



City of Portland
Bureau of Development Services
Land Use Services Division

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Portland, Oregon 97201
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www.portlandonline.com/bds

Date: May 30, 2008
To: Interested Person
From: Sylvia Cate, Land Use Services
503-823-7771 / scate@ci.portland.or.us

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 07-174174 MS

GENERAL INFORMATION

Applicants: Roman Catholic Archbishop of
Portland in Oregon, listed property owner
Rev. Dennis J. O'Donovan, contact
2838 E Burnside St
Portland, OR 97214-1830

Thom Warren, Main Contact
Portland Water Bureau
1120 SW 5th Ave., Room 500
Portland, OR 97204-1926

Tim Corbett, superintendent
Mt. Calvary Cemetery And Mausoleum
333 SW Skyline Blvd
Portland, OR 97221

Site Address: Mt. Calvary Cemetery 333 NW Skyline

Legal Description: TL 500 9.85 ACRES, SECTION 31 1 N 1 E; TL 101 0.60 ACRES
CREMATORIUM POTENTIAL ADDITIONAL TAX, SECTION 06 1S 1E

Tax Account No.: R941310110, R991064000
State ID No.: 1N1E31C 00500, 1S1E06BA 00101
Quarter Section: 3023

Neighborhood: Forest Park, contact Scott Rosenlund at fax 503-297-4345.
Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Northwest Hills - Skyline
Other Designations:

Zoning: Oscs: Open Space with Environmental Conservation and Scenic
overlays

Case Type: Conditional Use Master Plan Amendment
Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

The Mt Calvary Cemetery operates under a Conditional Use Master Plan that was approved via LU 02-106635 CU MS. As part of the Master Plan approval, a Master Plan Boundary was approved which included the lands within the cemetery use, as well as a small leasehold area held by the City of Portland Water Bureau for an existing water tank, access driveway and associated structures. The Water Bureau wishes to own the lease area rather than have facilities on property owned by an entity other than the City of Portland, Water Bureau. Therefore, a Property Line Adjustment [PLA 08-122121] has been submitted to the City to move an existing property line to facilitate the conveyance of Tract 2 to the Water Bureau. Because this lease area was part of the original site plan approved for the Cemetery's Conditional Use Master Plan, and because the lease area was within the Master Plan Boundary, the applicants request a minor amendment of the Conditional Use Master Plan to remove Tract 2 from the approved Conditional Use Master Plan Boundary. No other amendments to the Master Plan are proposed. Attached to this notice is a site plan and survey that depict Tract 2.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

- 33.820.050 Conditional Use Master Plan Approval Criteria
- 33.820.070 Components of a Master Plan

ANALYSIS

The specific site for this land use review is a reconfigured parcel of land along the easterly boundary of the Mt Calvary Cemetery, which was approved via a Property Line Adjustment [Reference case file 08-122121]. This parcel, shown as 'Tract 2' of the attached plans is currently a lease area within the cemetery that the Portland Water Bureau has leased since annexation into the City of Portland. Within the lease area is a water tank and water pump station. Subsequent to approval of the PLA, the Water Bureau seeks to acquire this parcel, thereby owning the land upon which the water related infrastructure is developed. Because the lease area was originally identified as part of the Mt Calvary Cemetery during the Conditional Use Master Plan review, this parcel must be removed from the approved Master Plan Boundary as it will no longer be part of the cemetery site.

Site and Vicinity: The Mt Calvary Cemetery site consists of about 123 acres in three areas located at the Y-intersection of NW Skyline Boulevard and W Burnside Road, on the summit of the West Hills. The south portion (Area A) is mostly developed as a formal cemetery with traditional in-ground gravesites. Two maintenance buildings and the cemetery office are also located in this area. Area B, north of NW Skyline Boulevard, also has in-ground gravesites, but also contains some indoor and garden mausoleums, an equipment storage building, soil and compost storage area, soil disposal site, and City of Portland domestic water supply tank. Over half of Area B remains undeveloped and will remain so under the current Master Plan. Area C, the triangular area between the two other areas, is presently undeveloped, consisting of forested land along the south, west, and interior, and some grassy areas along NW Skyline Boulevard. It contains moderate to steep slopes with the headwaters to Golf Creek along the W Burnside Road frontage. The site has both RF (Residential Farm/Forest) and OS (Open Space) base zones, and much of Area B, including the undeveloped portion, has Environmental Overlay Zones applied. The Scenic Resources Overlay Zone is also applied along both sides of NW and SW Skyline Boulevard at a depth of 100 feet.

The surrounding area is primarily residential development with some undeveloped parcels and lots. Zoning is Residential, ranging from RF (maximum density of one home for every two acres of net site area) to R10 (maximum density of one housing unit for every 10,000 square feet of

net site area) in the City. West of Area C is a vacant parcel that is for sale for residential development, owned by the applicant but not part of the Master Plan area (it is zoned RF). This land has been approved as a separate tract through a Property Line Adjustment review approved by the City. There is a condominium complex west of Area C, beyond the Mt Calvary ownership and outside the City of Portland.

Zoning: RF, OS, c, p, s. Residential Farm/Forest base zone, which allows residential development at a maximum density of one housing unit for every two acres of net site area, as well as cemeteries. Open Space base zone, which allows agriculture and some basic utilities, parks and open areas, cemeteries, and RF transmission facilities. Although cemeteries are allowed outright, mausoleums, chapels, and similar accessory structures associated with funerals or burial, and parking areas, are conditional uses within a cemetery use. Environmental Conservation and Environmental Protection overlay zones, which protect and conserve significant resources and functional values. Scenic Resources overlay zone, which conserves significant scenic resources including views and sites.

Land Use History: City records indicate that prior land use reviews include the following:

A number of quasi-judicial land use reviews for the cemetery have occurred in recent years. Following is a brief summary of those that have taken place since annexation into the City:

- MDZ 029-87. Approval for a mausoleum addition.
- SRZ 098-90. Approval for an office addition.
- CU 135-87. Approval for a mausoleum expansion.
- CU 096-90. Approval for a Conditional Use Master Plan
- LUR 91-00177 CU. Approval for a water pump station (basic utility)
- LUR 91-00178 MP. Minor partition (withdrawn)
- LUR 91-00337 SP. Approval for a major partition
- LUR 95-00571 AD. Approval for a sign adjustment
- LU 02-106635 CU MS approved the current Conditional Use Master Plan for the cemetery, which this application seeks to amend by removing one parcel from the Master Plan Boundary area.

Summary of Applicant's Statement: The parcel that will be removed from the cemetery site is currently a leasehold by the Portland Water Bureau and is being used as a site for one of its water tanks [and related infrastructure]. [A related Property Line Adjustment] create[s] a discrete parcel, which will then be transferred in fee from the current owner, The Archdiocese of Portland in Oregon.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **April 28, 2008**. The following Bureaus have responded with no issues or concerns:

- Water Bureau
- Bureau of Parks-Forestry Division
- Bureau of Transportation Engineering

The following Bureaus responded with no issues or concerns, but included comments:

- Bureau of Environmental Services has no concerns but comments that: BES has no objections to the proposed project. Further development of the property would be subject to the Bureau of Environmental Services' standards and requirements during the building plan review process.

- Fire Bureau notes that it has no concerns, but notes that all current Fire Code requirements apply and are required to be met. The Fire Bureau also requests conformation as to how the site will be legally accessed. *Staff comment:* The Water Bureau has subsequently provided information regarding a series of agreements recorded with Multnomah County between the Water Bureau and previous owners of the parcels immediately to the east that are part of the Pittock Place subdivision, which approved a 32-lot subdivision with conditions of approval that

require, among other things, access to the Water Bureau tank site, via case file no. LUR 06-185206 PUD EN. Prior to the Pittock Place subdivision being developed, access will be via a current historical driveway that has been in use since the early 1950s. In the future, when Pittock Place is constructed, vehicle access will be provided via a paved and curbed private street that will also serve some of the lots within the subdivision. Once such access is constructed, prior recorded agreements will allow the extinguishing of the historical access.

- Site Development Section of BDS responded with a statement that no information has been provided to show how stormwater management, sanitary sewer service or access are currently provided, or if changes to those services will result when the Water Bureau site is separated from the Mt Calvary Cemetery.

Staff Comment: This information was contained in the Conditional Use Master Plan for the Mt Calvary Cemetery. No other changes are proposed. City staff that process the approved PLA reviewed the site for compliance with service requirements and found that the applicable requirements are satisfied. The Water Bureau facility in place on the site has automatic conditional use status per 33.815.030, and therefore is not required to undergo a separate Conditional Use review, nor address the requirements of 33.820.070, Components of a Master Plan, as there is no requirement for an automatic conditional use to submit for a Conditional Use Master Plan. As described in the Notice of Proposal, no new development is proposed at this time. The site will be subject to the development standards and regulations for Conditional Uses, found in Chapter 33.815, and additional requirements may be triggered when and if new development is proposed, or when and if building permits are requested.

Finally, Site Development notes that a condition of approval for the Planned Unit Development [case file no. LUR 06-185206 PUD EN] requires stormwater disposal and treatment which includes addressing discharge of stormwater onto the adjacent property to the east from the Water Bureau Site.

Staff Comment: The stormwater calculations submitted for LUR 06-185206 PUD EN included anticipated water discharges from the Water Bureau site onto the adjacent property to the east. LUR 06-185206 PUD EN is approved and finalized. There is no requirement for this applicant to satisfy conditions already met via another land use review that has been approved.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on April 28, 2008. One written response has been received from a notified property owner in response to the proposal. That letter, written by the Development Manager for Taurus Development, LLC asked for documents and other clarifying materials regarding prior conditions of approval imposed by LU 06-185205 PUD EN, which approved a 32-lot subdivision immediately east of the site. Conditions as well as tentative plat configuration shows access being provided to the Water Bureau water tank site. As noted earlier in this decision, agreements regarding access are recorded with Multnomah County. The letter notes no opposition to the proposal but seeks clarification of access obligations. The letter writer was referred to the Water Bureau for additional details regarding past agreements.

ZONING CODE APPROVAL CRITERIA

33.820.050 Approval Criteria

Requests for conditional use master plans will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

- A. The master plan contains the components required by 33.820.070;

Findings: The approved master plan [LU 02-106635 CU MS] contains all of the components required by 33.820.070, and this criterion has been met per that current master plan approval. The only proposed change to the master plan is to modify the approved Master Plan Boundary by removing the Water Bureau site from the Mt

Calvary Cemetery Master Plan Boundary. This reduction in the overall Master Plan Boundary is discussed in further detail, below, in this decision. Therefore, this criterion continues to be met.

- B.** The proposed uses and possible future uses in the master plan comply with the applicable conditional use approval criteria; and

Findings: This criterion has already been met via the master plan approved via LU 02-106635 CU MS. *No changes are proposed to uses and possible future uses within the current master plan, with the exception of removing the Water Bureau site from the Mt Calvary Cemetery Master Plan Boundary.* The existing Water Bureau facility present on the site has automatic conditional use approval per 33.815.030, and per that zoning code regulation is allowed to continue operation without further review until or unless additional changes or development is proposed that triggers a new conditional use review per the regulations set out at 33.815.030, which states:

Any changes to the use are subject to the procedures of 33.815.040 and the appropriate approval criteria.

Therefore, this criterion continues to be met.

- C.** The proposed uses and possible future uses will be able to comply with the applicable requirements of this Title, except where adjustments are being approved as part of the master plan.

Findings: This criterion has already been met in the master plan approved via LU 02-106635 CU MS. No adjustments are requested. Therefore, this criterion continues to be met.

33.820.070 Components of a Master Plan

The applicant must submit a master plan with all of the following components. The review body may modify the proposal, especially those portions dealing with development standards and review procedures. The greater the level of detail in the plan, the less need for extensive reviews of subsequent phases. Conversely, the more general the details, the greater the level of review that will be required for subsequent phases.

- A. Boundaries of the use.** The master plan must show the current boundaries and possible future boundaries of the use for the duration of the master plan.

Findings: The Master Plan Boundary is requested to be revised via this Master Plan Amendment. The site plan and PLA survey submitted for this review depicts the modification requested to the approved Master Plan Boundary, which when amended, will remove the existing parcel occupied by the Water Bureau facility from the cemetery's current approved Master Plan. This component has been submitted for this review, and therefore this component requirement is satisfied.

- B. General statement.** The master plan must include a narrative that addresses the following items:

1. A description in general terms of the use's expansion plans for the duration of the master plan;
2. An explanation of how the proposed uses and possible future uses comply with the conditional use approval criteria; and

Findings: The Master Plan amendment does not propose any changes to the current site uses nor to any of the proposed uses that are approved under the current Master Plan [LU 02-106635 CU MS].

The only modification being proposed under this current application is a request to amend the prior approved Conditional Use Master Plan Boundary for the Mt Calvary Cemetery, which will result in a modest reduction of total site area by approximately 0.6 acres. The parcel requested to be removed from the cemetery site is currently a leasehold by the Portland Water Bureau and is developed with a water tank and related infrastructure. This leasehold was previously documented in LU 02-106635 CU MS. Upon approval of this request to remove this parcel from the Master Plan Boundary, the Portland Water Bureau will acquire this discrete parcel from the cemetery's owner, the Archdiocese of Portland in Oregon. As discussed above, in this decision, the Water Bureau facility has automatic conditional use status and will continue to operate as a conditional use, albeit under the ownership of the Water Bureau rather than via a leasehold within the Mt Calvary Cemetery.

The approved Master Plan for the cemetery has complied with this requirement via LU 02-106635 CU MS. No other changes are proposed. Therefore, this component requirement is satisfied.

3. An explanation of how the use will limit impacts on any adjacent residentially zoned areas. The impacts of the removal of housing units must also be addressed.

Findings: No changes are proposed from the original submittal for LU 02-106635 CU MS. This component requirement remains satisfied.

- C. Uses and functions.** The master plan must include a description of present uses, affiliated uses, proposed uses, and possible future uses. The description must include information as to the general amount and type of functions of the use such as office, classroom, recreation area, housing, etc. The likely hours of operation, and such things as the approximate number of members, employees, visitors, special events must be included. Other uses within the master plan boundary but not part of the conditional use must be shown.

Findings: This requested master plan amendment is proposed due to a change in ownership only for the parcel occupied by the Water Bureau facility and related infrastructure. No other changes are proposed, and none of the existing cemetery site uses nor any of the previously approved uses will be changed as part of this Master Plan amendment. Per the approval and record of Case File LU 02-106635 CU MS, this component requirement remains satisfied.

- D. Site plan.** The master plan must include a site plan, showing to the appropriate level of detail, buildings and other structures, the pedestrian, bicycle, and vehicle circulation system, vehicle and bicycle parking areas, open areas, and other required items. This information must cover the following:

1. All existing improvements that will remain after development of the proposed use;
2. All improvements planned in conjunction with the proposed use; and
3. Conceptual plans for possible future uses.
4. Pedestrian, bicycle, and transit facilities including pedestrian and bicycle circulation between:
 - a. Major buildings, activity areas, and transit stops within the master plan boundaries and adjacent streets and adjacent transit stops; and

b. Adjacent developments and the proposed development.

Findings: A site plan from the Mt Calvary Cemetery Conditional Use Master Plan, approved via LU 02-106635 CU MS was submitted with this application, along with a detailed site plan for this application depicting the leasehold area and development as well as the survey submitted for the PLA [08-122121]. The submitted site plan and survey clearly identifies the site proposed to be removed from the cemetery's master plan boundary and the existing development on the site. No other changes are proposed. The existing development includes an above ground water tank, a mechanical plant and an access driveway, all of which occupies the generally flat portion of the site. The remaining area of the site remains steeply sloping and generally covered with native vegetation, including a significant tree canopy.

This leasehold area lies within what the approved master plan identifies as "Parcel B" of the overall cemetery ownership, adjacent to the easterly boundary of both Parcel B and the approved conditional use master plan boundary. The current approved cemetery uses on the remainder of Parcel B, which includes traditional gravesites, an Indoor Mausoleum, Outdoor Garden Mausoleums, an equipment Storage Building and a Soil Disposal Site remain unchanged by the proposal to remove the Water Bureau site from the master plan boundary. This component requirement is satisfied.

- E. Development standards.** The master plan may propose standards that will control development of the possible future uses that are in addition to or substitute for the base zone requirements and the requirements of Chapters 32.32 and 32.34 of the Sign Code. These may be such things as height limits, setbacks, FAR limits, landscaping requirements, parking requirements, sign programs, view corridors, or facade treatments. Standards more liberal than those of the code require adjustments.

Findings: There are no proposed changes to the current master plan. This component requirement remains satisfied.

- F. Phasing of development.** The master plan must include the proposed development phases, probable sequence for proposed developments, estimated dates, and interim uses of property awaiting development. In addition the plan should address any proposed temporary uses or locations of uses during construction periods.

Findings: There are no proposed changes to the current master plan. This component requirement remains satisfied.

- G. Transportation and parking.** The master plan must include information on the following items for each phase.

1. Projected transportation impacts. These include the expected number of trips (peak, events, and daily), an analysis of the impact of those trips on the adjacent street system, and proposed mitigation measures to limit any projected negative impacts. Mitigation measures may include improvements to the street system or specific programs and strategies to reduce traffic impacts such as encouraging the use of public transit, carpools, vanpools, and other alternatives to single occupant vehicles.
2. Projected parking impacts. These include projected peak parking demand, an analysis of this demand compared to proposed on-site and off-site supply, potential impacts to the on-street parking system and adjacent land uses, and mitigation measures.

Findings: There are no proposed changes to the current master plan. This component requirement remains satisfied.

H. Street vacations. The master plan must show any street vacations being requested in conjunction with the proposed use and any possible street vacations that might be requested in conjunction with future development. (Street vacations are under the jurisdiction of the City Engineer. Approval of the master plan does not prejudice City action on the actual street vacation request.)

Findings: There are no proposed changes to the current master plan. This component requirement remains satisfied.

I. Adjustments. The master plan must specifically list any adjustments being requested in conjunction with the proposed use or overall development standards and explain how each adjustment complies with the adjustment approval criteria.

Findings: There are no proposed changes to the current master plan. This component requirement remains satisfied.

J. Other discretionary reviews. When design review or other required reviews are also being requested, the master plan must specifically state which phases or proposals the reviews apply to. The required reviews for all phases may be done as part of the initial master plan review, or may be done separately at the time of each new phase of development. The plan must explain and provide enough detail on how the proposals comply with the approval criteria for the review.

Findings: There are no proposed changes to the current master plan. This component requirement remains satisfied.

K. Review procedures. The master plan must state the procedures for review of possible future uses if the plan does not contain adequate details for those uses to be allowed without a conditional use review.

Findings: There are no proposed changes to the current master plan. This component requirement remains satisfied.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The request is to amend the approved master plan boundary for the Mt Calvary Cemetery conditional use master plan by removing a 0.6 acre parcel that is developed with a Water Bureau facility that includes an above ground water tank, a mechanical plant, and associated access driveway. The water facility will continue to operate as an automatic conditional use. No other changes are proposed to the current master plan for the cemetery. The request meets all of the applicable approval criteria, and therefore should be approved.

ADMINISTRATIVE DECISION

Approval of:

An amendment to Conditional Use Master Plan for Mt Calvary Cemetery, limited to:

- The removal of a parcel of land, developed with a water tank and related infrastructure and identified as 'Tract 2' on the survey for PLA 08-122121, from the conditional use master plan boundary for the Mt Calvary Cemetery.
- No other changes to the Mt Calvary Cemetery Master Plan are approved by this decision.

This approval is per the approved site plan, Exhibit C-1 and survey C-2, signed and dated May 27, 2008, subject to the following conditions:

- A. As part of any future building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.2. The sheets on which this information appears must be labeled, "Conditional use master plan boundary amendment as approved in Case File # LU 07-174174 CU MS."

Decision rendered by: _____ **on May 27, 2008**

By authority of the Director of the Bureau of Development Services

Decision mailed: May 30, 2008

Staff Planner: Sylvia Cate

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on November 2, 2007, and was determined to be complete on April 15, 2008.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on November 2, 2007.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the

use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on June 13, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. Recognized neighborhood associations are not subject to the appeal fee. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed,* The final decision may be recorded on or after **June 16, 2008 – (the first business day following the last day to appeal).**
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

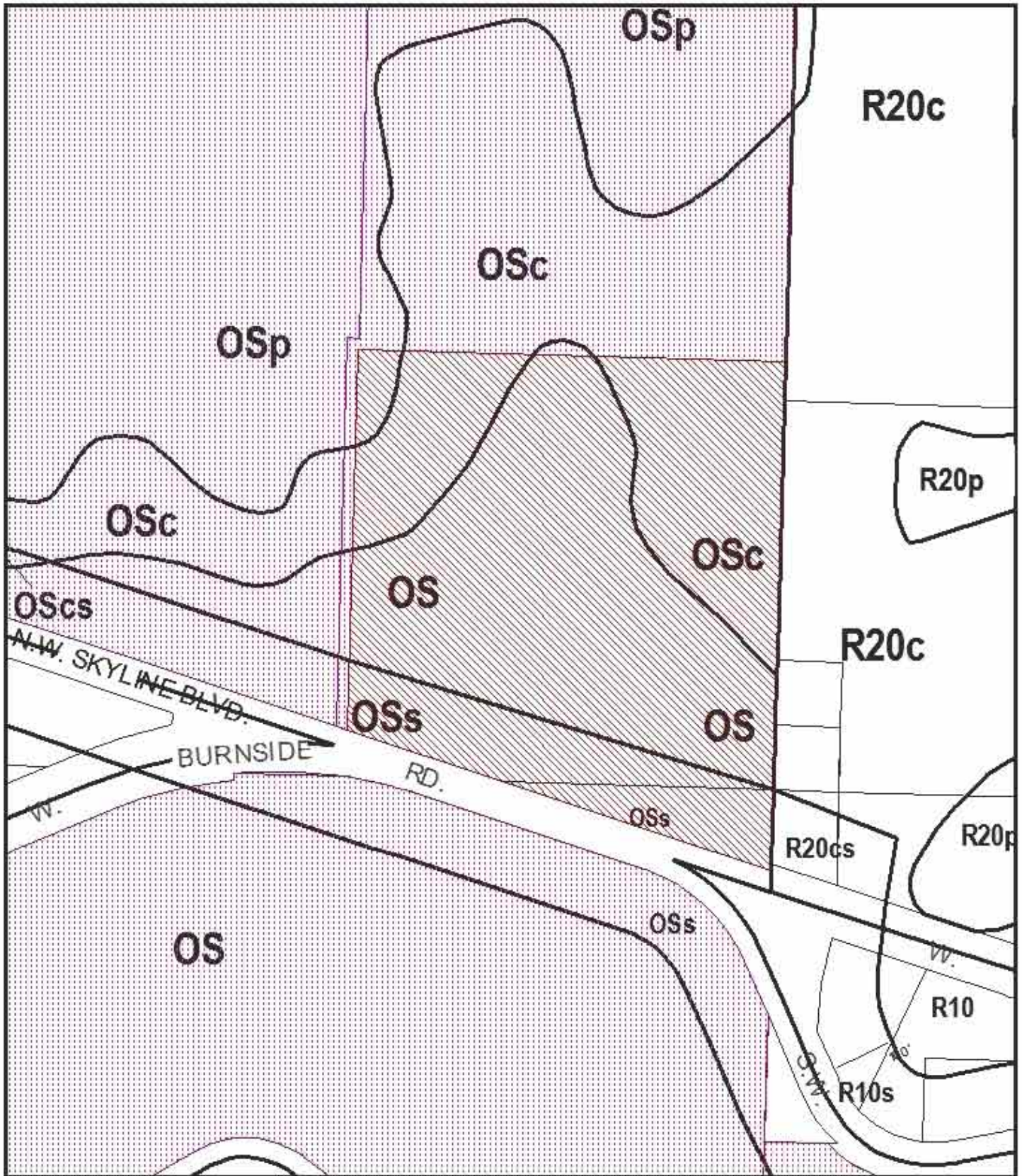
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Survey for PLA 08-122121 (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 4. A. Additional information as requested for Fire
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
- F. Correspondence:
 - 1. Morgan Will, May 2, 2008, expressing concerns regarding documents related to previous agreements for access
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Letter to applicant, November 20, 2007 re: need additional information
 - 4. Pre-Application Conference Summary Report

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING

-  Site
-  Also Owned



This site lies within the:
NORTHWEST HILLS PLAN DISTRICT

File No. LU 07-174174 MS
 1/4 Section 3023,3024,3123,3124
 Scale 1 inch = 200 feet
 State_Id 1N1E31C 500
 Exhibit B (Nov 07,2007)



1"=70'

BOOK 1084, PAGE 417
DATED: JANUARY 12, 1927

TRACT 1
9.79 ACRES

TRACT 2
0.60 ACRES

Grave Sites

Grave Sites

Existing Water Tank

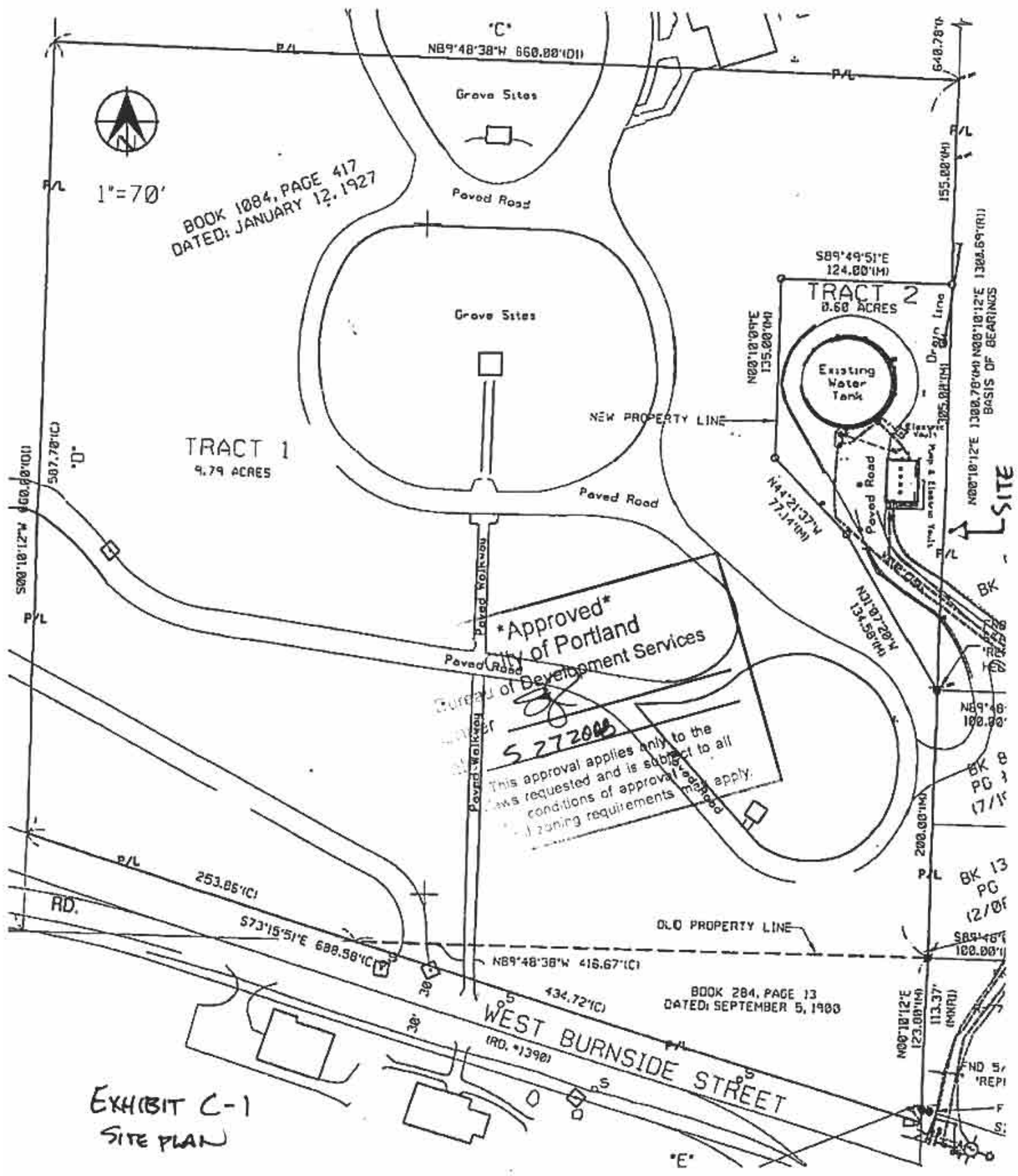
Approved
City of Portland
Bureau of Development Services

5272008

This approval applies only to the laws requested and is subject to all conditions of approval and zoning requirements that apply.

WEST BURNSIDE STREET
(RD. #1390)

EXHIBIT C-1
SITE PLAN



NB9°48'38"W 660.00'(101)

648.78'

155.00'(41)

S89°49'51"E
124.00'(31)

N00°10'09"E
135.00'(36)

N4°21'37"N
77.14'(21)

N31°07'20"W
134.58'(36)

N00°10'12"E 1300.70'(44) N00°10'12"E 1300.69'(44)
BASIS OF BEARINGS

← SITE

NB9°48'08"W
100.00'

BK 8
PG 3
17/18

BK 13
PG 1
12/08

S89°46'18"W
100.00'

N00°10'12"E
123.00'(34)

ND 5/
REPI

BOOK 284, PAGE 13
DATED: SEPTEMBER 5, 1900

OLD PROPERTY LINE

NB9°48'38"W 416.67'(11)

434.72'(12)

253.85'(7)

S73°15'51"E 600.50'(17)

507.70'(14)

S00°10'12"W 660.00'(101)

P/L

P/L

P/L

P/L

P/L

P/L

P/L

P/L

P/L

P/L

P/L

P/L

P/L

P/L

P/L

P/L

P/L

P/L

P/L

E

PROPERTY LINE ADJUSTMENT

SITUATED IN THE S.W. 1/4 OF SECTION 31, T.1N, R.1E.,
AND IN THE N.W. 1/4 OF SECTION 6, T.1S., R.1E., W.M.,
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

MULTNOMAH COUNTY
SURVEY RECORDS
4/16/08
DATE FILED
61302
REGISTER NUMBER

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO ADJUST THE PROPERTY LINE BETWEEN THE TRACTS OF LAND DESCRIBED IN BOOK 1084, PAGE 417, MULTNOMAH COUNTY DEED RECORDS, AND BOOK 284, PAGE 13, MULTNOMAH COUNTY DEED RECORDS, ALL LYING NORTH OF THE NORTH LINE OF WEST BURNSIDE ST. THE BASIS OF BEARINGS FOR THIS SURVEY IS THE LINE REPRESENTED BY MONUMENTS FOUND AT POINT "A" AND POINT "B". THE BEARING FOR THIS LINE IS NORTH 02°10'12" EAST, PER SURVEY (R1) AND POINT "C". I HAVE ESTABLISHED THE EAST LINE BY HOLDING THE MONUMENTS FOUND AT POINT "A" AND POINT "B" PER DEED (D1) DOCUMENT. I HAVE CALCULATED THE LINES "C" AND "D" BY HOLDING DISTANCE AND ANGLES PER DEED (D1) DOCUMENT. I HAVE ESTABLISHED THE CENTERLINE OF WEST BURNSIDE STREET BY HOLDING THE MONUMENT FOUND AT POINT "C" AT A DIRECTION PARALLEL TO THE LINE REPRESENTED BY THE MONUMENTS FOUND AT POINT "A" AND POINT "B". I HAVE ESTABLISHED THE SOUTH LINE OF OUR SUBJECT TRACT, AS THE NORTH RIGHT OF WAY LINE OF WEST BURNSIDE STREET. THIS LINE IS PARALLEL WITH AND 30 FEET NORTHEASTERLY (R3), WHICH MEASURED AT RIGHT ANGLES, FROM ABOVE DESCRIBED CENTERLINE. I HAVE ESTABLISHED THE NEW PROPERTY LINE FOR THE OWNERS DIRECTIONS.

LEGEND:

- SET 5/8" X 30" I.L. WITH YELLOW PLASTIC CAP STAMPED "PLS 2501" ON APRIL 3, 2008.
- FOUND MONUMENT AS NOTED
- FOUND
- RECORD DATA
- MEASURED DATA
- DEED DATA
- CALCULATED DATA
- I.P. IRON PIPE, INSIDE DIAMETER
- I.L. IRON ROD
- U.S. BRASS SCREW
- W/YPC WITH A YELLOW PLASTIC CAP
- SN SURVEY NUMBER
- M.C.S.R. MULTNOMAH COUNTY SURVEY RECORD
- M.C.D.R. MULTNOMAH COUNTY DEED RECORD

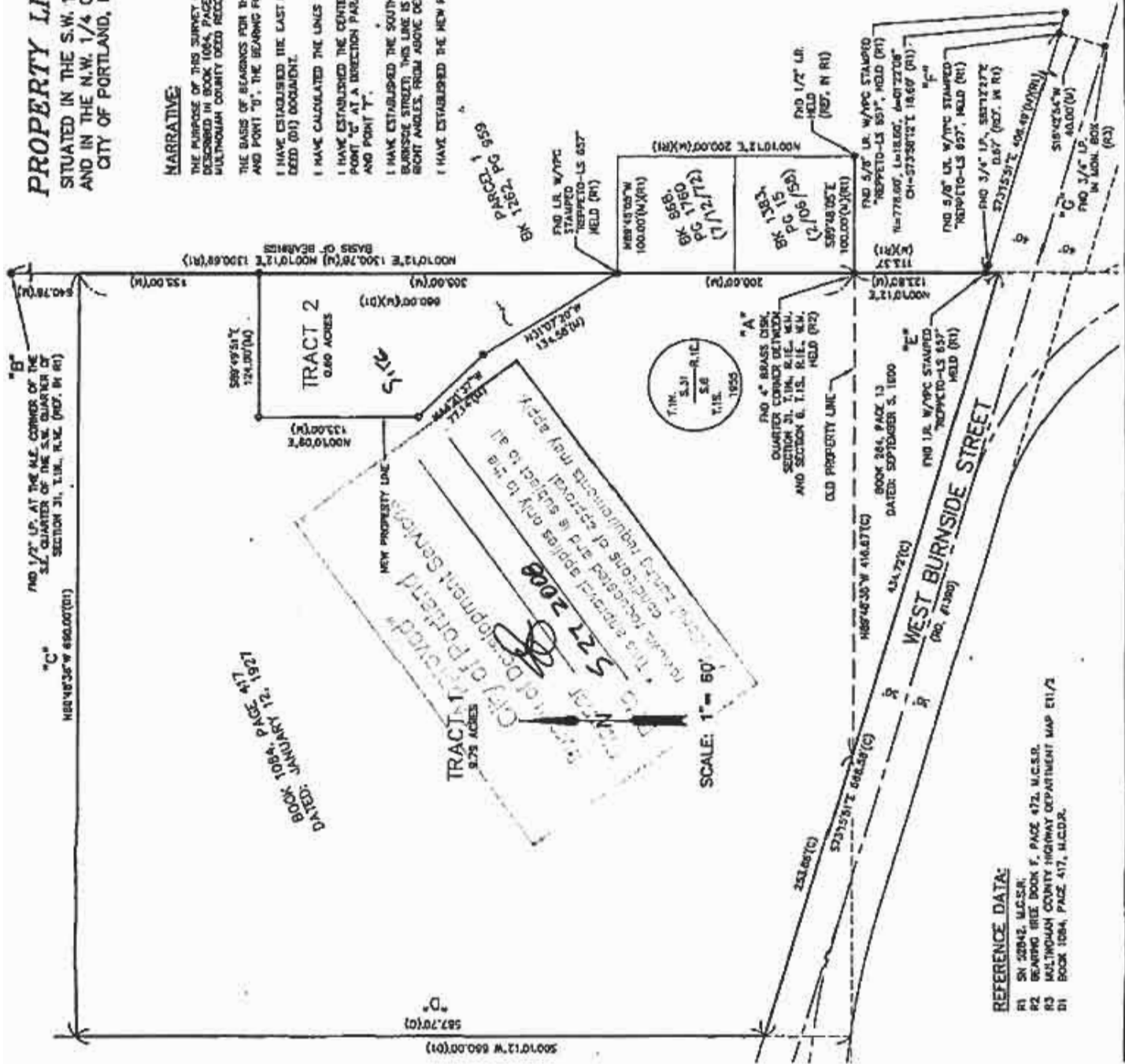
REGISTERED
PROFESSIONAL
LAND SURVEYOR

G R E G O N
THOMAS G NELSON
2231
RENEWAL 12/28/08

SURVEYED FOR:
PORTLAND WATER BUREAU
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ROOM 800
PORTLAND, OR 97204
(503) 823-7524

Tom Nelson & Associates, L.L.C.
101 SE WATER AVE, SUITE 200
PORTLAND, OREGON 97114
PHONE (503) 238-9822
FAX (503) 238-1982

DATE: APRIL 2, 2008 FILE: 7133V13PLA.DWG
DRAWN BY: ST SHEET 1 OF 1



REFERENCE DATA:

- R1 SN 32842, M.C.S.R.
- R2 BEARING WIRE BOOK F, PAGE 472, M.C.S.R.
- R3 MULTNOMAH COUNTY HIGHWAY DEPARTMENT MAP E11/2
- D1 BOOK 1084, PAGE 417, M.C.D.R.

EXHIBIT C-2 SURVEY