

NOTICE OF APPEAL

Land Use Planning Division



www.multco.us/landuse ▪ Email: land.use.planning@multco.us ▪ Phone: (503) 988-3043

APPLICANT INSTRUCTIONS

EVERY NOTICE OF APPEAL SHALL INCLUDE [MCC 39.1160 / MCC 38.0640]:

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.

Printed Name (Last First Middle): _____

Address: _____

City: _____ State: _____ Zip: _____

Daytime Phone: _____ Email: _____

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.

Printed Name (Last First Middle): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

DECISION BEING APPEALED

CASE INFORMATION

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

Case Number: _____ Date of Issuance of Decision: _____

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)

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

Failure to Demonstrate Least Intrusive and Technically Feasible Location (MCC 39.4225(A)(2)), Incomplete Co-location Analysis Contrary to County Siting Preferences, Misplaced Reliance on FCC NIER Compliance, Failure to Apply EFU/State Standards – Utility Facility Necessary for Public Service, Technical Feasibility of Modest Utility Extensions Not Addressed, Procedural Due Process – Access to the Record, Conditions of Approval – Enforcement & Practicality

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. [MCC 39.1160 / MCC 38.0640]

Check One: Appellant Authorized Representative

Signature: Brianna Song Printed Name: _____ Date: _____

To Submit: Email the completed Notice of Appeal form to LUP-submittals@multco.us. An appeal requires a \$250.00 fee. We will send you an invoice for the appeal fee, which you will be able to pay online.

Appeals must be received prior to the close of the appeal deadline. Appeals are not ‘received’ until the invoice is paid.

January 13, 2026

Hearings Officer
Multnomah County Land Use Planning

Re: Appeal of Type II Approval – Wireless Communications Facility
Case: T2 2025 0023

Dear Hearings Officer,

Please find enclosed the appeal filing package for the above-referenced case. The appellant respectfully requests reversal or remand of the approval, as detailed in the attached sections. Exhibits and supporting documentation are included as placeholders for submission.

Enclosed is the \$250 Appeal Fee.

Sincerely,

Deborah Graziano
Appellant
14641 NW Olive Street
Portland, OR 97229

Notice of Appeal- Case File: T2-2025-0023

Statement of Interest/ Standing to qualify for appeal:

This appeal is submitted on behalf of myself and my neighbors who live in close proximity to the proposed wireless facility (names are listed on attached document as appellants. We all received original application notice from the county and were given the opportunity to submit a response. We sent in our responses and were told we would be given the opportunity to appeal once decision was made on this matter. We are now submitting that appeal.

Thank you,
Briana Song

Appellant requests that the Hearings Officer reverse or, in the alternative, remand the approval with instructions to:

1. Require substantial evidence and comparative analysis of alternative sites evaluated and specifically, whether other sections on the lot of record were considered with analysis demonstrating least intrusive and technically feasible location.
2. Make specific findings applying MCC wireless facility standards rather than relying solely on FCC NIER compliance.
3. Ensure procedural compliance with Type II notice/record access requirements and reopen the record if material exhibits were not available.
4. Provide evidence that all required parties pursuant to MCC 39.1105 (Exhibit C.4) received notification.

Appeal

Failure to Demonstrate Least Intrusive and Technically Feasible Location (MCC 39.4225(A)(2))

The County must base approval on substantial evidence that the chosen site is the least intrusive among technically feasible alternatives, including elsewhere on the lot of record, within the defined coverage area. The record, as described in the Notice of Decision and staff report excerpts, references, does not include: (i) parcel level comparative analysis of alternative locations on the same tract (e.g., back half of the property) assessing visibility, setbacks, screening, access, and proximity to existing utilities (adjacent parcels at back half of property with homes and existing utilities), and (ii) evaluation of co-location opportunities elsewhere on the subject property that could meet service objectives. This gap is material under MCC 39.4225(A)(2), which explicitly requires the applicant to prove “least intrusive” and “technically feasible,” not merely assert it and require impacted parties to request complete case files and all evidence by requesting of Land Use Planning.

Incomplete Co-location Analysis Contrary to County Siting Preferences

Staff acknowledged the siting preference hierarchy (favoring co-location) but the record lacks evidence that co-location was meaningfully assessed on the subject property, or different locations on the subject property. Multnomah County has applied similar expectations in prior WCF decisions, requiring applicants to justify new towers versus co-location and concealment (e.g., the T2 2019 12701 decision upholding a concealed 156 ft. facility only after a developed record).

Remedy requested: Require the applicant to furnish signed refusals from nearby owners, structural feasibility assessments, and RF (NIER) modeling showing why co-location cannot meet coverage/capacity goals

Misplaced Reliance on FCC NIER Compliance

While the NIER report may show compliance with 47 C.F.R. § 1.1310, federal law restricts local denial based on RF health but does not eliminate local obligations to apply land use criteria (e.g., least intrusive siting, concealment, compatibility). A County Type II approval must include specific findings on local criteria; NIER compliance alone cannot substitute for the least intrusive/technical feasibility showing under MCC 39.4225(A)(2). While the FCC NIER Report might show compliance, requested case file / evidence has not been received for review.

Remedy requested: Remand for complete findings addressing MCC Chapter 39 wireless siting/design standards and Type II criteria, independent of NIER compliance.

Failure to Apply EFU/State Standards – Utility Facility Necessary for Public Service

On EFU lands, a “utility facility necessary for public service” must meet ORS 215.283(1)(c) and OAR 660 033 0130. The applicant must show reasonable alternatives were considered and that the facility must be sited on EFU to provide the service – considering technical feasibility, availability of ROW, public health/safety, and lack of other lands. Cost alone cannot be determinative. The record, as summarized, does not analyze reasonable non EFU alternatives or explain why EFU siting is unavoidable. Requested case file / evidence has not been received for review.

Remedy requested: Remand for findings applying ORS 215.283(1)(c) and OAR 660 033 0130, including a documented alternatives study (non EFU parcels, public ROW, existing vertical assets).

Technical Feasibility of Modest Utility Extensions Not Addressed

Appellant notes that routine, limited extensions of electric and fiber are common and do not defeat technical feasibility when impacts are proportionate and permitted by code. The record should compare front parcel siting versus back parcel siting on subject property, including utility extension scenarios (underground service is a proposed condition), weighing visual and land use impacts. The County’s own Zoning Code and Maps resource underscores the need to use current Chapter 39 standards when developing findings.

Remedy requested: Require a constructability memo and impact matrix comparing utility extension scenarios and visual/compatibility outcomes on all feasible on site alternatives.

Procedural Due Process – Access to the Record

Appellant requested case file and all evidence (including all Exhibits) but did not receive prior to submission. Per directions in Notice of Decision (dated 12/31/25) the complete case file and all evidence was requested by email (LUP-comments@multco.us) on 1/12/26. On 1/13/26,

Appellant phoned Land Use Planning regarding non-receipt. Message left with Greg (no last name provided) for assigned planner Anna Shank-Root, not working from office, on status of request, need for case file, and that appeal required to be filed by 1/14/26. Type II procedures and prior County notices contemplate opportunity to review the record and timely access to staff reports/exhibits before decision/appeal deadlines. If key exhibits were unavailable, the County should reopen the record or extend deadlines to ensure due process.

Remedy requested: Reopen the record and circulate all exhibits to all required parties; allow supplemental evidence and rebuttal before final decision.

Conditions of Approval – Enforcement & Practicality

The approval conditions require underground electrical/fiber “where practicable” and an as built compliance certification. If post construction testing revealed non-compliance with 47 C.F.R. § 1.1310, the tower would already be built. Although RF compliance is federal, County findings should clarify enforcement sequencing, cure periods, and decommissioning triggers to avoid a non-operational 140 ft structure. Not provided. Prior County practices expect clear post approval compliance pathways in Type II decisions.

Remedy requested: Add conditions specifying verification prior to final occupancy/operation, remedies for no- compliance, and decommissioning standards if operation cannot lawfully commence.

Proposed Findings:

Finding - Least Intrusive/Technical Feasibility (MCC 39.4225(A)(2)). The applicant submitted a comparative alternatives analysis evaluating (a) multiple locations on the subject tract (front, mid parcel, back parcel), (b) co location on nearby vertical assets, and (c) off site locations within the coverage area. For each alternative, the analysis assessed visibility, setbacks, screening, utility extensions (underground), access, and RF performance. The County concludes, based on substantial evidence, that the approved location is less visually intrusive and technically feasible compared to other alternatives. [multco.us] Finding – EFU/State Standards. The record demonstrates that reasonable non EFU alternatives were considered and rejected for documented reasons of technical/engineering feasibility, lack of suitable rights of way, or coverage objectives; cost alone was not dispositive. Must be sited on EFU to provide the required service, satisfying ORS 215.283(1)(c) and OAR 660 033 0130.

Finding – Co Location Preference. The applicant provided owner responses, structural reports, and RF modeling showing co location is not feasible to meet service objectives. Needs to be consistent with County siting preferences and prior practice

Appellant: Deborah Graziano

Signature: _____

Date: January 13, 2026

APPELLANT INFORMATION (additional names of those making appeal)

1. Frank and Deborah Graziano
14641 NW Olive Street
Portland, OR 97229
(908) 902-3440

2. Solvig and Douglas Carmichael
14595 NW Safflower drive
Portland OR 97229
(206) 669-6418

3. Sarah and Josh Beachy
14609 NW Safflower St
Portland OR 97229
(770) 655-2027

4. Andrea and Nathan Gibson
14588 NW Safflower Dr
Portland, OR 97229
(503) 888-5137



LUP Submittals <lup-submittals@multco.us>

Merchant Email Receipt

1 message

Auto-Receipt <noreply@mail.authorize.net>

Wed, Jan 14, 2026 at 2:06 PM

Reply-To: Auto-Receipt <noreply@mail.authorize.net>

To: Eric Arellano <multco.treasury@multco.us>, Matt Conrad <lup-submittals@multco.us>

This Message Is From an External Sender

External Sender - Be Suspicious of Attachments, Links, and Requests for Payment or Login Information.

===== SECURITY STATEMENT =====

It is not recommended that you ship product(s) or otherwise grant services relying solely upon this e-mail receipt.

===== GENERAL INFORMATION =====

Merchant : Multnomah County (2231539)

Date/Time : 14-Jan-2026 14:06:27 PST

===== ORDER INFORMATION =====

Invoice : T2-2025-0023-A

Description : \$250 Appeal fee.

Amount : 250.00 (USD)

Payment Method: Visa xxxx8908

Transaction Type: Authorization and Capture

===== Line Items =====

Item: 1

Description: Appeal Fee

Quantity: 1

Unit Price: \$250.00 (USD)

Item Total: \$250.00 (USD)

===== RESULTS =====

Response : This transaction has been approved.

Auth Code : 614160

Transaction ID : 121432203811

Address Verification : Street Address: Match -- First 5 Digits of Zip: Match

===== CUSTOMER BILLING INFORMATION =====

Customer ID : 796567976

First Name : Briana

Last Name : Song

Company :

Address : [14657 NW OLIVE ST](#)

City : PORTLAND

State/Province : OR

Zip/Postal Code : 97229

Country : US

Phone : 5039299710

Fax :

E-Mail : song.briana@gmail.com

===== CUSTOMER SHIPPING INFORMATION =====

First Name :

Last Name :

Company :

Address :

City :
State/Province :
Zip/Postal Code :
Country :

===== ADDITIONAL INFORMATION =====

Tax : 0.00
Duty :
Freight : 0.00
Tax Exempt :
PO Number :