

WHY A CELL TOWER HERE?



**City of Walla Walla
State of Washington**

File # CUP-22-0002

In Opposition to the proposed cell tower

Respectfully submitted by

Dan and Marva Preas

842 SE Vintage Way
College Place, WA

Legal Brief in Opposition

Further reasons to deny cell tower

Supporting documents

September 21, 2023

CITY OF WALLA WALLA
STATE OF WASHINGTON

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In the Matter of the Application of:

JSIP, on behalf of New Cingular Wireless PWS, LLC (AT&T)

For Conditional Use Permit

Premises: 928 Sturm Avenue
Walla Walla, WA 98362

Parcel #: 360728140121

File # CUP-22-0002
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MEMORANDUM IN OPPOSITION

Respectfully submitted,

Daniel Preas

Preliminary Statement

This memorandum is submitted in opposition to the application of New Cingular Wireless/AT&T, (hereinafter *AT&T*) for a conditional use permit to erect a 65 foot monopine cell tower at 928 Sturm Ave., Walla Walla. This almost 7 story tower will purportedly be disguised as a tree, though no one will be fooled. It's impossible to camouflage such an eyesore, no matter how vigorously *AT&T* claims it will blend into the neighborhood. Instead, it will loom over the nearby homes, sticking out "like a sore thumb," and forever changing the unique character of the community. The proposed tower is *not* compatible with the community.

This memorandum in opposition is being submitted on behalf of multiple homeowners whose homes are situated adjacent to or in close proximity to the site for *AT&T's* proposed cell tower.

As set forth below, *AT&T's* application should be denied because:

- (a) *AT&T* has failed to establish that granting the application would be consistent with applicable provisions of the City's Zoning Code, including the Wireless Communications Facilities provisions, and the City's Comprehensive Plan.
- (b) granting the application would violate not only these applicable provisions, but the legislative intent upon which they are based;
- (c) the applicant has failed to establish that the proposed facility: (i) is actually necessary for the provision of personal wireless services within the City or (ii) that it is necessary that the facility be built at the proposed site;
- (d) the irresponsible placement of the proposed facility would inflict upon the nearby homes and community the precise types of adverse impacts which the applicable provisions of the Zoning Code, Wireless Communications Facilities provisions and Comprehensive Plan were enacted to prevent.

We respectfully submit that *AT&T's* application should be denied and that the denial be

written in a manner that complies with the Telecommunications Act of 1996.

POINT I

Granting *AT&T's* Application for Its Proposed Wireless Telecommunication Facility Would Violate Applicable Laws and the Legislative Intent Upon Which They Were Enacted

As set forth below, *AT&T's* application should be denied because granting the application would violate the requirements of the City of Walla Walla's Zoning Code, the Wireless Communications Facilities regulations and the City's Comprehensive Plan/

A. Local Authority to Regulate Telecommunications Facilities

The proliferation of wireless communications facilities has resulted in the need for municipalities to pass legislation to regulate their construction. Although many site developers and cellular service providers will argue that the Telecommunications Act of 1996 (TCA) prohibits local governments from regulating telecommunications facilities, this is simply untrue. The TCA, 47 U.S.C. §332(c)(7) specifically *preserves local zoning authority*. Subsection (A) provides for general authority:

(7) Preservation of local zoning authority

(A) General authority

Except as provided in this paragraph, nothing in this chapter shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

While subsection (B) forbids a municipality from "unreasonably discriminat[ing] among providers" and from "prohibiting the provision of personal wireless services" altogether, the fact

remains that a municipality may restrict the placement, location, construction, and modification of wireless facilities in their community through zoning regulations. *See, T-Mobile South, LLC v. Roswell*, 135 S Ct 808 (2015); *GTE Mobilenet of California Ltd. P'ship v City of Berkley*, 2023 WL 2648197 (D. N.D. CA 2023); *Colfaxnet LLC v City of Colfax*, 2020 WL 6544494 (D. E.D. CA 2020).

“The TCA seeks to strike a balance between its goal of ‘encourage[ing] the rapid deployment of new telecommunications technologies’ without unduly encroaching on traditional local zoning authority.” *New Cingular Wireless PCS LLC d/b/a AT&T Mobility v. Zoning Board of Adjustment of the Borough of North Haledon*, 469 F.Supp.3d 262 (D. N.J. 2020) *citing, T-Mobile Ne. LLC v. City of Wilmington, Del.*, 913 F.3d 311 (3d Cir. 2019). “To this end, it ‘expressly preserves the traditional authority enjoyed by state and local government to regulate land use’ *Id.*, *citing, APT Pittsburgh Ltd. P'ship v. Penn Twp. Butler Cty. of Pa.*, 196 F.3d 469 (3d Cir. 1999); *Extenet Systems, Inc. v. Township of North Bergen, New Jersey*, 2022 WL 1591398 (D.N.J. 2022).

Simply stated, the TCA provides that an application to erect a cell tower can – and should – be treated as a land use issue, to be decided by a municipality in its ordinary course of business, using the same considerations normally employed in a land use case.

Consistent with the intent of this federal law, informed local governments have enacted “Smart Planning Provisions,” which are local land use regulations designed to:

- (a) prevent an *unnecessary proliferation* of wireless facilities while
- (b) preventing, to the greatest extent possible, unnecessary adverse impacts upon residential homes and communities due to the irresponsible placement of wireless facilities.

As set forth below, *AT&T's* application should be denied because granting the application violates not only the *requirements* of the applicable City laws and regulations, but their *legislative intent*.

B. Applicable Local Law

Generally, the overarching principle of most legislation, is for the benefit and protection of the municipality's citizens.

The stated purpose and intent of Walla Walla's Zoning Code is as follows:

The purpose of this code is to protect the health and safety, and enhance the general welfare and quality of life of the citizens of the City of Walla Walla. This Code intends to accomplish this purpose by defining and quantifying the uses of land designated by the Comprehensive Plan. This Code is the principal means of implementing the Plan. To this end, this code is intended to:

- A. Designate Land Use Zones. Designate land use zones which contribute to organized development of the community by restricting the location and relationships of uses, and providing for location of compatible uses in ways which encourage efficiency and mutual benefit.

Further, the "Vision" of the City's Comprehensive Plan refers to Walla Walla as "the best of the best of the Northwest" and indicates that the one thing the residents agree upon is that the unique character of Walla Wall is worth preserving.

Like the stated purpose of the Zoning Code and Wireless Communications Facilities provisions, the Community Character and Land Use sections of the Comprehensive Plan are designed to preserve and protect communities through zoning and land use tools. As evidenced by the Comprehensive Plan, community character is of utmost importance to Walla Walla's

residents. The Plan recognizes that “community character affects how people use and feel about the physical environment...” And without belaboring the point, the first land use goal of the Comprehensive Plan is that “Walla Walla grows in a responsible way that maintains or improves the quality of life for its residents.” It can’t be emphasized enough that Walla Walla’s citizens, and their elected representatives seek to create and maintain a unique, beautiful and harmonious community.

A towering wireless facility, dressed up like a 65 foot mutant tree, does not fit in with this vision. And that is the crux of the matter.

In order to erect this proposed tower, *AT&T* needs to obtain a Conditional Use permit. Under the Conditional Use provision of the Zoning Code, while a use may be generally allowable in an area, it may still “require special consideration prior to ...being permitted... The purpose of this review shall be to insure that, if approved, the use will be *reasonably compatible* with surrounding uses permitted in the area.” Walla Walla Zoning Code Chapter 20.216 Conditional Use §20.216.010 Description and purpose (emphasis supplied). Thus, it is absolutely clear that any land use which requires a conditional use permit *must* be compatible with the neighborhood. Again, it’s clear that the proposed tower does not meet this fundamental criterion. It is not compatible with the neighborhood and there should be no further consideration of *AT&T’s* application.

If we must analyze further, §20.216.040 General review criteria, decision process requires that the use will not “tend to generate nuisance conditions to adjoining properties” (§20.216.040 (A)(1)) and that it will be compatible and in harmony with the area in which it is to be located” (§20.216.040 (A)(2)). Under subsection (C) “If the potential adverse impact of

permit approval cannot be mitigated through imposition of conditions to a degree which assures that adjacent properties will not be unreasonably impacted, this *shall* constitute grounds for denial of the Conditional Use Permit” (emphasis added). This tower will undoubtedly generate nuisance conditions to the adjoining properties and cannot be said to be compatible and in harmony with the surrounding area. And as there are no conditions or mitigation efforts which could possibly assure that adjacent properties would not be unreasonably impacted, then it is respectfully submitted that for the above reasons, there is no choice but to deny the conditional use permit.

C. Zoning Code Chapter 20.170 Wireless Communication Facilities

The purpose of the Wireless Communication Facilities chapter “is to establish appropriate locations, site development standards, and permit requirements to allow for wireless communication services to the residents of the city, in a manner...so that they are consistent with the character of the city in general and the land use zones within which they are located.

It cannot be repeated often enough that the proposed tower is not consistent with the character of the city in general nor the zone in which it’s proposed to be located.

Significant requirements as to the contents of the application, together with a priority of siting provide additional reasons to deny the application. *AT&T* has not complied with these provisions. The application does not contain sufficient information as to why this site was chosen, nor why colocation isn’t feasible. Nor does it compare service to be provided by the proposed facility with *AT&T*’s other facilities in the city. (§20.170.032 (E)). The information purporting to comply with these provisions is woefully inadequate, appearing to be boilerplate and saying nothing at all meaningful.

Applicant's discussion of alternate site locations fails to explain how initial contact was made and why there was no follow up. It is claimed that engineers provide the search ring, but there's no indication of the size of the search ring, nor explanation regarding how or why that size was chosen. Although the area is primarily residential, there must be churches, offices, City rights-of-way, fire stations, police stations, and other suitable structures. How many such locations are there and what efforts were made by *AT&T* to determine their availability?

Of the dozen sites (including the proposed site) "investigated" by *AT&T*, seven "did not respond." What efforts were made to follow up? Seven of the twelve were also listed as outside the search ring. Are there only five locations that would be more suitable for a wireless facility? One has to wonder about the sincerity of *AT&T*'s search.

Further, it cannot be said that the application provides documentation that comprehensive efforts to identify alternative locations were made in accordance with §20.170.070.

Finally with respect to height and setback limits, it would appear that the proposed tower is not in compliance with respect to being 65 feet from the lot lines. In addition, as discussed below, *AT&T* can raise the height of the tower by twenty (20) feet at any time without further permitting review. An 85 foot tower is clearly not in compliance with the height and setback requirements of §20.170.070 (D)(1).

**D. *AT&T*'s Irresponsible Placement of Its Proposed
Wireless Facility Will Inflict Substantial Adverse
Impacts Upon the Aesthetics and Character of the Area**

The proposed wireless facility will inflict dramatic and wholly unnecessary adverse impacts upon the area's aesthetics and character. As noted above, the City's Comprehensive Plan as well as the applicable provisions of the Zoning Code not only recognize the importance

of the visual “feel” of a neighborhood, these sections codify its significance, requiring wireless facilities to be compatible with the community. In this instance, *AT&T*'s proposed tower at 928 Sturm Avenue will have a clear negative impact on the surrounding area. *AT&T*'s application blatantly disregards the aesthetic concerns expressed in the Comprehensive Plan and Code. Despite the weak attempt to camouflage the tower, it will be easily recognizable and readily visible to anyone in any part of the neighborhood, thereby creating an extremely displeasing aesthetic.

There doesn't even appear to be any reasonable attempt by *AT&T* to place the facility in a location where the adverse aesthetic impact on the community is minimal. Moreover, *AT&T* hasn't presented any relevant data demonstrating that the proposed facility is even necessary, let alone that the proposed location is the best possible location to remedy any gap in coverage *AT&T* claims exists.

Federal courts around the country, including the United States Court of Appeals for the Ninth Circuit, have held that significant or unnecessary adverse aesthetic impacts are proper legal grounds upon which a local government may deny a zoning application seeking approval for the construction of a wireless telecommunication facility. For example, the United States Court of Appeals for the Ninth Circuit determined that there is nothing to “prohibit local governments from taking into account aesthetic considerations in deciding whether to permit the development of wireless telecommunications facilities (WCFs) within their jurisdictions.” *Sprint PCS Assets, L.L.C. v. City of Palos Verdes Ests.*, 583 F.3d 716 (9th Cir. 2009), *see also GTE Mobilenet of Calif. Ltd. P'ship v. City of Berkley*, *supra* (“Even under a substantial evidence review, zoning decisions based on aesthetic concerns can be valid,” and “under the TCA, [a

zoning board] is entitled to make an aesthetic judgment as long as the judgment is ‘grounded in the specifics of the case,’ and does not evince merely an aesthetic opposition to cell-phone towers in general.” *citations omitted*); and *New Cingular Wireless PCS, LLC v. County of Marin, Calif.*, 2021 WL 5407509, (N.D. Calif. 2021).

“[T]he City may consider a number of factors including the height of the proposed tower, the proximity of the tower to residential structures, the nature of uses on adjacent and nearby properties, the surrounding topography, and the surrounding tree coverage and foliage. We, and other courts, have held that these are legitimate concerns for a locality.” *T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987, 994 (9th Cir. 2009). *See also, Sprint Telephony PCS, L.P. v. Cty. of San Diego*, 543 F.3d 571, 580 (9th Cir. 2008) (stating that the zoning board may consider “other valid public goals such as safety and aesthetics”); *T-Mobile Cent., LLC v. Unified Gov’t of Wyandotte County, Kan.*, 546 F.3d 1299, 1312 (10th Cir.2008) (noting that “aesthetics can be a valid ground for local zoning decisions”); and *Cellular Tel. Co. v. Town of Oyster Bay*, 166 F.3d 490, 494 (2d Cir.1999) (recognizing that “aesthetic concerns can be a valid basis for zoning decisions”).

Additionally, as is set forth below, *AT&T* has failed to provide a shred of probative evidence to establish that the wireless communications facility is not injurious to the neighborhood and is *actually necessary* to provide personal wireless coverage in the area.

E. Evidence of the Actual Adverse Aesthetic Impacts Which
the Proposed Facility Would Inflict Upon the Nearby Homes

As logic would dictate, the persons who are best suited to assess the nature and extent of the adverse aesthetic impacts, which an irresponsibly placed wireless telecommunication facility would inflict upon homes in close proximity to the proposed facility, are the homeowners

themselves.

Consistent with this logic, the United States Court of Appeals for the Second Circuit has recognized that when a local government is considering a wireless facility application, it should accept, as direct evidence of the adverse aesthetic impacts that a proposed facility would inflict upon nearby homes, statements and letters from the actual homeowners, since they are in the best position to know and understand the actual extent of the impact they stand to suffer. *See, e.g., Omnipoint Communications Inc. v. The City of White Plains*, 430 F.3d 529 (2d Cir. 2005).

Annexed collectively hereto as **Exhibit "A"** are letters from homeowners whose homes are situated adjacent to, and/or in close proximity to, the site upon which *AT&T* seeks to install its proposed wireless telecommunications facility. Numerous additional letters were previously submitted directly to the City.

Within each of these letters, the homeowners personally detail the adverse aesthetic impacts that the proposed facility would inflict upon their respective homes. They have provided detailed and compelling descriptions of the dramatic adverse impacts their properties would suffer if the proposed installation of a wireless telecommunication facility were permitted to proceed.

Significantly, as is set forth above, all of the adverse aesthetic impacts the proposed wireless facilities would inflict upon these homes are entirely unnecessary because *AT&T* does not need the proposed facility in order to provide wireless services within the City. The specific and detailed impacts described by the adjacent and nearby property owners constitute "*substantial evidence*" of the adverse aesthetic impacts they stand to suffer because they are not limited to "generalized concerns" but instead contain specific, detailed

descriptions of how the proposed facility would dominate the views from their bedroom windows, living rooms, kitchens, front yards and backyards, and “from all over” their properties, and “from every angle” therefrom. *See GTE Mobilenet, supra; Voice Stream PCS I, LLC v. City of Hillsboro, 301 F.Supp. 2d 1251 (D. Or. 2004).*

The severe adverse aesthetic impacts which would be caused by the proposed wireless facility’s irresponsible placement which are detailed in these letters, are the precise type of damaging impacts that the Zoning Code was specifically enacted to prevent.

Accordingly, *AT&T’s* application should be denied in its entirety.

F. *AT&T’s* Visual Assessment is Inherently
Defective and Should be Disregarded Entirely

In a hollow effort to induce the City to believe that the installation of the proposed wireless facility *would not* inflict a severe adverse aesthetic impact upon the adjacent homes, *AT&T* has submitted what purports to be photo simulations of what the neighborhood would look like if the tower were to be built. However, these photo simulations are faulty and meaningless.

As is undoubtedly known to *AT&T*, the visual impact analysis presented is inherently defective because it does not serve the purpose for which it has been offered. The reason local governments require photo simulations, or other visual impact studies, of a proposed wireless facility is to require applicants to provide the reviewing authority with a clear visual image of the *actual* aesthetic impacts that a proposed installation will inflict upon the nearby homes and residential community.

Not surprisingly, applicants often disingenuously seek to minimize the visual impact of these depictions by *deliberately omitting* from their photo simulations any images *actually taken from* the nearby homes that would sustain the most severe adverse aesthetic impacts.

In a widely cited case, *Omnipoint Communications Inc. v. The City of White Plains*, 430 F3d 529 (2nd Cir. 2005), the United States Court of Appeals for the Second Circuit explicitly ruled that where a proponent of a wireless facility presents visual impact depictions where they “omit” any images from the perspectives of the homes which are in closest proximity to the proposed installation, such presentations are inherently defective, and should be disregarded by the respective municipality that received it.

As was explicitly stated by the federal court: “the Board was free to discount Omnipoint’s study because it was conducted in a defective manner. . . *the observation points were limited to locations accessible to the public roads, and no observations were made from the residents’ backyards much less from their second story windows*” *Id.*

A simple review of the records shows that *AT&T* has failed to submit a meaningful visual impact analysis. *AT&T* has not included a single image taken from *any* of the nearby homes that will sustain the most severe adverse aesthetic impacts from the installation of the wireless facility, which *AT&T* seeks to construct in such close proximity to those homes. This, of course, includes a complete absence of any photographic images taken from any of the homes belonging to the homeowners whose adverse aesthetic impact letters are annexed hereto as Exhibit “A” or were previously submitted to the City.

Instead, the photo simulation only contains photos taken from public roads, and from perspectives designed to minimize the appearance of the adverse aesthetic impact, and it in no way accurately depicts the view the affected homeowners will see, each and every time they look out their bedroom, kitchen, or living room window, or sit in their backyard. This is the exact type of “presentation” which the federal court explicitly ruled to be defective in

Omnipoint. As such, in accord with the federal court's holding in *Omnipoint*, AT&T's visual impact analysis should be recognized as inherently defective and disregarded in its entirety.

G. The Proposed Installation Will Inflict Substantial and Wholly Unnecessary Losses in the Values of Adjacent and Nearby Residential Properties

In addition to the adverse impacts upon the aesthetics and residential character of the neighborhood at issue, such an irresponsibly placed wireless facility in such close proximity to nearby residences would inflict upon those homes a severe adverse impact on the actual value of those residential properties.

As established by the evidence submitted herein, if AT&T is permitted to install the proposed wireless facility in such close proximity to nearby homes, it would inflict upon those homes dramatic losses in property value, to the extent that the homeowners would suffer significant losses in the values of their residential properties.

It is a common misconception that a municipality like the City of Walla Walla, may not consider property values when making its determination on wireless telecommunications facility applications. This is not true and is contrary to established precedent in the federal courts. *See Omnipoint, supra*. In addition, it would directly contradict the purpose and intent of the City's Zoning Code, including the Wireless Communication Facilities provisions which surely contemplate preventing material detriment to property value.

Across the entire United States, both real estate appraisers¹ and real estate brokers have rendered professional opinions that simply support what common sense dictates. When wireless

¹ See e.g. a February 22, 2012 article discussing a NJ appraiser's analysis wherein he concluded that the installation of a Wireless Facility in close proximity to a home had reduced the value of the home by more than 10%, go to <http://bridgewater.patch.com/articles/appraiser-t-mobile-cell-tower-will-affect-property-values>

facilities are installed unnecessarily close to residential homes, such homes suffer material losses in value, typically ranging from 5% to 20%.² In the worst cases, facilities built near existing homes have caused the homes to be rendered wholly unsaleable.³

Federal courts recognize that it is perfectly proper for a local zoning authority to consider as direct evidence of the reduction in property values that an irresponsibly placed wireless facility would inflict upon nearby homes, the professional opinions of licensed real estate brokers (as opposed to appraisers) who provide their professional opinions as to the adverse impact upon property values that would be caused by the installation of the proposed wireless facility. *See Omnipoint supra*. This is especially true when they possess years of real estate sales experience within the community and the specific geographic area at issue.

As evidence of the adverse impact that the proposed facility would have upon the

² In a series of three professional studies conducted between 1984 and 2004, one set of experts determined that the installation of a Wireless Facility in close proximity to a residential home reduced the value of the home by anywhere from 1% to 20%. These studies were as follows:

The Bond and Hue - *Proximate Impact Study* - The Bond and Hue study conducted in 2004 involved the analysis of 9,514 residential home sales in 10 suburbs. The study reflected that close proximity to a Wireless Facility reduced price by 15% on average.

The Bond and Wang - *Transaction Based Market Study*

The Bond and Wang study involved the analysis of 4,283 residential home sales in 4 suburbs between 1984 and 2002. The study reflected that close proximity to a Wireless Facility reduced the price between 20.7% and 21%.

The Bond and Beamish - *Opinion Survey Study*

The Bond and Beamish study involved surveying whether people who lived within 100' of a Wireless Facility would have to reduce the sales price of their home. 38% said they would reduce the price by more than 20%, 38% said they would reduce the price by only 1%-9%, and 24% said they would reduce their sale price by 10%-19%.

³ Under FHA regulations, no FHA (federally guaranteed) loan can be approved for the purchase of any home which is situated within the fall zone of a Wireless Facility. *See* HUD FHA HOC Reference Guide Chapter 1 - hazards and nuisances. As a result, there are cases across the country within which: (a) a homeowner purchased a home, (b) a Wireless Facility was thereafter built in close proximity to it, and (c) as a result of same, the homeowners could not sell their home, because any buyer who sought to buy it could not obtain an FHA guaranteed loan. *See, e.g.*, October 2, 2012 Article “. . . Cell Tower is Real Estate Roadblock” at <http://www.wfaa.com/news/consumer/Ellis-County-Couple--Cell-tower-making-it-impossible-to-sell-home--172366931.html>.

property values of the homes that would be adjacent and/or in close proximity to it, annexed hereto as **Exhibit “B”** are letters setting forth the professional opinions of licensed real estate professionals, who are familiar with the specific real estate market at issue, and who submit their professional opinions that the installation of the proposed facility would cause property values of the affected homes to be reduced by up to 20% and would make those homes more difficult to sell, even at reduced purchase prices.

Given the significant reductions in property values that the proposed installation would inflict upon the nearby homes, the granting of *AT&T*'s application would inflict upon the residential neighborhood the very type of injurious impacts that the Zoning Code was specifically intended to prevent. Accordingly, *AT&T*'s application should be denied.

POINT II

§ 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012 Would Allow *AT&T* to Increase the Height of the Proposed Facility Without Further Zoning Approval

As severe as the adverse impacts upon the nearby homes and communities would be if the proposed facility were constructed as proposed by *AT&T*, if such a facility were built, *AT&T* could unilaterally choose to increase the height of the facility by as much as twenty (20) feet. The City would be legally prohibited from stopping them from doing so due to the constraints of the Middle-Class Tax Relief and Job Creation Act of 2012.

§6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012 provides that notwithstanding Section 704 of the Telecommunications Act of 1996 or any other provision of law, a State or local government may not deny, and shall approve, any eligible request for a modification of an existing wireless facility or base station that does not substantially change the

physical dimensions of such facility or base station. *See* 47 U.S.C. §1455(a).

Under the FCC's reading and interpretation of §6409(a) of the Act, local governments are prohibited from denying modifications to wireless facilities unless the modifications will "substantially change" the physical dimensions of the facility, pole, or tower.

The FCC defines "substantial change" to include any modification that would increase the height of the facility by more than ten (10%) percent or by more than "the height of one additional antenna with separation from the nearest existing antenna not to exceed 20 feet, *whichever is greater.*" (Emphasis added.) This height increase could not be challenged or prevented by the City.

Simply stated, under the FCC's regulation, if this facility were to be built, *AT&T*, at any time thereafter, could unilaterally increase the height of any such facility by as much as an additional twenty (20) feet, and there would be no way for the City to prevent such an occurrence, even if that were to put the tower beyond the setback requirements.

Considering the even more extreme adverse impacts which an increase in the height of the facility would inflict upon the homes and communities nearby, *AT&T's* application should be denied, especially since, as set forth below, *AT&T* doesn't actually *need* the proposed facility in the first place.

POINT III

AT&T Has Failed to Proffer Probative Evidence Sufficient to Establish a Need for the Proposed Wireless Facility at the Location Proposed, or That the Granting of Its Application Would Be Consistent With the Smart Planning Requirements of the City's Zoning Code

The intent behind the provisions of the City of Walla Walla's Zoning Code, including

the provisions regulating wireless telecommunications facilities, was to promote “smart planning” of wireless infrastructure within the City.

Smart planning involves the adoption and enforcement of zoning provisions that require wireless telecommunication facilities be *strategically placed* so that they minimize the number of facilities needed while saturating the City with complete wireless coverage (*i.e.*, they leave no gaps in wireless service) and avoiding any unnecessary adverse aesthetic or other impacts upon homes and communities situated in close proximity to such facilities.

To determine if a proposed wireless telecommunications facility would be consistent with smart planning requirements, sophisticated City boards require wireless carriers and/or site developers to provide direct evidentiary proof of:

- (a) the *precise locations, size, and extent of any geographic gaps in personal wireless services* that are being provided by a specifically identified wireless carrier, which provides personal wireless services within the respective jurisdiction, **and**
- (b) the *precise locations, size, and extent of any geographic areas* within which that identified wireless carrier suffers from a capacity deficiency in its coverage.

The reason that local zoning boards invariably require such information is that without it, the boards are incapable of knowing:

- (a) if, and to what extent a proposed facility will remedy any actual gaps or deficiencies which may exist, and
- (b) if the proposed placement is in such a poor location that it would all but require that more facilities be built because the proposed facility did not actually cover the gaps in service which actually existed, thereby causing an unnecessary redundancy in wireless facilities within the City.

In the present case, *AT&T* has wholly failed to provide any hard data to establish that the proposed placement of its facility would, in any way, be consistent with the smart planning provisions. Thus, it has failed to provide actual probative evidence to establish:

- (a) the *actual location of gaps* (or deficient capacity locations) in personal wireless services within the City, and
- (b) why or how their proposed facility would be the best and/or least intrusive means of remedying those gaps.

Moreover, as will be further discussed below, *AT&T* failed to present any hard data and has failed to present any useful data at all.

A. The Applicable Evidentiary Standard

Within the context of zoning applications such as the current application filed by *AT&T*, an applicant is required to prove that there are *significant gaps*⁴ in its wireless service, that the location of the proposed facility will remedy those gaps, and that the facility is the least intrusive means of remedying that gap.

The Ninth Circuit has set forth the following requirements, which all applicants seeking to install wireless facilities must prove. The test articulated by the Ninth Circuit requires *AT&T* to demonstrate that:

- (1) the proposed facility is required in order to close a significant gap in service coverage;

⁴ It should be noted that establishing a gap in wireless services is *not* enough to prove the need for a wireless facility; rather, the applicant must prove that “a significant gap” in wireless service coverage exists at the proposed location. *See, e.g., Omnipoint Holdings, Inc. v. City of Cranston*, 586 F.3d 38, 50 (1st Cir. 2009); *MetroPCS, Inc. v. City and County of San Francisco*, 400 F.3d 715, 731 (9th Cir.2005). Here, *AT&T* failed to proffer substantial evidence that a gap in wireless services exists—let alone that this purported gap is “significant” within the meaning of the TCA and established federal jurisprudence.

- (2) that the proposed facility is the least intrusive means of remedying the significant gap in service coverage, and
- (3) a meaningful inquiry has been made as to why the proposed facility is the only feasible alternative.

See Am. Tower Corp. v. City of San Diego, 763 F.3d 1035 (9th Cir. 2014); *GTE Mobilenet, supra*.

More specifically, the United States Court of Appeals for the Ninth Circuit stated in *Am. Tower Corp. v. City of San Diego, supra*, “[w]hen determining whether a locality has effectively prevented a wireless services provider from closing a significant gap in service coverage, as would violate the federal Telecommunications Act (TCA), some inquiry is required regarding the feasibility of alternative facilities or site locations, and a least intrusive means standard is applied, which requires that the provider show that the manner in which it proposes to fill the significant gap in services is the least intrusive on the values that the denial sought to serve.” *Id. See also, T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987 (9th Cir. 2009).

B. *AT&T Failed To Submit Any Probative Evidence to Establish the Need For the Proposed Facility at the Height and Location Proposed*

AT&T failed to meet its burden of proving that: (1) a significant gap in service exists; (2) its facility would remedy that gap; (3) the tower presents is compatible with the surrounding community; (4) its proposed placement would minimize the aesthetic impact within the meaning of the applicable sections of the City Zoning Code; and (5) the denial of its applications would constitute a “prohibition of personal wireless services” within the meaning of 47 U.S.C.A. §332(7)(B)(i)(II).

Glaringly absent from *AT&T's* application is any "*hard data*," which could easily be submitted by the applicant, as *probative evidence* to establish that: (a) there is an actual gap in service which (b) necessitates the installation of a new facility, (c) requires it to be built at the specifically chosen location, and (d) on the specifically chosen site (as opposed to being built upon alternative, less-intrusive locations).

AT&T has failed to prove that the proposed location is the best possible location to remedy a significant gap in personal wireless service because no significant gap in service even exists.

Without any meaningful data whatsoever, it is impossible for the City to comply with the smart planning requirements set forth in its own Zoning Code. Furthermore, without any data, the City cannot ascertain that the proposed location is the least intrusive means of providing personal wireless service to the community because they have no idea where any possible significant gaps may or may not exist. It would be entirely irresponsible and illogical for the City to grant applications for the installation of wireless telecommunications facilities without even knowing where such facilities are actually needed.

(i) FCC and California Public Utilities Commission

Recently, both the FCC and the California Public Utilities Commission have recognized the *absolute need* for hard data rather than the commonly submitted propagation maps, which can easily be manipulated to exaggerate need and significant gaps.

As is discussed within the FCC's July 17, 2020, proposed order, FCC-20-94, "[i]n this section, we propose requiring mobile providers to submit a statistically valid sample of on-the-ground data (*i.e.*, both mobile and stationary drive-test data) as an additional method to verify

mobile providers' coverage maps.”⁵ The FCC defines drive tests as “tests analyzing network coverage for mobile services in a given area, i.e., measurements taken from vehicles traveling on roads in the area.”⁶ Further within the FCC’s proposed order, several commenting entities also agree that drive test data is the best way to ascertain the most reliable data. For example: (i) “City of New York, California PUC, and Connected Nation have asserted that on-the-ground data, such as drive-test data, are critical to verifying services providers’ coverage data...;”⁷ (ii) California PUC asserted that ‘drive tests [are] the most effective measure of actual mobile broadband service speeds’;⁸ and (iii) “CTIA, which opposed the mandatory submission of on-the-ground data, nonetheless acknowledged that their data ‘may be a useful resource to help validate propagation data...’”⁹

California PUC has additionally stated that “the data and mapping outputs of propagation-based models will not result in accurate representation of actual wireless coverage” and that based on its experience, “drive tests are required to capture fully accurate data for mobile wireless service areas.”¹⁰

Moreover, proposed order FCC-20-94, on page 45, paragraph 105, discusses provider data. Specifically, the FCC states:

“The Mobility Fund Phase II Investigation Staff Report, however, found that drive testing can play an important role in auditing, verifying, and investigating the accuracy of mobile broadband coverage maps submitted to the Commission. The Mobility Fund Phase II Investigation Staff Report recommended that the Commission require

⁵ See page 44 paragraph 104 of proposed order FCC-20-94.

⁶ See page 44 fn. 298 of proposed order FCC-20-94.

⁷ See page 45 fn. 306 of proposed order FCC-20-94.

⁸ *Id.*

⁹ *Id.*

¹⁰ <https://arstechnica.com/tech-policy/2020/08/att-t-mobile-fight-fcc-plan-to-test-whether-they-lie-about-cell-coverage/>

providers to “submit sufficient actual speed test data sampling that verifies the accuracy of the propagation model used to generate the coverage maps. *Actual speed test data is critical to validating the models used to generate the maps.*”

(Emphasis added)

Most importantly, on August 18, 2020, the FCC issued a final rule in which the FCC found that requiring providers to submit detailed data about their propagation models will help the FCC verify the accuracy of the models. Specifically, 47 CFR §1.7004(c)(2)(i)(D) requires “[a]ffirmation that the coverage model has been validated and calibrated at least one time using on-the-ground testing and/or other real-world measurements completed by the provider or its vendor.”

The mandate requiring more accurate coverage maps has been set forth by Congress. “As a result, the U.S. in March passed a new version of a bill designed to improve the accuracy of broadband coverage maps.”¹¹ “The Broadband Deployment Accuracy and Technological Availability (DATA) Act requires the FCC to collect more detailed information on where coverage is provided and to ‘establish a process to verify the accuracy of such data, and more.’”¹²

However, despite Congress’ clear intent to “improve the quality of the data,”¹³ several wireless carriers, including *AT&T*, have opposed the drive test/real-world data requirement as too costly.

“The project – required by Congress under the Broadband DATA Act – is an effort to

¹¹ <https://www.cnet.com/news/t-mobile-and-at-t-dont-want-to-drive-test-their-coverage-claims/>

¹² *Id.*

¹³ *Id.*

improve the FCC's current broadband maps. Those maps, supplied by the operators themselves, have been widely criticized as inaccurate."¹⁴

If the FCC requires further validation and more accurate coverage models, there is no reason the City of Walla Walla should not do the same. For the foregoing reasons, dropped call records and drive test data are both relevant and necessary.

(ii) Hard Data and the Lack Thereof

Across the entire United States, applicants seeking approvals to install wireless facilities provide local governments with *hard data*, as both: (a) actual evidence that the facility they seek to build is necessary and (b) actual evidence that granting their application would be consistent with smart planning requirements.

The most accurate and least expensive evidence used to establish the location, size, and extent of both *significant gaps* in personal wireless services, and areas suffering from *capacity deficiencies*, are two specific forms of *hard data*, which consist of: (a) dropped call records and (b) actual drive test data. Both local governments and federal courts in California consider hard data in order to ascertain whether or not a significant gap in wireless coverage exists at that exact location.

In fact, unlike "expert reports," RF modeling and propagation maps – all of which are often manipulated to reflect whatever the preparer wants them to show – *hard data* is straightforward and less likely to be subject to manipulation, unintentional error, or inaccuracy. Dropped call records are generated by a carrier's computer systems. They are typically extremely accurate because they are generated by a computer that already possesses all of the

¹⁴ <https://www.lightreading.com/test-and-measurement/verizon-t-mobile-atandt-balk-at-drive-testing-their-networks/d/d-id/763329>

data pertaining to dropped calls, including the number, date, time, and location of all dropped calls suffered by a wireless carrier at any geographic location and for any chronological period. With the ease of a few keystrokes, each carrier's system can print out a precise record of all dropped calls for any period of time, at any geographic location. It is highly unlikely that someone could enter false data into a carrier's computer system to materially alter that information.

In a similar vein, actual drive test data does not typically lend itself to the type of manipulation that is almost uniformly found in "computer modeling," the creation of hypothetical propagation maps, or "expert interpretations" of actual data, all of which are so subjective and easily manipulated that they are essentially rendered worthless as a form of probative evidence.

Actual *raw* drive test data consists of actual records of a carrier's wireless signal's actual recorded strengths at precise geographic locations.

As reflected in the records, *AT&T* has not provided either of these forms of *hard data* as probative evidence, nor has it presented any form of data whatsoever, despite being in possession of such data.

(iii) *AT&T's Analysis Regarding Its Wireless Coverage
Is Contradicted By Its Own Actual Coverage Data*

As is a matter of public record, *AT&T* maintains an internet website at the internet domain address of <http://www.att.com>. In conjunction with its ownership and operation of that website, *AT&T* maintains a database that contains geographic data points that cumulatively form a geographic inventory of *AT&T's actual current* coverage for its wireless services.

As maintained and operated by *AT&T*, that database is linked to *AT&T* website and functions as the data-source for an interactive function, which enables users to access *AT&T*'s own data to ascertain both: (a) the existence of *AT&T*'s wireless coverage at any specific geographic location, and (b) the level, or quality of such coverage.

AT&T's interactive website translates *AT&T*'s actual coverage data to provide imagery whereby areas that are covered by *AT&T*'s service are depicted in shades of blue and areas where *AT&T* has a lack (or gap) in coverage are depicted in white.

The website further translates the data from *AT&T*'s database to specify the actual coverage at any specific geographic location. **Exhibit "C,"** which is being submitted together with this Memorandum, is a true copy of a record obtained from *AT&T*'s website¹⁵ on September 7, 2023. This Exhibit depicts *AT&T*'s actual wireless coverage at 928 Sturm Avenue, Walla Walla and the surrounding area, this being the specific geographic location at which *AT&T* seeks to install its proposed facility under the claim that *AT&T* "needs" such facility to remedy a gap in its personal wireless service at and around such location.

As shown in **Exhibit "C,"** *AT&T*'s own data reflects that there is no coverage gap in *AT&T*'s service at that precise location or anywhere around or in close proximity to it.

AT&T's submissions are entirely devoid of any hard data or probative evidence that establishes that *AT&T* "needs" the proposed facility. *AT&T*'s data affirmatively contradicts what *AT&T* states in its application. As such, *AT&T* has wholly failed to "demonstrate and prove" that *AT&T*'s proposed facility is necessary for it to provide personal wireless services within the City.

¹⁵ <http://www.att.com>.

(iv) *ExteNet Systems, Inc. v. Village of Flower Hill and Flower Hill Board of Trustees*

On July 29, 2022, the Federal District Court for the Eastern District of New York issued an informative and instructive decision that reiterates the holding in an authoritative case, *Sprint Spectrum L.P. v. Willoth*, 176 F.3d 630 (2d Cir. 1999). The Judge noted that while “improved capacity and speed are desirable (and, no doubt, profitable) goals in the age of smartphones, ... they are not protected by the [TCA].” *ExteNet Systems, Inc. v. Village of Flower Hill*, No. 19-CV-5588-FB-VMS (E.D.N.Y. July 29, 2022). In the *Flower Hill* case, the Board found significant adverse aesthetic and property values impact and, most importantly, no gap in wireless coverage and, therefore, no need even to justify the significant adverse impacts.

Quoting *Omnipoint, supra*, the Court found that the lack of “public necessity” can justify a denial under New York law. “In the context of wireless facilities, public necessity requires the provider ‘to demonstrate that there was a gap in cell service, and that building the proposed [facility] was more feasible than other options.’” *Id.* Further, the Judge held that “as with the effective prohibition issue, the lack of a gap in coverage is relevant here and can constitute *substantial evidence* justifying denial... And, since one reason given by the Board for its decision was supported by substantial evidence, the Court need not evaluate its other reasons.” *Id.*, (*emphasis supplied*).

The applicant bears the burden of proof and must show that there is a significant gap in service – not just a lack of a particular frequency of service, *i.e.*, 5G service. A cell phone is able to “downshift” – that is, from 5G to 4G or from 4G to 3G, etc. – if necessary to maintain a call

throughout coverage areas. Unless there is an *actual* gap, the call will continue uninterrupted. Therefore, there's only a significant gap when there is *no service at all*. *Id.*

Similarly, in this instance, in addition to the clear adverse impact to the neighboring properties, *AT&T* has failed to produce any evidence of a truly *significant gap* in wireless service. Showing a gap in a particular frequency is not sufficient. *All* frequencies must be absent for a significant gap to exist. *AT&T* has failed to meet this burden, and thus their application should be denied.

POINT IV

To Comply With the TCA, *AT&T*'s Application Should Be Denied in a Written Decision Which Cites the Evidence Provided Herewith

The Telecommunications Act of 1996 requires that any decision denying an application to install a wireless facility: (a) be made in writing, and (b) be made based upon substantial evidence, which is discussed in the written decision. *See* 47 U.S.C.A. §332(c)(7)(B)(iii).

A. The Written Decision Requirement

To satisfy the requirement that the decision be in writing, a local government must issue a written denial which is separate from the written record of the proceeding, and the denial must contain a sufficient explanation of the reasons for the denial to allow a reviewing court to evaluate the evidence in the record supporting those reasons. *See, e.g., MetroPCS v. City and County of San Francisco*, 400 F.3d 715 (2005).

B. The Substantial Evidence Requirement

To satisfy the requirement that the decision be based upon substantial evidence, the

decision must be based upon such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

The most authoritative and widely quoted explanation of the TCA's "substantial evidence" requirement comes from *Cellular Tel. Co. v. Town of Oyster Bay*: "substantial evidence implies 'less than a preponderance, but more than a scintilla of evidence'." 166 F.3d 490 (2d Cir. 1999). *See also, GTE Mobilenet, supra*. Substantial evidence "means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Id.*, quoting *MetroPCS, Inc. v. City and Cty. of San Francisco*, 400 F.3d 715 (9th Cir. 2005). Thus, the below named homeowners have met their burden of proving that *AT&T* failed to offer sufficient evidence to warrant granting their application should be denied.

To ensure that the City's decision to deny this application cannot be challenged under the Telecommunications Act of 1996, it is respectfully requested that the City deny *AT&T's* application in a written decision wherein the City cites the substantial evidence upon which it based its determination.

C. The Non-Risks of Litigation

All too often, representatives of wireless carriers and/or site developers try to intimidate local zoning officials with either open or veiled threats of litigation. These threats of litigation under the TCA are, for the most part, entirely hollow.

This is because, even if they file a federal action against the City and win, the Telecommunications Act of 1996 does not entitle them to recover compensatory damages or attorneys' fees, even when they get creative and try to characterize their cases as claims under

42 U.S.C. §1983.¹⁶

This means that if they sue the City and win, the City does not pay them anything in damages or attorneys' fees under the TCA.

Typically, the only expense incurred by the local government is its own attorneys' fees. Since federal law mandates that TCA cases proceed on an "expedited" basis, such cases typically last a comparatively short time. As a result of the brevity and relative simplicity of such cases, the attorneys' fees incurred by a local government are typically quite small, compared to virtually any other type of litigation.

Conclusion

AT&T has not proven that a need even exists in the area they propose to install their cell tower. No significant gap has been demonstrated. Nor has *AT&T* proven that the proposed facility is the least intrusive means of remedying the purported significant gap in service coverage, and they have not shown that a meaningful inquiry has been made as to why the proposed facility is the only feasible alternative.

These facts together with the clear adverse impacts – both aesthetic and financial – which will befall the nearby residents, and which will affect the character of the of the entire community can result in only one thoughtful, considered decision. That decision is undoubtedly a denial of *AT&T's* application.

¹⁶ See *City of Rancho Palos Verdes v. Abrams*, 125 S.Ct 1453 (2005), *Network Towers LLC v. Town of Hagerstown*, 2002 WL 1364156 (2002), *Kay v. City of Rancho Palos Verdes*, 504 F.3d 803 (9th Cir 2007), *Nextel Partners Inc. v. Kingston Township*, 286 F.3d 687 (3rd Cir 2002).

For the foregoing reasons, we respectfully request that *AT&T's* application be denied in its entirety.

Dated: Walla Walla, Washington
September 20, 2023

Respectfully Submitted,

Dan Preas

CITY OF WALLA WALLA
STATE OF WASHINGTON

-----X
In the Matter of the Application of:

J5IP, on behalf of New Cingular Wireless PWS, LLC (AT&T)

For Conditional Use Permit

Premises: 928 Sturm Avenue
Walla Walla, WA 98362

Parcel #: 360728140121

File # CUP-22-0002
-----X

EXHIBITS OPPOSITION

Respectfully submitted,

Daniel Preas

Exhibit List

- A Adverse Aesthetic Impact Letters
- B Real Estate Professional Opinion Letter re: Adverse Impact on Property Values
- C AT&T Website Wireless Coverage Map

EXHIBIT A

Connie & Douglas DeMers
1309 Monroe Street Walla Walla, WA 99362
September 19, 2023

Regarding CUP-22-0002 – Conditional Use Permit for construction of a new wireless communication facility at 928 Sturm Avenue, Walla Walla, WA 99362

Gentlemen-

A “stealth tower” as proposed does not look at all natural. At 65 feet – and certainly at 85 feet once extended as allowed by FCC ruling, it will tower over the neighborhood, overshadowing the remaining natural mature tree canopy and even the church steeple for Blue Mountain Church. The proposed eyesore will be an ugly daily reminder in my walks within the neighborhood, and even in drives while going about our normal daily business. No amount of surrounding vegetation and trees will screen and blend the monopine with its surroundings. The towering monstrosity will thrust upwards like a stiff middle-finger, letting all know that Blue Mountain Church and AT&T care only about the money, and not their neighbors.

I am also concerned about fire and safety issues. 928 Sturm is in a rural residential neighborhood; fire plugs are not in close-proximity. Cell towers do catch on fire from a variety of reasons, and given the proposed siting; the limited access to fire hydrants and the concentrated electrical and electronics, back up generator, diesel tanks, etc. - the choice of this for siting an industrial, commercial cellular tower presents a substantial hazard to the neighborhood. It is likely that in case of a fire, electricity to the entire neighborhood would need to be shut off, and firefighters would be in cramped, unsafe quarters in trying to fight the fire.

Overhead high tension electrical service currently exists within tower-fall distance of the proposed tower siting, presenting yet another fire and safety issue. Other neighbors have told me of a fire in this very location about 15 years ago when high and unusual winds and flying debris severed a section of this very same high tension line, and the live wire started a fire several hundred yards away.

Finally, I am concerned about the reduction of my property value. There is a significant negative impact to homeowners as well as to the tax base of the city and county of Walla Walla if the proposed cell tower at Blue Mountain Church is approved and built. Credible Real Estate® agents and associations have noted that property values are reduced in properties near cell towers. Reduced value of 10-20% for individual homes is not uncommon compared to similar properties without cell towers in close vicinity.

A study published in 2019 of home sales in Savannah, GA concluded that home selling prices within 1500 feet of cell phone towers are reduced up to 7.6%. The report is on the web; its title is: The Disamenity Value of Cellular Phone Towers on Home Prices in Savannah Georgia (<https://www.researchgate.net/publication/356144940> The Disamenity Value of Cellular Phone Towers on Home Prices in Savannah Georgia)

For example, the Walla Walla County assessor shows a property value of \$481,950 for our home, yet the current Zillow estimate of the value of our home is \$560K. Our home is directly across the street from the proposed tower – a mere 300 feet away at best. Studies show that the closer to the tower a property is, the greater the loss in value. As I noted earlier, devaluation of 10-20% is not uncommon, and a 20% loss in value for us would be over \$100K.

Your careful consideration of our concerns are greatly appreciated.

Douglas DeMers

Connie DeMers

Comments on Commercial Cellular Structure at Blue Mountain Community Church

Name NORMAN & Yolanda Boyd

Address 1073 Sturm Ave

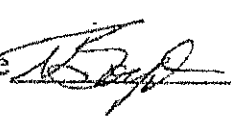
If this tower is built – no matter its appearance – I am concerned, and feel an Industrial Cellular structure does not fit into our quiet residential neighborhood.

(Please check the box next to each concern you have and write in any non-health related concerns you might have.)

- I do not feel that a commercial structure should be located in a residential neighborhood
- I have concerns for how this structure might impact my children and family
- I have concerns for property devaluation in the vicinity of this Industrial Cellular structure.
- I have concerns for future financing on my home
- I have concerns that an industrial structure in such close proximity to my home will prohibit me from the quiet use and enjoyment of my home.
- I have concerns about the proximity of an electrically-equipped industrial structure next to the tree lines that connect our home and pose a significant fire hazard to my home, and the homes around me.
- I have concerns about the disruption of our neighborhood and neighbors feeling they have to move
- I am dismayed that I did not know about this and was not provided official notice

(Aside from health which cannot be considered under the laws please share your personal thoughts:)

See Attached

Signature 

Date 4-18-23

Comments on Commercial Cellular Structure at Blue Mountain Community Church

Names: Norman & Yolanda Boyd

Address: 1023 Sturm Avenue

No question about it – this tower will be a real financial boon for the Bluemountain Community Church. Since most of the church members do not live close to the tower location, they will not be adversely affected by it as the surrounding neighborhoods will. I wonder too of the effect, if any, on the young children who attend preschool there daily under the tower. We were assured by our government that Covid shots and masks stopped the spread of Covid too.

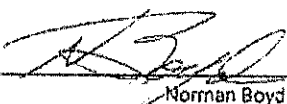
Additionally, with all the concerns and objections to this tower being expressed by the surrounding communities, it seems to me, that as a Christian Church they would want to consider the question; What would Jesus do? To help answer that question, See Matt.16:26 NLT And what do you benefit if you gain the whole world but lose your own soul? Is anything worth more than your soul? (Even the Soul of a church?? - - my translation)

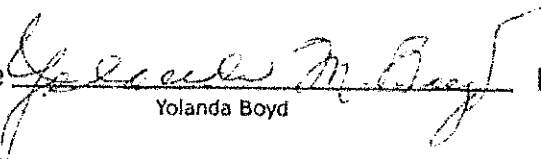
Matt. 7:12 NLT "Do to others whatever you would like them to do to you. This is the essence of all that is taught in the law and the prophets.

We don't like the idea of looking out our front window at this proposed tower - just across the street. When my father built our home here in 1955, we looked across the street at the beautiful sunsets over the small farm and pastured cattle. And they call this progress!

Finally, of primary concern is the devaluing of my home as well as all other surrounding properties. Statistics show an average of 20% - 30% loss in market value when these towers are installed in residential communities. For me, that is a loss of \$60,000.00 to \$90,000.00 and I'm sure much more for many others.

Seems that whoever makes the final decision should consider what would be better for the most people. If the tower were built a mile or two to the east, on higher ground in one of the wheat fields east of School Ave. where the land owner receiving the income would be the only one effected, and that in a good way, would seem to be a better choice than the middle of an established residential area!

Signature  _____ Date 4-18-23
Norman Boyd

Signature  _____ Date 4-16-23
Yolanda Boyd

Comments on Commercial Cellular Structure at Blue Mountain Community Church

Name Kimi Schroeder

Address 720 Sturm

If this tower is built – no matter its appearance – I am concerned, and feel an Industrial Cellular structure does not fit into our quiet residential neighborhood.

(Please check the box next to each concern you have and write in any non-health related concerns you might have.)

- I do not feel that a commercial structure should be located in a residential neighborhood
- I have concerns for how this structure might impact my children and family
- I have concerns for property devaluation in the vicinity of this Industrial Cellular structure.
- I have concerns for future financing on my home
 - I have concerns that an industrial structure in such close proximity to my home will prohibit me from the quiet use and enjoyment of my home.
 - I have concerns about the proximity of an electrically-equipped industrial structure next to the tree lines that connect our home and pose a significant fire hazard to my home, and the homes around me.
 - I have concerns about the disruption of our neighborhood and neighbors feeling they have to move
- I am dismayed that I did not know about this and was not provided official notice

(Aside from health which cannot be considered under the laws please share your personal thoughts:)

Three separate studies, according to the National Association of Realtors, have noted the fact that homes within 1500' of a residential cell tower experience a depreciation up to 9.78% on the value, sell for 7.6% less than homes outside the 1500' and regardless of the visual effects, property values are negatively impacted. I live 800' away and was never notified by the church or local government.

Signature Kimi

Date 4-11-23

Comments on Commercial Cellular Structure at Blue Mountain Community Church

Name Bob Adam & Judy Deal

Address 819 Home Ave., Walla Walla.

If this tower is built – no matter its appearance – I am concerned, and feel an Industrial Cellular structure does not fit into our quiet residential neighborhood.

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- I am dismayed that I did not know about this and was not provided official notice

(Aside from health which cannot be considered under the laws please share your personal thoughts:)

WE ARE CONCERNED ABOUT THE DEVALUATION OF RESIDENTIAL PROPERTY NEARBY, EVEN THE CHURCH WANTS TO PLACE THIS TOWER ON AN OBSCURE PART OF ITS PROPERTY. WHY IS THAT?

WE UNDERSTAND THAT PROXIMITY TO A CELL TOWER CAN OVERTHROW SIGNAL STRENGTH OF OTHER CARRIERS.

ORDINARILY, A CHURCH FOCUSES ITS ACTIVITY ON THE WELLBEING OF ITS COMMUNITY (NEIGHBORHOOD). IN THIS CASE THE CHURCH SEEMS TO BE ATTEMPTING TO ENHANCE ITS OWN FINANCIAL WELLBEING AT THE EXPENSE OF, AND DETRIMENT TO, ITS OWN NEIGHBORS.

Signature Bob Adam Date 4-11-23 Judy Deal

IT HAS NOT YET BEEN PROVEN THAT RF WAVES FROM CELL TOWERS ARE ABSOLUTELY SAFE. MORE RESEARCH IS NEEDED AS TO LONG TERM SAFETY.

Comments on Commercial Cellular Structure at Blue Mountain Community Church

Name Bob Adam & Judy Deal

Address 819 Home Ave., Walla Walla.

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Signature Bob Adam Date 4-11-23 Judy Deal

IT HAS NOT YET BEEN PROVEN THAT RF WAVES FROM CELL TOWERS ARE ABSOLUTELY SAFE. MORE RESEARCH IS NEEDED AS TO LONG TERM SAFETY.

EXHIBIT B

Jan. 23, 2023

City of Walla Walla Planning and Zoning
ATTN: Walla Walla Hearing Examiner
55 E. Moore Street
Walla Walla, Wa.

RE: Proposed cell tower installation / AT&T
Residential land development / 1217 Bryant
Dan Preas, Builder/Developer dba Aspire Homes, LLC

Gentlemen:

I tender this letter of support for the residential development of a platted and approved 24-lot subdivision as above referenced, with proposed offering values in this upscale community, ranging between \$ 695K and \$ 750K.

In direct connection, I am registering my complete and unequivocal opposition to the installation of an AT&T cell tower the location to be directly contiguous to the Sturm Ave. side of Aspire Home's subject parcel.

The former owner of the subj. parcel, Blue Mountain Community Church chose to NOT disclose to buyer Preas, that the Church had previously engaged in agreed upon contract negotiations with AT&T for a cell tower installation and had in fact received from AT&T, some \$40,000 in advance payments.

Had the Church chose to ethically and honestly disclose the existence of said contract, buyer Preas' offer to purchase the subject land parcel would have been significantly reduced, if purchased at all.

It has long been an industry standard of experience and fact that cell tower installations have a very negative effect on residential development land.

It doesn't end there. The reduction in land value carries on through to the end value of the residential product, and in this specific instance, sale/value prices could average a reduction of \$150,000 for each of the residential parcels, totalling a loss to developer Preas of as much as \$3,500,000.00.

page 2, cont.
Jan. 23, 2023
City of Walla Walla Planning & Zoning
Hearing Examiner

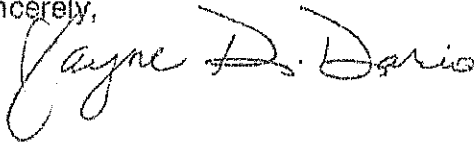
Worse yet, there is proven "market resistance" to even purchase at all in a new residential subdivision which is negatively affected by a cell tower, especially if the development appeals to affluent up-scale buyers.

The consuming public resists cell towers for a myriad of reasons as evidenced by the real estate industry experience:

- unsightly site pollution
- overall safety
- attractive nuisance problems
- effects of micro/radio waves on human health
- possible cancer causing effects
- noise pollution through cooling fans.

I write in FULL PROFESSIONAL OPPOSITION to the installation of an AT&T cell tower in proximity to the residential development parcel as referenced herein.

Sincerely,



Jayne DiDario
Broker / Owner
Walla Walla Sotheby's International Realty

December 6, 2022

City of Walla Walla
Development Services Dept.
Walla Walla Hearing Examiner

RE: Cell Tower Installation application
Blue Mountain Church
File CUP-22-0002

Gentlemen:

I am writing to address the negative impact that a planned installation of a 65' uglyplastic green foliage disguised cell tower will have on the up-scale planned residential development of Aspire Homes, LLC on land recently purchased from the Blue Mountain Church.

The Church was far from forthright and honest in not disclosing the Church's intent to lease land to ATT&T within 20' of the new residential development.

Had the Church been forthright, Dan Preas, Aspire Homes, LLC., would have offered significantly less for the residential development parcel. The Church selected the Dan Preas' development proposal offer over other higher offers as the Church "wanted a high class residential development as neighbor to the Church.

Seems it is now the Church that is diminishing the Quality and Value of the residential development and is proposing to "crap up" the environment in all respects with a cell tower immediately contiguous to the Dan Preas residential development.

With my over 30-years experience in residential development, it is my concerted opinion that this tower install will have a very negative VALUE impact on multiple individual builds approximating a loss of an average of \$100,000.00 per build, with losses ranging between \$2,000,000.00 and \$2,500,000.00

The cell tower brings with it the visual unsightliness and ugliness, the constant noise pollution and humming for cooling purposes, together with health and safety issues, from "attractive nuisance" issues, tower safety issues, and the suspected long-term issues of radio wave emissions that could be carcinogenic, cancer causing, affect pregnancy, early child development and over-all mental health.

12/06/2022
page 2, cont.,
cell tower/Blue Mountain Church
File CUP-22-0002
ATTN: Hearing Examiner

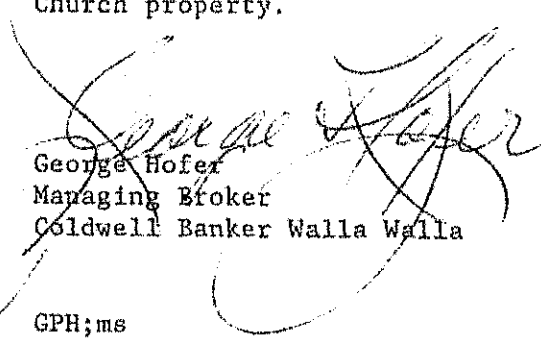
As a result of the Church's deceptiveness in failing to disclose the Church's intent when negotiating the sale of the residential development parcel to Dan Preas, Aspire Homes, LLC.,

THAT the Church be directed by the City of Walla Walla, Development Services Dept., to abandon the cell tower installation.

If cancelling the tower installation is not the ultimate decision, then the Church should be prepared to compensate ASpire Homes, LLC., for damages, as a result of "loss of Value" as set forth above.

I sincerely doubt that it was the Lord's intent that the Blue Mountain Church engage in leasing land for cell towers as a means of raising money in support of the Lord's mission. It would be my suggestion that to increase the Church coffers and revenue, that the Blue Mountain Church engage in a new membership drive, tithe more, get a new Pastor, Pray more or hold more bake sales.

I am requesting that City of Walla Walla Development Services direct that any installation of a cell tower on the property of Blue Mountain Church be negated and disapproved. Should the City continue with an approval, THAT further, the tower be located as far removed as possible from the Aspire Homes, LLC., residential development, on alternative Church property.



George Hofer
Managing Broker
Coldwell Banker Walla Walla

GPH;ms
cc: Hayner, James K.
Preas, Dan



COLDWELL BANKER
WALLA WALLA

January 19, 2023

City of Walla Walla
Planning and Zoning
ATTN: Walla Walla
Hearing Examiner
55 E. Moore Street
Walla Walla, Wa.

RE: proposed cell tower installation / ATT
residential land development / 1217 Bryant
Dan Preas, Builder/Developer dba Aspire Homes LLC

Gentlemen:

I tender this letter of support for the residential development of a platted and approved 24-lot subdivision as above referenced, with proposed offering values in this upscale community, ranging between \$ 695K and \$ 750K

In direct connection, I am registering my complete and unequivocal opposition to the installation of an AT&T cell tower: the location to be directly contiguous to the Sturm Ave. side of Aspire Home's subject parcel.

The former owner of the subj. parcel, Blue Mountain Community Church chose to NOT disclose to buyer Preas, that the Church had previously engaged in agreed upon contract negotiations with AT&T for a cell tower installation and had in fact received from AT&T, some \$40,000 in advance payments.

Had the Church chose to ethically and honestly disclose the existence of said contract, buyer Preas' offer to purchase the subject land parcel would have been significantly reduced, if purchased at all.

It has long been an industry standard of experience and fact that cell tower installations have a very negative effect on residential development land.

page 2, cont.,
Jan. 19, 2023
City of Walla Walla
Hearing Examiner

It doesn't end there. The reduction in land value carries on through to the end value of the residential product, and in this specific instance, Sale/Value prices could average a reduction of \$ 150,000 for each of the residential parcels, totalling a Loss to developer Preas of as much as \$3,500,000.00

Worse yet, there is proven "market resistance" to even purchase at all in a new residential subdivision which is negatively affected by a cell tower, especially if the development appeals to affluent up-scale buyers.

The consuming public resists cell towers for a myriad of reasons as evidenced by the real estate industry experience: unsightly "site pollution", overall safety, attractive nuisance problems, the effects of micro/radio waves on human health, possible cancer causing effects and noise pollution through cooling fans.

I write in FULL PROFESSIONAL OPPOSITION to the installation of an AT&T cell tower in proximity to the residential development parcel as referenced herein.

Sincerely,



Dennis Ledford
Owner - Broker
Coldwell Banker Walla Walla

DL:gh



COLDWELL BANKER
WALLA WALLA

January 20, 2023

RE: Preas Bryant & Sturm Ave. Lots

To Whom It May Concern,

My name is David W. Hull, and I'm the Designated Broker for Coldwell Banker Walla Walla. I've had my real estate license in Walla Walla for 41 years.

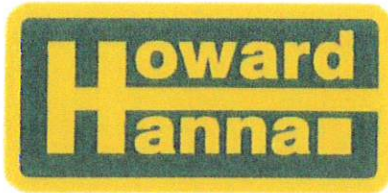
My past experience with Electro Magnetic Force fields have mostly been with overhead power lines...cell towers are relatively new within residential neighborhoods. With the studies available though, cell towers do have dangerous effects when in close proximity to homes and schools.

In previous years, homes that were built in close proximity to EMF fields, took much longer to sell...and always at a reduced price. This reduction in price (in my experience) has been between 5-10 percent. Many Buyers wouldn't even buy the home if it was priced 25-50% off.

I feel that Mr. Preas will be negatively impacted by the close proximity of the cell tower proposed within 65 feet of his subdivision. It should be relocated somewhere further away from his property, somewhere else on the church property.

Regards,

David W. Hull
Designated Broker / Realtor®
509-520-1143
hull@wallawallacb.com



Property Management

To Whom it may concern;

I have been a licensed real estate agent with Howard Hanna Real Estate Services in New York for 7 Years, and was an engineer and developer for the 30 years prior to that. I have owned property and currently own property (not in the affected area) in Athens, NY and was on the Coxsackie-Athens School Board. I Have run the largest team in my office for the past 3 years, and am in the top 1% of agents with Howard Hanna.

In my experience the market has concerns with homes' proximity to Cellular transmission equipment as well as the effect on the view when in this case prospective buyers look toward the Catskills or Berkshire Mountain ranges. This can result in two possible detriments to the current homeowners. In our current very active market, it will reduce the buyer pool and the traffic thru their homes resulting in significantly lower competition and lower sales prices. The sale prices are likely to be 5% to 20% lower based on proximity to the cell tower. I have attached 2 drawings, one showing an affected area of potential loss of 5 to 15% the other showing the affected area of 15 to 20 %. In a slower market with more inventory in non affected areas it can make these homes practically unsaleable at a reasonable market price as buyers choose homes in non affected areas.

It is my professional opinion that a tower should be located in areas that are currently zoned Industrial and currently have tall structures like the Route 9W corridor.

It is my professional opinion that the placement of a cell tower in this area of Athens adjacent to Sleepy Hollow Lake Community will have a significant negative effect on the home values in the area.

Sincerely,

Joseph P Cardinale

A handwritten signature in black ink, appearing to read "J P Cardinale".



Joseph Cardinale

Lic. RE Salesperson
Licensed Real Estate Salesperson
(518) 755-2064
josephcardinale@howardhanna.com
Clifton Park Office, NY
1547 Route 9
Clifton Park , NY 12065
(518) 371-4500

From: Craig Galat <craig.galat@churchillmortgage.com>
Sent: Thursday, January 19, 2023 3:33 PM
To: mdpreas@charter.net
Cc: Craig Galat <craig.galat@churchillmortgage.com>
Subject: Cell phone towers

Dan,

You asked about the impact of a Cell Phone tower on a development.

This type of structure would be considered a Constructive Nuisance as well as an Attractive Nuisance when placed in a residential neighborhood.

Addressing the safety issues, there is some evidence that the radio/cell phone transmissions that could potentially pose health risks for those living in near proximity to the towers. These towers become beacons for Lightning strikes making the area a potentially more prone location for lightning strikes. These towers become an Attractive Nuisance for children who may play under or on the structures without realizing the risk for injury or death even when the structure is fence and sign protected against such use. There also are fall risks for the surrounding areas where, in violent weather patterns the tower may possibly present a fall risk to the properties and any structures and people within the fall radius of the tower. Towers that have transmission of TV/Radio/Internet/Power supply can adversely affect the reception of these services by homes in proximity to the towers.

There are difficult decisions that people make regarding the unsightliness of these structures which primarily include the discriminative decisions to either not purchase or lower the price point for property within sight of these towers as well as transmission lines and other similar structures. While the risk may seem minimal, it significantly reduces the number of buyers who may be interested in a property located near these structures.

Having served in the Real Estate Industry over the past 19 years as well as currently in the lending industry I would state in my opinion that the potential reduction in value for properties adjacent to the towers to be affected in their price point by 10-15% and possibly higher. Developers attempt to mitigate this loss by increasing the property lot size or locating open space or parks adjacent to the property which significantly adds to the cost of the development. Property located within sight of such structures are also negatively impacted by the towers, but to a lesser extent. Price points tend to be 5-10% less than homes without a sight line of the towers.

As an advisor to clients looking to purchase homes adjacent to any transmission tower, whether power or cell or radio transmission, I would professionally advise my clients to review the risks involved to their personal satisfaction as well as let them know the dangers of an Attractive Nuisance to their children. Personally, I would avoid at all cost purchasing a home adjacent to any transmission tower as they are unsightly and potentially could affect my health and right to receive unobstructed and unaffected transmission of radio/internet/TV.

I am happy to provide more information, but from my personal and professional experience I believe towers to be counterproductive to achieving the Highest and Best use for Residential property.

Sincerely,

Craig



Craig Galat - NMLS# 2406901
Home Loan Specialist

Churchill Mortgage
8109 W Grandridge Blvd | Suite 120
Kennewick, WA 99336

O: (509) 824-6270

C: (509) 366-2140

APPLY NOW!

Churchill Mortgage Corporation (NMLS ID 1591)

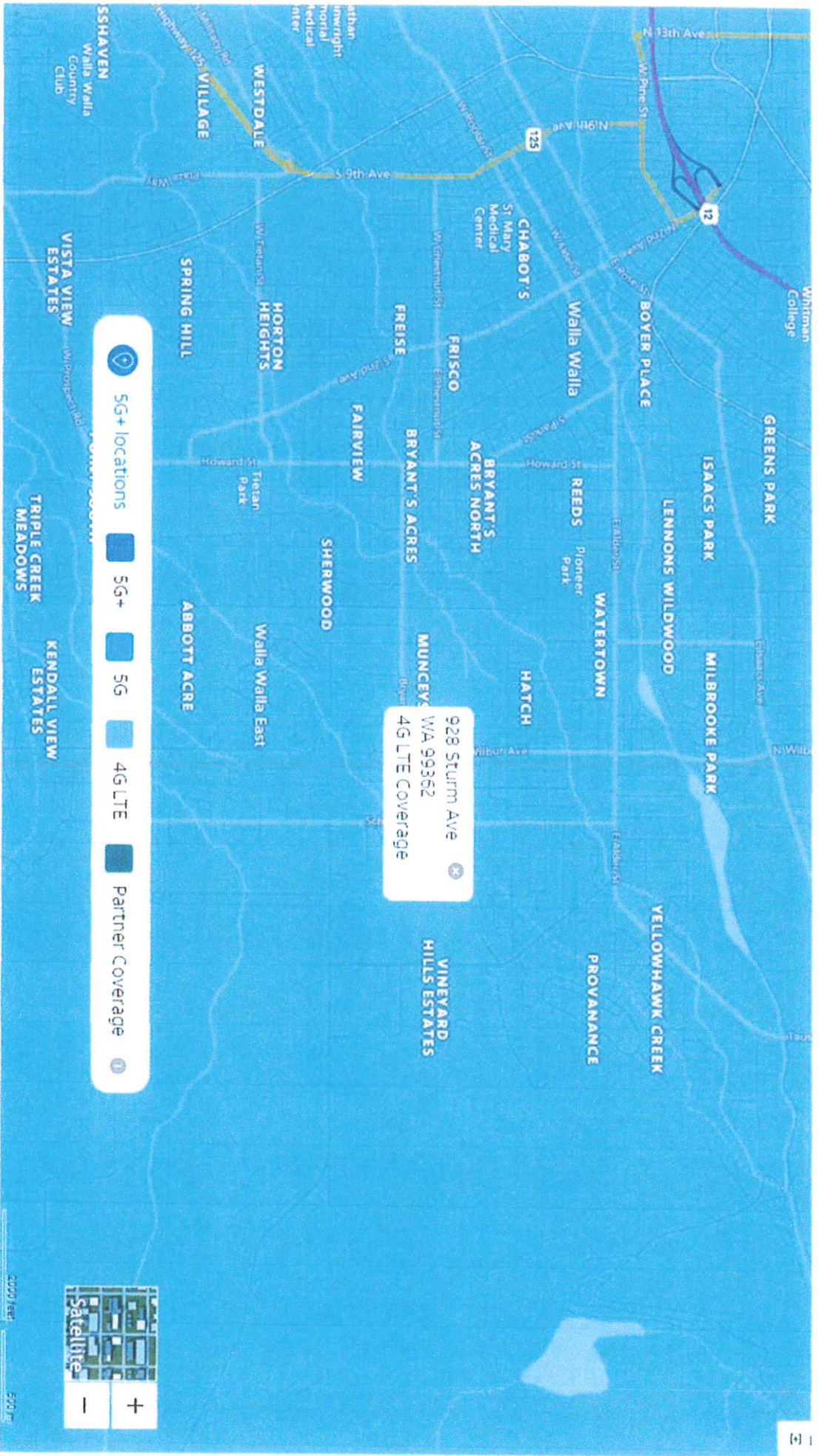


Craig Steven Galat NMLS ID: 2406901; Company NMLS ID: 1591 (www.nmlsconsumeraccess.org); Branch ID: 1845123; Mortgage Loan Originator License; WA-MLO-2406901; 8109 W Grandridge Blvd, Suite 120, Kennewick, WA 99336-7166; Churchill Mortgage Corporation

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EXHIBIT C



928 Sturn Ave
 WA 99362
 4G LTE Coverage

- 5G+ locations
- 5G+
- 5G
- 4G LTE
- Partner Coverage



2000 feet
 570 ft

September 21, 2023

Honorable Andrew Kottkamp

CUP-22-0002

**Comments, articles and evidence on why this permit application
should be denied**

DENY CELL TOWER

9/3/2023

CUP-22-0002
City of Walla Walla Public Hearing
Honorable Andrew Kottkamp
9/21/2023 Hearing

From Dan and Marva Preas Owners of Bryant Estates at 1217 Bryant (Please see attached plat map). This plat has been approved by the City and is awaiting final plat before proceeding with infrastructure.

Summary: This proposed permit application does not meet the following conditions as set forth by the City of Walla Walla. They are:

20.216.040 General review criteria, decision process.

A. The Hearing Examiner shall make findings of fact and state reasons for granting the Conditional Use Permit. The findings of fact to include:

1. That the use will not endanger the public health or safety if located and developed where proposed, and that the use will not allow conditions which will tend to generate nuisance conditions to adjoining properties;
2. That the location and character of the use, if developed according to the plan as submitted and approved or conditionally approved, will be compatible and in harmony with the area in which it is to be located;

No matter what information is provided by J5 or AT&T, the majority of the City of Walla Walla Council members, the community, the realtors in Walla Walla, the neighbors in the vicinity, and the potential buyers who have been interested in the building the area are calling out with loud voices that this application does not fit the character of the area. It is not in harmony with the beauty of the area. And it will generate nuisance conditions to adjoining properties. The noise, the view of a plastic tree covered in dust will cause complaints. And the fact that I have had to file a lawsuit against Blue Mountain Community Church for fraudulent concealment will mean these complaints will continue long into the future. There are also several safety concerns that should cause this application to be denied. There are natural fire dangers with cell towers. There are dangers from falling ice from cell towers. And there are arson dangers with cell towers. These concerns, with a daycare facility located right next door to the tower. You will also find there are several other places to locate this tower besides a residential neighborhood. The essence of the City code mandated that a cell tower builder use this neighborhood option as a last resort. It was not to be the primary area for cell towers. There are other locations for this tower to collocate on or to build a new tower on. These are facts and cannot be disputed. Following City code will require the following:

C. If the potential adverse impact of permit approval cannot be mitigated through imposition of conditions to a degree which assures that adjacent properties will not be unreasonably impacted, this shall constitute

grounds for denial of the Conditional Use Permit. (Ord. 2000-6 § 2(part), 2000: Ord. 97-14 §§ 80, 81, 1997).

Very few times in life are we given an opportunity to take a stand for what is right and wrong in our society. The very fabric of what makes America great has been under attack. Most of the time, we weigh the advantages and disadvantages of our choice before deciding. We can testify that by studying the effects of locating a cell tower in a residential area we have learned a lot. When we first learned about this tower we just wanted to move it further away from our property line. We attempted to work that solution out with the tower builder. We were shut down. This was where our education began as we studied the facts and listening to the community and potential buyers. People do not want to live next to cell towers in Walla Walla! We ask you to look at this permit application as something that cannot only change the fabric of the Sturm-Bryant neighborhood but will change the fabric of the entire city of Walla Walla. Our hope is that as you read the various comments and hear the testimony on this application you will know that this is not right for our community and there are other alternatives that can provide for any lack of cell coverage in our region. This conditional use permit is clear and identifies who will benefit from it. The only people benefiting are the wireless communication industry and Blue Mountain Community Church at the expense of several hundred neighbors who have voiced their concerns over this cell tower. I implore you to look deeply into this conditional use permit. You will find it is filled with mistakes, sloppiness, and should never have been proposed in this residential area as there are numerous other potential locations that will not affect the beautiful and quiet neighborhood located at Bryant and Sturm. These other available locations are where the city code wanted cell towers to be built. Residential areas are to be a last resort. It does not meet the City of Walla Walla code requirements and basic safety issues. There are abundant reasons why this application does not meet the City of Walla Walla code requirements and you will see that there are many reasons this application should be denied based on the evidence presented. We are a pro development contractor. We believe in growth and opportunities for our community. But any development must enhance the community and allow people to feel good about what is happening. Should you choose to deny this application, there are better suited locations for this cell tower. By denying this application you will be a champion of the people and demonstrate that there is justice for all today. Not just a rubber stamp for the wealthy but someone who can interpret law and code and make decisions that will benefit all our community!

Here are the code issues that we believe are not in compliance and should lead to the dismissal of this application.

1. Code 20.170.10 A. State the siting of those facilities in locations most appropriate based on land use compatibility, neighborhood characteristics, and aesthetic considerations. Please see letters attached from potential buyers to the neighborhood who said no to building there because of a cell tower installation. Please also note how this proposed tower has affected the neighbors who have written comments and who have shone up to testify that this tower installation does not meet the conditions set forth in this code. Please also look at the enclosed pictures entitled crane pictures. Please also see attached docs labeled Realtors comments. If the local realtor community sees horrific property devaluation and the potential to not be able to sell any new homes in this area after the cell tower is installed, how can anyone say that the tower does not affect the neighborhood? That would be a lie!
2. Code 20.170.040 B D and 20.170.032 E 1,2,3 This response from ATT is by far the weakest and poorest attempt to justify this tower location. Their data was researched in 2020 when towers were not legal. Their letters were sent out at the start of COVID, and you can understand that people were not interested in talking about cell towers. They were concerned about their

health, their jobs, and their families. So, you send out a letter to people who had no idea of what they had received. Many threw the letter away. This is too important of issue to run a program that is like this. I am a builder and I spend lots of money on the foundation of a home. I want a finished product that is straight and strong. If the foundation is not right the house will not be right. This review of locations for this tower is old, sloppy, and would have been something I would have done in a high school business course. This tower is the foundation for what is to come. ATT is about phones. Please take a look at the ATT Alternative Site Analysis. They sent letters to 12 locations. Eight of the 12 locations were deemed unacceptable because they were outside the search ring, too small or the coverage was not good. This left only 4 sites. First, I believe there are more than 4 possible sites. Second, with only four sites to choose from calls and personal on-site visits could have been made! That is suspect at best. And is definitely a reason to stop this application. ATT did very little to find areas outside the BMCC location because they already had a site who had agreed to lease their property to them. A willing host for the tower was found (either by the city bringing the applicant to BMCC as they suggested or BMCC found away to monetize their land). Either way, more work should have been done in selecting a site. It is difficult to continue to repeat this but the city code spells out they can get expert help with no cost to the city to help figure this all out. This needs to be done now! What happened to picking up a phone and calling people? And we are now almost in 2024. What has changed since 2020? I am proposing that we the people, given the opportunity, can find a different location for this cell tower. This is why the City of Walla Walla has done a disservice to the citizens by not hiring an outside consultant who is independent of the cell industry. According to BMCC leaders, it was the city who brought ATT to them with this tower project. This project is so important to the affected people that it is mind altering that the city did not take advantage of section D and hire experts to help bring this application credibility. There is no way I would not have hired an expert. It is the responsibility of the city to ensure that they have all the facts. I would have hired someone to help make both parties happy. During a meeting with Elizabeth Chamberlain and Preston Frederickson we emphasized that this needed to be done. We still have a chance to do this but you are going to need to deny this application so we can work together to find something that works. There is also evidence in the data provided by ATT (RF report) that mentions an opportunity to co-locate on another tower that provides in some cases better coverage to areas not currently covered by ATT. Looking at other towers that have been put in place since the original ATT work with BMCC include an ATT tower that is just one mile east of the proposed BMCC tower. This is at 126 W. Popular and was in the original ATT search parameters. There needs to be a lot more work done in this colocation conversation. Please read attachments labeled Tillman Infrastructures. The current FCC lease holder for this tower has a goal to move ATT away from collocated towers to their own towers to improve profitability. If we dig just a little bit into this application, it is about improved profitability for ATT. We are not against companies making profits. We are for the protection of the people living in and around the proposed cell tower and believe that another location can be found, and that ATT will get the coverage and profit they need. Mr. Frederickson stated in a Union-Bulletin article from June 25, 2017, "What we can do, though, is create regulation that allows us to require them (cell tower builders) to show us this is the best place to put this." It is abundantly clear that the alternative site analysis has not done this!

3. Code 20.170.010 C 20.170.032 E4 There are several safety issues and considerations which are not addressed in the application. Please see attached articles **marked Examples Fire**. There are hundreds of articles about safety issues with cell towers. To my knowledge, there are no fire hydrants near this location and the tower will pose a severe fire danger should it catch fire. If

the city will not allow homeowners on Chestnut to be annexed into the city because there are no hydrants to service them, an industrial tower should be banned too. Adding a preschool within a few feet will only compound the severity of this installation. It does not matter if arson, lightning, equipment failure or a general heat wave are to blame. This industrial structure requires fire suppression lines. Please pay close attention to the article written by Wilson Amplifiers. A supplier to cell tower builders. They say "Since antennas will be placed high up, you need lightning protection, and that requires solid grounding. The systems can catch fire, so you need a fire protection system." The city code would require this cell tower to set back sixty-five feet from my property line. I have watched trees fall. If a sixty-five' metal structure falls towards my property it will set the fence and home afire that is built on my property. The code is inadequate and at minimum needs to adjust for about fifteen' of additional space to make the installation safer. There is current federal law (see attached FCC public notice) that allows an additional twenty-foot extension to be added to existing towers without city approval. It is my understanding that the current applicant in December of 2022 applied for seven twenty' extensions to the current towers they have built. What this shows is that the city code did not account for this law. There would need to be an eighty-five' setback to any property line and at least another fifteen' of safety area if this tower comes crashing down. Another common safety issue with these towers is ice falling from the tower and causing harm to individuals. We live in an area that has severe ice storms. These are not unusual occurrences. Having this tower in the playground of a preschool right next to neighbors is not safe for the public. There are many examples of falling ice off cell towers available on the internet. Osha warned about cold weather and the threat falling ice falling from cell towers could have on workers. (Please see attached article) They estimated that falling ice can travel as far as 50-100 feet from the structure and even further in a strong wind. The US Army Corps of Engineers also studied the impact that falling ice could have on surrounding areas. They put together a calculation that estimates distances based on height, velocity etc. Their conclusion was that it is not unreasonable for chunks of ice could travel between 478-839 ft away from the tower(see attached article). This is a severe safety issue with a daycare and homes being less than 100 feet away this tower. The trees that are currently located on the property and the plans to plant additional evergreen trees and shrubs along the south and west boundaries will also cause a great fire hazard for a pole on fire. These plantings and existing tree umbrella meant to hide this tower need to be outside of the fall radius of an eighty-five' tower at minimum. They really need to be at least one hundred feet away.

4. Code 20.170.032 E 4 We have included five letters from realtors/loan officers and several other letters from potential customers who were interested in building at my Bryant Street subdivision. It is not a surprise that property values relating to this cell tower will be reduced. Sales of new homes will become almost impossible. It is morally wrong to look at these letters and not be concerned about what a cell tower installation at 928 Sturm will do to new and existing home sales. On at least four occasions I was told by BMCC leaders or agents about what the problem is. What I was told to do is lower the price of the homes I build to such a level that the poorer community will not be concerned about having a cell tower near them, they will just be glad to get a home they can afford. This was relayed to me by the BMCC selling realtor, Zedell Jackson, it was shared at a meeting with my wife and Pastor Jim Snyder and Board member John Hair, it was shared by Zedell again as we talked together about how to work this tricky situation out. He had met me on church property to talk about potential alternative tower locations on church property and it was shared with us after the public meeting at BMCC by John Hair and Mark Coram. To be honest, this stunned me. It angered me and is reprehensible. Knowing that

this came from church leadership caused me to call out to the God I know for intervention! We have also attached pictures for your review. One is from our local paper. The other one was taken from my property. A crane was brought into our property to give people an idea of what a sixty-five' tower would look like. In our picture we measured back sixty-five' from the crane to where we took the picture. This would be the view from homes at the end of my street. It is not pretty. We have spoken to hundreds of people, and I have yet to find a person who has told me that they would buy a home with a cell tower in their backyard at the same price as a home built in the same location without a cell tower. BMCC admitted the reason they first located the tower so far away from the church was because they did not want to look at it either. They were planning to build a gym between the tower and the church to hide the ugliness of the tower. More than one person witnessed this. **The best realtors in town, the church leadership, and potential buyers of property near this cell tower are all saying the same thing.** This will not only devalue existing property, create an eyesore that is not in the character of the neighborhood but will stifle sales of new homes in my development. Please see attached email to Elizabeth Chamberlain outlining issues with how the tower does not even meet the requirements of the grandfathered code. This tower does not meet the basic safety needs of the neighborhood or preschool that is set within a few feet of the tower. This tower was not designed to minimize the impact on the neighborhood. It does not reduce visual clutter or preserve the aesthetics of this beautiful community. It will be an eyesore. And the church leaders have indicated they know this will affect my development. To their credit, after our first meeting with my wife Marva, the pastor and John Hair, the leaders indicated they would contact the ATT representative so we could talk about moving the tower to a less in your face location. I agreed this would be a promising idea. That meeting never happened. The ATT representative came to an open public meeting at the church several weeks later. I was invited by one of the neighbors and decided to attend. After the meeting I spoke with Phil, the ATT representative. He asked me to meet him the next morning, which I did. It was an uncomfortable meeting as Phil did not like the way neighbors commented the night before. By the time we were done, he had agreed to move the tower placement to the front of the church with the shape being three crosses. I said that would work a lot better for me. I asked who was going to make the decision. He said he was going to tell ATT that this would be the way it was going to be. He was sure about what he was saying. Jim Snyder and Vicky (a neighbor) were both there to witness this. After several weeks without communication, a city mailing showed the tower was now to be moved sixty' off my property line. It was not going to be moved to the front of the church....and the placement was still at least five' too close to my property line per the city code. Months later John Hair asked me to come to the church and showed me the location that the church wanted to move the tower to. He explained again about the 3-cross design. He was waiting for the church attorney to come back from JAG service but commented that the church had decided to be transparent about the tower and wanted to do something publicly to explain the lease and issues. This never happened. I inquired twice to see if they had planned to move this tower and was told that ATT was afraid that if they moved the tower they would need to reapply with a new application. This meant they would need to be approved under the new code. I was told three times by Jon Maland during a 2-month time span that any move of this type would require a new application. He assured me that he had worked with land use projects in the past and explained in detail how making a change like this without a new application would not be fair to those who would not like the new tower placement. I want to let all know that Jon is a stand-up guy. I appreciate him for his sincerity and honesty. I applaud him for his willingness to tell the truth even in challenging times. He has a tough job and can never please everyone, but his explanations were insightful, honest, and made sense. Much later my attorney was contacted by

an ATT attorney who had stated that if I would drop my lawsuit against BMCC they would convene a meeting with all parties to see if they could move the tower and change the design. This was when I made my third call to Jon. His answer was the same, this change cannot happen without a new application. I politely declined to meet to discuss this with ATT as I already knew what the city's answer would be. I did not want to continue to draw out this process and become even more disappointed and frustrated. ATT could have done a much better job of disguising this tower. And the placement could have been closer to the church to make it more appropriate. ATT knows this but did not proceed to make it happen. While the tower would still be an eyesore, it would have blended much better with the church property. They chose to attempt to bargain for an innovative design with my attorney so I would drop my lawsuit. Every entity involved with this cell tower knows that it has damaged my ability to sell the types of homes that were planned.

5. Code 20.170.040 C This design was completed and the lease in place before the City Council approved the legality of cell towers in residential areas. We the citizens, are smart people. How come this first application ignores this section of the code and goes immediately to installing a tower in a residential area? This is area number 6 in the code. The alternative site analysis listed Pioneer Park as a potential site. There was nothing said about building a tower there. No reasons were given why they could not. The city owns this property. It is further away from housing. No one lives at the park to get bombarded by untested RF waves and property values of a park are not important. At the end of the day, when you return home to be with your family, we ask you to inquire of your family members if they would want a sixty-five foot cell tower in their backyard. Would they like to move into a new \$750,000 home and hear a continual buzz when playing outdoors? Are you willing to put them at risk with continual untested or unproven RF waves bombarding your home? If you are like most people who we have spoken with, the answer is no way. We came to Walla Walla for its scenic wonders and peaceful living. Please do not let this tower be built. It has room in other corners of Walla Walla!

There are other reasons we believe this application should be denied. We want to share a critical reason this application should not even be considered at this time and should be denied and returned to the city. In February 2021, ATT entered into a lease agreement with Blue Mountain Community Church (BMCC) to place a cell tower on church property. At this time, the church owned the property I now own. It would have made a lot more sense for this tower to be located on the BMCC property before they sold the property to me as it would have provided for greater distances away from neighbors. A decision was made by the church to monetize their land to get both the ATT revenue and to sell the land.

There was a ban on cell tower installations in residential areas in Walla Walla at this time. I purchased property from BMCC in October 2021. In our feasibility study, we never came across this lease. At no time did anyone at BMCC, their realtor, or the city divulge that this tower was being planned ten' off our northern property boundary.

I asked our realtor to inquire about purchasing the property from BMCC where the tower is to be located (before closing on the property) and written feedback was returned saying that there was no development planned for that property at this time but in the future, we could discuss the purchase. The lease between ATT and BMCC had already been signed at this time. It was not until December 4, 2022, that we received

a notice from the city about this application for a cell tower. At no time did any city employee indicate that this cell tower was being planned even though Mayor Tom Scribner stated at an open council meeting that he had instructed Planning Director Frederickson to tell all parties everywhere about the upcoming city code change that took place in October 2022. He stated that this code change and the potential for residential cell towers was going to cause great concern for many people in our community. Not a word was shared with us during my pre purchase investigation....and we emailed questions about the feasibility of the property to a city employee and talked with several others who were directly involved in the ATT cell tower and city code change allowing towers in residential areas. Nothing was mentioned during the engineering of our plat...and the cell tower was still located ten' off my northern boundary, and nothing was said until the city sent the letter to me in December of 2022.

It is clear from freedom of information requests to the City that this tower was being groomed for the BMCC property. BMCC church said several times that the city brought ATT to the church. City officials denied this. The question remains, how can location and colocation work be done prior to the city approving the placement of towers in residential areas? **It would not be legal to locate a cell tower at that time.** And the information submitted in ATT's latest application still uses old, outdated location search information. It is clear, ATT has not attempted any recent work in this area. It seems clear that the City of Walla Walla was working to change a code to accommodate a location that had already been leased by ATT in February 2021. ATT changed its search criteria two times before landing BMCC at the center of their search criteria. It looks like there was a cell tower looking for a location. Not a lack of service in need of a cell tower. I have filed a lawsuit against BMCC for fraudulent concealment and will be pursuing this lawsuit should this tower be approved for construction. I do not take this step lightly and am not proud of filing suit against a church as I am a Christian.

Most City Council members have stated that they do not support the cell site at BMCC. They have made it public that they made a mistake by writing the code the way they did. The city attorney has silenced them now. The mayor had proposed at a council meeting that if it were legal to do so, he would draft a recommendation to the Hearing Examiner that this tower is not placed at BMCC.

This decision was decided after hearing all the issues involving this cell tower. The code approved in October 2022 has been rewritten. But even the first code attempted to make the use of a cell tower in a residential area a **last resort**. To those I know well and call friends, we understand that a last resort is we have done everything we could to avoid this option. When everything else fails, we will go to the last alternative. For this tower, this is not the last alternative. There are other places for this tower to go. It is not a coincidence that this first application was designed in a residential area. This application has been ongoing for a year and still does not have relevant tower site location data. Hundreds of letters and emails were being exchanged between ATT, and the Wireless Policy Group developing this new city code to allow cell towers in residential areas. All the time knowing that ATT and BMCC had already signed a lease on the BMCC property for placement of a cell tower. The data was collected when it was not even legal to have a cell tower in a residential area.

Recently, I met with Elizabeth Chamberlain and Preston Fredrickson to discuss the email I had written to Elizabeth in May. She had lost my email sent in May but found it while searching for it after it was mentioned in a city council meeting. I was grateful for the opportunity to share. It is clearly apparent that the city does not have the technical resources to evaluate the location and colocation needs of ATT for Walla Walla. Section 20.170.040 of the city code allows the city to hire consultants to help them understand the data being presented from the applicant. I stressed this needed to be done by an unbiased expert. We have yet to see anything that has been done. This is a spirited debate about the

need for cell towers in residential areas. The code itself says this should be a last resort. I have a tough time believing this is the only potential area for a cell tower to provide whatever service is needed. I was told directly by Jon Maland that the city does not know or cannot determine whether this need exists. "They trust ATT to tell them what is needed."

Tilman Infrastructures, the firm that holds the FCC lease for the tower at BMCC, gives a bit of an idea of why this tower may be being built. "They will also serve as an opportunity for AT&T to relocate equipment from current towers with other landlords as leases expire." This means lower their costs, so they become more profitable. We are not against profit but proliferation of cell towers that have not been fully vetted for their damage on the environment is not the best way to do things.

Eight months ago, I knew almost nothing about cell towers. When I received the city mailing in December outlining the placement of a cell tower ten feet from my property line, I started to research the issues. I talked to as many people as possible. Because of my lack of knowledge, I would have been willing to have the tower moved away from my subdivision's view to have a lesser effect on property sales. But as I studied deeper, I found that a tower this close to a neighborhood that is shelled with 24-hour 7 day a week untested RF waves was not something I can support. I also found out that most people I spoke with (99 percent) would not ever want a home with a cell tower so close. I ask you to look at this application with your eyes wide open. Join hundreds of people in Walla Walla who want the freedom to enjoy their homes without worry. Join our community which has not yet been stricken with the blemishes of putting profits ahead of the people. Join the majority of our city council members who have publicly stated that this tower should not be built at Sturm and Bryant streets. Walla Walla is a beautiful place. Let us work together to find a better location for this cell tower. I have faith that by working together, community, government, and corporations, we can make our city a better place where all can enjoy and prosper!

Potential Buyer Letters

Crane Pictures

Realtors Letters

September 11, 2023

Hearing Examiner

RE: Conditional Use Permit – CUP 22-0002

Dear Hearing Examiner,

We are writing to express our concerns and questions regarding the proposed conditional use permit. As long standing residents, deeply invested in this community, we believe it is crucial to voice our thoughts on this matter.

In November 2022, we initiated discussions with Mr. Preas to explore the possibility of building our dream home in Bryant Estates. Upon touring Mr. Preas's homes on Whispering Creek and Alpine, we were greatly impressed by the craftsmanship and value they offered.

In December 2022, we learned of the proposal to locate a 65 foot cell tower very near Bryant Estates. Right next door on the grounds of Blue Mountain Community Church. My wife and I talked about this tower and did all the research we could find telling us what the impact of this tower would have on our potential dream home. What we found shattered our dreams. First, the ugliness of a plastic tree with metal electronics hanging through its branches did not bring a positive picture. The health issues of this untested technology on people has not been fully explored by our government. And property devaluation is surely a thing to be considered.

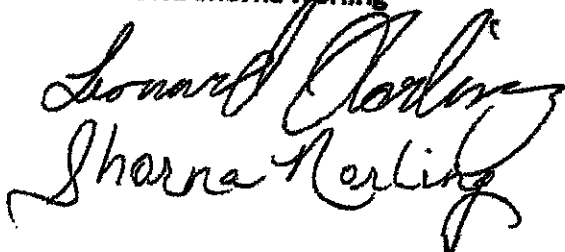
We shared our concerns with Mr. Preas and decided that Bryant Estates is not the right place for us to build our dream home. We cannot imagine how a cell tower could be approved to be located amongst all the potential new beautiful homes at Bryant Estates.

We would hope that you respectfully consider our request to have this cell tower located on other more suitable sites and allow this development to continue to be built providing much needed building lots to Walla Walla.

We appreciate your dedication to ensuring responsible development within the Walla Walla Valley, and we trust that your consideration of our concerns will contribute to a well-informed decision that respects the wishes and best interests of its residents.

Sincerely,

Leonard and Shorna Norling



290 Walla Walla Road
Walla Walla, WA

September 3, 2023

We are writing this letter to explain why we do not want to build a new home next to a cell tower.

My name is Roger Maidment and my wife's name is Connie. I am a retired Detective from the City of College Place. My wife is the sister of Dan Preas. Being related to Dan Preas does not change the reasons why we would choose not to build a home in Bryant estates.

We asked Danny to give us an estimate on building a home in Bryant Estates shortly after he purchased the property. He explained to us that this development was planned for homes ranging from \$700,000 to \$800,000. This was going to be a very nice community that would be consistent with the types of homes he had built in the past.

As we waited for construction to begin on the property, we learned that the church had leased a portion of their land to the north of Bryant Estates to a cell tower builder. We went out to the land when a crane was on site to measure what this tower would look like at a 65' and 85' distance.

It was overpowering to see what this tower would look like in your side yard and from the rest of the development. We immediately shelved our plans to build a home in that development and have not looked at potentially moving out of the Walla Walla Valley to the coastal areas of Washington. Our hope by writing this letter is to make you aware that most people we know do not desire to live next to a tower. It will effect the ability to buy sell houses. It did for us!

Roger and Connie Maidment

Roger Maidment

Connie Maidment

174 NW Maria St

College Place, WA

September 8, 2023

On June 29 2023, I texted Dan Preas to inquire about potentially building a home on the property he owns at the corner of Bryant and Sturm. I found his name and number on his sign located on the property. We were interested in finding out if this property was going to be developed soon.

Mr. Preas texted back to me and explained that everything was ready to develop the property but there is currently an issue with a proposed cell tower being built on property adjacent to his. He asked me if they would be an issue for us to build a home on.

We replied back letting him know that everything we have heard about living next to cell towers causes a wide range of side effects. I wrote, "Aside from not being very nice to look at. Constant exposure to cell phone towers increase your risk of health complications." I stated we would not build in this development with a cell tower.

I told Mr. Preas that if anything changed regarding the building of the cell tower we would be interested in building there. We are hoping that providing this letter, the City of Walla Walla and the Hearing Examiner who will review this application will realize that the general public is not interested in having cell tower in nice neighborhoods where people live.

Sincerely,

Bill D. Singer
Loretta R. Singer

Bill and Loretta Singer

August 31, 2023

Walla Walla Hearing Examiner CUP22-0002

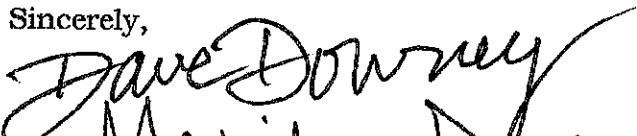
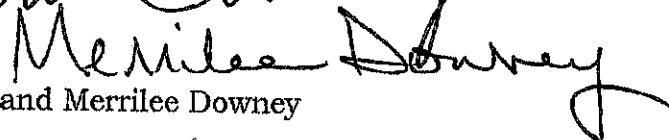
Mr. Hearing Examiner:

Our names are Dave and Merrilee Downey. We relocated to Walla Walla from Minneapolis in 2020. Aspire Homes and Dan Preas built our new home for us in Whispering Creek Court.

We have invested in rental over the past several decades and still have rentals in other states. In 2021, we had several conversations with Dan regarding the potential to have rental properties in Walla Walla. When he purchased the property at Bryant and Sturm we began in earnest to look into building one or two duplexes there for investment purposes.

Since learning about a proposed cell tower being located in close proximity to this tower, we have decided not to move forward with any plans to build duplexes at that location. From our experience in real estate the value is all about location, location, location. This location situated right next to a cell tower is not ideal and will lead to lower priced homes and rentals. I would ask you before you make a decision on this property to visit it and try to imagine what a cell tower would look like if you lived next to it. Thank you for allowing us to share our thoughts about the tower!

Sincerely,

Dave and Merrilee Downey

548 SE Whispering Creek Ct
College Place, WA

September 11, 2023

To: Walla Walla Hearing Examiner CUP 22-0002

We moved to this Valley when we visited several months ago. It is a beautiful community. We are currently renting a home in College Place and our rent has continued to escalate. We have been wanting to build a home.

A bit over a year ago we met Dan Preas who is a local builder. Dan had built a home for a friend of ours and she introduced us to Dan. We had a bad experience from another builder and wanted to make sure that Dan fulfilled our requirements to build our home. We toured several of his homes and found that the quality of his homes is exceptional. We began to talk with him about building our new home.

We selected the lot we liked in Bryant Estates and were looking at several possible home plans. One day, we opened the paper to see that a cell tower was being planned for the property to the north of Bryant Estates. We talked to Dan about this and he explained that he had no idea that this cell tower was being considered until he received the City's publication in December. We explained to Dan that there is no way we will be building in that development with a planned cell tower next door!

We have continued to stay in contact with Dan hoping that the cell tower will not be built. We want to assure you that this tower does not fit in the proposed Bryant Estates Community and that if it is built there is no way we can proceed with Dan on building a home in that location. We urge you not to accept this application and hope that you can understand that having a tower of this magnitude in your back or side yard is not the dream that most people who live in Walla Walla have. Thank you for considering this letter and for looking into the negative effects on Walla Walla that this tower will bring if built.

Sincerely,



James and Teri Tilley

537 SW Angelina Loop
College Place, WA

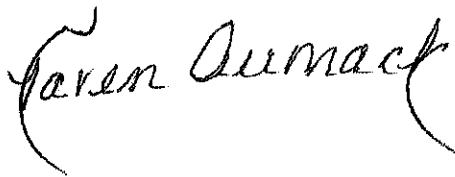
September 3, 2023

To Whom It May Concern:

Our names are Bruce and Karen Aumack. We recently moved to Walla Walla Valley from Austin, Texas. Walla Walla is a wonderful place to live and retire! We are extremely glad we made the move.

When we were researching our move, we contacted Aspire Homes LLC in hopes they could build a new home for us. We were interested in building on land located on Bryant and Sturm. We chose to build a home on Whispering Creek in College Place. When we heard a cell tower was going to be located 65 feet off the north Bryant property line, we were shocked. There is no way under any conditions we would want a home with a cell tower that close. If we chose to build on Bryant, we would be upset about the city allowing this tower on property without letting the owner of the property know.

We have children that have been thinking about relocating to Walla Walla. They have thought strongly about wanting Aspire Homes to build a home for them in Bryant Estates. If this tower is built, they will not build in that development. We just wanted to make you aware that these types of decisions made by public servants have a huge bearing for both members of the community and people who are wanting to relocate to a more relaxed scenic area.





829 SE Whispering Creek Ct
College Place, Wa
99324

From: Craig Galat <craig.galat@churchillmortgage.com>
Sent: Thursday, January 19, 2023 3:33 PM
To: mdpreas@charter.net
Cc: Craig Galat
Subject: Cell phone towers

Dan,

You asked about the impact of a Cell Phone tower on a development.

This type of structure would be considered a Constructive Nuisance as well as an Attractive Nuisance when placed in a residential neighborhood.

Addressing the safety issues, there is some evidence that the radio/cell phone transmissions that could potentially pose health risks for those living in near proximity to the towers. These towers become beacons for Lightning strikes making the area a potentially more prone location for lightning strikes. These towers become an Attractive Nuisance for children who may play under or on the structures without realizing the risk for injury or death even when the structure is fence and sign protected against such use. There also are fall risks for the surrounding areas where, in violent weather patterns the tower may possibly present a fall risk to the properties and any structures and people within the fall radius of the tower. Towers that have transmission of TV/Radio/Internet/Power supply can adversely affect the reception of these services by homes in proximity to the towers.

There are difficult decisions that people make regarding the unsightliness of these structures which primarily include the discriminative decisions to either not purchase or lower the price point for property within sight of these towers as well as transmission lines and other similar structures. While the risk may seem minimal, it significantly reduces the number of buyers who may be interested in a property located near these structures.

Having served in the Real Estate Industry over the past 19 years as well as currently in the lending industry I would state in my opinion that the potential reduction in value for properties adjacent to the towers to be affected in their price point by 10-15% and possibly higher. Developers attempt to mitigate this loss by increasing the property lot size or locating open space or parks adjacent to the property which significantly adds to the cost of the development. Property located within sight of such structures are also negatively impacted by the towers, but to a lesser extent. Price points tend to be 5-10% less than homes without a sight line of the towers.

As an advisor to clients looking to purchase homes adjacent to any transmission tower, whether power or cell or radio transmission, I would professionally advise my clients to review the risks involved to their personal satisfaction as well as let them know the dangers of an Attractive Nuisance to their children. Personally, I would avoid at all cost purchasing a home adjacent to any transmission tower as they are unsightly and potentially could affect my health and right to receive unobstructed and unaffected transmission of radio/Internet/TV.

I am happy to provide more information, but from my personal and professional experience I believe towers to be counterproductive to achieving the Highest and Best use for Residential property.

Sincerely,

Craig



Craig Galat - NMLS# 2406901

Home Loan Specialist

Churchill Mortgage

8109 W Grandridge Blvd | Suite 120
Kennewick, WA 99336

O: (509) 824-6270

C: (509) 366-2140

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Churchill Mortgage Corporation (NMLS ID 1591)



Craig Steven Galat NMLS ID: 2406901; Company NMLS ID: 1591 (www.nmlsconsumeraccess.org); Branch ID: 1845123; Mortgage Loan Originator License; WA-MLO-2406901; 8109 W Grandridge Blvd, Suite 120, Kennewick, WA 99336-7166; Churchill Mortgage Corporation

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If this email contains information regarding rate, payment and costs, your actual rate, payment and costs could be higher. Get an official Loan Estimate before choosing a loan.

CMCD\foalmer



COLDWELL BANKER
WALLA WALLA

January 19, 2023

City of Walla Walla
Planning and Zoning
ATTN: Walla Walla
Hearing Examiner
55 E. Moore Street
Walla Walla, Wa.

RE: proposed cell tower installation / ATT
residential land development / 1217 Bryant
Dan Preas, Builder/Developer dba Aspire Homes LLC

Gentlemen:

I tender this letter of support for the residential development of a platted and approved 24-lot subdivision as above referenced, with proposed offering values in this upscale community, ranging between \$ 695K and \$ 750K

In direct connection, I am registering my complete and unequivocal opposition to the installation of an AT&T cell tower the location to be directly contiguous to the Sturm Ave. side of Aspire Home's subject parcel.

The former owner of the subj. parcel, Blue Mountain Community Church chose to NOT disclose to buyer Preas, that the Church had previously engaged in agreed upon contract negotiations with AT&T for a cell tower installation and had in fact received from AT&T, some \$40,000 in advance payments.

Had the Church chose to ethically and honestly disclose the existence of said contract, buyer Preas' offer to purchase the subject land parcel would have been significantly reduced, if purchased at all.

It has long been an industry standard of experience and fact that cell tower installations have a very negative effect on residential development land.

218 W Main St | Walla Walla WA 99362 | (509) 525-0820

office@wallawallacb.com

ColdwellBankerWallaWalla.com

page 2, cont.,
Jan. 19,2023
City of Walla Walla
Hearing Examiner

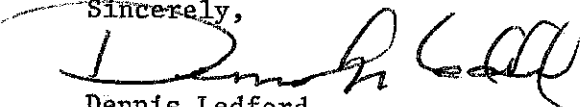
It doesn't end there. The reduction in land value carries on through to the end value of the residential product, and in this specific instance, Sale/Value prices could average a reduction of \$ 150,000 for each of the residential parcels, totalling a Loss to developer Preas of as much as \$3,500,000.00

Worse yet, there is proven "market resistance" to even purchase at all in a new residential subdivision which is negatively affected by a cell tower, especially if the development appeals to affluent up-scale buyers.

The consuming public resists cell towers for a myriad of reasons as evidenced by the real estate industry experience: unsightly "site pollution", overall safety, attractive nuisance problems, the effects of micro/radio waves on human health, possible cancer causing effects and noise pollution through cooling fans.

I write in FULL PROFESSIONAL OPPOSITION to the installation of an AT&T cell tower in proximity to the residential development parcel as referenced herein.

Sincerely,



Dennis Ledford
Owner - Broker
Coldwell Banker Walla Walla

DL:gh



COLDWELL BANKER
WALLA WALLA

January 19, 2023

City of Walla Walla
Planning and Zoning
ATTN: Walla Walla
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ColdwellBankerWallaWalla.com

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City of Walla Walla
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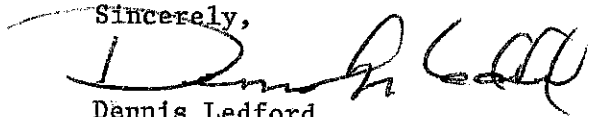
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Sincerely,



Dennis Ledford
Owner - Broker
Coldwell Banker Walla Walla

DL:gh



COLDWELL BANKER
WALLA WALLA

January 20, 2023

RE: Preas Bryant & Sturm Ave. Lots

To Whom It May Concern,

My name is David W. Hull, and I'm the Designated Broker for Coldwell Banker Walla Walla. I've had my real estate license in Walla Walla for 41 years.

My past experience with Electro Magnetic Force fields have mostly been with overhead power lines...cell towers are relatively new within residential neighborhoods. With the studies available though, cell towers do have dangerous effects when in close proximity to homes and schools.

In previous years, homes that were built in close proximity to EMF fields, took much longer to sell...and always at a reduced price. This reduction in price (in my experience) has been between 5-10 percent. Many Buyers wouldn't even buy the home if it was priced 25-50% off.

I feel that Mr. Preas will be negatively impacted by the close proximity of the cell tower proposed within 65 feet of his subdivision. It should be relocated somewhere further away from his property, somewhere else on the church property.

Regards,

David W. Hull
Designated Broker / Realtor®
509-520-1143
hull@wallawallacb.com

218 W Main St | Walla Walla WA 99362 | (509) 525-0820
office@wallawallacb.com

ColdwellBankerWallaWalla.com



COLDWELL BANKER
WALLA WALLA

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David W. Hull
Designated Broker / Realtor®
509-520-1143
hull@wallawallacb.com

218 W Main St | Walla Walla WA 99362 | (509) 525-0820
office@wallawallacb.com

ColdwellBankerWallaWalla.com

Jan. 23, 2023

City of Walla Walla Planning and Zoning
ATTN: Walla Walla Hearing Examiner
55 E. Moore Street
Walla Walla, Wa.

RE: Proposed cell tower installation / AT&T
Residential land development / 1217 Bryant
Dan Preas, Builder/Developer dba Aspire Homes, LLC

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Had the Church chose to ethically and honestly disclose the existence of said contract, buyer Preas' offer to purchase the subject land parcel would have been significantly reduced, if purchased at all.

It has long been an industry standard of experience and fact that cell tower installations have a very negative effect on residential development land.

It doesn't end there. The reduction in land value carries on through to the end value of the residential product, and in this specific instance, sale/value prices could average a reduction of \$150,000 for each of the residential parcels, totalling a loss to developer Preas of as much as \$3,500,000.00.

page 2, cont.
Jan. 23, 2023
City of Walla Walla Planning & Zoning
Hearing Examiner

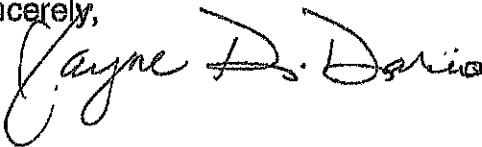
Worse yet, there is proven "market resistance" to even purchase at all in a new residential subdivision which is negatively affected by a cell tower, especially if the development appeals to affluent up-scale buyers.

The consuming public resists cell towers for a myriad of reasons as evidenced by the real estate industry experience:

- unsightly site pollution
- overall safety
- attractive nuisance problems
- effects of micro/radio waves on human health
- possible cancer causing effects
- noise pollution through cooling fans.

I write in FULL PROFESSIONAL OPPOSITION to the installation of an AT&T cell tower in proximity to the residential development parcel as referenced herein.

Sincerely,



Jayne DiDario
Broker / Owner
Walla Walla Sotheby's International Realty

Jan. 23, 2023

City of Walla Walla Planning and Zoning
ATTN: Walla Walla Hearing Examiner
55 E. Moore Street
Walla Walla, Wa.

RE: Proposed cell tower installation / AT&T
Residential land development / 1217 Bryant
Dan Preas, Builder/Developer dba Aspire Homes, LLC

Gentlemen:

I tender this letter of support for the residential development of a platted and approved 24-lot subdivision as above referenced, with proposed offering values in this upscale community, ranging between \$ 695K and \$ 750K.

In direct connection, I am registering my complete and unequivocal opposition to the installation of an AT&T cell tower the location to be directly contiguous to the Sturm Ave. side of Aspire Home's subject parcel.

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page 2, cont.
Jan. 23, 2023
City of Walla Walla Planning & Zoning
Hearing Examiner

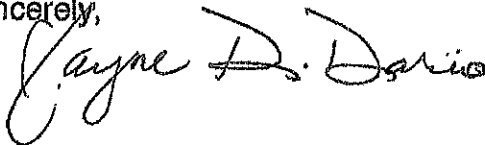
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- noise pollution through cooling fans.

I write in FULL PROFESSIONAL OPPOSITION to the installation of an AT&T cell tower in proximity to the residential development parcel as referenced herein.

Sincerely,



Jayne DiDario
Broker / Owner
Walla Walla Sotheby's International Realty

December 6, 2022

City of Walla Walla
Development Services Dept.
Walla Walla Hearing Examiner

RE: Cell Tower Installation application
Blue Mountain Church
File CUP-22-0002

Gentlemen:

I am writing to address the negative impact that a planned installation of a 65' uglyplastic green foliage disguised cell tower will have on the up-scale planned residential development of Aspire Homes, LLC on land recently purchased from the Blue Mountain Church.

The Church was far from forthright and honest in not disclosing the Church's intent to lease land to ATT&T within 20' of the new residential development.

Had the Church been forthright, Dan Preas, Aspire Homes, LLC., would have offered significantly less for the residential development parcel. The Church selected the Dan Preas' development proposal offer over other higher offers as the Church "wanted a high class residential development as neighbor to the Church.

Seems it is now the Church that is diminishing the Quality and Value of the residential development and is proposing to "crap up" the environment in all respects with a cell tower immediately contiguous to the Dan Preas residential development.

With my over 30-years experience in residential development, it is my concerted opinion that this tower install will have a very negative VALUE impact on multiple individual builds approximating a loss of an average of \$100,000.00 per build, with losses ranging between \$2,000,000.00 and \$2,500,000.00

The cell tower brings with it the visual unsightliness and ugliness, the constant noise pollution and humming for cooling purposes, together with health and safety issues, from "attractive nuisance" issues, tower safety issues, and the suspected long-term issues of radio wave emissions that could be carcinogenic, cancer causing, affect pregnancy, early child development and over-all mental health.

12/06/2022

page 2, cont.,

cell tower/Blue Mountain Church

File CUP-22-0002

ATTN: Hearing Examiner

As a result of the Church's deceptiveness in failing to disclose the Church's intent when negotiating the sale of the residential development parcel to Dan Preas, Aspire Homes, LLC.,

THAT the Church be directed by the City of Walla Walla, Development Services Dept., to abandon the cell tower installation.

If cancelling the tower installation is not the ultimate decision, then the Church should be prepared to compensate ASpire Homes, LLC., for damages, as a result of "loss of Value" as set forth above.

I sincerely doubt that it was the Lord's intent that the Blue Mountain Church engage in leasing land for cell towers as a means of raising money in support of the Lord's mission. It would be my suggestion that to increase the Church coffers and revenue, that the Blue Mountain Church engage in a new membership drive, tithe more, get a new Pastor, Pray more or hold more bake sales.

I am requesting that City of Walla Walla Development Services direct that any installation of a cell tower on the property of Blue Mountain Church be negated and disapproved. Should the City continue with an approval, THAT further, the tower be located as far removed as possible from the Aspire Homes, LLC., residential development, on alternative Church property.



George Hofar
Managing Broker
Coldwell Banker Walla Walla

GPH;ms

cc: Hayner, James K.
Preas, Dan







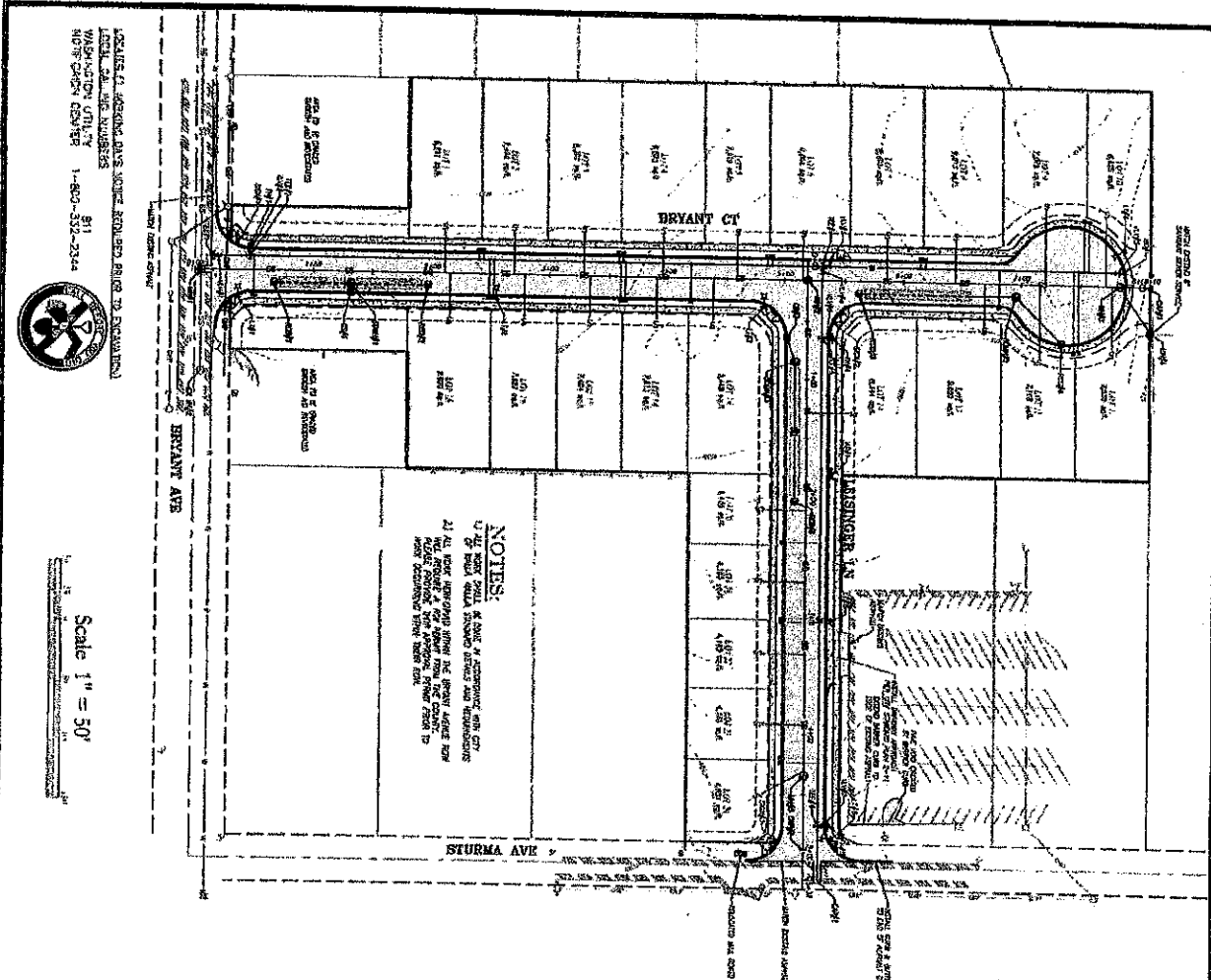
Greg Lehman, Walla Walla Union-Bulletin

A large lift sits near the possible future home of a cell tower behind Blue Mountain Community Church.



Bryant Estate Plat Map

PLAT MAP



NOTES:
 1. ALL NOTES SHALL BE READ IN ACCORDANCE WITH CITY OF WALLA WALLA ORDINANCES AND THE GENERAL ORDINANCE NO. 10000, AS AMENDED, WHICH IS INCORPORATED BY REFERENCE INTO THESE SPECIFICATIONS.
 2. ALL NOTES SHALL BE READ IN ACCORDANCE WITH THE CITY OF WALLA WALLA ORDINANCES AND THE GENERAL ORDINANCE NO. 10000, AS AMENDED, WHICH IS INCORPORATED BY REFERENCE INTO THESE SPECIFICATIONS.

Scale 1" = 50'

DESIGNED BY: JACOBSON AND ASSOCIATES
 1701 W. WALLA STREET
 WALLA WALLA, WA 99157
 PHONE: (509) 565-2344
 FAX: (509) 565-2345



STREET SCHEDULE

NO.	NAME	TYPE	WIDTH	RIGHT-OF-WAY	ADJACENT LOTS
1	BRYANT CT	LOCAL	20'	30'	1-24
2	STURMAN AVE	LOCAL	30'	40'	1-24
3	MANSINGER LN	LOCAL	20'	30'	1-24
4	HERMY AVE	LOCAL	20'	30'	1-24

ADJUSTMENT SCHEDULE

NO.	DESCRIPTION	DATE	BY	APPROVED BY
1	AS SHOWN ON THESE PLANS	08/15/22	JACOBSON AND ASSOCIATES	
2	REVISION 1: CORRECTED LOT 12 AREA	08/20/22	JACOBSON AND ASSOCIATES	
3	REVISION 2: ADJUSTED DRIVE WIDTH	08/25/22	JACOBSON AND ASSOCIATES	

ADJUSTMENT SCHEDULE

NO.	DESCRIPTION	DATE	BY	APPROVED BY
4	REVISION 3: ADJUSTED DRIVE WIDTH	09/05/22	JACOBSON AND ASSOCIATES	
5	REVISION 4: CORRECTED LOT 15 AREA	09/10/22	JACOBSON AND ASSOCIATES	
6	REVISION 5: ADJUSTED DRIVE WIDTH	09/15/22	JACOBSON AND ASSOCIATES	

ADJUSTMENT SCHEDULE

NO.	DESCRIPTION	DATE	BY	APPROVED BY
7	REVISION 6: CORRECTED LOT 18 AREA	09/20/22	JACOBSON AND ASSOCIATES	
8	REVISION 7: ADJUSTED DRIVE WIDTH	09/25/22	JACOBSON AND ASSOCIATES	
9	REVISION 8: CORRECTED LOT 21 AREA	10/05/22	JACOBSON AND ASSOCIATES	

ADJUSTMENT SCHEDULE

NO.	DESCRIPTION	DATE	BY	APPROVED BY
10	REVISION 9: ADJUSTED DRIVE WIDTH	10/10/22	JACOBSON AND ASSOCIATES	
11	REVISION 10: CORRECTED LOT 24 AREA	10/15/22	JACOBSON AND ASSOCIATES	
12	REVISION 11: ADJUSTED DRIVE WIDTH	10/20/22	JACOBSON AND ASSOCIATES	

ADJUSTMENT SCHEDULE

NO.	DESCRIPTION	DATE	BY	APPROVED BY
13	REVISION 12: CORRECTED LOT 1 AREA	10/25/22	JACOBSON AND ASSOCIATES	
14	REVISION 13: ADJUSTED DRIVE WIDTH	11/05/22	JACOBSON AND ASSOCIATES	
15	REVISION 14: CORRECTED LOT 4 AREA	11/10/22	JACOBSON AND ASSOCIATES	

ADJUSTMENT SCHEDULE

NO.	DESCRIPTION	DATE	BY	APPROVED BY
16	REVISION 15: ADJUSTED DRIVE WIDTH	11/15/22	JACOBSON AND ASSOCIATES	
17	REVISION 16: CORRECTED LOT 7 AREA	11/20/22	JACOBSON AND ASSOCIATES	
18	REVISION 17: ADJUSTED DRIVE WIDTH	11/25/22	JACOBSON AND ASSOCIATES	

ADJUSTMENT SCHEDULE

NO.	DESCRIPTION	DATE	BY	APPROVED BY
19	REVISION 18: CORRECTED LOT 10 AREA	12/05/22	JACOBSON AND ASSOCIATES	
20	REVISION 19: ADJUSTED DRIVE WIDTH	12/10/22	JACOBSON AND ASSOCIATES	
21	REVISION 20: CORRECTED LOT 13 AREA	12/15/22	JACOBSON AND ASSOCIATES	

ADJUSTMENT SCHEDULE

NO.	DESCRIPTION	DATE	BY	APPROVED BY
22	REVISION 21: ADJUSTED DRIVE WIDTH	12/20/22	JACOBSON AND ASSOCIATES	
23	REVISION 22: CORRECTED LOT 16 AREA	12/25/22	JACOBSON AND ASSOCIATES	
24	REVISION 23: ADJUSTED DRIVE WIDTH	01/05/23	JACOBSON AND ASSOCIATES	

ADJUSTMENT SCHEDULE

NO.	DESCRIPTION	DATE	BY	APPROVED BY
25	REVISION 24: CORRECTED LOT 19 AREA	01/10/23	JACOBSON AND ASSOCIATES	
26	REVISION 25: ADJUSTED DRIVE WIDTH	01/15/23	JACOBSON AND ASSOCIATES	
27	REVISION 26: CORRECTED LOT 22 AREA	01/20/23	JACOBSON AND ASSOCIATES	

ADJUSTMENT SCHEDULE

NO.	DESCRIPTION	DATE	BY	APPROVED BY
28	REVISION 27: ADJUSTED DRIVE WIDTH	01/25/23	JACOBSON AND ASSOCIATES	
29	REVISION 28: CORRECTED LOT 25 AREA	02/05/23	JACOBSON AND ASSOCIATES	
30	REVISION 29: ADJUSTED DRIVE WIDTH	02/10/23	JACOBSON AND ASSOCIATES	

ADJUSTMENT SCHEDULE

NO.	DESCRIPTION	DATE	BY	APPROVED BY
31	REVISION 30: CORRECTED LOT 28 AREA	02/15/23	JACOBSON AND ASSOCIATES	
32	REVISION 31: ADJUSTED DRIVE WIDTH	02/20/23	JACOBSON AND ASSOCIATES	
33	REVISION 32: CORRECTED LOT 31 AREA	02/25/23	JACOBSON AND ASSOCIATES	

12/19/22

DESIGNED BY: JACOBSON AND ASSOCIATES
 1701 W. WALLA STREET
 WALLA WALLA, WA 99157
 PHONE: (509) 565-2344
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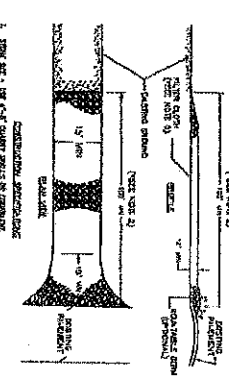
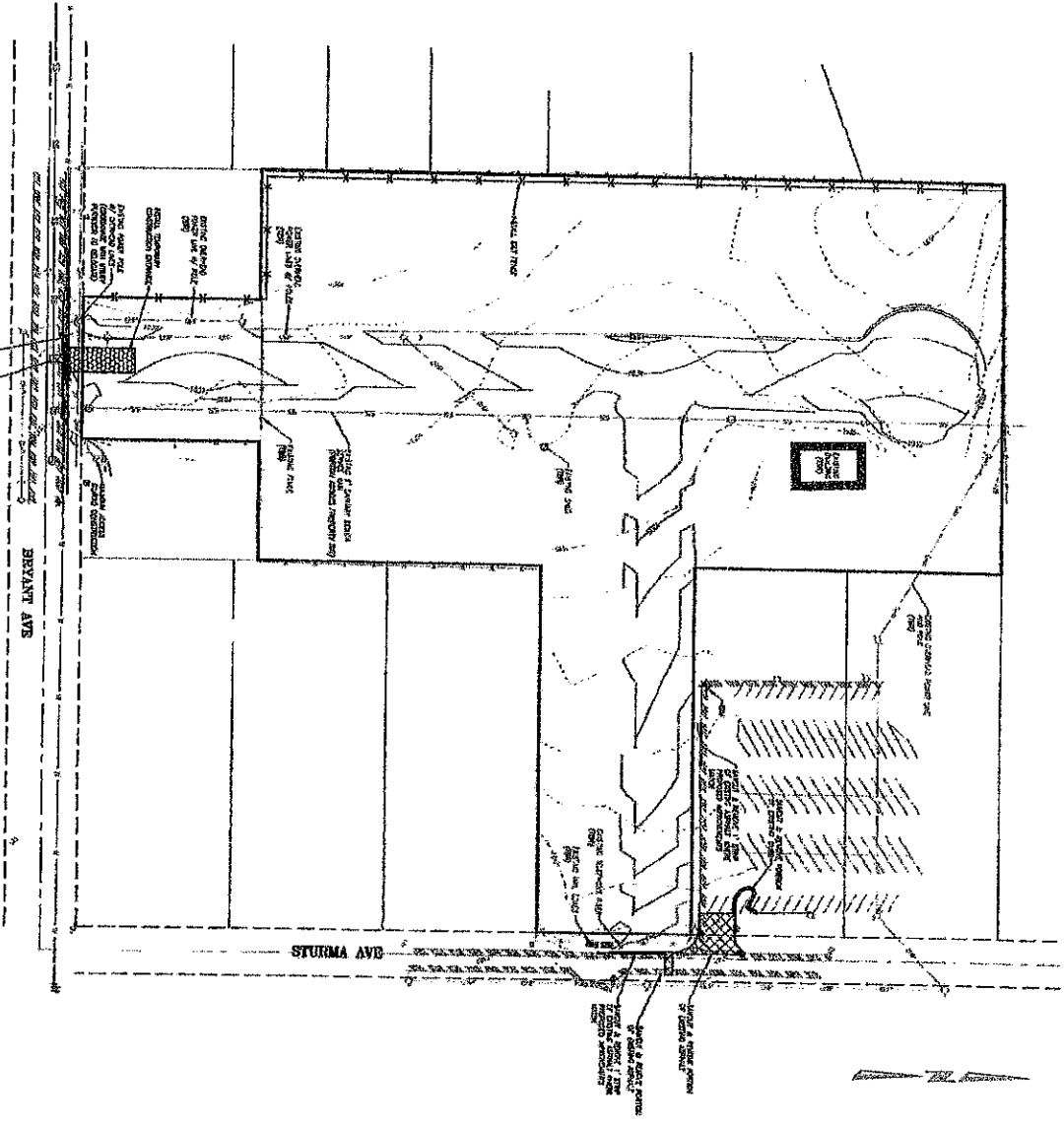
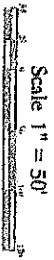
PROJECT OVERVIEW FOR:
BRYANT ESTATES
 A DEVELOPMENT LOCATED IN THE CITY OF WALLA WALLA, WASHINGTON

PLANNERS
 JACOBSON AND ASSOCIATES
 1701 W. WALLA STREET
 WALLA WALLA, WA 99157
 PHONE: (509) 565-2344
 FAX: (509) 565-2345

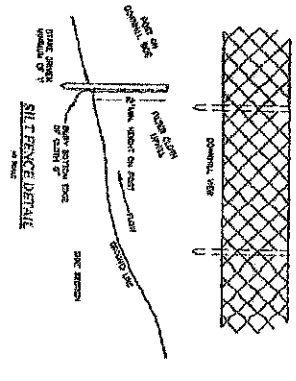
LOCATED IN BRYANT'S LOTS, BOUNDARY AND IN CONFORMANCE
 LOCAL, WASHINGTON, REGULATIONS
 CONSTRUCTION PERMIT
 1-800-333-2344



Engineering Review
 D. Edition 12/19/2022



- CONSTRUCTION ENTRANCE DETAIL**
1. THE ENTRANCE SHALL BE CONSTRUCTED AS SHOWN.
 2. THE ENTRANCE SHALL BE CONSTRUCTED WITH A 12" MIN. THICK CONCRETE SLAB ON GRADE.
 3. THE ENTRANCE SHALL BE CONSTRUCTED WITH A 4" MIN. THICK CONCRETE CURB ON GRADE.
 4. THE ENTRANCE SHALL BE CONSTRUCTED WITH A 4" MIN. THICK CONCRETE CURB ON GRADE.
 5. THE ENTRANCE SHALL BE CONSTRUCTED WITH A 4" MIN. THICK CONCRETE CURB ON GRADE.
 6. THE ENTRANCE SHALL BE CONSTRUCTED WITH A 4" MIN. THICK CONCRETE CURB ON GRADE.
 7. THE ENTRANCE SHALL BE CONSTRUCTED WITH A 4" MIN. THICK CONCRETE CURB ON GRADE.
 8. THE ENTRANCE SHALL BE CONSTRUCTED WITH A 4" MIN. THICK CONCRETE CURB ON GRADE.
 9. THE ENTRANCE SHALL BE CONSTRUCTED WITH A 4" MIN. THICK CONCRETE CURB ON GRADE.
 10. THE ENTRANCE SHALL BE CONSTRUCTED WITH A 4" MIN. THICK CONCRETE CURB ON GRADE.



- NOTES:**
- 1) ALL WORK SHALL BE DONE IN ACCORDANCE WITH CITY OF WALLA WALLA STANDARD DETAILS AND REGULATIONS.
 - 2) CONTRACTOR TO FIELD VERIFY CONDITIONS AND DIMENSIONS OF ALL UTILITIES.
 - 3) PER - TO BE REVIEWED.
 - 4) CONTRACTOR SHALL VERIFY HIGHLIGHTS TO REMAIN OR RELOCATE ALL NEW UTILITIES.

DATE: 12/19/22
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SCALE: AS SHOWN
 PROJECT: BRYANT ESTATES
 SHEET: C1

EXISTING CONDITIONS FOR:
BRYANT ESTATES
 A DEVELOPMENT LOCATED IN THE CITY OF WALLA WALLA, WASHINGTON



Tillman and ATT Connection



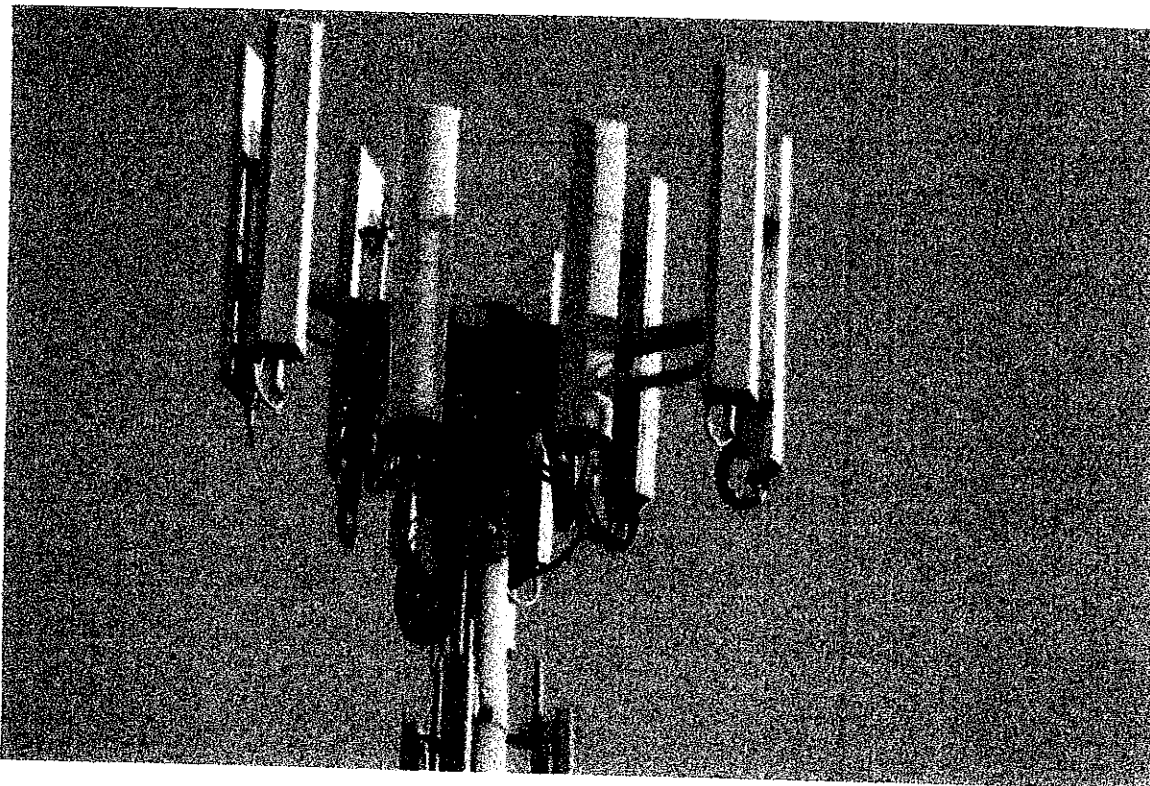
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PR Newswire

AT&T and Tillman Build Hundreds of Cell Towers



After signing an agreement with AT&T* last year, Tillman Infrastructure, a rapidly growing builder and operator of cellular towers and small cells, has built hundreds of new macro cell towers for lease to AT&T. In

addition, hundreds of tower builds nationwide are underway, completing on a monthly basis.

Over the past year, AT&T executed a plan, improved operations, and created new initiatives with Tillman to improve service while driving lower costs.

“Our work with Tillman Infrastructure exemplifies our future model for the cell tower industry,” said Susan Johnson, executive vice president—Global Connections and Supply Chain, AT&T. “We’re committed to working with vendors who offer a sustainable cost model while also delivering best in class cycle times and tower construction.”

The progress with Tillman aligns with AT&T’s commitment to provide customers with better speeds, reliability and overall performance. This tower build is also part of AT&T’s overall rollout of FirstNet and our plan to deploy mobile 5G to keep up with booming mobile data usage. In fact, mobile data on the AT&T national wireless network increased more than 360,000% from 2007-2017.

“Tillman is proud of the progress we’ve made with AT&T, in such a short time,” said Bill Hague, CEO of Tillman Infrastructure. “We’re bringing a real alternative to the tower infrastructure space for all mobile operators, with competitive pricing and flexible lease terms that accommodate sustainable growth. We will continue to work aggressively to construct and operate thousands of additional sites, while improving capacity and coverage for the entire country, especially in underserved rural areas.”

The new towers will continue to add to the overall communications infrastructure in the U.S., and fulfill the need for new locations where towers do not exist today. They will also serve as an opportunity for AT&T to relocate equipment from current towers with other landlords as leases expire.

AT&T is focused on creating a diverse community of suppliers and tower companies that embrace a sustainable business model. To that end, an agreement with CitySwitch was announced earlier this year. AT&T expects to continue to execute new lease agreements for new cell sites as they grow their network footprint across the nation.

[Previous](#)

[Next](#)

2030 Tiltman Global Holdings

152 West 57th Street, 27th Floor
New York, NY 10019

212.706.1877

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Examples Fire

Examples Ice



CELL TOWERS: EVERYTHING YOU EVER WANTED TO KNOW

Written by [Alex Baker](#)

13th Jan 2021

How Do Cell Towers Work?

A cell tower, also known as a cell site, or a Base Transceiver Station, is a structure that produces cellular signal as a “cell” in a cellular network. This is accomplished with a myriad of transceivers, digital signal processors, control electronics, primary and backup electrical power, and GPS receivers. They are, at the most basic level, radio signal transmitters.

From there, it gets much more specific to each tower. Even if you live right next to a very obvious cell tower, it might not contain transceivers that utilize [frequencies for your carrier](#), or those transceivers might be pointed away from your location.

In general terms, cell towers use power to generate radio waves at a certain frequency. Your cell phone is tuned in to a specific frequency range (or band) depending on what carrier you have and features you’re trying to use. That’s how cell towers work.

WE FIX POOR CELL PHONE SIGNAL! FIND THE RIGHT SIGNAL BOOSTER FOR YOU:



[For Home](#)



[For Vehicle](#)



[For Business](#)



[For Commercial](#)

What Components are in a Cell Tower?

Besides the physical building, there are many [components to make a complete cell tower](#):

- Physical space
- Heating or air conditioning (or both, depending on climate)
- Equipment (antennas, etc.)

- Backup power
- Telephone lines (generally fiber)
- Wiring
- Fire protection
- Planning
- Documentation
- Safety
- Commissioning

The most basic requirements for a cell tower site are the radio equipment, antenna support, and the antenna(s). Which carriers will be using the site will determine the specific frequencies the equipment will broadcast on. Because the equipment needs power, though, you need a power system. Since the power systems can and will fail occasionally, however, you also need backup power, which usually means a battery system.

All this equipment generates heat, so an air conditioning system is needed. Since antennas will be placed high up, you need lightning protection, and that requires solid grounding. The systems can catch fire, so you need a fire protection system. Maintenance crews will need to periodically visit the sites, so you need AC power and lighting for them as well. Lastly, most cell towers are constructed to last for a long time, so space for new technology will need to be accounted for, as well as reserve capacity for every single component.

In other words, there is a lot that goes into each cell tower, and they aren't something that anyone can just build with the right equipment: it takes a great deal of resources to make and maintain.

Is There Anything Different About 5G Cell Towers?

Obviously **5G itself is different**, but whether or not a **5G tower** is different depends on the type of frequency your carrier uses for 5G.

distance than waves at lower frequencies. Ultra-Wideband 5G towers are usually smaller and more common (known as [small cells](#)). They're the kind of thing you wouldn't notice unless you look for them, but once you start, you'll start spying them all over the place.

T-Mobile's 5G is a bit different, and can make use of their existing towers. This is because they use Extended Range 5G, which operates on a lower [5G frequency](#).

Who Builds Cell Towers?

Cell towers are almost always built and maintained by large corporations who have the resources to do so.

The two main companies that build cell towers in the United States are [Crown Castle](#) and [American Tower](#).

The main company that builds cell towers in Canada is [WesTower](#).

These companies make money by leasing land from people, building towers there, then leasing space on that tower to multiple carriers.

How Can I Find a Cell Tower Near Me?

We have a comprehensive guide on all the ways to [find a cell tower near you](#). We recommend that for a deeper analysis.

However, for a quick and easy way to locate a cell tower, check out this [cell tower map](#). It's not perfect, as carriers do not make public the location of their cell tower, but this should be a good start.

Does My Carrier Own My Nearest Cell Tower?

Generally carriers don't own the towers they broadcast on, instead leasing space on them from companies like Crown Castle and American Tower. It's very rare to have all major

In short, probably not, but your individual tower might be.

Can I Lease a Cell Tower?

Towers are only leased to those who have usage rights on specific radio bandwidths. These are farmed out by governments and are usually presented to the highest bidder. In other words, unless you legally represent someone who has rights to one of these bandwidths, no, you can't.

Can I Get a Cell Tower on my Land?

You can indeed. You'll need to register with Crown Castle or American Tower if you're in America, or WesTower if you're in Canada, which can be done on their websites. These companies generally lease the space from landowners at a fixed monthly rate, so you can earn a fair amount from having a cell tower on your land.

There are specific [cell tower regulations](#) that need to be followed, so it's likely a representative of one of these companies will need to do a site walk on your property if you're interested in leasing them the land.

- [Crown Castle Landowner Registration](#)
- [American Tower Property Owner Registration](#)
- [WesTower \(for Canada\)](#)

Are There Any Health Risks Associated With Cell Towers?

According to [EMWatch](#), there is evidence to suggest that these towers are dangerous to human (and animal) health, and that proximity to a tower increases certain negative health conditions.

potential mental issues may be caused by a lot of radio wave exposure.

As far as the real elephant in the room goes, no, there is no evidence to suggest cell towers cause cancer. [Not even 5G](#). Though, further [research into that is ongoing](#).

What is a Point-to-Point?

Point-to-points (also called P2P, not to be confused with peer-to-peer) are essentially [relay systems for radio waves](#).

Point-to-points have the advantage of creating a space in which cellular signal is quite strong, but does not create any signal itself. The disadvantage is they increase the total amount of radio "noise" in the area, which makes telecommunications projects in that place more difficult. This only really becomes an issue in certain high-traffic areas.

There are massive point-to-point stations, and smaller ones. Large relays are comparable to cell towers in size, but have much smaller power requirements and maintenance costs associated with them. [Cell phone signal boosters](#) are smaller relays, with donor antennas snatching signal from the cell towers, an amplifier designed to work with common power requirements boosting the signal, and an interior antenna rebroadcasting the signal within a confined space.

Carrier Bandwidths

[FCC Spectrum Dashboard](#)

[Wireless Frequency Bands](#)

[4G LTE Frequency Bandwidths](#)

[5G Frequency Bands](#)

What Do You Know About Cell Towers?

and require an antenna pointed toward [your nearest cell tower](#) to work best.

We seriously hate dropped calls and poor coverage, so it's our goal in life to rid the world of spotty signal, one happy customer at a time:

- Free consultation (ask us anything) with our US-based customer support (sales@wilsonamplifiers.com) or call us at **1-800-568-2723**.
- Free shipping.
- Better signal or your money back within 90 days.
- We want everyone to be satisfied, so we provide lifetime technical support and a 2-year warranty for all products.

Ask us anything and we'll be glad to help.

Interested in Learning More? Check Out Our Signal Boosting Info Center



THE WILSON AMPLIFIERS
ADVANTAGE



FREE SHIPPING



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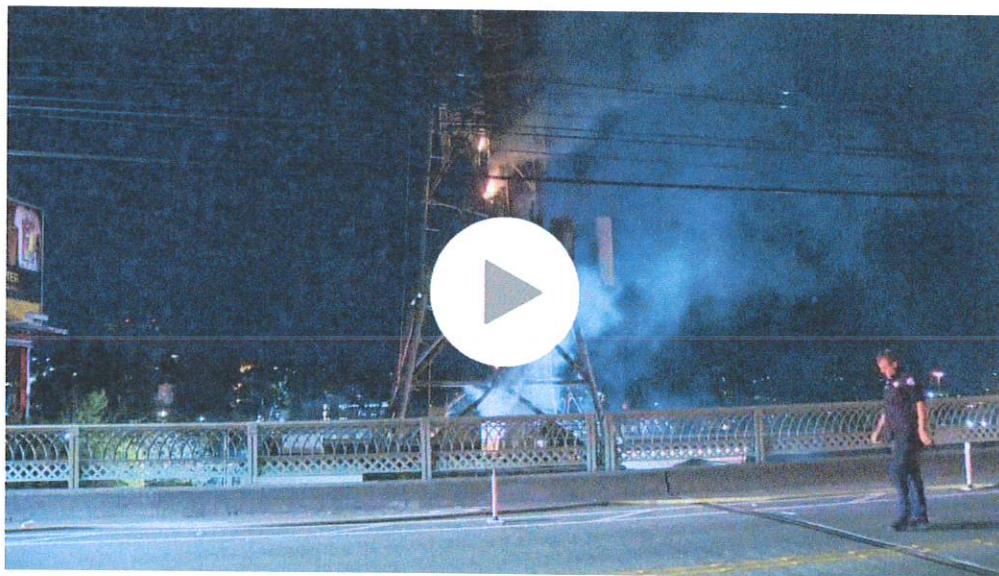
No Thanks

ALLOW

SEATTLE

Downtown Seattle AT&T cell tower damaged in early morning fire

The fire was reported at 12th Avenue South and South Lane Street at about 3 a.m.



Author: KING 5 Staff

Published: 6:45 AM PDT July 14, 2022

Updated: 6:45 AM PDT July 14, 2022



SEATTLE — An AT&T cell tower caught fire in downtown Seattle early Thursday morning.

The fire near 12th Avenue South and South Lane Street was first reported around 3 a.m. The Seattle Department of Transportation (SDOT) [tweeted just after 3:30 a.m.](#) that the fire blocked all northbound and southbound lanes of 12th Ave South at South Lane Street.

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The Seattle Fire Department said [crews requested to shut off electricity](#) for the tower while crews extinguished the fire. The department said the fire was out by 4:10 a.m.

>> [Download KING 5's Roku and Amazon Fire apps to watch live newscasts and video on demand](#)

First responders said they do not believe the fire was intentionally set and that it was likely combustion. No injuries were reported, authorities said.

There is no estimate on how much the tower was damaged. AT&T is not reporting any outages in the area.

All lanes of 12th Avenue South reopened around 5:15 a.m., according to the SDOT.

Doug Dillon
[@dougdkING5](#) · Follow



An AT&T cell phone tower on S 12th and Lane St S caught fire early this morning. Flames were huge but the only damage was to the cell tower. Seattle Fire responded and got it out. Unsure if cause at this time and currently not AT&T outages reported yet.

4:46 AM · Jul 14, 2022 from Bellevue, WA



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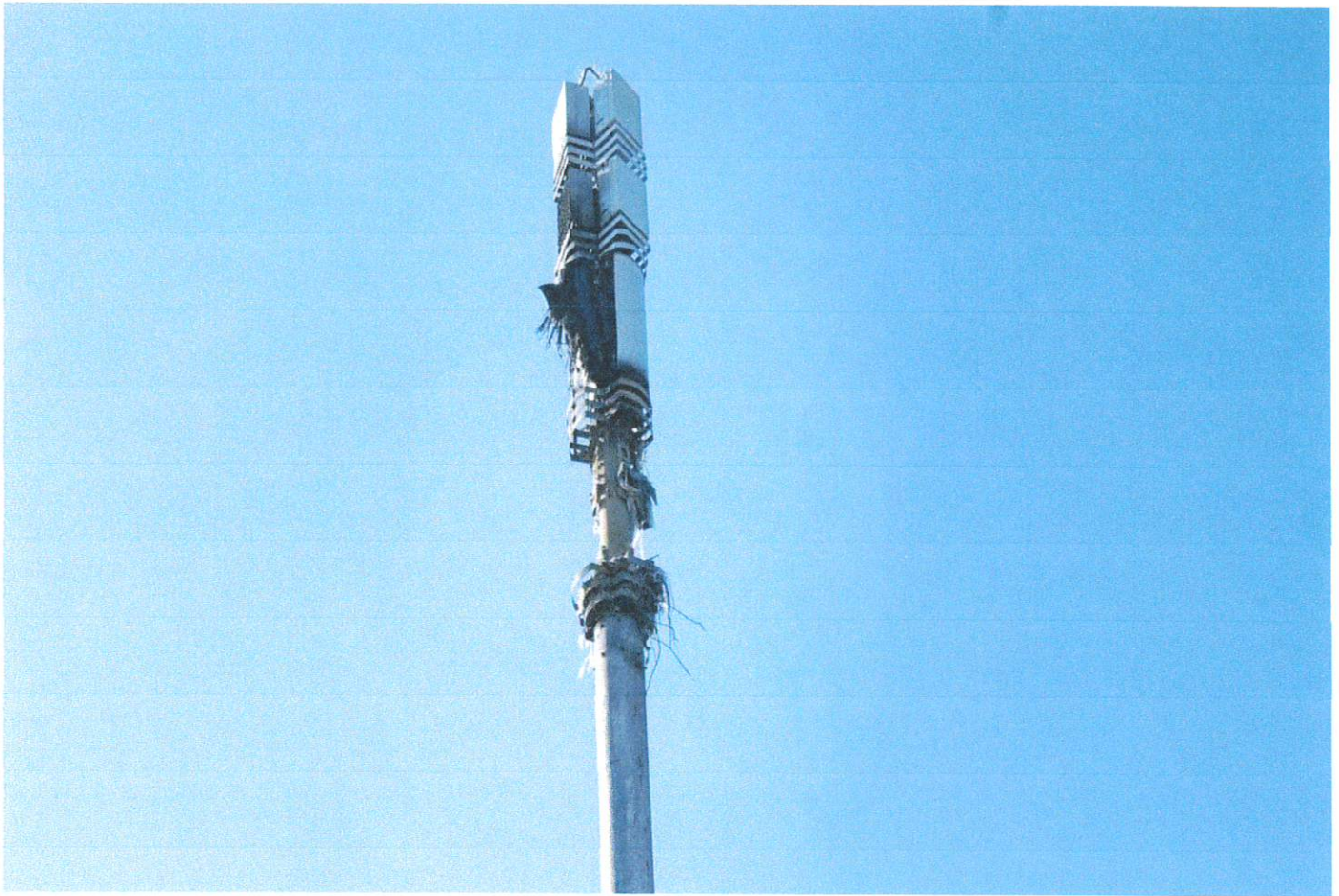
POLITICO



MAGAZINE

HISTORY DEPT.

The Deep Conspiracy Roots of Europe's Strange Wave of Cell-Tower Fires



A cell tower in England after a fire in April. | Stefan Rousseau/PA via AP

By SAMANTH SUBRAMANIAN
05/18/2020 12:30 PM EDT



*Samanth Subramanian's new book, **A Dominant Character: The Radical Science and Restless Politics of J. B. S. Haldane**, will be published by W. W. Norton in July.*

CAMBRIDGE, England—All over Europe, 5G telephone towers are being set on fire. At least 16 masts in the Netherlands have gone up in flames. There have been attacks on 5G equipment in Italy, Ireland, Belgium and Cyprus. The United Kingdom, ever-keen to outperform the Continent, has witnessed more than 60 such acts of arson. A video showed a tower lit up in Birmingham one night in early April. It burned tall and bright, as if a giant Olympic torch had been planted into the middle of the city.

The vandals draw from a sludge of absurd theories to explain their motivations: that 5G masts somehow spread the coronavirus, or that the radiation from these towers weakens our immune systems, laying us bare to Covid-19. Or even that there is no Covid-19 at all, that the disease is a myth to explain the worst effects of 5G rays. In the U.K., conspiracists have [spotted](#) a 5G tower in the new £20 note and [decided](#) that it's some kind of coded message; in fact, it's only the lighthouse in Margate, the town so dear to J. M. W. Turner, the artist on the note.

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Health authorities have gone blue in the face insisting that 5G technology hasn't been proven to cause any danger to anyone. It hasn't mattered. The attackers have grown in number and kept at it. On Facebook, one member of an anti-5G group [linked to YouTube footage](#) of a tower in flames, and wrote: "AND SO THE FIGHT BEGAN "

These acts feel as if they've been imported from the past, and not just because of the atavism of destroying mankind's newest technology with mankind's oldest. Even the operating logic is medieval. Surely in well-educated Europe, plumb in the middle of the Information Age, no one should be buying these flimsy theories and marching off, petrol bombs in hand, to incinerate mobile towers?

History supplies a sharp parallel. Beginning in the middle of the 16th century, tens of thousands of men and women—women, for the most part—were killed for being witches. There had been similar executions before, but they took on

new momentum around 1550, in the full flower of the Renaissance and all its attendant emphasis on rationality. Many of these people were burned; as with the 5G towers, the spectacle of destruction seemed as vital as the destruction itself. In 1613, for instance, at least 40 people in the southern Dutch town of Roermond were tried for bringing about blights in crops and the deaths of livestock and children. Found guilty, they were tied to stakes and burned to death. A couple dozen miles northwest lies [the town of Liessel](#), where a cell phone tower was set alight in April.

It's tempting to compare the material conditions of that bygone Europe with those of Europe today, and to find in those conditions some common origins for these infernal impulses.

The 16th century, too, was a time of immense flux. The climate had been shifting; a Little Ice Age was digging in, and Europe was hit by droughts and poor harvests. The plague was always around; a fierce flare of disease set in around Roermond in 1613, just when its authorities were conducting their witch trials.

The old, stable orders of society were breaking down. The Catholic Church was being challenged; feudalism was crumbling. The upheavals unsettled everyone. "Immense sadness and a feeling of doom pervaded the land," the scholar Robert D. Anderson wrote. Historical concordances are always inexact, but the tenor of that time sounds acutely familiar to us. In both these periods of turbulence, people looked for someone to blame.

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But the selection of scapegoats is a directed process, not a spontaneous one. It's an exercise of power, and an abuse of it.

At the local level, the rich forestalled the rebellions of the poor by channeling their fear and anger toward purported witches. Across the Continent, the Catholic and Protestant churches were tussling for what two economists recently called “religious market share,” and the clerics of these two churches, each trying to claim the higher spiritual ground, promoted witch-hunting as a Christian activity. In Germany, where the contest between the churches grew most heated, at least 25,000 people were executed for witchcraft between 1500 and 1782.

Kings [hired](#) witch-hunters to preserve their power; demonologists climbed into official posts and used them to [enlarge their line of work](#). One Catholic clergyman put out propaganda: a handbook on how to identify witches and what to do with them. The thing to do, he advised, was to use “green wood for the slow burning of the grossly impenitent.”

This is where the real echo lies—in the interests that drive the irrational mistrust of 5G towers.

As part of Moscow's campaign to disrupt Western societies, Russian media outlets have been [stoking 5G alarm](#) with a flood of false facts, calling the technology a bearer of “wireless cancer.” Companies like Facebook and YouTube have been content to let wild plans for arson remain on their

platforms for weeks. The irony is, of course, unmissable: These plans target the telecoms towers that are the very infrastructure of not only the Information Age but the Misinformation Age.

Politicians in Europe and the United States have fed the anxieties of their citizens as well. They've demonized Huawei, the Chinese company that builds 5G networks, and they've demonized China itself, for being the source of the coronavirus. And through their own lies and negligence, they've contributed more broadly to the formation of our polarized, suspicious, misinformed moment.

The historian Stuart Clark, in writing about witch trials, called them the product of an "age of cognitive extremism," in which any contrarian idea was quickly labeled as the work of the devil. Rinse the religion out of that description, and it can be applied neatly to our world today. The firebugs going after 5G masts prove an essential and dangerous political truth. Spend enough energy turning people against each other, and you'll be able to muster a mob with pitchforks and torches in any place, in any time.

FILED UNDER: CONSPIRACY, HISTORY DEPT.

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Reduce Our Internet Footprint

Cell Tower Fires Collapses & Falling Debris

Worker Deaths & Accidents

Cell Site Safety Protocol

Sample Letter to Legislators

TWO QUESTIONS

- 1) Did a professional engineer (PE) evaluate and certify any of these projects' safety before they went live?
- 2) Who carries liability for damages—the landowner, the telecom corporation and/or the municipality?

THIS GALLERY SHOWS IMAGES of CELL TOWER FIRES & COLLAPSES
for longer lists, [click the links above...](#) or go below the photo gallery



*Cell tower collapses feet from homes
and businesses due to high winds
Las Vegas, NV, Apr. 25, 2022*

<https://www.fox5vegas.com/2022/04/25/cell-phone-tower-collapses-near-nellis-tropicana-crashing-down-feet-businesses-homes/>

Photo credit: Barclay Fernandez/FOX5



*A light pole holding cellular antennas
at Otay Ranch High School caught fire,
damaging the stadium
Chula Vista, CA, March 9, 2021
<https://fox5sandiego.com/news/local-news/stadium-light-catches-fire-at-south-bay-high-school/>
Source: fox5sandiego.com*



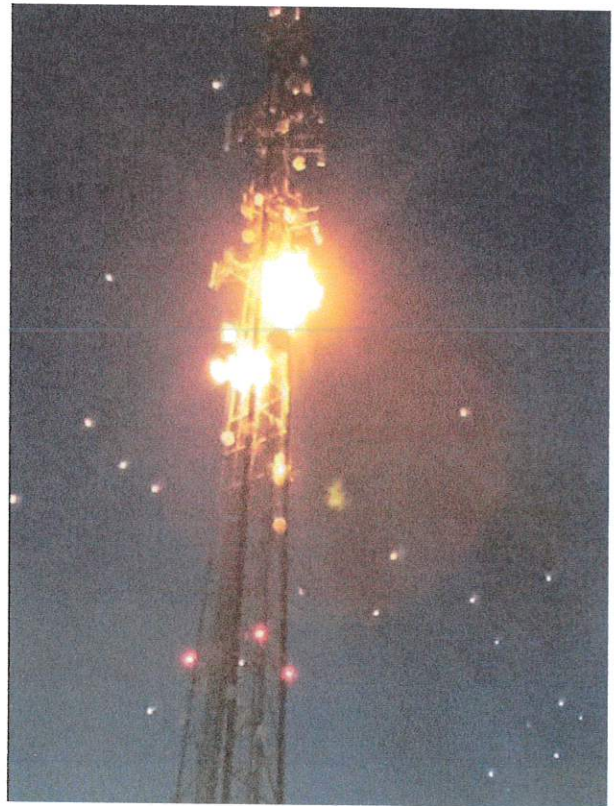
Cell tower fire (in a church steeple)
caused by electrical/mechanical issues.
Hanover, VA, June 26, 2020
<https://www.nbc12.com/2020/06/26/cell-phone-tower-hanover-catches-fire/>
Source: Hanover Fire and EMS



Cell tower felled by tornado
across U.S. Route 280.
Smiths Station, Lee County, AL, March 3, 2019
<https://www.nytimes.com/2019/03/03/us/tornado-alabama-georgia-deaths.html>
Photo credit: Mike Haskey/Ledger-Enquirer, via
Associated Press



Electrical malfunction causes fire
with rooftop cellular antennas
Brooklyn, NY, April 18, 2021
<https://ehtrust.org/firecell-tower-brooklyn-new-york/>
<https://anash.org/fire-extinguished-on-roof-of-crown-heights-apartment-building/>
Photo credit: Berel Meyers/Anash.org



Paper lanterns caught in cell tower
at Lantern Fest cause fire
in Gaston County, NC, May 2, 2015
<https://www.gastongazette.com/article/20150602/News/306029947>
Source: Gaston Gazette



Tornado damages tower array
Moore, OK, March 25, 2015
<http://qrznow.com/tornado-damage-to-legendary-koma->

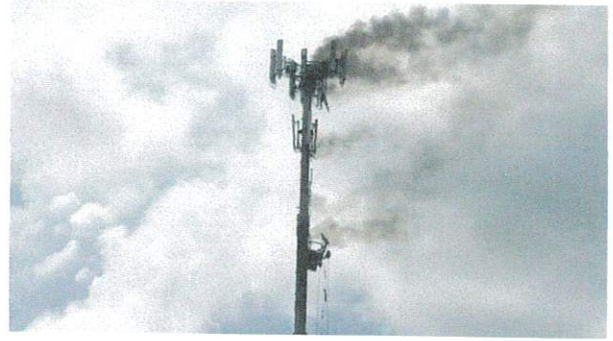
*tower-array/
Source: qrznw.com*



*Cell tower fire
caused by improper welding
near Heritage High School.
Newport News, VA, Jun 16, 2015
<http://wtkr.com/2015/06/16/cell-phone-tower-near-heritage-high-school-catches-fire/>
Source: WTKR3*



*Cell tower fire
caused by improper welding.
Greenville, TN, Nov 4, 2014
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Sanford, FL, August 24, 2013
<https://insidetowers.com/sanford-florida-cell-tower-no-longer-a-risk/>
Source: insidetowers.com*



*Welding causes cell tower fire.
Bensalem, Pa, June 21, 2013
<http://levittownnow.com/2013/06/21/nearby-cell-tower-on-fire-may-collapse/>
Photo credit: Twitter.com/Mz_Erica7801*



*Welding causes cell tower fire
near daycare center.
Lilburn, GA, Dec 1, 2011
https://www.gwinnettdaily.com/archive/cell-tower-fire-closes-rockbridge-road-evacuates-day-care/article_c799bdd9-1162-52a6-8cd7-*

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Photo credit: Kristen Buckles



Cell tower fire
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Bensalem, PA, June 21, 2013

<https://www.csmonitor.com/USA/Latest-News-Wires/2013/0624/Bensalem-tower-fire-Crews-dismantle-cell-tower-that-caught-fire-in-Pa>

Photo credit: Jo Ciavaglia/Bucks County Courier Times/AP



Cell tower fire
during routine maintenance.
Tinton Falls, NJ, Jan 24, 2011

<https://patch.com/new-jersey/longbranch/parkway-cell-tower-fire-saturday-set-off-by-routine-maintenance>

Source: The Patch

7784653883ae.html

Source: Gwinnett Daily Post



Cell tower collapses in high winds.

Ruidoso, NM, Dec 18, 2009

http://wirelessestimator.com/content/articles/?pagename=Cell_Tower_News_12.09

Photo credit: Steve Kitchens



Cell tower collapses during construction.

La Mirada, March 18, 2008

<https://www.oregister.com/2008/03/18/kfi-tower-topples/>

Source: Orange County Register



Cell tower collapse in high winds.
Broken Arrow, OK, Dec 9, 2009

http://wirelessestimator.com/content/articles/?pagename=Cell_Tower_News_12.09
Source: <http://wirelessestimator.com>



Malibu Canyon fire, 2007
Overburdened with weighty telecom gear,
the pole collapsed. 14 houses burned.

http://www.malibutimes.com/news/article_7ace05ac-c1eb-11e2-8303-0019bb2963f4.html
Photo by Teresa Gelbman



High winds topple cell tower,
crushing Chief's vehicle
Oswego, NY, Nov 14th, 2003

<https://www.firehouse.com/home/news/10530195/oswego-new-york-cellular-tower-crushes-chiefs-vehicle>
Photo credit: Steve Yablonski/Oswego Bureau Chief



Cell tower collapses during maintenance,
killing three workers.

Cedar Hill, TX, October 12, 1996
https://www.osha.gov/doc/engineering/1997_r_05.html
Source: U.S. Department of Labor, Occupational
Safety and Health Administration

Cell Tower Fires: The Longer List

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<https://anash.org/fire-extinguished-on-roof-of-crown-heights-apartment-building/>

3/9/2021 A light pole holding cellular antennas at Otay Ranch High School caught fire, damaging the stadium in Chula Vista, CA

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[https://www.nbc12.com/2020/06/26/2020/06/26/cell-phone-tower-hanover-catches-fire/](https://www.nbc12.com/2020/06/26/2020/06/26/2020/06/26/cell-phone-tower-hanover-catches-fire/)



Hanover, VA, June 26, 2020

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5/1/2018 Cell Tower Fire in Philadelphia, PA

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6/16/2015 Cell phone tower near Virginia Heritage High School catches fire. Now it is leaning over.

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<https://lasvegassun.com/news/2013/feb/04/cell-tower-fire-closes-us-95-exit-ramp-jones-boule/>

8/21/2013 Cell Tower Fire in Sanford, FL

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<https://www.youtube.com/watch?v=baUNlzbJt5I>

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12/1/2011 Cell tower fire closes Rockbridge Road, evacuates day care.

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4/14/2006 Cell Tower Fire in Prince George County, MD

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8/24/2001 Burning Cell Tower at Risk of Falling in Seminole County, Oregon

<https://insidetowers.com/sanford-florida-cell-tower-no-longer-a-risk/>

Cell Tower Collapses & Falling Debris: The Longer List

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4/25/2022 Cell tower collapses feet from homes and businesses due to high winds in Las Vegas, NV

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<https://www.cbc.ca/news/canada/newfoundland-labrador/cell-phone-tower-st-pats-bowling-lane-1.5480854>

10/17/2019 A famous antenna tower has collapsed near Tucson. It was probably 1,000 feet tall. It was a local landmark.

<https://kvoa.com/news/local-news/2019/10/18/480-foot-tower-collapses-near-three-points/>
<https://www.kold.com/2019/10/18/toppled-tower-triggers-trouble/>

3/3/2019 A cell tower falls across U.S. Route 280 highway in Lee County, Ala., after a tornado

<https://www.nytimes.co>



A fallen cell tower lies across U.S. Route 280 after tornadoes touched down in Alabama, Georgia and Florida. Smiths Station, Lee County, AL, March 3, 2019

<https://www.nytimes.com/2019/03/03/us/tornado-alabama-georgia-deaths.html>

Photo credit: Mike Haskey/Ledger-Enquirer, via Associated Press

m/2019/03/03/us/tornado-alabama-georgia-deaths.html

3/25/15 Tornado damage to legendary KOMA tower array in Moore, OK

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5/1/14 Arkansas Tornadoes Take Down Two Towers in Mayflower and Vilonia, AR

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1/16/2013 Tower Ice Falling Video

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1/24/2009 Cell Tower Collapse in Wellesley, MA

<https://www.metrowestdailynews.com/article/20090124/News/301249964>

5/29/2008 Cell Tower Collapse in Browns Summit, NC

<https://www.wfmynews2.com/article/news/local/cell-phone-tower-falls-over-in-guilford-county/83-402796410>

5/7/2008 Internet tower falls on tanker truck in Shawnee, OK

<https://www.news-star.com/article/20080507/NEWS/305079925>

3/18/2008 Cell Tower Collapse in La Merida, CA

<https://www.oregister.com/2008/03/18/kfi-tower-topples/>

10/2007 Overburdened with weighty telecom gear, the pole collapsed. 14 houses burned in Malibu Canyon, CA
http://www.malibutimes.com/news/article_7ace05ac-c1eb-11e2-8303-0019bb2963f4.html

11/14/2003 Oswego, New York Cellular Tower Crushes Chief's Vehicle
<https://www.firehouse.com/home/news/10530195/oswego-new-york-cellular-tower-crushes-chiefs-vehicle>

10/12/1996 Tower Collapse in Cedar Hill, TX Kills Three
https://www.osha.gov/doc/engineering/1997_r_05.html

List of catastrophic collapses of broadcast masts and towers from Wikipedia
https://en.wikipedia.org/wiki/List_of_catastrophic_collapses_of_broadcast_masts_and_towers

This video does not have a date, but I think it is important to include
Tower ice falling
<http://www.youtube.com/watch?v=aqy32tzTRkA>

Telecom Worker Deaths & Accidents: The Longer List

List of Incident Investigations from the Occupational Safety and Health Administration (OSHA)
<https://www.osha.gov/communication-towers/incident-investigations>

4/6/2023 Collapsing tower kills technician, Alabama
<https://wirelessestimator.com/articles/2023/alabama-state-agency-is-saddened-by-a-tower-techs-death-but-it-appears-that-they-caused-it/>

4/11/2014 Worker rescued
after hanging from Charlotte
cell phone tower, Charlotte,
NC.
<https://www.wbtv.com/story/25218063/man-trapped-at-top-of-cell-tower-in-east-charlotte/>

4/1/2014 A Deadly Surge in
Tower Climber Accidents
<https://projects.propublica.org/graphics/cell-tower-accidents>

8/30/2013 Tulsa Fire
Department Rescues Worker
From Top Of Cell Phone
Tower
<https://www.newson6.com/stor>



Tulsa, OK, August 30th 2013

A man latched to a cell phone tower, 10-stories off the ground, is knocked out by a falling antenna.

<https://www.newson6.com/story/5e363a9c2f69d76f62057bfe/tulsa-fire-department->

y/5e363a9c2f69d76f62057bfe/
tulsa-fire-department-rescues-
worker-from-top-of-cell-phone-
tower

rescues-worker-from-top-of-cell-phone-tower

Source: *newson6.com*

1/23/2013 Gaithersburg Maryland: Trapped Worker is rescued after freezing.

<https://www.nbcwashington.com/news/local/crews-work-to-rescue-man-from-cell-phone-tower/1950256/>

12/24/2012 Spokane fire department rescues dangling cell tower worker, Spokane Washington.

<https://komonews.com/news/local/spokane-fire-department-rescues-dangling-cell-tower-worker-11-20-2015>

6/27/2012 Cell Tower Climber Falls 153 Feet, Dies on Impact, Minnesota

<https://www.grandforksherald.com/news/man-who-died-after-falling-cell-tower-identified-1>

12/23/2011 Worker hurt in 80-ft. fall from cell tower in Marcy New York.

https://www.syracuse.com/news/2011/12/worker_hurt_in_80-ft_fall_from.html

8/5/2011 Texas: Six Hour Rescue for Tower Worker

<https://www.statter911.com/2011/08/05/more-than-six-hour-rescue-to-get-man-from-760-foot-level-of-tower-firefighters-in-burleson-texas-tell-their-story/>

8/4/2011 Burleson fire dept. rescues man from cell tower, Texas

<https://www.wfaa.com/article/news/local/burleson-fire-dept-rescues-man-from-cell-tower/287-337687816>

11/21/2008 Worker who fell 65 feet from cell tower dies: Arizona

https://tucson.com/news/local/crime/worker-who-fell-feet-from-cell-tower-dies/article_c0932089-a4e0-5c14-9ce4-bb2cd8be86c1.html

5/28/2008 Fatal bandwidth: 6 cell tower deaths in 5 weeks: Indiana, Nebraska, Georgia.

<https://fortune.com/2008/05/28/fatal-bandwidth-6-cell-tower-deaths-in-5-weeks/>

<https://scienceblogs.com/thepumphandle/2008/05/30/april-may-2008-deadly-for-antenna-tower-workers>

Other Concerning Situations:

The Longer List

6/28/2014 Teen Talked Down From Cell Tower

<http://www.nbcchicago.com/news/local/Suburban-Teen-Rescued-From-Cell-Tower-265033731.html>

Fact Sheet

DETERMINING DISTANCE OF ICE FALL FROM TOWERS

You can determine the approximate distance from a tower at which a chunk of ice of any size might land. Because that distance is dependent on what you assume about the ice, and because, to our knowledge, no one has measured the frequency of ice chunks of different sizes and shapes falling from towers, it is appropriate to use simplifying assumptions to get an approximate analytical solution to the problem, rather than to develop a numerical solution with all the detailed aerodynamics.

Basically, as the ice starts falling from the tower, it falls faster and faster, accelerated by gravity until it reaches its terminal velocity, which depends on how much drag there is on it from the air through which it moves. You can determine the terminal velocity by equating the force of gravity with the drag force:

$$mg = \frac{1}{2} C_D \rho_a A V_T^2,$$

where

m is the mass of the chunk of ice;

g is the acceleration of gravity;

ρ_a is the density of air;

C_D is the drag coefficient of the chunk of ice;

A is the cross-sectional area of the chunk of ice;

V_T is the terminal velocity of this chunk of ice.

Solve for V_T , to get

$$V_T = \sqrt{\frac{2mg}{C_D \rho_a A}}.$$

You then want to know how far the ice is blown horizontally by the wind while it is falling. First calculate how much time (Δt) it takes to reach the ground, if the ice travels at terminal velocity all the way down.

$$V_T \Delta t = H,$$

where H is the height of the tower (assuming the ice falls from the top).

Assuming that the ice moves horizontally as fast as the wind blows, the ice will travel downwind a distance D before it hits the ground, where

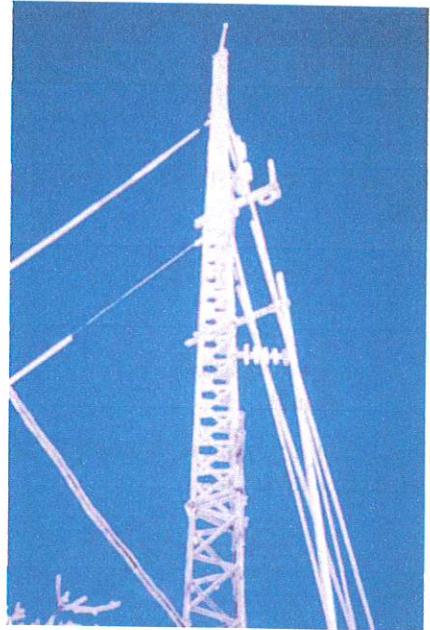
$$D = W \Delta t,$$

where W is the wind speed. Putting it all together,

$$D = HW \sqrt{\frac{\rho_a C_D A}{2mg}}.$$

This says that the ice that falls from the top of the tower travels a greater distance before it hits if the tower is taller or if the wind speed is greater, as we all would have guessed without going through the equations. The distance also increases as the area assumed for the chunk of ice increases and the assumed mass decreases. If you think of a parachute compared to a rock, that makes sense, too.

This is a crude approximation, useful for crude assumptions about the ice. In reality, the ice spends more time than Δt falling from the tower, since it takes some time to accelerate to the terminal velocity, so D is an underestimate of the real distance. On the other hand, the ice takes some time to accelerate horizontally to the wind speed,



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Engineering Laboratory

depending on its shape, roughness, and orientation as it falls, so D is an overestimate of the real distance. If we're lucky, the errors from those simplifications cancel each other. The drag coefficient C_D depends on the shape and surface roughness of the ice chunk and its orientation as it falls. Often, for bluff bodies, $C_D = 1$ is not an unreasonable assumption. A positive or negative lift force may also act on the ice chunk during its flight, which could either increase or decrease D .

This formula for D can be used in metric units with

$$\begin{aligned}
 &H \text{ in m,} \\
 &W \text{ and } V_T \text{ in m/s,} \\
 &m \text{ in kg,} \\
 &g = 9.8 \text{ m/s}^2, \\
 &\rho_a = 1.3 \text{ kg/m}^3, \\
 &A \text{ in m}^2,
 \end{aligned}$$

to give D in m (m = meters, s = seconds, kg = kilograms). In English units, with

$$\begin{aligned}
 &H \text{ in ft,} \\
 &W \text{ and } V_T \text{ in mph,} \\
 &m \text{ in lb,} \\
 &g = 32.2 \text{ ft/s}^2, \\
 &\rho_a = 0.081 \text{ lb/ft}^3, \\
 &A \text{ in ft}^2,
 \end{aligned}$$

D is in feet if you put in the conversion factors for the various units in the equation, which gives

$$D = \frac{5280}{3600} HW \sqrt{\frac{\rho_a C_D A}{2mg}}$$

So, for example, take $H = 500$ ft and $W = 50$ mph and see how different assumptions about the ice chunk affect D :

$$D = 1300 \sqrt{\frac{C_D A}{m}}$$

Assuming $C_D = 1$, and assuming the ice density is 57 lb/ft^3 , gives

A (ft^2)	m (lb)	D (ft)
0.25 (3 in. by 12 in.)	1 (3/4 in. thick)	650
0.25	0.6 (1/2 in. thick)	839
0.5 (4 in. by 18 in.)	2.4 (1 in. thick)	593
0.27 (3.25 in. by 12 in.)	2 (1.5 in. thick)	478

It might also be reasonable to assume an ice density less than 57 lb/ft^3 to account for the possibility of rime ice, rather than glaze ice, forming on the tower. This would result in a smaller ice mass for a given-size ice chunk and thus a larger D .

So, we have four not-unreasonable assumptions for the shape and size of a chunk of ice that might fall from the tower, and the calculated distance away from the tower at which it hits the ground varies from 478 ft to 839 ft. This illustrates the difficulties in determining the ice fall radius for a tower.

POINT OF CONTACT

Kathleen F. Jones
603-646-4417

E-mail: Kathleen.F.Jones@erdc.usace.army.mil



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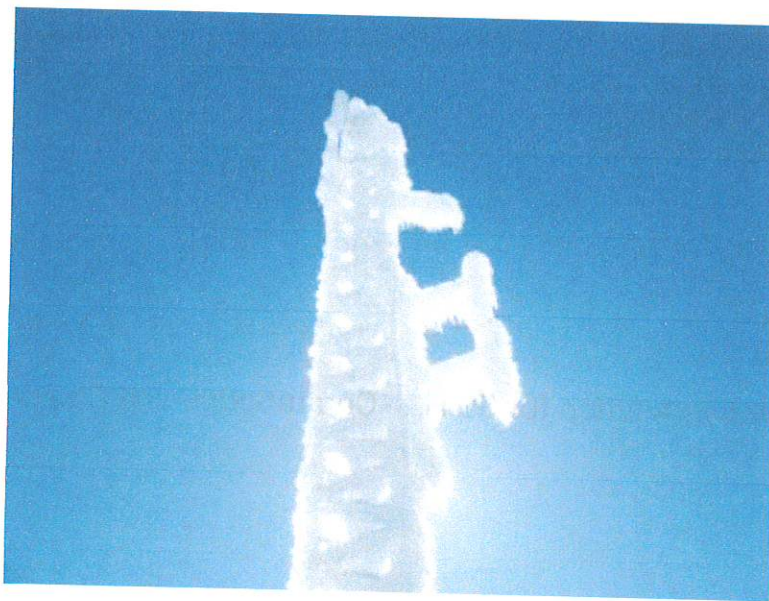
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That is the reality the same as a five-ounce baseball thrown by a major

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It's Killer Icicle Season



📅 December 13, 2018 ⌚ 10:00 am

SHARE THIS ARTICLE



OSHA warns the onset of cold winter weather includes a seasonal threat to tower workers: falling ice. Andreas Shroeder, a physics professor from the University of Illinois-Chicago, provides this scenario: a half inch icicle traveling with sufficient velocity can deliver a blow equal to a 1,000-lb hit with an 80 to 90 mph punch. As he put it, "That is the roughly the same as a five-ounce baseball thrown by a Major League pitcher hitting you in the head."

Tower crews servicing ice-laden towers have reported having their vehicles flattened by refrigerator sized chunks of fallen ice. OSHA states ice from a cell tower can travel as far out as 50-to-100 feet from the structure and even farther with sheets of ice in a strong wind. They recommend you wear your hard hat at all times.

December 13, 2018

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Email to Elizabeth Chamberlain

From: mdpreas@charter.net
Sent: Tuesday, May 16, 2023 9:11 AM
To: 'echamberlain@wallawallawa.gov'
Subject: 928 Sturm cell tower

Good morning Elizabeth,

I am sure you are aware of all the attention regarding the proposed cell tower installation at 928 Sturm. I would very much like to sit down and talk about why I believe it would be in the interest of the City of Walla Walla and the community at large to investigate this installation before moving forward. I will explain briefly below why this should be considered.

1. Chapter 20.170 clearly addresses the following issues:

- a. The tower must be consistent with the character of the city in general and the land use zones 20.170.010 A.
- b. The tower must minimize safety hazards and visual impacts. The siting must attempt co-location of facilities and would be encouraged to preserve neighborhood aesthetics and reduce visual clutter in the community. 20.170.010 C.
- c. The applicant must state why the proposed site is necessary and explain why other sites are not satisfactory. 20.170.032 E 1.
- d. Explain why co-location is not technically feasible. 20.170.032 E 2.
- e. Give an explanation and comparison of coverage needs, capacity needs, related service issues etc 20.170.032 E 3.
- f. Give an explanation of why certain stealth technology was selected. Why a monopine was selected rather than a less invasive flagpole or other stealth design. 20.170.032 E 4.

It seems to me that these items are very much lacking and inconsistent in the applicants proposal and need to be addressed prior to any hearing that will be conducted. I am happy to meet to discuss these issues further.

2. 20.170.040 does a very good job at explaining that site criteria should include the most appropriate location based on land use compatibility, neighborhood characteristics and aesthetic considerations. 20.170.040 A. Section B further goes on to state that industrial and commercial zoning districts are preferable to additional antenna support structures. A key provision of this section says the City may request feasibility studies associated with applications for wireless facilities which demonstrate that locations on existing structures have been explored as the preferred siting alternative. The cost of such studies shall be the responsibility of the applicant. 20.170.040 B.

With all the attention given to this potential tower site, I think is very important that the City consider hiring a responsible firm to evaluate why the proposed tower cannot be located elsewhere. This is critical to our community and to the neighborhood involved in this project. It will bring a much needed professional look into what else could be done besides locating a big plastic pine tree in a neighbors back yard. The firm would need to include a local realtor, appraiser, medical professional, RF engineer who is not employed in the telecommunications industry, a neighbor, a community leader and preferably a city council member or planner. It should be clearly kept in mind that the code clearly identifies the current proposed location as the last preferred location for a tower installation. I was born in Walla Walla. My father was born in Walla Walla. I can tell you with certainty that this is not the only place where a cell tower can be installed to provide any needed services. It must also be noted that since this application and research by the applicant is over 2 years old, would it not be important to research what is available now rather than 2 plus years ago?

3. Line 20.170.040 D really spells out what needs to be done with any tower installation. Qualified experts need to review the application materials and research them to see if they are correct before ever submitting the application to a hearing examiner to approve. This is the city's responsibility to protect the residents who live here.

It is my belief that the City of Walla Walla has developed a Code and recently amended it to allow the citizens of the Valley to live in a wonderful environment. We need development in our City to provide the citizens with much needed services and support. But we need to do this responsibly. This installation at 928 Sturm does not provide that responsibility to the citizens. There are other places for this tower to be built or co-located. The firm that originated the federal permit (Tillman Infrastructure) has told the story on their website. Tillman is helping AT&T achieve higher rates of profitability by building new facilities and relocating their services from co-located expired leases to the new tower builds. This is all about money, not services.

I would be happy to meet with you at your convenience to talk about this further. Thank you for considering the facts listed above. I appreciate it!

Sincerely,

Dan Preas

FCC Notice

FCC NOTICE



PUBLIC NOTICE

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Washington, D.C. 20554

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WIRELESS TELECOMMUNICATIONS BUREAU OFFERS GUIDANCE ON INTERPRETATION OF SECTION 6409(a) OF THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012

DA 12-2047
January 25, 2013

On February 22, 2012, the Middle Class Tax Relief and Job Creation Act of 2012 (Tax Act)¹ became law. Section 6409(a) of the Tax Act provides that a state or local government “may not deny, and shall approve” any request for collocation, removal, or replacement of transmission equipment on an existing wireless tower or base station, provided this action does not substantially change the physical dimensions of the tower or base station.² The full text of Section 6409(a) is reproduced in the Appendix to this Public Notice.

To date, the Commission has not received any formal petition to interpret or apply the provisions of Section 6409(a). We also are unaware of any judicial precedent interpreting or applying its terms. The Wireless Telecommunications Bureau has, however, received informal inquiries from service providers, facilities owners, and state and local governments seeking guidance as to how Section 6409(a) should be applied. In order to assist interested parties, this Public Notice summarizes the Bureau’s understanding of Section 6409(a) in response to several of the most frequently asked questions.³

What does it mean to “substantially change the physical dimensions” of a tower or base station?

Section 6409(a) does not define what constitutes a “substantial[] change” in the dimensions of a tower or base station. In a similar context, under the *Nationwide Collocation Agreement* with the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers, the Commission has applied a four-prong test to determine whether a collocation will effect a “substantial increase in the size of [a] tower.”⁴ A proposed collocation that does not involve a substantial increase in

¹ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112-96, H.R. 3630, 126 Stat. 156 (enacted Feb. 22, 2012) (Tax Act).

² *Id.*, § 6409(a).

³ Although we offer this interpretive guidance to assist parties in understanding their obligations under Section 6409(a), *see, e.g., Truckers United for Safety v. Federal Highway Administration*, 139 F.3d 934 (D.C. Cir. 1998), the Commission remains free to exercise its discretion to interpret Section 6409(a) either by exercising its rulemaking authority or through adjudication. With two exceptions not relevant here, the Tax Act expressly grants the Commission authority to “implement and enforce” this and other provisions of Title VI of that Act “as if this title is a part of the Communications Act of 1934 (47 U.S.C. 151 et seq.)” Tax Act § 6003.

⁴ 47 C.F.R. Part 1, App. B, *Nationwide Programmatic Agreement for the Collocation of Wireless Antennas*, § I.C. (*Nationwide Collocation Agreement*).

on a wireless tower or base station substantially changes the physical dimensions of the underlying structure within the meaning of Section 6409(a).

What is a “wireless tower or base station”?

A “tower” is defined in the *Nationwide Collocation Agreement* as “any structure built for the sole or primary purpose of supporting FCC-licensed antennas and their associated facilities.”⁸ The Commission has described a “base station” as consisting of “radio transceivers, antennas, coaxial cable, a regular and backup power supply, and other associated electronics.”⁹ Section 6409(a) applies to the collocation, removal, or replacement of equipment on a wireless tower or base station. In this context, we believe it is reasonable to interpret a “base station” to include a structure that currently supports or houses an antenna, transceiver, or other associated equipment that constitutes part of a base station.¹⁰ Moreover, given the absence of any limiting statutory language, we believe a “base station” encompasses such equipment in any technological configuration, including distributed antenna systems and small cells.

Section 6409(a) by its terms applies to any “wireless” tower or base station. By contrast, the scope of Section 332(c)(7) extends only to facilities used for “personal wireless services” as defined in that section.¹¹ Given Congress’s decision not to use the pre-existing definition from another statutory provision relating to wireless siting, we believe the scope of a “wireless” tower or base station under Section 6409(a) is not intended to be limited to facilities that support “personal wireless services” under Section 332(c)(7).

May a state or local government require an application for an action covered under Section 6409(a)?

Section 6409(a) states that a state or local government “may not deny, and shall approve, any eligible facilities request....” It does not say that a state or local government may not require an application to be filed. The provision that a state or local government must approve and may not deny a request to take a covered action, in the Bureau’s view, implies that the relevant government entity may require the filing of an application for administrative approval.

⁸ See *Nationwide Collocation Agreement*, § I.B.

⁹ See Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, WT Docket No. 10-133, *Annual Report and Analysis of Competitive Market Conditions With Respect to Mobile Wireless, Including Commercial Mobile Services, Fifteenth Report*, 26 FCC Rcd. 9664, 9481, para. 308 (2011).

¹⁰ See also 47 C.F.R. Part 1, App. C, *Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process*, § II.A.14 (defining “tower” to include “the on-site fencing, equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with that Tower but not installed as part of an Antenna as defined herein”).

¹¹ 47 U.S.C. § 332(c)(7)(A). “Personal wireless services” is in turn defined to mean “commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.” *Id.* § 332(c)(7)(C)(1).

APPENDIX

SEC. 6409. WIRELESS FACILITIES DEPLOYMENT.

(a) FACILITY MODIFICATIONS.

(1) **IN GENERAL.** Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104–104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

(2) **ELIGIBLE FACILITIES REQUEST.** For purposes of this subsection, the term “eligible facilities request” means any request for modification of an existing wireless tower or base station that involves —

- (A) collocation of new transmission equipment;
- (B) removal of transmission equipment; or
- (C) replacement of transmission equipment.

(3) **APPLICABILITY OF ENVIRONMENTAL LAWS.** Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of the National Historic Preservation Act or the National Environmental Policy Act of 1969.

Signs

Signs around Bryant Estates

It needs to be understood that our family has not been engaged in the signs that are all around town protesting the cell tower application at Blue Mountain Community Church. We have not been present on Sunday's where the neighborhood peacefully protested the proposed cell tower project. We have not paid for, designed or were aware of any of the slogans or words on the signs. We are aware of the signs located on our property and the neighbors and ourselves do have a common goal of eliminating this potential menace from Bryant and Sturm! We are aware and have heard of the signs being destroyed and stolen. We are aware of the protesters being "flipped" off by church members leaving on Sunday's and we have heard that there are some people leaving church that have spun their wheels and drove recklessly trying to intimidate and scare the protesters. We believe that this behavior is not only illegal but reprehensible coming from church members.

Because our constitution guarantees free speech and because it seems obvious that these concerned neighbors are fighting for their homes where they have lived for years, I told them it was OK to post signs on my property. Just like people running for political offices, I have allowed those signs as well. I believe our democracy is bigger than what words say on signs and I still believe that our world is full of good people. I believe there are good people inside the Blue Mountain Community Church and AT&T.

We also believe that if the church, the City and the neighborhood would have worked together on this project, we could have avoided much anger and time. It is our belief a better site could have been identified and all the people would have benefited, including the church. I say this because the church is not going to benefit from a \$40,000 per year lease with a 2.5% bump each year. They have already lost much more than that in lost respect from the Community. It is still not too late for a positive outcome for all!