



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

AGENDA OF
MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS
FOR THE WEEK OF
June 19 - June 23, 1989

Tuesday, June 20, 1989 - 9:30 AM - Planning & Informal . Page 2
Briefing

Wednesday, June 21, 1989 - 9:00 AM - Policy Development .Page 3
Meeting - Lake House, Blue Lake Park

Tuesday, June 20, 1989 - 1:30 PM - Informal Meeting . . .Page 4

Thursday, June 22, 1989 - 9:30 AM - Formal.Page 5

Tuesday, June 20, 1989 - 9:30 AM

Multnomah County Courthouse, Room 602

Final Order of the Board of Commissioners to reverse the decision of the Planning Commission of February 27, 1989, Case CS 1-89, 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.
(Continued from June 6)

In the matter of a Request for Refund of Transcript Fee for CS 1-89 (Sauvie Island Golf Course) (Continued from June 6)

THE FOLLOWING WILL BE HEARD AFTER THE PLANNING MATTERS:

INFORMAL BRIEFINGS

1. Legislative Briefing (if needed) - Fred Neal, Howard Klink
2. Briefing on Nehemiah Housing Authority - Ramsey Weit & Larry Baxter

WORK SESSION

Proposed Contract with the Library Association of Portland and Library Commission

PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS

Tuesday, June 20, 1989 - 1:30 PM

Multnomah County Courthouse, Room 602

INFORMAL

1. Report and Recommendations regarding replacement of Edgefield Laundry - Wayne George and Lt. Steve Tillinghast
2. Review and Recommendations regarding 1988/89 Citizen Involvement Committee Program - Merlin Reynolds and John Miller
3. Informal Review of Formal Agenda of June 22, 1989

PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS

-4-

Wednesday, June 21, 1989

POLICY DEVELOPMENT COMMITTEE MEETING

9:00 AM

LAKE HOUSE - BLUE LAKE PARK

AGENDA

1. Strategic Planning Process Review
2. Board of Commissioners Future Agendas

Thursday, June 22, 1989, 9:30 AM

Multnomah County Courthouse, Room 602

Formal Agenda

REGULAR AGENDA

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-1 Order in the matter of establishment of SE 242nd Avenue, County Road No. 4974 and authorizing negotiation for acquisition of right-of-way
- R-2 Review of Intergovernmental Agreement with Housing Authority of Portland to develop a special needs home for Fairview residents
- R-3 Order in the matter of Restricting Vehicular and Pedestrian Traffic from the Stark Street Bridge over Sandy River for Maintenance Painting and Deck Overlay
- R-4 Budget Modification DES #14 making an appropriations transfer in the amount of \$245,401 within Facilities Management from Maintenance Support to Capital Improvements, Professional Services for asbestos abatement program (\$8,740); and from Other Improvements to Professional Services to fund JDH study architect (\$127,468), Edgefield Manor Property appraisal (\$87,443), and Relamping project consultant (\$6,750)
- R-5 Budget Modification DES #15 making an appropriations transfer in the amount of \$1,530,000 within Environmental Services from Road Fund Contingency to Special Appropriations - Portland payment to City of Portland for its share of new State gas tax revenue

DEPARTMENT OF GENERAL SERVICES

- R-6 Resolution in the matter of the approving of the issuance and negotiated sale of \$7,000,000 Series 1989A Certificates of Participation; approving and authorizing the Certificate Purchase Agreement, the Lease-Purchase and Escrow Agreement, and the Preliminary Official Statement and Official Statement; and designating an Authorized Officer
- R-7 Order in the matter of the Cancellation of Certain Warrants Heretofore Issued by Multnomah County more than Seven (7) Years Prior to July 1, 1989, and not Heretofore presented for payment

- R-8 Order in the matter of Cancelling Uncollectable Personal Property Taxes, 1980 through 1985

DEPARTMENT OF HUMAN SERVICES

- R-9 Order in the matter of Authorizing Designees for the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody
- R-10 Budget Modification DHS #67 reflecting a revenue increase from Private Industry Council in the amount of \$13,129 to Juvenile Services, Professional Services for Summer Employment Program increasing Program Coordinator, OA II, and Trainer/Job Development positions and adding 4 temporary crew leaders
- R-11 Budget Modification DHS #68 making an appropriations transfer in the amount of \$1075 within Juvenile Services, Resource & Development from Street Law Program, various Materials and Services to Professional Services (\$500), Indirect Service Reimbursement (\$300) and Equipment (\$275)
- R-12 Budget Modification DHS #69 reflecting revenue increase from State Mental Health Grant Amendment #36 in the amount of \$66,189 to Social Services, DD Operations (\$968), DD Contracts (\$54,189), MED Operations (\$28,968); and MED Emergency Holds (\$40,000)

DEPARTMENT OF JUSTICE SERVICES

- R-13 In the matter of the ratification of an intergovernmental agreement with State Children's Services Division for funding Termination of Parental Rights grant - July 1, 1989-June 30, 1990
- R-14 Budget Modification DJS #30 making an appropriations transfer in the amount of \$49,453 from General Fund Contingency to Federal/State funds in District Attorney (\$43,220) and Sheriff's (\$6,233) Offices to make adjustments to cover unanticipated indirect costs
- R-15 Budget Modification DJS #31 making an appropriations transfer in the amount of \$75,464 from General Fund Contingency to Sheriff's Office, Professional Services creating a budget for Housing Authority of Portland patrol and services at Columbia Villa and Tamarack housing project Term- April 6 - June 30, 1989

- R-16 Budget Modification DJS #32 reflecting increased revenue in the amount of \$53,590 from Oregon Traffic Safety Commission to Sheriff's Office, DUII Project - Law Enforcement to combat drunk driving in County - adds overtime funding for 3 Deputies and Court. Grant term - April 1 - September 30, 1989
- R-17 Budget Modification DJS #33 making an appropriations transfer in the amount of \$50,400 from Sheriff's Office, Facility Division, Professional Services to Support Division, Professional Services to cover laundry services for April, May, and June, 1989
- R-18 Budget Modification DJS #34 making an appropriations transfer in the amount of \$60,000 within Sheriff's Office from Corrections Program Division, Professional Services to Corrections Executive Office, Professional Services for SOTARS Program and Integrated Criminal Justice Project

BOARD OF COUNTY COMMISSIONERS

- R-19 In the matter of the ratification of an amendment to an intergovernmental agreement with Housing Authority of Portland to change provision regarding vehicle use and ownership
- R-20 Order in the Matter of the Reassessment of Benefits in Multnomah County Drainage District No. 1

ORDINANCES, BOARD OF COUNTY COMMISSIONERS

- R-21 Second Reading - An ordinance amending Multnomah County Code Chapter 11.60 and authorizing the Multnomah County Chair to accept deeds and easements for road purposes
- R-22 In the matter of the Appeal of Officer Thomas H. Wayne regarding promotion to Corrections Sergeant

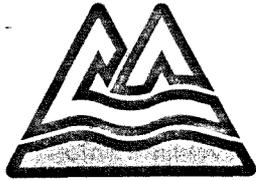
THE FOLLOWING WILL BE HEARD AT TIME CERTAIN: 10:00 AM.

- R-23 Continued First Reading - An Ordinance amending Multnomah County Code 2.30.300, relating to the Department of Justice Services; and declaring an emergency
- R-24 Continued First Reading - An Ordinance amending Multnomah County Code Chapter 2.30, relating to Justice Services; and declaring an emergency

R-25 Continued First Reading - An Ordinance amending Multnomah County Code 2.30.010, relating to definitions; and declaring an emergency

Thursday Meetings of the Multnomah County Board of Commissioners are recorded and can be seen at the following times:
Thursday, 10:00 PM, Channel 11 for East and West side subscribers
Friday, 6:00 P.M., Channel 27 for Rogers Multnomah East subscribers
Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

0499C.71-78



MULTNOMAH COUNTY OREGON

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JANE MCGARVIN • Clerk • 248-3277

June 20, 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 June 20, 1989, the following action was taken:

In the matter of the decision of the Board of Commissioners, to reverse the decision of the Planning Commission of February 27, 1989, Case CS 1-89, thereby denying the request to expand the golf course by 55 acres, on property located at 15105 NW Sauvie Island Road)	FINAL ORDER
)	#89-112
)	
)	
)	
)	

Larry Kressel, County Counsel, explained that there are three issues before the Board on this case. The first is the adoption of the final order, including the findings of fact and conclusions of law. They set forth the reason the Board is acting to deny the application and reversing the Planning Commission's decision. The first draft of the final order was prepared by Elizabeth Newcomb, attorney for the opponents, and then was revised by his office and the Planning staff. Copies of the proposed final order were delivered to the Board and the attorneys for both sides, who have asked for time to comment about the findings. He proposed the attorneys be given five minutes each to comment and ask questions.

Mark Hess, County Planning Office, said there is a typographical error on page 2 in the second paragraph. There is an italicized quote and the last word should read "purposes", rather than 'purposed'. He indicated he was available to answer questions of the Board or the attorneys.

Commissioner McCoy said that copies of the proposed final order are available. Five minutes were then allowed per side for comments.

Elizabeth Newcomb, attorney for the opponents, said the findings adequately address the concerns stated by the Commissioners, and would be glad to answer any questions.

Bill Rhodes, attorney for the applicant, said the findings were pretty fair and accurate, but he does have some concerns regarding the first part of the hearing regarding FASANO disclosures. He said he felt Board members should amend their disclosures because he feels there may have been some conversations that were forgotten. He called some of the people the Commissioners indicated they had talked with. He revealed that Judge Nachtigal revealed that she had also spoken to other commissioners who did not reveal that contact.

Commissioners Kafoury, Bauman and Anderson then reviewed the conversations they had had with Judge Nachtigal and Representative Springer.

Mr. Rhodes did not have anything else to say regarding the findings of fact contained in the final order.

Upon motion of Commissioner Bauman, duly seconded by Commissioner Anderson, it is

ORDERED that the Final Order be approved, Commissioner McCoy voting No. (Chair)

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By

Jane McGarvin
Clerk of the Board

jm
cc: County Engineer
Assessment & Taxation



MULTNOMAH COUNTY OREGON

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June 20, 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 June 20, 1989, the following action was taken:

In the matter of a Request for Refund of)
Transcript Fee for CS 1-89 (Sauvie Island Golf)
Course))

Larry Kressel, County Counsel said the issue of refunding the transcript fee does not come up very frequently. The Board in the past has operated on the theory that if they began returning the fees, there would be more requests from citizens who feel the process was too costly, and the system would then be unable to pay for itself and the costs would be subsidized by the general fund. In this case, the Board originally had ordered a hearing be held on the record, but then changed to a denovo hearing. The transcripts were made and used by the Board. If the Board had determined originally to hold a denovo hearing, the transcript would not have been necessary.

Elizabeth Newcomb, Attorney representing the opponents, explained that the letter to request a refund was a result of a letter from the Planning Commission indicating the Board had authority to refund the fee because the hearing was held denovo by the Board. She then expressed concern that Mr. Rhodes filed a formal complaint to the Bar Association against her, and also the concern that the transcript were in error.

Commissioner McCoy said the only issue before the Board is that the transcripts were prepared, and if there was a need for them.

Lorna Stickel, Planning Director, said the transcript fee was \$385. It actually cost \$426 actual personnel time, but they only paid the \$385.

Commissioner McCoy said she would recommend that the County not refund the fee because the work was done. Whether the product was used is irrelevant.

Commissioner Anderson said she was concerned that the transcripts were not clear as to who was speaking, what they were saying in some instances, and whether sentences were finished. She felt that was why the Board decided to hold a denovo hearing.

At this time, the Board members concurred not to take any action on the request to refund the money for the transcript fee.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By

Jane McGarvin
Clerk of the Board

jm



MULTNOMAH COUNTY OREGON

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June 20, 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 June 20, 1989, the following action was taken:

Discussion on underlying permit approved in 1983)

Larry Kressel, County Counsel, stated that the third issue deals with a question Commissioner Bauman asked last week: Can the Board review the Planning Director's decision of 1985 that advised the permittee that the permit had not lapsed or become expired as a result of failure to have substantial construction or development or use? Mr. Kressel then reviewed the issue as well as the areas of law which apply in the case, and the Zoning Code and LUBA rulings which might pertain in this matter. He then answered questions of the Board.

Commissioner Anderson said she would like to revisit the 1983 decision, but was not willing to put the County in jeopardy.

Bill Kirtley discussed the procedure that was followed on this case in 1985.

Commissioner McCoy said she was concerned the Board was having a hearing without notice of the matter being published.

Commissioner Anderson moved, duly seconded by Commissioner Bauman, that the Board schedule a time for further discussion on the question of whether there is a basis for holding a public hearing.

Bill Rhodes, attorney for the applicant, said he would like to have more discussion, but after having time to review the entire record again.

Commissioner Bauman said this motion is not to actually rehear the 1983 case, but to have a discussion about the permit process.

Ms. Stickel said she was unsure what the Board is requesting. She asked if the Board wanted to revisit the 1983 or 1985 decision, or have a discussion on a generic issue about what the Planning Director should or shouldn't be doing regarding continuation of possible expirations of conditional uses permits.

Commissioner Kafoury indicated she did not want to open a discussion about the 1983 or 1985 decision. She would be willing to talk about process only.

Ms. Stickel said that is not what she is hearing however. She understands there is some request for further discussion on the original case, as well as the policy question. If the Board is going to revisit the original case and the 1985 extension, she needs to know whether to tell the applicant to stop working on their project, which continues to put the County in jeopardy.

Commissioner Anderson said if the Board has a hearing on the process, which she considers that is what her motion was, the outcome would determine whether the Board would revisit the original decision.

Commissioner Kafoury said she would prefer calling the meeting a work session, or discussion.

Ms. Stickel said she needs to know what it is, because if it is a hearing, she needs to notify some people.

Commissioners Anderson and Bauman as the maker and seconder of the motion, indicated a work session would be fine with them .

Mr. Kressel indicated his concern that if the Sauvie Island Golf Course property is discussed at all, then the parties in that case need to be there as they will be affected by whatever decision the Board makes. In addition, the Planning Department needs to know what the Board's intent is.

Commissioner McCoy said the motion was to have a work session, and she suggested leaving the details to be worked out as to what the basis will be. She is not interested in revisiting, under any conditions, the 1983 decision, as that would open a can of worms that may never be able to be closed. As Commissioner Bauman said, this discussion should talk about happens in the future, and not have any impact on any decision that has already been made.

Commissioner Anderson said that would be okay, but she did not want to preclude the possibility that the Board would review the previous decision.

Commissioner McCoy said she is not sure what a work session would be about, but will work with the Division to determine what will be addressed and when it will be.

The motion was considered, and it is unanimously

ORDERED that a work session be held, time and place to be determined, concerning the policy questions concerning provision of the code concerning substantial development or use which had been approved.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By

Jane McGarvin
Clerk of the Board

jm
cc: Commissioner McCoy



MULTNOMAH COUNTY OREGON

153
J142

BOARD OF COUNTY COMMISSIONERS
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POLLY CASTERLINE • District 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

March 28, 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 March 28, 1989, the following action was taken:

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

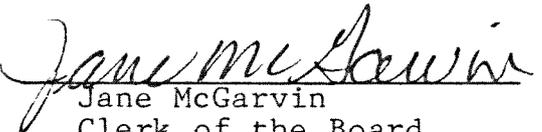
Lorna Stickel, Planning Division Director, stated that a Notice of Review for the above-entitled matter, has been filed and the issue before the Board is determination of the Scope of Review. The appellants requested a de novo hearing in their Notice of Review because the record at the time was not transcribable. Since the meeting, the tapes were taken to an Electronics Lab and the background noises removed, and they are now transcribable. Therefore, staff recommends the hearing be "on the record with additional testimony on traffic impact analysis". The Board could decide the Scope of Review today, or set a hearing date to hear testimony for determination of the Scope of Review. She read sections of the Zoning Code which outlined the options, and added that one of the appellant was not present this morning, and therefore could not comment on the staff's recommendation. In response to Commissioner McCoy and Kafoury's concerns, Ms. Stickel again explained the various options. She assured the Board that argument could be held on all issues brought forth by the appellant, but that new evidence could not be presented unless it pertains to traffic impact analysis.

Upon motion of Commissioner Bauman, duly seconded by Commissioner Kafoury, it is unanimously

ORDERED that the hearing for the above-entitled matter be held May 9, 1989 at 9:30 a.m. in Room 602 of the County Courthouse, with the Scope of the Hearing being On the Record with additional testimony limited to traffic impact analysis, with 30 minutes per side.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By 
Jane McGarvin
Clerk of the Board

jm
cc: County Counsel

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

12945 NW Newberry Rd
Portland, Or 97231

March 24, 1989

BOARD OF
COUNTY COMMISSIONERS
1989 MAR 24 PM 3:17
MULTNOMAH COUNTY
OREGON

To the Multnomah County Commissioners:

As a Multnomah County resident and Sauvie Island property owner, I believe it is crucial that when the county commission meets on Tuesday, March 28 to set a date and format for the Sauvie Island Golf Course review, it is decided that the hearing be de novo. The proposal for expansion of the golf course is not being advanced for reasons of safety; if that were the case, safety considerations would have been elaborated in the original application. The expansion is intended to create a "tournament golf course," which goes far beyond the intentions or county permissions of the original proposal. Those intentions are clearly expressed in the new proposal which, due to its belated insertion in the proceedings of this issue, has had nowhere near enough time to be fully considered by responsible parties throughout Multnomah County and surrounding areas. The commission, in its desire to be thorough and circumspect in its decisions, should take this opportunity to be familiarized with the full scope and ramifications of the applicant's new proposal and its alteration of the intent set forth in the original proposal.

Your consideration of this matter is greatly appreciated.

Yours truly,

Stuart Sandler

Stuart Sandler

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

*4/19/89 Set
5/9/89
On the Record
30 merged side*

8. Grounds for Reversal 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: Yanis A. Egan Date: 20 MAR 89 Case No. C51-89

* Exact amount to be determined by Sharrn 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.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the)
Appeal in CS 11-89) FINAL ORDER
)

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 11-89 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.

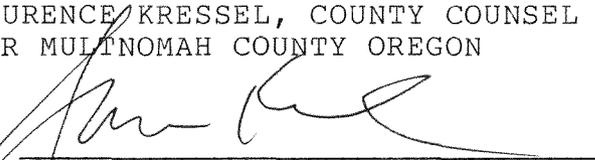
DATED the _____ day of _____, 1989.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By _____
Gladys McCoy
Multnomah County Chair

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY OREGON

By 

Laurence Kressel
County Counsel

*originals
to printing
6/16*

5001R/dp
061689:1

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the
Appeal in CS 1-89

)
)
)

FINAL ORDER

#89-~~112~~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:

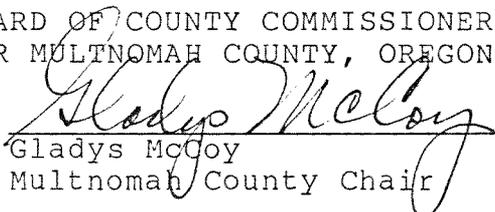
1. Page 1 and the attached parcel descriptions/maps.
2. The Background and Statement of Applicant's proposal on page 4.
3. The Staff Comments on the Character of the Area on page 5.

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

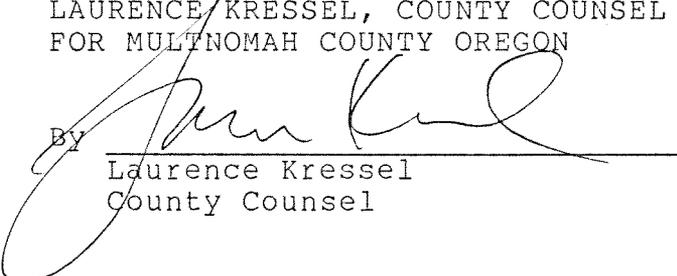

Gladys McCoy
Multnomah County Chair

(SEAL)

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY OREGON

By


Laurence Kressel
County Counsel

5001R/dp
061689:1

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the)
Appeal in CS 1-89) FINAL ORDER #89-112
)

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
Gladys McCoy
Multnomah County Chair

(SEAL)

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY OREGON

By Laurence Kressel
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County Counsel

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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.

June 6, 1989

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FINAL ORDER IN THE MATTER OF THE APPEAL IN CS 1-89

#89-112

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June ²⁰, 1989

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