

Pamela Ransier

From: Douglas DeMers <douglas@douglasdemers.com>
Sent: Wednesday, September 27, 2023 4:38 PM
To: Permits
Subject: Re: CUP-22-0002 HE Public Comment
Attachments: Post-Hearing-Final.pdf

Please find attached my 5-page public comment for Hearing Examiner Kottkamp.

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"The world is full of magic things, patiently waiting for our senses to grow sharper."
~ W.B. Yeats

TO: Hearing Examiner Kottkamp
RE: CUP-22-0002

Thank you for your work on this important matter. I appreciate the amount of work this entails for you. I believe you will fulfill your obligation effectively and efficiently. I applaud how you have kept things moving along, and have firmly controlled the proceedings when necessary.

I will briefly note that it is interesting that the only speaker FOR the CUP at the hearing was Mr. Busch – the applicant’s attorney. The Church – who will reap monetary benefits – submitted no vocal or written testimony to support the project. The proposed cell tower not only has created conflict between neighbors and the church, it has also been divisive to the church congregation.

It is also telling that City Staff specifically did NOT endorse the CUP, but rather asked only that if you approved the CUP, the City’s recommended conditions of approval (*Exhibit 1 PDF-pg 13*) be included as part of the approval.

Mr. Busch’s *Exhibit 7 PDF-pg 3* “Effective Prohibition,” states that *Exhibit 1 PDF-pg 198* – July RF justification – claims to establish the need for this facility because of a “significant gap in coverage.” This is echoed in applicant's current project justification "Alternative Sites Analysis" document (*Exhibit 1 PDF-pg 241*) "Search Ring and Coverage Objectives," which states:

"The primary objective of the proposed new Facility is to fill a significant coverage gap in the City of Walla Walla. Currently, portions in and around Walla Walla East have **minimal to no 4G voice service.**" (emphasis added)

Yet, as I have shown in *Exhibit 14 PDF-pg 10-11* under the heading “AT&T Current Coverage Maps” and the respective screenshots at *Exhibit 14 PDF pages 16 & 17* – both AT&T’s website AND the FCC declare that AT&T has full 100% 4G LTE coverage in the area in question. Thus there is NO GAP IN COVERAGE – much less a “significant gap in coverage.”

CUP-22-0002 must be denied because there is no gap in coverage, and no demonstrated need.

While we are still looking at *Exhibit 7 PDF-pg 3* “Effective Prohibition,” Mr. Busch later states “as evidenced by a thorough search for alternative sites”, and references *Exhibit 1 PDF page 240-249*. To date, **applicant has yet to provide complete documentation** for a “thorough search.” As noted in Ms. Gibson’s *Exhibit 17 PDF-pgs 2-4 and 26-27*; and my *Exhibit 14 PDF pgs 9-10* – attempts by applicant at finding co-location sites appear to be cursory at best.

Furthermore, in July 2023, the City of Walla Walla **formally asked applicant for the co-location SPECIFICS** (*Exhibit 1 PDF-pg 267*). The City asked for 1) Name & title of the person(s) contacted. 2) Documentation on the method used to contact them 3) Date(s) of the contact(s) 4) How was this response documented, and 5) comprehensive description of attempts to identify alternative siting locations. The City had previously asked applicant for this information in a virtual meeting on March 31, 2023: *Exhibit 1 PDF page 271 top of page*.

To date, Applicant has **not provided the required co-location information**. If this information was truly available, it would have readily and easily been produced in March, and alleged contactees could be verified and/or had depositions taken.

Note also that in Mr. Busch's *Exhibit 9* – map of existing WCF towers, the yellow pin #20 – directly south of the red-triangle marking 928 Sturm – is the existing tower at 2432 Kendall – an Inland Cellular tower, with clear visible potential co-location opportunities. Applicant does show the Kendall tower in *Exhibit 9*, but has failed to note this tower in their alleged co-location attempts – although they make a big issue about an approved-but-not-yet-built Dish Wireless tower (see *Exhibit 1 PDF-pg 205*). Note that neighbors pointed out Dish Wireless at the same time as Kendall, Leonetti and WW City – yet applicant ignored the last three.

The other two existing towers ignored are the Walla Walla City tower at 170 N Wilbur, as well as the Leonetti Cellars tower – situated very close to the future Dish Wireless tower. See *Exhibit 14 PDF-pg 15*. None of these three long-time existing towers are mentioned in applicant's co-location section.

In addition to existing tower locations, co-location also includes placing a tower atop buildings greater than 35' in height (WWMC: *Exhibit 1 PDF-pg 290*). Twenty-seven potential flat roof building co-location opportunities are detailed in *Exhibit 12 PDF-pg 11*.

Applicant has clearly not done a “thorough search” for co-location tower opportunities.

CUP-22-0002 must be denied because applicant has NOT done a “thorough search” for co-location opportunities, which is the very first criteria in WWMC 20.170.070(A)(1)

The tabular sequence of the combined Poplar (highlighted) and Sturm timelines shown in *Exhibit 14 PDF-pg 54* might be a helpful overview of the date sequences in the following discussion.

Here is an interesting fact we have discovered in our research. AT&T Site Numbers in Walla Walla are: WL4556 – an AT&T tower currently built and operational at 126 W. Poplar (see *PDF-pg 5 of current document*, retrieved from City of Walla Walla under building permit BLD-20-1272 – shown in my *Exhibit 14 PDF-pg 53*). 126 W. Poplar is commercially zoned which allows a WCF to be built without CUP or any justification. The next AT&T site number of interest is WL4557 – the proposed 928 Sturm tower in Neighborhood Residential zoning (*Exhibit 1 PDF-pg 212*).

Since corporations generally number sequentially, one can conclude that WL4556 – 126 W. Poplar – was conceived by AT&T before, or at least at the same time as WL4557 – the proposed 928 Sturm tower. Yet, records show that 928 Sturm must have been started prior to **3/13/2020** – the date when they allegedly sent co-location inquiries (*Exhibit 1 PDF-pg 246*). Building Permit BLD-20-1272 shows that 126 W. Poplar was started **12/22/2020** (*Exhibit 14 PDF-pg 53*). Furthermore, if 126 W. Poplar had been completed before 928 Sturm CUP was approved, applicant could no longer truthfully say that 928 Sturm was needed to fill the gap in coverage.

With this new information, we imagine applicant having a conversation like this:

“How can we get both of these tower sites built – 126 W. Poplar – which we can build any time, and 928 Sturm – which we can only be able to build when the City creates an ordinance allowing towers in residential neighborhoods?”

“I've got it! We will start Sturm first so we can truthfully say in our application that Sturm will meet the gap in coverage, and later start the Poplar project. The Poplar project gives us the coverage we need and does not need a CUP or justification – all we have to

do is apply for the usual building permits. No one needs to know otherwise. I am sure the City will get the code passed soon for us to proceed with Sturm, so we don't have to hold off the completion on Poplar lest we jeopardize the Sturm project. That way we get to build two towers!"

"Brilliant!"

Needless to say, the City was not as quick as expected in passing the ordinance to allow cell towers in residential neighborhoods. In fact, the Poplar tower, whose building permit was approved and issued in **February 2021** – dragged out over one year. Why? Perhaps waiting for the City code change? And even after 126 W. Poplar was finalized in **February 2022**, AT&T badgered the city to complete the code, and even asked permission via email on June 17, 2022 for a "preliminary review" of their Sturm submission (*Exhibit 14 PDF-pg 44*) – **5 months before the code was finally passed.**

Interestingly, in said email AT&T says "AT&T has kept the new code in mind and is proposing a 65' monopine that meets the required setbacks..." - YET, applicant's initial submission is full of specifications of a 100' – NOT 65' tower!

Back to the timeline! On **12/22/2020**, applicant and AT&T applied for a permit to co-locate/build an existing tower at 126 West Poplar (*Exhibit 14 PDF-pg 53*). The Poplar tower subsequently was completed and FINALIZED in February 2022 – **8 months before the code change in October which allowed 928 Sturm CUP to be filed.**

Please note that the following text was **omitted** in subsequent documents, but applicant's **initial** submission for **928 Sturm** in section 6 "Alternative Site Analysis" (*Exhibit 14 PDF-pg 52*) says:

"The search began with a ring about a **mile west of this site. Although there may have been more suitable sites (zoning and uses), there were no owners willing to have a facility on their property.**

The ring was re-issued to the **east-about where this site is located. Again, there were issues with zoning and the inability to find a landowner willing to enter into a lease.** This ring was expanded out further in all directions, which is where the church property was identified." (emphasis added)

Two things to note. About a mile West of 928 Sturm **closely fits the location of the 126 West Poplar AT&T tower!** I believe that the initial search ring for 928 Sturm was satisfied by the 126 W. Poplar AT&T tower. One wonders if the applicant has deliberately tried to "pull a fast one" on the City and all of us, as characterized in my earlier imagined conversation.

In addition, applicant claims "there may have been more suitable sites (zoning and uses), there were no owners willing to have a facility on their property," yet provides **NO site address or contact information to back up this claim.**

And finally, applicant admits moving the search ring over one mile from the initial location, yet then reduces to within ¼ mile where they will look to co-locate (*Exhibit 1 PDF-pg 200 & 243*).

As noted earlier, **CUP-22-0002 must be denied because there is no gap in coverage, and no demonstrated need and the initial search ring was satisfied by 126 W. Poplar.**

As a final topic, I look at the devaluation of properties in the vicinity of cell towers. Mr. Busch has burdened us with a massive 674 page PDF file (*Exhibit 11*) of 4 target markets: Boston, Phoenix, Raleigh and Dallas – all 4 studies done in 2018 by Valbridge, **commissioned by T-mobile** – a cellular company (*PDF-pg 7 of Exhibit 11*). As you might expect from a study paid for by the industry, it shows little effect of home sales near cellular towers.

I note here that the populations of the cities in the 4 target markets are upwards of 2,000% more than that of Walla Walla. Walla Walla population is around 34,000 and 64,000 in the metropolitan area. Boston is around 700,000 and over 4 million in the metropolitan area!

Walla Walla is a small town, not a huge city. And people living in a small town look for much different things than those living in a big city. They look for safety for their family. They look for schools, and churches. They look for aesthetics. They look for quality of life. Mr. Busch's Valbridge reports are not appropriate to be considered for Walla Walla.

Unfortunately, I did not include the 9-page text *The Disamenity Value of Cellular Phone Towers on Home Prices in Savannah, Georgia* in my submission for the hearing. I give reference to it in *Exhibit 14 PDF-pg 12*. This scholarly, independent, copiously-referenced study, done by Joseph Hale and Jason Beck from Georgia Southern University, was published in a peer-reviewed publication *The Empirical Economics Letters*, 18(8) (August 2019). I provide the abstract and the conclusion for you here. Note that the population of Savannah is around 146,000 in the city and around 400,000 in the metropolitan area – about 4 times the population of Walla Walla.

Abstract: This paper examines the disamenities effect on home values from proximity to cellular phone towers. Previous works have drawn inconsistent conclusions and this study provides an additional data point. A hedonic pricing model is used with transaction data from Savannah, Georgia from 2007 to 2016. Results suggest proximity to cell phone towers can reduce selling price up to 7.6%. This result is consistent with the high end of results found by other studies. We also examine the effect of cell tower proximity in rising versus falling markets and find that the negative effect is larger when housing prices are declining.

4. Conclusion

Existing studies on the effect of a nearby cell tower on home sales prices have produced a wide range of inconsistent results. Some work finds a large effect, some work finds a small effect, and some work finds no noticeable effect. This paper uses a new data set, ten years of MLS data from Savannah, GA, to add another data point regarding the impact of cell phone towers on nearby home values. We find that homes close to towers sell for a discount of up to 7.6% and that any noticeable effect disappears at 1500 feet. Our results are consistent with the high end of results from other works. Since we cannot rule out the possibility that towers are endogenously located in areas with low land values, it may be best to view these results as an upper bound. The temporal effects of cell towers were also examined and it was found that the discount associated with proximity to a tower is smaller during times of upward trending home prices versus times when home prices are falling.

In recent months, three neighbors who are concerned about living behind a cell tower have sold their homes – priced below or accepted offers below estimated market value.

Lastly, in *Exhibit 13 PDF-pgs 67-72* are **six letters** to builder Dan Preas, each from a prospective new home buyer in Dan's Bryant Estates, who **will not purchase** if proposed cell tower is approved, and some have already gone elsewhere. These are six, 100% loss of sales. 100% loss.

Given all the reasons discussed above, **we respectfully insist that CUP-22-0002 be denied.**

Thank you for your careful consideration!
Douglas & Connie DeMers

COMPLIANCE

PERFORMED AND INSTALLED IN ACCORDANCE WITH THE FOLLOWING:
CITY OF WALLA WALLA
WALLA WALLA CITY ENGINEERING DEPARTMENT
CITY OF WALLA WALLA
126 W POPLAR ST
WALLA WALLA, WA 99362

PROPERTY LEGAL DESCRIPTION: SEE SCHEDULE "C" OF TRUE REPORT



LTE 4C: MRWOR050546
LTE 2C: MRWOR050551
LTE 5C: MRWOR050545
LTE 3C: MRWOR050552
NEW BUILD LTE ONLY 1C: MRWOR034489
USID: 294626
FA CODE: 14566031



SITE NUMBER: WL4556
SITE NAME: WALLA WALLA CHESTNUT
SITE TYPE: SELF SUPPORT TOWER / WUC
ADDRESS: 126 W POPLAR ST
WALLA WALLA, WA 99362
PARCEL ID: 360720771506

REVIEWED
By: [Signature]

REVIEWED
By: [Signature]

Project No: WL4556
WALLA WALLA CHESTNUT
126 W POPLAR ST
WALLA WALLA, WA 99362
PARCEL ID: 360720771506

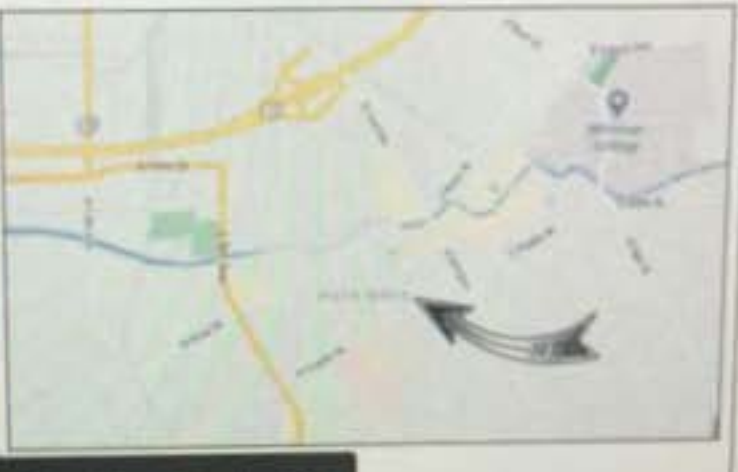
PROJECT TEAM

PROJECT MANAGER: J&S INFRASTRUCTURE PARTNERS
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PH: 209 361-1422
AT&T PROJECT MANAGER: CONTACT: VANESSA STEPHENSON
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SITE ACQUISITION: J&S INFRASTRUCTURE PARTNERS
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ENGINEER: J&S INFRASTRUCTURE PARTNERS
CONTACT: WEL PINKNEY
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VICINITY MAP



LOCAL MAP



PROJECT DESCRIPTION

PROPOSED SITE BUILD OF AN UNMANNED TELECOMMUNICATIONS FACILITY, CONSISTING OF THE FOLLOWING:
TOWER ANTENNA LOW:
- REMOVAL OF (2) ANTENNAS & EQUIPMENT BY OTHERS
- INSTALLATION OF (2) AT&T PANEL ANTENNAS
- INSTALLATION OF (2) AT&T WINDOR BACKS (WINDOR)
- INSTALLATION OF (2) AT&T BRN MOUNTS
- INSTALLATION OF (1) AT&T DC-F SURGE SUPPRESSOR
- INSTALLATION OF (2) AT&T WINDOR ANTENNA MOUNTS
- INSTALLATION OF (1) AT&T WINDOR LASER
EQUIPMENT LOW:
- REMOVAL OF (2) DUCT FRAME, CABLE BRIDGE & CONCRETE PAD BY OTHERS
- INSTALLATION OF (4) AT&T 6" X 4" X 4" (24 SQ. FT.) & 4" X 4" X 4" (24 SQ. FT.) (24 SQ. FT. TOTAL) RECOMMENDED USE AREA
- INSTALLATION OF (1) AT&T 4" X 4" DRAINAGE ACCESS DUCT
- INSTALLATION OF (1) AT&T WINDOR CABINET (WINDOR) ON CONCRETE PAD
- INSTALLATION OF (1) AT&T WINDOR BACK UP (WINDOR) ON CONCRETE PAD
- INSTALLATION OF (1) AT&T 200A AC POWER PANEL
- INSTALLATION OF (1) AT&T BATTERY
- INSTALLATION OF (1) AT&T RACK (RACK)
- INSTALLATION OF (1) AT&T WINDOR
- INSTALLATION OF (1) AT&T WINDOR
- INSTALLATION OF (1) AT&T WINDOR
- INSTALLATION OF (1) AT&T WINDOR
- INSTALLATION OF (1) AT&T WINDOR
- INSTALLATION OF (1) AT&T WINDOR
- INSTALLATION OF (1) AT&T WINDOR
- INSTALLATION OF (1) AT&T WINDOR
PROJECT AREA:
- 126 W POPLAR ST & 4" X 4" X 4" (24 SQ. FT.) (24 SQ. FT. TOTAL)
- 126 W POPLAR ST

SITE INFORMATION

CITY OF WALLA WALLA
126 W POPLAR ST
WALLA WALLA, WA 99362
CITY ENGINEERING DEPARTMENT
CITY OF WALLA WALLA
126 W POPLAR ST
WALLA WALLA, WA 99362
CITY ENGINEERING DEPARTMENT
CITY OF WALLA WALLA
126 W POPLAR ST
WALLA WALLA, WA 99362

GENERAL CONTRACTOR NOTES

DO NOT SCALE DRAWINGS
THESE PLANS ARE FORMATTED TO BE FULL SIZE AT 1/4" = 1'-0". CONTRACTORS SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE ARCHITECT/ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR MATERIAL ORDERS OR BE RESPONSIBLE FOR THE SAME.

GENERAL NOTES

THIS FACILITY IS UNMANNED AND NOT FOR HUMAN OCCUPANCY. A SECURITY PLAN WILL NOT BE REQUIRED FOR THIS FACILITY. THE PROJECT WILL NOT BE SUBJECT TO ANY SECURITY PLAN. CONTRACTORS SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE ARCHITECT/ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR MATERIAL ORDERS OR BE RESPONSIBLE FOR THE SAME.

STATEMENTS

STRUCTURAL ANALYSIS IS NOT WITHIN THE SCOPE OF WORK CONTAINED IN THE DRAWINGS OR FOR ANY TYPE OF SUPPORTS OR FOUNDATIONS. CONTRACTORS SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE ARCHITECT/ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR MATERIAL ORDERS OR BE RESPONSIBLE FOR THE SAME.

DRIVING DIRECTIONS

- DIRECTIONS FROM AT&T OFFICE LOCATED AT 11801 SW 22ND AVE, TOLUKEA, OR 97130
1. HEAD EAST TOWARD SW 73RD AVE (28 FT)
2. TURN LEFT TOWARD SW 73RD AVE (128 FT)
3. TURN RIGHT ON SW 73RD AVE (148 FT)
4. TURN LEFT AT SW 126TH STREET (WINDOR) ON SW 73RD AVE (284 FT)
5. TURN LEFT (240) SW 42ND AVE (224 FT)
6. CONTINUE STRAIGHT PAST 7-ELVEN (WINDOR) ON WINDOR ST (216 FT)
7. USE THE RIGHT LANE TO MERGE ONTO SW 126TH AVE. THE ROAD TO FOLLOW IS SW 126TH AVE (216 FT)
8. KEEP RIGHT TO SW 126TH AVE (216 FT)
9. USE THE RIGHT LANE TO MERGE ONTO SW 126TH AVE. THE ROAD TO FOLLOW IS SW 126TH AVE (216 FT)
10. CONTINUE STRAIGHT ON SW 126TH AVE (216 FT)
11. TAKE LEFT TURN ON SW 126TH AVE (216 FT)
12. CONTINUE STRAIGHT ON SW 126TH AVE (216 FT)
13. TAKE LEFT TURN ON SW 126TH AVE (216 FT)
14. CONTINUE STRAIGHT ON SW 126TH AVE (216 FT)
15. TAKE LEFT TURN ON SW 126TH AVE (216 FT)
16. CONTINUE STRAIGHT ON SW 126TH AVE (216 FT)
17. TAKE LEFT TURN ON SW 126TH AVE (216 FT)
18. CONTINUE STRAIGHT ON SW 126TH AVE (216 FT)
19. TAKE LEFT TURN ON SW 126TH AVE (216 FT)
20. CONTINUE STRAIGHT ON SW 126TH AVE (216 FT)

SHEET INDEX

Table with columns for SHEET INDEX and REV. listing various sheets and their revision numbers.



DATE: 11/15/2023

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