

## I. SUMMARY OF PROPOSAL

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**Owner:** The Native American Rehabilitation Association of the Northwest  
17645 NW St Helens Rd  
Portland, OR

**Planner:** Chris Hagerman, PhD, AICP  
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**Location:** 17645 NW St. Helens Rd  
**State ID:** 21W18D - 00500

**Site Area:** 10.99 acres (478,724 sf)  
**Current Use:** Group Care Facility  
**Jurisdiction:** Multnomah County  
**Zoning:** BRC (Burlington Rural Center)/ SEC-h; SEC-v; SEC-s; GH

**Zoning:** Burlington Rural Center (BRC)  
**SEC Overlays:** Scenic, Habitat, Stream, Geologic Hazard, Wetlands

**Requests:** Type III Conditional Use (CU)  
Type II Design Review (DR)  
Type II Significant Environmental Concern Scenic Views (SEC-v)  
Type I Significant Environmental Concern Wildlife Habitat (SEC-h)  
Type II Significant Environmental Concern Stream (SEC-s)

**Summary:** NARA is proposing to replace the aging development at this site to better meet the needs of the residential treatment facility. The expansion will accommodate an increase in the maximum number of adult residents from 62 to 70. A Pre-Application Conference (PA 2025-0007) was held January 22, 2026 and the notes are included in Attachment A. Previous pre-application meetings include PA 2024-0007 and PF 2022-15929

**Existing Program:** NARA has operated a Residential Treatment Facility in this location within structures that were built for an Elementary School in the 1950s. Initially granted a Conditional Use permit in 1984, a modification in 2005 increased the number of residents to 62, staff to 30, and approved a 48-space parking lot (T3-05-006).

**Development Plan:** NARA would like to develop an approximately 40,000 sf residential treatment facility, with reconfigured vehicle areas providing 44 vehicles spaces and a loading space. The maximum number of adult residents would increase to 70, a 13% increase, with additional family spaces accommodating up to 6 children.

## II. EXISTING CONDITIONS

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**Introduction.** Founded in 1970 in Portland, Oregon, the Native American Rehabilitation Association of the Northwest, Inc. is an American Indian-owned, American Indian-operated, non-profit agency. Throughout the Portland metro area, NARA NW operates a residential family treatment center, an outpatient treatment center, a child and family services center, a primary health care clinic, several adult mental health locations, a wellness center, and transitional housing for American Indian and Alaskan Native participants. All services are centered on the family as it is NARA NW's philosophy that, without the family circle there will be no future. A residential care facility has operated at the site since 1984 and NARA NW has operated an adult residential treatment center within the former elementary school building on this site since 1994.

**Site.** This triangular shaped site is located at on the south side of NW St Helens Rd (US Hwy 30), between the Cornelius Pass and McNamee Road intersections (Sheet A-100). McCarthy Creek runs parallel to NW Cornelliuss Pass Rd on the northwest side of the site. High tension power lines cross the rear of the site. Existing development is clustered along Hwy 30, on a berm that rises above the highway with mature trees that partially screen the long façade of the former Holbrook School. The site takes access from the highway at a single drive at the middle of the site. Views of the site from NW St Helens Rd (US Hwy 30) are contained in Figure 3 and show the existing building partially visible behind the vegetated berm that separates the site from the highway. A septic drainfield is located west of the current buildings and a bark-chip trail circles around the field and parallels the stream with seating spaces above top of bank.

### **Vicinity.**

Multnomah Channel is located approximately ½ mile to the northeast with Sauvie Island located on the other side of the channel. Railroad tracks that connect Portland to the Tualatin Valley complete a large turn south of the site. The area is well-forested and consistent with the proximity to the Willamette, has a number of wetlands, creeks, and streams.

**Surrounding Uses.** Surrounding properties are rural residences and remnants of former agricultural uses on ten-acre and larger lots. The nearest neighbors are a cluster of homes to the east located across the highway. A small group of residences is located approximately 300 feet northwest of the site across NW Cornelliuss Pass Rd that takes access further up the highway. The rural center of Burlington contains commercial uses and is located approximately ½ mile southeast of the site on HWY 30.

**Zoning.** The site and surrounding properties along the highway are zoned Burlington Rural Center (BRC), a Rural Center District within the West Hills Rural Plan Area. South of the site, property is zoned for Commercial Forest Use (CFU1) and northwest of the site is in Commercial Forest Use (CFU2). The area across St Helens Rd from the site is in Multiple use Agriculture (MUA20) zoning.

### **Significant Environmental Concern overlays.**

The entirety of the property is designated as Significant Environmental Concern-wildlife habitat (SEC-h) and Significant Environmental Concern – scenic view (SEC-sv) by Multnomah County, as well as a 5.6-acres (246,175 square feet) of Significant Environmental Concern-stream (SEC-s) along the northwest boundary around McCarthy Creek (Attachment B - Figure 2). Much of the site is in "Good" condition according to the assessment by Pacific Habitat (Attachment B).

**Geologic Hazard overlay.** The hills that rise south of the existing building are within an identified Geologic Hazard overlay, while the building area is relatively flat.

Wetland Areas. A wetland is located at the western corner of the triangular property well away from proposed development. Another is located at the base of the hills at the south edge of the site as shown in Figure 4 – Attachment B.

Existing Development. A two-story residential treatment center operates within the former two-story school building. Other site improvements include a parking lot, a garden, sweat lodge, walking paths, septic equipment and a drain field.

**Table 1: Land Use Utilization**

<b>Development</b>	<b>Footprint (sf)</b>	<b>% of Site</b>
Residential Treatment Center	22,459 sf	4.3%
Parking Lot	30,760 sf	5.9%
Garden	1,400 sf	0.3%
Sweat Lodge	100 sf	0.0%
Walking Path	3,424 sf	0.7%
Septic Facilities	4,785 sf	0.9%
Septic Drain Field	24,339 sf	4.7%

Source: Pacific Habitat

As shown in the Table 1, the site is only lightly developed with 83% of the property (9.99 acres) remaining undeveloped.

**Vegetation**

The building is surrounded by several scattered native trees including Douglas fir (*Pseudotsuga menziesii*), western redcedar (*Thuja plicata*), red alder (*Alnus rubra*) black cottonwood (*Populus trichocarpa*) and big leaf maple (*Acer macrophyllum*), as well as several non-native and ornamental trees. These areas do not meet the definitions for forested area and groundcover is dominated by non-native turf grass (Figure 4 – Attachment B).

Within the northwest and southern edge of the property, trees do meet the standards for “forested” areas. Within these areas, groundcover is dominated by Himalayan blackberry (*Rubus armeniacus*), reed canarygrass (*Phalaris arundinacea*), water parsley (*Oenanthe sarmentosa*), and lady fern (*Athyrium filix-femina*).

The habitat and stream corridor assessments completed by the project natural resource specialist (Attachment B) identifies three Vegetative Corridor Plant Communities. The buffer around McCarthy Creek and the west corner of the site are approximately 3.5 acres in good condition, while the community surrounding the developed portions of the site and the septic drainfield are approximately 2.5 acres in “degraded” condition. Within the stream overlay, a portion of the slope south of the septic drainfield and the berm at the frontage of the site between the parking lot and McCarthy Creek and both evaluated as “marginal”. These areas, discussed as Vegetated Corridor Plant Area B (VC-B), constitute 0.33 acres and are an opportunity area for site enhancement.

**Land Use History**

1984 – Conditional Use for Community Service (group care/residential treatment center) for 48 patients and 7 staff.

2005 – Conditional Use Modification increased to 62 residents and their children, and increased staff to 30; 48-space parking lot. This review also established that the site is a Lot of Record.

2006 – Design Review for improvements.

2022 – A Pre-File conference was held with a county planner.

2024 – A Pre-File conference was held with a county planner to discuss potential temporary structures to maintain continuity of services on the site.

2025—A Pre-Application Conference was held. The notes from staff are contained in Attachment A.

### **Utilities**

As shown in Sheet A-1.00, the site takes water service from a main in St Helens Rd. A septic system and drainfield manages sanitary waste. An existing system directs stormwater from the building and parking lot to a 16-inch outfall at McCarthy Creek in the northwest corner of the site.

### **III. PROPOSED PLAN**

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#### **Proposed Plan**

##### **Project Overview**

The proposal is to redevelop the site by removing the existing building parking and driveways and then constructing a new three-story treatment center with a 39,440-sf parking lot that will contain 33 spaces, a fire access driveway in front of the building that will provide 11 spaces and a loading zone, a playground, and sidewalks (Sheet A-1.10). A stormwater facility will be constructed below the northern portion of the parking lot. The new facility will serve 70 adult residents and accommodate 6 children. Mitigation will happen within the two areas with marginal conditions (VC-B).

##### **Use**

This review includes a Conditional Use modification to increase the number of residents in treatment from the 62 approved in 2005 to 70 in the new facility. Staff levels will increase from the 30 FTE approved in 2005 to 33 FTE. NARA operates multiple facilities and many staff spend at least some of their time at other locations. Additionally, as a residential treatment facility there is a limited number of staff on-site 24 hours per day, 7 days a week. Peak staff levels occur during daytime hours Monday through Friday. The 44 spaces of parking proposed for the redeveloped site is lower than the 48 spaces approved in 2005 but still exceeds that provided in the Development Code for a treatment facility.

##### **Proposed Development**

The proposed building is designed to support client in their healing journey by providing comfortable and functional spaces. The treatment center will provide a 2-story residential wing configured for individuals and families, with 15 rooms on the 1<sup>st</sup> floor and 20 rooms on the 2<sup>nd</sup> floor, providing beds for 70 adults and space for 6 children. This wing also provides laundry facilities, restrooms, and showers. A central section provides the lobby and reception areas with program spaces include group therapy and counselor rooms, lounge areas, and childcare spaces. The north end makes use of the drop in ground elevation to accommodate a three-story building section that includes a gymnasium, commercial kitchen, dining area, fitness center, and additional medical, dental, consultant rooms, mechanical, storage, and office spaces.

On-site parking will be provided at approximately 1 space per 2 beds, with 44 on-site parking spaces proposed, exceeding the parking ratio for this use of 1 space per 4 beds.

Site amenities will include, covered outdoor seating areas, a gazebo, a children's play area, a community garden, native plant landscaping, and a walking path.

The project will prioritize using healthy and natural materials and incorporate energy efficiency, seeking Energy Trust of Oregon assistance. The approximately 40,000 sq. ft. building will be constructed with earthtones including wood or wood-like materials in gray, taupe and complementary natural tones. The building design includes two main wings that surround an interior courtyard open toward the natural areas to the south. A patio off the dining area further extends resident's access to the outdoors. This design maximizes window area and connections to nature for the residential areas.

Lighting the site will be shielded to avoid spilling beyond the necessary areas. Locations and types of fixtures are shown on Sheets E-104 and E-601.

## **Project Impacts**

### **Trees**

14 trees adjacent to the building at the middle of the site will be removed as shown on Sheets L100 and C1, while the row of trees at the southeast and north corners along the frontage with HWY 30 will be preserved. The remainder of the site trees, including the forested areas will be protected.

### **Significant Wildlife Habitat**

The entire property is within the habitat overlay and redevelopment will require a Type 1 review as it is occurring within the established cleared area on the site and can meet all the clear and objective standards. No mitigation or Wildlife Conservation Plan is required, although nuisance species will be removed from areas being disturbed.

### **Stream Conservation Area**

The proposal to pave the existing unpaved walking trail involves development within 100 feet of the top of bank of McCarthy Creek triggering the need for a Type II SEC-s review. Additionally, temporary construction parking will be located within 100 feet of top of bank. Proposed development will impact 13,470 sf of the Stream Conservation Area. Maintenance of the existing outfall is exempt from these provisions. Several alternative development scenarios that meet the project objectives were considered and a detailed alternatives analysis is contained in Attachment B.

### **Scenic.**

Consistent with the provisions for scenic views, the redeveloped structure has been placed to minimize visibility from identified scenic viewpoints as shown on Figure A-1.12. The structure will only be visible from HWY 30, similar to the existing condition. The elevations are shown in Figure A-1.23 and demonstrate that the façade has been articulated to be subordinate to the surrounding landscape, particularly, by placement at the base of a forested hill, the use of muted earthtones, long rooflines that step down mirroring the change in elevation, and use of materials with low-reflectivity.

### **Site Enhancement**

Mitigation plantings will be directed to the 14,523-sf vegetated area designated as “marginal” by the project biologist within the SCA (Area VC B as shown in Figure 4 - Attachment B). There is extensive mature tree canopy in this location, therefore, enhancement efforts will focus on removing nuisance vegetation, stabilizing the slopes, and replanting with low shrubs and groundcover as follows:

- Shrubs will include: Oso plum (*Oemleria cerasiformis*), snowberry (*Symphoricarpos albus*), red-osier dogwood (*Cornus alba*), low Oregon grape (*Mahonia nervosa*).
- Groundcovers will be provided by the PT 400 Native Upland Mix that includes: blue wildrye (*Elymus glaucus*), meadow barley (*Hordeum brachyantherum*), and California brome (*Bromus carinatus*).

A monitoring period of 5 years is proposed that will maintain a survival rate of 80% for woody plants and groundcover of 50%.

### **Landscaping**

Proposed landscaping is shown in Sheets L110 and L112 and include 60 new trees that will screen the new building from St Helens Rd.

### **Transportation.**

The driveway that provides access to Highway 30 will be regraded and repaved while retaining the existing location. The highway is administered by ODOT and as shown in Attachment C, the agency has determined that no dedication or improvements are required. Multnomah County Transportation has determined that the marginal increase in trips generated by the 13% increase in treatment capacity at the new facility is not sufficient to trigger the need for a transportation study.

### **Utilities.**

Sheet C.2 illustrates the proposed utilities to serve the building.

Water: Water will continue to be provided to the from the existing connection in St Helens Rd. A new fire vault for a water line will be added. A Service Provider Letter verifying the initial review of this water connection has been requested.

Septic: The new building will include additional fixtures that require calculating the capacity of the existing septic facilities. A Service Provider Letter prepared by a septic expert verifying capacity has been included in Attachment G.

Stormwater Disposal: The Multnomah County Development Code directs post-development stormwater rates to be compared to those of the site prior to development. However, the Stormwater Certificate states, “prior to *any* development” (*emphasis added*), suggesting that the civil engineer must model a pre-development landscape, a difficult exercise given the historic grading of the site to create a flat building area. Clarification of the required is requested. For the purposes of this submission a preliminary stormwater report and geotechnical analysis has been provided in Attachment D.

Stormwater runoff from the new impervious surfaces will be directed to below ground chambers and a flow-control manhole designed to allow for infiltration. Overflow from larger storm events would be directed to the existing outfall pipe at McCarthy Creek. A stormwater drainage control certificate has stamped by the project engineer has been provided in Attachment E.

**Police and Fire Protection.** The Multnomah County Sherrif ‘s office and Portland Fire are the site’s primary responders. Service Provider Letters from these two emergency responders have been requested.

## IV. LEGAL FINDINGS

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### Introduction

The purpose of this section is to show compliance with the applicable development standards and approval criteria of the Multnomah County Community Development Code that apply to the redevelopment of the residential treatment facility. The new facility will accommodate an increase in the maximum number of adult residents from 62 to 70, inclusion of spaces and childcare for 6 children to live with their families, and a parking lot with 44 spaces. This proposal requires modifying the existing approved Conditional Use for a Community Service use to account for the increased number of clients. Additionally, the new development is subject to Design Review, and the location within Significant Environmental Concern overlays requires SEC permits.

The development is subject to the following Reviews:

- Type III Conditional Use (CU)
- Type II Design Review (DR)
- Type II Significant Environmental Concern Scenic Views (SEC-v)
- Type I Significant Environmental Concern Wildlife Habitat (SEC-h)
- Type II Significant Environmental Concern Stream (SEC-s)

The applicable development standards and approval criteria are found in the following parts of the Community Development Code:

- Part 4.C.2 – Burlington Rural Center (BRC)
- Part 5.H – Significant Environmental Concern (SEC) Overlays
- Part 6.C.1 Parking, Loading, Circulation and Access
- Part 7.B – Community Service Uses (CS)
- Part 8.A – Design Review

Approval criteria in the Significant Environmental Concern and the Community Service Use sections require demonstrating compliance with applicable goals and policies of the Multnomah County Comprehensive Plan and these responses are provided first before specific development standards and applicable reviews are discussed.

## APPLICABLE MULTNOMAH COUNTY COMPREHENSIVE PLAN POLICIES

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### **Goal 5 – Natural Resources**

**Policy 5.14** *Stormwater drainage for new development and redevelopment shall prioritize water quality and natural stream hydrology in order to manage stormwater runoff in accordance with the following:*

- (1) *The run-off from the site shall not adversely affect the water quality in adjacent streams, ponds, or lakes, or alter the drainage on adjoining lands, or cause damage to adjacent property or wildlife habitat.*

**Response:** As demonstrated in the Stormwater Memorandum found in Attachment D and the Stormwater Drainage Control Certificate found in Attachment E, the stormwater generated by impervious surfaces can be managed in below ground facilities under the parking lot with overflow directed to the existing outfall at McCarthy Creek. Complying with current standards will require that the post-development flows are less than the current stormwater flows ensuring that the run-off will not adversely affect water quality in McCarthy Creek or cause damage to adjacent properties or wildlife habitat. The proposal is consistent with this Policy element.

- (2) *Stormwater infiltration and discharge standards shall be designed to protect watershed health by requiring onsite detention and/or infiltration in order to mimic pre-development hydraulic conditions so that post-development runoff rates and volumes do not exceed pre-development conditions.*

**Response:** The Stormwater Memorandum found in Attachment D and the Stormwater Drainage Control Certificate found in Attachment E, document a proposed approach to detaining and infiltrating the peak run-off from the 10-year 24-hour storm event. The proposal is consistent with this Policy element.

- (3) *Apply Low Impact Development Approaches (LIDA) in order to conserve existing resources, minimize disturbance, minimize soil compaction, minimize imperviousness, and direct runoff from impervious areas onto pervious areas.*

**Response:** The proposed development has been placed within the footprint of existing development on the site, while avoiding disturbance of the slopes and vegetation on the remainder of the site. The alternative site plans in Appendix D of the Natural Resources Assessment (Attachment B) document the efforts to minimize disturbance and impacts on existing resources. The Demolition Plan (Sheet C.10), the Tree Protection Plan (Sheet L100), and the Erosion Control Plan (Sheet C3.0) further show efforts to minimize erosion, soil compaction, and limit disturbance during construction. Finally, the Stormwater Memorandum (Attachment D) details an approach to managing runoff from impervious areas to facilities designed to detain and infiltrate stormwater. The proposal is consistent with this Policy element.

- (4) *Protect and maintain natural stream hydrology (or flow), with an emphasis on reducing hydromodification impacts such as stream incision and widening.*

**Response:** The Stormwater Memorandum found in Attachment D and the Stormwater Drainage Control Certificate found in Attachment E, document a proposed approach to detaining and infiltrating the peak run-off from the 10-year 24-hour storm event. This management of stormwater flows will reduce the flows from stormwater directed to the adjacent stream and thus reduce hydromodification and impacts. The proposal is consistent with this Policy element.

- (5) *Develop and adopt drainage system design guidelines and standards to accommodate fish and wildlife passage where appropriate.*

**Response:** The Stormwater Memorandum found in Attachment D and the Stormwater Drainage Control Certificate found in Attachment E, document a proposed approach to detaining and infiltrating the peak run-off from the 10-year 24-hour storm event that is consistent with existing drainage system design guidelines that implement this Policy element. This management of stormwater flows consistent with these guidelines ensures that the proposal is in compliance with this Policy element.

- (6) *Develop and adopt standards for managing stormwater in landslide hazard areas in accordance with best management practices.*

**Response:** The County has developed standards and procedures for reviewing development proposals to manage stormwater in landslide hazard areas. By meeting geotechnical setbacks as shown in Sheet A-1.10, the developed has been situated to avoid the steep slopes on the south side of the property. As shown in the Stormwater Memorandum found in Attachment D and the Stormwater Drainage Control Certificate found in Attachment E, stormwater will be collected and directed to facilities at the north corner of the site. A Geotechnical Hazards Permit (GHP) has been included as Attachment F of this proposal. Review of all of these elements will ensure consistency with the standards adopted by Multnomah County in implementing this Policy element.

#### **Goal 6 – Historic and Cultural Resources**

**Policy 6.4** *Require reporting of the discovery of Native American artifacts and other cultural resources to SHPO and the Native American tribes.*

**Response:** This policy is advisory. All activities related to this proposal will follow all applicable regulations and best practices related to any historic resources discovered on the site. This policy element will be followed.

#### **Goal 11 – Public Facilities**

**Policy 11.12** *A water supply system for new development shall be by either of the following methods:*

- (1) *Connection to a public water system having adequate capacity to serve the development and all other system customers*
- (2) *A private water system that produces safe drinking water with sufficient volume and pressure to meet applicable Building Code and Fire Protection Code*

**Response:** As shown on the Utility Plan (Sheet C2.0), the redevelopment of the site will make use of the existing connection to the public water system. A Public Service Letter from the Burlington Water District will be obtained demonstrating that there is sufficient volume and pressure to serve the needs of the new facility.

**Policy 11.13** *Wastewater disposal for new development shall be by any of the following methods:*

- (1) *Connection to a public sewer system having adequate capacity to serve the development and all other system customers*
  - (2) *A private system that meets Oregon Department of Environmental Quality regulations*
- Response:**

**Policy 11.17** *As appropriate, include school districts, police and fire protection, and emergency response service providers in the land use process by requiring review of land use*

*applications from these agencies regarding the agency's ability to provide the acceptable level of service with respect to the land use proposal.*

**Response:** Requests for response have been sent to Portland Public Schools, the Multnomah County Sheriff, and the Portland Fire Bureau. These requests are contained in Attachment H. Review of these requests will ensure consistency with the procedures adopted by Multnomah County in implementing this Policy element.

**Strategy 11.17-1:** *Encourage school districts to review land use proposals for, among other factors as determined by the school district, impacts to enrollment and the district's ability to meet community educational needs within existing or planned district facilities and impacts to traffic circulation and pedestrian safety.*

**Response:** Requests for response have been sent to Portland Public Schools. This request is contained in Attachment H. Review of this request will ensure consistency with the procedures adopted by Multnomah County in implementing this Strategy.

**Strategy 11.17-2:** *Encourage police, fire protection, and emergency response service providers to review land use proposals for, among other factors as determined by the agency, sufficiency of site access and vehicular circulation and, for fire protection purposes, the availability of adequate water supply, pressure, and flow, whether provided on-site or delivered from off-site.*

**Response:** Requests for response have been sent to the Burlington Water District, Multnomah County Sheriff, and the Portland Fire Bureau. These requests are contained in Attachment H. Review of these requests will ensure consistency with the procedures adopted by Multnomah County in implementing this Strategy.

## **Part 4.C.2 – Burlington Rural Center (BRC)**

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### **MMC 39.4450**

*The purposes of the Burlington Rural Center base zone are to provide standards and review procedures which will encourage concentrations of rural residential development, together with small-scale low impact commercial and industrial uses that primarily serve the population of the immediate surrounding rural area and tourists traveling through the area.*

### **39.4470 CONDITIONAL USES.**

*The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter. Commercial and industrial uses shall be limited to small-scale low impact as defined in MCC 39.2000.*

*(A) Community Service Uses pursuant to the provisions of MCC 39.7500 through 39.7810.*

**Response:** The residential treatment center is a Community Service Use approved for a Conditional Use Permit in 1984 and then modified in 2005. The expansion of this use requires review under the listed provisions, and these are included below in Part 7.B.

### **BRC Zone/Community Service Uses:**

#### **MCC 39.4485 Lot Sizes for Conditional Uses**

*The minimum lot size for a Conditional Use permitted pursuant to MCC 39.4470 shall be based upon:*

*(A) The site size needs of the proposed use;*

**Response:** The site is 10.99 acres with development clustered near the frontage of the property on NW St Helens Rd. The remainder of the site remains in recreation use or natural conditions. Access to the outdoors and the natural resources on the site is part of the treatment approach offered at the NARA facility and therefore, the size of the lot is appropriate for the proposed use. The small increase in the number of clients the new facility will accommodate will not be affected by the site size. This criterion is met.

*(B) The nature of the proposed use in relation to its impact on nearby properties; and*

**Response:** The land use character of the surrounding area is forested rural land. Only a few residences are within 1,000 feet of the site. The new facility will not have any impact above that of the existing facility and is substantially less than the impact of the former school that originally occupied the site. Traffic generated by staff is minimal and the site has direct access to NW St Helens Rd and can be easily served by all public services. This criterion is met.

*(C) Consideration of the purposes of this base zone.*

**Response:** The purpose of the BRC is to provide small-scale services for the community along the state highway. The treatment facility has been at this location since 1984 and provides services to people drawn from the metro area. By meeting the review criteria for approval of a change to this Community Service Use the proposal will be consistent with the purposes of this base zone. This criterion is met.

#### **MCC 39.4490 Off-Street Parking & Loading**

*Off-street parking and loading shall be provided as required by MCC 39.6500 through 39.6600 except as identified below for Review Uses and Conditional Uses.*

**Response:** The proposed parking areas will meet the dimensional standards and other requirements of 39.6500 as shown on the Site Plan (Sheet A-1-10) and the Civil Plan (Sheet C.2).

*New, replacement or expansion of existing commercial, industrial, or community service developments shall minimize stormwater drainage impacts for off-street parking by:*

*(A) Surfacing:*

- (1) All areas used for parking, loading or maneuvering of vehicles, including the driveway, shall either be hard surfaced with at least two inches of blacktop on a four inch crushed rock base or at least six inches of Portland cement or other material providing a durable and dustless surface, or shall be surfaced with a gravel mix, wherein the fine particles are removed at the production yard, that provides a durable and dustless surface, unless a design providing additional load capacity is required by the fire service provider, building official or County Engineer, as applicable.*
  - (2) Approaches to paved public rights of-way shall be paved for a minimum distance of 21' from the fog line, or for a greater distance when required by the County Engineer.*
- (B) A stormwater drainage system shall be installed for parking lots, that is designed and certified by an Oregon Registered Professional Engineer to ensure that the rate of runoff at the property line for the 10 year 24 hour storm event is no greater than that which existed prior to development.*
- (C) Off-street parking for new, replacement or expansion of existing commercial or industrial developments shall provide a minimum of 10 foot landscaped front yard setback. All other minimum yard dimensions for parking shall be as required in MCC 39.6500 through 39.6600.*

**Response:** As shown in the site plan (Sheet A-1.10) and the Stormwater Memorandum (Attachment D), the site has been configured to meet standards for parking, loading, maneuvering of vehicles, and access to public rights-of-way while ensuring that a stormwater drainage system manages runoff. Additional civil design at the time of permit application will ensure that these standards are met. At this time, the standards of this criterion are met or will be met at the time of development.

**39.5530 SEC Permit (Significant Environmental Concern)**

**SEC Permit Approval Criteria**

**(A) Decision Review Process**

- (1) Applications shall meet all of the criteria in MCC 39.5530 (B) through (C) and shall be processed through the Type II review procedure.
  - (a) Properties designated with the SEC Overlay along the Sandy River in the East of Sandy River rural area, shall be subject to the approval criteria listed in MCC 39.5560 in lieu of the approval criteria in MCC 39.5530(C) below.

**RESPONSE:** The subject parcel is not located within the SEC overlay along the Sandy River and is thereby subject to the standards of MCC §39.5530 (B) through (C).

**(B) Application Submittal Requirements.** All applications for an SEC permit shall include the following:

- (1) A written description of the proposed development and how it complies with the applicable approval criteria of MCC 39.5530(C) below.
- (2) A scaled site plan of the property showing:
  - (a) Property lines;
  - (b) Location and size of all existing and proposed buildings and structures;
  - (c) Contour lines and topographic features such as ravines or ridges (contour lines no greater than 10 feet);
  - (d) Boundaries of ground disturbing activities, including proposed fill, excavating, site contouring or other landform changes;
  - (e) Location and predominant species of existing vegetation on the parcel (wooded areas), areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas;
  - (f) Location and width of existing and proposed roads, driveways, and service corridors; (g) Location of natural drainageways, springs, seeps, water bodies and wetlands on the site;
  - (h) Location of wells, utility lines, stormwater drainage control system, sanitary tanks and drainfields (primary and reserve);
  - (i) A scaled drawing of the building design and elevations that show the relationship between the building and existing and finished grades, and existing or proposed vegetation.
- (3) The Planning Director may also require the applicant to provide additional information, beyond that listed in this section such as a report prepared by an appropriate subject matter expert, where needed to address relevant approval criteria.

**RESPONSE:** These criteria are met; the submittal contains all items listed in (B)(1) and (2). The planning director has not requested additional information at this time.

**(C) SEC Permit Approval Criteria**

The SEC designation shall apply to those significant natural resources, natural areas, wilderness areas, and cultural areas that are designated SEC on the Multnomah County Zoning Map. Any proposed development, activity or use requiring an SEC permit shall meet/comply with the following:

- (A) 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.

- (B) Agricultural land and forest land shall be preserved and maintained for farm and forest use.
- (C) 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.
- (D) Significant fish and wildlife habitats shall be protected.
- (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, and continuous riparian corridors.
- (F) Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.
- (G) Areas of annual flooding, floodplains, water areas, and wetlands shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow, and natural functions.
- (H) 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.
- (I) The quality of the air, water, and land resources and ambient noise levels in areas classified SEC shall be preserved in the development and use of such areas.
- (J) 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.
- (K) 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.
- (L) The applicable policies of the Comprehensive Plan shall be satisfied.

**RESPONSE:** When applicable, the submittal complies with all criteria listed above.

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### **39.5540 SEC-h PERMIT CRITERIA (SIGNIFICANT WILDLIFE HABITATS)**

Since the entire property is located within the SEC-h overlay, an SEC-h permit is required. If development standards in MCC §39.5860(C) cannot be met, a Wildlife Conservation Plan will be required. Each applicable section of the code is discussed below.

**(A) Decision Review Process**

- (1) Applications that meet all of the criteria in MCC 39.5540(C) below, shall be processed through the Type I review procedure. A mitigation plan pursuant to subsection (D) below is not required.
- (2) Applications that do not meet all of the criteria in MCC 39.5540(C) below, shall be processed through the Type II review procedure. A mitigation plan pursuant to subsection (D) below is required.

**RESPONSE:** All criteria outlined in MCC §39.5540(C) are met; therefore, the application shall be processed through the Type I review procedure.

**(B) Application Submittal Requirements.** All applications for an SEC-h permit shall include the

following:

- (1) A written description of the proposed development and how it complies with the applicable approval criteria of MCC 39.5540 (C) and (D).
- (2) A scaled site plan of the property showing:
  - (a) Property lines;
  - (b) Location and size of all existing and proposed structures; and all existing and proposed type and location of fencing on the subject property and on adjacent properties and on properties entirely or partially within 200 feet of the subject property;
  - (c) Contour lines and topographic features such as ravines or ridges (contour lines not greater than 10 feet);
  - (d) Boundaries of ground disturbing activities, including proposed fill, excavating, site contouring or other landform changes;
  - (e) Location and predominant species of existing vegetation on the parcel (wooded areas), areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas;
  - (f) Location and width of existing and proposed public roads, private access roads, driveways, and service corridors on the subject parcel and within 200 feet of the subject parcel's boundaries on all adjacent parcels;
  - (g) Location of all existing forested areas (including areas cleared pursuant to an approved forest management plan) and non-forested "cleared" areas; For the purposes of this section, a forested area is defined as an area that has at least 75 percent crown closure, or 80 square feet of basal area per acre, of trees 11 inches DBH and larger, or an area which is being reforested pursuant to Forest Practice Rules of the Department of Forestry. A non-forested "cleared" area is defined as an area which does not meet the description of a forested area and which is not being reforested pursuant to a forest management plan.
  - (h) Location of wells, utility lines, stormwater drainage control systems, sanitary tanks and drainfields (primary and reserve);
  - (i) A sealed drawing of the building design and elevations that show the relationship between the building and existing and finished grades and existing or proposed vegetation.
- (3) The Planning Director may also require the applicant to provide additional information, beyond that listed in this section such as a report prepared by an appropriate subject matter expert, where needed to address relevant approval criteria

**RESPONSE:** These criteria are met; the submittal contains all items listed in (B)(1) and (2). Figure 1 shows general location and topography of the area surrounding the proposed facilities as outlined in criterion (c). Figure 2 shows the location of the SEC overlays within and surrounding the subject parcel, including the criterion (a). Figure 3 shows the general area of the proposed facilities. Figure 4 contains the items required by criteria (a), (b), (e), (g), and (h). The planning director has not requested additional information at this time.

**(C) SEC-h Permit Approval Criteria**

**(1) Development Standards**

- (a) Where a parcel contains any non-forested "cleared" areas within 200 feet of a public road, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.

**RESPONSE:** This criterion is met; all development shall occur within existing "cleared" areas with 200 feet of NW St. Helens Road (Figure 4).

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

**RESPONSE:** The criterion is met; NW St. Helens Road is located approximately 39 feet from the proposed development (Figure 4).

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

**RESPONSE:** The criterion is met; the length of the driveway to the end of the hammerhead fire truck turnaround is 455 feet, falling within the 500-foot maximum.

*(d) The development shall be within 300 feet of a side property line if adjacent property has structures and developed areas within 200 feet of that common side property line.*

**RESPONSE:** This criterion is met; the proposed development is approximately 220 feet from the nearest side property line containing structures/development in tax lot 401. This lot is northeast of NW St. Helens Road and contains a structure approximately 34 feet from the boundary edge. Refer to Figure 3 for location of tax lot 401 relative to the subject parcel.

*(e) Nuisance and invasive nonnative plants, as defined in MCC 39.5540 shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property.*

**RESPONSE:** This criterion is met; nuisance plants from the table indicated shall not be planted on the subject parcel. The proposed development will not require clearing of forested areas. See Figure 4 for the location of current forested areas and Figure 5 for location of the proposed development.

*(f) Ground disturbing activity within 100 feet of a water body as defined by MC 39.2000 shall be limited to the period between May 1st and September 15th. Revegetation and soil stabilization must be accomplished no later than October 15th.*

**RESPONSE:** This criterion is met; no ground disturbing activities are proposed within 100 feet of McCarthy Creek within the period of May 1<sup>st</sup> and September 15th.

*(g) Outdoor lighting shall be of a hooded fixture type and shall be placed in a location so that it does not shine directly into undeveloped habitat areas. Where illumination of habitat area is unavoidable, it shall be minimized through use of limited lumens with a hooded fixture type and proper placement. The location and illumination area of lighting needed for security of public utility facilities shall not be limited by this provision but should be done in a minimalistic manner.*

**RESPONSE:** This criterion is met; all outdoor lighting shall comply with the above description.

**(D) Mitigation Plan Criteria**

**(2) Mitigation Plan Requirements.** *An applicant shall propose a mitigation plan that provides mitigation activities and plantings as outlined in subsection (2) or (3) below. The mitigation area shall first be located within any existing non-forested, "cleared" areas contiguous to forested areas, second within any degraded stream riparian areas and last in forested areas or adjacent to landscaped yards.*

**RESPONSE:** The applicant is proposing a design plan that meets all criteria of section (C) and will therefore be processed as a Type I procedure without a mitigation plan pursuant to subsection (D)(2) or (3) below.

- (3) *Addition to Lawfully Established Buildings/Structures: The applicant may utilize the following mitigation measures for additions to lawfully established buildings and structures instead of mitigation plan:*

**RESPONSE:** This criterion is not applicable; the proposed development is not considered an addition.

- (4) *New Buildings, Structures, and Development: The mitigation plan must demonstrate the following:*
- (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.*
  - (b) *That any newly cleared area associated with the development is not greater than one acre, excluding from this total the minimum area required for fire accessway purposes.*
  - (c) *That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.*
  - (d) *Mitigation areas:*
    - (i) *All trees, shrubs and ground cover shall be native plants selected from the Metro Native Plant List;*
    - (ii) *Native trees and shrubs shall be planted at a rate of one (1) tree and one (1) shrub for every 100 square feet of development/disturbance area. Bare ground shall be planted or seeded with perennial native grasses or herbs.*
    - (iii) *All vegetation shall be planted within the mitigation area located on the same Lot of Record as the development and shall be located within the SECh Overlay or in an area contiguous to the SEC-h Overlay.*
      - 1. *If the vegetation is planted in an area contiguous to the SEC-h Overlay, then the applicant shall preserve the contiguous area by executing a deed restriction, through a restrictive covenant.*
  - (e) *The native soils disturbed during development will be conserved on the property.*
  - (f) *Plant size. Mitigation trees shall be at least one-half inch in caliper, measured at 6 inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round).*
    - (i) *If using oak or madrone trees, the planting size may be on gallon. Shrubs shall be in at least a 1-quart container or the equivalent in ball and burlap and shall be at least 6 inches in height.*
  - (g) *Plant spacing. Trees shall be planted between 8 and 12 feet on center and shrubs shall be planted between 4 and 5 feet on-center, or clustered in single species groups of no more than four (4) plants, with each cluster planted between 8 and 10 feet on-center.*
    - (i) *When planting near existing trees, the drip line of the existing tree shall be the starting point for plant spacing measurements.*
  - (h) *Plant diversity. Shrubs shall consist of at least two (2) different species. If 10 trees or more are*

*planted, then no more than 50% of the trees may be of the same genus.*

**RESPONSE:** These criteria are not applicable; the proposed will be processed as a Type I procedure and will not require a mitigation plan or Wildlife Conservation Plan.

**(E) Required Conditions of Approval for all SEC-h Permits**

*(1) An erosion and sediment control plan shall be prepared in compliance with the ground disturbing activity standards set forth in MCC 39.6200 through MCC 39.6235.*

**RESPONSE:** This criterion is met; an erosion and sediment control plan (ESCP) meeting the criteria outlined in MCC §39.6200 through MCC §39.6235 shall be utilized. Please refer to the Erosion and Sediment Control Permit Code Narrative contained within the land use application.

*(2) Prior to development, all work areas shall be flagged, fenced, or otherwise marked to reduce potential damage to habitat outside of the work area. The work area shall remain marked through all phases of development.*

**RESPONSE:** This criterion shall be met; the site shall be flagged or marked as needed to protect areas outside of the work and staging areas and shall remain in place until construction is completed.

*(3) Trees shall not be used as anchors for stabilizing construction equipment.*

**RESPONSE:** This criterion shall be met; no trees shall be utilized for stabilization or anchoring.

*(1) The planting date for the mitigation area shall occur within one year following the approval of the application.*

**RESPONSE:** This criterion shall be met; planting of any areas to be mitigated shall occur within the first period of October-March following approval of the application, when applicable.

*(2) Any nuisance and invasive nonnative plants, as defined in MCC 39.5520 shall be removed within the mitigation area prior to planting.*

**RESPONSE:** This criterion is not applicable; the proposed development meets the criterion outlined in MCC §39.5540(C) and therefore, the application shall be processed through the Type I review procedure and does not require mitigation. Regardless, nuisance vegetation will be removed from areas being disturbed.

*(3) Monitoring and reporting. Monitoring of the mitigation site is the ongoing responsibility of the property owner. A Yearly Report shall be provided to Multnomah County Land Use Planning for a period of five years, unless the Planning Director requires a longer reporting period.*

*(a) Plants that die shall be replaced in kind so that a minimum of 80% of the trees and shrubs planted shall remain alive on the fifth anniversary of the date that the migration planting is completed.*

*(b) Mitigation plantings shall be maintained and shall not be removed from the property without contacting Multnomah County Land Use Planning and receiving written approval to amend the Mitigation Plan.*

**RESPONSE:** This criterion is not applicable; as the proposed development meets all applicable criteria of MCC §39.5540(C), no mitigation or subsequent monitoring is required.

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**39.5550 SEC-s Permit Criteria (Significant Streams)**

An application for an SEC-s permit shall meet the requirements and approval criteria listed in MCC §39.5590.

**39.5590- SEC-wr Permit Criteria (Significant -Water Resources)****(A) Decision Review Process.**

- (1) *Applications that meet all of the following criteria shall be processed through the Type I review procedure:*
  - (a) *The proposed development is located at least 100 feet from the top bank of the Protected Water Feature; and*
  - (b) *The application includes a mitigation plan meeting the requirements of MCC 39.5590 (D) that enhances the entire 25 feet in depth closest to the Protected Water Feature for the length of the property, to “Good Corridor” condition as defined in MCC 39.5590 (D).*
- (2) *Applications that do not meet all of the criteria in MCC 39.5590(A)(1) shall be processed through the Type II review procedure. The applicant shall meet all of the criteria in MCC 39.5590 (B) through (E) below.*

**RESPONSE:** The proposed development includes paving of the existing unpaved walking trail that falls within 100 feet of the top back of McCarthy Creek. As a result, the applicant does not meet subsection (1), and the application must be processed through a Type II review process. The replacement of an existing stormwater line and outfall falls within the top of bank but is considered exempt as per MCC §39.5515 (A)(2)(b), which states that “maintenance and repair of existing flood control facilities” is exempt from all SEC requirements. A mitigation plan meeting the requirements of 39.5590 (D) is included in Appendix C of the report included as Attachment B. The criteria of MCC §39.5590 (B) through (E) are discussed below.

**(B) Application Submittal Requirements. All applicants for an SEC-wr or SEC-s permit shall include the following:**

- (1) *A written description of the proposed development and how it complies with the applicable approval criteria of subsection (C) and (E) below.*

**RESPONSE:** A written description of the proposed development is included in the narrative response of this submittal in Section 3.3. This narrative is supported by Figures 3-5, which shows items indicated in subsections (2) and (3).

- (2) *A site plan of the property showing:*
  - (a) *Property lines;*
  - (b) *Location and size of all existing and proposed buildings and structures;*
  - (c) *Contour lines and topographic features such as ravines or ridges. In addition, detailed topographic information of the development area, adjacent areas of the site, and a topographic delineation of the SEC-wr and SEC-s riparian area affected by the project. Contour information shall be determined by a field survey by an Oregon licensed surveyor. (Contour intervals shall be no greater than 5 feet);*
  - (d) *Boundaries of ground disturbing activities, including proposed fill, excavating, site contouring or other landform changes;*
  - (e) *Location and predominant species of existing vegetation on the parcel (wooded areas), areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas;*

- (f) Location and width of existing and proposed roads, driveways, and service corridors;
  - (g) Location of natural drainageways, springs, seeps, water bodies and wetlands on the site;
  - (h) Location of all existing trees of a caliper greater than six (6) inches in diameter at breast height (DBH);
  - (i) Location of wells, utility lines, stormwater drainage control systems, sanitary tanks and drainfields (primary and reserve);
  - (j) A scaled drawing of the building design and elevations that show the relationship between the building and existing and finished grades and existing or proposed vegetation.
- (3) A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, dredging, and vegetation removal, including the amounts and methods.

**RESPONSE:** The criteria outlined in subsections (2) and (3) are included in Figures 3-5.

- (4) Preparation of a report which includes plans and surveys by a qualified wetland or riparian consultant, fish and wildlife biologist, or other qualified professional at the discretion of the Planning Director. Approval of another qualified professional must be granted before the report is completed. Wetlands shall be identified and delineated by a qualified wetland specialist. The consultant shall prepare a report which includes:
- (a) An assessment of the existing condition of the Riparian Area in accordance with MCC 39.5590 (D);
  - (b) An inventory of vegetation, including percentage ground and canopy coverage, and location of nuisance and invasive non-native plants as defined in MCC 39.5520;

**RESPONSE:** The criteria of subsections (4)(a) through (b) are included in the application in Section 3.3.1 and include an assessment of the three on-site VCs in accordance with MCC §39.5590 (D), and a general inventory of dominant native vegetation and location of nuisance and invasive plants.

- (c) A detailed Mitigation Plan as described in MCC 39.5590 (D).

**RESPONSE:** A detailed plan outlining mitigation is included in the Stream Conservation Plan that is included in Appendix C of the report included as Attachment B.

- (5) The applicant shall provide evidence that when federal or state requirements apply, that the agency has been contacted, and shall provide an assessment of whether the project can meet the requirements based on the agency response.

**RESPONSE:** A wetland delineation was conducted by a team of qualified wetland specialists to identify wetlands and waters present on site in 2024. Impacts to wetlands have been avoided to avoid state or federal permitting requirements.

- (6) The Planning Director may also require the applicant to provide additional information, beyond that listed in this section such as a report prepared by an appropriate subject matter expert, where needed to address relevant approval criteria.

**RESPONSE:** As of submittal, the Planning Director has not requested additional information related to the SEC overlays.

**(C) SEC-wr and SEC-s Permit Approval Criteria.**

- (1) Except for the exempt uses listed in MCC 39.5590 and the existing uses pursuant to MCC 39.5525, no development shall be allowed within a Riparian Area unless the provisions of

*subsections (2) or (3) and (4) below are satisfied. An application shall not be approved unless it contains the site analysis information required (B) above.*

**RESPONSE:** The proposed development does not meet exempt uses listed in MCC 39.5590, nor the existing uses indicated within MCC §39.5525. Criteria of subsection (2) are not met as impacts within 100 feet of top of bank are proposed. The applicant has selected to provide an Alternatives Analysis to meet subsection (3) and meet all criteria of subsection (4), see respective sections for details.

- (2) *Low Impact Sites - Development on parcels in locations that would have low impacts on Riparian Areas may be exempt from the Alternatives Analysis in subsection (3) below. Development on sites that meet the following criteria may be allowed pursuant to the other applicable requirements of this Overlay including the Development Standards of subsection (4) and the provisions for Mitigation in subsection (D):*
- (a) *The entirety of the development site is at least one hundred (100) feet from top of bank or top of ravine, which ever results in a greater distance from the Protected Water Feature. Top of ravine is the break in the > 25% slope. Slope should be measured in 25-foot increments away from the water feature until the slope is less than 25% (top of ravine), up to a maximum distance of 200' from the water feature. Where multiple resources are present (e.g., streams with wetlands along banks), the starting point for measurement should be whichever offers greatest resource protection.*

**RESPONSE:** This criterion is not met; the area of encroachment where the proposed removal and replacement of an existing walking trail falls within 100 feet of the top of bank.

- (3) **Alternatives Analysis Sites** - *Development proposed within a Riparian Area may be allowed if there is no alternative, when the other requirements of the Overlay including the Development Standards of subsection (4) and the provisions for Mitigation in subsection (D) are met. The applicant shall prepare an alternatives analysis which demonstrates that:*
- (a) *No practicable alternatives to the requested development location exists on the property further than 100 feet from the protected water feature; and*
- (b) *Development within the Alternative Analysis Site in the Riparian Area has been limited to the minimum area necessary to allow for the proposed use;*
- (c) *Development shall occur as far as practically possible from the protected water feature; and*
- (d) *The Riparian Area can be restored to an equal or better condition; or*
- (e) *Any net loss on the property of Riparian Area is mitigated.*

**RESPONSE:** No impacts are proposed to the Riparian Area. The proposed development includes the paving of an existing unpaved walking trail and temporary construction parking area within 100 feet of the top of bank, as well as the removal and replacement of a parking lot within the SCA. These locations have been selected as there are no practicable alternatives available on the site that would reduce encroachment into the SCA overlay or increase distance from top of bank.

The paving of the existing unpaved walking path with pervious pavers will improve conditions for both users and the site, as the current alignment consists of a chipped path that becomes eroded and excessively muddy following precipitation. By updating the trail, the user experience will be enhanced and erosion will be reduced. The addition of pervious surface is not expected to generate additional runoff. Any reduction to the walking trail improvements lot that would reduce the encroachment into the 100-foot top of bank buffer would not provide a suitable amount of trail for users, as the proposed alignment

allows for users to approach the wooded areas of the site, which may be beneficial for well-being while undergoing medical treatment.

Other “open” areas on site within the 100-foot top of bank buffer are currently in use as septic facilities or pow-wow ground, neither which are appropriate for a trail alignment.

The temporary parking area was selected due to availability of appropriate and accessible surface, as other graded surfaces on site are currently not an appropriate grade and/or in use for septic surfaces. The temporary parking area is also adjacent to a part of VC B, the area on site selected for mitigation, which will be planted with an appropriate number of native trees and shrubs following completion of construction. The temporary parking area falls primarily within the “Degraded” VC C but cannot be enhanced to “Good” condition following completion of construction due to its proximity the septic equipment area serving the site, where access must be retained for vehicles serving the septic area, as well as adequate distance from potential damage caused by tree roots.

Areas within the parcel that fall outside of the SCA are instead best suited for use of the proposed replacement of the medical treatment facility. Leaving the parking lot as-is was not considered as an option, as the current condition of the parking lot is poor and will require replacement in the near future if not undertaken during the proposed development. The preferred location of the parking lot was selected as the existing parking lot is located within the same footprint, which is currently located as far as possible from the protected water feature without forcing encroachment of other existing or proposed development into nearby resources. The replacement of the existing parking lot will also allow for the construction of a modernized below-ground stormwater treatment facility and will help to treat stormwater from the site more efficiently before it outfalls by the nearby riparian area and McCarthy Creek. While the proposed replacement of the existing parking lot falls within the SCA, no area within 100 feet from the top of bank nor the riparian area below the top of bank will be directly impacted by the parking lot replacement, as the area extending from the top of bank is graded and managed as turf and will not require clearing. As the proposed development will not result in any loss of existing riparian quality.

Several alternative site plans were discussed during prior to the preferred plan, which have been excerpted from the 2023 Preliminary Site Development Evaluation Overview in Appendix D of the report included as Attachment B. In each of the alternative layouts, the pedestrian trail alignment remained the same, as the current alignment best meets the user needs of the trail. Other locations for parking and the building were explored, but none reduced the amount of encroachment into the SCA or within 100 feet from top of bank. As a result, the proposed design of the site represents the best option that both reduces impacts to the SCA while also meeting the needs of the site use.

- (4) ***Development Standards; Development within the Riparian Area shall comply with the following standards:***
  - (a) *Development of trails, rest points, viewpoints, and other facilities in public and private parks for the enjoyment of the resource must be done in such a manner so as to minimize impacts on the natural resource while allowing for the enjoyment of the natural resource.*

**RESPONSE:** This criterion is met; the existing foot path along the top of bank that encircles the septic drain field and pow-wow grounds is approximately 36-42” wide and is not paved or graveled; but rather it is maintained using bark chips. The proposed development includes the addition of pervious pavers within the existing alignment as well as several benches for users.

The goal of the proposed improvements will allow for patients of the treatment facility to enjoy the riparian area and exercise while minimizing impacts from increase impervious surfaces and will not require

clearing of vegetation or grading. No additional impacts beyond this maintenance are proposed so as to minimize additional impacts.

- (b) Development in areas of dense standing trees shall be designed to minimize the numbers of trees to be cut. No more than 50 percent of mature standing trees (of 6-inch DBH or greater) shall be removed without a one-for-one replacement with comparable species. Replacement trees shall be placed within the riparian corridor or adjacent to it to provide shade and water retention. Size of the replacement trees shall be 5 gallon or greater. The site plan for the proposed activity shall identify all mature standing trees by type, size, and location, which are proposed for removal, and the location and type of replacement trees.*

**RESPONSE:** This criterion is met; no areas of dense standing trees meeting the above criterion will be cut. Four trees are to be removed from the existing parking lot area with the overlay for the purpose of removal and replacement of the existing parking lot. A total of 60 native trees will be planted within the proposed development, 13 of which are within the overlay layer adjacent to or within the proposed parking lot area.

- (c) Areas of standing trees, shrubs, and natural vegetation shall remain connected or contiguous, particularly along natural drainage courses, so as to provide a transition between the proposed development and the natural resource, to provide food, water, and cover for wildlife, and to protect the visual amenity values of the natural resource.*

**RESPONSE:** This criterion is met; no areas of trees, shrubs, or natural vegetation shall be removed in a way that fractures connectivity along natural drainage courses.

- (d) The Riparian Area shall be restored to "Good Corridor condition" as defined in MCC 39.5590 (D)(1), and maintained in accordance with the mitigation plan pursuant MCC 39.5590 (D).*

**RESPONSE:** This criterion will be met where applicable. Two areas totaling 14,523 sf of "Marginal" VC (VC B) are located within the stream conservation area (SCA) that are suitable for enhancement to a "Good" condition. The 107,307 sf of "Degraded" VC C cannot be restored to "Good corridor condition" as it is primarily in use as septic drain field and septic equipment, transmission line corridor, as well as a walking path for residents. Any other remaining open areas in VC C are used for pow-wow grounds or for other events at the site unique to the treatment modalities in use at the medical facility and must remain as-is. The suitable mitigation areas shall be cleared of invasives and replanted with native shrubs and an appropriate native riparian seed mix in sufficient quantities to bring the site into compliance with MCC §39.5590 (D)(1). VC A, or the remaining 150,700 sf of area within the SCA is currently in "Good" condition and cannot be further enhanced as a result.

The site shall be monitored in accordance with MCC §39.5590 (D), please see Appendix C of the report included as Attachment B for the Stream Conservation Plan for additional details.

- (e) To the extent practicable, existing vegetation shall be protected and left in place.*

**RESPONSE:** This criterion is met; two native trees shall be removed from the existing parking lot area above the top of bank. These trees are not contiguous with the forested areas on site and shall be replaced as a part of the parking lot planting (Figure 5). No additional native vegetation shall be removed.

- (f) Prior to construction of the development, the boundaries of the Riparian Area shall be flagged, fenced or otherwise marked and shall remain undisturbed except as otherwise*

*allowed by the permit. Such markings shall be maintained until construction is complete.*

**RESPONSE:** This criterion will be met; no impacts are proposed to the Riparian Area and the top of bank shall be marked to minimize disturbance. Please see Erosion Control Plan included in the application materials.

*(g) Stormwater drainage control facilities:*

*(i) Stormwater management shall be conducted in a manner that does not increase the flow of stormwater to the stream above pre-development levels.*

**RESPONSE:** This criterion is met; stormwater produced by the proposed development shall be transported to a below-ground stormwater treatment facility located below the proposed parking lot replacement and will improve stormwater treatment. From this facility, stormwater will be conveyed along the existing alignment to the existing outfall outside of the Riparian Area of McCarthy Creek, which will be replaced in the existing location.

*(ii) The stormwater drainage control facility may only encroach a maximum of 25 feet into the outside boundary of the Riparian Area of a primary water feature; and*

**RESPONSE:** This criterion is met; the proposed below-ground stormwater treatment facility will not exceed this encroachment. The alignment conveying stormwater from the facility to the outfall is existing and is being replaced, meeting the criterion MCC §39.5515 (A)(2)(b), which states that “maintenance and repair of existing flood control facilities” is exempt from all SEC requirements.

*(iii) The area of encroachment must be replaced by adding an area equal in size and with similar functions and values to the Riparian Area on the subject property.*

**RESPONSE:** This criterion is met; no encroachment into the Riparian Area is proposed. See Figure 5 for the location of the Riparian Area and all proposed development.

*(h) The nuisance and invasive nonnative plants, as defined in MCC 39.5520, shall not be used as landscape plantings within the Riparian Area.*

*(i) Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices.*

**RESPONSE:** This criterion is met; no nuisance or invasive non-native plants shall be used in landscaping. All areas of potential erosion shall be protected from loss using appropriate means. An Erosion and Soil Control Plan has been submitted with the complete application for the proposed development, see complete land use application.

*(i) Soil disturbing activities within a Riparian Area shall be limited to the period between June 15 and September 15. Revegetation/soil stabilization must be accomplished no later than October 15.*

**RESPONSE:** This criterion is met; soil disturbing activities within the Riparian Area shall be limited to the date range described above.

*(j) Outdoor lighting shall be of a fixture type and shall be placed in a location so that it does not shine directly into undeveloped Riparian Areas. Where illumination of a Riparian 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 public utility facilities shall*

*not be limited by this provision, but should be done in a minimalist manner.*

**RESPONSE:** This criterion is met; all outdoor lighting shall meet the description above, as well the criteria for outdoor lighting identified in MCC §39.5570 for areas within the SEC-v (Significant Scenic View) overlay.

*(k) A bridge or open-bottom culvert, which does not disturb the bed or banks of the stream and is in compliance with the County's Flood Hazard regulations shall be utilized for any crossing of a protected streams.*

**RESPONSE:** This criterion is met; no bridges or culverts are proposed.

**(D) Mitigation:** Mitigation shall be required to offset the impacts of development within the Riparian Area. This subsection establishes how mitigation can occur.

**(1) Vegetated Corridor Condition:** For the purposes of the SEC-wr Overlay, vegetated corridor conditions are defined below.

**(a) Good Corridor:** A combination of native trees, shrubs, and groundcover covering greater than 80% of the area, and greater than 50% tree canopy exists (aerial measure).

**(b) Marginal Corridor:** A combination of native trees, shrubs, and groundcovers covering 50-80% of the area and/or 26-50% tree canopy exists (aerial measure).

**(c) Degraded Corridor:** A combination of native trees, shrubs, and groundcovers covering is less than 50% of the area, and/or less than 25% tree canopy exists (aerial measure), and/or greater than 10% of the area is covered by invasive, non-native species.

**RESPONSE:** The corridor was determined to have three distinct VCs.

Vegetated corridor (VC) A (150,700 sf) lays within the area below the top of bank of the stream resource and is considered "Good" due to the native tree canopy that exceeds 50% and approximately 80% overall cover of native trees, shrubs, and groundcover. Areas of non-native or nuisance vegetation within this area consist primarily of small areas of Himalayan blackberry and reed canarygrass adjacent to the banks of the stream resource. Dominant native trees include big leaf maple, red alder, and pacific willow (*Salix lasiandra*); with the shrub and herbaceous stratum dominated by sitka willow (*Salix sitchensis*), pacific ninebark (*Physocarpus capitatus*), beaked hazel (*Corylus cornuta*), and cattail (*Typha latifolia*). No impact or mitigation is proposed within VC A.

VC B (14,523 sf) is considered "Marginal" and includes two areas within the SEC-s overlay where the native tree canopy consists primarily of mature big leaf maple (*Acer macrophyllum*) and cottonwood (*Populus balsamifera*) with approximately 70% canopy cover, as well as an understory dominated by Himalayan blackberry (*Rubus armeniacus*). No development or impacts are proposed within these areas, aside from use as mitigation area. See Stream Conservation Plan for additional details.

VC C (107,317) is considered "Degraded" and lays within area above top of bank, where temporary and permanent impacts are proposed. This area currently contains a paved parking lot and building access area, a septic drain field, septic equipment area, an unpaved walking trail, managed turf, and a transmission line corridor. It is considered "Degraded" due to the tree canopy that falls below 25% and high cover of non-native turf grasses. All construction within the stream conservation overlay will be within VC C. No area of VC C is suitable for mitigation due to current uses that are not compatible with mitigation.

**(2) Mitigation Sequence:** Mitigation includes avoiding, minimizing or compensating for adverse

*impacts to regulated natural resource areas.*

- (a) When a proposed development could cause adverse impacts to a natural resource area, the preferred sequence of mitigation as defined in 1 through 5 below shall be followed unless the applicant demonstrates that an overriding public benefit would warrant an exception to this preferred sequence.*
  - (i) Avoiding the impact altogether by not taking a certain action or parts of actions on that portion of the site which contains the regulated natural resource area;*
  - (ii) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.*
  - (iii) Compensating for the impact by repairing, rehabilitating, or restoring the affected environment;*
  - (iv) Compensating for the impact by replacing, enhancing or providing substitute resources or environment on-site;*
  - (v) Compensating for the impact by replacing, enhancing or providing substitute resources or environments off-site.*

**RESPONSE:** There are no impacts proposed to the “Good” VCA; subsection (i) is utilized, and impacts are avoided.

Permanent impacts proposed to the “Degraded” VC C are required to meet the minimum needs for the site and do not exceed existing disturbance. The majority of VC C cannot be restored as the area has historically been utilized as pow-wow grounds, a walking path, septic facilities and drain field, a parking lot that will be removed and replaced, and transmission line corridor.

Impacts through the replacement of the parking lot within the SCA cannot be avoided, as no other areas that fall outside of the overlay are available on site. Temporary impacts to VC C include the temporary parking for construction personnel, the area of which shall contain Erosion and Soil Control measures during construction, as well as returning the area to current conditions. As such, subsections (ii) and (iv) are utilized, with impacts being minimized and enhancement of resources on site.

Two areas within consisting of “Degraded” VC B have been identified for mitigation, as enhancement to “Good” condition will not conflict with the current use. Please see Figure 5 for the location of the mitigation area.

- (b) When evaluating potential impacts to the natural resource, the County may consider whether there is an overriding public benefit for the public project given:*
  - (i) The extent of the public need for the proposed development;*
  - (ii) The functional values of the Riparian Area that may be affected by the proposed development;*
  - (iii) The extent and permanence of the adverse effects of the development on the Riparian Area, either directly or indirectly;*
  - (iv) The cumulative adverse effects of past activities on the Riparian Area either directly or indirectly; and*
  - (v) The uniqueness or scarcity of the Riparian Area that may be affected.*

**RESPONSE:** Acknowledged. The proposed development seeks to expand and modernize a medical facility that provides culturally relevant residential addiction treatment to American Indian and Alaska Native people. As such, the services and greater good provided by the proposed are likely to meet subsection (i). Additionally, areas within the SEC-s overlay where development and disturbance are proposed are areas where the overall functional value of the stream resource are not likely to be impacted.

- (3) **Compensatory Mitigation: General Requirements.** As a condition of any permit or other approval allowing development, compensatory mitigation shall be required to offset the encroachment of the development into the area. The mitigation shall meet the following:
- (a) Any person who alters or proposes to alter a Riparian Area shall restore or create a vegetated corridor equivalent to or larger than the altered corridor in order to compensate for resource losses.
  - (b) The following ratios apply to the creation or restoration of the vegetated corridor. The first number specifies the amount of vegetated corridor to be created and the second specifies the amount of Riparian Area to be altered or lost. Creation (off-site) 2:1 **Restoration (off-site) 1.5:1** Creation (on-site) 5:1 Restoration (on-site) 1:1
  - (c) Only Marginal or Degraded Corridor(s) as defined in MCC 39.5590 (D)(1) may be the subject of a restoration project proposed as part of a Mitigation Plan.
  - (d) Highest priority sites for mitigation are Marginal or Degraded Corridor(s) that are closest to a natural drainage on the property, and areas which will increase contiguous areas of standing trees, shrubs, and natural vegetation along drainages.

**RESPONSE:** A total of 13,470 sf of impact is proposed within the Riparian Area designated as “Degraded” VC C. Due to the nature and use of the site, a total of 14,523 sf of VC B within the SCA is suited for mitigation to “Good” condition, as all other areas within the SCA are either in “Good” condition (VC A) or not suitable for restoration due to the use of the site (VC C). As a result, only VC B shall be restored to “Good” condition. See Figure 5 for the locations of areas to be restored.

There are two distinct areas within the “Marginal” VC B, one of which is location directly adjacent to the “Good” VC A, the other being adjacent to the “Degraded” VC C. No other areas within the SCA suited for restoration are adjacent to the “Good” VC A.

- (e) *The off-site mitigation shall be as close to the development as is practicable above the confluence of the next downstream tributary, or if this is not practicable, within the watershed where the development will take place or as otherwise specified by the County and shall comply with (c) and (d) above.*

**RESPONSE:** This criterion is not applicable; no off-site mitigation is proposed.

- (f) *In order to ensure that on-site mitigation areas are established and maintained, the property owner shall record the mitigation plan approval in the deed records of Multnomah County. In order to ensure that offsite mitigation areas will be protected in perpetuity, the owner shall cause a deed restriction to be placed on the property where the mitigation is required. The deed restriction shall be irrevocable unless a statement of release is signed by an authorized representative of Multnomah County.*

**RESPONSE:** The on-site mitigation area shall record the mitigation plan record in the deed records of Multnomah County.

- (4) **Mitigation Plan Standards:** Natural resources mitigation plans shall contain the following:
- (a) A description of adverse impacts that could be caused as a result of development.
  - (b) An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated.

**RESPONSE:** Narrative describing the criteria outlined in subsections (4)(a) and (b) are included in the Stream Conservation Plan included in Appendix C of the report included as Attachment B.

- (c) *A list of all responsible parties including, but not limited to, the owner, applicant, contractor, or other persons responsible for work on the development site.*

**RESPONSE:** The owner is Native American Rehabilitation Association of the Northwest (NARA-NW). The applicant is Kim Knox of Shiels Oblatz Johnsen (SOJ). Contractors for demolition, site preparation, construction, and restoration will be determined at a later date, following approval of all application materials.

- (d) *A map drawn to scale, showing where the specific mitigation activities will occur.*

**RESPONSE:** Please see Figure 5 for location of mitigation activities.

- (e) **An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting and a contingency plan. All in-stream work in fish-bearing streams must be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.**

**RESPONSE:** Construction is proposed to occur from 2026-2027, followed by mitigation implementation. Maintenance will take place as needed in perpetuity. Monitoring shall occur for 5 years following completion of mitigation installation and shall take place within May and October. A monitoring report describing survival and site conditions, including assessment of the Riparian Area shall be submitted by December 31<sup>st</sup> of each year. No in-stream work in any stream is proposed.

- (f) *Mitigation work shall be completed prior to initiation of development where possible.*
- (i) *Where existing vegetation has been removed, or the original land contours disturbed, the site shall be revegetated, and the vegetation shall be established in the next planting season.*
- (ii) *Nuisance and invasive nonnative plants, as defined in MCC 39.5520, or other debris and noxious materials shall be removed and be kept removed from the Riparian Area by the property owner.*
- Removal shall be by hand or mechanically with small equipment, as appropriate to minimize damage to existing native vegetation.*
  - interim erosion control measures such as mulching shall be used to avoid erosion on bare areas.*
  - Nuisance and invasive nonnative plants, as defined in MCC 39.5520, shall be replaced by the next growing season with native plants that are appropriate to the site conditions to restore the vegetated corridor.*

**RESPONSE:** A total of four trees has been proposed for removal within the SCA due to the removal and replacement of a parking lot. Upon construction, a total of twelve new trees shall be planted surrounding the parking lot within the SEC-s overlay, which will occur within the following planting season. No other native vegetation is proposed for removal within the overlay; all other vegetation disturbance and removal will include non-native turf grass. Any nuisance or invasive plants present within the proposed development area shall be removed and replaced with native plants. Erosion and soil conservation measures, including the placement of mulch, shall be practiced to avoid erosion of any denuded areas.

**(E) Required Conditions of Approval for all SEC-wr and SEC-s Permits.**

- (1) *Provide certification by a professional wetland or riparian consultant, fish and wildlife biologist, landscape architect, or other qualified professional as determined by the Planning Director, that the riparian/vegetated corridor was restored according to the mitigation plan*

*and that the vegetated corridor will qualify as "Good Corridor" within 5 years.*

**RESPONSE:** Certification by a qualified professional shall be provided within the 5<sup>th</sup> and final monitoring report.

- (2) The plantings shall be monitored for five years to ensure that the vegetation naturalizes. Failure of vegetation to be maintained in a healthy growing state shall require continued monitoring by a professional.*
  - (a) A yearly report shall be provided to Multnomah County Land Use Planning outlining the condition of the plantings and if any modifications to the mitigation plan are necessary. Any proposed modifications to the mitigation plan require written approval by Multnomah County Land Use Planning.*

**RESPONSE:** Annual monitoring reports shall be submitted to the Multnomah County Land Use Planning Department describing the above criteria, as applicable. Success of the plantings shall consist of meeting "Good" criteria and will be replanted as needed for the 5-year monitoring period. These reports shall be submitted before December 31<sup>st</sup> of each year they are required.

- (3) Work areas shall be carefully located and marked to reduce potential damage to the Riparian Area.*

**RESPONSE:** Work areas shall be identified and marked using flagging along perimeter as needed.

- (4) Trees in the Riparian Area shall not be used as anchors for stabilizing construction equipment.*

**RESPONSE:** No trees within entire site shall be used as anchors for construction equipment.

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### **39.5570 SEC-v Permit Criteria (Significant Scenic Views)**

Scenic Views to the project are documented in Sheet A-1.12. The proposed development will not be visible from any of the view locations except for NW St Helens Rd (HWY 30). Therefore, the findings for the SEC-v permit are limited to a discussion of the visible façade that parallels the roadway.

#### **(A) Decision Review Process**

- (1) Applications that meet all of the following criteria shall be processed through the Type I review procedure:*
  - (a) The proposed building is no taller than 24 feet to top of ridgeline.*

**Response:** The structure is taller than 24 feet to the top of the building ridgeline as shown on the elevations (Sheet A-1.23). Therefore, this standard is not met and the proposal must be processed through a Type II procedure.

- (b) Dark earthtone colors are used on the exterior siding, trim and doors facing an Identified Viewing Area.*
- (c) Building siding, roofing, windows and trim use low or non-reflective materials. Windows are low-e or better and have a reflectivity rating of 13 percent or less.*
- (d) No more than 25 percent of the building elevation facing an Identified Viewing Area is in glass.*

**Response:** As shown on Sheet A-1.23, earthtones and non-reflective materials are used on the exterior materials viewable from NW St Helens Rd and less than 25% of the elevation is in glass. These standards are met.

- (e) All existing and proposed exterior lighting meets the Dark Sky Lighting Standards of MCC 39.6850. Shielding and hooding materials should be composed of non-reflective, opaque materials.*

**Response:** The lighting plan and schedule are contained in Sheets E-104 and E-601 and will meet the Dark Sky Standards and shielding requirements. These standards will be met.

- (f) The proposed building and ground disturbance are screened by existing on-site vegetation or are topographically not visible from an Identified Viewing Area as mapped by the County.*

**Response:** As shown in Sheet A-1.12, the building is screened by topography and vegetation but remains visible from NW St Helens Rd. Therefore, this standard is not met and the proposal must be processed through a Type II procedure.

- (2) Applications that do not meet the criteria subsection (1) above, shall meet all of the criteria in MCC 39.5570(C) and shall be processed through they Type II review procedure.*

**(B) Application Submittal Requirements.** All applications for an SEC-v permit shall include the following:

- (1) A written description of the proposed development and how it complies with the applicable approval criteria, and the visual subordination requirements of subsection (C) below.*
- (2) Details on the height, shape, colors, outdoor lighting, and exterior building materials of any proposed structure.*
- (3) Elevation drawings showing the appearance of proposed structures when built and surrounding final ground grades; and demonstrating how the proposed development will be visually subordinate as required by subsection (C) below, including information on the type, height and location of any vegetation or other materials which will be used to screen the development from the view of identified viewing areas.*
- (4) A scaled site plan of the property showing:*
  - (a) Property lines;*
  - (b) Location and size of all existing and proposed buildings and structures;*
  - (c) Contour lines and topographic features such as ravines or ridges (contour lines no greater than 10 feet);*
  - (d) Boundaries of ground disturbing activities, including proposed fill, excavating, site contouring or other landform changes;*
  - (e) Location and predominant species of existing vegetation on the parcel (wooded areas), areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas;*
  - (f) Location and width of existing and proposed roads, driveways, and service corridors;*
  - (g) The location of natural drainageways, springs, seeps, water bodies, and wetlands on the site.*
  - (h) Location of wells, utility lines, stormwater drainage control systems, sanitary tanks*

*and drainfields (primary and reserve);*

- (i) A scaled drawing of the building design and elevations that show the relationship between the building and existing and finished grades and existing or proposed vegetation.*

**Response:** The materials in this submission contain all of these elements. These standards are met.

**(C) SEC-v Permit Approval Criteria**

- (I) Any portion of a proposed development (including access roads, cleared areas and structures) on a property that is topographically visible from an identified viewing area shall be visually subordinate or achieve visual subordination. For development to be found visually subordinate, the subject development shall not noticeably contrast with the surrounding landscape, as viewed from an identified viewing area. Development that is visually subordinate may be visible, but it shall not be visually dominant in relation to its surroundings. Guidelines which may be used to attain visual subordination, and which shall be considered in making the determination of visual subordination include:*

- (a) Siting on portions of the property where topography and existing vegetation will screen the development from the view of identified viewing areas.*

**Response:** The existing school building was placed on a flat bench at the base of hills that rise at the rear of the site. Forested ridges visually dominate this view area. The new structure has been proposed in the same location and will take advantage of the existing topography to diminish the visual impact of the gymnasium. Additionally, existing trees and vegetation between the building and the roadway will screen and visually minimize the building. New landscaping will increase this visual screening over time. In total, the proposed development remains visually subordinate to its surroundings as shown in the following guidelines. This criterion is met.

- (b) Use of non-reflective or low reflective building materials and dark natural or earthtone colors.*

**Response:** As shown on Sheet A-1.23, earthtones and non-reflective materials are used on the exterior materials viewable from NW St Helens Rd and less than 25% of the elevation is in glass. These guidelines are met.

- (c) Exterior lighting that is not highly visible from identified viewing areas and meets the Dark Sky Lighting Standards of MCC 39.6850. Shielding and hooding materials should be composed of non-reflective, opaque materials.*

**Response:** The lighting plan and schedule are contained in Sheets E-104 and E-601 and will meet the Dark Sky Standards and shielding requirements. These guidelines will be met.

- (d) Use of screening vegetation or earth berms to block and/or disrupt views of the development. Priority should be given to retaining existing vegetation over other screening methods. Trees planted for screening purposes should be coniferous to provide winter screening. The applicant is responsible for the proper maintenance and survival of any vegetation used for screening.*

**Response:** An earth berm separates the building location from the highway and vegetation along the frontage screens development from the view area as shown in Figure 3 (existing) and Views 7a and 7b on Sheet A-1.12 (proposed). Trees along the frontage are being retained where practical except where

limited by tree health or proximity to development. The trees planted for screening will be coniferous to provide winter screening. These guidelines are met.

- (e) Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics.*

**Response:** The existing school building was placed on a flat bench at the base of a hills that rise at the rear of the site. The forested ridges visually dominate this view area. The new structure has been proposed in the same location as the existing building and will take advantage of the existing topography to diminish the visual impact of the larger gymnasium building element. Additionally, existing trees and vegetation between the building and the roadway will screen and visually minimize the building. New landscaping will increase this visual screening over time. These guidelines are met.

- (f) Limiting structure height to remain below the surrounding forest canopy level;*

**Response:** The structure has been limited in height to remain below the forest canopy behind the building. The 3-story volume of the gymnasium has been placed topographically to not appear taller than the other building sections. This guideline is met.

- (g) Siting and/or design so that the silhouette of buildings and other structures remains below the skyline of bluffs or ridges as seen from identified viewing areas.*

**Response:** As discussed above, the proposed building site is below the hills at the rear of the site and the roof lines will be substantially below the ridges visible from any of the view areas including NW St Helens Rd. This guideline is met.

### **Summary of Part 5.H SEC overlay findings**

#### **SEC-h**

The proposed development meets all applicable criteria outlined in §39.5540 (C). As such, the application be processed through the Type I review procedure and does not require a Wildlife Conservation Plan. Impacts to SEC-h habitat include removal of twelve trees, none of which fall within areas meeting the standards of “forested”. As a part of the native landscaping, a total of sixty-four native trees will be planted within the SEC-h overlay, six of which fall within the SEC-s overlay, regardless of the non-requirement for mitigation.

#### **SEC-s**

The SEC-s criteria direct compliance to 39.5590 and as impacts to the site do not meet the criteria outlined in 39.5590 (A)(1), the application will be processed through the Type II process and require mitigation as well as a Stream Conservation Plan. The applicant meets the Type II requirements outlined in MCC §39.5590 (B)-(E). See Appendix C - Stream Conservation Plan within Attachment B for additional details.

#### **SEC-v**

The proposed development does not meet all of the applicable standards of 39.5570(A), therefore the application will be processed through the Type II process. The applicant meets the Type II requirements outlined in MCC 39.5570(C) as demonstrated in the elevations (Sheet A-1.23) and Scenic Views (Sheet A-1.12)

***PART 6.C.1 Parking, Loading, Circulation and Access***

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***39.6525 Location of Parking and Loading Spaces***

**Response:** The parking and loading spaces are located on the site.

***39.6590 Minimum Required Off-Street Parking Spaces***

**Response:** The minimum off-street parking spaces for a Group Care Facility, the closest designation to the residential treatment center, is 1 parking space per 4 beds. In this case, the minimum for 70 beds is 18 spaces. A CU review in 2005 approved 48 off-site spaces on the site. The current proposal is for 44 spaces, meeting the minimum requirement and less than the 2005 approval.

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## **PART 7.B – COMMUNITY SERVICE USES (CS)**

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### **MCC 39.7505 General Provisions**

(B) *Uses authorized pursuant to this section shall be subject to Design Review approval under MCC 39.8000 through 39.8050.*

**Response:** Compliance with the Design Review approval criteria is demonstrated in Part 8.A below.

### **MCC 39.7515 Approval Criteria**

(A) *The proposal will need to be consistent with the character of the area. [MCC 39.7515(A)]*

**Response:** The land use character of the surrounding area is forested rural land. Only a few residences are within 1,000 feet of the site. The new facility will not have any impact above that of the existing facility and is substantially less than the impact of the former school that originally occupied the site. Traffic generated by staff is minimal and the site has direct access to NW St Helens Rd and can be easily served by all public services. The treatment facility has been at this location since 1984 and provides services to people drawn from the metro area. This change to this existing Community Service Use on the site remains consistent with the character of the area. This criterion is met.

(B) *Will not adversely affect natural resources in the area. [MCC 39.7515(B)]*

**Response:** As demonstrated in the Natural Resource Assessment (Attachment B) the impacts on natural resources from redevelopment of the site will be minimal and isolated in an area of “marginal” vegetation. The proposed Mitigation Plan included as an appendix to the Assessment will result in an improvement in the quality and function of the natural resources on the site. Additionally, the Landscape Plan, shows the planting of a large number of additional trees far in excess of the trees proposed for removal. Finally, the Stormwater Memorandum (Attachment D) demonstrates that stormwater from the proposed impervious surfaces can be managed through detention and infiltration in a manner that will not adversely affect the natural resources in the area. This criterion is met.

(C) *The use will not:*

- (1) *Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; nor*
- (2) *Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. [MCC 39.7515(C)]*

**Response:** This use has been operating on this site since 1984. Neither the redevelopment of the facility or the minor increase in client capacity will force a change in farm or forest practices on surrounding lands or affect the cost of farm or forestry activities. This criterion is met.

(D) *Will not require public services other than those existing or programmed for the area. [MCC 39.7515(D)]*

**Response:** This use has been operating on this site since 1984. Redevelopment of the facility will improve fire access, fire suppression systems and vehicle access to the building. The minor increase in the number of clients will not generate a need for additional public services above that programmed for the area. This criterion is met.

*(E) The proposed development will be outside a big game winter habitat area as defined by the ODFW or that agency has certified that the impacts will be acceptable. [MCC 39.7515(E)]*

**Response:** The proposed development is outside of a big game winter habitat area. Therefore, this criterion is met.

*(F) Will not create hazardous conditions. [MCC 39.7515(F)]*

**Response:** Neither the redevelopment of the facility or the minor increase in client capacity or staffing will create any hazardous conditions based on the drawings and technical reports contained in this application and the operation of this facility at this site since 1984. This criterion is met.

*(G) Will satisfy the applicable policies of the Comprehensive Plan. [MCC 39.7515(G)]*

**Response:** As demonstrated above, the proposal is consistent with the applicable policies of the Comprehensive Plan. This criterion is met.

*(H) Will satisfy other applicable approval criteria as stated in this section. [MCC 39.7515(H)]*

**Response:** The proposal has satisfied all other applicable approval criteria listed in this section. This criterion is met.

#### ***MCC 39.7520 Uses***

**Response:** The treatment center is considered a Group Care Facility 39.7520 (A)(2) and is permitted when approved.

#### ***MCC 39.7525 Restrictions***

**Response:** The only applicable restrictions are:

- Minimum front yards (39.7525 (A)(1)), which must be 30 feet.
- Minimum side yards, which must be 25 feet.
- Rear yards as required by the base zone, 30 feet.
- Off-street parking and loading as required in MCC 39.6500 through 39.6600 and discussed above.

As shown on the site plan, these requirements are met

#### **Summary of Part 7.B Community Service Use findings**

The redevelopment of the existing residential treatment center will ensure that the facility remains compatible with the surrounding area and the minor increase in clients from 62 to 70 and spaces for children will not have an impact on the community or natural resources in the area.

**MCC 39.8040 Design Review Criteria**

*(A) Approval of a final design review plan shall be based on the following criteria:*

- (1) Relation of Design Review Plan Elements to Environment.*
  - a. The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.*
  - b. The elements of the design review plan should promote energy conservation and provide protection from adverse weather conditions, noise, and air pollution.*
  - c. Each element of the design review plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, interrelated, and shall provide spatial variety and order.*

**Response:** The new facility has been sited in the same location as the existing building. The materials have been selected to make the building subordinate to the forested hillside behind it. These muted earth tones and non-reflective materials will make the building relate harmoniously to the natural resources that occupy the majority of the site. Visually the low-scale structure makes use of the changes in topography to place the largest building element, the gym, in a location where it will not stand above the residential and program areas of the facility. Viewed from the highway, the building's roof lines will mirror the berm alongside the right-of-way. Screened by existing and new vegetation, visibility of much of the structure will be limited and the forested ridgelines at the rear of the site will predominate.

The project will prioritize using healthy and natural materials and incorporate energy efficiency, seeking Energy Trust of Oregon assistance. The approximately 40,000 sq. ft. building will be constructed with earthtones including wood or wood-like materials in gray, taupe and complementary natural tones. The building design includes two main wings that surround an interior courtyard open toward the natural areas to the south. A patio off the dining area further extends resident's access to the outdoors. This design maximizes window area and connections to nature for the residential areas.

Parking and fire access have been provided to diminish the visual effect of these elements while meeting safety and accessibility requirements. Proposed landscaping will effectively screen these areas from view. Outdoor recreation areas and structures will be enclosed by the wings of the facility. The newly paved walking path will circle the ball fields located above the septic drainfield and provide pedestrian access to view areas above the top of bank of McCarthy Creek.

Each of these elements of the design review plan are consistent with these approval criteria.

- (2) Safety and Privacy - The design review plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transitions from public to private spaces.*

**Response:** As discussed above, the building will have low visual priority from public roadway and vegetation will screen the building and site improvements from view. Additionally, most of the activities on the site are clustered behind the proposed facility. The dining hall and childcare area will look out to the natural areas and recreation spaces south of the building, providing a transition from the interior community spaces to the outdoors. The sleeping units and private spaces will have light and air from windows but are designed to provide safety and privacy. This criterion is met.

- (3) *Special Needs of Handicapped - Where appropriate, the design review plan shall provide for the special needs of handicapped persons, such as ramps for wheelchairs and braille signs.*

**Response:** The new facility and pedestrian circulation system will meet applicable ADA standards. As shown on the Site Plan (Sheet A-1.10), accessible parking will be located close to the front entrance of the proposed building. This criterion is met.

- (4) *Preservation of Natural Landscape - The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their functions. Preserved trees and shrubs shall be protected during construction.*

**Response:** As demonstrated in the Natural Resource Assessment (Attachment B) the impacts on natural resources from redevelopment of the site will be minimal and isolated in an area of “marginal” vegetation. The building location is on the flat bench where existing development currently exists, limiting the need to change existing grades. The Tree Protection Plan (Sheet L100) and Erosion Control Plan (C.3) ensure the protection of trees and vegetation during construction. Additionally, the Landscape Plan, shows the planting of a large number of additional trees far in excess of the trees proposed for removal. This criterion is met.

- (5) *Pedestrian and Vehicular Circulation and Parking - The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures, shall be designed to maximize safety and convenience and shall be harmonious with proposed and neighboring buildings and structures.*

**Response:** The proposed site layout (Sheet A-1.10) mirrors the existing site layout, with vehicles taking access from NW St Helens Rd at a single point that allows for entering and exiting the site in a forward direction. The proposed parking lot and parking areas will improve the interior pedestrian circulation pattern increasing safety and convenience without causing the parking areas to dominate the visual character of the site. This criterion is met.

- (6) *Drainage - Surface drainage and stormwater systems shall be designed so as not to adversely affect neighboring properties or streets. Systems that insure that surface runoff volume after development is no greater than before development shall be provided on the lot.*

**Response:** As demonstrated in the Stormwater Memorandum found in Attachment D and the Stormwater Drainage Control Certificate found in Attachment E, the stormwater generated by impervious surfaces can be managed in below ground facilities under the parking lot with overflow directed to the existing outfall at McCarthy Creek. Complying with current standards will require that the post-development flows are less than the current stormwater flows ensuring that the run-off will not adversely affect water quality in McCarthy Creek or affect adjacent properties or streets. This criterion is met.

- (7) *Buffering and Screening - Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.*

**Response:** As shown on the landscape plans (Sheets L100, L210, and L212) existing vegetation that screens the building will be retained where practical and substantially improved by planting new trees between the facility and the public right-of-way. Existing vegetation along McCarthy Creek and the hills that rise at the rear of the site will continue to effectively screen the site from neighboring properties. As mentioned above, there are few residential properties within 1,000 feet of the site and there will be no impact on adjacent properties from the redeveloped facility. This criterion is met.

- (8) *Utilities - All utility installations above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.*

**Response:** As shown on the Utility Plan (Sheet C.2) the redevelopment is making use of existing utility connections and there will have no impacts on the site or neighboring properties. This criterion is met.

- (9) *Signs and Graphics - The location, texture, lighting, movement, and materials of all exterior signs, graphics or other informational or directional features shall be compatible with the other elements of the design review plan and surrounding properties.*

**Response:** Any new signage for NARA will be consistent with the materials, colors, and design of the proposed building. This criterion will be met.

#### **MCC 39.8045 Required Minimum Standards**

(C) **Required Landscape Areas.** *The following landscape requirements are established for developments subject to design review plan approval:*

- (1) *A minimum of 15% of the development area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subpart 3 of this subsection.*
- (2) *All areas subject to the final design review plan and not otherwise improved shall be landscaped.*
- (3) *The following landscape requirements shall apply to parking and loading areas:*
  - (a) *A parking or loading area providing ten or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.*
  - (b) *A parking or loading area shall be separated from any lot line adjacent to a street by a landscaped strip at least 10 feet in width, and any other lot line by a landscaped strip at least 5 feet in width.*
  - (c) *A landscaped strip separating a parking or loading area from a street shall contain: 1. Street trees spaces as appropriate to the species, not to exceed 50 feet apart, on the average; 2. Low shrubs, not to reach a height greater than 3'0", spaced no more than 5 feet apart, on the average; and 3. Vegetative ground cover.*
  - (d) *Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.*
  - (e) *A parking landscape area shall have a width of not less than 5 feet.*
- (4) *Provision shall be made for watering planting areas where such care is required.*

**Response:** As shown in the Landscape Plans (Sheets L110 and L112), the landscaped area exceeds the 15% minimum required. All areas within the development plan not proposed for structures or other site improvements have been landscaped. The new parking lot and parking at the front of the building has been designed to include the required landscape elements as shown on Sheets L110 and L112. Provisions will be made to water the planting areas as required after installation. These standards are met.