

Copies to:

Colorado Senator Sally Hopper
21649 Cabrini Blvd., Golden, CO 80401.

Colorado Representative Tony Grampas
3237 S. Hiwan Drive, Evergreen, CO 80439

Colorado Governor Roy Romer,
State Capitol Blvd., Room 136, 200 East Colfax, Denver, 80203

Representative Dan Schaefer
2160 Rayburn House Office Bldg., Washington, D. C., 20515

Senator Wayne Allard,
716 Hart Senate Office Bldg., Washington, D. D., 20510

Senator Ben Nighthorse Campbell
380 Russell Senate Office Bldg., Washington, D. C., 20510

President William Clinton,
The White House, Washington, D. C., 20500

Mr. William Caton, Secretary to FCC
Office of Managing Director, 1919 M Street, N.W., Washington, D. C.

The Rocky Mountain News
400 West Colfax Ave., Denver, CO 80201

City and Mountain Views
475 Colorow Rd., Golden, CO 80401

Genesee

Foundation

24425 W. Currant Dr., Golden, Colorado 80401, (303) 526-0284, FAX (303) 526-0287

January 24, 1999

By fax 303-271-8744

Jefferson County Planning & Zoning Department

100 Jefferson County Parkway, suite 3550

Golden, Colorado 80419

Re: Proposed new tower by Lake Cedar Group on Lookout Mountain

Attn: Tim Carl

Dear Tim:

The Genesee Foundation, a homeowners' association representing almost 900 homes and some 2,400 residents in the Mt. Vernon Canyon and Bear Creek Canyon area, opposes the proposed new broadcasting tower for digital TV, FM broadcasting and equipment on Lookout Mountain. We oppose this application because it is not in conformance with County regulations and particularly both the Telecommunications Land Use Plan, as amended, and the Central Mountains Community Plan.

Jefferson County has shown great foresight in recognizing the value to present and future generations of preserving undeveloped land. The value of this is broad and varied. Clear air, clean water, tranquility and quiet, the aesthetic beauty of natural splendor, preservation of natural flora and fauna are just some of the benefits.

Allowing this new tower on Lookout Mountain would undo a lot of the good work of Jefferson County in preserving the beauty of the area. This is a mistake that would be visible not only to the residents from all over Jefferson County, but from all over metropolitan Denver. Do we want the city to have a backdrop of unspoiled foothills, or of multitudinous towers and blinking lights? What is the legacy this planning Commission wishes to leave in the years to come?

Of course, the County would by now be well aware of the multitudinous studies showing the possible deleterious health effects of increased EMF radiation to humans. Whilst not yet conclusive, there are certainly enough of these studies that should the evidence become overwhelming in the future, there would certainly be grounds for residents to launch a class action against the County for not protecting their health. Let's not forget the pattern shown with tobacco, asbestos, plutonium and DDT. Ignoring initial studies has cost the country billions of

Jefferson County Planning and Zoning

Post-it* Fax Note	7671	Date	1/26	# of pages	2
To	Tim Carl	From	Colin Barton		
Co./Dept.		Co.			
Phone #		Phone #	0284		
Fax #	303.271.8744	Fax #	303.526.0287		

Genesee

Foundation

24425 W. Currant Dr., Golden, Colorado 80401, (303) 526-0284, FAX (303) 526-0287

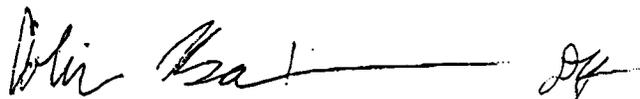
(Letter of Genesee Foundation in Opposition to proposed new Lookout Mountain broadcasting tower)

dollars in increased health costs, and caused ill health and death to tens of thousands. Does Jefferson County want to be contributory to a possible similar situation in the future? The car industry recalls faulty cars as soon as it becomes aware of a problem, largely because if they do not they face the prospect of multimillion dollar lawsuits in the aftermath. I would see the County position as being no different.

There is also the issue of property values. The aesthetic and potential health effects of broadcasting towers has the effect of lowering property values of sites most affected. Again, don't be surprised when Jefferson County in the future is forced to pay compensation, in the millions or tens of millions of dollars, in years to come, if pressure from developers and short sightedness bring you to making what will, in the long term, be seen to have been a poor decision.

Will the broadcasting industry and the landowner be inconvenienced or lose some money by the County disapproving the re zoning? No doubt. The car industry bears a cost for ensuring low fuel emissions and passenger safety. They still do just fine thank you. The mining industry bears the cost of minimizing environmental damage. The health industry bears the cost of testing pharmaceuticals properly before putting them on the market, and of complying with OSHA requirements. The building industry bears the cost of meeting "Green standards" and safety of construction workers. This has not caused great suffering to any of these industries, but has brought far greater benefits to many. All of this has been the result of concerned citizens and far sighted, strong willed politicians and decision makers who have had the guts and fortitude to stand in the face of vested commercial interests and make the tough decisions. In time these decisions come to be seen as having been far sighted, clear minded, profoundly wise and generous to the people of this country.

Sincerely,
Genesee Foundation



Colin Barton, Vice President

cc: CARE

LOOKOUT MOUNTAIN
PARADISE HILLS HOMEOWNERS' ASSOCIATION
A Not-For-Profit Homeowners' Corporation

November 10, 1998

Mr. Tim Carl
Jeffco Planning Department
100 Jeffco Parkway
Golden, Co. 80419

RE: proposed Expansion of the Antenna Problem

Paradise Hills Homeowners Association has a population of 556 residents living on the southwest portion of Lookout Mountain. Our area is well within the electromagnetic radiation field of the existing and planned television towers.

The Board of Directors urge the Jefferson County Commissioners

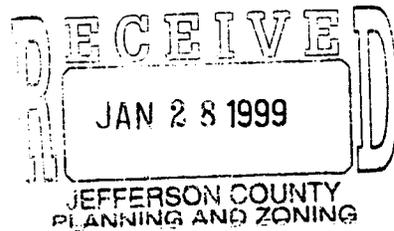
1. To fund an independent study of the health problems that exist now and those that would be enhanced with future tower expansion.
2. To lead and urge the industry relocation of their towers from populated Lookout Mountain to Squaw Mountain or other non-populated mountains on the front range.

Political leadership brought about the relocation of Stapleton Airport, surely this would be less of a task!

For the Board,



Peter M. Bates
323 Paradise Road
Golden. Co. 80401



To: Jefferson County Commissioners
100 Jefferson County Pkwy, Suite 500
Golden, CO 80419
Subject: Lake Cedar Group LLC rezoning request.

01/25/99

Dear Jefferson County Commissioners

On June 24th, 1998 at the monthly Mount Vernon Country Club (MVCC) Metropolitan District board meeting, the board discussed the May 28th, 1998 presentation by the Lake Cedar Group and based on that meeting made the following resolution: 'The board approved the MVCC position that there be no net increase in the towers and transmitters on Lookout Mountain with the ultimate goal of reducing the EMR from the communication transmitters on Lookout Mountain.'

Based on this resolution, the Mount Vernon Country Club Metropolitan District strongly opposes the request to "Rezone to allow a multi-purpose telecommunication tower to accommodate digital TV, FM broadcasting & assoc. equipment." by the Lake Cedar Group, LLC.

Our community of Mount Vernon was established in the 1920's, long before any towers were built. But we are now one of the closest communities in the direct beam of these proposed transmitters. According to Richard Tell's report in 1996, Mount Vernon Country Club (Location No. 23) had the highest readings of the Maximum Permissible Exposure (MPE) of electromagnetic radiation that he measured even though we are about 2.5 miles from the towers. Recent measurements by the FCC and Channel 31 have shown significantly higher levels than Richard Tell's report at the area around the towers. No new measurements were made by the FCC or Channel 31 at Mount Vernon. The Channel 31 measurements at the tower sites were as high as 99% of the FCC standard even though they refused to take measurements at one site that CARE had identified as a hot spot. The FCC at the insistence of CARE measured four sites that were exceeding the FCC standards with some as high as 250% over the current FCC limit of 200 uW/cm². The EPA measured a site at 580uW/cm² in a 1987 RF survey of Lookout Mountain. This shows a clear trend of the RF broadcasters exceeding the FCC limits. It also shows that Jefferson County and the FCC are not adequately monitoring the sites. Why is Jefferson County not routinely and independently monitoring the electromagnetic radiation as called out in the telecommunications plan? How can we be convinced that the FCC and Jefferson County will enforce the FCC standards when they have not in the past?

Lake Cedar Group does state that if the existing FM transmitters are moved higher up the tower that the ground levels around the towers will go down. But the levels at MVCC will go up since the FM main beams and the new TV transmitters will be in a more direct line to MVCC thus significantly increasing our electromagnetic radiation exposure. Recent predictions show that the EMR levels will go up 22 times current levels.

While it is noted that the spatial averages that the Lake Cedar Group predictions are slightly lower, 76% of the FCC $200\mu\text{W}/\text{cm}^2$ limits, the spatial peaks will exceed the $200\mu\text{W}/\text{cm}^2$. This is important in that the spatial average is performed for a six foot person and does not take into account small children or the effect of the peaks in the vicinity of one's head. It should also be noted that this is averaged with a ground reading near zero where as a child's bedroom is often on the second floor and can not be averaged with the ground zero measurement.

Based on the fact that the most efficient energy absorption occurs when the wavelength of the Electro-magnetic wave is close to twice the size of the object. A man 6' tall has peak absorption rate at about 70MHz. A small child at about 300 MHz. An infant at about 600 MHz. A persons head at about 900 MHz. The frequencies of the proposed transmitters are in the 55 to 900MHz range.

In a Dr. Gandhi, 1990 report: For an incidence RF signal at 300 MHz and power density of $20\mu\text{W}/\text{cm}^2$ would produce a Specific Absorption Rate two times higher for the child than the adult.

There have been an increased number of studies that show that the FCC standards of $200\mu\text{W}/\text{cm}^2$ are one hundred or more times too high for human safety levels. Many of these studies are referenced in B. Blake Levitt's book Electromagnetic Fields and in Dr. Neil Cherry's paper 'Potential and Actual Adverse Effects of Radio-frequency and Microwave Radiation at levels near and below $2\mu\text{W}/\text{cm}^2$ '. Jefferson County's antennae farms are one of the most concentrated in the nation and the county should not stand by waiting for federal action to lower the current levels. This is a local issue that should be addressed by Jefferson County. There is a precedence of Colorado communities setting standards for health concerns in that the Tri-County Health Department in 1986 developed recommendations of $2\mu\text{W}/\text{cm}^2$ measured at the property line of the transmitting facility for a microwave facility. If the additional DVT transmitters are allowed to be added to Lookout Mountain, Jefferson County may very well have the highest residential exposure to electromagnetic radiation in the entire country, causing its residents to be the guinea pigs of an electromagnetic radiation experiment.

The TV and FM stations have not proven that they could not utilize the Squaw or Eldorado Mountain site for the use of DVT or FM broadcasting. Should the Squaw Mountain site cause some minor problems we are sure they could easily be resolved since Channel 12 has proven that Squaw Mountain usage is possible. Both Eldorado and Squaw Mountain are located where virtually no residents would be at a health risk. If the DVT tower would be placed at Eldorado or Squaw Mountain then in the year 2006 the towers on Lookout Mountain could be permanently removed rather than simply replaced by a taller one.

One major concern that we have with the Jefferson County Planning and Zoning Department response to the Lake Cedar Group proposal is on page 12 on Interference C 3 b were it is stated 'The proposed tower will be 850 feet and elevated above nearby

residence to reduce NIER levels. The antennas attached to the tower will be designed to focus signals toward the Denver metropolitan area and away from nearby residential property.' In fact even the Lake Cedar Group in Case 1 admits the NIER levels will be increased 10% (which we believe is incorrect) and they also state that 'All TV stations except for KCNC-TV are assumed to have horizontally polarized omnidirectional azimuth patterns.'

American Heritage definition of omnidirectional: Capable of transmitting or receiving in all directions. In other words they will be directing the signals toward the nearby residential property as well as the Denver metropolitan area.

We are also concerned that the Jefferson County Zoning is basing all the review on the assumption that four towers will be removed when actually only two will be removed to begin with and the other two to be remove when the FCC ceases analog NTSC TV broadcasting. In a published IEEE paper dated October 1995 it states 'there will be a period of about 15 years in which the HDTV signals will be broadcast simultaneously with the present NTSC signals.' This was from a paper co-written by R.F. Cleveland Jr. of the FCC, Richard Tell and others. In 1993 they predicted the year 2006, in 1995 two years later Mr. Cleveland of the FCC is predicting 2015. By 2015 who knows what the prediction will be. The Jefferson County Zoning and Planning should consider this proposal only on the assumption that the two small towers will be replaced by one big one for many years to come.

The proposed Lake Cedar Group development agreement is also opposed by MVCC in that the agreement would severely limit the community's inputs on any additional activities at the site. They do not make any mention in their development agreement that they would abide by the Jefferson County Telecommunications Plan including the need to get approval to add transmitters of more than 1000W.

Getting back to the health issue I would like to quote from a number of papers identifying the potential health risks of the electromagnetic radiation environment to which will be exposed. (See attachment)

The administration and congress are trying to make deals with the telecommunications industry for free campaign time. These are not the agencies or people we can trust to set safety standards for a few thousand people in Jefferson County. It took action by counties to ban smoking in public facilities, not state or federal direction, even though the Surgeon General had listed smoking as a carcinogen for decades. It is now time for the Jefferson County Planning and Zoning Department and Health Department to protect its citizens from electromagnetic radiation and start to remove the transmitters from Lookout Mountain instead of adding additional transmitters that will be there for decades to come.



James Martin, President

Mount Vernon Country Club Metropolitan District



Mount Vernon Country Club
Metropolitan District

To: Jefferson County Commissioners
100 Jefferson County Pkwy, Suite 500
Golden, CO 80419
Subject: Lake Cedar Group rezoning request.

04/26/99

Dear Jefferson County Commissioners:

On March 23rd, 1999 at the monthly Mount Vernon Country Club (MVCC) Metropolitan District board meeting the board discussed the proposed tower to be constructed on Lookout Mountain. The MVCC board unanimously took a stand in opposition of the request to "Rezone to allow a multi-purpose telecommunication tower to accommodate digital TV, FM broadcasting & assoc. equipment." by the Lake Cedar Group, LLC. The MVCC believes that a moratorium on new transmitters and towers should be enacted on both Lookout Mountain and Mount Morrison at this time. MVCC is against the addition of any new transmitters where local residents are in the main beam of these transmitters whether in Genesee, Lookout Mountain or Mount Vernon.

Our community of Mount Vernon was established in the 1920's, long before any towers were built. But we are now one of the closest communities in the direct beam of these proposed transmitters. According to Richard Tell's report in 1996, Mount Vernon Country Club (Location No. 23) had the highest readings of the Maximum Permissible Exposure (MPE) of electromagnetic radiation that he measured even though we are about 2.5 miles from the towers.

The FCC at the insistence of CARE measured four sites that were exceeding the FCC standards with some as high as 250% over the current FCC limit of 200 $\mu\text{W}/\text{cm}^2$. The EPA measured a site at 580 $\mu\text{W}/\text{cm}^2$ in a 1987 RF survey of Lookout Mountain. This shows a clear trend of the RF broadcasters exceeding the FCC limits. It also shows that Jefferson County and the FCC are not adequately monitoring the sites. Why is Jefferson County not routinely and independently monitoring the electromagnetic radiation as called out in the telecommunications plan? How can we be convinced that the FCC and Jefferson County will enforce the FCC standards when they have not in the past?

Lake Cedar Group does state that if the existing FM transmitters are moved higher up the tower that the ground levels around the towers will go down. But the levels at MVCC will go up since the FM main beams and the new TV transmitters will be in a more direct line to MVCC thus significantly increasing our electromagnetic radiation exposure. Recent predictions show that the EMR levels will go up 22 times current levels.

Based on the fact that the most efficient energy absorption occurs when the wavelength of the Electro-magnetic wave is close to twice the size of the object. A man 6' tall has peak absorption rate at about 70MHz. A small child at about 300 MHz. An infant at about 600 MHz. A persons head at about 900 MHz. The frequencies of the proposed transmitters are in the 55 to 900MHz range.

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Mount Vernon Country Club
Metropolitan District

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The TV and FM stations have not proven that they could not utilize the Squaw or Eldorado Mountain or a non-mountain site for the use of DVT or FM broadcasting. Should the Squaw Mountain site cause some minor problems we are sure they could easily be resolved since Channel 12 has proven that Squaw Mountain usage is possible. Other FM broadcasters are currently operating at sites throughout the metro district. Both Eldorado and Squaw Mountain are located where virtually no residents would be at a health risk. If the DVT tower would be placed at Eldorado or Squaw Mountain then in the year 2006 the towers on Lookout Mountain could be permanently removed rather than simply replaced by a taller one.

One major concern that we have with the Jefferson County Planning and Zoning Department response to the Lake Cedar Group proposal is on page 12 on Interference C 3 b where it is stated 'The proposed tower will be 350 feet and elevated above nearby residence to reduce NIER levels. The antennas attached to the tower will be designed to focus signals toward the Denver metropolitan area and away from nearby residential property.' In fact even the Lake Cedar Group in Case 1 admits the NIER levels will be increased 10% (which we believe will be much higher) and they also state that 'All TV stations except for KCNC-TV are assumed to have horizontally polarized omnidirectional azimuth patterns.' American Heritage definition of omnidirectional: Capable of transmitting or receiving in all directions. In other words they will be directing the signals toward the nearby residential property as well as the Denver metropolitan area.

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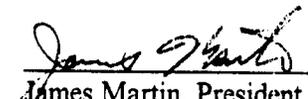
Mount Vernon Country Club
Metropolitan District

Jefferson County Telecommunications Plan including the need to get approval to add transmitters of more than 1000W.

We believe that Jefferson County should enact a moratorium on new transmitters and towers for both Lookout Mountain and Mount Morrison until a more encompassing Telecommunication's Plan is prepared. The plan must address the following issues:

1. Set a maximum number of transmitters and towers to be located on the two mountains.
2. Look at alternative sites that do not put residents in the main beam of the transmitters
3. Limit the amount of transmitters and power that can be added to any tower.
4. Enable community input on any additional transmitter over 100 W that is added.
5. Put restrictions on the transmitter designs to minimize electromagnetic radiation to local residents.
6. Enact a "As Low as Possible" philosophy on electromagnetic radiation
7. Develop a comprehensive EMR monitoring program paid for by the broadcasters but performed by independent personnel looking for hot spots.
8. Fund a more detailed health study that will address the issues that have been raised by the residents regarding the previous health study.
9. Impose significant fines for exceeding the EMR limits.
10. Adopt EMR standards of $2\mu\text{W}/\text{cm}^2$ or lower for long term residential exposure to protect the health and safety of the Jefferson County residents as the Europeans and Russia have done. Do not allow grandfather clauses.

The community has become increasing aware of the issues and concerns surrounding these towers. We have been attempting to get Jefferson County to take action over the last two years that I have been involved in this issue. Most of our letters for action have gone unanswered. Now is the time to either make the changes to the Telecommunication plan and to initiate a moratorium on any new transmitters on Lookout Mountain and Mount Morrison.


James Martin, President
Mount Vernon Country Club Metropolitan District

KEVIN K. GROENEWEG

346 S. Lamb Lane
Golden, Colorado 80401

Ph. 303-526-9217
Cel 303-919-4671
Fax 303-526-9317

FAX COVER SHEET

DATE: 3-4-99
TO: Tim Carl, Jefferson County Planning and Zoning case manager
Re: Lake Cedar Group Rezoning.
FAX #: 303-271-8744
PAGES SENT (including cover): 02

Dear Tim,

While reviewing the Case Summary today, I noticed we were not listed as interested parties. On behalf of a substantial number of the homes on Lookout Mountain and in Block Group 3, as well as around 1,000 people who utilize our church offices and facilities throughout each week, please note our opposition to the proposed rezoning and super tower. You should have received our fax the evening before the cutoff and in the packet of information provided by Ms. Carney - another copy is attached for your convenience.

We have been in contact with a number of people (including schools, churches and businesses) in Lookout Mountain, Genesee, Golden and surrounding areas which should be noted as interested. In that regard, please update your list of "interested parties" to include without limitation:

T.H.R.E.A.T. - new umbrella group - Tower Hazards & Radiation Exposure Above Tolerance
C.A.R.E. - Canyon Area Residents for the Environment
Paradise Hills Homeowners Association
Panorama Estates Homeowners Association and neighboring Panorama homeowners
Mount Vernon Country Club Metropolitan District
Mount Vernon Country Club
Genesee Foundation
Genesee Businesses
Genesee Village homeowners
Riva Chase homeowners
Lookout Mountain Community Church, Lookout Mountain and Genesee
Rockland Community Church, Lookout Mountain
Parents of children at Ralston Elementary School
Parents of children at Shelton Elementary School
Parents of children at Mitchell Elementary School
Faculty and students at the School of Mines
Jefferson County School Board
CDMA
Various PTAs
Golden - City and Council
Businesses of Golden
Residents of Golden
Concerned neighbors in surrounding areas and within sight of Lookout Mountain
The Colorado Historical Society - Boettcher Mansion, Lookout Mountain Park, Lariat Trail
Buffalo Bill Memorial Museum and scenic overlook
Staff at the new Jefferson County Nature Center on Lookout Mountain
Many other concerned neighbors, friends, state and national political representatives and officials.

Yours very truly,

Kevin K. Groeneweg

President, Paradise Hills Homeowners Association, Lookout Mountain
Treasurer, Lookout Mountain Community Church, Lookout Mountain and Genesee

KEVIN K. GROENEWEG

346 S. Lamb Lane
Golden, Colorado 80401

e-mail: research@polnow.net

Ph. 303-526-9217

Cel 303-919-4671

Fax 303-526-9317

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Yours very truly,

Kevin K. Groeneweg,

President, Paradise Hills Homeowners Association, Lookout Mountain

Treasurer, Lookout Mountain Community Church, Lookout Mountain and Genesee

John Hathaway
21109 Cedar Lake Road
Golden Colorado 80401
303 526-9659

July 29, 1998

Dr. Mark Johnson
Director of Jefferson County Dept. of Health and Environment
1801 Nineteenth Street
Golden, Colorado 80401

Mr. Richard Turner
Director of Jefferson County Planning and Zoning
100 Jefferson County Parkway
Golden, Colorado 80419

Dear Dr. Johnson and Mr. Turner,

This is addressed to both of you because citizens are not clear about who is responsible for the health and safety of residents living near the antenna farms on Lookout Mountain. I request that you both act to protect me, my pets, and my property.

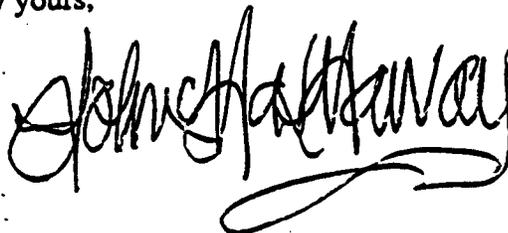
Assuming that Jefferson County was protecting my health and safety, I purchased the house at 21109 Cedar Lake Road in 1992. Since that time, two of my three cats who have always lived with me, have acquired cancerous tumors on their face. I had to put one to sleep about two years ago. The tumor has grown so large on the other cat that my veterinarian would have to remove half of its face to remove it. The third cat seems to be in excellent health.

Six months after moving into my Cedar Lake home, I began experiencing abdominal pain that became more and more severe. Medical tests found severe acid production within my stomach. The condition worsened and I had surgery in 1995 and more surgery in 1997 to stop the pain in my stomach. If you want more details, please call me and I can provide you with medical copies.

After learning more about electromagnetic radiation caused by the transmission devices in my neighborhood, I am concerned for my health and safety. I therefore respectfully request a comprehensive investigation of the radiation levels in my home and on my property BEFORE any other devices are allowed to be added to the area.

Available to cooperate with you and your staff, I am

Sincerely yours,



John Hathaway
RR 5 21109 Cedar Lake Road
Golden, CO 80401
303-526-9659

November 11, 1998

Tim Carl
JeffCo Planning Dept.
100 JeffCo Pkwy
Golden, CO 80419

Dear Mr Carl,

I'm writing you today to inform you that IN NO WAY am I going to accept this digital antenna array that is proposed for the Lookout Mountain area by the Cedar Lake Group.

First of all, this antenna array is located in an area that not only blocks my view of the metropolitan area, but will create a horrible eyesore every time I look towards Denver.

Second, this antenna array is held up by guy wires to keep it erect, that will go right next to my property and above my house. There are already 10 one inch diameter guy wires from the existing 800 ft. channel 4 tower that loom above my house and my property. This will not only add an increased eyesore to my property and the area, additionally, it is an added health hazard. In the winter, ice forms on these guy wires, creating giant ice spears that come falling to earth when the sun starts to melt them on the wires. I can't even walk around my property, much less work on my property without wearing a protective "crash helmet" and the Cedar Lake Group wants to add more guy wires above my property, so that more ice spears can come shooting down threatening my health and my property. This is ridiculous when there are alternate sites available for this massive array of antennas. How would you like to be trapped out in your yard, while these ice spears are falling from the sky, and you have nowhere to retreat to? These are not spears of soft snow. They are ice spears that spiral to the earth looking for a human target! Must I be their target?

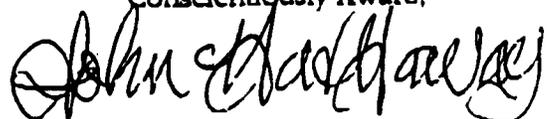
Thirdly, and most importantly, these are radiation producing antennas that will flood the Lookout Mountain area with levels of radiation that are already above FCC and Jefferson County limits. No one in their right mind would even consider putting this antenna array next to a populated area such as the Lookout Mountain area, when there are alternate sights available such as Squaw Mountain (3 sites) or Mt. Morrison. I'm sure that the protection of young children and pregnant women alone in this area makes this antenna location absolutely absurd.

Fourth, this antenna array will not only effect the property values of the residents of the Lookout Mountain area, but the commercial success of businesses in the Lookout Mountain area could be jeopardized from not only the ugly appearance of this antenna array, but the increased radiation levels that will be present.

THE TIMES HAVE CHANGED and the Lookout Mountain area is becoming more populated all the time. This isn't the 1950's when corporations had the freedom to pollute and jeopardize both the health and lifestyles of the Lookout Mountain residents and businesses.

In closing, I'm offering the planning department of Jefferson County a chance to take a stand AGAINST this monstrosity of both health and environmental hazards.

Conscientiously Aware,



HOLLEY, ALBERTSON & POLK, P.C.

ATTORNEYS AT LAW
DENVER WEST OFFICE PARK
SUITE 100, BUILDING 19
1667 COLE BLVD.
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HEATHER M. DAVIS

March 3, 1999

Patricia Holloway, Chairman
Rick Sheehan
Michelle Lawrence
Board of County Commissioners
Suite 5550
100 Jefferson County Parkway
Golden, Colorado 80419

Re: Zoning Case No. 98015154 RZP-1 -- Lake Cedar Group, LLC HDTV
Broadcast Tower

Dear Ms. Holloway, Ms. Lawrence and Mr. Sheehan:

I have lived in Jefferson County for virtually all of my 73 years. The Holley family first settled in the Wheat Ridge area in the 19th Century. My father was born there in 1881. My grandfather served as a Jefferson County Commissioner 1897 to 1905. I graduated from the University of Denver College of Law in 1952, and have been in the private practice of law in Jefferson County since then, a total of 47 years.

I write this letter to you to register my opposition to the above rezoning case and to the construction of a new 850 foot broadcast tower for HDTV and other broadcast uses on Lookout Mountain. I urge you to deny this rezoning request.

As you may be aware, since the 1950's my legal practice has involved a large number of annexations, rezonings, variances, and other land use proposals and decisions. I have seen Jefferson County be transformed from a principally rural area into an integral part of a large metropolitan area and the most populace county in the state. One of the lessons that I have learned in being intimately involved in the land use arena is that there is an appropriate time and place for different types of development. Lookout Mountain is not the place to continue this type of development, while the final results are not known. A brief history of a similar issue is the comparison of the current electromagnetic radiation debate, and the past debate regarding radiation emanating

Jefferson County Commissioners

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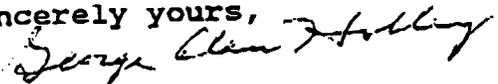
from the Rocky Flats' plant. Our Jefferson County Doctor was terminated for expressing his fears and the County paid substantial damages to him. Next, the FBI raided the place and now it is being cleaned up at a cost of many billions of dollars.

The single, major, underlying premise for local governments in making land use decisions is that the decisions should promote the health, safety, and welfare of the neighborhood. In this case, the proposed broadcast tower is clearly not in the interests of the health and safety of the neighborhood. The new tower will expose the residents of the Lookout Mountain area to electromagnetic radiation. Although it is my understanding that a recent Colorado Department of Health study had "inconclusive results" relative to the effects on Lookout Mountain residents of exposure to this type of radiation, the Health Department report did not endorse the concept of construction of new towers on Lookout Mountain. The report recommended further study and did not state that there was no health risk or no causal connection between exposure to electromagnetic radiation from broadcast towers and cancers. With the specter or possibility of this type of health and safety concern, it is inappropriate to approve and go forward with this type of development, in my opinion. The State and Federal governments' health agencies did not have conclusive opinions relating to a health hazard at the plant, nor did they recommend closing Rocky Flats. The Jefferson County Doctor's fears were subsequently substantiated.

In the last two decades, Jefferson County has approved major developments in the area including Genesee, Riva Chase, Genesee Crossing, Genesee Pointe, as well as numerous smaller developments on Lookout Mountain. The foothills area in the vicinity of the I-70 corridor has become a major population center within the unincorporated area of Jefferson County. Businesses have permanently located within the corridor, schools and churches have been constructed to serve the community and its children. Continuing the proliferation of broadcast towers and radio and television antennae, with their attendant health and safety concerns, are simply not compatible with this type of community and neighborhood.

As a resident and businessman in Jefferson County, I respectfully request that you deny this rezoning application. Thank you for your consideration.

Sincerely yours,



George Alan Holley

Ronal W. Larson, PhD
21547 Mountsfield Drive
Golden, CO 80401
303/526-9629; larcon@sni.net

Nov. 24, 1998

Mr. Mark Limbach
Controller, KCNC-TV
FAX 303/830-6537

Dear Mr. Limbach:

As I promised, this is to respond to the 6 page handout that you dropped off at our home on Nov. 21. Also, it is to thank you for staying to discuss the Lake Cedar Group (LCG) proposal. You responded courteously to my distress over the LCG proposal and I appreciated your candor in stating that you knew little about the details of the proposal.

I shall be urging CARE to use your letter and this reply as a new opportunity to talk to our Lookout Mountain residents and the Planning Commissioners. In the interest of improving our dialog, I hope you can arrange a talk with those who shall be leading the LCG effort to achieve Planning Commission approval. The following follows your five-part format.

1. "Who is Lake Cedar Group" Rather than promoting DTV, it seems clear that the LCG interest is limited to the financial aspects of this single proposed site (with the inclusion of so many FM stations as potential tenants).

2. "What is Lake Cedar Group's Proposal" You say (emphasis added) that the "...new tower ...would also be a slender guy wire supported tower." In fact, the new tower is appreciably less slender than the Channel 4 tower coming down and has the huge star mount at the top - not at all similar. The guy wires allow this "narrow" profile - but their cumulative length may be (if constructed like the present Channel 4 tower) an astounding 4 miles (mentioned more because of the avian hazards than the visual impact of guy wires, but the latter is not insignificant).

Our description of the star mount would say that this is almost sixty (!) feet across - and that it apparently is being designed to carry 12 antennas (two up and two down at each of the three corners), averaging about 54 feet long, with another half-dozen antennas located along the "slender" upright portion. The actual peak height of the tower and antennas is 854 feet, but the starmount alone could grow to more than 200 foot length - with a face area of approximately $200 \times 60 = 12,000$ square feet. To this must be added a remaining tower face area of about 650×12.5 feet = 8000 sqft. This compares to the channel 4 tower face area of about $800 \times 8 = 6400$ sqft. Your letter could also have told recipients that LCG has stated that there will be no limit to the number of antennas and stations that may be added - only that there will be no more than 18 large antennas. We also will be emphasizing that there is limited liability for damages (presumably leaving only the county to be sued).

In talking about removal of towers in the next paragraph, we shall be emphasizing four facts that you fail to note.

- The existing county rules call for taking down an equal area - a requirement you are far from achieving - possibly even with all four TV towers eventually coming down.

- The County requirement does not talk about delay in removal - we reject the idea that delay is allowed.

- The Mountain Backdrop concept. Your "obscene" (a term Genesee's Chris O'Dell has used to describe your "candelabra") structure will obviously be the single greatest violation of a "mountain backdrop" policy.

- The proposed "schedule" for removing the analog towers has close to zero probability of

occurrence. You should have alerted readers to the FCC rule that the change-over will only occur when fewer than 15 % of Denver-area viewers are still on analog. The year 2006 seems unlikely to me.

3. "Why do the members of Lake Cedar Group need a new tower on Lookout Mountain"

The second paragraph here talks of being unable to add new antennas to the existing towers, whereas I understood you to say on Saturday that adding to the older towers was the next best alternative. I prefer to believe that you cannot physically add to the existing towers and should move to another site. In the last several sentences of this paragraph, you use terms such as "can" and "would allow", when in fact County rules mandate removal of an equal number. I am disappointed that there is apparently no attempt on the part of LCG to use multiplexing of the TV antennas. Today, there is no rational reason to employ as many antennas as stations - if you are concerned about visual impacts and costs.

In the next paragraph, LCG attempts to prove no other site is possible. Certainly, Squaw Mountain's response to you (disappointingly not included in the application copy we received) is in total disagreement with your contention that (emphasis added) :

"..Lookout Mountain is the only telecommunications site in the Denver area that can accommodate the technological requirements of the members of Lake Cedar Group."

Should I believe that no other site was possible to be, I would have given up long ago, but your failure to state anything further quantitatively both concerns me and gives me hope. What exactly are the failed "technological requirements"? They are not addressed in your application to the county. What is the weighting that you have applied to the various technical decision criteria? Your Saturday statement that LCG faces a \$12 million dollar investment at the LCG site must certainly be an important consideration. Clearly, there are major advantages to the much lower (even unlighted) possible horizontal support structure at locations like Squaw Mountain. The fact that LCG does not wish to lease is understandable, but there seems to be a major disagreement as to whether a sufficient part of Squaw Mountain is for sale (as their sales person has reported personally to me).

It does not distress me that there would be a need for repeater stations with any specific site. I would be very surprised to learn that none would be required with Lookout Mountain as the site. The owners of each site (including Morrison, El Dorado, and Squaw) claim superior coverage - so the differences are probably not too severe. The differences can only be understood if there is a true comparison of alternative sites - which I doubt has been done in any but cursory fashion.

4. "What should I be concerned about" I believe you have gravely misrepresented the magnitude of the present international health concerns in your first paragraph. You will find little agreement amongst those of us who have reviewed the EMR-health literature that the present limitations are "strict". There is a present safety factor of fifty only if you believe that the only possible effects are thermal. The final sentence in this first paragraph is most misleading - as I can show you at least 100 articles showing "adverse health consequences" at rf power levels lower than the standard. This is not to say that I or other members of CARE can convincingly demonstrate that the medical community understands the pathways by which health effects are manifested. But we feel that you can similarly not possibly make the claim that no health effects have been seen at the levels many of us see at our residences. I would love to talk to your experts on this topic.

Page 6 of your handout was not mentioned in the letter. This replication of a short article in the Denver Post of a Colorado Department of Health study should instead have quoted from the original source - which gives a much different slant on the implications of the Health Department

quick look at cancer deaths in our area. I will be pleased to send a press release that I wrote to correct the original Denver Post article. Your letter might also have noted that the Department of Health is currently looking at the statistics again (at our urging and with considerable data that we have collected at our own expense). Briefly - a large number of residents in our large census tract receive low levels of radiation - perhaps even lower than in Denver. As LCG should know, and was clearly pointed out by the Colorado Health Department, one must compare health statistics against radiation levels - not against averages over a huge census tract. In a mountainous environment, even distance is not an acceptable surrogate for actual exposures. If LCG is really interested in Lookout Mountain health issues, we invite you to join us in finding funding for a real health survey of the tower vicinity.

The next paragraph (which talks about recent FCC measurements) omits the important fact that these measurements were made only after repeated complaints over many months by CARE - identifying these exact spots to both the county and the FCC. The gratuitous remark that by "*industry standards, these four areas are considered relatively minor*" is exactly the problem we are complaining about. A standard exists which has been continuously ignored if not hidden (one consulting engineer refused to make measurements even in the presence of a county representative, Mr. Russell Clark). The LCG expert, Mr. Robert Weller, when asked at the Channel 7 site (which had values 250% of the standard) how he certified compliance in the light of such high numbers, could not give a reason.

The formation of a new industry group - improbably called "SAFE" - is discussed in the following paragraph. We in CARE have tried unsuccessfully for three years to encourage the formation of a committee or similar format to discuss our concerns with the broadcast industry. We find it disturbing that the LCG group still has not made any attempt to contact those on the mountain to explain the industry position. In fact, no-one from LCG has contacted anyone from CARE to discuss the unanswered written questions arising from the wholly disappointing public meeting at Mount Vernon, held on May 28, 1998. I urge "SAFE" to consider the wisdom of better communicating with its neighbors, in addition to only reacting to an FCC recommendation.

There is next a short paragraph addressing the "visual blight" of this proposed tower. I feel you are misleading when you compare what is proposed to go up (the star mount) with what is coming down. It is generally very difficult for anyone to even see the Channel 6 tower at the same time as the Channel 4 - so these hardly count as being in the same "visual blight" regime.

The final paragraph addresses the local traffic problem, saying the proposed transmitter facility "*will be unmanned and therefore should generate very little traffic*". You should have also addressed the issue of number of parking spots and building square footage - more we think than the cumulative total of all existing transmitter buildings on Lookout Mountain today.

5. "Why should I support Lake Cedar Group's proposal" You first claim "*Four large towers are being replaced with one tower.*" In fact, there is immediately a net reduction by only one - and the net visual impact (which is never mentioned) is clearly negative (because of the star mount) even after the other two are removed (if ever) at some still undetermined date. What's more, there is an LCG demand to add any number of additional antennas, so its visual impact will presumably get steadily worse. After assuring us that LCG will not voluntarily remove any towers in the absence of approval for their proposal, you state that "*Jefferson County has been telling the members of Lake Cedar Group that it wants consolidation of the towers on Lookout Mountain.*" This is not my understanding of County policy, and I hope that you will provide documentation for this assertion. In fact, I interpret the county policy is to mandate an equal takedown - when one goes up another comes down. I see no policy that encourages the much more visual, top-heavy star mount design being proposed. As you no doubt know, it is possible to have a single antenna be used for multiple transmitters - and we within CARE believe this to be the intent of the County policy that I believe you misquote. LCG is missing an outstanding opportunity for multiplexing of

the TV channels.

Your next paragraph says that the proposal will "...ultimately lead to a significant reduction in the NIER levels on Lookout Mountain." I believe this to be untrue at many residential locations. CARE member Al Hislop has calculated the anticipated levels from the LCG-provided antenna, power, and height data. He finds a more than doubling immediately in more than one location. Furthermore, these will not decrease to present levels when the analog stations go off the air. No doubt, your consultants continue to look only around the immediate vicinity of the tower and do not look at the higher elevations where some residents live. The new transmitters are generally at higher power levels and also omni-directional - unlike the safer directional and lower-power systems that may eventually be dropped. CARE would like to know who made the calculations behind your lowered power level statements. We ask you to contact myself or other members of CARE (such as Deb Carney [526-1024], Al Hislop [526-7866] or myself) to arrange a time to compare these computations.

The final two paragraphs talk of the advantages of digital television (DTV). This is a non-issue; our concern is not with the technology - it is only about the point of transmission.

In summary, your decision criteria must also include health impacts, aesthetic impacts, and optimum use of a beautiful parcel of land. "Optimum" must include consideration of alternative uses, local property values, and the rights of neighbors, including freedom from health threats. "Optimum" implies a comparison of sites and a comparison of costs - from both the LCG perspective and from a total County societal perspective. "Optimum" especially must include the two important nearby historical sites (Buffalo Bill's Grave and Boettcher Mansion) which are being adversely impacted today for hundreds of thousands of annual visitors - and will be even more so if this proposal is approved. This historical site concern is part of the existing FCC regulations that we hope will trigger the environmental assessment (EA) and environmental impact statement (EIS) comparison of sites that we deem so important. We also hope that such comparison will be mandated by the County Planning Commission - the way that all controversial decisions should be made.

Again, thanks for not carrying out our discussion in the authoritative, condescending fashion that I have become accustomed to when talking to your industry.

Sincerely,

(not possible to sign with my computer-based FAX capabilities)

Ronal W. Larson

cc: Jefferson County Commissioners
Tim Carl, Jefferson County Planning Department

UNDERSTANDING LAKE CEDAR GROUP'S
PROPOSAL FOR A CONSOLIDATED TOWER
ON LOOKOUT MOUNTAIN

Who is Lake Cedar Group?

Lake Cedar Group is a new company that has been formed by the companies that own and operate television Channels 4, 6, 7, 9 and 20 in the Denver metro area. These channels have joined together in response to the advent of digital television (DTV). The Federal Communications Commission (FCC) is requiring television stations to begin broadcasting DTV signals. The impact of this requirement is discussed below.

Lake Cedar Group's proposal has attracted a lot of attention in recent months. The members of Lake Cedar Group have prepared this handout to help you become better informed about what is being proposed.

What is Lake Cedar Group's proposal?

Lake Cedar Group is applying to Jefferson County to replace four of the largest towers currently located on Lookout Mountain with a single consolidated tower for the use of its members and other interested broadcasters. The towers that would be removed are those owned by Channels 4, 6, 7 and 9. The attached map shows the locations of these existing towers. The new tower would be located on the eastern side of Lookout Mountain just to the east of the existing Channel 4 tower. The Channel 4 tower is a slender, guy wire supported tower and is the tallest tower on Lookout Mountain. The new tower would reach the same height as the Channel 4 tower and would also be a slender, guy wire supported tower. The primary difference between the new tower and the Channel 4 tower is that the new tower will be topped by a three-pronged starmount to accommodate multiple antennas.

The removal of the four existing towers will occur in two phases. First, the towers owned by Channel 4 and Channel 6 would be removed as soon as the new tower is constructed and operational. Second, the television broadcast towers owned by Channels 7 and 9 would be removed once the transition to DTV is complete. This completion date will be finally determined by the FCC. It is currently scheduled for 2006.

Why do the members of Lake Cedar Group need a new tower on Lookout Mountain?

The FCC is requiring television broadcasters to start broadcasting DTV signals. The four largest commercial channels in the Denver area (ABC, CBS, NBC and Fox) must begin broadcasting DTV signals by November of 1999. The other commercial stations and the public stations must begin broadcasting DTV by later predetermined dates. In addition to requiring

DTV broadcasting, the FCC is also requiring television stations to continue broadcasting in their traditional analog signals until consumers have had an adequate opportunity to transfer over to the new technology. This means television stations will have to simultaneously broadcast their DTV and analog signals during the transition period. As mentioned above, this transition period is scheduled to last until 2006. *no - 8570*

The FCC requirement means that each television station will have to operate two television broadcasting antennas (one for DTV and one for analog TV). Most of the towers used by the members of Lake Cedar Group cannot accommodate two full-size television antennas without additional strengthening and modification. None of the existing towers has the structural ability to serve as a consolidated facility for multiple TV broadcasters. The members of Lake Cedar Group believe this circumstance provides a good opportunity to address Jefferson County's desire for consolidated telecommunications facilities, especially if the new consolidated facility can also accommodate some of the analog TV antennas during the transition period to DTV. This would allow the towers for those analog antennas to be removed right away.

Many people ask why the new tower cannot be constructed at another site such as Squaw Mountain. The primary answer to this question is that Lookout Mountain is the only telecommunications site in the Denver area that can accommodate the technological requirements of the members of Lake Cedar Group. It is not merely by coincidence that all of the major TV broadcasters in the Denver area have their facilities on Lookout Mountain. Lookout Mountain's technological superiority over other sites has many aspects. The most important one is signal coverage. No other site in the Denver metro area provides better signal coverage for its broadcasters than Lookout Mountain. Squaw Mountain, which is often cited as a viable alternative to Lookout Mountain, has such poor signal coverage that relay transmitters would have to be constructed at other locations in the Foothills. This would require construction of additional new towers in Jefferson County, which directly contradicts the County's policies.

What should I be concerned about?

Telecommunications antennas, like many electrical devices, emit non-ionizing electromagnetic radiation (NIER). As is true with many things in this world, NIER is considered dangerous at very high levels. Accordingly, the FCC and Jefferson County have placed strict limitations on how much NIER may be present in any given area. These limitations include a safety factor of 50. This means they require NIER levels to be 50 times lower than the level at which adverse health consequences have been observed in laboratory testing.

As you may have heard, recent measurements taken by the FCC on Lookout Mountain indicate that there are four areas on the mountain where existing NIER levels exceed the limits imposed by Jefferson County and the FCC. The areas in question are relatively small in size, all being under the dimensions of a typical single-family residential lot. These areas are in the following locations: (1) in Colorow Road next to the Channel 6 tower (west of the Boettcher Mansion);

(2) adjacent to the KHHH-FM tower (northeast of Buffalo Bill's Grave to the east of Lookout Mountain Road); (3) adjacent to the Channel 7 tower (off Cedar Lake Road); and (4) in Cedar Lake Road adjacent to the FM tower shared by KOSI and KKHK. The attached map shows these tower locations. By industry standards, these four areas are considered relatively minor. In all cases they would comply with the occupational limits that apply for people who work around telecommunications towers. The FCC's measurements indicate that FM broadcast antennas, not the television antennas, cause the four areas. Importantly, all of the areas of non-compliance can be fixed through one or more techniques (e.g., reducing antenna power, relocating antennas or fencing off the area in question). Even more importantly, the FCC has directed the FM radio stations who are causing the problems to take the actions necessary to make the four areas comply with the applicable standards.

In considering Lake Cedar Group's proposal, you should be aware that even if the new tower is approved, both the FCC and Jefferson County will prohibit any new antennas from being actually operated on Lookout Mountain until the issue with the existing NIER levels has been resolved. In other words, the mere approval of Lake Cedar Group's proposal will not give the members of Lake Cedar Group the right to operate new antennas on Lookout Mountain unless it can be demonstrated that all existing regulations concerning NIER are being complied with. As you might imagine, Lake Cedar Group and its members are highly motivated to see that the existing NIER issues on Lookout Mountain are addressed in a satisfactory manner. This is why Lake Cedar Group has recently initiated the formation of an association of the broadcasters on Lookout Mountain. This new association will be called Special Association for Environmental Health (SAFE). It is SAFE's objective to ensure the broadcasters on Lookout Mountain act together to keep all areas on the mountain in compliance with the applicable health standards.

* * *

The members of Lake Cedar Group are aware that most people consider the towers on Lookout Mountain a visual blight. This is one of the main reasons why Lake Cedar Group is proposing a consolidated tower that will accommodate the needs of all its members and other users. This new consolidated tower will lead to the removal of four of the existing television towers on Lookout Mountain.

* * *

Some people associate new development activities with additional traffic volume. The transmitter facility for the new tower will be unmanned and therefore should generate very little traffic.

Why should I support Lake Cedar Group's proposal?

First, as discussed above, Lake Cedar Group's proposal will lead to significant reduction in the number of towers on Lookout Mountain. Four large towers are being replaced with one tower. You might hear some people say that what the County should do is deny Lake Cedar Group's proposal and then require the removal of all the towers on Lookout Mountain once analog TV

is phased out by the FCC. This is not a realistic possibility. The members of Lake Cedar Group would become obligated to remove the existing towers only because they have agreed to that obligation in exchange for the County's approval of the new tower. Without the County's approval of the new tower, the members of the Lake Cedar Group would have no obligation to remove the existing towers. Even after analog TV is phased out, the existing towers will continue to have value even if not for traditional TV purposes. Given this fact, the owners of the towers would not have much incentive to remove them. In other words, rejection of Lake Cedar Group's proposal will not lead to the removal of existing towers from Lookout Mountain. Jefferson County has been telling the members of Lake Cedar Group that it wants consolidation of the towers on Lookout Mountain. This is what Lake Cedar Group is proposing.

Second, Lake Cedar Group's proposal will ultimately lead to a significant reduction in the NIER levels on Lookout Mountain. Once the analog TV antennas are turned off at the end of the DTV transition period, the total level of NIER will drop considerably. It is true, as you have probably heard, that initially the new DTV antennas will cause marginal increases in NIER levels on some parts of Lookout Mountain. (Though NIER levels will likely go down on other parts due to immediate relocation of some TV and FM antennas onto the new tower). In this regard, it is important to realize that the County and the FCC will only permit the new antennas so long as the NIER levels on every part of the mountain comply with all legal requirements. It is also important to realize that the NIER levels that will be added to Lookout Mountain by the DTV antennas are relatively insignificant. This is because the new antennas will be located on top of the new tower, some 850 feet off of the ground.

Finally, the transition to DTV represents a tremendous improvement in existing technology. The improved technology is so remarkable that many people in the television industry liken the switch to DTV to the advent of color television. The new DTV technologies offers several features. The most easily recognized is a wider screen format that displays a picture with a height-to-width ratio very similar to a movie screen. In addition, the DTV picture will have a resolution that is up to two times better than your current analog system. Another attractive aspect of DTV is that it will permit broadcasters to transmit more than one television picture at a time over a given channel. Some broadcasters plan to utilize as many as four simultaneous channels of television for different specialized audiences. Digital technology will also permit television broadcasters to transmit digital data along with their television signals. This might permit you, for example, to download data onto your computer while simultaneously watching television.

The members of lake Cedar Group are excited about this new technology and its possibilities. For the reasons discussed above, Lake Cedar Group believes its proposal is worth supporting. We hope you agree.

**Bradley Ross-Shannon
21890 Cabrini Blvd.
Golden, CO. 80401**

Mr. Frank Hutfless
Ms. Claire Levy
Jefferson County Attorneys Office
100 Jefferson County Parkway
Golden, Co. 80401.

Dear Mr. Hutfless and Ms. Levy,

I am a Jefferson County resident living on Lookout Mountain. I am also a lawyer specializing in the defense of civil liability claims. My 15 years of experience have focused on assessing legal liability, risks, and financial exposure of such risks. I have tried approximately 50 week-long cases in Jefferson County district court and other district courts throughout the state, and in the U.S. District Court in Colorado. I have represented parties involved in various types of disputes including personal injury, breach of contract, CERCLA litigation, natural gas explosions, employment matters, real property damage, and insurance coverage questions.

I strongly oppose the rezoning application submitted by the Lake Cedar Group(LCG). I believe the LCG proposed rezoning allowing the construction of a new antenna for HDTV transmission and unlimited transmission devices on the antenna will create a significant health risk, a fear of a significant health risk, and a diminution of property values. Additionally, the new antenna, the unlimited transmission devices on the antenna, and the 32,000 square foot building are contrary to the original land use intentions of the county and contrary to the best interests of citizens of Jefferson County.

The purpose of my letter is to express both legal and common sense reasons for your support and recommendation to deny LCG's rezoning application. I will outline the potential liability exposure to Jefferson County and discuss an appropriate course of action.

I. POTENTIAL CLAIMS FOR RELIEF

The Colorado appellate courts have recognized that a resolution or proclamation by a governmental agency or board is a contract with its resident citizens. Additionally a resolution may contain a promise which is the basis of a promissory estoppel claim, Brace v. City of Lakewood, 899 P.2d 301,304 (Colo. App. 1995) rev'd and remanded on other grounds, 919 P.2d 231 (Colo. 1996). The Brace holding is consistent with generally accepted principles regarding liability for breach of governmental acts. See CJI Counties, Sec. 93.

Jefferson County has enacted 3 such resolutions creating a contractual duty with its citizens: the Jefferson County Telecommunications Land Use Plan; the Jefferson County Zoning Resolution (reprinted July 1997); and the Central Mountains Community Plan.

The three County plans and resolutions must also be understood in the context of the history of Lookout Mountain. The antenna farms are legal, non-conforming uses. Any decision allowing rezoning should be consistent with the prior Zoning Resolution. The legal, non-conforming use only allows LCG the right to the status quo. It does not allow LCG expansive rights.

The three County plans and resolutions require the Board of County Commissioners to rely on reports that comply with the standards set forth in the Telecommunications Plan. A decision relying on non-conforming reports is a breach of the Telecommunication Plan.

The Telecommunications Plan states:

“The County should review adopted standards on a regular basis and change its regulations when necessary to reflect new evidence of health effects, improved measurement of RF levels, or standards promulgated by the State of Colorado, the Federal Government, or national industry groups like ANSI.

1. The adverse effect of telecom facility location and design on residential property values should be minimized and
2. To minimize the adverse effect of telecom facilities on residential property values, the policies concerning visual impact, interference, and health should be followed.”

The Zoning Resolution, Section 15 states its intent is:

“To site and design towers so that electromagnetic radiation emissions to which the public will be exposed do not exceed safe levels.”

The Central Mountains Community Plan states:

“The current ANSI standards, which do not cover transmission lines, are used by the Jefferson County Department of Health and Environment to assess health hazards, and are less restrictive than the standards used on other areas of the United States. Studies of this problem are underway which could produce more definitive information on the health hazard potential from electromagnetic radiation. Another health concern focuses on the cumulative and interactive effect of the various types of radiation. As research provides more data on this subject, the Colorado and Jefferson County health departments should monitor the data, reevaluate the current standards and consider revising the current standards in accord with new findings.”

Jefferson County has also undertaken to monitor the RF levels of the proposed tower and all its devices (even if they are installed without County knowledge, as LCG proposes. Health Policy 2(f) of the Telecommunications Plan states:

“Actual RF levels should be monitored at the locations described above, after start-up of the facility. If RF levels exceed the adopted standard, transmitter power levels should be reduced to a level which will meet RF standards until operations are modified. Failure to do so will be considered a zoning violation.”

Likewise Jefferson County actively asserted its duty to enforce all regulations necessary to protect the health of its citizens in the Zoning Resolution. The Zoning Resolution states:

“...this Zoning Resolution is enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Jefferson County by lessening the congestion in streets or roads, securing safety from fire and other dangers...

It shall be the duty of the Zoning Administration to interpret and enforce all regulations and requirements contained in this Zoning Resolution and in special exceptions, variances, special cases and official Development Plans unless that duty has been expressly delegated to another office.”

Thus, the Zoning Resolution together with the Telecommunication plan create a duty of the county to enforce the regulation that RF levels not exceed adopted standards.

The County is also contractually required to actively monitor and measure RF levels and enforce the ANSI standards. This requirement is considerable. As you know, CARE already has evidence that the existing antenna farm emit RF that are in excess of the current ANSI standards. An injured or damaged resident will only need to present that evidence to show the County’s failure to monitor.

It is practically impossible for the County to comply with its contractual duty to monitor LCG’s conduct. Obviously, if LCG is not deterred or hindered from placing more transmission devices on the new proposed antenna, without notifying the County, how can the County monitor the RF levels? Moreover, the cost of reasonably monitoring the RF levels is great. Ultimately, a Jefferson County jury will likely determine what is reasonable monitoring. A Jeffco jury will be making that decision, however, in the context of a lawsuit brought by a cancer patient or a survivor of a deceased cancer patient. The jury will weigh the evidence introduced by a fellow citizen: a husband or wife, a father or mother, a son or daughter, a brother or sister, against the evidence introduced by a government official.

The County may try and argue that as long as periodic monitoring indicate LCG is within the ANSI standards then it is not liable. Compliance with a government standard is presumptive evidence, but not conclusive proof of no negligence in a products liability context. CJI Civ. 3d 14:25. The question the jury will answer is whether Jefferson County broke its promises to its residents by simply rubber stamping the controversial ANSI standards or was unreasonable by exposing its residents to documented, increased health risks.

The Colorado Department of Public Health and Environment and others recently released its results of a limited study on the incidence of brain and central nervous system tumors in citizens in the vicinity of the antenna farms. Two of the five sectors (40%) were found to have a statistically significant increase in the limited health problems studied. The two sectors were those located nearest the antenna farm.

In other words, the study showed a statistical increase of brain and CNS tumors in the neighborhoods closest to the antenna farm.

The study acknowledged that RF exposure cannot be ruled out as a cause of the statistical increase of tumors. Indeed, the study called for additional studies and did not recommend approval of the rezoning application which will increase RF exposures levels two or three fold. It is noteworthy that the CDPHE found it necessary to state that residents should not sell and vacate their homes on Lookout Mountain. The reality is that the study confirms an increased tumor rate for the adjacent sector. The fear of a statistically increased chance of having a brain or CNS tumor is real and well

founded. The fear itself is a recoverable injury or damage. Boryla v. Pash, 960 P.2d 123 (Colo. 1998). Additionally, the fear is a factor in the marketability and thus value of the homes in the sectors with a statistical increased chance of having a tumor.

Certainly, the study is not conclusive. It does provide strong statistical evidence of increased health risks in two sectors. It does provide the County notice of its liability exposure for the current and future RF levels.

It does provide enough evidence to submit the causation question to a jury. Ultimately, a Jefferson County jury or a federal jury in the District of Colorado will decide if it is "probable" that the County's approval of the rezoning application is a violation of an injured resident's civil rights pursuant to 42 USC Sec. 1983, a breach of its contracts (resolutions) or subject to promissory estoppel.

The damages of an injured resident include compensation for economic damages, non-economic damages, and physical impairment as they are defined in the CJI, Civ 3d. As mentioned above, damages for fear of an increased risk of cancer or tumors is compensable. Boryla v. Pash, 960 P.2d 123 (Colo. 1998). If a resident plaintiff prevails, costs will be awarded against the County. Slovek v. Board of County Commissioners of the County of Weld, 697 P.2d 781 (Colo. App. 1984), rev'd on other grounds, 723 P.2d 1307 (Colo. 1986). Costs are not considered to be part of an insurance policy limits. Likewise, costs and interest will be awarded against the County without restriction by the Colorado Governmental Immunity Act (CGIA).

The CGIA, discussed below, allows a judgment against the County to be paid in full upon resolution of the governing body. Consider the political and public pressure for such a resolution following a high profile cancer case due to the County's violation of civil rights or breach of its promises regarding county health issues.

The County should also consider the domino effect of a single, successful plaintiff. If a jury finds the County's action or inaction was a contributing cause to a resident's cancer or a fear of an increased risk of cancer while living on Lookout Mountain, the property values of the Lookout Mountain homes will plummet. In the short run, each resident on Lookout Mountain would have a potential lawsuit for diminution of market value. Weld County Board of County Commissioners v. Slovek, 723 P.2d 1307 (Colo. 1986). In the long run, the tax base for Lookout Mountain homes will diminish.

II. THE COLORADO GOVERNMENTAL IMMUNITY ACT

CRS 24-10-106, the CGIA, grants immunity to public entities from all claims for injury which lie in tort or could lie in tort. It also limits recovery for a single plaintiff to \$400,000 plus interest and costs unless the governing body resolves to pay more. CRS 24-10-114.

The CGIA affords no immunity from claims which do not lie in tort. The Colorado Supreme Court has consistently held that claims for breach of contract, breach of county resolution, promissory estoppel, and breach of federal civil rights statute 42 USC Sec. 1983 are not barred or protected by the CGIA.

In Brace v. City of Lakewood, 899 P.2d 301 (Colo. App. 1995), rev'd and remanded on other grounds, 919 P.2d 231 (Colo. 1996). Brace, a former employee of the City of Lakewood sued the

City after he was fired. The Court of Appeals held that the plaintiff's tort claims were barred by the CGIA but that his breach of contract claims based upon prior City proclamations and resolutions were not barred or protected. The Court stated:

"The Colorado Governmental Immunity Act was not intended to apply to contract actions... Thus, if an examination of the complaint discloses that the claim is based upon the breach of obligations arising from an alleged contract, the public entity is not immune...

Here, the complaint alleged that defendant's contractual obligations were created by representations... and city ordinances and proclamations.

Under these circumstances, we conclude that the claims were properly pleaded as based upon contract, not tort, and that, therefore, sovereign immunity does not apply.

Id. At 304 (citations omitted).

The Court of Appeals also found that the plaintiff's claim of promissory estoppel was not protected by the CGIA. *Id.* At 305.

The Colorado Supreme Court reiterated the law that a promissory estoppel claim is not barred by the CGIA in Berg v. State Board of Agriculture, 919 P.2d 258 (Colo. 1996) and Board of County Commissioners of Summit County v. DeLozier, 917 P.2d 714, 715 (Colo. 1996).

Likewise, the Colorado Supreme Court found that a claim for violation of federal civil rights statute 42 USC Sec. 1983 is not barred by the CGIA. Board of County Commissioners of Douglas County v. Sundheim, 926 P.2d 545, 548 (Colo. 1996).

It is clear that Jefferson County has exposure to and is not immune from a civil liability lawsuit for violation of 42 USC Sec. 1983, breach of the Telecommunication Plan, breach of the Central Mountains Community Plan, breach of the Zoning Resolution, and promissory estoppel.

CRCP 106(4) does not limit any such lawsuits to 30 days after the County Commissioner's decision on the rezoning application. CRCP 106(4) requires that a lawsuit alleging that the County Commissioners acted outside their jurisdiction or abused their discretion must be filed within 30 days after their resolution. However, even if the Board is found to have acted within their discretion, the County's violation of civil rights, and the breach of its resolutions and promises to promote the health of its residents, and to monitor RF levels are all claims that are only subject to applicable statute of limitations, and are not precluded by CRCP 106(4).

In conclusion, the County should be aware that it faces significant legal liability exposure if it approves the rezoning application. It is not immune from liability. An plaintiff need only prove, by a preponderance of the evidence, that the County's actions were a cause of his or her claimed injuries. The statistical proof for the two sectors closest to the antenna farms now exists. Medical and engineering experts are available to testify that the RF levels transmitted by the antenna farm is a cause of health risks. The County's liability exposure will increase as it allows an increase of RF levels.

III. POLICY CONSIDERATIONS

In addition to the significant legal liability exposure which militates against approval of the rezoning application, there are a number of other policy factors that need to be considered. These factors may not give rise to a specific cause of action, but are probably evidence that will be admitted in trial.

The County will benefit in the long run by denying the application. Annual property taxes paid for the 14 antenna farm parcels is approximately \$31,500. Property taxes paid by the residents within 1 mile of the antenna farms is over \$1 million dollars. If the application is denied, and the existing antenna farms are eventually phased out with the advent of HDTV, those parcels can be developed and generate property taxes greatly in excess of those paid by the owners of the antenna farms. Most importantly, the parcels will be returned to their intended use as mountain residential property.

The County must expect to incur greater costs to monitor the RF levels and LCG activities if the rezoning application is approved. The County has undertaken that legal duty in the Telecommunication Plan and the Zoning Resolution.. LCG's rezoning application has galvanized residents who will remain committed and vigilant in scrutinizing future LCG activities and County monitoring efforts. The County should expect that Lookout Mountain citizen groups will demand active and regular monitoring of RF levels. The cost to the County will increase accordingly.

The County should also be cognizant that LCG's plans to build a 32,000 square foot building is contrary to the Zoning Resolution, the Telecommunication Plan, and the Central Mountains Community Plan. Additionally, the voters of Jefferson County recently overwhelmingly approved the County's purchase of land for open space purposes. Clearly, the mandate of the County's residents was to preserve the natural beauty and heritage of our County, and not allow unsightly development.

The County has no legal or moral obligation to LCG. It does have those obligations to Jefferson County residents. LCG has been presented with a good alternative site for its building and antenna. In fact, Squaw Mountain welcomes LCG. There is no public opposition to the Squaw Mountain site. The Squaw Mountain facility is not adjacent to neighborhoods and schools. The health risks are minimal, not statistically significant. LCG has not responded with any technological reason why Squaw Mountain is not acceptable. LCG's convenience and cost is not a concern of Jefferson County. While LCG is only concerned with its bottom line, the County must only be concerned with the quality of life of its current and future residents.

The County has a unique opportunity. It can restore Lookout Mountain to its original planned use: MR-1, mountain residential, since a denial of the rezoning application will eventually result in removal of the obsolete analog towers.

The question for all involved is what legacy do you want to leave Jefferson County? Do you want Jeffco and Colorado known as a place that cared more about its citizens, its children, its environment, and its natural beauty, or a place that cared more about its TV reception and TV revenue?

Very Truly Yours,

Bradley Ross-Shannon

cc: Michelle Lawrence
Pat Holloway
Richard Sheehan
John Witwer
Tom Tancredo
Wayne Allard
Ben Nighthorse Campbell

Subject: County Liability Letter

Date: Mon, 22 Feb 1999 23:17:26 EST

From: Trs4crc@aol.com

To: deb@carneylaw.net

Deb, TJ:

Please review the attached letter and call me tomorrow at my office. Phone # is 303-377-1111.

Thanks,
Brad

 LOOKOU~1.DOC	Name: LOOKOU~1.DOC Type: Microsoft Word Document (application/msword) Encoding: base64
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Mr. Tim Carl
Planning & Zoning Dept.
100 Jefferson County Pkwy
Suite 3550
Golden CO 80419
303-271-8744

February 21, 1999

Patty Palladino
126 Pine Road
Golden, CO 80401
303-526-1605 / 303-526-0719

Re: Proposed transmission tower for Lookout Mtn.

Dear Mr. Carl,

I have been a Lookout Mtn. resident for 8 years and am opposed to the installation of the proposed 850' transmission tower set for hearing March 10, 1999.

Health Issues and Jeffco's Exposure to Liability

I attended a meeting disclosing results of the impact study on brain cancer Feb. 17, 1999. The speaker made it clear *verbally* that the data created a grey area and that more study was needed, yet his *written* recommendation stated that there is no *medically proven* link between the towers and brain cancer. Such ambiguous results smack of a political agenda and/or liability avoidance.

The results of long-term exposure to non-iodized radiation on Lookout Mtn. are *scientifically* unproven due to the nature of statistical data required to *prove* disease clusters. This is tantamount to *proving* that O.J. killed Denise Brown versus weighing evidence. Evidence suggest the towers could be a health hazard, and common sense dictates that the county officials err to the side of caution. We simply do not have the long-term population base (and never will) to properly assess cause and effect on this issue, but this does not alienate citizens from their right to live out their *natural* lives without undue potential health hazards. Cancers can take 5 to 10 years to present themselves in humans. Since we must wait within our own bodies to determine any negative outcome from existing towers, the increased radiation out-put of a new tower should be delayed accordingly.

In any event, the burden of proof is on the wrong party. The *proof* that the transmission towers are *not* potentially harmful should be on the F.C.C. and broadcasters. The F.D.A. requires drug companies to prove their product safe at their own expense *before* public consumption. Enough suspicion of negative impact on public health surrounds electromagnetic and radiation exposure to warrant proof the tower is safe *before* installation, and further study on existing towers. If approved, this tower makes laboratory rats of local residents, giving them no choice but to vacate the area or suffer the possible consequences.

According to *City and Mountain Views (issue 46)* Jeffco "has never monitored the existing 450 transmission devices, including 18 high-power broadcast antennas, now operating from three antenna farms", and that the "FCC...measure NIER emissions 105% to 250% beyond limits" with the senior FCC scientist stating that "bringing the land owners and RF transmission device owners into compliance and monitoring them in the future is the responsibility of Jefferson County" and, "If approved, residents harmed by the 100 'limitless' devices would have to sue the 'limited liability' company in Delaware* or sue Jefferson County."

*Lake Cedar Group is a phantom 'consortium' of Channels 4, 6, 7 and 9 to avoid litigation (per Views issue referenced above). Any future litigation would pursue Jefferson County who cannot hide its identity or its exposure to liability as the broadcasters have.

The county has already failed to supervise existing tower emissions and is therefore more vulnerable to future litigation. Alternate, unpopulated sites are available to the broadcasters, avoiding the potential for health hazards, litigation, and environmental impact altogether. The elementary school is only 3.16 miles from the proposed tower site. The environment these children grow up in should be protected with no exception. Stepping out of harms way is the most logical and practical decision for all concerned.

January 8, 1999

Jefferson County Planning Commissioners
100 Jefferson County Parkway, Suite 3550
Golden, CO 80419-3350

Dear Commissioners:

As an ever concerned citizen, I am writing to you again regarding the new tower which has been proposed by the Lake Cedar Group. I am still wondering of course what benefit the county could possibly derive from allowing this tower to be constructed. From the large windows of the county building, one would stare straight up at this tower with its 30,000 square foot building below it.

After sitting at the second hearing, I still have concerns. The Lake Cedar Group said that they have been in contact with the Colorado School of Mines and the FM radio stations. While I do believe that LCG has been in contact with those groups, I feel that the county has a responsibility to contact those entities directly to find out if their concerns have adequately been addressed. Are Mr. Mark Linne and colleagues at the Colorado School of Mines confident that they can continue their research? Are the FM broadcasters confident that this proposed tower will meet their needs? I have seen a real pattern in this tower issue of the county taking a very passive stance by accepting everything that LCG presents as the whole truth and nothing but the truth. I feel that by doing this, the county is not adequately assessing the true impact of this proposed tower.

On the issue of setbacks, I understand that the LCG submitted a short statement saying that a Mr. Mulherin said that in the cases he studied, the median collapse radius was 20% of the tower height. Based upon this, Mr. Bart Johnson said that the expected collapse radius would be 170 feet. Are you comfortable with using a number based on a median rather than the maximum for your safety figure? I understand that a citizen submitted some calculations with a much larger safety zone. Where are the county's calculations in this matter? Are you simply accepting the word of the Lake Cedar Group?

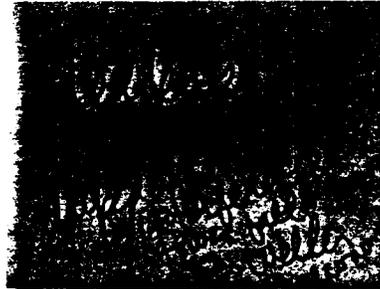
Also at the second hearing, Mr. Robert Weller, the engineering expert for the LCG clearly admitted that for some residents, the RF radiation would double. He felt that this was no problem, because he claimed that these residents would get 2% of the current standard of 200 microwatts/centimeter squared instead of 1%. In my case, I would go from less than 3% of the standard to a calculated exposure of more than 7%. While Mr. Weller would argue that this is still very safe, I feel that without the results of the Colorado Department of Health's study on the brain cancers on Lookout Mountain, doubling my exposure to RF radiation doubles my risk. In any case, we can certainly document all of the interference that we and other residents receive up here from the antennas and to double our exposure would presumably double the already significant interference we receive from the existing antennas. This then becomes an issue regarding property taxes; it seems we should all protest our taxes if our interference is doubled. And, there is still the disclosure issue. Do we have to disclose all of this electronic interference when we list our properties for sale?

Sincerely,

Patricia B. Roberts
64 Lookout Mountain Circle, Golden, CO 80401

January 8, 1999

Jefferson County Planning Commissioners
100 Jefferson County Parkway, Suite 3550
Golden, CO 80419-3350



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Sincerely,

Patricia B. Roberts
64 Lookout Mountain Circle, Golden, CO 80401

Mr. Tim Carl
Planning & Zoning
100 Jefferson County Parkway , Suite 3550
Golden, CO 80401-3550

Subject: Rezoning of Lookout Mountain property

With this letter we want to express our opposition to the rezoning requested by the Lake Cedar Group to allow the construction of a large transmission building and an antenna.

We live on lot 22, subdivision no. 5, Lookout Mountain Park, 425 Colorow Road since 1978. We are in direct line of vision of the antennas, which increased constantly in numbers over the last years. Our view toward the east is spoiled by all the hardware, and we are very upset that one of the reasons that enticed us to live here, the view over the city and the plains, is already ruined, while the tax assessor cited the view as one of the reasons why our taxes are higher up here.

But a more important factor of our objection to the rezoning is the possible adverse effects on our health, caused by electromagnetic radiation of the broadcasting antennas. We already had experienced an incident of cancer in our family, and wonder if the exposure to the emission of the antennas could have contributed to the cause of the illness. When we tried to find out if there could be possible effects on health by the antennas, we were told, that there is nothing to worry about, and that emission levels are enforced by the FCC. But when we had a chance to measure our lot, we found out that the level was far above the allotted amount. We are now convinced, that there is no control of the emissions, and statements assuring a safe environment are false.

We believe, that the installation of the new proposed tower will increase the emission level much higher, and this may effect our health more intensely. We urge you to order a scientific study of the health of residents exposed to long term electromagnetic radiation.

Please reject the zoning change request, and if at all possible, work out a plan to relocate the antennas presently on Lookout Mountain to a more suitable location. This would enable the community to develop according to the initial plans of mountain residential zoning, and may be we can even plan a public park that will enhance the area and invite people to enjoy the magnificent natural beauty of our mountain.

If you and the board of commissioners are devided on this issue, may be letting all residents vote on this matter could solve this problem. After all, we pay the taxes that enable you to function in your capacity.

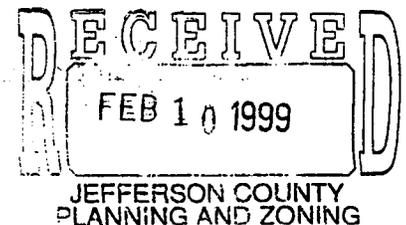
Sincerely,

Guenter L. Grothe

Vera L Grothe

Guenter L. Grothe

Vera L. Grothe



S O L V E
P.O. Box 30
Silver Plume, CO 80476

Board of County Commissioners
Jefferson County
100 Jefferson County Pkwy.
Golden, CO 80401

March 4, 1999

Dear Members of the Board:

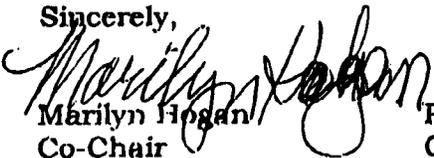
We are writing to express our concern over the additional broadcast tower you are being asked to approve that would be built on Lookout Mountain. SOLVE stands for Save Open Lands, Vistas and the Environment, and is consortium of homeowners and homeowners associations in Clear Creek County.

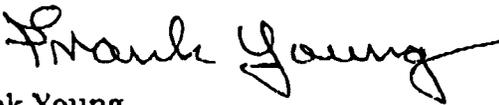
We are expressly concerned that the amount of electromagnetic radiation from a second tower would be doubled from current levels, putting at eminent health risk a population of approximately 11,000 people who reside in the Lookout Mountain area. In addition, there is an elementary school in the vicinity, and young children could arguably be put at an even greater risk. The elevation of homes in the area being the same as the tower increases the real effects of the radiation.

There is evidence, according to many sources, that electromagnetic radiation is linked to certain types of cancers. Pockets of brain cancer currently exist in the affected area which are four times beyond the norm. It does not seem prudent to allow construction of a second broadcast tower that would emit a doubling of radiation when there are other, safer sites in which such a tower could be constructed.

We also would inquire: why is a Federal regulatory agency, the FCC, requiring HDTV capability? What is the public good being served by this requirement? In any case, such a mandate does not necessitate the construction of towers in any particular location, and we would urge the Cedar Lake Group to seek alternative sites that does not put a significant population of residents at a potentially serious health risk.

Sincerely,


Marilyn Hogan
Co-Chair


Frank Young
Co-Chair



WELLINGTON E. WEBB
Mayor

CITY AND COUNTY OF DENVER

BUFFALO BILL MEMORIAL MUSEUM
DEPARTMENT OF PARKS AND RECREATION

987 1/2 LOOKOUT MTN. RD.
GOLDEN, COLORADO 80401
TELEPHONE: 526-0744

October 22, 1998

Timothy Carl
Jefferson County Planning and Zoning
100 Jefferson County Pkwy
Golden, CO 80419

Dear Mr. Carl:

I recently received information from Canyon Area Residents for the Environment about proposals from the telecommunications industry to increase transmission devices on Lookout Mountain. This is a matter of concern to our institution for two reasons.

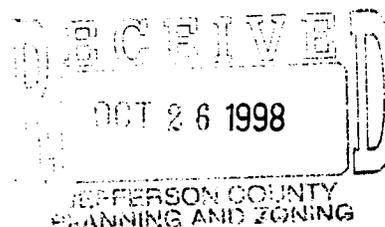
1. There apparently are still a number of gray areas regarding EMRs and health. No categorically undisputable proof has been offered that the EMR emissions from existing towers are not a health hazard. Nor is there any guarantee that EMR levels from the new devices will not be a danger to health. The emissions from the antenna continue to cause unusual problems in our electronic equipment, ranging from our computers to our fire alarm. What may they also be doing to our bodies? I am concerned about the health of those of us who work here nearly every day of the year. My staff is exposed to EMR levels comparable to those experienced by the residents who live here and work somewhere else during the day. We also have several employees who both live and work on the site.

2. We constantly get negative comments from our visitors about the unsightly nature of the antenna. When you consider that nearly 500,000 people visit the site each year, that's a lot of input. Buffalo Bill chose this spot because he felt it was more beautiful than anyplace in Cody, Wyoming or North Platte, Nebraska. That was before the antennas were added. Today the view from his grave to the south, east, and west is marred by the antenna. Anything that will make the area more unsightly by adding to existing antenna or by adding more antenna compounds insult with injury.

Underlying all of the concerns about EMR and about the unsightly nature of the antenna is the question of appropriate regulation. As I sit in my office with antennas on three sides and hear about more development, I become concerned. Is Jefferson County ensuring that the present situation will not go from bad to worse in the future?

Sincerely,

Steve Friesen
Director



0112

Genesee Gem LLC
25918 Genesee Trail Road, Suite 200
Golden, Colorado 80401
(303) 526-5521 - FAX (303) 526-4151

November 6, 1998

Tim Carl
Jefferson County Planning Dept.
100 Jefferson County Parkway
Golden, CO 80419

Re: Opposition to the Lookout Mountain Antenna Farms

Dear Mr. Carl:

As a principal in the ownership of the Genesee Towne Centre, I would like express our concerns regarding the Lookout Mountain Antenna Farms.

It is our understanding that a draft ODP (without limitations) has been presented to Jefferson County by the Lake Cedar Group LLC for preliminary approval, other Denver broadcasters would like to add 100+ transmitters to the Lookout Mountain site and the existing transmitters are currently out of compliance with FCC and County limits for electromagnetic pollution. As property owners, we are strongly oppose to any future expansion of the site and in fact, we would support the elimination of site's antenna use.

Since there is a direct line of sight from our property to the site (and within a 5 mile radius), continuation and/or expansion of the antenna farms exposes us to several issues:

- ⇒ Direct contact with electromagnetic pollution, an important health issue;
- ⇒ Our property's value will be jeopardized if something is not done to restore the existing situation,
 - The ability to attract or retain tenants and/or customers to the Centre may have a future detrimental economic impact on us as business owners. This will be reflected in our net operating income, which is used as an incremental part of determining a sale/purchase price, appraisal value on a loan and the assessed value for property taxes, and;
 - If expansion is approved, property values will be reduced even further due to an overwhelming number of antennas on an already unsightly mountain backdrop.

Since the inception of the antenna farms, it would appear that due to lack of opposition in the past, the broadcasters have done as little as possible to make the site environmentally friendly, and most likely for economic reasons. Furthermore, alternative, unpopulated and safe sites have not been actively pursued by the broadcasting industry, such as Squaw Mountain, for the same reasons. Other areas of high technology have enforced laws and regulations placed on them for industry and governmental compliance. Therefore, its time that the broadcast users be held accountable and stop exceeding the maximum permissible exposure limit of electromagnetic radiation.

We sincerely hope that in the upcoming hearing by the Planning Commission for the Lake Cedar Group proposal, and for all future proposals, Jefferson County will take a stance in opposing further expansion and move towards restoring Lookout Mountain.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laura T. Larson".

Laura T. Larson

Member & Property Manager

COPY OF LETTERS SENT
TO JEFFCO ON
11-15-98

11-15-98
Jefferson County
11-15-98
Jefferson County

Dear Sirs:

The Federal Communications Commission has recently issued a decision regarding the allocation of frequencies in the 11-15-98 band. This decision is significant for the following reasons:

1. The Commission has determined that the 11-15-98 band is to be used for the following purposes:

2. The Commission has also determined that the following conditions must be met for the use of the 11-15-98 band:

3. The Commission has further determined that the following conditions must be met for the use of the 11-15-98 band:

4. The Commission has also determined that the following conditions must be met for the use of the 11-15-98 band:

5. The Commission has further determined that the following conditions must be met for the use of the 11-15-98 band:



OMNI EYE SPECIALISTS, P.C.

Robert E. Prouty, O.D.
Center Director

55 Madison Ste 355

Denver, CO 80206

(303) 377-2020 / (800) GO-2-OMNI

Fax: (303) 377-2022 ext. 11

George J. Pardos, M.D., P.C.
Medical Director

Dennis J. O'Connell, D.O.
Vitreous / Retinal Director
November 13, 1998

Sujote David, M.D.
Glaucoma Director

Canyon Area Residents for the Environment
25958 Genesee Trail Road, Unit K203
Golden, CO 80401

Tim Carl
Jeffco Planning Department
100 Jeffco Parkway
Golden, CO 80419

Dear Mr. Carl:

I am a resident of Lookout Mountain. I have lived on Bellvue Road for the last 10 years. I am a physician and a father of 3.

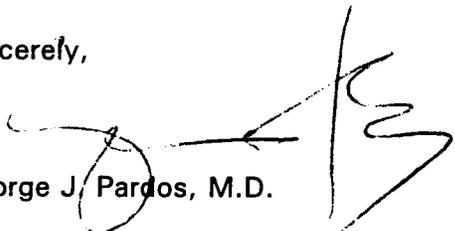
I would like to voice my opposition to any additional antenna placement on Lookout Mountain. Lookout Mountain should no longer be considered the depository of Denver T.V. and radio station antennas. The residential community of Lookout Mountain has grown significantly over the last 20 years to a vibrant and populous residential area where antenna farms no longer have a place.

I understand the need for additional antennas, but I would hope our representatives would consider unpopulated areas and zone them accordingly for high density electromagnetic radiation. Some sights for consideration would be Squaw Mountain, El Dorado Mountain, the thousands of U.S. forest acres at high altitude, and perhaps even Mt. Morrison.

In any event, I feel the potential health risks that have not been fully studied nor categorically eliminated are further augmented by every antenna placed on Lookout Mountain, jeopardizing the residents of that mountain and your constituents. I strongly urge the Planning Department to vote "no" on further expansion of antennas at Lookout Mountain and to develop a plan to phase out such antennas over an appropriate and relatively short period of time.

I look forward to your decision which will echo the sentiments of those who elect you and whom you represent.

Sincerely,


George J. Pardos, M.D.

GJP/lh

cc: Canyon Area Residents for the Environment

Board of Jefferson County Commissioners
1000 Jefferson County Parkway
Suite 500
Golden, CO 80419

Dear Commissioners:

I am writing to urge you to deny the application by the Lake Cedar Group for a new tower and transmission building on Lookout Mountain. I am a resident on Lookout Mountain and a Nuclear Engineer at the Rocky Flats Environmental Technology Site. I am very knowledgeable about the health effects of ionizing radiation and a professional health and safety analyst with over 15 years experience in nuclear safety. But more importantly I have children that are and will be attending Ralston Elementary school where the levels of radiation will increase as much as thirty times. I am especially concerned about this since very recent international and national studies on radiofrequency (RF) emissions indicate an increase in cancer rates especially among children living near broadcast towers. The radiation levels found from these cancer cases were far lower than the levels that Ralston Elementary are projected to have once the new tower is operational. Therefore, any hasty decision concerning the new tower seems very irresponsible to me and I hope the Commission sees this as a red flag.

I understand that you believe you are under a deadline by the FCC that is not open for renegotiations. On the contrary, the FCC makes it very clear that if individual stations have "extenuating circumstances" the November 1, 1999 date can be reevaluated. It seems very clear to me and I hope to you that the questionable health of our children lends itself to a good case of "extenuating circumstances" and the philosophy of "Prudent Avoidance" should be invoked until such time that this risk is more clearly understood by all parties involved. The enclosed attachment discusses additional environmental and health issues regarding the new tower on Lookout Mountain along with a need to analyze alternatives that would produce a "win-win" solution for all parties involved.

Again, I urge you to deny the Lake Cedar Group application until the environmental and human health effects are known and understood, and until reasonable alternatives are explored that protects the public interest, minimizes future litigation, and moves us into the next century with digital TV.

Sincerely,

Shirley Olinger,
Nuclear Engineer
397 Monte Vista Road
Golden, CO 80401

February 15, 1999

Board of Jefferson County Commissioners
100 Jefferson County Parkway, Suite 500
Golden, CO 80401

Dear Board of Commissioners.

Our family is writing to express our concern regarding the potential addition of a new "super-tower" to Lookout Mountain. We are highly alarmed over the potential addition of this new tower and the unknown effects of the existing towers as they relate to our health and safety.

Following recent local electromagnetic (EM) radiation measurements, and new, emerging evidence that is being brought to light about potential health effects, **we are hopeful that we can count on you to represent us.** We are concerned that while recent research performed has been highly suggestive it has not yet been proven as conclusive. Also, the volume and quality of research performed to date has been quite minimal and does not particularly relate to our unique situation as one of **the most highly-radiated residential communities in the United States.** We are not interested in being guinea pigs or "Love Canal," precedent-setting type mistakes.

While we do not know what the impact to our health is exactly, we do know that the tower causes interference problems with all of our electronic equipment on a daily basis. We can receive very few radio stations (except as background noise when speaking on the telephone), must have cable to watch our local television stations, can not use our electronic car door unlocking devices or a door bell and must use an expensive, 900Mhz digital telephone to be able to talk and hear with reasonable clarity. If the interference affects all our electronics this significantly, what is it doing to our bodies?! We don't know **but we beg you to learn more before you casually approve the doubling of direct EM radiation in our community.**

Among our other reasons for not wanting the new super-tower is the impact that the tower will have on research and business performed within the Golden-area and to the mountain backdrop of Golden and Jefferson County. Our daughter, Noelle, who is currently a senior at the Colorado School of Mines is aware of great concern at school over the interference problems associated with a new, more powerful transmitter. Like many other Golden businesses, the current tower negatively affects many of the experiments and much of the research being performed at the School of Mines. To double this background EM radiation will surely wreak havoc to both local businesses and one of the nation's prestigious centers for engineering learning and research.

What we ask is that **Jefferson County disallow the erection of the new tower/ transmitter device until more conclusive research can be performed to rule out health risks and business complications to the citizens of this area.** We also encourage you to require the media group's sponsor corporation to conduct an alternative site study to determine if **there isn't a more prudent site in a non-residential area.** We believe that the Lookout Mountain community, as well as other local citizens and businesses, should at least receive this courtesy over a limited-liability corporation who has only "non-conformance access" and no right to this area for anything other than monetary gain.

Please consider this request, with those of the many other 8,000-plus Lookout Mountain-area citizens, with the respect and understanding that you would want bestowed upon your own families.

Thank you.

Julie, Jim and Noelle Behrens
394 Colorow Road
Golden, CO 80401
303/526-4116

cc: Governor Bill Owens, Senators Wayne Allard and Ben Nighthorse Campbell

A SMOKE SIGNAL

FROM ELK RIDGE ART
25918 Genesee Trail Road, Golden, CO 80401
(303) 5236-1561ph (303) 526-4324 fax (800) 713-0763
<http://www.elkridgeart.com> e-mail: GoldAnne@aol.com

DATE: 3/4/99

TO: Deb Carney

FROM: Anne Goldstein

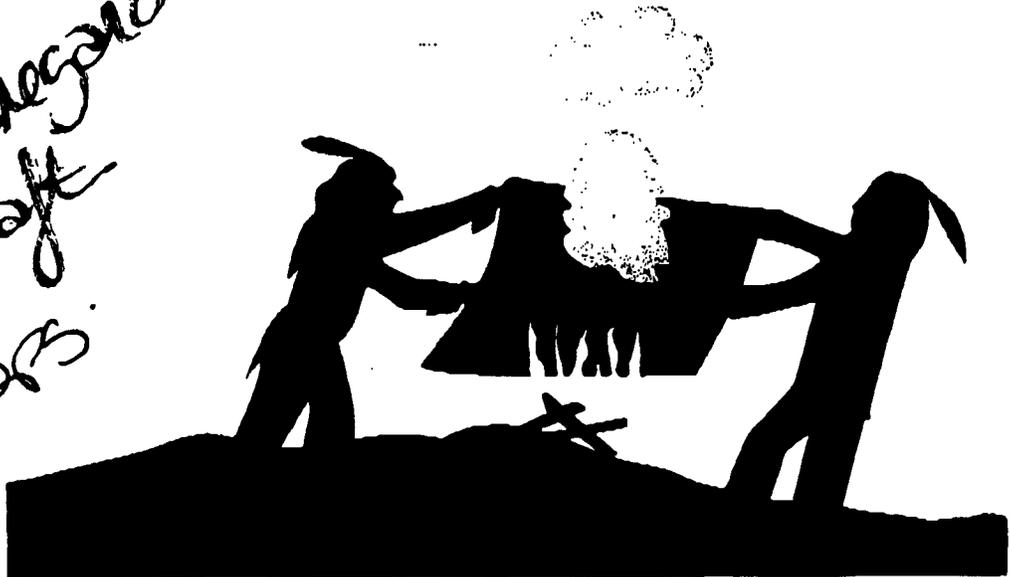
FAX#: 303-526-9843 (Found it!)

NOTE: Deb- pls. take a look at this Ltr. - I'd like some feedback about the content - did I get it all right? Did I leave anything out? Please call me - I'd like to send these out today.



Number of Pages 5
(including cover/page)

*Updated
N. Disregard
1st draft
AG*





ELK RIDGE ART COMPANY

Fine American Indian Art



March 4, 1999

Rocky Mountain Public
Broadcasting Network, Inc.
KRMA-TV, Channel Six
Attention: Arthur Hower
1089 Bannock Street
Denver, CO 80204

Re: KRMA-TV Auction / Lookout Mountain Towers

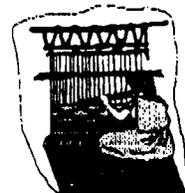
Dear Mr. Hower:

As I explained to you in our last conversation, I am both a resident and merchant in the Genesee area. I am quite concerned about the "Transmission Towers" (a/k/a Antenna Farm) situation on Lookout Mountain. Being a merchant at the Genesee Towne Centre, I am currently exposed to a radiation level estimated to be at .5 microwatts per centimeter squared. If the new proposed LCG tower is implemented, my exposure will increased to an estimated level of 12.6 microwatts per centimeter squared!!! This is unacceptable! I reside and work in this beautiful area of the foothills because I do not care for the pollution levels in Denver.

Last year my gallery donated a beautiful Storm Pattern Navajo rug to your fundraising auction. I was happy to do so as I have enjoyed your public programming. Unfortunately, in becoming an informed local citizen, I have been advised that KRMA-TV, Channel plans to

(continued)

Post Office Box 1917, Evergreen, CO 80439
PH:(303) 526-1561 FAX:(303) 526-5271
Toll Free (800) 713-0763
[HTTP://WWW.ELKRIDGEART.COM](http://www.elkridgeart.com)



Rocky Mountain Public
Broadcasting Network, Inc.
KRMA-TV, Channel Six
March 4, 1999
Page Number Two

railroad the local residents by having their volunteers arrive early to take up seats at the County Commissioner's hearing on March 10th. I take this as a personal insult and infringement on my right to be heard as a citizen in our Country's democratic system! Therefore, Elk Ridge Art will not be participating in the donation of artwork to your fundraising auction. Instead, the gallery will be donating the piece of pottery earmarked for Channel Six to a live auction at the Ralston Elementary School P.T.A.'s fundraiser tomorrow night. Ralston, a PUBLIC school, is currently at .5 microwatts per centimeter squared, but will be exposed to an estimated 15 microwatts per centimeter squared radiation level after the proposed LCG tower!!!

Attached is some information for you, as a citizen, to consider.

Sincerely,

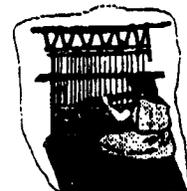
Anne Goldstein

Enclosure

cc: Ralston P.T.A.
Deb Carney / C.A.R.E.
Carole Lomond / Views Publishing
Michelle Lawrence, Jefferson County Commissioner
Pat Holloway, Jefferson County Commissioner
Richard Sheehan, Jefferson County Commissioner
Bill Owens, Governor, State of Colorado
Ben Nighthorse Campbell, Senator, State of Colorado
Wayne Allard, Senator, State of Colorado



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Elsa E. Rosenberg
898 Coneflower Drive
Golden, CO 80401
(303) 526-1671

March 3, 1999

Michelle Lawrence
Pat Halloway
Richard Sheehan
Jefferson County Commissioners
100 Jefferson County Pkwy
Suite 500
Golden, CO 80419

Dear Commissioners;

As a resident of Genesee in Jefferson County and, more importantly, the mother of two young children, I am writing to register my opposition to the proposed new tower and transmission building on Lookout Mountain. As you are aware, the new tower poses potential adverse human and animal health effects; will lower property values in the affected area significantly; and would be detrimental to the quality of life for the residents of Genesee, Lookout Mountain, and the surrounding communities.

With regard to the health risks associated with the levels of radiation that the proposed new tower would emit, I am aware of the study that the Colorado Department of Public Health and Environment conducted. However, this study was inconclusive as to the connection between increased occurrences of cancer and television and radio transmissions (see Attachment 1). As an environmental consultant associated with three firms in the Denver area (URS Greiner Woodward Clyde, Foster Wheeler Environmental Corporation, and Jacobs Engineering Group Inc.), it is inconceivable to me that the County would approve installation of the new tower and facility until further studies have been completed. Never in my over 10 years as an environmental consultant have I seen a client implement any action, whether new construction, demolition, or remediation, when the potential for hazardous consequences exists. The recommendation is always to conduct further studies to determine the effects any action may have on the environment and population. I would hope the County would agreed with this prudent approach.

In addition, it must be noted that Ralston Elementary School is located in close proximity to the new tower and transmission building where radiation will increase to an alarming level. Our

Jefferson County Commissioners

March 3, 1999

Page 2

children should not be exposed to this potential danger until scientific studies determine conclusive evidence as to the effect the radiation will have on children living and attending school near the broadcast tower. These children should NOT become the laboratory mice subject to the experiment of the broadcast industry and backers of the tower.

Those of us living in the affected area have the additional concern that our property values will plummet if the tower and building are constructed as proposed. My husband commented that when we moved to Genesee 6 years ago, we had found our own piece of Eden. If the new tower is approved, what we really found is the next Rocky Flats. This fact is particularly relevant to the welfare of Jefferson County, as it will experience a significant loss of tax revenue with the decrease in property values and decline in population.

In general, construction of the new tower will destroy the community we have in the Foothills, as well as mar the aesthetics of the Front Range that is a Colorado trademark. Our children will not be able to safely attend the local schools, our property values will dwindle, and our hillside will be scarred by the new tower. Who stands to benefit in this situation—certainly not the County and its constituents.

Several years ago, the tobacco industry was adamant as to the lack of proof between cigarette smoke and cancer. Today, billions of dollars are being awarded in favor of those adversely affected by cigarettes and the tobacco industry cover-up. Will Jefferson County and the backers of the proposed new tower be the RJ Reynolds and Phillip Morris of the 21st century? Can they afford to be? I and my family urge you to vote informed, vote with your conscience, and just say "NO" to the tower. Thank you for your consideration in this matter.

Sincerely,

Elsa E. Rosenberg
Attachment

cc: Tim Carl, Planning & Zoning