



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

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**Date:** December 14, 2021  
**To:** Interested Person  
**From:** Marguerite Feuersanger, City Planner, on behalf of  
Mark Moffett, City Planner  
503-823-7916, [mfeuersanger@portlandoregon.gov](mailto:mfeuersanger@portlandoregon.gov)

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

The Bureau of Development Services has **approved with conditions** a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

### **CASE FILE NUMBER: LU 20-223937 CU**

#### **GENERAL INFORMATION**

**Applicant/Contact:** Alex Pichacz, Winterbrook Planning  
610 SW Alder St., Ste. 810  
Portland, OR 97205

**Co-Applicant:** Tim Brooks, Winterbrook Planning  
610 SW Alder Street, Suite 810  
Portland, OR 97205

**Owner/Agent:** Rachel Essig, River View Cemetery Association of Portland  
8421 S. Macadam Ave  
Portland, OR 97219

**Site Addresses:** 300 S. Taylors Ferry Road, 8421 S. Macadam Avenue

**Legal Descriptions:** TL 200 106.18 ACRES CEMETERY LAND POTENTIAL ADDITIONAL TAX, SECTION 22 1S 1E; TL 100 42.18 ACRES CEMETERY LAND POTENTIAL ADDITIONAL TAX, SECTION 27 1S 1E; TL 100 3.62 ACRES CEMETERY LAND POTENTIAL ADDITIONAL TAX, SECTION 27 1S 1E; TL 200 17.87 ACRES CEMETERY LAND POTENTIAL ADDITIONAL TAX, SECTION 27 1S 1E

**Tax Account Nos.:** R991220290, R991270010, R991270030, R991270550  
**State ID Nos.:** 1S1E22 00200, 1S1E27 00100, 1S1E27BB 00100, 1S1E27 00200  
**Quarter Sections:** 3829, 3830, 3929 & 3930

**Neighborhood:** Unclaimed.  
**Business District:** None  
**District Coalition:** In care of Office of Community and Civic Life, contact Shuk Arifdjanov at [shuk.arifdjanov@portlandoregon.gov](mailto:shuk.arifdjanov@portlandoregon.gov).

**Zoning:** **OS, OSc, OSs, OSp** (Open Space base zone, portions of the site also including c/Environmental Conservation, p/Environmental Protection and s/Scenic Resource Protection overlay zones).

**Case Type:** **CU** (Conditional Use Review)

**Procedure:** **Type II**, an administrative decision with appeal rights to the City of Portland Hearings Officer.

**PROPOSAL:** River View Cemetery is in the process of seeking permits and land use entitlements to develop an open grassy, unimproved area into active cemetery space. The cemetery itself covers over 43 acres of land in South Portland, generally south of S. Taylors Ferry Road, west of S. Macadam Avenue, and north of SW Palatine Hill Road. The area where work is currently proposed covers approximately 1/3 of an acre of land in the southeast interior section of the site, over 900 feet from the closest residential parcel to the southwest along SW Palatine Hill Road (see image this page). The area of work is similar to that covered in a prior land use application from 2016 involving geotechnical and slope repair work that occurred after a landslide (LU 15-240006 EN).

The current proposal is for approximately 14,000 square feet of new burial areas, including spaces for “natural burial<sup>1</sup>”, paved and gravel pedestrian walkways, stormwater management facilities, retaining walls, columbaria, and adjacent circular plazas, as well as a small, covered seating area. Given the project valuation of approximately 1.87 million dollars, landscaping upgrades to existing surface parking lots elsewhere on the site will also be required, as determined through the building permit process.

Regulations of the Open Space base zone require a conditional use review for expansions of active cemetery areas (33.100.100.B.2/Table 100-1). For this application, because less than 25,000 square feet of new active area is proposed, the application is handled through a Type II procedure (33.815.040.B.2.a). Note that although the area is located in an area with some Environmental Conservation overlay zoning on the north edge of the project area, it has been determined that the

limited nature of this work will be able to meet non-discretionary standards for such work and can be processed as an environmental plan check during the building permit review process. Therefore, to expand the active cemetery areas on the site as proposed, the applicant has requested this Type II conditional use review.

**RELEVANT APPROVAL CRITERIA:** In order to be approved, this proposal must comply with the approval criteria of Title 33, Planning and Zoning. The relevant criteria are found at **33.815.100, Uses in the Open Space Zone.**



Project Site within River View Cemetery

<sup>1</sup> “Natural burial” means full-body interment without embalming, using a biodegradable container, and without a grave liner or vault, allow for natural decomposition processes to take place beneath the soil.

## ANALYSIS

**Site and Vicinity:** The River View Cemetery (RVC) site is a large, mature cemetery site of approximately 42 acres in South and Southwest Portland immediately adjacent to the western Sellwood Bridge ramps, about two miles south of downtown Portland. Bounded by South Macadam Avenue (Highway 43) on the east, by South Taylors Ferry Road and SW Boones Ferry Road on the west, and by Southwest Palatine Hill Road to the south, the site is made up of undulating hills that rise in elevation up away from the Willamette River. Including large open grassy areas such as those found on the subject site, the RVC property also includes areas of dense forest cover with several stands of mature evergreen and deciduous forest. The site is adjacent to the Greenwood Hills Cemetery, Beth Israel Cemetery and Riverview Abbey Mausoleum, but is separate from and operated independently of these similar nearby facilities.

Properties adjacent to the site to the north, south and west include predominantly single-family areas with low-density residential development. Immediately to the east is the Sellwood Bridge, Highway 43, and banks of the Willamette River. Nearby to the northeast are some light industrial and marine-oriented uses at the southern end of the Johns Landing neighborhood, as well as some higher-density mixed-use and residential developments. Powers Marine Park is located near the west end of the Sellwood Bridge opposite the site, for which public parking is provided near the eastern entrance to the RVC property.

The proposed development and project area includes approximately 13,600 square feet of exterior improvements located internally to the RVC and over 550-feet to the west of the nearest property line along South Macadam Avenue. The next nearest property line is approximately 900-feet uphill to the south and west of the project location and is the back of a residential lot located along South Palatine Road.

Abutting public rights-of-way are generally improved with paved roadways, some of which also include bike lanes, but the area has limited pedestrian facilities aside from the Willamette Greenway Trail running along the banks of the river. The street classifications of these rights-of-way are identified in the transportation agency response from Portland Transportation (Exhibit E.2).

**Zoning:** The Open Space (OS) base zone is intended to preserve and enhance public and private open, natural, and improved park and recreational areas identified in the Comprehensive Plan. These areas provide opportunities for outdoor recreation, provide contrasts to the built environment, preserve scenic qualities, protect sensitive or fragile environmental areas, enhance, and protect the values and functions of trees and the urban forest, preserve the capacity and water quality of the stormwater drainage system, and provide pedestrian and bicycle transportation connections.

Environmental overlay zones (“c” and “p”) protect environmental resources and functional values that have been identified by the City as providing benefits to the public. The environmental regulations encourage flexibility and innovation in site planning and provide for development that is carefully designed to be sensitive to the site’s protected resources. They protect the most important environmental features and resources while allowing environmentally sensitive urban development where resources are less sensitive. It was determined during the completeness check for this application that because the portion of the project in the environmental zones can meet applicable development standards during the permit review, there is no need for a concurrent environmental review (see Exhibit G.4).

The “s” or Scenic Resource Protection overlay zone is intended to protect Portland’s significant scenic resources. The purposes of the Scenic Resource zone, to enhance the city’s appearance and protect scenic views, are achieved by establishing height limits, establishing landscaping, and screening requirements, and requiring preservation of identified scenic resources. Because the Scenic overlay zone runs exclusively along the western edge of the site in a Scenic Corridor along both SW Taylors Ferry and Boones Ferry Roads, far from the specific project

area to the east at the interior of the site, the “s” overlay zone has no impact on this conditional use review.

**Land Use History:** There are several prior land use cases for this site, including those identified in the lists below.

**CU 024-65** – Approval of a master plan for a mausoleum subject to the condition that the proposed building additions comply with the thirty-foot front yard setback requirement of the zoning code.

**CU 035-63** – Approval of conditional use for a storage building for cemetery vehicles and equipment.

**CU 086-90** – Approval granted by hearings officer for the conditional use for a new building and parking area.

**LU 02-136384** – Approval of conditional use and adjustment review to allow an accessory retail use (funeral home services) at the existing RVC site. As well as an adjustment to increase the maximum parking allowed for the funeral home.

**LU 11-117306 CU** – Approval of a proposal to remove an undeveloped portion of land from the Riverview Cemetery ownership.

**LU 11-173927 GW EN** – Approval of Greenway and environmental overlay zone review for the Multnomah County proposal to replace the existing Sellwood Bridge with a new multi-lane bridge and to construction new ramp connections and associated bike and pedestrian facilities on the east and west sides of the Willamette River.

**LU 12-117291 TR** – Approval of a tree review to remove 89 trees within the scenic corridor along SW Macadam Avenue. The work is associated with LU 11-173927 (above).

**LU 12-175481 CU** - Approval of a conditional use review to construct a 7-space parking lot within a permanent easement, at the west end of the Sellwood Bridge, and partly on the Riverview Cemetery site and partly in the Oregon Highway 43 right-of-way.

**LU 15-240006 EN** – Approval of Environmental Review proposal by River View Cemetery to improve a section of the developed cemetery that has experienced mass landslide movement over the past 20 years. The work will stabilize and repair an existing driveway and improve stormwater disposal facilities. This project covered approximately the same area of the application under consideration in this conditional use review (LU 20-223937 CU).

**LU 17-109933 EN** – Approval of Environmental Review for stormwater facilities and other alterations on three separate sites in the Stephens Creek Watershed, two of which partially occur in the River View Cemetery property.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **February 23, 2021**. The following agencies have responded:

- The *Bureau of Environmental Services* has reviewed the proposal and originally responded with concerns, recommending denial of the application until stormwater-related issues have been addressed (Exhibit E.1.a). After receipt of additional information and updated plans from the applicant, the Bureau of Environmental Services has no objection to the proposal (Exhibit E.1.c).
- The *Development Review Section of Portland Transportation (PBOT)* has reviewed the proposal and responded with comments that are included in the relevant service-related findings later in this report. The response from PBOT makes no objection and has no

concerns with approval of the requested conditional use application. Exhibit E.2 contains staff contact and additional information.

- The *Urban Forestry Division of Portland Parks and Recreation* has reviewed the proposal and provided comments, but no objections or concerns regarding the requested land use review. There do not appear to be any impacts to street trees with this proposal, and new street trees will only be required in the event PBOT requires frontage improvements during the permit process. Additional information about existing trees in the project area will be required during permitting to meet Title 11 requirements for private trees, but this does not result in objections to approval of the requested conditional use review. Exhibit E.6 contains staff contact and additional information.
- The *Site Development Section of the Bureau of Development Services* has reviewed the proposal and provided comments, but no objections to approval of the requested conditional use review. A geotechnical report will be required during the building permit review, and the project must document conformance with the balanced cut-and-fill requirements for any on-site grading. Exhibit E.5 contains staff contact and additional information.
- The *Life Safety Section of the Bureau of Development Services* has reviewed the proposal and responded with standard comments noting that a separate building permit is required, and that the proposal must be designed to meet all applicable Building Codes and Ordinances. Based on the information submitted, there appears to be no conflicts with the proposal and applicable regulations, and no objection to approval of the requested conditional use review is included in this agency response (Exhibit E.7).
- The *Police Bureau* has reviewed this proposal and responded without concerns or objections with regards to the proposal. Police services are available to serve the use and will continue to serve the facility by foot or in vehicles after expansion of the active cemetery areas on the site. Exhibit E.4 contains staff contact information.
- The following two agencies have responded without objection, concern, or comment regarding the requested conditional use review (Exhibit E.3):
  - The *Water Bureau*; and
  - The *Fire Bureau*.

**Neighborhood Review:** No public letters or comments were received from notified neighbors or community members in response to the mailed public notice for this proposal.

## ZONING CODE APPROVAL CRITERIA

**33.815.100 Uses in the Open Space Zone.** These approval criteria apply to all conditional uses in the OS zone except those specifically listed in other sections below. The approval criteria allow for a range of uses and development that are not contrary to the purpose of the Open Space zone. The approval criteria are:

### A. Character and impacts.

1. The proposed use is consistent with the intended character of the specific OS zoned area and with the purpose of the OS zone;
2. Adequate open space is being maintained so that the purpose of the OS zone in that area and the open or natural character of the area is retained; and
3. Impacts on mature trees and tree groves are minimized and City-designated environmental resources, such as views, landmarks, or habitat areas, are protected or enhanced.

**Findings:** The purpose of the Open Space zone, as stated in PZC Section 33.100.010, is to “*preserve and enhance the public and private open, natural, and improved park and recreational areas identified in the Comprehensive Plan. These areas serve many functions including:*

- *Providing opportunities for outdoor recreation;*
- *Providing contrasts to the built environment;*
- *Preserving scenic qualities;*
- *Protecting sensitive or fragile environmental areas;*
- *Enhancing and protecting the values and functions of trees and the urban forest;*
- *Preserving the capacity and water quality of the stormwater drainage system; and*
- *Pedestrian and bicycle transportation connections.”*

For over a century, RVC has functioned as open space in a natural setting that provides a scenic, open, park-like environment and exists in contrast to the surrounding built environment. The RVC has voluntarily provided outdoor recreational opportunities to the public including pedestrian and bicycle transportation connections for people traveling from the Sellwood Bridge to points throughout the Collins View neighborhood and Southwest Portland. The cemetery has cultivated a mature urban forest, as well as large, open grassy active cemetery areas.

Areas of the site with environmental overlay zoning, including those areas directly north of and adjacent to the proposal, will be required to document conformance with applicable environmental standards and regulations during the building permit review, including retention of existing trees or mitigation for tree removal, planting of native plants, and restoring areas of temporary disturbance with permanent vegetation. The specifics of stormwater management systems will be separately required to meet applicable city standards, as reviewed and approved by the Bureau of Environmental Services.

The overall RVC site is over 42 acres in size and includes a mix of open grassy areas and dense forest cover, as well as steep and inaccessible areas with ravines, slopes and seasonal streams and waterbodies. The current proposal is located on a largely open grassy area with only limited trees, directly adjacent to existing active cemetery areas to the west, south and southeast. Title 11 of Portland City Code addressing tree removal must also be met during the permit review, and preliminary plans for the project site show only nine trees being removed, five of which were identified by an arborist but not found in the field by the applicant, while 58 trees are being preserved (Exhibit A.2, sheet L1.02). Since this far exceeds the minimum number of trees required to be preserved per Title 11 of Portland City Code, and to give the applicant flexibility during permitting while also meeting the environmental overlay regulations, the specific tree preservation and removal plans are not being approved in this conditional use application. Even with all nine trees being removed as initially intended, the site will continue to have several acres of mature forest cover, and the impacts to mature trees and tree groves is minimal with this project. In order to memorialize that tree preservation and removal may change provided Title 11 requirements are met during the building permit review process, any discrepancies between the approved plan and allowed tree removal or preservation can be addressed.

The proposed improvements to the cemetery consist of pedestrian pathways, stormwater infrastructure, a columbarium, and a small covered gathering space for respectful burial ceremony. The improvements are consistent in character with the rest of RVC, and the natural burial features included in this project will enhance the natural character of the site, providing a transition between the manicured cemetery landscape and the protected riparian forest to the north. Recreational and scenic qualities of the site will be preserved, as the property is and will remain developed with a mix of open lawn active cemetery areas and natural or forested areas.

There are no scenic resources impacted with this project, as the scenic resource overlay zoning on the site exists exclusively along the western edges of the RVC abutting South Taylors Ferry and Boones Ferry Roads. There are no historic landmarks or other designated historic resources on the subject site.

Therefore, with approval granted based on the proposed development site plan and detail sheets, this criterion can be met.

#### **B. Public services.**

1. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan;
2. Transportation system:
  - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
  - b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;
  - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;

**Findings:** PBOT has reviewed the proposal against the above transportation-related approval criteria, street classifications, and for other relevant regulations and standards (Exhibit E.2). Their response reads as follows:

*“PBOT Traffic Engineering reviewed the site plans and the application materials. Calculating the new trips using ITE Trip Generation rates for cemetery, the daily trip increase is very low, 2 trips (weekdays) and 4 trips (Sundays)! Given this unique land use, its negligible trip increase does not require mitigations to the transportation network. All other criteria per 33.815.100.B.2 are not impacted or unchanged by the improvement, and there is no need for further traffic analysis.”*

In addition, PBOT staff noted System Development Charges may be assessed for this development, and that any improvements in the public right-of-way (none are proposed) must be designed to meet Title 17.

Therefore, with no objections to approval of the transportation-related criteria per the analysis by PBOT, these criteria are met.

3. Public services for water supply, police and fire protection are capable of serving the proposed use and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

**Findings:** Both the Water Bureau and Fire Bureau currently serve the site and will continue to do so in the future, and both agencies responded without objection or concern (Exhibit E.3). The Police Bureau also responded to the proposal noting they are capable of service the proposed cemetery active use area expansion and offered no concerns or objections (Exhibit E.4).

The Bureau of Environmental Services (BES) initially responded to the application with concerns about stormwater management, indicating they needed additional information to fully review potential impacts with regards to stormwater management and impacts on the public sewer system (Exhibit E.1.a). After receipt of additional information from the applicant (Exhibit A.14), BES provided a supplemental response (Exhibit E.1.c) and has no objection to the proposal.

**C. Livability.** The proposal will not have significant adverse impacts on the livability of nearby residential-zoned lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and

**Findings:** The nearest adjacent property zoned residential is approximately 900-feet to the southwest and uphill from the site. Mature trees and established hedges visually screen the project area from these nearest homes. There is no new lighting proposed in this development application, nor will there be any late-night operations as the gates to the cemetery close every evening. The proposed exterior improvements will not generate any odors, and litter, if any, will be addressed daily by groundkeepers. Expansion of the active cemetery uses and intermittent burial ceremonies or gatherings during daylight hours while the cemetery is open have been in place at the site for over one hundred years and have negligible impacts with regards to the considerations in this criterion. Therefore, this criterion is met.

2. Privacy and safety issues.

**Findings:** Given the significant horizontal distance of several hundred feet between the project area and adjacent residential housing, the mature landscaping, and trees at the perimeter of the cemetery site, and the lack of objections or concerns from the Portland Police Bureau, the proposal will not have adverse impacts on the livability of nearby residential-zoned lands in terms of privacy or safety. This criterion is met.

**D. Area plans.** The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

**Findings:** The RVC is not within a designated neighborhood association, but it does fall within the Southwest Community Plan boundaries. While the plan does not mention the cemetery specifically, it encourages the protection of natural resources such as wildlife habitat, tree canopy, and watersheds. The environmental overlays that exist on the RVC are the regulatory tool used for the protection of the natural resources mentioned in the plan. There will be only very limited impacts within the environmental overlay zones at the site (stormwater management facilities, limited tree removal, grading, re-planting with native plants), and these changes will be required to meet the applicable environmental regulations during the building permit review. Therefore, this criterion is met.

## 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.

During the building permit review process, the applicant must document conformance with this partial list of other regulatory and zoning requirements, flagged in this conditional use review for clarity:

- *Environmental Zoning Regulations and Environmental Plan Check.* The specific alterations approved in this conditional use review are limited to areas outside the environmental overlay zones on the site and the transition area. All grading, tree removal and replanting, plant species, and other activities inside the resource areas of the environmental zone are outside the active cemetery areas approved in this application, and are not covered by this approval;
- *Upgrades to Nonconforming Development.* It is anticipated that the applicant will be required to complete upgrades to nonconforming development in surface parking lots away from the main project area on the site addressed in this application (see Exhibit A.14). Preliminary aerial photos of this work and schematic plans included in this review do not document conformance with all the relevant standards and regulations for such improvements, which will be determined in detail during the building permit review process. The applicant is notified that the preliminary plans show new landscaping in some places at the outside edges of parking areas that would not qualify as interior parking lot landscaping, for example. Other changes to meet the required upgrades may be required, as well; and
- *Grading and Stormwater Management.* Minor changes to the grading and stormwater management or other utility plans included in the original plan set for this application (Exhibit A.2) may be required during permitting. Provided the location and footprint of the active areas (walkways, plazas, shelter, etc.) as approved in this application remain substantially the same, and because specific grading contours or utility plans have not been approved through this conditional use review, these changes can be made to the project during the building permit review process without impacting the conditional use approval.

## CONCLUSIONS

The applicant has proposed a modest expansion of active cemetery uses on the site of the River View Cemetery, occupying a sloping and open, grassy field area with few trees just adjacent to established cemetery use areas. The proposed structures and site alterations are minimal and in keeping with the established character of the site, will not have impacts on surrounding residential-zoned lands, and are able to meet city regulations for public services. As all the relevant criteria can be met, the request must be approved.

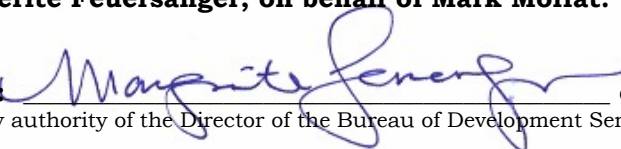
## ADMINISTRATIVE DECISION

**Approval of a Conditional Use Review** to expand the active cemetery use areas on the site, including expanded walkways and burial areas, plazas, columbaria, retaining walls and benches, and a single covered gathering structure, as shown on the approved plans and detail drawings, Exhibits C.1 and C.2 all signed and dated December 10, 2021, and subject to the following conditions:

- A. As part of the building permit submittal, the primary site plans and section details must be in substantial conformance with the improvements and details approved by this land use review as indicated in Exhibits C.1 and C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 20-223937 CU."

- B. As part of the building permit review, the applicant is not held to the specific tree removal and preservation plans shown on the approved site plan, provided that all regulations of Title 11 and the Environmental overlay zones are met.

**Staff Planner: Marguerite Feuersanger, on behalf of Mark Moffat.**

**Decision rendered by:**  **on December 10, 2021**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: December 14, 2021**

**Procedural Information.** The application for this land use review was submitted on December 11, 2020 and was determined to be complete on February 12, 2021.

*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 December 11, 2020.

*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 extended the 120-day review period by an additional 245 days (Exhibit A-13). Unless further extended by the applicant, **the 365 days will expire on February 12<sup>th</sup>, 2022.**

**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 City of Portland Land Use Hearings Officer, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on December 28, 2021. The completed appeal application form must be emailed to [LandUseIntake@portlandoregon.gov](mailto:LandUseIntake@portlandoregon.gov) and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application.

**An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of

Community and Civic Life recognized organizations for the appeal of Type II and IIX decisions on property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portland.gov/code/33>.

**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 City of Portland Land Use 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 City of Portland Land Use 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 will be recorded with the Multnomah County Recorder by the Bureau of Development Services Staff.

- *Unless appealed*, the final decision will be recorded on or after **December 29, 2021**.

**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.

**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 Statements
  - 1. Original application narrative
  - 2. Original full plan set
  - 3. Original stormwater report
  - 4. Original tree inventory and protection plan
  - 5. Revised application narrative, February 11, 2021
  - 6. Updated development plan, February 11, 2021
  - 7. Signed extension of 120-day review period, 30 days
  - 8. Signed extension of 120-day review period, 60 days
  - 9. Signed extension of 120-day review period, 60 days
  - 10. Signed extension of 120-day review period, 60 days
  - 11. Stormwater Technical Memo
  - 12. BES Special Circumstances Report
  - 13. Signed extension of 120-day review period, 245 days
  - 14. Updated Plans, November 17, 2021
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Proposed Development Plan (attached)
  - 2. Site Sections (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed public notice
- E. Agency Responses:
  - 1. a. Initial Bureau of Environmental Services response, March 16, 2021
  - b. Updated Bureau of Environmental Services response, October 12, 2021
  - c. Updated and Final Bureau of Environmental Services response, December 3, 2021
  - 2. Development Review Section of Portland Transportation
  - 3. Water Bureau and Fire Bureau
  - 4. Police Bureau
  - 5. Site Development Section of the Bureau of Development Services
  - 6. Urban Forestry Division of Portland Parks and Recreation
  - 7. Life Safety Section of the Bureau of Development Services
- F. Correspondence
  - None.
- G. Other:
  - 1. Original LU Application Form
  - 2. Staff completeness review memo to Portland Transportation and associated e-mail string, sent 12/22/20
  - 3. Incomplete letter from staff to applicant, sent 1/7/21 when application still included a concurrent environmental review
  - 4. E-mail thread from staff to applicant verifying no environmental review is required, and that refund for that portion of the application has been requested, dated 2/4/21
  - 5. Internal staff e-mail requesting changes to zoning map and clarifying appropriate parcels to include in site, excluding residentially-zoned parcel at 17 SW Palatine Hill Road which is not properly considered part of the cemetery site, despite inclusion of this property in the application by the applicant, dated 2/17/21
  - 6. Response to completeness request from Portland Transportation staff, received 2/18/21
  - 7. Staff e-mail sent to applicant explaining case status, including preliminary 30-day timeline extension form, sent 3/23/21

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**