

June 20, 2016

To the Santa Clara City Council,



The undersigned protest the approval by the Santa Clara Planning Commission of a proposed new Verizon cell tower to be located on parcel SC-6-2-22-3130 in the City of Santa Clara. We request that the City Council appeal the decision by the Planning Commission. We oppose this project for the following reasons:

The adversely impacted residents, the majority of whom reside in the City of St. George, have not been given due process in this matter. The City of Santa Clara has to-date denied requests for a public hearing. Verizon has proposed a unique location wherein the majority of the residents affected by this tower reside in the neighboring city of St. George and have no representation in the City of Santa Clara. There are no Santa Clara residents within 300 ft. of the proposed location. There will be a significant visual impact of this cell tower on the residential areas surrounding it and the City of Santa Clara should be held accountable for ensuring that this project is fully vetted with a public hearing and full disclosure to all residential areas impacted regardless of the city in which the neighborhoods reside. This has not been done. The Planning Commission in its deliberation to approve this project, deliberately terminated questioning and comments by residents in attendance at the meeting.

The Santa Clara zoning laws require that the only projects which can be approved must be "judged by the planning commission to be in harmony with the intent and purpose of the zone". The proposed cell tower location is zoned residential and agricultural. We contend that the City bears the responsibility as part of its duty to assure "harmony with the intent and purpose of the zone", to do the following: (1) minimize the total number of towers throughout the community, (2) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single use towers, (3) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, (4) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design and (4) consider the public health and safety of communication towers.

Verizon has not shown that any of these goals were considered in its siting work and the Planning Commission did not thoroughly discuss any of these goals in its decision to approve the project.

Many of us who live near the proposed cell tower location are Verizon customers. We have no phone service issues. There is no benefit to us in the placement of a tower in our neighborhood. Verizon has not provided information to support the need for a tower in this location. Verizon has not shown that other more commercial areas were considered. Verizon choose a location where the approval process is in one municipal government but the adverse impact falls on an adjoining municipality where there is no representation. Verizon has not met any burden of proof demonstrating why this is the correct location.

The proposed cell tower has an adverse impact on the residential neighborhoods surrounding it. The real estate values in these neighborhoods are highly dependent on the beautiful views. A cell tower will have an adverse impact on those views and as a result is likely to decrease home and lot values. An overwhelming 94 percent of home buyers and renters surveyed by the National Institute for Science, Law & Public Policy say they are less interested and would pay less for a property located near a cell tower or antenna. What's more, of the 1,000 survey respondents, 79 percent said that under no circumstances would they ever purchase or rent a property within a few blocks of a cell tower or antennas, and almost 90 percent said they were concerned about the increasing number of cell towers and antennas in their residential neighborhood. United States Court of Appeals for the 11th Circuit upheld a denial of a Cell Tower application based upon testimony of residents and a real estate broker, that the Tower would reduce the values of property which were in close proximity to the Tower.

Despite this impact on our residential home values and the degradation of our views, Verizon has not proved that any consideration was given to finding a site location that was in a less residentially impacted area. Granted, Verizon's proposed location is in a farm field which shows minimal residential impact within Santa Clara city limits. The proposed location is at the end of a narrow tongue of land within the Santa Clara city limits. This land is surrounded on three sides by the City of St. George. Siting of the tower here allows Santa Clara to impose most of the negative impacts of the tower on the adjoining city residents without their representation. Verizon and the Planning commission ignore the fact that this has a very large residential impact on the adjacent city of St George.

The Verizon representative called us NIMBYs (not in my backyard) in its meeting before the Planning Commission. This demonstrates the lack of respect and empathy this organization has for its impact in the community. The Verizon representative argued that we were "just NIMBYs" and did not deserve any further consideration. All citizens have the legal right to be heard at public hearings. All citizens also have the right to submit opposition to Cell Tower applications, under the 1st Amendment to the United States Constitution, which guarantees our right to petition government for the redress of grievances. Is the City of Santa Clara not being a NIMBY by approving a location that primarily affects its neighboring city?

Another matter of concern which has been ignored by the Planning Commission is health impact. There is strong growing evidence that the continued exposure to the RF radiation from Cell Towers can cause adverse health impacts such as cancer and leukemia, among others. Unlike when a person voluntarily exposes themselves to RF emissions by temporarily using their cell phone, when a Cell Tower is placed near a residential area the residents are involuntarily exposed to continuous and prolonged RF emissions for many hours every day. Further, the segment of the population which is most susceptible to the dangers of such adverse health impacts, are children. This tower is within close proximity to an elementary school. We contend that the City of Santa Clara should not ignore the growing evidence regarding these health impacts on its citizens and must make every effort to minimize this impact by minimizing the number of cell towers and locating cell towers in less residentially impacted areas.

Finally, Verizon showed no indication that they performed any environment studies regarding the migratory impact or other impact on the bird life along the Santa Clara river. This cell tower will be located next to the river.

For these reasons stated above, we oppose the approval of this cell tower project by the Planning Commission. We request that the City of Santa Clara hold a public hearing to further investigate in more thorough detail these issues. We understand after review of other state and federal legal cases, that cell tower construction has been denied based upon these issues that we have raised.

We respectfully appreciate your consideration of this matter.

Mary Beth Sposi  
Signature

Mary Beth Sposi  
Print Name

286 Lost Crk St George  
Address

Bruce Sposi  
Signature

Bruce Sposi  
Print Name

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Linda F. Dunbar  
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Robert A Dunbar  
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ROBERT S. DUNBAR  
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Tim Cox  
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Tim Cox  
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Laura M. Souza  
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William A. Fresco  
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WILLIAM A. FRESA  
Print Name

176 EMERALD DR  
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Carol J Souza  
Signature

CAROL J SOUZA  
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Karl Richter  
Signature

Karl Richter  
Print Name

226 Emerald Dr  
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Connie J Richter  
Signature

Connie J Richter  
Print Name

Alan Knox  
Signature

Alan Knox  
Print Name  
250 Le Grande Circle

~~Jerry Cooper~~ *dupl. extra*

Print Name

~~269 N. EMERALD DR~~

Address

Print Name

Address

~~Kimberly Cooper~~ *dupl. extra*

Signature

~~Kimberly Cooper~~

Print Name

~~264 N. Emerald Dr.~~

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~~Linda Petersen~~

Signature

~~Linda Petersen~~

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~~143 N. Monterey~~

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~~Mullerth~~

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~~Robert Solosth~~

Print Name

~~221 N. EMERALD #30~~

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~~Janet Solosth~~

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*Tom Posin*  
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TOM POSIN  
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*Christine Posin*  
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CHRISTINE POSIN  
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*Jerry Cooper*  
JERRY COOPER

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*Kimberly Cooper*  
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Kimberly Cooper

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*Jean Henry*  
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Jean Henry

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298110stcreek

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*Francis X. Rossbach*  
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FRANCIS X. ROSSBACH

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*Gina Rossbach*  
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Gina Rossbach

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252 Emerald Dr.

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Jack L. Dunham  
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June 17, 2016

To: Corey Bundy  
City Building Official



Re: Notice of Appeal of Santa Clara Planning Commission's Decision to Approve Verizon Cell Tower

We submit a notice of appeal to the Santa Clara City Council and the Santa Clara land use authority of the Planning Commission's June 14, 2016 decision to approve the cell tower proposed by Verizon (Applicant). We believe that the Applicant did not comply with various city codes regarding cellular towers nor did the Planning Commission present any reasons to exempt the applicant from these city codes.

Following is a listing of these non-compliance matters:

1. City code 17.42.280 requires that a visual analysis, which may include photo montage, field mock up, or other techniques shall be prepared by or on behalf of the applicant which identifies the potential visual impacts, at design capacity, of the proposed facility to the satisfaction of the city. Consideration shall be given to views from public areas as well as from private residences. The analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication service. All costs for the visual analysis, and applicable administrative costs, shall be borne by the applicant. Petitioner contends that there was no discussion or presentation of this type of analysis by the Applicant or the Planning Commission at the June 14<sup>th</sup> meeting. The Planning Commission offered no evidence as to what might constitute satisfactory analysis and whether or not that standard was met. Petitioner contends that given the draconian impact of this tower, Applicant must be required to provide all of this visual analysis before a reasonable assessment of the project can be made by the City and the surrounding residents.
2. City code 17.42.160 requires that any telecommunication tower located at a distance of less than one hundred percent (100%) of its height from a property line shall be designed and maintained to withstand without failure the maximum forces expected from wind and earthquakes when the tower is fully loaded with antennas, transmitters and other equipment, and camouflaging. The Petitioner understands that the proposed tower is located at a distance of less than 100% of its height from a property line. Neither the Applicant nor the Planning Committee provided any proof that this requirement has been met.
3. City code 17.42.130 states that the city is explicitly authorized at their discretion to employ on behalf of the city an independent technical expert to review any technical materials submitted including, but not limited to, those required under this section and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. The Applicant shall pay all the costs of said review, including any administrative costs incurred by the city. The significant impact of this proposed tower on the real estate values and the aesthetic nature of the area should require the city to employ an independent technical expert to review this project.
4. City code 17.42.170 state that all telecommunication facilities shall be designed to blend into the surrounding environment to the greatest extent feasible. The ordinances state that the city may hire experts to study this issue on the city's behalf and at the expense of the Applicant. This proposed 100 ft.

tower has a significant visual impact on the surrounding neighborhoods yet there was no evidence presented by neither the Applicant nor the Planning Commission that any effort was made to meet this design standard. In fact, Petitioner specifically requested at the meeting that the Applicant be required to meet with surrounding residents to determine if there were minor relocations that could be considered to aid in the blending in of the tower with adjacent cottonwood trees. This request was ignored.

5. City code 17.42.19 states that no telecommunication facility shall be installed where readily visible from an outdoor recreation area unless it blends with the surrounding existing natural and manmade environment in such a manner as to be effectively unnoticeable and a finding is made that no other location is technically feasible. This tower is in sight of a golf course which is an outdoor recreation area. The tower will be blatantly noticeable out in the middle of a farm field adjacent to the golf course. No finding was made or discussed at the meeting regarding the compliance with this law. Applicant only made general statements with no supporting facts or analysis that this location was determined to be a good location for the Applicant.

Petitioner is a Verizon customer. Petitioner has no phone service issues in this area of the proposed location. There is no benefit to Petitioner or the surrounding neighborhoods in the placement of a tower in this location. Applicant has not provided information to support the need for a tower in this location. Applicant has not shown that other more commercial areas or areas that would be less visually impacted were considered. Applicant choose a location where the approval process is in one municipal government but the adverse impact falls on an adjoining municipality where there is no representation. Verizon has not met any burden of proof demonstrating why this is the correct location.

5. City code 17.42.19 states that no telecommunication facility that is readily visible from offsite shall be installed on a site that is not already developed with telecommunication facilities or other public or quasi-public uses unless it blends with the surrounding existing natural and manmade environment in such a manner so as to be effectively unnoticeable or technical evidence acceptable to the city, as appropriate, is submitted showing a clear need for this facility and the infeasibility of collocating it on one of these former sites. Further, City ordinances require that facility structures and equipment shall be located, designed and screened to blend with the existing natural or built surroundings so as to reduce visual impacts to the extent feasible considering the technological requirements of the proposed telecommunication service and the need to be compatible with neighboring residences and the character of the community.

The proposed tower is readily visible from neighboring residential areas on all four sides of the farm field as well as from the adjacent golf course. As previously stated, it is blatantly noticeable and in no way blends in with the surrounding existing natural and manmade environment. Nor did the Applicant or the Planning Commission present any technical evidence showing a clear need for this facility or the infeasibility of collocating it.

The proposed cell tower has an adverse impact on the residential neighborhoods surrounding it. The real estate values in these neighborhoods are highly dependent on the beautiful views. A cell tower will have an adverse impact on those views and as a result is likely to decrease home and lot values. An overwhelming 94 percent of home buyers and renters surveyed by the National Institute for Science, Law & Public Policy say they are less interested and would pay less for a property located near a cell tower or antenna. What's more, of the 1,000 survey respondents, 79 percent said that under no circumstances would they ever purchase or rent a property within a few blocks of a cell tower or

antennas, and almost 90 percent said they were concerned about the increasing number of cell towers and antennas in their residential neighborhood. United States Court of Appeals for the 11th Circuit upheld a denial of a Cell Tower application based upon testimony of residents and a real estate broker, that the Tower would reduce the values of property which were in close proximity to the Tower.

Despite this impact on residential home values and the degradation of views, Applicant has not proved that any consideration was given to finding a site location that was in a less residentially impacted area. Granted, Applicant's proposed location is in a farm field which shows minimal residential impact within Santa Clara city limits. The proposed location is at the end of a narrow tongue of land within the Santa Clara city limits. This land is surrounded on three sides by the City of St. George. Siting of the tower here allows Santa Clara to impose most of the negative impacts of the tower on the adjoining city residents without their representation. Applicant and the Planning commission ignore the fact that this has a very large residential impact on the adjacent city of St George.

6. City code 17.42.260 requires that no telecommunication facility shall be sited such that its presence threatens the health or safety of migratory birds. The proposed location of this tower would be within 200 feet of the Santa Clara River. There are a variety of birds that habitat this river channel. More specifically, The Bald Eagle and the Mexican Spotted Owl which are threatened species and the Peregrine Falcon and Southwestern Willow Flycatcher which are endangered species are known to migrate into Utah. There was no evidence provided or discussion held by the Applicant or the Planning Commission to show that the health or safety of migratory birds was considered in any way.

7. City code 17.42.010 states that the City shall apply its regulations to specifically accomplish the protection of the inhabitants of Santa Clara from the possible adverse health effects associated with exposure to high levels of NIER (nonionizing electromagnetic radiation). There was no discussion of health impact at the Planning Commission meeting.

There is strong growing evidence that the continued exposure to the RF radiation from Cell Towers can cause adverse health impacts such as cancer and leukemia, among others. Unlike when a person voluntarily exposes themselves to RF emissions by temporarily using their cell phone, when a Cell Tower is placed near a residential area the residents are involuntarily exposed to continuous and prolonged RF emissions for many hours every day. There are homes within 500 ft of the proposed tower. Further, the segment of the population which is most susceptible to the dangers of such adverse health impacts, are children. This tower is within close proximity to an elementary school. We contend that the City of Santa Clara should not ignore the growing evidence regarding these health impacts on its citizens and must make every effort to minimize this impact by minimizing the number of cell towers and locating cell towers in less residentially impacted areas.

If this tower is built, there will be a proposal placed before neighboring residents to participate in a cancer study as a result of the cell tower. Any results from this study showing correlation between cancer rates and this tower will likely result in legal action against all parties involved in the approval and construction of this tower.

8. The copy of the Planning Commission June 14 meeting agenda which, to the best of my understanding only three houses received prior to the meeting, listed the location of this cell tower as closest to the south end of Lava Flow Drive and Malaga Avenue. This location description is misleading and inaccurate. Although Malaga Dr is the closest cross street, the proposed location is not anywhere near the actual location of the cell tower. The location is at the other end of the field from Malaga Dr. This

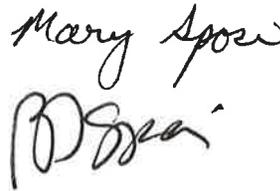
inexact and inaccurate description was misleading to those few homeowners who were sent the meeting agenda. Homeowners could not be properly prepared to present their positions at the Planning Commission meeting because they did not understand the closeness of the project to their home or the immediate visual impact.

9. There is significant public concern and opposition to this project which the City should not ignore. Attached is a protest signed by concerned citizens living within sight of the proposed tower location. The signatures gathered to-date represent only a small portion of the total number of residents opposed to this project. The shortness of time in which to prepare this Appeal has limited the ability to gather more signatures in time for this filing but additional signatures are being gathered and will be provided to the City.

The Petitioner respectfully requests that the Santa Clara City Council reverse the decision made by the Planning Commission at its June 14<sup>th</sup> meeting and require the Planning Commission to address all of the concerns listed above in a public hearing forum in which all affected parties can have a fair opportunity to be heard. The impact of this proposed 100 ft. tower is too draconian for the City to allow it to be constructed without full vetting of its impact.

Thank you for your consideration of this request.

Bruce and Mary Beth Sposi (Petitioner)  
286 Lost Crk Dr  
St George, UT 84770

The image shows two handwritten signatures in black ink. The top signature is 'Mary Sposi' written in a cursive, flowing style. Below it is another signature, 'B Sposi', which is more stylized and compact, also in cursive.