

## DEPARTMENT OF COMMUNITY SERVICES

Land Use Planning Division



www.multco.us/landuse ▪ Email: land.use.planning@multco.us ▪ Phone: (503) 988-3043

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### Notice of Hearings Officer Decision

This document provides notice of the Hearings Officer's decision in the matter of **T3-2026-0008**. The decision is effective on being mailed, and the mailing date is **June 11, 2026**. This notice is being mailed to those persons entitled to receive notice under MCC 39.1170(D).

This notice includes the signed Hearings Officer's decision which contains the following information: the name of the applicant or owner; the appellant's name; and the street address or location of the subject property along with a brief summary of the decision and the proposed use. For additional information, please visit our Land Use Planning website at <https://multco.us/departments/land-use-planning-division>.

The Planning Director has not appealed the Hearings Officer's decision. Therefore, the Hearings Officer's Decision is the County's final decision and may be appealed to the State of Oregon Land Use Board of Appeals (LUBA) within 21 days of the date the decision is mailed by any person or organization that appeared and testified at the hearing, or by those who submitted written testimony into the record.

Appeal instructions and forms are available from:

Land Use Board of Appeals  
201 High St SE, Suite 600  
Salem, Oregon 97301-3398

503-373-1265  
[LUBA.Support@luba.oregon.gov](mailto:LUBA.Support@luba.oregon.gov)  
[www.oregon.gov/LUBA](http://www.oregon.gov/LUBA)

For further information, a copy of the final decision for inspection, or copies call or email the Multnomah County Land Use Planning Division at: 503-988-3043 or [LUP-Hearings@multco.us](mailto:LUP-Hearings@multco.us). You can also visit our office at 1600 SE 190th Ave, Portland, OR 97233

**BEFORE THE LAND USE HEARINGS OFFICER  
FOR MULTNOMAH COUNTY**

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

**Case File:** T3-2026-0008

**Applicant:** Kim Knox, Shiels Obletz Johnsen  
("Applicant")

**FINAL DECISION**

Application Approved with Conditions

**Introduction and Background**

The Applicant seeks Conditional Use, Design Review, and Significant Environmental Concern Review approval to replace and expand an existing Group Care Facility located at 17645 NW St. Helens Road. The property is identified as map and tax lot 2N1W18D-00500 and is zoned Burlington Rural Center ("BRC"). The property owner and operator of the facility is the Native American Rehabilitation Association of the Northwest. The hearings officer includes a vicinity map of the area and the location of the facility as follows:



In the BRC zone, a Group Care Facility is classified as a Community Service Use and requires conditional use approval pursuant to MCC 39.4470(A). The site is subject to Significant Environmental Concern Stream (SEC-s), Significant Environmental Concern Wildlife Habitat (SEC-h), Significant Environmental Concern Scenic View (SEC-v), Flood Hazard (FH), and Geologic Hazard (GH) overlays.

The property is surrounded by forested rural land zoned Commercial Forest Use. The properties to the south are undeveloped, while properties to the west appear to be developed with residential uses. Across NW St. Helens Road, properties are zoned Multiple Use Agriculture and developed residentially.

The Applicant proposes replacing the existing facility with a new facility approximately 40,000 square feet in size. The Applicant also proposes to modestly increase the maximum number of

adult residents from 62 to 70, reconfigure the existing parking area to accommodate 44 parking spaces and one loading space, and pave an existing unpaved walking trail. The new facility will also include accommodations for family members of residents, including up to six children at a given time.

The county approved the existing facility in 1984 under land use case number CS-4-84. In 2005, that approval was modified to allow an expansion of the use under case number T3-05-006, and Design Review was subsequently approved for that expansion under case number T2-05-110. The subject property was verified as a legal lot of record in its current configuration under case T3-05-006.

### **Hearing Summary**

As a “Type III” application pursuant to Multnomah County Code (“MCC” or “Code”) Chapter 39, the application is subject to a hearing before a hearings officer. The county scheduled a duly noticed hearing for 1pm on May 15, 2026, for the hearings officer to consider the application. Seven days prior to the hearing, county staff published a report recommending the hearings officer approve the application, subject to conditions (the “Staff Report”). The county received no public testimony prior to the hearing.

At the hearing, the hearings officer described the order of proceedings and made statements required by Oregon law and the Code prior to opening the hearing. The hearings officer declared he had no ex parte contacts prior to the hearing and that he was free of any bias or conflicts of interest. The hearings officer invited any challenges to his ability to conduct the hearing. There were none.

The hearing began with county staff presenting a summary of the application. Consistent with the Staff Report, staff recommended the hearings officer approve the application, subject to conditions identified in the Staff Report. Representatives of the Applicant testified and discussed the history of the facility and various aspects of the proposed facility. They expressed agreement with the staff report, and stated the Applicant had no objections to the recommended conditions of approval.

During public testimony, a representative of the Oregon Department of Fish and Wildlife (“ODFW”) noted the area is home to various species of wildlife and asked how the Applicant would mitigate impacts to wildlife habitat. On behalf of the Applicant, a representative from Pacific Habitat Resources discussed the mitigation plan and the Applicant’s interest in limiting impacts to the greatest extent possible. The Applicant’s representative stated they believed the

plan met the relevant Code criteria and the representative from ODFW stated they were satisfied with the plan. The hearings officer received no other public testimony at the hearing.

After inviting final comments from staff and the Applicant, the hearings officer closed the hearing, and the Applicant waived its right to provide final written argument under ORS 197.797(6)(e).

### **Findings**

The Staff Report identified the criteria that govern approval of the application. Based on the evidence in the record, the Staff Report found that the Applicant demonstrated compliance with the applicable criteria, subject to the recommended conditions of approval. The Applicant agreed with staff's findings and the recommended conditions of approval. No member of the public or other party raised objections to the application or to staff's findings and proposed conditions.

Having reviewed the evidence and testimony in the record, the hearings officer agrees that the Applicant has demonstrated compliance with the applicable approval criteria, subject to the recommended conditions of approval in the Staff Report. In support of this conclusion, the hearings officer adopts and incorporates by reference the findings contained in the Staff Report as his own.

### **Conclusion and Decision**

Based on the evidence in the record and the findings in this decision, the hearings officer approves the application, subject to the conditions of approval below.



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David Doughman  
Multnomah County Land Use Hearings Officer  
June 5, 2026

***[CONDITIONS OF APPROVAL FOLLOW BELOW]***

## **T3-2026-0008 – Final Decision**

### **Conditions of Approval**

**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 Hearings Officer Decision, Exhibit A.18, Sheets L610-L612, and Exhibit A.20 of the Staff Report with the County Recorder. The Hearings 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 4. [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 and 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]