



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

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[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** March 13, 2009  
**To:** Interested Person  
**From:** Sylvia Cate, Land Use Services  
503-823-7771 / [scate@ci.portland.or.us](mailto: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 09-102106 CU**

#### **GENERAL INFORMATION**

**Applicant:** Rodger Moore  
Housing Authority Of Portland, Owner  
135 SW Ash St  
Portland OR 97204

Kevin Maki, Lessee  
Clearwire US LLC  
4400 Carillon Point  
Kirkland Wa 98033

**Representative:** Zach Phillips, Main Contact  
PTS  
1001 SE Water Ave, Ste 180  
Portland, OR 97214  
503 232 5213

**Site Address:** 4601 SE 39TH AVE

**Legal Description:** BLOCK 2 TL 13600, GRACELAND  
**Tax Account No.:** R335800450  
**State ID No.:** 1S1E13AA 13600  
**Quarter Section:** 3534

**Neighborhood:** Reed, contact Jody Kruilla at 503-475-1041.  
**Business District:** Greater Brooklyn, contact David Weislogel at 503-239-9050.  
**District Coalition:** Southeast Uplift, contact Cece Hughley Noel at 503-232-0010.  
**Plan District:** None  
**Other Designations:** None

**Zoning:** R1, Multi-Dwelling Residential 1,000

**Case Type:** CU, Conditional Use

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

**Proposal:**

The applicant, Clearwire, requests conditional use approval to install a wireless telecommunications facility on the rooftop of the existing building. The facility will consist of six panel antennas and up to 2 small microwave dish antennas mounted on the roof top via slender pipe-mounts. This equipment will be painted to match the building to further reduce their visibility. A small equipment cabinet is also proposed to be mounted near the center of the roof, behind the parapet wall, thus making it invisible from passers-by at street level. The proposed wireless telecommunications facility will operate at less than 1,000 watts effective radiated power (ERP). Wireless telecommunications facilities operating at 1,000 watts ERP or less that are locating on an existing building in a residential zone require approval through a Type II Conditional Use.

**Relevant Approval Criteria:**

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

- 33.815.225 A 1 through 3
- 33.274.040 C, Development Standards

## ANALYSIS

**Site and Vicinity:** This approximately 1.3 acre site is located between SE Holgate and SE Long Street and between SE 38<sup>th</sup> and 39<sup>th</sup> Avenues. The site is 'L' shaped with an existing building located in its central section. The remainder of the site has landscaping, surface parking and a related detached building. Lots in the area range from 1,500 square feet to 1.7 acres.

The building atop which the antennas will be placed is an existing five-story apartment building. There are stairwell towers on the southeastern and northeastern corners of the building that extend beyond the roof's elevation by approximately nine feet. The building is a tan brick with a three to four-foot concrete parapet.

Southeast Holgate Street has a 50-foot right-of-way and is designated a Neighborhood Collector, a Minor Transit Street, and a City Bikeway and Walkway. Southeast 39<sup>th</sup> Avenue has a 62-foot right-of-way and is designated a Major Traffic Street, a Major City Transit Street and a City Walkway. Southeast 38<sup>th</sup> Avenue has a 50-foot right-of-way.

**Zoning:** The site is zoned Multi-Dwelling Residential 1,000. The R1 zone is a medium density multi-dwelling zone. It allows approximately 43 units per acre. Density may be as high as 65 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouses, and rowhouses. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.

**Land Use History:** City records indicate that prior land use reviews include the following: City records indicate there are various prior land use reviews for this site. Included amongst them are two denials for billboards in 1967 and 1969 and an approval of a street vacation in 1964 for the portion of SE Long Street between SE 38<sup>th</sup> and SE 39<sup>th</sup> Avenues, which would have passed through part of the southern end of this site. Also approved was PC C5680, a zone change request, with conditions that no less than 700 square feet of lot area per unit would be used for housing elderly persons; that the building have no more than five stories; that there be one off-street parking space for each four dwelling units; and that the use of the property would be limited to an public housing apartment building for elderly persons with a maximum of 80

units. Three prior conditional use requests, LU 00-00348, LU 00-00832, and LU 04-030509, approved roof mounted wireless facilities for three different telecommunications providers.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **February 4, 2009**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on February 4, 2009. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### Conditional Use

#### 33.815.010 Purpose

Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

#### 33.815.225 Radio Frequency Transmission Facilities

These approval criteria allow Radio Frequency Transmission Facilities in locations where there are few impacts on nearby properties. The approval criteria are:

- A.** Approval criteria for facilities operating at 1,000 watts ERP or less, proposing to locate on an existing building or other non-broadcast structure in an OS or R zone or in a C, E, or I zone within 50 feet of an R zone:

1. The visual impact of an antenna must be minimized. For instance, it can be hidden behind a compatible building feature such as a dormer, mounted flush to the facade of the building and painted to match, mounted on a structure designed with minimal bulk and painted to fade into the background, or mounted by other technique that equally minimizes the visual impact of the antenna;

**Findings:** The applicant proposes to mount 6 panel antennas and 2 small microwave dish antennas on the rooftop of the building. The antennas are proposed to be mounted on the roof top in the general location of the existing antennas. The applicant proposes to mount these antennas on slender pipe mounts that protrude above the roof parapet, and paint them to match the color of the building to reduce their visual impact. Given the relatively small size and bulk of the antennas and proposed mounting device, the proposal has as minimal a visual impact as possible. This criterion is met.

2. Accessory equipment associated with the facility must be adequately screened. If a new structure will be built to store the accessory equipment, the new

structure must be designed to be compatible with the desired character of the surrounding area and be adequately screened; and

**Findings:** The applicant proposes to mount the associated equipment cabinet near the middle of the roof of the building. Given the relatively small size of this equipment, its location away from the edges of the roof, and the height of the roof parapet, the accessory equipment will be adequately screened from view from adjacent properties and public rights of way. This criterion is met.

3. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.

**Findings:** The relevant regulations and standards for this proposal as discussed below, are the development standards of Chapter 33.274 - Radio Frequency Transmission Facilities. As discussed in detail under 33.274.040, all applicable regulations are met; 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 review prior to the approval of a building or zoning permit.

#### **33.274.040 Development Standards Radio Frequency Transmission Facilities** Amended by Ord. No. 165376, effective 5/29/92.)

##### **A. Purpose.** The development standards:

- Ensure that Radio Frequency Transmission Facilities will be compatible with adjacent uses;
- Reduce the visual impact of towers in residential and open space zones whenever possible;
- Protect adjacent populated areas from excessive radio frequency emission levels;
- Protect adjacent property from tower failure, falling ice, and other safety hazards; and

**B. When standards apply.** Unless exempted by 33.274.030, above, the development standards of this section apply to all Radio Frequency Transmission Facilities. Applications to modify existing facilities regulated by this chapter are only required to meet the standards of Paragraphs C.3, C.4, C.5, C.6, and C.9 in addition to any previous conditions of approval. Increasing the height of a tower is not considered modification of an existing facility.

##### **C. General requirements**

1. Tower sharing. Where technically feasible, new facilities must co-locate on existing towers or other structures to avoid construction of new towers. Requests for a new tower must be accompanied by evidence that application was made to locate on existing towers or other structures, with no success; or that location on an existing tower or other structure is infeasible.

**Findings:** The proposal is to mount the facility on an existing building. No new tower is proposed. Therefore, this criterion is not applicable.

2. Grouping of towers. The grouping of towers that support facilities operating at 1,000 watts ERP or more on a site is encouraged where technically feasible. However, tower

grouping may not result in radio frequency emission levels exceeding the standards of this chapter.

**Findings:** The proposal is to mount the facility on an existing building. No new tower is proposed. Therefore, this criterion is not applicable.

3. Tower finish. For towers not regulated by the Oregon Aeronautics Division or Federal Aviation Administration, a finish (paint/surface) must be provided that reduces the visibility of the structure.
4. Tower illumination. Towers must not be illuminated except as required for the Oregon State Aeronautics Division or the Federal Aviation Administration.

**Findings:** The proposal is to mount the facility on an existing building. No new tower is proposed. Therefore, these criteria are not applicable.

5. Radio frequency emission levels. All existing and proposed Radio Frequency Transmission Facilities are prohibited from exceeding or causing other facilities to exceed the radio frequency emission standards specified in Table 274-1, except as superseded by Part 1, Practice and Procedure, Title 47 of the Code of Federal Regulations, Section 1.1310, Radio Frequency Radiation Exposure Limits.

<b>Table 274-1</b>			
<b>Radio Frequency Emission Standards [1]</b>			
Frequency Range	Mean Squared Electric ( $E^2$ ) Field Strength ( $V^2/m^2$ ) [2]	Mean Squared Magnetic ( $H^2$ ) Field Strength ( $A^2/m^2$ ) [3]	Equivalent Plane-Wave Power Density ( $mW/cm^2$ ) [4]
100 KHz – 3 MHz	80,000	0.5	20
3 MHz – 30 MHz	4,000 ( $180/f^2$ ) [5]	0.025 ( $180/f^2$ )	$180/f^2$
30 MHz – 300 MHz	800	0.005	0.2
300 MHz – 1500 MHz	4,000 ( $f/1500$ )	0.025 ( $f/1500$ )	$f/1500$
1500 MHz – 300 GHz	4,000	0.025	1.0

Notes:

[1] All standards refer to root mean square (rms) measurements gathered by an approved method.

[2]  $V^2/m^2$  = Volts squared per meter squared.

[3]  $A^2/m^2$  = Amperes squared per meter squared.

[4]  $mW/cm^2$  = Milliwatts per centimeter squared.

[5] f = Frequency in megahertz (MHz).

**Findings:** The proposed facility will operate within the frequency range of 2500 MHz to 2690 MHz, thereby falling within the 1500 MHz to 300 GHz range in the above Table. The Effective Radiated Power for the facility is less than 100 watts, and the maximum allowed power density level is 1.0  $mW/cm^2$  [Milliwatts per centimeter squared]. Calculations submitted by the applicant indicate that the greatest levels of power density, based on a ‘worst case’ scenario, will be 0.015005  $mW/cm^2$ . This is significantly below the maximum allowed. In addition, the applicant has included documentation and calculations by a licensed engineer demonstrating that the combination of the emissions from the proposed facility and the existing wireless facilities comply with the emission standards set by the FCC and reflected in the table above. As shown in Exhibit A-2, the combined emission levels of all facilities are 40.86 % of the maximum allowed. This criterion is met.

Staff note: The Federal Telecommunications Act of 1996 prohibits a local government from denying a request to construct such facilities based on “harmful

radio frequency emissions” as long as the wireless telecommunications facility meets the standards set by the FCC. Furthermore, the Act required the FCC to adopt standards for radio frequency emissions from wireless telecommunications by August, 1996. In a rule making procedure, the FCC adopted standards effective August 1, 1996, which are virtually the same as those reflected in Table 274-1. Because this land use review was submitted after those standards took effect, this conditional use review cannot be denied solely on the issue of harmful radio frequency emission levels.

6. Antenna requirements. The antenna on any tower or support structure must meet the minimum siting distances to habitable areas of structures shown in Table 274-2. Measurements are made from points A and B on the antenna to the nearest habitable area of a structure normally occupied on a regular basis by someone other than the immediate family or employees of the owner/operator of the antenna. Point A is measured from the highest point of the antenna (not the tower) to the structure, and Point B is measured from the closest point of the antenna to the structure.

<b>Table 274-2</b> <b>Distance Between Antenna and Habitable Area of Structure</b> (Where f is frequency in megahertz.)			
Effective Radiated Power	Frequency (MHz)	Point A: Minimum Distance From Highest Point of Antenna To Habitable Area of Structure (feet)	Point B: Minimum Distance From Closest Portion Of Antenna To Habitable Area of Structure (feet)
< 100 watts		10	3
100 watts to 999 watts		15	6
1,000 watts to 9.999 Kw	< 7 7 - 30 30 - 300 300 - 1500 > 1500	11 f/0.67 45 780/vf 20	5 f/1.5 20 364/vf 10
10 Kw plus	< 7 7 - 30 30 - 300 300 - 1500 1500	17.5 f/0.4 75 1300/vf 34	8 f/0.91 33 572/vf 15

**Findings:** The antennas will operate below 100 watts ERP, and thus are required to be 10 feet for Point A and 3 feet for Point B, per Table 274-2. Per the submitted site plans, the proposed antennas meet and or exceed the required 10 and 3 feet of separation. This criterion is met.

7. Setbacks. All towers must be set back at least a distance equal to 20 percent of the height of the tower or 15 feet, whichever is greater, from all abutting R and OS zoned property and public streets. Accessory equipment or structures must meet the base zone setback standards.

**Findings:** The proposal is to mount the facility on an existing building. No new tower is proposed. Therefore, this criterion is not applicable.

8. Guy anchor setback. Tower guy anchors must meet the main building setback requirements of the base zone.

**Findings:** The proposal is to mount the facility on an existing building. No new tower is proposed. Therefore, this criterion is not applicable.

9. Landscaping and screening. The base of a tower and all accessory equipment or structures located at grade must be fully screened from the street and any abutting sites as follows:

- a. In C, E or I zones more than 50 feet from an R zone. A tower and all accessory equipment or structures located in the C, E, or I zones more than 50 feet from an R zone must meet the following landscape standard:

**Findings:** The proposal is to mount the facility on an existing building. No new tower is proposed. Therefore, this criterion is not applicable.

- b. In OS or R zones or within 50 feet of an R zone. A tower and all accessory equipment or structures located in an OS or R zone or within 50 feet of an R zoned site must meet the following landscape standards:

- (1) Tower landscaping. A landscaped area that is at least 15 feet deep and meets the L3 standard must be provided around the base of the tower.

**Findings:** The proposal is to mount the facility on an existing building. No new tower is proposed. Therefore, this criterion is not applicable.

- (2) Accessory equipment and structures. A landscaped area that is at least 10 feet deep and meets the L3 standard must be provided around the base of all accessory equipment or structures located at grade.

**Findings:** The accessory equipment will be mounted on the rooftop, not at grade. Therefore, this landscaping criterion is not applicable.

10. Tower design.

- a. For a tower accommodating a Radio Frequency Transmission Facility of 100,000 watts or more, the tower must be designed to support at least two additional transmitter/antenna systems of equal or greater power to that proposed by the applicant and one microwave facility, and at least three two-way antennas for every 40 feet of tower over 200 feet of height above ground.

- b. For any other tower, the design must accommodate at least three two-way antennas for every 40 feet of tower, or at least one two-way antenna for every 20 feet of tower and one microwave facility.

- c. The requirements of Subparagraphs a. and b. above may be modified by the City to provide the maximum number of compatible users within the radio frequency emission levels.

**Findings:** The proposal is to mount the facility on an existing building. No new tower is proposed. Therefore, this criterion is not applicable.

11. Mounting device. The device or structure used to mount facilities operating at 1,000 watts ERP or less to an existing building or other non-broadcast structure may not project more than 10 feet above the roof of the building or other non-broadcast structure.

**Findings:** The proposed antennas will be pipe mounted onto the roof parapet of the existing building. These mounting devices will not exceed the 10 foot maximum. This criterion is met.

12. Abandoned facilities. A tower erected to support one or more Federal Communication Commission licensed Radio Frequency Transmission Facilities must be removed from a site if no facility on the tower has been in use for more than six months.

**Findings:** The proposal is to mount the facility on an existing building. No new tower is proposed. Therefore, this criterion is not applicable.

**D. Additional requirements in OS, R, C, and EX zones and EG and I zones within 50 feet of an R zone.**

1. Purpose. These additional regulations are intended to ensure that facilities operating at 1,000 watts ERP or less have few visual impacts. The requirements encourage facilities that look clean and uncluttered.
2. Standards. In addition to the regulations in Subsection C., above, facilities operating at 1,000 watts ERP or less located in OS, R, C, or EX zones or EG or I zones within 50 feet of an R zone must meet all of the following standards:
  - a. Antennas mounted on towers. Triangular “top hat” style antenna mounts are prohibited. Antennas must be mounted to a tower either on davit arms that are no longer than 5 feet, flush with the tower, within a unicell style top cylinder, or other similar mounting technique that minimizes visual impact.

**Findings:** The proposal is to pipe mount the antennas on an existing building. No new tower is proposed. Therefore, this criterion is not applicable.

- b. Antennas mounted on existing buildings or other non-broadcast structures. This standard only applies to facilities located in OS or R zones or within 50 feet of an R zone. The visual impact of antennas that are mounted to existing buildings or other non-broadcast structures must be minimized. For instance, on a pitched roof, an antenna may be hidden behind a false dormer, mounted flush to the facade of the building and painted to match; mounted on a structure designed with minimal bulk and painted to fade into the background; or mounted by other technique that equally minimizes the visual impact of the antenna. The specific technique will be determined by the conditional use review.

**Findings:** As previously discussed under criterion 33.815.225 A 1, the visual impact of the antennas has been minimized by the use of slender pipe mounts and painting to match the building; thus the visual impact has been significantly reduced. This criterion is met.

- c. Lattice. Lattice towers are not allowed.

**Findings:** The proposal is to mount the facility on an existing building. No new tower is proposed. Therefore, this criterion is not applicable.

**E. Additional requirements in R zones.** The minimum site area required for a tower in an R zone is 40,000 square feet. This regulation must be met in addition to the regulations in Subsections C. and D., above.

**Findings:** The site is within an R zone, and comprises 59,726 square feet. However, there is no proposed tower. This criterion is not applicable.

## CONCLUSIONS

The applicant requests conditional use approval to install a relatively small wireless telecommunications facility on the rooftop of an existing building. The proposed mounting scheme, along with the relatively small size of the antennas and associated equipment are configured to minimize the visual impacts on adjacent properties. The proposal meets all of the applicable approval criteria, and therefore should be approved.

## ADMINISTRATIVE DECISION

Approval of:

- Conditional Use for a wireless telecommunications facility, per the approved site plans, Exhibits C-1 through C-4, signed and dated March 10, 2009, subject to the following conditions:
  - A. As part of the building permit application submittal, the following development-related conditions (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 09-102106 CU." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
  - B. Antennas, mounting devices and all other components of this facility that are visible from sidewalk grade must be painted to match the color of the surface upon which they are mounted.

**Decision rendered by:**  **on March 10, 2009**

By authority of the Director of the Bureau of Development Services

**Decision mailed: March 13, 2009**

**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 January 13, 2009, and was determined to be complete on February 2, 2009.

*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 January 13, 2009.

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 March 27, 2009** 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. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. 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](http://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 **March 30, 2009 – (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. Site plan, architectural details
  3. West/North elevations
  4. East/South elevations (attached)
- D. Notification information:
  1. Mailing list

2. Mailed notice

E. Agency Responses:

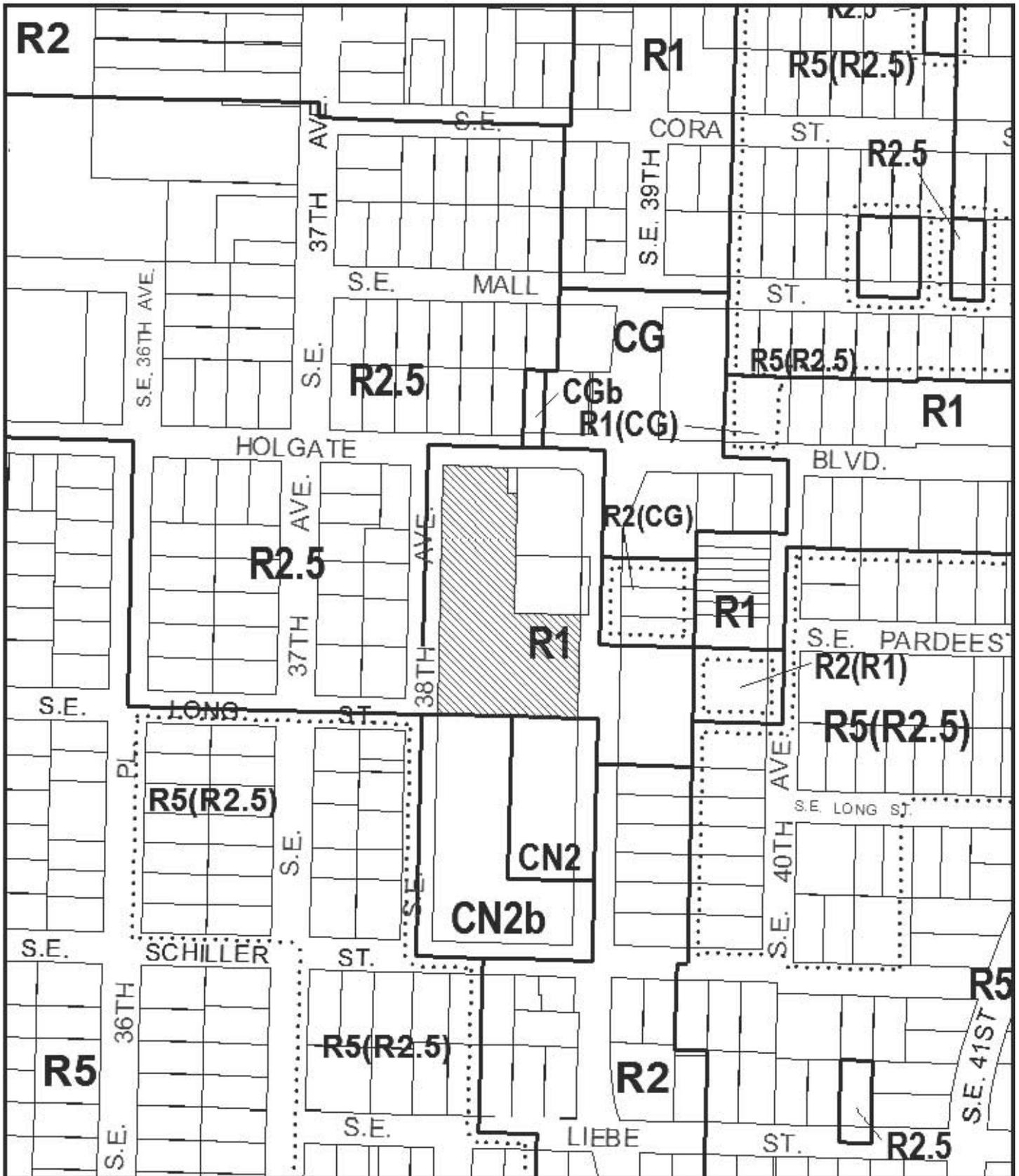
1. Bureau of Environmental Services
2. Bureau of Transportation Engineering and Development Review
3. Water Bureau
4. Fire Bureau
5. Site Development Review Section of BDS
6. Bureau of Parks, Forestry Division

F. Correspondence: None received

G. Other:

1. Original LU Application
2. Site History Research

**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



File No.	LU 09-102106 CU
1/4 Section	3534
Scale	1 inch = 200 feet
State_Id	1S1E13AA 13600
Exhibit	B (Jan 16, 2009)



