



PLANNING COMMISSION MINUTES

Meeting of December 12, 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, December 12, 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, Eduardo Ortiz

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

Minutes from the November 14, 2019 meeting were reviewed. Commissioner Newman moved to approve the minutes as submitted. Motion seconded by Commissioner Goodlander. 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.

Per the Commission's request at the November 14, 2019 meeting, a slim profile design alternative has been prepared by the applicant. The alternative tower would have two antennas per sector with two separate center lines. The outer face of the equipment would be 1' 9" from the pole, and the outer corners of the antennas would be 2' 3" from the pole. The diameter of the alternative design would be approximately 7'. The tower height would be 40' with a 6' lighting rod permitted as a non-structural component. No changes to the ground level equipment is proposed in the alternative. The Commission may specify a color for the tower to be painted. Overall, the proposed alternative has a profile similar to a large utility pole. While not as disguised as the original monopine, the slimmer profile and potential muted color palette of the alternative pole design should help to reduce visual impact.

The proponent provided additional visualizations around the site. Due to the tower height and obstructions in the area, few additional locations could be found that showed the tower. The visualizations show both the original monopine and the alternative slim design. The slim design is shown as a gray color. The final color may be determined by the Commission to help reduce the visual impact.

The applicant and landlord prefer the current location. The landlord prefers the location to minimize impacts on current and future use of the site to the east. Verizon prefers the proposed location, as it provides the best access, especially during heavy snowfall.

The proposed location is compliant with the 80' setback requirement of the LDC for cell towers in residential zones. Staff considers both the monopine and alternative slim design as meeting the design requirements of the LDC. The alternative slim design will be less obstructive to views in the area, but may be more noticeable at a glance.

PROPONENT: Troy Benson, from Verizon Wireless, present to answer questions. Commissioner Croshaw asked if other sites had been considered. Mr. Benson said they contacted the School District and a few other property owners in the area to lease space but did not get any responses back. To meet the required 80' setback there were limited locations in this area. After the last meeting, Mr. Benson met with the property owner to discuss the possibility of moving the pole to another area on the property, however, he did not like that idea. Moving the location would also make it more difficult for Verizon, especially during the winter months. Mr. Croshaw asked what the property owner's plans for the site were; Mr. Benson said he did not know.

PUBLIC: Emails from Linda Chambers, Derek Chambers, Daniel Watkins and Michael A. Fisher were distributed to the Commission prior to the meeting and will be included in the project file.

Daniel Watkins submitted written comments on behalf of the Logan River Pointe HOA. The Land Development Code (LDC) is clear that it must meet the standards to reduce impacts to adjoining properties. The LDC specifically states that it must incorporate elements of stealth design. Color can aid in design; the LDC states "*using color schemes, materials and textures that make the facility less noticeable*". Preferring to place this pole at the minimum setback possible does not make a best effort at stealth design. There is nothing about the proposed design that is stealth, it is very clear as to what it is. There is a legal issue with the LDC with regards to height, there is nothing which allows staff to "pick and choose" how it is measured. LDC §17.38.090.2 states "*Height shall be measured from the average finished grade of the site within a fifty-foot (50') radius to the top of the structure*". City Council can choose to clarify that and stipulating whether that includes or does not include antennas and rods. There is a 40' limit on what this structure can be the setback is based on "*two (2) feet for every one (1) foot of pole and antenna height*". This proposal is 46' high and the design is not stealthy. There is ample room to make it work elsewhere on the property if the owner was willing to make it work, however, as it is proposed at 80' from the property line and the height not being supported by the Code he does not think it should be approved, especially because this is a conditional use and not an absolute use.

Jill Windley asked what the properties around the tower are zoned, what is allowed and what the definition of a stealth tower is.

Kathleen Fisher lives west of the proposed location. After the last meeting, she hoped to see an improved design and given a reasonable amount of time to review the revisions prior to the meeting. The design is not stealthy, Verizon has let the residents down. She noted that there are some photo simulations that are misleading and inaccurate (she cited examples from the applicant's submission). Mr. DeSimone pointed out that additional locations for simulations were completed at the request of the residents at the last meeting. There are certain areas where the tower may not be seen and the applicant cannot go onto private property to get some views, the applicant did what was asked. She is disturbed that the public was not given adequate notification of the plan and it was not posted online earlier. She is supportive of denying the proposal and recommending a more suitable site in another location.

Corrine Renshaw is opposed to this proposal. She believes property values will decrease and cell towers belong on the top of mountains for better reception. She has lived in her home since 1995 and had hoped that undeveloped property in the area would be developed and finished as residential. She also noted that no one knows what the potential health problems might be.

Michael Fisher echoed the previous comments. He said they did not know this meeting was going to happen until Monday and no notices were sent out. Because of the short notice of the meeting there is not as much resident support in attendance. He talked to people who would have been in attendance had there been more notice of the meeting. Mr. DeSimone pointed out that at the last meeting, this item was continued date specific, therefore, there was adequate notice of the meeting. Because of the continuation to a specific date, public notices do not have to be sent out again. There was a delay getting the updated information published to the website due to current updating to a new version, however, when staff received any calls, they promptly explained and/or emailed out the information. Mr. Fisher said, because there is not adequate citizen turnout at the meeting, he would respectfully request continuation of the project to provide citizens a chance to review the information. He said there is a requirement for stealth design and the proposed painted pole does not provide a modicum pretense of stealth; it is obvious. Many citizens at the last meeting said this will provide a negative impact to surrounding residents, it appears this latest version might be worse and he requested the Commission deny the request. Part of the job of the Commission is to see that land is developed appropriately. Denying the request will force the applicant and/or landowner to look at other locations for the tower.

Mr. Watkins pointed out another concern from LDC §17.38.090.B.4 *"Antennas mounted to the side of a monopole may only be allowed in the case of a co-location in accordance with Section 17.38.060"*; this proposed design has antennas on the side of the pole without co-location.

COMMISSION: Mr. Smith confirmed for Commissioner Newman that every tower that has been approved has included a lightning rod and it has been standard procedure that the height of the rod has not been included in the height of the pole itself.

Mr. Smith clarified for the record that the zone is Neighborhood Residential (NR-4) which is single-family detached housing; cell towers are allowed within this zone by a Conditional Use Permit.

Commissioner Goodlander asked if there was any proven research regarding decreased property values because of nearby cell towers or if that might be a general feeling. She pointed out that the initial monopine design was discussed at the last meeting; the Commission asked for a monopole design (less wide) to be presented, which was done, she questioned if there is a more stealth design that has not been considered. Commissioner Lucero said her understanding is the slim design of the monopole is what is considered a stealth design. Mr. Smith said the color scheme could also be helpful.

Mr. Smith clarified for Commissioner Lucero the Code reference cited by Mr. Watkins indicates that co-location requirements must follow LDC §17.38.060. Mr. Watkins said this is a misstatement of the Code because it indicates that antennas are only allowed in the event of a co-location.

Chairman Nielson noted that LDC §17.38.090.3 states “*Antennas and their supporting structure mounted to the sides or top of the tower or pole shall be as slim in profile as possible. In no case shall the antennas and supporting structures extend more than one (1) foot beyond the side of the tower or pole*”, however, this proposal is for antennas to extend 2’3”. Commissioner Lucero asked for clarification between the Code and the proposal. Mr. Smith explained that for this tower to function at the 40’ height limit, the antennas need to be extended beyond the 1’. Smaller antennas would require a taller pole, which is not allowed in this zone.

Commissioner Ortiz was absent last meeting; however, he has carefully reviewed all the information. The LDC helps to protect Logan’s aesthetic and community character. In LDC Chapter 17.38 the purpose statement points out that “*the purpose of these regulations is to locate wireless telecommunications facilities where they are least visible from public areas, and to the greatest extent possible, screen them from adjoining properties*”.

Mr. Smith answered for Commissioner Dickinson that the height allowed for homes/buildings in the NR-4 zone is 35’. Commissioner Dickinson asked how tall the power poles in the area are; Mr. Smith said they are approximately 70’, some of the smaller ones are approximately 40’.

Mr. Holley said the Code is not explicit in reference to lightning rods, in the past, they have been interpreted as an extendable area. There is a section of the Code’s General Development Standards (§17.09.070) which allows for such things as spires, chimneys, cupolas, belfries and other architectural features may exceed height restrictions. Staff’s interpretation has been that lightning rods are an exemption feature and do not count toward the height of the structure. In LDC §17.38 it says the pole will be measured from the ground to the top of the structure.

Commissioner Newman would like to work on this chapter to more clearly define stealth design. Slim design has been considered stealth. Mr. Benson said each jurisdiction has a different interpretation of stealth design. Commissioner Newman encouraged working on adding additional clarifying language in this section in the future, including lightning rods and other extensions. He would not consider this to be a fatal problem. The Quonset hut is unsightly; however, it does not seem to have stopped properties from being bought and sold. It would nice if the property owner would be more cooperative in placing the pole elsewhere on the location, however, a property owner does have rights to make decisions for their property.

Chairman Nielson said there are many things that neighbors could be unhappy with, over time, technology, zones and other things change. He said that the City properly notified residents for those who took the time to look. He received letters today and had plenty of time to read the information and consider the concerns to be prepared for tonight’s meeting. The project was continued to a date specific at the last meeting so the date/time of the meeting was adequate. In many projects in the past, there have been items that have been allowed to go on top of structures that have been exempt from the required height. He does not see anything that could be accomplished by continuing this project to yet another meeting. He does have concerns with the antennas extending past the 1’ requirement.

Mr. Holley said telecommunication companies are federally-protected to provide a certain level of service, especially in the event of emergency communication. To provide a minimum level of service 1’ antennas would require a 60’ tall pole. Because the height limitation is 40’ the antennas are required to be 2’3” to accomplish that minimum level of service.

Commissioner Dickinson asked if Verizon provided any documentation that the minimum level of service is not being met. Mr. Smith presented the information provided (refer to -Attachment A-).

Mr. Housley, the City Attorney, said they could possibly have a larger diameter of pole and stay within 1' antennas. Mr. DeSimone pointed out that the original monopine design allowed the antennas to be embedded within the "tree" design. If antennas are closer to the pole, the pole would have to be wider or taller.

Commissioner Newman pointed out that the 40' height limitation discourages co-location.

Commissioner Goodlander said it is obvious, moving forward, that better clarification to the Code needs to be made, however, this project, as proposed meets the requirements and she does not see how it can be denied.

Commissioner Lucero said as she was reviewing §17.38.050 Design Requirements, there is quite a bit of description included. Her concern, however, given this residential area and the location of the pole on the property (even though it is the property owner's right to place it there) inherently puts it in conflict with the stealth design requirements. There is no perfect stealth design, however, there are aesthetic concerns with this proposal.

Mr. Housley pointed out that these towers will never completely disappear. There are times when they work well in more commercial areas, but residential areas are often more difficult. The Code specifically says antennas shall not exceed more than 1', a finding will have to be made that in allowing a slimmer pole provides a more stealth design, which would necessitate antennas going out further, or condition it that they cannot extend beyond 1' and then the pole will have to be bigger.

The Commissioner agreed that the addition of the lightning rod on top of the pole could be exempt from the height of the pole.

Commissioner Dickinson agreed with Commissioner Ortiz's comments about aesthetics and community character and this does not seem to fit. Mr. Housley said the character is defined by the specific criteria in the Code, introductory language is not enforceable; the requirements are what are defined. Even if this is not an ideal location, if it meets the requirements it cannot be denied, a conditional use is allowed with mitigating conditions.

Commissioner Dickinson suggested trees and possibly higher fencing to make it more acceptable. Commissioner Newman said that was tried with the monopine design effort, but the residents did not like that design. Chairman Nielson agrees with the idea, however, questioned where the trees would be planted and who would maintain them because the leased space is only inside the fenced area. The purpose of the regulations is to locate the facilities where they are least visible from public areas, and to the greatest extent possible, screen them from adjoining properties. If this tower were pushed up further against the hill, it would be much better, however, the property owner has the ultimate decision as to where it is placed. The Commission must then make sure all regulations are met. Commissioner Newman agreed and noted that a higher fence and trees would screen the lower portion of the tower, not the upper portion, which seems to be of the most concern.

Chairman Nielson pointed out that it meets the 80' setback from the property line(s), if the Quonset hut remains, then the areas to the north, east and south could not be developed.

Mr. Holley pointed out that the Conditional Use Permit is tied to the entire property, not just the leased area. Mr. DeSimone noted that there is a provision where setbacks can be modified (reduced) per LDC §17.38.090.B.1.

Commissioner Dickinson asked if there were options to better improve the site. Commissioner Newman said a masonry fence could possibly help, other than that there are only so many things that can be done with a pole. Mr. DeSimone said generally a slimmer pole is considered more stealth than a larger width pole. The Commission can hold them to the standards and if they cannot make it work, then the applicant will have to figure it out.

MOTION: Commissioner Goodlander moved to remove the condition ~~“Proposed stealth design as a “monopine” is approved by the Planning Commission”~~ and change condition 4 to adhere to the conditions of LDC §17.38.090.3 that antennas and their supporting structure mounted to the sides or top of the tower or pole shall be as slim in profile as possible. Commissioner Newman seconded the motion.

Moved: S. Goodlander **Seconded:** D. Newman **Approved:** 7-0
Yea: Croshaw, Dickinson, Goodlander, Lucero, Newman, Nielson, Ortiz **Nay:** **Abstain:**

MOTION: Commissioner Goodlander moved to **conditionally approve** a Design Review & Conditional Use Permit as outlined PC 19-042 with the amended conditions and findings for approval as listed below. Commissioner Newman seconded the motion.

CONDITIONS OF APPROVAL

1. All standard conditions of approval are recorded and available in the Community Development Department.
2. The tower shall be no taller than 40’.
3. The fence enclosing the equipment shall not exceed 6’ in height.
4. In no case, shall the antennas and supporting structures extend more than 1’ beyond the side of the pole.
5. Prior to issuance of a building permit, the Director of Community Development shall receive a written memorandum from each of the following departments or agencies indicating that their requirements have been satisfied:
 - a. Engineering
 - i. Development shall obtain a Land Disturbance permit from Public Works.

FINDINGS FOR APPROVAL

1. The project is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjacent properties as 40’ is a consistent and compatible tower height within the surrounding neighborhood and stealth design of the tower will help to mitigate visual impacts.
2. The project conforms to the requirements of Title 17 of the Logan Municipal Code.
3. The project meets the goals and objectives of the NR-4 designation within the Logan General Plan by providing reliable and quality public service options.
4. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.

Moved: S. Goodlander **Seconded:** D. Newman **Approved:** 6-1
Yea: Croshaw, Dickinson, Goodlander, Newman, Nielson, Ortiz **Nay:** Lucero **Abstain:**

WORKSHOP ITEMS for January 9, 2019:

- ✓ PC 20-001 Quick Quack Carwash (Design Review & Subdivision)
- ✓ PC 20-002 Harris Urgent Care Center (Design Review)

OTHER ITEMS

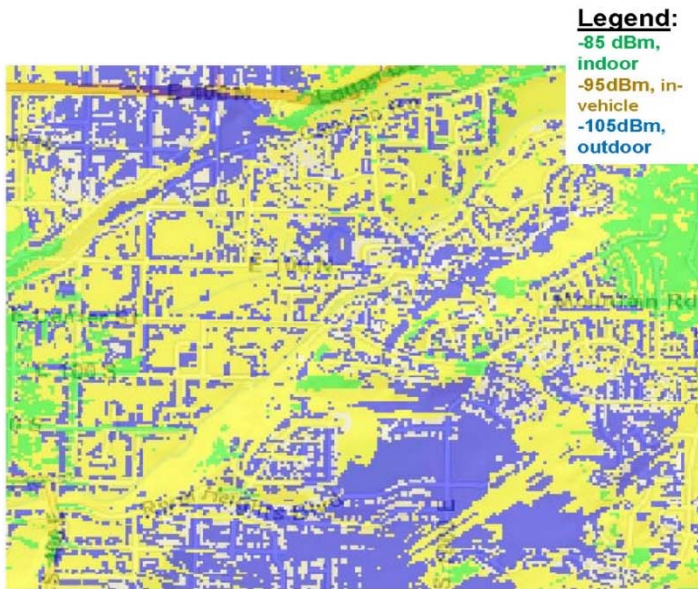
Suggestions for future consideration, review and discussion:

- Vacation Rentals by Owner (VRBO) – staff will begin working on this in Jan/Feb 2020.
- Alternate Parking Plans
- Cell Phone Towers (including a map of where they are located)
- Concrete as an approved exterior finish
- Parking
- Track 1 and Track 2 projects
- Parking Structures

MEETING ADJOURNED at 7:10 p.m.

-ATTACHMENT A-

Existing Service in Logan City



The areas in **blue** and **white** are where it is currently difficult to provide high quality service in Logan, mostly due to terrain, as well as tree cover and buildings.

All cities built in foothills have similar terrain issues.

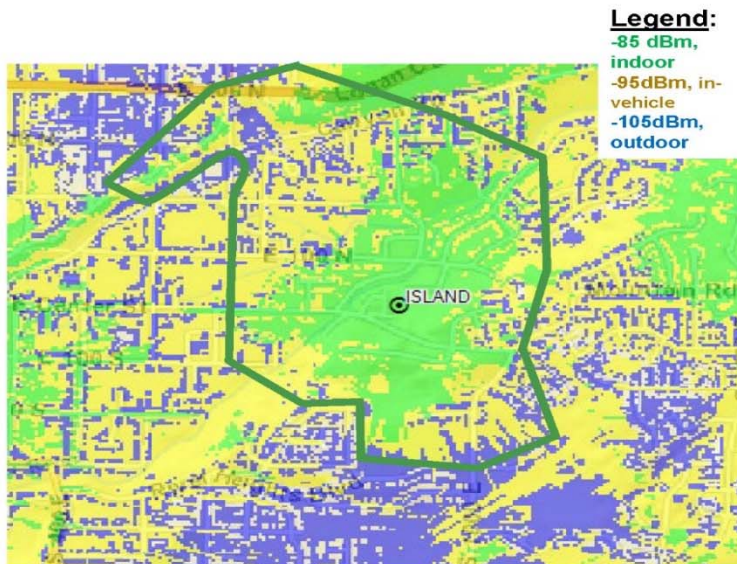
The nearest cell sites that serve this area were built in 1990, 1997, and 2011.

They were all upgraded earlier this year.



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Candidate 1



The areas in **green** are where Candidate 1 will improve service.



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