

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

DATE: October 19, 2012

TO: Planning Commission

FROM: Teri Camery, Senior Planner
Community Development Department

FILE NO.: USE2012 0006

PROPOSAL: A Conditional Use Permit for a 155-foot wireless communication tower on Spuhn Island

GENERAL INFORMATION

Applicant: Westtower Communications

Property Owner: Spuhn Island Development LLC

Property Address: Spuhn Island Parcel B

Legal Description: Parcel B Spuhn Island Subdivision, Plat 2005-12

Parcel Code Number: 4-B20-0-111-001-0

Site Size: 3.45 Acres

Zoning: Rural Reserve

Comprehensive Plan Future Land Use Designation: Rural Low Density Residential

Utilities: CBJ Water

Access: Spuhn Island Dock

Existing Land Use: vacant utility parcel in an approved 38-unit residential subdivision

Surrounding Land Use:	North	- Rural Reserve; Spuhn Island residential subdivision; Smugglers Cove
	South	- Rural Reserve; Spuhn Island residential subdivision; Fritz Cove
	East	- Rural Reserve; Spuhn Island residential subdivision; Fritz Cove
	West	- Rural Reserve; Spuhn Island residential subdivision

ATTACHMENTS

Attachment 1	Vicinity Map/Abutters Notice
Attachment 2	Development Permit Application
Attachment 3	Conditional Use Application
Attachment 4	Site Plans
Attachment 5	Spuhn Island Subdivision Final Plat
Attachment 6	Applicant letter regarding compliance with Federal Communications Commission regulations; 5/31/12
Attachment 7	Horan & Company Independent Impact Assessment 4/30/12
Attachment 8	Horan & Company Independent Impact Assessment Supplement 10/16/12
Attachment 9	Tower Map
Attachment 10	Applicant consolidated comments and additional information regarding habitat; 6/27/12 [Staff did not print the applicant's attachments to this email message]
Attachment 11	CBJ Assessors Office comment 7/18/12
Attachment 12	CBJ Assessors Office comment 10/17/12
Attachment 13	CBJ Law Department memo regarding radio frequency health effects 12/2/11
Attachment 14	2008 Comprehensive Plan Scenic Corridor Map
Attachment 15	Visual Representations of the tower from the Fritz Cove cul-de-sac, North Douglas Boat Ramp, and 808 Fritz Cove Road
Attachment 16	Tower viewshed map
Attachment 17	Topographical and tree height survey, 10/6/12

Tower Lighting, Painting, and Aviation Safety

Attachment 18	Federal Aviation Administration (FAA)-Obstruction Evaluation Group/van Haastert 2/16/12
Attachment 19	FAA-Alaska Region Flight Standards/Bowers 7/10/12
Attachment 20	FAA-Alaska Region Flight Standards/Girard 7/19/12
Attachment 21	FAA-Alaska Region Flight Standards/Wease 10/12/12
Attachment 22	Juneau International Airport FAA Certification Inspector/Douglas 6/20/12

Attachment 23	FAA-Juneau Flight Standards District Office/Wahto 8/9/12
Attachment 24	FAA-Juneau Flight Standards District Office/Sapp 8/6/12
Attachment 25	Aviation Safety Letter/Wescott 8/11/12
Attachment 26	Juneau International Airport, Airport Manager/Johnson 10/11/12
Attachment 27	FAA Advisory Circular 70/7460-1K, Excerpted Sections

Public Comments

Attachment 28	Kelton comment letter 6/15/12
Attachment 29	Scalf comment letter 6/19/12
Attachment 30	Lyman comment letter 7/17/12
Attachment 31	Coleman comment letter 7/18/12
Attachment 32	Valentine comment letter 7/19/12
Attachment 33	Woolf comment letter 7/19/12
Attachment 34	Allwine comment letter 7/23/12

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for the development of a 155-foot lattice wireless communication tower with antennas. The development includes a 10' x 24' equipment shelter with a diesel generator and telecommunications equipment, all enclosed within a 50' x 50' chain link fence. The diesel generator has a 175-gallon tank with secondary containment, located in the generator room of the shelter. (Attachment 4) Based on tree heights determined in a recent survey, the tower will extend approximately 45-75 feet above the tree line depending on the angle of view (Attachment 17).

BACKGROUND

Spuhn Island Subdivision. The Spuhn Island residential subdivision final plat was approved as SUB2005-00002 in February 2005. Lots 31 and 37, at the north end of the island farthest away from the proposed tower, have been issued building permits. The remaining lots are vacant. The southwest corner of the island, just past the narrowest point, is owned by the City and Borough of Juneau and managed as a Natural Area Park. Spuhn Island Development, LLC has retained ownership of Parcel B, the tower site, for private utilities, as described in Plat Note One. (Attachment 5)

Previously Scheduled Hearings. The application was previously scheduled and subsequently cancelled for the June 26, July 10, and July 24, 2012 Planning Commission hearings. The repeated delays and rescheduling problems were due to conflicting information from different divisions within the Federal Aviation Administration, and new information from the CBJ Airport Manager and local pilots regarding aviation safety issues in the vicinity of Spuhn Island. CDD acknowledges the frustration that rescheduling created for both the applicant and affected residents, however presenting the application to the Planning Commission with unresolved issues would have only lead to additional hearings. After extensive correspondence with federal

agencies and the local aviation community, the current analysis represents CDD's best effort to address the varied issues in this challenging review.

Application Review Process. The legal standards for reviewing this application are described in CBJ Land Use Code section 49.15.330, Conditional Use Permits, and in the CBJ Land Use Code Table of Permissible Uses, 49.25.300.18.300, regarding towers and antennas more than 50 feet in height.

CBJ Code requires an evaluation of whether the development will:

- 1) endanger the public health or safety;
- 2) substantially decrease property value or be out of harmony with property in the neighboring area; and
- 3) conform with adopted plans, including the Comprehensive Plan.

CDD is working with a consulting firm and the CBJ Law Department to develop a new wireless telecommunications ordinance compatible with federal law that, if enacted, may authorize the CBJ to consider and/or impose additional requirements, such as telecommunications service coverage and needs, alternative siting, and co-location. However that authority does not yet exist in CBJ Code. In addition, some members of the public have called for a temporary moratorium on new towers until a new ordinance has been adopted. A moratorium has not been imposed, and if imposed, would not be retroactive on towers currently under review.

ANALYSIS

Agency Review Comments –

Staff solicited comments from the Community Development Department Building Division, CBJ Streets Division, CBJ General Engineering, CBJ Assessors Office, CBJ Fire Department, CBJ Lands and Resources, CBJ Parks and Recreation, CBJ Public Works, CBJ Police Department, Juneau International Airport, and the State Department of Environmental Conservation.

Agency Comments Received:

Charlie Ford, Building Official, CBJ CDD Building Division
The Building Department has no issues with the project at this time.

Ed Foster, CBJ Streets Superintendent
No comments or concerns from Streets.

Brent Fischer, Director, CBJ Parks and Recreation
No comments from Parks and Recreation.

Dave Crabtree, CBJ Public Works Water Utility
The Water Utility has no concerns with this proposal.

Greg Browning, Juneau Police Department
No comments from JPD.

Ron King, Chief Regulatory Surveyor
The project plan as presented does not address site grading and BMPs required for a building permit. Also need to know how the site will be accessed for construction, maintenance and fuel delivery. The diesel generator will require fuel storage on site which is not shown on the drawings that I found.

(Staff confirmed with Mr. King that BMPs will be addressed during building permit review. Fuel storage details have been added to the application in Attachment 4. Access issues will be addressed under the Traffic, Parking, and Circulation section of this report.)

Dan Jager, Fire Marshall
I don't think there are any fire department issues with this project. Thanks.

John Sahnaw, Appraiser, CBJ Assessors Office
7/18/12 Comment: I have reviewed the appraisal report for #12-045 regarding the proposed tower. I concur with Mr. Horan's analysis and conclusion. The Assessor's office has no issues with this proposal.

10/17/12 Comment: I have reviewed the letter from Horan & Company dated October 16, 2012 regarding painting and lighting of the proposed Spuhn Island tower. I concur with Mr. Horan's analysis and conclusion. The Assessor's office has no issues with this proposal.

(Staff will address Mr. Sahnaw's comments in greater detail in the Property Value/Neighborhood Harmony section of this report.)

Jeannie Johnson, Juneau International Airport, Airport Manager
Ms. Johnson's comments will be addressed in the Public Safety section of this report.

Project Site and Design

The project includes a 150-foot lattice telecommunications tower with antennas at the top. With antennas, the final tower height is 155 feet. A 10' x 24' equipment shelter will be located at the base of the tower. The shelter includes a diesel generator, fuel storage, and telecommunications equipment. The tower and shelter will be enclosed within a 50' x 50' chain link fence.

According to the survey included in Attachment 17, the ground elevation of the tower is approximately 150 feet. The 155-foot proposed tower will therefore rise to an elevation of 305 feet

above sea level. The survey indicates that trees in the immediate vicinity of the tower range from 80-110 feet high, therefore the tower will rise 45-75 feet above the tree line depending on the angle of view. (Staff notes that the original Horan Report, Attachment 7, states that the tower will rise 70 feet above the tree line. The survey was not available at the time of this original report.)

Attachment 5 shows the Spuhn Island Residential Subdivision, located in the Rural Reserve Zoning District. The tower location is on Parcel B. Vacant residential parcels to the south, east, and west are 1.5 to 2 acres in size, while the large vacant parcel to the north, Parcel A, is nearly 23 acres. The site is located approximately one mile from the Smuggler's Cove/Mendenhall Peninsula residential neighborhood.

A note under Parcel B of the Spuhn Island subdivision states "see Special Plat Notes 1 and 5." Plat Note One states, in summary, that Parcel B has a permanent private utilities and trail easement. The easement is for "...the installation, maintenance, and repair of electrical facilities." The plat note does not expressly reserve the parcel for a telecommunications facility. Plat Note Five refers to an interim easement for the City and Borough of Juneau that is not relevant to this review.

Traffic, Parking, and Circulation -

Staff received a phone comment from a Fritz Cove resident who requested that construction of the tower not be mobilized from Fritz Cove Road (Attachment 28, Kelton). The applicant responded that construction traffic will come from Auke Bay via commercial carrier and not from Fritz Cove Road. Construction equipment will include excavation equipment, cranes, concrete trucks, and fleet vehicles. The equipment will remain on site until the project has been completed. A fueling service will be barged to the island periodically for the diesel generator during ongoing operations. All fueling practices will take place within the generator room to eliminate any spillage outside or within the compound. (Attachment 10)

The applicant is amenable to a project condition regarding the mobilization location. Therefore staff recommends the following:

- 1) *Fritz Cove Road shall not be used as an arrival or departure location for tower construction or maintenance activities.*

Noise -

CBJ Code 49.16.330(g)(11) states under Conditional Use Permit review, "*Conditions may be imposed to discourage production of more than 65 dBa at the property line during the day or 55 dBa at night.*" Furthermore, if noise from a cell tower generator is louder than 55 dBa at the nearest residential property line, it will need to be reviewed separately as a form of 'Utility' through the Conditional Use permitting process.

To ensure that this standard has been met, staff recommends the following condition:

1) Prior to the issuance of a building permit, the applicant shall submit a noise study to demonstrate that dBa levels will not exceed 65 dBa at the property line during the day or 55 dBa at night. If the noise study indicates that the generator is louder than 55 dBa at the nearest residential property line, the project shall be reviewed as a Utility through the Conditional Use permitting process.

Public Health or Safety -

Building Code Review. All telecommunication towers must be designed and constructed to meet specific wind and weight bearing loads, as specified in local building codes. This review will be done during the Building permitting process if this Conditional Use Permit is approved.

Radio Frequency Emissions. Staff has received one public comment from the property owner of Lot 9, immediately adjacent to the development (Attachment 29, Scalf). The resident expressed concerns about impacts to property value and public safety, and included two articles about health effects.

The Federal Communication Commission (FCC) regulates and sets maximum radio frequency (RF) emission standards for wireless telecommunication facilities to ensure compliance with the National Environmental Protection Act (NEPA). The 1996 Telecommunications Act prohibits municipalities from regulating the location of or denying a wireless facility based on environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC regulations of emissions.¹ The CBJ Law Department has also written a memo advising that the federal law considers “health” effects to be included in “environmental” effects. Thus the Planning Commission is prohibited by federal law from regulating wireless facilities based on the health effects of radio frequency emissions (Attachment 13).

Though municipalities cannot modify FCC’s emission levels, they can require proof of compliance. Staff recommends two conditions of approval requiring that the applicant submit a letter from a radio frequency engineer indicating compliance with FCC emission levels during pre- and post-construction, as follows:

- 1) Prior the issuance of a Building permit, the applicant shall submit a letter to the Community Development Department signed by a radio frequency engineer certifying that the structures comply with electromagnetic radio emission levels set by the Federal Communications Commission (FCC).*
- 2) Prior to receiving a Certificate of Occupancy, the applicant shall submit a letter to the*

¹ Section 704 (a)(7)(B)(iv) of the Telecommunications Act of 1996 of the US Federal Communications Commission. For further details of this act click on the following internet link: <http://transition.fcc.gov/telecom.html>

Community Development Department signed by a radio frequency engineer certifying that the structures as constructed and at optimal emission levels comply with electromagnetic radio emission levels set by the Federal Communications Commission (FCC).

Aviation Safety Issues. The applicant has submitted a “Determination of No Hazard to Air Navigation” letter from the Federal Aviation Administration’s “Obstruction Evaluation Group.” (Attachment 18). The letter states that *“This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation....Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory Circular 70/7460/1 K Change 2.”* The letter goes on to state, ***“This determination...does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.”*** (emphasis added)

This letter has been the subject of extensive debate and controversy within different divisions of the FAA and also among the CBJ Airport Manager and the local aviation community.

In an email message dated 7/10/12 to the applicant’s representative, Michael Bowers, FAA Flight Standards Regional Office All Weather Operations Program Manager in Anchorage, wrote:

*“Flight standards evaluates structures specifically for the safety of VFR [Visual Flight Rule—regulations for aircraft that must be able to operate with visual reference to the ground and visually avoid obstructions] flight. Flight Standards was auto-screened [out of the review process] by the system. Flight Standards is required to also evaluate the effect of a proposed structure on a VFR flyway....The proposed tower is almost in the exact location of a VFR reporting point [see attached chart]. This flag is basically a magnet for VFR traffic. It is used so aircraft can report their location to the [airport] tower and the tower would know exactly where they are. You will also note [in the attached chart] a broken blue circle around the Juneau airport. This represents Juneau’s surface area. When the weather is below basic VFR (3 miles visibility, 1000 foot ceiling) VFR traffic must acquire a clearance before flying into this circle. The proposed location for the tower is just outside of the surface area. **During times of low weather, aircraft will circle in this area waiting for the clearance into the surface area. Due to the lower weather these aircraft will be flying at a lower altitude....[Current regulation allows] any aircraft operating under FAR Part 91 to currently fly, legally, at tree top level over Spuhn Island....”***

Mr. Bowers summarizes the FAA Regional Flight Standards Office opinion as follows:

“Alaska Region Flight Standards opinion is the geographic location of the tower, the amount and type of air traffic in the area, and the meteorological conditions that prevail in this area could eventually combine to cause an aircraft accident. Had Flight Standards not been auto-screened from evaluating this proposed tower Flight Standards would have responded with ‘Flight Standards highly recommends this tower be marked and lighted. Due to the large volume of VFR aircraft and the lower visibility and ceilings that prevail in the area Flight

Standards recommends white flashing strobes.”

(emphasis added)(Attachment 19)

The Juneau International Airport (JNU) FAA Certification Inspector also wrote in support of painting and lighting the tower to “*ensure that all aircraft operations into JNU receive the highest level of protection during inclement weather conditions.*” (Attachment 22)

Mr. Doug Wahto sent two letters (both cc-ed to CDD) to the FAA-OEG office, the FAA division which wrote the original letter that did not require lighting for the tower. Mr. Wahto submitted one letter on behalf of himself as a commercial pilot, and the second letter on behalf of the Juneau Flight Standards District Office. Mr. Wahto noted that he is a Juneau resident, a retired Alaska Airlines Captain, a Certified Flight Instructor, an aircraft owner, and he has been flying throughout the State of Alaska for 46 years. In his letter representing the Juneau FAA Flight Standards Division, Mr Wahto wrote:

*“The tower...could easily constitute an obstruction and risk for CFR Part 135 Visual Flight Rule and CFR Part 91 General Aviation traffic...The tower location is well within Juneau Tower’s Class D airspace and further elevated by its location on the highest point of Spuhn Island. Arrival and departure VFR traffic flows to the WEST of [Juneau International Airport] pass directly over Spuhn Island, at times maneuvering in close proximity to terrain due to local cloud cover in the area of the Mendenhall Peninsula. **It is my strong professional opinion that the tower must be painted... to contrast with the evergreen tree cover, and lighted, in order to maintain an acceptable level of safety, especially during marginal weather conditions.**”*

(emphasis added) (Attachment 23)

The Airport Manager of the Juneau International Airport, Jeannie Johnson, submitted the following comment in support of painting and lighting the tower:

*“As a private pilot and the Manager of the Juneau International Airport I am very familiar with the amount and nature of aircraft traffic in the location of the proposed tower. Juneau frequently has very low weather conditions. This location constantly sees use by 135 carriers such as Alaska Seaplanes, Wings of Alaska, Air Excursions, Ward Air, other small aircraft operators and General Aviation aircraft....**Painting and lighting the tower...would be a contribution to the safety of the airspace that the owners of the tower would want to incorporate into their plans.**”*

(Emphasis added) (Attachment 26)

Letters have also been received from Brad Sapp in the FAA Juneau Flight Standards Office; Richard Girard in the FAA Flight Standards Regional Office; from Clint Wease, Division Manager of the FAA Flight Standards Regional Office; and local pilot Paul Wescott, all in support of lighting and painting the tower to ensure aviation safety (Attachments 20-21 and 24-25) Staff have not received any responses from the local aviation community indicating that lighting and painting is not necessary. Two residents in the Fritz/Smuggler’s Cove neighborhoods have also noted the low-flying aircraft in the vicinity of the tower and the potential aviation hazard. (Attachments 30 and 31, Lyman and Coleman)

On August 16, 2012, CDD staff met with the applicant, an FAA Flight Standards Regional Office Representative, a local pilot, and the CBJ Airport Manager to evaluate lighting and painting options for the tower. The strong consensus of the group, including the applicant's representative, was to light the tower with a medium-intensity white flashing strobe during the day, with a steady red light at night, and to paint the tower with orange and white safety painting, per the guidelines in the FAA Advisory Circular, 70/7460-1K, for Obstruction Marking and Painting. The FAA Advisory Circular is an FAA guidance document which describes various lighting and painting protocols for structures that may be an obstruction to aircraft. Excerpts of this large technical document have been included in Attachment 27.

The proposed painting and lighting configuration of a medium-intensity white flashing strobe during the day, with a steady red light at night, with orange and white safety painting is common on towers throughout the Borough. The KINY tower near the intersection of Egan Drive and Channel Drive is one example of this configuration. Other similar towers are located on Industrial Boulevard and at Lena Point.

Though the original letter from the FAA Obstruction Evaluation Group does not require lighting for the tower, it also states that the applicant must comply with local regulation. Staff has consulted with the CBJ Law Department, the CBJ's wireless telecommunications consultant, and FAA experts, and determined that imposing lighting and painting conditions that conform to the specifications in the FAA Advisory Circular would be both appropriate and necessary under CBJ Code to ensure that public safety is not materially endangered. Based on clarification of FAA Order 7460.2G and FAA Advisory Circular 70/7460-1K, provided to us from FAA employee Michael Bowers (Flight Standards, All Weather Operations Program Manager, FAA Regional Office, Anchorage, Alaska), CDD staff recommends the following condition, which we believe complies with the specifications in the FAA Advisory Circular:

The tower shall be lighted by a Dual Lighting with Red/Medium Intensity Flashing White System as described in FAA AC 70/7460-1K, Chapter 8, sections 80 through 84. The option of omitting painting, as described in Chapter 8, section 85 will not be allowed. This tower will also be required to be painted in alternating sections of aviation orange and white in accordance with AC 70/7460-1K, Chapter 3, section 30 through 33, specifically in alternating bands as described in section 33 (d), and shall meet the specifications as described in Chapter 12, section 121. If during the FCC/FAA registration and approval process, it is determined that this condition is not legally compatible with FCC and/or FAA regulatory standards, this Conditional Use Permit will be invalid and automatically revoked under CBJ Code 49.15.330(g)(8).

Habitat -

The applicant completed an environmental analysis which concluded that the project site does not contain wetlands. The analysis also evaluated the presence of endangered species. (Attachment 10, p. 4)

Per CBJ§49.70.310(a)(3), development is prohibited within 50 feet of an eagle nest on private land, provided that there shall be no construction within 330 feet of such nest between March 1 and August 31 if it contains actively nesting eagles. CDD contacted the U.S. Fish and Wildlife Service to request a nest survey of Spuhn Island to determine if the proposed tower complied with this regulation. USFWS conducted a survey in July and provided CDD with the coordinates for both active and inactive nests on Spuhn Island. CDD's cartographer mapped the coordinates for the two nests closest to the tower site and determined that both nests are approximately 800 feet from the site. Since both nests are well outside of the 330-foot setback for active nests, the applicant complies with the eagle tree setback without any Land Use Code restrictions.

Public Comments

Many residents have expressed strong concerns regarding the visual impact of the tower and impacts to property value. One resident has expressed support for the tower. A brief excerpt from each comment letter has been provided below, listed in the order received. These excerpts are intended to highlight key concerns and not to substitute for a complete reading of each letter.

1) Scalf, Attachment 29.

"My wife and I own Lot 9...directly adjacent...to the proposed cell tower....The proximity of the tower to our lot will harm the pristine aesthetics that is one of the reasons we bought the lot....The value of our lot could be adversely affected by the placement of a cell tower so close. [Commenter attached an article indicating that cell towers could decrease the value of adjacent properties by 10 percent.] Spuhn Island has plenty of space where the construction of a cell tower wouldn't interfere with aesthetics or value of property. The area designated Rural Park to the west of lots 1 and 2 would be a much better location....We also ask that the Planning Commission require the tower to be disguised as a tree...."

2) Lyman, Attachment 30.

"....We are tucked into a city park at the far end of Fritz Cove Road to be preserved for all to enjoy....today we are faced with losing the wilderness views which Juneautes have enjoyed for decades....The same views are so integral to the North Douglas Highway that the road along Fritz Cove is listed as a protected viewshed in the current comprehensive plan....[A tower] located on Spuhn will have to be painted and lit to highlight it from surrounding forests, due to the use of Fritz Cove as a pathway for small planes flying to Hoonah, Glacier Bay, and beyond. I hope that you can impose sufficient safeguards before issuing this permit so that we all will not be faced with the vision of a lighted alien craft appearing to hover above eagle trees at the highpoint of Spuhn Island. There are alternatives available....The configuration of the tower can be masked as a single lancet, resembling a monument. Or some towers are arranged and painted to resemble evergreen trees....If nothing else, I would hope that you would insist on variable lighting for the tower, to limit its intrusion on our nights. If a cell tower is not essential on Spuhn Island, then alternatives should be considered....CBJ staff currently are developing rules and regulations for the expanding communications...industry...Until those standards are in place a moratorium should be imposed on all new sites. From residents, to casual users, to visitor industries, to beach

hikers, or North Douglas bicycle riders and fishers, the experience of an unsullied view from Smuggler's and Fritz Coves is worth spending time getting this issue right."

3) Coleman, Attachment 31.

"My home is perhaps three-quarters of a mile from Spuhn Island....I object to issuance of a Conditional Use Permit....The tower would be 1.5 times the height of the Juneau Federal Building, located in a highly scenic area....It's hard to think of a location where impacts would be higher....It would also be a hazard to aviation, especially when the ceiling is low....If the tower were built at a higher location (e.g. CBJ Land near the top of Engineers Cutoff across from the FAA equipment), it wouldn't have to be so tall....Many jurisdictions have imposed significant restrictions...on cell towers to minimize their number and scenic impacts. Many cities require...all providers to share towers....If current law does not provide the authority to impose such restrictions, now is the time for the Commission to recommend to the Assembly that it enact such authority...."

4) Valentine, Attachment 32.

"....I don't want a cell phone tower jabbed into the island in my backyard....I believe this to be an eyesore installed for either convenience sake or someone will make money from it. Either way, I strenuously object...."

5) Woolf, Attachment 33.

"The [Horan Report] has at least one major flaw...The communications tower would in fact destroy the view from the homes near the end of Fritz Cove Road....A mile distant is actually very close in this regard, not as reported. The report focused far too much on the potential loss of property values, which should indeed be a serious concern, but it failed to address the spiritual value of placing a blight on the viewscape of families who spent decades developing their homes...[The report]...reduces the spiritual value of home to mere financial worth, which even then is not presented truthfully....I hope CBJ will consider the deception presented in this report, but more so, the well-being of our hardworking citizens who deserve to be treated not just with respect, but with honor and to be cherished...."

6) Allwine, Attachment 34.

"We are writing in support of the cell tower permit...We, operating as Spuhn Island Development, have a vested interest in the success of this endeavor...Spuhn Island has become...a lightning rod for derogatory comments....The tower is located a minimum one mile from the top of a hill in a treed area. Dwellings on the island will face the opposite directions...The tower, surrounded by trees, will not diminish the harmony of the area. Most people will not notice any impact from the placement. The cell tower will have many benefits to the Juneau area including safety and convenience. It fills a major blind spot for cell users in Young Bay, Horse Island, Admiralty Island, and Shelter. Whether boaters, hikers, hunters, or campers an added measure of safety is provided....I cannot stress enough our genuine desire to preserve the original intent of the Spuhn Island setting."

These comments will be addressed in the following section.

Property Value and Neighborhood Harmony -

Property Value. The applicant has provided a report prepared by Horan & Company, LLC titled, *Perceived Impact of Installation of an 155' High Lattice Communications Tower, Parcel B, Spuhn Island on Neighboring Property Values Based on Interviews with Knowledgeable Market Observers, Juneau, Alaska* (Attachment 7). The report states that lots immediately adjacent to the tower would have water views oriented away from the tower. The tower would involve the distant viewshed of residents one mile away in Smugglers Cove at the end of Mendenhall Peninsula Road. The perspective from the north shore of Auke Bay would be five miles or more and would not be visible from most developments along the highway. The tower would be visible to residents along North Douglas highway, two miles south of the project location.

Horan & Company reviewed data from realtors, brokers, appraisers, and other market professionals and concluded that, *"As planned, it would not cause a serious view blight and would not provide noise, smell, or any other tactile interference to make it disharmonious with the neighborhood. Based on my interviews...it does not appear that there would be any substantial or measurable decrease in value of neighborhood property due to the proposed development..."*

As indicated in the Public Comments section above, several residents have stated that they believe the proposed tower will have detrimental effects on property value. One commenter submitted a study from the government of New Zealand which suggested that property values for properties adjacent to telecommunications towers could decline by 10 percent. Another commenter stated that the Horan Report is misleading, and does not consider spiritual values.

CDD requested a supplemental property value analysis from Horan & Company to account for the staff recommendation for lighting and painting the tower. Staff also provided Mr. Horan with updated visual depictions of the tower, the New Zealand property value study, and the latest survey data. Horan & Company's updated 10/16/12 analysis, which accounted for the recommended lighting and painting recommendation, did not change the conclusions of the initial report:

"Comments persist that the presence of cell reception is a plus for neighborhood influence....A review of the Spuhn Island Subdivision, and the proposed location of the facility on Parcel B, affirms that the anticipated highest and best use development immediately adjacent to that parcel would have view orientations away from the proposed cell tower. Although the cell tower could be seen while approaching the island and the various subdivided lots, it would not adversely affect the viewshed from these properties."

Regarding the New Zealand property value study, Horan & Company noted that different markets respond differently to cell towers depending on market perception. While some lower 48 studies have shown *"downward anecdotal observations especially with significant view blighting,"* most studies show that a downward adjustment is not noted or not measurable. Mr. Horan concluded that no downward trends have been noted in the Alaska market:

"As indicated in my original appraisal consultation, there is no perceived negative market influence for cell towers at this time within the Juneau market. In fact, cell coverage is an important attribute of neighborhoods within this market. There is no measurable negative value to neighborhood properties anticipated by the proposed development."

(Attachment 8)

The CBJ Assessor's Office has reviewed both the original report and the supplement, and concurred with the analysis and conclusions. (Attachments 11 and 12)

With increased demand for services, views of cell towers from residences even in low-density and remote areas are not uncommon through the borough, including Auke Bay. While Horan & Company was retained by the applicant, staff notes that it is a valuation expert with experience in the Southeast Alaska market, and that the CBJ Assessor's Office concurs with Horan & Company's conclusion. In keeping with CDD's standard practice to defer to local valuation expertise when determining whether a proposed development will "substantially decrease the value of" property in the neighboring area, the Director finds that the proposed development will not "substantially decrease the value of property in the neighboring area."

Alternative Sites, Co-location, and Moratoriums. One commenter, a property owner immediately adjacent to the tower, has requested that the tower be located in the Spuhn Island Subdivision area designated as Rural Park, to the west of Lots 1 and 2. (Attachment 29, Scalf, and Attachment 5, Spuhn Island Final Plat) Another commenter requested review of alternative tower sites including CBJ properties on North Douglas and co-location with other towers in the area. (Attachment 31, Coleman)

The applicant responded to these comments by noting that Parcel B, the applicant's proposed tower location, was established in the subdivision plat for wireless communication, and that it would be "ill-advised" to establish a telecommunications facility in an area reserved for green space and park use. The applicant has also described the tower selection process in detail. (Attachment 10, p. 2-3)

As described in previous sections, the proposed tower would be located on Parcel B of the Spuhn Island Subdivision. Plat Note 1 establishes an easement that is for "*...the installation, maintenance, and repair of electrical facilities...*" Though the note does not specifically reserve the parcel for telecommunications towers and equipment, the parcel is clearly reserved for utility facilities rather than residential development, park uses, or natural area preservation. This easement was approved through the Planning Commission public hearing process during review of the Spuhn Island Major Subdivision. The Spuhn Island plat serves as notice to current and future property owners within the subdivision that this easement exists and will be used for utility infrastructure. Therefore, although telecommunications uses were not specifically identified in Plat Note 1, installation of poles and towers are typical of electrical distribution systems and are not substantially out of character with structures that would be anticipated within the easement.

Moreover, as described in the Background section of this report, CBJ Code does not currently provide the authority to require an applicant to conduct an alternative site analysis and/or to show the non-feasibility of co-locating the project on existing infrastructure.

Finally, though a moratorium on new towers until new tower regulations are developed has been discussed, a moratorium would not be retroactive to applications under review, nor has a moratorium been proposed or imposed to date.

Neighborhood Harmony. Commenters have expressed opposition to the tower and believe it will have negative visual impacts in this scenic area. (Attachments 29 through 33, described in the Public Comments section)

The Spuhn Island Subdivision was finalized in February 2005 to establish 38 residential lots in the Rural Reserve Zoning District. Only a handful of building permits have been issued at this time, and the island has no visible development except for a dock. For decades this privately-owned island has had no development, so residents in the nearest established neighborhood, one mile from the tower site, have enjoyed pristine, unobstructed views. The proposed cell tower is the first major visual impact to Spuhn Island. In the near future, the island will be developed in a manner similar to the Smugglers and Fritz Cove neighborhoods, with single-family homes and related amenities.

Residents understandably want to preserve their views. The Planning Commission is responsible for protecting the rights of private property owners to develop their property appropriately while minimizing the impacts to nearby residences. In this case, the nearest established neighborhood is one mile away, however a new neighborhood will be established in the coming years in the immediate vicinity of the tower.

On August 27, 2012, staff took photographs of Spuhn Island from three locations: 1) the North Douglas Boat Ramp; 2) the Fritz Cove cul-de-sac; and 3) 808 Fritz Cove Road, the Lyman residence. These photographs were sent to the applicant to be used to provide visual depictions of the proposed tower as seen from these locations. The final visual depictions, included in Attachment 15, represent a reasonable approximation of the view of the tower from these locations. The depictions are based on the actual elevation of Spuhn Island in that specific location, tree height, tower height, and the height of the tower that will be visible above the tree line. These depictions demonstrate that though the tower would be visible, it would not be as prominent as residents might suspect. Staff notes, however, that these visual depictions do not include or capture the effect of the proposed aviation safety lighting, which includes a medium-intensity white flashing strobe light during the day and a steady red light at night.

The CDD cartographer has provided a Tower Viewshed Map (Attachment 16). This map demonstrates the areas from which the tower will be visible and will not be visible. The tower will be visible from Fritz Cove and Smugglers Cove and from at least four miles of North Douglas Highway, including Bayview Subdivision, located approximately 2.5 miles from the tower location. This map does not portray how obvious the tower will be, only if it can or cannot be seen.

Some residents have requested that the tower be painted brown, disguised as a tree, or otherwise camouflaged to minimize visual impacts (Attachments 29-30). The Aviation Safety section of this report documents that the Spuhn Island/Fritz Cove area experiences heavy use by small aircraft,

which are specifically authorized to fly at low elevations in this area during inclement weather. The CBJ Airport Manager, local pilots, and some divisions within the Federal Aviation Administration have adamantly insisted that the tower have full safety painting and lighting, as described in the proposed condition below:

"The tower shall be lighted by a Dual Lighting with Red/Medium Intensity Flashing White System... This tower will also be required to be painted in alternating sections of aviation orange and white...."

In past reviews CDD has recommended using a dark green or brown powder coat on towers to minimize visual impacts. In this review, the tower cannot be camouflaged, since it must be clearly visible to ensure local aviation safety.

Conclusion. The CDD Director has *not* found *"that the development will more probably than not...substantially decrease the value of or be out of harmony with property in the neighboring area"* under CBJ 49.15.330(d)(5)(B). While the impact of a new tower approximately one mile away may be noticeable from the Fritz Cove and Smuggler's Cove neighborhoods, the impact will not be so substantial that it would have an overriding effect property values of the neighborhood, nor will it be out of harmony with property in the neighboring area. For Spuhn Island property owners, as well as surrounding neighbors, the tower location was identified in the subdivision plat as an area permanently reserved for private utilities. It is reasonable to expect that infrastructure such as the proposed tower would be built at this location. Though the proposed tower will have a visual impact, the Director does not find that impact will substantially decrease the value of or be out of harmony with property in the neighboring area.

Conformity with Adopted Plans - The 2008 Comprehensive Plan designates the subject area as Rural Low Density Residential (RLDR), defined as rural residential land at densities of one to three dwelling units per acre, based on existing platting and capability of the land to accommodate on-site septic systems and wells or whether the land is served by municipal water and sewer service. Any commercial development should be of a scale consistent with a low-density residential neighborhood. Telecommunication towers are not listed under this definition or specifically identified in the Plan. However, telecommunication services are vital for Juneau as the Capital City and regional hub for Southeast Alaska. The Comprehensive Plan states, *"As Alaska's Capital City, it is vital for the CBJ to offer modern transport and communication systems and facilities to Alaskan residents who wish to participate in State legislative affairs."* Telecommunication infrastructure is also a form of a communication utility. As stated in the Comprehensive Plan, *"Together with the transportation network and private utility and communication systems, public services and facilities provide the community's 'urban glue' and require efficient and timely provision."*

Comprehensive Plan Scenic Corridor Designation. Chapter 11 of the 2008 Comprehensive Plan describes the Scenic Corridor/Viewshed (SCV) designation. Spuhn Island itself is not a designated SCV area, however a section of North Douglas Island, with a view of Spuhn Island, is an SCV area. This map is included in Attachment 14.

Page 162 of the 2008 Comprehensive Plan describes SCV areas as follows, with emphasis added:

*“Scenic Corridor/Viewshed (SCV) **This designation is suitable for CBJ-owned and other public lands** whose views of, or whose near and/or distant views from the locale, are deemed as spectacular and/or represent a significant and important representation of the visual character of the CBJ. The views of, or from, the designated SCV land area toward public vista points or viewscape: demonstrate a scenic view of great natural beauty, a spectacular landscape, an important historic building or site; provide views of the aurora borealis, sea, harbors, or of a cityscape that is a “signature” viewscape of the CBJ; and is valued by residents and visitors alike and conveys the CBJ as a special place. Lands within the scenic corridor or viewscape should be protected from visual intrusion or obstructions from structures, night light and glare, invasive flora, and/or other similar elements that would diminish the visual prominence of the viewscape. Lands within SCV designations may be zoned for a mix of zoning districts, most particularly the same district as the surrounding lands; however, any new zoning request or rezoning application should identify specific view corridors that would be protected by any new development therein. Land uses that do not require view-blocking structures should be permitted, such as public vista plazas and seating areas, community gardens, boat launch facilities, fishing areas or utility poles.”(emphasis added)*

The map and definition refer to both Scenic Corridor and Viewshed (SCV), however only the scenic corridor is specifically mapped; the viewshed is not. Neither the definition nor the map state or demonstrate which views are subject to protection. Staff searched but was unable to locate Planning Commission minutes explaining the intention of this policy. It seems unlikely that the intention of the Planning Commission and the Assembly would have been to apply viewshed protection to all areas visible from mapped scenic corridors, since this would encompass large privately-owned areas within Borough, including areas with expanding commercial development.

For example, one section of the scenic corridor map in Attachment 14 includes the northwest end of Gastineau Channel, encompassing the Mendenhall Wetlands. The views in all directions from this scenic corridor encompass a significant area of the Borough. The viewshed is not defined, and Comprehensive Plan viewshed protections have not been applied; several large telecommunications towers, airport expansion projects, and several major structures are within or clearly visible from this mapped area.

The Scenic Corridor/Viewshed definition in the Comprehensive Plan refers only to CBJ and other publicly-owned lands. The west end of Spuhn Island is designated as a CBJ Natural Area Park, however the parcel under consideration for the tower is privately-owned. The CDD Director has determined that applying viewshed protections to private land visible from SCV areas is an unreasonable extension of this policy, because it would lead to significant restrictions on private development in large areas throughout the CBJ, and because the viewshed has not been mapped and defined. Though Spuhn Island is considered a highly scenic area by residents

and worthy of viewshed protection, the CDD Director has determined that since the section of Spuhn Island where the proposed tower will be located is on private property and the viewshed has not been delineated, it does not meet the criteria for protection described in the Comprehensive Plan SCV designation.

FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area;
or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ §49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested conditional use permit complete?

Yes. We find the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 18.300 for the Rural Reserve zoning district.

3. *Will the proposed development comply with the other requirements of this chapter?*

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was originally provided in the June 15, 2012 and June 22, 2012 issues of the Juneau Empire's "Your Municipality" section. The Notice of Public Hearing was extended over a mile beyond the 500 foot requirement to reach property owners on the south and southwest boundary of the Mendenhall Peninsula. Three Public Notice Signs were posted: one at the Spuhn Island dock; one at the end of Fritz Cove Road; and one adjacent to North Douglas Highway at the North Douglas Boat Ramp, visible from the public Right of Way.

The hearing was rescheduled to the July 10, 2012 Planning Commission hearing on June 20, 2012 due to unresolved issues in the review. On June 21, 2012, a second public notice with the revised hearing date was mailed to the original public notice list. The three public notice signs were also revised on June 21 to reflect the new hearing date. Additional public notice was provided in the June 29 and July 6 issues of the Juneau Empire's "Your Municipality" section. Due to reasons described in the Background section of this staff report, the project was again rescheduled for the July 24 hearing. Signs were changed, and public notice was provided in the July 13 and July 20 "Your Municipality" section of the Juneau Empire. On July 19, CDD removed the item from the July 24 Planning Commission agenda, and the three public notice signs were removed.

Public notice for the current hearing date of October 23, 2012 has been provided in the October 12 and October 19, 2012 issues of the Juneau Empire's "Your Municipality" section. The Notice of Public Hearing was sent to the original public notice list, and the three signs were re-posted with the new hearing date.

4. *Will the proposed development materially endanger the public health or safety?*

No. As described in the preceding analysis, the proposed development will not materially endanger local aviation safety with adoption of the proposed condition to paint the tower with orange and white safety painting, and to the light the tower with a medium-intensity white flashing strobe light during the day and red steady light at night, in accordance with FAA Advisory Circular 70/7460-1K. With adoption of the two proposed conditions regarding radio frequency emissions for pre and post-construction, public safety will be protected by ensuring compliance with FCC Radio Frequency Emission standards.

5. *Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?*

No. Based on the preceding analysis, the proposed development will not substantially decrease the value of or be out of harmony with property in the neighboring area. Horan & Company has conducted an initial and supplemental property value analysis which specifically evaluates the impact of the proposed tower with the recommended painting and lighting and configuration, and has concluded that there is no negative market influence for cell towers within the Juneau market. The

CBJ Assessor's Office has reviewed both Horan & Company studies and agrees with the conclusions. Furthermore, visual analysis of the impact of the tower indicates that while the tower will be visible from neighboring properties, it will not be out of harmony with property in the neighboring area because cell towers are common throughout the Borough, including in remote areas and in Auke Bay.

6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Yes. Based on the previous analysis and with the recommended conditions, staff finds that the intent of the 2008 Comprehensive Plan will be met. Wireless communication services are valued by many residents, and Comprehensive Plan Scenic Corridor protections do not apply to the proposed development.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. Will the proposed development comply with the Juneau Coastal Management Program?

Yes. The project does not require fill in wetlands, it is not near any anadromous streams, and the closest eagle nests are approximately 800 feet from the site. The development complies with the Juneau Coastal Management Program.

RECOMMENDATION

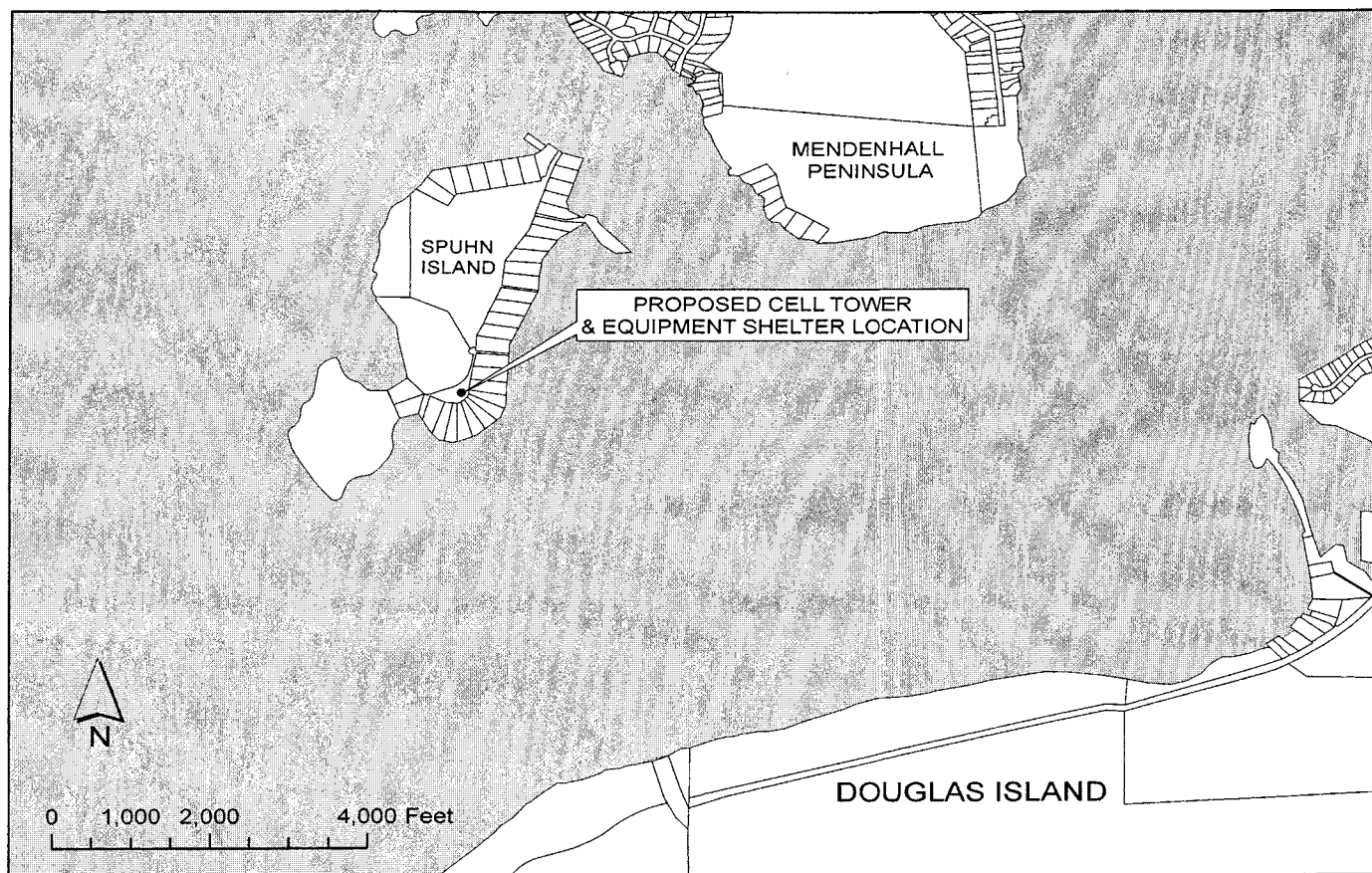
Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a 155-foot lattice telecommunications tower, including a 10' x 24' equipment shelter with a diesel generator, fuel tank, and telecommunications equipment, all enclosed within a 50' x 50' chain link fence. The approval is subject to the following conditions:

- 1) Prior to the issuance of a Building permit, the applicant shall submit a letter to the Community Development Department signed by a radio frequency engineer certifying that the structures comply with electromagnetic radio emission levels set by the Federal Communications Commission (FCC).
- 2) Prior to receiving a Certificate of Occupancy, the applicant shall submit a letter to the Community Development Department signed by a radio frequency engineer certifying that the structures as constructed and at optimal emission levels comply with electromagnetic radio emission levels set by the Federal Communications Commission (FCC).
- 3) Prior to the issuance of a building permit, the applicant shall submit a noise study for the facility to demonstrate that dBA levels will not exceed 65 dBA at the property line during the day or 55 dBA at night. If the noise study indicates that the generator is louder than 55 dBA at the nearest residential property line, the project shall be reviewed as a Utility through the

Conditional Use permitting process.

- 4) Fritz Cove Road shall not be used as an arrival or departure location for tower construction or maintenance activity.
- 5) The tower shall be lighted by a Dual Lighting with Red/Medium Intensity Flashing White System as described in FAA AC 70/7460-1K, Chapter 8, sections 80 through 84. The option of omitting painting, as described in Chapter 8, section 85 will not be allowed. This tower will also be required to be painted in alternating sections of aviation orange and white in accordance with AC 70/7460-1K, Chapter 3, section 30 through 33, specifically in alternating bands as described in section 33 (d), and shall meet the specifications as described in Chapter 12, section 121. If during the FCC/FAA registration and approval process, it is determined that this condition is not legally compatible with FCC and/or FAA regulatory standards, this Conditional Use Permit will be invalid and automatically revoked under CBJ Code 49.15.330(g)(8).

NOTICE OF PUBLIC HEARING



PROPOSAL: A Conditional Use Permit for a 155-foot cell phone tower.

FILE NO.:	USE2012 0006	APPLICANT:	Westtower Communications
TO:	Adjacent Property Owners	PROPERTY OWNER:	Spuhn Island Development LLC
HEARING DATE:	October 23, 2012	PARCEL NO.:	4-B20-0-111-001-0
HEARING TIME:	7 pm	ACCESS:	Auke Bay
		ZONING:	Rural Reserve
PLACE:	ASSEMBLY CHAMBERS Municipal Building 155 South Seward Street Juneau, Alaska 99801	LOCATION:	Spuhn Island

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department no later than 8:30 A.M. on the Wednesday preceding the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Teri Camery at 907-586-0755, or e-mail: teri_camery@ci.juneau.ak.us

Date printed: October 10, 2012

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: <u>05-07-12</u>
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description This application is for the installation of a 10'x24' Equipment shelter containing a diesel generator and telecommunications equipment cabinets within a proposed 50'x50' chain link compound. The application also includes the request to construct a 150' tall self support tower within the 50'x50' chain link compound.		
	PROPERTY LOCATION		
	Street Address NSN Spuhn Island	City/Zip Juneau, AK	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Parcel B Spuhn Island Subdivision, Plat 2005-12		
	Assessor's Parcel Number(s) 4B2001110010		
	LANDOWNER/ LESSEE		
	Property Owner's Name Spuhn Island Development LLC	Contact Person: 907-723-2468	Work Phone: 907-723-4090
	Mailing Address 8725 Mallard Street, Juneau, AK 99801	Home Phone:	Fax Number:
	E-mail Address main@gci.net or kaa@gci.net	Other Contact Phone Number(s):	
	LANDOWNER/ LESSEE CONSENT <small>*** Required for Planning Permits, not needed on Building/ Engineering Permits ***</small>		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p><input checked="" type="checkbox"/> Landowner/Lessee Signature</p> <p><input checked="" type="checkbox"/> Landowner/Lessee Signature</p> </div> <div style="width: 35%; text-align: right;"> <p><u>5-7-12</u> Date</p> <p><u>5-7-12</u> Date</p> </div> </div>			
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT <small>If the same as OWNER, write "SAME" and sign and date at X below</small>			
Applicant's Name Westower Communications			
Mailing Address 19500 Cipole Road, Tualatin, OR 97062			
E-mail Address sitedeployment@gmail.com			
<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p><input checked="" type="checkbox"/> Alissa Haynes Applicant's Signature</p> </div> <div style="width: 35%; text-align: right;"> <p><u>05/07/2012</u> Date of Application</p> </div> </div>			

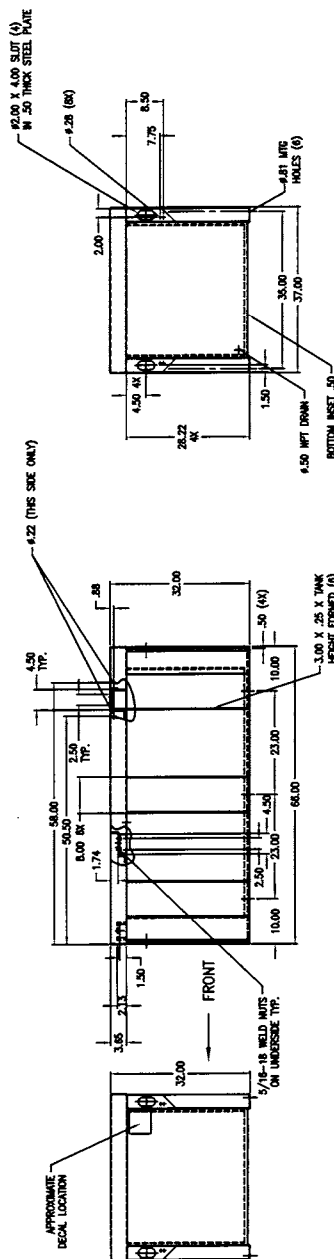
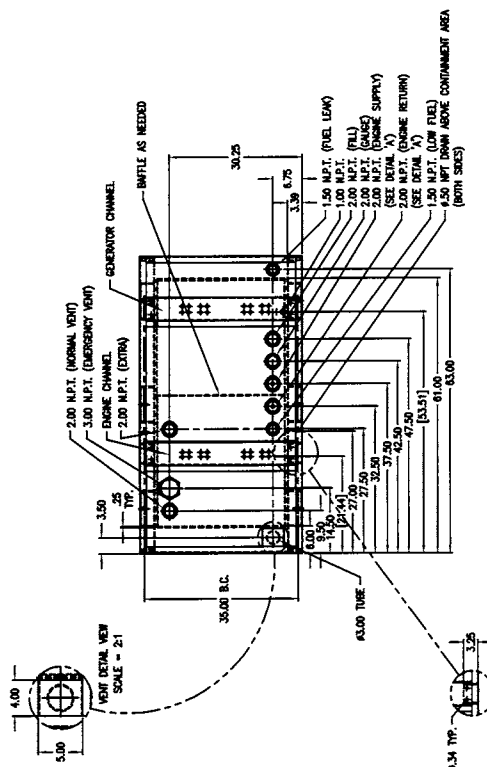
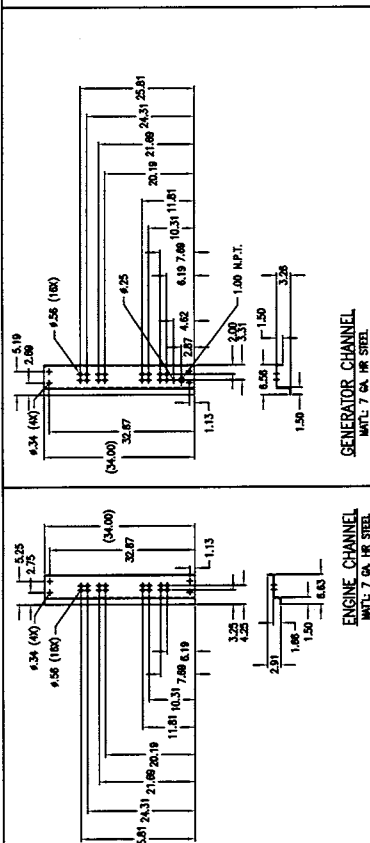
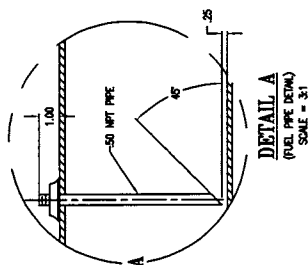
STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE				
	✓	Permit Type	Priority	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	<input checked="" type="checkbox"/>	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		<u>5-07-12</u>	<u>UG 201200006</u>
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
		Zone Change Application			
		Other (Describe)			
	***Public Notice Sign Form filled out and in the file.				
	Comments:				Permit Intake Initials

TO BE COMPLETED BY THE APPLICANT

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

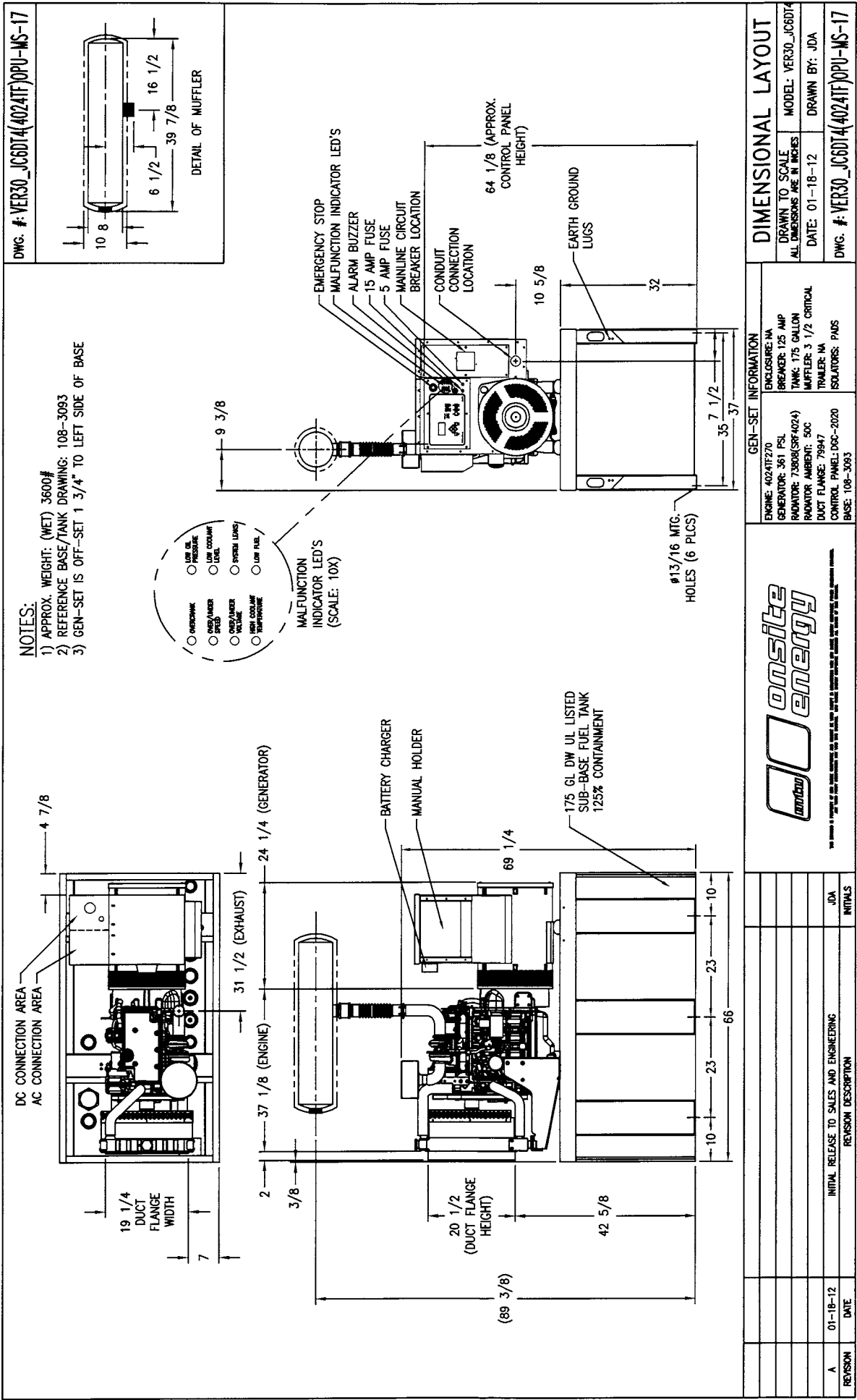
DIGALERT
Call Toll Free
1-800-478-3121
2 Working Days Before You Dig
<http://www.digalert.com/join.htm>

1. REMOVE ALL BARRS AND SHARP EDGES
2. BATTERIES MUST BE CENTERED BETWEEN TANKS
3. TANK IS DESIGNED TO SUPPORT GROUND FUEL
4. THIS TANK IS UL LISTED 142 AS AN OPEN TANK
5. TANK TO BE INSTALLED IN CONFORMANCE WITH APPLICABLE LISTING CODE NFPA 30 AND COMBUSTIBLE LIQUIDS CODE NFPA 30 AND
6. DISTANCE BETWEEN ANY OTHER TANK IS TO BE 3'X UNLESS OTHERWISE SPECIFIED
7. TANK IS TO BE 1250K COMPARTMENT
8. TANKS ARE TO BE 1250K COMPARTMENT
9. TANKS ARE TO BE 1250K COMPARTMENT
10. MATERIAL IS 10 GA INP UNLESS OTHERWISE NOTED
11. PRESSURE TEST AT 5 PSI
12. RISK HAZARD TO BE APPLIED TO INSIDE OF INNER TANK
13. RISK HAZARD TO BE APPLIED TO INSIDE OF INNER TANK
14. EXHAUST AND GENERATION CHAMBERS TO BE REMOVABLE (BATTERIES)



TOLERANCES X = \pm .100 Y = \pm .100 Z = \pm .100 R = \pm .010 FINISH = \pm .010 HOLE = \pm .010 TAP = \pm .010 DRILL = \pm .010 REAM = \pm .010 TURN = \pm .010 BORE = \pm .010 GROOVE = \pm .010 CHAMFER = \pm .010 RADIUS = \pm .010 DIMENSIONS UNLESS OTHERWISE SPECIFIED		DESCRIPTION: TANK SB 175GL DW UL VERIZON CONTAINMENT W/O STUB-UP	MATERIAL-SIZE NOTES TANK SB 175GL DW UL VERIZON CONTAINMENT W/O STUB-UP	DWG. #: 108-3093
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02731	CHANGED TO BOLT IN ENGINE AND GENERATOR CHANNELS	2-13-12	JDA
REV	ECO	DATE	BY
		REASON FOR REVISION	



LEGEND

- B.L.M. 2-1/2" BRASS MONUMENT RECOVERED THIS SURVEY
- ⊕ PRIMARY MONUMENT RECOVERED THIS SURVEY
- SECONDARY MONUMENT SET THIS SURVEY BY J.W. BEAN



TYPICAL SECONDARY MON.
1-1/2" YELLOW PLASTIC CAP
5/8" REBAR, 36" LONG

WASTEWATER DISPOSAL:

I HEREBY CERTIFY THAT THE SITE REPRESENTED BY THIS PLAT HAS BEEN INVESTIGATED BY MYSELF, OR UNDER MY DIRECTION, AND THAT EACH LOT WITHIN THIS SUBDIVISION IS ABLE TO SUPPORT ON-SITE WASTEWATER DISPOSAL IN ACCORDANCE WITH REQUIREMENTS SET FORTH IN CHAPTER 72, TITLE 18 OF THE ALASKA ADMINISTRATIVE CODE (18AAC72).

DATE 3/29/2005

SIGNATURE [Signature] CE4130
P.E.

ALASKA REGISTERED CIVIL ENGINEER NO.

STATEMENT OF OWNERSHIP:

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND THAT I DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PRIVATE USE AS NOTED.

Date 3-29, 2005

Witness [Signature] Owner [Signature]

NOTARY'S ACKNOWLEDGMENTS:

UNITED STATES OF AMERICA)
STATE OF ALASKA) S.S.

THIS IS TO CERTIFY THAT ON THIS 29th DAY OF March, 2005, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED;

Karla Tollefson-Alwine as owner

Nathan Bishop as witness

KNOWN TO ME TO BE THE PERSON (PERSONS) DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE (SHE) (THEY) SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

STATE OF ALASKA)
OFFICIAL SEAL)
Shirley M. Ridges)
NOTARY PUBLIC)
My Commission Expires January 1, 2007

PLANNING COMMISSION CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF JUNEAU, ALASKA SAID PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION BY PLAT RESOLUTION NO. SUB 2005-00002 DATED: February 23, 2005, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA.

DATED: 3/31, 2005

ATTEST: [Signature] CHAIRMAN
CITY & BOROUGH OF JUNEAU
DEPARTMENT OF COMMUNITY DEVELOPMENT

[Signature] CLERK
CITY & BOROUGH OF JUNEAU



CERTIFICATE OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4, COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

Date 3-21-05



DRAWN BY: GDM Graphics
CHECKED BY: J.W.B.
DRAWING DATE: 3-28-2005
FIELD BOOK:
SCALE: 1" = 200'
JOB NO.: SPUNH2
REVISOR:
GRID:



J.W. BEAN INC.
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU - ALASKA
(907) 789-0590
SURVEYOR - PLANNER

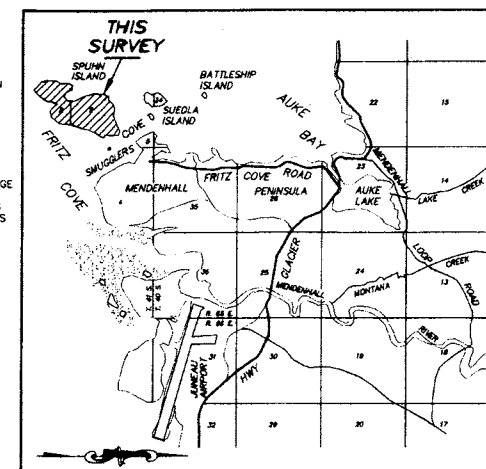
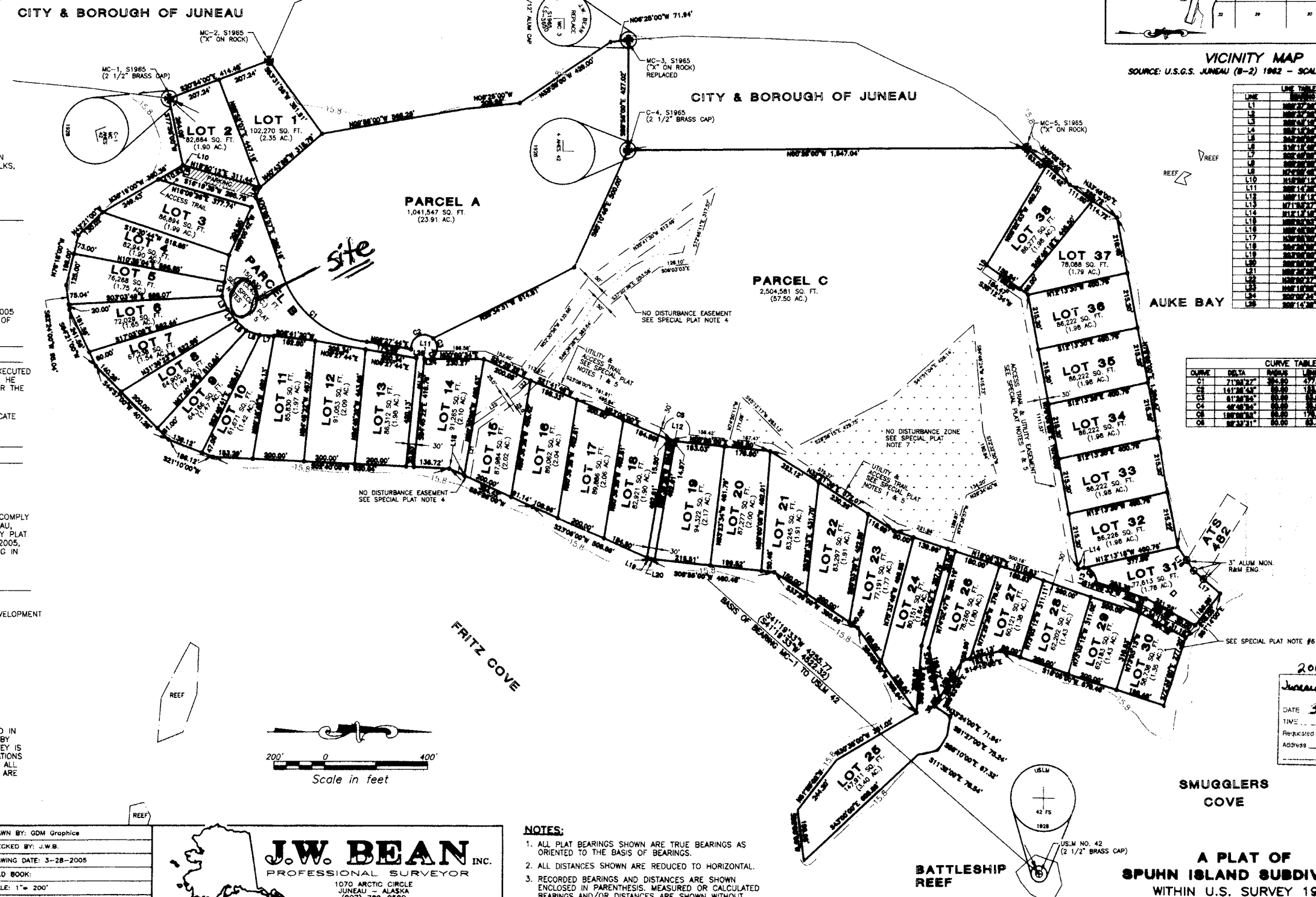
SPECIAL PLAT NOTES:

1. THERE IS A PERMANENT PRIVATE UTILITIES AND TRAIL EASEMENT, LOCATED AS DELINEATED ON THE PLAT. THE UTILITIES AND TRAIL EASEMENT IS FOR (1) THE INSTALLATION, MAINTENANCE AND REPAIR OF ELECTRICAL FACILITIES NECESSARY TO PROVIDE ELECTRICITY TO EACH LOT AND TRACT SHOWN ON THE PLAT PLUS ANY ADDITIONAL LAND SUBSEQUENTLY DESIGNATED BY SPUNH ISLAND DEVELOPMENT, LLC; (2) THE INSTALLATION, MAINTENANCE AND REPAIR OF WATER AND SEWER FACILITIES NECESSARY TO PROVIDE WATER AND SEWER TO EACH LOT AND TRACT SHOWN ON THE PLAT PLUS ANY ADDITIONAL LAND SUBSEQUENTLY DESIGNATED BY SPUNH ISLAND DEVELOPMENT, LLC; AND (3) PEDESTRIAN, GOLF CART, AND ALL TERRAIN VEHICLE INGRESS AND EGRESS TO AND FROM EACH LOT AND TRACT SHOWN ON THE PLAT PLUS ANY ADDITIONAL LAND SUBSEQUENTLY DESIGNATED BY SPUNH ISLAND DEVELOPMENT, LLC BUT EXCLUDING USE BY CARS AND TRUCKS. THE ELECTRICAL FACILITIES MAY BE OWNED BY ALASKA ELECTRIC LIGHT & POWER AND ITS SUCCESSORS AND ASSIGNS. THE WATER AND SEWER FACILITIES SHALL BE OWNED BY SPUNH ISLAND DEVELOPMENT, LLC AND SUCH PERSONS AND/OR ENTITIES AS SPUNH ISLAND DEVELOPMENT, LLC AND ITS SUCCESSORS MAY DESIGNATE. THE DOMINANT ESTATES ARE EACH OF LOTS 1 THROUGH 38 AND PARCELS A, B AND C OF SPUNH ISLAND SUBDIVISION AND SUCH ADDITIONAL LAND SUBSEQUENTLY DESIGNATED BY SPUNH ISLAND DEVELOPMENT, LLC ITS SUCCESSORS AND ASSIGNS. THE SERVANT ESTATE IS THE LAND DELINEATED ON THE PLAT FOR THE EASEMENT LOCATION WHICH IS OWNED BY SPUNH ISLAND DEVELOPMENT, LLC AND ITS SUCCESSORS AND ASSIGNS.
2. PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR A LOT SHOWN ON THIS PLAT, THE LOT OWNER SHALL PROVIDE THE CITY AND BOROUGH OF JUNEAU ENGINEERING DEPARTMENT (CBE ENGINEERING) A REPORT DETAILING THE FEASIBILITY OF ON-LOT SEWAGE DISPOSAL. THE REPORT SHALL BE PREPARED BY AN ENGINEER LICENSED TO PRACTICE IN ALASKA. IF CBE ENGINEERING DETERMINES THAT ON-LOT SEWAGE TREATMENT AND DISPOSAL IS FEASIBLE FOR THAT LOT, THEN IT SHALL BE THE ONLY METHOD OF DISPOSAL ALLOWED ON SUCH LOT UNTIL SUCH TIME AS THE LOT HAS ACCESS TO A PUBLIC SEWAGE DISPOSAL SYSTEM.
3. THERE IS A NON LOCATED PRIVATE INGRESS AND EGRESS EASEMENT SEAWARD OF THE TREE LINE OF LOTS 1 THROUGH 38 OF THIS PLAT. THE EASEMENT IS SUFFICIENTLY WIDE TO ALLOW PEDESTRIAN INGRESS AND EGRESS TO AND FROM LOTS 1 THROUGH 38 FOR MEMBERS OF THE ASSOCIATION CREATED BY THE COVENANTS, CONDITIONS AND RESTRICTIONS AS WELL AS THOSE AUTHORIZED BY THE ASSOCIATION TO USE THE EASEMENT.
4. THERE ARE TWO CONNECTED NO DISTURBANCE EASEMENTS SHOWN ON THIS PLAT, REFERRED TO AND SHOWN ON THE PLAT, AND GOVERNED BY THIS PLAT NOTE. FIRST, A FIFTY FOOT NO DISTURBANCE BUFFER ON EITHER SIDE OF THE PERENNIAL STREAM WITHIN PARCEL C. SECOND, A TWENTY-FIVE FOOT NO DISTURBANCE BUFFER ON EITHER SIDE OF THE SAME PERENNIAL STREAM LOCATED ON LOTS 14 AND 15. ON BOTH NO DISTURBANCE EASEMENTS, THERE MAY BE CONSTRUCTED AND MAINTAINED WITHIN THE EASEMENTS, A FOOT TRAIL AND ASSOCIATED STREAM CROSSINGS AND PARK AMENITIES. PROVIDED SUCH ARE DONE WITH ONLY THAT DISTURBANCE OF LAND AND VEGETATION WITHIN THE EASEMENTS NECESSARY FOR SUCH CONSTRUCTION AND MAINTENANCE.
5. AN INTERIM EASEMENT IS GRANTED TO THE CITY AND BOROUGH OF JUNEAU WITHIN THE UTILITIES AND TRAIL EASEMENT DELINEATED ON THE PLAT. THE INTERIM EASEMENT IS ONLY FOR PURPOSES OF THE CITY INSTALLING ELECTRICITY TO LOTS 1 THROUGH 38 & PARCEL B. THE EASEMENT ONLY COMMENCES AFTER DEFAULT ON THE ELECTRICITY PORTIONS OF PARAGRAPH 6 OF THE JUNE 22, 2004 NOTICE OF DECISION. THE EASEMENT SHALL TERMINATE AS SOON AS THE INSTALLATION OF ELECTRICITY IS COMPLETE TO EACH LOT.
6. AN INTERIM EASEMENT IS GRANTED TO THE CITY AND BOROUGH OF JUNEAU ON PORTIONS OF LOTS 30 THROUGH 31 FOR PURPOSES OF ENTERING ONTO AND CONSTRUCTING THE DOCK FACILITIES REQUIRED BY PARAGRAPH 6 OF THE JUNE 22, 2004 NOTICE OF DECISION. THE EASEMENT ONLY COMMENCES AFTER DEFAULT ON THE DOCK FACILITIES PORTIONS OF PARAGRAPH 6 OF THE JUNE 22, 2004 NOTICE OF DECISION. THE EASEMENT SHALL TERMINATE AS SOON AS THE INSTALLATION OF THE DOCK FACILITIES IS COMPLETE.
7. THE NO DISTURBANCE ZONE DELINEATED ON THE WESTERN HALF OF THE WETLAND UNIT WITHIN PARCEL C, LOCATED WEST OF LOTS 19-24 SHALL HAVE NO BEARING ON WHETHER TO CONTINUE OR DISCONTINUE THE NONDISTURBANCE ZONE IN THE EVENT OF FUTURE DEVELOPMENT OF PARCEL C.
8. LOT NUMBERS 1 THROUGH 38 ARE SUBJECT TO COVENANTS, CONDITIONS AND RESTRICTIONS.
9. WITH RESPECT TO LOTS 1 THROUGH 38 AND PARCELS A, B AND C, SPUNH ISLAND SUBDIVISION, THERE IS RESERVED TO SPUNH ISLAND DEVELOPMENT, LLC, ITS SUCCESSORS AND ASSIGNS, OWNERSHIP OF ALL SUBSURFACE RIGHTS, MINERALS, OIL AND GAS, COAL, FISSIONABLE MATERIALS, GEOTHERMAL RESOURCES, CLAYS, SAND AND GRAVEL, TOGETHER WITH THE RIGHT TO EXPLORE FOR, DEVELOP AND EXTRACT THE SAME.
10. EACH LOT IS SUBJECT TO AN UNSPECIFIED PRIVATE DRAINAGE EASEMENT FOR THE ENTIRE SUBDIVISION. THE LOCATION OF SUCH DRAINAGE EASEMENTS TO BE IN ACCORDANCE WITH THE DRAINAGE PLAN PREPARED BY THE DEVELOPER, AND AS AMENDED FROM TIME TO TIME. EACH LOT IS THE SERVANT ESTATE FOR SUCH OTHER SPUNH ISLAND SUBDIVISION LOTS AND TRACTS, AS THE DOMINANT ESTATE, AS NECESSARY TO CARRY OUT THE DRAINAGE PLAN AS AMENDED FROM TIME TO TIME.

STEPHENS PASSAGE

CITY & BOROUGH OF JUNEAU

PARCEL C



VICINITY MAP

SOURCE: U.S.G.S. JUNEAU (B-2) 1962 - SCALE: 1" = 1 MILE

LINE	BEARING	DISTANCE
L1	N07°27'00" E	100.00'
L2	N07°27'00" E	05.00'
L3	N07°27'00" E	05.00'
L4	N07°27'00" E	05.00'
L5	N07°27'00" E	05.00'
L6	N07°27'00" E	05.00'
L7	N07°27'00" E	05.00'
L8	N07°27'00" E	05.00'
L9	N07°27'00" E	05.00'
L10	N07°27'00" E	05.00'
L11	N07°27'00" E	05.00'
L12	N07°27'00" E	05.00'
L13	N07°27'00" E	05.00'
L14	N07°27'00" E	05.00'
L15	N07°27'00" E	05.00'
L16	N07°27'00" E	05.00'
L17	N07°27'00" E	05.00'
L18	N07°27'00" E	05.00'
L19	N07°27'00" E	05.00'
L20	N07°27'00" E	05.00'
L21	N07°27'00" E	05.00'
L22	N07°27'00" E	05.00'
L23	N07°27'00" E	05.00'
L24	N07°27'00" E	05.00'
L25	N07°27'00" E	05.00'
L26	N07°27'00" E	05.00'
L27	N07°27'00" E	05.00'
L28	N07°27'00" E	05.00'
L29	N07°27'00" E	05.00'
L30	N07°27'00" E	05.00'
L31	N07°27'00" E	05.00'
L32	N07°27'00" E	05.00'
L33	N07°27'00" E	05.00'
L34	N07°27'00" E	05.00'
L35	N07°27'00" E	05.00'
L36	N07°27'00" E	05.00'
L37	N07°27'00" E	05.00'
L38	N07°27'00" E	05.00'

CURVE	DATA	BEARING	LENGTH	CHORD BEARING
C1	71°18'24"	05.00'	18.24'	N07°27'00" E
C2	81°18'24"	05.00'	18.24'	N07°27'00" E
C3	81°18'24"	05.00'	18.24'	N07°27'00" E
C4	81°18'24"	05.00'	18.24'	N07°27'00" E
C5	81°18'24"	05.00'	18.24'	N07°27'00" E
C6	81°18'24"	05.00'	18.24'	N07°27'00" E

2005-12
JUNEAU REC DIST
DATE 3-31 2005
TIME 3:00 P.M.
Requested By CRT
Address _____

SMUGGLERS COVE

A PLAT OF
SPUNH ISLAND SUBDIVISION
WITHIN U.S. SURVEY 1965
JUNEAU RECORDING DISTRICT - JUNEAU, ALASKA

NOTES:

1. ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
2. ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
3. RECORDED BEARINGS AND DISTANCES ARE SHOWN ENCLOSED IN PARENTHESES. MEASURED OR CALCULATED BEARINGS AND/OR DISTANCES ARE SHOWN WITHOUT PARENTHESES.



May 31, 2012

5430 NE 122nd Avenue
Portland, Oregon 97230

City and Borough of Juneau
Planning Commission
155 South Seward Street
Juneau, Alaska 99801

RE: AK3 SMUGGLERS COVE
Tract B Spuhn Island

Dear Ms. Boyce,

This is in response to your request to Verizon Wireless concerning interference to your existing telecommunications devices and services related to our proposed facilities. Verizon Wireless provides Commercial Mobile Radio Services ("CMRS") under licenses granted by the Federal Communications Commission ("FCC"). Pursuant to these licenses, Verizon Wireless is authorized to provide CMRS and operate a CMRS network in many geographic areas throughout the nation, including Juneau, Alaska. In many cases, Verizon Wireless CMRS networks employ microwave transmission facilities also authorized under FCC license.

The FCC exclusively regulates all technical aspects of Verizon Wireless' operations and network and preempts all state and local regulation of radiofrequency transmissions. The FCC rules protect co-channel and adjacent licensees against harmful interference.

The above noted proposed Verizon Wireless facility is in compliance with all applicable FCC requirements. The following points cover Verizon Wireless' practices pertinent to complying with the FCC requirements:

1. Verizon Wireless locates its transmitting antenna(s) in order to maximize vertical and horizontal separation from other operator's systems to minimize interference potential.
2. All operating hardware at the site is type-accepted by the FCC as far as emission levels within our licensed frequency band in addition to spurious emissions outside of our frequency band.
3. The power levels generated by the base station hardware and corresponding effective radiated power (ERP) from the transmit antenna(s) are within the limitations specified by FCC Rules.

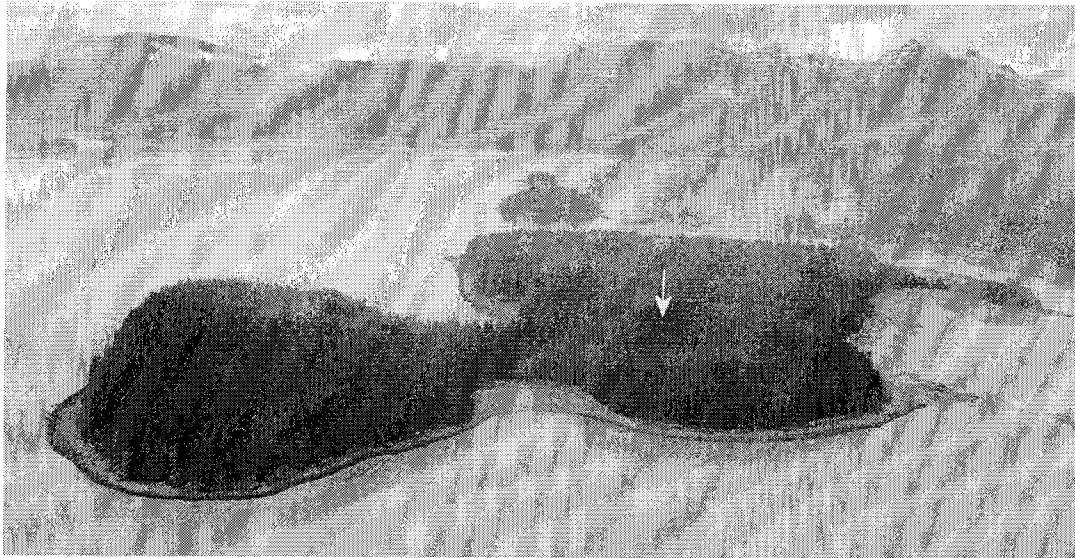
Verizon Wireless is committed to providing state of the art wireless services that benefit your community. If you have any questions please feel free to contact me.

Sincerely,
Verizon Wireless

A handwritten signature in black ink, appearing to read "Jeff Culley".

Jeff Culley
RF Engineer

**PERCEIVED IMPACT OF INSTALLATION OF AN
155' HIGH LATTICE COMMUNICATIONS TOWER
PARCEL B, SPUHN ISLAND
ON NEIGHBORING PROPERTY VALUES
BASED ON INTERVIEWS WITH KNOWLEDGEABLE
MARKET OBSERVERS, JUNEAU, ALASKA**



PREPARED FOR: Alissa Haynes, Project Manager
Westtower Communications
1301 Huffman Road, Suite 125
Anchorage, Alaska 99515

PREPARED BY: Charles E. Horan, MAI
HORAN & COMPANY, LLC
403 Lincoln Street, Suite 210
Sitka, Alaska 99346

EFFECTIVE DATE: April 10, 2012

REPORT DATE: April 30, 2012

OUR FILE: 12-045

HORAN & COMPANY, LLC

403 Lincoln Street, Suite 210 Sitka, Alaska 99835

Telephone (907) 747-6666 FAX (907) 747-7417

Email commercial@horanappraisals.com

CHARLES E. HORAN, MAI / WILLIAM G. FERGUSON, TIMOTHY W. RILEY, JOSHUA C. HORAN,
JAMES A. CORAK AND SARAH ADAY

REAL ESTATE APPRAISERS / CONSULTANTS

April 30, 2012

Alissa Haynes, Project Manager
Westower Communications
1301 Huffman Road, Suite 125
Anchorage, Alaska 99515

VIA Email: sitedeployment@gmail.com

Ref: Perceived Impact of Installation of an 155' High Lattice Communications Tower Parcel B,
Spuhn Island on Neighboring Property Values Based on Interviews with Knowledgeable
Market Observers, Juneau, Alaska; Our File no. 12-045

Dear Ms. Haynes:

Westower Communications is developing communication facilities that includes a 150' Lattice tower with an additional 5' lightening rod on Parcel B of the Spuhn Island Subdivision. A conditional use permit is required to be obtained for this development. One of the requirements of the permit is to determine the impact of wireless telecommunication facilities on surrounding property values. I have completed a study to identify the valuation issues through discussions with planning staff, local knowledgeable people involved in this issue and local real estate appraisers, brokers and other market participants who would enable me to discern the market perception relative to this issue in the Juneau market.

I have viewed the subject site, interviewed the site developers and planner, and reviewed the project plans. The tower will be on the high topographical point in the middle of the island surrounded to the south and east by two acre subdivided lots and to the north by undeveloped larger tracks. The site will be accessed by a right-of-way behind an existing string subdivided lots from the common harbor to the north. Apparently, underground utilities servicing the site are already in the ground. The tower will be surrounded by a second growth forested area. It will extend above the present tree height some 70' more or less. The immediate adjacent lots are part of a privately-owned development the Spuhn Island Subdivision, which has covenants that encourage upscale development. These lots would have waterfront views oriented away from the tower. There are adjacent undeveloped lands, Parcels A and C, owned by the subdivider. The remaining portions of the island are owned by the City and Borough of Juneau. The tower location would be just over a mile away from the closest other private lands off the island along the Mendenhall Peninsula along Smuggler's Cove at the end of Fritz Cove Road.

Alissa Haynes
May 3, 2012
Page 2

This tower would involve the distant view shed over a mile away from residential areas along Smuggler's Cove with the tower extending the existing tree line backdropped against the sky in the distance. The perspective from Auke Bay would be a distance of five miles or more, and may not be visible from most developments along the highway. The distance from North Douglas Highway, just under two miles south of the proposed tower location would show the tower above the existing tree line with a backdrop of trees, mountains and/or sky. Relative to the privately developed lots on Spuhn Island, their view orientation would be southeast away from the tower. As planned, it would not cause a serious view blight and would not provide noise, smell, or any other tactile interference to make it disharmonious with the neighborhood. Based on my interviews with four Realtors, eight appraisers, and my own experience in the market place, it does not appear that there would be any substantial or measurable decrease in value of neighborhood property due to the proposed development.

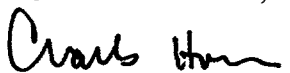
In addition to interviewing knowledgeable market observers, I have collected anecdotal information which substantiates this finding. The only additional research that might be done to further probe the issue would be to identify recent sales in residential areas where there are distant views of communication towers and do a one-on-one comparison to see how those sale prices compare to the sale values of other properties with a lesser presence of tower influence. In my opinion, it is highly probable that this additional analytical effort would not differ from the conclusions found from interviewing local, knowledgeable market observers.

Your attention is invited to the attached report which describes the proposed facility, outlines my methodology, and discerns the opinions of knowledgeable market observers. Also, I have outlined what type of locational impacts may result in substantial decrease in property values. The report contains other background information relative to our conclusions, and summarizes Assumptions and Limiting Conditions, Definitions and Certification of this consultation.

If you have any questions or comments, please do not hesitate to call.

Respectfully Submitted,

HORAN & COMPANY, LLC



Charles E. Horan, MAI
AA41

CEH:jrw

RECEIVED

MAY 07 2012

PERMIT CENTER/CDD

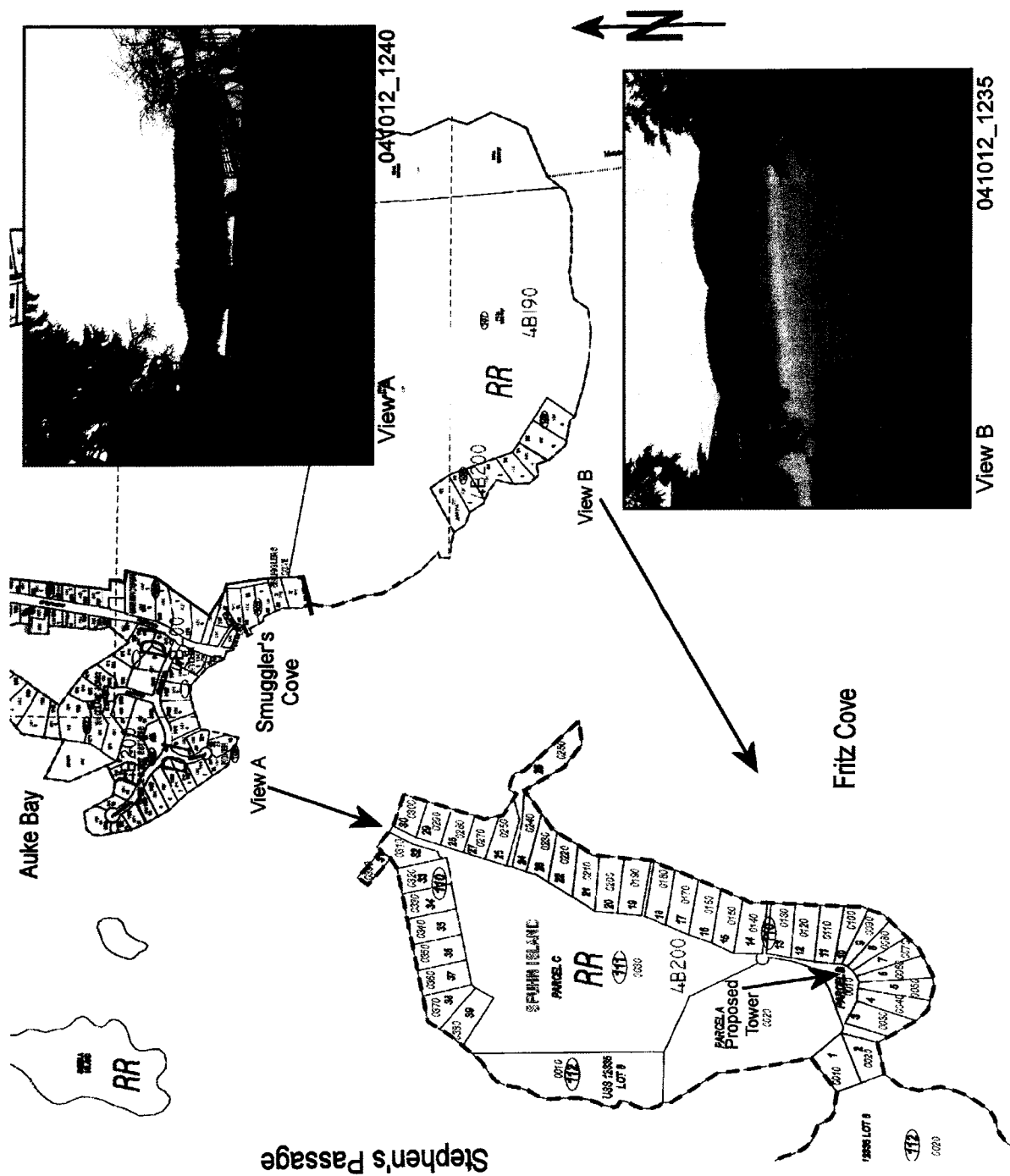


Figure 1 - Subject Proposed Tower Location on Spuhn Island showing perspectives across Smuggler's Cove

12-045 / Spuhn Island 155' Lattice Tower, Juneau

RECEIVED
MAY 07 2012
PERMIT CENTER/CDD

Proposed Project

Westower Communications is negotiating a 50'x50' lease area from the land owner Spuhn Island Development, LLC, contact Carla and Steve Allwine. The leased tract is on Parcel B as identified on a plat of Spuhn Island Subdivision (Plat 2005-12, Juneau Recording District). It is on a high elevated hill at the southern portion of the eastern lobe of Spuhn Island. The 38 two acre, more or less, subdivided lots that comprise the Spuhn Island Subdivision and subject to its covenants, ring this portion of the island on its southeast and north boundaries. Of the 38 lots, eight have sold in 2005 to 2007. With a softening of the real estate market and other investment objectives, the developers had discontinued aggressively marketing the lots. Apparently, only one lot has been built on, but two or three of the other lots are in the current planning stages for construction within the next year or two. All the subdivided lots have a view perspective away the proposed tower and it is likely it would be unnoticeable except in the marine travel to the island location. There is a common dock about a mile north of the proposed tower locations, which is accessible by an on ground easement.

The subject and surrounding island lands are zoned RR (Rural Reserve). The distant views from the lands at the south end of the Mendenhall Peninsula are from areas zoned RR or D1.

The project is for a proposed installation of an indoor equipment cabinet and one diesel generator mounted within a proposed 10'x24' equipment shelter within a proposed 50'x50' chainlink fenced compound. There will also be an installation of six antenna on a low profile platform on the proposed 150' high lattice tower. There will be an additional 5' lightning rod atop the tower, bringing its total height to 155'. The tower is currently proposed to accommodate a Verizon wireless microwave antenna, wireless antennas and will have space for additional carriers to accommodate future antennas.

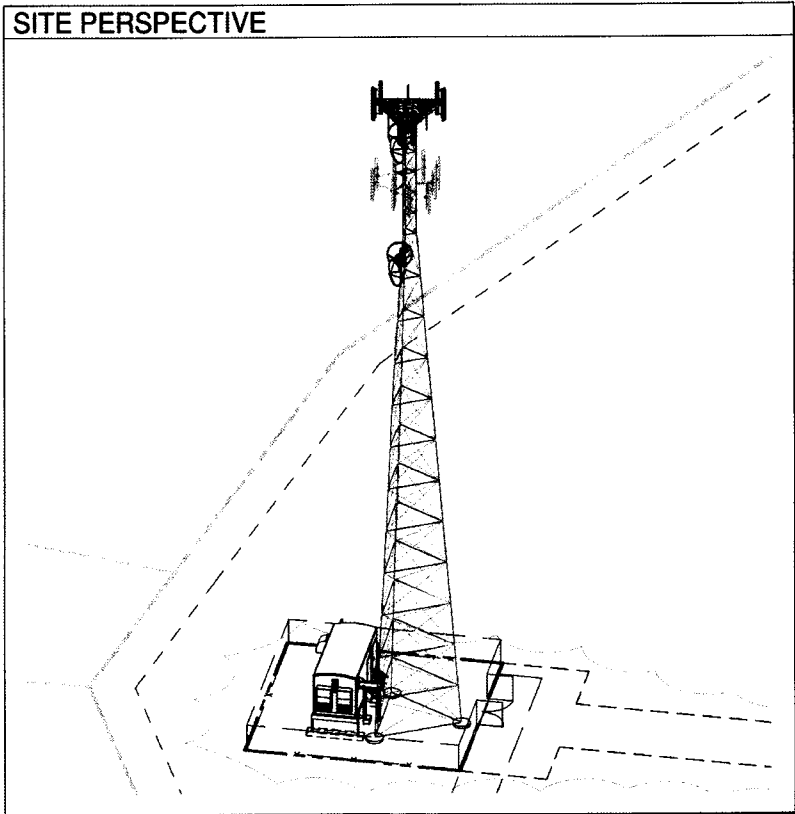


FIGURE 2 - SITE PERSPECTIVE

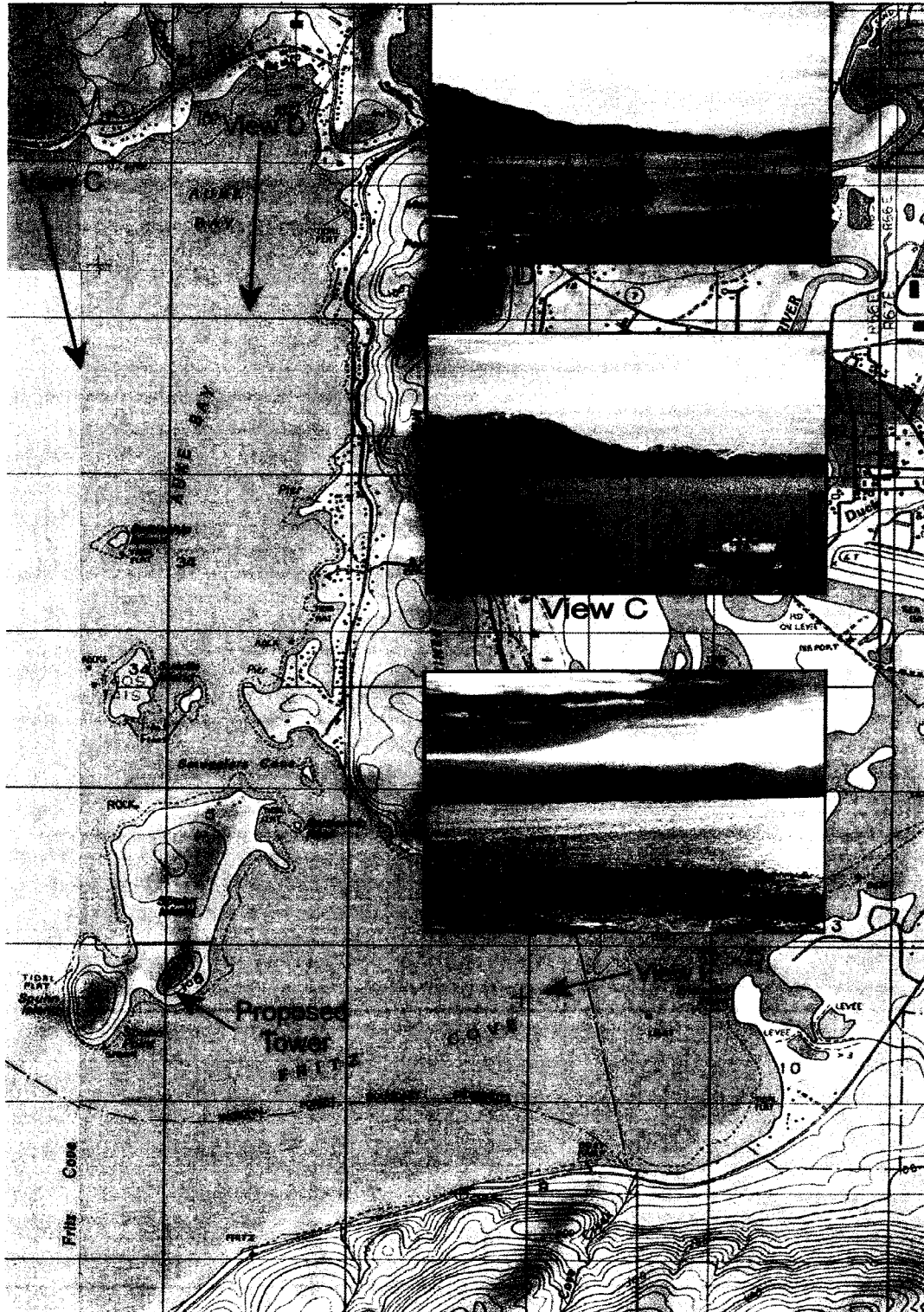


FIGURE 3 - DISTANT VIEWS OF SPUHN ISLAND FROM PRIVATE LAND

12-045 / Spuhn Island 155' Lattice Tower, Juneau

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MAY 07 2012
PERMIT CENTER/CDD

Tall lattice towers have been colored orange and white, and some have lights on them. It is assumed this will be the situation in the subject instance. This tower would involve the distant view shed over a mile away from residential areas along Smuggler's Cove (see Figure 1) with tower looming above the existing tree line backdropped against the sky in the distance. The perspective from Auke Bay would be a distance of five miles or more, and may not be visible from most developments along the highway. The distance from North Douglas Highway, just under two miles south of the proposed tower location would show the tower above the existing tree line with a backdrop of trees, mountains and/or sky. Some of these more distant views are shown on Figure 3 which show perspectives from private land at Auke Bay and the Bayview Subdivision off Horizon Drive from North Douglas. Relative to the privately developed lots on Spuhn Island, their view orientation would be southeast away from the tower.

It is assumed the structure will meet wind and weight bearing specifications as it goes through the local building code process. The antennas will distribute electromagnetic radio waves that contain some levels of radiation. These radio frequency levels must be in compliance with FCC emissions. There is a concern on the local level about the health hazards of cell tower emissions. There have been local concerns about these health risks and these risks are also expressed in national and international literature on the issues of cell towers and their possible bio-hazards. There are two sides to this debate. While a sincere concern for health risks have been raised at a number of public meetings for conditional use permits in conjunction with tall cellular phone tower development in Juneau, there is extensive public literature that indicates there is no convincing scientific evidence that weak radio frequency signals from base stations and wireless networks cause adverse health effects¹. New research and information may emerge over time and the arguments for and against the health concerns may change in the future. The only purpose of my study is to determine if there is a current negative market response to the presence of communication towers in the type of setting anticipated at the Spuhn Island location as of April 2012.

Juneau Real Estate Market A market is a place where buyers and sellers meet to determine a price. The market in Juneau is relatively well developed with most transactions being handled by Realtors. There is an active Multiple Listing Service (MLS) that gives reasonable exposure for the bulk of the sales. As an indicator of the volume and pricing trends in this market, Figure 4 from the Juneau Economic Development Association shows average selling price of a single-family residence through the first quarter of 2011. The market has remained strong throughout the year. There is some discernable appreciation in the market place.

This trend covers a period when housing prices had run up, which generally follows the national trend, peaking in 2007 and then cooling in the following years based on the national recession and the uncertainty in the real estate market. The Juneau market, however, has remained strong over the past three years with a persistent employment and population base. Also, the capital creep ended or

¹ See American Cancer Society web site under question *Do Cellular Phone Towers Cause Cancer?*
<http://www.cancer.org/Cancer/CancerCauses/OtherCarcinogens/AtHome/cellular-phone-towers>

online. Indeed, production began in June 2010. Further, the influence of the state government in Juneau remained positive due to the strength of the treasury as a result of persistent high oil prices. In this environment, demand is good, sales brisk and the market would be characterized as in balance.

At the same time, the demand for cell phone usage has increased significantly. The increased demand has been filled mostly by AT&T and GCI within the Juneau area. They or their contractors have developed cell towers within the community in an attempt to get as complete coverage as possible. The Mendenhall Valley and related residential area has seen a development of several towers and some permitting of towers that have not been built. The subject tower is proposed by a contractor for Verizon, which would introduce a new cell carrier in the Juneau market. The subject property owners believe the proposed tower will also provide significantly better cell phone reception on the fishing grounds – Auke Bay, Fritz Cove, and Stephen’s Passage on to the south and west. Spotty cell reception along neighborhoods off North Douglas Highway and Glacier Highway may also be improved.

Value Impact and Harmony of Cell Tower Presence

This study specifically addresses the City and Borough of Juneau Code 49.15.330 (d)(5)(B) f, which require the Planning Director and Commission to answer the question “Will [the proposed development] substantially decrease the value of or be out of harmony with property in the neighborhood area?” The term “substantially decrease the value” would mean there would be a measurable negative influence. In the subject instance, this would come from the visual impact of the tower and/or the market’s perceived health and safety risks that would be substantial enough to be discernable through sales activity which would reflect a measurable downward pricing trend in the market. The term “be out of harmony” would be captured in these elements of market diminution due to the negative impact of sight, sound, smell or other perceived health or safety risks that were not present prior to the permitted use.

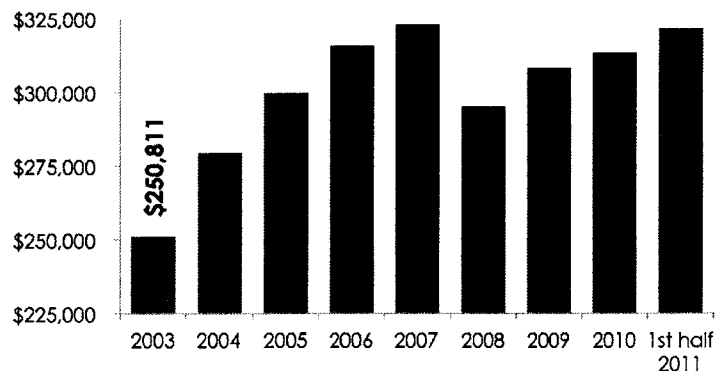
In the past, the appraiser has studied the Juneau market including specific sales research and interviews with knowledgeable market observers to discern what types of negative uses or situations

Housing

Juneau Housing Sales and Prices

In the first half of 2011, home prices were up, and the average number of days on the market was down. The average price of a single-family residence was \$321,391—a three percent increase over the first half of 2009 and similar to 2007 (peak) prices. During the same period, the price of single-family homes nationally fell by 7 percent. Nationally homes are at their 2003 prices.

Single-Family Home Prices in Juneau, 2003-2011



Source: Juneau and Southeast Economic Indicators 2011, Juneau Economic Development Council

FIG 4 - JUNEAU HOUSING STUDY

may result in a negative impact on property values. Some of these impacts may be substantial or measurable through pricing in the market. Some impacts are more subtle and not considered to have a measurable impact on property values relative to comparable properties in areas without the particular disharmonious use. Some examples of situations that, in the extreme, may impact property values and on the other hand, if more subtle, probably would not impact property values include the following:

- a home in a slide area
- properties next to high voltage power lines, with view obstruction
- properties with significant view obstructions such as power poles, commercial and industrial or degraded uses within the immediate view shed
- properties next to noxious odors or noises such as sewage treatment plants or airport noise
- properties within avalanche areas
- properties that have had oil spills or other bio-hazardous events that have been mitigated -- cleaned up or managed in place.

In order to determine the impact of these types of negative attributes, we have considered a variety of methods including matched-paired sales studies and interviews with local knowledgeable market observers. The in the subject instance matched-paired sales method would include identifying recent sales of properties near cell towers or with distant views that are similarly situated to the proposed situation. These sales could then be contrasted with other neighborhood sales or sales as similar as can be found in all regards except for the influence of cell towers due to proximity or visual orientation. This would be a time consuming and costly study. Its ultimate reliability would depend upon the availability of observations or sales that would provide the needed contrast. In situations where cell towers are large, of noticeable contrasting colors, and provide extreme nearby view obstructions in a residential settings, it would be an easier hypothesis to test. In the subject's case, where the cell tower would be viewed from a distance and in a mixed setting where there are already similar cell towers in a fractured landscape, it may be difficult to discern the subtle differences and would require a greater amount of market research with a questionable outcome depending on the quality of available data. As an alternative, there is a more direct way to address the problem. We developed a second method, interviewing knowledgeable market observers.

Ultimately, real estate is local. Prices paid and the factors influencing those prices are based on local preferences and market knowledge. Trends observed in other areas may not be immediately applicable to the local market. Professionals who have observed their local market, especially Realtors and appraisers who are familiar with hundreds or thousands of transactions in the local market, would be the best to first discern what the expected impact of cellular phone towers would be on price or market value. The definition of market value is:

The most probable price that a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting

prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised, and acting in what they consider their best interests;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

(12 C.F.R. Part 34.42(g); 55 Federal Register 34696, August 24, 1990, as amended at 57 Federal Register 12202, April 9, 1992; 59 Federal Register 29499, June 7, 1994)

The Dictionary of Real Estate Appraisal, 5th Edition, Appraisal Institute, Pages 123

The critical element here is the knowledge of the buyers and sellers. In order to determine the buyer and seller knowledge base, we have interviewed appraisers, Realtors and others who are knowledgeable within the market place, having observed buyer and seller response to prices for various positive and negative aspects of residential real estate transactions in Juneau.

INTERVIEWS WITH MARKET PARTICIPANTS

Juneau Residential Real Estate Appraisers' Feedback

We've interviewed a significant number of brokers and residential real estate appraisers who work within the Juneau market and regularly communicate with buyers and sellers. Eight appraisers with over 100 years of experience and over 10,000 residential appraisals were asked if they had ever used a discount or adjustment for a property's locational influence relative to cell towers in the residential settings similar to the subject. The answer was no. Further inquiry was made as to what types of negative neighborhood influences might require consideration of market adjustments. Examples included proximity to Lemon Creek Correctional Center, the garbage dump, substation noise, avalanche zone or slide areas, residential views over industrial parks or old mobile home parks. It is important to note that many of these negative influences are relative to comparables taken from other areas and are not necessarily negative for comparables from the similarly situated area.

Juneau Residential Realtors' Feedback

Similar to the question proposed to appraisers, Realtors were interviewed to ascertain if they had detected any influence of cell towers in their experience with buyers and sellers. Four Realtors interviewed represented involvement of approximately 1,400 transactions, with over 30 years experience within the Juneau market. Their responses were generally that there was no significant influence and, oftentimes, if cell towers were disguised, they were overlooked. There was an acknowledgment that if cell towers interfered significantly with the view shed, such as a large, direct,

obstruction, which obstructed an otherwise scenic view, it may be an issue. However, there were no specific situations noted in this regard. One realtor commented that if there were a large tower developed immediately adjacent to the property it might have some influence, but it depended on the degree and how well screened the tower would be. In several cases, Realtors commented that they were never discussed or not known to have existed in areas where they were present. In some cases, cell tower installations were confused with electrical installations.

When asked if there were health concerns related to cell towers within the market that impacted value, the answer was no. One comment was that there may have been some health concerns with proximity to electrical substations, and they would expect that concerns of cell towers might be similar, however, there was no known adjustment for price based on these situations.

The Realtors were asked what kind of negative influences in the market they would consider substantial or measurable due to locational elements. Waste water treatment plant, a gas company, down wind from the dump and proximity to the jail and avalanche areas were all mentioned. Properties that had persistent noise or odor, significant view obstruction or known hazards such as avalanche may be considered significant within the market. When queried about less significant negative influences that may not be substantial, the indication was that if the degree of influences were moderate or subtle, they would not be significant market determinants.

Anecdotal Data

The presence of cell towers in many instances are unnoticed. There are comments from Realtors who sold houses adjacent to cell towers that they were not even aware the cell towers were there. One realtor handled two separate transactions within the last few years, literally across the street from the 100' tall cell tower at Valley Boulevard and Mendenhall Loop Road (8503 Valley Boulevard) and indicated the cell tower had no apparent influence on the transaction. A comment was made that the congested intersection and traffic along Mendenhall Loop Road would have more of an impact on price consideration.

A renter at 12280 Mendenhall Loop Road, Darrell West, indicated the nearby cell tower made no negative difference to him or his roommates. In fact they appreciated that they had very good reception for their 3G Android cell phones.

The former City and Borough of Juneau Assessor related an incident where as Assessor he had made a downward adjustment for a cell tower on North Douglas. Within a year of making a substantial downward adjustment, he reported the property sold for \$200,000 over the adjusted value. There seems to be an acknowledgment in the market that a large tower blocking a scenic view could have an influence on value but this would be a rare case.

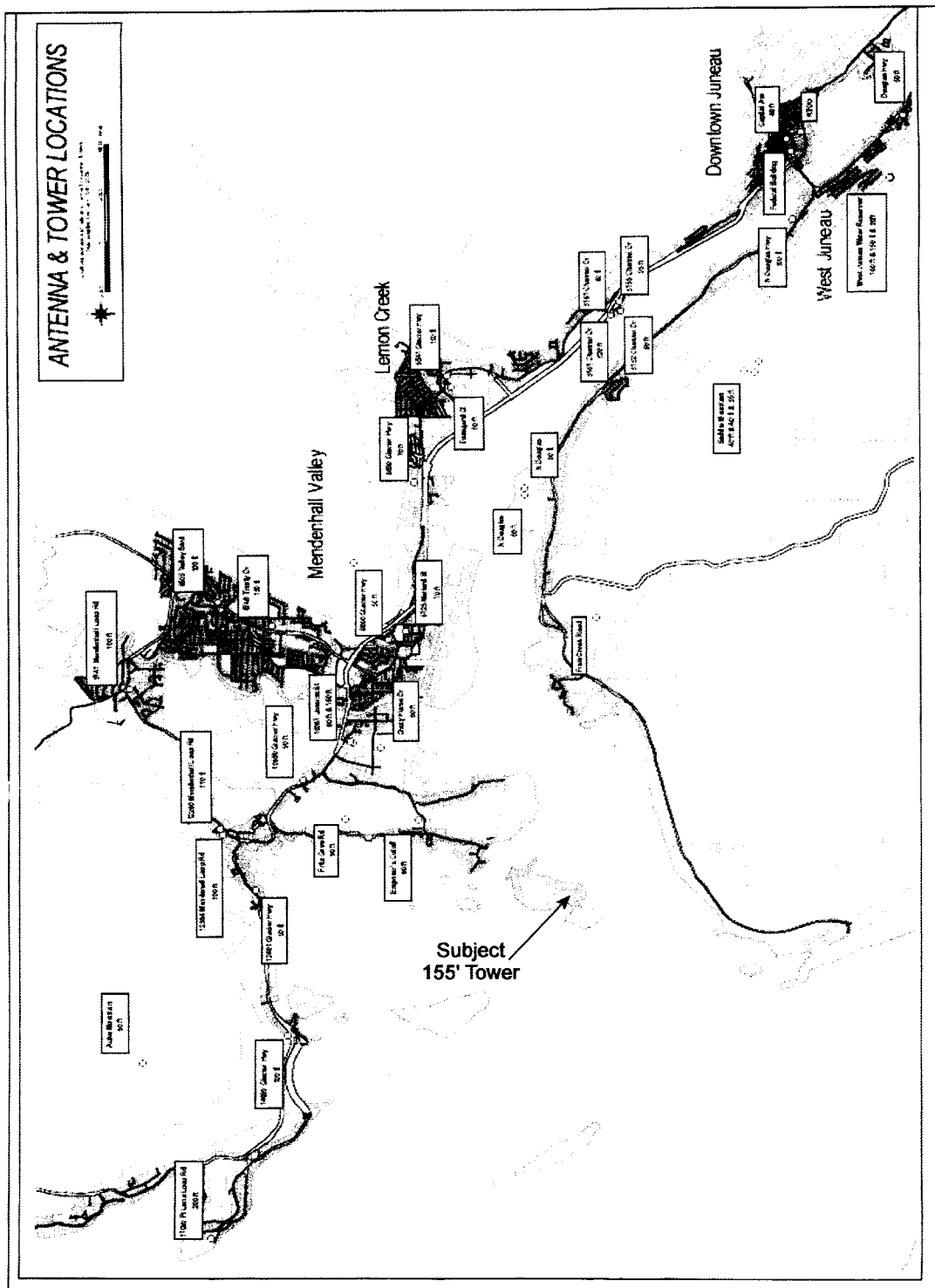


FIGURE 5 - ANTENNA AND TOWER LOCATIONS

SOURCE CBJ COMMUNITY DEVELOPMENT OFFICE ADAPTED BY HORAN & COMPANY, LLC

12-045 / Spuhn Island 155' Lattice Tower, Juneau

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There are several view sheds of tall lattice towers in residential areas including the Lena Heights Subdivision by the NOA Facility in the Lena Loop Road area. The lattice tower at 2 Mile North Douglas Highway is also visible from nearby properties and from across the channel along the Glacier Highway residential areas. There is no anecdotal data to suggest a negative impact on surrounding properties due to the towers within these view sheds. It may argued that marketability and desirability may be enhanced if they were not present, but there is no discernable negative pricing.

Price Comparison

The scope of this study did not include an analysis of pricing of properties directly in the influence of cell towers that would be comparable to the subject situation. The appraiser has reviewed various cell tower locations in the area including some of those indicated on the adjacent map Figure 4.

Further study could be done to suggest a radius of influence for these towers and identify sales, which have occurred since recent tower installation. The compared sales analysis would attempt to identify properties similarly situated of similar characteristics in similar market conditions (time) and determine if there were significant price differences between the sales explainable by the influence of the cell tower. It is not certain how many sales and paired similar properties would fulfill this criteria. Based on the research done so far and the interviews with knowledgeable market observers, it does not appear likely that the most competitive similarly situated cell towers would produce a negative influence on market values discernable by this paired sales technique. However, we stand ready to pursue this type of study if so desired.

Conclusion

Based on a review of the competing potential similar study areas-neighborhoods, lack of documented discounts or negative market reactions towards the presence of cell towers in these residential settings based on interviews with local knowledgeable market observers, it is my conclusion there would be no substantial decrease of value due to the presence of the proposed cell tower to the surrounding neighboring properties. It is further my opinion that if a more in-depth study was completed through market price comparisons, it is highly probable it would not change this conclusion.

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ADDENDA

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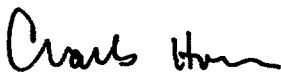
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CERTIFICATION OF CONSULTATION

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, conclusions and recommendations.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics & Standards of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice.
- The use of this report is subject to the requirements of the Appraisal Institute relating to the review by its duly authorized representatives.
- I have made a personal inspection of the surrounding areas but not the specific property that is the subject of this report on April 10, 2012.
- No one provided significant real property appraisal or appraisal consulting assistance to the person signing this certification.
- As of the date of this report, I, Charles Horan, MAI, have completed the continuing education program of the Appraisal Institute.



Charles E. Horan, MAI, AA41

May 3, 2012

Report Date

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ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal report and valuation contained herein are expressly subject to the following assumptions and/or conditions:

1. It is assumed that the data, maps and descriptive data furnished by the client or his representative are accurate and correct. Photos, sketches, maps, and drawings in this appraisal report are for visualizing the property only and are not to be relied upon for any other use. They may not be to scale.
2. The valuation is based on information and data from sources believed reliable, correct and accurately reported. No responsibility is assumed for false data provided by others.
3. No responsibility is assumed for building permits, zone changes, engineering or any other services or duty connected with legally utilizing the subject property.
4. This appraisal was made on the premise that there are no encumbrances prohibiting utilization of the property under the appraiser's estimate of the highest and best use.
5. It is assumed that the title to the property is marketable. No investigation to this fact has been made by the appraiser.
6. No responsibility is assumed for matters of law or legal interpretation.
7. It is assumed that no conditions existed that were undiscoverable through normal diligent investigation which would affect the use and value of the property. No engineering report was made by or provided to the appraiser.
8. Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.
9. The value estimate is made subject to the purpose, date and definition of value.
10. The appraisal is to be considered in its entirety, the use of only a portion thereof will render the appraisal invalid.

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11. Any distribution of the valuation in the report between land, improvements, and personal property applies only under the existing program of utilization. The separate valuations for land, building, and chattel must not be used in conjunction with any other appraisal and is invalid if so used.
12. The signatory of this appraisal report is a member of the Appraisal Institute. The bylaws and regulations of the Institute require each member and candidate to control the use and distribution of each appraisal report signed by such member or candidate. Therefore, except as hereinafter provided, the party for whom this appraisal report was prepared may distribute copies of this appraisal report in its entirety to such third parties as selected by the party for whom this appraisal report was prepared; however, selected portions of this appraisal report shall not be given to third parties without the prior written consent of the signatory of this appraisal report. Further, neither all nor any part of this appraisal report shall be disseminated to the general public by the use of advertising media, public relations media, news media, sales media or other media for public communication without the prior written consent of signatory of this appraisal report.
13. The appraiser shall not be required to give testimony or appear in court by reason of this appraisal with reference to the property described herein unless prior arrangements have been made.

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QUALIFICATIONS OF CHARLES E. HORAN, MAI

Professional Designation

MAI, Member Appraisal Institute, No. 6534

State Certification

State of Alaska General Appraiser Certification, No. AA41

Bachelor of Science Degree

University of San Francisco, B.S., 1973, Major: Business Administration

Employment History

August 2004	Owner, HORAN & COMPANY, LLC
03/87-07/04	Partner, HORAN, CORAK AND COMPANY
1980-02/87	Partner, The PD Appraisal Group, managing partner since November 1984 (formerly POMTIER, DUVERNAY & HORAN)
1976-80	Partner/Appraiser, POMTIER, DUVERNAY & COMPANY, INC., Juneau and Sitka, Alaska
1975-76	Real Estate Appraiser, H. Pomtier & Associates, Ketchikan, AK
1973-75	Jr. Appraiser, Ketchikan Gateway Borough, Ketchikan, AK

Lectures and Educational Presentations

1998, "Easement Valuation Seminar," Alaska Chapter Appraisal Institute, Anchorage, AK
1998, "Easement Valuation Seminar," Seal Trust, Juneau, Alaska
1997, "Sitka Housing Market," Sitka Chamber of Commerce
1997, developed and taught commercial real estate investment seminar for Shee Atika, Inc.
1994, developed and taught seminar "Introduction to Real Estate Appraising," University of Alaska/S.E., Sitka Campus
1985, Speaker at Sitka Chamber of Commerce, "What is an Appraisal? How to Read the Appraisal"
1984, Southeast Alaska Realtor's Mini Convention, Juneau, Alaska
Day 1: Introduction of Appraising, Cost and Market Data Approaches
Day 2: Income Approach, Types of Appraisals, AIREA Accredited Course
1983, "The State of Southeast Alaska's Real Estate Market"
1982, "What is an Appraisal?"

Types of Property Appraised

Commercial - Retail shops, enclosed mall, shopping centers, medical buildings, restaurants, service stations, office buildings, auto body shops, schools, remote retail stores, liquor stores, supermarkets, funeral home, mobile home parks, camper courts. Appraised various businesses with real estate for value as a going concern with or without fixtures such as hotels, motels, bowling alleys, marinas, restaurants, lounges.

Industrial - Warehouse, mini-warehouse, hangars, docks barge loading facilities, industrial acreage, industrial sites, bulk plant sites, and fish processing facility. Appraised tank farms, bulk terminal sites, and a variety of waterfront port sites.

Special Land - Partial Interest and Leasehold Valuation - Remote acreage, tidelands with estimates of annual market rent. Large acreage land exchanges for federal, state, municipal governments and Alaska Native Corporations; retail lot valuations and absorption studies of large subdivisions; gravel and rock royalty value estimates; easements, partial interests, conservation easements; title limitations, permit fee evaluations. Appraised various properties under lease to determine leasehold and leased fee interests. Value easements and complex partial interests.

Special Projects - Special consultation for Federal land exchanges. Developed Land Evaluation Module (LEM) to describe and evaluate 290,000 acres of remote lands. Renovation feasibilities, residential lot absorption studies commercial and office building absorption studies. Contract review appraiser for private individuals, municipalities and lenders. Restaurant feasibility studies, Housing demand studies and overall market projections. Estimated impact of nuisances on property values. Historic appreciation / market change studies. Historic barren material royalty valuations, subsurface mineral and timber valuation in conjunction with resource experts. Mass appraisal valuations for Municipality of Skagway, City of Craig, Ketchikan Gateway Borough and other Alaska communities. Developed electronic/digital assessment record system for municipalities. Developed extensive state-wide market data record system which identified sales in all geographic areas.

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Expert Witness Experience and Testimony

2009 Expert at mediation - Talbot's Inc vs State of Alaska, et al. IKE-07-168CI
2008 Albright vs Albright, IKE-07-265CI, settled
2006 State of Alaska vs Homestead Alaska, et al, 1JU-06-572, settled
2006 State of Alaska vs Heaton, et al, 1JU-06-570CI, settled
2006 State of Alaska vs Jean Gain Estate, 1JU-06-571, settled
2004 Assessment Appeal, Board of Equalization, Franklin Dock vs City and Borough of Juneau
2000 Alaska Pulp Corporation vs National Surety - Deposition
U.S. Senate, Natural Resources Committee
U.S. House of Representatives, Resource Committee
Superior Court, State of Alaska, Trial Court and Bankruptcy Courts
Board of Equalization Hearings testified on behalf of these municipalities: Ketchikan Gateway Borough, City of Skagway, City of Pelican, City and Borough of Haines, Alaska
Witness at binding arbitration hearings, appointed Master for property partitionment by superior state court, selected expert as final appraiser in multi parties suit with settlements of real estate land value issues

Partial List of Clients

Federal Agencies

Bureau of Indian Affairs
Bureau of Land Mngmnt
Coast Guard
Dept. Of Agriculture
Dept. Of Interior
Dept. Of Transportation
Federal Deposit Ins Corp
Federal Highway Admin.
Fish & Wildlife Service
Forest Service
General Service Agency
National Park Service
USDA Rural Develop.
Veterans Administration

Lending Institutions

Alaska Growth Capital
Alaska Pacific Bank
Alaska Ind. Dev. Auth.
ALPS FCU
First Bank
First National Bank AK
Key Bank
Met Life Capital Corp.
National Bank of AK
Rainier National Bank
SeaFirst Bank
True North Credit Union
Wells Fargo
Wells Fargo RETECHS

ANCSA Corporations

Cape Fox, Inc.
Doyon Corporation
Eyak Corporation
Goldbelt
Haida Corporation
Huna Totem
Kake Tribal Corporation
Klawock-Heenya Corp.
Klukwan, Inc.
Kootznoowoo, Inc.
Sealaska Corporation
Shaan Seet, Inc.
Shee Atika Corporation
TDX Corporation
The Tatitlek Corporation
Yak-Tat Kwan

Companies

AK Electric Light & Power
AK Lumber & Pulp Co.
AK Power & Telephone
Allen Marine
Arrowhead Transfer
AT&T Alscm
Coeur Alaska
Delta Western
Gulf Oil of Canada
Hames Corporation
HDR Alaska, Inc.
Holland America
Home Depot
Kennecott Greens Creek
Kennedy & Associates
Madsen Construction, Inc.
Service Transfer
Standard Oil of CA
The Conservation Fund
Union Oil
Ward Cove Packing
White Pass & Yukon RR
Yutana Barge Lines

Municipalities

City & Borough of Haines
City & Borough of Juneau
City & Borough of Sitka
City of Akutan
City of Coffman Cove
City of Craig
City of Hoonah
City of Ketchikan
City of Klawock
City of Pelican
City of Petersburg
City of Thorne Bay
City of Wrangell
Ketchikan Gateway Borg.
Municipality of Skagway

Other Organizations

Baranof Island Housing
Authority (BIHA)
Central Council for Tlingit
& Haida Indian Tribes
of Alaska (CCTHITA)
Diocese of Juneau
Elks Lodge
Hoonah Indian Assoc.
LDS Church
Moose Lodge
SE AK Land Trust (SEAL)
SE AK Reg Health
Consortium (SEARHC)
Sitka Tribe of Alaska
The Nature Conservancy

State of Alaska Agencies

Alaska State Building
Authority (formerly
ASHA)
Attorney General
Dept. of Fish & Game
Dept. of Natural Service,
Div. of Lands
Dept. of Public Safety
Dept. of Transportation &
Public Facilities
(DOT&PF)
Mental Health Land Trust
Superior Court
University of Alaska

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Education

Uniform Standards of Professional Appraisal Practice -
2011 Update, Juneau, AK; June 2011
Current Issues & Regulatory Updates Affecting
Appraisers #10066; William King & Associates, Inc.,
Juneau, AK; June 2011
Loss Prevention Program for Real Estate Appraisers;
LIA Administrators & Insurance Services; Juneau,
AK; June 2011
Uniform Appraisal Standards for Federal Land
Acquisitions (UASFLA), Rockville, MD, Oct 2010
Business Practices and Ethics, Seattle, WA, Apr 2010
Fall Real Estate Conference, Seattle, WA, Dec 2009
7-hour National USPAP Update Course, Seattle, WA,
May 2009
Fall Real Estate Conference, Seattle, WA, Nov 2008
Attacking and Defending an Appraisal in Litigation,
Kent, WA, Sep 2008
Sustainable Mixed-Use N.I.M., Seattle, WA, Feb 2008
Appraising 2-4 Unit Properties, Bellevue, WA, Sep
2007
Business Practices and Ethics, Seattle, WA, Jun 2007
7-hour National USPAP Update Course, Seattle, WA,
Jun 2007
Residential Market Analysis and Highest and Best Use,
Seattle, WA, Apr 2007
Basic Appraisal Procedures, Seattle, WA, Feb 2007
USPAP Update Course, Anchorage, AK, Feb 2005
Rates & Ratios: Making Sense of GIMs, OARs, and
DCF, Anchorage, AK, Feb 2005
Best Practices for Residential Appraisal Report
Writing, Juneau, AK, Apr 2005
Scope of Work - Expanding Your Range of Services,
Anchorage, AK May 2003
Litigation Appraising - Specialized Topics and
Applications, Dublin, CA, Oct 2002
UASFLA: Practical Applications for Fee Appraisers,
Jim Eaton, Washington, D.C., May 2002
USPAP, Part A, Burr Ridge, IL, Jun 2001
Partial Interest Valuation - Undivided, Anchorage, AK,
May 2001
Partial Interest Valuation - Divided, Anchorage, AK,
May 2001
Easement Valuation, San Diego, CA, Dec 1997
USPAP, Seattle, WA, Apr 1997
The Appraiser as Expert Witness, Anchorage, AK, May
1995

Appraisal Practices for Litigation, Anchorage, AK, May
1995
Forestry Appraisal Practices, Atterbury Consultants,
Beaverton, OR, Apr 1995
Advanced Sales Comparison & Cost Approaches, Univ.
of Colorado, Boulder, CO, Jun 1993
Computer Assisted Investment Analysis, University of
Maryland, MD, Jul 1991
USPAP, Anchorage, AK, Apr 1991
General State Certification Review Seminar,
Anchorage, AK, Apr 1991
State Certification Review Seminar, Dean Potter,
Anchorage, AK, Apr 1991
Highest and Best Use and Market Analysis, Baltimore,
MA, Mar 1991
Financial Institution Reform, Recovery & Enforcement
Act of 1989, Doreen Fair Westfall, Appraisal
Analyst, OTS, Juneau, AK, Jul 1990
Real Estate Appraisal Reform, Gregory Hoefer, MAI,
OTS, Juneau, AK, Jul 1990
Standards of Professional Practice, Anchorage, AK, Oct
1987
Federal Home Loan Bank Board Memorandum R41C
Seminar, Catherine Gearhearth, MAI, FHLBB
District Appraiser, Juneau, AK, Mar 1987
Market Analysis, Boulder, CO, Jun 1986
Federal Home Loan Bank Board Regulation 41b,
Instructor Bob Foreman, MAI, Seattle, WA, Sep 1985
Litigation Valuation, Chapel Hill, North CA, Aug 1984
Standards of Professional Practices, Bloomington, IN,
Jan 1982
Course 2B, Valuation Analysis & Report Writing,
Stanford, CA, Aug 1980
Course 6, Introduction to Real Estate Investment
Analysis, Aug 1980
Course 1B, Capitalization Techniques, San Francisco,
CA, Aug 1976
Course 2A, Case Studies in Real Estate Valuation, Aug
1976
Course 1A, Real Estate Principles and Valuation, San
Francisco, CA, Aug 1974

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REAL ESTATE APPRAISERS/CONSULTANTS

CHARLES E. HORAN MAI / WILLIAM G. FERGUSON, TIMOTHY W. RILEY, JOSHUA C. HORAN,
JAMES A. CORAK, AND SARAH ADAY

403 LINCOLN STREET, SUITE 210, SITKA, ALASKA 99835

Phone: (907)747-6666

Fax: (907)747-7417

commercial@horanappraisals.com

October 16, 2012

Teri Camery, Senior Planner
City and Borough of Juneau
Community Development Department
155 S. Seward
Juneau, AK 99801

via email: Teri_Camery@ci.juneau.ak.us

RE: Supplement on Spuhn Island 155 foot high Lattice Communication Tower, Perceived Market Impact Study; Our File #12-045

Dear Ms. Camery,

We completed a report for Alyssa Haines, Project Manager, West Tower Communications, which had a report dated April 30, 2012 and effective date of May 3, 2012. The report was titled *Perceived Impact of Installation of an 155' High Lattice Communications Tower, Parcel B, Spuhn Island on Neighboring Property Values Based on Interviews with Knowledgeable Market Observers, Juneau, Alaska*. This letter is a supplement to the original report. This letter then presumes that the readers, reviewers, and users of this report are familiar with the original report. The information presented here builds on the descriptive information and analysis of that original report, and is subject to the same assumptions and limiting conditions, definitions, intended use/user and other materials contained therein.

The original report concluded that there was no measurable decrease in values of neighborhood property due to the proposed development. Since that time that there have been clarifications about the tower design and comments about possible market value impacts as raised by one of the neighbors. This report addresses those issues.

Design Clarification-Changes

The current proposal indicates the tower will be colored orange and white or some similar obvious color and be lit day and night for air traffic safety reasons. This will make the tower more visible at a distance. The question has been raised: does this change the opinion that there is no measurable value decrease for neighborhood properties? I consulted one additional realtor and one additional appraiser to see if there has been a change in the market perception for this type of development. These more recent interviews confirm the past experience that there is currently no apparent adverse market

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reaction to the development of cell towers or similar infrastructure that would create a substantial or measurable decrease in market values.

Comments persist that the presence of cell reception is a plus for neighborhood influence. Buyers and sellers have not made negative remarks in recent years about the presence of such facilities. Also, it was pointed out that a recent sale adjacent to the sewer treatment plant may have had a nominal, say less than 10% market reaction, to its presence. In this case, there was persistent smell, noise, and nearby visual presence of a high industrial building wall immediately adjacent to the property. The anticipated development on Spuhn Island would not represent a significant type of negative neighborhood influence.

A review of the Spuhn Island Subdivision, and the proposed location of the facility on Parcel B, affirms that the anticipated highest and best use development immediately adjacent to that parcel would have view orientations away from the proposed cell tower. Although the cell tower could be seen while approaching the island and the various subdivided lots, it would not adversely affect the view shed from these properties.

Comments on New Zealand Study with Some Articles from the Internet Presented by a Concerned Citizen about the Health Hazards of Cellular Phone Towers

I am not qualified to comment on the validities of the health issues raised in these papers. However, as outlined in the original report, page 3, local concerns have been expressed and there is a debate in national literature about this issue. I've completed a little more research and have found no definitive scientific findings. Further, I have found no evidence within the Juneau market that this concern has begun to affect real estate values.

Additionally, you provided a copy of an appendix from a study done by the Ministry of Environment in New Zealand "*The Impact of Cell Towers on Property Values*." This brief article summarizes studies done locally in New Zealand and cites other international observations that claim inferred reductions of neighborhood property values due to cell phone towers. I had read this study and several of the studies commented upon when I began my research within the Juneau market about a year or so ago. This study importantly notes that different markets may respond differently to the presence of cell phone towers depending on the market perception. The study points out the dramatic reduction found in property values in certain Christchurch suburbs where towers had received contentious publicity and contrasting studies made where such publicity was not noted and found no significant effect "... or even a positive impact on property values..." I've personally reviewed several studies done in the lower 48 that show there may be some downward anecdotal observations especially with significant view blighting. Most of the studies, however, indicate that a downward adjustment was not noted or is not measurable. I am also aware of several studies in the Alaska market where no downward trends were noted. These influences are very specific to the local real estate market.

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As indicated in my original appraisal consultation, there is no perceived negative market influence for cell towers at this time within the Juneau market. In fact, cell coverage is an important attribute of neighborhoods within this market. There is no measurable negative value to neighborhood properties anticipated by the proposed development.

Please let me know if you have any additional questions or concerns.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles Horan". The signature is fluid and cursive, with the first name "Charles" being more prominent than the last name "Horan".

Charles E. Horan, MAI

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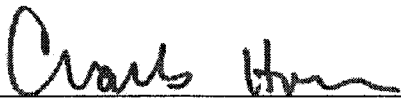
CEH/sa

CC: Sarah Grant, West Tower Communications

Certification of Consultation

I certify that, to the best of my knowledge and belief:

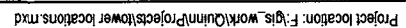
- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions in the original appraisal and are my personal, impartial, and unbiased professional analyses, opinions, conclusions and recommendations.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics & Standards of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice. This report is an addendum to and supplements the original appraisal.
- The use of this report is subject to the requirements of the Appraisal Institute relating to the review by its duly authorized representatives.
- I have made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal or appraisal consulting assistance to the person signing this certification.
- As of the date of this report I, Charles Horan, have/has completed the continuing education program of the Appraisal Institute.



Charles Horan, MAI

October 16, 2012

Date of Report

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Attachment 9