



ALPINE CITY PLANNING COMMISSION MEETING

NOTICE is hereby given that the **PLANNING COMMISSION** of Alpine City, Utah will hold a **Public Hearing and Regular Meeting at Alpine City Hall, 20 North Main, Alpine, Utah on Tuesday, September 2, 2014 at 7:00 pm** as follows:

I. GENERAL BUSINESS

- A. Welcome and Roll Call: Jason Thelin
- B. Prayer/Opening Comments: Bryce Higbee

II. PUBLIC COMMENT

Any person wishing to comment on any item not on the agenda may address the Planning Commission at this point by stepping to the microphone and giving his or her name and address for the record.

III. ACTION ITEMS

A. PUBLIC HEARING - Wireless Telecommunications Amendment

The Planning Commission will review a proposal to amend the wireless telecommunications ordinance (Article 3.27) that would create an alternate procedure for submissions that wouldn't be a substantial change.

B. PUBLIC HEARING - Planned Residential Development (PRD) Ordinance Amendment

The Planning Commission will review a proposal to amend the PRD ordinance (Article 3.9) that involves the slope requirements.

C. PUBLIC HEARING - Planning Commission Ordinance Amendment

The Planning Commission will review a proposal to amend the Planning Commission ordinance (Article 2.2) that would change the number of members from seven (7) to five (5).

IV. COMMUNICATIONS

V. APPROVAL OF PLANNING COMMISSION MINUTES: August 19, 2014

ADJOURN

Chairman Jason Thelin
August 29, 2014

THE PUBLIC IS INVITED TO ATTEND ALL PLANNING COMMISSION MEETINGS. If you need a special accommodation to participate in the meeting, please call the City Recorder's Office at 801-756-6347 ext. 5.

CERTIFICATION OF POSTING. The undersigned duly appointed recorder does hereby certify that the above agenda notice was posted in three public places within Alpine City limits. These public places being a bulletin board located inside City Hall at 20 North Main and located in the lobby of the Bank of American Fork, Alpine Branch, 133 S. Main, Alpine, UT; and the bulletin board located at The Junction, 400 S. Main, Alpine, UT. The above agenda notice was sent by e-mail to The Daily Herald located in Provo, UT a local newspaper circulated in Alpine, UT. This agenda is also available on the City's web site at www.alpinecity.org and on the Utah Public Meeting Notices website at www.utah.gov/pmn/index.html.

PUBLIC MEETING AND PUBLIC HEARING ETIQUETTE

Please remember all public meetings and public hearings are now recorded.

- All comments **must** be recognized by the Chairperson and addressed through the microphone.
- When speaking to the Planning Commission, please stand, speak slowly and clearly into the microphone, and state your name and address for the recorded record.
- Be respectful to others and refrain from disruptions during the meeting. Please refrain from conversation with others in the audience as the microphones are very sensitive and can pick up whispers in the back of the room.
- Keep comments constructive and not disruptive.
- Avoid verbal approval or dissatisfaction of the ongoing discussion (i.e., booing or applauding).
- Exhibits (photos, petitions, etc.) given to the City become the property of the City.
- Please silence all cellular phones, beepers, pagers or other noise making devices.
- Be considerate of others who wish to speak by limiting your comments to a reasonable length, and avoiding repetition of what has already been said. Individuals may be limited to two minutes and group representatives may be limited to five minutes.
- Refrain from congregating near the doors or in the lobby area outside the council room to talk as it can be very noisy and disruptive. If you must carry on conversation in this area, please be as quiet as possible. (The doors must remain open during a public meeting/hearing.)

Public Hearing v. Public Meeting

If the meeting is a **public hearing**, the public may participate during that time and may present opinions and evidence for the issue for which the hearing is being held. In a public hearing there may be some restrictions on participation such as time limits.

Anyone can observe a **public meeting**, but there is no right to speak or be heard there - the public participates in presenting opinions and evidence at the pleasure of the body conducting the meeting.

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Wireless Telecommunications Amendment

FOR CONSIDERATION ON: 2 September 2014

PETITIONER: Staff and Planning Commission

ACTION REQUESTED BY PETITIONER: Make recommendation

APPLICABLE STATUTE OR ORDINANCE: Article 3.27 (Wireless
Telecommunications)

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

BACKGROUND INFORMATION:

See attached memo and proposal.

RECOMMENDED ACTION:

That the Planning Commission review the proposed amendment and make a recommendation to the City Council.

MEMO



To: Mayor/City Council and Planning Commission
From: Rich Nelson and Jason Bond
Date: August 12, 2014
Subject: Wireless Telecommunication Towers

Wireless telecommunication towers are controversial and they will continue to be (especially on Shepherd's Hill). There has been a lot of contact recently with companies that are looking to do work on the towers. We have some concerns about the way we are currently addressing these cell tower proposals. To sum it up, we feel that with the federal regulations that exist and that are being considered there is only so much that can be regulated at the local level. Recently, the city has received praise from the residents around Shepherd's Hill for changes that they are seeing on the hill. The credit should be given to Clyde Shepherd and the cell tower companies. The City is not able to legally make planting trees, tucking in antennas, etc. a condition of approval. We would like to clarify a process for handling the modifications, upgrades, and additions to the towers. This process may eventually need to be reflected in the ordinance by amendment. See proposed process below:

New Rules on Cell Tower Requests that do not "Substantially Change" the Tower or Base Station

Major Point: New congressional legislation has changed the shape of how cities can respond to requests by cell phone tower owners to upgrade the towers in a way that does **not "substantially change"** the tower or base station.

What does not "substantially change" mean:

1. The height of the tower is not increased by more than 10%;
2. The addition will not extend more than 20 feet from the tower;
3. It will add no more than one equipment shelter or four equipment cabinets; and
4. It will not involve excavation outside the tower site or existing utility and access easements

Effect on the City with regard to requests for changes on Shepherd's Hill: When a cell tower company makes a request to modify an existing wireless tower or base station that does not "substantially change" the tower or base station the City has 90 days to approve that request. **The request has changed from a city regulatory decision making process to an information sharing process.**

The protocol that the City had previously followed on cell tower change requests was:

1. A request for a change is made to the City.
2. The request is taken to the DRC.
3. The cell tower company is asked to contact the Shepherd's Hill neighbors' group for meeting and clarification.
4. The request is taken to the Planning Commission for their recommendation to the City Council.
5. The request is taken to the City Council for their regulatory decision on the cell tower request.

This protocol will remain the same for requests that do "substantially change" the tower or base station.

If the request by the cell tower owners does **not** “**substantially change**” the tower or base station the protocol to be followed is:

1. A request for change that does not “substantially change” the tower or base station is made to the DRC.
2. The request is forwarded for information purposes **only** to the Shepherd’s Hill neighbors’ group, the Planning Commission and the City Council.

Background Information: David Church, Alpine City Attorney, has written, “When Congress adopted the Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. 112-96) in February 2012, it included in it a number of special provisions, including Section 6409(a), which broadens the federal preemption of local cell tower regulations. This new law provides that state or local governments “shall approve” any eligible request to modify an existing wireless tower or base station that does not “substantially change” the tower or base station. Eligible requests include collocation of new transmission equipment and replacement of existing equipment.

This mandate raises the obvious question of just what constitutes a “substantial change” that must be approved. On January 25, 2013 the FCC provided notice that in interpreting the new law it intends to adopt regulations that provides that it is not a substantial change if: (1) the height of the tower is not increased by more than 10%; (2) the addition will not extend more than 20 feet from the tower; (3) it will add no more than one equipment shelter or four equipment cabinets; and (4) it will not involve excavation outside the tower site or existing utility and access easements. Proposed modifications to existing towers that fall within these guidelines must be approved by local governments.

The FCC guidance (I do not believe it is yet part of the federal regulations) goes on to address several other questions raised by the new legislation. It interprets the law as applying to both telecommunication towers and to other structures that support or house an antennae and to include emerging technologies such as distributed antenna systems and small cells. It does not affect collocations on structures other than wireless towers or base stations. It concludes that a local government may require an application for administrative approval, but that such applications must be approved within 90 days.”

Conclusion: For requests that do not substantially change the tower or base station as described above, **the request has changed from a city regulatory decision making process to a city information sharing process.**

Please contact Rich Nelson or Jason Bond if you would like to discuss and understand this topic more.



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ARTICLE 3.27

WIRELESS TELECOMMUNICATIONS ORDINANCE

(Ordinance No. 2006-06, 4/25/06; Amended by Ordinance No. 2012-05, 7/10/12)

3.27.1 GENERAL PROVISIONS

1. Title. This Ordinance shall be known as the Wireless Telecommunications Ordinance.
2. Purpose & Intent. The unique character, landscapes and scenic vistas of Alpine are among its most valuable assets. Preserving and promoting those assets are essential to the long-range social and economic wellbeing of the City and its inhabitants. Protecting these assets requires sensitive placement and design of wireless communication facilities so that these facilities remain in scale and harmony with the existing character of the community.
 - a. To amend Ordinance No. 2006-06 to accommodate new technology and develop regulations on the use and development of City property for new cell tower facilities.
 - b. To regulate personal wireless services antennas, with or without support structures, and related electronic equipment and equipment structures.
 - c. To provide for the orderly establishment of personal wireless services facilities in the City.
 - d. To minimize the number of antenna support structures by encouraging the co-location of multiple antennas on a single new or existing structure.
 - e. To establish siting, appearance and safety standards that will help mitigate the potential impacts related to the construction, use and maintenance of personal wireless communication facilities.
 - f. To comply with the Telecommunication Act of 1996 by establishing regulations that (1) do not prohibit or have the effect of prohibiting the provision of personal wireless services, (2) do not unreasonably discriminate among providers of functionally equivalent services, and (3) are not based on the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's regulations concerning such emissions.
3. Findings.
 - a. Personal wireless services facilities (PWSF) are an integral part of the rapidly growing and evolving telecommunications industry, and present unique zoning challenges and concerns by the City.
 - b. The City needs to balance the interests and desires of the telecommunications industry and its customers to provide competitive and effective telecommunications systems in the City, against the sometimes differing interests and desires of others concerning health, safety, welfare, and aesthetics, and orderly planning of the community.
 - c. The City has experienced an increased demand for personal wireless services facilities to be located in the City, and expects the increased demand to continue in the future.
 - d. It is in the best interests of the City to have quality personal wireless services facilities available, which necessarily entails the erection of personal wireless services facilities in the City.
 - e. The unnecessary proliferation of personal wireless services facilities through the City creates a negative visual impact on the community.
 - f. The visual effects of personal wireless services facilities can be mitigated by fair standards regulating their siting, construction, maintenance and use.
 - g. A private property owner who leases space for a personal wireless services facility is the only one who receives compensation for the facility, even though numerous other property owners in the area are adversely affected by the location of the facility.
 - h. Chapter 69-3, Utah Code Annotated, grants cities the authority to create or acquire sites to accommodate the erection of telecommunications tower in order to promote the location of telecommunication towers in a manageable area and to protect the aesthetics and environment of the area. The law also allows the City to require the owner of any

tower to accommodate the multiple use of the tower by other companies where feasible and to pay the City the fair market rental value for the use of any City-owned site.

- i. Telecommunications towers located on government property with the lease payments being paid to Alpine City instead of individual property owners evenly distributes the income from the lease payments to all citizens of Alpine through increased government services thus indirectly compensating all of the citizens of Alpine for the impact all citizens experience. The public policy objectives to reduce the proliferation of telecommunications towers and to mitigate their impact can be best facilitated by locating telecommunications and antenna support structures on property owned, leased or used by Alpine City as a highest priority whenever feasible.
4. Definitions. The following words shall have the described meaning when used in this ordinance, unless a contrary meaning is apparent from the context of the word.
- a. Antenna. A transmitting or receiving device used in telecommunications that radiates or captures radio signals.
 - b. Antenna Support Structure. Any structure that can be used for the purpose of supporting an antenna(s).
 - c. City. The City of Alpine, Utah.
 - d. City-owned property. Real property that is owned by the City.
 - e. Close to Tower Mount. Also known as slim mount, antennas on cell towers mounted very close to tower in order to appear less noticeable.
 - f. Co-location. The location of an antenna on an existing structure, tower or building that is already being used for personal wireless services facilities.
 - g. Monopole. A single, self-supporting, cylindrical pole that acts as the support structure for one (1) or more antennas for a personal wireless services facility.
 - h. Non-Substantial Change
 1. The height of the tower is not increased by more than 10%;
 2. The addition will not extend more than 20 feet from the tower;
 3. It will add no more than one equipment shelter or four equipment cabinets; and
 4. It will not involve excavation outside the tower site or existing utility and access easements
 - i. Personal Wireless Services. Commercial mobile telecommunications services, unlicensed wireless communications services, and common carrier wireless telecommunications exchange access services.
 - j. Personal Wireless Services Antenna. An antenna used in connection with the provision of personal wireless services.
 - k. Personal Wireless Services Facilities (PWSF). Facilities for the provision of personal wireless services. Personal wireless services facilities include transmitters, antennas, structures supporting antennas, and electronic equipment that is typically installed in close proximity to a transmitter.
 - l. Private Property. Any real property not owned by the City, even if the property is owned by another public or government entity.
 - m. Quasi public use. Uses such as a school or church or other uses defined as quasi public uses in Section 3.1.11 of the Alpine City Zoning Ordinance.
 - n. Tower. A freestanding structure that is used as a support structure for antenna.
 - o. Whip antenna. An antenna that is cylindrical in shape. Whip antennas can be directional or omnidirectional and vary in size depending on the frequency and gain for which they are designed.
5. Applicability. This ordinance (the Wireless Telecommunications Ordinance) applies to both commercial and private low power radio services and facilities, such as “cellular” or PCS (personal communications system) communications and paging systems. This ordinance shall not apply to the following types of communications devices, although they may be regulated by other City ordinances and policies.

- a. Amateur Radio. Any tower or antenna owned and operated by an amateur radio operator licensed by the Federal Communication Commission.
- b. Amateur T.V. Any tower or antenna owned and operated by an amateur T.V. operator licensed by the Federal Communication Commission.
- c. Satellite. Any device designed for over-the-air reception of television broadcast signals, multichannel multipoint distribution service or direct satellite service.
- d. Cable. Any cable television head-end or hub towers and antennas used solely for cable television services.

3.27.2 LOCATION AND TYPES OF TOWERS/ANTENNAS

1. Personal Wireless Services Facilities Site Locations. The following are currently approved locations:

- a. Co-location on an existing tower.
- b. City owned property.
- c. Property in conjunction with a quasi-public or public use.
- d. Commercial property in the business commercial zone.

No new towers shall be located in Lambert Park.

New towers shall be located no closer than a one-quarter (1/4) mile radius from another tower and shall be no closer to a residence than two (2) times the height of the tower.

If the applicant desires to locate on a site other than the approved sites listed above, the applicant shall have the burden of demonstrating to the City why it cannot locate on an approved site. To do so, the applicant shall provide the following information to the City:

- a. The identity and location of any approved sites located within the desired service area.
- b. The reason(s) why the approved sites are not technologically, legally, or economically feasible. The applicant must make a good faith effort to locate towers and antennas on an approved site. The City may request information from outside sources to justify or rebut the applicant's reason(s) for rejecting an approved site.
- c. Why the proposed site is essential to meet the service demands of the geographic service area and the citywide network. If the applicant desires to construct a monopole, the applicant shall also submit a detailed written description of why the applicant cannot obtain coverage using existing towers.

2. Permitted and Non-Permitted Towers and Antennas.

- a. Permitted. The following are permitted:

1. Co-location on existing towers.
2. Existing towers may be maintained, used, and upgraded or replaced. A replacement tower shall not exceed the height of the tower being replaced.
3. Monopoles are permitted subject to the following:
 - a. A monopole shall not exceed eighty feet (80').
4. Roof-mounted Antennas are permitted subject to the following:
 - a. A roof-mounted antenna shall be screened, constructed, and/or colored to match the structure to which it is attached.
 - b. A roof-mounted antenna shall be set back from the building edge one (1) foot for every one (1) foot of antenna height and shall not exceed fifteen (15) feet in height.
5. All new antennas shall be slim-mounted or mounted to an existing array.

- b. Not Permitted. The following are not permitted:
 - 1. Lattice Towers. Lattice appearance is not permitted.
 - 2. Guyed Towers.
- 3. Co-location Requirement. Unless otherwise authorized by the approving authority for good cause shown, every new tower shall be designed and constructed to be of sufficient size and capacity to accommodate at least two (2) additional wireless telecommunications providers on the structure in the future.
- 4. Lease Agreement. The City has no implied obligation to lease any particular parcel of City-owned property to an applicant. The City shall enter into a standard lease agreement with the applicant for any facility built on City property. The Mayor or designee is hereby authorized to execute the standard lease agreement on behalf of the City. The lease shall contain the condition that the approving authority must first approve the site plan before the lease can take effect, and that failure to obtain such approval renders the lease null and void.

3.27.3 PROCEDURE FOR NEW TOWERS AND SUBSTANTIAL CHANGES TO EXISTING TOWERS

- 1. **Application Requirements** Any person desiring to develop, construct or establish a personal wireless services facility in the City shall submit an application for site plan approval to the City. A site plan shall be required for all new towers and antennas and any **modification** **substantial changes** or replacement of a tower or antenna. The City shall not consider the application until all required information has been included. The application shall be submitted to the City Planner at least fourteen (14) days prior to the public meeting at which it will be presented to the Planning Commission. The applicant shall include the following:
 - a. Fee. The applicable fee shall be paid to the City Recorder, payable to Alpine City, as set forth in the Alpine City Consolidated Fee Schedule.
 - b. Site Plan. A site plan meeting the City's standard requirements for site plans.
 - c. Notification Letter. The applicant shall submit a list of all property owners within five hundred (500) feet of the boundaries of the property where the proposed tower or antenna is to be located. The applicant shall also submit envelopes that have been stamped and addressed to all property owners on the list. The City may require a greater distance if deemed necessary or appropriate. The City shall prepare a notification letter to be sent to the property owners on the list submitted by the applicant to be mailed out at least seven (7) days prior to the public meeting at which the application will be presented to Planning Commission. The letter shall contain the following information:
 - 1. Address or location of the proposed tower, co-location, tower modification, etc.
 - 2. Name of the applicant.
 - 3. Type of tower/antenna (e.g. monopole, roof antenna, etc.)
 - 4. Date, time, and place of the public meeting at which the application will be presented to the Planning Commission.
 - d. Sign. The applicant shall erect a sign of sufficient durability, and print and size quality that is reasonably calculated to give notice to passers-by. The sign shall be posted at least fourteen (14) days prior to the public meeting at which the application will be presented to the Planning Commission. The sign:
 - 1. Shall be 4 ft. (H) x 8 ft. (W)
 - 2. Shall not be more than six (6) feet in height from the ground to the highest point of the sign; and
 - 3. Shall be posted five (5) feet inside the property line in a visible location on the property where the tower/antenna is to be located. If the property is located in such a spot that the sign would not be visible from the street, the sign shall be erected in

another location close by that will give notice to passers-by, or at Alpine City Hall. The applicant shall be responsible to obtain permission of the property owner to erect the sign. The sign shall include the following information:

- a. Address of location of the proposed tower, co-location, tower modification, etc.
 - b. Type of tower/antenna (e.g. monopole, roof antenna, etc.)
 - c. Date, time, and place of the public meeting at which the application will be presented to the Planning Commission.
- e. Written Information. The following written information shall be submitted:
1. Maintenance. A description of the anticipated maintenance needs for the facility, including frequency of service, personnel needs, equipment needs, and traffic noise or safety impacts of such maintenance.
 2. Service Area. A description of the service area for the antenna or tower and a statement as to whether the antenna or tower is needed for coverage or capacity.
 3. Licenses and Permits. Copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of the antenna.
 4. Radio Frequency Emissions. A written commitment to comply with applicable Federal Communications Commission radio frequency emission regulations.
 5. Liaison. The name of a contact person who can respond to questions concerning the application and the proposed facility. Include name, address, telephone number, facsimile number and electronic mail address, if applicable.
2. **Approval Process.** The application and site plan shall be reviewed by the City pursuant to its standard site plan approval process. The City shall process all applications within a reasonable time and shall not unreasonably discriminate among providers of functionally equivalent services. Any decisions to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record. The application and site plan will be reviewed by Planning Commission for a recommendation to City Council. The City Council shall review the application and site plan and shall act as the land use authority in approving or denying the application and site plan.

The Planning Commission may, if it deems necessary, require each application to be reviewed independently by a certified radio frequency engineer, licensed to do such work in the State of Utah. The purpose of the review is to determine if other locations are available to achieve an equivalent signal distribution and not significantly affect the operation of the telecommunications facility. Such a review may be required when an applicant indicates that no other acceptable location exists. The costs of an independent review shall be borne by the applicant.

3.27.4 PROCEDURE FOR NON-SUBSTANTIAL CHANGES (3.27.1.4h) TO EXISTING TOWERS

1. **Application Requirements** Any person desiring to make a non-substantial change to a personal wireless services facility in the City shall submit an application for site plan approval to the Development Review Committee (DRC). A site plan shall be required for the proposed non-substantial changes to the tower. The City shall not consider the application until all required information has been included.
2. **Approval Process.** The application and site plan shall be reviewed by the DRC. The DRC shall process all applications within a reasonable time and shall not unreasonably discriminate among providers of functionally equivalent services. Any decision to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record. The DRC shall review

[the application and site plan and shall act as the land use authority in approving or denying the application and site plan.](#)

3.27.5 BUILDING PERMITS

1. General Requirements. No tower or antenna support structure shall be constructed until the applicant obtains a building permit from the City. No building permit shall be issued for any project for which a site plan or amended site plan is required, until the site plan or amended site plan has been approved by the appropriate authority. If the design or engineering of the antenna support structure is beyond the expertise of the Building Official, the City may require third party review by an engineer selected by the City prior to the issuance of a building permit. The applicant shall pay an additional fee to cover the cost of the third party review.
2. Additional Requirements for New Towers. If the applicant is constructing a new tower, the applicant shall, if requested by the City, submit a written report from a qualified structural engineer licensed in the State of Utah, documenting the following:
 - a. Height and design of the new tower, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design.
 - b. Seismic load design and wind load design for the new tower.
 - c. Total anticipated capacity of the new tower, including number and types of antennas which can be accommodated.
 - d. Structural failure characteristics of the new tower and a demonstration that the site and setbacks are adequate size to contain debris.
 - e. Soil investigation report, including structural calculations.

3.27.6 SAFETY

1. Regulation Compliance.
 - a. Compliance with FCC and FAA Regulations. All operators of personal wireless services facilities shall demonstrate compliance with applicable Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) regulations, including FCC radio frequency regulations, at the time of application and periodically thereafter as requested by the City. Failure to comply with the applicable regulations shall be grounds for revoking a site plan.
 - b. Other Licenses and Permits. The operator of every personal wireless services facility shall submit copies of all licenses and permits required by other agencies and governments with the jurisdiction over the design, construction, location and operation of the facility to the City, shall maintain such licenses and permits in good standing, and shall provide evidence of renewal or extension thereof upon request by the City.
2. Protection Against Climbing. Towers shall be protected against unauthorized climbing by removing the climbing pegs from the lower 20 feet of the towers.
3. Fencing. Towers shall be fully enclosed by a minimum 6-foot tall fence or wall, as directed by the City, unless the City determines that a wall or fence is not needed or appropriate for a particular site due to conditions specific to the site.
4. Security Lighting Requirement. Towers shall comply with the FAA requirements for lighting. The City may also require security lighting for the site. If security lighting is used, the lighting impact on surrounding residential areas shall be minimized by using indirect lighting, where appropriate.
5. Emergency. The City shall have the authority to move or alter a personal wireless services facility in case of emergency. Before taking any such action, the City shall first notify the owner of the facility, if feasible.

3.27.7 ADDITIONAL REQUIREMENTS

1. Regulations for Accessory Structures.
 - a. Storage Areas and Solid Waste Receptacles. No outside storage or solid waste receptacles shall be permitted on site.
 - b. Equipment Enclosures. All electronic and other related equipment and appurtenances necessary for the operation of any personal wireless services facility shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade. When a new structure is required to house such equipment, the structure shall be harmonious with, and blend with, the natural features, buildings and structures surrounding such structure.
 - c. Accessory Buildings. Freestanding accessory buildings used with a personal wireless services facility shall not exceed 450 square feet and shall comply with the setback requirements for structures in the zone in which the facility is located.
2. Parking. The City may require a minimum of one (1) parking stall for sites containing a personal wireless services facility and/or accessory buildings, if there is insufficient parking available on the site.
3. Maintenance Requirements. All personal wireless services facilities shall be maintained in a safe, neat, and attractive manner.
4. Landscaping. A landscaping plan shall be submitted to the Planning Commission who will make a recommendation to the City Council who will approve the landscape plan.
5. Site Restoration Upon Abandonment. All sites shall be restored to the original configuration upon abandonment.
6. Fencing. The City will determine the type of fencing used on wireless telecommunications sites on a case by case basis. In the case of the Rodeo Grounds, the fencing shall match the existing fencing. Fencing will recommend by the Planning Commission and approved by the City Council.
7. Color and material standards. The City shall make an administrative decision as to the color. To the extent the personal wireless services facilities extend above the height of the vegetation immediately surround it, they shall be painted in a nonreflective light gray, light blue or other hue, which blends with the skyline and horizon or a brown to blend in with the surrounding hillside.
8. Facility Lighting and Signage Standards. Facility lighting shall be designed so as to meet but not exceed minimum requirements for security, safety and/or FAA regulations. Lighting of antennas or support structures shall be prohibited unless required by the FAA and no other alternatives are available. In all instances, the lighting shall be designed so as to avoid glare and minimize illumination on adjacent properties. Lighting shall also comply with any applicable City lighting standards.
9. Facility Signs. Signs shall be limited to those needed to identify the numbers to contact in an emergency, public safety warnings, certifications or other required seals. These signs shall also comply with the requirements of the City's sign regulations.
10. Utility Lines. All utility lines serving new cell towers shall be located underground.
11. Business License. Each facility shall be considered as a separate use; and an annual business license shall be required for each facility.

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Planned Residential Development (PRD) Amendment

FOR CONSIDERATION ON: 2 September 2014

PETITIONER: Staff and City Council

ACTION REQUESTED BY PETITIONER: Make recommendation

APPLICABLE STATUTE OR ORDINANCE: Article 3.9 (PRD)

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

BACKGROUND INFORMATION:

The Planning Commission and City Council recently reviewed and approved an amendment to the lot area and width requirements in residential zones. This amendment will allow subdivisions to create better subdivisions with cleaner lot lines. However, this amendment did not address Planned Residential Developments (PRD). See attached memo from the City Engineers regarding the proposed changes.

RECOMMENDED ACTION:

That the Planning Commission review the proposed amendment and make a recommendation to the City Council.

Memo



To: Alpine City Planning Commission
From: Jed Muhlestein, P.E.
Assistant City Engineer
Date: August 13, 2014
Subject: Proposed Amendment to PRD Section 3.9.4.3

In light of recent development we have noticed issues with the creation of lot lines due to some verbiage in our Development Code. The section of code to discuss is the PRD section 3.9.4.3 and reads as follows:

3. *Notwithstanding the minimum open space requirements set forth under Section 3.9.4 #1, the designated open space area shall include and contain all 100 year flood plain areas, defined floodways, all avalanche and rock fall hazard areas, all areas having a slope of twenty five (25) percent or greater, or any other area of known significant physical hazard for development.*
 - A. An exception may be made by the Planning Commission that up to 5% of an individual lot may contain ground having a slope of more than 25% in the CR-20 and CR-40 zones as long as the lot can meet current ordinance without the exception.
 - B. An exception may be made that an individual lot may contain up to 15% of the lot having a slope of more than 25% in the CE-5 and CE-50 zone as long as the lot can meet current ordinance without the exception. The exception shall be recommended by the Development Review Committee (DRC) to the Planning Commission, and a recommendation by the Planning Commission to the Alpine City Council with the final determination to be made by the City Council. (Ord. 2005-02, 2/8/05)

The underlined sections essentially force a developer to draw irregular lot lines to try to minimize or reduce the amount land within the lot containing slopes greater than 25%. Irregular lot lines are difficult for a home owner to fence or landscape around. It is also easy for a home owner to lose a property corner where there are multiple segments within a short distance, which in turn creates landscaping issues where the owner unknowingly landscapes property that is not there's. See attached Exhibits A & B. This kind of lot line creation is present in the latest submission of Heritage Hills. Exhibit C shows what was submitted vs what could be proposed (in dark black) if the underlined sections above were deleted or altered in such a way to give the developer more leeway in the creation of lot lines.

Presented herewith are three options for the Planning Commission to think about:

Alpine City Engineering
20 North Main • Alpine, Utah 84004
Phone/Fax: (801) 763-9862
E-mail: jed@alpinecity.org

- 1) Option 1 would be to delete the above underlined sections of code.

This would eliminate the need to route property lines around 25% sloped areas, creating straighter lot lines and cleaner subdivisions. From an engineering stand point, there are already measures in place to ensure that homes will be built in safe locations. The Sensitive Lands Ordinance sets forth regulations regarding hillside lands, geologic hazard lands, urban/wildland lands, or flood plain lands as well as the design of driveways and buildable areas for homes.

The potential down side to this option is that it would allow the developer to retain as much property as possible inside the lots instead of donating it to open space. Do we want more open space? Heritage Hills currently has 63.7% Open Space. If Option 1 were applied, they would have nice clean lots lines, but could potentially have 13.7% (5.5 acres) less open space. The development is 40 acres in size.

In doing some research, it appears that most cities require lands that are “steep” to be developed as open space. They are classified slightly different from city to city; some say over 30%, others like us say lands with slopes over 25%, some just say “steep slopes”, but most cities have a slope component to their open space requirements.

- 2) Rather than deleting the underlined sections, another option could be to add a Section C with following verbiage:

C. An exception may be made that an individual lot may contain up to another 5% of the lot (on top of the percentage as mentioned in Sections 3.9.4.3.A or 3.9.4.3.B) having a slope of more than 25% if it can be shown that the extra percentage of area acquired is being used to straighten and eliminate multiple segmented property lines as long as the lot can meet current ordinance without the exception.

In other words, we'll give you a little more property if you can show you are using the gained area to straighten lot lines and create a cleaner development.

The potential down side to this is that in a development with a lot of slope, adding another 5% exception to the rule may or may not be enough and we'd still end up with lot lines being routed around sloped areas. The positive side is that we wouldn't be completely eliminating a section of code that gains the city open space or protects us from unknown issues involved with allowing property owners to landscape “steep” areas of land.

- 3) Option 3 would be to leave it as it is.

Exhibit A – Landscaping Visual

Legend

 Property Line



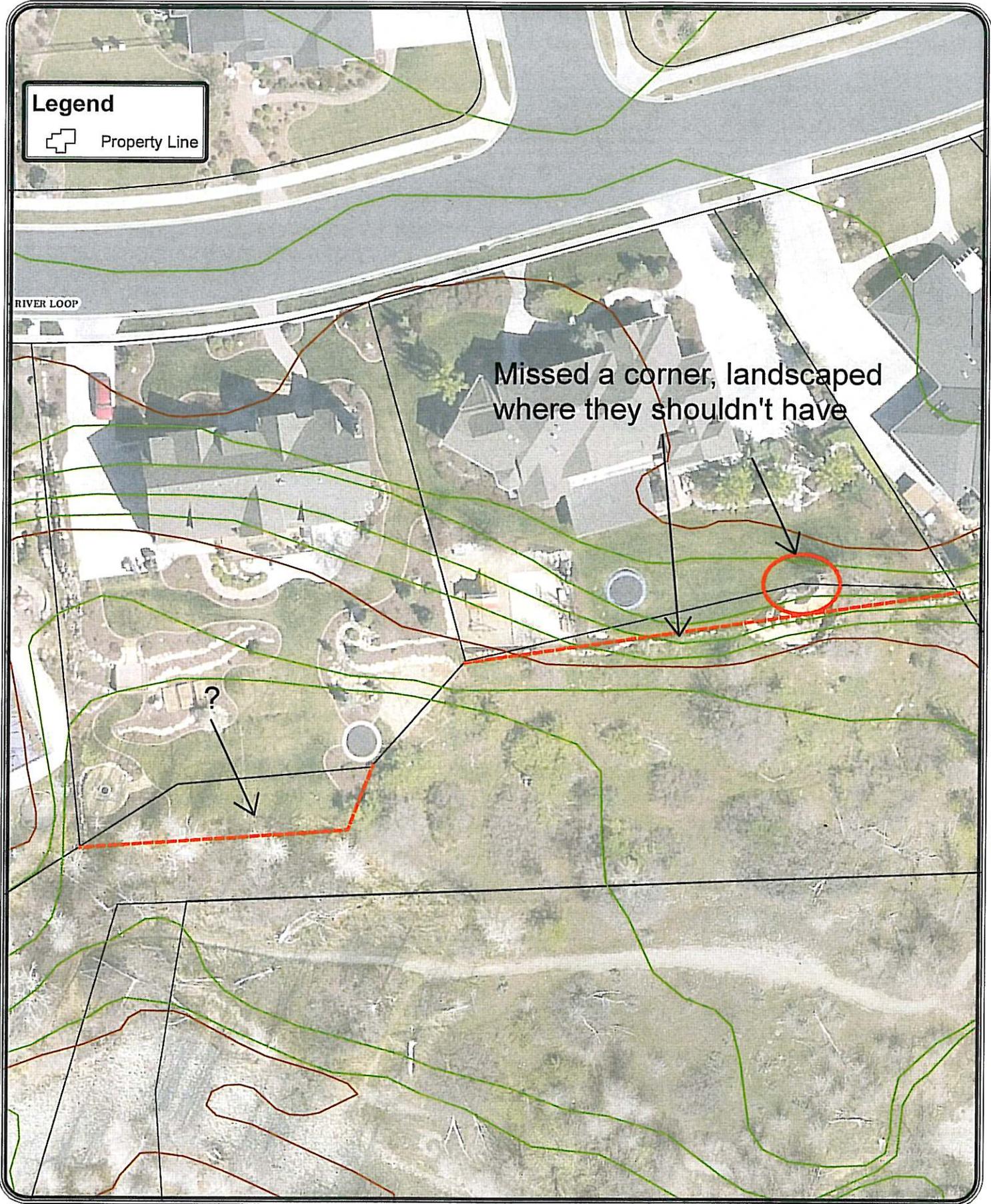
Missed a corner, landscaped where they shouldn't have



Building Outside Property Lines



Exhibit B – Landscaping Visual



Legend

 Property Line

Missed a corner, landscaped where they shouldn't have

?



Building Outside Property Lines



Exhibit C – Heritage Hills Potential

POINT	NORTHING	EASTING
FP 1	776,500.79	1,924,080.72
FP 2	778,921.63	1,924,026.46
FP 3	777,834.66	1,924,030.67
FP 4	778,040.62	1,924,224.83
FP 5	778,252.64	1,924,142.07
FP 6	778,290.74	1,924,231.84
FP 7	778,367.75	1,924,314.92
FP 8	778,424.84	1,924,279.79
FP 9	778,369.94	1,924,190.57
FP 10	778,709.42	1,924,318.52
FP 11	778,911.60	1,924,183.64
FP 12	778,998.25	1,924,931.83
FP 13	778,974.93	1,923,363.59
FP 14	779,148.81	1,923,363.59
FP 15	779,125.60	1,922,778.01
FP 16	777,866.05	1,922,771.06
FP 17	777,809.50	1,922,768.40
FP 18	777,821.72	1,923,983.55

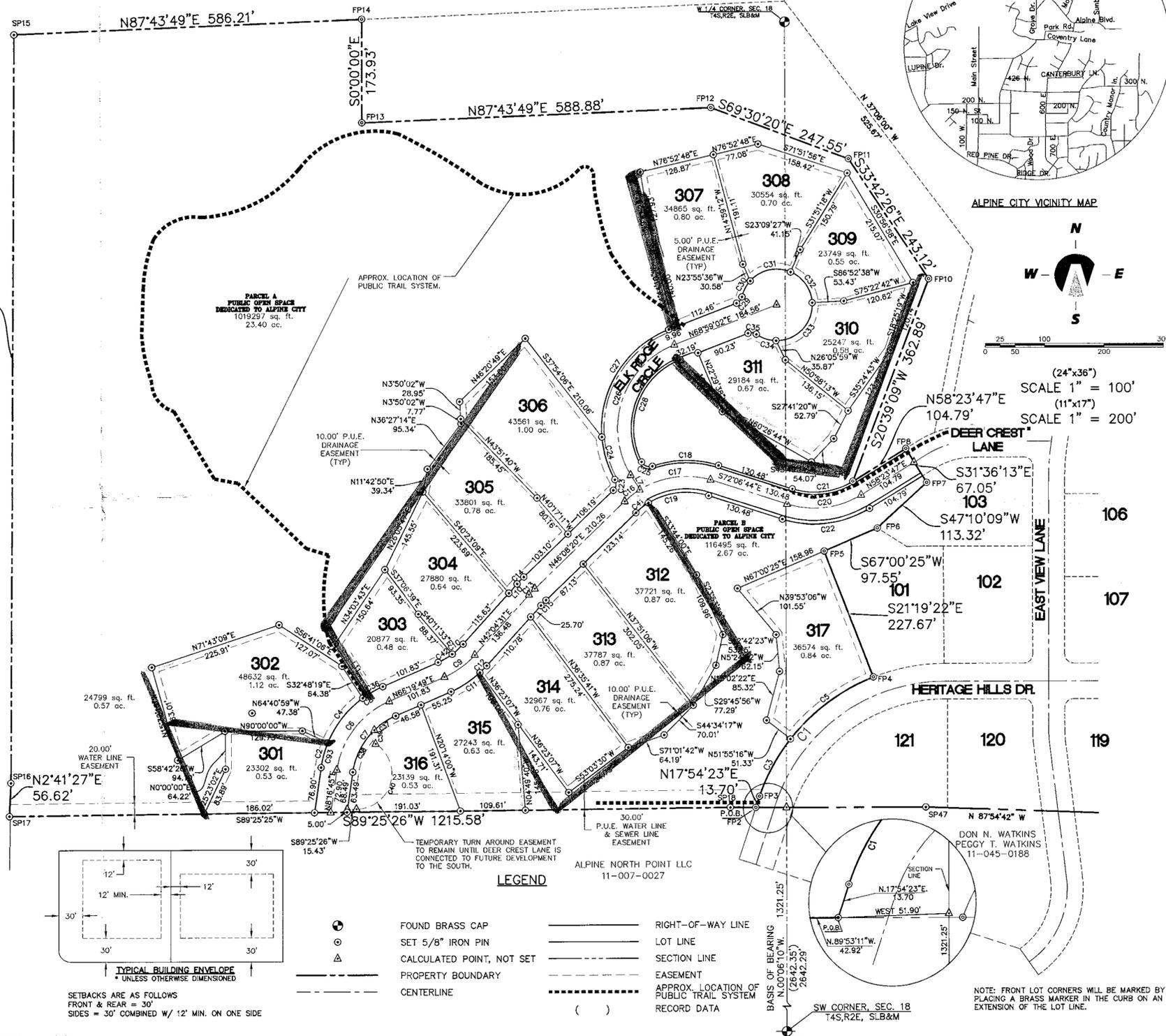
LINE	LENGTH	DIRECTION
L1	30.00'	N43°00'09"W
L2	30.00'	N23°09'27"E
L3	30.00'	N86°52'38"E
L4	30.00'	N9°04'15"W
L5	54.07'	S43°49'14"W
L6	52.79'	S27°41'20"W
L7	29.19'	N31°34'12"W

LOT NO.	ADDRESS
301	66 E. DEER CREST LANE
302	74 E. DEER CREST LANE
303	102 E. DEER CREST LANE
304	128 E. DEER CREST LANE
305	146 E. DEER CREST LANE
306	168 E. DEER CREST LANE
307	216 E. ELK RIDGE CIRCLE
308	238 E. ELK RIDGE CIRCLE
309	266 E. ELK RIDGE CIRCLE
210	253 E. ELK RIDGE CIRCLE
311	223 E. ELK RIDGE CIRCLE
312	173 E. DEER CREST LANE
313	153 E. DEER CREST LANE
314	137 E. DEER CREST LANE
315	117 E. DEER CREST LANE
316	91 E. DEER CREST LANE
317	1169 N. HERITAGE HILLS DR
318	1225 E. DEER CREST LANE
319	182 E. ELK RIDGE CIRCLE

CURVE	LENGTH	RADIUS	CHORD DIST.	CHORD BRG.	DELTA
C1	292.63'	330.00'	283.13'	N43°18'35"E	50°48'24"
C2	43.41'	177.00'	43.31'	S18°18'21"W	14°03'12"
C3	116.32'	330.00'	115.72'	N28°00'16"E	20°11'47"
C4	96.91'	177.00'	95.70'	S38°01'03"W	31°22'11"
C5	176.30'	330.00'	174.21'	S53°24'29"W	30°36'37"
C6	151.98'	150.00'	145.56'	N37°18'17"E	58°03'04"
C7	124.62'	123.00'	119.36'	N37°18'17"E	58°03'04"
C8	10.01'	177.00'	10.01'	N55°19'19"E	3°14'21"
C9	63.50'	150.00'	63.03'	N54°12'10"E	24°15'18"
C10	24.51'	123.00'	24.47'	S47°46'59"W	11°24'57"
C11	58.52'	177.00'	58.26'	N56°51'28"E	18°56'41"
C12	16.40'	177.00'	16.40'	N44°43'49"E	5°18'37"
C13	14.19'	200.00'	14.18'	N44°06'25"E	4°03'49"
C14	16.10'	227.00'	16.10'	S44°06'25"W	4°03'49"
C15	12.27'	173.00'	12.27'	N44°06'25"E	4°03'49"
C16	32.18'	150.00'	32.12'	N52°17'04"E	12°17'28"
C17	129.48'	150.00'	125.50'	N83°09'32"E	49°27'27"
C18	113.46'	177.00'	111.53'	N89°31'23"E	36°43'45"
C19	111.07'	123.00'	107.34'	S82°01'05"W	5°14'22"
C20	129.57'	150.00'	125.58'	N83°08'31"E	49°29'29"
C21	106.25'	123.00'	102.97'	N83°08'31"E	49°29'29"
C22	152.89'	177.00'	148.18'	S83°08'31"W	49°29'29"
C23	19.70'	15.00'	18.32'	S8°30'32"W	75°15'36"
C24	75.27'	177.00'	75.14'	S16°51'57"E	24°30'39"
C25	21.35'	15.00'	19.60'	S68°03'24"E	81°34'09"
C26	263.25'	150.00'	230.74'	N18°42'25"E	100°33'14"
C27	227.35'	177.00'	212.04'	N32°11'12"E	73°35'39"
C28	206.64'	123.00'	183.18'	S20°51'21"W	96°15'22"
C29	14.65'	15.00'	14.07'	S41°00'42"W	55°56'39"
C30	30.56'	60.00'	30.23'	S27°37'50"W	29°10'55"
C31	74.28'	60.00'	69.63'	S77°41'22"W	70°56'10"
C32	66.73'	60.00'	63.34'	N34°58'57"W	63°43'10"
C33	89.58'	60.00'	87.86'	N43°56'41"E	94°08'07"
C34	35.52'	60.00'	35.00'	S72°01'47"E	33°54'56"
C35	14.65'	15.00'	14.07'	S83°02'38"E	55°56'39"
C36	29.00'	177.00'	28.97'	S61°38'09"W	9°23'19"
C37	43.45'	123.00'	43.23'	N56°12'36"E	20°14'25"
C38	81.17'	123.00'	79.71'	N27°11'05"E	37°48'39"
C39	26.92'	15.00'	23.45'	S59°19'27"E	102°49'41"
C40	153.06'	60.00'	114.81'	S16°20'34"W	146°09'43"
C41	27.05'	123.00'	27.00'	S52°26'23"W	12°36'06"
C42	27.56'	123.00'	27.50'	S59°54'38"W	12°50'21"

HERITAGE HILLS ALPINE PLAT "C"

NOV. 2013
DEVELOPER: HERITAGE HILLS INC.
CURRENT ZONE: CR-40,000



SURVEYOR'S CERTIFICATE

I, KIM WAYNE LUNDEBERG, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD A LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT, UTAH CODE ANNOTATED, 1953 AS AMENDED, CERTIFICATE NO. 354377. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, STREETS, AND EASEMENTS, HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17, UTAH CODE ANNOTATED, 1953 AS AMENDED, HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT. I FURTHER CERTIFY THAT EVERY EXISTING RIGHT-OF-WAY AND EASEMENT GRANT OF RECORD FOR UNDERGROUND FACILITIES, AS DEFINED IN SECTION 54-8a-2, UTAH CODE ANNOTATED, 1953 AS AMENDED, AND FOR OTHER UTILITY FACILITIES, IS ACCURATELY DESCRIBED ON THIS PLAT, AND THAT THIS PLAT IS TRUE AND CORRECT.

DATE _____ KIM WAYNE LUNDEBERG, P.L.S.

BOUNDARY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 1 EAST AND THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 4 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT A BRASS MONUMENT MARKING THE SOUTHWEST CORNER OF SAID SECTION 18; THENCE N.00°06'10"W, ALONG THE SECTION LINE A DISTANCE OF 1321.25 FEET AND WEST A DISTANCE OF 51.90 FEET TO THE POINT OF BEGINNING.

THENCE N.89°53'11"W, A DISTANCE OF 42.92 FEET; THENCE S.89°25'26"W, A DISTANCE OF 1215.58 FEET; THENCE N.02°41'27"E, A DISTANCE OF 56.62 FEET; THENCE N.00°18'59"E, A DISTANCE OF 1259.95 FEET; THENCE N.87°43'49"E, A DISTANCE OF 586.21 FEET; THENCE SOUTH A DISTANCE OF 173.93 FEET; THENCE N.87°43'49"E, A DISTANCE OF 588.88 FEET; THENCE S.89°30'20"E, A DISTANCE OF 247.55 FEET; THENCE S.33°42'26"E, A DISTANCE OF 243.12 FEET; THENCE S.20°39'09"W, A DISTANCE OF 362.89 FEET; THENCE N.58°23'47"E, A DISTANCE OF 104.79 FEET; THENCE S.31°36'13"E, A DISTANCE OF 67.05 FEET; THENCE S.47°10'09"W, A DISTANCE OF 113.32 FEET; THENCE S.67°00'25"W, A DISTANCE OF 97.55 FEET; THENCE S.21°19'22"E, A DISTANCE OF 227.67 FEET; TO A POINT OF CURVATURE OF A 330.00-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT; THENCE SOUTHWESTERLY A DISTANCE OF 292.63 FEET ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 50°48'24" AND A CHORD THAT BEARS S.43°18'35"W, A DISTANCE OF 283.13 FEET; THENCE S.17°54'23"W, A DISTANCE OF 13.70 FEET TO THE POINT OF BEGINNING, CONTAINING 40.41 ACRES OF LAND MORE OR LESS, CONTAINING 17 LOTS.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS MAP, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, STREETS, AND EASEMENTS AND DO HEREBY DEDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR PERPETUAL USE OF THE PUBLIC.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS DAY OF _____ A.D. 20__

ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF UTAH }
ON THE _____ DAY OF _____, A.D. 20__
PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC (SEE SEAL)

ACCEPTANCE BY LEGISLATIVE BODY

THE CITY COUNCIL OF ALPINE CITY, COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS _____ DAY OF _____, A.D. 20__

APPROVED _____ ATTEST _____
CITY ENGINEER (SEE SEAL) CITY RECORDER (SEE SEAL)

ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF UTAH }
ON THE _____ DAY OF _____, A.D. 20__
PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC (SEE SEAL)

RECEIVED AUG 05 2014
PLAT "C"
HERITAGE HILLS ALPINE
LOCATED IN THE SE 1/4 OF SECTION 13, T4S, R1E, SLB&M & THE SW 1/4 OF SECTION 18, T4S, R2E, SLB&M

ALPINE CITY UTAH COUNTY, UTAH
SCALE: 1" = 100 FEET

SURVEYOR'S SEAL NOTARY PUBLIC SEAL CITY-COUNTY ENGINEER SEAL CLERK-RECORDER SEAL

Northern ENGINEERING INC
ENGINEERING-LAND PLANNING
CONSTRUCTION MANAGEMENT
1040 E. 800 N.
OREM, UTAH 84097
(801) 802-8992

APPROVAL AS TO FORM:
APPROVED AS TO FORM THIS _____ DAY OF _____, A.D. 20__
CITY ATTORNEY _____

BOARD OF HEALTH
APPROVED SUBJECT TO THE FOLLOWING CONDITIONS _____
CITY-COUNTY HEALTH DEPARTMENT _____

ROCKY MOUNTAIN POWER
APPROVED THIS _____ DAY OF _____, A.D. 20__, BY PACIFICORP
PACIFICORP _____

PLANNING COMMISSION APPROVAL
APPROVED THIS _____ DAY OF _____, A.D. 20__, BY THE CITY OF ALPINE PLANNING COMMISSION.
DIRECTOR-SECRETARY _____ CHAIRMAN, PLANNING COMMISSION _____

R:\3-03-087-00 ALPINE BROWN\NEW PHASE 3 FOLDER\CAD\Final\FINAL PLAT C new 7-2014.dwg 8/5/2014 3:55 PM

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Planning Commission Amendment

FOR CONSIDERATION ON: 2 September 2014

PETITIONER: Staff and City Council

ACTION REQUESTED BY PETITIONER: Consider Amending the Planning Commission Ordinance

APPLICABLE STATUTE OR ORDINANCE: Article 2.2 (Planning Commission)

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

BACKGROUND INFORMATION:

There are no State regulations regarding the number or makeup of a Planning Commission. The only regulation in LUDMA (Land Use, Development and Management Act) regarding a Planning Commission is that a Land Use Authority means a person, board, commission, agency, or body, including the local legislative body, designated by the local legislative body to act upon a land use application. The City can appoint whatever person or entity it wants to be the Land Use Authority and it can be configured how the legislative body wishes it to be configured.

Most cities in Utah rightly designated their existing Planning Commissions to be their Land Use Authority for most issues. Alpine appointed its existing Planning Commission to be its Land Use Authority for most land use issues. At that time the Alpine City Planning Commission had 7 members.

Staff and the City Council are proposing that the number of Alpine City Planning Commission members be reduced from 7 members to 5 members. A number of other smaller population cities about the same size as Alpine have already made this move from 7 members to 5 members. Mapleton is a good example. The reason for going to a 5 member Planning Commission is that it is easier to keep a 5 member commission organized and staffed than it is a 7 member commission.

No other changes in the scope or work of the Planning Commission is being contemplated or recommended.

RECOMMENDED ACTION:

That the Planning Commission make a recommendation to the City Council regarding whether they want to implement the 5 member Commission or whether they want to stay at the 7 member number.

**ALPINE CITY PLANNING COMMISSION MEETING at
Alpine City Hall, 20 North Main, Alpine, Utah
Aug 19, 2014**

I. GENERAL BUSINESS

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

Chairman:

Commission Members: Steve Cospser, Jason Thelin, Chuck Castleton, Steve Swanson, Judi Pickell

Commission Members Not Present: Bryce Higbee

Staff: Jed Muhlestein, Marla Fox

Others:

Craig Chagnon, Win Rasband, Kelley Rasband, Michelle Schirmer, Kay Holbrook, Kevin Galbraith, Elizabeth Galbraith, Dale Merrill, Debbie Merrill, Janet Butler, Lavar Butler John Macay, Kathleen Macay, Aaron Day, Lychelle Day, Ari Monkarsh, Lon Lott, Doug Malm, Kristin Malm, Kevin Melnig, Austin Curtis, Nancy Judd, Julie Day, Steve Day, Michelle Delatorre, Frank Delatorre, Joe Fetters, Lisa Monson, Taylor Jamison, Jodie Jamison, Justin Mitchell, Vanessa Sutton, Thomas Sutton, Terra Harvey, Bruce Harvey, Daniel Rapp, Barbara Melendez-Rapp, Ron Gillespie, Stephen Crain, Paul Kroff, Den Berg, Jordan Melendez, Antonio Melendez, Janis Fetters, Maryann Casto, Lisa Galindo, Kim Topham, Cami Smith, D Akin, Diane Lavin, rick Helstrom, Heather Groom, Tami Hirsh

B. Prayer/Opening Comments: Chuck Castleton

II. PUBLIC COMMENT

No Comment

III. ACTION ITEMS

A.PUBLIC HEARING – Sprint Tower Site Plan

Sprint has submitted a site plan for review that would include the installation of (2) antennas, (2) power junction cylinders, (2) fiber junction cylinders, (1) filter and (2) RRH. The site is located at 694 Rocky Mountain Drive (Shepherd's Hill).

Craig Chagnon said he works for Crown Castle and his company leases space from Clyde Shepherd for the Sprint Cell Tower. This will be the second phase for the towers and there will be no additional changes to the tower. The structure is sound and the visual impact will be minimal. There will be no expansion of the compound and no height increase. Landscaping has been done and improved and a watering system added for the trees. He said they put in excess of what was approved.

Chuck Castleton asked if antennas were being added or just replaced. Mr. Chagnon said two new antennas are going to be added for better coverage. Steve Crane said he appreciates Sprint for bringing the antennas in and providing a close mount. He also appreciates Sprint planting four new trees and improving the landscaping. He asked the Planning Commission to uphold conditions placed on other Cell Towers in the area.

Michelle Schirmer said the neighborhood was promised that there would be a meeting by Sprint. She said it was set up and then cancelled. She said the neighborhood wants to make sure things are done as promised. Lyn Stubner said she would like to see some pictures of what's actually going to happen. She said the Planning Commission should oversee the installation to make sure it is put in exactly as the Cell tower companies said it will be. Janet Butler said she was concerned about the health risks of the cell towers. She said some people in the neighborhood have cancer and autoimmune disorders and other health problems which may be related from these towers. She would like to see some studies done on this subject.

Steve Swanson asked Mr. Chagnon if he would provide some pictures of what this tower will look like when completed to ease the minds of the residents. Jason Thelin said Sprint is not required to go to neighborhood

1 meetings. Jason Bond said a meeting is not required by ordinance but would go a long way to have good
 2 neighborhood relations. Chuck Castleton asked if this change would be considered a substantial change or just a
 3 modification. Jason Bond said he has asked David Church about and it did not look like a substantial change to him.
 4 He said the Planning Commission can't require conditions on this but can ask for improvements.

5
 6 Judi Pickell said she doesn't want to give the residents false hope that the Planning Commission is going to put
 7 conditions on the cell towers when legally our hands are tied. Michelle Schirmer said this is not a modification
 8 because Sprint is doubling the antennas. Mr. Chagnon said this tower can hold up to six antennas. Lyn Stubner
 9 asked if we have weak ordinances. Steve Swanson said it is the Federal Law and not something the Planning
 10 Commission came up with. Chuck Castleton asked if this requires a motion from the City Council.

11
 12 Steve Crane said the Planning Commission can impose conditions like landscaping and asking them to close mount
 13 the antennas for visual effect. He said there are legitimate concerns about health when you have seven towers on
 14 one hill. Clyde Shepherd said twenty years ago he required that the towers were not higher than thirty five feet,
 15 landscaping, hidden units, no co-location. He said AT&T, Digis and Sprint have spent a lot of money to put in an
 16 irrigation system and landscaping to provide large trees to make this accommodating to everyone. He said he has
 17 followed all the recommendations that have been asked of him and still be able to provide the service and the speed
 18 the residents want. He said he has tried really hard to stay within the law and to make the area attractive with trees.

19
 20 Steve Cosper said he would like to see the approval of this type of application be given back to the DRC in absence
 21 of any substantial change because State Law has outlined what needs to be done. Jason Bond said at a later time we
 22 need to address our ordinance and amend the ordinance as you would like to see it.

23
 24 **MOTION:** Steve Swanson moved to recommend to City Council that the proposed Site Plan for Sprint 2.5
 25 Equipment Upgrade go forward with the following recommendation:

- 26
 27 1. Request that Sprint work with the residents to keep the site well maintained and landscaped.

28
 29 Steve Cosper seconded the motion. The motion passed with 5 Ayes and 0 Nays. Steve Cosper, Jason Thelin, Chuck
 30 Castleton, Steve Swanson and Judi Pickell all voted Aye.

31
 32 **B. PUBLIC HEARING – Questar Property Purchase and Conditional Use Site Plan**

33 Questar Gas has approached the city with an offer of \$120,000 dollars to purchase 0.13 acres of land and
 34 0.35 acres of easement for the purpose of installing a natural gas metering facility and line in conjunction with their
 35 pipeline replacement project. Both pieces of property are Open Space land where an existing Questar Gas Easement
 36 exists. The City Council approved the idea of a potential sale July 8th, allowing the process to move forward. The
 37 facility is proposed at 600 North Pfeifferhorn Drive on a 2.37 acre piece of Alpine City owned Open Space. The
 38 property is in the CR-40,000 zone.

39
 40 The proposed building is 8' x 8' in length, width and height. It will be located on the piece of property proposed
 41 To be bought. An 8' tall solid concrete fence is proposed to enclose the property. Improvements to the property
 42 would be a small section of paved driveway and graveled landscaping to cover the site (75' x 75' in total). These
 43 improvements would be within the 8' tall fenced area.

44
 45 Jason Bond said this would be a Conditional Use and has to go before the Planning Commission, and notification
 46 letters be sent to surrounding neighbors which has been done. Questar has asked that the Conditional Use Permit
 47 and Site Plan be concurrent with the purchase of this property. The purchase of the property requires a
 48 recommendation from the Planning Commission and then a super majority vote from the City Council which would
 49 be four votes. The City Council will have final say on whether this property will be sold.

50
 51 Rick Helstrom with Questar Gas Company said they are doing a pipeline replacement of aging infrastructure and at
 52 the same time looking at loads on their system and future development. The project for 2014-2015 will be to replace
 53 about 40 miles of 12 inch, high pressure gas main starting in Salt Lake City and coming down to Alpine, continuing
 54 south into Provo. Rick Helstrom said much of the project is in city streets, but there is also a lot in private
 55 easements. He said these pipes were installed in 1947 and are sixty to seventy years old and need to be replaced.

1 The pipeline needs to be replaced in the easements that were required back in the 40's and he showed on the map an
2 existing easement here in Alpine. Today, many subdivisions have been developed over the top of the lines. The
3 corroder has been maintained but we have a lot of homes that have been built 8 to 10 feet from the existing pipeline.
4 The new pipeline has a lot of safety built into it and it's made of better material which is welded steel and is better
5 technology than was available seventy years ago. There are better coatings that protect it from corrosion and the
6 wells are x-rayed to guarantee their integrity.

7
8 Rick Helstrom said Questar is just trying to make sure the city has a safe, reliable supply of gas. The meter station is
9 to measure and monitor the flow of gas through the pipeline to ensure that minimum gas flow requirements are
10 being sustained in this part of our distribution system. He said on this Site Plan there is a proposed future regulator
11 station where they take the gas from the high pressure pipeline and run it through a series of regulators and reduce
12 the pressure down to about 45 pounds of pressure. That is what then goes into the distribution system that feeds the
13 homes and businesses in Alpine and Highland. That regulator station will be needed in the next couple of years
14 because of growth in this area; all the extra subdivisions and commercial buildings that are being built and will need
15 to get the natural gas feed from this part of Alpine and Highland down into our system.

16
17 Mr. Helstrom said this site was chosen because of the existing easement and pipeline that runs through that
18 particular parcel, it happens to be very close to the midpoint of our existing pipeline which is where we need the
19 meter, and it also has vehicular access to it. This site will be very low impact as far as traffic and the site would be
20 visited at most once a month or once a week by technicians who would come to see if things are operating properly.
21 This is also a property where it may be possible to get it under a Permitted or Conditional Use. Mr. Helstrom said
22 the building would be an 8' by 8' by 9' tall steel building and the meter would be located in that. He said they will
23 bring the pipeline down through that meter and back over to the existing easement. He said these lines run about
24 300 pounds of pressure even though they are tested to run at a much higher lever. Steve Swanson asked how large
25 of an area this would supply gas to. Mr. Helstrom said this is all part of a network of gas and will be a distribution
26 center for Salt Lake county and Utah County.

27
28 Judi Pickell asked what the area would look like. Mr. Helstrom said they would put gravel down as a base with a
29 French drain to handle any water runoff. He said they will put in an asphalt driveway and a decorative post and
30 panel eight foot concrete wall. The wall would be for security as well as for aesthetics. Steve Swanson asked what
31 would be housed in the steel building. If someone broke in and took a sledge hammer to it, would we have 300
32 pounds of gas going off? He asked what emergency procedures are in place if there was a leak of some sort. Mr.
33 Helstrom said he doesn't know what the construction of the meter is but said there are ways to shut the gas off.
34 Steve Swanson said this building with 300 pounds of gas coming out of it doesn't look all that secure. Steve Cosper
35 said we currently have 300 pounds of gas running through 70 year old pipes.

36
37 Jed Muhlestein said we already have a regulator station in the city on 100 West with only a chain link fence around
38 it and we haven't had any issues with it. Mr. Helstrom said it would be pretty difficult for someone to damage the
39 new pipelines. He said they keep the property locked, the buildings locked and do all we can to keep them secure.
40 The Brad Freeman said he has been asked to look at this issue and asked if the Planning Commission table this issue
41 until the Fire Department can make sure it is safe. He said he has had a request by Public Safety Board to take a
42 look at this and have our Fire Marshall go through everything with Questar and the different type of wildland issues
43 in that area. Jason Thelin said the Planning Commission could also make a recommendation with a condition of
44 approval from the Fire Marshall.

45
46 Dan Rapp said when he moved to Highland he didn't realize his backyard neighbor would be Questar. He said the
47 neighbors feel like they haven't been given insufficient time to research the issue and give a response. He said
48 concrete wall has a significant aesthetics impact. He said other cities have put these types of structures in and require
49 three hundred feet away from a residence and a thousand feet away from churches and schools. Mr. Rapp asked
50 about the noise level and asked that these considerations and impacts be looked into. He asked the Planning
51 Commission to table this until this can be looked into further.

52
53 Justin Mitchell said the homes behind this property drop down off the hill and anything built on the Open Space
54 property is going to be very visible. He asks that if this goes through, the applicant be required to put in landscaping
55 to make it look more appealing. He also said once the gas is brought out of the ground it is going to be more
56 vulnerable to attack and can blow up the whole community. Thomas Sutton said his children play in the backyard

1 right next to where this station would be built. He said if the land were flat, then an eight foot wall might hide the
2 building, but where it is on a hill, it will be quite visible. He said if this land is sold he is worried that Questar would
3 do what they want on the property. Judi Pickell said that is not true because they would have conditions put on the
4 use.

5
6 Bruce Harvey said he is upset that he was not notified about the sell of this land. Jason Bond said the ordinance
7 requires residents within five hundred feet being notified. Bruce Harvey also said when he bought his home, he was
8 told he would have access to this open space and he doesn't think the city should sell his open space. He said we
9 need to tell Questar we don't want what they are proposing in our city and in our neighborhood. He said this issue
10 does not need to be tabled; we just need to say no. He said we don't need to listen to big dollar corporations like
11 Questar, but we need to listen to the residents.

12
13 Jason Thelin asked if they have other options to put in this station. He said Questar has the right to maintain their
14 equipment and other options can be less expensive if Questar puts up chain link fence instead of concrete walls and
15 no driveway or gravel.

16
17 Steve Swanson asked what Questar will do if this site is not approved. Mr. Helstrom said we need a station here in
18 this area to serve these homes. Going a mile away doesn't help us to serve this area. He also said that ultimately,
19 Questar has the right of eminent domain in order to make the system work. He said Questar doesn't like to do that
20 but rather work with neighbors and cities to make it work. He also said that Questar has to find some way to get this
21 from Salt Lake County to Utah County. Steve Swanson asked if Questar has had any problems with other sites like
22 the one being proposed. Mr. Helstrom said they try to work through construction issues and noise issues.

23
24 Frank Delatorre asked what will be the minimum limit of decibels from equipment. Mr. Helstrom said there will be
25 insulation and they have to stay within the noise level. Mr. Delatorre said he is worried that this will become a
26 compressor facility or a boost turbine facility in the future that produces hazardous situations. Mr. Helstrom said
27 Questar would have to come back for Conditional Use if they wanted to do anything different.

28
29 Doug Malm asked if the facility could be moved a mile to the north and away from residents. He said we don't
30 want to sell our Open Space and we don't want to look at a large concrete wall. He said all the residents have spent
31 millions of dollars to live here and have high property taxes. He said Alpine City doesn't need to sell property to get
32 money because taxes pay enough. He said the residents want to say no to this project and he asked the Planning
33 Commission to reject this proposal. Mr. Malm said it's ridiculous that Alpine is even entertaining this idea. He said
34 our homes are our biggest investment and this facility can be moved somewhere away from residential homes.

35
36 Jason Thelin said the city is not selling this property to collect fees. He asked if there was someplace this station
37 could go where it didn't butt right up against residential houses. Mr. Helstrom said in 1947 when this pipeline was
38 built, there were no houses. He said they try to avoid them when they can but the fact is that the regulator station is
39 because of the growth in this area. Mr. Helstrom said the reason the pipeline is there is to serve these million dollar
40 homes here in Alpine and Highland and they have a huge gas load. It will become an issue when the regulator
41 stations can't handle these huge loads. Mr. Helstrom said he understands that nobody wants this in their backyard,
42 but it is going to be needed in this area. He said we can't push it to Draper, because they don't know what they want
43 to do with their property in the future; it may become a park. He also said moving this line a mile up the road
44 doesn't get us a gas line here where it is needed in Alpine and Highland and it also needs to be close to a regulator
45 station in order to serve these homes.

46
47 Brad Freeman said he doesn't like the idea of this structure being that close to homes and said he will have to look at
48 the regulations. Mr. Helstrom said they do comply with Federal and State codes. Brad Freeman said in a stiff wind,
49 the gas will go horizontal.

50
51 Joe Fetters said he realizes that things must go forward and we have to have facilities like this but not next to
52 children's trampolines and swing sets. Put this somewhere where it can be planned around and not next to
53 someone's home with an eight foot concrete wall. Steve Marks said gas is good and is needed and wanted to know
54 if there were other options for Questar to build this site that would be more suitable. He said he purposely bought
55 his property because it was next to open space and it is wrong to sell it when the neighborhood thought this would

1 stay open space. He said he actually tried to buy this open space and was told that Alpine does not sell their open
2 space.

3
4 Barbara Rapp asked questions about the accessory building as written in the ordinance. She said this is not an
5 accessory building because it is not going to be connected to any main building. She wanted to know at what time
6 were the ordinances changed to allow this accessory building to be built on this property when there is no main
7 building to connect to. She said she had fundamental rights and asked how fair it is when you have other areas to
8 build this to put it next to residential homes. She said it is an insult when she is told this is no big deal, or it is a tuff
9 shed, or it's going to be okay by staff. Mrs. Rapp said she hopes the Planning Commission can see beyond that.

10
11 Steven Day said the thought of a high pressure gas line underground is a little bit scary but necessary because we all
12 use natural gas. He said this same line above ground that vents gas into their neighborhood is terrifying. It's a
13 safety issue and because of that, it shouldn't go any further. Any chance of gas leaking is a deal killer and we don't
14 want this next to our children or homes. He said he does not want this issue tabled, but to say no to it now.

15
16 Heather Groom said there are plenty of areas in Draper City where this facility could go but they do not want it
17 because Draper wants to sell it to a developer. She said she would like to meet with neighbors to get a conservation
18 easement for part of this Draper property. Ms. Groom said it is un-neighborly to put this station in a place where
19 most of the neighbors can't vote when it is two feet off their property line. She said the Planning Commissions
20 hands are not tied on this issue and she asks that this location is denied. Tami Hirsh is concerned about putting a gas
21 facility in an area with high winds and she is also concerned about radiation.

22
23 Jason Thelin asked the Planning Commission if they wanted to table this issue to give time to find other options.
24 Steve Swanson asked about the accessory building definition in the ordinance. Jed Muhlestein said this term was
25 used in order to find a setback. The rest of the ordinance also stated an accessory building for the main use of the
26 land. Judi Pickell said she didn't think we were at the point to define any points of real estate for the sale of this
27 property. Jason Bond said that Questar is requesting concurrent approval of the Conditional Use Permit, Site Plan
28 and the sale of the land. He said if the Planning Commission doesn't approve the Conditional use or Site Plan, then
29 you don't have to address the sale of the land. Jason Bond said if the Planning Commission feels that it meets the
30 ordinance and the Conditional Use Permit and the Site Plan should be approved, then you need to make is as a
31 condition of approval the sale of the land and make that recommendation to the City Council.

32
33 Jed Muhlestein said this project fits from an engineering standpoint with landscaping, setbacks, and storm drains.
34 Steve Swanson asked what the City gains by selling this property to Questar. Jed Muhlestein said the money from
35 the sale of the property could go back into parks and maybe replace the tennis courts at Burgess Park. Jason Thelin
36 said it is beneficial to Questar because it has easy access off the main road. Mr. Helstrom said the City benefits by
37 providing gas to the community to have a warm shower and a warm house and this area needs this station. He said if
38 we don't have a place to put this type of infrastructure, then it is a detriment to the city. He said just like sewer and
39 water, you have to plan for the growth and development in the area. Judi Pickell said she didn't know how the
40 Planning Commission can approve a Site Plan when we don't have a site. We can't make conditions and mitigate
41 issues without the site. Chuck Castleton said this open space is very valuable and he doesn't like the idea of an eight
42 foot fence and industrial buildings on this property.

43
44
45 **MOTION:** Chuck Castleton moved to recommend to the City Council to deny the sale of Open Space for the
46 Questar Gas Conditional Use Permit and Site Plan.

47
48 Steve Swanson seconded the motion. The motion passed with 4 Ayes and 1 Nay. Jason Thelin, Chuck Castleton,
49 Steve Swanson and Judi Pickell all voted Aye. Steve Cosper voted Nay.

50 51 **C. PUBLIC HEARING - Sign Ordinance Amendment**

52 Jason Thelin opened the Public Hearing. He said we will table this issue until Teri Nitta can be here to address the
53 issues she had. Judi Pickell said our ordinance is not very useful to residents. Jason Bond said the ordinance should
54 be revisited.

55 56 **D. David's Court Final Plat F – Patterson Construction**

1 The proposed David's Court Subdivision consists of 15 lots on 16.42 acres. The lots range in size from 40,000 to
 2 62,792 square feet. The development is located north of Healey Blvd and east of Canyon Crest Road at approx. 355
 3 East Healey Blvd. the proposed development is in the CR-40,000 zone. This plan will require the vacation of
 4 David's Court Plats A, B, & C to allow property lines to be adjusted to the current plan. The development is not
 5 located within any sensitive lands overlay zone. The developer is proposing to phase the project for construction.
 6 Plat F will consist of the easterly cul-de-sac and lots 1 thru 8. The remaining 7 lots will be phased in the future.
 7

8 Jed Muhlestein said this subdivision would like to bring this as two phases starting with the west cul-de-sac as Plat
 9 F. He said the developer has decided to upsize the size of the water lines. The west cu-de-sac has the capacity to
 10 build up to 7700 square foot homes. The east cul-de-sac will be allowed to build 6200 square foot homes. If the
 11 homes are built any bigger than that, they will be required to have fire sprinklers. He said we need a construction
 12 cost estimate to prepare a bond, a driveway design needs to be provided, water policy be met, utility notification
 13 form and redlines on the plat. Jed Muhlestein said the developer has met the water policy with Bush Well credits,
 14 which are one acre feet per right.
 15

16 **MOTION:** Steve Cosper moved to recommend final approval of the proposed David's Court Subdivision Final Plat
 17 F with the following conditions:
 18

- 19 1. The Planning Commission recommend a circular driveway design for Lot 3 to prevent backing out onto
- 20 Canyon Crest.
- 21 2. The Developer meet the water policy.
- 22 3. The Developer acquire approvals for the Utility Notification Form.
- 23 4. The Developer address some redlines on the construction drawings and plat.
- 24 5. The Developer provides a construction cost estimate to access the bond.
 25

26 Chuck Castleton seconded the motion. The motion passed with 5 Ayes and 0 Nays. Steve Cosper, Jason Thelin,
 27 Chuck Castleton, Steve Swanson and Judi Pickell all voted Aye.
 28

29 **E. Heritage Hills Final Plat C Revisions**

30 Heritage Hills Final Plat C has already received final approval from the City Council. However, it has not been
 31 recorded yet and the developer is requesting that some minor modifications be made to the plat that adjust some lot
 32 lines but does not alter or change what was part of the final approval.
 33

34 Jed Muhlestein said modifications changed the open space by one percent but still meets the requirements. He also
 35 said they need to balance the water policy. Jason Thelin asked what happened to the trails that run through this
 36 property. The developer said they are still there, they just forgot to put them on their drawing. Jason Thelin if
 37 retaining walls will be built. Jed Muhlestein said that is part of them providing a cost estimate and it has been added
 38 into the bond. Judi Pickell said she does not want the city to have the liability and responsibility for more open
 39 space. She said she would rather see the developer put that into an HOA or a conservation easement. Jason Bond
 40 said this plan has already been approved and can't be changed. He said you could ask the Developer if he would be
 41 willing to change his plan for the open space. The Planning Commission had a discussion about city open space and
 42 what we want it to be intended for. Jason Bond said we need to spend some time going over each open space in the
 43 city and define what we want the use to be and if we want it to be maintained or left natural.
 44

45 **MOTION:** Judi Pickell moved to recommend approval of Heritage Hills Final Plat C with the revised lot lines with
 46 the following conditions:
 47

- 48 1. The Developer meet the water policy.
- 49 2. The Developer provide a construction cost estimate.
- 50 3. Include the trail that was omitted
 51

52 Steve Swanson seconded the motion. The motion was unanimous with 5 Ayes and 0 Nays. Steve Cosper, Jason
 53 Thelin, Chuck Castleton, Steve Swanson and Judi Pickell all voted Aye.
 54

55 **IV. COMMUNICATIONS**

56

1
2 **V. APPROVAL OF PLANNING COMMISSION MINUTES OF:** July 15, 2014
3

4 **MOTION:** Steve Swanson moved to approve the Planning Commission Minutes for July 15, 2014 subject to
5 changes.
6

7 Steve Cospers seconded the motion. The motion passed unanimously with 5 Ayes and 0 Nays. Steve Cospers, Jason
8 Thelin, Chuck Castleton, Steve Swanson and Judi Pickell all voted Aye.
9

10 Jason Thelin stated that the Planning Commission had covered all of the items on the agenda and adjourned the
11 meeting at 9:55pm.

DRAFT