

CHERRY HILLS VILLAGE CHARTER AND MASTER PLAN

In 2022, the voters of Cherry Hills Village passed an amendment to the City's Charter. An excerpt from the current charter is as follows:

“All parks, trails, and open space located within the corporate limits of the City, in which the City has or hereafter acquires a property interest, shall be held, protected, and maintained in public trust for the use, benefit, and enjoyment of the public...”

The measure—which barred the city from transferring any interest in public property (including parks and open spaces) or from entering into leases exceeding five years without a vote of the city's residents—passed by an overwhelming majority of 82%. Roughly 2,800 residents voted for the amendment.

That same year, as part of its Master Plan update process, the city conducted several surveys about residents' wishes for the community. Some respondents cited cell coverage as an issue negatively impacting the Village. The surveys, which in general received fewer than 150 respondents (out of roughly 5,000 registered voters in the Village), did not ask additional questions about whether residents were willing to sacrifice their open spaces and property values in pursuit of better cell coverage. City Council subsequently hired an outside consultant, HR Green, to research and identify options to improve cell coverage within the village.

THE ISSUE

The City of Cherry Hills Village is now proposing to install **100-foot cell towers in three of the city's parks and open spaces--Woodie Hollow Park, Three Pond Park, and City Park (across from Cherry Hills Village Elementary School)**. The equipment at the base of the towers will require roughly 2,500 square feet in each park. The city plans to put this measure on the ballot in November of 2024—the measure will ask residents to give the city the authority to negotiate and sign 20-year leases of the city's parks with a cell tower company. The ballot measure will also ask residents to approve a change in the maximum cell tower height in the Village, from 70 feet to 100 feet. City Council will vote in August on whether to put this measure on the ballot.

WHY WE OPPOSE THESE TOWERS

-The open spaces of Cherry Hills Village are finite and should be preserved. The residents of this Village have long prioritized the protection of our parks and open spaces. This tenet runs through the Village's history and is written into our Master Plan, municipal code, and charter.

-These towers will alter the semi-rural character of Cherry Hills Village. Much like the focus on open spaces, the city and its residents have long prioritized and sought to protect the Village's semi-rural character. This priority is also embedded in our Master Plan and municipal code. Chapter 16 of the municipal code seeks to use the city's powers to establish development standards that “promote the interest of the City and its residents in: a. Conserving and enhancing economic, social, cultural, recreational, and aesthetic property values; b. Maintaining the semi-rural character of the City, ensuring adequate light and air, and maintaining appropriate open spaces; and c. Ensuring peace and quiet enjoyment within the City's residential properties and neighborhoods.” **Eight-story-high industrial structures in our parks and residential neighborhoods are not consistent with the Village's semi-rural character.**

-They will harm property values throughout Cherry Hills Village (as well as property tax revenues). There is a long-standing body of research demonstrating that cell towers decrease nearby property values by 10-30%; this effect can ripple out to surrounding neighborhoods, ultimately affecting even the value of properties that are not in eyesight of the towers, due to the frequent use of “comps” in real estate transactions. In addition, one of these towers would be installed less than 500 feet from Cherry Hills Village Elementary School, which may concern some potential residential buyers. The city has not presented any analysis of how the towers may impact property values and, ultimately, the city’s budget.

-Many have concerns about whether the cell towers are safe. Cell phone towers emit low-level radiation. The evidence on this topic is mixed. Some studies indicate this radiation is safe, and the FCC maintains this is the case; other studies have found negative health effects. Here’s how Ari Ballonoff, a Cherry Hills Village resident and radiation oncologist, characterizes the data. “There are many population studies linking living within 1,000 meters of large cell towers with multiple adverse health effects in humans, particularly in developing children.” As noted above, one of these towers would be installed less than 500 feet from Cherry Hills Village Elementary School.

-The plan violates many provisions of the city’s municipal code, as it’s currently written. Among other things, Chapter 20 of the city’s municipal code calls for cell towers to be located such that “they do not pose a potential hazard to nearby residences or surrounding properties or improvements,” “preserve the existing character of the topography and vegetation, and “avoid dominant silhouettes and to preserve view corridors of surrounding areas to the maximum extent possible.”

-This plan is about what’s best for the cell carriers, not what’s best for Cherry Hills Village. Cell service is already pervasively available in Cherry Hills Village, including at the specified sites. **911 calls use an array of networks and therefore can be made even absent cell phone coverage.** Despite assertions to the contrary, there are other options to improve cell coverage. Eight-story-high cell towers are not necessary; they are preferred by the cell companies.

-The city has failed to conduct basic due diligence and has failed to disclose important information to residents. As noted above, the city has not presented any analysis of how the towers will affect property values, nor has it presented any environmental impact studies. It has not verified the RF mapping data upon which the proposed locations are based. As of June 19, 2024, the city has not disclosed on its website that it plans to site one of the towers adjacent to private residences and within standard city-mandated setbacks. The city has also not presented information about whether the cell companies will be allowed to add additional antennas to the tops of the towers (as permitted under federal regulations) and what permanent road access will be required for installation and service. Finally, the city has not disclosed the location of a comparable 100’ cell tower for voters to view. In addition, the city appears to be asking voters to vote for an overarching right to negotiate the terms of the leases, without voter approval. City Council and our residents should fully understand the terms of these leases before we vote on this measure.

Steps you can take:

1) **Attend the upcoming city meetings on the topic:** It is especially important that we **pack the room** at the upcoming City Council meetings, and that residents use the 5-minute audience participation time to explain why they oppose the plan and urge City Council not to put this on the ballot in November.

July Meeting Dates

City Council Meeting - Tuesday, July 16, 2024 at 6:30PM

Cell Phone Town Hall - Wednesday, July 17, 2024 at 6PM

August Meeting Dates

City Council Meeting – Tuesday, August 6, 2024 at 6:30PM

Cell Phone Town Hall - Wednesday, August 7 at 6PM

City Council Meeting – Tuesday, August 20, 2024 at 6:30PM

2) **Call or email City Council:** In order to place this measure on the ballot in November, City Council needs to pass a resolution doing so; that vote will occur in August. Residents must reach out, via phone or email, to the mayor and to all city council members (not just their own rep), expressing their opposition to the plan and their reasons for opposing. Ask city council not to put this issue on the ballot in November.

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3) **Start outreach to your friends and neighbors:** At this time, many residents don't even know about these plans. Reach out to those you know in the Village. Explain the arguments above to them. Ask them to also call or email city council members and attend the public meetings on the topic. Consider starting your own neighborhood text group to keep everyone up to date on the latest developments.