

1600 SE 190<sup>th</sup> Avenue, Portland OR 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

## NOTICE OF APPEAL

09/03/2020 3:37PM 000001 #6110  
0011 KATHY  
PERMITS-TYPE 2 \$250.00  
CR CARD \$250.00

### EVERY NOTICE OF APPEAL SHALL INCLUDE:

1. The county's case file number and date the decision to be appealed was rendered.
2. The name, mailing address, and daytime telephone number for each appellant.
3. A statement of how each appellant has an interest in the matter and standing to appeal.
4. A statement describing the specific reason for the appeal which includes the criteria or standard the appeal is addressing.
5. The appropriate appeal fee.

**It is the responsibility of the Appellant to complete a Notice of Appeal as set forth in the Multnomah County Code. Failure to complete all of the above may render an appeal invalid. Any additional comments should be included on this form.**

### APPELLANT INFORMATION (Person or group making appeal)

#### 1. Appellant:

If several individuals are appealing together, list the additional names and addresses on a separate sheet and identify a representative in #2 below. If an organization is appealing, indicate group's name and mailing address here and identify a representative in #2 below.

Name: Woodard and Seidl Roads Neighbors Group - JoAnne Vincent and Alison Knieriem  
*Last First Middle*

Address: 330 NE Seidl Road, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
*Street or P.O. Box City State Zip Code*

Telephone: ( 503 ) 737 - 4391 (Day) or ( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_

Fax: 951-677-8480 (John R) Email Address: jo\_annesv@comcast.net; maknieriem@comcast.net

#### 2. Authorized Representative:

Name of representative if different from the appellant indicated above. Groups and organizations must designate one person as their representative/contact person.

Name: John A. Rankin, LLC Attorney/Consultant, OR Off. - 5 Centerpointe Dr. Suite 400, Lake Oswego  
*Last First Middle*

CA Mailing Address: 42194 Calle Corriente, Murrieta, CA, 92562  
*Street or P.O. Box City State Zip Code*

Telephone: ( 503 ) 329 - 9292 (Day) or ( \_\_\_\_\_ ) \_\_\_\_\_

Fax: 951-677-8480 Email Address: john@johnrankin.com

(over)

RECEIVED  
2020 SEP -3 PM 3:20  
PLANNING SECTION  
MULTNOMAH COUNTY

## DECISION BEING APPEALED

### CASE INFORMATION

Decision being appealed (e.g., denial of a NSA Site Review, approval of a SEC permit, etc.):

Administrative Decision by Planning Director Approving a Verizon Wireless Cell Tower Facility on MUA-20 Property.

Case Number: T2-2019-12701 Date of Issuance of Decision: August 20, 2020

### APPEAL INFORMATION

Answer each question as completely and specifically as you can. (Attach separate sheets if needed)

**1. What is your interest in this decision? (State your interest in the matter and your standing to appeal)**

The Appellant is an informal neighborhood group consisting of property owners who own and reside on properties abutting or located near the subject property, including but not limited to Brian & JoAnne Vincent and Alison Knieriem, all three of whom have standing to appeal this decision by having received notice and by having submitted written or oral testimony into the record during the 14-day public comment period, which testimony is summarized in the Section 3 Public Comments section of the Notice of Decision starting on page 9.

**2. What are your objections to the decision? (State the specific grounds for the appeal, i.e. criteria or standard)**

PLEASE SEE THE ATTACHED LETTER INCORPORATED HEREIN BY THIS REFERENCE.

NOTE: Additional written testimony - findings of fact & conclusions of law & supporting evidence will be submitted appropriately before the public hearing to the Hearings Officer with a copy to the original applicant or their attorney.

Standing to appeal: those who are entitled to appeal a decision include those who are entitled to notice under Multnomah County Code and include: owners of record of property within 750 feet of the subject tract, neighborhood associates, and persons who have identified themselves in writing as interested parties or as to be potentially aggrieved or impacted by the decision.

SIGNATURE: John A. Rankin eSignature DATE: August 3, 2020  
John A. Rankin, LLC, Attorney/Consultant

CHECK ONE: ☐ APPELLANT ☒ AUTHORIZED REPRESENTATIVE

*Appeals and fees must be received prior to the close of the appeal deadline.*

**Deliver or mail appeal and fee to:**

MULTNOMAH COUNTY  
Land Use Planning Division  
1600 SE 190<sup>th</sup> Ave., Suite 116, Portland, OR 97233  
Phone: (503) 988-3043

Appeal Notice

**FOR STAFF USE ONLY**

Fee: Notice of Appeal for Planning Director's Decision:  
\$250.00

Received by: KJ Date: 9/3/2020

**JOHN A. RANKIN, LLC.**  
Attorney at Law  
5 Centerpointe Drive, Suite 400  
Lake Oswego, OR 97035  
(503) 625-9710 / Fax (503) 625-9709  
email: [john@johnrankin.com](mailto:john@johnrankin.com)

September 3, 2020

VIA EMAIL ONLY

**MULTNOMAH COUNTY**  
Land Use Planning Division  
1600 SE 190th Ave., Suite 116, Portland, OR 97233  
Phone: (503) 988-3043  
Attn: Kathy Fisher [kathy.fisher@multco.us](mailto:kathy.fisher@multco.us)  
Rithy Khut [rithy.khut@multco.us](mailto:rithy.khut@multco.us)  
Submittal Email: [LUP-Submittals@multco.us](mailto:LUP-Submittals@multco.us)

Re: Statement of Reasons for Appeal  
Notice of Appeal Filed Before 4:00 PM Today  
Case File No. T2-2019-12701  
Applicant: Kimberly Spongberg, BlackRock, LLC.

Dear Kathy and Rithy:

Please accept this letter as our Statement of Reasons for Appeal of the Administrative Decision in the above reference Case File.

**Statement of Reasons:**

1. Failure to adopt adequate findings supporting the decision, failure to render a decision supported by substantial evidence in the record or that meets the “clearly supports” standard, and/or improper construction of applicable law relative to the following issues and applicable criteria or standards:
  - a. MCC 39.1105 Summary of Decision-Making Processes
    - i. Sub (B) Type II
  - b. MCC 39.1515 Code Compliance and Applications
  - c. MCC 39.3005 Lot of Record
  - d. MCC 39.3080 and 39.3150 Lot of Record – Multiple Use Agriculture-20(MUA-20)
  - e. MCC 39.4300 Multiple Use Agriculture (MUA-20)
  - f. MCC 39.4315 Review Uses (Ordinance No. 958 – 2001)
  - g. MCC 39.4325 Dimensional Requirements and Development Standards
  - h. MCC 39.6850 Dark Sky Lighting Standards.
  - i. MCC 39.7700 Wireless Communication Facilities
  - j. MCC 39.7725 WCF General Requirements
  - k. MCC 39.7735 WCF Application Submittal Requirements
  - l. MCC 39.7740 WCF Approval Criteria for Lands Not Zoned EFU

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MULTNOMAH COUNTY  
PLANNING SECTION

- i. Sub (A)(2-4) General and Operating Requirements
- ii. Sub (B) Siting Requirements

Please note that we will be submitting additional written testimony including findings of fact & conclusions of law and supporting evidence within a reasonable time before the public hearing to the Hearings Officer with a copy to the original applicant or their attorney.

**As Kathy and I discussed earlier this afternoon, in order to properly and timely file this Notice of Appeal, we must pay the \$250 appeal fee. To that end, please kindly call me at 503-329-9292 as soon as you receive the Notice of Appeal and I will happily pay that fee.**

If we have made some technical error in our submittal or if you have any questions or need additional information, please call or email me at the above contact information. Thank you so much.

Very truly yours,



John A. Rankin

JAR/bhs  
Encl: Notice of Appeal  
Pc: Client File