



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Conditional Use Permit for a Digis Internet Wireless Transmission Site located on vacant property identified as Parcel # 20-036-0042

Agenda Date: Tuesday, September 23, 2014

Applicant: Valley Enterprise Investment Co., LLC

Authorized Agent: Dennis Watt

File Number: CUP2014-23

Property Information

Approximate Address: 6700 East Via Cortina, Eden

Project Area: 600 sq ft

Zoning: FV-3

Existing Land Use: Vacant

Proposed Land Use: Internet Wireless Transmission Site

Parcel ID: 20-036-0042

Township, Range, Section: T6N, R1E, SEC 24

Adjacent Land Use

North: Residential	South: Residential/Forest
East: Residential/Forest	West: Residential

Staff Information

Report Presenter: Ronda Kippen
rkippen@co.weber.ut.us
801-399-8768

Report Reviewer: SW

Applicable Ordinances

- Title 104, Chapter 14, Forest Valley (FV-3) Zone
- Title 108, Chapter 1, Design Review
- Title 108, Chapter 2, Ogden Valley Architectural, Landscape and Screening Standards
- Title 108, Chapter 4, Conditional Uses
- Title 108, Chapter 7, Supplementary and Qualifying Regulations
- Title 108, Chapter 10, Public Buildings and Public Utility Substations and Structures

Background

The applicant is requesting approval of a conditional use permit for a Digis Wireless Internet Transmission Site. Digis previously received approval for a similar site to be located atop a water tank within The Legends at Hawkins Creek Subdivision in 2011. The applicant would now like to assist Digis in the relocation of the transmission site to a new location bordering the Summit at Ski Lake and The Legends at Hawkins Creek subdivisions (see Exhibit A).

The proposed site is a small area of a larger parcel located in the FV-3 Zone and is being considered as a "Public Utility Substation" as conditionally allowed in the Weber County Land Use Code (WCLUC) §104-14-3(13). The proposed transmission site will be located on top of a small hill adjacent to the Lakeview Water Corp storage tanks. The location was chosen because it is high above the valley floor and provides adequate visual line of site, which is required for the wireless transmission to work properly. This site will allow Digis to provide better wireless internet service to its customers in the Ogden Valley. The applicant is currently working on a lease agreement for the access to and location of the transmission site with the Digis representatives.

The proposal has been evaluated in two stages, a temporary site and a permanent site. The first stage is temporary in nature to facilitate the generation of solar power for the transmission site. In evaluating this stage of the proposal, staff feels that the solar power panels are allowed as per WCLUC §108-7-27(a) which states:

“Solar energy systems located on individual parcels/lots, which are used to supply energy to a principal use or structure on the parcel/lot, shall be allowed in any zone as an accessory use to a principal use or structure. Solar energy systems shall meet the setback and height requirements for an accessory building in the zone in which the system is located. Setbacks shall be measured to the outermost edge of the system nearest the property line. Solar energy systems which are attached to a building shall meet the same setbacks that are required for the building.”

The temporary site will be 600 square feet to make allowance for the placement of six solar panels, a 6' X 6' Tuff Shed, and a 10' transmission steel frame tower with six antenna panels with radios attached, two transmission dishes, a control cabinet, and one non-penetrating ballast mount. The applicant will be required to obtain a building permit for the installation of the tower as required in WCLUC §108-7-12(d) as well as for the solar panel installation.

Once the applicant is able to establish long term electrical power at the site, the solar panels and Tuff Shed will be removed and the second stage of the site will be completed. The final transmission site will be 100 square feet. Both the temporary site and the permanent site will need to adhere to the required setbacks per the FV-3 Zone of 30' front yard and 20' side yard. The rear yard can be setback as close as 20' to the rear lot line as allowed in the Public Buildings and Public Utility Section of the Weber County Land Use Code (see §108-10-3(3)). The minimum lot area is waived as part of the Public Buildings and Public Utility Section of the Weber County Land Use Code (see §108-10-2). The overall height of the proposed tower is 12.5' as measured from the existing ground to the top of the mounted panels (see Exhibit B).

The project site is surrounded by sagebrush. The applicant has proposed to camouflage the equipment to match the surrounding area (see Exhibit C). The Planning Commission may find that additional screening may be necessary due to the mechanical equipment as required in WCLUC §108-2-7(e) to preserve the rural, mountainous landscape that exists in the Ogden Valley.

Additional landscaping, screening, signage and lighting details have not been provided as part of this proposal (see Exhibit D). In the event that is determined that landscaping, screening, signage and exterior lighting are needed; the applicant will be required to amend this site plan, if approved.

The Weber County Engineering Division has had the opportunity to review the application and has no concerns with the project.

The Weber Fire District has reviewed the proposal and has responded with a requirement of the placement of a 2a10bc rated fire extinguisher inside the equipment shed.

Summary of Planning Commission Considerations

Weber County Land Use Code (WCLUC) §108-4-4 states:

“Conditional Uses shall be approved on a case-by case basis. The planning commission shall not authorize a conditional use permit unless evidence is present to establish:

- 1. Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke or noise.*
- 2. That the proposed use will comply with the regulations and conditions specified in the Land Use Code and other applicable agency standards of use.”*

The Planning Commission may impose conditions in order to bring the project site into full compliance with the required landscaping standards as outlined in WCLUC §108-1 (Design Review) and §108-2 (Ogden Valley Architectural Standards). In making a decision, the Planning Commission should consider the following questions:

- Does the submittal meet the architectural detail standards required by WCLUC §108-1 & §108-2? If no, then what conditions/architectural details could be added in order to comply?
- Have the “Criteria for Issuance of Conditional Use Permit” and other applicable ordinances been met?

Staff feels, after reviewing this conditional use request, that the criteria listed above have been met in the following ways:

1. The FV-3 Zone allows a “Public Utility Substation” as a conditional use and the site meets all setback and height regulations.
2. The “Solar Energy System” is allowed as an accessory use to the “Public Utility Substation”.
3. The access and location can be established through a lease agreement between the applicant and Digis.

4. The site is remote so the transmission site will have minimal negative impacts from noise, dust, vibration, etc. There are no lights associated with this site and the overall tower shall not exceed 12.5 feet in height. In addition, the white transmission dishes will be painted camouflage to further disguise the site.
5. Based on the remoteness of the site, additional landscaping requirements may not be feasible.

In order for a conditional use to be approved it must meet the requirements of applicable ordinances listed in this staff report, which include the requirements listed in WCLUC §108-4 under "Criteria for Issuance of Conditional Use Permit". The Planning Commission needs to determine if the request for the placement of a Wireless Internet Transmission Site meets the requirements of the applicable Weber County Land Use Codes.

Staff is recommending approval based on the findings and conditions of approval listed below:

1. The proposed use will provide better wireless internet service to the residents of the Ogden Valley.
2. The proposed use of solar energy is allowed as an accessory use to a principle use.
3. The proposed use is allowed in the FV-3 Zone and meets the appropriate site development standards.
4. The proposed use will not be detrimental to the public health, safety, or welfare.
5. The proposed use, if conditions are imposed, will comply with applicable ordinances.
6. The proposed use conforms to the Ogden Valley General Plan.

Conformance to the General Plan

With the establishment of appropriate conditions as determined by the Planning Commission, this operation will not negatively impact any of the goals and policies of the General Plan.

Conditions of Approval

- The setbacks and height requirements of the FV-3 Zone are adhered to with the exception of the rear setback line being reduce to 20' as per WCLUC §108-10-3.
- Prior to commencement of work, a building permit for the placement of the tower and solar panels is obtained.
- A lease agreement enabling access to and location of the site is provided to Weber County prior to the placement of the improvements on the site.
- The transmission dishes are painted camouflage to further disguise the site.
- A 2a10bc rated fire extinguisher is installed inside the equipment shed as required by the Weber Fire District.
- Requirements of the Weber County Planning Division.
- Requirements of the Weber County Engineering Division.
- Requirements of the Weber County Building Inspection Division.
- Requirements of the Weber Fire District.

Staff Recommendation

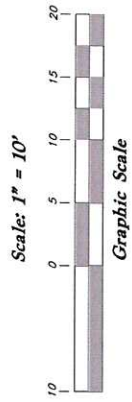
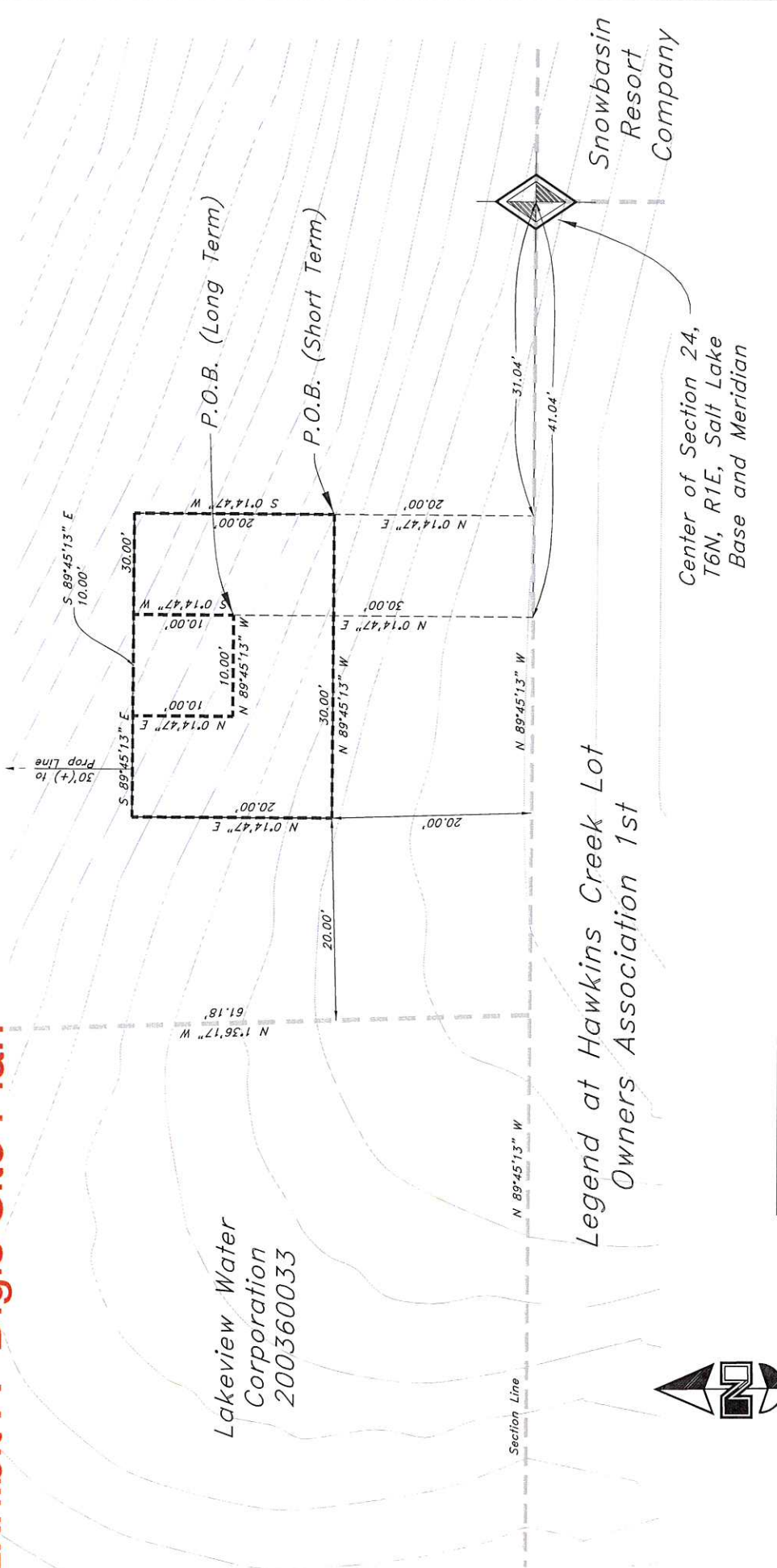
Staff recommends approval of the Conditional Use Permit request for a Digis Internet Wireless Transmission Site located on vacant property identified as Parcel # 20-036-0042. This recommendation for approval is subject to all review agency requirements and other conditions of approval as listed in the section above.

Exhibits

- A. Digis Site Plan
- B. Transmission site detail
- C. Pictures of similar tower, solar panels and shed
- D. Applicants response to landscaping requirements



Exhibit A- Digis Site Plan



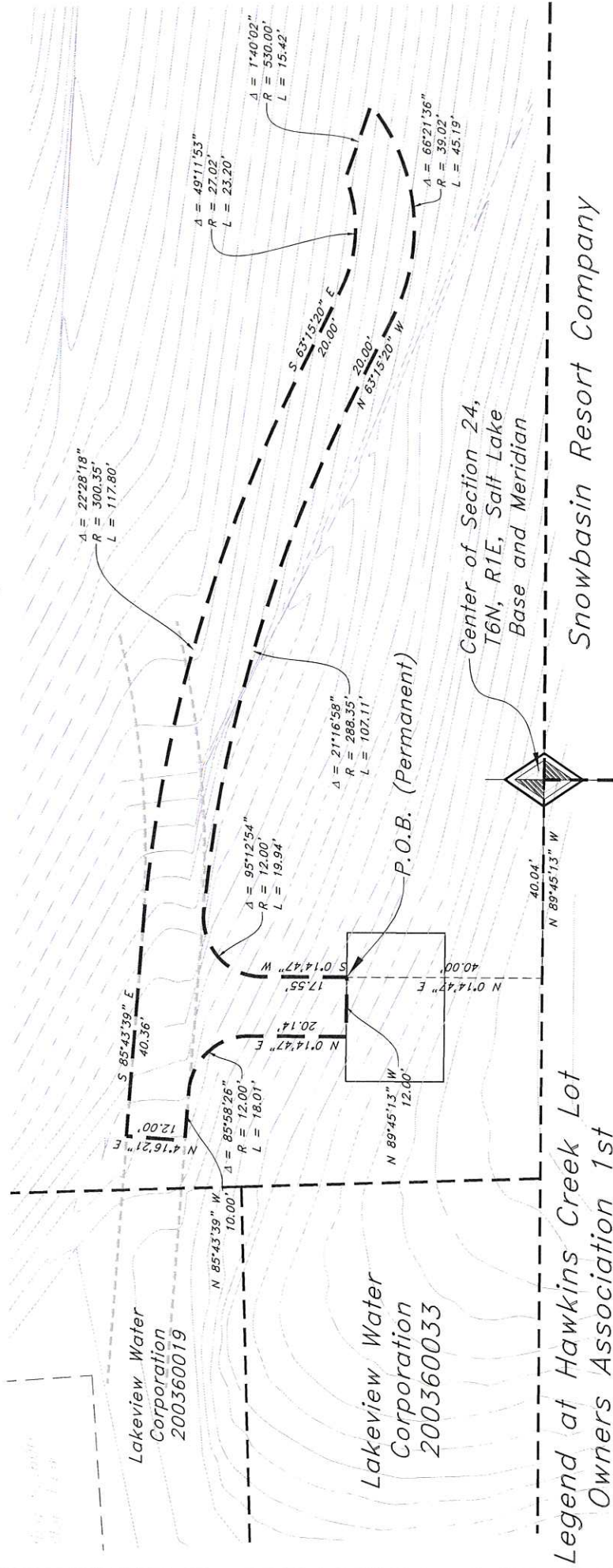
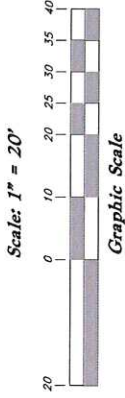
Digis Site - Short Term and Long Term Pad Leases

GREAT BASIN ENGINEERING NORTH
 CONSULTING ENGINEERS AND SURVEYORS
 5746 South 1475 East - Suite 200
 Ogden, Utah 84403
 P.O. Box 150048, Ogden, Utah 84415
 Ogden (801)394-4515 Salt Lake City (801)521-0222 Fax (801)392-7544

The Summit at Ski Lake
 A part of the Southwest 1/4 of Section 13, a part of the Northeast 1/4 of Section 23, and a part of the Northwest 1/4 of Section 24, T6N, R1E, SLB&M, U.S. Survey

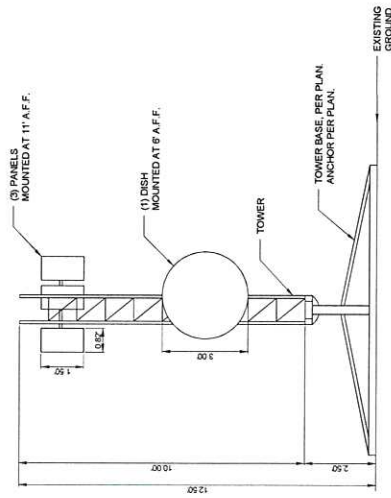
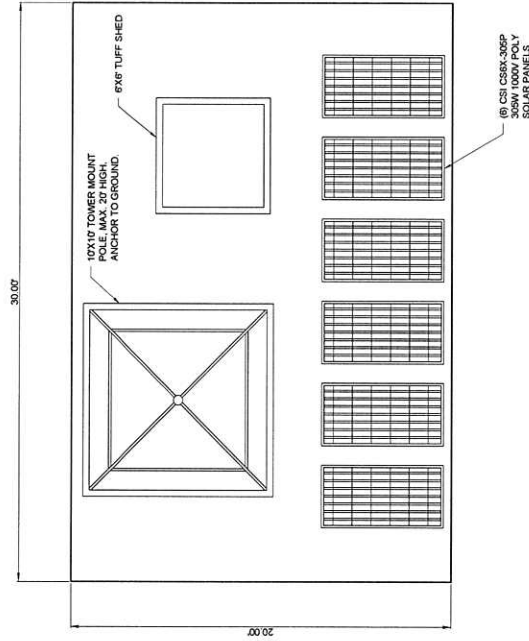
SCALE: 1" = 10'	DATE: 9-4-2014	DRWG. NO.
DRAWN: RB	REVISIONS:	1
IIN224		

Exhibit A- Digis Site Plan



<p>Digis Site - Permanent Access Easement</p> <p>GREAT BASIN ENGINEERING NORTH CONSULTING ENGINEERS AND SURVEYORS 5746 South 1475 East - Suite 200 Ogden, Utah 84403 P.O. Box 150048, Ogden, Utah 84415 Ogden (801)394-4515 Salt Lake City (801)391-0222 Fax (801)392-7544</p>	<p>SCALE : 1" = 10'</p> <p>DRAWN : RB</p> <p>IIN224</p>	<p>DATE : 9-4-2014</p> <p>REVISIONS :</p>	<p>DRWG. NO.</p> <p>1</p>
	<p>The Summit at Ski Lake A part of the Southwest 1/4 of Section 13, a part of the Northeast 1/4 of Section 23, and a part of the Northwest 1/4 of Section 24, T6N, R1E, SLB&M, U.S. Survey</p>		

Exhibit B- Transmission Site Details



- PROCESS:**
- PLACE WEED MATS ON GROUND SPACE
 - PLACE GRAVEL ROCK 2" DEEP ON WEED MATS
 - PLACE TOWER MOUNT ON GRAVEL ROCK
 - PLACE 20" MASONRY BLOCKS ON BASE OF TOWER MOUNT
 - PLACE SOLAR PANELS ON GRAVEL ROCK
 - PLACE SOLAR PANELS ON PRE-MADE ANGLE IRON MOUNT
 - PLACE EQUIPMENT ON TOWER MOUNT
- NOTES:**
- SOLAR POWER WILL GO TO SOLAR CONTROLLER IN TUFF SHED
 - SOLAR CONTROLLER WILL OUTPUT 24V DC TO EQUIPMENT
 - SELF-CONTAINED ELECTRICAL POWER - NO ELECTRICAL METER
 - NO DIGGING - NO TRENCHING
 - TOWER MOUNT REQUIRES NO FOUNDATION
 - THIS IS NOT A CELL TOWER



WARNING
 0 1 2
 IF THIS BAR DOES NOT
 EQUAL 1" IN LENGTH
 DRAWING IS NOT TO SCALE



2102 West Grove Parkway
 Suite 400
 Edena, Idaho, UT 84002
 (801) 785-5100

DIGIS EDEN SITE DETAIL
 EDEN, WEBER COUNTY, UTAH

Exhibit C-Pictures of Similar Tower, Solar Panels and Shed

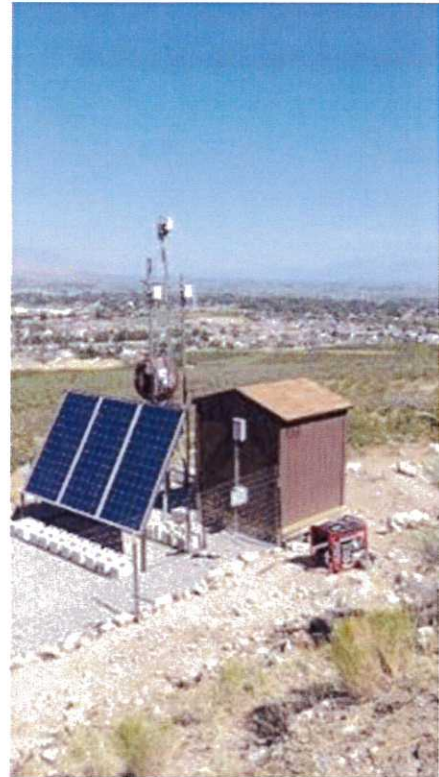


Exhibit D- Applicant's response to landscaping requirements

Landscaping Detail – Digis Site

This site is in the sage brush. There will be no water available to this site to maintain any landscape.

The site will be leveled out and gravel placed on the ground to help with erosion.

The dishes and antennas will be painted with camouflage colors to match the surrounding terrain.