

**ANNOTATED MINUTES**

Tuesday, March 24, 1992 - 9:30 AM  
Multnomah County Courthouse, Room 602

**PLANNING ITEMS**

Chair Gladys McCoy convened the meeting at 9:35 a.m., with Vice-Chair Sharron Kelley and Commissioner Pauline Anderson present, Commissioner Gary Hansen excused, and Commissioner Rick Bauman arriving at 9:40 a.m.

The Following March 2, 1992 Decisions of the Planning Commission are Reported to the Board for Acceptance and Implementation by Board Order:

P-1      CS 4-92      APPROVED, SUBJECT TO CONDITIONS, Requested Community Service Use Expansion for the American Hellenic Education Center Site, Located on Property at 32149 SE STEVENS ROAD

**DECISION READ. SCOTT PEMBLE ADVISED A NOTICE OF REVIEW WAS FILED AND SUGGESTED A DATE AND SCOPE OF REVIEW FOR THE APPEAL HEARING. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, IT WAS UNANIMOUSLY APPROVED THAT A HEARING BE SCHEDULED FOR TUESDAY, APRIL 28, 1992, ON THE RECORD, WITH TESTIMONY LIMITED TO 10 MINUTES PER SIDE.**

P-2      CU 5-92      APPROVED, SUBJECT TO CONDITIONS, Conditional Use Request for Development of a 1.65 Acre Lot of Record with a Non-Resource Related Single Family Dwelling, for Property Located at 16800 NW ELLIOTT ROAD

**DECISION READ, NO APPEAL FILED, DECISION STANDS.**

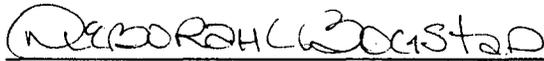
P-3      CS 3-92  
HV 2-92      PUBLIC HEARING, ON THE RECORD, TEN MINUTES PER SIDE in the Matter of the February 3, 1992 Planning Commission Decision Approving, Subject to Conditions, Community Service Designation and Variances for a Reduction of the Required Front Yard South and Side Yard West, to Allow Installation of a Cellular Telephone Communications Monopole, with Associated Antennas, and to Erect an Electronics Equipment Building on the Subject Site, for Property Located at 1853 SE HIGHLAND ROAD

**MR. PEMBLE EXPLAINED HEARING PROCEDURE. BOB HALL PRESENTED STAFF REPORT. JOHN DuBAY RESPONSE TO EVIDENCE REQUEST OF FREDERIC CANN AND OBJECTION BY TIM RAMIS. BOARD COMMENTS AND DISCUSSION. MR. CANN TESTIFIED IN SUPPORT OF A REVERSAL OR REMAND OF THE PLANNING COMMISSION DECISION AND RESPONDED TO BOARD QUESTIONS. MR. RAMIS TESTIFIED IN OPPOSITION TO EVIDENCE SUBMITTED BY MR. CANN AND IN SUPPORT OF**

**AFFIRMING THE PLANNING COMMISSION DECISION. SPENCER VALE TESTIFIED IN SUPPORT OF A REVERSAL OR REMAND OF THE PLANNING COMMISSION DECISION AND RESPONDED TO BOARD QUESTIONS. BOARD COMMENTS. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, THE PLANNING COMMISSION DECISION WAS UNANIMOUSLY AFFIRMED. MR. PEMBLE ADVISED THE FINAL ORDER WOULD BE SUBMITTED FOR TUESDAY, APRIL 7, 1992.**

*There being no further business, the meeting was adjourned at 10:45 a.m.*

OFFICE OF THE BOARD CLERK  
for MULTNOMAH COUNTY, OREGON



*Deborah L. Bogstad*

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*Tuesday, March 24, 1992 - 10:15 AM  
Multnomah County Courthouse, Room 602*

**BOARD BRIEFING**

*B-1 Improving Human Services for Low Income Hispanics in Multnomah County. Presented by Members of the Multnomah County Community Action Commission and Community Action Program Office.*

**CLARA PADILLA-ANDREWS, CAROLE MURDOCK, JAN SAVIDGE, LUANA SHIPP, DANA BROWN AND REY ESPANA  
PRESENTATION AND RESPONSE TO BOARD QUESTIONS.**

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*Tuesday, March 24, 1992 - 11:15 AM  
Multnomah County Courthouse, Room 602*

**AGENDA REVIEW**

*B-2 Review of Agenda for Regular Meeting of March 26, 1992.*

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*Tuesday, March 24, 1992 - 1:30 PM  
Multnomah County Courthouse, Room 602*

**BOARD BRIEFING**

*B-3 Board Discussion and Request for Policy Direction Regarding Plan for the Youth Empowerment and Employment Demonstration Project, Including Budgetary Impact. Presented by Harold Ogburn and Lorenzo Poe.*

**HAROLD OGBURN, LOLENZO POE AND JANA McLELLAN**

**PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. CHAIR McCOY DIRECTED JJD STAFF TO OBTAIN INPUT FROM COALITION AND RETURN WITH MODIFIED PROJECT PLAN FOR BOARD BRIEFING ON TUESDAY, MARCH 31, 1992.**

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Thursday, March 26, 1992 - 9:30 AM  
Multnomah County Courthouse, Room 602

**REGULAR MEETING**

Chair Gladys McCoy convened the meeting at 9:30 a.m., with Vice-Chair Sharron Kelley, Commissioners Pauline Anderson and Gary Hansen present.

**CONSENT CALENDAR**

**UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-3) WAS UNANIMOUSLY APPROVED.**

**JUSTICE SERVICES**

**SHERIFF'S OFFICE**

- C-1 *Class A Dispenser Liquor License Change of Ownership Application for BIFF'S SEAFOOD RESTAURANT, INC. Submitted by Sheriff's Office with Recommendation for Approval*
- C-2 *Class A Dispenser Liquor License New Outlet Application for the ROYAL CHINOOK INN Submitted by Sheriff's Office with Recommendation for Approval*
- C-3 *Package Store Liquor License Change of Ownership Application for DAVID'S MARKET Submitted by Sheriff's Office with Recommendation for Approval*

**REGULAR AGENDA**

**DEPARTMENT OF SOCIAL SERVICES**

- R-1 *Request for Approval of a Notice of Intent to Apply for a VISTA Volunteer Program Grant to Enable the Alcohol and Drug Program Office to Receive the Services of Eight VISTA Volunteers to Perform Direct Community Based Support Services*

**UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, R-1 WAS UNANIMOUSLY APPROVED.**

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- R-2 *Budget Modification DES #20 Authorizing Transfer of \$95,000 From Object Code 6140 to Object Code 8400 within the Information Services Division Telephone Fund*

Budget

Commissioner Rick Bauman arrived at 9:34 a.m.

**COMMISSIONER KELLEY MOVED AND COMMISSIONER ANDERSON SECONDED, APPROVAL OF R-2. BOARD COMMENTS AND DISCUSSION. COMMISSIONERS KELLEY AND ANDERSON WITHDREW THEIR MOTION AND SECOND. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, IT WAS UNANIMOUSLY APPROVED THAT R-2 BE CONTINUED TO THURSDAY, APRIL 2, 1992 IN ORDER TO ALLOW STAFF TO RESPOND TO QUESTION OF COMMISSIONER ANDERSON.**

R-3 *Second Reading and Possible Adoption of an ORDINANCE Amending Multnomah County Code Chapter 5.10.270*

**PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF THE SECOND READING AND ADOPTION. NO ONE WISHED TO TESTIFY. ORDINANCE 715 UNANIMOUSLY APPROVED.**

R-4 *Ratification of an Intergovernmental Agreement Between the Metropolitan Service District and Multnomah County, Providing a \$10,000 Grant for Wetland Enhancement and Restoration at Bybee-Howell Territorial Park*

**UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, R-4 WAS UNANIMOUSLY APPROVED.**

NON-DEPARTMENTAL

R-5 *Second Reading and Possible Adoption of an ORDINANCE Establishing a Process for Designating Interim Holders of Certain Elective Offices When Vacancies Occur, as Required by the Home Rule Charter*

**PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF THE SECOND READING AND ADOPTION. NO ONE WISHED TO TESTIFY. ORDINANCE 716 UNANIMOUSLY APPROVED.**

R-8 *RESOLUTION in the Matter of Seeking a Commitment of Federal Money to Replace with Specific Conditions 194 Units of Low Income Housing in Downtown Portland to be Lost through the Demolition of the Hamilton and Lowndale Hotels*

**COMMISSIONER ANDERSON MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-8. BARBARA HINKLE, BILL MUIR AND NORMAN WENZEL TESTIMONY IN SUPPORT AND RESPONSE TO BOARD QUESTIONS AND**

**DISCUSSION. RESOLUTION 92-42 UNANIMOUSLY APPROVED.**

R-6 *RESOLUTION in the Matter of the Proposed Consolidations of County and City of Gresham Road Organizations and Fleet Management.*

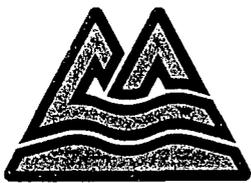
R-7 *RESOLUTION in the Matter of Transfer of Roads Jurisdiction to the City of Gresham and Agreement on Maintenance for Those Roads*

**COMMISSIONER BAUMAN'S MOTIONS TO APPROVE ITEMS R-6 AND R-7 DIED FOR LACK OF SECONDS. MARGE SCHMUNK, SAM COX, PAUL THALHOFER, DAVID RIPMA AND ARLENE COLLINS TESTIMONY IN OPPOSITION TO CONSOLIDATION AND TRANSFER, AND RESPONSE TO BOARD QUESTIONS. COMMISSIONER ANDERSON READ STATEMENT URGING CONTINUED DISCUSSION OF PROPOSED CONSOLIDATION AND TRANSFER EFFORTS.**

*There being no further business, the meeting was adjourned at 10:17 a.m.*

**OFFICE OF THE BOARD CLERK  
for MULTNOMAH COUNTY, OREGON**

*Deborah L. Bogstad*  
*Deborah L. Bogstad*



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 606, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308  
PAULINE ANDERSON • DISTRICT 1 • 248-5220  
GARY HANSEN • DISTRICT 2 • 248-5219  
RICK BAUMAN • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
CLERK'S OFFICE • 248-3277

## AGENDA

### MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

#### FOR THE WEEK OF

MARCH 23 - 27, 1992

- Tuesday, March 24, 1992 - 9:30 AM - Planning Items. . . . .Page 2
- Tuesday, March 24, 1992 - 10:15 AM - Board Briefing . . . . .Page 2
- Tuesday, March 24, 1992 - 11:15 AM - Agenda Review. . . . .Page 2
- Tuesday, March 24, 1992 - 1:30 PM - Board Briefing. . . . .Page 3
- Thursday, March 26, 1992 - 9:30 AM - Regular Meeting. . . . .Page 3

Thursday Meetings of the Multnomah County Board of Commissioners are recorded and can be seen at the following times:

- Thursday, 10:00 PM, Channel 11 for East and West side subscribers
- Friday, 6:00 PM, Channel 22 for Paragon Cable (Multnomah East) subscribers
- Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

Tuesday, March 24, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

PLANNING ITEMS

The Following March 2, 1992 Decisions of the Planning Commission are Reported to the Board for Acceptance and Implementation by Board Order:

P-1 CS 4-92 APPROVED, SUBJECT TO CONDITIONS, Requested Community Service Use Expansion for the American Hellenic Education Center Site, Located on Property at 32149 SE STEVENS ROAD

P-2 CU 5-92 APPROVED, SUBJECT TO CONDITIONS, Conditional Use Request for Development of a 1.65 Acre Lot of Record with a Non-Resource Related Single Family Dwelling, for Property Located at 16800 NW ELLIOTT ROAD

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P-3 CS 3-92  
HV 2-92 PUBLIC HEARING, ON THE RECORD, TEN MINUTES PER SIDE in the Matter of the February 3, 1992 Planning Commission Decision Approving, Subject to Conditions, Community Service Designation and Variances for a Reduction of the Required Front Yard South and Side Yard West, to Allow Installation of a Cellular Telephone Communications Monopole, with Associated Antennas, and to Erect an Electronics Equipment Building on the Subject Site, for Property Located at 1853 SE HIGHLAND ROAD

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Tuesday, March 24, 1992 - 10:15 AM

Multnomah County Courthouse, Room 602

BOARD BRIEFING

B-1 Improving Human Services for Low Income Hispanics in Multnomah County. Presented by Members of the Multnomah County Community Action Commission and Community Action Program Office. 1 HOUR REQUESTED.

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Tuesday, March 24, 1992 - 11:15 AM

Multnomah County Courthouse, Room 602

AGENDA REVIEW

B-2 Review of Agenda for Regular Meeting of March 26, 1992

Tuesday, March 24, 1992 - 1:30 PM

Multnomah County Courthouse, Room 602

BOARD BRIEFING

- B-3 Board Discussion and Request for Policy Direction Regarding Plan for the Youth Empowerment and Employment Demonstration Project, Including Budgetary Impact. Presented by Harold Ogburn and Lorenzo Poe. 45 MINUTES REQUESTED.
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Thursday, March 26, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

JUSTICE SERVICES

SHERIFF'S OFFICE

- C-1 Class A Dispenser Liquor License Change of Ownership Application for BIFF'S SEAFOOD RESTAURANT, INC. Submitted by Sheriff's Office with Recommendation for Approval
- C-2 Class A Dispenser Liquor License New Outlet Application for the ROYAL CHINOOK INN Submitted by Sheriff's Office with Recommendation for Approval
- C-3 Package Store Liquor License Change of Ownership Application for DAVID'S MARKET Submitted by Sheriff's Office with Recommendation for Approval

REGULAR AGENDA

DEPARTMENT OF SOCIAL SERVICES

- R-1 Request for Approval of a Notice of Intent to Apply for a VISTA Volunteer Program Grant to Enable the Alcohol and Drug Program Office to Receive the Services of Eight VISTA Volunteers to Perform Direct Community Based Support Services

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-2 Budget Modification DES #20 Authorizing Transfer of \$95,000 From Object Code 6140 to Object Code 8400 within the Information Services Division Telephone Fund Budget
- R-3 Second Reading and Possible Adoption of an ORDINANCE Amending Multnomah County Code Chapter 5.10.270
- R-4 Ratification of an Intergovernmental Agreement Between the Metropolitan Service District and Multnomah County, Providing a \$10,000 Grant for Wetland Enhancement and Restoration at Bybee-Howell Territorial Park

NON-DEPARTMENTAL

- R-5 Second Reading and Possible Adoption of an ORDINANCE Establishing a Process for Designating Interim Holders of Certain Elective Offices When Vacancies Occur, as Required by the Home Rule Charter
- R-6 RESOLUTION in the Matter of the Proposed Consolidations of County and City of Gresham Road Organizations and Fleet Management. 10:00 AM TIME CERTAIN REQUESTED.
- R-7 RESOLUTION in the Matter of Transfer of Roads Jurisdiction to the City of Gresham and Agreement on Maintenance for Those Roads
- R-8 RESOLUTION in the Matter of Seeking a Commitment of Federal Money to Replace with Specific Conditions 194 Units of Low Income Housing in Downtown Portland to be Lost through the Demolition of the Hamilton and Lownsdale Hotels

0200C/43-46/db

GARY HANSEN  
Multnomah County Commissioner  
District 2



605 County Courthouse  
Portland, Oregon 97204  
(503) 248-5219

MEMORANDUM

TO: County Commissioners  
Clerk of the Board

FR: Gary Hansen

DATE: March 16, 1992

I will be out of the office on vacation from March 23  
through March 25.

BOARD OF  
COUNTY COMMISSIONERS  
1992 MAR 16 PM 3:08  
MULTNOMAH COUNTY  
OREGON

Meeting Date: MAR 24 1992

Agenda No.: P-1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Decisions

BCC Informal \_\_\_\_\_ (date) BCC Formal March 24, 1992 (date)

DEPARTMENT DES DIVISION Planning

CONTACT Myrna Blanchard TELEPHONE 2610

PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: \_\_\_\_\_

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: \_\_\_\_\_

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

CS 4-92 Review the Decision of the Planning Commission approving, subject to conditions, the CS use expansion for the American Hellenic Education Center site located on property at 32149 S.E. Stevens Road.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER 

(All accompanying documents must have required signatures)

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1992 MAR 16 PM 3:15



DEPARTMENT OF ENVIRONMENTAL SERVICES  
DIVISION OF PLANNING AND DEVELOPMENT  
2115 SE MORRISON STREET  
PORTLAND, OREGON 97214  
(503) 248-3043

### Decision

This Decision consists of Conditions, Findings of Fact and Conclusions

March 2, 1992

**CS 4-92, #574 / #583-B Community Service Expansion  
(Youth Camp, and Occasional Group Retreats, Picnics, or Social Gatherings)**

Applicant requests approval to expand the Community Service (CS) uses authorized at the American Hellenic Education Center. The 96-acre site is located on the easterly bank of the Sandy River, about a mile south of Springdale. The proposed CS expansion would allow group retreats, picnics, camping, nature study, fishing, education, health, recreational and social gatherings. A 1986 CS decision authorized retreats and summer camps for up to 60 children. The requested expansion would increase overnight facilities to accommodate 196 persons. Applicant indicates day-use facilities and cabins would continue to serve children. However, the CS expansion would permit occasional scheduling of adult groups for day-use events or overnight retreats.

**Location:** 32149 SE Stevens Road

**Legal:** Tax Lots '15', '51', '58' and '61', Section 8, 1S-4E  
1991 Assessor's Map

**Site Size:** 96 Acres

**Property Owners:** American Hellenic Education Center, Inc.  
3131 NE Glisan Street, 97232

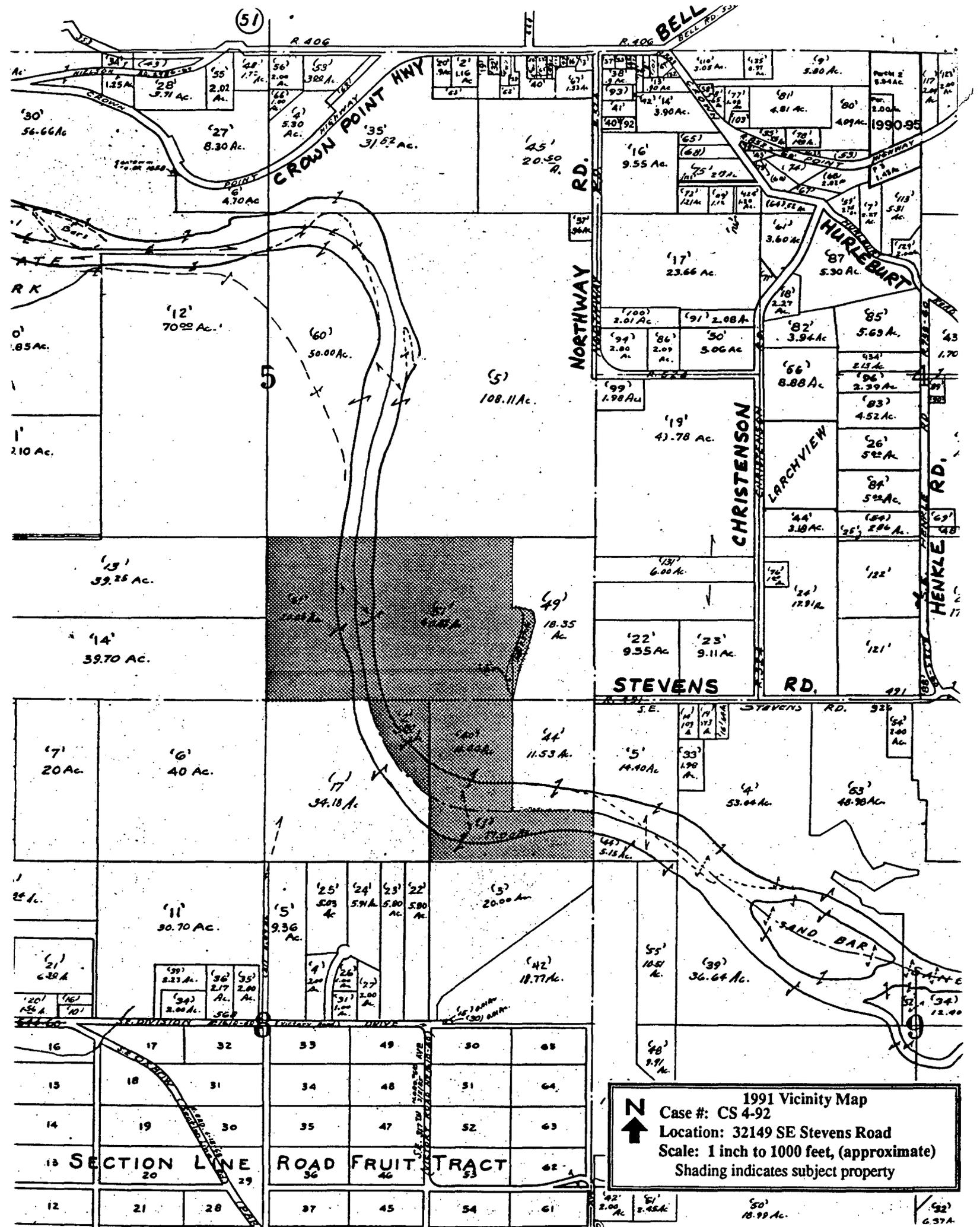
**Applicant:** Same

**Comprehensive Plan:** Multiple Use Forest

**Present Zoning:** MUF-19, C-S, Multiple Use Forest, Community Service District  
SEC, Area of Significant Environmental Concern  
FH, Flood Hazard District

#### PLANNING COMMISSION

**DECISION:** Approve, subject to conditions, the requested CS use expansion for the American Hellenic Education Center site, based on the following Findings and Conclusions.



(51)

CROWN POINT HWY  
 35' 31.52 AC.  
 27' 8.30 AC.  
 28' 5.71 AC.  
 30' 56.66 AC.  
 35' 31.52 AC.  
 35' 31.52 AC.

NORTHWAY RD.

BELL RD.

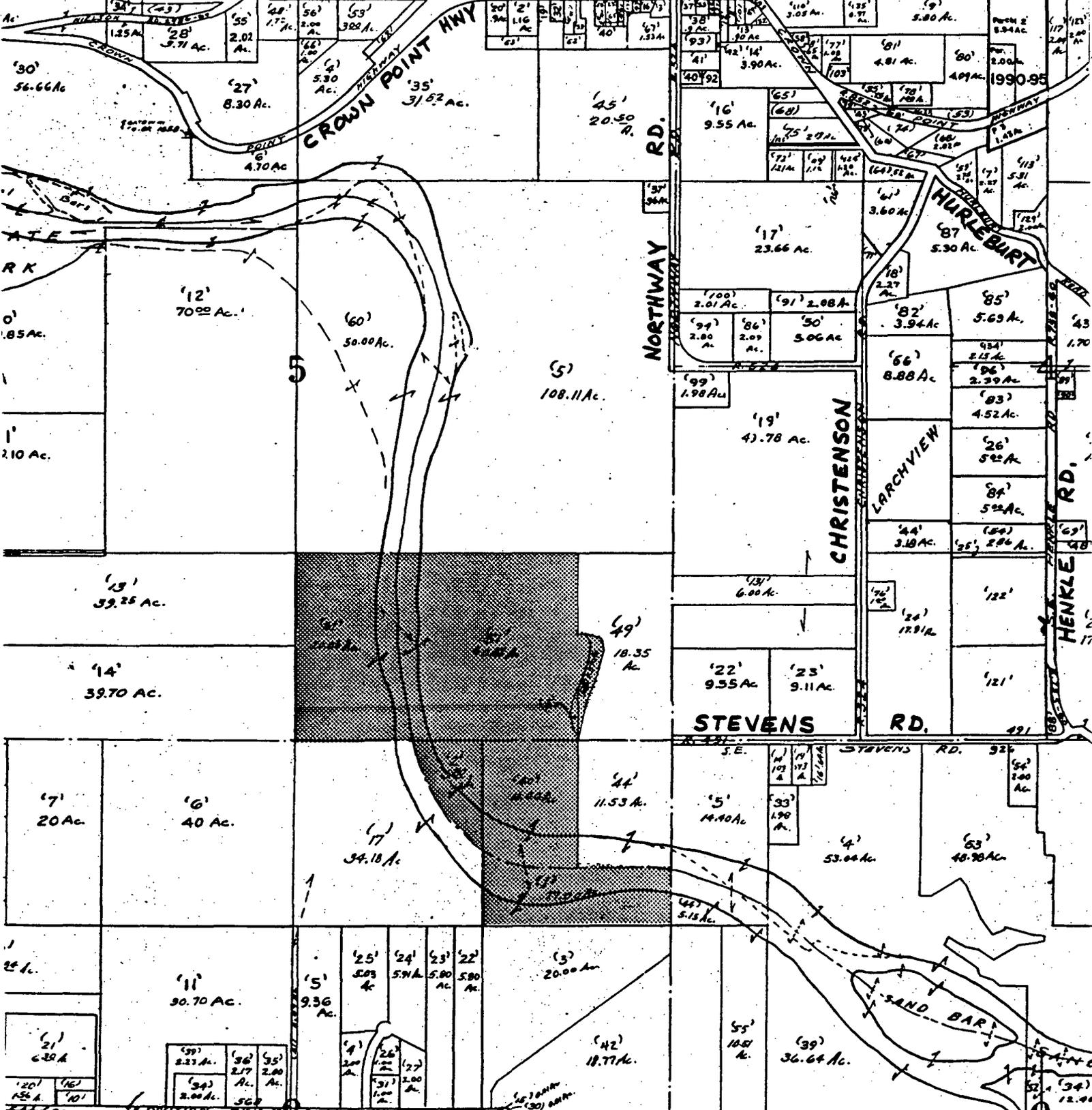
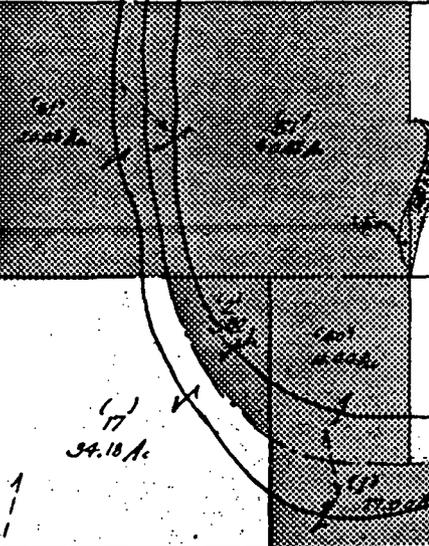
HURLEBURT

CHRISTENSON

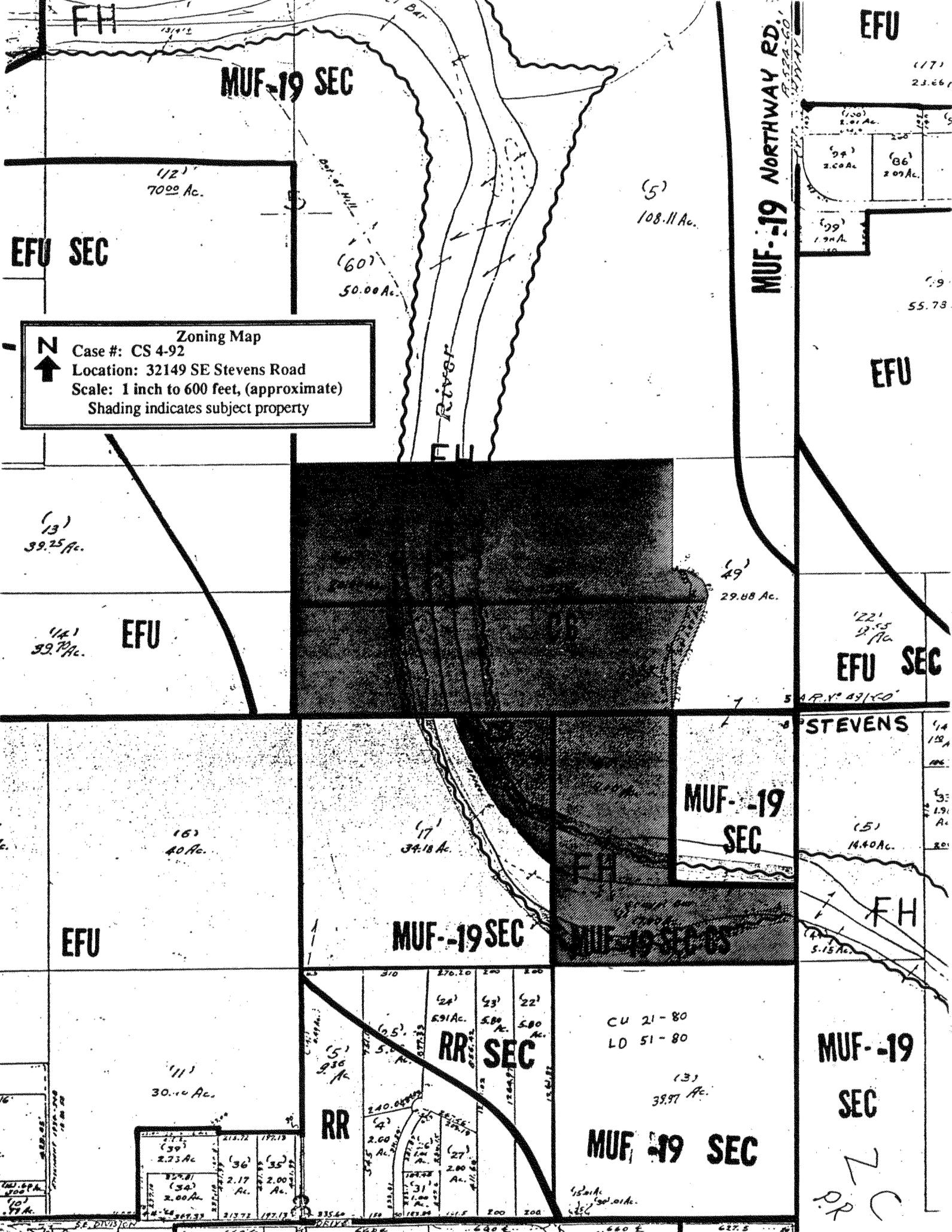
STEVENS RD.

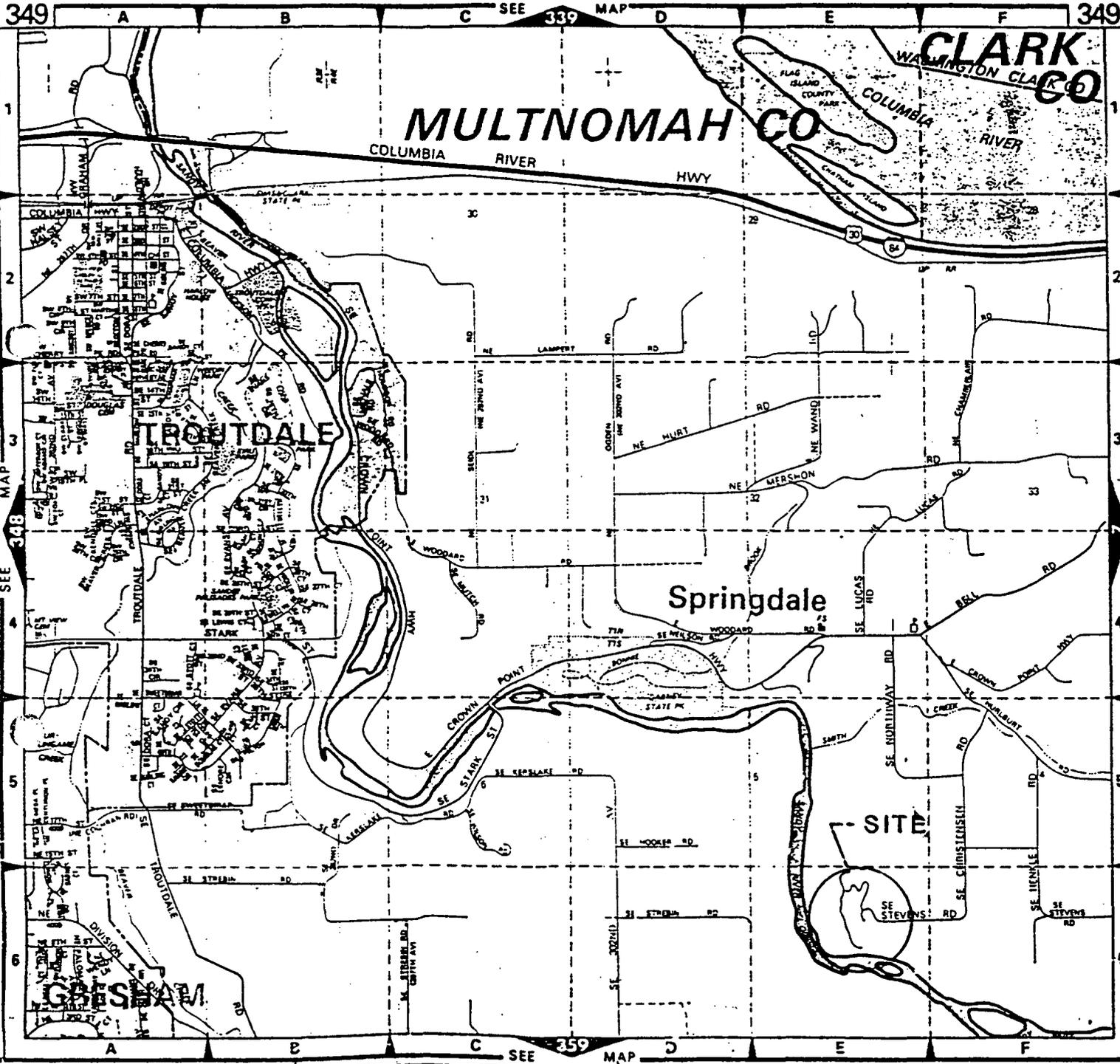
HENKLE RD.

5



16	17	32	33	49	50	65
15	18	31	34	48	51	64
14	19	30	35	47	52	63
13	SECTION LINE		ROAD FRUIT TRACT		53	62
12	21	28	37	45	54	61





CS 4-92

8

1 of 1

REVISIONS

EXHIBIT

Page

7-9-90

DATE 4.20.90

JOB NO. 97500

DWN. MG

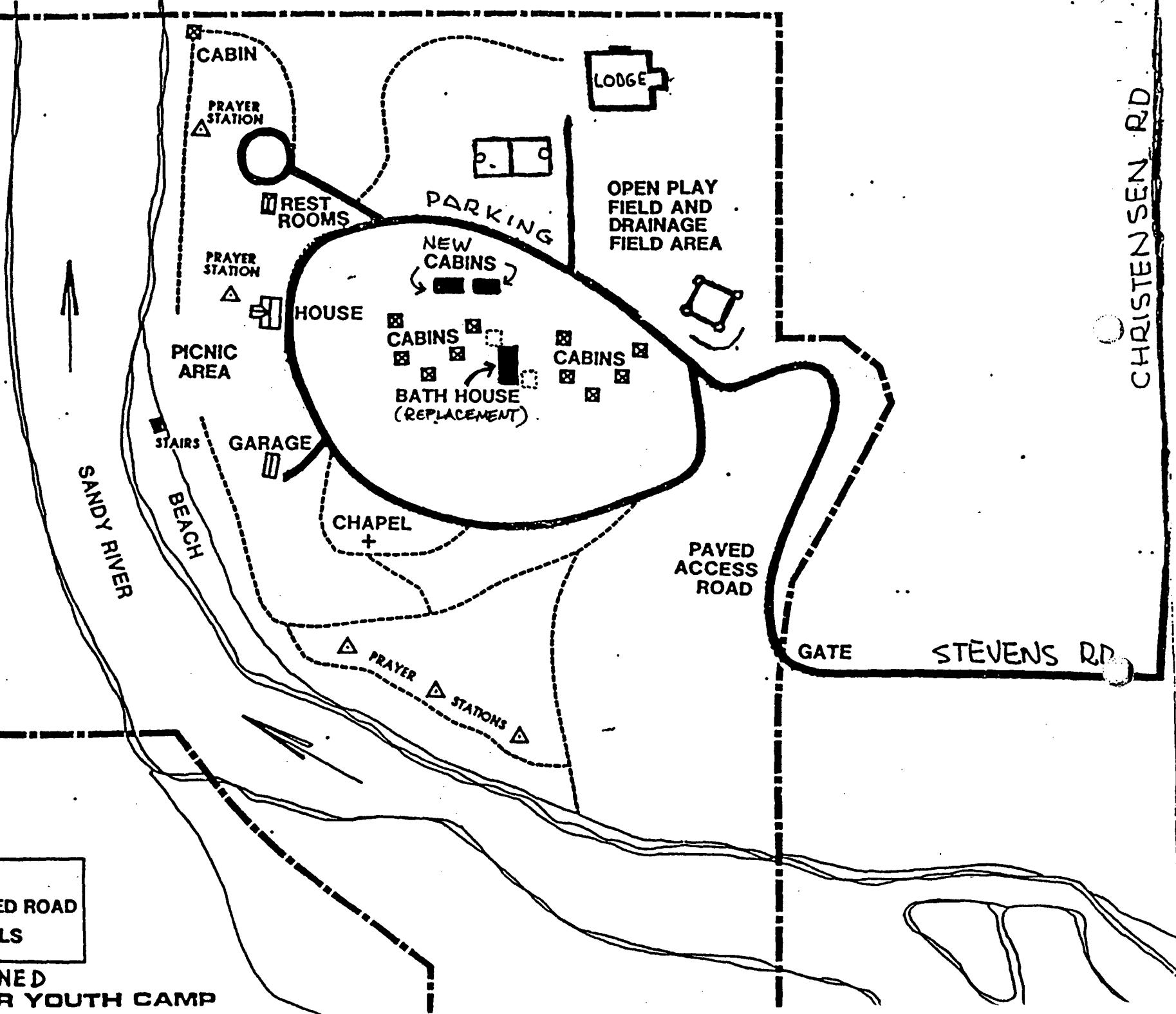
CHK. PR

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OF

**KEY**  
— PAVED ROAD  
- - - TRAILS

**PLANNED SANDY RIVER YOUTH CAMP**



CHRISTENSEN RD

GATE STEVENS RD

## Conditions of Approval:

1. Obtain Design Review approval of all proposed site improvements including, but not limited to, grading, clearing, landscaping, fencing and exterior building designs. The expanded use of the site shall not proceed until required Design Review approvals are obtained. Specific site improvements represented in the CS application may be developed in separate phases; however, at a minimum, improve the access road and parking area to address minimum requirements in 11.15.6128(A) [i.e., 20-foot wide access drive]. Fill placement and associated work necessary to widen the access drive shall avoid or minimize adverse effects to existing walnut trees on Tax Lot '44', immediately abutting the south boundary of the 30-foot easement to Stevens Road. The Final Design Review decision may require slope easements, replanting, retaining walls, or other means to protect or mitigate for impacts to trees on adjoining properties.
2. Obtain a *Grading and Erosion Control Permit* as specified in MCC .6710(B) for any cut or fill work or drainage alterations on the site.
3. The land use approval shall be for the specific uses and scale specified in this decision. Overnight stays on the site shall not exceed 150 youth camp participants (includes counselors and/or chaperones).
4. Notwithstanding the number of youth camp participants authorized for overnight stays under #3 above, any event, picnic, retreat, or other function planned on the site for groups of more than 60 adults shall only be allowed if a **Temporary Permit** is first obtained from the Planning Division pursuant to MCC .8705. Requests shall be filed in time to allow public notification. Before rendering a decision on a Temporary Permit application, written notice of the request shall be mailed to all owners of property within 1000-feet of the AHEC site and to the Sheriff's Office and local Fire District at least 30-days before the scheduled event.

The Planning Director, in approving a Temporary Permit, may require temporary traffic controls, bus shuttles, car-pool or van-pool programs, limited hours, and other measures to mitigate impacts to surrounding properties and road systems, and protect public safety. Each season's bookings (of groups or events with more than 60 adults) may be included in one Temporary Permit application.
5. Prior to occupancy or final approvals for any new buildings or the expanded use of the site, complete Transportation Division requirements (if any) for improvements to SE Stevens Road.
6. Prior to occupancy or final approvals for any new buildings or the expanded use of the site, complete State Fire Marshall requirements for minimum fire flow capability on the site [ref. ORS 479.200].
7. The AHEC operator shall implement a "Good Neighbor Plan" program consisting of the following items:

- a. **Provide a Complaint Process:** The applicant must agree in writing to correspond on a long-term informal basis with local recognized associations and other concerned individuals regarding problems or issues associated with operations or events at the AHEC. The applicant shall maintain a record of written complaints received, together with any responses from AHEC operators, caretaker, or representative. This record must be available to the public upon request.
- b. **Restrict Alcohol Use:** The consumption or sale of Alcoholic beverages is not allowed on the site. This restriction applies to uses authorized by this CS decision, and to uses which may be temporarily authorized under Condition #4. The prohibition does not apply to consumption as part of religious sacraments.
- c. **Control Litter:** The applicant shall address litter control through: provision of adequate trash receptacles on-site for user groups, requiring on and off-site "litter pick-up" in any lease or rental agreements with user groups; and maintaining garbage collection service to the property.

## Findings of Fact:

### 1. Background and Project Description:

The County approved development of a youth camp and retreat center on the site in 1986. The CS 13-86 decision approved overnight facilities for 60 children. The 1986 case authorized a phased development of the site consisting of: 1) twelve new cabins; 2) an outdoor sanctuary; 3) a new restroom/bathhouse; 4) an open air pavilion; and, 5) a lodge.

The proposed CS expansion would allow scheduling of adult groups for day-use events or overnight retreats, picnics, and social gatherings. The request would increase overnight facilities to accommodate up to 196 persons. Day-use facilities and cabins would continue to serve children. Excerpts from applicant's proposal description are presented below:

*"Applicant wishes to extend the use of the campground originally limited to retreats and summer camps for children.*

*"The applicant had originally requested...facilities for...120 children. This is reflected in the decision dated September 8, 1986, found on page 5 under category 4(C),... Notwithstanding the reference to 120 children, the facesheet indicates authorization for 60 children. The applicant wishes to correct the authorized number to the original 120. In addition, applicant wishes to add authorization for approximately 76 or ...up to 196 overnight campers ... Although it would be rare that the overnight campers would be adults, the applicant would wish to have the opportunity to allow camping for persons over*

*the age of 18 as well. Obviously, chaperones and camp staff are adults.*

*"In addition, as a result of the demand being made upon the applicant the facilities are desired to be used by not only the applicant's members and their children but also by other organizations as well as nonprofit entities.*

*"The Job Corp, the Boys and Girls Scouts of America, the Oregon Museum of Science and Industry (OMSI), the local Corbett Fire Department, Corbett High School, the American Camping Association, Campfire groups, the Multnomah Education Service District Outdoor School, as well as other entities have sought the use of the premises for day and/or night use. The applicant wishes to have the flexibility to allow access and use of the facilities to such entities since there is a lack of similar proximate facilities in the Portland Metropolitan area...*

*"The applicant has constructed a lodge which has a meeting hall, a chapel, nurses quarters, a kitchen and other facilities conducive for modern living in a natural setting. AHEC has built cabins for overnight accommodations, an open air pavilion, improved and expanded paths, constructed prayer stations as well as a chapel, and maintained beach and picnic areas for those who want to communicate with nature. Adequate bath and restroom facilities exist to now accommodate more than 120 overnight campers...*

*"The applicant wishes to continue using the facility for prayer, retreats, picnics, camping, nature studies, fishing, education, health and recreation, but now wish to obtain formal approval for adult use. It has looked into the issue of fire safety, water usage, sanitation standards as well as the need to maintain the premises in its natural state...*

*"With the grounds totaling approximately 95.92 acres, it does not desire to have any more than approximately two individuals per acre on the average on an overnight basis...*

*"Applicant is sensitive to the rights of neighbors, as well as others relative to such issues as traffic, environmental concerns and the need to dissuade the use of the premises for any inappropriate purpose. Thus, the applicant has set into motion not only the adoption of rules and regulations but a monitoring/policing system to make sure that local laws and ordinances as well as the applicant's rules and regulations are full effected..."*

## **2. Site and Vicinity Information:**

The site is located at the west end of SE Stevens Road, approximately 1<sup>1</sup>/<sub>2</sub> miles south of the community of Springdale. The site is approximately 96-acres in size and is bounded by the Sandy River on the west and south. Agricultural and forestry uses characterize adjacent and nearby lands to the east and north, and across the river to the west and south. Rural residences are more common further north and east, near the Springdale rural center and the Historic Columbia River

Highway. Nearby land uses include Camp Collins (YMCA) and Oxbow Park (County), both located about 2-miles to the southeast on the opposite bank of the Sandy River. Dabney State Park is located about 1 1/2 miles downstream, northwest of the site.

The site is located within the Sandy River Scenic Waterway Area. The State Parks and Recreation Department responded favorably to the proposed expansion in a letter dated January 17, 1992.

### 3. Ordinance Considerations:

Conditional uses allowed in the Multiple Use Forest District are specified in MCC 11.15.2172. Subsection (A) specifies "***Community Service Uses pursuant to the provisions of MCC .7005 through .7041.***" MCC .7020(A)(2) identifies a camp or campground as a CS Use; MCC .7020(A)(11) identifies a philanthropic institutions as a CS Use; and MCC .7020(A)(20) identifies a school as a CS Use. Approval criteria are specified in MCC .7015.

The following section presents findings regarding the proposed expansion of the Community Service Use. The applicable criteria is in ***bold italics***; applicant's responses are presented first in "*italics*", followed by staff comments.

#### 3. A. Community Service Use Criteria (MCC .7015)

##### A(1) *Is consistent with the character of the area;*

*"As stated in the original evaluation pertaining to the use of the premises, there should be no substantial change in utilization of this property whether as a camp ground, retreat, picnic area or for educational or social purposes; and, therefore, there should be no foreseeable adverse impact on the character of the surrounding area.*

*"The use of the facilities will, notwithstanding any expansion, be less intense than other park uses which occur along the Sandy river. The facility is no different than the YMCA camp upstream. This was recognized by the original decision of the Multnomah County Planning Commission. The moderate increase in use still falls within the guidelines, and is less than what would be found in such areas as the YMCA camp.*

*"The traffic that would be generated would be well controlled and allowed to park in only specific parking areas so as not to create an environmental problem with regard to the natural surroundings. Applicant intends to use mass transportation techniques to reduce personal vehicular traffic if any inordinate amount of traffic is foreseen. Thus, if it is anticipated that traffic will be excessive in the area, then a busing system could be instituted. It is not anticipated, however, that the small relative increase in users would create an impact of significance."*

**Comment:** The camp and retreat center which has operated on the site for several years primarily serves youth groups. Expanding this component should have negligible effects to the area character, since the youth are typically transported by bus and only minor additions will be made to the camp facilities. Physical changes indicated on the site plans include a new bath house (replacing two existing ones), and two new "cabins". These changes will not be visible from surrounding properties or from the Sandy River.

However, the proposed addition of large adult groups and activities could significantly increase traffic to and from the site on occasion since these users will more likely use individual vehicles for access. The discussion below under the *Hazardous Conditions* criteria addresses this issue in more detail.

**A(2) Will not adversely affect natural resources;**

*"A major lodge development has already been completed. It was approved as the major facility. There is housing to accommodate 120 individuals. It is completed, and met county standards.*

*A relatively small number of structures need to be completed which includes replacement of the two existing bathhouses. Construction options have been reviewed and available sites with minimal removal of vegetation can be effected. A review has been made under the SR regulations and the applicant can assure that there will be minimal impact on the integrity of the surroundings and qualities of the Sandy River. In fact, the structures would be quite minimal as an impact, being constructed far from the Sandy River itself."*

**Comment:** Condition #1 requires Design Review of the site development. Design Review criteria stipulate that the design shall preserve natural landscape features and existing grades to the maximum practical degree [11.15.7850(A)(4)]. The site is generally forested. Condition # 2 requires a grading and Erosion Control Permit if significant grading or alteration of the site is required for the proposed development. The application adequately demonstrates that the expanded use of the site will not adversely effect natural resources.

**A(3) Will not conflict with farm or forest uses in the area;**

*"There would be absolutely no impact on surrounding farm or forest uses. The lodge, cabins and bathhouses needed to accommodate up to 120 overnight campers has been completed. The additional construction needs would be somewhat nominal in order to house another 70 campers. No expansion of the lodge is needed. The improvements would be in the center of the 95.92 acres, in heavily wooded areas. The site is surrounded by higher ground on one side and by the river circling around the grounds at a significantly lower elevation. Thus, it is virtually an impossibility that any construction would affect any adjacent or contiguous lands."*

**Comment:** The new development proposed on the site is separated from nearby agricultural uses by several hundred feet. This, along with the topography and forested character of most of the site, adequately buffers the proposed use from farm and forest uses in the area. The one potential impact to nearby farm areas relates to occasional increases in non-local traffic when outside organizations hold events or gatherings at the site. Condition #4 addresses this issue by requiring temporary permits for larger events and specifying traffic controls, shuttles, hour limitations, and other means to mitigate for potential off-site effects on these occasions.

**A(4) Will not require public services other than those existing or programmed for the area;**

*"All public services necessary for the proposed development already exist at SE Stevens Road frontage. With the construction of a 4" main, more than adequate water is available. Thus, all the needs of the camp grounds, and all the needs of the neighbors in the area should be satisfied. All other public services including health, fire and safety concerns are satisfied based upon the adequacy of the ingress road that is made available."*

**Comments:** Staff concurs; however, the Transportation Division has not commented on the adequacy or improvement requirements (if any) for SE Stevens Road as of this writing. Condition # 5 requires that Transportation Division requirements for SE Stevens Road be completed prior to occupancy or final approvals of the proposed new buildings (i.e., bath house or cabins).

**A(5) 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;**

*"This property is not within any big game winter habitat areas defined by the Oregon Fish and Wildlife. Thus, there is no concern in this regard."*

**Comment:** The site is not identified as a big game habitat area in the Comprehensive Plan or by the Oregon Department of Fish and Wildlife.

**A(6) Will not create hazardous conditions;**

*"There are no hazardous conditions foreseen that would result from the proposed development. The development has all necessary fire hydrants for fire safety installed. Road conditions have been improved and are adequate for fire and other safety purposes."*

*"Stevens Road is wide enough to handle two-way traffic. It is paved with a narrow shoulder in most areas. Although a portion of the access road is currently one*

lane, an engineer has been retained and a preliminary study is being undertaken. This study includes a realignment and widening of the entrance roadway to two lanes. (See engineer's letter, Exhibit 1 attached). Plans call for a road widening; however, until then the current road has four (4) areas where two vehicles can pass one another. Until the road is widened, road monitors are contemplated in the event of high two-way traffic use.

"The exact location of the widened road will be determined after a site survey is completed, which includes an analysis of lateral and vertical land support controls.

"The easement rights guaranteeing access to the applicant's premises over tax Lots 49 and 44 from Stevens Road are set forth in documents contained in County file "CS 13-86", which contains the original approval. Attached is Exhibit 2 which summarizes the existing easement rights as received from the Pioneer Title Insurance Company which confirmed the subject easement rights.

"The Multnomah County Traffic Engineer's office was contacted to determine whether there are any statistics on traffic on SE Stevens Road. Mr. Bob Johnson, Traffic Engineer for the county advised there was no existing classification for roads east of Troutdale Road which is west of the Sandy River. The rural nature of the area did not necessitate such classifications in the past. Thus, there is no "level of service" standard for Stevens Road. He pointed out that although an I.T.E. Trip Generation Manual may be of some help, it would be rather general and pointed out that the cited standards are based on communities located principally outside of Oregon.

"The number of residences having access to and from Stevens Road total seven (7) only. It is estimated that each household has two vehicles, and that each vehicle makes an average of four one-way trips per day to and from the residence. An added two trips per residence is estimated for access for friends, guest and for other traffic for a total of ten trips per family for the seven families — a total of 70 trips on the road per day not including trips taken for ingress and egress to the applicant's camp, which averages a minimum of two trips by the caretaker when the camp is not being used.

"The county originally approved the use of the premises for at least 60 persons not including camp staff. Theoretically, for such a number, assuming each drove his or her own vehicle, there could be up to 120 single trips in a day to transport said persons to and from the facility plus another 10 trips for camp staff. Adding those trips to the aforementioned 72 trips, the county has already implicitly if not explicitly approved a minimum of 202 trips per day on Stevens Road.

"In reality the applicant does not use the aforesaid allocated 122 times per day:

a. The largest single event on the applicant's property was a picnic held for the

*benefit of its membership. In that case, there were 54 cars. (This is a known figure since each car entering the property was asked for a donation of \$5 and a total of ~270 was received.) Thus, a total of 108 one-way trips were taken to and from the property on a single Sunday during the summer of 1991, which is 12 trips less than the 120 trips the county implicitly approved. The 54 vehicles arrived at the facility between 10:00 AM and 7:00 PM over a nine hour period — which is an average of six vehicles arriving per hour. The 54 vehicles began leaving between 3:00 PM and 9:00 PM a six hour period. This averaged approximately nine vehicles per hour. This again, was an event that included the largest influx of people, and the largest use of vehicles.*

*b. The major use of the facility is by non-profit community oriented organizations which seek to educate on environmental and related matters. This includes organizations such as:*

*(i) The Multnomah Education Service District Outdoor School, which provides classes for schools of the Corbett, Gresham, David Douglas, Reynolds, Centennial, Parkrose and Portland School Districts. (See Exhibits 3 and 4).*

*(ii) The Oregon Museum of Science and Industry*

*(iii) Miscellaneous schools and youth groups.*

*“In most all cases, 80% of the time the facility is being used, mass transportation is employed. Generally, no more than two school sized buses enter or leave the premises at a given time. Further the buses generally arrive in the afternoon of a Sunday and return the youth the following Friday afternoon. Thus, these buses do not operate during hours normally used by traffic going and coming from work.*

*“It should be noted that of the 365 days of the year, the camp has been used only 130 days, which is 36% of the time. 80% of that usage involves the use of buses. 8% (a maximum of 11 days per year) the usage is by groups of less than 25. Only 12% of the total usage (16 days) involves groups larger than 50 in number.*

*“If the application is approved, it would allow the facility to be used by an added 136 persons. This would normally necessitate between two or three added school buses entering and exiting the premise no more than twice in a week.*

*“Since there has been an implicit if not explicit approval of 60 vehicles coming onto the property on a given day (which is in addition to the camp caretakers), the applicant would agree to control vehicular traffic to and from the camp grounds by use of vehicle monitors if traffic movement exceeds 60 vehicles over a short period of time. For example, if vehicles are arriving or leaving at a less than one minute intervals, monitors would be employed, which monitors would assist in avoiding any impeding of traffic from private residences on Stevens Road.*

*"It should be noted that the property's picnic use is primarily during the warmer summer months and then generally it is only on a weekend. Otherwise, one will see only a few school buses twice a week along with a few camp staff vehicles."*

**Comment:** The prior CS approval was for a youth camp for up to 60-children (ref. CS 13-86). This prior decision did not authorize — implicitly or explicitly — 202 trips per day on Stevens Road. The CS 13-86 Decision (pg.6) states only that *"...[The site is close to major County roads and is easily accessible by automobile. It is desirable from the closeness to the major roadways and its remoteness to any noise and other populous areas. The only effect would be increased traffic during camp time. This would primarily be people bringing their children to camp during summer months.]"*

One potential hazardous condition which could result from the proposed CS expansion is the occasional increases in traffic on SE Stevens and Christensen roads when outside organizations hold events or gatherings at the site. Condition #4 addresses this issue by requiring temporary permits for larger events and specifying traffic controls, shuttles, hour limitations, and other means to mitigate for potential off-site effects on these occasions. Condition #5 also requires completion of improvements to SE Stevens Road as determined by the Transportation Division. There is currently no defined public turn-around or cul-de-sac as the terminus of SE Stevens Road right-of-way. Design Review and Transportation Division requirements may include on or off-site improvements to address this potential traffic hazard.

Another potential hazardous condition could result from the increased use by adult groups, since these users are more likely to rely on private vehicles to access the camp and retreat facilities. As the applicant notes above, a portion of the private access drive into the site cannot accommodate two-way traffic. The applicant indicates that *"...[P]lans call for a road widening; however, until then the current road has four (4) areas where two vehicles can pass one another. Until the road is widened, road monitors are contemplated in the event of high twoway traffic use."* Condition #4 also addresses this issue by requiring temporary permits for larger events and specifying traffic controls, shuttles, hour limitations, and other means to mitigate for potential on-site effects on these occasions. Future road widening designs would be addressed under conditions #1 and #2 (i.e., Design Review and Hillside Development permits).

**A(7) Will satisfy the applicable policies of the Comprehensive Plan.**

The following policies of the County's Comprehensive Plan are found applicable to this request: Policy 2 (Off-site Effects); Policy 12 (Multiple Use Forest Lands); Policy 13 (Air, Water and Noise Quality), Policy 14 (Development Limitations); Policy 16 (Natural Resources); Policy 31 (Community Facilities and Uses); Policy 37 (Utilities); Policy 38 (Facilities).

**a. Policy 2 – Off-site Effects.**

**Comment:** When approving new or expanded CS uses, the County may apply conditions if necessary to minimize negative off-site effects to surrounding properties. Recommended conditions of approval address a variety of potential off-site effects from the proposed use.

**b. Policy 12 – Multiple Use Forest Lands**

**Comments:** It is County policy to allow for community services within Multiple Use Forest areas provided that such uses are compatible with adjacent forest lands. Based upon findings above under 3(A)1-3, the proposal, as conditioned, is therefore consistent with this policy.

**c. Policy 13 – Air, Water, and Noise Quality.**

*“Previous improvements have been placed on the site in an area having minimal noise level disruptions. Any additional bathhouse and sleeping accommodations would be similarly sited. Landscaping or other techniques to lessen noise generation will not be necessary, because of the extensive vegetation. All structures include the use of insulation and various construction techniques to minimize interior noise level notwithstanding the fact that this is not a noise impacted area.”*

**Comment:** The expanded camp and retreat center facilities should not significantly effect air, water or noise quality in the area. Potential water quality effects would be addressed through application of Grading and Erosion Control provisions under Condition #2, and the sub-surface disposal review required as part of the Building Permit process. Noise associated with the youth camp and retreats are in part mitigated by the wooded character of the site, as well as the size and topography which screens and buffers the use from surrounding properties.

**d. Policy 14 – Development Limitations.**

*“There are no development limitations in the area in question. Any slopes exceeding 20% are those that are contiguous to the Sandy River which are and will be left natural. With the extensive vegetation in other areas, there is minimal soil erosion potential. Although the land is in part within the 120 year flood plane, the construction of the buildings themselves are near the highest point of the 95.92 acres. Thus, the probability of an impact is minimal. The anticipated new cabin sites are located on ground higher than what has been previously approved by the county.*

*“This is an area which does not normally have a high seasonal water table within a 0 to 24” of the surface for three or more weeks of the year. Further, the fragipan*

*is not less than 30" from the surface. The land is not known to be subject to slumping, earth slides or movement except for the areas immediate contiguous to the Sandy River.*

**Comment:** Condition #1 requires Design Review of all proposed grading, clearing, or fill associated with the project. This review incorporates and implements the County's development limitations policy. Any site development proposed on steep slopes would be addressed through application of Grading and Erosion Control provisions under Condition #2.

**e. Policy 16 – Natural Resources.**

*"This is an area which has a recreational value, being contiguous to the Sandy River. It has a historic value from the standpoint of it being a location where two tribes settled all their tribal disputes. The area has educational research value from an ecology and a science standpoint which is one of the reasons why OMSI and others have sought to come to this locale. This area has unique value having minimal improvements, with rugged lands and varying topography which includes thick forested areas, open fields, and a waterway, all of which houses fish and small game.*

*"The use of the property as contemplated by the applicant would tend to protect the area's natural resources which includes it being a fish habitat, a wildlife habitat and an ecological and scientifically significant area for study and research."*

**Staff Comment:** Condition #1 requires Design Review of the site development. Design Review criteria stipulate that the design shall preserve natural landscape features and existing grades to the maximum practical degree [11.15.7850(A)(4)]. Condition # 2 requires a grading and Erosion Control Permit if significant grading or alteration of the stream is required for the proposed development. The site is located within the Sandy River Scenic Waterway Area. The State Parks and Recreation Department responded favorably to the proposed expansion in a letter dated January 17, 1992. The proposal, together with the above noted conditions, adequately addresses the County's Natural Resources policies.

**f. Policy 31 – Community Facilities and Uses**

*"The subject facility is a facility that would be available to public as well as private organizations. As evidenced by the high demand for use of such a facility, there are a limited number of comparable facilities in the community. Yet, intensity of use and density of development is extremely small as compared to the approximate 97 acres of property. The neighborhood characteristics would not be affected virtually at all by the application now being made. The present availability of services would be sufficient for the applicant's purposes to service the needs of the applicant for the foreseeable future. The Oregon Parks and*

*Recreation Department which administers the Sandy River Scenic Waterway has concluded that the contemplated changes would not have an adverse effect on the Sandy River Scenic Waterway. (See Exhibit 5).*

**Comment:** The proposal, together with the above conditions, adequately addresses the Community Service Use Policies.

**g. Policy 37 - Utilities**

*"The site is currently serviced by the Corbett Water District; and the main to the property has ample capacity. An additional main has been constructed to make sure that the needs of the local populous outside of the applicant's property are adequately serviced. This would allow for more than the needs of the applicant. The applicant's service pipe is currently 4" in diameter. There will not be any need for an increase in size, notwithstanding approval of applicant's request.*

*"Any sewage will be handled through a septic system which has been proven to be more than adequate for not only the existing facility but also for the anticipated increase in use.*

*"There is adequate electrical service available to the site as well."*

**Comment:** The County Sanitarian (Phil Crawford) indicates the current disposal method is adequate for the proposed additions. Staff concurs that the proposal adequately addresses the Utilities policy.

**h. Policy 38 Facilities -**

*"The school district would not be affected except that it will have the capacity to use the facility. The facility could be used by the school district for augmenting any environmental courses as well as any other activities. This has already occurred in the past; and, it is anticipated that similar programs could be further put into effect in the future.*

*"There is a full time caretaker at the facility who acts as a watchman for safety purposes, to keep intruders away, and to otherwise report any improprieties to law enforcement.*

*"There is more than adequate water pressure.*

*"The fire department has reviewed the facilities' needs in the past. It is understood that there should not be any problem in the future.*

*"Police protection should also not be a problem. When the facility is in use, the applicant would have supervision no matter if the users are adults or youths."*

**Comment:** The Corbett Fire District and State Fire Marshall Staff indicate the existing water service to the site does not meet water flow minimums required for Fire protection. Applicant testified that a 2-inch valve in the Stevens Road Right-of-Way restricts flow capacity in the 4-inch line already serving the site. Condition #6 addresses this issue.

## Conclusions:

1. Based on the findings above, the proposal – as conditioned – satisfies approval criteria for an expanded Community Service Use.
2. Conditions of approval are necessary to minimize potential adverse impacts from the use and assure compatibility with surrounding land uses.

Signed March 2, 1992

  
By Peter Fry, Acting Chairman

Filed With the Clerk of the Board on March 12, 1992

## Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before **4:30 PM. on Monday, March 23, 1992** on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

*The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, March 24, 1992 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.*

Meeting Date: MAR 24 1992

Agenda No.: P-2

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Decision

BCC Informal \_\_\_\_\_ (date) BCC Formal March 24, 1992 (date)

DEPARTMENT DES DIVISION Planning

CONTACT Myrna Blanchard TELEPHONE 2610

PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: \_\_\_\_\_

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: \_\_\_\_\_

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

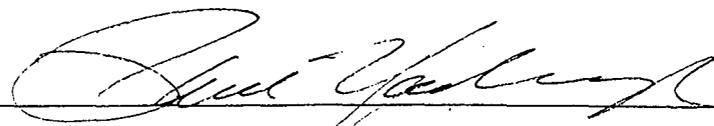
CU 5-92 Review the Decision of the Planning Commission approving, subject to conditions, conditional use request for development of this 1.65-acre Lot of Record located at 16800 N.W. Elliott Road with a non-resource related single family dwelling, based on findings and conclusions in the Staff Report.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER 

(All accompanying documents must have required signatures)

BOARD OF COUNTY COMMISSIONERS  
MILLTOWNSHIP COUNTY  
OREGON  
1992 MAR 15 PM 12:32



**Department of Environmental Services  
Division of Planning and Development  
2115 S.E. Morrison Street  
Portland, Oregon 97214 (503) 248-3043**

**Decision**

This Decision consists of Conditions, Findings of Fact and Conclusions

**March 2, 1992**

**CU 5-92, #42**

**Conditional Use Request  
(Non-Resource Related Single Family Dwelling)**

Applicant requests Conditional Use approval for a non-resource related single family dwelling on this 1.65 acre Lot of Record in the MUF-19 zoning district..

**Location:** 16800 NW Elliott Road

**Legal:** Tax Lot'19', Section 23, 2N,2W, 1991 Assessor's Map

**Site Size:** 1.65 Acres'

**Size Requested:** Same

**Property Owner:** Harve Dethlefs  
Star Route Box 9, Buxton, OR, 97109

**Applicant:** Harold Vaughn  
17225 NW Skyline Blvd., 97231

**Comprehensive Plan:** Multiple Use Forest

**Present Zoning:** MUF-19  
Minimum lot size of 19 acres

**Planning Commission**

**Decision:** Approve, subject to conditions, conditional use request for development of this 1.65-acre Lot of Record with a non-resource related single family dwelling, based on the following Findings and Conclusion.

# MUF-38

(7)  
38.34 Ac.

# MUF-38

(72)  
17.89 Ac.

(41)  
10.41 Ac.

(6)  
8.39 Ac.

**Zoning Map**  
 Case #: CU 5-92, #42  
 Location: 16800 NW Elliot Road  
 Scale: 1 inch to 400 feet, (approximate)  
 Shading indicates subject property

# MUF

# MUF-38

# RR

# MUF-19

# MUF-19

# MUF-19

# Partition Plat

# 1990-41

Parcel 1  
20.67 Ac.

Parcel 2  
18.92 Ac.

# MUF-19

(26)  
19.22 Ac.

(42)  
16.40 Ac.

(41)  
16.80 Ac.

(10)  
6.50 Ac.

(53)  
14.20 Ac.

(37)  
8.37 Ac.

(56)  
8.88 Ac.

(11)  
9.00 Ac.

(35)  
1.40 Ac.

(36)  
11.42 Ac.

23

(29) 5.52 Ac.

(48) 2.04 Ac.

(47) 2.04 Ac.

(58) 4.00 Ac.

(18) 5.60 Ac.

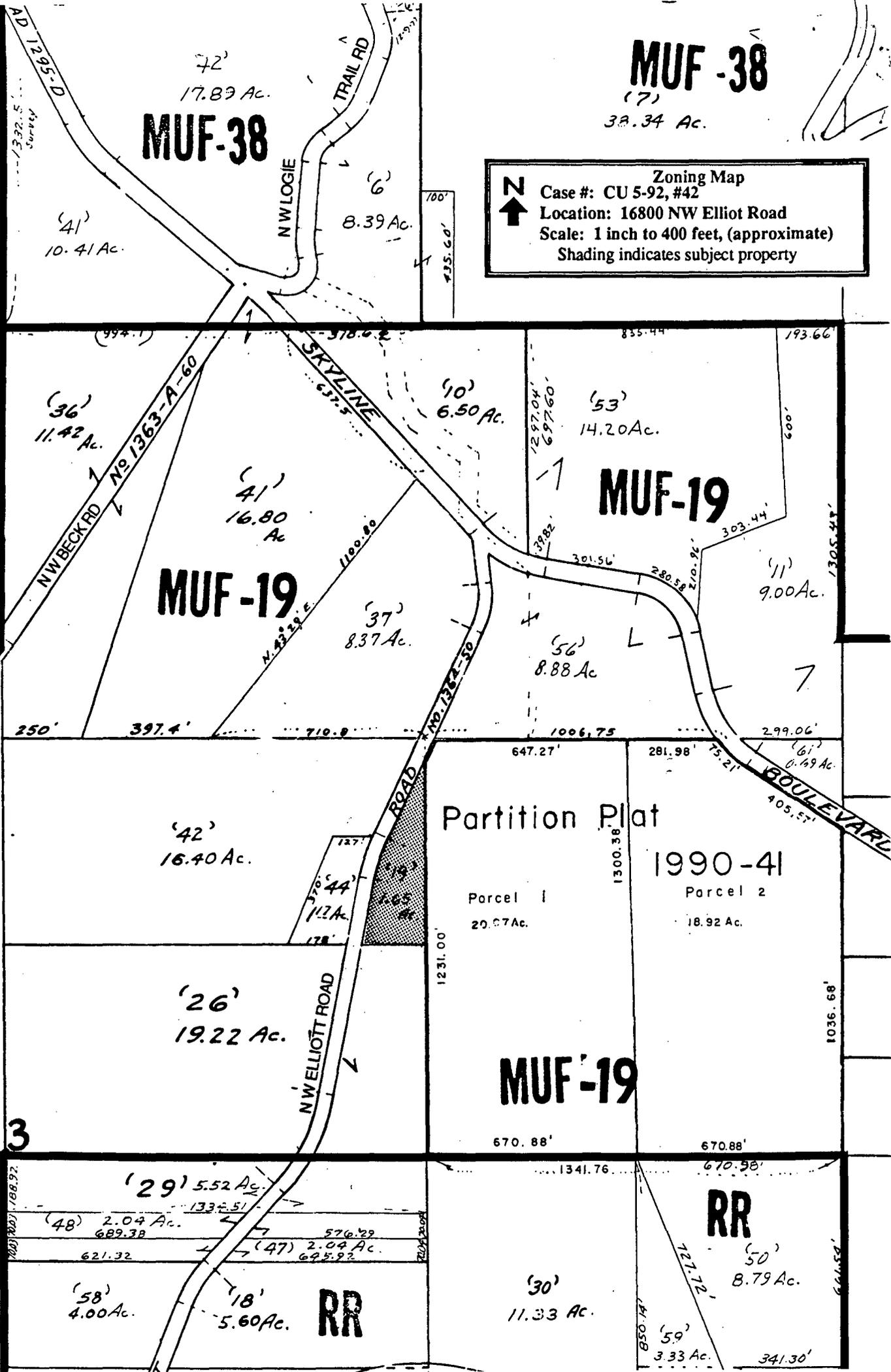
# RR

(30)  
11.33 Ac.

# RR

(50)  
8.79 Ac.

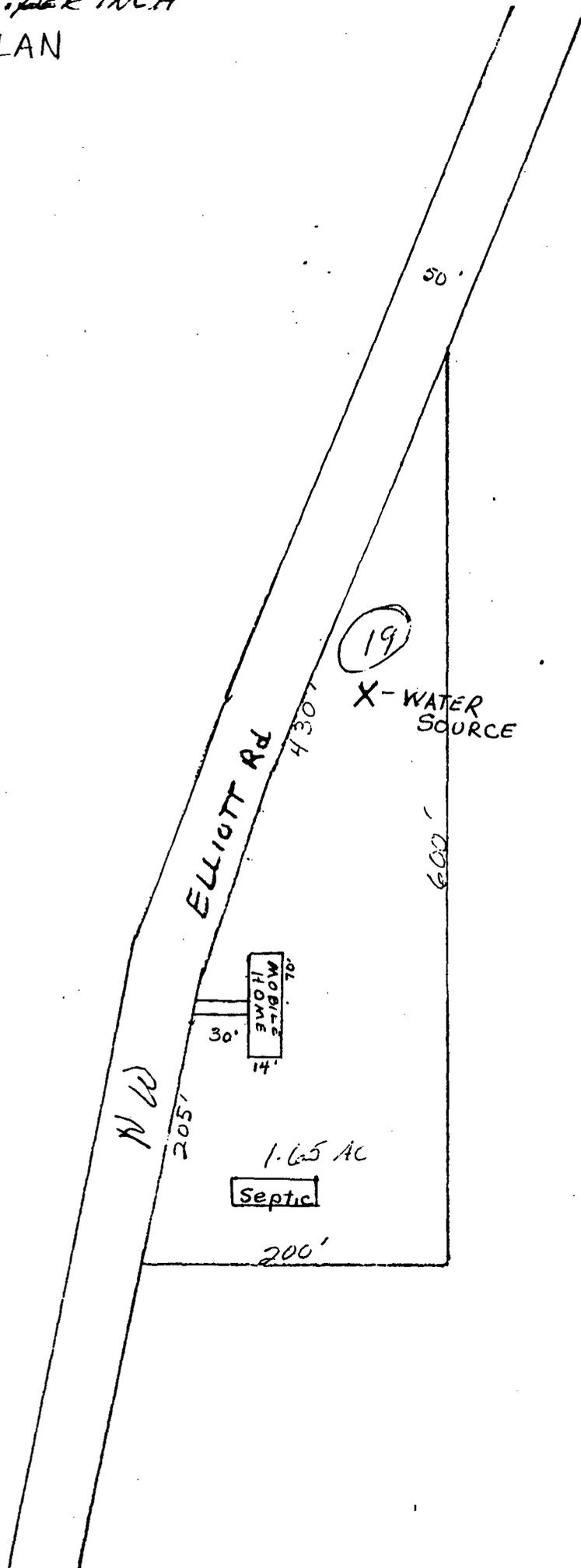
(59)  
3.33 Ac.



SCALE 100 PER INCH

SITE PLAN

CU 5-92



## CONDITIONS OF APPROVAL:

1. Prior to the issuance of building permits, the property owner shall provide the Land Development Section with a copy of the recorded restrictions required under MCC 11.15.2172(A)(5). A prepared blank copy of this deed restriction is available at the Land Development Offices.
2. Satisfy the requirements of Engineering Services regarding any further improvements of NW Elliott Road.
3. Prior to any site clearing or grading, obtain a *Hillside Development and Erosion Control Permit* pursuant to MCC .6700-6730 if applicable. Contact Mark Hess at 248-3043 for application materials.
4. The final site plan shall demonstrate compliance with the Residential Use Development Standards of MCC .2194.

## FINDINGS OF FACT:

### 1. Applicant's Proposal:

The applicant requests Planning Commission approval to develop the above described 1.65 acre Lot of Record with a non-resource related single family dwelling.

### 2. Ordinance Considerations:

- A. A non-resource related single family dwelling is permitted in the MUF zoning district as a Conditional Use where it is demonstrated that:
- (1) The lot size shall meet the standard of MCC 11.15.2178(A) or .2182(A) to (C).
  - (2) The land is incapable of sustaining a farm or forest use, based upon one of the following:
    - a) A Soil Conservation Service Agriculture Capability Class of IV or greater for at least 75% of the lot area, and physical conditions insufficient to produce 50 cubic feet/acre/year or any commercial trees species for at least 75% of the area;
    - b) Certification by the Oregon State University Extension Service, the Oregon Department of Forestry, or a person or group having similar agricultural and forestry expertise, that the land is inadequate for farm and forest uses and stating the basis for the conclusions; or
    - c) The lot is a Lot of Record under MCC 11.15.2192(A) through (C) and is ten acres or less in size.
  - (3) A dwelling, as proposed, is compatible with the primary uses as listed in MCC 11.15.2168 on nearby property and will not interfere with the resources or the resource management

practices or materially alter the stability of the overall land use pattern of the area.

- (4) The dwelling will not require public services beyond those existing or programmed for the area.
  - (5) The owner shall record with the Division of Records and Elections a statement that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct accepted forestry or farming practices.
  - (6) The dwelling 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 are acceptable.
- B. A residential use located in the MUF district after August 14, 1980 shall comply with the following:
- (1) The fire safety measures outlined in the "Fire Safety Considerations for Development in Forested Areas", published by the Northwest Inter-Agency Fire Prevention Group, including at least the following:
    - a) Fire lanes at least 30 feet wide shall be maintained between a residential structure and an adjacent forested area;
  - (2) An access drive at least 16 feet wide shall be maintained from the property access road to any perennial water source on the lot or an adjacent lot;
  - (3) The dwelling shall be located in as close proximity to a publicly maintained street as possible, considering the requirements of MCC 11.15.2058(B). The physical limitations of the site which require a driveway in excess of 500 feet shall be stated in writing as part of the application for approval;
  - (4) The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use, subject to the limitations of subpart #3 above;
  - (5) Building setbacks of at least 200 feet shall be maintained from all property lines, wherever possible, except:
    - a) a setback of 30 feet or more may be provided for a public road, or
    - b) the location of dwelling(s) of adjacent lots at a lesser distance which allows for clustering of dwellings or sharing of access;
  - (6) The dwelling shall comply with the standards of the Uniform Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes;
  - (7) The dwelling shall be attached to a foundation for which a building permit has been obtained;

- (8) The dwelling shall have a minimum floor area of 600 square feet; and
- (9) The dwelling 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.

### 3. Site and Vicinity Characteristics:

The subject property is a Lot of Record of 1.65 acres located 600 feet south of the corner of the intersection of NW Skyline Blvd. and NW Elliott Road. The property is vegetated with a mixture of conifer and deciduous trees. The property is not within a designated big game winter habitat area.

Properties in the surrounding area range in size from nearly one acre to over 20 acres in size. Most of the smaller lots are developed with rural residences, while most of the larger parcels are undeveloped and used for commercial resource uses consisting mainly of forestry.

The tentative site plan indicates compliance with the Residential Location Standards of the MUF zone. Condition #4 insures that all standards will be met before any development permits are issued on the property. Water will be provided by private well, and the property will have to be tested for subsurface sewage disposal. Telephone and power facilities are available along both road frontages.

### 4. Compliance With Ordinance Considerations:

The applicant provides the following responses (in *italic*) to the applicable approval criteria:

*COMPLIANCE WITH SPECIFIC CONDITIONAL USE APPROVAL CRITERIA MCC 11.15.7172(C) specifies the following approval criteria:*

1. Lot Size Requirements

*The property is an 1.65 acre Lot of Record.*

2. Land Incapable of Sustaining Farm or Forest Use

*The lot is less than ten acres in size; therefore, incapable of sustaining a farm or forest use.*

3. Dwelling Compatible with Primary Uses in the Area

*Surrounding parcels consist of 8.88 acres, 14.2 acres, 6.5 acres, 16.8 acres, and 39.36 acres. All of these parcels, except the 16.4 acre parcel, have single family residences on them. The 39.36 acre piece was logged last year but has not yet been replanted. The new owner is presently preparing a site upon which to construct his home. The subject property was partially logged many years ago and was not replanted. There are some fir trees and a few cedar trees on the property but most of it is alder and maple.*

**Staff Comment:** Surrounding parcels range from 1.17 to twenty acres in size; none of them are used for commercial forestry purposes. There are three non-resource related residences on

properties immediately to the north, and four more to the south near the intersection of NW Elliott and Rock Creek roads.

4. Public Services Other than Those Existing not Required

*A well and septic system are planned as there are no public water or sewer systems available. Electric power and telephone are available on Skyline and on Elliott Road.*

5. Owner Record Acknowledgment of Forestry or Farming Practices

*The owner agrees to this condition.*

6. Residential Use Development Standards

MCC 11.15.2194 establishes the following standards which apply to a residential use located in the MUF District after 8/14/80:

A. Fire Safety Measures

*The proposal use will adhere to the Fire Safety Considerations for Development in Forested Areas as published by the Northwest Interagency Fire Prevention Group, namely:*

*There will be fire lanes at least 30' around all proposed structures and will have a water supply and fire fighting equipment adequate to prevent fire from spreading to surrounding forest land. Said fire fighting equipment identified as preconnected garden hoses, ladder stored in convenient location, a long handled round point shovel, rake, pick, and a 2 1/2 gallon bucket as recommended by the Oregon State Department of Forestry.*

*This property receives fire protection from Multnomah County Rural Fire Protection District No. 20 (Skyline).*

B. Access Drive to Water Source

*The proposed well site will have an access drive of 16 feet from the property access road.*

C. Dwelling Located Close to a Publicly Maintained Street

*The dwelling will be located 30 feet from NW Elliott Road.*

D. Driveway in Excess of 500 Feet

*The proposed access road would not need to be in excess of 500 feet.*

E. Dwelling Location on Lot Portion Having Lowest Productivity

*This lot is 1.65 acres in size and the proposed use is residential, therefore the location of*

*the proposed dwelling would not impact any productivity characteristics.*

**Staff Comment:** By ordinance definition, this property is not considered to have any resource potential.

F. Building Setbacks of at least 200 Feet When Possible.

*The property is large enough to accomodate these setbacks.*

G. Building Code Standards

*The owner agrees to comply with these standards.*

H. The dwelling shall be attached to a foundation for which a building permit has been obtained.

*The owner agrees to obtain a building permit prior to construction.*

I. The dwelling shall have a minimum floor area of 600 square feet.

*The proposed dwelling is to have a floor space area of 980 square feet.*

J. The dwelling shall be located outside of a big game habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable.

*The property is not within a big game habitat area.*

**Staff Comment:** The staff concurs with the applicant's analysis of compliance with the applicable approval criteria.

## **CONCLUSIONS:**

1. The property is a Lot of Record of less than ten acres in size; thereby, incapable of sustaining a farm or forest use.
2. Conditions are necessary to insure compliance with all Code provisions.
3. The applicant has carried the burden necessary for the approval of a non-resource related single family dwelling in the MUF-I9 zoning District.

**IN THE MATTER OF CU 5-92:**

March 2, 1992



Richard Leonard, Chairperson

Filed with Clerk of the Board on March 12, 1992

**Appeal to the Board of County Commissioners**

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. Monday, March 23, 1992 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

*The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, March 24, 1992 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.*

Meeting Date: March 24, 1992

Agenda No.: P-3

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Decision

BCC Informal \_\_\_\_\_ (date) BCC Formal March 24, 1992 (date)

DEPARTMENT DES DIVISION Planning

CONTACT Myrna Blanchard TELEPHONE 2610

PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: \_\_\_\_\_

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: \_\_\_\_\_

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

CS 3-92/HV 2-92 - Public Hearing On the Record

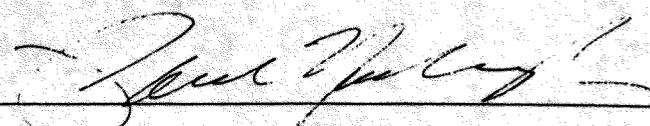
Review the Decision of the Planning Commission of Feb. 3, 1992, approving subject to conditions, Community Service designation and variances for a reduction of the required front yard south and side yard west, to allow installation of a cellular telephone communications monopole, with associated antennas, and to erect an electronics equipment building on the subject site, all for property located at 1853 S.W. Highland Road.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER 

(All accompanying documents must have required signatures)

BOARD OF  
COUNTY COMMISSIONERS  
1992 MAR 16 PM 3:15  
MULTI-NOMINEE COUNTY  
OREGON



**Department of Environmental Services  
Division of Planning and Development  
2115 S.E. Morrison Street  
Portland, Oregon 97214 (503) 248-3043**

**Decision**

This Decision consists of Conditions, Findings of Fact and Conclusions

**February 3, 1992**

**CS 3-92, #139**

**HV 2-92, #139**

**Community Service Expansion  
Front and Side Yard Setback Variances  
(Cellular Telephone Communications Monopole)**

Applicant requests community service approval, with a variance request for a reduction of the required front yard south and side yard west, in order to install a cellular telephone communications monopole, with associated antennas, and to erect an electronics equipment building on the subject site.

**Location:** 1853 SW Highland Road

**Legal:** Tax Lot '2', of Lots 6 and 7, Blk. 2,  
The Highlands Plat 1 and 2

**Site Size:** 4.3 Acres

**Size Requested:** 900 Square Feet

**Property Owner:** The Racquet Club  
1853 SW Highland Road, 97221

**Applicant:** Interstate Mobilephone Company (dba Cellular One)  
4505 NE 24th Avenue, 97211

**Comprehensive Plan:** Single Family Residential

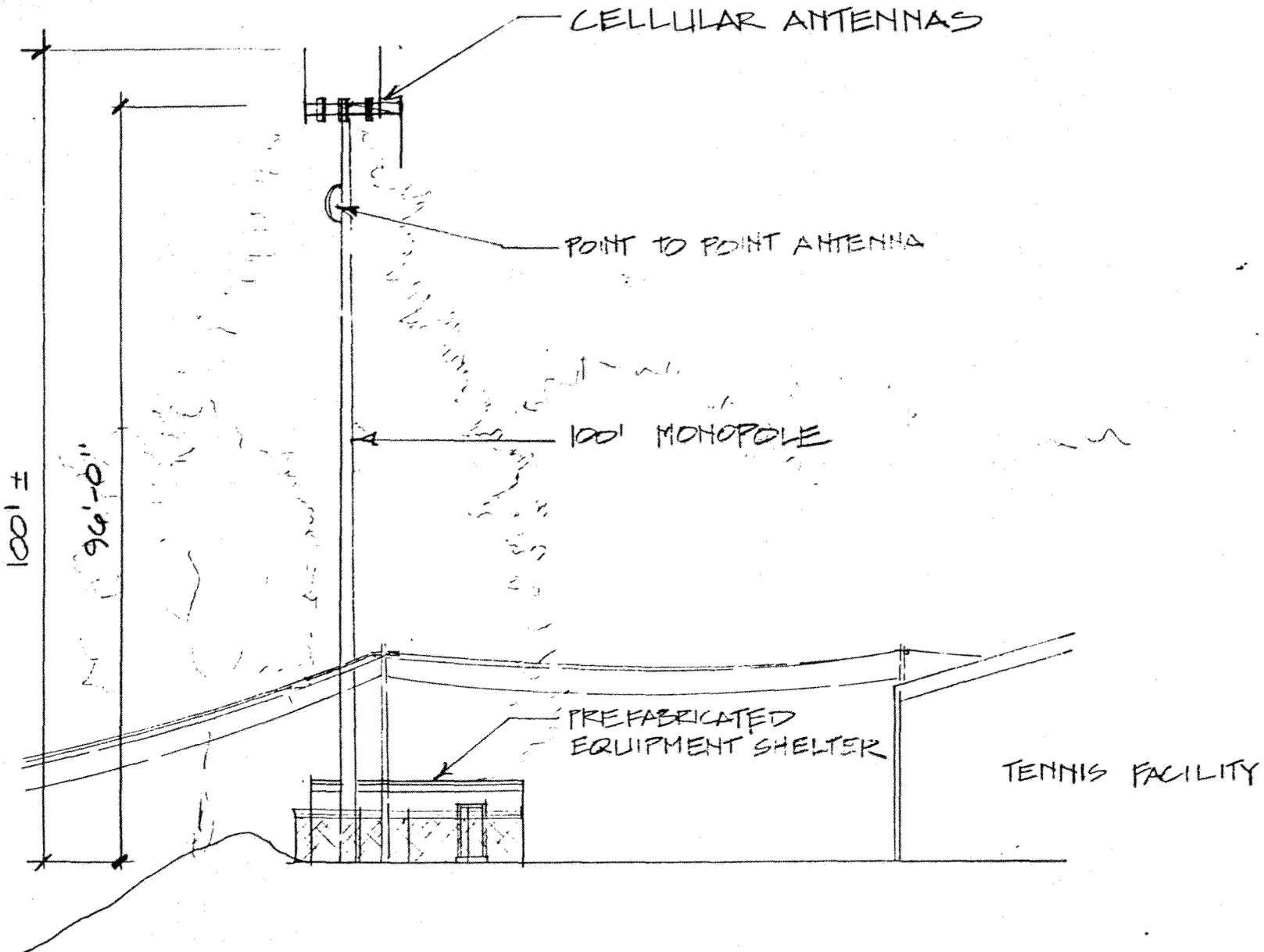
**Present Zoning:** R-10, C-S, Single Family Residential Community Service District Community Service designation shall be for the specific use or uses approved together with the limitations or conditions as determined by the approval authority.

**Planning Commission**

**Decision:** **APPROVE, subject to conditions,** community service designation and variances for a reduction of the required front yard south and side yard west, to allow installation of a cellular telephone communications monopole, with associated antennas, and to erect an electronics equipment building on the subject site, based on the Following Findings and Conclusions.

**CS 3-92/HV 2-92**





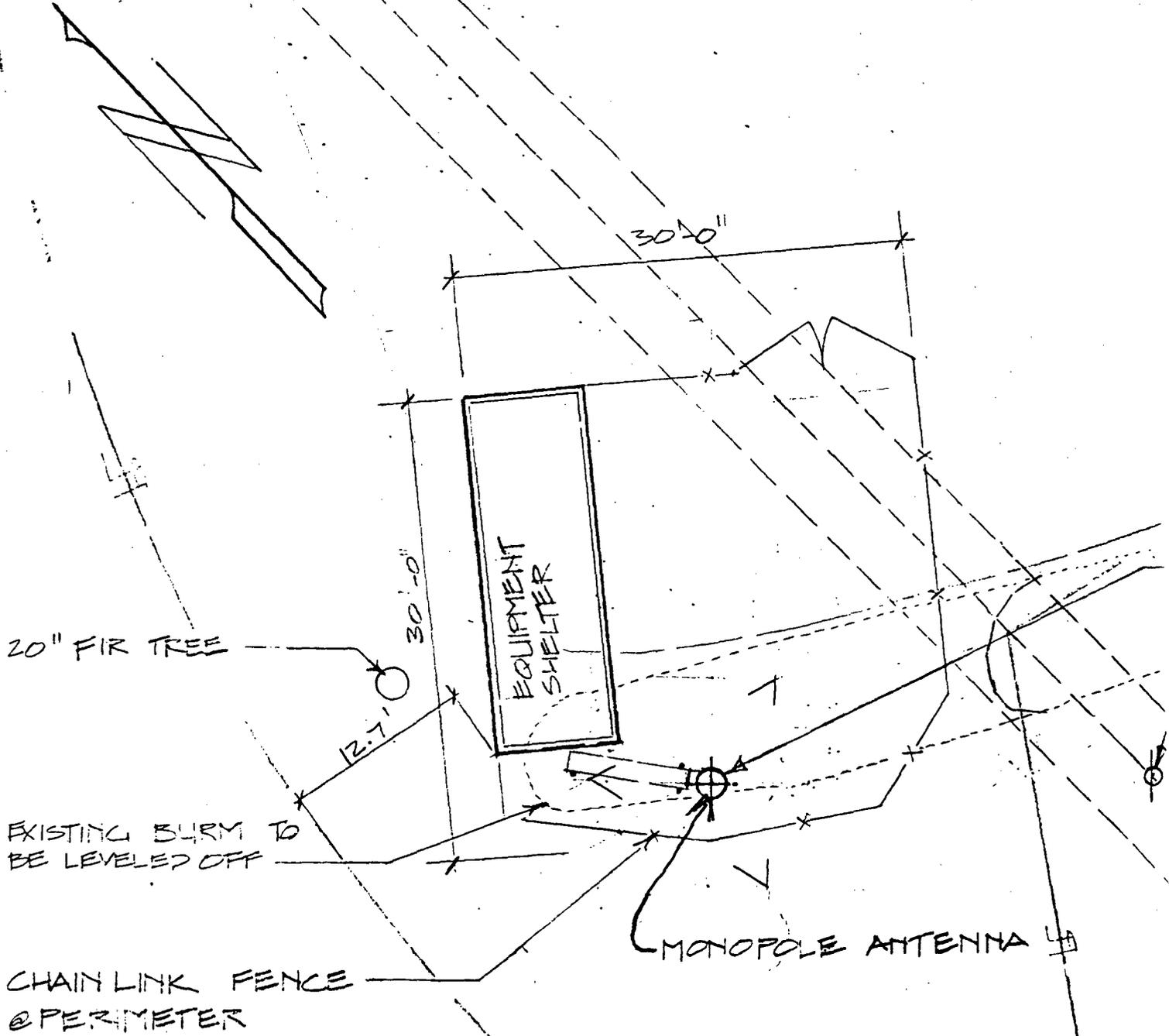
CS 3-92/HV 2-92

EXHIBIT 1b

⊕ EAST ELEVATION

EXISTING INDOOR TENNIS COURTS

GRAVEL OVER FLOW



SITE PLAN

CS 3-92/HV 2-92

2  
1

EXHIBIT 1c

## Conditions:

1. The applicant shall provide detailed development plans to Design Review for review and approval. Those plans shall include, in addition to those items required by MCC .7035(A)–(G), specifics of:
  - A. The materials and colors of the electronic building;
  - B. The provisions for maintenance of vegetative screening;
  - C. The details of erosion control for any excavation and grading; and
  - D. Fence materials and colors.
  
2. The applicant shall :
  - A. Record the letter of intent required in MCC .7035(D)(5) in Miscellaneous Deed Records of the Office of the County Recorder;
  - B. Respond in a timely, comprehensive manner to a request for information from a potential shared use applicant required under MCC .7035(B)(1) and (2);
  - C. Negotiate in good faith for shared use by third parties, and
  - D. Allow shared use where the third party seeing such use agrees in writing to pay reasonable, pro rata charges for sharing, including all charges necessary to modify the tower and transmitters to accommodate shared use, but not total tower reconstruction, and to observe whatever technical requirements are necessary to allow shared use without creating interference;
  - E. Comply with the requirement of (a) through (d) above and failure to do so shall be grounds for suspension or revocation of the Community Service designation.
  
3. Applicant to provide screening and buffering to Staff satisfaction for the proposed structure and monopole

Such conditions shall run with the land and be binding on subsequent purchasers of the tower site.

## Applicant's Proposal:

The applicant seeks approval of a Conditional Use in order to install a cellular telephone communications monopole with associated antennas, with variances for a five foot reduction of the required front yard south and an eight foot reduction of the side yard west, for an 8 foot by 24 foot one story electronics equipment building on the subject property.

The monopole will be self supporting and is 96 feet tall. The antennas will be mounted to the pole and to a triangular platform 10 feet on each leg mounted atop the pole. Total height, including the antennas, is 100 feet.

The antennas associated with this facility are as follows:

1. There will be three groups of four directional antennas. These antennas measure about 20" by 40" and are affixed to the triangular platform atop the pole.

2. There will be one point-to-point communication antenna. This will have a diameter of about 6 feet and is attached to the pole itself.
3. There will be 3 whip antennas. This type of antenna is approximately 3" in diameter and 4' in length.

These would be the maximum number of antennas utilized.

See *Appendix Exhibits 1a, b&c* for the vicinity map, site plan and elevation of the proposed tower. *Appendix Exhibit 2* shows the applicant's test tower extended to the 100 foot height with respect to the existing racquet club building.

The applicant provides the following description of the proposal:

*(Note: Throughout this report, material cited directly from the applicant's submittal will be presented in this type style.)*

*Cellular telephone communication is one of the most recent concepts in communication technology. The applicant, Cellular One, is one of the two licensees authorized by the FCC (Federal Communications Commission) to provide cellular telephone services in the Portland Metropolitan Area.*

*To provide this service, Cellular One's technicians have selected several sites in the metropolitan region for the placement of elevated antenna and related equipment. Each such location is called a CELL SITE.*

*Each of these cell sites is dependent on the other cell sites in the system with respect to height, terrain, distance from the other cell sites and a myriad of other highly technical factors.*

*The license the applicant has received from the FCC limits each of the cell sites to 100 Watts ERP (Effected Radiated Power) or less.*

*Cellular One's system operates on the 870 to 880 MHz (Megahertz) band. The equipment used by the applicant will generate 100 Watts ERP or less and, therefore, is in compliance with the FCC license requirements.*

*The area being leased by the applicant for the proposed cell site is a 30' by 30' space at the south-westerly corner of the Racquet Club property. The proposed cell site is west of the existing covered tennis court building and graveled over-flow parking area. The site plan submitted depicts the monopole and equipment building on this site. See *Appendix Exhibits 1 a, b and c.**

*The electronics equipment building, which is a single story concrete structure, is placed in a north-south orientation to the west of the proposed monopole.*

*Access to the cell site will be via the internal roadway system of the Racquet Club.*

*An off-street parking area has also been provided. This space will be for the use of the company vehicle providing periodic maintenance. After the cell site is on line, this maintenance, based on a system wide average, will occur about twice a month.*

No one is at the site on a daily basis as the equipment is operated by remote control from the applicant's main offices in downtown Portland.

*SITE DESCRIPTION:* The proposed cell site is located within the Racquet Club complex. The Club has facilities on either side of SW Highland Road comprised of indoor and outdoor tennis courts, a club house and several utility buildings and parking areas.

SW Canyon Road and Canyon Court abut the site on the south. There is no direct access to the Club complex from these roads.

*SURROUNDING AREA:* To the east of the proposed cell site is an indoor tennis building and overflow parking area of the Racquet Club. Beyond that is the main club house.

To the west is an undeveloped open area with steep terrain. West of that are single family homes facing SW Highland Parkway.

To the north are single family homes in the R-10 zone of The Highlands subdivision.

To the south are the SW Canyon Road and Canyon Court rights-of-way.

### **Approval Criteria:**

- I. A cellular telephone tower may be approved by the Planning Commission as a Community Service use if found to satisfy the following approval criteria:
  - (A) New transmission towers may be allowed in urban residential districts, based on findings by the approval authority that the following approval criteria are met.
    - (1) Shared use of existing towers – A new transmission tower shall not be permitted in an urban residential district unless the applicant makes a good faith effort to substantially demonstrate that no existing or planned tower approved after August 19, 1982, can accommodate the applicant's proposed antenna/transmitter as described below.

*COMMENT:* In order to respond to this criteria, it is first necessary to discuss some of the aspects of cellular telephone technology.

The cell site is the basic building block of a cellular telephone system. When a particular cell site reaches its design capacity for handling telephone communications in an efficient manner, a new cell site needs to be established to relieve the overloading.

The solution to capacity problems is not to simply build a taller tower or increase the power output, but rather to reduce power or height at the existing cell site and create a new one.

The mature system operates most effectively utilizing low power outputs and antenna heights of 75 to 100 feet. Some of the applicant's facilities located at higher elevations have been, or shortly will be, taken off the air as they tend to interfere with the operation of other sites in the

system. An existing cell site on the KOIN facility is one such facility.

In addition to the capacity issue, terrain also creates reception problems. Additional cell sites must be located in those hard to service areas.

The applicant's engineers evaluate the problem areas (in this case an area extending from the tunnel for SW Canyon Road to the Sylvan area) and establish what is termed a "Search Circle" (a circle of approximately one mile radius for this problem area). A new cell site needs to be located within this area in order to eliminate the technical problems.

The applicant then contacted property owners in this area to see if a lease could be negotiated. Each proposed site was then field checked to it would work to solve the capacity and terrain problems.

The proposed facility is a combination of both of these factors.

There are no existing towers within the search circle that can be used by the applicant, nor are there any existing buildings, water towers or other structures tall enough to meet the desired height.

*Staff Comment:* There have been only three towers approved in the County since August 19, 1982. Those are located at 160 NW Miller Road, 17290 NW St. Helens Road, and 1468 NE Brower Road. None of those sites are within the applicant's one mile radius "search circle."

- (a) The applicant shall contact the owners of all existing or planned towers approved after August 19, 1982, of a height roughly equal to or greater than the height of the tower proposed by the applicant. A list shall be provided of all owners contacted, the date of such contact, and the form and content of such contact.
- (b) Such contact shall be made in a timely manner; that is, sufficiently before the filing of an application for a hearing to include a response into the application when filed.
  - (i) Failure of a listed owner to respond shall not be relevant to the approval authority if a timely, good faith effort was made to obtain one. However, where an existing or planned tower approved after August 19, 1982, is known to have capacity for additional antennas of the sort proposed, based on the decision regarding such tower, the application for a new tower shall not be complete until the owner of the existing or planned tower responds. Such response is to be required as a condition of approval.
  - (ii) The Planning Director shall maintain and provide, on request, records of responses from each owner.
  - (iii) Once an owner demonstrates an antenna of the sort proposed by the applicant cannot be accommodated on the owner's tower as described below, the owner need not be contacted by future applicants for antennas of the sort proposed.
- (c) The applicant shall request the following information from each owner contacted:
  - (i) Identification of the site by location, tax lot number, existing uses, and tower height.

- (ii) Whether each such tower could structurally accommodate the antenna proposed by the applicant without requiring structural changes be made to the tower. To enable the owner to respond, the applicant shall provide each such owner with the height, length, weight, and other relevant data about the proposed antenna contained in the statement required in MCC .7035(F)(2)(e) through (l).
- (iii) Whether each such tower could structurally accommodate the proposed antenna if structural changes were made, not including totally rebuilding the tower. If so, the owner shall specify in general terms what structural changes would be required
- (iv) If structurally able, would shared use by such existing tower be precluded for reasons related to RF interference. If so, the owner shall describe in general terms what changes in either the existing or proposed antenna would be required to accommodate the proposed tower, if at all.
- (v) If shared use is possible based on (iii) and (iv) above, the fee an owner of an existing tower would charge for such shared use.
- (d) Shared use is not precluded simply because a reasonable fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. The approval authority may consider expert testimony to determine whether the fee and costs are reasonable. Costs exceeding new tower development are presumed unreasonable.
- (2) Shared use of existing tower sites – A new transmission tower shall not be approved on a lot in an urban residential district where no similar tower exists unless the applicant makes a good faith effort to substantially demonstrate that the proposed tower cannot be located on the site of an existing or planned tower approved after August 19, 1982, as described below.
  - (a) The applicant shall contact the owners of all existing or planned tower sites approved after the effective date of this ordinance, containing sufficient area to accommodate the proposed tower and support elements. A list shall be provided of all owners contacted, the date of such contact, and the form and content of such contact.
  - (b) Such contact shall be timely, as describe in MCC .7035(B)(1)(b) above, and shall be considered, recorded, and reconsidered as described therein.
  - (c) The applicant shall request the following information from each owner contacted:
    - (i) Identification of the site by location, tax lot number, area, existing uses, and topographic, forest and other significant natural features.
    - (ii) Whether each such site could accommodate the tower proposed by the applicant without changing the existing or proposed structure. To enable the owner to respond, the applicant shall provide each owner with the dimensional characteristics of the proposed tower and other relevant data about the tower contained in the statement required by MCC .7035(D)(3).

(iii) Whether each such site could accommodate the tower proposed by the applicant if either or both the existing or proposed tower was structurally or otherwise changed. If changes due to structural or RF interference would be required, the owner shall specify in general terms what those changes are.

(iv) If shared use is possible based on (ii) and (iii) above, the fee an owner would charge for such shared use.

(d) Shared use is not precluded simply because a reasonable fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared site. The approval authority may consider expert testimony to determine whether the fee and costs are reasonable.

Exception – The provisions of subsections .7035(B)(1) and (2) shall not apply to any application approved by the Board on or before July 30, 1982.

COMMENT: For the same reasons cited in (1) above there are no existing antenna sites in the area at the elevation required by the applicant.

*Staff Comment:* The staff concurs. None of the approved towers are within the applicant's "search circle."

(3) Non-urban sites – The Planning Director shall consult with the Federal Aviation Administration, Federal Communications Commission, Oregon State Aeronautics Division, and Port of Portland to identify sites for towers in unincorporated Multnomah County outside the Urban Growth Boundary, which:

(a) Will contain sufficient area and be topographically capable of supporting major transmission towers in accordance with MCC .7035(B)(4),

(b) Will not create a hazard to aircraft, and

(c) Will provide substantially similar coverage for transmissions with currently available technology.

If such sites can be identified, no new transmission tower shall be permitted in any urban residential district until such non-urban sites are used to capacity.

COMMENT: The section of the Code is not applicable to this application.

*Staff Comment:* Staff concurs.

(4) Site size and tower setbacks.

(a) The site shall be of a size and shape sufficient to provide an adequate setback from the base of the tower to any property line abutting and urban residential district, public property, or public street. Such setback shall be sufficient to:

- (i) Provide for an adequate vegetative, topographic or other buffer, as provided in MCC .7035(B)(7) and (11),

COMMENT: Subsection (7) discusses visual impact. For towers of the height proposed the code suggests a galvanized or silver paint unless there are substantial stands of trees in which case the tower shall be painted green from the base to the tree line.

The applicant can work with the County during Design Review to select the most appropriate paint for the facility as both the pole and antenna can be painted any color without affecting the operation of the facility.

The FAA and Oregon Aeronautic Division are always contacted by the applicant when new tower sites are contemplated and are required to abide by any their lighting and color requirements.

Landscaping is discussed in Subsection (11). It requires landscaping at the perimeter of property which abut streets, residences, public parks or areas with access to the general public other than the owner of such adjoining property.

The area to be leased by the applicant technically abuts a public street S.W. Canyon Court. The proposed cell site is actually 150 feet from the improved roadway.

The section does, however, allow the approval jurisdiction to require landscaping and the applicant will work with the County in the site design aspect of this application to install appropriate landscaping.

**Staff Comment:** A proposed condition of this approval is that Design Review approve the detailed construction and landscaping plans for compliance with all applicable standards.

- (ii) Preserve the privacy of adjoining residential property,

COMMENT: There are a substantial number of trees and open areas between the proposed cell site and any single family dwelling in the area. The nearest dwelling is 250 feet to the northwest fronting on SW Highland Park Way.

**Staff Comment:** Staff concurs.

- (iii) Protect adjoining property from the potential impact of tower failure and ice falling from the tower by being large enough to accommodate such failure and ice on the site, based on the engineer's analysis required in MCC .7035(D)(3)(d) and (e), and

COMMENT: The applicant's monopole is designed to withstand sustained winds of over 100 miles per hour. See Appendix Exhibit 3, the manufacturers specs for the tower.

In addition, the height of the monopole, 96 feet, is less than the distance to any other residential building.

**Staff Comment:** The ability of the tower to sustain extreme winds has been certified by a

registered engineer. Also, the setbacks of the tower meet the 20 percent of tower height required by MCC .7035(B)(4)(b)(ii) since it is 20 feet from the nearest property. An engineer has certified that ice fall would be limited to within ten feet of the tower base; therefore, contained on site.

(iv) Protect the public from NIER in excess of the standard of MCC .7035(F)(1).

COMMENT: Multnomah County adopted what is considered by many to be a model ordinance dealing with radio and television towers and antennas. The ordinance lists the emission levels for the various uses and lists levels of concern of known health hazards.

These emissions are calculated in microwatts per centimeter squared ( $\mu\text{w}/\text{cm}^2$ ). Readings are taken at the lot line and at the closest residential use to determine compliance.

Appendix Exhibit 4 shows the calculations prepared by the applicant's engineers which establish the measurement at the nearest lot line to be  $1.553 \mu\text{w}/\text{cm}^2$  ( $0.001553 \text{ mw}/\text{cm}^2$ ) and is  $0.050 \mu\text{w}/\text{cm}^2$  ( $0.00005 \text{ mw}/\text{cm}^2$ ) at the closest dwelling, 250 feet to the northwest.

These readings are well below any levels of health concern as determined by the tables in the ordinance.

A table comparing cellular telephones to other everyday products is attached as Appendix Exhibit 5. This table demonstrates that cellular emissions are very low.

There is also no interference with other electronic equipment.

*Staff Comment:* MCC .7035(F)(1) allows a maximum equivalent plane-wave power density of between  $0.579 \text{ mW}/\text{cm}^2$  and  $0.595 \text{ mW}/\text{cm}^2$  for frequencies of 869 MHz–892 MHz. The engineer's certification equivalent plane-wave power densities of between ( $0.001553 \text{ mw}/\text{cm}^2$ ) and ( $0.00005 \text{ mw}/\text{cm}^2$ ) are well below those maximums. As Exhibit 5 indicates, that is 666 times less than that of a microwave oven.

(b) A site is presumed to be of sufficient size when it:

(i) Meets the requirements of (a) (iii) and (iv) above,

COMMENT: The proposed tower has been placed in the southwest corner of the subject property. In this location, it is farthest from any of the residential uses in the immediate area.

It should also be pointed out that the proposed use is over 100 feet from a traveled roadway. See again the discussion of SURROUNDING AREA above.

As stated the applicant's tower is designed to withstand sustained winds in excess of 100 miles per hour. See again Appendix Exhibit 3.

*Staff Comment:* An engineer has certified that all ice fall would be contained on-site and the

NIER standards have been certified as having been met.

- (ii) Provides a setback equal to 20 percent of the height of the tower to any property line abutting an urban residential district, public property, or public street, and

COMMENT: The proposed monopole is 96 feet in height. 20% of that height is 19.2' which, according to this section, is to be the setback.

The site plan indicates that the proposed tower is setback 22 feet from the abutting west-erly, or side, lot line and 20 feet from the southerly lot line or front yard south.

*Staff Comment:* Staff concurs.

MCC.7025(A) establishes the minimum yards for Community Service Uses. The applicable yards for the proposed use are:

Front	30 feet
Side	20 feet

See Variance section for additional discussion.

- (iii) Provides a setback equal to or exceeding the rear yard setback required for the adjoining property where the adjoining property is not in an urban residential district nor a public property or a public street.

COMMENT: Adjoining property is in a residential district so this subsection is not applica-ble.

*Staff Comment:* Staff concurs.

- (c) Placement of more than one tower on a lot shall be permitted, provided all setback, design and landscape requirements are met as to each tower. Structures may be located as close to each other as technically feasible, provided tower failure characteristics of the towers on the site described in MCC .7035(D)(3)(d) will not lead to multiple failures in the event that one fails.

COMMENT: This subsection is not applicable to this request.

*Staff Comment:* Staff concurs.

- (d) Structures and uses associated with the transmission use other than the transmission tower shall be located to meet the setbacks required in MCC .7025.

COMMENT: The electronics equipment building is situated eight feet within the required 20 foot side yard requirement and encroaches five feet into the required 30' front yard south. Approval of a Variance is therefore required.

Justification for the Variance and the responses to the approval criteria are set forth in the

VARIANCE portion of this submittal.

(5) Guy setback:

- (a) For a guyed structure, the site shall be of a size and shape sufficient to provide an adequate setback from a guy anchor to any property line abutting an urban residential district, public property or public street in addition to the size required to comply with (4) above. Such setback shall be adequate to provide a vegetative, topographic or other buffer sufficient to obscure view to the anchor from such adjoining properties.
- (b) A site is presumed to be of sufficient size when it provides:
  - (i) A setback of at least 25 feet between a guy anchor and any property line abutting an urban residential district or public property or street, and
  - (ii) A setback equal to or exceeding the rear yard setback required for the adjoining property where the adjoining property is not a public property or street nor in an urban residential district.
- (c) A guy anchor may be located on an adjoining property when:
  - (i) The owner of the adjoining property on which it is to be placed authorizes it in writing, and
  - (ii) The guy anchor meets the requirements of (a) or (b) above as to all other adjoining property lines.
- (d) Guy anchors may be located within required landscape areas.

A guy from a tower which was previously approved under any ordinance may be extended to an adjacent site if the guy anchor will comply with (B)(5)(c) as determined by the Planning Director.

COMMENT: There are no guys associated with this proposal. The applicant's tower is a self-supporting monopole.

*Staff Comment:* Staff concurs.

- (6) Required sharing of new towers – All new towers shall be designed to structurally accommodate the maximum number of additional users technically practicable, but in no case less than the following:
  - (a) For television antenna towers, at least three high power television antennas and one microwave facility or two FM antennas, and at least one two-way radio antenna for every ten feet of the tower over 200 feet.

COMMENT: This subsection is not applicable to this request.

*Staff Comment:* Staff concurs.

- (b) For any other towers, at least one two-way radio antenna for every ten feet of the tower, or at least one two-way radio antenna for every 20 feet of the tower and at least one microwave facility.

COMMENT: The applicant is willing to negotiate with other potential uses regarding space on the monopole. There are structural limitations and frequency compatibilities that also need to be considered.

*Staff Comment:* Staff recommends a condition regarding required negotiation with potential sharers as required by (f) below.

- (c) Such other combination as found by the approval authority to provide the maximum possible number of foreseeable users.
- (i) Such requirements may be reduced if the Federal Communications Commission provides a written statement that no more licenses for those broadcast frequencies that could use the tower will be available in the foreseeable future.
- (ii) Such requirements may be reduced if the size of the tower required significantly exceeds the size of the existing towers in the area and would therefore create an unusually onerous, visual impact that would dominate and alter the visual character of the area when compared to the impact of other existing towers. This provision is only to be applied in unusual circumstances not resulting from the applicant's action or site selection unless no other site is possible.

*Staff Comment:* This subsection allows the Planning Commission to impose sharing conditions, if applicable.

- (d) Once a new tower is approved, additional antennas and accessory uses to permitted antennas may be added to it in accordance with the approved sharing plan if the Planning Director finds that the standards of MCC .7035(B)(7) through (9),(12), (14) and (15) are met.
- (i) A request for additional antennas or accessory uses shall be processed under MCC .7835 through .7845, provided the standards of MCC .7850 may only be applied in direct proportion to the extent of the proposed change.
- (ii) If the proposed change results in an increase in the extent to which the existing use violates the setback and landscape standards of MCC .7035(B)(4)(b) through (d), (B)(5)(b) through (d), and (B)(11)(a), the application for approval shall be considered as an action proceeding by the approval authority, who may approve the change based on the applicable standard of MCC .7035(B)(4)(a), (B)(5)(a), and (B)(11)(a).

*Staff Comment:* This subsection allows the Planning Director to approve future shared use of approved towers.

- (e) The antennas sharing a tower will generally be arranged as follows, provided changes may be allowed by the approval authority when necessary to accommodate RF interference, topographic circumstances, or tower structure characteristics:

- (i) Towers in excess of 200 feet shall be guyed towers with one top-mounted high power television (HPTV) antenna and two side-mounted HPTV antennas. In the alternative, one HPTV antenna may be top-mounted, the second HPTV antenna located below it, and a third HPTV antenna side-mounted.
- (ii) No candelabra shall be permitted. No triangular platforms larger than 10 feet on a side shall be permitted. Triangular and T-bar platforms shall not be permitted if mounting of required antennas can be accomplished without such platforms.

*Staff Comment:* This tower is proposed to have a triangular platform of 10 feet on each side.

- (iii) The required microwave facilities, FM antennas, and two-way radio antennas may be located anywhere on the tower above a height of eighty feet above grade, provided the other requirements of this section are met.

*Staff Comment:* This subsection places limitations on the types of structures allowed.

- (f) If a new tower is approved, the applicant shall be required as conditions of approval, to:
  - (i) Record the letter of intent required in MCC .7035(D)(5) in Miscellaneous Deed Records of the Office of the County Recorder,
  - (ii) Respond in a timely, comprehensive manner to a request for information from a potential shared use applicant required under MCC .7035(B)(1) and (2),
  - (iii) Negotiate in good faith for shared use by third parties, and
  - (iv) Allow shared use where the third party seeing such use agrees in writing to pay reasonable, pro rata charges for sharing, including all charges necessary to modify the tower and transmitters to accommodate shared use, but not total tower reconstruction, and to observe whatever technical requirements are necessary to allow shared use without creating interference,
  - (v) Willful, knowing failure of an owner whose tower was approved after the effective date of this ordinance, to comply with the requirement of (i) through (iv) above shall be grounds for suspension or revocation of the Community Service designation. Following report of such failure, the Planning Director shall schedule a public hearing in the manner provided in MCC .8290 and .8295 to determine whether the CS designation should be suspended or revoked.

Such conditions shall run with the land and be binding on subsequent purchasers of the tower site.

*Staff Comment:* These conditions must be included in a decision to approve an application.

- (7) Visual impact – The applicant shall demonstrate that the tower can be expected to have the least visual impact on the environment, taking into consideration technical, engineering, economic and other pertinent factors. Towers clustered at the same site shall be of similar height and

design, whenever possible. Towers shall be painted and lighted as follows:

- (a) Towers 200 feet or less in height shall have a galvanized finish or be painted silver. If there is heavy vegetation in the immediate area, such towers shall be painted green from base to treeline, with the remainder painted silver or given a galvanized finish.

*COMMENT: As stated above, the monopole and antenna can be painted any color. The applicant will comply with the color decided during the design review process and/or by the FAA.*

*Staff Comment: Design Review would enforce the requirements of the Code and those of the FAA.*

- (b) Towers more than 200 feet in height shall be painted in accordance with regulations of the Oregon State Aeronautics Division.

*COMMENT: This section is not applicable to this request.*

*Staff Comment: Staff concurs.*

- (c) Towers shall be illuminated as required by the Oregon State Aeronautics Division. However, no lighting shall be incorporated if not required by the Aeronautics Division or other responsible agency.

*COMMENT: The applicant's proposal will comply with this provision.*

*Staff Comment: Exhibit 6 from the FAA indicates that no lighting or marking of the tower is required. However, Exhibit 7 from the OSAD indicates that lighting and marking meeting FAA standards is required. The issue of which agency has priority will be determined during Design Review.*

- (d) Towers shall be the minimum height necessary to provide parity with existing similar tower supported antenna, and shall be freestanding where the negative visual effect is less than would be created by use of a guyed tower.

*COMMENT: The applicant's proposal is for a self-supporting monopole. It is at a height which is the minimum necessary to satisfy the technical aspects of the proposal.*

*Staff Comment: Based on the engineering analysis, the staff concurs.*

- (8) Maintenance impacts – Equipment at a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. The applicant shall describe anticipated maintenance needs, including frequency of service, personnel needs, equipment needs, and traffic, noise or safety impacts of such maintenance. Where the site abuts or has access to a collector and local street, access for maintenance vehicles shall be exclusively by means of the collector street.

*COMMENT: No one is at the site on a daily basis. The facility is operated by remote control from the*

applicant's main offices in downtown Portland. Based on a system wide average, there will be two maintenance checks per month. A technician, using a panel type van, will be at the site for a few hours to perform routine maintenance on the equipment.

The proposed facility is similar to many others in the system. There have been no complaints filed with the applicant or with the FCC regarding interference with other electronic equipment. In addition, no noise complaints have been filed either.

Access to the facility will be through the Racquet Club parking lot which has access to a local service street.

*Staff Comment:* The applicant proposes a reasonable, minimal maintenance schedule. The site has no access to SW Canyon Court.

(9) Parking – A minimum of two parking spaces shall be provided on each site; an additional parking space for each two employees shall be provided at facilities which require on-site personnel.

COMMENT: The applicant has provided one parking space adjacent to the cell site. The other parking is available in the Racquet Club overflow parking area if needed. Historically, only one van is used by the maintenance technician during the periodic maintenance.

*Staff Comment:* This site requires no on-site personnel; the minimum number of parking spaces have been provided.

(10) Vegetation – Native vegetation on the site shall be preserved to the greatest practical extent. The applicant shall provide a site plan showing existing significant vegetation to be removed, and vegetation to be replanted to replace that lost.

COMMENT: The applicant has placed the proposed facility in a manner that preserves large trees existing in the area. Note site plan. Additional landscaping will be installed as determined appropriate during the design review process.

*Staff Comment:* Design Review will insure maximum retention of native vegetation.

(11) Landscaping – Landscaping at the perimeter of the property which abuts streets, residences, public parks or areas with access to the general public other than the owner of such adjoining property shall be required, as follows:

COMMENT: The applicant will utilize provisions of (c) of this subsection.

(a) For towers 200 feet tall or less, a buffer area no less than 25 feet wide shall commence at the property line. At least one row of evergreen shrubs shall be spaced not more than five feet apart. Materials should be of a variety which can be expected to grow to form a continuous hedge at least five feet in height within two years of planting. At least one row of evergreen trees or shrubs, not less than four feet height at the time of planting, and spaced not more than 15 feet apart, also shall be provided. Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed 20 feet in height or would not affect the stability of the

guys, should they be uprooted, and shall not obscure visibility of the anchor from the transmission building or security facilities and staff.

- (b) For towers more than 200 feet tall, a buffer area not less than 40 feet wide shall be provided at the property line with at least one row of evergreen shrubs spaced not more than five feet apart which will grow to form a continuous hedge at least five feet in height within two years of planting; one row of deciduous trees, not less than 1 1/2 inch caliper measured three feet from the ground at the time of planting, and spaced not more than 20 feet apart; and at least one row of evergreen trees, not less than four feet at the time of planting, and spaced not more than 15 feet apart. Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed 20 feet in height or would not affect the stability of the guys, should they be uprooted, and shall not obscure visibility of the anchor from the transmission building or security facilities and staff.
- (c) In lieu of these standards, the approval authority may allow use of an alternate detailed plan and specifications for landscape and screening, including plantings, fences, walls and other features designed to screen and buffer towers and accessory uses. The plan shall accomplish the same degree of screening achieved in (a) and (b) above, except as lesser requirements are desirable for adequate visibility for security purposes and for continued operation of existing bona fide agricultural or forest uses, including but not limited to produce farms, nurseries, and tree farms.

*COMMENT: The amount of native vegetation on the site and the height of the trees near the monopole site provide an excellent buffer for the proposed use. The facility will not be readily visible from existing roadways or residences.*

*The applicant is proposing therefore that no additional screening is necessary.*

*Staff Comment: The tower and small building would be well screened from surrounding properties by existing vegetation. Design Review should insure maintenance of that screening.*

- (12) Accessory uses – Accessory uses shall include only such buildings and facilities necessary for transmission function and satellite ground stations associated with them, but shall not include broadcast studios, offices, vehicle storage areas, nor other similar uses not necessary for the transmission function.

Accessory uses may include studio facilities for emergency broadcast purposes or for other special, limited purposes found by the approval authority not to create significant additional impacts nor to require construction of additional buildings or facilities exceeding 25 percent of the floor area of other permitted buildings.

*COMMENT: The applicants' proposal includes only the monopole and a building to house the electronic equipment. No other uses of concern in this section will be involved at this site.*

*Staff Comment: The tower and small electronics building are the minimum needed for efficient operation of the proposed facility.*

- (13) Comprehensive Plan – The proposed use shall comply with Policies No. 13 (Air and Water

Quality and Noise Level), No. 14 (Development Limitations), No. 16 (Natural Resources), No. 19 (Community Design), No. 31 (Community Facilities), and other plan policies identified as applicable by the approval authority.

COMMENT: Policy 13 – The proposed facility does not emit noxious materials into the air, does not have any affect on water quality, and is not a noise generator.

Policy 14 – There are no known development limitations on this site. The applicant will have a site analysis done prior to placement of the monopole and building to assure that there are no problems in developing the site.

This information will be submitted during the building permit process.

Policy 16 – There are no known natural resource areas involved in this proposal.

Policy 19 – The applicant's proposal has been designed to have minimal impact. The height of the monopole is the minimum required. The painting of the tower, absence of lights and landscaping will all serve to minimize potential conflicts in the location and development of this proposed use.

The applicant will also go through the Design Review process to ensure compliance with this policy.

Policy 31 – This proposed facility does not require water or sewer service. All needed utilities are available at the site.

No expenditure of public funds will be required.

*Staff Comment:* The applicant has demonstrated compliance with the applicable plan policies.

(14) Agency Coordination – The applicant shall provide the following information in writing from the appropriate responsible official:

- (a) A statement from the Federal Aviation Administration that the application has not been found to be a hazard to air navigation under Part 77, Federal Aviation Regulations, or a statement that no compliance with Part 77 is required.

COMMENT: Attached as Appendix Exhibit 6 is the FAA statement indicating that this facility does not require notice to the FAA nor does it require markings and lighting.

*Staff Comment:* This requirement has been satisfied.

- (b) A statement from the Oregon State Aeronautics Division that the application has been found to comply with the applicable regulations of the Division, or a statement that no such compliance is required.

COMMENT: Attached as Appendix Exhibit 7 is a letter from the Aeronautics Division. This letter states that the proposed monopole is to be marked and lighted.

The applicant will continue to work with this agency to determine if this requirement is neces-

sary in this particular location. As noted in Appendix Exhibit 6, the FAA indicates that no lighting is required.

The final color can be determined in design review after the difference between the two agencies is resolved.

*Staff Comment:* This requirement has been satisfied.

(c) A statement from the Federal Communications Commission that the application complies with the regulations of the Commission or a statement that no such compliance is necessary.

COMMENT: Attached as Appendix Exhibit 8 is a copy of a portion of the applicant's FCC license which authorizes the applicant to provide cellular telephone services in the Portland-Vancouver area.

*Staff Comment:* This requirement has been satisfied.

(d) The statements in (a) through (c) may be waived when the applicant demonstrates that a good faith, timely effort was made to obtain such responses but that no such response was forthcoming, provided the applicant conveys any response received; and further provided any subsequent response that is received is conveyed to the approval authority as soon as possible.

*Staff Comment:* This requirement is inapplicable.

(15)Emission of non-ionizing electromagnetic radiation. The NIER requirements of (F) are met.)

COMMENT: Appendix Exhibit 4 demonstrates compliance with the NIER standards.

*Staff Comment:* Staff concurs. See discussion in subsection (A)(4)(a)(iv) above.

## II. Variance Consideration

The applicant is seeking approval of variances to reduce the required front yard south from the required 30 feet to 25 feet and to reduce the side yard west from 20 feet to 12 feet in order to allow for the placement of the equipment building as shown on the site plan. See Appendix Exhibit 9. One of the requested variances does not exceed 25% of the dimensional standard of the Code and could be treated as a Minor Variance.

The applicant, however, elects to include consideration of both of the variances for reduction of the required yards as part of the Conditional Use proceedings rather than to be considered separately as allowed by the Zoning Code.

Following is a listing of the approval criteria for a Major Variance and the applicant's responses thereto.

- (1) A circumstance or condition applies to the property or intended use that does not generally apply to other property in the same vicinity or district. The circumstances may relate to size, shape, topography of the property or location or the size of the physical improvements on the site or nature of the use as compared to surrounding uses.

*COMMENT:* The applicant has selected a location on the Racquet Club property for the proposed cell site that is as far away from other uses as possible. In order to accomplish this, and recognizing the terrain in the area, it is necessary to place the structures on the site as shown on the site plan. The existing vegetation and remote placement of the cell site will adequately protect the surrounding residential areas from visual impacts.

The purpose of setbacks as stated in the Code and the reason for them will still be preserved even though the actual distances to the lot lines are less than Code minimums.

This section of Highway 26 has a heavy traffic load and a high accident rate. See Appendix Exhibit 10. There are no public phones available along this section of the highway between the tunnel and the Sylvan exit. Good cellular telephone communication would reduce emergency response times at accident scenes.

*Staff Comment:* The variance is necessitated by the irregular shape of the dedication for SW Canyon Court. The building will actually be in excess of 50 feet from the street improvement. Information from Roger Jarmer of the Oregon Department of Transportation indicates that future improvements will be no closer to the property than what currently exists.

The property immediately to the west is a 5.94 acre parcel within the City of Portland. It is steeply sloped and heavily vegetated with large fir trees. Design Review should insure that the materials and color of the building blend with surrounding vegetation.

- (2) The zoning requirement would restrict the use of the property to a greater degree than it restricts other properties in the vicinity or district.

*COMMENT:* By setting the building back from the lot lines as set forth in the Code would encroach into the overflow parking area of the Racquet Club required by prior Community Service approvals.

The applicant only needs a 30 foot by 30 foot parcel for installation of the cell site.

It is the irregular shape of the south lot line, plus the definition of front yard, that results in the lot having two front yards; thus creating the need for a variance.

*Staff Comment:* The building location satisfies the side yard setback requirements of surrounding properties. The five foot front yard reduction is from a property line that functions as a side yard, but by definition a yard fronting on a right-of-way that will never be improved to the property line.

- (3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the same vicinity or district in which the property is located, or adversely affect the appropriate development of adjoining properties.

COMMENT: As stated above, the existing vegetation and remote placement of the cell site will adequately protect the surrounding residential areas from visual impacts.

*Staff Comment:* The public welfare will be positively served by the provision of mobile phone service in an area currently void of that service. The small 192 square foot building will have no impact on the development potential of surrounding properties.

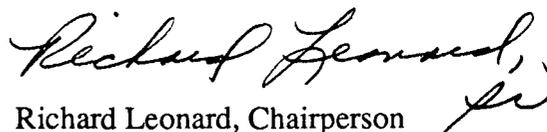
- (4) The granting of the variance will not adversely affect the realization of the comprehensive plan nor will it establish a use which is not listed in the underlying zone.

COMMENT: Approval of the variance will not curtail the use of other properties from developing with uses permitted in the R-10 zone nor will it allow a use not contemplated by the zone.

*Staff Comment:* The building location will not affect the development potential of surrounding property. The proposed use is a listed Community Service Use in the R-10 district.

Conclusions:

February 3, 1992

  
Richard Leonard, Chairperson

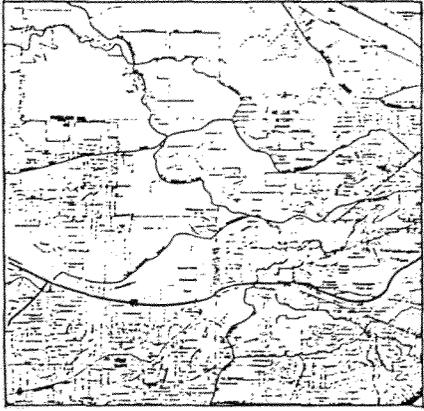
Filed with Clerk of the Board on February 13, 1992

### **Appeal to the Board of County Commissioners**

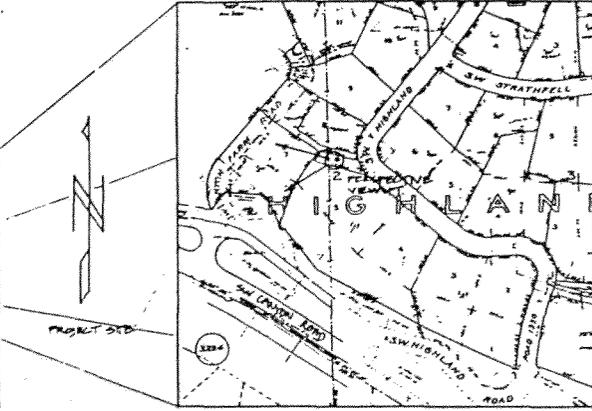
Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. Monday, February 24, 1992 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

*The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, February 25, 1992 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.*

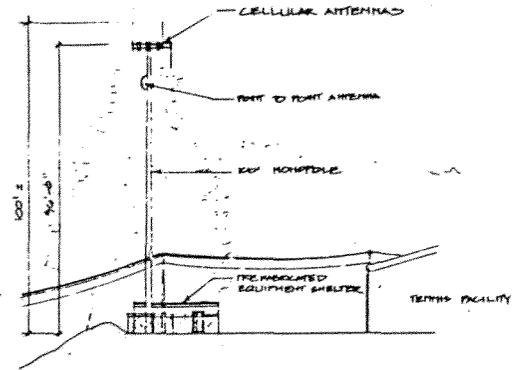
# APPENDIX



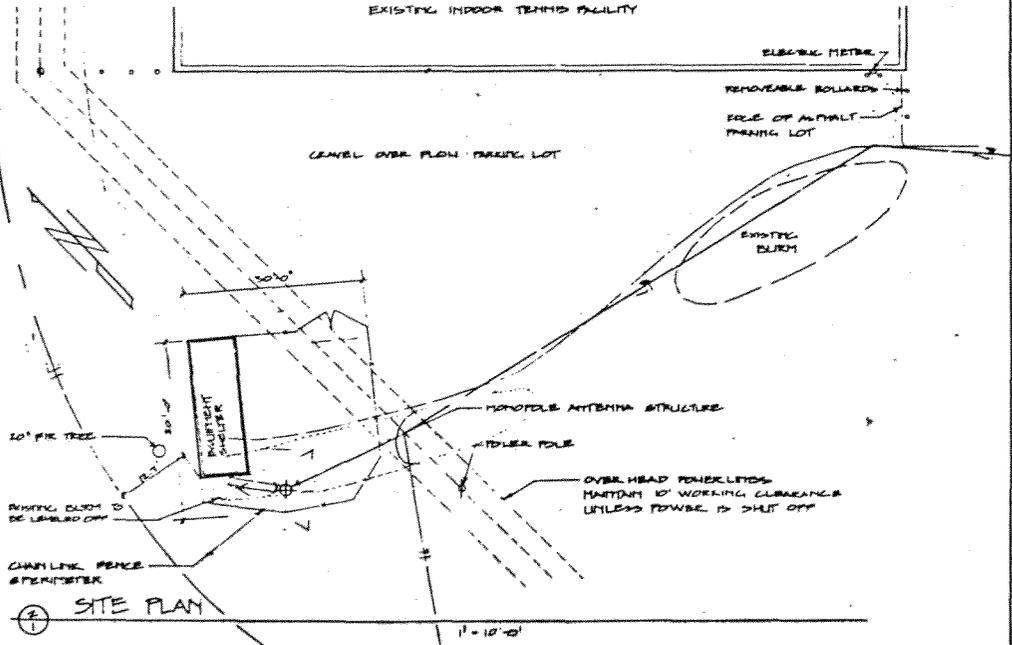
LOCATION MAP



VICINITY PLAN



EAST ELEVATION  
SCALE 1"=10'-0"



SITE PLAN  
SCALE 1"=10'-0"

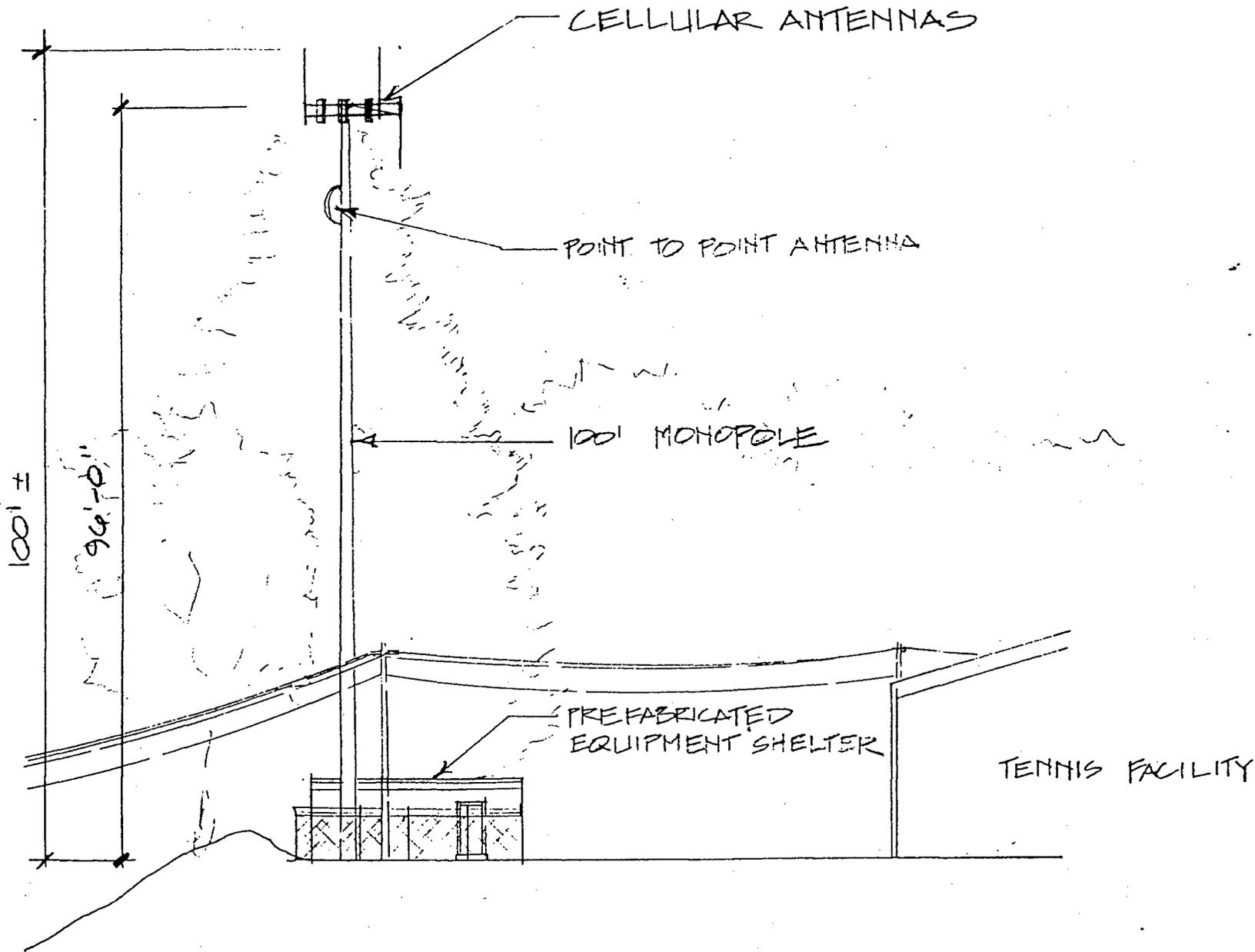
CS 3-92/HV 2-92

REVISION	BY
1	11-22-92

Stewart Gordon Straus  
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1833 SW ATTORNEY ST.  
PORTLAND, OREGON 97201  
503-241-6100 • FAX 503-241-6106  
STEWART GORDON STRAUS, INC.

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HIGHWAY 26 CELL SITE  
CELLULAR ONE COMMUNICATIONS  
HIGHLAND AVE. PORTLAND OR

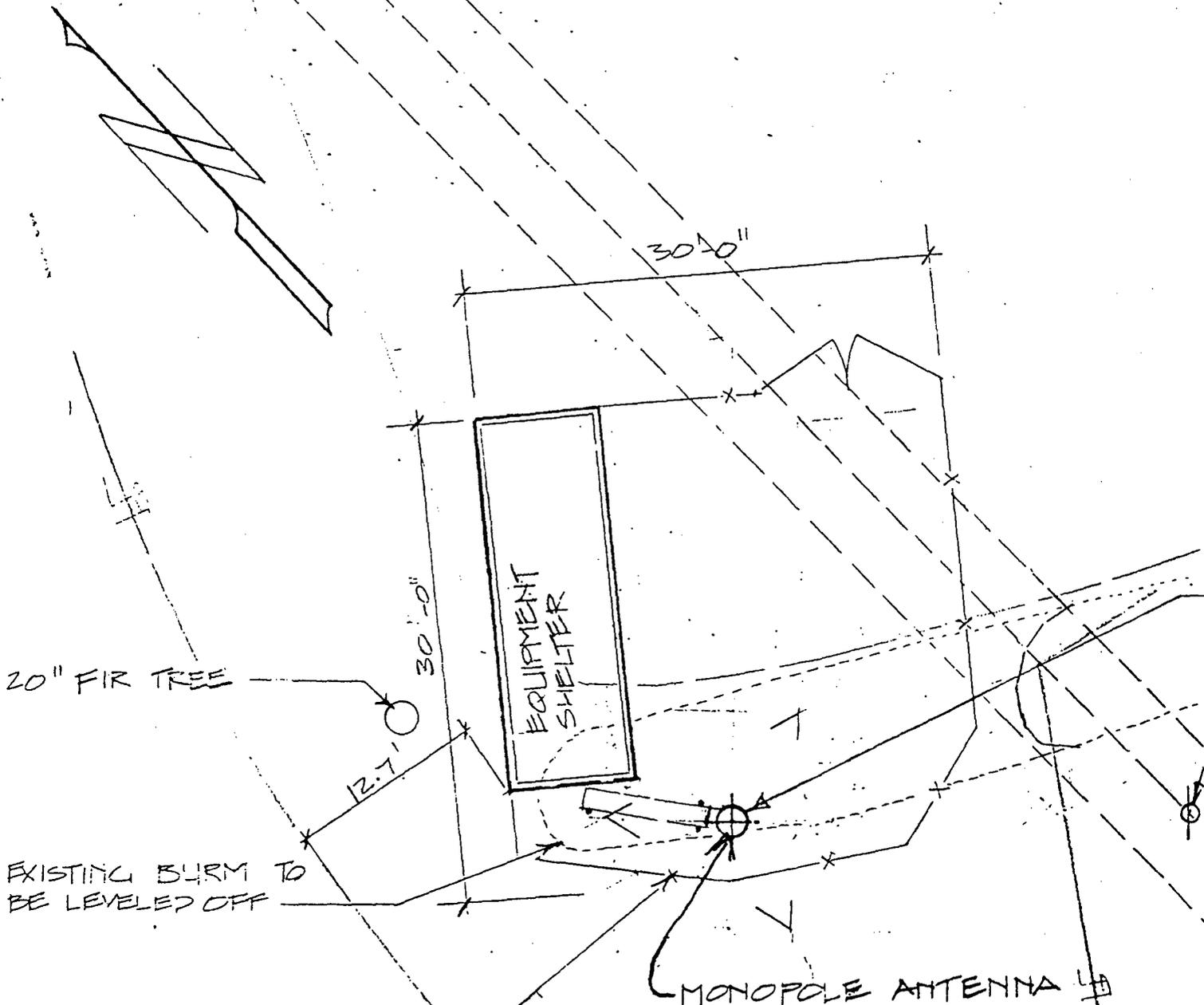


CS 3-92/HV 2-92

EXHIBIT 1b

⊕ EAST ELEVATION

GRAVEL OVER FLOW



CHAIN LINK FENCE @ PERIMETER

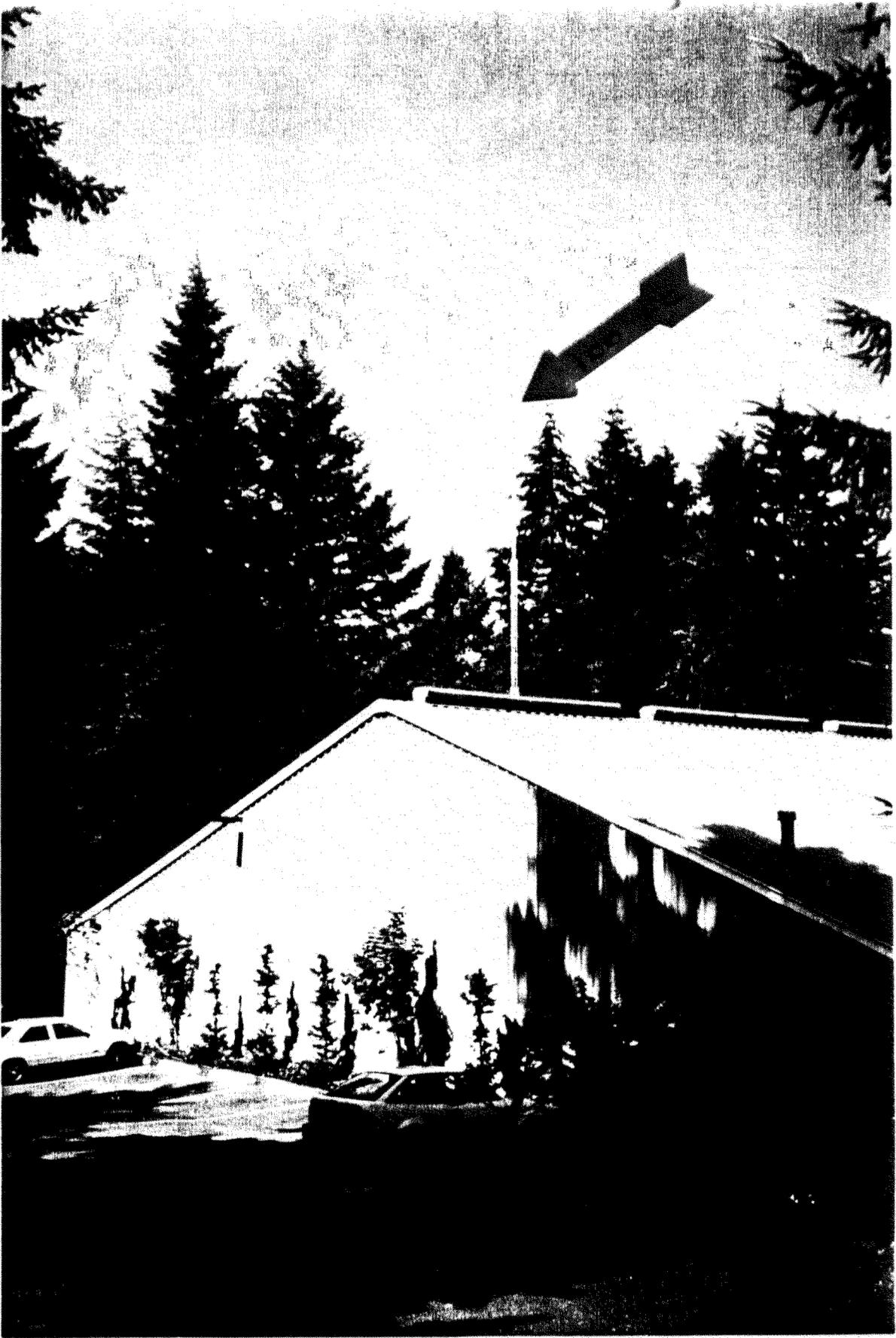
MONOPOLE ANTENNA

CS 3-92/HV 2-92

# SITE PLAN

2  
1

EXHIBIT 1c



WOOD POLE SPREAD SHEET

WATER TABLE BELOW BOTTOM OF POLE EMBEDMENT

70B=P2; 70C=P16; 80B=P26; 80C=F36; 90B=P46; 90C=P56; 100B=P66; 100C=76; 110B=86; 100C=

LOAD ZONE	ZONE ELEV.	WIND PRESSURE	DIA. AVE.	AREA ZONE	AREA ACC.	FORCE (LBS)	HEIGHT (FT.)	Mo: (K-FT)
1	30.00	19.04	20.45	34.08		648.95	12.00	7.79
2	40.00	20.67	18.59	30.98		638.91	32.00	29.45
3	60.00	23.80	16.71	27.25		562.63	52.00	34.47
4	100.00	25.39	16.71	33.70		1414.04	82.00	115.95
5	0.00	25.39	12.00	0.00		0.00	52.00	0.00
ACC	100.00	25.39			11.00	279.25	100.00	27.97
TOTALS						3643.58		296.58

$y = 50.69$

POLE DIA. (IN)	SECTION (PSI)	ALLOWABLE BENDING STRESS PER UBC TABLE 23-E:
12.00	159.25	UBC FIR = 2450 PSI * 1.33 / 1.3 = 2500 (table value is for poles in clusters individual pole bending allowable to be divided by 1.3)
14.00	269.39	
16.00	402.12	
18.00	572.26	
19.00	673.38	
20.00	785.40	
21.00	909.20	
22.00	1045.37	
23.00	1194.50	
24.00	1357.17	
26.00	1725.52	
28.00	2155.14	

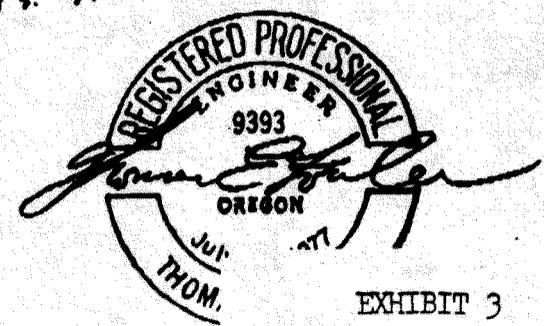
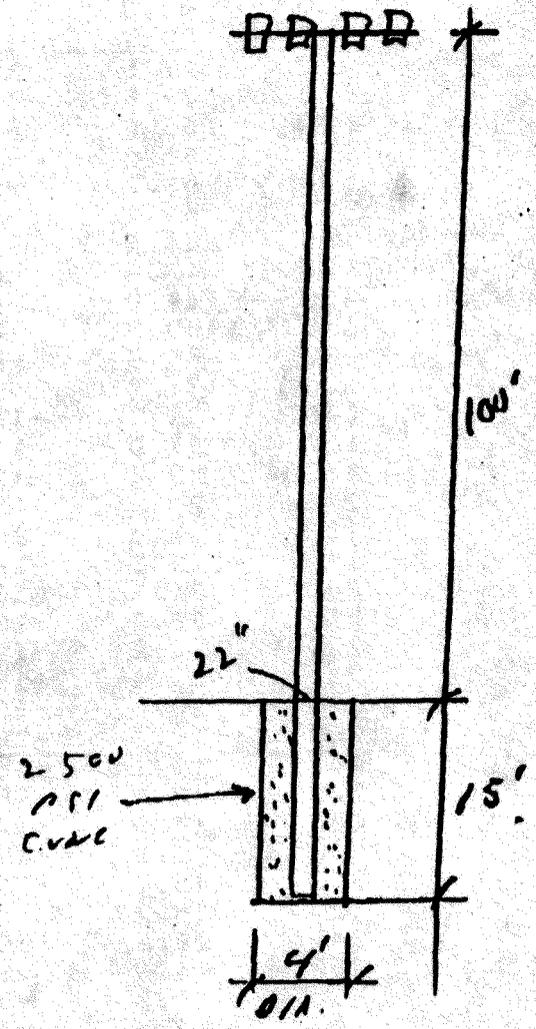
SPREAD SHEET FOR CANTILEVERED POLES OUT OF GROUND  
UBC FORMULA 2307 (g) 2. A. NONCONSTRAINED

- $D = (A/2) + (1 + (4.45H/A)) / 2$  (filler POLEUBC)
- D = DEPTH OF EMBEDMENT
- $A = (2.34F) / (5 + (D \text{ est.} / 3) * 6 * 2)$
- F = APPLIED FORCE IN POUNDS
- S = ALLOWABLE LAT. SOIL BEARING PRESSURE TABLE 23-6: 75 L.F.P.
- B = DIA OF ROUND POST OR DIAB. OF SQUARE
- H = DIST. ABOVE GROUND SURFACE TO POINT OF AP.

WIND EXP.	F	S	B	A	H	D	D est.	Mo:ver
80-C	3643.98	75.00	4.00	2.67	50.69	14.64	14.63	296.58
80-C	3643.98	75.00	5.00	2.48	50.69	11.68	12.75	296.58
80-C	3643.98	75.00	6.00	2.22	50.69	12.66	12.63	296.58

Vol. 189.5 PS  
270.0 PS  
363. PS

50 4" φ x 15' 05" 110



RACQUETBALL COURT CELL SITE

Radio Frequency Power Density for Sector Cell

24-Oct-91

Height Rad Center: 100 feet ERP/Channel: 50  
 Measurement Ht: 10 feet Total ERP (Watts): 1000

Distance From Tower (Feet)	Angle Below Horizon (degrees)	Antenna Vertical Pattern (dB)	Distance From Antenna (Feet)	10 Channels Power Density (uW/cm <sup>2</sup> )	20 Channels Power Density (uW/cm <sup>2</sup> )	5 Evening Hours Power Density (8PM - 6AM) (uW/cm <sup>2</sup> )	
0	90.0	-14.0	90.0	0.570	1.087	0.311	
10	83.7	-12.4	90.6	0.813	1.553	0.444	<i>Closest</i>
20	77.5	-11.0	92.2	1.083	2.068	0.591	<i>LOT Lin.</i>
30	71.6	-10.1	94.9	1.258	2.402	0.686	
40	66.0	-9.8	98.5	1.251	2.388	0.682	
50	60.9	-9.6	103.0	1.199	2.289	0.654	
60	56.3	-9.1	108.2	1.219	2.326	0.665	
70	52.1	-8.6	114.0	1.231	2.349	0.671	
80	48.4	-8.0	120.4	1.267	2.418	0.691	
90	45.0	-8.0	127.3	1.134	2.165	0.618	
100	42.0	-8.2	134.5	0.969	1.850	0.529	
110	39.3	-8.4	142.1	0.829	1.583	0.452	
120	36.9	-9.1	150.0	0.634	1.210	0.346	
130	34.7	-9.7	158.1	0.497	0.948	0.271	
140	32.7	-10.4	166.4	0.382	0.728	0.208	
150	31.0	-11.2	174.9	0.287	0.548	0.157	
160	29.4	-12.6	183.6	0.189	0.361	0.103	
170	27.9	-15.3	192.4	0.092	0.176	0.050	
180	26.6	-16.6	201.2	0.063	0.120	0.034	
190	25.3	-18.0	210.2	0.042	0.079	0.023	
200	24.2	-18.4	219.3	0.035	0.066	0.019	
210	23.2	-18.9	228.5	0.029	0.055	0.016	
220	22.2	-19.2	237.7	0.025	0.047	0.013	
230	21.4	-19.6	247.0	0.021	0.040	0.011	
240	20.6	-20.0	256.3	0.018	0.034	0.010	
250	19.8	-18.0	265.7	0.026	0.050	0.014	<i>NEAREST</i>
260	19.1	-18.0	275.1	0.024	0.046	0.013	<i>Dwellin.</i>
270	18.4	-15.0	284.6	0.045	0.086	0.025	
280	17.8	-12.0	294.1	0.085	0.161	0.046	
290	17.2	-12.0	303.6	0.079	0.151	0.043	
300	16.7	-10.0	313.2	0.118	0.226	0.064	
320	15.7	-8.5	332.4	0.148	0.283	0.081	
340	14.8	-6.7	351.7	0.200	0.382	0.109	
360	14.0	-6.7	371.1	0.180	0.344	0.098	
380	13.3	-5.4	390.5	0.219	0.418	0.120	
400	12.7	-4.3	410.0	0.256	0.489	0.140	
450	11.3	-3.6	458.9	0.240	0.459	0.131	
500	10.2	-3.0	508.0	0.225	0.430	0.123	
600	8.5	-1.9	606.7	0.203	0.388	0.111	
700	7.3	-1.2	705.8	0.176	0.337	0.096	
800	6.4	-0.8	805.0	0.149	0.284	0.081	
900	5.7	-0.7	904.5	0.121	0.230	0.066	
1000	5.1	-0.6	1004.0	0.100	0.191	0.055	
1500	3.4	-0.2	1502.7	0.049	0.094	0.027	
2000	2.6	-0.1	2002.0	0.028	0.054	0.015	
2500	2.1	-0.1	2501.6	0.018	0.035	0.010	
3000	1.7	0.0	3001.3	0.013	0.025	0.007	

## Radio Frequency Power Density Comparisons

<b>CB Mobile Radio</b> 3 Watts Output Antenna 4 feet away , 27 Mhz	<b>16 uw/cm<sup>2</sup></b>
<b>Cordless Telephone</b> 0.1 Watt Output Antenna 6 inches away 49 Mhz	<b>34 uw/cm<sup>2</sup></b>
<b>CB Portable Radio</b> 1 Watt Output Antenna 6 inches away 27 Mhz	<b>343 uw/cm<sup>2</sup></b>
<b>Microwave Oven</b> 650 Watts Output 2 Inches from Cabinet	<b>1000 uw/cm<sup>2</sup> (when new)</b> <b>5000 uw/cm<sup>2</sup> (over its life)</b>

### ANSI \* STANDARD

Freq. Mhz *****	Pwr Density (uw/cm <sup>2</sup> ) *****	
0.3	100000	
3	100000	
10	9000	
30	1000	
300	1000	
500	1667	
<u>869</u>	<u>2897</u>	(Cellular Frequencies)
<u>892</u>	<u>2973</u>	
1000	3333	
1500	5000	
100000	5000	

\*American National Standards Institute



**NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION**

Aeronautical Study Number  
**ANN-0875-0E**

<b>1. Nature of Proposal</b>		<b>2. Complete Description of Structure</b>	
<b>A. Type</b> <input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Alteration	<b>B. Class</b> <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Temporary (Duration _____ months)	<b>C. Work Schedule Dates</b> Beginning <u>12/30/91</u> End <u>01/22/92</u>	
<b>3A. Name and address of individual, company, corporation, etc. proposing the construction or alteration.</b> (Number, Street, City, State and Zip Code) ( 503 ) <u>720-0001</u> area code Telephone Number  Kenneth J. Seymour; Senior R.F. Engineer McCaw Communications of the Midsouth Inc. 409 S.W. 9th Ave. Portland, OR 97205		<p>A. Include effective radiated power and assigned frequency of all existing, proposed or modified AM, FM, or TV broadcast stations utilizing this structure.</p> <p>B. Include size and configuration of power transmission lines and their supporting towers in the vicinity of FAA facilities and public airports.</p> <p>C. Include information showing site orientation, dimensions, and construction materials of the proposed structure.</p> <p>A. Cellular Band 869 - 892 MHz, 50 watts ERP per channel.</p> <p>B. Power and telephone poles in immediate vicinity (within 100' radius) with elevations of 85 feet.</p> <p>C. A 95 foot pole will be used to support antennas. Top of structure will not exceed 100 feet above ground elevation.</p> <p>(If more space is required, continue on a separate sheet.)</p>	
<b>B. Name, address and telephone number of proponent's representative if different than 3 above.</b> Ken Seymour; Senior R.F. Engineer McCaw Communications of the Midsouth Inc. 409 S.W. 9th Ave. Portland, OR 97205 (503) 720-0001			

<b>4. Location of Structure</b>			<b>5. Height and Elevation (Complete to the nearest foot)</b>		
<b>A. Coordinates (To nearest second)</b> 45° 30' 33" Latitude 122° 43' 16" Longitude	<b>B. Nearest City or Town, and State</b> West Slope, OR (1) Distance to 4B 1 Miles (2) Direction to 4B 251 Deg.	<b>C. Name of nearest airport, heliport, flightpark, or seaplane base ppx</b> (1) Distance from structure to nearest point of nearest runway 7.1323 nm. (2) Direction from structure to airport 47.567 Degrees	<b>A. Elevation of site above mean sea level</b> 670	<b>B. Height of Structure including all appurtenances and lighting (if any) above ground, or water if so situated</b> 100	<b>C. Overall height above mean sea level (A + B)</b> 770

D. Description of location of site with respect to highways, streets, airports, prominent terrain features, existing structures, etc. Attach a U.S. Geological Survey quadrangle map or equivalent showing the relationship of construction site to nearest airport(s). (If more space is required, continue on a separate sheet of paper and attach to this notice.)  
Structure is to be located within a cluster of large fir trees (within 50 foot radius). Older growth trees range in elevation from 85 feet to the south, 110+ feet to the north. A topographical map is included indicating the location of the proposed structure (Portland 7 1/2 minute scale).

Notice is required by Part 77 of the Federal Aviation Regulations (14 C.F.R. Part 77) pursuant to Section 1101 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1101). Persons who knowingly and willingly violate the Notice requirements of Part 77 are subject to a fine (criminal penalty) of not more than \$500 for the first offense and not more than \$2,000 for subsequent offenses, pursuant to Section 902(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472(a)).

I HEREBY CERTIFY that all of the above statements made by me are true, complete, and correct to the best of my knowledge. In addition, I agree to obstruction mark and/or light the structure in accordance with established marking & lighting standards if necessary.

<b>Date</b> 11/06/91	<b>Typed Name/Title of Person Filing Notice</b> Ken Seymour; Sr. R.F. Engineer	<b>Signature</b> <i>Ken Seymour</i>
-------------------------	---	--

**FOR FAA USE ONLY** FAA will either return this form or issue a separate acknowledgement

<p><b>The Proposal:</b></p> <p><input checked="" type="checkbox"/> Does not require a notice to FAA.</p> <p><input type="checkbox"/> is not identified as an obstruction under any standard of FAR, Part 77, Subpart C and would not be a hazard to air navigation.</p> <p><input type="checkbox"/> is identified as an obstruction under the standards of FAR, Part 77, Subpart C, but would not be a hazard to air navigation.</p> <p><input type="checkbox"/> Should be obstruction <input type="checkbox"/> marked, <input type="checkbox"/> lighted per FAA Advisory Circular 70/7460-1, Chapter (g)</p> <p><input checked="" type="checkbox"/> Obstruction marking and lighting are not necessary.</p> <p>Remarks:</p>	<p><b>Supplemental Notice of Construction</b> FAA Form 7460-2 is required any time the project is abandoned or</p> <p><input type="checkbox"/> At least 48 hours before the start of construction</p> <p><input type="checkbox"/> Within five days after the construction reaches its greatest height.</p> <p>This determination expires on <u>11/11/91</u> unless:</p> <p>(a) extended, revised or terminated by the issuing office;</p> <p>(b) the construction is subject to the licensing authority of the Federal Communications Commission and an application for a construction permit is made to the FCC on or before the above expiration date. In such case the determination expires on the date prescribed by the FCC for completion of construction, or on the date the FCC denies the application.</p> <p><b>NOTE:</b> Request for extension of the effective period of this determination must be postmarked or delivered to the issuing office at least 15 days prior to the expiration date.</p> <p>If the structure is subject to the licensing authority of the FCC, a copy of this determination will be sent to that Agency.</p>
--	---

<b>Issued In</b> <i>John Clayton</i>	<b>Signature</b> <i>Robert J. Brown</i>	<b>Date</b> 11-8-91
---	--	------------------------

RECEIVED  
11/14/91

# Oregon

DEPARTMENT OF  
TRANSPORTATION

AERONAUTICS  
DIVISION

November 26, 1991

Kenneth Seymour  
Senior RF Engineer  
McCaw Communications of the Midsouth, Inc.  
409 SW 9th Ave.  
Portland, OR 97205

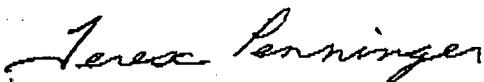
Regarding: Proposed Construction (91-ANM-0875-OE)

Dear Sir:

The Oregon Aeronautics Division has reviewed your application for construction of a 100 foot tower located near West Slope, Oregon. The proposed location is in the vicinity of numerous heliports and is located along a main east - west corridor used by helicopters flying in and out of the Portland Metropolitan area.

In accordance with OAR 738-70, the Oregon Aeronautics Division is requiring that the structure be marked and lighted. The type and quantity of marking and lighting shall be made in accordance with FAA Advisory Circular 70/7460-1H.

Sincerely,



Teresa Penninger  
Aviation Planner

tp

cc: FAA - Northwest Mountain Region



3040 25th Street SE  
Salem, OR 97310-0100  
(503) 378-4880  
FAX (503) 373-1688  
Toll-free 1-800-574-0702

EXHIBIT 7

UNITED STATES OF AMERICA  
FEDERAL COMMUNICATIONS COMMISSION  
**RADIO STATION AUTHORIZATION**

MOBILE RADIO AUTHORIZATION  
FCC FORM 463

COMMON CARRIER  
DOMESTIC PUBLIC CELLULAR RADIO  
TELECOMMUNICATIONS SERVICE

INTERSTATE MOBILEPHONE COMPANY  
1250 CONNECTICUT AVE. NW, SUITE 401  
WASHINGTON, DISTRICT OF COLUMBIA 20036

CALL SIGN: KNKA265  
SYSTEM IDENTIFICATION NUMBER 0061  
FILE NO: 00852-CL-L-91  
MARKET: 0030 A-1 PORTLAND, OREGON/WASHINGTON

PAGE 01 OF 07

OPERATOR: DC

ORIGINAL GRANT DATE: AUGUST 9, 1985  
DATE OF ISSUE: AUGUST 30, 1991  
EXPIRATION DATE: OCTOBER 1, 1994

ALL PREVIOUSLY ISSUED AUTHORIZATIONS ARE VOID

MOBILE UNITS PRESENTLY AUTHORIZED: 100000  
AUTHORIZATION IS GRANTED FOR BLOCK A -  
BASE: 869.040 THROUGH 879.990 MHZ AND 890.010 THROUGH 891.480 MHZ  
MOBILE: 824.040 THROUGH 834.990 MHZ AND 845.010 THROUGH 846.480 MHZ

CONTROL POINT NO. 001 9TH & STARK STREETS  
PORTLAND OREGON

LOCATION NO. 001: LATITUDE: 45 46 23 N LONGITUDE: 122 41 30 W  
2109 N.W. 219TH  
CITY: RIDGEFIELD COUNTY: CLARK  
STATE: WASHINGTON  
ANTENNA MARKINGS: NONE

LOCATION NO. 003: LATITUDE: 45 27 08 N LONGITUDE: 122 32 49 W  
MT. SCOTT, 1.3 MI. E OF RT. 99, 1.1 MI. SE OF  
CITY: PORTLAND COUNTY: CLACKAMAS  
STATE: OREGON  
ANTENNA MARKINGS: NONE

EXHIBIT 8

FEDERAL  
COMMUNICATIONS  
COMMISSION



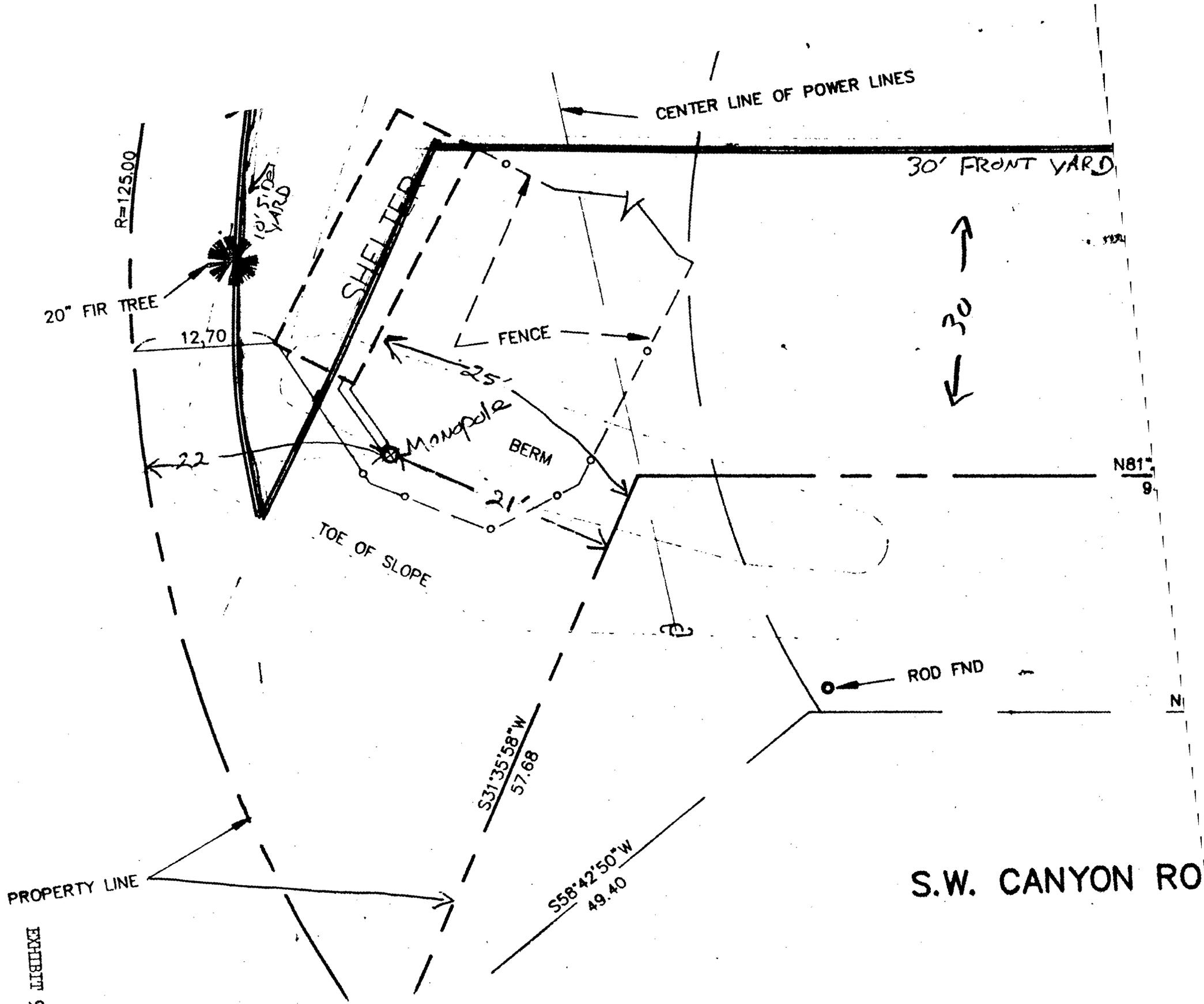


EXHIBIT 9

10/24/91

C I  
 OREGON STATE HIGHWAY DIVISION - PLANNING SECTION  
 ACCIDENT SUMMARIES BY YEAR  
 PORTLAND  
 HIGHWAY 47, SUNSET HWY

Page 1

MULTNOMAH MP 71.50 TO 73.40 01/01/90 TO 06/30/91

YEAR	COLLISION TYPE	FATAL ACDTS	NON-FATAL ACDTS	PROPERTY DAMAGE ONLY	TOTAL ACDTS	PEOPLE KILLED	PEOPLE INJURED	TRUCKS	DRY SURF	WET SURF	DAY	DARK	INTER-SECTION	OFF-ROAD
1990	REAR-END		34	25	59		43	1	35	24	34	25	4	1
1990	SIDESWIPE-OVERTAKING		5	21	26		11	5	14	12	17	9	1	1
1990	NON-COLLISION			1	1				1			1		
1990	FIXED/OTHER OBJECT		2	8	10		2		3	7	9	1	2	4
1990	BACKING			2	2						2			
YEAR TOTAL			41	57	98		56	6	53	43	62	36	7	6
1991	REAR-END		14	12	26		16	1	22	4	19	7		1
1991	SIDESWIPE-OVERTAKING		2	7	9		2		6	3	8	1		1
1991	NON-COLLISION		1		1		1		1		1			
1991	FIXED/OTHER OBJECT		1	2	3		1	1	1	2	2	1		1
1991	MISCELLANEOUS			2	2				2		2			
YEAR TOTAL			18	23	41		20	2	32	9	32	9		3
FINAL TOTALS			59	80	139		76	8	85	52	94	45	7	9

REPORT EZSUMS1

EXHIBIT 10

DEPARTMENT OF ENVIRONMENTAL SERVICES

DIVISION OF PLANNING AND DEVELOPMENT

CS3-92

MULTNOMAH COUNTY PLANNING COMMISSION

January 6, 1992

MINUTES

Chairman Leonard called the regular meeting of the Planning Commission to order at 5:55 p.m. on Monday, January 6, 1992 in Room 602 of the Multnomah County Courthouse.

**Roll Call.**

**Present:** Chairman Leonard - Al-Sofi - Ingle - Atwill- Douglas - Fritz - Fry - Hunt - Yoon

**Staff:** S. Cowley - Pemble - Hess - Clifford - Hall

**Approval of Minutes**

Following discussion, Chairman Leonard suggested that the December 2, 1991 Minutes be acted upon at the February Meeting, to allow time to compare the motions for PR 6-91, ZC 6-91, CS 6-91 and WRG 7-91 with the transcript.

**Manager's Report.**

R. Scott Pemble, Planning Director, reported on the following items:

- Reported on future agenda items coming before the Planning Commission
- Reported on the LUBA appeals (i.e., CU 6-91 and CU 15-91)
- Upcoming brown bag lunches
- Metro Consolidation progress
- RPAC Process Selection - Advisory Body
- Decisions from the December 2, 1991 Planning Commission meeting, reporting that the Board affirmed seven decisions (ZC 8-91/LD 26-91, PD 2-91 and PR 6-91/ZC 6-91/CS 6-91 and WRG 7-91-91); scheduled a public hearing on PD 2-91 for January 14, 1992 and a public hearing on PR 6-91, ZC 6-91, CS 6-91 and WRG 7-91 for January 28, 1992, both public hearings to be heard On The Record.

**Public Comment**

None

**Hearing Procedure.**

Chairman Leonard summarized the hearing procedure, time limits and methods of appeal, etc. He described the opportunity for the presentation of each case by staff, proponents and opponents, followed by Planning Commission discussion and action.

## **General Planning.**

### **Agenda C**

**Line 1. C 3-90 (6:10-9:15) (Tapes 1 and 2 and 1/4 Way Onto Tape 3))  
Mark Hess made the Staff presentation.**

#### **Public Testimony As Follows:**

**Keith Liden, c/o McKeever/Morris, Inc., 722 SW 2nd Avenue, Suite 400, 97204  
representing Duck's Moorage**

- Submitted Memo, dated January 6, 1992, entitled "Water Dependent Construction Activities", marked as Exhibit A, dated January 6, 1992.
- They generally agree with the Staff Report as it relates to new businesses, but have some concerns about existing moorages.
- Duck's Moorage should be allowed to continue as a non-conforming use.
- They have had no complaints about the moorage nor been issued any notice of any zoning violations relating to the activity.
- One to three floating homes per year are moved from the moorage - they are a small operation.

**Mr. Thomas Winston (Duck's Moorage) 18699 NE Marine Drive:**

- He contacted Sundial and another moorage and they have no plans for boat construction.
- He and the Columbia Ridge Moorage next door are the only construction sites on the Columbia River.

**Jack Sanders, 14986 NW Mill Road (Bridgeview Moorage);**

- Showed and submitted six slides, marked as Exhibit B, dated January 6, 1992.
- He read a prepared statement into the record and submitted the same, marked as Exhibit C, dated January 6, 1992.
- He feels water dependent construction activities are not in compliance with the zoning laws for the Sauvie Island area and has a negative impact on Statewide Planning Goals 5 and 15.

- He agrees with the Staff Report (Water Dependent Construction Activities Study, dated October, 1991) and supports enforcement of the existing laws concerning WDCA and wishes for them to be enforced.

- Stu Sandler, 19419 NW Reeder Road, representing the Sauvie Island Conservancy:

- Supports the Staff position.

- Addressed Goal 5.

- He read a prepared statement into the record.

- He feels the water dependent construction activities on the Island are inconsistent with Goal 15.

Pattye Larson, 17929 NW St. Helens Road, 1/2 owner of Larson Services:

- Read a prepared statement into the record.

- Larson's Services began in 1982.

- WCA builders now must register with the State

- They own Light Rock Block, Inc. near the St. John's Bridge, Marine Metal Products in Linnton and Larson's Marine in Linnton.

- They need to be located in a still-water area.

- They build approximately four floating homes and nine boat houses per year.

- They do not have a dry dock.

- Four is the most structures under construction at any one time.

- They utilize about 600 feet of water frontage.

- They started business in 1977 and became incorporated in 1982.

Ken Larson, 17929 NW St. Helens Road:

- He has been on the river for 25 years and has worked his way up to where he is now.

- He lease-optioned his property for three years, then purchased it.

- He did not make any attempts to use the land for parking.
- He has a submersible lease from the Division of State Lands.
- There is no zoning for his use on the Island.
- They are where they are because they need to be there.
- They are not an industrial use - he believes he is the largest builder on the river.
- He has a total of nine employees; they have had as high as 12 employees.
- They do not need rail access.
- They have only a two-acre site.
- They do not belong in the working harbor.
- Mulligans and Larsons are the only two businesses that this decision may put out of business.
- They are a commercial use - they certainly are not an industrial use.
- He submitted a letter, dated May 2, 1991 from the Port of Portland, entitled "Larson's Marine Services Zoning Issues", marked as Exhibit D, dated January 6, 1992.

Karen Larson, 15227 NW Gillihan Road:

- They have lived on the Island for over 15 years and are no relation to Ken Larson.
- She feels the Larsons are good abiding citizens and should be allowed to continue their business.

Following all testimony, the Planning Commission deliberated and made reference to Appendix A: List of Local Firms and Contractors in the Water Dependent Construction Activities report, requested of staff the following information on the five moorages/marinas in Multnomah County (i.e., Larson's Marine Services, Inc., Columbia Ridge Construction; Duck's Moorage, Stephen Piazza/Joseph Spaziani and Clarence Mulligan/Alta Racine):

- a). Date each business started;
- b). Zone each location is in;
- c). How many of these sites have non-conforming status;
- d). What is a marina?

Following discussion, motions as follows

**Motion #1:** By Yoon, seconded by Atwill and carried, that construction of single floating structures is not inherently urban, but that repetitive construction is industrial.

**Vote: In Favor:** Atwill - Leonard - Fry - Hunt - Al-Sofi - Yoon - Ingle  
**Opposed:** Douglas  
**Abstained:** Fritz

**Motion #2:** By Atwill without a second; motion withdrawn by Atwill.

**Motion #3:** By Al-Sofi, seconded by Yoon and carried that construction on the site, of single structure is not inherently industrial; however, repetitive construction for export is industrial.

**Vote: In Favor:** Atwill - Leonard - Fry - Hunt - Al-Sofi - Yoon - Ingle  
**Opposed:** Douglas  
**Abstained:** Fritz

**Motion #4:** By Ingle, seconded by Al-Sofi and carried, to amend Motion #3, to say that the Planning Commission recognizes the possibility that several WDCA may be non-conforming uses. The Commission directed Staff to work with affected parties, contact the firms or contractors operating in unincorporated areas about the outcome of this decision, and discuss processes for applying for a non-conforming or pre-existing use status.

**Vote: In Favor:** Ingle - Al-Sofi - Atwill - Yoon - Fritz - Leonard - Hunt  
**Abstained:** Fry and Douglas

**Motion #5:** Hunt discussed whether a motion was needed concerning where WDCA fits within the light, medium or heavy industrial distinctions. Mark Hess discussed the three industrial use districts in the Comprehensive Plan.

**Following discussion, this motion was withdrawn by Hunt**

**Motion #6:** By Fritz and seconded by Hunt that the industrial manufacturing of floating homes, boathouses and associated water dependent construction activities be allowed in the urban general manufacturing district

**Vote: In Favor:** Al-Sofi - Fritz - Atwill - Hunt  
**Opposed:** Douglas - Yoon - Leonard - Ingle - Fry

**This motion lost for lack of a quorum in favor.**

**Motion #7:** By Douglas, with no second, that water dependent construction activities should be allowed in a light industrial, that it be restricted to that zone.

**Agenda A.**

Line 1. ZC 1-92/CU 1-92

4239 SE 122nd Avenue

Postponed prior to this meeting, to February 3, 1992.

**Line 2. CU 4-92 / SEC 2-92 (9:25-9:37) (Tape 3)  
Conditional Use Request  
(Non-Resource Related Single Family Dwelling)**

**29399 SE Stone Road**

**Approved, Subject to Conditions**

**Spencer Vail, 4505 NE 24th Avenue, was present, representing the applicant, WD McGaughey.**

- They only have access to SE Stone Road, which will be a gravel driveway (road way).

(Commissioner Douglas stated that he knows Spencer Vail but he has no conflict)

- Septic tank will be in general area of the location of the proposed new residence.

There were no objectors present.

Following discussion, motion by Fritz, seconded by Douglas and carried unanimously to **approve, subject to conditions**, conditional use request for development of the subject site with a non-resource related single family residence, and **approve a Significant Environmental Concern Permit** for the construction of a driveway and bridge over Johnson Creek.

This motion adopts the Staff Report, including Conditions of Approval, Findings of Fact and Conclusions, dated January 6, 1992.

**Line 3. CU 3-92 (9:37-9:50) (Tape 3)  
Conditional Use Request  
(Non-Resource Related Single Family Residence)**

**23502 NW Moreland Road**

**Approved, Subject to Conditions**

The applicant, MM Walker, 4075 NE Beaumead, Hillsboro, 97124, was present and stated that the driveway is 16 feet wide and that the only buildable area is close to the road, so that is why they choose this particular location.

There were no objectors present.

Following discussion, motion by Yoon, seconded by Fritz and carried unanimously to **approve, subject to conditions**, conditional use request to allow development of the subject site with a non-resource related single family residence.

This motion adopts the Staff Report, including Conditions of Approval, Findings of Fact and Conclusions, dated January 6, 1992.

Line 4. CS 3-92/HV 2-92

1853 SW Highland Road

This item was postponed prior to this meeting, until February 3, 1992.

Line 5. CS 1-92 (9:50-10:03) (Tape 3)  
Community Service Designation  
(28-Child Day Care Facilities)

11930 SE Foster Road

Approved, Subject to Conditions

The applicant, Mary Cummings, 11933 SE Foster Place, 97266, was present and made the following comments:

- She lives on the lot directly to the south of the subject site.,
- They are only allowed 9 toddlers by Children Services Division.
- The name of the day care center will be "Red Wagon"
- The children will not be allowed to be dropped off on SE Foster Road, they will be required to use the back entrance.
- The children will arrive between the hours of 6:00 a.m. and 9:00 a.m.

There were no objectors present.

Following discussion, motion by Fritz, seconded by Atwill and carried unanimously to approve, subject to conditions, change in zone classification from LR-7 to LR-7, C-S, community service, to allow the conversion of an existing single family residence into a day care facility for a maximum of 28 children.

This motion adopts the Staff Report, including Conditions of Approval, Findings of Fact and Conclusions, dated January 6, 1992.

**Agenda C.**

**Line 1. C 1-92 (10:03-10:56) (Tape 3, Onto Tape 4)  
Corbett Community Plan**

Sharon Timko of the Planning Staff made the presentation and verbally presented the Corbett Community Tourism Strategy.

She summarized the Corbett Community Tourism Strategy Report, based on five-year projection. The recommendations involve three key players: Corbett citizens, Multnomah County and the State of Oregon. She summarized the introduction, Economic History, Current Economic Assessment, etc.

She suggests addressing tourism at this time before the area is unindated with people.

**Public Comment:**

Claus Heyne, 4101 SE Loudon Road, Corbett, 97109, a member of NEMCCA:

- The report is not a statement of the community goals.
- This plan has not been approved by the community, not at this time.
- He urges the Planning Commission to let the community participate in the final plan.

Following discussion, motion by Yoon, seconded by Fry and carried unanimously to recommend to the Board that they not adopt the plan as presented - to use the plan as a working draft to discuss with area residents.

**Line 2. C 2-92 (11:00-12:45 a.m.) (Tape 4, Onto Tape 5)  
Multnomah County Natural Area Protection and Management Plan**

Charles Ciekko, Multnomah County Parks Manager, introduced the presentation.

- In April, 1990, the Board of County Commissioners approved a Acquisition and Protection Fund.
- He read a prepared statement into the record.

Nancy Chase, Senior Parks Planner presented and explained a Multnomah County natural areas map, dated June, 1989.

Public Comment:

**Arnold Rochlin, Rt. 2, Box 58, 97231:**

- He was here representing himself and the Forest Park Neighborhood Association and Forest Park.
- He read a prepared statement into the record

**Nancy Rosenlund, 5830 NW Cornell Road:**

- Feels the draft plan is very good, as a first step.
- She has a real concern about the study area.
- She feels time is of the essence.

**Shaun Murray, 12543 NE 52nd Avenue:**

- Likes the concept of the plan, but feels the plan is extremely vague.
- He would like to see maps on how the plan would be implemented.
- He feels the plan should be more specific.

**Jean Fears, 18143 N Reeder Road:**

- She feels the Planning Commission should not make a decision tonight.

Karen Larson 5227 NW Gillihan Road, 97231:

- Questions if this plan is coordinated with fish and wildlife, lower area management plan, etc.

Rebuttal:

Charles Ciek:

- They are aware of the Smith-Bybee process.
- The Parks Division does not have the resources to do maps that are required as part of the land use process.

Following discussion, motion by Hunt and seconded by Al-Sofi, with Douglas opposed, to recommend adoption of the draft plan, as amended by Staff, to include any further revisions as deemed necessary to resolve Goal 5 concerns expressed by the Commission.

Amendment: Motion by Hunt and seconded by Fry, with Douglas opposed, to inform that the intent is not to tie up private lands in this process - also intent is not to slow down the process. Planning Staff should further revise the Plan with this intent, where necessary.

**Line 3. C 3-92 Election off Officers.**

Due to the lateness of the night, this item was postponed to the February 3, 1992 meeting.

There being no further business before the Planning Commission, the meeting was adjourned at 12:45 a.m.

Respectfully Submitted,

  
Sharon Cowley, Secretary

6:30-8:00  
CS 3-92  
HV 2-92



DEPARTMENT OF ENVIRONMENTAL SERVICES  
DIVISION OF PLANNING AND DEVELOPMENT  
2115 SE MORRISON STREET  
PORTLAND, OREGON 97214 (503) 248-3043

29:00 51  
30:00 71

Relief fee  
of \$300  
Plus \$3.50 per  
minute A  
transcript  
120 minutes  
total  
transcript  
720.00

### NOTICE OF REVIEW

1. Name: MADDEN, MARK & DEBRA

2. Address: c/o <sup>Last</sup> FREDERIC CANN <sup>Middle</sup> 1230 <sup>First</sup> SW FIRST #300  
PORTLAND, OR 97204 Street or Box City OR State and Zip Code

3. Telephone: (503) 277-3717

4. If serving as a representative of other persons, list their names and addresses:  
MARK AND DEBRA MADDEN  
40 204 ROIN TOWER  
222 SW COLUMBIA  
PORTLAND OR

5. What is the decision you wish reviewed (e.g., denial of a zone change, approval of a subdivision, etc.)?  
SEE ATTACHED CS 3-92 HV 2-92 # 139  
COMMUNITY SERVICE EXPANSION ETC

6. The decision was announced by the Planning Commission on 2/3, 1992

7. On what grounds do you claim status as a party pursuant to MCC 11.15.8225?  
SEE ATTACHED PAGE 1 LINES 15-19

Please  
return  
form to  
this office

BEFORE THE BOARD OF MULTNOMAH COUNTY COMMISSIONERS

1  
2 MARK MADDEN and DEBRA MADDEN, ) CASE NO.  
) )  
3 Petitioners, ) NOTICE OF REVIEW  
) )  
4 vs. ) )  
) )  
5 MULTNOMAH COUNTY, ) )  
) )  
6 Respondent. ) )

7 To: Planning Director [Director of the Division of Planning and  
8 Development], Multnomah County

9 A) Please take notice that Petitioners, Mark Madden and Debra  
10 Madden, husband and wife, give Notice of Review of the Decision  
11 of the Multnomah County Planning Commission's Decision in CS 3-  
12 92, HV 2-92, #139, Community Service Expansion, Front and Side  
13 Yard Setback Variances (Cellular Telephone Communications  
14 Monopole, dated February 3, 1992.

15 B) Petitioners' interest is that they are adversely affected  
16 by the decision to be reviewed and are aggrieved, in that they  
17 own property adjoining the subject property, both within and  
18 beyond 100 feet from the subject property, and participated in  
19 the hearing before the Planning Commission.

20 C) The grounds relied upon for review are as follows:

21 1) The application on its face fails to comply with MCC  
22 11.15.2864(E) which applies and provides:

23 Height Restrictions: Maximum height of any structure shall  
24 be 35 feet.

25 There is no doubt that the pole is a structure, that 100' is  
26 more than 35', and that the applicant has not sought any variance

1 relating to the height requirements.

2 2) None, and certainly not all, of the grounds for a major  
3 variance, required for the side yard setback, or the tower  
4 height (front yard setback does not impact petitioners because  
5 petitioners' property adjoins the subject's side yard), found in  
6 MCC 11.15.8505 [Variance Approval Criteria], can be met. That  
7 section provides:

8 (A) The Approval Authority may permit and authorize a  
9 variance from the requirements of this Chapter  
10 only when there are cause practical difficulties  
11 [sic] in the application of the Chapter. A Major  
12 Variance shall be granted only when all of the  
13 following criteria are met. A Minor Variance  
14 shall met [sic] criteria (3) and (4).

15 (1) A circumstance or condition applies to the  
16 property or to the intended use that does  
17 not apply generally to other property in the  
18 same vicinity or district. The circumstance  
19 or condition may relate to the size, shape,  
20 natural features and topography of the  
21 property or the location or size of physical  
22 improvements on the site or the nature of the  
23 use compared to surrounding uses.

24 (2) The zoning requirement would restrict the use  
25 of the subject property to a greater degree  
26 that it restricts other properties in the  
vicinity or district.

(3) The authorization of the variance will not be  
materially detrimental to the public welfare  
or injurious to property in the vicinity or  
district in which the property is located, or  
adversely affects the appropriate development  
of adjoining properties.

(4) The granting of the variance will not  
adversely affect the realization of the  
comprehensive plan nor will it establish a  
use which is not listed in the underlying  
zone.

Generally and without limitation, the application discloses that

1 the reason that a new tower is required are because of the  
2 requirements of Cellular One's technology and because of the  
3 increasing use of the cellular telephone system, and has nothing  
4 to do with inherent problems with the Racquet Club site, or for  
5 that matter any specific site in Cellular One's canyon search  
6 area.

7 The need to develop another site is based on the fact that  
8 Cellular One's system is getting overloaded. This "hardship" is  
9 personal to Cellular One, and is unrelated to the site; if  
10 anything it is based on Cell One's success which is essentially a  
11 self created hardship at other sites and system wide.

12 As Cellular One points out, mature cellular telephone system  
13 operates most effectively with antenna heights of 75 to 100 feet.  
14 This is why Cellular One requires a tower. Again, this is a  
15 problem with the inherent needs of Cellular One's operations, not  
16 with the land in question. According to Cellular One, terrain  
17 in the canyon also contributes to the system's problems in the  
18 canyon. Again, this is a problem with the nature of the system  
19 and with the canyon as a whole, not with the Racquet Club's land.

20 As to the request for a side yard variance, nothing in the  
21 application suggests any hardship related to the land. It is  
22 understood by Petitioners the Cellular One's desire for a  
23 sideyard setback is related to a desire not to impact the Racquet  
24 Club's overflow parking; that again is not a hardship related to  
25 the land, but rather is a hardship related to the use of the  
26 land, clearly not grounds for a variance.

1           3) The proposed facility was apparently selected based on  
2 lease availability and field study. The fact that there are no  
3 towers or other tall buildings available in this residential area  
4 on which to site the proposed tower again suggests that the  
5 problem is not unique to the Racquet Club property, but rather,  
6 is inherent in Cell One's siting requirements. That alone should  
7 require denial of the variance and also require the Board to  
8 order the applicant to go back to square one in its application  
9 for a CS use - that is, the applicant has not shown that it  
10 exhausted the search for locations less detrimental to the  
11 vicinity or district.

12           4) The evidence suggests that the applicant cannot comply  
13 with the shared use requirements (either tower or site) for at  
14 least two reasons:

- 15           i) the applicant's lease prohibits shared use, and
- 16           ii) there may not be enough room on the tower tripod  
17 for more antennae. In this regard, the applicant  
18 acknowledges that there may be technological limitations on  
19 sharing.

20           5) The tripod, at ten feet per side, is the maximum  
21 allowed, regardless of tower height, but the tower at 100 feet  
22 high, is not the maximum height. Therefore, the tripod is  
23 disproportionate to the tower and therefore inconsistent with the  
24 requirements of 11.15.7035(A)(1).

25           6) It does not appear that the engineer's calculations,  
26 required by 11.15.7035(B)(4)(a)(iii) and 11.15.7035(D)(3), have

1 considered known unstable soil conditions in the area, regardless  
2 of the inclusion of pro forma calculations in the application.

3 7) There is no resolution of the lighting requirement  
4 between the FAA and the OSAD. If lighting will be required, it  
5 would be another reason why it would be inappropriate to place  
6 the tower in a residential district and it would further impair  
7 development and desirability of the adjoining Madden and  
8 surrounding property.

9 8) Although the applicant's proposal appears to meet the  
10 NIER requirements, the fact that the proposal emits any NIER in a  
11 residential area should require the applicant to show that it has  
12 exhausted all sites within its search area farther from developed  
13 or developable sites, regardless of cost, because the proposed  
14 exposure is not voluntary, like it is with microwave ovens,  
15 cellular telephones and the like with which applicant compares  
16 its proposal.

17 9) The application does not comply with  
18 11.15.7035(B)(4)(a)(i) and 7035(B)(7) in that the would decrease  
19 the required buffer area, and the problem would be best resolved  
20 by choosing a better site.

21 10) The application does not comply with 11.15.7035(B)(4)  
22 and .7035(B)(11)(a), and cannot.

23 11) The application does not comply with  
24 11.15.7035(4)(a)(ii) and cannot.

25 12) The application fails to comply with 11.15.7035(B)(13)  
26 and Policy 14 of the Comprehensive Plan in that it fails to

1 consider, let alone reconcile, Policy 14 relating to development  
2 limitations, in regard to known geological hazards. It also  
3 fails to consider the effect of the proposed tower and facility  
4 on the desirability and therefore the development of neighboring  
5 residential sites less than fifteen feet away.

6 13) The application fails to comply with 11.15.7035(B)(13)  
7 and Policy 16 of the Comprehensive Plan relating to Natural  
8 Resources in that the neighboring property, not more than 15 feet  
9 away from the tower and facility, is included within a proposed  
10 City Environmental overlay zone, which is not even considered in  
11 the proposal.

12 14) The application fails to comply with 11.15.7035(B)(13)  
13 and Policy 19 of the Comprehensive Plan relating to Community  
14 Design and minimal impact. Apparently the applicant has, and  
15 probably cannot, make design modifications which are significant,  
16 which suggests that a better site search would be in order to  
17 adequately deal with this policy.

18 15) The application fails to comply with  
19 11.15.7035(D)(3)(f), in that the application suggests that there  
20 are technological limitations on sharing, which implies that  
21 sharing would have to occur by site sharing, which is improbable  
22 on this 900 square foot site. The fact that the code allows this  
23 issue to be deferred does not mean that it should be when it is  
24 obvious that compliance could not occur when the issue comes up.

25 D) De novo review, and if de novo review is not granted, review  
26 by additional testimony is sought. De novo review is appropriate

1 within the factors of 11.15.8270(E), as follows:

2 a) the additional testimony or other evidence could not  
3 reasonably have been presented at the prior hearing, in that

4 Petitioners were not represented by counsel before the  
5 planning commission and representation by counsel with the  
6 opportunity to fully review the facts and present the  
7 arguments is essential to fairly present the issues

8 b) there is no material prejudice to other parties, in  
9 that

10 Applicant has not begun construction and one must  
11 realistically believe that applicant, a sophisticated  
12 publicly held national firm at the cutting edge of  
13 communications technology, was aware of the possibility of  
14 an appeal when the application was filed,

15 c) evidence was not available at the time of the initial  
16 hearing, in that

17 Petitioners were not represented by counsel and were  
18 not familiar with the evidence that could and should be  
19 brought forward to present their position to the planning  
20 board

21 d) there is no surprise to opposing parties, in that

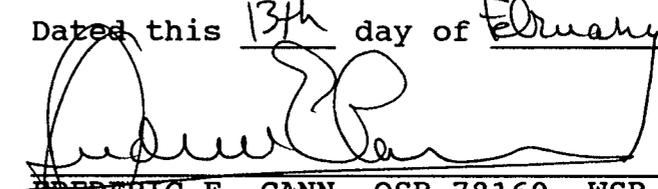
22 Again, one must realistically believe that applicant, a  
23 sophisticated publicly held national firm at the cutting  
24 edge of communications technology, was aware of the  
25 possibility of opposition to the siting of a one hundred  
26 foot microwave tower in a residential area, and appeals

1 from planning boards, when the application was filed,  
2 and

3 e) the proposed or other new evidence is competent,  
4 relevant and material, in that

5 Applicant does not anticipate presentation of  
6 incompetent, irrelevant, or immaterial evidence at any de  
7 novo hearing. This issue is (or should be) more relevant to  
8 review by the board where petitioners are unrepresented by  
9 counsel.

10 Dated this 13<sup>th</sup> day of February, 1991.

11   
12 \_\_\_\_\_  
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**A PORTION OF THE PLANNING COMMISSION  
MEETING OF FEBRUARY 3, 1992  
CS 3-92/HU 2-92**

**Planning Commission Members Present: Al-Sofi, Atwill, Douglas, Fritz, Fry, Hunt, Ingle, Leonard, and Yoon**

**Planning Staff Present: Cowley, Pemble, Hess, and Prescott**

**Leonard: So, with that, we will begin with the oral Staff Report of Line 1 on Agenda A, and that oral Staff Report supplements the written Staff Report. There are copies of the Staff Report and Staff recommendations available on the table by the door.**

**Line 1 is back to CS 3-92, Racquet Club, Interstate Mobile Phone Company. That was Bob Hall. Bob is not here tonight so Scott, you're going to give Bob's Staff Report?**

**Pemble: I crawled out of my death bed yesterday so I could come to work today to find Bob Hall crawled into his death bed Saturday, and he prepared the Staff Report, so I had about two hours this afternoon to review his two Staff Reports. I'll share with you as much as I know and hope that you can rely on your Staff Report and the applicant and proponent's comments to augment my comments.**

**The request is for expansion to Community Service District in an R-10 zone; again, also a variance. The request is by Interstate Mobile Phone Company, located at 4505 N.E. 24th Avenue, to allow for Community Service approval with a variance request for a reduction of the required front yard, south, and sideyard, west, in order to install a cellular telephone communication monopole, which is essentially is a telephone pole with some stuff on the top of it, with associated antennas and to erect an electronics equipment building on the subject site. This is not a tower with guide wires; its a single pole installed in the ground.**

**The location of the proposed site is on Tax Lot '2' of Lots 6 and 7, Block 2, The Highlands Plat 1&2. This is a 4.3-acre site. It currently is occupied, in part, by the Racquet Club, located at 1853 S.W. Highland Road.**

4 2 4  
The applicant proposes to use 900 sq. ft. of this part, generally the southwest corner of the site, to install the antennae and the utility buildings.

The Staff Recommends approval of the application with the conditions as noted on page 5 of the Staff Report.

Specifically, the applicant seeks approval of a conditional use, I mean a community service, in order to install a cellular telephone communication monopole and associated antennae with variances, with a variance for a 5-foot reduction of the required front yard south and an 8-ft. reduction of the side yard west for a 8-ft. by 24-ft., one-story, electronic equipment building on the subject site.

The monopole, the antennae portion of the, or the pole, the structure that will hold the antennae, will be self-supporting and is 96 feet tall. The antennae will be mounted to the pole into a triangular platform 10-feet on each leg, mounted at the top of the pole. So there's \_\_\_\_\_ a triangular bracket on top of the pole. The total height, including the antennae, is 100 feet.

The antennae associated with this facility are the following: There will be three groups of four directional antennas. These antenna measure about 20-inches by 40-inches and are affixed to the triangular platform atop the pole.

There will be one point-to-point communication antenna. This will have a diameter of 6-feet and is attached to the pole itself.

There will be three whip antennas. This type of antenna is approximately 3-inches in diameter and 4-feet in length.

The approval criteria, actually have two sets of approval criteria since you are expanding a community service use and also needing to grant a variance. The approval criteria are listed in the Multnomah County Code under Section 11.15.7035. That's for the expanded community service use, excuse me, that's subsection (B). Let me repeat that again, 11.15.7035, CHANGE OF TAPE, Subsection A, the variance requirements; this requires a Major Variance. One of the setbacks require a Major Variance but the applicant has opted to pursue both of them at the hearing so there is full disclosure and discussion of the variance that's for the setback to the building.

The Staff Report, beginning on page 7, goes into a discussion on the approval criteria for the Community Service use. There are a number of appendixes referenced; I believe you've all received copies of everything that has been submitted.

On page 29 is the discussion of the variance requirements and the approval criteria for the variance requirement. Mark has, the Staff is prepared to show you some slides of the site to kind of orient you in terms of where the buildings are positioned relative to the Racquet Club. And, we have a cleaned up version of the site plan that I think will help you try and figure this out because, quite frankly, in looking at the site plans this afternoon I had a difficult time in trying to iron out the relationship, sort out the relationship, between the 900 sq. ft. portion of the Racquet Club site versus the remainder of the site, so lets have Mark show you the, well, before I guess we have Mark show you the site let me pass out kind of a cleaned up version of the site plan so you might get a feel for what you're looking at.

Do you all have copies of that now?

**Hess:** Mark Hess, Planning Staff. This is a view of the Racquet Club, the main building, which is actually on the property which is immediately to the east of the subject property; which is shaded on your Staff Report maps. The Racquet Club owns a couple of parcels there that are under separate accounts, but this is the main building of The Racquet Club on S.W. Highland. The, which, S.W. Highland is the road in the foreground. Canyon Road, or Highway 26 is below the site, behind the trees there that are the backdrop that you have behind the building.

And, then immediately to the west of the building that I just showed in the previous slide, this access drive, which comes off of Highland Road, here in the foreground. The access drive runs through a little strip of land which is an easement that connects you to the subject property. And you can see right at the edge of the hedge there, the land use notice sign, and that access leads to a small parking lot which is down the hill there to the left, where you can see the car turning, that's going in there. And that leads to this little parking lot which is along the side of some covered tennis courts, which are roughly in the center of the parcel

that is shaded on your maps. This covered tennis court building. And this small parking area here.

And then at the south end of that parking area is this little access which is blocked off by bollards to some overflow parking, that if they have events then the overflow parking, they have this gravel area at the south end of that building.

And then at the very southwest corner of that gravelled area is the proposed site for the tower and the utility building. And you can see some stakes there on the far left side of the slide that are in that gravelled area; and that's, those stakes define the general area where the tower and the utility structure work would take place.

Yoon: Inaudible.

Hess: I don't know. I'm not good at guestimating those heights but I would say they are 60 to 80 feet, roughly. I'm not certain.

Yoon: Are they longer, or taller, or shorter than the towers...?

Pemble: When the applicant....

Hess: Again, I'm not certain of that.

Pemble: When the applicant makes their presentation they will give you some information concerning those tree heights relative to the tower height.

Hess: I do have a shot coming up where I do try and capture the tree heights.

Then, this is looking back toward the, this is again the gravel area south of the covered tennis court building. And the stake in the foreground with the flag on it is the edge of the work area where the tower, the base, would be constructed for the tower.

Canyon Road, Highway 26, is out of the slide but its downhill to the right in this picture here.

And this is a view looking down that slope. Again, the stake on the left hand of the slide is showing you the edge of the work area where the foundation of the tower would be constructed. And the trees, there on the slope, are

between the tower site and the freeway down below. And that's what's somewhat visible through the trees there, is Highway 26, Canyon Road.

So, this is also the front property line, technically, of this lot and so the front setbacks that you will be deliberating on is based upon the property line along this boundary of the property.

This is a view looking to the west now, standing on the site where the tower and utility building would be placed under the proposal, and then looking out to the west, this is a wooded draw area that's also down-slope from the proposed tower site.

And this is another view of that; and that is a house that you can barely see through the trees there. That is the nearest residence that we could determine, to the tower. Its across that wooded draw, again to the west of the proposed tower site.

**INAUDIBLE QUESTION.**

**HESS:** About two to three weeks ago I'd say.

**Yoon:** So this is winter?

**Hess:** Yes. Winter time.

**Hunt:** Mark, looking at this picture. Would the tower be that noticeable from that house? Or would the tree canopy pretty much cover it up?

**Hess:** Well, that's my impression. That the tree canopy, especially when during the summer months when the under-story is leafed out, I think it would be obscured.

And, this is the final shot I have. I was trying to capture for you the height of the trees around there. The overhead wires you can see running through, they are indicated on your site plan for orientation purposes. The stakes that are on the left hand lower section of the slide again show you the area that would have the tower foundation and the utility building.

So, I don't know how tall those trees are but they're tall.

And, again, I think you can also see the house through the woods; the roof of the house through the woods on the sort of right-center lower part of the slide there. That's the nearest house. Its west of the site.

And the tennis court building is just out of eye-shot on the right hand side, the covered tennis courts.

**Pemble:** Now that you've seen the slides and you have before you the site plan, the, if you'll turn the site plan so its kind of lengthwise, the building that you see on that site shows you the, or the notation there that says the proposed utility building is the structure that will be approximately one-story high, and if you were to move directly to the right of that, some 250 feet is the little house that you were looking at. The tower and the building itself would be situated above the grade of both Canyon Court and Highway 26 and would be blocked by that vegetation that you saw in some of the slides.

Any questions about the Staff Report?

**Fritz:** Scott, I know you're not the author of this. Under the condition 2.E., I know this language is pulled right out of the Code, but...

**Pemble:** That's correct.

**Fritz:** It refers, on page 5, Conditions, it refers, does this make sense or should it be rewritten? Because its just pulled directly out. Its not adapted. I know its not your handiwork.

**Pemble:** I actually went through and made that same note myself because 2.E. is introduced by a kind of an introductory statement out of the Code which is omitted and that needs to be included back in the language here. You're right.

**Fritz:** Okay. I know what it means. Especially after I read all this but it just was unclear \_\_\_\_\_.

**Leonard:** Any further questions of Staff?

**Atwill:** Scott, I've got a question about the fence materials. How, I'm just wondering, in one of the conditions it mentions fence material. That was my concern. Was there any safety for children in the area who might be attracted to climbing up there?

**Pemble:** You'll need to kind of probe that discussion with the applicant. The thing that I wanted to note also, as we point out in the Staff Report, there is to be some disparity between what the State Aeronautics Division was requesting of the designation of the pole for aircraft and for what FAA was requiring. FAA said no lighting would be required which gives considerable more leeway in terms of also painting the pole, so it would blend a little more effectively with the environment. The State Aeronautics Division, on the other hand, has noted that there is a need to light the pole and to paint it so it would be very visible. I guess I question, and its my understanding, that the tower is approximately, this pole, the monopole, is approximately the same height as the trees in the area. So, its kind of a question in my mind whether its prudent if you approve the tower to have to be required by the State Aeronautics Division to paint it. That certainly, as we point out in the Staff Report, is something that has to be resolved between the two agencies and certainly we would argue that if it were the same height as the trees we wouldn't be proposing to go out and light the trees and stripe them as well. So, its our contention that the FAA ruling would prevail and to allow some latitude in terms of Design Review.

**Leonard:** Okay. Commissioner Al-Sofi.

**Al-Sofi:** It would appear that for corrections or structural that problems dealt with at the top of this pole if there's a problem. Or somewhere it has to be lengthened.

**Pemble:** I'm sorry, I didn't understand the question.

**Al-Sofi:** How are, you know, if there's some damage, wind damage or something blows off of this, how does one have access? How do they have access to fix anything if something goes wrong?

**Pemble:** You'll have to direct that question to the applicant.

**Leonard:** Any other questions for Staff? Is the applicant or the applicant's representative here? We'll open the public testimony portion of the hearing.

**Dail:** Thank you Mr. Chairman. My name is Spencer Dail. I'm a land use consultant. I represent Cellular One, Interstate Mobile Phone, who does business as Cellular One in the

**Portland Area. They are one of the two franchisees for cellular telephones in the Portland greater metropolitan area.**

**I have with me tonight several members of the Cellular One staff. Mr. Ed Menteer, who is the sight acquisition manager. Sandy Heller, who is the project manager. Ken Seymore our RF engineer, and Rob Hoag, who is our leasing agent. They will all be available to answer any questions you might have throughout this process. I'd like to note I'd like to save about three minutes for rebuttal time of my ten minutes that's allowed according to the Chairman, so if I could get some signals at that time I'd appreciate it.**

**You have distributed to you along with your packet some general background information, which I hope you have had an opportunity to read. It would at least provide a general overview on how cellular telephone systems work. The nuts and bolts of that was basically that if a particular cell site, as we call each individual location, reaches its capacity, the answer is not to build a taller tower, add more antenna, or boost the power up from 100 to 200 to 500, its to locate another cell site in another area. There was a little picture of a honeycomb-type of a facility in that document and I think that's what this all relates to.**

**The area between the tunnel and the Sylvan Interchange is a very difficult area. Its a highly travelled area; over 119,000 vehicles per day at the 1990 estimate use that area and its an area that because of terrain and because of heavy volume, which is not being serviced to industry standards nor to the standards that we have agreed to do with part of our FCC license. We looked at many sites in this particular area where we could place a cellular tower, or monopole if you will, realizing that most of the area was zoned residential and there weren't a great deal of areas available to us. What we needed was, according to our engineers, a tower of about 100 feet tall. It would be a wooden telephone pole. Upon that pole would be the antenna described in your Staff Report, and there's a small, single-story exposed aggregate building where all of the electronic switches and mechanical gear is stored.**

**We're leasing from the Racquet Club a 30 x 30, or possibly a little less than 30 x 30, where this building would be placed. As the site plan indicates, the fence would surround the building and the building itself would act as part of the wall. The normal fence we put up is a cyclone**

fence, with landscaping around it if desired. The intent of the fence is for security, and if there are issues to be addressed during design review we would certainly do that.

The City's Ordinance Four has brought ordinance for radio and television broadcast towers. Its probably been a model ordinance for much of the United States. Its been cited in American Planning Society reports; I think its official publication No. 384, and we've used it in other jurisdictions where they don't have an ordinance and where we've wanted to provide cellular towers, as an example of a procedure that should be followed.

We have addressed those criteria within the ordinance in some detail but let me go over a couple of the highlighted areas for you. The facility meets all of the code standards with respect to electromagnetic wave emission. There's a table in the, that we've provided showing that we are well below the minimum standards provided for in the code itself. The Staff Report makes comments of those on page 12 and our exhibit is Exhibit #4.

The wooden pole that we are using is a pole that, when anchored properly, is designed to withstand sustained winds of over 100 miles an hour. Its 96 feet in height and we will have attached to that a triangular tubular structure to the top upon which some of the antenna will be mounted. The overall height will not exceed 100 feet.

The placement has been done to provide the Racquet Club with maximum utilization of their overflow parking area and as the plans, the site plan, indicate, there is an irregular southerly boundary with some jags and some hooks and we've kind of tucked ourselves back into a corner to get out of the way, hence necessitating some of the variances that we've asked for. Partially because of definitions of what the front yard and also because we are close to the westerly yard, so that we can stay on the level ground of the gravelled area where the Racquet Club is.

Its in a remote area and its not highly visible, either from the highway below or from Highland Road to the north and to the east.

Its subject to Design Review, as the Staff Reports has indicated and we don't have any problems with any of the conditions attached to this Staff Report.

The cellular telephones themselves have been a great benefit since their inception back since the franchises were granted here in the late 1980's, or mid 1980's, and they've been a great benefit to the community as a whole, not just to our subscribers, some of who are part of 112,000-and-somewhat vehicles I mentioned. But emergency service providers such as police, fire, ambulance, rely heavily on cellular phones, as do neighborhood crime watch and foot patrols. And, also, that cellular phones now are being planned as emergency back-up for communication systems in the event of a natural disaster.

We feel that we've met, this facility will help meet and ensure that public need in the future.

The Planning Commission, how much time do I have left?

Leonard: You have about two minutes.

Dail: Of my initial.... Okay.

Let me provide the Planning Commission two things at this time. Number one, is, our Exhibit No. 2 was a xerox of a colored photograph that we submitted showing our test antenna run up to the 100-foot light, 100-foot height, as it was taken from in front of those indoor tennis courts. We've had an artist take that drawing and add the triangular platform at the top..

I INAUDIBLE. MR. DAIL MOVED AWAY FROM THE MICROPHONE

Dail: ...I'd like to \_\_\_\_\_ Planning Commission and one for each of you. That will give you visual impact of what Exhibit 2 looked like in color.

The second item that I would provide you at this time is a... We hired Northwest Civil Design to go out and take some actual readings and measurements of tall things in the area and I'll provide that to you. There are about 15 items that were measured. In response to one of the Commissioner's question, I call your attention to T. 1 and T. 2 and 1 and 2 \_\_\_\_ 3. Which would indicate, if you would take a look at T.1 and T. 2 indicate 100 and 120-foot height of those two tallest trees that are adjacent to where the monopole would go.

That would conclude my comments at this time. I would be happy to answer any questions the Commission may have or that other members of the Cellular One team have and I will hold remain my remaining time to comment after any testimony has been received by the Commission.

11

**Leonard:** Any questions for Mr. Vail?

**Douglas:** I want to make a comment. Mr. Spencer Vail has worked for me in the past so I wanted to go on record as that. I have no feelings as far as it affecting my judgement on this, but he has worked for me in the past.

**Leonard:** Okay. That past association won't affect your review of this case?

**Douglas:** No. He has done work for me in the past.

**Leonard:** Commissioner Ingle.

**Ingle:** Maybe I missed it in our packet here, but what exactly, what's the technical problem that's being encountered here? Why is the application before us?

**Vail:** The application before you, I tried to describe, maybe too briefly, but the area that lies between the Sylvan, between the tunnel and the Sylvan Interchange, down in that canyon, is an area that has reached its capacity as it is currently served by existing cell sites providing service to that area. Plus, the terrain causes some problems in certain areas down low in the canyon where we need to have another cell site in the area to alleviate the over-crowding problem and to provide more consistent service throughout that corridor from the tunnel up to the top of the interchange.

**Ingle:** So it is an existing serviceable area then?

**Vail:** Yes, it is. And the existing site serving that area has reached capacity and they need to be, another site needs to be in this area to alleviate that over-crowding problem.

**Al-Sofi:** What I've asked, how do they get access to this pole if there needs to be some maintenance done?

**Vail:** They'd either climb the pole or we'd bring in a cherrypicker and raise it up where, you know, one of those arms would raise up. Its only 100 feet so its still reachable by that

type of a vehicle. Or we'd have one of our maintenance crew come in and climb the facility if they need to change the antenna or something like that. Maintenance of that facility on a system-wide average will only be once or twice a month for a few hours at a time. Its a completely un-manned facility.

**Leonard:** Okay. Commissioner Atwill.

**Atwill:** Do you have any distinct plans for the height of the fence?

**Vail:** Our normal fence has been 6-feet of chain link fence with, not slatted for security reasons but some type of landscaping. We envision using some of the existing plus whatever else might be desired Design Review to soften any impact that may be thought to exist at that time.

**Leonard:** Okay. Commissioner Ingle.

**Ingle:** I'm going to follow up actually on my original question, but we'll make it another question nonetheless. If I understand the process right, each of these little individual cell sites, when they've reached their capacity, you can't go up, you can't go down so you have to establish a search circle within a mile to locate a new site, erect a new pole and kind of keep the flowing system there.

**Vail:** I would not say a mile would be exact but other than that your analogy is correct.

**Ingle:** Okay, so what I'm envisioning, and correct me if I'm wrong, is kind of urban sprawl of these poles up and down 26 as far as, you know, every mile, every two miles, every three miles, just to keep uninterrupted service.

**Vail:** I don't necessarily see that occurring in this area. This pole should survive the foreseeable needs for cellular service from the interchange down to the tunnel. Within a couple of years much of the system will be able to be digitized, which will mean quadrupling of the capacities without any increase of power or the need of additional cell sites. The other area, once you get on top of the hill, is fairly well covered by facilities in Washington County, or as you go through the tunnel, we have a number of facilities in downtown Portland on rooftops on existing buildings, that cover this side of the tunnel adequately.

- Ingle:** So, its like you'd be decommissioned. If it no longer serves the purpose you would take down the antenna and the building.
- Dail:** That's right, our lease agreements usually say that if we no longer need the site during the lease period then we have to remove it and return the site to the way it was. That's standard verbiage in most of our lease agreements.
- Leonard:** I have a related follow-up question to that. Just to put this in perspective, could you tell us roughly how many of these cellular antenna sites there are in the Portland metropolitan area?
- Dail:** In 1985 when we got the franchise we started off within the Portland, FMSA, I'm speaking Clark County Washington, defined FMSA of the five sites we now have 42 sites in the Portland Metropolitan area.
- Leonard:** So there are a lot of these around?
- Dail:** Right.
- Leonard:** And there are likely to be more as more and more use of cellular phones comes along?
- Dail:** The inner core area is fairly well set-up and, like we're only dealing with this corridor going from the Sylvan. I expect that to last. But areas, we're now trying to provide service down to down the coast; we're looking at providing service further to the east along the Gorge; we're looking at providing service, pick up the area between Springfield and Ashland. So, its, what we're responsible for is just the franchise area in the Portland metro area.
- Leonard:** Okay. Thank you. Are there any other questions for Mr. Dail? Commissioner Hunt.
- Hunt:** When you speak on non-urban sites and it says a section of the Code is not applicable, that there is no non-urban sites within a mile of your application.
- Dail:** Well, non-urban, not to my knowledge. I was looking at ....
- Hunt:** I was just curious.
- Pemble:** That section of the Code applies to this site.....

**Hunt:** So, there is no urban sites INAUDIBLE.

**Pemble:** There are urban sites.

**Hunt:** I mean non-urban sites. Excuse me.

**Pemble:** That applies to the urban area. The standards that we need to apply or need to concern ourselves with this application, \_\_\_\_\_ urban areas.

**Hunt:** Okay.

**Dail:** We tried in the Staff Report to make a wide distinction between the 1000-foot towers that the ordinance was originally written for and the 100 foot that's specific. We don't need the way up high. In fact, we don't want to be way up high. It doesn't make the system work well.

**Leonard:** Okay. Thank you Mr. Dail. Is there anyone else who would like to add anything to the applicant's testimony at this time? Recognizing that the applicant requested that three minutes of their time be allocated for rebuttal NOISE INTERFERENCE the other seven minutes.

Seeing there is no one else who wishes to speak in favor at this time, is there anyone who would like to speak in opposition to this request at this time? How many people are here who would like to speak in opposition to this proposal? Could I get a show of hands to.... just one other? Okay. I'll let you know when five minutes are up if you would like. Excuse me. Were there two hands that went up?

**Man:** Yes. There's one back there also.

**Leonard:** Is it possible to get the lights on in the back?

**Madden:** What you're saying is that my ten minutes will be divided among all those who want to talk?

**Leonard:** Yes. Our are rules of testimony....

**Madden:** Can I have the same seven minutes that Spencer had?

**Leonard:** Well, I'd give you a minute if you'd like to confer with the other opponent and you can decide how you would like to break up your time.

**Madden:** I'd just like that seven minutes that Spencer had.

**Leonard:** As a group you have ten minutes.

**Madden:** I'll just speak for five minutes.

**Leonard:** Okay. I'll let you know so the other people who would like to speak in opposition....

**Madden:** If there is time left over I'd like to have time for rebuttal also.

**Leonard:** Okay. Go ahead.

**Madden:** My name is Mark Madden and I'm the property owner to the west of the proposed tower. I own approximately five and a half acres. I'm sorry. My address is 1447 S.W. Highland Road.

Basically I'm in opposition because I do not believe that at this point in time a thorough search has been conducted to find additional sites which do not impair or impact residential development. Presently I'm in front of the City of Portland for a 12-lot subdivision which impacts the area directly across from the tower. Those beautiful trees you saw tonight probably won't be there. Because of City requirements. The 100-foot height, there's only one tree in the lower five and a half acres that exceeds 100 feet.

The concept is great but the policy and the format in which the neighborhood was informed was improper. That's why this was put back to January, excuse me, from January 6th to February 3rd. The sign was only posted for two days and they had a picture earlier tonight that showed the sign notifying the neighborhood. That was up for two days. It was then pulled down, and I think others here will talk to that effect.

Basically, I'm inside of the sight and sound of the concept and I have a hardship if this tower goes through, with the development and sale of a residential subdivision, which, the 12 lots will bring considerable tax dollars into the city. Which at this point in time are not producing tax dollars.

Not to mention that there is the overall concern of the health concerns. Not only today that we don't know about but of future uses. And the policy or guidelines that are provided say that one of the recommendations and the

applicant's proposal is that third parties have the use of this tower to add, and it says not more than one microwave facility. I don't know about you but I don't think I can sell lots with microwave in the future next door to our property. Not to mention the health concerns that that would have in the near future to our own children and to the neighborhood.

The variance puts the building 12 feet from the property line. There is a gully there so the trees actually go down considerably, and the visual impact would be considerable. Not only from my property, from adjacent neighbors, but also from Canyon Highway. And particularly with the development of Canyon with light rail and the future taking of condemnation of land.

The lack of the neighborhood awareness is considerable. I've gone door to door and asked if people knew that this was forthcoming. By your own standards, only people within 100 feet of the property for a variance or the request for zone change were notified.

The screening that you have put in your approval recommendation is no screen whatsoever. If you can imagine development next door and a building going in 12 feet from the property line, sitting on essentially a ridge, you're going to only see the building, but then you have a 100-foot tower.

Metro turned this applicant down. They went to Metro, and Judy Monroe at Metro would be the contact, at 221-1646; they were concerned for the aesthetic look and also for the future concern of health to be handled.

There are commercial sites available within the area within one mile, including Sylvan, which evidently the applicant has sites that are in negotiation for if this should get turned down.

I think it would really do you all a favor if you were to go up and take a look at the site where this is being placed. The pictures and site plan don't accurately show you what the effects would be on the neighborhood.

Living there for the last two years, the wind concerns are considerable. That is essentially a gully between Council Crest, which is Portland Heights, and Westover, and I'm sure we ....

**Leonard:** Mr. Madden, you've use about five minutes now. I think there were two other people who wanted to testify in opposition and I'll stop the clock here and we'll have an opportunity for questions here before....

**Ingle:** Quick question. Do you have a copy of this by any chance?

**Madden:** Yes.

**Ingle:** Why don't you tell me exactly where your property is. My understanding is that you, one, own a property and two, that you have a subdivision that you are proposing?

**Madden:** Yes.

**Ingle:** Okay, so where is where?

**Madden:** On the back side of the Staff Report I am the annexed area 5/16/90.

**Ingle:** That's the 6-acre parcel?

**Madden:** Approximately, yes. Then my house is inside that 6-acre area also. There are two homes in the 8-1/2 acre, or 7.54 acre total area at this point.

**Leonard:** Okay, Commissioner Fry.

**Fry:** Did you see the slide show, from where you are sitting?

**Madden:** Yes.

**Fry:** Did you see the slide with the house through the trees?

**Madden:** Yes, I did.

**Fry:** Is that house related to your property at all?

**Madden:** No. That's adjacent further to the west. So you will have homes between that house and this tower if this is approved.

**Fry:** Okay. So looking at the map we just discussed, that house would be next to Highland Parkway. Is that what you are saying?

**Madden:** That is correct.

- Fry:** The other question is, I wasn't clear on Metro. Metro doesn't give land use case.
- Madden:** No. They were, the applicant called Metro to see if they could obtain land on Metro, at the zoo.
- Fry:** Oh, I see.
- Leonard:** Okay. Commissioner Hunt.
- Hunt:** Did you say you have a proposal before the City of Portland? Has that been approved or are we talking about speculation that you are assuming they will...
- Madden:** We've been through the Pre Ap Conference; the application is in; its on its third go-around because of a density issue. The City wants actually more like 18 to 20 homes; we're trying to get 12 \_\_\_\_\_. It was subject to approval to the county, prior to annexation, which occurred one week early before the approval went through so I had to start the process over again. Its been about a three year battle to get it through. So you can imagine the impact at this point in time.
- Hunt:** So you don't know if its going through....
- Madden:** If its been fully approved? No, I do not have it fully approved.
- Hunt:** You also mentioned that the trees we saw in the slide would not be there. Can you explain that? Or clarify that?
- Madden:** The City is requiring a walking trail from Canyon Court up to Highland Road, which would run alongside the property, which just happens to be alongside of the tower, which would take the majority of the trees along about a 15-foot wide accessway.
- Hunt:** So it would be between your property and the applicant's property?
- Madden:** That's correct. Then, adjacent to that, obviously whatever trees we can keep we want to. We're under mandate under the new environmental code to, the Southwest Hills overlay, to keep, we're evening trying to go with clusters at this point in time; cluster development. But, you would have very few trees in the area. Those are trees of about

60 to 80 feet height; they have very few branches down low. So, you will not have a screen effect.

19

**Hunt:** The only trees you're speaking of are the ones that would be between your property line and ....

**Madden:** No, there will have to be lots cleared also. When you were looking at the picture, back at the house in the woods, .....

**Hunt:** Well, I'm talking about the applicant's property. The property that the Racquet Club lies on. The only trees you're saying that would be removed from that property might be where this path...?

**Madden:** There is only one or two trees on the applicant's property. All those trees you were looking at were mine.

**Hunt:** Well, we'll ask the applicant.

**Madden:** Sure.

**Hunt:** And see what happens. Thank you.

**Leonard:** Any other questions for Mr. Madden?

**Atwill:** I've got a quick one. Could you elaborate on what those health concerns are?

**Madden:** That I have?

**Atwill:** Yes. Those \_\_\_\_\_

**Madden:** Well, its similar to ten years ago. P P and L L and PGE were putting up electrical stations all over the city and in residential areas. At this point in time with the new equipment, they've found that the emission is a health concern and they're having to take them out. As the applicant said, the capacity in this area is at a maximum now. The chance of adding more antennas to this, not to mention microwave from a third party, which is a condoned use if this community service district goes through, is a major concern.

**Leonard:** Yes, we've got a question of Staff. Before Commissioner Yoon asks that question I'll note for the record that my company has had planning work involvement with the Mr. Madden's property some years in the past. We're not currently involved with that. I have no involvement with it

and that relationship no way prejudices my deliberations on this.

Commissioner Yoon.

**Yoon:** Scott, I'm a little hazy on where the city and the county lines are in this area. Maybe you could help me. Or maybe someone could help me.

**Pemble:** I'm not sure I can.

**Yoon:** I know that Mr. Madden's property was recently annexed but the whole Highland Park is in the county and not in the city?

**Pemble:** No, not all of it is in the county. There is a small pocket. I can't describe for you the particular boundaries but this particular site does adjoin the city boundary line.

**Yoon:** And we're kind of an island...

**Pemble:** To the west. Its a pocket.

**Yoon:** And, essentially, when you do public notices and they're not in our jurisdiction do you also put the public notices in a different jurisdiction?

**Pemble:** Exactly. We disregard, its 500 feet for, notification was sent and we even notified the City of Portland Annexation Office concerning the proposal.

**Yoon:** Okay. Did the city have any comment on this?

**Pemble:** We received none.

**Yoon:** Okay. Thanks.

**Leonard:** Okay. Go ahead and state your name and I'll start the clock.

**Hurley:** My name is Joseph Hurley, 1439 S.W. Highland Road, Portland. My property is approximately, I'm just above to the northwest of Mr. Madden's property. I'm about, elevation wise, about 100 feet above that area. I look, my front door looks approximately right down onto the roof area of the indoor tennis courts; so from an aesthetic standpoint at least, I'd be looking right at the top of a tower.

**Yoon:** Mr. Hurley, this particular map, can you tell us where your property is?

**Hurley:** Its that....

**Yoon:** The second map; the Vicinity Map on page 3.

**Hurley:** Page 3?

**Yoon:** Yes.

**Pemble:** The one on the right.

**Hurley:** Okay. I'm in Parcel 2 if you move up here into the corner, with the long skinny drive. Do you see it? Right at the top.

**Yoon:** Okay. Thank you.

**Hurley:** But, what the photograph didn't show you, what would be more appropriate is for you to see an aerial photograph of the area. You would clearly see that due to the topography in the area there's many homes --CHANGE OF TAPE --- concern of a lack of notice to them. I realize that because of this variance that its really not required but I think the community in that area should at least be aware of this and very few people were.

I'm also worried about the fact that there's possible shared usage with this tower that could be other transmitting units to my knowledge that could go up on that unit.

And I'm concerned about my family and the potential health hazards over time. I know that there's been many published documents to the contrary but still in the back of my mind I'm concerned about those type of transmissions emanating and flowing through my own house. With the towers visibly seen right now, way up above us on Skyline, which I can clearly see and I can also see it on to the east to the top of Council Crest, so the proliferation of towers has me concerned about the natural beauty of our city and I think things like this should be in non-residential areas. Its just my personal belief.

I'm also concerned about interference problems that this might cause with electronic equipment, whether it be in the home. I've heard stories about garage doors opening

inadvertently; home computers getting zapped by the transmissions.

22

That's all that I have to say. I'm really concerned about the view, mostly. What I'm going to be seeing and the lack of public notice that was given on this.

Leonard: Okay. Any questions for Mr. Hurley? Thank you.

There are two minutes left on the opponent's time allotment. Was there somebody else who wanted to speak in opposition? I believe there was one hand earlier. Okay. Seeing none then we'll give the applicant an opportunity for a three minute rebuttal and there is also two minutes remaining on the opponent's time that will be available for opponent's rebuttal.

Dail: Thank you Mr. Chairman. Spencer Dail again, for the applicant. Let me run over a couple of things. Original sign for the notice of this hearing which was originally scheduled in January was put up; I took it down a couple of days later when the Staff informed me they had erred and not notified properly. So, that's why the sign was only up a couple of days around Christmas time, but it went up again for this hearing as prescribed by the county code. There was certainly no intent to do anything different than that. As a matter of fact, the annual general membership meeting of the Racquet Club which took place on November 13th. They had this item on their agenda and it was the conclusion by a show of hands that the membership overwhelmingly supported this proposal. So, we by no means tried to put this down. A copy of this letter is in the file, as is, in talking to Bob Hall, and I know Bob has talked to the City. Also in the file there is a pre-application summary of Mr. Madden's request to the City. And, he's correct, nothing formal has been submitted but he has had a pre-ap; there's been no final design gone-over at this time.

The other thing I'd point to you is that this county code has acted as a model for many other jurisdictions, and part of that model is the RF Frequency Standards. I call your attention to the applicant's Exhibit #4, which is this chart that shows we are way, way, way below any of the concerns expressed in the county code for meeting electromagnetic wave emission standards. I would point out to you that we are dealing with a 100-watt maximum output facility and that's stated in our FCC license. There's

been no experience in any of the facilities I've mentioned to you, any interference with any home electronic equipment, any business electronic equipment, any over-the-air broadcasting. Its just not happening with this facility. Its, again, in our FCC license that we don't do that and we don't.

There is evidence, we have current evidence if the Planning Commission wants to explore it and there's also documented evidence in the report that these facilities do not have an adverse impact on property values. This was sited in an on-going study in the City of Portland's study around the Healy Heights area and we've conducted our own study around the S.W. 34th Avenue site, which is on the boundary between the City of Portland and Lake Oswego, down by Mt. Sylvania College.

If you have any questions I'd be happy to answer them.

**Leonard:** Commissioner Al-Sofi.

**Al-Sofi:** I have a question. I understand what you were saying is in regard to a kind of transmitter or whatever you call them that you have but you're going to be leasing this to other people and you're FCC research then isn't going to have any effect on what they can do there.

**Dail:** Let me explain this about that concept. Your code requires that we agree to lease space to other people if they want to use our facility or if they find it advantageous. We have given you a letter saying that we will enter into good faith negotiations with somebody that may come up to want to use our tower. They may not because most other people want height rather than where we are. In addition if they did find someone that wished to use that tower they would be subjected to all the RF standards and tables within that code or they would not be allowed on there. It would then come under the category, which I didn't respond to, but which is in the code, called "shared use of towers". There's a whole nother set of criteria for that. The only thing that we agreed, and what we have given in the file, is a letter that's saying we would enter into good-faith negotiations if someone may want to use that. There are engineering capabilities, there are frequency compatibilities, and all other things that has to occur. Its simply that the letter is in the file because your code asks for it.

**Al-Sofi:** \_\_\_\_\_

**Dail:** Does that not answer your question?

**Al-Sofi:** Are you saying you would not to lease to anyone who didn't have the same frequency and....?

**Dail:** No, what I am saying is that if Company "X" came to us and asked if they could use our tower, we would have to determine what they wanted to put on there. The engineers would have to determine the structural compatibility of whatever it was they wanted to put on there. And, our RF engineers would have to determine that the frequencies they were using were compatible or would not be disruptive to our uses. There's a range of things that have to occur before they do that. And then that Company "X" would also have to demonstrate to Planning Staff that they comply with the criteria that refers to a shared use of power.

**Leonard:** To clarify that a step further, maybe Staff could answer it. If another broadcaster wanted to share your tower and they met the structural requirements and radio interference requirements, then the permit to hang another antenna on that tower would be a Staff decision rather than a Planning Commission decision?

**Pemble:** It would be reviewed, possibly at the administrative level and at your level, at the quasi-judicial level. But the point is that they would have to meet the same standards with respect to the, what's referred to as the NIER, which is the emission for non-ionizing electronic radiation. So, if they were to share that standard they would have to be held to the same test, if you will, to stay within that standard, which is our concern for health hazard. NOISE INTERFERENCE talk about health hazard.

Now let me just state a little bit more of this question of consolidation. By code, as it was crafted, it was intended to try and minimize the number of towers so it was encouraged that there be this sharing provision where possible. And, that's why this language is in here. You're not taking that up this evening but if there is a subsequent sharing of that tower it will be reviewed and have to meet the same standards as the current proposal.

**Yoon:** INAUDIBLE

**Pemble:** You can attach that as a condition.

**Leonard:** Okay. Commissioner Ingle.

**Ingle:** I've got a question. I don't know if I'll get a straight and honest answer, is the Sylvan exit, you know, supposing there's a site there that one could use. Is that a viable alternative for your use? Will it accomplish what you need to accomplish?

**Dail:** No. The, as you get into the Sylvan commercial area on top of the hill, you're at an elevation which is no longer usable to solve the problems which we're facing from the tunnel up to that point. Any negotiations or any tower site that would occur in that area would be designed to serve those areas north, south, and west rather than east down into this problem area. Its the height of the antenna that's imperative in this particular location, and we have looked at several areas along this corridor and this appeared to be the most viable after we field tested the site with that portable antenna that you saw in the pictures.

**Ingle:** So, we're really talking about the break-up in the transmission from the tunnel up to the Sylvan exit?

**Dail:** That, plus the sites serving that area now are at capacity. And, what that means is busy signals, to drop calls, and not up to standard transmission and reception.

If, we have Ken Seymour our RF engineer here that can give you specifics of that and perhaps, I'd rather let him give that \_\_\_\_\_.

**Ingle:** I guess what I'm getting at is that its an overall system concern as opposed to one small length?

**Dail:** This one small length is a critical increment of that overall system and cannot be served adequately from a site, if we didn't build this one and we built one up in the Sylvan commercial area this problem would still exist.

**Ingle:** Which is the lack of communication from the tunnel to Sylvan?

**Dail:** Yes.

**Ingle:** So, we're really talking about what? Maybe a minute, two minutes drop silence from the tunnel to the Sylvan exit if

you're going five miles an hour with your phone in your hand?

**Dail:** No. Its more than just that, as I explained. Its more than just tower customers that are benefiting from this service.

**Ingle:** No, I understand that but I think there may be other alternatives that while you're not proposing it to us or there may be other alternatives that we could consider.

**Dail:** I don't think there are. I'll let Mr. Seymour respond to that.

**Seymour:** Let me just kind of clarify that. My name is Ken Seymour, I'm the Engineering Manager at Cellular One.

We've tested a number of, excuse me? Oh, 409 S.W. 9th. We've tested the Sylvan area right up on the ridge there, and part of the advantage of this specific area is that its landlocked. And, that's very advantageous to us to keep the signals from getting out to the Beaverton area. We were up on the Sylvan area, the signals would propagate out into the Beaverton/Aloha side of the county and we want to keep the signals out of there, so we're trying to use terrain right now as an advantage to our designs.

And, the other issue, as far as capacity goes, we have a site on the KOIN tower which is right up above us, its not to far away. And that site is reaching capacity, which causes a lot of our phone calls to be turned onto a secondary server, which means you don't get a very good coverage in case of a high traffic area. So, and it, the other issue....

**Leonard:** Could you tell us where the KOIN tower is located?

**Seymour:** Its right up on the Sylvan ridge. Its one of those big TV towers.

**Leonard:** North of Highway 26?

**Seymour:** Yes.

**Leonard:** Near Barnes Road and Skyline?

**Seymour:** Yes. Right near Barnes.

**Leonard:** Okay. Thank you.

- Yoon:** Isn't that the closest cell to, is that cell that's serving this area?
- Seymour:** That's our closest existing cell. Yes.
- Leonard:** To follow-up on Mr. Ingle's question, how much latitude do you have for locating this to solve your problem? Can it be 1000 feet one way or another from where you are proposing? Or, is it zeroed into plus or minus 5 feet already?
- Seymour:** We've done quite a bit of extensive searching in the area to finally locate this particular site. We've tried to look at State right-of-way property, which is further up on the hill; those area's haven't worked out. There's access problems. We tried to negotiate with the, I mentioned Metro, and there's we just haven't gotten a response back from them. They don't seem to be interested. We've tested other areas further down the valley on a right-of-way area; that site is too far into the valley; it doesn't seem to get up far enough. So, the specific goal of this site is to cover the freeway, and it suits it best to be in the location where we are due to the fact that we're landlocked. The signals don't get out and interfere with our existing sites that are already on the air.
- Leonard:** Commissioner Al-Sofi.
- Al-Sofi:** Well back to this other...
- Leonard:** Other users?
- Al-Sofi:** What are the maximum number of microwave facilities that can be put on there? It says at least one, but what's the maximum number?
- Seymour:** Well actually, if you want to talk about microwaves, another thing I was going to mention up here was on the diagram that's showing point-to-point microwave antenna, and I want to clarify that we will not put this on there. We've gone through and done site studies trying to get a path to an existing site and that, due to the terrain and the fact that we're landlocked, that's not going to reach anywhere anyway, so there isn't going to be any microwave at all on this facility.

**Al-Sofi:** Well, if it says in the code requires at least, for any other towers, at least one two-way radio antenna for every 10 feet of the tower, and it goes on to say ..."at least one microwave facility". Now, I want to know what the maximum number of microwave facilities that could be put on that. Whether you want to do it or not is not my question. I want to know what capacity it would have.

**Seymour:** Its basically zero. You know, we're limited to the type of antenna structure we have up there, you know, the structural integrity of the tower itself.

**Al-Sofi:** So you're saying you can't have any other microwave, any microwave facility on it?

**Dail:** Well we propose the one as the ...

**Leonard:** This is Spencer Dail speaking.

**Dail:** Okay. Spencer Dail again. We gave you the three types of antenna that could go on the tower and said that it would be those types of antennas or any combination thereof. Now Ken just said the microwave dish doesn't pan out. My assumption would be if it doesn't pan out for us it wouldn't pan out for anybody else either because they can't really aim it anywhere. That, what you're reading, again, was written when we were talking about 1,000-foot or 900-foot big towers to share the space and set that distance in there. When you're dealing with 100 feet and the tree line is at 100 feet, it becomes the point that you're not going to put them any lower than that because it wouldn't do any good. It would have held one but we're not going to do that so I can't see that there's going to be a great influx of other antennas. Its just not tall enough.

**Al-Sofi:** I guess what I'm saying is that seems to be one of the requirements in our code, that it do that and now you're telling me you can't do that.

**Dail:** Well, I tried to give you site-specific examples of why we had to be where we are and that how we responded to that criteria in the code was that we gave you a letter indicating that we would be willing to enter into negotiations with anyone that thought they might be able to use that. Just because the code says there's going to be one every 10 feet and we have 100 foot tower doesn't necessarily mean there's going to be 9 antenna on that; you couldn't take them anyplace. You know, they would be

10, 20, 30 feet off the ground, so, there's a point where a 100-foot telephone pole is a lot different than a red and white triangular erector set that's 1000 feet tall.

**AI-Sofi:** That's true. Although, so I asked the question what was it structurally capable as a maximum.

**Dail:** One or two, and that would probably be a direct answer to your question.

**Seymour:** You're not confusing microwave with actual two-way communication are you? That's what we're trying to get resolved here.

**AI-Sofi:** Well, I understand what you're talking about but the code requires that this antenna be capable of handling some other things and it says "at least one microwave facility", and I asked what was the structural maximum. Mr. Dail didn't want to answer my question.

**Seymour:** We're not handling microwave facilities. We're basically not in a microwave region. So, I guess there's a difference in terminology here that we're getting confused about.

**AI-Sofi:** No. I'm talking about the requirement in the code that you're tower has to meet but you guy don't seem to want to \_\_\_\_\_.

**Pemble:** What section are you referring to?

**AI-Sofi:** Its \_\_\_\_\_ from 6.B., .... "no less than..."

**Dail:** Are you reading from the top of page 15?

**AI-Sofi:** Well, its a continuation of .."requires sharing of new towers". "All new towers shall be designed to accommodate no less than the following", and so I was asking some questions about that.

**Dail:** And I think if you read the Staff Comment, which is what we indicated we would be willing to negotiate with other potential uses regarding the use of that, ...

**AI-Sofi:** But that wasn't my question ,thank you.

**Dail:** And, that, if we're not using the microwave antenna that we can then obviously that space is designed to somebody

else if they want to talk to us. I'm not understanding you I guess. Can we try it again? 30

**Seymour:** I think where she's heading is the evident of co-location with other users, if I'm not mistaken. Now, we are willing to do that with other users if we are approached. The structure will handle additional antennas if anyone else want to co-locate with us and I guess at that point its dependent on how many antennas there are. Typically this site is designed to handle our own needs and growth and I wouldn't see a real problem handling any other users on there, if someone wanted to.

**Al-Sofi:** What was the maximum it could handle? That was my question.

**Seymour:** As far as antennas?

**Al-Sofi:** Its says antennas and at least one microwave facility. How many is the maximum that your tower could structurally handle?

**Seymour:** Okay. That's a very difficult question.

**MIXED VOICES.**

**Fritz:** How many point antennas could go on this 100, this 96 foot ....?

**Seymour:** Okay, point antennas, zero. Its not designed for point antennas. Its designed for cellular antennas. Now, it depends on the size of the antennas. Different antennas have different dimensions.

**Fritz:** \_\_\_\_\_ are the microwaves, right?

**Seymour:** Right. The tower would handle if we wanted to put two, 4-ft. dishes on there.

**Fritz:** Okay. It could handle one or two.

**Seymour:** Yes.

**Leonard:** The code, to try and clarify Commissioner Al-Sofi's question, the code on the top of page 15 appears to be saying if there are no microwave antennas then at least one, two-way antenna for every 10 feet of tower height would be required. But, you'd have to be structurally

capable of handling that, potentially. Or, alternatively, one, two-way antenna for every 20 feet of height plus one, only one microwave dish.

**Al-Sofi:** It says "at least one" not only one.

**Leonard:** And at least one microwave, so that would be a minimum requirement for that tower.

**Seymour:** The initial plan had one on there but we took it off because we're not going to use it.

**Leonard:** Okay. Commissioner Hunt has a question.

**Hunt:** If Mr. Madden were to clear-cut his property, how many trees would be, how much vegetated buffer would be left between your property and the antenna?

**Dail:** Well, I don't know where the trees are. It was very difficult in even looking at the survey stakes and where the property lines are to identify which trees are on his property and which ones are on the Racquet Club property. We've tried to indicate with you on that survey that I gave you where some of those trees were.

**Hunt:** Well, from this it looks like one.

**Dail:** But there is 12 feet I think is the minimum distance between the building and the property line along that western boundary. If he was, if he had to clear-cut his property, obviously, on the downhill side, then there wouldn't be anything because it starts to drop off, as you saw in the slides, as you go down into that ravine. Without gauging where any lot lines are or where buildable sites are it's difficult for me to gauge the impact on potential lots.

**Hunt:** And the other thing, I was wondering if you have a topography map?

**Dail:** Pardon?

**Hunt:** The one neighbor was mentioning how even though his property isn't right next to the Racquet Club property, because of the elevation levels, that he would be looking directly at the antenna, and I was wondering if you had a topography map where we could get an idea what people would be looking at.

**Dail:** Yes. This, how old are your topos?

**Staff:** They're old.

**Dail:** The Staff, this is taken from a county staff map. It looks like the elevation, we are at about a 720-foot elevation at the rear of the indoor tennis court. I'm looking at I think a cul-de-sac that serves Mr. Madden's property. I believe that's the same one. Its about 750 feet. Scott, are you going to come down and take a peak?

**Pemble:** Yes.

**Dail:** I'll bring this up to you if you'd like.

**Hunt:** Yes. Maybe we could look at it MIXED VOICES.

**Leonard:** We'll enter that as one of the exhibits in the record.

MIXED VOICES.

**Dail:** Talking away from the microphone.

**Hunt:** Yes, if we can review that while they ask questions about it I would appreciate it.

**Leonard:** Okay. It appears that the property lines have been sketched in the approximate locations on this topography map....

**Dail:** Yes.

**Leonard:** ...and looking at that kind of pointed southwest corner of the Racquet Club property, which is just above Canyon Court, it appears from this that the proposed site is just above 675-foot elevation contour line. And the cul-de-sac is between 725-feet and 750-foot elevation. Pass these around.

Okay. Commissioner Yoon. You had another question?

**Yoon:** This goes back to the public notice process. One of the things that you stated was the fact you had a vote of the general membership of the Racquet Club and they were all for it but I don't know what that has to do with public notice being given to the rest of the neighbors unless all of

the Racquet Club members live within, you know, 450 feet....

33

**Dail:** I don't know where their membership encompasses. I only mentioned that the show, number one, it was given to Staff to show that we had the deed holders permission, plus it showed that there was an open meeting there, and the site was posted according to the county code standards as well as the notification area.

**Yoon:** I don't believe there is any "open meeting" for the Racquet Club, but that's beside the point. Five hundred feet would include just about the all the homes over on Elm Avenue and Highland Parkway. Did they all receive adequate notice?

**Dail:** I did not prepare the Staff's notice. I know that they did it twice because they erred the first time. I'm assuming that the second time was more correct.

**Yoon:** I mean, you know, if you take a 500-foot radius around the property, you know you're talking about 50 or 60 homes there.

We can move on.

**Leonard:** Okay. Did you want to review the notice listing that the Staff has?

**Yoon:** Okay. Because the big contention by the opposition seems to be the fact there wasn't enough adequate notice. From Mr. Hurley's point of view he's outside the 500-foot thing so he probably wouldn't get the notice, but...

**Cowley:** Inaudible.

**Leonard:** Okay. Staff has explained that notice was sent to property owners within 100 feet, and that included seven property owners.

**Hunt:** Does Staff feel the day the sign was posted was 10 days before this hearing?

**Dail:** The sign was posted two days before the minimum deadline to post.

**Hunt:** Staff, the 100 feet is what is required by code? Correct?

**Pemble:** Correct. And the notification list is consistent. I understand the public's concern about not having everyone in the entire notified. We meet our legal requirement for notification.

**Leonard:** There are two affidavits on the posting. One, the first posting dated January, excuse me, December 26th and then the second one dated January 23rd.

**Pemble:** I don't think we have an issue here in terms of our notification requirement. Its, the affidavits are there and if someone wants to challenge that that's okay.

**Yoon:** No, I was just following through. I was always under the impression it was 100 feet but when someone mentioned 500 feet...

**Pemble:** I believe I mentioned 500, and that's in the rural area.

**Yoon:** Yes. Right. Okay.

**Vail:** And as I mentioned...

**Pemble:** There was no... what typically is presumed to be the case if there be notification to neighborhood groups and associations and they then fully discuss the matter, unless we haven't officially recognized a neighborhood group or association representing the area we do not sent that to them. We send them, and that's purely courtesy that we do that. And we then send notification to any of the adjoining property owners who feel other people or contact other people and they wish to have notice, and then we include them on the list.

As you all know, that list sometimes grows to somewhere in the neighborhood of 156 to 300 notifications, and in this case what we have are the required number of people notified. We have documentation in the file, again, that the site was posted. We have no way of confirming if it went up one day and came down the next day, \_\_\_\_\_ inspection, but the affidavit states it was within the required period of time.

**Leonard:** Any other questions for the applicant? Okay. Thank you.

**Vail:** I'd simply like to comment. I posted twice because, as I mentioned, the error the first time around. That's why there's two affidavits in there. If you want some

additional information on other sites we've looked at I can have Mr. Menteer give you a rundown of the other sites that we've looked at, specifically.

**Leonard:** Do you see anybody interested in hearing about the other sites.

**Ingle:** In a generalized way.

**Leonard:** Commissioner Ingle would like to hear about what other sites you looked at.

**Mantier:** For the record my name is Ed Mantier. I'm the site acquisition manager for Cellular One. My address is 409 S.W. 9th, Portland, 97225.

Ladies and gentlemen, we've been looking for a site to serve this area for approximately three years. We've tested sites at Sylvan, at the office complexes up there; we tested, as Mr. Seymour has indicated, sites down deeper into the valley; and we've approached Metro for locating a site at the zoo. Now, those negotiations, such as they were, were inconclusive. And, in fact, I have a note on my calendar for tomorrow to give Ms. Monroe a call. In any event, I'd like to get across that this site is absolutely critical to the system. Its critical to the service there; its critical to the well-being and welfare of the travelling public. Mr. Ingle, as you pointed out, what's the difference in perhaps waiting a minute or two in getting a call. Well, I'd answer that and note that over a course of six months between June of 1990 and the end of that year, there were 176 automobile accidents in that particular stretch of road. Our 911 calls are a service to the public. They're free to our customers; a number of our travelling public do utilize those phones to call in not only police services, but ambulances and fire departments as well.

Again, we do not come to the Racquet Club easily. We intensively searched the area. We made a number of tests on a number of different properties and we come here really as a last resort to servicing this area. Our lease I might mention with the Racquet Club itself, calls for the least obtrusive and most slightly site that we can. In other words, we've gone to extraordinary lengths to try and accommodate not only the needs of the neighbors and the Club itself, but the needs of our customers and the public at large.

I might mention that Multnomah County is a major customer of ours. The police department in particular. The Sheriffs Department I mean. Multnomah County at the present time has some 103 phones with us. It seems odd to me that on one hand the county is requesting that we provide good service in this area, and in other areas, and we're trying to do. We're really making the effort to locate the site and locate it well so it does blend in with the neighborhood as well as possible. I'd be happy to answer any questions.

**Leonard:** Commissioner Ingle, did that give you enough information on other sites that were looked at?

**Ingle:** Yes.

**Leonard:** Okay. Thank you.

Before we go on to opponent's rebuttal time, there were a couple of questions for staff.

Commissioner Hunt.

**Hunt:** Scott, I know its hard since you're not Bob Hall, do you know what City of Portland felt about this? Since City of Portland is right up against the property line.

**Pemble:** We have no official comment from the City of Portland.

**Hunt:** City of Portland. And, my other question would be, since it appears a lot of the vegetative cover is on somebody else's property, how would Staff approach that? Or, should that be a concern or not?

**Pemble:** With respect to Design Review?

**Hunt:** Yes.

**Pemble:** I think it raises an interesting challenge in terms of how you minimize the impact of a tower. Hang some limbs on it. I don't know what the solution is quite frankly, but I think what you have to understand also is in an urban context you're going to have towers. We have some pretty significant structures placed around the area and we consider those part of the everyday working environment in the urban area. I'm not suggesting that that's not a concern; that aesthetics is not a concern. Its indicating that if you have trees and they're going to be removed I

think there's going to be impacts on that site regardless of whether you've got a tower there or not. If you have a tower installed and the trees aren't screening it because they've been removed, then we have to educe whatever design features we can to try to minimize that visual impact. Be it color that's used. The placement seems to be more of an issue in terms of how efficient it is in terms of technical workings of the tower so I'm not sure there's a lot of latitude about moving it around on the site. I think we're basically stuck with trying to get some colors and wend in and try and camouflage it as best as possible.

**Leonard:** Commissioner Fry.

**Fry:** So, basically, you would deal with this issue through Design Review and not at this Commission? What I'm getting at is there's a building and a tower, right, and so the building may be buffered by an evergreen hedge and the tower could be dealt with separately. Is that something you would deal with through Design Review and not now?

**Pemble:** That's what we specified in the Staff Report and its also a requirement of this use. Yes.

**Fry:** Would you need extra direction from us INAUDIBLE?

**Pemble:** I think we have expertise with on our Staff to deal with that question.

**Leonard:** Commissioner Hunt.

**Hunt:** If we approve this and it did go through a design review, would you work with City of Portland like Mr. Madden said the City of Portland would want him to cut those trees down for a path? Would you be talking to City of Portland about working this situation...?

**Pemble:** The site plan we have would have to be appreciably improved over what you have in your Staff Report and we've ask for details about any adjoining uses proposed and that would be one of the kinds of questions we'd have to deal with as fitting in with the adjacent site.

I'd also like to respond to this question we seem to get hung up on, and that's that question of sharing on the tower. The specific code section is subsection 6, and its found in zoning code on page 72-10. And it says "Required sharing of the towers - All new towers shall be designed to

structurally accommodate the maximum number of uses technically practicable, but in no case less than the following:" And then sub (b) is the one that speaks to this particular case because this isn't a television tower and it isn't 200 feet high, and so forth: "For any other tower" (that's this case)"..."at least one two-way radio antenna for every ten feet of the tower or at least one two-way radio antenna for every 20 feet of the tower and at least one microwave facility." And, what we've heard this evening in terms of kinds of antennas used for cellular phone purposes, placing antennas on the tower in these so-called 10-foot increments, would be below the vegetative cover and would not be particularly effective. They could be accommodated. The question that the applicant raises is who would want to share the tower for those purposes?

We've also heard from the applicant that they do not intend to locate a microwave because of technical considerations. They have in their proposal an indication that a microwave could be a part of their application which they choose not to have at this point in time so I'm assuming that if somebody desired to have a microwave dish attached to the tower it could be located in that same place that the applicant has previously proposed the dish. So, the (6) (b) section is the one you want to focus on here. And its where "technically practicable".

**Yoon:** Scott, let me ask you a question in rebuttal to that. That could be looked at another way as far as the spirit of what was that is to make sure when someone builds a tower that it has multi-use practicality rather than put it to a place where, of course anybody is offered to use it but of course they wouldn't be able to use it because it isn't practicable. And that's where I think, maybe we're getting hung-up on it but that's where, and I can see four or five heads, saying that's what we feel about it, is, so I guess we probably need a little guidance on that because I would tend to look at it the other way too.

**Pemble:** The code also talks about the need for this triangular thing on top that accommodates antennas, and it indicates that actually the maximum allowable is what's going to be placed there. We couldn't put another one of those triangular shaped structures on top of the tower that has this 10-foot separation, so the comment I have is that it appears to me that the place you put the additional antenna on this kind of monopole arrangement is

someplace on the pole itself. The extent to which other cellular phone operators choose to do that would depend on the technical capability and the cost of doing that. And those are two of the considerations we have to make in this code when they re-appear, if you will, to take up the applicant in terms of this sharing of the structure.

**Leonard:** Okay. Any questions for Staff?

I have one further question for applicant. Staff noted in their Staff Report there was contradictory indication on whether this antenna would be lighted and marked. The applicant didn't clarify that. I notice in Appendix A there are two documents, one from the FAA dated 11/8/91. In the lower left corner its marked, saying that structure marking and lighting are not necessary and on the opposite side of that page a letter from the Oregon Department of Transportation and Aeronautics Division saying that in accordance with OAR 738-70, Oregon Aeronautics Division is requiring the structure be marked and lighted. So, will this tower be marked and lighted? This is an issue a number of the opponents talked about; what is this thing going to look like.

**Vail:** Spencer Vail again, for the applicant. The letter originally submitted from the Oregon Aeronautics Board, as you indicated, stated it had to be lighted and marked and there was a discrepancy with the FAA and we've had numerous meeting with the Oregon Aeronautics Board since that time and I'll give you another letter from the Oregon Aeronautics Board which now says it doesn't have to be marked but we want a low-intensity light on top of the pole. We will continue to work with the Oregon Aeronautics Board to rectify that situation. Their position is at this time that numerous emergency helicopters use that corridor in visual flying and to respond to incidences along that corridor that they felt a low-intensity light was necessary. But they also indicated that they would be willing to negotiate, or be willing to talk to us throughout this process. They understand we have to go through Design Review with the county and hopefully they may come down another notch about that but their current thinking is a low-intensity, red light is necessary for the safety of the helicopters that fly in the area. But it doesn't have to be marked, which means that Design Review has latitude for color of the telephone pole that we'll be using and we'll continue to work with the Oregon Aeronautics Board on the lighting issue.

**Leonard:** Would this low-intensity red light be fixed or flashing?

**Dail:** Fixed, as far as I can tell from that letter.

**Leonard:** Would this low-intensity red light be visible from any of the home sites in the surrounding area?

**Dail:** That's difficult to tell. It would be a frosted red light, or frosted glass over red light affixed to the top of the tower, and I can't tell you from where you could see it. I'm sure from higher up with the houses on the south side it would look like another tail light on Canyon Road but given the amount of foliage and the time of year, I can't really tell you where it would be visible from. But its an issue we're continuing to work with that agency to try and rectify the difference. They understand its a residential neighborhood. I've talked to Miss Benninger a couple of times on the phone, as have other people in the cellular office, and will continue to involve her in this process.

**Leonard:** Okay, but the position of the Oregon Aeronautics Division is that the light be there and bright enough so that helicopters flying at helicopter speed see it far enough away so that they don't run into it.

**Dail:** That's right. They understand that its tree top tall but that's their position. Their safety, as they understand it, as long as the Director feels there might be a problem, they have that option.

**Leonard:** Thank you. Commissioner Hunt.

**Hunt:** On page 8, or no, page, well page 8 and 9, it talks about that after August 19, 1982, you have to show that any antennas that have been placed within the area that you have a, you know, that you could not use those. Staff then mentions the ones that have been placed in the county. Are there any within the City of Portland? That you went to and were denied use of or were there any sites within that one mile radius? In the City of Portland?

**Dail:** No. No, there were not. I, just as a follow-up on that light, there's also an appeal issued, or there's also an appeal option to the Oregon Aeronautic Board which we have not exercised yet but, because we're working on negotiations, but we would intend to do that so we would have the least impact on the surrounding area and Mr.

**Madden: Two minutes then?**

**Leonard: Yes. You requested ....**

**Madden: Are you going to ask questions afterward? So I can go on for 45?**

**I guess, just to settle one clarification before the timer starts, our, the Hurley house is at 810, ours is 780, and the Racquet Club land, which is a gravel field at this point in time, is at 630, and that's by survey from Chase Jones.**

**Second clarification is the Racquet Club has 275 members, only 60 were present when they did a show of hands, and there were many who were evidently very upset that live in the neighborhood.**

**But I think the most important concept for me to grasp tonight, and hopefully for you, is the tower a health hazard? Is it a problem for the neighborhood? Have you heard from the neighborhood? Has the neighborhood been informed properly?**

**And then secondly, there telling you that they're going to allow third-party sharing and its part of the application. Joy, you hit it right on the head. How many times have I heard tonight that there is shared possibility/there isn't shared possibility. Yet, I'm sorry, but nobody has yet even asked what the lease document has in it. Do they have the right to share? And from the copy I have seen, they do not. So, are we all being hoodwinked? I don't know. Are we going to have a beacon on top? I didn't even know about that until this evening. I doubt it will look like a headlight. If a helicopter can see it a half-mile away I'm certain that the rest of us on the hill are going to have to wear glasses to bed.**

**Its a problem for me, personally, because of new development. Its a problem for the neighborhood. I would like to know how many of the 42 existing in the City of Portland, the Tri County area, are surrounded by 100 percent residential. And I do not believe, since I was not contacted, for site acquisition, that they have contacted every possible alternative whether it be residential, unused or commercial land.**

**Leonard:** Time's up. Any questions for Mr. Madden?

Thank you Mr. Madden. That will now close the public testimony portion of the hearing. Is there deliberations, discussion, by the Planning Commission?

**Fritz:** You have a motion coming up.

**Leonard:** Commissioner Fritz.

**Fritz:** I move adoption of the Staff Report with the clarification that under Condition 2, upper case "E", in the second line of that condition, the lower case "i" through lower case "iv" be changed to upper case "A" through upper case "D".

**Ingle:** Is it also appropriate at this time to also deliberate amongst us before our motion is seconded whether to accept or deny.

**MIXED VOICES.**

**Leonard:** We need a second before we get into ....

**Man:** There's a second then, under

**Leonard:** Al-Sofi. We have a second. Is there discussion of the motion?

**Ingle:** I have some general discussion.

**Yoon:** I do too.

**Leonard:** Commissioner Ingle.

**Ingle:** The reason I want to discuss it is because I don't think its a real clear cut issue. I think that basically what we have to decide is that we've got to balance the public good with neighborhood concerns, as well as the applicant's ability to efficiently operate a cellular telephone system.

With regard to the public safety concern, I think that issue could be resolved and I also agree. I've been on Canyon Road, 26, when there was a fire in the tunnel and I was the third car back from the tunnel and was delayed 45 minutes to an hour. And so I understand the safety concern. I guess where I'm coming from on this particular issue though, is I think the public safety concern could be

resolved in a variety of different ways, and I offer one. And that would be the placement of a temporary phone system for distressed motorists, up and down 26 or Canyon Road. I mean at this point we don't have it; we know its a safety concern. I think its something I think we as a Commission either recommend, look toward, encourage, whatever. We've got a light rail system that's going to be running up 26. Again should be able to afford itself to transit stations with phone stations at those locations. I think the real safety issue, and then I'll get off my band stand here, is that its a cellular phone users trying to carry on conversation going through a very congested and a very dangerous road section, on the way to Beaverton, the Coast, or wherever, and I guess the bottom line is I don't think its that clear cut of an issue and what I've tried to expose you to here is my concerns and why I think I'll be voting in opposition.

**Leonard:** Commissioner Fritz.

**Fritz:** I've got a very clear response Ingles, that we're not just talking about Highway 26. We're talking about this whole area on either side. We're also talking about Multnomah County Sheriffs deputies, on patrol in this area. I mean, the bulk of the County Sheriff's using cellular one and we're talking about an area of much more than just Highway 26 between the Sylvan exit and the tunnel. This whole area is now, or soon will be, without the ability to use mobile phones. That's a genuine concern. I think that in fact is how society is heading, this constant communication. And in certainly terms of emergency vehicles. I think its absolutely crucial that there not be any blind spots in this net over the metropolitan area.

**Leonard:** Commissioner Yoon.

**Yoon:** I don't go along with \_\_\_\_\_ that this is the future and we're just going along with it. Nor I'm necessarily positively influenced by it. I may have to disqualify myself from voting on this one because I was involved in an accident on that stretch where I was hit by a cellular phone user who didn't see me. So I'm having a little bit of a problem dealing with all of their testimony on this. Who told me quite frankly when he got out of the car that he didn't see me because he was on the phone. So, I'm having a tough time with that.

I will say one thing in defense of them. I don't think there's a health hazard from the radio waves and whatever. I mean, I am somewhat familiar with that kind of stuff, so anyway, all kidding aside, I think I best disqualify myself from voting on that. That's what I was going to say. So it doesn't come back on the record that I was in some way \_\_\_\_\_. Right. But I thought I'd tell you.

Leonard: Further discussion?

Douglas: Well, I can agree with Commissioner Fritz. I think that its necessary we have this communication. The safety of using that, that's up to them to see that they are capable of handling their vehicle and still using their phone if they wish to do so. So I don't think that's something we can address really on that point. But, I think its really valuable to have that communications.

Leonard: Commissioner Hunt.

Hunt: I'm not opposed to the tower per se. I do have a concern about the tree buffer and I would hope, or I don't know if I would like to see a condition added, that the county work with the City of Portland in a site review plan so the City of Portland didn't require Mr. Madden in his development to cut his trees down right along the tower so Mr. Madden could look at the tower. I don't think City of Portland would do that but it might be an idea to put something in there to make sure City of Portland is involved in this and realizes this could be a problem. I'm just getting other Commissioner's opinion on this.

Fry: I think you're opinion is well taken. Personally I think it can be buffered and the point though that you are raising is that the applicant is proposing no additional screening because they argued that the amount of native vegetation on the side of the high trees near the site provided an adequate buffer for the proposed use. I think we need to give Staff a very clear signal that that's not necessarily true anymore, based on what we've heard at this hearing. Without having actually modified the report. I think the concern has definitely been raised that there may be a need. Because this code provision does provide for the things I was talking about. Which is evergreen shrubs spaced no more than 5 feet apart and other types of.... so I would expect Staff to deal with that in the design review.

- Man:** Its in the conditions.
- Hunt:** Yes. Because the applicant couldn't answer my question when I asked him how many trees were on his property. He was not sure because, you know, the survey wasn't clear. So I think we should have that as a condition. If we approve it.
- Atwill:** Yes. I would also support the application with that condition and perhaps we could structure it so that the stronger, that some of those trees really do remain. Because if the county and the city work together and don't come up with something and then if they are removed I don't know if we would want our approval to stand.
- Fry:** I'm not quite, you're asking, there's no way we can....
- Leonard:** This is all under discussion.
- Atwill:** Right.
- Leonard:** Because if you would like to propose an amendment to the motion to adopt the Staff Report asking for Design Review to assure that there be adequate screening/vegetation retained or planted, I think there are two things involved here that may need screening. One being the building, the fencing, which are low and have some mass to them and the other being this tall monopole.
- Atwill:** One concern is the reduced, the only adequate screening buffering of the pole of itself would be to keep the trees there.
- Al-Sofi:** I'd like to just comment that if the trees are gone then obviously the pole can have a lot more antennas in keeping with this code requirement.
- Leonard:** We hear no proposed amendment.
- Fritz:** Let me put forth, because what I'm hearing is there isn't any real way to screen the monopole. I mean, some of it will be dealt with in terms of color, and that's all normally under Design Review. What is in the conditions, I mean I started to point out and Commissioner Fry pointed out to me is for reasons of maintenance of screening. What might need to be added is if the addition of some vegetative screening to screen this one very small one-story building, because the other part of is the cyclone fence can be

covered too to fit and blend in. But there isn't any way, if all the trees are on within the city limits and the city orders them cut down, which is very strange, that we could mask the pole itself.

Hunt: But couldn't we put in a condition that the county work with the city on trying to resolve that problem, if they wanted a road there? I'm not saying that they would demand it.

Fritz: Mr. Chairman, we can't place a condition upon the applicant that can only be met by the City of Portland. We could in separate action urge Staff to work with city planners.

Leonard: We would have the leeway to place a condition that Staff, that we require adequate screening and buffering, including planting of vegetation if necessary.

Fry: Is that your amendment?

Leonard: Did you hear that amendment proposed? I think it would be a good idea to rephrase it.

Atwill: So that amendment would be to also add the condition that Staff work with city...

Leonard: I think we want to place the condition on the applicant, that they provide screening and buffering.

Atwill: Okay.

Leonard: To Staff's satisfaction.

INAUDIBLE.

Leonard: Okay. In the fencing?

Ingle: I don't want to beat a dead horse here.

Leonard: We don't have a second for that amendment.

Fritz: I'll second it.

Leonard: Discussion on the amendment?

Ingle: Does anybody have any idea what happens to the OMSI Building if OMSI goes across the river? Is that a vacant building?

**INAUDIBLE.**

**Ingle: But that could potentially be a site for this maybe?**

**MIXED. INAUDIBLE.**

**Leonard: That wasn't brought up in the presentation. I don't think we have any information. We don't have any information on that.**

**Ingle: I guess what I'm suggestion is there may be other viable sites for this use.**

**Fry: Lets to get to the screening motion.**

**Leonard: Discussion on the screening motion.**

**Hunt: I have a question for Staff.**

**Ingle: On the screening?**

**Hunt: Yes, on the screening motion. If Mr. Madden is claiming the City of Portland wants to cut the trees down along that line, and I realize we can't put a condition that, you know, that's not the applicant's property and they have no jurisdiction over that, how do we say to Staff that we're concerned about that without putting it as a condition on the application?**

**Pemble: I think you already said it.**

**Hunt: So, you would just automatically do that? Without any....**

**Pemble: We will discuss with the City of Portland the issue of.....**

**Hunt: So you would just do that. We wouldn't have to act on it or that the Planning Commission felt that way unanimously or the majority felt that way?**

**Pemble: Exactly. I'm a little unclear though on the motion. The motion was to screen, to provide adequate screening and buffering for the structure, fence....**

**Leonard: And the monopole.**

**Pemble: And the monopole.**

Fritz: Mr. Chairman, yes, but did we come up with that language? 48

Leonard: Commissioner Atwill.

Fritz: Or are we amending 1.B. here? Because the "plans shall include"...the provisions for maintenance or the provisions for vegetative screening including the maintenance of current screening?

Fry: Right. My understanding is the motion if seconded would be to amend that language.

Leonard: Basically to provide additional screening...

Fritz: Maximum screening.

Leonard: Okay. All those in favor of the motion to amend by adding the provision for additional screening signify by saying aye. VOTE. Opposed to the amendment?

Ingle: I abstain.

Leonard: So we have eight in favor of the amendment and one abstention. Okay. Back to the discussion of the main motion then.

Pemble: Could you restate the main motion \_\_\_\_\_?

Fritz: No, its to adopt the Staff Report. And the only change, what I questioned you about was the lower case "i" and lower case "iv", you know, in 2.E., Condition 2.E.

Pemble: Yes.

Fritz: That's the change that I'm making that upper case "A" through upper case "D". Because "A" through "D" is exactly the same as "i" through "iv".

Leonard: Okay. With that clarification, is there further discussion of the motion? Okay. Call for the question. All those in favor of the motion to adopt the Staff Report? VOTE. Opposed?

Commissioners Al-Sofi and Ingle are opposed; Yoon abstains; so we have six in favor. Okay.

The Planning Commission has recommended approval of this request for Community Service Use. This recommendation will be reported to the Board of County

**Commissioners at the next available hearing for Planning matters. Any appeal from our decision must be filed at the Land Development Offices no later than 4:30 p.m., 21 days from this date.**

**49**

**We'll take a five minute break and reconvene.**

**END OF THIS AGENDA ITEM.**

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# WHAT IS A CELL SITE?

A cellular telephone system is a series of cell sites linked to a "Mobile Telephone Switching Office." A cell site is a telephone transmission facility that uses FM radio signals to transmit conversations and data to the mobile or portable phone user. (Attached is a drawing that shows how a cellular system works.)

Cell sites are required to transfer (handoff) the voice conversation from one cell site (Base Transmission Station) to the other, allowing the user to maintain the conversation as they are moving through the cellular system.

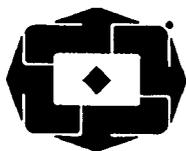
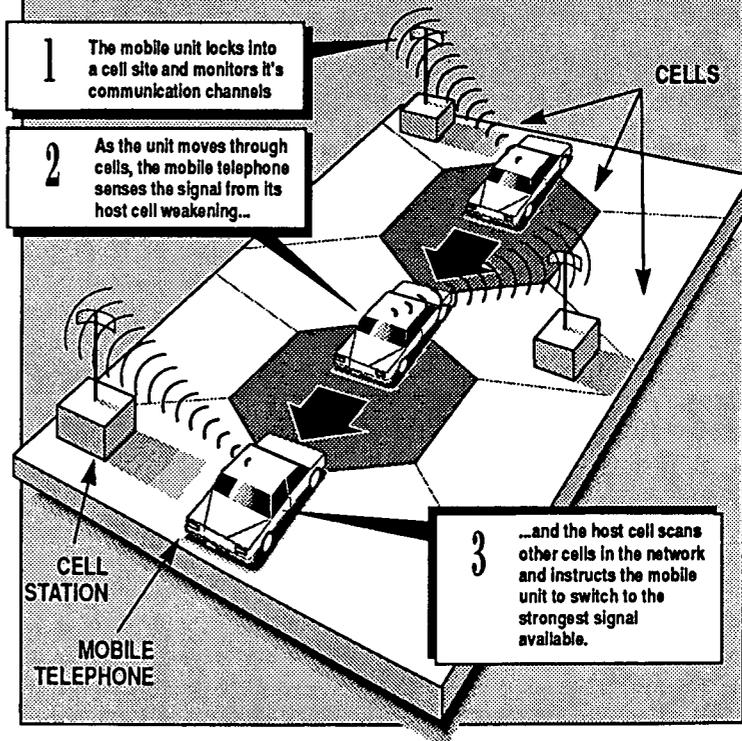
Cell sites are connected by digital microwave and landline services. The telephone lines allow the cellular user to talk through the Public Switched Telephone Network (PSTN). Microwave is used to increase the cellular system's reliability factor and provide a redundant network. Microwave cannot be cut by contractors or destroyed by weather factors. This allows for the continual use of the system should the conventional phone system disrupt public service for any reason (i.e. earthquake, tornado, flood).

All cell sites are connected to the Mobile Telephone Switching Office (MTSO) and its software processor using the conventional telephone system and microwave. The cell sites communicate with the MTSO and each other by transmitting information on the user, conversations and data. The MTSO is the heart of the system that controls all of the intelligent network switching. The current development of cellular systems for personal communications requires a variety of structures to be utilized in the design and construction of a cell site.

*The only difference between cellular systems and wireline telephones companies is the wire.*

## HOW CELLULAR TELEPHONES WORK

Cellular telephones get their name from the network of invisible electronic signals that link the mobile units to wire-based systems. Instead of wires, cellular technology depends on a network of low-power "cell sites" which transmit and receive calls from vehicles in the designated cell area. Those host cells are linked to land-based phone lines. Host cells also direct signals and transmission traffic and transfer responsibilities among other cells. Transferring responsibility for a signal from one host cell to another is called "handing off." Handing off allows both parties on the line to continue talking on line without perceptible interruptions.



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# THE FUTURE OF CELLULAR COMMUNICATIONS

Cellular communications has a bright future. It is expected that by the year 2000, one of every five Americans shall be a cellular telephone user. A nationwide system will allow calls to be placed to or from a person anywhere. Cellular devices shall continue to shrink in size and will be capable of many more things.

In the not too distant future, the cellular user will have a portable device that will go anywhere. The "new" telephone shall be full featured and fit into a breast pocket. Customers can expect to carry and operate their telephone in the home, car and office. Voice dialing (oral commands to the telephone) exists today and is anticipated as a standard feature within the next few years. Mobile telephones currently have a computer and fax machine linkage capacity, with portable telephone to follow the future.

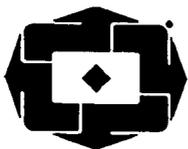
One of the first major changes in cellular as we know it shall be the shift to digital technology. The currently existing analog telephone system sends voice data by electronic impulse. A digital system is much like a computer; data is coded into a series of numbers and is decoded and turned into voice at the receiving end. Digital technology shall increase the calling capacity of currently existing cell sites by three fold. The new technology offers clearer reception and greater security. Digital also increases the capability of transmitting data by cellular telephone including faxing capabilities.

With the increase in cellular users comes an increase in the number of cell sites. Expanded coverage and expanded use shall result in more but smaller cell sites. Cellular telephone technology works on a principle of radio frequency reuse. The same frequency can be used by multiple cell sites so long as their service areas do not overlap - this requires lower cell sites covering a smaller area. Ultimately, cell sites shall be located on telephone poles with a small amount of radio equipment enclosed in a large box about the size of an electrical transformer.

Putting such a system in place will require new approaches to cell siting laws so as to insure that the needed facilities can be quickly installed. Blanket exemptions would be of great assistance in providing a service to the greater community.

It is expected that cellular communications shall play a larger role in emergency management. Certain fire departments use fax machines attached to cellular telephones. When a fire breaks out, copies of building plans can be transmitted from the appropriate city office to the site of the fire. Emergency vehicle employees can receive important health records through cellular fax machines. All of this should be commonplace in the next few years.

*With the increase of cellular users comes the increase of cellular sites.*



**McCaw CELLULAR  
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# CELLULAR COMMUNICATIONS & LAND USE REGULATION

Cellular telephone technology is so new that most local laws have not specifically addressed the topic. Some city and county land use ordinances treat cellular facilities like a utility, institutional use, commercial radio facility or a major power facility; other localities have handled the industry on a case by case basis.

*Every responsible step is taken to mitigate the impact of cell sites*

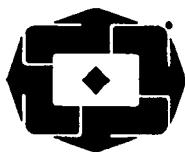
The typical cellular telephone facility (or "cell site") consists of mounted antennae (either tower supported or placed on an existing facility) and housing (usually a structure twelve feet by twenty-eight) for radio and computer equipment. Every reasonable step is taken to mitigate the impact of cell sites. In urban areas, existing buildings are used whenever possible; in rural areas, cell sites are located in a manner that minimizes ground level visual impact.

In those jurisdictions which treat cellular facilities like a utility or institutional use, a building permit is obtained and the facility constructed. Where local law requires a permit or zoning variance, the procedure is more complex. Typically, a hearing examiner looks at the site plan, reviews mitigating actions and goes over safety and policy related considerations.

Inconsistencies in the law can result from the following situations:

1. Unclear standards of review and the absence of an underlying philosophy regarding cellular telephone facilities leaves a great deal of discretion in the hands of staff.
2. Absence of a decision recognizing the necessity of cellular telephones and allowing the establishment of facilities in a prompt and speedy manner.
3. Tying cellular facilities in with other facilities (such as broadcast television) which are quite different and require other standards of review.
4. Recognition of the fact that the issues of radio frequency emission levels and aesthetics are often overstated and should not constitute grounds for denial.

An ideal ordinance would recognize cellular telephony as an emerging and necessary component of the public communications system. Provisions should be included that will allow the speedy permitting of facilities so as to accelerate construction. Appropriate grounds for approval should include review of the site plan, establishing reasonable mitigating conditions, time lines for approval and a reasonable public hearing process.



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# TYPES OF STRUCTURES REQUIRED

A cell site is chosen based upon the system engineer's direction. Each cell site placement is critical to the other, establishing a grid pattern that eventually will have cell sites approximately one (1) mile apart in urban areas. A cell site may be placed around a variety of structures. The following are those types of structures available for cellular buildout:

## 1

**Existing commercial or residential structures** that meet the height requirement of the system design engineer. These may include office buildings, apartment buildings, water towers, grain elevators and existing structurally sound towers. They can be utilized in two separate ways.

a) Place a prefabricated building next to the structure and attach the antennas to the rooftop. This is done by running the coax cables along the exterior of the building in a chase system that is designed to match the exterior of the building.

b) Build out a space in the building (office or apartment). Run the coax through a chase system and elevator shafts and connect the antennas to the rooftops.

c) *Advantages* - No tower or monopole is required.

d) *Disadvantages* - Once the site is required to be lowered, the building must be abandoned. If no other buildings of a lower elevation are available in the area, independent structures must be built.

*Monopoles are more aesthetically pleasing and hide coax wire that runs inside poles.*

## 2

**Monopoles** - A monopole is a single pole used in heights from 60 feet to 150 feet. The monopole is designed for limited structural load factors. Monopoles are utilized for areas that have minimal land available (i.e. landlord will only lease a small portion of his property). The base of a monopole is from forty (40) inches to seventy-two (72) inches in diameter at the base.

a) *Advantages* - Monopoles are more aesthetically pleasing and hide coax wire that runs inside pole.

b) *Disadvantages* - Cannot lower site antennas and pole without major redesign. A monopole comes in two (2) or three sections. If the antennas need to be lowered because of a redesign of the system, a new pole must be placed or the existing structure must remain. When the antennas must be lowered, the site will be completely turned off and then reconnected to restore customer services. The structural sway designed into a monopole is three to five feet due to wind loading. Therefore, microwave cannot be placed higher than that area which would cause a loss of signal because of the sway.

**TYPES OF STRUCTURES REQUIRED cont.**

**3**

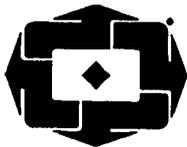
**Lattice Towers** - Lattice towers come in two forms, guyed and self-supporting. The maximum height for a self-supporting tower is 200 to 250 feet, for cellular use. A guyed tower allows for greater height and is typically used in rural areas which require greater coverage and limited number of cell sites.

- a) *Advantages* - Self-supporting are constructed in 20-foot sections; can lower antennas with ease; greater flexibility; minimal sway to allow for microwave dishes at any level; the cost is approximately one-half to one-third of a monopole
- b) *Disadvantages* - Not as aesthetically pleasing to the eye; more ground area required at the base (25' square for a 250' high tower - 10' square for a 100' high tower).

**4**

***Antenna Separation is a requirement for the cell site to operate properly.***

**Antenna Separation** is a requirement for the cell site to operate properly. The antennas must be separated approximately six to eight feet apart. This is called "Diversity Reception." This diversity is needed on the receive antennas so they will always receive an optimal signal from the mobile telephone. A receive antenna is typically a whip or panel antenna. A whip antenna is ten feet long and two inches in diameter and panel antennas differ in shape. Diversity Reception is the reason you see the antenna at the ends of the triangular platform.



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# FACT SHEET

## MCCAW CELLULAR COMMUNICATIONS

McCaw Cellular Communications, Inc., is the nation's largest cellular telephone operator and one of the largest radio paging companies providing convenient, quality communications to over a half million U.S. customers. McCaw operates in more than 125 major metropolitan markets and in over 600 cities in 27 states across the country.

## CORPORATE HEADQUARTERS

McCaw Cellular Communications  
P.O. Box 97060  
Kirkland, WA 98083-9760  
5400 Carillon Point  
Kirkland, WA 98033  
(206)827-4500

### History

**1937** - McCaw family began in radio business, eventually owning and operating more than ten stations in markets that included: New York City, Denver, San Francisco, Honolulu and Seattle.

**1950s** - McCaw moved into television. The company started with stations in three markets.

**1952** - McCaw began the move into cable television, eventually becoming an industry leader with cable systems in 12 states serving over 460,000 subscribers.

**1973** - Craig McCaw assumed leadership of the family shoes.

**1974** - McCaw moved into paging business in two markets before expanding.

**1982** - McCaw was one of the first to apply for cellular license approval. See map for current markets.

**1987** - McCaw family sold the cable television business to concentrate on paging and cellular communications.

**1989** - McCaw engaged in a successful bid to acquire Lin Broadcasting, effectively laying the groundwork for a coast-to-coast cellular link.



# THE CELLULAR SYSTEM DESIGN

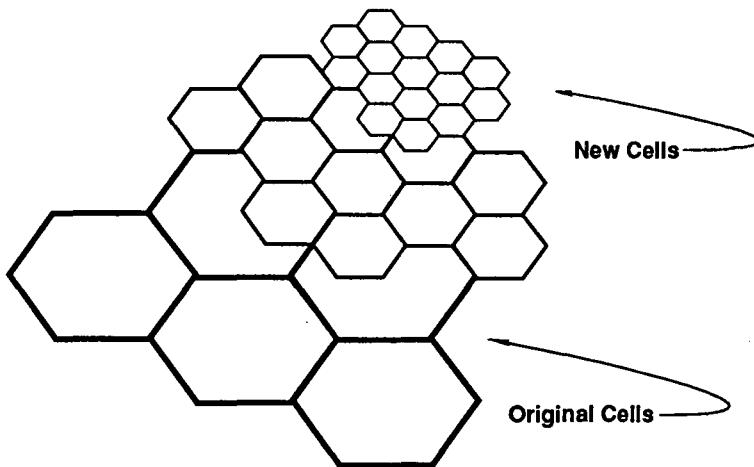
Cellular radio telephone service is officially called "Domestic Public Cellular Radio Telecommunications Service" by the Federal Communications Commission (FCC) which granted authority initiating and regulating this service. It is universally referred to simply as "cellular." Cellular represents the combination of a portion of the radio frequency spectrum with sophisticated switching technology that is capable of providing mobile or portable (hand held) telephone service to virtually any number of subscribers in a given area. The transmission quality is comparable to that provided by conventional wireline telephones, and the same dialing capabilities and features available to wireline users are available to cellular users.

*Cellular systems divide the broadcast area into small cells*

Cellular was assigned operating frequencies by the FCC in the 800 to 900 megahertz (MHz) range. These are well above frequencies utilized for AM or FM radio and television broadcasting which when combined with the very low power level of cellular transmissions, eliminates any possibility of interference to radio, television or other electronic devices. At these high frequencies cellular transmissions are also more sharply weakened and deflected by obstacles in their path. For this reason, cellular transmitting and receiving antennas are always located on towers or atop buildings where they have clear line of sight signal paths to mobile and portable cellular phone users.

The cell site is a cellular communications site which is the basic building block of the cellular system. It contains the elevated transmitting and receiving antennas, cellular base station radios, and interconnect equipment. This equipment is used to interface the radio signals sent and received from cellular phones to interconnect facilities for further routing through the centrally located Mobile Telephone Switching Office (MTSO) to the wireline telephone network.

The basic concepts behind the design and layout of a cellular radio telephone system network are those of the cell and the ability to use the same radio frequencies simultaneously in different cells. Typical television or radio broadcasting utilizes one transmitter location covering an entire metropolitan area, and relies on extremely tall towers transmitting at high power levels. By contrast, cellular systems divide the broadcast area into small cells (hence the name "cellular") and use multiple transmitter/receiver (cell sites) locations.



*This diagram shows the cell structure of a typical urban cellular system.*

The benefits of the cellular approach are significantly lower power levels and lower tower heights. The geographical area served by an FCC licensed cellular system is restricted to one or more urban counties comprising a Metropolitan Statistical Area (MSA) or a group of contiguous rural counties termed a Rural Service Area (RSA). The FCC has designated two blocks of radio frequency spectrum providing 416 channels each or cellular service as only two licenses are granted by the FCC in each MSA or RSA market. The goal of the

cellular system concept is to multiply the number of radio channels available for use in each geographic area by shrinking the size of the cells and re-using the channels at close distances.

System configuration and channel allocation among cell sites must be designed for channel reuse in order to serve cellular subscribers using the FCC limited number of channels. In the early stages of cellular development this was accomplished utilizing a few large cells with cell sites occupying hilltops and requiring tall towers for maximum area coverage. As the cellular subscriber traffic demand increases, these cells are each replaced by a cluster of smaller cells utilizing lower antenna towers and lower power. The available channels are then reallocated and reused among these new cells according to the distribution of subscriber traffic demand, thereby adding system capacity. This cell division will continue as the demand for cellular service continues its present rapid growth. Soon cell sites will be spaced under two miles apart with antennas nested on 60 foot utility poles or four story buildings instead of present 200 foot towers.

*The grid point locating the ideal cell site is based on the topography of the cell.*

Cellular technology utilizes a grid system to locate the ideal cell site within each grid. The grid point locating the ideal cell site is based on the topography of a cell. Local terrain features will distort the grid where they introduce variations in the normal line-of-sight, radio signal path. The grid point is selected to maximize the ability of the system to simultaneously use the same radio frequencies in different cells without interference. However, in order to maximize the use of each frequency, the transmitter must be located within an area less than one mile from the ideal grid point. As the grid point may be located in the middle of a lake, highway, or other inaccessible locations, the job of finding a suitable cell site is difficult. If a site cannot be located within the three-quarter mile radius of the theoretical grid point or "search area," the cell must be split into sub-cells. Each sub-cell would then require a separate cell site location to provide the geographical coverage equivalent to the original theoretical cell point.

### Cell Site

Once the theoretical grid point is established, site acquisition personnel begin evaluating properties within the search area to locate the optimum cell site. This property must be of adequate size to contain the elevated structure upon which the cellular radio antennas and interconnecting cell site radio link antennas are mounted and space for the 350 square foot shelter housing the cell site electronic equipment. The cell site property search follows a set order of location preferences based upon a desire to maximize the cell site's compatibility with surrounding land uses and zoning codes. These location preferences are listed below by priority.

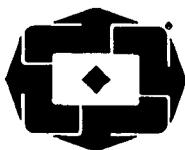
- 1** Existing broadcast/communication tower structures
- 2** Existing water towers
- 3** Existing high rise office, commercial and industrial buildings where antennas can be mounted on the rooftop and electronic equipment within.
- 4** Bare/open land zoned for industrial, commercial or public utility use which could be leased or purchased.
- 5** Property with the least residential population density and/or property that will provide natural screening to the public at large.

*The site physical characteristics are also approved by other engineers.*

Each site must also be determined to be technically feasible for covering the cell based upon engineering elevation requirements and actual signal strength measurements made from a temporary test cellular radio transmitter and antenna placed at the site. The site physical characteristics are also evaluated and approved by surveyors, soils testing, title search and field investigation by architects and civil engineers who will prepare final site and building plans.

As a public service utility, time is of the essence in the construction and electronic installation required to bring new cell sites on the air. Initial to this a signed lease must be obtained prior to filing for required zoning and building permits. Acquisition of these permits may take six months or more in some local jurisdictions. Upon their receipt construction begins immediately, lasting up to two months depending upon weather conditions and availability of special materials. If not available at the required site, electric power and telephone lines must be extended by local utility and telephone companies via non-exclusive easements or rights of way which also must be secured. During the two weeks following construction, the radio and interconnect equipment is installed and tested. The site is then placed on the air and technical adjustments may be made frequently by technicians within the next four weeks. Following this the cell sites are operated with the following considerations for minimal environmental impact:

- 1** Cellular radio transmissions are made at very low power levels producing no harmful effects upon the health or safety of persons standing or living nearby.
- 2** Cell sites do not interfere in any way with television, radio, pacemakers or other electronic devices.
- 3** Cell sites have no effect on ground water supply, water or sewer systems as sanitary facilities are unnecessary to their operation. Erosion control measures including providing proper storm water retention and prompt reseeding of cleared areas are taken to prevent any degradation of the land during and after construction.
- 4** Cell sites create no adverse effect on road congestion and once in normal operation the only traffic visiting the site is for routine maintenance or emergency repair which occurs typically under three times per month.
- 5** Cellular towers pose no threat to navigation as each is registered and approved by the Federal Aviation Administration with few towers being of sufficient height to require painting or lighting. Neither do they pose a hazard to migratory birds which traditionally fly at considerably higher elevations.
- 6** There are no offensive noises or odors emitted by cell sites. The antennas emit no noise even in high winds, and any sound emitted by the transmission equipment is confined to the building interior.
- 7** The towers are structurally designed based on ANSI/TIA/EIA-222E and Uniform Building Code standards to withstand the highest wind speeds with adequate safety margins of each local area. They are also equipped with removable climbing hardware and the perimeter of the site fenced to prevent unauthorized climbing or access.
- 8** The sites are constructed and landscaped to be as inconspicuous as possible.



# CELLULAR RADIO & ENVIRONMENTAL HEALTH

by Merle Cox

The extremely low level of radiofrequency, electromagnetic emissions of cellular telephone base stations (cell sites) produces no harmful effects upon the environmental health or safety of persons living directly beneath or nearby cell site antennas. By contrast the extensive utilization of cellular telephones by fire, police, ambulance, and other emergency services for both voice communications and transmission of electrocardiogram and other medical data have made major positive contributions to public health and safety.

Despite these facts, the recent increased public interest and concern regarding potential health risks from electromagnetic radiation has been misused as an effective emotional issue by ad hoc groups attempting to stop construction of needed new cell site facilities. These groups claim cellular transmissions will cause cancer, sterility, cataracts and various other medical disorders. Such claims are typically supported by sensationalized popular media stories or out-of-context quotes emphasizing worst-case scenarios from legitimate scientific research studies. Most significantly, the testimony of these groups ignores or is unaware of the large magnitude of difference between the very low radiofrequency emission levels of cell sites and the high intensities required to produce biological effects.

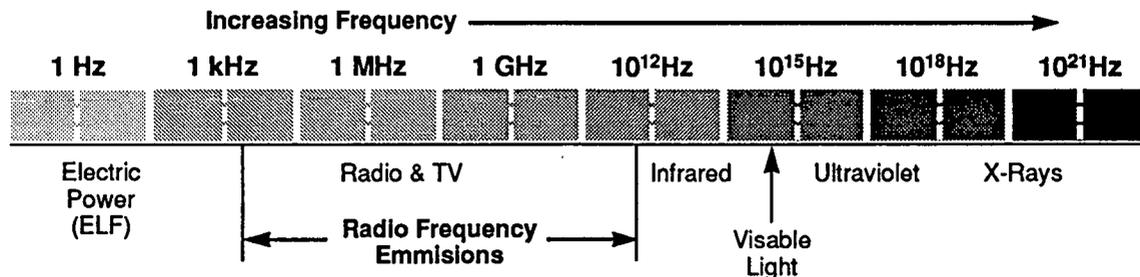
Such confrontations over health risks occur most frequently at public hearings required by local government planning officials within the process of granting the necessary zoning and building permits for new cell site construction. Here the presiding planner or planning commission must decide within the "public's best interest," between the scary health risk claims of cell site opponents and body of scientific evidence refuting such claims. This decision, while clear cut to communication engineers and epidemiologists, is considerably more difficult for planners or planning commissioners whose professional area of expertise seldom includes study of, or familiarization with the scientific literature on biological effects of radio frequency electromagnetic emissions.

To make responsible and documentable land use decisions regarding cell sites where health issues are raised it is, therefore, important that planning professionals understand certain basics concerning radiofrequency emissions and biological effects thereof. This is within the public best interest not only to allow necessary expansion of cellular telephone utilities along with other public utilities but to prevent the unfounded health scare tactics of some, from escalating to alarm communities at large. The following discussion of radiofrequency electromagnetic emission characteristics, biological effects and safety standards will hopefully provide these basics.

## Radiofrequency Electromagnetic Emission Characteristics

Radiofrequency electromagnetic emissions or radiation consists of waves of electric and magnetic energy moving together through space at the speed of light. Each electromagnetic wave has associated with it a wavelength and frequency which are inversely related by a simple mathematical formula: (Frequency) times (wavelength) = the speed of light. Since the speed of light is fixed, electromagnetic waves with high frequencies have short wavelengths and waves with low frequencies have long wavelengths.

The electromagnetic "spectrum" includes all of the various forms of emissions from extremely low frequency (ELF) radiation from electric power lines to X-rays and gamma rays with very high frequencies and correspondingly extremely short wavelengths. In between these extremes lie radio waves, infrared radiation, visible light and ultraviolet radiation. Radiofrequency emissions lie within this "spectrum" between about 3 kilohertz and 300 gigahertz. One "hertz" equals one cycle per second. A kilohertz (KHz) is one thousand hertz, a megahertz (MHz) is one million hertz, and a gigahertz is one billion hertz. The diagram below illustrates the position of radiofrequency emissions within the electromagnetic spectrum.



Beside cellular telephone applications, familiar uses of radiofrequency energy include AM and FM radio and television broadcasting; citizens band, marine, aircraft, public service mobile, amateur, point-to-point microwave, ground-to-satellite, cordless telephones and other telecommunications services; and various industrial, medical and consumer heating and sealing uses including home microwave ovens.

All radiofrequency emissions are of the "non-ionizing" type. That means their frequency and resulting energy level is well below that required to ionize atoms and molecules which would lead to significant genetic damage in biological tissue. Only X-rays and gamma rays at extremely high frequencies (above visible light) have sufficient energy to be "ionizing." It is important these terms "non-ionizing" and "ionizing" not be confused.

The commonly used unit for expressing and measuring radiofrequency electromagnetic emission levels is "power density." Power density is measured in terms of power per unit area. For example, microwatts per square centimeter (uW/cm<sup>2</sup>).

## Cellular Radiofrequency Electromagnetic Emissions

Cell site radiofrequency emission densities typically range from a maximum of 2.2 uW/cm<sup>2</sup> directly beneath an 80 foot high antenna tower to under 1.0 uW/cm<sup>2</sup> beneath a 180 foot high tower. These levels drop in half at a distance of 70 feet from the tower base. They are based upon all 22 channels transmitting simultaneously at maximum FCC allotted power levels. Cordless telephones by comparison emit approximately 34 uW/cm<sup>2</sup> six inches from one's head. This level which often bombards teenagers for hours at a time is 15 to 30 times greater than cellular transmissions.

## Biological Effects of Radiofrequency Electromagnetic Emissions

There is an extensive body of literature published concerning biological effects of radiofrequency emissions. It is well documented that high intensities of radiofrequency energy can be harmful due to heating which occurs within biological tissue. This principle is used for cooking in microwave ovens where densities on the order of 100,000 uW/cm<sup>2</sup> are used. Researchers conclude the level at which these harmful thermal effects to the human body begin to occur range from 10,000 to 28,000 uW/cm<sup>2</sup> which is 5,000 times or more greater than cellular radio emissions.

In addition to intensity, the frequency range of radiofrequency emissions is important in determining relative hazard. At distances of several wavelengths from an emission source, whole-body absorption of radiofrequency energy will occur at a maximum rate within the body's "resonance" frequency of 30 to 300 MHz. Cellular transmissions occur well above this range at 800 to 900 MHz.

A large volume (over 6,000) studies have been conducted in attempts to identify any non-thermal effects of radiofrequency emissions. These studies termed "low level" by definition were conducted below thermal effect power densities with the most widely reported being between 1,000 and 10,000 uW/cm<sup>2</sup>. While some potential effects in animals have been observed at these densities the evidence remains inconclusive and somewhat confusing. It is however possible that some non-thermal mechanisms exist that could cause harmful biological effects in animals and humans but this remains to be proven.

It is important to note that cell site opponent groups usually rely on the more controversial of these "low level" non-thermal effect studies to allege cellular transmissions are hazardous. They, however, fail to understand or ignore the magnitude of difference between the 1,000 to 10,000 uW/cm<sup>2</sup> "low level" densities at which these studies were conducted versus the 1,000 times lower 1.0-2.2 uW/cm<sup>2</sup> radiofrequency emission density levels of cell sites. Therefore, even the most serious potential effects found by these non-thermal studies would still be insignificant at cell sites power levels.

## Radiofrequency Electromagnetic Emission Safety Standards

Presently there is no official, mandatory federal standard for protection of the public from exposure to radiofrequency electromagnetic emissions. A number of organizations with scientific expertise plus several states, counties and cities have issued standards which are as follows:

<u>Source</u>	<u>Standard at Cellular Radio Frequencies</u>
1. American National Standards Institute (ANSI)	2,800 $\mu\text{W}/\text{cm}^2$
2. Federal Communications Commission	2,800 $\mu\text{W}/\text{cm}^2$
3. State of New Jersey	2,800 $\mu\text{W}/\text{cm}^2$
4. National Council on Radiation Protection (NCRP)	560 $\mu\text{W}/\text{cm}^2$
5. State of Massachusetts	560 $\mu\text{W}/\text{cm}^2$
6. Multnomah County, Oregon	560 $\mu\text{W}/\text{cm}^2$
7. King County, Washington	560 $\mu\text{W}/\text{cm}^2$
8. City of Seattle	560 $\mu\text{W}/\text{cm}^2$
9. USSR (40-300 MHz)	25 $\mu\text{W}/\text{cm}^2$
10. Environmental Protection Agency (EPA)	280, 560, 2,800 <u>or no Standard</u>

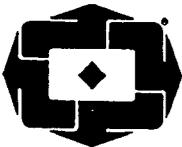
1) At 30-300 MHz these levels are reduced, i.e. ANSI is 1,000  $\mu\text{W}/\text{cm}^2$

While no consensus is evidenced by these standards it is a very clear that cellular transmissions with emission levels of 1.0-2.2  $\mu\text{W}/\text{cm}^2$  are many times below even the most restrictive standard. It can be seen that while some agencies adopted the original ANSI standard set in 1982, others applied a safety factor dividing by 5 the ANSI level. These adjustments were in part based upon possible non-thermal biological effects in the 1,000  $\mu\text{W}/\text{cm}^2$  density levels.

Also noteworthy is the heavy criticism among western scientists of Soviet Union research leading to their most restrictive standard. Recent (1989) information exchanges with Soviet scientists on this subject indicate upward adjustments to the standard may be forthcoming. Moreover it is apparent this standard is not well enforced based on the recent proliferation of very strong amateur radio signals from the USSR whose power levels clearly exceed such standards.

## Conclusion

Cellular radio, cell site radiofrequency electromagnetic emissions are so far below any documented levels producing hazardous biological effects (thermal or non-thermal) and all recognized safety standards that they constitute no hazard to public health or safety. Responsible local government planning officials should therefore refute and/or disregard any allegations of such hazard in making environmental impact, zoning, building permit or other land use decisions necessary to the construction of cell site facilities.



**McCAW CELLULAR  
COMMUNICATIONS, INC.**

FREDERIC E. CANN

ATTORNEY AT LAW  
1230 S.W. FIRST AVENUE, SUITE 300  
PORTLAND, OREGON 97204

TELEPHONE: 503-227-3712  
FAX: 503-227-3779

MEMBER OF OREGON AND  
WASHINGTON STATE BARS

IN REPLY PLEASE REFER TO  
FILE NO.

March 12, 1992

45071.30129

Department of Environmental Services  
Division of Planning and Development  
Attn: Scott Pemble, Planning Director  
2115 SE Morrison Street  
Portland, Oregon 97214

Re: Notice of Review, Cellular One Application, Appeal of Mark  
and Debra Madden

Dear Mr. Pemble:

Upon review of the transcript, I find that the following  
additional points will be relied upon:

I trust that there will be no prejudice to the County  
because there are two weeks to the hearing:

1) Condition 3 to the decision, that "Applicant to provide  
screening and buffering to Staff satisfaction for the proposed  
structure and monopole," should properly be condition either  
1.B. or 1.E. See transcript page 48. That would mean that  
buffering would be a consideration for design review, not just  
staff approval.

2) The application and record are inadequate in that pages  
2 to 8 of the Racquet Club lease are not included in the  
application.

3) To amplify on the self-imposed hardship issue raised in  
the notice of review, the file discloses that there have been  
prior proceedings with regard to the subject property.

By BA 66-70, a variance was granted for a 15'8" east side  
yard reduction for the clubhouse adjoining the subject. By BA  
126-70, a variance was granted for a 17' east side yard reduction  
for the tennis courts across Highland Road. By CS 19-72, the use  
allowed on the subject property was intensified from R-10 to R-  
10, C-S, to allow for the construction of a covered tennis court  
facility and parking and there was also a variance granted for a  
15' rear yard reduction. By MC1-89#139-140, there were  
additional limitations placed on the use of the subject for  
parking.

RECEIVED  
MAR 16 1992

Multnomah County  
Zoning Division

FREDERIC E. CANN

Letter to: Multnomah County Planning Director  
March 12, 1992  
Our file: 45071.30129, Cellular One Appeal

Page 2

4) There was an error in the Notice of Appeal at page 5,  
line 24, where the reference should be to 7035(B)(4)(a)(ii).

Thank you.

Very truly yours,



Frederic E. Cann

FEC:hal  
cc: Mark Madden

\wp\madden\cell-one.12

BEFORE THE BOARD OF MULTNOMAH COUNTY COMMISSIONERS

1  
2 MARK MADDEN and DEBORAH MADDEN, )  
3 Petitioners, )  
4 v. )  
5 MULTNOMAH COUNTY, )  
6 Respondent. )

CASE NOS. CS3-92  
and HV2-92  
ANSWER TO PETITIONERS'  
NOTICE OF REVIEW  
Interstate Mobilephone  
Company (dba Cellular One)

MULTNOMAH COUNTY  
OREGON  
1992 MAR 23 AM 10:42  
BOARD OF  
COUNTY COMMISSIONERS

I.

8 Applicant is filing this Answer in response to Petitioners'  
9 Notice of Review (Notice). This is a pleading outlining the  
10 applicant's responses to the various claims. It contains no new  
11 evidence.

II.

13 This Answer will respond to each of the Petitioners' arguments  
14 in the order in which they were presented in the Notice of Review.

15 1. Claim of failure to comply with R-10 height limit.

16 The Petitioners are barred from raising this argument  
17 before the Board of County Commissioners because they failed to  
18 raise the argument before the Planning Commission. It is outside  
19 the record and has been waived.

20 Moreover, MCC 11.15.2864(e) is inapplicable to a  
21 communications monopole in the Community Service (CS) zone. The  
22 CS zone specifically addresses rules for towers above and below 200  
23 feet in height. The zone would not use such language if towers  
24 were limited to 35 feet in height.

25 Tower height is determined by MCC .7035(B)(7)(D). This  
26 section provides "towers shall be the minimum height necessary to

1 provide parity with existing similar towers and supported antenna  
2 . . ." The applicant demonstrated and the staff agreed that the  
3 monopole "is at a height which is the minimum necessary to satisfy  
4 the technical aspects of the proposal".

5 2. Variance For Side Yard Setback and Tower Height.

6 Petitioners did not raise the issue of tower height and  
7 are now barred from raising this issue before the Board. Moreover,  
8 as noted above, no variance to tower height is required by the  
9 code.

10 Moreover, Petitioners failed to raise variance  
11 criteria enumerated at MCC 11.15.8505(A)(2) (restriction of the  
12 property to a greater degree than other property in the area) and  
13 (4) (compliance with comprehensive plan or underlying zone) before  
14 the Planning Commission. Petitioners are now barred from raising  
15 these arguments before the Board.

16 (A) MCC .8505(A)(1). Cellular One has met all variance  
17 criteria as found by staff and Planning Commission. The unique  
18 circumstance or condition applicable to this property is the size  
19 and shape of the Racquet Club parking lot. Cellular One made the  
20 variance application in order to avoid infringing on the parking  
21 lot. Also, as staff notes, the terrain dictates placement of the  
22 structure and, therefore, this is a condition or circumstance  
23 related to the topography of the property.

24 (B) MCC .8505(A)(2). Other properties in the area are  
25 subject to a 10 foot setback. The variance permits Cellular One  
26 to be treated in a similar manner.

1 (C) MCC .8505(A)(3). The monopole will not impair  
2 adjacent properties either visually or in terms of health effects.  
3 Surrounding existing vegetation will adequately screen the monopole  
4 from view.

5 (D) MCC .8505(A)(4). Because the application complies  
6 with the Community Service overlay, it does not adversely affect  
7 the comprehensive plan nor allow a use not listed in the underlying  
8 zone. The R-10 Zone permits uses listed in the Community Service  
9 overlay.

10 The Petitioners argue that the "hardship" requiring the  
11 variance is personal to Cellular One. None of the applicable  
12 criteria for a variance speak to a hardship. The applicable  
13 criteria will allow a variance to be granted when practical  
14 difficulties are caused by the application of the chapter. As  
15 Cellular One's application demonstrates, the strict application of  
16 the chapter's provisions will cause practical difficulties in the  
17 provision of cellular telephone service from this site.

18 3. Shared use requirements.

19 The Community Service overlay requires that the applicant  
20 make a good faith effort to show that there are no existing or  
21 planned towers available to accommodate the proposed monopole.  
22 Cellular One demonstrated that there are no existing towers within  
23 the search circle that can accommodate the antennae at the desired  
24 height. Staff confirmed this fact. Cellular One does not object  
25 to shared use and believes that no other user would wish to locate  
26 on an 85 foot high tower. Cellular One, however, is willing to

1 accommodate such shared use.

2           The code does not require that towers be built to a  
3 height to accommodate all potential shared use but, instead,  
4 requires that they be built to the minimum height necessary to  
5 accomplish the applicant's purpose. Cellular One proposes a height  
6 which meets the standard.

7           Petitioners attempt to argue the meaning of the lease,  
8 which appears nowhere in the record. This argument is barred by  
9 the fact that it is beyond the record. Moreover, the lease is  
10 mischaracterized. Cellular One is prepared to satisfy the shared  
11 use requirements of the Code.

12           4.   Tripod use.

13           The Petitioners' cite to MCC .7035(A)(1) to support their  
14 argument that visual impacts of towers are to be minimized through  
15 careful design, siting and vegetative screening. The record  
16 reflects that Cellular One has minimized visual impact through  
17 limited height, appropriate screening and use of existing and  
18 planned vegetative screening. Nothing in the code and, more  
19 specifically, nothing at MCC .7035(A)(1), addresses the tripod  
20 size. No one will see the base; people will only see the top of  
21 the tower. The proportionality of the tripod to the monopole is  
22 not an issue under the MCC.

23           5.   Unstable soils conditions.

24           The Petitioners argue that MCC .7035(B)(4)(a)(iii) and  
25 .7035(D)(3) require Cellular One to consider unstable soil  
26 conditions. Neither of these cited sections requires an analysis

1 of soil conditions. Moreover, Petitioners are barred from raising  
2 this issue because they did not raise it at the hearing below.

3 6. Lighting requirements.

4 The matter is resolved because the MCC requires that  
5 towers be illuminated as required by the Oregon State Aeronautics  
6 Division. The Oregon State Aeronautics Division has required the  
7 tower to be lighted and it will be so lighted. Petitioners are  
8 incorrect when they assert that it is unknown if lighting is  
9 required.

10 7. NIER requirements.

11 Non-ionizing electromagnetic radiation (NIER) standards  
12 in the MCC are met by Cellular One. Petitioners assert a different  
13 standard than that contained in the MCC that would require the  
14 applicant to search other areas and exhaust other sites before  
15 locating inspection of this site. Such a standard would require  
16 that the code be rewritten.

17 8. Visual impacts and buffering.

18 Cellular One has met all MCC requirements for visual  
19 impacts and buffering.

20 9. Site size requirements.

21 The Petitioners generally assert that Cellular One's  
22 application fails to meet MCC .7035(B)(4) (site size and tower  
23 setback requirements) and MCC .7035(B)(11)(a) (landscaping  
24 requirements). Staff thoroughly reviewed Cellular One's  
25 application and found these standards to be met. Moreover, the  
26 Petitioners fail to raise with specificity how these requirements

1 are not met and failed to do so before the Planning Commission.  
2 They are barred from raising the issue before the Board.

3 10. Privacy of adjoining properties.

4 Petitioners assert that Cellular One's application fails  
5 to meet MCC .7035(4)(a)(ii) requiring preservation of the privacy  
6 of adjoining residential properties. The existing and proposed  
7 vegetation and landscaping will maintain privacy of adjoining  
8 residential properties. The tower site does not require personnel  
9 to be at the site on a constant basis, so adjoining residential  
10 properties should expect no invasion of their existing privacy.

11 11. Failure to comply with comprehensive plan requirements.

12 The Petitioners failed to raise this issue at the hearing  
13 below and are barred from raising it now. Specifically, they argue  
14 that Cellular One has failed to comply with Policy 14 (development  
15 limitations) of the Comprehensive Plan. Staff pointed out that  
16 this site has no known development limitations and Petitioners  
17 failed to submit any reliable evidence quantifying known  
18 development limitations on the site.

19 12. Comprehensive Plan Policy 16.

20 Petitioners are similarly barred from raising this issue  
21 because they failed to raise it at the hearing below. Policy 16  
22 addresses known natural resources on the site and Cellular One's  
23 application does not affect a known resource site. Petitioners  
24 misconstrued the meaning of this policy.

25 13. Comprehensive Plan Policy 19.

26 Petitioners are barred from raising this argument because

1 they did not raise it at the hearing below. This policy requires  
2 that Cellular One's proposal have a minimal impact. Substantial  
3 evidence in the record supports the conclusion that the monopole  
4 will have a minimal impact on the surrounding area. Required  
5 landscaping will minimize and eliminate potential conflicts in the  
6 area.

7 14. MCC .7035(B)(3)(f).

8 The record contains a report from a professional engineer  
9 licensed in the State of Oregon satisfying this requirement.  
10 Moreover, this section is inapplicable because it applies only  
11 where the applicant intends to meet the shared use requirements of  
12 the section by subsequent reinforcement and reconstruction of the  
13 tower. Such is not the case here.

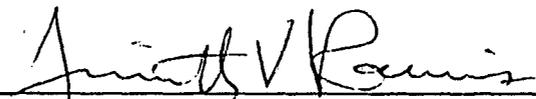
14 III.

15 CONCLUSION

16 Many of the Petitioners' arguments were not raised before the  
17 Planning Commission and, therefore, cannot be considered. The  
18 balance of the claims have been properly rejected by the staff and  
19 Planning Commission.

20 DATED this 16th day of March, 1992.

21 Respectfully submitted,

22   
23 \_\_\_\_\_  
24 Timothy V. Ramis, OSB #75311  
25 O'Donnell, Ramis, Crew & Corrigan  
26 Ballow & Wright Building  
1727 N.W. Hoyt Street  
Portland, Oregon 97209

26 mcr\cellular\24011-3\madden.ans/dd

3/16/92

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PLEASE REPLY TO PORTLAND OFFICE

CLACKAMAS COUNTY OFFICE  
181 N. Grant, Suite 202  
Canby, Oregon 97013  
(503) 266-1149

JAMES M. COLEMAN  
KENNETH M. ELLIOTT  
Special Counsel

March 24, 1992

\*ALSO ADMITTED TO PRACTICE IN STATE OF WASHINGTON  
\*\*ALSO ADMITTED TO PRACTICE IN WISCONSIN

Board of Commissioners  
of Multnomah County  
Multnomah County Courthouse  
Portland, Oregon

RE: Case No. CS3-92/HV2-92 Objection to New Evidence

Dear Commissioners:

On behalf of the applicant in the above-referenced case, Cellular One, I object to the inclusion in the record of the documents attached to Petitioner's Memorandum in Support.

The inclusion of this inch thick stack of documents violates your determination that the record is closed. Moreover, LUBA has previously ruled that documents are not included in the record unless: (a) they were physically present in the hearing room; or (b) they were part of the case file.

Neither of these tests were satisfied.

We have no objection to the memorandum, other than its references to issues which are beyond the record, but the supporting exhibits are documents which we have no opportunity to respond to.

Very truly yours,



Timothy V. Ramis

TVR/hhs

BEFORE THE BOARD OF MULTNOMAH COUNTY COMMISSIONERS

1		
2	MARK MADDEN and DEBRA MADDEN, )	CASES NO. CS 3-92 and HV 2-92
3	Petitioners, )	SUMMARY OF PRIMARY
4	vs. )	ARGUMENTS FOR PETITIONERS
5	MULTNOMAH COUNTY, )	
6	Respondent. )	

- 7
- 8     °     The R-10 restriction of 35 foot maximum height applies absent a variance. No variance has been sought.
- 9
- 10    °     Prior proceedings have allowed the Racquet Club highly intensive use of its property. The proposed variance is required, by Cellular One's admission, so as not to impinge on Racquet Club parking. Cellular One's application is as an agent of the Racquet Club. The side yard variance is required to get around a hardship created by the Racquet Club's intensive use of the property. Cellular One's need for this site is based on business necessity, not hardship related to the use of this land.
- 11
- 12
- 13
- 14    °     Cellular One is hiding the ball on the question of amenability to shared use.
- 15
- 16         °     it hasn't disclosed all of its lease, and
- 17         °     it will construct a tower that will be physically unable to support shared use
- 18
- 19    °     The Planning Commission decision improperly delegates questions of design review when the record shows that they intended to require full design review.
- 20
- 21
- 22
- 23
- 24
- 25
- 26



DATE SUBMITTED \_\_\_\_\_

(For Clerk's Use)  
Meeting Date MAR 24, 1992  
Agenda No. B-1

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Improving Human Services for Low Income Hispanics  
In Multnomah County

Informal Only\* March 24, 1992  
(Date)

Formal Only \_\_\_\_\_  
(Date)

DEPARTMENT Social Services DIVISION Housing and Community Services

CONTACT Norm Monroe/Bill Thomas TELEPHONE 248-5464

\*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD Community Action Commission Chair, Carole Murdock and Hispanic Services Task Force; Jayme Armstrong, Rafael ~~Barberia~~ Arellano, Jan Savidge.

**BRIEF SUMMARY** Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested. The Multnomah County Community Action Commission (MCCAC) has completed a study and recommendations on "Improving Human Services for Low Income Hispanics in Multnomah County" at the request of the City-County Funders Advisory Committee. A task force appointed by the MCCAC examined issues related to emergency basic needs and other services for low income Hispanics. The MCCAC's recommendations are the result of a broad based community planning process involving advocates, providers, and low income people and addresses a range of County services and advocacy efforts of the County's Hispanic Coordinator.  
(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

- INFORMATION ONLY
- PRELIMINARY APPROVAL
- POLICY DIRECTION
- APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 45 minutes to 1 hour

IMPACT:

PERSONNEL

- FISCAL/BUDGETARY
- General Fund

Other \_\_\_\_\_

SIGNATURES: [Signature]

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Ardep Craghead

BUDGET / PERSONNEL \_\_\_\_\_

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) \_\_\_\_\_

OTHER \_\_\_\_\_  
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1992 MAR 12 AM 8:29



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN SERVICES  
AGING SERVICES DIVISION — (503) 248-3646  
COMMUNITY ACTION PROGRAM OFFICE — (503) 248-5464  
421 S.W. 5TH, 2ND FLOOR  
PORTLAND, OREGON 97204  
FAX # (503) 248-3332

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY • CHAIR OF THE BOARD  
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER  
GARY HANSEN • DISTRICT 2 COMMISSIONER  
RICK BAUMAN • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

TO: Gladys McCoy, Chair  
Multnomah County Board of Commissioners

VIA: Ardys Craghead, Acting Director *Ardys*  
Department of Social Services

FROM: Norm Monroe, Director *NM*  
Division of Housing and Community Services

DATE: March 9, 1992

SUBJECT: Informal Briefing on Improving Human Services for Low  
Income Hispanics in Multnomah County.

**RECOMMENDATION:**

That the Multnomah County Community Action Commission (MCCAC) and the Community Action Program Office (CAPO) provide an informal briefing to the Multnomah County Board of Commissioners on "Improving Human Services for Low Income Hispanics in Multnomah County". The Commission is hopeful that the Board will support efforts to implement the report's recommendations.

**ANALYSIS:**

The study and its recommendations were completed by the MCCAC with the assistance of CAPO staff at the request of the City County Funders Advisory Committee (FAC). The FAC had requested that the Commission study ways to strengthen emergency basic needs and transitional services for low income Hispanics in the County.

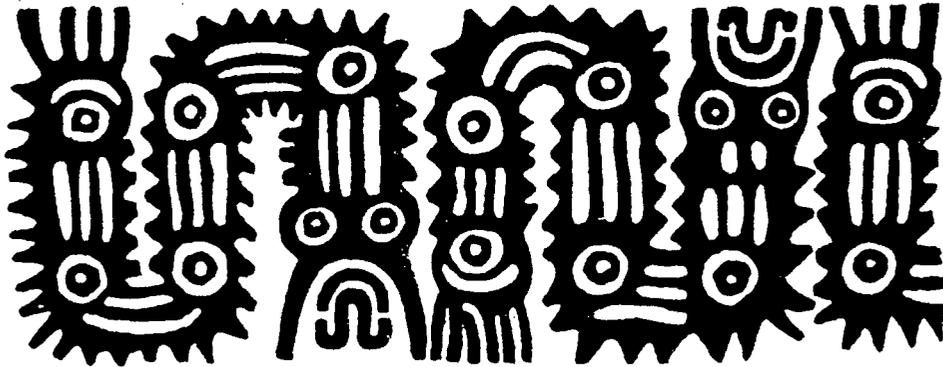
The MCCAC appointed an Hispanic Services Task Force which designed a grassroots community process to gather information and make recommendations for improvements in our service systems. As a result of this community process, which involved nearly 200 advocates, providers, and low income persons, the areas of need addressed by the report were expanded to include health care, education, employment and training, mental health and substance abuse, legal and justice issues, and housing.

The report provides problem statements, recommendations and an implementation strategy for each recommendation which identifies a responsible party. Many of the implementation strategies address County services. The Multnomah County Hispanic Coordinator is often named as a much needed monitor and advocate for service improvements.

**IMPROVING HUMAN SERVICES FOR LOW-INCOME**

**HISPANICS IN MULTNOMAH COUNTY:**

**Study and Recommendations**



by

**Multnomah County Community Action Commission  
Hispanic Services Task Force**

for

**Funders Advisory Committee**

**February 15, 1992**



**MULTNOMAH COUNTY**

## **ACKNOWLEDGMENTS**

The Hispanic Services Task Force appreciates the involvement of the approximately 150 Hispanic service providers, advocates and low-income persons who participated in the planning process (listed in Appendix A). Thanks to each of you for your valuable time, knowledge and insights, which have greatly enriched the final product and any future efforts. Thanks also to Eunice Goetz, Executive Director, Oregon Commission on Hispanic Affairs, for generously sharing her mailing list.

### **REPORT CREDITS**

#### **Multnomah County Community Action Commission Hispanic Services Task Force Members:**

Jayne Armstrong, Chair (for County Commissioner Rick Bauman)  
Rafael Arellano Barrera  
Jan Savidge (for Gresham Mayor Gussie McRobert)

#### **Other members of the Multnomah County Community Action Commission: (as of 1/8/92)**

Doug Rogers, Chair  
Carole Murdock, Vice-Chair  
Luana Shipp, Secretary  
Terry Anderson (for Portland City Commissioner Gretchen Kafoury)  
Omar Barbarossa (for County Chair Gladys McCoy)  
Roger Buchanan (for State Senator Frank Roberts)  
Lisa Clay  
Anita Hendrix  
Bill Muir (for State Representative Beverly Stein)  
Pam Porter  
John Rodgers (for Portland Mayor Bud Clark)  
Terry Ann Rogers  
Bonnie Webster

#### **Multnomah County Community Action Program Office Staff assisting the Task Force:**

Dana Brown, Advocate  
Rey España, Program Supervisor  
Wendy Lebow, Planner

#### **Also providing assistance:**

Bob Durston, Committee Assistant, Funders Advisory Committee

#### **Direct inquiries to:**

Dana Brown  
Community Action Program Office  
421 SW Fifth #200  
Portland, OR 97204  
(503) 248-5464

## TABLE OF CONTENTS

Executive Summary .....	i
Introduction .....	iii
Background .....	1
I. The Hispanic Services Task Force .....	3
II. Demographics and Trends .....	5
III. Myths About Low-Income Hispanics .....	6
IV. Inventory of Current Services .....	7
V. Problems and Recommendations .....	13
VI. Emergency Basic Needs .....	13
A. Emergency Basic Needs .....	14
B. Affordable Housing .....	18
C. Education .....	23
D. Employment and Training .....	27
VII. Community Involvement and Accountability .....	37

### Appendices

- A. Participants and Respondents
- B. Reports and References
- C. Summaries of Task Force Survey and Planning Meetings
- D. Summaries of Low-Income and Public Hearings

# IMPROVING SERVICES TO LOW-INCOME HISPANICS IN MULTNOMAH COUNTY

## EXECUTIVE SUMMARY

The Multnomah County Community Action Commission (MCCAC) was asked by the Funders Advisory Committee (a group of private and public funders of programs for homeless and low-income persons) to undertake a study of emergency basic needs services to the low-income Hispanic population. The MCCAC appointed the ad hoc Hispanic Services Task Force to examine the issues and prepare recommendations about services to low-income Hispanics in Multnomah County, Oregon.

The objectives of the Hispanic Services Task Force were to assess the emergency social service needs of the county's low-income Hispanic population, to assess the ability of the current service delivery system to meet their needs, and to suggest changes and/or improvements to adequately provide needed services.

Emergency basic needs services for homeless and low-income persons are administered by the Multnomah County Community Action Program Office (CAPO) through a system of district-based community service centers, which provide emergency and transitional shelter, rent assistance, energy assistance, weatherization, food, and case management. In addition, CAPO contracts with "special needs providers" to facilitate access to services for populations who would otherwise encounter barriers. Hispanic access is one "special needs" category.

In order to fulfill its charge, the Task Force undertook a community planning process. The Task Force mailed surveys to service providers, held focus groups and other meetings with Hispanic providers and advocates with a variety of expertise, and conducted a meeting with low-income Hispanic persons. Near the beginning of the planning process, the scope of the Task Force's charge was expanded in response to community requests that a broad range of human services be addressed.

Barriers to services by low-income Hispanic persons due to language (lack of bilingual-Spanish speaking staff and written materials in Spanish), information about available services, and lack of cultural sensitivity by service providers, were concerns in nearly every area of service provision. Several service issues were repeatedly raised during the meetings and in survey responses, including the lack of no- and low-cost primary and preventative health care, the lack of affordable housing, the shortage of social services availability, and the shortage of life-skills and English as a Second Language (ESL) classes.

## Recommendations

Recommendations forwarded by the Task Force include improved access to emergency basic needs services through expanded Hispanic access services. The special needs provider(s) serving the Hispanic population would be expanded to provide on-site assistance to Hispanics at each community-based community service center. Linkage to needed services, and some case management, could be provided, as well as coordination of selected services, such as English as a Second Language (ESL) classes and life-skills training.

The Task Force supported in principle the concept of a "center" or "centers" to provide a focal point for services to Hispanics both to improve access to services, and as a location for cultural enrichment and appreciation of the Hispanic community. The Task Force views this as a long-term, rather than short-term recommendation, particularly given the issues which have not been addressed in efforts to date, including a center's design, programming and development.

Specific recommendations are also offered in the areas of health, mental health and alcohol and drug abuse, education, employment and training, housing, and legal and justice systems.

Recommendations for implementation accountability and continued community involvement are also provided. During the time the Task Force operated, a community momentum was created which had an interest in further planning for services. Continued advocacy efforts, which should involve low-income Hispanics in every phase, are needed to ensure that this document becomes an effective tool for improving services to low-income Hispanic families and individuals.

## INTRODUCTION

Multnomah County, Oregon's Hispanic community has grown dramatically since the mid-1980s. Hispanic families and individuals who are low-income encounter numerous barriers and challenges to obtaining needed human services: lack of information, cultural insensitivity of workers, language barriers, and in some cases, documentation (legalization) problems. Consensus exists among social service and health care providers that funding for and access to services for low-income Hispanics has lagged far behind the population's growth. This document is offered as a practical tool to assist in community planning and organizing efforts on behalf of low-income Hispanics.

The Funder's Advisory Committee (FAC), composed of public and private funding entities concerned with the emergency basic needs of homeless and low-income persons in Multnomah County, requested one of its members, the Multnomah County Community Action Commission (MCCAC), to undertake a study and develop recommendations concerning the needs of and services to low-income Hispanics. In order to accomplish this task, the MCCAC formed the ad hoc Hispanic Services Task Force.

Multnomah County's community action system provided the impetus and primary focus for this report. The Multnomah County Community Action Commission, a federally mandated community action board, oversees the Community Action Program Office (CAPO), in the county's Housing and Community Services Division. Part of MCCAC's mission is to empower low-income persons and to address the root causes of poverty. MCCAC is committed to an ongoing priority of advocating with and on behalf of low-income persons.

CAPO contracts with geographically-based, non-profit agencies throughout the county to provide services to persons who are homeless or low-income. Services provided include emergency and transitional shelter, rent assistance, energy assistance, weatherization, food, and case management to facilitate access to other needed services. In addition, CAPO contracts with "special needs providers" to facilitate access to services for populations who would otherwise encounter barriers. Hispanic access is a "special needs" category.

The Task Force identified the following objectives for this study: to assess the emergency and transitional social service needs of low-income Hispanics in Multnomah County, to assess the ability of the current social service delivery system to meet those needs, and to suggest changes and/or improvements to adequately provide needed services.

The Hispanic Services Task Force initiated a community planning process to accomplish these objectives. Shortly after its formation, the Task Force broadened the scope of services considered in order to cooperate and respond to Hispanic service providers' and advocates' interest in future comprehensive planning efforts and multi-disciplinary solutions. Planning in this broader context provided a focal point for other groups interested in pursuing improvements in other service areas.

Even though the Task Force extended its reach, given limitations of time and resources, in-depth examination into all service areas was not possible. Among the issues that necessarily received surface treatment were those of low-income Hispanic youth and seniors, migrant and seasonal agricultural workers, as well as problems related to documentation and legalization. Although several problem statements and recommendations do address each of these areas, these topics deserve more in-depth examination. The Task Force regrets any omissions. The Task Force also recognizes that Low-income Hispanics encounter problems in obtaining virtually any needed service, and encourages interested persons and groups to pursue planning for expanded and improved access and services.

During the planning process, the Task Force was told repeatedly that health, housing and other human services are simply unavailable, even if barriers to obtaining services were removed. The many problems of poverty that are adversely affecting Hispanics are having a negative impact on the entire population of low-income people. Every person is entitled to have their basic needs met, including medical care, housing and food. It is essential that services be structured and/or expanded to meet the basic necessities of all low-income persons.

A note about terminology. This report uses the term "Hispanic" and endeavors to do so respectfully. We are aware that there is ongoing discussion about language, ethnicity and diversity.

A few terms used in the report would benefit from clarification. "East County" refers to the area of Multnomah County from 82nd Avenue east to the county line.

"Low-income" refers to people who live either below or somewhat above the poverty line. Some programs use 125% of poverty and below for eligibility of services, others use one-half of median income. The annual income for an individual at 125% of rate poverty is \$8,175; for a family of four it is \$16,750. Many people believe that the amounts used to calculate low-income status are unrealistically meager in relation to the current cost of living.

## BACKGROUND

The Hispanic Services Task Force was formed at a time of intense local interest in the problems of low-income Hispanics. Several studies in the past two years have been conducted to address issues specific to low-income Hispanics in Multnomah County. A brief summary of these reports follows.

Carla Sosanya's "*Gresham/East County Service Survey Summary*" (May 1990), for The Private Industry Council, is based on "a survey to learn about employment needs, population targets, and service delivery methods for the area" (Sosanya 1990) of East Multnomah County. The report, compiled from interviews with key individuals, documents the employment and training needs of all residents of East County, and also identifies multiple needs and barriers of low-income Hispanic persons.

Martin Winch wrote "*Hispanics and Multnomah County Services*" (August 1990) for Multnomah County Commissioner Pauline Anderson to "research Hispanic issues and county services to Hispanics in Multnomah County in order to make recommendations as to how the county might better serve Hispanics." This report, developed from county corrections records and interviews with experts, analyzed current services and offered recommendations. The report particularly focused on Hispanics in the county criminal justice system, and provided important information about the disproportionate rate of arrests of Hispanic males and disparate treatment in that system.

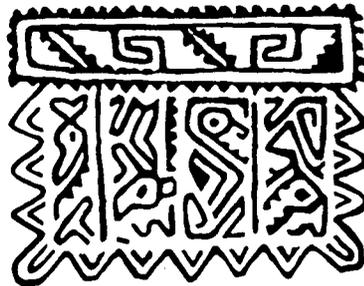
The "*Needs Assessment of Old Town's Hispanic Residents*" (November 1990) is based on a study conducted by Burnside Projects (formerly Transition Projects) for the Metropolitan Human Relations Commission. The report summarizes interviews with 105 Hispanic males in Portland's Old Town. The study's goals were to "better define the character of the Old Town Hispanics, their needs, strategies for community response and beginning recommendations for implementation" (Burnside Projects, 1990). The study found that while virtually all of those interviewed came to Portland to find work, language barriers, unpredictability of seasonal work, undocumented status and transportation needs all impeded their ability to secure gainful employment.

The Multnomah County Council on Chemical Dependency (MCCD) Minority Committee's report, "*Hispanic Services in East Multnomah County, A Plan for the Future*" (October 1991), "was primarily concerned about the large population of Hispanic families and individuals living in east Multnomah County who traditionally have not sought help for their substance abuse problems" (MCCD 1991). Recommendations for culturally competent, expanded treatment options were offered.

The City Club of Portland's "*Study of Racial and Ethnic Relations in Portland, Report of the Health and Welfare Subcommittee*" (October 1991), examined income maintenance programs and health care provided through Medicaid for persons of color. The study focused on the disparate treatment and underutilization of these services by Hispanics and other persons of color.

Another document created in 1991 was Representative Ron Wyden's Tar Heroin Task Force's "*Action Plan*," a strategy to respond to problems experienced by Hispanic males in Portland's Old Town.

The report bibliography is located in Appendix B.



## I. THE HISPANIC SERVICES TASK FORCE

The City of Portland and the county were approached to fund services to segments of the Hispanic community in mid-1991. The requests were brought to the Funders Advisory Committee (FAC), a group of private and public funders of homeless and emergency basic needs services in Multnomah County. A member group, the Multnomah County Community Action Commission (MCCAC), was asked to study the issues and provide recommendations to the FAC. In order to accomplish this charge, the MCCAC formed the Hispanic Services Task Force. The Task Force was staffed by the Multnomah County Community Action Program Office (CAPO).

The objectives of the Task Force were:

- 1) to assess emergency and transitional social service needs within the low-income Hispanic population of Multnomah County;
- 2) to assess the ability of current social service delivery systems in Multnomah County to meet the needs of low-income Hispanics requiring emergency or transitional services, and;
- 3) to suggest changes and/or improvements to adequately provide needed services to low-income Hispanics in Multnomah County.

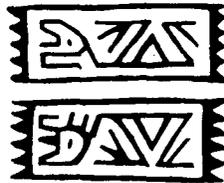
In order to accomplish these objectives, the Task Force embarked on a community planning process. First, information was gathered using a questionnaire developed by the Task Force to assess the current status of services for low-income Hispanics, including population demographics, needs, current level of services, and barriers to and gaps in services. The survey was mailed to 300 service providers and advocates. The survey responses (along with responses to telephone calls to additional providers) form the basis of the service inventory portion of the report (Section V).

Survey responses also assisted in the planning for focus groups. Seventy-five persons, nearly all Hispanic and with a wide variety of expertise, were invited to focus groups. Among those involved were persons specializing in employment, education, health, social services, agricultural worker issues, housing, corrections, mental health, as well as others. Focus group participants discussed needs, gaps, and barriers to services, and "brainstormed" methods to obtain low-income Hispanic involvement in the planning process. (See Appendix C for focus group summary.)

Using information obtained in the focus groups, service areas were prioritized, and problem statements were developed for those areas. Subsequently, a public meeting was held to develop recommendations for solutions to the problems identified. Additional meetings were conducted with experts in several service areas to develop recommendations in those specific fields.

The Task Force also conducted a meeting, attended by more than 50 low-income Hispanic individuals, to obtain input about needs, barriers, and services. In addition to Task Force-initiated meetings, Task Force members and CAPO staff attended meetings of Hispanic groups and coalitions throughout the community, including the Alianza Hispano, the Hispanic Services Roundtable and the Gresham Hispanic Action Group. Finally, draft recommendations were prepared, and a public hearing was held by the MCCAC to allow interested persons the opportunity to respond. (This and other meeting summaries are found in Appendices C and D.) Feedback from the public hearing was incorporated into the final report.

Service areas included in the Task Force report are broader than the emergency basic needs service system that is the purview of the MCCAC and CAPO. Members of the Hispanic community, including service providers and advocates, were concerned that the Task Force's study not be limited to the area of emergency basic needs. Poverty and its negative effects have an impact on every area of a family and individual's life, and solutions require the cooperation of all those working on behalf of low-income persons to respond to their needs as a whole person or family. The community planning process undertaken by the Task Force, and the subsequent broadening of the scope of this study, encouraged and cooperated with the momentum within the Hispanic community to organize and advocate on behalf of low-income Hispanics.



## II. DEMOGRAPHICS AND TRENDS

The Hispanic Services Task Force repeatedly heard during its planning process about two characteristics of the Hispanic community: First, that there has been a dramatic increase of the Hispanic population in the past few years; and second, that Hispanics are disproportionately impacted by poverty. The perception of growth in the Hispanic community is verified by 1990 Census figures which found that 18,390 Hispanics live in Multnomah County, a 59% increase over 1980, when the Hispanic population was 10,818.

Hispanics make up 3% of the population of Multnomah County, according to the census figures. Similar to other ethnic groups, service providers and advocates caution about under-counting of Hispanics by the Census because of undocumented status or mistrust of the government. In addition, the population which migrates to obtain agricultural work, swells the county Hispanic population by approximately 2,600 workers and their families at harvest times. Given these factors, experts estimate that the Hispanic population in Multnomah County is probably closer to 30,000.

Hispanic population growth is also implied in trends for the number of births to Hispanic parents in Oregon, which have more than doubled since the mid-1980s (in 1990 there were 3,995 births to Hispanics, as compared to 1,670 births in 1985).

Until the 1990 Census poverty figures become available in the Spring of 1992, the 1980 Census are the most recent Multnomah County figures for rates of poverty. In 1980, one-fifth (19.5%) of Multnomah County Hispanics lived in poverty, compared with the 11.4% poverty figure for the overall population.

Throughout this report, the term "low-income" is used, which includes persons both below and slightly above the poverty line. In 1980, approximately one-third (32.5%) of Multnomah County Hispanics were classified as low-income (ie, below 150% of the poverty level). Nationally, one-half of seasonal agricultural workers live below the poverty line. It is safe to assume that although some agricultural workers in the county were counted in the 1980 Census, most probably were not and would not be included in the poverty figures.

Women and children of every ethnic group are disproportionately represented in poverty. A bleak economic picture is painted for Hispanic, female-headed households with children. In the 1980 Census in Multnomah County, among these families, 43% were living in poverty, and one-half lived at or below 125% of the poverty level. Among Hispanic children, one-in-five (22%) were living in poverty, as compared with 14% of the general population of children.

### III. MYTHS ABOUT LOW-INCOME HISPANICS

In the United States, Hispanics frequently experience prejudice and misconceptions from people in other groups. Low-income persons in general also are stereotyped by our society. Low-income Hispanics encounter a double burden of institutionalized racism as well as prejudice against poor people. When language barriers are added to these other obstacles, a maze of difficulties confront low-income Hispanics. This section of the report will hopefully dispel some misconceptions about persons who are both low-income and Hispanic.

#### ***"Most Hispanics Are Poor"***

Most Hispanics are not poor; the 1980 Census found that 19.5% of Multnomah County Hispanics were low-income. Contrary to stereotypes, most low-income people are white. However, people of color, including Hispanics, are disproportionately represented in poverty, which means poverty affects a larger percentage of these populations.

Many Hispanics in the county are educated, many are professionals, and many are leaders in our community. Class and educational differences can be the causes of misunderstanding within the Hispanic community as they are within the white majority community.

#### ***"Hispanics and Other Races"***

The term "Hispanic" refers to ethnicity, not to race. Hispanics may be from a single or mixed racial group, including white, African-American or Native American.

#### ***"Hispanic = illegal alien"***

While some Hispanics are recent immigrants, others have been citizens of the United States for generations. Like all immigrants seeking a better life, some Hispanics arrive with documentation, and others obtain documentation while they are living in the United States. Some are never able to obtain documentation.

#### ***"All Hispanics Are From Mexico"***

Hispanics are from many countries, including Mexico, the countries of Central and South America, Cuba, Puerto Rico and the United States. Each country has distinct cultures. Although most Hispanics speak Spanish, some persons are from areas of Mexico, Central or South America where another language is spoken, such as Mixtec or Portuguese. Hispanics from different cultures perceive their differences as keenly as European-Americans perceive European groups, such as the English, who share a similar culture and language but are otherwise different in many ways.

#### **IV. INVENTORY OF CURRENT SERVICES**

The Hispanic Services Task Force had as one of its objectives to assess the current level of services to low-income Hispanic families and individuals. Information about services to Hispanics was gathered from several sources, including survey responses and telephone calls to providers. Although we have endeavored to be comprehensive in compiling information for the following services tables, we undoubtedly missed some current services.

CAPO staff are committed to creating a comprehensive listing to provide a practical, usable resource for the community, and plan to continue collecting data to fill in gaps in the following services sections. A complete listing of services, when assessed with the 1990 census poverty data, should provide valuable information to service providers, funders and advocates to make informed planning, programmatic and funding decisions.

In the following inventory grids, the term "bilingual staff" appears below many agency names. Staff at many of these agencies are also bicultural, which is an important distinction, but they are not indicated as such. The absence of a clear definition of "bicultural" during information-gathering prevented the specificity necessary. More complete information regarding bicultural staffing is anticipated in future efforts.

**EMERGENCY BASIC NEEDS\***  
(INCLUDING INCOME MAINTENANCE & SOCIAL SERVICES)

SERVICE PROVIDER	TYPE OF SERVICE	LOCATION OF SERVICE	NUMBER SERVED
Adult & Family Services (bilingual staff)	-Income & Medicaid assistance	Throughout Multnomah County	5% of Statewide 1990 caseload were Hispanic
Oregon Human Development Corporation (bilingual Staff)	-Assistance with Education & Training, Employment, Food and Housing	SW Portland	414 Hispanics (111 families) in 1990
Human Solutions, Inc.	-Assistance with Emergency Basic Needs*	East Multnomah County	59 Hispanic families in 1990
Friendly House	-Assistance with Basic Emergency Needs	NW Portland	64 Hispanics in FY 90-91
Transition Projects (bilingual staff)	-Assistance with Basic Emergency Needs -Case Management.	Downtown Portland (w/ A&D office in Gresham)	Approximately 1150 Hispanics in FY 90-91
St John's YWCA	-Assistance with Basic Emergency Needs	N Portland	Approx 144 Hispanics in FY 90-91
Portland Impact (bilingual staff)	-Assistance with Basic Emergency Needs	SE Portland	Approx 24 Hispanics in FY 90-91
Albina Ministerial Alliance	-Assistance with Basic Emergency Needs	NE Portland	Approx 64 Hispanics in FY 90-91
Neighborhood House	-Assistance with Basic Emergency Needs	SW Portland	Approx 82 Hispanics in FY 90-91
Catholic Community Services: Hispanic Program (bilingual staff)	-I&R; Advocacy; translation-interpretation; social ser./medical/dental access; transportation and legal clinic	Gresham	Average monthly caseload for 1990/91 was approx. 500 Hispanics
Oregon Food Bank and its contractors	-Food boxes -Hot meals at soup kitchens & commodities to residential programs	Throughout Multnomah County	24% of clients served food boxes & 12% of clients served hot meals were Hispanic in 1990
Sisters of the Road Cafe	-Hot meals -Job training	Old Town Portland	Currently more than 18% of clients served are Hispanic

- Emergency Basic Needs includes shelter, energy and rent assistance, food and personal care items, transportation, and case management to facilitate access to other services. Other services sometimes offered are alcohol and drug treatment support services, child care, support groups, financial management classes, and other services.

HEALTH CARE

SERVICE PROVIDER	TYPE OF SERVICE	LOCATION OF SERVICE	NUMBER SERVED
Mult. Co. Health Clinics	-Primary care -Field services -Information & referral -Food	6 Multnomah County locations	2,038 Hispanics in 1990*
Private, Non-profit Community Health Clinics	-Primary care -Hispanic dental care (Gresham)	7 Multnomah County locations	Not available
Women, Infants and Children Program	-Nutrition program for mother and children up to 5	Multnomah County locations	735 Hispanics (of 10,597 total in April 1991)

\* Data provided by the Multnomah County Health Division provides ethnic breakdowns for each health clinic site.

EMPLOYMENT & TRAINING

SERVICE PROVIDER	TYPE OF SERVICE	LOCATION OF SERVICE	NUMBER SERVED
Oregon Employment Division (bilingual staff)	- General employment services to migrant workers seeking 1) farmwork; or 2) non-farm work.	SE Multnomah County Branch	2,800 Hispanics registered & 1,600 rec'd work referrals
	- General employment - Agricultural newsletter	N Portland Branch	1,020 Hispanics annually
The Private Industry Council (TPIC) (bilingual staff)	- Employment and training	4 Multnomah County locations	30 Hispanics in 1990. 9% of TPIC adult clients were Hispanic in FY '90-91*
Steps to Success	- ESL classes for GED - Employment and training	4 Multnomah County locations	Not available
Oregon Human Development Corporation (bilingual staff)	- GED geared for ESL - Employment and training	NE Portland	Not available

\* TPIC data also indicates that 5% of its youth program clients were Hispanic in FY '90-91.

EDUCATION SERVICES

SERVICE PROVIDER	TYPE OF SERVICE	LOCATION OF SERVICE	NUMBER SERVED
Mult. Co. Education Service District (bilingual staff)	-General Ed. Programs -Migrant Education a. ESL Classes b. Tutoring	E Multnomah County	160 Hispanic students in 1990
Portland Public Schools	-General Ed. Program -Migrant Education a. ESL Classes b. Tutoring	Portland	Not available
Oregon Human Development Corporation (bilingual staff)	-General Ed. Program	NE Portland	Not available
Mt. Hood Community College	-General Ed. Program	Gresham, 148th & Division, & Inverness Jail	Not available
Portland State University at Cleveland High School (bilingual staff)	-College preparation program	SE Portland	Not available
Portland Community College (bilingual staff)	-ESL -GED -Welding and landscaping programs	Downtown, SW, SE, NW & NE Portland	Not Available

MENTAL HEALTH AND SUBSTANCE ABUSE

SERVICE PROVIDER	TYPE OF SERVICE	LOCATION OF SERVICE	NUMBER SERVED
Oregon Human Development Corporation (bilingual staff)	-Alcohol and drug counseling	Gresham	Not available
Central City Concern (bilingual staff)	-Detox center -Hispanic group counseling -Bilingual staff at hotel -Portland Addiction Acupuncture Center	Portland area	3% of acupuncture patients are Hispanic
Transition Projects (bilingual staff)	-Anger Management Class 12 week program	Downtown Portland	Not available

**INFORMATION AND REFERRAL SERVICES**

SERVICE PROVIDERS	TYPE OF SERVICE	LOCATION OF SERVICE	NUMBER SERVED
United Way (bilingual staff)	-General I & R -Clearinghouse	Metro area	Not available
Northwest Pilot Project	-General I & R -Senior Services	Downtown Portland	Not available
Oregon Human Development Corp. (bilingual staff)	-General I & R	SW Portland	Not available
Transition Projects (bilingual staff)	-General I & R	Downtown Portland	Not available
Catholic Community Services: Hispanic Program (bilingual staff)	-General I & R	Gresham	Not available

**LEGAL & JUSTICE SERVICES**

SERVICE PROVIDER	TYPE OF SERVICE	LOCATION OF SERVICE	NUMBER SERVED
Metropolitan Public Defender (bilingual staff)	-Information services -Representation of indigent Hispanics	Downtown Portland	5 - 10% of total clients are Hispanic
Immigration Counseling Service (bilingual staff)	-Immigration issues	Downtown Portland	Annually, approx. 10,000 calls and 5,400 walk-ins

**PROGRAMS FOR MIGRANT &/OR SEASONAL AGRICULTURAL WORKERS**

SERVICE PROVIDER	TYPE OF SERVICE	LOCATION OF SERVICE	NUMBER SERVED
Oregon Employment Division (bilingual staff)	-Employment services for migrant & seasonal farmworkers.	Throughout Multnomah County	Not available
Mult. Co. Education Service District (bilingual staff)	-Migrant Education program with ESL classes -Tutoring -Accident insurance	E Multnomah County	Not available
Clinic for the Care of the Family (bilingual staff)	-Primary care -Immunization -Chiropractic clinic -Mobile clinic (summer)	Gresham	Not available.

**SENIOR SERVICES**

SERVICE PROVIDERS	TYPE OF SERVICE	LOCATION OF SERVICE	NUMBER SERVED
Volunteers of America, Senior Clinics	-General Services	-E Multnomah County	-10-20 (of 450) clients in 1990 were Hispanic
Aging Services Division	-General Services	-8 District Service Centers	-First quarter of FY 91-92: Transportation = 29 Hispanics served District Centers = 135 Hispanics served
Loaves & Fishes	-Meals	-NE & SE District Centers	-100 Hispanics seniors received meals

**YOUTH SERVICES**

SERVICE PROVIDERS	TYPE OF SERVICE	LOCATION OF SERVICE	NUMBERS SERVED*
Mainstream Youth Program	-Alcohol & Drug Treatment	NE Portland	70 (of 600) clients in 1990 were Hispanic
Metropolitan Public Defender (bilingual staff)	-Represent indigent youth	Portland	Currently 5 - 10% of total clients served are Hispanic

- \* Services include information and referral, transportation, in-home services (caregivers), public guardian and conservatorships, relocation services, health care, and gatekeeper services.

The NE District Center provides meeting space for an Hispanic Seniors organization.

## VI. PROBLEMS AND RECOMMENDATIONS

Each subject area in this section begins with a brief problem statement, a description of existing resources, and unmet needs. A detailed listing of the services in each area is included in Section V.

Recommendations are written with as much specificity as possible; in terms of specific actions to be implemented, in identifying lead agency or agencies, and in continued involvement of community advocates. In addition, recommendations specific to the community action system include timelines in order to incorporate accountability into the system from which this report arises.

Several recurring themes become apparent in reviewing the problem statements and recommendations. Language barriers, poor access to services information and a paucity of culturally sensitive services are three areas addressed in nearly all of the following sections. The repetition of these three themes reflects the degree to which they cause barriers to services, as well as their prevalence within the human services systems.

Survey responses and participant feedback point to a collective failure to commit resources adequately on behalf of a population that is growing at a disproportionately faster rate than other groups, and is facing real barriers in almost every service area. Barriers to obtaining information and services are still an everyday reality. The situation indicates that the key principle of equal access to services is still not understood.

While this study necessarily focused its efforts on emergency basic needs, other human service areas also received planning efforts. However, several Hispanic sub-populations require additional attention. In particular, the complexity and severity of problems experienced by youth, seniors, seasonal and migrant agricultural workers, and undocumented persons should receive in-depth consideration.

The term "bicultural" is used throughout this section of the report. "Bicultural" refers to someone who identifies with both Hispanic and majority white cultures, who understands and appreciates equally both sets of cultural values, and who is able to move back and forth between cultures without undue adjustment.

## A. EMERGENCY BASIC NEEDS

### The Problems

Real barriers to emergency basic needs services exist for low-income Hispanics in Multnomah County. The Hispanic Services Task Force identified the following general problem areas related to the emergency basic needs service delivery system and access to these services:

- Emergency basic needs services are not accessed by many of the low-income Hispanics who are homeless or at-risk of homelessness.
- Hispanics who are monolingual Spanish speakers are often unable to access needed services or participate in many aspects of life in the community.
- Hispanic individuals and families often lack knowledge of available resources and information about available services.

### Existing Resources

The emergency services program administered by the Community Action Program Office (CAPO) is implemented through a system of district-based community service centers, special needs providers for populations needing specialized access services, and systemwide clearinghouse resource agencies. CAPO is committed to regular evaluation and improvement of its system of services in accordance with the model of client-centered services currently reflected in the State's Human Investment Strategy. This model emphasizes client-access, client-direction and client-empowerment. We believe these are excellent concepts for service provision to the low-income Hispanic population.

Currently, CAPO provides financial support in the annual amount of \$23,874 (.9 FTE) for access services to low-income Hispanics through one special needs provider. Although limited and specialized services to Hispanics are provided by other community service agencies, only this single special needs provider is funded by CAPO to facilitate access services. This level of support is woefully inadequate given the amount of need for access to emergency basic needs services by Hispanics countywide.

## Unmet Needs

Information gathered by the Hispanic Services Task Force provides further evidence that access to services remains a necessary goal worthy of renewed and continued support. Commitment of additional resources is necessary to ensure equal access to services for low-income Hispanics throughout the county. During information gathering, these gaps in services were repeatedly described:

- the lack of information translated into Spanish at an appropriate level for easy understanding;
- the lack of bilingual and bicultural staff (to effect communication and understanding), and;
- inadequate cultural competency of the service provider network.

## Recommendations

**Recommendation 1.** Establish a set-aside of approximately \$200,000 for expanded Hispanic access services. New sources of funds are to be identified, as opposed to reallocating existing resources. This proposed set-aside is projected to provide approximately 10,000 units/hours of service for approximately 6 full-time staff. Staff would be assigned to a minimum of 8 sites, for an average of .8 FTE or approximately 32 hours per week at each location.

**Implementation:** CAPO shall have primary responsibility for resource development, in partnership with the Funders Advisory Committee, for funds to be made available effective July 1, 1992. CAPO will award access services through a request for proposal (RFP) process which shall be released in February 1992.

**Recommendation 2.** Develop and expand Hispanic access services in Multnomah County.

**Implementation:** CAPO shall have primary responsibility for implementation of expanded Hispanic access services. The implementation strategy should include the following:

- a. The capacity and role of special needs provider(s) (SNP) serving the Hispanic population should be expanded through the development of one or more Resource Information Projects (RIP). The RIP sites, which shall operate within existing locations, will provide a physical location where Hispanic persons can obtain information and access to community-based resources. Services available at the RIP site may include short-term intervention and translation services. The SNP(s), through its RIP staff, will also provide advocacy and technical assistance to other service providers in the county's service delivery system.

- b. SNP(s) should place Resource Information Project staff on a regularly scheduled basis at each CAPO district-based community service center in the county to assist in outreach to low-income Hispanic individuals and families.
- c. Resource Information Project staff should provide specific linkage and case management services when specialized long-term case management is needed to achieve self-sufficiency for families and individuals who cannot gain access to services due to language or cultural barriers. RIP staff should coordinate their linkage and case management services with the community service centers.
- d. Resource Information Project staff should coordinate the provision of selected services, eg, English as a Second Language (ESL) classes, life skills training classes and increased services coordination.
- e. A Resource Information Project site should be established in Gresham to assist in information dissemination and advocacy for services, in addition to items *a-d* above.

**Recommendation 3.** Contract with a translation service to develop appropriate systemwide materials in Spanish (eg, resource directory, program guidelines, etc.).

**Implementation:** CAPO shall have primary responsibility for establishing a professional services contract for systemwide translation and for developing a bilingual-Spanish resource directory.

**Recommendation 4.** Develop and implement a multi-cultural competency training program which shall be mandatory for all CAPO-funded service contractors. Quarterly training sessions are recommended.

**Implementation:** CAPO shall have primary responsibility for developing and implementing of a multi-cultural competency training program, effective July 1992.

**Recommendation 5.** Establish a contractual requirement for all CAPO-funded service contractors for an annual affirmative action/equal employment report indicating staff and board composition. CAPO will monitor progress in cultural diversity and provide technical assistance to contractors.

**Implementation:** CAPO shall incorporate this contractual requirement, effective July 1, 1992.

**Recommendation 6.** Establish a contractual requirement for district-based community service centers and Hispanic special needs provider(s) to implement the following community-based objectives:

- a. needs assessment,
- b. resource education,
- c. service advocacy, and
- d. program development.

**Implementation:** CAPO shall incorporate community objectives in the FY 92-93 workplan for each district-based community service center and Hispanic special needs provider(s). CAPO shall provide training and technical assistance.

**Recommendation 7.** Establish and implement a proactive 3 year plan (1992-95) to achieve the following minimum standards for the CAPO emergency services system:

- a. bilingual-Spanish reception capability at all community service centers,
- b. Spanish-speaking case management capability at all community service centers,
- c. increased cultural diversity and competency for all CAPO contractors,
- d. increased service coordination relative to access and emergency basic needs services to low-income Hispanics at all community service centers, and
- e. all relevant program service information available in Spanish.

**Implementation:** CAPO will have primary responsibility to implement plans, and monitor and report progress annually to the Multnomah County Community Action Commission. All reports shall be made available to the public.

## B. AFFORDABLE HOUSING

### The Problems

Many low-income Hispanic households encounter difficulties finding adequate and affordable housing. Testimony and survey responses collected by the Hispanic Services Task Force confirm the conclusions of previous studies that low-income Hispanic households suffer a chronic shortage of housing.

Overcrowding appears to be a significant problem for the community's permanent low-income Hispanic population. The county's new Comprehensive Housing Affordability Strategy (CHAS 1991) concluded that 400 Hispanic households live in overcrowded conditions (the U.S. Census defines "overcrowded housing" as any housing unit with more than one person per room).

The lack of affordable housing is an even more acute problem for the large number of migrant agricultural workers who visit our community, many of whom are Hispanic persons accompanied by their families. In addition, many seasonal workers live year-round in the county. In 1989, nearly 4,000 agricultural workers resided in Multnomah County; of these 2,681 were migrant workers, and 1,209 were seasonal (1989 Interagency Profiling Project).

### Existing Resources

While more than 2,600 workers visit Multnomah County annually, the CHAS report indicates that the combined occupancy capacity of farm labor camps in the county is only 228 persons; one-half of these units are occupied by families. In addition, the conditions of these housing units are less than acceptable. While the housing units are described as being in "essentially good" condition, only one-half (53%) of the units meet all Oregon OSHA requirements (ie, drinking water, electricity, bathroom, kitchen, laundry, heating).

### Unmet Needs

Based on its findings, the Hispanic Services Task Force concludes that:

- the primary housing issue confronting low-income Hispanic persons is the lack of adequate, affordable housing;
- language barriers restrict access to affordable housing opportunities for low-income monolingual Hispanic persons; and
- Hispanic persons encounter housing discrimination based on ethnicity.

## Recommendations

**Recommendation 1.** Encourage implementation of those aspects of the community's Comprehensive Housing Affordability Strategy (CHAS) that will produce additional housing for low and very-low income persons.

**Implementation:** Hispanic advocacy groups, the county Hispanic Coordinator and the Multnomah County Community Action Commission should monitor CHAS implementation plans and advocate for those strategies most relevant to the Hispanic community (see selected strategies, page 21).

**Recommendation 2.** Encourage implementation of those aspects of the community's CHAS that will eliminate language and cultural barriers to affordable housing that confront Hispanic households.

**Implementation:** 1. Hispanic advocacy groups, the county Hispanic Coordinator and the Multnomah County Community Action Commission should:

- a. monitor CHAS implementation plans,
- b. advocate for those strategies most relevant to the Hispanic community, and
- c. report annually on the implementation effort to the new Housing & Community Development Commission.

2. The composition of the new Housing and Community Development Commission (HCDC) should include a representative from the county's Hispanic population.

**Recommendation 3.** Establish an access program to assist Hispanic households to obtain relevant housing information. The program should be accessible (bilingual/bicultural) to Hispanic persons and provide a variety of services that include landlord/tenant counseling, home ownership programs, housing referrals, fair housing information, etc.

**Implementation:** 1. The Portland Housing Center should develop an outreach program for special needs populations. The outreach program should include, at a minimum, a bilingual service for Hispanic households.

2. Hispanic access services (described in Recommendation #2 in the Emergency Basic Needs section) should include a housing services component with a staff person dedicated to housing I & R services. This service should also develop a collaborative relationship with the Housing Authority of Portland.

**Recommendation 4.** Encourage the development of Community Development Corporations (CDCs) and Community Housing Development Organizations (CHDOs) that are sensitive to the housing and economic development needs of low-income, ethnic and racial minority populations, including Hispanics.

**Implementation:** 1. The Neighborhood Partnership Fund, the City of Portland's Bureau of Community Development, the Multnomah County Housing and

Community Development Program and the City of Gresham's Community Development Department should work in partnership to:

- a. evaluate and report on the ethnic composition of local CDCs and CHDOs boards of directors, and
  - b. evaluate and report on the ethnic composition of the beneficiaries of local CDCs and CHDOs.
2. The Neighborhood Partnership Fund should implement a multicultural technical assistance program to support grassroots efforts of various ethnic and racial minorities including the Hispanic community, to develop effective CDCs and CHDOs.
3. Implementation of this strategy should be tied to the county's CHAS Strategy D.12.

*D.12. Build the capacity of CDCs and nonprofit housing developers to produce housing by supporting basic operating costs, technical assistance, and establishing and monitoring performance goals.*

**Recommendation 5.** Assess housing needs of migrant agricultural workers in Multnomah County and develop needed housing. Migrant agricultural workers and their families should be defined as a special needs population.

**Implementation:** The Housing and Community Development Commission should identify an appropriate housing development entity as lead implementing agency and ensure that adequate and appropriate housing is developed.

### Introduction to CHAS Recommendations

The Hispanic Services Task Force received many housing-related recommendations through its community surveys and public meetings. These recommendations often identified strategies consistent with our community's new Comprehensive Housing Affordability Strategy (CHAS).

Since the primary housing problem facing the Hispanic community is the lack of affordable housing, the Task Force supports those strategies of the county's CHAS that will increase the number of affordable housing units in Multnomah County.

The Hispanic Services Task Force also supports the following specific CHAS strategies to improve Hispanic access to available housing opportunities. Within certain strategies, the Hispanic Services Task Force recommends modifications to make the strategy more effective with respect to the Hispanic community. Proposed modifications are noted in parentheses.

## Comprehensive Housing Affordability Strategy (CHAS)

### Housing Discrimination

- C.1. Enforce compliance with the Federal Fair Housing Amendments Act of 1988.
- C.3. Provide an ongoing education program on landlord and tenant responsibilities and rights. (Task Force note: Programs should be available in Spanish)

### Language & Cultural Barriers

- C.4. Support efforts to eliminate language and cultural barriers to existing social service and housing programs.
- C.5. Develop a multi-cultural sensitivity training program and provide technical assistance to existing housing and social service agencies and interested parties.
- C.6. Develop application forms and procedures for public and assisted housing programs that are easy to understand. (Task Force note: Develop materials in Spanish)
- D.2. Develop information about housing and social service programs targeted to very-low-income individuals. (Develop materials in Spanish)
- G.17. Expand home ownership opportunities and programs for ethnic and racial minorities.
- H.7. Promote integration of public housing based on race, sex, disability, national origin, income level, religion, age, and sexual orientation.

### Housing for Large Families

- E.5. Encourage construction of mixed-income developments that require the inclusion of affordable units and larger units in any development or redevelopment project that benefits from government subsidies and incentives. Consider whether application of these techniques to non-subsidized projects is appropriate or feasible.
- E.11. Provide incentives to create 3+ bedroom units in any multi-family housing that receives public subsidy; market rehabilitation loans specifically for large family units.

### **Substandard Housing**

F.5. Collect data on substandard housing and identify a method of targeting substandard rental housing for inspection of basic health, fire, and safety violations. (Task Force note: Study should include ethnic and racial data on the households in substandard housing)

### **Housing I & R**

D.1. Maintain support for a central information and referral source for housing information, counseling and assistance to low-income renters, first-time home buyers, special populations, and developers of low-income individuals. (Task Force note: Develop materials in Spanish and hire bilingual/bicultural staff.)

## C. EDUCATION

The first part of this section focuses on the educational issues and barriers of Hispanic children and youth from preschool through high school. Higher education related issues are beyond the scope of this enquiry.

The second portion of this section addresses adult education, specifically English as a Second Language (ESL). Educational needs of adults in other subject areas are included in the Employment and Training section.

### The Problems: Children

One in seven (14.5%) Hispanic youth drop out before completing high school; one of the highest drop out rates of any ethnic or racial group in Portland (as compared with 8% for whites and African-Americans). High school drop-outs are twice as likely to be unemployed as high school graduates, and those who do become employed earn lower wages.

Poverty negatively affects school performance and increases the drop-out rate of Hispanic students. Basic necessities such as food, shelter and medical care are sometimes beyond the economic means of a family. While services may exist that could help, these services are frequently unfamiliar to families or teachers. Youth often need to work full-time to help support their family, severely reducing the time available to attend classes or study.

Many Hispanic children and youth face multiple challenges and barriers to obtaining an education. Some Hispanic children are learning a new language and cultural norms in addition to the school curriculum.

### Existing Resources: Children

Many of the estimated 2,500 Hispanic students in the Portland Public School District are fluent in English; many are from families who have lived in the U.S. for one or more generations. However, those who have not yet mastered English are unable to participate when classes are taught exclusively in English. The Educational Service District of the county employs two ESL-certified teachers who serve 160 students. The estimated need is much greater.

## Unmet Needs: Children

Teachers and other school personnel are not always knowledgeable about and sensitive to Hispanic cultures. This limits their ability to respond in culturally appropriate ways to the needs and abilities of children and their families. Children from other cultural backgrounds often believe stereotypes about their Hispanic classmates, and Hispanic children often anticipate and experience bias directed against them.

Culturally-sensitive counseling services have been identified as being important for children who encounter difficulties in the U.S. public school system. In addition, many children, whether long-term residents or new immigrants, would benefit from positive, individualized programs that are designed to increase self-esteem and encourage students to enhance their perceptions of their own potential.

## Recommendations: Children

**Recommendation 1.** Increase the involvement of low-income Hispanic parents in their children's education. Develop and implement programs focused on empowering parents to enable them to create culturally-based programs to assist their children in school.

**Implementation:** We recommend that the Portland Public School District, the Gresham School Districts, and other school districts in the county designate staff to organize low-income Hispanic parents through a school-based organizing model. Local Parent Teacher Associations should be active partners in this endeavor.

**Recommendation 2.** Create a bilingual (Spanish and English) handbook for Hispanic parents about services available in the community, including educational resources. The handbook should be distributed throughout the schools.

**Implementation:** Multnomah County Housing and Community Services Division will work with Hispanic advocacy groups, service organizations, and schools to produce a brochure in FY 92-93. However, in the long term, the county's system-wide information and referral service should assume responsibility for this publication.

**Recommendation 3.** Develop and expand existing partnerships with businesses on behalf of Hispanic youth to provide part-time jobs, cooperative education experiences (for school credit), mentoring programs, and incentives for youth to continue on to higher education.

**Implementation:** The Metropolitan and Gresham Chambers of Commerce should cooperate with the Oregon Association of Minority Entrepreneurs and the Leaders Roundtable to develop a program for Hispanic youth. Implementation should be monitored by the county Hispanic Coordinator.

**Recommendation 4.** Schools should develop a mechanism for personnel to identify and respond to emergency basic needs of students. Teachers, counselors and other staff should be trained to make referrals to appropriate local resources.

**Implementation:** We recommend that the CAPO-contracted community service centers serving homeless and low-income persons provide training to school personnel about services and referrals.

**Recommendation 5.** Increase the number of slots in no- or low-cost child development programs, such as Head Start, that are culturally relevant and involve parents. Child development programs should hire bilingual/bicultural staff.

**Implementation:** A partnership between child advocacy groups and Head Start providers should form in order to identify funds to increase program slots. The county Hispanic Coordinator should monitor Head Start program goals of hiring bilingual/bicultural staff.

**Recommendation 6.** Provide multi-cultural sensitivity training to teachers, counselors and other school personnel. Teach children to appreciate and value the diversity of different cultures, including Hispanic cultures.

**Implementation:** School districts should require training for all personnel about Hispanic and other cultures. Relevant information should be shared with students.

**Recommendation 7.** Materials for parents should be translated into Spanish whenever possible. Communication must occur, perhaps through translators, between monolingual-Spanish speaking parents and monolingual-English speaking teachers.

**Implementation:** School districts should take the lead to work with parents and teachers to develop effective ways to communicate in both written form and verbally.

#### The Problems: Adults

Illiteracy and the lack of formal education are major factors in the underemployment of Hispanic adults. One report estimates that 25 to 30% of adult Hispanics in the East Portland and Gresham areas are illiterate, and that many others have a 3rd to 6th grade reading level (Sosanya 1990).

#### Existing Resources: Adults

Currently, English as a Second Language (ESL) classes are offered at community colleges during the day, and several community schools at night.

### Unmet Needs: Adults

Adults who are monolingual-Spanish speakers have limited access to ESL classes. Federal funding for ESL has been drastically cut in recent years, reducing the availability of classes. The demand for classes is far greater than current availability. Furthermore, existing classes are available in only a few locations with limited access for many low-income Hispanic residents.

### Recommendations: Adults

**Recommendation 1.** Increase the number and expand the hours of adult ESL classes. Offer classes in locations throughout the county, including churches, schools and agencies. Make classes affordable by using a very low, sliding-fee scale.

**Implementation:** Community colleges should facilitate the placement of ESL classes outside the colleges at locations provided by interested organizations.

**Recommendation 2.** Expand the role of the neighborhood community school concept to include use of facilities for other community education activities (eg, innovative training program services while regular school is in session), thereby reducing the need for additional expense related to child care activities.

**Implementation:** The county's Housing and Community Services Division and Hispanic Coordinator should share responsibility to encourage discussions between various county school districts and Hispanic advocates to promote program development in this area.

## D. EMPLOYMENT & TRAINING

### The Problems

The Hispanic Services Task Force assessed the current status of employment and training services in Multnomah County and reached the following general conclusions:

- the rate of unemployment among Multnomah County Hispanics exceeds the general population;
- among employed Hispanics, many are underemployed or working in low-wage jobs in service and non-farm labor occupations; and
- an estimated 1,289 seasonal agricultural workers live in Multnomah County. National statistics indicate that 56% of all seasonal workers live below the poverty line, National Agricultural Workers Survey 1990.

As a result of disproportionately high unemployment rates and underemployment in low-wage jobs, Hispanics are over-represented in poverty statistics compared with the general population.

### Existing Resources

Limited bilingual employment training and employment services are available for Hispanic persons through public and private agencies.

### Unmet Needs

Employment and training opportunities are scarce, particularly bilingual services. Recent immigrants are often unaware of resources, access to employment and training services and job-hunting norms.

### Recommendations

**Recommendation 1.** Re-establish and expand day labor temporary employment services through offices located in the previously used Downtown/Flanders Portland site and in a new site in Gresham/East County. Bilingual staff should be hired (bilingual/bicultural preferred).

**Implementation:** The Oregon Employment Division is the lead agency to implement this recommendation. Scarce resources may require public-private partnerships to fulfill this objective.

**Recommendation 2.** Continue and expand life skills training services to low-income Hispanics.

**Implementation:** Community Action Program Office (CAPO), through its special needs providers, should coordinate the continuation of life skills training throughout the county at multiple locations.

**Recommendation 3.** Expand the availability of English as a Second Language (ESL) classes and English tutoring services at CAPO-contracted provider programs.

**Implementation:** CAPO, through its special needs providers, should advocate for and coordinate increased ESL classes and English tutoring services throughout the county at various sites.

**Recommendation 4.** Evaluate and expand the coverage of bilingual staff available to serve Spanish-speaking customers in Oregon Employment Division offices.

**Implementation:** The Oregon Employment Division should create the process required to meet this recommendation.

## E. HEALTH CARE

### The Problems

Medical care is expensive, and therefore, unavailable to many low-income Hispanic families and individuals. The need for affordable medical care was frequently discussed in testimony and survey responses collected by the Hispanic Services Task Force.

Low-wage jobs, even when full-time, typically do not provide health insurance coverage. Consequently, medical care costs are beyond a low-income family or individual's ability to pay. Low-income persons end up using the emergency room as a last resort to obtain treatment preventative and primary care services are not available.

### Existing Resources

This section focuses on primary health care services provided by the six Multnomah County Health Clinics, and to a lesser degree, the county's seven private, non-profit community health clinics. To their credit, county clinics have excellent bilingual staff coverage. Issues concerning private medical providers, hospitals and emergency care, though significant, are beyond the scope of this report.

### Unmet Needs

- There is an acute shortage of no- and low-cost health care in the county. Multnomah County health clinics are full to capacity and are only able to accept new patients for prenatal care.
- Remote sections of the county are particularly underserved by the clinics.
- Most county and private health clinics are full, and the few private clinics accepting patients have a 2-3 week waiting list. Bilingual staff are not available at any of the private, non-profit community health clinics.
- There are no bilingual health care staff in the county corrections program. Therefore, the health care needs of Hispanics in that system are not being met.
- Low-income Hispanics are sometimes denied medical care by private health care providers, either because of concern regarding documentation status or because providers do not understand the right of equal access to medical care.

## Recommendations

**Recommendation 1:** Provide increased preventative health services and primary care, both to reduce suffering and to decrease excessive emergency room use. Specifically, increase the availability of low- and no-cost primary health care in the following ways:

- a. increase the number of health care practitioners at county clinics, and
- b. offer evening hours at clinics for those who work during the day.

**Implementation:** The Multnomah County Health Department should implement these strategies. The county Hispanic Coordinator should monitor and report on the implementation process.

**Recommendation 2:** Eliminate artificial county health care service boundaries in the metropolitan area to allow persons to seek care at the nearest clinic.

**Implementation:** We suggest Multnomah County Community Health Council implement this long-term strategy.

**Recommendation 3:** Increase outreach to the more remote, rural areas of the county. Residents in these areas need information about accessing health care is needed in these areas.

**Implementation:** The Multnomah County Health Department should implement this strategy.

**Recommendation 4:** Hire bilingual/bicultural staff or interpreters for: a) county corrections' health care program, and b) non-profit community health clinics.

**Implementation:** The Multnomah County Department of Health and non-profit community health clinics should implement this recommendation.

**Recommendation 5:** Train medical professionals concerning equal access to care rights of low-income Hispanics and other low-income persons. Provide multi-cultural competency and sensitivity training.

**Implementation:** The Multnomah County Medical Society and the Oregon Medical Association should provide training for medical professionals in equal access to care and multi-cultural competency for practitioners. (Note: Efforts are now underway.)

## Other Health Care Needs and Problems

Many health care related issues surfaced during the Hispanic Services Task Force fact-finding process. Recommendations were not generated for the problems listed below, but the Task Force is hopeful that groups will continue to work on these areas.

- Some low-income Hispanics who have health care coverage may be unaware of benefits because they are not informed of specific benefits or are unable to read materials in English.
- Hispanics are at a disproportionately higher risk of certain serious diseases including HIV disease and diabetes. Public education targeted towards Hispanics about these diseases is scarce.
- Although county clinics provide prenatal and perinatal care, the need for these services far exceeds the capacity of available resources.
- Optometry services, and routine and emergency dental care are generally unavailable to low-income Hispanics.
- There appear to be problems for low-income persons, in general, in accessing hospital services. Low-income Hispanics face even greater barriers in accessing these services when they are needed.
- A suggested improvement in health care service delivery was the concept of co-locating health services with emergency basic needs or other services to low-income persons. This idea has merit, and we encourage interested parties to pursue it.

## F. LEGAL & JUSTICE SYSTEMS

### The Problems

Low-income Hispanics have a disproportionately high number of contacts with law enforcement agencies in Multnomah County for a variety of criminal violations. This appears to be due to a number of factors, including:

- **Ethnicity:** Hispanics are targeted by law enforcement agencies for contact because of their appearance as a member of a specific ethnic group.
- **Economic Vulnerability:** Because of the lack of adequate shelter or employment, and because of different cultural norms, low-income Hispanic men often pass the time in public settings, such as on the street.
- **Lack of Knowledge:** The legal rights and responsibilities of residents of the U.S. are significantly different from those in many Latin American countries and are unfamiliar to recent arrivals (eg, driving infractions are a common problem).
- **Documentation Status:** Some low-income Hispanics are undocumented and lack knowledge of the options available to them in this country. These persons, particularly those staying in emergency shelters, may find themselves subject to large scale raids or sweeps by law enforcement agencies.

Low-income Hispanics receive disparate treatment as a result of their contact with the justice system. Persons who may be innocent of any violation are subjected to a system ill-equipped to deal effectively with language and cultural barriers. For recent immigrants, the combination of unfamiliarity with the U.S. justice system and inability to communicate within the system means that it is nearly impossible for many low-income Hispanics to advocate for themselves once they are involved in the corrections system.

### Existing Resources

The Oregon State Bar Association has twenty audio tapes in Spanish as a part of its "Tel-Law" program. The all-English frontpiece to the "Tel-Law" brochure gives no hint, however, that any of the contents are in Spanish.

## Unmet Needs

There are insufficient numbers of bilingual/bicultural staff at all levels of both law enforcement agencies and criminal justice systems. Private sector agencies designed to assist low-income persons with legal difficulties are often not equipped to adequately assist Hispanic persons.

## Recommendations

**Recommendation 1.** Document civil rights violations experienced by low-income Hispanics in Multnomah County which are committed by representatives of law enforcement agencies and justice systems. Seek legal remedies for victims of such violations and policy changes to protect this population from these violations in the future.

**Implementation:** Multnomah County Legal Aid Services should take the lead to implement this strategy. Hispanic advocacy groups should monitor and provide assistance.

**Recommendation 2.** Provide bilingual information and in a culturally sensitive manner to low-income Hispanics about their legal rights and responsibilities in both civil and criminal areas, and about the operation of U.S. justice system. A training program should be developed, and extensive outreach utilized to reach the target population.

**Implementation:** The Oregon State Bar should create educational materials and programs, and do outreach concerning these issues. Hispanic advocates should monitor and evaluate the materials, training program and outreach effort.

**Recommendation 3.** Eliminate language and cultural barriers experienced by Hispanics involved with law enforcement agencies and justice system. All written materials (applications, notices, instructions, forms, information pamphlets, etc.) should be translated into Spanish. Also, pressing needs are for a bilingual attorney in Juvenile Court and bilingual workers in juvenile detention.

**Implementation:** Law enforcement agencies and justice system should competently translate all relevant written materials. Bilingual/bicultural staff should be hired at all levels of the law enforcement and justice system. The county Hispanic Coordinator and should monitor and report on progress. Hispanic advocacy groups.

**Recommendation 4.** Certify court translators for competency and familiarity with court terminology.

**Implementation:** The Oregon Indigent Defense Department should take the steps necessary to carry out this recommendation.

**Recommendation 5.** Provide effective legal assistance for low-income Hispanics who face civil problems, such as obtaining government benefits, facing housing discrimination or eviction, experiencing domestic violence situations, etc.

**Implementation:** Multnomah County Legal Aid Services should hire bilingual/bicultural attorneys and paralegals in all areas of their practice. Additionally, Legal Aid should expand its practice to include areas of the law uniquely related to low-income Hispanics (eg, immigration difficulties).

**Recommendation 6.** Ensure that low-income Hispanics facing criminal charges receive a defense that is competent, ethical, culturally sensitive and aggressive. Evaluate current defense procedures, especially those involving undocumented persons, for any elements of ethnic discrimination or other bias.

**Implementation:** The Oregon State Bar Association should take the lead, with the assistance of other professional (eg, City Club), community (eg, Ecumenical Ministries of Oregon), and Hispanic advocacy groups, to create a process of evaluating criminal defense systems and personnel. The results of such an evaluation should be made public.

## G. MENTAL HEALTH/SUBSTANCE ABUSE

### The Problems

Assistance for low-income Hispanics in Multnomah County who need mental health services or treatment for alcohol or drug abuse is nearly non-existent.

The capacity of mental health services and substance abuse treatment programs are not sufficient for the general population. With of language and cultural barriers, it is extremely difficult for low-income Hispanics to access these services and programs.

### Existing Resources

Limited mental health services are available in East County for low-income Hispanic families, but not for individuals. Alcoholics Anonymous offers four weekly meetings in Spanish.

### Unmet Needs

Affordable bilingual/bicultural mental health services are needed for children, adults and family counseling. Services should include sexual abuse and domestic violence counseling.

There are no bilingual/bicultural substance abuse treatment programs for inpatient treatment or follow-up in Multnomah County. Bilingual/bicultural outpatient treatment is extremely limited.

### Recommendations

**Recommendation 1.** Create and subsidize an inpatient substance abuse treatment program with bilingual/bicultural staff to allow for minimum patient payment. Partner this program with a similarly-fashioned outpatient, follow-up program serving 15 persons. (This recommendation is consistent with the MCCD Report. See reference in Appendix B.)

**Implementation:** A partnership between the State of Oregon Office of Alcohol and Drug Programs and Multnomah County Alcohol and Drug Program Office is already beginning to address a similar outpatient treatment recommendation (MCCD 1991).

Additionally, the capacity for this program falls modestly within the recommendations regarding the expansion of treatment programs in the Comprehensive Housing Affordability Strategy and, therefore, should be monitored by the Special Needs Advisory Committee to the Housing and Community Development Commission.

**Recommendation 2.** Locate bilingual/bicultural mental health intake workers and counselors at Community Action Program Office contract agencies (ie, community service center, or special needs providers) in the East County/Gresham and the Downtown/Inner Eastside areas. Other locations should also be developed as resources permit.

**Implementation:** Mental health providers should take the lead in creating a partnership with community service centers and special needs provider(s) with the goal of providing and/or training needed personnel. The Community Action Program Office will be available to provide assistance to this effort.



## VII. COMMUNITY INVOLVEMENT AND ACCOUNTABILITY

This document is intended to be a catalyst for action and a guide for advocating for improved services to low-income Hispanics. The Multnomah County Community Action Commission is hopeful that the recommendations in this report will generate discussion in the community and serve as a catalyst for the implementation of these recommendations and improve the quality of life for many persons in the community.

Suggestions for implementing actions, for identifying a lead agency or agencies, and for continuing the involvement of community advocates accompany each recommendation in this report. In this way, the report does not end with a list of unmet needs and a general charge for action to meet those needs, but takes a leap by placing the responsibility for action with a specific entity. Many of the implementation suggestions require partnerships across service disciplines. A proactive role by community advocates is crucial to creating these partnerships and, in general, encouraging responsible parties to take necessary action.

In order to prevent this report from gathering dust on the shelves of bureaucracies, caring members of the community must be committed to carrying the report forward and must insist on the accountability of responsible parties.

Additionally, this report should be viewed as the beginning of a process of comprehensive planning for services to low-income Hispanics. A model of community involvement in planning was used to develop this report and, we believe, is the key to successful future planning.

Only through expanded citizen involvement of Hispanics, including low-income persons, can substantive and lasting policy changes occur. Consistent with this strategy, it is important to increase the number of Hispanics appointed to public and private boards of directors and commissions where long range planning decisions are made. (This action is a priority of the "Portland Future Focus Strategic Plan," August, 1991.)

Finally, as part of its mission to empower low-income persons and to address the root causes of poverty, the Multnomah County Community Action Commission commits itself to an ongoing priority of advocating with and on behalf of low-income Hispanics.

### Recommendations

**Recommendation 1.** The Multnomah County Housing and Community Services Division should be designated as lead implementing agency for facilitating, coordinating and monitoring the response by organizations identified as lead implementing agencies in each area contained in this report. The county Hispanic Coordinator, the Multnomah County Community Action Commission (MCCAC), and Hispanic advocacy groups should operate as partners with the Division in carrying out this accountability process.

**Recommendation 2.** The Community Action Program Office (CAPO) staff should provide direct support and assistance to advocates, funders, and service providers in implementing the recommendations presented in this report.

**Recommendation 3.** A community-wide and ongoing comprehensive planning process should be initiated that is as inclusive as possible of a broad spectrum of groups and persons committed to improving the quality of life for low-income Hispanics.

**Implementation:** Hispanic advocacy groups committed to planning should initiate this process. Persons from a wide range of groups who have an interest in seeing better services provided to this population should be involved. In addition, low-income Hispanics should be involved in every phase of service planning and delivery in order to realistically improve access to the best possible services.

**Recommendation 4.** The Funders Advisory Committee (FAC) should provide support, including financial resources, to those recommendations related to meeting emergency basic needs.

**Recommendation 5.** The Hispanic Services Task Force supports the concept of a "center" to provide a focal point for services to Hispanics. In addition to serving as a means of improving access for basic services, a center could provide a location for the cultural enrichment and appreciation of the Hispanic community.

#### Discussion of Recommendation 5

The Hispanic Services Task Force views this recommendation as a long term, rather than short term, response to issues raised through its needs assessment process.

The Task Force believes that the concept of a center merits further exploration and should be developed through a community-based comprehensive planning process that is consistent with Recommendation #3 listed above. Design, program planning and development concerns are best left to the local community or neighborhood to reconcile within the context of immediate local needs and available resources to further such a project. The local community must decide if the "form" of a center best suits the "functions" required to meet service needs.

Discussions and planning efforts taking place in Gresham and among advocates of a downtown Portland center represent a growing recognition of the unique needs of the Hispanic community, and a need for radical change from a business-as-usual social service system. Hispanic advocates believe that the existing service system has failed to respond adequately to the needs of our community's growing Hispanic population. These advocates view a "center" as a viable and necessary addition to the service system to accommodate the growing Hispanic community.

The Task Force applauds these efforts. Properly developed, center(s) could improve the quality of life for Hispanics, especially low-income persons, and enhance the service delivery system. Center(s) could also increase the community's awareness of cultural diversity by providing a location for the appreciation of the Hispanic culture.

The concept of a "center" can take on a number of different identities for the community. Many questions need to be resolved in the process of planning for any specific "center." Who will raise the needed capital? Who will decide the scope or scale of the project? What is the community's investment in the project? These and other issues such as ownership, construction or rehabilitation, management, on-going maintenance, co-location of tenants, lease agreements, and property management will require much thoughtful consideration before the Task Force can recommend that local government assume financial responsibility for one or more centers.

A principle question regarding the role of local governments should focus on discussion and planning for facility development. The ultimate responsibility for development by local government will depend on the outcome of these discussions. Local government could either be asked to sponsor a project or enter into a partnership with other organizations for project development. The role of local government may involve the following activities:

- Funding - provide capital dollars, service dollars, seed money, and/or continued resource development activity.
- Subsidy - donate or write down land or buildings, provide an on-going maintenance budget.
- Technical Assistance - site feasibility analysis, technical project development;
- Co-sponsor and packager or partner in the project.

The Task Force strongly recommends that local governments and other potential community partners collaborate with advocacy groups to explore development of one or more Hispanic service centers. Interested parties should coordinate efforts to ensure a thorough and credible planning process. In this context, local government should provide information, technical assistance and ensure adequate community involvement, including low-income persons, in the identification and development of projects such as an Hispanic service center.



## APPENDIX A

### Participants and Respondents

The following people participated in the Hispanic Services Task Force planning process in some manner. Organizations are listed for identification purposes only.

Diego Acussa  
Sylvia Aguilar-Foresee, Multnomah County Juvenile Justice  
Jane Alden, Transition Projects  
Raquel Amaya, United Way of the Columbia-Willamette  
Terry Anderson, Portland Commissioner Gretchen Kafoury  
Marrico Aragon  
Lilia Araujo, Portland Impact  
Antonio Arielo  
Enrique Arizmendi  
Monica Avagon  
Antonio Avila  
Carolyn Marks Bax, County Commissioner Sharron Kelley's Office  
Ken Beebe, Transition Projects  
Jill Bills, Human Solutions  
Fran Breiling, Volunteers of America, Senior Clinic  
Kathryn Broderick, Rep. Ron Wyden's office  
Jean Bucciarelli, County Commissioner Pauline Anderson  
Jesus Calderon  
Jena Camp, Camp Fire  
Joel Campos  
Adriana Cárdenas, Governor's Commission on Agricultural Labor  
Gale Castillo, Hispanic Parent Advisory Committee  
Lucilla Cervantes, Multnomah County Legal Aid Services  
Guillermo Chamorro, Transition Projects  
Mario Contreras, Catholic Community Services  
Serena Cruz, Portland Community College  
Jean DeMaster, Transition Projects  
Efrain Diaz-Horna, Multnomah County Aging Services Division  
Mucia Errenquez  
Roselyn Esperanza de Rodriguez, The Private Industry Council  
Antonio Espinoza  
Jesse Galaviz, Private Industry Council  
Joe Gallegos, University of Portland  
Eunice Goetz, Oregon Commission on Hispanic Affairs  
Jacuninta Gonzales  
José Gonzalez, Ortiz and Associates  
Martin Gonzalez, American Friends Service Committee  
John Grimsted, Cherry Park United Methodist Church  
Marta Guembes  
Doug Hanshaw, Mainstream Youth Program  
Alejandra Hernandez Solorio  
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 Sylvia Maly, Catholic Community Services  
 Francisco Marquez  
 Benjamin Martinez  
 Javier Martinez  
 José Martinez, Regional Drug Initiative  
 José Mata, Oregon Housing Now  
 Ed McMahon, Mt. Hood Community College  
 Bernardita Medina, Portland Impact  
 Justo Merino  
 Jorge Merino Martinez  
 Rosa Meyer, St. Anne's Church  
 Ronnie Meyers  
 Sonny Montes, Portland School District  
 Aurelio Moreno  
 Genny Nelson, Sisters of the Road Café  
 Juan Nuñigo  
 Carlos Oswaldo  
 Clara Padilla Andrews, Multnomah County Hispanic Coordinator  
 Kelley Padilla  
 Vincent Padilla  
 Demetrio Padrero  
 Maria Palencia  
 Joel Paredez  
 Ginny Peckinpaugh, Oregon Food Bank  
 Odalis Pérez, Oregon Human Development Corporation  
 Manuel Pérez Merino  
 Marc Perrett, Oregon Employment Division  
 Elizabeth Perry, Portland Impact  
 Carolyn Piper, Human Solutions  
 Martha Plaza, Migrant and Indian Coalition  
 Antonio Pouas, Jr.  
 Kei Quitevis-Smith, Adult and Family Services  
 Linda Friedman Ramirez, Attorney  
 Tarso Luis Rámos, Portland Alliance  
 Leo Rasca-Hidalgo, Portland State University  
 Oscar Rodriguez, Central City Concern  
 Gerardo Roman  
 José Romero  
 Shelli Romero, Oregon Human Development Corporation  
 Mario Rubalcaba  
 Alfredo Ruiz, Adult and Family Services  
 Larry Sanchez, Oregon Human Development Corporation  
 Pedro Santos Garcia  
 Andrea Scarpetta, Portland Alliance  
 Rick Schwartz, Multnomah County Health Department  
 Don Schwenk, St. Henry Catholic Church

Roderick Serrano  
Judy Shields, Portland Bureau of Community Development  
Becca Smith, Morrison Center  
Carol Snyder, The Private Industry Council  
Concha Solano  
Maria Solano, The Private Industry Council  
José Solis, Oregon Health Department  
José Somez  
Carla Sosanya, The Private Industry Council  
Frank Soto, Central City Concern  
Barbara Sullivan, Human Solutions  
Cindy Summers, U.S. Bank  
Eleanor Taylor  
Sandy Templeman, Catholic Community Services  
José Tornero, Oregon Minority Entrepreneurial Association  
Silvia Torres, Children's Services Division  
Esperanza Underwood  
Miltie Vega-Hugo, Oregon Council for Hispanic Advancement  
Dale Vogt, Mt. Hood Community College  
Pete Von Christierson, City of Gresham  
Bobby Weinstock, Northwest Pilot Project  
Rebecca White, Multnomah County Educational Service District  
Kristin Wollen, Friendly House  
William Wood, Multnomah County Sheriff's Office  
Abelino Zalosas  
Luis Zapata  
Mabel Zapata  
Raphael Zapata  
Juan Zuñiga

## APPENDIX B

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## SUMMARY OF RESPONSES TO TASK FORCE SURVEY

In October 1991, the Hispanic Services Task Force developed a survey to mail to experts to ascertain current low-income Hispanic needs and services. The Task Force mailed the survey to 300 identified community leaders and social service providers. The target population included both Hispanic and non-Hispanic persons who have some involvement with Hispanic service issues in Multnomah County.

This document summarizes the survey responses. Most of the data is anecdotal information; the quantitative data obtained can be found in the services inventory (Section V) of the report.

### I. GROWTH OF THE HISPANIC COMMUNITY

Most respondents noted an increase in the Hispanic population in Multnomah County during the past 18 months to three years. One respondent identified a gradual growth over the past ten years. Several respondents referred to the Immigration Reform and Control Act and to deteriorating economic and political conditions in Latin America as reasons for growth. Some respondents suggested that after Hispanic migrants established their legal status, they were joined here by members of their family, including extended family members.

One respondent noted that farmers in the tricity area were switching operations to year-round crops such as Christmas trees and nursery crops. Presumably, this shift in crops has created more year-round jobs for Hispanic agricultural workers. Another respondent suggested that the population influx may be partially the result of fewer employment opportunities in the contiguous counties; Hood River, Clackamas and Washington. Several respondents suggested that agricultural workers were bringing their families to live in the area.

One respondent suggested that the service provider's perception of a growing Hispanic population may be due in part to the fact that the Hispanic community has become more aware of social services options.

### II. POPULATION CATEGORIES

#### A. General Demographic Categories

When describing the growth of the Hispanic community, many survey respondents identified particular groups. Often these groups included geographical references, family-unit characteristics, ethnic or national origin, legal status or some combination of these factors.

Survey respondents identified the Hispanic population groups in the following locations: Gresham/East County, Rockwood Area, North Portland, Downtown Portland, Northeast Portland.

Survey respondents identified the following family-unit characteristics:

- Families and extended families in East County (More children are in school who have limited English-speaking proficiency.).
- Young families (parents are 20-35 years old) in North Portland, Northeast Portland, and Gresham.
- Single, non-resident Hispanics (all ages) who are low-income/monolingual (Spanish) and seeking residency status in Portland.

One respondent indicated that the average size of Hispanic families in one particular program grew from 2.2 to 3.73 from 1989/90 to the present. Several respondents noted the growth of the Hispanic population of Clackamas County. One respondent suggested that in recent years more Hispanic migrant workers in the area were immigrants from Central America and Mexico rather than Mexican-Americans from other parts of the Willamette Valley.

## II. B. Population Groups of Low-Income Hispanics Needing Emergency and Transitional Services

The survey requested a description of any group of low-income Hispanics with an identifiable need for emergency or transitional services. Respondents identified the following groups: families, single adults (men and women), youth and seniors. More specific descriptions of these areas follows.

### 1. Families

- a) Families in East County, Rockwood, and N/NE Portland. Need: Landlord/Tenant assistance, emergency money for housing payments and other essential needs, ESL classes, immigration help, and family law assistance.
- b) Large families (5 or more family members). Need: Housing.
- c) Families in Southeast Portland. Need: Bilingual/bicultural service providers; general service needs.
- d) Migrant families (head of Household age 16-55+) in downtown Portland, East County and N/NE Portland. Need: Housing, health services, education and transitional employment.
- e) Spouses and children of newly legalized workers. Need: General service needs.
- f) Young families (20-35 of age) in NE Portland and Gresham. Need: Access to emergency and transitional housing, self-sufficiency programs and medical care.
- g) Families (general). Need: Mental health services (bilingual/bicultural), emergency and transitional housing (particularly for large families), self-sufficiency programs, medical care, family-oriented services in general.

### 2. Single Adults: Men

- a) Single men (20-25), farm laborers living east of 102nd Avenue. Need: See General Needs Below.
- b) 200+ Hispanic inmates in Multnomah County criminal justice system. Need: See General Needs below.
- c) Single Males with Children (only six cases seen at Multnomah County Legal Aid). Need: Education (ESL/survival skills), cooking instruction, support groups and childcare.
- d) Single adults who are not legal residents and frequent emergency shelter in Burnside neighborhood of Portland. Need: Legalization assistance, transitional and permanent housing (especially subsidized housing), ESL classes, and job training and placement services.
- e) Single adults who are legal residents in the Burnside neighborhood who are living in emergency shelters. Need: Citizenship application assistance; access to Housing Authority of Portland and other subsidized housing opportunities; access to food stamps, medical care, ESL classes and employment assistance.
- f) Single men (18-30) Downtown Portland (Burnside), North, Northeast and Northwest Portland and East County. Need: Transportation, transitional housing, mental health services apart from alcohol and drug counseling, and culturally appropriate shelter.
- g) Single males (ages 16-54) in downtown Portland, Gresham and outer southeast. Need: Housing, employment training in English, and transitional employment.

II. B. 3. Single Adult: Women

- a) Women (undocumented pregnant women). Need: Health services.
- b) Single females (18-35) with children. Need: Childcare, housing (rental) assistance, emergency assistance for electricity and housing payments, transportation, employment training and placement services, and education (ESL/survival skills).
- c) Victims of domestic and sexual violence. Need: Shelter and counseling services.

4. Youth

- a) Adolescents (15-20 year-old males) involved with drugs in Old Town, Northeast and Southwest Portland. Need: Hispanic youth do not access many programs because of cultural pride and concern.

5. Seniors

Seniors (60 and over) throughout the county. Need: Health access and eligibility. Language can be a barrier.

## APPENDIX C

### FOCUS GROUPS: SUMMARY OF PARTICIPANT RESPONSES

#### Background

On November 4, 1991, the Hispanic Services Task Force conducted four focus groups about service needs, service gaps and barriers to service for low-income Hispanics in Multnomah County. Leaders from a variety of sectors of the Hispanic community were invited to participate as the Task Force's first step towards developing statements of problems and recommendations. This document lists the questions and then summarizes the responses of the four focus groups.

**1. What are the most important needs of low-income Hispanics in the county?**

(Responses are listed in the order prioritized by the focus groups.)

- Affordable housing
- Employment and training
- Service delivery issues:
  - a. service delivery systems are neither culturally relevant nor sensitive
  - b. language barriers, both verbally and in written materials
- Medical Services
- Education
- Mental health
- Alcohol & drug services
- Legal services/education (including immigration)

**2. What are the most important emergency and transitional service needs for low-income Hispanics in the county?**

- Affordable housing
- Employment and training
- Health and medical care
- Education
- Case management
- Social services, including mental health and alcohol & drug
- Support services, including transportation and child care
- Information and referral

**3. What are the most significant gaps in services for low-income Hispanics in the county?**

- Availability of affordable housing
- Appropriate treatment in legal and educational services, services not sufficiently user-friendly or sensitive
- Employment and training
- Mental health services (sexual and domestic violence)
- Alcohol & drug services
- Case management
- Health care
- Coordination between service providers
- Lack of training in cultural competence between service providers

**4. What the are the most significant barriers to service encountered by low-income Hispanics trying to get services?**

- **Language barriers - lack of bilingual staff**
- **Lack of information about services and how to access them**
- **Lack of cultural awareness and sensitivity**
- **Discrimination, racism, institutional bias**
- **Lack of adequate resources**
- **Political issues, lack of commitment by leaders**
- **Cultural values which are different**

Multnomah County Community Action Commission  
Hispanic Services Task Force

SUMMARY OF RECOMMENDATIONS DEVELOPED IN DISCUSSION GROUPS  
AT (December 10) MEETING AND SUBSEQUENTLY IN  
MEETINGS WITH PERSONS EXPERT IN SPECIFIC SERVICE AREAS

**EMERGENCY BASIC NEEDS**

Problems

Emergency and basic needs services are not accessed by many low-income Hispanics who are homeless or at risk of homelessness.

Participant Addition: Hispanic male individuals are less often eligible for several services.

Participant Recommendations

A. Ideas Identified by Discussion Group as Priorities

- Develop new helping professionals through the use of internships and creative on-the-job-training models. Bilingual/bicultural people without academic credentials could be trained to provide counseling case management, interpreting or other social services.
- Hire bilingual/bicultural staff.
- Develop model programs utilizing the gatekeeper model (using community contact persons, eg. letter carriers, pharmacists) to identify persons in need who are isolated.
- Educate providers about the specifics of the many Hispanic cultures. Have more referral sources targeted to specialized areas.
- Create a center with satellites [the models include Asian Counseling Referral Services (ACRS) and/or *Consejo* in Seattle].

B. Ideas Shared and/or Developed During Brainstorm Session  
(excluding those listed above)

- Provide education for Hispanics about entitlement and how to obtain access to programs. Provide information to dispel concerns about AFDC and other government services' connection to immigration; deal with the fear of being turned in.
- Use the media, particularly radio, to discuss available services, and also as a way to reach persons in need, some of whom may be illiterate.
- Fund a clearinghouse phone number staffed by bilingual/bicultural staff. Have a toll free referral number for social services within an existing agency. A walk-in clearinghouse could be located in East County.
- Have an Hispanic multiservice center in East County.
- Expand the current service delivery system and then add cultural consultation. The county should require agencies to have a plan for serving populations in their area as a condition for receiving funds.
- Shuffle bilingual/bicultural county workers to have them provide services where their skills can be utilized.
- Offer higher salaries or pay differential for bilingual skills.
- Multiservice centers should offer mental health services.
- Allow duplication in different agencies for different areas.
- Within existing multiservice system, co-locate Hispanic services to meet the same needs. Either have one co-located center, or do this throughout the county.
- Larger agencies with bilingual/bicultural skills should provide training to smaller agencies.
- Have at each agency a bulletin board for culturally-specific services information.

### C. Ideas Written But Not Shared in Discussion Group

- Create a resource book listing professionals and paraprofessionals who are bilingual/bicultural.
- Increase services currently available to Hispanics in already existing service agencies (short term) and begin the process of developing center(s) specifically designed to provide services to the Hispanic community (long term).
- Develop a campaign to reduce alcohol and drug abuse.
- Fund existing service providers based on the focus of service delivery, emphasizing a family oriented, holistic approach. Service delivery should take on the complete picture to prevent losing people in transition.
- Expand current services with funds going to agencies that have demonstrated good faith effort and history of hiring bilingual/bicultural staff.
- Create a county-wide plan. Incorporate a model program geared toward culturally competent/sensitive service delivery.

## AFFORDABLE HOUSING

### Problems

In Multnomah County there is an acute shortage of low-cost housing. Because Hispanic individuals and families are disproportionately represented in poverty, low-cost housing is of particular significance.

Participant Addition: Waiting lists make public housing or subsidized housing unavailable.

### Recommendations

#### A. Ideas Identified by Discussion Group as Priorities

- An Hispanic service provider agency is needed.
- Housing should be viewed as a county-wide issue.
- Develop a housing clearinghouse and:
  - > have Hispanic agency operate if possible.
  - > have a phone information line, tied to a walk-in program, and be on a bus line.
  - > should encompass a variety of services, including housing referral, fair housing, deposit loan program and training on housing issues.
  - > the overall goal should be empowerment through a training model.
- Cities/County should evaluate rental housing application fees and consider a cap or restriction.
- Housing development subsidies should more often result in low-income housing.
- Cities/County contractors should be required to have bilingual staff.

#### B. Ideas Shared and/or Developed During Brainstorm Session

- Encourage governments to eliminate delays caused by bureaucracy.
- Build more housing, to include housing for large families, transitional housing and sweat equity programs.
- Combine advocacy and training to build capacity and empower a constituency.
- Cities/County should support an Hispanic CDC to develop housing programs in Multnomah County and migrant agricultural worker housing with existing federal funds.
- Review federal policy on mortgage buy-outs to determine its impact on Hispanic housing.

## LANGUAGE ISSUES

### Problems

Hispanic persons who speak Spanish exclusively are often unable to successfully access needed services or participate in many aspects of life in the County.

Participant Addition: Illiteracy in Spanish & English is a problem.

### Participant Recommendations

#### A. Ideas Identified by the Discussion Group as Priorities

- Train entry level staff or volunteers to help with filling out forms for persons who are illiterate.
- To help the accuracy of those who assist illiterate Hispanics to fill out forms, conduct training sessions by those agencies (eg. AFDC).
- Teach ESL students to write in Spanish as well as English. They can become tutors and can also assist others to fill out forms. Persons with these skills could be hired in entry level positions described above.

#### B. Idea Shared and/or Developed During Brainstorm Session

- Agency forms need to be readable. Agencies should pilot-test forms with consumers.

## SERVICE ACCESS & INFORMATION

### Problems

Hispanic individuals and families often lack knowledge of needed resources. Information about services is not getting out to individuals.

### Participant Recommendations

#### A. Ideas Identified by Discussion Group as Priorities

- Have a hotline staffed by bilingual resource specialists.
- Provide a list of social services resources in Spanish.
- Create sporting events targeted to Hispanics, and use the event to give out services information.
- Hold monthly meetings with service provider coalitions in each part of the county to share Hispanic services information.

#### B. Ideas Shared and/or Developed During Brainstorm Session

- If more than one agency is providing the same service in the same geographical area, they should develop a partnership and coordinate outreach together.
- Each agency may choose to create its own Spanish language resource list. Resource lists may be distributed at churches, through radio and TV (PSAs).
- The telephone book is a great resource. Explain its use to clients.
- A central location is needed for obtaining services, including I&R, employment, AFS, and community health.

## SERVICE PROVIDER CULTURAL COMPETENCE

### Problems

Service providers are frequently not sensitive to issues of culture.

- ▶ One common area of insensitivity is the importance and centrality of the family to Hispanics.
- ▶ A worker may be bilingual, but that does not automatically mean bicultural. Bilingual and bicultural staff may not be sensitive to the diversity of Hispanic cultures, including class, national origins or race.

### Participant Recommendations

#### A. Ideas Identified by Discussion Group as Priorities

- Training: Service providers should implement plans for ongoing education on cultural awareness through the use of professionals.
- Hire bilingual/bicultural staff:
  - 1) Extensive outreach should be conducted to solicit bicultural/bilingual candidates.
  - 2) Service providers should implement training of personnel who are responsible for hiring. Service providers will receive the benefit of hiring affirmatively through culturally competent (sensitive) managers.
  - 3) Hiring panels should be representative of the target population, affirmative action and program interests.
  - 4) Positions should be targeted and remain open until filled.
- Service providers should be held accountable by funders through performance based contracts. Minimum acceptable standards should be established and service providers held to that standard or suffer the loss of resources.
- Create a community clearinghouse which can act as a resource to service providers for recommendations listed above.

## EMPLOYMENT & TRAINING

### Problems

The rate of unemployment among Multnomah County Hispanics far exceeds the general population. Among employed Hispanics are many who are underemployed and many are working in low-wage jobs. Very little employment training is available for Hispanic persons.

- ▶ Many Hispanics are underemployed in low-wage jobs, including service and non-farm labor occupations.
- ▶ An estimated 1,289 seasonal agricultural workers live in Multnomah County. National statistics indicate that 56% of all seasonal workers live below the poverty line.
- ▶ As a result of disproportionately high unemployment rates and underemployment in low-wage jobs, Hispanics are over-represented in poverty compared with the general population (Multnomah County, 1980 census).

## Participant Recommendations

### A. Ideas Identified by Discussion Group as Priorities

- Day labor is needed. Day labor should be staffed bilingually and year-round. It was suggested that the Oregon Employment Division maintain its office in Old Town, and open an additional site in Gresham.
- Train workers to provide services in an appropriate and respectful manner, addressing bias in the area of service towards less well-educated clients.
- Written materials should be adequately translated, including applications, correspondence and notices.
- Agencies should ensure that coverage by bilingual service staff is adequate to provide Spanish-language availability throughout the working day.
- Community colleges should offer more bilingual courses in various areas, not just "expected" trades.

## EDUCATION

### Problems

- ▶ Hispanic children and youth have one of the highest drop-out rates for any ethnic group in Portland, at 14.5% (as compared with 8% for European Americans and African Americans). High school drop-outs are twice as likely to be unemployed as high school graduates, and those who do become employed earn lower wages.
- ▶ Lack of education and illiteracy are major factors in the underemployment of adults. One report estimates that 25 to 30% of adult Hispanics in the East Portland and Gresham areas are illiterate, and that many others have a 3rd to 6th grade reading level.

Participant Addition: Many students work to help their families get by.

## Participant Recommendations

### A. Ideas Identified by Discussion Group as Priorities

#### **Children & Youth**

- Have a central resource to give information about a broad variety of services available. The handbook on community resources should include educational programs and opportunities.
- Encourage intensive parental involvement in children's education. Children need support at home to succeed in school. (There is a model program in Forest Grove through the high school where all programs are bilingual.)
- Conduct scholastic assessments in the child's own language, and plan to education bilingually/biliterately. (Cognitive development for these children is underestimated or overestimated if they have an accent.)
- Involve employers on a major scale to invest in young people while they are still in school. Have employers join in partnership to keep youth in school. Employers could offer part-time jobs with an educational component, have incentives programs, or tie incentives to youth going on to higher education.

#### **Adults**

- More ESL classes are needed. Classes should be offered at various sites. Neighborhood schools would be a good location. Transportation to ESL classes would be useful.
- Train teacher's aides to become teachers. Develop alternative programs and a career ladder for bilingual and Hispanic aides.

## B. Ideas Shared and/or Developed During Brainstorm Session

### Children & Youth

- Teach Spanish as well as English to Hispanic children to enhance proficiency in both languages and to retain youth in school.
- Collaborate with school districts to provide cultural awareness (in depth cultural sensitivity and effective teaching/learning).
- Develop an active recruitment plan to bring teachers into the system who are persons of color (one current program is the Ethnic Minority Assistance Award).
- Provide aggressive encouragement and support of people of color to advance to administrative levels in the system.
- Use significant cultural days to develop collaboration with key community groups. Use the days to discuss educational problems (such as drop out) and include parents, professionals and low-income persons. Develop strategies and plans for addressing these problems.
- Coordinate services on behalf of families of children in school.
- Youth need a place they can relate to for obtaining emergency services. It could be connected to a clearinghouse which also hooked them up with part-time employment. A cultural center would help them figure out how to get through the system and not give up their heritage.
- Chicanos are hungry for a sense of identity. They need to see how what they bring to the program enriches the program.

## HEALTH CARE

### Problems

Obtaining medical services is expensive. Clinics are full and, therefore, unavailable to most low-income Hispanic families and individuals.

- ▶ Low-income individuals and families usually do not have health insurance coverage, even when employed full-time.
- ▶ The lack of health insurance coverage puts basic preventative and routine health care beyond their reach. Low-income persons have to use the emergency room rather than a primary care health provider. This alternative is expensive and does not promote good health.
- ▶ At least partially because of the high cost of medical care, there is a reliance on self diagnosis and treatment.
- ▶ Seriously unmet needs are routine and emergency dental care.

### Participant Additions:

County clinics are only accepting prenatal and WIC clients, no primary care patients. Even for prenatal care, there is a two-week waiting period. Too many people are going without health care.

### Participant Recommendations

#### A. Ideas Identified by Discussion Group as Priorities

- Increase the number of providers at Multnomah County Health Division clinics.
- Add evening clinic hours to ease access for employed persons.
- There needs to be training for low-income Hispanics about the services available.
- There is an increase in the number of Hispanics in the corrections system. The corrections health system is inadequate: there are no interpreters.
- There needs to be more equality in representation of Hispanics at all levels of the county.
- There needs to be more education of the broader medical community to provide equal access to care, even if persons are undocumented.

## MENTAL HEALTH & SUBSTANCE ABUSE TREATMENT

### Problems

- ▶ Low-income Hispanic families, adult individuals and children with mental health needs are frequently not receiving services.
- ▶ Alcohol and drug treatment services are very difficult for low-income Hispanic persons to access.

### Participant Recommendations

- Locate alcohol and drug treatment at one center with bilingual/bicultural staff.
- Mental health services should be community based and spread throughout the county.

## LEGAL & JUSTICE SYSTEMS

### Problems

Hispanics have a disproportionately high number of contacts with law enforcement agencies for a variety of civil and criminal violations. Hispanics receive disparate treatment as a result of their contact with the justice system.

#### Participant Additions:

- Children and youth who are held sit in detention because there is nowhere to release them. Community resources are not bilingual. (There is a pre-release program, but there are not enough counselors.)
- There are no bilingual attorneys in Juvenile Court.
- People who did not necessarily commit a crime are told to plead guilty, and then are deported because they are found guilty of an offense. Defense attorneys sometimes assume that a person will be deported and enter a guilty plea.
- Traffic violations do not qualify for having interpreters. Drivers license and insurance are requirements that persons from other countries may not understand.
- The legal system is completely different in this county than in Latin countries, and there is a lack of understanding about laws in the U.S. (For instance, offering a bribe to a police officer is not inappropriate in Mexico.)
- The cost of insurance is overwhelming for low-income persons. Certain violations require mandatory insurance coverage for three years. (Costs are approximately \$600 every three months.)
- There is a built-in bias against undocumented persons in the courts. The system is swayed toward the state, especially since police are involved in aspects of immigration.

### Participant Recommendations

#### A. Ideas Identified by Discussion Group as Priorities

- Hire bilingual/bicultural staff at all levels. A bilingual attorney in Juvenile Court and bilingual workers in juvenile detention are particularly needed.
- Court translators should be certified by the Oregon Indigent Defense Department. The certification should focus on court terminology.
- Translate materials into Spanish.
- Provide information to Hispanics about legal rights and the way the justice system in the U.S. operates.
- An information service is needed concerning documentation options (or lack of), particularly if a person is from Central America. Post materials at the bus station informing of this service.
- Need more places for people to fill out documentation application forms. (Currently there is one place in the area.) Forms could be filled out in a group.

### Current Resources/Changes

- Inverness (E County) is beginning to translate materials into Spanish.
- The Safety Action Team is developing community resources, with Gresham police and County deputies.
- Gresham police have translated materials into Spanish.

## APPENDIX D

### COMMENTS FROM DECEMBER 16 MEETING: LOW-INCOME HISPANIC DISCUSSION ABOUT NEEDS AND SERVICES

#### Needs Identified

*Affordable housing emerged as one of the most pressing needs, including housing for large families.*

- "We need housing. We are all in urgent need of housing: this is the bottom line."
- "I need a place to live, where would I go? I live on the streets. I have a hard time getting a job without an address or phone. I have to do whatever I can to even get a meal. What do I do?"
- "Here in Oregon you get information on housing, but you need to do the searching yourself."
- "We had a housing problem in government housing when we were illegal, and they said they couldn't help us. Now we're legal and have to wait three years for government housing."

*There was considerable discussion about the need for employment that pays a living wage. Without a decent wage, rent is out of reach. Even employed persons may be homeless.*

- "Because we are all labor workers, wages are very low. You cannot afford to get better housing with the wages we're earning. The solution is to earn more money,"
- "We are all here because we have a need. Our basic reason for coming up here is to help our families. Sometimes we're even worse off here than where we came from. We don't even make enough to send back to the families or for us here."
- "Even since the amnesty program came into effect, I can't see how it helped. Our group is the worst of any."
- "A lot of us already have a trade, but come here and work in fields because we don't know the language. I'm sure all of us are capable of doing other than working in the fields."
- "When I got here I went to work as a seamstress. I had to do the job of 3 people. They said they would give a 50 cent raise, but we were all illegal workers. When I finally went and got papers, after 6 months, with I went back with the papers, they said they couldn't hire me. They only hire undocumented."
- "The bosses are busing people who come up here. And usually the ones that work hardest have phony ID."
- "Everyone around here has illegal workers."
- "A lot of guys can't wait 15 days to go without a paycheck, to not eat."
- "Downtown office for unemployment should be for employment."

*Participants discussed the inability to obtain legal work if undocumented.*

- "What is legal, what is illegal? I believe immigration is the only one who clarifies. Two years ago, before amnesty program, we had jobs here. Why? Because they needed us to work. The Amnesty program deported people from the fields...."
- "Everyone is entitled to a dignified job. Americans won't work the fields, and we're brought up here because no one else will. There should be a degree of tolerance; we are helping them to run their business. In order to exist you have to have a job. It is a shame that people here are being prosecuted and followed all to get a job."
- "We come from Mexico with a need to get a job. A lot of us are illegal and need to be legalized."
- "With the amnesty program, not even attorneys know what to do now."
- "If an employer knows a person is undocumented, they sometimes refuse to pay. They know that the worker can't expose their legal status as would occur if they took the employer to court."
- "Under the Catholic view we are all children of God. Here we're either legal or illegal."
- "The needs of the community...legally or illegally, the government should back them up. We're all made up of illegals, this country was founded by them."
- "We need assistance with immigration, with work."
- "Many times drugs are the only way of making a living, and then they end up getting deported. Not achieving anything, either. Sometimes the only recourse is the drug."
- Prostitution a problem, too, "only way to earn money...if only received help from the government."

*Social and income maintenance service needs were discussed.*

- "If he has a family, there are place to get assistance."
- "I have a problem with my electric bill. I need assistance. What do I do?" [Documentation is needed to qualify for the Low Income Energy Assistance Program (LIEAP).]
- "I heard we could get food stamps, either legal or illegally. You only need a legal social security number. Food stamps do help, but they are not a big deal."
- "How many came with a wife who isn't able to get assistance because she isn't legal?"
- "The church is constantly busy in Gresham. There are already a lot of services in existence to help."

*Hispanics need language and other education to learn English and learn about how things work here.*

- "I wonder why they took away classes from St. Anne's school, now it's really far away and inconvenient."
- "We need more education and to be oriented into everything so we can get around. If we can't speak English, we can't enter. I believe this is the first step."

- "I've been here 14 years, and in the past, people were more educated."
- About education, "I believe it's going to take a long time. It's not going to be accomplished immediately."
- Several people discussed the importance of "finding the time to learn the language." Another person added, "We have to also fight for it and struggle to put time into the programs. We can go to school."
- "We have to have ways of learning to speak English, but you come home tired and can't take classes at night."
- "The young ones need education."
- "A lot of people are being adapted to American ways. Have to adapt to the way they are teaching classes here."

*Medical care was another need frequently discussed.*

- "I had a car accident and had to go into medical...had surgery on my face and have a bad leg. I'm getting the bills and don't know how I'll pay them. I owe \$14,000. I make \$4.75 an hour. By the time I pay my utility bills, send money home, have to get dentures....I've often had to move and am not always able to pay rent. I can't afford food right now; where I am living is feeding me. There are six of us having to pay \$775 for rent." (The hospital doesn't have her address, but she is afraid they will obtain it and garnish her wages at work. She has four children in Honduras to support. The hospital obtained her brother's address, but she doesn't know how.)
- "There are people who come here with children, they need medical attention. Too bad local government won't help."
- "We're not aware of agencies providing medical care. We need to be advised of services that already exist."
- "Going to the hospital, it is full of witches, they suck the blood [money] from you."

*General/Other Comments*

- "We'll never be able to form a unity except when we think of each other as human. Here they think of us as subhuman. Germans thought the Jews were subhuman. U.S. said at that time that abuse of another human being should end, but it hasn't, it still continues."
- "If the county and federal governments have deficits how are they going to help us?"
- "If I go to the Social Security office, and I am white, I wouldn't get questioned because I speak English."
- "When using my Hispanic name I get hassled, but not when English."
- "There should be a senator here listening to our problems." Several people said that if they could vote, a senator would be there.
- "When we came into Oregon, they searched our car."

- City police, "instead of asking what's wrong, they shove you in the car. They are thieves with a gun and you can't tell them, neither. If making a deal, the Hispanic one gets arrested. Everybody's in business, the police, the courts, and we all put up with it. Everybody's corrupted."
- "I have 7 children and hope none will get into drugs."

#### Suggestions for Improvements

- ▶ "Apartment/row houses would help us. Because now they are asking for very few people for each home. With our children, and with them we are at the limit. When I had to move in with a friend it was already over limit and she was evicted."
- ▶ "We need pamphlets with information about services for problems already discussed."
- ▶ "What we need is an employment agency that would help whether we're legal or illegal. What I would like is a day paying job where you go for the day and get paid at the end of the day."
- ▶ "When we get a ticket we don't know what to do. Or sometimes with a telephone bill. CCS does good...but we need extension. We need help with problems if we are illegal. We need interpreters."
- ▶ "Have a clinic to serve Hispanic medical needs. Doctors here think Hispanics are dumb, they say 'here is a pill' and send you away. The Hispanic group out here (Gresham) needs a doctor for people with no money to get treatment."
- ▶ "We need recreation other than taverns. We're 17 to 25. We're young people. We need gymnasiums and sports places to use up our energies."

#### Responses to Idea of a Central Services Center

- "If it's going to be formed by the county, how are they going to deal with illegal people?"
- "The Catholic church gives help with referrals."
- "Always give us promises, run around. We end up in the same place."
- "From court, I was sent to one place to get help - nothing - only promises."

MULTNOMAH COUNTY COMMUNITY ACTION COMMISSION (MCCAC)  
HISPANIC SERVICES REPORT  
PUBLIC HEARING

January 6, 1992

Welcome by MCCAC Chair, Doug Rogers

Introductions of MCCAC Members and Community Action Program Office (CAPO) staff present:

Doug Rogers	Jayne Armstrong
Bill Muir	Jan Savidge
Roger Buchanan	Luana Shipp
Carole Murdock	John Rodgers
Dana Brown (staff)	Wendy Lebow (staff)
Rey España (staff)	

1. Gale Castillo: Chair, Hispanics in Unity in Oregon (written testimony submitted). Commended the County for recognition of the need to provide better human services to Hispanics in Multnomah County. Noted that many reports and documents in regard to needs assessments have been submitted in the last several years. Recommends County commit itself to the establishment of Hispanic service centers in physical locations where Hispanic people can receive information, services, and a variety of community-based resources. Believes there should be two (2) Hispanic service centers: one in East County and one in the inner-city of Portland. The purpose of these centers would be to assist the volume of Hispanics that are in desperate need of assistance in both areas. Didn't feel the need of a center in the inner-city was clear in the Draft Recommendations. Felt all other recommendations should be done in cooperation with the Hispanic service centers. Specific recommendations are attached to written testimony.
2. Luis Machorro: Citizen of Hispanic Community/Hispanics in Unity in Oregon. Commended the County for the recognition of needs. Feels these needs have been around for a long time. Report indicates there are tremendous needs in the County for more bilingual and bicultural staff at all levels, especially at professional and policy-making levels. Noted the composition of most boards is lacking in Hispanic representation. Noted increased needs for housing resources: emergency, transitional and permanent housing for Hispanic people in the inner-city and East County. Need to work together and focus efforts to expand bilingual resources.
3. Carolina Hess: Multnomah County Health Department. Commended Multnomah County clinics on having one of the best methods of providing care for Hispanics even though it is inadequate. All clinics are full beyond capacity, and noted that those who do not know the systems do not receive services. Optometry and dental care is almost non-existent. Feels private sector should be encouraged to provide care and be more responsible for human needs. There is documentation of gross misunderstanding in the private sector where Title VI is often recited as a reason to not have to provide services. Because some Hispanic families are undocumented and do not have alien cards, they are then ineligible for services. One major recommendation was to work directly with hospitals to encourage them to provide for sufficient diagnostic services which the County services cannot provide.

Jayne Armstrong - questioned if Ms Hess had any specific recommendations in regard to health care needs outside of the County system. Ms Hess believes the problems should be tackled at the Office of Public Civil Rights or the Oregon Hospitals Association to provide services for specialty diagnostic work.

Doug Rogers - question regarding County health clinic capacity to provide care (one-third of those applying for services were served 5 years ago). How does that compare to now? Ms. Hess believes it is a lot worse. Out of six county health clinics, only one is taking new clients--except for prenatal care.

Luana Shipp - commented on the toll that Measure 5 took on the Health Department and Health care for not only Hispanic, but all low-income people.

Ms. Hess' one last recommendation was to make it possible for people to receive care outside of County boundaries.

John Rodgers - question regarding the definition of a Primary Care Organization. Also asked if the county interacts with Pacific University to refer patients to their optometry department. There is a number they can call. Ms. Hess will check into that. Asked-if the county referred Hispanic persons to the Oregon Health Sciences University, Ms. Hess stated that there is a contract for prenatal care for clients. Mr. Rodgers asked about the top two medical needs, other than prenatal care, that are occurring in the Hispanic population. Ms. Hess stated that dental care is most needed, and secondly, primary care in general.

4. Bob Durston: Funders Advisory Committee(FAC). Noted that the purpose of the FAC is to be the eyes and ears of the community and to respond to the concerns of the Hispanic community that their needs are not being met. Commended the Task Force and staff. Feels the recommendations are clear and specific and serve well as a blueprint for the FAC to step forward to address this important community need. Hopes the MCCAC will continue to serve in an advocate role and join with other members of the community to advocate for this important need.
5. Joel Campos: Private Citizen. Works for the Portland Public Schools. Noted the plight of students who need counseling to share their frustrations and feelings of neglect from teachers and peers. His concern is for youth and feels that, if provided with services needed as individuals to prepare them for the future, they would have more positive and constructive outlooks for their future as citizens.

John Rodgers - asked if there were any community roundtable programs targeting Hispanic youth in terms of finding out the drop-out rate. Mr. Campos stated that he is aware of some advocates that visit schools, but not on a very consistent basis. Is not aware of the highest concentration of Hispanic youth in any particular school.

6. Luis Zapata: Private Citizen. Does not feel the members can recognize problems of the Hispanics in 3 minutes in a hearing. However, appreciates the qualities of volunteers that are present to help. Encouraged visiting homes of Hispanics to learn the spirit and feelings of the people. Feels people of this County can then help when they interact on a personal basis.

John Rodgers (in Spanish) - What is the best manner or best way to serve the Hispanic needs? Mr. Zapata feels the American people need the labor of the Hispanic people and along with labor he feels they are beginning to know who they are, and basically that we need each other.

7. Mabel Zapata - Private Citizen. She is from Chile. Her problem is that the manager of the apartment where she lives sent her a letter that her rent will be increasing. She wonders when wages are going to go up? The rents are extremely high and she wonders when there will be help to get low-income housing for Hispanics. She did apply for low-income housing, but was undocumented at that time and they said they couldn't help her. When she became "legal" she returned, but they have told her to come back in two years. She also wonders where she can go to school in order to learn English. She only knows of one school, and it is far away from her home.

John Rodgers - Commented that Commissioner Gladys McCoy has recently appointed Clara Andrews to give assistance to Hispanics. He also let her know about a booklet with many addresses that deals with helping Hispanics. He will also give her phone numbers in order to get that book.

Dana Brown - commented also that there is a recommendation in the Report to increase the number of classes that provide ESL and make them more convenient for people.

8. Maria Solano - Private Industry Council in East County. Was one of the first Hispanics in her neighborhood and now sees many of her fellow people struggling for services. Her job is with employment and training but often while dealing with participants, she has to deal with other issues such as housing, childcare, emergency food and others. She sees that services are very limited, often due to cultural and language barriers. She advocates for countywide centers to be set up wherever there is a need. Basic language skills are essential in order to access services, especially in training and employment.

Luana Shipp - thanked her for her translation help during the evening.

9. Roderick Serrano - Social Worker. Pointed out that many Hispanics are hurting and in pain because of lack of services. He has seen people die unnecessarily. Feels someone needs to be responsible and take action in order to alleviate suffering.

John Rodgers - asked if Mr. Serrano's judgement would be to have two centers or a systemwide program where every service center would have Spanish-speaking people. Mr. Serrano feels he is unable to make a judgement on that, because he has not researched which would be best. His only comment was that whatever can be done the fastest to set up sufficient service access for Hispanics would be best.

10. Adriana Cárdenas - Governor's Commission on Agricultural Labor. Expressed gratefulness to the Task Force and the staff of the Community Action Program Office who have worked on the Recommendations and feels they are excellent and should be supported by the Hispanic people. Noted that the issue of two centers or countywide system is being discussed, but there is agreement by community agencies that that decision should not be made at this point because a countywide plan is being formulated. The information from the Hispanic Services Task Force Report will be used to help determine that need.

Doug Rogers handed out applications for people to volunteer with the MCCAC. He also stated that all people in the community need to reach out to each other and to let other people know how important it is to work together in order to meet the needs of the community as a whole.

Hearing was then closed.

Meeting Date: MAR 24 1992

Agenda No.: B-3

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AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Board Briefing

AGENDA REVIEW/  
BOARD BRIEFING 3/24/92 REGULAR MEETING \_\_\_\_\_  
(date) (date)

DEPARTMENT Social Services DIVISION Juvenile Justice

CONTACT Hal Ogburn TELEPHONE X-3460

PERSON(S) MAKING PRESENTATION Hal Ogburn, Lorenzo Poe

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 45 Min. - 1 Hour

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: \_\_\_\_\_

BRIEF SUMMARY (include statement of rationale for action requested,  
as well as personnel and fiscal/budgetary impacts, if applicable):

Board Discussion and Request for Policy Direction Regarding the Plan for the Youth Empowerment and Employment Demonstration Project, including budgetary impact.

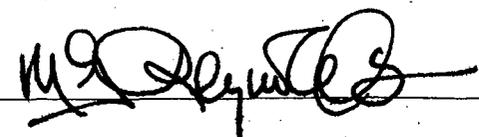
CLERK OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1992 MAR 20 AM 9 32

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SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER 

(All accompanying documents must have required signatures)



# GLADYS McCOY, Multnomah County Chair

Room 1410, Portland Building  
1120 S.W. Fifth Avenue  
Portland, Oregon 97204  
(503) 248-3308

## M E M O R A N D U M

TO: Commissioner Pauline Anderson  
Commissioner Rick Bauman  
Commissioner Gary Hansen  
Commissioner Sharron Kelley

FROM: Hank Higgins  
Executive Assistant

THRU: Gladys McCoy  
Multnomah County Chair

DATE: March 20, 1992

RE: Youth Empowerment & Employment Coalition

I want to confirm administrative procedure and policy following Board discussions regarding the Youth Empowerment & Employment Coalition Demonstration project.

The County did not enter into a partnership relationship with the above referenced program. Youth Empowerment & Employment becomes a County program over which we have undivided ownership. The County will not act as fiscal agent for the program. Further, the program will be expected to set standards and productivity benchmarks and be reviewed periodically for performance in the same manner as other County programs.

If you do not agree with the foregoing, please advise so that we may proceed with necessary program development.

HCM:ddf  
cc: Ardys Craghead  
Hal Ogburn  
8611G

**"ATTACHMENT A"**  
**NORTHEAST RESCUE PLAN ACTION COMMITTEE**  
**EMPLOYMENT AND EMPOWERMENT COALITION'S**  
**WORK MATURITY COMPETENCIES**  
 January 1992

<u>Competency Area</u>	<u>Indicators</u>	<u>Benchmark</u>	<u>Assessment Method</u>
<b>1. Making Career Decisions</b>			
A. Aptitudes and Abilities	The participant will identify aptitudes/abilities correctly		Pre/Post Test
1) Entry Level		Given a list of aptitudes/abilities the participant will correctly identify at least seven which apply to him/herself	
2) Continuum Level		The participant will identify at least two career choices. Seven aptitudes/abilities for each career choice will be identified.	
B. Career Specific Skills	The participant will identify specific skill areas required for career interests correctly.		Pre/Post Test
1) Entry Level		The participant will identify three areas of career interest, and list five skills needed to successfully do each job.	
2) Continuum Level		For both areas of career interest identified in competency area A the participant will identify seven skills required to successfully do each job.	
<b>2. Using Labor Market Information</b>			
A. Labor Market Information Sources	The participant will demonstrate competence in the use of labor market information by identifying requirements for specific areas of employment.		Pre/Post Test
1) Entry Level		The participant will identify five sources of employment information. Using three job listings from the Want Ads, the participant will then identify three skills or qualities required to be qualified for each job with 100% accuracy.	
2) Continuum Level		The participant will complete three Career Research Worksheets with 100% accuracy.	

**"ATTACHMENT A"**

Northeast Rescue Plan Action Committee  
Employment and Empowerment Coalition's  
Work Maturity Competencies  
January 1992  
Page 2 of 5

<u>Competency Area</u>	<u>Indicators</u>	<u>Benchmark</u>	<u>Assessment Method</u>
<b>3. Preparing Resumes, Thank You Letters, Cover Letters</b>			
A. Written Job Search Tools	The participant will demonstrate the ability to correctly complete written job search tool.		Pre/Post Test
1) Entry Level		The participant will complete a Resume Worksheet with 100% accuracy.	
2) Continuum Level		The participant will produce a typed resume, a thank you letter, and a cover letter with 100% accuracy.	
<b>4. Completing Applications</b>			
A. Applications	The participant will demonstrate the ability to accurately complete applications for employment.		Pre/Post Test
1) Entry Level		The participant will complete one sample job application with 100% accuracy.	
2) Continuum Level		The participant will complete two retail job applications with 100% accuracy.	
<b>5. Interviewing Skills</b>			
A. Cold Calling	The participant will demonstrate the ability to complete cold calls successfully.		Pre/Post Test
1) Entry Level		The participant will complete the telephone script with 100% accuracy.	
2) Continuum Level		The participant will complete three mock calls while being rated by the trainer/advocate. The participant must receive a four out of five on the checklist for a mock telephone call.	
B. Mock Interviews	The participant will demonstrate the ability to complete job interviews successfully.		Pre/Post Test

**"ATTACHMENT A"**

Northeast Rescue Plan Action Committee  
Employment and Empowerment Coalition's  
Work Maturity Competencies  
January 1992  
Page 3 of 5

<u>Competency Area</u>	<u>Indicators</u>	<u>Benchmark</u>	<u>Assessment Method</u>
1) Entry Level		The participant will complete at least one mock job interview. The participant must receive at least an 11 of 15 on the checklist for a mock interview.	
2) Continuum Level		The participant will complete at least one mock job interview. The participant must receive at least 14 out of 15 on the checklist of a mock interview.	
<b>6. Demonstrating Positive Attitudes/Behavior</b>			
A. Attitudes/Behavior	The participant will:		Pre/Post Test
	<ol style="list-style-type: none"><li>1) Demonstrate interest and enthusiasm;</li><li>2) Be courteous and cooperative;</li><li>3) Demonstrate concern for equipment and property;</li><li>4) Follow site safety rules;</li><li>5) Maintain work area in a neat and orderly fashion;</li><li>6) Show initiative;</li><li>7) Accept unpleasant tasks.</li></ol>		
1) Entry Level		The participant will demonstrate competence in four out of the seven items (1 through 7) as listed above.	
2) Continuum Level		The participant will demonstrate competence in six out of the seven items (1 through 7) as listed above.	

"ATTACHMENT A"

Northeast Rescue Plan Action Committee  
Employment and Empowerment Coalition's  
Work Maturity Competencies  
January 1992  
Page 4 of 5

<u>Competency Area</u>	<u>Indicators</u>	<u>Benchmark</u>	<u>Assessment Method</u>
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**7. Exhibiting Good Interpersonal Relations**

**A. Interpersonal Relations**

The participant will:

- 1) Communicate with others in a friendly manner;
- 2) Avoid discussing personal matters on the job;
- 3) Follow notification procedures when late/absent;
- 4) Work effectively with other trainees/workers;
- 5) Can work independently when appropriate;
- 6) Deal with criticism in a positive manner;
- 7) Seek feedback regarding performance.

1) Entry Level

The participant will demonstrate competence in four out of the seven items (1 through 7) as listed above.

Pre/Post Test

2) Continuum Level

The participant will demonstrate competence in six out of seven items (1 through 7) as listed above.

**8. Completing Tasks Effectively**

**A. Task Completion**

The participant will:

- 1) Follow oral and written instructions;
- 2) Begins work promptly and follows work schedule;
- 3) Demonstrate knowledge of job duties/training expectations;
- 4) Completes assigned tasks at an acceptable rate;
- 5) Work is done carefully and correctly;
- 6) Asks questions when unclear;
- 7) Adapts to changes in work/training environment.

Pre/Post Test

**"ATTACHMENT A"**

Northeast Rescue Plan Action Committee  
 Employment and Empowerment Coalition's  
 Work Maturity Competencies  
 January 1992  
 Page 5 of 5

<u>Competency Area</u>	<u>Indicators</u>	<u>Benchmark</u>	<u>Assessment Method</u>
1) Entry Level		The participant will demonstrate competence in four out of the seven items (1 through 7) as listed above.	
2) Continuum Level		The participant will demonstrate competence in six out of seven items (1 through 7) as listed above.	
<b>9. Presenting Appropriate Appearance</b>			
A. Appropriate Appearance	The participant will correctly identify appropriate dress and grooming standards for specific work, training, classroom activities.		Pre/Post Test
1) Entry Level		The participant will be appropriately dressed and groomed 90% of the time while in a work, training, classroom setting.	
2) Continuum Level		The participant will be appropriately dressed and groomed 100% of the time while in a work, training, classroom setting	
<b>10. Being Consistently Punctual</b>			
A. Punctuality	The participant will consistently be on time to work, training, class.		Pre/Post Test
1) Entry Level		The participant will be on time 90% of the time to work, training, class.	
2) Continuum Level		The participant will be on time 95% of the time to work, training, class.	
<b>11. Maintaining Regular Attendance</b>			
A. Attendance	The participant will maintain regular attendance to work, training, class.		Pre/Post Test
1) Entry Level		The participant will be on time to work, training, class 90% of the time.	
2) Continuum Level		The participant will be on time to work, training, class 95% of the time.	

## A. DRAFT TIMELINE FOR YOUTH EMPLOYMENT AND EMPOWERMENT PROJECT

March 24	County Informal Presentation to discuss indirect costs, draft Intergovernmental Agreement with City, review implementation plan
April 1	City will pass ordinance approving partnership and Intergovernmental Agreement allocating \$400,000 dedicated to this project.
April 3	Temporary exemption forwarded through the Department of Social Services to Purchasing Section.
April 10	Draft RFP developed. Begin review process with Purchasing Section.
April 15	Agency contracts developed under the temporary exemption status.
Week of April 13	County formally passes city and State Intergovernmental Agreement (City IGA now completed-State IGA forwarded to Salem).
April 21	RFP released.
By April 30	State IGA processed at State level
May 8	RFP returned to Purchasing
By May 22	RFP selection process completed
By May 29	Contracts developed
By June 15	Contracts signed by County and Agencies

Quarterly progress reports with the Chair will be conducted as requested.

## B. IMPLEMENTATION PLAN FOR YOUTH, DOLLARS, MILESTONES

### CITY

The schedule for these youth includes the following timeline:

April-June 1992 (3 months)	\$100,000	60 youth referred for services 51 youth graduate from pre-employment 38 youth placed in employment positions
July-December 1992 (6 months)	\$200,000	120 youth referred for services 102 youth graduate from pre-employment 77 youth placed in employment positions
Jan.-June 1993 (6 months)	\$100,000	200 youth referred for services 170 youth graduate from pre-employment 128 youth placed in employment positions

### STATE

April-June 1992 (3 months)	\$0	0 youth referred for service 0 youth graduate from pre-employment 0 youth placed in employment positions
July-December 1992 (6 months)	\$50,000	79 youth referred for services 67 youth graduate from pre-employment 50 youth placed in employment positions
Jan.-June 1993 (6 months)	\$50,000	78 youth referred for services 66 youth graduate from pre-employment 50 youth placed in employment positions

### TOTAL

April-June 1992 (3 months)	\$100,000	60 youth referred for service 51 youth graduate from pre-employment 38 youth placed in employment positions
July-December 1992 (6 months)	\$50,000	199 youth referred for services 169 youth graduate from pre-employment 127 youth placed in employment positions
Jan.-June 1993 (6 months)	\$50,000	278 youth referred for services 236 youth graduate from pre-employment 178 youth placed in employment positions
<b>CITY AND STATE TOTAL</b>		<b>537 youth referred for services 456 youth graduate from pre-employment 343 youth placed in employment positions</b>

### C. MILESTONES AND BENCHMARKS

Of the 537 youth served under this agreement, 456 youth (85%) will complete and graduate from the pre-employment training and curriculum. **This is a graduation rate of 85% of all youth served.**

Of those 456 youth graduating to the Jobs Committee for employment interviews, 343 youth (75%) will be placed in full, part or summer-time employment throughout the duration of this project. **This is a placement rate of 75% of youth who graduate for the employment training and enter into the interview process with the Jobs Committee.**

Youth will be **considered successful** in their employment placements when they **remain for a minimum of 30 days form the time of placement.**

Sixty (60) and ninety (90) day **follow-up interviews** will be provided by youth serving agencies for their youth placed in job assignments.

## INTERGOVERNMENTAL AGREEMENT

This AGREEMENT is between Multnomah County Juvenile Justice Division (COUNTY) and the City of Portland (CITY). It is for the period beginning May 1, 1992, and ending June 30, 1993. It is established for the following purpose:

1. Purpose: A pilot project of the Employment and Empowerment Coalition will be covered under the terms of this project, composed of the following agencies:

Urban League	Youth Redirection
Yaun Child Care Center	MYCAP
Open Meadows	House of Umoja
Multnomah County Safety Action Team	Serendipity
Lents Education Center	Self Enhancement, Inc.
POIC	Christian Women Against Crime
Give Us This Day	NE Neighborhood Coalition
Private Industry Council	Oregon Outreach
Mainstream Youth Program	

2. COUNTY's Responsibilities:

- A. The COUNTY will act as the contracting agent for the Youth Empowerment and Employment Coalition Project and the receiver of all money towards the development of that project.
  - B. The COUNTY will assign a minimum of one FTE Staff to coordinate the project and oversee contractual process, to be placed at the Juvenile Justice Division within the Department of Social Services.
  - C. The COUNTY will report quarterly to the CITY regarding expenditures of all dollars associated with this contract for this project.
  - D. The COUNTY will report quarterly to the CITY regarding the number of youth served and the services the youth receive under the terms of this project.
- 1) The **TARGET POPULATION** which this project will serve includes:
    - a) gang involved and gang affected youth;
    - b) ages 14 and older;
    - c) males and females;
    - d) referred for service from one of the Coalition agencies.
  - 2) Under the terms of this agreement, a minimum of **380 youth will receive service**, of which a minimum of **323 will graduate from the pre-employment curriculum**, with a minimum of **243 being placed in full, part, or summer time employment**.

The schedule for these youth includes the following timeline:

April-June 1992 (3 months)	60 youth referred for services 51 youth graduate from pre-employment training 38 youth placed in employment positions
July-December 1992 (6 months)	120 youth referred for services 102 youth graduate from pre-employment training 77 youth placed in employment positions
Jan.-June 1993 (6 months)	200 youth referred for services 170 youth graduate from pre-employment training 128 youth placed in employment positions

- 3) The **SERVICES** targeted at this population include, but are not limited to, the following areas:
- a) **Pre-Employment Skills:** Assessment, resume preparation, application writing, interviewing, career exploration, employment requirements (Social Security number, photo ID, Work Permits, Birth Certificate).
  - b) **Job Readiness Skills/Work Maturity:** Demonstrating positive attitudes and behaviors, being consistently punctual, maintaining regular attendance, presenting appropriate appearance, exhibiting good interpersonal relations, completing tasks effectively and in a timely manner, giving attention to instructions from supervisors, giving meaningful feedback to supervisor.
  - c) **Job Site Monitoring:** Consultation and mediation with the employer and the youth to resolve difficulties, individual and group conferences to improve work place attitude, support for the youth and employer to maintain a positive employment situation.
  - d) **Academic Skills:** GED preparation and completion, educational tutoring, alternative educational services, basic educational services.
  - e) **Support Services:** Case management, drug and alcohol assessment, treatment and recovery support, basic living needs (transportation, clothing, food), self-esteem enhancement, cultural awareness, life skills development, moral and social environmental enhancement, support services for parents, extended family and friendship bonding.
- 4) These services will be provided through a collaborative effort of participating agencies. The **SERVICE DELIVERY MODEL** will include the following elements:

Intake

- a) Multiple entry points for youth. All agencies participating in the Coalition will refer and serve youth.
- b) Youth will be assessed for current level of academic functioning and employability. A common assessment process will be used by all providers for both the reading and non-reading client.

## INTERGOVERNMENTAL AGREEMENT

City of Portland

Page 3 of 7

- c) Agencies will conduct a uniform intake and collect common client information.
- d) Agencies will insure that youth have any essential employer required information.

### Pre-employment Training

- a) Agencies will provide pre-employment training from curriculum which meets the commonly accepted work standards and competencies (see Attachment A).
- b) Youth will be evaluated for work maturity skills. Youth who have acquired work maturity skills and the accepted levels will be referred for a job placement interview. Youth who have not acquired work maturity skills will remain in extended pre-employment training and referred for other services as deemed necessary.

### Job Placement and Job Site Monitoring

- a) The Juvenile Justice Division will act as the single point of contact for job referrals. Employers will refer all jobs to the Division.
  - b) The Juvenile Justice Division will accept all job referral and bring them to the Employment Committee of coalition agencies participating in the project. This Committee will coordinate the assignment of job referrals for interviews. This Committee will meet regularly to coordinate referrals to ensure a timely response to employers. The Division will coordinate this Committee's activity.
  - c) The participating coalition agencies will refer a pool of applicants to the employers for jobs.
  - d) Once a youth is hired, the participating agencies will provide job site monitoring services. The agencies will have regular contact with the youth and the employer and act as a resource to assist in resolving difficult situations. The agency will continue to provide support to insure a positive experience for the youth and the employer as long as needed.
- 5) The following **MILESTONES** will be established in the implementation of this project:
- a) Of the 380 youth served under this agreement, 323 youth (85%) will complete and graduate from the pre-employment training and curriculum;
  - b) Of those 323 youth graduating to the Jobs Committee for employment interviews, 243 youth (75%) will be placed in full, part, or summer-time employment throughout the duration of this project.

## INTERGOVERNMENTAL AGREEMENT

City of Portland

Page 4 of 7

- c) Youth will be considered successful in their employment placements when they remain for a minimum of 30 days from the time of placement.
- d) Sixty (60) and ninety (90) day follow-up interviews will be provided by youth serving agencies for their youth placed in job assignments.

- E. The COUNTY will follow generally accepted fiscal management and accounting principals.
- F. The COUNTY will provide for the CITY an annual project evaluation within three (3) months of project termination.

### 3. CITY's Responsibilities:

- A. The CITY will pay the pass through administrative cost of COUNTY on all monies covered under this agreement.
- B. The CITY will pay the County on the following schedule:
  - 1) As of April 1, 1992, \$100,000;
  - 2) As of July 1, 1992, \$100,000;
  - 3) As of January 1, 1993, if benchmarks met and program considered successful, \$200,000 will be paid.
- C. The CITY will bring to the COUNTY's attention any problems or concerns they have with the payment process, as soon as said problems occur.
- D. Funds paid by the CITY to the COUNTY under this agreement are restricted funds. The COUNTY agrees to expend the agreement funds strictly in accordance with the terms of this agreement.
- E. The CITY reserves the right to periodically audit and review the actual expense of the COUNTY for the following purposes:
  - 1) To document the relation between the COUNTY's budget contained in the approved COUNTY budget;
  - 2) If it is determined from the COUNTY's expense statements or the audits referred to above, that the COUNTY has made expenditures from the funds under this agreement for costs which are not allowable under the agreement or have not been approved by the CITY, the COUNTY agrees to promptly refund the money so expended to the CITY upon request;
  - 3) If it is determined from the COUNTY's expense statements or the audits referred to above that funds remain at the end of the agreement after approved expenses have been deducted from restricted funds paid under this agreement, such funds shall remain restricted and used to provide services during the subsequent agreement period. The COUNTY agrees that if this agreement is terminated prior to the agreement term ending date, or if immediately following expiration of this agreement the CITY and COUNTY do not enter into a subsequent agreement for the services hereunder contracted the COUNTY will promptly refund the surplus restricted funds.

## INTERGOVERNMENTAL AGREEMENT

City of Portland

Page 5 of 7

4. **Billing:** CITY will pay COUNTY in payments upon receipt of invoice from COUNTY, as covered under the periods designated in the terms of this agreement.
5. **Program Records, Control Reports, and Monitoring Procedure:** The COUNTY agrees to maintain program records including statistical records and to provide program records to the CITY at times and in the form prescribed by the CITY. The COUNTY agrees to establish and exercise such controls as are necessary to assure full compliance with the program requirements of this agreement. The COUNTY also agrees that a program and facilities review may be conducted at any reasonable time by persons authorized by the CITY. The COUNTY agrees to maintain fiscal records consistent with accepted accounting practices and controls, which will properly reflect all direct and indirect cost and funds expended in the performance of this agreement and all revenue received for programs under this agreement. The COUNTY agrees to collect financial statistics on a regular basis to make financial reports at times and in the form prescribed by the CITY.
6. **Indemnification and Insurance:** The COUNTY and the CITY shall not be responsible for any legal liability, loss, damages, costs, and expenses arising in favor of any person, on account of personal injuries, death, or property loss or damage occurring, growing out of incident to or resulting directly or indirectly from the acts of omissions of the other party under this agreement. Both the CITY and the COUNTY shall obtain and at all times keep in effect comprehensive liability insurance and property damage insurance covering each respective party's own acts and omissions under this agreement. Such liability insurance, whatever the form, shall be in the amount not less than the limits of the public body tort liability specified ORS 30.270. In the event of the unilateral cancellation or restriction by the insurance company of the COUNTY's insurance policy referred to in this paragraph, the COUNTY shall immediately notify the CITY verbally and in writing.
7. **Compliance With Applicable Law, Licensing, and Program Standards:** The COUNTY shall comply with all federal, state, and local laws and ordinances applicable to the work to be done under this contract. COUNTY shall comply with applicable state, county, and municipal standards for licensing, certification, and operation of required facilities; shall maintain any applicable professional license or certificate required to perform these services described in this contract and shall comply with any other standards or criteria described in this contract.
8. **Equal Rights:** The COUNTY agrees to comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules, and regulations.
9. **Renegotiation or Modification:** All alterations, variations, modifications, and waivers of provisions of this contract shall be valid only when they have been reduced to writing, signed by all parties, and attached to the original of this contract.
10. **Excuses for Nonperformance:** Neither party to this contract shall be held responsible for delay or failure in the performance of the activities required herein when such delay or failure is due to causes beyond the control and without the fault or negligence of the party. Such causes may include, but are not restricted to fire, flood, epidemic, strikes, acts of God, unusually severe weather, legal acts of public authorities, or delays or defaults caused by public carriers which cannot reasonably be forecast or provided against. Either party may terminate the contract after reasonably determining that such delay or failure will prevent continued performance of the contract and after given written notice to the other party of the cause, its effects on contract performance, and effective date of termination that the contract is so terminated the obligation of the CITY shall be limited to the payment for services provided in accordance with the contract prior to the date of termination.

## INTERGOVERNMENTAL AGREEMENT

City of Portland

Page 6 of 7

11. **Remedies:** If the COUNTY fails to provide the services or perform any of the other requirements under the contract and such failure is not excused, the CITY, after given the COUNTY written notice of such failure may withhold part or all of the COUNTY's payment of services until such failure is corrected. If the COUNTY does not correct such failure within a reasonable time allowed by the CITY, the CITY may terminate the contract and any actions taken or not taken under it shall not affect the CITY's rights under the Termination section. The rights and remedies of the CITY in this section are not exclusive and are in addition to any other rights and remedies provided to the CITY by law or under this contract.
12. **Termination:**
  - A. This contract may be terminated by mutual consent of both parties or by either party upon sixty days written notice delivered personally or by certified mail.
  - B. The CITY may also terminate this contract effective upon delivery of written notice to the COUNTY or at any later date as may be established by the CITY under any of the following conditions:
    - 1) If CITY funding from federal, state, or other sources is not obtained; if decreased modified or limited; or if CITY expenditures are greater than anticipated such that funds are insufficient to allow for the purchase of services required under this contract. The contract may be modified to accommodate the change in available funds;
    - 2) If federal or state laws, regulations, or requirements are modified, changed or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this contract and no longer qualify for the funding proposed for payments authorized by this contract;
    - 3) If any license or certificate required by law or regulation to be held by the COUNTY to provide the services required by this contract is for any reason denied, revoked, not renewed or changed in such a way that the COUNTY no longer meets requirements for such license or certificate.
13. **Hold Harmless Provision:** To the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act COUNTY agrees to defend, indemnify, save, and hold harmless the State of Oregon, The Department of Social Services the CITY and their officers, agents, and employees from all claims, suits, or actions of whatever nature and any resulting damage, loss, cost, and expenses which they may sustain, incur, or be required to pay resulting from or arising out of acts, errors, or omissions of the COUNTY or it assignees, subcontractors, agents, or employees under this contract.
14. **Funds Available and Authorized:** The CITY certifies that at the time of signing this contract sufficient funds are authorized and available or anticipated to be available for the expenditure to finance costs of this agreement within the CITY's current appropriation or limitation.

INTERGOVERNMENTAL AGREEMENT

City of Portland

Page 7 of 7

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers the date first written above.

CITY OF PORTLAND, OREGON

MULTNOMAH COUNTY, OREGON

By: \_\_\_\_\_  
Commissioner, Gretchen Kafoury

By: \_\_\_\_\_  
Chair, Multnomah County Board of Commissioners

Date: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Barbara Clark, City Auditor

By: \_\_\_\_\_  
Division Director

Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Program Manager

\_\_\_\_\_  
Jeffery L. Rogers, City Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

REVIEWED By:

\_\_\_\_\_

for:

LAURENCE KRESSEL  
County Counsel for  
Multnomah County, Oregon

Date: \_\_\_\_\_

**INDIRECT COSTS:**

When contracting for services which the Juvenile Justice Division does not directly deliver, the Department of Social Services considers those dollars as pass-through dollars and assesses the dollars a .7% administrative cost rate.

Thus the following tables differentiate two separate scenarios. Table 1 reflects the indirect costs associated if the grant is charged with the administrative costs, while Table 2 reflects the County rate if the County were to waive the costs and assume them as an in-kind contribution to the project.

TABLE 1

TABLE 2

If the Grant pays the cost:

If the County waives the cost as in-kind:

City	\$100,000	\$ 695.
City	\$100,000	695.
City	\$200,000	1,390.
State	\$100,000	<u>695.</u>

\$ 700.
700.
1,400.
<u>700.</u>

**TOTAL**                      **\$3,475.**

**\$3,500.**

The schedule of dollars reflect the proposed receipt of monies. This schedule may change depending upon negotiation of Intergovernmental Agreements with the State and City.