

**Perry City Planning Commission
3005 South 1200 West
7:00 PM November 5, 2015**

Members Present: Chairman Vicki Call, Vice Chairman Blake Ostler, Commissioner Toby Wright, Commissioner Tom Peterson, Commissioner Lawrence Gunderson, Commissioner Travis Coburn

Members Excused: Commissioner Devin Miles, and Commissioner Craig Pickett

Others Present: Greg Westfall, Perry City Administrator; Codey Illum, Perry City Planner; Susan Obray, Minutes Clerk; Lani Braithwaite, Brett Jones, Perry City Engineer; Nefi Garcia with Verizon

1. 7:00 p.m.- Call to Order and Opening Ceremonies

A. Invocation- Lawrence Gunderson

Invocation was given by Commissioner Gunderson

B. Pledge Allegiance to the U.S. Flag-Blake Ostler

The Pledge of Allegiance was led by Vice Chairman Ostler

C. Declare Conflicts of Interest, If any

There were no conflicts of interest.

D. Review and Adopt the Agenda

Chairman Call stated that it has been recommended that item 3A and 3B be switched in order.

MOTION: Commissioner Wright moved to switch item 3A and 3B to have the discussion on the Communications Tower before the Concept/Preliminary Approval for the City Center Subdivision.

Discussion:

Commissioner Ostler asked that a typo be corrected to say 2015 instead of 3015 on Item 5. He also asked about other meetings in November and December that will be assigned to attend before the Planning Commission meets again. Susan Obray stated that there is a meeting November 12th and December 3rd. Chairman Call stated that we will add to the agenda an assignment to attend City Council for December 3rd.

MOTION: Commissioner Wright moved to adopt the agenda and switch Items 3A and 3B, the date change on Item 5, and the assignment for December 3rd for City Council Meeting. Commissioner Gunderson seconded the motion. All in favor.

E. Approval of the September 10, 2015 Minutes

Commissioner Ostler stated that there were a couple of corrections to the minutes. He referred to page 2 Item 2B. It should say public comments instead of public hearing. He continued with page 3 line 34 and asked if in the motion it should say moved instead of stated. Susan Obray stated that she would make those corrections to the minutes.

MOTION: Commissioner Gunderson moved to approve the September 10th minutes as amended. Commissioner Ostler seconded the motion. Roll call vote.

Commissioner Gunderson yes	Commissioner Wright yes
Commissioner Coburn abstained	Chairman Call yes
Vice Chairman Ostler yes	Commissioner Peterson abstained

Motion Approved: 4 Yes 2 Abstained

F. Make Assignment for Representative to Attend City Council Meeting(s) November 12th and December 3rd

Commissioner Wright will attend the November 12th City Council meeting and Commissioner Coburn will attend the December 3rd City Council meeting.

G. City Council Report given by Council Member Lewis

Council Member Lewis was not in attendance at the Planning Commission Meeting. Mayor Cronin stated that this year we changed our City Council meetings to the first and third Thursday and Planning Commission on the second Thursday of the month. She said that at the next City Council meeting she will propose that City Council for 2016 be switched back to the second and fourth Thursday and Planning Commission will be held on the first Thursday of the month. She said they will know by next Friday after City Council meeting.

2. Approx. 7:05 pm Public Hearings(if Listed Below) and Public Comments

A. Public Comments

There were no public comments.

3. Land Use Application

A. Discussion Regarding Communication Tower

Greg Westfall, Perry City Administrator, stated that Perry City has been approached by a company that would like to put a communications tower within the Perry City limits. He said that the proposed place is the far south east corner of the public works yard. (A map was placed on the screen so everyone could see the proposed place and also the schematics of the tower). Mr. Westfall stated that a copy of the Telecommunications Ordinance was included in their packet.

Nefi Garcia stated he is attending in behalf of Verizon Wireless. He approached the Planning Commission, and said that he has installed a few towers along the Wasatch Front in his 9 years here. He said Verizon has a need. He stated that the sites are all the way down by the north end of Willard Bay and then in Brigham City by the gravel pit. Nefi said one of those towers is Verizon's. He commented as subdivisions come and growth increases there is a need for these but the main thing behind this is the capacity. Nefi stated everyone has smart phones and everything is data driven. He said his job is to find different properties and propose them to Verizon and then they decide which property they like and have him present it to the entities. He stated that it is a good rent check a month and Verizon is a good tenant to have. He explained that it is a 25 year lease; Verizon puts up all the costs for the development, and is a good benefit for the city. Nefi states that next week he will have the survey and actual site plan drawings ready for that location. Commissioner Gunderson asked how much property would be required or is it an easement they are asking for. Nefi stated that it is a lease and would require at least 1600 square feet. He said that they will come off 1200 west and enter into the gate so that they can have access to it 24/7. Codey Illum stated that they will access it through the public works yard. Commissioner Gunderson asked if the city had anything planned for the property or if there was any conflict. Greg Westfall stated that right now it is being used as a storage area for the Public Works Department. He reported that he talked to Greg Braegger, Public Works Director and there is a 3 inch water line that runs through the property and services the Centennial Park. Greg Westfall stated that the water line is about 3 feet from the fence line. Nefi stated if it is a recorded easement they will pick it up in their survey. Codey stated that it was not a recorded easement. Chairman Call asked what the adjoining properties are each zoned. Codey stated that the orchard property to the south is owned by Steven Pettingill and is zoned RE 1/2 acre. Chairman Call asked what the other surrounding property was zoned. Codey stated that it was also RE1/2. She said that it would be totally surrounded by the RE1/2

zone. Commissioner Gunderson asked how tall the tower was. Nefi said it will be 80 to 100 feet tall depending on if you want it to be designed for collocation. Commissioner Gunderson asked if it was just servicing Verizon. Nefi replied that it will be just Verizon. Commissioner Gunderson stated that when they bring their lines in where are they going to go and where do they have to connect to on the property. He said I am assuming all the lines are underground. Nefi replied that all they need is power single phase 200 amps and fiber. Codey stated that fiber is down on 3000 South. Commissioner Peterson stated that we have existing towers in the city now and asked if there was a conflict in putting towers close together. He said he does not like the towers being close to the residential areas. Chairman Call stated that our Wireless Telecommunications Ordinance very specifically says that the applicant for an antenna and/or tower shall provide to the Community Development Director an inventory of existing towers, antennae, or sites approved for towers or antennae, that are either within the jurisdiction of Perry City or within one mile of the border thereof. She said that further in the ordinance it gives instructions that say that we need to have a list of all of them in the city, are they capable of using existing towers and are they compatible. Chairman Call stated that we would need to see that coming forward so we can make these decisions. Nefi stated that there is a tower just before the tracks which is AT&T and it is the anchor tenant on it. He said at one time he talked to the property owner on a lease and it would need ground space and, 50 feet is what is available for height and that was a challenge. Commissioner Gunderson asked if they made the tower compatible with other carriers and what that would involve. Nefi stated that we are going to lease what we need and if other tenants come behind us they will need ground space from Perry.

Chairman Call asked if we couldn't take advantage of existing towers that can be used for multiple purposes. She said that the Planning Commission is struggling with having towers in multiple places because everyone wants their own single tower. Chairman Call explained that the applicants are required to come forward and say that the City has existing towers in these places and why or why not I can use anyone of these. She said as a Planning Commission we need to start thinking and talking about if we want towers everywhere throughout our community or should it be talked about having them in certain zones that would accommodate Telecommunications Towers and be in accordance with our Master Plan, instead of taking each one of these one at a time and sticking them anywhere. Nefi stated that the certain area that Verizon is looking for the only one is down by the railroad tracks. Codey stated that he has already done two permits for upgrades since he has been

here. Codey stated that tower is not tall enough to facilitate what they are asking for. Nefi stated that in his searches that is the only tower to where he needs to be. Chairman Call asked what drives where they need to be. Nefi said that the engineers know how each site has to mesh with each other they all have to mesh and blend together. He said you want to space them out so that you can off load all the neighborhoods where the subdivisions are. Commissioner Peterson stated that it would be a great idea to come up with a designated zoned to put these towers in. Commissioner Gunderson asked how much the rent is on a tower like this. Nefi stated that the rent ranges from \$800.00 to \$1,000 a month.

Mayor Cronin stated that about a year ago is when they first contacted her and they suggested several sites throughout the city to try to get them more into the areas that are less inhabited. She said they have done their studies and they say this is the site that they say will work for them. Mayor Cronin said she especially wanted them to look at the west side of I-15. She said this is not the first communication company that has asked and they know in a very narrow area where they need to boost their signals. Chairman Call stated that they would know what their optimal location would be and there may be alternatives. Lani Braithwaite stated that she lives on the south side of Perry and Perry is very hilly and kind of around the corner. If he puts it in a certain spot our area won't get it. She said if you put the tower over by us the north end of the city won't get it. She commented that they really do look at where they can optimize their reception. Commissioner Gunderson stated that his reason with his question with other carriers is if we go with something like that we don't want ten towers. He said whatever we have to do to make other carriers use that single tower.

Mayor Cronin stated they can put their tower up and if another carrier wants to come in and be on the tower then that other carrier leases the ground from Perry. Nefi stated that they can design a tower for future carriers. That way the construction people can then design it for wind loading and the foundation can properly hold it.

Greg Westfall stated that the City would have the ability to put equipment that they might need on the tower. Nefi stated that Perry City does not own the tower. They are just leasing the ground. Commissioner Wright asked what it was going to look like. Nefi stated that it will look like a utility pole. He said it will be a single pole and a single foundation. Nefi explained if public safety wants to put something on it, it would be rent free. Codey stated that there would be a site plan that has to be approved and a building permit that would

be required. Codey stated they have to go through the same process as a site plan applicant. Codey stated when someone else comes in and wants to rent space on it we would have to do another site plan for that area. He said not the cell tower itself just adding square feet to the bottom. Codey stated the next time Nefi comes in he will be able to tell us what the cell tower will look like. Chairman Call asked Nefi what the adverse effects would be with their tower. Nefi stated that when he goes in front of Planning and Zoning hearings all he hears from residents is that it will hurt their property value and it will hurt their views. Chairman Call asked if it would admit electrical fields, those kinds of things. Nefi stated that it transmits energy which limit is controlled by the FCC. He said the FCC says you can't go over a certain amount and if you do you can lose your license. He said Verizon is not going to lose their license. They have too much invested. Chairman Call stated that this area is a residential zoned area, and is totally surrounded by residential. She said we need to consider the neighbor and the neighborhood. Commissioner Peterson stated that there are potential houses everywhere around. Chairman Call stated that those are her two biggest concerns. She said that our ordinance addresses the availability of suitable existing towers. The ordinance states that no new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna.

Chairman Call stated that she does want to hear what is existing out there, why it won't accommodate what they are proposing, why another location, although not the optimum location for what you want to do, and why another one that is outside of our residential areas wouldn't work. Nefi said when they get to that point he can bring the Radio Frequency Engineer. He has been very helpful at hearings in explaining the reasons behind some of these questions. Commissioner Peterson stated that this is Verizon and so we are talking cell phone communication, and the advantage to the city would be to those Verizon customers in our area. Codey Illum felt that one of the good things at this point is that there are not a lot of residential homes in place. He said it is easier to go through this way then putting one in the middle of an existing subdivision. Chairman Call stated that the Planning Commission wouldn't do it. Chairman Call explained that people have expectations of what they want to do with their land and we have zoned it that way. Commissioner Peterson stated that we have to act like there are houses there now. Chairman Call stated one thing she hears from the community very often is why can we not put towers clear out on the west side of I-15.

Nefi stated that they want to put it where the populous is. He said Perry is more on the west side than on the east side. Nefi stated that people expect their cell phones to work in their homes like their old land line did. Greg Westfall stated that this is market driven if you move somewhere else where it cost 3 to 4 times as much to build maybe now is not a viable project to do. He said the city has to decide if it is a needed service to the residents for enjoyment of life. Commissioner Coburn asked if it could be put in a different spot right behind the city office building. He said between the parking lot at the park and the city office. Codey stated that there is a drop off and we use some of it for parking. He said that utilizing the proposed spot out in the public works lot would be the best place. Commissioner Peterson stated that something we need to consider is that some day we need to build a new city hall. Commissioner Gunderson asked what was on the other side of the building. Codey stated that it is just storage. Chairman Call stated that some day we will build a future more permanent city building structure.

Mayor Cronin stated at one time when we talked about putting in a City Office Building it was going to be over at the Perry Park where the old Elementary School was. Chairman Call stated the last time we had a tower proposal they did a study and came up with an area up above Maple Hills Subdivision that would be a really good location. She asked if that area was proposed to them. Mayor Cronin stated that particular company also wanted to put a tower here behind the city offices and then the Maple Hills site would have been their secondary site (booster site). She said Verizon needs this particular area to boost the signals to the south to get it past that corner. Commissioner Peterson stated that this tower will also service Brigham City. Chairman Call stated that his next step would be to come to the Planning Commission with a concept. She said we have given you some questions that we would have to have answered. Codey stated that at some point it will require a public hearing.

Commissioner Gunderson asked if there was anything that Verizon does to appease the neighbors. He said like if there is a big landowner that complains that he will be losing money. Codey Iillum stated that it is the same thing that happened with Rocky Mountain Power when they put the power lines up. He said they provide power and they need power where the people are. Commissioner Peterson stated power is a necessary thing. Codey stated that for this generation the phone is a necessary thing. Chairman Call stated that with Rocky Mountain Power we did not have a choice, this Communications tower we do. Commissioner Ostler stated does this consider a one year plan

or would it include a forward future looking plan that would say putting this tower here would provide for “X” amount of years based on the population or the phone growth. He said if it is set up as collocation would that work with the other carrier’s network. Nefi stated he does not know how the other carrier’s network works. Commissioner Ostler stated that he would not want him to incur a cost to do a collocation. Nefi stated that the cost is minimal. Commissioner Ostler stated that the article he read stated that it is recommended that the towers be done on a county or a regional level as well, or at least have some coordination.

B. Concept/Preliminary Approval Regarding City Center Subdivision

Greg Westfall stated that this subdivision is located across the street from the Three Mile Creek Elementary School and just west of the Perry Park. He said what exists there currently is also in your packet is a current subdivision recorded at the county. Greg stated what it shows is a road running east to west through the property connecting Linda Way and 900 West. He said that the lots are very small lots. They are ¼ acre or less. Mr. Westfall stated that we have had this property for sale for a while with the idea someone would come in and buy it. He said when he started at the city he looked at the numbers and what the city had vested into the property to purchase it and other costs. Greg explained that he had the City Engineer put together some number to put the road in and we would have lost a significant amount of money on the property, which also means it is not a viable business plan for a private individual or a developer to purchase. Greg stated that we were looking at other options because Perry City does not want to be in the development business. He said there is a proposed map in their packet. Greg stated that lot #7 has a current house that fronts 900 west. **He said we have a landowner and in order to get the City Center recorded subdivision, we had to swap land. This landowner actually owns a couple of lots in the subdivision and to make this work the City would need to accommodate his property.** Greg stated the lot that the landowner would be taking would be lot #6. Greg said that we would propose that two lots would use the frontage on 900 west and would be deep lots and four lots that would use the frontage on Linda Way. Chairman Call asked if lot 6 was an “L” shaped lot. Greg stated that the landowner who owns lot #6 would like to purchase the adjacent stem portion from the city. Greg said if the landowner does not purchase the land then they will add it to lot #4.

Commissioner Coburn stated that right now there is an access on Linda Way to where that road was going to go through. Does the proposal clean up the access. Greg stated that they would take the access out and extend the curb

and gutter. Commissioner Gunderson stated by doing this we are not putting in as many roads and less infrastructure with fewer lots. Chairman Call asked why the city is doing this and not just selling the whole piece of land to a developer. Commissioner Coburn asked if the infrastructure was there. Greg Westfall stated that it is close and would just have to stub the laterals. Commissioner Gunderson asked if there are any future needs that the city has. Greg stated that the city is paying property taxes on the lots. Brett Jones with Jones & Associates stated that there are sewer hook ups for the lots facing 900 West and the lots facing Linda Way. He said the lots facing 900 West the grade is off and one option they will have is to look at is either having their house closer to the road or to put in a pump. He said sewer and water exist on both. Brett stated one of the concerns was the storm drain but when the city did the new project on 900 west they built a new storm drain system with it. He said that the road grades all the way from 2700 South up and connects to that system, so the storm drain has been addressed now. Commissioner Coburn asked if they were going to be sold as improved lots. Brett stated that it will be up to the city. They are putting together a cost estimate to see how much it would be to have them as improved lots.

Chairman Call asked what the current zone was. Brett stated that it is R1. Brett stated that in the old plan shows that some of the lots are 7,000-8,000 square feet. Brett said that the current subdivision that is on the record does not meet the current zoning. Commissioner Coburn asked if this project would generate any revenue. Mayor Cronin stated that it may a little bit. Codey stated that it depends on how much the lots sell for. Commissioner Ostler asked why a tax exempt entity was being charged property taxes. Greg stated that they went to the County on this and the only way that it is not taxable is if we are using it. Mayor Cronin stated that from a City standpoint it is more of a liability and they are trying to do what they can to make it so that we are out of the development business. Mayor Cronin stated the city is the applicant coming to you and asking does this concept work within the city ordinances. She said the city has already had those discussions. She stated the city needs to be treated like the other applicants that come before the planning commission. Brett stated that on the current recorded subdivision plan Clint Nelson owns 82.7% of lot 6 and he would like to build a home on it. Mayor Cronin stated that when the City came up with this concept originally the landowner was going to build his house and had no access to his land. She said the city couldn't sell the land and no one wants to come in and develop it. Mayor Cronin explained that Greg has run the numbers and it doesn't break even if the road is put in. Brett explained that Mr. Nelson built a home on lot

7 and sold the home and retained the remaining parcel to the south, which is why it is laid out the way it is.

Commissioner Ostler asked what was on the north and south of the property. Greg stated that to the south is an agricultural area. It has some buildings, a field and residential lots. Brett stated that it is all zoned R1. Commissioner Ostler stated in regards to the east west master planning with respect to the roads, it has been determined that 2550 south street that was proposed is actually worse. Brett stated one problem we have currently is that 2540 south exists but you can't see it. He said that there is a weird offset intersection. Brett said if this road were to be developed his recommendation would be to move the 2550 street which has utility infrastructure gets moved to align. Commissioner Ostler stated that the 2550 South Street would run right into the elementary school. Brett stated that the only value that 2550 street had would be used to get to the school.

MOTION: Commissioner Coburn moved to approve the concept/preliminary for City Center Subdivision. Commissioner Gunderson seconded the motion. Roll call vote.

Commissioner Coburn yes
Commissioner Ostler yes
Commissioner Peterson yes

Commissioner Gunderson yes
Chairman Call yes
Commissioner Wright yes

Motion Approved: 6 Yes 0 No

4. Land Use Ordinance, Zoning, Design Guidelines, General Plan, Etc.
A. None

5. Training

A. Overview of the David Church Training at Brigham City held on October 22, 2015

Greg Westfall and Commissioner Toby Wright attended training in Brigham City with David Church. Greg stated that David Church came to Brigham City and gave training on how Planning Commissions are set up and why they are set up that way. He said they talked about the difference between a legislative decision and an administrative decision and then he left it open for a question and answer period. Toby stated that the Planning Commissioner can only make a recommendation to the City Council they cannot approve anything. He said the key thing as Planning Commission member is that they need to

remember the difference between legislative and administrative. He said you need to separate them. Greg Westfall stated that an example is what was approved tonight regarding the concept/preliminary approval for the subdivision. This was a legislative decision and an administrative decision would be to approve the building permit. Toby stated one thing that the planning commission cannot do is change zoning for state and federal property. Greg stated that another thing that David Church talked about was school districts and that they will typically do what they want to do. Commissioner Gunderson stated when someone brings a subdivision before us he said we already have our ordinances in place and we cannot deny them if they are following our ordinance. Codey stated the only way you have choice on that is on the interpretation of a vague ordinance that allows you some leeway. You still have to fall within the parameters of what it legally states. Toby stated another topic Mr. Church talked about was Conditional Use Permits. He said we have to be careful on how we recommend those. Greg stated that Mr. Church said don't use a conditional use because you don't know what else to do. He said that Mr. Church said that we should really try not to use conditional use permits. Commissioner Coburn stated that our main goal is to eliminate the conditional use permit out of our ordinance.

6. Review Next Agenda and Adjourn

Chairman Call asked about the status on the Single Family Dwelling. Codey stated that we have sat down as staff and are in the process of getting a list to them. He said we have gone through a couple of sections of the code, and continue to work on it. Greg Westfall stated that it will probably be the first of the year. Chairman Call asked Commissioner Ostler about the Land Preservation Ordinance that he was working on and if it was ready to put back on the agenda. Commissioner Ostler stated that it was not ready. Chairman Call stated in respect to the Large Animal Ordinance the Planning Commission made it clear that they did not want to allow large animals in the residential zones. She said we did want to allow for them in rural residential. Chairman Call stated that they sent it to the council and there was discussion there. She said one of the things that we recognized is the grandfathering. She said she and Greg Westfall have been working on this. She said they went out and did a survey and found that there are at least a dozen people or properties that are zoned residential and have animals on them and they do not have conditional use permits. She said this is something we need to think about and how we are going to implement what the Planning Commission desired as far as the disallowance of large animals in residential zones and deal with these that already exist. Chairman

Call stated that she and Greg have been working on something that they can bring back to the Planning Commission.

Commissioner Ostler asked if the single family dwelling discussion was critical to be on the next agenda. He asked if we are ok to wait until January. Codey stated that there is a motion in place to change the ordinance and we are discussing it and so they can fall to those parameters.

A. Review Agenda Items for Thursday, December 10, 2015

- (1)** Potential Application
- (2)** Large Animal

B. Motion to Adjourn

MOTION: Commissioner Peterson moved to adjourn. Commissioner Coburn seconded the motion. All in favor.