

SUPPLEMENTAL AGENDA

Tuesday, March 28, 1989 - 9:30 AM

The following matter was inadvertently left off the agenda:

In the matter of the Decision of the Planning Commission of February 27, 1989 - Case CS 1-89 - Approve, subject to conditions, change in zone designation from EFU to EFU, C-S, community service, for approximately 55-acres as detailed on the metes and bounds description attached to the decision, to allow its inclusion in a redesigned 18-hole golf course with the specific accessory uses previously approved in Case No. CS 11-83 on an adjacent site covering approximately 145-acres (200-acres total size), for property at 15105 NW Sauvie Island Road

Notice of Review has been filed

*4/29
in Rec.
5/9/89
30 min
CJ -
9:30*



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • Chair • 248-3308
PAULINE ANDERSON • District 1 • 248-5220
GRETCHEN KAFOURY • District 2 • 248-5219
RICK BAUMAN • District 3 • 248-5217
POLLY CASTERLINE • District 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

BOARD OF COUNTY COMMISSIONERS

TUESDAY, MAY 9, 1989

9:30 a.m., Room 602

AGENDA

BOARD OF
COUNTY COMMISSIONERS
1989 MAY - 1 PM 4:07
MULTNOMAH COUNTY
OREGON

CS 1-89 Public Hearing - On The Record Plus

*Cont'd
6/6/89
Changed slope
to de novo
45 min. per
side*

Review the Decision of the Planning Commission of February 27, 1989, approving, subject to conditions, change in zone designation from EFU to EFU-C-S, community service, for approximately 55 acres, to allow its inclusion in a redesigned 18-hole golf course with the specific accessory uses previously approved under CS 11-83 on an adjacent site covering approximately 145 acres (200 acres total size), all for property located at 15105 NW Sauvie Island Road.

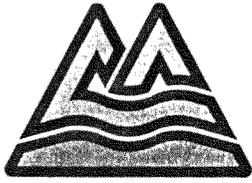
This Notice of Review has been filed by area property owners.

Scope of Review

On The Record with Additional Testimony Limited to Traffic Impact Analysis.

Oral Argument

Each side will have 30 minutes to present oral argument before the Board.



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • Chair • 248-3308
PAULINE ANDERSON • District 1 • 248-5220
GRETCHEN KAFOURY • District 2 • 248-5219
RICK BAUMAN • District 3 • 248-5217
• District 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

May 9, 1989

Ms. Lorna Stickel, Planning Director
Division of Planning & Development
2115 SE Morrison
Portland, OR

Dear Ms. Stickel:

Be it remembered, that at a meeting of the Board of County Commissioners held May 9, 1989, the following action was taken:

In the matter of the Decision of the Planning)
Commission of February 27, 1989 - Case CS 1-89)

Commissioner McCoy noted that this case has brought about more letters from citizens than any other subject to date, at the last count there were 285 letters which were received by the Board, but not yet read. She reported that the hearing today would be held On the Record, with additional testimony on the traffic study limited to 30 minutes per side, and explained procedures for the hearing.

Laurence Kressel, County Counsel, said the procedural steps were well stated by the Chair, and added that the Planning Commission decision was to approve, with conditions, the application for golf course expansion. Today's hearing is an appeal to that decision by property neighbors, and who will be heard first. He advised the Board regarding ex-parte disclosure, and procedures for including letters received by the Board into the record.

At this time, the Board disclosed ex-parte contacts.

Following disclosure, Mr. Kressel collected letters received by the Board and gave them to the Clerk to enter in the record.

Commissioner McCoy said there would be no Board decision made today, and explained that staff would be authorized to prepare a Final Order including Findings for Board approval at a later date following this hearing.

William Rhodes, attorney for George Douglas, applicant, asked that witnesses testifying on the traffic aspect be sworn, and for permission to cross examine witnesses.

Mr. Kressel advised that witnesses would not be sworn, but Mr. Rhodes could cross examine. He requested the staff report be heard first.

Mr. Rhodes asked that he be allowed to object to testimony that might be in addition to information already on the record.

No one objected to his request.

Mark Hess, Planning Division, presented the staff report, and showed slides he had prepared showing the property site in question. He responded to Commissioner Kafoury's question, that the pesticide aspect of the matter was intended to be included by the Planning Commission, and that that was why Vector Control was asked to review the proposal; but that he is not sure that her concern is adequately covered in the Planning Commission Decision.

Commissioner McCoy announced that Planning staff would be available for questions at any time during the meeting, and that questions and answers made would not be counted against time limits.

Upon request of the Chair, Mr. Kressel noted it is now time for appellants to present their case, and advised that rebuttal time should be reserved before presentations are made. He then explained rules for participation in the hearing by the applicant who will be heard following the appellant's presentation.

Elizabeth "Betsy" Newcomb, Attorney for the appellants, reserved five minutes for rebuttal, and discussed the matter of the tape recordings from the Planning Commission hearings being "inaudible" and noted that appellants had been advised the hearing would be de novo. Later the appellants were notified that the tapes were, in fact, audible, and the hearing would be On the Record. She stated that following this notice, tapes were released to the applicant, George Douglas, who took them to a studio for enhancement which made the tapes sufficiently audible for transcription. . .

At this time, Mr. Rhodes interrupted to say that this information should be heard at another hearing, and not included at this time.

Commissioner McCoy reminded the audience that the Board is not a judicial body, and that attorneys will not proceed as they would for judges. She asked that objections be held until presentations are completed.

Upon request of Mr. Rhodes, Mr. Kressel stated that his advice is only given to the Board, but that if they requested advice regarding objections of attorneys during presentations, he would comply. Upon Board request, he advised that Commissioner McCoy's response was correct and appropriate; and that there is no requirement for contemporary objections to be made at Land Use Hearings.

Ms. Newcomb said that in light of the facts she listed, the appellants would like to make two points, 1) the appellants feel that the Planning Commission's decision to release tapes without notice to appellants compromises the appearance of fairness in the proceedings, and 2) that there are significant portions of the "enhanced" tapes that are still inaudible, therefore the transcript is incomplete and difficult to follow or understand. In her opinion, this compromises all parties to know what is and what is not on the record for the appeal. She commented that Mr. Douglas application for expansion of the golf course is to provide more room on fairways in order to add safety measures to prevent accidents. Mr. Douglas is selling the property, and giving up all future rights to the property when that is accomplished. Mr. Douglas intent for holding tournaments on the course was to provide space for high school or college events, however decisions will be made by the buyer, Ginzu Golf Services, Incorporated. She requested the Board provide a better analysis to justify the expanded golf course than that of the Planning Commission. She concluded that if the golf course is being planned for a first class golf course, then the traffic issue will be entirely different than that for a smaller golf course; and indicates that closer scrutiny is necessary. She questioned whether or not the proposed golf course fits the "Character of the Area", and requested permission to address the safety issue at a later time, and reserved two minutes for rebuttal.

Mr. Kressel advised that the Scope of Review is limited to what is in the record and traffic impact analysis only.

Commissioner Anderson said she is concerned about the condition of the tapes, and moved to allow a liberal interpretation of the record.

Mr. Kressel advised that the motion was allowable, but that the Board should hear from Mr. Rhodes before any action is taken; and recommended that it would be prudent to continue the meeting to another time, if the Board wishes to approve the Commissioners motion.

Commissioner McCoy suggested that instead of opening the matter to de novo, that questions be raised about the missing or inaudible portions of the record.

Mr. Kressel advised that it would be difficult to determine what might have been said which could invite disagreement about the correctness of that information. He added that the question is whether or not the transcript in the Board's possession is a bona fide transcription, and whether or not the omissions hamper the Board from making a decision.

Commissioner Anderson said she found it difficult to fill in the gaps.

Commissioner Bauman asked for clarification regarding the type of hearing to be held.

Mr. Kressel explained that it depends upon what information the Board needs to make a decision, and if it is found that the Board wants to go beyond the information in the record, the additional evidence needed must be defined. He recommended the Board not ask for explanation of missing pieces in the transcript.

Mr. Rhodes explained that he feels that only words were missing, and that it didn't change meanings in his opinion. He objected to the charges made by Ms. Newcomb regarding the impropriety of Mr. Douglas either taking tapes for enhancement, and or that ethics were involved because he is a Planning Commission member. He denied that the tapes were never in Mr. Douglas possession, and said they have remained in the hands of the Planning staff. He added that Mr. Douglas has not sold to Ginzu Golf Services, but will be a consultant for the golf course for three years after the sale. Tournament golf, size of the course, and need for expansion are subjects not germane to this hearing, nor issues raised by traffic. Those issues have been decided, and the Board must decide whether the decision of the Planning Commission is unreasonable. There has been two months since the hearing date was set, and the transcript was available to the appellant with an appropriate time for review. He replied to Commissioner Bauman's question, that the buyers are G.G.S., Incorporated, an Hawaiian Corporation, and added that conditions are made for the land, not the applicant.

Mr. Kressel, in response to Commissioner Anderson's question, advised that the Board could add a category such as On the Record plus evidence on the traffic impact, and then other things could be added to the type of evidence allowed. However, the more categories added, the more difficult it becomes to distinguish between de novo and the more limited or conditional hearing. He recommended the Board not add categories.

Following discussion, Commissioner Anderson moved to change the Scope from On the Record plus traffic to De Novo, duly seconded by Commissioner Bauman.

Commissioner Kafoury said she feels the gaps in the tapes are not substantive, and that she was able to determine points of objections, not that she agreed with conclusions. She asked for clarification regarding continuing the meeting or hearing information regarding traffic and wildlife impacts today.

Mr. Kressel advised it is possible to do either, but recommended continuing the hearing to another date to allow both sides to prepare presentations.

Commissioner Anderson explained she feels that deliberations will not be completed today, and therefore continuing on a de novo basis would be more appropriate.

Mr. Kressel advised that time limits could be placed on a de novo hearing, and that the slides, reports, and transcripts are already in the record and could be reviewed by the Board before the next hearing.

At this time, Commissioner McCoy asked for a vote of those who support holding a de novo hearing, and Commissioners Bauman and Kafoury voted aye. Hearing no objections, Commissioner McCoy declared a de novo hearing will be held.

Commissioner Bauman moved to continue the hearing two weeks, and that 45 minutes be allowed per side.

Mr. Rhodes explained that a de novo hearing would mean that anyone having given testimony at the Planning Commission meeting could give the same testimony at a de novo meeting. He objected to a 45 minute limit for testimony, and suggested that the hearing be held in three weeks.

Following discussion, Commissioner Kafoury moved to continue the hearing to June 6, 1989 at 9:00 AM.

Mr. Kressel defined de novo, read the appropriate portion from the Code, and explained that the Board can listen to tapes, read the transcripts, read the letters, look at the file, and come to the next meeting informed in order to limit time for testimony. He feels forty five minutes may be sufficient to hear the matter.

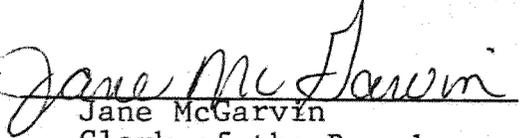
At this time, Commissioner Anderson seconded the motion, and it is unanimously

ORDERED that the above-entitled matter will be continued to June 6, 1989 at 9:00 AM in Room 602 of the Courthouse, and that the Scope of Review will be De Novo, with testimony limited to 45 minutes per side.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By



Jane McGarvin
Clerk of the Board

jm

cc: County Counsel



DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING AND DEVELOPMENT
2115 SE MORRISON STREET
PORTLAND, OREGON 97214 (503) 248-3043

NOTICE OF REVIEW

2881 11 198900-BA
253 2881 0421/89 198900-AL

1. Name: Friends of Sauvie Island, _____
Last Middle First
2. Address: 17505PP NW Sauvie Islans Rd Portland, OR 97231
Street or Box City State and Zip Code
3. Telephone: (503) 621 - 3953

4. If serving as a representative of other persons, list their names and addresses:

Jerome DeGraaff 50350 Cowen Rd, Scappoose, 97056

Carolyn Lee (see above)

Donna Matrazzo, 19300 NW Sauvie Island Rd, Portland, OR 97231

Bob Stephens " " "

Jack Sanders, 14986 NW Mill Rd. Portland, 97231

stu Sandler, 12945 NW Newberry Rd. Portland, OR 97237

5. What is the decision you wish reviewed (e.g., denial of a zone change, approval of a subdivision, etc.)?

cs 1 -89, #52 Community Service Request (Golf course expansion)

6. The decision was announced by the Planning Commission on Feb. 27, 1989

7. On what grounds do you claim status as a party pursuant to MCC 11.15.8225?

persons who testified in opposition to said request

*Please return this original form
to my to file Notice of Review - 3/29/89*

3/1/89

8. Grounds for Reversal of Decision (use additional sheets if necessary):

- 1. expanded tournament impact
- 2. insufficient traffic data
- 3. inadequate provisions for wildlife
- 4. lack of continuity in application
- 5. questionable safety of chemical usage.
- 6. superficial archaeological survey.
- 7. vagueness of boundaries.

9. Scope of Review (Check One):

- (a) On the Record
- (b) On the Record plus Additional Testimony and Evidence
- (c) De Novo (i.e., Full Rehearing)

10. If you checked 9(b) or (c), you must use this space to present the grounds on which you base your request to introduce new evidence (Use additional sheets if necessary). For further explanation, see handout entitled Appeal Procedure.

EXPANDED TOURNAMENT IMPACT The original approved golf course was 125 acres. Expansion to 200 acres greatly magnifies the impact beyond the dimensions of previous surveys.

INSUFFICIENT TRAFFIC DATA The original and present proposals rely of a cursory nov 82 traffic count. There was no actual detailed study ever made of congestion during peak seasons.

INADEQUATE PROVISIONS FOR WILDLIFE The Oregon Dept. of Fish and Wildlife reports that many of the island's 150,000-170,000 migratory waterfowl will be attracted to the golf course. No definite plan has been devised for protection of wildlife.

LACK OF CONTINUITY IN APPLICATION. There is no objective documentation that the applicant has met his obligations to satisfy the continuity of his original application.

QUESTIONABLE SAFETY OF CHEMICAL USAGE. Tournament golf courses typically use intensive applications of highly toxic pesticides, herbicides and fungicides. At levels far beyond normal agricultural use. (see additional sheet)

Signed: Jerome A. DeGraff Date: Mar 20 89

For Staff Use Only

Fee:

Notice of Review = \$150.00

Transcription Fee:

Length of Hearing 220 x \$1.75/minute = \$ 385.00

Total Fee = \$ 535.00

Received by: Yvonne A. Egan Date: 20 MAR 89 Case No. 051-89

* Exact amount to be determined by Sherin Cowley on 27 MAR 89.
\$150.00 accepted on acct.

NOTICE OF REVIEW (cont)

10. SUPERFICIAL ARCHAEOLOGICAL SURVEY

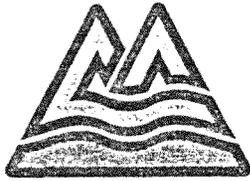
The identification of ancient and historic sites has been questionable.

VAGUENESS OF BOUNDARIES

The original proposal cites 125 acres, which was later found to be inaccurate and was then approximated at 145 acres. This expansion was originally requested for 55 acres, but added to 61 acres.

DE NOVO

The hearing transcripts were inaudible and cannot be used, therefore requiring a De Novo hearing.



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • Chair • 248-3308
PAULINE ANDERSON • District 1 • 248-5220
GRETCHEN KAFOURY • District 2 • 248-5219
RICK BAUMAN • District 3 • 248-5217
• District 4 • 248-5213
JANE MCGARVIN • Clerk • 248-3277

APPEAL - SAUVIE ISLAND GOLF COURSE

ATTORNEYS: Appellant - William T. Rhodes

Opponents - Elizabeth Newcomb

ELIZABETH NEWCOMB
ATTORNEY AT LAW

BANKS & NEWCOMB
(503) 222-7475

FIFTH FLOOR
209 S.W. OAK STREET
PORTLAND, OREGON 97204-2740

*Real Estate
Securities*

Business Financings

William T. Rhodes
Business Lawyer

4562 S.W. Comus Place, Suite 100
Portland, Oregon 97219

(503) 293-0036
FAX: (503) 636-8965



DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING AND DEVELOPMENT
2115 SE MORRISON STREET
PORTLAND, OREGON 97214 (503) 248-3043

DECISION OF THE PLANNING COMMISSION

CS 1-89, #52

**Community Service Request
(Golf Course Expansion)**

February 27, 1989

Applicant requests approval to expand the area of a C-S, community service designation for a previously approved 18-hole golf course. The proposal would add approximately 55 acres to the approximate 145-acre golf course site, approved in 1983. The additional 55 acres is requested in order to redesign the course and provide more space between fairways, thereby diminishing potential injury to golfers from stray golf balls. No additional facilities or accessory uses are requested. The course will remain an 18-hole layout. The subject 55-acre site lies approximately 1200 to 4000 feet east of NW Sauvie Island Road, approximately 1/2 mile north of the Sauvie Island Bridge.

Location: 15105 NW Sauvie Island Road

Legal: A portion of Tax Lots '3', '4' and '5', Section 21, 2N-1W
Described by Attached Metes and Bounds

Site Size: The proposed golf course would occupy 200 acres of an existing
493 acre joint farm operation

Size Requested: 55-acre addition to approved 145-acre golf course site

Property Owner: George Douglas
15105 NW Sauvie Island Road, 97231

Applicant: Same

Comprehensive Plan: Exclusive Farm Use

Present Zoning: EFU, Exclusive Farm Use District

Sponsor's Proposal: EFU, C-S, Exclusive Farm Use,
Community Service District

Community Service designation shall be for the specific use or uses approved together with the limitations or conditions as determined by the approval authority

Dick Love Land Surveys, Inc.
19310 Abernethy Lane
Gladstone, OR 97027 (503) 656-4915

Feb. 3, 1989
Job No. 88-1274
George Douglas

PARCEL I

A tract of land being a part of the James F. Bybee D.L.C. and being situated in Sections 21 and 22, Township 2 North, Range 1 West, Willamette Meridian, and being more particularly described as follows:

Beginning at the southeast corner of the James F. Bybee D.L.C.; thence South 76° West along the southerly line of the Bybee D.L.C. 1200.0 feet; thence North $11^{\circ} 37' 12''$ West, parallel with the easterly line of said Bybee D.L.C. 1200.0 feet to the true point of beginning; thence continuing North $11^{\circ} 37' 12''$ West, parallel with the easterly line of the Bybee D.L.C., 1200.0 feet; thence North 76° East, parallel with the southerly line of the Bybee D.L.C. 310 feet, more or less, to the center of the Gilbert River; thence Northerly, following the centerline of the Gilbert River, 700 feet, more or less, to the easterly extension of the south line of that portion of the Leslie Douglas tract lying southerly of the Gilbert River, part of Tax Lot 5; thence South 72° West along the easterly extension last mentioned and the southerly line of said Leslie Douglas tract, 900 feet; thence South 10° East 300 feet; thence South 45° East 890 feet; thence South 76° West 1910 feet, more or less, to a point which is 20.0 feet from the centerline of an existing field road; thence North 34° West, parallel to said centerline, 160 feet, more or less, to a point which is 10.0 foot southerly of a gravelled access road; thence South 56° West along a line which is parallel to said gravelled access road, 140 feet, more or less, to the most northerly north west corner of a tract of land previously approved for golf course usage; thence southeasterly along the northerly line of said prior approved tract, 1160 feet, more or less, to a point which is South 71° West 1710.0 feet from the true point of beginning; thence North 71° East 1710.0 feet to the true point of beginning. Said tract contains 53.66 acres, more or less.

PARCEL II

A tract of land being a part of the James F. Bybee D.L.C. and being situated in Section 22, Township 2 North, Range 1 West, Willamette Meridian, and being more particularly described as follows:

Beginning at the southeast corner of the James F. Bybee D.L.C.; thence North $11^{\circ} 37' 12''$ West along the easterly line of said Bybee D.L.C., 2400.0 feet to the true point of beginning; thence continuing North $11^{\circ} 37' 12''$ West along said claim line, 55.25 feet to the center of the Gilbert River; thence North $89^{\circ} 58' 47''$ West along the centerline of said Gilbert River 75.94 feet; thence along said centerline, South $70^{\circ} 06' 57''$ West 505.18 feet; thence South $18^{\circ} 08'$ West 60 feet, more or less, to a line that is South 76° west from the true point of beginning; thence North 76° East 610 feet more or less, to the true point of beginning. Said tract contains 1.13 acres, more or less.

Corrected Metes and Bounds
Description

CORRECTED MAP

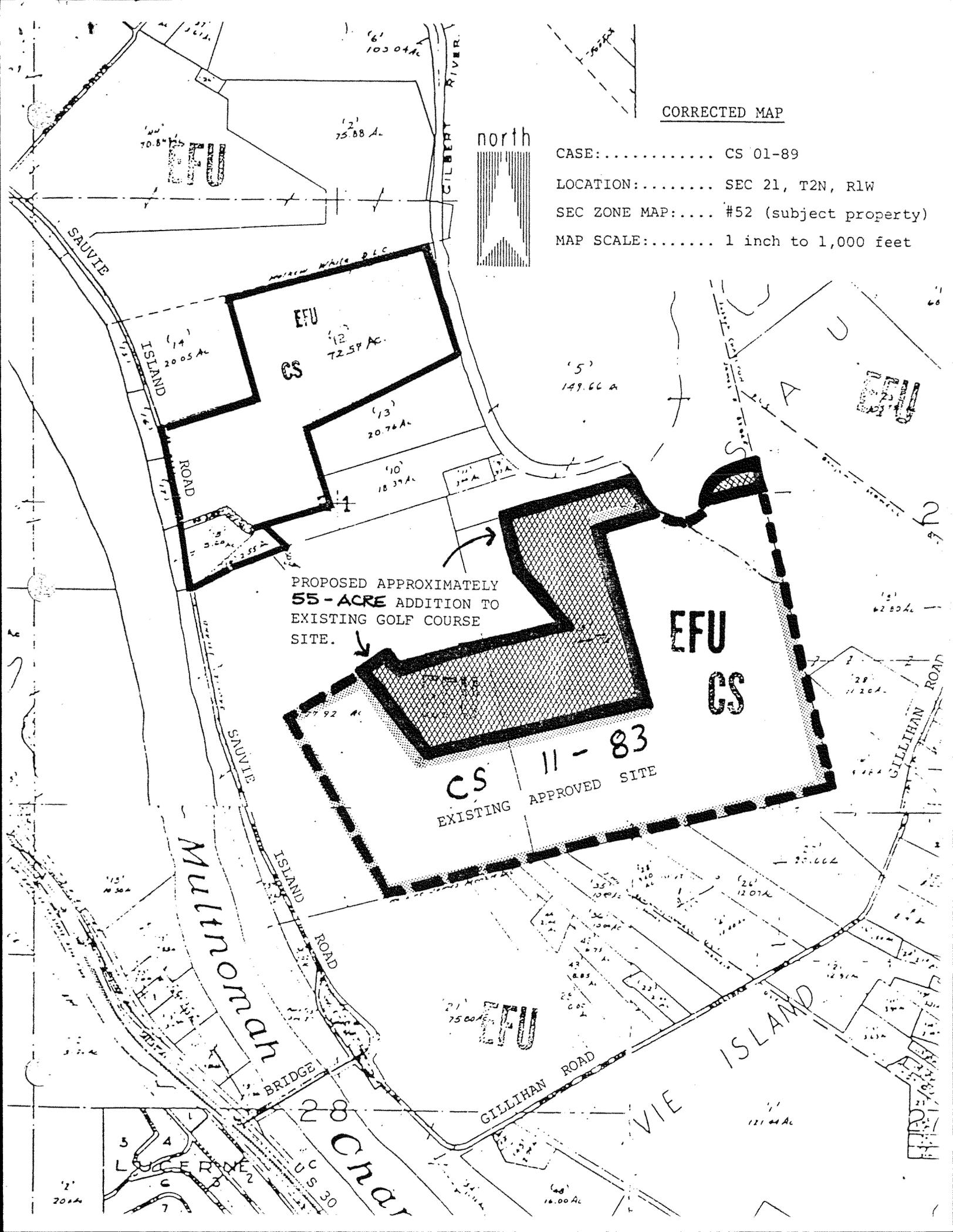
CASE:..... CS 01-89

LOCATION:..... SEC 21, T2N, R1W

SEC ZONE MAP:..... #52 (subject property)

MAP SCALE:..... 1 inch to 1,000 feet

north



PROPOSED APPROXIMATELY
55-ACRE ADDITION TO
EXISTING GOLF COURSE
SITE.

CS 11-83
EXISTING APPROVED SITE

EFU
CS

Mullnomah

28 Char

GILLIHAN ROAD

VIE ISLAND

EFU

CS

CS

EFU

EFU

LUCCERON

US 30

20.66 AC

16.00 AC

121.44 AC

11.20 AC

62.50 AC

149.66 AC

20.76 AC

18.37 AC

72.57 AC

20.05 AC

7.92 AC

75.88 AC

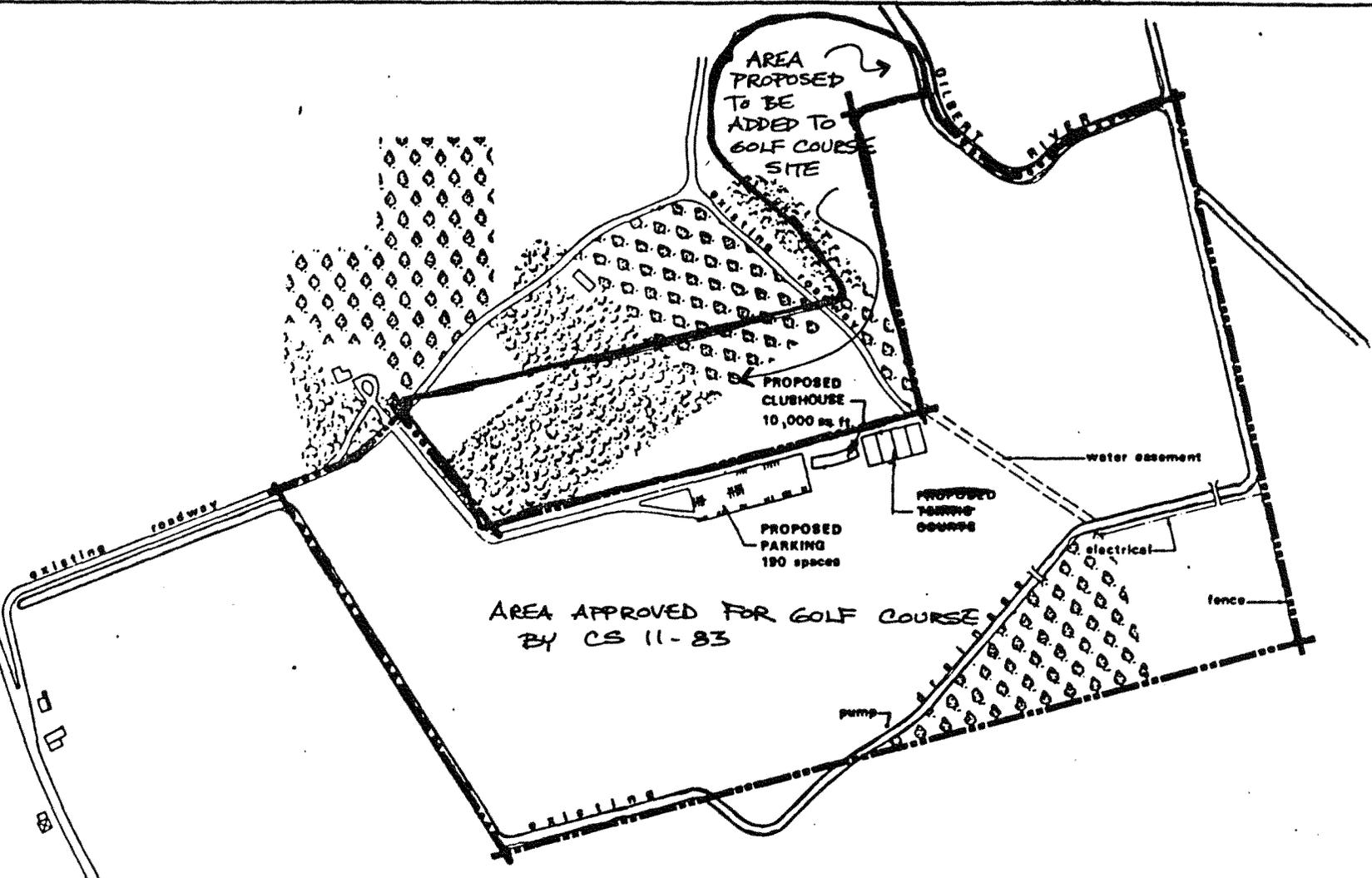
103.04 AC

70.8 AC

20.66 AC

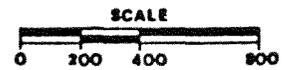
658

SAUVIE ISLAND ROAD
VILLAMETTE
SLOUGH



- LEGEND**
-  orchards
 -  open woods
 -  fence
 -  electrical line

**PROPERTY & GENERAL SITE MAP
PROPOSED SAUVIE ISLAND GOLF COURSE**

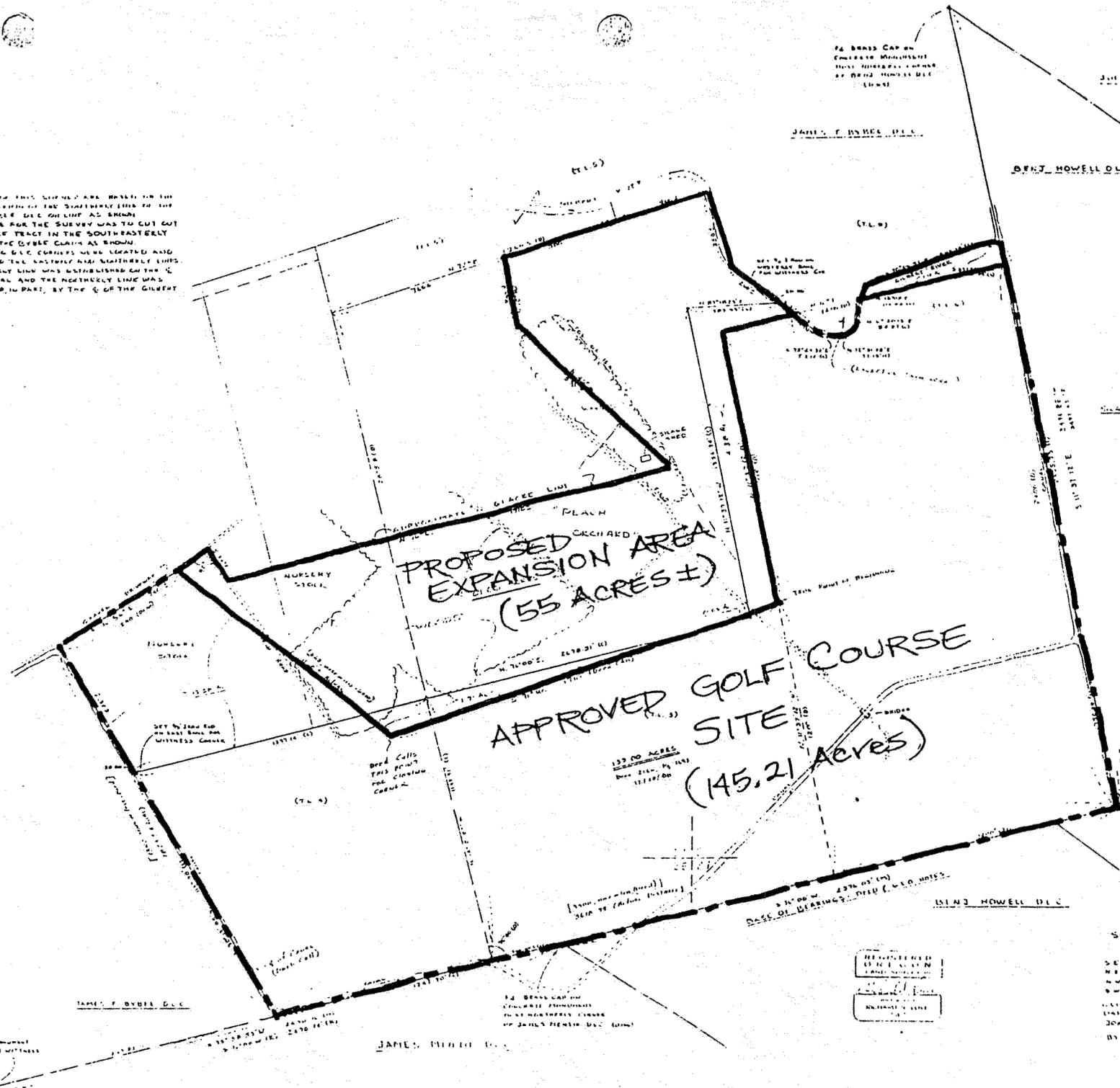


CS 1-89

fig. 1

NARRATIVE

HEREINAFTER THIS SURVEY AND MAPS ON THE RECORD, BEARING OF THE SURVEY LINE TO THE JAMES F BYBEE D.C. ON LINE AS SHOWN THE PURPOSE FOR THE SURVEY WAS TO CUT OUT A 137.0 ACRE TRACT IN THE SOUTHEASTLY CORNER OF THE DYBLE CLAIM AS SHOWN. THE EXISTING D.C. CORNERS WERE LOCATED AND DETERMINED THE EASTERN AND SOUTHERLY LINES. THE WESTERN LINE WAS ESTABLISHED ON THE E. OF THE CAVAL AND THE NORTHERLY LINE WAS ESTABLISHED, IN PART, BY THE E. OF THE GILBERT RIVER.



JAMES F BYBEE D.C.

JAMES F BYBEE D.C.

BENJ. HOWELL D.C.

SCALE 1"=200'

LEGEND

- (1) MONUMENTS FOUND AS NOTED
- (2) 1/2" 130' 3200' 000' 517' WITH PLASTIC CAPS MARKED 'LOVE 763'
- (3) CALCULATED DISTANCE
- (4) MEASURED DISTANCE
- (5) ANGLED DATA
- (6) DEED DATA

SURVEY'S OF RECORD

- NO. 1071
- NO. 15-01
- NO. 17-13
- NO. 10044
- NO. 1111
- PLAT 1
- PLAT 2
- PLAT 3
- PLAT 4
- PLAT 5
- PLAT 6
- PLAT 7
- PLAT 8
- PLAT 9
- PLAT 10
- PLAT 11
- PLAT 12
- PLAT 13
- PLAT 14
- PLAT 15
- PLAT 16
- PLAT 17
- PLAT 18
- PLAT 19
- PLAT 20
- PLAT 21
- PLAT 22
- PLAT 23
- PLAT 24
- PLAT 25
- PLAT 26
- PLAT 27
- PLAT 28
- PLAT 29
- PLAT 30
- PLAT 31
- PLAT 32
- PLAT 33
- PLAT 34
- PLAT 35
- PLAT 36
- PLAT 37
- PLAT 38
- PLAT 39
- PLAT 40
- PLAT 41
- PLAT 42
- PLAT 43
- PLAT 44
- PLAT 45
- PLAT 46
- PLAT 47
- PLAT 48
- PLAT 49
- PLAT 50
- PLAT 51
- PLAT 52
- PLAT 53
- PLAT 54
- PLAT 55
- PLAT 56
- PLAT 57
- PLAT 58
- PLAT 59
- PLAT 60
- PLAT 61
- PLAT 62
- PLAT 63
- PLAT 64
- PLAT 65
- PLAT 66
- PLAT 67
- PLAT 68
- PLAT 69
- PLAT 70
- PLAT 71
- PLAT 72
- PLAT 73
- PLAT 74
- PLAT 75
- PLAT 76
- PLAT 77
- PLAT 78
- PLAT 79
- PLAT 80
- PLAT 81
- PLAT 82
- PLAT 83
- PLAT 84
- PLAT 85
- PLAT 86
- PLAT 87
- PLAT 88
- PLAT 89
- PLAT 90
- PLAT 91
- PLAT 92
- PLAT 93
- PLAT 94
- PLAT 95
- PLAT 96
- PLAT 97
- PLAT 98
- PLAT 99
- PLAT 100

F. BRASS CAP CO. CONCRETE MONUMENT 2' E CORNER OF JAMES F BYBEE D.C. (1224)

SURVEY OF TRACT IN THE JAMES F BYBEE D.C.

SE 1/4 OF SEC 21
 NW 1/4 OF SEC 28
 SW 1/4 OF SEC 21
 SW 1/4 OF SEC 22

T24N R14W W4

CLIENT: GEORGE STANGLAS
 DATE: JAN 20 1979
 JOB NO: 107-1174

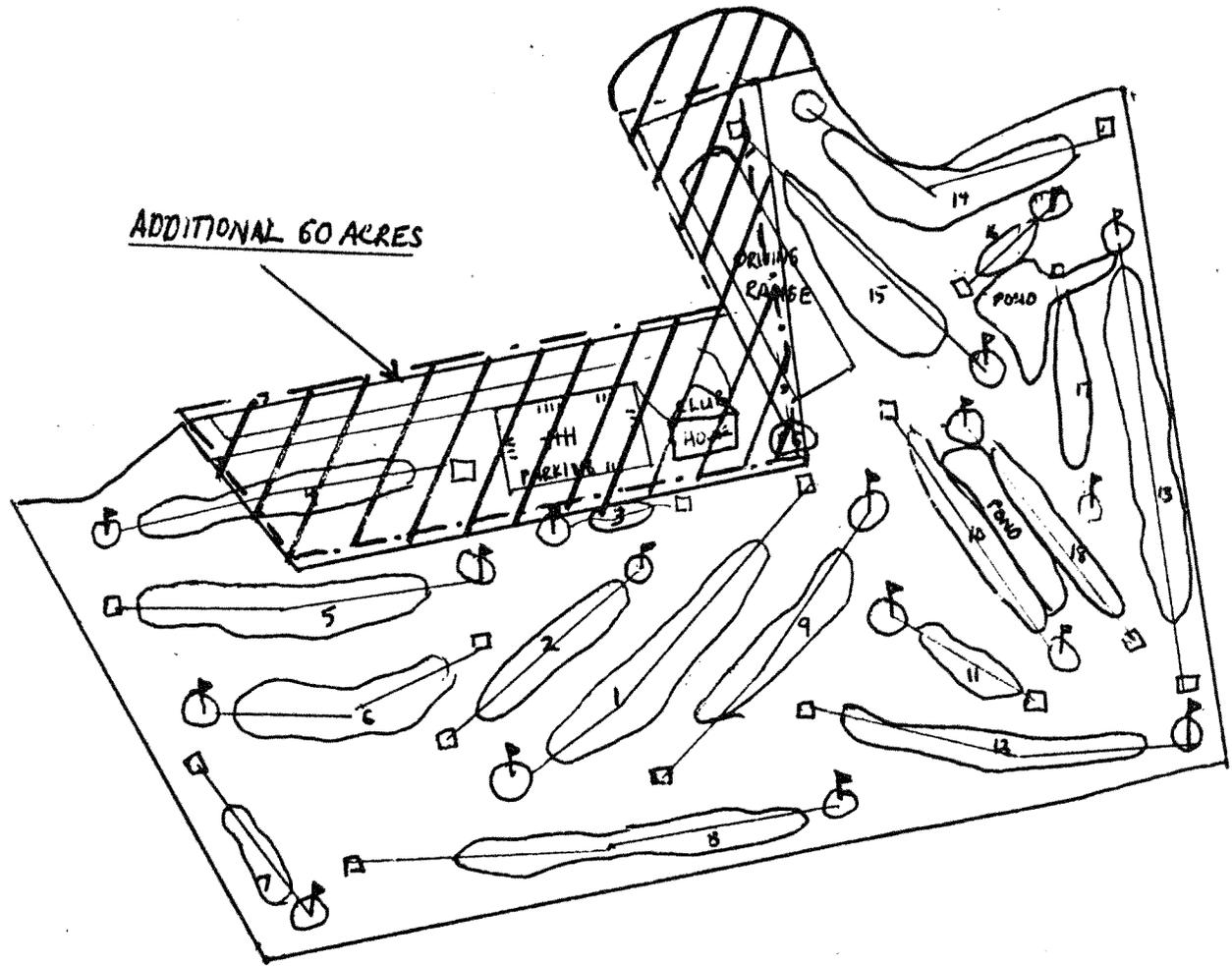
BY: BILL LANE LAND SURVEY'S INC.
 19200 ARDENLITH LANE
 WINDY HOLE LODGE MOBILE
 ALABAMA 36688

RECORDED
 13 11 11 11
 11 11 11 11
 11 11 11 11

F. BRASS CAP CO. CONCRETE MONUMENT (NEW BRASS CAP) WITNESS CORNER (1224)

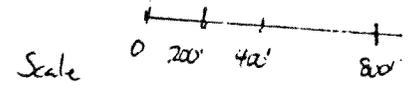
JAMES F BYBEE D.C.

BENJ. HOWELL D.C.



——— Existing Approach Golf Course
 - - - - - Additional Proposed Acreage

SAUVIE ISLAND GOLF COURSE



PLANNING COMMISSION DECISION

Approve, subject to conditions, change in zone designation from EFU to EFU, C-S, community service, for approximately 55-acres as detailed on the attached metes and bounds description to allow its inclusion in a redesigned 18-hole golf course with the specific accessory uses previously approved in Case No. CS 11-83 on an adjacent site covering approximately 145-acres (200-acres total size), based on the following findings and conclusions.

Conditions of Approval.

1. The Cultural Resource Survey by C. Lebow and R. Pettigrew identified one archaeological site on the adjacent golf course property. Development plans shall be coordinated with the Multnomah County Sheriff's Office, the State Historic Preservation Office (SHPO) and the Commission on Indian Services to develop a mitigation plan to protect the archaeological resources that may be encountered while developing the site. The mitigation plan shall be approved by the Planning Division.
2. Submit detailed site plans to, and receive approval from, design review staff for all proposed developments. The site must be adequately protected by natural features or fencing where needed to minimize trespass by golfers and other users of this site onto adjacent agricultural operations.
3. Obtain necessary approvals and certifications from the Oregon Department of Environmental Quality or the County Environmental Soils Specialist (as applicable) for sewage disposal and from the Multnomah County Health Department for water supply.
4. Obtain land division approval to create, as a separate lot, the property described for the entire golf course site to which this Community Service designation applies.
5. Any future accessory uses not detailed in the CS 11-83 decision which may be proposed in association with this golf course shall be subject to Planning Commission approval at a subsequent public hearing. Accessory uses requiring further County approvals shall include tournament events which draw spectators and which increase traffic counts to and from the site more than 10 % above 24-hour levels indentified in CS 11-83 (refer to the table on page 9).
6. The club house and parking lot must be screened by vegetation so as to be minimally visible from the Sauvie Island Bridge and NW Sauvie Island Road. Screening vegetation shall be species determined through Design Review to be supportive of wildlife.

7. The applicant shall consider and accommodate the gas distribution line which crosses this property in the design of the golf course.
8. Efforts to manage wildlife damage to the golf course shall be minimized to the greatest extent possible so as not to in any manner adversely affect the adjacent farm operations or migratory waterfowl. The applicant and subsequent developer shall work with the Oregon Department of Fish and Wildlife to develop a wildlife management program which formulates and utilizes acceptable methods to minimize wildlife depredation while achieving this condition.

Within one year of completion of the course, the operator shall institute an integrated pest management program approved by Multnomah County Vector Control and the Oregon Department of Fish and Wildlife which respects the requirements of this condition. This condition in no way obligates or assigns implementation of the program to either of the above agencies.

The wildlife management program shall be prepared prior to construction of the course and shall be updated on a five year basis starting after the course begins operation, subject to Planning Division approval.

9. Applicant may not construct tennis courts.
10. Applicant's parking lot shall not be paved, but shall have a gravel surface.
11. The driving range shall not be lighted.
12. The club house restaurant shall conform to the following standards:
 - a. It shall have an eating area of approximately 1,500 square feet, with seating for approximately 40 to 50 people;
 - b. It may serve beer and wine, but shall not contain a bar or serve liquor;
 - c. Appropriately-sized kitchen and food storage areas may be included, in addition to the square footage limitation cited in "a" above;
 - d. The kitchen shall not operate after 8:00 p.m. or after one-half hour following dusk, whichever is later.
13. The applicant and his successors and interests of the subject property shall at no time make application for zone change or comprehensive plan change which would permit or facilitate residential housing development on the subject site or the surrounding property at higher densities than those that are currently permitted.
14. Certain wet soil areas on the site may be subject to U.S. Army Corps of Engineers and/or E.P.A. regulatory programs. Any fill or excavation proposed as part of the development shall be reviewed by these agencies to insure all applicable permits are secured prior to construction.

Findings of Fact:

1. Background:

In March of 1983, George Douglas (applicant) applied for a community service designation to develop a golf course and accessory uses on approximately 125-acres of land on Sauvie Island. The application included not only an 18-hole golf course, but a club house, pro-shop, driving range, storage and maintenance buildings, a parking lot, a jogging trail, tennis courts and a restaurant. In August of 1983, the Multnomah County Planning Commission approved the application but denied permission for construction of a restaurant. Notices of Review were filed; the Board of County Commissioners (BCC) heard these appeals on September 27, 1983. The Board of County Commissioners met again on October 11, 1983, and adopted findings and conclusions in support of their decision approving the project. The Board of County Commissioners' approval, however, included a scaled down restaurant facility and it excluded the proposed tennis courts.

The final County approval (in 1983) specified an 18-hole golf course along with a clubhouse with a pro-shop, restroom and shower facilities, locker room, display area for Sauvie Island artifacts, and a limited service restaurant (1,500 square foot seating capacity) and another storage building with security guard quarters; the approval also included a driving range, a parking lot and peripheral jogging trail.

The County's decision was appealed to the Land Use Board of Appeals (LUBA) on November 9, 1983. LUBA affirmed the County's decision on May 4, 1984. See Taber vs. Multnomah County, 11 Or LUBA 127(1984).

The Planning Director determined that the applicant had performed substantial work leading to development of the golf course within two years of the approval in a letter dated September 30, 1985. This determination extends the CS 11-83 approval indefinitely.

2. Applicant's Proposal.

The applicant requests community service designation of approximately 55 acres (described above) to allow its inclusion in an adjacent C-S site approved for an 18-hole golf course in 1983. The additional acreage is requested ... "to provide additional space between the fairways on the golf course, thereby diminishing the potential of personal injury to golfers from stray golf balls. No additional facilities or accessory uses are requested. The course will remain an 18-hole layout."

3. Ordinance Considerations.

It is an applicant's burden to demonstrate a proposal's consistency with the following community service use approval criteria:

- A. Is consistent with the character of the area;

- B. Will not adversely affect natural resources;
- C. Will not conflict with farm or forest uses in the area;
- D. Will not require public services other than those existing or programmed for the area;
- E. Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;
- F. Will not create hazardous conditions; and
- G. Will satisfy the applicable policies of the Comprehensive Plan.

The following sections present the applicant's findings relevant to specific criteria; staff comments are subheaded within each section, quotes from the 1983 case are italicized:

4. Consistency with Area Character:

"In CS II-83, the Multnomah County Planning Commission found the adjacent golf course consistent with the character of the area. This proposal is consistent with the previous finding in that the exact same use is being proposed."

"The (55) acres of proposed golf course currently consists of 5 acres of peach orchard, 25 acres of grassland pasture, 30 acres of woodlands and 6 acres of cropland. The peach orchard shall be maintained but for the most southerly 9 rows of peach trees as they are of an inferior grade and should not be saved. The pasture is already planted in grass and only the type of grass will change. The woodlands contain mostly cottonwood trees, however it will be preserved to their fullest extent subject to the design review of the proposed golf course."

Staff Comments:

In the 1983 case, the Planning Commission found the following with respect to this approval criteria. The finding was adopted by the Board of County Commissioners on appeal and affirmed by LUBA.

"The character of Sauvie Island is, in the main, agricultural. A wide variety of field, row, horticultural nursery and livestock products are commercially grown on the Island. The area constitutes the largest coterminous agricultural area of Multnomah County. That fact was recognized in 1977 when the Comprehensive Framework Plan designated the majority of the Island as Exclusive Farm Use. The purpose of that classification was to preserve the best agricultural lands from inappropriate and incompatible development and to preserve the essential environmental characteristics and economic value of these areas. The intent of the classification was to establish areas for exclusive farm use with farm use and the growing and harvesting of timber as the uses permitted outright. In accord with State law, other uses were permitted as conditional uses.

Sauvie Island is also utilized for a variety of recreational purposes. A significant portion of the northern part of the Island is owned and managed by the Oregon Department of Fish and Wildlife. That area, in addition to a few private gun clubs, is intensively used for hunting waterfowl. The banks of the Columbia River and Multnomah Channel are used throughout the year for either fishing, swimming and/or sunbathing. The moorages along the Multnomah Channel house motor and sailboats used for water sport purposes in the Channel and on the Columbia and Willamette Rivers. Joggers and cyclists use the roads on the Island for exercise purposes. Still others use the Island for sightseeing or visiting historical points, such as the Bybee-Howell House.

A golf course would combine aspects of both the agricultural and recreational uses of Sauvie Island. The majority of the property would be used for the growing of perennial grasses. While a golf course has been determined not to be an agricultural use by the Oregon Court of Appeals (62 OR App 360 (1983) J.R. Golf Services, Inc. vs. Linn County), the establishment and maintenance of those grasses involve activities common to the raising of turf or the production of grass seed, which are agricultural uses. Those activities include ground preparation, seeding, fertilizing, spraying, on the Island in association with commercial agriculture, their practice in association with a golf course will not introduce alien uses.

A successful golf course would attract additional people to Sauvie Island. Those people would be seeking recreation in the form of golf. A golf course would provide people with another activity in which they could enjoy the recreational potential of the Island.

The recreational and agricultural nature of the Island are, however, often in conflict as recreationists may trespass and vandalize agricultural crops, facilities, and equipment, either unintentionally or intentionally."

The approximately 55 acres lies adjacent to an approved golf course site (CS 11-83). The additional acres would be incorporated into the golf course design. The area north of the additional acres is predominantly in agricultural production on the Douglas' farm. The site abuts areas used in nursery production, a peach orchard, pasture, woods and row crops. The peach orchard, nursery stock and wooded areas extend into the 55 acres proposed for inclusion in the golf course. The description of uses and acreage breakdowns quoted above totals 66 acres; it appears from map and air photo interpretations that the wooded portions of the site cover approximately 19 rather than 30 acres. Conditions of approval limit the scale and number of accessory uses and require design review of proposed site improvements, screening of parking and structures and barriers to off-site trespass; these measures will assist in producing a development compatible with surrounding uses. In addition, if the owner or operator later proposes expanded or new uses on the site, further County review would be required (reference Condition No.5.).

5. **Effect on Natural Resources:**

"The Finding in CS 11-83 found no adverse affect on natural resources and this proposal is consistent with the previous Finding."

"The new (55) acres will have no impact on air quality of the area. Since this application does not increase the use of the adjacent golf course there should be no impact on traffic. No tennis courts are proposed."

Staff Comments:

The Planning Commission found the following with respect to this Approval Criteria. The finding was affirmed by the Board and LUBA:

"There should be no adverse affect on natural resources as a result of the development of this property as a golf course. The soils of the property will be used to support a perennial groundcover and attendant trees and shrubs. Those vegetative materials will increase the stability of the soil and help prevent erosion. They will require irrigation, which has the potential of leaching nutrients from the soil; fertilization to provide an appropriate nutrient balance within the soil for their growth and maintenance; and, herbicide and pesticide applications to eliminate unwanted plant and insect species. They may suffer compaction from vehicular and foot traffic necessitating occasional aeration. All, however, are practices common to normal commercial agricultural utilization of the soil.

There is a potential for an increase in leachate levels of the groundwater system from irrigation of the golf course. However, as discussed above, that potential would exist were the property to be used for a variety of commercial purposes (e.g., vegetable production or turf or grass seed production) which require supplemental irrigation and chemical applications.

There is a potential for an increase in the pollution levels of the surrounding airshed as a result of automobile traffic attracted to the site.

Correspondence from the Oregon Department of Environmental Quality indicates that the air and noise impact from the proposed golf course would probably not be significant and its impact on water quality negligible compared to current agricultural practices.

The use of 125 acres for a golf course will take the Island out of commercial agricultural production for an indefinite period of time.

The viewshed of the surrounding area would be improved as a result of the development of this property as a golf course. Golf courses provide continuously maintained open spaces. Unlike many types of developments that require landscaping as a buffer to minimize their visual impact, the majority of a golf course is landscaping. The portions of the site proposed for more permanent development (i.e., the access road, parking area and tennis courts) may require buffering. The proposed restaurant/clubhouse

will be recessed underground so as to be minimally visible from adjacent properties. As there is very little vegetation currently existing on the proposed course area some of these facilities will be visible from the road and bridge until screening vegetation grows up. The bulk of the course area will blend into the adjacent farm areas as the vegetation grows up on the site.

Public correspondence in the file at this date implies that a golf course will have an adverse impact on migrating waterfowl. Conversations by the staff with the applicant and the Oregon State Department of Fish and Wildlife, however, indicate that a golf course would not impact fish and wildlife; instead, the reverse may be true. There may be some damage of the greens and fairways from feeding waterfowl."

There are several points in the 1983 finding above which appear irrelevant to the instant request; for example, applicant notes and staff concurs that the finding regarding airshed pollution levels should not apply to the requested site expansion since the proposed 18-hole golf course should not generate additional traffic if developed on a larger site. Applicant statements and February 13, 1989 submittals indicate the larger site may provide room for professional tournament events in the future. Condition no. 5 requires Planning Commission review and approval before tournaments which draw spectator crowds and which increase traffic more than 10 % above levels indicated in CS 11-83 could be included as an accessory use to the golf course.

The reference to 125 acres being removed from agricultural production; and the statement that "...there is very little vegetation currently existing on the proposed course area..." all pertain to the original 1983 request. The approximately 55-acre subject site does not contain 125 acres or even 55-acres of agricultural production, much of it is wooded and not in production. Recent survey information reveals that the area described in the original metes and bounds description for CS 11-83 actually covers 145-acres rather than "approximately 125 acres"; therefore, the total area requested for the golf course site is 200-acres (145-acres from 1983 approval plus 55-acres in the current request)

The proposal to develop the course on 200 rather than 145 acres offers opportunities maintain and protect more natural areas within the golf course site.

6. Conflict with Farm or Forest Uses.

"The findings in CS 11-83 found no conflict with farm or forest uses and this proposal is consistent with the previous finding.

Staff Comments:

The Planning Commission found the following with respect to this approval criteria; the finding was affirmed by the BCC and LUBA.

"As discussed under finding No. 4, the establishment and maintenance of

the golf course proper would involve practices comparable to commercial agricultural utilization of the property. Operation of the property as a golf course would generate additional traffic across the Sauvie Island Bridge and along an approximately one-half mile segment of NW Sauvie Island Road. After entering the access road, the impact of that additional traffic will be limited to the subject site. Multnomah County Engineering Services has reviewed this application and concluded that traffic generated by a golf course will not exceed the design capacity of either the Sauvie Island Bridge or NW Sauvie Island Road. Information provided by the applicant indicates the following anticipated traffic loads:

*Estimated Traffic Generation by Time of Day, Summer Months,
Full Operation of Golf Course and all Associated Facilities:*

<u>Time of Day</u>	<u>Estimated New Traffic</u>	
	<u>In</u>	<u>Out</u>
Before 7:00 am	7	
7:00 - 8:00 am (peak hour)	24	
8:00 - 12:00 Noon	84	5
12:00 Noon - 2:00 pm	40	60
2:00 - 5:00 pm	55	75
5:00 - 6:00 pm (peak hour)	20	36
6:00 - 9:00 pm	75	109
9:00 pm and later		20

No additional dedications are required and the existing access point to NW Sauvie Island Road is capable of handling the projected traffic.

Once on the property, there is no foreseeable conflict between users and surrounding farm uses. Golfers, tennis players and patrons of the clubhouse/restaurant will be confined on-site and have very little potential of creating conflict with surrounding land uses. The patrons of the golf course could well become customers to support products currently sold on the Island.

Some potential may exist for trespass off the site to adjacent farm properties by golfers searching for lost equipment, but this may be a relatively minor problem if the site is adequately posted and fenced."

Several items in the 1983 finding appear irrelevant or erroneous when applied to the subject site area expansion request. The expanded site area, for example,

should have no bearing on the traffic generated by the facility. However, this conclusion assumes the increased space does not create a facility for large tournament events. If tournaments drawing spectators are proposed in the future, Condition no. 5 requires further County review to assess impacts. The 1983 approval was for an 18-hole golf course and the findings regarding traffic were based on that scale of use. The instant request will not alter the number of holes or otherwise affect the capacity of the golf facility. Therefore, the traffic findings are not altered by the expansion request. Again, if the additional area facilitates development of a course for spectator tournament events, further County review would be required.

The 1983 finding refers to "tennis players"; the BCC denied the proposed tennis courts in its review of the case in 1983.

7. Public Services.

"CS 11-83 found existing services adequate for the golf course. Since this proposal does not require any expansion of services, it is consistent with the previous finding."

Staff Comment.

The following finding was adopted by the Planning Commission and affirmed by the BCC and LUBA.

"The electric and communication facilities necessary for the golf course currently exist along the NW Sauvie Island Road frontage. Domestic and irrigation water will be provided privately on-site. Sewage disposal will be handled via an approved subsurface system. Fire protection will be available from the newly created Sauvie Island Fire District, and the property would have a resident security guard."

8. Big Game Winter Habitat.

"CS 11-83 found the property not within a big game winter habitat and the golf course would not impact the fish and wildlife resource of the area. The current proposal is consistent with the previous finding."

Staff Comments.

The Planning Commission found the following in its 1983 Decision:

"The property is not within a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife. Additionally, that Department has indicated that the proposed golf course would not impact the fish and wildlife resources of the area."

The Oregon Department of Fish and Wildlife, in a January 25, 1989 letter, offers the following regarding the proposed golf course (Note: Their comments pertain to the golf course generally, not the expansion per se):

"The biggest single damage problem G.G.S. Corporation will experience is from waterfowl being attracted to feed on large open grass areas. Each fall and spring migrating waterfowl utilize Sauvie Island as a resting and feeding area before continuing their migration. During that period the number of waterfowl peaks at 150,000 to 170,000 birds. The landowner can expect waterfowl damage year round with the most severe use occurring in October thru (sic) mid-April. In addition, blacktail deer currently use habitat within the proposed golf course and adjacent areas. The Department issues approximately three deer kill permits annually to alleviate damage on agricultural crops near the golf course [site]. Once the golf course is built, for safety reasons, hunting will not be allowed, thus creating a refuge for deer. Deer walking across putting greens when the soil is saturated with water will cause extensive damage. Again, we would like to emphasize the landowner is significantly changing land use and locating in an area identified as significant wildlife habitat and the Department shall not be responsible to respond to any waterfowl and big game damage that shall occur.

Further, the landowner should be aware that four waterfowl hunt clubs are in this vicinity of the golf course properties and during waterfowl season (mid-October thru mid-January) hunters will be shooting during the daylight hours on alternate days. Frequent discharge of firearms near golf fairways and putting greens may be considered a nuisance to golfers, therefore, resulting in a conflicting use. The Department will not restrict waterfowl hunting seasons to address any perceived nuisance to users of the golf course."

The 55-acre expansion area includes approximately 19-acres of woodland and riparian areas along the Gilbert River. Including these areas within the proposed golf course offers greater protection of the wildlife habitats they represent. The entire golf course site will be subject to Design Review; the course design must demonstrate preservation of the natural landscape ... "to the maximum practical degree...". Under the existing zone, removal of the woodland areas to develop farm uses would be permitted without County review.

9. Hazardous Conditions.

"CS 11-83 found no hazardous conditions and no new hazardous conditions have been identified with this proposal, therefore, it is consistent with the previous finding".

"As noted in the purpose of this application, this application will remove a potential hazardous condition, that being risk of personal injury to golfers from lack of proper distance between fairways."

Staff Comments.

The Planning Commission made the following Finding in its 1983 decision:

"No hazardous conditions have been identified that would result from the development of the land as a golf course."

Applicant's submittal appears somewhat inconsistent regarding this issue; it states ..."additional space is needed for liability and safety reasons. Specifically, the additional acreage will create more space between fairways thus reducing the possibility of golfers being injured from balls struck in adjoining fairways." The implication here is that in fact new hazards have been identified since the 1983 proposal was heard. Applicant provides findings in a 2/13/89 submittal (Exhibit A) regarding personal injury liability factors and increased distances and acreages in more contemporary courses as justification for their need for additional distance between the fairways. Reference discussion below in finding no. 11. on Golf Course Sizes.

10. Applicable Comprehensive Framework Plan Policies.

The following Policies of the Comprehensive Framework Plan are found to apply to this proposal and are addressed as follows:

A. No. 2 - Off-Site Effects:

Staff Comments

Conditions of Approval are necessary to insure the proposed development is designed and developed in a manner compatible with the rural-agricultural character of the surrounding area. The Board of County Commissioners added Condition No. 13 in its review of CS II-83 to more clearly address this Policy:

Condition No. 13 (of CS II-83):

"The applicant and his successors and interests of the subject property shall at no time make application for zone or comprehensive plan changes which would permit or facilitate residential housing development on the subject site or the surrounding property at higher densities than those that are currently permitted."

Staff recommends any approval of a site expansion be similarly conditioned (reference recommended Condition No. 13. and Conclusion No. 2.).

B. No. 9 - Agricultural Land Area:

Applicant indicates that ..."A golf course is a permissible non-farm use of agricultural land (ORS 215.213) and the Planning Commission may approve it as a conditional use if it finds it in compliance with Community Service approval criteria.

Under CS II-83, the Planning Commission found the adjacent site to meet the approval criteria and this proposal is consistent with that finding."

"As noted above, nearly one half of the proposed area is not in agricultural use and one third of the proposed land is currently grassland."

Staff Comments.

The Planning Commission found the following in its 1983 decision:

"This property is designated agriculture by the Framework Plan and zoned Exclusive Farm Use in compliance with that designation. That classification results from the facts that:

- (1). The soil is in US Soil Conservation Service Agricultural Capability Classes II and III;*
- (2). The property is of a size suitable for commercial agriculture;*
- (3). Is in an area devoted predominantly to commercial agricultural uses, and is only minimally impacted by urban services.*

The Exclusive Farm Use zone allows for a variety of land uses as either Primary Uses, Uses Under Prescribed Conditions or Conditional Uses.

A golf course is a permissible non-farm use listed in ORS 215. 213 that may be approved by a Conditional Use in the EFU zoning district if found by the Planning Commission to comply with the Community Service Approval Criteria.

This application proposes the development of 125 acres of land currently utilized for agricultural purposes as a golf course use. Those agricultural uses have consisted of wheat, corn, oats and apples.

A Community Service designation is an overlay classification that allows specifically approved land uses in addition to those of the underlying zone. While those specifically approved land uses (e.g., a golf course) may be allowed to develop and operate, they do not affect the presence of the underlying zone designation. If, for example, the golf course use were discontinued, only those uses allowed by the EFU zoning district would subsequently be allowed outright. Therefore, if the golf course is found to comply with the applicable Community Service Approval Criteria for a Conditional Use in the EFU zoning district, the property would continue to be maintained for potential future agricultural uses because of that underlying EFU zoning designation. The proposal would result, however, in the cessation of 125 acres of Ag Capability Class II and III soil from commercial agricultural production."

The above finding is only partially relevant to the current request to add approximately 55 acres to the golf course site. For example, the 55 acres does not have ... "125 acres ... of wheat, corn, oats and apples." The 55-acre site is predominantly **Burlington fine sandy loam**, a Class II soil. Some areas in the northern portion of the site (near the Gilbert River) are heavier soils similar to those found within the original approval boundary.

The Board of County Commissioners supplemented the above finding in its decision on CS 11-83. The following excerpts bear some relevance to the instant request:

"It is true that the land under consideration will not be used for commercial agriculture, but when we enacted our EFU Zoning Ordinance, containing golf courses as conditional uses, and when the legislature enacted ORS 215.213, which does the same thing, we contemplated that some agricultural land would be removed from production for this purpose. The Comprehensive Framework Plan does favor preservation of agricultural land for farm uses (Policy No. 9, Page 5-17). It also favors private development of public recreational facilities (Policy No. 39, p, 10-2). Obviously, as 1000 Friends of Oregon Attorney Robert Liberty stated, our agricultural land policy could be frustrated if golf courses were allowed throughout the County. However, Applicant's would be the first golf course developed in the region for over a decade, and we have no reason to anticipate a flood of golf course applications in the future. If that were to occur, our plan and ordinances could and would be amended.

The alternative to Mr. Liberty's position is that if the agricultural lands policy were strictly applied to the exclusion of all other uses, the designation of golf courses as conditional uses in EFU zones and ORS 215.213 would be meaningless. J. R. Golf Services, Inc. v. Linn County, 62 Or. App. 360 (1983).

We do not share Mr. Liberty's fear that approval of this application would be tantamount to allowing golf courses everywhere in the county that is zoned EFU. As our county's ordinances suggest, we need golf courses and do not anticipate a flood of applications. If we were to deny this application, that denial could certainly be construed as a statement that we will allow golf courses nowhere on agricultural lands in the county. It has been proven that this approximately 125 acres contains the poorest soils on Applicant's 493-acre joint farm operation. The soils are wet and heavy, predominantly clay. All three of the soils identified by the Soil Survey for Multnomah County as being present on this site have a wetness limitation applied to them. The Rafton Silt Loam has been characterized by the survey as a very poorly drained soil with a high water table during the months of December to June. The Moag Silty Clay Loam is also a very poorly drained soil with a high water table in the same months. The Sauvie Silt Loam is also a poorly drained soil, but it does respond well to most farming practices so long as it is adequately drained. This latter soil makes up about 55% of the proposed golf course site. In addition, the golf course will not interfere with farm operations in the vicinity as evidenced by letters in the record from the majority of adjacent farm operators who do not object to the golf course use. For these reasons, we exercise the discretion we have to balance the agricultural and recreational policies of our plan in favor of the latter use in this case. Furthermore, we find that the use of the 125 acres as a golf course will not irrevocably commit the land to non-farm uses since the major part of the course can easily be returned to farm operations upon cessation of the golf course. The approval of a golf course carried no status, implied or otherwise, to justify

any other non-farm use if the golf course is not built or ceases operation at some future date. The Board further finds that at no future point may the location of the golf course be utilized to justify other non-farm uses on adjacent lands."

The proposed expansion area would occupy approximately one-third of an existing productive peach orchard, some fields in nursery stock and pasture and a large wooded area of deciduous and coniferous trees. The 55-acre expansion site is characterized by two general soil types: **Burlington fine sandy loam** is generally present in the higher elevation portions of the site; this is Class II soil and well suited to agricultural production. The northern area, near the Gilbert River, is identified as **Sauvie silt loam, protected**, a poorly drained soil with capability subclass IIw (source: Soil Survey of Multnomah County).

C. No.13 - Air and Water Quality and Noise Level.

"In CS 11-83 the Oregon Department of Environmental Quality found that the impact on air, water and noise would not be significant as a result of the development of the property as a golf course. This proposal is consistent with that finding."

Staff Comments:

The Planning Commission found the following in its 1983 decision:

"The Oregon Department of Environmental Quality has indicated that the impact on the air quality and noise levels will probably not be significant as a result of the development of this property with a golf course. They also indicate that the impact on water quality would be negligible or perhaps an improvement depending upon the current agricultural practices on the property."

The Board further found the following regarding this policy:

"DEQ has testified that operation of the golf course would not pollute the air, or cause a noise problem, and that the 'impacts on water quality would be negligible or a slight improvement depending upon the current agricultural practice.' DEQ must approve any subsurface disposal systems and would prohibit groundwater contamination. The applicant would not be able to construct any golf course facility if the subsurface waste disposal system did not meet State standards designed to protect water quality. The waste facility for this site will be directly approved by the State in this case since it would have a flow of over 2,500 gallons per day."

The preceding findings would apply to the proposed expansion area to the extent the golf course improvements are placed on the fifty-five acre site. State regulations regarding the waste facility have been changed since the 1983 decision; the County Sanitarian (Environmental Soils Specialist) now reviews facilities up to 5000 gallons per day.

D. No.14 - Development Limitations.

"This proposal for additional golf course property will attempt to maximize the existing topographic and vegetative variations of the property. It is therefore consistent with CS 11-83 which found the adjacent property in compliance with Goal No. 14."

Staff Comments:

The Planning Commission adopted the following findings in its 1983 decision:

"The proposed golf course attempts to maximize the existing topographic and vegetative variations of the property (letter from Bob Duden in file.) Therefore, only minor grading and vegetative removal will be necessary. Other limitation considerations include:

- (1) *Soil Erosion Potential: The soils of this property have not been identified as having severe soil erosion potential. However, should areas of erosion potential exist, that potential would be reduced with the presence of permanent grass cover.*
- (2) *100 Year Flood Plain: The U.S. Army Corps of Engineers has designated the majority of Sauvie Island as Zone D. That designation indicates areas of undetermined, but possible, flood hazards. It is likely, since the clubhouse, tennis courts, storage building and parking area are to be located on the highest portions of the property, that the impact of a potential flood would be comparable to that of the property being utilized agriculturally."*
- (3) *Seasonal Water Table: The soils of this property are identified by the Soil Conservation Service as having development limitations due to wetness in their natural state. However, a map on file from the SCS indicates that the property has been extensively tilled to eliminate that wetness problem. The few remaining areas of seasonal wetness have been incorporated into the course as water hazards."*

Most of the requested expansion area lies higher than the original area approved for the golf course and hence can be expected to possess better drainage characteristics. The Flood Insurance Rate Map (FIRM) designates the expansion site area as both "Zone C, areas of minimal flooding" and "Zone B, areas between limits of the 100-year flood and 500-year flood...or areas protected by levees from the base flood."(Community-Panel Number 410179 0045 B).

E. No. 15 - Areas of Significant Environmental Concern:

"(1) Archaeological Value, Sauvie Island is generally known to have been the location of a settlement of Multnomah Indians. The applicant has commissioned an archaeological survey of the 61 acres (corrected legal on 2/3/89 shows approximately 55 acres). If any historic areas are identified they shall be preserved and remain in their natural state."

Staff Comments:

Applicant supplements the request with a report entitled Cultural Resource Survey of an Expansion of the Proposed Sauvie Island Golf Course, Multnomah County Oregon, by Clinton G. Lebow and Richard M. Pettigrew, January 9, 1989. The report and its findings are incorporated herein by reference. The report provides the following executive summary:

"On January 2-3, 1989, INFOTEC research, Inc. conducted an intensive cultural resource survey for an extension of the Sauvie Island Golf Course proposed by Mr. George Douglas. The purpose of the survey was to locate and document any cultural resources which might be impacted by development of the proposed golf course. A single prehistoric archaeological site was identified. This site, which appears to date to, or prior to, the Merrybell Phase (600 B.C.-A.D. 200), is significant enough to warrant protection. A fairway is currently planned for the site vicinity; such a fairway would provide better protection for the site than the current land use. It is therefore concluded that development of the golf course will not unduly impact cultural resources. However, if other construction activities associated with the golf course are implemented in the site area, then subsurface testing will be necessary to determine the extent and significance of the site."

Reference condition # 1 regarding this issue.

F. No. 16 - Natural Resources:

"CS 11-83 found the long range availability of Domestic Watersheds and Fish and Wild Life Habitat Areas would not be limited or impaired. This proposal is consistent with the previous finding."

"The golf course should enhance the wild life habitat of the area. Subject to the design review, portions of the woodlands shall be preserved for small wild life. Any problems with wild life shall be handled per the approved procedures on the approved golf course."

Staff Comments:

The 1983 Planning Commission decision contains the following findings with respect to this plan policy:

"The long range availability and use of the following natural resources of this property will not be limited or impaired by this proposal:

(1) Domestic Water Supply Watersheds: *The source of domestic water on Sauvie Island is groundwater pumped from private wells. This proposal should have no more affect on that resource than the existing agricultural operations which employs and extensive irrigation network. This area is more than adequately recharged by water from the Columbia and Multnomah Channel.*

(2) *The Oregon Department of Fish and Wildlife indicates that this*

proposal would have no adverse impact on the fish and wildlife resources of the surrounding area."

In addition, the Board of County Commissioners supplemented these Findings as follows:

"The project site has been inventoried and no statewide goal 5 resources have been found. There are not conflicting uses, so an ESEE conflict-resolution analysis is not required. Assuming, for the sake of argument only, that there were an archaeological site on the property, there is no evidence of a use which would conflict with it. The evidence is that little excavation will be necessary to build the golf course. We find that any archaeological properties of the site would be protected better by the planting of grass for a golf course than by the cultivation annually required for a farm use. A golf course will enhance the wildlife potential of the site."

The Board further found...

"that the golf course will, if anything, enhance wildlife habitat, and provide nesting area where there currently is none."

G. No. 31 - Community Facilities and Uses:

"CS 11-83 found the golf course would have reasonable access; it would have no objectionable site characteristics; and it would be compatible with surrounding uses. The proposal is consistent with the previous Finding."

Staff Comments:

The Planning Commission's 1983 decision contains the following Findings regarding Policy No. 31:

"A golf course qualifies as a minor regional public facility. This proposal satisfies the locational criteria of that category as follows:

- (1) Access: This project will access Sauvie Island Road via a private drive approximately 4200-feet in length. Engineering Services indicates that the proposed intersection of that drive and Sauvie Island Road will provide adequate sight distance and should not create a dangerous intersection. Speed will be controlled along the access drive by speed bumps.*
- (2) Impact on Adjacent Lands: As described in Findings No. 3 and 5 this proposal should be compatible with existing surrounding uses. It will allow timely development of the property with a use that broadens the recreational base of the Island while impacting only 3000 feet of the Sauvie Island Road and the property proper.*

All remaining impact considerations of this policy will be analyzed during the Design Review process.

- (3) *As discussed in finding No. 9-D, E and F, the property is of sufficient size to be developed with an 18-hole golf course. The design of the course incorporates natural features of the site in a manner that requires only minimal grading and contouring. The restaurant/clubhouse facility is proposed to be designed with respect to solar access to maximize energy conservation."*

The above noted finding contradicts the current application with the statement..."the property is of sufficient size to be developed with an 18-hole golf course." The current request asks for additional acreage to develop an 18-hole golf course, implying that the previously approved site is insufficient either in area and/or configuration to develop the proposed course. Applicant provides several justifications for the requested site expansion in an attached report (Exhibit A). Reference discussion below regarding Golf Course Sizes.

H. No. 36 - Transportation:

"CS 11-83 found adequate transportation facilities already in place. Since this proposal does not expand the amount of use on the site, it is consistent with the previous Finding".

Staff Comments.

The 1983 Planning Commission Decision contains the following Finding:

"Engineering Services has indicated that both the Sauvie Island Bridge and the portion of NW Sauvie Island Road that will be affected by this proposal have sufficient capacity to accommodate the traffic projected to be generated by this proposal. Therefore, no road improvements are required."

The Board of County Commissioners supplemented this Finding as follows:

"Traffic from the golf course will not create a safety or congestion problem either on the Sauvie Island Bridge or on NW Sauvie Island Road. The Multnomah County Traffic Engineer has reported that even with the golf course operating at full capacity, the Bridge and road will be carrying less than one-half their design capacities."

The proposed approximately 55-acre expansion has no effect on expected traffic levels associated with the proposed golf course. The current request will not increase the 18-hole layout or otherwise add capacity to the recreation facility. The number and scale of accessory uses (i.e., clubhouse with pro-shop, restaurant, parking, etc.) remains identical to those approved under CS 11-83; therefore, the expanded site area has no effect on transportation systems. Recommended condition no.5 requires Planning Commission approval of any future accessory uses, including tournaments attracting spectators and increasing traffic counts at least 10 % above levels identified in the CS 11-83 decision.

I. **No. 37 - Utilities.**

"CS II-83 found adequate utilities to the site, since this proposal does not expand the amount of use on the site, it is consistent with the previous Finding.

Staff Comments.

"The potable water for the proposed restaurant/clubhouse is proposed to be supplied by private well. That supply is required to be checked and certified regularly by the Multnomah County Health Department. Sanitation is proposed to be disposed of by a subsurface system. That system will require approval from the Oregon Department of Environmental Quality.

All necessary communication and energy supply utilities are available at the NW Sauvie Island Road access point. Storm water drainage will be disposed on on-site.

A natural gas distribution line crosses a portion of the subject property. The proposed development should recognize that fact and the course designed so that potential repairs on that line would have minimal impact on the operation of the course."

In addition, the Board adopted Condition No. 3, requiring approvals and certifications for sewage and water supply systems.

J. **No. 38 - Facilities.**

"CS II-83 found school and fire districts adequate, since this proposal does not expand the amount of use on the site, it is consistent with the previous Finding."

Staff Comments.

The Planning Commission found the following in its 1983 Decision:

"Sauvie Island School District has been informed of this request and indicated their support. The Sauvie Island Fire District indicates they have adequate equipment to provide fire protection to the project. The facility will be protected by a private security guard in addition to the Multnomah County Sheriff."

The proposal to expand the golf course area has no effect on demand for school or fire protection services.

K. **No. 39 - Open Space and Recreation Planning.**

"As with the CS II-83 Finding, this proposal will maintain open spaces and provide a slightly larger but safer 18-hole golf course."

Staff Comments.

The 1983 Decision contains the following finding:

"The County's policy is to encourage the development of recreation facilities by private investors. This proposal would provide a golf, tennis and jogging facility developed with private funding."

The Board of County Commissioners' 1983 Decision excluded tennis courts from the project.

The proposed approximate 55-acre expansion would maintain and enhance an area possessing open-space and scenic values, consistent with the above cited policy and Statewide Planning Goal No. 5. The riparian and wooded areas on the site will receive greater protection under design review criteria applicable to the golf course than farm uses permitted under the base EFU zone.

11. Additional Findings:

MCC 11.15.2064 specifies lot size requirements for conditional uses within the EFU District. The minimum lot size shall be based upon:

- (A) Site size needs of the proposed use;
- (B) The nature of the proposed use in relation to its impact on nearby properties; and
- (C) Consideration of the purposes of this district

Golf Course Sizes:

The net result of this request will be to expand the area designated for the Sauvie Island Golf Course to approximately 200-acres. Staff examined a variety of sources to identify general size requirements for golf courses and compare other facilities against the proposed expansion. The section below references the sources and summarizes the findings regarding golf course size requirements:

Anatomy of a Park, Albert J. Rutledge, ASLA
McGraw-Hill, Inc. New York, 1971

Appendix states 18-hole golf course requires:

150 acres; and usually includes: fairways, roughs, greens and tees (86 acres), clubhouse (1/2 acre), parking area and service roads (3-1/2 acres), natural area (40 acres), landscaped area (20 acres).

The Golf Course: Planning, Design, Construction and Maintenance, F.W. Hawtree, E.& I.N. Spon, London and New York, (1981) Page 47

"Size

From 100 to 150 acres. On average ground, 120 acres will do very well."

"Shape

Avoid necks or salients less than 400 feet wide. Prefer a single unit to one divided by roads."

Golf in Oregon, Kent C. Myers

Ryder Press, Portland, (1981). excerpts

The following golf courses in Oregon are presented for size comparisons:

Broadmoor (public), Portland
18-hole **220 acres**

Eastmoreland (public), Portland
18-hole **160 acres**

Eugene Country Club (private), Eugene
18-hole **135 acres**

Glendoveer (public), Portland
36-hole **230 acres**

Hidden Valley (private), Cottage Grove
9-hole **69 acres**

McKenzie River (private), Springfield
9-hole **62 acres**

Tokatee (private), Blue River
18-hole **320 acres**

Tualatin Country Club (private), Tualatin
18-hole **130 acres**

Staff Comments:

The preceding suggests that most 18-hole facilities are developed on sites of 130 to 160 acres, though some notable exceptions are the Broadmoor and Tokatee courses with 220 and 320 acres respectively. The different sizes can be attributed to several variables: whether the courses are developed in urban or rural settings and the amount of natural areas and water features within the site are likely explanations. Individual designers also vary in terms of their site area requirements; some are noted for more random designs which cover larger sites. Applicant has provided a supplemental report (Exhibit

A) which describes several different reasons justifying the requested 200-acre golf course size. The application explains the need for additional acreage as a safety issue (distance between fairways); a technological issue (improved golf ball and golf club technologies); and a design issue (newer courses with more random designs and extensive water features). Findings in the supplemental report are incorporated by reference.

Staff recommends and the Commission concurs that the requested 55-acres should be included in the proposed golf course site.

Conclusions

1. An expanded site area for the proposed Sauvie Island Golf Course has little or no effect on the surrounding area or on the project's ability to fulfill community service use approval criteria.
2. The original site area approved through CS 11-83 had 13 conditions of approval applied by the Board of County Commissioners. Any additional land area beyond the original boundary should have similar conditions applied to assure the entire development is consistent with both decisions. Recommended conditions 1 - 13 substantially duplicate those applied through CS 11-83. The only differences relate to new information such as archaeological resources or changes in regulations for sub-surface disposal systems. Condition No. 5 is modified to address the potential of tournament events and associated traffic impacts. Condition Nos. 8 and 14 are modified and added respectively to address issues raised by the Audobon Society
3. The proposal, as conditioned in this decision, complies with community service approval criteria as discussed in findings nos. 4 - 9.
4. The proposal, as conditioned in this decision, complies with Comprehensive Framework Plan Policies nos. 2,9,13,14,15,16,31,36,37,38, and 39 (reference Finding No. 10).
5. Except as detailed herein, applicant has demonstrated the proposal's consistency with Community Service Approval Criteria.
6. Development of the golf course on a larger site provides greater opportunities for enhanced wildlife habitat, preservation of existing trees and larger natural areas and water features.

In the Matter of CS 1-89:

2-27-89

By 
Richard Leonard, Chairperson

March 9, 1989
Filed with the Clerk of the Board

Appeal to the Board of County Commissioners.

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended Decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m., Monday, March 20, 1989 on the required Notice of Review form, which is available at the Planning Commission Office at 2115 SE Morrison Street.

The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m., Tuesday, March 28, 1989 in Room 602 of the Multnomah County Courthouse. For further information, call the Multnomah County Planning Commission Office at 248-3043.

LAND USE APPLICATION FOR ADDITIONAL COMMUNITY SERVICE DESIGNATED
(GOLF COURSE) ACREAGE TO THE SAUVIE ISLAND GOLF COURSE

GEORGE DOUGLAS APPLICANT

FEBRUARY 1989

PRESENTED TO THE MULTNOMAH COUNTY PLANNING COMMISSION

PREPARED BY WILLIAM T. RHODES
ATTORNEY AT LAW
4562 S.W. COMUS PLACE, SUITE 100
PORTLAND, OREGON

Q51-89
Applicant's
Exhibit A
Dated 2/13/89
(S)

EXECUTIVE SUMMARY

A modern golf course consists of at least 200 acres. In years prior, courses could be built on smaller parcels generally around 150 acres, but all that is the past. New courses require 200 acres to be safe. Under the requirements of Code section 11.15.2020 we believe that 200 total acres should be approved to meet the size requirement of today's modern golf course.

Golf courses are larger because golf balls now travel 11% farther than they did 20 years ago. The legal system has simultaneously enlarged the potential liability for errant golf shots to include course design, layout and required barriers.

The National Golf Foundation suggests all modern courses maintain 350 feet between fairways. According to the Dye Group Inc., Golf Course Architect John Harbottle, the Sauvie Island site, subject to its lack of trees and its abundance of water will need 200 acres to accomplish these safe distance requirements.

The planning staff has indicated that this application meets all other criteria for Community Service - Golf Course use. We request your adoption of all 55 additional acres for golf course use.

TABLE OF CONTENTS

I. GENERAL DISCUSSION OF THE PROPOSED PERMIT

GEORGE DOUGLAS, APPLICANT

II. DISCUSSION OF THE SAFETY FACTORS REQUIRED IN GOLF COURSE DESIGN

WILLIAM T. RHODES, ATTORNEY AT LAW

A. PERSONAL INJURY LIABILITY FACTORS

IMPORTANT RULINGS RELATED TO LIABILITY FOR PERSONAL INJURIES OCCURRING ON GOLF COURSES

B. INCREASED DISTANCE AND ACREAGE FOR MODERN COURSES

A STUDY SHOWING THE EFFECT OF TECHNOLOGY IN GOLF BALLS AND GOLF SHAFT MATERIALS THAT CREATE POTENTIALS FOR MORE ERRANT GOLF SHOTS

C. ARCHITECTURAL DESIGN STANDARDS

A REVIEW OF COMPARABLE OREGON GOLF COURSES THAT HAVE ESTABLISHED SAFER DISTANCES BETWEEN FAIRWAYS - A REVIEW OF THE NATIONAL GOLF FOUNDATION DESIGN STANDARDS FOR NEW GOLF COURSES

D. TOPOGRAPHICAL AND VEGETATION CONSIDERATIONS OF THE GOLF COURSE SITE

A REVIEW OF THE TOPOGRAPHY AND VEGETATION ON THE SAUVIE ISLAND SITE THAT CREATE THE NEED FOR ADDITIONAL ACREAGE AND THE OPPORTUNITY FOR THE DEVELOPMENT OF BEAUTIFUL LAKES

III. LETTER OF RECOMMENDATION - THE DYE GROUP - JOHN F. HARBOTTLE, DIRECTOR OF GOLF COURSE ARCHITECTURE

A PROFESSIONAL OPINION FROM THE WORLD'S FOREMOST GOLF COURSE ARCHITECTURAL FIRM AS TO THE AMOUNT OF ACREAGE REQUIRED FOR A SAFE GOLF COURSE ON THE SAUVIE ISLAND SITE

IV. MAPS AND PROPOSED LAYOUTS OF THE PROPOSED COURSE

V. SUMMARY OF CULTURAL RESOURCE SURVEY OF THE SITE BY INFOTEC
RESEARCH INCORPORATED

VI. PERMIT APPLICATION AND AMENDMENTS

VII. CLOSING REMARKS

GENERAL DISCUSSION OF THE PROPOSED PERMIT.

In 1983, George Douglas applied for and received a Community Service (Golf Course) designation on approximately 145 acres of land located on Sauvie Island, Multnomah County, Oregon. That permit will allow the construction of an 18 hole golf course together with a clubhouse and parking lot.

In December of 1988, Mr. Douglas entered into a contract of sale of the permitted property. During the discussions with the buyer, GGS Inc. (Hawaii) the size of the permitted site came into question. Upon further discussions with the Dye Group Inc. - Pete Dye Golf Course Architect, additional permitted property was requested. The Dye Group stated that they are requiring 200 acres for the development of new golf course properties. The additional acreage is needed according to the Dye Group to insure the safety of the golfers and any spectators watching them play.

The current permit application requests an additional 55 acres to be added to the previously permitted 145 acres. In addressing the need for the additional acres, Mr. Douglas asserts that the additional property will alleviate a hazardous condition, the risk of personal injury due to insufficient distances between fairways on the golf course.

The safety issues are discussed in the subsequent sections of this report. Mr. Douglas believes that the additional acreage will have no significant effect on adjoining properties other than what the existing golf course would present. Care will be taken to preserve the existing woodlands to their fullest extent and current agricultural land, the majority of which is in grasslands, will retain its character.

DISCUSSION OF THE SAFETY FACTORS REQUIRED IN GOLF COURSE DESIGN

• PERSONAL INJURY LIABILITY FACTORS

Golf has been defined as a sport in which an individual illequiped for the task approaches a slightly irregular shaped sphere in an attempt to strike said sphere with a series of unmanageable implements directed in an elliptical path from a sliding axis with aspirations of achieving a predetermined course and distance usually resulting in deviations exceeding the programmed parameters and causing said individual to evoke single monosyllabic epitaphs including but not limited to "FORE".

Errant golf balls are the cause of numerous personal injuries each year. While most of us realize that car crashes and unsafe products can leave individuals and companies liable for thousands and even millions of dollars in damage awards few of us are aware that the golf ball can leave the individual, the course and the golf course architect liable for personal injuries.

THE LAW - GOLF COURSES MUST BE DESIGNED AND MAINTAINED TO PREVENT FORESEEABLE INJURIES TO PERSONS OR NEARBY PROPERTY

Last week, in Los Angeles at the Riviera Country Club, professional golfer, Hale Irwin was struck in the face by an errant golf ball struck from an adjoining fairway. Luckily for Mr. Irwin, a trip to the local hospital and 10 stitches later he

was able to resume play in the tournament. Mr. Irwin subsequently finished sixth and won over \$65,000 for his efforts.

For illustration sake, lets assume Mr. Irwin was severely injured. What would be his legal rights? First, he could sue the golfer that struck the golf ball. If the golfer failed to shout a sufficient warning of "FORE" he could be liable. If Mr. Irwin successfully argued that the course had insufficient distance between the adjoining fairways then the membership of Riviera and the sponsor of the tournament could be liable. It is even possible that the architect who redesigned the club in the 1960's could be liable.

Courts in California have already found courses liable for golf balls causing damage to property and people on the perimeter of golf courses, Sierra Screw v. Azusa Greens, Inc. and Curran v. Green Hills Country Club. In the Green Hills case the course was held liable for a personal injury resulting from a ball hitting Mr. Curran while sitting on his outdoor patio behind a six foot high fence adjoining the golf course. The court reasoned that the fairway was too close to the patio and the fence was inadequate to protect Mr. Curran from injury.

The interesting feature of these cases is the courts willingness to redefine the defense called Assumption of the Risk. For years courts ruled that people moving next to golf courses and people participating in golfing activities on the golf course itself had knowingly and voluntarily accepted the risk of personal injury due to errant golf balls. These new

court decisions indicate a willingness to allow damages when the person injured did not foresee the risk of the accident. Injured parties generally claim that he or she did not foresee or appreciate the risk of the accident. Perhaps the highest award to date was given to professional golfer Steve Melnyk who suffered a career ending injury from slipping and falling from a defectively designed and maintained bridge at a PGA tournament. Sport Illustrated reported the settlement to be over \$1,000,000.

The courts have also assessed damages to clubs where spectators have been injured. In perhaps the most well-known case, Duffy v. Midlothian Country Club, a spectator was injured while watching a golf tournament. The errant golf ball struck the spectator in the eye and as a result of this accident, the spectator lost her eye. A jury awarded nearly \$500,000 in damages because the course should have provided a safer location for the spectator.

In another case, the court has definitely stated that the issue of course design is a factor in determining liability of the course, Nussbaum v. Lacopo. In that case, the court considered whether or not the course had taken reasonably prudent measures to protect persons on nearby property (i.e. the planting or erection of trees and or fences).

Liability insurance for courses and golf course architects is increasingly difficult to obtain. The Dye Group Inc. have informed me that they cannot find any United States insurance company to place their architectural errors and omissions

insurance. Obviously, courses with adjoining fairways that are constructed too close may make liability insurance unobtainable.

Following the same reasoning for golf course architectural liability, it will not be surprising to find enterprising trial attorney's seeking to hold developers and even municipal governments liable for the failure to acquire sufficient acreage if sufficient was at one time readily available.

Simply on the basis of reducing liability for all parties involved in the development of the golf course I urge this commission to approve all 55 additional acres requested.

B. INCREASED DISTANCE AND ACREAGE FOR MODERN COURSES

Golf courses have been a fixture on the American landscape since the late 1800's. Originally, golf courses were planned near water resources in order to provide adequate irrigation for the greens and tees. The failure to adequately irrigate greens and tees in the summer months will cause permanent destruction of the grass. For the most part, fairways were not irrigated and tended to be dry and dormant in the summer time.

In the last thirty years a majority of golf courses have installed irrigation systems which allow year long watering. As the courses became lusher the golfers sought new ways to overcome the lack of distance to their shots as the result of the lack of roll due to the irrigation systems. Golf ball and golf shaft technology developed predictably.

GOLF BALL AND GOLF SHAFT TECHNOLOGY

The golf ball of the 1960's consisted of three parts, a core of hard rubber, a rapping of rubber twine, and an outer shell usually made out of a balata derivative. In the 1970's Spaulding Sporting Goods introduced what has become known as the two-piece ball. Basically, this ball has a uniform center made out of a hard rubber material and an outer core made out of a surlyn derivative.

The two piece ball which is used by 90% of the golfing public is livelier and more durable than the three-piece or old ball. Tests conducted for Golf Digest indicate that golfers can

expect up to a 17 yard per drive advantage with the two piece ball. An increase in distance of up to 7.0% can therefore result. Remembering that golf balls can bend either to the right or to the left a greater dispersion factor of 14% is created. To put this increased distance factor in perspective. A golf course existing in 1970 consisting of 150 acres would have to be enlarged 21.0 acres to effectively maintain the same tolerances and distances for allowing errant golf shots on adjacent fairway holes.

Since the mid-70's golf ball manufacturers have been limited to improvements in the surface of the ball because the United States Golf Association has limited the ball's speed at impact to 255 feet per second. Manufacturers have introduced lithium, a light weight metal into the surface of golf ball's in the early 1980's. Dimple shape and dimple patterns have also changed. The net effect of all these changes is a more aerodynamic ball generally thought to produce another 5 yards of distance on a drive. Golf, February 1989.

Golf shafts originally were made from Hickory sticks. In the 1930's steel shafts became popular because of there comparative low torque ratio (the amount of twist in the golf shaft as the result on the swing). In the 1980's new light weight shaft materials have been introduced. Graphite, Titanium and Graphite-boran composites are the most popular of these new shaft materials. Basically, all manufacturers of these shafts claim up to a 30 yard difference in the length of a drive.

Theoretically, since the shaft material is lighter, a golfer effecting the same effort will be able to swing the golf club faster and therefore create a greater impact speed and thus greater distance. Assuming only a 10 yard increase in the length of a shot a golfer who with steel shafts and an old three piece ball who hit up to 245 yards on a drive can now expect to hit up to 272 yards. This factor results in an 11% increase in distance and a 22% increase in dispersion of errant golf shots.

By applying the same formula as before, the 1970 course of 150 yards now must grow to 181.5 yards to maintain the same tolerances for errant shots

This past month, the United States Golf Association announced that it is considering redefining the golf ball because the professionals are hitting the current balls so far they have made previous distance barriers obsolete. The proposed new ball would reduce the average drive by some 15 to 20 yards. However, the USGA was also quick to point out that such balls would be only tournament balls and the average golfer would continue to hit the current balls. Golf, March, 1989.

ARCHITECTURAL DESIGN STANDARDS

A REVIEW OF GOLF COURSES IN OREGON

Golf courses in Oregon range from 60 acre 9 hole tracts to 320 acre 18 hole championship layouts. Several factors dictate the amount of land required to build a safe and challenging golf course. Generally speaking, courses built through dense woodlands can use the trees as a natural barrier for errant golf balls. Courses built over fields generally require additional acreage. Additionally, courses that incorporate lakes and waterways use more acreage.

In reviewing comparable courses in Oregon the following factors where considered:

1. Is the course an 18 hole layout.
2. Does the course contain a driving range and other practice facilities.
3. Does the course contain lakes or other waterways.
4. Is the course generally laid out on rolling terrain.
5. Does the course maximize the safety of golfers and spectators by allowing sufficient space between adjoining fairways.

The following Oregon courses contain the above mentioned criteria for comparison:

- A. Broadmoor Country Club, Portland, 18 holes, driving range, 2 lakes and waterways, generally built on rolling terrain and

generally maintains 350 feet or more distance between fairways. Total acreage 220 acres.

B. Eastmoreland Golf Course, Portland, 18 holes, driving range and practice areas, 2 lakes and waterways, built on rolling terrain and has at least 6 adjoining fairways with less than 300 feet between adjoining fairways. Total acreage 160 acres.

C. Illahe Hills Country Club, Salem, 18 holes, driving range and practice areas, waterways, built on rolling terrain and maintains 350 feet or more between adjoining fairways. Total acreage 300 acres.

D. McNary Golf Course, Salem, 18 holes, driving range and practice facilities, 2 lakes and waterways, built on rolling terrain, some adjoining fairways have less than 300 feet of distance between fairways but former Walnut grove trees act as a barrier. Total acreage 214 acres.

E. Tokatee Golf Course, Blue River, 18 holes, driving range and practice facilities, 4 lakes and waterways, built generally on rolling terrain some of which contains forest lands and only 3 fairways are adjoining. This is perhaps the most comparable course to what is being proposed on Sauvie Island in that a majority of the holes do not have adjoining fairways and lakes and waterways have been incorporated to the fullest extent. Total acreage 320 acres.

F. Waverly Country Club, Portland, 18 holes, driving range and extensive practice facilities, waterways and ponds, built on

generally rolling terrain but contains a majority of adjoining fairways which are now tree lined. Total acreage 240 acres.

The above statistics were derived from Golf in Oregon, Kent Myers, Ryder Press, Portland, 1981._

The above examined courses contain an average of 242 acres. The Sauvie Island Site seeks to incorporate 18 holes, a driving range and practice facilities, 2 or 3 lakes and waterways and 350 feet or more between adjoining fairways all on no more than 200 acres.

THE NATIONAL GOLF FOUNDATION DESIGN STANDARDS FOR NEW GOLF COURSES

The National Golf Foundation, located in Jupiter, Florida was founded over 50 years ago to promote golf in the United States. One of its services is to provide consulting to developers on new golf courses. Among its stated criteria for new courses is the maintenance of 350 feet between the center lines of adjoining fairways. Fairways are considered to be 150 wide, therefore adjoining fairways would have at least 200 feet of rough separating them.

In the letter from John F. Harbottle, a golf course architect for the Dye Group Inc., Mr. Harbottle states that maintaining the 350 foot requirement necessarily means that 200 acres will be required to develop such a course. Mr. Harbottle also states that the last 4 courses designed by the Dye Group Inc. have had at least 200 acres.

TOPOGRAPHIC AND VEGETATION CONSIDERATIONS OF THE GOLF COURSE SITE

The property currently under permit for golf course use is gently rolling open farm ground consisting mostly of clay soil. There are at least 3 potential lake sites for incorporation in the golf course. Generally the addition of lakes adds to the required acreage of the golf course. Both Broadmoor Golf Course in Portland and Tokatee in Blue River contain 4 lakes and as a result these sites contain some of the larger amounts of land tracts, 220 and 320 acres respectfully.

With the exception of a small patch of woods, the 55 acres sought under this application is generally devoid of trees. Therefore, the maximum distance required between fairways will apply as there will be few natural barriers to restrict errant golf balls.

The soil type of the 25 acre pasture land on the east side of the additional 55 acres contains the same general soil types as the previously permitted property. While less than 5 acres of peach orchard will be removed, the proposed removal will only take out the last 9 rows of peaches which are of an inferior variety compared the the remainder of the orchard. Another 5 acres of ground used for nursery stock will be removed, but necessarily so because of the need for uniform boundaries.



February 10, 1989

Mr. William T. Rhodes
4562 S.W. Comus Place
Suite 100
Portland, Oregon 97219

Re: Sauvie Island Golf Course Acreage

Dear Mr. Rhodes:

The project at Sauvie Island, Portland, Oregon holds the potential to become one of the finest golf courses in the northwest. It is important to have a sufficient amount of land to create a top course.

We have been designing and constructing some of the country's finest golf courses for several years. Our most recent projects, P.G.A. West, Riverdale Dunes, Stonebridge Ranch and Old Marsh have all been constructed on 200 acres or more. These courses are all extremely sensitive to the natural environment as well as a great test of golf and source of pleasure for players of all abilities. These golf courses are also an attractive part of the landscape and they enhance the wildlife habitat in and adjacent to them.

After personally viewing the property I find several reasons why the site needs to contain 200 acres.

A large area fifteen to twenty acres will be allocated to practice facilities which will serve for practice as well as overload parking when needed.

Safety is important for viewers of golf as well as players. Just recently, Hale Irwin was struck right between the eyes by an errant golf shot. This could have had a terrible result. Fortunately, after a brief hospital visit and a few stitches, Hale returned to the competition and finished about third. With 200 acres we can create 350' - 400' corridors for each golf hole and decrease the possibility of accident or injury.

Most of the site at Sauvie Island is devoid of trees. The majority of the land is gently rolling open field. There are no natural barriers that aide in screening errant shots.

Technological advances in golf equipment are allowing players to hit the ball further and further. We must advance the design of the golf course to keep pace with the new equipment. To do this, more area would be advantageous. The advent of the new technology of golf balls and shaft material has increased the distance that the avreage golfer can hit the ball creating greater deviation in golf ball flight, requiring greater distance between fairways.

With more distance between fairways, we can develop larger natural areas for wildlife habitat and indigenous plant materials. This helps the golf course become and integral part of the natural landscape. Within 200 acres, we can produce a golf course of the highest caliber and quality, which we feel shall benefit the community and players alike.

Sincerely,

John F. Harbottle
Director of Golf Course Architecture

EXECUTIVE SUMMARY

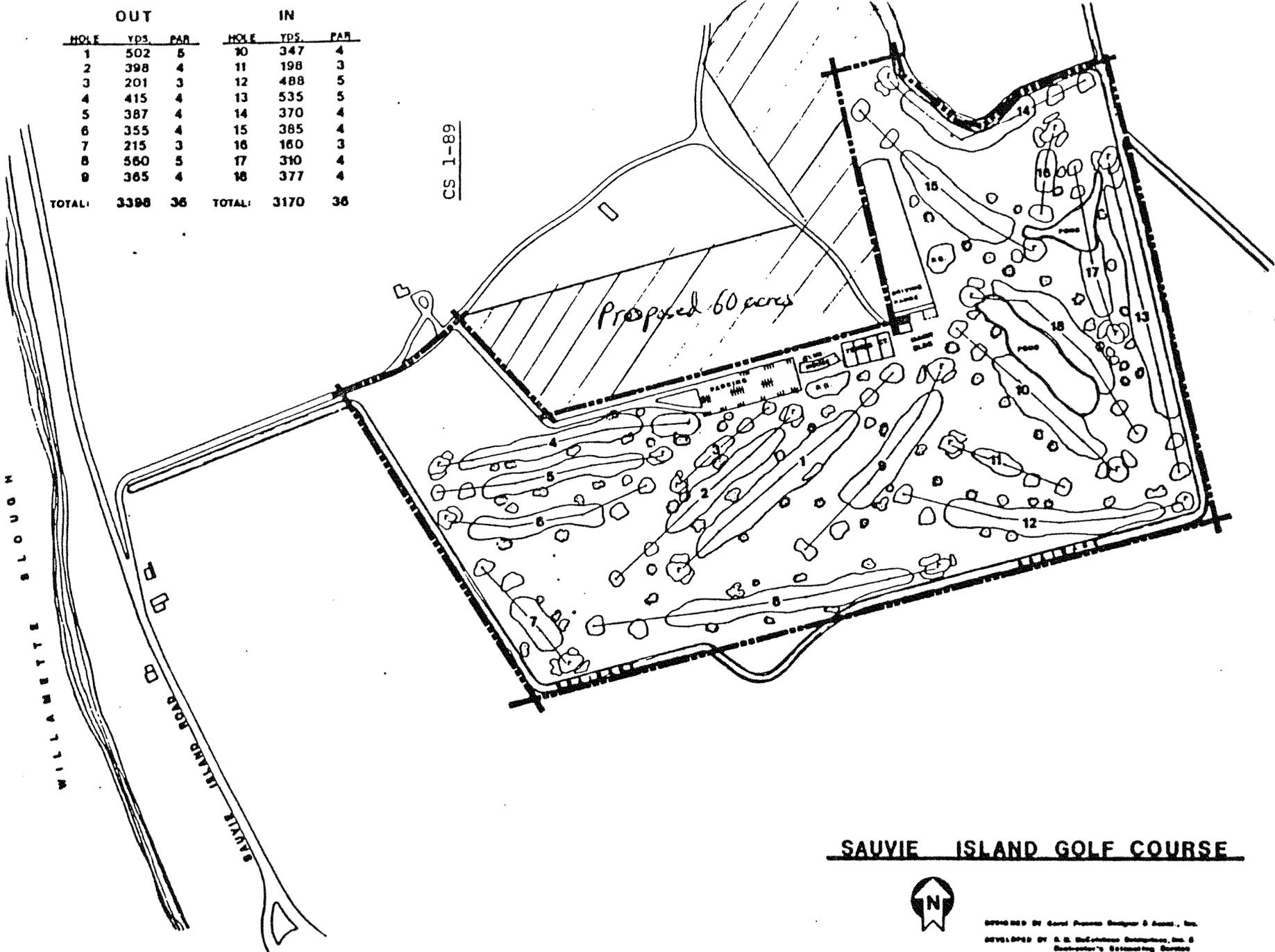
On January 2-3, 1989, INFOTEC Research, Inc. conducted an intensive cultural resource survey for an extension of the Sauvie Island Golf Course proposed by Mr. George Douglas. The purpose of the survey was to locate and document any cultural resources which might be impacted by development of the proposed golf course. A single prehistoric archaeological site was identified. This site, which appears to date to, or prior to, the Merrybell Phase (600 B.C.-A.D. 200), is significant enough to warrant protection. A fairway is currently planned for the site vicinity; such a fairway would provide better protection for the site than the current land use. It is therefore concluded that development of the golf course will not unduly impact cultural resources. However, if other construction activities associated with the golf course are implemented in the site area, then subsurface testing will be necessary to determine the extent and significance of the site.

OUT

IN

HOLE	YDS	PAR	HOLE	YDS	PAR
1	502	5	10	347	4
2	398	4	11	198	3
3	201	3	12	488	5
4	415	4	13	535	5
5	387	4	14	370	4
6	355	4	15	385	4
7	215	3	16	160	3
8	560	5	17	310	4
9	365	4	18	377	4
TOTAL:	3398	36	TOTAL:	3170	36

CS 1-89



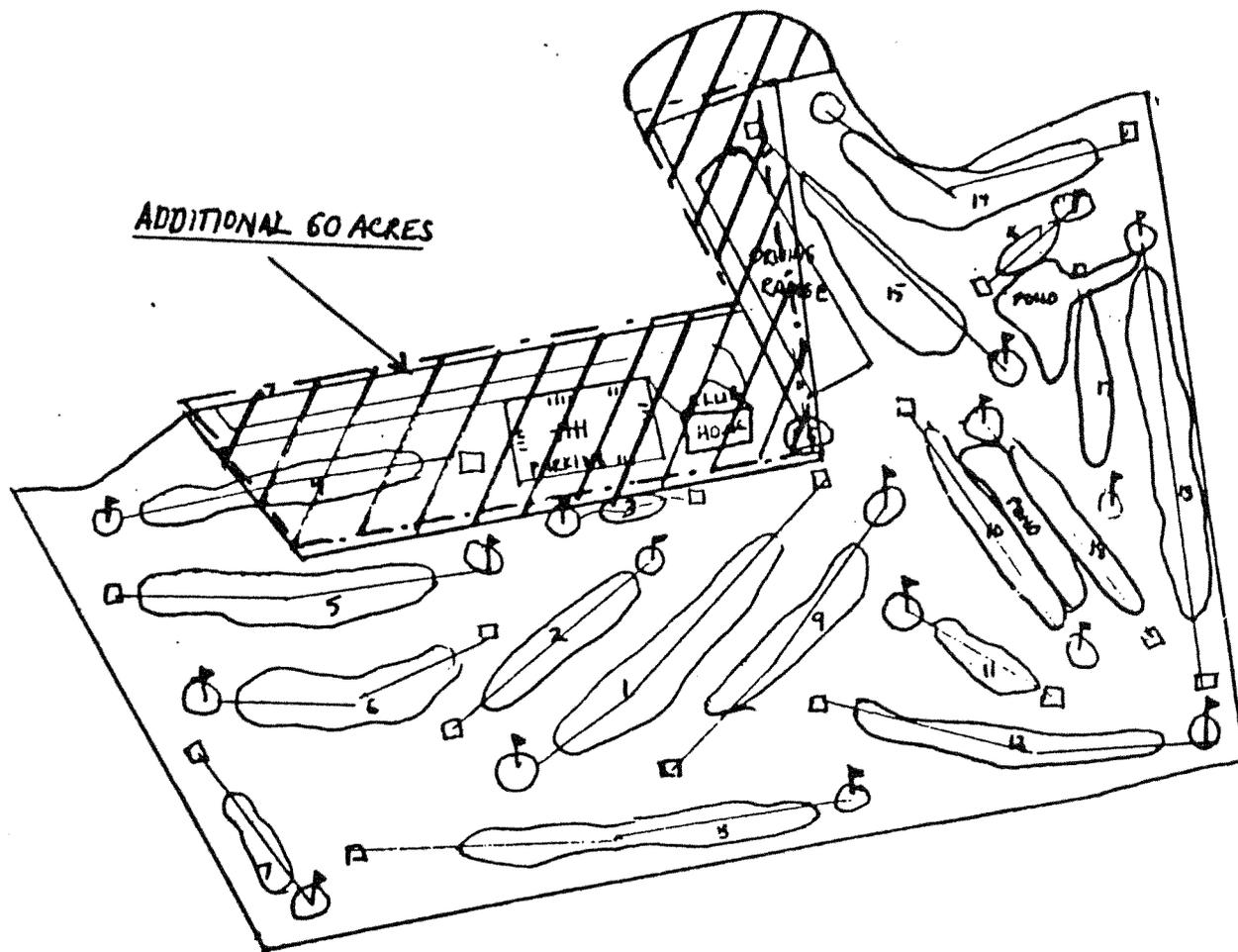
SAUVIE ISLAND GOLF COURSE



DESIGNED BY Carol Pomeroy Designer & Assoc., Inc.
 DEVELOPED BY A. D. McCullough Development, Inc. &
 Construction's Estimating Services

22 07/01/00

fig. 2



——— Existing Appraisal Golf Course
 - - - - - Additional Proposed Acreage

SAUVIE ISLAND GOLF COURSE



CS 1-89

DESCRIPTION OF PROPOSED

61 ACRE CSD GOLF COURSE

George Douglas, the property owner proposes the EFU-Community Service Designation (Golf Course) for 61 acres of land adjacent to a previously zoned golf course site. The additional 61 acres is requested to provide additional space between the fairways on the golf course thereby diminishing the potential of personal injury to golfers from stray golf balls. No additional facilities or accessory uses are requested. The course will remain an 18 hole layout.

Site

The additional 61 acres generally sits 1200 to 4000 feet from Sauvie Island Road approximately $\frac{1}{2}$ mile from Sauvie Island Bridge. The natural terrain will be affected minimally in the construction of the course. Grading will be necessary only where existing low spots are developed as water hazards or where planned trees or greens require it.

APPROVAL CRITERIA

A) Consistency with Character of the Area

In case no CS 11-83 the Multnomah County Planning Commission found the adjacent golf course site consistent with the character of the area. This proposal is consistent with the previous finding in that the exact same use is being proposed.

B) Affect on Natural Resources

The finding in CS 11-83 found no adverse affect on natural resources and this proposal is consistent with the previous finding.

C) Conflict with Farm or Forest Uses

The finding in CS 11-83 found no conflict with farm or forest uses and this proposal is consistent with the previous finding.

D) Public Services

CS 11-83 found existing services adequate for the golf course. Since this proposal does not require any expansion of services it is consistent with the previous finding.

E) Big Game Winter Habitat Area

CS 11-83 found the property not within a big game winter habitat and the golf course would not impact the fish and wildlife resource of the area. The current proposal is consistent with the previous finding.

F.) Hazardous Conditions

CS 11-83 found no hazardous conditions and no new hazardous conditions have been identified with this proposal, therefore it is consistent with the previous finding.

G.) Comprehensive Plan Policies

No. 9 - Maintain Agricultural Land Area

A golf course is a permissible non-farm use of agricultural land (ORS 215.213) and the Planning Commission may approve it as a conditional use if it finds it in compliance with Community Service approval criteria.

In CS 11-83 the Planning Commission found the adjacent site to meet the approval criteria and this proposal is consistent with that finding.

No. 13 - Air, Water Quality and Noise Level

In CS 11-83 the Oregon Department of Environmental Quality found that the impact on air, water, and noise would not be significant as a result of the development of the property as a golf course. This proposal is consistent with that finding.

No. 14 - Development Limitations

This proposal for additional golf course property will attempt to maximize the existing topographic and vegetative variations of the property. It is therefore consistent with CS 11-83 which found the adjacent property in compliance with Goal No. 14.

No. 15 - Areas of Significant Environmental Concern

(1) Archeological Value, Sauvie Island is generally known to have been the location of a settlement of Multnomah Indians. The applicant has commissioned an archeological survey of the 61 acres. If any historic areas are identified they shall be preserved and remain in their natural state.

No. 16 - Natural Resources

CS 11-83 found the long range availability of Domestic Water Supply Watersheds and Fish and Wild Life Habitat Areas would not be limited or impaired. This proposal is consistent with the previous finding.

No. 31 - Community Facilities

CS 11-83 found the golf course would have reasonable access; it would have no objectionable site characteristics; and it would be compatible with surrounding uses. This proposal is consistent with the previous finding.

No. 36 - Transportation

CS 11-83 found adequate transportation facilities already in place. Since this proposal does not expand the amount of use on the site it is consistent with the previous finding.

No. 37 - Utilities

CS 11-83 found adequate utilities to the site, since this proposal does not expand the amount of use on the site, it is consistent with the previous finding.

No. 38 - Facilities

CS 11-83 found school and fire districts adequate, since this proposal does not expand the amount of use on the site it is consistent with the previous finding.

No. 39 - Open Spaces & Recreational Planning

As with the CS 11-83 finding, this proposal will maintain open spaces and provide a slightly larger but safer 18 hole golf course.

TRANSCRIPT OF THE PLANNING COMMISSION

MEETING OF

FEBRUARY 27, 1989

CS 1-89

Leonard: A continuation of the hearing that was begun two weeks ago at our regular monthly meeting. The case is CS 1-89. Its a conditional use application for community service to expand an already approved community service land use designation for a golf course on Sauvie Island.

We'll have the roll call. We have Commissioners Fry, Parker, Spetter, and I'm the Chairman, Rich Leonard.

Do we have a Staff Report?

Hess: Good evening. My name is Mark Hess of the Planning staff. And I want to go through the Staff Report with you to go over the changes which have been incorporated since our last meeting and highlight certain points and make some corrections.

The recommendation from the Planning staff is approval of the request, subject to several conditions. The request again, is for an expansion of the CS designation for the Sauvie Island 18-hole Golf Course. The request would add 55 acres to increase the approved golf course - bringing the total site size to 200 acres.

Conditions of Approval that we're suggesting are detailed on pages two and three of the Staff Report. Condition No. 1: we have some additions from, and corrections, that we want to refer to right now. Number 1 in the first sentence on the second line we want you to make a change that says "archaeological site on the adjacent golf course property". And, the Cultural Resource Survey, which is referred to here, identified an archaeological

site; however that site is on the adjacent approved golf course site, not the subject 55 acres.

Further down in that recommendation - recommended condition - there's a reference that the applicant should develop plans coordinated with Multnomah County Sheriff's Office, the State Historic Preservation Office and the Commission on Indian Services, and here's the addition, to develop an approved, and "an approved" is the insertion there, - mitigation plan to protect the archaeological resource. I've added a sentence that this mitigation plan shall be approved by the Planning Department.

Condition No. 2 is as written - which is the requirement that plans for the golf course be submitted for design review.

Condition No. 3 is requiring that the applicant obtain certification for subsurface sewage disposal and water supply on the site.

No. 4 requires land division approval.

On item 5, that one should be amended to read as follows: "Any future accessory uses not detailed in CS 11-83 decision which may be proposed in association with this golf course shall be subject to Planning Commission approval", and add, "at a subsequent public hearing".

And further - it goes on - accessory uses requiring further county approvals shall include tournament events which draw spectators and, and I want emphasize the word "and", which increase traffic counts to and from the site more than 10% above ... here's another insertion ... 24 hour, so that should read "and which increase traffic counts to and from the site more than 10% above 24-hour levels identified in CS 11-83."

There'll be discussion on those changes later.

Item 6, we're recommending it as written, regarding the club house, parking lot, screening

Item 7 is as written, regarding incorporating, an easement for the gas distribution line crossing the site when developing the design of the golf course.

Item 8 has been amended, starting from the original recommendation which was read two weeks ago. This has been amended in response to some testimony that you heard from the Audubon Society and it reads that ..."Efforts to manage wildlife damage to the golf course shall be minimized to the greatest extent possible so as not to in any manner adversely affect the adjacent farm operations or the flight paths of migratory waterfowl. The applicant and subsequent developer shall work with the Oregon Department of Fish and Wildlife prior to and during the operation of the golf course to formulate and utilize acceptable methods to minimize wildlife depredation while achieving this condition. Within one year of completion of the course, the operator shall institute an integrated pest management program, (this is the new part by the way - the *within one year* part) ... shall institute an integrated pest management program approved by Multnomah County Vector Control and the Oregon Department of Fish and Wildlife. This condition in no way obligates or assigns implementation of the program to either of the above agencies." So that last section is what we've added in response to some of the concerns raised by the Audubon Society

Item 9 is as written; prohibiting tennis courts - Consistent with the original CS 11-83 decision.

Item 10 is as written. Requiring gravel rather than paved parking lot - consistent with the original decision.

Item 11 is as written. Prohibiting lighting the driving range.

Item 12 is as written; which limits the restaurant's size and scope - consistent with the original decision.

Item 13 is as written, which limits the applicant and successors from increasing densities on this and surrounding properties. That's residential densities.

And item 14 is added, again, this item was added in response to the Audubon Society testimony which you heard, and this is simply asking that the U.S. Army Corps of Engineers and/or EPA regulatory programs be contacted to determine if their permit programs apply to the project.

Moving into the Staff Report, I'm going to go through some highlights and point out some corrections. Again, I just wanted to emphasize that the original golf course decision consistently refers to, quote, "approximately 125-acres." The surveys which the applicant has recently conducted reveals that the original metes and bounds description on which that original approval was based identifies 145 acres.; so there is a 20 acre discrepancy there. So the request is to develop the course on 200 rather than 145 acres, and we believe that offers opportunities to maintain and protect more natural areas within the golf course site than within the original approval, boundary.

This, corrections in the Tables on page 9 regarding traffic. That table is erroneous _____, but they don't have the same number, so the 7 figure which is at the very top should be moved over to the incoming column and then the figures in the 2:00-5:00 pm slot should read 55 incoming, 75 out. And then, there is an additional column which was left off of the original row, it was left off the bottom, which should be 9:00 pm and later and that should have 20 in the outgoing column. Those two columns should then total 285. This is important when you refer back to Condition No. 5 which suggests if there is an increase in the 24 hour traffic counts coming to the site, or coming to and from the site, then there is then a need to come back to the Commission to discuss those tournament impacts.

Further down, I think on page 9, last paragraph, there's about mid-way through that paragraph there's a sentence

that begins..."The instant request will not alter the number of holes or otherwise affect the capacity of the golf facility". The next sentence..."Therefore the traffic findings are irrelevant...", I'm suggesting we change the word "irrelevant" to "not altered by", so that will read "Therefore the traffic findings are not altered by the expansion request".

Moving on. I've underlined that there's 19-acres of woodland and riparian areas and that designation of the site as golf course offers greater protection of the wildlife. I'm on page 11 now. That the site designated as golf course gives greater opportunities to protect wildlife habitats represented by existing woodlands and riparian areas along the site. This finding is based on the fact that the golf course would be subject to design review and under existing zoning - EFU zoning - the removal of the woodland areas to develop farm uses would be permitted without any county review.

Over to Open Space and Recreation on pages 20 and 21 now. I just want to emphasize again that the riparian and wooded areas on the site will receive greater protection under Design Review than under the EFU zone.

Another change which is, which you will find in this Report from the previous is Item 11 on that same page, 21, which discusses the minimum lot size that our, the basis on which determining minimum lot sizes for conditional uses or community services uses. I want to emphasize the word "minimum" because there's not in this criteria a determination of what is the maximum. Although by implication you consider the site size needs of the proposed use, and you consider the purposes of the district you end up with - I think the judgement of what is reasonable, in terms of the maximum site size. This is what you're being asked in this instance to determine, not a minimum lot size.

I wanted to emphasize that the applicant has explained the need for the 55 additional acres as: a technological issue regarding improved golf ball and also golf club technologies; and they've identified it as a safety issue,

regarding the distance between fairways, which is considered desirable; and they've identified it as a design issue, meaning that the course will have extensive water features and natural areas which require greater land area.

One of the reasons the staff is recommending approval of the 55 acres, with conditions, again the big concern that was expressed to you in our last meeting was regarding the potential that expansion of the site area might, just might create a tournament or competition golf course; where 145 acres would not permit that. And, we addressed that potential through Condition No. 5. It's been modified to address the potential tournament events and the associated traffic impacts. And, there are changes, again with Conditions No. 8 and 14 are modified to add - regarding Audubon Society issues that have been mentioned before.

With that I'll conclude; are there questions for me?

Leonard: Questions for the staff?

Fry: I have a couple questions on the conditions. Under the Cultural Resource Survey, would that survey done on the new land or was that only done on the original golf course?

Hess: It was, - the applicant can answer that better than I. It is my understanding that it was of the new land and some parts of the original approved site.

Fry: Okay. That answers that question then.

On Number 5, on a condition regarding the tournament and the 24-hour levels, are you, did the staff mean that you're talking tournament events together with increased traffic counts and so your not, in case there's increased traffic counts in relation to the restaurant or something not a tournament and it would not kick-in this condition? In other words, if the course generated traffic counts 10% above which you've identified, but there's no tournaments there?

Hess: I see your question, and, what we were trying to get to was the tournaments. We have not addressed the potential that other facilities on the site might become very popular and generate additional traffic above that 10%.

Fry: So you would take those two things to kick in the condition

Hess: Yes. That's the way it reads right now.

Fry: The last...

Hess: I'd like to clarify why that's written that way

Fry: Sure.

Hess: In case you want to, you know, condition it otherwise. The problem we were having was defining what in fact is a tournament and which would deserve some additional Planning Commission review, because anyone that, you know three or four out playing golf is by some definitions a tournament. But it was not that type of tournament play that we were concerned about. It was the large tournament events which really have traffic impact, which we were trying to speak to. So we didn't want to leave in the condition just the open-ended tournament, a tournament, but we wanted to tie that level or scale of tournament so that you would have that ability to review that event or those events should they be proposed in the future

Fry: Okay. _____. What about, I was just curious as to your logic about not having the parking lot paved.

Hess: That wasn't my logic, but the original approval on CS 11-83 requires that it not be paved and my assumption, I'm not certain of this, is that it would try to minimize the urban type of impact that a paved parking lot represents, in terms of drainage impacts and run-off and that's my speculation but I don't know for sure why they wanted

gravel. And perhaps too, have it be more compatible with that rural character.

Fry: Are we bound by the original conditions of the original application?

Hess: Practically speaking I, we hesitated to deviate dramatically from those original conditions and if the Board had stipulated a gravel parking lot, we didn't want to second guess them on that.

Leonard: Any other questions from staff?

Before we go on, I guess that most of you were here for the first portion of this hearing. For those of you weren't or who haven't attended our meetings, I'll explain a little bit about how we operate so you will understand what we do and where we are going. This is a quasi-judicial hearing; its conducted in a fairly formal manner. As we begin the hearing, and this hearing actually began technically two weeks ago, so we're part way through an, we've heard an updated Staff Report already this evening. As we continue, we will first hear from the applicant's representative or the applicant himself and other people in favor of the project. We will then hear from anyone wishing to speak in opposition of the project. After we've taken that public testimony we will close the public portion of the hearing and then the Commission will deliberate and discuss and in most cases we reach an opinion, have a decision, at the conclusion of the hearing. I also note that we have received one additional letter from the public regarding this case since we began this hearing two weeks ago. Its a letter from Adrienne Keith and David Rudd; they are opposed to the project. With that introduction, we will now open the public, the real public portion of the hearing; and hear from the applicant and _____.

As you come to the podium, _____ remind you that there are address cards there to fill and leave with the clerk so we will have a record of who spoke and give you updated information, a final decision on the case.

Douglas: I'm George Douglas at 15105 NW Sauvie Island Road. I am the applicant. And, I've looked over the Staff Report. I think it is one that we can live with. I don't have to many more statements on it except to remind the Board that we are looking the 55 acre application, not the balance of the property and that as far as I'm concerned, the last time we applied and got the original permit I stated at that time that if we found any archaeological sites that construction would stop and it would be evaluated before we proceeded; so with that in mind I am more or less open for questions ; if you have anything to ask I'd be glad to answer what I can, if not, we have, in fact we'll hear the archaeological _____ can answer your questions and also Dick _____ on the wildlife, so....

One other thing too. I would like to reserve some of the time later on for rebuttal, after the opposition has had their say.

Leonard: Okay.

Questions for Mr. Douglas?

Fry: Maybe I should be addressing this to Mr. Pettigrew. My question was simply did the original Cultural Resource Survey include the property that we discussed tonight?

Douglas: We went over most of that but this is kind of an overlay and the portion that was where this original, this new site was found is in a place that was in, lets say in brush, at the time. It would be hard to find at that time. Since then it has been plowed and worked and the site has been surfaced so that is under recognition at this time, and will be preserved.

Fry: Does Mr. Pettigrew work for you?

Douglas: We hired him to do a study on this property. If..

Fry: I'm just wondering; I'm not really that concerned about the original survey except that if something does occur.

Douglas: Okay. Fine.
Pardon me. Would you repeat the question?

Fry: Then if something does occur do you have a process to deal with it?

Douglas: Well, if anything happens well we'll just stop and bring in some archaeological people to, archaeologists to examine it and see whether its valid or not and go with it. I don't know whether you're aware of Mr. Pettigrew's, he is with the state, archaeologist with INFOTEC, and done many research projects on this, one of the top in the state, so....

Fry: I'm personally aware of that.

Douglas: You are aware of that. All right.

Leonard: Any other questions for Mr. Douglas?
Thank you Mr. Douglas.

Any one else present who would like to add to the testimony in favor of the project?

Okay. We'll move to the opposition testimony. Is anyone here this evening who wishes to testify in opposition to the project?

Yes. Come up.

Bradshaw: My name is Diana Bradshaw. I represent the conservation, City of Portland Audubon Society, and I'm speaking presenting testimony for Mike Houck who cannot be here tonight. He was out at Sauvie Island on February 20th of this year and after visiting the Island again he wrote-up this letter which I will read:

I have a few things I would like to add to my testimony from two weeks ago. Unfortunately, I have to be in Eugene on the 27th and will either have (that's why he's not here to read it, but he would like to enter this into the official record).

WILDLIFE USE OF THE SITE: This morning, enroute back from a Bald Eagle count, I stopped on the subject property and counted waterfowl and other birds which were utilizing the fields that are to be converted to golf course. I found the following:

Field No.1, which is a field, he has drawn a map I can include in the testimony; Field No. 1, which is south of the telephone/power line immediately in front of the gravel parking lot at Sauvie Island Bridge) was full of mixed flock of gulls. About 125 ducks (Ring-billed and California) and 15 Mallards.

In Field No. 2, which is to the north of the telephone/power poles to the east of the produce stands and this area is to be divided into two subsections, the higher, dryer ground closest to the power poles in the southwest corner of the fields and a second section which is (and has been) under standing water. The dryer section had more than 4,200 Canada Geese and a few gulls and this section....

The section that is currently inundated (surrounded by a ditch full of water on its northern and eastern side) was full of Canada Geese, Northern Pintail, Mallards, Green-Winged Teal, American Wigeon and Gadwall. And the counts for these birds is as follows:

*Canada Geese: 450-500
Northern Pintail: 350-400
Green-Winged Teal: 100-150
Mallards: 75-100
American Wigeon: 250-300
Gadwall: 2*

There was also a Red-Tailed Hawk perched in the forest adjacent to the orchard.

As you can see from this information, there are two important factors to take into account when deciding on conditions for your approval of this application.

1. There are functioning wetlands on the site. We are entering the growing season and the soils are saturated. Regardless whether the Corps of Engineers or the Division of State Lands decide these are "regulated" wetlands, it is our position that Multnomah County has an obligation to require the applicant to account for loss of significant wildlife habitat. The applicant might argue that waterfowl uses the entire Island, but the relevant fact in this case is that the site in question is frequently used by migratory and wintering waterfowl. We are concerned about cumulative impacts of wetlands throughout the metropolitan area. As this agricultural land is converted to a more intensified use, which a golf course is, the applicant should be required to mitigate for lost habitat values that will not be present as a result of the golf course.

2. The site does provide significant wildlife habitat, contrary to the Staff Report and applicant's information. In our opinion this does not represent an insignificant impact.

Another point I'd like to make is that the forest, although second growth, does represent a significant natural resource and wildlife habitat. I'd like to reiterate my statement of last week to retain as much of the forested area as possible for habitat diversity.

I note on aerial photographs that the Gilbert River does have significant riparian habitat, although I've been told that there is no vegetation along this drainage slough. We believe the applicant should be required to retain any extant riparian vegetation and enhance areas of the Gilbert River which will abut the golf course as mitigation for loss of habitat.

Lastly, we strongly oppose the display of artifacts in the club house, as this will simply encourage pot hunting, an activity which has already desecrated much of our cultural heritage on the Island. I normally would not comment on this issue, since our primary focus is wildlife and wildlife habitat. However, the applicant specifically mentions plans to display American Indian artifacts in

the club house. We would like to see, as a condition, that any such display (if allowed) would be done in conjunction with the Oregon Archaeological Society so as to convey the correct educational information to the general public.

I'll simply summarize my earlier testimony to ensure it is fresh in your minds before you make a decision:

1. You should require an integrated pest management program that reduces the amount of pesticides and herbicides on the property and should allow no more use than in current farming practices. The applicant should consult with national Coalition for Alternatives to Pesticides and Multnomah County Vector Control for developing such a scheme.

2. The applicant should be required to accept wildlife use that does occur on the golf course (Canada Geese, Wigeon, Coots and other grazing waterfowl) since he has located a golf course adjacent to a wildlife refuge and knows full well he is presenting an attractive nuisance to wildlife.

3. The applicant shall not haze, harass, or otherwise discourage wildlife from using the golf course as indicated above.

4. The applicant shall not ask assistance from Oregon Department of Fish and Wildlife, U.S. Fish and Wildlife or other state, federal or local agencies to solve wildlife-related problems that he will have created.

5. The applicant will consult with the U.S. Army Corps of Engineers, Division of State Lands, U.S. Environmental Protection Agency prior to development of site plans to ensure that all regulatory permits are obtained before any earth moving occurs.

6. The applicant shall use native species of trees and shrubs to provide for wildlife habitat in conjunction with screening of fairways and greens.

7. *As indicated in your Staff Report, the applicant shall not request for a rezoning for residential uses in the future as an adjunct to this project.*

8. *Adjacent landowners shall not request rezoning for residential or commercial purposes as in No. 7 above.*

Spetter: We need to have the page, I guess you call it your last page, we don't have it.

Leonard: You submitted it to county the letter and

Spetter: Right. We'd like to have it now. Does anybody have it now?

Leonard: Is there anyone else who wishes to testify in opposition?

Matrazzo: I'm Donna Matrazzo. I live at 19300 NW Sauvie Island Road. I'm a homeowner on the Island and I would like to testify against this expansion. A golf course period is totally out of keeping with the character of the Island, which is farm land, some _____, and replication of land that is especially in its natural state.

The Island phone book lists only 435 families and yet we'll have a parking lot for 190 cars. The land was rezoned in the late 70's so that 76-acres is a single family dwelling, so that on the space where two families should should live we will have a parking lot. 190 cars. And, it amazes me to that here is all this concern for safety from golf balls when the Department of Fish and Wildlife has warned that there will be hunting and shooting on the perimeter of this golf course, and I dare say that I suspect are killed or seriously wounded from each year from stray hunter's bullets than from stray golf balls. And, if technology has changed so much in five years to warrant a larger space now, then what will happen in another five years or another five years after that? And so, I testify against this expansion to minimize as much as possible the depredation of this Island that is my home and, as it is, is a very unique and special place to the people of this community and of this county.

Leonard: Thank you. Is there anyone else who wishes to testify in opposition?

DeGraff: My name is Jerome DeGraff. I reside at 50350 NW Sauvie Island Road, Scappoose. Formerly I was _____ Sauvie Island Road. In my opinion the application is for a whole new type of golf course. Its very easy to say this is not a proposal for a tournament course but when I look through the reports I find several references to "viewers" and "safety of viewers". Now, this can only lead me to conclude that the viewers are present when one is having a tournament. Normal golf courses are just for golf players. And so, in plain terms I think we must conclude that this application is just for a tournament size golf course, and that is a totally new ball game, no pun intended, and therefore I think it would be appropriate to have a new application.

This is not just any kind of land. This land is, this is originally land that was settled by pioneers as very clearly indicated by the Howell Bybee Park and the _____ Residence; this is very clearly an important matter. This is not just clashing. This is traditional heritage land. And as you already know this is in the Old American Flyway where all the migratory birds go through.

I take it very seriously to take more land out of production, even if its marginal production, I take, to me it is a very important issue. And this is zoned EFU and if Douglas cannot farm his land I'd buy it from him for a nursery.

Now, _____ could make it no new accessory uses are proposed but looking through the Report I find mention of use of the driving range for additional parking. Now, if there is no plan to have a tournament course why would one need additional parking? Already there is a 190 spaces, which is, I think, double or triple the amount of cars that were normally expected.

This whole course can probably be characterized as this sort of creeping golf course. It started out with 125

acres, moved to 145, then with the proposal to add 45 acres which is now 55, but the _____ report takes 23. Its liable to be 61. So we're already up to 206 acres.

Now we've heard a lot talk about technical divisions involved in golf clubs and so on, and, I'm really surprised, there was no mention of this at all back five years ago because that technological development wasn't _____. In fact the lithium in the balls was _____ in the early 80's. And, so, if this program continues, when a few more years pass I would not be surprised if the next proposal is going to be for a 300-acre golf course to protect the safety of the players and the viewers, as has been mentioned in several reports.

Now, I'm all for safety and I wouldn't even want to jog on that trail around there, golf course, because I think there might potentially be takers. But, what _____. I think this is a growing thing and with a delay it won't grow again, and grow again, because the technology will grow, and there will be better golf balls, there will be better golf clubs, the golf players might exercise and even play better. Just to give you an idea of the size of golf courses, if you look at _____ and his book "Golf is History of People", in the 60's he listed about 7,000 courses in the United States and they have, they used about 750,000 acres, so the average course was a little bit over 1,100 acres. So I suggest we need to draw a line.

The traffic issue is a real issue. And its a real issue to the people who live there. Because, on the weekends you might as well forget leaving the Island. The entrance to the golf course is right off the bridge and anybody who lives there will know that long lines, certainly Mr. Douglas know this because his house is right there, and I think that people should come forward and talk about this because you're going to have to live with these issues; and _____ making a potential tournament site only enhances the problem.

You hear a lot about safety, and I think that is an important issue. And, like I said, I wouldn't even want to jog around, _____ around it, because a stray ball might hit me.

But I would like to outline the safety issues that are associated with golf courses, and that's the use of pesticides, herbicides and fungicides. My research shows me that there might be as many 30 applications on that golf course during the season. In fact, there was a man called George Pryor who loved to play golf. He used to go to the Navy County Club in Washington, D.C., and he had a week off and he went to play three days in a row. He came home, he felt terribly weak, he was breaking-out in big giant blisters, he was bloated, jaundiced, and a doctor called Jonathan Lord was called in to his case after he was admitted to the hospital. Jonathan Lord did some really serious detective work on what was the cause and how did this relate to golf. After he interviewed the people that were running the golf course they told him that had been applying deconal just prior to George Pryor playing at this golf course. Deconal is just _____ used pesticide, actually its a fungicide that golf courses use. George Pryor died of toxic epidermal metrolysis, which is brought on by a heavy dose of Deconal, which had been applied to the golf course. There is a very strong key relation of these chemicals and a heavy application will certainly have an effect on the Island. Especially since this is the headwaters of the Gilbert. It will be washing off and will be an effect on the _____.

I think that it is wise to draw the line somewhere. I think the original application is where you should draw the line.

Leonard: Any questions for Mr. DeGraff?

Does anyone else wish to testify in opposition?

Sandler: My name is Stu Sandler. I live at 12945 NW Newberry Road, which is right across from the Island. I want to just propose this scenario to you: You have a beautiful

weekend on the Island. You have the roads filled with bicycle riders. You have the other recreational uses that are going on in the Island, going on in this beautiful weekend. You have a golf tournament with 20 to 30% increased traffic, perhaps more on the Island. You have cars stacked up both ways going on the Island and coming off the Island, and if you have been on the Island during the weekends, during the summer, you will directly know that its very possible for you to wait for considerable time to be able to get off the Island. And lets say you have a medical emergency on the Island, where someone has to be rushed off the Island immediately. I wonder to myself how do you do that. With all this increased traffic. I think its a definite worry and I can't imagine to myself any way that that could be satisfied except for perhaps for the applicant to have to provide medical facilities, adequate medical facilities, on his golf course to take care of people who are injured; for people who have some sort of difficulty during the time that one these tournaments goes on. And, I don't know much about golf but I understand that these tournaments can go on for four or five days. So, I think that's a question that seriously has to be considered before you grant permission for an increase in the acreage that would allow tournaments to go on in the Island.

Kunkel: My name is Dave Kunkel. I live at 20801 NW Reeder Road. I live and farm on Sauvie Island. I want to address the Condition 5 a little bit on traffic. The way I read that Condition it indicated that any activity, including tournament that would increase traffic on Sauvie Island by 10% would have to come before the Board. Now, a 10% increase over CS 11-83 levels. Now, on May 4th in the Land Use Board of Appeals, on the very back page, it indicates traffic counts that all the traffic counts as far as predictions for golf traffic and what not, are taken off of. And that traffic count was taken November 1st, 1982. On that day, _____ vehicles traveled over Sauvie Island Bridge. Now, I looked this over with you last time and that traffic count, in my mind, is _____ Beach traffic. It also _____ traffic, and unless its an awful nice day it misses most of the bicycle and jogging traffic. On

November 1st, I played a little golf and its usually not my _____ for golf as well, so, it would not be an accurate place to make a prediction from.

A quickly made survey of Multnomah County's Traffic Engineers, a traffic count was taken on September 22, 1988. This was taken by Multnomah County. This count indicated 2130 vehicles per day on Sauvie Island Road and 1720 vehicles per day on Gillihan Road. Now, these counts were taken adjacent to the bridge, two different counts, both of them off the ramp of the Sauvie Island Bridge. To get to either one of these roads you've got two choices: you can come over the bridge or you can make a circle around the Island. So, what I did, was I added those two numbers together, 2130 and 1720, got a total and took out 25% to allow for vehicles that are just going around the Island, not necessarily crossing over the Sauvie Island Bridge. And I came up with 2887 vehicles a day crossing the bridge. Now, 2887 is a 22% increase from that base number of taken November 1, 1982 of 2263, so I guess what my point is we've already gone up 22% in counts over the years and, which it far exceeds that 10% indicated in No. 5.

In my mind, additional traffic might, or additional use might be applicable here to an 18-hole golf course that is just a little larger. I do play a little golf and a larger course offers opportunities for length, possibly a more challenging hole, and I know I'm more apt to go to a course that is apt to challenge me a little more than I would one that is a little more easily mastered. So, we might be able to construe there will be an increase in usage by just the size of the course.

Okay thank you. Any questions?

Sanders: My name is Jack Sanders. I reside at 14986 NW Mill Road, Portland, which is a houseboat moorage across from Sauvie Island. I've been a resident of Sauvie Island for eight years. During that time I've worked across the Island _____. The principle reason I lived on the Island was because I enjoyed what it had to offer; it's natural condition.

I'd like to address one of the arguments made in favor of this golf course, and that is another recreational use on the Island that already has recreational uses. In addition to its agricultural base. Its my position that any recreational uses that which we find there now take advantage of its stamped natural resources. This includes the marinas, the water that is there _____ are there, and historically there are been marinas on the Island. These are used for commercial fishing as well as residences and recreational boating. It does not have a large traffic impact on the Island. Another one would be, something I don't practice myself, but in private and public _____ obviously which are jurisdictions of State Department of Wildlife. Those kind of historic presence on the Island. As to the private hunt clubs, again, these are not people-intensive uses. They are not a highly developed commercial use. And, the introduction of the golf course changes that condition dramatically. And I feel its a totally inappropriate use. I petitioned against the original proposal five years ago, I'm still going to petition against the application made for the addition of land. I also feel that its quite obvious that the nature of the facility has changed. The word "tournament" was not used five years ago. A lot of the conditions I believe were set forth, the idea of the gravel parking lot and some of these limitations that were taken out the original, that were repeated from the original application as were the swimming pools and tennis courts, I believe, were done so to scale down and hold in some control the growth and the potential impact on the Island, of such a development. That probably answers your question, Mr. Fry, about why the gravel parking lot. Also, the impact of drainage and so forth, its just sensible to let the water be able _____.

I think we're looking at quite a different activity; and if the additional acreage petition _____ helps to make that type of activity more successful, I'm more firmly against it. I don't think this is a modest project. And I don't think anyone can understate that. I think it is wishful thinking to believe that other lands in the future, adjacent to this property, will not develop for residential

uses. It just naturally has to happen. Its man instinct to want to take advantage of such a magnetic force as this tournament-type golf course _____. And to promote profit-making enterprises with subdivisions in adjacent lands. I think we have farmers in the area who believe, I was once told, directly, by one farmer, just _____ the related golf is going in because their property taxes would go down. That doesn't happen. When you increase the value of a piece of property adjacent then it becomes _____; your property taxes are going to go up. And this is one farming operation that is been marginal. _____ was for sale a couple of years back. Inaudible. And I hope I don't live to see the day when the Pumpkin Patch _____ next to this golf course. Because I see that coming down the road. And my greatest concern and grief is in people who are seeing opportunities in this area. My father, lets not turn this into Gresham. This is a pristine, precious environment. It has something for all of us. We're soiling our own beds, in a sense. Which happens all the time. When we have a beautiful place it attracts us to it. For the above reasons, the aesthetic, the clean air, whatever, and then we want to build in it. We want to change its use. Change its very benefit that attracts us to it and gives it its value to society. I think there's lots of flat land for golf courses. Maybe they can buy some out in Gresham before it gets another plant or something built on it. You might as well kiss this community away. I'm sorry, but lets hang on to something that has a value for all of us, in the state that it is in right now.

Leonard: Any questions for Mr. Sanders?

Thank you.

Is there anyone here this evening who would like to speak in opposition?

At the beginning of the testimony Mr. Douglas asked for an opportunity to make some closing comments, some rebuttal. Mr. Douglas, would you like to say anything further?

Douglas: I think I'd like to have my attorney, Bill Rhodes, who has made notations on this, any questions on. Well, I will address one or two items. First of all, the Audubon Society, if you will note on that, the report on that, none of that is on any of the golf course land. Its strictly on the outside perimeter of the original golf course itself. Other than that there is no building, as you know, around the golf course itself. I've said that I do not want building on my property other than that for the golf course itself. The zoning around that does not permit it. Item No. 3 is that the low land lying around the golf course is unbuildable when it comes down to it. Its lake bottom soil; it should never be built on as far as I'm concerned. And, it should not even be considered. I think we want to keep within the parameters of the 55 acres, what they will do, and the idea that we are going for a safer course rather than an extended play. We expect tournament play in that, high school, colleges and such as that, which I don't feel would add any additional viewing population; but, I suspect, that it would be years and years and years before you get a PGA tournament such as that. I have no compulsion to...Lost to changing of tape.....I would say that I had hoped in my lifetime to be able to see one tournament played on there, but, as far as major play, but at this time and for the number of years that we have to come I see nothing but high school or college or business tournaments or something like that which does not increase the viewing public; does not increase the amount of _____ per se that would be put on an 18-hole golf course. That's all I have to say. I'll let my attorney answer, if you have any questions I'd be glad and try to answer.

Leonard: I have one question. If I understood you correctly, the two fields that were referenced in the Audubon Society's letter are not located on the originally approved golf course property or the 55 acre ...

Douglas: That is correct. The place where it says the slough there, the golf course starts beyond that. There's not any of that that they did a study on. The parcel off of the bridge that shows on the photograph of the parking lot out

there, is another ownership and, that is Doc Wolfe's place, and that has no consideration at all with the golf course.

Leonard: Any other questions for Mr. Douglas?

Douglas: At this time, Mr. Rhodes.

Rhodes: I am sure not here to waste any time. We want to clear up a couple points and if you have questions

Leonard: Mr. Rhodes. Before you begin, there was a request for five minutes for rebuttal. You've already taken a couple of minutes, so...

Rhodes: Yes. For the record, I know that I asked for rebuttal _____.. I don't want to add any more issues here than what we have, but if there are any questions as to the Audubon Society, we also have Mr. Richard Cravens of Cravens _____ Associates, who are biologists who did review the property. As Mr. Douglas has told you, this bird count is on adjacent property, not the previous golf course or any of the proposed golf course site. The proposed 55-acre site is not a parcel that any migratory birds land on. Its an upland property, mostly trees, and any land obviously mostly fields.

If there are any other questions I would like to respond to those now. We had some issues brought up as far as pesticides; I think Mr. Douglas would tell you he uses more pesticides on his farm than a golf course would use.

The traffic counts I think speak for themselves. The golf course is going to have, one of the be it 55 additional acres or more, it will have a certain amount of traffic coming in and out of it. And we don't perceive that as an issue. Ten percent additional traffic, I think, is appropriate and if there is something out of the ordinary going on of course it gets input from all agencies; the Planning Commission would be just one, I think you'd have to have a probably some sort of special use permit; go through fire and safety and that sort of thing.

I'd like to respond to any other questions about that.

Leonard: That concludes the public testimony portion of the hearing. Commissioner Spetter, did you have questions for the staff at this time?

Spetter: Yes.

There were some suggestions made by the Audubon people for conditions and I have questions for staff regarding them.

First of all, Condition 6 requires that there be screening by vegetation. Is there any reason why it shouldn't be "native vegetation"? Why it shouldn't be native vegetation?

Hess: No. No reason why it shouldn't be.

I think, related to that, the Audubon Society's recommendations, I wanted to remind you, that, this goes back to _____ question a little earlier too, that much of what is said suggests that we have the opportunity here to go back and apply conditions to the entire golf course site. In fact that is not the case. What we have the ability to do here, should you be approving this, is to apply conditions to the 55 acres.

Spetter: That's fine. I was just attaching it to the existing _____ One of my first recommendations would be, and I address the Board, the Commission, would be...The club house and parking lot must be screened, and I would add the word "native", vegetation, would be the first thing.

The next thing I have is a question about the use of pesticides. I don't think the condition on _____; They try to say that Number 8 _____ address the issue of pesticides in terms of _____.

Hess: Okay. You'll noticed that No. 8 that it says..."Within one year of completion of the course, the operator shall institute an integrated pest management program approved by Multnomah County Vector Control and the

Oregon Department of Fish and Wildlife." Now, contained in that sentence is what we would be _____ to address the pesticides, herbicides and any other chemical applications which would be involved in the operation of the golf course. It doesn't have _____ either insects or weeds _____ pests that they are attempting to manage on that course, so that's what we had believed we would be able to address in that condition.

Spetter: I'm not worried about managing the pests; I was worried about the impact of that management on _____.

Leonard: **Inaudible.**

Spetter: And I'm wondering whether, in your opinion, the County Vector Control or the Department of Fish and Wildlife will be working in the area on the impact on human and animal life?

Hess: Well, I can't speak for those agencies. I assume that they would but you certainly ought to _____ if you feel that it is necessary here.

Spetter: Okay. So you don't have, what is Vector Control? What is that?

Hess: It usually is mosquitos.

Spetter: I mean what is there

Hess: Mosquito populations.

Hess: And, they're trying to make sure that they kill mosquitos and make sure that what they use to kill mosquitos doesn't kill people. What's their objective?

Hess: Both.

Spetter: Both.

Hess: Both, I hope.

Spetter: And then you assume that the Department of Fish and Wildlife

Hess: They try to balance both of those _____. desires and goals.

Spetter: Okay. You assume Fish and Wildlife people will be looking at _____ protecting those fish and wildlife.____?

Hess: That's right.

Spetter: Now, what about the traffic and then I'm done.

We've heard an awful lot about traffic.

Hess: _____

Spetter: Are you worried about traffic?

Hess: Well, we are worried about, the concern for traffic is reflected in item No. 5; and I guess I would want to elaborate on written testimony with regard to numbers of cars using Sauvie Island Bridge; 1983 versus today. This condition, as its written, does not pertain to the LUBA case which those numbers were from. This is referring to the levels that are here on page 9. Which is the traffic which is directly associated with the golf course, not just the general increase in traffic on Sauvie Island _____, but traffic which is directly related to the golf course. And, so, yes, we have concerns that large tournament events might be, might overload the capacity of the roads in this area at least, you know during peak periods of uses. So that's why we would believe that _____ and whether or not that was appropriate and whether or not mitigation measures were necessary. And since they have not indicated tournaments of a spectator drawing _____ would occur, then we _____.

Fry: I have several questions. The traffic, as I read the Staff Report, the original traffic generation was estimated based on information supplied by the applicant. And, I'm

wondering if the county did any examination of similar golf courses and compare traffic generation capacity?

Hess: Not for this application. The original golf course site, I understand, is that yes, that analysis was done and the record indicates that the contract engineer reviewed and accepted the normals that traffic levels that were indicated on the chart.

Fry: I guess the bottom line here is that the maximum people that would come to the site would be 300 in a single 24 hour period.

Hess: Right. 285 is the number that they total to. In a 24-hour count and if you allow them that 10% increase then it

Spetter: Inaudible.

Hess: That's right.

Fry: So it would behow many...

Hess: 285 in and 285 out, so actually you would have, I forgot my calculator. Not quite 600 in a 24-hour count.

Fry: Did you look at, did they look at the issue of green fees and whether this thing could operate with only 300 people, maximum, period, in a 24-hour

Hess: Not to my knowledge.

Fry: The last question. The CS zone is kind of basic to this

Hess: What? Up to the northwest...

Fry: Right.

Hess: That's for the Bybee Howell Historic Site. That's a county park.

Parker: One question here. Just for my own information here. I'm curious as to whether the same agency that regulates pesticides used by farmers on Sauvie Island, they have such a large percentage of farm land, is the impact of the pesticides used by the golf course going to be greater than that which is used already on farmland? Does the same agency regulate that or what?

Hess: My understanding is no, that the farm operations would have less regulations than a golf course operation would; if this is conditioned as we're suggesting here. The evidence of record, which indicates that the golf course would have similar impacts in terms of amounts of pesticides and herbicides that one technically finds used in farm practices on the Island.

Parker: So there wouldn't be much change then?

Hess: That's my understanding from _____, yes.

Spetter: Would you go over No. 8 carefully, the condition.

"Efforts to manage wildlife damage to the golf course shall be minimized to the greatest extent possible so as not to in any manner adversely affect the adjacent farm operations or the flight paths of migratory waterfowl.

Hess: Right. And, so the way I read that ... "to the greatest extent possible" is that there's, and it puts in balance _____ that they are being charged with.

Spetter: No. It may not in any manner have an adverse affect.

Hess: On adjacent farm operations or migratory waterfowl.

Spetter: Right. Have no adverse affect. None.

Now, it talks about affecting the adjacent farm operation. How would managing wildlife affect adjacent farm operations? By shooting animals on _____

Hess: You would try to _____ them off so that they wreck someone else's field instead of in their own.

Spetter: Now, everyone has wildlife management _____. They don't want to hurt the flight path. What about impact on these animals if they're walking around the golf course? Is that taken care by the _____? _____? This plan?

Hess: That is, that is what we will believe the pest management plan will identify the means with that they attempt to keep the fairways clear. The original decision, which is slightly weaker than what we're suggesting in No. 8 here, states that, in that decision there are statements made that they will use scarecrows, and they will use a variety of _____ the Audubon Society terminology harassments that will keep control of the numbers and the locations of wildlife use on the site. And, the Condition No. 8 in the original decision does not require that Oregon Department of Fish and Wildlife or other agencies _____ or approve of any methods which they may use to manage these wildlife populations that may be _____ to the site. What this, Condition No. 8 that we've recommended here does is that prior to any kinds of mitigations such as that use of scarecrows or say, chemicals that make the ducks get sick or whatever means that they might be suggesting, that they will be reviewed and approved by both the Oregon Department of Fish and Wildlife and as well as Multnomah County Vector Control, so we feel that this one is a little stronger but it still gives puts the charge of trying to make a balancing act of, you know, between _____ their fairways, the open season for the waterfowl or they'll maintain their courses. _____ in depredation of the course.

Spetter: Condition 8 then basically says that they have to do everything they can to prevent any adverse affects to farm operations or flight paths to keep damage to the golf course down. That's what the applicant has to, have no adverse affect in their attempt to keep the golf course depredation _____.

Hess: That is what it says.

Spetter: Then the second sentence says that they may have to work with these agencies to use acceptable methods in achieving no adverse affects. And finally, you stated that within one year of completion of the course they shall institute this pest management program. There is nothing here to say what the pest management program has to require unless you're saying that the first sentence is related to that as well.

Hess: I would say that the second sentence is more related with that in that they are going to be working with the Oregon Department of Fish and Wildlife to operate the golf course and develop acceptable methods that minimize wildlife depredation. And, in that, besides beyond working with them, we're suggesting that they develop and get approved integrated pest management program.

Spetter: Is that program tied to a limitation that there be no adverse affects? I mean, what's the key to the program?

Hess: I see what you're

Stickel: You should have something to achieve the _____ objective.

Spetter: Why do you use the words "flight paths of migratory waterfowl"? Would it be to....

Hess: That's really just a quote from the original decision.

Spetter: Okay. So ...

Hess: Actually, everything before that "within one year" part is a quote from the original decision.

Spetter: Well why do you need to say "flight paths"? Why won't you just say that should not in any manner adversely affect migratory waterfowl?

Hess: Well, some of the techniques that they might use, like the cannon effect things, it would _____ at times. Might cause flight paths to deviate and therefore have an adverse affect other adjacent lands by

Spetter: No, no, no. I _____ other adjacent lands. I wasn't meaning to take that out, but if you try to protect migratory waterfowl, period, or only their flight paths. If its "waterfowl" period, why would you need the words "or the flight paths"?

Hess: Oh, I see what you mean.

Spetter: Why not take "or migratory waterfowl"?

Hess: You mean, that's the more proper point there.

Spetter: Well, I don't see why flight paths would be a key thing if you just wanted to protect the waterfowl. Lorna, give a comment on that.

Stickel: Well, Mark's right. That sentence is exactly out of the prior approval.

Spetter: But this is the new approval.

Stickel: Well, I would agree. Take it out. Say "any adverse affects".

Spetter: I'm just asking. I don't know how any of the other Commisioners feel, but I'm trying to understand what the objective is, to protect the waterfowl or the their flight paths.

Inaudible conversation between the Commissioners.

Leonard: I guess not. I'm just a layman in these matters. Birds. Wildlife.

Spetter: What are you talking about.

Leonard: Well, the sentence already _____ manage wildlife
_Inaudible.

Spetter: _____ impacts their flight paths.

Leonard: Inaudible.

Spetter: So the only effort to wildlife is just used in terms of. .

Leonard: He called them _____. You're not going to shoot deer or ducks, or _____ or whatever.

Spetter: I guess my thought would be that the applicant _____ would be broader or the affect adjacent farm property or migratory waterfowl. And, flight path, I don't understand why

Leonard: **Inaudible.**

Fry: I have some things I'd like to discuss and maybe we can start with the first condition.

Leonard: Inaudible we can get specific language _____.

Fry: Sounds like _____

Spetter: I'm not ready on 8. On No. 8.

Fry: Yes. I want to discuss 8.

Spetter: So, I can work on No. 8 while you work with the others _____.

Fry: I have a couple of more questions on this one.

Leonard: Discussion.

Fry: On Condition No. 1, the way the condition reads it really does only a specific site and I'd like to recommend additional language after the period, saying something like "Or other resources encountered in developing the additional area". Or, another alternative would be to interject "archaeological resources _____". But the way I read the condition is singular to the existing site and _____ additional sites. In Sauvie Island we have to recognize its a very unique place; its not similar to other archaeological areas; it has some very unique attributes. It has some very unique sites.

Leonard: Inaudible. _____ not only this site but any site discovered?

Fry: Right. Any site. The reason I'm expressing that is because Sauvie Island has been proven a very unique sites, not just in our state but we have a very unique site _____.

Leonard: Yes.

Fry: So I'm concerned that there is every possibility, strictly probability, that they may find another, what I consider an extremely unique, site and the way the condition reads it speaks to a single archaeological resource and not to the possibility of encountering additional resources or even one that they may not have encountered on their survey but they encounter in the process of developing.

Parker: Are you talking about the _____ sites.

Fry: Well, the way I read the condition its to protect the archaeological resource and what I'm suggesting is that include "resources" or to _____ or "other resources encountered". I'm personally concerned about the extent this type of development and the possibility its going to _____.

Leonard: I have a question for staff. Regardless of this condition, whether its added or changed, are there not state laws which require deal with the way archaeological resources are _____?

Hess: Yes. That's my understanding. That there are state laws which spell out exactly..

Leonard: How do those laws deal with developing this course?

Hess: They would essentially have to stop, look at the site that was discovered, and contact state agencies, State Historic Preservation Office. This, from what I believe, is charged with that.

Relating to that, Condition No. 1 in the original decision speaks a little more _____ with your concerns Mr. Fry. It says "though no burial grounds are expected, applicant should, upon a discovery, contact Multnomah County Sheriff and the Commission on Indian Services for a determination of appropriate steps." So, its written a little broader because at that time there were no identified sites on the property, but I can see the value of incorporating some broader language in this one rather than refer to it as a single site.

Fry: Its my belief they have not surveyed this expansion site. The _____ was clear; I don't know if they really know for a fact they have a second site; the site that is unique I don't believe was a burial site; I believe it was a _____ preserved because of the characteristics of the land.

Stickel: Actually, its only burials. Its when you find bones; that is when you have to stop work; you've got to give notification. If you find an archaeological stuff you're not necessarily obligated _____ the laws to reveal the presence of those. So I would say adding a condition here that they could really clear any discovery archaeological remains would require this notification, at least to the State Historic Preservation Office should be notified.

Fry: That would be sufficient. Because it depends on, obviously, the extent of the find. So, I don't exactly know ...

Leonard: It was introducing those as official language that you want to require _____.

Fry: Okay. I would move to amend the _____do you want to go through all the conditions and discuss them first and then go back through them and _____?

Spetter: I think we should. I think _____

Leonard: I think we need a specific proposal _____.

Spetter: Right.

Peter, do you want to work with that and we'll keep going through these?

Fry: Yes. I have three things that I want to **Inaudible** and if I go over some of these: On No. 5, which is I think, _____ . I personally don't think whether its a tournament site or not is relevant. I think what's relevant is that potential for increasing traffic into this site and so my personal feelings would be to, and also, I'm concerned about the figures that have, are the base figures, they seem from my personal basis of experience to be rather low but I don't have any _____ facts to say that its not low or its not high, so I guess I'm concerned about attaching the word "tournament" and the 10% because I can see personally an increase above the 10% without a tournament situation. And, therefore, they would be dealing with this condition _____ .

Spetter: Peter, the way this is written _____ that it includes tournament events but its not limited to them.

Fry: Well, as I read it and as the Staff said two things would have to be in effect: tournament events and increase of 10%. Maybe I misunderstood that. If I misunderstood that, that's fine, but my concern is that we may see an increase in traffic counts without any tournament.

Spetter: I don't see that we need to have _____ .

Stickel: Well, we have had some extensive discussions with our County Counsel about the effect of these conditions of the prior approval. There is no limitation on the prior approval that relates to traffic. So, if you're going to put a condition on this approval that says that the course as a whole cannot generate anymore than x-amount of traffic, he felt that what we should do is tie any condition to any increases that might be anticipated as a result of this expansion. The only _____ in the record that indicates a resultant increase in traffic, these will need the other approval for an 18-hole golf course had to do with tournaments or any spectator intended event; so, I guess

I'm cautioning you to some extent to keep in mind that these conditions are only related to this expansion as it relates to the use of the course as a whole. The prior approval contains no limitation on the amount of traffic that may generate by this use, and the idea of the condition that you're discussing here is to make it clear that if there is any change in use of this course from what was either prior approved or approved with this expansion would have to come back for a change in the Community Service approval. And we feel that tournaments is one thing that is not approved, either in the past case or in this, nor do we want it to be construed in the expansion that that would be allowed either.

- Fry: Let me just make this clear. The estimated traffic generation in the Staff Report is nothing more than an estimated traffic generation with no basis at all except that it _____.
- Stickel: Except that it is part of a prior approved case.
- Fry: Right. But there's no conditions; in fact the golf course approved could have three or four times the traffic that's been estimated but based on the original conditions that would be irrelevant. Is that correct?
- Stickel: Based on the prior conditions, there would be no way to manage that. Even if you do not approve this expansion that golf course can, a golf course can go in on this site. On the prior approved site and there would be no way to control the level of traffic just purely based on the conditions; there's nothing in it that says x-number of users.
- Leonard: You did mention that the prior approval was clear in not allowing tournaments.
- Stickel: No. I didn't say that.
- Leonard: I misunderstood that. Was there a mention of tournaments in the prior approval?

Stickel: No. That's the implication. And there is a condition that says any future accessory uses, well it says being built in association with this course would be subject to....so, there's not, the issue of tournaments never arose in the prior case, so, subsequently its not been addressed in the prior case.

Fry: Does "tournaments" have a legal definition?

Stickel: You know, that was the thing we wrestled around with. Is that a tournament could be anything from a company that, you know, gets together and says we're going to have a tournament and they all go out to one golf course, no spectators involved, they just call that an event on a golf course anywhere in this city any given weekend there will be tournaments being played there. But the issue associated "spectator viewing" with the tournament was the issue that we felt would be the most critical in terms of increasing traffic beyond what a normal golf course would expect to have.

Leonard: Did traffic count figures that are on page 9 were part of the record of the previous action?

Stickel: Yes.

Leonard: In terms of the applicant's estimates of traffic in and out on _____ day?

Stickel: Yes. It is their estimates. But of course, that is the relied upon finding too, so it becomes a part of the decision that was rendered.

Leonard: In essence Condition 5 says if you have accessory use and if the traffic _____ to have that accessory use increases more than 10% above those numbers, then we've got a problem.

Hess: Well, _____ but if you propose that accessory use.

Leonard: Yes.

Hess: Rather than having it, so its not an after-the-fact use.

Spetter: From what I've read do you expect that there are certain uses, there will be accessory uses requiring county approval and they will include tournament events which draw spectators and increase traffic counts to and from the site more than 10%, so I think _____ to a tournament. Is that correct?

Hess: That is correct.

Spetter: **Inaudible.**

Fry: But I think this _____ in the record; it has _____ based upon my own personal experience. I do think the expansion of the course internally does enhance the course's attractability to other people. I think _____ based on _____ play golf for about 30 years.

Spetter: Peter, do you have any other conditions you want to discuss?

Fry: The only other one was to really wrestle with No. 8. Because I have the same problem....

Spetter: Yes. I hope to do that and you can go to that when we get there.

Fry: Okay. That sounds good.

Leonard: Any other comments on these other....

Spetter: Just No. 6, I would request the word "native" be placed before the word "vegetation" in the first line.

Fry: Could we discuss that?

I've been involved in some of these greenways, the Roaring River, the issue is what native and what's not native has come up and I guess I have trouble adding the word native because unless you can educate me as to

what "native" really means, because there has been a lot of concern _____. What does "native" mean?

Spetter: To me, when I asked that condition be _____ that there **Inaudible** that there would be a minimal amount of impact from vegetation removal and any vegetation put in there is probably going to be more conducive to uses right there. Along the Willamette _____ through a public _____ or whatever it is, it seems to be natural to that area. That's what I'm trying to achieve here. And I think that's probably the Audubon Society's _____ as well.

Fry: Maybe there is a better word than "native" because there is vegetation which may not legally be considered native but which would be very attractive and appropriate for the site. **Interference.**

Spetter: Sure. I don't have any objection if you can come up with something else that would be more appropriate.

Fry: Maybe Staff has another word.

Spetter: Going on to No. 8. What I would like to discuss with the Commission is removal in the third line of the words "the flight paths of"; so that it would read now that their actions are not to in any manner adversely affect the adjacent farm operations or migratory fowl.

The next suggestion that I have is that on the last, second to the last sentence which reads now "Within one year of the completion of the course, the operator shall institute an integrated pest management program...", I would place a comma after the word program; after the words "approved by Multnomah Vector Control and the Oregon Department of Fish and Wildlife" comma, and then after that second comma I would have "which will respect the requirements of this condition" period.

Fry: Would you have a problem with saying "that integrated pest management and wildlife program"?

Spetter: A what?

Fry: An integrated pest and wildlife management program?

Spetter: No. That would be all right.

Fry: _____ "Within one year of completion of the course, the operator shall institute an integrated pest and wildlife management program". I don't consider wildlife the same as pests.

Spetter: I'm not sure what a wildlife program is.

Leonard: Wildlife management program.

Fry: Well, there's been a _____ put out by the Audubon Society on a wildlife management program.

Mixed conversation.

Spetter: I guess the way I read the language there is that in looking at the control of pests, _____, the Department of Fish and Wildlife _____, Vector Control as well, will be positioning any proposed uses in such a way as to protect human and wild life.

Hess: Sorry. I lost you.

Spetter: The way I read your requirement, that the program be approved by Vector Control and ODF, is that any approvals or any requested uses of pesticides, will only be permitted to the extent that they are not detrimental to human or wild life. Uses of it. That's what I was asking you before.

Hess: That's correct. And, so I just suggest that you include that language in that condition.

Spetter: My understanding is that the thing Peter is trying to achieve is already in there. Which doesn't mean you don't want to state it more clearly, but that's what I understand it to be saying right now, this wildlife is going to be taken care of before the approval of a particular pesticide is permitted.

Hess: That's my understanding as well.

Parker: I must be missing something. Because I don't understand, if the farmers are already using pesticides that may be the same or greater harm to wildlife, is that a problem with them. Is the control of wildlife and pests a problem _____? I'm wondering why we are making it so stringent if there is no change, no difference?

Fry: There is a problem.

On page 7 of the Staff Report where they talked about, this is the previous _____. it says that "however, indicate that a golf course would not impact fish and wildlife; instead, the reverse may be true. There may be some damage of the greens and fairways from feeding waterfowl". This is what you might want to objectionably call an attractive nuisance. In the sense that it attracts the birds and wildlife to the golf course _____ only be attracted because of the fresh grass, water, those kinds of things. So, you have a high population of

Parker: Are you saying that creates a nuisance...?

Fry: That's why the Audubon Society said you have to damage the attractiveness and damage the wildlife on the site as versus just not doing it _____.

Spetter: Peter, what if we took the third sentence, the one that says within one year, and made up a second sentence and then took the second sentence and made a third sentence? Would that cover everything then?

Fry: Yes.

Spetter: Would it change your feelings? And I don't know why it would do this but if you took the third sentence, the one that talks about _____, and made up the second sentence and then took the second sentence so that the second sentence in effect _____ the whole paragraph. Instead of _____.

Fry: Could you read that?

Spetter: All right. So you have "affect the adjacent farm operations or migratory waterfowl". And then you'd say "within one year of completion of the course they've got to put together an integrated pest management program that is approved by these two bodies". Then it says the applicant/developer are to work with ODF prior to operating the golf course to formulate new acceptable methods to minimize wildlife depredation while achieving the condition. So that, that second sentence, which I think is trying to do what you're trying to do, would apply to the whole paragraph instead of to just the first sentence.

Fry: That will be fine. I guess where I'm coming from though, is I heard that there is such a thing as a wildlife management plan. And, I wondering if that would be onerous to ask the developer to do such a thing? That's what I'm _____.

Spetter: Okay. I guess I have to ask what is a wildlife management plan?

Hess: The way I read this condition is that pest management program would include how they intend to manage wildlife on the site.

Spetter: Right. That's how I read it too.

Hess: Okay.

Spetter: The fish and wildlife would not, well, no, I don't have a _____,

Stickel: Integrated pest management program is a very specific thing. It helps most to do with the types of chemicals that they will apply to a site. A wildlife management program, on the other hand, is something that would entail broad _____ in terms of plantings that might be used to attract wildlife to a specific part of the site; it would probably include the use of propane cannon

if the applicant would _____ propose using those to scare-off wildlife. Any of those non-chemical kinds of things would be included in a wildlife management program. Hopefully as well as an integrated pest management program could be part of, a very specific part of, the wildlife management program that would entail more than just the integrated pest management program. And, I think there's a conscious difference in this condition between requiring that for the integrated pest management program. That actually requires an approval by other agencies. That's a little bit more stringent, and intentionally so, since that's a very technical kind of thing, a pest management program.

The other part is that the applicant must work "with" the other agencies to develop the whole spectrum of the wildlife management program. And, in that sense I think it is not appropriate to put a condition in that gives another agency a veto power, basically, over the whole project. And, so, I guess I feel that there's nothing wrong with saying that a wildlife management program needs to be prepared. That probably can be inserted into that second sentence. In consultation with those other agencies.

Fry: That would be fine with me.

Stickel: Do you want specific language for that?

Fry: Yes.

Leonard: I have a suggestion. The applicant, this is sentence number two, the applicant and subsequent developer shall prepare a wildlife management plan and work with the Oregon Department of Fish and Wildlife, etc.

Does that make sense _____?

Fry: Yes. That would satisfy me. That _____.

Stickel: Could I also suggest that you add a time frame to the end here by saying that that should be submitted prior to the beginning of operation of the course.

Leonard: I think in keeping with the notion of designing the plantings and the layout of the course to enhance the wildlife management it would be appropriate to have that _____.

Stickel: And in addition, I might add, also recommend that you include that this plan will be updated on a five year basis. I think there needs to be the ability to revisit these things occasionally. The whole of Sauvie Game Management Area has a coordinated resource management plan that is updated every five years.

Spetter: May I _____ that what we are doing. I'm a little concerned about taking this wildlife thing and just _____ section two, section two. Sentence two, talks about prior to and during operation of the golf course, it talks about having to review the program during the operation of the golf course. If you make, if you limit, you don't want to do that right there. I think it would be much wiser to simply add another sentence to this paragraph somewhere that requires a wildlife management plan in consultation with ODF. And not stick it in right there, or somehow you're going to have to rearrange it because if you want these things to be effective during the operation, not just prior to opening.

Stickel: Yes. The intent of the program is that you address the on-going management of the course and that is why you do it.

Spetter: Right.

Stickel: I can sit and draft a sentence for you right now while you _____

Spetter: I think we should probably, should people get the other things that I have suggested for amendments to No. 8?

Leonard: You suggested eliminating "flight paths".

Spetter: Not "flight paths of"?

Leonard: Yes.

Spetter: And also at the end of the word "wildlife" I have suggested, "comma, which will respect the requirements of this condition". *Inaudible*.

Leonard: I think if you wanted to _____ comments about the specificity of integrated pest management plan that's probably how _____.

Spetter: Staff. You initially recommended that at the end of the "pest management" sentence we add something that ties down into the condition that it be done in such a way that no adverse impact. I have recommended that we have language at the end of that sentence which would say that the pest management plan would have to be one that would respect the requirements of the condition.

Hess: So, you're asking for an opinion on that?

Spetter: Yes. Whether or not that's still appropriate.

Hess: Sure. That sounds quite clear. But you're giving ODFW and Multnomah County Vector Control control some or clear direction as to what?

Spetter: Right. Even though _____ we will _____.

Hess: Right. So then the plan should be _____.

Spetter: *Inaudible*.

I would like to, when I move I will move that be amended.

Leonard: Okay.

Spetter: Maybe we should start voting now while they're writing on No. 8.

Leonard. *Inaudible*. Lets go back, well, are there any comments on 9?

Lets go back to No. 1. First of all we had
_____.

Fry: I would recommend, excuse me, did the Staff say they'd have some language for No. 1?

Leonard: No.

Fry: Okay. I just wanted to check.

Inaudible.

Fry: I think, based on what its saying, obviously now the whole thing is now _____. "The Cultural Resource Survey by C. Lebow and R. Pettigrew identified one archaeological site on the property. Development Plans shall be coordinated with the Multnomah County Sheriff's Office, the State Historic Preservation Office and the Commission on Indian Services to develop a mitigation plan to protect archaeological resources that may be encountered in developing the site."

Leonard: Does Staff have additional language to the _____. This mitigation plan shall be approved by the Planning Department.

Fry: That would be appropriate. So that would be by....

Leonard: Okay. All those in favor of this addition to Condition 1 say aye.

Unanimous.

Spetter: Inaudible. comments there on 5?

Fry: Right. I'm still real concerned about the definition of "tournament events". I think, personally, that 10% is a little too tight. That's my own personal opinion. I would, my personal feeling is I'm not real concerned about this being a little too much but I'm concerned about it being explosively too much. Which there is a possibility and I think that's the issue of adding on additional land and

expanding the course and making it a much safer, more attractive place to be. So I am concerned about tying tournament events with a 10%; I think 10% is restrictive when it stands alone, but when it stands together with tournament I don't think it _____.

Leonard: You would suggest a larger percent increase then?

Fry: I'd like to throw out the tournament events and add 40%. I wouldn't mind being, feedback on this but that's my personal feeling.

Leonard: I think the percentage increase in traffic is certainly related to tournament events and a specific definition of accessory use _____ that says no accessory uses at all. I would tend to agree with that ____ Inaudible.

Fry: My feeling is that we live in a world of self-enforcement and the practical reality here is that its not the little _____ problems may have people concerned but what we doing with these conditions kicking in _____ in the process with the potential of essentially putting the course out of business. You would think _____, and so that's why I would like to have the barrier high enough so that if it was kicked into the public process _____ serious.

I'm still concerned about the if tournament events. And I _____ accessory uses.

Spetter: Do you want to make a motion on that or are you _____ the _____?

Fry: Well, if it doesn't have to be reviewed every time, then that's fine.

Stickel: Everyone of those require Planning Commission approval. _____ spectators and 10% increase.

Leonard: So whatever they do that draws spectators they can't have _____ cars?

Hess: A brief rationale that will help you is that against all tournaments a group of four or five people might have husbands or wife watching. That's spectators. We do not want to require further Planning Commission approval for that kind of tournament event. We only felt that tournament events with spectators over a certain amount should come back, and that's where we try to set these thresholds and articulate it this way. And, again Peter, we're not trying to address popularity of the restaurant, which they may or may not achieve or golfing trends that may occur that we can't foresee right now. _____ are included in this application and all we're saying is they're not golf tournaments.

Leonard: I would suggest 10% in terms of the numbers we're given in here less _____.

Fry: I can accept that as it is. I guess I still remain concerned about how what may happen with this. This thing was reviewed under a certain circumstance and I have to believe the transportation and traffic issue is less extensive than when they first approved this. And, so I have to believe its a concern. And, now _____ expanding the thing and not adding more....I don't know. I'm willing to let it lay but I guess I would like directly to be clear that there is some concern about roads without tournaments.

Inaudible. But from what I heard Lorna say is that the county wasn't really concerned about that _____. And if that's true then I can't really say much now.

Spetter: I think that this is a difficult case but _____.

Hess: There was a concern about traffic. However, not, it was never typed in terms of tournament events was never, you know, discussed _____ the record that they even considered that possibility. There were certain traffic concerns however, and that's ,you find in the Staff Report generally in quotes _____.

Fry: But what I hear you saying is through that public review process no conditions would attach to this; _____ the

estimate being way to low. That's the reality of this
_____. So...

Hess: Inaudible>

Fry: I think, I do, but I guess I have to withdraw any
_____. I don't have any basis beyond personal
experience and there's certainly not anything in the Staff
Report that would show me what is a normal draw for
golf course events like that.

Leonard: Are you satisfied?

Spetter: Going on to No. 6. Now, Peter you had some concern
about the word "native". I need Staff's help with this, I'm
sorry to say, but don't do that, that _____, I'm trying to
get at what Peter was saying...

Hess: About vegetation?

Spetter: Yes. But what I was thinking that we would put down
here ..."The club house and parking lot must be screened
by vegetation determined by, (I don't know who would
be making that determination) be supportive of wildlife
uses and effective for screening."

Hess: What I would suggest is that you include that language
and make it subject to Design Review.

Spetter: So determined by Design Review?

Hess: And I will coordinate that with various experts that I
consult with.

Spetter: Okay.

Leonard: Should that be part of Design Review?

Hess: That's what _____.

Spetter: So that would read "The clubhouse and parking lot would
be screened by vegetation determined by Design Review

to be supportive of wildlife uses and effective for screening."

Hess: So, we're looking for supportive of wildlife? That's the language you're using for that sentence?

Spetter: To be supportive of wildlife uses and...

Hess: And effective for screening.

Spetter: And effective for screening.

Leonard: How about splitting that _____

Spetter: That's fine.

Fry: That's no problem. **Inaudible.**

My only problem is with "native" because...

Spetter: I took that word out.

Leonard: Took that out.

Fry: Right. Well, I'm not against _____ its just that "native" has a very legal definition.

Spetter: That's why I took it out.

Fry: Okay.

Spetter: Staff, do you want to put it in in just two sentences or something, if you have a way to do that's fine with me too, I mean, I've said enough to make the gist of it clear.

I think it appropriate to say

Leonard: I think your motion and your sentence that says vegetation should be supportive of wildlife.

Spetter: That will be fine.

Okay. Going on to No. 8. Did you come up with some language to work with.

Stickel: Yes, I did.

Just so I have that second sentence initially correct as Chairman Leonard had it, it says the applicant and associate developer shall

Leonard: I suggested preparing a wildlife management plan.

Stickel: And work with the Oregon Department of Fish and Wildlife.

The only thing that doesn't come in with the way you had that is that they'll prepare but they don't necessarily have to prepare in conjunction with the Oregon Department of Fish and Wildlife. It just says, that just implies that they work with them during the management phase. Do you see what I'm saying?

Fry: Can you use the words "in cooperation with"?

Stickel: Yes. I would have put it in a different spot. I would have said the applicant and subsequent developers shall work with the Oregon Department of Fish and Wildlife to develop a wildlife management program prior to and during the operation of the golf course.

Well, no, actually, I would have said this: "The applicant and subsequent developer shall work with the Oregon Department of Fish and Wildlife to develop a wildlife management program to formulate and utilize acceptable methods to minimize wildlife depredation while achieving this condition." Then I would add an additional sentence that says: "The wildlife management program shall be prepared prior to construction of the course and shall be updated on a five year basis starting after the course begins operation, subject to Planning Division approval.

Leonard: That sounds fine.

Mixed: That sounds fine to me.

Spetter: So do we have a motion to adopt all of these. We've adopted No. 1 I think but not the others.

Leonard: Inaudible.

Spetter: How about No. 6. I would move that No. 6 be amended by the addition of a new sentence that simply says that the vegetation is to be supportive of wildlife uses. I would make that motion.

Fry: Second.

Leonard: All in favor of the motion?

Unanimous.

Spetter: Going on to No. 8 I would move first deletion of the words "the flight paths of" from the third sentence, the third line rather.

Fry: I'll second that motion.

Leonard: We want to do _____.

Spetter: Well, I didn't know if you wanted to do it all _____.

I would like to move several amendments to paragraph 8, the first being deletion of the words "the flight paths of" in the third line. And the next amendment would be two additions after _____ and by Planning Staff for the second sentence and a new third sentence. And then, at the end of what would become the fourth sentence, the sentence beginning with the words "within one year". I would add the following: in the second line of that sentence I would put a comma after the word program, I would put a comma after the word wildlife, and at the second comma I would add the words..."which will respect the requirements of this condition." And I move all those.

Fry: I'll second that.

Leonard: All those in favor of the motion?

Unanimous.

Spetter: We need a motion now for the entire....

I would like to move for adoption of the Staff Report with the conditions as amended.

Parker: Second the motion.

Leonard: All those in favor of the motion?

Unanimous.

The motion passes.

That concludes our meeting for this evening.

TRANSCRIPT OF A PORTION OF THE PLANNING COMMISSION

MEETING OF

February 13, 1989

CS 1-89

Commissioners: Leonard, Spetter, Fry, Parker, Adams, and Alterman

Staff: Cowley, Stickel, Ewen Prescott, Hall

Leonard: With that introduction comment, we will move on to the last agenda item for the evening, CS 1-89, 15105 NW Sauvie Island Road. Lets have the Staff Report.

Hess: My name is Mark Hess, Planning Staff. This request is for a Community Service designation for approximately 55 acres of land, allowing this 55 acres to be included in the previously approved 18-hole golf course on Sauvie Island.

The applicant indicates the additional acreage is requested to provide additional space between the fairways, thereby diminishing the potential of personal injury to golfers from stray golf balls. The proposed additional acreage does not envision any additional facilities or accessory uses beyond that which was approved in the 1983 case.

I'll give you some brief background. There was an 18-hole golf course approved and it was filed under CS 11-83. In August of 1983 the Planning Commission approved the application but denied permission for a restaurant. That decision was appealed to the Board of County Commissioners, who heard the appeal on

September 27, 1983. The Board on October 11, 1983 adopted findings and conclusions which approved the project and modified the Planning Commission decision by approving a scaled-down version of the restaurant and denying the tennis courts which had been in the original proposal. So, what you are left with after that is an 18 hole along with a clubhouse with a pro-shop, restroom and shower facilities, locker room, display area for Sauvie Island artifacts, and a limited service restaurant which has specified square footage, hours of operation and so forth; and a storage building with security guard quarters and a driving range, a parking lot and peripheral jogging trail. These county actions were appealed to the State Land Use Board of Appeals, who affirmed the county's approval of the golf course in the case Taber vs. Multnomah County 1984.

I want to stress at the outset here that what you have before you is a request to add area, and in your review that you not revisit whether an 18-hole golf course should or should not occur on Sauvie Island. Rather, your review should focus on whether the approved course should be allowed on a larger site, and if so, how much that site should be, that's something I wanted to set out at the beginning.

I think I'll start with some slides. This is a view looking down Sauvie Island Road; there's the Sauvie Island Bridge and the west hills above Linnton.

And I'm stepping in front of the Douglas home on the west side of Sauvie Island Road. You can see the roof of the Sauvie Island Bridge on the right hand side of the slide. The approved golf course site is just out of the slide on the left hand side, so you can see the proximity to the Sauvie Island Bridge; about a half-mile to the bridge.

Now I've just sort of rotated my camera around, still standing in the Douglas' driveway looking across the road; there's the golf course site across that first open field, the approved golf course site.

And I'm looking directly at it now, the Douglas' mailbox is in the foreground and the approved golf course site is roughly where you see that change of vegetation - where the grass changes. The woods there on the left hand side of the slide are part of the expansion area.

And I'm still turning to the north in this slide;. That's part of the expansion requested.

And this is looking at the point where the golf course will be accessed to the road. This is a the fruit stand/produce operation on the Douglas Farm; and just north of that the road cuts off and turns towards the golf course site.

Here's where that curves.

This is looking down that road. You can see it follows a drainage channel running east..

This is right at the corner of the approved golf course - the northwest corner - looking south on the approved site

This is looking at the northwest corner of the area that is requested to expand. You can see that its slightly more rolling terrain and the woods are in the background

Spetter: Is there a nursery crop in there?

Hess: Yes. That's nursery stock which are in the foreground there.

This is a better view of that woods in the background and the nursery stock area. So that wooded area there is sort of the southwest corner of the area that is approved.

Here you have nursery stock there *inaudible*.

This is the woodland area which would be included.

Now, looking back to the woods from the east side area. You can see there are substantial sized trees

You can see the woods just on the right hand side of the slide. This is the peach orchard. Approximately 1/3 of the peach orchard is included in the area proposed for the expansion.

Here's another view showing the peach orchard.

This is part of approved golf course site. I'm standing just south of the peach orchard.

This is, I'm standing in the southeast corner of the area of proposed the expansion. See the peach orchard on the right hand side and the wooded area in front. The approved golf course site is on the left.

This is still the southeast corner of the area requested for expansion, looking toward the approved site.

This is looking east from an old orchard area; the standing water in that field is on the approved site.

This is where the, - that northern arm of the area which is requested for expansion. That completes the slides.

I'm not going to go over in length the findings you have in the Staff Report except to point out some omissions and some new information. The applicant is going to be giving you this evening, I believe some items you've received already - submit materials from the application - submit testimony which he will go over in his time. We received that same packet today, at noon, and in that there is some implications and some statements which we feel would require modification of the findings that are in the Staff Report, which you have. Specifically, that material talks about - in a letter - from a John Harbottle, who is speaking to the issue of 200 acres as being an appropriate size for this golf course, and, it suggests in this letter this facility may be different in terms of its scope than that which was originally envisioned in the '83 approval. It talks about having tournaments at the site, and that being the required justification for this 200 acre request is to allow enough room for spectators and tournaments, and so the

findings contained in the Staff Report that do not speak to that issue. I feel there is a potential that you may want to modify those findings.

There is another finding regarding the soil which I want to add on page 14. Soils on the additional 55- acres are predominantly Burlington Fine Sandy Loam.

There identified as ... *inaudible*

Our recommendation in the Staff Report was that the approval - the applicant has carried the burden necessary to give some additional area; however, we did an analysis on other golf courses, sizes in the state, as well as general design guidelines for golf courses and concluded that there was not enough evidence in the application to justify the requested 200-acre size, which will be the net effect of adding 55-acres. And, so, our recommendation in the Report that you have says ... approve a 20-acre - approximately 20-acre - expansion, which would count just woodland areas, but deny the additional 35. And part of our reason for making that recommendation is that before the County should allow the agricultural lands on the subject 55 acres to be converted to non-agricultural use, we felt there needed to be stronger justification of the size requested and we didn't feel that justification was contained in the application at the time of this writing. Now the applicant will come to you and describe various justifications which they provided today; however, we are hesitant to ; we want to recommend that you continue this so we can analyze it further, as well as modify the staff findings in line with the materials that you're going to see presented tonight.

So, to be clear, I conclude here. We are asking you to continue this so we can modify findings and analyze these submittals which have come to us today.

If you in your discussion choose to do that, we could either set a time and date certain for that continuation

Lorna has pointed out to me that I have neglected to point out the maps that I have put on display over here. The one on the top is an aerial photograph outlining the boundary of the approved golf course site and the area outlined in red, the 55 acres expansion. The one below, with the green highlighted areas, that is showing you the areas which the recommended decision of the Staff Report

would allow to be added to the approved golf course.

The red outlined area shows the 55 acres requested and the green highlighted areas are the 20, approximately 20 acres, that the staff in this Staff Report recommends as approvable.

Hess: You see part of what I pointed out. There is a green line...; there is a discrepancy between the original metes and bounds approval in 1983 and the metes and bounds which they prepared in their original application for this expansion and those..., I guess I should go over there and point out what I'm talking about here.

This area here, here and here were not described in the original metes and bounds approved in 1983 and so we relied on the area from the title company metes and bounds so this area we're suggesting you include to correct that error. This is the approximate 20 acres of woods which is not presently in agricultural production and we felt could be justified in the application. The balance of the site is 35 acres, roughly, that we don't feel is adequately justified.

Are there questions?

Fry: *Inaudible.*

Hess: That is correct. That is correct.

Leonard: Any other questions of staff? That was helpful.

There are various places in the applicant's materials which describe the additional land area as 55 acres or 60 acres. Is that a rounding-off or is there a different consensus of the description?

Hess: The application, as in 1983 continually describes the area subject to approval as approximately 125 acres. The metes and bounds description, which the 1983 approval described, actually later, later surveys revealed it covers 145 acres. When the applicant came to us with this application for the expanded area, they described the area as roughly 60 acres to be added; and then when we later started

examining their application we realized they were overlapping. So they overlapped onto the original approval site with their metes and bounds description and so we had to redefine their metes and bounds description so it is not overlapping the original metes and bounds description of 1983 and that re-examination by their surveyor revealed that in fact they were asking for only 55, not 60.

Leonard: Have a question?.

Fry: What's the total acres of the size of the property that the golf course was created out of?

Hess: It is a joint farm operation 493 acres.

Leonard: Any other questions for staff at this point?

You have a proposal from the staff, that additional information (*static - inaudible*)

Hess: In making that recommendation I'm not saying that this is not a good opportunity to receive input on the proposal

Spetter: Are you suggesting that after we hear it we continue it?

Hess: Exactly. Obviously a lot of people have gone to a lot of effort waiting for this item; this is certainly a good time to receive information and take testimony; but I recommend that you not make a decision tonight or if you do that we have an opportunity to draft findings and come back to give those findings for your review and adoption.

Leonard: Before we get further into this discussion, could I see a show of hands from the audience how many people are here wishing to testify in favor of this proposal. Quite a few. And how many people are here who wish to testify in opposition to this proposal. Is there a representative for the opposition? Do you have an organized chair person?

Houck: I'm not representing these people but representing an organization.

Leonard: Okay. Have you people had an opportunity to see the available materials that were submitted recently?

Man: No.

Man: We have not seen anything with regards to the tournament proposal. And it seems to me that this is a good time to examine that ; and we had no opportunity to look at it at all.

Leonard: Neither have the people who are for it. Other than the owner.

Alterman: A lot of people have taken the trouble to come here tonight and I think we ought to give them the opportunity to testify . I think its fair to let them know whether we're going to continue this hearing after that testimony...*Inaudible*....

Parker: I'm going to take the staff recommendation after they've had an opportunity to review this. I can't say what the testimony will be, but whether there will be more information or not. Have you had a chance to look at this report?

Hess: Yes. We have reviewed it this afternoon and there was clearly a lot more meat here in terms of justifying the size that they are requesting. But, we don't want to shoot from the hip, in terms of...

Spetter: I guess my impression from a reading of it is that its not difficult material to absorb, however, if there are people who would feel they needed an opportunity to address some issue, and they have not had that opportunity and we need to continue for them.

Alterman: I second that motion.

Leonard: Okay. All those in favor of that motion to continue....

Mixed conversation.

Cowley: The next meeting is the 13th, March 13. The next regular meeting

Stickel: I would add that, though, you do have four items on the next agenda. You may want to consider having a second meeting this month. Mark does have a date that that could be held on, in two weeks from today.

Spetter: Sharon, is that an option, the 27th?

Cowley: Yes, it is.

Stickel: So that's a possibility, or if you wish, to wait...*Noise and interference.....*

Spetter: Just the one item?

Stickel: Excuse me?

Spetter: And then there would be just the one item on the second hearing?

Stickel: Yes. That is correct. If we do it on the 27th it will be your only item because there are four issues tonight and of course this is one of them.

Spetter: All right.

Mixed conversation.

Spetter: All right. I'd like to recommend and I wasn't making a motion but if you'll second it I'll make a motion, that after we take the testimony this evening that the continuation of this matter to February 27th at 5:30, is that correct...?

Stickel: Yes.

Spetter: At 5:30 p.m., that would be my motion.

Motion seconded.

Fry: How will we do this testimony? Because I could support this motion if we could have some kind of reasonable way to deal with the testimony. in terms of time and topics.

Spetter: The problem I see with that is that we could maybe start with similar issues, they might have a different depth after they've had an opportunity to read the report

Fry: *...Inaudible....*

Mixed conversation.

Leonard: The notion of "tournament" .is something that....

Mixed conversation.

Leonard: All those in favor of the motion to continue the hearing after we receive testimony, say aye.

Unanimous.

Leonard: We will continue the hearing after we've received testimony.

Man: I want clarification. Does that mean there will be additional testimony received at the time of continuation?

Leonard: Yes.

Man: We will not be limited..

Leonard: We will not terminate testimony to people who wish to testify, who have new information, testify on new material, or produce additional information, would have an opportunity to present that at the next hearing.

Man: We would be able to, in other words, without fear of losing our opportunity to make any comments, defer our entire testimony until the resumption of the hearing; rather than doing it piece-meal.

Leonard: You're representing the applicant?

Man: I'm not representing the applicant. I'm personally opposed to the application and want to be sure that I don't have to stay and testify tonight or have to testify tonight in order to testify later. I think the sense of when I requested that the attorney representing the applicant when I saw him passing out these forms to the rest of you, members of the committee, I asked him for a copy and he didn't appear to have a copy, I would like to have an opportunity to review that.

Leonard: That has been submitted to us and is now part of the record.

Man: Yes. But I just would like to be sure that we are not going to be closed to any and all testimony at the resumption of that hearing.

Leonard: No. No. There will be an opportunity for additional testimony at that hearing.

Man: Thank you.

Spetter: It looks at though I may have a conflict on that date because I have to be in Salem at 3:00 o'clock. So I don't know....

Cowley: Well, we can do it the first _____, we can do it, yes, March 2nd.

Spetter: Inaudible.

Cowley: Or what about the next Monday?

Spetter: Inaudible.

I am clear on the 6th.

Cowley: Want to try for the 6th?

Rhodes: I'm exactly the opposite. I am going to be about 5,000 miles away from here on the 6th of March and I'd appreciate.....

Mixed conversation.

Spetter: All right.

Fry: I think _____

Mixed conversation.

Spetter: And the hearing will be continued in this room on the 27th at 7:00 p.m.

Leonard: Do we have a second for that change of time?
All those in favor of changing the time to 7:00 say aye.
Unanimous.

Leonard: We will now begin the public testimony portion of the hearing. Is the applicant or the applicant's representative here?

Douglas: I am George Douglas, the applicant, at 15105 NW Sauvie Island Road. I reluctantly brought this back to the Board because I didn't want to reopen anything as far as golf course is concerned. But under the safety issue, and personal liability was one of them, I felt it was real necessary. I did at first have problems with 200 acres but after looking at it very closely I feel it is real necessary to have them put on. I know that if I took up golfing, which I never have done, I would hate to be in that green when someone like me is teeing off.

It is not a wooded area. Its an open space and close fairways, I feel its very important that we spread these out to make it safe for people who use them. Its not necessarily of course as a tournament golf course, which it could be, and I don't deny that it might someday be that. But at this time and place its not

proposed to make it a tournament play course. The main thought on this is to have it for safety.

I have a little bit of family experience. My two brothers were down in California a number of years ago, one of them down to the Pose Bowl, and the two of them went out golfing. The younger brother hit a ball, crested the hill, and went over and hit a person. Knocked him cold. Now at that time liability laws were sufficient. At this day and age you have a personal liability to protect the player from stray golf balls. So my problem is strictly to provide a safely designed course for people who are golfing.

I'm going to read most of the presentation as far as sizing of the area itself; and my attorney has figures on that. I'm not at all sure I can see where its very definitely needed but it comes down to a person who has golfed and knows the ability of it, I will leave that it up to him. So at this time I would like to have Bill Rhodes come forward and present them.

Leonard: Is there any questions for Mr. Douglas? Thank you.

Rhodes: This is an opportunity we never got to the place of a hearing yet; yes my name is Bill Rhodes, an attorney in Portland, Oregon, 4562 S.W. Comus Street, Suite 100.

Maybe to start us off with a little perspective, when we were fortunate to find some purchasers for this property, one of the first questions asked to us was well, we see you have a golf course property but our golf course architects tell us that we need more property. Is it possible to acquire some? And we said, "well, we don't know, we'd have to go through the whole land use hearing and see". And, as a result of their persuasiveness they got us here. The basis for their opinion is there in item 4 on page 18, which is a letter from Dye Designs, Incorporated. Dye Designs is a golf course design architectural firm based out of Denver, Colorado. T. Dye, who is the president of the Golf Course Architects Association of America, truly one of two or three most famous golf architects in the world, has been approached by the purchasers of the golf course tract; this is the response, a letter to me where I asked him why is it that they're wanting us to get 200 acres. In answer:

"Dear Mr. Rhodes:

The project at Sauvie Island, Portland, Oregon holds the potential to become one of the finest golf courses in the northwest. It is important to have a sufficient amount of land to create a top course.

We have been designing and constructing some of the country's finest golf courses for several years. Our most recent projects, P.G.A. West, Riverdale Dunes, Stonebridge Ranch and Old Marsh have all been constructed on 200 acres or more. These courses are all extremely sensitive to the natural environment as well as a great test of golf and source of pleasure for players of all abilities. These golf courses are also an attractive part of the landscape and they enhance the wildlife habitat in and adjacent to them.

After personally viewing the property I find several reasons why the site needs to contain 200 acres.

A large area fifteen to twenty acres will be allocated to practice facilities which will serve for practice as well as overload parking when needed.

Safety is important for viewers of golf as well as players. Just recently, Hale Irwin was struck right between the eyes by an errant golf shot. This could have had a terrible result. Fortunately, after a brief hospital visit and a few stitches, Hale returned to the competition and finished about third." Actually that was the Los Angeles Open and he managed to win about \$68,000. "With 200 acres we can create 350' - 400' corridors for each golf hole and decrease the possibility of accident or injury.

Most of the site at Sauvie Island is devoid of trees. The majority of the land is gently rolling open field. There are no natural barriers that aide in screening errant shots.

Technological advances in golf equipment are allowing players to hit the ball further and further. We must advance the design of the golf course to keep pace

with the new equipment. To do this, more area would be advantageous. The advent of the new technology of golf balls and shaft material has increased the distance that the average golfer can hit the ball creating greater deviation in golf ball flight, requiring greater distance between fairways.

With more distance between fairways, we can develop larger natural areas for wildlife habitat and indigenous plant materials. This helps the golf course become an integral part of the natural landscape. Within 200 acres, we can produce a golf course of the highest caliber and quality, which we feel shall benefit the community and players alike.

Sincerely,

John F. Harbottle, Director of the Golf Course Architecture."

As stated, this ... *inaudible* ... for this particular site and this opinion letter as to need for additional 20 acres.

In reviewing the Staff Report, the matter, we frankly agree with everything but for the conditions of 165 instead of 200 acres. We did so because ... its is probably due to a little bit of the delay,... a little bit of a mix-up in our understanding of what was the reasons needed to justify 200 acres versus really qualifying under all the other requirements, goals and so forth in the report. If you note, the section denoting golf course size does not have any statutory criteria on which relates to it. And, Staff and I concluded today that probably we're in an area of reasonableness, as to the kind of a guide. It used to be a problem in the area of how much somebody was going to be willing to pay for something, but now we're in the area of ... is this a reasonable request for the amount of property?

The Staff Report that came listed a series of golf courses of which they divided by characteristics. We did some further studies on that and I think you can find that in our report here on "Comparable Oregon Golf Courses" and,....

Leonard: Do you know what page that is on?

Rhodes: About 14. What we were trying to do is see what other Oregon golf courses have as far as acreage and compare this golf course with some objective criteria. The criteria we have used for us: *Is the course an 18-hole layout*, as proposed for us here and here's the 18 hole. *Does the course contain a driving range and other practice facilities*: Our previous approval did include a driving range and practice facilities... *Does the course contain lakes or waterways*: Now on this site there are three dry or semi-dry lake beds, and of course it is a very appropriate site to place this on. *Is the course generally laid out on rolling terrain*: I think you have seen the pictures the north part and the woods. It is very gently rolling terrain. And lastly, *Does the course maximize the safety of golfers and spectators by allowing sufficient space between adjoining fairways*: In our comparison, we found Broadmoor Country Club, here in Portland, the best local example of comparative course, an 18 hole driving, two lakes and waterways, generally built on rolling terrain and generally maintains 350 feet or more distance between fairways. Its total acreage is 220 acres.

As a contrast, Eastmoreland Golf Course in Portland is 18 holes, has driving range and practice areas, two lakes, built on rolling terrain, but it has at least six adjoining fairways, numbers 2, 7, 8, and I believe 10 and 11;... and its built on 160 acres. By implication I'm saying that if we cut it down to 160 from the 200 we're going to have to have some adjoining fairways.

Illaha Hills down in Salem features 300 acres; McNary in Salem features 214 acres; and Tokatee, which is up in McKenzie River Valley at Blue River is perhaps the most comparable course to what the Dye Design people would like to propose, in that the majority of the holes do not have adjoining fairways - they're not laid out parallel, basically, and has several watercourses and four lakes. Their acreage is 320 acres.... You'll also note that Waverly, here in town, is built on 240.

The net result of those above courses is that they average 242 acres; and this is, on 242 acres - which what they have - is about what golf course architects are stressing and urge by this design.

It's the concept of distance between fairways; it's a, we'll try a new one but it's the additional percentage factor serve the advent of little bit of change in the court rulings of the application of liability. cases as best as you can. Here's a brief scenario of some of the personal injury cases that have occurred on golf courses. I don't mean to offend anybody; I know that there are attorneys on the panel, but basically what it's doing is to ... the golf course must be designed to maintain and prevent foreseeable injuries of persons with nearby property. And, what has happened recently is that certain cases, especially a string of California cases ... and I've named them ... *inaudible* ... current, versus Spring Hills Country Club, have found that there a definition or a redefinition of the term *-assumption of risk*. In other words people who have moved next to these golf courses after they've been built and then been able to complain of extra and win lawsuits from balls coming into their yards and striking them. The courts in one case their 6-foot fence was not sufficient to keep the golf balls out from landing on the patio of this man and he was hit in the head. A court in New York has taken this even a step further and gone on to say that we're going to examine the design itself of the golf course and see if the was ... *inaudible* ... by placing a fairway too close to the site of somebody that could be injured. In a particular case, the court found that because a group of 50-foot trees acting as a barrier, that the design was proper; but if we note on the Sauvie Island course, with the exception of one hole that may be able to go through the area of woods, its going to be a wide-open terrain and you just won't be able to rely on any natural barriers to knock the golf balls down.

And these liability cases have cost some money. Steve Melnyk, a professional golfer, won over \$1,000,000 because a bridge was improperly maintained; and a lady, Mrs. Duffey, won nearly a half million dollars because her eye was put out because she was a spectator at a golf event. And of course, up to this time most people have felt that spectators kind of watch and they've assumed the risk; in this case the court said, because the courses do not allow enough room to a spectator's view or put the spectators at a place for viewing where its dangerous. They were liable.

In talking with the Dye group, there frankly scared to design a course on less than 200 acres because of liability purposes. There, it was mentioned in their letter

that their last four courses have been over 200 acres.

Now, if this was required, modern courses is something we can look back and say 1960 or whatever, courses had 130-150 acres, why is it that new courses need more. One of the reasons is there has been a change in the golf ball, the golf shaft and technology. If I may approach you I've got some examples of golf balls.

Leonard: *Inaudible.*

Cowley: Tell him to speak into a mike.

Rhodes: *Inaudible.* The golf balls I'm showing you are examples of what has happened since 1970. The one that has a little hard rubber ball, actually I'm advised, that is actually rubber bands, is, what we'll call it original ball. It's a three piece ball. It has a core and outer core and the shell, and in the 1970's Spaulding Sporting Goods figured out a way to create this new two piece ball. This one that you see has a uniform center to it. The two piece is the one that is really used by the general public, its about 90% public that play golf that use the two piece ball. According to the golf magazines, this represents an increase of distance that one could hit the ball of about seven percent on a drive, giving you an effective ratio at; seven percent longer means it creates a fourteen percent greater deviation because the ball can either go right or left. Therefore, a course in 1970 that was 150 acres, in order to maintain the same tolerance for errant shots now would have to be 21 acres larger.

Since the mid-70's, actually the early 80's, technology has gone wild in golf; golf club design as well. Since designing the balls from two piece to three piece, they went to the exterior of the ball and created greater aerodynamics, more dimples in the ball and so forth. They also created different shafts. I've brought a couple examples of the new materials. One is space-age airplane material called Titanium and another one is an old standby of graphite that has now been mixed with something called boran fibers and the net result is that these shafts are another increase in the amount of distance that, the shaft is lighter and therefore, supposedly, the club head can travel at greater speed and therefore the ball goes further.

The situation was deemed serious enough that on Friday Golf Magazine came out with an article which indicated that the United States Golf Association is rethinking the whole idea of the golf ball and maybe going back to the ball that is 20 yards less likely than the current design. The reason they're thinking that is because the thinking the sports is obsolete. With distances that used to be unsurmountable now are attainable for the hacker like me. The pros are now reaching holes that they could never expect to reach with the club that is much easier to reach than in years before. The net result is that technology is taking golf courses and shrunk them. What this means for safety is those errant golf balls are going to go further and you're going to find a way to remove adjoining fairways.

The country has what's known as the National Golf Foundation and it was established about 50 years ago to promote golf in the United States, and in promoting golf, it sets such standards to reduce _____ to decide how much distance to should be between fairways. Their consultant gave clear criteria to maintain 350 feet between the center lines of adjoining fairways. And if you notice the letter from the architect, John Harbottle, he indicated that maintaining 350 feet between adjoining fairways would necessarily mean that you have golf course layouts of 200 acres. If I can, can point you out to the maps, in my file pages 21 and 22, page 21 has the previously proposed golf course

Leonard: Excuse me Mr. Rhodes, you have been speaking for quite a while now and we have a lot of this material here, and there are a lot of people here who also wish to speak tonight. Could you conclude your testimony. We'll give you five minutes.

Rhodes: I'll do better than that.

The previous design shows the holes in - if you'll notice - that they appear to be considerably scrunched together....on Page 22 maintains 350 feet between adjoining fairways, and as you can see, _it basically covers the entire tract, leaving room for two, possibly three lakes.

Now, the topography of this site just doesn't allow hedgerows or vegetation that will constrict designs. Sometimes if you take a 200 acre course and if it runs through a woods and you can take out 20 or 30 percent of your required lands - because you've got all trees and you can put fairways next to each other because there would be large trees to catch the golf balls. But this is not the case. If you look at our tract, the majority of it is all open space.

The last thing I'd like to say about topography is that in the expansion area, you've got basically three types of area, I'll walk over to that now and point it out. This area my hand is covering right now is the same basic soil that the other golf course was approved on. It is a now a field that is used to graze cattle on. So its in grass right now and has a fence around it and this is just a natural extension of the terrain in this area. There's a hillside right here and the next two areas are what we call the bottom of the peach orchard and we're only proposing going through about a third of the peach orchard and, as Mr. Douglas will tell, you the last nine rows of the peach row are an inferior grade of tree. Not really worth saving. The woods here is something that's been logged over and is second-growth woods. There is probably only room to put one fairway through there so we're looking at an area 150 feet wide by some 400 yards long that would be going through the woods. The third area is this land that is on the top triangle here, which is a dedicated nursery stock area, and I can tell you that the golfers tell me that they would very much like to purchase that nursery stock and plant it an appropriate locations on the golf course. So, that contains basically the 200 acres which we request.

It's two minutes to nine so I'll conclude my testimony and if you have any questions for me I'll field them now or

Rhodes: I'd like to reserve .the opportunity to rebut

Leonard Okay. As far as rebuttal this evening we do have a lot of people here; you will have an opportunity to do that *inaudible*.

Do you have a question?

Fry: Your first map has a lot of trees on it. Your second map has no trees. By spreading out the course are you going to reduce the amount of trees that you plan to have on it?

Rhodes: Okay. You're talking about maps on 21 and 22?

Fry: Right. Basically what I'm getting at is trees were necessary to maybe buffer a little bit between fairways and I'm wondering if because you've spread the course out are you going to reduce the amount of, or have any desire to reduce the amount of trees on the site?

Rhodes: The answer is no to that. The, let me explain what map _on page 21 - doesn't contain enough trees to effectively buffer anyway, and you're probably looking at something that won't occur in 25 years because you just can't plant mature enough trees in there. They have to reach 50 feet in height to effectively buffer the golf balls.

Fry: I understand that. Just getting to the point that spreading it out is not going to reduce the amount of trees.

Rhodes: No.

Leonard: Any other questions for Mr. Rhodes? Thank you Mr. Rhodes.

Before we continue, because of the number of people here and the late hour, I'd like to limit testimony to five minutes. Is there anyone who feels they have more than five minutes worth of material they will testify on? Five minutes should be adequate for all those who want to testify in favor and opposition. We'll continue then.

We'll continue with people who wish to testify in favor of the golf course.

Alterman: Mr. Chairman, I need to be excused.

Leonard: Mr. Alterman needs to.....for a late meeting.

Go ahead.

Hanselman: Good evening. My name is John M. Hanselman, 27731 NW Reeder Road. First of all I'd like to applaud the Planning Commission's Staff Report. I'd like to see them concluded for the full 50 acres.

Quite a few years ago I sat where you're sitting as a Planning Commission member and we agonized over what we were going to do with Sauvie Island, especially me. And, we wanted to preserve the agricultural land and it was very difficult to say we were going to put a 70 acre restriction on the farmers out there. And a few years ago when George proposed having a golf course I thought to myself - what better way to preserve farm land; that he didn't have any children who wished to continue farming; he couldn't afford - or for someone who wanted to farm it couldn't afford to purchase it for fair market price and then get money planting. So a golf course is a reasonable alternative in my mind. I'd like to see it done in a first class manner and have you approve the full 50 acres or whatever it takes to make a first class operation. If the time comes when we need the farm land we can always convert that back to farm land. The 50 acres that they're talking about - I've walked in through the woods and around the perimeter of the area that is proposed - and that's pretty much what I would call marginal farm land. Land that's nursery stock there, but its a small area and that's leased land - and that probably will be removed from nursery stock this next year.

I'm definitely in favor of a first class operation and I urge you to approve the entire acreage. Thank you.

Leonard: Any questions?

Thank you.

Larson: My name is Karen Larson. I live at 15227 NW Gillihan Road. My husband and I own acreage adjacent to what would be the approved area, or what is the approved area, of the golf course and we are in favor of the full 55 or 60 acres whatever additional to make a real nice golf course. I have recently talked to a

lot of the neighbors and talked to people on the Island, and find that most of them are in favor of it. I noticed one person on TV that is against it. I don't know for what reason. But, I have heard through **Interference** that some people are against the golf course because of the wild life, and I think anyone that has ever observed any open space will find that in the northwest any golf course plot you'll find big owls, all kinds of crows, ducks, geese, any kind of bird, and as far as other wildlife is concerned, most of them are nocturnal. They would be roaming the golf course at a time when the golfers are not using it. So we feel that we are in favor and find no objections to it at all.

Leonard: Any questions? Anyone else wishing to testify in favor of the proposal.

Ray: My name is Ann Ray and I live at 22705 NW Reeder Road. And, my husband and I and my mother-in-law have what we call a duck lake or a hunt club. and so we're very familiar with wild life on the island.

Spetter: A duck lake or a what?

Ray: Or a hunt club. **Inaudible.**

Spetter: What does that mean? Does that mean you professionally hunt ducks?

Ray: Yes. And we live next to the game reserve. And the wild life close to our property, is fed by us during the winter months when there is no hunting, and most of the people have duck lakes on the land. And I personally do not feel there is too many ducks or geese on the Douglas property where the golf course is going to be. Usually more north on the island than where its going to be. And I approve of the golf course and I personally would like to see a nice restaurant there so I can go and eat dinner there, and have it open late enough that I can have an enjoyable dinner.

Leonard: Thank you. Anybody else that would like to testify in favor?

Cashdollar: I'm George Cashdollar, live at 18830 NW Sauvie Island Road. Also have property that adjoins the proposed or the approved golf course at this time. And,

one of my main concerns is the ecological impact that the golf course as well as the proposed 55 acres would have on the environment. And, looking over the plans of the golf course as compared to the pristine land currently, there are two proposed ponds that would add open water for the wildlife and if you visited the area during the freeze, you would have found that most of the open water was frozen and wildlife was not able to use that. Hopefully, with the maintenance of the golf course and the fresh water being pumped into the ponds, these ponds could be maintained for those waterfowl to be able to use during times of severe weather. I'd just like to point that out to the Commission.

Also, with the expansion of the proposed 55 acres it appears as to me as ways to insure that the area on Sauvie Island has an increased amount of habitat available to wildlife that would not be encroached upon and be used for any other purpose. And I think that the applicant's attorney has pointed out to you that one of the major concerns is that of liability and I think that by approving the additional 55 acres it would help decrease the liability to the golfers as well as to the landowners would also decrease the liability to any of the adjacent landowners. It would also increase the amount of habitat available, and that habitat would be unchanged. And so I'd just like for Commissioners to please keep that in mind. The ecological impact is one of my major concerns and I think that this would help add 55 more acres to the habitat that would be preserved on Sauvie Island for the wildlife there. Thank you.

Leonard: Thank you. Others to testify in favor. Seeing no one else to testify in favor; are there other people here who would like to testify in opposition to the application?

Biggs: Yes. My name is Don Biggs, 8415 SW 11th Avenue. I'm an avid golfer and I've lived in Oregon all my life, and Portland is my _____. And my objection here is on page 10, in respect to the wildlife. Recently, sort of aside from this, we had an oil spill, a bad one, up in Grace Harbor, Washington, and they were going to transfer that leaking tanker down here in our area, which never happened; I took it upon myself to call our State Senators and tell them of this possibility, that there was a terrific cost to the taxpayers on clean-up of those wildlife. Now in this area, you have 150,000 to 170,000 birds. A land owner can expect wild

waterfowl damage year round; most of their use occurring in October through mid-April. *In addition, blacktail deer currently use habitat within the proposed golf course and adjacent area. The Department issues approximately three deer kill permits annually to alleviate damage on agricultural crops near the golf course. Once the golf course is built, for safety reasons, hunting will not be allowed, thus creating a refuge for deer.* Well, this is sort of an overall picture of what would happen to the wildlife by the ones operating the Game Reserve. A statement was made back on another page here pertaining to the existing use of the property. *Sauvie Island, this is on page 5, is utilized for a variety of recreational purposes. That area, in addition to a few private gun clubs, is intensively used for hunting waterfowl. The banks of the Columbia River and Multnomah Channel are used throughout the year for either fishing, swimming or sunbathing. Moorages along the Multnomah Channel house motor and sailboats used for water sport purposes. Joggers and cyclists use the roads on the Island for exercise purposes. Still others use the Island for sightseeing or visiting historical points, such as the Bybee Howell House.*

So the next paragraph goes on to say that this will not be disruptive at least, but it seems to me that they're not really adding to that and I think we should concern ourselves with the wildlife before some disruption of that normal flow from north to south would be disrupted. Its too late after the fact. That's all.

Leonard: Any questions? Thank you.

Houck: My name is Michael C. Houck. I'm here tonight representing the Audubon Society of Portland, and I was before the Planning Commission five years, or five-plus years ago over the same issue,- the original issue. At that time we did not oppose the golf course per se and I'm here to say tonight we still do not oppose the golf, construction of the golf course per se . And I'm here tonight to say that we still don't have a position on that, but we're more concerned about are the operations of the golf course once it would be installed. One of the reasons I'm here this evening is that other than the west side bypass, I have not received more phone calls on a single issue in the last eight years, at Audubon Society. There is a tremendous amount of public interest in this particular issue and I thought it important to come and try to spell-out what Audubon Society's

positions are with respect to this application.

And actually, I would like for the record, to revisit one topic that was brought up by Robert Liberty, who is a planner with 1000 Friends of Oregon. He pointed out in 1983, and I think correctly, that the allowance of a golf course in an EFU zones as a conditional use is a real danger. In this particular instance I don't see it and it has a major impact on wildlife habitat . However, I can imagine there are areas on Sauvie Island in other parts of Multnomah County where allowance of golf course in EFU zone, I see some real environmental negatives ,- but this is not the forum to discuss that, but I wanted to go on record in expressing that concern.

Just yesterday, it was mentioned not many, I think Mrs. Larson mentioned how many geese had been seen on the site about, I was out with a group yesterday morning watching bald eagles out near the county line and I saw about 300 Canada Geese on that site yesterday morning, so there is use of the site. I don't want to give you the impression that wildlife do not use the site as it is today.

Current farming practices are relatively compatible with wildlife use, crop depredation notwithstanding. Farmers out there know about it. The golf course might be detrimental to wildlife. I want to underscore the word might - since it would be management practices of the golf course operators that will determine the impact to these wildlife. It is conceivable that with plantings and wildlife-specific landscaping, responsible use of pesticides and herbicides through an Integrated Pest Management program, creation of water features and other measures that wildlife could benefit, and in fact, Audubon Society worked very closely with the City of Portland Parks Bureau at Heron Lakes Golf Course; used to be West Delta Golf Course, now its Heron Lakes Golf Course. There's an active heronry adjacent to the golf course, there's wetlands adjacent to the golf course and there really is a lot of wildlife using it. However, it is common practice to use large amount of herbicides and pesticides in golf courses. The attraction of large numbers of waterfowl (geese and ducks), which are grazing animals present an inherent conflict between the golf course operator and wildlife. Therefore, Portland Audubon Society would like to see a number of conditions applied to the operation and maintenance of the golf course and related facilities, should permission be granted to construct the course. And I've typed

this up prior to seeing a Staff Report so I'll try to point out your conditions that are in the Staff Report that have already been written down or suggested.

The first one has not been. The operator, in our opinion should not engage in activities that would increase the application of pesticides and herbicides that presently are utilized in farming practices on the site. In our opinion the operator should institute an Integrated Pest Management program in consultation with Multnomah County Vector Control. Peter DuChant has worked with the City of Portland and in getting a handle on the use of herbicides and pesticides in the Portland area. And, golf courses inherently use a lot of this type of pesticides and we believe it does present a potential impact on wildlife.

Secondly, and this is a restriction in Condition No. 8 in the Staff Report; The operator, in our opinion, should not, shall not request assistance from the Oregon Department of Fish and Wildlife or any other state or federal agency to eliminate wildlife use of the golf course which is certain to attract grazing waterfowl, and possibly predators such as Bald Eagles which feed on winter waterfowl. It should be understood by the proposed developer that they will be attracting native species of wildlife which will pose problems. The Oregon Department of Fish and Wildlife staff are already overburdened with trying to deal with crop depredation problems on Sauvie Island. I just think its important to the operator, _____ operator, that they're inviting trouble. They're going to attract a lot of grazing waterfowl to that golf course.

Third condition we'd recommend is also linked to point No. 8 in the Staff Report. The operator shall not engage in harassing, feeding of toxic chemicals to or otherwise impact wildlife which may be attracted to their facility.

Number 4 again relates to No. 8 in the Staff Report. The operator should undertake a program of planting adjacent fields that will attract wintering waterfowl away from the golf course. This will reduce the conflicts that are certain to develop between greens maintenance and waterfowl feeding. Again, the Oregon Department of Fish and Wildlife has been engaged in that activity and trying to get a handle on the crop efforts on the Island.

Point 5. This is an important one and its been totally ignored in the Staff Report regarding wetlands. I've looked at the U.S. Fish and Wildlife Service maps inventory on wetlands. There are not wetlands identified on the site in that inventory. Staff has correctly pointed that out. However, if you consult the hydric soils maps, you will note there is both Sauvie Silt Loam and Rafton Silt Loam, both of which are considered hydric soils. I think there is a real question here whether there are wetlands that might be regulated by U.S. Army Corps of Engineers, Division of State Lands. Especially if your going from an agricultural use to a more intense use in the form of a golf course moving dirt around. The reason I want to point this out is that you should put in a condition on any approval that the applicants must consult with U.S. Army Corps of Engineers, EPA, Division of State Lands to ensure that you're not buying trouble down the road. You don't want to start moving dirt around and find out you need to get a permit. And that's a classic problem we've had in the northwest. So that's more a word of caution more than anything.

Points under six I wanted to point out, as we did in 1983, one of our major concerns is associated development that could be brought with the golf course. Basically what we would like to do and its pointed out in points number 5 and 13 of the Staff Report, that we are adamantly opposed to residential construction adjacent to the golf course as basically induced long-term impact, and we would definitely come in fighting a proposal to intensity adjacent lands.

I've got a few other points I'd like to make but I'm sure I've gone over five minutes already. I'll submit these comments as I've had a chance to look at the new information.

Any questions.

Leonard: I have one. In the request that is before us tonight **Inaudible** Described in the application there will be no increase in intensity of activities spread over a larger area.

Any comment on how this would affect wildlife ,_____ on habitat?

Houck: Well, there is going to be some negative impact on wildlife, waterfowl particularly feed better in winter. On the slides you saw that wet standing water. In during winter months waterfowl will utilize that site. Compared to areas in the Island to the north where there is more food I'm sure its used relatively less. I would say that if planned correctly, and, if in fact there was an attempt to introduce a lot of vegetation in between the fairways and if there were open water bodies and you could get a handle on pesticides and herbicides; - maybe you could be enhancing wildlife habitat values on that site, if its done correctly. I guess that's the real question. I don't have any basis to evaluate that without seeing a plan, an actual plan of the golf course, so with an expanded area conceivably you could. My reaction personally, I haven't had time to think about this because I just read the Staff Report this afternoon. I was a little surprised to see the staff recommend taking that little forest out, when you could use already cleared land, and I guess part of your message that the reason some people say its marginal forest land; that forest to me looks, even though second-growth, like its got some pretty good structure which means it provides wildlife habitat. Our feeling would be to retain as much of that forest as possible, perhaps adding fairways through it but not taking the whole thing out. And yet I prefer to see any expansion going through existing farm land rather than forest, from a wildlife perspective.

Leonard: From a wildlife perspective does expansion correspond with the cleared fields, nursery stock areas? Might be preferable to this.

Houck: If you're talking trade-off. When I came in here it was my impression that it was, we were talking 55 acres not perhaps an additional 20. With that in mind I was prepared to stay away from it. I'd rather see more than forest retained and perhaps some more of the quote "marginal farm land" utilize this golf course.

You're talking a different species, you're not talking the waterfowl. You're not talking Canada Geese.

Leonard: **Inaudible.**

Houck: Our biggest concern really is going to be the depredation of use; some of these golf, you've seen the rhododendron gardens, you know this golf course is going to be covered with Widgeon, Coots, Canada Geese, and pretty soon there's going to be complaints that there's defecation on the golf course when people like to be _____.. They're out there eating the greens. And the first thing you know the operator is going to be calling the DFW wanting them to save their ... *inaudible*. and I don't want to see staff _____ being utilized to solve problems that could have been avoided by not putting this thing in in the first place. Now you're going to have to learn to live with it. And, if they do it correctly, absolutely they could create, I would hope, additional habitat that people could view.

I'm sure you're surprised to here me say that tonight. Really, its going to boil down to how the thing is designed. And our biggest concern, quite frankly, is, was five years ago, is how they _____ the thing. And that is you're bringing a facility out there that _____ have condos and other sources, _____. We're adamantly opposed to that and we went on record five years ago saying that and I will again tonight. And any effort to subdivide land out there to put homes would be _____. And you stated that in the Staff Report. I would support that. That concludes my testimony.

Leonard: Thank you.

Anyone else who wishes to speak in opposition?

Kunkel: Yes. My name is Dave Kunkel. I live at 20801 NW Reeder Road. The main reason I'm opposed to this is any increased traffic. It could result, number one, from the golf course, which unfortunately has already been approved, but an additional 55 acres which would make it suitable for tournaments and anything like that. The original golf course was appealed and what not. Finally approved and traffic incidence was put down due to a traffic survey taken on November 1, 1982. And I would contend that a traffic survey taken November 1, 1982 would not be relevant at all. Traffic on Sauvie Island is peaking in the the summer months. It is not on November 1st. By November 1st traffic count you may have missed the peak traffic, the bicycle traffic and any produce traffic. And I

understand that the Planning Commission at that time decided it wouldn't be a problem. I took the liberty today and discussed this with the County Engineers and when asked a question about peak days, simply the county doesn't know. They don't know how many cars are going through there; over the bridge every day - through those summer months. I would like to see, before anything is approved, that some sort of counts be taken in those peak months so, I live on the Island, I work on the Island, so when I want to get off, I don't have to wait for 25 minutes.

As far as wildlife habitat goes, I've heard all kinds of conflicting things. People say it will add to wildlife habitat, and I read an article that there's a chemical, apparently, that the current landowner knows of to keep waterfowl off. Which is it? You want to keep them off or do you want it on? You know, you're giving it to us as habitat. I've got 900 acres, we don't have it. And I've been feeding geese for years. Now, if they can help me with that, that's great, but like I say, what's it going to be. Are they going to spray something on to keep them off or are they going to actually help feed Wildlife?

Just in closing I'd like to say that unfortunately, this is approved several years ago, as far as the golf course. I'd like to see no increased property, just for the main reason to try and keep any increased traffic down, because I don't think the bridge and roads are the correct size to handle that much traffic. Unfortunately, its been, like I say, approved for the original agreement and I'd just like to see it go no further.

I guess that's all I really have to say. I just don't like to see any more land taken out of farms.

Leonard: Any questions?

Thank you.

DeGraff: My name is Jerome DeGraff. I reside at 5350 Cowan Road in Scappoose.

Spetter: Could you repeat your name please.

DeGraff: Jerome DeGraff.

It seems to me that looking at the Staff Report here on the first page where they're talking about a re-design; it seems to me when you're saying you're going to redesign something that it should be a new application. I just want to go on record as saying that. Furthermore, there's been new revelations about a tournament size golf course. I think a new application would be in order.

Furthermore, I think very seriously that taking EFU land out of production, I think that's an extremely poor issue in our society and we've been hurt again about the basic rule of this thing; we tend to build things and lose farm land every day and I think that's not an easy issue to deal with. So I would oppose any additional acreage to this site.

The traffic pressure, particularly we're talking about a tournament size golf course, would be traumatic. This _____ knows that that bridge is a bottleneck and that the line-ups are going to be the most that we've seen. We see it every summer and I think it's a real issue and I think it's real valid to say that you cannot put a line on in November, '82 traffic count, to get reliable data. It's simply not realistic. And, there's _____, that's why I think a new proposal would really be in order here.

I want briefly to talk about the size of the course. Now, when the original proposal was made there never was a question about safety. Never even mentioned about safety. I cannot believe that that issue was a, if there was an issue, this golf course should have never been accepted and approved. I mean, if that's an important issue **Dialogue lost in the changing of the tape**. I've done some research and I looked at 16 _____ golf course. Those used to be an average of 100 acres. That to me seems literally ludicrous. Now, are we going to wait until the golf tournament can be so fantastic that we need 300 acres; or 400 acres? Where are we going to go with this? It seems to be that the original course was just 145 acres _____, seems to be a very realistic piece of property for a golf course. And you can keep adding and adding and adding and I don't know where that is going to end but I think what you do in the process is

take EFU land out of production.

I think that the grazing of the geese is going to be another very serious problem, and by adding more land _____ its going to a real issue in that they love to graze on grass and they pull it up by the roots and the proprietors are going to have to use techniques to scare the birds away; use propane cannons, use toxic materials, and certainly living next to the property like that when a propane cannon goes off all the time you just want to move. I mean, that is a terrible sound.

I think that a lot of support for the original golf course came from people who wanted a restaurant and I don't see that support now. Do these people want to play golf? Do you want a restaurant? That has been approved. That is in position, and I think that issue should be laid to rest. I think its a real danger this will keep growing, keep developing, and so on. And so I think, I would like to come back to continue this hearing and I would like to stop at this point, its very very late, everybody is getting tired but I did want to go on record with those statements.

Leonard: Questions for Mr. DeGraff? Thank you.

Voorhies: My name is Peter Voorhies. I have an office at 421 S.W. Sixth Avenue, Portland. I'm at the hearing here not on behalf of anybody else, any group, but as a citizen and a user of the recreational facilities of Sauvie Island. My first question when I got this report was in fact done ____ CS 11-83 application_____ at this time in particular my previous interest comments, I think are appropriate to re-examine that.

I'm opposing the application for several reasons. One of them is that I believe it represents a, before I heard there was to be a tournament site possibly, I believe it represents an expansion of the use which, at least as the area, certainly, and perhaps there's to intensities is in conflict with the goals of that area, which are farming and wild life. I think that we've seen this whole process is like the proverbial camel moving into the tent; first you had 125 acres which turned out in fact to be 145 acres and now we're back for more and tonight we're hearing its for a tournament use and that it in itself creates something different than, like

again, it probably was in the minds of the people that, the members of this Commission, finally originally approved the other one by probably people going out and playing golf and the traffic for that, not thinking of the traffic for spectators. The specter of liability that's been raised, and much of it has to do with the spectators that will be attracted to players. You know, declaring that you're going to _____ your own problem by expanding the use.

I think that natural resources, one of the points here consider natural resources, and I think the Staff Report _____ this out that the game and wildlife is a natural resource and it should be very carefully considered and I don't believe it has; and the water table from the chemicals they use and _____ chemicals in most golf courses _____ and what I've read about the golf courses in California, I've recently taken up golf and one of the people who have made an organized effort from the last two years is a _____ public source is Multnomah and Washington County. _____ a crying need for more golf courses in this area but if you can get on every weekend you can just golf. So _____, they're going by the standards now.

I believe it will conflict with the farm uses. If you view hunting as well as the farm uses of property because **Inaudible** _____ of this golf course to keep the wildlife away.

If the Planning staff recommendation is approved I would suggest, particularly some more conditions be imposed. There is a condition already mentioned that the owners of the effective, on the subject site, be limited to as what they can do with the residential property. However, its really not the property that's siting the golf course that we're so concerned about. Its the property that, the rest of the 492 acres that the applicant's, I believe, have and I think there should be a requirement that the applicant voted to have additional property sold to the golf course should condition, put a condition that runs with the land that they shall not have any residential use of that property. And also on the golf course itself. Because its not a temptation to rip up the hole, the golf hole, that residential land, residence is on, its really the adjoining land that's in question; and I can see why neighbors would support this because they probably view themselves as being the sellers of land and they wouldn't have signed any such restriction. So, we're

going to have pressure. Maybe even if your Audubon Society will protect you at the time and some of these other groups, but its still, we don't need that.

I think that there should be a restriction on off-site promotion on the Island; that there shouldn't be a lot of signs and the lighting should be controlled, by ____ the hours they're limited but in that the driving range should not have lights; but if there is anyway that lights can be a problem in the wildlife area and also if there are any farm homes there. Possibly a limited number small directional signs could be done but there should be some focusing on that. But once we've got some hours ____ understand what could be limited to those when the golf course is open, I hope that is the case, so it doesn't really attract a large number of new people to the area.

I think the spectators problem, I haven't had a chance to read the new information in the report that was handed to me, but there could be some more control on the spectators; and I think that any expansion _____. And maybe there should be a limitation on the number of cars that can be parked on these parking lots, and equipping that to the likely number of people to be playing on an 18-hole golf course. This completes my testimony.

Leonard: Thank you very much.

Ellis; I'm David Ellis. I'm here tonight on behalf of the Association of Oregon Archaeologists. We, or I, express several concerns about the original...

Cowley: Need your address:

Ellis: 909 NE Brazee, Portland.

And, I think that development since the last _____ aggravated those concerns. First of all, an important point to realize is that only 1500 feet west of the proposed development is what is known locally as "The Sunken Village Site", which is probably one of the most premier archaeological sites in the region. That site is currently being nominated by the National Register for Historic

Places, its being considered by National Park Service as a national historic landmark, which would make it the first archaeological site so designated in Oregon. This site has been subjected to simple vandals in the past, and one concern is that recent use of the adjacent property has the potential for to become an increasing vandalism at the site.

We note that a survey was conducted of the additional acreage in the past couple of months. We have some real strong reservations regarding archaeological studies, particularly on Sauvie Island, based exclusively on surface examination. This was a concern raised in 1983 and we still have that same concern today. A study was done in 1987 on the Island which demonstrated that there are sites on the Island for which there is no surface evidence. And, the blasting sub-surface testing, I think it was real limitations to the work that was done.

We also question the conclusion in the Staff Report that uses proposed on the site area as part of the golf course would be a better use for - or protect the site in a better way - than the current use. I think the issue is not really whether it could protect the site better or whether there's an appropriate use that wouldn't have an adverse impact on the site. I think it would.

We therefore very strongly urge that recommended Condition 1 in the Staff Report of the permit be modified to require the applicant work with the Commission on Indian Services and the State Historic Preservation Office to develop an appropriate mitigation plan prior to development and that implementation of this mitigation plan be monitored. We also think that an addition to it or condition to be imposed that would assure that any Find be made nearing the development would be reported promptly to the State Historic Preservation Office.

Fry: Inaudible. if they found something while they were developing they would have to report it?

Ellis: No. The only kind of find that is protected by state law is if they're Indian. Those would have to be reported would be burial grounds.

Fry: Are what?

Ellis: Burials.

Fry: Burials.

Ellis: Right.. Those are protected pretty thoroughly under state law. Any other kinds of archaeological finds on private land are not protected.

Fry: And you're speaking of a significant find. Not just a, how would that work?

Ellis: I'm not sure what

Spetter: How do you define significant?

Fry: Whether the _____ finds some artifacts that's one thing, but if you define a site, it seems like that's another thing.

Ellis: A small site, and this is the report that was done,, a survey that was done earlier this year did report a small site which it did assess as significant.

Significant _____ on how much information the site can potentially provide.

Leonard: Any other questions for Mr. Ellis? Thank you.

Is there anyone else who wants to testify in opposition? **Inaudible.**

Seeing none we will close this portion of the hearing, continue it to February 27th at 7:00 p.m. at this location.

Stickel: Mr. Commissioner and those of the audience, we would particularly be interested in making sure that everybody who has testified has filled out one of these cards so that we have it and an address. In addition to that, anyone else who would like to receive a copy of the augmented Findings, Staff Report that we will be

preparing, why don't you just mention it to Sharon. She will also make sure that you have it **Inaudible**.

Leonard: The meeting is adjourned for this evening.