



PLANNING COMMISSION MINUTES

Meeting of November 14, 2019

Logan City Council Chambers (290 N 100 W Logan, UT 84321) www.loganutah.org

Minutes of the meeting for the Logan City Planning Commission convened in regular session on Thursday, November 14, 2019. Chairman Nielson called the meeting to order at 5:30 p.m.

Commissioners Present: Roylan Croshaw, Regina Dickinson, Sandi Goodlander, Jess Lucero, Dave Newman, Tony Nielson

Commissioners Excused: Eduardo Ortiz

Staff Present: Mike DeSimone, Russ Holley, Aaron Smith, Debbie Zilles, Kymber Housley, Jeannie Simmonds (City Council liaison)

Minutes from the October 24, 2019 meeting were reviewed. Commissioner Croshaw moved to approve the minutes as submitted. Motion seconded by Commissioner Newman. Approved unanimously.

PUBLIC HEARING

PC 19-042 UT1 Island Verizon Cell Tower [Design Review & Conditional Use Permit] Troy Benson/Quailbluff Investors, LLC, authorized agent/owner, request to construct a 40' tall monopole to be installed within a 20'x38' lease area surrounded by a 6' tall tan vinyl fence located at 903 E. Center Street in the Neighborhood Residential (NR-4) zone; TIN 06-097-0013.

STAFF: Mr. Smith reviewed the request for an un-manned communications facility consisting of antennas mounted to a new 40' monopole with outdoor equipment, generator and a 20'x38' fenced ground lease area. The tower is proposed as a "monopine" that incorporates stealth design to appear as an evergreen tree. The antenna array consists of 12 8' antennas that project 4'-7' from the pole and are designed to incorporate into the stealth design and not project past the false foliage. The ground equipment includes a diesel generator and a single equipment cabinet. The proposed fence around the lease area is tan vinyl. The project is proposed to improve cell service in low-lying terrain and offload cell traffic from the overloaded Verizon facilities in the area.

This proposed location is on an underdeveloped parcel near the Logan River, just below Cliffside. The parcel abuts residential housing to the north and west, Mountain Road to the south, and a hillside (with residential above) to the east. The property is relatively flat, with a series of buildings and sheds. The proposed location for the tower is to the east of an existing 22' tall Quonset hut.

The applicant has indicated there is a need for improved wireless communications service in this area. They were not able to find a suitable existing facility for co-location and would like to construct a new facility that meets their needs. The new facility meets the maximum height allowance and setback requirements. To mitigate the visual impact of the tower in a residential area, the proposal includes a "monopine" treatment of the pole to disguise it as an evergreen tree. Staff finds that this treatment is an appropriate design for a cell tower at this location, as it fits the context of existing vegetation at the site.

PROPONENT: Troy Benson, from Verizon Wireless, answered for Commissioner Croshaw that towers generally pick up where service from the next closest tower ends. There is an existing tower .75 miles away that is currently overloaded. This proposed tower will help fill the coverage gap and provides good line-of-sight to the other tower. There will be a single cabinet inside the fenced area that additional equipment will be housed in.

Commissioner Lucero asked about the property lease. Mr. Benson said a typical site lease is approximately 25 years.

Commissioner Newman asked how co-location opportunities are identified. Mr. Benson explained that the first choice is to co-locate on an existing tower or mount on a building (with an acceptable height and location). When that is not feasible, a possible location site is chosen. Anything lower than 40' will impact the line-of-sight abilities.

Mr. Benson explained that flush-mount design would be more noticeable in this location because the antennas would be closer together and would leave a visual gap between the branches. His initial thought was a design similar to the recently-approved UT1 Redfield site where the corners of the antennas would be approximately 2'3" from the tower with two center lines so the tower would not extend above 40' and the tower would be painted brown. Both designs would be able to fit 12 antennas, however, the "monopine" design would provide better efficiency; a flush-mounted design would require 6 antennas to be at a 27' line which does not provide as good of line-of-sight. The photo simulation angles provided were "worst case scenario" examples to consider. A replica of the actual tower was used in the visualizations.

Commissioner Croshaw asked about the life expectancy for this tower. Mr. Benson advised that the goal is 25 years based on current technology. There are not many other sites in this area where a tower can be located and meet all the applicable setbacks.

Commissioner Lucero asked about possibly located the tower on the west side of the property. Mr. Benson said the location is where the property owner was willing to lease a site.

PUBLIC: Emails opposing the project received from Michael Fisher from River Pointe HOA, Daniel Watkins and Randall Harris were distributed to the Commission prior to the meeting.

Daniel Watkins, representing the River Pointe Homeowner's Association, said part of their concern is that the Code requires that an applicant submit a visual depiction of what is happening within 300' of the proposed location (as required in LDC §17.38.040B "*A visual analysis of the proposed telecommunications facilities, to include, photo simulations, field mock up, computer enhanced graphics or other techniques which depict the visual effects of the proposed facility on surrounding properties and all public areas within 300'.*") The photo simulations with this application do not provide a fair representation of what the actual impact will be, and are unreliable due to different angles and heights. If the trees are to be removed, there will be nothing next to the monopole, except for the Quonset hut. No stealth design is perfect, but the impact of a tower should be minimized. The Code states that a tower will not exceed 40', however this is being proposed at 47' which is not allowed. He does not see a provision to allow for the additional 7' being proposed. This will have a significant impact to the area and it seems like there are other spots on the property where it could be located closer to trees and/or the hillside.

Brent Windley pointed out that this area is zoned as residential. He believes it is somewhat disingenuous to show a picture of a real tree and then show a rendering of this structure, which has no resemblance to a tree.

Jeannie Simmonds asked if the tower is placed 300' from existing residential if that would eliminate any development possibility for the east portion of the property. Mr. DeSimone clarified that it is 80' from the property line, the 300' is the requirement for the visualization.

Lance Kelsey is concerned about possible health issues that may result from proximity to radioactive wave emissions and whether the homes to the west will be affected. Another concern is how it will impact property values.

Terrie Jones lives to the north of the proposed site and has a 6' high fence across her backyard. She will be looking directly at this unsightly structure. She is concerned about noise from the generator as sounds reverberate off the east hillside. She also expressed concern about what will happen to property values in the area. She enjoys living there and does not want it to be spoiled.

David Epstein, a nearby resident, echoed the concerns expressed. There was not much information provided in the public notice received in the mail. He would like to know more about the length of the lease, what will be contained within the fenced area, who owns the property and other potential things that could happen on the site. He is concerned with impacts to the view.

Jill Windley agreed with the concern about sound which does carry in the area. There have been past projects in the area which were not well-received (the bunker and the river restoration project which destroyed many of the trees). This will be the third negative project that will change the area.

Kathleen Fisher has lived within the River Pointe HOA for 13 years. The view from her second floor will be completely blocked by this proposed structure. She agrees with all the concerns that have been previously stated. She has talked with numerous people nearby who have not had any difficulties with connectivity of service, she asked the Commission to be mindful of who is saying there is a need for improved wireless service in the area. There is a financial benefit to the property owner, however, there should be consideration given to how this will affect others who live in the area. This proposal is above the allowed 40' height. Although there is not enough research done to make a determination, she is concerned with the effect of radiation exposure and questioned how this will affect local property values.

Terry Jones said there has been a lot of anxiety over the years about what might happen on this property, he believes this is not the proper place for this tower, it will affect property values.

Mike Fisher, representing the Board of Directors of the River Pointe HOA, is an engineer by trade. He agreed that there are procedural problems with the application and what is required in the Land Development Code. The structure should be considered as tall as the highest portion and 47' is not in conformance with the Code. The depictions that Verizon provided are not realistic. With no pine trees in the area, this will not be a stealth design, and with other trees cut down it will be quite conspicuous. This will affect property values in an area where people want to protect their investments and will likely pose a health hazard. There are tools online which can indicate where other towers are located (GIS overlay). As a Verizon customer, he has never had any issues with service connectivity. He would like to see the proof that there is a need for improvement in coverage. A tower should not be in a location where there will be an uncompensated loss. This is an area where the City should be encouraging residential development.

Eleanor Bishop built her home there because it was zoned Neighborhood Residential (NR-4). The City tore many trees down during the river restoration project, but she still loves the neighborhood. She has seen these types of towers in California and they are an eyesore and do not look like trees. They invested a great deal of time and money in their home and she would hate to see it destroyed. This area has been zoned for residential homes, not cell phone towers.

COMMISSION: Commissioner Newman asked if the additional 7' would trigger a larger setback. Mr. Smith explained that the Code requires that the pole be 40' so the additional 7' would not be applicable to the height guidelines, therefore, the setback is based off the 40' height.

Commissioner Newman asked if there was a map depicting the location of all cell towers in the City. Mr. Smith said there is not, the Code requires the applicant to provide information related to co-location ability.

Mr. Smith clarified for Commissioner Newman that stealth design is encouraged, this "monopine" design is preferred by the applicant.

Mr. Housley, the City Attorney, advised that the Federal Telecommunications Act limits the ability to regulate cell towers and prohibits local jurisdictions from denying these types of applications based on radio frequency, either directly or indirectly and cannot be a finding in the decision.

Chairman Nielson asked if the packet and visualizations provided is considered proper; Mr. Housley said staff met with the applicant and felt it was appropriate. If the Commission is not comfortable with what has been presented, they can ask the applicant to provide more detailed visualizations. As far as pole height, the Code clearly states that pole height cannot be any taller than 40'; the Commission needs to determine if the 7' related to the stealth aesthetic is considered part of the pole.

Mr. Housley pointed out that the industry standard for lease agreements is a 5-year initial lease with rights to extend up to 25 years (however, he noted he has not reviewed this specific lease agreement).

Mr. Smith confirmed for Commissioner Dickinson that this is a permitted use so it cannot be denied, however, mitigating conditions can be placed on the approval. The Commission can deny the request if it can be found that it does not meet the Code requirements. Mr. DeSimone noted that when the regulations were crafted, the City made a conscious decision that tall towers were not desired, therefore, the tradeoff will be more shorter towers to meet the service demands.

Commissioner Goodlander wondered if a flush-mounted monopole design might ultimately be less intrusive. Commissioner Nielson agrees with the concerns of the residents and would be willing to consider another option.

Mr. DeSimone advised that LDC §17. 38.050 states "*Because of the unique circumstances associated with each site, a facility may be considered a stealth design in one location and not a stealth design in another location.*" It is within the Commission's purview to ask an applicant to provide a design that might provide a better stealth design. A monopole with stacked arrays, painted brown, might be a better alternative to consider.

Commissioner Lucero said if the vegetation in the area is proposed to be removed, then the submitted design may not be the best alternative for this site. She asked if the height (40' vs 47') is up to interpretation. Mr. Housley said it is not currently defined, however, as he has pointed out previously, any ambiguity in the Code generally falls in favor of the applicant. If the Commission feels that more clarification is needed in the Code, it would require a formal Code amendment. Mr. DeSimone said there is latitude in the design process to determine if the 7' contributes to the overall stealth design or not. It is within the Commission's purview to make that decision.

Mr. DeSimone pointed out that as long as the tower meets the required setbacks, a property owner can determine where on the property they want it located.

Commissioner Lucero would like to see photo simulations from the north and the east.

MOTION: Commissioner Goodlander moved to **continue** PC 19-042 to the December 12, 2019 meeting to review different designs that would meet all requirements of the Code. Commissioner Lucero seconded the motion.

Moved: S. Goodlander **Seconded:** J. Lucero **Approved:** 6-0

Yea: Croshaw, Dickinson, Goodlander, Lucero, Newman, Nielson **Nay:** **Abstain:**

PC 19-043 Bruno's Studios (USU Student Housing) – Project Withdrawn

PC 19-031 Kearl Property Rezone [Subdivision & Design Review Permit] Travis S. Taylor/Leonard C. Kearl Jr. Trust, authorized agent/owner, request 32 units in eight (8) 4-plex buildings and a rezone of 6.46 acres from Neighborhood Residential (NR-6) to Mixed Residential (MR-9) located at approximately 1136 North 600 West; TIN 05-041-0006.

Mr. Smith advised that the Municipal Council recently approved the rezone request from NR-6 to MR-9 with the inclusion of a voluntary deed restriction. The applicant has requested time to redesign the project.

MOTION: Commissioner Newman moved to **continue** PC 19-031 to the February 13, 2020 meeting as per the applicant's request. Commissioner Dickinson seconded the motion.

Moved: D. Newman **Seconded:** R. Dickinson **Approved:** 6-0

Yea: Croshaw, Dickinson, Goodlander, Lucero, Newman, Nielson **Nay:** **Abstain:**

MEETING ADJOURNED at 6:49 p.m.

Minutes approved as written and digitally recorded for the Logan City Planning Commission meeting of June 27, 2019.

Michael A. DeSimone
Community Development Director

Tony Nielson
Planning Commission Chairman

Debbie Zilles
Administrative Assistant