



WASHINGTON COUNTY
 Department of Land Use & Transportation
 Current Planning Services Division
 155 North First Avenue, Suite #350-13
 Hillsboro, Oregon 97124-3072
 phone: (503) 846-8761 fax: (503) 846-2908
 www.co.washington.or.us

CASEFILE: L2300011-FP

APPLICANT:

Portland Golf Club
Attn: Lonnie Lister
5900 SW Scholls Ferry Road
Portland, OR 97225

**NOTICE OF DECISION
 & STAFF REPORT**

PROCEDURE TYPE II
 CPO: 3

APPLICANT'S REPRESENTATIVE:

Westlake Consultants
Attn: Ken Sandblast
15115 SW Sequoia Parkway
Tigard, Oregon 97224

LAND USE DISTRICTS:

INST (Institutional District)
R-5 (Residential 5 Units per Acre District)

OWNER:

Portland Golf Club
5900 SW Scholls Ferry Road
Portland, OR 97225

COMMUNITY PLAN:

Raleigh Hills - Garden Home

LOCATION: East side of SW Scholls Ferry Road
approximately 500 feet north of its intersection with SW
86th Avenue.

PROPERTY DESCRIPTION:

ASSESSOR MAP: 1S1 24 **TAX LOT NUMBER:** 1700

SITE SIZE: 102.68 acres

SITE ADDRESS: 5900 SW Scholls Ferry Road

PROPOSED DEVELOPMENT ACTION: Flood Plain Alteration for Dredging and Maintenance of an Irrigation Pond on Woods Creek, a Tributary to Fanno Creek

DECISION:

Approval

Approval with Conditions

Denial

Signature

Stephen Shane, Principal Planner, Current Planning Services

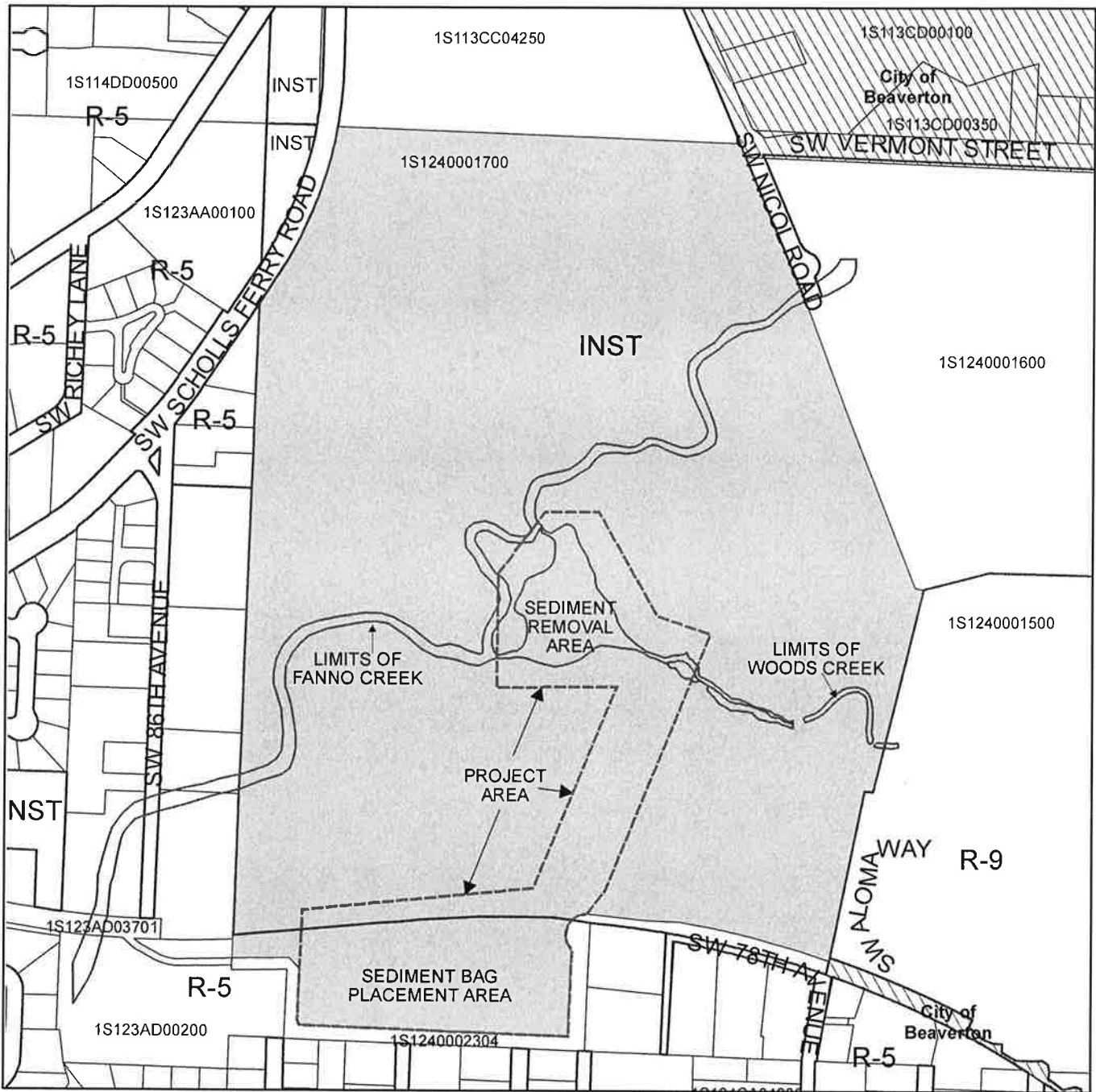
Date

5-26-23

Staff Planner: Sean Harrasser, 503-846-8131

Attachments:

- A. - Vicinity Map
- B. - **Conditions of Approval**
- C. - Staff Report
- D. - Appeal Information



↑ NORTH

NOT TO SCALE

SITE & SURROUNDING LAND USE DISTRICTS:

Institutional District (INST)

R-5 District (Residential 5 units/acre)

R-9 District (Residential 9 units/acre)

City of Beaverton



AREA OF CONSIDERATION

REVIEW STANDARDS FROM CURRENT OR APPLICABLE ORDINANCE OR PLAN

- A. Washington County Comprehensive Plan
- B. Applicable Community Plan (See Front of Notice)
- C. Transportation System Plan
- D. Washington County Community Development Code:
 - ARTICLE I, Introduction & General Provisions
 - ARTICLE II, Procedures
 - ARTICLE III, Land Use Districts
 - ARTICLE IV, Development Standards
 - ARTICLE V, Public Facilities and Services
 - ARTICLE VI, Land Divisions & Lot Line Adjustments
 - ARTICLE VII, Public Transportation Facilities
- E. R & O 86-95 Traffic Safety Improvements
- F. ORD. NO. 738, Road Design and Construction Standards
- G. ORD.691-A, 729, 741, 746, 751, 793-A Transp. Development Tax

Attachment B CONDITIONS OF APPROVAL

- I. In accordance with Section 201-4, this permit shall automatically expire within four (4) years of the date of approval, unless: the permit is revoked as provided by Section 201-7; an application for a permit extension is filed pursuant to Section 201-5; or development has commenced as provided in Section 201-6.

- II. Prior to any Ground-Disturbing Activities and Issuance of a Grading Permit, the Applicant Shall:
 - A. **Submit to Current Planning Services Division (503-846-8761) evidence of the following:**
 1. A Right-of-Way permit, or evidence that such a permit is not required, from the Operations Division (503-846-7623) for temporary access to the project site from SW 82nd Avenue. (Section 207-5)
 2. Approved regulatory permits from Oregon Department of State Lands (DSL) and United States Army Corps of Engineers (USACE), or evidence from each agency of an exemption for the proposed development from permit requirements. (Section 421-14)
 3. Evidence of a Prescreening Site Assessment by Clean Water Services, and an Environmental Review Permit as applicable. (Section 421-14)

 - B. **Submit to Building Services Division (503-846-3470), as determined necessary by the Building Engineer/Supervisor:**
 1. An application for a grading permit. The application shall contain detailed plans as required under CDC Section 410-1.2 and 2.1.
 2. A site-specific geotechnical engineering report with recommendations for the development of the site. The report shall be stamped and signed by an Oregon registered engineer.
 3. A drainage analysis report prepared and stamped by an Oregon engineer showing that any additional impervious areas resulting from the proposed work will not negatively impact surrounding properties.
 4. Access details on the plans as per site specific geotechnical engineering recommendations.
 5. In addition to the above items, address all applicable Grading Permit submittal requirements as listed on the Building Services

- III. Within 30 days of Project Completion, Submit to Current Planning Services (503-846-8761):
 - A. Written documentation, including site photographs, demonstrating replanting of native vegetation, and restoration of all impacted areas pursuant to the Natural Resource Assessment report.
 - B. "No Net Rise" certification demonstrating that the completed Flood Plain Alteration complies with Section 421 and that the alteration and enhancements resulted in a no net rise. Said certification shall include the engineer's original signature (wet stamp).
 - C. Request for a site visit by the Casefile Planner (Sean Harrasser, 503-846-8131) to confirm that the project plan as shown on the plan stamped 'Final Approval' has been implemented as proposed. (Section 207-5)

- D. Certification from a licensed professional engineer that the project was completed in compliance with the provisions of Section 421-4.6. (Section 421)
- E. Copies of all private easements (across private properties), as applicable.

IV. Miscellaneous Requirements:

- A. The applicant is responsible for obtaining any applicable permits from local, state, or federal agencies for all activities within their jurisdictions. (Sections 207-5, 422)
- B. Excess soil from construction of the project (if any) must be placed in an approved location consistent with grading reviews and permits. (Section 410)
- C. Fire safety standards will be maintained during construction on site. (Section 428)
- D. Storage of petroleum products, explosives, herbicides, pesticides, insecticides, poisons, defoliants, fungicides, desiccants, nematocides, and rodenticides is prohibited in the flood plain. (Section 421)
- E. Dumping of solid waste in the flood area is prohibited. (Section 421)
- F. No structures or storage except for plants are permitted to be located in the flood plain. (Section 421)
- G. This development shall be constructed in accordance with the requirements of this decision and with the approved final plans and standards of the Community Development Code. (Section 207-5)
- H. All requirements shall be binding upon all heirs, successors, and assigns. (Section 207-5)
- I. Transferability of this permit shall be in accordance with Section 201-8.

Attachment C STAFF REPORT

I. APPLICABLE STANDARDS

- A. Washington County Comprehensive Plan
- B. Raleigh Hills-Garden Home Community Plan
- C. Washington County Community Development Code (CDC)
 - 1. Article II Procedures
 - Section 202 Procedure Types
 - 2. Article III Land Use District
 - Section 302 R-5 (Residential 5 Units per Acre District)
 - Section 330 INST (Institutional District)
 - 3. Article IV Development Standards
 - Section 404 Master Planning
 - Section 410 Grading and Drainage
 - Section 421 Flood Plain and Drainage Hazard Area Development
 - Section 422 Significant Natural Resources

II. AFFECTED JURISDICTIONS

Clean Water Services
Metro (Parks and Nature Department)
Oregon Department of State Lands
Oregon Department of Fish and Wildlife
US Army Corps of Engineers
City of Portland

III. BACKGROUND FINDINGS

1. The applicant (Portland Golf Club) requests floodplain alteration approval for dredging and maintenance of an irrigation pond on Woods Creek, a tributary to Fanno Creek. The proposed project site includes the 1.77-acre irrigation pond located central to the site, as well as an area at the south end of the subject property designated for the placement of fill (dredging spoils). A proposed corridor through the south portion of the golf course will run between the pond and proposed fill site. This corridor will accommodate temporary flexible pipes for the conveyance of dredging spoils from the pond to the fill site and for the return of recycled water to the pond. No structures are proposed as part of this project.
2. The Portland Golf Course is located at 5900 SW Scholls Ferry Road in unincorporated Washington County, Oregon. The 103-acre property is characterized by gently contoured terrain with an 18-hole golf course, structures associated with golf club facilities, and the pond that serves as a water source for irrigation of the golf course.
3. The floodplain alteration subject site lies within the INST district, while the proposed fill location lies within the R-5 District.
4. Properties surrounding the subject site are primarily zoned and used for single-family residential homes (R-5 & R-9), except for the Oregon Episcopal School property immediately east of the project site, also designated as INST in the Comprehensive Plan.
5. The entirety of the approximately 1.77-acre irrigation pond is located within the FEMA Special Flood Hazard Area (100-year floodplain) associated with Woods Creek, a tributary to Fanno Creek, as shown on FEMA Flood Insurance Rate Maps (FIRM) Panel 41067C0532E, effective on November 4, 2016. According to FIRM Panel and FEMA Flood Insurance Study Stream Profile 66P (Fanno Creek), the project site lies beneath the base flood elevation of 214.1 feet

(1988 NAVD) as determined by the County's Certified Floodplain Manager (FPI21-0044).

6. The dredging process will remove 5500 cubic yards of sediment from the irrigation pond. Upon completion of the proposed project, approximately 2 acre-feet of allowable water storage will be restored to the pond. There will be no overflow to Woods Creek or Fanno Creek.
7. The proposed sedimentation filter bags would trap approximately 98% of the sediment (dredging spoils). The sedimentation filter bags are between 10-15 feet wide and between 40-50 feet in length. The applicant estimates that this will require 30 to 40 for the proposed project. Prior to placing sedimentation filter bags, grading in the wetland is needed to remove the topsoil and create a similar gently rolling surface. The topsoil will be temporarily stockpiled and covered, then placed on the filled sedimentation filter bags via temporary pipes. The water will be recycled and pumped back into the irrigation pond Upon completion of the dredging phase of the project; the drain water from the bags will be recycled and/or infiltrated via the temporary pipes.
8. Section 421 applies to this review since development is proposed within the FEMA Special Flood Hazard Area associated with Fanno Creek and its associated tributary Wood Creek at the subject site. The applicant has provided findings addressing the applicable standards of Section 421, discussed later in this report.
9. The project area is located within mapped Significant Natural Resource Area (Water Areas and Wetlands) associated with Woods Creek and Fanno Creek. The applicant has provided findings addressing the applicable standards of Section 422, discussed later in this report.
10. The applicant is concurrently submitting a Joint Permit Application for a Removal-Fill Permit, to the Army Corps of Engineers (ACOE), a Wetlands Determination Report from Oregon Department of State Lands (ODSL), and a Sensitive Area Certification Form from Clean Water Services. That application will address dredging and wetland impacts, and will include environmental reviews and additional studies, as required by the ACOE or ODSL.
11. The applicant indicates that construction access to the project site will be via SW 81st Avenue, crossing the Fanno Creek Trail to access the project site. The applicant will be required to submit a Right-of-Way Access permit application to the Operations Division for review of any construction access

102 comment letters were received in response to the public notice period for this casefile. The topics addressed in the comment letters are organized below by the number of commentors addressing a particular topic.

A. Placement of Fill in Wetland

Eighty-three people commented on potential impacts of the proposed placement of fill in 'Wetland A' to Fanno Creek, the Fanno Creek Trail, as well as other features of the surrounding area.

Staff Response:

The proposed irrigation pond maintenance activity consists of removing sediment (dredging spoils) from the existing pond and placing the dredging spoils outside of the FEMA Special Flood Hazard Area (100-year floodplain). According to the Significant Natural Resources Analysis completed by the applicant's consultant, Terra Science, Inc., the proposed fill area is heavily characterized by invasive and non-native plants in a wetland impounded by an old railroad berm. The report also indicates that the vegetated corridor surrounds Wetland A as shown on the applicant's submittal materials. A Sensitive Area Certification Form from Clean Water Services has been submitted by the applicant. The proposed location of the fill (dredging spoils) area is not mapped as FEMA Special Flood Hazard Area, Drainage Hazard Area, Significant Natural Resource, or Riparian Corridor as shown on Metro's Title 13 Resource Inventory. Therefore, the placement of fill as proposed by the applicant is not subject to review under Section 421 or Section 422 of the Washington County Community Development Code.

Washington County will require that all permits shall be obtained by the applicant from local, state, or federal agencies prior to commencement of the project. A Service Provider Letter has been issued by Clean Water Services. The applicant has concurrently submitted a Joint Permit Application to the Army Corps of Engineers and the Oregon Department of State Lands for floodplain alteration and wetlands permits. Per the Conditions of Approval (II(A)(2), the applicant will also be required to submit evidence of all approved state and federal regulatory permits, including Oregon Department of State Lands (DSL) and United States Army Corps of Engineers (USACE), or evidence from each agency of an exemption for the proposed development from permit requirements. (Section 421-14).

B. Pollutants in Dredging Spoils

Seventy-eight people commented on the potential presence of pesticides, herbicides, and other pollutants contained in the dredging spoils. They also addressed the possibility of these pollutants entering the surrounding watershed associated with Fanno Creek.

Staff Response:

Because the proposed location of the fill (dredging spoils) is not mapped as FEMA Special Flood Hazard Area, Drainage Hazard Area, Significant Natural Resource, or Riparian Corridor as shown on Metro's Title 13 Resource Inventory, the placement of fill as proposed by the applicant is not subject to review under Section 421 or Section 422 of the Washington County Community Development Code. According to the Significant Natural Resources Analysis completed by the applicant's consultant, Terra Science, Inc., the proposed fill area is heavily characterized by invasive and non-native plants in a wetland impounded by an old railroad berm. The report also indicates that the vegetated corridor surrounds Wetland A. A Sensitive Area Certification Form from Clean Water Services has been submitted by the applicant.

As noted above, Washington County will require that all permits be obtained by the applicant from local, state, or federal agencies prior to commencement of the project. A Service Provider Letter has been issued by Clean Water Services. The applicant has concurrently submitted a Joint Permit Application to the Army Corps of Engineers and the Oregon Department of State Lands for floodplain alteration and wetlands permits. Per the Conditions of Approval (II(A)(2), the applicant will also be required to submit evidence of all approved state and federal regulatory permits, including Oregon Department of State Lands (DSL) and United States Army Corps of Engineers (USACE), or evidence from each agency of an exemption for the proposed development from permit requirements. (Section 421-14).

The applicant will submit evidence that testing has been completed for particle analysis, heavy metals, organic chemical compounds such as fertilizers and pesticides, with specific analysis requirements to be determined by the United States Army Corps of Engineers.

C. Impacts to Wildlife in the Wetland

Seventy-five people commented on potential impacts to wildlife in 'Wetland A' that the proposed development would cause.

Staff Response:

A Significant Natural Resources Analysis of the proposed project area, including those mapped resources, was completed by the applicant's consultant, Terra Science, Inc. The analysis includes inventoried natural resources of the project analysis area, including Water Areas and Wetlands, Water-Related (Riparian) Areas and Wildlife Habitat areas. The report identifies and summarizes proposed impacts of the proposed project and proposed mitigation measures. The area of the proposed fill is undeveloped open space. Inventory and potential impacts to wildlife are addressed in the Significant Natural Resources Analysis. According to the Significant Natural Resources Analysis, the wetland is heavily characterized by invasive and non-native plants in a wetland

impounded by an old railroad berm. The report also indicates that the vegetated corridor surrounds Wetland A. The area of the fill placement will be replanted with native plant species and will continue to function as open space once the project is completed.

Because the proposed location of the fill (dredging spoils) is not mapped as FEMA Special Flood Hazard Area, Drainage Hazard Area, Significant Natural Resource, or Riparian Corridor as shown on Metro's Title 13 Resource Inventory, the placement of fill as proposed by the applicant is not subject to review under Section 421 or Section 422 of the Washington County Community Development Code.

As noted above, Washington County will require that all permits shall be obtained by the applicant from local, state, or federal agencies prior to commencement of the project. A Service Provider Letter has been issued by Clean Water Services. The applicant has concurrently submitted a Joint Permit Application to the Army Corps of Engineers and the Oregon Department of State Lands for floodplain alteration and wetlands permits. Per the Conditions of Approval (II(A)(2), the applicant will also be required to submit evidence of all approved state and federal regulatory permits, including Oregon Department of State Lands (DSL) and United States Army Corps of Engineers (USACE), or evidence from each agency of an exemption for the proposed development from permit requirements. (Section 421-14).

D. Disruption of Fanno Creek Trail for Users

Fifty-two people commented on potential disruptions trail users would face as a result of development, potential trail closures, and the aesthetic value of 'Wetland A' to trail users.

Staff Response:

Temporary impacts, including closures, are anticipated during the proposed project. The applicant has indicated that the initial project set-up will take approximately one week. This will involve excavators and dump trucks. During the approximately six to eight-week period for the dredging process, the contractor will only need standard pickup trucks for crew and materials. The decommissioning will take approximately one week using similar excavators and dump trucks.

The applicant has indicated that while periodic trail closures will occur; they will be short-duration closures (approximately 10-15 minutes) to move equipment in and out of the project site, as well as for delivery of supplies to the project site.

E. Impacts to the Fanno Creek the Tualatin River Watersheds

Thirty-five people commented on the potential larger hydrologic and turbidity impacts to Fanno Creek and the Tualatin River.

Staff Response:

No development is proposed within the FEMA regulatory floodway. Nor will the proposed dredging and maintenance activities result in any increases to flood levels within the FEMA Special Flood Hazard Area (100-year floodplain) as shown on FEMA Flood Insurance Rate Maps (FIRM) Panel 41067C0532E, effective on November 4, 2016.

As required in the Conditions of Approval, a "No Net Rise" certification shall be submitted by the applicant demonstrating that the completed floodplain alteration complies with Section 421 and that the alteration and enhancements result in no net rise to the base flood elevation associated with the FEMA Special Flood Hazard Area. The certification shall be signed and stamped by a professional registered engineer.

Oregon Department of State Lands (DSL) and United States Army Corps of Engineers (USACE) permits, submitted concurrently with this application, will require mitigation for any offsite impacts to surrounding waterways.

F. Applicability of CDC 421-7.11

Twenty-two people commented on the applicability of Section 421-7.11 of the Washington County Community Development Code to the proposed placement of fill in 'Wetland A'.

Staff Response:

Section 421-7.11 of the Washington County Community Development Code states the following:

"That the environmental impact of the disturbance or alteration of riparian wildlife and vegetation has been minimized to the extent practicable as required by Section 422. Enhancement of riparian habitats through planting or other such improvements may be required to mitigate adverse effects. Significant features such as natural ponds, large trees and endangered vegetation within the flood area shall be protected when practicable."

This code section applies to areas within the FEMA Special Flood Hazard Area (100-year floodplain) or Drainage Hazard Area (25-year floodplain). Therefore, Section 421-7.11 is not applicable to placement of fill in Wetland A, as the proposed project location is not mapped with FEMA Special Flood Hazard Area (100-year floodplain) or Drainage Hazard Area (25-year floodplain).

G. Temporary Staging Area Traffic

Fourteen people commented on potential impacts of traffic and equipment associated with the proposed temporary project staging area to the surrounding neighborhood.

Staff Response:

Vehicles will access the site from 81st Avenue, across the Fanno Creek Trail.

The project set-up will take about 1 week, which will involve excavators and dump trucks. During the approximately 6 to 8-week period for the dredging process, the contractor will only need standard size pickup trucks for crew and materials. The decommissioning process will take approximately 1 week involving excavators and dump trucks as discussed above.

Per Conditions of Approval, a Right-of-Way permit shall be obtained from the Washington County Operations Division, for temporary access to the project site from SW 82nd Avenue, or evidence shall be recorded that such a permit is not required. (Section 207-5).

As noted above, steel plates or other methods as recommended by permitting authorities may be used to prevent truck traffic damage to underground pipes. Damages would be avoided by coordinating with Washington County Right-of-Way and Operations, City of Portland Bureau of Environmental Services, and Clean Water Services, as necessary.

H. Order from Dredging Spoils

Seven people commented on potential odors resulting from the proposed placement of fill in 'Wetland A'.

Staff Response:

This is not applicable to the scope of review under the Washington County Community Development Code, which evaluates approval criteria based on the code sections noted in this Notice of Decision and Staff Report.

The applicant proposes that the sedimentation bio-bags will be covered with tarps as soon as they are filled to prevent odor. The removed topsoil will then be placed over the sediment (fill) and replanted with native plant species.

I. Portland Sewer Line on Fanno Creek

Six people commented on potential impacts of traffic and equipment associated with the proposed temporary project staging area to the City of Portland Sewer Main located next to Fanno Creek Trail.

Staff Response:

As noted above, steel plates or other methods as recommended by permitting authorities may be used to prevent truck traffic damage from underground pipes. Damages would be avoided by coordinating with Washington County Operations (Right-of-Way Permit), City of Portland Bureau of Environmental Services, and Clean Water Services, as necessary.

J. Applicability of Code of Ordinances, Title 8

One person commented on the applicability of Title 8 of the Washington County Community Code of Ordinances to the proposed placement of fill in 'Wetland A'.

Staff Response:

This is not applicable to the scope of review under the Washington County Community Development Code, which evaluates approval criteria based on the code sections noted in this Notice of Decision and Staff Report. No comments were received from Washington County Health and Human Services (HHS), nor are any permit requirements anticipated from HHS in relationship to this project.

- 12. Staff finds that the applicant has provided adequate information to demonstrate compliance with Code standards, provided the conditions of approval (Attachment B) associated with this decision are met.

A. Washington County Comprehensive Plan

There are no specific Plan policies or goals, which affect this request that are not implemented by the Code or the Community Plan. The Framework Plan requires development applications to be in compliance with the Community Development Code and the applicable Community Plan. By demonstrating in this report that the request complies with the standards of the Code and the Community Plan, this Plan requirement will be satisfied.

B. Raleigh Hills - Garden Home Community Plan

The site is located within Subarea #9.
The site is not located in an Area of Special Concern.
The Significant Natural Resource designation for the project area is described in the background findings and addressed in Section 422.

The project has been reviewed for conformance with the applicable Community Plan General Design Elements. The Community Plan is implemented by the Community Development Code. When built in conformance with the Conditions of Approval, the project will be in compliance with the Community Plan.

C. Washington County Community Development Code

1. Article II Procedures

Section 202 Procedure Types and Determination of Proper Procedure

202-2 Type II Procedures

202-2.1 *Type II land use actions are presumed to be appropriate in the District. They generally involve uses or development for which review criteria are reasonably objective, requiring only limited discretion. Impacts on nearby properties may be associated with these uses which may necessitate imposition of specific*

conditions of approval to minimize those impacts or ensure compliance with this Code.

STAFF: This application is being reviewed through a Type II procedure in accordance with Section 421-5.19: Bank maintenance, restoration or stabilization, including riprapping for erosion control, of a river or other watercourse or body of water inside an urban growth boundary or not otherwise permitted by Section 421-4.6.

Section 203 Processing Type I, II and III Development Actions

STAFF: Public notice was mailed to nearby property owners and the applicant has submitted an affidavit stating that a public notice sign was posted on the site. Slightly more than one hundred comment letters (102) were received in response to the public notice for this application or prior to the preparation of this report. These are addressed above in the background findings.

203-2 Pre-Application Conference

STAFF: A pre-application conference for the for the proposed floodplain alteration was held May 26, 2022, in accordance with this section.

203-3 Neighborhood Meeting

STAFF: A neighborhood meeting for the proposed floodplain alteration was held on June 28, 2022, in accordance with this section. All documentation for the noticing, posting, and meeting are included in the casefile.

203-4 Application

STAFF: The land use application for the proposed floodplain alteration and the associated fees were submitted by the applicant in accordance with this section.

Section 204 Notice of Type I, II or III Development Actions

STAFF: Public notice was mailed to nearby property owners and the applicant has submitted an affidavit stating that a public notice sign was posted on the site. Public comment is addressed above in the background findings.

Section 207 Decision

207-5 Conditions of Approval

STAFF: Conditions of approval will be imposed as necessary to ensure compliance with the standards of the code and other county regulations and to mitigate adverse impacts the development may have on the surrounding area. The applicant shall comply with all applicable code regulations and departmental conditions.

2. Article III Land Use Districts

302 R-5 District (Residential 5 Units per Acre)

302-1 Intent and Purpose

The R-5 District is intended to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than five (5) units per acre and no less than four (4) units per acre, except as specified otherwise by Section 300-2, Section 300-5, or Section 302-6. The primary purpose is to protect existing neighborhoods developed at five (5) units per acre or less. Infill development on all parcels two (2) acres or less may occur only through application of the infill policy (Section 430-72).

STAFF: The proposed project is for a floodplain alteration for dredging and maintenance of an irrigation pond on Woods Creek, a tributary to Fanno Creek. The portion of the subject

property designated R-5 lies outside the location of the proposed dredging of the irrigation pond. However, the applicant proposes to place fill from the irrigation pond dredging on this portion of the property.

This portion of the project site is undeveloped open space According to the Significant Natural Resources Analysis completed by the applicant's consultant, Terra Science, Inc., the wetland is heavily characterized by invasive and non-native plants in a wetland impounded by an old railroad berm. The vegetated corridor surrounds Wetland A. This project involves temporary piping the dredging spoils from the proposed floodplain alteration to this portion of the property. The applicant proposes to place the fill (dredging spoils) in permeable bio-bags, which will be covered with topsoil. Invasive plants will be removed and a meadow-like open space of a gently rolling character similar to the rest of the property, is proposed. The bio bag area will be replanted with native species.

The Applicant is concurrently seeking approval of the project, including the fill activity, through a Joint Permit Application to the ACE and ODSL.

While undeveloped open space and wetlands exist on the R-5 portion of the property, the area is not mapped as FEMA Special Flood Hazard Area, Drainage Hazard Area, Significant Natural Resource, or Riparian Corridor as shown on Metro's Title 13 Resource Inventory. Therefore, the placement of fill as proposed by the applicant is not subject to review under Section 421 or Section 422 of the Washington County Community Development Code.

No other development and no change of use is proposed on the subject site other than the dredging and associated fill reviewed under the application. The project complies with dimensional and other requirements of Section 302. The applicant's submitted site plan information is in the casefile as required by this Section.

330 INST (Institutional District)

330-1 Intent and Purpose

This District is intended to implement the policies of the Comprehensive Plan by providing standards and procedures for reviewing proposed institutional facilities necessary for support of community development. The purpose of the District is to provide for identification of existing and proposed institutional facilities on the Community Plan maps. This District is intended to allow the public service providers and governmental agencies the assurance that future sites identified through long range and capital improvement planning will be available for the uses specifically identified when they are needed.

STAFF:

The proposed project is for a floodplain alteration for dredging and maintenance of an irrigation pond on Woods Creek, a tributary to Fanno Creek. The irrigation pond is within the portion of the subject property designated as Institutional District (INST). Per Section 330-5, the existing golf course is a permitted and approved use within the INST District. No change of use is proposed through this application. The project complies with Section 330.

3. Article IV Development Standards

Section 403 Applicability

403-2 Master Plan

STAFF:

The applicant has submitted a site plan and written findings as required by this section.

Section 410 Grading and Drainage

410-1.1 General Provisions

STAFF: The applicant submitted a preliminary grading plan and grading cross-sections for the irrigation pond dredging as required by this section. This information is in the casefile. An application for a grading permit that addresses all applicable county and state grading requirements is required as a condition of this staff report.

410-1.2 Grading Plan

Exemptions from Grading Plan and Permit Requirements:

In addition to those activities listed in Section 201-2.12, the following are exempt from Section 410 except as necessary to address Section 410-3.8: 421-1.1 except as noted below for land divisions and property line adjustments, shall submit with the Development permit application:

STAFF: The development proposal is not exempt from grading requirements under this section. The proposed project is a floodplain alteration for dredging and maintenance of an irrigation pond on Woods Creek, a tributary to Fanno Creek. The applicant proposes the removal of approximately 5,500 cubic yards of sediment from the approximately 1.77-acre irrigation pond and the transfer of the fill (dredging spoils) to Wetland A, which is on the southern portion of the property designated as R-5 District. Preliminary grading plans and cross-sections were submitted by the applicant and comply with the requirements of this section. This information is in the casefile.

Section 421 Flood Plain and Drainage Hazard Development:

STAFF: The entirety of the approximately 1.77-acre irrigation pond is located within the FEMA Special Flood Hazard Area (100-year floodplain) associated with Woods Creek, a tributary to Fanno Creek, as shown on FEMA Flood Insurance Rate Maps (FIRM) Panel 41067C0532E, effective on November 4, 2016.

According to FIRM Panel 41067C0532E and FEMA Flood Insurance Study Stream Profile 66P (Fanno Creek), the project site lies beneath the base flood elevation of 214.1 feet (1988 NAVD) as determined by the County's Certified Floodplain Manager (FPI21-0044). The proposed activities include floodplain alteration for dredging and maintenance of an irrigation pond on Woods Creek, a tributary to Fanno Creek. Therefore, the proposed project is subject to Section 421.

421-3 Submittal Requirements:

In addition to the requirements of Sections 203-4 and 410, an application for a flood plain or drainage hazard area alteration shall contain the following information for the area proposed to be disturbed which shall be prepared by a licensed professional engineer. This information may be submitted with or be made part of a site plan or grading plan for the proposed development.

- 421-3.1 *Existing and proposed topography within the boundaries of the flood area using the following contour intervals:*
- A. *For slopes of five (5) percent or less, contour intervals not more than one (1) foot;*
 - B. *For slopes greater than 5% and up to and including 10%, contour intervals not more than 2 feet; and*
 - C. *For slopes greater than 10%, contour intervals not more than 5 feet.*

STAFF: The subject site contains slopes of 5% or less. The applicant submitted the topographical information required by this section within the boundaries of the FEMA Special Flood Hazard Area (100-year floodplain). This information is found in the casefile.

421-5 Uses and Activities Allowed Through a Type II Procedure:

Unless specifically prohibited in the applicable Community Plan, the Rural/Natural Resource Plan, CDC Section 422, or Clean Water Services Design and

Construction Standards for sanitary sewer and surface water management, a development permit may be approved in a flood area through a Type II procedure for the following:

- 421-5.19 *Bank maintenance, restoration or stabilization, including riprapping for erosion control, of a river or other watercourse or body of water inside an urban growth boundary or not otherwise permitted by Section 421-4.6.*

STAFF: This applicant is proposing floodplain alteration within the FEMA Special Flood Hazard Area (100-year floodplain), which is allowed through a Type II procedure pursuant to Subsection 421-5.19. The proposed project is for the dredging and maintenance of an approximately 1.77-acre irrigation pond associated with an existing gold course. No structures are proposed as part of this project.

Submittal materials include a planting list and a statement that the project area will be revegetated as per requirements of this section. The applicant has submitted photographs of the subject site and other materials that are found in the casefile.

Upon completion of the project, Attachment B requires the applicant to submit a statement by a professional engineer certifying that the project was completed in compliance with the provisions of this section.

421-7 Development Standards for all Type II and Type III Flood Plain and Drainage Hazard Area Uses or Activities

The applicant for a proposed flood plain or drainage hazard area development shall demonstrate compliance with the following applicable standards as required by Section 421-3 above:

- 421-7.1 *Development proposed to encroach into a regulatory floodway adopted and designated pursuant to FEMA regulations shall:*

STAFF: No development is proposed within the FEMA regulatory floodway. Nor will the proposed dredging and maintenance activities result in any increases to flood levels within the FEMA Special Flood Hazard Area (100-year floodplain) as shown on FEMA Flood Insurance Rate Maps (FIRM) Panel 41067C0532E, effective on November 4, 2016.

- 421-7.8 *The proposal will not increase the existing velocity of flood flows so as to exceed the erosive velocity limits of soils in the flood area. Energy dissipation devices or other measures to control the mean velocity so as not to cause erosion of the flood area may be used to meet this standard. "Open Channel Hydraulics" by V. T. Chow, McGraw-Hill Book Company, Inc., 1988, is presumed to be the best available reference for maximum permissible velocity. "Hydraulic Engineering Circular No. 14," Hydraulic Design of Energy Dissipators for Culverts and Channels, published by the Federal Highway Administration, September 1983, is presumed to be the best available reference for the design of energy dissipators.*

STAFF: The proposed irrigation pond maintenance activity consists of removing sediment from the existing pond and placing the dredging spoils outside of the FEMA Special Flood Hazard Area (100-year floodplain). No alteration of any channels associated with streams in the proposed project area will take place. The proposed maintenance activity will not alter existing velocity of flood flows within streams in the proposed project area. As such, a hydrologic and hydraulic analysis was not required by Washington County. As discussed above, there will be no placement of fill within the FEMA Special Flood Hazard Area (100-year floodplain). As such, the placement of fill is not subject to this section.

The applicant provided a floodplain effects evaluation prepared by a registered professional engineer for the project confirming no changes to the existing velocity of flood flows would occur as a result of the proposed project. This standard has been met.

- 421-7.11 *That the environmental impact of the disturbance or alteration of riparian wildlife and vegetation has been minimized to the extent practicable as required by Section 422. Enhancement of riparian habitats through planting or other such improvements may be required to mitigate adverse effects. Significant features*

such as natural ponds, large trees and endangered vegetation within the flood area shall be protected when practicable.

STAFF: As indicated in the materials provided by the applicant, there is no ground disturbance or significant disruption to aquatic habitat functions within the irrigation pond .

No permanent disturbance is proposed within the FEMA Special Flood Hazard Area (100-year floodplain). Any proposed temporary impacts and mitigation measures are discussed in the applicant's responses to applicable provisions of Section 422. Disturbance or alteration to riparian wildlife and vegetation will be minimized as required by Section 422. Riparian vegetation on site will be enhanced following construction through native plant installation in Wetland A as identified on the applicant's site plan. The existing irrigation pond will maintain its existing size, shape, and its restored flood storage capacities. This information is found in the casefile.

The area of proposed fill is not mapped as FEMA Special Flood Hazard Area, Drainage Hazard Area, Significant Natural Resource, or Riparian Corridor as shown on Metro's Title 13 Resource Inventory. Therefore, the placement of fill as proposed by the applicant is not subject to review under Section 421 or Section 422 of the Washington County Community Development Code This standard has been met.

421-14 General Requirements and Prohibitions

STAFF: No additional activity within the floodplain is proposed following completion of the project. The applicant states that if vegetation maintenance is required, hand implements will be used.

No storage of materials prohibited in the flood plain is proposed. No solid waste will be dumped in the project area. Placement of fill on site will be sourced internally as described in the narrative provided by the applicant. All permits will be obtained prior to commencement of work and copies of permits acquired from all state and federal agencies will be forwarded to Washington County.

The applicant has indicated that all required permits will be obtained from local, state, or federal agencies prior to commencement of the project. A Service Provider Letter has been issued by Clean Water Services. The applicant has concurrently submitted a Joint Permit Application to the Army Corps of Engineers and the Oregon Department of State Lands for floodplain alteration and wetlands permits. Per the Conditions of Approval (II(A)(2), the applicant will also be required to submit evidence of all approved state and federal regulatory permits, including Oregon Department of State Lands (DSL) and United States Army Corps of Engineers (USACE), or evidence from each agency of an exemption for the proposed development from permit requirements. (Section 421-14). This standard has been met.

Section 422 Significant Natural Resources

422-2 Lands Subject to this Section

Those areas identified in the applicable community plan or the Rural/Natural Resource Plan Element as Significant Natural Resources and areas identified as Regionally Significant Fish & Wildlife Habitat on Metro's current Regionally Significant Fish & Wildlife Habitat Inventory Map.

Significant Natural Resources have been classified in the Community Plans or the Rural/Natural Resource Plan Element by the following categories:

422-2.1 **Water Areas and Wetlands.** 100-year flood plain, drainage hazard areas, ponds, except those already developed.

422-2.2 **Water Areas and Wetlands and Fish and Wildlife Habitat.** Water areas and wetlands that are also fish and wildlife habitat.

STAFF: The project is identified on the Raleigh Hills - Garden Home Community Plan as mapped Goal 5 Significant Natural Resource (Water Areas and Wetlands and Water Areas and Wetlands and Fish and Wildlife Habitat.) areas and Title 13 Riparian resources. Therefore, it is subject to this section.

422-3 **Criteria for Development**

422-3.1 *The required master plan and site analysis for a site which includes an identified natural resource shall:*

- A. *Identify the location of the natural resource(s), except in areas where a Goal 5 analysis has been completed and a program decision adopted pursuant to OAR 660, Division 23 (effective September 1, 1996);*
- B. *Describe the treatment or proposed alteration, if any. Any alteration proposed pursuant to Section 422-3.1(B) shall be consistent with the program decision for the subject natural resource; and*
- C. *Apply the design elements of the applicable Community Plan; or the applicable implementing strategies of the Rural/Natural Resource Plan Element, Policy 10, Implementing Strategy E which states:*

"Implement the recommendations of the Oregon Department of Fish and Wildlife Habitat Protection Plan for Washington County and to mitigate the effects of development in the Big Game Range within the EFU, EFC and AF-20 land use designations."

STAFF: The project is located within mapped Significant Natural Resources as identified in the Raleigh Hills - Garden Home Community Plan Map. As noted above, these are identified as Water Area and Wetlands and Water Areas and Wetlands and Fish and Wildlife Habitat. Proposed impacts and mitigation measures are addressed in the applicant's Significant Natural Resources Analysis and are to be carried out in compliance with the applicable requirements of Section 422 of the Washington County Community Development Code. No general design elements of the Raleigh Hills-Garden Home Community Plan not otherwise implemented by Washington County Community Development Code standards are identified as applicable to this application. Areas identified as Clean Water Services Vegetated Corridor areas will be identified and addressed through Clean Water Services.

A Significant Natural Resources Analysis of the proposed project area, including those mapped resources, was completed by the applicant's consultant, Terra Science, Inc. The analysis includes inventoried natural resources of the project analysis area, including Water Areas and Wetlands, Water-Related (Riparian) areas and Wildlife Habitat areas. The report identifies and summarizes proposed impacts of the proposed project and proposed mitigation measures. This information is in the casefile. This standard has been met.

422-3.2 *Open Space Inside the UGB:*

- A. *Shall be identified as provided in Section 404-1, Master Planning - Site Analysis;*
- B. *When located in a park deficient area as identified on the significant natural resource map, the applicant shall notify the appropriate park provider of the proposed development*

STAFF: The proposed development does not alter any open space. No structures are proposed with this application. All undeveloped space will remain undeveloped space. This standard has been met.

422-3.3 *Development within a Riparian Corridor, Water Areas and Wetlands, and Water Areas and Wetlands and Fish and Wildlife Habitat:*

A. *No new or expanded alteration of the vegetation or terrain of the Riparian Corridor (as defined in Section 106) or a significant water area or wetland (as identified in the applicable Community Plan or the Rural/Natural Resource Plan) shall be allowed except for the following:*

(5) *Bank maintenance, restoration or stabilization, including riprapping for erosion control, of a river or other watercourse or body of water provided there is compliance with the requirements of Section 421- 4. 6. This use is not subject to Section 422-3.5 or Section 422-3.6.*

STAFF: The applicant requests floodplain alteration for dredging and maintenance of an approximately 1.77-acre irrigation pond on Woods Creek, a tributary to Fanno Creek. As provided under Section 422.3.3(5) above, this application proposes pond bank maintenance through sediment removal from an irrigation pond serving an existing golf course.

As discussed in this report, the project proposes to place approximately 5,500 cubic yards of material (dredging spoils) in Wetland A as noted in the plans submitted by the applicant. While undeveloped open space and wetlands exist on the R-5 portion of the property, the area is not mapped as FEMA Special Flood Hazard Area, Drainage Hazard Area, Significant Natural Resource, or Riparian Corridor as shown on Metro's Title 13 Resource Inventory. Therefore, the placement of fill as proposed by the applicant is not subject to review under Section 421 or Section 422 of the Washington County Community Development Code. This standard has been met.

422-5 State and Federal Regulatory Guidelines

A. *Development within a riparian corridor, Water Areas and Wetlands, or Water Areas and Wetlands and Fish and Wildlife Habitat, shall obtain all required local, state and federal permits.*

STAFF: The applicant has indicated that all required permits will be obtained from local, state, or federal agencies prior to commencement of the project. A Service Provider Letter has been issued by Clean Water Services. The applicant has concurrently submitted a Joint Permit Application to the Army Corps of Engineers and the Oregon Department of State Lands for floodplain alteration and wetlands permits. Per the Conditions of Approval (II(A)(2), the applicant will also be required to submit evidence of all approved state and federal regulatory permits, including Oregon Department of State Lands (DSL) and United States Army Corps of Engineers (USACE), or evidence from each agency of an exemption for the proposed development from permit requirements. (Section 421-14). This standard has been met.

Section 426 Erosion Control

STAFF: All grading, exempt or not, must be for a use permitted in the R-5 and INST Districts, and must be preceded by approved grading, drainage and erosion control plans. The applicant submitted preliminary details as required by this section, including preliminary grading and drainage plans.

Approximately 5,500 cubic yards of material placed withing individual filter bags which will in turn be placed in Wetland A as noted in the plans submitted by the applicant. The grading requirements are discussed above.

No increase in impervious surfaces will result from this project. Uncompacted, native soils will be redistributed on site and recontoured based on the placement of fill in the area of Wetland A. The area will be revegetated with native species following completion of the project.

Pursuant to Section 410-1.2, the applicant or owner will be required to submit the necessary plans for review to the County Building Engineer and the Current Planning Services Division). A grading permit meeting the requirements of Section 410 shall be obtained prior to any on-site work and shall comply with the requirements listed in Attachment A of this casefile. Any grading is subject to the approval criteria of Section 410-3.

Grading within the flood plain must be balanced or cause no net fill, as discussed below under

Section 421 of the Code. Staff notes the ground disturbing activities within the flood plain have been reviewed and approved by the County floodplain manager for compliance with Section 421. These requirements are implemented by the grading plan.

Erosion control plans may be deferred until a grading permit is obtained. Erosion control and drainage requirements will be reviewed via the building permit process and must conform to Chapter 14.12 of the Washington County Code.

IV. SUMMARY AND CONCLUSION:

The required findings have been made for all of the applicable Code sections. When implemented in accordance with the Conditions of Approval (Attachment B) and the approved final plans, the project will be in compliance with the Raleigh Hills - Garden Home and the Community Development Code. The request for floodplain alteration for dredging and maintenance of an approximately 1.77-acre irrigation pond associated with Woods Creek, a tributary to Fanno Creek within the subject site is hereby **APPROVED** subject to the Conditions of Approval set forth in Attachment B of this report.



WASHINGTON COUNTY
Dept. of Land Use & Transportation
155 N. 1st Avenue, #350-13
Hillsboro, OR 97124
Ph. (503) 846-8761 Fax (503) 846-2908
www.co.washington.or.us

ATTACHMENT "D"
TYPE II

APPEAL INFORMATION

CASEFILE # L2300011-FP

Attached is a copy of the Land Use and Transportation Department's Review Authority decision on this request for a Development Action.

Any person who is adversely affected or aggrieved, or who is entitled to written notice pursuant to ORS 215.416(11) may appeal the decision by filing a written appeal.

Failure to file a petition for review with the Department of Land Use and Transportation by 4:00 p.m. on the due date, with the fee specified in the Notice of Decision, shall be a jurisdictional defect.

The decision, including conditions of approval, may be appealed and a public hearing held by filing a signed petition for review (appeal) within twelve (12) calendar days of date written notice is provided (date mailed).

APPEAL PERIOD: 05/26/2023 (Date Mailed) to 4:00 p.m. on 06/07/2023 (Appeal Due Date)

This decision will be final if an appeal is not filed by the due date.

The complete file is available at the County Department of Land Use and Transportation for review.

A petition for review (appeal) must contain the following: L2300011-FP.

1. The name and signature of each petitioner filing the petition for review (appeal). If a group consisting of more than one person is filing a single petition for review, one individual shall be designated as the group's representative for all contact with the Department. All Department communications regarding the petition, including correspondence, shall be with this representative;
2. A statement of the interest of each petitioner;
3. The date the Notice of Decision was sent as specified in the notice (date mailed);
4. The nature of the decision and the specific ground for appeal. For applications with multiple requests, specify the particular request(s) and/or specific conditions of approval being appealed;
5. A statement listing the number of pages of the petition and that all pages are present;
6. A statement setting forth the appeal fee as specified in the Notice of Decision; and
7. The appropriate appeal fee of **\$250.00**

For further appeal information, contact the Appeal Secretary at the Washington County Department of Land Use and Transportation. Phone 503-846-3849 or louisa_bruce@co.washington.or.us.