

To:

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

1900 SW 4th Avenue, Suite 5000 Portland, Oregon 97201 503-823-7300 Fax 503-823-5630 TTY 503-823-6868 www.portlandonline.com/bds

**Date:** June 10, 2010

**From:** Sylvia Cate, Land Use Services

Interested Person

503-823-7771 / scate@ci.portland.or.us

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

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

CASE FILE NUMBER: LU 10-126896 CU

#### **GENERAL INFORMATION**

**Applicant:** Rose City Park Methodist Church, Listed property owner

5830 NE Alameda St Portland, OR 97213

Clearwire US LLC, Lessee 4400 Carillion Point Kirkland, WA 98033

**Representative:** Cheryl Bennett, Main contact

Powder River Development Services

20422 S Beaver Creek Rd. Oregon City, OR 97045

503 632 1987

**Site Address:** 5830 NE ALAMEDA ST

**Legal Description:** BLOCK 80 W 1/2 OF LOT 1&2 LOT 16-18, ROSE CITY PK

**Tax Account No.:** R723105290 **State ID No.:** 1N2E30AD 14700

**Quarter Section:** 2736

**Neighborhood:** Rose City Park, contact Ed Gorman at 503-425-1611.

**Business District:** Portland International District Business Association, contact Thomas

Wright at 503-249-3926.

**District Coalition:** Central Northeast Neighbors, contact Alison Stoll at 503-823-3156.

**Zoning:** R5, Single Dwelling Residential 5,000

**Case Type:** CU, Conditional Use

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

#### Proposal:

The applicant, Clearwire Wireless, proposes to mount a wireless telecommunications facility on the rooftop of the existing church. The new facility will consist of three panel style antennas and one microwave dish, all concealed behind fiberglass shrouds proposed to match the concrete parapet of the roof. The associated electronic equipment cabinets will be placed in a 7' x7' lease area within the bell tower of the church. Attached to this decision are a site plans and an elevation 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 Criteria
- 33.274.040 C, Mandatory Development Standards

#### **ANALYSIS**

**Site and Vicinity:** The church is located on an oversized parcel at the southeast corner of the intersection of NE 58<sup>th</sup> Avenue and Alameda Streets in the Rose City Park neighborhood. The church entrance and steeple face north towards NE Alameda Street, with the steeple set just east of the primary church façade facing north. A smaller, two-story annex building with a separate entrance is attached to the church at the east side of the building, with windows and a separate pedestrian entrance facing NE Alameda Street. The building is clad in red brick, cast stone and terra cotta, and includes large gothic windows, decorative window surrounds, parapet decorations, and shallow buttressing at the east and west sides. The annex and the southernmost portion of the church appear to have either been remodeled or added later, and are designed in a contemporary style. The church steeple is flat-roofed but surrounded by a decorative parapet, and projects slightly higher than the large central gable of the church roof. The church has well-maintained lawns and shrubs at the perimeter of the building, and all street frontages abutting the church include street trees.

The surrounding area is a mix of residential and commercial uses. The church building is clearly visible and sits just south of NE Sandy Boulevard, which is developed with a variety of both storefront and automobile-oriented businesses. Nearby development along NE Sandy includes a two-story, triangular stucco office building from the 1920s, older storefront buildings, and various auto-oriented structures, including a retail tire sales business and a fast foot drive-through facility. Nearby commercial uses are generally located to the west and north of the site. The church operates a landscaped surface parking directly west of the site on a parcel at the southwest corner of NE Alameda Street and 58th Avenue.

Aside from the firms along nearby NE Sandy Boulevard, the surrounding area is predominantly residential. The adjacent blocks and neighborhoods to the west, south, and east are primarily developed with detached, single-dwelling structures built during the 1910s and 1920s, most being well-maintained and with mature landscaping. Some multi-dwelling structures are found in the area, but these are generally located a few blocks to the west.

Northeast Alameda Street is an 80-foot wide public right-of-way, and is improved with a 36-foot wide, two-way paved roadway. Northeast Alameda Street is designated a City Bikeway and Local Service Street in the Transportation Element of the Comprehensive Plan ("the TE"). Northeast 57<sup>th</sup> Avenue is a 60-foot wide public right-of-way, and is improved with a 24-foot wide, two-way concrete roadway, and is designated a Local Service Street in the TE. All streets abutting the site include curbing at the edge of the roadway, a wide planting strip, and paved public sidewalks.

**Zoning:** The zoning on the site is Single-Dwelling Residential 5,000 (R5). The single-dwelling zones are intended to preserve land for housing, and to implement the comprehensive plan policies and designations for single-dwelling housing. The R5 zone allows for some

nonresidential 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 generally only allowed in the R5 zone through the conditional use procedure.

**Land Use History:** City records indicate three prior land use reviews on the site:

*CU 46-64*: Conditional Use request for a church expansion. Request was approved by the Planning Director in July 1964.

*CU 18-67*: Conditional Use request to add classroom space to church. Approved with a condition that all City Code requirements be met before the space is used for school or classroom purposes. Approved by the Planning Director in May 1967.

CU 21-70: Conditional Use request to add pre-school use to the existing church uses on the site. Approved with conditions requiring that the "back yard" play areas be fenced and that a garage be removed to provide direct pedestrian access between the play area and the church building.

LU 02-109302 CU Conditional Use approval for a wireless telecommunications facility.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **May 13, 2010**. 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 May 13, 2010. 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, Clearwire, proposes to mount the associated antennas for the facility on the rooftop of the existing building and concealed behind fiberglass shrouds painted to match the color of the existing concrete parapet. Therefore, with a condition of approval that the applicant must paint the FRP concealment boxes a color that matches the existing color of roof parapet, this criterion can be found to be 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 cabinets will be located on a plinth inside the church bell tower and will not be at grade, and will not be visible. Therefore, the accessory equipment is adequately screened, and 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 or Modification via a land use 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 <sup>2</sup> ) Field Strength (A <sup>2</sup> /m <sup>2</sup> ) [3]·	Equivalent Plane-Wave Power Density (mW/cm <sup>2</sup> ) [4]	
100 KHz - 3 MHz 3 MHz - 30 MHz 30 MHz - 300 MHz 300 MHz - 1500 MHz 1500 MHz - 300 GHz	80,000 4,000 (180/f <sup>2</sup> ) [5] 800 4,000 (f/1500) 4,000	0.5 0.025 (180/f <sup>2</sup> ) 0.005 0.025 (f/1500) 0.025	20 180/f <sup>2</sup> 0.2 f/1500 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 at 2500-2690 MHz, which is within the frequency range of 1500 MHz to 300 GHz. The Effective Radiated Power for the facility is less than 100 watts, and the maximum allowed power density level is 1.0  $\rm mW/cm^2$  [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 0.00137  $\rm mW/cm^2$ . This is significantly below 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.

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	

**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. The proposed antennas will be approximately 58 feet above grade, as shown on the submitted plans. In addition, the drawings demonstrate that the antennas will be 14'6" from habitable space from Point A of the antennas, and 9'1" from Point B. These distances significantly 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.

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 roof top of a building. No new tower is proposed. Accessory equipment exceeds the base zone setback standards. 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 proposed location of the accessory equipment on a plinth within the existing bell tower will result in adequate screening of the equipment and therefore this criterion is met.

10. Tower design.

**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 antenna will be mounted onto an existing building. The existing mounting brackets 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:** The proposal is to 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 have been minimized by concealing the antennas behind fiberglass shrouds and painting the shrouds to match the existing color of the roof parapet. Thus the visual impact has been significantly reduced, and 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:** No tower is proposed. This criterion is not applicable.

#### CONCLUSIONS

The applicant, Clearwire, proposes to locate a wireless telecommunications facility on an existing building and place equipment within the existing bell tower of the church. With conditions of approval, the facility meets all of the applicable approval criteria and therefore should be approved.

#### ADMINISTRATIVE DECISION

Approval of:

- A conditional use for a wireless telecommunications facility, per the approved site plans, Exhibits C-1 through C-2, signed and dated June 8, 2010, 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 10-126896 CU." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The fiberglass shrouds concealing the antennas must be painted a color to match the concrete roof parapet.

Staff Planner: Sylvia Cate

Decision rendered by: \_\_\_\_\_ on June 8, 2010

By authority of the Director of the Bureau of Development Services

Decision mailed: June 10, 2010

**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 April 13, 2010, and was determined to be complete on May 10, 2010.

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 April 13, 2010.

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: September 7, 2010.** 

In this case, because of the federal mandate imposed by the FCC, via Declaratory Ruling [WT Docket No. 08-165] the applicant has extended the FCC 'shot clock' by 60 days. This extension can be found at Exhibit A-2.

Unless further extended by the applicant, the FCC 'shot clock' will expire on: September 7, 2010.

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

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information

satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

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

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

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed by 4:30 PM on June 24, 2010 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. 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 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 <a href="https://www.portlandonline.com">www.portlandonline.com</a>.

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

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

#### Recording the final decision.

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

• Unless appealed, The final decision may be recorded on or after June 25, 2010 – (the 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.

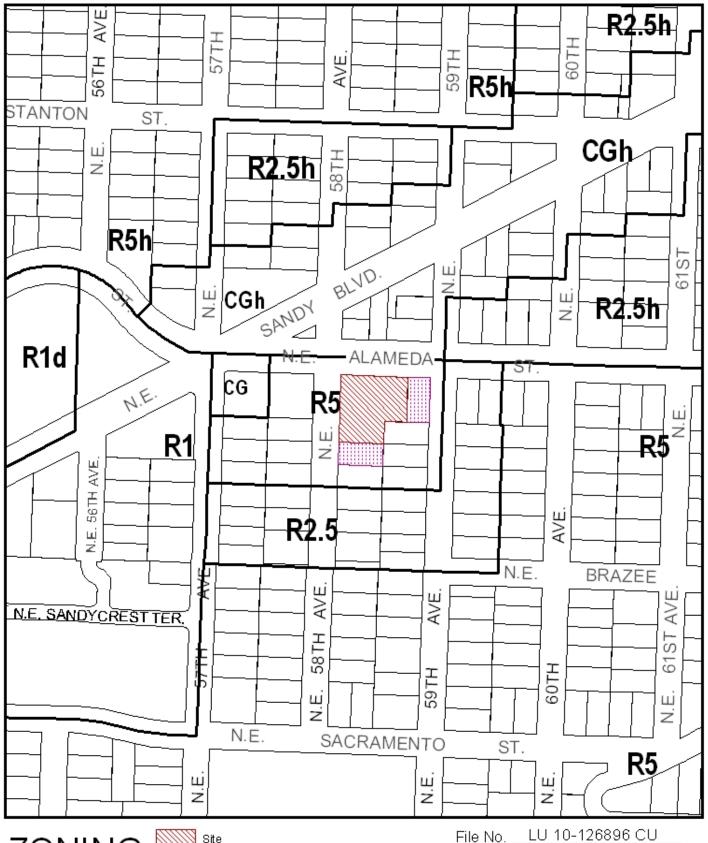
#### **EXHIBITS**

#### NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Project Narrative
  - 2. FCC Shot Clock extension
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. 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
  - 3. Incomplete letter to applicant

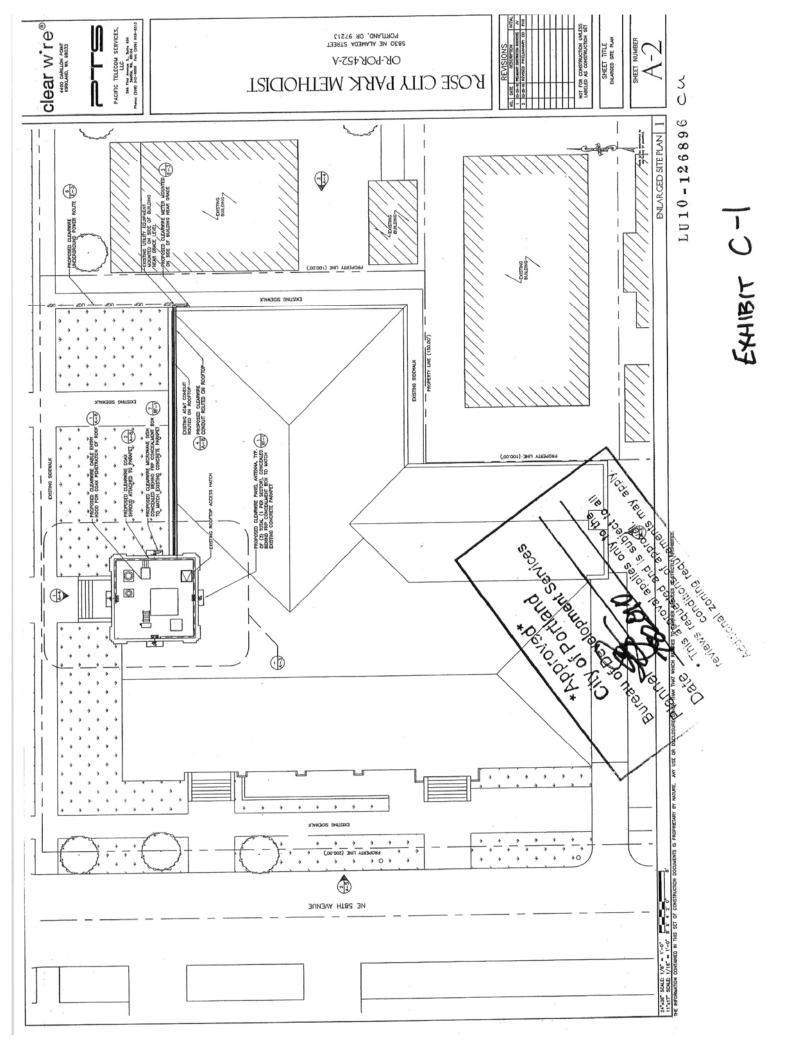
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).





2736 1/4 Section . 1 inch = 200 feet Scale. 1N2E30AD 14700 State\_Id. (Apr 14,2010) Exhibit \_





EMIBIT C-2