



Oregon

Theodore R. Kubongoski, 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

05/21/2014

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 002-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. 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, June 05, 2014

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 Acknowledgment or 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 than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

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

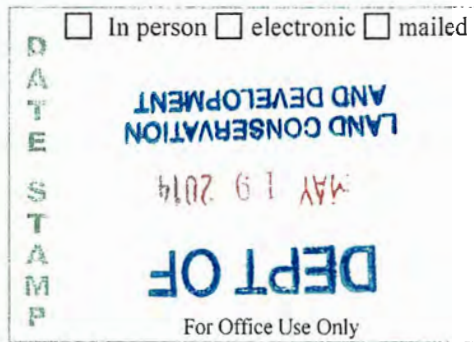
<paa> YA



PROF 2

DLCD

Notice of Adoption



This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **Coos County**

Local file number: **AM-14-04**

Date of Adoption: **5/13/2014**

Date Mailed: **5/15/2014**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

This is an amendment of the 2009 application which Amended 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. After development there were a few clarifications and amendments to the 2009 proposal needed

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **n/a**

to:

Zone Map Changed from: **n/a**

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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-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. _____

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

DLCD, ODOT, State Parks, DSL, DEQ, ODFW, Coquille Indian Tribe, Confederated Tribes, USDFW and BLM

Local Contact: **Jill Rolfe**

Phone: (541) 396-7770 Extension:

Address: **250 N. Baxter**

Fax Number: **541-396-1022**

City: **Coquille**

Zip: **97423**

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

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.



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) 396-7770

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

Jill Rolfe, Planning Director

NOTICE OF ADOPTION

May 15, 2014

Re: Coos County Planning Department File No. AM-14-04
Legislative amendments to the Coos County Zoning & Land Development Ordinance (CCZLDO)
and Comprehensive Plan (CCCP) Bandon Dunes Revisions to the Master Plan Text
County Ordinance No. 14-04-004PL

On May 13, 2014 the Coos County Board of Commissioners adopted the amendments to the CCZLDO Bandon Dunes Resort, Article 4.10 and CCCP Bandon Dunes Resort Supplemental Master Plan, Section VIII.

The adoption of this final decision and order can be appealed to the Land Use Board of Appeals (LUBA), pursuant to ORS 197.830 to 197.845, by filing a Notice of Intent to Appeal within 21 days of the date of the final decision and order. For more information on this process, contact LUBA by telephone at 503-373-1265, or in writing at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301-2552.

All documents related to this file are available for inspection, at no cost, in the Planning Department located at 225 North Adams Street, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page.

If you have any questions pertaining to this notice or the adopted ordinance, please contact the Planning Department by telephone at (541) 396-7770, or visit the Planning Department at 225 North Adams Street, Coquille, Oregon, Monday through Friday, 8:00 AM - 5:00 PM (closed Noon - 1:00 PM).

COOS COUNTY PLANNING DEPARTMENT

Debby Darling

Debby Darling, Planner II

C: Planning Commission
Dave Perry, DLCD
Parties
File

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

1
2 IN THE MATTER OF AMENDING THE COOS)
3 COUNTY ZONING & LAND DEVELOPMENT) FINAL DECISION AND
4 ORDINANCE AND COMPREHENSIVE PLAN) ORDINANCE 14-04-004PL
5 APPLICATION FOR AMENDMENTS TO THE)
6 BANDON DUNES RESORT ZONING)
7 ORDINANCE – COUNTY FILE: AM-14-04

8 The Board of Commissioners for the County of Coos ordains as follows:

9 SECTION 1. TITLE

10 This ordinance shall be known as “Coos County Ordinance 14-04-004 PL.”

11 SECTION 2 AUTHORITY

12 This ordinance is enacted pursuant to the provisions of ORS 203.035 and ORS Chapter 215.

13 SECTION 3 PURPOSE

14 The purpose of this ordinance is to amend Coos County Ordinance 85-03-004L, and amendments thereto, which is the Coos County Zoning and Land Development Ordinance (CCZLDO) that implements Volume I of the Coos County Comprehensive Plan, consistent with the comprehensive plan amendments adopted concurrently with this Ordinance by Ordinance 14-004 PL, approving a supplemental goal exception and text amendments to authorize changes to the small-footprint golf course in a Natural Resource Area south of Cut Creek and west of the Bandon Trails Golf Course, substantially as proposed in the Resort’s Phase 8 Final Development Plan (County File SP-14-01 and SP-14-02) also approved concurrently with this Ordinance.

15 The purpose of this ordinance is to amend Volume I of the acknowledged Coos County Comprehensive Plan. This Ordinance, therefore, amends Coos County Ordinance 82-12-022L, and amendments thereto, which adopt Volume I of the Coos Comprehensive Plan

16 These amendments are necessary to:

- 17 a. Allow modification to the single small-footprint golf course as approved by Ordinance 10-01-003PL (County File: AM-09-06) on 21 acres in the Natural Resource Conservation Area south of Cut Creek and west of the Trails Golf Course at the Bandon Dunes Golf Resort.
- 18 b. Adopt a supplemental reasons exception to applicable Statewide Planning Goals and incorporate the exceptions, the reasons therefore, and measures demonstrating compliance with the standards for such exceptions into the coos County Comprehensive Plan.
- 19 c. Make appropriate amendments to the Coos County Comprehensive Plan text consistent with the findings and exception statement adopted hereby.

20 SECTION 4 COMPREHENSIVE PLAN TEXT AMENDMENTS

21 1. Revision to Bandon Dunes Resort Supplemental Master Plan Text: Amend Section VIII (“Amendments to 1996 Master Plan as Amended in 2003”), adopted in 2010 as follows:

22 VIII. Amendments to 1996 Master Plan as Amended in 2003

23 Natural Resource Conservation Areas: The 1996 Bandon Dunes Resort Master Plan as amended in 2003 was further amended in 2010 [~~2010~~] and 2014 to authorize a small-footprint, [~~archipelago-style~~] low-impact 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 of ~~[seven]~~ eleven acres of turf for tees, fairways, and greens. ~~[,and approaches]~~
- [e] b. No buildings, other than a maximum of two structures for providing golf course services, totaling less than 700 square feet in floor area.
- c. No roads [;] or parking lots.
- d. Not more than ~~[12]~~ 13 holes.
- e. Not more than two acres within 50 feet of an ~~[external]~~ exterior 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 established comprehensive plan consistency for the Bandon Dunes Revised Phase ~~[VIII]~~ 8 Final Development Plan.

2. Revision to Bandon Dunes Resort Supplemental Master Plan Text: amend Table 1 (“Constructed, approved, and Authorized Bandon Dunes Resort Development”), adopted as part of the SMP in 2010 as follows:

Table 1
~~[Constructed, Approved, and]~~ Authorized, Approved and Constructed
 Bandon Dunes Resort Development (Amended 2010 and 2014)

| Development [Authorized] Category | [Approved] <u>Authorized</u> by 1996 and 2003 Exceptions | [Newly] <u>Additionally</u> Authorized by 2010 & 2014 <u>Supplemental</u> Exceptions | <u>Approved</u> <u>through</u> <u>2013</u> | Constructed through [2010] 2013 | Total <u>Authorized</u> |
|--|---|---|--|--|----------------------------|
| Overnight Lodging Units | 300 | 0 | <u>224</u> | [300] 186 | 300 |
| Private Dwelling Units | 600 | 0 | <u>0</u> | 0 | 600 |
| Golf courses | 4.5 | 1.0* | <u>5.0</u> | [5.5] <u>5.0</u> | 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~~] Authorized by 2010 and 2014 Supplemental Exceptions:

1 One special-purpose, low-~~[intensity]~~ impact course south of Cut Creek with [~~no turfed fairways,~~
2 no clubhouse, no more than two golf service buildings totaling no more than 700 square feet in
3 area, no more than [12] 13 holes, and a total of no more than [eight] 11 acres of turf for tees,
4 [holes and approaches] fairways and greens.

3. Exception Statement: amend Coos County Comprehensive Plan Volume I Part 3,
4 Statewide Goal Exceptions, to add the “2014 Third Supplemental Exception, Bandon Dunes
5 Resort Master Plan and Exception Statement as initially adopted in 1996 (Coos County
6 Ordinance 96-030-03PL) and amended in 2003 (Coos County Ordinance 03-04-003PL) and
7 2010 (Coos County Ordinance 10-01-003PL).

6 SECTION 5 ZONING AND LAND DEVELOPMENT ORDINANCE
7 TEXT AMENDMENTS AND COMPREHENSIVE PLAN
8 AMENDMENTS

8 Coos County Ordinance 85-03-004L and amendments thereto adopting implementing Volume I
9 of the Coos County Comprehensive Plan are amended to change the text of the Coos County
10 Zoning and Land Development Ordinance, Article 4.10 Bandon Dunes Resort Zone (BDR) as
11 follows, with new matter underlined and deleted matter struck through:

1. 4.10.050 Uses Permitted Under Approved Final Development Plan

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

13 A. Natural Resource Subzones

- 14 1. Open space. [NR-1 through NR-13]
- 15 2. Wildlife observation facilities. [NR-1 through NR-13]
- 16 3. Fish and wildlife research and rehabilitation facilities, habitat mitigation,
17 restoration and enhancement. [NR-1 through NR-13]
- 18 4. Wetland and plant research and habitat mitigation, restoration and
19 enhancement. [NR-1 through NR-13]
- 20 5. Nature interpretive centers and educational facilities. [NR-4, NR-5, NR-6,
21 NR-8, NR-9, NR-11, NR-13]
- 22 6. Pedestrian hiking trails, nature trails, walkways, bridges and lookouts.
23 [NR-1, NR-3 through NR-6, NR-8 through NR-13]
- 24 7. Bicycle paths and equestrian trails. [NR-3 through NR-6, NR-8, NR-11,
25 NR-12]
- 26 8. Paved roads. [NR-6, NR-8, NR-9, NR-11]
- 27 9. Paved golf-cart paths. [NR-6]
- 28 10. Facilities necessary for public safety and utilities serving the resort.
[NR-1 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] the Bandon Dunes Resort Master Plan, as amended in
2010 and 2014. [NR-3].

2. 4.10.060 – Final Development Plan Review Procedure

- 26 A. Before submitting an application for final development plan[s for approval of]
27 review for any phase or element of the destination resort, the applicant shall
28 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.

1 B. Following a pre-application conference, the applicant shall submit an application
2 final development plan [for] review by the [~~Approval Authority~~] Planning
3 Director. [~~Fifteen (15) copies~~] One (1) electronic copy and two (2) hard copies of
4 the final development plan on a Coos County Land Use Application shall be
5 submitted to the Planning Department along with a filing fee set by the Board of
6 County Commissioners to defray costs incidental to the review process.

7 C. Applications for final development plan review shall be processed in accordance
8 with Sections 5.0.200 (Application completeness (ORS215.427)), 5.0.250
9 (Timetable for Final Decisions (ORS 215.427)), 5.0.300 (Findings Required
10 (ORS 215.416(9)-(10)), and application for final development plan review shall
11 be deemed complete if it satisfies the requirements of Section 4.10.065.

12 D. If the final development plan includes areas identified as wetlands on the
13 Statewide Wetlands Inventory, as shown in Exhibit A to this Ordinance, the
14 Planning Department shall submit a Wetland Land Use Notification Form to the
15 Division of State Lands within five working days after acceptance of a complete
16 application for final development plan review.

17 ~~[D]~~E. The Planning Director shall approve an application for final development plan
18 review if the final development plan meets the approval standards of Section
19 4.10.070. [~~Review of the final development plan shall be in accordance with the~~
20 ~~provisions of Section 5.6.500 (Site Plan Application Submittal and Review~~
21 ~~Procedure), except that notwithstanding Section 5.6.500(2), the Planning Director~~
22 ~~shall approve or deny an application for final development plan approval or, if]~~ If
23 significant interpretation or policy issues are raised by the final development plan
24 application, the Planning Director may submit the application to the Planning
25 Commission for its review pursuant to applicable provisions of Article 5.7 and the
26 approval standards of Section 4.10.70.

27 ~~[E]~~F. The Approval Authority may impose conditions that are necessary to enable it to
28 approve the final development plan under the approval standards of Section
4.10.070.

[F].G The Approval Authority shall issue a final order setting out its decision on the
application for final development plan review and shall give notice of that
decision as provided in Section [5.6.500(4)].

H. The decision of the Approval Authority may be appealed as provided in Article
5.8.

3. 4.10.075 – Final Development Plan Modification

19 A. Following approval of a final development plan for any phase or element of the
20 destination resort, the original applicant for final development plan approval, or
21 its designee, may submit for review a proposed modified final development plan
22 that addresses all changes or conditions required by the Approval Authority.

23 B. The Approval Authority shall review an application for modification of a final
24 development plan [~~pursuant to Article 5.6 (Design and Site Plan Review), except]~~
25 ~~as provided in Section 4.10.060[.C and],~~ except as provided in subsection C of
26 this section. The Approval Authority shall approve the requested modification if
27 the final development plan as modified continues to conform to the Master Plan
28 and Sections 4.10.030, 4.10.040, and 4.10.050.

C. If the Approval Authority finds that the modifications render the final
development plan materially inconsistent with the Master Plan or Sections
4.10.030, 4.10.040 or 4.10.050, the Approval Authority shall:

1. If practicable, impose such reasonable conditions and adjustments as
necessary to bring the final development plan into compliance; or
2. If the inconsistency cannot be so resolved, the Approval Authority shall
deny the application.

1 SECTION 6 FINDINGS

2 The review standards applicable to the above-described amendments, together with the findings
3 of fact and conclusions demonstrating that those standards have been satisfied, are set forth in
4 Exhibit 1, "Applicant's Statement, Proposed Findings, and Supplemental Exception statement
5 for 2014 Text Amendments to Bandon Dunes Resort Master Plan and Bandon Dunes Resort
6 Zoning Ordinance," which is attached hereto and incorporated herein by this reference.

7 SECTION 7 REPEAL OF INCONSISTENT ORDINANCES

8 Coos County Ordinance 85-03-004PL and amendments thereto are repealed to the extent they
9 conflict with this Ordinance. Said Ordinances shall remain in full force and effect in all other
10 respects.

11 SECTION 8 SEVERANCE CLAUSE

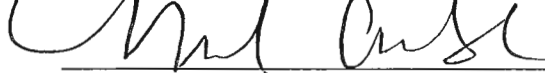
12 If any section, subsection, provision, clause, or paragraph of this Ordinance shall be adjudged or
13 declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment
14 shall not affect the validity of the remaining portions of this ordinance; and it is hereby expressly
15 declared that every other section, subsection, provision, clause or paragraph of this ordinance
16 enacted, irrespective of the enactment or validity of the portion thereof declared to be
17 unconstitutional or invalid, is valid.

18 SECTION 9 EMERGENCY CLAUSE

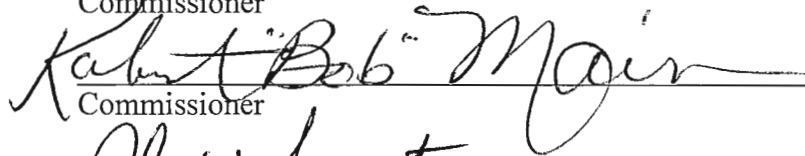
19 The Board of Commissioners for the County of Coos deems this Ordinance necessary for the
20 immediate preservation and protection of the public peace, safety, health and general welfare of
21 Coos County and declares an emergency exists, and this Ordinance shall be in full force and
22 effect upon its passage.

23 ADOPTED this 13th day of May 13, 2014.

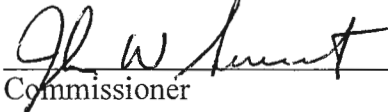
24 BOARD OF COMMISSIONERS

25 

26 Commissioner


27 

28 Commissioner


29 

30 Commissioner

31 ATTEST:

32 
33 Recording Secretary

34 APPROVED AS TO FORM:

35 
36 Office of County Counsel

Coos County Planning Department
250 N. Baxter
Coquille, OR 97423



ATTN: Plan Amendment Specialist
DLCD
635 Capitol St. NE, Suite 150
Salem OR 97301-2540

