

January 11, 2012

Honorable Mayor Sam Adams and  
City Commissioners  
City of Portland  
1221 SW 4<sup>th</sup> Ave.  
Portland, OR 97204

Re: **Appellant's Legal Memo**  
**LU 11-125536 CU AD (Verizon Wireless)**

Dear Mayor Adams and Commissioners:

This case raises several legal issues that require further explanation.

1. 47 USC § 332(c)(7)(B)(iv) (Local regulation of RF impacts). The first legal issue involves the opponents' view that this wireless facility will create harmful radio frequency emission impacts. We disagree. As Council is aware, federal law prevents state and local governments from regulating the "placement, construction, or modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." See 47 USC § 332(c)(7)(B)(iv). Because this facility will comply with the FCC's regulations concerning such emissions, the City cannot regulate the placement, construction or modification of this facility based on RF impacts. Even if it could, there is substantial evidence in the record from a licensed professional engineer that this facility will comply with both City and federal emission standards. In short, RF emission impacts cannot be used as a basis to deny this application.

2. 47 USC § 332(c)(7)(B)(i) (Discrimination among functionally equivalent services). The second legal issue involves the hearings officer's new interpretation of the 1,000 watts ERP threshold in PCC 33.815.225(C). There is substantial evidence in the record that the city has consistently applied this threshold to include all wireless facilities. For example, in the January 5, 2012 staff report at page 3, Sylvia Cate indicated that: "City staff has consistently applied ERP as a review and permitting threshold for nearly 1,000 individual wireless telecommunications facilities." Verizon Wireless believes that this longstanding practice of the City is consistent with the legislative history of PCC 33.815.225(C), applicable federal law, and the facts in this case. As staff further notes on page 5 of their report, if Council upholds the hearings officer's interpretation of the 1,000 watts ERP threshold, there is a substantial risk that the City's decision would be in violation of the 1996 Federal Telecommunication Act, which prohibits the City from unreasonably discriminating among providers of functionally equivalent

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services, and also prevents local regulations from prohibiting or having the effect of prohibiting the provision of personal wireless services. *See* 47 USC § 332(c)(7)(B)(i). In short, the City cannot apply its 1,000 watt ERP threshold in one way in nearly 1,000 individual wireless cases, then interpret and apply its 1,000 watt ERP threshold in a different way in our case, and in doing so, use its new interpretation as a basis to deny functionally equivalent wireless services that would be provided by Verizon Wireless on this site.

3. 47 USC § 332(c)(7)(B)(iii) and ORS 197.522 (Substantial evidence and reasonable conditions of approval). Third, the hearings officer's decision failed to determine what criteria applied to our application, then failed to determine whether there is substantial evidence in the record that the relevant approval criteria are or could be met with reasonable conditions. If Council were to affirm the hearings officer's decision, it would likely violate federal law, which requires that any decision by the city to deny a request to place, construct or modify personal wireless facilities shall be supported by substantial evidence in the record. *See* 47 USC § 332(c)(7)(B)(iii). As noted in the Appellant's Hearing Memo, such a decision would also likely violate ORS 197.522, which requires the city to approve an application for a permit for construction on any land that is consistent with the comprehensive plan and applicable land use regulations, or shall impose reasonable conditions on the application to make it consistent with the plan and applicable land use regulations. In short, the city cannot fail to decide what approval criteria apply, fail to make findings with regard to the relevant approval criteria, then deny our application, as the hearings officer did in this case.

### Conclusion

Overall, the hearings officer's decision likely violates several provisions of the Federal Telecommunication Act of 1996, codified at 47 USC § 332, along with the provisions of ORS 197.522. Council should not affirm a decision that violates state and federal law. Instead, we ask that Council grant our appeal and approve our application, subject to the conditions proposed in our hearing memo dated January 6, 2012.

Respectfully submitted,

Davis Wright Tremaine LLP



Phillip E. Grillo

PEG/ikt

cc: Client

# Christopher T. Hill

7120 SE Raymond Court  
Portland, OR 97206  
(503) 407-2740  
Email chill@cthlaw.com

January 11, 2012

Portland City Council  
City Hall  
1221 SW Fourth Ave.  
Portland, OR 97201

Re: Case File LU 11-125536 CU AD  
PC # 10-194550

Dear Mayor Adams and Councilmembers:

I am a resident in the Mount Scott Arleta neighborhood writing in opposition to the proposed new cell tower at Mt. Scott Fuels, 6904 SE Foster. The applicants have not met their burden of proof to show that all approval criteria are met under 33.800.060.

I hereby incorporate my oral and written testimony to the hearings officer as if set forth herein.

## **1. The ERP Wattage of the Facility Determines Which Code Section Applies**

### **a. Plain Meaning of the Word "Facility" Means All Channels of All Antennas**

The Portland City Code distinguishes between "facilities operating at 1000 watts ERP or less," PCC 33.815.225.C, and "all other Radio Frequency Transmission Facilities," i.e. over 1000W ERP, PCC 33.815.225.D. The hearings officer was unable to determine which Code section applied based upon Verizon's submissions and concluded that Verizon had not met its burden on that element. Decision of the Hearings Officer (hereinafter, Frank), p. 6.

"Radio Frequency Transmission Facilities" has no definition in the code, but the use category is described at 33.920.540. Sub C says: "Examples include broadcast towers, communication towers, and point to point microwave towers." Those examples all refer to the whole unit, and not to a single antenna, or a single channel of a single antenna. Some of the examples listed are in fact required to have multiple antennas under 33.274.040.C.10.

The Code is interpreted using literal readings of the language under PCC 33.700.070, and court interpretations begin with the text and context. The plain language meaning of the word "facility" also supports the meaning of all broadcast units at a site. Verizon's consultant report distinguishes between the facility and the antennas: "the proposed wireless facility will have a

new 45' monopole, with nine panel antennas..." The BDS report makes similar distinctions between the facility and the antennas in the Staff Report conclusion: "The applicant requests...a wireless telecommunications facility that...will include up to a total of 12 antennas..." The Code makes similar distinctions between the facility and the antennas: "towers that support facilities," 33.274.040.C.2; "tower accommodating a Radio Frequency Transmission Facility...must...support at least two additional transmitter/ antenna systems," 33.274.040.C.10.

**b. The FCC Uses All Channels of All Antennas on a Site**

After the hearing, the BDS responded that the definition of ERP required consideration of only one channel of one antenna in terms of the wattage of the facility, citing to the Code definition of ERP and noting that the FCC establishes limits based on one channel of a transmitting antenna. H26.

The FCC regulation in question is 47 CFR part 1.1307. In the regulation, the FCC made clear that "The term power in column 2 of table 1 refers to **total operating power of the transmitting operation** in question in terms of effective radiated power (ERP)." 47 CFR part 1.1307(b)(1) (emphasis added).

The FCC's Local Official's Guide to RF attached to the BDS submission says that "a cellular facility is categorically excluded [from the need to submit an EA to the FCC for approval] **if the total effective radiated power (ERP) of all channels operated by the licensee at a site** is 1000 watts or less. If the facility uses sectorized antennas, only the total effective radiated power in each direction is considered." H26-c, p. 7 (emphasis added). In the appendix to the Local Official's guide, the FCC also notes that it considers whether the "total power of all channels" exceeds 1000W ERP for cellular service. H26-c, Appendix A, Table 1.

The FCC's OET Bulletin 65, also attached to the BDS submission, notes that the evaluation looks at whether "**total power of all channels** being used is over 1000 watts effective radiated power." H26-d, p. 14 (emphasis added). OET Bulletin 65 also refers to a table identical to the one in the Local Official's Guide and notes that "The term 'power' in column 2 of Table 2 refers to total operating power of the transmitting operation in question in terms of effective radiated power (ERP)...For the case of the Cellular Radiotelephone Service...[and] the Personal Communications Service...**the phrase 'total power of all channels' in column 2 of Table 2 means the sum of the ERP...of all co-located simultaneously operating transmitters owned and operated by a single licensee.**" H26-d, p. 65 (emphasis added).

While ERP must be measured by emitter, to determine the emissions of the facility, the FCC makes it clear that they are summing all channels of all antennas on a site.

**c. The Proposed Verizon Facility is Over 1000W ERP**

BDS also noted that wireless facilities are **typically** configured with one transmitting antenna and two receiving antennas, however, there is no evidence in the file showing that this facility will operate in the way BDS describes as typical, and in fact, the numbers from Verizon show that the facility will operate at at least 6,724W in each of its three sectors. H28a, p. 3s.

That number likely underestimates the actual wattage because it assumes one channel per transmitter. There is no evidence in the file about the number of channels for each transmitter, which means there is no evidence in the file about the actual wattage of the facility or its emissions from any given sector. See also Frank, p. 10-11 (discussing ERP for each antenna including all channels).

The facility will operate at more than 1000W and must meet the criteria of 33.815.225.D.

**d. The 2000 Foot Rule Must Be More Stringent for Facilities Over 1000W.**

Cell tower monopole facilities under 1000W ERP must be spaced at least 2000 feet apart under PCC 33.815.225.C. Facilities over 1000W ERP do not have a specific distance rule. However, because facilities over 1000W ERP have more powerful RF emissions and will generally have more impact in a land use sense, logic dictates that they should have more distance between them than facilities with lesser emissions and land use impacts. PCC 33.815.225.D implicitly has a distance rule requiring spacing greater than 2000 feet between cell tower monopole facilities. The application should be denied for that reason.

**2. Public Benefit of Project Must Outweigh Impacts Which Cannot Be Mitigated**

Regardless of the wattage of the facility, Verizon must show the public benefit of the project outweighs the impacts which cannot be mitigated. PCC 33.815.225.C.5, D.2. The BDS' position before the hearing was that cell towers essentially meet this requirement per se because of the vast public benefit of cell phones and wireless data, and after the hearing that cell towers have no impacts in a land use sense because they do not have noise, light, odors, or litter. H26, p. 3-5.

**a. Public Benefit of Project is Minimal**

The Code requires consideration of the public benefits of "the use." 33.815.225.D.2. That means the specific project at issue in the permit application rather than the category of use, which is already defined by the introductory sentence of 33.815.225.D. The project purpose announced by Verizon's Jeff Culley's 9/26/11 letter at H7 states that he determined that Verizon has "a gap in coverage near Foster Road between 52nd and 72nd. While the coverage is satisfactory outside, it is weak in the buildings." The public benefit is improved signal strength for one wireless carrier inside buildings in a 20 block strip of a Portland arterial road.

**b. Verizon Submitted No Evidence About Impacts or Mitigation**

There is no evidence to support this element of the application because Verizon submitted no evidence of any impacts or about mitigating any impacts of the proposed project. Weighing in opposition to that are various concerns from me and my neighbors. Those concerns touch on objective and subjective factors. The BDS chooses to ignore the subjective factors by equating the term "quality of living" to only objective factors like noise, lights, time of operation, odors, and litter is an unreasonable interpretation. By that definition, the quality of living on SE Duke and SE Flavel is identical to the quality of living on SE Woodstock, SE Hawthorne, or NE

Alberta. Simply put, that is not true. “Quality” is a subjective term and incorporates objective and subjective elements. Unless the subjective elements of the quality of living are considered, the balancing of this element of the project is incomplete.

### **3. Verizon’s RF Consultant Report Shows The Project Will Exceed the FCC MPE Limit for Public Exposure**

In addition to the power emitted from a facility, the FCC promulgated limits for maximum public exposure (MPE). Facilities must either comply with the MPE or submit an EA to the FCC for approval. H26-c, p. 3, 8. The MPE limits depend on the frequency band(s) and whether the exposed person is exposed by occupation or as a member of the public. H26-c, p. 6; H26-d, p. 35. “The FCC’s [MPE] limits apply cumulatively to all sources of RF emissions affecting a given area.” H26-c, p. 6. “The FCC’s rules require the total exposure from all facilities to fall within the guideline limits, unless an EA is filed and approved.” H26-c, p. 13. “It is important to emphasize that the categorical exclusions are *not* exclusions from *compliance* but, rather, exclusions from performing routine evaluations to demonstrate compliance.” H26-d, p. 12 (emphasis in original). “When performing an evaluation for compliance with the FCC’s RF guidelines *all* significant contributors to the ambient RF environment should be considered, including those otherwise excluded from performing routine RF evaluations.” H26-d, p. 33 (emphasis in original). In other words, the FCC looks at the MPE for an area including all sources—the proposed project, other existing RF emitters, and the background RF existing in the area.

#### **a. Verizon Fails to Account for the 30 Minute Limit of Public Exposure**

OET Bulletin 65 notes that the occupational/controlled exposure time limit is 6 minutes, while the general population/uncontrolled exposure time limit is 30 minutes. H26-d, p. 10. In the general population/uncontrolled exposure situation, “it is often necessary to assume continuous exposure.” H26-d, p. 10. The OET then sets forth Equation (2) “that allows calculation of the allowable time(s) for exposure at [a] given power density level(s) during the appropriate time-averaging interval to meet the exposure criteria of Table 1 of Appendix A. The sum of the products of the exposure levels and allowed times for exposure must equal the product of the appropriate MPE limit and the appropriate time-averaging interval.” H26-d, p. 11. The equation is:

$$S_{\text{exp}} T_{\text{exp}} = S_{\text{limit}} T_{\text{avg}}$$

So, if the exposure time is longer, a proportionally lower exposure power is allowed. In the case of a 24 hour exposure, the FCC would allow 1/48 of the MPE. In the case of a 12 hour exposure, the FCC would allow 1/24 of the MPE, and so on.

At no place in the record is the time of the exposure mentioned, discussed, or analyzed. When the time of exposure is analyzed, Verizon’s own numbers show that their project will not comply with the FCC MPE limit, and by extension, PCC 33.274.040.C.5.

Verizon’s latest set of numbers in exhibit show that their proposed project would result in

an exposure of 7.09% of the public MPE limit at the adjoining apartment complex and that the ambient RF exposure in the neighborhood is 0.61% of the public MPE limit. H28-a, p. 8, 12. The combined exposure, as the FCC requires for compliance, is 7.70% of the public MPE limit. When someone is outside the apartment complex and exposed to the 7.70% of the MPE limit for 6.5 hours, they are exposed to 100.1% of the public MPE limit:

$$0.077 \text{ MPE limit} * (6.5 \text{ hours} / 0.5 \text{ hours}) = 1.001 \text{ MPE limit} * (0.5 \text{ hours} / 0.5 \text{ hours})$$

When someone is outside the apartment complex for more than 6.5 hours, they are exposed to even more RF than the FCC allows.

OET Bulletin 65 also notes that “consideration would have to be given to the exposure situation both before and after the allowed...exposure.” H26-d, p. 11. In other words, we also have to consider other RF exposures throughout the day, whether exposure to ambient levels, or to other RF emitters.

Because the proposed project would cause RF exposures greater than the FCC allows, this permit application must be denied.

#### **b. Verizon’s Numbers Changed Over Time**

Hearings Officer Frank listed Verizon’s ERP numbers in the permit file which changed over time. Frank, p. 11. He noted that Verizon’s wattage statements “provide a wide variation and appear to be unsupported.” He was unable to find the basis for certain numbers. He found that Verizon’s ERP wattage statement in H28 “is not a credible ERP wattage estimate.”

The initial RF Transmission Facility form at A4 listed the ERP as less than 10,000W. Perhaps more damning to the application is that the form also listed the power density as 0.59 mW/cm<sup>2</sup>. That is the same measure of exposure as the MPE limit, and significantly, that number is above the general public MPE limit in Verizon’s RF consultant’s report of 0.459 mW/cm<sup>2</sup>. A4; H28-a, p. 7.

Another reason Verizon’s numbers are questionable is their ERP numbers keep increasing from 759W to over 6000W. Their MPE estimates in August, 2011 used 39.28W ERP and calculated an MPE estimate of 0.02263 mW/cm<sup>2</sup>, while in October, 2011 used 392.8W and had a lower power density of 0.0221 mW/cm<sup>2</sup>.

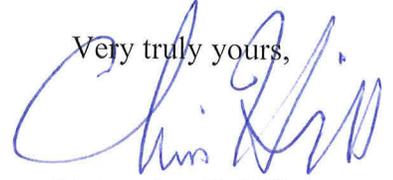
You should distrust Verizon’s wattage numbers because they have changed their numbers throughout this process, and because they appear to state that more power radiated from their facility will result in less exposure to the public. Because their wattage numbers are unreliable, their permit application must be denied.

///

**4. Conclusion**

Because Verizon has not met its burden of proof that all criteria are met, because there is not substantial evidence in the record to support the City's necessary findings, and because the City erroneously interpreted the applicable Code provisions, this application must be denied.

Very truly yours,



Christopher T. Hill

Enclosures

Cc: Paul L. Scarlett, BDS Director

**OPPOSE  
APPEAL**

**APPEAL OF VERIZON WIRELESS RE  
FACILITY AT MT SCOTT FUEL COMPANY**

**6904 SE FOSTER RD LU 11-125536 CU AD**

IF YOU WISH TO SPEAK TO CITY COUNCIL, PRINT YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
✓ SHANNON K. O'CONNOR	4934 SE 67TH AVE PORTLAND, OR 97206-4522	moonshan@juno.com
✓ Matt Iverson	4709 SE 64th Ave Portland, OR 97206	iverson.matthew@gmail.com
✓ Jonathan Brandt for Lisa Anne Ross	4629 SE 64th Ave 97206	gotsoulradio@gmail.com
✓ Shaun Cunningham	7005 SE Mitchell St, 97206	scunninge@gmail.com
✓ Matthew Cooper	7030 SE RAYMOND CT. 97206	MJSEPHCOOPER@GMAIL.COM
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**OPPOSE  
APPEAL**

**APPEAL OF VERIZON WIRELESS RE  
FACILITY AT MT SCOTT FUEL COMPANY**

**6904 SE FOSTER RD LU 11-125536 CU AD**

IF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
✓ Liz McKeever	4904 SE 67 <sup>th</sup> AVE PDX OR 97206	lizcmckeever@gmail.com
✓ Max Trisler	4904 SE 67 <sup>th</sup> AVE PDX OR 97206	maxtrisler@gmail.com
<del>CHRIS HILL</del>	7120 SE RAYMOND CT PDX OR 97206	chillton@gmail.com

City Council  
City of Portland  
1221 SW Fourth Ave  
Portland, OR 97201

Date: January 11, 2012

Re: Case File LU 11-125536 CU AD  
PC # 10-194550

Dear Commissioners:

Thank you for the opportunity to speak today. I would like to take my brief time to highlight what I feel are some critically important factors to consider in your decision.

**1. The hearings officer made a sound decision in this case. ERP is not measured according to a single channel of one antenna.**

While I may not have agreed with all his findings, I believe Officer Frank made the correct finding on one key issue regarding how ERP is measured. The hearings officer found that while ERP may be properly measured based on a single antenna, neither the applicant nor BDS provided any evidence that ERP is properly measured based on "one channel" of one antenna. The applicant needs to have ERP measurements restricted, not only to one antenna, but also to a single channel of one antenna, in order for their application to be approved.

The most concise argument for the one channel interpretation is contained in a post hearing memo from BDS to Officer Frank. In it BDS referenced CFR Title 47 (which was addressed directly in the hearings officer's decision), and an FCC Consumer Facts document known as "Human Exposure to Radio Frequency Fields: Guidelines for Cellular & PCS Sites." BDS uses this latter document to argue that, "the FCC permits ERP levels per channel."

Curiously I found that this FCC document reads as follows,

"Although FCC permits ERP of up to *500 watts per channel* (depending on the tower height), the majority of cellular or PCS cell sites in urban and suburban areas operate at an ERP of 100 watts per channel or less."

The applicant has repeatedly stated that its proposed facility would operate at *759 watts ERP per channel*. Therefore, one must conclude that the applicant's facility would operate at a level of ERP greater than what is permitted by the FCC according to this Consumer Fact Sheet.

In addition, there is nothing in this FCC document to support the argument that the total ERP of a facility or antenna should be measured according to the ERP of one single channel of one antenna.

**2. The applicant's technical data was supplied by an unqualified and unlicensed person and the applicant repeatedly misrepresented his qualifications. The applicant's data is not reliable.**

According to the findings of the hearings officer in this case, "A wireless service provider employee who offers documents to a City in support of an application and signs as a "RF Engineer" must be licensed with the Oregon State Board of Examiners for Engineering and Land Surveying...The hearings officer finds that the Applicants' representation that Mr. Culley is an Oregon licensed "RF engineer" is not correct. As such, the Hearings Officer finds any statements made by Mr. Culley to generally lack credibility. Further, the hearings officer finds any statements made by any third party that rely upon Mr. Culley's statements to generally lack credibility."

The applicant has not provided any credible technical data to support its application as required.

3. **The proposed landscaping does not meet the criteria of the regulation 33.274.040 section 9(a)2.**
4. **Even if the Council disagrees with the Hearings Officer's correct finding in the case, opponents have raised numerous other technical objections to the application which were not addressed by the hearings officer.** Some examples include lack of documented proof of the applicant's need for this facility, including lack of documentation as to the deficiency of the current coverage, incomplete and unjustified search radius by the applicant, unreliable, contradictory and incomplete evidence as to the actual ERP of the antennas or facilities.

**Thank you for your time today. I am proud to live and work in a city that respects its citizens and the democratic process, and one in which the rule of law is applied fairly and equally to all parties, and one in which special treatment is not given to the wealthiest and most powerful among us.**

Sincerely,  
Matthew Cooper  
7030 SE Raymond Ct.  
Portland, OR 97206

A copy of my letter to Hearings Officer Frank already in the record:

1. **Proposed landscaping Exception does not meet the criteria of the regulation 33.274.040 section 9(a)2.**

33.274.040 reads as follows:

9. *Landscaping and screening. The base of the tower and all accessory equipment or structures located at grade must be fully screened from the street and any abutting sites as follows:*
  - a. *In C, E or I zones more than 50 feet from an R zone. A tower and all accessory equipment or structures located in the C, E or I zones more than 50 feet from an R zone must meet the following landscape standard:*

(1) *Generally. Except as provided in (2), below, a landscaped area that is at least 5 feet deep and meets the L3 standard must be provided around the base of a tower and all accessory equipment or structures.*

(2) *Exception. If the base of the tower and any accessory equipment or structures are screened by an existing building or fence, then some or all of the required landscaping may be relocated subject to all of the following standards.*

- *The building or fence must be on the site;*
- *The fence must be at least six feet in height and be totally sight-obscuring;*
- *The relocated landscaping must meet the L2 standard. The relocated landscaping cannot substitute for any other landscaping required by this Title; and*
- *If any part of the base of the tower or accessory equipment is not screened by a building or fence, 5 feet of L3 landscaping must be provided.*

The applicant has requested an exception based on the above clause. The applicant stated that the site is already within a sight-obscuring fence and has proposed to build an additional 6' sight obscured fence.

The applicant's request for exception does not meet the above requirements for that exception. Generally a tower is required to be surrounded by L3 landscaping. In this case the first two requirements for an exception have been met. However, the third requirement has not been met by the applicant's proposal. According to code, the applicant MUST at a minimum relocate the equivalent of the required landscaping and this substitute landscaping must be at least to the L2 standard. A key component of both the L2 and L3 landscaping standards is the requirement to plant tall trees according to certain spacing.

The staff report ignores key requirements of the exception clause and wrongly finds that the criterion of 33.27.040.9 could be found to be met. However the staff report does correctly cast doubt on the appropriateness of its own finding by stating that, "[T]he existing conditions are hardscaped structures [chain link fence, concrete wall] (sic) that provides screening but does not share the visual amenities associated with landscaping and living plant material."

"...[T]he proposal to 'double fence' and screen the facility with chain link fencing topped with three strand barbed wire does little but add additional hardscaped screening that has little, if any esthetic appeal and arguably does nothing to reduce the visual impacts of the facility."

"...[T]he proposed ground equipment compound enclosed by a sight obscuring [F1 standard] (sic) chain link fence topped with three strand barbed wire is not consistent with the desired character of the area, nor is it compatible with adjacent residential development."

**The applicant MUST plant L3 standard landscaping around the tower development as required by 33.274.040 9(a)1 or relocate L2 standard landscaping at another location on the site as required by 33.274.040 9(a)2 if all other requirements of the section are met. There are no exceptions to this requirement allowed by city code.**

2. **If the Proposed Project is Approved, Site Improvements are Required For Nonconforming Development with a Conditional Use**

This application is for a Conditional Use. The site is a nonconforming development in several respects. Nonconforming development associated with a conditional use must meet the requirements of

33.258.070.D.2. When the value of the proposed alterations exceeds \$137,650.00, the development must comply with the development standards of

33.258.070.D.2.b, including landscaping and screening among others. The Early Assistance Application dated 11/18/10 shows the project cost as \$150,000.00, which triggers the development standards. See attachment 5.

The required improvements must be made for the entire site because the ground lease exception does not apply. The ground lease exception requires that "The area of the lease must include all existing and any proposed development that is required for, or is used exclusively by, uses within the area of the lease." 33.258.070.D.2.c.2 The Early Assistance Application notes that the project includes a "fenced lease area." File exhibit C-4, the enlarged site plan also notes the "LEASED/FENCED AREA." However, in addition to the 9 bollards outside the fenced area, a new utility vault to the west of the fenced area, and a new meter to the south of the fenced area indicated on the site plan, the required landscaping whether located around the tower or at another location on the property will also be outside of the "leased/fenced area." Because those improvements and landscaping are required for the project and are not within the area of the lease, the nonconforming development improvements must be made to the entire site.

**If this proposed project is approved, the Mt. Scott Fuels site must develop a plan to become compliant with the current zoning regulations, particularly the landscaping and screening regulations on its southern border.**

Respectfully submitted,

Matthew and Charlotte Cooper  
7030 SE Raymond Ct.  
Portland, OR 97206  
503-231-8222  
[mjosephcooper@gmail.com](mailto:mjosephcooper@gmail.com)

**Moore-Love, Karla**

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**From:** Moore-Love, Karla  
**Sent:** Wednesday, January 11, 2012 12:09 PM  
**To:** Papaefthimiou, Jonna; Grumm, Matt; Crail, Tim; Schmanski, Sonia; Edwards, Kenneth; Oishi, Stuart  
**Cc:** Cate, Sylvia; Rees, Linly; McKinney, Susan  
**Subject:** FW: LU 11-125536 CU AD; council hearing January 11 (Testimony !)  
**Attachments:** Testimony Jan 11, 2012 - LU 11-125536 CU AD (HO 4110025).pdf

Testimony is attached.

**Karla Moore-Love | Council Clerk**

Office of the City Auditor  
503.823.4086

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**From:** Euro Guy [mailto:euroguy\_pdx@yahoo.com]  
**Sent:** Wednesday, January 11, 2012 11:21 AM  
**To:** Moore-Love, Karla  
**Subject:** LU 11-125536 CU AD; council hearing January 11 (Testimony !)

Karla,

Please see my written testimony for today's City Council hearing.  
Please confirm whether you received this OK. (I'll also plan to bring a hardcopy to submit at the hearing this afternoon, just in case).

Thanks,

Marcel

# -Testimony -

## Portland City Council - January 11, 2012

### = LU 11-125536 CU AD (HO 4110025) =

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This land use case is *not* about how many neighbors are saying they don't want this facility in their neighborhood versus how loud Verizon claims they need this facility at this exact location. It should not be about any political pressure or implicit or explicit lobbying by Verizon for getting a facility approved that doesn't meet City code (as has already been demonstrated the Neighborhood Association and by the Hearings Officer). Nor should it be about whether City Council gives more weight to big business Verizon who attempts to build a new tower or to its citizens and the City's own Neighborhood Associations that have opposed this additional tower. This case should simply be about a proposal that doesn't meet City code and about upholding City code how it is written and how it was meant to apply!

It's very simple: proposals or developments that don't meet City code should not be allowed! The law is to set the rules and to protect everyone: breaking the law or rules violate the basic rights of everyone.

**This proposal and the proposed facility don't meet City Code**, in many many ways, with just some of reasons why provided as examples in this letter below:

1. **Applicant submitted an application lacking credibility.** Many different numbers were used throughout the application as to the Radiated Power of the facility, mostly contradicting each other.
2. **The applicant violated Oregon law in their application materials** by using the title RF Engineer in the public realm for a person who is not licensed to use that title, something that is specifically prohibited in ORS.
3. **The application did in an unacceptable way cut corners** as to properly addressing the federal requirements regarding health and safety of the general public and as to providing proof that the facility meets the requirements on those.
4. The proposed facility at the subject location **does not meet the City's siting criteria** for these facilities
5. For most of the established criteria of Portland Zoning Code, the applicant did not show that it met City code; In fact **applicant failed to meet the required standard of substantial evidence** on many of the approval criteria defined in City code
6. Applicant has stated in their application that there are several alternative locations that are feasible as well for this facility; City code specifically states that the facility is **not allowed in this location if there are other feasible location options.**

The file on this case contains many more examples and information of why this application and proposed development don't meet City code and should not be allowed. I urge City Council to review those materials thoroughly and take into account all the reasons and supporting information in the

record of why this facility should not be allowed! Instead of copying everything and attaching it to this letter, I will simply include it here by reference, so please take all of that into account.

Specifically of interest, relevance and importance:

- Marcel Hermans' letter from 10/2/2011 to the Hearings Officer (H.16.a)
- Mt. Scott-Arleta NA letter from 10/2/2011, Neal Sutton to the Hearings Officer (H.15.a)
- Chris Hill's letter from 10/3/2011 to Cate (H.18.a)
- Letter from Neal Sutton, Liz McKeever to the Hearings Officer (H.24)

Even if this were about a case where discretion was granted to City Council –which it is not- to make special exemptions by allowing this proposed facility, City Council should still not allow this facility, but should instead stick to the zoning code and properly protect the City and its citizens from undesired developments. Through PDC and the Lents-Foster Road Urban Renewal Area (which this property is within) the City has already pumped millions in planned improvements for the area and is working on implementation of other area improvements. If this facility were to be constructed, it will undermine some of those plans and create new undesirable barriers for better and higher-value developments that are intended for this area and are being pursued through those Urban Renewal efforts.

**Urban Renewal is not about turning Foster Road into Cell Tower Alley, or about bypassing City code in favor of a cell tower park on the non-conforming use and non-conforming development property of Mt. Scott Fuel!**

City of Portland and specifically BDS and the Office of Neighborhood Office have spent significant amounts of money and effort on educating citizens and property owners about the **direct relationship between upkeep and appearance of properties and the safety, crime rate and quality of surrounding neighborhood areas**. Some of those outreach and education materials speak of “chronically deferred maintenance” that “can reduce a neighborhood to a mere shell of the healthy community it once was”! The subject property for this proposed development, Mt. Scott Fuel, is a current neighborhood eye-sore which lacks several basic site development features that other properties are held to and comply with. This property is officially classified by City staff as a **non-conforming use and a non-conforming development**, so this is not at all the property that deserves City Council going out of its way for and granting waivers and exemptions to City code in order to allow more undesirable elements to the property (in addition to nuisance activities, non-code compliant activities, structures, an enormous billboard, etc.).

However, as stated, this is not about arguments in a case with discretionary decision authority for City Council, but rather a case regarding applicant's challenge to City Code being applied by the Hearings Officer.

Therefore, details as to why the application and the proposed facility don't meet City code are listed below:

1. Applicant submitted an application lacking credibility. Many different numbers were used throughout the application as to the Radiated Power of the facility, mostly contradicting each other.

As some examples of this:

- Exhibit A-2, the “Non-Ionizing Electromagnetic Exposure Analysis and Engineering Certification” by Hatfield and Dawson of March 2011 states: “I estimate that the maximum Effective Radiated Power (ERP) from the Verizon antennas will be *less than 10,000 watts*”.
- Exhibit A-3, the “REVISED - Non-Ionizing Electromagnetic Exposure Analysis and Engineering Certification” by Hatfield and Dawson of October 2011 speaks of a *facility with nine antennas*, doesn’t mention how many channels per antenna, yet states that “According to Verizon ..... the ERP for any single channel from any of the Verizon antennas will be less than 759 watts”. This report seems to purposely omit any statement about the total ERP of the facility or the maximum ERP of any antenna, but with the listed number of antennas and wattage anyone can do some simple math on their own....
- Exhibit A-4, the Radio Frequency Transmission Facilities Registration Form submitted by Ridge Communications and signed by Laura Hopper on March 31, 2011 lists the ERP (watts) of the *whole facility as “< 10,000”*.
- Exhibit H-28a, the “SUPPLEMENT TO REVISED REPORT - Non-Ionizing Electromagnetic Exposure Analysis and Engineering Certification” by Hatfield and Dawson of October 2011 states: “total ERP per sector will be less than 10,000 watts” and “ Total ERP per sector (watts) = 6,724”.

Although the report is not clear or conclusive about *how many sectors* the facility will host, it is clear from the text and context that there will be more than one sector. Therefore, since the facility will host nine antennas, and two or more sectors will already lead to an ERP of more than 12,000 watts, it is clear that the facility will have an ERP of more than 12,000 watts and that at the very least there must be one or more antennas of which the individual ERP exceeds 1,000 watts. Either way: **How can a facility have an ERP of less than 1,000 watts (required per the approval criteria that the application is submitted under) if just one of the sectors of the facility has an ERP of 6,732 watts??**

- Exhibit H-28b, the Radio Frequency Transmission Facilities Registration Form submitted by Ridge Communications and signed by Laura Hopper on October 4, 2011 (which BTW, appears to be submitted to the Hearings Officer in the office of City Auditor only, and never to BDS as part of the application!) lists the ERP (watts) of the whole facility as “39.28”.

**Conclusion is that there is no consistency or credibility in the basic numbers supplied by applicant in this application as to the Effective Radiated Power of the facility. Even the most recently submitted documentation by applicant varies from less than 40 watts to any undetermined multiple of 6,724 watts!**

2. The applicant violated Oregon law in their application materials by using the title RF Engineer in the public realm for a person who is not licensed to use that title, something that is specifically prohibited in ORS.

**Oregon Revised Statutes** state what constitutes *engineering* and who is allowed to practice engineering or use the title "**Engineer**" in Oregon.

Specifically: ORS 672.002 provides the following definition of "Engineer";

*(2) "Engineer," "professional engineer" or "registered professional engineer" means an individual who is registered in this state and holds a valid certificate to practice engineering in this state as provided under ORS 672.002 to 672.325.*

ORS 672.007 defines the "Acts constituting practice of engineering", as follows:

*(1) A person is practicing or offering to practice engineering if the person:*

*(a) By verbal claim, sign, advertisement, letterhead, card or in any other way implies that the person is or purports to be a registered professional engineer;*

*(b) Through the use of some other title implies that the person is an engineer or a registered professional engineer; or*

- 1) *(c) Purports to be able to perform, or who does perform, any service or work that is defined by ORS 672.005 as the practice of engineering.*

Applicant submitted official letters to the City in the file on this case signed by "Jeff Culley, RF Engineer".

Jeff Culley is in fact **not** a licensed Engineer in Oregon, and is therefore **by law prohibited** from using the title or term "RF Engineer" in the public realm. As previously submitted, the file in this case contains print-outs from the online database as well as e-mail communication with staff of the Oregon State Board of Examiners for Engineering and Land Surveying and meeting notes from the Law Enforcement Committee of OSBEELS.

The consequence of Jeff Culley not being a licensed Engineer in Oregon, is not just that application contains false statements on this aspect as well, but also that **Jeff Culley and/or Verizon have broken Oregon law** by illegally using the title "RF Engineer" in the public realm (i.e. in an official letter to the City of Portland) **as part of this application**. Equally important, the report that is **supposed to provide** the basis of the compliance with FCC rules and is to provide **assurances to staff and citizens of the City of Portland in regards to health and safety** contains crucial information that is claimed to be provided and supported by a Qualified Engineer while in fact it is not!

As also provided in the record of his case, in its meeting of December 11, 2008, and again on February 12, 2009, the Law Enforcement Committee of the Oregon State Board of Examiners for Engineering and Land Surveying (see case 2464), specifically confirmed that the title "RF Engineer" cannot legally be used in Oregon by someone who is not a Licensed Engineer.

This is not just a minor case of violation of the law, but is in fact a very relevant and important one which significant merit in this case as explained below:

Doctors and nurses deal with health of individual people. If someone pretends to be a doctor or nurse and attempts to practice medicine without proper qualifications and credentials such person may endanger the health and life of one or several patients/people.

Engineers deal with *health and safety of the general public*. Regardless if it's about a bridge, a building, a public waster system, or a radio frequency transmission facility, the engineer in question has responsibility and impacts to potentially large numbers of the people of the general public. If someone pretends to be an engineer and attempts to practice engineering without proper qualifications and credentials such person may endanger the health and life of large numbers of people and the public in general.

An Exposure Analysis issued by a licensed engineer which bases its analysis and conclusions regarding FCC compliance and human safety on statements regarding the technical characteristics of the analyzed facility that come directly from a non-engineering-licensed Verizon employee is in concept identical to a pharmacist dispensing medication prescribed by a non-licensed "doctor". A very important difference though, and a crucial factor is that this case deals with health and safety of not just a few but potentially many people of the general public.

That is why the State of Oregon requires in ORS that engineering is practiced only by a qualified professional licensed engineer.

**Conclusion is that City Council should not award an applicant who violates Oregon Law in its application (which in itself doesn't meet City Code) by approving the proposed facility (which also doesn't meet City Code)! City Council should not bypass ORS where it aims to protect the general public through restricting Engineering to qualified properly Licensed Engineers!**

3. The application did in an unacceptable way cut corners as to properly addressing the federal requirements regarding health and safety of the general public and as to providing proof that the facility meets the requirements on those, as well as the other requirements of City Code.

As described in items 1 and 2 above, **applicant did not provide proper, creditable information** to assess whether their proposal meets FCC requirements (which is also one of the requirements of City code) nor whether it meets City code requirements on aspects related to that. It does not show whether the facility would be allowed under the approval criteria applicant applied under, and on the contrary, the application clearly indicates that it does in fact not meet City Code criteria.

**Conclusion is that the application did not properly address code requirements as to meeting the mandated FCC requirements or the City Code category it applied for.**

4. The proposed facility for the subject location doesn't meet the siting criteria for these facilities

The criteria for facilities like this proposed one are stated in City Code, and several of those criteria specify whether a proposed facility is allowed in a certain location. As already shown in the evidence submitted to the record (see information submitted to Hearings Officer, and specifically the information attached to this letter by reference), the application does not meet the siting criteria and is simply not allowed in this location!

It would only be allowed in this very specific location if it meets all the applicable code requirements *and* if the applicant proves that there is no feasible alternative anywhere to site the facility. The application fails in both of those.

**Conclusion is that the proposed facility is by City Code not allowed in this location, and should therefore not be permitted.**

5. The applicant didn't meet the standard of substantial evidence on many of the approval criteria defined in City code.

**The application materials** submitted by applicant **contain many empty claims and unsupported statements** as to the proposed facility and its check against the approval criteria of Portland City Code.

Listed below are just some examples; this is NOT an inclusive list, but rather just a subset to illustrate what types of omissions exists throughout the application and some examples of how the application misses the bar on substantial evidence as required by zoning code.

- It speaks to equipment not fitting on alternative locations, without even mentioning or addressing the size of equipment or ways to deal with making it fit
- It speaks to the infeasibility of strengthening a roof structure without indicating how that could and typically would be done and how much that would cost
- It states that the proposed facility's public benefits outweigh its negative impacts, **without even mentioning a single negative impact**, let alone describing, addressing or weighing any of its negative impacts
- As submitted into the record (see H.24), **scientific studies** have shown that this cell tower at this location would result in **loss of property values** to neighboring residential properties in the order of at least half a million dollars or more likely something **close to one million dollars!**
- It speaks to the need of the facility at this exact location while also submitting **evidence showing that other locations are better suited and more beneficial** in accomplishing the objectives as to coverage applicant seeks to improve
- Etc. etc. etc.....
- The list of examples goes on and on: for a more extensive list please see materials previously submitted to the record (and included by reference).

**Conclusion is that Verizon's application is merely a request of something that the applicant *desires or wishes for* (namely a quick and easy approval of a facility that does not meet City Code) but is certainly not a real or valid application as required by City Code which would properly address code requirements such facility is required to meet.**

6. Applicant has stated in their application that there are several alternative locations that are feasible as well for this facility; City code specifically states that the facility is not allowed in this location if there are other feasible location options.

In the letter submitted to the file/Sylvia Cates (sic), dated September 26, 2011, Verizon makes statements that show this proposed location is not "the only feasible location" as City Code requires as one of the conditions for this proposal to be approved.

On page 1, Verizon admits that it used an **unrealistically limited search ring**. Verizon further admits that it did not look at all or even several possible types of possible locations, but rather only **considered one type of potential properties**, namely "collocation opportunities".

Verizon then goes on to state that some of those **other properties were actually their preferred location**, but subsequently came up with a new term of "*compatible*" to then dismiss those preferred locations on that ground. There is no reference to City Code requirements or sections that would provide for this subjective choice by applicant. (On the contrary, City Code requires applicant to provide proof of each of those claims!)

Of their proposed location, Verizon then finally states that it is "**the most feasible**" option, clearly admitting that there are other feasible options. The whole premise of City Code, where it requires the applicant to show that the proposed location is "**the only feasible**" location in order for it to possibly be eligible for approval is that there are absolutely no other ways to provide the service. That is clearly not the case, as clearly demonstrated by the applicants themselves!

("The most feasible" can simply be translated by "the cheapest", which is **exactly what City Code tries to avoid here**: certain developments that on first check don't meet City Code may possibly be allowed **if and only if there is absolutely no other way** to provide the service; this does not mean that it can be approved simply because it is the *cheapest* option!)

**Conclusion is that the application or proposed development does not meet City Code which requires applicant to provide proof that it is the only feasible way to provide the service. Instead, applicant admits there are several other options, and that they just prefer this one since it is the cheapest option!**

## Conclusion

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**Overall conclusion is that this application severely lacks credibility and substantial evidence as to the key points that need to be addressed in order to assess such application. Furthermore, from the evidence that was submitted it is clear that the proposed facility does not meet City Code and should therefore not be approved. Additionally, the proposed facility should not be allowed because it is also contrary to other City plans, initiatives and investments that seek to improve the area and the City in general for its citizens. Allowing this cell tower in this location would further degrade the subject property of non-conforming use and non-conforming development and would allow installation of barriers to**

**future desirable developments sought through Urban Renewal and other City initiatives.**

I urge City Council to give credit to the Hearings Officer previous decision, apply its own common sense and again deny this application and this proposed facility which doesn't meet the City's criteria or the interests of its citizens in so many ways.

Sincerely,

Marcel Hermans

6910 SE Raymond Court

Portland, OR 97206

**Moore-Love, Karla**

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**From:** Moore-Love, Karla  
**Sent:** Wednesday, January 11, 2012 8:28 AM  
**To:** Papaefthimiou, Jonna; Grumm, Matt; Crail, Tim; Schmanski, Sonia; Edwards, Kenneth; Oishi, Stuart  
**Cc:** Cate, Sylvia; Rees, Linly; McKinney, Susan  
**Subject:** FW: Statement of Position from Foster-Powell Neighborhood Assn RE: Land Use Case file # is LU 11-125536 CU AD  
**Attachments:** FPNA\_Cell\_Tower\_Statement\_2012.pdf; ATT00001.htm

Testimony is attached.

**Karla Moore-Love | Council Clerk**

Office of the City Auditor  
503.823.4086

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**From:** Christian [mailto:christianbsmith@me.com]  
**Sent:** Tuesday, January 10, 2012 11:50 PM  
**To:** Moore-Love, Karla  
**Cc:** Neal Sutton  
**Subject:** Statement of Position from Foster-Powell Neighborhood Assn RE: Land Use Case file # is LU 11-125536 CU AD

Hi everybody-

Please accept as testimony the the attached letter stating the opposition of the Foster-Powell Neighborhood Association to the proposed cell phone tower on the Mt. Scott Fuel property on SE Foster Road.

Thank you and warmest regards,

Christian Smith  
Chair, Foster-Powell Neighborhood Association  
503-774-3639



9 January, 2012

Dear Mayor Adams and Members of the City Council,

At the January, 2012 meeting of the The Foster-Powell Neighborhood Association, our membership voted unanimously to oppose the the proposed Verizon cellular tower at Mt. Scott Fuel Company.

As our partners in the Mt. Scott-Arleta Neighborhood have pointed out, the Mt. Scott Fuel property is already out of compliance with city codes and conducting operations inconsistent with uses prioritized as part of Foster Road's "Main Street" designation, as per Metro and the City of Portland. This being the case, additional variances for the property are unwarranted.

On behalf of the Foster-Powell Neighborhood Association,

Christian Smith  
Chair, FPNA

**Parsons, Susan**

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**From:** Parsons, Susan  
**Sent:** Wednesday, January 11, 2012 2:05 PM  
**To:** Grumm, Matt; Papaefthimiou, Jonna; Schmanski, Sonia; Edwards, Kenneth; Crail, Tim; Cate, Sylvia; Beaumont, Kathryn; Rees, Linly  
**Cc:** Moore-Love, Karla; 'Rep KenyGuyer'  
**Subject:** FW: Testimony for hearing today. #47 Verizon LU 11-125536  
**Attachments:** Letter of Support.docx

Please see testimony attached.

**Sue Parsons**

Assistant Council Clerk

City of Portland

503.823.4085

*please note new email address:*

Susan.Parsons@portlandoregon.gov

---

**From:** Rep KenyGuyer [mailto:rep.alissakenyguyer@state.or.us]

**Sent:** Wednesday, January 11, 2012 1:30 PM

**To:** Parsons, Susan

**Cc:** Rep KenyGuyer

**Subject:** Testimony for hearing today.

Hi Susan-

Attached is a letter of support regarding the cell tower hearing today. Please forward it to all necessary individuals.

If you have any further questions or concerns, please let me know. I can be reached at (503) 954-6761.

Warm regards,

Roberto A. Gutierrez

Legislative Assistant

Rep. Alissa Keny-Guyer (HD-46)

NE/SE Portland

(503) 954-6761



January 11, 2012

Mayor Sam Adams  
1221 SW 4th Ave, Room 340  
Portland, OR 97204

RE: Cell tower concerns

Dear Mayor Adams,

I am writing to express concern regarding the proposed placement of the cell tower in the Mt. Scott-Arleta neighborhood. My concern stems from the neighborhood sentiment I have heard at two neighborhood association meetings and a careful examination of the testimony provided at the public hearing on October 3, 2011.

Since the proposed cell tower is not within current city zoning code, it is important that the applicant meet approval criteria. Because the RF Engineer was not licensed by the Oregon State Board of Examiners for Engineering & Land Surveying, he could not properly advise the applicant about the Effective Radiated Power (ERP) wattage data estimate. All data and conclusions must meet a high standard of proof before the application can proceed. Based on the information provided in the public hearing, I urge you to consider the opinion of the public hearing officer and delay construction of the cell tower until the proper vetting has occurred.

Even if the technical requirements are eventually met, I have concerns about how the cell tower may negatively impact the livability of this area of SE Portland. The Foster-Powell, Mt. Scott-Arleta, and Lents neighborhoods are undergoing exciting revitalization, with the renovations of Days Music and the old Bob White Theatre on Foster, the Wickman Building on 64th between Foster and Holgate, the Foster Streetscape, and the Lents Urban Renewal Area. The community has been very actively involved in these developments and fears that the proposed cell tower would degrade the appearance of the property and the area and would create new obstacles for future developments that enhance the economy and desirable character of the area.

Thank you for considering these points. If you have any questions or concerns, please contact my office at (503) 986-1446.

Warm regards,

Representative Alissa Keny-Guyer

Alissa Keny-Guyer  
State Representative  
House District 46

Phone: 503-986-1446 - [rep.alissakenyguyer@state.or.us](mailto:rep.alissakenyguyer@state.or.us)  
[www.leg.state.or.us/keny-guyer](http://www.leg.state.or.us/keny-guyer)



January 11, 2012

City Commissioner Nick Fish  
1221 SW 4th Ave, Room 240  
Portland, OR 97204

RE: Cell tower concerns

Dear Commissioner Fish,

I am writing to express concern regarding the proposed placement of the cell tower in the Mt. Scott-Arleta neighborhood. My concern stems from the neighborhood sentiment I have heard at two neighborhood association meetings and a careful examination of the testimony provided at the public hearing on October 3, 2011.

Since the proposed cell tower is not within current city zoning code, it is important that the applicant meet approval criteria. Because the RF Engineer was not licensed by the Oregon State Board of Examiners for Engineering & Land Surveying, he could not properly advise the applicant about the Effective Radiated Power (ERP) wattage data estimate. All data and conclusions must meet a high standard of proof before the application can proceed. Based on the information provided in the public hearing, I urge you to consider the opinion of the public hearing officer and delay construction of the cell tower until the proper vetting has occurred.

Even if the technical requirements are eventually met, I have concerns about how the cell tower may negatively impact the livability of this area of SE Portland. The Foster-Powell, Mt. Scott-Arleta, and Lents neighborhoods are undergoing exciting revitalization, with the renovations of Days Music and the old Bob White Theatre on Foster, the Wickman Building on 64th between Foster and Holgate, the Foster Streetscape, and the Lents Urban Renewal Area. The community has been very actively involved in these developments and fears that the proposed cell tower would degrade the appearance of the property and the area and would create new obstacles for future developments that enhance the economy and desirable character of the area.

Thank you for considering these points. If you have any questions or concerns, please contact my office at (503) 986-1446.

Warm regards,

Representative Alissa Keny-Guyer

Alissa Keny-Guyer  
State Representative  
House District 46

Phone: 503-986-1446 - [rep.alissakenyguyer@state.or.us](mailto:rep.alissakenyguyer@state.or.us)  
[www.leg.state.or.us/keny-guyer](http://www.leg.state.or.us/keny-guyer)



January 11, 2012

City Commissioner Amanda Fritz  
1221 SW 4th Ave, Room 220  
Portland, OR 97204

RE: Cell tower concerns

Dear Commissioner Fritz,

I am writing to express concern regarding the proposed placement of the cell tower in the Mt. Scott-Arleta neighborhood. My concern stems from the neighborhood sentiment I have heard at two neighborhood association meetings and a careful examination of the testimony provided at the public hearing on October 3, 2011.

Since the proposed cell tower is not within current city zoning code, it is important that the applicant meet approval criteria. Because the RF Engineer was not licensed by the Oregon State Board of Examiners for Engineering & Land Surveying, he could not properly advise the applicant about the Effective Radiated Power (ERP) wattage data estimate. All data and conclusions must meet a high standard of proof before the application can proceed. Based on the information provided in the public hearing, I urge you to consider the opinion of the public hearing officer and delay construction of the cell tower until the proper vetting has occurred.

Even if the technical requirements are eventually met, I have concerns about how the cell tower may negatively impact the livability of this area of SE Portland. The Foster-Powell, Mt. Scott-Arleta, and Lents neighborhoods are undergoing exciting revitalization, with the renovations of Days Music and the old Bob White Theatre on Foster, the Wickman Building on 64th between Foster and Holgate, the Foster Streetscape, and the Lents Urban Renewal Area. The community has been very actively involved in these developments and fears that the proposed cell tower would degrade the appearance of the property and the area and would create new obstacles for future developments that enhance the economy and desirable character of the area.

Thank you for considering these points. If you have any questions or concerns, please contact my office at (503) 986-1446.

Warm regards,

Representative Alissa Keny-Guyer

Alissa Keny-Guyer  
State Representative  
House District 46

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[www.leg.state.or.us/keny-guyer](http://www.leg.state.or.us/keny-guyer)



January 11, 2012

City Commissioner Randy Leonard  
1221 SW 4th Ave, Room 210  
Portland, OR 97204

RE: Cell tower concerns

Dear Commissioner Leonard,

I am writing to express concern regarding the proposed placement of the cell tower in the Mt. Scott-Arleta neighborhood. My concern stems from the neighborhood sentiment I have heard at two neighborhood association meetings and a careful examination of the testimony provided at the public hearing on October 3, 2011.

Since the proposed cell tower is not within current city zoning code, it is important that the applicant meet approval criteria. Because the RF Engineer was not licensed by the Oregon State Board of Examiners for Engineering & Land Surveying, he could not properly advise the applicant about the Effective Radiated Power (ERP) wattage data estimate. All data and conclusions must meet a high standard of proof before the application can proceed. Based on the information provided in the public hearing, I urge you to consider the opinion of the public hearing officer and delay construction of the cell tower until the proper vetting has occurred.

Even if the technical requirements are eventually met, I have concerns about how the cell tower may negatively impact the livability of this area of SE Portland. The Foster-Powell, Mt. Scott-Arleta, and Lents neighborhoods are undergoing exciting revitalization, with the renovations of Days Music and the old Bob White Theatre on Foster, the Wickman Building on 64th between Foster and Holgate, the Foster Streetscape, and the Lents Urban Renewal Area. The community has been very actively involved in these developments and fears that the proposed cell tower would degrade the appearance of the property and the area and would create new obstacles for future developments that enhance the economy and desirable character of the area.

Thank you for considering these points. If you have any questions or concerns, please contact my office at (503) 986-1446.

Warm regards,

Representative Alissa Keny-Guyer

Alissa Keny-Guyer  
State Representative  
House District 46

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[www.leg.state.or.us/keny-guyer](http://www.leg.state.or.us/keny-guyer)



January 11, 2012

City Commissioner Dan Saltzman  
1221 SW 4th Ave, Room 230  
Portland, OR 97204

RE: Cell tower concerns

Dear Commissioner Saltzman,

I am writing to express concern regarding the proposed placement of the cell tower in the Mt. Scott-Arleta neighborhood. My concern stems from the neighborhood sentiment I have heard at two neighborhood association meetings and a careful examination of the testimony provided at the public hearing on October 3, 2011.

Since the proposed cell tower is not within current city zoning code, it is important that the applicant meet approval criteria. Because the RF Engineer was not licensed by the Oregon State Board of Examiners for Engineering & Land Surveying, he could not properly advise the applicant about the Effective Radiated Power (ERP) wattage data estimate. All data and conclusions must meet a high standard of proof before the application can proceed. Based on the information provided in the public hearing, I urge you to consider the opinion of the public hearing officer and delay construction of the cell tower until the proper vetting has occurred.

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Thank you for considering these points. If you have any questions or concerns, please contact my office at (503) 986-1446.

Warm regards,

Representative Alissa Keny-Guyer

Alissa Keny-Guyer  
State Representative  
House District 46

Phone: 503-986-1446 - [rep.alissakenyguyer@state.or.us](mailto:rep.alissakenyguyer@state.or.us)  
[www.leg.state.or.us/keny-guyer](http://www.leg.state.or.us/keny-guyer)



January 11, 2012

City Auditor LaVonne Griffin-Valade  
1221 SW 4th Ave, Room 140  
Portland, OR 97204

RE: Cell tower concerns

Dear City Auditor Griffin-Valade,

I am writing to express concern regarding the proposed placement of the cell tower in the Mt. Scott-Arleta neighborhood. My concern stems from the neighborhood sentiment I have heard at two neighborhood association meetings and a careful examination of the testimony provided at the public hearing on October 3, 2011.

Since the proposed cell tower is not within current city zoning code, it is important that the applicant meet approval criteria. Because the RF Engineer was not licensed by the Oregon State Board of Examiners for Engineering & Land Surveying, he could not properly advise the applicant about the Effective Radiated Power (ERP) wattage data estimate. All data and conclusions must meet a high standard of proof before the application can proceed. Based on the information provided in the public hearing, I urge you to consider the opinion of the public hearing officer and delay construction of the cell tower until the proper vetting has occurred.

Even if the technical requirements are eventually met, I have concerns about how the cell tower may negatively impact the livability of this area of SE Portland. The Foster-Powell, Mt. Scott-Arleta, and Lents neighborhoods are undergoing exciting revitalization, with the renovations of Days Music and the old Bob White Theatre on Foster, the Wickman Building on 64th between Foster and Holgate, the Foster Streetscape, and the Lents Urban Renewal Area. The community has been very actively involved in these developments and fears that the proposed cell tower would degrade the appearance of the property and the area and would create new obstacles for future developments that enhance the economy and desirable character of the area.

Thank you for considering these points. If you have any questions or concerns, please contact my office at (503) 986-1446.

Warm regards,

Representative Alissa Keny-Guyer

Alissa Keny-Guyer  
State Representative  
House District 46

Phone: 503-986-1446 - [rep.alissakenyguyer@state.or.us](mailto:rep.alissakenyguyer@state.or.us)  
[www.leg.state.or.us/keny-guyer](http://www.leg.state.or.us/keny-guyer)



January 11, 2012

Mayor Sam Adams  
1221 SW 4th Ave, Room 340  
Portland, OR 97204

RE: Cell tower concerns

Dear Mayor Adams,

I am writing to express concern regarding the proposed placement of the cell tower in the Mt. Scott-Arleta neighborhood. My concern stems from the neighborhood sentiment I have heard at two neighborhood association meetings and a careful examination of the testimony provided at the public hearing on October 3, 2011.

Since the proposed cell tower is not within current city zoning code, it is important that the applicant meet approval criteria. Because the RF Engineer was not licensed by the Oregon State Board of Examiners for Engineering & Land Surveying, he could not properly advise the applicant about the Effective Radiated Power (ERP) wattage data estimate. All data and conclusions must meet a high standard of proof before the application can proceed. Based on the information provided in the public hearing, I urge you to consider the opinion of the public hearing officer and delay construction of the cell tower until the proper vetting has occurred.

Even if the technical requirements are eventually met, I have concerns about how the cell tower may negatively impact the livability of this area of SE Portland. The Foster-Powell, Mt. Scott-Arleta, and Lents neighborhoods are undergoing exciting revitalization, with the renovations of Days Music and the old Bob White Theatre on Foster, the Wickman Building on 64th between Foster and Holgate, the Foster Streetscape, and the Lents Urban Renewal Area. The community has been very actively involved in these developments and fears that the proposed cell tower would degrade the appearance of the property and the area and would create new obstacles for future developments that enhance the economy and desirable character of the area.

Thank you for considering these points. If you have any questions or concerns, please contact my office at (503) 986-1446.

Warm regards,

Representative Alissa Keny-Guyer

Alissa Keny-Guyer  
State Representative  
House District 46

Phone: 503-986-1446 - [rep.alissakenyguyer@state.or.us](mailto:rep.alissakenyguyer@state.or.us)  
[www.leg.state.or.us/keny-guyer](http://www.leg.state.or.us/keny-guyer)

**Resolution in Opposition of Verizon Cellular Tower**

Case file # LU 11-125536 CUA

January 9, 2012

Portland City Council  
1221 SW 4<sup>th</sup> Ave  
Portland, OR 97204

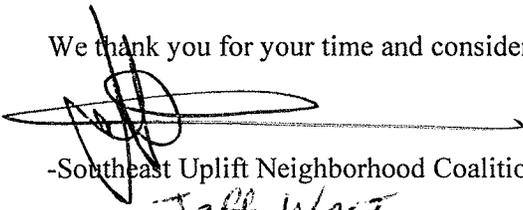
Dear City Council Members,

We, the Board of the Southeast Uplift Neighborhood Coalition, sign this resolution to support our fellow Portland residents in the Mt. Scott-Arleta neighborhood in opposing the proposed Verizon cellular tower at Mt. Scott Fuel Company.

This proposed location at 6904 SE Foster Road is located within the Lents Urban Renewal Area. Our coalition, <sup>along</sup> ~~along with~~ many Neighborhood Associations and residents, are working extremely hard to revitalize this important area in Southeast Portland with the city's help. We feel strongly that placement of this cellular tower would not only damage the aesthetics of Foster Road among other negative impacts, but provide no benefit to the residents.

The lot in question is unfortunately already out of compliance with current city codes and we do not feel that their argument that another variance should be allowed to construct this tower is valid or supported. We see tremendous potential in future development along the Foster Road corridor. Adding another cellular tower to this stretch of road would be a step in the wrong direction and goes against what the City Council voted unanimously for in 2008 when approving further funding for and expanding the Lents Urban Renewal Area.

We thank you for your time and consideration in regards to this very important matter.

  
-Southeast Uplift Neighborhood Coalition

Jeff West

— Chair - SEUC Board  
1-9-2012

**Moore-Love, Karla**

**From:** Euro Guy [euroguy\_pdx@yahoo.com]  
**Sent:** Monday, January 09, 2012 9:22 PM  
**To:** Papaefthimiou, Jonna; Grumm, Matt; Crail, Tim; Schmanski, Sonia; Moore-Love, Karla; Edwards, Kenneth; Oishi, Stuart  
**Cc:** Neal Sutton  
**Subject:** LU 11-125536 CU AD; council hearing January 11, 2012 at 2:00 pm (Testimony)  
**Attachments:** Verizon Petition.pdf; Petition to Mr. Dan Saltzman.pdf; Petition to City Council.pdf  
 Jonna, Tim, Sonia, Matt, Ken, Stuart and Karla,

I would appreciate it if you guys can make sure each of the City Commissioners will be informed and reminded prior to Wednesday's meeting of the wide-spread opposition in our neighborhood against the proposed cell tower by Verizon at the Mt. Scott Fuel property. Attached you'll find some petitions that were sent to them several months ago, and which are also included in the case file as attachments to the letter from the Neighborhood Association representative, Neal Sutton.

Since we, the people in our neighborhood, realize this matter is not to be decided simply based on a popular vote, we did not spend time pursuing any large number of signatures on these petitions, but rather just took in the signatures that came our way pretty much automatically/unsolicited. We feel that this proposal is so clearly in violation with City Code, that simply deciding this matter on its proper legal/code merits will get it rejected as it should again by City Council just as it was previously rejected by the City's Hearings Officer.

Therefore, on Wednesday we will not be trying to fill City Hall with as many as possible of the people in our neighborhood opposing this cell tower. Instead we expect there will be several people from our community who were able and willing to take another day off for this second hearing in this case and personally come deliver their message to City Council.

Either way, we believe **it is extremely important that you convey to our City Commissioners that the concerns, objections, and opposition against this proposed cell tower at this location is broad-based and wide-spread within the community!**

The people in our neighborhood feel there is no need for this cell tower, there is no justification for this cell tower at this location, the proposed cell tower at this location does not meet City Code, the proposal and application were vastly insufficient and lacking credibility and did therefore not meet the requirements of City Code, this development would add another nuisance to a nuisance property within our neighborhood that does not comply with zoning code as it is, and therefore, this proposed development should be denied.

The specifics of our opposition have been conveyed to the City and the Hearings Officer and are included in the case file, so we like to ask as well that you assure that our Commissioners are fully aware of all that relevant information from our earlier submitted testimony! I will not re-attach that to this e-mail, but if you feel it should be re-submitted, please let me know ASAP and I will make sure it will be resubmitted.

Thanks,  
 Marcel

Marcel Hermans  
 6910 SE Raymond Court  
 Portland, OR 97206

1/10/2012

Petition to Verizon Wireless and Portland City Council regarding land use case  
 LU 11-125536 CU AD  
 PC # 10-194550

Dear Verizon and Portland City Council:

I live in the Mt Scott Arleta neighborhood and live within close proximity of the proposed cell phone tower proposed to be constructed on property 6904 SE Foster Rd. I have serious concerns and objections against the proposed location of this facility. I use a cell phone and/or other wireless devices and have not experienced any significant lack of reception or limitations in connectivity to the mobile network in this neighborhood and therefore do not feel a need for an additional tower in our neighborhood.

Signed:

Signature	Printed Name	Address	Current Verizon Customer? Y/N
1	Phyllis L. Shelton	7033 SE Mitchell St. Portland, OR 97206	Y
2	Charlotte Cooper	7030 SE Raymond Ct Portland, OR 97206	N
3	Matthew Cooper	7030 SE RAYMOND CT. PORTLAND, OR 97206	N
4	Phyllis Miles	6823 SE Mitchell ST Pdx, OR 97206	N
5	Laura M. Middelhoff	6322 SE Mitchell St. Portland, OR 97206-4550	Y
6	Liz McKeever	4904 SE 67th AVE Portland OR 97206	N
7	D. Max Trisler	4904 SE 67th AVE Portland OR 97206	N
8	Tiffany Baisch	5020 SE 66th Ave Portland, OR 97206	N
9	Erik Isaacson	7004 SE Mitchell ST PDX OR 97206	Y
10	Wenjing Yang	7004 SE Mitchell ST PDX OR 97206	Y
11	CHRIS KULL	7120 SE RAYMOND CT PORTLAND OR 97206	N; WAS THERE!! NOV 2010
12	Dan Portis-Cathers	7424 SE Insley Pdx 97206	N
13	Courtney ERSKINE	4930 SE 66th PDX 97206	
14	NEAL SUTTON	4542 SE 60th AVE, PDX 97206	N

FLIP OVER



Petition to Verizon Wireless and Portland City Council regarding land use case  
 LU 11-125536 CU AD  
 PC # 10-194550

Dear Verizon and Portland City Council:

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Signed:

	Signature	Printed Name	Address	Current Verizon Customer? Y/N
22	<i>Cicely Robles</i>	Cicely Robles	5333 SE Lahyette	No
23	<i>Brian Zakarian</i>	Brian Zakarian	same	NO
24	<i>Loisren Nicolalides</i>	Loisren Nicolalides	5000 SE 68th AVE	NO
25	<i>Craig Whitcomb</i>	Craig Whitcomb	5101 SE 68th	NO
26	<i>Ashley Allison</i>	Ashley Allison	5119 SE 68th AVE	NO
27	<i>Dena Walker</i>	Dena Walker	5119 SE 68th AVE	NO
28	<i>Will Casper</i>	Will Casper	6426 SE Mitchell St.	NO
29	<i>Sharon Conrad</i>	Sharon Conrad	5051 SE 70th AVE	NO
30	<i>Brian Inkeland</i>	Brian Inkeland	5051 SE 70th AVE	NO
31	<i>Susana Smoke</i>	Susana Smoke	5035 SE 70th AVE	NO
32	<i>Craig Gire</i>	Craig Gire	6821 SE Raymond CT	NO
33	<i>Dennis Knight</i>	Dennis Knight	6811 SE Mitchell Ct.	YES
34	<i>Sharon Cunningham</i>	Sharon Cunningham	7005 SE Mitchell St	yes
35	<i>Lou Battamus</i>	Lou Battamus	7022 SE Mitchell St	No
36	<i>Erica Swans</i>	Erica Swans	4030 SE Mitchell St	NO
	Signature	Printed Name	Address	Current Verizon Customer? Y/N
37	<i>Athens J Green</i>	Athens J Green	7105 SE Mitchell ST	NO
38	<i>Levi Anderson</i>	Levi Anderson	6924 SE 67th Foster	
39	<i>Sharon Williams</i>	Sharon Williams	6611 SE 70th AVE	
40	<i>Rachel Cunningham</i>	Rachel Cunningham	7005 SE Mitchell St	YES

CONTINUED ...

Petition to Verizon Wireless and Portland City Council regarding land use case  
 LU 11-125536 CU AD  
 PC # 10-194550

Dear Verizon and Portland City Council:

I live in the Mt Scott Arleta neighborhood and live within close proximity of the proposed cell phone tower proposed to be constructed on property 6904 SE Foster Rd. I have serious concerns and objections against the proposed location of this facility. I use a cell phone and/or other wireless devices and have not experienced any significant lack of reception or limitations in connectivity to the mobile network in this neighborhood and therefore do not feel a need for an additional tower in our neighborhood.

Signed:

Signature	Printed Name	Address	Current Verizon Customer? Y/N
41 <i>John F. Carson</i>	John F. Carson	4934 SE 67th Ave, Portland, Oregon 97206	N
42 <i>Shannon K O'Connor</i>	Shannon K O'Connor	4934 SE 67th Ave Portland, OR 97206	N
43 <i>Merrick Loomis-Doane</i>	Merrick Loomis-Doane	4944 SE 67th Ave Portland, OR 97206	N
44 <i>Bert Doane</i>	BERT DOANE	4944 SE 67th Ave Portland, OR 97206	N
45 <i>Olivia Andersen</i>	Olivia Andersen	4924 SE 67 Ave	N

CONTINUED

Petition to Verizon Wireless and Portland City Council regarding land use case  
 LU 11-125536 CU AD  
 PC # 10-194550

Dear Verizon and Portland City Council:

I live in the Mt Scott Arleta neighborhood and live within close proximity of the proposed cell phone tower proposed to be constructed on property 6904 SE Foster Rd. I have serious concerns and objections against the proposed location of this facility. I use a cell phone and/or other wireless devices and have not experienced any significant lack of reception or limitations in connectivity to the mobile network in this neighborhood and therefore do not feel a need for an additional tower in our neighborhood.

Signed:

	Signature	Printed Name	Address	Current Verizon Customer? Y/N
46		ERIC JOY	5016 SE 68th AVE PDX, OR 97206	N
47		LORI V. GALI	6712 SE RAYMOND ST PORTLAND, OR 97206	Y
48		SHARON REAM	6804 SE Raymond St 97260	Y
49		VERNA ROBINSON	5711 SE 68th Ave 97260	N
50		JEANETTE L YOUNG	6812 SE RAYMOND Ct. PORTLAND, OR 97206	N
51		Charles T. Horton	5016 SE 68th Ave. Portland OR. 97206	N
52		Mitch Killian	5101 SE 68th AVE PDX 97206	N
53		Ashleigh Nelson	5127 SE 68th Ave Portland OR 97204	N
54		Phyllis Miles	6823 SE Mitchell St Pdx 97206	N
55		Colin Wiedrich	6816 SE Mitchell St PDX OR	N
56		Andreina Velasco	6805 SE Mitchell St	Y
57		KENNETH CERRAVE	5016 SE 68th AVE 97206	N
58		Tom Herbst	527 SE 68th Portland OR 97206	N
59		Clint Hugert	5014 SE 68th Portland OR 97206	N
60		Tony Furtado	6821 SE Raymond St PDX 97206	Y

Petition to Dan Saltzman Commissioner from the Citizens of Mt Scott Arleta Neighborhood regarding land use case # use case LU 11-125536 CU AD  
PC # 10-194550

To: Dan Saltzman, City Commissioner

RE: Land Use Case LU 11-125536 CU AD  
PC # 10-194550

Dear Mr. Saltzman,

We have reviewed the application submitted by Verizon Wireless and Mt Scott Fuel for a proposed 45 foot cell phone tower to be constructed on 6904 SE Foster Rd., land use case number LU 11-125536 CU AD. We believe the proposed cell phone tower does not meet the letter or intent of the city zoning code applicable to such facilities as laid out in more detail in a letter, which will be submitted to the hearing officer presiding over this case prior to the hearing date of October 3, 2011.

We are very concerned about the negative effects of this proposed tower and are especially upset that yet another radio frequency transmission facility is proposed in our neighborhood within about 1000 feet of two already existing facilities. We acknowledge the need for reasonable communication infrastructure. However, having three such facilities within such close proximity is not only unwanted by the neighbors, but also in conflict with the goals of the City Zoning Code and the City's vision for the development of the area. We feel a great degree of inequality and lack of social justice by getting stuck with such a disproportionate concentration of these types of facilities right at the front door of our neighborhood.

The Mt. Scott Fuel property is already a non-conforming use and a non-conforming development and adding a cell tower to this property will clearly take it further from the desirable direction for the area and should therefore not be facilitated by bending the rules or granting optional waivers. We feel that the staff report issued September 23, 2011 does not properly address or sufficiently incorporate the interests of the citizens of the Mt. Scott Arleta neighborhood. We believe that this is in part due to the lack of proper communication from the city staff to the neighborhood association and its citizens, as exemplified by the formal notice not reaching the neighborhood association in a timely manner. We experience this as a lack of consideration for our neighborhood in contrast to several neighborhoods with a more affluent citizen-base.

For these reasons, we urge you to do everything you can to stop this proposed development, and instead have Verizon Wireless come up with alternative ways to do their business without these significant negative impacts to our neighborhood.

Sincerely,

Neighbors of the Mt Scott Arleta Neighborhood.

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Petition to Dan Saltzman Commissioner from the Citizens of Mt Scott Arleta Neighborhood regarding land use case # use case LU 11-125536 CU AD  
 PC # 10-194550

Neighbors of the Mt Scott Arleta Neighborhood.

	Signature	Printed Name	Address
10		Cicely Roberts	5333 SE Lafayette
11		Bridget Zakarian	Same as above
12		Lauren Nischwede	5000 SE 68th
13		Craig Lambert	5101 SE 68th
14		Ashley Allison	5119 SE 68th
15		Trina Walker	5119 SE 68th
16		Will Corgrave	6826 SE Mitchell St
17		Shannan Conrad	5051 SE 70th Ave
18		Brian Jekeland	5051 SE 70th Ave
19		SUSAN SMOKE	5035 SE 70th Ave
20		<del>[unclear]</del>	<del>[unclear]</del>
21		Craig Gilor	6821 SE Raymond St
22		David Knight	6811 SE Mitchell Ct.
23		Shawn Cunningham	7005 SE Mitchell St
24		Erik Saadman	7004 SE Mitchell St
25		Wenjun Yang	7004 SE Mitchell St
26		Len Battams	7022 SE Mitchell St
27		EVILJA SAPIENS	7030 SE Mitchell St.
28		Athena Green	7105 SE Mitchell St
29		Levi Ahlgren	4924 SE 67th Ave
30		Shawn Williams	6611 SE 77th Ave
31		Clyde Canida	6622 SE Raymond St
32		[unclear]	[unclear]
33		[unclear]	[unclear]
34		Rachel Cunningham	7005 SE Mitchell St

CONTINUED ...





Petition to City Council and City Commissioners  
Land Use Case LU 11-125536 CU AD  
PC # 10-194550

Petition to: City Council and City Commissioners.

We citizens of Mt Scott Arleta Neighborhood, oppose addition of yet another cell tower in our neighborhood and urge you to help us avoid location of the proposed tower. City zoning code regarding cell phone towers, chapter 33.274, states as its purpose to regulate such towers in order to (emphasis added):

- **Protect** the health and safety of **citizens** from the adverse impacts of radio frequency transmissions;
- **Reduce the number of towers** that are built in or near residential and open space zones;
- Ensure the towers in or near residential or open space zones are **only** sited **when alternative locations or building mounts are not feasible**;
- **Preserve the quality of living** in residential areas, which are in close proximity to cell phone towers.

The tower currently proposed by Verizon Wireless on the property located 6904 SE Foster Road, is within 1000 feet of two other similar cell phone facilities. This proposal has multiple negative effects on the neighborhood, which makes this proposal not in the best interest of the citizens of Mt. Scott Arleta Neighborhood for the following reasons:

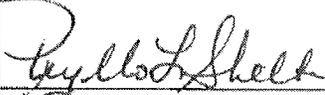
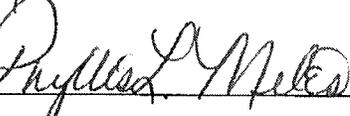
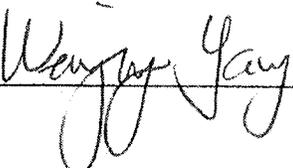
1. The proposed facility will further **degrade the appearance** and visual appeals of the neighborhood.
2. This proposed cell tower will **lessen the desired character** of the neighborhood.
3. It will **impose undesirable limitations to future development** options of the property and the area in general.
4. The proposed cell tower may have actual and/or perceived **negative impacts on human health and the environment**.
5. We fear this proceeding with construction of this proposed cell tower may **cause anxiety, frustration, concern and other negative feelings** of the citizens of the neighborhood toward the City, Verizon, Mt Scott Fuel.
6. The facility will cause a **decrease in property values** in the immediate vicinity.

All of the above negative impacts of the proposed cell phone tower are especially concerning to us, the neighborhood citizens, considering its **conflicts with the vision expressed by the City** in documents and processes such as the local Urban Renewal Area, the Foster Road Transportation & Streetscape Plan adopted by City of Portland Office of Transportation on July 9, 2003 (resolution number 36158), and the Mt. Scott Arleta Neighborhood Plan adopted by City Council in March 1996.

It is our concern that this proposed tower does not fit in and in fact will move us in opposite direction from the City's (and our) vision and development direction for our neighborhood. **Therefore, we the citizens of Mt Scott Arleta Neighborhood urge you to consider the adopted goals and vision of our future and help us stop this proposed cell tower and to create and build a neighborhood consistent with those visions so that Mt. Scott-Arleta can remain or become a pleasant and desirable, thriving place to live.**

Sincerely,

Citizens of Mt Scott Arleta Neighborhood

	Signature	Printed name	Address
1		Phyllis L. Shelton	7033 SE Mitchell St. Portland, OR 97206
2		Charlotte Cooper	7030 SE Raymond Ct Portland, OR 97206
3		Matthew Cooper	7030 SE RAYMOND CT. PORTLAND, OR 97206
4		Phyllis L. Miles	6823 SE Mitchell St Pdx, OR 97206
5		Hanna J. Middendorf	6850 SE Mitchell St Portland, OR 97206
6		Tiffany Baisch	5020 SE 66th Ave Portland, OR 97206
7		Liz McHeever	4904 SE 67th Ave Portland OR 97206
8		D. Max Trisler	4904 SE 67th Ave Portland OR 97206
9		Erik Saacman	7004 SE Mitchell St PDX OR 97206
10		Wenjing Yang	7004 SE Mitchell St PDX OR 97206

Petition to City Council and City Commissioners  
 Land Use Case LU 11-125536 CU AD  
 PC # 10-194550

It is our concern that this proposed tower does not fit in and in fact will move us in opposite direction from the City's (and our) vision and development direction for our neighborhood. Therefore, we the citizens of Mt Scott Arleta Neighborhood urge you to consider the adopted goals and vision of our future and help us stop this proposed cell tower and to create and build a neighborhood consistent with those visions so that Mt. Scott-Arleta can remain or become a pleasant and desirable, thriving place to live.

Sincerely,

Citizens of Mt Scott Arleta Neighborhood

	Signature	Printed name	Address
11	<i>John F. Carson</i>	John F. Carson	4934 SE 67th Ave Portland, Oregon 97206
12	<del><i>Shannon K. O'Connor</i></del>	<del>Shannon K. O'Connor</del>	<del>4934 SE 67th Ave Portland, OR 97206</del>
13	<i>Bert Doane</i>	BERT DOANE	4944 SE 67th Ave PDX 97206
14	<i>Merri Loomis Doane</i>	Merri Loomis Doane	4944 SE 67th Ave Portland, OR 97206
15	<i>Olivia Anderson</i>	Olivia Anderson	4924 SE 67th Ave

CONTINUED ON NEXT PAGE

the Mt. Scott Arleta Neighborhood Plan adopted by City Council in March 1996.

It is our concern that this proposed tower does not fit in and in fact will move us in opposite direction from the City's (and our) vision and development direction for our neighborhood. Therefore, we the citizens of Mt Scott Arleta Neighborhood urge you to consider the adopted goals and vision of our future and help us stop this proposed cell tower and to create and build a neighborhood consistent with those visions so that Mt. Scott-Arleta can remain or become a pleasant and desirable, thriving place to live.

Sincerely,

Citizens of Mt Scott Arleta Neighborhood

	Signature	Printed name	Address
16		Cicely Rodgers	5333 SE Lafayette
17		LORREN NICHOLAS	5000 SE 68 <sup>th</sup> AVE
18		Craig Whitcomb	5101 SE 68 <sup>th</sup> Ave
19		Ashley Allison	5119 SE 68 <sup>th</sup> Ave
20		Tim Walker	5109 SE 68 <sup>th</sup> Ave
21		W.H. Cosgrove	6826 SE Mitchell St.
22		Brian Inkeland	5051 SE 70 <sup>th</sup> Ave
23		Shannon Conrad	5051 SE 70 <sup>th</sup> Ave
24		SUSAN SMOKE	5035 SE 70 <sup>th</sup> AVE
25		Craig Grier	6821 SE Raymond Ct
26		David Kniatt	6811 SE Mitchell St.
27		Shawn Cunningham	7005 SE Mitchell St.

CONTINUE ..

Petition to City Council and City Commissioners  
 Land Use Case LU 11-125536 CU AD  
 PC # 10-194550

28		CHRIS HILL	7620 SE RAYMOND CT PDX 97206
29		ERIC JOY	5016 SE 69 <sup>th</sup> AVE PDX, OR 97206
30		Dan Portis-Gathers	7424 SE Binsky St. 97206
31		Courtney Erskine	PDX 97206 4930 SE 66 <sup>th</sup>
32		NEAL SUTTON	4542 SE 66 <sup>th</sup> AVE PORTLAND, OR 97206
33		Marcel Hermon	6910 SE RAYMOND CT PDX, OR 97206
34		REAGAN RAWSON HERMONS	6910 SE RAYMOND CT PDX, OR 97206
35	ANCELA KERN		6828 SE RAYMOND CT PDX OR 97206
36		Jeremy Kern	6828 SE Raymond Ct. PDX OR 97206
37		Matt Iverson, Neighborhood Association treasurer	4970 SE 64 <sup>th</sup> Ave Portland, OR 97206

CONTINUE...



It is our concern that this proposed tower does not fit in and in fact will move us in opposite direction from the City's (and our) vision and development direction for our neighborhood. **Therefore, we the citizens of Mt Scott Arleta Neighborhood urge you to consider the adopted goals and vision of our future and help us stop this proposed cell tower and to create and build a neighborhood consistent with those visions so that Mt. Scott-Arleta can remain or become a pleasant and desirable, thriving place to live.**

Sincerely,

Citizens of Mt Scott Arleta Neighborhood

	Signature	Printed name	Address
44	<i>Kimberly Oliver</i>	KIMBERLY OLIVER	5006 SE 68th Ave PDX 97206
45	<i>Eric Joy</i>	ERIC JOY	5016 SE 68th Ave PDX 97206
46	<i>Lori V. Sahli</i>	LORI V. SAHLI	6712 SE RAYMOND ST. Portland OR 97206
47	<i>Rolf Brindley</i>	ROLF BRINDLEY	6804 SE Raymond St
48	<i>Sharon Ream</i>	SHARON REAM	6804 SE Raymond St CA
49	<i>Verne Robinson</i>	VERNE ROBINSON	5111 SE 68th 97206 6812 SE RAYMOND ST
50	<i>Jeanette L Young</i>	JEANETTE L YOUNG	PORTLAND, OR 97206 5016 SE 68th Ave
51	<i>Charles T. Horton</i>	Charles T. Horton	Portland OR 97206
52	<i>Mich Killian</i>	Mich Killian	5101 SE 68th PDX OR 97206
53	<i>Ashleigh Nelson</i>	Ashleigh Nelson	5127 SE 68th Ave Portland, OR 97214

