



**MULTNOMAH COUNTY**  
**LAND USE AND TRANSPORTATION PROGRAM**  
1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233  
PH: 503-988-3043 FAX: 503-988-3389  
<http://www.co.multnomah.or.us/landuse>

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## NOTICE OF DECISION

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

**Case File:** T2-08-040

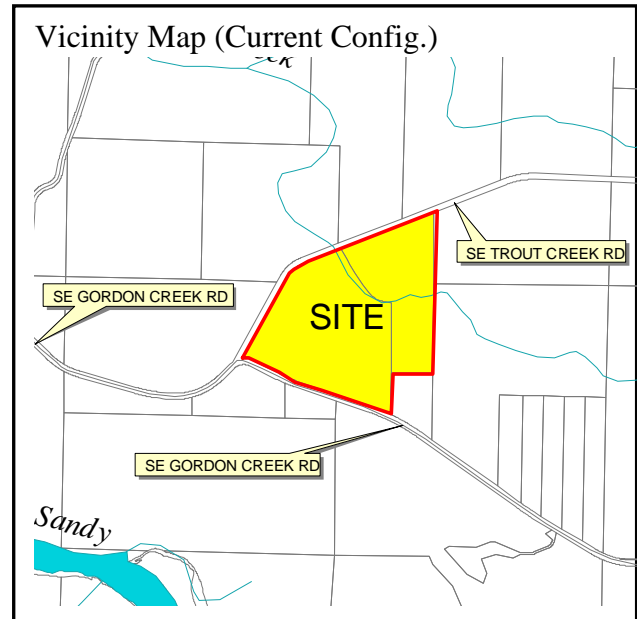
**Permit:** Verification and Alteration of a  
Non-Conforming Use

**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  
E<sup>2</sup> Land Use Planning Services

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



**Summary:** The applicant proposes replacement of five overnight camp shelters (wagon structures) with eight cabin shelters at the Trout Creek Bible Camp.

**Decision:** Approved with Conditions.

Unless appealed, this decision is effective November 28, 2008 at 4:30 PM.

Issued by:

By: \_\_\_\_\_  
George A. Plummer, Senior  
Planner

For: Karen Schilling- Planning Director

Date: November 14, 2008

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 George Plummer, Staff Planner at 503-988-3043 x 29152.

**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 November 28, 2008 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 through conditions of approval with the Multnomah County Recorder after the decision becomes final and prior to County plan signoff. 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. **The appropriate primary and secondary fire safety zones must be illustrated on the development plans around each structure at the time of plan signoff in accordance with MCC 35.2256(D). The primary fire safety zone shall be a minimum of 30-feet wide on all sides except the downhill side which must be extended to 50-feet wide for any areas exceeding 10 percent slope (MCC**

**35.2256(D)). A 100-foot wide secondary fire safety zone shall completely surround the primary zone. Installation of the fire safety zones shall occur prior to construction of the new structures. All fire safety zones shall be continuously maintained in accordance with MCC 35.2256(D).**

- 3. Each new structure shall have a fire retardant roof and spark arrestor on any proposed chimney (MCC 35.2261(C)(3)&(4)).**
- 4. Prior to building plan signoff, the applicant or owner shall obtain all necessary County erosion control approvals (i.e. Grading and Erosion Control Permit or Minimal Impact Project approval, as appropriate), (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 George Plummer at 503.988.3043 x 29152 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. PROJECT DESCRIPTION**

**Applicant:** *The Trout Creek Bible Camp proposes to replace five (5) overnight wagon structures with eight (8) replacement structures (cabins). The project will not result in an increase of campers and staff beyond the 426 campers authorized by Case File T2-04-046. The replacement structures will be built in the developed portion of the camp between the pool and the gym. The purpose of the construction activity is to provide overnight campers with more modern accommodations and better access to primary activities in the developed portion of the camp. The proposal does not include construction on TCBC lands beyond the primary camp area.*

*The proposal includes the removal of ‘covered wagon’ structures from the area marked “Wagon Circle” on Figure 1, Replacement Structure Plan. The Wagon Circle originally contained ten structures, each roof area measuring approximately 20 feet x 26 feet and containing 10 beds. Five wagons will be removed consistent with this request. In plan view, the surface area of a wagon structure is 520 square feet. The Wagon Circle is set apart from the main camp area and is distant from the dining area, gym, chapel, pools, and rest rooms. The wagon structures, while providing the aesthetic appeal of sleeping in a ‘covered wagon’, are in need of significant repair. The wagons will be removed as the new cabins become operational.*

*The replacement structures will measure approximately 32 feet by 18 feet including the covered exterior porch. In plan view, the surface area footprint of each structure is approximately 576 square feet, including the covered porch. The replacement structures will be set on a perimeter post and beam foundation and will measure approximately 17 feet from grade to ridge line. Construction will be Hardi-plank wooden lap and fire-resistant metal roofing. The new cabins are not plumbed. (See Figures 3a, 3b, and 3c, Replacement Structure Conceptual Drawings).*

*The combined surface area of the eight replacement structures is approximately 4,608 square feet. The combined surface area of five wagon structures is 2,600 square feet. Therefore, construction of eight replacement cabins and removal of five wagon sleeping structures will result in a net increase of 2,008 square feet of surface area within the camp.*

*The founders of TCBC did not arrange buildings and structures in a definable placement pattern; they placed the buildings where they best fit. More care will be taken in locating the new cabins.*

*The site for the replacement cabins is immediately uphill from the site of the four replacement cabins that Multnomah County approved in Case File T2-07-037. The contours of the site increase in elevation from northeast to the southwest. The proposed construction site has an overall slope of 9%. Individual cabin locations vary between 8% and 10.6 %. Replacement cabins will be located consistent with Multnomah County regulations regarding primary and secondary fire safety.*

**Staff:** The applicant is proposing replacement of five (5) overnight camp accommodations that look like wagon structures with eight (8) overnight replacement cabins resulting in no net gain in the number of beds. The new cabins will be located approximately 400 feet to the west of the existing wagon structures to be removed which are located in the “Covered Wagon Circle” area on the existing development plan (Exhibit 4). A similar request to replace five of the covered wagon

structures with five cabins was approved in 2007 (case T2-07-037). Photos of the wagon structures to be removed are presented as Exhibit 5, with structural elevations of the new cabin structures presented as Exhibit 6. The new cabins will be served with electricity but will not have water, septic service, or any type of kitchen/cooking features.

## **2. SITE AND VICINITY DESCRIPTION**

**Applicant:** *The Trout Creek Bible Camp (TCBC) lies east of the intersection of Trout Creek Road (county road # 1392) and Gordon Creek Road (county road # 2075) in eastern Multnomah County (Map, Oxbow Park Area Vicinity Map and Aerial.)*

*Trout Creek Bible Camp was founded in 1945 through the efforts of the Wecks family. It has evolved organically over time through a variety of building projects, the most recent being the approval to construct four replacement cabins. (T2-07-037). Prior to 1991, the TCBC provided services to 300 or more overnight campers regularly. In 2005 Multnomah County approved an application for expansion of a nonconforming use for the TCBC, expanding the overnight camping capacity of the camp from 265 campers and staff to 426 campers and staff. In June 2007, Case File # T2-07-037 authorized replacing five wagon-style sleeping structures with four cabins.*

*The property is currently zoned CFU, Commercial Forest Use. Within the context CFU zoning, the TCBC is a lawful non-conforming use. Water service is provided by wells and sanitary sewer disposal is by on-site septic systems.*

*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.*

*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, 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.*

**Staff:** Trout Creek Bible Camp was founded in 1945 and has seen numerous expansions since establishment. Most recently in 2005, Multnomah County approved an expansion of the nonconforming use from 265 campers and staff to a maximum of 426 campers and staff to be served at any one time by the camp (Case T2-04-046). There is no increase in the total camp capacity proposed as part of the current application.

The existing physical layout of the camp facilities is illustrated on the site plan in Exhibit 4. This plan shows the location of the 33 main camp amenities which are 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 Trout Creek Bible Camp is directly east of the intersection between Trout Creek Road and Gordon Creek Road in eastern Multnomah County (Exhibit 3). The camp is located on a plateau above and roughly ¾ 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 its functional riparian area, are protected with a Significant Environmental Concern zoning overlay, development is not proposed within this protection zone. Zoning of this property as well as all other properties in the general area is Commercial Forest Use-4.

The neighborhood is primarily forested with smaller lots containing dwellings 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 8. The Fireside Center, a private retreat center, is located across Gordon Creek Road to the south and there are several other camps listed by the applicant in Eastern Multnomah County.

### **3. OPPORTUNITY TO COMMENT NOTICE**

**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 September 18, 2008. No public comments were received.

### **4. 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. CODE COMPLIANCE AND LOT OF RECORD**

#### **5.1. Code Compliance**

**MCC 37.0560:\_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.**

**Staff:** Staff is not aware of any active land use complaints or violations in conjunction with the subject property.

## 5.2. Lot of Record

**MCC 35.0005 DEFINITIONS:** Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Re-cord 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.

**MCC 35.2275 (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:** 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 sections<sup>1</sup>.

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 partition<sup>2</sup>, the deed was recorded prior to October 19<sup>th</sup>, 1978 and because an approved property line adjustment was not required for this type of

<sup>1</sup> A Section of land is a division of land fixed by government survey, comprising one square mile or 640 acres. Each township (6 miles square) is divided by straight lines into 36 sections and these are again divided into half and quarter sections.

<sup>2</sup> 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)).

reconfiguration prior to December 28<sup>th</sup>, 1993 (MCC 35.0005 & 35.2275). According to the deed history presented by the applicant in Exhibit 12, it does not appear that the subject property was contiguous to any other lot less than 19-acres under the same ownership on February 20<sup>th</sup>, 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. This Lot of Record will also be referred to as a 'Tract' of land at times within this decision which is term used to define properties under common ownership in the forest zone (MCC 35.2210).

## **6. NONCONFORMING USE APPROVAL CRITERIA**

### **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.**

**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 use was found in Cases T2-04-046 and T2-07-037 to not having been abandoned or discontinued. Case T2-07-037 was issued June 5, 2007 less than two years ago and a staff site visit on October 24, 2008 confirmed that the camp continues to be in operation. 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 and T2-07-037. Camp records show that the camp has been in use for the two succeeding seasons without interruption. No changes have been made inconsistent with Case File T2-07-037.*

**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 3<sup>rd</sup>, 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. A staff site visit on October 24, 2008 confirmed that the camp continues to exist. Staff finds the camp use was lawfully established and has not been discontinued and that the



proposal qualifies for the following verification and alteration of non-conforming use analysis. 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 Files T2-04-046 and T2-07-037 established that TCBC has been in continuous operation through June 5, 2007. 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 scope of the camp expansion approved by permit T2-04-046 defines the nature and extent 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 4, which is necessary to handle up to 426 total campers and staff at any one time. The proposed cabins will replace five covered wagons currently serving the approved use on the property as overnight camp accommodations.

**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 response above adequately describes the general 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 for the week, and are picked up or returned to town by van at the end of the week."*

*“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 facilities 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 total 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 (Wecks), 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. 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 4, provides the necessary information. The Trout Creek Bible Camp contains the following 33 main amenities:

#	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/Cabins
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:** *Legal Lot of Record: The subject property was created in its current configuration in April 1973. Today the 50.48 acre subject property is referred to as 32.10 acre TL 100 (Section 23, T1S, R4E) and 18.38 acres TL 100 (Section 24, T1S, R4E) The 50.48 acre parcel is listed under*

two separate property tax accounts, perhaps because they fall within two different sections. In June 2007, staff concluded that the 50.48 acre subject property is a legal lot of record and eligible for this development request. See Case File T2-07-037 page 6.

The developed portion of the camp consists of approximately 50.48 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. 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 (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 camp proper and the lot across Gordon Creek Road containing a dwelling are the only parcels under TCBC control that are substantially developed. Property under control of the TCBC includes the following parcels:

Table 1. TCBC Property Ownership

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

**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 4.

**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 Files T2-04-046 and T2-07-037 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 camp for ten (10) years prior to 2004. Multnomah County again found in Case File T2-07-037 (page 7) that the camp had not been abandoned or interrupted for a continuous two-year period. Only one year has elapsed since the County made that finding."*

**Staff:** The existence, continuity and nature/extent of camp use were determined in 2005 with Multnomah County Permit T2-04-046 and in 2007 with permit T2-07-037. Staff confirmed during a site visit conducted October 24, 2008 that the nature of the use has not changed from what was approved in 2007 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 five wagon structures, containing ten bunks each, from the Wagon Circle. The eight new structures will have the capacity to hold 10 to 12 bunks each. Case File # T2-04-046 approved the TCBC for a capacity of 426 campers and staff. In order to remain within the capacity limit, TCBC will remove beds from existing structures as the new cabins come on line. The net result will be the same number of permitted campers and staff but more roomy accommodations in other sleeping quarters.*

**Staff:** The scope of the camp use will not change as a result of the proposal. The applicant has confirmed above the intensity of the camp use will not be increased. Beds will be removed from existing cabins, as necessary, to keep the total camper and staff capacity at or below 426 at any one time. 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:**

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

**Applicant:** *Replacing existing wagon structures with new cabins 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. See discussion in MCC 35.7210(C) below.*

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

**6.12.2. 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. All wagon structures are in need of repair or replacement. TCBC's plan is to remove all wagons and move those accommodations to the interior of the developed site to provide campers with better access to other camp amenities, such as the dining hall, the pool, the chapel, and rest rooms. See discussion in MCC 35.7210(C) below.*

**Staff:** The proposal does not involve maintaining existing structures. The existing structures will be completely 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.

**6.13. 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.**

**Staff:** No comments were received from members of the public suggesting the proposal will have no increased impact the neighborhood. Staff finds the proposed development will not create any adverse visual impacts within the neighborhood. Given the findings for the criteria below, staff finds the proposed alteration will not result in a greater adverse impact on the neighborhood. Staff finds these criteria are met by the proposed development.

**6.13.1. (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. The Fireside Center is located across Gordon Creek Road. The area has been used in the current pattern of mix of forest land, residential and camp uses for more than 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 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. Clustering camp uses closer to the center of camp activities is desirable in a forest zone. The scope of the camp use will not*

*change after approval of this request. Therefore, the proposal will not result in a greater adverse impact on the neighborhood.*

**Staff:** Trout Creek Bible Camp was founded in 1945 and has seen numerous expansions since establishment. Most recently in 2005, Multnomah County approved an expansion of the nonconforming use from 265 campers and staff to a maximum of 426 campers and staff to be served at any one time by the camp (Case T2-04-046). There is no increase in the total camp capacity proposed as part of the current application.

The existing physical layout of the camp facilities is illustrated on the site plan in Exhibit 4. This plan shows the location of the 33 main camp amenities which are 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).

**6.13.2. 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 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. Earth toned hardi-plank siding will not expose neighbors to glare due to the forested screening. 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. Although the children using the cabins will likely be loud from time to time, these noises are typical of any camp and are already occurring on-site with no documented adverse impacts to the neighbors. The closest residence is also far enough away from the camp that camp related noise associated with the new cabins should not be problematic. 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. This standard is met.

**6.13.3. 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:** Ken Born, Multnomah County Transportation Development Specialist indicated that the project would not result in a transportation impact (Exhibit 20). Staff finds the number of vehicular trips to the site will not have an adverse impact because the number of vehicular trips will not be increased as a result of the new cabins considering other cabins will be removed and the capacity is not increased through this decision. This standard is met.

**6.13.4. 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].” No additional parking, loading or outdoor 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 standard is met.

**6.13.5. MCC 35.7210(C)(5) - The comparative visual appearance;**

**Applicant:** *Removal of five wagons will reduce the visual presence of the Wagon Circle. The replacement structures will be similar to other existing cabins 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.

**6.13.6. 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.

**6.13.7. MCC 35.7210(C)(7) - The comparative effect on existing flora;**

**Applicant:** *The applicant conducted an alternatives analysis as part of Case File # T2-07-037 that considered other possible locations for the new cabins as a way to minimize impacts to flora. As a wooded camp facility, TCBC would prefer not to cut down trees. However, the applicant must comply with County fire codes and no other location provides a suitable opportunity for clustering facilities.*

*The applicant’s intent is to maintain the wooded conditions to the greatest extent possible. Vegetation removal will be limited to the small cabin area within the Primary Fire Safety Zone as required under MCC 35.2305(A). The proposal will result in brush clearing and removal of twenty-six (26) hemlock, maple, alder and fir trees, ranging in size from 10 inches to 28 inches dbh, within the 0.65 acres Primary Fire Safety Zone. The trees to be removed account for only a fraction of the trees within the camp area. 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 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. The camp property has a forest canopy except in a few areas where there is development. Although approximately 26 trees will be removed, these trees only comprise a very small fraction of the total number of on-site trees as can be seen in the aerial photo of the forested camp property (Exhibit 8). The removal of these trees within the CFU-4 fire safety zones illustrated in Exhibit 4 is required for fire safety purposes and therefore is necessary. The development areas including the new cabin area (a cleared area to be

expanded) are surrounded by dense forest. The new clearing for the new cabins will not be visible from off-site except from the air.

The new five cabins will be clustered with five constructed as part of a 2007 approval. Prior to selecting this development 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 4) 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 4). The only other open area at the camp not occupied by structures is located on the other side of Trout Creek adjacent to the horse barn (structure # 31 – Exhibit 4). This cleared area was determined to not be large enough to house both the new cabins and an adequate corral area for the camp horses. 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. 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.

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 conducting a site visit, 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. The applicant’s intent is to retain the wooded camp setting as much as possible. This standard is met.

#### **6.13.8. MCC 35.7210(C)(8) - The comparative effect on water drainage or quality; and**

**Applicant:** *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.*

*Multnomah County requires a Storm Water Certificate for a project that creates more than 500 square feet of new impervious surface. The proposal will remove 2,600 square feet of surface area in the Wagon Circle and will add 4,608 square feet of surface in the replacement area. The net change is an increase of 2,008 square feet of impervious surface area. Ms. Kelli Grover, an engineer with Firwood Design Group, LLC prepared a stormwater analysis and certified that construction on an on-site storm water drainage control system is not required.*

*A Grading and Erosion Control Permit is required when ground disturbing activities: (1) disturb more than 10,000 square feet of surface area; or (2) the disturbed area lies within 200 feet of top of bank of a waterway; or (3) when slopes before development are 10% grade or more; or (4) where unsupported finished slopes exceed 33% grade. MCC 29.336(A). The activity proposed by this application does not rise to the level of any of these criteria. Ground disturbing activities that do not require a Grading and Erosion Control permit may be eligible for the Minimal Impact Projects described in MCC 29.333.*

*TCBC notes that in a Minimal Impact Project, related drawings and plans are required “prior to initiating work.” MCC 29.333. Therefore, Consistent with the staff findings in T2-07-037, TCBC*



*will fully demonstrate compliance with MCC 29.333 at the time of building permit application, prior to the initiation of work.*

**Staff:** The new cabins will be located roughly 400-feet from Trout Creek which is the closest water body. This distance is adequate to avoid impacts to the creek from the proposed development. The Cazadero siltly clay loam soils (Soil Unit 9B) within the development area are documented as exhibiting moderately slow permeability<sup>3</sup> ranging from as little as 0.06-inches/hour to, at times, as much as 2.0-inches/hour<sup>4</sup>. An Oregon Registered Professional Engineer has supplied a storm water certificate verifying the development site is suitable to accept the proposed development from a storm water management standpoint (Exhibit 14). Neither on-site storm water retention nor detention control structures are required to serve any of the new 576 square foot cabins. Any concerns associated with erosion and sediment from disturbed soils will be addressed through the County's Grading and Erosion Control or Minimal Impact Project Permit requirements which includes a County inspection (MCC 29.330 et seq.). A 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.

#### **6.13.9. 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 because of this request. See discussion of CFU development standards below.*

**Staff:** 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 9). 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. 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 is a forested area susceptible to wildfires. It is both required and 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. By meeting the fire safety zone setbacks required for development in the CFU-District the threat of wildfire is reduced thus there is no greater impact from this potential threat.

## **7. COMMERCIAL FOREST USE DEVELOPMENT STANDARDS**

### **7.1. Forest Practices Setbacks and Fire Safety Zones. MCC 35.2256 (Table 1)**

#### **7.1.1. The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:**

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<sup>3</sup> Soil Survey of Multnomah County, Oregon (George Green, 1983).

<sup>4</sup> Table 23, page 215 - Soil Survey of Multnomah County, Oregon (George Green, 1983).

**Applicant:** *The proposed use does not entail dwellings, mobile homes or accessory structures within 100 feet of a dwelling. The proposed cabins are either ‘Accessory structures’ or ‘Other structures’ under this code section. Consequently, the Forest Practices Setbacks required are 30 feet from the front property line adjacent to a county maintained road and 130 feet for all other setbacks. Both primary and secondary fire safety zones are required.*

*Gordon Creek Road is the County maintained road that creates the property front. The new replacement cabin will be approximately 40 feet closer to Gordon Creek road than the cabins approved in 2007. Regardless, the nearest the new replacement cabins will be to Gordon Creek Road is approximately 400 feet, thereby satisfying the 30-foot front setback standard.*

*The cabins will be located within T1S, R4E, Sec. 23, TL 100 (32.1 acres). Trout Creek Bible Camp also owns parcels T1S R4E, NW1/4 Sec. 24, TL lots 200 (4.78 acres) and TL 100 (50.72 acres) immediately adjacent to the east. The new replacement cabins will be approximately 100 feet from the eastern edge of lot T1S, R4E, Sec. 23, TL 100 (32.1 acres). The site was selected to minimize slope impacts and to align the proposed cabins with the four cabins approved in 2007. However, the new cabins will be more than 1400 feet from the eastern edge of lot T1S R4E, NW1/4 Sec. 24, TL 100 (50.72 acres), which is under TCBC ownership and is an integral part of the TCBC experience. Therefore, the proposed new cabins satisfy the front setback and side and rear setback standard.*

**Staff:** The cabins qualify as “Other Accessory Structures” in Table 1 (MCC 35.2256). Resulting Forest Practice Setbacks are 30 feet from front property lines adjacent to a county maintained road and 130-feet from all other property lines. Primary and Secondary fire safety zones are required around each new structure.

**7.1.2. MCC 35.2256(A). Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.**

**Applicant:** *The applicant is not applying for a reduction in forest practices setback requirements.*

**Staff:** A reduction to a Forest Practices Setback is not required. Forest Practices Setbacks are measured from the structure to the closest property line which in this case is hundreds of feet away. The property line surrounds Tax Lot 100 which is partially in Section 23 and partially in Section 24. The section line differentiating the two tax lots 100-feet away from the closest new cabin is not a property line. This standard is met.

**7.1.3. MCC 35.2256(B). Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 35.2310 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming, adjustment or variance process.**

**Applicant:** *The applicant is not applying for a reduction in the secondary fire safety zone standards.*

**Staff:** The secondary fire Safety Zone must be located within the subject Tract boundaries without the granting of an exception. The nearest Tract boundary is located hundreds of feet away from the development site. No exception is required.

**7.1.4. MCC 35.2256(C)** The minimum forest practices setback requirement shall be increased where the setback abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county “Design and Construction Manual” and the Planning Director shall determine any additional setback requirements in consultation with the Road Official.

**Applicant:** *An increase on the forest practices setback requirement is not necessary due to insufficient street width.*

**Staff:** Transportation staff did not find that abutting right-of-ways are insufficient (Exhibit 20).

**7.1.5. MCC 35.2256(D). Fire Safety Zones on the Subject Tract**

**7.1.5.1. MCC 35.2256(D)(1) Primary Fire Safety Zone**

(a). A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.

**Applicant:** *Sheet 1 of 2, prepared by Firwood Design, shows the replacement area with a 30-foot diameter circle around the eight new cabins. The total area of the Primary Fire Safety Zone is 0.65 acres. The location has been carefully selected to minimize impacts to existing trees and slopes. However, consistent with this sub-section, TCBC shall ensure that crown spacing within the 30-foot Primary Fire Safety Zone shall be a minimum of 15 feet between crowns and that all lower branches shall be removed below a height of eight feet above grade.*

**Staff:** The 30-foot primary fire safety zone is shown on the development plans. Proper maintenance of this zone has been made a condition of this approval.

**MCC 35.2256(D)(1)(b). On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:**

Percent Slope	Distance In Feet
Less than 10	Not required
Less than 20	50
Less than 25	75
Less than 40	100

**Applicant:** *The slope analysis concluded that the average slope within the project area is 9%. Below the new cabin area are the four cabin locations approved by T2-07-037. Therefore, there is no need to extend the Primary Fire Safety Zone down slope.*

**Staff:** Staff measures slopes of approximately 12% on average through the proposed development area according to a topographic plan submitted by the applicant. It appear that the primary fire safety zone will need to be extended from 30-feet wide to 50-feet wide on the downhill side of most if not all cabins in accordance with this standard. This extension of the primary fire safety zone on the downhill side is feasible. A condition of this approval requires the appropriate primary fire safety zone be illustrated around each structure at the time of plan signoff.

**MCC 35.2256(D)(1)(c) The building site must have a slope less than 40 percent.**

**Staff:** The building site slopes less than 40 percent as shown on Exhibit 4.

**7.1.5.2. MCC 35.2256(D)(2). A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of MCC 35.2310.**

**Applicant:** *The area surrounding the replacement structures is in the heart of the developed camp. The camp will maintain the Secondary Fire Safety Zone consistent with the requirements of this sub-section. See Note #8 on Sheet 1/2 Firwood Design, LLC Grading & Erosion Control panel.*

**Staff:** No reduction in the 100-foot secondary fire safety zone is required. Maintenance of this zone as required above has been made a condition of this approval.

**7.1.5.3. MCC 35.2256(D)(3). No requirement in (1) or (2) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and**

**Applicant:** *The subject property is not subject to an approved forest management plan.*

**Staff:** Staff is not aware of a forest management plan approved by the Oregon Department of Forestry in effect for this property.

**7.1.5.4. MCC 35.2256(D)(4). Required Primary and Secondary Fire Safety Zones shall be established in the subject tract as required in Table 1.**

**Applicant:** *The applicant proposes to establish fire safety zones in compliance with Table 1. See Note #8 on Sheet 1/2 Firwood Design, LLC Grading & Erosion Control panel.*

**Staff:** Both the primary and secondary fire safety zones fully fall within the Tract boundaries.

**(5). Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).**

**Applicant:** *The applicant shall maintain fire safety zones as required.*

**Staff:** Maintenance of the fire safety zones has been made a condition of this approval and must be completed by the property owner.

**7.2. Development Standards for Dwellings and Structures.**

**All dwellings and structures shall comply with the approval criteria in (B) through (E) below except as provided in (A):**

**7.2.1. MCC 35.2261(B). New dwellings, replacement dwellings greater than 100-feet from an existing dwelling, and accessory buildings (or similar structures) greater than 100-feet from a dwelling shall meet the following standards in (1) and (3) or (2) and (3):**

**7.2.1.1. MCC 35.2261(B)(2). The structure shall satisfy the following Option 2, Discretionary Type 2 Permit requirements:**

**(a) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the standards in MCC 35.2256;**

**Applicant:** *The proposed eight replacement structures are neither dwellings, nor are they buildings accessory to dwellings.*

*The eight replacement structures will be located in the interior of the camp. They will be nearly identical to the structures approved by T2-07-037. The replacement structures will be set back from Gordon Creek Road and from Trout Creek Road in excess of the 130-foot setback standard. The replacement structures will not be visible from a public right-of-way. For these reasons, the proposal will not affect adjoining forest lands.*

**Staff:** The proposed structures are accessory to the camp use and will be located further than 100-feet from a dwelling. The proposal must meet the standards in either MCC 35.2261(B)(1) & (3) or (B)(2) & (3). The applicant has chosen (B)(2) & (3). Section (B)(2)(a) requires the proposal to have the least impact on nearby or adjoining forest or agricultural lands and satisfy the standards of MCC 35.2256 which have already been addressed in this decision.

Surrounding land uses include primarily forest operations and a few single family dwellings. No nearby agricultural land is found. The proposal will have the least impact on surrounding forest lands by locating the new development in the interior of the camp as far away from surrounding lands as practicable, by clustering development together in a way that creates a unified fire safety protection zone and by using fire resistant roofing materials.

**(b) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;**

**Applicant:** *The proposed cabins will help consolidate the footprint of the camp. The proposal will not result in an increase in camper or vehicular use. Therefore, the proposal will have no measurable impact on forest operations.*

**Staff:** The Tract is used as a camp. The proposed development is clustered near existing development. As such, the proposed use will not impact forest operations and accepted farming practices.

**(c) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;**

**Applicant:** *The proposal will continue the consolidation of the camp footprint. Replacement cabins will be located closer to the heart of the developed camp. Conversely, removal of five structures will reduce the camper use and impervious surface area impacts on forest land. Therefore impacts to forest lands are minimized.*

**Staff:** Clustering the structures as proposed takes the minimum amount of forest land out of potential production. No new access roads or service corridors are required to be constructed to serve the development. This proposal will help consolidate camp development which meets this standard.

**(d) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and**

**Applicant:** *No new access roads are proposed as a result of this project.*

**Staff:** Staff concurs. The standard is met.

**7.2.1.2. MCC 35.2261(B)(3) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:**

**(a) The proposed dwelling will be located upon a tract within a fire protection district or the dwelling shall be provided with residential fire protection by contract;**

**Applicant:** *The site is serviced by Multnomah County Rural Fire District # 14.*

**Staff:** The Multnomah County Rural Fire District #14 has reviewed the proposal and confirmed it is in compliance with adopted fire district standards for access or the standards of MCC section 29.012.

**(b) Access for a pumping fire truck to within 15 feet of any perennial water source of 4,000 gallons or more within 100 feet of the driveway or road on the lot. The access shall meet the driveway standards of MCC 35.2261(E) with permanent signs posted along the access route to indicate the location of the emergency water source;**

**Applicant:** *A fire truck pumping location exists on site, 10 feet away from the swimming pools and 50 feet from the main camp driveway. (Figure 5, Fire Truck Pumping Location.) The proposal will comply with the primary and secondary fire safety zone requirements in MCC 35.2305(A) below.*

**Staff:** No perennial water source capable of producing 4,000 gallons at one time is located within 100-feet of the road passing to north of the cabins. The applicant mentions a swimming pool near the camp center which could be used to satisfy this standard. Staff believes a pool that could be drained when not in use should not be considered a reliable year-round emergency water source. This standard is not applicable.

**7.2. MCC 35.2261(C). The dwelling or structure shall:**

**(1) Comply with the standards of the applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;**

**(2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;**

**Applicant:** *The proposal does not involve a mobile home.*

**Staff:** A mobile home is not proposed.

**(3) Have a fire retardant roof; and**

**Applicant:** *The roof material proposed for the four replacement structures is fire retardant metal and will demonstrate compliance with this provision at time of building permit.*

**Staff:** The metal roofs for each new cabin meet this standard. This has been made a condition of this approval.

**(4) Have a spark arrester on each chimney.**

**Applicant:** *The cabins will contain propane heaters and will provide spark arrestors, as required.*

**Staff:** The approval has been conditioned such that any chimney proposed must have a spark arrester.

**7.3. MCC 35.2261(D). The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 1 stream as defined in the Forest Practices Rules.**

**Applicant:** *The camp provides its own source and supply of water. The replacement structures will not be plumbed. Because the replacement structures will not result in an increase in permitted users, no additional water will be drawn. Two wells are located on the developed portion of the site. (See Figure 1, locations #20 and #21). The wells produce 12 and 24 gallons per minute respectively. In a letter dated August 11, 2004 Mr. Donn Miller, Hydrologist with the Oregon Water Resources Department, found that the available well supply appeared to be adequate for the proposed expansion of the camp to 426 beds. (Water Service Attachment, Letter regarding well log ID # MULT 2607.) On October 14, 2004, Mr. Gerald Barnes, Lead EHS for Multnomah County Environmental Health, reported that the camp "camp water system appears to be in good operating condition." (Water Service Attachment.) The camp fixed the corroded sanitary seal (rusty well cap) as directed by Mr. Barnes. Replacing sleeping structures will not place any additional demand on the camps need for water.*

**Staff:** Drinking water will not be provided to any of the new cabins. Drinking water is provided to the camp facility with two existing on-site wells. Surface water, including stream water, is not used as a domestic water supply.

**(1) If the water supply is unavailable from public sources, or sources located entirely on the property, the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.**

**(2) Evidence of a domestic water supply means:**

- (a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or**
- (b) A water use permit issued by the Water Resources Department for the use described in the application; or**
- (c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.**

**Staff:** The water supply comes from two on-site wells. This standard is satisfied.

- 7.4. MCC 35.2261(E). A private road (including approved easements) accessing two or more dwellings, a driveway accessing a single dwelling, a Forest Practices road that is utilized as a private road/driveway accessing a dwelling(s), or a new driveway constructed to access a replacement/restored dwelling, shall be designed, built, and maintained to:**

( \* \* \* )

**Applicant:** *No new access roads are proposed as a result of this project.*

**Staff:** No dwellings are proposed and no new access road is proposed. The standard is not applicable to this request.

**8. 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 eight new overnight sleeping structures at the Trout Creek Bible Camp.

**Exhibits**

1	1	General Application Form
2	24	Applicant's narrative
3	3	Vicinity maps
4	5	Development plans
5	1	Photos of typical covered wagon structures to be replaced
6	3	Elevation (side) views of typical new cabin structure
7	1	Fire truck pumping location map
8	1	2004 aerial photo of camp
9	2	Fire district access and fire flow forms
10	3	Sanitation review forms
11	5	Water service documentation
12	2	Historical deed summary and historic tax map



13	4	Assessment and Taxation printouts
14	10	Storm water certificate and associated calculations
15	5	Pre-filing meeting notes (PF-08-034)
16	2	Oversized and scaled development plans
17	2	Opportunity to comment notice mailed 9.18.08
18	1	Letter deeming application complete as of 8.29.08
19	1	Letter signed by applicant 8.12.08 intending to complete application within 180-days of submittal date
20	2	10.22.08 Multnomah County Transportation Planning memo