

**PAYSON CITY PLANNING COMMISSION  
MEETING MINUTES  
June 11, 2014**

**REGULAR SESSION – CITY COUNCIL CHAMBERS**

**CALL TO ORDER:** 7:00 p.m.

**ROLL CALL:** Chairman John Cowan; Commissioners Blair Warner, Todd Cannon, Harold Nichols and George Van Nosedol, Amanda Peterson, Kirk Beecher; Planner Jill Spencer; Zoning Administrator Jon Lundell; City Councilmembers Kim Hancock, Mike Hardy and Commissioner Todd Cannon Excused.

**INVOCATION:** Commissioner Warner

**CONSENT AGENDA**

- Approval of minutes for the regular meeting of May 28, 2014.

*Motion by Commissioner Peterson to approve the Minutes from May 28, 2014. Seconded by Commissioner Beecher. Motion Carried.*

**PUBLIC FORUM**

No input in the public forum

**REVIEW ITEMS**

**CONDITIONAL USE PERMIT – REVIEW AND POTENTIAL RECOMMENDATION REGARDING A REQUEST BY TECHNOLOGY ASSOCIATES TO CONSTRUCT AND MAINTAIN AN UNMANNED COMMUNICATION FACILITY (CELL TOWER) ON UTAH COUNTY PARCEL #30-065-0011 LOCATED AT 1655 WEST 1130 SOUTH IN THE A-5-H, ANNEXATION HOLDING ZONE.**

Planner Spencer presented information from the following staff report.

Background

The applicant is seeking a recommendation of approval from the Planning Commission and approval from the City Council to construct and maintain an unmanned communications facility (cellular tower) consisting of antennas mounted to a new monopole and associated ground equipment located within an enclosed shelter. The facility is proposed on Utah County parcel #30-065-0011 located at 1655 West 1130 South. The parcel is owned by Joseph and Margie Bradbury and recently annexed into the municipal boundaries of Payson with a zoning designation of A-5-H, Annexation Holding Zone. The parcel consists of a single family dwelling, several accessory structures and agricultural uses, including a tree farm. There is also an existing wireless communication facility on the site that will be removed to accommodate the new facility.

As indicated in Appendix A of the Payson City Zoning Ordinance, *cellular and low power towers* are allowed in the A-5, Agriculture Zone provided the applicable requirements of Chapter 19.17 are satisfied. Section 19.17.5 of the Zoning Ordinance classifies monopole towers as a conditional use in the agricultural zones; therefore, approval of a Conditional Use Permit must be granted by the City Council to construct and operate the communication facility. As with any proposed conditional use, it is the applicant's responsibility to demonstrate to the City Council that any potential negative impacts of the proposed use will be mitigated. To that end, the City Council may impose reasonable conditions to ensure negative impacts are eliminated or mitigated to the extent possible.

In order to obtain a Conditional Use Permit, the applicant will need to appear before both the Planning Commission and the City Council to discuss the proposed Conditional Use Permit. Although the Planning Commission is not required to hold a public hearing, a recommendation from the Planning Commission is required before the City Council makes a final decision on the request. A public hearing will be conducted prior to the final decision of the City Council. Proper notice of

the hearing will be provided before the public hearing, including courtesy notice mailings to the surrounding property owners.

#### Analysis

Uses designated as conditional uses require special consideration from the Planning Commission and City Council. These uses may or may not be appropriate in particular locations or without the applicant mitigating potential negative impacts. The Planning Commission and the City Council must evaluate the appropriateness of designated conditional uses on a case by case basis. The conditional use procedure allows the City Council to approve, deny, or conditionally approve any request for a Conditional Use Permit based on the criteria found in Chapter 19.13 of the Zoning Ordinance.

The Planning Commission and City Council will need to review the proposed conditional use considering the criteria and factors set forth in Chapter 19.13.6. The validity of the permit will be conditioned upon strict compliance with applicable City ordinances, the approved project plan, and any additional conditions or requirements imposed by the City Council. The City Council shall be the final authority for all applications for Conditional Use Permits. The following factors shall be weighed and considered when determining whether a Conditional Use Permit application should be approved, approved with conditions or denied:

1. Harmony of the request with the general objectives of the General Plan, Zoning Ordinance, Subdivision Ordinance, any other City ordinance and the particular zone in which the request is located.
2. Harmony of the request with existing uses in the neighborhood.
3. Development or lack of development adjacent to the site.
4. Whether or not the request may be injurious to potential development in the vicinity.
5. Present and future requirements for transportation, traffic, water, sewer, and other utilities.
6. Suitability of the specific property for the proposed use.
7. Number of other similar conditional uses in the area and the public need for the conditional use.
8. Economic impact on the neighborhood.
9. Aesthetic impact on the neighborhood.
10. Safeguards to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor.
11. Attempts by the applicant to minimize other adverse effects on people and property in the area.
12. Impact of the proposed use on the health, safety and welfare of the City, the area, and persons owning or leasing property in the area.

The applicant has provided an Impact Statement and project drawings for review by staff, Planning Commission and City Council. The information is intended to address the requirements of the development ordinances, and specifically the criteria listed above. The Planning Commission and City Council will need to determine if the information provided is sufficient to address any potential negative impacts on surrounding properties or the community.

Following review of the application for consistency with the development ordinances of Payson City and in consideration of the criteria and factors set forth in Chapter 19.13.6 and the requirements of Chapter 19.17, staff would suggest that the following conditions of approval be considered by the Planning Commission and City Council.

1. A current title report will need to be provided to the City indicating any liens or encumbrances associated with the property. All easements, right-of-ways and other dedications must be indicated on the site plan.
2. City ordinance limits the placement of monopole structures (> 2 feet in diameter) within a ½ mile radius of other monopole towers. The application materials suggest that the nearest tower is located 1.15 miles to the north. The applicant will need to provide a map indicating the limited area (½ mile radius) and the location of any wireless communication facilities.
3. Section 19.17.4(4)(c) restricts the height of the tower to sixty (60) feet unless the tower is designed for co-location. The height of the new monopole structure is proposed to be one hundred (100) feet, the maximum height allowed by ordinance. Moreover, the height increase would suggest that at least two (2) co-locations will be provided on the structure. The application does not indicate any immediate plans for co-location although the maximum height is requested. Staff understands it would be more cost effective to construct the one hundred (100) foot facility and accommodate co-location in the future, but there is no guarantee that co-location will occur in the future. Therefore, staff would suggest that either:

- a. The height of the tower be limited to sixty (60) feet until co-location is requested at which time the height of the tower could be increased in twenty (20) foot increments; or
  - b. A written agreement be created that ensures the allowance of future co-location at verified market current rates. This will allow Payson City to deny the construction of additional facilities if fair market rate facilities exist in a location that satisfies the applicable Federal Communication Commission regulations.
4. The applicant will need to provide a letter to Payson City indicating if technology renders the tower obsolete or the tower is vacated that the applicant will remove the tower and all associated equipment within ninety (90) days of the vacation of the tower. The owner of the parcel (Bradbury) must also agree to the conditions of approval and the removal of a vacated facility.
  5. The ground equipment must be enclosed by a sight obscuring fence. The plans indicate the installation of a chain link fence with barbed wire strands, but the fence is not sight obscuring. At a minimum, the applicant will need to install vinyl slats in the chain link fencing. The Planning Commission and City Council may require upgraded fencing materials to improve the aesthetics of the area and the view of the ground facilities from Interstate 15.
  6. The cell tower is proposed in an agricultural area adjacent to Interstate 15 and will be quite visible because the lack of buildings in the immediate vicinity. The applicant is proposing the installation of lo-gloss galvanized steel pole to take away the glare of the facility. The Planning Commission and City Council may require the tower to be a specific color in an attempt to have the tower and ground facilities better blend into the background.
  7. The parcel was recently annexed into Payson and the new electrical service will be provided by Payson Power. The applicant will need to work with staff in the layout of electrical facilities to provide underground power to the site. The anticipated electrical load, including voltage and amperage levels, will need to be provided to the Payson Power Department so that appropriate sizing of electrical facilities will occur. Easements may be required for the placement of electrical facilities. Payment of all fees associated with labor and materials provided by Payson Power are the responsibility of the applicant and will need to be submitted prior to the issuance of a building permit to construct the facility.
  8. Although the existing Qwest tower was served by South Utah Valley Electric Service District (dba SESD), the new facility will be served by Payson Power. Therefore, any reference to SESD or Rocky Mountain Power will need to be removed from the application materials and project drawings.
  9. Information regarding any battery back-up systems or chemical storage will need to be provided to the Payson City Fire Chief for review. If public safety access is required to the site, the access must be consistent with the regulations of the Payson Fire Department, including hard surface construction and turn around.
  10. The City Council may require additional conditions to ensure the proposed facility is properly secured, has adequate access, serves the intended purpose both geographically and technologically, and will not be detrimental to surrounding property owners.
  11. Following approval of a Conditional Use Permit and satisfaction of any conditions of approval, the applicant will need to apply for and obtain a building permit from the Development Services Department. The building plans will be reviewed by the Building Inspector and the Fire Chief for compliance with the adopted building and fire codes. The applicant will need to coordinate with the appropriate officials to complete the proper inspections and submit payment for any required review fees.
  12. A business license will need to be obtained for the operation of the cell tower. A business license application will need to be prepared and submitted to the Business License Specialist for review for compliance with the regulations of Title 4, Business License Ordinance.

These items represent the issues staff has identified following a review of the applicable ordinances and resolutions of Payson City and the Conditional Use Criteria established in Chapter 19.13 of the Zoning Ordinance. If the items above are satisfied, staff would suggest that the site will be improved in a manner consistent with the regulations of Payson City.

#### Recommendation

The Planning Commission will need to determine if the proposed conditional use is an appropriate use in this location and consistent with the development goals of the City. Following a review of the site plan, application materials, and the contents of this staff report, the Planning Commission may:

1. Remand the request back to staff for further review. This action should be taken by the Planning Commission if it is determined that there is not enough information provided by the applicant in order for the Planning Commission to make a well-informed decision.

2. Recommend approval of the request as proposed. If the Planning Commission chooses to recommend approval of the conditional use as proposed staff would suggest that an opportunity to require the applicant to satisfy the requirements of the development ordinances of Payson City and mitigate any potential adverse impacts will be missed.
3. Recommend approval of a Conditional Use Permit with the conditions proposed by staff or more or fewer conditions. Staff would suggest that if with satisfaction of appropriate conditions, the requirements of the development ordinances of Payson City can be satisfied and proper development of the property will occur.
4. Recommend denial the request. This action should be taken if the Planning Commission determines that the adverse impacts of the proposed conditional use cannot be mitigated by the applicant.

Any recommendation of the Planning Commission should include findings that indicate reasonable conclusions for the recommendation.

Commissioner Peterson asked if any tax revenue is generated from cell towers and what was the height of the existing cell towers within Payson.

Planner Spencer that staff had not reviewed what taxes were generated from cell towers and that the existing cell towers had varying heights. Current cell towers are located on various types of poles and buildings throughout the

Commissioner Warner stated that the location of the tower is the most visible location of a cell tower within Payson and fencing should be better than vinyl fencing or chain link with slats.

Chairman Cowan stated that vinyl is not an appropriate fencing material for this application.

Applicant Dakota Hawks stated that the height of the proposed tower and Verizon is attempting to service a local area instead of a broad service that goes for distances and colored poles tend to be much more visible than the standard galvanized poles

Commissioner Warner asked for clarification on the purpose of the type of antennas that are being installed, and the reason for the size of the support structure, located at the base of the tower, that is proposed.

The applicant stated that because of the increase in data usage they are moving to more of a localized service and the support structure and easement is only for Verizon to use. Any expansion by another carrier would need to be arranged with the property owner to obtain more area for their support equipment. The shelter contains the transmission equipment as well as power backup system which includes a generator and battery backup.

Commissioner Peterson asked about the likely hood that another carrier would co-locate on the proposed tower even if they had a location close to the proposed tower.

The Applicant stated that it is possible that a carrier could another antenna close if it was determined that another antenna would be beneficial.

Commissioner Warner asked if there was any communication with another service provider

The Applicant stated that there were no active communications with another service provider but the industry is aware of the installation of new towers.

Commissioner Beecher asked where the location of the other Verizon cells tower in the area and for clarification on the access easement and power right-of-way.

Dakota stated the nearest Verizon tower is located near downtown Payson. The easement was placed where it was because the property line did not extend to the roadway requiring them to adjust the easement south. They would also use the existing roadway and public right-of-way to access the site.

Chairman Cowan stated that public safety will need to review the easement and site plan to verify that public safety would be able to access the site in the event of an emergency.

Planner Spencer stated that the fire chief will review the site plan for the proposed tower and make his recommendations to the applicant.

The applicant stated that

Commissioner Peterson asked about possibility of a camouflage pole and for clarification on what would Verizon do if the city limited the pole to 80 feet.

The Applicant stated that a camouflage pole only looks good if there are existing feature around that surround the pole, otherwise it just looks like a fake pine tree. If the radio frequency engineers determine that 80 feet will not work, Verizon would find a different location.

7:30 Commissioner Nichols arrived.

Chairman Cowan stated that

Commissioner Warner stated that the location would be great and colocation would occur causing a larger foot print.

The applicant stated that the property owner would be willing work with other providers to add lease areas on the property when another carrier wants to co-locate.

Planner Spencer stated that future development may prohibit co-location on the tower by making it difficult to for another carrier to have the required space needed for the ground equipment.

Commissioner Peterson asked if the pole could be a modular tower.

The applicant stated that modular design is possible however with the weight that is being supported it is more practical to construct a solid pole.

Commissioner Warner asked for a description on the purpose for the microwave antennas.

The applicant stated that the microwave antennas where used to communicate with other towers in the event that fiber optic lines are not available at the site. The microwave communicates with the other towers that have fiber optic communication.

Commissioner Warner stated that he was more in favor of fewer tall towers, than more short towers.

Commissioner Peterson stated that she would prefer 80 foot rather than 100 foot because of the distance from the current tower located in the business park

Commissioner Beecher stated that a 100 foot tower would not be that any noticeably different than an 80 foot tower.

Planner Spencer asked if the FCC regulated the placement of the tower and if there rules superseded any municipal requirements.

The Applicant stated that the FCC does not supersede municipal poles

Commissioner Warner recommended that the fence be constructed of masonry materials due to its location.

Commissioner Beecher recommended that the North-South access be wider than 12 feet.

The Applicant stated that at the initial survey of the property there were some areas that needed to be cleaned up and a shed needed to be moved. This will allow for a large access easement for the site.

***Motion*** by Commissioner Warner to recommend to the City Council the approval of the conditional use permit with staff conditions and additional requirements for masonry fencing, approval of 100 foot tower and any recommendations from the fire chief regarding access to the site . Seconded by Commissioner Nichols. Motion carried 4 - Yea to 1 - Nay.

**REVIEW OF THE PURPOSE AND ZONE CHARACTERISTICS OF THE NON-RESIDENTIAL ZONING DISTRICTS**

Discussion was held on the following topics associated with the Non-Residential Zones.

- The current I-1, Light Industrial Zone characteristics.
- The current I-2, Heavy Industrial Zone characteristics.
- The Current CAP, Commercial, Arts and Parks Zone characteristics.
- The CC-1, Central Commercial Zone characteristics.
- The GC-1, General Commercial Zone characteristics.
- R&D, Research and Development Zone Characteristics and possible real-estate locations.
- PO-1, Professional Office Zone Characteristics and possible uses allowable to support the professional offices.
- CC-1, Central Commercial Zone Characteristics and changing the real-estate that is associated to just include the downtown area of Payson.
- S-1, Special Highway Service Zone and changing the allowed uses within the zone.
- Farmland Preservation.

*Motion by Commissioner Nichols to adjourn.*

Meeting adjourned at 8:50 p.m.