WASHINGTON COUNTY
Department of Land Use & Transportation
Current Planning
155 North First Avenue, Suite #350-13
Hillsboro, Oregon 97124-3072
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www.co.washington.or.us

NOTICE OF DECISION OF THE HEARINGS OFFICER

PROCEDURE TYPE: III

COMM PLAN: Raleigh Hills-Garden Home

ASSESSOR MAP#: 1S1 13CC/1S1 23AA/ 1S1 2400
LOT#: 4250/ 00800/ 01700
SITE SIZE: 126.77 Acres

SITE ADDRESS: 5900 SW Scholls Ferry Road

EXISTING LAND USE DISTRICT(S):
Institutional District (INST)
R-5 (Residential 5 units/acre)

LOCATION: On the south side of the intersection of SW Scholls Ferry Road and SW Nicol Road

CASEFILE: L2600070-DI (APPEAL)

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

APPLICANT'S REPRESENTATIVE:
Westlake Consultants, Inc.- Ken Sandblast
15115 SW Sequioa Pkwy, Ste 150
Tigard OR 97224

OWNER:
Portland Golf Club Inc
Same address as applicant

1st APPELLANT:
Neighbors for Wetland Preservation - Sue Skinner
c/o Law Office of Cary Allen LLC-Cary Allen
3351 Skye Road
Washougal WA 98671

2nd APPELLANT:
Dunn Carney Allen Higgins & Tongue LLP-Ty Wyman
851 SW 6th Avenue, Ste 1500
Portland OR 97204

PROPOSED DEVELOPMENT ACTION: Appeal of the Director's Interpretation Regarding Dredging and Temporary Onsite Dewatering of Pond Sediment as a Maintenance Activity Associated with the Portland Golf Club in the INST and the R-5 Districts.

DATE OF DECISION:

August 03, 2026

A summary of the decision of the Hearings Officer and supplemental findings are attached.

This decision may be appealed to the Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with LUBA within 21 days of the date of this decision. Contact your attorney if you have any questions in this regard.

For further information contact the Land Use Board of Appeals at 503-373-1265.

The complete case, including Notice of Decision, Application, Staff Report, Findings and Conclusions, and Conditions of Approval, if any, are available for review at no cost at the Department of Land Use and Transportation. Copies of this material will be provided at reasonable cost.

Notice to Mortgage, Lien Holder, Vendor or Seller: ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

SUMMARY OF DECISION:

On August 03, 2026, the Washington County Hearings Officer issued a written decision (Attachment C) upholding the Director's Interpretation Regarding Dredging and Temporary Dewatering of Pond Sediment as a Maintenance Activity at the Portland Golf Club in the INST and R-5 Districts at 5900 SW Scholls Ferry Road in Washington County. The subject property is identified as Tax Lots 1S1 13CC 4250, 1S1 23AA 800, and 1S1 24 1700. The Hearings Officer's decision is as follows:

ORDER:

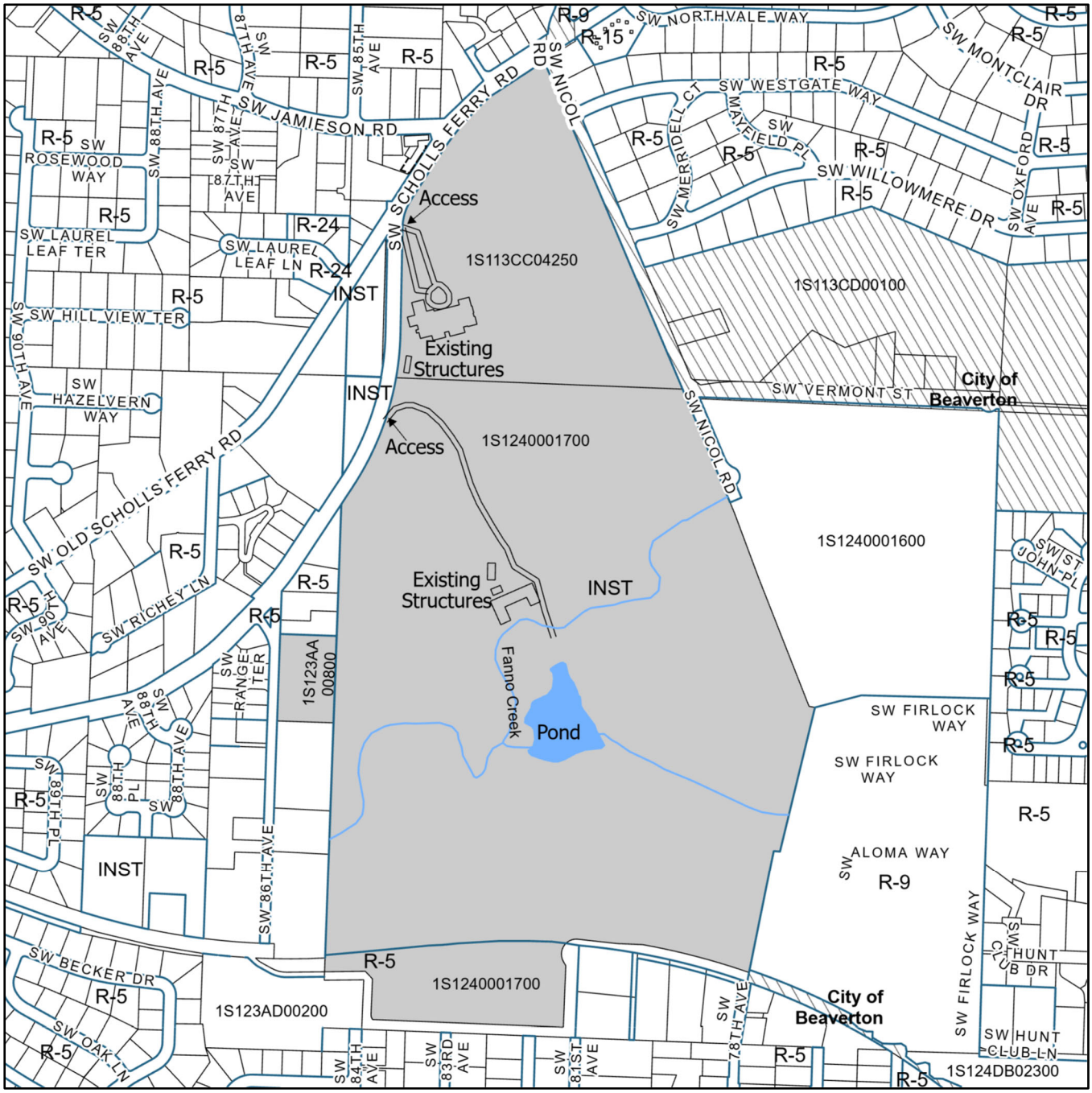
The Hearings Officer denies both of the appeals, affirms the Director's decision, and approves Casefile L2600070-DI/APPEAL (Portland Golf Club), subject to the Summary of Code Requirements in Attachment B of this Final Order.

Attachments:
A. Vicinity Map
B. Summary of Code Requirements for Casefile L2600070-DI (APPEAL)
C. Hearings Officer's Findings, Conclusion and Order

ATTACHMENT A VICINITY MAP

TAX MAP/LOT NO. 1S113CC04250; 1S123AA00800; 1S1240001700

CASEFILE: L2600070-DI APPEAL



↑ NORTH **AREA OF CONSIDERATION**

NOT TO SCALE

SITE & SURROUNDING LAND USE DISTRICTS:

Institutional District (INST)

R-5 District (Residential 5 units/acre)

R-24 District (Residential 24 units/acre)

City of Beaverton

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

SUMMARY OF CODE REQUIREMENTS

I. In accordance with Section 217-6, a Director's Interpretation shall not expire unless superseded by a subsequent Director's Interpretation or change to the Washington County Community Development Code. (Section 217)

II. This determination does not grant any project specific approval, and any alterations to the site may be subject to additional land use review. (Section 207-5)

BEFORE THE LAND USE HEARINGS OFFICER
OF WASHINGTON COUNTY, OREGON

Regarding appeals of a Director's interpretation that dredging, dewatering and temporary onsite storage of pond sediment is a maintenance activity associated with the Portland Golf Club at 5900 SW Scholls Ferry Road	))))	**F I N A L O R D E R** **Casefile No. L2600070-DI/APPEAL (Portland Golf Club)**

I. SUMMARY

1. On February 17, 2026, Ken Sandblast, on behalf of Portland Golf Club Inc. ("PGC" or the "applicant") submitted an application for a Director's interpretation that dredging and temporary onsite dewatering of pond sediment is a maintenance activity associated with the Portland Golf Club located at 5900 SW Scholls Ferry Road; also known as 1S113CC tax lot 04250, 1S1 23 AA tax lot 00800, and 1S1 24 00 tax lot 01700, in unincorporated Washington County (the "site").

a. The northern portion of the site and properties to the west, across SW Scholls Ferry Road, are zoned INST (Institutional). The southern portion of the site where sediment storage is proposed, and surrounding properties to the north, northeast, and southwest are zoned R-5 (Residential, 5 units per acre). Properties to the east of the site and north of SW Vermont Street are located in the City of Beaverton. Properties to the east of the site and south of SW Vermont Street are zoned R-9 (Residential, 9 units per acre).

b. Fanno Creek flows through the southern portion of the site from northwest to southeast and Woods Creek enters the site from the east and intersects Fanno Creek near the center of the southern portion of the site. There is a mapped 100-year floodplain overlay (Drainage Hazard Area, DHA) associated with Fanno Creek and a mapped 25-year floodplain overlay (Drainage Hazard Area, DHA) associated with Woods Creek. In addition, the site contains mapped riparian and upland Significant Natural Resources. The Fanno Creek Trail abuts the south boundary of the site.

c. The application states that the subject property supports an 18-hole golf course, part of the Portland Golf Club (PGC), that has been operational since approximately 1914. Submitted materials indicate that the course generally consists of large grassy lawns and sand traps. The golf course is interspersed with trees and has a tree-lined perimeter. The southern portion of the site contains a man-made in-line reservoir constructed along the flow path of Woods Creek just before its confluence with Fanno Creek as it crosses the property (Junor Lake created in 1922, also referred to as a "pond" in this Final Order). Junor Lake pond is used to irrigate the greens and fairways on the golf course. The reservoir is fed by: (i) Woods Creek (seasonal), (ii) water diverted into it from Fanno Creek, and (iii) the pumping of ground water. The site also supports a clubhouse built in 1928.

d. The application includes a statement by Cory Isom, the authority responsible for grounds maintenance of the golf course, describing the need for maintenance of the reservoir (Exhibit PH2, Attachment C). According to Mr. Isom's statement and attached documents, sediment from Woods Creek flows downstream into the reservoir and accumulates over time, thereby reducing the functionality of the reservoir in terms of water

storage capacity and impacting the quality of water available for irrigation. Further, a reduced water depth not only fuels weed and algal growth, which can clog the irrigation system, but also makes the shallower waterbody more susceptible to temperature fluctuations. These above factors may result in aquatic habitat destruction and oxygen depletion in the lake.

e. The application states that accumulated sediment was last successfully removed from the reservoir in 1994. The application also includes a study from 1999 that analyses the sedimentation patterns at the site and includes alternatives to on-site management of sediment accumulation. (Exhibit PH2, Attachment C, Exhibit C).The study, among other things, recommends periodic dredging of the sediment that flows into the pond in order to maintain the ability to use the pond for irrigation. The study also refers to the fact that maintenance dredging permits issued by the Oregon Department of State Lands (DSL) are valid for three-years, while the US Army Corps of Engineers (the "Corps") permits are valid for ten years. Permit history submitted indicates a DSL permit was issued in 2013 (#54411-FP) for dredging Junor Lake, authorizing removal of up to 8,500 cubic yards, but the permit expired in 2016 before any dredging took place, due to contractor disputes. The 2013 DSL approval included disposal (burial) of dredged materials onsite. Staff notes that the proposed dredging was within the floodplain and would be subject to development review for floodplain alteration pursuant to Section 421 of the Washington County Community Development Code (the "CDC"), but County records do not indicate any such floodplain alteration permit was applied for.

f. Land use approvals were issued to the site for the following uses over the last three decades:

- Construction of a sanitary sewer line and pedestrian trail (Casefile L9800022-SU/D(INS)/FP)
- Floodplain alteration and wetland enhancement to expand Junor Lake (Casefile L0300486-FP/W)
- Construction of Maintenance Office (Casefile L0500476-D)
- Floodplain alteration for stream enhancement (Casefile L0700370-FP)
- Construction of a Pedestrian bridge (Casefile L1900145-FP)
- Dredging and Maintenance of an Irrigation Pond (Casefile L2300011-FP)

g. The 2023 casefile (L2300011-FP) approved the dredging of Junor Lake, the construction of a corridor with temporary flexible pipes for conveyance of the dredged material, and the burial of the dredged material at a designated location in the southern portion of the site. The recycled water would be returned to the pond. A Type II floodplain development review applied to this casefile since development was proposed within the flood hazard area associated with Fanno Creek and Woods Creek.

h. The applicant Portland Golf Club, through the current application, is requesting a Director's Interpretation (DI) pursuant to CDC Section 217, that temporary

onsite accumulation of the dredged Junor Lake sediment, placement in bags,[1] and eventual offsite disposal:

i. Constitutes a maintenance activity of the subject golf course, which is allowed outright; and

ii. Does not create a "landfill" or "solid waste disposal site."

2. On June 3, 2026, the responsible County official issued a written decision concluding that that temporary onsite accumulation of the dredged Junor Lake sediment, placement in bags, and eventual offsite disposal is a permitted golf course maintenance activity and does not create a "landfill" or "solid waste disposal site." (Exhibit PH-3, the "Director's decision"). The Director also stated that a temporary use permit is required to store the sediment on the site and that changes to the approved floodplain permit may require additional County review and approval. (Exhibit PH-3, Attachment C at 2, 5, and 8). However, the Director's decision did not include any conditions of approval requiring any additional reviews.

3. On June 15, 2026:

a. Attorney Cary Allen filed a written appeal of the Director's decision on behalf of "Neighbors for Wetland Preservation" (NWP). (Exhibit PH-1a, the "NWP's appeal"); and

b. Attorney Ty Wyman filed a written appeal of the Director's decision on behalf of the applicant. (Exhibit PH-1b, the "Applicant's appeal").

4. Washington County Land Use Hearings Officer Joe Turner (the "hearings officer") held a duly noticed online public hearing to receive testimony and evidence regarding the appeals. County staff recommended that the hearings officer deny both appeals and affirm the Director's decision. (See the Staff Report and Recommendation to the Hearings Officer dated July 1, 2026, (the "Staff Report"). Mr. Wyman and other representatives of the applicant testified in support of the Applicant's appeal and in opposition to NWP's appeal. Mr. Allen testified in support of NWP's appeal and in opposition to the Applicant's appeal. Six other persons testified orally regarding the appeals. Other persons testified in writing. Contested issues in this case include:

a. Whether the fact that the Citizen's Participation Organization (CPO 3) did not receive notice of the initial application for interpretation prejudiced the CPO's substantial rights;

b. Whether NWP was provided a full and fair opportunity to present their case;

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[1] The applicant initially referred to the sediment storage bags as "biobags." (Exhibits PH2, PH6, and testimony of applicant's representatives). The applicant subsequently stated that that the use of that term was an error, that the applicant will dewater and store the sediment in "permeable sediment bags." (Exhibit OR2B, Footnote 5). For convenience and clarity, the hearings officer uses the generic term "bags" throughout this decision.

c. Whether dredging of golf course irrigation ponds and bagging of dredge material for dewatering and temporary storage prior to disposal are established and accepted maintenance practices at golf courses;

d. Whether the dewatering and temporary storage of bagged dredge material on the site creates a landfill or solid waste facility site under the CDC;

e. Whether the definitions in the Washington County Code ("WCC"), Oregon Revised Statutes, DEQ regulations, as well as the actions of other state and federal agencies, and cited "industry standards" are relevant in interpreting the CDC;

f. Whether the Director's interpretation that the proposed use does not create a landfill or solid waste facility site revised public policy in violation of CDC 217-1; and

g. Whether concerns that the temporary storage of bags of dredge material will impact surrounding lands, persons, and animals are relevant to the requested interpretation.

5. Based on the findings provided or incorporated herein, the hearings officer concludes the applicant sustained the burden of proof that:

a. Dredging of the irrigation pond and dewatering and temporary storage of the dredged material is an allowed maintenance activity associated with the existing golf course use on the site;

b. The temporary storage of the dredged material on the site does not create a solid waste disposal site as that term is used in the CDC;

c. Concerns about alleged impacts of the dredging, dewatering, and storage activities are not relevant to this request for interpretation; and

d. Statements in the Director's decision regarding the need for a temporary permit and/or modification of the prior floodplain approval are dicta, as the Director's decision did not include conditions of approval requiring any additional County review.

6. Therefore, the hearings officer denies both appeals and affirms the Director's decision.

II. HEARING AND RECORD HIGHLIGHTS

1. The hearings officer received testimony at the duly noticed online public hearing about this application on July 8, 2026. At the hearing, the hearings officer received and physically inspected the file maintained by the Department of Land Use and Transportation ("DLUT") regarding this application, including comments received after the Staff Report was issued. The hearings officer made the statement required by ORS 197.763 and disclaimed any *ex parte* contacts with interested persons, bias or conflicts of interest. The following is a summary by the hearings officer of selected testimony at the hearing.

2. County Senior Planner Maitreyee Sinha summarized the Director's decision, the Staff Report, and her PowerPoint presentation (Exhibit H-1).

a. She noted that the Director approved an interpretation finding that dredging of the pond and temporary onsite placement of the dredged sediment for dewatering and temporary storage followed by offsite disposal constitutes normal maintenance of the existing golf course and dewatering and temporary storage of the dredge material on the site and does not create a "landfill" or a "solid waste disposal site."

3. Attorney Ty Wyman, Portland Golf Club maintenance and operations Director Cory Isom, and planner Ken Sandblast, testified in support of the Applicant's appeal and in opposition NWP's appeal.

a. Mr. Wyman summarized his written testimony (Exhibit PH6).

i. He agreed with the Director's interpretation that dredging of the pond and the temporary storage and dewatering of dredge material on the surface of the site is normal maintenance and does not constitute the disposal of solid waste or the creation of a solid waste facility site.

ii. He disputed the need to modify the 2023 decision based on the proposal to temporarily store dredge material on the site rather than burying it on site as originally proposed in the 2023 application. He argued that a temporary permit is not needed to store the dredge material on the site for dewatering and temporary storage prior to offsite disposal.

iii. He noted that "time is of the essence" in this case, as the County floodplain permit approval is only valid for three years and the applicant's state and federal permits are also subject to looming deadlines.

iv. He argued that the WCC is not part of the CDC, as it does not implement the County's comprehensive plan. Therefore, the definitions in WCC Chapter 8 are not relevant to this application. CDC 106 defines certain terms that are used in the CDC. CDC 106-1.3 provides that undefined words are subject to the definitions in Webster's Third New International Dictionary, copyright 1993. Definitions in ORS 215 and OAR 660 are also relevant to this application as they directly regulate County planning and land use regulations. Definitions provided in other County regulations or state statutes and rules are inapplicable.

v. The CDC implements the comprehensive plan, which includes policies regarding recreation (Goal 8) and floodplain management (Goal 7). The question before the hearings officer is whether the temporary placement of dredge material in an upland area of the site for the purpose of dewatering and temporary storage prior to offsite disposal at a landfill constitutes the disposal of solid waste under the Code. The Code does not require an analysis of alternatives nor that the proposed process have the least possible impact.

vi. He proposed to submit the applicant's final argument during the second week of the open record period, waiving the applicant's right to an extra week for final argument. He agreed to toll the 120-day clock until August 5, 2026, to accommodate the open record period.

b. Mr. Isom summarized his education and experience in the golf course maintenance industry. He and his 26-person staff are responsible for maintaining the golf course, landscaping, natural areas, wetlands, creeks, and ponds on the site. He also responded to cross-examination questions from Mr. Allen.

i. He testified that the applicant intends to dredge the pond to remove sediment, store the sediment in bags to allow the water to drain out and the solids to dry, and then transport the dry sediment to an offsite landfill for disposal as solid waste. The applicant cannot dispose of wet dredge material, as the Hillsboro Landfill will not accept liquid waste.

ii. Water draining from the bags will not flow directly into Fanno Creek. The applicant will create a closed-loop system, pumping dredge material into the bags in an upland area of the site. The bags will be stored on a layer of plastic to collect water draining from the bags. The applicant will pump the collected water back into the pond. The applicant will place straw wattles around the perimeter of the plastic lined storage area to contain the water flowing out of the bags. Any contaminants will remain contained within the sediment in the bags. The water flowing out of the bags is not contaminated, based on modified elutriate testing. The dredge material is mostly silt, clay, and vegetation that is carried into the pond from Fanno and Woods Creeks, in addition to golf balls from the golf course. The applicant will store the bags in the R-5 zoned portion of the site for the course of a few months to drain 80% to 90% of the water from the dredge material. The organic materials in the dredge material will immediately begin to decay while the bags are stored on the site. The applicant will replant and restore the impacted areas after dredging is complete and the bags are removed.

c. Mr. Sandblast noted that the pond has existed on the site for decades. Dredging of the pond is part of the applicant's normal maintenance. In addition, CDC 421-14.1 imposes an obligation on the applicant to maintain the capacity of the floodplain. The accumulation of sediment within the pond reduces floodplain capacity.

i. The County previously approved a floodplain permit for the proposed dredging, Casefile L2300011-FP. Any changes to the dredging process approved in that permit are minor and no additional review is needed. The 2023 permit included storage of dredge material in bags for dewatering. The applicant proposed to then bury the bags on the site. The applicant is only changing the location of the bags, storing them in an upland area of the site, outside of the wetland and Clean Water Services setbacks, and eliminating the proposal to bury the bags on the site; the applicant will transport the bags of dewatered dredge material to an offsite landfill. These changes will reduce the area of impact on the site. There is no need for a temporary permit for storage of the bags, since the prior floodplain permit approved placement of the bags on the site.

ii. The applicant is not disposing of solid waste on the site. The applicant will only store the dredge material in bags on the site temporarily while draining and drying the dredge material. All of the solid sediments will be retained within the bags while water will drain out and be pumped back into the pond. The applicant submitted a grading plan that includes erosion control measures ensuring that runoff from the bags is contained within the storage area prior to being pumped back into the pond. The dredge material will not be directly exposed to the air, but the bags are permeable so some air exposure will occur.

iii. He argued that DEQ has yet to determine whether the dredge material constitutes solid waste. However, the applicant cannot permanently retain the dredge material on the site.

4. Washington County land use counsel Melissa Ryan agreed with Mr. Wyman that this interpretation application is only subject to the definitions in the CDC, ORS 215, and OAR 660. The WCC is inapplicable, as it does not implement the County's comprehensive plan.

a. She argued that all parties were provided a full and fair hearing and an equal opportunity to present their case. The County posted the applicant's and NWP's testimony to the County website by 3:00 p.m. on the date they were received. The applicant has the burden of proof, therefore, they are allowed an opportunity for rebuttal and final argument.

5. County interim current planning section manager Ken Rencher responded to questions from Mr. Allen. He summarized his education and experience. He testified that he has no experience in waste management and disposal; DEQ is responsible for regulating solid waste disposal. The County required that the applicant obtain a DEQ permit to bury the bags of dredge material on the site as a condition of the floodplain permit approval. DEQ subsequently determined that the dredge material constitutes solid waste that must be disposed of in a landfill. He testified that in making their decision in this case County staff reviewed the application materials and compared them to the applicable standards in the Code. He did not review the dictionary definition of "transform," "destroy," or "decay" prior to making a decision about this interpretation.

6. Attorney Cary Allen testified in support of NWP's appeal and summarized his written testimony (Exhibit PH5).

a. He argued that the County appeal process does not allow NWP a full and fair opportunity to present their case, as the County provided the applicant a copy of his prehearing memo but did not provide him with a copy of Mr. Wyman's prehearing memo.

b. He argued that there is no need to dewater the dredge material on the site; the applicant can simply pipe it to trucks and transport it to a landfill for disposal as liquid waste.

c. The proposal to store dredge material on the site is not a routine maintenance activity, as the applicant has never done so before. The applicant is proposing

to store stinky mud next to a public trail and surrounding homes, as the dredge material will immediately begin to decompose, transform through aerobic decay, and generate odors. In addition, the bags of dredge material will impact the existing vegetation and compact the soil beneath the bags.

d. DEQ determined that the dredge material is solid waste. The County should not be responsible for deciding what constitutes waste and how it should be stored and disposed.

e. He asserted that the Hillsboro Landfill will accept liquid waste.

7. Sue Skinner testified that she lives south of the site and walks the Fanno Creek Trail on a daily basis. She reiterated that DEQ determined that the dredge material is solid waste. The dredge material will include insecticides, fungicides, herbicides, zinc, lead, and golf balls. It is not clean fill. The pond sediments were tested for contaminants in 2023, but the test results were not made available until 2025. County planning & development services manager Carol Johnson previously concluded that solid waste may not be stored on the site for even a single day.

a. The applicant last attempted to dredge the pond and dewater the dredge material more than 30 years ago. But now the project is suddenly urgent. Based on the 2023 Terra Science report, the prior dredging process turned out to be more technical than planned and the applicant was unable to contain the volume of water generated so the applicant stopped the process, allowed the bags to dry out, and disposed of them.

b. She argued that the applicant is proposing industrial scale solid waste disposal. The volume of the proposed bags equates to the volume of five dump trucks per bag. The applicant proposes to store the bags right next to the Fanno Creek Trail for eight to eleven months while they dewater and dry the dredge material. If this application is approved the applicant will repeat the process in the future. The applicant can transport the liquid dredge material offsite for dewatering and disposal instead.

c. The letters from the Oregon Department of Fish and Wildlife ("ODFW") and the Corps were issued before the testing results for the dredge material were released. ODFW concluded that the project will have negative short and long-term impacts on wildlife and habitat.

8. Robert Skinner, past president of CPO-3, testified that the CPO did not receive notice of the Director's interpretation. He argued that the Director has no authority to approve a prohibited activity, dumping solid waste, as a temporary use.

a. He argued that the application should have been subject to Type III review due to the impacts of the project. The County webpage states that the project would be elevated to a Type III review if DEQ classifies the dredge material as solid waste, but the County failed to elevate the review to Type III.

b. The three-foot high bags will block views from the Fanno Creek Trail. There are wetlands to the northeast of the bag storage area and Fanno Creek is located to the west, both of which contain protected species. The project will impact the floodplain.

c. The proposed dredging and dewatering is not "routine maintenance" as it has never been conducted on this site before. The applicant's attempt to do so in 1994 was unsuccessful, as the bags ruptured.

d. There is no "loophole" for the County to approve a prohibited use as a temporary use. On October 24, 2025, the County refused to issue a Land Use Compatibility Statement ("LUCS") for permanent on-site disposal of the dredge material because it would constitute a prohibited waste storage use.

e. The applicant has a history of noncompliance on the site.

9. Sheila Jameson objected to the project's impacts on wildlife. She argued that there is no evidence to support the applicant's assertion that dredging and storage of dredge material is "normal maintenance." She has never seen any dredging activity on the site in the past.

10. Robert Pater expressed concern with the safety of the stored material. Dewatering of the dredge material will concentrate the contaminants contained in the dredge material, which could impact trail users, pets, and children. The applicant is trying to redefine "maintenance," which would establish a precedent for the future. The proposed use goes well beyond the dictionary definition of "maintenance."

11. Kelsey Shaw Nakama appeared on behalf of the Tualatin Riverkeepers and summarized the mission of that organization. She agreed with the prior testimony regarding the safety and wildlife impacts of the project. CDC 217-1 authorizes the Director to interpret the Code to address uses that are not explicitly provided for in the Code. However, the Code does address, and prohibit, the storage of solid waste. The Director cannot interpret the Code to allow a prohibited use. The County has no authority to approve the storage of solid waste, that is within DEQ's exclusive jurisdiction. The dredge material does not qualify as "clean fill" as defined by OAR 340-093-0030(19). WCC 8.08.030(8) defines "disposal." The water flowing out of the bags is "leachate" as defined by OAR 340-093-0030(63) and DEQ regulations . The water flowing out of the bags will carry contaminants that may be transported into wetlands or streams. Although the bags will be stored in the upland, the water flowing out of the bags will enter Fanno Creek. Removal of vegetation on the site will increase the volume of runoff from the site, which will impact adjacent properties.

12. Dr. Brooke Bachelor, past chair and vicechair of CPO-3 agreed with the testimony of prior witnesses regarding the health impacts of the proposed use.

13. At the conclusion of the public hearing, the hearings officer ordered the record held open for one week, until 4:00 p.m. on July 15, 2026, to allow all parties an opportunity to submit new testimony and evidence and for a second week, until 4:00 p.m. on July 22, 2026, to allow all parties to respond to anything submitted during the first week and for the

applicant to submit a final argument. Exhibits OR1A-E and OR2 A and B were submitted during the open record period.

III. APPLICABLE CRITERIA

A. Washington County Comprehensive Framework Plan for the Urban Area
B. Washington County Community Development Code (CDC/Code):
1. Article II, Procedures:
   Section 201 Expiration
   Section 202-2 Type II Procedure
   Section 207-5 Conditions of Approval
   Section 217 Director's Interpretation
2. Article III, Land Use Districts:
   Section 308 INST District
   Section 302 R-5 District

IV. FINDINGS

A. Comprehensive Framework Plan (Rural/Natural Resource Plan Element)

The goals and policies relating to the development of land are implemented by the Washington County Community Development Code and the applicable Community Plan, in this case the Raleigh Hills-Garden Home Community Plan. The Washington County Comprehensive Framework Plan for the Urban Area requires development applications to comply with the Code and the applicable Community Plan.

Any future development application on the subject property must conform to the applicable standards of the Code and the Raleigh Hills-Garden Home Community Plan.

B. Washington County Community Development Code

1. Article II: Procedures

Section 201 Expiration

201-4.2 Except as outlined below under Section 201-4.2 or as otherwise specifically provided in this Code, a development permit shall expire automatically four (4) years from the date of issuance unless one of the following occurs first:

A. The development permit is revoked as provided for in Section 201-7 or as otherwise invalidated by a body of competent jurisdiction; or

B. An application for an extension is filed pursuant to Section 201-5; or

C. The development has commenced as provided in Section 201-6.

> *D. Upon final approval by the county of a permit, if the permit is appealed to a body of competent jurisdiction, the four-year permit period shall be tolled until a final, unappealed decision by a competent jurisdiction is made.*
>
> *In addition to A., B., C. and D., land divisions shall expire automatically four (4) years from the date of preliminary approval, and property line adjustments shall expire automatically four (4) years from the date of approval as specified in Article VI.*

Section 201 is superseded by Section 217-6, which outlines the expiration requirements for a Director's Interpretation such as the one assessed in this Final Order. Section 217-6 states that no expiration dates shall be applied to an application for a Director's Interpretation. Section 217-6 is discussed in detail later in this Final Order and its provisions are reflected in the Summary of Code Requirements in Attachment B.

Section 202 Procedure Types and Determination of Proper Procedure

202-2 Type II Procedures

CDC 205-5.1 provides "The Director shall determine whether an application or decision is a Type I, II or III action in accordance with the standards set forth above." CDC 202-2.2.A provides that actions identified as Type II are subject to Type II review. (Underline added). CDC 217-3.2, provides "An application for a Director's Interpretation shall be processed as a Type II procedure in accordance with Section 202-2.1 and 202-2.2 of this Code." (Underline added). Therefore, the Director has no authority to subject this interpretation application to Type III review. No development is proposed with this application. The proposed dredging and disposal was previously reviewed through the floodplain permit (Casefile L2300011-FP) and any substantive changes to that floodplain permit may be subject to further review of that permit. Therefore, the hearings officer finds that there is no grounds to upgrade this review to a Type III procedures. This application is being processed through the Type II procedures of the Community Development Code, pursuant to CDC 217-3.2.

CDC 202-5.4 authorizes the Director to process a Type II application under the Type III procedure "[i]n order to provide greater notice and opportunity to participate than would otherwise be required, or in order to comply with the time requirements for reviewing development applications in ORS 215.428." However, upgrading a Type II application to Type III review does not make the application subject to Type III criteria. Upgrading only changes the process by which an application is reviewed, requiring an initial hearing instead of written comment period. This application was considered at a public hearing pursuant to the appeal process. Therefore, elevating this application to Type III review would not provide any additional opportunities for public participation.

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

Public notice was mailed to nearby property owners as required under Section 204. Over 60 comment letters were received in response to the public notice for the original application, and were addressed in the Director's decision. Additional public comments were received in response to the notice of appeal and are addressed in this Final Order.

The County states that it provided notice to CPO 3. (See Section 217-3.4 of the Staff Report). Mr. Sellers' testimony, CPO-3 did not receive notice of the interpretation application. However, the hearings officer finds that the appeal proceeding cured any procedural error that may have resulted from lack of notice as the public hearing provided the public, including the CPO, an adequate opportunity to review and comment on the application at the appeal hearing and during the open record period. The neighborhood was well represented at the hearing and in the written record. Residents of the neighborhood, including members of the CPO's executive board, testified clearly and succinctly regarding issues of concern to them.

Section 207 Decision

207-5 Conditions of Approval

Conditions of approval are imposed as necessary to ensure compliance with the standards of the Code and other County regulations and to mitigate any adverse impacts a development may have on the surrounding area. In this case, no development is proposed. Although CDC 217-3.8 authorizes the Review Authority to impose conditions on this interpretation, no conditions are warranted since no specific development is being approved with this interpretation application. Actual development on the site has or will be reviewed through the floodplain and grading permit processes.

In their appeal the applicant objected to "conditions" requiring a temporary use permit for temporary storage of the dredge material and modification of the floodplain permit (L2300011-FP). However, the director's decision did not include an conditions of approval. Therefore, the hearings officer finds that statements in the Director's decision regarding these issues are mere dicta and of no effect and the applicant's appeal is moot.

Section 209 Appeals

209-1 Decision

A decision of the Review Authority for quasi-judicial plan amendments may be appealed within fourteen (14) calendar days after written notice of the decision is provided to the parties, or a decision by the Review Authority for all other development actions pursuant to Section 209-2 may be appealed within twelve (12) calendar days after written notice of the decision is provided to the parties when:

209-2 Appeal Authority

209-2.1 Type I or II Actions

The Hearings Officer or Planning Commission as designated by Resolution and Order of the Board shall hear appeals from Type I and II decisions of the Director. The Hearings Officer or the Planning Commission shall be the final decision-maker for the County on appeals of the final decision of the Director for Type I or II actions.

These are appeals of a Type II decision with the Hearings Officer as the appeal authority. The appeals were filed by 4:00 pm on June 15, 2026, which was the end date of the appeal period. Copies of the appeal letters are included as Exhibits PH1a and PH1b.

209-3 Petition for Review

209-3.1 A petition for review shall contain the following:

A. The name of the applicant and the County case file number;
B. The name and signature of each petitioner and statement of the interest of each petitioner to determine party status. Multiple parties may join in filing a single petition for review, but each petitioner shall designate a single contact representative for all contact with the department. All department communications regarding the petition, including correspondence, shall be with this contact representative;
C. The date that notice of the decision was sent as specified in the notice;
D. The nature of the decision and the specific grounds for appeal. Unless otherwise directed by the appellate authority, the appeal of Type I and III decisions shall be limited to the issue(s) raised in the petition;
E. The number of pages of the petition and a statement that all pages are present; and
F. A statement setting forth the appeal fee specified in the Notice of Decision;

Two appeals were filed: one by NWP, the other by the applicant, Portland Golf Club. The appellants' stated grounds for appeal are included in Exhibits PH1a (NWP's appeal) and PH1b (Applicant's appeal). The appeal issues are addressed in the findings in this Final Order.

209-5 Nature of Hearing

209-5.1

209-5.1 All hearings on appeal shall be conducted as public hearings in accordance with Section 205.
209-5.2 Review of the final decision of the Director in Type II actions shall be de novo. At the public hearing of an appeal of a Type II action, participants shall be limited to the applicant, those

who made the appeal and those persons that were entitled to be mailed a public notice of pending review of the Type II action pursuant to Section 204-3.1, and those who made written comments as prescribed in Section 202-2.3.

The hearings officer finds that all parties were provided a full and fair opportunity to present their case. The hearings officer conducted the appeal hearing in accordance with CDC 205, including allowing all parties a reasonable opportunity to present evidence and cross-examine witnesses, including staff, as required by CDC 205-5.1 and 205-5.2. The County posted all exhibits on its website for public review. Because this is a *de novo* appeal, the applicant continues to bear the burden of proof that the application complies with the Code. Therefore, the applicant was entitled to make an initial presentation and make a rebuttal after all other parties had the opportunity to testify. The hearings officer held the record open for one week after the close of the hearing to allow all parties an opportunity to submit additional testimony and evidence and for a second week to allow all parties an opportunity to respond to the testimony and evidence submitted during the first week of the open record. The applicant waived its right to a final week to submit a final argument, choosing to submit its argument during the second week of the open record.

Section 217 Director's Interpretation

217-1 Purpose

217-1 The purpose of the Director's Interpretation is to address uses that are not explicitly provided for in this Code, to provide further interpretation of terms or phrases within this Code, make initial determinations of conformity through a Development and Property Information (DPI) request, and provide guidance and documentation for future application of this Code.

In addition to this interpretation process, interpretations can be made by the Board pursuant to Resolution and Order 98-35. Revisions to public policy shall not be made through Board or Director's Interpretations of this Code. Policy revisions shall be considered through a Type IV legislative process as described in Section 202-4. Director's Interpretations shall be used to provide guidance for consistent application of Code standards. For Type II applications on appeal and Type III applications, the Hearings Officer may consider the Director's Interpretation and may use and incorporate the interpretation into its findings.

The applicant requests a Director's Interpretation pursuant to CDC Section 217 determining that dredging the sediment of Junor Lake, an irrigation reservoir, and dewatering the dredged sediment onsite is a maintenance activity that is allowed outright incidental to the golf course, and that this activity/placement does not create a "solid waste disposal site" or a "landfill," and is, therefore, in compliance with County land use regulations.

<u>Maintenance Activity</u>

The subject property is designated both R-5 and INST where golf courses are permitted. The Portland Golf Club on the subject site was established on the site circa 1914 and is a lawful nonconforming use.

The hearings officer finds that Junor Lake constitutes an accessory structure on the subject site in conjunction with the golf course, which is defined by CDC Section 106-5 as, *"A detached, subordinate structure, the use of which is customarily incidental to that of the dominant use of the main building, structure, or land and which is located on the same lot or parcel as the main building, structure or use."* CDC 106-205 defines ""Structure:" as "Anything which is built, erected or constructed and located on or under the ground, or attached to something fixed to the ground. Structures include, but are not limited to, buildings, towers, walls (includes retaining walls), fences more than 6 feet in height, billboards, and utilities. Structures do not include paved areas." The pond is a "structure," as it is constructed (excavated) below the ground. The pond is "accessory," as irrigation ponds are customarily found in conjunction with golf courses and support the primary use of the site as a golf course. According to the application materials, Junor Lake is an irrigation reservoir that supports the golf course functionally by providing water for the maintenance of the greens, serving aesthetic purposes by adding depth to the landscape, and being a challenging obstacle that tests a player's skills.

CDC Section 106 does not define the terms "maintenance" or "customarily accepted practice." Therefore, under Section 106-1.3, the dictionary definition of these terms will be used as defined by *Webster's Third New International Dictionary*, copyright 1993. The 1993 version of Webster's provides the following relevant definitions:

> "Maintenance" means "the state of being maintained" and "the upkeep of property or equipment;"
>
> "Customarily" means "according to custom or established practice;"
>
> "Accepted" means "generally approved or used;" and
>
> "Practice" means "to do or perform often, customarily, or habitually."

The hearings officer finds the maintenance of structures is inherent to lawful use of property. Indeed, maintenance of structures is generally recognized as a fundamental duty of a property owner, necessary to sustain the property by ensuring the structures continue to function properly. Maintenance of Junor Lake is vital to protect the ancillary uses it serves at the golf course.

Dredging and dewatering of irrigation ponds is a customary maintenance procedure for golf course ponds. Periodically dredging sediment from Junor Lake is necessary to ensure proper depth (and, hence, its storage capacity) is maintained, sediment does not clog irrigation pipes, and invasive vegetation such as algal growth and weeds are limited. The dewatering process separates water from the dredged sediment, reduces waste volume prior to offsite removal, and returns the water to the pond after appropriate treatment and testing as determined necessary by DEQ and DSL. The applicant used a dragline to dredge and deepen the pond "In the late 1940's to early 1950's…," used a barge mounted suction/pipeline

dredge "[i]n the late 1950's to early 1960's and removed around 18 inches of fine silt" from the pond, and attempted to dredge and dewater the pond "In approximately 1992…" The applicant deepened the pond to 12 feet in 1994. (Exhibit PH2 at 112). The applicant also provided evidence of dredging and on-site dewatering of dredge material at the Overlake Golf & Country Club in Medina, Washington. (See Exhibit OR1Diii). Based on the definitions and discussion above, the hearings officer find that both dredging and dewatering of the sediment onsite are customarily accepted practices that are reasonably associated with pond maintenance at golf courses.

Solid Waste Disposal Site or Landfill

In addition, the hearings officer finds that the dewatering and temporary storage of dredge material does not make the site a "solid waste disposal site" as that term is used in the Code. CDC 430-127.3 defines Solid Waste Disposal Site as "A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality, together with equipment, facilities or buildings necessary for its operation."

The CDC does not define the terms "solid waste" or "disposal." Opponents cited definitions of these terms in state law, the Oregon Administrative Rules ("OAR"), and the WCC. However, the hearings officer finds that these definitions are not relevant to this application for interpretation of the CDC. CDC 106-1.4 provides "Where words or terms are defined by Oregon Revised Statute(s) (ORS) or Oregon Administrative Rules (OAR) and *are applicable to this Code*, those definitions shall apply as defined herein." (Emphasis added). However, none of the cited definitions are applicable to the CDC. Therefore, they are not relevant to interpreting the meaning of terms in the CDC.

As the applicant notes, the CDC and WCC are separate ordinances. The Board explicitly cross-referenced the WCC in CDC 423-6. It did not do so elsewhere in the Code and the hearings officer must defer to that choice. "Liberally construing" WCC Chapter 8 as provided in WCC 8.04.010 does not make the WCC applicable to interpretation of the CDC. WCC 8.04.020, the definitions section of the WCC, states that the listed definitions are "As used in this chapter…" The CDC is not part of Chapter 8 of the WCC. Therefore, the WCC definitions do not apply to the CDC.

For the same reasons, Mr. Pearce's assertion that other agencies he has worked with have not categorized dredge material as solid waste (Exhibit OR1Div) and Mr. Sandblasts' citations to "industry standards" established by Interstate Technology Regulatory Council (Exhibit OR1Dii at 2) are not relevant to this interpretation application, as they are not part of the CDC.

CDC 106-1.3 requires that words or terms that are not defined in the CDC shall be defined by "Webster's Third New International Dictionary," copyright 1993 ("Webster's"). The hearings officer does not have convenient access to the 1993 version of Webster's. Therefore, as the parties have done in their submittals, the hearings officer cites to the online version of the Merriam-Webster dictionary, which provides the following relevant definitions:

> "Landfill" means "a system of trash and garbage disposal in which the waste is buried between layers of earth to build up low-lying land." ("Landfill." Merriam-Webster.com Dictionary, Merriam-Webster, https://www.merriam-webster.com/dictionary/landfill. Accessed 28 Jul. 2026.)

The hearings Officer finds that the dewatering and temporary storage of dredge material in bags on the site does not create a "landfill" because the applicant will not bury the bags and dredge material between layers of earth.

> "Waste" means "refuse from places of human or animal habitation: such as (1) **:** Garbage, Rubbish." ("Waste." Merriam-Webster.com Dictionary, Merriam-Webster, https://www.merriam-webster.com/dictionary/waste. Accessed 28 Jul. 2026).
>
> "Garbage" means "discarded or useless material." ("Garbage." Merriam-Webster.com Dictionary, Merriam-Webster, https://www.merriam-webster.com/dictionary/garbage. Accessed 28 Jul. 2026).
>
> "Disposal" means "systematic destruction *especially* **:** destruction or transformation of garbage." ("Disposal." Merriam-Webster.com Dictionary, Merriam-Webster, https://www.merriam-webster.com/dictionary/disposal. Accessed 28 Jul. 2026. Italics in original).
>
> "Systematic" means:
> "1 **:** relating to or consisting of a system
> …
> 3 a **:** methodical in procedure or plan."
> ("Systematic." Merriam-Webster.com Dictionary, Merriam-Webster, https://www.merriam-webster.com/dictionary/systematic. Accessed 28 Jul. 2026).
>
> "Destruction" means "the action or process of destroying something." ("Destruction." Merriam-Webster.com Dictionary, Merriam-Webster, https://www.merriam-webster.com/dictionary/destruction. Accessed 28 Jul. 2026).
>
> "Destroy" means "to ruin the structure, organic existence, or condition of **:** damage beyond repair." ("Destroy." Merriam-Webster.com Dictionary, Merriam-Webster, https://www.merriam-webster.com/dictionary/destroy. Accessed 28 Jul. 2026.
>
> "Transformation" means "an act, process, or instance of transforming or being transformed." ("Transformation." Merriam-Webster.com Dictionary, Merriam-Webster, https://www.merriam-webster.com/dictionary/transformation. Accessed 28 Jul. 2026)

> "Transform" means "to change in composition or structure" ("Transform." Merriam-Webster.com Dictionary, Merriam-Webster, https://www.merriam-webster.com/dictionary/transform. Accessed 28 Jul. 2026).
>
> "Site" means "the place, scene, or point of an occurrence or event." ("Site." Merriam-Webster.com Dictionary, Merriam-Webster, https://www.merriam-webster.com/dictionary/site. Accessed 28 Jul. 2026.)

A "solid waste disposal site" is, thus, the place of systematic destruction or transformation of garbage.

The hearings officer finds that the applicant's proposal to temporarily dewater and store dredge material in bags does not create a "solid waste disposal site." While the dredge material may be "garbage," "discarded or useless material," the applicant has not proposed a "system" for destroying or transforming the dredge material; the applicant will merely dewater and store the dredge material for future disposal at a landfill. Although the dredge material will contain some plant matter and other organic material that may "transform" through decay, that is a natural process; there is no "system" to cause or accelerate such decay. Similar decay issues will occur wherever organic waste is stored while awaiting pickup and disposal. That does not make residential garbage cans or commercial/industrial dumpsters "solid waste disposal sites." The applicant will store the dredge material for a longer period, but, based on the text of the Code, that does not convert a parcel used for the temporary storage of dredge material into a "solid waste disposal site." In addition, the majority of the solid material is silt (and some amount of golf balls) that will not transform during storage. Contrary to NWP's assertion (Exhibit OR2A), the dewatering and drying processes will not "transform" the waste. The "waste" is the sediment, not the water in which it is partially suspended. This conclusion is consistent with DEQ's permitting, as that agency issued a water quality certification for this use, not a solid waste permit. (Exhibit OR1B, Attachment 1).[2]

Therefore, the hearings officer finds that the proposed dredging, dewatering, and temporary storage of dredge materials on the site constitute normal maintenance activities associated with the existing lawful use of the site as a golf course and do not create a "landfill" or "solid waste disposal site" as those terms are used in the Code. The solid waste facility siting standards cited by Tualatin Riverkeepers are irrelevant, because the use is not a solid waste facility site subject to those standards.

This interpretation is not a revision of County policy, in violation of CDC 217-1. Based on the plain language of the Code, dredging of the pond, dewatering, and temporary storage of dredge material on the site does make the site a "solid waste disposal site." These uses are allowed as normal maintenance of the existing accessory pond use on the site.

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[2] The hearings officer refers to the email attached to Exhibit OR1B, labeled "Exhibit 1" as an attachment in order to distinguish it from the document to which it is attached, which the County identified as "Exhibit OR1B."

DEQ's email statements that it "[c]an allow for temporary storage of the sediment to allow for active de-watering (without issuing a solid waste permit) but will require a solid waste permit for storage of the sediment past a recognized de-watering period, or if the storage onsite for de-watering is proposed to take more than 6 months" (Exhibit OR1Dv at .pdf page 10) are not relevant to the interpretation issue before the hearings officer. If DEQ concludes the storage of the sediment on the site requires a solid waste disposal facility permit or other approval that requires a County Land Use Compatibility Statement ("LUCS") or other approval which the County cannot grant, then the hearings officer's interpretation would be effectively moot and the storage of dredge material would be prohibited. But unless and until the County denies a DEQ required approval, this decision stands.

Other Issues

A number of issues were raised that are not relevant to this interpretation request. The hearings officer includes the following dicta findings addressing those concerns for the sake of completion.

The hearings officer makes no findings regarding whether the temporary storage of bags of dredge material on the site falls within the scope of the prior 2023 approval (Casefile L2300011-FP), which approved the on-site disposal (burying) of the dredge material. The County can review any changes to the scope of the project approved through Casefile L2300011-FP and determine whether such changes require additional review based on the applicant's revised plans for the dredging of the pond and collection of dredge material on the site.

Opponents failed to provide evidence to support assertions that dredging of the pond and dewatering and temporary storage of dredge material on the site will result in adverse impacts, other than potential odors which are addressed below. DEQ has determined that the dredge material does not constitute toxic or hazardous waste and "The metal values in [dredge samples analyzed by the Corps] are slightly above background values for metals that DEQ considers for clean fill evaluations and the concentrations of the metals in those samples are below residential human health risk based concentrations." (Exhibit OR1B, Attachment 1). Therefore, temporary storage of the material on the site will not pose a risk to humans, animals, or the environment. The hearings officer notes that the dredge material which applicant proposes to store on the site currently exists on the site, in the pond and the waterways connected to the pond.

Storage and offsite transportation of the bagged material and will likely impact the existing vegetation on the site. However, the storage is proposed in an upland portion of the site, outside of any wetlands, floodplains, etc. The County reviewed impacts to the wetlands from dredging, pumping, and other activities within the wetland and floodplain through the floodplain permit. The applicant stated that they would install erosion control and other measures to protect adjacent sensitive areas and off-site properties and restore the storage area after the bags are removed. As staff note, the County can ensure compliance with applicable requirements through the grading permit review process.

Whether other alternative methods are available for disposal of the dredge material and whether landfills will accept the dredge material without dewatering is irrelevant. As discussed above, the activity proposed by the applicant, dredging of the pond, dewatering

and temporary storage of the dredge material for eventual offsite disposal, is allowed as normal maintenance activity at the golf course. Nothing in the Code requires that the applicant utilize the subjectively least impactful method for performing such maintenance.

Concerns were expressed that the stored material will generate offensive odors. While the hearings officer appreciates those concerns, they are not relevant to the issue before the hearings officer, whether temporary storage of dredge material on the site makes the site a "solid waste disposal site" under the CDC. The County can deal with any odor issues that occur through its enforcement process, as WCC 8.08.060 prohibits the storage of wastes or solid waste which create offensive odors.

The existing seven-foot high cyclone fence and fabric screen between the trail and the site will screen views of the majority of the bag stack. Mr. Sandblast testified that the bags of dredge material will be roughly 4.5 feet in height when they are initially filled. The applicant will stack one row of bags on top of another, for a maximum two-bag stack and nine-foot pile. The nearest points of the bag stack will be setback 19 feet from the section of Fanno Creek Trail to the south and 33 feet from the section to the east of the site. (Exhibit OR1Dii). As illustrated in Exhibit OR1Dii at 2, only the upper portion of the bag stack will be visible over the top of the fence. In addition, the height of the bag stack will decline over time as water flows out of the bags, reducing and potentially eliminating offsite views of the stored bags. While some people may prefer not to see the bags as they use the adjacent trail, there is no evidence that the bags being visible violates any applicable standards. There is no evidence of a view easement or other requirement that the applicant maintain views over the site from the Fanno Creek Trail.

The fabric screen on the fence separating the golf course from the Fanno Creek Trail is existing; it is not proposed as part of the maintenance dredging at issue in this application. If the fabric screen is a violation of the Code, the County can address that through its enforcement process.

217-2 Applicability

217-2 The Director shall have the initial authority and responsibility to interpret all terms, provisions, and requirements of this Code.

The original application was processed through the Type II procedure of the CDC in accordance with Sections 202-2.1 and 202-2.2 to enable Staff, with the Director's delegated authority, to determine the merits of the application.

217-3 Procedure

217-3.1 A Director's Interpretation may be initiated by:

A. The Director;

B. A property owner or property owner's representative where an interpretation specific to that owner's property is requested; or

C. Any person to obtain an interpretation of specific terms within this Code where the terms and its interpretation are unrelated to a specific property.

This application for a Director's Interpretation was submitted by Westlake Consultants, Inc. (Ken Sandblast), the applicant's representative, on behalf of the applicant, with the approval of the property owner.

217-3.2 An application for a Director's Interpretation shall be processed as a Type II procedure in accordance with Section 202-2.1 and 202-2.2 of this Code.

The originally submitted application was processed through the Type II procedure of the CDC in accordance with Sections 202-2.1 and 202-2.2.

217-3.3 Notice of a Director's Interpretation shall be provided as set forth in Section 202-2.3 for an interpretation involving a specific property only.

This application is for a Director's Interpretation regarding proposed dredging and temporary onsite dewatering of the dredged sediment at the subject site, prior to offsite disposal at a landfill. Accordingly, public notice was mailed to owners of property within 500 feet of the subject properties in accordance with Section 204-3.1.B(1). Over 60 comment letters were received in response to the public notice for this application prior to the preparation of the original staff report.

217-3.4 Public notice of pending review of a Director's Interpretation shall be provided to all Citizen Participation Organizations (CPOs) as set forth in Section 204-3.1 C. of this Code for an interpretation that does not involve a specific property. Notice of decision shall be provided to all CPOs as set forth in Section 204-3.4 of this Code.

Public notice was provided to the relevant Citizen's Participation Organization (CPO 3), and the Notice of Decision was also provided to CPO 3 in accordance with Section 204-3.4. As discussed above, Mr. Sellers testified that the CPO did not receive the notice. However, the CPO had the opportunity to participate in the subsequent *de novo* appeal hearing and during the open record period. Therefore, any failure to receive the notice did not prejudice the CPO's substantive rights.

217-3.5 The Director may reject an application for a Director's Interpretation if:

A. The Director determines that the question presented can be decided in conjunction with a pending land use application, plan amendment, or land use permit; or

B. The Director determines that there is a compliance case pending in which the same issue will be decided.

There are no pending land use applications, plan amendments, land use permits, or compliance cases addressing the questions presented in this application for a Director's Interpretation.

217-3.7 The Director's decision to accept or not accept an application under Section 217 shall be the County's final decision.

This application was accepted for review, as provided in the original staff report and decision, and assigned Casefile number L2600070-DI.

217-3.8 The Review Authority may impose conditions on the Director's Interpretation.

Where appropriate, Conditions of Approval are imposed to ensure compliance with the standards of the Code and other County regulations, and to minimize identified impacts upon surrounding properties. While Conditions of Approval are not relevant to this application, a Summary of Code Requirement is provided in Attachment B.

217-3.9 Appeals shall be processed in accordance with Section 209 of this Code and shall be to the Hearings Officer.

The appeal of the Director's Type II land use decision was processed in accordance with Section 209 and heard by the hearings officer.

217-4 Application Requirements

217-4.1 An application for a Director's Interpretation shall be submitted when one or more of the following apply:

The owner of the property or the property owner's representative is requesting an interpretation relating to the use of the owner's property.

A request has been made to the Director to provide a Development & Property Information (DPI) determination.

The interpretation of a specific term or terms within this Code is requested.

A determination of a similar use is requested.

217-4.2 An application shall be submitted on a form provided by the Director along with all applicable fees and evidence that a preapplication meeting has been held.

The property owner's representative requested interpretation relating to the use of the owner's property. The appropriate application form and fees were submitted. The application materials include a form waiving the preapplication meeting.

217-5 Determination of Similar Uses

When making determination of a similar use, the proposed use subject to the interpretation must be substantially similar to a use currently identified in the applicable district or in other sections of this Code.

This application does not request a determination of a similar use.

2. Article III: Land Use Districts

Section 302 R-5 District (R-5)
Section 330 Institutional District (INST)

The site is designated INST except for the southern portion of the site, which is designated R-5. While the PGC predates land use regulations and is lawfully nonconforming, both of these land use districts allow golf courses as Type III Permitted Uses.

V. CONCLUSION

1. Based on the findings provided or incorporated herein, the hearings officer concludes the applicant sustained the burden of proof that:

a. Dredging of the irrigation pond and dewatering and temporary storage of the dredged material is an allowed maintenance activity associated with the existing golf course use on the site;

b. The temporary storage of the dredged material on the site does not create a solid waste disposal site as that term is used in the CDC;

c. Concerns about alleged impacts of the dredging, dewatering, and storage activities are not relevant to this request for interpretation; and

d. Statements in the Director's decision regarding the need for a temporary permit and/or modification of the prior floodplain approval are dicta, as the Director's decision did not include conditions of approval requiring any additional County review.

2. Therefore, the hearings officer concludes that both appeals should be denied and the Director's decision should be affirmed.

IV. ORDER

Based on the findings and conclusions above, the hearings officer hereby denies both of the appeals, affirms the Director's decision, and approves Casefile L2600070-

DI/APPEAL (Portland Golf Club), subject to the Summary of Code Requirements in Attachment B of this Final Order.

DATED this 03 day of August 2026.

Joe Turner, Esq., AICP
Washington County Land Use Hearings Officer

ATTACHMENT B
SUMMARY OF CODE REQUIREMENTS
Casefile No. L2600070-DI/APPEAL
(Portland Golf Club)

I. In accordance with Section 217-6, a Director's Interpretation shall not expire unless superseded by a subsequent Director's Interpretation or change to the Washington County Community Development Code. (Section 217)

II. This determination does not grant any project specific approval, and any alterations to the site may be subject to additional land use review. (Section 207-5)