

**ALPINE CITY PLANNING COMMISSION MEETING at
Alpine City Hall, 20 North Main, Alpine, Utah
June 05, 2012**

I. GENERAL BUSINESS

A. Welcome and Roll Call: The meeting was called to order at 7:03 pm by Chairman Jannicke Brewer. The following commission members were present and constituted a quorum.

Chairman: Jannicke Brewer

Commission Members: Steve Cosper, Jason Thelin, Jannicke Brewer, Steve Swanson, Todd Barney

Commission Members Not Present: Bryce Higbee, Tami Hamilton

Staff: April Naidu, Marla Fox

Others: Shari Wheeler, Matt Robinson, Craig Fisher, Jay Rogers, Will Jones, Steve Sowby, Steve Crain

B. Prayer/Opening Comments: Todd Barney

II. PUBLIC COMMENT

No Comment

III. ACTION ITEMS

A. Conditional Use Permits for Home Occupations

All Things Bright Preschool – 1158 E. Round Mountain Dr – Sharon Wheeler

Jannicke Brewer asked if Mrs. Wheeler has had a Fire Inspection. She hasn't yet but will schedule one. Steve Cosper asked about parking. Mrs. Wheeler said she has parking for four in her driveway and also street parking. She said the preschool will be on Tuesdays, Wednesdays, and Thursdays.

Wasatch Windshield Repair – 517 N. Alpine Blvd – Tyler Larrabee, Jay Rogers

Jannicke Brewer asked which partner lived in Alpine. Jay Rogers said Tyler Larrabee lives in Alpine. Steve Cosper asked about signs because of the sign ordinance. Jay Larrabee said they will not put up a sign. There is a large wrap around driveway for parking but they will not be doing work at this location. Steve Cosper asked if they needed a Solicitor's License. If they go door to door selling they do need to have a Solicitor's License. Jay Larrabee said they would be going door to door to drum up business. The condition of this passing is that they have to come in and get a Solicitor's License.

Graincrazylady.com LC – 764 S. 1130 E. – Cherie Schetselaar

Cherie Schetselaar was not at the meeting and Jannicke Brewer said this is a blog site and Mrs. Schetselaar does office work out of her home.

MOTION: Jason Thelin moved to grant Conditional Use Permits for Home Occupations for: All Things Bright Preschool, Wasatch Windshield Repair, and Graincrazylady.com LC. Subject to the following conditions:

1. All Things Bright Preschool contact the Fire Marshall and get a Fire Inspection.
2. Wasatch Windshield Repair come in and gets a Solicitor's License.

Steve Swanson Seconded the motion. The motion passed unanimously with 5 Ayes and 0 nays. Steve Cosper, Jason Thelin, Jannicke Brewer, Steve Swanson, and Todd Barney voted Aye.

B. East Mountain Estates Plat E:

This is East Mountain Estates Plat E, a Minor Subdivision which consists of 3 lots located at approximately 823 S High Bench Road. Across the street in the open space is the Stone Hedge Subdivision. Down on the corner is the LDS Church, Healey Park and a detention pond. This is in the CR 20,000 zone and each lot meets the minimum square footage requirements. Most of the improvements are already there, including utilities. It looks like a little work needs to be done to bring them to grade and the sidewalk needs to go in.

Shane Sorensen mentioned that a Fire Hydrant may be needed and they were going to consult with the Fire Marshall. Todd Barney asked why the road narrows down. Jannicke Brewer said at one time the City thought the road would circle around to be an arterial road but then changed their minds. Jannicke Brewer asked about the water shares. Steve Sowby said the intent is to purchase them from the City. Jannicke Brewer said that would be the City Councils decision. Mr. Sowby said they have shares but they are not in the right name and their intent is to purchase. Jannicke Brewer asked April Naidu why they are labeled drainage easements and asked if it was because it drains into the detention pond. April Naidu said she wasn't sure but Mr. Sowby said the lots on the East are a little bit higher and their water runs off on our site. He did say that they don't object to it.

MOTION: Jason Thelin moved to grant concept and preliminary approval and recommend final approval to City Council for East Mountain Estates Plat E subject to the following conditions:

1. A sidewalk be constructed along the frontage of the lots.
2. A fire hydrant be added at the northwest corner of lot 45, subject to the review of the Fire Marshal.
3. The water meter lids and pressurized irrigation boxes be adjusted to grade.
4. A land disturbance permit be obtained prior to construction taking place on the site.
5. The City's water policy be met and the source of water rights be stated.
6. A bond be provided for the cost of the required improvements.
7. The public utility easement on the plat also be labeled as drainage easement.
8. The redlines on the plat be corrected.

Todd Barney Seconded the motion.

Steve Cosper said there is a discrepancy and asked if it was included in the redline. Mr. Sowby said that has already been fixed. He said on a later plat they did add the drainage to the public utility easement. Jannicke Brewer asked if the Fire Marshall has signed off on the Fire Hydrant. Mr. Sowby said they thought it was needed and they don't object. Jannicke Brewer called for a vote.

Steve Cosper, Jason Thelin, Jannicke Brewer, Steve Swanson, and Todd Barney all voted Aye. The motion passed unanimously with 5 Ayes and 0 Nays.

C. Case Lot Fireworks

This is a proposed tent in the corner of the parking lot of Mountainville Academy. We do have a letter from Mountainville Academy which states they have given permission for this because the applicant is doing this for a fundraiser for Mountainville Academy. April Naidu said if they can meet our zoning ordinance for location and parking and if they comply with State Regulations they can set up and sell. She said we are somewhat limited in what we can do and the applicant is very familiar with State Regulations. Mr. Robinson said they talked with the State Fire Marshall Coy Porter. April Naidu said this is not listed as a permitted or conditional use, they are requesting a conditional permit for seasonal sales. The applicant indicated the season would be from May 25 to July 28. Most locations are open 7 days a week and April Naidu said as far as she knew we don't have an ordinance that precludes people from operating on a Sunday, they can operate on a Sunday in Alpine if they choose to. Usually

open from about 10:00am until 9:00pm with generally 1 to 2 employees. There would be more employees on a holiday or a weekend. April Naidu said she e-mailed everyone the link to the State code so everyone could read it.

Steve Cospers said we usually see these 2 weeks before the holiday. Mr. Robinson said the State Legislature lengthened the time you can sell because the Fire Marshalls need more time to perform the inspections on the locations. Steve Cospers asked if they are setting up on May 25, they said it is June 25. They will not be doing a tent; they said they've set up a better system. They are taking a 20 ft by 8 ft storage container that they have retro fitted with two 8 foot roll doors. They will secure it in the evenings so there will be no reason for anyone to be there after hours, it will be safer and have a smaller footprint. Steve Cospers asked if people will be coming up to a window or will they be going inside. Mr. Robinson said they cannot enter and the Fire Marshall has made that very clear. Customers will walk up to an 8 foot door that is 8 foot high and 8 foot wide. There are 2 of them on the 20 foot container which basically opens up the whole side; the customer will come to a counter where an employee will service them.

Jannicke Brewer said it seemed like last year fireworks were going off at all times of the night. Mr. Robinson said they would like to get a map from the City to show customers where they can light the fireworks. Jannicke Brewer asked Will Jones about the distance from wilderness area and open spaces that you can light fireworks. Will Jones said no Lambert Park or anywhere by the wilderness area. Mr. Robinson said they will have a large sign letting people know to be careful, because they love Utah and don't want to see any problems. Jannicke Brewer said to talk to April Naidu about the sign ordinance to work something out for temporary signs. Todd Barney asked Will Jones if we have restrictions along forest service land all along the way to the south. Jannicke Brewer said this was talked about in City Council and the Fire Marshall will determine if it will be 300 feet or 500 feet.

Todd Barney said we make others have architectural design why not these guys. April Naidu said she spoke with David Church and this doesn't apply. She said maybe it's because this is a State Regulations issue and we don't have as much say on this. Jannicke Brewer said this is seasonal and when people put up stands to sell corn or watermelon we don't ask them to design the colors for that. Todd Barney asked why an ocean container is okay but we made the Sno Shacks and the Hot Dog Stand comply. The Planning Commission discussed this and mentioned these other shacks are being used here year after year and they want them to look nice. Todd Barney said if we are trying to have a certain architectural standard in the Gateway area, why is an ocean container okay? Mr. Robinson said the container has been modified and would have a fresh coat of paint on it with their logo painted on the side, they thought it looks better than the tent.

Steve Swanson asked about signage issues. April Naidu said they would have to comply with the sign ordinance. She said she knew there are State Regulations and they had to have certain placards for safety on site. Jannicke Brewer asked what color it will be. Mr. Robinson said it will be bright yellow. Todd Barney asked why we make everyone else meet the requirements but we don't seem to be worried about this one. Steve Swanson said unless we are referring to a structure that will be up for less than 30 days, it doesn't have to adhere to those codes. Mr. Robinson said they would paint it any color we wanted. Todd Barney said it's not just the paint color. We made other businesses conform to how it was built, shake shingles, overhangs, paint, etc.

Mr. Robinson said from the Fire Marshall and the State's standpoint, it's really a safety issue, someone has to stay there all night, and there needs to be 3 ft isles. Mr. Robinson said they would have to have a pod next to a tent to store inventory. With the container they would still have to bring in inventory each day but the footprint would be much smaller. He said they are 45% cheaper than TNT who will be down on the corner by Kohler's. A business owner said they could charge whatever they want because it is Alpine. Mr. Fisher said their prices in Alpine will be the same as they are Statewide. Jason Thelin asked if they lived in Alpine or how they are connected with Alpine. Mr. Robinson said they do not live in Alpine but they thought Mountainville Academy was the City Hall so they turned into it.

Steve Cospers read from 3.11.33 where it states building elevations including building heights shall be submitted. Steve Swanson asked if that's considered a building if it's a truck. Jannicke Brewer said there needed to be some discussion about what is required for seasonal sales. Mr. Robinson asked about the Christmas tree lot that was by

the roundabout and asked what was required of them. Jannicke Brewer said they had a small trailer. There was discussion between the Commission and it was decided that they need to be more consistent with these businesses.

Jannicke Brewer said under the Utah code under section general requirements, it says that all retail sales locations shall be kept clear of dry grass or other combustible materials for a distance of 25 feet in all directions. She mentioned there is weedy grass where they want to locate. She asked instead of locating in that corner could they move to the corner to the south. Todd Barney said you don't want to put it where the line is going to be in the way. Steve Cospser said that the line would be in the way of exiting customers. Mr. Robinson said that their line is generally 8 feet and they can turn the opening any way we like. Jannicke Brewer said to get approval from the Fire Marshall so it is in compliance and it doesn't have to be moved. Todd Barney said he is more worried about the kids in line and traffic than he is with the fire issue.

The Commission looked at the map and discussed where the best possible place would be to place the stand. Mr. Robinson said they will put it wherever we say. They would like to put some signs out closer to the road so people will know they are there. Steve Cospser asked if it makes a difference if they are only going to be there a month as opposed to 6 months. David Church sent a letter that said our Gateway design guidelines would not apply in this situation due to the nature of the business and the State's Regulation of fireworks sales and use. Jannicke said based on this letter, she felt that we could go ahead with this business. Todd Barney said we need to be consistent.

April Naidu said she could ask David Church to see if having a container instead of a tent makes any difference. Jason Thelin said if the Gateway designs don't apply in this situation due to the nature of the business, what type of business would or wouldn't apply. April Naidu said it's because of the State's Regulations, just like on charter schools, we can't tell them what they can look like. We are very limited on what we can require of them such as parking and setbacks. She also felt like David Church said this because this would only be there for 30 days.

Mr. Robinson said that other cities say that they are not allowed to be more strict than the Fire Marshall State guidelines. Steve Cospser said he agrees for safety, but this is aesthetics. Jannicke Brewer said a seasonal sale is a conditional use under Business Commercial. 3.11 Gateway doesn't specify if seasonal sales are different, or if a temporary structure applies; only permanent structures or businesses. April Naidu said none of our ordinances address temporary structures very well. She said we have been applying the same requirements for permanent structures to temporary structures and it may be overkill.

Jason Thelin said this is such an extreme in his mind because 2 years ago we would have never let a cargo container painted yellow on Main Street. Steve Cospser said this committee goes by precedent, why do we spend a lot of time with precedent and then just throw it out next time? Todd Barney said we don't allow trailers to sell food. Jannicke Brewer said since the ordinance doesn't specify it, we can go ahead and then put this up as an agenda item to put something in the ordinance about seasonal sales. Jannicke Brewer said we have 2 choices. We either have to ask that we postpone or we can say that it's not clear and we can go ahead.

Jason Thelin asked why did we put these others shacks through the process. April Naidu said every new Commercial Business under the Business Commercial Zone, is required to do that. We've applied it to every new business temporary or permanent. Jason Thelin asked if we should not have made Mrs. Potter do all that we asked of her. Jannicke Brewer said Mrs. Potter pulled out because of the Health Department regulations and she decided it wasn't worth it. She said the same thing with the Sno Shack, they were fine with the paint color and if it doesn't go in it will be more of a Health Department issue.

Steve Swanson asked if this is exempt because of the State Regulations and also because of its temporary nature regarding fireworks. Jannicke Brewer said we can decide on parking and location and that's about it. April Naidu said we can't pass something that is in conflict with the State Regulations or that is more restrictive. She said she didn't know if that would cover aesthetics. Todd Barney said the State is not going to go into aesthetics they are about safety. Steve Swanson said if they were a tent they would be in compliance with State Regulations. It was discussed that if they were in a tent they would have to set up an additional storage container. Mr. Robinson said the

firework stands you see in Utah are wood stands and tents. The tents have to have containers because they cannot store inventory overnight. Mr. Robinson said he likes the container because it is safer.

MOTION: Steve Swanson moved that the Planning Commission grants Conditional Use Permit for seasonal sales for Case Lot Fireworks LLC for a period of 6 months. Recommends site plan approval to City Council for Case Lot fireworks LLC subject to the following:

1. A garbage can with a closing lid be provided on site
2. The applicant complies with all State Regulations pertaining to the sale of fireworks
3. They locate so that the customers are outside of the traffic flow

The motion died for lack of a Second to the motion. Mr. Robinson asked if they can do a tent and formally withdraw the container. Jason Thelin said there would need to be some follow up with the City Attorney and Mr. Robinson said he met with the Attorney and he was fine with it. Jason Thelin said a question he would like to ask the Attorney is with firework businesses, do we not have a say in aesthetics? Steve Cospers said aesthetics have nothing to do with legalities. Jason Thelin asked if a tent is within the State law and Cities can't have a say. Steve Swanson read from the State Regulation where it states: The State Law sets forth rules that are binding and includes how temporary tents, etc. must be set up and staffed. It says nothing about aesthetics but it says binding and including tents. Steve Cospers said it seemed like we would have to allow it. The States issue here is with explosives and safety they don't care about what it looks like. Steve Swanson said we can't be more restrictive to keep them out of the City.

Jannicke Brewer said if the applicant can comply with our zoning ordinances for location, parking and with the State rules the applicant can set up and sell. Jason Thelin said you are reading something that April Naidu wrote. April Naidu said yes, but it is a direct quote from David Church. Steve Cospers said if we are throwing out all the rules for aesthetics, then throw out the rules for everybody. Steve Swanson said unless we have a business that is going to be here for X number of days. We have that happen at Alpine Days with those structures and we allow those. Jannicke said we need to change the ordinance for temporary structures. Jason Thelin said based on the site plan, and you went back to a tent, where would you be located. Mr. Robinson said they would be in the parking lot using water barrels to secure it.

MOTION: Jason Thelin moved that the Planning Commission grant a Conditional Use Permit for seasonal sales for Case Lot Fireworks LLC for a period of 6 months and recommends the site plan be approved for the City Council for Case Lot Fireworks LLC subject to the following:

1. The standard white tent setup is used
2. The garbage can with a closing lid be provided on site
3. The applicant comply with all State and Federal Regulations pertaining to the sale of fireworks
4. The applicant have a sign up showing the no fireworks zone in Alpine as well as handouts

Steve Swanson asked about location for traffic flow, foot traffic, kids. Jason Thelin said he didn't have a problem with it but asked if it needed to be pulled back a little bit. Steve Swanson said he wasn't sure if a tent could fit in that little parking stall area. Mr. Robinson showed on the map that they would put the tent on the south parking lot.

Steve Swanson Seconded the motion. Steve Cospers said he has absolutely nothing against this business; it's just that we have been incredibly inconsistent with this. We sit here and try to be precedent and ordinance setters and this thing is just screwed up. He said he is concerned because we have really done a disservice to others. He said he feels bad for all the people we have put through the wringer and we need to fix this. Steve Swanson said the issue is the timeframe and if we address that we fix the problem and help those who have already established long term businesses. Steve Cospers said we need to get less involved with aesthetics. Jannicke Brewer called for a vote.

Steve Swanson, Jannicke Brewer, Jason Thelin, and Steve Cospers voted Aye. Todd Barney voted Nay. The motion passed but was not unanimous.

Jannicke Brewer said she would have been happier with the container but she will go with the tent. Mr. Robinson said they would be happier with the container as well but will do whatever the City would like them to do. Jannicke Brewer said she made a note to talk about the aesthetics of the Gateway and she agrees that we have been inconsistent. Steve Swanson said we have not been inconsistent with those businesses that will be here potentially for multiple years.

Steve Swanson asked about the pink pig/hot dog stand down by the Junction. April Naidu said it first went in as a place where their gas attendant was going to sit. They moved it over next to their building and they have started selling hot dogs out of it. She said a call was made to the County Health Department to have them inspect because they did not meet the requirements and they did not come to us. Steve Swanson said that under their existing license they felt that it was appropriate. April Naidu said the Junction is already licensed to sell those things but her understanding was they can sell outside as long as they meet the County Health Department Requirements.

D. Telecommunications Ordinance

April Naidu said previous items that you have come to a consensus on need to be put back into black. We need to focus on the ones that we have not come to a consensus on and those are: Height of replacement towers, currently the language in there is if you replace a tower it can only be the same height as the tower you replace. There was some question about should there be a onetime extension allowed, or should there be no limit or somewhere in between.

There was the discussion on roof mounted antennas and should we allow them on homes or not or just on the public owned buildings. There was a question on whether these repeaters are included in that or are they ancillary structures. April Naidu said her opinion and David Church's as well, was that when we talk about these ancillary structures in the zoning ordinance, the language is not included with it as part as the height of the home. It talks about chimneys, flag poles, and T.V. antennas. Our interpretation of that is those are structures that are completely incidental to the use of the home; it is for personal use and not for private business. An ancillary structure is not something you put up on your home to broadcast out to others.

The final issue was Abandonment and in talking to David Church, we do have section 3.22 in the zoning ordinance which covers non conforming structures and uses. There is already a section in there on abandonment and it states after 2 years. David Church said most are for 12 months and he was surprised that it was that generous. It still has that language that would apply either way. April Naidu said we can take the abandonment language altogether out of the telecommunication ordinance and just follow that section that is already in the zoning ordinance. Telecommunication should be part of this zoning ordinance and have that kind of numbering. Steve Cospser said would it be useful in 4.5 instead of crossing the whole thing out just say abandonment and reference the applicable. April Naidu said we are talking about the equipment not the structure necessarily being abandoned. If you had a strip mall and a business went out of business, we don't make them tear the structure down. Just because someone takes their equipment off the tower doesn't mean the tower has to come down and it hasn't been abandoned. Jannicke Brewer said we need to differentiate between the equipment and the tower.

Steve Cospser said isn't it more of a safety issue. Abandonment of the equipment needs to come down within the 2 year period but the pole doesn't need to come down. Steve Swanson asked if there was something in this to protect the pole. Someone still has to maintain and protect the fencing and the pole for safety reasons. April Naidu said the carriers are not going to own the property or the pole, whoever owns it would be responsible for the maintenance. In Lambert Park, the City owns it, but T-Mobil built it. The City would be responsible for the maintenance. On Shepherd Hill, the property owner would be responsible for that maintenance. Steve Cospser asked if there is language in the ordinance on safety. Jannicke Brewer said if someone comes in and they want to locate on an existing tower, part of the Site Plan could be that the City requires an inspection of the pole to see if it is safe. April Naidu asked under section 4 under safety, are we adding some language that the owner of the property must maintain the safety of the pole. Jannicke Brewer said if you read the non-conforming ordinance, repair is permitted

and you can restore. April Naidu said if it is involuntarily destroyed, we have to let them rebuild. Steve Swanson said in 4.2 and 4.3 we have protection against climbing and we have fencing, but the language says new towers. It should be all towers. April Naidu said existing towers should already have fencing around them because when it was new, it was required. Steve Swanson said if a site is abandoned and no one is being paid to maintain it, then what. April Naidu said we can add language that states that the property owner is responsible to maintain the site in a safe condition.

Steve Swanson said if a tower has been abandoned and the owner of the property no longer receiving revenue, are they still going to maintain that tower? Is the safety of that tower going to be compromised? Steve Cospers said that's where we pull in the 2 years because that's a safety situation where the equipment and the pole is degraded the staff could take care of that just by looking at them. Steve Swanson asked where is the language about existing towers for safety? If we didn't say new towers and it was all towers it would be incumbent upon whoever owned that property to maintain protection. April Naidu asked if we want to take the word new out of those three sections. Steve Cospers said whether this is in the ordinance or not, if the equipment or tower starts to degrade, the City will see that and it will be a safety hazard. April Naidu said the public safety ordinance could cover this where there is a hazard. The Commission decided to take the word new, when referring to towers, out of sections 4.2, 4.3, and 4.4.

Jason Thelin asked if ham radios would be considered roof mounted antennas. April Naidu read from ordinance 1.5 applicability where it states this ordinance shall not apply to the following types of communication devices: amateur radio, amateur T.V., satellite and cable. She said we could have a separate ordinance on those. She said a resident came in and wanted to put up a radio antenna and we told him we didn't have an ordinance on that. We told him before he comes in and petitions to have this added to the ordinance, maybe he should talk to his neighbors about it first because they won't be happy if the antenna is high.

Jason Thelin asked to keep in the abandonment piece because the duration may be different than the other stuff. It allows us to put in some specific language that deals with towers. He said he thought 2 years was too long. April Naidu said you can amend the other ordinance and make it 1 year. It would be a lot easier for staff if it was all consistent. Jason Thelin asked if you would ever want to have abandonment time durations be different for different things. What kinds of things could the abandonment clause be brought against? April Naidu said it's a non-conforming use or conforming structure. Something that was legal at one point, the ordinance was changed; it no longer was legal so it became non-conforming. Jason Thelin asked about a farming silo and April Naidu said there are State regulations on agriculture. Jannicke Brewer said that is a non-conforming use. If it was build in 1950 it was allowed, now in 2012 our ordinance doesn't allow those barns and silo's to be built anymore. If it then falls down, it is non-conforming and you don't automatically have the right to replace it because the ordinance doesn't allow it anymore. If I had my barn since 1800 and it still stands I can keep on having that barn forever and I can replace it too.

Jason Thelin asked outside of antennas and towers, can you think of anything else that the City could then come and say this is abandoned and you need to come tear it down. April Naidu said the only thing she has had to deal with on non-conforming is on a home where it did conform at one point but now it doesn't. If it is involuntarily destroyed, we have to let them rebuild as long as they meet the current setbacks. If it is voluntarily destroyed, we don't have to. Steve Cospers asked about abandoned houses that have not been finished and April Naidu said they don't apply here. They can still be conforming but are more of a safety hazard.

Jannicke Brewer said if we put this ordinance through no new towers can be built in that area and can only be replaced. It's non-conforming that you are not allowed to put towers in there anymore. Once a tower is there, it exists and can go on being used. David Church also points out that this abandonment doesn't tell us which one is non-conforming, the tower or the antennas. If they are allowed to have a tower there then just like the strip mall, if it has been built there it is allowed to stay. Jason Thelin asked how would a tower be abandoned so that we could tell them to take it down. Jannicke Brewer read the definition which state inoperative or out of service for more than 12 months.

April Naidu said we don't define what inoperative means. Just because there's no antennas on there doesn't mean that it's not operative, it just means that there is no equipment on there. Jannicke Brewer said the pole itself is not inoperative. Jason Thelin asked what would be the situation for the City to take a tower down. April Naidu said for a safety issue. Jason Thelin said so if the equipment comes down off the pole and the tower stays up and is in good mechanical shape, and it doesn't get used for 2 years then abandonment doesn't apply here. Steve Cospers said abandonment is just for equipment and he thought the 2 years was fine. Jannicke Brewer said you might not get a replacement that fast and when you have non-conforming use the ordinance gives us all the rules and regulations on how to handle them.

Steve Crain said this is a moot point in this City. Abandonment comes in when you have these big towers with guide wires over 300 feet. Some of these guide wires get out of tension and can fall over. You don't need this here because these towers will not pose a hazard. Steve Cospers said the towers are a revenue stream so who is going to leave them alone. Jason Thelin said he thought abandonment meant that if it was not being used it was a way for the City to say you are not using it you lose the privilege to have the pole. Steve Crain said he didn't think people mind the towers up there or they don't even notice them. Todd Barney said what if technology changes and we don't need them anymore. What happens with them if they are not required to take them down? Steve Cospers said at that point if it becomes a nuisance the City can require that they be taken down. Todd Barney mentioned at that point it would be at the expense of the City to take them down. Steve Cospers said we would just charge that expense back to the owner. Jannicke Brewer said our legal council has said that it will be better if we take it out, it doesn't make sense and the use on the non conforming ordinance will be used and that will make it much easier.

April Naidu asked on abandonment is the consensus to take the language out. The Commission said they agreed, but Jason Thelin said to do so do we want to change the timeline on the other one. Jannicke Brewer said we can talk to David Church about changing that from 2 years to 1 year but we can't do that tonight without going through the amendment process or hearing.

Jannicke Brewer said under #2 location, any one of those locations will work, and they do not go in any certain order. Jason Thelin said this is the first he has heard about this and wanted to know how it came about. Steve Cospers said we discussed this at length last time and that was what was decided. Jannicke Brewer said we did not want to put anything in that says you have to go in any kind of order. April Naidu said it was just too difficult to decide what the procedure was going to be to determine the priority. Steve Cospers said we would let them decide what the best place is because maybe we would preclude a better location.

April Naidu said the way this is approved this would not allow for new towers on shepherd's hill, the existing ones could stay there and they can be replaced. Jannicke Brewer said she wants to take out no new tower may be located in Lambert Park because it states in 2.4 the City has no implied obligation to lease any particular parcel. If the City Council is in favor of saving Lambert Park we won't put it in there and if City Council uses the super majority and votes away Lambert Park for something else then you lost it anyway. Jannicke Brewer said City Council has the right to choose and we have the right to make recommendations. Todd Barney asked why we can't leave it in there, what is it hurting? Jannicke Brewer said she would like City Council to have the right to choose. Steve Cospers said it excludes other things like private property and we have to give City Council some guidance. April Naidu said what that section allows City Council to do, is if someone wants to come in and put a tower in Lambert Park, the City Council has the authority to decide.

Jannicke Brewer said in 2.2 co-location it states that existing towers may be maintained, upgraded or replaced. A replacement tower may not exceed the height of the tower being replaced. She said we need to talk about roof mounted antennas and Steve Cospers said repeaters are becoming more popular for communications. To leave those out and say they can only be on flat mounted roofs severely limits the potential for communications growth within the City. Jannicke Brewer said repeaters are only allowed on public and City owned property.

April Naidu asked Steve Crain about the process of determining a location for the repeaters. Do you look at locations for a footprint, because they would not be on every house? How far apart would they be, a quarter mile? Receivers are for personal use. Steve Swanson said you can buy them in the store or over the internet and set up

your own wireless community and use it for the neighborhood. Todd Barney said this has more to do with a company that is broadcasting in a community. Steve Cospoer asked how we keep people from putting up a 6 foot antenna on their roof. Todd Barney said we are not talking about homes we're talking about existing towers, City owned property.

Steve Swanson said he thought 2.1 was originally designed to cover towers and not smaller repeaters. Jannicke Brewer said it doesn't say that, we haven't defined it. April Naidu said the way that it is worded right now; those approved locations would apply to everything, towers, roof mounted, etc. We are not talking about homes but the question has come if we are going to allow roof mounted antennas on private homes. She said as far as City buildings you've got City Hall, the fire station, City shops and our pump stations. There would be quazi public schools and churches. She asked if we only allow it on these locations or do we open it up for private homes. Steve Swanson said why would we keep it off private homes. Steve Cospoer said should this say roof mounted antennas in accordance with the 3 items shown in 2.1 are permitted subject to the following. Then it pins it down to City owned property, quazi public or public use.

Steve Swanson asked are we saying we definitely don't want repeaters on private property. He said he thought that was the right of the homeowner. Jannicke Brewer said anything on her home is ancillary, incidental to the residential use. But it does not mean that we should allow someone to come in and install a satellite dish and relay or repeat signals. That is a Commercial and benefits another and they can't do that. Steve Swanson said we need to have language in here that allows them to come to the City and request permission to do so rather than just have a neighborhood put those up. To have some control over how it's done.

Todd Barney said if you're just receiving we would allow it because it's just like a satellite dish. Steve Swanson said we are talking about a rebroadcast. Jannicke Brewer said you can have one up to 15 feet. Steve Swanson said if we disallow roof mounted antennas on private property, what would ultimately happen is that they would have to install either new towers or dishes to cover areas that cannot be reached. And find new areas to put up new towers. Is that what we want or can we allow them to come before the City and say we have a couple of locations we'd like to put some repeaters. Here is the size, here is what they look like, and here is how they conform to the code. Steve Cospoer said why don't you just put in an extra section that covers residential.

April Naidu asked are we going to allow roof mounted antennas on approved locations and on private homes. Steve Cospoer said he thought we were going to have to. Jason Thelin said only for private homes. Steve Swanson said not necessarily because some of these repeaters can go out a mile and cover the neighborhood. April Naidu said if someone comes in and puts up a 6 foot roof mounted antenna on their home, would you prefer that vs. a 30 ft tower on open space somewhere? Jannicke Brewer referred back to 2.1, identity and location. Roof mounted allowed if they follow the process. She said they shouldn't be allowed to put it up without coming in with a site plan and talking to the City.

April Naidu said the way the ordinance is written is any new antenna would have to go through the site plan process. Todd Barney said no one has done anything about the one up Hog Hollow. April Naidu said nothing was done because no one has complained about it. Steve Cospoer said it sounds like we have a bit of a hole here as far as residence that we need to plug. April Naidu said we could leave it how it is and don't allow it on homes and see how things go. Steve Swanson said he likes the approval process based on the need. Steve Cospoer said we still need some guidelines, this is a residential roof, and this is what you can do. Steve Cospoer asked Steve Crain if he had any reasonable guidelines when it comes to homes. Steve Crain said it needs to be line of site.

Steve Swanson asked if we should limit the height to 6 feet. Jannicke Brewer pointed out that we currently have an ordinance that limits the height to 15 feet on the home. Steve Swanson said if they come in with a site plan we can approve it or disapprove it. Several homes in one neighborhood may want one and we could control how that spreads. Todd Barney asked how do you say no to the next guy. Jason Thelin said it would be within a certain distance just like we do with our poles. April Naidu said to leave it as it is and under section 2.1 if an applicant desires to locate on a site other than the approved locations they have to show why. The locations are public

property so any other locations would be private property. This would cover the roof mounted antennas if they wanted one.

Jannicke Brewer said there needs to be sections so we know where to look for that. April Naidu said there is an option, but they have to show why they can't locate somewhere else. #4 would apply if they were to put it on a school. Steve Swanson said if they meet the conditions in 2.1 they can't meet the condition on 4 because there are no flat roofed homes in the City. April Naidu said 2.1 allows you to put it up on something other than a flat roof but it has to meet all other criteria. Steve Swanson asked if we have to have flat roof. April Naidu said not really it's just structurally easier to locate on a flat roof. Steve Swanson said that is really a condition of the installation rather than what we prefer isn't it. It would be at their cost and their effort.

April Naidu asked if the consensus was to take out that it has to be mounted on a flat roof. Leave in that it has to be screened. On replacement we are leaving that it can only be as tall as the one it is replacing. Steve Crain said Digis is 18 feet and 30 feet. He suggested we allow a onetime 5 foot extension to allow Clyde Shepherd to co-locate. He will make money leasing ground coverage for their equipment. This is because he will need 4 feet between towers and two of the towers up there could have co-location. Steve Cospers said if we gave another 5 feet we would have another 5 meetings. April Naidu said under 2.2 4A, we are taking out to be mounted only on flat roofs. Section 42.43.44 the word new be taken out of the beginning of those sentences. Steve Cospers asked if we were proposing a new ordinance. Jannicke Brewer said no we are just amending the 2006 Telecommunications Ordinance.

MOTION: Steve Cospers moved to recommend to the City Council acceptance of the proposed changes to the Telecommunications Ordinance 2006-06 with the following changes to what is currently written.

1. 2.2.1.2 be modified to include:
The replacement tower shall not exceed the height of the tower being replaced.
2. 2.2.1.4 roof mounted antennas are subject to the following:
 - A. A roof mounted antenna shall be screened, constructed and or colored to match the color to which it is attached.
 - B. A roof mounted antenna shall be set back from the building edge 1 foot or every 1 foot of antenna height and shall not exceed 15 feet in height.
3. 4.2, 4.3, 4.4 the word new be taken out of the beginning of each of those sentences so that is says just towers.
4. 4.5 abandonment be abandoned.

Todd Barney Seconded the motion. Steve Cospers, Jason Thelin, Steve Swanson, and Todd Barney all voted Aye. Jannicke Brewer voted Nay; the motion was not unanimous but will be sent to City Council.

IV. COMMUNICATIONS

The Planning Commission will hold a meeting on Tuesday June 19, 2012.

Jason Thelin mentioned that the firework stand would post a sign and send out fliers with their customers.

V. APPROVAL OF PLANNING COMMISSION MINUTES OF: April 3, 2012

MOTION: Steve Cospers moved to accept the April 3, 2012 Planning Commission minutes.

Steve Swanson seconded the motion. Steve Cospers, Jason Thelin, Jannicke Brewer, Steve Swanson, and Todd Barney all voted Aye. The motion passed unanimously.

Jannicke Brewer stated that the Planning Commission had covered all of the items on the agenda and adjourned the meeting at 9:05pm.