



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

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Date: February 7, 2013
To: Interested Person
From: Sylvia Cate, Land Use Services
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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 12-216447 CU

GENERAL INFORMATION

Owner: Tom Klutz, Property Manager / City Of Portland / Water Bureau
1120 SW 5th Ave 6th Floor / Portland, OR 97325

Lessee: T Mobile
8960 NE Alderwood Road / Portland, OR 97220

Representative: Steve Bodine, Main Contact / Odelia Pacific Corp
9635 SW Washington St / Portland, OR 97225

Site Address: 1907 NE SKIDMORE ST

Legal Description: TL 6400 2.17 ACRES ALSO SEE R316119 (R941230091), SECTION 23 1N 1E; TL 6400 MOBILPHONE CELL SITE ALSO SEE R316118 (R941230090), SECTION 23 1N 1E

Tax Account No.: R941230090, R941230091

State ID No.: 1N1E23DA 06400, 1N1E23DA 06400A1

Quarter Section: 2632

Neighborhood: Sabin Community Assoc., contact David Sweet at 503-493-9434.

Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.

District Coalition: NE Coalition of Neighborhoods, Shoshana Cohen at 503-388-5004.

Zoning: R5h, Single Dwelling Residential 5,000 with Aircraft Landing overlay

Case Type: CU, Conditional Use

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

Proposal:

The applicant, T Mobile, has an existing wireless facility with 6 antennas mounted to the water tank and accessory equipment cabinets located at grade, below the tank. As part of an overall network upgrade in order to provide enhanced wireless services, T Mobile proposes to add 3 additional antennas to the existing facility mounted on the water tank, as well as add related ancillary equipment within their existing lease area.

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 Criteria
- 33.274.040 C, Mandatory Development Standards

ANALYSIS

Site and Vicinity: The site is 2.17 acres in size and is developed with two water tanks, the tanks themselves being 130' and 135' tall, respectively. The site also includes storage buildings associated with the water tanks, a community garden, and a playground area. Each tank includes existing wireless telecommunications antennas mounted on their exterior, as well as various at-grade accessory mechanical and electrical equipment. The site also includes mature landscaping with trees, shrubs and groundcover. The trees on the site are between approximately 40' to 130' tall and are a mix of both evergreen and deciduous species.

The site is within a residential neighborhood. To the east and west of the site are side and rear yards of nearby homes. The site is bordered on the north by NE Prescott St., and on the south by NE Skidmore Street. The site is north of, and set back a few blocks from, the westerly extension of Alameda Ridge.

Zoning: The zoning on the site is R5h, or Single-Dwelling Residential 5,000 base zone with the "h" or Aircraft Landing overlay zone. The R5 zone is intended to preserve land for housing, and to provide housing opportunities for individual households. The zone is one of several zones implementing the Comprehensive Plan policies and designations for single-dwelling housing. The zone allows for some non-household living uses, but not to such an extent as to sacrifice the overall image and character of the single-dwelling neighborhood. Radio Frequency Transmission facilities are allowed in the R5 zone through a Conditional Use Review procedure (33.110.100.B.4/Table 110-1), unless specifically exempted from the regulations (33.274.030) or allowed without a Conditional Use Review (33.274.035). As noted above, because the proposal involves a Radio Frequency Transmission facility operating under 1000 watts ERP in a residential zone, to be mounted on a non-broadcast structure, the request must be approved through a Type II Conditional Use procedure (33.274.050.B).

The "h" or Aircraft Landing overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation. The current proposal does not modify or increase the height of existing structures on site, as all antennas would be mounted well below the top of the water tanks. These regulations have no impact on the current proposal.

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

PC 3791C: Conditional Use review to erect a 6 million gallon combination standpipe and elevated tank to supplement the existing 1 million gallon elevated tank at the site. Approved with conditions that the tank be located at the site nearest NE Prescott Street, that the playground area be retained as much as physically possible, and that the tank be constructed substantially in conformance with the photograph submitted at the hearing.

CU 41-89: Conditional use application (1989) for placement of antennas and an equipment building on the site. Approved with conditions limiting the transmission output to a maximum of 100 watts ERP, and requiring the proposed transmitter building to be located as shown on the submitted site plan.

LUR 94-00889 CU AD: Conditional Use approval to install a cellular telephone facility (antennas and equipment building), with a concurrent adjustment to reduce the required parking spaces from two to zero.

LUR 96-00380 AD: Adjustment request to reduce the required number of parking spaces for a broadcast facility from two to zero. The broadcast facility, mounted on the existing water tank, was exempt from the regulations of Chapter 33.274, Radio and Television Broadcast Facilities,

and was allowed by right. Specifically, the broadcast facility was a low powered emission source operating below 100 watts of Effective Radiated Power, and met all separation requirements for such a facility in a residential zone.

LUR 00-00611 CU: Conditional Use approval of a wireless telecommunications facility for twelve antennas mounted on the sides of two existing water tanks, with three antenna arrays of four antennas each. One array was to be mounted on the west side of the west water tank, one was proposed for the south side of the west water tank, and another was for the east side of the east water tank. Conditions of approval required all antennas, mounting hardware, and all visible cables and/or cable shrouds to be painted to match the color of the water tank surface.

LUR 03-101591 CU: Conditional use approval for a wireless telecommunications facility consisting of nine panel antennas and accessory equipment on the easterly water tank on the site. Approval granted based on the submitted plans and elevations, and with conditions of approval requiring that all visible equipment be painted to match the water tank, and ensuring compliance with applicable landscape standards.

LU 03-107711 CU: Conditional use approval to expand an existing Radio Frequency Transmission Facility, operating at no greater than 100 watts ERP, with four new panel antennas, mounting hardware, and connective coaxial conduit, with conditions of approval.

LU 07-166332 CU: Conditional Use approval for a wireless telecommunications facility consisting of 3 panel antennas and 10 microwave dishes mounted on the water tank with accessory electrical equipment located at grade.

LU 10-158794 CU: Conditional Use approval to allow upgrades to previously approved wireless telecommunications facility.

LU 11-124674 CU: Conditional Use approval to allow upgrades to previously approved wireless telecommunications facility.

Agency Review: No City Bureaus have responded with issues or concerns.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on January 4, 2013. One written response has been received from a notified property owner expressing concerns about the proposal and the expansion of wireless facilities generally. The letter notes: that the neighbor has received multiple public notices in recent years that additional equipment is being added to the facilities already on the water tank. The neighbor notes that it appears that when adjacent neighborhoods object to a facility, more are added to the water tank and that this neighborhood is overly burdened with such devices. The neighbor asks if there is a plan for a total number of antennas, and notes that this is a park for kids to play and for the City of Portland to store its water.

Staff Note: There have been wireless facilities mounted on this water tank since 1988; the land use history section above demonstrates that this site has been active over the years in accommodating additional facilities and upgrades thereto. Because the water tank is an existing, non broadcast structure with a height of over 100 feet, it is an ideal structure upon which to mount antennas, as compared to one or more monopoles [cell towers] in the vicinity to accommodate the various carriers and equipment.

As a result of the new '4G' or 'Broadband' wireless services now available, all of the carriers are upgrading their existing facilities in order to provide these services. Each wireless facility serves a relatively limited area surrounding the facility's location; adding additional antennas does not provide additional coverage in another area apart from the existing coverage area of the facility. There is no overall 'master plan' that anticipates a particular total number of antennas; rather each tenant on the water tank will upgrade their individual facilities and over all network as business conditions dictate. The limiting factors for added equipment will be structural and

wind loading requirements. As the FCC continues to auction off additional radio spectrum to the wireless industry, upgrades will continue over time in order to provide the additional services that the additional spectrum allows.

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: All of the antennas, co-ax cables and related equipment associated with the proposed wireless facility will be flush mounted on the existing water tank on the site and painted to match. Because the antennas will be flush mounted, not extend above the top of the tank and painted to match, the visual impact of these additional antennas is minimized. 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 additional antennas will be supported by an existing equipment area located at grade, underneath the water tank, where other equipment associated with other wireless facilities mounted on the tank are located. The entire base of the water tank is surrounded by an existing hedge that screens all of this equipment from view. Additional trees and landscaping on the site provide additional visual buffering of the equipment at grade. 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 water tank. 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 proposed upgrades to this facility will operate within the frequency range of 1500 Mhz to 300 GHz, 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 0.0046 mW/cm^2 . This is significantly below the maximum allowed. Because each wireless facility on the water tank is operating within a specific frequency band, per FCC licensing requirements no excessive emissions are anticipated, nor is the proposed facility anticipated to cause other facilities to exceed these 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	11	5
	7 - 30	f/0.67	f/1.5
	30 - 300	45	20
	300 - 1500	780/vf	364/vf
	> 1500	20	10
10 Kw plus	< 7	17.5	8
	7 - 30	f/0.4	f/0.91
	30 - 300	75	33
	300 - 1500	1300/vf	572/vf
	1500	34	15

Findings: The antennas will operate between 100- 999 watts ERP, and thus are required to be separated from habitable structures by 15 feet for Point A and 6 feet for Point B, per Table 274-2. The submitted site plans demonstrate compliance with this standard. The proposed antennas will be mounted between 104 and 109 feet above grade, on the sides of the existing water tank. There are no residential structures in the immediate area of this facility, which would be located somewhat near the center of a parcel approximately 94,525 square feet in size. The nearest residential development is over 65 horizontal feet away to the east. This distance significantly exceeds 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 water tank. 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 water tank. 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:
 - (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: Per the landscaping plans submitted for this review, existing landscaping on the site meets the L3 standard that is at least 10 feet deep. Therefore this criterion is met.

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 water tank. 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 antenna will be flush mounted onto an existing water tank. It will not project above the top of the water tank. 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 water tank. 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 flush mount the antennas on an existing water tank and paint to match. 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 existing water tank, and 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 water tank. 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 2.17 acres. This criterion is not required to be met for wireless facilities that are not mounted on a tower [monopole] within a Residential zone. Although this criterion can be met because the site exceeds 40,000 square feet, the criterion itself is not applicable.

CONCLUSIONS

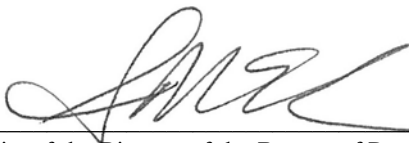
The applicant requests conditional use approval to upgrade their wireless telecommunications facility by adding 3 additional antennas mounted to the water tank and utilize an existing equipment cabinet area located at grade underneath the tank. The proposal meets all of the applicable approval criteria and therefore should be approved.

ADMINISTRATIVE DECISION

Approval of

- A Conditional Use to upgrade their wireless telecommunications facility by adding 3 additional antennas mounted to the water tank and utilize an existing equipment cabinet area located at grade underneath the tank, per the approved site plans, Exhibits C-1 through C-4, signed and dated February 4, 2013, 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 12-216447 CU." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
 - B. All new equipment and accessory equipment located on the water towers must be painted to match the color of the tower.

Staff Planner: Sylvia Cate

Decision rendered by:  **on February 4, 2013**

By authority of the Director of the Bureau of Development Services

Decision mailed: February 7, 2013

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 December 18, 2012, and was determined to be complete on January 2, 2013.

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 18, 2012.

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 2, 2013.**

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 21, 2013** 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 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 **February 22, 2013**.
- 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.

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:

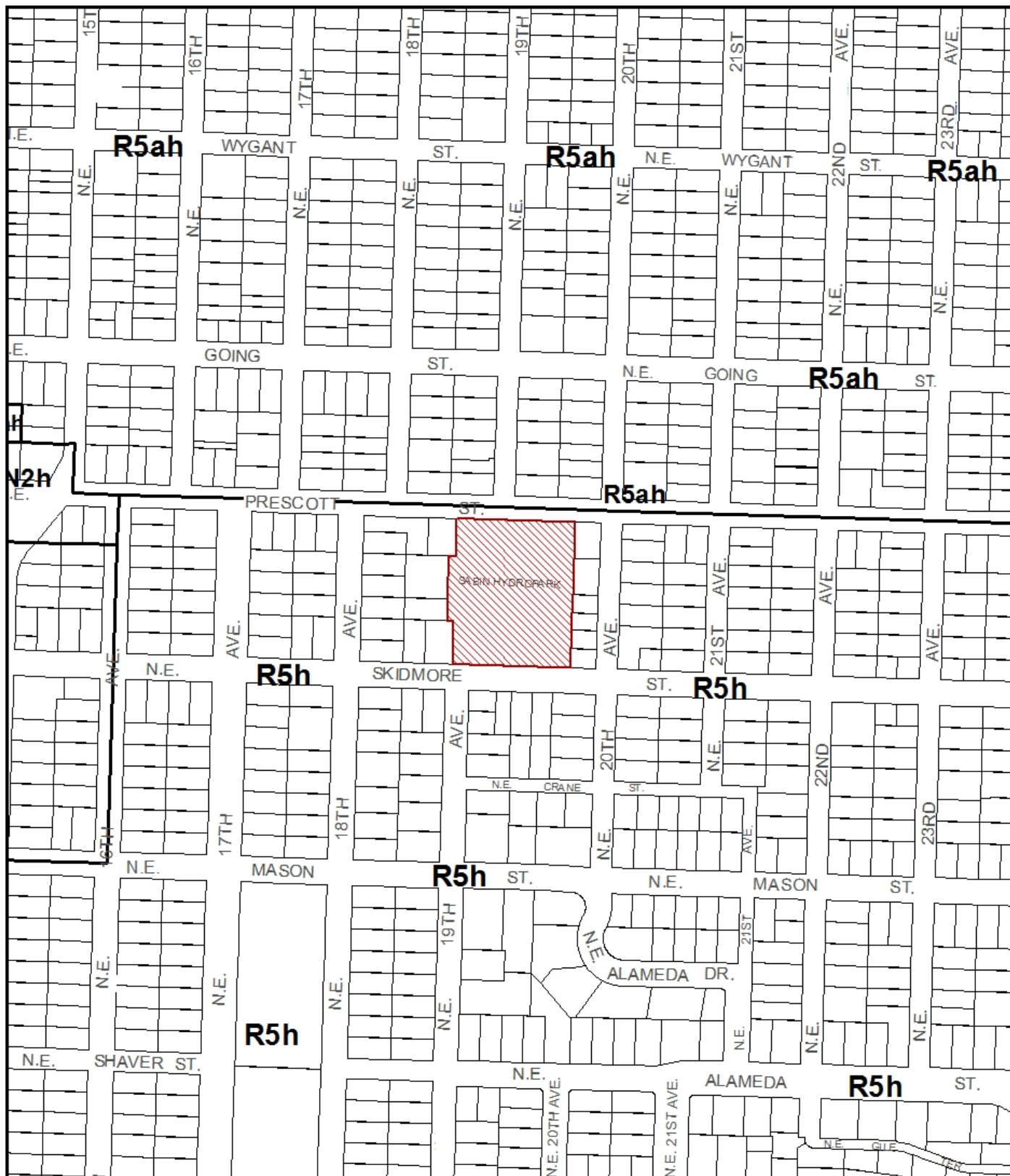
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Enlarged Project Area plan
 - 3. Elevations: existing and proposed North
 - 4. Elevations: existing and proposed South
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No objections were received.
- F. Correspondence:
 - 1. J. Spurgeon, January 25, 2013, objections and concerns
- 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. 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).

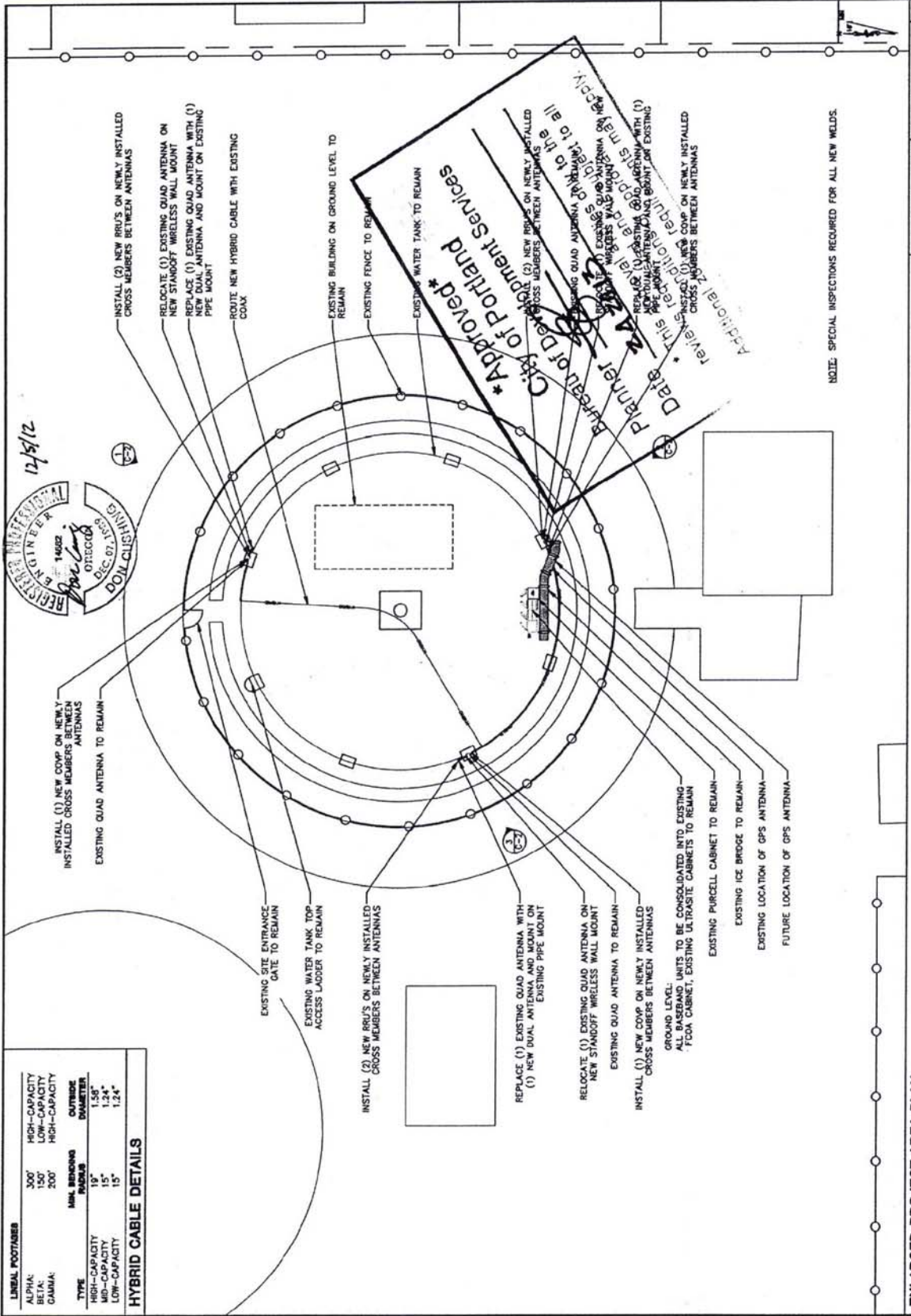


ZONING



File No.	LU 12-216447 CU
1/4 Section	2632
Scale	1 inch = 300 feet
State_Id	1N1E23DA 6400
Exhibit	B (Dec 19, 2012)

LINEAL FOOTAGES			
ALPHA:	300'	HIGH-CAPACITY	
BETA:	150'	LOW-CAPACITY	
GAMMA:	200'	HIGH-CAPACITY	
HYBRID CABLE DETAILS			
TYPE	MIN. BENDING RADIUS	OUTSIDE DIAMETER	
HIGH-CAPACITY	18"	1.58"	
MID-CAPACITY	15"	1.24"	
LOW-CAPACITY	15"	1.24"	



ENLARGED PROJECT AREA PLAN 11X17 SCALE: 1" = 10'-0" 22X34 SCALE: 1" = 5'-0" 1

Exhibit C-2

11117-216447C0

Enlarged Project Area Plan

SHEET NUMBER

C-1

1907 NE SWDMORE ST., PORTLAND, OR 97203

FOOT400

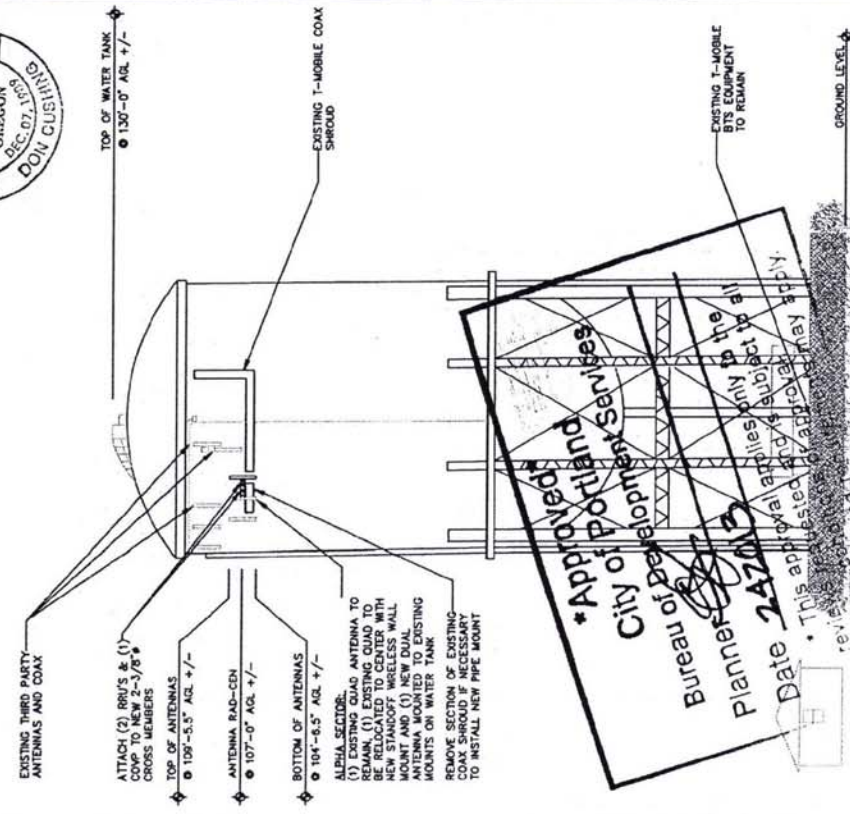
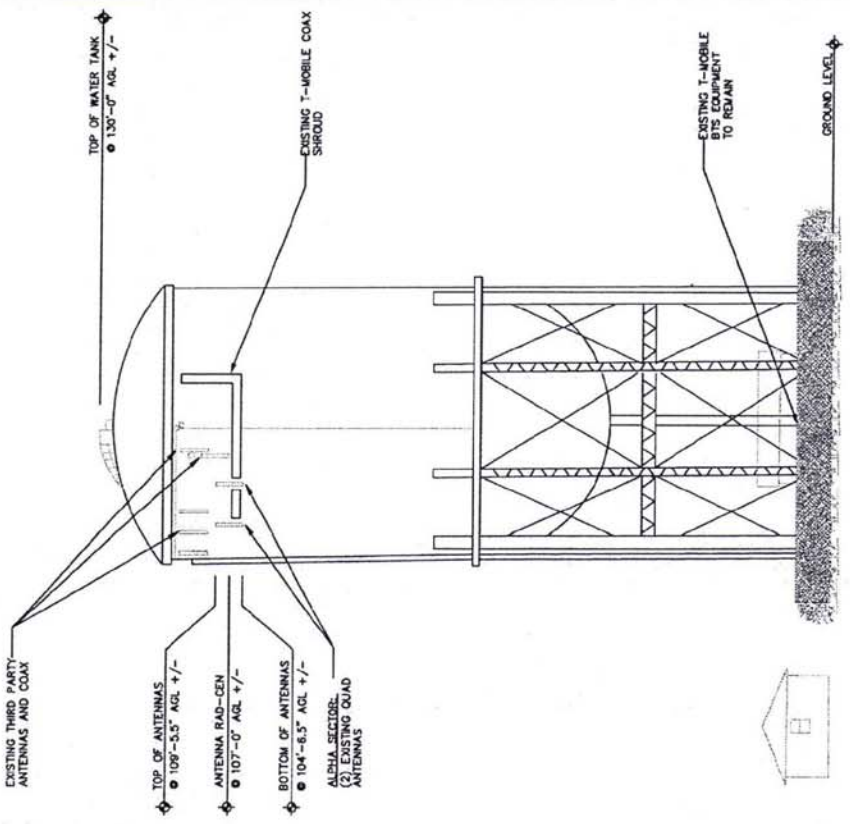
RYNATION

107 SE Washington Street, Suite 265, Portland, OR 97214
(503) 387-3331 • www.cushing-corp.com

Cushing



2/3/21



NOTE: SPECIAL INSPECTIONS REQUIRED FOR ALL NEW WELDS.

NORTH ELEVATION - EXISTING

11x17 SCALE: 1"=20'

1

NORTH ELEVATION - PROPOSED

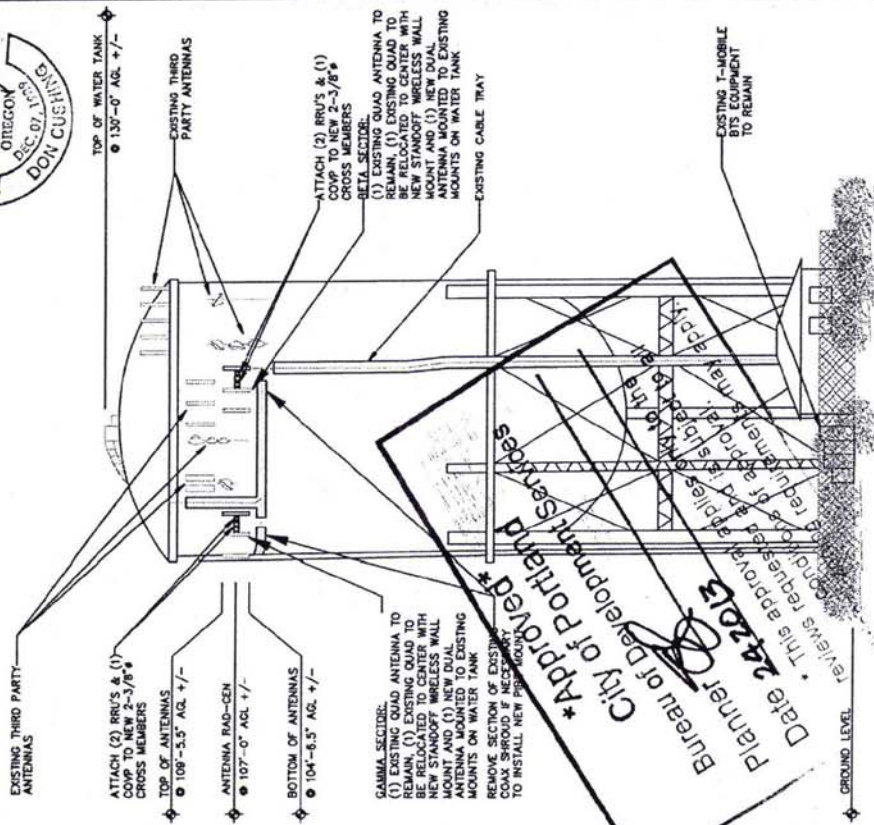
11x17 SCALE: 1"=20'

2

Exhibit C-3

6012-216447C0

Don Cushing Associates Civil Engineers 107 SE Washington Blvd, Suite 205, Portland, OR 97214 (503) 587-4311 • www.doncushing.com		Mobile... 8860 NE Alderwood Road Portland, Oregon 97220 Phone: 503 818-8888 Fax: 503 818-8888		1907 NE Skidmore St, Portland, OR 97203	
Full Elevation: NORTH		Sheet Title:		Sheet Number: C-3	
Revision:		Date:		Drawn By:	
Checked By:		Reviewed By:		Approved By:	
Project Name:		Project Number:		Project Location:	
Project Description:		Project Status:		Project Owner:	
Project Manager:		Project Engineer:		Project Designer:	
Project Architect:		Project Contractor:		Project Subcontractor:	
Project Consultant:		Project Specialist:		Project Analyst:	
Project Coordinator:		Project Assistant:		Project Secretary:	
Project Receptionist:		Project Mailroom:		Project Warehouse:	
Project Office:		Project Shop:		Project Yard:	
Project Site:		Project Area:		Project Zone:	
Project Subarea:		Project Parcel:		Project Lot:	
Project Block:		Project Section:		Project Quarter:	
Project Township:		Project Range:		Project Meridian:	
Project County:		Project State:		Project Country:	
Project Continent:		Project Hemisphere:		Project Universe:	



NOTE: SPECIAL INSPECTIONS REQUIRED FOR ALL NEW WELDS.

SOUTH ELEVATION - EXISTING

SOUTH ELEVATION - PROPOSED

11x17 SCALE: 1"=20'	2
---------------------	---

Exhibit C-4

11117-716477CU

[illegible]

...Mobile...

Mobile...
O NE ALDERWOOD ROAD
PORTLAND, OREGON 97220
PHONE (503) 813-8000
FAX (503) 738-2014
PORTLAND
IRVINGTON
MORE ST, PORTLAND, OR 97203

The Cushing Associates
 Ch2E Engineers
 107 SE Washington Street, Suite 201, Portland, OR 97214
 (503) 387-3331 • www.cushing-engr.com
 THE CUSHING ASSOCIATES AND THE CUSHING GROUP ARE THE LEADING ENGINEERING AND ARCHITECTURAL FIRMS IN THE NORTHWEST. WE HAVE OVER 100 YEARS OF EXPERIENCE AND A COMMITMENT TO EXCELLENCE.



Professional Engineer Seal for Don Cushing, Oregon, No. 14852. The seal is circular with the text "PROFESSIONAL ENGINEER" and "OREGON" around the perimeter. The number "14852" is in the center, and the signature "Don Cushing" is written across it. The date "DEC 07 1964" is stamped on the right side.

12/5/12