

# Naples Planning and Land Use Public Hearing and Regular Meeting Minutes April 28, 2009

Chairman Dale Harrison welcomes the public and the Commission to the meeting.

Stanley Johnson moved to open the Public Hearing for Union Wireless. Walter Gale seconded the motion.

Roll Call Taken:

<b>Chairman Dale Harrison</b>	<b>Aye</b>
<b>Walter Gale</b>	<b>Aye</b>
<b>Stanley Johnson</b>	<b>Aye</b>

The motion passed with all voting Aye.

**Public Hearing**  
**Union Wireless Tower-Concept**  
**1420 East 2850 South**  
**Naples, Utah 84078**  
**Parcel # 05:132:0081**

Bruce Cheek: We propose to locate a new tower site on the west side of the 48 feet of the grassy area behind the City building. We have chosen this location for a couple of different reasons. The tower being here will follow the curve of the highway and will shoot to the north and east. We are developing toward Colorado along Highway 40. We plan to develop at least two more sites in this area. We need the extra towers to take up the areas of growth and our customer growth. We planned this tower on this south side of town so we could reach further south to get a better signal to our C.O.W.'s (cell on wheels) we have in the oilfield area. Chairman Dale Harrison asks the public if they have any questions or concerns. Douglas Cook: What type of structure are we talking about? Bruce Cheek: A tower that would be big enough to offer service to two other cellular companies, the tower might be between 150 to 200 feet. Jim Richards: How does this compare with the existing UBET/ Alltel tower? Bruce Cheek: I believe the tower is about 150 feet tall. Mr. Cheek gives the Commission a picture of what the tower will look like. Bruce Cheek: Initially, we probably wouldn't have the two antennas below the top antenna rays. Those are being shown so you could see what it would look like servicing two more companies. Chairman Dale Harrison: Are you familiar with the height restrictions for the airport? Bruce Cheek: We will go through that permitting process. Chris Hoem: I visited the FAA's website. Based on the location the FAA's rough estimate would be sixty-four feet. Bruce Cheek: We will address that in the permitting process. Douglas Cook: I have heard nothing but good about Union Wireless. My only concern is with the pipeline easement. The existing fence does not show on the plan. Bruce Cheek: We had a survey done, we will not be encroaching on the easement. Douglas Cook: When you move heavy equipment around and start developing, at some point the pipeline will need to be maintained. Pipelines work very well as long as they are in open spaces. Bruce Cheek: The fence is only one or two feet that encroaches on the easement. We could make the fence so it could be taken down at

the time of any construction. Douglas Cook: We need to address who is going to maintain the pipeline. With your fence up against the brick fence there would be no room for maintenance. Bruce Cheek: We could address this through the planning process. We do not mind doing some relocation work if need be. We will plan to make it to where maintenance is doable. Douglas Cook: I would like to be a part of this process, spelled out as to who has to be responsible for the maintenance. Chairman Dale Harrison asks Mr. Cheek if the height will be an issue. Bruce Cheek: That would be part of the testing period. We would like to simply hold the location for the tower while we go through the testing period. Walter Gale: This is in our Downtown area we are trying to develop and beautify. I have seen in other cities where these towers can be made to look like trees to get the structure to blend in, can we make this look good? Bruce Cheek: The tower would have to be made to carry a lot to get the money out of it, those towers are very expensive. Where we have agreed to build the tower for two more carriers, this would make it very tough for us. By investing the money into this tower, we are trying to eliminate the need for a couple of more towers in the area. By accepting two more carriers, this gives the City the chance to profit from Union's tower. Douglas Cook asks if Union has thought about asking the property owner behind the City building to build the tower there. By moving the tower on to this other property, it would eliminate any maintenance issues with the City. Bruce Cheek: We can work through the maintenance issues. We figured if we are going to be putting money into a community it might as well go to a city and let it be spread out equally. Jim Richards: Will there be a light on the tower? Bruce Cheek: That will be the FAA's call. Chris Hoem: Is there any possibility of building the tower by the UBET tower, where we could keep all of the towers together? Bruce Cheek: Our design is for this corner. We could not build the tower further north because it would be too close to one of our other tower agreements just around the corner. Jim Richards: Have you looked at any other sites that could work? Bruce Cheek: The company has looked at a couple other sites, they will not work out. Chairman Dale Harrison: Are we looking at just the very top antennas on the photo for right now? Bruce Cheek: That would be our service. We were asked if we build this tower here that we would make available the strength for two additional carriers. We have offered to add the two existing small towers on the Naples property and dismantle the existing towers for free. We have microwave dishes that are put on the tower to shoot back to the C.O.W.'s plus our additional towers. C.O.W.'s are cell sites on wheels. We take these out to sites where our customers don't usually get cell service. This is the reason we wanted to put this tower as far south as we could get it. Some of the microwave dishes will stay on the tower and some will go. We will put one up when we have a C.O.W. out and it will come down when the dish is not being used any longer. We then utilize that dish in a different area. What I am asking for tonight is a reserved spot and give us the time to go through the planning process and a testing period.

Chairman Dale Harrison closes the Public Hearing for Union Wireless Tower concept.

### **Regular Meeting**

#### **Commission Present:**

Chairman Dale Harrison, Walter Gale, Jim Richards, and Stanley Johnson

**Commission Absent:** Vice Chairman Jim Garner, Lane Webb, and Cresta Slaugh  
**Council Rep Absent:** Kenneth Reynolds  
**Others Present:** Bruce Cheek, Alan Hinman, Douglas Cook, Richard Walker, Chris Hoem and Brandy Salazar

**Verification of Full Quorum:** Chairman Dale Harrison verifies a full quorum.

**Open Ceremonies** Chairman Dale Harrison welcomed the public and Commission members to the meeting and called the regular meeting to order at 7:00 p.m. A prayer was given by Walter Gale followed by the pledge of allegiance was led by Jim Richards.

**Approval of Agenda:  
April 28, 2009** Walter Gale moved to accept the Agenda for April 28, 2009. Jim Richards seconded the motion.

Roll Call Taken:

<b>Walter Gale</b>	<b>Aye</b>
<b>Jim Richards</b>	<b>Aye</b>
<b>Stanley Johnson</b>	<b>Aye</b>

The motion passed with all voting Aye.

**Disclosures:** None

**Approval of Minutes  
April 14, 2009** Stanley Johnson moved to table the minutes for April 14, 2009 until May 12, 2009. Walter Gale seconded the motion.

Roll Call Taken:

<b>Walter Gale</b>	<b>Aye</b>
<b>Jim Richards</b>	<b>Aye</b>
<b>Stanley Johnson</b>	<b>Aye</b>

The motion passed with all voting Aye.

**Public Hearing Discussion**  
**Union Wireless Tower-Concept**  
**1420 East 2850 South**  
**Naples, Utah 84078**  
**Parcel # 05:132:0081**

Chairman Dale Harrison: Mr. Cook has some valid concerns. We need to watch maintenance issues and easements through preliminary and final stages of this project. We have made Union Wireless aware of the height restrictions. I, personally, do not have a problem with the location of the tower. I would like to see one tower that can service additional carriers, it will clean up other towers. Jim Richards: My concern would be this is going to be central Downtown. That is why I

asked if there were any other available sites. I don't know if it is appropriate for the Downtown area. I would like to suggest that they do some looking around for a different site, not in the middle of Downtown. Walter Gale: My concern is the tower being in the Downtown area. Bruce Cheek: Safety is one of our primary concerns. If you have service and you break down or need assistance, our customers just need to dial 0. They will get a live operator 24 hours a day. When we picked this spot, we have a backup generator that will run this tower. We are willing to share that, especially with the police department right here. Chairman Dale Harrison: I agree with the Commission. The location wasn't so critical because it is on the outskirts of the Commercial/ Downtown area. I wouldn't want it in the middle of the Downtown area. Stanley Johnson: Where the tower is located on City property the lease monies will come back in to the City where we need it. That is a benefit to the City as a whole; that would not be possible if it were to go on another piece of property in the City. If they can work with the access for the easements, I am for it. The benefits outweigh the disadvantages, in my opinion. Stanley Johnson moved to make recommendation to the City Council to accept the concept plan for Union Wireless so they can start the planning and testing process. Walter Gale seconded the motion.

Roll Call Taken:

<b>Walter Gale</b>	<b>Aye</b>
<b>Jim Richards</b>	<b>Aye</b>
<b>Stanley Johnson</b>	<b>Aye</b>

The motion passed with all voting Aye.

Jim Richards: I would like the City Council to take a good look at this plan before we get to the final stage. Chairman Dale Harrison: Please notify Mr. Cook with a letter when we move forward in the planning process for Union Wireless. I would like him to be involved in the planning process.

### **Future Discussion** **Affordable Housing**

Richard Walker: I am working in conjunction with the Utah Workforce Housing Initiative. What we are trying to do is have areas look at their needs for housing, prioritize the needs then to actually implement and bring about the creation of the housing. We are helping Communities to put plans together, create an implementation strategy, and facilitate developing the housing. In 1996 the state of Utah passed a law stating that all communities greater than 1000 had to develop a plan for housing for moderate income and the plan was supposed to be completed by 1998. There were no repercussions if the cities did not get a plan together other than the law. There are a couple of suits where communities have lost lawsuits because they have not followed the laws. What I would like to do tonight is go through the outline and the strategy that we are following. We are trying to help the community address their housing needs and how they are going to meet them. This system identifies the needs based on the characteristics of the community's employment base. Naples has a very high percentage of home ownership and a low percentage of rental units. Naples City Housing Element 2009-2010. Table of Contents: Demographics, affordable, housing needs analysis, regulatory review, and recommendations, developing implementation strategy, what type of

housing, financial resources, implementation strategy in ordinance form. Then we are also suggesting some radical ideas such as inclusionary zoning. This is when a community adopts an ordinance that says if a subdivision of a particular size is being developed, a certain amount in that subdivision has to be affordable based on the definition of affordable for Naples City. This gives the developer the responsibility to put in the affordable housing at the same time of building their target housing. If the developer can not put in affordable housing with the target housing, he can put in an affordable home at a different site or in lieu of developing the affordable homes, or give the City the amount of money it would cost to develop the unit, then the City would develop the home where the City thinks it would be best.

Chris Hoem: If we regulated developers to have a percentage of affordable units, we should have the same plan as the County and Vernal City. We would be able to keep the development in our City instead of them going to a neighboring area because they wouldn't have to be responsible for developing the percentage of affordable homes.

Richard Walker: A similar plan has been presented to the other two entities. It is very likely that the County and Vernal City will adopt a similar plan.

Jim Richards: Can there be a valley wide plan to implement this affordable housing?

Chris Hoem: We have just started working on this as a valley for the general plan.

Richard Walker: The valley wide plan would depend a lot on the Planning Commission's and City Council's philosophies as to what kind of housing they see that entity needs, and the location of the housing.

Chairman Dale Harrison: I foresee problems with the developers with this plan. Do you see this as a problem with the developers to put these affordable homes in with the target housing area.

Richard Walker: The idea is because the developer can use some of the profits from the higher priced housing to subsidize some of the lower priced housing and make them look very similar to how the target housing looks like so there is some compatibility there. One of the goals in this plan will address the credit issue in this area. The Association of Governments has a program where a group of people build their homes together. When they all move in to their homes they have 30% instant equity from building the home themselves. The problem now is there aren't enough people that can qualify for the home loans even at the reduced purchase price. The population of Naples was 1562 in 2007, Naples City feels the population is closer to 1900. As we project out, by 2010 there would be almost 1700, Naples feels like it would be closer to 2000. We project a growth rate of about 2%, Naples feels the growth rate is closer to 2.5%, the population in 2020 would be between 2100 and 2600. The state law defines affordability that housing needs to be available for families with an income of 80% of the area's median income. For a family in Uintah County, making 80% of the median for a three person household could make \$35,500 or less a year. Someone making 50% of the median is about \$22,000 a year. This means there need to be homes priced at a level to meet the needs of this income. There are people in Naples that are making 30% of the median income or \$13,300 a year. According to our analysis, 20% of Naples population makes less than 30% of the area median. A lot of them are elderly or have disabilities so they can't work. Naples has 448 owner occupied homes and 52 rental units. There are 20 homes currently vacant. The foreclosed homes in Naples are increasing. We need to make affordable housing in Naples so retail workers, etc will stay and work in this town. There may be some consideration for the employees to live in the upstairs of a retail business. In section three the housing needs shows the result of the needs assessment. What this demonstrates is there is a deficiency of 74

units that are affordable for the population of 30% level. Richard Walker talks about inclusionary zones and what cities in Utah that have adopted these zones. I have included Boulder Colorado inclusionary ordinance for you to review, I feel this would be the most beneficial to your City. Chairman Dale Harrison: To make this plan work, is the affordable housing geared toward multifamily or single family homes. Richard Walker: What you need is to have a choice of different types of housing such as entry level, condo homes, apartments, great houses, etc. We put together an affordable housing manual and we have training sessions available. We do the training in hope that the communities will plan for their needed housing. The City needs to decide, but this is my best guess as to what you need: Implementation Strategy states that Rental workforce housing for families with incomes less than 60% of AMI (35,500 for a family of 3). Naples needs ten units annually or at least one twenty-unit development over the two-year life of this plan. The law states this has to be a 2 year plan, after 2 years the city needs to evaluate, report to state, and maybe adopt the plan for additional years. Walter Gale: Is there assistance or incentives out there that will help us attract developers? Property owners will go along with the development, but they don't want it in their back yard. Richard Walker: In the manual we address the misconception of multifamily units making neighboring property values decrease, this is untrue. We also address other misconceptions. There are many options for finances and grants out there. Uintah County is interested in putting in a subsidized elderly living project. This would be a place where they would be able to live independently. Another part of this plan talks about rehabilitating current houses. There are a number of older homes that are falling down around the owners. This will help rehabilitate those homes. Vernal is very interested in doing additional domestic abuse housing as well as transitional housing where it would offer a place for a person and their family to live for a couple of years until they get on their feet. Number 8: Create housing solutions with big companies for workers to live, even if it is temporary. We will be putting together a credit counseling program to try to provide incentives for people to come in and learn how to resolve their credit issues. The goal is for the Commission to look at the plan, give input, and maybe make some changes. I will type the changes, take the plan to the Council and give them the same opportunity. Ideally, after the changes are made, we would like to see the City adopt the plan and come in to compliance with state law. Another thing we would like to do is, the state of Utah has a program for identifying communities that are progressive and that want to do some positive things. This program used to be called the 21<sup>st</sup> centuries communities program. It is now called Quality Growth Community. Once we get the plan done, we would like to nominate this city for a Quality Growth Community. This will create the ability to open a door for the City to compete for more funding.

**Sign Ordinance  
02-16**

Chris Hoem: Right now the ordinance states there will be no off premises signs anywhere in any zone. Fox Run has been putting signs in Naples residential areas. If we choose to allow off premise signs, we cannot specify what can be advertised. Staff recommends not changing the ordinance for off premises signs. The ordinance does state that temporary signs are allowed for up to seven days, but the building official has to approve. We do need to address flashing signs and light

intensity. Chairman Dale Harrison: I do not want to see off premises signs. Flashing signs catch drivers' attention, the driver is not paying attention to the road because the flashing is so distracting. Chris Hoem: We could regulate the intensity of the lighting. It becomes a safety hazard. Jim Richards: The flashing is what is bothersome. Intensity isn't really the problem, if we could regulate the flashing there wouldn't be a problem. Maybe we could allow scrolling, not flashing. Chris Hoem: What about the signs with the flashing bulbs? Chairman Dale Harrison: We need to regulate them now. Chris Hoem: Should the ordinance read scrolling only, no flashing? Walter Gale: Could you look into that and see how other Cities regulate that? Chairman Dale Harrison: Maybe we should look at regulating the flashing from dusk until dawn. This would not mess with peak time he would still get the advertising. Jim Richards: The intensity he is using is fine as long as it isn't flashing. Chris Hoem: So we want smooth transitions and no flashing.

### **General Business**

Chris Hoem invited the Commission to the City Council meeting on May 14, 2009. JoAnn Hancock will be making a proposal for Ken McBride. He is proposing that the City buy his land. In order to do that we need a down payment, Mr. McBride wants us to use the land that the City office and the fire station is on.

Chairman Dale Harrison: What is the plan for tearing down Tuscan Condos? This is a safety issue. Brandy Salazar: We have sent out letters to two different addresses and Craig Blunt has spoken with the owner of the property. I will talk with Craig Blunt tomorrow and see what our options are for getting it cleaned up ASAP.

Jim Richards: I have a list of conditions from the attorney, Dennis Judd, for Fort Knox Storage. I need the Chairman to sign the document. There will be an original copy for the Planning office, Dennis Judd, and myself. Jim Richards: I will be presenting preliminary plans for the Fort Knox Storage on 1000 South.

Dale Harrison would like to sign any mylars in a Planning and Zoning Meeting in front of the Commission with the minutes showing the approval from Commission for Chairman to sign. Chairman would like to add this to the By-laws. Every final approval signature needs the Commission's approval for final approval and; add it to the motion for final approval. I would like to add this to the By-laws.

### **Adjourn**

Stanley Johnson moved to adjourn. Walter Gale seconded the motion.

Roll Call Taken:

<b>Walter Gale</b>	<b>Aye</b>
<b>Jim Richards</b>	<b>Aye</b>
<b>Stanley Johnson</b>	<b>Aye</b>

The motion passed with all voting Aye.

**Next Planning and Land Use Meeting will be held on May 12, 2009 at 7:00 p.m.**