

**ALPINE CITY PLANNING COMMISSION MEETING at
Alpine City Hall, 20 North Main, Alpine, Utah
April 3, 2012**

I. GENERAL BUSINESS

A. Welcome and Roll Call: The meeting was called to order at 7:05 pm by Chairman Jannicke Brewer. The following commission members were present and constituted a quorum:

Chairman: Jannicke Brewer

Commission Members: Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Tami Hamilton, Steve Swanson.

Commission Members Not Present: Todd Barney

Staff: April Naidu, Marla Fox

Others: Abby Newell, Natalie Stapp, Danielle Hogan, Gage Black, Riley Sorensen, Terry Pearce, Breezy Anson, Riley Cloward, Leslie Clark, Jerry Robertson, Will Jones, Steve Crain, Natalie Pliler, Elle Covey, Bob Schirmer, Nina Marcello, Monroe Dauwalder, Danielle Jones, Kent Tasso, Stephanie Tasso.

B. Prayer/Opening Comments: Jannicke Brewer

II. PUBLIC HEARING:

A. Hunters Ridge Circle Subdivision Zone Change:

Jannicke Brewer explained that when the City Council reviewed the land use map the Planning Commission had recommended, they noticed that the Hunters Ridge Circle Subdivision was zoned Business Commercial. The City Council directed staff and the Planning Commission to begin the process of a zone change to change the zoning for this subdivision from Business Commercial to TR-10,000 (1/4 acre). The City Council thought it would be better to have it zoned residential since that was the current use. The subdivision has 14 lots and all but 2 have been built on. Mrs. Brewer indicated that the property had been zoned Business Commercial during the subdivision process because the landowner at the time thought he would have an easier time selling it if it were commercial property. Mrs. Brewer added that she had received a letter from the owner of lot 8 stating they were in favor of the zone change.

Breezy Anson said he just sold 50 E. Hunters Ridge and owns one of the vacant lots in Hunters Ridge Circle. He said when he looked at the setbacks for his property he noticed it was in the Business Commercial zone and thought it was a mistake. He said he talked to Will Jones about it and that Mr. Jones said it was not a mistake. Mr. Anson said he was concerned because there is a chance that someone could use any of those lots for commercial purposes. Mr. Anson said he talked to others who live in the neighborhood and they want to preserve what is going to be best for them. The Planning Commission reminded him that Alpine residents are allowed to have a home occupation in their home. Mr. Anson clarified his concern that he understands people are allowed to have home occupations, but pointed out that home occupations are different than commercial business because they only use a small portion of the home. He was concerned about the entire building being used for a business and the backyard being taken out to pour concrete for parking. Mr. Anson said he and his neighbors would like to preserve the nice neighborhood that it is currently.

Terry Pearce, who owns Edizone on 200 North in the building where Kenkraft used to be located, said he was in favor of the zone change and did not have an issue with this. He did want to be on the record that he did not want the zone change to impact his ability to remodel a building, add on to his building or anything else that is normally done in a commercial zone. He added that he did not want people to move in and start complaining about his business.

Jannicke Brewer asked Mr. Anson where the two vacant lots were located in the subdivision. Mr. Anson said the second lot on the right as you turn in and one in the back corner that backs up to the public works facility. Mr. Pearce said he has cooperated with contractors building homes in the subdivision.

Mr. Pearce said he did not want to have problems with setbacks because of the zone change. Jannicke Brewer explained that his building is an existing building so his setbacks would not be affected. A new commercial structure would have to comply with the current setbacks. Mr. Pearce said currently his building is about one foot from the property line. Mrs. Brewer read from the ordinance that the setback requirement is 20 feet on the side and rear from the property line whether it is adjacent to a commercial or residential property, but the Planning Commission could recommend a smaller setback and City Council could approve that.

Tami Hamilton said she did not think that the zone change would affect Mr. Pearce, but stated if he built a new building or added on then he would have to meet the current setback requirements.

Jannicke Brewer closed the public hearing.

III. PUBLIC COMMENT: None.

IV. ACTION ITEMS

A. Conditional Use Permits for Home Occupations:

Monitoring Management Partners – Carolyn Baumgartner – 825 W. 600 N.
Intra-Operative Monitoring Associates – Carolyn Baumgartner – 825 W. 600 N.

Jannicke Brewer asked how much square footage would be used by each home occupation. April Naidu said Mrs. Baumgartner emailed her that the office space was no more than 100 square feet. Jannicke Brewer suggested that each home occupation be allotted 50 square feet.

MOTION: Tami Hamilton moved that the Planning Commission grant conditional use permits for home occupations for Monitoring Management Partners and Intra-Operative Monitoring Associates. Steve Cosper seconded. Ayes: 6. Nays: 0. Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Tami Hamilton, and Steve Swanson voted aye. Motion passed unanimously.

B. Hunters Ridge Circle Subdivision:

Jannicke Brewer asked April Naidu if Terry Pearce wanted to remodel his business what would happen to the setbacks as Mr. Pearce's building is currently about one foot from the property line. April Naidu explained that the zoning ordinance has a section on non-conforming uses and structures. An addition to a non-conforming building would have to meet the setback requirements which are currently 20 feet. Jannicke Brewer clarified that whether Mr. Pearce tore down the building or added on to it, he would have to meet the setbacks. Bryce Higbee added that whether the Hunters Ridge Circle Subdivision was zoned commercial or residential that the requirement for Mr. Pearce would not change.

Jason Thelin asked if there was anything in the ordinance that is different whether Mr. Pearce's building was adjacent to commercial versus residential property, including height. Bryce Higbee asked if there were notice requirements. April Naidu explained that the current ordinance does not require any notice be sent on site plans; however, staff has discussed possibly having in the ordinance a requirement that we would send notice on any non single-family residential site plan.

April Naidu said the height restriction is the same whether the adjacent property is commercial or residential. Jason Thelin reminded the Planning Commission that they considered a taller height for the proposed Alpine Arts Theater.

April Naidu read Section 3.21.8 from the zoning ordinance that allows the Planning Commission to grant a conditional use permit for a taller height subject to the findings listed in that section.

Jannicke Brewer read from the Business Commercial Zone section of the zoning ordinance that states that all buildings have to have a 20 foot setback in the back whether they are adjacent to commercial or residential zones unless recommended by the Planning Commission and approved by the City Council. Jannicke Brewer added that she was not aware of any way to put stipulations or requirements on a zone change.

Steve Cospers asked what the history was when the City approved this subdivision and zoned the property commercial. Jannicke Brewer explained that the owners thought if the property was zoned commercial, because it was adjacent to the City shops and other commercial property, they could get more money for it. The City went along and zoned it commercial. The property was sold probably several times after that and finally developed as a residential subdivision.

Steve Cospers asked why this issue was not addressed at the time the subdivision was approved. Tami Hamilton pointed out that you can put residential homes in the Business Commercial zone. Jannicke Brewer said she could not recall that the issue was ever brought up when the subdivision was approved and indicated there is a fence all the way around where it is adjacent to commercial property. Jannicke Brewer added that there have been no complaints that she is aware of and that those that moved into the subdivision did so knowing there were businesses nearby.

Jason Thelin said there are homes along Grove Drive, 200 North and other parts of the Business Commercial Zone it has never been a problem for them and clarified with Breezy Anson that his concern is there are 2 vacant lots in the subdivision left which someone could use and put in a lot of concrete and restaurant or some other commercial business. Breezy Anson said the zoning issue should have been addressed when the subdivision was developed and this problem would not have come up. Mr. Anson added that no one who bought in the subdivision were aware it was in the Business Commercial zone until the issue came up recently. Jason Thelin asked if it would make sense for the City to look at the properties on Grove Drive, 200 North, and other areas and zone them residential. Mr. Thelin questioned if the Business Commercial Zone should be reduced to only the properties that are currently used for commercial business and zone properties that are used residentially as residential.

Steve Cospers said that the odds of the last two properties going commercial were pretty low and wondered why this was suddenly a big issue. Jannicke Brewer explained that when the City Council reviewed the land use map that Planning Commission recently recommended, they noticed this subdivision was zoned Business Commercial and thought it made more sense to have it zoned residential since that is the current use of the property. Jason Thelin asked again if it made sense to pare back on the Business Commercial Zone. Tami Hamilton said there are old homes on Main Street that have been converted to businesses. Bryce Higbee mentioned that on 100 West there was only one business and the other properties are all residential, but are in the Business Commercial zone.

Bryce Higbee said that the issue had come up about expanding the Business Commercial area, but the City Council shot down the idea. Mr. Higbee reminded the Planning Commission that the zones have been planned not only for today, but for future land use as well and suggested that if the City is going to rezone this property that the entire Business Commercial Zone should be looked at.

Jannicke Brewer said when the City Council saw this they were surprised it was zoned Business Commercial because the feeling was it was residential and had been residential for years. Steve Swanson asked what would be brought before the Council if the zone change was not done and questioned if the City was leaving the door open to bigger problems if the zone change was not done.

Terry Pearce explained that he has been through the site plan process for a commercial business which addresses parking, setbacks, landscaping, etc. Mr. Pearce suggested that it would be very difficult to convert any of these homes into a commercial business because of the requirements that have to be met. Mr. Pearce added that by not granting any variances or exceptions the City could have greater control on what happens.

Will Jones pointed out that there are commercial uses that would require minimal parking like a daycare that the traffic was mainly drop off and pick up. Mr. Jones said we have a list of permitted and conditional uses in the zone that if the ordinance was met we could not say no. Mr. Jones said he thinks that zoning it residential would make it simpler, but thought that the rest of the Business Commercial Zone may need to be looked at. Steve Swanson asked if someone could have a garage full of inventory and trucks coming and going throughout the day. Jason Thelin said if it was a commercial business they would still have to meet setback and parking requirements.

Tami Hamilton said it seemed that both sides are talking about very small chances of something happening and that it made sense to zone a residential cul-de-sac as residential and commercial businesses in the Business Commercial Zone will still have to abide by its requirements. Mrs. Hamilton said she could not see any negative impacts in rezoning the property.

Steve Swanson asked if the objection to rezoning the property residential was because the City would have to do this in other areas of the Business Commercial Zone. Jason Thelin explained that the residents in this neighborhood are in support not because it is a cul-de-sac, but because it is a neighborhood of lots that are intended to be residential and not commercial. Mr. Thelin said he could see the same thing in a number of other places.

Bryce Higbee asked to look at the map on the overhead projector to clarify the zone boundaries. April Naidu showed the map and explained where the zone boundary was between the Business Commercial and TR-10,000 zones.

Jannicke Brewer explained that any recommendation the Planning Commission makes, whether for or against, is just that, a recommendation and it will go to City Council.

MOTION: Tami Hamilton moved that the Planning Commission recommend approval to the City Council for the Hunters Ridge Circle Subdivision zone change from Business Commercial to TR-10,000 (1/4 acre). Steve Swanson seconded. Ayes: 4. Nays: 2. Bryce Higbee, Jannicke Brewer, Tami Hamilton, and Steve Swanson voted aye. Steve Cosper and Jason Thelin voted nay. Motion passed.

C. The Park at South Pointe Plat K – Minor Subdivision:

Jannicke Brewer showed the Planning Commission on a map where this proposed plat was located in the Park at South Pointe subdivision. April Naidu said the proposed subdivision was on Cascade Avenue and was in the CR-20,000 zone and that all the lots met the zoning ordinance. April Naidu indicated that the property shown as Parcel A on the plat is property the owner is proposing to donate voluntarily as open space to the City and that this open space would be adjacent to existing City open space. Mrs. Naidu added that staff had been made aware that there was a rumor that the City was attempting to gain the open space in order to put up cell towers which is not true. Mrs. Naidu explained that it was staff's understanding that the owner has some conditions for the donation of the open space including that no cell towers would be built on the property. Mrs. Naidu said that all of the improvements were already installed.

Steve Cosper asked if the proposed open space would be a park or just open space. Jannicke Brewer explained that when The Park at South Pointe was originally developed, which eventually led to the PRD ordinance, the property was zoned one acre and told the developer if he donated open space he could go to half acre lots. Jannicke Brewer added that her understanding was that if this parcel was not donated as open space the slope caused problems for the lots.

Will Jones, representing the property owner, said that when The Park at South Pointe was developed back in the 1980's the owner of this specific property did not want to develop at that time and go through the process of keeping their final plat approved. At that time though, they did the layout for the property and stubbed the utilities accordingly. Mr. Jones explained that the owner has three conditions for the donation of Parcel A: (1) that they get a tax donation for it; (2) that no cell towers are to be located anywhere on Parcel A; and (3) that the City give a temporary easement to those with the cell towers to allow them to put in additional landscaping to help screen the existing cell towers.

Jannicke Brewer asked about the derelict parcel. Will Jones said he owns it and is in the process of deeding it to the owner. Jannicke Brewer stated that the city engineer's review letter mentioned that the Fire Chief would need to decide if the existing fire hydrant across the street from the proposed lots was sufficient. April Naidu suggested that the Planning Commission add that as a condition of approval.

Jason Thelin asked how the City handled it before and if it was common for property owners to give conditions for donating property as open space. Will Jones said it does happen and many times it happens through conservation easements. Jason Thelin asked about the request to have an easement on the property to the cell towers. Will Jones clarified that they are asking for a temporary easement to allow the adjacent owner to access the area to install the landscaping to help screen the existing cell towers and once it was installed the easement would terminate. Mr. Thelin asked where the landscaping would be. Mr. Jones showed on the map the landscaping would be along the property line. Mr. Jones added that the intent of this condition is not to provide an access road to the cell towers.

Stephanie Tasso asked how people get in to service the cell towers. Will Jones said they come up the dirt road that is already there. Mr. Jones said the City is not obligated to provide access and explained he has already done a title search and there are no easements on Parcel A. Jannicke Brewer clarified that the cell towers can be serviced from other properties and that this easement would only be temporary to allow the landscaping.

Stephanie Tasso asked what the lot sizes would be. Jannicke Brewer said these lots are the same size as the majority of the other lots in the same subdivision and they conform to the minimum lot size in that zone. Mrs. Tasso asked what the setback requirements were and what size homes would be built. Mrs. Brewer said in this zone the setback requirements are 30 feet in the front, 30 feet in the back, and 30 feet minimum total on the sides with no less than 12 feet on a side. Steve Swanson said the frontage appeared to be the same for all the lots, but some lots were deeper than others and may be larger. Will Jones added that the owner will have CC&R's that are the same as those that govern the rest of The Park at South Pointe, including minimum house size.

Steve Crain thanked Will Jones for the donation and expressed a desire to see pines all along the property line of Parcel A. Mr. Crain also thanked staff, Will Jones, and Mel Clement for their help on working on the Telecommunications Ordinance which is coming up later on the agenda.

Bob Schirmer, who lives across the street from the proposed lots, asked if the Planning Commission could include a condition on the landscaping on Parcel A that would include when it would be done. Mr. Schirmer explained there was a detention basin down the street from him that has not been maintained. Jannicke Brewer said they cannot require it, but could recommend it to City Council. Mrs. Brewer explained that when The Park at South Pointe was developed the City typically did not landscape the detention ponds like they do now.

MOTION: Jason Thelin moved that the Planning Commission grant concept and preliminary approval and recommend final approval to the City Council for The Park at South Pointe Plat K subject to the following conditions:

1. The City accept the donation of Parcel A, the 42,628 square foot parcel, as public open space with the conditions that there be no cell towers on it; that there initially be access to create a landscape screen against the south property line; and limit the access to the cell towers through the public open space after the screen is completed.
2. The City's water policy be met.
3. The issue of the derelict parcel on lot 3 be resolved.
4. The Fire Chief approves the fire hydrant locations.

Tami Hamilton seconded. Ayes: 6. Nays: 0. Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Tami Hamilton, and Steve Swanson voted aye. Motion passed unanimously.

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D. Telecommunications Ordinance.

April Naidu explained that Utah State law allows a city 180 days to amend an ordinance once a city formally initiates proceedings to do so. We started formal proceedings on the Telecommunications Ordinance in January which means the 180 days would expire in June. The City Council expressed optimism that the City could amend the ordinance within that timeframe. Mrs. Naidu said that there was some question as to whether the City Council should impose a moratorium on cell towers while the City worked on the ordinance. The City Attorney clarified that a moratorium is really called a temporary zoning regulation and there are really only two instances when they would be justified. One is if you have something that is unregulated, which would not apply in our case. The other would be if there is a compelling or countervailing public interest. Either way a moratorium can be hard to justify. April Naidu said she has tried to narrow down some of the issues that have come up in discussion and brainstormed some options to help a discussion move forward and help craft some draft language in order to hold a hearing.

Jannicke Brewer started with notification to residents. Mrs. Brewer said she thought it was a good idea to include this in the ordinance and suggested the Planning Commission look at the notification requirements for subdivisions. On major subdivisions, the City currently sends notification to property owners within 500 feet of the boundaries of the proposed subdivision. Mrs. Brewer noted that a sign is also required to be posted on major subdivisions on the property. Mrs. Brewer suggested we can use the same principle on cell towers. Bryce Higbee asked if 500 feet was enough. Steve Crain, a resident, said he is currently working on a few sites in other cities and one of the sites is at Glenmoore Golf Course in South Jordan and the ordinance required 500 feet, but as a courtesy he was asked to extend that to 1,000 feet.

April Naidu asked for clarification on the sign because in some instances a sign on the property where a cell tower is to be located may not be visible to anyone. Jason Thelin said he thought there would still be value in having a sign because someone may see it and would pass the word along and suggested that we could include language in the ordinance that the sign could be on the nearest street. April Naidu explained that with subdivisions the sign goes on the property proposed for subdivision. With the cell towers, if the sign had to be located somewhere else it involves another property owner. Jannicke Brewer said if the application came in time the notice could be advertised in the City's Newslines as well. April Naidu suggested that this be done as a courtesy, but not a requirement to be in the Newslines.

Jannicke Brewer said she wanted to talk about distance between towers next. Provo City's ordinance outlines how close a tower can be to a residential lot and how close a tower can be to another tower. Mrs. Brewer read from the Provo City ordinance that a monopole cannot be closer to a residential lot than two times the height of the tower. It also cannot be within one-half mile radius to another tower. Mrs. Brewer added that there is proposed language in the ordinance that would allow an applicant to request a different location if needed, but would have to show why it cannot be done in an approved location. Steve Cosper asked if this had been in the ordinance years ago would there have only been one tower on Shepherd's Hill. Mr. Cosper also asked if this distance requirement would put a limit on having these services in the City.

Jannicke Brewer stated in the current ordinance there are three locations: City property near Rodeo Grounds, other owned City property, and Shepherd's Hill. Mrs. Brewer explained that something that came up in the appeal is that there is no procedure or criteria in the current ordinance that explains how the City would decide priority of location. Mrs. Brewer asked the Planning Commission its thoughts on only allowing future towers on City property. Tami Hamilton questioned if that was legal. Bryce Higbee said he did not think it was a problem.

Steve Cosper questioned if a school wanted to put something up that you could not see that would give them income and would serve the City, why would we restrict that. Steve Swanson agreed. Jannicke Brewer said when the ordinance was written it said City properties so the City would get the income. Jason Thelin said he thought the same thing about the baseball parks where you could put up light standards and put antennas on them and asked if a private individual had plenty of property and did the same thing would it be a problem for them to put a tower up. Steve Cosper said if it was really stealthy and well hidden maybe it would not be a problem, but if it was going to be

an eyesore then it probably would not work. Mr. Cospers said he has been involved over the years in the engineering of cell towers and stated it is amazing where towers can be placed and you would not see them.

Steve Swanson asked how other cities handle this. Jannicke Brewer said that Provo City's ordinance allows roof mounted antennas on flat roofs. Mrs. Brewer said the only flat roof she could think of that is City property is the City shops. Mrs. Brewer said they could be on gabled roofs, but they are more difficult to install.

Steve Crain suggested that in regards to Shepherd's Hill, the Planning Commission differentiate between new towers and co-location. Mr. Crain stated he thought there was at least two spots on Shepherd's Hill that would allow for co-location and it may require the land owner to amend his lease, but it was an option. Jannicke Brewer said proposed language would allow existing towers to be maintained and used and replaced and co-location on existing towers, but no new towers on private property. Mrs. Brewer added that it was also suggested to reduce the abandonment time in the ordinance from 6 months to 90 days. Bryce Higbee said it would be the owner's responsibility to remove an abandoned tower.

Steve Cospers said he thought that Section 2.1 could be deleted because it is not clearly defined and not really followed. Jannicke Brewer clarified that what Mr. Cospers was saying was that we would not outline any preferred locations, but would wait until an application was made. Tami Hamilton thought it made sense to have some sort of regulation on location because if we did not and all the other regulations were met, we could not say no even if it was not in a visually good area. Mrs. Hamilton asked if Mike Tycker, the RF Engineer the Planning Commission had talked to previously, was going to create a map that could help them determine the best locations for new towers. April Naidu explained that it would be hard to provide this type of a map because location will vary dependant on individual carriers' needs. Mrs. Naidu indicated she had confirmed that with Mr. Tycker.

Steve Cospers asked if we are telling people that our preference is City-owned property and then it is up to the applicant to figure out where all the City properties are and figure out which one they can put a tower on. April Naidu explained the process Mr. Tycker had outlined that the RF engineer will draw a site ring that is a quarter to a half-mile radius around the existing tower(s) and his existing footprint. Then he would send that to someone that does site acquisition and would direct that person to find three or so likely candidates. When that information comes back to him, he would enter the necessary information into his model to determine the site that will give him the most bang for his buck.

Steve Cospers asked why the aesthetics on a City-owned property is different than on private property if the aesthetics are controlled through regulation. Mr. Crain explained that when the ordinance was originally drafted he had met with Ted Stillman and David Church and gave them a copy of Blain County, Idaho's ordinance where Sun Valley is because they are very protective of aesthetics. Mr. Crain said when Alpine Elementary first wanted a cell tower, had it been something like the tower at Ridgeline in Highland with close mount antennas that probably would not have mattered. Or a stealth flagpole. Mr. Crain said he drove around town with Mr. Tycker and showed him the existing towers. Mr. Crain said Mr. Tycker liked the location at Shepherd's Hill and indicated that Cricket Communications typically does not build new towers, but prefers co-location. Mr. Crain also showed him the tower in Lambert Park and said Mr. Tycker also liked that; as well as showed him Burgess Park and suggested something like a flagpole and said Mr. Tycker thought that would work.

Jannicke Brewer said they also have to have an overlap so there are not empty spaces where there is no coverage. Steve Crain said coverage is important so you do not have dropped calls. Steve Swanson added that height is important as well because if it is too low it will not work as well.

April Naidu said that Alpine faces the challenge that it is mostly residential and suggested that if the City adopts in the ordinance language requiring a tower to be two times the height of the tower from a residential lot, it will narrow down locations and may even exclude some open space areas because of the proximity to a residential lot. Mrs. Naidu suggested that Alpine will have this challenge because it is mainly residential. Most cities do not allow towers in residential zones, but if Alpine residents want wireless services we will have to allow towers in residential zones.

Steve Cospers said that in some cases a school might be a preferable location to a City owned property in the middle of a residential zone. Jannicke Brewer said Timberline is fairly tall and has a flat roof and could be a good location. Mrs. Brewer added that Westfield and Alpine Elementary schools both have flat roofs as well as the City Shops, although Mountainville Academy would not be able to because it does not have a flat roof.

Tami Hamilton asked if co-location was still the preferred choice. The Planning Commission agreed that it was. Tami Hamilton then asked if the second preference was the best possible area that meets the ordinance. Steve Cospers agreed and added that there may be a location that the Planning Commission is missing that might work that he did not want to eliminate from the ordinance. Jannicke Brewer asked the Planning Commission if the preferences on location are: 1. co-location on an existing tower; 2. on a property that meets the ordinance; 3. replace an existing tower. Within those preferences, no new tower could be placed within one-half mile radius of another tower and not within two times the height of the tower from a residential lot.

Steve Swanson said Digis has a tower on Shepherd's Hill and a repeater on his neighbor's house and asked if the proposed language in the ordinance would change if that was allowed. Steve Cospers asked if that was approved for a residential home. Steve Swanson said he thought it did under something they read on ancillary structures in the zoning ordinance. Tami Hamilton said she thought it was referring to things like TV antennas. Bryce Higbee said that the ordinance just said antenna. April Naidu said it seems that the two ordinances may be contradictory. The Telecommunications Ordinance states no roof-mounted antennas. In the various zones there is language on ancillary structures such as chimneys, flag poles, television antennas and things like this are not included in determining the height of the home, but they cannot exceed 15 feet above the home. Jannicke Brewer said based on that language, the Planning Commission thought it was permitted. April Naidu said the Planning Commission will probably need to have a discussion on roof mounted antennas. Steve Cospers asked why we allow windmills, but we are fussing so much over telecommunications.

Jannicke Brewer resumed the discussion on clarifying the preference on locations. Tami Hamilton asked about the option to replace an existing tower and said she did not see a problem with that. Steve Crain asked that the Planning Commission consider a limit on the height of a replacement tower so that a replacement tower does not get too big. Jannicke Brewer said that the Provo City ordinance has some language that when it is attached to an existing or replacement pole it cannot exceed the height of an existing pole by 10 feet. Steve Swanson asked if it is replaced twice can it then go up 20 feet. Steve Cospers said it would still have to meet the proposed language about distance from a residential lot. Steve Swanson proposed that a replacement tower be limited to the same height as the tower being replaced.

Jannicke Brewer moved onto the definition of lattice. The ordinance does not currently state whether it refers to lattice construction or lattice appearance. Steve Cospers said he assumes the restriction on lattice has been related to safety. Mrs. Brewer said if we are going to not permit lattice towers we need to be clearer whether it is the appearance and/or construction. Steve Swanson asked if the purpose of lattice was for strength versus a monopole. Steve Cospers said it is cheaper because it uses less material, but still provides strength. Bryce Higbee added that with lattice there are usually at least two or three poles instead of just a monopole. Steve Swanson asked what if it was lattice constructed, but encased so you cannot see the lattice and cannot be climbed. Bryce Higbee said there are already federal safety requirements that would prevent a tower with lattice down low where anyone could climb on it and said the issue is whether we are going to accept a lattice design or not. Steve Swanson asked if the issue with lattice is about the way it looks or is it just a safety issue.

Jannicke Brewer asked Mr. Schirmer why he thinks the City should not allow lattice. Mr. Schirmer said he thought the intent of the ordinance was that a tower would be a solid pole. Mr. Schirmer continued that his contention with the lattice design of the Digis tower was that the City let Digis build something that was not in compliance with the ordinance. Mr. Schirmer said if the ordinance stated no lattice construction he thought it would make it very clear to everyone that they had to have a monopole. Mrs. Brewer asked Mr. Schirmer what was his objection to lattice. Mr. Schirmer said it usually involves a larger footprint and added later that he thinks they are uglier. Steve Cospers said the footprint would really depend on the height of the tower.

Bryce Higbee said they are trying to decide whether to allow lattice or not because it does allow people to see through versus just seeing a solid pole. Steve Swanson suggested that if lattice is allowed we could limit the circumference. Steve Crain said he thought the original concept of not allowing lattice was safety and added that he thinks the City should have consistency with what is already on Shepherd's Hill. Steve Swanson asked what the cost differential was between lattice and a monopole. Steve Crain said an 18 foot monopole would cost about \$6,000 and the lattice tower that Digis put up he can get from Rhon for about \$800 so it's about a \$5,000 difference. Mr. Crain said it is still a safety issue with microwave dishes on the Digis tower and lattice that children can climb. Bryce Higbee said his understanding was that there are federal safety regulations on how lattice towers are built so that they cannot be climbed. Mr. Crain said the FCC does regulate these very carefully.

Steve Swanson said it seemed like a monopole would be harder to build on a small diameter than a lattice tower. Mr. Crain said when a lattice tower gets to be over 70 or 80 feet it requires guy wires and added that monopoles can be put up in a much smaller space. Mr. Crain said the tower at Ridgeline School in Highland is a good example of a new monopole that is stealth like with slim mount antennas. Steve Cosper asked if monopole was a preference and that lattice would be considered on a case by case basis. Steve Swanson said that not allowing lattice may prevent someone from putting up a tower that wants or needs to put one up. Kent Tasso, a resident that lives near Shepherd's Hill, said he thinks the issue is aesthetics. Mr. Tasso added that he thought the City should research this and figure out what a fairly restrictive and aesthetically appropriate restriction for Alpine would be. Jason Thelin agreed that monopoles are safer and more aesthetically pleasing. Jannicke Brewer suggested that we allow monopoles and prohibit lattice construction and added that the ordinance will come back for further discussion so Planning Commission members can think on this more.

Jannicke Brewer asked if roof mounted antennas should be on private and public property. Mrs. Brewer added that Provo City's ordinance has language on roof mounted antennas including they must be set back from the building edge one foot for every one foot of antenna height and that the height shall not exceed 15 feet. Steve Swanson said that 15 feet of height is a lot of height on to of a 34 foot tall building. Bryce Higbee said he thought we should allow roof mounted antennas and take a look at how to restrict them and be clear about what we will and will not allow. Mr. Higbee said if they are allowed someone could put a roof mounted antenna up instead of a new tower somewhere. Jannicke Brewer asked Steve Swanson how tall the roof mounted antenna was on his neighbor's house. Steve Swanson said he thought it was about four to six feet.

April Naidu clarified that we will allow roof mounted antennas on flat roofs. Mrs. Naidu asked if the Planning Commission wanted to keep in the setback and height restrictions. Steve Swanson and Bryce Higbee said they thought 15 feet was too tall. Mr. Higbee added he thought they should have a different limit on height between an antenna on a home and an antenna on a commercial building. Jannicke Brewer said she did not think there were many homes in town with flat roofs. Mr. Higbee said he thought it was different putting an antenna on a school than on a home where there are more homes nearby. Jannicke Brewer said with the proposed setback of one foot back from the roof's edge for each foot of height if you have a small area you could not put up a very tall antenna. Steve Swanson said he thought that setback requirement would help self-regulate height.

Steve Crain said he knows the Provo City ordinance and did not think their intent was to allow them on private residential rooftops. Mr. Crain said he thought opening it to private residential rooftops that the City would be opening a can of worms and neighbors would not be happy. Tami Hamilton said that Provo City's ordinance stated it was allowed on commercial and private roofs. Jannicke Brewer suggested that we look into that.

Steve Swanson said the other issue that could be there was the stealth issue. Mr. Swanson said if you had a 15 foot antenna on a 34 foot tall home that is a lot of height. Mr. Swanson suggested that on homes the height could be restricted. Bryce Higbee said there could be a maximum height of antennas on homes and suggested a five foot height limit.

Steve Swanson asked if residents can have a microwave dish on a roof mounted antennas and if so, should it be limited in diameter. Jannicke Brewer mentioned that a lot of people already have dishes for television on their homes.

Jannicke Brewer directed the discussion to the issue of the definition of stealth design. Mrs. Brewer explained that the current ordinance does not clearly define what stealth design is and thought there were two options: (1) clarify the definition, for example, state that stealth design was more like a tower disguised as a manmade tree, a clock tower, a steeple, or a flagpole; or (2) take stealth out of the ordinance completely.

Jason Thelin said that when the tower in Lambert Park went through the process the issue of stealth came up. The goal was to not have it branch out so much so it would appear smaller and it was also painted which helped to disguise it. Mr. Thelin said instead of trying to outline everything that stealth is we can take it out of the ordinance, but still have requirements to help minimize the appearance. Jannicke Brewer read from the definition in the ordinance that it says it has to be compatible with the natural setting and surrounding structures and which camouflage or conceal the presence of antennas and/or towers. Mrs. Brewer said this could include landscaping or painting it a certain color.

Steve Swanson said it is still subjective and asked if it should still require some sort of approval. Jannicke Brewer said the ordinance requires approval already. Mr. Swanson said as long as an application is brought in for approval, the City would have to decide if it meets the criteria. Mr. Swanson added that if we put too much criteria in the ordinance that he was concerned they would become points of argument. Jannicke Brewer said that nothing can be put up without making an application and obtaining approval. Jason Thelin asked if the Planning Commission is proposing to allow them on private property. Jannicke Brewer said she thought that what was decided was that co-location would be the preference, but then on any property that met the ordinance. Jason Thelin said he did not agree with that.

Steve Crain said on Shepherd's Hill the last pole that went up was the Sprint tower and said that when that went up no one cared because it matched the others. Mr. Crain said he thought the Sprint tower could be considered a stealth pole because it has close mounted antennas. Mr. Crain added that he thought stealth could be a lot of things and does not have to be a flag pole, a pine tree, or a fake chimney; but could be something as simple as a monopole with close mounted antennas where it does not stick out and call attention to it.

Jannicke Brewer said she likes the close mounted antennas, but was concerned if that would limit any future technology. Steve Swanson said he thought it may cause problems for co-location because of the distances needed between antennas. Steve Crain said that was not exactly true. Mr. Crain said most of the new technologies have smaller antennas and are condensing things. Mr. Crain said there are at least two towers on Shepherd's Hill that have space for co-location and there is space on the tower in Lambert Park for at least three more carriers.

Jannicke Brewer asked the Planning Commission again if they want to elaborate on the definition of stealth design in the ordinance or leave it the way it is or take it out and just require poles to be painted, etc. to make them as compatible as possible. April Naidu said when she read Provo City's ordinance the understanding she had of how they define stealth is that stealth meant the tower was disguised to look like something else like a tree or a flagpole and asked if we left stealth design in our ordinance did the Planning Commission want to define it that way. Mrs. Naidu also asked if the Planning Commission wanted to consider that a monopole with close mount antennas could also be considered to be stealth. Mrs. Naidu added that the current ordinance is rather subjective and does not guarantee consistency because you could have five city council members today who think one way and in several years have five different people who think entirely different.

Tami Hamilton said she did not think it should be open to everyone's interpretation. April Naidu said a clearer definition would be helpful to an applicant so they know up front what qualifies rather than going through Planning Commission and then getting to City Council only to find out that what they have proposed does not meet the City Council's interpretation of stealth. Jannicke Brewer said the ordinance states that stealth design is preferred, but that monopoles would be considered and felt that was maybe a little contradictory. Steve Crain suggested to the Planning Commission that they would not want a stealth tree, but that a stealth flagpole would be fine. Mr. Crain said a stealth flagpole could be put in Burgess Park and make it around 50 feet tall and you would not see antennas. Mr. Crain said as long as it was kept in character with the surrounding area it should be fine.

Steve Swanson said the Planning Commission could consider defining what stealth is not. Jason Thelin said he thinks stealth should be taken out of the ordinance. Mr. Thelin said he did not want to have a fake tree and thought that if painting it or making a small monopole is not considered stealth, but we say we like monopole then we should eliminate stealth out of the ordinance. Tami Hamilton said without any guidelines for an applicant to follow it makes the process much harder and longer.

Steve Swanson said he could not see how they can take it out when they have an aesthetic objective to accomplish. Mr. Swanson questioned how we can talk about it with an applicant if it is not in the ordinance. Jason Thelin said we are not talking about a monopole with close mount antennas or color as stealth which he always felt was stealth, but that stealth was trying to make a monopole look like something else to blend in. Steve Swanson said he thinks that from past discussions the objective of stealth design was to make it not stick out or such an eyesore and that is in character with its surroundings, not necessarily making it look like something else.

Steve Crain said the tree in Provo was one of the early designs. Steve Swanson said he did not consider that stealth because it stuck out. Mr. Crain said he has seen other towers disguised as trees that are very well done that you cannot tell are cell towers. Mr. Crain said he thinks something could be designed that was modest and was not an eyesore and felt that stealth should be kept in the ordinance. Steve Cospers said he thought it would be helpful to have pictures of examples of stealth design. Mr. Crain said he would send some. Jannicke Brewer said in the ordinance there are provisions for landscaping and colors that the City regulates. Steve Cospers said we could still have some pictures of examples of stealth that other cities have done that have worked.

Jason Thelin said he must have missed the discussion earlier, but said he did not think we should have towers on private property and thought it would make it much simpler on public property. Steve Swanson said there may not be a City property that would work. Jason Thelin said after City property was considered then they could look at other locations, but thought that there was enough open space and parks that if a tower was needed there would be a spot on City property that would work. Tami Hamilton said she thinks that you would have unhappy residents whether it was on public or private property. Jason Thelin said he thought that citizens would have more say if it was on public property.

April Naidu asked if the Planning Commission was still talking about stealth or not. Mrs. Naidu asked if the Planning Commission wanted to consider a preference on the types of towers. For example, stealth design would be required and define it to mean that it is disguised to look like something else that fits in with the character of the location. So if a new tower was put in the ballpark it could be disguised as a flagpole to fit in with the location. Then if stealth design could not be met the City would consider allowing a monopole that is slim mount and painted so it does not stick out.

Jannicke Brewer asked about roof mounted antennas and if they would have to be stealth or monopole. Tami Hamilton said she thought they should meet the same requirement. Mrs. Brewer asked if the approved locations are City owned property only or if commercial or residential property would also be allowed. Steve Crain said about 8 or 10 years ago school districts did not want to have towers because they were worried about health issues, but now probably 2 out of 5 schools has one and added that they are not considered dangerous and there is a lot of good revenue to the school districts. Mr. Crain suggested that towers and antennas be limited to public use areas including schools. Mr. Crain said you can put antennas on schools now and paint them the same color and no one would ever notice them. Jannicke Brewer asked how that would be stated in the ordinance. Bryce Higbee said you could list them.

Jason Thelin asked if they could poll the Planning Commission to get a feel for how they each feel about approved locations of towers. Steve Swanson said he likes the idea of City property first and allow on a special need basis to have it on private property if it meets all other criteria. Tami Hamilton agreed with that and added she would prefer the City get the revenue, but said she would also like that residents be provided with the services they need and want and if that meant it needed to be somewhere other than City property that that would be considered. Bryce Higbee said his issue is that from what they have heard the best place for them to be is up high which means on the hills where people can see them, but no one wants them there. Jannicke Brewer said Todd Barney wanted her to make

clear that he does not want any more towers in Lambert Park. Jason Thelin said there is City property along the hillsides. Jannicke Brewer said she thinks City property should be the first approved location. Steve Cospers said he thinks we should not restrict ourselves because the stealthiest location may not be City property, but added that he did not have a problem with saying a preference towards City property. Bryce Higbee said he thinks if we prefer City property then we need to say that and could put in some exceptions such as schools or other public uses or even private open space.

Bryce Higbee said he thinks there should be licensing requirements regardless of location on private or public property and they should have to pay the City to be able to put them up. Mr. Higbee referred to another City's ordinance that has continued obligations such as business license requirements and they have to continue to abide by FCC regulations and if they do not the City can give them notice and a timeframe in which the tower has to come down. Mr. Higbee suggested that we should distinguish having a receiver on a residential property versus having a pole. Mr. Higbee added that in the future it may be more cost effective to have smaller roof mounted antennas that would provide top notch cellular services and did not want to limit that and have to come back and amend the ordinance again. Mr. Higbee said he thought City owned property was the best option. The Planning Commission's consensus was that City-owned property is the most preferred location.

Jannicke Brewer asked what the consensus was on stealth design. Jason Thelin and Bryce Higbee suggested it be taken out. Tami Hamilton and Bryce Higbee said some general guidelines would be good stating that the tower has to blend in with the surrounding area as much as possible.

Jannicke Brewer said Bob Schirmer suggested that language be added to the ordinance that would allow the City to require an independent review of an application if standards cannot be met and that the applicant would bear the burden of proof if requesting something outside of the ordinance. Bryce Higbee asked who performs the independent review. Mr. Schirmer said he got the language from another city's ordinance and said that the purpose was if an applicant cannot locate in an approved location, the applicant would pay for an independent review to show that the location the applicant wanted to locate a tower is the best place.

April Naidu clarified on location that the proposed language would be that the first approved location is to co-locate and second would be City owned property for new towers. Mrs. Naidu also asked if we are also including that existing towers may be upgraded and maintained unless they are abandoned for a year. Jason Thelin asked if we wanted to shorten that time. Bryce Higbee said if we are going to do the licensing we should do 90 days. Jason Thelin asked if that should be different for the towers that are grandfathered in.

April Naidu asked what the direction was on stealth. Bryce Higbee said he thinks the definition of stealth should be taken out of the ordinance and state that any tower or antenna would be concealed from public view as much as reasonably possible. Jannicke Brewer suggested the definition of stealth be taken out and leave the standards for towers under 4.1.

Steve Crain asked if they could leave stealth in and state that it "may" be required because if you put a tower in Burgess Park you would want it to be a stealth flagpole or stealth light pole. Tami Hamilton said stealth is an industry word and said people in the industry would know what it meant so it may not be a bad idea to leave it in.

IV. COMMUNICATIONS

Jannicke Brewer asked if anyone would like to attend City Council next week as she will be gone.

V. APPROVAL OF PLANNING COMMISSION MINUTES OF: March 6, 2012

The minutes from March 6, 2012 were not ready for approval.

Jannicke Brewer said the Planning Commission has handled all of the items on its agenda and adjourned the meeting.

THE MEETING ADJOURNED AT 9:45 pm.

PC April 3, 2012