

NOTICE OF MEETING
PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH

PRESENT: Chairman Nathan Fisher
Commissioner David Brager
Commissioner Natalie Larsen
Commissioner Emily Andrus
Commissioner Vardell Curtis
Commissioner Roger Nelson
Commissioner Ray Draper

CITY STAFF: Assistant Public Works Director Wes Jenkins
Community Development Director John Willis
Assistant City Attorney Victoria Hales
Planner III Dan Boles
Development Office Supervisor Brenda Hatch

EXCUSED:

CALL TO ORDER/FLAG SALUTE

Commissioner Fisher called the meeting to order at 5:07 pm. Chair Fisher explained how public hearings work for all those in attendance, in person and by Zoom or phone.

Commissioner James Duckett led the led the flag salute.

1. **ZONE CHANGE (ZC)** (*Public Hearing*)

A. Consider a request for a zone change for the Ted Warthen Center property. In February of 2020, the general plan designation on the subject property was changed from LDR (Low Density Residential) to PO (Professional Office). The applicant is requesting approval to change the zoning from R-1-10 (Residential Single Family) to PD-AP (Planned Development – Administrative Professional) along with approval of a use list for the property. The property is generally located at 2046 N Tuweap Dr. Case No. 2020-ZC-029 (Staff – Dan Boles)

Dan Boles presented the following:

Dan Boles – The general plan was changed in February this year to PO, the City Council made the condition that the zone change come back with a PD. The use list has been whittled down considerably from their initial proposal. On the item that reads School, Public, Chartered or Private, we would like to strike the words or Private from that use, to make sure that it is understood that it would be a Public or a Charter school. Most of these uses are medical in nature or similar. They will have to come back if they decide to build something or make any changes to the structure itself. That would come by the way of a zone change amendment in the future. Right now they just want to change the zone and get the use list approved.

Commissioner Brager – What was the reasoning behind the private school being struck?

Victoria Hales – Private Schools are processed under our code as commercial businesses, so they are not typically on use lists for Professional Office, they are only a use in commercial zones. It would be inconsistent to keep it on the use list.

Commissioner Brager – What was the building behind it?

Dan Boles – Initially it used to be a care center that had a Conditional Use Permit that expired.

Commissioner Larsen – It was hospice center really, end of life care.

Chair Fisher – Tell us about the Utility use. Can you have a power station there?

Dan Boles – Utility is one of those you will find in most zones. Something like that would be allowed.

Commissioner Larsen – Can rehab be one of the uses?

Dan Boles – No.

Chair Fisher – So as far as what they are asking for right now, it is what it is, and they would have to come through to change the structure or add another building.

Curren Christensen – Thank you for the background Dan. As he mentioned before it is currently being marketed as an assisted living facility, that is certainly the most feasible and the preferred use. The board got together, and we chose the uses off of the PD-AP use list and we chose the uses that would have the lowest impact on the surrounding properties. This property was previously leased, now it is for sale and we would like to finish this zone change so they will have the uses on this list.

Chair Fisher opened the Public Hearing.

Wayne Peterson – We live adjacent to the property in question. We were at the City Council meeting, the applicants made basically 3 representations. They said they were going to use the facility exactly as it was before as an assisted living facility. The second representation was that there were no plans for the vacant piece of property and the third representation was that the intention was to lease the facility as an assisted living facility. The representation that was made to us was one thing and now it appears it has changed significantly, that they are going to sell the piece of property adjacent to the building. I would like to know what the status is. What is the reason for the change at this point? Why was it represented to us differently just a few months ago? It is a cause for concern that they are not going to use the property as they represented to the City Council four or five months ago.

Tammy Phillips – We own property in Entrada which is adjacent to the property in question. I want to go on record as being opposed to this proposal, this is currently zoned as residential single family. We bought the property adjacent to this with that in mind. I am very opposed to having it rezoned to professional office space or whatever this is PD-AP planned development. I think it will decrease our property values. I think it will add unnecessary traffic to the area and I want to go on record as being opposed.

Chair Fisher closed the Public Hearing.

Victoria Hales – Let the minutes reflect that all public comments have been heard or have had the opportunity to be heard. Comments were taken by many methods: in ZOOM using the “reaction” icon of clapping or thumbs up or the chat feature, and by phone participation, and by in person participation. All methods have been monitored by city staff. The Public Hearing was opened and closed only after everyone had the opportunity to make public comment.

Commissioner Curtis – I think that the prior use was harmonious with the neighborhood I don’t see anything on the use list that would change that.

Commissioner Draper – I agree.

Commissioner Brager – The uses seem to be office administrative professional but then when you get into city facility, government facility, public utility, religious and school, those all seem to be in the same vein.

Commissioner Andrus – I have a thought on the school use, I think that would impact the neighborhood, as far as traffic goes. I don’t know if we can change the list at all. I don’t think school fits.

Commissioner Larsen – Would you eliminate daycare as well?

Commissioner Andrus – I don’t think it will as bad as a school. But I wouldn’t be opposed to taking it off.

Commissioner Brager – I think public utilities worries me a little bit too.

Commissioner Larsen – Does the attorney say that we can edit the use list?

Victoria Hales – You may edit the use list, it’s a zone change, it’s a legislative act and you have discretion to edit the use list.

Chair Fisher – We should discuss what uses we would want to remove and why. In the motion, whoever makes the motion, indicates either 1. Approving all the list minus certain ones or 2. Listing all the ones that are approved.

Commissioner Curtis – I would remove childcare center, city facility, government facility, public utility facility, religious facility and school, public charter or private.

Commissioner Brager – I 100% concur.

Chair Curtis – I would assume that the rest of the list that you left is more consistent with use to which the property has been put up to this point.

Commissioner Curtis – That is my rationale, yes.

<p>MOTION: Commissioner Curtis made a motion to recommend to the City Council approval of the request to change the zone from R-1-10 to PD-AP at the location identified Ted Worthen Center the</p>
--

proposed list would include medical and biological laboratory and research, office professional, short term end of life care facility, assisted living facility, nursing home facility, Alzheimer's and memory care facility, inpatient and outpatient elderly care facility, long term assisted living care facility, physical therapy, senior center, medical or dental office or clinic, surgical center.

SECOND: Commissioner Larsen

ROLL CALL VOTE:

AYES (7)

Chairman Nathan Fisher

Commissioner David Brager

Commissioner Emily Andrus

Commissioner Natalie Larsen

Commissioner Roger Nelson

Commissioner Ray Draper

Commissioner Vardell Curtis

NAYS (0)

Motion Carries recommend approval

B. Consider a request for a zone change from OS (Open Space) to R-1-10 (Single Family Residential 10,000 sq ft lot sizes) on approximately 0.58 acres located on the south side of Bloomington Dr E at approximately 2800 South (SG-BCC-10-8-B) Case No. 2020-ZC-031 (Staff – Genna Goodwin)

Genna Goodwin presented the following:

Genna Goodwin – This did come for a general plan amendment from OS to LDR, staff did receive letters in opposition to this item that were emailed to the commissioners.

Jared Bates – It is pretty straight forward; the property owner would like to develop this parcel as a residential lot. It meets all the criteria as far as frontage and access to utilities.

Chair Fisher opened the Public Hearing.

Sue Cobb – We own the property next to the lot in question here. Our house is the only house that has a view. Sue described how the other homes in the area do not have a view of the golf course and how often they are at their homes. We have no problem with them developing this property with a single-family home, having it look nice instead of the weeds and the dirt that we have been maintaining for quite a while now.

Charles Quinn – I'm a member of the Bloomington Country Club. We are having phenomena in the Bloomington area, once the golf course was restored the values of the homes are coming back up. This is the last piece of the puzzle; it would be a great addition to the golf course and the community.

Chair Fisher closed the Public Hearing.

Victoria Hales – Let the minutes reflect that all public comments have been heard or have had the opportunity to be heard. Comments were taken by many methods: in ZOOM using the "reaction" icon of clapping or thumbs up or the chat feature, and by phone participation, and by in person participation.

All methods have been monitored by city staff. The Public Hearing was opened and closed only after everyone had the opportunity to make public comment.

Commissioner Draper – I have driven by this place a few times. I really think it would be best to have a house in there instead of the empty lot with dirt and weeds.

MOTION: Commissioner Larsen made a motion to recommend approval of item 1B a zone change from Open Space to R-1-10 Single Family Residential on approximately 0.58 acres located on the south side of Bloomington Dr E at approximately 2800 South.

SECOND: Commissioner Draper

ROLL CALL VOTE:

AYES (7)

Chairman Nathan Fisher

Commissioner David Brager

Commissioner Emily Andrus

Commissioner Natalie Larsen

Commissioner Roger Nelson

Commissioner Ray Draper

Commissioner Vardell Curtis

NAYS (0)

Motion Carries recommend approval

2. **ZONE CHANGE AMENDMENT (ZCA)** (*Public Hearing*)

A. Consider a request for a zone change amendment for the Bloomington Vacation Villas in order to construct golf course maintenance facilities. The application would move the Planned Development zoning line to the north, add maintenance facility to the approved use list and approve concept drawings for the facilities. The property is generally located at 3080 South Bloomington Drive. Case No. 2020-ZCA-030. (Staff – Dan Boles)

Dan Boles presented the following:

Dan Boles – You may recall several months ago you saw a request for some apartments that are being developed across the street. Part of the request is to adjust that boundary. You can see that the site plan for the most part doesn't change. All of these buildings are to remain, they are under construction. They are proposing on the northeast corner to build a maintenance building, another small maintenance building with an office and some covered storage. In doing that they would eliminate one of the buildings that have already been approved on this site. They need 12 spaces to accommodate this facility and they have that. They have chosen colors that will blend in with the houses in this area.

Commissioner Draper – The big building isn't any taller than the condominiums they have got going in there already?

Dan Boles – I don't think so, I don't have the numbers right in front of me, but the applicant can speak to that.

Commissioner Draper – And what about the noise? It is really close to the residential.

Dan Boles – The applicant can speak to that.

Commissioner Larsen – Do you know if these are built out or what phase they are on?

Dan Boles – The applicant can speak to that.

Scott McCall – So the last 10 of those units to the north have not been built yet. We are still doing ground improvements. Anybody that lives near there will be fully apprised of this maintenance area being there.

Commissioner Larsen – I'm concerned about the existing homes near the maintenance building, is there any way you can mitigate that?

Scott McCall – Yes, we met with the adjacent homeowner Deanna Rameriz and the home north of them Larry and Monica Sullivan. We apprised them of the project, and they support us. We are going to build a wall in between Ms. Rameriz's property and ours, she was quite happy with that. We also agreed to clean her backyard before we get that back wall up. We will do a short wall on her property to close off the access from the street to her back yard.

Ray Draper – What is the building height? What about the noise?

Scott McCall – It should be close to 10 ft lower. There will be some noise, all the neighbors are familiar with the maintenance building because it is down below across the street.

Chair Fisher opened the Public Hearing.

Carl Johnson – I live within 500 Feet of this. The site plan as you see it there, with the original one that was approved, allowed for one entrance which is the middle entrance, the gate on the south end is to remain locked unless in case of fire. I'm hoping the one on the north would do the same. I'm taking it for granted that they are planning to abandon the old site below. I think we need to be in full support of Darcey Stewart and what he is trying to do at Bloomington Country Club, I think we ought to make everything we can work for him. I think in return for that you as a governing body should make sure that the maintenance shed property and the property that is adjacent, has the same kind of thing, so the property isn't devalued by having a maintenance shed. I think the old shed is a disgrace, they had the old one as a dumping ground. They had old vehicles stored there and they need places to store sand for sand traps. Nothing is shown on that site plan regarding that. I think there should be a time restriction and that they must stick to what is approved. I think they should be held to a time limit like 6 months and if the building is not up and running then it should revert back to the original zone.

Jill Jones – I'm on the HOA board for the Vintage Townhomes. We forwarded a letter to all of you expressing our concerns about this situation. One concern is that the proposed facility is in violation of 10-11-1, that all changes must be done without adding an unreasonable burden upon lands located in the vicinity of the nonconforming use or structure. The Vintage Homeowners association is right across the

street from this proposed facility. Because of the experience we have had with the current maintenance shed with dust, pesticides, and noise we are strongly opposed to it as many of our homeowners are within 500 ft and would be negatively impacted. I don't understand why the applicant is Bloomington Vacation Villas, but it will be used by Bloomington Country Club. Precedence has been set in this situation in that, sometime ago the very similar maintenance shed was proposed near the third tee of the golf course and the applicant was denied. Merely moving it to a different location on the golf course by homes, I don't see the difference. Homeowners would be impacted just as they would have been in the denied location. We feel strongly that this application should be denied.

Greg Freeman – I would like to follow up with Jill. We were here 8 months ago when the developer proposed 140 apartments with 1.7 parking spaces per unit. There was a lot of objection to that. There was no green space, there was nowhere for children to play, but the developer made a commitment to the local community that they would move the maintenance building out of the area. That will mitigate the impact of all these units. The commission went ahead and approved that. The St. George Mayor and City Council denied that request initially because they said they had too much density. They came back and got rid of the 4-story building, we want 2.0 units of parking because you've got a small area that you are overpopulating. So developer made that commitment that they would move the maintenance shed. They came and tried to move it tee 3, they denied due to the detrimental that it would have over there. Why are they trying to move it here with 250 homes around it, why is this area less affected then over at tee number 3? It doesn't seem appropriate; they are way overextended in this local. The maintenance building has always been an eyesore, it's been a nightmare. They have shipping containers and run-down vehicles. They violated their agreement with both the commission and the City Council. We have been hit with this bait and switch, they said they always intended to have these apartments. No, they didn't, if you look at the May 20, 2016 issue of the St. George City news, they talked about putting 48 short term rentals, timeshares where they are now developing this massive project. I think the commission needs to stand by that initial agreement. The developer said we will mitigate our impact by moving that maintenance facility, if they are unable to do that, then we certainly shouldn't just give them a sign off and pass. They also made that same commitment to the St. George City Council and Mayor. Now they are talking about a postage size piece of land that they are going to overpopulate. It's a shame that our average unit will probably lose \$25,000 in value in all of this construction. For our association that is 2.5 million dollars. It's great if the developer is going to make a lot of money on this, but you also need to look at your constituents and protect their home values. The other thing is the Bloomington Villas, we have heard an argument that we've got to do this to save the golf course, Bloomington Villas are private property. They are selling these privately to individuals. So why now is Blooming Villas coming in and saying we want a maintenance facility on our private property? Is there a misconception that the golf course is not involved? There are a lot of promises made to the commission and City Council that have been broken. I would feel very badly if everyone decided to just overlook that.

Charles Quinn – I agree that the current maintenance building is an eyesore. I don't understand why the neighbors wouldn't want it moved, it's going to look like the Villas look. Most of the sand now is stored on the golf course, it's not stored in the maintenance shed. As far as impact of noise, there isn't a lot of noise. The mowers go out in the morning and they come back late in the afternoon. The apartments were always planned since Jimmy and Darcy got involved and literally saved that golf course and the whole neighborhood. I was on the board of trustees at Entrada and when we were doing projects, we ran into problems especially with the homes that we were rentals out there but it ended up after 10 years looking back, they all turned out to be good. It was good for the community and it was good for the golf course. The Villas have been good for the community as far as income taxes and what

they've brought to the picture, they are well maintained. I can't see the owners of Bloomington building a maintenance shed across the street and letting it go like the existing one. The people that are in the condos behind it, I think they would be happy to get rid of the maintenance shed and put it across the street. We need to see all pictures and all sides. I ask the Council to go ahead and approve this, it would be good for the community.

Tom – I have actually a very simple question, I noticed that the staff report indicates that an accessory structure is an approved use in a PD-R zone and I would like to know if the staff is looking at this as an accessory structure, is that the staff's interpretation?

John Willis – We felt like it was appropriate to do it at this time because it is an accessory to the golf course.

Chair Fisher closed the Public Hearing.

Victoria Hales – Let the minutes reflect that all public comments have been heard or have had the opportunity to be heard. Comments were taken by many methods: in ZOOM using the "reaction" icon of clapping or thumbs up or the chat feature, and by phone participation, and by in person participation. All methods have been monitored by city staff. The Public Hearing was opened and closed only after everyone had the opportunity to make public comment.

Commissioner Draper – Someone brought up that there would be a gate on that entrance, are they planning on having a gate so you just have the one that is at the center of the whole project?

Scott McCall – I think right now the plan is to have that not gated because it will be easier for the employees to pull right into the maintenance area and it would have less impact on the rest of the community.

Commissioner Draper – Is this space as big as the one across the street, will it be enough for maintenance?

Scott McCall – Jimmy has designed this with his crew, they know what space they need. I feel like we are building the Cadillac of buildings.

Commissioner Brager – I noticed that It shows a 6 ft privacy wall between the Villas and the maintenance building and I look where around where you've added and it sort of curves, is that going to be a privacy wall all along there also.

Scott McCall – A privacy wall, were not sure yet. Our first intent is to put a thick bunch of trees there and zig zag them and try to handle it with vegetation. The two homeowners we met with the other day seemed satisfied with that. If we find that we need to secure it, or if it's not obscuring it enough, we will put a wall in.

Commissioner Larsen – Where David was talking about that privacy wall, it seems like for employees coming and going, it feels like it needs a wall there.

Scott McCall – The neighbors we spoke to didn't seem to have a problem with that. There is a little building that actually screens quite a bit, there are trees there already, but we we're

going to double down on those. We aren't against a wall, but we would like to try and do it with vegetation first.

Commissioner Draper – This is going to be a much better facility than across the street. If the neighbors right by them are for it then I think it is an acceptable addition for the golf course. It will definitely clean up the other side as long as they can get that cleaned up in a reasonable time once this is built.

Commissioner Brager – This is phase 5, I've noticed that this is the last phase of this whole development, is that a concern? Sometimes the last phases never get built.

Chair Fisher – Aren't several buildings already built out there?

Scott McCall – It is driven by the market, but we have been steady. We've been building a building, starting a new one every 2 months. We're about done with the first two phases, so we are just past the entrance. We are doing the improvements for the balance of the projects right now, the undergrounds and all the utilities, so we will be able to keep going.

Commissioner Draper – Is the maintenance building not going to be done until the other ones are done?

Scott McCall – No that's a priority. That's a super high priority, we would do that immediately.

Commissioner Brager – So maybe we make that phase 3 instead of 5.

Scott McCall – Yes, whatever you need to get it done.

Victoria Hales – From a legal standpoint, this is a zone change for a maintenance facility and it doesn't need to be tied to a specific phase inside the Villas project.

MOTION: Commissioner Draper made a motion to recommend approval of a zone change amendment for Bloomington Vacation Villas, Item 2A in order to construct a golf course maintenance facility moving the zoning line to the north and adding maintenance facility to the approved use list as outlined.

SECOND: Commissioner Nelson

ROLL CALL VOTE:

AYES (7)

Chairman Nathan Fisher

Commissioner David Brager

Commissioner Emily Andrus

Commissioner Natalie Larsen

Commissioner Roger Nelson

Commissioner Ray Draper

Commissioner Vardell Curtis

NAYS (0)

Motion Carries recommend approval

B. Consider a request for a zone change amendment for the River Trail Townhomes. On July 9, 2020, the subject property was rezoned to PD-R. The applicant is requesting approval to modify the approved site plan to shift the access road entirely on the site and add one additional unit to

the site. The property is generally located at 1400 East Riverside Drive. Case No. 2020-ZCA-033 (Staff – Dan Boles)

THIS ITEM HAS BEEN MOVED TO THE OCTOBER 13, 2020 MEETING.

C. Consider a request for a zone change amendment to the Hidden Valley Planned Development. When the Planned Development was approved, certain areas were approved for certain densities. The applicant is proposing that some of the densities from other areas be shifted to the subject parcel which was originally anticipated to be a school site. The property is generally located on the south-east corner of Hidden Valley Drive and Rio Drive. Case No. 2020-ZCA-034 (Staff – Dan Boles)

Dan Boles presented the following:

Dan Boles – This is area 3.1, the general plan is MDR, the zoning is PD-R. The history actually goes back 20 years to the original approval. The property that was the former school site that they are asking to transfer density from 4.1 to 3.1. There are other areas that have been built out but have not maxed out their densities. This is a request for the densities to be transferred to give them a total of 6 units per acre on 3.1 and reduce the units on 4.1 from 8 to 6 units to the acre. It is not making the project denser, just moving the density around.

Rick Meyer – The original site was for a school, but the school has changed locations. We want to build residences instead.

Chair Fisher opened the Public Hearing.

Chair Fisher closed the Public Hearing.

Victoria Hales – Let the minutes reflect that all public comments have been heard or have had the opportunity to be heard. Comments were taken by many methods: in ZOOM using the “reaction” icon of clapping or thumbs up or the chat feature, and by phone participation, and by in person participation. All methods have been monitored by city staff. The Public Hearing was opened and closed only after everyone had the opportunity to make public comment.

MOTION: Commissioner Curtis made a motion to recommend for approval Item 2C as presented.

SECOND: Commissioner Nelson

ROLL CALL VOTE:

AYES (7)

Chairman Nathan Fisher

Commissioner David Brager

Commissioner Emily Andrus

Commissioner Natalie Larsen

Commissioner Roger Nelson

Commissioner Ray Draper

Commissioner Vardell Curtis

NAYS (0)

Motion Carries recommend approval

3. **CONDITIONAL USE PERMIT (CUP)**

Consider a conditional use permit to construct an 85' tall unmanned telecommunication facility on Washington County School District property located at approximately 301 North 2200 East (between Panorama Elementary and Pine View Middle School). The property is zoned R-1-10 (Single Family Residential 10,000 sq ft lot sizes). Case No. 2020-CUP-008 (Staff – Genna Goodwin)

Genna Goodwin presented the following:

John Willis – Before we give the formal presentation, I would like to briefly touch on the application and what the City's role is. The City has received a private application from a private company to place a cell tower on the School District property. The City is looking at this application regarding the land use. The state has limited our ability to review the technology. The technology is not in the City's purview. We are looking at the height and the location of the tower.

Chair Fisher – As a point of clarification, I believe under Federal law that any action by a municipality to go beyond the two items that were just raised can be challenged by the applicant.

Genna Goodwin – This is a request to construct an 85-foot-tall unmanned communication tower. It is a conditional use permit in this zone. It is a 50 x 50 lease area in the grass. They did present a monopine structure, they also gave the option for monopole. Please be sure when you are making your motion you state which type of pole. The school district requested an 8 foot tall chain link fence with slats instead of a masonry wall. The City did allow a chain link fence at Coral Cliffs Elementary.

Chair Fisher – Why did Coral Cliffs Elementary request chain link instead of masonry?

Genna Goodwin – They wanted to be able to see the kids jump the fence.

Commissioner Curtis – There are questions in the chat asking if the technology is not in our purview then who's purview is it?

Victoria Hales – The FCC, so federal law as well as the State of Utah has laws superseding local authority. So, if those issues are in your mind you will need to contact your senators and state government. The City only has purview over the conditional use permit, and it will be granted if reasonable conditions can mitigate any detrimental effects of the use. We are only looking at the height and placement. This is a public meeting not a public hearing for this item. You are welcome to be here to witness how decisions are made and to submit comments in writing.

Chair Fisher – Victoria's comments apply as well to the chat feature. We do see several questions coming across on the chat. Because this is a public meeting item and not a public hearing item, you will need to ask those questions to staff tomorrow or during regular business hours.

Commissioner Brager – The applicant has request chain link with slats, the school district wants chain link so that they can see in. So, is the school district requesting no slats?

Genna Goodwin – In the application it says slat color to be determined by school district, so they will work together on that. The applicant can address the fence.

John Willis – The condition of the approval for Coral Cliffs was that they would build a solid block wall unless a letter was received from the school district to request chain link.

Commissioner Larsen – Can you tell me why they chose this site in the middle of everything? It seems very obtrusive to those single-family homes in that neighborhood.

Genna Goodwin – The applicant can speak to the placement.

Commissioner Larsen – Is anything else out there 85 ft, the Boulevard building?

Discussion on tower heights continued and the height in relation to what is in the area continued.

Daniel Thurgood – I am with Insite wireless group. The reason we are looking for 85 ft. is because of the topography of the area. We have to get the lowest carrier up high enough to get the best service for all the carriers possible. Otherwise the bottom carrier won't show up, and you will get another request for another tower in this area. As far as the chain link fence, we originally asked for slats, the school is asking for chain link only, we are fine with that.

Chair Fisher – If another carrier comes to you are required to put them on? Is it mandatory?

Daniel Thurgood – We cannot force all the carriers to be on our tower, but you have the power to approve and deny, so you could tell them that they have to go to the open pole.

Commissioner Draper – So it is only one carrier now?

Daniel Thurgood – Yes, it will be Verizon Wireless and it will be 3G and 4G.

Commissioner Curtis – Have other locations been considered?

Daniel Thurgood – Yes, this is year 3 for this proposal.

Victoria Hales – Is any 5G proposed for this tower at this time?

Daniel Thurgood – At this time no 5G will be placed on this tower.

Commissioner Draper – In my travels of seeing these I would suggest the pole that looks like a tree.

Commissioner Larsen – Then it gets to be 90 ft.

Chair Fisher – I think they stand out much more when it is there by itself. I would caution the tree aspect instead of the pole. If there are no other similar trees out there it will stand out more than the pole. What are your thoughts on the height?

Commissioner Curtis – My comments are more on the site than the height or the technology. The industrial park makes more sense to me. I think most of the comments that I received were in nature to the location.

Commissioner Larsen – I agree with Vardell, right between the schools, it will stand right out.

Chair Fisher – I remember when we were talking about the heading north on Sunset towards The Ledges, they explained the significance of the overlap and the circles surrounding each pole and the voids that are created. I suspect that there is already a need in this area and if we move it, they will be back in a little while with more need. I think the residents will be affected.

Daniel Thurgood – Verizon Wireless have 3 towers within a mile of this location. The carriers are trying to infill locations within about half a mile so if you move the tower, you will not be meeting the needs of the carriers. We need to get into the middle of these residential areas. The reason why we chose the location in the middle of the property, if we were to go to the corner of the property, we would be in someone's back yard. There are no trees to try to block the ground equipment and blend in a little bit. The area we have proposed has the most trees and it is actually tucked down 15 ft lower than the ball fields to the west. Most of the tower is going to be surrounded by trees and other vertical objects. You will be able to see a little bit coming from that street view, but it will be very similar to the Coral Cliffs.

Commissioner Larsen – So it couldn't go to any of the commercial buildings in that area.

Daniel Thurgood – No it wouldn't be able to Verizon Wireless already has a tower at Smith's.

Chair Fisher – What about on top of the buildings?

Daniel Thurgood – We can't get that high on the top of the building, the school district doesn't want towers on top of their buildings. They don't want us to have to go into their building to access the tower and we want to stay away from the kids.

Discussion continued on placement of the towers, the towers that are already located in the area and the height of those towers.

Chair Fisher – What is the outcome we will see if this doesn't go in right here?

Daniel Thurgood – In a year or less the internet pages will load slower and you will drop calls. They are trying to prevent that. This map is Verizon's coverage. Green you are getting good service, yellow still pretty good. Grey you will be dropping out. What this tower will do is fix the grey area. If this doesn't go through here, you will see something come back next year.

Commissioner Andrus – You mentioned that it has taken 3 years to get this site in particular, can you go into that a little bit?

Daniel Thurgood – When a carrier is looking to fix a problem area, they are trying to think out as far as they can so there is never a problem with the service. We do our best to look at all the locations and in this particular case it has taken us 2 years to say there is nowhere else we can go to fix this problem.

Commissioner Brager – What is the coverage radius difference between a 65 ft and 85 ft tower?

Daniel Thurgood – It could go down to an eighth of a mile with topography and tall buildings in the way, it can be significant. The carrier on top would probably get all the coverage but the lower ones would not.

Chair Fisher – So you could get the same coverage, but you may see other providers asking for more than one tower.

Commissioner Nelson – To be honest I didn't even know that the tower was at Coral Cliffs until I drove out there to look for it. An 85-foot tower is going to stand out. Maybe more 65 ft towers make more sense.

Chair Fisher – Obviously, there is the issue, do we need coverage, and do we all consider that an important issue?

Discussion continued on whether or not a tower is needed in this area and what towers already exist in the area.

Chair Fisher – Again this is a CUP the standard is that we are to approve it if the detrimental effects can be mitigated. The first question is whether there is a need for it and the second is can the detrimental effects be mitigated or is there some detrimental effect that no amount of conditions can resolve it.

Commissioner Brager – Clearly most people today are relying on their cell phones for telephone service, even in their homes. The data demands are even greater every day, that is true. This isn't the first CUP that I didn't feel great about, at the same time we have precedence. We have a tower on another school site already. Using school land is not beyond question. I don't see it as a life safety issue. From the level of a CUP we don't have to love it but at the same time the ordinance says we basically have to approve it unless the effects can't be mitigated. I prefer the trees to the poles. I have a pole near my house. I'm not sure if we have reason enough to deny it. And I think 85 ft is needed because I would rather to see one tower than 3.

Commissioner Draper – I think one tower is better than 3. Nathan has convinced that the tree is not the way to go in this particular instance. The trees that I've seen have other trees around it. I think it's going to be fine.

Discussion on the technology and tower height.

Chair Fisher – I think the hard thing here is to put it in an established neighborhood. We will always be faced with that very thing. Unless they can get in there and put the towers up before the neighborhoods are built. Most likely we will be asked to put them in where the neighborhoods are established because that is where the need is.

Chair Brager – Is there a particular color that might make it less obtrusive.

Victoria Hales – The pantone colors that are approved by the City will be used.

Tierney Rowe – We will work with the City on whatever colors they would like.

Discussion continued on the placement of the tower, the technology and what the federal government regulates.

John Willis – This applicant is asking for this location. It is important to look at the location and the height. The staff report should guide the planning commission on what to consider and making a recommendation.

Daniel Thurgood – We did look at the park location and it is about 100 ft lower in elevation than this site. To get the service are to the north and the east it would need to be a 150 to 200 ft tower. The spot is just too low.

Commissioner Curtis – I am just struggling with the location; this is a tough spot for me.

Commissioner Nelson – I’m not a fan of it or its location.

Commissioner Brager – We are not permitted to consider the technology, but we are permitted to consider the facility on the ground. You have a chain link fence and they want a chain link fence, the reason they want a chain link fence is because they are worried about students getting inside it. Yet it is between two schools. So, you have twice the opportunity for children to get inside it. I think that poses a safety issue.

Chair Fisher – That was a major concern with Coral Cliffs and Sunrise. I think it has turned out better than anticipated. I think they are concerned that kids would jump the fence and smoke there. That isn’t a safety issue of the use. My concern is that we will be back here in the future and it won’t be any easier and the need will still be there. That is probably the reality. I think they are putting in poles when they need to get the coverage. I think we should look at the height, color scheme. If we did it shorter then I’m concerned they will come back for another pole.

Commissioner Curtis – I have no issue with the technology part of it, I have an issue with the location, and I will probably vote accordingly.

MOTION: Commissioner Draper made a motion to give a Conditional Use permit to construct the 85 ft tall unmanned telecommunications facility on Washington School District property located approximately 301 N 2200 E with fence that is approved by the City and the School, the pole to be painted as per any specifications of the City, with the clarification of a monopole.

SECOND: Commissioner Andrus

ROLL CALL VOTE:

AYES (3)

Chairman Nathan Fisher

Commissioner Emily Andrus

Commissioner Ray Draper

NAYS (4)

Commissioner Natalie Larsen

Commissioner David Brager

Commissioner Roger Nelson

Commissioner Vardell Curtis

Motion does not Carry

SECOND MOTION: Commissioner Brager made a motion that we recommend disapproval of this Conditional Use Permit based on findings that the height is not suitable for the area and the potential safety concerns with the location in the school yard.

SECOND: Commissioner Curits

Victoria Hales – Please provide findings on what detrimental effects cannot be mitigated

Commissioner Brager – The detrimental effect of the height for the coverage cannot be mitigated for that location to provide for the carriers, if they go any lower it won't work and in terms of the safety the school is requesting the open chain link fence which may invite students to still get in there, it's easier to climb a chain link fence than a wall, those things may not be easily mitigated.

AYES (4)

Commissioner Natalie Larsen

Commissioner David Brager

Commissioner Roger Nelson

Commissioner Vardell Curtis

NAYS (3)

Chairman Nathan Fisher

Commissioner Emily Andrus

Commissioner Ray Draper

Motion carries

Chair Fisher – We are going to take a 5-minute break.

4. **Minutes**

Consider approval of the minutes from the September 8, 2020 meeting.

MOTION: Commissioner Curtis made a motion to approve the minutes from the September 8, 2020 meeting.

SECOND: Commissioner Nelson

ROLL CALL VOTE:

AYES (7)

Chairman Nathan Fisher

Commissioner David Brager

Commissioner Emily Andrus

Commissioner Natalie Larsen

Commissioner Roger Nelson

Commissioner Ray Draper

Commissioner Vardell Curtis

NAYS (0)

Motion Carries recommend approval

5. **CITY COUNCIL ACTIONS – September 17, 2020**

The Community Development Director will report on the items heard at City Council from the September 17, 2020 meeting.

This meeting was cancelled.

6. **ADJOURN**

MOTION: Commissioner Larsen made a motion to adjourn at 7:56 pm.

SECOND: Commissioner Draper

ROLL CALL VOTE:

AYES (7)

Chairman Nathan Fisher

Commissioner David Brager

Commissioner Emily Andrus

Commissioner Natalie Larsen

Commissioner Roger Nelson

Commissioner Ray Draper

Commissioner Vardell Curtis

NAYS (0)

Motion Carries recommend approval