



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

NOTICE OF DECISION

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

Case File: T2-2011-1852

Permit: Verification and Alteration of a Non-Conforming Use

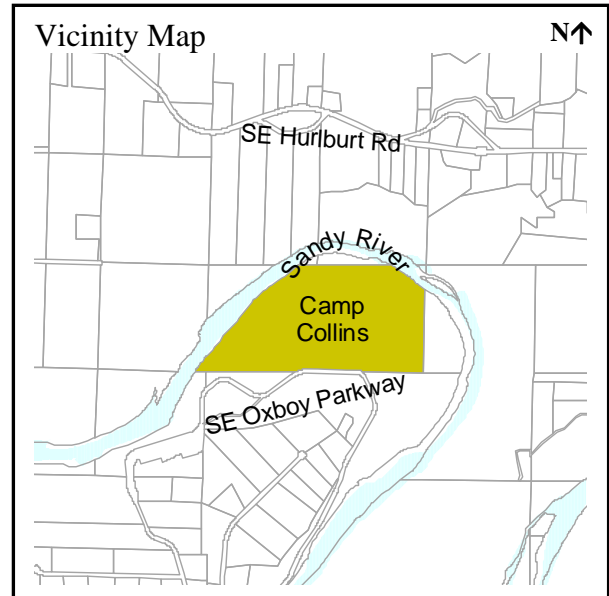
Location: 3001 SE Oxbow Parkway
TL 200, Sec 10B, T1S, R4E, W.M.
Tax Account #R994100090

Applicant: Aron Faegre

Owner: YMCA of the Columbia-Willamette

Base Zone: Commercial Forest Use

Overlays: Significant Environmental Concern for Habitat (SEC-h), Scenic Waterway (SEC-sw), Water Resource (SEC-wr); Slope Hazard; Flood Hazard



Summary: Modify and alter a non-conforming use. Specifically, replace a deteriorated recreation lodge and restroom; Complete the final phase of the dining originally approved under a previous permit but has since expired.

Decision: Approved with Conditions.

Unless appealed, this decision is effective Tuesday, January 17, 2012, at 4:00 PM.

Issued by:

By: _____
Don Kienholz, Planner

For: Karen Schilling- Planning Director

Date: Tuesday, January 3, 2012

Instrument Number for Recording Purposes: #BP10960378

Opportunity to Review the Record: A copy of the Planning Director Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director 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 Don Kienholz, Staff Planner at 503-988-3043, ext. 29270.

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 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 Tuesday, January 17, 2012 at 4:00 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): 37.0560 Code Compliance, 36.0005 Lot of Record, 36.2056 Forest Practices Setbacks and Fire Safety Zones, 36.2075 Lot of Record, 36.4525 Existing Uses, 36.4540 Application for SEC Permit, 36.4545 SEC-sw Approval Criteria, 36.4560 SEC-h Approval Criteria.

Copies of the referenced Multnomah County Code (MCC) and Multnomah County Road Rules (MCRR) 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> or <http://web.multco.us/transportation-planning>.

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. **This land use permit expires two years from the date the decision is final pursuant to MCC 37.0690(B) as applicable. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0695, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.**

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. **After the decision is final and prior to building permit sign-off, the property owner shall record the Notice of Decision cover sheet through the conditions of approval with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and a copy filed with Land Use Planning. Recording shall be at the applicant's expense. [MCC 37.0670]**
2. **Colors for the approved buildings shall be dark earth tone colors as found in the color chart pages 18-19 of the NSA Scenic Resources Implementation Handbook [MCC 36.4545(H)].**

3. The following nuisance plants shall not be planted on the subject property. The owner shall also remove the listed nuisance plants from the development area and keep the development area free of these plants [MCC 36.4550]:

Scientific Name	Common Name
<i>Chelidonium majus</i>	Lesser celandine
<i>Cirsium arvense</i>	Canada Thistle
<i>Cirsium vulgare</i>	Common Thistle
<i>Clematis ligusticifolia</i>	Western Clematis
<i>Clematis vitalba</i>	Traveler's Joy
<i>Conium maculatum</i>	Poison hemlock
<i>Convolvulus arvensis</i>	Field Morning-glory
<i>Convolvulus nyctagineus</i>	Night-blooming Morning-glory
<i>Convolvulus sepium</i>	Lady's nightcap
<i>Cortaderia selloana</i>	Pampas grass
<i>Crataegus sp. except C. douglasii</i>	hawthorn, except native species
<i>Cytisus scoparius</i>	Scotch broom
<i>Daucus carota</i>	Queen Ann's Lace
<i>Elodea densa</i>	South American Water-weed
<i>Equisetum arvense</i>	Common Horsetail
<i>Equisetum telemateia</i>	Giant Horsetail
<i>Erodium cicutarium</i>	Crane's Bill
<i>Geranium roberianum</i>	Robert Geranium
<i>Hedera helix</i>	English Ivy
<i>Hypericum perforatum</i>	St. John's Wort
<i>Ilex aquafolium</i>	English Holly
<i>Laburnum watereri</i>	Golden Chain Tree
<i>Lemna minor</i>	Duckweed, Water Lentil

Scientific Name	Common Name
<i>Loentodon autumnalis</i>	Fall Dandelion
<i>Lythrum salicaria</i>	Purple Loosestrife
<i>Myriophyllum spicatum</i>	Eurasian Watermilfoil
<i>Phalaris arundinacea</i>	Reed Canary grass
<i>Poa annua</i>	Annual Bluegrass
<i>Polygonum coccineum</i>	Swamp Smartweed
<i>Polygonum convolvulus</i>	Climbing Binaweed
<i>Polygonum sachalinense</i>	Giant Knotweed
<i>Prunus laurocerasus</i>	English, Portugese Laurel
<i>Rhus diversiloba</i>	Poison Oak
<i>Rubus discolor</i>	Himalayan Blackberry
<i>Rubus laciniatus</i>	Evergreen Blackberry
<i>Senecio jacobaea</i>	Tansy Ragwort
<i>Solanum dulcamara</i>	Blue Bindweed
<i>Solanum nigrum</i>	Garden Nightshade
<i>Solanum sarrachoides</i>	Hairy Nightshade
<i>Taraxacum officinale</i>	Common Dandelion
<i>Urtica dioica</i>	Stinging Nettle
<i>Vinca major</i>	Periwinkle (large leaf)
<i>Vinca minor</i>	Periwinkle (small leaf)
<i>Xanthium spinosum</i>	Spiny Cocklebur
<i>various genera</i>	Bamboo sp.

4. No new fencing is authorized as part of this permit [MCC 36.4560(A)(4)].
5. Exterior lighting on the new buildings shall be hooded [36.4550(B)].
6. To enhance the riparian area, the owner shall remove invasive plants from the riparian area of the drainage located on the eastern portion of the subject property [MCC 36.4560(B)(3)(e)].

Note: Once this decision is final, application for building permits may be made with the City of Gresham. When ready to have building permits signed off, the applicant shall call the Staff Planner, Don Kienholz, at (503) 988-3043 ext. 29270, for an appointment for review and approval of the conditions and to sign the building permit plans. Please note, Multnomah County must review and sign off the building permits before the applicant submits building plans to the City of Gresham. Three (3) sets each of the site plan and building plans are needed for building permit sign off. At the time of building permit review, a fee of \$53.00 will be collected. In addition, an erosion control inspection fee of \$77.00 may be required.

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 of Fact

FINDINGS: Written findings are contained herein. The Multnomah County Code (MCC) criteria and Comprehensive Plan Policies are in **bold** font. Staff analysis and comments are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

1.00 Project Description:

Staff: The applicant is seeking to replace a deteriorated recreation lodge and restroom and complete the final phase of the dining hall originally approved under a previous land use permit that has since expired. As part of the modification, a verification of the non-conforming use must take place.

2.00 Property History:

Staff: According to the applicant, the YMCA Camp Collins was first established in 1926. County Land use records for the camp go back at least to 1986 with the approval of a Community Service permit (CS 5-86) for a master plan for the camp. The camp became a non-conforming use in 1993 when the zone was changed from MUF-19 to Commercial Forest Use. Since the change in zoning, the camp has undergone several improvements and alterations. In 1998, the Alteration of a Non-Conforming Use case MC 2-98 was approved for health and safety purposes. In 1999, the Alteration of a Non-Conforming Use case MC 5-99 for expansion of the camp in a new 7-year Master Plan was approved.

3.00 Code Compliance:

MCC 37.0560 CODE COMPLIANCE AND APPLICATIONS.

Except as provided in subsection (A), 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: There are no known code compliance issues on the property.

4.00 Lot of Record:

MCC 36.2075 LOT OF RECORD.

(A) In addition to the Lot of Record definition standards in MCC 36.0005, 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.

1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area. See Examples 1 and 2 in this subsection.

2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same owner-ship grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record. See Example 3 in this subsection.

4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception or urban zones (e.g. MUA-20, RR, RC, R-10), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or

(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.

(4) Exceptions to the standards of (A)(2) above:

(a) Where two contiguous parcels or lots are each developed with a lawfully established habitable dwelling, the parcels or lots shall be Lots of Record that remain separately transferable, even if they were held in the same ownership on February 20, 1990.

(b) Where approval for a "Lot of Exception" or a parcel smaller than 19 acres under the "Lot Size for Conditional Uses" provisions has been given by the Hearing Authority and the parcel was subsequently lawfully created, then the parcel shall be a Lot of Record that re-mains separately transferable, even if the parcel was contiguous to another parcel held in the same ownership on February 20, 1990.

*** * ***

MCC 36.0005 Lot of Record

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 36.7785. 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. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)

(c) Separate Lots of Record shall be recognized and may be partitioned congruent with an "acknowledged unincorporated community" boundary which intersects a Lot of Record.

1. Partitioning of the Lot of Record along the boundary shall require review and approval under the provisions of the land division part of this Chapter, but not be subject to the minimum area and access requirements of this district.
2. An "acknowledged unincorporated community boundary" is one that has been established pursuant to OAR Chapter 660, Division 22.

Staff: Although there are several permits on file for the primary uses of the property, none of them contain Lot of Record Findings. However, a special warranty deed from 1934 (Exhibit A.23) was included in the record of CS 5-86 that describes the subject property in its entirety. There was no zoning and no partition requirements for the property in 1934, therefore all rules in place at the time the parcel was created were satisfied. Today, the CFU zone has additional lot of record requirements, namely aggregation as described in the code above. The only adjacent property is a parcel owned by METRO for Oxbow State Park that is more than 19-acres in size. Therefore, the property is not required to be aggregated to any adjacent property and is a Lot of Record.

Criteria met.

5.00 Verification of Non-Conforming Use:

MCC 36.7204 VERIFICATION OF NONCONFORMING USE STATUS.

- A. (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:

- (I) 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.

Staff: The use of the subject property, a camp and recreation lodge run by the YMCA, was determined to be a Non-Conforming Use in case MC 2-98 and again in MC 5-99. There is a clear record in the previous permits and in the public record of Camp Collins being established in 1926 – well before zoning was adopted for the parcel. The camp continued to operate through the years and was determined to be uninterrupted in use during the previous reviews through 1999.

In the Master Plan approval of 1999, a seven year window was established for improvements that were approved as part of the non-conforming use application. The camp has maintained contact with the County during that time seeking numerous building permit approvals for the work approved under the 1999 permit. During the last 10 years the camp has continued to operate as a camp and the representatives of the YMCA have provided documentation of the property's use as a camp. Aside from staff's interactions with the property owner and seeing the evidence of continuous use firsthand, the camp is well known in the East County community for its assortment of year round camping, conference and retreat opportunities. There is a plethora of literature online about the camps activities of the past several years. There is no lack of evidence that the camp has continued to operate and has not gone through a two year window of non-use or abandonment.

Criteria met.

- B. **(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;**
- (2) The types and quantities of goods or services provided and activities conducted;**
- (3) The scope of the use (volume, intensity, frequency, etc.), including fluctuations in the level of activity;**
- (4) The number, location and size of physical improvements associated with the use;**
- (5) The amount of land devoted to the use; and**
- (6) Other factors the Planning Director may determine appropriate to identify the nature and extent of the particular use.**
- (7) A reduction of scope or intensity of any part of the use as determined under this subsection (B) for a period of two years or more creates a presumption that there is no right to resume the use above the reduced level. Nonconforming use status is limited to the greatest level of use that has been consistently maintained since the use became nonconforming. The presumption may be rebutted by substantial evidentiary proof that the long-term fluctuations are inherent in the type of use being considered.**

Staff: Camp Collins was established as a youth camp and retreat center. It has continued that use since the establishment in 1926. The records for Camp Collins demonstrate the usage of the camp

as a camp, recreation retreat and conference center dating back to before zoning was adopted. The CS Permit approved in 1986 included an estimated annual occupancy graph for the camp from 1927 through 1984 (Exhibit A.34). The camp became a non-conforming use in 1993 when the zone changed from MUF-19 to Commercial Forest Use. At that time the use of the camp was at its peak for days occupied and variation of uses. Nothing in the record indicates there has been a reduction in use or activities at the camp. The entire YMCA property is utilized for the camps and retreats.

Criteria met.

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

Staff: The nature, scope and intensity of the use have not changed since the camp became non-conforming in 1993 as noted previously in the staff report.

Criterion met.

(D) Except for nonconforming uses considered under MCC 36.7214 (B), the Planning Director may impose conditions to any verification of nonconforming use status to insure compliance with said verification.

- D. **(E) An applicant may prove the continuity, nature and extent of the nonconforming use only for the 10-year period immediately preceding the date of application. Evidence proving the continuity, nature and extent of the use for the 10-year period preceding application creates a rebuttable presumption that the use, as proven, existed at the time the applicable zoning ordinance or regulation was adopted and has continued uninterrupted until the date of application. Evidence proving the continuity, nature and extent of the use for the 10-year period preceding application does not create a rebuttable presumption that the use lawfully existed at the time the applicable zoning ordinance or regulation was adopted.**

Staff: The 10-year period for the applicant to prove the continuity, nature and extent of the non-conforming use is 2002-2011. The previous approval obtained by the applicant was a 7-year master plan approval in 1999 that was valid through 2006. During that time the applicant sought building permit approvals from Multnomah County for the buildings and structures approved in the master plan. There is ample evidence available in the public record as well as online that Camp Collins has operated in the same nature and extent it always has during that period. There has been no evidence whatsoever brought forward that would indicate there was any discontinuance or abandonment of the non-conforming use.

Criterion met.

6.00 Alteration of Non-Conforming Use:

MCC 36.7214 ALTERATION, EXPANSION OR REPLACEMENT OF NONCONFORMING USES.

(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.

A. **(B) After verification of the status of a non-conforming use pursuant to the applicable provisions of MCC 36.7204, 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

(2) The alteration is necessary to maintain in good repair the existing structures associated with the nonconformity.

Staff: The Recreation Lodge and Toilet facility (located on the site plan in Exhibits A.11 and A.14) are proposed to be replaced under this provision of the non-conforming use code. An August 18, 2011 letter signed and stamped by Aron Faegre, AIA, PE (Exhibit A.4) note the health and safety issues of the existing recreation lodge and the restroom facilities. The concerns include the structures:

- Not being designed to current wind and seismic standards
- Not being designed to current fire safety standards
- Not being designed to current accessibility standards
- The structures being difficult to maintain because of non-standard construction and
- The structures lacking insulation

During the staff site visit, staff noticed several areas of structural disrepair. The applicant's engineer has identified areas of safety concerns as listed above that will be addressed with this approval. Staff Concurs with the engineer.

Criteria met for the Recreational Lodge and Toilet Facility.

B. **(C) After verification of the status of a non-conforming use pursuant to the applicable provisions of MCC 36.7204, 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 the factors listed below. Adverse impacts to one of the factors may, but shall not automatically, constitute greater adverse impact on the neighborhood.**

Staff: The Dining Lodge Porch Enclosure (located on the site plan in Exhibits A.24 and A.26) is being processed through this provision of the non-conforming use code.

1. **(1) The character and history of the use and of development in the surrounding area;**

Staff: The proposed project for the Dining Lodge was originally part of the 1999 Master Plan. The plan called for replacing the entire dining hall but was only partially completed. The three existing wings of the Dining Lodge were approved and completed but the final

wing was left undone due to a lack of funding and the permit expiring. This application would complete the previously approved project.

The subject parcel and nearby property to the southwest have been used by the YMCA as a campground since the mid 1920's. The parcels to the immediate south and east are part of the regional park system run by Metro and have been public parks for decades. Oxbow Park is roughly 1,200-acres open to the public for their recreational needs. The nature of the park system is to host tens of thousands of people for outdoor recreational activities – similar to the activities held at Camp Collins. The overall nature of the subject and surrounding properties is to host thousands of people who come by automobile to the camp or park and recreate in a natural setting.

Covering the porch on the existing dining lodge will not increase the scope or intensity of the camp and will not cause a change in the overall character of the property or the surrounding area.

Criterion met.

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

Staff: Covering the porch of the dining hall will not increase the degree of noise, vibration, dust, odor, fumes, glare or smoke. Covering the porch will most likely decrease the noted externalities.

Criterion met.

3. **(3) The comparative numbers and kinds of vehicular trips to the site;**

Staff: Covering the dining hall porch will not increase the number or trips to the site. The dining hall porch is an ancillary use to the primary use of the property as a campground. The number of campers is not dependant upon the dining hall area.

Criterion met.

4. **(4) The comparative amount and nature of outside storage, loading and parking;**

Staff: Covering the porch area would provide for the reduction of outside storage. Loading and parking are not impacted by the covering of an eating area.

Criterion met.

5. **(5) The comparative visual appearance;**

Staff: The dining hall of the camp ground is in the interior of the subject property and a considerable distance from any public viewing area. Enclosing the porch will increase the size of the dining hall but will be done in the same architectural style as the existing dining hall. There will be no increase in the adverse impact of the non-conforming use of the site.

Criterion met.

6. **(6) The comparative hours of operation;**

Staff: Enclosing the porch of the dining hall will not alter the primary use of the site as a camp, and therefore will not require and cause any alteration of the operating hours of the camp property.

Criterion met.

7. **(7) The comparative effect on existing flora;**

Staff: The area of development is already covered in concrete, so there will be no change in flora.

Criterion met.

8. **(8) The comparative effect on water drainage or quality; and**

Staff: The area of development is already impervious and was approved in 1999. Enclosing the porch will not increase the impervious area or increase the existing adverse impact on water drainage and quality.

Criterion met.

9. **(9) Other factors which impact the character or needs of the neighborhood.**

Staff: The proposed project will have no impact on the character of the neighborhood or the needs of the neighborhood. As noted earlier, the neighborhood consists of the Camp Collins site and Metro's Oxbow Park.

Criterion met.

7.00 Significant Environmental Concern:

A. **MCC 36.4525 EXISTING USES.**

Uses that legally existed on January 1, 2003, that are not included as Exceptions in section 36.4520, may utilize the provisions of this section. This section is intended to define the circumstances under which existing development can be improved or replaced under limited requirements in recognition of the pre-existing status. The SEC provisions are also not intended to make existing uses non-conforming. However, approval of proposals for alteration of uses that were non-conforming prior to the SEC ordinance, must obtain an SEC permit in addition to demonstrating compliance with the non-conforming use provisions of this Chapter.

(A) Change, expansion, or alteration of existing uses shall require an SEC permit as provided in 36.4500 through 36.4560, except for changes to a structure as described in Sections (1) or (2) below;

(1) In areas subject to the provisions of the SEC-sw, change, or alteration of existing uses which do not require any modification to the exterior of the structure;

(2) Within the SEC-wr and SEC-h - addition of less than 400 square feet of ground coverage to the structure. This provision is intended to allow a maximum of 400 square feet of additional coverage to the structure that existed on the effective date of this ordinance.

(B) Replacement or restoration of existing structures, that were unintentionally destroyed by fire or other casualty, or natural disaster within the same foundation lines shall not require an SEC permit. The redevelopment must be commenced within one year from the date of the loss, and may include addition of a maximum 400 square feet of ground coverage. Structures which are expanded up to 400 square feet under this provision, may not subsequently expand under the provision in (A)(2) above.

(C) Within the SEC-wr, lawfully established structures that do not meet the casualty loss provisions of (B) above may be replaced within the same foundation lines or area of ground coverage when the entire remaining vegetated corridor on the project site, or the first 50 feet closest to the stream, or an area equal to the ground coverage of the building and attached structures and paved areas, whichever is less, is enhanced to "good" condition pursuant to Table 2. Replacement shall be processed as a Type II review.

(D) If development under this section is proposed to be located closer to a protected water feature, approval of a permit under the provisions of 36.4540 through 36.4555 shall be obtained.

Staff: The proposed buildings are not within the SEC-wr and is considered an existing use under these provisions. The dining hall and its porch that is proposed to be covered as well as the recreation lodge and restrooms were lawfully established prior to January 1, 2003. Because both proposed projects contain exterior modifications, they must still obtain approval through the SEC-sw.

B. MCC 36.4545 CRITERIA FOR APPROVAL OF SEC-SW PERMIT - SCENIC WATERWAY.

The SEC-sw designation shall apply to those wild and scenic waterways that are designated SEC on Multnomah County sectional zoning maps. An application shall not be approved unless it contains the information in 36.4540(A) and (B). Any proposed activity or use requiring an SEC-sw permit shall be subject to the following:

- 1. (A) Submittal of a letter from the Oregon Parks and Recreation Department which indicates that the proposed development has been reviewed and is, or can be, consistent with the provisions of the Oregon Scenic Waterways Management Plan.**

Staff: The Oregon Department of Parks and Recreation has submitted a letter approving the proposed development (Exhibit A.21).

Criterion met.

2. **(B) The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.**

Staff: The proposed development is both an addition to an existing building, and the replacement of an existing building in the same location. As such, moving the development further from the Sandy River is not an option. The Dining Hall porch covering project is over 800-feet to the nearest point of the Sandy River, providing ample landscaped area and vegetation between the development area and the protected scenic resource. Since the projects are existing uses and there is over 800-feet of intervening landscaping and vegetation, this criterion is met.

Criterion met.

3. **(C) Agricultural land and forest land shall be preserved and maintained for farm and forest use.**

Staff: The areas proposed to be developed are cleared of harvestable timber. The subject property has not been used for forest uses in at least 75-years. The adjacent properties are used for park land and are not part of a forest practice.

Criterion met.

4. **(D) A building, structure, or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.**

Staff: The areas proposed for the new structures are already in use by the camp. Completing the covering of the dining hall porch and replacing the existing recreation lodge and restrooms will not adversely impact areas of environmental significance. In this case, the environmental significance is the view as seen from the Sandy River, a Scenic Waterway as defined by State law. The Oregon Department of Parks and Recreation has issued a letter stating the proposed development will not impact the view (Exhibit A.21).

Criterion met.

5. **(E) The natural vegetation along rivers, lakes, wetlands and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion.**

Staff: The camp maintains the grounds of the property to be in a forest like condition with trails, cabins, and other camp uses interspersed amongst the 40-60-plus foot trees. The camp protects and maintains the vegetation in healthy condition to keep the camp “feel” year round.

Criterion met.

6. **(F) Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.**

Staff: There are no known or identified archeological areas on the property.

Criterion met.

7. **(G) Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities.**

Staff: The proposed buildings are in areas of existing development that are not known to have an increased risk of erosion. The project is required to maintain minimum erosion control standards to protect against erosion during construction. The applicant will demonstrate they are exempt from the Grading and Erosion Control permit or obtain one prior to issuance of building permit.

Criterion met.

8. **(H) The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.**

Staff: The applicant has identified the architectural design of the project in their plan sets as Board and Batten to match the exteriors of the other existing buildings on site. The exterior shall be painted similar to the other existing structures which are a mix of drab greens and dark browns. Provided the buildings are painted a dark earth tone color as identified in the NSA's Scenic Resources Implementation Handbook, the structures will be visually subordinate as seen from the Sandy River, the area of significant environmental concern for the purposes of this criterion. The state has approved the proposed bulk, design, and construction materials of the proposed structures and staff believes they are also compatible with the character and visual quality of the area.

Criterion met with Condition of Approval.

9. **(I) An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation, shall be retained in a natural state to the maximum extent possible.**

Staff: There are no known fragile or endangered plant habitat areas on the subject site. That said, the proposed development is to take place in already developed and cleared areas so there will be no impact to the vegetation on site.

Criterion met.

C. **MCC 36.4550 GENERAL REQUIREMENTS FOR APPROVAL IN AREAS DESIGNATED AS SEC-WR OR SEC-H.**

The requirements in this section shall be satisfied for development in the SEC-wr and SEC-h areas in addition to the provisions of 36.4555 or 36.4560 as applicable.

Staff: Only the SEC-h is applicable to the proposed development.

1. **(A) Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities.**

Staff: The site of the proposed development is comprised of Dabney Loamy Sand which is known for rapid permeability and a low erosion factor. The applicant will demonstrate that they are exempt from a GEC permit and provide erosion control measures that meet the Minimal Impact Project standards, or apply for a GEC permit.

Criterion met.

2. **(B) Outdoor lighting shall be of a fixture type and shall be placed in a location so that it does not shine directly into undeveloped water resource or habitat areas. Where illumination of a water resource or habitat area is unavoidable, it shall be minimized through use of a hooded fixture type and location. The location and illumination area of lighting needed for security of utility facilities shall not be limited by this provision.**

Staff: Exterior light fixtures are shown on the elevation drawings to be under decking or eaves. Since neither proposed building is closer than 800-feet to the water resource, illumination of the resource is not a concern. The areas of the proposed buildings are already developed and are not considered habitat areas. Because the property is a camp, exterior lighting is important to the safety of the staff and guests of the camp. Their safety is not anticipated to be compromised by a condition of approval requiring all exterior light fixtures on the proposed buildings to be hooded.

Criterion met.

3. (C) The following nuisance plants, in addition to the nuisance plants defined in 36.4510, shall not be used as landscape plantings within the SEC-wr and SEC-h Overlay Zone:

Scientific Name	Common Name
<i>Chelidonium majus</i>	Lesser celandine
<i>Cirsium arvense</i>	Canada Thistle
<i>Cirsium vulgare</i>	Common Thistle
<i>Clematis ligusticifolia</i>	Western Clematis
<i>Clematis vitalba</i>	Traveler's Joy
<i>Conium maculatum</i>	Poison hemlock
<i>Convolvulus arvensis</i>	Field Morning-glory
<i>Convolvulus nyctagineus</i>	Night-blooming Morning-glory
<i>Convolvulus seppium</i>	Lady's nightcap
<i>Cortaderia selloana</i>	Pampas grass
<i>Crataegus sp. except C. douglasii</i>	hawthorn, except native species
<i>Cytisus scoparius</i>	Scotch broom
<i>Daucus carota</i>	Queen Ann's Lace
<i>Elodea densa</i>	South American Water-weed
<i>Equisetum arvense</i>	Common Horsetail
<i>Equisetum telemateia</i>	Giant Horsetail
<i>Erodium cicutarium</i>	Crane's Bill
<i>Geranium roberianum</i>	Robert Geranium
<i>Hedera helix</i>	English Ivy
<i>Hypericum perforatum</i>	St. John's Wort
<i>Ilex aquafolium</i>	English Holly
<i>Laburnum watereri</i>	Golden Chain Tree
<i>Lemna minor</i>	Duckweed, Water Lentil

Scientific Name	Common Name
<i>Loentodon autumnalis</i>	Fall Dandelion
<i>Lythrum salicaria</i>	Purple Loosestrife
<i>Myriophyllum spicatum</i>	Eurasian Watermilfoil
<i>Phalaris arundinacea</i>	Reed Canary grass
<i>Poa annua</i>	Annual Bluegrass
<i>Polygonum coccineum</i>	Swamp Smartweed
<i>Polygonum convolvulus</i>	Climbing Binaweed
<i>Polygonum sachalinense</i>	Giant Knotweed
<i>Prunus laurocerasus</i>	English, Portugese Laurel
<i>Rhus diversiloba</i>	Poison Oak
<i>Rubus discolor</i>	Himalayan Blackberry
<i>Rubus laciniatus</i>	Evergreen Blackberry
<i>Senecio jacobaea</i>	Tansy Ragwort
<i>Solanum dulcamara</i>	Blue Bindweed
<i>Solanum nigrum</i>	Garden Nightshade
<i>Solanum sarrachoides</i>	Hairy Nightshade
<i>Taraxacum officinale</i>	Common Dandelion
<i>Utricularia vulgaris</i>	Common Bladderwort
<i>Urtica dioica</i>	Stinging Nettle
<i>Vinca major</i>	Periwinkle (large leaf)
<i>Vinca minor</i>	Periwinkle (small leaf)
<i>Xanthium spinosum</i>	Spiny Cocklebur
<i>various genera</i>	Bamboo sp.

Staff: A condition of approval will prohibit planting the listed plants on the subject property, require the removal of any such plants from the development site, as well as maintaining the area free from them into the future.

Criterion met.

D. MCC 36.4560 CRITERIA FOR APPROVAL OF SEC-H PERMIT -WILDLIFE HABITAT.

Development within areas designated SEC-h shall comply with the provisions of this section. An application shall not be approved unless it contains the information in 36.4540(A) and (D).

1. (A) Development standards:

- a. (1) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.

Staff: The areas of development for both proposed buildings are already developed and used for the camp. Therefore the development areas are considered "cleared" for the purposes of this criterion.

Criterion met.

- b. **(2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.**

Staff: Covering the porch of the Dining Hall is within 200-feet of Oxbow Parkway, a public road. Replacement of the Recreation Lodge and Restrooms occurs over 300-feet from the public road and does not meet this criterion. As a result, a Wildlife Conservation Plan under MCC 36.4560(B) is required.

Criterion not met.

- c. **(3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.**

Staff: There is an existing access road on the subject property that will not be modified under this permit. This criterion is not applicable.

- d. **(4) Fencing within a required setback from a public road shall meet the following criteria:**

(a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.

(b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.

(c) Cyclone, woven wire, and chain link fences are prohibited.

(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.

(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.

(f) Fencing standards do not apply where needed for security of utility facilities.

Staff: No fencing is proposed as part of this application. Criterion not applicable.

3. **(5) The nuisance plants listed in Table 1 shall not be planted as landscaping and shall be controlled within cleared areas of the subject property.**

Staff: This criterion is satisfied with a condition of approval.

Criterion met.

E. **(B) Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist.**

1. **(1) The applicant cannot meet the development standards of Section (A) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or**

(2) The applicant can meet the development standards of Section (A), but demonstrates that the alternative conservation measures exceed the standards of Section (A) and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in Section (A).

Staff: The applicant qualifies for a Wildlife Conservation Plan under (1) above. The location of the Recreation Lodge and restrooms are already developed. Relocation the new structures to meet the 200-foot development standard is an impracticality for numerous reasons. First, utilities are already in place at the existing site. Second, the campsite is already completely developed and it does not appear physically possible to site such a large structure in an area that would meet the standard and not require removal of an existing building. Additionally, if a new site was developed that met the standards, new utilities would need to be put in place, thus drastically increasing the impact on the natural areas of the property. Staff finds that the proposed locations will have the least impact on the areas of significant concern for wildlife habitat.

2. **(3) The wildlife conservation plan must demonstrate the following:**

- a. **(a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.**

Staff: No vegetation removal is required to cover the porch of the dining hall. The new building that will house the recreation center and restrooms is slightly larger than the footprint of the existing buildings but will not require the removal of vegetation or habitat. The additional footprint will be over footpaths and barren ground. No forested areas will be removed to construct either project.

Criterion met.

- b. **(b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.**

Staff: There will be no newly cleared areas as development already exists in the proposed locations. The accessway to the property will not be increased as a result of the proposed development either.

Criterion met.

- c. **(c) That no fencing will be built outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.**

Staff: No new fencing is proposed as part of the project.

Criterion met.

- d. **(d) That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property.**

Staff: The proposed development is located on areas that are already cleared. Therefore, no revegetation is required.

Criterion met.

- e. **(e) That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.**

Staff: A drainage is identified on the eastern boundary of the property that drains into the Sandy River. Portions of the drainage appear to not be in 'good' condition – most likely due to silt sedimentation and movement. To enhance the disturbed riparian area, a condition of approval will require the owners to remove blackberry and invasive species from the riparian corridor.

Criterion met with condition of approval.

8.00 Exempt From Hillside Development Permit:

MCC 36.5505 Permits Required.

Hillside Development Permit: All persons proposing development, construction, or site clearing (including tree removal) on property located in hazard areas as identified on the "Slope Hazard Map", or on lands with average slopes of 25 percent or more shall obtain a Hillside Development Permit as prescribed by this subdistrict, unless specifically exempted by MCC 36.5510.

Staff: While portions of the area around the property contain steep slopes, and some segments of the subject property appear over 25% slope, none of the development area contains a slope of 25% or greater and is not identified on the County's Slope Hazard maps. Therefore, the proposed development is exempted from the Hillside Development Permit.

9.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Verification of a Non-Conforming Use, Modification of a Non-Conforming Use and Significant Environmental Concern Permit for Wildlife Habitat and Scenic Waterways to enclose the porch of the dining hall and replace the Recreation Lodge and associated restrooms in the CFU zone. This approval is subject to the conditions of approval established in this report.

10.00 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

Exhibits with a “*” after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T2-2011-1852 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit
A.1	1	General Application Form
A.2	1	Letter of Authorization by Willard Burks, YMCA, for Aron Faegre
A.3	8	August 19, 2011 Narrative for Alteration of a Non-Conforming Use
A.4	2	Structural Safety and Maintenance Review Letter by Aron Faegre, AIA, PE
A.5	3	Applicant’s Copy of Conditions from County Administrative Decision MC 5-99/SEC 9-99
A.6	4	Applicant’s Copy of Pre-Filing Meeting Notes PF 2011-987
A.7	2	August 19, 2011 Recreation Lodge Floor Plans
A.8	1	August 19, 2011 Recreation Lodge Section Plan
A.9	1	August 19, 2011 New Restroom Floor Plan (Difficult to Read)
A.10	2	Copy of Applicant’s Application to Oregon Department of Parks and Recreation
		Applicant’s August 19, 2011 Recreation Lodge Complete Building Plans Set, Reduced (Coversheet + 24 Pages)
	Exhibit #	Pages
	A.11*	1
	A.12	3
	A.13*	2
	A.14*	1
	A.15	1
	A.16	3
	A.17	3
	A.18	10
A.19	1	October 3, 2011 Application and Receipt for SEC Permit
A.20	11	Applicant’s October 11, 2011 SEC-h Worksheet
A.21*	1	Oregon Department of Parks and Recreation Letter of Approval of Project
A.22	8	Applicant’s October 11, 2011 Narrative Adding Dining Hall Porch Covering Project
A.23	2	Instrument Book 269 Pages 316-317 – Deed of Creation Dated October 20, 1934
		Applicant’s October 11, 2011 Dining Hall/Lodge Complete Building Plans Set, Reduced (Coversheet + 21 Pages)
	Exhibit #	Pages
	A.24*	1
	A.25	1

	A.26*	1	October 11, 2011 Close Up Site Plan and Septic System Layout
	A.27	1	October 11, 2011 Dining Lodge Demo Plan
	A.28	1	October 11, 2011 Dining Lodge Foundation Plan
	A.29*	1	October 11, 2011 Dining Lodge Floor Plan
	A.30	2	October 11, 2011 Dining Lodge Roof and Ceiling Plans
	A.31*	2	October 11, 2011 Dining Lodge Elevation Plans
	A.32	9	October 11, 2011 Dining Lodge Structural Plans
	A.33	1	October 11, 2011 Dining Lodge Existing Floor Plan
A.34	4	Excerpt From CS 5-86 Narrative and Annual Occupancy Graph	
'B'	#	Staff Exhibits	
B.1	1	A&T Property Information	
B.2	3	September 19, 2011 Incomplete Letter	
B.3	1	October 28, 2011 Complete Letter	
B.4	12	November 1, 2011 Opportunity to Comment and Mailing List	
B.5	2	July 17, 1986 Access Permit For YMCA Camp Collins	