

Board of Commissioners Meeting
March 2, 2011

Present: Commissioner Steve McClure
Commissioner Mark D. Davidson
Commissioner William D. Rosholt

Call To Order

Chairman McClure called the meeting to order at 9:00 a.m. with all three Commission members present.

Public Comments

Title II Funding Recommendation

Arlene Blumton, U.S. Forest Service, Title II Coordinator for the Wallowa-Whitman National Forest, brought the Commissioners four proposals for Title II funding recommendation. Three of the proposals are on the La Grande ranger district and one is on the Walla Walla ranger district. All of the proposals are continuation of the past years Title II projects that have received funding. There is \$68,000 available for funding this year. The first project is the Thinning for Release and Fuel Reduction project. This project has been ongoing and has been supported by the County and RAC. The NEPA and consultation work has been completed. This project would just be thinning and fuel reduction work of the young stands. The amount requested for this project is \$22,000 to thin 120 acres and the Forest Services would be the match with an additional 120 acres to do that treatment. The second project is the Recreation Youth Crew and is a partnership with the County to provide youth in Union County with experience on the ground. They primarily do maintenance on the camp grounds and trail work. It gives kids the opportunity to get some hands on experience. It has been a successful project in the past. The third project recommended for funding is the Walla Walla Native Plants and Hardwoods. Walla Walla has a very active and progressive native plant program. They have used their Title II funding in the past for restoration of Jubilee Lake. They are looking to continue that program within portions of Union County. The last project is the Big Creek Watershed Improvement Project which is on the Southeast part of the La Grande Ranger District. It is a multifaceted proposal. It would be looking at treating noxious weeds, developing some water developments and doing some fencing to look at distribution of cattle. Once the Commissioners have had a chance to review the proposals she plans to meet with the RAC in mid-April and review the projects with them as well.

Commissioner Davidson stated that the forest restoration board has recommended funding these projects.

Commissioner Davidson moved approval of the proposed 2012 Title II projects from the La Grande and Walla Walla Ranger Districts as presented. Commissioner Rosholt seconded. Motion carried unanimously.

Prioritization of MERA Management Plans

Sean Chambers, MERA Coordinator, explained to the Commissioners that there was a joint committee meeting last month where the committees set out to prioritize the management plans. Sean brought the priorities of the management plan to the Commissioners for approval. The Forest Management Plan is the highest priority. There is \$5000 for him to go out and look for someone to do that management plan for the County. That money will expire in December so he needs to take advantage of those funds before they go away. That plan will guide plans to follow it. On the volunteer side of things the Volunteer Management Plan is the most important as the work season is coming up and it will help him harness the volunteers and get work done on the ground such as sign installation.

Commissioner McClure explained that the Commissioners approved the Master Plan for MERA and that identified the various plans that need to be done in the future. The committee's recommendation is to follow the list that Sean provided and get them done in that order. He stated that the Department of Forestry is giving the County \$5000 to hire someone to help do the Forest Management Plan. He thinks this is a good recommendation by the committee.

Commissioner Davidson moved to approval of the prioritization of the MERA management plan as presented. Commissioner Rosholt seconded. Motion carried unanimously.

Drug Free Community Grant

Vicky Brogoitti, Director of Commission on Children and Families, made arrangements to have consultants come to Union County to help with putting together the Drug Free Communities Grant. The consultants were unable to come when they were originally scheduled. Vicky explained that because they were unable to come when they were scheduled she was unable to have the grant application ready for the Commissioners signature at this Commission meeting. The grant application needs to be in the mail next week so she is asking that the Commissioners authorize someone to sign the grant when it is finished on behalf of Union County.

Commissioner Davidson asked if there is a match for the grant. Vicky explained that it is 100% match per year but in-kind can be used as match. Part of her salary as the director of the Safe Communities Coalition will be used for match as well as other soft money. She stated that there are very few hard dollars that will be used for the match.

Commissioner Rosholt moved to authorize the Chairman's signature on the Drug Free Communities Grant. Commissioner Davidson seconded. Motion carried unanimously.

Commissioner McClure asked that the grant application be sent to the Commissioners for review and once it is reviewed and accepted he will sign the grant. If there is an issue that comes up about the grant there will have to be a special meeting or discussion about the issue before the grant is sent in for approval.

Consent Agenda

The February 10, 17 and 24 claims journals; and February 9, 17 and 23 Public Works claims journals were approved as presented on the consent agenda

Renewable Energy Grant Criteria

Shelley Burgess, Administrative Officer, presented the revised proposed renewable energy grant program fund grant application to the Commissioners for consideration. The first page explains the criteria and the second two pages are the application. This is as a result of discussions with the Renewable Energy Committee talking about the focus of those grants. They have worked on this grant application and they are asking for the Commissioners approval to utilize these grant guidelines and form.

Commissioner Davidson stated that he reviewed it and it looked like it addresses the issues and concerns that he had about the original grant application. He would be supportive of this document.

Commissioner Rosholt agreed.

Commissioner Davidson moved to approval of the Union County Renewable Energy Grant Program Fund Grant Application as presented. Commissioner Rosholt seconded. Motion carried unanimously.

Discretionary Fund Committee Recommendation

Shelley Burgess explained that the Discretionary Fund Committee has brought their first recommendation for FY 2010-11 to the Commissioners for consideration. The committee met earlier in the week and reviewed five applications. The funding recommendation is the Union County Chamber for Tourism Promotions Trade Show Display to be funded for \$1506. The Union County Chamber for Tourism Training to be funded for \$2337. The Union County Fair for the Office Building Remodel to be funded for \$7675. They did not recommend funding for a request from the Chamber of Commerce for Blue Mountain Conference Center Banquet Tables and they recommend \$2500 to the Celtic Society of Eastern Oregon for the Celtic Festival and Clan Gathering of

Eastern Oregon. The Commissioners were provided with copies of the applications that the committee reviewed. Commissioner Davidson is the Union County representative on the committee.

Commissioner Davidson explained that there was a long meeting for this advisory committee. All of the proposals were discussed at great length with a lot of varying opinions. There were split votes on several of the applications. He agrees with most of them but he does have some concerns about the fact that the Blue Mountain Conference Center is not being supported. He stated that he is going to make a motion that is slightly different than what their recommendation is. He thinks they are all good projects that will support the community and the efforts to promote it.

Commissioner Davidson moved to distribute funds from the Transient Room Tax Discretionary Fund as follows: \$1506 to the Union County Chamber of Commerce for the Trade Show Display, \$2337 to the Union County Chamber of Commerce for the Tourism Training and Seminar, \$7675 to the Union County Fair Board for the Office Building Remodel, \$1500 to the Union County Chamber of Commerce for the Blue Mountain Conference Center Banquet Tables and \$1000 to the Celtic Society of Eastern Oregon for their Festival and Clan Gathering. Commissioner Rosholt seconded. Motion carried unanimously.

Commissioner Rosholt asked if the remodel on the fair board office would take care of the building with the bid. Commissioner Davidson stated that it would complete the replacement of the windows and the siding on the exterior of the building.

Commissioner McClure stated that the Fair Board was given money for this project last year. Commissioner Davidson explained that last year it was to remodel one side of the building and this years funding will complete the project.

AM Radio Towers Appeal – Tsiatsos

Commissioner McClure explained that the next item on the agenda is an appeal on an AM Radio Tower decision by the Union County Planning Commission. He explained that this is considered a denoble hearing. There will be new testimony taken and they will also take anything that was presented at the Planning Commission meeting which would become part of the record so those items do not have to be re-submitted. He explained that the Commissioners will ask the people that support the appeal to testify first. The applicant will then have an opportunity to present their case. The Commissioners will then allow a rebuttal from the appealing side. The Commissioners have a right to ask questions any time during the process if they want clarification or more information. The Commissioners will close the hearing after the testimony and take it under consideration. They can either make their decision today or they can postpone it

and allow more written testimony. That decision will be made at the end of the hearing and the participating parties will be notified if the meeting is extended. Commissioner McClure asked the other two Commissioners if they have had any exparte contact. None of them have had any exparte contact. Commissioner McClure asked Hanley Jenkins II, Planning Director, to give a staff report on the hearing.

Hanley explained that an application was received on November 18, 2010 from Bill and Donna Tsiatsos and Gus and Karen Tsiatsos. The application is for two radio communication towers 195 feet tall and a 10'X10' equipment building on about 10 acres of land. The property is located North of Fruitdale Lane and is in an exclusive farm use zone. The County Planning Department gave notice on November 22, 2010 to the adjacent land owners within 500 feet of the perimeter of the applicant's property. The Planning Department did receive letters objecting to the application. The staff then referred this application to the County Planning Commission and on December 17th there was notice sent on the Planning Commission meeting that was initially scheduled for December 27th. The notice was given to the adjacent land owners within 500 feet plus there was notice given in the newspaper. The applicants authorized agent contacted the Planning Department and requested that the hearing be postponed so the hearing was postponed until January 24, 2011. The Planning Commission made a decision and the Commissioners were given copies of their record and minutes. That decision was then reduced to writing and sent to all of the participating parties. The County Planning Department then received an appeal of that decision to the County Board of Commissioners on February 7th from Robert and Linnie Jellum. The Planning Department gave notice of the Board of Commissioners hearing on February 18th and that was again sent to all participating parties. Hanley explained that 105 days of the 150 day time period allotted for a quasi-judicial land use decision at the local level have been used. So the Commissioners have 45 days to make a decision within the 150 day timeframe.

Hanley stated that the applicants submitted the request for the two 195 foot tall AM Radio Towers and the 10'X10' equipment building on their property. The property is located North of La Grande, South of Mt. Glen Road. It includes 47.32 acres. The property is in an exclusive agriculture plan classification as it is identified on the County's Comprehensive Land Use Plan map. That plan classification is implemented by the County's A1 exclusive farm use zone. In that zone section 2.03 identifies utility facilities and similar minor facilities necessary for public service and repair and replacement thereof except for commercial facilities for the purpose of generating power. There are Statutes and Rules cited in the staff report that was given to the Commissioners. Hanley explained that there is an error in the Statute in the staff report that cites ORS 215.283(1)(d) and it should be ORS 215.283(1)(c). He would like to add a Statute because 215.283(1)(c) refers to requirements that are found in ORS 215.275. It is not needed to be cited in the staff report because the Statute cites it but for record

and information purposes he wanted to let the Commissioners know that Statute is where the conditions are for that type of use. Hanley explained that Oregon's land use program requires cities and counties to develop comprehensive plans and land use regulations. The counties are required to identify exclusive farm use zones and when that is done the counties are then required to identify the uses that are authorized within the Statute. The Statute is ORS 215.283 and that section in the State law that has been written by the legislature and revised over time identifies different kinds of uses that can occur on exclusive farm use land. There are three kinds of uses that can be established on an exclusive farm use zone. They are identified in two categories within the Statute. The first is sub-one uses and generally counties identify on the sub-one uses as outright uses. They are uses by court case that says that counties have to authorize these uses. There has to be a review process to make sure they meet the requirements but the County has to authorize these uses. There is also a sub part to sub-one which are uses that have conditions that have to be met. There are the sub-two uses which are generally referred to as conditional uses which can be approved or denied. There are specific requirements for conditional uses that are identified within the Statute or by implementing rules adopted by LCDC. These are generally recognized as non-farm uses so they are different than the sub-one uses in that the County has the right to not authorize conditional uses in the exclusive farm use zones but under sub-one uses they have to be approved. He stated that utility facilities are a sub-one use with conditions so the applicant has a responsibility to demonstrate that they can meet the conditions that are required in Statute and in Rule. The conditions that are listed in the Statute and they are the guiding factors that determines whether or not that use can be allowed and the County has to authorize the use but it can be denied if the conditions are not met. That is the distinction between a sub-one uses that is outright with no conditions. A utility facility although is an outright use but it has to be able to meet the conditions. Hanley read the conditions that apply and they are found in two places; in the ORS 215.275 which is the section that ORS 215.283(1)(c) refers to and they are also found in the Oregon Administrative Rules under 130.16. They would have to demonstrate that a utility facility is necessary for the site that it is located on. A utility facility is necessary for public services. The facility must be sited in an exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary an applicant must show that reasonable alternatives have been considered and the facility must be sited in an exclusive farm use zone due to one or more of the following factors; a. technical engineering feasibility, b. the proposed facility is locationally dependent, the utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographic needs that cannot be satisfied on other lands or c. lack of available urban and non-resource lands or d. availability of existing right of way or e. public health and safety or f. other requirement of State or Federal agencies. As additional instruction in meeting one of those factors (b) states that costs associated with any of the factors listed in subsection 16(a) in

this rule maybe considered but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included in considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar. Hanley explained that those are generally the conditions that are going to apply to this application. There are other conditions that are identified and e, f, and g do not apply to this application.

Commissioner McClure asked Hanley if the application has to meet just one of the factors and if it qualifies under one factor than the application must be approved. Hanley stated that is correct.

Hanley stated that a soils analysis of the property was done and the USDA natural resource conservation service identified about 9 acres of the subject's site as being Allicel silt loam which has an agricultural capability of class 2E when irrigated and non-irrigated. There is about 1 acre of the site that is in La Grande silt loam which has an agricultural capability class 2C when irrigated and non-irrigated. Both of the soils are high value farm land soils found in Union County. This use is listed as an outright use in Union County's ordinances but because of its conditions it is a discretionary decision. Because the County received opposition to the administrative application it was bumped up to the Planning Commission for a public hearing and notice was given. The record is all of the Planning Commission's record in addition to their minutes and final decision. He did include for the Commissioner's benefit into the record some email correspondence that has happened since the Planning Commission meeting and a map so they can see who the land owners are.

Commissioner McClure opened up the hearing for public testimony.

Bob Jellum, 62358 Evergreen Road, La Grande, explained that he lives just South of the property that is in question. He has put a lot of time and research into this. It is not like he takes it very lightly and he is not an attorney by any stretch of the imagination but he thinks he knows what he is doing. In deferring to the Planning Commission meeting in which he has a tape of the meeting what he will state will be verbal and if the Commissioner want him to he has his computer here and he can play it back for the Commissioners to listen to but he doesn't want to take the extra time unless they want him to. He quoted something from the Planning Commission meeting when Mr. Huffman testified, he stated, "When I found out about engineering results I contacted the people not only on Fruitdale Lane but also on Blackhawk trail. I didn't get any letters back or phone calls back from anyone so then I started driving around. The first person that my mother also mentioned were the Tsiatsos' and I don't know why they didn't come to my mind before so I talked to them about that and the first ones that came forward to us that were interested in doing this on their land were the Tsiatsos'". Bob stated that he would assume this took place in 2005 because the engineer report was

dated then. In deferring to this when Mr. Huffman sent letters out about who he talked with on Blackhawk Trail, Fruitdale Lane, Mt. Glen Road and Owsley Canyon Bob explained that he canvassed the area and nobody got any letters from Mr. Huffman or his associates or Capp. He has sworn statements here from people with as much land or more land that Mr. Huffman had not talked with them. He feels like something is rye there and just not right. He can't make any accusations and he won't but he will let the Commissioners form their own opinion. Bob did not ask the people that he got the sworn statements from if they wanted a radio tower because it was none of his business. He asked them if they had in fact been contacted and they said no and then asked them to sign an affidavit to that affect. He stated that he has to question Mr. Huffman on that. There were four letters of opposition and in addition to that he also sees that Mr. Steve Grant is here. He asked Mr. Grant if he received any notification and he answered, "no". Bob explained that Mr. Grant owns 40 acres of land nearby. He asked Mr. Jason Henry who is a County employee and his tenant how he felt about the tower when he first received the notification. Jason said that he would have to think about that. Bob explained that the towers would be within 1000 feet of his house. Mr. Henry has two small children and he talked with his wife's employer who is an attorney and who said to question the radiation from this if any. Bob said that the rule is still out on that and even Mr. Huffman agreed that the decision is not final on radiation. They deferred to the radio tower KLBM and all the people living around it. That doesn't mean that they are not exposed and doesn't mean that they cannot contract some disease. The rule is still out and cancer is one of the alternatives. He would not want to expose his children within 1000 feet. He stated that maybe the Commissioners would like to expose their grandchildren to that but he doesn't think he will. He wont say that it can have an affect on them but the rule is out that the decision has not been made that is final. Mr. Huffman referred to the fact that FCC are the ones that made the rule on this. FCC doesn't do this. The regulation on radiation exposure comes from the Food and Drug Administration. They are the ones that defer the information to the FCC. He explained that Mr. Huffman would lead the Commissioners to believe that these towers that a matter of yards makes a big difference. Bob wanted to read the Commissioners something from AR 660033-1-130, "in order to provide a city grade signal over the city of the license during the time of operation and during required nighttime directional mode of operation the facility must be located within an area of approximately one mile radius centered at the proposed location. Said location has been specified by competent engineering analysis formed by Hatfield and Dawson Consultant Engineers whose qualifications are on file with FCC". He also has a map giving the one mile radius. Part of that one mile radius is in zone 2 not zone 1 which is not exclusive farm use. People within the one mile radius haven't been called on and don't know there is something coming around. Maybe they would like to have the opportunity and there are places that are far more remote. He doesn't understand the logic. He also questions the location to the East. If this location was moved 1360 feet to the East it is still within the parameters of this map. He thinks they were

premature in getting all the engineering reports. No one from 2005 until 2010 in the neighborhood knew about this and he wants to know why. At least they should have taken a poll of the people around it. They didn't bother to do this or they wouldn't have this mess on their hands. He is sorry but it doesn't stick right with him. He thinks that if the Commissioners lived in his place they would feel the same as him. The tenant that he has is leasing and he has asked if he could buy the property. Bob told him when he gets ready to sell he has the first option. He has fully intended to do this and now he is having second thoughts because of the radio towers. They say the land is not depreciated because of towers being by it. There may not be a decrease as far as property values are concerned but try finding a buyer when they look at towers out there. The price may have to be reduced. He doesn't want anyone to tell him there isn't an affect. He has had calls of support of this whole situation. This is a bad scenario. Mr. Huffman stated that "moving the towers to the East would be moving them toward more productive land, Mr. Tsiatsos' land. It would "really stick out" to quote Mr. Tsiatsos. Bob asked how Mr. Huffman can make this assumption. How does he know that the land to the East is more productive land. He neglected to say that 1300 feet to the East would place the antennas in an area that is less intrusive and has fewer residents. In speaking to one of the residents to the East they have no problem with the antennas being there. He does have a problem with them and they will be put less then 240 feet from his land. That is not right. He also has a map that shows where the proposed location is right now. He outlined three locations to the East 1320 feet. He has identified all of the residents and the distances from the proposed location. This is effecting considerably more than the land to the East. There is no one to the East for all the way to Hunter Road. Also, in going through the engineer report it says, "this is a ground pattern". The ground pattern calls for property to be 240 foot lateral of the antenna pattern and requires 480 feet in width. The vertical with the overlap has to be 695 ½ from property line to property line to get the entire ground pattern in. The piece of land it is being put on does not meet those measurements. It is smaller than that. Maybe ground is not important, if so, does FCC know that it will be put on lesser ground for the antennas. These are things that were overlooked by the Planning Commission.

Commissioner Davidson asked Bob what the required distance was. Bob stated that the required distance for the North-South distance is 694.5 feet. That property is 665.41 feet. The East-West required distance is 480 feet and the actual property is 463 feet. That does not fall within the parameters. It is specified in the engineers report.

Bob stated that this is a mistake whether the Commissioners know it or not. The people know it is a mistake. He has only heard one rebuttal to what he has to say. He has done his homework and spent many hours on this. He does know how to read and he defers the judgment of this to the Commissioners. He is very disappointed in the Planning Commission. He doesn't mind telling the

Commissioners and there is more to it than this but he won't go into that at this point in time. They didn't want to move the tower 1320 feet they want it right there. There is more that he can submit that may open the Commissioners eyes but he doesn't want to cast dispersions on any individual. He thanked the Commissioners for their time and asked if they had any questions.

Commissioner McClure asked about the comment about Steve Grant and wanted it clarified whether he had been notified. Bob said that he was not notified. Commissioner McClure asked if he is within the 500 feet. Bob explained that he was not asked if he could put the antennas on his land.

Linnie Jellum, 62385 Evergreen Road, La Grande, stated that when she awakes each morning and gets up the first thing she does is look out of her window at the mountains and realize that God is near and nothing compares to the beauty of those mountains. If those towers are permitted to be built where they want them to be that scenery of the mountains and the country side will be ruined. Every direction she looks she will see towers. She has pictures that show every way she looks she will see towers. She marked on the picture approximately where the towers will be. The scenery is just one issue that the towers will ruin. Another is the effect on the health of the people. She has a report that she read some articles from. They said, "Korean scientists have found that regions near AM radio broadcasting towers have 70% chance more Leukemia deaths than those without". In Sam Milham, a Seattle based epidemiologist and a pioneer of electromagnetic field research is convinced there are health effects. "Lots of research papers from around the world show increased cancers near transmitters although TV and FM transmitters are more often implicated". In an attempt to settle some of this, California Department of Health Services reviewed all the current studies of EMF risks from power lines, wiring and appliances in 2002. It found no conclusive evidence of harm. However links to childhood leukemia, adult brain cancer and Lou Gehrig's disease could not be ruled out. "I am convinced that politics and corporate interests are behind denials that say there are no health effects, said Milham. Meanwhile the FDA and the World Health Organization are urging more studies especially radio waves from cell phones.

She explained that even Mr. Huffman agrees that people are still deciding on the effects of radiation. She also has a picture standing in the front yard of the house that Jason Henry and his three children live in. The towers will be directly in front of their house. The children play outside in the yard and also in the pasture shown. She asked if the Commissioners are willing to jeopardize these children's health and their lives just for making money for certain people. There are other places these towers can be put that will have the same specs. as they say this space only has and would be away from people. She has another picture of the other end of the Tsiatsos' field that is not around people. The lady who lives in the house there says she doesn't care if they put the towers there. She doesn't

mind it. In another picture she provided was another piece of land that is on the other side of Tsiatsos' which is bare and is no where around anyone. She is not from here which the Commissioners can probably tell by her accent but she does know about the good 'ol boy system. They are down south but they are really rednecks and not anything political about them. In La Grande it has a completely different meaning. She and her husband were thrown under the bus at the Planning Commission meeting. Money speaks louder than words. The land needs to be protected in this Valley from being ruined and looking like all the other cities with metal and towers everywhere and that is what they will have if this is allowed. It is opening the door for others. The money that comes in from the towers will only help certain people. It won't help La Grande except a few taxes. Is it possibly worth a child's life? This Grande Ronde Valley is known far and wide as God's Country. When they owned the All American Inn many people would stop there and take a picture of the swimming pool wall that read, "Welcome to God's Country". Many of them came back for their vacations because of the beauty of this Valley. Why do they have to look thru metal and steel towers to see our mountains when they have other options for a place to put it. She hopes the Commissioners have cleaned their glasses and searched their conscience and will show the residents that live close to these sites where they want to build the towers that they matter more then the money few people will see. She hopes the Commissioners will consider and choose other sites for these towers then in their front yard and she hopes that they treasure this valley and this beauty. She wants to get something off her mind. She was told by others that Mr. Tsiatsos wasn't a true friend to anyone and they didn't believe them. They stood up for him and knew he was just fine and let everyone know what is going on. They were wrong. He has no consideration for his neighbors, his land or his community. Why let them use this piece of land around so many houses and good farm land when there are other sites that can be used?

Steve Grant, 62461 Fruitdale, La Grande, stated that he is at the meeting to assure himself that this is a fair and legal process, fair to Bill and fair to the neighbors. He knows that he is going to be disappointed if the towers devalue his property and his view but the Commissioners are elected to take care of this. He hopes they follow the letter of the law and look at fairness for everyone.

Commissioner McClure asked if there was anyone that wanted to give testimony in support of the appeal. There was no one else that wished to testify.

Commissioner McClure then asked for testimony of the applicants that submitted the original application.

Jeff Huffman, 4007 Callahary Dr. Pasco, WA, stated that he is the applicant and the situation that the people here are talking about is pretty cut and dry. They have proven that they have sufficed more than just one of the provisions to be on the land. With the situation about looking for harmful radiation, he printed out the

FCC limitations that are posted which are the regulations for the country. He also submitted information that stated what the difference was between radiation from radio towers and radiations that could be harmful. There is non-ionizing radiation and there is ionizing radiation. What he is submitting will show the difference between ionizing which is gamma rays and x-rays, non-ionizing is what comes off of radio and television towers, microwaves, satellite and infrared. It shows the difference of how far a person has to be from any of these types of systems where radiation could even be a factor. It will also show the government standards on occupational and control exposure and the general population uncontrolled exposure and how the FCC regulation on the exposure is well below those limits created by the Federal Government. With this tower there will be 1000 watts during the day and 500 watts at night. It will show that with this low of wattage a person could be standing within three feet of the base of this tower and still be within the Federal guidelines of radiation exposure. He explained it is mandatory for them to have protective fencing around the tower three feet out around the facility. There are not any inherent health issues with AM Radio at the level of power it will be putting out. Rolling back to the Planning Commission meeting Mr. Jellum's tenant who is living on the land mentioned that his big concern when he first took the chair was that he was concerned that there would be big red flashing lights coming through his windows. These two antennas being below 200 feet do not require lighting and will not be lit. He recalls that the tenant was happy to hear that. He did bring up concerns because he wasn't sure about the health issues at that time. At that time Jeff did not look into the exact parameters of AM radiation that he has since then. Everything else about the studies that were done by Hatfield and Dawson many years ago when the FCC first opened up the window that only opens up every once in a great while to submit new applications for AM Radio stations states all the rest of the specifications that this farm use land is very common nationwide to be using for AM towers. It is a service to the public. FEMA is now going around as well and installing FM transmitters around the country because of the significance for public awareness when it comes to Amber alerts or emergency alert systems it is radio and T.V. Being the fact that they have to inform the public it is a public service. Other than the fact that they have already met more than one of the conditions to receive the conditional use permit that is all he has to say at this time.

Larry Wilson, 62116 Igo Lane, La Grande, explained that he is a broadcast engineer and he went through this particular kind of a hearing in Portland several times to construct a 50,000 watt broadcast station in the Demascus area which is just East of Portland. They installed four 326 foot towers on a 40 acre parcel of land which was also farm use property. It seems to him that towers do not preclude the use of farming on the land. They grew hay and the neighbor cut the hay and bailed it. It help keep up the land as far as not letting it go to weeds so it helped with the esthetic value. When he was in Bend at a radio station there were cattle on the pasture under the towers. There are a lot of things that can be

done. The only thing that cannot be done is to plow or disturb the ground because of the ground system that is there. As far as radiation there is a great difference between the ionizing and non-ionizing radiation. Broadcast in the AM band or low frequency bands are non-ionizing radiation and they have little to no effect even at very high powers on the human body. As the frequency gets higher then there are some questions. The FM bands and two way communications bands the health effects from the signals are questionable. When in the microwave bands where cell phones are which almost everyone has a cell phone it is more dangerous than coming near these towers. He would not have a problem in living near these towers especially at this power level. It is a low power level and most amateur radio operators have the ability to run 1500 watts with their equipment and they don't require any use for those kinds of things because the towers are not as high. From that stand point he sees no objection to this application. The towers being as short as they are with no lighting and any painting or construction markings they won't be seen nearly as much as the KLBM tower or the towers that will be supporting the windmills on Craig Mountain.

Commissioner McClure asked if there was any more testimony for the applicant. There was no more testimony.

Commissioner McClure stated that they would allow an opportunity for rebuttal.

Bob Jellum stated that he may have misunderstood Mr. Huffman but when he talked to his tenant about the radio towers he said that there would be no paint or lights because they are not under FAA guidelines. He asked Larry Wilson if he had grandchildren would he expose them to these "harmless" radiation over a period of years.

Commissioner McClure asked if anyone else had any rebuttal testimony. There was none.

The hearing was then closed.

Commissioner McClure would like to take the time to review the testimony that was presented and see how it applies to the criteria. Commissioner Davidson agreed and stated that there has been a fair amount of testimony that has been submitted that the Commissioners haven't had a chance to read through and take into consideration. He thinks it would be improper for them to move without considering that. Commissioner McClure and Rosholt agreed.

The record will be left open for written testimony. Additional testimony must be received by March 14th at 5 p.m. in the Planning Department. The appellants will have a chance to rebut any testimony until March 21st at 5 p.m. in the Planning Department.

Union County Board of Commissioners
March 2, 2011
Page 14 of 14

This hearing will continue April 6th at 11a.m. in the Joseph Annex conference room.

Adjournment

The meeting was adjourned at 10:55 am.

Respectfully Submitted,

Ashley Wilhelm
Dept. Specialist