

# Exhibit C



## Staff Report to the Ogden Valley Planning Commission Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on a conditional use application for a Digis wireless internet transmission site located on top of the water storage tank within The Legends at Hawkins Creek

**Agenda Date:** Tuesday, January 03, 2012

**Applicant:** Dennis Watt, agent for Digis

**File Number:** CUP 2011-07

#### Property Information

**Approximate Address:** The Legends at Hawkins Creek water storage tank

**Project Area:** 18 Acres

**Zoning:** Forest Valley 3 Zone (FV-3)

**Existing Land Use:** Common Area "E" within the Legends at Hawkins Creek

**Proposed Land Use:** Digis wireless internet transmission site

**Parcel ID:** 20-102-0043

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

#### Adjacent Land Use

<b>North:</b>	Residential	<b>South:</b>	Common Area
<b>East:</b>	Residential	<b>West:</b>	Common Area

#### Staff Information

**Report Presenter:** Sean Wilkinson  
swilkinson@co.weber.ut.us  
801-399-8765

**Report Reviewer:** JG

### Applicable Ordinances

- Weber County Zoning Ordinance Chapter 12-B (FV-3 Zone)
- Weber County Zoning Ordinance Chapter 22-C (Conditional Uses)

### Background

The applicant is requesting approval of a conditional use permit for a Digis wireless internet transmission site. Although this site is small (approximately 56 square feet and 10 feet tall) it falls in the same category as a cellular tower, which is considered a public utility substation. The FV-3 Zone allows a "public utility substation" as a conditional use. This transmission site is located on top of the water storage tank within the Legends at Hawkins Creek. 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 has a current lease agreement with the Legends at Hawkins Creek Home Owners Association (HOA) and the conditional use application was signed by its managing member.

The site consists of a steel frame (weighed down by cinder blocks), four short antennas, two transmission dishes, a control cabinet, and an electrical hookup. The antennas are approximately 10 feet tall as measured from the top of the water tank. The site is not visible when viewed from the valley floor, but the applicant has agreed to camouflage the white transmission dishes as a precaution. This can be done easily with paint, but it must be done when the temperature is warm enough for the paint to adhere properly. There are no lights associated with this transmission site.

The water tank site has existing landscaping that was approved by the Planning Commission in 2007; however, several of the existing trees have died and need to be replaced. While this is not the applicant's property, the landscaping needs to be replaced by the HOA or an escrow must be provided for <sup>its</sup> replacement. Staff recommends that an analysis of the landscaping be completed in June 2012 to verify what needs to be replaced. Once the analysis has been completed, the HOA will have until the end of July 2012 to replace the trees or establish an escrow for their replacement. If this does not

occur, the conditional use permit for the Digis transmission site will be placed on a Planning Commission agenda for revocation.

### Summary of Planning Commission Considerations

- Does the proposed use meet the requirements of applicable County Ordinances?
- Are there any potentially detrimental effects that need be mitigated by imposing conditions of approval, and if so, what are the appropriate conditions?

In order for a conditional use permit to be approved it must meet the requirements listed under "Criteria for Issuance of Conditional Use Permit." The Planning Commission needs to determine if the proposed Digis transmission site meets these requirements.

#### 22C-4. Criteria for Issuance of Conditional Use Permit

Conditional uses shall be approved on a case-by-case basis. The Planning Commission shall not authorize a Conditional Use Permit unless evidence is presented 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 Zoning Ordinance and other applicable agency standards for such use.

After reviewing this conditional use request staff has determined that the criteria listed above have been met in the following ways:

1. 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 antennas are only approximately 10 feet tall. In addition, the white transmission dishes will be painted camouflage to further disguise the site.
2. The FV-3 Zone allows a "public utility substation" as a conditional use and the site meets all setback and height regulations. The conditions, including the landscaping requirements mentioned above, established by the applicable review agencies must be complied with in order for this conditional use permit to be granted.

### Conformance to the General Plan

As a conditional use, this operation is allowed in the FV-3 Zone. 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

- Requirements of the Weber County Planning Division
- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Building Inspection Division
- The transmission towers must be painted camouflage
- The dead landscaping must be replaced as mentioned above

### Staff Recommendation

Staff recommends approval of this conditional use application subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is based on the following findings:

- The proposed use is allowed in the FV-3 Zone and meets the appropriate site development standards
- The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished

## Exhibits

- A. Applicants response to criteria
- B. Transmission site structural plans
- C. Pictures of existing site
- D. Approved water tank landscape plan

## Map 1



# Exhibit A

## Basis for Issuance of Conditional Use Permit

That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community:

Questions From 22C4:

1- This site will have no detrimental affect on the surroundings or the community, there are no lights, noise, odors, vibration, dust, smoke.

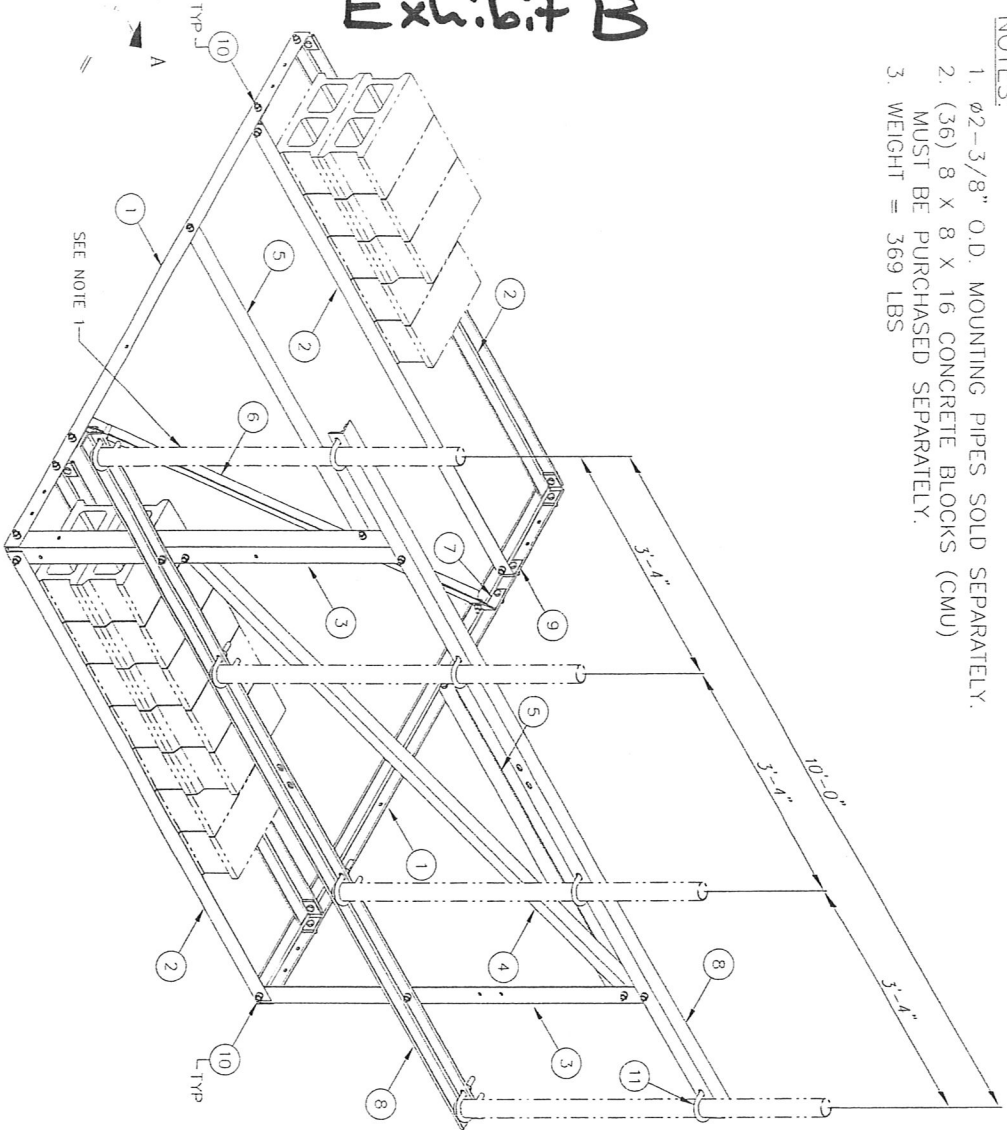
2- Per Digis's interpretation of the requirements for a conditional use permit we meet the criteria.

That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs:

**NOTES:**

1.  $\phi 2-3/8"$  O.D. MOUNTING PIPES SOLD SEPARATELY.
2. (36) 8 X 8 X 16 CONCRETE BLOCKS (CMU) MUST BE PURCHASED SEPARATELY.
3. WEIGHT = 369 LBS

# Exhibit B



ISOMETRIC VIEW

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DATE	02/16/10
SCALE	1 OF 2
STANDARD	NITS
MATERIAL	A36
FIGURE	Galv A123
REVISION	CC
ACG	A

Part Number: WS-NPRF10-R  
 Drawing Type: Assembly Drawing  
 Non-Penetrating Roof Frame, 10' - 6" (3.2m)  
 pipe mounts not included

313141

Parts List

ITEM	DESCRIPTION	QTY
1	ANGLE, SIDE	0
2	ANGLE, BALLAST	0
3	ANGLE, FRONT	0
4	ANGLE, FRONT DIAGONAL	0
5	ANGLE, SIDE DIAGONAL	0
6	ANGLE, BOTTOM DIAGONAL	0
7	BENT PLATE	0
8	ANGLE, PIPE MOUNT 10'	0
9	ANGLE, CORNER	0
10	1/2" X 1-1/2" GALV BOLT KIT (A325)	0
11	5/8 X 2-1/2" X 4" GALV U-BOLT KIT	0

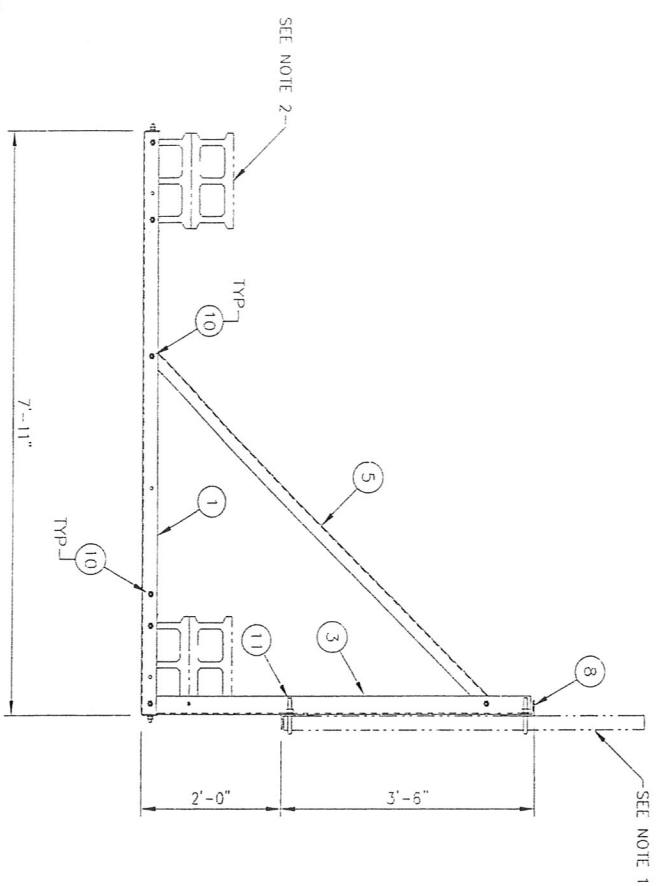


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A	MW			ACG	02/16/10

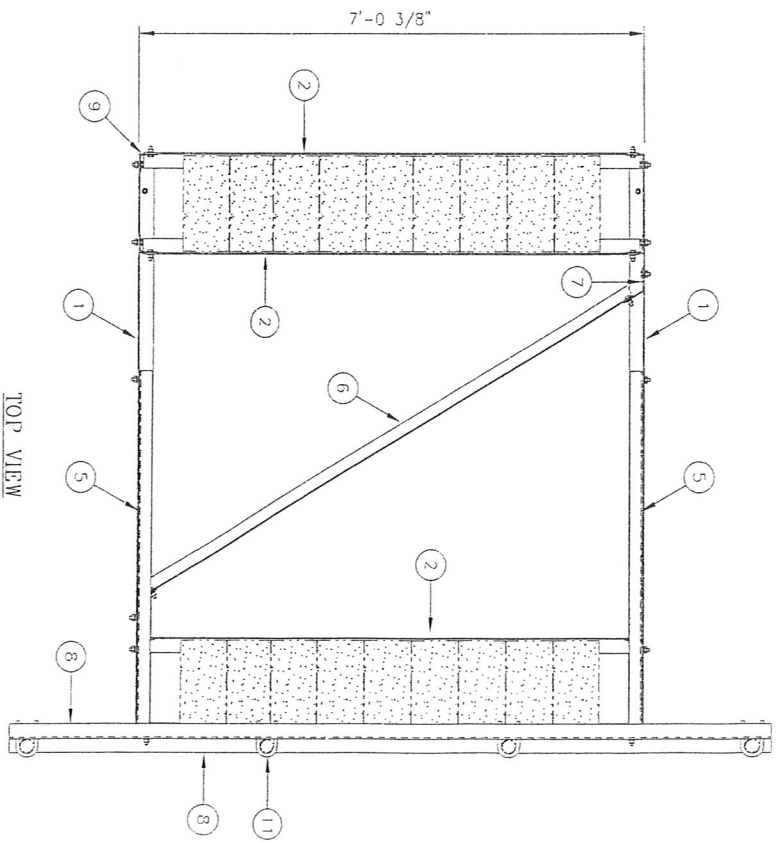
REVISIONS

REV.	ECO	DESCRIPTION
A	MTW	INITIAL RELEASE

BY	DATE
ACG	02/16/10



VIEW A-A



TOP VIEW

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 .X = ±.06 ANGLES ±2'  
 .XX = ±.03 FRACTIONS ±1/32  
 .XXX = ±.010  
 REMOVE BURRS AND BREAK EDGES .005

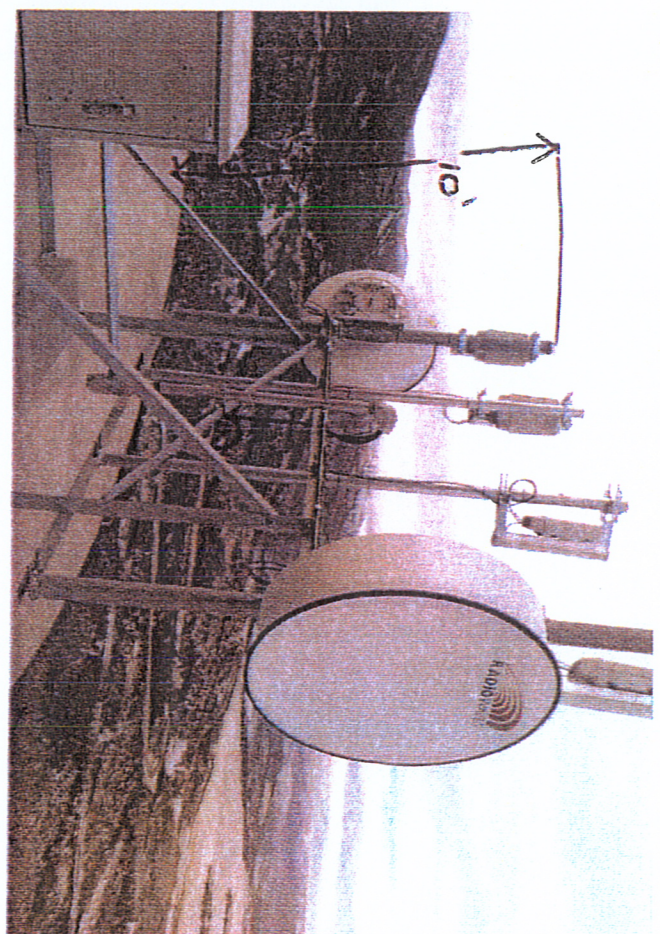
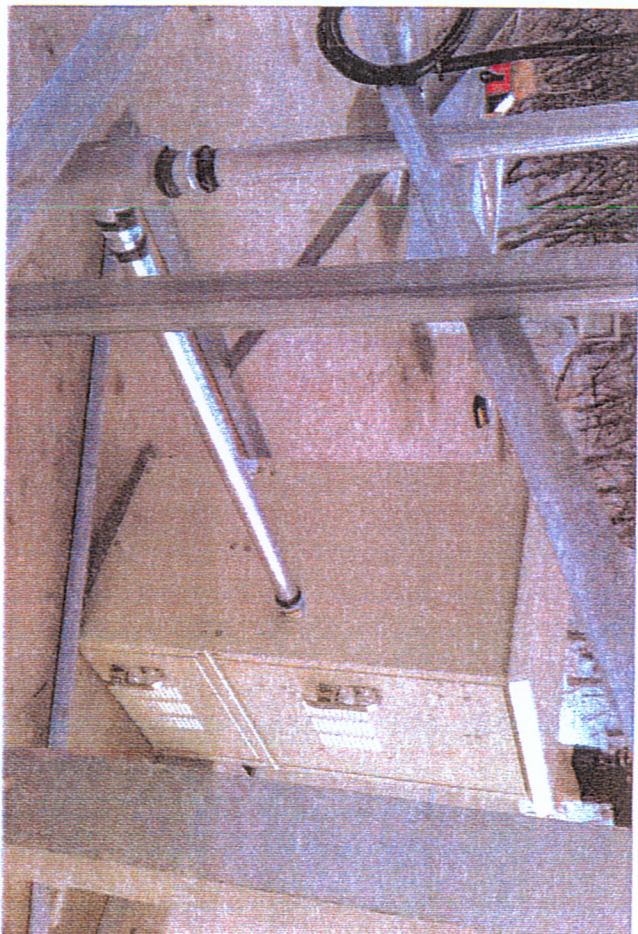
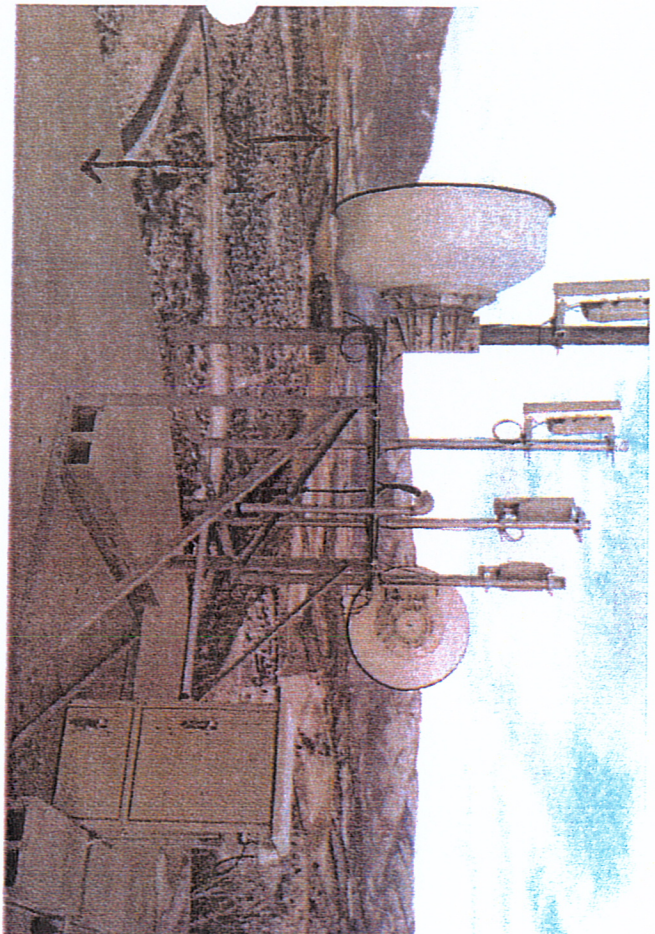
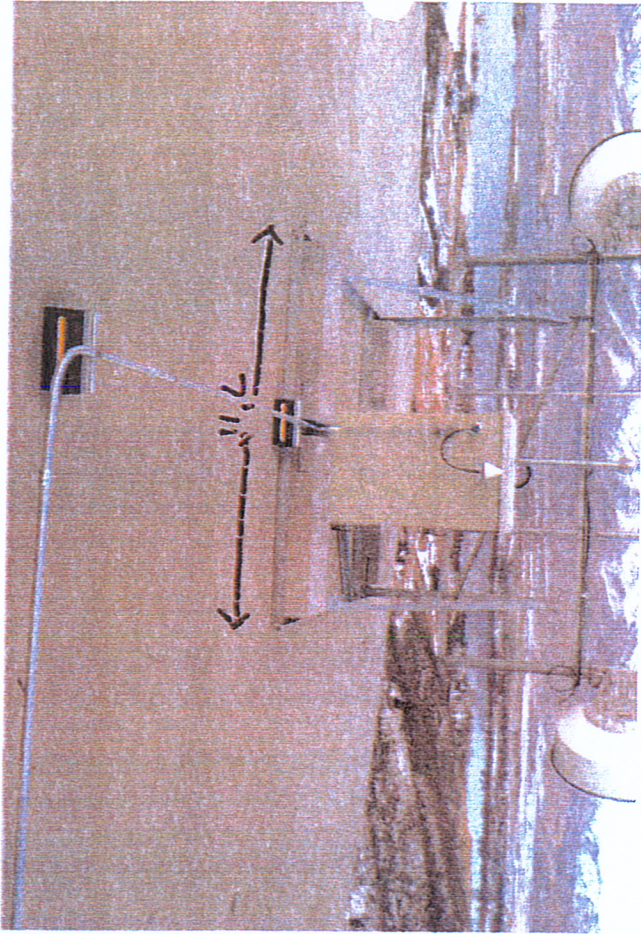
REV.	DATE	BY	APP.
A	02/16/10	ACG	CC

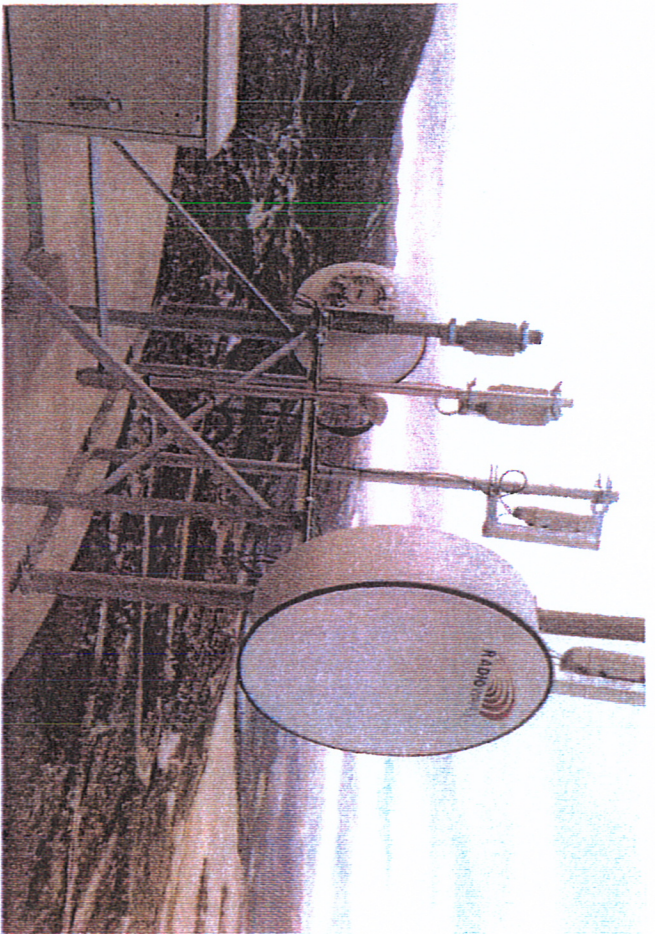
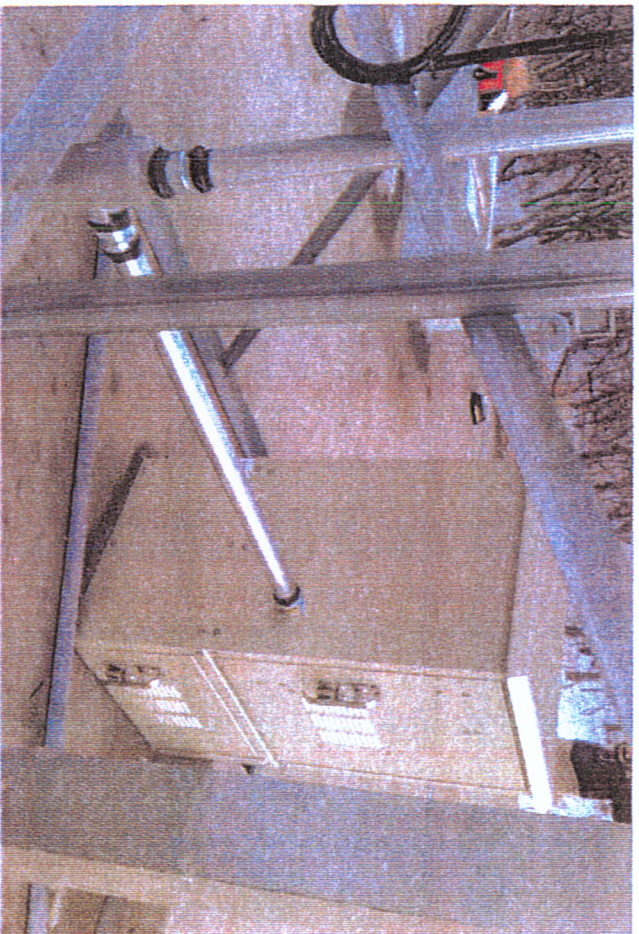
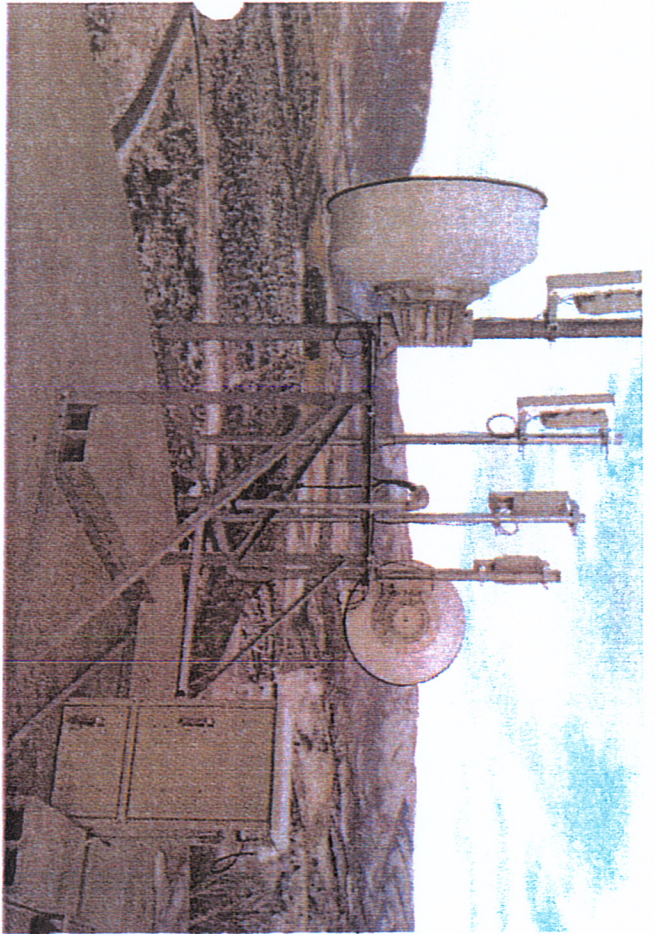
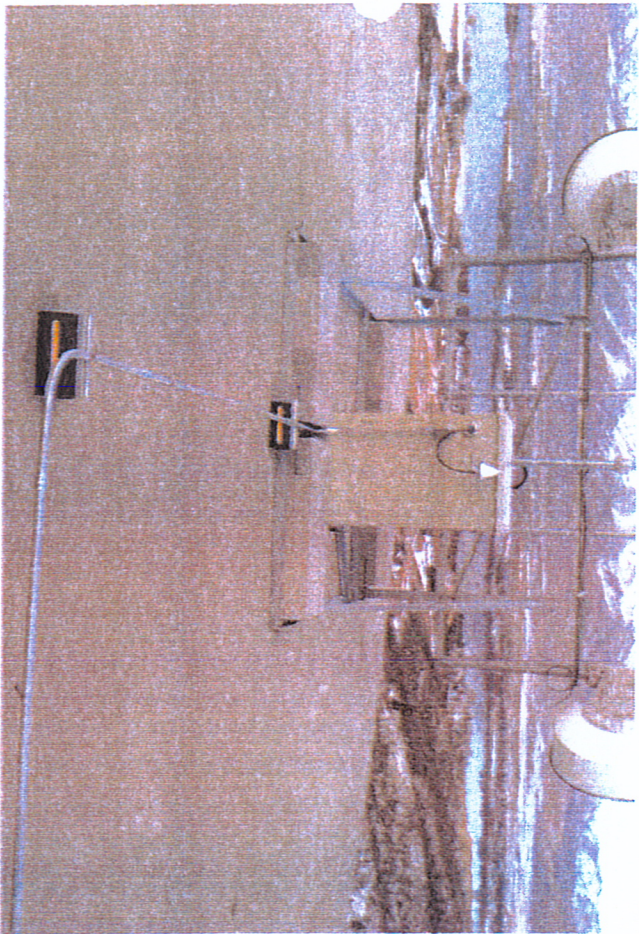
DESCRIPTION	DATE
WS-NPRE10-R Non-Perforating Pool Frame 10'-6" (3.2m) Pipe rounds not included	02/16/10

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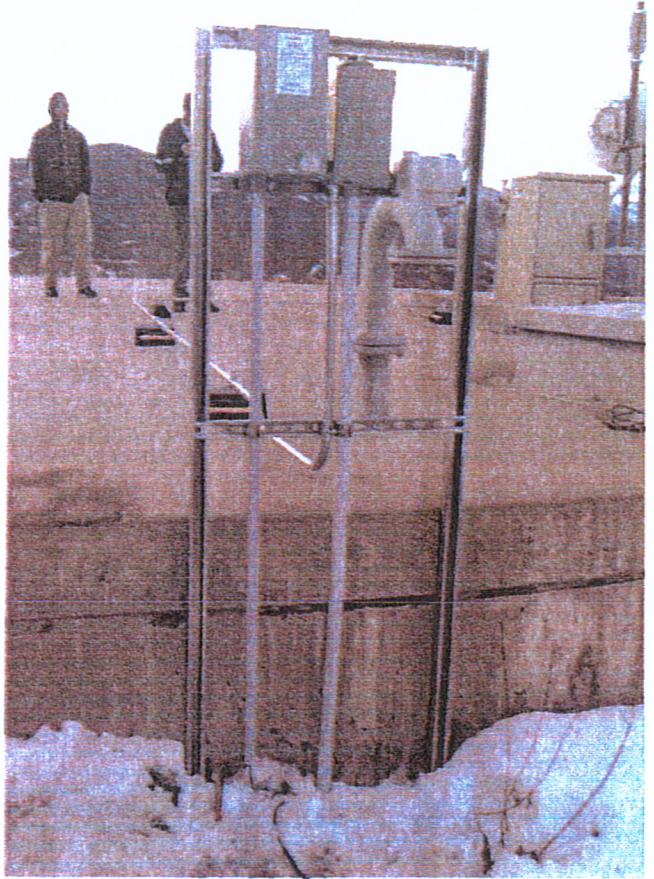
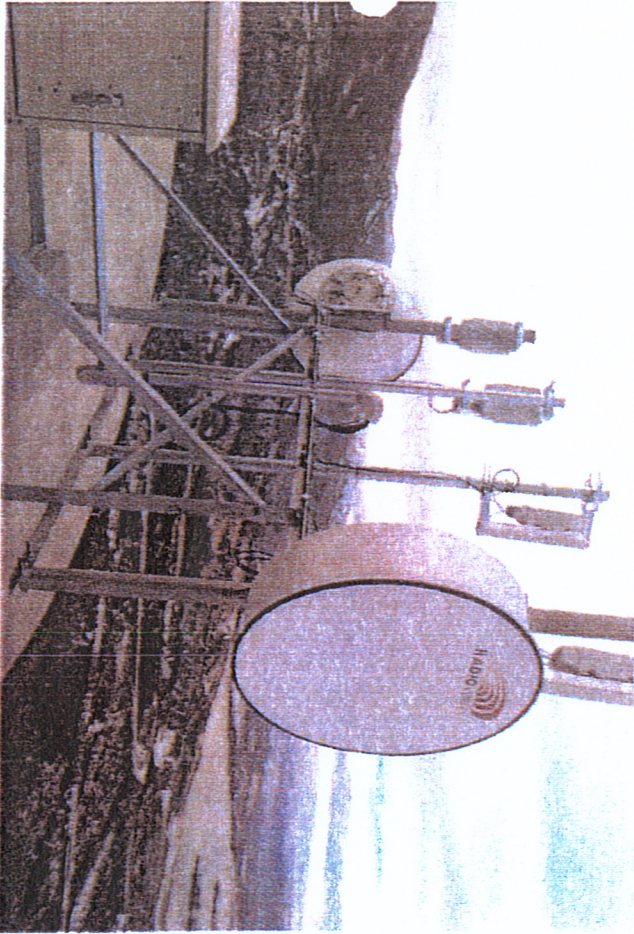
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# Exhibit C





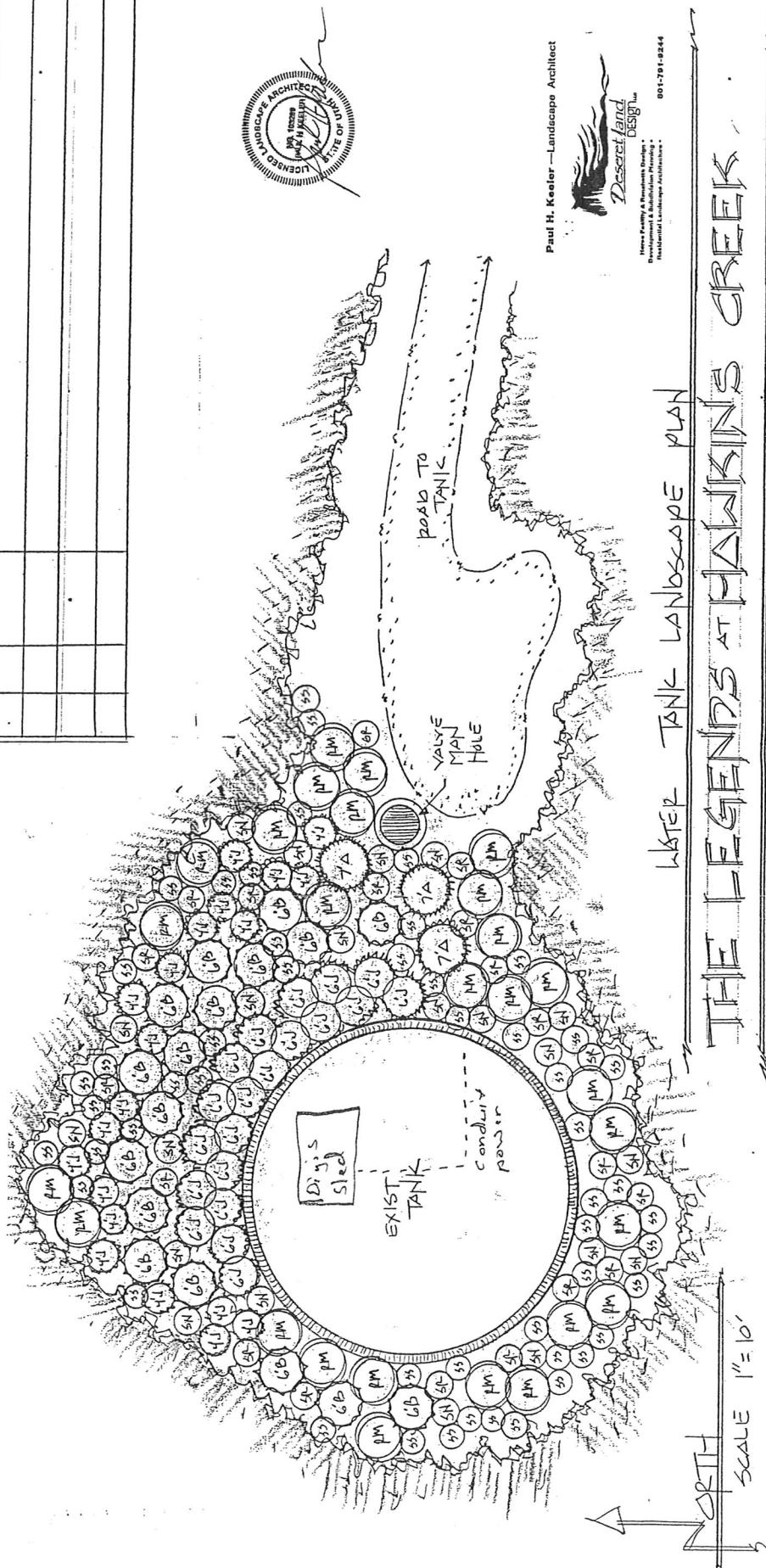




# Exhibit D

- NOTE - ALL PLANT TO BE BACKFILLED WITH SOIL PER NATIVE SOIL MIX  
 80-50 LB BAGS EQUAL MIX TO ALL PLANTS
- NOTE - AROUND ALL PLANTS HYPOXEREA 160 LBS CAIN MIX  
 WITH TACK BINDER  
 50 LBS SHEEP FESCUE  
 35 LBS CRESTED WHEAT  
 15 LBS STREAM BANK FESCUE
- NOTE - CONTRACTOR - DEVELOPER & LANDSCAPE ARCHITECT  
 TO MEET ± APRIL 15 - 2007 FOR SPRING INSPECTION  
 TO REHYPOXEREA ANY EROSION PROBLEM AREAS  
 & TO REPLACE ANY PLANTS THAT HAVE DIED

#	SYM	SIZE	PLANT NAME	NOTE
17	CB	5'4-7'	SPRUCE - MIX BLUE SPRUCE & BLACK HILLS	
3	7A	7' 8B	PINE - SUBSTRAN & LEVAGE POLE & LUMBER	
20	6J	6' 8B	ROCKY MOUNTAIN JUNIPER & UTAH JUNIPER	
20	7J	4' 5-6'	ROCKY MOUNTAIN JUNIPER & UTAH JUNIPER	
20	PM	10-14 TO 15-21	NATIVE MAPLE MIX ROCKY MOUNTAIN & BIGTOOTH	
20	SR	5-9-1	SERVICE BERRY - SASKATOON & UTAH	
20	SN	5-9-1	SNOW BERRY & ALPINE CURRANT	
50	SS	5-9-1	SUMAC - SKUNK - SMOOTH & STRAIGHT	



Paul H. Keeler - Landscape Architect  
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