

Pamela Ransier

From: Gibsonic <gibsonicdave@gmail.com>
Sent: Friday, September 29, 2023 10:21 AM
To: Permits
Subject: CUP-22-0002 928 Sturm Comments
Attachments: Dave Sept 29.pdf

Please accept my comments on this project.
Dave Gibson

September 29, 2023

To: Hearing Examiner

RE: CUP-22-0002 928 Sturm Ave Cell Phone Tower

From: Dave Gibson 938 Home Ave, Walla Walla

I write in opposition to the proposed tower. There are many important errors and omissions in the documents, and the flaws have reduced the information available to commenters and decision makers, including misrepresenting documents to you, Hearing Examiner.

I did a search of the entire 522 page Staff Report and Exhibits 1-5 on this project for “daycare”, “childcare”, “preschool” and “Ark”. The only occurrences to these search terms are in the Public Comments, Exhibit IV, where the existence and importance of the daycare facility is highlighted. Within the Drawings and Photosims” produced by the applicant, the daycare is not identified. The same is true for “Bryant Plat”, the 24 unit development being planned by Dan Preas; No identification of it is in the text of the Staff Report or Exhibits 1-5 or photos or simulations. This almost certainly reduced the awareness of all who were asked to comment on this project. For example on page 5 of the Staff Report under “Findings of Fact” is this:

*8. The Notice of Application was also sent to members of the city of Walla Walla Site Plan Review Committee (SPRC) for comment. The one comment received from SPRC members was from the **Fire Department** affirming they reviewed the proposed site plan and have no issue with accessing the tower location, if improvements (driveway, gate/fence access) are constructed as depicted in the application materials.*

Did the Fire Department know about the Daycare? Did they know about the Bryant Plat, that would restrict their access to the tower site? They appear not to have been told about these important things. Would knowing about these have changed their response? Failing to identify important facts of the surrounding area creates doubt about any comments or analysis that followed.

Neighbors should not have to be the people to point out the flaws in this application. This application has been granted extra amounts of time. A project that was supposed to be decided in February is not being decided until November. This has affected neighbors’ health and stress levels as well as pocket books when they had to hire an attorney, put up signs, picket and attend meetings to point out why this is such a bad idea. No one is against cell towers. We are against placing them over a daycare and very close to homes when other less invasive alternatives are available. The applicant appears to simply want to build a new structure at any cost.

The original application said that the site was vacant lots and empty fields and no homes for 400’. This has since been corrected but only after we complained about the misrepresentation. Many of the misrepresentations from the applicant have been corrected, many have not. We had asked for the colocation information from the applicant so that it could be verified. Only cursory bits of the search have been provided so we were not given the opportunity to verify. Even without this information the applicant did not make a clear effort to comply with the City of Walla Walla’s verbal request or written request. They had 9 months to correct this. They should get no further time to provide any information. The July 28th submission should be considered their final document.

The original photos submitted by ATT of homeowner's views are not close to any nearby homes and measure between 495' in the view in front of the church to 966' view to the end of the Bryant plat. The closest property line will be 65' from the industrial structure, why were no photos depicting this view submitted when they will be the worst affected homeowners?

Misleading powerpoint information (Exhibit 6) submitted into record:

Page 3 of 14 of the powerpoint presentation, labeled "Project Overview". The applicant displays the **distances** to homes, not to the property lines. The **Daycare** is not identified. This map nor any of the applicant's other maps show the adjacent daycare playground or daycare. At the 65' tower height the daycare is approx. 150' from the structure and at the 85' height it will be approx. 105' away. See attached map, information that should have been provided on every map or aerial photo from the applicant or city, and was not. The use of old maps, outdated maps, and incomplete maps is a theme for this project.

They do not note on this document or any other maps including those referenced in the City Report that there is a **current plat, Bryant Estates**, that has been designed and approved that is on hold and will be greatly impacted by this project. There is also a lawsuit for fraudulent concealment in a real estate contract that is filed. The Bryant plat is to the South of the project site and the monopine will be in full view and affect the sales of homes in this new development. You will enter the development to see an artificial tree towering 50' above the homes and 45' higher than any other structure including the church at the end of the cul-de-sac. Page 5 of 14 power point, Again showing a one antenna array drawing when they show on the plans 3 antenna arrays on the 65' monopine. This is misleading as to what the views will be.

Exhibit 6, Page 7 of 14 the applicant modified the photo and removed the two horseshoe back stops that show in the attached photo. The power lines are also lightened to almost nonexistent in the photo. The power lines present a real danger, with extreme winds a tree could fall onto the power line and catch the cell tower structure on fire. Power lines should not be within the fall zone of the tower, and these are within twenty feet. A 450 Gallon diesel tank will help fuel that fire. The furthest horseshoe backstop is the SW corner of the chain Link fence. The applicant touts using these trees as screening which depending on the final placement of the structure all the trees should be removed to prevent a fire hazard.

Exhibit 6, Page 9 of 14 On the Attorney for the applicant's power point they leave off the Leonetti tower, the future dish tower, and many of the WFCs on existing structures such as grain elevators in Walla Walla County. Both the Leonetti tower and the Dish tower are on the City of Walla Walla WFC site and currently have colocation opportunities. The map is clearly meant to mislead the hearing examiner into thinking there are no other alternatives when there are.

Exhibit 6, Page 10 of 14 Alternative sites. They cropped the document to show only the sites in the 3rd search ring which is not the original search area. This appears to have been done to cover up the facts from the hearing examiner that the site has drastically been moved from the original search ring and that the original search ring was satisfied by WL4556 at 126 west Poplar. The city planners know about this site and have signed off on it; The tower was planned before the 928 Sturm tower and may even have been in the March 13 alternative site search, but ATT kept it out of the alternative search they presented to the City of Walla Walla and the hearing examiner because it is most obviously in the area of the original search ring and has already been sited and is functional and appears to have filled the gap.

Exhibit 6, Page 12 of 14, Effective prohibition. The applicant has gone out of their way to hide the fact that a tower was already constructed and functional (126 West Poplar) prior to this application ever being submitted in the original search ring where service lacked. The FCC shows no existing gap in service. The least obtrusive means to fill any subsequent need in our area would be collocation onto the Leonetti tower, or the permitted and soon to be built dish tower.

These omissions and misrepresentations are reason to deny this CUP application.

Respectfully,

Dave Gibson



Attachment: Excerpt from Staff Report page 411, Exhibit 4, Public Comments:

Omissions and misinformation provided by AT&T/J5 Infrastructure Partners RE: AT&T: WL4557 Conditional Use Permit – Level III (see attached Exhibit C) are as follows:

Section 2.1.1.

AT&T representatives state that the neighborhood consists of residences and larger vacant lots. ATT omitted that the vacant lots are platted for development for proposed homes and private improved lots with residences slated for 2023. There are no vacant lots. There are homes with large landscaped areas. Wetland areas and the development of the Future Bryant plat was well known by the applicant.

Section 2.1.3.

It appears from the drawing provided that the easement listed is under the platted ground that was sold. How will AT&T access the site?

Section 20.216.040.

AT&T representatives state that the un-manned facility is located away from the public and will be surrounded by vacant and undeveloped land. This is incorrect. See Exhibit B as to surrounding residences. In addition, barbed or razor wire fencing is not allowed in residential areas, particularly near a daycare.

The only vegetation screening is the wetland creek area on the neighbor's property. There is one large tree existing on the church's property that will be likely be removed. The camouflage tree does not properly screen this unit, nor does a chain link, barbed/razor wire fence fit in the neighborhood. It is not safe either.

