

**Bountiful City
Planning Commission Minutes
October 20, 2015
6:30 P.M.**

Present: Chairman – Tom Smith; Vice Chairman – Dave Badham; City Council Representation - Richard Higginson; Planning Commission Members – Von Hill, and Sean Monson; City Attorney – Russell Mahan; City Planner – Chad Wilkinson; City Engineer – Paul Rowland; and Recording Secretary – Darlene Baetz

Excused: Planning Commission Member - Mike Allen and Sharon Spratley

1. Welcome and Introductions.

Chairman Smith opened the meeting at 6:30 pm and welcomed all those present.

2. Approval of the minutes for October 6, 2015.

Sean Monson made a motion to approve the minutes for October 6, 2015 as written. Von Hill seconded the motion.

Voting passed 5-0 in favor with Commission Members Badham, Higginson, Hill, Monson, and Smith voting Aye.

3. PUBLIC HEARING - Consider approval of a Conditional Use Permit to install a telecommunications tower to be located at Muir Elementary School, 2275 South Davis Blvd, Jared White representing Verizon Wireless, applicant.

Jared White was present. Chad Wilkinson presented the staff report.

The applicant requests a conditional use permit for a new telecommunications tower located at Leo Muir Elementary School, 2275 South Davis Boulevard. The proposed tower is to be located at the north east corner of the School property. The subject property is located within a Single Family Residential (R-3) zone. Telecommunications towers are an allowed use in the R-3 zoning district subject to approval of a conditional use permit.

The proposal includes the installation of an 80-foot high telecommunications monopole tower along with antennae. The application also includes the installation of a fenced equipment area approximately 22 feet by 38 feet in area (836 square feet). A 12-foot wide paved access driveway is proposed from Bonneview Drive to the equipment area. The applicant proposes to provide power to the facility from an existing pole located to the north west of the tower.

The predominant issue surrounding the proposal is the height of the proposed tower and the visual impacts on the adjoining properties. The applicant has indicated that they are willing to install a 50-foot tall tower instead of the 80 foot tower. However, the installation of a lower tower will limit the ability for collocation by other providers in the future, which is encouraged by City Code. This may lead to additional requests for towers in the vicinity. The 80 foot height requested is consistent with other tower installed in the City including the tower at Mueller Park Junior High. The proposed tower is adjacent to a church parking lot and 4 single family residential properties. The closest of the

existing residences is approximately 100 feet from the proposed tower and several large trees exist between the tower and the residence. A 38 foot tall power pole exists currently on the church property between the proposed tower and the existing residences. Mitigating conditions that could be placed on the tower include limiting the width of the pole and array.

Staff recommends that the Planning Commission approve the requested Conditional Use Permit subject to the following conditions:

1. The communications tower shall not exceed 30 inches in diameter at the base and shall taper to no more than 18 inches in diameter at the top of the pole.
2. The maximum height allowed shall be 80'.
3. The color of the tower is to be determined by staff.
4. At no point shall any part of an antenna array, including the antenna pads, extend more than 72" inches from the exterior of the communications tower pole.
5. The tower shall be constructed in such a way to allow for at least three different services, meaning the original applicant equipment and two colocations on the same tower.
6. The applicant shall consent to at least two future colocations on the tower.
7. The applicant shall obtain a building permit before commencing construction.
8. Any and all fees shall be paid.

Staff and Mr. White stated the Federal statute for telecommunication towers and also Bountiful Code mandates the colocation of the cell providers.

The Bountiful Power Department has been made aware of the power line and will work closely with the applicant.

Mr. White stated the cell phone traffic has doubled and has placed a large demand on the cell towers. He clarified the size restriction of 50 feet would not allow other carriers to collocate and would require Verizon to use the second colocation for themselves.

Mr. White stated that all of the research done has shown that the ownership of the property is Davis School District.

Staff asked why Verizon wanted the tower placed in the corner of the property. Mr. White mentioned that the location was decided by the school district.

Chairman Smith opened the Public Hearing at 7:02 p.m.

Questions from the Public:

Lawrence Deppe resides at 586 Pheasant Circle. Mr. Deppe asked for clarification on the Federal Communication Act, if the foot print stays the same for new carriers, the status of the cell tower at South Davis High School, what happens to the cell tower if service stops at this location, and what products are available that Verizon is working on for cell towers. He is concerned about the health and safety issue that are associated with cell towers.

Bill Densley resides at 563 E Pheasant Circle. Mr. Densley is concerned about the loss of flat play area where the tower will be placed. He asked about which cell service owns the tower at South Davis Jr. High.

Ron Gardner resides at 2420 Fairway Dr. Mr. Gardner was concerned about the height of the towers in the residential area. He is wondering about other options for placement possibly in the mountains.

Mike Nelson resides at 502 E 2150 S. Mr. Nelson had a concern about the visual of the tower and the ownership of the property the cell tower driveway is crossing. He stated the school's portables have been moved onto a flat area of the playground in front of his property.

Kirk MacKay resides at 2177 Bonneville Dr. Mr. McKay had questions about the ownership of the property and power used for this tower and for the ownership of the arrays at the tower at South Davis Jr. High. He stated concern for the extra traffic for access to cell tower, the visual of the tower to the neighbors, and the loss of property value for homes in the area of the proposed tower.

Mike Slatter - representing his mother, Shauna Slatter who resides at 584 E 2150 S. Mr. Slatter was concerned about the visual of the tower at the rear of the property and the removal of the baseball diamond. He also discussed that there was property on the north side of the school that was given in 1968 to the families along the edge of the school property. He spoke about options that would allow a flat playground area including possible excavation and retaining wall.

Brian Young resides at 608 E 2150 S. Mr. Young was concerned about the additional traffic of the cell tower and the water runoff of the access road for the tower. He asked about the possibility of smaller towers.

Bruce Reed resides at 683 E 2150 S. Mr. Reed was concerned about the visual of the tower to the neighborhood and the height of the tower. He had questions about the benefit of the tower to the school and the possible options for the driveway to the tower.

Harley Babcock resides at 2178 Bonneview Dr. Mr. Babcock was concerned about the additional traffic of the cell tower, the noise from the generators to the towers and the water damage from the access road towards his house. He asked how often the cell towers fail.

Chairman Smith closed the Public Hearing at 7:39 p.m.

Mr. White responds to the questions:

Verizon is currently working to implement the process of a smaller cell.

Cell sites are very expensive to operate and Verizon does not want a site that is not working.

Variety of Health Articles – Federal law does not allow any decision from Commissions be based on health. FCC is the governing body.

Property values – a licensed appraiser could argue that the property values would go up or down.

Lewis Park has an extreme slope and would require a taller tower.

The proposed tower at Muir would be an unmanned tower with access after school hours with one Verizon employee in one truck every 4-6 weeks. Construction must be done in the summer per district rules. Conditions for the turf surface can be stipulated from the Committee Members.

The school district has evaluated the placement of the tower and has made the decision for the placement. The tower will be fenced but not the maintenance access road. The access road is not plowed during the winter.

Failures of tower – the Engineering department would determine the guidelines for the engineering codes.

Cell Sites – discussed that the placement of the new site would be to off load the existing towers.
South Davis Jr High. – Verizon is working on site near this location
Mueller Park – has space for tower expansion but no permission for expansion of ground equipment.
School is expanding and may take the existing tower down.
Property from school – Mr. Mahan stated that the ownership of this disputed property at Muir should not be addressed at Planning Commission. Mr. White stated that Verizon has done research for ownership of the property and has found that Davis School District owns the property. Verizon would like any paperwork to prove otherwise.
Noise from Generator – There is a small hum from an HVAC unit which will turn on to cool the equipment. No noise from array. Every 6-8 weeks the tower will be tested.
Baseball Diamond - Will not take the backstop out.
Revenue for school district – Verizon does not dictate where the revenue from the lease for the tower. The Davis district will direct the deposit of monies.
Visual impact – Verizon will paint any pole any color the Commission directs. The oxidized galvanized steel is the best color for this area.
Minimum height is 50 feet – would like to clarify that the other cell services may not want to or be able to collocate at 40 feet.

Marcelle Smith –realtor – clarifies that there is a difference in the market value and appraisal value.

Alex Densley – What is the actual load in Bountiful?

Mr. White – demand is here in the residential area of Bountiful. There are other towers built along the west cities.

Staff discussed the concern of removing the green space – Mr. White discussed the space for access roads, minimizing the impact. Mr. Hill suggested the option of the turf system. Mr. Higginson mentioned the possible locations. Mr. White discussed that each location would have its own challenge.

Mr. Mahan mentioned that the school district has given permission.

Von Hill made a motion to approve the Conditional Use Permit to install a telecommunications tower to be located at Muir Elementary School, 2275 South Davis Blvd with the eight conditions outlined by staff and two additional conditions added:

1. The communications tower shall not exceed 30 inches in diameter at the base and shall taper to no more than 18 inches in diameter at the top of the pole.
2. The maximum height allowed shall be 80’.
3. The color of the tower is to be determined by staff.
4. At no point shall any part of an antenna array, including the antenna pads, extend more than 72” inches from the exterior of the communications tower pole.
5. The tower shall be constructed in such a way to allow for at least three different services, meaning the original applicant equipment and two collocations on the same tower.
6. The applicant shall consent to at least two future collocations on the tower.
7. The applicant shall obtain a building permit before commencing construction.
8. Any and all fees shall be paid.
9. Permanent drive access to the site shall consist of a permeable surface capable of supporting necessary service vehicles.
10. If the use of the tower is discontinued for more than 1 year, the tower must be removed at the applicant’s expense.

Dave Badham seconded the motion. Voting passed 3-2 in favor with Commission Members Badham, Hill, and Monson voting Aye, with Tom Smith and Richard Higginson voting nay.

Mr. Mahan stated that there is an appeal process with an application and fee which needs to be brought into the Planning Department office before the appeal will proceed.

4. Planning Director's report, review of pending applications and miscellaneous business.

1. Next Planning Commission meeting to be held on November 17, 2015.
2. Next City Council meeting to be held on October 27, 2015.
3. Upcoming agenda items.

Chairman Smith ascertained there were no other items to discuss. The meeting was adjourned at 8:32 p.m.



Chad Wilkinson, City Planner