

Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

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Application l	Information						
Application Request:		Consideration and action on a conditional use permit for a Verizon Wireless Cell Tower Colocation, located at Powder Mountain.					
Agenda Date	e:	Tuesday, January 23, 2018					
Type of Decision: Applicant: Authorized Agent: File Number:		Administrative Verizon Wireless					
							Jared White
		CUP# 2017-21					
		Property Inf	ormation				
Approximate Address:		Powder Mountain Ski Resort					
Project Area	1:	Approx. 3432 sq. ft.					
Zoning:		Commercial Valley Resort Recreation Zone (CVR-1)					
Existing Land Use:		Resort Recreation					
Proposed Land Use:		Public Utility Substation					
Parcel ID: Township, Range, Section:		23-012-0136 Township 7 North, Range 2 East, Section 6					
							Adjacent Lan
	Resort Recreation	•	South:	North Powder Ridge Rd			
East: R	Resort Recreation	n/Ski Resort	West:	Resort Recreation/Ski Resort			
Staff Informa	ation						
Report Presenter:		Tammy Aydelotte					
		taydelotte@co.weber.ut.us					
		801-399-8794					
Report Reviewer:		RK					
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		eneral Provisions) Section 7 (Defini	•				
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- Title 104, Chapter 11 (Commercial Valley Resort Recreation Zone) (CVR-1)
- Title 108, Chapter 1 (Design Review)
- Title 108, Chapter 4 (Conditional Uses)
- Title 108, Chapter 7 (Supplementary and Qualifying Regulations) Section 12 (Towers)
- Title 108, Chapter 7 (Supplementary and Qualifying Regulations) Section 3 (Fencing requirements)
- Title 110, Chapter 1 (Western Weber Signs)

Summary and Background

Verizon Wireless has submitted a proposal that includes plans to establish a co-locating telecommunications tower located at the top of the Powder Mountain Ski Resort area of Weber County. The project will occupy approximately 3432-sq. ft. of the 18.38-acre parcel. The site is located in the CVR-1 zone and is permitted as a conditional use as a "Public Utility Substation".

The proposed 90' cell tower will replace the existing 63' AT&T wireless cell tower. It has been designed to accommodate 4 colocations, with the wiring running underground, and inside the pole so as to be un-obtrusive. The materials and design will be in harmony will the existing structures (lodge). The site leased to Verizon will consist of the 90' cell tower with a 6' lightening rod at the top, as well as two 15' x 36' equipment shelters. The equipment shelters will each house 1 generator room, and 2 equipment rooms. The exterior of each structure will have 6:12 pitched gable roofing, and wood siding to match the existing ski lodge, as best as possible. The only interiors to be finished will be the generator rooms, which will also have a 12' snow snorkel each, for the generators to breathe. The unoccupied rooms will remain unfinished for future occupants to finish per their requirements. Verizon will install (4) 6" conduits from each of the (4) equipment rooms to the stub locations on the northeast and southwest of the new monopole. Verizon will install (2) accessible 3'-2" wide

doghouses on the NE and SW side of the tower for each carrier to access their underground conduit run from the shelter to the monopole.

The project are will be situated between the existing ski lift and the ski lodge that is already in place.

On August 29, 2013, application was submitted for the existing 60' monopole, and single equipment shelter. Powder Mountain will maintain ownership of the proposed colocation, assisting in transferring carriers from the existing monopole to the new 90' tower.

Conditional use permits should be approved as long as any harmful impact is mitigated. The Uniform Land Use Code of Weber County, Utah (LUC) already specifies certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application appears to meet these standards. The following is staff's evaluation of the request.

Analysis

<u>General Plan</u>: As the community grows the need for public utility service demand increases. This cell site will provide better cellular coverage for residents in the North Powder Ridge Road vicinity. The project site is adjacent to a recreational resort area/ski resort and this use will be in harmony with the surroundings.

<u>Zoning</u>: The subject property is located within the CVR-1 Zone which is categorized as a Commercial Valley Resort Recreation zone. The purpose and intent of this zone is as follows:

"The purpose of this zone is to provide locations in the Ogden Valley and at major recreation resort areas, where service facilities and goods normally required by the public in the pursuit of general recreation activities can be obtained."

<u>Site Development Standards</u>: The following site development standards apply to the CVR-1 Zones:

Minimum lot area:

- 2.5 acres, with specific uses
- 5 acres, with specific uses

Minimum lot width:

• 150 feet

Minimum front yard setback

• 30 feet

Minimum side yard setbacks (Accessory Building)

• 20 feet except as otherwise required by this or any other county ordinance

Minimum rear yard setback

• 20 feet except as otherwise required by this or any other county ordinance

This proposal meets all of the site development standards stated in §104- 10 (Commercial Valley Resort Recreation Zone) and §108-10-2 (Public Utility Substation). The drawings show a rear setback of approximately 7 feet from the county line to the east of the project area, all other area setbacks are well within standards.

<u>Site Development Standards for a Public Utility Substation</u>: A public utility substation that is located in the CVR-1 zone will comply with the setbacks as outlined in that zone.

<u>Conditional Use Review</u>: The proposed cell tower is allowed as a conditional use within the CVR-1 zone. The proposed use is termed as a "public utility substation" found in LUC § 104-11-4 (13). A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. The proposed conditional use, mandate a design review as outlined in LUC §108-4-31(e), (16) to ensure that the general design, layout and appearance of the building remains orderly and harmonious with the surrounding neighborhood. Certain areas of the design review are only applicable due to the nature of the request. As part of this review, the Planning Commission shall consider the applicable matters based on the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

• <u>Considerations relating to traffic safety and traffic congestion</u>: Access to the site will be gained from the private parking lot to avoid causing traffic safety and congestion.

- <u>Considerations relating to landscaping</u>: The southwestern area will have a rock border, with an opening to allow access to Verizon's 12' utility easement.
- <u>Considerations relating to buildings and site layout</u>: There is no proposed fencing that will surround the project area.
- <u>Considerations relating to utility easements, drainage, and other engineering questions</u>: The Engineering division has stated only a requirement for a Storm Water Pollution Prevention Plan.
- <u>Considerations associated with any rezoning agreement, planned commercial or manufacturing rezoning, or</u> <u>planned residential unit development approval</u>: There are no concerns with regard to this consideration.
- <u>Safety for persons</u>: This Verizon cellular tower is regulated by the FCC. The FCC has set site and signal strength specifications for all cell towers in the United States. As highlighted in page six of the Federal Communications Commission Fact Sheet. "No State, local government, or instrumentality may regulate the structure, placement and modification based on radio frequency emissions to the extent that such facilities comply with federal regulations" (see Exhibit D).

Ogden Valley Signs: There is no proposed signage associated with this request.

<u>Fencing requirements</u>: Weber County LUC § 108-7-3 Fencing requirements: "Projects may be encompassed in whole or in part by a perimeter fence of not more than six feet in *height*, subject to design review and provided that access to lots is allowed only from approved interior public or private streets that are part of the approved subdivision or project." The applicant has indicated there will be no fence surrounding the project area.

<u>Public Safety and Health</u>: Verizon Wireless is regulated by the Federal Communications Commission (FCC). This cell tower will be in compliance with all FCC regulations. Pertinent information highlighted in the Federal Communications Fact sheet has been included in this report as Exhibit D. The Weber County Attorney has expressed that since this project will adhere to all Federal Regulations, denial by state and local government or instrumentality is not recommended.

<u>Public Notice</u>: A courtesy notice to the public has been sent out to all property owners within a 500 radius of the construction site.

Tax Clearance: The 2017 taxes are paid in full. The 2018 taxes are not due until November 30, 2018.

Staff Recommendation

The Planning Division recommends approval of file# CUP 2017-21, a conditional use permit for a Verizon Wireless Colocation Cell Tower located at the top of Powder Mountain Ski Resort, Eden, UT, 84310. This recommendation for approval is subject to all review agency requirements and with the following conditions:

- 1. The applicant shall maintain the site with a good visual appearance and structural integrity, as well as conforming to the general design of the existing structures owned by Powder Mountain Ski Resort.
- 2. The applicant shall adhere to all federal, State and County ordinances.

This recommendation is based on the following findings:

- 1. The proposed use conforms to the Ogden Valley General Plan.
- 2. The proposed use will not cause harm to the natural surroundings.
- 3. The proposed use will not be detrimental to the public health, safety, or welfare by adhering to FCC regulation.
- 4. The proposed use, if conditions are imposed, will comply with applicable County ordinances.
- 5. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Application
- B. Construction Plans
- C. FCC Fact Sheet

Area Map



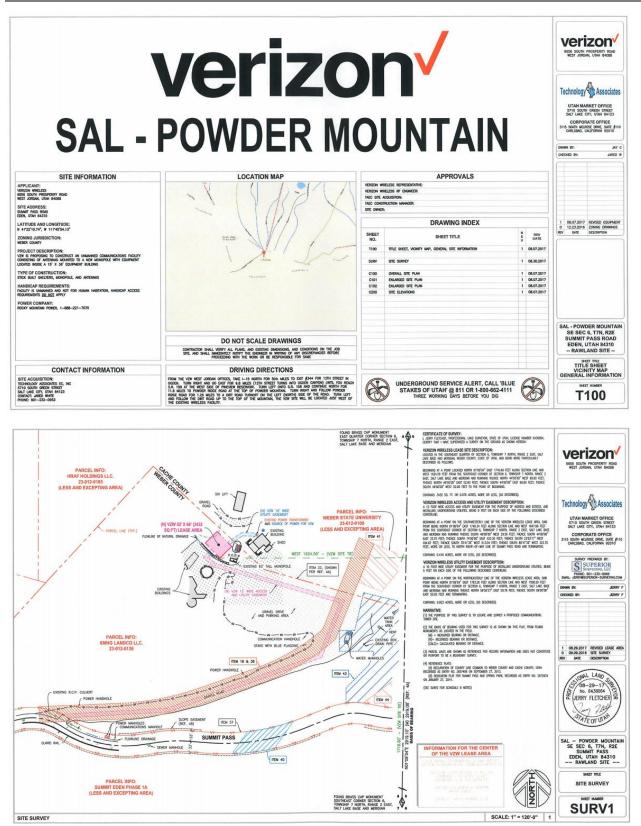
Exhibit A

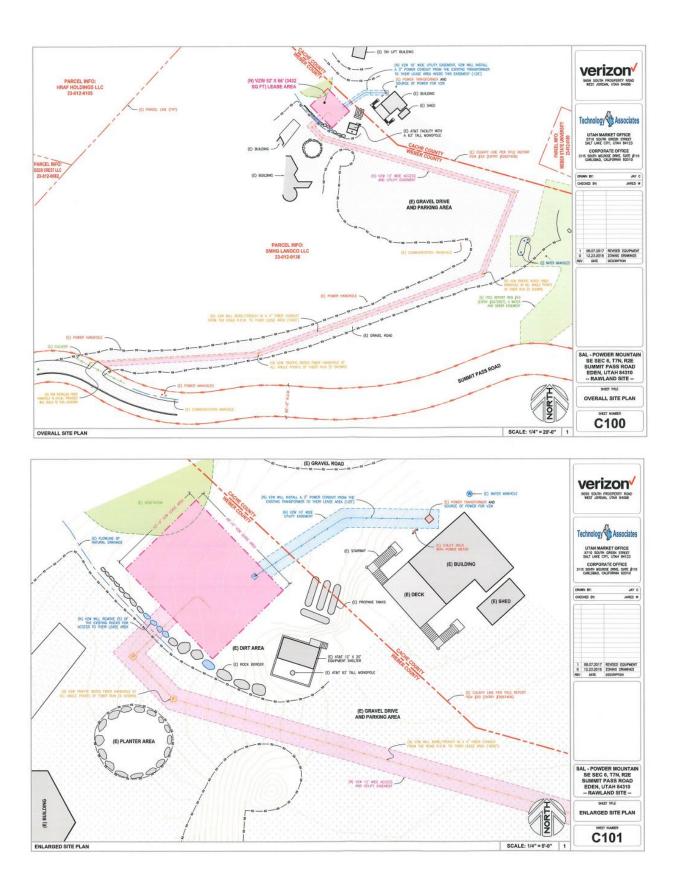
Weber County Conditional Use Permit Application								
Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401								
Date Submitted / Completed 09/15/2017	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)					
Property Owner Contact Info	rmation							
Name of Property Owner(s)		Mailing Address of Property Owner(s)						
Powder Mountain Ski Resort Phone Fax								
484-239-0549								
Email Address (required) mschroetel@powdermountain	.com	Preferred Method of Written Correspondence Final Fax Mail						
Authorized Representative C	ontact Information							
Name of Person Authorized to Represen Verizon (Jared White	nt the Property Owner(s)	Mailing Address of Authorized Person 1894 West 1690 South						
Phone 801-232-0953	Fax	Woods Cross, UT 84087						
Email Address jaredw@uctechs.com		Preferred Method of Written Correspondence						
Property Information		•						
Project Name SAL Powder Mountain		Total Acreage	Current Zoning					
Approximate Address Top of powder Mountain ski re	sort	Land Serial Number(s) 23-012-0136						
approached by Verizon and T resort to construct a multi-car tower and 4 matching shelter	-Mobile also seeking a site at t rier facility that will accommode	of the mountain for AT&T and S this location. Verizon is workin ate all four carriers. This propo acent to the pole. Once comple ting carriers onto this pole.	g in conjunction with the sal would include a single					

onditions to achieve The only potent multi carrier fac carriers. In add of the existing to	ed detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise. tially detrimental effect of the site is visual impact. In an effort to minimize this we are constructing a ality as to reduce the number of poles that would be needed in order to provide coverage for all 4 major dition the ground structures will not be environmental shelters but will be built to match the architecture building the resort has already built adjacent to it. All cabling and wires will be ran under ground and arior of the pole to the antennas reducing the visual impact further.
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	e will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such us
	et all building and zoning codes specified in the county ordinance with this facility. Further Verizon meets th proval of section 108-4-4
of approval that	at a multi use facility and a ground structures that match the existing architecture will meet the requirement conditions can be imposed to reasonably mitigate any detrimental effects of the project while still providin shance cellular service.

Property Owner Affidavit I (We), Lion Geet for ______, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. (Property Owner) (Property Owner) ELGA MARIASINA Subscribed and sworn to me this NOTARY PUBLIC & STATE of UTAH COMMISSION NO. 678124 COMM. EXP. 08-18-2018 (Notary) **Authorized Representative Affidavit** I (We). Don <u>divestor</u>, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), <u>Verizon Wireless (Jared White)</u>, to represent me (us) regarding the attached application and to appear on my four) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application. (Property Owner) (Property Owner) Dated this 1/6^{4h} day of October 20 17, personally appeared before me Don Guesca signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same. the **OLGA MARIASINA** NOTARY PUBLIC & STATE of UTAH (Notary) COMMISSION NO. 678124 COMM. EXP. 06-18-2018

Exhibit B





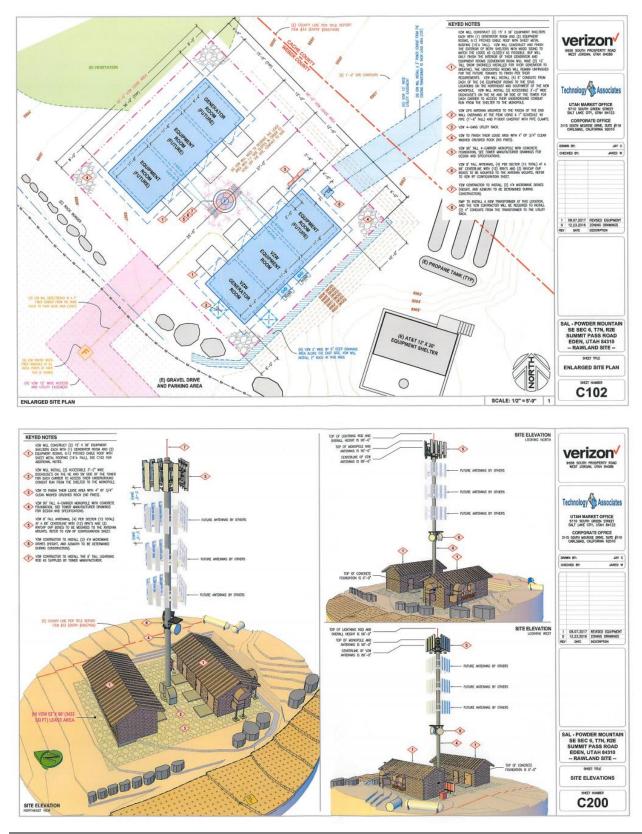


Exhibit C

ASAC INFORMATION SHEET 91:003

INFORMATION REGARDING SURVEY DATA SUBMITTED TO THE FAA

FAA Order 8260.19c requires proponents of certain proposed construction (located beneath instrument procedures) provide the FAA with a site survey and/or letter, from a licensed land surveyor, which certifies the site coordinates and the surface elevation at the site. On October 15, 1992, the FAA started using the North American Datum of 1983 (NAD-83), and therefore all site coordinates should be based on NAD-83. The FAA requires that the survey letter contain an accuracy statement that meets accuracy tolerances required by the FAA. The most requested tolerances are +/- 50 feet in the horizontal and +/- 20 feet in the vertical (2-C). When the site coordinates and/or site elevation can be certified to a greater accuracy than requested by the FAA, please do so.

In order to avoid FAA processing delays, the original site survey or certifying letter should be attached to the 7460 when it is filed at the FAA's regional office. It must be signed and sealed by the licensed land surveyor having performed or supervised the survey.

The FAA accuracy codes and a sample accuracy statement are listed below.

ACCURACY CODES:

HORIZ	ONTAL	VER	TICAL
Code	Tolerance	Code	Tolerance
1	+/- 15 ft	A	+/- 3 ft
2	+/- 50 ft	в	+/- 10 ft
3	+/- 100 ft	с	+/- 20 ft
4	+/- 250 ft	D	+/- 50 ft
5	+/- 500 ft	E	+/- 125 ft
6	+/- 1000 ft	F	+/- 250 ft
7	+/- 1/2 NM	G	+/- 500 ft
8	+/- 1 NM	н	+/- 1000 ft
9	Unknown	I	Unknown

Date: AUGUST 29, 2017

Re: SAL - POWDER MOUNTAIN

SE 1/4 OF SECTION 6, TOWNSHIP 7 NORTH, RANGE 2 EAST, SALT LAKE MERIDIAN

I certify that the latitude of N 41°22'10.74", and the longitude of W 111°45'54.13", are accurate to within 15 feet horizontally and the site elevation of 8899 feet, AMSL (American Mean Sea Level), is accurate to within +/- 3 feet vertically. The horizontal datum (coordinates) are in terms of the North American Datum of 1983 (NAD-83) and are expressed as degrees, minutes and seconds, to the nearest (tenth/hundredth) of a second. The vertical datum (heights) are in terms of the (NAVD88) and are determined to the nearest foot.



Professional Licensed Land Surveyor: 1-A FAA Letter

Jerry Fletcher, Utah LS no. 6436064