

STAFF REPORT



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Application for Conditional Use, Design Review, and Significant Environmental Reviews

Case File: T3-2026-0008

Applicant: Kim Knox
Shiels Obletz Johnsen

Proposal: Replace and expand the existing Group Care Facility from 62 to 70 adult residents. Applicant proposes to replace the existing facility with a ±40,000 square foot facility, reconfigure the existing parking facility, and pave the existing walking trail.

Location: 17645 NW ST Helens Road, Portland

Property ID # R325018

Map, Tax lot: 2N1W18D -00500

Alt. Acct. # R971180070

Base Zone: Burlington Rural Center (BRC)

Overlays: Significant Environmental Concern Stream (SEC-s), Significant Environmental Concern Wildlife Habitat (SEC-h), Significant Environmental Concern Scenic View (SEC-v), Flood Hazard (FH), Geologic Hazard (GH)

Scheduled before one of the County's Hearing's Officers on **Friday, May 15, 2026** or soon thereafter via virtual hearing.

Applicable Approval Criteria:

Multnomah County Code (MCC): General Provisions: MCC 39.1250 Code Compliance and Applications, MCC 39.2000 Definitions, MCC 39.6235 Stormwater Drainage Control, MCC 39.6850 Dark Sky Lighting Standards

Lot of Record: MCC 39.3005 Lot of Record – Generally, MCC 39.3110 Lot of Record – Burlington Rural Center (BRC) and Springdale Rural Center (SRC)

Burlington Rural Center (BRC): MCC 39.4470 Conditional Uses, (A) Community Services, MCC 39.4475 Dimensional Requirements and Development Standards, MCC 39.4485 Lot Sizes for Conditional Uses, MCC 39.4490 Off-Street Parking and Loading

Off-Street Parking and Loading: MCC 39.6505 General Provisions, MCC 39.6510 Continuing Obligation, MCC 39.6515 Plan Required, MCC 39.6520 Use of Space, MCC 39.6525 Location of Parking and Loading Spaces, MCC 39.6530 Improvements Required, MCC 39.6535 Change of Use, MCC 39.6550 Standards of Measurement, MCC 39.6555 Design Standards: Scope, MCC 39.6560 Access, MCC 39.6565 Dimensional Standards, MCC 39.6570 Improvements, MCC 39.6575 Signs, MCC 39.6580 Design Standards: Setbacks, MCC 39.6585 Landscape and Screening Requirements, MCC 39.6590

Minimum Required Off-Street Parking Spaces, MCC 39.6595 Minimum Required Off-Street Loading Spaces

Community Service Uses (CS): MCC 39.7505 General Provisions, MCC 39.7510 Conditions and Restrictions, MCC 39.7515 Approval Criteria, MCC 39.7520 Uses, MCC 39.7525 Restrictions

Design Review: MCC 39.8010 Design Review Plan Approval Required, MCC 39.8020 Application of Regulations, MCC 39.8025 Design Review Plan Contents, MCC 39.8030 Final Design Review Plan, MCC 39.8040 Design Review Criteria, MCC 39.8045 Required Minimum Standards

Significant Scenic Views: MCC 39.5570 SEC-v Permit Criteria (Significant Scenic Views)

Significant Stream: MCC 39.5550 SEC-s Permit Criteria (Significant Streams), MCC 39.5590 SEC-wr Permit Criteria (Significant Water Resources)

Significant Wildlife Habitat: MCC 39.5540 SEC-h Permit Criteria (Significant Wildlife Habitats)

Copies of the referenced Multnomah County Code sections are available by visiting <https://www.multco.us/landuse/zoning-codes> under the link **Chapter 39: Multnomah County Zoning Code** and at <https://multco.us/landuse/comprehensive-plan> under the link **Multnomah County Comprehensive Plan**.



Recommended Hearing Officer Decision

Staff recommends that the Hearings Officer approve, subject to conditions of approval, the Conditional Use, Design Review, and Significant Environmental Reviews.

If the Hearings Officer finds the proposed application is approvable, staff recommends the following:

Permit Expiration – This land use permit shall expire as follows:

1. Within two (2) years of the date of the final decision when construction has not commenced.
[MCC 39.1185(B)]
 - a. Commencement of construction shall mean actual construction of the foundation or frame of the approved structure.

- b. The property owner shall provide notification of commencement of construction to Multnomah County Land Use Planning Division a minimum of seven (7) days prior to the date of commencement. Notification shall be sent via email to LUP-submittals@multco.us with the case no. T3-2026-0008 referenced in the subject line. [MCC 39.1170(A) & (B)]
2. Within four (4) years of the date of commencement of construction when the structure has not been completed. [MCC 39.1185(B)]
 - a. Completion of the structure shall mean completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the land use approval.
 - b. The property owner shall provide a building status update confirming the completion of exterior surfaces and demonstrate compliance with all conditions of approval. The written notification and documentation of compliance with the conditions shall be sent to LUP-submittals@multco.us with the case no. T3-2026-0008 referenced in the subject line. [MCC 39.1185]
 3. Time Extension – The property owner may request to extend the permit validity period, per MCC 39.1195. The request for a permit extension must be submitted prior to the expiration of this decision.

Conditions of Approval

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which complies with this approval and is consistent with supporting documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein. [MCC 39.1170(B)]

4. **Decision Acknowledgement and Recording** – Prior to submitting Building Plans for Zoning Plan Review, the property owner(s) or their representatives shall:
 - a. Acknowledge in writing that you have read and understand the Conditions of Approval and intend to comply with them. A Letter of Acknowledgement has been provided. The signed document shall be submitted and uploaded when submitting the building plans for the Conditions of Approval and Zoning Review. [MCC 39.1170(A) & (B)]
 - b. Record the Hearing’s Officer Decision, Exhibit A.18, Sheets L610-L612, and Exhibit A.20 of this Staff Report with the County Recorder. The Hearing’s Officer Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and shall be filed with the Land Use Planning Division. Recording shall be at the applicant’s expense. [MCC 39.1175]
 - c. Record the approved mitigation plan in the deed records of Multnomah County. [MCC 39.5590(D)(3)(f)]
5. **Complete a Zoning Plan Review with Multnomah County Land Use Planning, prior to applying for building permits from the City of Portland. When submitting Building Plans for Zoning Plan Review, the property owner(s) or their representatives shall:**
 - a. Provide a Letter of Acknowledgement, recorded Notice of Decision, and recorded mitigation plan as required in Condition 1. [MCC 39.1170(A) & (B)]
 - b. Provide a completed Water Service Certification confirming that the Burlington Water District can continue to serve the property. [Comprehensive Plan Policy 11.2]
 - c. Provide an updated Fire Service Agency Review that confirms the proposed development is in compliance with the fire department’s access standards. [Comprehensive Plan Policy 11.17]

- d. Document that all parking, loading and/or maneuvering areas, including the driveway, are surfaced with at least two inches of blacktop on a four inch crushed rock base or at least six inches of Portland cement, unless a design providing additional load capacity is required by the fire service provider. [MCC 39.6570(A)]
 - e. Document that all parking, loading and/or maneuvering areas are marked in accordance with plans approved by the Hearings Officer, and such markings shall be continually maintained. [MCC 39.6570(C)]
6. **Riparian Area Mitigation Plan and Protection - Construction**, the property owner(s) or their representatives shall:
- a. Prior to beginning construction on the site, including any ground disturbing activity, locate and mark all work areas to reduce potential damage to the Riparian Area. [MCC 39.5590(E)(3)]
 - b. Prior to beginning construction on the site, including any ground disturbing activity, flag, fence or otherwise mark the boundaries of all Riparian Areas. All Riparian Areas shall remain undisturbed except as otherwise allowed by the permit. Such markings shall be maintained until construction is complete. [MCC 39.5590(C)(4)(f)]
 - c. Within 100 feet of McCarthy Creek, limit all ground disturbing activity to the period between May 1st and September 15th. Revegetation and soil stabilization must be accomplished no later than October 15th. [MCC 39.5540(C)(1)(f)]
 - d. Within the Riparian Area, limit all soil disturbing activities to the period between June 15 and September 15. Revegetation/soil stabilization must be accomplished no later than October 15. [MCC 39.5590(C)(4)(i)]
 - e. Within the Riparian Area, remove nuisance and invasive plants or other debris and noxious materials.
 - i. Removal shall be by hand or mechanically with small equipment, as appropriate to minimize damage to existing native vegetation.
 - ii. Interim erosion control measures such as mulching shall be used to avoid erosion on bare areas.
 - f. Not use trees in the Riparian Area as anchors for stabilizing construction equipment. [MCC 39.5590(E)(4)]
 - g. Remove nuisance and invasive nonnative plants replace with native plants that are appropriate to the site conditions to restore the vegetated corridor no later than the next growing season. [MCC 39.5590(D)(4)(f)]
7. **Riparian Area Mitigation Plan and Protection – Monitoring**, the property owner(s) or their representatives shall:
- a. Upon completion of the restoration/mitigation actions, 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 consistent with the Riparian Area Mitigation Plan and Protection – Construction and according to the mitigation plan and that the vegetated corridor will qualify as “Good Corridor” within 5 years. [MCC 39.5590(E)(1)]
 - b. Monitor plantings 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.

- c. For a period of five years following the certification of the installation of the mitigation plan, provide a yearly report 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. [MCC 39.5590(E)(2) & MCC 39.8045(C)(4) – (6)]

8. On-going Conditions:

- a. Nuisance and invasive plants shall not be planted on the subject property and shall be removed from cleared areas. [MCC 39.5540(C)(1)(e)]
- b. Nuisance and invasive nonnative plants shall not be used as landscape plantings within the Riparian Area. [MCC 39.5590(C)(4)(h)]
- c. If cultural resources are discovered during this project, the discovery must be reported to the Native American tribal governments and the State Historic Preservation Office. [Comprehensive Plan Policy 6.2]

Findings of Fact

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

1.0 Project Description:

Staff: The applicant is proposing to replace the existing Group Care Facility with an approximate 40,000-square-foot facility with a reconfigured parking area to accommodate 44 parking spaces and 1 loading space. The maximum number of adult residents will increase from 62 to 70 (13% increase) with additional family spaces accommodating up to 6 children. In addition, the applicant is proposing to pave over the existing walking trail.

2.0 Property Description & History:

Staff: The existing Group Care Facility received a Conditional Use approval in 1984 under land use case number CS-4-84. In 2005, the Conditional Use permit was modified to allow an expansion of the use under land use case number T3-05-006. Following the Conditional Use modification, Design Review was approved for the approved expansion under case number T2-05-110.

3.0 Public Comment:

Staff: Staff mailed a Notice of Public Hearing regarding the proposed application to the required parties pursuant to MCC 39.1105 (Exhibit C.2). Staff did not receive public comments before this report was issued seven days prior to the Hearing.

4.0 Code Compliance and Applications Criteria:

4.1 MCC 39.1250 Code Compliance and Applications

Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit or zoning review approval of development or any other approvals authorized by this code for any property that is not in full compliance with all applicable provisions of the Multnomah County Zoning Code and/or any permit approvals previously issued by the County.

(A) A permit or other approval, including building permit applications, may be authorized if:

* * *

Staff: This standard provides that the County shall not make a land use decision approving development for a property that is not in full compliance with County Code or previously issued County approvals, except in the following instances: approval will result in the property coming into full compliance, approval is necessary to protect public safety, or the approval is for work related to or within a valid easement.

A finding of satisfaction of this standard does not mean that a property is in full compliance with the Zoning Code and all prior permit approvals (and, accordingly, does not preclude future enforcement actions relating to uses and structures existing at the time the finding is made). Instead, a finding of satisfaction of this standard simply means that there is not substantial evidence in the record affirmatively establishing one or more specific instances of noncompliance.

For purposes of the current application, there are no known open compliance cases associated with the subject property, and there is no evidence in the record of any specific instances of noncompliance on the subject property. *This criterion is met.*

5.0 Lot of Record Criteria:

5.1 MCC 39.3005 – Lot of Record – Generally

(A) An area of land is a “Lot of Record” if it meets the standards in Subsection (B) of this Section and meets the standards set forth in this Part for the Zoning District in which the area of land is located.

(B) A Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, either satisfied all applicable zoning laws and satisfied all applicable land division laws, or complies with the criteria for the creation of new lots or parcels described in MCC 39.9700. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

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

(2) “Satisfied all applicable land division laws” shall mean the parcel or lot was created:

(a) By a subdivision plat under the applicable subdivision requirements in effect at the time; or

(b) By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or

(c) By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or

* * *

5.2 MCC 39.3110 Lot of Record – Burlington Rural Center (BRC) and Springdale Rural Center (SRC)

(A) In addition to the standards in MCC 39.3005, for the purposes of the BRC district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

* * *

Staff: The subject property has been verified as a legal lot of record in its current size and configuration under land use case T3-05-006.

6.0 Burlington Rural Center Criteria:

6.1 MCC 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 MCC 39.7810.

Staff: In the Burlington Rural Center zone, a Group Care Facility is listed as a Community Service Use. The Community Service Conditional Use standards and dimensional standards are addressed in Section 7 below.

6.2 MCC 39.4475 Dimensional Requirements and Development Standards

(F) On-site sewage disposal, stormwater/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the contiguous ownership.

(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.

(2) Stormwater/drainage control systems are required for new impervious surfaces that are greater than 500 square feet in area. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.

Staff: The applicant provided a Stormwater Drainage Control Certificate reviewed and signed by a professional engineer (Exhibit A.19). The required stormwater drainage control system is identified on the utility plan (Exhibit A.18, Sheet C3.0). The applicant also provided confirmation from the Oregon Department of Environmental Quality stating that the existing septic system meets their requirements (Exhibit A.23).

7.0 Community Service Conditional Use Criteria:

7.1 MCC 39.7515 Approval Criteria

In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria, except for transmission towers, which shall meet the approval criteria of MCC 39.7550 through 39.7575, wireless communications facilities, subject to the provisions of MCC 39.7705, and except for regional sanitary landfills, which shall comply with MCC 39.7600 through 39.7625.

(A) Is consistent with the character of the area;

Staff: The subject property is surrounded by forested rural land in the Commercial Forest Use. The Commercial Forest Use zoned properties to the south are undeveloped while the properties to the west appear to be developed residentially. Across NW St. Helens Road, the properties are zoned Multiple Use Agriculture and developed residentially. The existing Group Care Facility has been in operation since it was approved in 1984. As outlined in the property history under Section 2 above, the existing Group Care Facility received additional approvals over the years to expand the use. The existing facility currently allows 62 adult residents, and the proposed replacement facility will increase the capacity of adult residents to 70 residents which is a 13% increase. The replacement facility will be sited in the same location as the existing facility which minimizes development impacts to the natural resources on-site, and the replacement facility will operate in the same manner as the existing facility.

(B) Will not adversely affect natural resources;

Staff: The proposed replacement facility is located entirely within the Significant Wildlife Habitat and Significant Scenic View overlay zones. A portion of the proposed development is also located within the Significant Stream overlay zone. To identify the potential impacts of the development, the applicant provided a Natural Resource Assessment prepared by Pacific Habitat Services, Inc. The assessment confirms that the impacts on resources from redevelopment of the site will be minimal and isolated in an area of “marginal” condition (Exhibit A.20).

The existing condition of the Stream Conservation Area was categorized into three distinct vegetated corridors: Vegetated Corridor A (VCA), Vegetated Corridor B (VCB), and Vegetated Corridor C (VCC). VCA is a 150,700-square-foot area located below the top bank of McCarthy Creek and was identified to meet the County’s definition of a “Good Corridor¹”. The native tree canopy exceeds 50% and approximately 80% overall coverage of native trees, shrubs, and groundcover. No impacts or mitigation were identified for VCA. VCB is a 13,093-square-foot area located within the Significant Stream overlay where there is an approximate 70% canopy coverage, and is considered a “Marginal Corridor²” requiring

¹ 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). [MCC 39.5590(D)(1)(a)]

² 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). [MCC 39.5590(D)(1)(b)]

mitigation. Mitigation plantings will be focused in this area. VCC is a 105,887-square-foot area that is located above the top bank of McCarthy Creek where there will be temporary and permanent impacts. This area was identified as a “Degraded Corridor³” where existing development such as the paved parking lot, building access area, septic drainfield, septic equipment area, unpaved walking trail, managed turf, and a transmission line corridor exists already. VCC is considered degraded due to the tree canopy that falls below 25% and high coverage of non-native turf grasses. Based on these existing development features, the mitigation cannot occur entirely within VCC. The assessment identifies areas within VCB and VCC totaling 14,657 square feet to be suitable for enhancement to a “Good Corridor” condition (Exhibits A.18, Sheets L601 – L612 & A.20).

(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

Staff: The subject property is adjacent to properties within the Commercial Forest Use zone but significant changes or costs for farm and forest uses are not expected as the existing Group Care Facility has been operation since 1984. The applicant is proposing to replace the existing facility to increase the number of adult residents by 13% but the facility will operate in the same manner as the existing use.

(D) Will not require public services other than those existing or programmed for the area;

Staff: The replacement Group Care Facility will not require additional public services other than those existing for the site.

(E) Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;

Staff: The proposed development is located outside of the big game winter habitat area (Exhibit B.3).

(F) Will not create hazardous conditions;

Staff: As stated in prior findings, the existing facility has been operating since 1984 and will operate in the same manner. The replacement facility includes improvements to fire access, fire suppression systems, vehicular access and stormwater drainage control.

(G) Will satisfy the applicable policies of the Comprehensive Plan;

Staff: The applicable policies of the Comprehensive Plan are addressed in Section 13 below.

(H) Will satisfy such other applicable approval criteria as are stated in this Section.

Staff: All other applicable approval criteria are addressed further below.

(I) In the West of Sandy River Rural Planning Area, the use is limited in type and scale to primarily serve the needs of the rural area.

Staff: The subject property is not within the West of Sandy River Rural Planning Area. *This criterion is not applicable.*

7.2 MCC 39.7520 Uses

³ 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. [MCC 39.5590(D)(1)(c)]

(A) Except as otherwise limited in the EFU, all CFU and OR base zones, the following Community Service Uses and those of a similar nature, may be permitted in any base zone when approved at a public hearing by the approval authority.

Allowed Community Service Uses in the EFU, CFU and OR base zones are limited to those uses listed in each respective base zone.

* * *

(2) Group care facility

Staff: The applicant is proposing a replacement Group Care Facility which is considered a Community Service Use in the BRC zone.

7.3 MCC 39.7525 Restrictions

A building or use approved under MCC 39.7520 through 39.7650 shall meet the following requirements:

(A) Minimum yards in EFU, CFU (Note – not applicable to CFU-1 through CFU-5), MUA20, RR, BRC, OCI, OR and PH-RC, UF-20, LR10, UF-20, MUF, SRC, and RC base zones:

- (1) Front yards shall be 30 feet.**
- (2) Side yards for one-story buildings shall be 20 feet; for two-story buildings, 25 feet.**
- (3) Rear yards shall be as required in the base zone.**

Staff: The proposed replacement facility will be located more than the minimum yard requirements listed above (Exhibit A.18).

(D) Off-street parking and loading shall be provided as required in MCC 39.6500 through 39.6600.

Staff: The applicant is proposing 44 parking spaces and 1 loading space. These standards are addressed further below in Section 8.

(E) Signs for Community Service Uses pursuant to the provisions of MCC 39.6700 through 39.6820.

Staff: The applicant has not requested a Sign Permit as part of this application packet.

8.0 Parking & Loading Criteria:

8.1 MCC 39.6515 Plan Required

A plot plan showing the dimensions, access and circulation layout for vehicles and pedestrians, space markings, the grades, drainage, setbacks, landscaping and abutting land uses in respect to the off-street parking area and such other information as shall be required, shall be submitted in duplicate to the Planning Director with each application for approval of a building or other required permit.

Staff: The applicant provided a plan set that includes these details (Exhibit A.18).

8.2 MCC 39.6565 Dimensional Standards

(A) Parking spaces shall meet the following requirements:

- (I) At least 70% of the required off street parking spaces shall have a minimum width of nine feet, a minimum length of 18 feet, and a minimum vertical clearance of six feet, six inches.**

* * *

Staff: As shown on the submitted plan set, all of the proposed parking spaces will have a minimum width of nine feet and a length of 18 feet (Exhibit A.18).

8.3 MCC 39.6570 Improvements

(A) Surfacing

(I) Except as otherwise provided in this section, all areas used for parking, loading or maneuvering of vehicles, including the driveway, shall be surfaced with at least two inches of blacktop on a four inch crushed rock base or at least six inches of Portland cement, unless a design providing additional load capacity is required by the fire service provider.

* * *

Staff: The applicant provided a paving schedule for all areas used for parking, loading and maneuvering of vehicles (Exhibit A.18, Sheet L112). Staff recommends a Condition of Approval to ensure compliance.

(B) Curbs and Bumper Rails

(I) All areas used for parking, loading, and maneuvering of vehicles shall be physically separated from public streets or adjoining property by required landscaped strips or yards or in those cases where no landscaped area is required, by curbs, bumper rails or other permanent barrier against unchanneled motor vehicle access or egress.

* * *

Staff: The applicant describes the two parking areas as the lower and upper lots. The lower lot is located to the west of the facility and contains 32 parking spaces. The upper lot abuts the east side of the facility and contains 12 spaces. The applicant is proposing bumper rails and landscaped buffers for both lower and upper lots (Exhibit A.18, Sheet L610). The lower lot containing 32 parking spaces requires a total of 800 square feet of landscaping. The applicant is proposing 1,246 square feet of landscaped areas. The upper lot containing 12 parking spaces requires a minimum of 300 square feet of landscaping, and the applicant is providing the minimum.

(C) Marking - All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC 39.6515, and such marking shall be continually maintained. Except for development within the RC, BRC, SRC, PH-RC, OR, or OCI zones, a graveled parking area with fewer than four required parking spaces is exempt from this requirement.

Staff: Staff recommends including this standard as a Condition of Approval to ensure compliance.

(D) Drainage - All areas for the parking and maneuvering of vehicles shall be graded and drained to provide for the disposal of all surface water on the lot.

Staff: The applicant provided a Stormwater Drainage Control Certificate reviewed and signed by a professional engineer (Exhibit A.19). The required stormwater drainage control system is identified on the utility plan (Exhibit A.18, Sheet C3.0).

8.4 MCC 39.6585 Landscape and Screening Requirements

(A) The landscaped areas requirements of MCC 39.8045 (C) (3) to (7) shall apply to all parking, loading or maneuvering areas which are within the scope of design standards stated in MCC 39.6555 (A).

Staff: The lower lot containing 32 parking spaces requires a total of 800 square feet of landscaping, and the applicant is proposing 1,246 square feet. The upper lot containing 12 parking spaces requires a minimum of 300 square feet of landscaping, and the applicant is providing the minimum. A landscaped strip at least 10 feet in width is proposed between the front property boundary and the two parking areas (Exhibit A.18, Sheet L612).

8.5 MCC 39.6590 Minimum Required Off-street Parking Spaces

* * *

(A) The following Residential Uses shall have at least the number of off-street parking spaces indicated:

(7) Group Care Facility, Home for Aged, or Children’s Home – One space for each four beds.

Staff: The replacement Group Care Facility will have 70 beds which requires 18 parking spaces. The applicant is proposing 44 parking spaces (Exhibits A.2 & A.18).

8.6 MCC 39.7525 Restrictions

A building or use approved under MCC 39.7520 through 39.7650 shall meet the following requirements:

(A) Minimum yards in EFU, CFU (Note – not applicable to CFU-1 through CFU-5), MUA20, RR, BRC, OCI, OR and PH-RC, UF-20, LR10, UF-20, MUF, SRC, and RC base zones:

- (1) Front yards shall be 30 feet.**
- (2) Side yards for one-story buildings shall be 20 feet; for two-story buildings, 25 feet.**
- (3) Rear yards shall be as required in the base zone.**

Staff: The proposed replacement facility is located more than 30 feet from all property boundaries (Exhibit A.18).

9.0 Design Review Criteria:

9.1 MCC 39.8020 Application of Regulations

* * *

(C) All other uses are subject to all of the Design Review Approval Criteria listed in MCC 39.8040 and 39.8045.

9.2 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, inter related, and shall provide spatial variety and order.**

Staff: The proposed replacement facility will be in the same location. The building materials for the replacement facility were selected to ensure any visual impacts are subordinate to the adjacent forested hillside. The proposed facility will be finished in muted earth tone colors including wood or wood-like materials finished in gray, taupe and other complementary neutral tones. Non-reflective materials will be used to further minimize any visual impacts (Exhibit A.18, Sheet A-1.23). The applicant states the project will prioritize energy efficiency through the guidance of the Energy Trust of Oregon (Exhibit A.2). In addition, the applicant is proposing to make use of the changes in topography to place the largest building element in a location where it will not stand above other areas of the facility such as the residential and

program areas (Exhibit A.2). Viewed from the highway, the building's roof line will mirror the existing berm alongside of the right-of-way. In addition, the applicant is proposing a landscaped buffer between the facility and the property boundary adjacent to the right-of-way for additional screening (Exhibit A.18, Sheet L612). The parking and fire access is provided to reduce visual impacts while meeting the safety and accessibility requirements.

(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.

Staff: In addition to the screening described above, the applicant states that the majority of the facility activities are clustered on the south side of the facility. The dining hall and childcare area will look out to the natural areas and recreation spaces south of the building which provides a transition from the interior community spaces to the outdoors (Exhibit A.2). The applicant states that the sleeping units and private spaces are designed to provide safety and privacy. The proposed development also includes improvements to fire access, fire suppression systems, vehicular access and stormwater drainage control to increase safety.

(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.

Staff: The replacement facility and pedestrian circulation system will meet applicable ADA standards as shown on the submitted site plan (Exhibit A.18, Sheet A-1.10).

(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.

Staff: The proposed development does not expand into the forested areas of the property. The replacement building will be sited in the same location which minimizes disturbance on-site. The applicant provided a Tree Protection Plan which identifies the trees that will be retained during development (Exhibit A.18, Sheet L100). A total of 42,245 square feet of landscaped areas are proposed (Exhibit A.18, Sheet L601).

(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.

Staff: The proposed site layout mirrors the existing site. The subject property is accessed from NW St. Helens Road at a single point that allows for entering and exiting the site (Exhibit A.18). The interior circulation pattern for vehicles and pedestrians are identified on the site plan which includes the two parking lots, pedestrian walkways, access aisles, and the fire truck turnaround (Exhibit A.18). The use of parking landscape buffers, bumper rails, and markings in the upper and lower lots will help maximize safety. A landscaped buffer is also proposed between the facility and the right-of-way to ensure the parking area will not dominate the visual character of the site.

(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.

Staff: The applicant provided a Stormwater Drainage Control Certificate reviewed and signed by a professional engineer (Exhibit A.19). The stormwater generated by impervious surfaces can be managed in below ground facilities (Exhibits A.2 & A.18, Sheet C3.0).

(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.

Staff: As shown on the landscaping details, the existing vegetation that screens the building will be retained where practical. In addition, the applicant is proposing to plant new trees between the facility and the public right-of-way (Exhibit A.18, Sheets L100, L210, and L212). The existing vegetation along McCarthy Creek and the southern portion of the property will remain and continue to provide screening to neighboring properties.

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

Staff: As shown on the utility plan, the redevelopment is making use of existing utility connections and additional impacts on the site or to neighboring properties are not expected (Exhibit A.18, Sheet C3.0).

(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.

Staff: The applicant is not proposing any new signs at this time.

9.3 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:
 - (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.**

Staff: The total site development area is 129,467 square feet, and the required landscaped area is 19,420 square feet. The applicant is proposing 42,245 square feet of landscaped areas (Exhibit A.18, Sheet L601). As stated in a prior finding, the applicant is proposing 1,246 square feet of landscaping within the lower lot and 300 square feet of landscaping in the upper lot. The parking landscape areas are more than 5 feet in width (Exhibit A.18, Sheet A.1-10). A landscaped strip at least 10 feet in width is also proposed between the front property boundary and the two parking areas (Exhibit A.18, Sheet L612). Additional landscaped areas were identified on the southern side of the proposed facility (Exhibit A.18, Sheet L610).

- (4) **Provision shall be made for watering planting areas where such care is required.**
- (5) **Required landscaping shall be continuously maintained.**
- (6) **Maximum height of tree species shall be considered when planting under overhead utility lines.**
- (7) **Landscaped means the improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways and similar features.**

Staff: Staff recommends including these standards as Conditions of Approval to ensure compliance.

10.0 Significant Wildlife Habitat Criteria:

10.1 MCC 39.5540 SEC-h Permit Criteria (Significant Wildlife Habitats)

* * *

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

Staff: The existing development is located within a non-forested cleared area and the applicant is proposing to construct the replacement facility in the same location. The proposed development is located within 200 feet of NW St. Helens Road (Exhibits A.2 & A.18).

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

Staff: The length of the driveway to the end of the hammerhead fire truck turnaround is 455 feet (Exhibits A.2 & A.18).

- (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.**

Staff: The subject property is triangular in shape and abuts three tax lots to the south. The east and west property boundaries abut the right-of-way. There are no structures or developed areas within 200 feet of the shared property boundaries to the south.

(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.

Staff: As demonstrated in the applicant's Natural Resource Assessment, the applicant is proposing to remove nuisance vegetation prior to planting the vegetation identified in the mitigation plan to address the Significant Stream overlay zone standards (Exhibit A.20). Staff recommends a Condition of Approval to ensure compliance.

(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.

Staff: The applicant confirms that no ground disturbing activities within 100 feet of McCarthy Creek will occur within the period of May 1st and September 15th (Exhibit A.2). Staff recommends a Condition of Approval to ensure compliance.

(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.

Staff: The applicant provided outdoor lighting details in Exhibit A.21. The proposed exterior lighting are hooded fixtures and are placed in areas of existing development as shown on the Electrical Lighting Plan (Exhibit A.18, Sheet E-104).

11.0 Significant Stream Criteria:

11.1 MCC 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.

11.2 MCC 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.

Staff: The proposed development within 100 feet of McCarthy Creek includes the paving of an existing unpaved walking trail. The replacement stormwater control system under the existing parking lot (lower lot) is within the Significant Stream overlay but located more than 100 feet from the top bank of McCarthy Creek. The standards of MCC 39.5590(B) through (E) are addressed below.

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

* * *

Staff: The applicant provided the required materials in Exhibits A.2, A.18, A.19 and A.20.

(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.

* * *

(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.**

Staff: The existing walking trail falls within 100 feet of the top of bank of McCarthy Creek. An Alternative Analysis was provided to demonstrate that there are no practicable alternatives available on the site that would reduce encroachment into the Stream Conservation Area. The “open” areas more than 100 feet from the top of bank of McCarthy Creek contain the existing parking lot, septic facilities or the pow-wow grounds which limits where the walking trail can be established (Exhibit A.2). The applicant provided a mitigation plan that identifies a total area of 14,657 square feet that would be suitable for mitigation. The identified mitigation area will be cleared of invasives and replanted with native shrubs and native riparian seed mix to bring the site into compliance with the Good Corridor status.

(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.**

Staff: The existing walking trail is approximately 36 to 42 inches in width and is currently maintained using bark chips. The proposed development includes the addition of pervious pavers within the existing alignment. Grading and clearing of vegetation will not be required and the applicant provided a mitigation plan to enhance the riparian area (Exhibit A.20).

- (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.

(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.

Staff: Development is not proposed within an area of dense standing trees. As shown on the Tree Protection Plan, no trees are proposed to be removed along the existing walking trail (Exhibit A.18, Sheet L100). A portion of the lower lot is located within the Significant Stream overlay zone but it is located more than 100 feet from the top bank of McCarthy Creek. The proposed modification to the lower lot which includes the replacement of the underground stormwater drainage control system will require the removal of 4 trees. A total of 60 native trees will be planted within the development area and 13 of those trees will be planted within the Significant Stream overlay zone (Exhibits A.2 & A.18, Sheets L110 – L111).

(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).

Staff: The applicant provided a Natural Resource Assessment prepared by Pacific Habitat Services, Inc. that assessed three distinct vegetated corridors: Vegetated Corridor A (VCA), Vegetated Corridor B (VCB), and Vegetated Corridor C (VCC). VCA is a 150,700-square-foot area located below the top bank of McCarthy Creek and was identified to meet the County’s definition of a “Good Corridor” as the native tree canopy exceeds 50% and has approximately 80% overall coverage of native trees, shrubs, and groundcover. No impacts or mitigation were identified for VCA. VCB is a 13,093-square-foot area located within the Significant Stream overlay where there is an approximate 70% canopy coverage, and is considered a “Marginal Corridor” requiring mitigation. No development is proposed within this area. VCC is a 105,887-square-foot area that is located above the top bank of McCarthy Creek where there will be temporary and permanent impacts. This area was identified as a “Degraded Corridor” where existing development such as the paved parking lot, building access area, septic drainfield, septic equipment area, unpaved walking trail, managed turf and a transmission line corridor already exists. VCC is considered degraded due to the tree canopy that falls below 25% and high coverage of non-native turf grasses. The assessment confirms that the entirety of VCC cannot be brought to a Good Corridor status due to the existing development within this area.

In addition, all other open areas in the VCC area 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 (Exhibit A.2). The identified mitigation area will be cleared of invasives and replanted with native shrubs and native riparian seed mix to bring the site into compliance with the Good Corridor status. The assessment identifies areas within VCB and VCC totaling 14,657 square feet to be suitable for enhancement to a “Good Corridor” condition.

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

Staff: No trees will be removed to pave the existing walking trail. The applicant is proposing to remove four trees within the existing parking lot and will replace the trees as shown on the Planting Plan (Exhibit A.18, Sheet L610).

(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.

Staff: Staff recommends a Condition of Approval to ensure compliance.

(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.

(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

(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.

Staff: The applicant provided a Stormwater Drainage Control Certificate reviewed and signed by a professional engineer (Exhibit A.19). Stormwater produced by the proposed development will be transported to a below-ground stormwater treatment facility located below the proposed parking lot replacement and will be conveyed along the existing alignment to the existing outfall outside of the Riparian Area of McCarthy Creek.

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

Staff: Staff recommends a Condition of Approval to ensure compliance.

(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.

(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.

Staff: The applicant provided an erosion control plan that includes Best Management Practices for erosion control (Exhibit A.18, Sheet C4.0). Staff recommends a Condition of Approval to ensure compliance.

(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.

Staff: Exterior lighting is not proposed within the Significant Stream overlay zone.

(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.

Staff: The proposed development does not include any crossing of a protected stream. *This criterion is not applicable.*

(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.

(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.

Staff: As demonstrated in the Natural Resource Assessment, VCA is a 150,700-square-foot area located below the top bank of McCarthy Creek which was rated as a Good Corridor (Exhibit A.20). No impacts or mitigation were identified for VCA. VCB is a 13,093-square-foot area located within the Significant Stream overlay where there is an approximate 70% canopy coverage, and is considered a Marginal Corridor requiring mitigation. VCC is a 105,887-square-foot area that is located above the top bank of McCarthy Creek where there will be temporary and permanent impacts. This area was identified as a Degraded Corridor due to the existing development such as the existing paved parking lot, building access area, septic drainfield, septic equipment area, unpaved walking trail, managed turf and a transmission line corridor. VCC is considered degraded due to the tree canopy that falls below 25% and high coverage of non-native turf grasses. The assessment confirms that the entirety of VCC cannot be brought to a Good Corridor status due to the existing development within this area. The assessment identifies areas within VCB and VCC totaling 14,657 square feet to be suitable for enhancement to a "Good Corridor" condition (Exhibits A.18, Sheet L610 and A.20).

(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.

Staff: The paved walking trail is located within 100 feet of the top bank of McCarthy Creek but the applicant has demonstrated that there are no alternative locations for the trail as the existing “open” areas more than 100 feet from the top bank of McCarthy Creek contain the existing parking lot, septic facilities or the pow-wow grounds (Exhibit A.2). The majority of the development is located outside of the Riparian Area.

(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.

Staff: A total of 13,131 square feet of impact is proposed within the Riparian Area designated as a Degraded Corridor. Due to the nature and use of the site, a total of 14,657 square feet of area within VCB and VCC are suited for mitigation to bring it to a Good Corridor status (Exhibit A.20).

(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.

Staff: 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.

Staff: Staff recommends a Condition of Approval to ensure compliance.

(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.

Staff: A total of 13,131 square feet of impacts are proposed within the Riparian Area designated as a Degraded Corridor (Exhibit A.20). The applicant is proposing to add impervious pavers over the existing

walking trail which is located within 100 feet of the top bank of McCarthy Creek. In addition, the existing parking lot within the Significant Stream overlay will be modified for the replacement underground stormwater drainage control system and parking. The modification to the parking lot is located more than 100 feet from the top bank of McCarthy Creek.

(b) An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated.

Staff: The applicant confirmed that there were no alternatives to the location of the proposed development and provided a mitigation plan to bring the marginal and degraded areas to a Good Corridor status. The “open” areas more than 100 feet from the top bank of McCarthy Creek contain the existing parking lot, septic facilities, or pow-wow grounds which limits where a walking trail can be established (Exhibit A.2).

(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.

Staff: The owner is Native American Rehabilitation Association of the Northwest (NARA-NW). The applicant is Kim Knox of Shiels Obletz Johnsen (SOJ). Contractors for demolition, site preparation, construction and restoration will be determined following the approval of this application.

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

Staff: The applicant identified the mitigation areas on the Planting Plan (Exhibit A.18, Sheet L610).

(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.

Staff: The proposed construction is expected to occur from 2026 to 2027, followed by mitigation implementation. The applicant states maintenance will take place as needed in perpetuity, and monitoring will occur for 5 years following completion of mitigation installation which will take place between May and October. The applicant is also proposing to provide a monitoring report describing survival and site conditions, including assessment of the Riparian Area by December 31st of each year. No in-stream work 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.

1. Removal shall be by hand or mechanically with small equipment, as appropriate to minimize damage to existing native vegetation.

2. Interim erosion control measures such as mulching shall be used to avoid erosion on bare areas.

3. 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.

Staff: Staff recommends a Condition of Approval to ensure compliance.

(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.

(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.

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

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

Staff: These Condition of Approvals are included.

12.0 Significant View Criteria:

12.1 MCC 39.5570 SEC-v Permit Criteria (Significant Scenic Views)

(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.

* * *

(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.

Staff: The proposed building is taller than 24 feet; therefore, the applicant has requested a Type II review. Those criteria are addressed further below.

(C) SEC-v Permit Approval Criteria

(1) 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.

Staff: The existing facility was sited on a flat bench and the replacement facility will be located in the same location. The existing trees located between the facility and right-of-way will be retained and the applicant is proposing to plant additional trees to increase screening.

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

Staff: Earthtones and non-reflective materials are proposed for the exterior of the facility (Exhibit A.18, Sheet A-1.23).

(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.

Staff: The lighting plan and schedule meets the Dark Sky Lighting Standards (Exhibit A.18, Sheets E-104 and E-601).

(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.

Staff: An existing earth berm separates the facility from the right-of-way and vegetation along the frontage screens development from the view areas (Exhibits A.11). Additional trees are proposed to be planted along the frontage to provide screening (Exhibit A.18, Sheet L610).

(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.

Staff: As stated in prior findings, the replacement facility will be located in the same location which is on a flat bench. The existing trees located between the facility and right-of-way will be retained and the applicant is proposing to plant additional trees to increase screening from the view of identified viewing areas.

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

Staff: The proposed facility is located closer to the right-of-way on a flat bench that is lower in elevation than the forested canopy area to the south. The facility will remain below the forest canopy level to the south (Exhibits A.11, A.18, Sheets A-1.00 & A-1.23).

(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. This may require modifying the building or structure height and design as well as location on the property, except:

(1) New public communications facilities (transmission lines, antennae, dishes, etc.) may protrude above a skyline visible from an identified viewing area upon demonstration that:

* * *

Staff: The applicant confirms that the proposed facility is below the forested canopy area to the south and the rooflines will be below the ridges visible from any of the view areas including NW St. Helens Road (Exhibit A.2).

13.0 Comprehensive Plan Policy Criteria:

13.1 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.**
- 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.**
- 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.**
- 4. Protect and maintain natural stream hydrology (or flow), with an emphasis on reducing hydromodification impacts such as stream incision and widening.**
- 5. Develop and adopt drainage system design guidelines and standards to accommodate fish and wildlife passage where appropriate.**
- 6. Develop and adopt standards for managing stormwater in landslide hazard areas in accordance with best management practices.**

Staff: The applicant provided a Stormwater Drainage Control Certificate signed by a professional engineer (Exhibit A.19). The stormwater runoff from the new and replaced 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 (Exhibit A.18, Sheet C3.0).

13.2 Goal 6 – Historic and Cultural Resources

6.2 - Require reporting of the discovery of Native American artifacts and other cultural resources to SHPO and the Native American tribes.

Staff: The applicant confirms that all activities related to this proposal will follow all applicable regulations and best practices related to any historic resources discovered on the site (Exhibit A.2). Staff recommends a Condition of Approval to ensure compliance.

13.3 Goal 11 – Public Facilities

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**

Staff: The existing connection to the public water system will be used for the proposed facility (Exhibit A.18, Sheet C3.0). The replacement facility increases the number of adult residents by 13% but the existing use will not change. Staff recommends a Condition of Approval requiring a completed Water Service Certification from Burlington Water District at the time of the Zoning Plan Review to confirm that the water district can continue to serve the property.

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**

Staff: The applicant provided confirmation from the Oregon Department of Environmental Quality stating that the existing septic system meets their requirements (Exhibit A.23).

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.

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.

Staff: The subject property is located within the Portland Public School District. Based on the school board district’s service map, the subject property is closest to Skyline K-8 school which is located more than 4 miles south of the subject property (Exhibit B.4). Staff does not anticipate any additional impacts to the school district as the existing use has been in operation since 1984.

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.

Staff: The subject property is located within the jurisdiction of the Multnomah County Sherriff’s Office for law enforcement services and Portland Fire & Rescue for fire protection. The applicant provided a partially completed Fire Service Provider Form by Portland Fire & Rescue confirming that the subject property is within their service boundaries but they have not confirmed if the development meets their access standards (Exhibit A.22). Staff recommends including a Condition of Approval requiring a completed Fire Service Provider Format the time of the Zoning Plan Review to ensure compliance.

14.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Conditional Use, Design Review, and Significant Environmental Concern Reviews to establish a Group Care Facility in the BRC zone. This approval is subject to the conditions of approval established in this report.

15.0 Exhibits

- ‘A’ Applicant’s Exhibits
- ‘B’ Staff Exhibits
- ‘C’ Procedural Exhibits
- ‘D’ Comments Received

All exhibits are available for digital review by sending a request to LUP-comments@multco.us.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	2	Application Form	02.26.2026
A.2	39	Narrative	02.26.2026
A.3	17	Site Plan	02.26.2026
A.4	151	Stormwater Drainage Control Certificate	02.26.2026

A.5	17	Pre-Application Meeting Notes	02.26.2026
A.6	44	Natural Resource Assessment	02.26.2026
A.7	2	Oregon Department of Transportation Correspondence	02.26.2026
A.8	7	Geologic Hazards Permit Form	02.26.2026
A.9	1	Figure 1 – Vicinity	02.26.2026
A.10	1	Figure 2 – Aerial	02.26.2026
A.11	1	Figure 3 – Existing Views	02.26.2026
A.12	1	Figure 4 – Vegetative Plant Communities	02.26.2026
A.13	1	Water Service Certification	02.26.2026
A.14	1	Sheriff Service Review	02.26.2026
A.15	1	School District Review	02.26.2026
A.16	2	Fire Service Provider Reviews	02.26.2026
A.17	43	Exterior Lighting Details	02.26.2026
A.18	24	Revised Plan Set	04.10.2026
A.19	151	Revised Stormwater Drainage Control Certificate	04.10.2026
A.20	26	Revised Natural Resource Assessment	04.10.2026
A.21	43	Exterior Lighting	04.10.2026
A.22	2	Fire Service Provider Review Form	04.29.2026
A.23	2	DEQ Confirmation	04.29.2026
‘B’	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 2N1W18D -00500 (Alt Acct# R971180070 / Property ID# R325018)	02.26.2026
B.2	1	Current Tax Map for 2N1W18D -00500	02.26.2026
B.3	1	Big Game Habitat Map	02.26.2026
B.4	1	Portland Public School District Map	04.29.2026
‘C’	#	Administration & Procedures	Date
C.1	2	Complete Letter	03.23.2026
C.2	9	Hearing Notice	04.24.2026
C.3	27	Staff Report	05.08.2026