregon Coast.

Long-term management of the conservation/restoration program associated with construction of the Par 3 Course is an important issue. Identifying a dedicated funding source is a key component of the program. The resort owner has indicated a willingness to allocate a portion of the net revenue stream from guest fees associated with the Par 3 Course.

RESORT AREAS NOT INCLUDED IN SUBMITTAL

The Phase 8 Final Development Plan addresses only a small site located near the heart of the resort, constituting only about one % of the resort's 2140 acres. Significant portions of the resort remain to be developed after 2011 as was noted in *the Phase 7 Final Development Plan* submittal, including private residential

BANDON DUNES GOLF RESORT
Phase 8 Final Development Plan / 11.5.2009

development authorized by the *Bandon Dunes Resort Master Plan*, as adopted in 1996 and amended in 2003.

BANDON DUNES RESORT
Phase B Final Development Plan / 11.5.2009

Zoning Reference	Final Development Plan Review/ Topic Check List	Comment	Supplemental Reference
A11 • Both Combined Projects	DRAINAGE PLAN	<ul style="list-style-type: none"> No storm drainage would be required on the golf course; surface storm runoff would self drain into open sand, silvery phacelia areas and new native plant communities 	Part II, Page 48
SECTION B: LANDSCAPE/GOLF COURSE MANAGEMENT PLAN			
B1 • Par 3 Golf Course	CLIMATIC FACTORS & LANDSCAPE MANAGEMENT STRATEGIES <ul style="list-style-type: none"> Site Conditions Climatic conditions Landscape Design/Management Strategies 	<i>FD Plan Phase B would continue current policies and practices</i> <ul style="list-style-type: none"> Diversity of plant material in duneland and woodland settings; sandy soils, thin humus layer, permeability is high Rainfall is high, summers dry and hot; strong winter winds Preserve Silvery Phacelia to the maximum possible Mitigate any negative impacts on Phacelia during construction Selected removal of pine trees and exotic vegetation Use erosion control measures whenever & wherever necessary 	Part II, Page 43 NRI/SA 1993 Part I, Page 13 and Pages 25-32 Part I, Page 47
B2	HORTICULTURAL MANAGEMENT Objectives and practices for: <ul style="list-style-type: none"> Mowing Tree Removal & Pruning Irrigation Use of fertilizers & pesticides 	<i>FD plan B reduces need for extensive management of course</i> <ul style="list-style-type: none"> Only 6.23 acres of turf requiring mowing Ongoing removal of volunteer trees, European beachgrass and other exotic vegetation if re-growth appears Limited irrigation facilities w/ controlled application rates Minimum applications to limited turf areas only; no pesticides 	Part I, Page 20 Part II, Pages 26-32 Part II, Page 47
B3	INTEGRATED PEST MANAGEMENT <ul style="list-style-type: none"> Pest identification/monitoring strategies Action thresholds for pest damage Evaluation of control options Education of field personnel Evaluation of results 	<i>FD Plan Phase B continues current policies and practices</i> <ul style="list-style-type: none"> Course to be monitored daily; daily reports to be reviewed by golf course superintendent. Monitoring program to establish threshold impacts for potential pests and infestations. Application rates to be applied and increased in response to their level of effectiveness. No pesticide use Continue current annual program evaluation and filing of reports to Coos County and appropriate regulatory agencies 	FDP PHASE 1
B4	PESTICIDE SAFETY PROGRAM <ul style="list-style-type: none"> Storage Handling Disposal Record keeping 	<i>FD Plan Phase B continues current policies and practices</i> <ul style="list-style-type: none"> Not applicable Not applicable Not applicable Not applicable 	FPD PHASE-1
B5	MONITORING PROGRAM <ul style="list-style-type: none"> Water quality base line Testing locations Frequency of testing Analytes to be tested for Reporting protocols 	<i>FD Plan Phase B continues current policies and practices</i> <ul style="list-style-type: none"> Resort staff to establish baseline for water quality in reservoir Establish monitoring station on new golf course (No. 4). Initial monitoring will be done on a quarterly basis; long-term monitoring to be on an annual basis. Ground water to be tested for temperature, conductivity, pH, alkalinity, nitrate, phosphate and iron on each test. Tests for herbicides, pesticides and organo-phosphates to be twice a year in the first year, and once each year after. An agency approved format will be used for all reports. 	FDP PHASE-1
B6 • Par 3 Golf Course • Conservation/Restoration Program	SITE NURSERY <ul style="list-style-type: none"> Size and location Design and layout Irrigation practices-water source Fertilizer & pesticide use Mitigation measures Relocation of existing native plants 	<i>FD Plan Phase B continues current off-site nursery operations and would add restoration test plots and additional monitoring for Silvery Phacelia preservation and native plant community restoration subzones</i> <ul style="list-style-type: none"> Nursery located on off-site property adjacent to resort Proposed project would not affect nursery operations Native plants for use in restoration program could be grown in the nursery. No change from current use. No change from current use. No change from current use in nursery. Existing Pine trees under six feet in height could be dug up and transplanted to nursery holding beds for later reuse. 	FDP PHASE-1 Part II, Page 44 Part I, Page 32

BANDON DUNES RESORT
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Zoning Reference	Final Development Plan Review/ Topic Check List	Comment	Supplemental Reference
B7 • Both Combined Projects	FIRE CONTROL/ MANAGEMENT PLAN • Responsible Public Authorities • On-site water source	<i>FD Plan Phase 8 continues current policies and practices</i> • Coos Forest Patrol and Bandon Rural Fire District • Presence of irrigation system on golf course would add to resort fire fighting capability along Cut Creek and in the vicinity of the Trails Clubhouse.	Part II, Pages 37-38
SECTION C: SITE AND UTILITY DESIGN, ENVIRONMENTAL IMPACTS, OVERNIGHT ACCOMMODATIONS AND PRIVATE DWELLINGS, CONSTRUCTION/PHASING & REGULATORY COMPLIANCE			
C1 • Par 3 Golf Course • Both Combined Projects	IMPACT ON RIPARIAN VEGETATION/ COASTAL SHORELAND LAKES • Riparian Corridor Protection • Impact on Coastal Shoreland Lakes	• Golf course layout respects 50-foot riparian setback along Cut Creek • Exotic plants such as European beachgrass, Scotch broom and gorse to be removed • No proposed development near coastal shoreland lakes	Part I, Page 20 Part II, Page 45 Part II, Pages 44 NA
C2 • Both Combined Projects	WETLAND MITIGATION • Quantity of wetland affected	• No impact on any wetland areas in the resort	NA
C3	DEVELOPMENT RESTRICTIONS-CC&RS	• Not Applicable	NA
C4 • Par 3 Golf Course • Conservation Improvement Program	IMPACT ON BEACH & DUNE LAND	• Construction of the Par 3 Course would alter the grassed dune landscape character; protection and enhancement of the silvery phacelia habitat would preserve the largest population of this threatened plant species • Revenues generated from Par 3 Course fees could become a designated funding source for conservation activities on the resort and at off-site locations. • Implementation of this program would provide an effective exotic plant material removal and abatement program in both the short and long-term	Part I, Pages 12 Part I, Pages 13 & 36 Part I, Pages 9-10 Part I, Page 25-32
C5 • Par 3 Golf Course	UTILITY SYSTEMS DESIGN • Native American Artifacts • Underground utilities • System capacity and pipe sizing	• Fire rock discovered on western part of proposed site • Existing agreement and protocol with Coquille Tribe would be before and during construction activities. • New irrigation facilities would be connected to the existing <u>Bandon Trails golf course irrigation system</u> . • All improvements would be designed and constructed under the supervision of a registered engineer	Part II, Page 47
C6	QUANTITY OF PUBLIC LODGING UNITS & RECREATIONAL DWELLINGS	• No public lodging facilities or private residential development is proposed in this application	Part II, Page 48
C7 • Par 3 Golf Course	CONSTRUCTION PHASING	• Construction Jan-Feb 2011 to May 2011 • Phase 1: Spring 2011 • Phase 2: Fall 2011 to 2016	Part II, Page 48 Part II, Page 48
C8	PLAN COMPLIANCE/APPROVAL CRITERIA • Development consistent with the Exception Statement. • Development consistent with Revised Comprehensive Plan and Revised Zoning Plan	• Development is consistent with the Exception Statement because it authorizes only the uses, activities, and improvements to the site that are described in and justified by the Exception Statement • The proposed site is located within the Bandon Dunes Golf Resort and within the NR-3 subzone of the Bandon Dunes Resort (BDR) Zone and the authorized uses, activities, and improvements are limited to those authorized by the BDR Master Plan and the BDR Zoning Ordinance as amended concurrently with the approval of this application.	Part II, Page 49 Part II, Page 49

BANDON DUNES RESORT
Phase 8 Final Development Plan / 11.5.2009

Zoning Reference	Final Development Plan Review/ Topic Check List	Comment	Supplemental Reference
	<ul style="list-style-type: none"> • Development meets standards established in Section 4.10.030 of the Coos County Zoning and Land Development Ordinance, Chapter IV-Zoning, Article 4.10 Bandon Dunes Resort Zone (BDR) • Proposed Uses are permitted under Section 4.10.040 and Section 4.10.050 	<ul style="list-style-type: none"> • Most of the standards in this section apply to the resort as a whole, which has previously been found to meet or exceed all such standards. FDPlan-8 authorizes only a single additional small-scale, low-impact recreational use on 20 acres of the 2140-acre resort site, with no new roads, structures or other major infrastructure. • The use authorized by the Phase 8 Final Development Plan is located in BDR subzone NR-3, a Natural Resource Subzone, which has been concurrently amended to authorize the use. 	<p>Part II, Page 49</p> <hr/> <p>Part II, Page 49-50</p>

LEGEND: Supplemental Reference Sources:

- | | |
|--|--|
| <ul style="list-style-type: none"> • FINAL DEC 2003 • FINAL DEC 1996 • FDP PHASE-1 • NRI/SA 1993 • NRI/SA 2002 • Part I or II, page number • Exhibit 1 through 11 | <p>Final Decision Report including Supplemental Master Plan, Land Use Findings and Goal Exception Statement & Revised BDR Zone adopted June 2003 by the Coos County Board of Commissioners</p> <p>Final Decision Report including Master Plan, Land Use Findings and Goal Exception Statement & BDR Zone adopted August 1996 by the Coos County Board of Commissioners</p> <p>Phase 1: Final Development Plan, Part I and Part II submitted to Coos County July 31, 1997</p> <p>Natural Resource Inventory/Site Analysis, March 1993, prepared by Bandon Dunes Planning Team</p> <p>Natural Resource Inventory and Site Analysis, November 2002, prepared by Bandon Dunes Planning Team</p> <p>Refers to Part I or II of Phase 8 Final Development Plan report</p> <p>Refers to plans or drawing contained in Part I</p> |
|--|--|

PART II:
TECHNICAL
DISCUSSION

SECTION A (4.10.065), ITEMS A

The amendments to CCZ.LDO, Article 4.10 (BDR Zone) August 18, 2003, state:

“A final development plan shall set forth, to the extent not previously addressed in the Master Plan or Exception Statement (underlining added) and only to the extent applicable to the particular phase or element of the destination resort for which final approval is sought.” This section of the report provides additional description material for proposed development in Phase 8.

To simplify matters, information included in the Summary Matrix Chart and following sections of this report only provide additional detail not otherwise covered in the 1996 and 2003 FINAL DECISION documents. The reader is referred to those documents for supporting information that may be referred to in this report.

SECTION B (4.10.065), ITEMS B LANDSCAPE / GOLF COURSE & LANDSCAPE MANAGEMENT PLAN

SECTION B1: CLIMATIC FACTORS & LANDSCAPE MANAGEMENT STRATEGIES

Site and Climatic Conditions

The site for the proposed low-impact golf course development and the Conservation Improvement Program has changed over the past 16 years since the *Natural Resources Inventory/Site Analysis Briefing Booklet* was accomplished in 1993. As was pointed out in that report, the scenic dunes area was “rapidly becoming conditionally stable and could disappear within two or three decades.” While we still have open sand in the scenic dunes area, the invasive European beachgrass continues to spread from west to east threatening the long-term survival of the slivery phacelia population on both resort and state parkland. As in the past decades, there is less open sand in the proposed project area.

The proposed site is a long, linear land parcel adjacent and parallel to Cut Creek. The eastern half of the site is characterized by open sand and grassland for two-thirds of its length. The westerly portion is covered with dense stands of Shore Pine trees, associated shrubs including Gorse and some Scotch Broom, both of which are exotic species. There is some fringe grasslands dominated by European beachgrass intermixed with the Shore pine trees along the southern edge of the woodland area (see, *Existing Site Conditions: Aerial Photo 2009* in Part I of this report).

The development of the Par 3 Golf Course would remove extensive areas of Shore pine trees, associated shrubs and European beachgrass. The conservation improvement program of the overall plan proposes the replacement of exotic plant species with native plants. The golf course itself would use Red Fescue, a native grass species, on golf course turf areas exclusively.

Irrigation would be provided to establish and manage these turf areas. Provision would also be made for the use of drip irrigation at selected locations to support the native plant community restoration program.

Landscape Management Strategies

A fundamental change is being proposed with the conservation/restoration program. The conceptual approach will alter the present plant community by removing selected exotic plant species and replacing this vegetation with native plant species. The construction of the Par 3 Course within the modified NR-3 Scenic Dunes subzone would result in the long-term commitment of resource management funding and maintenance services.

SECTIONS B2: HORTICULTURAL MANAGEMENT, INTEGRATED PEST B3, B4, and B5 MANAGEMENT, PESTICIDE SAFETY PROGRAM, AND MONITORING PROGRAM

The resort continues to employ and practice previously established policies in these areas. However, the Integrated Pest Management (IPM) program used for the resort will be reviewed and modified to support the preservation, restoration and enhancement goals, objections and actions plans that underlay the proposal.

SECTION B6: RESORT NURSERY

Portions of the proposed site will be used as an extension of the off-site resort nursery. Test plots within the proposed site have been established and more will be established to determine what techniques are best suited for encouraging the spread of the silvery phacelia plant. Since the conservation/restoration program will need native plants associated with the Oregon Coastal Dunes such as Yellow Sand Verbena, Seashore Lupine, Woody Beach Knotweed and Beach Evening Primrose, efforts to propagate these plants from collected specimens or seed will be initiated in the future.

SECTION B7: FIRE CONTROL & MANAGEMENT PLAN

Gorse and Coastal Fire Prevention

Removal of existing vegetation will further reduce the danger of a coastal fire south of Cut Creek. The presence of irrigation facilities as is the case on all golf courses at the resort provides a means of fighting a coastal fire or delaying its spread until fire fighting equipment and manpower can be mobilized within the resort.

Fire Protection Plan Review

Fire protection for the resort continues to be the responsibility of the Coos Forest Patrol and the Bandon Rural Fire District. No new buildings are being proposed in this submittal. A fire hydrant exists immediately adjacent to the proposed first tee box, and there is adequate quantity and pressure of water available for fighting fires at the subject site.

SITE AND UTILITY DESIGN, ENVIRONMENTAL IMPACTS, OVERNIGHT ACCOMMODATIONS AND PRIVATE DWELLINGS, CONSTRUCTION PHASING & REGULATORY COMPLIANCE

SECTION C1: IMPACT ON RIPARIAN VEGETATION

The 2003 Revised Master Plan requires a 50-foot setback from the “top of bank” of riparian corridors associated with creeks or streams. This setback can be measured from the bankfull stage in the ravine as defined in Oregon Administration Rules (OAR 141-085-0510 (5) as being “two-year recurrence interval flood stage.

A flood level study on the Cut Creek watershed was undertaken in April, 2009, by TFE, Inc. to determine the flood stage of water that would occur in Cut Creek during a two-year flood condition. The results indicate the water level would raise approximately one foot in height above the normal water level in that segment of the creek parallel to the proposed golf course. This water level increase would typically widen the existing 4-6 foot average width under normal flow conditions to a width of 8 feet.

To determine the location of the “top of bank” as defined in OAR regulations the engineering consultant prepared several cross sections along the riparian corridor. Four cross sections were studied near proposed golf course tees and greens (see Appendix E: *Report on The Effect of a 2-Year Flood Level on the Setback for Construction* for more detail). The projected two-year flood levels were added to existing topographic conditions at the selected locations along Cut Creek in order to establish the “top of bank” location of the existing south side of the riparian corridor. In all instances, the “top of bank” would be located below the actual physical top of bank as indicated on a topographic contour map (see *Par 3 Golf Course/ Routing Plan*, page 15).

All improvements associated with the proposed Par 3 Golf Course would be in compliance with the setback requirement. Furthermore, the proposed course layout would preserve existing native vegetation in the riparian zone. However, in some instances, it will be necessary to remove gorse or other exotic or noxious plant material along side and within the riparian corridor. Replacement plantings will comply with the BDR zoning regulations or disturbed areas will be hydro-seeded with Red Fescue grass.

SECTION C2: WETLAND MITIGATION

No mitigation is required as there are no impacts on wetland features. The discussion regarding a potential loop trail in the delta area would necessitate coordination with State Parks and would require application for a special permit to build this type of improvement as the delta is located in a jurisdictional wetland.

SECTION C3: DEVELOPMENT RESTRICTIONS—CC&R'S

No CC&R's are required at this time to protect resort open space or to ensure compliance with other applicable standards. All proposed development is consistent with use-specific subzones, permitted uses and standards in BDR Subzones.

SECTION C4: IMPACT ON BEACH & DUNE LAND

Beach and Dune Lands

No development is being proposed for development on beach lands in the Phase 8 Final Development Plan submittal. Minor modification of existing dune landforms may occur during grading and shaping construction activities. Removal of European beachgrass from localized areas will result in improved habitat more suitable for the establishment and growth of silvery phacelia plants.

Development in Areas of Limited Development Suitability

The Par 3 Golf Course and the conservation program effort will be located in an Area of Limited Development Suitability. No structures of any kind will be built as part of the Par 3 Golf Course as golfers will use existing facilities at Bandon Trails.

SECTION C5: SITE AND UTILITY SYSTEM DESIGN/CONSTRUCTION

Site Design

The primary goals of preserving existing phacelia habitat and minimizing the impact on the existing silvery phacelia population will shape the golf course design. The planning and design process for the project recognizes that the proposed site is presently classified as a "natural resources conservation area" and zoned as the NR-3 Scenic Dunes subzone in the Coos Country zoning code. The envisioned design will blend a special, if not unique, short course layout with a natural resources conservation program that will have minimal impact on existing natural resources and associated amenity values.

Design Considerations for Native American Artifacts

Field investigations have found evidence of “fire rock” on resort property in the western portion of the proposed golf course site. The rock was discovered lying exposed on the ground surface in at least two locations. These blackened and broken rocks are evidence of past use by Native Americans.

The fire rocks were discovered on a forested upland area that has scattered clearings of open sand and dune mat type vegetation. The rocks were lying on open sand and were quite visible. Other Native American artifacts have also been discovered on adjacent state parkland.

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

In the past, the approach has been to encapsulate the artifacts with a soil and vegetation cover to prevent an adverse damage or loss of the artifacts. This method preserves the artifacts for perpetuity and has been approved by the local Coquille Tribe representative.

Utility Design

The only infrastructure improvements being proposed will be limited irrigation facilities in all grassed turf areas. There could also be selected locations where some form of irrigation facilities will be provided in restoration areas to assist in the establishment of replacement plant material.

Construction Aspects

The provision of sedimentation and erosion control fences along the edge of the Cut Creek ravine will be extremely important to protect the fragile edge of the ravine bank from damage. The fencing will also control the movement of blow sand and other debris from clearance, grading and shaping activities.

Another important consideration is the disposal of all organic materials resulting from site clearance. All trees and large shrubs will be chipped on site and recycled. Much of this material can be used to renew the hiking trail surfaces. Recycled chips can also be moved to the resort nursery and used as mulch.

No storm drainage facilities will be needed for the Par 3 Course. Surface runoff will be directed into adjacent restoration subzones and nearby natural resource conservation areas. All surface runoff will be retained locally as existing soil conditions, primarily sand, have high permeability characteristics.

SECTION C6: PUBLIC LODGING UNITS & RECREATIONAL DWELLINGS

No public lodging units or recreational dwellings are proposed in the Phase 8 construction.

SECTION C7: CONSTRUCTION PHASING

Anticipated Start—Finish

- Par 3 Golf Course Construction Jan-Feb 2011 to May 2011
- Conservation/Restoration Program
 - Phase 1 Spring 2011
 - Phase 2 through 5 2011-2016

C8: PLAN COMPLIANCE / APPROVAL CRITERIA (FINDINGS)

Consistency with the Exception Statement

The proposed development is consistent with the exception statement because it authorizes only the uses, activities, and improvements to the site that are described in and justified by the exception statement, as amended concurrently with this application. All findings in the 2009 Exception Statement and Findings to be adopted concurrently with this approval are hereby incorporated by this reference.

Consistency with the 1996 Master Plan and 2003 Revised Master Plan

The proposed site is located within the Bandon Dunes Golf Resort and within the NR-3 subzone of the Bandon Dunes Resort (BDR) Zone. The authorized uses, activities, and improvements are limited to those authorized by the BDR Master Plan and the BDR Zoning Ordinance as amended concurrently with the approval of this application.

Meets Standards established in Section 4.10.030

Most of the standards in this section apply to the resort as a whole, which has previously been found to meet or exceed all such standards. FDPlan-8 authorizes only a single additional small-scale, low-impact recreational use on 20 acres of the 2140-acre resort site, with no new clubhouses, lodging, roads, parking lots, or other such buildings and infrastructure.

The proposed final development plan authorizes only minor contouring and landscaping. It does not fill and removal, riparian vegetation removal, or other activities within riparian boundaries, coastal shorelands, or wetlands. No turf or grading is authorized within 50 feet of a wetland, stream, or lake. No additional beach access trails will be constructed. The proposed golf course will be consistent with applicable setback requirements, as specified in the concurrent amendment to Section 4.10.030, which allows placement of not more than two acres of turf area of a special-purpose golf course in subzone NR-3 within 50 feet of an external boundary of the BDR zone.

Proposed Uses are permitted uses under Section 4.10.040 and 4.10.050

The use authorized by the Phase 8 FDP is located in BDR subzone NR-3, a Natural Resource Subzone, which has been concurrently amended to authorized the proposed use, which is a single small special-purpose golf course designed, located, and implemented as described in CCLDO 4.10.050(A) (12), as follows:

**.10.050 - USES PERMITTED UNDER APPROVED FINAL
DEVELOPMENT PLAN**

The following uses may be permitted in the BDR subzones identified in brackets following each listed use, pursuant to a final development plan approved under Sections 4.10.060 to 4.10.070. If a particular subzone is not noted in brackets following the listed use, the use is prohibited in that subzone, except as may be authorized by antidiscrimination laws.

A. Natural Resource Subzones

1. Open space. [NR-1 through NR-13]
2. Wildlife observation facilities. [NR-1 through NR-13]
3. Fish and wildlife research and rehabilitation facilities, habitat mitigation, restoration and enhancement. [NR-1 through NR-13]
4. Wetland and plant research and habitat mitigation, restoration and enhancement. [NR-1 through NR-13]
5. Nature interpretive centers and educational facilities. [NR-4, NR-5, NR-6, NR-8, NR-9, NR-11, NR-13]
6. Pedestrian hiking trails, nature trails, walkways, bridges and lookouts. [NR-1, NR-3 through NR-6, NR-8 through NR-13]
7. Bicycle paths and equestrian trails. [NR-3 through NR-6, NR-8, NR-11, NR-12]
8. Paved roads. [NR-6, NR-8, NR-9, NR-11]
9. Paved golf-cart paths. [NR-6]
10. Facilities necessary for public safety and utilities serving the resort. [NR-2 through NR-13]
11. Accepted agricultural and forestry practices other than commercial timber harvesting. [NR-2 through NR-12]
12. One special-purpose, small-footprint golf course as Master Plan. [NR-3].

Conclusion

All applicable approval criteria are satisfied.

Appendices

- Appendix A: Bandon Trails Golf Course: Silvery Phacelia Photographs
- Appendix B: Historic Landscape Patterns, Bandon Dunes Coastal Property from 1939 to 1984
- Appendix C: Status Review and Field Inventory for Silvery Phacelia: *Phacelia argentea* (Hydrophyllaceae), April 1, 2008.
- Appendix D: Sand Dune Phacelia (*Phacelia argentea*) at Bandon Coastal Property Bandon, Oregon, June 29, 2007
- Appendix E: Report on the Effect of a 2-Year Flood Level on the Setback for Construction
- Appendix F: Recommended Plant Species for Bandon Dunes Native Coastal Plant Community
- Appendix G: Silvery Phacelia/ Intern Mapping

APPENDIX A:

Bandon Trails Golf Course;
Silvery Phacelia Photographs

Bandon Trails Golf Course: Silvery Phacelia Photographs

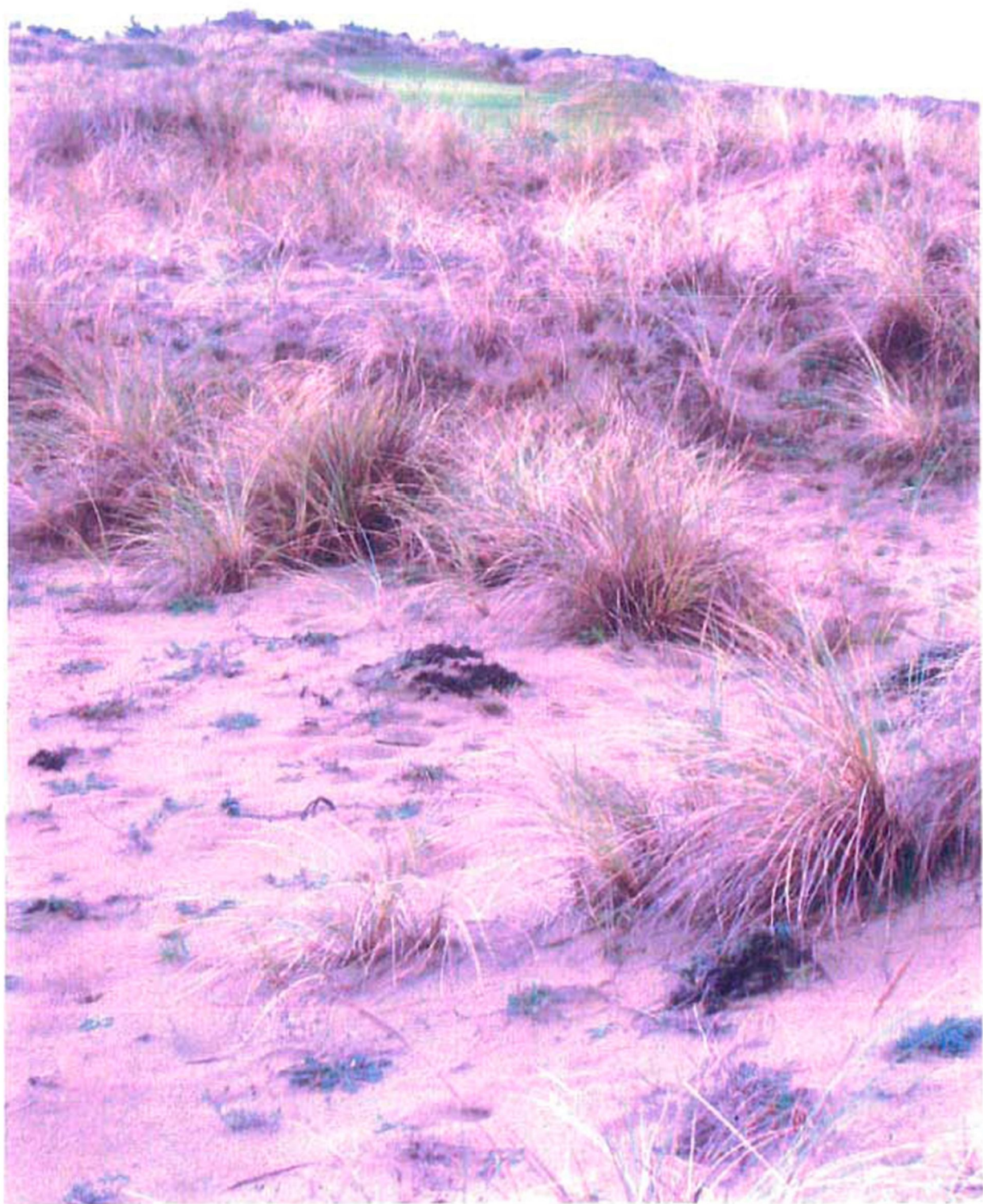
November, 2009

The golf course design team of Bend Crenshaw and Bill Coore were responsible for the Par 3 Golf Course preliminary routing plan. This team also was responsible for the design and construction of the Bandon Trails Golf Course.

One of the key features of the Bandon Trails course is the incorporation of silvery phacelia plants and habitat into the course design. The knowledge and experience acquired while designing Bandon Trails was instrumental in the design and layout of the Par 3 or Preserve Course.

The following photograph of the first hole at Bandon Trails illustrates how phacelia habitat was incorporated or has blended into a duneland golf course environment. The bunker just below the green (note red flag) contains about 50 silvery phacelia plants. The other two photographs are examples illustrating how phacelia plants will colonize open sand areas among areas covered with European beachgrass.





APPENDIX B:

Historic Landscape Patterns,
Bandon Dunes Coastal Property
From 1939 to 1984

Historic Landscape Patterns Bandon Dunes Coastal Property from 1939 to 1984

November, 1994

Photographic interpretation of aerial photographs of the Bandon Dunes site and surrounding area including Bullards Beach State Park from 1939 to 1989 dramatically illustrates the loss of open sand habitat between Cut Creek and the Coquille River.

IN 1939 about 85 to 90 percent of the beach, foredune and deflation plain areas were open sand. Vegetated areas were isolated islands, probably consisting of a mixture of native grasses, European beachgrass, native ground cover and a variety of native and introduced shrub species. The marine terrace above Cut Creek had linear strips of open sand along the edge of the bluff, but was mostly covered with grasses. The land may have been used for cattle ranching, but it had decreased in comparison to activity in the late 1800's and early 1900's. The important fact is that the area was still predominantly a grassland environment. Gorse plants, if they existed, were a minority. These coastal Red Fescue meadows were natural environments. They were stable, transitional zones found between open, moving sand and more stable Shore Pine forests. During the period of European settlement, these native grasslands were replaced by European pasture grasses. In addition, there is evidence in the photograph that portions of Cut Creek, notably the edges of the watercourse near its mouth and the ocean beach, are covered with dense shrub growth.

BY 1964 ,the open sand habitat had receded significantly. The once isolated islands of coastal vegetation had begun to link together in linear bands. The marine terrace meadow was also shrinking in size. To the west, open sand had encroached on the meadow; and to the east and along the north creek bank, stands of Shore Pine and other trees were appearing. Open sand areas were also expanding to the north.

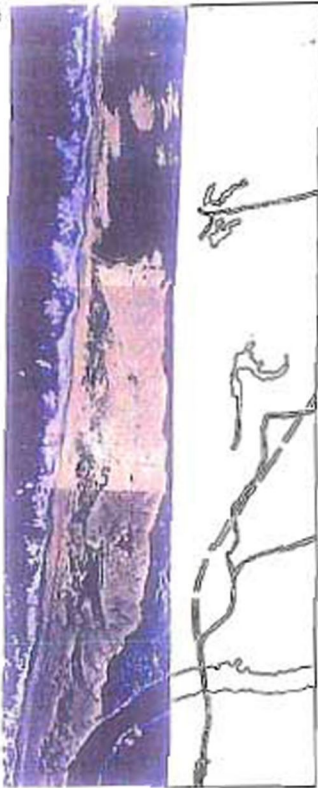
BY 1977 very little of the Red Fescue grasslands was left. Open sand surrounded the marine terrace area to the west and north. The tree stands had linked together, and there was almost continuous tree canopy cover within and along the north side of Cut Creek.

Over the past four decades, open sand habitat has been reduced to about 25 percent of the deflation plain between Cut Creek and the Coquille River. The principal culprit is European beachgrass, although Gorse is also present. The mouth of Cut Creek has also been invaded by Gorse and other wetland plant species.

THE 1989 photograph shows the open sand area about the same size as it was in 1977. The linear pattern of coastal vegetation found in the 1964 photograph has begun to break up illustrating how natural force continue to affect the deflation plain and remaining open sand habitat. The dark areas just behind the ribbon foredune are stands of stunted Shore Pines. Significant areas of Gorse are in evidence south of Cut Creek.

A color aerial photograph, taken in April, 1994, when the Gorse is in bloom, clearly demonstrates the presence of Gorse on Bullards Beach State Park. The evolving landscape pattern indicates that exotic species of grass and shrubs have invaded the northerly portions of Bullards Beach State Park and are advancing unchecked in a southerly direction.

1939



1964



1977



1989



Landscape Patterns: 1939-1989

Bandon Coastal Property

LEGEND:

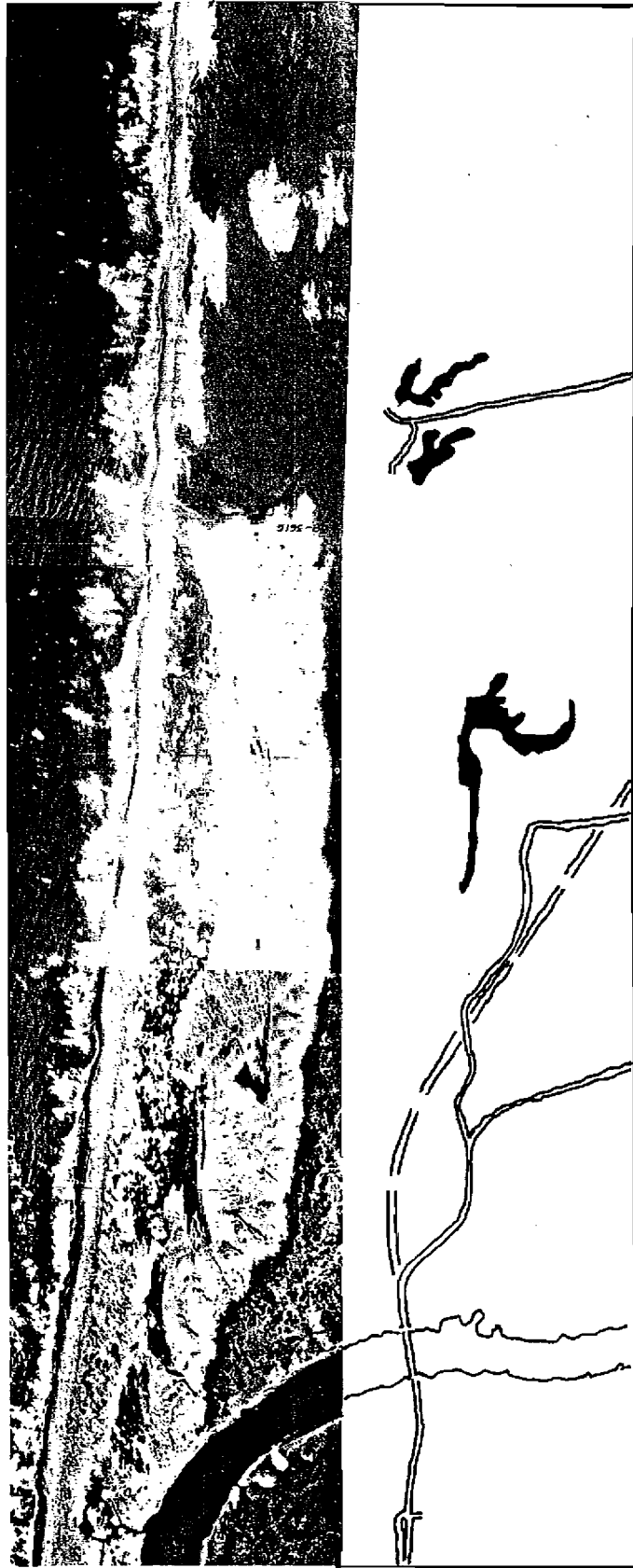
Open Sand

Shrubland

Woodland



1939



1964



1977



1989



APPENDIX C:

Status Review and Field Inventory
for Silvery Phacelia: *Phacelia argentea*,
(Hydrophyllaceae), April 1, 2008

Status Review and Field Inventory for
Silvery Phacelia:

Phacelia argentea (Hydrophyllaceae)

April 1, 2008



Lone Ranch State Beach, Curry County, Oregon. 2007



Prepared by Jennifer Kalt, 1947 Ocean Drive, McKinleyville, CA 95519 jkalt@asis.com
for U.S. Fish & Wildlife Service, 655 Heindon Road, Arcata, CA, 95521

Summary: *Phacelia argentea* (silvery phacelia; sand dune phacelia) is an evergreen perennial herb in the waterleaf family (Hydrophyllaceae). It is restricted to the immediate coast from Coos County, Oregon to Del Norte County, California. Only 30 occurrences, with 26 in Oregon and 4 in California, have been documented since the species was described in 1916. Of these 30 occurrences, 7 are historic or presumed historic, and 22 are presumed extant, with only 8 occurrences known to be extant. It is presumed extirpated from the type locality at Chetco, Oregon, which was last documented in 1884. Populations are typically small and highly fragmented, and most appear to be declining. All are threatened by habitat invasion by European beachgrass, and in the northern portion of its range, it is severely threatened by gorse as well. Without ongoing management to control invasive non-native, impacts from uncontrolled ORV use, and conversion of habitat by development, the species is in danger of extinction. Recommendations include censusing of populations not visited in more than 10 years, increased funding for weed management and protection from ORV trespass in both Oregon and California state parks and state beaches, consideration for state listing in California, and research to inform recovery and conservation efforts.

Bullards Beach State Park/Bandon Dunes

Site #2

Status: Extant

Trend: Unknown

Ownership: Public and Private

Impacts: Gorse, European beachgrass, development

EO #3984 (ONHIC)

Coos County, Oregon

USGS Quad: Bullards

T27S, R11W, Sec. 32;

T28S, R14W, Sec. 5, 6

Site:	# plants:	Year:	Observer:
Bullards Beach State Park (Public)	~500	1984	Kagan & Soper
Bandon Dunes Golf Resort (Private)	~3000	2007	Kalt & Rogers

Additional Information: Bullards Beach State Park dunes have been heavily invaded by gorse, with few Phacelia plants observed in 2007. One site at the northern side of Bandon Dunes Golf Resort where beachgrass has been manually removed has some of the few seedlings observed in 2007.



I. Introduction

Phacelia argentea (silvery phacelia; sand dune phacelia) is an evergreen perennial herb in the waterleaf family (Hydrophyllaceae). It is restricted to approximately 130 miles of the immediate coast from Coos County, Oregon to Del Norte County, California. Populations are typically small and highly fragmented, and most appear to be declining (Rittenhouse 1995). It is presumed extirpated from the type locality at Chetco, since it has not been documented at the site since it was first collected there in 1884 (ORNHIC 2007).

Silvery phacelia occurs on the open sand above the high tide line, further inland on semi-stabilized and open dunes, and on coastal bluffs. Its flowers attract a variety of pollinators including bumblebees (*Bombus* spp.) and native solitary bees; a study is currently under way at Tolowa Dunes State Park to identify the major pollinators (Julian, pers. comm.). Silvery phacelia appears to require insects for pollination (Rittenhouse and Kiffe 1993), although whether it is self-compatible or requires outcrossing is unknown.

This status review provides an overview of all documented occurrences of the species across its range, most recent population estimates and trends (where multi-year data is available), threats to the species, and recommendations for conservation and recovery.

For information on associated species, life history, pollinators, soils, and monitoring protocols used on lands managed by the Bureau of Land Management, see Brian (2006).

II. Legal Status

Federal: Silvery phacelia is presently a Species of Concern (U.S. Fish & Wildlife Service) and a Bureau of Land Management Sensitive Species. In 1990, silvery phacelia was proposed as a Category 2 plant (Department of Interior 1990), meaning that it was a taxon for which there is some evidence of vulnerability, but for which there is not enough data to support listing proposals at the time. In 1996, the U.S. Fish & Wildlife Service (USFWS) no longer considered Category 2 plants for listing under the Endangered Species Act because sufficient information to justify issuance of a listing was lacking. USFWS also discontinued the designation of Category 2 species because of the confusion about the conservation status between Category 1 and 2 species. USFWS remains concerned about Species of Concern, but further biological research and field studies are needed to resolve the conservation status of these plants.

State: In Oregon, silvery phacelia is an Oregon Natural Heritage Information Center () List 1 species, meaning that it is threatened with extinction or presumed to be extinct throughout its entire range (2007). It is a Listed Threatened

species by the Oregon Department of Agriculture (2007). In 1979, silvery phacelia was listed as a Group 1b, meaning regional endemic, with the range limited to one of the regions of botanical interest (Siddall et al. 1979).

In California, silvery phacelia is a California Natural Diversity Database (CNDDDB) and CNPS Inventory List 1B.1 species, meaning that it is rare, threatened, or endangered in California and elsewhere, with a threat code of .1, meaning that it is seriously endangered in California (CNDDDB 2007). It is considered a sensitive species as described in the California Environmental Quality Act (14 Cal. Code Reg. §15380) and therefore is protected under state law on private and public lands covered by CEQA.

Natureserve Element Ranking: G2/S2: Silvery phacelia is ranked as Global Rank 2, meaning imperiled because of rarity or because other factors demonstrably make it very vulnerable to extinction (extirpation), typically with either 6 to 20 occurrences, 1,000-3,000 individuals, or occupies 2,000-10,000 acres (CNDDDB 2007). In Oregon, it is listed as State Rank 2.2, meaning imperiled because of rarity or because other factors demonstrably make it very vulnerable to extinction (extirpation), typically with 6 to 20 occurrences (2007).

In California, it is listed as State Rank 1.1, meaning, it is known from fewer than 6 occurrences, and is considered threatened (CNDDDB 2007). It is not State Listed as threatened under the California Endangered Species Act (CESA).

III. Occurrences and Trends

According to Brian (2006), there were a total of 32 occurrences known in 1995, 28 in Oregon and 4 in California. The compilation of data on documented occurrences, including those newly documented during 2007, there were a total of 30 occurrences, with 26 in Oregon and 4 in California (see Attachment A for detailed maps, number of individuals, and years documented). The largest extant occurrence is on privately owned land at the northern edge of the range, at Bandon Dunes Golf Resort (~3000 plants), followed by Floras Lake (1,043 plants) and another newly-documented occurrence on private land at Two Mile Creek (~1,000 plants) (Table 1). One or more large occurrences may still be extant at Tolowa Dunes State Park, but population estimates at these locations are not recent enough to be considered reliable considering the extensive ORV damage that occurs there (see aerial photos in Appendix B for ORV trails and mapped phacelia plants).

Several locations which were previously considered separate occurrences were combined due their proximity and lack of documentation of unoccupied habitat separating them. The CNDDDB rule is ¼ mile between separate occurrences, while the ORNHIC rule is 0.5 km (approximately 1/3 mile). The basis for this rule is that separate occurrences would be those that are separated by enough

distance that gene flow between the two would be unlikely. In most cases, the combining of adjacent occurrences involved one or more that has not been documented for decades. These occurrences (and the potentially occupied habitat between them) should be revisited to determine whether they should be considered one or multiple separate occurrences (see Table 1).

For the purposes of this status review, the 30-year rule as applied by ORNHIC was used to distinguish between historic and presumed extant occurrences. Although the CNDDDB definition of historic is 20 years or older (Bittman and Vrilakas, pers. comm.). Of the 30 occurrences identified, 7 are historic or presumed historic, and 22 are presumed extant, with only 8 occurrences known to be extant, using the following definitions:

Extant: has been visited in the last 10 years (1997 to 2007)

Presumed Extant: has not been revisited within the last 10 years (before 1997)

Presumed Historic: has not been revisited in 30 years or more (before 1977)

Historic: has been revisited and plants not found, or habitat has been converted

Few of these occurrences have been monitored, most have not had numbers of plants documented more than once, and many have not been revisited in many years, making it difficult to discern population trends. However, many occurrences have been declining or have been aggressively invaded by gorse and/or European beachgrass, and should be regarded as declining in the absence of more recent census data. Four occurrences on lands managed by BLM—Floras Lake, Four Mile Creek, Lost Lake, and Ophir Dunes—have been monitored regularly since 1995 (Brian 2006). Three of these occurrences have declined, with the Floras Lake occurrence being the only one that has increased, probably in response to manual removal of European beachgrass (Brain 2006; Rodenkirk pers. comm.).

Most populations observed are comprised of juvenile and adult plants, with few or no seedlings. The rare observations of silvery phacelia seedlings are typically associated with recent manual removal of European beachgrass (Brian 2006; Rogers pers. comm.). Another observation of seedling establishment was reported following an accidental fire at Tolowa Dunes State Park (Nyoka 2003). The establishment of seedlings in response to these types of disturbance may be a function of increased light penetration and water availability following by removing competition such as European beachgrass. Research should be done on the types of disturbance that can promote seedling establishment and long-term viability of phacelia populations.

Table 1. Most recent population estimates for silvery phacelia populations, Oregon and California. Occurrences are listed from north to south. See site record summaries for more detailed information (Appendix A).

Site #	EO #	Location	First Documented	Last Documented	# Plants	Status/Trend
1	14960	Bullards Beach	1975	1975	a few clumps	Historic/ Unknown ¹
2	3984	Bullards Beach/Bandon Dunes Golf Resort ²	1984	2007	3000	Extant/ Unknown ¹
3	715	Coquille River Spit	1978	2007	100	Extant/ Unknown
4	2708	Bandon State Park ³	1978	2007	-50	Extant/ Declining ¹
5	18664	South of mouth of Coquille River	1919	?	0 in 2007	Historic/ Extirpated
6	new	Two Mile Creek	2007	2007	1000	Extant/ Unknown
7	15614	Lost Lake	1993	2006	43	Extant/ Stable ⁴
8	23435	Four Mile Creek	1992	2006	1	Extant/ Declining
9	7292	New River ⁵	1978	?	0 in 2007	Presumed Historic/ Unknown
10	21143	New River and N. shore of Floras Lake	1978	2006	1043	Extant/ Stable ⁴
11	10950	Cape Blanco State Park	1998	2006	70-100	Extant/ Unknown
12	18663	2 mi. NW of Port Orford	1951	1951	?	Historic/ Unknown
13a	14773	Paradise Road, NW of Garrison Lake	1977	1977	?	Presumed Extant/ Unknown
13b	1033	1 mi. N of Port Orford	1978	1978	?	Presumed Extant/ Unknown
14a	14622	Port Orford--1 mi. N. of Port Orford	1919	1936	?	Historic/ Unknown
14b	19522	Port Orford Heads State Wayside	1976	1992	8	Presumed Extant/ Unknown
14c	9510	Just S. of Port Orford	1952	1952	?	Historic/ Unknown
15	24101	Hubbard Creek, Humbug Mtn. S.P.	1992	1992	11-50	Presumed Extant/ Unknown
16	9061	Rocky Point	1993	1993	?	Presumed Extant/ Unknown
17a	5122	Humbug S.P. at mouth of Brush Creek	1976	1984	60-70	Presumed Extant/ Unknown
17b	14718	Humbug Mtn. S.P. on trail to Brush Creek	1992	1992	0 in 2007	Historic/ Presumed Extirpated
18	6939	S. of Humbug Mtn.	1992	1992	11-50	Presumed Extant/ Unknown
19	1235	Sisters Rock	1992	1995	200	Presumed Extant/ Unknown
20	7379	Ophir Dunes	1976	2006	52	Extant/ Declining
21	15880	Rest Area N. of Nesika Beach	1929	1978	?	Presumed Extant/ Unknown
22	4241	Gold Beach	1963	1963	?	Presumed Historic/ Unknown
23a	23800	Mouth of the Pistol River and S.	1925	2007	100	Extant/ Declining
23b	4750	S. end of Pistol River S.P.	1998	1998	100	Presumed Extant/ Unknown
24	11347	Chetco	1884	1884	?	Historic/ Unknown

25	12520	Lone Ranch State Beach	1977	2007	300	Extant/ Unknown
26a	1321	Cal-Ore line--2 mi. N of line	1913	1978	?	Presumed Extant/ Unknown
26b	3985	Crissey Field	1985	2006	120	Extant/ Unknown
26c	-	Oregon Border	1987	1987	>500	Presumed Extant/ Unknown
27	18216	Smith River to South Indian Road	1939	2003	~200	Extant/ Unknown
28a	18214	Smith River to Lake Earl	1972	1988	1500+	Presumed Extant/ Unknown
28b	18217	Talawa Slough, N. of Lake Earl	1979	2007	unknown	Extant/ Unknown
28c	18218	Pacific Shores subdivision	1984	?	unknown	Extant/ Unknown
29	-	Pt. St. George to Pebble Beach	1987	2007	~200	Extant/ Declining
30a	-	Crescent City airport	1987	2007	~500	Extant/ Unknown
30b	-	Crescent City landfill	1995	1995	10	Presumed Extant/ Unknown

Footnotes:

- ¹The historic site has been heavily invaded by gorse and has not been revisited recently, but a large population was documented on private land to the east in 2007. This occurrence (Bandon Dunes Golf Resort) has not been previously documented in ORNHIC.
- ²The historic site has been heavily invaded by gorse and has not been revisited since 1978, but ~ 50 plants are known from two sites nearby.
- ³These areas have been heavily invaded by gorse, and the extent to which silvery phacelia can recolonize if gorse is removed is unknown.
- ⁴Silvery phacelia populations are considered stable ONLY with ongoing management of gorse and European beachgrass.
- ⁵This population has not been observed following removal of European beachgrass with heavy equipment, despite annual surveys in association with sand verbena seed planting.

IV. Threats

Threats to this regional endemic include invasion of habitat by European beachgrass and other non-native species, coastal development, off-road vehicle use, and illegal removal for horticultural purposes (Brian 2002).

A. Invasive Non-Natives, Particularly European Beachgrass and Gorse

The primary threat to populations and habitat of silvery phacelia is invasion by non-natives. In particular, silvery phacelia is threatened by European beachgrass (*Ammophila arenaria*) throughout its range, and in addition, by gorse (*Ulex europaea*) in northern part of its range (particularly in sites near Bandon, Oregon). Some sites are also threatened by iceplant (notably Lone Ranch State Beach in Oregon).

European beachgrass tends to alter sand movement, and was planted for dune stabilization by agencies primarily concerned with protecting public roadways. The species has been planted on dune systems around the world, to the detriment of native dune vegetation. A study in New Zealand found that European beachgrass alters habitat of native dunes species by accumulating sand at rates that essentially smother the natives, while the beachgrass can survive much deeper accumulations of sand (Hilton 2005).

Fortunately, silvery phacelia appears to persist for some time beneath a canopy of European beachgrass, potentially allowing for successful recovery of populations by manual removal of European beachgrass. The silvery phacelia population at China Creek in Bandon State Park (Oregon) is apparently healthy, despite dense cover of competing grasses and forbs, including European beachgrass (see photos below). Phacelia plants at this site may be able to persist despite competition because of the fact that it has access to light since it is on the edge of a paved opening as well as on an eroding cliff (Bachellor pers. comm.).



Photos by Noel Bachellor, Oregon State Parks.

The rare observations of silvery phacelia seedlings are typically associated with recent manual removal of European beachgrass (Brian 2006; Rogers pers. comm.). This positive response of seedling establishment may be associated with some level of disturbance as well as increased light penetration and water availability following beachgrass removal. However, similar effects have not been observed following beachgrass removal using heavy equipment, which is conducted regularly at BLM's New River Area of Critical Environmental Concern to restore western snowy plover nesting habitat (Habitat Conservation Plan for the Western Snowy Plover 2004). Even in areas where silvery phacelia was formerly known to occur, it has not yet recolonized areas opened up by heavy equipment (Rodenkirk pers. comm.). Seed longevity and seed bank dynamics are unknown for the species, so it is unknown whether these areas could be recolonized by silvery phacelia in the future, perhaps when natural sand movement is restored following heavy equipment use. Ongoing management of European beachgrass is crucial to the conservation and recovery of silvery phacelia populations throughout its range.

Gorse is an especially aggressive and problematic invasive plant, which has encroached upon many dune systems and areas of open sand in the northern part of phacelia's range. Gorse is a slowly spreading evergreen shrub covered in stout spines which further complicates manual removal, but once it becomes established there are a few other plants that will so completely dominate an area

Right: Gorse and European beachgrass invading phacelia-occupied open dunes at Two Mile Creek south of Bandon, OR, 2007.



Left: Gorse invading phacelia-occupied area at Two Mile Creek, south of Bandon, OR, 2007.

(Bossard et al. 2000). Gorse is a member of the pea family, and like many of its relatives is known to promote other invasive non-natives by nitrifying soils through microbial nitrogen fixation. Nitrogen in soils occupied by gorse can accumulate at an annual rate of 20 to 30 pounds per acre, and is reported to accumulate high-nitrogen content litter faster than any other temperate plant species (Bossard et al. 2000). Most of the seeds fall near the parent plant, and manual removal of gorse can be effective if it is begun early in the infestation. However, the longevity of buried seeds means that long-term ongoing management is required to successfully control gorse. Once large stands are established, gorse is very difficult to manage, and indeed some areas of state park lands near Bandon have been completely overtaken with monotypic stands of gorse. Restoration of these areas to a condition that will support healthy silvery phacelia populations may not be possible, but controlling its spread into silvery phacelia habitat is crucial to the conservation and recovery of silvery phacelia populations in Oregon.

B. Development

In Oregon, coastal development is a serious threat to silvery phacelia, since state listed plants are not protected on private lands in Oregon, nor is there a strong state Coastal Management Act or corollary of the California Environmental Quality Act (CEQA). Plant surveys are not required preceding coastal development, and development can extirpate populations without their presence ever being detected. Silvery phacelia plants known to occur on coastal bluffs have been fragmented and partially extirpated by residential and recreational development (see Appendix A, Site #4, Beach Loop Rd.). Development threatens all silvery phacelia populations located on privately-owned lands, including Sites 2, 3, 4, 6, and 19 (see Appendix A for location information).

In California, silvery phacelia is less threatened by development, in part due to stronger environmental protections for rare plants on private lands, but also due to the fact that most of the populations in California are on lands managed by public agencies such as the California Department of Parks and Recreation.

C. Off-Road Vehicle (ORV) use

Although most sites are in areas where ORV use is not allowed, trespass by ORV users is a common occurrence. ORV damage to silvery phacelia is of particular concern at Tolowa Dunes State Parks, Pistol River State Park, and other state-managed lands where enforcement is lacking and silvery phacelia habitat is easily accessible from public roads. It is also a threat on some private lands, notably Two Mile Creek south of Bandon, Oregon.

D. Trails

Lightly used equestrian and pedestrian trails have the potential to be beneficial if properly managed, but could negatively impact silvery phacelia populations if not

properly managed. In areas heavily infested with European beachgrass, light trail use (either by pedestrians and/or equestrians) appears to keep some habitat suitably clear of beachgrass for silvery phacelia to thrive along the edges of trails (see photos below).



Light trail use can eliminate European beachgrass, enabling silvery phacelia to persist in these narrow corridors *Left: Bandon Dunes Golf Resort. Right: Pistol River State Park.*

E. Grazing

Grazing and related activities may have the potential to be beneficial if properly managed, but could negatively impact silvery phacelia populations if not properly managed. At Floras Lake, the Bureau of Land Management botanist observed that an adjacent private ranch has a thriving population of phacelia, thought to be due to cattle keeping a few sand dunes free of beachgrass and other competing vegetation by trampling or lying on the plants during the winter (Rodenkirk, pers. comm.). Research should be conducted to determine whether this casual observation is correct or not before grazing is used as a management tool to benefit the silvery phacelia. If cattle are removed from areas known to support silvery phacelia, monitoring should be conducted before and after removal to assess the effects of removing the cattle.

V. Recommendations

Populations of silvery phacelia are typically small and highly fragmented, and most appear to be declining (Rittenhouse 1995). All are threatened by habitat invasion by European beachgrass, and in the northern portion of its range, it is severely threatened by gorse as well. Without ongoing management to control invasive non-native, impacts from uncontrolled ORV use, and conversion of habitat by development, the species is in danger of extinction.

Recommendations include:

- Census all populations not documented in more than 10 years;
- Establish protocols for monitoring trends and habitat;

- Conduct long-term monitoring at priority locations, such as the largest populations (Bandon Dunes Golf Resort, Two Mile Creek) and any populations with invasive plant management projects;
- Support the development of conservation easements on private property to protect silvery phacelia populations and unoccupied suitable habitat;
- Consider state listing in California;
- Increase funding for weed management and habitat restoration;
- Increase funding for protection from ORV trespass on lands managed by the state in both Oregon and California;
- Conduct surveys in western snowy plover habitat: potential habitat restoration sites should be surveyed first to avoid harming existing phacelia populations, but should also be monitored after restoration work is done to detect recovering phacelia populations;
- Conduct research on reproductive biology, pollination biology response to disturbance competition with non-native species and other factors that would increase the knowledge about the species and inform recovery and conservation efforts.

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VII. Personal Communications

Bachellor, Noel. Natural Resource Coordinator/Botanist, Oregon Parks and Recreation Department, Salem, OR. noel.bachellor@state.or.us

Christy, John. Oregon Natural Heritage Information Center, Oregon State University, OR. Pers. comm. 2007 and 2008. john.christy@teleport.com

Julian, Laura. Botanist. Pers. comm. March 23, 2008. lls10@humboldt.edu

Rodenkirk, Tim. Botanist, Bureau of Land Management, Myrtlewood Field Office, Coos Bay, OR. Pers. comm. June and July 2007. Tim_Rodenkirk@or.blm.gov

Rogers, Janet. Caretaker, Two Mile Creek/Keiser Property. Box 1214, Bandon, Oregon, 97411. janiet13@yahoo.com

Vrilakas, Sue. Oregon Natural Heritage Information Center, Oregon State University, OR. Pers. comm. 2007 and 2008. sue.vrilakas@oregonstate.edu

Stansell, Veva. Botanist. Pers. comm. March 13, 2008. vstansel@harborside.com

Attachments:

Appendix A. Site Locations, Size Estimates, and Dates of Documentation.
Appendix B. Extent of Silvery Phacelia at Tolowa Dunes State Park, 2003.

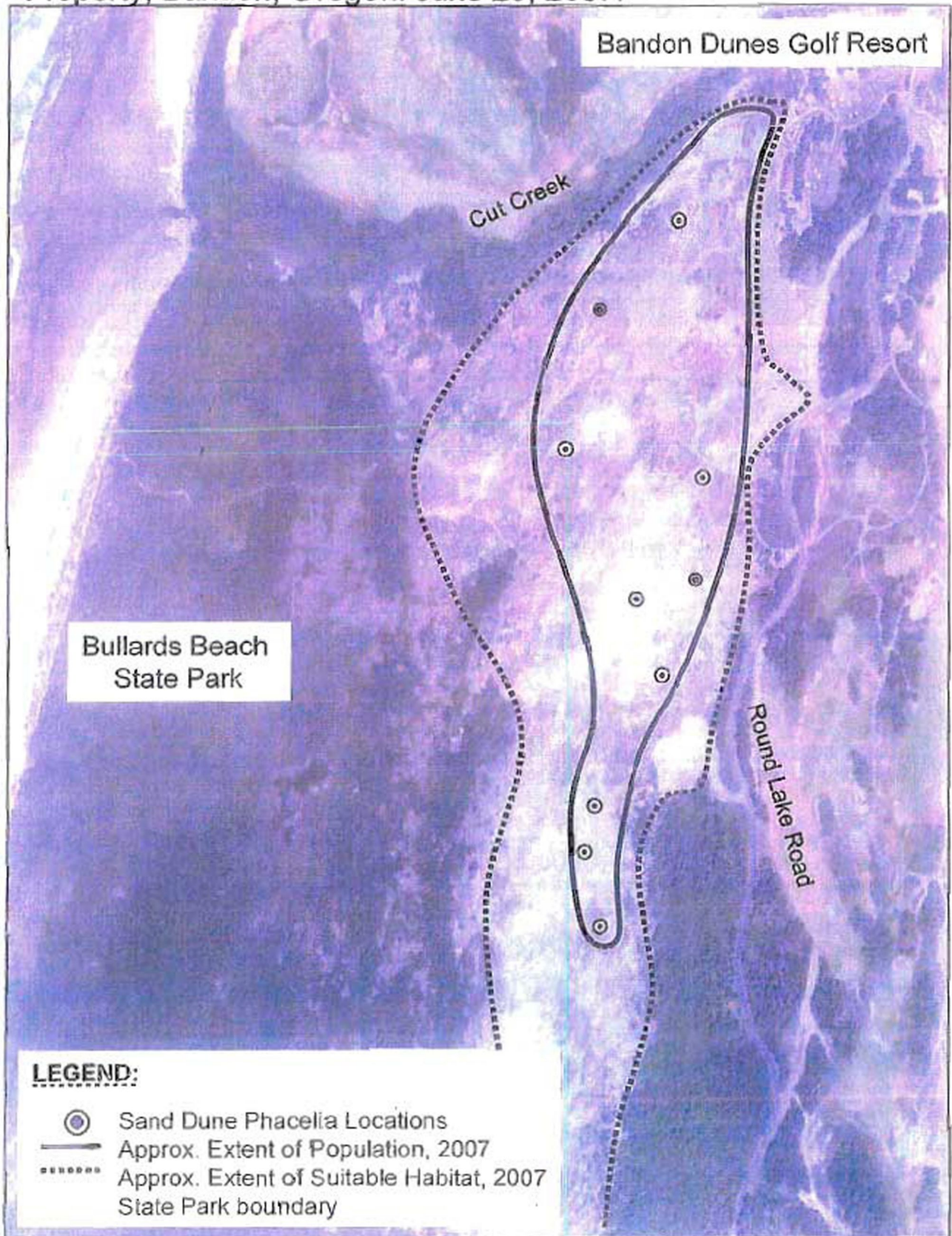
Enclosures:

Brian, Nancy. 2006. Status Report: *Phacelia argentea* A. Nelson & J.F. McBride (silvery phacelia). Bureau of Land Management, Coos Bay District, North Bend, OR.

APPENDIX D:

Sand Dunes Phacelia (*Phacelia argentea*)
at Bandon Coastal Property, Bandon, Oregon,
June 29, 2007

Sand Dune Phacelia (*Phacelia argentea*) at Bandon Coastal Property, Bandon, Oregon. June 29, 2007.



Mapped by J. Kait for U.S. Fish & Wildlife Service

APPENDIX E:

Report on the Effect of a
2-Year Flood Level on the
Setback for Construction

REPORT
on
THE EFFECT OF A 2-YEAR FLOOD LEVEL
ON THE SETBACK FOR CONSTRUCTION

CUT CREEK ANALYSIS

On April 26, 2009 I conducted a field visit at the Bandon Dunes Golf Resort in order to determine the flood stage level of water that would occur in Cut Creek during a two-year flood condition. An Analysis of potential flooding along Cur Creek was undertaken using historic water flow data from EGR Associates and NOAA Atlas 2 together with an analysis of the upstream watersheds for Chrome Lake and Round Lake. The results indicate that generally along Cut Creek from the pedestrian bridge located south of the main lodge downstream to the delta and creek outfall to the Pacific ocean, the recurrence of a two-year flood would raise the flood stage water level approxiamtely one (1) foot above the normal water level. This would typically widen the surface of the stream flowing in the bottom of the creek bed from a width of 4-6 feet average to a width of eight (8) feet.

To aid in the establishment of the location of the "top of bank" or "backfull stage" along Cut Creek in order to determine the regulatory setback zone, we also prepared cross sections of the Cut Creek riparian corridor at four (4) selected locations:


1. Number 8 Green
2. Number 8 Tee
3. Number 2 Green
4. Number 12 Tee.

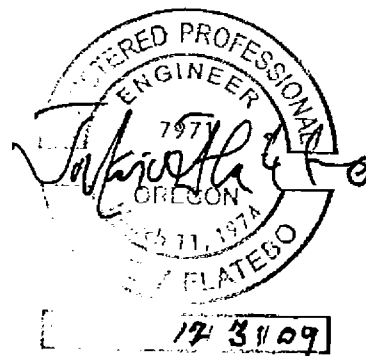
Cross sections were drawn to indicate the specific conditions along Cut Creek. Projected water levels during a two-year flood were added to the cross sections to establish the water level height associated with a "two-year recurrence interval flood stage". The elevated flood level on the south bank of Cut Creek was then used to indicate the 50-foot setback at these locations.

Based upon the above analysis, it is my professional opinion that none of the proposed tees, greens, or green-surrounds of the proposed golf course as shown on the attached illustration will be located closer than fifty (50) feet from the "top of bank" or bankfull stage" of Cut Creek as defined above.

Based upon the above cross-sections as well as repeated site visits and close analysis of aerial photographs and topographical maps, a line estimated to be ten (10) feet back of the actual top of bank has been drawn along Cut Creek to be used as a conservative top of bank standard for possible locational adjustments.

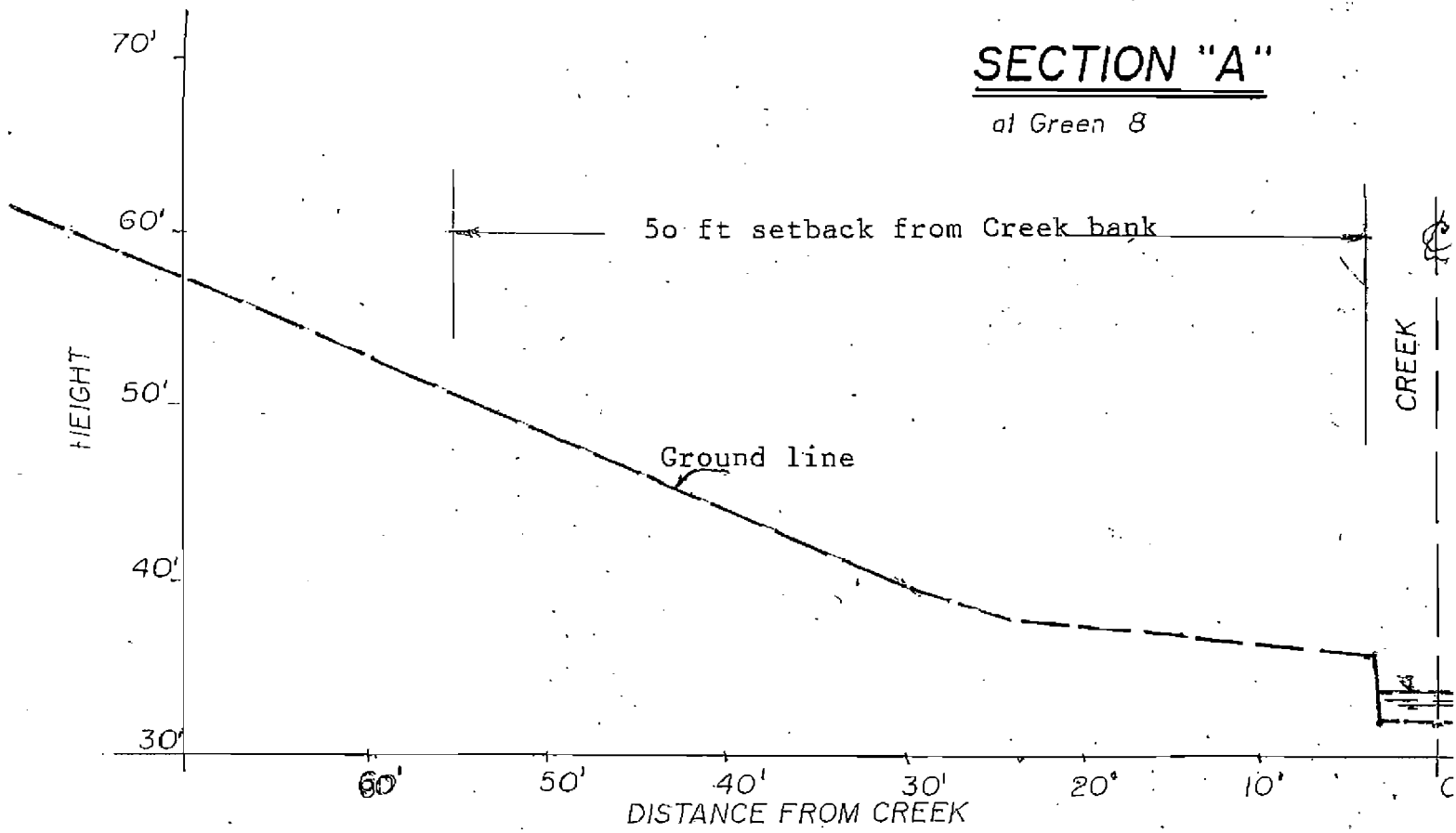
The attached design sections entitled "Cut Creek Cross Section Two-Year Recurrence Interval Flood Stage Analysis" illustrate this analysis and the drawing entitled "Cut Creek Setback Line".

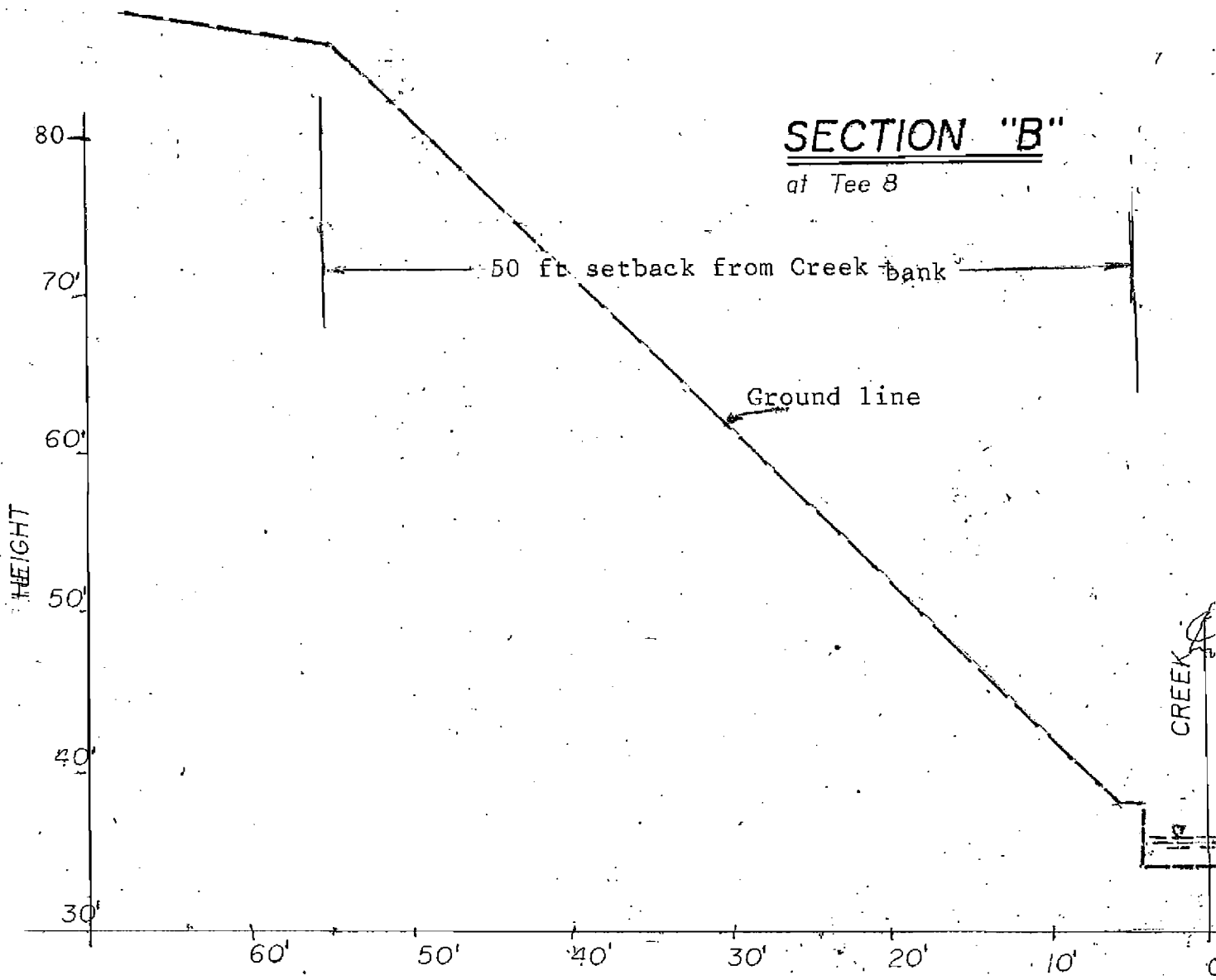

Torleiv Platebo, P.E.



SECTION "A"

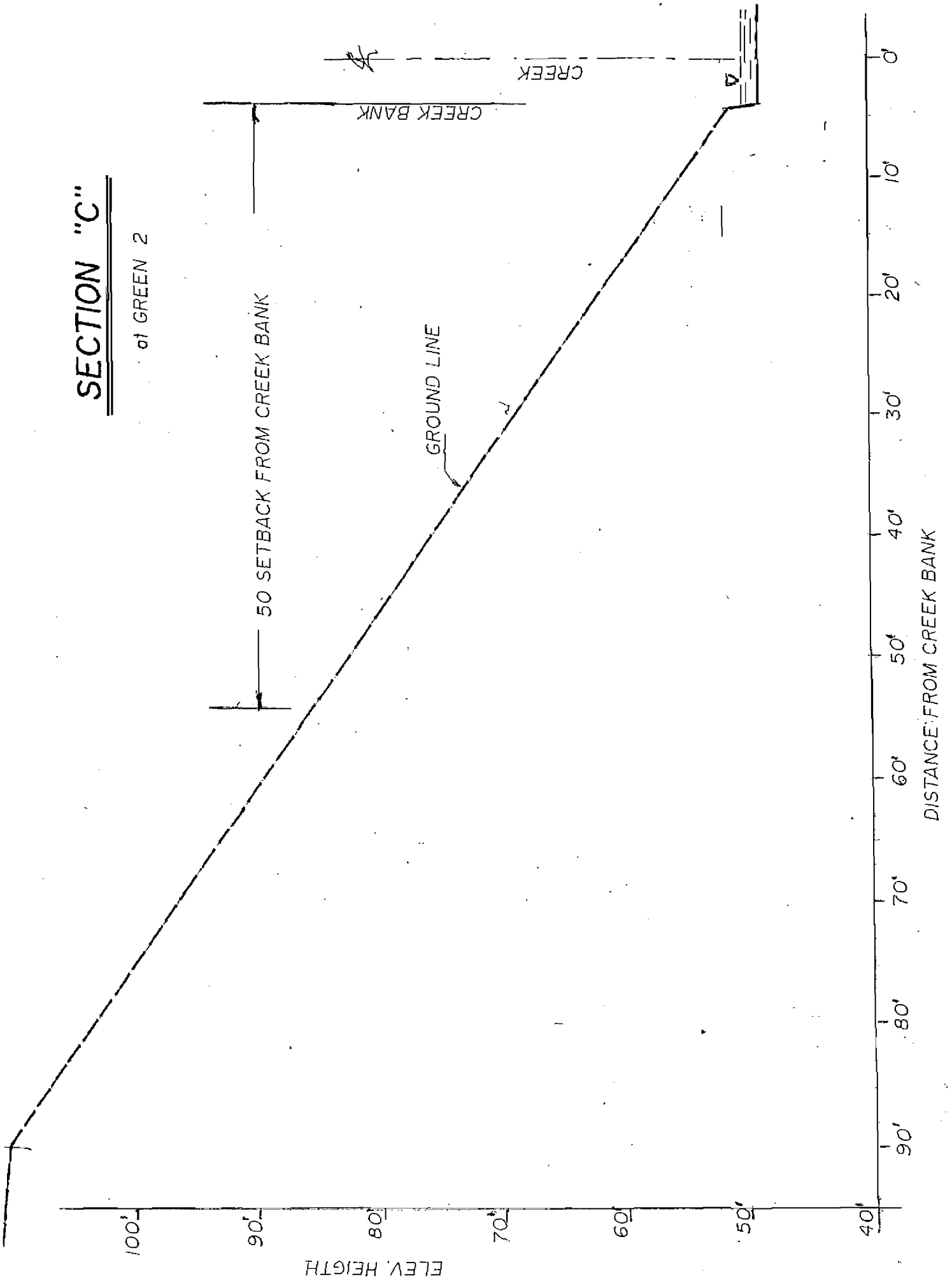
at Green 8





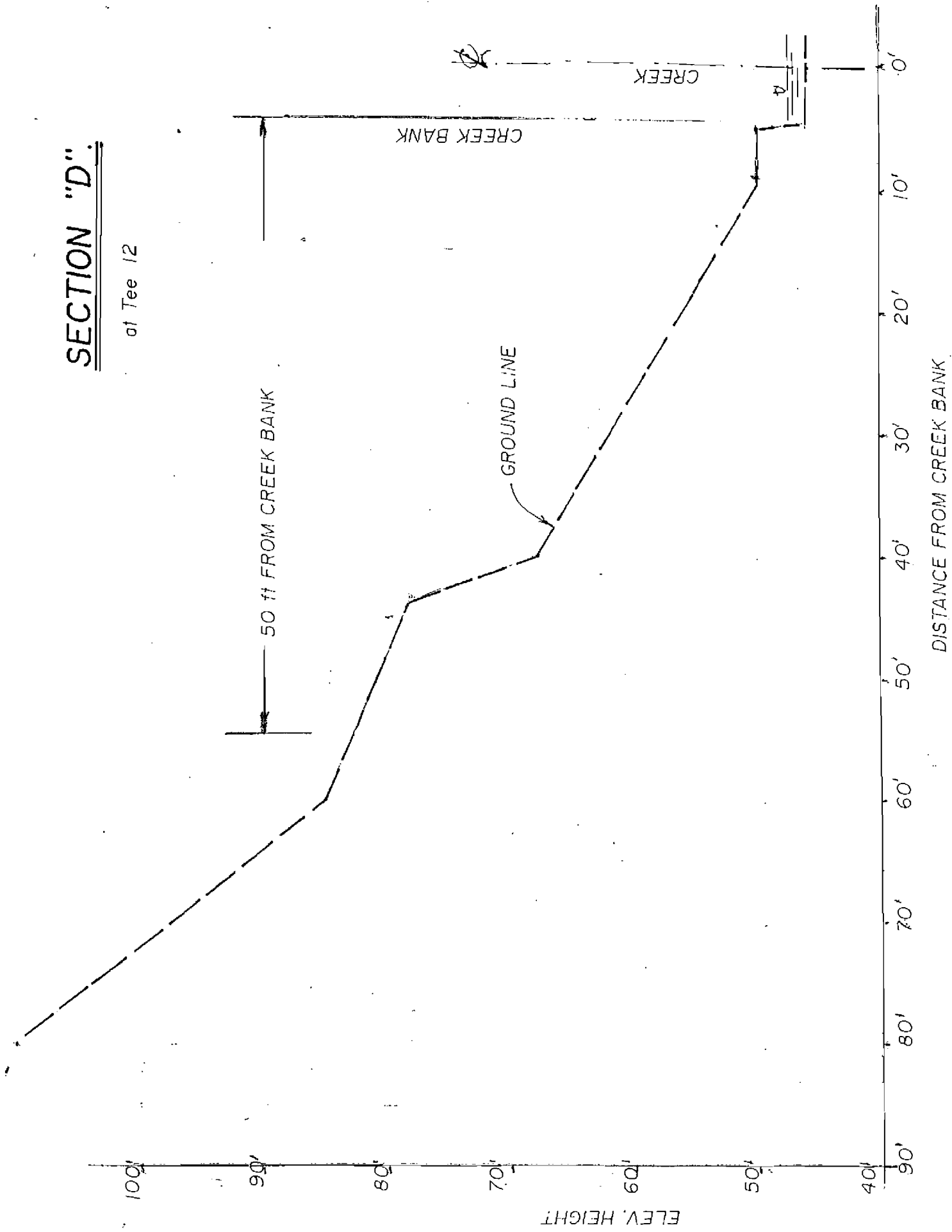
SECTION "C"

at GREEN 2



SECTION "D"

at Tee 12



Recommended Plant Species for The Bandon Dunes Native Coastal Plant Community

The following are the plant species that form the foundation of the “dune mat” community of early succession on open sand in the duneland environment south of Cut Creek:

Primary Species: These are the “mound builders

- Silvery Phacelia (*Phacelia argentea*) – largest population in existence
- Yellow Sandverbena (*Abronia latifolia*) – listed for concern over time

Secondary Species: These are abundant in the duneland environment

- Woody Beach Knotweed (*Polygonum paronychia*) – common/open and stabilized dunes
- Beach Evening Primrose (*Camissonia cheiranthifolia*) – open sand common
- Coastal Strawberry (*Fragaria chiloensis*) – common/open sand and stabilized dunes

Other Species: These are less abundant at this time, but will expand within the open sand habitat that is restored

- Seashore Bluegrass (*Poa macrantha*) – favors more sand movement
- Sand Mat (*Cardionema ramosissima*)
- Beach Silver-top (*Glehnia littoralis*)
- Beach Fescue (*Festuca rubra*) – favors less sand movement
- Beach Snake-root (*Sanicula arctopoides*)

Natives Species to Consider Introducing into Our Dune Mat Community:

- Pink Sandverbena (*Abronia umbellata*) – listed, rare plant
- Silver Burweed (*Ambrosia chamissonis*)
- Beach Sagewort (*Artemisia pycnocephala*)
- Beach Morning Glory (*Camissonia cheiranthifolia*)
- Bluefield Gilia (*Gilia capitata*)
- Large-headed Sedge (*Carex macrocephala*)
- American Dunegrass (*Elymus mollis*)
- Sea Sandwort (*Honkenya peploides*)

Note:

Seashore Lupine “produces prolifically by seed, and can colonize bare sand surfaces readily”. (Christy) This is a species abundant in the Preserve, which we can collect seed from, and broadcast into the proposed project site.

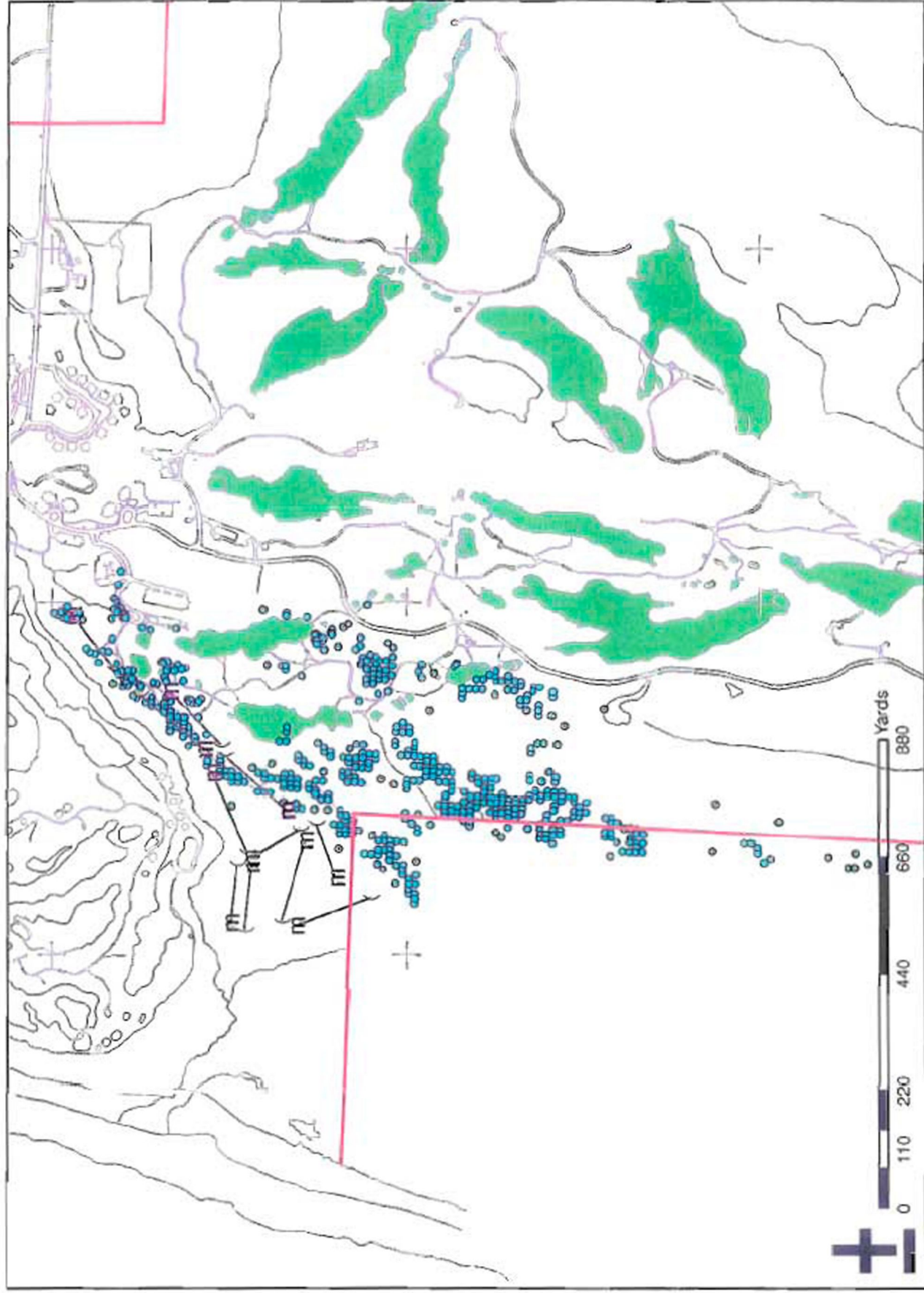
APPENDIX G:

Silvery Phacelia/ Intern Mapping

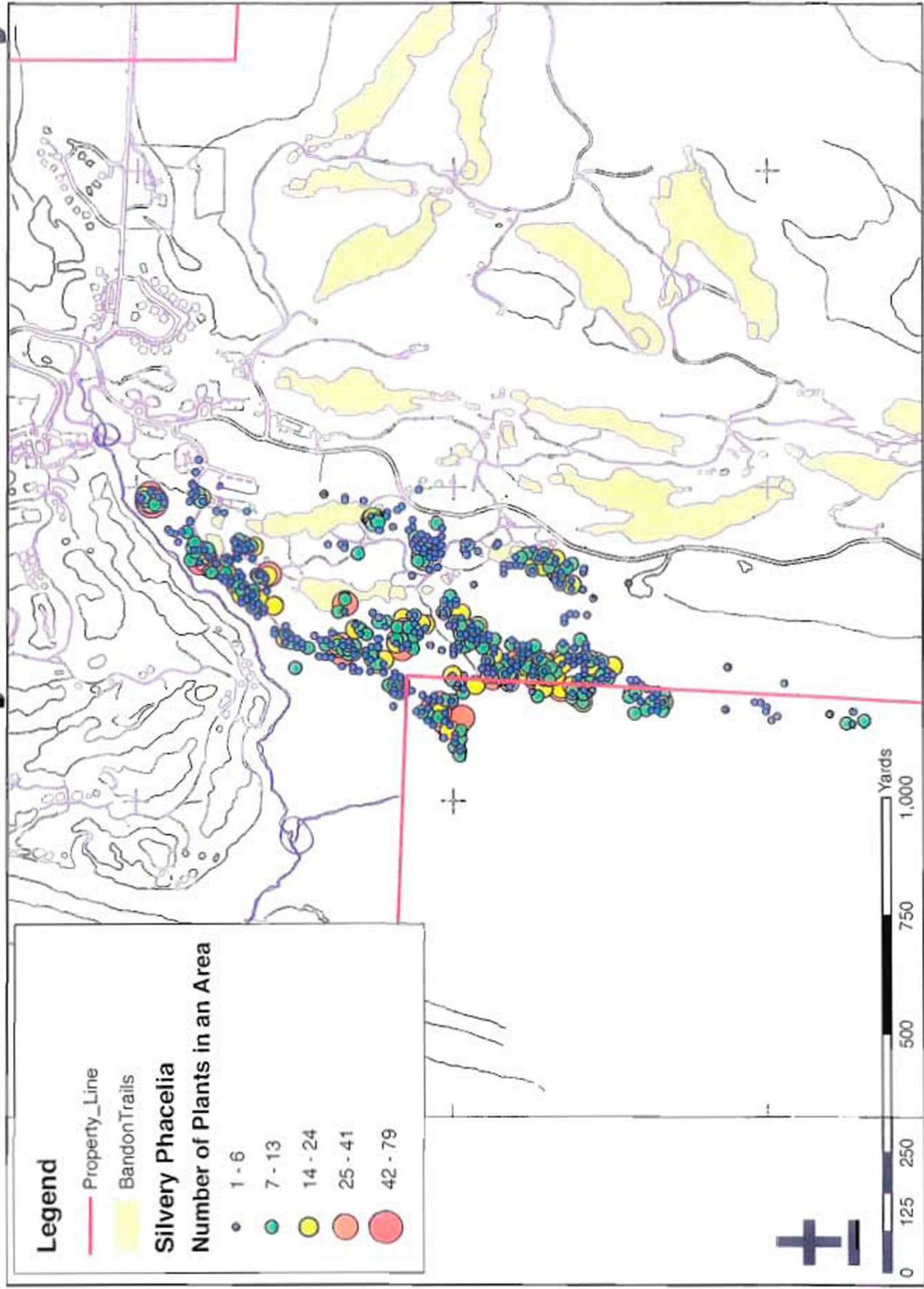
Drawing Index:

Silvery Phacelia Density
Silvery Phacelia Density - 1
Silvery Phacelia Density - 2
Silvery Phacelia Density - 3

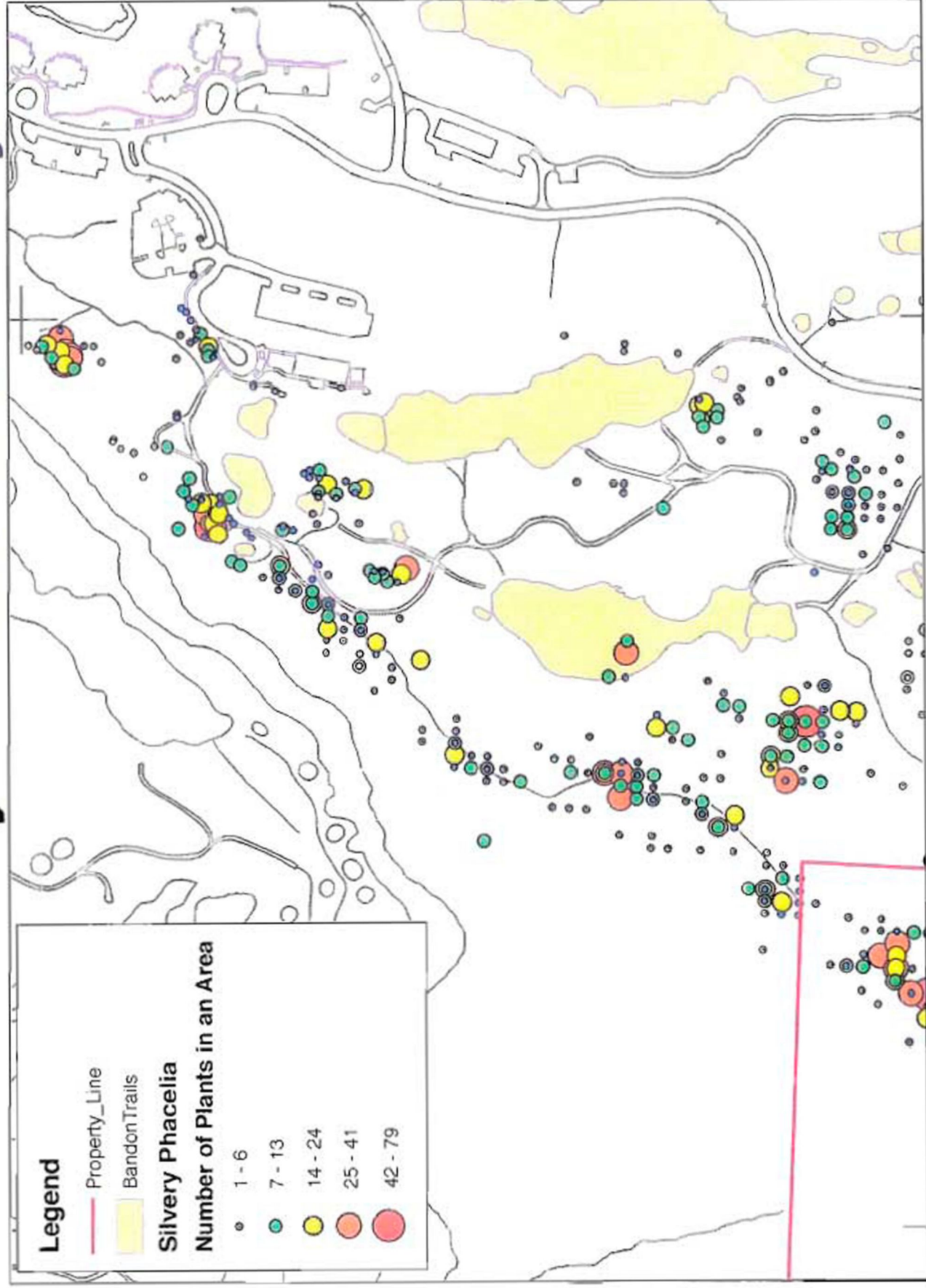
Silvery Phacelia Population and Proposed Par 3



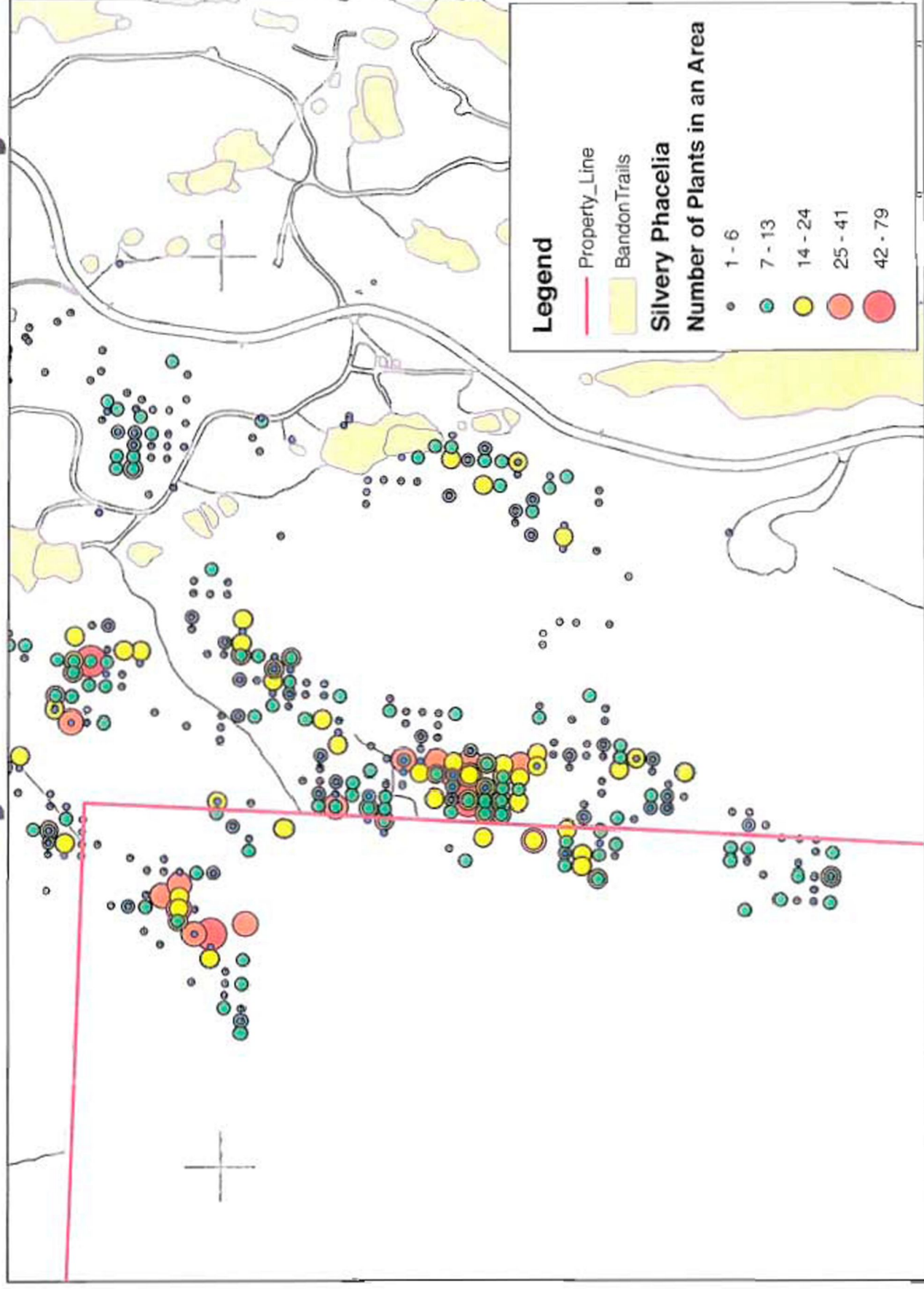
Silvery Phacelia Density



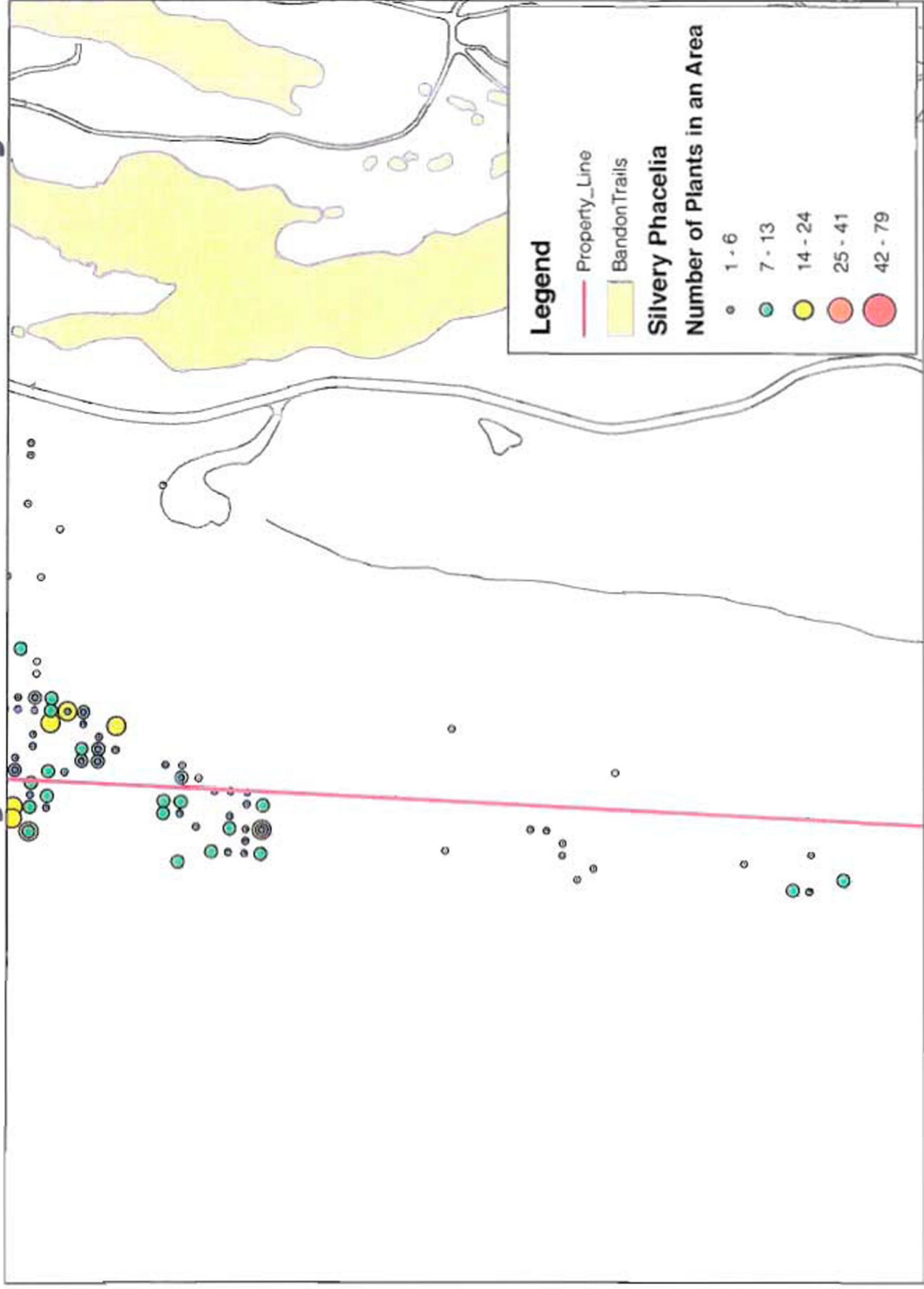
Silvery Phacelia Density - 1



Silvery Phacelia Density - 2



Silvery Phacelia Density - 3



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