



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

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Date: September 24, 2021
To: Interested Person
From: Andrew Gulizia, Land Use Services
503-865-6714 / Andrew.Gulizia@portlandoregon.gov

NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 21-075534 CU

GENERAL INFORMATION

Applicant: Tammy Hamilton
ACOM Consulting, Inc.
5200 SW Meadows Rd., Ste. 150
Lake Oswego, OR 97035
(206) 499-4878
tammy.hamilton@acomconsultinginc.com

Party of Interest: Cellco Partnership dba Verizon Wireless
5430 NE 122nd Ave.
Portland, OR 97230

Property Owner: Tilda Ann Perry
5428 SE 136th Ave.
Portland, OR 97236-4032

Site Address: 5428 SE 136th Ave.

Legal Description: N 134.5' OF LOT 7 EXC PT IN ST, LAMARGENT PK
Tax Account No.: R466102600
State ID No.: 1S2E14AC 02500
Quarter Section: 3544

Neighborhood: Powellhurst-Gilbert, contact at pgnaboard@gmail.com
Business District: Midway, contact info@midwaybusiness.org
District Coalition: East Portland Community Office, contact at 503-823-4550

Plan District: Johnson Creek Basin

Zoning: R2.5 – Single-Dwelling Residential 2,500
Case Type: CU – Conditional Use Review

Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA)

Proposal: The applicant proposes new Verizon Wireless ground equipment within a 9' x 20' enclosure on this property. The enclosure will house equipment cabinets and a generator associated with Verizon Wireless antennas on an adjacent utility pole in the street right-of-way. Wood fencing will surround the enclosure on all sides, and 8.5-foot-tall, noise-absorbing barriers are proposed on the interior of the fencing along the west, south, and east sides. A roof cover is proposed over the southernmost 6 feet of the 9-foot-wide enclosure. New trees and shrubs are proposed along the north, west, and south sides of the enclosure.

Because the utility pole and antennas are within public right-of-way and not on private property, these facilities are not part of this land use review. Conditional Use Review is required for the ground equipment enclosure because it will be on private property within a residential zone (Zoning Code Section 33.274.050.A).

Relevant Approval Criteria: To be approved, this proposal must comply with the approval criteria specified in the Portland Zoning Code. The relevant approval criteria are in Zoning Code Section 33.815.225.D.

ANALYSIS

Site and Vicinity: The subject site is 61,855 square feet in area and located on the east side of SE 136th Avenue. The property is developed with a single-dwelling house and a detached garage. Currently, the property also has temporary structures in the front yard which the applicant intends to remove for construction of this project. The house is set back nearly 90 feet from the street, and the property contains several trees. The ground slopes gradually upward from the front of the lot toward the back. The surrounding area is developed with single-dwelling houses and townhomes. Powell Butte Nature Park is about 2,000 feet east of the site.

Zoning: The R2.5 single-dwelling residential zone is intended to preserve land for housing and to promote housing opportunities for individual households. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities.

The site is also within the boundaries of the Johnson Creek Basin plan district. The plan district provides for the safe, orderly, and efficient development of lands which are subject to physical constraints, including significant natural resources, steep and hazardous slopes, flood plains, wetlands, and the lack of streets, sewers, and water services.

Land Use Review History: In 2017, the City approved a Conditional Use Review for the same proposal under consideration in this application (case file LU 16-181622 CU). That approval has expired, so a new Conditional Use Review application is necessary to construct the project.

Agency Review: The City's Noise Control Officer reviewed the proposal and submitted comments (Exhibit E-1). The Noise Control Officer recommended a condition of approval requiring professional noise level testing after the equipment is installed. The testing must take place during the summer months when cooling needs are greatest and sound levels from the equipment are likely to be highest. The same condition of approval was imposed in LU 16-181622 CU.

Neighborhood Review: A "Notice of Proposal" was mailed on August 31, 2021. Three written responses were received from and on behalf of the neighbor to the south (Exhibits F-1 through F-3). These responses objected to the proposal based on potential noise impacts from the accessory equipment and potential health impacts from the radio transmission facility. An objection was also raised about the price and quality of Verizon service.

Staff response: Staff finds the applicable approval criteria for the proposal can be met with conditions of approval and therefore must be approved. The new equipment will be enclosed and partially covered with noise-absorbing materials, and a condition of approval will require noise testing to ensure noise levels comply with the City's Noise Control Code (Title 18). The radio transmission facility will be mounted to a utility pole in the public right-of-way, and improvements in the right-of-way are not subject to zoning regulations and therefore not subject to this land use review (Zoning Code Section 33.10.030.B). However, FCC regulations limit radio emission levels from antennas. The quality or price of Verizon service is not relevant to the approval criteria for this review.

ZONING CODE APPROVAL CRITERIA

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:

...

D. Approval criteria for all other Radio Frequency Transmission Facilities:

1. Based on the number and proximity of other facilities in the area, the proposal will not significantly lessen the desired character and appearance of the area;

Findings: Per the definition of "desired character" in Zoning Code Chapter 33.910, the desired character and appearance for this site is determined by the following:

Purpose statement for the R2.5 zone

The purposes for single-dwelling residential zones such as R2.5 are stated in Zoning Code Section 33.110.010:

The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing and provide options for infill housing that is compatible with the scale of the single-dwelling neighborhood.

- A. *Use regulations. The use regulations are intended to create, maintain and promote single-dwelling neighborhoods. They allow 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.*
- B. *Development standards. The development standards preserve the character of neighborhoods by providing six different zones with different densities and development standards. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The site development standards allow for flexibility of development while maintaining compatibility within the City's various neighborhoods. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. The development standards are generally written for houses on flat, regularly shaped lots. Other situations are addressed through special regulations or exceptions.*

The subject site is developed with a home, and the applicant's proposal for a 9' x 20' equipment enclosure will not undermine the primary residential use of the property. Since the equipment will be near the front of the property, the proposal has the potential to negatively impact the aesthetics of the property and its compatibility with the surrounding residential neighborhood. However, the new equipment will be enclosed by fully sight-obscuring fencing tall enough to block all views of the equipment, and the new fencing will be made of wood boards not wider than 6 inches each. This high-quality screening will

promote compatibility with the surrounding residential area. In addition, new shrubs and 15 new trees will surround the equipment enclosure (Exhibit A-10), further screening it from view and promoting an attractive, compatible appearance. The equipment and the enclosure will be subject to the building permit review and inspection process, so all applicable safety and energy efficiency regulations will be met. The proposal will have no impact on neighbors' privacy, and the large (61,855-square-foot) site will retain ample open space for recreational opportunities.

Purpose statement from the Johnson Creek Basin plan district

The purpose of the Johnson Creek Basin plan district is stated in Zoning Code Section 33.537.010:

The Johnson Creek Basin plan district provides for the safe, orderly, and efficient development of lands which are subject to a number of physical constraints, including significant natural resources, steep and hazardous slopes, flood plains, wetlands, and the lack of streets, sewers, and water services. At certain locations, the density of development is limited by applying special regulations to new land division proposals. In addition, restrictions are placed on all new land uses and activities to reduce stormwater runoff, provide groundwater recharge, reduce erosion, enhance water quality, and retain and enhance native vegetation throughout the plan district. At other locations, development is encouraged and mechanisms are included that provide relief from environmental restrictions.

This plan district is intended to be used in conjunction with environmental zoning placed on significant resources and functional values in the Johnson Creek basin, to protect resources and functional values in conformance with Goal 8 of the Comprehensive Plan and Statewide Planning Goal 5.

The only new development proposed for the subject site is the 9' x 20' equipment enclosure. The site is not on a steep slope and is not within a floodplain, wetland, or environmental zone. Two 11-inch cherry trees will be removed, but 15 new trees will be planted in the same area. The minimal footprint of the proposed development and the new trees will promote dense vegetation, erosion control, and water quality.

Adopted area plans

The subject site is within the boundaries of two area plans adopted by the City Council: the Powellhurst-Gilbert Neighborhood Plan and the Outer Southeast Community Plan. Relevant statements from the Powellhurst-Gilbert Neighborhood Plan include the following:

Goal A: Create a safe and attractive community in which to live, work, shop, and play.

Goal B: Preserve and improve the livability of established residential areas.

Policy 5 (Historic Preservation and Urban Design), Objective 6: Maintain and enhance the appearance of existing development.

The following statement from the Outer Southeast Community Plan is also found to be relevant:

Open Space and Environment Policy, Objective 9: Improve the appearance and livability of outer southeast neighborhoods.

As discussed above, the new equipment will be fully enclosed with wood fencing, and the fenced area will be surrounded by trees and shrubs for additional screening. Staff finds these elements will protect the aesthetics of the site, while noise-absorbing materials in the fence and roof cover will protect neighborhood livability.

Summary

When installed, the proposed equipment enclosure will be the only one of its kind in the immediate vicinity. With conditions of approval requiring solid wood fencing around the equipment, new landscaping around the fencing, and sound testing to ensure Noise Control Code (Title 18) limits are met, staff finds the proposal will not significantly lessen the desired character and appearance of the area. With the conditions of approval, this criterion is met.

2. The facility will be located so that impacts on mature trees and tree groves are minimized;

Findings: Two 11-inch cherry trees will be removed for this project and a 12-inch fir tree near the proposed enclosure will be preserved (Exhibit C-1). Trees which are 12 inches or larger in trunk diameter are subject to tree preservation requirements in the City's Tree Code (Title 11), while trees smaller than 12 inches are not. Since fir trees can be large, significant trees at maturity, and since only 2 relatively less significant trees will be removed, staff finds the proposal minimizes impacts on trees and tree groves. With a condition of approval requiring the fir tree to be preserved and protected during construction, this criterion is met.

3. Public benefits of the use outweigh any impacts which cannot be mitigated; and

Findings: The new equipment will be fully enclosed and screened, and noise-absorbing materials will limit noise impacts on neighboring properties. A condition of approval will require noise testing to ensure noise levels comply with the City's Noise Control Code (Title 18). With the conditions of approval for the screening and the noise testing, staff finds there will be no negative impacts which cannot be mitigated. Therefore, this criterion is met.

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

Findings: The regulations from Zoning Code Section 33.274.040 and findings for these regulations are below:

C. General requirements

1. *Tower sharing. New facilities must co-locate on existing towers or other structures to avoid construction of new towers, unless precluded by structural limitations, inability to obtain authorization by the owner of an alternative location, or where an alternative location will not meet the service coverage objectives of the applicant. 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 radio or television broadcast facilities on a site is encouraged where technically feasible. Tower grouping may not result in radio frequency emission levels exceeding the standards stated in C.5, below.*
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.*

The regulations in C.1 through C.4 are not applicable because this land use review is limited to the ground equipment enclosure to be placed on the subject property. The new antennas to be placed on the utility pole will be in the public right-of-way and are therefore not subject to zoning regulations (Zoning Code Section 33.10.030.B). The proposed

improvements in the right-of-way are regulated by the City's Office for Community Technology.

5. *Radio frequency emission levels and exposure limits. All Radio Frequency Transmission Facilities must operate within the radio frequency emissions levels and comply with the exposure limits established by the Federal Communications Commission (FCC). Applicants must certify that the proposed facility will be in compliance with FCC emissions standards with the permit application.*
6. *Antenna requirements. Antennas must be secured from public access, either by vertical or horizontal separation, fencing, locked access, or other measures as appropriate.*

The regulations in C.5 and C.6 are not applicable because the new antennas will be in the public right-of-way and not subject to zoning regulations (Zoning Code Section 33.10.030.B). The antennas are regulated by the FCC and by the Office for Community Technology.

7. *Setbacks.*
 - a. *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.*
 - b. *Accessory equipment or structures must meet the base zone setback standards that apply to accessory structures.*
 - c. *Tower guy anchors must meet the base zone setback standards that apply to buildings.*

No new tower is proposed, but the accessory equipment will comply with the minimum setbacks that apply to accessory structures in the R2.5 zone (minimum 10 feet from front lot lines and 5 feet from side and rear lot lines). A condition of approval will require the minimum 10-foot setback to be maintained from the front lot line even if a street dedication is required with the building permit for this project.

8. *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, I, or CI zones more than 50 feet from an R or IR zone. A tower and all accessory equipment or structures located in the C, E, I, or CI zones more than 50 feet from an R or IR 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;*
 - *The applicant must demonstrate that the lease includes provisions for planting and ongoing maintenance of the substitute landscaped area; 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, R, or IR zones or within 50 feet of an R or IR zone. A tower and all accessory equipment or structures located in an OS, R, or IR zone or within 50 feet of an R or IR 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.*

Since the equipment will be located on private property and associated with a transmission facility in the right-of-way, the regulations in C.8.c, above, apply. The equipment will be completely enclosed and screened by a solid wood fence meeting the F2 standard in Chapter 33.248. New trees and shrubs will also screen the enclosure from the street and the abutting property (Exhibit A-10).

9. *Tower design.*

- a. *For a tower accommodating a radio or television broadcast facility, the tower must be designed to support at least two additional radio or television broadcast transmitter/antenna systems 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.*

10. *Mounting device. The mounting device or mounting structure used to mount facilities to an existing building or other non-broadcast structure may exceed the height limit of the base zone but may not project more than 10 feet above the roof or parapet of the building or other non-broadcast structure.*

The regulations in C.9 and C.10 are not applicable because this land use review is limited to the ground equipment enclosure to be placed on the subject property. The new antennas to

be placed on the utility pole will be in the public right-of-way and are therefore not subject to zoning regulations (Zoning Code Section 33.10.030.B).

11. *Abandoned facilities. A tower or mounting device on a non-broadcast structure 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 or mounting device has been in use for more than six months.*

This regulation is not applicable because there are no abandoned transmission facilities on this site.

D. Additional requirements.

1. *Personal wireless service facilities located in OS, R, C, EX, CI, or IR zones, and personal wireless service facilities located in EG or I zones within 50 feet of an R or IR 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.*
 - b. *Lattice. Lattice towers are not allowed.*
2. *The minimum site area required for a tower in an R zone is 40,000 square feet.*
3. *Applications to locate or replace accessory equipment in or within 50 feet of an R or IR zone must be accompanied by a signed and stamped acoustical engineer’s report demonstrating that noise levels from the equipment is in full compliance with Title 18 (Noise) regulations, or demonstrating that with appropriate sound proofing mitigation, that the equipment will comply with Title 18.*

The regulations in D.1 and D.2 are not applicable because no new tower is proposed, and antennas on utility poles in the public right-of-way are regulated separately and not subject to these zoning regulations. For D.3, the applicant submitted the required engineer’s report demonstrating that noise levels from the accessory equipment will comply with Title 18 regulations (Exhibit A-3). The City’s Noise Control Officer reviewed this report and recommended a condition of approval for noise levels to be tested and confirmed for the new equipment (Exhibit E-1). The recommended condition of approval is included with this decision.

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 requirements of Title 11 can be met, and 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 proposed ground equipment enclosure will not significantly lessen the desired character and appearance of the area and will not create negative impacts that cannot be mitigated. Each of the applicable development standards for this type of facility will be met. With the conditions of approval listed below, staff finds the proposal meets the applicable approval criteria. Since the approval criteria can be met with conditions of approval, the proposal must be approved.

ADMINISTRATIVE DECISION

Approval of a Conditional Use Review for ground equipment within a 9' x 20' enclosure, per the approved plans, Exhibits C-1 through C-6, signed and dated September 20, 2021, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through F) must be noted on each of the 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 21-075534 CU." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The existing 12-inch fir tree, located on the southwest corner of the site, will be preserved per Section 11.60.030, Tree Protection Specifications.
- C. The exterior material for the enclosed equipment compound will be horizontal or vertical wood boards no more than 6 inches in width, to be 100 percent sight-obscuring.
- D. Landscaping must be installed consistent with the Compound Landscape Plan, Exhibit C-6.
- E. In the event that dedication of public right-of-way along SE 136th Avenue is required, the minimum 10-foot front setback for the ground equipment lease area must be maintained.
- F. The applicant must hire an acoustical engineer or engineering firm licensed in the State of Oregon to conduct sound level tests after the new equipment is installed. To confirm that the new equipment is in compliance with the City's Title 18, Noise Control, the applicant's acoustical engineer or engineering firm will complete the following actions during the first summer in which the ground equipment is in operation:
 1. Obtain approval from the City's Noise Control Officer for a plan for the scientific approach and protocol to collect the necessary sound readings at the site. Sound level readings that are completed without prior approval from the Noise Control Officer will not be sufficient.
 2. Set up a sound level meter on the site at the equipment location for a period of two weeks in a majority of dry weather conditions between July 15 and September 15. All new equipment shall be installed and in operation during the sound testing two-week period.
 3. Provide a mailed notice to property owners within 250 feet of the site's perimeter of the final compliance efforts described in items 1 and 2 above.
 4. Provide a plan to the City's Noise Control Officer describing necessary changes if the equipment is not operating in full compliance with Title 18 after the sound testing. Repeat sound testing described in item 2 and mailed notice described in item 3 above until the equipment is in compliance with Title 18.
 5. Provide documentation to BDS Land Use Services demonstrating this condition of approval has been met by October 15th after the first summer the ground equipment is in operation.

Staff Planner: Andrew Gulizia

Decision rendered by:  _____ **on September 20, 2021.**

By authority of the Director of the Bureau of Development Services

Decision mailed: September 24, 2021

Procedural Information. The application for this land use review was submitted on August 6, 2021 and was determined to be complete on August 25, 2021.

Zoning Code Section 33.700.080 states that land use review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal or complete within 180 days. Therefore, this application was reviewed against the Zoning Code in effect on August 6, 2021.

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 December 23, 2021.**

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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to paper files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

Recording the final decision. This land use decision will be recorded with the Multnomah County Recorder. The applicant does not need to record the final decision with the Multnomah County Recorder.

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 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 for 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. Narrative
 - 2. Submittal checklist
 - 3. Noise study
 - 4. Photographs
 - 5. Response to incompleteness determination letter
 - 6. Original plan set
 - 7. Revised plan set
 - 8. Original photo simulations
 - 9. Revised photo simulations
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site plan (attached)
 - 2. South elevation (attached)
 - 3. West elevation (attached)
 - 4. North elevation
 - 5. East elevation
 - 6. Landscaping plan
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Noise Control Officer
- F. Correspondence:
 - 1. Email from Marie Do, dated September 7, 2021
 - 2. Email from Peter Do, dated September 8, 2021
 - 3. Letter from Alice Zikus, dated September 13, 2021
- G. Other:
 - 1. Land use application form
 - 2. Incompleteness determination letter, dated August 16, 2021

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).