

**HEBER CITY CORPORATION**  
**75 North Main Street**  
**Heber City, UT 84032**  
**Heber City Council Meeting Amended**  
**February 25, 2025**

**Approved 04.08.2025**

**6:00 p.m. – Regular Meeting**

**1. Regular Meeting:**

I. Call to Order

Chairman Phil Jordan called the meeting to order at 6:01 pm.

II. Roll Call

**Planning Commission Present:**

Chairman Phil Jordan  
Vice-Chair Tori Broughton  
Commissioner Josh Knight  
Commissioner Robert Wilson  
Commissioner Greg Royall  
Commissioner Robert Mckinley

**Planning Commission Absent:**

Commissioner Dennis Gunn  
Commissioner Dave Richard  
Commissioner Darek Slagowski

**Staff Present:**

Community Development Director Tony Kohler  
Heber City Prosecutor/Asst. City Manager Mark Smedley  
Planning Manager Jamie Baron  
Planner Jacob Roberts  
City Engineer Ross Hansen  
Deputy Recorder Robin Raines  
Consultant John Janson

**Staff Participating Remotely:**

Anthon Beales,

**Also Present:**

Michael Levin, Samantha Levin, Tom Reed, Gary Bradley, Gaye Lynn Latimer, Pam Patrick, Stephen Rather, Ken McConnell, Steven Olsen, Cammie Nebeker, Gail Witkamp, Erin Shilt, Shane Cummings Deanna Cummings Sandra Layton, Deb Stenger, Wade Scroggins, Jen Scroggins, Vicky Smith, Steve Smith, Chris

Grange, April Grange, Leanna Deherrera, Staci Basilius Hayres, Kent Bybee, Mark Evans, Greg Baldacci, Kristen Bybee, Lynne Harms, Justin Mosley, T.J. Stephens, Danielle Coenen, Dan Moon Ford Harrison, Troy Johnson, Rick Lindsey Tanner Olson Larry Jenson

**Also Attending Remotely:**

Michael Powers ATLAS, Matt Tanner, Julie Schofield, Carri-Atlas Tower, Andrew Dudik, Abi, Wayne Michael Paulus, Mel McQuarrie, Shorty 5, Mike, J, PJ, RK

III. Pledge of Allegiance: By Invitation

Robert Wilson led the recitation of the Pledge of Allegiance.

IV. Prayer/Thought by Invitation N/A ()

V. Recuse for Conflict of Interest N/A

Item 2. Administrative Items was moved to the end of the meeting.

**2. Consent Agenda:**

**Motion:** Commissioner Knight moved to approve the items on the Consent Agenda. Commissioner Greg Royall made the second.

**Discussion: N/A**

**Voting Yes:** All. **Voting No:** None. The Motion 6-0.

I. 01.28.2025 PC Draft Minutes for Approval

**3. Action Items:**

I. Public Hearing to Consider an Atlas Telecommunications Tower MDA Proposal (Tony Kohler and John Janson)

Community Development Director Kohler led this portion of the meeting. Community Development Director Kohler began with a summary of Atlas Tower’s contract with the City to build a cell tower. Community Development Director Kohler said the City would act as the property owner and explained this public hearing would solicit public input as part of both a development agreement and zone change process. He explained that the process entailed a public hearing and recommendation from the Planning Commission along with final approval from the City Council and clarified this would be a legislative act to construct a cell tower. Community Development Director Kohler gave some visual examples.

Sandra Layton came forward and identified herself as the project manager for Atlas and explained the need for the cell tower along with why this location was chosen. Ms. Layton said individuals in the area had come to expect cell service and this particular

area is lacking coverage. Ms. Layton said the tower was consistent with the existing land use and clarified that the carriers had been made aware of how to move forward. Ms. Layton stated these towers were critical infrastructures which emergency services rely on, and she assured the audience that there would be a gap between the tower and current tenets. Ms. Layton said building the tower on a hill helped with the necessary height requirements, and she assured the Commission that Atlas has been following all the correct procedures.

Deputy Recorder Bond outlined the rules for the public hearing. Chairman Jordan explained the Planning Commission's role in the hearing and opened the floor for public comments.

**The following comments were emailed to the City Recorder prior to the beginning of the meeting:**

“Hello,

I have grown up living in Valley Hills and now own a piece of land on Calloway to raise my young family. We do not support this tower!! We second all of the comments that were made in the public hearing. We don't understand why it's ok to go above the height limit. Please reconsider this decision to place this tower in a place that does not need to be there!!!

Regards, Abi Cieslak”

“Dear Heber City Planning Commissioners,

I would like to extend my gratitude for the opportunity to address the community's perspective on the zone change request concerning the property at 167 Center Street. As someone who tends to get nervous speaking in public, I may have veered off topic. My passion for establishing nonprofit community centers in Heber walkable downtown may have led me astray, but I assure you my concerns regarding the proposed zone change are genuine and well-founded.

Primarily, I wish to emphasize several key points that warrant consideration:

1.) Preservation of Unique Zoning Area: The current zoning configuration in this area functioned effectively for over five decades, serving as a vital buffer between commercial and residential domains. This setup has contributed to the cohesive fabric of our community and merits preservation.

2.) Respect of the Historic Residential Community: It's imperative to honor and preserve the character of our local historic residential neighborhoods. Any zoning changes must align with this objective to maintain the integrity and charm of our community.

3.) Opposition for Spot Zoning for Financial Gain: I express firm opposition to any attempts to spot zoning that primarily serve the financial interests of property owners. Such practices undermine the principles of the fair and equitable development and risk prioritizing profit over community well-being.

4.) Avoidance of Fragmented Disharmony: Introducing C3 zoning into residential areas poses a significant risk of fragmenting our community and disrupting the harmonious balance between different land uses. We must proceed with caution to prevent such disharmony taking root.

5.) Preservation for Philanthropic Endeavors: The unique zoning areas in our downtown present opportunities for creative and philanthropic initiatives aimed at enhancing

community life. It's essential to safeguard these spaces from purely profit-driven motives and encourage endeavors that prioritize the betterment of our resident's lives. 6.) Emulating Successful Models: Drawing inspiration from successful examples like Park City's designated arts district, we can envision a future where our downtown area flourishes as a hub of creativity and cultural enrichment. Protecting these spaces from unchecked development is crucial to realizing this vision.

In conclusion, I urge the Planning Commission to carefully consider long term implications of any proposed zoning changes for 167 Center Street. I was hopeful to hear the perspectives of many of the Planning Commissioners which clearly aligned with these concerns. However, I did have concerns that there was a two-week period added for the property owners to communicate when they were the initiators of the Zone change request yet failed to participate. I feel this devalues the community members that took the time to attend the scheduled meeting. Thank you for upholding the principles of community preservation, equity, and thoughtful development. I appreciate all that you do!

Sincerely, Alicia Power”

“My husband and I live on Oakwood Drive and are opposed to the installation of the Atlas Tower in our neighborhood. An MDA does not give Atlas Tower carte blanche to sidestep the rules and bypass burden of proof. Heber City's land use regulations have a foundational principle of protecting and safeguarding the health and welfare of residential neighborhoods. This is not a singular NIMBY case; no residential community wants a 69-foot telecommunications tower in their neighborhood. That's why cell towers are not allowed in R-1 areas. Direct Atlas Towers to appropriate locations in Heber and let them ask for a variance for height. Don't negotiate my neighborhood rights for cash or anyone else's residential neighborhood rights. Our cell coverage is just fine.

Lisa Albertson, Kurt Schmitt”

“Hello Heber City Planning Commission,

Concerning the Atlas Cell Phone Transmission Tower, I do not believe this tower makes sense for the community in the location that this developer has selected. First of all, given what I have seen in many neighbourhoods, these towers do not need to be so intrusive as to violate height restrictions. Suggesting otherwise is disingenuous. Secondly, we have zoning for a reason, so residents know what to expect from the city. This goes far outside the zoning restrictions for this part of Heber, and it is far outside the expectations of anyone who owns property in any area that zoned residential. Third, our cell phone reception in this area is great and the whole area has fiber optic internet. We don't need some ridiculous tower in our neighbourhood for our connectivity. If there are service problems elsewhere in Heber City, put the tower closer to the service problems. How about an area already zoned for industrial uses? This is just another attempt by a developer to take something of community value (our viewshed and the character of our residential neighborhoods) and make money for private gain. This is on City land. It should be an easy vote from the whole commission. It should always be a vote from the planning commission when a developer wants to DOUBLE height requirements and use our land for industrial purposes in residential neighborhoods, to enrich themselves at the expense of the community. If it's a lucrative lease they are offering? Look at the property values and the development in Heber. If we cannot figure out how to survive on these tax revenues, we should look harder at how our city has

managed development agreements and contracts.

Thank you for your consideration, Andrew Dudik”

“Dear Jacob Roberts,

I am writing as a homeowner near parcel # 00-0021-0538, the proposed site for the 69’ stealth telecommunication tower. Given my home’s close proximity to the construction site, I have several concerns I would like addressed before any approvals are made.

Primary Concerns:

1. Impact on Property Value & Neighborhood Aesthetics: Studies have shown that nearby cell towers can negatively impact home values. Has the city conducted a study on the potential property devaluation this may cause? Even as a “stealth” design, a 69-foot structure will likely stand out in a residential area. Can alternative locations be considered further from homes?

2. Health & Safety Considerations: What specific safety measures are in place to ensure the tower will not pose risks during severe weather or seismic events? While the FCC regulates RF radiation exposure, many residents are concerned about long-term effects, especially with the tower so close to our homes. Can you provide independent, third-party safety studies on this matter?

3. Noise, Lighting & Ongoing Disruptions: Will the tower require flashing lights at night for aviation safety? If so, this could significantly impact nearby homeowners. Will the tower produce low-frequency noise from cooling equipment or backup generators? If so, what measures will be taken to mitigate sound pollution? What is the expected duration of construction, and what efforts will be made to minimize disruption for nearby residents?

4. Future Expansion & Precedent for Additional Towers: If this tower is approved, will it be open to additional carriers leasing space, increasing its size or footprint? Will this approval make it easier for more towers to be placed in our neighborhood? I would appreciate a response addressing these concerns, as well as any available visual renderings, environmental impact reports, and safety documentation. Thank you for your time and consideration. I look forward to hearing your response.

Sincerely, Bryan and Cherolyn Rowland”

“Dear Heber City Planning Commission,

I am writing to express my opposition to the proposed 69-foot telecommunications tower by Atlas Tower to be located east of Valley Hills Blvd (Parcel Number: 00-0021-0538). As a resident who lives in the area that would be directly impacted by this tower, I have several serious concerns:

1. The proposed tower significantly exceeds the city’s height ordinance by 34 feet (nearly double the allowed 35-foot limit). The exception being requested sets a concerning precedent for future development projects seeking to bypass established city ordinances.

2. A structure of this size at the top of the water tower hill would loom over the residential area, an eyesore that would negatively impact the visual aesthetics of many neighborhoods and potentially decrease property values.

3. The hillside in question is barren with nothing more than sagebrush. A 69-foot structure would stand out dramatically against this backdrop, making it an unavoidable eyesore visible throughout the area. There is simply no way to effectively disguise or camouflage such a structure in our sparse desert landscape.

4. There are concerns about the proximity of such a large telecommunications installation to residential homes and the potential long-term effects. While studies are ongoing, some residents have legitimate concerns about living in close proximity to telecommunications equipment that emits radio frequency radiation.

5. I expect that Heber City would benefit financially from lease payments as the landowner. Does this arrangement not create a potential conflict of interest in the approval process? The city stands to gain revenue, but it is the residents who would bear the true costs through decreased property values, compromised views, and altered community character.

I understand the need for telecommunications infrastructure. I believe there are better alternatives that would serve our city while preserving its character. There are numerous open hillsides surrounding our community that would provide the needed elevation for telecommunications purposes with far less visual impact on residential areas. In light of these concerns, I respectfully ask the Planning Commission to either reject this proposal outright or require Atlas Tower to identify alternative locations away from residential areas. At minimum, any approval should require the tower to comply with existing height ordinances that were established to protect our community's visual character. Thank you for including my comments in the public record and for your consideration of neighborhood concerns in your decision-making process.

Sincerely, Bryan Stallings”

“When in doubt, throw it out. [Graphic Image that included the text ‘Cell Phone Towers. What Distance is Safe to Live? thehealthyhomeeconomist.com.’] Sent from my iPhone. Cherie Reed”

“Tower Concerns – the Three “A”s Aesthetic detractor. Decrease property values – This is the first prominent object a visitor sees when traveling up Coyote (unfortunately, not our little predator statue down on the rocks at the bottom of Coyote). The Avionics - In certain situations, particularly near airports, the frequencies used by cell towers could potentially overlap with some avionics systems, causing interference (Google). This proposal is in the SE glide path for Heber Airport and is right under the glide path of planes lining up for landing. Albatross – Starlink and other future technology may eventually usurp the utility of this transmission tower rendering it obsolete. The tower would be abandoned, and the cost of removal would be up to our citizens. My wife and I, at 1323 Callaway vote a stern and firm NO on an MDA request put forth by Atlas for a proposed exception to current height allowances.

Sincerely, Daniel R Moon & Caryl G Salomon (Moon)”

“Good afternoon, I am writing to submit public comment for the proposed telcom tower being reviewed at the 25th meeting. As a resident and property owner in the Cove Estates neighborhood (within & yards of the proposed tower). I strongly express dissent for the proposal. The proposed location is in a well-established neighborhood with homes surrounding it in all directions. I believe this type of project would greatly negatively impact our property values, our neighborhood feel, put risk to our community's health. In addition, the proposed location would not be discrete, but rather would be an unavoidable eyesore in our neighborhood of family homes and parks. I urge the city to deny this proposed development exception and respect the community's feedback.

Sincerely, Danielle Coenen - Valley Hills Resident”

“Good day,

I am deeply concerned about the proposed 69-foot 5G telecommunications tower being placed behind my house on Ridge Drive, off of Valley Hills Drive. While I understand the need for expanded technology, this particular installation raises significant concerns that I feel must be addressed. First, I question the long-term health implications of being surrounded by radiation emissions from a 5G tower. Research has suggested potential health risks associated with long-term exposure to high-frequency electromagnetic fields, including increased risks of headaches, sleep disturbances, and even potential links to certain cancers. Would you want your family exposed to such risks on a daily basis? In addition to health concerns, there is the issue of aesthetics and quality of life. Having a 69-foot tower looming behind my home would significantly alter the landscape and reduce the tranquility of my living environment. The visual impact of such a structure, especially as I enjoy my morning coffee or spend time outside, would be overwhelming and intrusive. For these reasons, I strongly oppose the placement of this tower in such close proximity to residential homes. I urge you to reconsider this decision and explore alternative locations that would not negatively impact the health, safety, or well-being of our community. David Eric Kratky”

“Dear Planning Commission,

I am a resident of the lower cove neighborhood, off of Valley Hills Blvd. I have read about the proposed Atlas tower in our neighborhood. I am opposed to this idea. We do not need a 69’ tower in a residential area. This would be an eyesore that would distract from the peaceful neighborhood, making it look like an industrial zone. The 69’ tower exceeds the 35’ height limit currently allowed in Heber City. Please do not make an exception to this height limit. If a larger tower is needed, please find another location farther away from neighborhoods. Thanks,Dawn Jones”

“To whom it may concern,

As an owner of property directly adjacent to the site I am not supportive of the proposed telecom tower to be erected east of valley hills blvd. The tower should be within city code.

Sincerely, Deanna Cummings”

“A brief note regarding the proposed tower. After reviewing the code it appears this tower as proposed is not in compliance and this project should not move forward. If the planning board grants an exception to the height limits and approves this tower, I shall instruct my legal counsel to lodge a formal complaint as it would appear that Whaley v. Park City (code 76-10-303) sets precedent for a lawsuit against the city and Atlas Tower.

Regards, Dr. Luke Surface”

“Heber City Council, I want to express my opposition to the 69-foot tower being built above Callaway Drive in the Cove. It’s an ugly addition to the skyline of our beautiful city. Plus, it emits radiation 24/7. Since this is a telecommunication tower, it can be installed on any high ground location or even the mountain North of Heber. Why does it have to be above a subdivision right here in Heber City? The Heber City Council has a habit of approving just about any project, even if it goes against current building codes.

Just for once, try saying NO to large corporations asking for special favors in Heber City!

Gaylyn Latimer, Heber City Cove Resident”

“To whom it may concern,

I am writing to express my opposition to the proposed tower in the Valley Hills neighborhood. It is a huge eye sore and there are way too many concerns about the health impacts of such a tower in close proximity to homes. Please DO NOT allow this plan to move forward.

Thank you.

Heather Stoll, Heber city, Sent from my iPhone”

“To whom may concern,

I’ve been informed of the proposed cell 69 foot cell tower that is under consideration to be installed east of Valley Hills Drive. Although I do understand that as Heber expands, we need to expand utilities like cell towers, there certainly feels like there is a more prudent way to go about this than building a cell tower in the middle of a residential area whose primary draw was the views and nature that the valley offers. I’m sure all of those considering this can appreciate that nobody wants an ugly cell tower that is not only visually unappealing but also buzzing and, for some, concerned for their health (I do not fall into that category personally). My ask is simply that you find an area for needed cell towers throughout Heber that overly disruptive to the residence. For most, the largest investment is their home....a 69’ cell tower would certainly not add value to that investment. For most, the draw of Heber is the views of the mountains and the feel (to the extent possible), that you are living in nature along with a community of nature-loving individuals. a cell tower like the one being proposed doesn't align with the value propositions of living in Heber. I am sensitive to the difficult task at hand and how long the conversations must be to expand prudently and effectively. There must be a better way of expanding cellular service than this tower being proposed.

Thanks so much for your time! Jake Runyan”

“I’m writing to express my concerns and definite objection to the proposed Atlas Tower in the Valley Hills area. I will not be able to attend the upcoming hearing so I'd like my concerns documented and read aloud.

1. Location - The location for a tower of this size and nature is wildly inappropriate. This is a highly residential area with hundreds of established families living, not to mention the massive amount of nearby development bringing even more residents nearby. A tower like this should be in a less densely populated area if for no other reason than the health reasons listed below. Placing a massive tower on an already elevated and relatively barren hill takes an eyesore to a new level.

2. Health - I’m no hippy or anti vaxxer, I like my burgers and my scientists... Straight from the American Cancer Society: this does not mean that the RF waves from cell phone towers have been proven to be absolutely safe. Most expert organizations agree that more research is needed to help clarify this, especially for any possible long-term effects

From IAFF: Internationally acknowledged experts in the field of RF/MW radiation research have shown that RF/MW transmissions of the type used in digital cellular antennas and phones can have critical effects on cell cultures, animals, and people in laboratories and have also found epidemiological evidence of serious health effects.

They link to SIXTEEN scientifically studied adverse reactions including more childhood leukemia in children exposed to RF (link) Placing a tower like this most likely containing new even less studied technology such as 5g not only near highly residential areas in

general, but specifically one with SO many children when the health effects of such a tower are admittedly not understood is reckless endangerment of the people you represent.

3. Size - It is clearly a priority of the people of Heber Valley, as made clear by the Temple reactions, building height aversions, etc. to protect the skyline and charm of the valley. If a tower like this is deemed necessary at all the placement should be far more discreet, farther from residents, near other tall structures or trees, and stick to the approved height of 35' which has allowed for plenty of calls and connectivity up until now and should continue to work for years to come as further studies are conducted. I thank you for your time and consideration of this important matter and your pledge to improve Heber Valley and the lives of us who call this place home!

Jannah Din Andrus

And no, this tower does not block my view ... my concerns are not superficial."

"I am AGAINST the Atlas tower. Please listen to the people. NOBODY wants this.

- CELL TOWERS ARE NOT ALLOWED IN AN R-1 ZONE

- THIS WILL DECREASE HOME VALUES 5-20%

- THIS EXCEEDS THE 35 FOOT RULE

- IT WILL LOOK HIDEOUS

- DO NOT RISK OUR HEALTH. 5G RADIATION IS A REAL THREAT. WE WANT MORE FOR OUR CHILDREN'S HEALTH.

- WHY???? WE HAVE GREAT CELL RECEPTION ALREADY. EVEN IF WE DIDN'T I WOULD NEVER EVER RISK MY OWN HEALTH AND THE HEALTH OF THOSE AROUND ME. PLEASE LISTEN TO WHAT OUR NEIGHBORHOOD WANTS. IT'S NOT THIS TOWER.

Jen Fauset"

"Dear Planning Commission,

I recently learned about the proposed cell tower on parcel number 00-0021-0538. The public notice states that the developer is requesting a variance. Given that the parcel is city property, it appears that the city itself is the actual developer, as it's repurposing its land for an alternative use. While the city might argue that the developer is the telecommunications company operating the tower, I believe many would consider the city to be the true developer. This raises several questions that I believe warrant public disclosure:

\* What type of lease is involved?

\* What is the compensation for the lease?

\* What is the city's involvement or financial contribution to developing the infrastructure?

\* How will the city use the lease revenue? How will this be tracked and accounted for?

\* Who conducted the valuation to determine the lease value?

\* Which Atlas Telecommunications entity is involved? A Google search reveals multiple entities with this name. I respectfully request that these details be detailed for full transparency. In addition, I request and continuance on the final decision to allow stakeholders an opportunity to evaluate the information.

Thank you for your consideration. Sincerely, John Mendenhall"

"This issue is very important to us. We just found out about it recently and are out of town. Otherwise, we would be there in person to voice our concerns. Please do not

increase the height of telecommunication towers in our valley. Please do not change the ordinance. We realize that the carriers probably would prefer to have fewer taller towers. This is in the sole best interest of the company, but it is not in the best interest of residents in our neighborhood. Homes were built with these ordinances in place. Please do not grant exceptions to them. The location of this tower is already in a very prominent, high location in our neighborhood. Making the towers even taller will create an eyesore, no matter what artificial facade they put on it. It will be visible from everywhere in our neighborhood. The existing tower is visible outside of all of the back and side windows of our home. I have an ongoing health concern that makes me very prone to headaches. We are concerned about the effects of increased radiation from this tower so close to our home. The company may tell you there are no health risks, but continuing research on the health effects to humans of transmission radiation is showing otherwise. This is very personal and concerning for our family. The ordinances are in place for a reason, to help protect neighborhoods. Please vote no to this exception.

Thank you, Josh and Lindsay Cieslewicz”

“To whom it may concern,

My wife and I have a home with 3 young children that would be within 1500 ft of this proposed telecom tower. I strongly oppose the install location of this tower for several reasons. The proposed location of this tower would sit on top of a hill that doesn't have a single real tree on it and is very visible to all the homes around it including from Hwy 40. This 69 ft. fake tree tower would stick out like a sore thumb and devalue the properties around it. I don't know many people that would want to live next to a cell tower. Even though it is city owned land, I don't understand why the city wouldn't follow its own rules of prohibiting cell towers in R-1 zoned areas. I also don't understand the need for another tower at this location. I can't recall any times I have had issues with cell reception in our area including all the new coyote development area and the rest of Heber city. Looking at the large cellular providers such as Verizon, AT&T, and T-mobile, their coverage maps show full coverage of Heber city and surrounding areas with little to no gaps especially where the location of this tower would be. The last and most important reason for opposing this location for a cell tower is for health reasons.

There have been 1000's of independent studies done on the biological effects of radiofrequency radiation that cell phones and these cell towers give off. I have included several links that contain hundreds of studies showing adverse effects from RF radiation.

I believe the city should review these studies to further educate what the impacts could be by placing a cell tower in a residential zoned area with many homes in very close proximity. Given the studies, there are undeniable risks associated with the RF radiation that cell towers give off 24/7 and to have one installed right in the middle of a residential zoned area with lots of families and young children seems irresponsible. Again, there are lots of homes in very close proximity to where this tower would be. If a tower was truly needed, I would imagine there are other places it could be installed a lot further away from residents and their homes where they spend most of their time. I hope we all can take a step back and put the health and wellness of our community first

before moving forward with the need of this tower and its current proposed location.  
Sincerely, Justin Mosley”

“Over the past several months and years you’ve passed ordinances which place restrictions on what and how we, the citizens of Heber City, conduct ourselves and what we can do with our property. You also control the growth of our community.

Among other things, these ordinances are meant to enhance the comfort, beauty and safety of our town and surrounding areas. Most will agree that the amount of growth in this valley is out of control. It appears to me and others that large corporations, developers and those with deep pockets can, with little effort, usurp the ordinances and/or building codes to accomplish their desire to enhance their bottom line. And it seems that this city council is more than glad to help them accomplish this mission by approving their request. It seems that public meetings, such as this one, are nothing more than a show. It appears the special interests only need to wait until this council meets their legal obligation before they get approval for their projects. Little regard is given to the unforeseen circumstances that result from these projects such as increased traffic, expanded sewer needs, additional police and fire protection which result in ever increasing taxes. Now a corporation wants you to authorize a stealth telecommunication tower which is nearly twice the approved ordinance heights you passed so they can increase their business. Members of the City Council, how about you prove to the community that you’re not just in the pockets of multimillion dollar corporations. Just for once, will you vote no on this request to install a nearly 70 foot, what is described as a, stealth tower and keep what’s left of our beautiful skyline free of an obtrusive ugly structure over our city.

Ken McConnell, Gaylyn Latimer, Heber City Residents

“This is why you need to deny the installation of a telecommunication tower in the Cove Subdivision:

How close is too close to live to cell phone towers and antennas and what to do if you discover that you are living within a distance that is impacting your health according to scientific research. Mobile phone use continues to expand rapidly around the world. Within the next year, the number of cell phone users world wide is projected to pass 5 billion. In the United States, well over 90% of adults now have a cell phone. The rate is nearly 50% among children as young as 10! Not surprisingly, with so many mobile devices in use, the infrastructure to support them has grown substantially as well. Cell towers are continuing to pop up everywhere. In my small town, two new applications were filed this year alone! If you don’t see any in your neighborhood don’t be fooled. Some cell towers are now disguised to look like trees especially if the tower is in a residential area. Disney World is famous for its tree-like cell phone infrastructure that blends almost invisibly with real foliage nearby.

The good news is that a growing number of people are now taking wise precautions to protect themselves from electromagnetic radiation (EMFs). Avoiding fitbits, wireless baby monitors and turning off wifi at night are wise steps. Opting out of digital monitoring with your local power company to avoid the health risks from smart meters is a good idea too particularly if it is on a wall near the bedroom area.

Cell Tower Radiation: But what about cell phone towers and mobile antennas attached to existing structures? You can’t easily avoid them as they are everywhere. They are even constructed right next to schools in some cases.

**What to Do if You Live Too Close:** If you find that you live within the inner circle of cellular towers, my suggestion is to consider moving. Though inconvenient, this is by far the best option. I've already had one friend change homes because of extreme sensitivity to high EMFs in her area. To date, Sweden and Germany recognize electromagnetic hypersensitivity (EHS) as an actual medical condition. I expect that to grow in the coming years. (1, 2) If you cannot move, then you can use curtains, paint, and wallpaper that blocks 100% of EMFs including 5G. This is the company I've vetted, recommend, and buy from myself for these types of products. Another alternative are bioenergetic devices that claim to reduce the exposure and/or risks from electromagnetic radiation. Whether they work or not is up for debate. As of this writing, I haven't found any conclusive, randomized data to suggest they are helpful one way or another. However, if you can't move, they are probably at least worth a shot! Perhaps in the future, they might be proven beneficial. Another thing to be aware of is that EMF exposure has the potential to increase free radical activity in the body. Thus, living near a cell tower may decrease levels of certain protective nutrients. Thus, ensuring adequate levels of antioxidants such glutathione is a very good strategy.

**Cell Tower Radiation:** But what about cell phone towers and mobile antennas attached to existing structures? You can't easily avoid them as they are everywhere. They are even constructed right next to schools in some cases.

**Scientific Research/ Living Close to a Cell Tower a Likely Cancer Risk:** Many people seem to not worry about living or working in close proximity to cell towers and antennas. However, German and Israeli research to date gives cause for concern. **German Research on Cell Tower Safety:** In a German study, doctors examined close to 1000 patients to see if living at the same address close to a cell tower for 10 years affected cancer risk. The social and age differences within the study group were small, with no ethnic diversity. They discovered that the proportion of newly developed cancer cases was three times higher for those living within 1300 feet (a quarter of a mile) of a cellular transmitter compared to those living further away. In addition, they found that the patients became ill with cancer on average 8 years earlier. A distance of 1300 feet (400m) is of particular importance. This is because computer simulation and measurements used in the study indicated that the radiation at that distance or less (the "inner area") is 100 times greater than emissions beyond that distance (the "outer area"). Another important observation from the research is that for the first 5 years of living near a cell phone tower, the risks were no different than someone living far away from one. However, in years 6-10, the cancer risks jumped more than threefold for those living a quarter of a mile or less from a mobile tower. Even more concerning, the average age of diagnosis was much younger. Risk for breast cancer, prostate, pancreas, bowel, melanoma, lung, and blood cancer all increased substantially. The risks for breast cancer were most significant for those living in the inner area, with an average age of 50.8 year for a cancer diagnosis compared with nearly two decades later (70 years of age) for those in the outer area.

**Israeli Mobile Phone Tower Research:** Israeli research conducted by Tel Aviv University confirms a similar pattern. In this study, 622 people living 1148 feet (350m) or less from a cell phone transmission station for 3-7 years were compared to 1222 controls living further away. Out of the high exposure group, 8 cases of cancer were diagnosed within just one year. 3 cases of breast cancer and 1 case each of ovarian, lung, bone, kidney

and lymphatic cancer. In the control group, only 2 cases of cancer occurred even though the control group was roughly twice as large as the highly exposed group. Based on these results, the researchers calculated the relative risk of cancer to be over four times higher for those living 350m or less (about one-fifth of a mile) from a cell phone transmitter. Women May Be More Susceptible to Cell Tower Radiation The Tel Aviv University research found that women appear to be more susceptible to the health effects of living near a cell tower than men.

Seven out of the eight cancers that arose during the first year were females. Thus, women living one-fifth of a mile or less from a cell tower experienced a ten fold increase in cancer risk compared with controls.

Cell Phone Tower Safety. What Should YOU Do?

If this research is concerning to you as it was to me, I would recommend that you check out [antennasearch.com](http://antennasearch.com). This site provides information on how many cell phone towers and mobile antennas are in your area. The exact distance of each from your home address is provided as well. Do not rely just on your visual observation of the neighborhood. Cell towers are increasingly disguised as trees. Moreover, even if no cell towers exist, there are likely plenty of cellular antennas on existing buildings and other structures. A typical mobile phone tower will hold 10 or more cellular antennas for various companies.

If you are planning to buy a home in the near future, consideration of cellular phone infrastructure nearby is very important. It ranks right up there with schools and other positives and negatives about the neighborhood. I fully expect that in the future, as more research concerning the effects of EMFs on human biology emerges, real estate prices will be affected by their relative proximity to cell phone towers and/or antennas. One word of warning. Don't be overly concerned when you initially check your home address for nearby cellular infrastructure. The number is likely to be extremely high! Wait until you see how close the towers and antenna are first! For example, I discovered that there are 81 towers and 124 antennas located within 4 miles of my front door! This is in a rural residential community too! However, once I looked more closely, I found that none of them is closer than a half mile away.

What to Do if You Live Too Close: If you find that you live within the inner circle of cellular towers, my suggestion is to consider moving. Though inconvenient, this is by far the best option. I've already had one friend change homes because of extreme sensitivity to high EMFs in her area. To date, Sweden and Germany recognize electromagnetic hypersensitivity (EHS) as an actual medical condition. I expect that to grow in the coming years. (1, 2) If you cannot move, then you can use curtains, paint, and wallpaper that blocks 100% of EMFs including 5G.

Ken McConnell, Heber City Resident

"To Whom It May Concern, This comment is regarding the proposed telecommunications tower along Valley Hills Blvd on parcel # 00-0021-0538. We are strongly against such a tall unsightly structure in our neighborhood! Please consider alternatives. Thank you!

Residents of 1255 N Cottonwood Cir, Heber City UT, Klara Daranyi, Gabor Lingauer and Eric Lingauer"

"I strongly disapprove of this proposed Telecommunications tower right behind my home. I live in Valley hills area of Heber, right along Ridge Drive and I have for the last

18 years. It's bad enough to have lost all that beautiful walking and biking trails and now this. This tower is not an improvement to the lost scenery and development. It would be incredibly disappointing to see this happen to our community. There are rules in place to protect our community and we should be more concerned with preservation than the money that comes with this kind of progress. A very concerned citizen of Valley Hills,

-Kristine Zanno Kratky

"Dear planning commission-

There are laws and ordinances in place to protect the citizens. Allowing the building of 69' cell tower (almost twice the height allowed) in an established residential area is wrong and grossly negligent. Please follow the law and ordinances, DO NOT allow a tower over the height limit of 35 feet.

Thank you, Liz

"Marl Shea

I am asking you to not approve the proposed 69 foot tower under any scenario.

Please do not approve it."

"Dear City Council Members,

I'm writing to express my concerns about the proposed Master Development Agreement (MDA) for a 69-ft "stealth" cell tower on the hill near our home, in our residential neighborhood of Valley Hills. I wish I could attend tonight's meeting to discuss this in person, but unfortunately, I'm unable to. I hope you'll consider my input as you make this important decision that will affect our family and neighbors.

We've lived in this neighborhood for about 17 years, and while I understand the need for improved cell service, I'm worried about the potential impacts of putting such a tall structure so close to our homes—especially since it exceeds the maximum height allowance by 35 feet, requiring the MDA. To my understanding, cell towers aren't even allowed in R-1 residential areas like ours under current zoning rules. Approving this MDA feels like it would override that protection, which is there for a reason—to keep our neighborhood safe and residential in character. From what I understand, that hill already has multiple antennae, on/near the water tower. The addition of such a large additional tower (even though the developer claims it will be "stealth"—if they're referencing those awful fake-pine-tree towers, the tower will still be an unacceptable eyesore. It will stick out in our neighborhood completely surrounded by homes. It could change the whole feel of our community, making it less peaceful and attractive—something the R-1 zoning is meant to preserve. I've read that structures like this can lower property values—some studies suggest by as much as 20% for homes nearby. That's a real worry for us, as our home is one of our biggest investments, and I'm sure our neighbors feel the same.

Beyond looks, I'm concerned about safety and health. With the tower so close to many homes, I wonder about the long-term effects of having it near where we live, sleep, and raise our family. I've read that there's ongoing debate about radiofrequency radiation from cell towers, with some studies linking proximity to things like sleep problems, headaches, or even more serious health risks over time. I'm not an expert, but the idea of constant exposure so close to our house makes me uneasy.

I also worry about practical issues. A tower that size could pose safety risks—like what if it catches fire or gets damaged in a storm? I've read that cell towers can have hazardous equipment, and with it being on a hill so close to homes, any problem could

affect us directly. Construction itself might disrupt our quiet neighborhood, too, with noise, traffic, and potential damage to the hill or surrounding area.

I'm not against progress, and I understand the company's desire to improve cell service, but I am vehemently opposed to the location they've selected for this tower. It would be better if the council could stick to the R-1 zoning rules that protect our neighborhood and explore alternatives—maybe a shorter tower, a different location farther from homes, or even splitting the coverage between smaller installations that don't require an MDA. Please remember that your job as council members is primarily to advocate for the city's residents, and not to be persuaded by revenue promised by developers such as Atlas, when it goes against the best interests of your constituents. The lure of revenue for the city simply cannot and should not trump our best interests. Thank you for taking the time to read this and for all the work you do for our city. I hope you'll keep our concerns in mind tonight as you discuss the proposal. Please let me know if there's anything else I can do to stay involved. Sincerely,  
Melissa McKrola”

“As a resident of the neighborhood, I couldn't be more opposed to this approval. The tower is effectively double the height of the city ordinances. We have those for a reason. The current ordinance is well thought out and should be adhered to. This isn't a public good, it's just a convenience for Atlas. Let's stick with the rules on the books.  
-Michael Paulus”

“I'm writing as a Heber resident and specifically a Valley Hills resident of Callaway Drive to share my concerns and objections to the proposed Atlas Tower in the Valley Hills area. I will not be able to attend the upcoming hearing so I'd like my note documented and read aloud. The height of this tower request is insane. There is no reason a tower double the allowed height should be permitted, especially in a mountain side residential area. Not only is it an eyesore in a dense residential area but it also poses flight path safety concerns with the regular traffic of the private helicopter on that very hill and other planes that frequently fly low in this already elevated area. The location overall is a horrendous choice. It does not feel appropriate to put a giant cell tower in a neighborhood that is already so established and developed. If a new tower is required, which I'm not even sure it is but regardless, a far better choice would be to place a tower in the incoming development areas just North of the proposed area (Jordanelle Ridge) where no homeowners currently live and those moving into the area could assess their feelings about it when purchasing new homes as opposed to forcing it on already established areas. Developers could work around it and the location would provide similar if not better elevation, general location, and open air access. I oppose the height of the requested tower. I oppose any tower in this location at all. Mike Andrus”

“I'm not sure why there even needs to be a hearing: common sense should win outright. Here are just a few sources to dissuade this from ever being considered:

”

**“OVERALL HEALTH AND FINANCIAL RISKS WILL BE DEVASTATING TO HOME OWNERS OUR PROPERTIES VALUE WILL DROP, DO NOT ALLOW THIS TOWER TO BE BUILT**

Facts are as follows:

**CELL ANTENNAS LOWER PROPERTY VALUES:** Research finds, cell towers, 5G, high powered powerlines and electric substations near homes can drop property values up to 20%. “Cellphone towers bring extra tax revenue and better reception to a section of the city, but many are skeptical because of the potential health risks and the impact on property values. Increasing numbers of people don’t want to live near cell towers. In some areas with new towers, property values have decreased by up to 20%.”

-National Business Post: Your new neighbor, a cell tower, may impact the value of your home. A study published in the Journal of Real Estate Finance and Economics found that for properties located within 0.72 miles [2362 feet] of the closest cell tower, property values declined 2.46% on average, and up to 9.78% for homes within tower visibility range compared to homes outside tower visibility range. “In aggregate, properties within the 0.72-miles band lose over \$24 million dollars.”

Additional research shows:

According to research, large communication towers, like cell phone towers, generally have a negative impact on property value, especially when located close to a residential property, as many people perceive them as visually unappealing and potentially harmful to health, leading to a decreased willingness to buy homes nearby; the closer the tower, the greater the potential decrease in value. Health risks to children and adults, studies show:

Owen Schmidt”

“Thank you for giving us the opportunity to express our views on the proposed exception to the current city ordinances. We live at 1800 N Cove Springs Way, near the proposed tower and strongly oppose the exception. Studies have shown that there can be negative health risks associated with such towers. In addition, there are reports that such towers may have strong negative impact on home values in nearby areas. We bought our property in Heber in good faith and have invested substantial capital in improving the property since we purchased our home, all based on the rules and regulations of Heber City. Waiving those rules and negatively impacting our home values, as well and potentially harming our health for the benefit of a for- profit developer as well as Heber City does not seem fair and a conflict of interest by the City. Thank you for your consideration,

Shane & Kimberly Kelly”

“Planning Commission,

Below are the additional comments I shared in the meeting last night, for your record. I can provide source references for my points if needed. I will be emailing these points to Jacob Roberts at the Planning and Zoning Office and also to each of the city council members. Thank you again for your time and commitment to our city!

I see no mention of limiting the RF radiation emitted from this tower. Has this been addressed, or will Atlas have free rein to expose surrounding families 24/7 to any level so long as it is within FCC standards? They want a taller tower to accommodate more antennae than 34’ would allow. (A 34’ tower would not be unusable, it just wouldn’t allow them to fit 3 carriers on the tower, thus getting more bang for their buck.) The more antennae on a tower, the higher the RF radiation. The American Cancer Society states that RF waves from cell towers aren’t proven to be entirely safe and that most experts agree more research is needed, especially regarding long-term effects. In

August 2021, the U.S. Court of Appeals ruled the FCC's decision to keep outdated 1996 RF exposure guidelines as arbitrary and capricious, & given the rise of new technologies like 5G. The court ordered the FCC to address this, but it hasn't been done yet and the standards from almost 30yrs ago remain in effect. Cell tower radiation is classified as "High Risk" by insurance companies and Verizon and other carriers acknowledge an unknown level of legal risk from health-related lawsuits due to the effects of RF transmitters.

My point is that there's insufficient data on the long-term health effects of living near cell towers, but there's enough evidence to raise concern. I have a 5-year-old son and a 3-year-old daughter, and this tower will be located just a few hundred feet from our property. For context, a white paper published in an Elsevier journal reviewed evidence linking RF radiation from cellular towers to negative health effects and recommends restricting antennas within 500 meters of schools and hospitals to protect companies from future liability. This is a radius of about 1/3 of a mile. I recognize the opportunity to argue a 34' cell tower in our backyard has passed, the lease has been signed. The question is will the city approve an exception that exposes my children and those of all the surrounding families to higher amounts of RF radiation by approving a tower that is 2x the city limit (a limit that was just approved 3yrs ago)?

Lastly, As stated in the staff report, the property for the proposed telecom tower is zoned residential (R1). Also noted in the staff report, telecom towers are prohibited on private property under residential zoning. It is unclear why city property is exempt from the same requirement private property owners are expected to abide by, but even more concerning is that staff is recommending approval of a telecom tower that doesn't meet current city standards. If this tower were being considered in an undeveloped area where no residents were currently living, consideration of a proposal outside of city standards might be reasonable and make sense. Given that this is a developed, existing residential neighborhood, and that the prohibition on telecom towers in residential areas inexplicably does not apply to city property, city staff at a minimum, in the spirit of being a good neighbor and maintaining the integrity of its own policies, should require its own standards be met. The proposed tower is not a project that is integral to the future success of Heber City and should not be granted special consideration, especially when that consideration negatively impacts existing residents. There are multiple ways for this developer to provide more service opportunities to private cell phone providers within existing city standards. They should be required to do so. I ask that the commission deny this request. If you are not inclined to do so, I ask that you move to continue this item to another meeting and direct staff to bring something back that is inline with city standards. Favoring the developer's request at the expense of current residents is unneighborly and unreasonable.

Thank you. Staci and Dan Haynes"

"Dear Planning Commission:

I attended last night's Planning Commission meeting as a concerned citizen regarding the proposed cel phone tower on the north end of town. I came as an interested citizen hoping to learn more about the proposal. Before the meeting, my mind was not made up. I think I am still open to the possibility of a new cel tower in Heber Valley, but the proceedings of the meeting substantially increased my concerns, but not for the reasons you might think. My serious concerns center on the process that Atlas Tower

and the Commission seem to have followed to date. While the project manager for Atlas assured us that the established process has been followed to date, I must conclude that the process was either not followed or fatally flawed. Why? I illustrate.

1. Transparency. Although negotiations between Atlas and the city have been on-going, hardly anyone in the affected neighborhood was informed of the proposal. Transparency is a crucial part of all civic processes of this kind. Its widespread absence in this case indicates a fatal flaw in the process, if one had been followed.

2. Ignorance/disagreement. My professional experience with project management suggests that due diligence is step one in the process. That Atlas and the Commission were uninformed or misinformed about such basic information as legal rights-of-way, existing tower service, scientific studies re: RF radiation, alternate configurations/locations for the proposed tower, type and schedule of service vehicles accessing the tower through an established cul-de-sac, and visual impact of the proposed tower indicate a serious lack of up-front due diligence and/or a serious lack of communication among the stakeholders.

3. Report/formal presentation. On this point, I reflect on the recent UDOT by-pass process and the process surrounding the permitting of the LDS temple: Advocates for these projects went out of their way to document, illustrate, and share findings of their due diligence, hoping to inform if not convince citizens and city officials of the wisdom of their proposals. I was greatly disappointed that Atlas did not take or was not given the opportunity to convince us of the need.

4. Necessity. Given the widespread and serious concerns of city residents (no citizen spoke in favor of the proposal last night) and given the adoption of the RDA process for the formal review of the proposal — I would expect the city to provide a compelling reason for the proposal, much more than a financial windfall. That neither Atlas nor the Commission provided justification that overcame citizens' concerns suggests a serious deficiency in the process to date.

5. Timing. Despite statements to the contrary, the Commission seemed prepared last night to make a recommendation to the city regarding this proposal. Otherwise, the chair would not have needed to take the executive prerogative at the end of the meeting to assure all assembled, including other Commission members, that its formal action was to come later.

In short, while I was pleased for the civil decorum of last night's meeting, I felt that the Commission and Atlas missed an extraordinary opportunity to engage citizens in this democratic process, inform them of the benefits of the proposal, listen to their concerns, and seek more agreement through a meaningful exchange. I look forward to other opportunities to participate in the review process for this proposal and support the Commission's final recommendation to the city.

Sincerely,

Steve, Steven L. Olsen"

"I hope this email/letter finds you well. I am writing to formally express my concern regarding the proposed construction of a 69-foot stealth communication tower in the backyard of my property located at 1776 N. Callaway Dr. As a resident of this community, I understand the importance of reliable communication infrastructure; however, I believe the installation of this tower in such proximity to my home would have several negative consequences that must be addressed.

First and foremost, I am deeply concerned about the potential impact on my family's health and well-being. Although the tower is classified as "stealth," there is growing evidence that prolonged exposure to electromagnetic fields (EMF) emitted by cell towers may pose health risks, including potential effects on fertility, sleep, and overall well-being. While the safety of such towers is often discussed, I would like to request further studies or reassurances regarding the safety and regulation of the radiation levels in this area, particularly given its proximity to residential spaces. Additionally, the height of the tower, at 69 feet, will significantly affect the aesthetic value of my property and the overall visual character of our neighborhood. The presence of such a tall structure in proximity will drastically change the appearance of the area and could lead to a decrease in property values, as potential buyers may be deterred by the view of the tower. As a homeowner, I am concerned that this alteration will negatively impact both my family's quality of life and the desirability of the neighborhood.

Lastly, I would like to address potential environmental concerns. A tower of this height might disrupt local wildlife, particularly in areas where there are birds or other species that are sensitive to such structures. I urge you to consider the potential ecological effects of this project before proceeding.

Additional Comments: Atlas Tower wants a 69-foot telecommunications tower in our neighborhood—twice Heber's 35-foot limit. It'll loom over our homes, an eyesore slashing property values 5-20%—our hard-earned savings at stake! They're sneaking past rules with an MDA, dodging proof a shorter tower won't work. Atlas is claiming the height is needed for multiple phone carriers.

Atlas Towers is Atlas Tower is a private entity focused on building and operating communication towers across North America and East Africa Why They're Using a Special Deal? They're using a Master Development Agreement (MDA) to sidestep normal rules. It's a custom contract with the city that lets them bend zoning laws, offering perks like better phone coverage or community cash to get approval. Without it, they'd have to prove a shorter tower won't work, which is tougher. Without an MDA, they'd likely need a variance or conditional use permit (CUP) under Utah zoning laws (e.g., UCA 10-9a- 507). Here's why proving a 35-foot tower won't work is key:

#### 1. Legal Requirement for Variances

a. To get a variance, Atlas must show "unnecessary hardship"—meaning the 35-foot limit prevents them from achieving a reasonable use (e.g., telecom coverage). They'd need evidence (e.g., signal maps) proving a shorter tower fails to serve carriers or the area, not just that it's less convenient.

b. Why Hard?: If a 35-foot tower provides any coverage, even suboptimal, the city could deny the variance, saying no hardship exists.

#### 2. Conditional Use Permit Standards

a. For a CUP, Heber's code likely requires telecom towers to meet specific conditions (e.g., minimal height for the use). Atlas would have to demonstrate 69 feet is the minimum necessary, proving 35 feet doesn't meet co-location or signal needs.

b. Why Tough?: Without hard data, the Planning Commission might cap it at 35 feet, forcing Atlas to compromise.

c. The proposal hinges on accommodating co-location, but it's unclear if Atlas Tower has provided robust data (e.g., coverage maps, signal propagation models) proving 69 feet is necessary versus 35 feet. In telecom siting, height exceptions often require

demonstrated “significant gaps” in coverage, a standard loosened for small cells by the FCC but still relevant locally.

### 3. MDA Advantage

a. An MDA skips this proof burden. Instead of justifying why 35 feet fails, Atlas negotiates with the council, pitching benefits (e.g., co-location, community perks) to win approval. It’s less about technical necessity and more about mutual agreement. Without compelling justification beyond carrier convenience, the proposal could be seen as prioritizing private profit over local standards.

b. In Utah, cities like Park City approve 80-foot towers via permits only after applicants show height is essential (e.g., mountain coverage). Atlas likely knows proving “35 feet won’t work” in Heber’s flatter valley could be shaky—terrain helps, but not as decisively as in canyons—so the MDA lets them pivot to persuasion over evidence.

Considering these concerns, I kindly request that you reconsider the placement of this cell tower and explore alternative locations that would minimize impact on nearby residents, the environment, and the overall

aesthetic of our community. If this is not possible, I would appreciate more information regarding how the tower will be regulated, the measures in place to ensure its safety, and any potential mitigation strategies for the issues mentioned above. Thank you for your attention to this matter. I look forward to hearing from you and working together to find a solution that respects the needs of both the community and the proposed infrastructure.

Look at these links for more information you should take into consideration.

Sincerely,

Thomas and Deborah Stenger”

“Dear Planning Commission,

I live about 1 block away from the hill where Atlas Tower would like to place a tower. I believe that approval should not be given. I am concerned about the height and appearance of the tower. I am concerned about the exposure to increased wavelengths of radiation. I understand that we are all constantly being exposed to many different types of radiation. However, being near a tower of that size would be a huge increase of exposure. There are many well documented negative health effects connected to living near a communications tower. This article does a good job explaining some of the risks and the negative impact to health.

I believe that having a tower of that size so near our homes will also not be helpful for those of us who may need to sell our homes in the future.

Thank you, Tosha Arnout”

### **The following comments are public comments given during the meeting:**

TJ Stephens came forward first and identified himself as a lawyer from Heber City speaking on behalf of Cove Point. Mr. Stephens made a point opposing the tower construction as it would fall in an R1 Zone. Mr. Stephens said these towers were not typically permitted in residential areas unless there were specific conditional use permits. Mr. Stephens claimed the MDA process was being used inappropriately and argued that the City Council would not allow a tower like this in a public park and so, by extension, they should not allow it in a residential area. Mr. Stephens voiced concerns

over 5G and how this could impact residential health, and added that the tower itself will be an aesthetic eyesore. Mr. Stephens asked that the tower move to an industrial zone.

Gary Bradley came forward next. Mr. Bradley also opposed the tower as he felt this tower would ruin the view. Mr. Bradley said he would not be opposed to a shorter tower and asked that it be put on the West side of the area. He proposed two 35' foot towers spread out, rather than one tall tower. Mr. Bradley said he had a property located east of the proposed tower and reported that he had been approached by Atlas, and he reiterated his opposition to the tower.

Erin Shilt came forward next. Ms. Shilt said she was located just next to the proposed tower location. Ms. Shilt said she had concern over the well-being of her community and stressed that zoning served a purpose and should be respected. Ms. Shilt expressed concern that this tower would devalue the property values, diminish the beauty of the area, expose the community to undue safety concerns, and bring about more noise. She also complained that the community had been left in the dark about the project plans which only intensified the community's distrust of the problem. Ms. Shilt said the community understood the need for connectivity but did not agree with the corporate overreach on display. Ms. Shilt asked the Planning Commission to at least postpone any actions until the community was better informed on the project parameters.

Staci Basilius Hayes came forward next and stated that she lived right next to Ms. Shilt and shared her concerns. Ms. Hayes said she previously sent an email expressing her concerns over RF waves and was particularly concerned over the height of the tower. Ms. Hayes said the FCC has been ordered to address this, but FCC standards have not changed for 30 years. Ms. Hayes said RF transmitters were recognized as a risk by insurance companies and she expressed fear over the potential health effects her children could experience. Ms. Hayes said it was unclear why this is being considered when it did not meet standards. Ms. Hayes insisted this tower be moved to a different area.

Justin Mosley came forward next. Mr. Mosley said he also has three young children and was also concerned over the tower's impact on their health. Mr. Mosley said he did not understand the need for a tower in this reason for coverage reasons. Mr. Mosley said all the major providers are covered in this area. Mr. Mosley asked the Planning Commission to consider the health of families.

Michael Leven reported that he owned the lot just below the water tower and noted how little work went to the water tower. Mr. Leven said he did not know about the proposal until a few days ago and opined that this project would devalue their property and be an ugly eyesore. Mr. Leven agreed with the health concerns and asked for more information.

Tom Reed echoed previous concerns over the health risk of the tower.

Ted McConnell came forward next and said his two primary concerns were the pine tree growth and the potential health risks. Mr. McConnell asked for a show of hands to see if anyone present wanted the tower built. Mr. McConnell noted no one raised their hands.

Todd Anderson said he had no problems getting cell service anywhere in the City and did not see the need for more towers. Mr. Anderson asked for data and maps that could show what was being gained by building a cell tower in the area. Mr. Anderson said they had not been shown any positive aspects to the proposed project.

Wade Sproggins came forward next. Mr. Sproggins repeated earlier concerns and added that he was already in an area experiencing construction. Mr. Sproggins added that he had financial concerns and worried about disrupting an established area. Mr. Sproggins asked Atlas if other locations were in consideration.

Ms. Layton from Atlas answered and said the height of this area was a necessary factor along with access for service trucks. Mr. Sproggins said he understood the need for height, but felt that factor alone did not mean this location was the right one.

Pam Patrick voiced her support of neighbors and friends. Ms. Patrick asked why Atlas was not using the land annexed just north of them.

Christopher Grange reiterated what Ms. Patrick said almost verbatim. Mr. Grange said farther north would be a better location.

Troy Johnson asked what other exceptions will arise if they make an exception for this project.

Jennifer Sproggins came forward next. Mrs. Sproggins said this was also a financial decision and should be considered a financial loss for current residents. Mrs. Sproggins opined there was far too much growth in this neighborhood, and argued that the current service already worked perfectly. Mrs. Sproggins asked to see more about the financial side of this project along with a deeper dive into potential health risks.

**The following public comments were shared via Zoom:**

Michael Paulus shared his comments via Zoom. Mr. Paulus expressed concern over health issues and repeated what others had said before about the quality existing cell service. Mr. Paulus felt they needed to see proof that there was a problem which the cell tower could fix before the project was approved.

Matt Tanner unmuted for public comment. Mr. Tanner said his front porch faced the water and expressed his deep opposition to the tower. He said it was a direct violation of existing zoning laws and said these codes exist for a reason. He expressed that he did not like the precedent building this tower sent, and repeated previous concerns over the potential devaluing of the neighborhood, along with the need to see potential

benefits before moving forward.

Christian Thompson unmuted for public comment. Mr. Thompson echoed all the concerns voiced beforehand and stressed how much this tower did not belong in the neighborhood.

Jamie Hewlett unmuted for public comment. Ms. Hewlett asked what the legalities were if this project moves forward, and also commented that all the signs informing the area had been obfuscated after a snow storm.

Heber City Prosecutor/Asst. City Manager Smedley spoke about the MDA and noted there could always be amendments to the Code or a master development. Asst. City Manager Smedley said this was a solicitation from Atlas and required a lease with the City given the fact the City owned the land. Asst. City Manager Smedley reminded the Commission that they were not going to make a decision today, and there was time for other independent parties to come in and offer more insight. Asst. City Manager complimented the decorum of those present.

Community Development Director Kohler elaborated on why an MDA had been chosen. Community Development Director Kohler said a variance was neither appropriate nor legal as it was a quasi-judicial decision. Community Development Director Kohler said changing the code was legislative and involved negotiation. He elaborated as to why a development agreement was being used instead of a Code amendment, stating that a development agreement localized the agreement instead of making a global change.

**The following comments were given in person:**

Gaye Lynn Latimer came forward. Ms. Latimer said residents were being well-behaved only because they are in complete shock, and said only three residents in her neighborhood had this information sent to their home. Ms. Latimer asked if communication would improve.

Mel McQuarrie came forward and said he owned land around the site. Mr. McQuarrie said he had no problem with the tower as long as they followed proper procedures.

Shane Cummings spoke on behalf of his mother. Mr. Cummings asked how they would get access to the hill to build the tower properly.

Asst. City Manager Smedley replied they would come through the easement. Mr. Cummings noted that area was private property. Chairman Jordan asked Community Development Director Kohler if that area was private or City owned, to which Community Development Director Kohler responded though it was unintelligible [00:56:26]. Mr. Cummings said his father told him that was private property. Asst. City Manager Smedley said he would look into it further.

Mr. McQuarrie chimed in and said there was no easement across the property and said they would need to get permission in order to go along that area to build a tower. Mr. McQuarrie said Mr. Cummings was correct.

Tammy Nebeker came up next and asked if Atlas had come to the City or vice versa. Chairman Jordan said Atlas came to the City. Ms. Nebeker said she wished the Planning Commission luck on having the courage to do what is right.

Rick Lindsay came forward next. Mr. Lindsay asked why the tower was exceeding 35 feet when that was against the rules. Mr. Lindsay opined that “nobody gave a shit about the property taxes” and stressed that he thought this tower was wrong. Mr. Lindsay said he had a bad feeling about what was happening and the precedent it set.

Chairman Jordan closed the public hearing.

Community Development Director Kohler presented the longstanding policy and reminded the public that the Commission would not make a decision that night. He then asked the Commission to consider all the alternatives presented. Chairman Jordan asked what the City Council will do next and Community Development Director Kohler replied this item will first go into a work meeting, which will then give Staff direction for the next meeting. Chairman Jordan asked if there would be more public meetings to which Community Development Director Kohler said there would be. Chairman Jordan said this would be the first of at least three public meetings and acknowledged that they have received 26 meetings from residents, and assured everyone that the Commission would consider public opinion.

Vice-Chair Broughton clarified to the residents present that there was already a cell tower present in the area. Vice-Chair Broughton then thanked the public for attending and informed the audience that the agreement with Atlas was public and on the City’s website.

Commissioner Knight said the document online was the exact thing the Commission saw as well. Commissioner Knight said it had been incredibly gratifying to watch citizens hold the Commission accountable and engage civically. Commissioner Knight echoed Asst. City Manager Smedley’s sentiments about the decorum, and added he had reservations as well about the proposal.

Commissioner McKinley asked how high the tower was at Chick’s Cafe and Chairman Jordan noted it was 35 feet. Commissioner McKinley asked for a rendering of the tower in order to better understand what they were working with.

Chairman Jordan repeated the Commission would not make any decisions that evening. Chairman Jordan said they would work to give more notice for future meetings, although he acknowledged that this meeting’s attendance had been great. Commissioner Jordan asked about having a second shorter tower and Ms. Layton discussed why that was not ideal.

Commissioner Wilson commented on the well attended public hearing. He spoke about how he did not like the Chick's Cafe tower and acknowledged the issues with the aesthetics of the cell towers, but expressed that they needed to think seriously about how they were going to manage the need to have cell coverage in Heber. He thanked the residents for their comments.

Commissioner Royall asked Atlas how they knew an additional cell tower was needed and noted that he had adequate cell service in his home, which was located near the proposed tower site. Ms. Layton responded that they collected data on the coverage in the City to determine the need for coverage in certain areas. She explained that service within the home was usually supported by wifi, but that did not apply once people went outside. Commissioner Royall then asked about health issues and the property value of people's homes. Ms. Layton replied that the FCC had indicated there was not a high enough level of radiation from cell towers to be harmful and noted that the antennas themselves were located far away from the ground. Ms. Layton also discussed that property values should not be impacted by the cell tower, and in fact may be an asset since it ensured that the area would have ample cell coverage. Vice-Chair Broughton asked if there was minimum spacing between towers. Ms. Layton replied that there was no minimum, but typically towers were spaced apart so that they did not cross signals. Generally, Ms. Layton said that towers were a mile or more apart from one another.

Chairman Jordan asked what carriers were currently in the area and if there was a need to have more towers in the City to support all the carriers, and Ms. Layton replied they had two carriers now, with a third carrier pending. Ms. Layton explained that the potential carrier could join the existing tower. Ms. Layton elaborated on their methodology for determining the location of new towers. Asst. City Manager Smedley clarified that the potential third carrier was not dependant on the construction of the new tower. Community Development Director Kohler clarified as well.

Chairman Jordan invited Micheal Leven to speak again although public comment was closed. Mr. Leven agreed with Ms. Layton in that property values were determined by what people were willing to pay, but opined that a cell tower would lower the property value of his home and he also disagreed with her that there were no health risks posed by the tower.

Chairperson Jordan explained the process going forward and made clear that the Commission would not make a decision that evening. He asked Community Development Director Kohler to look into an impartial third party who could investigate the health issue. Chairman Jordan commented that if the tower would be a source of revenue for the City, it was important to investigate any health impacts as well as possible alternative locations. Chairman Jordan expressed that the Commission was concerned about the precedent that would be set by this tower and acknowledged that although an MDA was specific to one project, it did set a precedent. Chairman Jordan acknowledged as well the input from the residents who lived near the area where the tower would be located.

Commissioner Knight clarified that the items which needed to be researched were the health issues, possible alternative sites, and transparency about the financial benefit to the City. Community Development Director Kohler commented about alternative sites. Vice-Chair Broughton added that she wanted to see the evidence of what the unnecessary hardship on the residences in the area would be. Ms. Layton stated that she would email more information about the FCC and emphasized that the decision could not be made about the possible health issues, per federal regulations.

Chairman Jordan reiterated that the Commission was deferring on any action that evening and as such, no motion needed to be made. He thanked the public for their attendance and comments that evening and invited them to continue to comment about the issue.

#### **4. Work Meeting:**

##### **I. Central Heber Overlay Discussion (Tony Kohler and John Janson)**

Community Development Director Kohler reported an update on the Central Heber Overlay zone and provided a history of the item. He explained that he wanted to make changes to the schedule and postpone the public Open House to ensure that the Commission approved of the new slide deck. Community Development Director Kohler highlighted the changes made to the new slide deck. Planner Janson also indicated that the individual slides would each be made into posters for the Open House and requested that the Commissioners attend the event. Chairman Jordan confirmed that the Commission would be present. Planner Janson then went through the slides.

Vice-Chair Broughton felt the Envision poster had too much 'inside jargon' on it and was unreadable to the average reader. Community Development Director Kohler acknowledged her point and discussed some options to make the language more accessible. Chairman Jordan commented that it needed to be made clear what the purpose and mission of Envision Central Heber was first, before moving into the information on the posters. Planner Jansen noted that they had originally included more background information, but had removed it since it seemed confusing.

Community Development Director Kohler commented about what background information would be relevant to include, and emphasized that the overall goal was to make the zoning ordinance match the vision of the General Plan. Vice-Chair Broughton said that point needed to be highlighted at the Open House.

Planner Janson then indicated how the two overlays were depicted on a map and made the comment that the overlay zone did not extend all the way to the high school.

Community Development Director Kohler explained the reason for that was because the zone was based off of an overlay zone that had been established back in 2002, although he said they could extend the zone if they wanted to. Chairman Jordan commented they should keep the wording on the slides to a minimum and expressed that simplicity was important. Commissioner Richards also made suggestions about how to best represent the zones on the slides and proposed adding collector streets and main arteries to the map. Commissioner Richards noted that not everyone was well-versed in how to read maps.

Community Development Director Kohler said that the order of the posters could be changed and reminded the Commissioners that since all the slides would be on separate posters, they could reorder them on the evening of the event. Chairman Jordan thought that the 'Purpose of the Central Heber Overlay Zone' slide was still

somewhat wordy and felt it would be better to reduce the text to bullet points that summarized the main points. Commissioner Knight agreed that too much text meant that the main points got lost. Vice-Chair Broughton reiterated her point about not including jargon and also opined that the pictures be removed.

Chairman Jordan noted that the phrase 'Midway Corridor' could be misleading and suggested that it either be rephrased, or have a series of definitions be included.

Planner Janson agreed that the word 'corridor' should have a definition. Community Development Director Kohler said that once they got the presentation in place for the Open House, the process could move forward more quickly. Planner Janson commented that they would need to provide ample time for the noticing process so the public could make it to the meeting.

Community Development Director Kohler explained an interactive slide in which residents could indicate what uses for the district they liked and disliked. Chairman Jordan thought putting the map next to the list of uses was not needed, although Chairman Jordan disagreed. Commissioner Knight commented that many of the residents attending the Open House would not know what uses were already allowed- or conditionally allowed- in Heber City. Vice-Chair Broughton suggested that they use the phrase 'sometimes allow' rather than 'conditional use,' and noted that there was a finite amount of information that they could provide the public during the Open House.

Community Development Director Kohler proposed alternate ways for the public to indicate which uses they approved and disapproved of on the posters. The Commissioners discussed that some people may be confused by the green and red dots that were to be placed on the use labels. Chairman Jordan commented they needed to make sure the interactive elements were easy for the public to understand and engage with.

Community Development Director Kohler spoke about the phrase 'subordinate dwelling unit' and asked the Commissioners if there was another term that would be more clear.

Community Development Director Kohler recalled that the Commission had changed the name from 'accessory dwelling unit' and the Commissioners determined that 'subordinate' was a better term. Community Development Director Kohler asked the same question about flag lots and the Commissioners expressed they were in favor of the photograph that was used to illustrate flag lots.

Community Development Director Kohler confirmed that the City Code would be available to the public. Planner Janson discussed that printouts and QR Codes could be made available at the meeting. Vice-Chair Broughton expressed that it was important to make the Code available so that the public could be assured that these changes were not permitted to happen all over town; just in specific zones. Chairman Jordan thought it would be helpful to add background information about each item on the poster; for instance, there should be more information about what a flag lot was on the poster that asked if flag lots should be permitted. Vice-Chair Broughton reiterated that adding more information would keep the public more calm as they considered the changes.

Planner Janson thought they should clarify the owner-occupancy requirements for flag lots and subordinate dwelling units. Commissioner Knight clarified that SDUs were platted separately and Planner Janson confirmed that they were, and added that flag lots were not. Planner Janson elaborated on the ownership requirements for both kinds

of lots and Vice-Chair Broughton highlighted that subordinate lots could not be rented out.

Chairman Jordan asked Vice-Chair Broughton her thoughts on background information and Vice-Chair Broughton discussed that they needed to have clear information, but avoid overwhelming people with too much information.

Planner Janson proposed that they group all of the infill information together.

Commissioner Wilson asked for clarification about SBU lots and Community Development Director Kohler clarified the distinction between the unit itself and the lot.

Planner Janson then brought up duplexes and asked for feedback on the posters.

Chairman Jordan and Commissioner Knight opined that they liked the graphics on the posters. Vice-Chair Broughton thought that if there were bullet points on the other posters, then this poster should have some as well. She suggested that one of the pictures be removed so that some text could be added. Commissioner Knight expressed his opinion about the images of the townhouses that were included on the slides. Community Development Director Kohler also shared that he preferred rear-loaded or side-loaded townhomes; he noted that front-loaded townhomes raised several issues, including parking. Community Development Director Kohler acknowledged that none of the pictures showed townhomes that were actually in Heber, but pointed out that none of the townhomes in the City followed the standards that they wanted to have.

Community Development Director Kohler asked for direction from the Commission about the poster that asked the public for their thoughts on design criteria for multi-family buildings. Commissioner Knight provided some suggestions about how to make the question more clear and engaging, and expressed that it was important to highlight that the Commission was soliciting opinions and considering several options.

Vice-Chair Broughton made the same point about the poster for mixed-use buildings.

Commissioner Knight questioned the mixed use buildings and commented that several residents had asked him about empty commercial spaces on the bottom floor of buildings. Planner Janson stated that mixed use worked well in full districts and walkable areas. Vice-Chair Broughton also confirmed that the posters were only asking about design styles, not materials used and Planner Janson confirmed that was correct.

Commissioner Knight anticipated that there may be pushback from the public on the Historic Building Use Flexibility poster, and he opined that they needed to make it clear that the goal was to preserve the character of Heber City. He expressed that they needed to illustrate that putting new uses in historic properties meant that they were not at risk of being torn down. Planner Janson agreed that they needed to make their purpose clear on the poster. The Commissioners also discussed the photos that had been selected for the poster. Vice-Chair Broughton asked about owner-occupancy stipulations for historic buildings and Planner Janson replied it was not always required.

Planner Janson overviewed a poster which stated that 'infill will not occur all at once and will not occur everywhere' and he expressed that the purpose of the poster was to assure the public that the redevelopment was not going to be all-encompassing and overwhelming. The Commissioners discussed what language was going to be best to use, and Chairman Jordan opined that the word 'redevelopment' might scare people

since it implied there was a problem with what existed. Chairman Jordan proposed the phrase 'infill toolkit.'

Community Development Director Kohler noted that senior citizens in Heber City were worried that they were going to be forced out of their homes and said it was important that they assured those residents that was not going to happen. Vice-Chair Broughton commented that the first bullet point on the list was redundant and the other Commissioners agreed. Commissioner Knight commented that they should clarify that the goal was not to bulldoze everything in the City and start over; but in fact these changes were intended to increase the property value of residents home. Vice-Chair Broughton also emphasized that they were not changing the zoning.

Planner Janson confirmed that they were going to postpone the Open House, which would give them time to update the posters before they presented them to the public.

He asked the Commissioners what dates worked well for them and it was determined that they should hold the Open House on March 19th, with a public hearing on the 25th.

Commissioner Knight thought that was acceptable and clarified the noticing process for the public. Planner Janson said with that schedule, the Commission should be ready to send a recommendation to the Council on April 8th. The Commission debated about what the ideal length of time in between the Open House and the public hearing should be, with Chairman Jordan noting that the intended purpose of the Open House was to make the public aware about the issues so that they could make informed comments at the public hearing.

## **5. Administrative Items:**

I. Conflict of Interest Training (City Attorney Jeremy Cook)

II. 2025 PC Training:

The Planning Commissioners will need one hour of training from the link below to fulfill four hours for 2025.

As you complete your training please email Meshelle Kijanen with the Code or Codes where you took your training from:

Any Parts 3 through 6:

[https://le.utah.gov/xcode/Title10/Chapter9A/10-9a.html?v=C10-9a\\_1800010118000101](https://le.utah.gov/xcode/Title10/Chapter9A/10-9a.html?v=C10-9a_1800010118000101)

Moved to a later time.

III. City Council Communication Item

## **6. Adjournment:**

Commissioner Knight motioned to adjourn. Commissioner Wilson seconded the motion. All yes. Motion passed

Meshelle Kijanen

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Meshelle Kijanen, Administrative Assistant