

MINUTES

Eastern Summit County Planning Commission

REGULAR MEETING
THURSDAY, JANUARY 3, 2019
SOUTH SUMMIT COUNTY SERVICES BUILDING
110 NORTH MAIN STREET
KAMAS, UT 84036

COMMISSIONERS PRESENT:

Amy Rydalch
Bill Wilde
Rich Sonntag

Tonja Hanson
Don Sargent

Regrets: Tom Clyde, Marion Wheaton

STAFF PRESENT:

Helen Strachan-*County Attorney*
Amir Caus-*County Planner*

Katy Staley-*Secretary*
Patrick Putt - *Community Development
Director*

REGULAR SESSION

Commissioner Sargent called the meeting of the Eastern Summit County Planning Commission to order at 6:00 PM and introduced Staff.

1. **Pledge of Allegiance**
2. **Public input for items not on the agenda or pending applications.**

There was no public comment.

3. **Approval of Minutes: September 20, 2018; October 4, 2018; November 15, 2018**

Commissioner Rydalch made a motion to approve the minutes of September 20, 2018 as written. Commissioner Sonntag seconded the motion.

- **MOTION CARRIED (3-0)** Commissioners Hanson and Wilde were absent from that meeting.

Commissioner Hanson made a motion to approve the minutes of October 4, 2018 with changes. Commissioner Sonntag seconded the motion.

- **MOTION CARRIED (4-0) Commissioner Rydalch was absent from that meeting.**

Commissioner Hanson made a motion to approve the minutes of November 15, 2018 with changes. Commissioner Wilde seconded the motion.

- **MOTION CARRIED (5-0)**

4. Discussion and possible action regarding a Conditional Use Permit to install a 104-foot-tall cellular tower and associated equipment; 491 Lower River Road; CD-2197-A; Liz Walker, applicant. – *Amir Caus, County Planner*

Commissioner Sargent stated the applicant is not in attendance and there will not be any public comment taken at this meeting for this application. This meeting was to provide the applicant an opportunity to address any Planning Commission and public comment that was given.

Planner Caus shared the background. Since the last meeting, nothing has changed in the proposal. Staff has recommended approval based upon Findings of Fact and State law for conditional uses. At the last Planning Commission meeting the Commission asked for alternative Findings, which can be found in Exhibit D of the Staff Report. Staff still believes this project meets the Conditional Use requirements and is forwarding a positive recommendation to the Planning Commission.

Commissioner Sargent stated this application is for a project at a specific location. There has been discussion that this is not the right location for this project, but the Planning Commission is obligated to act on the application that is before them, with the specific location cited. There have been two public hearings on this application. There have also been public comments submitted in writing that are part of public record for this

application. Eastern Summit County Planning Commission is the final land use authority for Conditional Uses. At the last meeting, the Planning Commission strongly urged the applicant to provide additional mitigation for this application. The applicant has not changed the application to provide additional mitigation. Conditional uses are an allowed use in the AG-10 zone with reasonable conditions to mitigate concerns. Staff has determined this application meets the minimum requirements of the Development Code. Public Comment has been mostly averse to this application for various reasons.

There is written permission from the landowner for this application on file. The Code does not include a limit on height for cellular towers, but most in the County are sixty-five feet or shorter. There are at least two towers on top of a ridge.

Commissioner Sargent stated the applicant will most likely appeal the decision of the Planning Commission on this application. The best action would be to approve this application with additional conditions that would mitigate the impacts, including a limit on the maximum height. Since the applicant has proposed antenna heights of 104 feet, 81 feet, 66 feet and 50 feet and heights have been approved for cellular towers in the county as high as 65 feet, then 66 feet is a reasonable height for this proposed cellular tower. A height limit of 66 feet would be an additional condition of approval along with the other conditions already proposed by Staff. 104 feet is much taller than the natural pine trees located in the area. A 66-foot monopine would look more natural in the landscape.

Commissioner Wilde clarified that the tower would not be galvanized. The fencing is only proposed for around the building and not the whole lot of the tower. The leasing area is 100 feet by 100 feet with electrical equipment outside of the fenced area. All equipment

should be within the fenced area. This proposed cellular tower does not belong in the middle of an open field and does not meet the requirements to fit in with the natural landscape. The tower cannot be concealed or camouflaged as a 104-foot pine tree.

Commissioner Rydalch stated that although she was not present for the last two meetings on this issue, she has read through the minutes and previous materials and feels she is in a position to still decide on this application. She stated she has great concern over the height of the proposed cellular tower. The proposal is for an area that is sparsely vegetated and there is not a way to buffer the tower in a manner that will not impact adjacent landowners. The Planning Commission can send a message to the County Council with a rejection, citing concerns regarding the height and lack of consistency with vegetation in the area. This Conditional Use cannot be mitigated.

Attorney Strachan stated there must be specific findings to support denial of this application. If there is an appeal, then the County Council will have a fresh look at the application along with the minutes. The Council will not turn a blind eye to the concerns of the Planning Commission.

Commissioner Hanson stated there are no power poles like the ones approved through Brown's Canyon in the proposed cell tower area. **Commissioner Hanson** stated she cannot support an approval of this application and would lean towards denial based on 11-4-7-1 of the Development Code, as shared in the Findings for Denial (Exhibit D), which is paraphrased as development should support the small-town agricultural character of Eastern Summit County. This application does not support the Eastern Summit County character.

Commissioner Sonntag stated that he could support a denial or an approval with a fifty-foot height limit. The denial should include the finding that there is an absence of any showing of compatibility with the area. There is a building on the existing property, and there was no attempt to mount the tower on or adjacent to existing structures. If the application was approved, an additional condition should be to have more trees surrounding the monopine. **Attorney Strachan** stated any conditions should show a lessening of the impact on the surrounding area.

Commissioner Sargent stated that reducing the height of the tower would be consistent with other towers in the County and would support an approval with a height condition.

Commissioner Sonntag stated for the record that the applicant has been invited to make mitigation proposals. The Planning Commission has even suggested specific mitigation proposals and have been told the proposals are unreasonable and would affect the economics, which the applicant has said cannot be done. **Commissioner Sargent** stated that suggested mitigations are reasonable and would have been considered if the applicant had proposed them.

Commissioner Sonntag stated that the applicant's circle of consideration for the proposed cellular tower included some considerably higher ground.

Commissioner Hanson made a motion to deny the Skyway Conditional Use Permit to install a 104-foot-tall cellular tower and associated equipment according to the Findings of Fact and Conclusions of Law included in the Staff Report, Exhibit D, with the minutes from January 3, 2019 as supporting this denial. Commissioner Sonntag seconded the motion.

- **MOTION CARRIED (4-1) Commissioner Sargent voted against the motion believing that an approval with reasonable conditions would have more weight with the County Council toward not ending up with an appeal and a 104-foot cellular tower.**

Commission Items

Commissioner Sargent requested that Staff bring changes to the Use Chart to have a maximum height added to cellular towers. **Director Putt** responded that Staff will do that.

Director Items

The next meeting will be January 17, 2019 and Planner Milliner will bring edits for the Lighting Ordinance for recommendation. Promontory has requested revisions to the Development Agreement separate from South Point. Some revisions include the lot size in Promontory, changes to amenities and roads. A formal recommendation is being asked for. There will also be a plat amendment on the agenda for the 17th.

There will be a quarterly meeting for the Planning Commission with the County Council on January 23, 2019 at 7pm in Coalville. County Council would like input from the Planning Commission to help set the tone for the work plan for the year. Some Code changes may be discussed and there may be some necessary changes and updates to the General Plan.

There have been some discussions about water quality code changes.

The status of the Promontory employee housing will be bundled with the proposals for the Development Agreement changes. The employee housing issue is still before the County Council. There is a reasonable path forward for the employee housing problem.

It is likely there will be a Village Overlay application for the Hoytsville area.

ADJOURN

At 6:41 p.m. Commissioners Hanson and Wilde made a motion to adjourn.

- MOTION CARRIED (5-0)


Approval Signature