



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

Beverly Stein, Chair

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-3308 FAX (503) 988-3093

Email: mult.chair@co.multnomah.or.us

Diane Linn, Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5220 FAX (503) 988-5440

Email: diane.m.linn@co.multnomah.or.us

Serena Cruz, Commission Dist. 2

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5219 FAX (503) 988-5440

Email: serena.m.cruz@co.multnomah.or.us

Lisa Naito, Commission Dist. 3

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5217 FAX (503) 988-5262

Email: lisa.h.naito@co.multnomah.or.us

Lonnie Roberts, Commission Dist. 4

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5213 FAX (503) 988-5262

Email: lonnie.j.roberts@co.multnomah.or.us

ANY QUESTIONS? CALL BOARD

CLERK DEB BOGSTAD @ (503) 988-3277

Email: deborah.l.bogstad@co.multnomah.or.us

**INDIVIDUALS WITH DISABILITIES
PLEASE CALL THE BOARD CLERK
AT (503) 988-3277, OR MULTNOMAH
COUNTY TDD PHONE (503) 988-5040,
FOR INFORMATION ON AVAILABLE
SERVICES AND ACCESSIBILITY.**

FEBRUARY 15, 2001

BOARD MEETING

FASTLOOK AGENDA ITEMS OF INTEREST

Pg. 2	9:30 a.m. Thursday Opportunity for Public Comment on Non-Agenda Matters
Pg. 2	9:30 a.m. Thursday Contingency Fund Request to Pay for Gresham Night Court Security and Related Equipment
Pg. 3	9:55 a.m. Thursday Resolution Adopting Multnomah County Investment Policy
Pg. 3	10:05 a.m. Thursday Resolution Approving Purchase of Real Property for Women's Transition Services Program
Pg. 3	10:10 a.m. Thursday First Reading of an Ordinance Providing Code Standards for Wireless Communications Facilities
*	Board and Agenda Web Site: <a href="http://www.co.multnomah.or.us/cc/ind
ex.html">http://www.co.multnomah.or.us/cc/ind ex.html

Thursday meetings of the Multnomah County
Board of Commissioners are cable-cast live and
taped and may be seen by Cable subscribers in
Multnomah County at the following times:

Thursday, 9:30 AM, (LIVE) Channel 30

Saturday, 9:00 AM, Channel 30

Sunday, 11:00 AM, Channel 30

Tuesday, 11:00 PM, Channel 30

Produced through Multnomah Community
Television

Thursday, February 15, 2001 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM **NON-DEPARTMENTAL**

C-1 Board Confirmation of Commissioner Assignments to Committees

DEPARTMENT OF SUSTAINABLE COMMUNITY DEVELOPMENT

C-2 RESOLUTION Authorizing Execution of Deed D011765 for Repurchase of Tax Foreclosed Property to Former Owner BERTRAM F. RUDOLPH JR

C-3 RESOLUTION Authorizing Execution of Deed D011766 for Repurchase of Tax Foreclosed Property to Former Owner BERTRAM F. RUDOLPH JR

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

C-4 ORDER Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

REGULAR AGENDA - 9:30 AM **PUBLIC COMMENT - 9:30 AM**

Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

SHERIFF'S OFFICE - 9:30 AM

R-1 Budget Modification MCSO 01 Requesting \$89,920 General Fund Contingency to Pay for 3.9 FTE Facility Security Officers and Related Equipment to Staff a State Court Established Night Court in Gresham

DEPARTMENT OF HEALTH - 9:45 AM

R-2 Intergovernmental Agreement 4600001346 with Oregon Health Division Center for Disease Prevention and Epidemiology, Providing the County with

Technical Assistance in Research Design and Serving as a Consultant Regarding Implementation and Evaluation of the County" Healthy Start Initiative Grant from the Federal Health Resources and Services Administration

DEPARTMENT OF COMMUNITY JUSTICE - 9:50 AM

- R-3 NOTICE OF INTENT to Apply for a \$250,000 Regional Investment Program Grant to Facilitate the Provision of Employment Services to Ex-offenders Soon to be Released from the Columbia River Correctional Institute, in Collaboration with the Oregon Department of Corrections and worksystems, inc.

DEPARTMENT OF SUPPORT SERVICES - 9:55 AM

- R-4 RESOLUTION Adopting Multnomah County Investment Policy for Fiscal Year 2000-2001

DEPARTMENT OF SUSTAINABLE COMMUNITY DEVELOPMENT - 10:05 AM

- R-5 RESOLUTION Approving Purchase of Real Property at 722, 732 and 736 NE Couch Street, and Authorizing the Chair to Execute Documents Necessary to Complete the Purchase
- R-6 First Reading of an ORDINANCE Amending Multnomah County Code Chapters 11.15, 33, 34, and 35 to Provide Standards for the Appropriate Location, Regulation, and Development of Wireless Communications Facilities



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

DEBORAH BOGSTAD, BOARD CLERK

OFFICE OF BEVERLY STEIN, COUNTY CHAIR

MULTNOMAH BUILDING

501 SE HAWTHORNE BOULEVARD, SUITE 600

PORTLAND, OREGON 97214

TELEPHONE • (503) 988- 3277 FAX • (503) 988- 3013

BOARD OF COUNTY COMMISSIONERS

BEVERLY STEIN• CHAIR •988- 3308

DIANE LINN• DISTRICT 1 •988- 5220

SERENA CRUZ• DISTRICT 2 •988- 5219

LISA NAITO• DISTRICT 3 •988- 5217

LONNIE ROBERTS• DISTRICT 4 •988- 5213

MEETING NOTICE

Thursday, February 15, 2001 - 6:00 - 8:00 PM

Southeast Asian Vicariate

5404 NE Alameda Drive, Portland

COMMUNITY BUDGET FORUM

A Quorum of the Multnomah County Board of Commissioners May Attend the Asian Pacific Islander American Communities Budget Forum Sponsored by the Asian Pacific American Network of Oregon (APANO). Contact Hongsa Chanthavong at Asian Family Center (503) 235-9396 for Further Information.

An Equal Opportunity Employer

BOGSTAD Deborah L

From: JOHNSON Marialisa
Sent: Wednesday, February 14, 2001 10:53 AM
To: BOGSTAD Deborah L
Subject: RE: Community Budget Forums and 2/15/01 APANO budget hearing

Importance: High

Deb,
Here is the information you will need for the press call:

Mtg date/time: February 15, 2001, 6:00 - 8:00 p.m.
Location: Southeast Asian Vicariate, 5404 NE Alameda Dr.
Sponsored by: Asian Pacific American Network of Oregon (APANO)
Meeting title: Asian Pacific Islander American Communities Budget Forum

This is a joint City of Portland/Multnomah County budget forum.

-----Original Message-----

From: BOGSTAD Deborah L
Sent: Tuesday, February 13, 2001 2:00 PM
To: FARVER Bill M; JOHNSON Marialisa; BIANCO Diana M
Cc: DARGAN Karyne A; WARREN Dave C; SPONSLER Thomas
Subject: Community Budget Forums and 2/15/01 APANO budget hearing
Importance: High

I thought the Board decided no more than 2 Commissioners would attend community budget hearings, however after talking with Marialisa this morning I've just confirmed that Lisa, Diane and Beverly plan on attending the Asian Pacific Islander American Communities of Oregon community budget forum this Thursday evening. Lonnie is not going, but I have to wait until tomorrow to find out if Serena is planning to attend. Is this something you want to nip in the bud, so only 2 Commissioners attend?

If not, I contacted Tom Sponsler for a refresher on the public meetings law regarding this issue and he confirms that a quorum or more of the Board may attend a non-County sponsored meeting, however they cannot discuss County budget issues unless the meeting is appropriately noticed and minutes are provided. The minutes must include the names of the attendees and the substance of the discussion. It is too late for me to provide appropriate notice on this week's Board agenda, however I can do a press call. I need to know the date, time, location and appropriate name of the meeting and a contact person name and number. Thanks.

Deb Bogstad
Multnomah County Board Clerk
501 SE Hawthorne Blvd., Suite 600
Portland, Oregon 97214
phone (503) 988-3277 fax (503) 988-3013
<http://www.co.multnomah.or.us/cc/index.html>

BOGSTAD Deborah L

From: JOHNSON Marialisa
Sent: Monday, February 12, 2001 3:57 PM
To: BOGSTAD Deborah L
Cc: FARRELL Delma D
Subject: APANO Budget forum

Importance: High

Deb,
APANO (Asian Pacific American Network of Oregon) has invited all the County Commission to its community budget forum on 2/15. I had asked their contact person to let me know in advance if they were going to invite more than 3 commissioners. I just found out today that this is what they are planning. Commissioner Naito, Linn and Beverly all have this meeting on their calendars. I am not sure about whether Commissioner Cruz and Roberts are planning to attend.

I am not sure whether the public meeting rules apply if a community group invites the bcc to attend a community function. They will obviously not be deliberating budget issues at this meeting, however, they will be listening to requests, and you may need to be there to record the meeting. As of yet, APANO has not made arrangements with me to get recording equipment to this meeting. I can find out what they are planning. I vaguely remember that Tom Sponsler had said that we weren't bound by public meeting law if the community invited the commissioners. I might be totally wrong in my understanding of this. I also appologize to you for such a late notice. Please see my email on budget forums for time and location of this forum. Let me know what I need to do to support you on this.

Maria Lisa



4424 N.E. Glisan St.

Portland, OR 97213

(503) 235-9396

(503) 235-0341 fax

January 5, 2001

Chair Beverly Stein
Multnomah County Board
1120 SW Fifth Ave., 15th Floor
Portland, OR 97204

Dear Chair Stein:

The Asian Community will organize the 3rd Annual Budget Hearing on February 7, 2001 from 6-8 pm in Portland. The agenda of the Budget Hearing will follow.

We, therefore, would like to invite you again, Chair Stein, to be at our Budget Hearing this year.

We strongly believe that your participation at our Annual Budget Hearing played and will continue playing a very important role in the lives of Asian children, young people and their families in Multnomah County.

Respectfully,

Hongsa Chanthavong → fax (503) 235-1254
Hongsa Chanthavong
Center Coordinator

fax budget press release
schedule

7/6

2/15 → 6-8pm

SERENA &
LONNIE NO

a program of

IRCO

in partnership with



Catholic Charities



Lutheran Family Services



United Way

MEETING DATE: FEB 15 2001
AGENDA NO: C-1
ESTIMATED START TIME: 9:30
LOCATION: BOARDROOM 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Board Confirmation of Commissioner Assignments to Committees

BOARD BRIEFING:

DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING:

DATE REQUESTED: 2/15/01

AMOUNT OF TIME NEEDED: N/A

DEPARTMENT: Chair's Office

DIVISION: _____

CONTACT: Diana Bianco

TELEPHONE #: 988.5797

BLDG/ROOM #: 503/600

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Board Confirmation of Commissioner Assignments to Committees

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT

MANAGER: _____

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
01 FEB -5 PM 5:10

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277

BOARD OF COUNTY COMMISSIONERS ASSIGNMENTS
FEBRUARY 2001

Committee	Assignment
Affordable Housing Technical Advisory Committee	Commissioner Linn
Alcohol and Drug Working Group of Local Public Safety Coordinating Council	Commissioner Cruz (chair)
Association for Portland Progress	Commissioner Linn
Association of Oregon Counties – legislative committee	Commissioner Naito, Commissioner Linn
Audit Committee	Commissioner Naito
Commission on Children, Families and Community	Chair Stein, Commissioner Linn
Community Building Initiative/SUN Program	Chair Stein, Commissioner Linn
Community Development Block Grant	Commissioner Roberts
Court Security Committee	Commissioner Roberts
DUI Community Advisory Board	Commissioner Cruz
East Multnomah County Transportation Committee	Commissioner Roberts
Elders in Action Liaison	Commissioner Roberts
Johnson Creek Watershed	Commissioner Roberts
Joint Policy Advisory Committee on Transportation	Commissioner Roberts, Commissioner Cruz (alternate)
Juvenile Justice Council	Commissioner Roberts
Leaders Roundtable	Chair Stein, Commissioner Linn (alternate)
Living Wage Review Board	Commissioner Cruz
Local Public Safety Coordinating Council	Chair Stein (Executive Committee and chair), Commissioner Naito (Executive Committee), Commissioner Cruz
Mental Health Coordinating Council	Chair Stein (chair), Commissioner Linn (vice-chair)
Metro Exposition-Recreation Commission Liaison	Commissioner Linn
Metro Policy Advisory Council	Commissioner Naito (chair), Commissioner Linn (alternate)
Metropolitan Human Rights Center Liaison	Commissioner Naito
Mount Hood Regulatory Commission Liaison	Commissioner Cruz
Multnomah County Library Advisory Board	Commissioner Cruz
Portland/Oregon Visitors Association Board	Chair Stein
School Attendance Initiative Policy Committee	Chair Stein
Visitors Development Fund	Commissioner Linn, Commissioner Cruz
Worksystems, Inc.	Chair Stein

MEETING DATE: FEB 15 2001
AGENDA NO: C-2
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's use only)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Repurchase Deed to Former Owner

BOARD BRIEFING: Date Requested: _____
Requested by: _____
Amount of Time Needed: _____

REGULAR MEETING: Date Requested: Consent Calendar
Amount of Time Needed: _____

DEPARTMENT: Sustainable Community Development DIVISION: Administration

CONTACT: Gary Thomas TELEPHONE #: 503/988-3590 x22591
BLDG/ROOM #: 503/175/Tax Title

PERSON(s) MAKING PRESENTATION: _____

ACTION REQUESTED:

{ } INFORMATION ONLY { } POLICY DIRECTION {X} APPROVAL { } OTHER

Request approval of Repurchase Deed of Former Owner, BERTRAM F. RUDOLPH JR
Resolution and Deed D011765 attached.

02/20/01 ORIGINAL DEED & COPIES OF
ALL TO TAX TITLE

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
01 FEB - 7 AM 11:25

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
OR
DEPARTMENT MANAGER: Robert D. [Signature]

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES
Any Questions: Call the Board Clerk @ 988-3277

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. _____

Authorizing Execution of Deed D011765 for Repurchase of Tax Foreclosed Property to Former Owner BERTRAM F. RUDOLPH JR

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property hereinafter described through foreclosure of liens for delinquent taxes, and that BERTRAM F. RUDOLPH JR is the former record owner
- b) BERTRAM F. RUDOLPH JR has applied to the County to repurchase the property for the amount of \$67.22, which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that the property be sold to the former owner.
- c) The County's Tax Title Division has received \$67.22 from the former owner.

The Multnomah County Board of Commissioners Resolves:

- 1. That the Chair of the Multnomah County Board of County Commissioners is authorized to Execute a deed in a form substantially complying with the attached deed conveying to the contract purchaser the following described real property:

EAST 2' OF LOT 14, BLOCK 1, GREENACRES, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

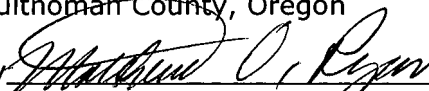
Approved this day of February 2001.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By _____
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Attorney
Multnomah County, Oregon

By  _____
Matthew O. Ryan, Assistant County Attorney

Deed D011765

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to BERTRAM F. RUDOLPH JR, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

EAST 2' OF LOT 14, BLOCK 1, GREENACRES, a recorded subdivision in the County of Multnomah and State of Oregon.

The true and actual consideration paid for this transfer, stated in the terms of dollars is \$67.22.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Until a change is requested, all tax statements shall be sent to the following address:

BERTRAM F. RUDOLPH JR
PO BOX 2302
CARMEL CA 929212302

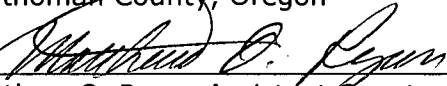
IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the day of February 2001, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By _____
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Attorney
Multnomah County, Oregon

By  _____
Matthew O. Ryan, Assistant County Attorney

After recording, return to 503/175/Multnomah County Tax Title

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 01-014

Authorizing Execution of Deed D011765 for Repurchase of Tax Foreclosed Property to Former Owner BERTRAM F. RUDOLPH JR

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property hereinafter described through foreclosure of liens for delinquent taxes, and that BERTRAM F. RUDOLPH JR is the former record owner.
- b) BERTRAM F. RUDOLPH JR has applied to the County to repurchase the property for the amount of \$67.22, which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that the property be sold to the former owner.
- c) The County's Tax Title Division has received \$67.22 from the former owner.

The Multnomah County Board of Commissioners Resolves:

- 1. That the Chair of the Multnomah County Board of County Commissioners is authorized to Execute a deed in a form substantially complying with the attached deed conveying to the contract purchaser the following described real property:

EAST 2' OF LOT 14, BLOCK 1, GREENACRES, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

ADOPTED this 15th day of February 2001.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

Thomas Sponsler, County Attorney
For Multnomah County, Oregon

By 
Matthew O. Ryan, Assistant County Attorney

Deed D011765

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to BERTRAM F. RUDOLPH JR, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

EAST 2' OF LOT 14, BLOCK 1, GREENACRES, a recorded subdivision in the County of Multnomah and State of Oregon.

The true and actual consideration paid for this transfer, stated in the terms of dollars is \$67.22.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

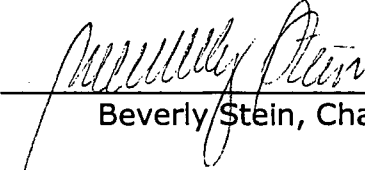
Until a change is requested, all tax statements shall be sent to the following address:

BERTRAM F. RUDOLPH JR
PO BOX 2302
CARMEL CA 92921-2302

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 15th day of February 2001, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

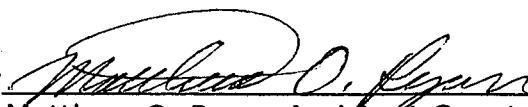


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

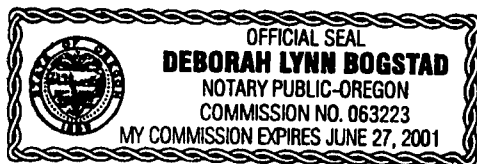
Thomas Sponsler, County Attorney
For Multnomah County, Oregon

By 
Matthew O. Ryan, Assistant County Attorney

After recording, return to 503/175/Multnomah County Tax Title

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

The foregoing instrument was acknowledged before me this 15th day of February, 2001, by Beverly Stein, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



Deborah Lynn Bogstad
Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/01

FEB 15 2001

MEETING DATE: _____
AGENDA NO: C-3
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's use only)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Repurchase Deed to Former Owner

BOARD BRIEFING: Date Requested: _____
Requested by: _____
Amount of Time Needed: _____

REGULAR MEETING: Date Requested: Consent Calendar
Amount of Time Needed: _____

DEPARTMENT: Sustainable Community Development DIVISION: Administration

CONTACT: Gary Thomas TELEPHONE #: 503/988-3590 x22591
BLDG/ROOM #: 503/175/Tax Title

PERSON(s) MAKING PRESENTATION: _____

ACTION REQUESTED:

{ } INFORMATION ONLY { } POLICY DIRECTION {X} APPROVAL { } OTHER

Request approval of Repurchase Deed of Former Owner, BERTRAM F. RUDOLPH JR.

Resolution and Deed D011766 attached.

02/20/01 original deed & copies
of all to tax title

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
01 FEB - 7 AM 11:26

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

DEPARTMENT MANAGER: Robert Chen David Rojas de Steffen

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES
Any Questions: Call the Board Clerk @ 988-3277

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. _____

Authorizing Execution of Deed D011766 for Repurchase of Tax Foreclosed Property to Former Owner BERTRAM F. RUDOLPH JR

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property hereinafter described through foreclosure of liens for delinquent taxes, and that BERTRAM F. RUDOLPH JR is the former record owner
- b) BERTRAM F. RUDOLPH JR has applied to the County to repurchase the property for the amount of \$67.22, which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that the property be sold to the former owner.
- c) The County's Tax Title Division has received \$67.22 from the former owner.

The Multnomah County Board of Commissioners Resolves:

1. That the Chair of the Multnomah County Board of County Commissioners is authorized to Execute a deed in a form substantially complying with the attached deed conveying to the contract purchaser the following described real property:

AS DESCRIBED ON ATTACHED EXHIBIT A

Approved this day of February 2001.

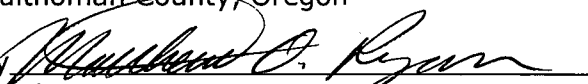
BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By _____
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Attorney
Multnomah County, Oregon

By


Matthew O. Ryan, Assistant County Attorney

Deed D011766

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to BERTRAM F. RUDOLPH JR, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

AS DESCRIBED ON ATTACHED EXHIBIT A

The true and actual consideration paid for this transfer, stated in the terms of dollars is \$67.22.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Until a change is requested, all tax statements shall be sent to the following address:

BERTRAM F. RUDOLPH JR
PO BOX 2302
CARMEL CA 929212302

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the _____ day of February 2001, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By _____
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Attorney
Multnomah County, Oregon

By  _____
Matthew O. Ryan, Assistant County Attorney

After recording, return to 503/175/Multnomah County Tax Title

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 01-015

Authorizing Execution of Deed D011766 for Repurchase of Tax Foreclosed Property to Former Owner BERTRAM F. RUDOLPH JR

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property hereinafter described through foreclosure of liens for delinquent taxes, and that BERTRAM F. RUDOLPH JR is the former record owner.
- b) BERTRAM F. RUDOLPH JR has applied to the County to repurchase the property for the amount of \$67.22, which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that the property be sold to the former owner.
- c) The County's Tax Title Division has received \$67.22 from the former owner.

The Multnomah County Board of Commissioners Resolves:

- 1. That the Chair of the Multnomah County Board of County Commissioners is authorized to Execute a deed in a form substantially complying with the attached deed conveying to the contract purchaser the following described real property:

AS DESCRIBED ON ATTACHED EXHIBIT A

ADOPTED this 15th day of February 2001.



REVIEWED:

Thomas Sponsler, County Attorney
For Multnomah County, Oregon

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair

By

Matthew O. Ryan, Assistant County Attorney

EXHIBIT "A"

LEGAL DESCRIPTION FOR DEED D011766

A TRACT OF LAND IN THE NORTHWEST ONE-QUARTER OF SECTION 9, TOWNSHIP 1 SOUTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, BEING A PORTION OF LOT 2, BENVUE TRACTS, A DULY RECORDED PLAT OF MULTNOMAH COUNTY, OREGON.

ALL THAT PART OF LOT 2, BENVUE TRACTS, LYING SOUTHERLY OF NW 9th STREET AS DEDICATED IN THE PLAT OF BIRDWELL ADDITION RECORDED SEPTEMBER 22, 1960 IN PLAT BOOK 1193 AT PAGE 41 AND EASTERLY OF LOT 8 OF SAID BIRDWELL ADDITION AND NORTHERLY OF THE SOUTHERLY 237 FEET OF THE EASTERLY 100 FEET OF SAID LOT 2 BENVUE TRACTS.

Deed D011766

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to BERTRAM F. RUDOLPH JR, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

AS DESCRIBED ON ATTACHED EXHIBIT A

The true and actual consideration paid for this transfer, stated in the terms of dollars is \$67.22.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Until a change is requested, all tax statements shall be sent to the following address:

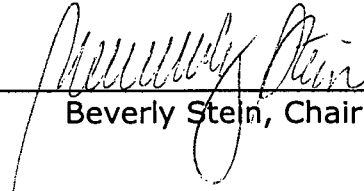
BERTRAM F. RUDOLPH JR
PO BOX 2302
CARMEL CA 92921-2302

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 15th day of February 2001, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.



REVIEWED:

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

Thomas Sponsler, County Attorney
For Multnomah County, Oregon

By 
Matthew O. Ryan, Assistant County Attorney

After recording, return to 503/175/Multnomah County Tax Title

EXHIBIT "A"

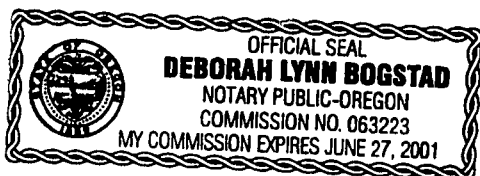
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STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

The foregoing instrument was acknowledged before me this 15th day of February, 2001, by Beverly Stein, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



Deborah Lynn Bogstad
Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/01

MEETING DATE: FEB 15 2001
AGENDA NO: C-4
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Director Custody Holds per ORS 426.215

BOARD BRIEFING: DATE REQUESTED:
REQUESTED BY:
AMOUNT OF TIME NEEDED:

REGULAR MEETING: DATE REQUESTED:
AMOUNT OF TIME NEEDED: N/A

DEPARTMENT: Community & Family Services **DIVISION:** Behavioral Health

CONTACT: Ginnie Churchill **TELEPHONE #:** 503-988-5464 x24050
BLDG/ROOM #: 166/6

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Order authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to take an Allegedly Mentally Ill person into custody.

02/16/01 copies to Ginnie Churchill

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT
MANAGER: Lorenzo Poe MD

BOARD OF
COUNTY COMMISSIONERS
01 JAN 31 AM 11:13
MULTI-STATE COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277



MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES
BEHAVIORAL HEALTH DIVISION
421 SW SIXTH, SUITE 600
PORTLAND, OREGON 97204
(503) 988-5464 FAX (503) 988-3926
TDD (503) 988-3598

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DIANE LINN • DISTRICT 1 COMMISSIONER
SERENA CRUZ • DISTRICT 2 COMMISSIONER
LISA NAITO • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

SUPPLEMENTAL STAFF REPORT

To: Board of County Commissioners
From: Janice Gratton, Interim Senior Manager, BHD
Ginnie Churchill, Senior PDS
Date: 1/25/01
Date of Agenda Placement:
Re: Authorizing designees of the Mental Health Program
Director to direct a peace officer to take an allegedly
mentally ill person into custody.

1. Recommendation/Action Requested:
Authorize additional individuals to direct peace officers to take an allegedly mentally ill person into custody.
2. Background/Analysis:
Outpatient mental health agencies depend upon certain staff having the ability to assess clients for a Director Designee Custody. This certification allows the designee to direct the police to take into custody any individual with mental health issues who is judged dangerous to self or others. Police then transport the individual to a treatment center (Crisis Triage Center or emergency room). As agencies experience staffing turnovers, new staff need to be trained and authorized.
3. Financial Impact:
None
4. Legal Issues:
In accordance with ORS 426.215
5. Controversial Issues:
Not aware of any controversial issues.
6. Link to Current County Policies:
Authorizing mental health staff to perform this function promotes public safety.
7. Citizen Participation:
N/A
8. Other Government Participation:
N/A

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

The Multnomah County Board of Commissioners Finds:

- a) If authorized by a county governing body, a designee of a mental health program director may direct a peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody, and treatment of mental illness.
- b) There is a current need for specified designees of the Multnomah County Mental Health Program Director to have the authority to direct a peace officer to take an allegedly mentally ill person into custody.
- c) All the designees listed below have been specifically recommended by the Mental Health Program Director and meet the standards established by the Mental Health Division.

The Multnomah County Board of Commissioners Orders:

- 1. The individuals listed below are authorized as designees of the Mental Health Program Director for Multnomah County to direct any peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody or treatment for mental illness.
- 2. Added to the list of designees are:

Lee Smula
Miho Shimba

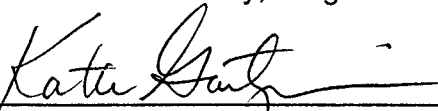
ADOPTED this _____ day of February, 2001.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Attorney
For Multnomah County, Oregon

By 
Katie Gaetjens, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 01-016

Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

The Multnomah County Board of Commissioners Finds:

- a) If authorized by a county governing body, a designee of a mental health program director may direct a peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody, and treatment of mental illness.
- b) There is a current need for specified designees of the Multnomah County Mental Health Program Director to have the authority to direct a peace officer to take an allegedly mentally ill person into custody.
- c) All the designees listed below have been specifically recommended by the Mental Health Program Director and meet the standards established by the Mental Health Division.

The Multnomah County Board of Commissioners Orders:

1. The individuals listed below are authorized as designees of the Mental Health Program Director for Multnomah County to direct any peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody or treatment for mental illness.
2. Added to the list of designees are:

Lee Smula
Miho Shimba

ADOPTED this 15th day of February, 2001.



REVIEWED:

Thomas Sponsler, County Attorney
For Multnomah County, Oregon

By Katie Gaetjens
Katie Gaetjens, Assistant County Attorney
1-Custody Hold Order

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein
Beverly Stein, Chair

#1

SPEAKER SIGN UP CARDS

DATE 2-15-01

NAME ROGER TROEN

ADDRESS 4226 N MONTANA AV.

97217

PHONE 287-7894

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC ANIMAL CONTROL

GIVE TO BOARD CLERK

#2

SPEAKER SIGN UP CARDS

DATE

2/15/01

NAME

Larry Gohle

ADDRESS

14405 SE 90th

Pld

PHONE

762-0939

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC

MCAC

GIVE TO BOARD CLERK

#3

SPEAKER SIGN UP CARDS

DATE 2/15

NAME

Joy Gohl

ADDRESS

1446 5th SE Ellis

Red

PHONE

762-0939

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC MCAC

GIVE TO BOARD CLERK

#4

SPEAKER SIGN UP CARDS

DATE 2/15/01

NAME

EILEEN STARK

ADDRESS

847 SW BROADWAY
PORTLAND 97201

PHONE

221-0734

SPEAKING
TOPIC

ON AGENDA ITEM NUMBER OR
CIRCUS BAN

GIVE TO BOARD CLERK



Department of Environmental Services
Animal Control Division

MULTNOMAH COUNTY OREGON

1700 W. Historic Columbia River Hwy.
Troutdale, Oregon 97060
(503) 988-7387 x234 phone
(503) 988-3787 fax

Zero Euthanasia Forum

You may or may not have heard about the Zero Euthanasia Forum scheduled for next Thursday, January 25, but your name was placed in our database as someone who was interested in animal issues and who might like to attend. The meeting has been postponed and an invitation will be mailed to you in the near future with the corrected date.

I'm the new Director for Multnomah County Animal Control and I've spent the last six months learning about the community and trying to understand the animal problems at my shelter. The more I looked around the more pleased I was at how active our population is regarding animal issues and I've had a chance to broaden my perspective. In our metropolitan area it doesn't do a whole lot of good to solve problems in just one shelter or in just one county. A male dog living in Multnomah County will gladly cruise over to Clackamas County to visit a female friend and a dog from Vancouver may be dumped in a Portland neighborhood. Our animal problems are interrelated and the best solution will be a partnership between humane organizations, municipal animal shelters and private citizens along with support from our politicians.

I'm tired of killing! I'm tired of folks in the NO-Kill shelters thinking they have "THE SOLUTION" and that somehow they treat animals better than I do because they don't euthanize them. We all know that when a No Kill shelter is full the excess comes to county shelters to handle and some are put down. If we work together we can stop ALL unnecessary euthanasia and stop using the excuse that we had no more room for them.

I've contacted a representative from the Maddie Fund, a foundation with over \$200 million dollars and a desire to help us, and they will attend our Zero Euthanasia Forum to tell us how they can help to fund our efforts to make the Portland metro area a zero euthanasia place. I would like to invite you to come and to join us in accomplishing what just a few years ago seemed impossible. WE CAN BE A NO KILL COMMUNITY IF WE ALL PULL IN THE SAME DIRECTION! All it takes is to put our combined efforts and interests together, to put our egos aside, and to design the spay/neuter, education, legislation and fundraising programs that lead to success. I'll be in touch within the next two weeks.

Sincerely and with great hope,

Gary Hendel
Director
Multnomah County Animal Control
503-988-7387 x254

How Could You?

Copyright Jim Willis 2001

jwillis@bellatlantic.net

When I was a puppy, I entertained you with my antics and made you laugh. You called me your child, and despite a number of chewed shoes and a couple of murdered throw pillows, I became your best friend. Whenever I was "bad," you'd shake your finger at me and ask "How could you?" - but then you'd roll me over for a bellyrub.

My housebreaking took a little longer than expected because you were terribly busy, but we worked on that together. I remember those nights of nuzzling you in bed and listening to your confidences and secret dreams, and I believed that life could not be more perfect. We went for long walks and runs in the park, car rides, stops for ice cream (I got only the cone because "ice cream is bad for dogs," you said, and I took long naps in the sun waiting for you to come home at the end of the day.

Gradually, you began spending more time at work and on your career, and more time searching for a human mate. I waited for you patiently, comforted you through heartbreaks and disappointments, never chided you about bad decisions, and romped with glee at your homecomings, and when you fell in love.

She, now your wife, is not a "dog person" - still I welcomed her into our home, tried to show her affection, and obeyed her. I was happy because you were happy. Then the human babies came along and I shared your excitement. I was fascinated by their pinkness, how they smelled, and I wanted to mother them, too. Only she and you worried that I might hurt them, and I spent most of my time banished to another room, or to a dog crate. Oh, how I wanted to love them, but I became a "prisoner of love."

As they began to grow, I became their friend. They clung to my fur and pulled themselves up on wobbly legs, poked fingers in my eyes, investigated my ears, and gave me kisses on my nose. I loved everything about them and their touch - because your touch was now so infrequent - and I would have defended them with my life if need be.

I would sneak into their beds and listen to their worries and secret dreams, and together we waited for the sound of your car in the driveway. There had been a time, when others asked you if you had a dog that you produced a photo of me from your wallet and told them stories about me. These past few years, you just answered "yes" and changed the subject. I had gone from being "your dog" to "just a dog" and you resented every expenditure on my behalf.

Now you have a new career opportunity in another city, and you and they will be moving to an apartment that does not allow pets. You've made the right decision for your "family," but there was a time when I was your only family.

I was excited about the car ride until we arrived at the animal shelter. It smelled of dogs and cats, of fear, of hopelessness. You filled out the paperwork and said, "I know you will find a good home for her." They shrugged and gave a painful look. They understood the realities facing a middle-aged dog, even one with "papers." You had to pry your son's fingers loose from my collar as he screamed "No, Daddy! Please don't let them take my dog!" And I worried for him, and what lessons you had just taught him about friendship and loyalty, about love and responsibility, and about respect for all life. You gave me a goodbye pat on the head, avoided my eyes, and politely refused to take my collar and leash with you. You had a deadline to meet and now I have one, too.

After you left, the two nice ladies said you probably knew about your upcoming move months ago and made no attempt to find me another good home. They shook their heads and asked, "How could you?"

They are as attentive to us here in the shelter as their busy schedules allow. They feed us, of course, but I lost my appetite days ago. At first, whenever anyone passed my pen, I rushed to the front, hoping it was you - that you had changed your mind - that this was all a bad dream... or I hoped it would be at least someone who cared, anyone who might save me. When I realized I could not compete with the frolicking for attention of happy puppies, oblivious of their own fate, I retreated to a far corner and waited.

I heard her footsteps as she came for me at the end of the day, and I padded along the aisle after her to a separate room. A blissfully quiet room. She placed me on the table and rubbed my ears, and told me not to worry. My heart pounded in anticipation of what was to come, but there was also a sense of relief. The prisoner of love had run out of days. As is my nature, I was more concerned about her. The burden which she bears weighs heavily on her, and I know that, the same way I knew your every mood.

She gently placed a tourniquet around my foreleg as a tear ran down her cheek. I licked her hand in the same way I used to comfort you years ago. She expertly slid the hypodermic needle into my vein. As I felt the sting and the cool liquid coursing through my body I lay down sleepily, looked into her eyes and murmured, "How could you?"

Perhaps because she understood my dogspeak, she said, "I'm so sorry." She hugged me, and hurriedly explained it was her job to make sure I went to a better place, where I wouldn't be ignored or abused or abandoned, or have to fend for myself - a place of love and light so very different from this earthly place. And with my last bit of energy, I tried to convey to her with a thump of my tail that my "How could you?" was not directed at her. It was you, My Beloved Master, I was thinking of. I will think of you and wait for you forever.

May everyone in your life continue to show you so much loyalty.

THE ANIMALS' SAVIOR

Copyright Jim Willis 1999

I looked at all the caged animals in the shelter...the cast-offs of society. I saw in their eyes love and hope - fear and dread - sadness and betrayal. And I was angry.

"God," I said, "this is terrible! Why don't you do something?"

God was silent for a moment and then He spoke softly. "I have done something," he replied. "I created you."

Jim Willis encourages us to make copies of this essay and share them with as many people as possible.

February 15, 2001

Eileen M. Stark
847 SW Broadway Drive, #33
Portland, OR 97201

Multnomah County Council Members

Dear Council Members:

Good morning and thank you for allowing me to speak here. My name is Eileen Stark and I live in SW Portland. I am here today to ask for your support for a county-wide ban against traveling animal acts.

Most people don't go to the circus expecting their lives to be in danger, but the long, growing list of deaths and injuries can no longer be ignored. Because of the many large animals present at most circuses and because the physical restraints on them are minimal, accidents are bound to happen. There have been documented injuries and even deaths to trainers, and, most disturbing of all, deaths and injuries to innocent bystanders, even children (see attachment). And there are the lawsuits that follow these accidents, that range from property damage to human injury to death.

In addition to the indignity of making animals perform for humans, the training for these acts invariably involves acts of cruelty. Circus animals are transported from city to city in railway cars or semi-trucks. Denied their natural behaviors and interests, they are forever imprisoned by chains or electrical fences, sometimes all alone, in the heat of summer and the damp cold of winter. And when they *are* allowed to move around, they are forced to perform idiotic tricks or walk on unnatural surfaces that can injure their feet. Elephants do not naturally dance, bears don't ride bikes and lions don't jump through flaming hoops – there is only one way to get them to perform those types of tricks, and that's through punishment.

Making animals captive for traveling animal acts is cruel, but the backward mentality behind it is slowly becoming a thing of the past. Alternatives do exist – there are now more than 20 circuses that refuse to use animals in their performances. These ethical, all-human circuses have taken a stand against animal slavery and eliminated the risk of injury to people by the animals.

I'd like to close with a quote from a Ringling Brothers Animal Care manual:

"Remember that exotic animals can be trained, but not tamed, and they can be dangerous to people and to each other."

I ask the Council for support for a ban against traveling animal acts. I hope that Multnomah County will be the first county in this millennium to demonstrate their concern for both public safety and the humane treatment of all animals. Thank you.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eileen Stark", written in a cursive, flowing style.

Eileen M. Stark

The Risks of Captive and Performing Elephants

May 28, 1997

Gainesville, TX - An animal trainer was crushed to death by an elephant at the Frank Buck Zoo after entering the animal's pen to move it to another area.

October 26, 1996

Los Angeles, CA - A Los Angeles zoo-keeper suffered three broken ribs and a smashed collar bone after being knocked down and stepped on by "Calle", a 5-ton Asian elephant during a training session.

August, 1996

Los Angeles, CA - Two elephants traveling with **Circus Vargas** died within 3 days of each other. Autopsies determined that "Joyce" and "Hattie" died of tuberculosis, a disease which is contagious and transmittable to humans. Despite obvious health problems, both elephants were performing and giving rides to children until their death.

July, 1996

Quebec, Canada - A 39-year-old Asian elephant attacked her trainer as he was preparing her to give elephant rides at a small zoo.

June 14, 1996

Casper, Wyoming - "Sue", an elephant performing with the **Jordan World Circus**, was giving rides to children at the Central Wyoming Fairgrounds when she knocked down and repeatedly kicked her trainer. One child reportedly fell off the elephant during the incident. The trainer was taken to the hospital for treatment.

This is the same elephant who attacked a trainer in Salt Lake City in 1994.

June 1, 1996

Santiago, Chile - A circus elephant whacked a curious youngster with its trunk, cracking the boy's skull and killing him.

February 8, 1996

Bangkok, Thailand - A crazed elephant was shot and killed in southern Thailand after he went wild, killed his owner and ruined several houses. Officials sprayed the elephant hundreds of bullets before finally killing him.

December 7, 1995

Cairo, Egypt - A 32-year-old elephant that gave rides to children at the Cairo Zoo trampled her keeper to death. The keeper was feeding the elephant, named Nadia, when she picked him up with her trunk, threw him to the ground, and stepped on him.

July 10, 1995

Queens, New York - Two circus elephants, "Frieda" and "Debbie", broke free shortly before the opening night performance of the **Clyde Beatty-Cole Brothers Circus**. The elephants bolted out of the entrance of the tent and smashed a parked car in their attempt to make a path out of the lot. Twelve people were injured in the ensuing panic. Seven people were treated for minor injuries.

"Frieda" and "Debbie" had run amok in Pennsylvania two months earlier and "Frieda" is also blamed for the 1985 death of a Connecticut woman.

May 20, 1995

Hanover, PA - A driver's honking horn spooked a line of circus elephants outside a shopping mall, causing a near-stampede that left windows smashed, cars dented, and one elephant injured. "Frieda" and "Debbie", two elephants with the **Clyde Beatty-Cole Brothers Circus**, broke a van window, sat on several cars and crashed through windows at a Sears Auto Service store. They caused approximately \$20,000 in damage.

May, 1995

Liege, Belgium - A bull elephant named "Ben" at Savage World Safari Park trampled his keeper to death.

May, 1995

Zurich, Switzerland - An 11-year-old female elephant named "Komali" seriously injured her keeper and was destroyed.

April 2, 1995

Brussels, Belgium - Two elephants at a wildlife park trampled their keeper to death. The elephants broke out of their pens and were apparently angry about being separated from one another.

March 15, 1995

Bangkok, Thailand - A 20 year-old elephant named "Jockey", star of the **Jockey Circus**, trampled to death the show's owner and his son, shortly before the show opened at an elementary school. Zoo officials and policemen shot the elephant to death.

October 25, 1994

Kansas - A three-year-old girl escaped serious injury when "Mickey", a young circus elephant she was feeding, wrapped his trunk around her neck and attempted to pull her into an arena. "Mickey" was traveling with the **King Royal Circus**, which was being investigated for animal cruelty and violations of the Animal Welfare Act at the time of the attack.

August 21, 1994

Honolulu, Hawaii - A circus elephant named "Tyke" burst out from behind curtains during a performance with **Circus International**, killed her trainer, mauled a groom and injured 13 people before bolting from the arena and into the streets of downtown Honolulu. Police fired 86 shots in their pursuit of "Tyke" and she eventually collapsed from her wounds. When the lethal injection she was given to kill her didn't work, police fired three more shots to end her life. This was the second elephant incident at this circus in a week (see 8/15/94).

"Tyke" had gone on similar rampages in Pennsylvania and North Dakota in 1993.

August 15, 1994

Honolulu, Hawaii - A man and his 15-year-old daughter were injured when their entire family was pinned under a fence by "Elaine", an elephant performing with **Circus International**.

July 23, 1994

Copenhagen, Denmark - An hysterical bull elephant ran amok at a **Circus Benneweis**, attacked his trainer, and trampled members of the audience before rampaging through a small town. After returning to the big top of his own accord, "Siam" was destroyed by lethal injection.

July 21, 1994

New York, NY - A woman was attacked by a spooked elephant from the **Great Moscow Circus** in a Manhattan TV studio moments before appearing on the "Live With Regis and Kathie Lee" TV show. "Flora" fractured the woman's skull, broke her ribs and punctured a lung, fractured the orbit of her right eye, and caused bruises and cuts on her head, face, and body.

June, 1994

Louisville, KY - An elephant that **has given tens of thousands of rides** at the Louisville Zoo injured a zoo visitor by picking him up with her trunk, throwing him to the ground and trying to gore him with her tusks. "Kenya" had just finished giving rides to zoo visitors when she wandered away and picked up the man. As a result of his injuries, the man's spleen and part of his pancreas were removed.

April 6, 1994

Salt Lake City, Utah - An elephant **giving rides** to two children at the **Jordan Brothers Circus** lifted her trainer, tossed him to the ground and stepped on him, critically injuring him. Another trainer stepped in, but the elephant, "Sue" kicked her and broke her finger.

"Sue" was involved in another attack in Casper, WY on 6/14/96.



TARZAN - ZERBINI CIRCUS
SURREY, BC SEPT. 1992

SPEAKER SIGN UP CARDS

DATE 15 FEB 2001

NAME JAMES R ELLIS

ADDRESS 206 COUNTY COURTHOUSE
PORTLAND

PHONE (503) 988-3846

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R1 SECURITY-GRESHAM COURT
GIVE TO BOARD CLERK FACIL.

BUDGET MODIFICATION:

MCSO 01

(For Clerk's Use) Meeting Date:

FEB 15 2001

Agenda No.:

R-1

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

(Date)

DEPARTMENT: Multnomah County Sheriff's OfficeDIVISION: N/ACONTACT: Barbara SimonPHONE: 988-4324

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD:

Carol HaslerSUGGESTED AGENDA TITLE (To assist in preparing a description for the printed agenda)**Security Staff for Gresham Court**

2. DESCRIPTION OF MODIFICATION: [Explain the changes being made: What budget does it increase / decrease? What do the changes accomplish? Where does the money come from?]

[x] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

Since May of 1996, the Gresham court has grown from a two day per week commitment to its currently full five day per week operation. Now the Circuit Courts have asked for and received additional funding from the state to establish a night court in Gresham, Oregon. No additional funds have been approved to provide court security for this operation.

Both the day and evening court sessions are designed to better meet the needs of citizens in East Multnomah County by providing local access to the court and more reasonable hours of operation for community members who work standard dayshift hours. With this increase in service, it is the Sheriff's Office obligation to provide security to the court rooms.

This contingency request will increase cost center 601484 by \$89,920 to pay for 3.9 FTE Facility Security Officers and related equipment for the balance of the Fiscal Year. The FY 2001 general fund contingency will be reduced a like amount.

3. REVENUE IMPACT: [Explain revenues being changed and reason for the change]

See expenditure and revenue report.

TOTAL \$0

BOARD OF
COUNTY COMMISSIONERS
01 FEB - 5 PM 4:29
MULTNOMAH COUNTY
OREGON

4. CONTINGENCY STATUS [To Be Completed by Budget & Planning]

68 Fund Contingency BEFORE THIS MODIFICATION (as of 2-5-01): \$ 1,762,477
(Specify Fund) AFTER THIS MODIFICATION: \$ 1,672,557

Originated By:

Date:

Department Director:

Date:

Plan / Budget Analyst:

Date:

Employee Services:

Date:

Board Approval:

Date:

BUDGET MODIFICATION: # MCSO 01

EXPENDITURES & REVENUES

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Budget Fiscal Year: 00/01

Line No.	Fund Center	Fund Code	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Internal Order	Cost Center	WBS Element						
1	60-30	1000		601484		60000	991,692	1,036,672	44,980		Permanent
2	60-30	1000		601484		60130	230,813	244,848	14,035		Salary-Related Exp
3	60-30	1000		601484		60140	278,911	288,703	9,792		Insurance Benefits
4	60-30	1000		601484		60240	6,200	17,683	11,483		Supplies
5	19	1000		9500001000		60470			(80,920)		Reduce Contingency
6								0			
7								0			
8								0			
9								0			
10								0			
11								0			
12								0			
13								0			
14								0			
15								0			
16								0			
17								0			
18								0			
19								0			
20								0			
21								0			
22								0			
23								0			
24								0			
25								0			
26								0			
27								0			
28								0			
29								0			
									(630)	0	Total - Page 1
									(630)	0	GRAND TOTAL

BUDGET MODIFICATION: # MCSO 01

5. ANNUALIZED PERSONNEL CHANGE

Change on a full year basis even though this action affects only a part of the fiscal year (FY).

						ANNUALIZED			
Fund	JCN	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	6258	61970	Facility Security Officer		3.90	107,952	33,684	23,501	165,141
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
			TOTAL ANNUALIZED CHANGES		3.90	107,952	33,684	23,501	165,141

6. CURRENT YEAR PERSONNEL DOLLAR CHANGE

Calculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.

						CURRENT YEAR			
Fund	JCN	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	6258	61970	Facility Security Officer		1.65	44,980	14,035	9,792	68,809
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
			TOTAL CURRENT FY CHANGES		1.65	44,980	14,035	9,792	68,809

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM BRIEFING—SUPPLEMENTAL STAFF REPORT

To: Board of County Commissioners
From: Barbara Simon
Today's Date: January 24, 2001
Requested Placement Date: February 15, 2001

I. Recommendation/Action Requested:

Approval of contingency request

II. Background Analysis

Day court has been in operation in Gresham since May 1996. It started as a two day per week commitment but now operates five days per week. No additional funds were approved for the expanded responsibilities. The Circuit Courts have asked for and received additional funding from the state to establish a night court in Gresham. The MCSO has the legal responsibility to provide court security but no additional funds have been approved to provide that service with the expansion to night court.

III. Financial Impact

We are requesting that \$89,920 be appropriated from the general fund contingency to cover the additional FTE and related equipment for the balance of the fiscal year. We are requesting the annual cost for the FTE be added to our base budget.

IV. Legal Issues

The MCSO has the legal responsibility to provide court security. The addition of night court will better meet the needs of citizens in East Multnomah County by providing better access and more reasonable hours of operation.

V. Controversial Issues

None

VI. Link to Current County Policies

Benchmark: Reduce Crime

Increase Effective Public Safety Services

Accountability and Responsiveness

VII. Citizen Participation

None

VIII. Other Government Participation

Circuit Court



MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN
DIANE LINN
SERENA CRUZ
LISA NAITO
LONNIE ROBERTS

BUDGET & QUALITY
MULTNOMAH BUILDING
501 SE HAWTHORNE BLVD
4TH FLOOR
PORTLAND, OR 97214
PHONE (503) 988-3883

TO: Board of County Commissioners

FROM: Julie Neburka, Budget Analyst *JN*

DATE: February 5, 2001

RE: MCSO bud mod 01, requesting the addition of Facility Security Officers

Recently the Circuit Courts have asked for and received funding from the State of Oregon to operate a night court in Gresham. Providing court sessions in the evenings will better meet the needs of those east Multnomah County residents who work during the daytime. The Sheriff's Office provides and pays for security services for all of the County's court operations.

Bud Mod MCSO-01 adds 3.9 FTE Facility Security Officers to staff the night sessions at the Gresham District Courts. The Sheriff's Office is requesting that the increased staff costs be paid for from the General Fund contingency. FY 01 costs are estimated to be \$89,920. The annualized cost for 3.90 FTE and related expenses is estimated to be \$176,624. The Sheriff's Office is requesting that the annualized cost of these positions be added to its budget for FY 02

This request does not entirely meet the Board's policy on the use of the General Fund contingency, which reads in part:

"To achieve financial stability, the following are guidelines to be used by the Board in considering requests for transfers from the General Fund Contingency Account:

- Approve no contingency requests for purposes other than "one-time-only" allocations
- Limit contingency funding to the following:
 - Emergency situations which, if left unattended, will jeopardize the health and safety of the community.
 - Unanticipated expenditures that are necessary to keep previous public commitment, or fulfill a legislative or contractual mandate, or can be demonstrated to result in significant administrative or programmatic efficiencies that cannot be covered by existing appropriations."

It clearly addresses the need to fulfill a legislative mandate, but also creates an ongoing commitment for the County. It is also an unfortunate reality that the State Courts can impose costs on the County without our input.

In light of the County's current financial difficulties, and as approval of this bud mod would commit the County to additional ongoing obligations, the Budget Office recommends that the addition of these Facility Security Officers be considered along with the other difficult operating decisions the Board will have to make during the FY 02 budget process. Should the Board choose to approve this bud mod, it will reduce the General Fund contingency from \$1,762,477 as of February 5, 2001, to \$1,672,557.



Gresham Court Security Plan



The Circuit Courts have asked for and received additional funding from the state to establish a night court in Gresham, Oregon. Day court has been in operation in Gresham since May of 1996, first as a two day per week commitment. By 1998, through the addition of pre-trial arraignments and pre-trial conference days, the court schedule expanded to a full 5 day a week operation with a consistent schedule. No additional funds were approved for this expanded court operation.

Security at a court facility is a necessity. Citizens attend or are compelled to appear and have an expectation of safety in a public facility. Employees of the Court share this expectation and have the additional concern created by the flow of cash and checks into the court facility in the form of payments of fines.

While court security plans should be designed according to the requirements of the situation, the heart of any court security plan has three simple principles:

▪ Deterrence	Detection	Limitation of Damage
---------------------	------------------	-----------------------------

These three goals are properly guided by the philosophy that security serves the objectives of the judicial process without dominating the atmosphere of the court facility.

It is an appropriate function of the *Facility Security Unit* to provide a practical standard of security to an area designated as a court facility. This standard should be tailored to the facility, with the appropriate adaptations for buildings without security features.

Gresham Court Serves the Community

Both the day and evening court sessions are designed to better meet the needs of citizens in East Multnomah County by providing local access to the court and more reasonable hours of operation for community members who work standard dayshift hours.

It is vital that we adopt reasonable measures to ensure that citizens using this access conduct their business in a safe atmosphere within the court facility.

As Gresham Court is a community court, the safety standards proposed are as follows:

- Fund and dedicate 3.9 FTE's to Gresham Court service.
- Design an appropriate reception and information desk.
- Fund a metal detector for the Court Facility entrance.
- Support the metal detector with hand wandings, random searches and other intermediate measures.
- Form a *Gresham Court Security Committee* to establish communication among employees, including Court personnel, Facility Security personnel and the responding police agencies.
- Allow for expansion of the passive security system to eventually include video monitoring for the exterior of the facility.

All of the measures can be implemented while keeping the presence of the Facility Security Unit in a community appropriate profile. The visible emphasis in this court will be on information and assistance to both citizens and court personnel, while providing a planned level of deterrence and problem recognition.

Comments of Hon. James R. Ellis, Presiding Judge

Security for Night Court Proceedings in the City of Gresham

Statutory Requirement for Gresham Court

The Circuit Court of the State of Oregon for Multnomah County is directed by statute to provide certain circuit court services within the City of Gresham for eastern Multnomah County.

ORS 3.014 provides as follows:

- (1) One of the judges of the fourth judicial district shall hold court in the City of Gresham, Multnomah County, as directed by the Chief Justice of the Supreme Court but in no event less than one day a week. All proceedings resulting from alleged state traffic offenses or misdemeanors occurring east of 122nd Avenue extended to the north and south boundaries of Multnomah County shall be conducted in the court in Gresham unless the accused requests trial in Portland.
- (2) Multnomah County shall provide facilities in the City of Gresham for a court judge to hold court as described under subsection (1) of this section.

Increased Caseload

The caseload in the Gresham branch of the circuit court has increased 49 percent since 1997, and 20 percent of this growth is in the year 2000. The growth in caseload is due to increased population and the resulting increase in police resources to serve the law enforcement needs of the various communities. The impact of the added police enforcement has been dramatic. The east county population can no longer be served by a single judge.

Limitations of a One Courtroom Facility

The facility in Gresham has only a single courtroom and very limited space for court staff and the public. ORS 3.014 mandates that cases be handled in the City of Gresham and the cases cannot be transferred to the main courthouse in downtown Portland to relieve the crowding at the eastern location. The only course open to manage the increased filings in a one room courthouse is to conduct court proceedings for more hours in each day.

Evening Hours of Operation

In order to serve the expanded demand on the circuit court, it has become necessary to operate a half time shift from 5:00 PM to 9:00 PM each business day in the current facility. The halftime evening shift will help relieve the current problems:

1. Reduce long waits for court service. Currently there are many days when the line of customers to be served runs out of the building and into the public sidewalk and parking area. Additional hours of public service will permit the court to spread out

the arrival time for arraignments for offenses, shorten the waiting time for the public in lines, and even out the workflow within the clerks' office during the week.

2. Reduce the time to trial for all cases. Currently the time to trial for all cases managed in the Gresham Annex are outside of the 90 day goal for misdemeanors and violations and outside of the 75 day goal for small claims actions. In the normal course, most violation offenses and small claims do not have a trial date within four to five months of the arraignment on the offense, and misdemeanor offenses often drag on for a year, simply because of the volume of cases and the small amount of trial time each week for jury trials. Trial continuances are measured in months not days.

Security Is Needed for the Evening Hours of Operation

The Gresham court facility requires security during all hours of operation. Currently there is security provided by the Sheriff through the business day, but not in the evening hours. When night court is operating, there is no security other than picking up the telephone and dialing for assistance. Security is needed more in the evening hours than it is during the business day. Darkness, the remoteness of the facility in a parking lot set off of West Powell, the presence of the evening's cash receipts, and the uncertain emotional well-being of individuals who may be before the court, all of these factors, make security a necessity.

The Security Assessment And County Assessment Revenue

Currently, the court collects and forwards to Multnomah County \$42,000 each month on average to help off set the cost of providing security for these facilities, and an additional \$61,000 per month for the county assessment. The increase in caseloads yields higher collections in both of these categories, but the revenue comes at the cost of additional security as we expand our operations into night courts to deal with the growth.

The Circuit Court Has Requested Legislative Approval for Downtown Night Court

We have requested funding from the Oregon Legislature to fund evening operations in the Multnomah County Courthouse. Should the legislature fund staff for the courthouse in the evening, be prepared for a further request to fund the security for the expanded courthouse hours. Night court operations come at a cost to both the state and to the county. Night court was implemented in Gresham as a means to deal with workload increases in a limited facility, as explained, and also to develop operational experience on managing full public service in the evening hours. The experience will be valuable when the downtown night court hours are implemented.



CIRCUIT COURT OF THE STATE OF OREGON

**JAMES R. ELLIS
PRESIDING JUDGE**

**FOURTH JUDICIAL DISTRICT
MULTNOMAH COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OR 97204-1123**

**PHONE (503) 248-3846
FAX (503) 248-3425**

February 6, 2001

Hon. Dan Noelle
Sheriff, Multnomah County
12240 NE Glisan Street
Portland, OR 97230

**re: Support for Security for Gresham Circuit Court Proceedings
Including Evening Hours of Operations**

Dear Sheriff Noelle:

In November and December, following meetings with all affected agencies, including the Multnomah County Sheriff's Office, it was agreed that the night court operation in Gresham would commence on February 5, 2001. The opening of evening operations has been discussed at both the Public Safety Coordinating Council and Criminal Justice Advisory Committee. At all times during our planning it was anticipated that there would be building security provided by your staff upon opening. On Wednesday, January 31, 2001 we were told there would not be security present due to financial constraints in your office.

We have been advised further that there will be a hearing before the Board of County Commissioners on February 15, 2001 for the purpose of funding additional staff to provide an upgrade in security for the Gresham facility and to expand the security to the evening shift. I support that proposal and will attend the hearing to testify to the need for security on the Gresham evening shift, and for expanded security overall in Gresham.

I hope the request is approved by the Board. Over the last few years we all have become aware of the need for security at court facilities. To now be in the position of operating a court facility in a remote location with absolutely no security from 5:00 pm to 9:00 pm each day is a cause for concern. It is a risky proposition for members of the public and the court's staff.

Very truly yours,


James R. Ellis
Presiding Judge

JRE:lms

attachments

c (with attachments): Beverly Stein, County Chair
Dianne Linn, Commissioner - District 1
Serena Cruz, Commissioner - District 2
Lisa Naito, Commissioner - District 3
Lonnie Roberts, Commissioner - District 4



CIRCUIT COURT OF THE STATE OF OREGON

JAMES R. ELLIS
PRESIDING JUDGE

FOURTH JUDICIAL DISTRICT
MULTNOMAH COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OR 97204-1123

PHONE (503) 248-3848
FAX (503) 248-3425

November 13, 2000

Dan Noelle
Multnomah County Sheriff
501 SE Hawthorne Blvd, Suite 350
Portland, OR 97214

re: **Night Court at the Court Facility in Gresham**

Dear Sheriff Noelle:

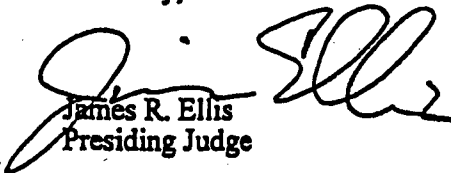
Thank you for your letter of October 20. In all that we do, we endeavor to keep our community partners informed. Indeed, we have been discussing night court at the monthly meetings of the Criminal Justice Advisory Committee since the June editorial in the Oregonian (copy attached). The circuit court is committed to expanding service to the community.

As we have discussed previously, night court is implemented at a cost to both the state and local government. The added cost of security is not the only potential increase in cost for conducting circuit court business in the evening hours. There may be added hours for the Office of the District Attorney if we move to evening arraignments, and for the police agencies for additional staffing costs to cover officers who are in court and not on the street during their shifts.

At this time, we are still in the preliminary stages of determining what court activity will be moved to the evening hours in the circuit courts' Gresham location and are recruiting staff resources. The issues around the expansion of our public service hours in Gresham and proposed night court were raised with Captain Hasler at the October meeting of the Advisory Committee on State Court Security to provide notice of the pending changes. Given your responsibility under ORS 206.010(5) to attend, upon call, the circuit court, we will keep Captain Hasler informed and involved in decisions.

I will support a request to the Board of County Commissioners for the funds for security for the evening hours of circuit court service for the east county community. This will be an opportunity to alert the Board to the expense which will be added if the requested funds for evening hours of operation in the downtown courthouse are provided by the legislature.

Sincerely,


James R. Ellis
Presiding Judge

JRE:lms

attachment

c: Chair Bev Stein (with attachment)
Commissioner Diane Linn (with attachment)
Commissioner Serena Cruz (with attachment)
Commissioner Lisa Naito (with attachment)
Commissioner Sharron Kelley (with attachment)
District Attorney Mike Schrunk (with attachment)

6/3/200

Next: night courts

It's time for more innovation in the local justice system

Beginning this month, people arrested for most misdemeanor offenses will head straight to courts in their Northeast and Southeast Portland neighborhoods instead of having to go downtown to be arraigned.

The change represents a laudable willingness to innovate on the part of the justice system in Multnomah County, and should be followed by another desirable move: night and weekend courts.

Extending arraignments to the community courts may double their work-

load and require expanding to a weekly court schedule from the current twice-a-month hearings. That kind of efficiency should help the community reduce low-level crime by sentencing offenders in their neighborhoods. It also should take some of the workload pressure off the downtown courts.

Night courts would prove their value, too, not only to a public now inconvenienced by 9-to-5 court hours designed to serve only judges and lawyers, but also to police budgets overburdened by officers forced to testify on overtime instead of during their regular shifts.

EDITORIAL AND COMMENTARY PAGES

The Editorial and Commentary pages are intended to provide a forum for the discussion of issues that affect the Northwest. Editorials are the opinions of The Oregonian's editorial board and appear in the two left-hand columns of this page. Other articles reflect the views of their authors.

CONTACT US

If you have a question, you can reach us at 503-221-8150. Or at our mailing address: 1320 S.W. Broadway, Portland, OR 97201

EDITORIAL PAGE EDITOR
Robert J. Caldwell Sr.
bobcaldwell@news.oreg

EDITORIAL BOARD MEMBER
Larry Hilderbrand Sr.
larryhilderbrand@news.oreg

MEETING DATE: FEB 15 2001
AGENDA NO: R-2
ESTIMATED START TIME: 9:45

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: OREGON HEALTH DIVISION DISEASE PREVENTION CONTRACT
NUMBER 4600001346

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: February 15, 2001
AMOUNT OF TIME NEEDED: 5 MINUTES

DEPARTMENT: HEALTH DIVISION: _____

CONTACT: DARREN CHILTON TELEPHONE #: 26207
BLDG/ROOM #: 106/1430

PERSON(S) MAKING PRESENTATION: DARREN CHILTON

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐
OTHER

SUGGESTED AGENDA TITLE:

02/20/01 originals to Darren Chilton

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT

MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us

BOARD OF
COUNTY COMMISSIONERS
01 FEB - 6 PM 12:49
MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY OREGON



HEALTH DEPARTMENT
BUSINESS SERVICES DIVISION
426 SW STARK, 7TH FLOOR
PORTLAND, OREGON 97204-2394
(503) 988-3056
FAX (503) 988-3015
TDD (503) 988-3816

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DIANE LINN • DISTRICT 1 COMMISSIONER
SERENA CRUZ • DISTRICT 2 COMMISSIONER
LISA NAITO • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

Date: February 2, 2001
To: Beverly Stein, Multnomah County Chair
Via: Lillian Shirley, Health Department Director
From: Consuelo Saragoza, Director, Neighborhood Health
Subject: Contract #4600001346 with Oregon Health Division Center for Disease Prevention & Epidemiology

HONOR CULTURE, CELEBRATE DIVERSITY AND INSPIRE QUALITY

Recommendation/Action Requested: The Health Department recommends County Board of Commissioners approval of contract #4600001463 with the Oregon Health Division Center for Disease Prevention & Epidemiology. This agreement is retroactive due to staff turnover in Contract Unit combined with implementation of the new Merlin SAP system.

Analysis: The Oregon Health Division Center for Disease Prevention & Epidemiology will be providing technical assistance to the County in research design. They will be serve as a consultant regarding the implementation and evaluation of the County's Health Start Initiative grant from the federal Health Resources and Services Administration.

Financial Impact: The County will pay \$134,368, to the State.

Source of Funds: Federal Funds



IGA Contract

Vendor Address

OREG ST OF HEALTH DIVISION
FISCAL SERVICES
PO Box 14260
PORTLAND OR 97293-0260

Information

Contract Number 4600001346
Date 09/29/2000
Vendor No. 11742
Contact/Phone Health Contracts /
988-3056
Validity Period: 09/01/2000 - 06/30/2001
Minority Indicator: Not Identified

Estimated Target Value: 134,368.00 USD

Item	Material/Description	Target Qty	UM	Unit Price
0001	P96134002 Grant Research Services (USD) Plant: F015 Health Services Requirements Tracking Number: IGA RENEWAL OF CONTRACT NO. 460000437	134,368	Dollars	\$ 1.0000



CONTRACT SIGNATURE TRACKING FORM



DIVISION OF SUPPORT SERVICES

Originating Dept.: Health

Class: I

Contract No.: 4600001346 Amendment No.:

Routing Start Date: 01/18/2001

ROUTING	DATE	INITIAL	COMMENTS
Contract Compliance Office			
CCO Received	1/30/01	14	To Deb Bergstad on 2/5
Notify/Hold			
Dept/Response			
Senior Buyer			
Notify/Hold			
Dept/Response			
CCO Received			
Purchasing Administration			
Notify/Hold			
Dept/Response			
CCO Received			
County Attorney			
Notify/Hold			
Dept/Response			
Originating Department			

Notify/Hold = record who was notified/why

Dept. Resp. = record the department/when response was received

CCO = Contract Compliance Office

Purch. Admin. = Purchasing Administrator

(if additional space is needed for comments pls. write on back of this form)

Rey: 03/13/2000

Please forward completed form to Sheila McDaniel 421/1

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedure CON-1)

JYH

Pre-approved Contract Boilerplate (with County Counsel signature) ☒ Attached ☐ Not Attached Contract #: 4600001346
Amendment #: _____

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only)	<i>Corrected Per Darren Chilton</i> <input checked="" type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount)	<input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input checked="" type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <div style="text-align: center;"> RECEIVED APPROVED, MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # R-2 DATE 02/15/01 DEB BOGSTAD, BOARD CLERK </div>

Department: Health Department Division: Neighborhood Health Services Date: 01/16/2001
 Originator: Shirley R. Orr Phone: 24966 Bldg/Rm: 322/FLD
 Contact: Darren W. Chilton Phone: 26207 Bldg/Rm: 106/1430
 Description of Contract: Health Birth Initiative Grant Research Services

RENEWAL: ☐ PREVIOUS CONTRACT NO(S): 4600000437
 RFP/BID: _____ RFP/BID DATE: _____
 EXEMPTION NO/DATE: _____ EXEMPTION EXPIRATION DATE: _____ ORS/AR #: _____
 CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF ☒ N/A ☐ NONE (Check all boxes that apply)

Contractor	<u>Oregon Health division Center for Disease Prevention & Epidemiology</u>		Mike Stark, Program Design Evaluation Services
Address	<u>800 NE Oregon Street #21, Suite 730</u>		Remittance address
	<u>Portland, Oregon 97232</u>		(If different) _____
Phone	<u>503-731-4434</u>	Payment Schedule / Terms	
Employer ID# or SS#	<u>93-6001752</u>	<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt
Effective Date	<u>09/01/2000</u>	<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30
Termination Date	<u>06/30/2001</u>	<input checked="" type="checkbox"/> Other \$ <u>Quarterly expenditure</u>	<input type="checkbox"/> Other
Original Contract Amount \$	<u>134,368.00 (Not to exceed)</u>	<input type="checkbox"/> Requirements Not to Exceed \$ _____	
Total Amt of Previous Amendments \$	<u>n/a</u>	Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No	
Amount of Amendment \$	<u>n/a</u>		
Total Amount of Agreement \$	<u>134,368</u>		

REQUIRED SIGNATURES:

Department Manager *Shirley Orr*
 Purchasing Manager *Katie Gault*
 County Counsel *William J. Brame*
 County Chair *Herman J. Brame*
 Sheriff _____
 Contract Administration *Herman J. Brame*
 (Class I, Class II Contracts only)

DATE 1/29/01
 DATE _____
 DATE 1/29/01
 DATE 02/15/01
 DATE _____
 DATE 02/05/01

LGFS VENDOR CODE WBS 4FA06-1						DEPT REFERENCE					
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJ/ REV	SUB OBJ	REP CAT	LGFS DESCRIPTION	AMOUNT	INC DEC
01											
02											
03											

NO INSURANCE REQUIREMENTS.

Rev. 2/12/98 DIST: Original - Contract Administration, Contractor, HD Contracts Unit; CC - HD Program Manager, Finance, HD Payables/Receivables

Retro

**INTERGOVERNMENTAL AGREEMENT
FOR HEALTHY START INITIATIVE PROGRAM EVALUATION SERVICES**

This is an Agreement between the State of Oregon, acting by and through its Health Division, hereafter (STATE) and Multnomah County, acting by and through its Health Department, hereafter (COUNTY), pursuant to authority granted in ORS Chapter 190.

PURPOSE:

The purpose of this agreement is

The parties agree as follows:

1. **TERM.** This agreement shall become effective when fully executed retroactive to September 1, 2000 and shall expire June 30, 2001.
2. **RESPONSIBILITIES OF STATE.** The STATE's Program Design and Evaluation Services Unit will provide the following services under this Agreement:
 - a. Assume responsibility for all required research components related to COUNTY's Healthy Start Initiative grant (hereafter "the Grant") from the federal Health Resources and Services Administration (hereafter "the Grantor").
 - b. Provide technical assistance in the area of research design to COUNTY's program staff.
 - c. Serve as a consultant regarding the implementation and evaluation of new interventions.
 - d. Provide regular reports to COUNTY outlining information required by COUNTY for ongoing quality assurance and process evaluation.
 - e. Assist in the compilation of all progress reports required by the Grantor.
 - f. Represent COUNTY, at COUNTY's direction, in all negotiations with the Grantor which involve the research components of the Grant.
 - g. Transmit to the Grantor (or their designee) in a timely manner all data collected by COUNTY or STATE for this Grant.
 - h. Assist in the development of continuation grant applications.
 - i. Comply with all special terms and conditions of the Grant as outlined by the Grantor.
3. **RESPONSIBILITIES OF COUNTY.** The COUNTY agrees to:
 - a. Pay STATE a maximum of \$134,368 for the performance of those services provided hereunder, which payment shall be subject to the following terms:

- (A) Payment shall be based on the budget attached to this Agreement as Exhibit A, incorporated herein by reference.
- (B) COUNTY shall reimburse STATE quarterly upon receipt of a quarterly expenditure report. Reports shall be submitted to:

Shirley Orr, BSN, RN, Field Manager
Multnomah County Health Department
5329 NE Martin Luther King Jr. Blvd
Portland, Oregon 97211

- b. COUNTY certifies that sufficient funds are available and authorized to finance the costs of this Agreement through the fiscal year ending June 30, 2000. In the event that funds cease to be available to COUNTY in the amounts anticipated during the remainder of the fiscal year, or in the event that sufficient funds are not approved and authorized in the next fiscal year, either COUNTY or STATE may terminate the Agreement or the parties by mutual agreement may reduce Agreement funding accordingly. COUNTY will notify STATE as soon as it receives notification from funding source. Reduction or termination will not affect payment for expenses incurred prior to the effective date of such action.
 - c. STATE shall submit all invoices for services provided under this Agreement within 45 days after the end of the Agreement period. COUNTY shall not be responsible for payment of invoices submitted more than 45 days after the end of the Agreement period.
- 4. **TERMINATION.** This agreement may be terminated by either party upon sixty (60) days written notice.
 - 5. **INDEMNIFICATION.** Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, COUNTY shall indemnify, defend and hold harmless STATE from and against all liability, loss and costs arising out of or resulting from the acts of COUNTY, its officers, employees and agents in the performance of this agreement. Subject to the conditions and limitations of the Oregon Constitution and the monetary limits of the Oregon Tort Claims Act, ORS 30.260 through 30.300 STATE shall indemnify, defend and hold harmless COUNTY from and against all liability, loss and costs arising out of or resulting from the acts of STATE its officers, employees and agents in the performance of this agreement.
 - 6. **INSURANCE.** Each party shall each be responsible for providing worker's compensation insurance as required by law. Neither party shall be required to provide or show proof of any other insurance coverage.
 - 7. **ADHERENCE TO LAW.** Each party shall comply with all federal, state and local laws and ordinances applicable to this agreement.
 - 8. **NON-DISCRIMINATION.** Each party shall comply with all requirements of federal and state civil rights and rehabilitation statutes and local non-discrimination ordinances.

9. **ACCESS TO RECORDS.** Each party shall have access to the books, documents and other records of the other which are related to this agreement for the purpose of examination, copying and audit, unless otherwise limited by law.
10. **SUBCONTRACTS AND ASSIGNMENT.** Neither party will subcontract or assign any part of this agreement without the written consent of the other party.

11. **ADDITIONAL TERMS AND CONDITIONS:**

- a. **INDEPENDENT CONTRACTOR STATUS.** STATE is an independent contractor and is solely responsible for the conduct of its programs. STATE, its employees and agents shall not be deemed employees or agents of COUNTY
- b. **TAXPAYER IDENTIFICATION NUMBER.** STATE shall furnish to COUNTY its federal employer identification number, as designated by the Internal Revenue Service.
- c. **RECORD CONFIDENTIALITY.** COUNTY and STATE agree to keep all client records confidential in accordance with state and federal statutes and rules governing confidentiality.
- d. **ACCESS TO RECORDS.** Notwithstanding paragraph 10. above:

STATE agrees to permit authorized representatives of COUNTY, and/or the applicable federal or state government audit agency, to make such review of the records of STATE as COUNTY or auditor may deem necessary to satisfy audit and/or program evaluation purposes. STATE shall permit authorized representatives of COUNTY's Health Department to site-visit all programs covered by this Agreement. Agreement costs disallowed as a result of such audits, review or site visits will be the sole responsibility of STATE. If an Agreement cost is disallowed after reimbursement has occurred, STATE will make prompt repayment of such cost.
- e. **ADHERENCE TO LAW.**
 - (A) STATE shall adhere to all applicable laws governing its relationships with its employees, including but not limited to laws, rules, regulations and policies concerning workers' compensation, and minimum and prevailing wage requirements.
 - (B) STATE shall not discriminate against any individual with respect to hiring, compensation, terms, conditions or privileges or employment, nor shall any person be excluded from participation in, be denied the benefits, or be subjected to discrimination under any program or activity because of such individual's race, color, religion, sex, national origin, age or handicap. In that regard, STATE must comply with all applicable provisions of Executive Order Number 11246 as amended by Executive Order Number 11375 of the President of the United States dated September 24, 1965, Title VI of the Civil Rights Act of 1964 (42 U.S.C.2000 (d)) and Section 504 of the Rehabilitation Act of 1973 as implemented by 45 C.F.R.84.4 and the Americans with Disabilities Act of 1990, Public Law Number 101-336 and all enacting regulations of the EEOC and Department of Justice. STATE will also comply with all applicable rules, regulations and orders of the Secretary of Labor concerning equal opportunity in employment and the provisions of ORS Chapter 659.

- f. **AMENDMENTS.**
- (A) In the event that COUNTY's Agreement obligation is amended by a federal- or state- initiated change, COUNTY shall amend this Agreement through written notification of changes sent to STATE by mail. STATE shall return to COUNTY within twenty (20) working days a signed acknowledgment of receipt of COUNTY's notification document.
 - (B) Any other amendments to the provision of this Agreement, whether initiated by COUNTY or STATE, shall be reduced to writing and signed by both parties.
- g. **WAIVER OF DEFAULT.** Waiver of a default shall not be deemed to be a waiver of any subsequent default. Waiver of any breach of any provision of this Agreement shall not be deemed to be a waiver of any other or subsequent breach and shall not be construed to be a modification of the provisions of this Agreement.
- h. **EARLY TERMINATION.** Notwithstanding paragraph 4. above:
- (A) Violation of any of the rules, procedures, attachments, or conditions of this Agreement may, at the option of either party, be cause for termination of the Agreement and, unless and until corrected, of funding support by COUNTY and services by STATE, or be cause for placing conditions on said funding and/or service, which may include withholding of funds. Waiver by either party of any violation of this Agreement shall not prevent said party from invoking the remedies of this paragraph for any succeeding violations of this Agreement.
 - (B) This Agreement may be terminated by either party by sixty (60) days prior written notice to the other party, delivered by certified mail or in person.
 - (C) COUNTY may terminate this Agreement immediately, effective upon delivery of written notice to STATE by certified mail or in person, under any of the following conditions:
 - (1) Upon denial, revocation, suspension or non-renewal of any license or certificate required by law or regulation to be held by STATE to provide a service under this Agreement.
 - (2) If STATE fails to begin services on the date specified in this Agreement, or if STATE fails to continue to provide service for the entire Agreement period.
 - (3) If COUNTY has evidence that STATE has endangered or is endangering the health and safety of clients/residents, staff, or the public.
 - (D) If the Agreement is terminated under this paragraph, COUNTY shall pay STATE only for services provided in accordance with the Agreement through the day of termination.
 - (E) Termination under any provision of this paragraph shall not affect any right, obligation or liability of STATE or COUNTY which accrued prior to such termination.
- i. **NOTICE OF LITIGATION.** Each party shall give the other immediate notice in writing of any action or suit filed or any claim made against that party which may result in litigation in any way related to this Agreement.
- j. **OREGON LAW AND FORUM.** This Agreement shall be construed and governed according to the laws of the State of Oregon.

k. **INTEGRATION.** This Agreement contains the entire Agreement between the parties pertaining to its subject matter and supersedes all prior written or oral discussions or agreements.

l. **CERTIFICATION REGARDING LOBBYING.**

(A) STATE certifies, to the best of STATE's knowledge and belief, that no federally appropriated funds have been paid or will be paid, by or on behalf of STATE, to any person for influencing or attempting to influence an officer or an employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.


(B) If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Agreement, STATE shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

k. **OMB CIRCULAR 1-128.** If STATE is a sub-recipient of federal funds passed through COUNTY, STATE shall submit to COUNTY an annual federal compliance audit in conformity with OMB Circular A-128 and the federal Single Audit Act of 1984.

12. **THIS IS THE ENTIRE AGREEMENT.** This Agreement constitutes the entire Agreement between the parties. This Agreement may be modified or amended only by the written agreement of the parties.

IN WITNESS WHEREOF, the parties have caused this Agreement, including the Standard Conditions and any attachments incorporated herein, to be executed by their duly authorized officers.

MULTNOMAH COUNTY, OREGON

By 
Beverly Stein, Multnomah County Chair

Date February 15, 2001

By 
Lillian Shirley, Health Department Director

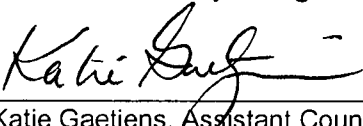
Date January 23, 2001

By 
Shirley Orr, Program Manager

Date 1-19-01

REVIEWED:

Thomas Sponsler, County Counsel
for Multnomah County, Oregon

By 
Katie Gaetjens, Assistant County Counsel

Date 1/29/01

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-2 DATE 02/15/01
DEB BOGSTAD, BOARD CLERK

STATE OF OREGON

By _____

Title _____

Date _____

93-6001752
Contractor's Federal Tax ID Number

EXHIBIT A

PDES HEALTHY START PROJECT EVALUATION BUDGET JUSTIFICATION (for State employees)

PERSONAL SERVICES:

SALARIES:

Research Analyst 3 – 1.0 FTE (Brian)	\$40,994
Research Analyst 3 _ 1.0 FTE (Susan)	\$37,245
Fringe @ 37.42%	\$29,277
Principle Investigator-0.2FTE (Stationed @ OHD)	
Office Assistant-0.5FTE (County employee, stationed @OHD)	

Total Personal Services	\$107,516
-------------------------	-----------

STAFF TRAINING	\$ 3,000
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All S&M Expenses cover 2.7 total FTE

SUPPLIES:

Office Expenses, supplies, duplicating, etc. \$105/month/FTE	\$ 2,835
--	----------

OTHER:

Rent @ 1.44/sq ft./FTE/month x 140 sq. ft.	\$ 5,040
Telephone/FAX/Long <u>Distance@\$80/mo/FTE</u>	\$ 2,160
Computer support @ \$80/mo/FTE	\$ 2,160

TOTAL DIRECT CHARGES	\$ 122,711
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INDIRECT COSTS:(@ 9.5%)	\$ 11,658
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TOTAL	\$134,368
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MEETING DATE: FEB 15 2001
AGENDA NO: R-3
ESTIMATED START TIME: 9:50

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Notice of Intent to Apply for a grant from the Regional Investment Program

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: February 15, 2001
AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: Department of Community Justice DIVISION: Adult Community Justice

CONTACT: Pat Franck TELEPHONE #: 988-4583
BLDG/ROOM #: 503/250

PERSON(S) MAKING PRESENTATION: Cindy Stadel

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐
OTHER

SUGGESTED AGENDA TITLE:

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT

MANAGER: _____

Elyse Clawson

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us

01 FEB - 7 AM 10:33
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS



MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY JUSTICE

Resource Management
501 SE Hawthorne
Portland, Oregon 97214
Phone (503) 988-3701
Fax (503) 988-5791

BOARD OF COUNTY COMMISSIONERS

Beverly Stein • Chair of the Board
Diane Linn • District 1 Commissioner
Serena Cruz • District 2 Commissioner
Lisa Naito • District 3 Commissioner
Lonnie Roberts • District 4 Commissioner

MEMORANDUM

TO: Board of County Commissioners

FROM: Elyse Clawson, Director
Department of Community Justice

DATE: February 15, 2001

SUBJECT: Notice of Intent to Apply for Regional Investment Program Grant

I. Recommended Action

Board approval to apply for Regional Investment Grant

II. Background/Analysis

Three of the greatest barriers ex-offenders face when seeking employment are 1) lack of education and training, 2) lack of understanding of and access to community assistance programs and 3) lack of connections to employers who are willing to talk to and, when appropriate, hire people with criminal convictions. The Department of Community Justice (DCJ) is seeking a \$250,000 grant to facilitate the provision of employment services to ex-offenders soon to be released from the Columbia River Correctional Institution (CRCI). The transition period from prison to life outside is a crucial time for ex-offenders and has been a major focus of the department. People who utilize these services will be at an advantage in that they will have developed job skills and possibly secured a job before leaving the facility.

DCJ will work with the State of Oregon Department of Corrections (DOC) and worksystems, inc. to develop a program within the CRCI which will provide vocational and job readiness training and a basic knowledge of the One Stop Career Center (1Stop) system already in use in the community. DCJ is currently collaborating with DOC and worksystems, inc. to:

- identify Multnomah County employers who will hire persons with criminal histories,
- assess industry workforce needs,
- align prison vocational training programs with those needs, and
- assist offenders with employment readiness and job search skills as they transition out of the institutions.

Board of County Commissioners Memo

Notice of Intent to Apply for Regional Investment Program Grant

Page 2

Toward this effort, Multnomah County's Department of Community Justice has committed \$50,000. The Department is committing another \$30,000 to provide technical assistance to community One Stops and to align our system more closely with theirs via redesign of our transition service processes.

Grant funding would place two staff persons at the CRCI One Stop and a .5 position at each of three community One Stops to provide linkage from the institution. DOC will continue the funding of the two CRCI positions at the conclusion of the grant. Funding from this grant would allow us to move beyond system redesign. It would allow DCJ to implement and test a plan— a One Stop Career Center nested within a correctional institution and linked to its community counterparts—that addresses the critical issue of employment for people transitioning out of prison.

III. Financial Impact

The grant will total \$250,000. There is a 50% match requirement. wsi will provide \$100,000 for funding of the project management and development of the employer network. Multnomah County will provide \$30,000 for a six-month technical assistance position. The grant is a two-year grant, which will give the collaborators time to evaluate the project and determine whether it would be cost effective to continue the program after the funding expires.

IV. Legal Issues

None

V. Controversial Issues

None

VI. Link to Current County Policies

Current research has indicates that the initial period of transition into the community from prison is crucial in determining ex-offenders' future success and that employment is one the most critical elements during the transition period. DCJ has focused many of resources on this transition period, and this program will augment those efforts.

VII. Citizen Participation

worksystems inc., a local non-profit organization, is a major collaborator on the project.

VIII. Government Participation

Planning has involved the State of Oregon Department of Corrections.

MEETING DATE: FEB 15 2001
AGENDA NO: R-4
ESTIMATED START TIME: 9:55
LOCATION: BOARDROOM 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Resolution Adopting Multnomah County's Investment Policy

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: February 15, 2001

AMOUNT OF TIME NEEDED: 10 - 15 minutes

DEPARTMENT: DSS DIVISION: Finance

CONTACT: Harry Morton TELEPHONE #: 988-3290
BLDG/ROOM #: 503/4

PERSON(S) MAKING PRESENTATION: Harry Morton

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Resolution Adopting the Multnomah County Investment Policy as Required by ORS 294.135.

02/16/01 copies to Harry Morton

BOARD OF
COUNTY COMMISSIONERS
01 JAN 30 PM 12: 09
MULTNOMAH COUNTY
OREGON

SIGNATURES REQUIRED:

ELECTED OFFICIAL: [Signature]
(OR)
DEPARTMENT [Signature]
MANAGER: [Signature]

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES




MULTNOMAH COUNTY OREGON

DEPARTMENT OF SUPPORT SERVICES
FINANCE DIVISION/TREASURY SECTION
501 SE HAWTHORNE BLVD, 4th FLOOR
PORTLAND, OREGON 97214
503.988.3290 (phone)
503.988.5725 (fax)

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN - CHAIR OF THE BOARD
DIANE LINN - DISTRICT 1 COMMISSIONER
SERENA CRUZ - DISTRICT 2
LISA NAITO - DISTRICT 3
LONNIE ROBERTS - DISTRICT 4

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners
FROM:  Harry S. Morton, Treasury Manager
Finance Division, DSS
DATE: January 22, 2001
RE: Resolution Adopting Multnomah County's Investment Policy

1. Recommendation/Action Requested:

Approve Resolution adopting the Multnomah County Investment Policy.

2. Background/Analysis:

Pursuant to ORS 294.135, which requires that municipalities adopt a written investment policy, the Finance Division has modified the County Investment Policy previously adopted by Resolution 99-175.

3. Financial Impact:

The modified investment policy will have no financial impact on the General Fund.

4. Legal Issues:

The modified investment policy meets all legal requirements.

5. Controversial Issues:

None.

6. Link to Current County Policies:

The modified investment policy is consistent with County policies.

7. Citizen Participation:

The Investment Advisory Board has reviewed and approved the modified policy.


8. Other Government Participation:

The Oregon Short-Term Fund Board staff has reviewed the modified policy and has recommended approval without changes to the OSTF Board. Approval by the Board was voted on November 17, 2000.



MULTNOMAH COUNTY OREGON

FILE COPY

To: Tom Sponsler, County Attorney
From:  Harry Morton, Treasury Manager
Date: November 03, 2000
Subject: Resolution Adopting County Investment Policy

Please review the attached packet that contains the modified investment policy for FY 2000-2001. As you recall this is an annual adoption, and in this case the policy itself has been modified only slightly from last year. The policy has been reviewed by the appropriate entities specified in "Paragraph 19. Invest Policy Adoption" of the attached policy.

The only change that can be considered a policy change is found in "Paragraph 5. Investment Diversification." All other changes to the policy are not related to policy, but rather to updating balances and to word-smithing.

Several changes appear in the addenda reflecting corporate name changes, additions and deletions to approved brokerage firms, and the reappointment of the two Investment Advisory Board members whose terms had expired.

I am attaching a copy of the resolution prepared last year. I can't remember who created it, but I can't find it in my Word files, so I hope it came from your office.

Please call me at Ext. 83290 with any questions you have. I am not expecting to submit this to the Board until December, although I suspect the Board doesn't meet many times that month.

Thanks very much.



OREGON SHORT TERM
FUND BOARD
350 WINTER STREET NE, SUITE 100
SALEM, OREGON 97310-0840
(503) 378-4633
FAX (503) 373-1179

OREGON SHORT TERM FUND BOARD

November 24, 2000

Harry S. Morton
Treasury Manager
Multnomah County
P.O. Box 14700
Portland, OR 97214

Dear Harry:

In reference to your investment policy submitted to the Oregon Short-Term Fund Board for review and comment, comments by Board members included the following:

There are no suggestions at this time, excellent policy!

No other comments were offered by the board. If we can be of further assistance to you, please call 1-800-452-0345.

Sincerely,

A handwritten signature in cursive script, appearing to read "Debbie Moore".

Debbe Moore
Recording Secretary
Oregon Short-Term Fund Board

dm

cc: OSTF Board
Jim Yasutome, OSTF Senior Investment Officer

MULTNOMAH COUNTY

DEC 08 2000

TREASURY

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. 01-_____

Resolution Adopting Multnomah County Investment Policy for Fiscal Year 2000-2001

The Multnomah County Board of Commissioners Finds:

- a. ORS 294.135 requires the county to adopt a written investment policy.
- b. The County's Investment Advisory Board reviewed and approved the Multnomah County Investment Policy for Fiscal Year 2000-2001.
- c. The State Treasurer's Office reviewed the Multnomah County Investment Policy for Fiscal Year 2000-2001 and recommended no improvements or any changes.

The Multnomah County Board of Commissioners Resolves:

1. The Board adopts the attached Multnomah County Investment Policy for Fiscal Year 2000-2001.
2. The Finance Director and the Treasury Manager are authorized to administer the Investment Policy for Fiscal Year 2000-2001.
3. This resolution repeals Resolution No. 99-175 and replaces the previous Investment Policy adopted by Resolution No. 99-175.

Adopted this _____ day of _____, 2001.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Attorney
For Multnomah County, Oregon

By _____

Thomas Sponsler, County Attorney



MULTNOMAH COUNTY OREGON

Investment Policy for Fiscal Year 2000-2001

1. Scope

- a. This investment policy applies to investing the financial assets of all funds included in Multnomah County's Investment Pool as defined in Section 13 of this policy. During Fiscal Year 1999-2000, the County's approximate average daily balance of funds invested was \$265,000,000, with a high of \$585,000,000 in November and a low of \$151,000,000 in October.
- b. Funds will be invested in compliance with ORS 294, other applicable statutes, this policy, and other written procedures.

2. Investment Objectives

- a. The primary objective of Multnomah County's investment activities is the preservation of capital and the protection of investment principal.
- b. The County's investment portfolio will remain sufficiently liquid to enable the County to meet all operating requirements that are reasonably anticipated. This preference for liquidity will be considered basic to investment decisions.
- c. The County will diversify its investments to avoid unreasonable risks regarding specific security types or individual financial institutions.
- d. The County will conform to Federal and State law and other legal requirements.
- e. The County will attain a market rate of return throughout budgeting cycles.

3. Delegation of Authority

The Treasury Manager is designated as the Investment Officer of the County and is responsible for the daily cash management, and investment decisions and activities.

4. Prudence

- a. The standard of prudence used by the Treasury Manager and Treasury staff in the context of managing the overall portfolio shall be the prudent investor rule, which states: "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."
- b. The Treasury Manager and Treasury staff, acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for a specific security's credit risk or market price changes, provided that these deviations are reported to the Finance Director immediately and that appropriate action is taken to control any adverse developments.
- c. The Treasury Manager shall strive for best execution of trades and shall solicit competitive bids or offers for all instruments traded, whenever practicable.

5. Investment Diversification

- a. The County will diversify its investments across security type and institution. No more than 20 percent (20%) at market value of the County's total investment portfolio will be invested in a single security type as defined in Paragraph 8, or in instruments of a single issuer, or as limited by ORS 294.035, whichever is less. Exceptions to this twenty percent limit are:
 - i) The County may invest one hundred percent (100%) of its portfolio in U.S. Treasury securities.
 - ii) The County may invest seventy-five percent (75%) of its portfolio in securities of U.S. Government Agencies and Instrumentalities.
 - iii) The funds invested in the Local Government Investment Pool may exceed twenty percent (20%) to the extent allowed under ORS 294.810.
 - iv) The County may invest in repurchase agreements to the extent that the collateral received does not cause the County to exceed any limits set elsewhere in this policy, including, but not only, Section 5(a)(ii).
 - v) The County may invest in commercial paper and other corporate debt up to twenty-five percent (25%) of the total investment portfolio at market value, but may exceed that limit, up to thirty percent (30%), for a period not to exceed 10 successive business days.
- b. If due to unanticipated cash needs or investment maturities, the investment in any security type or any financial issuer exceeds the guidelines in this policy, the Treasury Manager is responsible for

bringing the investment portfolio back within guidelines as soon as practicable. The Treasury Manager will also advise the Finance Director and Advisory Board members of the occurrence.

6. Investment Maturity

The County will maintain the following investment portfolio types and maturity dates:

- a. Short-term Investment Portfolio (maturities up to 3 years):
 - i) Using the projected cash flow schedule the County will attempt to match its investments with anticipated cash flow requirements. The County will not invest in securities with maturity dates longer than 3 years from date of purchase.
 - ii) The diversification of security maturity dates for the short-term investment portfolio will be measured at market value against average monthly portfolio balances as follows:

(a)	Less than 30 days	10% Minimum
(b)	Less than 90 days	25% "
(c)	Less than 270 days	50% "
(d)	Less than 1 year	70% "
(e)	Less than 3 years	100% "
 - iii) If the goals for diversification of security maturity dates are exceeded by 5% or more for 10 successive business days, the Treasury Manager is responsible for promptly notifying the Finance Director and Advisory Board members.
- b. Long-term Investments (Maturities over three years and up to a maximum of five years):
 - i) Bond Sinking Fund or Certificate of Participation reserve monies may be invested in securities exceeding three years if the maturities of such investments are made to coincide as nearly as practicable with the expected use of the funds, and the legal documents authorizing the financing allow for long-term investments.
 - ii) Self-Insurance Fund monies in the amount not to exceed \$8,000,000 (face value) may be invested in securities that exceed three years up to the maximum of five years. Securities purchased under this section are to be U.S. Treasury securities or securities of U.S. Government Agencies and Instrumentalities.

7. Investment of Bond Proceeds

The Treasury Manager will work with the Finance Director, the financial advisor, and the bond counsel to determine how best to invest bond proceeds. Bond proceeds will be segregated within the County's investment portfolio, and invested in a manner consistent with Internal Revenue Service limitations on tax-exempt issuers, as well as the trust indenture, if any, and the expectations of drawdown of proceeds.

8. Investment Limitations

- a. The following investment securities are allowed to be purchased under this policy. Additional investments are allowed by ORS 294.035, but are not allowed by the County investment policy to be purchased.

i) U. S. Treasury Issues:

U.S. Treasury Bills, Notes, Bonds, Strips, and Cubes.

ii) U.S. Government Agency and Instrumentality Securities:

U.S. Government Agency securities for local government investment under ORS 294.035 and 294.040, and pursuant to ORS 294.046 (current revision).

iii) Municipal Bonds:

Legally issued interest-bearing bonds pursuant to ORS 294.035 and 294.040 (current revision).

iv) Time Certificates of Deposits (CD or TCD):

- a) In purchasing time certificates of deposit, the County will not invest an amount that is more than 1 percent of the total deposits of any single institution, and FDIC insurance must apply to the deposits. As required by ORS Chapter 295, the Treasury Manager will be responsible for insuring that a Certificate of Participation, Collateral Pool has been issued by the institution to cover County deposits.
- b) On an exception basis, an on-going investment of \$200,000 in a one-year TCD issued by Albina Community Bank is authorized. Such investment represents the core balance in the Inmate Welfare Trust Fund administered by the Multnomah County Sheriff's Office.
- c) TCD's purchased from any Oregon Community Bank as authorized by subsequent action by the Board of County Commissioners.

v) Repurchase Agreements (Repo's):

All repurchase agreements will be collateralized at margin ratios prescribed by written policy of the Oregon Short Term Fund Board. A signed master repurchase agreement will first be obtained from financial institutions. The collateral securing the repo will be delivered to the County's custodian. The County will not enter into term repo's with maturities exceeding 90 days.

vi) Reverse Repurchase Agreements (Reverse Repo's):

Before entering into a reverse repurchase agreement, the County will obtain a signed master repurchase agreement from the brokerage firm. The firm's current net worth must be over \$50 million. Reverse repo's cannot exceed two percent (2%) of the

issuing firm's liabilities. Proceeds from reverse repo's will be invested in securities with maturities that match the maturities of the reverse repo. The County will not enter into term reverse repo's with maturities exceeding 60 days, and all reverse repo's must be approved by the Finance Director.

vii) Banker's Acceptance (BA's):

All bankers' acceptances will be purchased from a qualified financial institution as defined by ORS 294.035(8).

viii) Local Government Investment Pool (LGIP):

With the exception of pass-through funds, the maximum amount to be placed with the LGIP shall be pursuant to ORS 294.810.

ix) Commercial Paper (CP) and Other Corporate Debt:

All commercial paper and other corporate debt will be purchased in accordance with ORS 294.035(9). Investment in corporate debt other than commercial paper requires approval by the Finance Director.

x) Interest-Bearing Accounts:

All such deposits shall be FDIC-insured to \$100,000.

xi) Cash Deposits in Demand Accounts:

All cash deposits will be collateralized in accordance with ORS 295.

9. Delivery of Securities

Investment securities eligible for delivery purchased pursuant to this investment policy will be delivered versus payment by either book entry or physical delivery to a third-party custodian.

10. Authorized Financial Institutions and Securities Dealers

- a. Addendum A is the list of banks and securities dealers authorized to provide investment services. The County will limit all investment activities to the institutions in Addendum A.
- b. The Treasury Manager is authorized to sign a Trading Authorization agreement or master repurchase agreement with any institution included on this list.
- c. Additions to the list of authorized financial institutions may be made at the discretion of the Finance Director with written notification to the County Chair, the Board of County Commissioners and the Investment Advisory Board.
- d. Before the County purchases securities over \$100,000 from any financial institution, the County must have on file the firm's most recent audited financial report. The Treasury Manager is responsible

for keeping current files indicating the necessary licenses and professional credentials of broker/dealers with whom the County transacts business. The files will be reviewed annually by the Treasury Manager.

11. Cash Flow Planning

The Treasury Manager is responsible for preparing an annual projected cash flow schedule of all funds that are included in the County's Investment Pool. The projected cash flow schedule will be based on the previous two years actual cash flows. The Finance Director will review the schedule periodically. The Treasury Manager is responsible for comparing the cash flow projections to actual cash flows each month and will revise the schedule, if necessary, based on the actual cash flows.

12. Accounting Method

- a. At the time of purchase, investments will be booked at cost. Any gains or losses from investments sold or called will be credited or charged to investment income at the time of sale or call. Premiums or discounts on securities will be amortized or accreted over the life of the securities, and be credited or charged to interest income.
- b. The County shall comply with all required legal provisions and generally accepted accounting principles (GAAP). These principles are contained in the pronouncements of authoritative bodies, including, but not necessarily limited to, the American Institute of Certified Public Accountants (AICPA), the Financial Accounting Standards Board (FASB), and the Government Accounting Standards Board (GASB).

13. County Investment Pool and Interest Earnings Allocation

- a. The County will pool most of its funds in the County's Investment Pool for investment purposes. The funds not pooled will be restricted to: contract retainage and lien deposits; deferred compensation deposits and investments; Library Retirement Plan investments; funds held for Certificates of Participation and Revenue Bond reserves, or construction payments; petty cash funds; and imprest funds. These funds will earn interest income, if any, from the financial institution or organization holding the funds in a trust or fiduciary capacity.
- b. Method and process of investment interest allocation:
 - i) According to State law and County policy, interest earnings will be allocated to the following funds:
 - (1) Road Fund and Willamette River Bridge Fund;
 - (2) Bicycle Path Fund;
 - (3) County School Fund;
 - (4) Tax Title Land Sales Fund;
 - (5) Emergency Communication Fund;
 - (6) Property Tax Trust Funds and Accounts;

- (7) Funds accounting for serial levy and bond funds;
- (8) Inmate Welfare Fund; and
- (9) Justice Services Special Operations Fund.

- ii) All Proprietary Type Funds will receive interest earnings allocation.
- iii) Funds held in Trust Accounts or Trust Funds, which are to be used for a specific purpose will receive interest earnings allocation. These include:
 - (1) Regional Organized Crime and Narcotics (ROCN);
 - (2) Public Guardian; and
 - (3) Drug Forfeiture.
- iv) Interest will be allocated to Funds created by the Board of County Commissioners that specifically state the funds will earn interest. These include:
 - (1) Capital Acquisition Fund, and
 - (2) Capital Improvement Fund.
- v) Interest will not be allocated to the Federal/State Program Fund because the majority of the expenditures are on a reimbursement basis from the grantor agency, and the General Fund provides the cash flow.
- vi) The General Fund will receive the balance of interest earnings. All other Funds that are supported in whole or part by the General Fund will not be allocated interest earnings.
- vii) In the event a new fund or account is created, the Finance Director is authorized to make the determination if the fund or account should receive interest. This determination is to be based on the criteria used for the funds in existence at the time this policy is adopted.

c. The amount of interest allocation will be based on:

- i) The average daily cash balance of the fund. The property tax trust funds average daily cash balance will be reduced by the average daily uncollected funds (float);
- ii) The average monthly yield of the County's investment portfolio;
- iii) The yield is calculated on a 365-day basis;
- iv) An administrative fee of 1% of the earnings will be deducted from the interest earnings allocation prior to distribution;
- v) If the average daily cash balance in a fund is negative and the fund has interest income received, the fund will be debited interest income for the period or periods that the cash balance is negative;
- vi) Each month the General Ledger section is responsible for computing and recording the amount of interest income that is to be allocated to various Funds.

14. The Investment Advisory Board

- a. The County Chair will appoint the Investment Advisory Board members. The Investment Advisory Board will be composed of five citizen members. These individuals will be nominated on the basis of their understanding and knowledge of financial markets.
- b. The Investment Advisory Board will meet quarterly to review the County's investment performance and existing investment plan. All such meetings of the Investment Advisory Board will be open and publicized as required by the "Open Meetings Law."
- c. After each meeting of the Investment Advisory Board, the Treasury Manager will prepare and distribute a written report summarizing the meeting to the Chair of the Board, the Board of County Commissioners, the Investment Advisory Board and the Finance Director.

15. Reporting Requirements

The Treasury Manager will provide the Chair of the Board, the Investment Advisory Board, the Executive Assistant to the Chair, and the Finance Director copies of the monthly investment portfolio report. At each quarterly Advisory Board meeting the Treasury Manager will provide the Board and the Finance Director a monthly detailed listing of all transactions, with an explanation for the decision to sell or purchase. The investment portfolio will be marked-to-market monthly for financial reporting purposes.

15. Indemnity Clause

The County shall indemnify County officials and Advisory Board members from personal liability for losses that might occur pursuant to administering this investment policy.

17. Internal Controls

The Treasury Manager and Treasury staff shall follow the internal controls outlined in the Financial and Budget Policy, Finance Division policies and procedures, and any policies adopted after this policy is adopted.

18. Performance Evaluation and Goals

The performance of the County's portfolio shall be measured against the performance of the Local Government Investment Pool yield and of 90-day Treasury Bill yields. It is the goal of the County to maintain a yield that is not more than $\frac{1}{2}$ percent (50 basis points) lower than that of the Local Government Investment Pool, and is not less than $\frac{1}{4}$ percent (25 basis points) higher than the 90-day Treasury Bill yield. The County will attempt to compare its yield to Washington County and Clackamas County portfolios.

19. Investment Policy Adoption

- a. The County's investment policy will be reviewed by the Finance Director and Investment Advisory Board for appropriate modifications on an annual basis and submitted to the Oregon Short Term Fund Board. Any comments made by the Oregon Short Term Fund Board will be formally responded to, and any suggestions not implemented, will be explained to the Board of County Commissioners.
- b. This policy and any amendments to this policy are to be approved annually by the Board of County Commissioners.

ADOPTED THIS DAY OF , 2001

**By BOARD OF COUNTY COMMISSIONERS,
MULTNOMAH COUNTY, OREGON.**

MULTNOMAH COUNTY, OREGON
INVESTMENT POLICY for Fiscal Year 2000-2001

Addendum A

Financial Institutions

Brokerage Firms:

1. Bank of America Securities
2. Dain Rauscher, Inc.
3. Merrill Lynch Capital Markets, Inc.
4. McDonald Investments
5. Morgan Keegan & Company, Inc.
6. Nesbitt Burns Securities Inc.
7. PaineWebber Incorporated
8. Seattle Northwest Securities Corp.
9. Salomon Smith Barney*
10. US Bancorp Investments, Inc.

**Trading approval for Smith Barney is suspended while an affiliated person serves on the Investment Advisory Board.*

Direct Issuers:

1. Ford Financial Services, Inc. (FMCC)
2. General Electric Credit Corp. (GECC)
3. General Motors Acceptance Corp. (GMAC)

Banks:

1. Bank of America NA
2. Key Bank NA
3. Union Bank of California
4. US Bank NA
5. Wells Fargo Bank NA
6. Albina Community Bank (\$200,00 maximum)
7. Oregon Community Development Banks (\$95,000 maximum per bank)

Other:

Oregon Local Government Investment Pool (LGIP)

MULTNOMAH COUNTY, OREGON
INVESTMENT POLICY for Fiscal Year 2000-2001

Addendum B

Investment Advisory Board

Marc Gonzales, Finance Director
Clackamas County
9101 SE Sunnybrook Blvd.
Clackamas, OR 97015
(503) 353-4345
(503) 353-4378 (Fax)

Term Expires: 6/30/02
Second Term

Jennifer Cooperman, Exec. Director
C/o Portland Preservation Trust
Portland, OR 97204
(503) 795-7950

Term Expires: 6/30/02
First Term

Thomas Landye, Senior Partner
Landye Bennett Blumstein LLP
1300 SW Fifth Avenue, Suite 3500
Portland, OR 97201
(503) 224-4100
(503) 224-4133 (Fax)

Term Expires: 6/30/03
Third Term

George Scherzer, First Vice President
Salomon Smith Barney
200 SW Market, Suite 1200
Portland, OR 97201
(503) 221-7640, 221-7627
(503) 221-7647 (Fax)

Term Expires: 6/30/02
Fifth Term

Howard Shapiro
American Bank Building
621 SW Morrison #600
Portland, OR 97205
(503) 222-6613
(503) 274-7611 (Fax)

Term Expires: 6/30/03
Third Term

Staff:

David Boyer, Finance Director
Harry Morton, Treasury Manager
Calvin Smith, Treasury Specialist

(503) 988-3903
(503) 988-3290
(503) 988-3440

MULTNOMAH COUNTY, OREGON
INVESTMENT POLICY for Fiscal Year 2000-2001

Addendum C

Staff Investment Authorizations

Single Signature

David A. Boyer, Finance Director (Full Authorization)

Harry S. Morton, Treasury Manager (Full Authorization)

Dual Signature (Requires Second Signature)

Cliff Pengra, Treasury Specialist 2 (Dual Authorization)

Calvin J. Smith, Treasury Specialist 2 (Dual Authorization)

Fumiko Ross, Treasury Specialist 1 (Dual Authorization)

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. 01-017

Adopting Multnomah County Investment Policy for Fiscal Year 2000-2001

The Multnomah County Board of Commissioners Finds:

- a. ORS 294.135 requires the county to adopt a written investment policy.
- b. The County's Investment Advisory Board reviewed and approved the Multnomah County Investment Policy for Fiscal Year 2000-2001.
- c. The State Treasurer's Office reviewed the Multnomah County Investment Policy for Fiscal Year 2000-2001 and recommended no improvements or any changes.

The Multnomah County Board of Commissioners Resolves:

1. The Board adopts the attached Multnomah County Investment Policy for Fiscal Year 2000-2001.
2. The Finance Director and the Treasury Manager are authorized to administer the Investment Policy for Fiscal Year 2000-2001.
3. This resolution repeals Resolution No. 99-175 and replaces the previous Investment Policy adopted by Resolution No. 99-175.

ADOPTED this 15th day of February, 2001.



REVIEWED:

Thomas Sponsler, County Attorney
For Multnomah County, Oregon

By Thomas Sponsler
Thomas Sponsler, County Attorney

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein
Beverly Stein, Chair



MULTNOMAH COUNTY OREGON

Investment Policy for Fiscal Year 2000-2001

1. Scope

- a. This investment policy applies to investing the financial assets of all funds included in Multnomah County's Investment Pool as defined in Section 13 of this policy. During Fiscal Year 1999-2000, the County's approximate average daily balance of funds invested was \$265,000,000, with a high of \$585,000,000 in November and a low of \$151,000,000 in October.
- b. Funds will be invested in compliance with ORS 294, other applicable statutes, this policy, and other written procedures.

2. Investment Objectives

- a. The primary objective of Multnomah County's investment activities is the preservation of capital and the protection of investment principal.
- b. The County's investment portfolio will remain sufficiently liquid to enable the County to meet all operating requirements that are reasonably anticipated. This preference for liquidity will be considered basic to investment decisions.
- c. The County will diversify its investments to avoid unreasonable risks regarding specific security types or individual financial institutions.
- d. The County will conform to Federal and State law and other legal requirements.
- e. The County will attain a market rate of return throughout budgeting cycles.

3. Delegation of Authority

The Treasury Manager is designated as the Investment Officer of the County and is responsible for the daily cash management, and investment decisions and activities.

Prudence

- a. The standard of prudence used by the Treasury Manager and Treasury staff in the context of managing the overall portfolio shall be the prudent investor rule, which states: "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."
- b. The Treasury Manager and Treasury staff, acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for a specific security's credit risk or market price changes, provided that these deviations are reported to the Finance Director immediately and that appropriate action is taken to control any adverse developments.
- c. The Treasury Manager shall strive for best execution of trades and shall solicit competitive bids or offers for all instruments traded, whenever practicable.

4. Investment Diversification

- a. The County will diversify its investments across security type and institution. No more than 20 percent (20%) at market value of the County's total investment portfolio will be invested in a single security type as defined in Paragraph 8, or in instruments of a single issuer, or as limited by ORS 294.035, whichever is less. Exceptions to this twenty percent limit are:
 - i) The County may invest one hundred percent (100%) of its portfolio in U.S. Treasury securities.
 - ii) The County may invest seventy-five percent (75%) of its portfolio in securities of U.S. Government Agencies and Instrumentalities.
 - iii) The funds invested in the Local Government Investment Pool may exceed twenty percent (20%) to the extent allowed under ORS 294.810.
 - iv) The County may invest in repurchase agreements to the extent that the collateral received does not cause the County to exceed any limits set elsewhere in this policy, including, but not only, Section 5(a)(ii).
 - v) The County may invest in commercial paper and other corporate debt up to twenty-five percent (25%) of the total investment portfolio at market value, but may exceed that limit, up to thirty percent (30%), for a period not to exceed 10 successive business days.
- b. If due to unanticipated cash needs or investment maturities, the investment in any security type or any financial issuer exceeds the guidelines in this policy, the Treasury Manager is responsible for bringing the investment portfolio back within guidelines as soon as practicable. The Treasury Manager will also advise the Finance Director and Advisory Board members of the occurrence.

5. Investment Maturity

The County will maintain the following investment portfolio types and maturity dates:

- a. Short-term Investment Portfolio (maturities up to 3 years):
 - i) Using the projected cash flow schedule the County will attempt to match its investments with anticipated cash flow requirements. The County will not invest in securities with maturity dates longer than 3 years from date of purchase.
 - ii) The diversification of security maturity dates for the short-term investment portfolio will be measured at market value against average monthly portfolio balances as follows:

(a) Less than 30 days	10% Minimum
(b) Less than 90 days	25% "
(c) Less than 270 days	50% "
(d) Less than 1 year	70% "
(e) Less than 3 years	100% "
 - iii) If the goals for diversification of security maturity dates are exceeded by 5% or more for 10 successive business days, the Treasury Manager is responsible for promptly notifying the Finance Director and Advisory Board members.
- b. Long-term Investments (Maturities over three years and up to a maximum of five years):
 - i) Bond Sinking Fund or Certificate of Participation reserve monies may be invested in securities exceeding three years if the maturities of such investments are made to coincide as nearly as practicable with the expected use of the funds, and the legal documents authorizing the financing allow for long-term investments.
 - ii) Self-Insurance Fund monies in the amount not to exceed \$8,000,000 (face value) may be invested in securities that exceed three years up to the maximum of five years. Securities purchased under this section are to be U.S. Treasury securities or securities of U.S. Government Agencies and Instrumentalities.

6. Investment of Bond Proceeds

The Treasury Manager will work with the Finance Director, the financial advisor, and the bond counsel to determine how best to invest bond proceeds. Bond proceeds will be segregated within the County's investment portfolio, and invested in a manner consistent with Internal Revenue Service limitations on tax-exempt issuers, as well as the trust indenture, if any, and the expectations of drawdown of proceeds.

7. Investment Limitations

- a. The following investment securities are allowed to be purchased under this policy. Additional investments are allowed by ORS 294.035, but are not allowed by the County

investment policy to be purchased.

i) U. S. Treasury Issues:

U.S. Treasury Bills, Notes, Bonds, Strips, and Cubes.

ii) U.S. Government Agency and Instrumentality Securities:

U.S. Government Agency securities for local government investment under ORS 294.035 and 294.040, and pursuant to ORS 294.046 (current revision).

iii) Municipal Bonds:

Legally issued interest-bearing bonds pursuant to ORS 294.035 and 294.040 (current revision).

iv) Time Certificates of Deposits (CD or TCD):

a) In purchasing time certificates of deposit, the County will not invest an amount that is more than 1 percent of the total deposits of any single institution, and FDIC insurance must apply to the deposits. As required by ORS Chapter 295, the Treasury Manager will be responsible for insuring that a Certificate of Participation, Collateral Pool has been issued by the institution to cover County deposits.

b) On an exception basis, an on-going investment of \$200,000 in a one-year TCD issued by Albina Community Bank is authorized. Such investment represents the core balance in the Inmate Welfare Trust Fund administered by the Multnomah County Sheriff's Office.

c) TCD's purchased from any Oregon Community Bank as authorized by subsequent action by the Board of County Commissioners.

v) Repurchase Agreements (Repo's):

All repurchase agreements will be collateralized at margin ratios prescribed by written policy of the Oregon Short Term Fund Board. A signed master repurchase agreement will first be obtained from financial institutions. The collateral securing the repo will be delivered to the County's custodian. The County will not enter into term repo's with maturities exceeding 90 days.

vi) Reverse Repurchase Agreements (Reverse Repo's):

Before entering into a reverse repurchase agreement, the County will obtain a signed master repurchase agreement from the brokerage firm. The firm's current net worth must be over \$50 million. Reverse repo's cannot exceed two percent (2%) of the issuing firm's liabilities. Proceeds from reverse repo's will be invested in securities with maturities that match the maturities of the reverse repo. The County will not enter into term reverse repo's with maturities exceeding 60 days, and all reverse repo's must be approved by the Finance Director.

vii) Banker's Acceptance (BA's):

All bankers' acceptances will be purchased from a qualified financial institution as defined by ORS 294.035(8).

viii) Local Government Investment Pool (LGIP):

With the exception of pass-through funds, the maximum amount to be placed with the LGIP shall be pursuant to ORS 294.810.

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All such deposits shall be FDIC-insured to \$100,000.

xi) Cash Deposits in Demand Accounts:

All cash deposits will be collateralized in accordance with ORS 295.

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- a. Addendum A is the list of banks and securities dealers authorized to provide investment services. The County will limit all investment activities to the institutions in Addendum A.
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- d. Before the County purchases securities over \$100,000 from any financial institution, the County must have on file the firm's most recent audited financial report. The Treasury Manager is responsible for keeping current files indicating the necessary licenses and professional credentials of broker/dealers with whom the County transacts business. The files will be reviewed annually by the Treasury Manager.

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The Treasury Manager is responsible for preparing an annual projected cash flow schedule of all funds that are included in the County's Investment Pool. The projected cash flow schedule will be based on the previous two years actual cash flows. The Finance Director will review the schedule periodically. The Treasury Manager is responsible for comparing the cash flow projections to actual cash flows each month and will revise the schedule, if necessary, based on the actual cash flows.

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- a. At the time of purchase, investments will be booked at cost. Any gains or losses from investments sold or called will be credited or charged to investment income at the time of sale or call. Premiums or discounts on securities will be amortized or accreted over the life of the securities, and be credited or charged to interest income.
- b. The County shall comply with all required legal provisions and generally accepted accounting principles (GAAP). These principles are contained in the pronouncements of authoritative bodies, including, but not necessarily limited to, the American Institute of Certified Public Accountants (AICPA), the Financial Accounting Standards Board (FASB), and the Government Accounting Standards Board (GASB).

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- a. The County will pool most of its funds in the County's Investment Pool for investment purposes. The funds not pooled will be restricted to: contract retainage and lien deposits; deferred compensation deposits and investments; Library Retirement Plan investments; funds held for Certificates of Participation and Revenue Bond reserves, or construction payments; petty cash funds; and imprest funds. These funds will earn interest income, if any, from the financial institution or organization holding the funds in a trust or fiduciary capacity.
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 - i) According to State law and County policy, interest earnings will be allocated to the following funds:
 - (1) Road Fund and Willamette River Bridge Fund;
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 - (3) County School Fund;
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 - (1) Regional Organized Crime and Narcotics (ROCN);
 - (2) Public Guardian; and
 - (3) Drug Forfeiture.
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 - (1) Capital Acquisition Fund, and
 - (2) Capital Improvement Fund.
 - v) Interest will not be allocated to the Federal/State Program Fund because the majority of the expenditures are on a reimbursement basis from the grantor agency, and the General Fund provides the cash flow.
 - vi) The General Fund will receive the balance of interest earnings. All other Funds that are supported in whole or part by the General Fund will not be allocated interest earnings.
 - vii) In the event a new fund or account is created, the Finance Director is authorized to make the determination if the fund or account should receive interest. This determination is to be based on the criteria used for the funds in existence at the time this policy is adopted.
- c. The amount of interest allocation will be based on:
- i) The average daily cash balance of the fund. The property tax trust funds average daily cash balance will be reduced by the average daily uncollected funds (float);
 - ii) The average monthly yield of the County's investment portfolio;
 - iii) The yield is calculated on a 365-day basis;
 - iv) An administrative fee of 1% of the earnings will be deducted from the interest earnings allocation prior to distribution;
 - v) If the average daily cash balance in a fund is negative and the fund has interest income received, the fund will be debited interest income for the period or periods that the cash balance is negative;
 - vi) Each month the General Ledger section is responsible for computing and recording the amount of interest income that is to be allocated to various Funds.

13. The Investment Advisory Board

- a. The County Chair will appoint the Investment Advisory Board members. The Investment Advisory Board will be composed of five citizen members. These individuals will be

nominated on the basis of their understanding and knowledge of financial markets.

- b. The Investment Advisory Board will meet quarterly to review the County's investment performance and existing investment plan. All such meetings of the Investment Advisory Board will be open and publicized as required by the "Open Meetings Law."
- c. After each meeting of the Investment Advisory Board, the Treasury Manager will prepare and distribute a written report summarizing the meeting to the Chair of the Board, the Board of County Commissioners, the Investment Advisory Board and the Finance Director.

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The Treasury Manager will provide the Chair of the Board, the Investment Advisory Board, the Executive Assistant to the Chair, and the Finance Director copies of the monthly investment portfolio report. At each quarterly Advisory Board meeting the Treasury Manager will provide the Board and the Finance Director a monthly detailed listing of all transactions, with an explanation for the decision to sell or purchase. The investment portfolio will be marked-to-market monthly for financial reporting purposes.

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17. Internal Controls

The Treasury Manager and Treasury staff shall follow the internal controls outlined in the Financial and Budget Policy, Finance Division policies and procedures, and any policies adopted after this policy is adopted.

18. Performance Evaluation and Goals

The performance of the County's portfolio shall be measured against the performance of the Local Government Investment Pool yield and of 90-day Treasury Bill yields. It is the goal of the County to maintain a yield that is not more than ½ percent (50 basis points) lower than that of the Local Government Investment Pool, and is not less than ¼ percent (25 basis points) higher than the 90-day Treasury Bill yield. The County will attempt to compare its yield to Washington County and Clackamas County portfolios.

19. Investment Policy Adoption

- a. The County's investment policy will be reviewed by the Finance Director and Investment Advisory Board for appropriate modifications on an annual basis and submitted to the Oregon Short Term Fund Board. Any comments made by the Oregon Short Term Fund

Board will be formally responded to, and any suggestions not implemented will be explained to the Board of County Commissioners.

- b. This policy and any amendments to this policy are to be approved annually by the Board of County Commissioners.

ADOPTED THIS 15TH DAY OF FEBRUARY, 2001

**BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON.**

**MULTNOMAH COUNTY, OREGON
INVESTMENT POLICY for Fiscal Year 2000-2001**

Addendum A

Financial Institutions

Brokerage Firms:

1. Bank of America Securities
2. Dain Rauscher, Inc.
3. Merrill Lynch Capital Markets, Inc.
4. McDonald Investments
5. Morgan Keegan & Company, Inc.
6. Nesbitt Burns Securities Inc.
7. PaineWebber Incorporated
8. Seattle Northwest Securities Corp.
9. Salomon Smith Barney*
10. US Bancorp Investments, Inc.

**Trading approval for Smith Barney is suspended while an affiliated person serves on the Investment Advisory Board.*

Direct Issuers:

1. Ford Financial Services, Inc. (FMCC)
2. General Electric Credit Corp (GECC)
3. General Motors Acceptance Corp. (GMAC)

Banks:

1. Bank of America NA
2. Key Bank NA
3. Union Bank of California
4. US Bank NA
5. Wells Fargo Bank NA
6. Albina Community Bank (\$200,00 maximum)
7. Oregon Community Development Banks (\$95,000 maximum per bank)

Other:

Oregon Local Government Investment Pool (LGIP)

**MULTNOMAH COUNTY, OREGON
INVESTMENT POLICY for Fiscal Year 2000-2001**

Addendum B

Investment Advisory Board

Marc Gonzales, Finance Director
Clackamas County
9101 SE Sunnybrook Blvd.
Clackamas, OR 97015
(503) 353-4345
(503) 353-4378 (Fax)

Term Expires: 6/30/02
Second Term

Jennifer Cooperman, Exec. Director
C/o Portland Preservation Trust
Portland, OR 97204
(503) 795-7950

Term Expires: 6/30/02
First Term

Thomas Landye, Senior Partner
Landye Bennett Blumstein LLP
1300 SW Fifth Avenue, Suite 3500
Portland, OR 97201
(503) 224-4100
(503) 224-4133 (Fax)

Term Expires: 6/30/03
Third Term

George Scherzer, First Vice President
Salomon Smith Barney
200 SW Market, Suite 1200
Portland, OR 97201
(503) 221-7640, 221-7627
(503) 221-7647 (Fax)

Term Expires: 6/30/02
Fifth Term

Howard Shapiro
American Bank Building
621 SW Morrison #600
Portland, OR 97205
(503) 222-6613
(503) 274-7611 (Fax)

Term Expires: 6/30/03
Third Term

Staff:

David Boyer, Finance Director
Harry Morton, Treasury Manager
Calvin Smith, Treasury Specialist

(503) 988-3903
(503) 988-3290
(503) 988-3440

**MULTNOMAH COUNTY, OREGON
INVESTMENT POLICY for Fiscal Year 2000-2001**

Addendum C

Staff Investment Authorizations

Single Signature

David A. Boyer, Finance Director (Full Authorization)

Harry S. Morton, Treasury Manager (Full Authorization)

Dual Signature (Requires Second Signature)

Cliff Pengra, Treasury Specialist 2 (Dual Authorization)

Calvin J. Smith, Treasury Specialist 2 (Dual Authorization)

Fumiko Ross, Treasury Specialist 1 (Dual Authorization)

MEETING DATE: FEB 15 2001
AGENDA NO: R-5
ESTIMATED START TIME: 10:05

(Above Space for Board Clerk's use only)

AGENDA PLACEMENT FORM

SUBJECT: **Purchase of Real Property for Department of Community Justice, Women's Services**

BOARD BRIEFING:

Date Requested: _____
Requested by: _____
Amount of Time Needed: _____

REGULAR MEETING:

Date Requested: February 1, 2001
Amount of Time Needed: 5 minutes

DEPARTMENT: **Sustainable Community Dev.** DIVISION: **Facilities and Property Mgmt.**

CONTACT: Bob Oberst TELEPHONE #: 83851
BLDG/ROOM #: 421/3rd

PERSON(S) MAKING PRESENTATION: **Bob Oberst, Liv Jenssen**

ACTION REQUESTED:

{ } INFORMATION ONLY { } POLICY DIRECTION {X} APPROVAL { } OTHER

02/15/01 ORIGINAL Real Estate
Agreements & copies of all to
BOB OBERST

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
01 FEB - 5 PM 2:05

Attached documents: Supplemental Staff Report, Resolution, ~~Real Estate Sale Agreement~~ (2 ~~copies~~) *not*

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: *Robert Oberst* *María Pajo de Zeffey*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 988-3277

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING – SUPPLEMENTAL STAFF REPORT**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: FACILITIES AND PROPERTY MANAGEMENT

TODAY'S DATE: January 4, 2001

REQUESTED PLACEMENT DATE: February 1, 2001

REFERENCE: Purchase of Real Property for Department of Community Justice, Women's Services

I. Recommendation/Action Requested: Resolution of Board of Commissioners Approving Purchase of Real Property for Department of Community Justice, Women's Services, and Authorizing the County Chair to Execute Instruments Necessary to Complete the Purchase.

II. Background Analysis: The Department of Community Justice, Women's Services has occupied the real property located 722, 732 and 736 NE Couch Street, Portland, Oregon under lease for approximately ten years. Current annual rental is \$42,378.00. The property is used for operation of the Women's Transition program as permitted by a conditional use permit issued by the City of Portland. The location is considered to be very good by Community Justice for the programs operated there.

The owner of the real property has listed the property for sale with a real estate agent at a price of \$480,000.00 and has negotiated with Multnomah County for sale to the County at a price of \$450,000.00 on the terms and conditions recited in the Real Estate Sale Agreement before the Board in this matter.

Appraisals done for the owner in 1997 concluded the value of the property to be \$400,000.00. A Comparative Market Analysis of the property done for the owner concluded the value of the property to be \$504,850.00 as of May 1, 2000. An appraisal done for Multnomah County concluded the value to be \$400,000.00 as of June 16, 2000.

Facilities and Property Management has performed and contracted for inspection of the physical condition of the property. The structures on the property were determined to be in average condition. There is lead-based paint present in the structures, which will require approximately \$20,000.00 to remedy at the time of acquisition and additional annual expense to control. Other improvements that are suggested over a period of years would add an estimated total of about \$30,000.00 to the maintenance and upgrade cost over a twenty-year period.

III. Financial Impact: Purchase price and remediation cost to be paid from \$1,975,000 of funds available from Justice Bond interest.

IV. Legal Issues: None.

V. Controversial Issues: None.

VI. Link to Current County Policies: Assistance to women and their children, reduce recidivism.

VII. Citizen Participation: Not known, facility has been in place for approximately ten years.

VIII. Other Government Participation: None.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Approving Purchase of Real Property at 722, 732 and 736 NE Couch Street, Portland, Oregon,
and Authorizing the County Chair to Execute Documents Necessary to Enter into and Perform an
Agreement with the Owner of the Real Property for its Purchase by Multnomah County

The Multnomah County Board of Commissioners Finds:

- a. The Department of Community Justice conducts a women's transition services program in a leased facility at 722, 732 and 736 NE Couch Street, Portland, Oregon.
- b. The leased facility is suited and well located for the long range operation of the women's transition services program.
- c. The owner of the real property has offered to sell the real property to Multnomah County for the sum of \$450,000.00, which is within the range of appraised fair market value as determined by independent appraisal.
- d. The purchase of this property will benefit Multnomah County.

The Multnomah County Board of Commissioners Resolves:

1. Multnomah County will enter into an agreement for the purchase of the real property at 722, 732 and 736 NE Couch Street, Portland, Oregon, at a price not to exceed \$450,000.00.
2. The Chair is authorized and directed to execute the documents required to purchase the real property at 722, 732 and 736 NE Couch Street, Portland, Oregon.

Adopted this _____ day of February, 2001.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair

REVIEWED:
THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Matthew O. Ryan
Matthew O. Ryan, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 01-018

Approving Purchase of Real Property at 722, 732 and 736 NE Couch Street, and
Authorizing the Chair to Execute Documents Necessary to Complete the Purchase

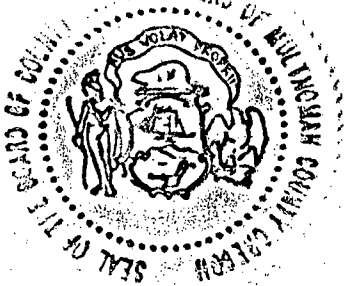
The Multnomah County Board of Commissioners Finds:

- a) The Department of Community Justice conducts a women's transition services program in a leased facility at 722, 732 and 736 NE Couch Street, Portland, Oregon.
- b) The leased facility is suited and well located for the long-range operation of the women's transition services program.
- c) The owner of the real property has offered to sell the real property to Multnomah County for the sum of \$450,000.00, which is within the range of appraised fair market value as determined by independent appraisal.
- d) The purchase of this property will benefit Multnomah County.

The Multnomah County Board of Commissioners Resolves:

1. Multnomah County will enter into an agreement for the purchase of the real property located at 722, 732 and 736 NE Couch Street, Portland, Oregon, at a price not to exceed \$450,000.00.
2. The Chair is authorized and directed to execute the documents required to purchase the real property at 722, 732 and 736 NE Couch Street, Portland, Oregon.

ADOPTED this 15th day of February, 2001.



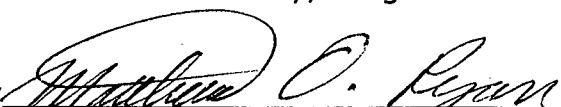
REVIEWED:

Thomas Sponsler, County Attorney
For Multnomah County, Oregon

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

By


Matthew O. Ryan, Assistant County Attorney

Seller and Buyer hereby acknowledge and consent to the following agency relationship in this transaction:

(1) _____ (selling licensee) of _____ (selling firm) is the agent of (check one):
☐ the Buyer exclusively ("buyer agency"). ☐ the Seller exclusively ("subagency"). ☐ both the Seller and the Buyer ("in-company transaction").
(2) ROBERT L. McKEE (listing licensee) of RW WESTMORAL EQUITIES (listing firm) is the agent of
(check one): ☐ the Seller exclusively. ☒ both the Seller and the Buyer ("in-company transaction").

Buyer shall sign this acknowledgment at the time of signing this Agreement before submission to Seller. Seller shall sign this acknowledgment at the time this Agreement is first submitted to Seller, even if this Agreement will be rejected or a counter offer will be made. Seller's signature to this Final Agency Acknowledgment shall not constitute acceptance of the Agreement or any terms therein.

Buyer Signature _____ Print MULTNOMAH COUNTY, OR Date 02/15/01
Buyer Signature _____ Print _____ Date _____
Seller Signature John M. Hamilton Sr. Print JOHN M. HAMILTON SR Date _____
Seller Signature _____ Print _____ Date _____

REAL ESTATE SALE AGREEMENT

Upon signature by Seller and Buyer, this Agreement is a legal and binding contract.
If not understood, seek competent legal advice before signing.

DEFINITIONS: All references in this Agreement to "licensee" or "firm" shall refer to real estate agents and their brokerages, respectively, licensed in the State of Oregon pursuant to ORS Chapter 696.

Buyer (print name) MULTNOMAH COUNTY, OREGON, offers to purchase
from Seller (print name) JOHN M. HAMILTON SR., the following described
real property (hereinafter "the Property") situated in the County of MULTNOMAH, State of Oregon (legal description): _____

and commonly known as (street address): 722, 732 & 736 N.E. LOUCH ST. PORTLAND, OREGON
for the purchase price (in U.S. currency) of _____ A \$ 450,000
on the following terms: Earnest money herein received for _____ B \$ _____
on _____ as additional earnest money, the sum of _____ C \$ _____
at or before closing, the balance of down payment. _____ D \$ _____
at closing and upon delivery of ☒ DEED ☐ CONTRACT the sum of (Lines B, C, D and E must equal Line A) _____ E \$ 450,000
Payable as follows: ALL CASH AT CLOSING
SELLER TO EFFECTUATE AN IRC 1031
EXCHANGE WITH NO COST TO BUYER For additional details, see Addendum _____

BUYER REPRESENTS THAT: Buyer has sufficient funds available to close this sale in accordance with this Agreement and is not relying on any contingent source of funds unless otherwise disclosed in writing herein.

IF A NEW LOAN IS REQUIRED, THIS TRANSACTION IS SUBJECT TO BUYER AND PROPERTY QUALIFYING FOR THE LOAN. Buyer agrees to make written loan application not later than N/A business days from date this Agreement is signed by all parties, complete necessary papers, and exert best efforts, including payment of all application, appraisal and processing fees, in order to procure the loan.

REQUIRED REPAIRS: Seller agrees to pay a total of not more than \$ 0 for repairs identified in any inspections requested herein by Buyer and/or for any repairs identified by lender as a condition to granting Buyer's loan.

TITLE INSURANCE: Unless otherwise provided herein, this transaction is subject to Buyer's review and approval of a preliminary title report and the recorded covenants, conditions and restrictions ("the report and CC&Rs") showing the condition of title to the Property. Upon execution of this Agreement by all parties, Seller will, at Seller's sole expense, promptly order the report and CC&Rs from an Oregon title insurance company and furnish them to Buyer. Upon receipt of the report and CC&Rs, Buyer shall have 5 business days (five if not filled in) within which to notify Seller, in writing, of any matters disclosed in the report and CC&Rs which is/are unacceptable to Buyer ("the objections"). Buyer's failure to timely object, in writing, to any matters disclosed in the report and/or CC&Rs shall constitute acceptance of the report and/or CC&Rs. If, within _____ business days (five if not filled in) following receipt of the objections, Seller fails to remove or correct the matters identified in the objections, or does not give written assurances reasonably satisfactory to Buyer that they will be removed prior to the closing date, all earnest money shall be promptly refunded to Buyer and this transaction shall be of no further binding effect between Seller and Buyer. Within thirty (30) days after closing, Seller shall furnish to Buyer an owner's standard form policy of title insurance insuring marketable title in the Property to Buyer in the amount of the purchase price, free and clear of the objections and all other title exceptions agreed to be removed as part of this transaction.

ADDITIONAL PROVISIONS: _____

_____ For additional provisions, see Addendum _____

Deed

representative or a trustee's deed, where applicable) free and clear of all liens and encumbrances of record except property taxes which are a lien but not yet payable, zoning ordinances, building and use restrictions, reservations in Federal patents, easements of record which affect the Property or area in which the Property is located, private covenants, conditions and restrictions of record for the development of which the Property is a part, and NO EXCEPTIONS

Fixtures/Personal Property

FIXTURES: All fixtures are to be left upon the Property. Fixtures shall include but not be limited to: Built-in appliances; attached floor coverings; drapery rods and curtain rods; window and door screens; storm doors and windows; irrigation, plumbing, ventilating, cooling and heating fixtures; water heaters; attached electric light and bathroom fixtures; light bulbs, fluorescent lamps; installed garage door opener(s) with remote control(s); window blinds; awnings; fences; all planted shrubs, plants and trees; EXCEPT: N/A

PERSONAL PROPERTY: The following personal property, in "AS-IS" condition and at no stated value is included: N/A

Alarm

ALARM SYSTEM: ☒ NONE ☐ OWNED ☐ LEASED. If leased, Buyer ☐ will ☐ will not assume the lease at closing. Approximate monthly lease payment is \$ _____.

Seller Representations

BUYER UNDERSTANDS THAT SELLER MAKES THE FOLLOWING REPRESENTATIONS:

(1) The above dwelling is connected to ☒ a public sewer system; ☐ an on-site sewage system; ☒ a public water system; ☐ a private well; (2) at the earlier of possession or closing date, the dwelling will have an operating smoke detector as required by law; (3) Seller has no knowledge of any hazardous substances on the Property other than substances (if any) contained in appliances and equipment; (4) Seller knows of no material structural defects; (5) all electrical wiring, heating, cooling, plumbing and irrigation equipment and systems and the balance of the Property, including the yard, will be in substantially its present condition at the time Buyer is entitled to possession; (6) Seller has no notice of any liens to be assessed against the Property; and (7) Seller has no notice from any governmental agency of any violation of law relating to the Property, and (8) Seller agrees to promptly notify Buyer if, prior to closing, Seller receives actual notice of any event or condition which could result in making any previously disclosed material information relating to the Property substantially misleading or incorrect. These representations are based upon Seller's actual knowledge. Seller has made no investigation. Exceptions to items (1) through (8) are: NO EXCEPTIONS

Buyer recognizes that asbestos commonly exists in insulation, ceilings, floor coverings and other areas in residential properties. Seller makes no representations regarding the presence or condition of asbestos.

"As-Is" Clause

"AS-IS": Except for Seller's express written agreements and written representations contained herein, and Seller's Property Disclosure, if any, Buyer is purchasing the Property "AS-IS," in its present condition and with all defects apparent or not apparent.

Private Well

PRIVATE WELL: Seller represents that the private water well located on or serving the Property has provided an adequate supply of water throughout the year for household use and, to the best of Seller's knowledge, the water is fit for human consumption and the continued use of the well and water is authorized by and complies with the laws of the State of Oregon and appropriate governmental agencies. No other representation is made concerning the water supply and well except as expressly stated in this Agreement. If the well provides water for domestic purposes, upon Seller's acceptance of Buyer's offer, Seller, at Seller's expense, will have the well tested for nitrates and total coliform bacteria and for such other matters as are required by the Oregon Health Division. Upon receipt, Seller shall promptly submit the test results to the Oregon Health Division and Buyer. Buyer, at Buyer's expense, may have the well water tested for quantity or quality by a qualified tester, and obtain a written report of such test or tests, showing the deficiencies (if any) in the well and the standards required to correct the deficiencies, all within _____ business days (seven if not filled in) after the date all parties have signed this Agreement. If the written report of any test made by Seller or Buyer shows a substantial deficiency in quantity or quality of the water, then Buyer may terminate this transaction by delivering written notice of termination, together with a copy of the test report, to Seller or the listing licensee within 24 hours after the receipt by Buyer of the written test report unless, within 24 hours after delivery of notice of termination, Seller agrees in writing to correct the deficiencies shown on the report. Any report obtained by Buyer will show what deficiencies, if any, are substantial.

Inspections

INSPECTIONS: Buyer understands that a complete professional inspection of the Property is advisable. (check one)

☐ **PROFESSIONAL INSPECTIONS:** At Buyer's expense Buyer may have the Property and all elements and systems thereof inspected by one or more professionals of Buyer's choice. Provided, however, Buyer must specifically identify in this Agreement any desired inspections which may include testing or removal of any portion of the Property due to the possible presence of any environmentally hazardous substance or condition. Buyer shall have _____ business days (seven if not filled in), after the date Seller and Buyer have signed this Agreement, (hereinafter "the Inspection Period") in which to negotiate with Seller regarding any matters disclosed in any inspection report. However, during the Inspection Period, Seller shall not be required to modify any terms of this Agreement already reached with Buyer. Unless a written and signed modification is reached, at any time during the Inspection Period, Buyer may notify Seller or listing licensee, in writing, of Buyer's unconditional disapproval of any inspection report, in which case, all earnest money deposits shall be promptly refunded and this Agreement shall be of no further binding effect. If Buyer fails to provide Seller or listing licensee with written unconditional disapproval of any inspection report(s) by Midnight of the final day of the Inspection Period, Buyer shall be deemed to have accepted the condition of the Property.

☐ **SEE ATTACHED ADDENDUM REGARDING PROFESSIONAL INSPECTIONS.**

NOTE: Fill in preprinted number from Page 1

Sale Agreement # <u>624577</u>	
Buyer Initials <u>JS</u>	Date <u>02/15/01</u>
Seller Initials <u>1/10/01</u>	Date <u>02/15/01</u>

elected NOT to have any professional inspections performed.

LEAD-BASED PAINT INSPECTION: Buyer should check the box below only if Seller's Property was constructed before 1978 and Buyer desires to conduct a risk assessment or inspection.

☒ Buyer represents that Buyer intends to conduct a risk assessment or inspection to determine the presence of lead-based paint or lead-based paint hazards on the Property. Buyer may terminate this transaction by delivery to Seller or listing licensee written notice of Buyer's disapproval of the risk assessment or inspection within 10 calendar days (TEN if not filled in) after the date this Agreement is signed by all parties, in which case this transaction shall be null and void. **Buyer understands that the failure to give written notice of disapproval within said period shall constitute acceptance of the condition of the Property solely as it relates to lead-based paint or lead-based paint hazards.**

THIS SALE WILL BE CLOSED IN ESCROW: This transaction shall be closed at FIDELITY TITLE DEPOSIT FOR BAL ("Escrow"), a neutral escrow depository located in the State of Oregon. Costs of escrow shall be shared equally between Seller and Buyer, unless Buyer is financing through Federal VA, in which case Seller shall pay escrow costs.

CLOSING: TIME IS OF THE ESSENCE. Closing shall occur on or before 1/15/2001 or as soon thereafter as financing documents can be prepared and marketable title delivered, but not to exceed 5 business days (ZERO if not filled in). This extension is not available if financing documents are prepared and marketable title can be delivered on or before the specified closing date. **The terms "closed" or "closing date" shall mean when the deed or contract is recorded and funds are available to Seller. Seller and Buyer acknowledge that, for closing to occur by the date specified, it may be necessary to execute documents and deposit funds in escrow prior to that date.**

POSSESSION: Seller shall remove all personal property not sold to Buyer and deliver possession of the Property to Buyer (check one): (1) ☒ by 5:00 o'clock p.m. on the closing date; (2) ☐ by a.m./p.m. days after the closing date; (3) ☐ by a.m./p.m. on the day of . If a tenant is currently in possession of the Property: (check one): ☒ Buyer will accept tenant at the time of closing; ☐ Seller shall have full responsibility for removal of tenant prior to closing date.

PRORATIONS: Prorates for rents, current year's taxes, interest on new or assumed obligations, and other prepaid expenses attributable to the property shall be as of: (check one only) (1) ☒ the closing date; (2) ☐ date Buyer is entitled to possession; or (3) ☐ .

SELLER POSSESSION AFTER CLOSING: In the event that Seller and Buyer have agreed that Seller will deliver possession after the closing date, Seller shall pay as consideration \$ 5/12 per day for each day after closing that Seller remains in possession of the Property. Such payment shall be made by Seller through escrow at the time of closing and no landlord-tenant relationship shall be created thereby. See attached Addendum , if applicable.

UTILITIES: Seller shall pay all utility bills accrued to date Buyer is entitled to possession and Buyer shall pay Seller for heating fuel then on premises, at Seller's supplier's rate on the possession date. Payment shall be handled between Buyer and Seller outside of escrow.

INSURANCE: Seller shall keep the Property insured until closing.

ESCROW DEPOSIT: Escrow is hereby instructed by Seller, Buyer, Selling Firm and the Listing Firm (if any) as follows: (1) Upon your receipt of a copy of this Agreement marked "rejected" by Seller or of Selling Firm's written advice that the offer is "rejected" by Seller, you are to refund all earnest money to Buyer. (2) Upon your receipt of a copy of this Agreement signed by Seller, Buyer, Selling Firm and the Listing Firm (if any), set up an escrow account and proceed with closing in accordance with the terms of this Agreement. If you determine that the transaction cannot be closed for any reason (whether or not there is then a dispute between the parties), you are to hold all earnest money deposits until you receive written instructions from Seller, Buyer, Selling Firm and the Listing Firm (if any) as to disposition of such deposits.

EARNEST MONEY PAYMENT/REFUND: If (1) Seller does not approve this Agreement, or (2) Seller having approved this Agreement fails to furnish marketable title, or (3) Seller fails to complete this transaction in accordance with this Agreement, or perform any other act as herein provided, all earnest money shall be promptly refunded to Buyer. However, acceptance by Buyer of the refund shall not constitute a waiver of other legal remedies available to Buyer. If Seller approves this Agreement and title is marketable and: (1) Buyer has misrepresented Buyer's financial status; or (2) Buyer's bank does not pay, when presented, any check given as earnest money; or (3) Buyer fails to redeem, when due, any note given as earnest money; or (4) Buyer fails to complete this transaction in accordance with this Agreement, or perform any other act as herein provided, then all earnest money paid or agreed to be paid shall be paid to Seller either as liquidated damages or as otherwise allowed under Oregon law, and this Agreement shall be of no further binding effect. **It is the intention of the parties that under no circumstances shall Buyer be liable to Seller under this Agreement beyond the amount of earnest money provided for herein.**

BINDING EFFECT/CONSENT: This Agreement is binding upon the heirs, personal representatives, successors and assigns of Buyer and Seller. However, Buyer's rights under this Agreement or in the Property are not assignable without prior written consent of Seller.

FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT: The Foreign Investment in Real Property Tax Act ("FIRPTA") requires every person who purchases real property located within the United States from a "foreign person" to deduct and withhold from the Seller's proceeds ten percent (10%) of the gross sales price, with certain exceptions, and to pay the amount withheld to the Internal Revenue Service. A "foreign person" includes a non-resident alien individual, foreign corporation, foreign partnership, foreign trust and foreign estate. Seller and Buyer agree to execute and deliver, as appropriate, any instrument, affidavit or statement, and to perform any acts reasonable or necessary to carry out the provisions of FIRPTA.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION

NOTE: Fill in preprinted number from Page 1

Sale Agreement #	624577
Buyer Initials	Date 1/11/2001
Seller Initials	Date 1/11/2001

Approved Use
Additional Property Taxes
Contract Trust Use
Mortgage Provision
Dispute Resolution
Small Claims
Mediation
Arbitration
Attorney Fees
Receipt for Earnest Money
Property Disclosure/Disclaimer

ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND EXISTENCE OF FIRE PROTECTION FOR STRUCTURES. IF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IS SUBJECT TO SPECIAL ASSESSMENT UNDER ORS 358.505, ORS 358.515 REQUIRES NOTIFICATION TO THE STATE HISTORIC PRESERVATION OFFICER OF SALE OR TRANSFER OF THIS PROPERTY

LEVY OF ADDITIONAL PROPERTY TAXES: The Property: (check one) ☒ is ☐ is not specially assessed for property taxes (e.g. farm, forest or other) in a way which may result in levy of additional taxes in the future. If, as a result of Buyer's actions or the closing of this transaction, the Property either is disqualified from special use assessment or loses its deferred property tax status, unless otherwise specifically provided in this Agreement, Buyer shall be responsible for and shall pay when due, any deferred and/or additional taxes and interest which may be levied against the Property and shall hold Seller completely harmless therefrom. However, if as a result of the Seller's actions prior to closing, the Property either is disqualified from its entitlement to special use assessment or loses its deferred property tax status, Seller shall be responsible for and shall pay at or before closing all deferred and/or additional taxes and interest which may be levied against the Property and shall hold Buyer completely harmless therefrom.

ADDITIONAL LAND SALE CONTRACT/TRUST DEED/MORTGAGE PROVISIONS: If this transaction is to include a land sale contract, trust deed or mortgage to be carried back by Seller, Buyer and Seller shall agree upon the terms and conditions of such document not later than ___ business days (ten if not filled in) from the date this Agreement is signed by all parties. Upon failure to reach such agreement, this transaction shall be of no further binding effect, and all earnest money shall be promptly refunded to Buyer.

DISPUTE RESOLUTION: Seller and Buyer, including the licensees of each, if any, agree that all claims, controversies and disputes, including those for rescission (hereinafter collectively referred to as "Claims"), relating directly or indirectly to this transaction, shall be resolved in accordance with the procedures set forth herein which shall expressly survive closing. Provided, however, the following matters shall not constitute Claims: (a) any proceeding to collect, interpret or enforce any mortgage, trust deed, land sale contract or recorded construction lien; (b) a forcible entry and detainer action; (c) any dispute between REALTORS® which is subject to the Professional Standards Arbitration provisions of the National Association of REALTORS®. The filing of a notice of pending action ("lis pendens") or the application to any court for the issuance of any provisional process or similar remedy described in the Oregon or Federal Rules of Civil Procedure shall not constitute a waiver of the right or duty to utilize the procedures specified herein.

SMALL CLAIMS: Notwithstanding the following provisions, Seller, Buyer and the licensees, if any, mutually agree that all Claims within the jurisdiction of the Small Claims Court shall be brought and decided there, in lieu of mediation, arbitration or litigation in any other court of law.

MEDIATION: If Seller or Buyer were represented in this transaction by a licensee who was then a member of the National Association of REALTORS®, all Claims shall be submitted to mediation in accordance with the procedures of the Home Seller/Home Buyer Dispute Resolution System of the National Association of REALTORS® or other organization-adopted mediation program (collectively "the System"). Provided, however, if the System was not then available through the licensees' Association of REALTORS®, then the Seller, Buyer and/or licensees shall not be required to engage in mediation.

ARBITRATION: All claims that have not been resolved by mediation, or otherwise, shall be submitted to final and binding private arbitration in accordance with Oregon Laws. Filing for arbitration shall be treated the same as filing in court for purposes of meeting any applicable statutes of limitation or for purposes of filing a lis pendens. Seller, Buyer and/or their licensees may use any professional arbitration company which provides such service to the county where the Property is located, as selected by the party first filing for arbitration. Provided, however, if no arbitration company had available services when the claim arose, neither Seller, Buyer, nor their respective licensees, if any, shall be required to participate in arbitration.

ATTORNEY FEES: The prevailing party in any suit, action or arbitration (excluding those claims filed in Small Claims Court) shall be entitled to recovery of all reasonable attorney fees and costs (including all filing and mediator fees paid in mediation) pursuant to ORCP 68. Provided, however, if a mediation service was available to the parties when the claim arose, the prevailing party shall not be entitled to any award of attorney fees unless it is established to the satisfaction of the arbitrator(s) or judge that the prevailing party offered or agreed to participate in mediation prior to, or promptly upon, the filing in arbitration or court.

RECEIPT FOR EARNEST MONEY: The undersigned Selling Firm acknowledges receipt of earnest money (which Selling Firm agrees to handle as provided below) from Buyer in the sum of \$ 10000 evidenced by ☐ CASH ☐ CHECK ☐ PROMISSORY NOTE payable on or before _____; ☐ Other _____

EARNEST MONEY INSTRUCTIONS: Buyer instructs the undersigned Selling Firm to (check applicable box(es)): ☐ Deposit the earnest money in Selling Firm's client trust account, and thereafter/or ☐ Deposit with N/A as escrow. ☐ If earnest money funds are to be redeemed under a promissory note, said funds shall be deposited with _____

SELLING LICENSEE AND SELLING FIRM SHALL HAVE NO FURTHER LIABILITY WITH RESPECT TO EARNEST MONEY WHICH THE PARTIES HAVE AUTHORIZED TO BE TRANSFERRED TO A THIRD PARTY.

Selling Firm RW WESTMONK EQUITIES Selling Licensee Signature Robert L. Myke
Main Office Address 2030 MAIN FOREST GROUP, LLC Phone 503-693-9730 FAX 503-640-1472
Branch Office Address _____ Phone _____ FAX _____

PROPERTY DISCLOSURE/DISCLAIMER LAW: Buyer acknowledges that unless otherwise exempted, Buyer has a right to revoke Buyer's offer within five (5) business days after delivery of Seller's property disclosure form, or within seven (7) business days after delivery of Seller's written disclaimer form, or at any time before closing, as defined in the Oregon Administrative Rules, if Buyer does not receive either a disclosure or disclaimer form from Seller. Buyer may waive the right of revocation if done so in writing. If this transaction is exempted from the property disclosure/disclaimer law, Seller and Buyer are encouraged to sign a written acknowledgment identifying the specific exemption.

NOTE: Fill in preprinted number from Page 1
Sale Agreement # 624577
Buyer Initials PS Date 02/15/01
Seller Initials RLM Date 11/24/00

This Agreement may be signed in multiple counterparts with the same effect as if all parties signed the same document. Delivery of a photocopy, telefax, carbon or carbonless copy of a signed original of this Agreement shall be treated the same as delivery of the original.

BUYER acknowledges receipt of a completely filled in copy of this Agreement which Buyer has fully read and understands. Buyer acknowledges that Buyer has not received or relied upon any oral or written statements, made by Seller or any real estate licensee, which are not expressly contained in this Agreement. Neither Seller nor any licensees warrant the square footage of any structure or the size of any land being purchased. If square footage or land size is a material consideration, all structures and land should be measured by Buyer prior to signing, or should be made an express contingency in this Agreement.

Deed or contract to be prepared in the name of MULTNOMAH COUNTY OREGON
This offer shall automatically expire on Date 12/13/00 a.m. 5 p.m., if not accepted within that time. However, Buyer may withdraw this offer any time prior to Seller's written acceptance. This offer may only be accepted by Seller in writing.
Buyer Signature [Signature] Date 02/15/01 a.m. _____ p.m.
Buyer Signature _____ Date _____ a.m. _____ p.m.
Address _____ Zip _____
Phone Home _____ Work _____ Work _____ Fax _____

ANY MODIFICATION BY SELLER OR SELLER'S AGENT ABOVE BUYER'S SIGNATURE SHOULD BE ON A SEPARATE DOCUMENT

This offer was submitted to Seller for signature on the _____ day of _____, at _____ a.m. _____ p.m.
By _____ (Licensee Presenting Offer).

SELLER'S ACCEPTANCE: Seller accepts this offer. At the time of closing, Seller agrees to pay in U.S. dollars to the Selling Firm or, if this is a co-op transaction, the Listing Firm, the sum of \$13,500. for professional real estate services rendered in this transaction. Seller authorizes Listing Firm to order a preliminary title report and title insurance at Seller's expense and further authorizes escrow to pay out of the cash proceeds of sale the expenses of furnishing title insurance, Seller's recording fees, Seller's closing costs and any encumbrances on the Property payable by Seller on or before closing. Seller is a U.S. citizen unless otherwise stated herein. **Seller acknowledges receipt of a completely filled in copy of this Agreement, which Seller has fully read and understands.** Seller acknowledges that Seller has not received or relied upon any oral or written statements of Buyer or any real estate licensee(s) which are not expressly contained in this Agreement. In the event Buyer fails to complete this transaction as provided herein, all earnest money shall be distributed as follows after deduction of any title insurance and escrow cancellation charges: (check one) ☐ First to the Listing Firm to the extent of the agreed commission just as if the transaction had been closed, with residue to Seller, ☐ or _____

Seller Print full name(s): John M. Hamilton SR.
Seller Signature [Signature] Date 11-24/00 a.m. 2:45 p.m.
Seller Signature _____ Date _____ a.m. _____ p.m.
Address 525 - N S DAVIS Zip 97252
Phone Home 503 7992 Work 503 231 0600 Fax 503 281 7983

BUYER'S ACKNOWLEDGMENT: Buyer acknowledges receipt of a copy of Seller's written response to this Agreement.

Buyer Signature _____ Date _____ a.m. _____ p.m.
Buyer Signature _____ Date _____ a.m. _____ p.m.

REJECTION/COUNTER OFFER:

SELECT ONE: ☐ Seller does not accept the above offer, but makes the attached counter offer; ☐ Seller rejects Buyer's offer without a counter offer.

SELLER Print full name(s): _____
Seller Signature _____ Date _____ a.m. _____ p.m.
Seller Signature _____ Date _____ a.m. _____ p.m.
Address _____ Zip _____
Phone Home _____ Work _____ Work _____ Fax _____

Selling Firm _____ Selling Licensee _____
Listing Firm _____ Listing Licensee _____
Selling Firm to receive: (select one) _____ % of purchase price or \$ _____
Listing Firm Main Office Address _____ Phone _____ Fax _____
Listing Firm Branch Office Address _____ Phone _____ Fax _____
Listing Firm Broker Initials/Date _____ / _____ Selling Firm Broker Initials/Date _____ / _____

NOTE: Fill in preprinted number from Page 1
Sale Agreement # 624577
Buyer Initials [Signature] Date 02/15/01
Seller Initials [Signature] Date 11/24/00

This Agreement may be signed in multiple counterparts with the same effect as if all parties signed the same document. Delivery of a photocopy, telefax, carbon or carbonless copy of a signed original of this Agreement shall be treated the same as delivery of the original.

BUYER acknowledges receipt of a completely filled in copy of this Agreement which Buyer has fully read and understands. Buyer acknowledges that Buyer has not received or relied upon any oral or written statements, made by Seller or any real estate licensee, which are not expressly contained in this Agreement. Neither Seller nor any licensees warrant the square footage of any structure or the size of any land being purchased. If square footage or land size is a material consideration, all structures and land should be measured by Buyer prior to signing, or should be made an express contingency in this Agreement.

Deed or contract to be prepared in the name of MULTNOMAH COUNTY OREGON
This offer shall automatically expire on Date 12/3/00 a.m. 5 p.m., if not accepted within that time. However, Buyer may withdraw this offer any time prior to Seller's written acceptance. This offer may only be accepted by Seller in writing.
Buyer Signature [Signature] Date 02/15/01 a.m. _____ p.m.
Buyer Signature _____ Date _____ a.m. _____ p.m.
Address _____ Zip _____
Phone Home _____ Work _____ Work _____ Fax _____

ANY MODIFICATION BY SELLER OR SELLER'S AGENT ABOVE BUYER'S SIGNATURE SHOULD BE ON A SEPARATE DOCUMENT

This offer was submitted to Seller for signature on the _____ day of _____, at _____ a.m. _____ p.m.
By _____ (Licensee Presenting Offer).

SELLER'S ACCEPTANCE: Seller accepts this offer. At the time of closing, Seller agrees to pay in U.S. dollars to the Selling Firm or, if this is a co-op transaction, the Listing Firm, the sum of \$13,500. for professional real estate services rendered in this transaction. Seller authorizes Listing Firm to order a preliminary title report and title insurance at Seller's expense and further authorizes escrow to pay out of the cash proceeds of sale the expenses of furnishing title insurance, Seller's recording fees, Seller's closing costs and any encumbrances on the Property payable by Seller on or before closing. Seller is a U.S. citizen unless otherwise stated herein. Seller acknowledges receipt of a completely filled in copy of this Agreement, which Seller has fully read and understands. Seller acknowledges that Seller has not received or relied upon any oral or written statements of Buyer or any real estate licensee(s) which are not expressly contained in this Agreement. In the event Buyer fails to complete this transaction as provided herein, all earnest money shall be distributed as follows after deduction of any title insurance and escrow cancellation charges: (check one) ☐ First to the Listing Firm to the extent of the agreed commission just as if the transaction had been closed, with residue to Seller, ☐ or _____

Seller Print full name(s): JOHN M HADRI (TOW) SR -
Seller Signature [Signature] Date 11-24/00 a.m. 2:45 p.m.
Seller Signature _____ Date _____ a.m. _____ p.m.
Address 525 - N S DAVIS Zip 97252
Phone Home 503 7992 Work 503 231 0600 Fax 503 281 7983

BUYER'S ACKNOWLEDGMENT: Buyer acknowledges receipt of a copy of Seller's written response to this Agreement.

Buyer Signature _____ Date _____ a.m. _____ p.m.
Buyer Signature _____ Date _____ a.m. _____ p.m.

REJECTION/COUNTER OFFER:

SELECT ONE: ☐ Seller does not accept the above offer, but makes the attached counter offer; ☐ Seller rejects Buyer's offer without a counter offer.

SELLER Print full name(s): _____
Seller Signature _____ Date _____ a.m. _____ p.m.
Seller Signature _____ Date _____ a.m. _____ p.m.
Address _____ Zip _____
Phone Home _____ Work _____ Work _____ Fax _____

Selling Firm _____ Selling Licensee _____
Listing Firm _____ Listing Licensee _____
Selling Firm to receive: (select one) _____ % of purchase price or \$ _____
Listing Firm Main Office Address _____ Phone _____ Fax _____
Listing Firm Branch Office Address _____ Phone _____ Fax _____
Listing Firm Broker Initials/Date _____ / _____ Selling Firm Broker Initials/Date _____ / _____

NOTE: Fill in preprinted number from Page 1

Sale Agreement #	624577
Buyer Initials	105
Date	02/15/01
Seller Initials	11/04/00
Date	[Signature]

REVIEWED:
THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY

BY Matthew D. Roper
ASSISTANT COUNTY ATTORNEY

DATE 2/5/01

#1

SPEAKER SIGN UP CARDS

DATE 7/15/01

NAME Adrienne Keith

ADDRESS 14139 NW Chariton Rd.

PHX, AZ. 97231

PHONE 503-621-3939

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC NEW WIRELESS ORDINANCE

GIVE TO BOARD CLERK

#2

SPEAKER SIGN UP CARDS

DATE 2-15-01

NAME Fred Hall

ADDRESS 23425 NW Moreland Rd
North Plains or 97133

PHONE 503 621-3653

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC 3 Cell towers

GIVE TO BOARD CLERK

#3

SPEAKER SIGN UP CARDS

DATE 2/15/01

NAME Lynn Traub

ADDRESS 27662 NW Sawic Is Rd

PHONE 503 621-3969

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Cell wireless Communication

GIVE TO BOARD CLERK

In favor

#4

SPEAKER SIGN UP CARDS

DATE Feb 15, 2001

NAME ART DUMMER

ADDRESS 56860 NW. SCHMIDT HILL
GALES CREEK, OREGON 97117

PHONE (503) 357-4258

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R-6

GIVE TO BOARD CLERK

#5

SPEAKER SIGN UP CARDS

DATE 2-15-01

NAME ALEX ANDERSON

ADDRESS 30304 S.E. LUSTED RD
GRESHAM, OR. 97080

PHONE 503-663-4498

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R-6

GIVE TO BOARD CLERK

#6

SPEAKER SIGN UP CARDS

DATE 2/15/01

NAME

Spencer VA.1

ADDRESS

4505 NE 24

Portland 97211

PHONE

503 - 281 - 8245

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R-6

GIVE TO BOARD CLERK

#7

SPEAKER SIGN UP CARDS

DATE 2-15-01

NAME KEVIN MARTIN

ADDRESS W+HPacific/Quest Wireless
5950 NE 122ND Ave
PORTLAND OR 97229

PHONE 503-469-0234

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC 12-6

GIVE TO BOARD CLERK

#8

SPEAKER SIGN UP CARDS

DATE 2-15-2001

NAME RUDIE PLETZ

ADDRESS 13236 NW McNamee Rd
PORTLAND, OREGON

PHONE 503-286-9818

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Cellular Towers

GIVE TO BOARD CLERK

#9

SPEAKER SIGN UP CARDS

DATE 2/15/07

NAME

Julie Wong

ADDRESS

340 N.W. Royal Blvd

Portland, OR 97210

PHONE

503.297.1917

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC cell phone specifications

GIVE TO BOARD/CLERK

#10

SPEAKER SIGN UP CARDS

DATE 2-15-01

NAME Eileen Wong

ADDRESS 340 N.W. Royal Blvd.
Portland, OR 97210

PHONE (503) 297-1917

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC _____

GIVE TO BOARD CLERK

Meeting Date: FEB 15 2001
Agenda No: R-6
Est. Start Time: 10:10

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Public Hearing to consider an Ordinance amending the Wireless Communication Facilities section of 11.15 in addition to Chapters 33, 34 & 35 of the Multnomah County Zoning Code. C 0-5

BOARD BRIEFING Date Requested:
 Amt. of Time Needed:
 Requested By:

REGULAR MEETING Date Requested: February 15, 2001
 Amt. of Time Needed: 2 hours

DEPARTMENT: DES **DIVISION:** Land Use Planning
CONTACT: Kim Peoples **TELEPHONE:** 503-988-3043
 BLDG/ROOM: 455 / 116

PERSON(S) MAKING PRESENTATION: Kim Peoples & Susan Muir

ACTION REQUESTED

☐ Informational Only ☐ Policy Direction ☒ Approval ☐ Other

SUGGESTED AGENDA TITLE

Public Hearing to consider an Ordinance amending the Wireless Communication Facilities section of 11.15 in addition to Chapters 33, 34 & 35 of the Multnomah County Zoning Code.
C 0-5

02/15/01 COPIES to Stuart Farmer, Kim Peoples,
Susan Muir & Carol Kewoshima

SIGNATURES REQUIRED

Approved By: _____

Elected Official: _____

or

Department Manager: slmKB



BOARD OF
COUNTY COMMISSIONERS
01 FEB - 7 AM 11:15
MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY
LAND USE PLANNING DIVISION
1600 SE 190TH Avenue
Portland, OR 97233
(503) 988-3043 FAX: (503) 988 -3389

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Land Use Planning Division; Susan Muir & Kim Peoples

DATE: January 29, 2001

RE: Wireless Communications Facilities Ordinance

1. Recommendation/Action Requested: Adopt the attached ordinance.
2. Background/Analysis: The existing Multnomah County code was written in the early 1980's and was designed to specifically address radio and television frequency transmission towers but did not address cell towers (wireless communications facilities). Although it received national recognition at the time, it could be updated to better address cell tower issues.

Multnomah County adopted a rural area plan policy in 1997 that required revisions to the zoning ordinance to specifically address cellular telephone tower facilities on Sauvie Island and in other unincorporated areas of the County.

Multnomah County approved a controversial permit for construction of a cell tower on Sauvie Island. That tower is not yet constructed however the Board of County Commissioners directed the planning staff to begin work on a revised ordinance.

3. Financial Impact: None identified.
 4. Legal Issues: Concern by the telecommunications industry over the design and screening requirements of new towers in the exclusive farm use district has been voiced.
 5. Controversial Issues: The design and siting of "cell towers" is a contentious issue. We have a number of pending cell tower applications in the rural areas that are calling attention to this issue. A number of citizens would like this ordinance to apply to those applications currently in process. However, pursuant to Oregon Revised Statutes 215.427(3), an application submitted shall be approved or denied "based upon the standards and criteria that were applicable at the time the application is first submitted." Therefore, until the proposed ordinance is enacted, submitted applications for wireless communications facilities will be reviewed, approved or denied under present law. The Planning Commission considered the option of recommending a moratorium on the
-

issuance of land use permits for wireless communications facilities. However, the Planning Commission decided to move forward on the ordinance instead.

Another, issue is that of "speculation towers" also referred to as "build to suit" towers. Independent companies with the intent of leasing tower space to wireless service providers in the future construct such towers. It is staff's opinion that a "spec" tower is not a use, but rather a structure. The proposed ordinance prohibits such towers absent a showing that there is present agreement between the tower builder and a wireless service provider for the use of tower space to mount the service provider's equipment.

6. Link to Current County Policies: The draft wireless communications ordinance conforms to relevant provisions of the Sauvie Island Multnomah Channel Rural Area Plan.
7. Citizen Participation: The Planning Commission conducted two public hearings pertaining to the wireless communications facilities draft ordinance and directed staff to incorporate appropriate changes to the proposed ordinance. Additionally, planning staff and members of the Planning Commission held a workshop with representatives of the wireless communications industry to obtain technical input pertaining to the siting of wireless communications facilities. On January 19, 2001, approximately 5,500 notices were mailed pursuant to Ballot Measure 56 for this hearing.
8. Other Government Participation: The Federal Communications Commission, Land Conservation and Development Commission, Oregon Department of Transportation Division of Aeronautics, Federal Aeronautics Administration, Bonneville Power Administration, were all consulted on this issue. Additionally, staff contacted Oregon counties, as well as several jurisdictions outside the State, to obtain copies of their ordinances to review prior to drafting this proposal.

On July 28, 2000, the draft Ordinance pertaining to Wireless Communications Facilities was sent to the Oregon Department of Land Conservation and Development for a 45 day review period.

**BEFORE THE PLANNING COMMISSION
OF MULTNOMAH COUNTY, OREGON**

In the matter of the adoption of amendments to the)	
Multnomah County Zoning Ordinance)	RESOLUTION
by the Multnomah County Board of Commissioners)	C 0-5
regarding Wireless Communications Facilities)	

The Multnomah County Planning Commission finds:

- a. The proposed ordinance:
 - Addresses the current deficiency within the existing regulations and development standards for wireless communications facilities;
 - Recognizes county residents benefit from the convenience of wireless communications facilities for home and business use as well as their use in emergency services communications;
 - Minimizes potentially adverse visual impacts thereby maintaining the rural and natural character of the landscape by making maximum use of natural vegetative screening, colors, textures, and other design elements that blend in with the site and setting;
 - Encourages the siting of wireless communications facilities upon existing structures thereby minimizing the construction of new towers;
 - Provides clear and objective standards by which these uses will be reviewed;
 - Conforms to substantive and procedural provisions of the Federal Telecommunications Act of 1996;
 - Is consistent with State rules which provide for utility facilities as permitted uses in farm resource zones;
 - Is consistent with Multnomah County policies and Sauvie Island Multnomah Channel Rural Area Plan.
- b. On August 1, 2000, the Oregon Department of Land Conservation and Development received notice of the draft ordinance pertaining to Wireless Communications Facilities;
- c. On July 10, 2000, the Multnomah County Planning Commission held a work session with Planning staff addressing the current state of the law and technology of wireless communications facilities;
- d. On August 7, 2000, the Planning Commission conducted a public hearing on the draft ordinance on wireless communications facilities and made changes to the proposed ordinance;
- e. On August 15, 2000, Planning staff and members of the Planning Commission held a

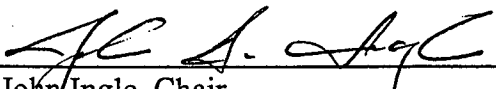
workshop with representatives of the wireless communications industry to obtain technical input pertaining to the siting of wireless communications facilities;

- f. On September 11, 2000 the Planning Commission conducted a public hearing on the draft ordinance on wireless communications facilities and made changes to the proposed ordinance; and
- g. On October 2, 2000, the Planning Commission reviewed the proposed revisions to the attached ordinance dated October 2, 2000.

It is hereby resolved:

That the Multnomah County Planning Commission hereby recommends that the proposed ordinance attached as Exhibit A be adopted by the Multnomah County Board of Commissioners.

APPROVED this 2nd day of October, 2000.

By 
John Ingle, Chair
Multnomah County Planning Commission
Multnomah County, Oregon

Suggested Changes to Planning Commission Draft Wireless Communications Facilities Ordinance of 10/02/00

1) Page 3; **Findings** Section (j)

The Planning Commission has determined that the location of wireless communications facilities in the County can and should be accomplished to the fullest extent possible in a manner that minimizes visual impacts, and thereby maintains the rural and natural character of the landscape. This may be accomplished by making maximum use of existing topography, natural vegetative screening, colors, textures and other design elements that blend in with the site and setting; encouraging co-location and concealment technology; employing height limitation and setbacks, ~~and avoiding major view corridors.~~

2) Page 12; Section 11.15.7078 (33.6178, 34.6178, 35.6178) **Definitions.**

Lattice tower – A type of mount that is ~~either~~ self-supporting with multiple legs and cross bracing of either structural steel or ~~additionally supported with diagonal cables, or a combination thereof.~~

3) Page 13; Section 11.15.7078 (33.6178, 34.6178, 35.6178) **Definitions.**

Insert: **Subject Property – For the purpose of M.C.C. 11.15.7075 through 11.15.7088 (33.6175 through 33.6188, 34.6175 through 34.6188, 35.6175 through 35.6188) subject property shall mean; one or more contiguous lots or parcels in the same ownership.**

4) Page 15; Section 11.15.7080(L) (33.6180, 34.6180, 35.6180) **General Requirements.**

Self-supporting lattice towers **not employing concealment technology** and *speculation towers* are not permitted in any zone.

5) Page 18; Section 11.15.7082(A)(10) (33.6182, 34.6182, 35.6182) **Application Submittal Requirements.**

- (10) Documentation demonstrating that the FAA has reviewed and approved the proposal, and the Oregon Aeronautics Division has reviewed the proposal. ~~Alternatively, submission of a statement documenting notice of the proposal has been submitted to the FAA and Oregon Aeronautics Division. The Community Service Use process may proceed and approval may be granted for the proposal as submitted, subject to FAA approval. If FAA approval requires any changes to the proposal as initially approved, then the initial approval shall be void. A new application will need to be submitted, reviewed and approved through an additional Planning Director Review process. No building permit application shall be submitted without documentation of FAA review and approval and Oregon Aeronautics Division review.~~

Page 21; Section 11.15.7082(B)(15) (33.6182, 34.6182, 35.6182) **Application Submittal Requirements.**

Documentation demonstrating that the FAA has reviewed and approved the proposal, and the Oregon Aeronautics Division has reviewed the proposal. ~~Alternatively, submission of a statement documenting notice of the proposal has been submitted to the FAA and Oregon Aeronautics Division. The Community Service Use process may proceed and approval may be granted for the proposal as submitted, subject to FAA approval. If FAA approval requires any changes to the proposal as initially approved, then the initial approval shall be void. A new application will need to be submitted, reviewed and approved through an additional Planning Director Review process. No building permit application shall be submitted without documentation of FAA review and approval and Oregon Aeronautics Division review.~~

Changes to the EFU Zone Part

1. We recommend moving the radio towers and wireless communication facilities towers that are 200 feet and under from 11.15.2010(B) into the uses listed in 11.15.2010(A). Since adoption of our existing EFU zone in 1997, there has been additional state statute language regarding standards for when utility facilities and “transmission towers” are necessary to be sited on EFU lands in order for the service to be provided. These provisions only apply to towers 200 feet and under in height. It is recommended rather than duplicate the lengthy approval criteria that there just be reference to ORS 215.275. This requirement has been added to the listing for radio and television towers under 200 feet. The standards of ORS 215.275 are not listed with wireless communication facility (WCF) because the standards are included within the WCF code part.
2. Suggested changes to the Conditional Use listing for transmission towers over 200 feet in height found in MCC 11.15.2012(I) would clarify that other transmission towers, such as electrical, would not have to meet the standards for radio and television towers; and the change repeats the prohibition on wireless communication towers over 200 feet in height that is also in the WCF code part.

PC Passed Version:

- a. MCC 11.15.2010(B) is amended as follows:

~~(B) Radio Towers 200 feet and under when found to satisfy the requirements of MCC .7035 through MCC .7040.~~

(1) Radio towers 200 feet and under when found to satisfy the requirements of MCC .7035 through MCC .7040.

- (2) Wireless communications facilities 200 feet and under when found to satisfy the requirements of MCC 11.15.7075 through .7088.

Staff Suggested Changes:

a. MCC subsection 11.15.2010(A) is amended as follows:

(A) Utility facilities necessary for public service, ~~except~~ but not including commercial facilities for the purpose of generating electrical power for public use by sale and or transmission towers over 200 feet in height ~~provided~~ as follows:

- (1) Radio and television towers 200 feet and under when found to satisfy the requirements of ORS 215.275 "Utility facilities necessary for public service; criteria; mitigating impact of facility" and MCC 11.15.7035 through MCC 11.15.7040.

- (2) Wireless communications facilities 200 feet and under when found to satisfy the requirements of MCC 11.15.7075 through 11.15.7088.

- (3) All other utility facilities and transmission towers 200 feet and under in height subject to the following.

(a)(1) The facility satisfies the requirements of ORS 215.275; "Utility facilities necessary for public service; criteria; mitigating impact of facility" ~~A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided; and~~

(b)(2) The facility satisfies the requirements of MCC .6100 through MCC .6148, MCC .7025(A), MCC .7805 through MCC .7870 and MCC .7942.

b. MCC subsections 11.15.2010(B) is amended as follows:

~~Radio Towers 200 feet and under when found to satisfy the requirements of MCC .7035 through MCC .7040. Deleted 2001. Ord. § .~~

c. MCC subsections 11.15.2012(I) is amended as follows:

Transmission towers over 200 feet in height, except as follows: subject to the requirements of MCC 11.15.7035 through MCC 11.15.7040.

(1) Radio and television towers if found to satisfy the requirements of MCC 11.15.7035 through MCC 11.15.7040; and

(2) Wireless communications facilities 200 feet and over are not allowed.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

An Ordinance amending Multnomah County Code Chapters 11.15, 33, 34, and 35 to provide standards for the appropriate location, regulation, and development of wireless communications facilities.

(~~Struckthrough~~ language is deleted; double-underlined language is new.)

The Multnomah County Board of Commissioners Finds:

a. As time passes, conditions and trends change beyond those envisioned, such is the case with the current zoning code, adopted before the current and future level of wireless communications facilities were anticipated. Therefore, due to the rapid and unforeseen evolution of wireless communications systems necessary procedural and substantive safeguards were henceforth not adequately considered, and appropriate siting and development standards do not exist.

b. In consideration of the Sauvie Island Multnomah Channel Rural Area Plan adopted pursuant to the laws of the State of Oregon, realization of deficiencies within the existing regulations and development standards for wireless communications facilities prompted the Multnomah Board of County Commissioners to address concerns raised by citizens and reexamine the current ordinance regulating wireless communications facilities.

c. Section 704 of the Federal Telecommunications Act of 1996 preserved local zoning authority over decisions regarding the placement, construction, and modification of personal wireless service facilities, provided that regulation not discriminate among providers of functionally equivalent services nor prohibit, or have the effect of prohibiting, the provision of wireless communications facilities.

d. This ordinance is based upon the premise that the Federal Government has completely preempted the ability of the County to regulate location or placement of wireless communication facilities based upon health concerns related to radio frequency emissions.

e. County residents benefit from the convenience of wireless communications facilities for home and business use as well as from their use in emergency services communications, as they are currently employed in Multnomah County.

f. Wireless Communications Facilities:

- i. May detract from the rural character, natural beauty and scenic resources of Multnomah County;
- ii. Are capable of disrupting residential and scenic vistas and landscapes sought by those that travel through the County.

g. The Planning Commission held a duly advertised work session and two public hearings to consider the current state and future trend of wireless communications technology within the context of the Telecommunications Act of 1996, thereby providing direction as to the form and substance of subsequent regulations pertaining to wireless communications facilities.

h. The Planning Commission directed staff to conduct a workshop with representatives from the wireless communications industry to obtain technical input pertaining to the siting of wireless communications facilities.

i. Local land use and development regulations effecting a balance between the federal mandate and requirements of Oregon Planning Goals and values, Oregon Revised Statutes and Administrative Regulations and Multnomah County's policies for the development of wireless communication facilities are appropriate to address the rapid changes in technology and the service needs of county residents.

j. The Planning Commission has determined that the location of wireless communications facilities in the County can and should be accomplished to the fullest extent possible in a manner that minimizes visual impacts, and thereby maintains the rural and natural character of the landscape. This may be accomplished by making maximum use of existing topography, natural vegetative screening, colors, textures and other design elements that blend in with the site and setting; encouraging co-location and concealment technology; employing height limitation and setbacks.

k. The first preference for location of wireless communication facilities should be placement upon existing wireless communications towers or other existing structures, where their use should be encouraged by requiring an expedited review and permit process than required for the development of new less-concealed tower sites.

l. The first preference for design of wireless communications facilities where co-location is unavailable and a new tower is unavoidable is for the design to be of a concealed design so that it blends into the surrounding landscape and thereby minimizing visual impact. Use of such technology should be encouraged by requiring an expedited review and permit process. Absent concealment technology, the wireless facility should be screened either topographically, vegetatively, or structurally.

Multnomah County Ordains as follows:

Section 1. MCC subsections 11.15.2010(A) and (B), 33.2625(A) and (B), 34.2625(A) and (B), and 35.2625(A) and (B) are amended as follows:

11.15.2010 Review Uses

(A) Utility facilities necessary for public service, ~~except~~ but not including commercial facilities for the purpose of generating electrical power for public use by sale ~~and~~ or transmission towers over 200 feet in height ~~provided~~ as follows:

- (1) Radio and television towers 200 feet and under when found to satisfy the requirements of ORS 215.275 "Utility facilities necessary for public service; criteria; mitigating impact of facility" and MCC 11.15.7035 through 11.15.7040.
- (2) Wireless communications facilities 200 feet and under when found to satisfy the requirements of MCC 11.15.7075 through 11.15.7088.
- (3) All other utility facilities and transmission towers 200 feet and under in height subject to the following.
 - (a)(4) The facility satisfies the requirements of ORS 215.275, "Utility facilities necessary for public service; criteria; mitigating impact of facility" A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided; and
 - (b)(2) The facility satisfies the requirements of MCC 11.15.6100 through 11.15.6148; 11.15.7025(A); 11.15.7805 through 11.15.7870; and 11.15.7942.

~~(B) Radio Towers 200 feet and under when found to satisfy the requirements of MCC 11.15.7035 through 11.15.7040 Deleted 2001, Ord. §~~

33.2625 Review Uses

(A) Utility facilities necessary for public service, ~~except~~ but not including commercial facilities for the purpose of generating electrical power for public use by sale ~~and~~ or transmission towers over 200 feet in height ~~provided~~ as follows:

- (1) Radio and television towers 200 feet and under when found to satisfy the requirements of ORS 215.275 "Utility facilities necessary for public service; criteria; mitigating impact of facility" and MCC 33.6100 through 33.6130.
- (2) Wireless communications facilities 200 feet and under when found to satisfy the requirements of MCC 33.6175 through 33.6188.

(3) All other utility facilities and transmission towers 200 feet and under in height subject to the following.

(a)(1) The facility satisfies the requirements of ORS 215.275, "Utility facilities necessary for public service; criteria; mitigating impact of facility" A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided; and

(b)(2) The facility satisfies the requirements of MCC 33.4100 through 33.4220; 33.6020(A); 33.7000 through 33.7070; and 33.7450.

(B) Radio Towers 200 feet and under when found to satisfy the requirements of MCC 33.6100 through 33.6130-Deleted 2001, Ord. § .

34.2625 Review Uses

(A) Utility facilities necessary for public service, ~~except~~ but not including commercial facilities for the purpose of generating electrical power for public use by sale ~~and or~~ transmission towers over 200 feet in height provided as follows:

(1) Radio and television towers 200 feet and under when found to satisfy the requirements of ORS 215.275 "Utility facilities necessary for public service; criteria; mitigating impact of facility" and MCC 34.6100 through 34.6300.

(2) Wireless communications facilities 200 feet and under when found to satisfy the requirements of MCC 34.6175 through 34.6188.

(3) All other utility facilities and transmission towers 200 feet and under in height subject to the following.

(a)(1) The facility satisfies the requirements of ORS 215.275, "Utility facilities necessary for public service; criteria; mitigating impact of facility" A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided; and

(b)(2) The facility satisfies the requirements of MCC 34.4100 through 34.4220; 34.6020(A); 34.7000 through 34.7000 through 34.7070; and 34.7450.

(B) Radio Towers 200 feet and under when found to satisfy the requirements of MCC 34.6100 through 34.6130-Deleted 2001, Ord. § .

35.2625 Review Uses

(A) Utility facilities necessary for public service, ~~except but not including~~ commercial facilities for the purpose of generating electrical power for public use by sale ~~and~~ or transmission towers over 200 feet in height provided as follows:

- (1) Radio and television towers 200 feet and under when found to satisfy the requirements of ORS 215.275 "Utility facilities necessary for public service; criteria; mitigating impact of facility" and MCC 35.6100 through 35.6130.
- (2) Wireless communications facilities 200 feet and under when found to satisfy the requirements of MCC 35.6175 through 35.6188.
- (3) All other utility facilities and transmission towers 200 feet and under in height subject to the following.
 - (a)(4) The facility satisfies the requirements of ORS 215.275, "Utility facilities necessary for public service; criteria; mitigating impact of facility" A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided; and
 - (b)(2) The facility satisfies the requirements of MCC 35.4100 through 35.4220; 35.6020(A); 35.7000 through 35.7070 and 35.7450.

(B) ~~Radio Towers 200 feet and under when found to satisfy the requirements of MCC 35.6100 through 35.6130.~~ Deleted 2001, Ord. _____ § _____.

Section 2. MCC subsections 11.15.2012(I), 33.2630(I), 34.2630(I), and 35.2630(I) are amended as follows:

11.15.2012 Conditional Uses

The following uses may be permitted when approved by the Hearings Officer...

* * * * *

(I) Transmission towers over 200 feet in height, except as follows: ~~subject to the requirements of MCC 11.15.7035 through MCC 11.15.7040.~~

- (1) Radio and television towers if found to satisfy the requirements of MCC 11.15.7035 through MCC 11.15.7040; and
- (2) Wireless communications facilities 200 feet and over are not allowed.

33.2630 Conditional Uses

The following uses may be permitted when approved by the Hearings Officer...

* * * * *

(I) Transmission towers over 200 feet in height, except as follows: ~~subject to the requirements of MCC 33.6100 through MCC 33.6130.~~

(1) Radio and television towers if found to satisfy the requirements of MCC 33.6100 through 33.6130; and

(2) Wireless communications facilities 200 feet and over are not allowed.

34.2630 Conditional Uses

The following uses may be permitted when approved by the Hearings Officer...

* * * * *

(I) Transmission towers over 200 feet in height, except as follows: ~~subject to the requirements of MCC 34.6100 through MCC 34.6100 through 34.6130.~~

(1) Radio and television towers if found to satisfy the requirements of MCC 11.15.7035 through MCC 34.6100 through 34.6300; and

(2) Wireless communications facilities 200 feet and over are not allowed.

35.2630 Conditional Uses

The following uses may be permitted when approved by the Hearings Officer...

* * * * *

(I) Transmission towers over 200 feet in height, except as follows: ~~subject to the requirements of MCC 35.6100 through 35.6130.~~

(1) Radio and television towers if found to satisfy the requirements of MCC 35.6100 through 35.6130; and

(2) Wireless communications facilities 200 feet and over are not allowed.

Section 3. MCC subsections 11.15.2049(C), 33.2025(J), 33.2225(J), 35.2025(J), 35.2225(J), and 33.2425(J) are added as follows:

11.15.2049 Uses Permitted Under Prescribed Conditions

* * * * *

(C) Wireless communications facilities when found to satisfy the requirements of MCC 11.15.7075 through 11.15.7088.

33.2025 Review Uses

* * * * *

(J) Wireless communications facilities when found to satisfy the requirements of MCC 33.6175 through 33.6188.

33.2225 Review Uses

* * * * *

(J) Wireless communications facilities when found to satisfy the requirements of MCC 33.6175 through 33.6188.

35.2025 Review Uses

* * * * *

(J) Wireless communications facilities when found to satisfy the requirements of MCC 35.6175 through 35.6188.

35.2225 Review Uses

* * * * *

(J) Wireless communications facilities when found to satisfy the requirements of MCC 35.6175 through 35.6188.

33.2425 Review Uses

* * * * *

(J) Wireless communications facilities when found to satisfy the requirements of MCC 33.6175 through 33.6188.

Section 4. MCC subsections 11.15.2050(C)(11), 33.2030(B)(11), 33.2230(D)(11), 35.2030(A)(11), 35.2230(D)(11), and 33.2430(B)(11) are amended as follows:

11.15.2050 Conditional Uses

* * * * *

(C) The following Community Service Uses...

* * * * *

- (11) Radio, ~~microwave~~, and television transmission towers subject to the definitions, restrictions and standards in MCC .7020(15) and .7035 through .7041 and wireless communications facilities when found to satisfy the requirements of MCC 11.15.7075 through .7088.

33.2030 Conditional Uses

* * * * *

(B) The following Community Service Uses...

* * * * *

- (11) Radio, ~~microwave~~, and television transmission towers subject to the definitions, restrictions and standards in CFU-1, CFU-2 and CFU-5: 33.6015(A)(15) and 33.6100 through 33.6130 and wireless communications facilities when found to satisfy the requirements of MCC 33.6175 through 33.6188.

33.2230 Conditional Uses

* * * * *

(D) The following Community Service Uses...

* * * * *

- (11) Radio, ~~microwave~~, and television transmission towers subject to the definitions, restrictions and standards in CFU-1, CFU-2 and CFU-5: 33.6015(A)(15) and 33.6100 through 33.6130 and wireless communications facilities when found to satisfy the requirements of MCC 33.6175 through 33.6188.

35.2030 Conditional Uses

* * * * *

(A) The following Community Service Uses...

* * * * *

- (11) Radio, ~~microwave~~, and television transmission towers subject to the definitions, restrictions and standards in CFU-3 and CFU-4: 35.6015(A)(15) and 35.6100 through 35.6130 and wireless communications facilities when found to satisfy the requirements of MCC 35.6175 through 35.6188.

35.2230 Conditional Uses

* * * * *

(D) The following Community Service Uses...

* * * * *

- (11) Radio, ~~microwave~~, and television transmission towers subject to the definitions, restrictions and standards CFU-3 and CFU-4: 35.6015(A)(15) and 35.6100 through 35.6130, and wireless communications facilities when found to satisfy the requirements of 35.6175 through 35.6188.

33.2430 Conditional Uses

* * * * *

(B) The following Community Service Uses...

* * * * *

- (11) Radio, ~~microwave~~, and television transmission towers subject to the definitions, restrictions and standards CFU-1, CFU-2 and CFU-5: 33.6015(A)(15) and 33.6100 through 33.6130 and wireless communications facilities when found to satisfy the requirements of MCC 33.6175 through 33.6188.

Section 5. MCC Chapter 11.15 is amended to add the following subsections:

11.15.2130(D), 11.15.2170(C), 11.15.2210(D), 11.15.2250(D), 11.15.2388(H), 11.15.2408(H), 11.15.2508(H), 11.15.2528(H), 11.15.2548(H), 11.15.2568(I), 11.15.2588(J), 11.15.2608(K), 11.15.2628(J), 11.15.2748(K), 11.15.2768(K), 11.15.2832(L), 11.15.2842(L), 11.15.2852(L), 11.15.2862(L), 11.15.2872(L), 11.15.2882(L), 11.15.2892(O), and 11.15.2914(L),

that shall read as follows:

Wireless communications facilities when found to satisfy the requirements of MCC 11.15.7075 through 11.15.7088.

Section 6. MCC Section 11.15.7005 (Community Service) is amended as follows:

11.15.7005 Purpose

MCC 11.15.7005 through 7044 11.15.7088 provides for the review and approval of the location and development of special uses which, by reason of their public convenience, necessity, unusual character or effect on the neighborhood, may be

appropriate in any district, but not suitable for listing within the other sections of this Chapter.

Section 7. MCC Sections 11.15.7015, 33.6010, 34.6010 and 35.6010 are amended as follows:

11.15.7015 Approval Criteria

In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria, except for radio and television transmission towers, which shall meet the approval criteria of MCC 11.15.7035, wireless communications facilities which shall meet the approval criteria of MCC .7075 through .7088; and except for regional sanitary landfills which shall comply with MCC 11.15.7045 through 11.15.7070.

- (A) Is consistent with the character of the area;
- (B) Will not adversely affect natural resources;
- (C) Will not conflict with farm or forest uses in the area;
- (D) Will not require public services other than those existing or programmed for the area;
- (E) Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;
- (F) Will not create hazardous conditions;
- (G) Will satisfy the applicable policies of the Comprehensive Plan; and
- (H) Will satisfy such other applicable approval criteria as are stated in this Section.

33.6010 Approval Criteria

In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria, except for radio and television transmission towers, which shall meet the approval criteria of MCC 33.6100 through 33.6125, wireless communications facilities which shall meet the approval criteria of MCC 33.6175 through 33.6188; and except for regional sanitary landfills which shall comply with MCC 33.6200 through 33.6230.

* * * * *

34.6010 Approval Criteria

In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria, except for radio and television transmission towers, which shall meet the approval criteria of MCC 34.6100 through 34.6125, wireless communications facilities which shall meet the approval criteria of MCC 34.6175 through 34.6188; and except for regional sanitary landfills which shall comply with MCC 34.6200 through 6230.

* * * * *

35.6010 Approval Criteria

In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria, except for radio and television transmission towers, which shall meet the approval criteria of MCC 35.6100 through 35.6125, wireless communications facilities which shall meet the approval criteria of MCC 35.6175 through 35.6188; and except for regional sanitary landfills which shall comply with MCC 35.6200 through 35.6230.

* * * * *

Section 8. MCC subsections 11.15.7020(A)(15), (27), & (28); 33.6015(A)(15), (27), & (28); 34.6015(A)(15), (27), & (28); and 35.6015(A)(15), (27), & (28) are amended or added as follows:

11.15.7020 Uses

(A)

* * * * *

- (15) Radio and television transmission towers.
 - (a) VHF and UHF television towers, FM radio towers, two-way radio, common carrier personal wireless communications towers for cellular, personal communications service(PCS), specialized mobile radio (SMR) transmitters, and fixed point microwave towers are permitted in any district.
 - (b) Low-power television towers, satellite ground stations, AM radio towers, and building-mounted towers are permitted in any district except urban residential districts.
 - (c) Ham radio, amateur sole source emitters, Citizen Band transmitters, and structures to support them are permitted in any district as an accessory use and do not require a Community Service use designation if used for non-commercial purposes only. Any such tower shall comply with the regulations of the district in which it is located. Non-amateur sole source emitters shall also comply with the registration requirements of MCC .7035(F)(2).

- (d) Receive-only facilities in conjunction with a permitted use are exempt from the provisions of this section, but shall comply with all other requirements of MCC. 7020(15), .7035; and .7040.

- (27) Wireless communications facilities ~~Accessory uses to the above.~~
(28) Accessory uses to the above.

33.6015 Uses

(A)

- (15) Radio and television transmission towers.
- (a) VHF and UHF television towers, FM radio towers, two-way radio, common carrier personal wireless communications towers for cellular, personal communications service(PCS), specialized mobile radio (SMR) transmitters, and fixed point microwave towers are permitted in any district.
- (b) Low-power television towers, satellite ground stations, AM radio towers, and building-mounted towers are permitted in any district except urban residential districts.
- (c) Ham radio, amateur sole source emitters, Citizen Band transmitters, and structures to support them are permitted in any district as an accessory use and do not require a Community Service use designation if used for non-commercial purposes only. Any such tower shall comply with the regulations of the district in which it is located. Non-amateur sole source emitters shall also comply with the registration requirements of MCC 33.6125(B).
- (d) Receive-only facilities in conjunction with a permitted use are exempt from the provisions of this section, but shall comply with all other requirements of MCC 33.6015(A)(15), 33.6100 through 33.6125, and 33.6135.

- (27) Wireless communications facilities ~~Accessory uses to the above.~~
(28) Accessory uses to the above.

34.6015 Uses

(A)

- (15) Radio and television transmission towers.
- (a) VHF and UHF television towers, FM radio towers, two-way radio, common carrier personal wireless communications towers for cellular, personal communications service(PCS), specialized mobile radio (SMR) transmitters, and fixed point microwave towers are permitted in any district.

- (b) Low-power television towers, satellite ground stations, AM radio towers, and building-mounted towers are permitted in any district except urban residential districts.
- (c) Ham radio, amateur sole source emitters, Citizen Band transmitters, and structures to support them are permitted in any district as an accessory use and do not require a Community Service use designation if used for non-commercial purposes only. Any such tower shall comply with the regulations of the district in which it is located. Non-amateur sole source emitters shall also comply with the registration requirements of MCC 34.6125(B).
- (d) Receive-only facilities in conjunction with a permitted use are exempt from the provisions of this section, but shall comply with all other requirements of MCC 34.6015(A)(15), 34.6100 through 34.6125, and 34.6135.

* * * * *

(27) Wireless communications facilities ~~Accessory uses to the above.~~

(28) Accessory uses to the above.

35.6015 **Uses**
(A)

* * * * *

- (15) Radio and television transmission towers.
 - (a) VHF and UHF television towers, FM radio towers, two-way radio, common carrier personal wireless communications towers for cellular, personal communications service(PCS), specialized mobile radio (SMR) transmitters, and fixed point microwave towers are permitted in any district.
 - (b) Low-power television towers, satellite ground stations, AM radio towers, and building-mounted towers are permitted in any district except urban residential districts.
 - (c) Ham radio, amateur sole source emitters, Citizen Band transmitters, and structures to support them are permitted in any district as an accessory use and do not require a Community Service use designation if used for non-commercial purposes only. Any such tower shall comply with the regulations of the district in which it is located. Non-amateur sole source emitters shall also comply with the registration requirements of MCC 35.6125(B).
 - (d) Receive-only facilities in conjunction with a permitted use are exempt from the provisions of this section, but shall comply with all other requirements of MCC 35.6015(A)(15), 35.6100 through 35.6125, and 35.6135.

* * * * *

(27) Wireless communications facilities ~~Accessory uses to the above.~~

(28) Accessory uses to the above.

Section 9. MCC Chapters 11.15, 33, 34 and 35 are amended to add the following sections to the respective code chapters.

11.15.7075 Wireless Communications Facilities.

The purpose and intent of 11.15.7075 through 11.15.7088 is to provide a process and uniform comprehensive standards for the development and regulation of wireless communications facilities. The regulations contained herein are designed to protect and promote public health, safety, community welfare, and the aesthetic quality of unincorporated Multnomah County as set forth within the State-wide Oregon Planning Goals and policies of the Comprehensive Plan; while at the same time not unduly restricting the development of needed wireless communications facilities and encouraging managed development of the evolving wireless communications network.

It is furthermore intended that, to all extent permitted by law, the County shall apply these regulations to specifically accomplish the following:

- (A) Protect the visual character of the County from the potential adverse effects of wireless communications facilities development;
- (B) Insure against the degradation of the County's scenic corridors and ridgelines and rural communities designated under local, state or federal law;
- (C) Retain local responsibility for and control over the use of public rights-of-way to protect citizens and enhance the quality of their lives by requiring a review of any proposed WCF in a public right-of-way;
- (D) Protect the environmental resources of Multnomah County;
- (E) Insure that a competitive and broad range of personal wireless communications services including but not limited to; cellular, personal communications service(PCS), specialized mobile radio(SMR), are provided to serve residential and business communities;
- (F) Create and preserve wireless communications facilities that may serve as an important and effective part of Multnomah County's emergency response network;
- (G) Simplify and shorten the process for obtaining necessary permits for wireless communications facilities while at the same time protecting legitimate interests of Multnomah County citizens; and
- (H) Reconcile established use requirements in EFU zoned lands with Oregon Revised Statutes.

33.6175 Wireless Communications Facilities.

The purpose and intent of 33.6175 through 33.6188 is to provide a process and uniform comprehensive standards for the development and regulation of wireless communications facilities. The regulations contained herein are designed to protect and promote public health, safety, community welfare, and the aesthetic quality of unincorporated Multnomah County as set forth within the State-wide Oregon Planning Goals and policies of the Comprehensive Plan; while at the same time not unduly restricting the development of needed wireless communications facilities and encouraging managed development of the evolving wireless communications network.

It is furthermore intended that, to all extent permitted by law, the County shall apply these regulations to specifically accomplish the following:

- (A) Protect the visual character of the County from the potential adverse effects of wireless communications facilities development;
- (B) Insure against the degradation of the County's scenic corridors and ridgelines and rural communities designated under local, state or federal law;
- (C) Retain local responsibility for and control over the use of public rights-of-way to protect citizens and enhance the quality of their lives by requiring a review of any proposed WCF in a public right-of-way;
- (D) Protect the environmental resources of Multnomah County;
- (E) Insure that a competitive and broad range of personal wireless communications services including but not limited to; cellular, personal communications service(PCS), specialized mobile radio(SMR), are provided to serve residential and business communities;
- (F) Create and preserve wireless communications facilities that may serve as an important and effective part of Multnomah County's emergency response network;
- (G) Simplify and shorten the process for obtaining necessary permits for wireless communications facilities while at the same time protecting legitimate interests of Multnomah County citizens; and
- (H) Reconcile established use requirements in EFU zoned lands with Oregon Revised Statutes.

34.6175 Wireless Communications Facilities.

The purpose and intent of 34.6175 through 34.6188 is to provide a process and uniform comprehensive standards for the development and regulation of wireless communications facilities. The regulations contained herein are designed to protect and promote public health, safety, community welfare, and the aesthetic quality of unincorporated Multnomah County as set forth within the State-wide Oregon Planning Goals and policies of the Comprehensive Plan; while at the same time not unduly restricting the development of needed wireless communications facilities and encouraging managed development of the evolving wireless communications network.

It is furthermore intended that, to all extent permitted by law, the County shall apply these regulations to specifically accomplish the following:

- (A) Protect the visual character of the County from the potential adverse effects of wireless communications facilities development;
- (B) Insure against the degradation of the County's scenic corridors and ridgelines and rural communities designated under local, state or federal law;
- (C) Retain local responsibility for and control over the use of public rights-of-way to protect citizens and enhance the quality of their lives by requiring a review of any proposed WCF in a public right-of-way;
- (D) Protect the environmental resources of Multnomah County;
- (E) Insure that a competitive and broad range of personal wireless communications services including but not limited to; cellular, personal communications service(PCS), specialized mobile radio(SMR), are provided to serve residential and business communities;
- (F) Create and preserve wireless communications facilities that may serve as an important and effective part of Multnomah County's emergency response network;
- (G) Simplify and shorten the process for obtaining necessary permits for wireless communications facilities while at the same time protecting legitimate interests of Multnomah County citizens; and
- (H) Reconcile established use requirements in EFU zoned lands with Oregon Revised Statutes.

35.6175 Wireless Communications Facilities.

The purpose and intent of 35.6175 through 35.6188 is to provide a process and uniform comprehensive standards for the development and regulation of wireless communications facilities. The regulations contained herein are designed to protect and promote public health, safety, community welfare, and the aesthetic quality of unincorporated Multnomah County as set forth within the State-wide Oregon Planning Goals and policies of the Comprehensive Plan; while at the same time not unduly restricting the development of needed wireless communications facilities and encouraging managed development of the evolving wireless communications network.

It is furthermore intended that, to all extent permitted by law, the County shall apply these regulations to specifically accomplish the following:

- (A) Protect the visual character of the County from the potential adverse effects of wireless communications facilities development;
- (B) Insure against the degradation of the County's scenic corridors and ridgelines and rural communities designated under local, state or federal law;
- (C) Retain local responsibility for and control over the use of public rights-of-way to protect citizens and enhance the quality of their lives by requiring a review of any proposed WCF in a public right-of-way;
- (D) Protect the environmental resources of Multnomah County;
- (E) Insure that a competitive and broad range of personal wireless communications services including but not limited to; cellular, personal communications service(PCS), specialized mobile radio(SMR), are provided to serve residential and business communities;
- (F) Create and preserve wireless communications facilities that may serve as an important and effective part of Multnomah County's emergency response network;
- (G) Simplify and shorten the process for obtaining necessary permits for wireless communications facilities while at the same time protecting legitimate interests of Multnomah County citizens; and
- (H) Reconcile established use requirements in EFU zoned lands with Oregon Revised Statutes.

Section 10. MCC Chapters 11.15, 33, 34 and 35 are amended to add the following sections to the respective code chapters.

11.15.7076 Applicability.

- (A) Siting for a personal wireless communications facility is a use of land, and subject to the County's zoning ordinance and all other applicable ordinances and regulations.
- (B) The requirements of MCC 11.15.7075 through 11.15.7088 shall apply to all new wireless communications facilities (WCFs).

33.6176 Applicability.

- (A) Siting for a personal wireless communications facility is a use of land, and subject to the County's zoning ordinance and all other applicable ordinances and regulations.
- (B) The requirements of MCC 33.6175 through 33.6188 shall apply to all new wireless communications facilities (WCFs).

34.6176 Applicability.

- (A) Siting for a personal wireless communications facility is a use of land, and subject to the County's zoning ordinance and all other applicable ordinances and regulations.
- (B) The requirements of 34.6175 through 34.6188 shall apply to all new wireless communications facilities (WCFs).

35.6176 Applicability.

- (A) Siting for a personal wireless communications facility is a use of land, and subject to the County's zoning ordinance and all other applicable ordinances and regulations.
- (B) The requirements of MCC 35.6175 through 35.6188 shall apply to all new wireless communications facilities (WCFs).

Section 11. MCC Chapters 11.15, 33, 34 and 35 are amended to add the following sections to the respective code chapters.

11.15.7077 Review Procedures Distinguished.

- (A) An application for a WCF that employs *co-location* upon a tower or structure approved under MCC 11.15.7075 through 11.15.7088 (Ord. _____) shall be reviewed under a *Building Permit Review/Type I* process in any zone.
- (B) An application for a WCF that employs *concealment technology* or *co-location* upon a tower or structure not approved under MCC 11.15.7075 through 11.15.7088 (Ord. _____) shall be reviewed under a *Planning Director Review/Type II* process.
- (C) An application for a WCF not employing *co-location* or *concealment technology* shall be reviewed under a *Community Service Review/Type III* and *Design Review* process unless within an Exclusive Farm Use district. New WCFs within an Exclusive Farm Use district shall be processed under a *Planning Director Review* or *Building Permit Review* as appropriate.

REVIEW PROCESS AND HEIGHT LIMITATION

<u>TOWER/ANTENNA TYPE</u>	<u>REVIEW PROCESS</u>	<u>HEIGHT LIMIT</u>
<u>Co-location (tower or structure approved under this ordinance)</u>	<u>Building Permit</u>	<u>N/A</u>
<u>Co-location (tower or structure not approved under this ordinance)</u>	<u>Planning Director</u>	<u>N/A</u>
<u>Concealment Technology</u>	<u>Planning Director</u>	<u>See: 11.15.7083(B)(2)(a)</u>
<u>Screened Tower</u>	<u>Community Service Hearing</u>	<u>See: 11.15.7083(B)(2)(a)</u>
<u>All Towers within EFU zone</u>	<u>Planning Director</u>	<u>< 200 feet</u>

33.6177 Review Procedures Distinguished.

- (A) An application for a WCF that employs *co-location* upon a tower or structure approved under MCC 33.6175 through 33.6188 (Ord. _____) shall be reviewed under a *Building Permit Review/Type I* process in any zone.

(B) An application for a WCF that employs *concealment technology* or *co-location* upon a tower or structure not approved under MCC 33.6175 through 33.6188 (Ord. _____) shall be reviewed under a Planning Director Review/Type II process.

(C) An application for a WCF not employing *co-location* or *concealment technology* shall be reviewed under a *Community Service Review/Type III* and *Design Review* process unless within an Exclusive Farm Use district. New WCFs within an Exclusive Farm Use district shall be processed under a *Planning Director Review* or *Building Permit Review* as appropriate.

REVIEW PROCESS AND HEIGHT LIMITATION

<u>TOWER/ANTENNA TYPE</u>	<u>REVIEW PROCESS</u>	<u>HEIGHT LIMIT</u>
<u>Co-location (tower or structure approved under this ordinance)</u>	<u>Building Permit</u>	<u>N/A</u>
<u>Co-location (tower or structure not approved under this ordinance)</u>	<u>Planning Director</u>	<u>N/A</u>
<u>Concealment Technology</u>	<u>Planning Director</u>	<u>See: 33.6183(B)(2)(a)</u>
<u>Screened Tower</u>	<u>Community Service Hearing</u>	<u>See: 33.6183(B)(2)(a)</u>
<u>All Towers within EFU zone</u>	<u>Planning Director</u>	<u>< 200 feet</u>

34.6177 Review Procedures Distinguished.

(A) An application for a WCF that employs *co-location* upon a tower or structure approved under 34.6175 through 34.6188 (Ord. _____) shall be reviewed under a *Building Permit Review/Type I* process in any zone.

(B) An application for a WCF that employs *concealment technology* or *co-location* upon a tower or structure not approved under MCC 34.6175 through 34.6188 (Ord. _____) shall be reviewed under a *Planning Director Review/Type II* process.

(C) An application for a WCF not employing *co-location* or *concealment technology* shall be reviewed under a *Community Service Review/Type III* and *Design Review* process unless within an Exclusive Farm Use district. New WCFs within an Exclusive Farm Use district shall be processed under a *Planning Director Review* or *Building Permit Review* as appropriate.

REVIEW PROCESS AND HEIGHT LIMITATION

<u>TOWER/ANTENNA TYPE</u>	<u>REVIEW PROCESS</u>	<u>HEIGHT LIMIT</u>
<u>Co-location (tower or structure approved under this ordinance)</u>	<u>Building Permit</u>	<u>N/A</u>
<u>Co-location (tower or structure not approved under this ordinance)</u>	<u>Planning Director</u>	<u>N/A</u>
<u>Concealment Technology</u>	<u>Planning Director</u>	<u>See: 34.6183(B)(2)(a).</u>
<u>Screened Tower</u>	<u>Community Service Hearing</u>	<u>See: 34.6183(B)(2)(a).</u>
<u>All Towers within EFU zone</u>	<u>Planning Director</u>	<u>< 200 feet</u>

35.6177 Review Procedures Distinguished.

- (A) An application for a WCF that employs *co-location* upon a tower or structure approved under MCC 35.6175 through 35.6188 (Ord. _____) shall be reviewed under a *Building Permit Review/Type I* process in any zone.
- (B) An application for a WCF that employs *concealment technology* or *co-location* upon a tower or structure not approved under MCC 35.6175 through 35.6188 (Ord. _____) shall be reviewed under a *Planning Director Review/Type II* process.
- (C) An application for a WCF not employing *co-location* or *concealment technology* shall be reviewed under a *Community Service Review/Type III* and *Design Review* process unless within an Exclusive Farm Use district. New WCFs within an Exclusive Farm Use district shall be processed under a *Planning Director Review* or *Building Permit Review* as appropriate.

REVIEW PROCESS AND HEIGHT LIMITATION

<u>TOWER/ANTENNA TYPE</u>	<u>REVIEW PROCESS</u>	<u>HEIGHT LIMIT</u>
<u>Co-location (tower or structure approved under this ordinance)</u>	<u>Building Permit</u>	<u>N/A</u>
<u>Co-location (tower or structure not approved under this ordinance)</u>	<u>Planning Director</u>	<u>N/A</u>
<u>Concealment Technology</u>	<u>Planning Director</u>	<u>See: 35.6183(B)(2)(a)</u>
<u>Screened Tower</u>	<u>Community Service Hearing</u>	<u>See: 35.6183(B)(2)(a)]</u>
<u>All Towers within EFU zone</u>	<u>Planning Director</u>	<u>< 200 feet</u>

Section 12. MCC Chapters 11.15, 33, 34 and 35 are amended to add sections 11.15.7078, 33.6178, 34.6178, and 35.6178 to the respective code chapters that shall read as follows:

Definitions.

As used in this section the following words and their derivations shall have the meanings provided below.

Antenna – The surface from which wireless radio signals are sent from and received by a wireless communications facility.

Carrier – A company that provides wireless services.

Co-applicant – All persons and/or entities joining with an applicant in an application for a development permit, including the owners of the subject property and any tenants proposing to conduct a development or activity subject to a development permit.

Co-location – The use of a single mount and/or site by more than one licensed wireless communications carrier. Also, the use by one or more carriers of an existing structure as a telecommunications antenna mount, such as, but not limited to a water tank, fire station, electrical substation, utility pole, or tower etc.

Commercial mobile radio services – Any of several technologies using radio signals at various frequencies to send and receive voice, data, and video.

Community Service Review (Type III)– Review as a Community Service Use before a Hearings Officer for a new wireless communication facility that is neither co-located nor employs concealment technology.

Concealment technology – The use of technology through which a wireless communications facility is designed to resemble an object which is not a wireless communications facility and which is already present in the natural environment, or designed to resemble or placed within, an existing or proposed structure.

Equipment cabinet - An enclosed structure at the base of the mount within which are housed batteries and electrical equipment necessary for the operation of a WCF. This equipment is connected to the antenna by cable.

FCC – Federal Communications Commission.

FCC guidelines – The Radiofrequency (RF) Performance Standards set forth by the FCC's OET Bulletin 65, *Evaluating Compliance with FCC Guidelines for human Exposure to Radiofrequency Electromagnetic Fields*, as referenced in *A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance* or a subsequent FCC publication delineating required radiofrequency performance standards.

Guyed tower – A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

Lattice tower – A type of mount that is self-supporting with multiple legs and cross bracing of either structural steel or diagonal cables, or a combination thereof.

Licensed carrier – A company authorized by the FCC to build and operate a commercial mobile radio services system.

Location – The subject property where a use or development is located or proposed to be located.

Maintenance - Emergency or routine repairs, reconstruction of previously approved facilities, or replacement of transmitters, antennas, or other components of previously approved facilities which do not create a significant change in visual impact or an increase in radio frequency emissions.

Modification – The changing of any portion of a wireless communication facility from its description in a previously approved permit.

Monopole – The type of mount that is self-supporting with a single shaft, typically of wood, steel or concrete.

Mount – The structure or surface upon which antennas are placed including but not limited to:

1. Roof-mounted. Mounted on the roof of a building.
2. Side-mounted. Mounted on the side of a structure including a tower.
3. Ground mounted. Mounted on the ground.

Planning Director Review (Type II)– Expedited review encouraging the *co-location* of wireless communication facilities onto existing in use tower facilities, existing structures, or the use of concealment technology. Such review is an Administrative decision by the Planning Director.

Radiofrequency engineer – An engineer specializing in electrical or microwave engineering, licensed in Oregon, with a degree in engineering, and experience to perform and certify radiofrequency radiation measurements.

Site – A portion of a subject property.

Siting – The method and form of placement of a use or development on a specific area of a subject property.

Speculation (“Spec”) tower – A tower designed for the purpose of providing location mounts for wireless communications facilities without a binding commitment or option to lease a location upon the tower by a service provider at time of initial application.

Subject Property – For the purpose of MCC 11.15.7075 through 11.15.7088 [33.6175 through 33.6188; 34.6175 through 34.6188; 35.6175 through 35.6188] subject property shall mean one or more contiguous lots or parcels in the same ownership.

Tower – A mast, pole, or monopole, guyed or free standing lattice tower designed and primarily used to support antennas associated with wireless communication service. A speculation tower may consist of any one of these tower types. As part of the service, the term tower includes but is not limited to microwave towers, common carrier towers, personal communications service (PCS) and cellular telephone towers.

Wireless communications facility (WCF) – An unstaffed facility for the transmission or reception of radiofrequency (RF) signals, usually consisting of an equipment cabinet or other enclosed structure containing electronic equipment, a support structure, antennas, or other transmission and reception devices.

Visually subordinate – The relative visibility of a wireless communication facility, where that facility does not noticeably contrast with the surrounding landscape. Visibly subordinate facilities may be partially visible, but not visually dominate in relation to their surroundings.

Section 13. MCC Chapters 11.15, 33, 34 and 35 are amended to add sections 11.15.7079, 33.6179, 34.6179 and 35.6179 to the respective code chapters that shall read as follows:

Exclusions.

The following uses and activities shall be exempt from these regulations:

(A) Emergency or routine repairs, reconstruction, or routine maintenance of previously approved facilities, or replacement of transmitters, antennas, or other components of previously approved facilities which do not create a significant change in visual impact or an increase in radiofrequency emissions;

(B) Medical, industrial, and scientific equipment operating at frequencies designated for that purpose by the Federal Communications Commission;

(C) Ham radio, amateur sole source emitters, citizen band transmitters and accessory structures including antennas;

(D) Two-way communication transmitters used on a temporary basis by "911" emergency services. Including fire, police, and emergency aid or ambulance service;

(E) Radio transceivers normally hand-held or installed in moving vehicles, such as automobiles, trucks, watercraft, or aircraft. This includes cellular phones;

(F) Military and civilian radar, operating within the regulated frequency ranges, for the purpose of defense or aircraft safety;

(G) Machines and equipment that are designed and marketed as consumer products, such as microwave ovens and remote control toys; and

(H) Two-way broadband antenna(s) smaller than one (1) meter in any dimension operating at less than 7 watts effective radiated power (ERP) for use by a dwelling unit occupant for personal use or home occupation.

Section 14. MCC Chapters 11.15, 33, 34 and 35 are amended to add the following sections to the respective code chapters.

11.15.7080 General Requirements.

(A) No WCF shall be constructed or operated within unincorporated Multnomah County until all necessary approvals and permits, whether local, state, or federal have been secured.

(B) No more than one ground mount shall be allowed per subject property.

(C) An application for a WCF shall include both the licensed carrier and the landowner of the subject property.

(D) A permit shall be required for the construction and operation of all WCFs. Review and approval shall be under either a *Community Service Review*, *Planning Director Review*, or a *Building Permit Review*.

(E) Design Review shall be required of all WCF towers regardless of review procedure and may at applicant's option be processed concurrently with the respective review process pursuant to MCC 11.15.7805 through 11.15.7820.

- (F) A new permit shall be required for all modifications, not constituting maintenance, to an approved permit for any WCF.
- (G) If co-location or concealment technology is not feasible, the applicant shall demonstrate that such locations or concealment technology designs are unworkable for the carrier's coverage plan.
- (H) All approvals for a WCF shall become null, void, and non-renewable if the facility is not constructed and placed into service within two years of the date of the *Community Service Review Decision, Planning Director Review Decision, Building Permit*, or superceding decision.
- (I) The applicant, co-applicant, or tenant shall notify the Planning Director of all changes in applicant and/or co-applicants or tenants of a previously permitted WCF permitted under this section within 90 days of change. Failure to provide appropriate notice shall constitute a violation of the original permit approval and be processed pursuant to 11.15.9052.
- (J) All WCFs must comply with all applicable Multnomah County codes and regulations, including, but not limited to the Uniform Building Code, Grading and Erosion Control, Flood Hazard, and Significant Environmental Concern.
- (K) No on-premises storage of material or equipment shall be allowed other than that used in the operation and maintenance of the WCF site.
- (L) Self-supporting lattice towers not employing concealment technology and *speculation towers* are not permitted in any zone.

33.6180 General Requirements.

- (A) No WCF shall be constructed or operated within unincorporated Multnomah County until all necessary approvals and permits, whether local, state, or federal have been secured.
- (B) No more than one ground mount shall be allowed per subject property.
- (C) An application for a WCF shall include both the licensed carrier and the landowner of the subject property.
- (D) A permit shall be required for the construction and operation of all WCFs. Review and approval shall be under either a *Community Service Review, Planning Director Review*, or a *Building Permit Review*.

- (E) Design Review shall be required of all WCF towers regardless of review procedure and may at applicant's option be processed concurrently with the respective review process pursuant to MCC 33.7000 through 33.7020.
- (F) A new permit shall be required for all modifications, not constituting maintenance, to an approved permit for any WCF.
- (G) If co-location or concealment technology is not feasible, the applicant shall demonstrate that such locations or concealment technology designs are unworkable for the carrier's coverage plan.
- (H) All approvals for a WCF shall become null, void, and non-renewable if the facility is not constructed and placed into service within two years of the date of the *Community Service Review Decision, Planning Director Review Decision, Building Permit*, or superceding decision.
- (I) The applicant, co-applicant, or tenant shall notify the Planning Director of all changes in applicant and/or co-applicants or tenants of a previously permitted WCF permitted under this section within 90 days of change. Failure to provide appropriate notice shall constitute a violation of the original permit approval and be processed pursuant to 33.0910.
- (J) All WCFs must comply with all applicable Multnomah County codes and regulations, including, but not limited to the Uniform Building Code, Grading and Erosion Control, Flood Hazard, and Significant Environmental Concern.
- (K) No on-premises storage of material or equipment shall be allowed other than that used in the operation and maintenance of the WCF site.
- (L) Self-supporting lattice towers not employing concealment technology and *speculation towers* are not permitted in any zone.

34.6180 General Requirements.

- (A) No WCF shall be constructed or operated within unincorporated Multnomah County until all necessary approvals and permits, whether local, state, or federal have been secured.
- (B) No more than one ground mount shall be allowed per subject property.
- (C) An application for a WCF shall include both the licensed carrier and the landowner of the subject property.

- (D) A permit shall be required for the construction and operation of all WCFs. Review and approval shall be under either a *Community Service Review, Planning Director Review, or a Building Permit Review.*
- (E) Design Review shall be required of all WCF towers regardless of review procedure and may at applicant's option be processed concurrently with the respective review process pursuant to MCC 34.7000 through 34.7020.
- (F) A new permit shall be required for all modifications, not constituting maintenance, to an approved permit for any WCF.
- (G) If co-location or concealment technology is not feasible, the applicant shall demonstrate that such locations or concealment technology designs are unworkable for the carrier's coverage plan.
- (H) All approvals for a WCF shall become null, void, and non-renewable if the facility is not constructed and placed into service within two years of the date of the *Community Service Review Decision, Planning Director Review Decision, Building Permit, or superceding decision.*
- (I) The applicant, co-applicant, or tenant shall notify the Planning Director of all changes in applicant and/or co-applicants or tenants of a previously permitted WCF permitted under this section within 90 days of change. Failure to provide appropriate notice shall constitute a violation of the original permit approval and be processed pursuant to 34.0910.
- (J) All WCFs must comply with all applicable Multnomah County codes and regulations, including, but not limited to the Uniform Building Code, Grading and Erosion Control, Flood Hazard, and Significant Environmental Concern.
- (K) No on-premises storage of material or equipment shall be allowed other than that used in the operation and maintenance of the WCF site.
- (L) Self-supporting lattice towers not employing concealment technology and speculation towers are not permitted in any zone.

35.6180 General Requirements.

- (A) No WCF shall be constructed or operated within unincorporated Multnomah County until all necessary approvals and permits, whether local, state, or federal have been secured.
- (B) No more than one ground mount shall be allowed per subject property.

- (C) An application for a WCF shall include both the licensed carrier and the landowner of the subject property.
- (D) A permit shall be required for the construction and operation of all WCFs. Review and approval shall be under either a *Community Service Review*, *Planning Director Review*, or a *Building Permit Review*.
- (E) Design Review shall be required of all WCF towers regardless of review procedure and may at applicant's option be processed concurrently with the respective review process pursuant to MCC 35.7000 through 35.7020.
- (F) A new permit shall be required for all modifications, not constituting maintenance, to an approved permit for any WCF.
- (G) If co-location or concealment technology is not feasible, the applicant shall demonstrate that such locations or concealment technology designs are unworkable for the carrier's coverage plan.
- (H) All approvals for a WCF shall become null, void, and non-renewable if the facility is not constructed and placed into service within two years of the date of the *Community Service Review Decision*, *Planning Director Review Decision*, *Building Permit*, or superceding decision.
- (I) The applicant, co-applicant, or tenant shall notify the Planning Director of all changes in applicant and/or co-applicants or tenants of a previously permitted WCF permitted under this section within 90 days of change. Failure to provide appropriate notice shall constitute a violation of the original permit approval and be processed pursuant to 35.0910.
- (J) All WCFs must comply with all applicable Multnomah County codes and regulations, including, but not limited to the Uniform Building Code, Grading and Erosion Control, Flood Hazard, and Significant Environmental Concern.
- (K) No on-premises storage of material or equipment shall be allowed other than that used in the operation and maintenance of the WCF site.
- (L) Self-supporting lattice towers not employing concealment technology and *speculation towers* are not permitted in any zone.

Section 15. MCC Chapters 11.15, 33, 34 and 35 are amended to add sections 11.15.7081, 33.6181, 34.6181 and 35.6181 to the respective code chapters that shall read as follows:

Registration of Wireless Communications Carriers and Providers.

(A) Registration Required. All wireless communication carriers and providers that offer or provide any wireless communications services for a fee directly to the public, within unincorporated Multnomah County, shall register each WCF with the County pursuant to this Section on forms to be provided by the Planning Director.

Section 16. MCC Chapters 11.15, 33, 34 and 35 are amended to add sections 11.15.7082, 33.6182, 34.6182 and 35.6182 to the respective code chapters that shall read as follows:

Application Submittal Requirements.

For an application for a *Planning Director Review* or *Building Permit Review* to be deemed complete the following information is required:

(A) Co-location of antennas upon existing towers or structures.

(1) An accurate and to-scale site plan showing the location of the tower, or structure upon which the proposed antenna is to be mounted including guy anchors (if any), antennas, equipment cabinets and other uses accessory to the communication tower or antenna. The site plan shall include a description of the proposed antenna including use of concealment technology if applicable;

(2) A report/analysis from a licensed professional engineer documenting the following for each antenna:

(a) Antenna height above ground, design, dimensions, wind load rating, gain and radiation pattern;

(b) Failure characteristics of the antenna and documentation that the site and setbacks are of adequate size to contain debris; and

(c) Ice hazards and mitigation measures that can be employed.

(3) A statement documenting that placement of the antenna is designed to allow future co-location of additional antennas if technologically possible.

(4) Plans showing the connection to utilities/right-of-way cuts required, ownership of utilities and access easements required.

(5) Documents demonstrating that necessary easements have been obtained.

(6) Documentation that the ancillary facilities will not produce sound levels in excess of those standards specified below in the Approval Criteria for lands not zoned Exclusive Farm Use.

(7) If ancillary facilities will be located on the ground, a landscape plan drawn to scale showing the proposed and existing landscaping, including type, spacing, and size.

(8) A map of the county showing the approximate geographic limits of the "cell" to be created by the facility. This map shall include the same information for all other facilities owned or operated by the applicant within the county, or extending within the county from a distant location, and any existing detached WCF of another provider within 1,000 feet of the proposed site.

(9) Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards set forth by the Federal Communications Commission as outlined in *A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance*, or a subsequent FCC publication delineating required radiofrequency performance standards.

(10) Documentation demonstrating that the FAA has reviewed and approved the proposal, and the Oregon Aeronautics Division has reviewed the proposal.

(B) Construction of a New Tower. For an application for either a *Planning Director Review* or *Community Service Review* to be deemed complete the following information is required:

(1) An accurate and to-scale site plan showing the location of the tower, guy anchors (if any), antennas, equipment cabinet and other uses accessory to the communication tower or antenna. The site plan shall include a description of the proposed tower including use of concealment technology if applicable;

(2) A visual study containing, at a minimum, a graphic simulation showing the appearance of the proposed tower, antennas, and ancillary facilities from at least five points within a five mile radius. Such points shall include views from public places including but not limited to parks, rights-of-way, and waterways and chosen by the Planning Director at the pre-

application conference to ensure that various potential views are represented.

(3) The distance from the nearest WCF and nearest potential co-location site.

(4) A report/analysis from a licensed professional engineer documenting the following:

(a) The reasons why the WCF must be located at the proposed site (service demands, topography, dropped coverage, etc.)

(b) The reason why the WCF must be constructed at the proposed height;

(c) Verification of good faith efforts made to locate or design the proposed WCF to qualify for an expedited review process. To this end, if an existing structure approved for co-location is within the area recommended by the engineers report, the reason for not co-locating shall be provided;

(d) Tower height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design such as, but not limited to, an explanation for the failure to employ concealment technology if applicable;

(e) Total anticipated capacity of the structure, including number and types of antennas which can be accommodated;

(f) Evidence of structural integrity of the tower structure as required by the Building Official;

(g) Failure characteristics of the tower; and

(h) Ice hazards and mitigation measures which can be employed.

(5) Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIE) emissions standards set forth by the Federal Communications Commission as outlined in *A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance* or a subsequent FCC publication delineating required radio frequency performance standards.

(6) A signed agreement, stating that the applicant will allow co-location with other users, provided all safety, structural, and technological requirements

are met. This agreement shall also state that any future owners or operators will allow co-location on the tower.

- (7) A statement documenting a binding commitment to lease or option to lease an antenna mount upon the proposed tower by a service provider.
- (8) A landscape plan drawn to scale showing the proposed and existing landscaping, including type, spacing, and size.
- (9) Plans showing the connection to utilities/right-of-way cuts required, ownership of utilities and easements required.
- (10) Documents demonstrating that any necessary easements have been obtained.
- (11) Plans showing how vehicle access will be provided.
- (12) Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with building permit and land use processes.
- (13) Documentation that the ancillary facilities will not produce sound levels in excess of those standards specified below in the Approval Criteria for lands not zoned Exclusive Farm Use.
- (14) A map of the county showing the approximate geographic limits of the "cell" to be created by the facility. This map shall include the same information for all other facilities owned or operated by the applicant within the county, or extending within the county from a distant location, and any existing detached WCF of another provider within 1,000 feet of the proposed site.
- (15) Documentation demonstrating that the FAA has reviewed and approved the proposal, and the Oregon Aeronautics Division has reviewed the proposal.
- (16) Full response to the Approval Criteria for lands not zoned Exclusive Farm Use specified below as applicable.

Section 17. MCC Chapters 11.15, 33, 34 and 35 are amended to add sections 11.15.7083, 33.6183, 34.6183 and 35.6183 to the respective code chapters that shall read as follows:

Approval Criteria for lands not zoned Exclusive Farm Use.

To be approved all applications for Planning Director Review, Community Service Review or Building Permit Review of a wireless communications facility (WCF) shall demonstrate compliance with the following:

(A) General and Operating Requirements

- (1) The service provider of the WCF and his or her successors and assigns shall agree to:
 - (a) Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;
 - (b) Negotiate in good faith for shared use of the WCF by third parties; and
 - (c) Allow shared use of the WCF if an applicant agrees in writing to pay reasonable charges for co-location.
- (2) Radiofrequency Standards. The applicant shall comply with all applicable FCC RF emissions standards (FCC Guidelines).
- (3) Noise. Noise levels shall not exceed 5 dBA above ambient levels or 55 dBA Sound Pressure Level (SPL), whichever is greater, on adjacent properties. Operation of a back-up generator in the event of power failure or the testing of a back-up generator between 8 AM and 8 PM are exempt from this standard. No testing of back-up power generators shall occur between the hours of 8 PM and 8 AM.
- (4) Environmental Resource Protection. All wireless communication facilities shall be sited so as to minimize the effect on environmental resources. To that end, the following measures shall be implemented for all WCFs:
 - (a) The facility shall comply with Significant Environmental Concern regulations when applicable, including the conditions of an SEC permit for any excavation or removal of materials of archaeological, historical, prehistorical or anthropological nature;
 - (b) The facility shall comply with Grading and Erosion Control regulations of MCC 29.300 through 29.305 when applicable;

(c) The facility shall comply with Flood Hazard regulations of MCC 29.600 through 29.611 when applicable; and

(d) Alteration or disturbance of native vegetation and topography shall be minimized.

(B) Siting Requirements.

(1) Location. WCFs shall be located so as to minimize their visibility and the number of distinct facilities. The ranking of siting preferences is as follows: first, co-location upon an existing tower or existing structure; second, use of concealment technology; and third, a vegetatively, topographically, or structurally screened monopole.

(a) Co-location.

1. All co-located and multiple-user WCFs shall be designed to promote facility and site sharing. To this end wireless communications towers and necessary appurtenances, including but not limited to, parking areas, access roads, utilities and storage facilities shall be shared by site users when in the determination of the Planning Director or Hearings Officer, as appropriate. This will minimize overall visual impact to the community.
2. Existing sites for potential co-location, may include but are not limited to buildings, water towers, existing WCFs, utility poles and towers, and related facilities, provided that such installation preserves the character and integrity of those sites. In particular, applicants are urged to consider use of existing telephone and electric utility structures as sites for their WCF.
3. No commercial WCF operating at an effective radiated power (ERP) of more than 7 watts shall be located on any residential structure, including accessory buildings.

(b) Use of concealment technology.

1. When demonstrated that it is not feasible to co-locate the antenna(s) on an existing structure or tower, the WCF shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: concealment technology, use of compatible building materials and colors.

(c) A vegetatively, topographically, or structurally screened monopole.

1. A WCF tower or monopole not employing concealment technology shall not be installed on a site unless it blends with the surrounding existing natural and man-made environment in such a manner so as to be visually subordinate. Existing trees or significant vegetation should be retained to the greatest possible degree in order to help conceal a facility or tower. Vegetation of a similar species and a size acceptable to the approval authority shall be planted immediately following the loss of any vegetation used to conceal a facility or tower. Vegetation used to demonstrate visual subordination shall be under the control of the applicant/co-applicant or tenant.
2. The facility shall make available un-utilized space for co-location of other telecommunication facilities, including space for these entities providing similar competing services.
3. A proposal for a new wireless communication service tower shall not be approved unless the Approving authority finds that the wireless communications equipment for the proposed tower cannot be accommodated on an existing or approved tower or structure due to one or more of the following reasons:
 - A. The wireless communications equipment would exceed the structural capacity of the existing or approved tower or structure, as documented by a qualified and licensed professional engineer, and the existing or approved tower/structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - B. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or structure as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 - C. Existing or approved towers and structures within the applicant's search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 - D. The radiofrequency coverage objective cannot be adequately met.
4. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to

accommodate both the applicant's antennas and comparable antennas for at least two additional facilities if the tower is over 100 feet in height or for at least one additional facility if the tower is between 60 and 100 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

5. Towers/monopoles shall not be sited in locations where there is no vegetative, structural, or topographic screening available.

6. The County may require independent verification of the analysis at the applicant's expense.

(2) Height. Notwithstanding the maximum structure height requirements of each zoning district, wireless communications facilities shall comply with the following requirements:

(a) Ground mounted facilities. The maximum height of a tower shall be 120 feet, unless:

1. The tower and facility uses concealment technology; or

2. It is demonstrated by an engineer that a greater height is required to provide the necessary service.

(b) Building or other structure mounted WCF shall not project more than ten additional feet above the highest point on the existing building or structure.

(3) Setback/Yard.

(a) No dwelling on the subject property shall be closer to a ground mounted facility than a distance equal to the total height of the WCF measured from finished grade or according to the yard requirements of the underlying zone, which ever is greater.

(b) All ground mounted towers shall be setback from any property line a minimum distance equal to the total height of the tower.

(c) All equipment shelters shall be set back from property lines according to the required yard of the underlying zone.

(d) A WCF setback and yard requirement to a property line may be reduced as much as fifty percent (50%) of the proposed tower height when it is found that the reduction will allow the integration of a WCF into an

existing or proposed structure such as a light standard, power line support device, or similar structure or if the approval authority finds that visual subordination may be achieved.

(e) A reduction of the setback/yard requirement below fifty percent (50%) under (d) of this section may be authorized subject to the variance approval criteria, variance classification and landing field height limitation of this chapter.

(4) Storage.

(a) Wireless communications storage facilities (i.e., vaults, equipment rooms, utilities, and equipment cabinets or enclosures) shall be constructed of non-reflective materials (exterior surfaces only). The placement of equipment in underground vaults is encouraged.

(b) Wireless communications storage facilities shall be no taller than one story (fifteen feet) in height and shall be treated to look like a building or facility typically found in the area.

(5) Color and materials. All buildings, poles, towers, antenna supports, antennas, and other components of each wireless communications site shall initially be colored with "flat" muted tones. The color selected shall be one that in the opinion of the approval authority minimizes visibility of the WCF to the greatest extent feasible.

(6) Fences.

(a) A sight obscuring fence shall be installed and maintained around the perimeter of the lease area of a ground mounted facility not employing concealment technology. The sight-obscuring fence shall surround the tower and the equipment shelter.

(b) A ground mounted facility located in a public right-of-way may be exempted from fencing requirements.

(c) Chain link fences shall be painted or coated with a non-reflective color.

(7) Security. In the event a fence is required, WCFs shall insure that sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.

(8) Lighting.

(a) A new WCF shall only be illuminated as necessary to comply with FAA or other applicable state and federal requirements.

(b) No other exterior lighting shall be permitted on premises.

(9) Signs. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

(10) Access driveways and parking. All access drives and parking areas shall be no longer or wider than necessary and be improved to comply with the requirements of the local Rural Fire District.

(a) Existing driveways shall be used for access whenever possible.

(b) New parking areas shall whenever feasible, be shared with subsequent WCFs and/or other permitted uses.

(c) Any new parking area constructed shall consist of a durable and dustless surface capable of carrying a wheel load of 4,000 pounds and be no larger than three hundred (350) square feet.

(11) Landscape and Screening. All WCFs shall be improved in such a manner so as to maintain and enhance existing native vegetation and suitable landscaping installed to screen the base of the tower and all accessory equipment, where necessary. To this end, all of the following measures shall be implemented for all ground mounted WCFs including accessory structures.

(a) A landscape plan shall be submitted indicating all existing vegetation, landscaping that is to be retained within the leased area on the site, and any additional vegetation that is needed to satisfactorily screen the facility from adjacent land and public view areas. Planted vegetation shall be of the evergreen variety and placed outside of the fence. The landscape plan shall be subject to review and approval of the Design Review process. All trees, larger than four inches (4") in diameter and four and a half feet high (4½') shall be identified in the landscape plan by species type, and whether it is to be retained or removed with project development;

(b) Existing trees and other screening vegetation in the vicinity of the facility and along the access drive and any power/telecommunication line routes involved shall be protected from damage, during the construction period.

Section 18. MCC Chapters 11.15, 33, 34 and 35 are amended to add sections 11.15.7084, 33.6184, 34.6184 and 35.6184 to the respective code chapters as follows:

11.15.7084 Approval Criteria for land zoned Exclusive Farm Use.

A wireless communications facility located within an Exclusive Farm Use district shall demonstrate that the facility:

- (A) Is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service.
- (B) To demonstrate that a utility facility is necessary, an applicant for approval under or ORS 215.283 (1)(d) must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:
 - (a) Technical and engineering feasibility;
 - (b) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - (c) Lack of available urban and non-resource lands;
 - (d) Availability of existing rights of way;
 - (e) Public health and safety; and
 - (f) Other requirements of state or federal agencies.
- (C) The following standards shall apply in addition to those of ORS 215.283 (1)(d) et. seq.
 - (1) Location pursuant to: 11.15.7083(B)(1).
 - (2) Height. The maximum height of any tower shall be 200 feet from finished grade.
 - (3) Setback pursuant to: 11.15.7083(B)(3).
 - (4) Storage pursuant to: 11.15.7083(B)(4).
 - (5) Color and materials pursuant to: 11.15.7083(B)(5).
 - (6) Fences pursuant to: 11.15.7083(B)(6).
 - (7) Security pursuant to: 11.15.7083(B)(7).
 - (8) Lighting pursuant to: 11.15.7083(B)(8).

(9) Signs pursuant to: 11.15.7083(B)(9).

(10) Access driveways and parking pursuant to: 11.15.7083(B)(10).

(11) Landscaping and screening pursuant to: 11.15.7083(B)(11).

33.6184 Approval Criteria for land zoned Exclusive Farm Use.

A wireless communications facility located within an Exclusive Farm Use district shall demonstrate that the facility:

(A) Is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service.

(B) To demonstrate that a utility facility is necessary, an applicant for approval under or ORS 215.283 (1)(d) must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

(a) Technical and engineering feasibility;

(b) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(c) Lack of available urban and non-resource lands;

(d) Availability of existing rights of way;

(e) Public health and safety; and

(f) Other requirements of state or federal agencies.

(C) The following standards shall apply in addition to those of ORS 215.283 (1)(d) et. seq.

(1) Location pursuant to: 33.6183(B)(1).

(2) Height. The maximum height of any tower shall be 200 feet from finished grade.

(3) Setback pursuant to: 33.6183(B)(3).

(4) Storage pursuant to: 33.6183(B)(4).

(5) Color and materials pursuant to: 33.6183(B)(5).

(6) Fences pursuant to: 33.6183(B)(6).

(7) Security pursuant to: 33.6183(B)(7).

(8) Lighting pursuant to: 33.6183(B)(8).

(9) Signs pursuant to: 33.6183(B)(9).

(10) Access driveways and parking pursuant to: 33.6183(B)(10).

(11) Landscaping and screening pursuant to: 33.6183(B)(11).

34.6184 Approval Criteria for land zoned Exclusive Farm Use.

A wireless communications facility located within an Exclusive Farm Use district shall demonstrate that the facility:

(A) Is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service.

(B) To demonstrate that a utility facility is necessary, an applicant for approval under ORS 215.283 (1)(d) must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

(a) Technical and engineering feasibility;

(b) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(c) Lack of available urban and non-resource lands;

(d) Availability of existing rights of way;

(e) Public health and safety; and

(f) Other requirements of state or federal agencies.

(C) The following standards shall apply in addition to those of ORS 215.283 (1)(d) et. seq.

(1) Location pursuant to: 34.6183(B)(1).

(2) Height. The maximum height of any tower shall be 200 feet from finished grade.

(3) Setback pursuant to: 34.6183(B)(3).

(4) Storage pursuant to: 34.6183(B)(4).

(5) Color and materials pursuant to: 34.6183(B)(5).

(6) Fences pursuant to: 34.6183(B)(6).

(7) Security pursuant to: 34.6183(B)(7).

(8) Lighting pursuant to: 34.6183(B)(8).

(9) Signs pursuant to: 34.6183(B)(9).

(10) Access driveways and parking pursuant to: 34.6183(B)(10).

(11) Landscaping and screening pursuant to: 34.6183(B)(11).

35.6184 Approval Criteria for land zoned Exclusive Farm Use.

A wireless communications facility located within an Exclusive Farm Use district shall demonstrate that the facility:

(A) Is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service.

(B) To demonstrate that a utility facility is necessary, an applicant for approval under or ORS 215.283 (1)(d) must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

(a) Technical and engineering feasibility;

(b) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(c) Lack of available urban and non-resource lands;

(d) Availability of existing rights of way;

(e) Public health and safety; and

(f) Other requirements of state or federal agencies.

(C) The following standards shall apply in addition to those of ORS 215.283 (1)(d) et. seq.

(1) Location pursuant to: 35.6183(B)(1).

(2) Height. The maximum height of any tower shall be 200 feet from finished grade.

(3) Setback pursuant to: 35.6183(B)(3).

(4) Storage pursuant to: 35.6183(B)(4).

(5) Color and materials pursuant to: 35.6183(B)(5).

(6) Fences pursuant to: 35.6183(B)(6).

(7) Security pursuant to: 35.6183(B)(7).

(8) Lighting pursuant to: 35.6183(B)(8).

(9) Signs pursuant to: 35.6183(B)(9).

(10) Access driveways and parking pursuant to: 35.6183(B)(10).

(11) Landscaping and screening pursuant to 35.6183(B)(11).

Section 19. MCC Chapters 11.15, 33, 34 and 35 are amended to add sections 11.15.7085, 33.6185, 34.6185 and 35.6185 to the respective code chapters that shall read as follows:

Maintenance.

(A) The applicant/co-applicant or tenant shall maintain the WCF. Such maintenance shall include, but shall not be limited to painting, maintaining structural integrity, and landscaping.

(B) In the event the applicant/co-applicant or tenant/carrier fails to maintain the facility in accordance with permit conditions regarding visual impacts or public safety, Multnomah County may undertake the maintenance at the expense of the applicant or co-applicant landowner.

Section 20. MCC Chapters 11.15, 33, 34 and 35 are amended to add sections 11.15.7086, 33.6186, 34.6186 and 35.6186 to the respective code chapters that shall read as follows:

Abandonment.

(A) At such time that a carrier plans to abandon or discontinue, or is required to discontinue, the operation of a WCF, such carrier will notify Multnomah County Land Use Planning Division by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations.

(B) In the event that a carrier fails to give such notice, the WCF shall be considered abandoned if the antenna or tower is not operated for a continuous period of twelve months, unless the owner of said tower provides proof of continued maintenance on a quarterly basis.

(C) Upon abandonment or discontinuation of use, the person who constructed the facility, the person who operated the facility, carrier, or the property owner shall physically remove the WCF within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

(1) Removal of the antenna(s), mounts, equipment cabinets, security barriers, and foundations down to three feet below ground surface.

(2) Transportation of the antenna(s), mount, equipment cabinets, and security barriers to an appropriate disposal site.

(3) Restoring the site of the WCF to its pre-construction condition, except any remaining landscaping and grading.

(4) The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition.

(D) If a party as stated in (C) fails to remove a WCF in accordance with this section, Multnomah County shall have the authority to enter the subject property and physically remove the facility. Costs for the removal of the WCF shall be charged to the landowner of record in the event Multnomah County must remove the facility.

(E) If there are two or more carriers/operators of a single tower, then provisions of this section shall not become effective until all carriers/operators cease using the tower.

(F) Failure to remove an abandoned facility as required by this subsection shall constitute a violation and be subject to the penalties prescribed this chapter.

Section 21. MCC Chapters 11.15, 33, 34 and 35 are amended to add sections 1.15.7087, 33.6187, 34.6187 and 35.6187 to the respective code chapters that shall read as follows:

Appeals.

Any person aggrieved by a decision of the Approval Authority made pursuant to this section may appeal that decision as provided in MCC 37.0640.

Section 22. MCC Chapters 11.15, 33, 34 and 35 are amended to add sections 11.15.7088, 33.6188, 34.6188 and 35.6188 to the respective code chapters that shall read as follows:

Statutory Severability.

If any subsection, sentence, clause, phrase, or word of this section is for any reason held to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section. The Multnomah County Board of Commissioners hereby declares that it would have passed and adopted this section and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional.

FIRST READING: _____

SECOND READING AND ADOPTION: _____

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Thomas Sponsler
Thomas Sponsler, County Attorney

BOGSTAD Deborah L

From: KINOSHITA Carol
Sent: Monday, February 12, 2001 2:54 PM
To: MUIR Susan L
Cc: BUSSE Kathy A; PEOPLES Kim E; BOGSTAD Deborah L; DUFFY Sandra N; SPONSLER Thomas
Subject: RE: Emergency cell tower ord.

Attached is a revised ordinance that adds "and Declaring an Emergency" to the title; adds Section 23 re: necessary to implement new wireless communication facility policies and process pending applications; with 2/15/01 effective date (chapter 5.50(2) "An emergency ordinance may take effect immediately upon being signed by the chair of the board of commissioners.") and shows that adoption occurs at first reading (if unanimous--chapter 5.30(3): "An ordinance to meet an emergency may be introduced, read once, and put on its final passage at a single board meeting by unanimous consent of all the board members present.")). Please let me know if any changes are needed or if I can be of further assistance. Thanx!



WCF rev. drft.2-12-01
to BCC.d...

-----Original Message-----

From: SPONSLER Thomas
Sent: Monday, February 12, 2001 2:13 PM
To: MUIR Susan L; DUFFY Sandra N
Cc: BUSSE Kathy A; PEOPLES Kim E; SPONSLER Thomas; KINOSHITA Carol; BOGSTAD Deborah L
Subject: RE: Emergency cell tower ord.

Carol Kinoshita will work with you.

-----Original Message-----

From: MUIR Susan L
Sent: Monday, 12 February, 2001 12:51 PM
To: DUFFY Sandra N
Cc: BUSSE Kathy A; PEOPLES Kim E; SPONSLER Thomas
Subject: Emergency cell tower ord.

Sandy - Comm. Linn's staff contacted me today to let me know there is consensus, the Board will be adopting the cell tower ordinance as an emergency on Thursday the 15th. The BCC is doing this in an attempt to prevent pending applications from filing between the first and second readings without having to address the new ordinance language. The motion will probably come from Comm. Linn and her office asked for some language to use to make sure it gets done properly.

Kim and I can work on it but don't have much experience with emergency ordinance findings. Can you help direct us?

Thank you, Susan

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

An Ordinance amending Multnomah County Code Chapters 11.15, 33, 34, and 35 to provide standards for the appropriate location, regulation, and development of wireless communications facilities and Declaring an Emergency.

(~~Struckthrough~~ language is deleted; double-underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. As time passes, conditions and trends change beyond those envisioned, such is the case with the current zoning code, adopted before the current and future level of wireless communications facilities were anticipated. Therefore, due to the rapid and unforeseen evolution of wireless communications systems necessary procedural and substantive safeguards were henceforth not adequately considered, and appropriate siting and development standards do not exist.
- b. In consideration of the Sauvie Island Multnomah Channel Rural Area Plan adopted pursuant to the laws of the State of Oregon, realization of deficiencies within the existing regulations and development standards for wireless communications facilities prompted the Multnomah Board of County Commissioners to address concerns raised by citizens and reexamine the current ordinance regulating wireless communications facilities.
- c. Section 704 of the Federal Telecommunications Act of 1996 preserved local zoning authority over decisions regarding the placement, construction, and modification of personal wireless service facilities, provided that regulation not discriminate among providers of functionally equivalent services nor prohibit, or have the effect of prohibiting, the provision of wireless communications facilities.
- d. This ordinance is based upon the premise that the Federal Government has completely preempted the ability of the County to regulate location or placement of wireless communication facilities based upon health concerns related to radio frequency emissions.
- e. County residents benefit from the convenience of wireless communications facilities for home and business use as well as from their use in emergency services communications, as they are currently employed in Multnomah County.

Section 22. MCC Chapters 11.15, 33, 34 and 35 are amended to add sections 11.15.7088, 33.6188, 34.6188 and 35.6188 to the respective code chapters that shall read as follows:

Statutory Severability.

If any subsection, sentence, clause, phrase, or word of this section is for any reason held to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section. The Multnomah County Board of Commissioners hereby declares that it would have passed and adopted this section and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional.

Section 23. This ordinance, being necessary to implement new policies and process pending applications with respect to wireless communication facilities and for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and the ordinance shall take effect on February 15, 2001, pursuant to section 5.50 of the Charter of Multnomah County.

FIRST READING AND ADOPTION: February 15, 2001


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By



Thomas Sponsler, County Attorney

BOGSTAD Deborah L

From: DUFFY Sandra N
Sent: Wednesday, February 14, 2001 5:02 PM
To: LINN Diane M
Cc: BRIDGES Laura M; RAKOWITZ John A; MUIR Susan L; PEOPLES Kim E; BOGSTAD Deborah L
Subject: Cell tower ordinance

Diane, here is the motion for you to make tomorrow on the cell tower ordinance. It includes a factual finding on why the ordinance needs to be adopted as an emergency ordinance:

I move to amend the cell tower ordinance to include language providing for adoption of this ordinance as an emergency ordinance to be effective today. We were provided with copies of the revised Ordinance by the Clerk of the Board on Monday or Tuesday. It is in the best interests of the citizens of Multnomah County to have the standards and criteria of the ordinance apply immediately to avoid unnecessary cell towers or cell towers which compromise the aesthetics of our rural lands.

AFTER THE MOTION IS SECONDED AND PASSED:

I move to adopt the cell tower ordinance, as amended.

THE MOTION SHOULD THEN BE SECONDED AND BEV WILL GO ON TO HEAR FROM THE STAFF, PUBLIC AND THEN DELIBERATE AND VOTE.

[Your original packets from Deb last week included the ordinance but did not include the emergency adoption language in the ordinance. The revised ordinance was provided to you by Deb on Monday or Tuesday, but the packets available for the public would not have included the revised ordinance. So, you will need to move to amend the ordinance (as provided to the public) and then move to adopt the ordinance as amended.]

PEOPLES Kim E

From: Cmcnagle@aol.com
Sent: Thursday, February 15, 2001 8:39 AM
To: kim.e.peoples@co.multnomah.or.us
Subject: The West Hills and WCFs

Just when we we're starting to get used to the persistent flashing red lights outside our bedroom windows...just when we were getting used to not being able to watch TV channels 8 (NBC), 10 (OPB), 12 (UPN) and select cable channels, or be able to tune into our favorite radio stations...just when we started to tolerate the repair crew/installers loudly clambering up and down the towers surrounding our home (that amounts to 4 now--or is that 5? We can't figure out what's going on next door. Course the obscene "crown" at the top of one could count as 2--or will that be 3 soon?), doing so during MOST people's hours of sleep, these people deem it necessary to yell at each other about their recent night's dating conquests and are constantly bellowing, "Can you hear me?" YES, YES for god's sake. WE can ALL hear you...Just when these irritating nuisances seemed bearable, we discover that there is a possibility that there will be an increase in the number of transmission related devices and structures.

AAAUGH!! This neighborhood is not comprised of the same people who allowed the original towers to be placed here. We are a group of concerned young families and urban professionals who are outraged that this neighborhood is about to become "Cell Towerland." Some of the issues we are concerned about are the potential dangers to our health, further destruction of the forested areas, uglification of our skyline by the towering eyesores, increased inconveniences caused by frequency interference and the subsequent decrease in property values.

While I am fully aware that studies have yet to declare transmission towers a significant health risk (let's not forget that most studies are time-based and apparently not enough time has elapsed to prove any study conclusive) the following are undeniable:

1. Every single one of our corded and cell phones, radio devices, televisions and remote controlled appliances and devices (including: alarm systems, garage door openers, ceiling fans, etc...) suffers inoperation or severely reduced operation (I'm willing to bet that no one on the Approval Committee would have the patience to live under these conditions). If these mentioned items are so affected, we must be getting "zapped" as well. Also, we were recently selected to be a Neilson TV participant, but were disqualified when the 5 installers and engineers of the "black boxes" were unable to block out interfering frequencies from the surrounding towers (by the way, 2 of the engineers were surprised that we would elect to live so close to towers that had cell phone transmitters and receivers on them. Apparently, radio waves are fairly innocuous, but the microwave transmissions are KNOWN health hazards).

2. One of the towers is on our property by way of a variance set-up by previous owners. Several times I have ventured to the edge of the property where the tower is located, only to become severely disoriented and incur a distinct metallic taste in my mouth as if I had just been electrocuted No matter how many times I am told these towers do not pose a heath threat, this experience proves otherwise. Also, I am now pregnant. The towers and how they may affect this unborn child are a constant worry.

3. There is signage surrounding each of the existing towers, in short, stating that "...frequency fields beyond [the fenced area] may exceed the FCC general public exposure limit..." Potential danger? YES! Does anyone on the Approval Committee care to hypothesize what will happen with prolonged exposure?

4. During migration, when the birds are flocking in their tightly

choreographed "V's," upon approach to the towers, they become so disoriented that some birds fly to the left, some to the right and some even turn completely around. If the frequencies are doing this to the birds, what is it doing to us?

5. Rain coupled with freezing temperatures cause ice to form on the towers. When the wind picks up, scabbards of ice are flung to the ground, endangering property and lives. While this is only a seasonal hazard, more towers would surely make this an issue of great concern.

Let it also be known we are OUTRAGED at the recent expansion/installation of the tower located on Skyline near Greenleaf. An invasion into this neighborhood should have been announced to property owners well BEYOND the required 100 feet of the affected parcel. The towers alone appear taller than 100 feet! This aspect of the notification process needs to change. Furthermore, it is distinctly noticeable that the new building sited on the property is NOT consistent with the character of the other buildings in this neighborhood, it is characteristic of a storage facility housing communications equipment. The chain link fencing does not appear to have been painted or coated with a non-reflective color. The facility, base of the tower and accessory equipment is NOT satisfactorily screened, it is a grotesque blemish on this neighborhood. Existing trees and screening vegetation were certainly NOT protected from damage during construction. If this is consistent with what we are expected to endure with future "upgrades" and installations, our neighborhood is poised to react.

While placing devices on existing structures seems like a fair decision, the increased frequency waves pose a danger to all who live and recreate here while the visual impact of devices haphazardly placed on the structures and subsequent need to install more guy wires will further deteriorate the beauty of the West Hills. It's a shame that this unique neighborhood surrounded by so much wildlife and natural beauty is forced to endure the negative impacts of these towers because a panel of well-intentioned people are making far-reaching and irreversible decisions because of the break-neck speed of progress and the desire of private businesses to make a profit. What is most disconcerting, as I understand the ordinance, is that communications facilities will be sited to locations "consistent with the character of the area." Does that mean there will be an influx of towers in our neighborhood? Our ridgeline (and sunsets) will be further degraded, the visual character of this coveted neighborhood will suffer and our recently mandated environmental zone will be harmed.

Surely, there are other areas, with hills, that are more accommodating to these towers than the already over-burdened West Hills. Also, on a recent trip to Los Angeles, it was noticed that they are approaching the installation of communication devices in a very clever and unobtrusive way. The towers are disguised as trees. While there are more of these "trees" to compensate for the lack of height, it is much more inviting to come into a neighborhood with a grove of "trees" than to approach a disruptive group of soaring giants with flashing red lights bearing daggers of ice. This "tree" approach would be met with greater approval from citizens while the beauty of Portland is preserved.

Sincerely,
Christine Nagle
447 NW Skyline Blvd

PS: The downloadable map showing the location of proposed WCFs seems to be corrupt and is not downloadable.

JAMES P. MURPHY

13253 N.W. McNAMEE ROAD
PORTLAND, OREGON 97231PHONE - 503/222-1274
FAX - 503/222-5719HOME PHONE - 503/735-1887
Email - jmurphy@net.comCOMMENTS TO COUNTY BOARD OF COMMISSIONERS

I WOULD LIKE TO THANK THE BOARD OF COMMISSIONERS FOR THIS OPPORTUNITY TO COMMENT ON THE PROPOSED ORDINANCE.

LET ME SAY AT THE OUTSET THAT I AM NOT SOME ANTI-TECHNOLOGY ACTIVIST, BUT RATHER, JUST A CITIZEN WHO IS VERY CONCERNED ABOUT THE PLACEMENT OF CELL TOWERS IN MULTNOMAH COUNTY. I WANT TO MAKE SURE THAT IT IS DONE IN A VERY CAREFUL, THOUGHTFUL, DELIBERATE AND RESPONSIBLE MANNER.

HAVING READ AND RE-READ THE PROPOSED ORDINANCE, I CAN CLEARLY STATE THAT IT HAS RENEWED MY FAITH AND CONFIDENCE IN MY LOCAL GOVERNMENT, THAT IT IS A HARD WORKING AND DILIGENT GOVERNMENT, ABLE TO GET THINGS RIGHT IN SPITE OF A VERY INTRUSIVE AND QUITE OFTEN WRONG FEDERAL GOVERNMENT.

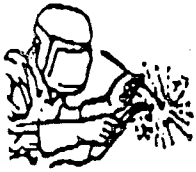
ON PAGE ONE, UNDER FINDINGS, ITEM D - THE PREMISE AND PREEMPTION CLAUSE - SHOULD BE PLACED IN A PLAQUE AND HUNG IN EVERY LAND USE PLANNERS OFFICE - SO THAT THEY MAY BE REMINDED OF JUST WHO THEY ARE DEALING WITH ON THIS ISSUE - A FEDERAL GOVERNMENT AND TELECOMMUNICATIONS INDUSTRY THAT COULD CARE LESS ABOUT THE ENVIRONMENT IN GENERAL AND THE RURAL CHARACTER OF MULTNOMAH COUNTY IN PARTICULAR.

THE FEDERAL GOVERNMENT HAS NO CREDIBILITY WHAT SO EVER WHEN IT COMES TO THE HEALTH CONCERNS OF ITS CITIZENS - LOOK AT THE GROSS INCONSISTENCIES OF THIS FEDERAL GOVERNMENT. THE SAME GOVERNMENT THAT HAS GONE TO GREAT LENGTHS TO MAKE EACH OF US AWARE OF HOW MANY CALORIES THERE ARE IN A CANDY BAR NOW TELLS US THAT WE CANNOT ARGUE THE POSSIBLE SAFETY CONSEQUENCES OF AN RFR DEVICE WHEN ALL PARTIES AGREE THAT THE JURY IS STILL OUT ON THIS MATTER.

THE FEDERAL GOVERNMENT IS ONCE AGAIN ENGAGING IN THE DUBIOUS PRACTICE OF BOTH SUBSIDIZING AND REGULATING A PRIVATE INDUSTRY - THE TELECOMMUNICATIONS INDUSTRY. BECAUSE OF THIS PRACTICE (THIS OBVIOUS CONFLICT OF INTEREST), ONE SHOULD BE VERY SUSPICIOUS OF THEIR MOTIVES. THE USE OF AN INDEPENDENT RF ENGINEER AND ALTERNATIVE SITE ANALYSIS BECOME EXTREMELY IMPORTANT.

WHEN THE CARRIER PROPOSES TO PLACE A TOWER AS TALL AS A 12 STORY STRUCTURE IN THE MIDDLE OF A PRISTINE VALLEY WITH A VEGETATIVE CANOPY THAT IS ONLY 60 TO 70 FEET IN HEIGHT, THEN THERE IS NO WAY TO MITIGATE THE IMPACT OF SUCH A STRUCTURE SINCE IT COULD NEVER BE VISUALLY SUBORDINATE AND WOULD NEVER BE CONSISTENT WITH THE RURAL CHARACTER OF MULTNOMAH COUNTY. THE ANSWER CLEARLY LIES IN THE ALTERNATE ANALYSIS OF OTHER SITES AVAILABLE IN THE SEARCH RING THAT THE CARRIER USES TO SECURE A SITE.

THIS ORDINANCE WILL REQUIRE THE CARRIER TO LOOK MORE CLOSELY AT THOSE SITES THAT HAVE NATURAL VEGETATIVE SCREENING. FURTHERMORE, THIS ORDINANCE PUTS THE TELECOMMUNICATIONS INDUSTRY ON NOTICE, THAT REGARDLESS OF THEIR PERCEIVED MANDATE FROM THE FEDERAL GOVERNMENT TO GET THESE TOWERS UP AND RUNNING IN MULTNOMAH COUNTY THEY WILL DO IT IN A CAREFUL, THOUGHTFUL, AND RESPONSIBLE MANNER. THIS IS AN ORDINANCE THAT SHOULD BE ADOPTED IMMEDIATELY SINCE THE CARRIER INVOLVED IN THE VERY NEXT PROPOSAL TO BE CONSIDERED BY LAND USE PLANNING IS, IN MY OPINION, ALREADY ON RECORD AS HAVING ENGAGED IN OUTRIGHT DECEPTION FOR THE SOLE, STATED AND AVOWED PURPOSE OF AVOIDING THIS ORDINANCE.



Isley Welding Service, Inc.

2300 N.W. Nicolai

Portland, OR 97210

(503) 222-1274

• FAX (503) 222-5719

Date 2/14/01

FAX TRANSMITTAL SHEET

To:

Fax Number: 503/988-3389Attn: Susan Muir

Company: _____

Phone Number: 503/988-3043

From:

Fax Number: 222-5719Sender: Patt Bunch for Jim MurphyCompany: Isley Welding Services, Inc.Phone Number: 222-1274Total Number of Pages: 4

(including this cover letter, if you do not receive all please notify)

Remarks:

Susan,
Here is the speech that Jim was going to give at tomorrow's meeting. Thank you for your help in this matter. I will pass on your Condolences to Mr. Murphy. Once again, thank you for your assistance.

Patt Bunch



Oregon

John A. Kitzhaber, M.D., Governor

RECEIVED

FEB 13 PM 2:05

MULTNOMAH COUNTY
PLANNING SECTION

Parks and Recreation Department

State Historic Preservation Office

1115 Commercial St. NE

Salem, OR 97301-1012

(503) 378-4168

FAX (503) 378-6447

February 9, 2001

File Code: Multnomah

Board of County Commissioners
Multnomah County
Land Use Planning Division
1600 S.E. 190th Ave., Suite 116
Portland, OR 97233

RE: Written Testimony for February 15th Public Meeting
Wireless Communication Facilities Ordinance Revision
Multnomah County

Dear Board of County Commissioners:

Thank you for the opportunity to comment on the revised cell tower ordinance for Multnomah County. Some of the most valuable cultural resources in the state are found almost exclusively in its unincorporated areas. Wireless facilities represent an extreme contrast to the character-defining features of rural localities. Therefore, they pose a significant threat to historic resources unique to the non-urban environment, such as rural historic landscapes, farmsteads, and settlement-era homesteads.

All wireless facilities are constructed pursuant to a federal license and are therefore subject to review by the State Historic Preservation Office (SHPO) under Section 106 of the National Historic Preservation Act for their effect on properties listed in or eligible for listing in the National Register of Historic Places. While federal agencies are encouraged to submit project information for Section 106 review early in the planning process, wireless industry proponents typically submit late in the process, after the local planning board has approved a tower's construction at a particular site. By the time project proponents submit for Section 106 review, they have invested so much money and time in one particular site that they often choose to pursue construction in spite of adverse effects to historic properties. Many adverse effects could be avoided if effects to historic properties were identified earlier in the permitting process, when there is still time, within the compressed construction timeframes characteristic of the wireless industry, to consider viable alternative sites. Local jurisdictions need to take more responsibility for the public interest in historic and archaeological resources by including language in their wireless facilities ordinances that calls for the avoidance of adverse effects to historic properties, rural historic landscapes, and archaeological sites.

Our comments on specific pieces of the revised ordinance follow:

Page 5: h. Section 11.15.7015 (B) should include language regarding historic properties, such as "will not adversely affect natural, historic, or archaeological resources;"

Page 8: under 11.15.7075 Wireless Communications Facilities. Somewhere between (A) and (H) should be language specific to historic and archaeological resources; perhaps add it to (D);



Page 10: It is our understanding that "co-location" is an incorrect spelling. It should read throughout the document as "collocation," according to Webster's Dictionary.

Page 14: under 11.15.7080 General Requirements. (A) Is Multnomah County going to track or enforce this? To whom will the project proponent be accountable?

Page 18: under 11.15.7082 Application Submittal Requirements. (B)(2) Sites listed and eligible for listing in the National Register of Historic Places should be included as points in the visual study radius.

Page 22: under 11.15.7083 Approval Criteria for lands not zoned Exclusive Farm Use. (A)(4) Environmental Resource protection. Specific language addressing historic resources should be included here, such as "All wireless facilities shall be sited so as to minimize the effect on environmental, historic, and archaeological resources."

Page 23: under 11.15.7083 Approval Criteria for lands not zoned Exclusive Farm Use. (B)(2) Siting Requirements. There should be some specific mention here of buildings, structures or sites listed in or eligible for listing in the National Register of Historic Places. We deal with the collocation of antennas on historic buildings, water towers, and other structures on a daily basis. There should be some screening at the local level as well.

The SHPO is happy to provide language, citations, and any other clarification necessary to assist the Multnomah County planning staff in the crafting of this important document. Please contact preservation specialist Christine Curran at extension 229. Thank you for your consideration of these comments.

Sincerely,



James M. Hamrick, Deputy
State Historic Preservation Officer

CC: Michael Carrier, SHPO
Charlene Dwin-Vaughn, ACHP

PEOPLES Kim E

From: PJoMeyer@aol.com
Sent: Tuesday, February 13, 2001 5:46 PM
To: kim.e.peoples@co.multnomah.or.us
Subject: Cell Tower Regulation

Kim,

I would like to provide some input on the cell tower regulation discussion for unincorporated Multnomah County that will be occurring on Feb. 15.

I live at 435 NW Skyline Blvd. and do not support the addition of cell towers to our already abundant collection of radio and television transmitters. I have heard that there are still questions to be answered about the health risks of these towers and this is a fairly populated area.

I have an older home and due to some quirk in the wiring, already have trouble with radio signals. I can listen to the radio over my phone line and even through an amplifier when the radio is not turned on. We are already negatively affected by our current "signal" neighbors and do not wish to worsen this situation. If a cell tower is installed, I am confident I would have the dubious honor of listening to other people's conversations.

I am also against having the "permissible use" of my property changed or of having the property value diminished. I understand that there is currently a new law protecting homeowners from this occurrence and that its validity is being challenged in the courts. I never expected it to affect my family, but now I will be watching it more closely.

Thank you for your consideration of this input.

Peggy J. Meyer

PEOPLES Kim E

From: Bokoripa@aol.com
Sent: Tuesday, February 13, 2001 8:57 PM
To: kim.e.peoples@co.multnomah.or.us
Subject: Cell Tower Regulation

I understand that there is a meeting on 2/15/01 re: proposals to locate cell tower relays; sadly, I will be out of town and unable to attend. Thus, I thought I'd take a moment to pass along some thoughts...

I have concerns at several levels regarding installation and siting of these towers. Regarding the potential (yet undetermined) health risks, I am aware that there is a growing, reasonably sound scientific literature that suggests possible health risks including higher base rates of disease associated with proximity to these towers. The literature is inconclusive at this point, although the concerns raised should give us all serious pause before installing these structures. Let's not forget the "scientific studies" funded by the tobacco industries that for years buttressed this industry's claims that cigarettes did not contribute to or cause cancer. Or the ignorance of the potential hazards of disposing of toxic waste into the Willamette River, producing severe genetic abnormalities in the marine life, not to mention the rather ignominious distinction of being designated as a "Superfund Cleanup Site". At this point, I wonder whether we've learned any lessons about the risk of engaging a project when we're still a long way from scientific certainty regarding the safety of such endeavours.

Of significant concern as well is the environmental impact of these towers. While I can't speak to the potential impact on the flora and fauna, I can attest to the visual impact these structures have on our communities. This is especially evident along roads designated or otherwise appreciated as "Scenic Byways". Certainly, maintaining the "liveability" of our state and the unrivalled beauty of our major population center(s) must be taken into account when considering the long term plans to increase our census (read that: economy and tax base) and manage the growth of population in a way that continues to keeping our state environmentally appealing. This is most noticeable in my own neighborhood on NW Skyline, where we already have multiple communication towers that stand out above the treetops along the (as yet) still spectacular Skyline Boulevard drive. How much longer will this area remain spectacular, such that it can generate strong community support to preserve it's beauty? People can want to live here; when that's the case, they're more likely to contribute to maintaining those environmental delights that helped draw them here.

I think the over-arching principle here must be to consider the impact on the quality of life of the individuals living in the areas where these towers are sited; physical, environmental, and lifestyle factors must take precedence, at times, over further encroachment by the industrial/technological "necessities" that the information age brings upon us. And consider this: if siting towers is made more restrictive, doesn't this provide some incentive to developing less invasive and potentially less hazardous technologies? Why not work towards this end instead??

Thank you for your kind consideration of these thoughts; I trust these will be represented in Land Use Planning Division meetings and deliberations.

Sincerely,

Richard Kolbell
1021 NW Skyline Blvd.
Portland, Or. 97229

PEOPLES Kim E

From: Bokoripa@aol.com
Sent: Tuesday, February 13, 2001 9:19 PM
To: kim.e.peoples@co.multnomah.or.us
Subject: RE: Cell Tower Regulation



Cell Tower Regulation

PLEASE! NO MORE TOWERS! THE IMPACT ON OUR COLLECTIVE EVIRON-MENTAL HEALTH IS CRUSHING. DO WE REALLY NEED MORE WAYS TO MAKE OUR LIVES "CONVENIENT", SO WE CAN SPEND MORE TIME PROCESSING ELECTRONIC INFORMATION AND LESS TIME MARVELLING AT THE NATURAL BEAUTY OF THE WILLAMETTE VALLEY?? DO WE REALLY NEED AHOTHER BLIGHT ON OUR CITY??

PLEASE STOP THIS NOW!

PEOPLES Kim E

From: Pkolbell@aol.com
Sent: Tuesday, February 13, 2001 9:31 PM
To: kim.e.peoples@co.multnomah.or.us
Subject: RE: CELL TOWERS

NO MORE TOWERS! THE IMPACT ON OUR COLLECTIVE ENVIRON-MENTAL HEALTH IS CRUSHING. DO WE REALLY NEED ANOTHER DEVICE THAT WILL ALLOW US MORE "CONVENIENCE", SO WE CAN PROCESS MORE ELECTRONIC INFORMATION, AND DISTRACT US FURTHER FROM APPRECIATING AND VALUING THE NATURAL BEAUTY OF THE WILLAMETTE VALLEY, OUR HOME? DO WE REALLY NEED ANOTHER BLIGHT ON OUR LANDSCAPE? DO WE REALLY WANT TO CONTINUE TO FOUL OUR NEST? THIS IS WHERE WE FEED OUR YOUNG!!

PLEASE STOP THIS NOW!

PEOPLES Kim E

From: Marian Lovie [ml@meyerwyse.com]
Sent: Monday, February 12, 2001 3:44 PM
To: kim.e.peoples@co.multnomah.or.us
Subject: Proposed Cell Tower Regulation

{ SEQ CHAPTER \h \r 1 } Via e-mail: <{ HYPERLINK
"mailto:<kim.e.peoples@co.multnomah.or.us>" }
kim.e.peoples@co.multnomah.or.us>

& first class mail

Kim Peoples

Multnomah County DSCD

Land Use Planning Division

1600 SE 190th Ave., Suite 116

Portland, OR 97223

Dear Ms. Peoples:

I am advised that Multnomah County is holding a meeting on the proposed Cell Tower Regulation for the unincorporated areas of Multnomah County. I very much oppose any expansion of the TV and radio towers near the intersection of Skyline and Barnes Road and between Miller Road and Skyline Blvd. I have lived on NW Brynwood Lane since 1966. This antenna site has been expanded beyond reason and has had significant adverse effects on the neighborhood as follows:

Visual pollution: These are exceedingly unattractive structures and can be seen from many angles. I am only some 200-300 yards away.

The towers cause an annoyance and nuisance to the neighborhood, for example, I have a remote control for my car which does not work in my driveway because of interference from the towers.

My television reception is adversely affected and I believe it is caused by the towers.

I know there is no definitive proof that the signals from these towers create health hazards, but I have had two parotid tumors, the first benign one in 1991 and a malignant one in 1997. Both were surgically removed, and in 1997 I was required to have neutron therapy to be sure that the cancer had not spread in 1997. This was a devastating treatment and changed my life in a number of ways. I am seriously concerned that until there is definitive proof that there is no adverse health effects, no further towers should ever be considered.

{DATE \@ "MMMM d, yyyy"}

For all the above reasons, I ask that there be no expansion of this site.

Please provide this information to the appropriate authorities.

{DATE \@ "MMMM d, yyyy"}

Very truly yours,

Roger L. Meyer{FILENAME}

PEOPLES Kim E

From: Jerry Pool [jpool@prodigy.net]
Sent: Monday, February 12, 2001 3:56 PM
To: kim e. peoples
Subject: cell tower regulation

Dear Ms. Peoples

My husband and I live on N.W. Skyline Crest Road. In the name of fairness, we respectfully request that no more towers be built in our neighborhood.

Thank you for your help in this matter.

Sincerely,

Carole A. Pool
494 N.W. Skyline Crest Road
Portland, OR 97229

RECEIVED

01 FEB 13 PM 2:06

ROGER L. MEYER
SCOTT C. WYSE
ROBERT D. GREAVES
JOSHUA KADISH
BRUCE H. ORR*
HELEN RIVES PRUITT*
JAMES E. BARTELS
STEVEN J. KUHN*
MATTHEW W. WHITMAN

MULTNOMAH COUNTY
PLANNING SECTION

MEYER & WYSE LLP

ATTORNEYS AT LAW

AMERICAN BANK BUILDING SUITE 1300

621 SW MORRISON STREET

PORTLAND, OREGON 97205-3816

TELEPHONE: (503) 228-8448

FACSIMILE: (503) 273-9135

E MAIL: law@meyerwyse.com

LEGAL ASSISTANTS

SANDRA L. ENTLER

DENNIS R. WINSLOW

*MEMBER OF OREGON & WASHINGTON BARS

February 12, 2001

**Via e-mail: <kim.e.peoples@co.multnomah.or.us>
& first class mail**

Kim Peoples
Multnomah County DSCD
Land Use Planning Division
1600 SE 190th Ave., Suite 116
Portland, OR 97223

Dear Ms. Peoples:

I am advised that Multnomah County is holding a meeting on the proposed Cell Tower Regulation for the unincorporated areas of Multnomah County. I very much oppose any expansion of the TV and radio towers near the intersection of Skyline and Barnes Road and between Miller Road and Skyline Blvd. I have lived on NW Brynwood Lane since 1966. This antenna site has been expanded beyond reason and has had significant adverse effects on the neighborhood as follows:

1. Visual pollution: These are exceedingly unattractive structures and can be seen from many angles. I am only some 200-300 yards away.
2. The towers cause an annoyance and nuisance to the neighborhood, for example, I have a remote control for my car which does not work in my driveway because of interference from the towers.
3. My television reception is adversely affected and I believe it is caused by the towers.
4. I know there is no definitive proof that the signals from these towers create health hazards, but I have had two parotid tumors, the first benign one in 1991 and a malignant one in 1997. Both were surgically removed, and in 1997 I was required to have neutron therapy to be sure that the cancer had not spread in 1997. This was a devastating treatment and changed my life in a number of ways. I am seriously concerned that until there is definitive proof that there is no adverse health effects, no further towers should ever be considered.

Kim Peoples
Multnomah County DSCD
Page Two
February 12, 2001

For all the above reasons, I ask that there be no expansion of this site.

Please provide this information to the appropriate authorities.

Very truly yours,

Roger L. Meyer

A large, stylized handwritten signature in black ink, consisting of several loops and a long trailing line, is written over the typed name "Roger L. Meyer".

RLM/ml

PEOPLES Kim E

From: martha kramer [nwmarthakramer@yahoo.com]
Sent: Saturday, February 10, 2001 4:45 PM
To: kim.e.peoples@co.multnomah.or.us
Subject: Proposed Cell Tower Regulation

Dear Mr. Peoples: I live on Brynwood Lane near the existing radio and TV towers. I would like to express my concern about the possible location of any additional towers in our neighborhood.

We have already been burdened with large towers which are horrible eyesores. I was very dismayed when the existing towers were enlarged in the last year or so. There may have been a public meeting regarding the enlargement but I was not aware of one.

I am unsure what if any health concerns exist with regard to cell towers but I do know that there are different opinions as to safety.. Health concerns aside, we already are doing our share by hosting the towers that are already here.

Could you kindly have my comments included in the written testimony portion of the public hearing?
Thank you.

Martha Kramer
310 NW Bynwood Lane
Portland, OR 97229
503-292-5703

Do You Yahoo!?
Get personalized email addresses from Yahoo! Mail - only \$35 a year! <http://personal.mail.yahoo.com/>

PEOPLES Kim E

From: RDorbarn@aol.com
Sent: Saturday, February 10, 2001 3:05 PM
To: kim.e.peoples@co.multnomah.or.us
Cc: greg@metta.org
Subject: Cell Tower Regulation

Attention Kim Peoples:

As a resident of an unincorporated area of Multnomah county, I am writing to register with your office my intention to fight by any non-violent means necessary the establishment of more dehumanizing, visually repugnant, and possibly unhealthy cell or transmission towers in our neighborhood. I am a resident of Brynwood Lane, which is a narrow road that links Skyline Drive with Miller road. We already have to endure an entire row of these monstrosities along Skyline, the nearest of which I can see over my shoulder as I write. Oh, did I mention that there is an earthquake fault that runs through these hills which are primarily composed of clay which is subject to liquifaction during a quake? What part of "all fall down" don't the people who propose these things understand?

It is my hope that you and others of good conscience working in similar capacities will resist corporate-political pleas of necessity and look for alternative solutions to devouring more of our landscape.

With feelings of a ph well into the acid range, Sincerely, Roger Dorband

405 NW Brynwood Lane

^{AKC}
2/15/01

COPY TO MULT. COUNTY 1

COMMISSIONERS AT 1ST

READING OF

FINAL ORDINANCE

DRAFT - 2/15/01

AKC

September 11, 2000

To: Multnomah County Planning Commission Members

Kim Peoples

Susan Muir

RE: Draft #2 of Wireless Communication Facilities Ordinance

From: Adrienne Keith

Dear Commissioners:

I have reviewed the second draft of the Wireless Communication Facilities Ordinance and would like to make some comments. First, I would like to commend the County, as well as Susan Muir and Kim Peoples, who have worked so hard to create a fair and reasonable ordinance. It is clear that they have done their best to balance the desires of the wireless communication industry with the needs of preserving the integrity of rural Multnomah County.

As you work on the final draft of this ordinance, I think it is important to keep in mind its stated purpose, "...to provide standards for the appropriate location, regulation, and development of wireless communications services." To that end, "The Planning Commission has determined that the location of wireless communications facilities in the County can and should be accomplished to the fullest extent possible in a manner that minimizes visual impacts, and thereby maintains the rural and natural character of the landscape..."

The ordinance goes on to describe various methods for achieving that goal from co-location to concealment technology. I think that as you edit the final draft you must keep in mind that the purpose of the ordinance is not simply to encourage co-location, or to meet the development needs of the wireless communication industry. The purpose of the ordinance is to provide standards for appropriate location of these services that minimize visual impact and help preserve the rural character of the landscape.

In regard to Sauvie Island specifically, I would like to request that you conduct a review of the scenic corridors of Sauvie Island to see if the Island

qualifies for scenic designation under local, state or federal law. Please see my comments on this subject under item number 2 of this letter.

It is clear from reading the revised ordinance that there were several objections to it from the wireless communication industry. I have reviewed both the first and second drafts carefully, and have the following comments regarding the changes that have been made. I would prefer to hand these comments in to you this evening and have you review them at your leisure. However, I would like to be assured that you will indeed consider them before the final draft of the ordinance is written. Otherwise, I would like to read them into the record tonight. Which would you prefer?

Comments:

- 1) **Page 5** “ h. Section 11.15.7015 is amended to read: ...shall find that the proposal meets the following approval criteria, except for...wireless communication facilities which shall meet the approval criteria of MCC.7075 through .7088...”

The above language seems to imply that WCF's are not required to meet the approval criteria of 11.15.7015 which includes the items A-H on page 5, most specifically:

- (A) Is consistent with the character of the area
- (G) Will satisfy the applicable policies of the Comprehensive Plan

It is essential that WCF's be required to satisfy the policies of the Comprehensive Plan. In fact, the Sauvie Island/Multnomah Channel Rural Area Management Plan is what directed the County to begin this process in the first place.

The County should make it clear that WCF's need to meet the criteria of 11.15.7015 as well as MCC. 7075 - .7088.

- 2) **Page 8** “(B) Insure against the degradation of the County's scenic corridors and ridgelines and rural communities – designated under local, state or federal law;”

At the July 11, 2000 meeting held on this issue with the Planning Commission, Kim Peoples of Multnomah County Land Use Planning,

explained a process that other Counties had used to help decide appropriate and inappropriate sites for WCF's. A survey was done of scenic views in the jurisdiction, and then "preferred" and "prohibited" WCF sites were mapped and listed. I would recommend that the County undertake such a project. Short of that, I request that the County survey Sauvie Island for designation as a scenic corridor. If there is no real process under local or state law to allow such a designation, I request that the term, "...designated under local, state or federal law," be removed from item B.

- 3) **Page 8** "(F) Create and preserve wireless communications facilities that will serve as an important and effective part of Multnomah County's emergency response network." It would be more appropriate to use the word "may" in the above sentence than the word "will." Wireless services are not an official part of the County's emergency response network.
- 4) **Page 9** "11.15.7077 Review Procedures Distinguished." I would like to see an opportunity for public comment during the Design Review phase of the review process regardless of what type of review it is. The public should have the opportunity to give suggestions and feedback regarding designs of WCF's in their communities without having to pay for an appeal. Notification of an application to build a WCF should go to neighbors of the site, and they should be informed that they are permitted to request a copy of the Design Review application for comment.
- 5) **Page 15** "(L) free standing lattice towers and speculations towers are not permitted in any zone." Why have guyed towers been allowed in Draft 2? What is the difference between lattice towers and guyed towers?
- 6) **Page 15** "Registration of Wireless Communications Carriers and Providers." An entire section of Draft 1 has been removed from Draft 2 at this location in the document. That section required in part that, "(B) The following information shall be required from all wireless communications carriers and providers: (3) A narrative and map description of applicant's wireless communications facility within the County, and within a five mile radius of the County's geographical borders. (4) A description of the wireless communications services that the applicant intends to provide from the proposed facility..."

Later in the document mention is made of mapping facilities within 1,000-feet of a proposed facility. That implies that WCF's could potentially be placed every 1,000 feet within rural areas of the County. It is also a much shorter distance than the original five mile radius required. The reduction in distance is dramatic. It seems reasonable to require at least a one to two-mile mapping radius.

A description of the service area the applicant intends to provide should also be left in the ordinance. It is only fair to provide communities with honest information regarding what area a WCF will serve.

- 7) **Page 15** "Application Submittal Requirements" Again, this section has been dramatically altered from the original draft. 1) The requirement to map the proposed area of coverage is removed. 2) The location map of all sites currently operated by the provider within a five-mile radius has been removed. 3) A maximum silhouette of the facility has been removed. 4) Detailed alternative site analysis has been removed. 5) The County's option to hire a technical expert to verify information submitted by an applicant has been removed. I would like to know what the justification is for removing these protections. I understand that the WCF industry is concerned about proprietary rights, however this information is designed to help the County confirm the need for a particular facility, (and a confidentiality clause was included to protect the industry). Without such safeguards, the County has to simply trust the applicant's word that they "need" a particular site.
- 8) **Page 22** Item (3) should read "A visual *impact* study..." not just "a visual study".
- 9) **Page 18** "(9) A statement documenting a binding commitment to lease or option to lease an antenna mount upon the proposed tower." This statement implies that "speculation towers" are in fact allowed, although the ordinance makes it clear elsewhere that "spec towers" are prohibited in any zone. I strongly believe that only FCC licensed Wireless Service Providers should be allowed to construct facilities. If they choose to have another company build or develop tower sites for them, they should be required to apply as co-applicants, with a licensed service provider always listed as the main applicant.

10) **Page 19** "(16) A map of the county showing approximate geographic limits of the "cell" to be created by the facility...all other facilities owned or operated by the applicant within the county, or extending within the county from a distant location, and any existing detached WCF of another provider within 1,000 feet of the proposed site." This section attempts to replace some of the safeguards removed from page 15. However, it is worded in a way that protects the industry, rather than the public. For example, the map is now designed to show the "geographic limits of the cell" rather than, "A description of the wireless communications services that the applicant intends to provide from the proposed facility." (Draft 1, p.10, item (B) 4). In addition, the new wording requires an applicant to map other facilities owned by their company, "extending within the county from a distant location," What is a "distant location?" Who determines what that distant location is? Finally, the applicant is now only required to describe any "...existing detached WCF of another provider within 1,000 feet of the proposed site." Instead of being required to describe their efforts at co-locating within a five-mile radius, the applicant only needs to map one other existing detached WCF within 1,000 feet of the proposed site.

11) **Page 20** The second draft has completely eliminated any kind of monitoring of Electromagnetic Field Emissions coming from wireless facilities. If I understand how the process works, I believe that the County's decision to eliminate all the monitoring of such emissions was based on the industry reminding the County that the 1996 Telecommunications Act prohibited any objections to wireless services based on concerns regarding the health effects of EMF's. I have been aware from the beginning of this issue, that though I had some concerns about health effects due to EMF's, especially on school children (as a tower was once proposed for a site within a few hundred feet of Sauvie Island School), the County would have to disregard my comments on that issue due to the Telecommunications Act's directives.

Although I am aware of the Act's restrictions regarding objections to WCF's based on health concerns from EMF's, it is unclear to me how the public is assured that the industry is actually abiding by FCC restrictions on EMF's that do exist. If it is not appropriate for the County to monitor those emissions, then who does monitor them? Does the FCC do annual monitoring of each site to make sure that the towers are not exceeding their allowed limits? Does anyone keep records of these things? There does exist

a legal limit to the amount of radiation that a wireless facility is allowed to emit. But who assures those living by such a facility that the operators are actually within their legal limit and that the ambient EMF's along with the additional EMF's from the WCF do not exceed FCC limits?

What concerns me most is that the industry has asked that the County not include EMF monitoring in their ordinance. If, as the industry claims, there should be no concerns regarding the health effects of EMF's, why has the industry fought so hard to make it impossible for communities to argue their concerns regarding EMF's? There continues to be a great deal of study and argument regarding the health effects of electromagnetic fields. Industry representatives have described the levels of EMF's from wireless communication facilities as, "Less than your microwave oven." However, any thinking person would be concerned if their microwave oven was running 24 hours a day, seven days a week, and they were forced to stand in front of it the whole time. That is essentially what is forced upon people living near (or sending their children to school near) a WCF.

If there really are no negative health effects from EMF's, and WCF's are within what is considered "safe" EMF limits, the industry should be unafraid to argue the point and to allow annual monitoring of their facilities. Consumers tend to distrust any industry that avoids monitoring. We are all too familiar with the attempts of companies to keep citizens from knowing the actual effects of their products: cigarettes, car tires, pesticides and asbestos are just a few examples.

Although I expect that the County will not add monitoring back into the ordinance, I am stating for the record that I have concerns regarding the health effects of EMF radiation from wireless communication facilities.

- 12) **Page 21** "(B) Siting Requirements" Under the section on co-location, item number 3 from the original draft has been removed. That item, as mentioned earlier in this letter, had to do with requiring applicants to prepare a detailed alternative site analysis. This should still be a requirement.
- 13) **Page 22** "(b) 1. Use of concealment technology" is not clearly described and no examples (such as silos, church steeples, etc.) are given. (b) 1. also includes language on vegetative screening, which is a different kind of screening from concealment technology and requires a

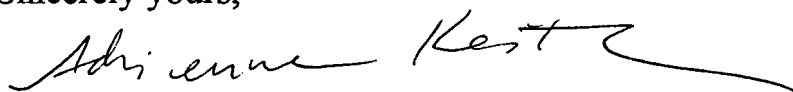
different kind of review process. Vegetative screening is addressed in item (c) 1. and should not be included under item (b) 1. Concealment technology should be clearly differentiated from vegetative or topographic screening, being that vegetative screening is the least desired type of facility as outlined by the County.

- 14) **Page 23** "D. The radio frequency coverage objective cannot be adequately met." Who sets the "coverage objective" standard? The industry may have a standard that is unreasonable and requires the County to compromise their scenic impact protections.
- 15) **Page 24** Under height restrictions, Draft 2 removes the section that limits antennas to "tubular or whip" type. Why has that been changed and what is the definition of these types of antennas?
- 16) **Page 25** "(4) Storage...(b) Wireless communication storage facilities shall be no taller than one story..." This section should also include language that limits the square footage of accessory buildings, as well as the number allowed per site. - concealment
tech.
would
help
- 17) **Page 26** "(10) Access driveways and parking." Item "(d)" has been removed from this section, requiring that access roads also be vegetatively screened to minimize their visual impact. Item "(d)" should be included in Draft 2 of the ordinance.
- 17) **Page 26** "(11) Landscape and Screening. " Landscaping is now only required "...to screen *the base* of the tower and all accessory equipment, where necessary." If the purpose is to protect visual impact by screening towers, then it is certainly not simply the base of the tower that we are concerned about! Vegetative and topographic screening should include as much of the tower as is possible, especially given the fact that vegetative screening of a tower is the least desirable of all the siting options.
- 18) **Page 28** "B." Under the section titled "Approval Criteria for land zoned Exclusive Farm Use" there should be very specific standards for WCF's. For example, WCF's in EFU zones should be required to use concealment technology that is clearly in keeping with the character of the area. In addition, limits should be set on the amount of WCF's allowed on EFU land per parcel (preferably only one per parcel), and

how far apart they must be (in order to protect EFU land from the visual blight of an overabundance of WCF's).

Please review my comments for this meeting, as well as those in my letter submitted for the August 7, 2000 meeting (copy attached), before completing the final draft of this ordinance. Thank you for your time and effort on behalf of the citizens of Multnomah County.

Sincerely yours,

A handwritten signature in cursive script, reading "Adrienne Keith". The signature is written in dark ink and is positioned above the printed name and address.

Adrienne Keith
Citizens United for Sauvie Island Planning
14139 NW Charlton Rd.
Portland, Oregon 97231

15 February 2001

Multnomah County Board of Commissioners
C/o Multnomah Planning Division
1600 SE 190th Avenue
Portland OR 97233

RE: WIRELESS COMMUNICATION FACILITIES ORDINANCE

Dear Commissioners:

I have reviewed the proposed ordinance on behalf of Qwest Wireless, L.L.C., an FCC licensed personal communication services (PCS) provider in Multnomah County. Qwest Wireless participated extensively in the initial drafting phase of the proposed ordinance. However, a number of the concerns raised by Qwest Wireless and other wireless communication providers have not been reconciled in the version of the ordinance before you today.

My specific comments are contained within the attached pages of the ordinance. To summarize, our major concerns are as follows:

1. The ordinance does not clearly indicate what kind of wireless facilities can be located within rights-of-way in Multnomah County. Qwest Wireless is a strong advocate locating antennas on utility poles within public rights-of-way as an alternative to constructing new freestanding towers.
2. Some of the standards and requirements in the ordinance tend to be punitive and discriminatory against wireless facilities, e.g., 100 percent setbacks, excessive noise standards, unnecessary engineering requirements, etc. Unnecessary, burdensome standards should not be applied to wireless if they are not applied equally to all similar uses.
3. The ordinance provisions are more restrictive than the standards set for utility facilities in exclusive farm use zones by ORS Chapter 215. The ordinance provisions also appear to be more restrictive than those in Oregon Administrative Rules for forest zones.

Thank you for this opportunity to comment. Please enter these comments into the hearing record.

Sincerely,



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and concealment technology; employing height limitation and setbacks; and avoiding major view corridors.

k. The first preference for location of wireless communication facilities should be placement upon existing wireless communications towers or other existing structures, where their use should be encouraged by requiring an expedited review and permit process than required for the development of new less-concealed tower sites.

l. The first preference for design of wireless communications facilities where co-location is unavailable and a new tower is unavoidable is for the design to be of a concealed design so that it blends into the surrounding landscape and thereby minimizing visual impact. Use of such technology should be encouraged by requiring an expedited review and permit process. Absent concealment technology, the wireless facility should be screened either topographically, vegetatively, or structurally.

Multnomah County Ordains as follows:

Section 1. MCC 11.15 is amended as follows:

a. MCC 11.15.2010(B) is amended as follows:

~~(B) Radio Towers 200 feet and under when found to satisfy the requirements of MCC .7035 through MCC .7040.~~

(1) Radio towers 200 feet and under when found to satisfy the requirements of MCC .7035 through MCC .7040.

(2) Wireless communications facilities 200 feet and under when found to satisfy the requirements of MCC 11.15.7075 through .7088.

b. MCC 11.15.2049(C), 11.WH.2089(C), 11.WH.2049(C), 11.ES.2089(C), 11.ES.2049(C), and 11.WR.2049(C) are added as follows:

(C) Wireless communications facilities when found to satisfy the requirements of MCC 11.15.7075 through .7088.

Treating
wireless
Different
than
statute
in EFC

Different
language
than OAR

EFC

EFC

structures to support them are permitted in any district as an accessory use and do not require a Community Service use designation if used for non-commercial purposes only. Any such tower shall comply with the regulations of the district in which it is located. Non-amateur sole source emitters shall also comply with the registration requirements of MCC .7035(F)(2).

(d) Receive-only facilities in conjunction with a permitted use are exempt from the provisions of this section, but shall comply with all other requirements of MCC. 7020(15), .7035, and .7040.

(16) Refuse dump or sanitary landfill.

(17) Resort, dude ranch, hunting or fishing lodge.

(18) Recycling collection center.

(19) Riding academy or the boarding of horses for profit.

(20) School, private, parochial or public; educational institution.

(21) Transit station.

(22) Waste collection, transfer, processing, or recovery facility.

(23) Museum.

(24) Ambulance Service Substation.

(25) Regional Sanitary Landfills

(26) Mining and processing of geothermal resources.

(27) Wireless communications facilities Accessory uses to the above.

(28) Accessory uses to the above.

*Redundant -
see (15)(a)*

(B) Approval of a Community Service Use shall be deemed to authorize associated public utilities, including energy and communication facilities.

j. MCC 11.15.7075 through .7088 is added as follows:

11.15.7075 Wireless Communications Facilities.

The purpose and intent of .7075 through .7088 is to provide a process and uniform comprehensive standards for the development and regulation of wireless communications facilities. The regulations contained herein are designed to protect and promote public health, safety, community welfare, and the aesthetic quality of unincorporated Multnomah County as set forth within the State-wide Oregon Planning

Goals and policies of the Comprehensive Plan; while at the same time not unduly restricting the development of needed wireless communications facilities and encouraging managed development of the evolving wireless communications network.

It is furthermore intended that, to all extent permitted by law, the County shall apply these regulations to specifically accomplish the following:

- (A) Protect the visual character of the County from the potential adverse effects of wireless communications facilities development;
- (B) Insure against the degradation of the County's scenic corridors and ridgelines and rural communities designated under local, state or federal law;
- (C) Retain local responsibility for and control over the use of public rights-of-way to protect citizens and enhance the quality of their lives by requiring a review of any proposed WCF in a public right-of-way;
- (D) Protect the environmental resources of Multnomah County;
- (E) Insure that a competitive and broad range of personal wireless communications services including but not limited to; cellular, personal communications service(PCS), specialized mobile radio(SMR), are provided to serve residential and business communities;
- (F) Create and preserve wireless communications facilities that may serve as an important and effective part of Multnomah County's emergency response network;
- (G) Simplify and shorten the process for obtaining necessary permits for wireless communications facilities while at the same time protecting legitimate interests of Multnomah County citizens; and

*what is
Allowed
in the
Row?*

to be located.

Maintenance - Emergency or routine repairs, reconstruction of previously approved facilities, or replacement of transmitters, antennas, or other components of previously approved facilities which do not create a significant change in visual impact or an increase in radio frequency emissions.

Modification – The changing of any portion of a wireless communication facility from its description in a previously approved permit.

Monopole – The type of mount that is self-supporting with a single shaft, typically of wood, steel or concrete.

Mount – The structure or surface upon which antennas are placed including but not limited to:

1. Roof-mounted. Mounted on the roof of a building.
2. Side-mounted. Mounted on the side of a structure including a tower.
3. Ground mounted. Mounted on the ground.

Planning Director Review (Type II)– Expedited review encouraging the *co-location* of wireless communication facilities onto existing in use tower facilities, existing structures, or the use of concealment technology. Such review is an Administrative decision by the Planning Director.

Radiofrequency engineer – An engineer specializing in electrical or microwave engineering, licensed in Oregon, with a degree in engineering, and experience to perform and certify radiofrequency radiation measurements.

Site – A portion of a subject property.

Siting – The method and form of placement of a use or development on a specific area of a subject property.

Speculation ("Spec") tower – A tower designed for the purpose of providing location

*I'm not
aware of
any in Oregon
that meet
this requirement*

structures including antennas;

- (D) Two-way communication transmitters used on a temporary basis by "911" emergency services. Including fire, police, and emergency aid or ambulance service;
- (E) Radio transceivers normally hand-held or installed in moving vehicles, such as automobiles, trucks, watercraft, or aircraft. This includes cellular phones;
- (F) Military and civilian radar, operating within the regulated frequency ranges, for the purpose of defense or aircraft safety;
- (G) Machines and equipment that are designed and marketed as consumer products, such as microwave ovens and remote control toys; and
- (H) Two-way broadband antenna(s) smaller than one (1) meter in any dimension operating at less than 7 watts effective radiated power (ERP) for use by a dwelling unit occupant for personal use or home occupation.

11.15.7080 General Requirements.

- (A) No WCF shall be constructed or operated within unincorporated Multnomah County until all necessary approvals and permits, whether local, state, or federal have been secured.
- (B) No more than one ground mount shall be allowed per subject property. *Definition?*
- (C) An application for a WCF shall include both the licensed carrier and the landowner of the subject property. *Discriminatory*
- (D) A permit shall be required for the construction and operation of all WCFs. Review and approval shall be under either a *Community Service Review, Planning Director Review, or a Building Permit Review.* *why should apps be limited in this way?*

- (E) Design Review shall be required of all WCF towers regardless of review

procedure and may at applicant's option be processed concurrently with the respective review process pursuant to MCC 11.15.7805 through 11.15.7820.

- (F) A new permit shall be required for all modifications, not constituting maintenance, to an approved permit for any WCF.
- (G) If co-location or concealment technology is not feasible, the applicant shall demonstrate that such locations or concealment technology designs are unworkable for the carrier's coverage plan.
- (H) All approvals for a WCF shall become null, void, and non-renewable if the facility is not constructed and placed into service within two years of the date of the *Community Service Review Decision*, *Planning Director Review Decision*, *Building Permit*, or superceding decision.
- (I) The applicant, co-applicant, or tenant shall notify the Planning Director of all changes in applicant and/or co-applicants or tenants of a previously permitted WCF permitted under this section within 90 days of change. Failure to provide appropriate notice shall constitute a violation of the original permit approval and be processed pursuant to 11.15.9052.
- (J) All WCFs must comply with all applicable Multnomah County codes and regulations, including, but not limited to the Uniform Building Code, Grading and Erosion Control, Flood Hazard, and Significant Environmental Concern.
- (K) No on-premises storage of material or equipment shall be allowed other than that used in the operation and maintenance of the WCF site.
- (L) Self-supporting lattice towers and *speculation towers* are not permitted in any zone.

What
constitutes
modification

Don't prohibit
Lattice
Towers!

11.15.7081 Registration of Wireless Communications Carriers and Providers.

- (A) Registration Required. All wireless communication carriers and providers that

offer or provide any wireless communications services for a fee directly to the public, within unincorporated Multnomah County, shall register each WCF with the County pursuant to this Section on forms to be provided by the Planning Director.

11.15.7082 Application Submittal Requirements.

For an application for a *Planning Director Review* or *Building Permit Review* to be deemed complete the following information is required:

(A) Co-location of antennas upon existing towers or structures.

- (1) An accurate and to-scale site plan showing the location of the tower, or structure upon which the proposed antenna is to be mounted including guy anchors (if any), antennas, equipment cabinets and other uses accessory to the communication tower or antenna. The site plan shall include a description of the proposed antenna including use of concealment technology if applicable;

- (2) A report/analysis from a licensed professional engineer documenting the following for each antenna:

- (a) Antenna height above ground, design, dimensions, wind load rating, gain and radiation pattern;

- (b) Failure characteristics of the antenna and documentation that the site and setbacks are of adequate size to contain debris; and

- (c) Ice hazards and mitigation measures that can be employed.

- (3) A statement documenting that placement of the antenna is designed to allow future co-location of additional antennas if technologically possible.

- (4) Plans showing the connection to utilities/right-of-way cuts required, ownership

Antennas
Don't have
"failure
characteristics"

Discriminatory -
is this
required for
other types
of structure
in the
County?

of utilities and access easements required.

- (5) Documents demonstrating that necessary easements have been obtained.
- (6) Documentation that the ancillary facilities will not produce sound levels in excess of those standards specified in 11.15.7083(A)(3).
- (7) If ancillary facilities will be located on the ground, a landscape plan drawn to scale showing the proposed and existing landscaping, including type, spacing, and size.
- (8) A map of the county showing the approximate geographic limits of the "cell" to be created by the facility. This map shall include the same information for all other facilities owned or operated by the applicant within the county, or extending within the county from a distant location, and any existing detached WCF of another provider within 1,000 feet of the proposed site.
- (9) Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIEER) emissions standards set forth by the Federal Communications Commission as outlined in *A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance*, or a subsequent FCC publication delineating required radiofrequency performance standards.
- (10) Documentation demonstrating that the FAA has reviewed and approved the proposal, and the Oregon Aeronautics Division has reviewed the proposal. Alternatively, submission of a statement documenting notice of the proposal has been submitted to the FAA and Oregon Aeronautics Division. The Community Service Use process may proceed and approval may be granted for the proposal as submitted, subject to FAA approval. If FAA approval requires any changes to the proposal as initially approved, then the initial approval shall be void. A new application will need to be submitted, reviewed and approved through an additional Planning Director Review process. No building permit application shall be submitted without documentation of FAA

Why is
this
needed?

These take
some time to
receive - make
a condition
of approval
rather than
A submitter
reference

review and approval and Oregon Aeronautics Division review.

(B) Construction of a New Tower. For an application for either a *Planning Director Review* or *Community Service Review* to be deemed complete the following information is required:

- (1) An accurate and to-scale site plan showing the location of the tower, guy anchors (if any), antennas, equipment cabinet and other uses accessory to the communication tower or antenna. The site plan shall include a description of the proposed tower including use of concealment technology if applicable;
- (2) A visual study containing, at a minimum, a graphic simulation showing the appearance of the proposed tower, antennas, and ancillary facilities from at least five points within a five mile radius. Such points shall include views from public places including but not limited to parks, rights-of-way, and waterways and chosen by the Planning Director at the pre-application conference to ensure that various potential views are represented.
- (3) The distance from the nearest WCF and nearest potential co-location site.
- (4) A report/analysis from a licensed professional engineer documenting the following:
 - (a) The reasons why the WCF must be located at the proposed site (service demands, topography, dropped coverage, etc.)
 - (b) The reason why the WCF must be constructed at the proposed height;
 - (c) Verification of good faith efforts made to locate or design the proposed WCF to qualify for an expedited review process. To this

why is a
licensed
PE needed
to prepare
this into

- (8) A landscape plan drawn to scale showing the proposed and existing landscaping, including type, spacing, and size.
- (9) Plans showing the connection to utilities/right-of-way cuts required, ownership of utilities and easements required.
- (10) Documents demonstrating that any necessary easements have been obtained.
- (11) Plans showing how vehicle access will be provided.
- (12) Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with building permit and land use processes.
- (13) Documentation that the ancillary facilities will not produce sound levels in excess of those standards specified in 11.15.7083(A)(3).
- (14) A map of the county showing the approximate geographic limits of the "cell" to be created by the facility. This map shall include the same information for all other facilities owned or operated by the applicant within the county, or extending within the county from a distant location, and any existing detached WCF of another provider within 1,000 feet of the proposed site.
- (15) Documentation demonstrating that the FAA has reviewed and approved the proposal, and the Oregon Aeronautics Division has reviewed the proposal. Alternatively, submission of a statement documenting notice of the proposal has been submitted to the FAA and Oregon Aeronautics Division. The Community Service Use process may proceed and approval may be granted for the proposal as submitted, subject to FAA approval. If FAA approval requires any changes to the proposal as initially approved, then the initial approval shall be void. A new application will need to be submitted, reviewed and approved through an additional Planning

should be limited to the proposed site and surrounding sites

Director Review process. No building permit application shall be submitted without documentation of FAA review and approval and Oregon Aeronautics Division review.

- (16) Full response to Section 11.15.7083 and 11.15.7084 approval criteria as applicable.

11.15.7083 Approval Criteria for lands not zoned Exclusive Farm Use.

To be approved all applications for *Planning Director Review, Community Service Review or Building Permit Review* of a wireless communications facility (WCF) shall demonstrate compliance with the following:

(A) General and Operating Requirements

- (1) The service provider of the WCF and his or her successors and assigns shall agree to:
 - (a) Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;
 - (b) Negotiate in good faith for shared use of the WCF by third parties; and
 - (c) Allow shared use of the WCF if an applicant agrees in writing to pay reasonable charges for co-location.
- (2) Radiofrequency Standards. The applicant shall comply with all applicable FCC RF emissions standards (FCC Guidelines).
- (3) Noise. Noise levels shall not exceed 5 dBA above ambient levels or 55 dBA Sound Pressure Level (SPL), whichever is greater, on adjacent properties. Operation of a back-up generator in the event of power failure or the testing of a back-up generator between 8 AM and 8 PM are exempt from this

Is this required of ALL uses?

impact to the community.

2. Existing sites for potential co-location, may include but are not limited to buildings, water towers, existing WCFs, utility poles and towers, and related facilities, provided that such installation preserves the character and integrity of those sites. In particular, applicants are urged to consider use of existing telephone and electric utility structures as sites for their WCF.

*Can these
be in the
ROW?*

3. No commercial WCF operating at an effective radiated power (ERP) of more than 7 watts shall be located on any residential structure, including accessory buildings.

(b) Use of concealment technology.

1. When demonstrated that it is not feasible to co-locate the antenna(s) on an existing structure or tower, the WCF shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: concealment technology, use of compatible building materials and colors.

(c) A vegetatively, topographically, or structurally screened monopole.

1. A WCF tower or monopole not employing concealment technology shall not be installed on a site unless it blends with the surrounding existing natural and man-made environment in such a manner so as to be visually subordinate. Existing trees or significant vegetation should be retained to the greatest possible degree in order to help conceal a facility or tower. Vegetation of a similar species and a size acceptable to the approval authority shall be planted immediately following the loss of any vegetation used to conceal a facility or tower. Vegetation used to demonstrate visual subordination shall be under the control of the applicant/co-applicant or tenant.

feet in height or for at least one additional facility if the tower is between 60 and 100 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

5. Towers/monopoles shall not be sited in locations where there is no vegetative, structural, or topographic screening available.

} too SUBJECTIVE

6. The County may require independent verification of the analysis at the applicant's expense.

} who?

- (2) Height. Notwithstanding the maximum structure height requirements of each zoning district, wireless communications facilities shall comply with the following requirements:

- (a) Ground mounted facilities. The maximum height of a tower shall be 120 feet, unless:

1. The tower and facility uses concealment technology; or
2. It is demonstrated by an engineer that a greater height is required to provide the necessary service.

- (b) Building or other structure mounted WCF shall not project more than ten additional feet above the highest point on the existing building or structure.

- (3) Setback/Yard.

- (a) No dwelling on the subject property shall be closer to a ground mounted facility than a distance equal to the total height of the WCF measured from finished grade or according to the yard requirements of the underlying zone, which ever is greater.

This is unnecessary
The property
will decide
how close he
wants the tower
to his house

- (b) All ground mounted towers shall be setback from any property line a minimum distance equal to the total height of the tower.
- (c) All equipment shelters shall be set back from property lines according to the required yard of the underlying zone.
- (d) A WCF setback and yard requirement to a property line may be reduced as much as fifty percent (50%) of the proposed tower height when it is found that the reduction will allow the integration of a WCF into an existing or proposed structure such as a light standard, power line support device, or similar structure or if the approval authority finds that visual subordination may be achieved.
- (e) A reduction of the setback/yard requirement below fifty percent (50%) under (d) of this section may be authorized subject to MCC 11.15.8505 through .8520.

This is excessive AND discriminatory. no other types of structures are required to do this.

the variance criteria would be impossible to meet.

(4) Storage.

- (a) Wireless communications storage facilities (i.e., vaults, equipment rooms, utilities, and equipment cabinets or enclosures) shall be constructed of non-reflective materials (exterior surfaces only). The placement of equipment in underground vaults is encouraged.
- (b) Wireless communications storage facilities shall be no taller than one story (fifteen feet) in height and shall be treated to look like a building or facility typically found in the area.

- (5) Color and materials. All buildings, poles, towers, antenna supports, antennas, and other components of each wireless communications site shall initially be colored with "flat" muted tones. The color selected shall be one that in the opinion of the approval authority minimizes visibility of the WCF to the greatest extent feasible.

(6) Fences.

(a) A *sight obscuring fence* shall be installed and maintained around the perimeter of the lease area of a ground mounted facility not employing concealment technology. The *sight-obscuring fence* shall surround the tower and the equipment shelter.

(b) A ground mounted facility located in a public right-of-way may be exempted from fencing requirements.

} what are
the standard
for locating
in the ROW?

(c) Chain link fences shall be painted or coated with a non-reflective color.

(7) Security. In the event a fence is required, WCFs shall insure that sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.

(8) Lighting.

(a) A new WCF shall only be illuminated as necessary to comply with FAA or other applicable state and federal requirements.

(b) No other exterior lighting shall be permitted on premises.

(9) Signs. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

(10) Access driveways and parking. All access drives and parking areas shall be no longer or wider than necessary and be improved to comply with the requirements of the local Rural Fire District.

(a) Existing driveways shall be used for access whenever possible.

(b) New parking areas shall whenever feasible, be shared with subsequent WCFs and/or other permitted uses.

(B) To demonstrate that a utility facility is necessary, an applicant for approval under ORS 215.283 (1)(d) must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

- (a) Technical and engineering feasibility;
- (b) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
- (c) Lack of available urban and non-resource lands;
- (d) Availability of existing rights of way; _____
- (e) Public health and safety; and
- (f) Other requirements of state or federal agencies.

What is Allowed?

(C) The following standards shall apply in addition to those of ORS 215.283

(1)(d) et. seq.

(1) Location pursuant to: 11.15.7083(B)(1).

*this not contained in
ORS 215.283*

(2) Height. The maximum height of any tower shall be 200 feet from finished grade.

(3) Setback pursuant to: 11.15.7083(B)(3).

*ORS 215.283 does not
require 100% setbacks*

(4) Storage pursuant to: 11.15.7083(B)(4).

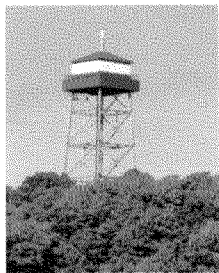
(5) Color and materials pursuant to: 11.15.7083(B)(5).

(6) Fences pursuant to: 11.15.7083(B)(6).

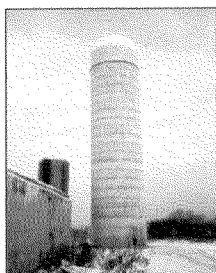
(7) Security pursuant to: 11.15.7083(B)(7).

(8) Lighting pursuant to: 11.15.7083(B)(8).

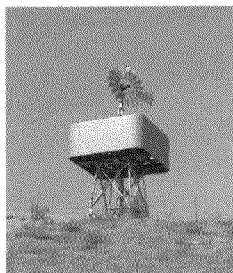
Concealment Technology



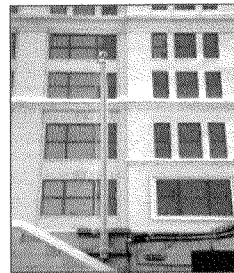
Eureka, MO
Stealth Network
Technologies, Inc.



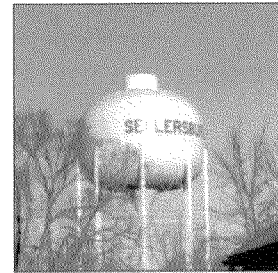
Honeoye Falls, NY
Stealth Network
Technologies, Inc.



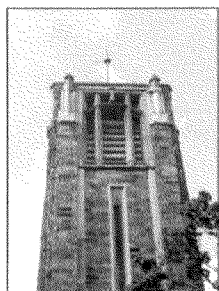
Moreno Valley, CA
Stealth Network
Technologies, Inc.



Pittsburgh, PA
Stealth Network
Technologies, Inc.



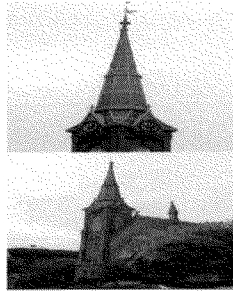
Sellersburg, IN
Stealth Network
Technologies, Inc.



Providence, RI
Stealth Network
Technologies, Inc.



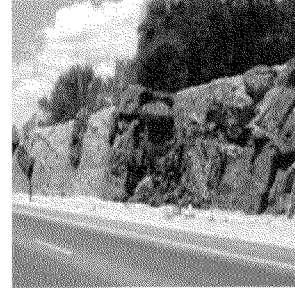
Vancouver, B.C.
Stealth Network
Technologies, Inc.



Natick, MA
Stealth Network
Technologies, Inc.



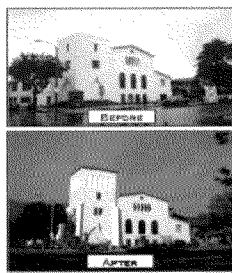
Scottsdale, AZ
Stealth Network
Technologies, Inc.



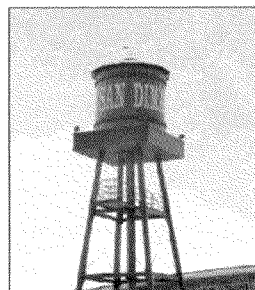
Rocks
The Larson Company



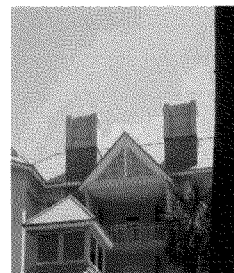
Raleigh, NC
Stealth Network
Technologies, Inc.



Monrovia, CA
Stealth Network
Technologies, Inc.



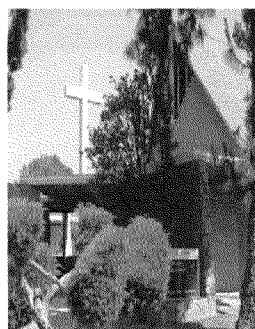
San Dimas, CA
Stealth Network
Technologies, Inc.



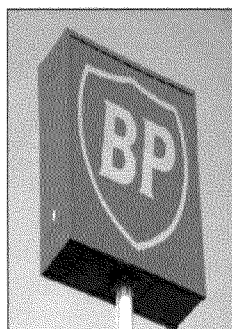
Hilton Head, SC
Stealth Network
Technologies, Inc.



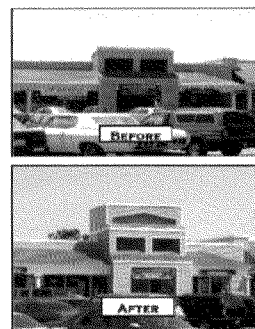
St. Louis, MO
Stealth Network
Technologies, Inc.



Stealth Network
Technologies, Inc.



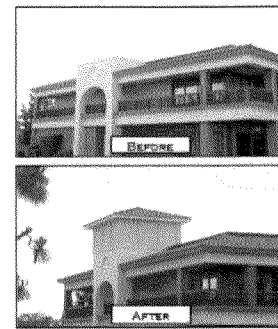
Atlanta, GA
Stealth Network
Technologies, Inc.



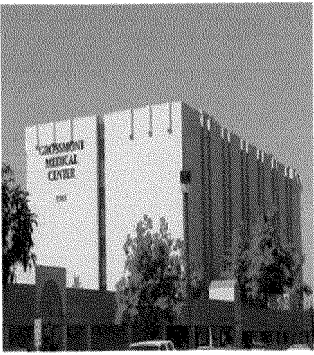
Del Mar, CA
Stealth Network
Technologies, Inc.



Santa Fe Springs, CA
Stealth Network
Technologies, Inc.



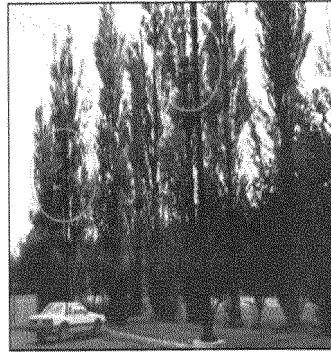
West Covina, CA
Stealth Network
Technologies, Inc.



La Mesa, CA
Stealth Network
Technologies, Inc.



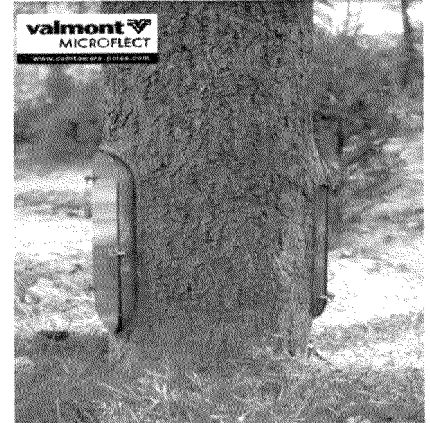
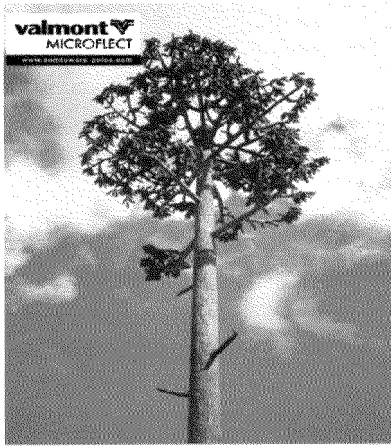
Traffic Light Pole
Medina, WA



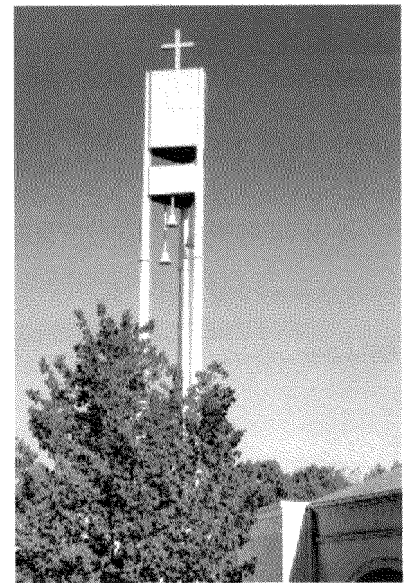
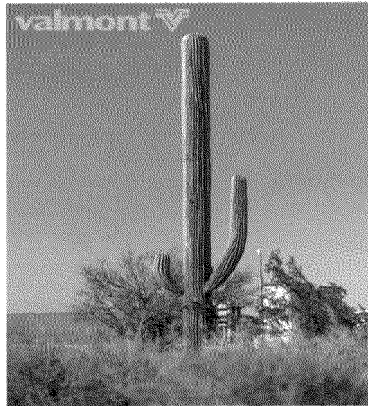
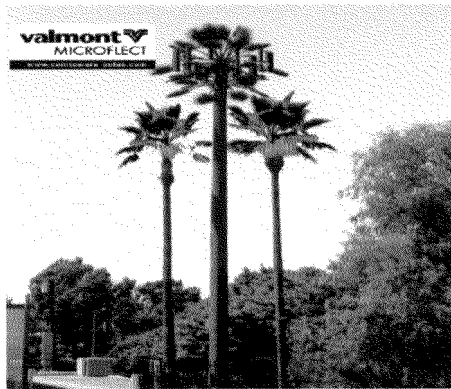
Parking Lot Light Pole
Medina, WA



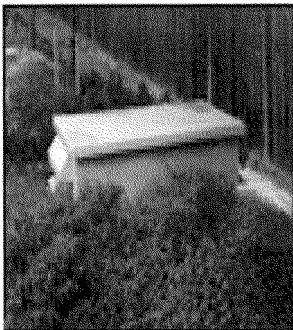
Telephone Pole
Clyde Hill, WA



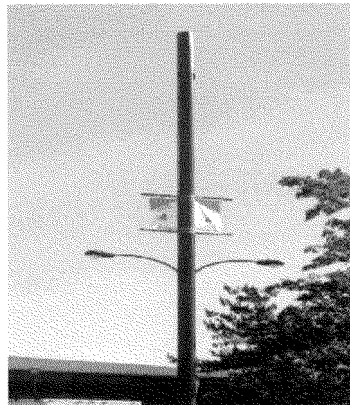
Equipment Storage Inside Tree



Charlotte, NC
Stealth Network
Technologies, Inc.



Underground Storage Vault
Clyde Hill, WA



Banner Flagpole
Stealth Network
Technologies, Inc.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 958

An Ordinance Amending Multnomah County Code Chapters 11.15, 33, 34, and 35 to Provide Standards for the Appropriate Location, Regulation, and Development of Wireless Communications Facilities and Declaring an Emergency.

(~~Struckthrough~~ language is deleted; double-underlined language is new.)

The Multnomah County Board of Commissioners Finds:

a. As time passes, conditions and trends change beyond those envisioned, such is the case with the current zoning code, adopted before the current and future level of wireless communications facilities were anticipated. Therefore, due to the rapid and unforeseen evolution of wireless communications systems necessary procedural and substantive safeguards were henceforth not adequately considered, and appropriate siting and development standards do not exist.

b. In consideration of the Sauvie Island Multnomah Channel Rural Area Plan adopted pursuant to the laws of the State of Oregon, realization of deficiencies within the existing regulations and development standards for wireless communications facilities prompted the Multnomah Board of County Commissioners to address concerns raised by citizens and reexamine the current ordinance regulating wireless communications facilities.

c. Section 704 of the Federal Telecommunications Act of 1996 preserved local zoning authority over decisions regarding the placement, construction, and modification of personal wireless service facilities, provided that regulation not discriminate among providers of functionally equivalent services nor prohibit, or have the effect of prohibiting, the provision of wireless communications facilities.

d. This ordinance is based upon the premise that the Federal Government has completely preempted the ability of the County to regulate location or placement of wireless communication facilities based upon health concerns related to radio frequency emissions.

e. County residents benefit from the convenience of wireless communications facilities for home and business use as well as from their use in emergency services communications, as they are currently employed in Multnomah County.

f. **Wireless Communications Facilities:**

- i. May detract from the rural character, natural beauty and scenic resources of Multnomah County;
- ii. Are capable of disrupting residential and scenic vistas and landscapes sought by those that travel through the County.

g. The Planning Commission held a duly advertised work session and two public hearings to consider the current state and future trend of wireless communications technology within the context of the Telecommunications Act of 1996, thereby providing direction as to the form and substance of subsequent regulations pertaining to wireless communications facilities.

h. The Planning Commission directed staff to conduct a workshop with representatives from the wireless communications industry to obtain technical input pertaining to the siting of wireless communications facilities.

i. Local land use and development regulations effecting a balance between the federal mandate and requirements of Oregon Planning Goals and values, Oregon Revised Statutes and Administrative Regulations and Multnomah County's policies for the development of wireless communication facilities are appropriate to address the rapid changes in technology and the service needs of county residents.

j. The Planning Commission has determined that the location of wireless communications facilities in the County can and should be accomplished to the fullest extent possible in a manner that minimizes visual impacts, and thereby maintains the rural and natural character of the landscape. This may be accomplished by making maximum use of existing topography, natural vegetative screening, colors, textures and other design elements that blend in with the site and setting; encouraging co-location and concealment technology; employing height limitation and setbacks.

k. The first preference for location of wireless communication facilities should be placement upon existing wireless communications towers or other existing structures, where their use should be encouraged by requiring an expedited review and permit process than required for the development of new less-concealed tower sites.

l. The first preference for design of wireless communications facilities where co-location is unavailable and a new tower is unavoidable is for the design to be of a concealed design so that it blends into the surrounding landscape and thereby minimizing visual impact. Use of such technology should be encouraged by requiring an expedited review and permit process. Absent concealment technology, the wireless facility should be screened either topographically, vegetatively, or structurally.

Multnomah County Ordains as follows:

Section 1. MCC subsections 11.15.2010(A) and (B), 33.2625(A) and (B), 34.2625(A) and (B), and 35.2625(A) and (B) are amended as follows:

11.15.2010 Review Uses

(A) Utility facilities necessary for public service, except but not including commercial facilities for the purpose of generating electrical power for public use by sale and or transmission towers over 200 feet in height provided as follows:

(1) Radio and television towers 200 feet and under when found to satisfy the requirements of ORS 215.275 "Utility facilities necessary for public service; criteria; mitigating impact of facility" and MCC 11.15.7035 through 11.15.7040.

(2) Wireless communications facilities 200 feet and under when found to satisfy the requirements of MCC 11.15.7075 through 11.15.7088.

(3) All other utility facilities and transmission towers 200 feet and under in height subject to the following.

(a)(1) The facility satisfies the requirements of ORS 215.275, "Utility facilities necessary for public service; criteria; mitigating impact of facility" A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided; and

(b)(2) The facility satisfies the requirements of MCC 11.15.6100 through 11.15.6148; 11.15.7025(A); 11.15.7805 through 11.15.7870; and 11.15.7942.

~~(B) Radio Towers 200 feet and under when found to satisfy the requirements of MCC 11.15.7035 through 11.15.7040 Deleted 2001, Ord. _____ § _____.~~

33.2625 Review Uses

(A) Utility facilities necessary for public service, except but not including commercial facilities for the purpose of generating electrical power for public use by sale and or transmission towers over 200 feet in height provided as follows:

(1) Radio and television towers 200 feet and under when found to satisfy the requirements of ORS 215.275 "Utility facilities necessary for public service; criteria; mitigating impact of facility" and MCC 33.6100 through 33.6130.

(2) Wireless communications facilities 200 feet and under when found to satisfy the requirements of MCC 33.6175 through 33.6188.

(3) All other utility facilities and transmission towers 200 feet and under in height subject to the following.

(a)(1) The facility satisfies the requirements of ORS 215.275, "Utility facilities necessary for public service; criteria: mitigating impact of facility" A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided; and

(b)(2) The facility satisfies the requirements of MCC 33.4100 through 33.4220; 33.6020(A); 33.7000 through 33.7070; and 33.7450.

(B) Radio Towers 200 feet and under when found to satisfy the requirements of MCC 33.6100 through 33.6130. Deleted 2001, Ord. § .

34.2625 Review Uses

(A) Utility facilities necessary for public service, ~~except but not including~~ commercial facilities for the purpose of generating electrical power for public use by sale and or transmission towers over 200 feet in height provided as follows:

(1) Radio and television towers 200 feet and under when found to satisfy the requirements of ORS 215.275 "Utility facilities necessary for public service; criteria: mitigating impact of facility" and MCC 34.6100 through 34.6300.

(2) Wireless communications facilities 200 feet and under when found to satisfy the requirements of MCC 34.6175 through 34.6188.

(3) All other utility facilities and transmission towers 200 feet and under in height subject to the following.

(a)(1) The facility satisfies the requirements of ORS 215.275, "Utility facilities necessary for public service; criteria: mitigating impact of facility" A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided; and

(b)(2) The facility satisfies the requirements of MCC 34.4100 through 34.4220; 34.6020(A); 34.7000 through 34.7000 through 34.7070; and 34.7450.

(B) Radio Towers 200 feet and under when found to satisfy the requirements of MCC 34.6100 through 34.6130. Deleted 2001, Ord. § .

35.2625 Review Uses

(A) Utility facilities necessary for public service, ~~except but not including commercial facilities for the purpose of generating electrical power for public use by sale and or transmission towers over 200 feet in height provided as follows:~~

(1) Radio and television towers 200 feet and under when found to satisfy the requirements of ORS 215.275 "Utility facilities necessary for public service; criteria; mitigating impact of facility" and MCC 35.6100 through 35.6130.

(2) Wireless communications facilities 200 feet and under when found to satisfy the requirements of MCC 35.6175 through 35.6188.

(3) All other utility facilities and transmission towers 200 feet and under in height subject to the following.

(a)(1) The facility satisfies the requirements of ORS 215.275, "Utility facilities necessary for public service; criteria; mitigating impact of facility" A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided; and

(b)(2) The facility satisfies the requirements of MCC 35.4100 through 35.4220; 35.6020(A); 35.7000 through 35.7070 and 35.7450.

(B) ~~Radio Towers 200 feet and under when found to satisfy the requirements of MCC 35.6100 through 35.6130. Deleted 2001, Ord. _____ § _____.~~

Section 2. MCC subsections 11.15.2012(I), 33.2630(I), 34.2630(I), and 35.2630(I) are amended as follows:

11.15.2012 Conditional Uses

The following uses may be permitted when approved by the Hearings Officer...

* * * * *

(I) Transmission towers over 200 feet in height, except as follows: subject to the requirements of MCC 11.15.7035 through MCC 11.15.7040.

(1) Radio and television towers if found to satisfy the requirements of MCC 11.15.7035 through MCC 11.15.7040; and

(2) Wireless communications facilities 200 feet and over are not allowed.

33.2630 Conditional Uses

The following uses may be permitted when approved by the Hearings Officer...

* * * * *

(I) Transmission towers over 200 feet in height, except as follows: ~~subject to the requirements of MCC 33.6100 through MCC 33.6130.~~

(1) Radio and television towers if found to satisfy the requirements of MCC 33.6100 through 33.6130; and

(2) Wireless communications facilities 200 feet and over are not allowed.

34.2630 Conditional Uses

The following uses may be permitted when approved by the Hearings Officer...

* * * * *

(I) Transmission towers over 200 feet in height, except as follows: ~~subject to the requirements of MCC 34.6100 through MCC 34.6100 through 34.6130.~~

(1) Radio and television towers if found to satisfy the requirements of MCC 11.15.7035 through MCC 34.6100 through 34.6300; and

(2) Wireless communications facilities 200 feet and over are not allowed.

35.2630 Conditional Uses

The following uses may be permitted when approved by the Hearings Officer...

* * * * *

(I) Transmission towers over 200 feet in height, except as follows: ~~subject to the requirements of MCC 35.6100 through 35.6130.~~

(1) Radio and television towers if found to satisfy the requirements of MCC 35.6100 through 35.6130; and

(2) Wireless communications facilities 200 feet and over are not allowed.

Section 3. MCC subsections 11.15.2049(C), 33.2025(J), 33.2225(J), 35.2025(J), 35.2225(J), and 33.2425(J) are added as follows:

11.15.2049 Uses Permitted Under Prescribed Conditions

(C) Wireless communications facilities when found to satisfy the requirements of MCC 11.15.7075 through 11.15.7088.

33.2025 Review Uses

(J) Wireless communications facilities when found to satisfy the requirements of MCC 33.6175 through 33.6188.

33.2225 Review Uses

(J) Wireless communications facilities when found to satisfy the requirements of MCC 33.6175 through 33.6188.

35.2025 Review Uses

(J) Wireless communications facilities when found to satisfy the requirements of MCC 35.6175 through 35.6188.

35.2225 Review Uses

(J) Wireless communications facilities when found to satisfy the requirements of MCC 35.6175 through 35.6188.

33.2425 Review Uses

(J) Wireless communications facilities when found to satisfy the requirements of MCC 33.6175 through 33.6188.

Section 4. MCC subsections 11.15.2050(C)(11), 33.2030(B)(11), 33.2230(D)(11), 35.2030(A)(11), 35.2230(D)(11), and 33.2430(B)(11) are amended as follows:

11.15.2050 Conditional Uses

(C) The following Community Service Uses...

- (11) Radio, ~~microwave~~, and television transmission towers subject to the definitions, restrictions and standards in MCC .7020(15) and .7035 through .7041 and wireless communications facilities when found to satisfy the requirements of MCC 11.15.7075 through .7088.

33.2030 Conditional Uses

(B) The following Community Service Uses...

- (11) Radio, ~~microwave~~, and television transmission towers subject to the definitions, restrictions and standards in CFU-1, CFU-2 and CFU-5: 33.6015(A)(15) and 33.6100 through 33.6130 and wireless communications facilities when found to satisfy the requirements of MCC 33.6175 through 33.6188.

33.2230 Conditional Uses

(D) The following Community Service Uses...

- (11) Radio, ~~microwave~~, and television transmission towers subject to the definitions, restrictions and standards in CFU-1, CFU-2 and CFU-5: 33.6015(A)(15) and 33.6100 through 33.6130 and wireless communications facilities when found to satisfy the requirements of MCC 33.6175 through 33.6188.

35.2030 Conditional Uses

(A) The following Community Service Uses...

- (11) Radio, ~~microwave~~, and television transmission towers subject to the definitions, restrictions and standards in CFU-3 and CFU-4: 35.6015(A)(15) and 35.6100 through 35.6130 and wireless communications facilities when found to satisfy the requirements of MCC 35.6175 through 35.6188.

35.2230 Conditional Uses

(D) The following Community Service Uses...

- (11) Radio, ~~microwave~~, and television transmission towers subject to the definitions, restrictions and standards CFU-3 and CFU-4: 35.6015(A)(15) and 35.6100 through 35.6130, and wireless communications facilities when found to satisfy the requirements of 35.6175 through 35.6188.

33.2430 Conditional Uses

(B) The following Community Service Uses...

- (11) Radio, ~~microwave~~, and television transmission towers subject to the definitions, restrictions and standards CFU-1, CFU-2 and CFU-5: 33.6015(A)(15) and 33.6100 through 33.6130 and wireless communications facilities when found to satisfy the requirements of MCC 33.6175 through 33.6188.

Section 5. MCC Chapter 11.15 is amended to add the following subsections:

11.15.2130(D), 11.15.2170(C), 11.15.2210(D), 11.15.2250(D), 11.15.2388(H), 11.15.2408(H), 11.15.2508(H), 11.15.2528(H), 11.15.2548(H), 11.15.2568(I), 11.15.2588(J), 11.15.2608(K), 11.15.2628(J), 11.15.2748(K), 11.15.2768(K), 11.15.2832(L), 11.15.2842(L), 11.15.2852(L), 11.15.2862(L), 11.15.2872(L), 11.15.2882(L), 11.15.2892(O), and 11.15.2914(L),

that shall read as follows:

Wireless communications facilities when found to satisfy the requirements of MCC 11.15.7075 through 11.15.7088.

Section 6. MCC Section 11.15.7005 (Community Service) is amended as follows:

11.15.7005 Purpose

MCC 11.15.7005 through ~~7044~~ 11.15.7088 provides for the review and approval of the location and development of special uses which, by reason of their public convenience, necessity, unusual character or effect on the neighborhood, may be appropriate in any district, but not suitable for listing within the other sections of this Chapter.

Section 7. - MCC Sections 11.15.7015, 33.6010, 34.6010 and 35.6010 are amended as follows:

11.15.7015 Approval Criteria

In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria, except for radio and television transmission towers, which shall meet the approval criteria of MCC 11.15.7035, wireless communications facilities which shall meet the approval criteria of MCC .7075 through .7088; and except for regional sanitary landfills which shall comply with MCC 11.15.7045 through 11.15.7070.

- (A) Is consistent with the character of the area;
- (B) Will not adversely affect natural resources;
- (C) Will not conflict with farm or forest uses in the area;
- (D) Will not require public services other than those existing or programmed for the area;
- (E) Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;
- (F) Will not create hazardous conditions;
- (G) Will satisfy the applicable policies of the Comprehensive Plan; and
- (H) Will satisfy such other applicable approval criteria as are stated in this Section.

33.6010 Approval Criteria

In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria, except for radio and television transmission towers, which shall meet the approval criteria of MCC 33.6100 through 33.6125, wireless communications facilities which shall meet the approval criteria of MCC 33.6175 through 33.6188; and except for regional sanitary landfills which shall comply with MCC 33.6200 through 33.6230.

34.6010 Approval Criteria

In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria, except for radio and television transmission towers, which shall meet the approval criteria of MCC 34.6100 through 34.6125, wireless communications facilities which shall meet the approval criteria of MCC 34.6175 through 34.6188; and except for regional sanitary landfills which shall comply with MCC 34.6200 through 6230.

* * * * *

35.6010 Approval Criteria

In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria, except for radio and television transmission towers, which shall meet the approval criteria of MCC 35.6100 through 35.6125, wireless communications facilities which shall meet the approval criteria of MCC 35.6175 through 35.6188; and except for regional sanitary landfills which shall comply with MCC 35.6200 through 35.6230.

* * * * *

Section 8. MCC subsections 11.15.7020(A)(15), (27), & (28); 33.6015(A)(15), (27), & (28); 34.6015(A)(15), (27), & (28); and 35.6015(A)(15), (27), & (28) are amended or added as follows:

11.15.7020 Uses

(A)

* * * * *

(15) Radio and television transmission towers.

- (a) VHF and UHF television towers, FM radio towers, two-way radio, common carrier personal wireless communications towers for cellular, personal communications service(PCS), specialized mobile radio (SMR) transmitters, and fixed point microwave towers are permitted in any district.
- (b) Low-power television towers, satellite ground stations, AM radio towers, and building-mounted towers are permitted in any district except urban residential districts.
- (c) Ham radio, amateur sole source emitters, Citizen Band transmitters, and structures to support them are permitted in any district as an accessory use and do not require a Community Service use designation if used for non-commercial purposes only. Any such tower shall comply with the regulations of the district in which it is located. Non-amateur sole source emitters shall also comply with the registration requirements of MCC .7035(F)(2).

- (d) Receive-only facilities in conjunction with a permitted use are exempt from the provisions of this section, but shall comply with all other requirements of MCC. 7020(15), .7035, and .7040.

- (27) Wireless communications facilities Accessory uses to the above.
(28) Accessory uses to the above.

33.6015 Uses

(A)

- (15) Radio and television transmission towers.
- (a) VHF and UHF television towers, FM radio towers, two-way radio, common carrier personal wireless communications towers for cellular, personal communications service(PCS), specialized mobile radio (SMR) transmitters, and fixed point microwave towers are permitted in any district.
 - (b) Low-power television towers, satellite ground stations, AM radio towers, and building-mounted towers are permitted in any district except urban residential districts.
 - (c) Ham radio, amateur sole source emitters, Citizen Band transmitters, and structures to support them are permitted in any district as an accessory use and do not require a Community Service use designation if used for non-commercial purposes only. Any such tower shall comply with the regulations of the district in which it is located. Non-amateur sole source emitters shall also comply with the registration requirements of MCC 33.6125(B).
 - (d) Receive-only facilities in conjunction with a permitted use are exempt from the provisions of this section, but shall comply with all other requirements of MCC 33.6015(A)(15), 33.6100 through 33.6125, and 33.6135.

- (27) Wireless communications facilities Accessory uses to the above.
(28) Accessory uses to the above.

34.6015 Uses

(A)

- (15) Radio and television transmission towers.
- (a) VHF and UHF television towers, FM radio towers, two-way radio, common carrier personal wireless communications towers for cellular, personal communications service(PCS), specialized mobile radio (SMR) transmitters, and fixed point microwave towers are permitted in any district.
 - (b) Low-power television towers, satellite ground stations, AM radio

towers, and building-mounted towers are permitted in any district except urban residential districts.

- (c) Ham radio, amateur sole source emitters, Citizen Band transmitters, and structures to support them are permitted in any district as an accessory use and do not require a Community Service use designation if used for non-commercial purposes only. Any such tower shall comply with the regulations of the district in which it is located. Non-amateur sole source emitters shall also comply with the registration requirements of MCC 34.6125(B).
- (d) Receive-only facilities in conjunction with a permitted use are exempt from the provisions of this section, but shall comply with all other requirements of MCC 34.6015(A)(15), 34.6100 through 34.6125, and 34.6135.

(27) Wireless communications facilities ~~Accessory uses to the above.~~

(28) Accessory uses to the above.

35.6015 Uses

(A)

(15) Radio and television transmission towers.

- (a) VHF and UHF television towers, FM radio towers, two-way radio, common carrier personal wireless communications towers for cellular, personal communications service(PCS), specialized mobile radio (SMR) transmitters, and fixed point microwave towers are permitted in any district.
- (b) Low-power television towers, satellite ground stations, AM radio towers, and building-mounted towers are permitted in any district except urban residential districts.
- (c) Ham radio, amateur sole source emitters, Citizen Band transmitters, and structures to support them are permitted in any district as an accessory use and do not require a Community Service use designation if used for non-commercial purposes only. Any such tower shall comply with the regulations of the district in which it is located. Non-amateur sole source emitters shall also comply with the registration requirements of MCC 35.6125(B).
- (d) Receive-only facilities in conjunction with a permitted use are exempt from the provisions of this section, but shall comply with all other requirements of MCC 35.6015(A)(15), 35.6100 through 35.6125, and 35.6135.

(27) Wireless communications facilities ~~Accessory uses to the above.~~

(28) Accessory uses to the above.

Section 9. MCC Chapters 11.15, 33, 34 and 35 are amended to add the following sections to the respective code chapters.

11.15.7075 Wireless Communications Facilities.

The purpose and intent of 11.15.7075 through 11.15.7088 is to provide a process and uniform comprehensive standards for the development and regulation of wireless communications facilities. The regulations contained herein are designed to protect and promote public health, safety, community welfare, and the aesthetic quality of unincorporated Multnomah County as set forth within the State-wide Oregon Planning Goals and policies of the Comprehensive Plan; while at the same time not unduly restricting the development of needed wireless communications facilities and encouraging managed development of the evolving wireless communications network.

It is furthermore intended that, to all extent permitted by law, the County shall apply these regulations to specifically accomplish the following:

- (A) Protect the visual character of the County from the potential adverse effects of wireless communications facilities development;
- (B) Insure against the degradation of the County's scenic corridors and ridgelines and rural communities designated under local, state or federal law;
- (C) Retain local responsibility for and control over the use of public rights-of-way to protect citizens and enhance the quality of their lives by requiring a review of any proposed WCF in a public right-of-way;
- (D) Protect the environmental resources of Multnomah County;
- (E) Insure that a competitive and broad range of personal wireless communications services including but not limited to; cellular, personal communications service(PCS), specialized mobile radio(SMR), are provided to serve residential and business communities;
- (F) Create and preserve wireless communications facilities that may serve as an important and effective part of Multnomah County's emergency response network;
- (G) Simplify and shorten the process for obtaining necessary permits for wireless communications facilities while at the same time protecting legitimate interests of Multnomah County citizens; and
- (H) Reconcile established use requirements in EFU zoned lands with Oregon Revised Statutes.

33.6175 Wireless Communications Facilities.

The purpose and intent of 33.6175 through 33.6188 is to provide a process and uniform comprehensive standards for the development and regulation of wireless communications facilities. The regulations contained herein are designed to protect and promote public health, safety, community welfare, and the aesthetic quality of unincorporated Multnomah County as set forth within the State-wide Oregon Planning Goals and policies of the Comprehensive Plan; while at the same time not unduly restricting the development of needed wireless communications facilities and encouraging managed development of the evolving wireless communications network.

It is furthermore intended that, to all extent permitted by law, the County shall apply these regulations to specifically accomplish the following:

- (A) Protect the visual character of the County from the potential adverse effects of wireless communications facilities development;
- (B) Insure against the degradation of the County's scenic corridors and ridgelines and rural communities designated under local, state or federal law;
- (C) Retain local responsibility for and control over the use of public rights-of-way to protect citizens and enhance the quality of their lives by requiring a review of any proposed WCF in a public right-of-way;
- (D) Protect the environmental resources of Multnomah County;
- (E) Insure that a competitive and broad range of personal wireless communications services including but not limited to: cellular, personal communications service(PCS), specialized mobile radio(SMR), are provided to serve residential and business communities;
- (F) Create and preserve wireless communications facilities that may serve as an important and effective part of Multnomah County's emergency response network;
- (G) Simplify and shorten the process for obtaining necessary permits for wireless communications facilities while at the same time protecting legitimate interests of Multnomah County citizens; and
- (H) Reconcile established use requirements in EFU zoned lands with Oregon Revised Statutes.

34.6175 Wireless Communications Facilities.

The purpose and intent of 34.6175 through 34.6188 is to provide a process and uniform comprehensive standards for the development and regulation of wireless communications facilities. The regulations contained herein are designed to protect and promote public health, safety, community welfare, and the aesthetic quality of unincorporated Multnomah County as set forth within the State-wide Oregon Planning Goals and policies of the Comprehensive Plan; while at the same time not unduly restricting the development of needed wireless communications facilities and encouraging managed development of the evolving wireless communications network.

It is furthermore intended that, to all extent permitted by law, the County shall apply these regulations to specifically accomplish the following:

- (A) Protect the visual character of the County from the potential adverse effects of wireless communications facilities development;
- (B) Insure against the degradation of the County's scenic corridors and ridgelines and rural communities designated under local, state or federal law;
- (C) Retain local responsibility for and control over the use of public rights-of-way to protect citizens and enhance the quality of their lives by requiring a review of any proposed WCF in a public right-of-way;
- (D) Protect the environmental resources of Multnomah County;
- (E) Insure that a competitive and broad range of personal wireless communications services including but not limited to: cellular, personal communications service(PCS), specialized mobile radio(SMR), are provided to serve residential and business communities;
- (F) Create and preserve wireless communications facilities that may serve as an important and effective part of Multnomah County's emergency response network;
- (G) Simplify and shorten the process for obtaining necessary permits for wireless communications facilities while at the same time protecting legitimate interests of Multnomah County citizens; and
- (H) Reconcile established use requirements in EFU zoned lands with Oregon Revised Statutes.

35.6175 Wireless Communications Facilities.

The purpose and intent of 35.6175 through 35.6188 is to provide a process and uniform comprehensive standards for the development and regulation of wireless communications facilities. The regulations contained herein are designed to protect and promote public health, safety, community welfare, and the aesthetic quality of unincorporated Multnomah County as set forth within the State-wide Oregon Planning Goals and policies of the Comprehensive Plan; while at the same time not unduly restricting the development of needed wireless communications facilities and encouraging managed development of the evolving wireless communications network.

It is furthermore intended that, to all extent permitted by law, the County shall apply these regulations to specifically accomplish the following:

- (A) Protect the visual character of the County from the potential adverse effects of wireless communications facilities development;
- (B) Insure against the degradation of the County's scenic corridors and ridgelines and rural communities designated under local, state or federal law;
- (C) Retain local responsibility for and control over the use of public rights-of-way to protect citizens and enhance the quality of their lives by requiring a review of any proposed WCF in a public right-of-way;
- (D) Protect the environmental resources of Multnomah County;
- (E) Insure that a competitive and broad range of personal wireless communications services including but not limited to: cellular, personal communications service(PCS), specialized mobile radio(SMR), are provided to serve residential and business communities;
- (F) Create and preserve wireless communications facilities that may serve as an important and effective part of Multnomah County's emergency response network;
- (G) Simplify and shorten the process for obtaining necessary permits for wireless communications facilities while at the same time protecting legitimate interests of Multnomah County citizens; and
- (H) Reconcile established use requirements in EFU zoned lands with Oregon Revised Statutes.

Section 10. MCC Chapters 11.15, 33, 34 and 35 are amended to add the following sections to the respective code chapters.

11.15.7076 Applicability.

- (A) Siting for a personal wireless communications facility is a use of land, and subject to the County's zoning ordinance and all other applicable ordinances and regulations.
- (B) The requirements of MCC 11.15.7075 through 11.15.7088 shall apply to all new wireless communications facilities (WCFs).

33.6176 Applicability.

- (A) Siting for a personal wireless communications facility is a use of land, and subject to the County's zoning ordinance and all other applicable ordinances and regulations.
- (B) The requirements of MCC 33.6175 through 33.6188 shall apply to all new wireless communications facilities (WCFs).

34.6176 Applicability.

- (A) Siting for a personal wireless communications facility is a use of land, and subject to the County's zoning ordinance and all other applicable ordinances and regulations.
- (B) The requirements of 34.6175 through 34.6188 shall apply to all new wireless communications facilities (WCFs).

35.6176 Applicability.

- (A) Siting for a personal wireless communications facility is a use of land, and subject to the County's zoning ordinance and all other applicable ordinances and regulations.
- (B) The requirements of MCC 35.6175 through 35.6188 shall apply to all new wireless communications facilities (WCFs).

Section 11. MCC Chapters 11.15, 33, 34 and 35 are amended to add the following sections to the respective code chapters.

11.15.7077 Review Procedures Distinguished.

- (A) An application for a WCF that employs *co-location* upon a tower or structure approved under MCC 11.15.7075 through 11.15.7088 (Ord. _____) shall be reviewed under a *Building Permit Review/Type I* process in any zone.
- (B) An application for a WCF that employs *concealment technology* or *co-location* upon a tower or structure not approved under MCC 11.15.7075 through 11.15.7088 (Ord. _____) shall be reviewed under a *Planning Director Review/Type II* process.
- (C) An application for a WCF not employing *co-location* or *concealment technology* shall be reviewed under a *Community Service Review/Type III* and *Design Review* process unless within an Exclusive Farm Use district. New WCFs within an Exclusive Farm Use district shall be processed under a *Planning Director Review* or *Building Permit Review* as appropriate.

REVIEW PROCESS AND HEIGHT LIMITATION

<u>TOWER/ANTENNA TYPE</u>	<u>REVIEW PROCESS</u>	<u>HEIGHT LIMIT</u>
<u>Co-location (tower or structure approved under this ordinance)</u>	<u>Building Permit</u>	<u>N/A</u>
<u>Co-location (tower or structure not approved under this ordinance)</u>	<u>Planning Director</u>	<u>N/A</u>
<u>Concealment Technology</u>	<u>Planning Director</u>	<u>See: 11.15.7083(B)(2)(a)</u>
<u>Screened Tower</u>	<u>Community Service Hearing</u>	<u>See: 11.15.7083(B)(2)(a)</u>
<u>All Towers within EFU zone</u>	<u>Planning Director</u>	<u>< 200 feet</u>

33.6177 Review Procedures Distinguished.

- (A) An application for a WCF that employs *co-location* upon a tower or structure approved under MCC 33.6175 through 33.6188 (Ord. _____) shall be reviewed under a *Building Permit Review/Type I* process in any zone.
- (B) An application for a WCF that employs *concealment technology* or *co-location* upon a tower or structure not approved under MCC 33.6175 through 33.6188 (Ord. _____) shall be reviewed under a *Planning Director Review/Type II* process.

- (C) An application for a WCF not employing *co-location* or *concealment technology* shall be reviewed under a *Community Service Review/Type III* and *Design Review* process unless within an Exclusive Farm Use district. New WCFs within an Exclusive Farm Use district shall be processed under a *Planning Director Review* or *Building Permit Review* as appropriate.

REVIEW PROCESS AND HEIGHT LIMITATION

<u>TOWER/ANTENNA TYPE</u>	<u>REVIEW PROCESS</u>	<u>HEIGHT LIMIT</u>
<u>Co-location (tower or structure approved under this ordinance)</u>	<u>Building Permit</u>	<u>N/A</u>
<u>Co-location (tower or structure not approved under this ordinance)</u>	<u>Planning Director</u>	<u>N/A</u>
<u>Concealment Technology</u>	<u>Planning Director</u>	<u>See: 33.6183(B)(2)(a)</u>
<u>Screened Tower</u>	<u>Community Service Hearing</u>	<u>See: 33.6183(B)(2)(a)</u>
<u>All Towers within EFU zone</u>	<u>Planning Director</u>	<u>< 200 feet</u>

34.6177 Review Procedures Distinguished.

- (A) An application for a WCF that employs *co-location* upon a tower or structure approved under 34.6175 through 34.6188 (Ord. _____) shall be reviewed under a *Building Permit Review/Type I* process in any zone.
- (B) An application for a WCF that employs *concealment technology* or *co-location* upon a tower or structure not approved under MCC 34.6175 through 34.6188 (Ord. _____) shall be reviewed under a *Planning Director Review/Type II* process.
- (C) An application for a WCF not employing *co-location* or *concealment technology* shall be reviewed under a *Community Service Review/Type III* and *Design Review* process unless within an Exclusive Farm Use district. New WCFs within an Exclusive Farm Use district shall be processed under a *Planning Director Review* or *Building Permit Review* as appropriate.

REVIEW PROCESS AND HEIGHT LIMITATION

<u>TOWER/ANTENNA TYPE</u>	<u>REVIEW PROCESS</u>	<u>HEIGHT LIMIT</u>
<u>Co-location (tower or structure approved under this ordinance)</u>	<u>Building Permit</u>	<u>N/A</u>
<u>Co-location (tower or structure not approved under this ordinance)</u>	<u>Planning Director</u>	<u>N/A</u>

<u>Concealment Technology</u>	<u>Planning Director</u>	<u>See: 34.6183(B)(2)(a).</u>
<u>Screened Tower</u>	<u>Community Service Hearing</u>	<u>See: 34.6183(B)(2)(a).</u>
<u>All Towers within EFU zone</u>	<u>Planning Director</u>	<u>< 200 feet</u>

35.6177 Review Procedures Distinguished.

- (A) An application for a WCF that employs *co-location* upon a tower or structure approved under MCC 35.6175 through 35.6188 (Ord. _____) shall be reviewed under a *Building Permit Review/Type I* process in any zone.
- (B) An application for a WCF that employs *concealment technology* or *co-location* upon a tower or structure not approved under MCC 35.6175 through 35.6188 (Ord. _____) shall be reviewed under a *Planning Director Review/Type II* process.
- (C) An application for a WCF not employing *co-location* or *concealment technology* shall be reviewed under a *Community Service Review/Type III* and *Design Review* process unless within an Exclusive Farm Use district. New WCFs within an Exclusive Farm Use district shall be processed under a *Planning Director Review* or *Building Permit Review* as appropriate.

REVIEW PROCESS AND HEIGHT LIMITATION

<u>TOWER/ANTENNA TYPE</u>	<u>REVIEW PROCESS</u>	<u>HEIGHT LIMIT</u>
<u>Co-location (tower or structure approved under this ordinance)</u>	<u>Building Permit</u>	<u>N/A</u>
<u>Co-location (tower or structure not approved under this ordinance)</u>	<u>Planning Director</u>	<u>N/A</u>
<u>Concealment Technology</u>	<u>Planning Director</u>	<u>See: 35.6183(B)(2)(a)</u>
<u>Screened Tower</u>	<u>Community Service Hearing</u>	<u>See: 35.6183(B)(2)(a)]</u>
<u>All Towers within EFU zone</u>	<u>Planning Director</u>	<u>< 200 feet</u>

Section 12. MCC Chapters 11.15, 33, 34 and 35 are amended to add sections 11.15.7078, 33.6178, 34.6178, and 35.6178 to the respective code chapters that shall read as follows:

Definitions.

As used in this section the following words and their derivations shall have the meanings provided below.

Antenna – The surface from which wireless radio signals are sent from and received by a wireless communications facility.

Carrier – A company that provides wireless services.

Co-applicant – All persons and/or entities joining with an applicant in an application for a development permit, including the owners of the subject property and any tenants proposing to conduct a development or activity subject to a development permit.

Co-location – The use of a single mount and/or site by more than one licensed wireless communications carrier. Also, the use by one or more carriers of an existing structure as a telecommunications antenna mount, such as, but not limited to a water tank, fire station, electrical substation, utility pole, or tower etc.

Commercial mobile radio services – Any of several technologies using radio signals at various frequencies to send and receive voice, data, and video.

Community Service Review (Type III)– Review as a Community Service Use before a Hearings Officer for a new wireless communication facility that is neither *co-located* nor employs *concealment technology*.

Concealment technology – The use of technology through which a wireless communications facility is designed to resemble an object which is not a wireless communications facility and which is already present in the natural environment, or designed to resemble or placed within, an existing or proposed structure.

Equipment cabinet - An enclosed structure at the base of the mount within which are housed batteries and electrical equipment necessary for the operation of a WCF. This equipment is connected to the antenna by cable.

FCC – Federal Communications Commission.

FCC guidelines – The Radiofrequency (RF) Performance Standards set forth by the FCC's OET Bulletin 65, *Evaluating Compliance with FCC Guidelines for human Exposure to Radiofrequency Electromagnetic Fields*, as referenced in *A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance* or a subsequent FCC publication delineating required radiofrequency performance standards.

Guyed tower – A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

Lattice tower – A type of mount that is self-supporting with multiple legs and cross bracing of either structural steel or diagonal cables, or a combination thereof.

Licensed carrier – A company authorized by the FCC to build and operate a commercial mobile radio services system.

Location – The subject property where a use or development is located or proposed to be located.

Maintenance - Emergency or routine repairs, reconstruction of previously approved facilities, or replacement of transmitters, antennas, or other components of previously approved facilities which do not create a significant change in visual impact or an increase in radio frequency emissions.

Modification – The changing of any portion of a wireless communication facility from its description in a previously approved permit.

Monopole – The type of mount that is self-supporting with a single shaft, typically of wood, steel or concrete.

Mount – The structure or surface upon which antennas are placed including but not limited to:

1. Roof-mounted. Mounted on the roof of a building.
2. Side-mounted. Mounted on the side of a structure including a tower.
3. Ground mounted. Mounted on the ground.

Planning Director Review (Type II)– Expedited review encouraging the *co-location* of wireless communication facilities onto existing in use tower facilities, existing structures, or the use of concealment technology. Such review is an Administrative decision by the Planning Director.

Radiofrequency engineer – An engineer specializing in electrical or microwave engineering, licensed in Oregon, with a degree in engineering, and experience to perform and certify radiofrequency radiation measurements.

Site – A portion of a subject property.

Siting – The method and form of placement of a use or development on a specific area of a subject property.

Speculation (“Spec”) tower – A tower designed for the purpose of providing location mounts for wireless communications facilities without a binding commitment or option to lease a location upon the tower by a service provider at time of initial application.

Subject Property – For the purpose of MCC 11.15.7075 through 11.15.7088 [33.6175 through 33.6188; 34.6175 through 34.6188; 35.6175 through 35.6188] subject property shall mean one or more contiguous lots or parcels in the same

ownership.

Tower – A mast, pole, or monopole, guyed or free standing lattice tower designed and primarily used to support antennas associated with wireless communication service. A speculation tower may consist of any one of these tower types. As part of the service, the term tower includes but is not limited to microwave towers, common carrier towers, personal communications service (PCS) and cellular telephone towers.

Wireless communications facility (WCF) – An unstaffed facility for the transmission or reception of radiofrequency (RF) signals, usually consisting of an equipment cabinet or other enclosed structure containing electronic equipment, a support structure, antennas, or other transmission and reception devices.

Visually subordinate – The relative visibility of a wireless communication facility, where that facility does not noticeably contrast with the surrounding landscape. Visibly subordinate facilities may be partially visible, but not visually dominate in relation to their surroundings.

Section 13. MCC Chapters 11.15, 33, 34 and 35 are amended to add sections 11.15.7079, 33.6179, 34.6179 and 35.6179 to the respective code chapters that shall read as follows:

Exclusions.

The following uses and activities shall be exempt from these regulations:

(A) Emergency or routine repairs, reconstruction, or routine maintenance of previously approved facilities, or replacement of transmitters, antennas, or other components of previously approved facilities which do not create a significant change in visual impact or an increase in radiofrequency emissions;

(B) Medical, industrial, and scientific equipment operating at frequencies designated for that purpose by the Federal Communications Commission;

(C) Ham radio, amateur sole source emitters, citizen band transmitters and accessory structures including antennas;

(D) Two-way communication transmitters used on a temporary basis by "911" emergency services. Including fire, police, and emergency aid or ambulance service;

(E) Radio transceivers normally hand-held or installed in moving vehicles, such as automobiles, trucks, watercraft, or aircraft. This includes cellular phones;

(F) Military and civilian radar, operating within the regulated frequency ranges, for

the purpose of defense or aircraft safety;

(G) Machines and equipment that are designed and marketed as consumer products, such as microwave ovens and remote control toys; and

(H) Two-way broadband antenna(s) smaller than one (1) meter in any dimension operating at less than 7 watts effective radiated power (ERP) for use by a dwelling unit occupant for personal use or home occupation.

Section 14. MCC Chapters 11.15, 33, 34 and 35 are amended to add the following sections to the respective code chapters.

11.15.7080 General Requirements.

(A) No WCF shall be constructed or operated within unincorporated Multnomah County until all necessary approvals and permits, whether local, state, or federal have been secured.

(B) No more than one ground mount shall be allowed per subject property.

(C) An application for a WCF shall include both the licensed carrier and the landowner of the subject property.

(D) A permit shall be required for the construction and operation of all WCFs. Review and approval shall be under either a *Community Service Review*, *Planning Director Review*, or a *Building Permit Review*.

(E) Design Review shall be required of all WCF towers regardless of review procedure and may at applicant's option be processed concurrently with the respective review process pursuant to MCC 11.15.7805 through 11.15.7820.

(F) A new permit shall be required for all modifications, not constituting maintenance, to an approved permit for any WCF.

(G) If co-location or concealment technology is not feasible, the applicant shall demonstrate that such locations or concealment technology designs are unworkable for the carrier's coverage plan.

(H) All approvals for a WCF shall become null, void, and non-renewable if the facility is not constructed and placed into service within two years of the date of the *Community Service Review Decision*, *Planning Director Review Decision*, *Building Permit*, or superceding decision.

(I) The applicant, co-applicant, or tenant shall notify the Planning Director of all changes in applicant and/or co-applicants or tenants of a previously permitted

WCF permitted under this section within 90 days of change. Failure to provide appropriate notice shall constitute a violation of the original permit approval and be processed pursuant to 11.15.9052.

(J) All WCFs must comply with all applicable Multnomah County codes and regulations, including, but not limited to the Uniform Building Code, Grading and Erosion Control, Flood Hazard, and Significant Environmental Concern.

(K) No on-premises storage of material or equipment shall be allowed other than that used in the operation and maintenance of the WCF site.

(L) Self-supporting lattice towers not employing concealment technology and speculation towers are not permitted in any zone.

33.6180 General Requirements.

(A) No WCF shall be constructed or operated within unincorporated Multnomah County until all necessary approvals and permits, whether local, state, or federal have been secured.

(B) No more than one ground mount shall be allowed per subject property.

(C) An application for a WCF shall include both the licensed carrier and the landowner of the subject property.

(D) A permit shall be required for the construction and operation of all WCFs. Review and approval shall be under either a *Community Service Review*, *Planning Director Review*, or a *Building Permit Review*.

(E) Design Review shall be required of all WCF towers regardless of review procedure and may at applicant's option be processed concurrently with the respective review process pursuant to MCC 33.7000 through 33.7020.

(F) A new permit shall be required for all modifications, not constituting maintenance, to an approved permit for any WCF.

(G) If co-location or concealment technology is not feasible, the applicant shall demonstrate that such locations or concealment technology designs are unworkable for the carrier's coverage plan.

(H) All approvals for a WCF shall become null, void, and non-renewable if the facility is not constructed and placed into service within two years of the date of the *Community Service Review Decision*, *Planning Director Review Decision*, *Building Permit*, or superceding decision.

- (I) The applicant, co-applicant, or tenant shall notify the Planning Director of all changes in applicant and/or co-applicants or tenants of a previously permitted WCF permitted under this section within 90 days of change. Failure to provide appropriate notice shall constitute a violation of the original permit approval and be processed pursuant to 33.0910.
- (J) All WCFs must comply with all applicable Multnomah County codes and regulations, including, but not limited to the Uniform Building Code, Grading and Erosion Control, Flood Hazard, and Significant Environmental Concern.
- (K) No on-premises storage of material or equipment shall be allowed other than that used in the operation and maintenance of the WCF site.
- (L) Self-supporting lattice towers not employing concealment technology and speculation towers are not permitted in any zone.

34.6180 General Requirements.

- (A) No WCF shall be constructed or operated within unincorporated Multnomah County until all necessary approvals and permits, whether local, state, or federal have been secured.
- (B) No more than one ground mount shall be allowed per subject property.
- (C) An application for a WCF shall include both the licensed carrier and the landowner of the subject property.
- (D) A permit shall be required for the construction and operation of all WCFs. Review and approval shall be under either a *Community Service Review*, *Planning Director Review*, or a *Building Permit Review*.
- (E) Design Review shall be required of all WCF towers regardless of review procedure and may at applicant's option be processed concurrently with the respective review process pursuant to MCC 34.7000 through 34.7020.
- (F) A new permit shall be required for all modifications, not constituting maintenance, to an approved permit for any WCF.
- (G) If co-location or concealment technology is not feasible, the applicant shall demonstrate that such locations or concealment technology designs are unworkable for the carrier's coverage plan.
- (H) All approvals for a WCF shall become null, void, and non-renewable if the facility is not constructed and placed into service within two years of the date of the *Community Service Review Decision*, *Planning Director Review Decision*.

Building Permit, or superceding decision.

- (I) The applicant, co-applicant, or tenant shall notify the Planning Director of all changes in applicant and/or co-applicants or tenants of a previously permitted WCF permitted under this section within 90 days of change. Failure to provide appropriate notice shall constitute a violation of the original permit approval and be processed pursuant to 34.0910.
- (J) All WCFs must comply with all applicable Multnomah County codes and regulations, including, but not limited to the Uniform Building Code, Grading and Erosion Control, Flood Hazard, and Significant Environmental Concern.
- (K) No on-premises storage of material or equipment shall be allowed other than that used in the operation and maintenance of the WCF site.
- (L) Self-supporting lattice towers not employing concealment technology and speculation towers are not permitted in any zone.

35.6180 General Requirements.

- (A) No WCF shall be constructed or operated within unincorporated Multnomah County until all necessary approvals and permits, whether local, state, or federal have been secured.
- (B) No more than one ground mount shall be allowed per subject property.
- (C) An application for a WCF shall include both the licensed carrier and the landowner of the subject property.
- (D) A permit shall be required for the construction and operation of all WCFs. Review and approval shall be under either a Community Service Review, Planning Director Review, or a Building Permit Review.
- (E) Design Review shall be required of all WCF towers regardless of review procedure and may at applicant's option be processed concurrently with the respective review process pursuant to MCC 35.7000 through 35.7020.
- (F) A new permit shall be required for all modifications, not constituting maintenance, to an approved permit for any WCF.
- (G) If co-location or concealment technology is not feasible, the applicant shall demonstrate that such locations or concealment technology designs are unworkable for the carrier's coverage plan.
- (H) All approvals for a WCF shall become null, void, and non-renewable if the facility

is not constructed and placed into service within two years of the date of the Community Service Review Decision, Planning Director Review Decision, Building Permit, or superceding decision.

- (I) The applicant, co-applicant, or tenant shall notify the Planning Director of all changes in applicant and/or co-applicants or tenants of a previously permitted WCF permitted under this section within 90 days of change. Failure to provide appropriate notice shall constitute a violation of the original permit approval and be processed pursuant to 35.0910.
- (J) All WCFs must comply with all applicable Multnomah County codes and regulations, including, but not limited to the Uniform Building Code, Grading and Erosion Control, Flood Hazard, and Significant Environmental Concern.
- (K) No on-premises storage of material or equipment shall be allowed other than that used in the operation and maintenance of the WCF site.
- (L) Self-supporting lattice towers not employing concealment technology and speculation towers are not permitted in any zone.

Section 15. MCC Chapters 11.15, 33, 34 and 35 are amended to add sections 11.15.7081, 33.6181, 34.6181 and 35.6181 to the respective code chapters that shall read as follows:

Registration of Wireless Communications Carriers and Providers.

- (A) Registration Required. All wireless communication carriers and providers that offer or provide any wireless communications services for a fee directly to the public, within unincorporated Multnomah County, shall register each WCF with the County pursuant to this Section on forms to be provided by the Planning Director.

Section 16. MCC Chapters 11.15, 33, 34 and 35 are amended to add sections 11.15.7082, 33.6182, 34.6182 and 35.6182 to the respective code chapters that shall read as follows:

Application Submittal Requirements.

For an application for a Planning Director Review or Building Permit Review to be deemed complete the following information is required:

- (A) Co-location of antennas upon existing towers or structures.
 - (1) An accurate and to-scale site plan showing the location of the tower, or

structure upon which the proposed antenna is to be mounted including guy anchors (if any), antennas, equipment cabinets and other uses accessory to the communication tower or antenna. The site plan shall include a description of the proposed antenna including use of concealment technology if applicable;

(2) A report/analysis from a licensed professional engineer documenting the following for each antenna:

(a) Antenna height above ground, design, dimensions, wind load rating, gain and radiation pattern;

(b) Failure characteristics of the antenna and documentation that the site and setbacks are of adequate size to contain debris; and

(c) Ice hazards and mitigation measures that can be employed.

(3) A statement documenting that placement of the antenna is designed to allow future co-location of additional antennas if technologically possible.

(4) Plans showing the connection to utilities/right-of-way cuts required, ownership of utilities and access easements required.

(5) Documents demonstrating that necessary easements have been obtained.

(6) Documentation that the ancillary facilities will not produce sound levels in excess of those standards specified below in the Approval Criteria for lands not zoned Exclusive Farm Use.

(7) If ancillary facilities will be located on the ground, a landscape plan drawn to scale showing the proposed and existing landscaping, including type, spacing, and size.

(8) A map of the county showing the approximate geographic limits of the "cell" to be created by the facility. This map shall include the same information for all other facilities owned or operated by the applicant within the county, or extending within the county from a distant location, and any existing detached WCF of another provider within 1,000 feet of the proposed site.

(9) Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards set forth by the Federal Communications Commission as outlined in *A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance*, or a subsequent FCC publication delineating required radiofrequency performance standards.

(10) Documentation demonstrating that the FAA has reviewed and approved the proposal, and the Oregon Aeronautics Division has reviewed the proposal.

(B) Construction of a New Tower. For an application for either a *Planning Director Review* or *Community Service Review* to be deemed complete the following information is required:

(1) An accurate and to-scale site plan showing the location of the tower, guy anchors (if any), antennas, equipment cabinet and other uses accessory to the communication tower or antenna. The site plan shall include a description of the proposed tower including use of concealment technology if applicable;

(2) A visual study containing, at a minimum, a graphic simulation showing the appearance of the proposed tower, antennas, and ancillary facilities from at least five points within a five mile radius. Such points shall include views from public places including but not limited to parks, rights-of-way, and waterways and chosen by the Planning Director at the pre-application conference to ensure that various potential views are represented.

(3) The distance from the nearest WCF and nearest potential co-location site.

(4) A report/analysis from a licensed professional engineer documenting the following:

(a) The reasons why the WCF must be located at the proposed site (service demands, topography, dropped coverage, etc.)

(b) The reason why the WCF must be constructed at the proposed height;

(c) Verification of good faith efforts made to locate or design the proposed WCF to qualify for an expedited review process. To this end, if an existing structure approved for co-location is within the area recommended by the engineers report, the reason for not co-locating shall be provided;

(d) Tower height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design such as, but not limited to, an explanation for the failure to employ concealment technology if applicable;

(e) Total anticipated capacity of the structure, including number and

types of antennas which can be accommodated;

(f) Evidence of structural integrity of the tower structure as required by the Building Official;

(g) Failure characteristics of the tower; and

(h) Ice hazards and mitigation measures which can be employed.

(5) Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIE) emissions standards set forth by the Federal Communications Commission as outlined in *A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance* or a subsequent FCC publication delineating required radio frequency performance standards.

(6) A signed agreement, stating that the applicant will allow co-location with other users, provided all safety, structural, and technological requirements are met. This agreement shall also state that any future owners or operators will allow co-location on the tower.

(7) A statement documenting a binding commitment to lease or option to lease an antenna mount upon the proposed tower by a service provider.

(8) A landscape plan drawn to scale showing the proposed and existing landscaping, including type, spacing, and size.

(9) Plans showing the connection to utilities/right-of-way cuts required, ownership of utilities and easements required.

(10) Documents demonstrating that any necessary easements have been obtained.

(11) Plans showing how vehicle access will be provided.

(12) Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with building permit and land use processes.

(13) Documentation that the ancillary facilities will not produce sound levels in excess of those standards specified below in the Approval Criteria for lands not zoned Exclusive Farm Use.

(14) A map of the county showing the approximate geographic limits of the "cell" to be created by the facility. This map shall include the same information for all other facilities owned or operated by the applicant within

the county, or extending within the county from a distant location, and any existing detached WCF of another provider within 1,000 feet of the proposed site.

(15) Documentation demonstrating that the FAA has reviewed and approved the proposal, and the Oregon Aeronautics Division has reviewed the proposal.

(16) Full response to the Approval Criteria for lands not zoned Exclusive Farm Use specified below as applicable.

Section 17. MCC Chapters 11.15, 33, 34 and 35 are amended to add sections 11.15.7083, 33.6183, 34.6183 and 35.6183 to the respective code chapters that shall read as follows:

Approval Criteria for lands not zoned Exclusive Farm Use.

To be approved all applications for *Planning Director Review*, *Community Service Review* or *Building Permit Review* of a wireless communications facility (WCF) shall demonstrate compliance with the following:

(A) General and Operating Requirements

(1) The service provider of the WCF and his or her successors and assigns shall agree to:

(a) Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

(b) Negotiate in good faith for shared use of the WCF by third parties; and

(c) Allow shared use of the WCF if an applicant agrees in writing to pay reasonable charges for co-location.

(2) Radiofrequency Standards. The applicant shall comply with all applicable FCC RF emissions standards (FCC Guidelines).

(3) Noise. Noise levels shall not exceed 5 dBA above ambient levels or 55 dBA Sound Pressure Level (SPL), whichever is greater, on adjacent properties. Operation of a back-up generator in the event of power failure or the testing of a back-up generator between 8 AM and 8 PM are exempt from this standard. No testing of back-up power generators shall occur between the hours of 8 PM and 8 AM.

(4) Environmental Resource Protection. All wireless communication facilities shall be sited so as to minimize the effect on environmental resources. To that end, the following measures shall be implemented for all WCFs:

(a) The facility shall comply with Significant Environmental Concern regulations when applicable, including the conditions of an SEC permit for any excavation or removal of materials of archaeological, historical, prehistorical or anthropological nature;

(b) The facility shall comply with Grading and Erosion Control regulations of MCC 29.300 through 29.305 when applicable;

(c) The facility shall comply with Flood Hazard regulations of MCC 29.600 through 29.611 when applicable; and

(d) Alteration or disturbance of native vegetation and topography shall be minimized.

(B) Siting Requirements.

(1) Location. WCFs shall be located so as to minimize their visibility and the number of distinct facilities. The ranking of siting preferences is as follows: first, co-location upon an existing tower or existing structure; second, use of concealment technology; and third, a vegetatively, topographically, or structurally screened monopole.

(a) Co-location.

1. All co-located and multiple-user WCFs shall be designed to promote facility and site sharing. To this end wireless communications towers and necessary appurtenances, including but not limited to, parking areas, access roads, utilities and storage facilities shall be shared by site users when in the determination of the Planning Director or Hearings Officer, as appropriate. This will minimize overall visual impact to the community.

2. Existing sites for potential co-location, may include but are not limited to buildings, water towers, existing WCFs, utility poles and towers, and related facilities, provided that such installation preserves the character and integrity of those sites. In particular, applicants are urged to consider use of existing telephone and electric utility structures as sites for their WCF.

3. No commercial WCF operating at an effective radiated power (ERP) of more than 7 watts shall be located on any residential structure, including accessory buildings.

(b) Use of concealment technology.

1. When demonstrated that it is not feasible to co-locate the antenna(s) on an existing structure or tower, the WCF shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: concealment technology, use of compatible building materials and colors.

(c) A vegetatively, topographically, or structurally screened monopole.

1. A WCF tower or monopole not employing concealment technology shall not be installed on a site unless it blends with the surrounding existing natural and man-made environment in such a manner so as to be visually subordinate. Existing trees or significant vegetation should be retained to the greatest possible degree in order to help conceal a facility or tower. Vegetation of a similar species and a size acceptable to the approval authority shall be planted immediately following the loss of any vegetation used to conceal a facility or tower. Vegetation used to demonstrate visual subordination shall be under the control of the applicant/co-applicant or tenant.
2. The facility shall make available un-utilized space for co-location of other telecommunication facilities, including space for these entities providing similar competing services.
3. A proposal for a new wireless communication service tower shall not be approved unless the Approving authority finds that the wireless communications equipment for the proposed tower cannot be accommodated on an existing or approved tower or structure due to one or more of the following reasons:
 - A. The wireless communications equipment would exceed the structural capacity of the existing or approved tower or structure, as documented by a qualified and licensed professional engineer, and the existing or approved tower/structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - B. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or structure as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 - C. Existing or approved towers and structures within the applicant's search radius cannot accommodate the planned equipment at a

height necessary to function reasonably as documented by a qualified and licensed professional engineer.

D. The radiofrequency coverage objective cannot be adequately met.

4. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional facilities if the tower is over 100 feet in height or for at least one additional facility if the tower is between 60 and 100 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

5. Towers/monopoles shall not be sited in locations where there is no vegetative, structural, or topographic screening available.

6. The County may require independent verification of the analysis at the applicant's expense.

(2) Height. Notwithstanding the maximum structure height requirements of each zoning district, wireless communications facilities shall comply with the following requirements:

(a) Ground mounted facilities. The maximum height of a tower shall be 120 feet, unless:

1. The tower and facility uses concealment technology; or

2. It is demonstrated by an engineer that a greater height is required to provide the necessary service.

(b) Building or other structure mounted WCF shall not project more than ten additional feet above the highest point on the existing building or structure.

(3) Setback/Yard.

(a) No dwelling on the subject property shall be closer to a ground mounted facility than a distance equal to the total height of the WCF measured from finished grade or according to the yard requirements of the underlying zone, which ever is greater.

(b) All ground mounted towers shall be setback from any property line a minimum distance equal to the total height of the tower.

(c) All equipment shelters shall be set back from property lines according to the required yard of the underlying zone.

(d) A WCF setback and yard requirement to a property line may be reduced as much as fifty percent (50%) of the proposed tower height when it is found that the reduction will allow the integration of a WCF into an existing or proposed structure such as a light standard, power line support device, or similar structure or if the approval authority finds that visual subordination may be achieved.

(e) A reduction of the setback/yard requirement below fifty percent (50%) under (d) of this section may be authorized subject to the variance approval criteria, variance classification and landing field height limitation of this chapter.

(4) Storage.

(a) Wireless communications storage facilities (i.e., vaults, equipment rooms, utilities, and equipment cabinets or enclosures) shall be constructed of non-reflective materials (exterior surfaces only). The placement of equipment in underground vaults is encouraged.

(b) Wireless communications storage facilities shall be no taller than one story (fifteen feet) in height and shall be treated to look like a building or facility typically found in the area.

(5) Color and materials. All buildings, poles, towers, antenna supports, antennas, and other components of each wireless communications site shall initially be colored with "flat" muted tones. The color selected shall be one that in the opinion of the approval authority minimizes visibility of the WCF to the greatest extent feasible.

(6) Fences.

(a) A sight obscuring fence shall be installed and maintained around the perimeter of the lease area of a ground mounted facility not employing concealment technology. The sight-obscuring fence shall surround the tower and the equipment shelter.

(b) A ground mounted facility located in a public right-of-way may be exempted from fencing requirements.

(c) Chain link fences shall be painted or coated with a non-reflective color.

(7) Security. In the event a fence is required, WCFs shall insure that sufficient anti-climbing measures have been incorporated into the facility, as needed.

to reduce potential for trespass and injury.

(8) Lighting.

(a) A new WCF shall only be illuminated as necessary to comply with FAA or other applicable state and federal requirements.

(b) No other exterior lighting shall be permitted on premises.

(9) Signs. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

(10) Access driveways and parking. All access drives and parking areas shall be no longer or wider than necessary and be improved to comply with the requirements of the local Rural Fire District.

(a) Existing driveways shall be used for access whenever possible.

(b) New parking areas shall whenever feasible, be shared with subsequent WCFs and/or other permitted uses.

(c) Any new parking area constructed shall consist of a durable and dustless surface capable of carrying a wheel load of 4,000 pounds and be no larger than three hundred (350) square feet.

(11) Landscape and Screening. All WCFs shall be improved in such a manner so as to maintain and enhance existing native vegetation and suitable landscaping installed to screen the base of the tower and all accessory equipment, where necessary. To this end, all of the following measures shall be implemented for all ground mounted WCFs including accessory structures.

(a) A landscape plan shall be submitted indicating all existing vegetation, landscaping that is to be retained within the leased area on the site, and any additional vegetation that is needed to satisfactorily screen the facility from adjacent land and public view areas. Planted vegetation shall be of the evergreen variety and placed outside of the fence. The landscape plan shall be subject to review and approval of the Design Review process. All trees, larger than four inches (4") in diameter and four and a half feet high (4½') shall be identified in the landscape plan by species type, and whether it is to be retained or removed with project development;

(b) Existing trees and other screening vegetation in the vicinity of the facility and along the access drive and any power/telecommunication line routes involved shall be protected from damage, during the construction period.

Section 18. MCC Chapters 11.15, 33, 34 and 35 are amended to add sections 11.15.7084, 33.6184, 34.6184 and 35.6184 to the respective code chapters as follows:

11.15.7084 Approval Criteria for land zoned Exclusive Farm Use.

A wireless communications facility located within an Exclusive Farm Use district shall demonstrate that the facility:

(A) Is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service.

(B) To demonstrate that a utility facility is necessary, an applicant for approval under or ORS 215.283 (1)(d) must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

(a) Technical and engineering feasibility;

(b) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(c) Lack of available urban and non-resource lands;

(d) Availability of existing rights of way;

(e) Public health and safety; and

(f) Other requirements of state or federal agencies.

(C) The following standards shall apply in addition to those of ORS 215.283 (1)(d) et. seq.

(1) Location pursuant to: 11.15.7083(B)(1).

(2) Height. The maximum height of any tower shall be 200 feet from finished grade.

(3) Setback pursuant to: 11.15.7083(B)(3).

(4) Storage pursuant to: 11.15.7083(B)(4).

(5) Color and materials pursuant to: 11.15.7083(B)(5).

(6) Fences pursuant to: 11.15.7083(B)(6).

(7) Security pursuant to: 11.15.7083(B)(7).

(8) Lighting pursuant to: 11.15.7083(B)(8).

(9) Signs pursuant to: 11.15.7083(B)(9).

(10) Access driveways and parking pursuant to: 11.15.7083(B)(10).

(11) Landscaping and screening pursuant to: 11.15.7083(B)(11).

33.6184 Approval Criteria for land zoned Exclusive Farm Use.

A wireless communications facility located within an Exclusive Farm Use district shall demonstrate that the facility:

(A) Is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service.

(B) To demonstrate that a utility facility is necessary, an applicant for approval under or ORS 215.283 (1)(d) must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

(a) Technical and engineering feasibility;

(b) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(c) Lack of available urban and non-resource lands;

(d) Availability of existing rights of way;

(e) Public health and safety; and

(f) Other requirements of state or federal agencies.

(C) The following standards shall apply in addition to those of ORS 215.283 (1)(d) et. seq.

(1) Location pursuant to: 33.6183(B)(1).

(2) Height. The maximum height of any tower shall be 200 feet from finished grade.

(3) Setback pursuant to: 33.6183(B)(3).

(4) Storage pursuant to: 33.6183(B)(4).

(5) Color and materials pursuant to: 33.6183(B)(5).

(6) Fences pursuant to: 33.6183(B)(6).

(7) Security pursuant to: 33.6183(B)(7).

(8) Lighting pursuant to: 33.6183(B)(8).

(9) Signs pursuant to: 33.6183(B)(9).

(10) Access driveways and parking pursuant to: 33.6183(B)(10).

(11) Landscaping and screening pursuant to: 33.6183(B)(11).

34.6184 Approval Criteria for land zoned Exclusive Farm Use.

A wireless communications facility located within an Exclusive Farm Use district shall demonstrate that the facility:

(A) Is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service.

(B) To demonstrate that a utility facility is necessary, an applicant for approval under or ORS 215.283 (1)(d) must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

(a) Technical and engineering feasibility;

(b) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(c) Lack of available urban and non-resource lands;

(d) Availability of existing rights of way;

(e) Public health and safety; and

(f) Other requirements of state or federal agencies.

(C) The following standards shall apply in addition to those of ORS 215.283 (1)(d) et. seq.

(1) Location pursuant to: 34.6183(B)(1).

(2) Height. The maximum height of any tower shall be 200 feet from finished grade.

(3) Setback pursuant to: 34.6183(B)(3).

(4) Storage pursuant to: 34.6183(B)(4).

(5) Color and materials pursuant to: 34.6183(B)(5).

(6) Fences pursuant to: 34.6183(B)(6).

(7) Security pursuant to: 34.6183(B)(7).

(8) Lighting pursuant to: 34.6183(B)(8).

(9) Signs pursuant to: 34.6183(B)(9).

(10) Access driveways and parking pursuant to: 34.6183(B)(10).

(11) Landscaping and screening pursuant to: 34.6183(B)(11).

35.6184 Approval Criteria for land zoned Exclusive Farm Use.

A wireless communications facility located within an Exclusive Farm Use district shall demonstrate that the facility:

(A) Is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service.

(B) To demonstrate that a utility facility is necessary, an applicant for approval under or ORS 215.283 (1)(d) must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

(a) Technical and engineering feasibility;

(b) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(c) Lack of available urban and non-resource lands;

(d) Availability of existing rights of way;

(e) Public health and safety; and

(f) Other requirements of state or federal agencies.

(C) The following standards shall apply in addition to those of ORS 215.283 (1)(d) et. seq.

(1) Location pursuant to: 35.6183(B)(1).

(2) Height. The maximum height of any tower shall be 200 feet from finished grade.

(3) Setback pursuant to: 35.6183(B)(3).

(4) Storage pursuant to: 35.6183(B)(4).

(5) Color and materials pursuant to: 35.6183(B)(5).

(6) Fences pursuant to: 35.6183(B)(6).

(7) Security pursuant to: 35.6183(B)(7).

(8) Lighting pursuant to: 35.6183(B)(8).

(9) Signs pursuant to: 35.6183(B)(9).

(10) Access driveways and parking pursuant to: 35.6183(B)(10).

(11) Landscaping and screening pursuant to 35.6183(B)(11).

Section 19. MCC Chapters 11.15, 33, 34 and 35 are amended to add sections 11.15.7085, 33.6185, 34.6185 and 35.6185 to the respective code chapters that shall read as follows:

Maintenance.

(A) The applicant/co-applicant or tenant shall maintain the WCF. Such maintenance shall include, but shall not be limited to painting, maintaining structural integrity, and landscaping.

(B) In the event the applicant/co-applicant or tenant/carrier fails to maintain the facility in accordance with permit conditions regarding visual impacts or public safety, Multnomah County may undertake the maintenance at the expense of the applicant or co-applicant landowner.

Section 20. MCC Chapters 11.15, 33, 34 and 35 are amended to add sections 11.15.7086, 33.6186, 34.6186 and 35.6186 to the respective code chapters that shall read as follows:

Abandonment.

(A) At such time that a carrier plans to abandon or discontinue, or is required to discontinue, the operation of a WCF, such carrier will notify Multnomah County Land Use Planning Division by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations.

(B) In the event that a carrier fails to give such notice, the WCF shall be considered abandoned if the antenna or tower is not operated for a continuous period of twelve months, unless the owner of said tower provides proof of continued maintenance on a quarterly basis.

(C) Upon abandonment or discontinuation of use, the person who constructed the facility, the person who operated the facility, carrier, or the property owner shall physically remove the WCF within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

(1) Removal of the antenna(s), mounts, equipment cabinets, security barriers, and foundations down to three feet below ground surface.

(2) Transportation of the antenna(s), mount, equipment cabinets, and security barriers to an appropriate disposal site.

(3) Restoring the site of the WCF to its pre-construction condition, except any remaining landscaping and grading.

(4) The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition.

(D) If a party as stated in (C) fails to remove a WCF in accordance with this section, Multnomah County shall have the authority to enter the subject property and physically remove the facility. Costs for the removal of the WCF shall be charged to the landowner of record in the event Multnomah County must remove the facility.

(E) If there are two or more carriers/operators of a single tower, then provisions of this section shall not become effective until all carriers/operators cease using the tower.

(F) Failure to remove an abandoned facility as required by this subsection shall constitute a violation and be subject to the penalties prescribed this chapter.

Section 21. MCC Chapters 11.15, 33, 34 and 35 are amended to add sections 1.15.7087, 33.6187, 34.6187 and 35.6187 to the respective code chapters that shall read as follows:

Appeals.

Any person aggrieved by a decision of the Approval Authority made pursuant to this section may appeal that decision as provided in MCC 37.0640.

Section 22. MCC Chapters 11.15, 33, 34 and 35 are amended to add sections 11.15.7088, 33.6188, 34.6188 and 35.6188 to the respective code chapters that shall read as follows:

Statutory Severability.

If any subsection, sentence, clause, phrase, or word of this section is for any reason held to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section. The Multnomah County Board of Commissioners hereby declares that it would have passed and adopted this section and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional.

Section 23. This ordinance, being necessary to implement new policies and process pending applications with respect to wireless communication facilities and for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and the ordinance shall take effect on February 15, 2001, pursuant to section 5.50 of the Charter of Multnomah County.

FIRST READING AND ADOPTION: February 15, 2001

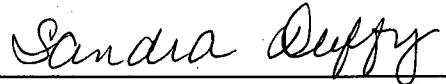


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Deputy County Attorney