



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/landuse>

NOTICE OF DECISION

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

Case File: T2-07-037

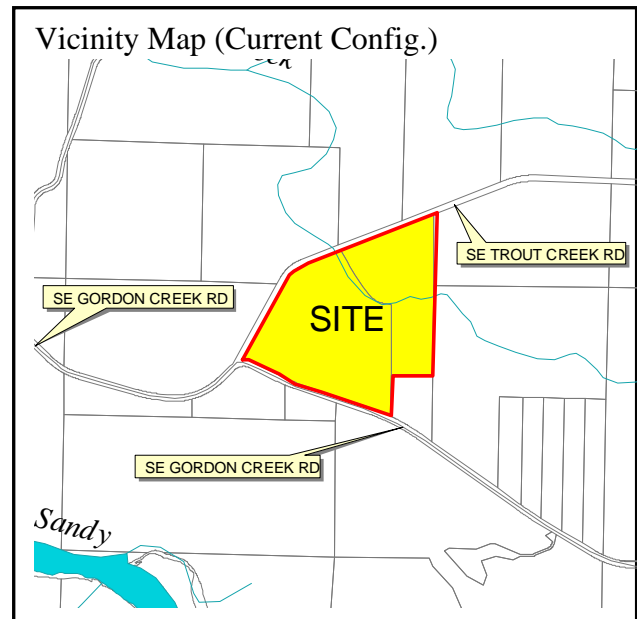
Permit: Verification and Alteration of a Non-Conforming Use

Zoning: Commercial Forest Use-4, Significant Environmental Concern (streams)

Location: 38105 SE Gordon Creek Road
T1S, R4E, Sec. 23, TL 100 & Sec. 24 – TL 100
(R99423-0120 & R99424-0250)

Applicant: Eric Eisemann
E² Land Use Planning Services

Owner: Joe Fahlman (representative)
Trout Creek Bible Camp, Inc.



Summary: The applicant proposes to replace five overnight camp shelters (wagon structures) with four cabin shelters at the Trout Creek Bible Camp.

Decision: Approved with Conditions.

Unless appealed, this decision is effective June 19th, 2007 at 4:30 PM.

Issued by:

By: _____
Adam Barber, Senior Planner

For: Karen Schilling- Planning Director

Date: June 5th, 2007

Instrument Numbers for Recording Purposes: 21030175

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 Directors 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 Adam Barber, Staff Planner at 503-988-3043 x 22599.

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 June 19th, 2007 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): 35.2200 – 35.2310 (Applicable Commercial Forest Use-4 standards); **35.7200 – 35.7215** (Applicable Nonconforming Use standards); **Chapter 37** (Administration and Procedures).

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/landuse>

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 property owner shall record a copy of the Notice of Decision cover sheet and conditions of approval (pages 1-3) with the Multnomah County Recorder after the decision becomes final and prior to County plan signoff. This decision will become final June 19th, 2007 at 4:30 pm if no appeal is filed. A copy of the recorded document shall be submitted to the Land Use Planning Office prior to zoning approval of the building permit (MCC 37.0670).**
2. **A 30-foot primary fire safety zone illustrated in Exhibit A1 shall be installed and maintained around the proposed four overnight camp structures. A 100-foot secondary fire safety zone shall surround the primary zone as illustrated in Exhibit A1. The primary and secondary fire safety**

zones shall be illustrated on the development plans presented to County Staff for building permit approval. Installation of the fire safety zones shall occur prior to construction and in accordance with MCC 35.2256(D). All fire safety zones shall be continuously maintained in accordance with MCC 35.2256(D).

3. Prior to building plan signoff, the applicant or owner shall obtain all necessary County erosion control approvals (Grading and Erosion Control Permit or Minimal Impact Project approval) and provide a signed storm water certificate for the proposed development prepared by an Oregon licensed Professional Engineer (MCC 35.7210(C)(8)).

Note: Multnomah County must review and sign off the building permits before the applicant submits building plans to the City of Gresham. Four (4) sets each of the site plan and building plans are needed for building permit sign off along with a \$53 building permit signoff fee and \$77 erosion control inspection fee. **Please contact Adam Barber at 503.988.3043 x 22599 to obtain an appointment for plan sign-off review.**

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: Written findings are contained herein. The Multnomah County Code criteria are in **bold** font. Staff comments and analysis are identified as **Staff:** and follow Applicant comments identified as *Applicant:* to the applicable criteria.

1.0 Project Description

Staff: Trout Creek Bible Camp was founded in 1945 and has seen numerous multiple expansions since that time. Most recently in 2005, Multnomah County approved an expansion of the nonconforming use from 265 campers and staff to 426 campers and staff (case T2-04-046). The existing physical layout of the camp facilities is illustrated on the site plan in Exhibit A2. This plan shows the location of the 33 main camp amenities which tend to be clustered near the center of the property southwest of Trout Creek. The camp became non-conforming in January 1993 with the adoption of the Commercial Forest Use zoning code (Ord. 745). Even though there will be no change to the camp's intensity, the proposal qualifies as an alteration of a non-conforming use because new overnight camp structures will be erected.

The applicant is proposing replacement of five (5) overnight camp accommodations that look like wagon structures with four (4) overnight replacement cabins resulting in no net gain in the number of beds. The structures proposed for removal are located within the "Covered Wagon Circle" area #29 on the existing development plan (Exhibit A2). The new camp structures will be located roughly 400 feet to the west, immediately southwest of the "Fireside" area #26 illustrated in Exhibit A3. The proposal will result in the removal of 50 sleeping spaces and construction of 48 new sleeping spaces (each new cabin will contain 12 beds) and therefore will not increase the intensity of the camp use. The remaining two beds will be relocated to other existing cabins to assure the number of beds remains the same at the camp. Photos of the wagon structures to be removed are presented as Exhibit A4, with structural elevations of the new cabin structures presented as Exhibit A5. The new cabins will be served with electricity but will not have water, septic service, or any type of kitchen/cooking features or heat source.

2.0 Vicinity Description

Staff: The Trout Creek Bible Camp lies directly east of the intersection between Trout Creek Road and Gordon Creek Road in eastern Multnomah County (Exhibit A6). The camp is located on a plateau above and roughly $\frac{3}{4}$ mile east of the Sandy River. Topography of the site consists of a flat open area towards the southwest corner of the camp which descends into a shallow valley where Trout Creek, a perennial stream, bisects the site from southeast to northwest. Although Trout Creek, and it's functional riparian area is protected with a Significant Environmental Concern zoning overlay, development is not proposed within this protection zone. Zoning of this property, along with all other properties in the general area, is Commercial Forest Use-4 as is illustrated on the zoning map in Exhibit A7.

The neighborhood is primarily forested with smaller lots containing dwellings located to the northeast and southeast of the camp along the SE Trout Creek Road and Gordon Creek Road corridors as illustrated in the 2004 aerial photo presented as Exhibit A8. The Fireside Center, a private retreat center, is located across Gordon Creek Road to the south. Eastern Multnomah County also contains several other camps including Camp Namanu, Camp Howard, Camp Collins, Camp Crestview, and the Menucha Retreat.

3.0 Public Comment (MCC 37.0530(B))

Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the applicant, recognized neighborhood associations and property owners within 750 feet of the subject Tract. The Planning Director accepts comments for 14 days after the notice of application is mailed and renders a decision.

Staff: An opportunity to comment was mailed to property owners within 750-feet of the subject property on May 8th, 2007. A comment letter was received from a landowner in the area, William Weeks, who raised no objections to the proposal and indicated the camp was an asset to his property. Mr. Weeks recommended approval of the application (Exhibit A9). Similarly, John Beardsley (neighboring landowner) also submitted a letter of support indicating he saw no negative results from the facility improvements (Exhibit A10). Alison Winter, Multnomah County Transportation Development Specialist indicated that transportation related improvements would not be necessary because the proposal would not increase the number of vehicular trips to the site (Exhibit A11). No public comments were submitted suggesting the proposed development plan is problematic in any way.

4.0 Initiation of Action (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. PC (legislative) actions may only be initiated by the Board of Commissioners, Planning Commission, or Planning Director.

Staff: County property assessment records list the Trout Creek Bible Camp, Inc. as owner of the subject property. Written authorization by Joe Fahlman, representative for the Trout Creek Bible Camp, on the General Application Form provides adequate authorization for Multnomah County to process this request.

5.0 Code Compliance and Lot of Record (MCC 37.0560, 35.0005, 35.2275)

The County shall not make a land use decision, or issue a building permit approving development, including land divisions and property line adjustments, for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County.

§ 35.0005 DEFINITIONS

Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 35.7785. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

(a) “Satisfied all applicable zoning laws” shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

(b) “Satisfied all applicable land division laws” shall mean the parcel or lot was created:
1. By a subdivision plat under the applicable subdivision requirements in effect at the time;
or

- 2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or**
- 3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in *recordable form* prior to October 19, 1978; or**
- 4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and**
- 5. “Satisfied all applicable land division laws” shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code.**

§ 35.2275 LOT OF RECORD

(A) In addition to the *Lot of Record* definition standards in MCC 35.0005, for the purposes of this district a Lot of Record is either:

- (1) A parcel or lot which was not contiguous to any other parcel or lot under the same ownership on February 20, 1990, or**
- (2) A group of contiguous parcels or lots:**
 - (a) Which were held under the *same ownership* on February 20, 1990; and**
 - (b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.**

Staff: Staff is not aware of any active land use complaints or violations in conjunction with the subject property. The property was created in its current configuration in April of 1973 when pre-existing Lot 23 (1.5-acres), Lot 12 (32.91-acres) and Lot 18 (18.38-acres) were combined into one legal description (Book 929, Page 872-873). Today, the 50.48-acre subject property is referred to as 32.10 acre Tax Lot 100 (**Section 23**, T1S, R4E) and 18.38-acre Tax Lot 100 (**Section 24**, T1S, R4E). The 50.48 acre parcel is listed under two separate property tax accounts, most likely because the parcel falls within two different sections¹.

All three lots combined to form the subject property were illustrated on the first zoning maps for this area (1962) and were therefore most likely lawfully created prior to zoning regulations. Combining these three lots into one parcel in 1973 did not require land use approval because this action would not have been considered to be a partition², the deed was recorded prior to October 19th, 1978 and because an approved property line adjustment was not required for this type of reconfiguration prior to December 28th, 1993 (**MCC 35.0005 & 35.2275**). According to the deed history presented by the applicant in Exhibit A12, it does not appear that the subject property was contiguous to any other lot less than 19-acres under the same ownership on February 20th, 1990 (**MCC 35.2275(A)(1)&(2)**). In conclusion, Staff finds the 50.48-acre subject property is a Lot of Record eligible for this development request.

6.0 NONCONFORMING USE APPROVAL CRITERIA (MCC 35.7200 – 35.7215)

- 6.1 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.**

¹ A Section of land is a division of land fixed by government survey, comprising one square mile or 640 acres. Each township (36 miles square) is divided by straight lines into 36 sections and these are again divided into half and quarter sections.

² Partition land means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year (MCC 35.7705(J)).

Applicant: "Multnomah County found that the use was not abandoned or discontinued for more than two years from the camp's inception through December 2004. See T2-04-046. Current camp records show that the camp enrolled 2,099 campers in 2005 and 2,314 campers in 2006."

Staff: The scope of the non-conforming use was determined by previous Multnomah County Permit approvals MC 8-98 (Exhibit A17), MC 1-99 (Exhibit A18), MC 6-99 (Exhibit A19), and T2-04-046 (Exhibit A20). In general, these approvals authorized the physical camp development shown in Exhibit A2. This development supports up to 426 campers and staff at any one time according to permit T2-04-046 issued January 3rd, 2005.

The applicant has submitted a copy of an Oregon Department of Human Services sanitation inspection report which demonstrates the camp was operating under an annual Organizational Camp License (OAR 333-030) as of December 12th, 2006 (Exhibit A13). This evidence demonstrates the use had not been abandoned or discontinued since the last land use verification in 2005. Staff confirmed during a site visit held May 23rd, 2007 that the camp had not been abandoned. In fact, staff witnessed administration staff and grounds maintenance staff preparing for the opening of the active camp season a few weeks out. **Staff finds the camp use has not been discontinued and that the proposal qualifies for the following verification and alteration of non-conforming use analysis.**

6.2 Verification of a Non-Conforming Use - 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: "Multnomah County staff previously found that site plans submitted to the County by TCBC match the building plans which existed or were approved under CS-191 and subsequent land use applications. Staff previously found that the uses depicted therein had not been abandoned or interrupted for a continuous two year period. See T2-04-046, page 9. Camp records show that the camp has been in use for the two succeeding seasons without interruption. No changes have been made to the site since the issuance of T2-04-046."

Staff: The use was determined to have been lawfully established within permit T2-04-046 (see finding 8.2.1, page 8). This finding within permit T2-04-046 also confirms the use had not been discontinued as of the date of permit issuance (January 3rd, 2005). It has been determined in finding 6.1 of this decision that the use has not been abandoned or interrupted for a continuous two year period. **This criterion is met.**

6.3 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: (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 months of the year the camp is maintained by a professional staff and is used intermittently for group meetings. 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, and replacement structures and sleeping structures and support buildings nestled among large trees.

Multnomah County case file T2-04-046 established that TCBC has been in continuous operation through December 2004. Current camp records show that during the 2005 and 2006 summer season TCBC hosted 2099 campers 2005 and 2,314 campers in 2006. The present average number of counselors and staff during the summer season is 80 persons. Currently the TCBC has permitted capacity for 426 overnight campers and staff."

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 with the adoption of the Commercial Forest Use zoning code (Ord. 745). The scope of use in 1991 was reviewed by Multnomah County under Community Service Use Permit, Case CS 1-91. The 1991 approval defined the scope of existing development and allowed an expansion of that use. The buildings and infrastructure needed to support the proposed use were shown on the submitted site plan for that case (Exhibit 2.4 of CS 1-91 case file). In the 2005, the scope of non-conforming use was expanded to allow up to 426 campers and staff without adding additional facilities (case T2-04-046). In summary, the scope of the camp expansion approved by permit T2-04-046 defines the description of the current non-conforming use. In the most general sense, the description of the non-conforming use can be summarized as the physical camp development shown in Exhibit A2, which is necessary to handle up to 426 total campers and staff at any one time.

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

Applicant: "Current and projected camping related activities provided by TCBC include: horseback riding, hiking, nature study, archery, ball fields, disc golf, swimming, dining, food service, medical services, lodging and worship. These are the type of services which were approved in Case File CS-191."

Staff: The applicant's narrative above adequately describes the types of camp related services and activities conducted at the Trout Creek Bible Camp.

6.5 MCC 35.7215(B) (3) - The scope of the use including fluctuations in level of activity;

Applicant: "Case File T2-04-046 authorized overnight capacity at 426 camper and staff. Trout Creek Bible Camp provides weekly programs during the camp season. Campers arrive at the beginning of the week, remain through the week and are picked up or returned to town by van at the end of the weeklong period."

Parking is a transient activity. Overnight parking is limited to staff and management. There are between 193 - 212 vehicle parking spaces on-site. Because campers are generally not of driving

age, no camper cars are left overnight. 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. Car pooling is very common at TCBC with two to three campers per vehicle. The TCBC uses three (3) vans with a capacity to shuttle one (1) driver and fourteen (14) campers per van to the site. Case File T-02-04-046 found that the existing lots are adequate to handle the capacity of 426 campers and staff. This proposal will not result in a scope of use or fluctuation in activity.”

Staff: The applicant has adequately described the scope of use which will be considered to verify the validity of the non-conforming use. The level of camp activities have not greatly fluctuated since 2005 with 2,099 campers hosted in 2005 and 2,314 in 2006.

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

Applicant: “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 (Weeks), twenty-two (22) replacement structures, 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.³ (Map D.) There are 39 toilets, 4 urinals, 30 showers or tubs at TCBC. The existing wagon structures are not plumbed. The proposed new replacement structures will not be plumbed.”

Staff: The applicant’s detailed description above, in combination with the existing development plan in Exhibit A2, provides the necessary information. The Trout Creek Bible Camp contains the following 33 main amenities illustrated on the site plan in Exhibit A2:

#	Existing Development	#	Existing Development
1	Chapel/Restrooms	18	Sheds
2	Gymnasium	19	Pumphouse/Reservoir
3	Lodge	20	Treehouse
4	Manager’s House	21	Boathouse/Laundry
5	Crafts	22	Nature Shelter
6	Caboose	23	Concrete Slab
7	Girl’s Staff	24	Ball Field
8	Boy’s Boathouse	25	Playground
9	Girls Cabin Group	26	Fireside
10	Girls Bathhouse	27	Archery
11	Director’s Cabin	28	B-B Gun Range
12	Old Nurse’s Cabin	29	Covered Wagon Circle
13	Nurse’s Station	30	Teepee Area
14	Staff Cabins	31	Horse Barn
15	Trailer	32	Parking
16	Trailer	33	Shed
17	Maintenance/Sheds		

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

Applicant: “The developed portion of the camp consists of approximately 53 acres of land located between Gordon Creek Road to the south and Trout Creek Road to the north. This area is the subject of the present land use application.

³ See, Notice of Decision, Multnomah County case file T2-04-046.

Additional lands under control of TCBC, but not used for overnight camp 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 (Weeks 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 A.) Property under control of the TCBC includes the following parcels”:

Table 1. TCBC Property Ownership

Parcel	Size (acres)	Use
<i>1S4E 23, TL 100</i>	<i>32.91</i>	<i>Camp complex</i>
<i>1S4E 23, TL 200</i>	<i>2.88</i>	<i>Dwelling</i>
<i>1S4E 14, TL 3000</i>	<i>36.58</i>	<i>Wood lot</i>
<i>1S4E 24, TL 100</i>	<i>18.38</i>	<i>Wood lot</i>
<i>1S4E 24b, TL 2</i>	<i>50.72</i>	<i>Wood lot (Weeks)</i>
<i>1S4E 24b, TL 200</i>	<i>4.78</i>	<i>Wood lot</i>
<i>1S4E 13, TL 1300</i>	<i>35.94</i>	<i>Wood lot (Weeks)</i>
<i>1S4E 23 TL</i>	<i>1.51</i>	<i>Wood lot</i>
<i>Total area</i>	<i>183.70</i>	<i>--</i>

Staff: As discussed by the applicant, the majority of the physical camp development is located on 32.91 acre Tax Lot 100 within Section 23, Township 1 South, Range 4 East (Willamette Meridian). A few camp related amenities (#31-Horse Barn, #33-Shed and #29, Covered Wagon Circle) are also located on Tax Lot 100 within Section 24 (same Township and Range) as illustrated on the existing development plan in Exhibit A2.

6.8 MCC 35.7215(B)(6) Other factors the Planning Director may determine appropriate to identify the nature and extent of the particular use.

Applicant: “The Pre-Filing Notes do not identify other factors to be considered.”

Staff: No other factors must be considered to determine the nature and extent of the camp use.

6.9 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 the time. A final and effective County decision allowing the use shall be accepted as a rebuttable presumption of such compliance.

Applicant: “The camp became a nonconforming use on January 1, 1993. Case File T2-04-046 is a final and effective decision which found that the camp use was lawfully established and not discontinued since its inception.”

Staff: Staff concurs with the applicant’s response.

- 6.10 MCC 35.7215(F) - An applicant may prove the existence, continuity, nature and extent of the nonconforming use for only the 10-year period immediately preceding the date of the application Evidence proving the existence, continuity, nature and extent of the nonconforming use for only the 10-year period immediately preceding the date of the application creates a rebuttable presumption that the use, as proven, lawfully existed at the time of the applicable zoning ordinance or regulations adopted and has continued uninterrupted until date of application.**

Applicant: "Case File T2-04-046 found that the camp has continued to operate as a summer Bible camp for ten (10) years prior to 2004. The applicant's records show camp use was 2,099 campers in 2005 and 2,314 campers in 2006."

Staff: The existence, continuity and nature/extent of camp use was determined in 2005 with Multnomah County Permit T2-04-046. Staff confirmed during a site visit conducted May 23rd, 2007 that the nature of the use has not changed from what was approved in 2005 and therefore the applicant does not need to demonstrate the existence, nature or extent of the non-conforming use in this case. **This standard is met.**

6.11 Alteration, Expansion or Replacement of Nonconforming Uses - 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 result in the removal of 50 overnight bunks in five wagon structures in the Wagon Circle to be replaced by 48 overnight bunks in four replacement structures 400 feet to the west. All proposed activity will occur in the developed portion of the site. TCBC will add two (2) additional beds into other existing structures so as to maintain its approved 426-bed capacity. The application will demonstrate that the alteration and physical improvements will be of no greater adverse impact on the neighborhood."

Staff: The scope of the camp use will not change as a result of the proposal. The reduction in two overnight bunks will be offset through the addition of two bunks likely within cabin #5 (Exhibit A2). The camp director has indicated that the bunks are likely to be relocated to cabin #5, although they may be located within any of the previously approved cabins at the camp. Either way, the end result will be no net change to the number of overnight bunks at the Trout Creek Bible Camp. Even though there will be no change to the camp's intensity, the proposal qualifies as an alteration of a non-conforming use because new overnight camp structures will be erected. Impacts on the neighborhood will be evaluated within findings 6.14 - 6.22 of this decision.

- 6.12 MCC 35.7210(B) After verification of the status of a nonconforming use pursuant to the applicable provisions of MCC 33.7215, the Planning Director shall authorize alteration of a nonconforming use when it is demonstrated that:**

(1) The alteration, expansion or replacement is necessary to comply with state or local health or safety requirements, or...

Applicant: "Replacing five wagon-style structures and with four cabin-style structures is not necessary to comply with state or local health or safety requirements. However, the replacement structures will meet all applicable state and local life safety requirements."

Staff: The applicant is attempting to qualify the alteration under the provision **MCC 35.7210(B)(2)** rather than **(B)(1)**. Please see the finding below.

6.13 MCC 35.7210(B)(2) - The alteration is necessary to maintain in good repair the existing structures associated with the nonconformity.

Applicant: "The Wagon Circle was created in the 1960s. The five wagon-style structures to be removed are in need of substantial repair or replacement. Rather than remodel the five structures, TCBC proposes to relocate 50 beds from the Wagon Circle to the interior of the developed site so as to provide campers with better access to other camp amenities, such as the dining hall, the pool, the chapel, and rest rooms. (Figure 1.)"

Staff: The proposal does not involve maintaining existing structures. The existing structures will be removed and new structures erected in a different location. The project does not qualify under the provisions **MCC 35.7210(B)(1) or (2)** and therefore, the provisions of **MCC 35.7210(C)** must be evaluated to determine whether or not the proposal may create adverse impacts on the neighborhood.

6.14 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.

(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 C.) The Fireside Center is located across Gordon Creek Road. The area has been used in the current pattern of mix of uses of forest land, residential and camp uses for fifty years. There has been a small increase in the number of residential uses over time. The Trout Creek Bible Camp has been in existence in this location since the mid-1940s and has continued uninterrupted camp operations since that time. There are no known conflicts between the forest and residential uses and the camp. The camp has been expanded consistent with several Multnomah County land use approvals.

The site of the proposed replacement activity is in the interior of the TCBC property and not visible from neighboring properties or from a public right-of-way. The replacement of sleeping structures will not result in a net increase of campers. Therefore, the proposal will not result in a greater adverse impact on the neighborhood."

Staff: The Trout Creek Bible Camp was established within this forested area in the 1940's and has continued to expand since that time with no known impacts to the surrounding neighborhood. Staff expects this minor change will have no measurable impact on the neighborhood and will not likely be noticed by the passer by traveling along either the Trout Creek Road or Gordon Creek Road corridors. Comment was received by two neighboring landowners who considered the camp a neighborhood asset and therefore supported the proposed alteration (Exhibits A9 and A10).

Staff finds the proposal will not have any adverse impact on the neighborhood mainly because the scope of the camp use will not be changed in any way. Staff is also confident that the relocation of the overnight camp structures closer to the center of the camp, as proposed, is more desirable in the event the Corbett Fire District needs to respond to a fire at the camp facility. Tom Layton, Corbett Fire District Chief, has confirmed access and water availability are adequate for fire fighting purposes within the proposed development area (Exhibit A14). Clustering development in the forest zone is a practice typically supported by the County's Land Use Program. In addition, the surrounding thick and tall forest canopy in all directions will prevent visibility of the new cabin structures from either Trout Creek Road or Gordon Creek Road during summer months and will either prevent visibility during winter months, or heavily screen the development at a minimum. Photos taken from the proposed development area are presented as Exhibit A15. Staff finds the proposed development will not create any adverse visual impacts within the neighborhood.

6.15 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 Gordon Creek Road, there are no abutting residences. The camp is about 1/3 of a mile from the nearest residence. The activity centers for the camp are away from the roads and buffered from by the mature trees and under story growth, 250 feet wide at the narrowest point. The proposed activity will occur in the interior of the site and will not produce any appreciable increase in noise, vibration, dust, odor, fumes, glare or smoke detectable in the neighborhood."

Staff: Staff agrees with the applicant's response. The new cabins will be located closer towards the camp interior and will not emanate noise, vibration, dust, odor, fumes or smoke. The earth toned cabins will be constructed out of metal roofing and hardi plank lap siding and will not expose glare to the neighborhood due to the forested screening surrounding the development from all sides (Exhibit A15). **This standard is met.**

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

Applicant: "The proposal will not increase the camper capacity of TCBC nor will it extend the camping season. Therefore, the proposed project will not cause an increase in vehicle trips to the site."

Staff: Alison Winter, Multnomah County Transportation Development Specialist indicated that transportation related improvements would not be necessary because the proposal would not increase the number of automotive trips to the site (Exhibit A11). Staff finds the number of vehicular trips to the site has been considered and that the proposal would have no effect on this issue. **This standard is met.**

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

Applicant: "Case File T2-04-046 (page 15) found that "Clearly the existing parking area is suitable to address the needs of the [426 camper/staff parking demand]." The current proposal will not generate the need for additional parking. No additional storage is proposed. Therefore, the proposed project will not increase the nature of outside storage, loading and parking."

Staff: No outdoor storage, loading or additional parking is proposed. This proposal will simply replace five smaller structures with four like type larger structures on a different portion of the property. **This standard is met.**

6.18 MCC 35.7210(C)(5) - The comparative visual appearance;

Applicant: "Removal of five structures will reduce the visual presence of the Wagon Circle. The four replacement structures will be similar to other existing cabin-style structures in shape, height and materials. All activity proposed under this application will occur in the center of the developed camp area and will not be visible from a public right-of-way. Thus, the visual appearance will remain the same for the exterior and there will be no greater adverse impact on the neighborhood."

Staff: Staff concurs with the applicant. **This standard is met.**

6.19 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 and therefore, there will be no greater adverse impact on the neighborhood."

Staff: The proposal does not require a change to the existing hours of operation of the Trout Creek Bible Camp.

6.20 MCC 35.7210(C)(7) - The comparative effect on existing flora;

Applicant: "The proposal will result in the removal of some under story vegetation, one (1) large fir tree and several deciduous trees in the Primary Fire Safety Zone. Vegetation removal will be limited to the Primary and Secondary Fire Safety Zones as required under MCC 35.2305(A). The proposed location for the replacement structures is in the interior of the site and not visible from a public-right-of-way. No other vegetated area of the camp site will be impacted. Therefore, the proposal will have no greater comparative adverse impact on the existing flora or on the surrounding neighborhood, except to the extent required by MCC 35.2305."

Staff: Staff agrees with the applicant's response to this criterion. Although 1 fir and an estimated 12-15 deciduous trees⁴ will be removed to accommodate the required fire safety zones, these trees only comprise a minute fraction of the total number of on-site trees as can be seen in the aerial photo of the forested camp property (Exhibit A8). The removal of these trees within the fire safety zones illustrated in Exhibit A1 is required for fire safety purposes and therefore is necessary.

Prior to selecting the proposed cabin site, the applicant conducted an alternatives analysis to determine the feasibility of locating the cabins within an existing cleared area. The goal being to locate the development in an area having the least amount of impact on the camp flora while still meeting the overarching development goal of better consolidating camp related development near the center of the site. Development within the open field to the west of the gymnasium (structure #2 – Exhibit A2) was considered and abandoned because the entirety of the field is necessary for camp related recreational activities and, at times, overflow auto parking. This area is labeled "Ball Field" (development #24) on the camp plan (Exhibit A2). The only other open area at the camp

⁴ The number of deciduous trees to be removed was estimated by the applicant during Staff's 5/23/07 site visit.

not occupied by structures is located on the other side of Trout Creek adjacent to the horse barn (structure # 31 – Exhibit A2). This cleared area was determined to not be large enough to house both the four cabins and an adequate corral area for the camp horses. Also, moving the development across Trout Creek would conflict with the camp's long term vision of consolidating development towards the center of the camp.

In summary, the applicant has considered other alternatives in an attempt to minimize impact on local flora and concluded the proposed location is the best option. The proposed location was selected because of its central location to the camp, proximity to the bathrooms, proximity to existing internal camp roads/trails and gentle slope. After walking the site with the applicant, Staff agrees that the proposed location is the most desirable when considering the camp needs and the requirement to minimize impacts to the site's flora. It should be noted that the applicant's will only be removing trees required to be removed within the fire safety zones. The applicant's intent is to retain the wooded camp setting as much as possible. **This standard is met.**

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

Applicant: "The proposal will remove 2,600 square feet of surface area in the Wagon Circle and will add 2,304 square feet of surface in the replacement area. The net change in surface area will be a decrease of 296 square feet of surface area. Multnomah County requires a Storm Water Certificate for a project which creates more than 500 square feet of new impervious surface. The Wagon Circle and the replacement structure area are approximately 400 feet apart, separated by forest vegetation. Both sites lie on the same gentle slope in the same drainage area that runs downhill to Trout Creek..."

Staff: The new cabins will be located roughly the same distance away from Trout Creek approximately 400-feet to the west of the wagon wheel cabins to be removed. Although the proposal involves construction of four cabins each totaling 576 square feet of roof area (2,304 SF total), the total square footage of impervious surfaces will be reduced at the camp by 296 SF when the five wagons are removed. The Cazadero silty clay loam soils (Soil Unit 9B) within the development area are documented as exhibiting moderately slow permeability⁵ ranging from as little as 0.06-inches/hour to, at times, as much as 2.0-inches/hour⁶. The applicant has requested that the County not require, as part of this land use review, a formal review of storm water disposal methods by an Oregon licensed Professional Engineer. The applicant has asked to have this review required as a condition of this approval. In this way, unnecessary engineering review costs will be avoided in the event of a plan modification resulting from an appeal of this decision, for example.

Staff believes this request is reasonable considering the small size of each cabin, the gentle slopes in the forested development area and the great distance between the development and the nearest water body, Trout Creek, to the north (240-280-feet). Engineers have been successful in the past effectively designing on-site storm water detention facilities in these same types of loamy soils for much larger structures. As a result, Staff finds the applicant will be able to meet this standard and effectively manage the on-site stormwater runoff associated with the proposed development, although management may require construction of an on-site stormwater facility. A condition of this approval requires an Oregon Licensed Engineer to verify storm water disposal from the new cabin roofs will be adequately accommodated on-site. Any concerns associated with water quality

⁵ Soil Survey of Multnomah County, Oregon (George Green, 1983).

⁶ Table 23, page 215 - Soil Survey of Multnomah County, Oregon (George Green, 1983).

will be associated and mitigated either through the County's Grading and Erosion Control or Minimal Impact Project permit (**MCC 29.330 et seq.**). Another condition of this approval requires that the landowner obtain an approved Grading and Erosion Control or Minimal Impact Project permit approval prior to construction. **As conditioned, this standard is satisfied.**

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

Applicant: "No additional impacts upon the neighborhood are anticipated as a result of reconstructing 4 replacement structures in the camp interior."

Staff: The Commercial Forest Use-4 development standards, forest practices setbacks and fire safety zones need to be considered to assure the proposal meets current health and safety requirements. This portion of Multnomah County is susceptible to wildfires and it is appropriate to consider these standards in an effort to minimize fire risk and to assure the development will not impact surrounding forest operations. Section 7.0 of this decision evaluates these issues.

7.0 Commercial Forest Use Development Standards for Outbuildings (Type II, Form B)

Staff: According to Table 1 within the Commercial Forest Use-4 zoning code, establishing accessory structures more than 100-feet from a dwelling requires setbacks of 130-feet from all property lines except the front property line where a 30-foot setback applies. A primary and secondary fire safety zone must also be established around each accessory structure in accordance with the fire safety zone provisions of **MCC 35.2256(D)**.

Staff has determined the proposed improvements qualify for review under the CFU Development Standards Permit Application Type II, Form B. Staff has verified the development meets the requirements of this application form. A copy of the applicant's responses to the Type II, Form B application requirements is presented as Exhibit A16. Copies of project signoffs by the fire and sanitation departments are presented as Exhibit A14. **Staff finds the Commercial Forest Use development standards have been met.**

Conclusion

Based upon the findings contained herein, the applicant has carried the burden necessary to demonstrate that, with conditions, the applicable criteria have been met to replace five aging overnight sleeping structures with four new overnight sleeping structures at the Trout Creek Bible Camp.

Exhibits

A1	3 pp	Development plan showing required primary and secondary fire safety zones.
A2	1 p	Existing camp development plan
A3	2 pp	Plan showing camp layout with proposed new cabins
A4	4 pp	Photos showing condition of wagon structures to be removed
A5	2 pp	Elevation plans of proposed cabin structures
A6	1 p	Vicinity map
A7	1 p	Zoning map
A8	1 p	August, 2004 aerial photo of the Trout Creek Bible Camp
A9	1 p	Comment letter submitted May 15 th , 2007 by William Weeks (neighboring

		landowner)
A10	1 p	Comment letter submitted May 21 st , 2007 by John Beardsley (neighboring landowner)
A11	1 p	Comment letter submitted May 25 th , 2007 by Alison Winter (Multnomah County Transportation Planning Specialist)
A12	2 pp	Summary of deed history submitted by the applicant (referenced deeds are contained in the permanent case record)
A13	1 p	Oregon Department of Human Services 2006 sanitation inspection report
A14	4 pp	Service provider signoff forms (fire department and sanitation)
A15	5 pp	Photos of the four cardinal directions taken from the proposed development area
A16	10 pp	Commercial Forest Use Development Standards Permit Application Form B, Type II
A17	8 pp	Permit approval MC 8-98
A18	20 pp	Permit approval MC 1-99
A19	29 pp	Permit approval MC 6-99
A20	16 pp	Permit Approval T2-04-046