

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the
Appeal in CS 1-89

)
)
)

FINAL ORDER

#89-~~142~~¹²⁰

This appeal came before the Board of Commissioners for a hearing on June 6, 1989. The Board conducted a de novo review. After considering the testimony, evidence and argument of the parties, and their attorneys, the Board determined to reverse the Planning Commission's decision and to deny the application.

The Board adopts the Proposed Findings of Fact on CS 1-89 that are attached to this Order. They are incorporated herein by this reference. In addition, the Board adopts the following portions of the Planning Commission's Report of February 27, 1989:

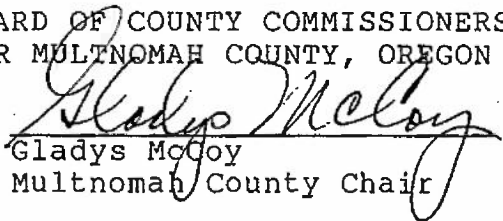
1. Page 1 and the attached parcel descriptions/maps.
2. The Background and Statement of Applicant's proposal on page 4.
3. The Staff Comments on the Character of the Area on page 5.

Based on the foregoing, the Planning Commission's decision is reversed. The application is denied.

DATED the 20th day of June, 1989.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By

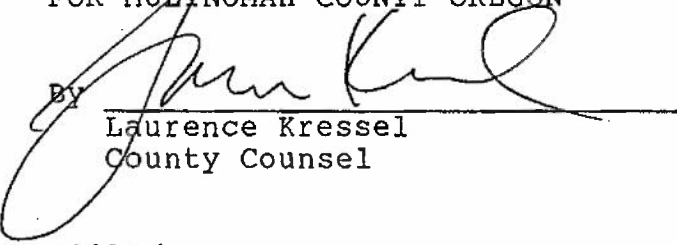

Gladys McCoy
Multnomah County Chair

(SEAL)

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY OREGON

By


Laurence Kressel
County Counsel

5001R/dp
061689:1

Proposed Findings of Fact on CS 1-89, #52

I. Applicant's Burden

The applicant has the burden to demonstrate that the proposed expansion of the golf course satisfies 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 the 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.

II. Consistency with Area Character

In its 1983 decision, the Board approved removing approximately 125 acres from agricultural use to develop an 18 hole golf course. As indicated in the Planning Commission's decision regarding the current application, the average 18 hole golf course in Oregon is 130 to 160 acres. Thus, when the Board approved the 1983 golf course application, it was approving a smaller-than-average golf course.

Moreover, the Board imposed numerous conditions intended to ensure that this course was developed in a manner consistent with the rural-agricultural character of Sauvie Island. These conditions included the requirement that the parking lot be a gravel, and not a paved, surface, that the driving range not be

lighted, that certain limitations be imposed on the size, seating capacity, menu, and operating hours of the restaurant, and that the tennis courts requested by the applicant not be built.

The current application proposes development of a 200 acre golf course, which is larger than the average course in Oregon. The applicant asserts that the additional acreage is needed for safety reasons. At the hearing before the Planning Commission, his counsel commented that the architects engaged to design the proposed course were "*frankly scared to design a course on less than 200 acres because of liability purposed.*" Transcript of February 13, 1989 Hearing, at p. 17.

The applicant's position was undermined, however, by his counsel's subsequent statements to the Board that the developer would proceed with the golf course whether or not the additional acreage was approved.

The applicant's assertions regarding the need to expand the golf course to 200 acres are insufficient to justify removal of the additional acreage from farm use. Given the policy favoring preservation of farmland, the applicant has failed to satisfy his burden of showing that a 200 acre golf course is consistent with the character of the area.

III. Effect on Natural Resources

In its 1983 decision, the Planning Commission noted that "*A successful golf course would attract additional people to Sauvie Island,*" and found that there was a potential for increase in the pollution levels as a result of automobile traffic attracted to the site.

The record indicates that traffic levels on the Island have increased since 1983, even without the addition of a golf course. The applicant has asserted that the expansion will allow the developer to produce a golf course of the "*highest caliber and quality,*" and that the 200 acre course will be more attractive than the smaller course approved in 1983.

It is not unreasonable to assume, then, that the proposed expanded course would draw more people than the smaller, less attractive course approved in 1983. This will add to the

existing traffic on the Island, and increase the potential for increased pollution levels as a result. On balance, the potential pollution problem outweighs the incremental recreational benefit that would be derived from expanding the course. The applicant has failed to sustain his burden of showing that the expansion will not have an adverse impact on the air quality of the area.

A January 25, 1989 letter from the Oregon Department of Fish and Wildlife, as well as testimony before the Planning Commission by Mike Houck, of the Portland Audubon Society, cautioned that the operator of the proposed golf course will inevitably encounter problems created by the large numbers of waterfowl that will be attracted to the site. It was also noted that measures will have to be taken to minimize the damage caused by the waterfowl.

A letter from the U.S. Department of Fish and Wildlife stated that the negative effects on wildlife cannot be successfully mitigated. We are not persuaded that conditions of approval, advocated by the applicant, will address the problem.

ODFW has made it clear that it will not be responsible for responding to any complaints of waterfowl damage that may occur. Mr. Houck recommended that the operator be prohibited from harassing, feeding toxic chemicals, or otherwise impacting wildlife that may be attracted to the facility.

At some point, the impact on wildlife on the golf course becomes unacceptable. It is difficult to identify at precisely what point the line should be drawn, but we find that the threshold of acceptable impacts on wildlife would be exceeded by this proposal and that the consequential management problems make expansion of the course inappropriate.

The applicant has failed to satisfy his burden of showing that the proposed expansion will not have an adverse impact on natural resources.

V. Applicable Comprehensive Framework Plan Policies

A. Off-Site Effects

The Comprehensive Framework Plan contemplates that land values in areas zoned for agricultural use will be determined by farm profitability. The Plan also contemplates that any land removed from agricultural production be developed in a manner consistent with the rural-agricultural nature of the surrounding area.

The applicant has failed to establish that the development of a 200 acre "*first class*" golf course will not have a detrimental impact on surrounding agricultural land.

B. Agricultural Land Area

The applicant's proposal would result in significant additional acreage being removed from agricultural production in order to develop a "*safer, more attractive*" golf course. As discussed above in Section II, under the circumstances, we find this an inadequate justification to override the policy objective of preserving agricultural land in large blocks for farm use.

C. Community Facilities and Uses

The policy is to site facilities that would be compatible with surrounding land. The addition of 55 acres to the approved golf course will have an adverse impact on surrounding agricultural lands and uses.

D. Transportation

Traffic problems already exist on the Island. The applicant has failed to demonstrate that these problems would not be aggravated by the development of a 200 acre golf course.

The record shows that 200 acre golf courses are typically developed for championship tournament play. The Dye Design Group, which is involved in this project, is a noted developer of championship tournament courses. Notwithstanding the applicant's assurances, we find that the 55 acre expansion may facilitate tournament events

(attracting spectators) on the Island. Although the Planning Commission's recommended condition No. 5 attempts to preclude tournaments, we believe that the condition would not be enforceable or practicable. Negative traffic impacts associated with the larger course would be unacceptable.

VI. Additional Findings

MCC 11.15.2062 specifies lot size requirements for conditional uses within the EFU district. The minimum lot size is based upon:

- A. Site size needs for 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.

The proposed golf course is larger than the average golf course in the area. Many golf courses operate safely on substantially less acreage. Although the applicant points to safety considerations as the reason for the request for expansion, the golf course will apparently be built regardless of whether the expansion is approved. Obviously, then, the 200 acres is not necessary for the proposed use.

The expansion of this golf course beyond what is needed for the proposed use is inconsistent with the land use objectives for this district, *i.e.*, preservation of agricultural lands in large blocks and minimizing non-agricultural uses.