

CACHE COUNTY PLANNING COMMISSION MINUTES

AGENDA: CACHE COUNTY PLANNING COMMISSION
CACHE COUNTY COUNCIL CHAMBERS (HISTORIC COURT HOUSE)
199 NORTH MAIN, LOGAN
NOVEMBER 3, 2011, 5:30 P.M.

- 4:45 p.m. Workshop in the County Council Chambers.
- 5:30 p.m. Welcome and opening remarks.
Review and approval of agenda.
Review and approval of the minutes of the October 6, 2011 meeting.

5:35 p.m.

Regular Action Items

- (1) **Logan Little Mountain Communication Tower Conditional Use Permit** – Eric Woody is requesting an approval of a conditional use permit to allow the construction of a communication facility consisting of an 80’ tall lattice tower with 6 antennas and 3 microwave dishes, 2-8’x16’x10’ buildings for electronics and a generator, and a 500 gallon propane tank on a 50’ X 50’ leased area of a parcel located on Little Mountain, west of Trenton.
- (2) **UT 1 Avon Conditional Use Permit** - Doug Kofford is requesting an approval of a conditional use permit to allow the construction of a communication facility consisting of a 200’ tall tower with 12 antennas and a 12’ X 26’ equipment shelter on a 50’ X 50’ leased area of a parcel located at approximately 10500 South 800 East, Avon.
- (3) **DD Auto & Salvage Conditional Use Permit Expansion** – David Grange is requesting a recommendation of approval to the County Council for a conditional use permit to allow the expansion of an existing conditional use permit including construction of additional buildings, fencing, storm drainage system, and truck scale located partially in the Industrial Manufacturing and Commercial Zones at approximately 1976 West 200 North, west of Logan; continued for up to 90 days at the August 4, 2011 meeting.
- (4) **Discussion** – Section 17.07 - Definitions; Section 17.09 - Schedule of Zoning Uses.
- (5) **Discussion** – Ordinance revision priorities.

Board Member Reports.
Staff reports. Adjourn.

This is a public meeting and all interested persons are invited to attend. Complete details and legal descriptions are on file for public inspection at the office of the Cache County Development Services Department, 179 North Main, Room 305, Logan, Utah, 755-1640.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Janeen Allen, Executive Secretary, at 755-1850 at least three working days prior to the meeting.

Cache County Planning Commission

Minutes for November 3, 2011

Present: Chris Harrild, Josh Runhaar, Chris Sands, David Erickson, Clair Ellis, Leslie Larson, Chris Allen, Phillip Olsen, Denise Ciebien, Megan Izatt

Start Time: 5:31:00 (Video time not shown on DVD)

Ellis welcomed and **Harrild** gave opening remarks.

5:32:00

Agenda

Passed with the changes to add the 2012 meeting schedule.

Minutes

October 6, 2011 – Minutes passed with noted changes to page 2.

2012 Meeting Schedule

2012 Planning Commission and Board of Adjustment meeting schedule adopted.

5:39:00

#1 Logan Little Mountain Communication Tower Conditional Use Permit (Eric Woody)

Harrild reviewed Mr. Woody's request for approval for a Conditional Use Permit (CUP) to allow the construction of a communication facility consisting of an 80' tall lattice tower with 6 antennas and 3 microwave dishes, 2-8'x16'x10' buildings for electronics and a generator, and a 500 gallon propane tank on a 50' X 50' leased area of a parcel located on Little Mountain, west of Trenton. This project received a previous CUP in June of 2005 and a concrete pad for the tower was poured but the tower and other structures were never installed. On the same parcel, there is also a Logan City owned 911 communications tower directly east and one other tower adjacent to this proposed tower to the north. Access is provided by a private road from County Road 5800 West. The private road is substandard but is sufficient for a telecommunications tower. Coverage maps have been provided by the applicant to show the coverage gained and seems to justify the height of the requested tower. The 911 tower buildings were requested to be composed of an earth tone aggregate and that requirement can be added for here.

Staff and Planning Commission discussed co-locating. Co-locating is ideal, but the county cannot require that everyone co-locate. Other counties promote co-location by increasing the cost to build towers.

Pattie Brockman our buildings are fiberglass. They are a wood structure with fiber glass on the outside and they are Carlsbad Canyon Beige so that they will blend in with the background. As for aggregate, that isn't something we wouldn't do unless we screened it. We have done that before, but we usually do fiberglass.

Runhaar that is something we required for the 911 tower because the building was concrete.

Ellis is it a fiber glass panel?

Ms. Brockman no, it isn't. It is a wood structure with fiber glass over it in sheets like a boat. As for the lattice instead of a monopole, we do the lattice because we feel it blends in better due to being able to see through it. It's also safer for our tower climbers instead of having them climb a monopole.

Sands do you know the heights of the other towers that are there?

Ms. Brockman I believe it is Sun Radio that is north of us and it is over 100 feet tall. I know the 911 tower is 30 feet and they called and asked us if we had any concerns because they are looking at extending their height.

Ellis where else do you have towers?

Ms. Brockman we have frequencies and towers all over Wyoming, Eastern Idaho, Eastern Utah and Northern Colorado.

Ellis have you used the lattice on the majority of those towers?

Ms. Brockman most of our other towers are the lattice. But we have put up a few monopoles, pine trees and we do have a couple of co-location sites as well.

Erickson is it galvanized?

Ms. Brockman yes and it is kind of shiny when it is first put up, but it dulls out over time.

Ellis how many towers would you need to cover Cache Valley?

Ms. Brockman I don't have the information to answer that. We do have plans to add a to the University's tower and then there is one other tower.

Sands it's really helpful to see the analysis, but we are only seeing one tower. You could have more towers in the valley and we don't see that on this.

Ms. Brockman we actually only have one tower.

Sands USU's tower is 200 feet tall and on state property, so no one got to approve that.

Ms. Brockman I actually think we are the last to co-locator for that tower and it will be full.

Sands The USU tower is my example of a really bad idea. It sounds like the color of the building is built in to the application.

Ms. Brockman yes, the only thing that might stick out is the white propane tank. But I think you will see that wherever you go.

Larson motioned to approve the Logan Little Mountain Communication Tower Conditional Use Permit with the stated conditions and findings of fact; Allen seconded; Passed 6, 0.

6:03:00

#2 UT 1 Avon Conditional Use Permit (Doug Kofford)

Harrild reviewed Mr. Doug Kofford's request for an approval for a CUP to allow the construction of a communication facility consisting of a 200' tall steel lattice tower with 12 antennas and a 12' X 26' equipment shelter on a 50' X 50' leased area of a parcel located at approximately 10500 South 800 East, Avon. This request received a previous CUP for a 100' tower with 12 antennae, two microwave dishes, and a 12'x26' equipment shelter in March 2010, but the structures were never installed. Coverage maps have been provided by the applicant to show the additional coverage gained with an additional 100' in height of the tower. After discussing the height with the applicant, the applicant agreed to reduce the height of the tower to 100 feet. Access for the site is from County Road 10850 South and provides adequate access. A private drive will provide access to the site, and while it is substandard, it is adequate for a telecommunications tower.

Larson since this is a lease, what happens if the lease expires and is not renewed or the towers become obsolete? Is there any condition to remove the tower and buildings?

Runhaar there isn't a condition to address this and I think that the only way that we would be able to do that is with an ordinance change.

Doug Kofford I represent Verizon Wireless. In response to your question about the expiration of a lease, usually in that lease it is built in that if the lease isn't renewed we have 6 months to remove our equipment. As staff indicated we originally requested 200 feet. You brought up a really good reason for it, co-location. We can work our system with 100 foot tower because we hand off to a tower in Hyrum. If we could get a 150 to 200 feet, that would be ideal and be better for us. With the increased demand of smart phones, we can do anything in the world we want as long as we have a signal. We have several new sites going in right now. In the last two years that I have worked for Verizon I have 26 leases of which most of those have been built or are being built. Capacity has demanded such that they are built so that we have the signal strength to use our cell phones. I don't have a landline and haven't had one in 12 years.

Ellis do you need more towers with wattage, or more CPU time, or how does that work?

6:13:00

Mr. Kofford it's a combination of both. The current antennas will only handle a certain amount of frequency band width. So were adding the 4g network system. These antennas will handle more frequency.

Ellis you can't build a more powerful tower?

Mr. Kofford no

Ellis is that a matter of wattage?

Mr. Kofford I can't answer that question.

Sands My question is in regards to your building and what they are made of and how they are used.

Mr. Kofford Our buildings are prefabricated; they are aggregate concrete on the exterior. Our buildings are 12 feet by 16 feet. There is one section of the building that is designated for a diesel generator. It is fire rated; it is secured and is there. The other equipment is located in the other part of the building. They have year round air conditioning due to the heat generated by the computers. The antennas only

broadcast when they are being used, if they aren't in use they don't broadcast. My request would be for a 200 foot tower so others could co-locate.

Ellis how close could their transmitters be to yours?

Mr. Kofford depending on the carrier, anywhere between 8 to 10 feet between the bottom of our antenna and the top of their antenna. Every agreement with other carriers that we sign states that their antenna will not cause interference with what is already there.

Ellis if there was a tower there would you be co-locating?

Mr. Kofford I would. There is a tower in Paradise, but they have a height limitation and they told me to come to the county. You don't have a height limitation and your ordinance is less strict than theirs.

Ellis would a co-locator need their own building?

Mr. Kofford they would.

Ellis it looks like if you had 100 to 120 feet you could have two co-locators and that might max out the 50 foot leased area.

Mr. Kofford it might, but if we were to need more space we would go back to the land owner and request more space.

Sands I appreciate the argument that a taller tower allows you to co-locate more as a way to cut down on additional towers and it depends on the context. I believe that a lattice tower in most places is better than the single monopole.

Mr. Kofford I would suggest if you rewrite your ordinance in the future that you require that applicants to try to co-locate first and then explain why they can't co-locate.

Sands I'm generally not going to vote for something more than 100 feet because there isn't much in the valley taller than that anyway.

Ellis you both nodded on co-location, if we get into this would you be willing to help with some language for ordinance revisions?

Mr. Kofford be happy to help. We've done it in the past and it's kind of an act of self-preservation.

Sands** motioned to approve the UT 1 Avon Communication Tower Conditional Use Permit with the stated conditions and findings of fact; **Erickson** seconded; **Passed 6, 0.

Larson can you co-locate on a 100 foot tower?

Mr. Kofford yes you could depending on the carrier's needs.

Larson so it's possible.

Mr. Kofford with antenna frequencies, the higher up you are the further out the signals can go before they drop. Then you have to have something else out there to pick up those signals. The signals are what we need to communicate not the actual towers.

Sands you need to take that in context. Like the previous applicant, they were on a hill and their coverage didn't really change by going higher.

Original motion passed.

Staff and Planning Commission discussed the need to possibly rework the ordinance in the future regarding telecommunications towers. The county is ripe for more communication towers because there are higher elevations in the unincorporated county than in municipalities.

6:27:00

#3 DD Auto & Salvage Conditional Use Permit Expansion (David Grange)

Harrild reviewed Mr. David Grange's request for a recommendation of approval to the County Council, due to this being Urban Development, for CUP expansion to include the construction of additional buildings, fencing, storm drainage system, and truck scale located both in the Industrial Manufacturing and Commercial Zones at approximately 1976 West 200 North, west of Logan; continued for up to 90 days at the August 4, 2011 meeting. The applicant has met with UDOT and obtained a conditional variance, they have adjusted the boundary lines of existing parcels to make the lots legal, and Logan City has provided a recommended list of conditions that may be amended by the Planning Commission and/or County Council. The applicant is planning three phases for the expansion. The first phase will include the fencing and a berm of the property, SR-30 Access improvements, a 6,000 square foot truck and storage shop, and the piping of the existing slough from 1900 West to the southern extent of the property. The fence will be either vinyl or decorative concrete. Logan City has provided comment on what they would like to see in regards to a fence. For the access for SR-30, UDOT has required that the other access to the east on Hwy. 30 be closed prior to an increase in operations for the main access to continue with the proposed expansion. Phase two will include an additional access with truck scale from 1900 West at approximately 100 North, a 3,200 square foot temporary office, a 12,000 square foot main office building that will function as an office, warehouse, and retail pick-n-pull parts counter, a 7,500 square foot shop and storage building, and an open face steel building to house new lift racks and the environmental equipment used in the removal of liquids. Phase 3 would include a 12,000 square foot building located on the south side of the proposed access from 1900 North for use as a tow truck office and maintenance building, and a 2,500 square foot building for a caretaker's residence.

Staff and Planning Commission discussed Logan City's suggested conditions of approval. Staff had to request comment from Logan City due to state code and the urban development requirements. The County Council does not have to accept what Logan City requests, but does have to comment back as to why they are not accepting those suggestions. Logan City has requested that a more specific planting plan be submitted with species and sizes of plants and trees included in that plan. While Logan City has requested more landscape in the interior parking lot members of the planning commission feels that as long as exterior planting and screening is sufficient that interior landscaping is unnecessary. However, it does no good to require an 8' tall fence and then have cars and other materials piled up high enough to be seen over the fencing. While the site of DD Auto and Salvage seems to be sited on a rise, the base of the fence would be level with the road. Logan City has also requested that the fence be staggered at least three (3) feet horizontally every sixty feet of frontage, but the Commission feels that is unnecessary. Again, if screening and landscaping is done well it should be enough to hide the salvage yard. Many members of the Commission would prefer that the fence be concrete instead of vinyl.

Harrild Item #2 also needs to be discussed here as the Commission has brought it up before and it pertains to how the conditions are written. It states that the applicant has a history of non-compliance in regard to the Cache County Ordinance and the previous conditions of the prior CUP's.

David Grange there are lots of things that we can do with screening there. Initially I had proposed to do the whole thing with decorative concrete, but that is a little cost prohibitive. I think we can achieve a good screen with a mix.

Sands my understanding is that on the original approval for this it was required that there be a decorative concrete fence. That fence wasn't built, but it would likely be the most attractive screen for this project.

Mr. Grange if you go south there are some yards that have attractive concrete screening and that is what we want to achieve.

Sands the closest we have is up north in Smithfield and the south Wal-Mart. At Wal-Mart they integrated the berm and the fence which is an option that is available here but probably isn't as secure as what you would want.

Ellis if we can deal with the screening then there is less that we have to deal with inside.

Mr. Grange we would like your suggestions as to what we need to do. Logan City has been approached for comment and hasn't really wanted to respond, but eventually gave us this cookie cutter response that doesn't fit us.

Sands another thought about the fencing, if you go with a vinyl fence you are going to have maintenance issues. Concrete is solid and you're not going to have as many maintenance issues.

Mr. Grange if we go to the expense of a concrete wall, do we need to hide it?

Sands that's the kind of tradeoffs that need to be discussed.

Olsen do you have any idea as to what the cost difference would be between a vinyl and concrete fence?

Mr. Grange I believe the cost of a concrete fence is going to be three to four times that of an 8 foot vinyl. We have talked about phasing concrete in so the whole thing would have the concrete wall. That goes along with the sections I was talking about. As funds become available we could take a section of vinyl out and replace it with concrete.

Harrild the next item has to do with dark sky compliant lighting.

Sands we are talking about cut off lighting and it seems like more and more people are going that way. It doesn't add cost at all, just simply in the type of fixtures you select.

Ellis I don't think we have specific ordinance language on lighting.

Harrild item "e" is a big concern for the applicant. Logan City has specified that the building comply with their Gateway development standards regarding fenestration every thirty linear feet and wall plan breaks of a minimum of one foot every 1,200 square feet.

Sands I would rather see more put into screening than into the building the way Logan City requested.

Staff and Planning Commission discussed dark sky compliant lighting. Also discussed was Logan City's request that the building comply with their Gateway Development Standards regarding fenestration every thirty linear feet and wall plans breaks of a minimum of one (1) foot every 1,200 feet. However, members of the planning commission would rather see that money spent on more screening. Staff and Commission also discussed 11F. The county can't legally do 11F. The County can't do in-lieu fees because the County does not have an ordinance for that. Storm water compliance was discussed and this applicant will have to deal with the State due to the size of the project for storm water compliance. Item 11G is in anticipation of this area being annexed in to Logan City and this would be a non-conforming use, so it would not be allowed.

Mr. Grange the possibility of us being annexed into Logan City is very slim. They don't want to bring services out to us and the land behind us is all wetlands. I don't see annexation as a problem.

Sands and they sold you some of the property?

Mr. Grange correct. They sold us the property for this expansion and they actually created an ordinance to prohibit this type of yard within city limits.

Staff and Commission discussed 11F. The applicant will have to work with UDOT on signage due to it being in UDOT's right-of-way.

Ellis would the signs be at the fence height?

Mr. Grange there is currently a bill board sign that is there that we don't do anything with. I would like to put up a nice masonry sign with some words for our business.

Runhaar we can make sure it meets our ordinance and meets UDOT's standards.

Harrild Item 11i is taken care of by the county.

Runhaar we can't issues building permits or business licenses with in Logan City and they can't issues permits in the county. So, that can't be done. We do have some issues with issues 8 and 10. Item 8 is in regards to their caretaker's residence and we currently don't allow those. However, that is in phase 3 and hopefully we will have that taken care of by then.

Mr. Grange We don't have any septic or water on site. We have a water wagon that the shop out in front of allows us to fill from their well. We don't have any bathroom facilities we use an outhouse. We do have thoughts of putting in a big tank and put a pump on so that we can use the neighbors well and have that storage there so that if a big fire erupted we could take care of that.

Harrild the neighbor has called and asked where the extra water would come from and if DD is going to drill their own well.

Mr. Grange We don't want to drill our own well, but we would establish an agreement with the neighbor for water.

Sands wouldn't you need septic and water for the caretaker's residence?

Runhaar for the residence. The other issue is going to be about fire suppression in commercial buildings because I know if you hit a certain size of building that triggers requiring sprinklers.

Mr. Grange we can certainly figure that out.

Sands is that addressed as part of the building permit process, or at this stage?

Runhaar building permit process; there are several factors that play into that with building design and supplies.

Ellis how many employees do you have now?

Mr. Grange about 8.

Ellis after the expansion?

Mr. Grange I don't anticipate very many more employees.

Ellis if there are new buildings built would that require drinking water and septic?

Runhaar I'm not sure. That's another building code question, I know that at a certain point a requirement for water and septic would kick in. That requirement may come online and would require an onsite well. If you are required to have a bathroom facility you would need a well because we don't allow tendered water for that and it maybe you work out an agreement with your neighbor to pipe that over, or what. I do want you to be aware of that so it doesn't crop up later.

Erickson you could run into that with OSHA also.

Mr. Grange and we could run into that.

Runhaar the only remaining item is 10 in regards to the slough. Piping that slough

7:22

Mr. Grange we are working with the Corps of Engineers for that.

Sands just as a note for staff, the Corps of Engineers has jurisdiction over the wetlands and the State has jurisdiction over the stream.

Lance Anderson we have just over an acre of wetlands and included in that is part of Logan's wetlands and we need more information from them. The other part of that we are trying to get under the nationwide permit.

Sands have you submitted a permit?

Mr. Anderson no, because it has part of the man made wetlands and we are applying for jurisdictional issues

Runhaar we'll get this map up here. The wetlands essentially follow the slough on site and there is a patch on the bottom corner and that was actually Logan City's before they sold the property.

Erickson was that created because they gave up some of the wetlands?

Runhaar this part here is created, but the rest of it wasn't.

Sands they sold you property with their man made wetlands on it?

Mr. Anderson yeah, and it's not deed restrictive.

Mr. Grange they have never registered it as wetlands. There are some depressions that Lance was talking about but they are wet meadow, not real wetlands. It could involve some mitigation, but it's not really a wetland.

Sands it seems if you get above the ½ acre impact you would have to go individual. You've got mitigation right behind you.

Mr. Anderson that's what we're working on. Long term there could be some expansion on that side.

Mr. Grange whatever mitigation needs to happen we can do right on site.

Sands I just wanted that clarified for staff.

Larson The comment has been made that you previously have been in violation of your CUP, what is your response to that.

Mr. Grange staff tends to vilify us a little bit. We talk about illegal parcels and the previous owner tended to buy property from his neighbor and it would be deeded over and the county would draw a line.

Larson ok, beyond that I think there is a problem with the general upkeep of the yard.

Mr. Grange if we had the CUP the way we wanted and our fence done we would be in complete compliance. The thing they are referring to with the existing fence line we have actually screened off another 150 feet in anticipation of the expansion. Four years ago when we did the zoning change; the agreement was that I bring the cars that have been stored at my house, here. We've taken advantage of the other lot, but we needed some space to take care of things and we've tried to do it somewhat organized. On the other hand once we get our CUP upgraded and our fencing in we should be in compliance.

Mr. Anderson I think the demand in the Valley is greater than the space that was available.

Mr. Grange we've expanded about 10 fold. The original CUP was very restrictive.

Runhaar I think what staff is trying to say is that you need to request the expansion before you expand.

Mr. Grange when I did the rezone the County didn't seem to have any problems with what we were doing. I went over to the county and asked what we needed to do to keep the CUP going and Mrs. Giles handed my some stuff and I worked on it and left my number. But it was nearly a year before I heard back from them and that was after a previous employee called them and was trying to make trouble for me.

Sands we did hear briefly from Lamar Clements about this and he was very passionate about it. I consider Lamar to be a very pro-property rights person and he was very against this proposal. He was extremely upset that the conditions of the previous CUP hadn't been met. As David said if he had his fence up he would be in compliance, and it hasn't happened.

Mr. Grange Lamar expected the fence to go up immediately and that just isn't possible.

Runhaar we need a CUP before that can happen and I can't grant that in the office.

Sands I think the main thing is that we need people to be in compliance. The last question that I had on item 2, are we going to be able to consider some sort of financial security, or how is that going to work?

Runhaar we probably will have to have some sort of financial surety in place to make sure it goes through. We do that same thing with subdivisions for road work.

Harrild we did that with Armor Storage in Hyrum.

Runhaar the other thing that we need to make sure of is that we don't see junk piled higher than the fence, because then the fence doesn't work.

Ellis is there a way to write the conditions and do the phasing so that things are done as we go along. If we can have a check list of things that need to be done as we go along, that would be easier.

Runhaar I think it's also easier for the applicant to say this is how we intend to use the site and if we stack things this is how we stack them and then staff can go over it and see where the problems may come into play. If we try to generalize rule on how to use the site, it's going to be hard to be agreeable with the applicant. If he comes to us and tells us how he plans to use the site and how he plans to store things then we can make sure the he is in compliance easier and we can have that assurance if something goes wrong.

Ellis I'm thinking that building the fence and the berm is a condition prior to building permits, that would be better.

Runhaar the fence and the landscaping would be something that we need financial surety on and that means it would have to be done before any other site improvements be put in place.

Mr. Grange the screening would be our first priority. We're not trying to be renegades and would like to do things in the right way.

Mr. Anderson if he puts the landscape in and the fence up then the CUP is recorded?

Runhaar you can put the landscape and fence in and then we record the CUP or there needs to be a financial surety in place and then we record the CUP since the finances are there to make sure the fencing and landscape are in place.

Mr. Anderson so then there wouldn't need to be a surety in place for the buildings?

Runhaar no.

Mr. Anderson ok.

Runhaar we'll take all these comments back and bring everything back to you condensed. We also need to draft a letter back to Logan City stating what we want to do.

Erickson how long do you need for a continuance?

Runhaar I would say up to 90 days for a continuance.

Erickson motioned to continue item #3 up to 90 days; *Sands* seconded; **Passed 6, 0.**

7:47

Mr. Grange if any of you would like to see what we are doing; I would gladly show you what we are up to and would make a point to accommodate you.

7:48

Harrild The applicant of the Wengreen 2-lot Farm Subdivision Amendment contacted the Development Services Office and withdrew his application.

Items 4 and 5 moved to next agenda

Adjourned