

Planning Commission

6/26/14

File number: CU 13-03: Conditional Use
SP 13-22: Site Plan and Design Review
AT&T

Concerns regarding the siting of an AT&T cell tower on school grounds:

Is the money that important to the schools, over the health and safety of young children? Upfront school paper has an article on page 6. The headline reads "Safety First and Always at OC Schools", but this AT&T cell tower should also be a concern. Young children could climb the tower and get hurt. Also, the line of sight for monitoring children on the playground may be compromised.

The cell tower would be an eye sore on the school property. Property values will go down and affect those who wish to sell their property, as people traditionally do not want a cell tower in their back yard.

The equipment on a cell tower produces noise in the area.

AT&T may sublease to other carriers for antennae on same tower and exacerbate health problems.

New technology is being developed now, that will obsolete the current cell tower model.

There is a considerable likelihood of lawsuits, i.e. if a child gets hurt, if property values plummet, if there is an obvious spike in cancer rates in the area of the cell tower, ad infinitum. These lawsuits would impact the whole city, in many ways.

Kathleen Hogan
19721 S Central Pk Rd
Oregon City, Ore. 97045

2014 JUN 26 AM 9:15
RECEIVED
CITY OF OREGON

From: [Tom O'Brien](#)
To: [Kelly Moosbrugger](#); [Kathy Hogan](#); wes.rogers@orecity.k12.or.us;
[Lisa Normand](#);
Subject: CU 13-03
Date: Tuesday, June 17, 2014 4:29:31 PM

Hi Kelly,

As per our discussion today regarding CU 13-03, on behalf of the Hazel Grove Westling Farms Neighborhood Association I'm requesting a continuance of this hearing until July 28, 2014.

The Hazel Grove Westling Farms Neighborhood Association has not had an opportunity to discuss this Conditional Use request.

We have our next meeting scheduled for Thursday July 17, 2014. We will cover this topic at our meeting and will be in a position to provide valuable community input at the Planning Commission meeting scheduled for July 28.

Sincerely,

Tom O'Brien
Co-Chair Hazel Grove Westling Farms Neighborhood Association

From: [peggy falkenstein](#)
To: [Kelly Moosbrugger](#);
Subject: Kelly, please reply to confirm you received this letter
Date: Sunday, June 29, 2014 5:53:11 PM

Date: June 29, 2014

To: Oregon City Planning Commissioners

From: Peggy Falkenstein, 971-645-1010, 11607 Salmonberry Drive,
Oregon City 97045

Regarding: Proposed AT&T Cell Tower on McLoughlin Elementary
School Grounds, file # CU 13-03,SP 13-22

I want to begin by complimenting Oregon City Planners, Kelly Moosbrugger and Peter Walter. They answered my questions, clarified information, shared documents and demonstrated Oregon City on-line GIS program. In addition they dispelled several neighborhood rumors. For example, I learned that fast track annexation of urban growth boundary homes, in order to build a road for AT& T, was merely an unfounded neighborhood rumor. Because of the apparent volatility of this issue, I have given the pros and cons much thought. What I have concluded, after many hours of research, is that I am opposed to the construction of the cell tower. I am basing my testimony on a document that I keep revisiting: our *South End Concept Plan*. In my opinion, a cell tower does NOT fit with the values and characteristics of our plan. The following is a quote from our *South End Concept Plan*.

"The Concept Plan is built on the South End Community Values:

- *Rural Character*
- *Livable*
- *Sense of Place*
- *Environmental Quality*
- *Excellent Schools*

Its purpose is to guide future growth and development and implement the vision: "Oregon City's South End is a safe, vibrant and diverse community. Parks, plazas and other public gathering places strengthen the sense of community and connectedness. ... As one center of community, McLoughlin Elementary School is a hub of learning and information exchange...." (underlining has been added)

In the above quote, I have underlined the values and characteristics of our concept plan that I think will be diminished by constructing a cell tower on the school grounds at McLoughlin Elementary School. Numerous softball games where teams and their families gather on the school/park grounds, strengthens the sense of community and connectedness. During spring and summer, family and friends of softball leagues, church group teams, and neighborhood organized softball games utilize the area where the cell tower is proposed to be constructed. McLoughlin Elementary School is a hub of learning and information exchange even on weekends during these numerous softball games: the children learn from participating in team sports, and often parents and other spectators participate in information exchange as well as simply enjoy the game in a livable community.

For example, on June 22nd, at 5:30pm, I observed a church sponsored softball game. For this particular softball event, there were a total of 67 spectators who were utilizing the area on or immediately adjacent to the proposed site of the AT&T cell tower. In the exact location of the proposed cell tower, 17 spectators sat on lawn chairs and blankets in the shade of a 47 foot red oak tree. It is recorded in the AT&T 4/28/14 *Zoning Final* document officially stamped by Steven M. N. Plowman, registered architect, that this tree will be removed. At the same event, 11 young children were involved in creative play, tossing their own balls in the exact area where the cell tower is proposed. For twenty years I was an early childhood education professional. I can tell you that these young children will utilize the barrier fence around the

proposed cell tower as a piece of playground equipment.

Playground equipment is designed for young children; cell tower fences are not. In addition, another group of 24 spectators plus 15 children were in the area. They were all in the shade under a canopy of branches of three, 400 year old oak trees. Although these trees are not designated to be removed, it would not surprise me if many of these branches were cut once the cell tower was built in order to enhance AT& T service. I have read about cell tower construction (Tower Capital Inc) and the specs require *flat, clear land*. Oak trees do not provide "clear land".

Furthermore, the land is not flat; it's sloped. A great place from which to view a softball game!

I am submitting this testimony because, in my opinion, the cell tower construction would diminish *livability* by

- endangering children with an inappropriate barrier fence in an area where children play throughout the summer during softball games.
- sacrificing an area parents and extended families utilize to support sports league teams, church sponsored teams, and neighborhood games including people of all ages.

Utilities are, indeed, an important part of every community. In my opinion they have no place on school grounds. I urge you, as city planning commissioners, to retain the livability which is so eloquently stated in our South End Concept Plan. **Please vote no on the proposed AT& T cell tower proposed at the McLoughlin Elementary School.**

John Falkenstein

11607 S. Salmonberry Drive, Oregon City, OR 97045
503-341-8990 (c)
johnfalkenstein@yahoo.com

June 27, 2014

Oregon City Planning Commission
221 Molalla Avenue
Oregon City, OR 97045

RE: Letter in Opposition to a Cell Phone Tower at John McLoughlin Elementary School
(File #CU 13-03: Conditional Use, SP 13-22: Site Plan and Design Review)

I, along with most of my neighbors, am strongly opposed to the City permitting a cell phone tower as proposed by AT&T at John McLoughlin Elementary School.

Specifically, I could not find in the application materials consideration of the life flight helicopters that land on the adjacent ball field. The cell tower will add further risk not only to those in the helicopter, but also those on the ground who commonly assemble to watch the landing and takeoff.

Further, my understanding in reading the Sabre Industries Structural Design Report submitted to the City on December 19, 2013, the tower and foundation are designed for a maximum 95 mph wind with no ice and only a 30 mph wind with 1 inch of ice. Those of us who have lived in the neighborhood for a while have experienced weather approximating this and suggest these are not adequate design standards for a school site. What dangers are there to children who come and go from this site and recreate seven days per week here if the weather exceeds these figures?

When weighing the cost-benefit analysis to the community, school children and school district, I find that the multiple costs far outweigh the benefits. Enclosed with this letter are 17 reasons why I believe this proposal should not be approved. If documentation of my information is necessary, I would be happy to provide it--the internet is awash with research and experiences from around the country and world that address these issues.

Bottom line is a school is not the place to put a cell phone tower, and AT&T can come up with better options.

Thank you,

John Falkenstein

Encl.

Arguments in Opposition to a Cell Tower at John McLoughlin Elementary School

1. **Long-term health impacts on children are not known.** Children and pregnant women are known to be more susceptible to electromagnetic radiation and radio frequency radiation such as from cell towers than others, and the school district should not be in the position of increasing their exposure to radiation. Cell tower construction and maintenance workers are limited in how much time they may work on the towers (Maximum Permissible Exposure), yet the district is willing to expose children and pregnant women for as much as 8 hours per day.
2. **School should error on side of caution.** Inadequate research has been completed on the long-term (non-thermal) impact of RF (radio frequency) radiation. However, studies do indicate cellular, even DNA modification from long-term exposure to RF radiation. Many states and countries in Europe and India have or are considering limitations on placement of cell towers on school grounds. If the science is not conclusive about the long-term impact of RF radiation from cell towers, then the school district has an ethical obligation to error on the side of caution.
3. **The cell tower is not fitting with the community use or expectations of the school and park grounds.** The cell tower does not fit with the multi-use nature of the school and grounds by the community. The facilities are used year around by all ages in the community and the cell tower does not fit with the desires or expectations of the area residents or facility users.
4. **Life flight helicopters use the ball field immediately adjacent to the proposed cell tower site for transfer of injured persons.** I question whether the additional risk of a 75' cell tower has been considered not only for those in the helicopter, but also spectators that commonly congregate to watch the landings and take offs.
5. **The school district should strive to be a good neighbor.** John McLoughlin School is an important part of this community and just as nearby residents strive to be good neighbors to the school, the school should strive to be a good neighbor to us. It is in the district's long-term interest to be respectful of their constituents so that support is available to the district when it is needed at the polls and when policies and programs require community support. Such support must be earned constantly, not just through occasional actions.

6. **With a 75' tower, I question how long before AT&T decides the nearby 400 year-old oak trees must be cut down or the tower height increased.** At 74', the closest tree would not need to grow much before it would block the antenna's reception from that direction. And what kind of coverage will there be for the two co-located antenna placements lower on the pole? Not only will three big nearby oak trees block them, but even the school itself will provide some barrier.
7. **Though AT&T antennas will be at the top of the pole, future antennas by other carriers who lease space from AT&T will be as low as 25' from the ground.** This will substantially increase the RF radiation from the pole to children sitting in classrooms and outside on the playground. This increase in exposure will be at the expense of children and to the benefit of AT&T.
8. **Nineteen workers have died in the United States while constructing or working on towers in the 16 months since January 2013.** Is it wise for the Oregon City School District to invite such a high-risk venture onto school grounds?
9. **What liability does the School District, the city of Oregon City and thus us—the taxpayers—have for creation of an attractive nuisance on school grounds?** The city and school district have an intergovernmental agreement for joint use of the school grounds, and these facilities are heavily used year around. To place such a structure where children and youth hang out day and night seems to be inviting trouble. To say the site will be fenced would only demonstrate a complete lack of knowledge of children and youth.
10. **The footprint of the tower will interfere with the spectator seating area for the nearby baseball/softball field.**
11. **Dead birds will fall in the area of the tower.** Is this fitting with the learning environment the Oregon City School District wants to create for children? And what of falling ice after a winter storm? Will the base be so large as to catch all of whatever may come down?
12. **Maintenance trucks will come onto the grounds during the school day.** Has the school district considered the impact on safety for the hundreds of children, parents and community members that use the school grounds on a daily basis?

13. **Placement of cell phone towers on school grounds is controversial around the U.S and world for multiple reasons.** Does the Oregon City School District really want to add this controversy to their list of community concerns and issues? I believe that developing community support for programs, policies and budget is more important.
14. **Interestingly, while talking with a fellow walking the track recently, he checked his AT&T phone at the site of the cell tower and he had three bars showing for reception.** So, is there really a need in this area for additional AT&T coverage?
15. **The only benefit to the school district is financial.** While I am sympathetic to the financial needs of the district, a cost-benefit analysis does not support the decision to place a cell phone tower on the school grounds.
16. **Property values near a new cell tower location have been documented around the country to drop about 10%.** So, will the monthly lease received by the school district be enough to make up for the lost property tax revenue to the district?
17. **Certainly AT&T can find another site that is not on school grounds and next to hundreds of young school children.**

From: [M Jeanne](#)
To: [Kelly Moosbrugger](#);
cc: [Kathy Hogan](#);
Subject: Re: Oregon City Land Use Transmittal - Conditional Use and Site Plan Review for a Wireless Pole at 19230 South End Rd.
Date: Monday, June 30, 2014 1:54:52 PM

Please accept this communication as my objection to the siting of an AT&T cell tower on the John McLoughlin School grounds.

I am concerned about the potential health hazards, both as a cancer survivor, and for the health of our children who will be exposed to the radio waves and radiation on a constant basis. I understand that there are conflicting arguments on the impact of radiation on human growth and cellular development. I am not convinced that the financial benefits to the Oregon City School District are sufficient to offset the hazards being introduced.

The proposed location on the grassy knoll between the baseball diamond and the drop off zone in the school parking lot, will also impact the community at large by eliminating the seating area for families and friends attending local games. This includes both little league and adult league activities which run from early Spring thru Labor Day weekend.

There is no mention of water drainage issues or the plan to level to slope. There is an open culvert at the base of the slope which allows water piped across the soccer field to return above ground prior to joining a natural stream, crossing under Salmonberry Drive and adjoining properties and then re-emerging in a pressurized fashion. My concern is that more we pave, the more we need to plan for flooding. Flooding has been an issue in the past, and will be again. Salmonberry Drive is not currently addressed by either Clackamas County or Oregon City road maintenance crews. Will the city respond to emergencies? While the dip is in an unincorporated area, it is directly connected and impacted by city decisions.

Regarding negative impact on property values, I cannot deny -- the view from my bedroom would change dramatically, from the parking turnaround and grassy area to the inner working of the cell tower, outbuildings and security fencing. The addition of the parking turnaround reduced property values by roughly 5%. Research suggests that the proximity to the proposed cell tower will further reduce property value by up to 20%. Even if it meant a reduction in property taxes, which is not likely, this is not a pleasant impact on my financial future.

Does the proposal include active measures to secure the site or will that be limited to chain link fences topped by razor wire? OCSO currently makes no effort to secure the school grounds or to enforce No Parking signage. It is futile to complain to either school administration or the OCPD for disturbances or gas fumes entering nearby homes. Will the city be responsive if we were to call regarding security concerns over this addition?

My objections are not limited to these concerns. Thank you for your time and consideration.

Sincerely,

Mavis J. Militante
11615 S. Salmonberry Dr.
PO Box 601
Oregon City, OR

On Jun 9, 2014, at 12:26 PM, Kelly Moosbrugger <kmoosbrugger@ci.oregon-city.or.us> wrote:

Good Afternoon,

This is an electronic land use transmittal from Oregon City Planning Division. The referenced application is referred to you for your information, study and official comments. Please complete and return the attached Land Use Transmittal form with your comments.

For inclusion in the staff report, please provide written comments to the reviewing planner by July 1, 2014.

If you need additional hard copies mailed to you, please contact the Planning Division.

Architectural drawings from the application are attached. The complete Application Materials can be downloaded from the Planning Division Website at the following web address:

<http://www.orcity.org/planning/landusecase/cu-13-03-conditional-use-sp-13-22-site-plan-and-design-review>

COMMENT DEADLINE:	On Monday, July 14, 2014, the City of Oregon City - Planning Commission will conduct a public hearing at 7:00 p.m. in the Commission Chambers at City Hall, 625 Center Street, Oregon City 97045 on the following Type III Land Use Applications. Any interested party may testify at the public hearing or submit written testimony at or prior to the close of the Planning Commission hearing. Written comments on these Type III Land Use Applications must be received by the Oregon City Planning Division, no later than Tuesday, July 1, 2014 to be included in the Staff Report. Comments received after this date will be provided to the Planning Commission at the hearing. The public record will remain open until the Planning Commission closes the public hearing.
FILE NUMBER:	CU 13-03: Conditional Use, SP 13-22: Site Plan and Design Review
APPLICANT:	AT&T Wireless
OWNER:	Oregon City School District
REPRESENTATIVE:	Sharon Gretch, Lexcom Development Corp
REQUEST:	The applicant has submitted a Site Plan and Design Review and Conditional Use application to construct and operate a wireless communications facility site behind the John McLoughlin Elementary School. The facility will be a newly constructed support tower at 75 feet in height, camouflaged as a fir tree.
LOCATION:	19230 South End Rd, Oregon City, OR 97045, Clackamas County Map 3-1E-12AC, Tax Lot 4500
CONTACT PERSON:	Kelly Moosbrugger, Planner (503) 496-1540, kmoosbrugger@orcify.org
NEIGHBORHOOD ASSOCIATION:	Hazel Grove Westling Farms Neighborhood Association
CRITERIA:	Administration and Procedures are set forth in Chapter 17.50, Wireless Communication Facilities in Chapter 17.80, Site Plan and Design Review in Chapter 17.62, Conditional Uses in Chapter 17.56, "R-10" Single-Family Dwelling District in Chapter 17.08 of the Oregon City Municipal Code. The City Code Book is available on-line at www.orcity.org .

Kelly Moosbrugger
Assistant Planner
(503) 496-1540
kmoosbrugger@orcify.org
Community Development Department
221 Molalla Ave, Suite 200
Oregon City, Oregon 97045
Website: www.orcity.org

Ready to help Oregonians rediscover Willamette Falls? Head over to www.rediscoverthefalls.com and sign up to be a champion today.

<CU 13-03 Transmittal.pdf>

<PD68 Southend Road-043014.pdf>

From: [Mike Roberts](#)
To: [Kelly Moosbrugger](#);
Subject: RE: Oregon City Land Use Transmittal - Conditional Use and Site Plan Review for a Wireless Pole at 19230 South End Rd.
Date: Monday, June 09, 2014 5:05:18 PM

Kelly,

Please enter the following comments for the City of Oregon City Building Division.

1. A completed application for the placement of the antenna is required to be submitted with construction documents that have been stamped and signed by a Registered Professional Engineer licensed in Oregon to Practice as such and a permit issued by the City of Oregon City Building Division prior to any site work commencing in regards to the antenna placement.
2. Placement of modular or equipment structures will require a completed application be submitted to the Oregon City Building Department along with corresponding construction documents and a permit issued prior to any site work commencing in regards to the structure.
3. Fences over 6 feet in height including any security wire requires that a building application be submitted and permits issued prior to installation of any fencing material.
4. Electrical permits will possibly be required.

If you have any questions regarding the aforementioned comments from the City of Oregon City Building Division please Contact City of Oregon City Building Official Mike Roberts at 503-496-1517.

Mike Roberts MCP
Building Official
City of Oregon City

503.496.1517

From: Kelly Moosbrugger
Sent: Monday, June 09, 2014 3:26 PM
To: Aleta Froman-Goodrich; Todd Martinez; Wes Rogers; Lisa Normand; John M. Lewis; Kattie Riggs; Central Point/Leland Road CPO (johnbev@aracnet.com); Central Point/Leland Road CPO (militante@att.net); HGWF - Kathy Hogan; HGWF - Tom O'Brien; (Chairman@HamletOfBeavercreek.org); allen.taylor@ieee.org; Mike Riseling (mike.riseling@orecity.k12.or.us); Samantha Vandagriff; Mike Roberts; Mike Boumann; James Band
Cc: Tony Konkol
Subject: Oregon City Land Use Transmittal - Conditional Use and Site Plan Review for a Wireless Pole at 19230 South End Rd.

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CONTACT PERSON:	Kelly Moosbrugger, Planner (503) 496-1540, kmoosbrugger@orccity.org
NEIGHBORHOOD ASSOCIATION:	Hazel Grove Westling Farms Neighborhood Association
CRITERIA:	Administration and Procedures are set forth in Chapter 17.50, Wireless Communication Facilities in Chapter 17.80, Site Plan and Design Review in Chapter 17.62, Conditional Uses in Chapter 17.56, "R-10" Single-Family Dwelling District in Chapter 17.08 of the Oregon City Municipal Code. The City Code Book is available on-line at www.orccity.org .

Kelly Moosbrugger
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 Website: www.orccity.org

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