

COUNTY OF BONNER
STATE OF IDAHO

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In the Matter of the Application of:

Harmoni Towers

Application for Conditional Use Permit

Premises: 211 Cindy Lane
Sandpoint, ID

Parcel No.: RP59NO1W09510A

-----X

MEMORANDUM IN SUPPORT OF APPEAL

Respectfully Submitted,

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Preliminary Statement

Harmoni Towers (“*Harmoni*”) filed an application for a Conditional Use Permit (“CUP”) to install a one hundred forty-foot (140') (the equivalent of fourteen (14) stories) wireless communication facility on the property known as 211 Cindy Lane, Sandpoint, Idaho. The CUP was approved by the Bonner County Planning Department (the “Planning Department”) on February 13, 2024. The decision designates March 12, 2024 as the deadline to file this appeal.

It is important to note that *Harmoni* is a site developer, and does not provide personal wireless services. *Harmoni* builds cell towers and leases space upon its cell towers to tenants in order to make a profit. As such, it is not in *Harmoni*'s interest to encourage collocation of its proposed tenant's transmission equipment. Here, the proposed tenant is Verizon Wireless. *Harmonie* does not identify any additional prospective tenants interested in collocation on the proposed tower.

This Memorandum is submitted in support of the homeowners' appeal that the Hearing Examiner failed to adhere to the regulations set forth in the Bonner County Revised Code (the “BCRC”) and the Land Use Component of the Bonner County Comprehensive Plan (the “Comp. Plan”).

As set forth below, this appeal should be granted, and the Hearing Examiner's approval of *Harmonie*'s application for a CUP should be vacated, on the grounds that the Hearing Examiner failed to follow the provisions of §12-488 of the BCRC by i) failing to consider the public necessity element as required by the BCRC; ii) failed to consider the adverse effect the facility will have upon properties in the vicinity; iii) failed to find adequate evidence to support and iii) ignored the legislative intent of both the BCRC and the Comp. Plan.

As such, we respectfully submit that this appeal be granted, that the approval issued by the Hearing Examiner be vacated, and that *Harmoni*'s application be denied in a manner that complies with the Telecommunications Act of 1996.

DISCUSSION

POINT I

The Hearing Examiner's Approval of *Harmoni*'s Application Should Be Vacated Because the Hearing Examiner Failed to Consider the Alleged Public Necessity For the Proposed Tower

As set forth below, this appeal should be granted, and the Hearing Examiner's approval of *Harmoni*'s application should be set aside because *Harmoni* failed to demonstrate, and the Hearing Examiner failed to consider, the alleged public necessity for the proposed tower. By failing to consider the element of public necessity, the Hearing Examiner failed to comply with the provisions of BCRC §12-488(C), which states in relevant part, "[t]he Zoning Commission *shall consider* the public convenience and necessity of the communication tower[.]" Indeed, the Hearing Examiner could not have considered the tower's alleged public necessity because the applicant did not provide any evidence of such necessity.

The "Public Necessity" standard for public utilities was established in *Consolidated Edison co. v. Hoffman*, 43 N.Y.2d 598 (1978), which requires the applicant to prove that the new tower it proposes is "a public necessity that is required to render safe and adequate service" and that there are compelling reasons why their proposed installation location is more feasible than at other locations. *See also, T-Mobile Northeast LLC v. Town of Islip*, 893 F.Supp.2d. 338 (2012).

To demonstrate “necessity,” *Harmoni* must prove that [1] there is a *significant* gap¹ in wireless service (here, Verizon’s service), [2] the location of the proposed facility will remedy that gap, and [3] the proposed facility presents a “minimal intrusion on the community.” *Id.*

More importantly, Idaho is in the Ninth Federal Circuit, which has set forth the following express requirements: The applicant must demonstrate (i) the proposed facility is required to close a significant gap in service coverage; (ii) the proposed facility is the least intrusive means of remedying that significant gap in service coverage, and (iii) there has been some inquiry as to why the proposed facility is the only feasible alternative. *See Am. Tower Corp. v. City of San Diego*, 763 F.3d 1035 (9th Cir. 2014).

Specifically, the United States Court of Appeals for the Ninth Circuit states in *Am. Tower Corp. v. City of San Diego*, “[w]hen determining whether a locality has effectively prevented a wireless services provider from closing a significant gap in service coverage, as would violate the federal Telecommunications Act (TCA), some inquiry is required regarding the feasibility of alternative facilities or site locations, and a least intrusive means standard is applied, which requires that the provider show that the manner in which it proposes to fill the significant gap in services is the least intrusive on the values that the denial sought to serve.” *Id.* *See also, T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987 (9th Cir. 2009).

¹ Please note that establishing a gap in wireless services is *not* enough to prove the need for a wireless facility; rather, the applicant must prove that “a significant gap” in wireless service coverage exists at the proposed location. *See, e.g., Omnipoint Holdings, Inc. v. City of Cranston*, 586 F.3d 38, 50 (1st Cir. 2009); *MetroPCS, Inc. v. City and County of San Francisco*, 400 F.3d 715, 731 (9th Cir.2005). Here, Horizon failed to proffer substantial evidence that a gap in wireless services exists—let alone that this purported gap is “significant” within the meaning of the TCA and established federal jurisprudence.

A. *Harmoni* Has Failed to Submit Any Probative Evidence to Establish the Necessity of The Proposed Facility at the Proposed Height and Location

Here, *Harmoni* claims that its 140-foot, 14-story cell tower is necessary to improve Verizon’s cellular coverage in the vicinity. However, *Harmoni* failed to provide any actual probative evidence to establish: (a) the *actual location of gaps* (or deficient capacity locations) in personal wireless services in the area, and (b) why or how their proposed massive wireless tower would be the best and/or least intrusive means of remedying those gaps.

Glaringly absent from *Harmoni*’s application is any evidence in the form of “*hard data*,” which could easily be submitted by *Harmoni*, as *probative evidence* to establish that: (a) there is an actual necessity for the tower being proposed (in compliance with BCRC §12-488), which (b) necessitates the installation of a new tower, (c) requires the tower to be built at the specifically chosen location, (d) on the specifically chosen site (as opposed to being built upon alternative less-intrusive locations), and (e) requires that it be built at an elevation no lower than the one-hundred-forty foot (140’) height now being proposed by *Harmoni*.

B. The Hearing Examiner’s Decision Does Not Refer to Any Hard Data

Pursuant to BCRC § 12-223, in order to grant a conditional use permit, the Hearing Examiner must find:

that there is *adequate evidence* showing that the proposal is in accordance with the general and specific objectives of the comprehensive plan and this title, and that the proposed use will neither create a hazard nor be dangerous to persons on or adjacent to the property.

Here, there is absolutely no evidence whatsoever that the proposal is “in accordance with the general and specific objectives” of the BCRC and the Comp. Plan. Rather, the Hearing Examiner’s decision merely regurgitates the conclusions set forth in *Harmoni*’s proposal, and does not refer at all to any evidence in support of those conclusions. The Staff Report on which

the Hearing Examiner relies is similarly bereft of evidence, also merely repeating the conclusions put forward by *Harmoni*. Indeed, *Harmoni* did not submit any evidence in support of its conclusory statements that the objectives would be met. In its “analysis” of the applications compliance with the BCRC, the Hearing Examiner’s Staff Report gives short shrift to BCRC §12-488(C), with no comment whatsoever on the elements of “public necessity” and “adverse effect” on nearby properties. Rather than cite to any evidence (since there is none), the Hearing Examiner’s Staff Report merely parrots the language submitted by *Harmoni* in support of its conclusion that its application meets the requirements of the BCRC. The Staff comment in response to 12-488(C), *in its entirety*, reads as follows:

Communication towers are conditionally permitted in all zoning districts in Bonner County. The proposed wireless facility will improve public health and safety for customers living, working and traveling through the coverage area by improving reliable access to emergency services and 911.

This is the Staff comment, in its entirety, in response to the requirements set forth in 12-488(C) that “the Zoning Commission shall consider the public convenience and necessity of the communication tower and any adverse effect the facility would have upon properties in the vicinity[.]” There is no mention of public necessity in the Staff comment. Nor is there any mention of the potential adverse effects that would be inflicted on the nearby properties. The Staff comment is wholly inadequate to address the requirements of the BCRC, as is the Hearing Examiner’s adoption of it.

Blind acceptance of the applicant’s unsupported assurances, no matter how credible, does not constitute “adequate evidence.” Adequate evidence would consist of hard data demonstrating the need to fill a significant gap in wireless service. Here, there is none. Instead, there are only the self-serving averments of the applicant. This is not evidence, and is wholly inadequate.

There is no excuse for this. Across the entire United States, applicants seeking approvals to install large cell towers provide local governments with *hard data*, as both: (a) *actual evidence* that the tower they seek to build is actually necessary and (b) *actual evidence* that granting their application would be consistent with smart planning requirements (here, the Comp. Plan). The most accurate and least expensive form of *hard data*, which can be used as evidence to establish the location, size, and extent of *significant gaps* in personal wireless services, is *drive test data*.

With respect to an alleged *capacity deficiency*, the most accurate and least expensive form of *hard data* that can be used as evidence to establish the location, size, and extent of a capacity deficiency in personal wireless services is *dropped call records*.

Drive Test Data

Actual drive test data does not typically lend itself to the type of manipulation that is almost uniformly found in “computer modeling,” the creation of hypothetical propagation maps, or “expert interpretations” of actual data, all of which are so subjective and easily manipulated that they are essentially rendered worthless as a form of probative evidence.

To obtain raw drive test data, all that is required is the performance of a drive test. This involves attaching a recording device to a cell phone and driving through any given area to test for gaps in wireless service. The device records wireless signal strength every few milliseconds so that in a two-hour drive test, the device records several hundred thousand recorded signal strengths, which collectively depict a complete and accurate record of the existence, or lack, of any significant gap in wireless service.

Hard drive test data consists of the actual records of the raw data, *i.e.*, actual recorded strengths of a carrier’s wireless signal at precise geographic locations.

Dropped Call Records

Dropped call records are generated by a carrier's computer systems. They are typically extremely accurate because they are generated by a computer that already possesses all of the data pertaining to dropped calls, including the number, date, time, and location of all dropped calls experienced by a wireless carrier at any geographic location, and for any chronological period.

With the ease of a few keystrokes, each carrier's system can print out a precise record of all dropped calls for any period of time, at any geographic location. It is highly unlikely that someone could enter false data into a carrier's computer system to materially alter that information.

As reflected in the case record, *Harmoni* has not provided any *hard data* (or even any data at all) as probative evidence. Instead, *Harmoni* has provided its own self-serving, vague, unsupported, conclusory assurances that the proposed one-hundred-forty foot (140') tower is a public necessity and meets all the requirements for a conditional use permit.

C. *Harmoni's* Claim That the Facility Is Needed to Improve Verizon's Coverage Is Belied By Verizon's Own Data

As is a matter of public record, Verizon maintains an internet website at the internet domain address of <https://www.verizon.com>. In conjunction with its ownership and operation of that website, Verizon maintains a database that contains geographic data points that cumulatively form a geographic inventory of Verizon's actual *current* coverage for its wireless services.

As maintained and operated by Verizon, that database is linked to Verizon's website, and is the data source for an interactive function, which enables users to access Verizon's own data to ascertain both: (a) the existence of Verizon's wireless coverage at any specific geographic location, and (b) the level, or quality of such coverage.

Verizon's interactive website translates their *actual coverage data* to provide imagery whereby areas that are covered by Verizon's service are depicted in various shades of red, and areas where Verizon has a lack of coverage (or gap), are depicted in white. The website further translates the data from Verizon's database to specify the actual *service level* at any specific geographic location.

A copy of Verizon's coverage map for the area around the proposed site can be viewed on Verizon's website. It is also attached hereto as **Exhibit "C."** The specific address of 211 Cindy Lane, Sandpoint, Idaho, was used, as this is the address on the application for the proposed tower.

On its website, the coverage map shows, based on Verizon's own data, that there is no coverage gap in Verizon's service at that location, or anywhere around or in close proximity to it. The coverage map indicates solid levels of 4G Voice and Data. In fact, the coverage map shows that there is solid 4G Voice and Data coverage over the entire area surrounding and including the proposed tower location.

This is in stark contrast to the unsupported claims made by *Harmoni* in its application. The obvious contrast between the claims made on Verizon's website in order to sell its services to the public and the claims made by *Harmoni* in order to sell its proposed tower is striking.

POINT II

The Hearing Examiner Failed to Consider the Adverse Effects the Proposed Facility Would Have Upon Properties In the Vicinity

The second ground for vacating the Hearing Examiner's approval of *Harmoni's* application is that the Hearing Examiner failed to consider the adverse effects *Harmoni's* proposed facility would have upon the properties in the vicinity, including the properties

belonging to the residents filing this appeal. The BCRC, at §12-488(C), states, in relevant part, “[t]he Zoning Commission shall consider ... any adverse effect the facility would have upon the properties in the vicinity.”

In *Omnipoint Communications Inc. v. The City of White Plains*, 430 F3d 529 (2nd Cir. 2005), the United States Court of Appeals for the Second Circuit explicitly ruled that where a proponent of a wireless facility presents visual impact depictions that “omit” any images from the actual perspectives of the homes in closest proximity to the proposed installation, such presentations are inherently defective, and should be disregarded by the respective government entity that received it.

As was explicitly stated by the federal court:

the Board was free to discount Omnipoint’s study because it was conducted in a defective manner. . . ***the observation points were limited to locations accessible to the public roads, and no observations were made from the residents’ backyards much less from their second story windows. Id.***

Omnipoint Communications Inc. v. The City of White Plains, 430 F3d 529 (2nd Cir. 2005).

As logic would dictate, the people best suited to accurately assess the nature and extent of the adverse aesthetic impacts that an irresponsibly placed 140-foot, 14-story cell tower would inflict upon homes in close proximity to it are the homeowners themselves.

Indeed, the United States Court of Appeals has recognized that a local government considering a wireless communications facility application should accept, as direct evidence of the adverse aesthetic impacts that a proposed facility would inflict upon nearby homes, statements and letters from the actual homeowners, because they are in the best position to know and understand the actual extent of the impact they stand to suffer. Federal Courts have consistently held that adverse aesthetic impacts are a valid basis on which to deny cell tower

applications. *See, e.g., T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987, 994 (9th Cir. 2009) quoting *Cellular Tel. Co. v. Town of Oyster Bay*, 166 F.3d 490, 494 (2d Cir.1999) (recognizing that “aesthetic concerns can be a valid basis for zoning decisions”).

A. Evidence of Adverse Aesthetic Impacts on the Surrounding Community

Collectively attached as Exhibit A are letters from homeowners whose homes are in close proximity to site upon which *Harmoni* proposes to install its fourteen (14) story tower. Each letter contains a personal account, in compelling detail, of the dramatic adverse aesthetic impacts that the proposed installation would inflict upon their respective homes.

Such installation would destroy their enjoyment of the sunset, ruin the view from their porches, living room windows, from their bedrooms, dining rooms and kitchens. It would ruin the joy of watching spectacular sunsets, sitting in their backyards and on their front porches. This monstrous eyesore would tower over their homes and destroy the beauty they now see from all areas of their properties and from both inside and outside of their homes.

Detailed descriptions of the adverse aesthetic impacts, which the proposed one hundred forty (140) foot tower would inflict upon their homes, include letters from the following homeowners: Dewayne Renfro, [REDACTED], Sandpoint, ID 83864; Eurie Renfro, [REDACTED], Sandpoint, ID 83864; Joan Esnayra, [REDACTED], Sandpoint, ID 83864, Johany Franz, [REDACTED], Sandpoint, ID 83864; Joseph Bindert, [REDACTED], Sandpoint, ID 83864; Sheyanne Bindert, [REDACTED], Sandpoint, ID 83864; and Lareena Eldridge, [REDACTED], Sandpoint, ID 83864.

B. The Proposed Facility Will Inflict Substantial, Wholly Unnecessary Losses in the Values of Adjacent and Nearby Residential Properties

In addition to the adverse impacts upon the aesthetics and agricultural character of the area at issue, the irresponsible placement of such a massive wireless facility in such close proximity to nearby residential homes would contemporaneously inflict upon such homes a severe adverse impact upon the actual value of those residential properties.

Across the United States, both real estate appraisers² and real estate brokers have rendered professional opinions that simply support what common sense dictates.

When large cell towers are installed unnecessarily close to residential homes, such homes suffer material losses in value, typically ranging from 5% to 20%.³

In the worst cases, cell towers built near existing homes have caused the homes to be rendered wholly unsaleable.⁴

² See e.g. a February 22, 2012 article discussing a NJ appraiser's analysis wherein he concluded that the installation of a Cell Tower in close proximity to a home had reduced the value of the home by more than 10%, go to <http://bridgewater.patch.com/articles/appraiser-t-mobile-cell-tower-will-affect-property-values>

³ In a series of three professional studies conducted between 1984 and 2004, one set of experts determined that the installation of a Cell Tower in close proximity to a residential home reduced the value of the home by anywhere from 1% to 20%. These studies were as follows:

The Bond and Hue - *Proximate Impact Study* - The Bond and Hue study conducted in 2004 involved the analysis of 9,514 residential home sales in 10 suburbs. The study reflected that close proximity to a Cell Tower reduced price by 15% on average.

The Bond and Wang - *Transaction Based Market Study*

The Bond and Wang study involved the analysis of 4,283 residential home sales in 4 suburbs between 1984 and 2002. The study reflected that close proximity to a Cell Tower reduced the price between 20.7% and 21%.

The Bond and Beamish - *Opinion Survey Study*

The Bond and Beamish study involved surveying whether people who lived within 100' of a Cell Tower would have to reduce the sales price of their home. 38% said they would reduce the price by more than 20%, 38% said they would reduce the price by only 1%-9%, and 24% said they would reduce their sale price by 10%-19%.

⁴ Under FHA regulations, no FHA (federally guaranteed) loan can be approved for the purchase of any home which is situated within the fall zone of a cell tower. See HUD FHA HOC Reference Guide Chapter 1 - hazards and nuisances. As a result, there are cases across the country within which: (a) a homeowner purchased a home, (b) a cell tower was thereafter built-in close proximity to it, and (c) as a result of same, the homeowners could not sell their home, because any buyer who sought to buy it could not obtain an FHA guaranteed loan. See, e.g. October 2, 2012 Article “. . .Cell Tower is Real Estate Roadblock” at <http://www.wfaa.com/news/consumer/Ellis-County-Couple--Cell-tower-making-it-impossible-to-sell-ho-me--172366931.html>.

As has been recognized by federal courts, it is perfectly proper for a local zoning authority to consider, as direct evidence of the reduction of property values that an irresponsibly placed 14-story cell tower would inflict upon nearby homes, the professional opinions of licensed real estate brokers who possess decades of real estate sales experience within the community and specific geographic area at issue.

As evidence of the adverse impact that the proposed cell tower would have upon the property values of the homes that would be adjacent and/or in close proximity to *Harmoni's* proposed tower, annexed hereto as Exhibit B are letters setting forth the professional opinions of licensed real estate professionals, who are uniquely familiar with the specific real estate market at issue, and who submit their professional opinions that the installation of the proposed massive fourteen (14) story wireless facility would cause property values of the affected homes to be reduced by fifteen (15%) to twenty percent (20%) (or more), and would make those homes more difficult to sell, causing them to remain on the market longer, resulting in reduced purchase prices.

Given the significant reductions in property values that the proposed installation would inflict upon this rural residential neighborhood, *Harmoni's* application should have been denied.

POINT III

***Harmoni* Has Failed To Proffer Probative Evidence Sufficient To Support Its Claim that the Proposed Tower Will Be Compatible With the Surrounding Community**

In its proposal, *Harmoni* states without any evidence whatsoever that its proposed facility will be compatible with the adjoining land uses. Indeed, as demonstrated by the descriptions contained in Exhibits A and B, there is substantial evidence that contradicts this wholly conclusory allegation.

In addition, unlike most applications for wireless facilities around the country, *Harmoni's* application does not contain any visual assessment, photo simulation or even a meaningful discussion of the visual intrusion into the surrounding community. Therefore, there is no valid basis for *Harmoni's* claim that the proposed facility will be compatible with the adjoining land uses. As such, the Hearing Examiner's acceptance of *Harmoni's* unsupported representation of compatibility is not in compliance with the Hearing Examiner's obligations as set forth in the BCRC.

POINT IV

The Middle-Class Tax Relief and Job Creation Act of 2012 Would Allow *Harmoni* to Increase the Height of the Proposed Wireless Facility Without Further or Prior Zoning Approval

Another important factor completely ignored by both *Harmoni* and the Hearing Examiner is the fact that once the facility is installed, *Harmoni* can unilaterally increase the height of the tower by up to twenty feet, to a height of one hundred sixty feet, without further approval by the County. There can be little doubt that *Harmoni* knows this.

§6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012 provides that notwithstanding section 704 of the Telecommunications Act of 1996 or any other provision of law, a State or local government may not deny, and shall approve, any eligible request for a modification of an existing wireless facility or base station that does not substantially change the physical dimensions of such facility or base station. *See* 47 U.S.C. §1455(a).

The FCC defines "substantial change" to include any modification that would increase the height of the facility by more than ten (10%) percent of the height of the tower, plus the height of an additional antenna, plus a distance of ten (10) feet to separate a new antenna from the pre-existing top antenna, up to a maximum height increase of twenty (20) feet.

Considering the even more substantial adverse impacts which an increase in the height of the wireless communications facility to one hundred sixty feet (160') would inflict upon the homes and communities nearby, *Harmoni*'s application should have been denied.

Conclusion

In view of the foregoing, it is respectfully submitted that this appeal be granted and that the Hearing Examiner's approval of *Harmoni*'s application for a Conditional Use Permit be vacated in its entirety.

Respectfully Submitted,

Joseph Bindert,
[REDACTED]
Sandpoint, ID 83864

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Exhibit List

A Adverse Aesthetic Impact Letters

B Real Estate Professional Opinion Letters

C Verizon Coverage Map

EXHIBIT A

DATE: March 6, 2024

TO: Bonner County Commissioners

FROM: Dewayne Renfro

RE: Damn Cell Tower

I grew up on this land. It's a wilderness. We got deer, moose, and bear. The hunting is pretty good. I think I was born to be in nature. Can't imagine living in a city. No way.

When I heard their gonna put a cell tower up on the other side of the highway, I couldn't believe it. Everyone has cell phones on this mountain. We make calls just fine. There is a huge cell tower three miles down the road at the Samuel's gas station. Why do we need another one? I don't want to look at that ugly thing looming above my property every day.

This is my sanctuary. I make my living up here. At the end of the day, I can pop a cool one and sit outside in my chair and enjoy the view of the wilderness I thrive in. You put that cell tower up and your stealing my perfect life. If I wanted to see a cell tower every day I would live in Sandpoint.

Sincerely,

Dewayne Renfro


Sandpoint, ID 83864



March 5, 2024

Dear Bonner County Commissioners,

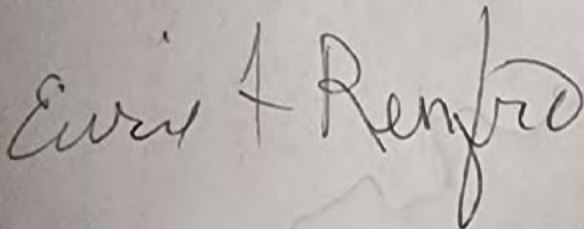
My late husband and I purchased our property 28 years ago. At the time, we looked forward to raising a family and settling on the land. This area is zoned rural agricultural and sits in a valley surrounded by beautiful mountains and forests. Our home is on the bench of Elmira Mountain about 100 feet above the rural highway below.

We have a fantastic view of the mountains to the West and always savored the peaceful sunsets of Spring and Summer. I have so many good memories of raising our children here. They are all grown up now. Nonetheless, I still enjoy sitting outside and watching the sunset during the warmer months. When the weather is colder, I stand in my kitchen and take-in the view of our snow-capped mountains. I love to see the snow resting on the Douglas Fir, Hemlock, and Cedar trees of our area. The view from my property is no doubt amazing and I feel fortunate to have lived in this pristine North Idaho wilderness all these years.

When I heard about the proposed tower and learned that it would be directly across the highway from my property, I was horrified. Given my elevation, the 140-foot tower would be 40 feet above my head. That's disgusting. It will destroy my sense of peace and tranquility in my HOME.

Don't get me wrong. I use a cell phone and appreciate the convenience of them, but why do you have to put a tower right in front of my home? There is a lot of unoccupied space in the area. Why choose a most picturesque valley to place your metal monstrosity in front of my kitchen window? Is there no better solution than to destroy a person's peace and tranquility on their own property?

Signed,



Eurie Renfro

[REDACTED]
Sandpoint, ID 83864

March 8, 2024

Esmyra Page 1

Dear Bonner County Commissioners,

I purchased a 5 acre parcel of raw land on the bench of a mountain in Elmira, ID, in 2020. Since then, I have developed the land into a homestead sanctuary where I engage in small-scale farming and raising live stock. I am a widow who has spent her entire life living in and exploring the wilderness areas of the United States. Elmira offered exactly what I was looking for in a real estate purchase. The forests are healthy and diverse with many species of trees. The mountains are beautiful especially during the winter months when they are covered in snow. I delight when a moose wanders onto my property, and deer, too. The Elmira Valley with its wetlands and ponds are also delightful to enjoy during an afternoon hike. The landscape views, here, in Elmira, are truly spectacular in a cozy kind of way. I mean, you could go to the Grand Tetons or Glacier National Park and find spectacular (magnificent) views but you cannot live in those parks year round.

< Next Page >

Page 2, Esnayra

My little homestead is my own 'Private Idaho' a mini 'national park' that extends through the Elmira Valley and encompasses the surrounding mountains.

This is why I oppose the placement of a 140 foot metal monolith cell tower in the middle of our picturesque Elmira Valley on a highway that I transit frequently to acquire my supplies of daily living.

I do not want to look at an ugly metal monstrosity dominating our picturesque landscape every time I go to town. Why would you do that? Please do not destroy our little slice of heaven that we paid for and deserve to continue to enjoy.

Sincerely,

Joan Esnayra

Joan Esnayra

[Redacted]

(Sandpoint, ID 83864
(No mail delivery here)

Mailing Address:

[Redacted]

Sandpoint ID 83864

Email:

[Redacted]

To Bonner County Commissioners
or to whom it may concern

I am writing in regards to
the proposed cell tower
installation on Cindy Lane in
Elmira Idaho.

This place around Cindy Lane
is a beautiful wetland area
with majestic mountain views
and an open feel of the wildness
and beauty of Northern Idaho.

The proposed cell tower with
it's metallic, oppressive stance
will interfere with what makes
this area unique and special.

The ugly reminder that the
beauty and majesty of open sky,
mountain views and wetland
has been disregarded for a
giant metal eyesore.

Please let us keep the natural
beauty in this amazing area.

Johamy Inamog

[REDACTED]
Sandpoint Idaho
83864

March 6, 2024

Joseph Bindert

[REDACTED]
Sandpoint, ID 83864

To Whom it May Concern,

I want to write to you today to let you know that I do not want a cell tower placed right along my southern property line. If I wanted such an ugly eye sore on my property, I would have tried to put it up myself, and I certainly would not have made plans to put it up right next to my neighbor's house right on their property line. But that is what is happening, a bothersome eye sore is being placed as close to my property as can possibly be done. It will ruin the view from my front yard, my living room window, dining room window, bedroom window, and the view from my porch.

I know the write up submitted stated there was nothing on the property line except for a mostly wooded property. They conveniently left out the part that this was the part of the property with the youngest trees and would become the dominant feature of the residence.

I don't know if it is wise to put such a fire hazard so close to the highway. I have had to fix a hole in the fence approximately 50 feet away from the proposed site, which was caused by a car that flew off the road. I'd hate to think the problems that would cause next time when a car hits the tower, I'm sure it cause my homeowner's insurance will go up.

I believe that if this is such a wonderful thing to be placed on someone's property it should be next to their house and not closer to every other neighbor's house. But I guess they know it is an ugly eye sore and don't want it either.

I certainly hope at the very least my property taxes will go down, as my property value will.

Thank you for your time,



Joseph Bindert

March 6, 2024

Sheyanne Bindert

[REDACTED]
Sandpoint, ID 83864

Dear Planning Department

I'm writing this letter in opposition of a cell tower being erected just feet from my property line and less than 300 feet from my front door. I did not move to rural North Idaho to open my bedroom curtains and have a 140ft cell tower staring back at me. My husband and I picked this property for its cleared, southern exposure. The south facing windows of our home, to include our dining room, living room, laundry room and master bedroom, allow us a view of our pasture and pond with the Selkirk Mountains as the backdrop. It's dreamy! Our back porch swing is one of our favorite places to have coffee together to start our day or watch the sunset to bring our day to a close. Every one of these spaces that make up our home will have a view dominated by the addition of a hideous cell tower. No longer dreamy! The tower will literally cast shadows across our property at all times of the year.

My research has also shown that an eyesore, such as a cell tower, could devalue my property up to 20%. My realtor confirmed these findings. Cell towers are viewed as obtrusive by some, a health risk by others, or both. Additionally, the risk of wildfire rises if the tower should fall or malfunction.

The proposed tower is the furthest point from my neighbor's house, the direct benefactor of its installation, but the very closest to my family's home, with a newly obstructed view, loss of equity and an increased risk of fire. Therefore, I'm asking you to please give more thought to the construction of this tower in the proposed location.

Thank you for your time & consideration,


Sheyanne Bindert

Loren [redacted]

[redacted]
Camppoint, ID 83804

March 7, 2024

S

TO: Bonner County Commissioners

I'm writing this letter in regards to a potential cell tower to be installed on Cindy Lane.

In 2018 my family and I decided to purchase our current home in Elmira. We fell in love with the natural beauty of the area. When I am out walking and hiking it's like being transported into a different world. All we can see for miles are mountains and trees and the majestic sky. This is what we worked so hard to find.

I'm disappointed to discover that a new cell tower may be built in our area. This would obstruct the beauty of the nature all around us. Instead of reaching high points on our hikes and seeing the vastness of nature my children and I will be forced to view a massive metal object protruding from the tree line. Our view will be interrupted by an un-
easily tower.

The value that this location holds is in ~~the~~

1 of 2

It's amazing mountains, valleys, creeks, lakes, and forests. I think that is why most of us chose to live here. If I wanted to look at cell towers I'd drive to the city. I think it is a huge mistake to add a cell tower to this area.

Thank you for your time,

Lareena M. Eldridge

Lareena M. Eldridge

Laura Gow

[REDACTED]
Sandpoint, Idaho
[REDACTED]

8th, March 2024

Dear County Commissioners,

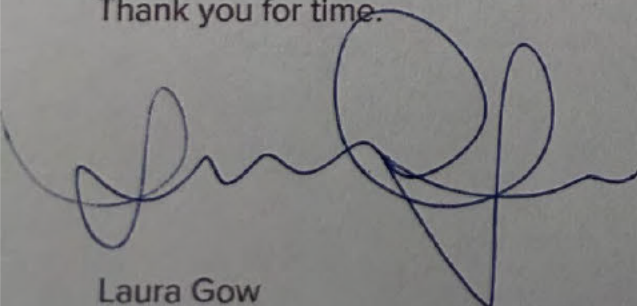
My husband Michael Gow and I have lived in Sandpoint almost our entire lives. Our current residence we bought almost 18 years ago. We logged it and built our home ourselves. We fell in love with our view of the mountains, fields and ponds so we built our home in a way we could enjoy this view from almost every room of our home. It's something we treasure!

If this Verizon cell tower is built it will lessen the value of our home and dominate our view. We moved in the country to be free from most of these things. Unfortunately when we moved so many years ago my husband could only be a certain distance from the Sandpoint fire department. We found a place that fit some of the things we wanted but had to settle to fit the needs of the fire department and what we could afford.

We continue making this our little haven bit by bit, please don't ruin or lessen the value of what we've created with this horrible monstrosity staring us in the face.

Please help our Elmira citizens and don't ruin our beloved community.

Thank you for time.

A handwritten signature in blue ink, appearing to read 'Laura Gow', with a large, stylized flourish at the end.

Laura Gow

redone.
3/12/24

3/6/2024

Bonners County Commissors

To whom it may concern:
Concerning the property
next to me on Cindy Lane,

① Destruction of property:

Yes I feel that this will happen

② my Kitchen view is looking

Right on to the beautiful
property of concern, And will
effect the value of our property
And others homeowners next
to us. I do not want to look
out my window at a big cell tower
daily. "Would you", We already
have a rr tracks across the street
that are a eye sore, we don't need
another. I have discussed this

with a realtor. I was told that
this will bring my value down 20+%

~~Is the property owner or company~~
going to compensate for loss of \$\$

Or even be able to sell this home,

Or even worse pay full asking price
when we can't sell. Please reconsider

there are other locations, I'm sure better.

Stephanie Schworer

S Schworer

EXHIBIT B

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

From: **Shelley Croal** <[REDACTED]>
Date: Sat, Mar 9, 2024 at 7:35 PM
Subject: Cell towers impact on neighboring communities
To: [REDACTED]

To whom it may concern,

As a real estate professional with 21+ years in this industry, serving 3 distinct markets on the east coast, west coast and now the pacific northwest, it is my perspective that the real estate market is directly and adversely affected by cell towers like the one proposed for N Idaho.

In this area specifically, where consumers relocate to enjoy freedom from the encumbrances of other neighboring states, citizens of Idaho are often intimately aware of cell towers and use proximity as a search criteria, in fact.

I have had clients who would not entertain any otherwise suitable homes within certain parameters of a tower and they were the ones who showed me there are actual mapping apps to view existing towers. It was a hard pass, regardless of location, condition, features or price if there were cell towers nearby.

Listings in these stigmatized areas will undoubtedly experience longer days on market, adversely affecting sellers. These properties, as in any market, decrease in value the longer they sit vs sell, creating adverse material defect concerns for buyer perceptions. The sellers' lack of ability to move forward in a timely fashion will therefore be a contributing factor to declining home sale prices in these areas. Price will become a more substantial negotiation factor in all transactions adversely impacted by the presence of these towers, regardless of whether the consumer's concerns are real or imagined. Perception is everything.

We can further project that those not willing to remain in areas where cell towers are proposed, will move. That is just a fact. The mass exodus alone will create enough concern for prospective buyers that they will most likely avoid those areas in search of housing elsewhere.

Respectfully submitted,
Shelley A. Croal
Realtor

10 March 2024

FROM: Marc "Bolt" Mathes, North Idaho Windermere Realtor

Retired USAF Officer and Fighter Pilot

SUBJECT: Cell Tower Impacts on Property Values

My Name is Marc "Bolt" Mathes and I'm a Realtor with Windermere/CDA Realty. I have been a Realtor for over 10 years and have conducted over 100 transactions. I often help buyers find the "perfect property" and have spent years listening to what's important to them. Furthermore, I live on 20 acres and recently was successful in stopping a cell tower from being built directly next to my home. The Kootenai County commissioners heard from the community and ultimately decided to not issue a Conditional Use Permit to the cell tower company.

In order to provide an unbiased testimony to the commissioners, I conducted hours of research on the internet and interviewed several local Realtors. Without a doubt, I can honestly say cell towers NEGATIVELY impact property values. I began by searching the internet and found multiple surveys results showing cell towers decrease property values by up to 20%. In fact 91% of buyers surveyed said they wouldn't want to live near or next to a cell tower. In speaking with local Realtors, most if not all stated a cell tower next to a property would drastically affect the property value in a negative fashion. I had comments like "people are concerned these days with cell towers", "cell towers block views", "property values would decrease 20-25%", etc.

With that being said, one does not have to be a Realtor to understand the concept. Picture two identical homes for sale, one in a neighborhood or in the country and the other...same setting but with a 180 foot cell tower next to it. People don't move to Idaho to be next to a cell tower and I guarantee you many buyers would not even consider purchasing the home next to the cell tower. As such (supply and demand theory), the less buyers interested in the home, the harder it is to sell. The harder to sell, the cheaper the price has to be to get it sold.

The bottom line is this: Cell towers decrease property values, especially for very close properties. Cell towers are a negative economic impact on surrounding properties and will cost existing homeowners 10's and even 100's of thousands of dollars in equity! I can be reached at MarcMathes@windermere.com if you have any questions. Thank you very much, "Bolt" Mathes

EXHIBIT C

211 Cindy Lane Sandpoint Id

Legend

- Verizon 4G Voice and Data
- Extended Voice and Data
- International 4G Data
- International 3G Data
- No Coverage

211 Cindy Lane, Sandpoint, Idaho
83864



Cindy Ln

Elmira Rd

County Rd 4A

McArthur Lake

Change Coverage