

Exhibit R – Attachment One - Proposed FAA Lighting, Visually Subordinate and Study Criteria by Mark and Alison Knieriem

We are confused as to what type of FAA lighting is proposed for the Stinger WCF.

- BlackRock Document dated 11/15/2019, page 19, under (8) Lighting states “FAA lighting is required on the tower as shown on FAA determination and site plans. The FAA lighting will be an FAA Style E1 lighting system which consists of a top mounted medium-intensity dual red & white flashing light and 2 single red flashing lights mid-way up on tower.”
- BlackRock Document dated 8/11/2020 to Rithy Khut (Exhibit A.40) under “Dark Sky Lighting Standards” states “As a condition to the Determination, the FAA requires that the tower be lit with a solid red light at night and a flashing white light during the day to ensure safe air travel (dual/medium-intensity)”
- Mike Connors, on 10/30/2020, sent over an exhibit that addressed a 370D light. Is this the only light? How can it be equivalent to a 30 watt light bulb when it needs to be visible to airplanes? He submitted vague information concerning the light that does not prove how bright the FAA light will be day and night in our dark skies community as well as to how many lights will be affixed to the tower. FAA lights are not described in Watts but in “candela”. Candela is described more in wavelengths whereas watts concerns power. Not a good comparison.

Note: If E1 Style lighting system is used, there will be 2 flashing red lights mid-span up the monopole in sync with the red flashing light at the top of the tower. **The 2 lights at mid span will be well-below the tree height. These lights are called L-810 marker lights and will be at a level that will be disruptive to surrounding neighbors.**

Christopher Baird jointly drafted the latest EBI NRR Report and appears to be employed by EBI in charge of their NEPA services. He doesn't work for NEPA he just helps EBI maneuver through NEPA. (See Bio). EBI specializes in working with cell tower companies. Their tag line: “Let Our Nationwide Network of Local Experts Craft Solutions to Fit Your Needs”.

Interesting as it provides some insight into their marketing to the WCF industry with the implication that EBI will find a way to get WCF's approved and tends to support Dr. Fulks' and JoAnne Vincent's assertion that their mapping and lack of scientific basis for their conclusions could be suspect and require careful analysis by the County before approval.

Appeal Applicable Approval Criteria

(For application to be approved, the proposal will need to meet applicable approval criteria).

I have listed the approval criteria that I will address below that has not been met:

- MCC 39.7715 – Definitions
- MCC 39.7740 (8) (a) & (b) - Approval Criteria for non-EFU land, Lighting
- MCC 39.7735 (B) (2) – Visual Study

MCC 39.7715 Definitions – Visually Subordinate: “The relative visibility of a WCF, where that facility **does not noticeably** contrast with the surrounding landscape. Visibly subordinate facilities may be **partially** visible, **but not visually dominate** in relation to their surroundings.”

With a strobe light on top of the cell tower which will extend an additional 42’ above surrounding trees, it will act as a beacon that draws attention to it. This is in no way visually subordinate. It will noticeably contrast with surrounding landscape. **There are no other trees with strobe lights on them. Silly statement but it fits the bill.** It will be visually dominant.

Conclusion: The proposed cell tower does NOT meet criteria MCC 39.7715 definition for visually subordinate. In all discussions (BlackRock submissions, MCLU questions during application approval process, and in MCLU decisions) concerning visual subordinate, there is no mention of the light. **The light is the reason the tower will be visually dominant** along with its height.

MCC 39.7740 (B) (8) (b) – Approval Criteria for non-EFU land, Lighting

There is a bit of information concerning lighting from a decision made on a cell tower on Evans Road in Corbett, Oregon approximately 5 miles or so from us (T2-2010-774). Page 4, item #13. The address for this site is 324 NE Evans Rd, Corbett, OR. This property is also MUA-20 just like the property of the proposed cell tower in our case.

Note: At the time that decision was made, code for “lighting” in “Non-EFU” zone was used [MCC 35.6183 (B) (8) (a) & (b)]. This code is equivalent to current code MCC 39.7740 (B) (8)(a) & (b).

The decision states that **“No lighting shall be allowed on the monopine tower. No exterior lighting shall be installed within the chain-link enclosure or on the equipment shelter unless required by other applicable state or federal requirements.”**

Conclusion: MCC 39.7740 (B) (8) (b) has not been met.

- MCC 39.7740 (B) (8)(b) should also be applied to our case (non-EFU code)
- Evans Rd location is also MUA-20 and code for non-EFU was applied in this case
- Verizon in our case is planning on exterior maintenance lighting and has been approved by MCLU **which is NOT in compliance to MCC 39.7740 (B) (8) (b).**
- If Evans Rd case decision says no exterior lighting then our case should also comply with code and have no other exterior lighting.

In addition, concerning our case, I located on page 47 of 57 of MCLU Decision, that #8 states code for non-EFU for lighting but that the MCLU staff appears to have completely overlooked MCC 39.7740 (B)(8)(b) that states **“No other exterior lighting shall be permitted on premises** and have allowed additional lighting other than the FAA required lighting stating that the criteria has been met.

MCC 39.7735 (B) (2) – Visual Study Criteria

39.7735 (B) (2): A visual study containing at a minimum, a graphic simulation showing the appearance of the proposed tower, antennas, and ancillary facilities from **at least 5 points with a five-mile radius**. Such points shall include views from public places including but not limited to parks, rights-of-way, and waterways and chosen by the Planning Director at the pre-application conference to **ensure** that various **potential** views are represented.

Ensure definition: make certain that (something) shall occur or be the case; guarantee.

Potential definition: showing the capacity to become or develop into something in the future.

You could re-write the last sentence of the code as follows: to “make certain” / “guarantee” what various views will develop into, are represented.

Conclusion: MCC 39.7735 (B) (2) has not been met.

- **Only 4 graphic simulations were provided. At least 5 are required.**
 - ❖ 2 views from neighboring properties on Woodard Rd
 - ❖ 1 view from site property from Woodard Rd
 - ❖ 1 view less than a mile north of proposed site on Lampert Rd
- The very minimal graphic simulations (before and after pics) **do not ensure various potential views.**
- Potential views would include cell tower with strobe lights during the day and during the night