

**MULTNOMAH COUNTY****LAND USE AND TRANSPORTATION PROGRAM**1600 SE 190TH Avenue Portland, OR 97233

PH: 503-988-3043 FAX: 503-988-3389

http://www.co.multnomah.or.us/dbcs/LUT/land_use

NOTICE OF DECISION

This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

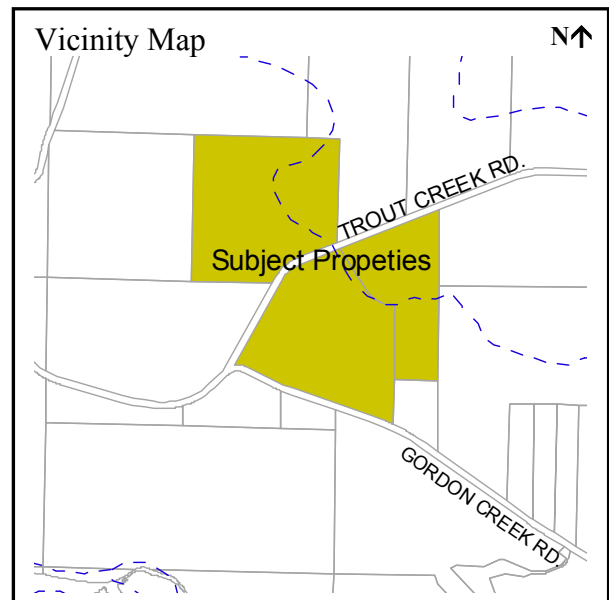
Case File: T2-04-046

Permit: Expansion of a Non-Conforming Use

Location: 38105 Gordon Creek Road
TL 100, Sec 23; TL 100, Sec 24 and
TL 3000, Sec 14 of T1S, R4E, W.M.
Tax Account #R994230120,
R994140180 and R994240250

Applicant: Eric Eisemann
E-2 Land use Planning
1014 Franklin St.
Vancouver, WA 98660

Owner: Trout Creek Bible Camp
38105 SE Gordon Creek Road
Corbett, OR 97019



Summary: Request to expand overnight camping capacity of the camp, from 265 campers & staff to 426 campers & staff, without adding additional facilities.

Decision: Approval with conditions to expand overnight camping capacity of the camp from 265 campers & staff to 426 campers, without adding additional facilities.

Unless appealed, this decision is effective January 17, 2005 at 4:30 PM.

Issued by:

By: _____
George A. Plummer, Planner

For: Karen Schilling- Planning Director

Date: Monday, January 3, 2005

Opportunity to Review the Record: A copy of the Planning Director Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director's Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact George A. Plummer, Staff Planner at 503-988-3043.

Opportunity to Appeal: This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 37.0640. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Land Use Board of Appeals (LUBA) until all local appeals are exhausted.

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is January 17, 2005 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): Chapter 37: Administration and Procedures, MCC 35.2200 et. al: Commercial Forest Use (CFU-4), and MCC 35.7200 et. al: Nonconforming Uses

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at http://www.co.multnomah.or.us/dbcs/LUT/land_use.

Scope of Approval

1. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.
2. **Pursuant to MCC 37.0690, this land use permit expires two years from the date the decision is final if; (a) development action has not been initiated; (b) building permits have not been issued; or (c) final survey, plat, or other documents have not been recorded, as required. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0690 and 37.0700. Such a request must be made prior to the expiration date of the permit.**

Conditions of Approval

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

1. The camp shall comply with all State or County health and safety requirements, if State or County health and safety requirements limit the number of over-night campers or day users to less than this approval, those requirements shall take precedence (MCC 35.7310 (A)).

2. The property owner shall dedicate 25-foot by 25-foot slope/drainage easements centered on the Trout Creek culvert located along the north and south sides of the site's Trout Creek Road frontage to Multnomah County. to Multnomah County (MCC 35.7310 (C)(3)).
3. No parking related to the camp shall be allowed on the County Roads (MCC 35.7310(C)(4)).
4. Water consumption shall not exceed 15,000 gallons per day or the property owner shall obtain a permit from the Water Resources Department for water consumption at a greater amount (MCC 35.7310(C)(9)).

Notice to Mortgagee, Lien Holder, Vendor, or Seller:

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

FINDINGS AND CONCLUSIONS

This decision is based on the findings and conclusions in the following section.

Staff Report Formatting Note: To address Multnomah County Code requirements staff provides findings as necessary, referenced in the following section. Headings for each category of finding are underlined. Multnomah County Code language is referenced using a **bold** font. The Applicant's narrative, when provided, follows in *italic font*. Planning staff analysis and findings follow the **Staff** label. Staff conclusions follow the findings and are labeled **Conclusion**. At the end of the report, Exhibits are described. The applicant's submittal is included and made part of this decision as exhibits labeled 1.x.

1. DESCRIPTION OF THE PROPOSAL:

Applicant: *The Trout Creek Bible Camp proposes to increase overnight camper capacity from 265 campers & staff to 426 campers & staff without adding an additional bed, toilet, shower or parking facilities. The expansion will not produce any appreciable affects upon the surrounding area.*

Multnomah County case file CS-91 established the camp capacity at 200 campers and 65 staff persons. The Board of Directors of the TCBC maintains that the capacity limit set in 1991 reflected the actual number of users at that time rather than the physical and historic capacity of the camp.

2. ZONING DESIGNATIONS AND PREVIOUS CASES

Staff: On January 7, 2001 the County designated the subject properties as within the Commercial Forest Use – 4 (CFU-4) Zone District. On January 1, 1993 the County applied CFU zoning to the camp properties. Prior to 1993, the camp property was zoned Multiple Use Forest (MUF-19) in 1980, MUF-20 in 1977, and Agricultural (F2) in 1962. The Camp had various Community Service (CS) designations and approvals through the years, including: Community Service (CS) 25-74 (1974) and CS 8-76 (1976). The Camp became a non-conforming use on January 1, 1993 because the CFU zoning did not permit camps such as the Trout Creek Bible Camp as a use in the CFU District. The current zoning designation CFU-4 does not provide for this type of camp use thus the existing use falls under the non-conforming use provisions. Following are recent cases that have had bearing on this decision:

- Community Service Conditional Use CS 1-91: Found that the camp had existed since the mid 1940s and approved an expansion of the camp to its current size. While some of the structures approved were never established, some of the structures were and each of the properties have been used as part of the camp during the last ten years. It was under this case that the occupancy limit of 265 campers and staff was established (Exhibit 2.4).
- Non-Conforming Use Permit, MC 1-99: Approved an alteration to a Non-Conforming Use to reconstruct a bathhouse.
- Non-Conforming Use Permit, MC 6-99: Approved an alteration of a Non-Conforming Use, to replace an existing pool and mechanical building with a diving pool and a new mechanical building.

3. VICINITY AND SITE CHARACTERISTICS

Applicant: *The camp is built on approximately 53 acres of land located between Gordon Creek Road to the south and Trout Creek Road to the north. Additional lands under control of the TCBC but not used for overnight camping facilities include 36.58 acres of undeveloped land north of Trout Creek Road and 82.21 acres of undeveloped land on the eastern edge of the camp site (Wecks land). The undeveloped lands are used for hiking and nature study.*

Trout Creek Bible Camp controls approximately 184 acres of land in the area. The 32.10 acre camp proper and the 2.88 acres lot across Gordon Creek Road containing a dwelling are the only parcels under TCBC control that are substantially developed. (Map D.) For purposes of this application, the TCBC actively uses approximately 53 acres of land.

The camp is located on a plateau above the Sandy River. The topography of the site consists of a flat open area on the western end where the structures are located. The land descends into a shallow valley where Trout Creek, a perennial stream, bisects the site from east to west. Trout Creek forms a natural barrier to the developed portions of the site. (Map C.)

The primary camp activities occur around a centrally located clearing in the center of the site. The developed camp site contains a large open field, an administrative and maintenance area, a pool and bathhouse area near Trout Creek, and cabins and support buildings nestled among large trees.

The surrounding land above the Sandy River consists of large wooded areas and larger open fields of cleared land. Smaller lots containing rural dwellings are located at the intersection of Gordon Creek and Trout Creek roads and at significant intervals along each County road leg. The surrounding area is also zoned CFU. Within a half mile radius of the developed parcel there are approximately six (6) private dwellings. On the south side of the intersection of Gordon Creek and Trout Creek roads is the Fireside Center, also a private retreat center.

Within the general vicinity there are several other camps including Camp Namanu, Camp Howard, Camp Collins, Camp Crestview, and Menucha Retreat. The Fireside Center is located directly across Gordon Creek Road from TCBC.

Staff: Trout Creek Bible Camp is located in an area that is predominately forest land uses. The vicinity includes pockets of large acreage residential properties mixed with the larger forest use parcels. The subject property includes three parcels approved for a Community Service Use, Case CS 1-91 which expanded the existing camp in 1991 (Exhibit 2.4). Much of the site is heavily forested with Gordon Creek running through the site. The built camp facilities are predominately located on property described as Tax Lot 100, Section 23, Township 1 South, Range 4 East Willamette Meridian (R994230120) located at the junction of Trout Creek and Gordon Creek Roads. There is a horse barn and corral and a “covered wagon camp” located on the adjacent property to the east identified as Tax Lot 100, Section 24, Township 1 South, Range 4 East W.M. (R994240250). The remaining parcel which is north of Trout Creek Road identified as Tax TL 300, Sec 14 of T1, R4E, W.M. (R994140180) is undeveloped.

4. DESCRIPTION OF EXISTING USE

Applicant: *The primary structures associated with the TCBC are located within the triangle of developed land formed by the intersections of Trout Creek and Gordon Creek roads. (Maps A and*

D.) The developed area used for camping purposes is visually screened from the public rights-of-way by dense stands of evergreen and deciduous foliage. The entrance to the camp is marked by two stone pillars and an entrance sign along Gordon Creek Road, approximately one-half mile from the intersection. From Trout Creek Road cabins 7 – 16 can be seen through the foliage and the Trout Creek bridge is also visible from the road. In addition to providing visual screening, the mixed deciduous and year-round foliage also buffers noises that otherwise might be audible from the public rights-of-way.

Within the developed site there are numerous structures, including, a business office, gym, chapel, program office, nurses station, lodge, Raz Memorial, pool and bathhouse, maintenance sheds, barn (Wecks), twenty-two (22) cabins, tree house, archery range, aerial slide, fire circles, wagon circle, teepee village, a horse training area and barn north of Trout Creek gravel parking areas, open fields, small access lanes and nature trails. (Map D.)

Essential to the provisions of overnight camper services are bath and toilet facilities and sleeping beds. The following tables provide a break-down of bathroom, sleeping and parking facilities. (see Exhibit 1.2 for the tables).

The Oregon Health Department has adopted regulations for overnight camps, requiring that there be:

- *One (1) toilet for every ten (10) overnight camper, and*
- *One (1) shower or tub for every twenty (20) people.*
- *No more than one-third (1/2) of the required toilets may be urinals.¹*

There are 43 total toilets and urinals at TCBC. The four (4) urinals are less than 22% of the required toilet facilities. Based on the existing number of toilets/urinals, TCBC can accommodate 426 people overnight. (One toilet/urinal for every 10 campers: 43 toilets x 10 campers = 426.)

Based upon the number of existing showers or tubs - 30, the TCBC could accommodate 600 people overnight. (30 bathing units x 20 overnight campers = 600.)

Therefore, Trout Creek Bible Camp has adequate sanitary facilities to accommodate 426 persons without altering its approved physical plant at all.

Based upon the existing structures and beds actually in place, the TCBC can accommodate 426 overnight campers & staff.

Trout Creek Bible Camp provides weekly camping programs. Campers arrive at the beginning of the week, remain through the week and are picked up or returned by van at the end of the weeklong period.

Parking is a transient activity. Overnight parking is limited to staff and management. The majority of the vehicles that come to the camp are there to drop off or pick up campers and then leave within a few hours. Because campers are generally not of driving age, no camper cars are left overnight. Car pooling is very common at this camp. Parents will bring two or more children, extended family members, children of neighbors and friends, or members of the same church or organization. The existing lots are adequate to handle the current load of campers and the projected increase without addition to the parking area. It is very common for there to be two to three campers per car pool vehicle. In addition, the TCBC vans pick up 25 campers weekly.

Staff: The existing use approved under Community Service Use Permit, Case CS 1-91 and subsequent Non-Conforming use permits includes camping for a maximum of 200 campers and the building and infrastructure shown on the submitted site plan (Exhibit 1.3).

5. OWNERSHIP

MCC 37.0550: Except as provided in MCC 37.0760, Type I - IV applications may only be initiated by written consent of the owner of record or contract purchaser.

Staff: County Assessment records show the property owners as Trout Creek Bible Camp (Exhibit 2.1). The submitted application is signed by Joe Fahlman, Trout Creek Bible Camp Director.

6. TYPE II CASE PROCEDURES

Staff: The application was submitted May 27, 2004 and was deemed incomplete June 25, 2004. The application was deemed complete as of October 12, 2004. Additional materials were submitted November 18, 2004. Opportunity to Comment notice was mailed November 11, 2004. The notice was mailed to all owners of properties within 750 feet of the subject property. Property owners were provided a 14-day period to submit comments on the application (MCC 37.0520). A second notice was sent December 2, 2004 which included all properties approved for the Trout Creek Bible Camp Community Service Use as the subject properties with a 14 day comment period. Two letters of comment were received. First letter from Northeast Multnomah County Community Association supporting the expansion of number of campers (Exhibit 3.1). The second from Richard and Louann Kotulski, neighbors supporting the proposal (Exhibit 3.2).

7. COMMERCIAL FOREST USE - 4

MCC 35.2220 Allowed Uses
MCC 35.2225 Review Uses
MCC 35.2230 Conditional Uses

Applicant: Trout Creek Bible Camp is a nonconforming use in the CFU zoning district. Prior to the change in zoning in 1991, TCBC had been allowed and approved as a Conditional Use. Multnomah County approved expansion of the bathhouse in 1998 and an expansion on a nonconforming use.

Staff: This use is not listed under uses allowed outright, reviewed or as conditionally within the CFU-4 Zone District. Thus the proposed use must be reviewed through the provisions for an expansion of a non-conforming use under MCC 35.7200 et al.

8. NON-CONFORMING USE REVIEW

8.1 Nonconforming Uses General Standards

8.1.1. MCC 35.7200 (B) Nonconforming uses shall be allowed to continue without additional permission, except that such uses may be replaced, altered or expanded only as provided in MCC 35.7205 or 35.7210.

Staff: The proposal is to expand the number of campers using the existing facilities.

- 8.1.2. MCC 35.7200 (C) If a nonconforming use is abandoned or discontinued for any reason for more than two years, it shall not be re-established unless the resumed use conforms with the requirements of this Zoning Code at the time of the proposed resumption.**

Applicant: *Trout Creek Bible Camp:*

Ten-year record of use – 1994 – 2004.

	1994	1995	1996	1997	1998	1999	2000	2001	2002	2002	2004
<i>Campers</i>	929	1,085	1,078	1,112	1,173	1,432	1,510	1,654	1,747	1,860	1,953
<i>Staff Day/Overnight</i>	4/56	3/63	6/68	3/58	4/69	8/63	10/72	11/80	9/78	7/82	7/79
<i>Total</i>	989	1,151	1,152	1,173	1,246	1,503	1,592	1,745	1,834	1,949	2,039

Note. These statistics were compiled by Mr. Joe Fahlman, Director of the Trout Creek Bible Camp (TCBC) from camp files and the TCBC database.

Staff: The applicant has provided use statistics for the last ten years (Exhibit 1.9) showing camp use for each of the years. These statistics show the number of campers per season. Historic records show use number back to 1956 (Exhibit 1.2). The camp was established in the 1940s. There is no period were the camp was abandoned or discontinued for more than two years.

- 8.1.3. MCC 35.7200 (E) A nonconforming use may be maintained with ordinary care.**

Staff: The camp has been maintained with ordinary care.

8.2. Verification of Nonconforming Use Status

- 8.2.1. MCC 35.7215 (A) The Planning Director shall verify the status of a nonconforming use upon application for a determination by an owner on application for any land use or other permit for the site, or on finding there is a need for a determination (e.g., on learning of a possible Code violation). The determination shall be based on findings that the use:**

- (1) Was legally established and operating at the time of enactment or amendment of this Zoning Code, and**
- (2) Has not been abandoned or interrupted for a continuous two year period.**

Applicant: *Trout Creek Bible Camp was founded in 1945, prior to the adoption of the zoning code, through the efforts of the Weeks family. The camp has evolved organically over time through a variety of building projects, the most recent being the renovation of the pool and bathhouse complex. The TCBC has enrollment records going back to 1962. Although the records are not complete they provide a reasonably accurate record of the volume of activity over the years. The camp use has not been abandoned or interrupted for a continuous two-year period. In 1991, Multnomah County recognized the lawful status of the use approving a Community Service land use application for the property.*

Staff: In 1991 the Trout Creek Bible camp requested an expansion of the existing facility through a Community Service Conditional Use, Case CS 1-91. In the review of the proposed expansion the Multnomah County Planning Commission that the camp had existed since the mid 1940s and approved the requested expansion. In 1999 the camp requested an Alteration of a Non-Conforming Use Permit, Case MC 1-99, to reconstruct a bathhouse The Planning Director approved the request. Also in 1999 the camp requested an Alteration of a Non-Conforming Use Permit, Case

MC 6-99, to replace an existing pool and mechanical building with a diving pool and a new mechanical building.

We have reviewed the site plan for conformance with the previous approvals and the site plan matching the buildings to those that existed or approved for CS 1-91. The existing uses were legally established prior to of enactment or amendment of this Zoning Code or since through Non-Conforming Permit approvals.

Information submitted and reviewed under the finding in Section 8.1.2. of this decision demonstrates that the use has not been abandoned or interrupted for a continuous two year period. These standards have been met.

8.2.2. MCC 35.7215 (B) The Planning Director shall verify the status of a nonconforming use as being the nature and extent of the use at the time of adoption or amendment of the Zoning Code provision disallowing the use. When determining the nature and extent of a nonconforming use, the Planning Director shall consider:

8.2.2.1. MCC 35.7215(B)(1) Description of the use;

Applicant: *The Trout Creek Bible Camp provides overnight camping services during the summer months of June through August. During the remaining nine months of the year the camp is used daily by administrative and maintenance staff. A counselor training program is held prior to the opening of the summer camping season.*

The primary camp activities occur around a centrally located clearing in the center of the site. The developed camp site contains a large open field, an administrative and maintenance area, a pool and bathhouse area near Trout Creek, and cabins and support buildings nestled among large trees.

- **Staff:** The use is the Trout Creek Bible Camp which provides camping and related activities during the summer months. The camp became non-conforming in January 1993. The use that existed in 1991 was reviewed under Community Service Use Permit, Case CS 1-91. Case CS 1-91 approval included what existed and some additional development. This approval included a limit for a maximum of 200 campers with 65 staff members. The buildings and infrastructure were shown on the submitted site plan for that case (Exhibit 2.4). While some of the buildings were approved under CS 1-91 were not built, those that were a/re shown on the current site plan (Exhibit 1.3). The current site plan submitted by the applicant when compared to the plan submitted for Case CS 1-91 shows that no additional buildings exist other than those which have since been approved under Non-Conforming Use Permits, MC 1-99 (reconstruct a bathhouse) and MC 6-99 (replace an existing pool and mechanical building with a diving pool and a new mechanical building) as well as a small outbuilding for which a building permit is not required. The use is described by the applicant's narrative (Exhibit 1.2) quoted in under Section 3 of this decision and as shown on the submitted site map.

8.2.2.2. MCC 35.7215(B)(2) The types and quantities of goods or services provided and activities conducted;

Applicant: *Current camping related activities provided by TCBC include horseback riding, hiking, nature study, archery, ball fields, disc golf, swimming, dining, food service, medical services, lodging education, and worship.*

Staff: The applicant has provided a list of the many activities which the camp offers its campers. The service provided is of the nature of a Bible camp which includes overnight accommodations for campers and staff, provides education opportunities and religious worship as well as providing a variety of recreational opportunities. These are the types of services approved in Case CS 1-91 which were provided at the time when the camp became non-conforming.

8.2.2.3. MCC 35.7215(B)(3) The scope of the use (volume, intensity, frequency, etc.), including fluctuations in the level of activity;

Applicant: *The structures and activity centers on-site are all designed to accommodate more than the 200 overnight campers & 65 staff currently allowed on-site by Multnomah County. Camp enrollment grew steadily through the 1960s and into the mid-1970s. The length of each camping season varied over the years but on average during the 1970s and 1980s the camp averaged 200 or more campers per week.*

The present average number of counselors and staff during the summer season is 80 persons. Currently the TCBC has a limited capacity of 265 overnight campers and staff because of restriction placed upon the camp by Multnomah County. However, existing structures contain enough existing beds to house 426 campers and staff without expansion of the physical plant.

The TCBC uses two (2) vans with a capacity to shuttle one (1) driver and fourteen (14) campers per van to the site. There are between 192 - 212 vehicle parking spaces on-site. It is very common practice for two or more campers to arrive via carpool as these campers are siblings, neighbors or members of the same church or organization. The vans are used to transport groups of people to and from the camp.

Staff: The applicant describes the scope of use in terms of the number of overnight campers permitted to use the camp. Case CS 1-91 approved the camp for a limited capacity of 265 campers and staff. The camp operates during the summer months. This was the scope of use that existed when the camp became non-conforming.

8.2.2.4. MCC 35.7215(B)(4) The number, location and size of physical improvements associated with the use;

Applicant: *(Please see the site plan section of this narrative.)*

Staff: The current site plan shows a detailed description of the number, location and size of the physical improvements of the camp. See the site plan a listed coded to show location of each listed facility. The existing site plan shows physical improvements that were reviewed under Case CS 1-91 or have been since approved under Non-Conforming Use Permits, MC 1-99 (reconstruct a bathhouse) and MC 6-99 (replace an existing pool and mechanical building with a diving pool and a new mechanical building). Exhibit 2.4 includes the site plan for Case CS 1-91. By comparing the current site plan and the site plan for Case CS 1-91 it is possible to determine which uses that were approved under CS 1-91 were established and which were not, determining what existed when the property become non-conforming in 1993. The physical improvements shown on the current plan (except those approved under MC 1-99 and MC 6-99) are the improvements that became non-conforming in 1993.

8.2.2.5. MCC 35.7215(B)(5) The amount of land devoted to the use; and

Applicant: *The camp is built on approximately 53 acres of land located between Gordon Creek Road to the south and Trout Creek Road to the north. Additional lands under control of the TCBC but not used for overnight camping facilities include 36.58 acres of undeveloped land north of Trout Creek Road and 82.31 acres of undeveloped land on the eastern edge of the camp site (Wecks land). The undeveloped lands are used for hiking and nature study.*

Trout Creek Bible Camp controls approximately 184 acres of land in the area. The 32.10 acre camp proper and the 2.88 acres lot across Gordon Creek Road containing a dwelling are the only parcels under TCBC control that are substantially developed. (Map D.) For purposes of this application, the TCBC actively uses approximately 53 acres of land. Property under control of the TCBC includes the following parcels:

Staff: The Community Service Use CS 1-91 approved an expansion of the camp to include properties described as Tax Lot 100 (R994230120), Section 23; TL 100 (R994140180), Sec. 24; and TL 3000 (R994240250), Sec. 14 of Township 1 South, Range 4 East, Willamette Meridian (Exhibit 2.2). The three properties are 87 acres in total. The camp development is predominately centrally located on the TL 100, Section 23 which is about 32.1 acres. A horse barn and the covered wagon camp are located on TL 100, Section 24 which is about 18.4 acres. The remaining property, TL 3000, at 36.6 acres, is undeveloped but is used for outdoor recreational purposes. These were the properties that made up the extent of the use when the camp became non-conforming in 1993.

8.2.3. MCC 35.7215(C) In determining the status of a nonconforming use, the Planning Director shall determine that, at the time of enactment or amendment of the Zoning Code provision disallowing the use, the nature, scope and intensity of the use, as determined above, was established in compliance with all land use procedures, standards and criteria applicable at that time. A final and effective County decision allowing the use shall be accepted as a rebuttable presumption of such compliance.

Applicant: *The Planning Director issued a final and effective decision allowing Trout Creek Bible Camp use to continue on-site pursuant to Multnomah County decision case file CS-91.*

Staff: Trout Creek Bible Camp was established in the 1940s. It was expanded to the current size including the three properties that make up the current camp in the 1991 Community Service Use Permit CS 1-91. The extent of the non-conforming use is described in the previous findings above.

The Camp became a non-conforming use on January 1 1993 because the CFU zoning did not permit camps such as the TCBC as an allowed use. The current zoning designation CFU-4 does not provide for this type of camp use thus the existing use falls under the non-conforming use provisions. The applicant has submitted camp use statistics for the last ten years which demonstrates a continuance of the use (Exhibit 1.9).

* * *

8.2.4. MCC 35.7215(F) An applicant may prove the existence, continuity, nature and extent of the nonconforming use only for the 10-year period immediately preceding the date of application. Evidence proving the existence, continuity, nature and extent of the use for the 10-year period preceding application creates a rebuttable presumption that the use, as

proven, lawfully existed at the time the applicable zoning ordinance or regulation was adopted and has continued uninterrupted until the date of application.

Staff: The applicant has submitted camp use statistics for the last ten years which demonstrates a continuance of use (Exhibit 1.9). The camp has continued to operate a summer Bible camp through the last ten years. The physical improvements shown on the current site plan (Exhibit 1.3) appear on the site plan submitted for Case CS 1-91 as well demonstrating their continued existence.

8.3. Alteration, Expansion or Replacement of Nonconforming Uses

8.3.1. MCC 35.7210 (A) Alteration, expansion or replacement of a nonconforming use includes a change in the use, structure, or physical improvement of no greater adverse impact on the neighborhood, or alterations, expansions or replacements required for the use to comply with State or County health or safety requirements.

Applicant: *The proposal will not result in a change in any structure or physical improvement. The proposal to expand overnight camper capacity limit may increase the number of persons using the facilities during the summer camping season. The increased capacity limit is within the acceptable range of state required toilet and bathing facilities. The physical plant has additional sleeping capacity (beds) and will not be expanded. Expanding the capacity to 426 campers and staff will generate additional vehicle trips during the weekend and drop off and pick up times. However, the applicant cannot find any evidence that the County road system is not operating within accepted levels of service during the weekend hours. Therefore, any increased traffic resulting from the increased capacity will be within acceptable service levels.*

Staff: The applicant is requesting an expansion of the overnight camping capacity of the camp, from 265 campers & staff to 426 campers & staff, without adding additional facilities or any site disturbance.

* * *

8.3.2. MCC 35.7210 (C) After verification of the status of a nonconforming use pursuant to the applicable provisions of MCC 35.7215, the Planning Director may authorize alteration, expansion or replacement of any nonconforming use when it is found that such alteration, expansion or replacement will not result in a greater adverse impact on the neighborhood. In making this finding, the Planning Director shall consider all of the criteria listed below. Adverse impacts to one of the criterion may, but shall not automatically, constitute greater adverse impact on the neighborhood.

8.3.2.1. MCC 35.7210 (C)(1) The character and history of the use and of development in the surrounding area;

Applicant: *The area around the Trout Creek Bible Camp is rural forest land with a few intermittent rural residences. (Map B.) The Trout Creek Bible Camp has been in existence in this location since 1945 and has been expanded consistent with several Multnomah County land use approvals.*

Staff: The surrounding area is predominately used for forest land uses with pockets of large acreage residential uses interspersed with the large forest use parcels. The Fireside Retreat

Center is located across Gordon Creek road from the camp. The area has been used in the current pattern of mix uses of forest land, residential and camp uses for nearly fifty years. There has been a small increase in the number of residences over that time period. The Trout Creek Bible Camp was established in the 1940 and has continued to operate as a camp during the summer months since that time. There are no known conflicts between the forest and residential uses and the camp use. In fact the expansion is supported by the Northeast Multnomah County Community Association (Exhibit 3.1) and neighbors Richard and Louann Kotulski (Exhibit 3.2).

8.3.2.2. MCC 35.7210 (C)(2) The comparable degree of noise, vibration, dust, odor, fumes, glare or smoke detectable within the neighborhood;

Applicant: *With the exception of the retreat house and residence immediately across the road, there are no abutting residences. The activity centers for the camp are away from the roads and buffered from the roads by the mature trees and under story growth. The additional capacity 161 overnight campers and staff will not produce any appreciable increase in noise, vibration, dust, odor, fumes, glare or smoke detectable in the neighborhood.*

Staff: The camp is about a third of a mile from the nearest residences. The camp property includes a buffer of trees, 250 feet at it narrowest, surrounding most of the developed site used for the campers. With a substantial amount of forest vegetation between the camp and the residential areas the off-site impacts should be comparable to the existing levels.

8.3.2.3. MCC 35.7210 (C)(3) The comparative numbers and kinds of vehicular trips to the site;

Applicant: *The heaviest vehicular use of the site occurs between 9:00 – 10:00 AM and 10:00 – 11:00 AM when a class of campers enters or leaves the site. This event occurs once a week on a weekend day as camper classes are one week long. The peak traffic demand times for the TCBC are not during the typical AM or PM peak-hour demand times measured by Multnomah County.*

Campers arrive by carpool or by the TCBC vans. There are an average of two or more (2) campers per private vehicle. The current TCBC level of camper activity is 200 campers and 65 staff, a 3:1 ratio. At an average of two (2) campers per vehicle (staff does not move in and out weekly), the TCBC currently generates approximately 200 average weekly camper trips (100 in-bound trips and 100 out-bound weekly trips). Increasing the camp capacity from 265 campers and staff to 426 campers and staff is an increase of 161 users. The ratio of campers to staff will be 290 campers and approximately 126 staff. This will result in a net gain of 90 campers who will generate an additional 90 weekly vehicle trips (45 trips in and 45 trips out-bound once a week.) Because staff does not rotate in and out of camp weekly, the impact to weekend traffic resulting from the increase in capacity is limited to the potential 90 additional campers. The maximum total average weekly vehicle trips resulting from campers, if the camp ever operates at full capacity, would be 290 campers and camper trips.

There are no known levels of service (LOS) problems associated with the intersection of Trout Creek and Gordon Creek roads during off-peak hours. Therefore, the increase in overnight camper capacity based upon existing facilities will not create an adverse effect in terms of vehicle trips.

Staff: The existing number of campers generates about 200 trips a week during the weekend off-peak hour periods. The proposed expansion of the number of campers results in minor off-peak hour increase in vehicular trips. The increase would result in 45 trips into the camp and 45 trips leaving the camp, an additional 90 trips per week. When there is an increase in impacts resulting from an increase in trips to the county road, the County Road Rules requires pro-rata share of improvement when improvements are necessary. County Road Rule 6.100(A): Dedication Requirement states,

“The owner is responsible for a pro-rata share, as determined by the County Engineer, of right-of-way and easement dedications necessary to bring the affected, existing, created or planned public streets and other facilities within and abutting the development to the current County standard. The dedication of the required easements and right-of-way may be conditions of approval of Design Review or any other development permit related to the proposal.”

While the existing road network is capable of handling the increased impact there is a deficiency identified, by County Transportation, abutting the subject properties. This deficiency is a lack of an easement area necessary for the maintenance of the culvert under Trout Creek Road. The property owner can assist the County by dedicating easements, which County Transportation will prepare, for north and south of the Trout Creek Road culvert.

In a memo dated December 30, 2004 (Exhibit 2.3) Alison Winter, Multnomah County Transportation Planning Specialist addresses an easement required as the pro-rata share. Ms Winter, states that slope/drainage easement for the creek culvert is needed north and south of Trout Creek Road to maintain the cross culvert under the County Road. To address the deficiency the property owner would need to dedicate 25-foot by 25-foot slope/drainage easements centered on the Trout Creek culvert located along the north and south sides of the site's Trout Creek Road frontage to Multnomah County. While the increased number of trips will result in increased impacts to County roads, through the dedication of the easement these impacts will be mitigated. The easement can be required through a condition of approval. In a memo dated January 3, 2005 (Exhibit 2.5) addresses Dolan finding requirements for dedication of the easements. A condition of approval will require dedication of the easements

8.3.2.4. MCC 35.7210 (C) (4) The comparative amount and nature of outside storage, loading and parking;

Applicant: *No additional outside storage, loading or parking is required or will be constructed to accommodate the campers. The current outside storage, loading and parking will remain the same, and therefore, there will be no greater adverse impact on the neighborhood.*

Staff: The proposal is to only expand the number of campers using the existing facilities. The existing infrastructure was originally built to accommodate the proposed number of campers including the number of parking spaces. According to the applicant there are at least a 192 parking spaces available to campers and staff. Under MCC 35.4205: Minimum Required Off-Street Parking Spaces, a high school use requires one space for every ten seats and an accessory church use requires one space for every ten persons. These uses appear to be the closest similar use to the camp use. For unspecified used under MCC 35.4205(E) code states, “Any use not specifically listed above shall have the requirements of the listed use or uses deemed most nearly equivalent by the Planning Director.” The proposed expanded use of 426

campers and staff would result in 2.2 persons per parking space. Clearly the existing parking area is suitable to address the needs of the proposed expansion.

8.3.2.5. MCC 35.7210 (C) (5) The comparative visual appearance;

Applicant: *No construction will be required to accommodate the campers, thus the visual appearance will remain the same and there will be no greater adverse impact on the neighborhood.*

Staff: There will be no change to the existing appearance of the camp.

8.3.2.5. MCC 35.7210 (C) (6) The comparative hours of operation;

Applicant: *The hours of operation will remain identical to the current and historical hours of operation. The camp operates annually from June through August. Campers live and participate in activities on the camp property during the summer camping season. This will remain the same, and therefore, there will be no greater adverse impact on the neighborhood.*

Staff: The applicant is proposing that the hours of operation remain the same.

8.3.2.6. MCC 35.7210 (C) (7) The comparative effect on existing flora;

Applicant: *The camp currently maintains an equestrian center, a playground, ball fields, gravel roads and a system of trails for use by the campers. Camper activities are carried out on these developed facilities. There will be no additional construction of trails, fields, or roads to accommodate the campers. This type of use will remain the same. The facilities in place were largely design in the 1970's when overnight camper use was higher. Therefore there will be no greater adverse impact on the existing flora or on the surrounding neighborhood.*

Staff: The proposal is to use the facilities including the existing playfields and trails. No additional facilities are planned thus there will be no impact an existing flora in the area.

8.3.2.7. MCC 35.7210 (C) (8) The comparative effect on water drainage or quality; and

Applicant: *The proposal will not result in the disturbance of any soil or vegetation. No additional structures will be created. Therefore, there will be no additional impervious surface areas created and consequently no additional impacts n water drainage or quality.*

Staff: The proposed increase in campers without any change to the infrastructure will have no impact on the drainage. This standard is met.

8.3.2.8. MCC 35.7210 (C) (9) Other factors which impact the character or needs of the neighborhood.

Staff: The applicant submitted a letter dated August 11, 2004 from Donn Miller, Hydrologist, Oregon Water Resources Department, stating a limitation on water use to 15,000 gallons per day (35 gallons per day/per camper as proposed increases camper numbers). If that amount is exceeded the camp must obtain a water use permit. Such a permit may be possible but is not assured in the location according to Mr. Miller. This standard can be met through a condition

of approval limiting water consumption to 15,000 gallons per day or requiring that the camp obtain a permit from the Water Resources Department (Exhibit 1.8).

9. CONCLUSION

Applicant: *The Trout Creek Bible Camp proposes to increase its camper base during the camping season from 200 campers and 65 staff to 426 campers and staff. This can be accomplished by using existing beds, bathroom facilities, parking area and other physical improvements on the land. The expansion of the camper base will not result in a greater adverse impact on the neighborhood. For these reasons we respectfully ask that the request be approved.*

Staff: We conclude that the existing use is a non-conforming use allowed to continue and the proposed expansion of the number of campers and staff from 265 to 426 will not result in a greater impact on the neighborhood than the existing use.

10. EXHIBITS

10.1 Exhibits Submitted by the Applicant:

- Exhibit 1.1: Application form submitted 5/27/04 (1 page);
- Exhibit 1.2: Applicant's submittal including narrative, maps, photographs of camp features submitted 5/27/04 (23 pages);
- Exhibit 1.3: Site Plan submitted 5/27/04 (1 page)
- Exhibit 1.4: Certificate of On-site Sewage Disposal submitted 5/27/04 (1 page);
- Exhibit 1.5: Certificate of Water Service submitted 5/27/04 (1 page);
- Exhibit 1.6: Fire District Review submitted 5/27/04 (1 page);
- Exhibit 1.7: Addendum to narrative submitted 10/12/04 (4 pages);
- Exhibit 1.8: Letter dated August 11, 2004 from Oregon Water Resources Department submitted 10/12/04 (1 page);
- Exhibit 1.9: Addendum to narrative submitted 11/18/04 (1 page).

10.2 Exhibits Provided by the County

- Exhibit 2.1: County Assessment Record for the subject property (4page);
- Exhibit 2.2: 2002 Aerial Photo showing subject property (1 page);
- Exhibit 2.3: Memorandum dated 12/30/04 from Alison Winter, County Transportation Planning Specialist (2 pages)
- Exhibit 2.4: Case CS 1-91 (45 pages).
- Exhibit 2.5: Memorandum dated 1/3/05 Alison Winter, County Transportation Planning Specialist (2 pages)

10.3 Exhibits Submitted by Other Parties

- Exhibit 3.1: Letter dated October 7, 2004 from Northeast Multnomah County Community Association submitted on October 8, 2004 (1 page).
- Exhibit 3.2: Letter dated December 12, 2004 from Richard and Louann Kotulski submitted December 14, 2004 (1page).