

**HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
May 12, 2026**

Approved June 9, 2026

6:00 p.m. – Regular Meeting

1. Regular Meeting:

I. Call to Order

Chairman Jordan called the Planning Commission Meeting to order at 6:00 p.m. and welcomed everyone present.

II. Roll Call

Planning Commission Present:

Chairman Phil Jordan
Vice-Chair Tori Broughton
Commissioner Dave Richards
Commissioner Darek Slagowski
Commissioner Josh Knight
Commissioner Robert Wilson
Commissioner Greg Royall
Commissioner Robert Mckinley
Commissioner Kristina Goodnough

Planning Commission Absent:

N/A

Staff Present:

Community Development Director Tony Kohler
Planning Office Admin Meshelle Kijanen
City Engineer Ross Hansen

Staff Participating Remotely:

N/A

Also Present:

Kylie Butler, Kim Butler, Mitch Bottare, Carri Wullner, Helmundt Stempfer, Cameron Boyd, Kathy Carlile, Ron Carlile, Jared Jones, Natalie Jones, Kim Casserly, Ben Wedeking, Andrew Bernstein, Randy Hillstead, Lana Hillstead, Abbi Probst, Kent Shelton, Jake Mebos, Bethany Rice, Maren Meibos, Seth Plaizier, Kenny Turley Sara Turley, Lindy Reioux, Ryan Pratt, Douglas, Larsen, Marlene Livingston

Also Attending Remotely:

Nathan Jarvis, Brittany Gubler, Ben

Atwood, Gabe Gubler, Lindsay Devonas,
Trisha Yvonne Barney, Annemarie Plaizier,
Cole Sorenson, Deb Stenger, Grace
Doerfler, Jacob Roberts Jamie Hewlett,
Jentry Hardman, Kamen Goddard, Kylee
Lindsay Devonas

III. Pledge of Allegiance: By Invitation

Commissioner Wilson led the recitation of the Pledge of Allegiance.

IV. Prayer/Thought by Invitation ()

Thought provided by Commissioner Wilson

V. Recuse for Conflict of Interest

Commissioner Dave Richards will recuse from the vote for the Rezone Public Hearing but asked to be allowed to comment on the item and was given that permission. Dave Richards lives close to the site in the rezone property.

2. Consent Agenda:

I. 04.14.2026 Planning Commission Minutes for Approval

Motion: Commissioner Knight moved to approve the items on the Consent Agenda. Vice-Chair Broughton made the second.

Discussion: N/A

Voting Yes: Chairman Jordan, Vice Chair Broughton, Commissioner Richards, Commissioner Slagowski, Commissioner Knight, Commissioner Wilson, Commissioner Royall. **Voting No:** None. The Motion Passed 7-0.

3. Action Items:

I. Public Hearing to consider a rezone of the City's Hospital Well from R-1 and R-3 Residential to Institutional & Public Facility Zone (IPFZ)

Chairman Jordan commented, This evening we have an Action Item, specifically a Public Hearing to consider a rezoning of the city's hospital well. The rezone would be from R1 and R3 Residential to Institutional and Public Facility (IPF) Zone. As the Planning Commission, we are very interested and engaged with the voice of the public, so holding Public Hearings comes as part of a significant process, and we're very excited this evening to have so many of you here and really appreciate your participation in the conversation and government. Chairman Jordan explained that the Community Development Director, Tony Kohler would explain the Staff Report, and then he would be opening the floor for public comment. Chairman Jordan asked the public to consider that the Planning Commission is not an elected body that they are appointed as representatives for the public. Their position is on a volunteer basis. However, they do get a small stipend for representing the community. Chairman Jordan felt it important that the public realized the Planning Commission's role. The public was

asked to be respectful to one another as thoughts were shared. Planning Administrator Meshelle Kijanen then read the rules of the Public Hearing.

Community Development Director Tony Kohler commented that after his presentation, the applicant's Atlas group also had a brief presentation, as an attempt to relay the content clearly and eliminate confusion. Please refer to the Staff Report, PowerPoints and Video for additional information, through this link:
<https://hebercityut.portal.civicclerk.com/event/448/overview>

Mr Kohler began, The City Council entered into a lease agreement with Atlas Towers earlier this year for locating a cell tower on the city's property. Over the course of the past couple of years, Atlas had already been working with the city. Atlas had a contract on another property that the city owns, the Round Valley Hills, before this location. Mr. Kohler showed some of the City sites that had been considered by Atlas that the City owned. Atlas had considered some private properties as well. Atlas's presentation will show why they are looking in this area as far as self-service.

The contract the city had with Atlas, as of March 2nd, was an agreement between Heber City as a landlord and Atlas Towers as a tenant. Understanding Heber City does not seek these contracts as developers, petitioners and service providers approach the city rather, and that was the same process with this contract. The contract states that Atlas is authorized to construct a cell tower. They have 12 months and this is called a testing period. Once the testing period is complete and if all goes well then Atlas would have a 20-year contract with the city with two five-year extensions. They would need to meet all zoning requirements of the zone.

The City would have revenue from the contract. There would be a \$150,000 one-time payment, \$800 per month, which equals \$192,000. The tower is intended to be a multi-user tower with three users. Mr. Kohler explained with a visual the property map at 750 East and 200 South, showing the cul-de-sac, and the property in question for the rezone as outlined in blue on the map/visual. Mr. Kohler continued to explain the property around the rezone from the visual presentation.

Mr. Kohler explained, currently the towers would be in the R-1 Zone with a Conditional Use, which would need to accommodate three providers at a 35 ft. height limit with a one-mile separation from other towers with a 10-foot antenna height. Additionally, the setback would be 115% of the height from a residential lot line, and designed to blend with the surroundings. A 65-foot height would be permitted if the zone change was granted.

Mr. Kohler continued, some of you received a written notice from the city; some of you did not. The state code requires that the city designates in its zoning ordinance who will receive written notice and the city has adopted that policy. The written notice is to be stamped 10 days in advance of the Public Hearing and to those who live within 300 feet of the rezone in question. A map was show with the 300 foot circle drawn showing the properties and who received the notice of the hearing. Mr. Kohler explained, if you

didn't get a mailed letter noticing it was because you are not within 300 feet of the property, we also posted A-frame signs at 600 East 200 South and 750 East for those who did not receive a written letter.

Mr. Kohler continued, The Planning Commission is a recommending body. This is a legislative or lawmaking process where the city considers changing a zone. The Planning Commission will make a recommendation for or against the rezone after this Public Hearing. The City Council will be making the final decision. We anticipate the Planning Commission will hold this Public Hearing tonight and then reconvene again to make their formal recommendation to the City Council.

Mr. Kohler continued by answering some questions from the public that had been received thus far. A question was asked if the zone change was spot zoning and was the process illegal. Mr. Kohler responded that spot zoning is not prohibited by the Utah State Code. Another question from the public was why did the City not consider the cemetery for the Cell Tower. Mr. Kohler commented that the City did look into this location. However, the concern was that it would be disrespectful to the deceased. An additional concern, a member of the community asked, All of my neighbors have emailed you against this zone change so why was this site was still being considered. Mr Kohler explained, the zone change is a process and that process was underway and only the City Council can make the final decision on the zone change. Mr. Kohler explained that he is the only Staff for Heber City in the process and neither himself nor the Planning Commission have approval or denial authority. Only the City Council can make that decision.

Mr. Kohler explained the IPF Zone in more detail. The IPF Zone has been used in other locations, including the County's Rec Center and Park Facilities, as well as the County's Sheriff and Court. The IPF Zone was adopted a few years ago and is also anticipated for rezoning public properties in the future.

Mr. Kohler reminded the public that the current permitted use height for a cell tower is 35 feet on the property in question. The Rezone and Public Hearing is to respond to and consider a 65-foot tower for mufti users instead of a 30-foot tower. A cell tower can be built at this site. The question is at what height can the cell tower be built.

The applicants, Carrie Wallner and Helmut Schoenfer introduced themselves to the Planning Commission and presented their PowerPoint. Please refer to the Staff Report, PowerPoints and Video for additional information, through this link: <https://hebercityut.portal.civicclerk.com/event/448/overview>.

Mr. Schoenfer explained that the existing towers cannot handle the demand and provide adequate requirements for coverage and capacity in the area. Mr. Schoenfer spoke extensively about the graphs he was showing and what they meant for different types of coverage and the advantages of having a proposed 65-foot cell tower on the property and that a 35-foot tower would not be sufficient.

Mr. Schoenfer made the points below:

Under federal law, local governments are limited to how they evaluate wireless facilities.

The Federal Communications Commission has established a national radio frequency area of exposure limits for all wireless facilities that must be met, and these sites will obviously meet those requirements.

Under Section 704 of the Telecommunications Act of 1996, local governments may not regulate the placement, construction, and application of wireless facilities on the basis of the environmental effect of radio frequency (RF) emission. If the facility complies with FC standards, it cannot be denied for those reasons.

Property evaluation claims are also not supported by regular standards.

Courts and federal governments have consistently found that the generalization concerns about property values are speculative, and they are not recognized on a technical or regular basis of denial.

Decisions must be based on substantial evidence tied to zoning criteria, not public perception.

What drives the property values are actually quality, the neighborhood demand, housing conditions and upgrades, access and jobs, and transportation in the area.

Buyers expect strong mobile and data connectivity.

Poor connectivity can hurt more reliable infrastructure facilities, and reliable services support remote work, safety, and daily life.

Extensive scientific research confirms that RF emissions from low wireless utilities are safe for people of all ages. Also, that wireless technology supports public safety and community wellbeing.

Federal laws prohibit local jurisdictions from denying applications based on RF height concerns or health concerns. The applicant,

The applicant showed graphs on market value and the impact cell towers had or the lack thereof, a simulation of where the cell tower would be built was shown and also that the tower will operate below maximum allowed limits, which was strongly regulated by the FCC.

The applicant, Mr. Schoenfer, concluded his presentation.

Chairman Jordan opened the Public Hearing stating that the Planning Commission will keep track of questions asked of the public and make sure those are answered.

Cameron Boyd: I'm speaking tonight on behalf of neighboring homeowners who will be directly impacted by this rezone application and the proposed 65-foot cell tower. I'm a local residential realtor and a 35-year resident in the Heber Valley. Let me first start by saying I'm not a certified appraiser, and I'm not here to offer a formal appraisal. But I have spent 25 years helping buyers and sellers navigate the Heber Valley real estate market. I've also taken some time to speak to local appraisers and my local real estate colleagues about this particular situation, and we all unanimously agree this cell phone tower will create a very real negative impact on neighboring property values. Notably, the city's own staff report also acknowledges this, stating that surrounding properties and I quote bear a disproportionate share of the negative impacts of a

telecommunications tower. That's not my language; it is based on the city's very own discovery and admission. Now, from a real-world buyer behavior standpoint, I can tell you what will likely happen when I'm out showing properties in this particular neighborhood. If I drive 10 qualified buyers to a home immediately adjacent to a 65-foot cell tower, especially one visible from a backyard or any primary living space in my opinion, most of those buyers are going to tell me to just keep driving. They won't even want to see inside the home. Which leaves us with a much smaller group that remains interested in the property. Those buyers are going to expect a heavy discount in exchange for accepting the condition of an adjacent 65-foot cell phone tower next to their home. That reduced buyer pool affects both marketability and demand. And ultimately, that reduced demand affects their value. The city's own projections calculate \$582,000 in lease revenue from this tower over 20 years. But I would also ask the Commission to seriously consider the other side of that equation. Because, in my professional opinion, the homes most directly affected—in other words, those immediately adjacent as well as within direct line of sight—could each potentially experience impacts well into the six figures on day one. And when you multiply that across multiple homes over time, it becomes highly likely that that cumulative equity loss to neighboring homeowners will far exceed the total public revenue generated by this lease. Over 20 years, this lease revenue tops out in the mid six figures. We respectfully ask the commission hold this Atlas application to the same high standard that would apply if a developer or a private citizen came before you seeking a zone change to place a 65-foot residential cell phone tower in a residential neighborhood.

Mitch Butler: Last April the City put out a letter saying that you were going to prohibit any towers between 500 north, 600 south and 600 west to 600 east. That was on the City website. My question to Atlas Tower is how many watts per channel is going to be on this cell tower that you are proposing and are you able to expand this to go even further after the zone change? The answers to these questions will affect what the realtor just stated. I live within 300 feet and the tower will be an eyesore. Also, all of a sudden, a brand-new generator has shown up on that same property. Where did that come from? Does the cell tower need this generator? What is the generator for? Nobody said a word about this generator being brought to the property, and the rezone has not happened yet nor approved to put any structure on that property. That is going to affect my property value and that is very concerning to me. Also, I would like to know who signed the lease in the first place. Why didn't we have a meeting first, get a designated area to put the cell tower, then sign a lease? That doesn't make sense to me. Additionally, there are a lot of health concerns as there are a lot of cell towers being ripped down by schools everywhere else. It is causing headaches and other health issues for children. There are a lot of kids around there, and the tower will be placed right next to the health department. That makes sense, you know, seriously! I think that we have to reconsider. And I respect what Mr. Kohler says about he respects the dead. But I don't think they are going to feel a thing. So I think we ought to reconsider where we should place the cell tower. Also, we should not allow the rezone but keep it as it is. Thank you.

Kylie Butler: So I'm here tonight because I don't want an Atlas tower group built directly

behind my home and the neighborhood where my friends and family live. I understand the need for better service and technology. I understand towers have to go somewhere, but what I do not understand is why our neighborhood is expected to carry the burden when other locations are considered too disrespectful. We were told placing the tower near the cemetery would be inappropriate because it would be disrespectful of the deceased. And I want to ask this honestly, if it is considered disrespectful to place this tower near those who have passed away, then how is it respectful to place it directly behind the homes of people who are living here every single day? We matter too. Our families matter. Our children matter. Our peace, privacy, and well-being matter. Whether people agree or disagree about the long-term health effects of cell towers, the truth is there are still concerns and unanswered questions. Families should not be expected to simply ignore those concerns when this structure is placed so close to where we sleep, raise our children, and spend our lives. Beyond health concerns, this affects our quality of life. It changes the view from our homes. It changes the feeling of our neighborhood. That can affect property values, create stress for residents, and leave families feeling like their concerns are less important than convenience or profit. And I ask what benefit are the nearby homeowners actually receiving in return for carrying this impact every day? Are we being compensated? Are our concerns being prioritized? Or are we simply expected to accept it because we happen to live closest to the proposed site? A community should not feel sacrificed for a project they never asked for. I'm asking the board and decision-makers to reconsider this placement and truly listen to the people who live here. We deserve the same respect being shown elsewhere. Our homes should not become the acceptable location simply because it is easier. Please remember, this is not just an empty piece of land to us, this is our neighborhood, this is our home, and we deserve to be heard. Thank you

Maren Meibos. I don't have a prepared statement, so hopefully I can get my thoughts out, but I just wanted to echo, it seemed like kind of the overarching tone of the presentations that were given to us tonight that this tower would not be an issue for our property values. It wouldn't be an issue for, you know, the pictures that they showed of what it would look like when it's put in, that it wouldn't be that big of an eyesore, that it overall should not affect us at all and it won't be a big deal. And so I ask if it is not a big deal and if it's not going to impact anybody that much, why is it so impactful to put it at the cemetery where there aren't people looking directly at it? Why is it a problem for, you know, respectfully the deceased to have it there if it's not a big issue for us to have it in that spot? Thank you

Seth Plazier: Hi, I'm happy to be here with you. I've stood here in other forums before, not before this one, trying to get other CUPs approved. I do live within the area, not within the 300 feet, but I live on 120 South. I'm still really confused why this particular site. I get it because of zoning. However, looking at the general plan, this is a residential area. As examples of property values fluctuating on the market or for homes that sit next to a different type of zoning, but not in the middle of a residential zone. I'd really like to see data from sitting in a residential zone, kind of like your general quarter right here in the East part of Heber where it's different than sitting off of main street. They had a lot of sites they said they considered, farther East. I don't think anyone's arguing

about the need to have better communication. We do have some poor signals, but there are some sites farther east. The valley generally tends to go up as you move east. I would think something that sits higher would be more beneficial. I do understand that needs to sit on Heber City property site but I think the school owns some good sites around the area also that could meet the needs for this, where you would not get a visual impact. Especially if you're trying to stick it in a location where I think the challenge you have is you need this infrastructure and you're trying to install it in an existing residential area. Why not try to install it somewhere where there is not an existing development? Because then when people move in they are already being impacted that way.

I would like to understand why the other sites weren't explored further. I had Atlas provide some of those because it seems like there is a lot of other sites potentially that could work. I don't see anything further north around Smith's. I do know that they showed we do have a dead area. It seems like there's a few that I sent into the city today to look at that were farther east. I did that Google Earth view shed where you can do the line of sight. That seems like it has a bigger impact that way. So I'd just like to understand and maybe have a further dialogue. I understand that they could stick one in on this proposed property as it is permitted to put it at 35 feet right now without an argument. But I feel like even trying to explore a zone change. I think there's potentially some better sites Even though this might be easy to do and you might be able to hope we can get this done and fix this problem, I think it's still worth more discussion than just saying hey, let's do this location. Thank you

Kent Shelton: You probably remember me. I was here some months ago with a tower request that went through after an extended period of back and forth with the Planning Commission. My tower exists out on about 2100 South Highway 40, directly behind Border States Electric if you're aware of that location. At that time, I went through the process to get this, and I'm a firm believer in public and private sector divisions that public doesn't involve themselves in private sector businesses or private sector businesses don't try to do public things. I am a little bit thinking that there is a little bit of decidedly unfair competition for the private person that develops property that meets the zoning requirements on commercial property that is subject to property taxes, where a city or a municipality or school or any other government entity can place a tower up there. Now you've created a situation where there is the possibility of some unfairness because they are not subject to property taxes like a private individual that puts this up on a commercial piece of property. You recall I went through the process, and it seems perplexing to me as I went through all the zoning criteria to meet this that we now have a request for a tower. One of the stipulations was that the tower could not be closer than one mile from any adjacent tower. The tower that is proposed here is, as I clock it off on my bike, it's about six tenths to three quarters of a mile between the Chicks Tower and the proposed tower on East Center Street. So I'm just wondering how this is proposed to go around the one-mile mark, because that was a requirement that was placed upon me that we make sure that we met all the requirements with zoning criteria that accompanied our tower request. I would just like some consideration that how unfair competition might affect private property owners that have towers on their property when cities, schools etc. can place towers, and they are not subject to

property taxes. Perhaps even those that are established in public places may not be subject to impact fees or utility hookup fees or anything else. I don't know. But this needs to be something that can be addressed. I appreciate the opportunity I had to work with the city and go through this. It was a long-drawn-out process. And as I say, I am a firm believer in a separation between the public and private sector. If the Planning Commission were entertaining an opening of a restaurant, a hotel, or a Dairy Queen, people would be up in arms, as that too, would be competition for a private sector business that we're kind of getting into a little area there that's a little bit nebulous that I hope it doesn't impact the private property developer that puts up a tower because another tower is able to locate on public property and escape some of the fees that impact the private developer. Thank you

Lindy Reioux: I'm a resident of Heber City. I want to first thank you for taking public comment. And my comment is basically, when somebody buys a home in Heber, there are lots of reasons they buy where they buy. Some people like to be next to a school. Some people like to be near facilities. A big consideration when we purchase our homes is what is the zoning near us? If the zoning is R1, we think that forever, if all the surrounding zoning, that is what the feel of my neighborhood is always going to be. And changing zoning like that really changes how people feel about their homes. Financially, mentally, and it's just not fair to the citizens, I say the little guy, to have people come in and change us constantly. I mean, and I know this has nothing to do with the planning commission, but we've got this mind coming in, Daniel, okay, it's going to be in people's backyards. And it's because of a loophole where we can't change it. I keep hearing all this stuff, we can't do anything about it. We can't do this. Well, this is something we can do something about. And as you really consider the homeowners in that area, they bought it for a reason, and they live there for a reason. They shouldn't be forced to either sell their home or have to live next to a cell tower when they did not purchase their home knowing there would be a cell tower at some point in time. Place the tower someplace where it is not a distraction or in an area where people don't already live. If it is going to be residential, that's great. But place the tower their first then every person that buys a home in area will see that there is a tower already and they can have the option. Thank you

Abbi Probst: This really actually makes me so emotional. My father's name is Brent Burnham. He lives just adjacent to this property. Both of my parents have been in service for the county and the city for 30-plus years. My dad's retired now and his health and safety are something that I value. His safety is where he lives, but now knowing that this cell tower will be in his backyard, there is not great data on the health benefits. I know there will be data on how this will affect him, not just his health, but the surrounding neighborhood and the people living in the space in years to come. But what bothers me the most, not just for him, but for the neighbors, is the lack of choice to choose if they are going to live in a house with a cell tower or not. You are taking a choice away from the neighbors if the cell tower is placed there. I love what you said about placing the cell tower not in a residential area, so people have the choice. For example, Yes, I do want to live here, the cell tower doesn't bother me or, I don't want to live near a cell tower, I choose not to live there. But this is taking choice away from the

neighborhood, from people, from their health and taking away the value of their home. If my father chooses to move the equity in his home can drop, I believe what I read was 20%. That is \$200,000 taken from my father's equity that could put him in a home, not in an area with a cell tower, so building a tower takes away choice. I love what you said at the beginning about integrity. And I really, really pray that we can have integrity and intention in our planning, and that it can not just be for this zone, but for everywhere in this whole city. So that's it. Namaste. Thank you very much.

Jared Jones: Again, I appreciate being able to come up here and talk and have you listen. A few concerns that I had. I do live within 300 feet of the proposed site. There was a comment made that other towers were a mile apart. Mr. Shelton said the same thing about the distance. The Chick's Café tower is a little over half a mile away from this proposed site. My theory is that another site might be better. Since the city is already in an agreement with Atlas Tower, they might look at down by the City Public works building by the rodeo grounds. That area seems industrial-ish and the housing is quite a distance from there. If they can get the tower there soon enough before future developments that may happen across the street, there will already be a tower there before neighbors purchase a home. The pictures that Atlas provided about the impact of the site of the tower not being placed in this neighborhood in this valley doesn't make sense. Officer Rigby could probably help me out on this if anybody saw the bee or the wasp that was flying around in the back of the room. It didn't look big, but when me and Officer Rigby were right there, that bee or wasp was huge. So when you are close to it, you feel the impact of what a 60-foot tower will be to a neighborhood. With me being 30 or 300 feet away, excuse me, that thing is going to look pretty big. There was one more thing: the service Atlas commented about that it might increase your cell phone coverage. From my understanding, with the cell tower being that tall, it will go over my house, and it is not going to affect my service, so there are no perks to having it in my backyard. I appreciate the time. Thank you very much.

Ron Carlile: My wife Kathy and I live in the impacted neighborhood that's being discussed here, and I'm not going to repeat everything that has been said, but I endorse all the points that have been brought forward. I do have one question about the rezoning for consideration. Broadhead Estates has been there for a couple of decades or more now. But we have a new subdivision that has just come online in the last eight to 10 years there at 120 South, just east of this location. Is there any consideration in rezoning of the density of neighborhoods? Does that come into the thought process? And the reason I'm saying that is it's much denser now than what it was originally zoned. I would like to ask you to reconsider other options that have been stated here in more commercial areas rather than in suburban neighborhoods here in Heber City. Thank you

Vice Chair Broughton asked Mr. Carlile, If your question isn't hypothetical, can you clarify exactly what you mean about the density? Are you asking if this gets rezoned if density will increase?

Ron Carlile responded: I'm asking if density has any impact on the rezoning. If density

comes into play when you're considering rezoning the area.

Kim Casserly: I live on 120 South and before any of you make decisions, I would like you to come and walk down our street. This tower will be more than twice the height of any home in the area. It will dominate our landscape. I personally have never seen a cell tower so close to homes that have been here for more than 10 years. We will see it from our backyard. We will see it from our kitchen windows. We will see it from our street. It will dominate the landscape. And I encourage you to come and walk down our street before you make any decisions. Thank you

Doug Larson: I live in 120 South. This is my first foray into local government, so thank you and just a couple of thoughts. The lovely lady before just mentioned the view from the end of the cul-de-sac in the presentation. Atlas gave proposed what it was going to look like from different angles in this location. I would say that some of those images are a little disingenuous. The location is further east up the street. It is not at the end of the cul-de-sac. I would urge the commission to challenge Atlas to give really more realistic pictures of what this tower is going to look like from all different angles. I could also argue about the real estate comments that were made in the presentation. I don't, you know, comps weren't provided for other homes that weren't adjacent to cell towers, yada, yada, yada, and that the National Association of realtors has some data on their website that challenges the notion that property values are not impacted by cell phone towers. I did email some comments and that link is in there if you guys like to look at them. Thank you

Ryan Pratt: I live on 120 South for more than 10 years my kids have played right there on that cul-de-sac and so, obviously, it's pretty important to me. I really appreciate all the comments my neighbors have made but I want to summarize a couple of things. Because I think what the gentleman, the real estate agent had mentioned is very important. But in my summary of that, I want to rephrase it. So if property values go down for a few homes in Heber, essentially capping out at, what was that, 600,000? Something to that effect, over 20 years for the city. But the property values of those dozen or so homes that are in line of sight go down substantially more. You have essentially taxed those few citizens for a public utility, and that's what's happening. And I want to emphasize that what the private developer had mentioned was that there are options. There was a private development, a private property where then a property tax could be assessed, and it was a win. Instead, you're taking directly out of our equity to fund and taxing us as well. So this isn't like eminent domain where a municipality comes in and pays for the value of a home or a property, right? This is where you take down the value of that asset. My next comment would be, to reiterate, I know that there has been a lot of debate about whether cell towers have a negative impact on kids, on families, on people living close by to them but we just do not have a lengthy case study here. There has not been sufficient time for this technology to have been studied over decades. And again, to echo the invite that Kim gave you to walk down our streets, where you will see the kids playing on that road where they would be exposed to any effects that there may or may not be. And all of this for the benefit supposedly of all but at the expense of just a few citizens. Thank you

Kenny Turley: I live on the circle of 120 South, within 300 feet of this tower, and to be honest, this thought just occurred to me. I have a 10-year-old son with hearing aids, will this interfere? I have no idea, so I just Googled for any information. And I think the same thing with the health benefit or effect on people is not known. The googled information says the radio frequency emission from cell phones usually does interfere and connects to the towers. So, like I said, I have no idea how that is going to affect my kids' hearing aids. It might not, but now it's a thought that I have, and it's like, I don't know. So are we going to have to move now, or do I know? Like I said, it might not, but just another worry and then I agree with everybody else. And that was it. That was just a quick thought.

Jake Mebos: I live on 120 South and I want to echo what several others have said. The gentleman that talked about the WASP, he's right on point. If you go walk into that cul-de-sac, you might change your mind. And I respect where they're coming from, but with respect, I don't think either one of you, if you were to walk to that cul-de-sac would say I'm okay with with that 65 foot tower being there even a 35-foot tower. I respectfully say if there's another option, to take a look at it, because those pictures definitely are not going to do it justice. For everyone that lives in that cul-de-sac that tower will be monstrous. It is going to be right outside of windows and to say that it will not affect property values is just not accurate. And again, if you go, and you see for yourselves, you would say, yep, I would think twice before buying a house with a huge cell tower right there. Thank you

Natalie Jones: It's more of a comment, but this is going to be directly outside my back door almost. It is going to be a hideous site. I don't care if you make it a Christmas tree. It is still going to be a hideous site and again, the pictures that we were shown were very very deceiving. I invite Atlas tower to come to my backyard and take a picture, and they will see what it is going to do to a lot of our backyards. I live on 200 south, and it is literally behind my house. And again, I echo what everybody said here about having a choice. Our choice is being taken here, and it is not right. When I bought my home 10 years ago, I was never under the impression that it could be changed into just putting something there. Like Mitch said, we were never advised there was going to be anything else put on that property. I understand times change, but as a taxpayer, as a citizen, where is our choice in this matter? I would like to understand why Atlas was against some of these other sites that have been discussed. Why, besides the cemetery, we've seen what? Maybe up by the red ledges. Why are these sites not being more thoroughly publicized? You know, that's my opinion. I just really strongly hope that you guys can take this into consideration and give us the choice and keep integrity in this valley because I feel like it's going down the wayside. So again, Atlas title, if they would like to come to my backyard, they are more than welcome to. Thank you

Gentry Hardman: I just want to jump up and echo all the things that have been said and just go along with what someone said about the photos that were proposed about the tower, like not looking at what it would really look like from these locations. Even the

charts that were shown about the property values. It showed values going up but were any of those actually this close to a cell phone tower? I realize a distance away, maybe it doesn't affect them that much, but for the tower to be within 300 feet or 500 feet, where it's in all of our backyards, are any of those properties the same? I guess that's my hypothetical question to think about is, are any of those actually comparable to what would be going on here in our neighborhood and the effect of the property values? The other thing is, it looked like the property data was the value is going up, but that was in 2021, when Heber's market was going wild and everything went up here. Can we get real data that is comparable to what would actually be happening in this situation to take that into account? Thank you

Kim Butler: Thank you for listening to us today. And I've emailed in a letter as well as the petition signed by 95 of our neighbors and our concerns. I won't go over them again because you'll be able to go over them on your own. I would like to ask if you can zoom into that a lot more. Where you're planning to place the cell tower. The placement is not even accurate, because there is a home that sits directly next to it. Where the circle goes around, there's actually in this place, a house that sits 60 feet away from where they are proposing the cell tower? How far off the property line does the cell tower sit? From the property line that is behind the cell tower? It's 115% of its height to the nearest property line. And if it's sitting there, that is not 115% off that property line. So we'll do the math right now. Okay, it cannot be any closer than 75 feet to the nearest property line. So once again, it's very close, very close to the residences that are around that circle. I hate to go over what has already been stated but I am reiterating that other sites such as Heritage Park, which is off Heritage Parkway is one of the sites that has been looked at as well as in front of the Red Lighthouse. And why have we not pursued those? I mean, it looks like the area needing the service is towards the east and up higher. I would ask why we haven't pursued those more. And I mean, are we afraid of red ledges and their comments? You know, like really, because it does not belong this close to residential houses and in the middle of a subdivision. Thank you

Ben Atwood: I'm really proud of all these people that have spoken, they are friends, they are neighbors. It's our community. I echo and want to support on public record what they have said. As you often hear in real estate, location, location. Location, please. Use wisdom, use prudence in this decision, take into account these things that have been spoken and voiced by the community. The pictures that Atlas showed in their slides tells me about all I need to know about Atlas. Those were disingenuous. I was blown away seeing those pictures. That does not reflect what we will see from our neighborhood. So that took away any credibility that they have with statistics, with anything. So, listen to your constituents, listen to the community, and set aside Atlas's disingenuous information they provided. Thank you

Gabe Goobler: I live, like the lady before Ben said, probably less than 66 feet away from the tower and if I have to look at that in my backyard... if I at some point decide to try to sell my house, and I get nowhere but low ball offers because of the location of the cell tower or anything of that nature. One, I'm obviously like the realtor gentleman at the very beginning who said I'm shrinking my pool of perspective buyers down to next to

nothing. And that's not fair because you are taking my choice away from me as a homeowner and a taxpayer. I think the Atlas is, you know, an evaluation of homes around cell towers. I mean, I'm not going to lie, some of the pictures that they showed were dumpster fires for lack of better words. We live in a house that is 12 years old, that is worth \$800,000. Do you really want to take \$200,000 out of my pocket and leave me with no realtor pool for the sale of the home? Also, I echo the rest of what everybody else has said. I think it's disingenuous that they would consider a primary. That is all I have to say. Thank you

Council Member Yvonne Barney: I've received, as a council member, quite a few emails as I'm sure the other council members have. I've received several calls from the citizens in that area and I appreciate each one of them reaching out to me. What I've really appreciated is the respect that they have shown to the Planning Commissioners as they have presented their viewpoint. I also recognize and appreciate that the representative from Atlas tried to sell their product and view point in so many ways. Stating that basically there was no reason for the commissioners and for council in the future to hear because the FCC has made certain requirements in stating that it is unnecessary for either the commissioners or the council to listen to any of the concerns of the citizens, because that is not a reason to stop them from inserting a tower. However, obviously there have been concerns. We know there were concerns regarding the water tower area. And obviously, from the red dots on the map that there has been potentially and other areas where the tower could have been placed. I'm not sure if there was any explanation as to why those other sites were rejected, but as a council member, that will be my first question. Why, were those red dots (other locations) rejected? And why this particular site? I also recognize that this is a city site, but I am going to share something that I noticed in the chat. There was someone who quoted James Madison, and was basically saying that once the living has passed on, and they are gone, that they will have basically no say. And she shared that she's confused as to why there is not a tower being located at the cemetery. I asked myself that same question, why are we rejecting that location? It is for the living and the living are here. I doubt that the dead will be able to collect 95 signatures, and so I think this is something we should consider. I also believe this is something that, when we have that many citizens concerned that we shouldn't reject it and that we should look into finding other locations. I appreciate everything that the commissioners do and I know it can be difficult, and I completely understand. And once again, thank you to all the citizens who have shared their concerns. Thank you

Lindsay Devonas: I wanted to echo all the comments that have been said and add a few questions. As a lot of other people have said there has been a lot of data cherry picking by Atlas. The distance was said to be a 75-foot buffer from the nearest property line, I doubt that is the case. But if we can get some of that data, that would be good since it's kind of special. I've also been involved in conditional use permit hearings personally. Also, I have seen a couple of emails in opposition, but not like 45 an hour worth of comments, 95 signatures, et cetera, et cetera. I hope that all of this then is being considered instead. Even though we do not all have the exact language or the right thing to say. Finally, yes. I understand that this meeting was to change the zoning

from residential to industrial use, not to increase the height of the cell tower. I think, as it is right now, the area is still residential, not industrial. So I don't know what conversation we're having here, but the first step is non-approval. It should be a zoning change and the zone is residential. So that should be the first question, not the height. I'm speaking with the assumption that the zone is still residential, and we definitely are not supporting change to industrial because it does not belong in this residential area as all the other comments have mentioned. If you could help us understand what we are trying to solve here. And I hope key steps have not been skipped over. Yeah, sorry, that was a question. Are we trying to rezone from residential to industrial? That was my understanding for this meeting. Vice Chair Broughton explained, It's being rezoned to a public facilities zone, possibly, not industrial. Lindsay continued: Let's make sure we narrow the scope. And before we start talking about 65 feet, the first step is rezoning. And as all of us have mentioned, there is many reasons why this should not be rezoned. I think it should stay residential. Thank you for your time.

Trisha Welsby: Hi, thanks for everyone attending the meeting tonight. I'm at home with my daughter, so if she interrupts, that is her. I am one of the closest homes to where this 65-foot proposed cell tower might be, hopefully not, and honestly I think it is, just for lack of a better word, ridiculous. We all bought homes here, and I would like to speak on behalf of everyone, but I will just speak on behalf of myself. I bought a home here as an investment towards my future, my retirement for my family and for my daughter. Placing a cell phone tower is going to lower the property value, which is not right. I don't think any citizen that lives by the cell phone tower should have to endure a decrease in their property value for public gain. I know the cemetery site was proposed numerous times, and I really think it is in the best interest of the community and for everyone that is going to potentially be living next to the cell tower, that a different area is proposed. I understand that Atlas can already build the 35-foot tower. They want to build a 65-foot tower so they can have more cell phone carriers. It would be in the best interest of them as well, and the city also, because from my understanding, the city will get more money depending on how many cell phone companies they are able to have on this tower. So it is in the best interest of everyone if it goes to a different place where Atlas can build the 65-foot tower. So anyways, that was just my comments. It's really unfortunate, and I really hope that the Planning Commission and Atlas take everyone's words to heart. Thank you

Brittany Gubler: I am the house that is the closest that was shown by Kim. The house that is 66 feet away from the proposed cell tower, where the Connex boxes used to be located. Atlas, if you want to come and stand in my backyard and stand where I am on my deck, staring right at where the proposed cell tower would be, you are welcome. I am from this valley, my maiden name is Berg. Yep, probably some of you guys are not a fan of my brother, but that's okay. I would just like this tower not to be on the well that my grandpa put in. And I'm afraid for the health risk for my two little boys. It may not be a big deal, but it is not a risk I'm willing to take. And when we bought our house and bought it in this old alfalfa field that my brothers grew hay with Harris Parcell, if some of you know who that great man. Please keep that in your planning and in your thoughts and I will definitely direct this to the City Council as well. Thank you

Marlene Livingston: I live within 300 feet of the tower. You would be able to see it from my kitchen window, from family barbecues. I mean, it's going to be right there. I'm asking you to please reconsider where this tower is going to be placed. If it does affect our homes by 20%, Our neighbors are about \$3 million that you would be taking from us here in this room. The cell tower does not only affect these people. If my neighbor five blocks down wants to sell their home, now because my home is valued at 600,000, their home is going to be valued less as well. So you are taking away from not just me and all my neighbors here in this room that are trying not to have this here. If one day we want to refinance medical bills, college funds, anything, it's going to affect us personally. We cannot tap into our equity that we have put into our homes because someone wants better service in their car while they are driving. I just don't think it's fair. We bought the home without it zoned for a cell phone tower. And that is what we expected when we bought the home and now it is being changed. I just, I really would really ask that you reconsider putting this cell phone tower behind our homes. Thank you

Emailed Comments for the Public Hearing:

Dear City Officials, Thank you for providing an open forum for neighborhood input regarding the proposed use of city owned land for cell towers. I appreciate the challenge of accommodating growth while also listening to pushback about that growth. I was in Florida on business yesterday evening when the Planning Commission entertained comment from my neighborhood, so I just listened in. I resonate with the homeowners who expressed their concerns and displeasure regarding the possibility of a cell tower, especially a 65-foot tower looming over their homes. I've seen the data on the negative effect of a cell tower in close proximity to a home on the market. I also heard the claim from Atlas that from their point of view there is no negative effect. Wisdom dictates that I heed the "If you do it you'll regret it" data rather than the "everything is fine" data that favors business profit over human experience. The before and after sample photos Atlas used in their pitch were woefully unhelpful if not outright deceptive. The viewer's point of view must be created from within the current 300 circle used to determine who was notified—not from a much greater distance. If Atlas needs help creating such a before and after photo I am happy to provide my professional services to assist. I oppose residential rezoning for anything other than essential changes that protect life and limb in a neighborhood. I also agree with the neighbors who have pointed out that the "Chicks tower" is .6 a mile distant from the proposed placement of the Atlas tower in question. 0.6 of mile is not 1 mile. I do not believe a closer, taller tower respects either the citizens or the City's rules/laws/ordinances. Thank you again for wrestling with this and many other "between and rock and a hard place" issues. Sincerely, Nathan Jarvis

Regarding the agenda item from the Planning Commission meeting to consider a rezone of the City's Hospital Well from R-1 and R-3 Residential to Institutional & Public Facility Zone (IPFZ), I am submitting a question that I presented from the meeting plus a couple of other questions. Here they are:
I stated that with the original R-1 & R-3 zones for the area were established, that

residential neighborhood has become even more densely populated with the addition of the development along 120 South and Center St. in the last 10 years. Would that increased density have any consideration or bearing on being able to rezone from a residential zone to an "Institutional & Public Facility Zone" (IPFZ)?

Why is this location even being considered since its proximity is within a 1 mile minimum of the Chicks Cell Tower, that the city has already established as its standard? Along with that, aren't there other properties in the city that are already zoned "Institutional & Public Facility Zone" (IBFZ)? If so, use those properties rather than trying to rezone residential neighborhoods. If a rezoning is required, a cell tower should not be there in the first place.

With the suggestion of a Master Plan for this topic, I ask a completely "out of the box" question. Can cell towers and power poles coexist on the same pole? If not, I will recognize this is not a solution. If the answer is yes, I understand this idea may not fit the monetary solution that the city desires, but there are some benefits that need to be considered:

Could an agreement be reached with the City and the owners (Rocky Mountain Power, or Heber Light and Power?) of the tall power poles north of Heber City along Hwy 40? This may include a shared investment, but it would also alleviate the need to rezone residential areas.

The poles already exist, possibly reducing the cell tower installation expense.

With multiple poles to choose from, the 1 mile minimum from the Chicks Tower could be achieved.

This location represents a rapidly growing area of the City that needs enhanced cell service capability.

The potential decrease for the city investments will be offset by happier citizens and neighborhoods. Respectfully, Ron & Kathy Carlile

Thank you for taking comments during last night's meeting. I would like to reiterate my concerns for the rezoning proposal to allow for a 65-foot cell tower. At that height, the structure would stand more than twice as tall as surrounding homes and existing buildings, creating a highly intrusive visual presence that would fundamentally alter the character of this established residential neighborhood. This is a quaint, family oriented community with homes that have been part of this neighborhood for more than a decade. If allowed, this cell tower would sit as close as 66 feet from houses, dominate the landscape, and be highly intrusive. A structure of this scale does not fit within the existing residential landscape and would be clearly visible from all neighboring properties, our street, yards, and throughout the cul-de-sac, significantly impacting the neighborhood's aesthetic character, livability, as well as home values. I respectfully urge the Planning Commission to visit the street and surrounding homes in person before making a final decision. Walking the neighborhood firsthand would provide valuable perspective on the true visual impact and incompatibility of placing a tower of this magnitude directly adjacent to established residences. Thank you for your time and consideration. Sincerely, Kim Casserly

Hello all:

I just wanted to thank the Planning Commission for their time (and patience) during the public hearing regarding the proposed re-zoning of the hospital well property. I appreciate the Commission's thoughtful and well-balanced approach to this matter and

hope that a more optimal site can be identified for this specific tower. I also support the development of a more comprehensive plan that helps address the current and future telecommunication needs for the valley.

Thanks for your time and service, Douglas Larsen

p.s. Tony - I saw in the agenda packet your responses to many previous emails (thank you for that, it definitely helped illuminate the process), but I don't really require a formal response to my original email (the questions posed were more rhetorical as I was very quickly attempting to get up to speed on this proposal as well as the entire process).

As asked by Commissioner Royall, I am emailing in my points / questions I asked in the public comment section of the meeting

My questions: - the general plan shows this as a residential area; we are in a R-1.

Bought our homes in a R-1. - the property comps. Showed from Atlas show homes in a r-3 adjacent to the downtown zone. Not in the middle of an r-1 zone. Have them provide comps - atlas provide a slide showing poor cell signals in this area. Please have them provide more information further east and north. Is this the best location to solve these problems and with potential growth? Please have them provide information on why.

They showed many other red dots showing other sites. I'd like to understand why those other sites don't work. As we move east and north the ground raises in elevation and there could be some better sites that would more effective. Using Google Earth view shed - this site does not seem to work as effectively as others. - I emailed earlier today other potential sites using this view shed functionality that could work better. - I would like to understand and have more discussions on why these other sites rejected. - there potentially sites on school owned property that might be useful and work for these sites. They also have sites where the views to TImp wouldn't be blocked as well. - I mentioned there might be some sites to the east that could work as well - I encouraged the commission to find out more information on this site and others to see how the proposed tower would work best for this site and not others. I think we need to make a plan that works best for current needs and future. From what I can see this is an easy site that solves some problems, but not the best for future use / growth of the city, etc. - I encourage more discussion around this and more information on why this is best versus other sites.

Otherwise this site seems like an easy one but outside the intent of the general plan for this location.

I do want the benefit of it and would be happy to work to work with commission to find one better suited to meet the needs of the community.

To Heber City,

Our family has lived in lot 15 (on the zoning map) for the past ten years and would like it noted that we are not in favor of rezoning the proposed area near our home, and are strongly opposed to the proposed cell phone tower being built on the neighboring lot. The proposed building site is not congruent with the neighborhood, the height and size of the tower would dominate our modest neighborhood and completely alter the small town ascetics that were the primary reason we moved here and love it. A tower of this size should be built in a commercial area rather than residential.

Cell towers have been proven to reduce property values by up to 20-30% which not only impacts us directly as home owners but also the city in terms of tax revenue. I understand that health concerns are not enough for the tower to be denied but they

should still be considered.

Based on the council meeting on May 12th, atlas did not provide accurate images of what the cell tower will actually look like. They also didn't provide market values for homes directly adjacent to a cell tower. Our home is within 300 feet and we should not have to bear the financial burden of property loss in order to have this tower placed here.

Please protect the integrity and health of our families and neighborhood and build this tower either away from residential areas or somewhere still in development so residents can choose if they want to live with decreased property values and the potential risks of living by a wireless tower.

Thank you,

Sara Turley

To the Heber City Planning Commission and Heber City Council, I am writing to express my complete opposition and deep concern regarding the proposed cell tower planned directly west of our 120 S. cul-de-sac and so close to established residential homes and families. I am outraged that a structure of this magnitude would even be considered in such close proximity to a neighborhood where families live, children play, and homeowners have invested heavily in their properties and quality of life. This proposal would negatively impact the character, safety, appearance, and overall desirability of our neighborhood. Beyond the visual impact, there are serious concerns regarding property values. Realtors and peer-reviewed studies have reported that cell towers can reduce residential property values by as much as 20%. Buyers often avoid homes located near large tower structures due to aesthetic concerns, perceived health concerns, and the industrial appearance they bring into residential areas. Expert appraisers, municipal filings, and international research have also documented long-term devaluation and reduced marketability of homes located near large cell towers. I am also extremely frustrated that residents were apparently never properly notified or involved regarding the original 35-foot tower proposal. Homeowners who are directly impacted by this project should have been included in the process from the beginning. It is very upsetting that something with such significant impact to our neighborhood could move forward without meaningful resident involvement or transparency. Additionally, residents in this area have already had to absorb increasing impacts from the adjacent city property over the years, including excessive vehicle traffic, noise, and activity that did not exist when many of us purchased our homes. Those ongoing issues have already affected the peaceful residential environment we invested in, and adding a large cell tower only compounds those concerns and further diminishes the quality of life for nearby families. Homeowners in our neighborhood should not be forced to absorb the financial loss and diminished quality of life that this project would create. Families purchased homes in this area expecting a residential environment — not an industrial utility structure looming over our cul-de-sac. I strongly urge the Planning Commission to reject this proposed zone change and protect the integrity, safety, beauty, and property values of the surrounding residential neighborhoods. Please consider alternative locations that are farther removed from homes and family communities. Thank you for your time and consideration. Sincerely, Mallory and Ryan Pratt

To whom it may concern:

As a concerned homeowner and citizen within the vicinity of the proposed cell tower, I've read with interest the planning commission's staff report and the Atlas Tower presentation. A few thoughts based on my limited understanding:

Why was this site originally zoned as R-1 and R-3? Have there been changes in the surrounding areas that warrant a zoning change in the first place? How would this zoning change benefit members of the community (beyond better cell service)? What sort of assessment has been performed for citizens in this area to demonstrate the value-add of this zoning change and tower installation?

The National Association of Realtors reports that cell towers can reduce home property values by up to 20%, with studies suggesting the negative impact may be felt up to 1500-2300 feet from the cell tower site (<https://www.nar.realtor/cell-phone-towers>). Has there been an assessment on the potential negative impact to adjacent property values?

The telecommunications facility ordinance admits that "surrounding properties bear a disproportionate share of the negative impacts of a telecommunications tower", but this zoning proposal explicitly encourages a more aggressive structure with only very vague descriptions of the appearance of the tower (i.e. "neutral", "stealth") without clear illustrations or models demonstrating how the company will camouflage the visual appearance of the tower. How can the city hold the tower company accountable for the appearance with such vague terminology? And why, in such a non-commercial location, does the tower need to be so tall (beyond rather modest revenue generation from increased lease rates)?

The tower proposal seems to violate current setback rules from current monopoles - why is there such a need to not only re-zone an area, but also ignore current regulations? I can't help but get the impression Atlas Tower and the Planning Commission are, in essence, attempting to force a square peg into a round hole with this proposal, and I would encourage the parties to continue searching for a more appropriate site. As it currently stands, I do not support this proposal, and I will be communicating my position to the Heber City Council and Mayor.

Thank you for your time, Douglas Larsen

Dear Planning Commission Members, City Council Members, and Atlas Tower Representatives, As next week's meeting approaches regarding the proposed 65-foot monopole cell tower and related zoning considerations near 600 East and 100 South, we want to respectfully reiterate that neighborhood residents take this matter very seriously. This proposal has generated significant concern among surrounding homeowners regarding property values, neighborhood character, proximity to homes, and the cumulative burden already placed on this property and nearby residents. In addition, many residents continue to express concern regarding the public notification process and whether affected homeowners were adequately informed early in the process. There are also serious concerns regarding any zoning changes, variances, or exceptions that may be required to accommodate this project. Residents believe the integrity and consistency of zoning standards are important to preserving the character and protection of residential neighborhoods. This property already includes a well pump house and a commercial generator that creates ongoing noise and diesel odor during regular testing. Adding a 65-foot cell tower would further increase the cumulative impact

on surrounding residents and homeowners. Our neighborhood has come together in a respectful and organized manner to voice these concerns through emails, public participation, and a community petition. We respectfully ask that these concerns be given careful consideration before any approvals or zoning decisions are made. We appreciate your time, your service to the community, and your willingness to hear the voices of the residents most directly impacted by this proposal. Sincerely,
Kimberly Butler

Dear Planning Commission Members,

Thank you for your service on behalf of our city.

I'm sure you and others are bombarded with emails regarding the rezoning of the city property near the hospital well. I need to express my extreme concerns about the financial impact that having a 65' cell tower placed so near our home and my neighbors homes will have on property values. Our property shares the fence line with the city property.

I have attached a link below to nationwide studies that demonstrate the negative impact cell towers have on home values and ability to sell our home at a crucial time in our life. See link in Staff Report

Instead of repeating the multiple concerns that my community have already expressed I would like for you and the Heber City Council to understand the personal real-life impact this proposal will have on us as retirees.

We moved to Heber Valley 30 years ago. I retired from the Wasatch County School District as a teacher, coach & school counselor. I am the founder of the Cool 2 Care program at our high schools. I started the first Heber Valley Storm girls competitive soccer team and coached for over 12 years on a volunteer basis. I have invested my life into the Heber Valley Community and hope that in return Heber Valley will invest in our well-being as retirees.

Over 1/3 of our retirement portfolio includes the equity we have worked so hard to earn in our home over the years. Now that our children are grown and out of the house we need to sell and downsize.

When looking at the property value impact studies which are attached our home stands to lose between 10-20% which translates at our current market analysis value of our home to be between \$150,000 to \$250,000. This would be devastating to our retirement financial stability.

Besides looking at all of the other issues presented, I hope you and other planning commission members and the Heber City Council will consider the real-life and personal impacts on those of us directly impacted by these decisions.

I am asking that alternative locations be found that do not place cell towers in well established neighborhoods.

Thanks again for all that you do!

Have a great day,

Brent Burnam

As 30 year residents in the Heber Valley, my husband and I would like to express our deep concern for the proposed rezoning of the 1.5 acre lot adjacent to our community and our home for the purpose of installing a 65 foot cell tower. Mr Kohler has made residents aware that a 35 ft tower could already be placed in that location under its

current zoning, however public records state that Atlas Communication's proposal for a contract with Heber City is only for a 60-65 ft tower which requires rezoning a RA 1 lot. We bought our home in a beautiful community where residents take pride in their homes and yards. Broadhead estates and surrounding neighborhoods were designed with buried power lines to create an open, rural and aesthetically pleasing neighborhood which is why most of us invested in this area. To rezone and put a cell tower in the middle of the neighborhood undermines the quality and financial investment we have all made. Heber is better than this and we hope that you see how necessary it is to preserve the quality areas we have within the city limits. It is my understanding that this contract with Atlas Communications will generate significant revenue for the city. There has to be other city locations that do not require rezoning and would not have such a negative financial impact on so many homeowners.

Lastly, we also recognize the need for more communication equipment in our valley. We hope you will hear Us (Heber residents) and find a better location that does not require rezoning property so close to homes. I would like to suggest the maintenance area by Cemetery Land (fake pine tree would blend in there), behind the new Smiths, main street locations by businesses, or by the new amphitheater, where property values and neighborhoods are not impacted. We would appreciate knowing the city's pursuit of other locations by leaders who are more aware of potential locations. We would like to request a map of the actual location on the Well Property that the tower would be placed on, and clear measurements of the distance from all of the properties surrounding it. That would help understand the differences between Hospital Well property and other potential locations with greater separation.

To personalize our feelings, I would like you all to imagine this happening next to your home and neighborhood, and consider the equity you would lose in your home investment.

Tanya Elander

Dear Members of the City Council, My name is Andrew Bernstein, and I live at 864 East 120 South. I am writing to oppose the proposed rezoning and cell tower near my neighborhood. This area is clearly designated and developed as low-density residential. Changing a single parcel to allow a commercial or industrial-type use introduces an incompatible use into a stable neighborhood and conflicts with the purpose of the zoning code and the General Plan which is to protect neighborhood character and preserve the quality of life for the residents while emphasizing responsible development. It also raises concerns about spot zoning and sets a precedent for further encroachment into residential areas. While I support responsible growth and infrastructure, projects like this should be located in appropriately zoned commercial or industrial areas—not within established neighborhoods. I respectfully ask the Council to deny this rezoning request. Thank you for your consideration. Sincerely,
Andrew Bernstein

Planning Commission Members, I am writing to express my strong opposition to the proposed 65-foot cell tower planned behind our street in the Broadhead Estates neighborhood.

This proposal is inappropriate for a residential neighborhood. Broadhead Estates and the surrounding area is a community of homes and families, not a commercial or

industrial area. Residents chose to live here because of the quiet, neighborhood atmosphere and the expectation that the area would remain residential in character. Installing a large utility structure directly next to homes is inconsistent with this longstanding neighborhood. It is entirely incompatible with the surrounding homes and would permanently alter the character of our community.

At 65 feet tall, the proposed tower would stand approximately twice the height of all homes in the vicinity, looming directly over residences. Rather than blending into the area, it would dominate the landscape and be highly visible from the surrounding area, back yards, streets, and directly outside our windows. A structure of that scale belongs in a commercial corridor or other non-residential setting, not directly next to homes where families live.

I am also deeply concerned about the effect this would have on surrounding property values. Homes located next to large cell towers are proven to be less favorable by buyers, and the visual impact alone can make properties harder to sell. Homeowners in Broadhead Estates and the surrounding areas have invested heavily in their properties and should not bear the financial consequences of placing an oversized commercial structure beside their homes.

There are more appropriate locations for this type of infrastructure that would serve the same purpose without placing the burden on a residential community. I respectfully ask that the Council deny this proposed zone change and require the applicant to pursue a site in a commercial or other suitable non-residential area. Approving this zone change would show a troubling disregard for the interests of the residents you serve.

Thank you for your time and consideration. Sincerely, Kim Casserly

To Heber City council members,

Our family has lived in lot 15 (on the zoning map) for the past ten years and would like it noted that we are not in favor of rezoning the proposed area near our home. Our opposition in it being rezoned is primarily because we do not want the cell tower to be built right in our neighborhood.

Cell towers have been proven to reduce property values by up to 20-30% and have potential health risks from long term RF radiation exposure. Studies have suggested increased risks of headaches, sleep issues, cognitive impairment, and higher cancer rates among residents living within 300-400 meters.

Additionally, we have not received any notice or information from Atlas about the proposal even though it is my understanding that they must inform residents of proposed wireless facilities directly affecting personal property.

Please protect the integrity and health of our families and neighborhood and build this tower either away from residential areas or somewhere still in development so residents can choose if they want to live with the risks of living by a wireless tower.

Thank you,

Sara Turley

Please see the signatures for the neighborhood petition in the Staff Report

Commissioner Jordan thanked everyone and, as there were no additional comments, closed the Public Hearing and stated, We deeply appreciate you coming here and expressing your fervent opinions and how this is impacting you. Thank you very, very much for bringing that to us this evening. And I hope you can tell that we are all ears

and very much listening to what you have had to say this evening. So with that, we are now ready to shift over to the commission and commissioners for their questions to either Tony and planning or Atlas Towers, who is here, and I'd also welcome our alternate members, Christina Goodnough and Robert McKinley to join the us as well.

Vice Chair Broughton commented she had written down questions from the Public Hearing comments and would like to start with receiving answers for those comments. The first question I have is how many watts per channel and how many channels? The applicant, Helmut Schoenfer responded that Alta would not determine the watts per channel, the carrier's equipment would dictate that information, and it is the technology that gets deployed to the sites. Vice Chair Broughton asked Mr Schoenfer if he knew an average and he did not. Vice Chair Broughton continued, Where did the generator come from? Mr. Kohler responded that the generator was the city's, and it was likely placed there to make sure that we can maintain service in the event of an outage, and it would remain on the site. Vice Chair Broughton continued, Who signed the lease? Mr. Kohler answered, the City Council signed the lease. Vice Chair Broughton continued, Can you explain why further east or further north will not work for the placement of the cell tower? The applicant, Mr. Schoenfer responded, we did not say other locations would not work, but we were limited to locations where there were willing landlords that wanted to lease with us. The city gave us these options of parcels that we can use to develop a tower, so we were limited to both private landlords saying yes or no to willingness, and also locations where we were allowed to develop a tower per the city's options provided to us. Vice Chair Broughton asked about the one-mile proximity from other towers. Mr. Kohler explained, the code states that a tower would need to be a mile apart from other towers unless approved otherwise by the City Council. Chairman Jordan clarified, In other words, the rule is still a mile but this could be a petition to modify that rule, in this case, as an exception. Commissioner Slagowski asked, was it a mile based on the height of the tower or was it a mile no matter what? Chairman Jordan stated, the intension is that, regardless of the height, no tower would be no closer than a mile. Vice Chair Broughton continued, Was the density of the residential neighborhoods considered for this location or is the density a consideration at all? The applicant, Mr. Schoenfer responded, It is driven by the needs by the carrier. The Carrier has a clear need in the area where the maps identified in purple, so density does play a big role. Vice Chair Broughton concluded, Why are we not considering the cemetery other than the dead? Mr. Kohler responded there was not a formal request for that location. Mr. Schoenfer responded, we can absolutely work with the City and look into that location and other locations.

Chairman Jordan asked the Atlas Representatives if they had prioritized any of the other locations in terms of one priority below another one below another one. Based on the availability of certain properties, please determine, with the other carriers, this is priority one because it provides the best coverage, for instance, and then two, three, four, and so forth. Mr. Schoenfer responded that they could provide such a list.

Commissioner Richards explained he lived in the neighborhood, so the cell tower in that location was a concern to him as well, but the biggest question was about the rezone.

Commissioner Richards continued, the point of a previous cell tower discussion was that the higher the tower the fewer towers would be needed and that he would be interested in a graph of those locations as well. Regardless, wherever would be the best place in the City, the adjoining neighbors would feel just like these neighbors. Mr. Richards continued, he didn't want to look at the situation financially as we are currently in more of an emotional state based on the comments, but I want to go back to the fact that if we did have taller towers, how far apart are they going to be? We have to do things within the valley to make the infrastructure better and, it makes it to where we are not popular. That's for sure, as these are hard decisions, really hard decisions. I'm not saying we're making a decision now. I'm bringing us back to discussions we have had over the years about this very same issue with a different set of people in the room and what our conclusions were and, going forward, how are we going to move forward. Because if this fails it is just going to be the next one and the next one and the next one. We need to have some type of structure so we can make these decisions. For now, we are talking about a rezone and the only reason why we would do a rezone is because of the height of the tower, that is the root of the issue. We have to decide what we are going to do from this point on as far as if we did do a rezone for a higher tower. What does that mean for the proximity of any other towers in the valley? Discussion continued about different zones and different heights for cell towers.

Chairman Jordan asked if any other Commissioners had questions. Vice Chair Broughton asked about section 704 of Atlas' presentation. Because of section 704, can Heber City deny this request without litigation? Mr. Schoenfer responded, the City can not deny a cell tower for reasons of health and property evaluation only. Chairman Jordan asked about City owned property near schools as the City cannot deny a cell tower due to health reasons, there were none.

Commissioner Royal asked about Atlas' presentation that stated denials of locations and why those were denied. Mr. Schoenfer responded, they were private properties and Atlas could not attain a lease agreement with the Owners. Commissioner Royal responded so basically the same type of denials that Atlas was receiving currently in the Public Hearing. Mr. Schoenfer responded, yes, it was their choice and they didn't want a tower. Mr. Schoenfer clarified there was quite a few on the map showing as denials, Atlas wanted to show that they did try. We try and make every effort as we want to work with yourselves and the community and make sure we have a location that works for everyone and we can place a tower as you can see from the coverage maps. It is clearly a need. A conversation ensued regarding the cemetery location.

Chairman Jordan mentioned Atlas could look into the areas that are further east understanding that some of these sites are probably going to be future homes, but they are not homes today. The people could move in, understanding that the cell tower is already there. The conversation continued regarding cell location and also the process of moving the cell tower to the cemetery.

The Commissioners discussed the rezone and the use of the City's hospital well location. Vice Chair Broughton commented, the zone change should have a positive

recommendation as that is what is concurrent with the General Plan and that is what the zone's use is now and the City should stay consistent with height and proximity. Commissioner Richards agreed. Commissioner McKinley agreed that a cell tower master plan was needed and continued, I mean, there's no question we need more cell towers, but until we have a lot of these questions in terms of how do you saturate the whole area and how many towers, we are always going to be looking at this same question without a master plan.

Chairman Jordan concluded, I believe we have had our public hearing. We have had the opportunity to ask questions that were gathered by the public as well as for ourselves for this evening. The Commissioners have the duty to look at this in two weeks' time and in the in-between time we have a lot of emails to read. I believe that there has been a general conclusion or deduction that there could be an alternative site to be reviewed at the cemetery.

Commissioner Richards stated he would like to see a cell tower infrastructure master plan. At least provide data to discuss. Still looking at this site, if we had some other proposed sites, that we know plug into the master plan, we would have a better discussion in two weeks.

Motion: Vice Chair Broughton moved to continue a rezone of the City's Hospital Well from R-1 and R-3 Residential to Institutional & Public Facility Zone (IPFZ). Commissioner Knight made the second.

Discussion: N/A

Voting Yes: Planning Commission Richards, Commissioner Slagowski, Commissioner Knight, Chairman Jordan, Commissioner Wilson, Commissioner Royall, Vice Chair Broughton. Voting No: None. The Motion Passed 7-0.

4. Work Meeting: N/A

5. Administrative Items:

- I. City Council Communication Item N/A

Item was moved to the next meeting.

6. Adjournment:

Vice Chair Broughton motioned to close the meeting, Commissioner Knight made a second to the motion and the meeting was adjourned.

Meshelle Kijanen
Meshelle Kijanen, Administrative Assistant