

**ALPINE CITY PLANNING COMMISSION MEETING**  
**Alpine City Hall, 20 North Main, Alpine, UT**  
**July 16, 2019**

**I. GENERAL BUSINESS**

**A. Welcome and Roll Call:** The meeting was called to order at 7:00 pm by Co-Chairman Bryce Higbee. The following were present and constituted a quorum:

Chairman:

Commission Members: Bryce Higbee, Alan MacDonald, John MacKay, Jessica Smuin, Sylvia Christiansen

Excused: Chairman David Fotheringham, Jane Griener

Staff: Austin Roy, Marla Fox

Others: Troy Benson, Brian Cropper, Daryl Hughes, Mae Hughes, Julie McKeon, Megan Hacking, Bradley Reneer, Leslie Austin, Cheri Palsson, Randy Austin

**B. Prayer/Opening Comments:** Sylvia Christiansen

**C. Pledge of Allegiance:** Bryce Higbee

**II. PUBLIC COMMENT**

There were no public comments.

**III. ACTION ITEMS**

**A. Commercial Structure Remodel – Alpine Animal Hospital**

Austin Roy explained that the Alpine Animal Hospital was seeking to remodel its facility with new siding. He mentioned that there would be combination of blue hardy board, grey siding, and tan trims. He pointed to the material samples. When asked if the building currently had siding, Austin Roy stated that the siding would be replaced as the older material was wearing out. He added that the colors and design of the building would be changing from the current design. He pointed on the map to the location of the change. He continued that Article 3.11.030 of the Alpine City Development Code stated the Planning Commission must recommend the renovation, and the City Council also had to approve any proposed alteration, reconstruction, enlargement, or remodel if such alteration, reconstruction, enlargement, or remodel involved exterior design, material, finish grade line, landscaping or orientation of the structure. Elevations and material samples had been provided for review as was the packet for details on Gateway/Historic Zone requirements.

Alan MacDonald asked if these changes to the building were consistent with other buildings in the Historic Gateway. Austin Roy showed pictures of other buildings in town to consider whether the changes would fit in. Sylvia Christiansen stated hoping that the Vet Hospital would update its sign. She further asked what the Commission was trying to avoid. A line was read from the code discussing design standard and historical identity. Austin Roy confirmed that that brick would remain. He added that concrete masonry units were considered to be cinderblock. Further discussion took place regarding the different materials. Austin Roy used a map to show the different buildings in the area of the Vet Hospital and their materials. He further stated that the City was trying to avoid plastics and aluminum sidings. He continued that the siding would not be the primary material. Austin Roy pointed to other older buildings and their different looks.

**MOTION:** Sylvia Christiansen moved to recommend approval of the Alpine Animal Hospital Remodel with the condition that they paint door the same color as hardy board. John MacKay seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed.

**Ayes:**

Bryce Higbee  
Alan MacDonald  
John MacKay  
Jessica Smuin  
Sylvia Christiansen

**Nays:**

None

**B. Setback Exception – L & L Automotive**

The applicant had a conflict with tonight's meeting and will reschedule at a later date.

**C. Site Plan – Antenna Upgrade at Beck's Hill – T-Mobile**

T-Mobile was seeking to upgrade three antennas, three Remote Radio Heads, and install one hybrid cable. A proposed upgrade was on an existing wireless telecommunications facility at Beck's Hill.

Austin Roy explained that this item was returning to the Planning Commission after being tabled during the previous Planning Commission meeting on June 18, 2019. He added that there was a federal law stating that if the item was not passed within 60 days, it would automatically be passed. He continued that the Commission could not do much to deny this building as it met the code and added that the City should amend its ordinance to be consistent with federal law. He stated that as long as the company met the requirements, it did not need to come before the Planning Commission.

It was stated that the Commission did not have its hands tied. There were a lot of concerned citizens with valid questions, and T-Mobile had not bothered to send a representative. The Planning Commission had questions and decided to table the item until those questions could be answered.

Article 3.27.030 states:

*State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. For purposes of this Part, the term "eligible facilities request" means any request for modification of an existing wireless tower or base station that involves:*

- *collocation of new transmission equipment;*
- *removal of transmission equipment; or*
- *replacement of transmission equipment.*

Proposed upgrades did not substantially change the physical dimensions of the tower or base station. Included in this packet is:

- Cover Letter from the petitioner.
- Project Description from the petitioner.
- Site Plan, engineering, and elevations.
- Full engineered Structural Analysis Report.
- Chronology of FCC Laws.
- FCC Rules and Regulations.
- Alpine City Wireless Telecommunications Ordinance.

Sylvia Christiansen asked why T-Mobile had to go through the Commission. Austin Roy explained that it was stated in the code that the company had to go before the Council. Austin Roy pulled some engineer drawings to show that the tower was not taller but wider. He explained that the base could not stick out more than 20 feet from the pole itself and explained that this pole was within the parameters. Sylvia Christiansen explained that no one from the Veterinary Hospital came to represent the request, neither did T-Mobile. She continued that the Commission had asked Verizon to look at alternate locations, which they had not. She continued that she was not impressed by the applicants. She asked whether having the City Council and the Planning Commission turn down the request would not change the company's ability to do the changes regardless. Austin Roy stated that the company had implied that if the Commission did not approve within the 60-day window, they would move ahead, because of the Federal Law.

Austin Roy stated that the ordinances should have been amended to avoid having companies come before the Council and Commission. Sylvia Christiansen stated that this would be a time to ask for the tower to look nicer. He explained that in the past, the Planning Commission had asked to have these meetings to ask for landscaping upgrades. It was then stated the issue was that while the company could plant trees, the City would have to run drips all the way up the hill, which the City was not prepared to do.

**MOTION:** Alan MacDonald moved to recommend approval of the proposed T-Mobile Antenna Upgrade at Beck's Hill. John MacKay seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed.

**Ayes:**

Bryce Higbee  
Alan MacDonald  
John MacKay  
Jessica Smuin  
Sylvia Christiansen

**Nays:**

None

**D. Site Plan – Proposed Wireless Tower at Burgess Park – Verizon Wireless**

Austin Roy stated that this item was returning after the Planning Commission decided to table the item at the June 18, 2019 Planning Commission meeting. The item was tabled for the purpose of requesting that "...Verizon consider additional alternative sites for the proposed cell tower that would be less impactful to nearby residents, schools, and school children". He explained that a representative was present.

A Representative from Verizon Wireless explained that the last meeting had been a public hearing which was not the case for the present meeting. He wanted to give the petitioner a chance the address the comments that had been made.

The petitioner explained that he had reviewed alternative sites, including Lakeview Drive (as was recommended by residents of Alpine). He added having looked at all City owned properties within a certain radius. He had concluded that Lakeview Drive was too far away (3/4 of a mile) and Alpine City Trails was also an undesirable site as it would be closer to residential properties. He explained the distance that the tower had to have from residences limited potential locations. He argued that cell towers did not decrease property values but that the lack of access to quality broadband did: prospective homebuyers found a good wireless connection to be important when buying a home. He provided data to back his claim. He continued that the company had followed the guidance given during the last meeting and that it was operating within FCC guidelines. He pointed that wireless technology was highly regulated. He explained the intricacies of providing the proper wireless service to customers and added that while there was service in the area, the increasing number of users was causing a need for an upgraded tower.

It was mentioned that Staff had reviewed the proposed site plan and found that it met the requirements set forth in the Development Code for a new tower. New wireless communications towers shall meet the following requirements found in Article 3.27 of the Alpine City Development Code:

- a) Location
  - i. The proposed site is on City owned property, which is an approved location. Tower is also to be located away from other towers (1/4 mile) and can be no closer than two times the height of the tower to a residence, and the proposed tower meets these requirements.
- b) Type of Tower
  - i. The proposed tower is a monopole type tower, which is a permitted type of tower, and does not exceed the 80-foot height limit.
- c) Co-Location
  - i. Towers shall be large enough to “accommodate at least two (2) additional wireless telecommunications providers”. The tower is a 3-carrier tower.
- d) Safety
  - i. Towers must comply with FCC and FAA regulations. The petitioner has submitted documentation to support this.
  - ii. Tower must be protected against unauthorized climbing. Plans show no climbing pegs on the lower portion of the tower.
  - iii. Fencing. Tower must be enclosed by a minimum 6-foot high fence. Plans show 6-foot chain-link with barb wire.
  - iv. Lighting. Must meet FAA regulations. Petitioner has submitted site plan data to FAA for review.
  - v. Emergency. City holds the right to move or alter the facility in case of an emergency.
- e) Additional Requirements
  - i. Accessory Structures. Any structure on site cannot exceed 450 square feet. Plans show no structures that exceed the requirement.
  - ii. Parking. If no parking is present it must be provided. Burgess Park has plenty of parking.
  - iii. Maintenance. Site will be visited once per month by certified tech.
  - iv. Landscaping. A landscaping plan is required, which has been provided as part of the site plan. To be reviewed and recommended by Planning Commission and approved by City Council.
  - v. Fencing. City can determine the type of fencing if needed.
  - vi. Color and materials. City typically makes an administrative decision as to the look of the tower; however, the City Council reviewed the proposal for color and materials and selected the Monopine design.
  - vii. Facility Signs. Facility shall only have signs for emergency contact info, public safety, warnings, certification, and other required seals.
  - viii. Utility Lines. Line shall be buried. The proposed plans show the utilities located underground.

Using a map, the petitioner showed the current coverage. Verizon Wireless was trying to improve its service to the community around Burgess Park and felt that the community was best served by locating the proposed facility near its users. The proposed site was selected based on this network’s maturity, unique coverage and capacity needs. The petitioner stated that moving the site even a few hundred feet outside of the target area could affect coverage, creating the need for one or more additional sites.

Sylvia Christiansen asked to see some pictures of the tower. Austin Roy explained that the proposed wireless telecommunications tower was an 80-foot tall monopole tower designed to look like a pine tree (“Monopine” design). Jessica Smuin explained that the tower was double the size of the adjacent trees, which she found off-putting. She explained the School District had antennas through its properties, she was therefore not concerned about danger to the children. She added that, as a real estate agent, she knew

the price of properties would not be lowered. She further explained that her issue was the fact that this was not a visually appealing structure. She proposed that the tower be located at the south end of Burgess Park, just north of the southern baseball diamond. The petitioner clarified the size of the base of the tower and why the location was the most desirable in regard to the distance that had to be maintained away from dwellings.

Austin Roy stated that the Parks Director and Manager had had some input on helping Verizon figure out a location. On the map displayed, he pointed out the different ball fields and mentioned that the chain-link fence would be more unsightly in a different location.

Alan Macdonald asked whether Burgess Park was the only park being considered and what other areas would meet Verizon's requirements. Mr. Benson stated Creekside Park, Peterson Park, or trail areas could possible work but would not fit in as well as at Burgess Park. Using a map, he identified the different locations that had been considered.

The Planning Commission had some discussion about the fence and the use of barbed wire at the top. Alan Macdonald explained that such a fence was rather unsightly in a park. The petitioner explained that there would be landscaping around the tower. He added that a different fencing could be used. Austin Roy stated that the City used a black powder coated fencing around all park properties. The petitioner explained that fencing was required by the ordinance. It was noted that there were a lot of children area; therefore, a fence that could not be climbed was required.

John MacKay asked what a good non-City site would be. Troy Benson said he had looked at the Commercial district and at the schools.

Austin Roy said the dry creek corridor area was a difficult area for the City to access. He explained that recently, the City had had a fire and that the Fire Department had had a difficult time accessing the area. Jessica Smuin asked whether smooth canyon was too far to access, but it was pointed that Verizon was attempting to reach the West side of the City, not the East.

Staff was recommending that the City work with the provider on selecting a site for the new tower. The City ordinance stated that the preferred location for a new wireless telecommunications facility was on City property since it provided the City the opportunity to lease the tower and facility, thus creating a revenue for the City to help offset the impact of the facility on the community.

Alan Macdonald asked about easements. Mr. Benson stated only one would be recorded: one was off Canyon Crest Road, and the new one was an 8-foot-wide walkway to the site.

Jessica Smuin asked why Verizon had not approached the School District. The petitioner answered that the City had a high priority for these types of sites to be located on City property. Austin Roy stated that when antennas were placed on private property, there was no opportunity for a lease. Jessica Smuin stated that even if the Commission said no, the petitioner would still have options.

Randy Austin, 282 Twin River Loop, said he did not think the schools would automatically approve this. He added that in 2013, the FCC had admitted that their guidelines were out of date. He mentioned that he also wanted to know what sort of liability the City would have, and the liability Verizon would have. Alan Macdonald asked what argument could be made, at present, against the FCC guidelines. He added that the City could make arguments against these antennas on the basis of traffic and such, but not in terms of safety. He explained that he found it strange, if antennas were safe, that laws be passed stating cities could not consider the safety. Jessica Smuin stated that she was concerned about aesthetics. Alan MacDonald stated

that the City could not tell cell providers that they could not come in the City. The ordinance, he continued, was placing the accent on monetary value.

Alan MacDonald read from the City's code emphasizing the need to preserve the unique qualities and vistas of the City. He asked if there were any sites, beside public parks, that would lend themselves to these towers, in order to balance the needs of the public with that of Verizon. Mr. Austin stated that the request that alternative sites be considered had not been fully explored. He continued there were no salient reasons as to why this site had been chosen.

Cheri Palsson, 366 Twin River Loop, mentioned she had been a real estate agent for fifteen years. She stated that there was a conflict of interest when Verizon had stated the tower would not reduce property values. She added that she had the Appraiser's Journal which had studies showing residents did not want to look at homes near a cell towers, especially high-end, luxury clients. Mrs. Palsson wanted to know whether Verizon considered improving the roads by the trails so their trucks could get through. She also wanted to know if the cemetery or another city could work as a possible location.

It was noted that the Cemetery was considered hallowed ground for anything.

Cheri Palsson asked if another City, such as Highland, would want the antenna. Sylvia Christiansen asked if Mrs. Palsson had been to the site. Mrs. Palsson stated that she had as she lived close to the area chosen.

Brian Cropper, 280 River Road, said there were three acceptable locations, but that Burgess Park was the preferred choice. He pointed that the City and Verizon were pushing the location choice as being the other party's responsibility. Jessica Smuin stated that the City had not yet made a decision. Mr. Cropper answered that that the City's decision was on the public record. Austin Roy stated that the Staff, Mayor, and City Administrator had had some input. He continued that the development had played a role in the decision. Mr. Cropper stated that baseballs would go over the fence around the tower. He asked whether razor wires had been considered as a deterrent to avoid children going over the fence and added that another deterrent would be to not put the tower in such a high traffic area of the park. He mentioned the area chosen at Burgess Park was very busy with sports and Jr. High kids hanging out. Mr. Cropper listed the different activities taking place in this section of the park.

The question was asked whether kids would be more likely to climb the fence if the tower was in an open and visible area as opposed to a secluded one. Mr. Cropper stated that teenagers were not too bright, and that having the tower so close might be enticing. He added that as the president of the Baseball league for fifteen years, he had not been consulted in this location choice. He concluded that if the tower had to go in Burgess Park, it would need to be moved to a less trafficked area.

Jessica Smuin pointed to a nearby lot asking what was on the property. She was told that around this specific area were houses. She pointed to a creek which was school property.

Hal Hughes, 431 River Circle, stated that his mother in law had the second house closest to the planned tower. He explained that she was 91 years old, blind, and not mobile, which was why he was speaking on her behalf. He thanked the Commission for the opportunity to speak. He stated not wanting to talk about health or safety. He explained that the FCC had done its best to preemptively stop City authority but pointed that nothing in the FCC rules forced the City to grant the easement. The walkway, he continued, was rather large, taking park land used for children to play and turning it into asphalt. He further stated that there had been talk about the City ordinances, which did have a clause for denial based on aesthetic grounds. He continued that Verizon needed to acquire a building permit, which he was not aware had been obtained. He added that the City could require a third-party review by an engineer selected by the City. He further stated that the fencing was entirely up to the City which would determine the type of fencing. He stated

that children would want to climb the pole and that insurance would need to be obtained, indemnified and bonded. If the City agreed to this structure, he added, and Verizon later decided to modify it, the City would have lost all power to regulate the structure.

Glen Judd, 201 W Fort Canyon Road, stated that there was a lack of information about the cell towers, which caused waves less dangerous than that of a light bulb. He further mentioned that it was much worse to carry a cell phone in one's pocket. Mr. Judd further stated that these waves were less impactful when the tower was closer, because cell phones then did not have to work as hard to find a signal.

**MOTION:** Alan Macdonald moved to recommend denying approval of the proposed Verizon Wireless Tower at Burgess Park because the proposed usage is inconsistent with the character of a public park, and the health, safety, welfare, and esthetics of Burgess Park in particular. Sylvia Christiansen seconded the motion.

Sylvia Christiansen asked whether the pole could be moved to the upper North West corner, behind the pavilion. John MacKay asked whether a better-looking fencing could be installed. He explained the current option was very unsightly in a park.

It was noted that the plans showed shrubs

Bradley Reneer, 271 W Fort Canyon Road, stated that the last proposed site was near his residence. Alan Macdonald stated that he believed the park was a good option, but with a different location. Mr. Reneer explained that the suggested location was near the most used pavilion in the park. In terms of aesthetics, he explained that there were lots of telephone poles and power lines in the area, and that citizens grew used to them. He suggested avoiding putting a costume on the pole: the pole did not need to be dressed like a pine tree. He would rather see just a pole since it would be in his back yard. He added that his main concern, however, was the health risks of the tower. He added that some studies had showed health issues associated with the towers.

There were 4 Ayes and 1 Nay (recorded below). The motion passed.

**Ayes:**

Alan MacDonald  
John MacKay  
Jessica Smuin  
Sylvia Christiansen

**Nays:**

Bryce Higbee

Bryce Higbee stated that he would like to see the pole in Burgess Park, but more in the middle of the park. He added that the tower should be treated like a telephone pole. He further mentioned that the Council could decide to approve against the Commission's recommendation or send the item back to the Commission.

**IV. Communications**

Austin Roy asked the Planning Commission to pick up their mail.

Austin Roy explained that there would be no Planning Commission meeting on August 20, 2019, as the Council was holding a Truth in Taxation hearing. He added that the only meeting the Commission would have was on August 6, 2019. It was pointed that the meeting was on Alpine Days, which was unusual.

**V. APPROVAL OF PLANNING COMMISSION MINUTES: June 18, 2019**

**MOTION:** John MacKay moved to approve the minutes for June 18, 2019, as written. Alan Macdonald seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed.

**Ayes:**

Brice Higbee  
Alan MacDonald  
John MacKay  
Jessica Smuin  
Sylvia Christiansen

**Nays:**

None

The meeting was adjourned at 8:35 pm.