

Additional  
Written  
Public  
Testimony  
08.03.2020

## Melody Osborne

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**From:** Matt Frey <mattmfrey@gmail.com>  
**Sent:** Monday, August 03, 2020 12:00 AM  
**To:** Melody Osborne  
**Subject:** public testimony for Tuesday's City Council Meeting  
**Attachments:** m.frey.testimony.pdf

Hi Melody,

Please add the attached pdf to the public testimony for Tuesday's City Council Meeting regarding the proposed Verizon cell tower.

If you could please reply back to me to let me know you received it, that would be great.

Thanks!

Matt Frey

August 3, 2020

To the City Councilors and Mayor,

I ask that you uphold the Planning Commission's 6-0 decision and DENY the proposed Verizon cell tower based on it violating the city's code and going against the Central Business District's (CBD) vision of beautification and growth that benefits all of Dundee.

It is obvious from the 200+ pages of public testimony that the residents and local businesses of Dundee do not want this cell tower in the center of our beautiful town.

10 local businesses that are involved in the wine and tourist industry oppose this tower. Domaine Serene Winery, O'Brien & Co., Archer Vineyard, Red Hills Market, Ponzi Winery, The Dundee Bistro, Argyle Winery, Wine By Joe, Purple Hands Winery, and Lange Winery.

Why not build a tower at the wastewater treatment site outside of town, away from all residential properties and businesses? This seems like a win win situation for everyone. The town is happy and the city still gets monthly rental income from Verizon. There are also numerous potential locations on private property along the edges of town. Gun Club Road to the SE and Neiderberger Cross Creek Road area to the SW are just a few logical options.

I have included some of the tower photo simulations from the appeal application, last month's planning commission's application, and the 2018 application. I wanted you all to get a side by side comparison of what this tower will actually look like in our town's skyline. When comparing the appeal application with the planning commission's application, the newest set of photos are purposely taken to be deceptive and not give a clear and accurate portrayal of this tower. I also included photos submitted with the 2018 proposal. I know that these do not have the "tree" addition to them but they give the most accurate portrayal of the size of this tower. They were submitted two years ago before Verizon had to worry about "beautifying" the tower and trying to limit its impact on the surrounding homes and businesses. The size of the current proposed tower is only a few feet less than the 2018 proposal.

Please take this vote seriously. This tower is permanent. Does the current city councilors and mayor want this to be on their public record, a part of their legacy? Is this the type of message and symbol we want representing our beautiful little town of Dundee?

Thank You,

Matt Frey  
809 SE Elm St

VERIZON PHOTO SIMULATION OF CELL TOWER

SUBMITTED WITH APPEAL FOR AUGUST 4TH CITY COUNCIL MEETING



VERIZON PHOTO SIMULATION OF CELL TOWER

SUBMITTED WITH APPEAL FOR AUGUST 4TH CITY COUNCIL MEETING



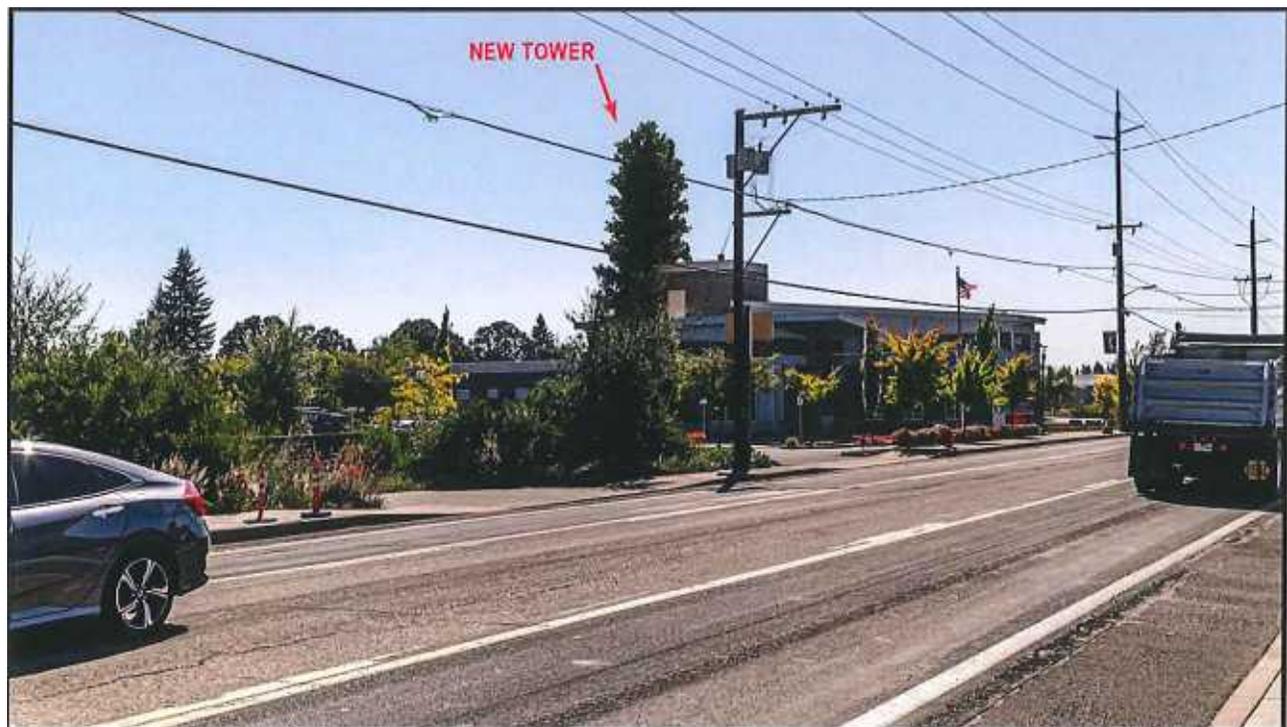
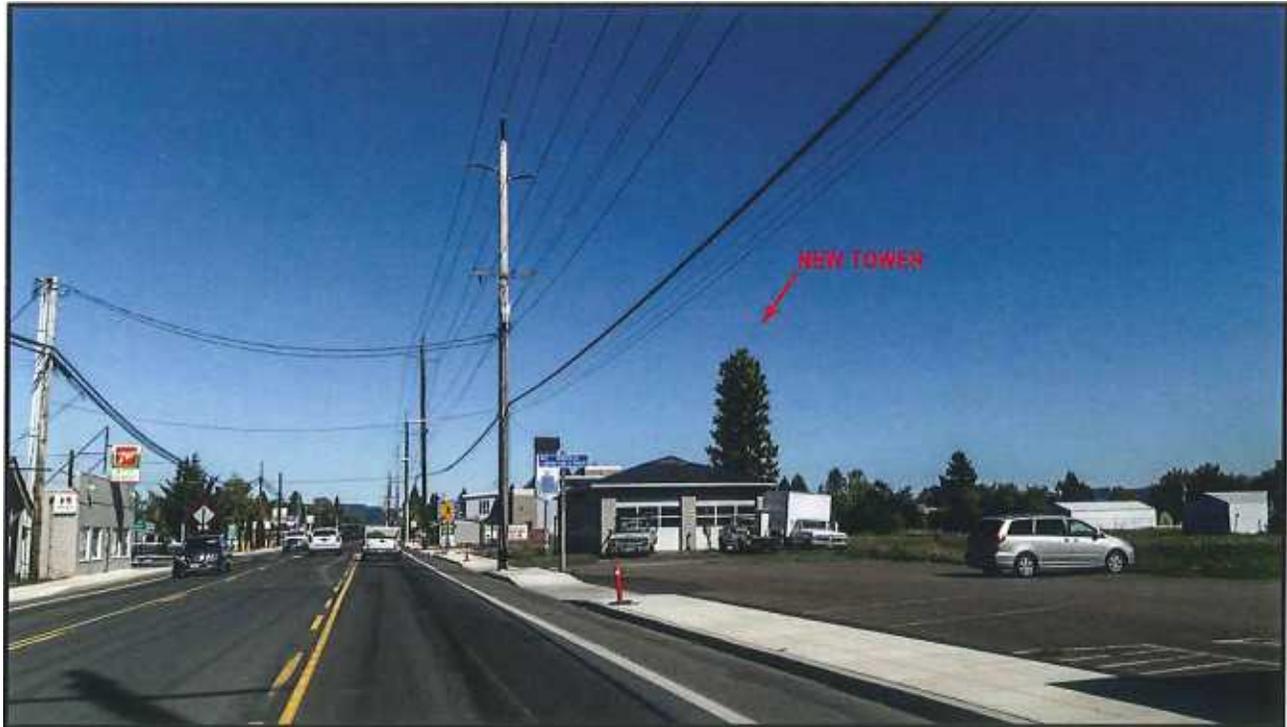
VERIZON PHOTO SIMULATION OF CELL TOWER

SUBMITTED WITH NEW PROPOSAL FOR JUNE 17TH PLANNING COMMISSION MEETING



VERIZON PHOTO SIMULATION OF CELL TOWER

SUBMITTED WITH NEW PROPOSAL FOR JUNE 17TH PLANNING COMMISSION MEETING



VERIZON PHOTO SIMULATION OF CELL TOWER

SUBMITTED WITH PROPOSAL FOR 2018 PLANNING COMMISSION MEETING



VERIZON PHOTO SIMULATION OF CELL TOWER

SUBMITTED WITH PROPOSAL FOR 2018 PLANNING COMMISSION MEETING



Submit via e-mail to: Melody.Osborne@dundeecity.org

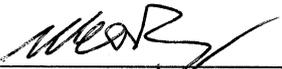
Re: Type III Appeal Application File No. CU 20-06/SDR 20-07 – Verizon Cell Tower

Dear Dundee City Councilors:

Please **DENY** the Verizon cell tower on the following grounds:

1. The Planning Commission thoughtfully reviewed the evidence and testimony over two separate hearings and voted *unanimously* to deny the cell tower.
2. The cell tower fails to meet the approval criteria of DMC 17.404.030(A)(1). The proposed site is not adequate for the needs of the proposed use, considering the tower's aesthetic considerations.
3. The proposed tower is 80-feet high. There are no buildings or trees in the vicinity of the site that would hide or camouflage such a huge tower; the sheer size of the tower would dominate the landscape, ruining the aesthetics of our beautiful downtown, in violation of DMC 17.404.030(A)(1).
4. Denying this 80-foot tower in the heart of Dundee is not a denial of all cell towers in Dundee or all cell towers at the fire station; it's only a denial of *this* ginormous, sore thumb of a tower overwhelming the heart of Dundee.
5. Just because Verizon claims to have "limited the tower to the minimum height necessary to achieve its objectives" (Verizon Appeal, page 1), does not mean Verizon satisfied the approval requirements of the Dundee Code. The Dundee Code is not subservient to the applicant's objectives. Applicant either meets the approval criteria or they don't. Simply trying isn't good enough.
6. Verizon can't make you choose the lesser of two evils. You don't have to pick one of their design options. A "better" design option which may be a lesser violation of the Code is still a violation of the Code.
7. The applicant bears the burden of proof to prove their proposed use complies with the Code. It is not your job to fix their design flaws.
8. The tower also violates the Public Zone, which requires that approved uses not "unreasonably disrupt or alter other areas of the community." A huge tower dominating the downtown landscape would certainly disrupt the attractive, surrounding uses.

Please consider all the public submissions, uphold the decision of the Planning Commission, and uphold the requirements of the Dundee Code.

Signature:   
Printed Name: MATTHEW FREY  
Date: 8/3/20  
Address: 809 SE ELM ST Dundee, OR 97115

## Melody Osborne

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**From:** fgregory@georgefox.edu  
**Sent:** Monday, August 03, 2020 10:16 AM  
**To:** Melody Osborne  
**Cc:** 'Viola Artikova'  
**Subject:** Cell tower comment

Melody,

This is Fred Gregory living at 743 SW Red Hills Drive, Dundee. My wife Viola and I are registering our disapproval for the proposed cell tower in downtown Dundee. We want to say that living on the hill here in Dundee affords us a beautiful view of the Willamette Valley and surrounding mountains. To have a steel and plastic tower in the middle of this landscape would be a shame. We believe that there are many places outside of town for this tower and would strongly urge the City Council to deny the Verizon application to place their tower in the middle of our beautiful town. We purchased the home two ½ years ago and have been upgrading it since. We paid a premium for the view not expecting the possibility of an 80 ft tower to dominate horizon. The tower would take away the main reason we moved to Dundee, to enjoy the beautiful landscape as far as the eye can see. Thank you for your consideration,

Fred Gregory  
Viola Artikova  
743 SW Red Hills Drive  
Dundee, Oregon, 97115

## Melody Osborne

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**From:** petrea hagen-gilden <phagengilden@gmail.com>  
**Sent:** Monday, August 03, 2020 11:46 AM  
**To:** Melody Osborne  
**Subject:** Please deny the cell phone tower

To the Dundee City Council:

By now I am sure you have been made aware of the deceptive text message sent to Verizon customers in Dundee. In that text the tower proposed by Verizon is referred to as a "facility." A giant cell phone tower is NOT a "facility." Since this is the third time Verizon has proposed a cell tower, I regard the veracity of their claims made in their appeal with great suspicion. The second proposal included design features, such as height, that Verizon had previously claimed would absolutely not meet the objective of improved service along 99W.

I don't understand what problem this eyesore will solve. I've lived in Dundee since cell phones became ubiquitous. We live a few blocks up from 99W and I never have dropped calls from my home or car. I know the planning commission doesn't consider need, but I've never seen data from Verizon that backs up their claim that improvement is needed. The City Council has worked hard to improve the function, liveability and attractiveness of Dundee and permitting such a structure next to the beautiful new fire station would be a real step backward.

Petrea Hagen-Gilden  
225 NW Laurel St.  
Dundee

*I am a bit skeptical about what we call blessings. I believe the ultimate source of blessings is within us. A good motivation and honesty bring self-confidence, which attracts the trust and respect of others. Therefore, the real source of blessings is in our own mind. **Dalai Lama***

## Melody Osborne

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**From:** Rebecca Minifie <rebeccaminifie@gmail.com>  
**Sent:** Monday, August 03, 2020 11:44 AM  
**To:** Melody Osborne  
**Subject:** Opposition to Cell tower  
**Attachments:** r.minifie.pdf

Hi Melody,

Hope you are doing well! Attached is a signed letter I would like included in the opposition testimony for the 8/4 City Council meeting regarding the cell tower. I would also like to speak to my opposition at the meeting. Please let me know you got this message and that you have me on the list to speak.

Thank you,  
Rebecca Minifie

Submit via e-mail to: Melody.Osborne@dundeecity.org

Re: Type III Appeal Application File No. CU 20-06/SDR 20-07 – Verizon Cell Tower

Dear Dundee City Councilors:

Please **DENY** the Verizon cell tower on the following grounds:

1. The Planning Commission thoughtfully reviewed the evidence and testimony over two separate hearings and voted *unanimously* to deny the cell tower.
2. The cell tower fails to meet the approval criteria of DMC 17.404.030(A)(1). The proposed site is not adequate for the needs of the proposed use, considering the tower's aesthetic considerations.
3. The proposed tower is 80-feet high. There are no buildings or trees in the vicinity of the site that would hide or camouflage such a huge tower; the sheer size of the tower would dominate the landscape, ruining the aesthetics of our beautiful downtown, in violation of DMC 17.404.030(A)(1).
4. Denying this 80-foot tower in the heart of Dundee is not a denial of all cell towers in Dundee or all cell towers at the fire station; it's only a denial of *this* ginormous, sore thumb of a tower overwhelming the heart of Dundee.
5. Just because Verizon claims to have "limited the tower to the minimum height necessary *to achieve its objectives*" (Verizon Appeal, page 1), does not mean Verizon satisfied the approval requirements of the Dundee Code. The Dundee Code is not subservient to the applicant's objectives. Applicant either meets the approval criteria or they don't. Simply trying isn't good enough.
6. Verizon can't make you choose the lesser of two evils. You don't have to pick one of their design options. A "better" design option which may be a lesser violation of the Code is still a violation of the Code.
7. The applicant bears the burden of proof to prove their proposed use complies with the Code. It is not your job to fix their design flaws.
8. The tower also violates the Public Zone, which requires that approved uses not "unreasonably disrupt or alter other areas of the community." A huge tower dominating the downtown landscape would certainly disrupt the attractive, surrounding uses.

Please consider all the public submissions, uphold the decision of the Planning Commission, and uphold the requirements of the Dundee Code.

Signature: Rebecca T Minifie  
Printed Name: Rebecca T Minifie  
Date: 8/1/20  
Address: 809 SE Elm St. Dundee, OR 97115

AUG 03 2020

CITY OF DUNDEE

Submit via e-mail to: Melody.Osborne@dundeecity.org

Re: Type III Appeal Application File No. CU 20-06/SDR 20-07 – Verizon Cell Tower

Dear Dundee City Councilors:

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8. The tower also violates the Public Zone, which requires that approved uses not "unreasonably disrupt or alter other areas of the community." A huge tower dominating the downtown landscape would certainly disrupt the attractive, surrounding uses.

Please consider all the public submissions, uphold the decision of the Planning Commission, and uphold the requirements of the Dundee Code.

Signature: Char Ormonde  
Printed Name: CHAR ORMONDE  
Date: 8-1-20  
Address: 633 SE Boyson Dundee, OR 97115

## Melody Osborne

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**From:** Cathe <rcwolters@comcast.net>  
**Sent:** Monday, August 03, 2020 11:49 AM  
**To:** Melody Osborne  
**Subject:** Proposed Cell Tower in Dundee  
**Attachments:** dundee\_tower.jpeg

Hope this helps.

Sent from [Mail](#) for Windows 10

Submit via e-mail to: Melody.Osborne@dundeecity.org

Re: Type III Appeal Application File No. CU 20-06/SDR 20-07 – Verizon Cell Tower

Dear Dundee City Councilors:

Please **DENY** the Verizon cell tower on the following grounds:

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Please consider all the public submissions, uphold the decision of the Planning Commission, and uphold the requirements of the Dundee Code.

Signature: Catherine Walters  
Printed Name: Catherine Walters  
Date: 8/03/2020  
Address: 821 SW Chablis Dundee, OR 97115

Responding in this case, because of the location and the fact that Verizon sent a blanket "text" to users to generate a favorable response to them.

## Melody Osborne

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**From:** Jessica Marshall <marshall3289@gmail.com>  
**Sent:** Monday, August 03, 2020 3:19 PM  
**To:** Melody Osborne  
**Subject:** Public Testimony for proposed Verizon cell tower  
**Attachments:** Cell Tower public comments.pdf

Hello Melody,

Attached is my public testimony for the pending appeal. Can you please respond confirming receipt of this email?

Thank you,  
Jessica Marshall

August 3, 2020

Dear Dundee City Councilors,

First, I would like to thank you for your work on this matter. As a citizen of Dundee, I cannot express enough my appreciation for your thorough and thoughtful review of the many documents and testimonies pertaining to this project. I am so thankful that I live in a city where the planning commission acts on what is in the best interest of the community and it's businesses. Thank you for your unanimous vote denying the conditional use permit for the Verizon cell tower and upholding the aesthetics this community has worked so hard to create over the past decade.

I am writing this today to ask you to again DENY Verizon's requested permit and to uphold the aesthetic continuity of Dundee.

Verizon's main claims in their appeal are that by denying their tower you are denying all towers and that they have done everything possible to minimize the aesthetic disharmony by agreeing to build the fake tree the stealth tower.

As to the first claim from Verizon, it is ridiculous to assert that denial of their tower is a denial of all towers. The city is denying the tower that Verizon has proposed because it does not meet the approval criteria of DMC 17.404.030(A)(1). The proposed site is not adequate for the needs of the proposed use, considering the tower's aesthetic considerations. This does not mean that there can never be a tower in this location, it means that Verizon cannot have their currently proposed tower in this location.

As to Verizon's second claim, it does not matter if they have attempted to mitigate the aesthetic damage their tower will create for the surrounding homes and businesses. If their tower fails to meet the code, it fails regardless. If the city feels that the proposal does not fit the aesthetics of the city, the city is afforded deference in this matter and is fully within its rights to deny said proposal.

Verizon knows that the city is granted this deference as they have used this claim themselves. However, they conveniently use it only to their advantage against citizens who have appealed their permits with the Land Use Board of Appeals (LUBA). *Clark v. Coos County*, 53 Or LUBA 325 (2007) "As intervenor [Verizon] correctly notes, it is the BOC that must decide whether the proposed cell tower is in 'discord or disharmony'...[the]compatibility standard is an inherently subjective standard and the county is entitled to appropriate deference in selecting the factors it chooses to consider and how it weighs those factors..."

Furthermore, there are several LUBA opinions published that support a city and/or county's right to assess for themselves the very subjective matter of aesthetics and the impact a proposed use might have on the area: *Knight v. City of Eugene*, 41 Or LUBA 279 (2002),

*Corbett/Terwilliger Neigh. Assoc. v. City of Portland, 25 Or LUBA 601, 617 (1993), Multnomah County v. City of Fairview, 18 Or LUBA 8 (1989), Friends of the Metolius v. Jefferson County, 25 Or LUBA 411* to list just a few. While not all of these appeals deal with transmission towers, they all contend that a local governing body has the right to define the aesthetic impact a proposed use will have on its community and approve or deny said proposed use based on that criteria.

Please deny this appeal, just as you denied the original proposal. Thank you again for your time and consideration of this matter.

Jessica Marshall  
834 SE Elm St  
Dundee, OR

## Melody Osborne

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**From:** Mike Connors <mike@hathawaylarson.com>  
**Sent:** Monday, August 03, 2020 3:34 PM  
**To:** Melody Osborne; Tammy Hamilton  
**Cc:** Jim Jacks (JJacks@cityofsheridanor.com); Jacks, Jim (JJacks@mwvcog.org)  
**Subject:** RE: Additional Testimony Received as of 08.02.2020  
**Attachments:** Dundee Text Campaign Letter\_Signed.pdf

Melody & Jim,

I've attached a letter from Verizon regarding the recent text campaign it ran in Dundee on July 29 regarding the need for improved wireless service in Dundee and the City Council appeal hearing for the new facility. The results as of August 3, 2020 are 42 text responses in support and 3 opposed. Please forward this email and letter to the City Council for their consideration at the hearing tomorrow night. Thanks, Mike

**E. Michael Connors**  
Partner



**Hathaway Larson LLP**

1331 NW Lovejoy St., Suite 950

Portland, OR 97209

503-303-3111 (Direct)

503-303-3101 (Main)

503-781-0280 (Cell)

503-205-8406 (Fax)

Email: [mike@hathawaylarson.com](mailto:mike@hathawaylarson.com)

Website: [www.hathawaylarson.com](http://www.hathawaylarson.com)

Named as one of "America's Leading Lawyers for Business" (Oregon)  
by *Chambers USA* in Real Estate: Zoning/Land Use  
Selected to "Oregon Super Lawyers" in Land Use/Zoning  
Selected to "Best Lawyers in America" in Land Use/Zoning Law



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**verizon**<sup>✓</sup>  
Verizon Wireless  
15505 Sand Canyon Ave, Bldg. D  
Irvine, CA 92618

August 3, 2020

City Council  
c/o Jim Jacks, Planner  
City of Dundee  
PO Box 220  
620 SW Fifth Street  
Dundee, OR 97115

Re: Verizon Wireless – Wireless Communications Facility  
Application No. CU 20-06/SDR 20-07  
Property: 801 N Highway 99W  
Appeal of Planning Commission Decision

Dear Mayor Russ & Councilors:

I am a Manager in Verizon's Consumer Sales Operations Group, and I oversee the network-related messages that are sent to Verizon Wireless customers in Oregon. In connection with its proposed facility, Verizon Wireless arranged for a text message to be sent to customers with billing addresses within ZIP code 97115 in the Dundee area. The entire text message sent reads as follows:

Verizon Msg: To further improve wireless service in Dundee, reply "Yes" to this text. Add a message to tell the Dundee City Council you support a wireless facility at the Dundee Fire Station. Include your email address for updates.

The text message was sent on July 29, 2020. As of August 3, 2020, we have received 42 affirmative text message responses indicating support for the proposed facility and three respondents opposed. Text messages received confirm the need to provide improved Verizon Wireless service in the Dundee area, including "Yes, we need it badly even in the city limits", "Yes Service at my residence is spotty at best. I support a wireless facility at the FD. It can't look any worse than the rest of the town.", "Yes. We need better wireless service for safety, productivity and connectivity with family and loved ones, especially during these times.", and "Yes. I support a wireless facility at the Dundee Fire Station."

I am available to verify the above information as you may require.

Sincerely,



Rynae Benson  
Manager - Legal Support  
Consumer Sales Operations

## Melody Osborne

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**From:** mike osborne <dorymen1968@gmail.com>  
**Sent:** Monday, August 03, 2020 3:36 PM  
**To:** Melody Osborne  
**Subject:** Testimony in Support

To the Dundee City Council,

I am writing to restate my support for the approval of the proposed Verizon cell tower. As stated in my previous testimony, I believe the additional coverage is needed. I have reached out to the school district to obtain information regarding the number of homes in Dundee currently using hotspots provided by them. The number of those homes is eleven.

With unemployment at the highest it has been in decades and the recent email from the Superintendent of the Newberg School District that all classes will be online, it is not unreasonable to believe that additional families will need to cancel internet to save money and obtain more of these hotspots. This will add strain to the capacity. As I said in my earlier letter, we are unable to receive any type of a reliable signal. If it is unsafe to send kids to school, we should not be expected to send our children to a *different* public place in order for them to be able to attend online school.

Again, it's also worth pointing out that Dundee will be growing in size in the not so distant future. This will also put a strain on services.

Testimony has been posted online that speaks to the following factors. First, that it is not a city's "burden of proof" to help Verizon meet the Dundee code, nor is it the city's responsibility to help Verizon mitigate the aesthetics. Second, Verizon's objective regarding the cell tower.

The Federal Telecommunications Act specifically states that *"(iii) Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record"*. This statement is contrary to #1. The burden of proof lies with the city to supply substantial evidence of how the aesthetic of the city will be harmed. Simply stating that it will hurt the look is not substantial evidence of that fact. Most cases by cities to claim aesthetics have been overturned at the federal level, with the exceptions of historic or protected views and natural landscapes.

Additionally, *"in the Wireless Infrastructure Order, the FCC concluded that aesthetics requirements are not preempted if they are (1) reasonable, (2) no more burdensome than those applied to other types of infrastructure deployments, and (3) objective and published in advance"*. This ruling was upheld by both the 9<sup>th</sup> and 10<sup>th</sup> Circuit Courts, which seems to indicate that the courts side with the idea that the cities provide, or help to provide, mitigation.

Regarding item #2, I am guessing that Verizon's objective regarding the cell tower is to have it work. Cell towers work off of line of sight. In order for them to work best, they need to be higher than surrounding obstructions. This would require one to be taller than a building.

In conclusion, my support remains one based on need. However, I also object to the expenditure of taxpayer dollars trying to defend a position in court that seems contrary to the FCC rulings. When you considered and signed the lease for the cell tower you as a body must have felt that the location proposed was appropriate. I am asking you to have confidence in your position and overturn the Planning Commission's decision.

Michael Osborne  
Resident  
Dundee, Oregon

## Melody Osborne

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**From:** Matthew Frey <mattmfrey@gmail.com>  
**Sent:** Monday, August 03, 2020 3:39 PM  
**To:** Melody Osborne  
**Subject:** Fwd: Dundee Cell Tower Update - Action Needed  
**Attachments:** Cell Tower Letter.pdf

Hi Melody,

Could you also submit the attached letter to the public testimony.

Thanks,  
Matt

----- Forwarded message -----

From: **Brigitte Hoss** <[franziskahausdundee@gmail.com](mailto:franziskahausdundee@gmail.com)>  
Date: Mon, Aug 3, 2020 at 2:32 PM  
Subject: Re: Dundee Cell Tower Update

Hi Matt,

Could you forward this signed letter against the Tower appeal to who ever it should go to at the city?

Thank you for all your work on this!

Brigitte  
**Franziska Haus Bed and Breakfast**  
[FranziskaHausDundee@gmail.com](mailto:FranziskaHausDundee@gmail.com)  
503.887.0879  
10305 NE Fox Farm Road  
Dundee, Oregon 97115

Submit via e-mail to: Melody.Osborne@dundeecity.org

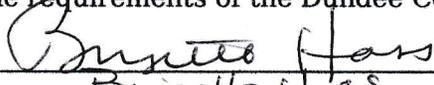
Re: Type III Appeal Application File No. CU 20-06/SDR 20-07 – Verizon Cell Tower

Dear Dundee City Councilors:

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Please consider all the public submissions, uphold the decision of the Planning Commission, and uphold the requirements of the Dundee Code.

Signature:   
Printed Name: Brigitte Hoss  
Date: 8-1-20  
Address: 10305 NE Fox Farm Rd. Dundee, OR 97115

## Melody Osborne

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**From:** Cathy Martin <cathy@argylewinery.com>  
**Sent:** Monday, August 03, 2020 4:48 PM  
**To:** Melody Osborne  
**Subject:** Argyle Letter  
**Attachments:** Cell Tower Round Two.docx

Hi Melody. Here you go. For tomorrow's meeting.

### **Cathy Martin**

Argyle Winery  
691 Highway 99W  
Dundee, OR 97115  
Phone: (503) 538-8520 x231  
cathy@argylewinery.com  
ArgyleWinery.com



August 3, 2020

Re: Type III Appeal Application File No. CU 20-06/SDR 20-07 – Verizon Cell Tower

Dear Dundee City Councilors:

Please DENY the Verizon cell tower on the following grounds:

1. The Planning Commission thoughtfully reviewed the evidence and testimony over two separate hearings and voted unanimously to deny the cell tower.
2. The cell tower fails to meet the approval criteria of DMC 17.404.030(A)(1). The proposed site is not adequate for the needs of the proposed use, considering the tower's aesthetic considerations.
3. The proposed tower is 80-feet high. There are no buildings or trees in the vicinity of the site that would hide or camouflage such a huge tower; the sheer size of the tower would dominate the landscape, ruining the aesthetics of our beautiful downtown, in violation of DMC 17.404.030(A)(1).
4. Denying this 80-foot tower in the heart of Dundee is not a denial of all cell towers in Dundee or all cell towers at the fire station; it's only a denial of this monstrous, sore thumb of a tower overwhelming the heart of Dundee.
5. Just because Verizon claims to have "limited the tower to the minimum height necessary to achieve its objectives" (Verizon Appeal, page 1), does not mean Verizon satisfied the approval requirements of the Dundee Code. The Dundee Code is not subservient to the applicant's objectives. Applicant either meets the approval criteria or they don't. Simply trying isn't good enough.
6. Verizon can't make you choose the lesser of two evils. You don't have to pick one of their design options. A "better" design option which may be a lesser violation of the Code is still a violation of the Code.
7. The applicant bears the burden of proof to prove their proposed use complies with the Code. It is not your job to fix their design flaws.
8. The tower also violates the Public Zone, which requires that approved uses not "unreasonably disrupt or alter other areas of the community." A huge tower dominating the downtown landscape would certainly disrupt the attractive, surrounding uses, including the beautiful, relaxing environment we have worked so hard to achieve at Argyle.

Please consider all the public submissions, uphold the decision of the Planning Commission, and uphold the requirements of the Dundee Code.

Sincerely,

Cathy Martin  
Argyle Winery

## Melody Osborne

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**From:** David Ford <davidford27@gmail.com>  
**Sent:** Monday, August 03, 2020 4:59 PM  
**To:** Melody Osborne  
**Subject:** Public Comment on Verizon Cell Tower  
**Attachments:** Cell Tower Letter\_03Aug2020.pdf

Dear Melody:

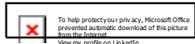
Please include the attached letter to the public comment provided to the Mayor and Dundee Counselors.

Thank you,  
David

--

**David A. Ford**  
Principal

**L&C Carbon**  
a division of Jory Resources Inc.  
710 SW Carmen Heights Drive  
Dundee, OR 97115  
503-449-6957  
[davidford27@gmail.com](mailto:davidford27@gmail.com)



To help protect your privacy, Microsoft Office prevented automatic download of this picture from the Internet.

<https://www.linkedin.com/pub/david-ford/0/741/39b>

August 3, 2020

Dear City of Dundee Counselors:

We are residents of Dundee and **we urge you to DENY** Verizon's cell tower appeal of the Planning Commission's decision for the following reasons:

1. The Planning Commission thoughtfully reviewed the evidence and testimony over two separate hearings and voted unanimously to deny the cell tower.
2. An 80-foot fake tree cell tower in the heart of Dundee would be unattractive and unappealing and would fail to meet the "aesthetic considerations" criteria of DMC 17.404.030(A)(1), as well as be consistent with the goals of the Dundee Urban Renewal Agency's goals.

As a citizen member of the Dundee Budget Committee and the Dundee Urban Renewal Agency Budget Committee (David Ford), the proposed massive cell tower in the middle of our downtown core is in direct conflict with the investments we are making to beautify our downtown core, make it more attractive, welcoming and safe, as well as to attract new commercial investment consistent with the Dundee master plan goals.

3. The cell tower fails to meet the approval criteria of DMC 17.404.030(A)(1). The proposed site is not adequate for the needs of the proposed use, considering the tower's aesthetic considerations.
4. The proposed tower is 80-feet high. There are no buildings or trees in the vicinity of the site that would hide or camouflage such a huge tower; the sheer size of the tower would dominate the landscape, ruining the aesthetics of our beautiful downtown, in violation of DMC 17.404.030(A)(1).
5. Denying this 80-foot tower in the heart of Dundee is not a denial of all cell towers in Dundee or all cell towers at the fire station; it's only a denial of this ginormous, sore thumb of a tower overwhelming the heart of Dundee.
6. Just because Verizon claims to have "limited the tower to the minimum height necessary to achieve its objectives" (Verizon Appeal, page 1), does not mean Verizon satisfied the approval requirements of the Dundee Code. The Dundee Code is not subservient to the applicant's objectives. Applicant either meets the approval criteria or they don't. Simply trying is not good enough.
7. Verizon cannot make you choose the lesser of two evils. You do not have to pick one of their design options. A "better" design option which may be a lesser violation of the Code is still a violation of the Code.
8. The applicant bears the burden of proof to prove their proposed use complies with the Code. It is not your job to fix their design flaws.
9. The tower also violates the Public Zone, which requires that approved uses not "unreasonably disrupt or alter other areas of the community." A huge tower dominating the downtown landscape would certainly disrupt the attractive, surrounding uses.

Please consider all the public submissions, uphold the decision of the Planning Commission, and uphold the requirements of the Dundee Code.

Sincerely,

A handwritten signature in black ink, appearing to read "David and Jen Ford". The signature is fluid and cursive, with the first name "David" being the most prominent.

David and Jen Ford  
710 SW Carmen Heights Dr  
Dundee, OR 97115