



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

FROM CONCEPT TO CONSTRUCTION

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Date: February 14, 2014
To: Interested Person
From: Sylvia Cate, Land Use Services
503-823-7771 / Sylvia.Cate@portlandoregon.gov

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 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 13-225828 CU

GENERAL INFORMATION

Applicant: Reid Stewart, Main Contact
Lexcom Development (Verizon Wireless)
4015 SW Battaglia Ave
Gresham OR 97080

Property owner: Housing Authority of Portland
135 SW Ash St 5th Floor
Portland, OR 97204-3540

Site Address: 1724 SE TENINO ST

Legal Description: BLOCK 88 N 1/2 OF LOT 9 LOT 11-16, SELLWOOD
Tax Account No.: R752714950
State ID No.: 1S1E23DC 01600
Quarter Section: 3832

Neighborhood: Sellwood-Moreland, contact Ellen Burr at 503-754-3868.
Business District: Sellwood-Westmoreland, contact Tom Brown at 503-381-6543.
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.

Zoning: RHd, High Density Residential with a Design overlay

Case Type: CU, Conditional Use Review
Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

Verizon Wireless has an existing facility on the rooftop of this multi-story apartment building. Verizon proposes to upgrade the facility by replacing 9 of the 12 antennas with new antennas, mounted on the same antenna mounts as the existing antennas. Verizon also proposes to add additional equipment, including four Remote Radio Units [RRUs] and three new surge protectors. The proposal is exempt from Design review, but does require a Conditional Use

review due to the underlying residential zone. Attached to this Notice are plans and a zoning map depicting the proposal.

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.1-3 Conditional Use Approval Criteria for Radio Frequency Transmission Facilities
- 33.274.040 Mandatory Development Standards for Radio Frequency Transmission Facilities

ANALYSIS

Site and Vicinity: The 32,500 square foot site is located at the corner of SE 17th Avenue and SE Tenino Street. It is developed with a seven-story apartment building. The rooftop contains many existing radio frequency antennas which protrude above the roofline or above the rooftop penthouse. The surrounding vicinity is developed with a mix of single-dwelling, multi-dwelling and commercial development. Single-dwelling development is predominate to the east and southeast of the site while commercial development interspersed with multi-dwelling development is located to the north and west of the site.

Zoning: The site is zoned RHd (Residential High Density with a Design overlay) and is located in the Sellwood-Moreland Design District. The RH zone is a high-density multi-dwelling residential zone. Radio frequency transmission facilities are Conditional Uses in the RH zone. The “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. However, exterior alterations to existing development are exempt from Design Review in the Sellwood-Moreland Design District therefore the “d” overlay is not applicable to this proposal.

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

PC 5679 (09-023922): Approval of a zone change at the site to High-Density Residential with conditions of approval that building height be limited to no more than eight stories, that one off-street parking space be provided for each four dwelling units, and that the use of the site be limited to public housing for the elderly with not more than 110 dwelling units;

LUR 94-00359 CU AD: Conditional Use approval for a cellular phone antenna installation atop the elevator shaft and accessory equipment inside the building, with adjustments to reduce the minimum required lot size and waive the required two off-street parking spaces.

LUR 94-00858 CU AD: Conditional Use approval for the original rooftop cellular facility being modified in this report, with identical adjustments to those approved under LUR 94-00359 CU AD.

LUR 03-166964 CU: Conditional Use approval for the reconfiguration of an existing Radio Frequency Transmission Facility consisting of nine antennas, and operating at less than 100 watts of Effective Radiated Power.

LU 09-102102 CU Conditional Use approval of a new wireless facility operated by Clearwire.

LU 10-114814 approved new antennas and related equipment for an existing Verizon facility.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **January 13, 2014**. There were no objections to the proposal.

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the Notice of Proposal.

ZONING CODE APPROVAL CRITERIA

33.815.010 Purpose of Conditional Use

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: Verizon proposes to replace six existing antennas with 12 antennas. The new antennas will be mounted in the same sectorized configuration as the existing wireless facility. The new antennas also require 4 small Remote Radio Units (RRUs) and 3 surge protectors to support the new antennas. The applicant also proposes to paint antennas that are mounted against structure walls on the roof to match the background surface. Other antennas that will be mounted on existing pipe mounts and painted a light gray to blend with the sky. Any visible cable runs will also be painted to match the structure behind it. The visual impacts of the additional antennas and equipment has been minimized by the mounting technique and the painting scheme.

Because minimizing visual impacts is essential for this criterion to be met, a condition of approval is warranted. With a condition requiring that the panel antennas approved as part of this review must be painted to match the color of the building penthouse façade where antennas are to be flush mounted. Any visible cable runs must also be painted to match the structure behind it. If the penthouse is painted a different color the antennas and visible cable runs must be painted as well so that they continue to match the penthouse. Replacement and/or new antennas on pipe mounts are to be painted a flat light gray color to minimize their visibility. With this condition, 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 associated equipment for the existing wireless facility is housed in a rooftop equipment shelter. The shelter is painted a light tan which matches the existing mechanical penthouse on the roof. Additionally, the equipment shelter is

located on the roof in a relatively central location, so the visibility above the parapet wall of this 8-story building is limited, and therefore adequately screened. The RRUs and surge protectors are proposed to be flush mounted to the equipment shelter walls as well as the existing penthouse. All new external equipment is proposed to be painted to match, thus reducing the visibility. 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.
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.
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.

Table 274-1 Radio Frequency Emission Standards [1]			
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 applicant has submitted a signed and stamped Engineering report documenting that the modifications to the facility will result in continued compliance with FCC emission standards. 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.

Table 274-2 Distance Between Antenna and Habitable Area of Structure (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

- b. **Exceptions.** The antenna on any tower or support structure does not have to meet the minimum siting distance from Point A to the habitable areas of structures shown in Table 274-2 if the applicant submits a letter from a qualified licensed engineer showing that the placement of the antennas will not cause any habitable area of a structure to exceed the Federal Communication Commission's (FCC's) limits for human exposure to radio frequency electromagnetic fields.

Findings: The applicant has submitted a signed and stamped Engineering report documenting that the modifications to the facility will result in continued compliance with FCC emission standards, without meeting all of the separation distances from habitable space. 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.
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, criteria for setbacks and guy anchors are 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:

- (1) Generally. Except as provided in (2), below, a landscaped area that is at least 5 feet deep and meets the L3 standard must be provided around the base of a tower and all accessory equipment or structures.
 - (2) Exception. If the base of the tower and any accessory equipment or structures are screened by an existing building or fence, then some or all of the required landscaping may be relocated subject to all of the following standards.
 - The building or fence must be on the site;
 - The fence must be at least six feet in height and be totally sight-obscuring;
 - The relocated landscaping must meet the L2 standard. The relocated landscaping cannot substitute for any other landscaping required by this Title; and
 - If any part of the base of the tower or accessory equipment is not screened by a building or fence, 5 feet of L3 landscaping must be provided.
- 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.
 - (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.
- c. In all zones, equipment cabinets or shelters located on private property that are associated with Radio Transmission Facilities mounted in a right-of-way must be screened from the street and any adjacent properties by walls, fences or vegetation. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment.

Findings: No tower is proposed, and no accessory equipment will be located at grade. Therefore, the landscaping criteria are 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 either flush mounted onto an existing penthouse wall or will be pipe mounted. The existing pipe mounts comply with this standard. 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: 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 have been minimized by flush mounting and painting

to match the color of the wall of the penthouse, while other antennas on pipe mounts will be painted a light flat gray color to blend in with the sky. 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 proposal is to mount the facility on an existing building. No new tower is proposed. Therefore, this criterion is not applicable.

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 applicant has requested a conditional use review to upgrade an existing wireless facility via replacing 9 antennas and adding 3 additional antennas on existing mounts. Minor changes to the existing accessory equipment area are proposed. With a condition of approval to ensure that the replaced and new antennas and visible cables are painted to reduce visibility, the proposal the applicable criteria and should be approved.

ADMINISTRATIVE DECISION

Approval of:

- Conditional Use to modify an existing wireless facility, per the approved site plans, Exhibits C-1 through C-2, signed and dated February 11, 2014, 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 13-225828 CU." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
 - B. The panel antennas and any visible cable runs approved as part of this review must be painted to match the color of the building penthouse façade where antennas are to be flush mounted. If the penthouse is painted the antennas must be painted as well so that they continue to match the penthouse. Replacement and/or new antennas on pipe mounts are to be painted a flat light gray color to minimize their visibility.

Staff Planner: Sylvia Cate



Decision rendered by: _____ **on February 11, 2014.**

By authority of the Director of the Bureau of Development Services

Decision mailed: February 14, 2014.

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 7, 2013, and was determined to be complete on January 7, 2014.

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 7, 2013.

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. Unless further extended by the applicant, **the 120 days will expire on: May 7, 2014. The Federal shot clock will expire on March 8, 2014.**

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 February 28, 2014** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. 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 call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, 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 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 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 3, 2014 – (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:

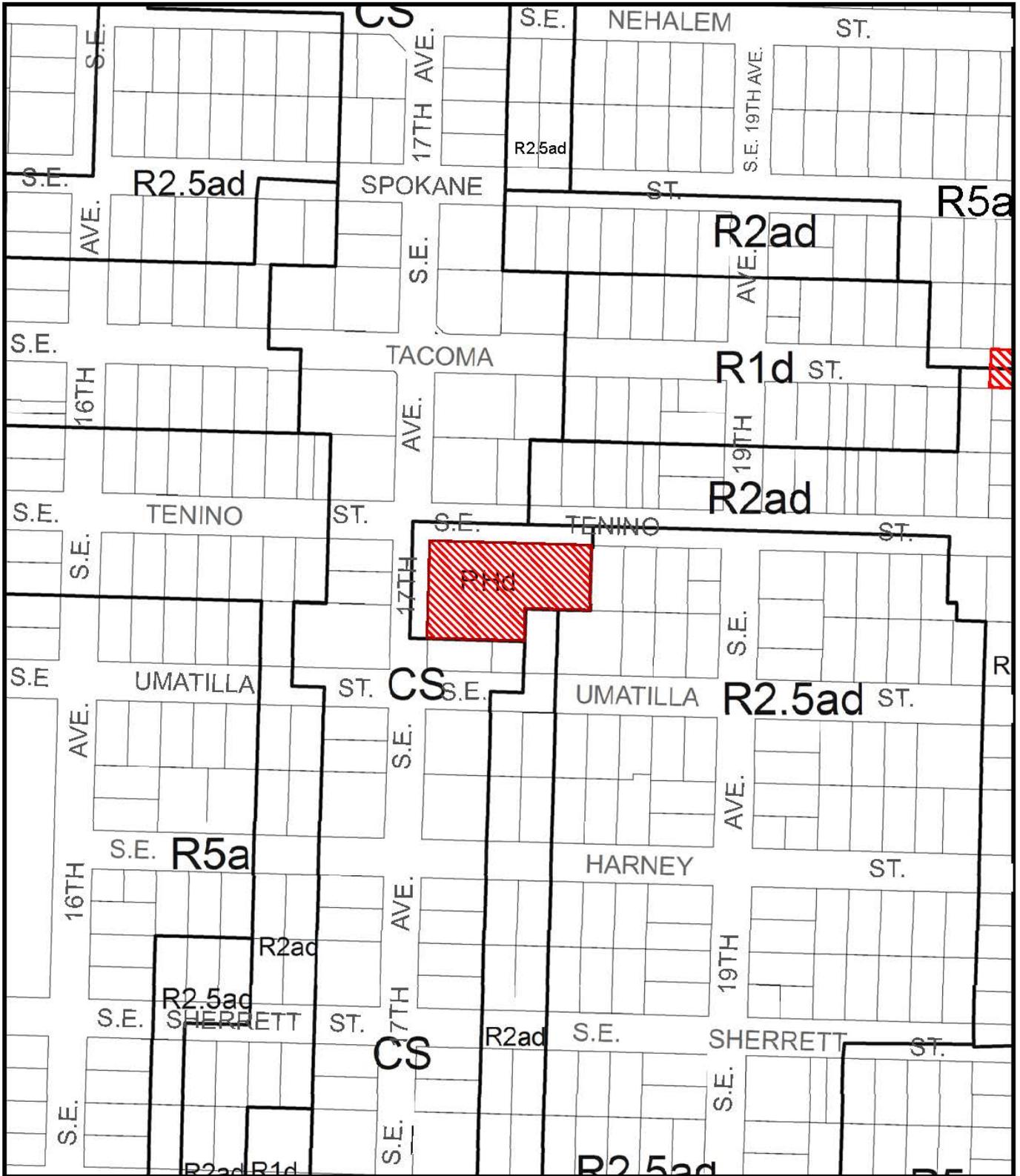
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevations: south / west
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No objections were received.
- F. Correspondence: None received
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete letter

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).



ZONING



Site



File No. LU 13-225828 CU
 1/4 Section 3832
 Scale 1 inch = 200 feet
 State_Id 1S1E23DC 1600
 Exhibit B (Nov 12, 2013)



LEXCOM

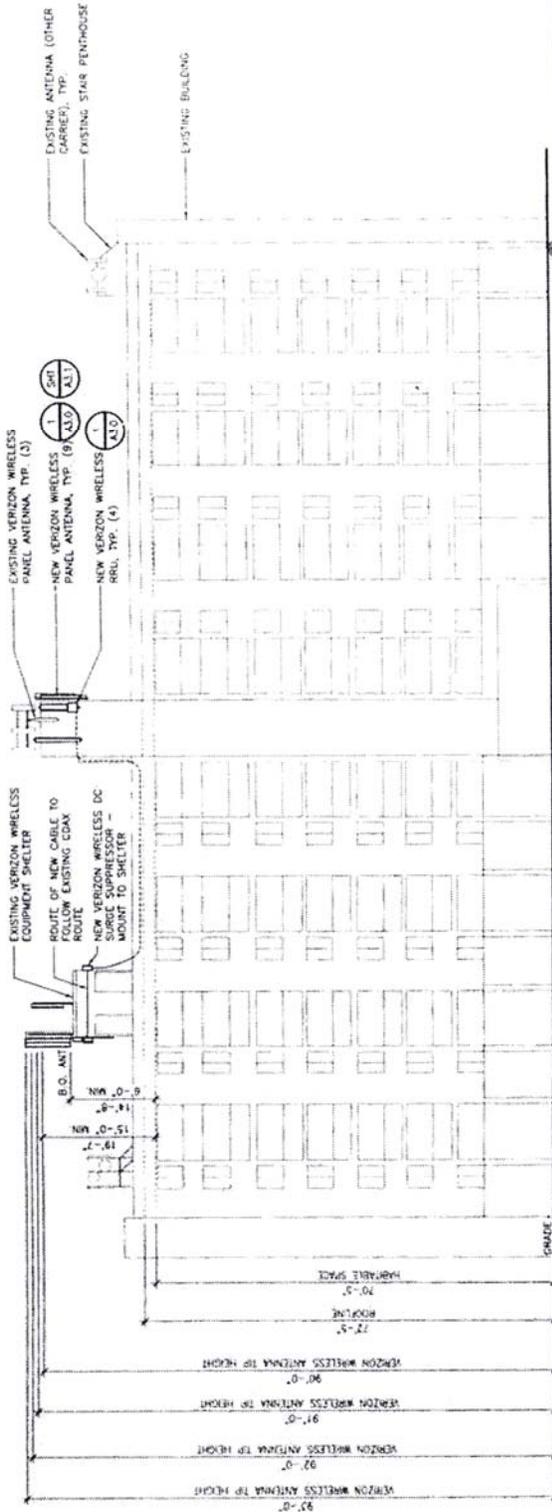


13-2070
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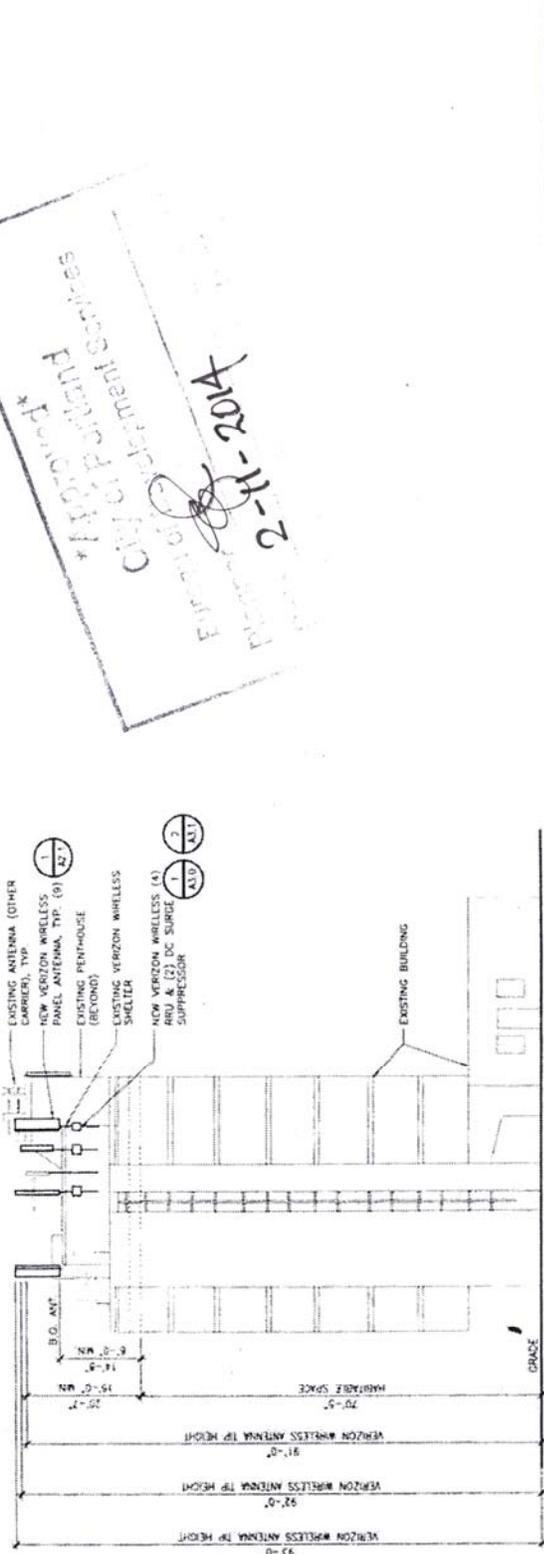
Project No.
 POR
 MILWAUKIE HD
 222 W. FRANK
 PORTLAND, OR 97202

ELEVATIONS

A2.0



2 1/4" SCALE 1" = 10'-0"
 1/4" SCALE 1" = 20'-0"



2 1/4" SCALE 1" = 10'-0"
 1/4" SCALE 1" = 20'-0"

* Important *
 City of Portland
 Environmental Services
 2-11-2014

EXHIBIT C-2