



## REGULAR PLANNING COMMISSION MEETING

Tuesday April 30, 2019

Prior to Planning Commission Meeting:  
Planning Workshop 6:00 p.m.

Chair Fuller called the Regular Planning Meeting to order at 7:03 p.m.

Chair Fuller led the Planning Commission and audience in the Pledge of Allegiance.

### **MEMBERS PRESENT AT ROLL CALL**

**Fuller, Caldwell, Rogers, Marantino, Villasenor, Steffen, and Roberts**

*Commissioner Marantino* moved to **EXCUSE** Commissioner Damuth and Commissioner Pettinger, from the April 30, 2019 meeting; *Commissioner Caldwell* seconded the motion. The motion **CARRIED** with the following vote:

**ROLL CALL: Yes- Fuller, Marantino, Caldwell, Rogers, Villasenor, Steffen, and Roberts**  
Commissioner Roberts will be a voting member

### **OTHERS PRESENT**

Planning Director Nathan Lindquist, Planner Brian Rusche, Planning Administrative Assistant Charlotte Squires, City Attorney Jim Neu, Ch. 10 Salvador Tovar-Guzman, Joseph Oliver, Eric Theile, Karen Rhoades, Dick Rhoades.

### **APPROVAL OF MINUTES**

*Commissioner Caldwell* moved to **APPROVE** minutes from the March 26, 2019 Meeting *Commissioner Steffen* seconded the motion. The motion **CARRIED** with the following vote:

**ROLL CALL: Yes- Fuller, Marantino, Caldwell, Rogers, Villasenor, Steffen, and Roberts**

### **PRELIM 2019-1 RIFLE RETAIL VENTURES LOT 10C**

The Chair Confirmed Public Notice was met

*Brian Rusche, Planner* explained staff and the applicant had a few more details to work out and asked if the Planning Commission would consider tabling the project until the next meeting May 28, 2019.

### **Motion Made:**

*Commissioner Rogers* moved to **TABLE** Prelim 2019-1 Rifle Retail Ventures Lot 10C to the May 28, 2019 Planning and Zoning Meeting. *Commissioner Marantino* seconded the motion. The motion **CARRIED** with the following vote:

**ROLL CALL: Yes- Fuller, Marantino, Caldwell, Rogers, Villasenor, Steffen, and Roberts**

### **CONDITIONAL USE PERMIT 2019-1 NORTH ON GRAHAM MESA RD AT&T CELL TOWER**

The Chair called applicant Joseph Oliver

Confirmed Public Notice was met

### **PURPOSE**

Applicant requests approval for a Conditional Use Permit (CUP) to allow construction of a 193 foot monopole telecommunications tower on a parcel of vacant land zoned Medium Density Residential (MDR).

### **APPLICANT PRESENTATION**

*Mr. Oliver* explained he is the consultant for the landowner Bryce's Valley Land Holdings and AT&T, who is going develop a tower on the property subject to City's approval; and wanted to give a review of the project. Mr. Oliver reviewed the Staff Report and is in complete agreement with Staff's recommendations and options on the application. The tower is 193 feet and will accommodate, according to the plans, three (3) wireless carriers. The top will hold AT&T who will be the anchor tenant on the tower. Mr. Oliver explained that the top of the existing tower is not available.

Mr. Oliver shared they have assets around Rifle and this tower will serve several miles around Rifle. The tower will introduce First Net, which is a first responder network that was established by Congress. This will create a dedicated network for first responders. Mr. Oliver mentioned they are talking with the City of Rifle regarding access to the tower on the current road going to the Water Tanks.

### **STAFF REPORT**

*Brian Rusche, Planner* explained the findings in the Staff Report and went over the conditions which staff has recommended. Mr. Rusche explained there are two (2) other towers in the area, one that is about 196ft on the adjacent property and the other 300ft further south.

Conditions:

1. The applicant will allow for co-location of other communications facilities on the site, if it is physically and technically feasible.
2. The applicant shall obtain a license from the City of Rifle for the use of the access road. Failure to adhere to the terms of the license is grounds for revocation of the Conditional Use Permit.
3. The applicant shall have one year from the date of approval to construct the communications facilities. If the communications facilities become obsolete or inoperable for any period exceeding twelve months, the applicant shall remove the tower and accessory building from the property.

### **COMMISSION QUESTIONS AND COMMENTS**

*Commissioner Fuller* asked about how far is the 300 foot tower from the current tower

*Planner Rusche* explained the towers are about 3 to 4 blocks apart, the difference is the two (2) existing towers are on property in the county, where this one will be on property in the city limits.

*Commissioner Steffen* asked is there fiber optics to the property.

*Mr. Oliver* replied the company has met with Century Link and will work with them for the fiber optics to continue. Yes there is fiber optics in that location.

### **PUBLIC COMMENT OPENED 7:25 p.m.**

*Mr. Rhoades* explained they live about 50 feet from where the tower is being proposed and does not oppose nor are they excited about the tower but would like to ask for a few things to be considered: 1) To have a berm and trees planted; Clear Talk put in a berm and trees when they built their tower and the City put in sixty (60) trees and there are still sixty (60) trees there now when they put in the new water tank. 2) To add a light at the top of the tower; the other two (2) towers have lights and would like to keep them consistent for the airplanes. 3) Glad to see the company working with the City on an easement to prevent another road being created. He also mentioned the existing tower comes with some other ground structures and whether the new tower would have the same.

*Mr. Thelie* explained he is an attorney representing SBA the company that currently owns the existing tower, and objects to the new tower for two (2) reasons. 1) The new tower is directly adjacent to SBA tower about 280 feet away, roughly the same height and from that distance both towers will cover the same area same line of sight and same line of view. When SBA became aware of the application SBA commissioned a study from an engineer and the material was in the objection letter SBA submitted.

*Commissioner Fuller* asked what do the different of colors mean in the maps.

*Mr. Thelie* replied the colors represent the service provided by the towers. SBA believes the new tower is unnecessary. There is no broader coverage by the new tower there are no gaps being covered by the new tower.

*Commissioner Roberts* asked Mr. Oliver if he could give more information about First Net.

*Mr. Oliver* explained when First Net was announced all the other networks and carriers and non carriers alike were given an opportunity to bid to partner with First Net to deploy the network. AT&T won the bid and the government contract and determined based on their application some new towers would need to be built and this area is one of the areas that didn't have the existing coverage.

*Commissioner Fuller* asked some issues Mr. Rhoades brought up that at the existing tower there are several structures that seem to go along with each renter that goes on the tower, do you foresee this happening. What size does that need to be?

*Mr. Oliver* replied yes and the reasoning for that is the antennas on the tower need a base station to operate off of. AT&T's will be 8X8 and depending on the carrier, we are leasing a 50X50 area; that leaves about a 25X25 for four (4) carriers. Each tenant will be responsible to build their own shed per the City's requirements.

*Commissioner Fuller* asked about the lighting Mr. Rhoades brought up on the tower and asked who would pay for the trees.

*Mr. Oliver* replied we will do what is required by the FAA and FCC and if local community requires, most of the time lighting is not requires below 200 feet. We are not opposed to lighting the tower.

*Planning Director Lindquist* replied that the Commission could make that part of the condition, the applicant pay for the trees and install them. It would be for the visual mitigation for the house existing and for future development.

*Mr. Oliver* replied that is not an uncommon request and would refer to local staff on type of trees and heights.

*City Attorney Jim Neu* asked Mr. Rhoades if about 40 trees would be enough, and would you maintain the trees. The trees and berm would all be on the Rhoades property and wouldn't need any additional space from Bryce Valley.

*Mr. Oliver* replied depending on the size of area we could to more if needed.

*Commissioner Villasenor* asked about SBA saying this tower is redundant with the coverage area.

*Mr. Oliver* explained he had seen the map in the presentation; as to SBA's statement in general he would agree the towers are roughly identical in height of course. What was not mentioned was the top of the SBA tower was not available. That makes it impossible for us to get the same coverage out of both towers; they used a height of 192 feet to develop the maps SBA shared.

*Commissioner Caldwell* asked if First Net has a recommendation.

*Mr. Oliver* replied First Net's recommendation is as high as possible. First Net is not going to roll out now, like in two (2) years from now and they will reevaluate and see where they might be lacking service and redirect the antenna's will be need.

*Commissioner Steffen* asked what is there like four (4) to five (5) carriers on the tower, who else would be using the tower.

*Mr. Oliver* replied the industry is changing, with 5G starting to roll out other players are starting up. Dish is starting to enter the arena, they are deploying a network now that is due to complete in March 2020. There are always new players entering in arena now with 5G coming, it is a competitive time in the industry and will see more companies coming in the next ten (10) years.

*Commissioner Steffen* asked Staff under conditions number 3, if they rent this out and close out should we have them removed as well or just leave the antennas; the renters will be moving around to whichever is cheapest and leaving equipment behind.

*Planner Rusche* replied he can address that with the staff report, the word telecommunications facilities are very broad but you could add the words “and equipment”. We could look into that aspect and if any of the equipment comes into disrepair than Planning could enforce that condition.

*Chair Fuller* asked about future property owner having the liability to have the tower removed, will it be up to the property owner to remove the structures.

*City Attorney Jim Neu* replied we won't be here; a bond could be required to remove the equipment and tower. He did not see the towers becoming obsolete in decades, towers are going to be purposed, there is value there with a conditional use permit the structure, it will be some other technology used on the tower. It would be the tower owner that the City would go after not the property owner.

*Mr. Oliver* explained it is a standard term in our leasing agreements, one of the terms is upon termination all the equipment will be removed. Example if it is a 30 year lease than we already have it geared up to have the equipment removed or renew the lease. There are always business incentives, say a company moves off and does not remove their equipment that company will still be paying rent on the tower, which is an incentive to get their equipment removed.

*City Attorney Jim Neu* replied it will take care of itself. Most of the leases are with the landowner to have the bond to protect their property.

#### **ADDITIONAL PUBLIC COMMENTS**

*Mr. Thelie* shared his issue with this application is the placement, the height for AT&T on the tower they probably should have identified in the application to show the placement higher or lower on the tower and the service of coverage. The application states to provide better coverage to Rifle, which is does not. Further to show service to increase or decrease provided at different heights. SBA would like the opportunity to provide what the coverage per height location on the tower will cover.

*Chair Fuller* asked are you aware right now if I wanted to hang an antenna on your tower is there room.

*Mr. Thelie* replied yes there is room and available.

*Chair Fuller* asked how high I can get a spot.

*Mr. Thelie* replied he does not have an answer to that, but I am not sure that matters. I am not an engineer and would like that opportunity for our engineer to look at that and see if it would make a difference.

*Chair Fuller* asked if Mr. Rhoades had any further comments – Mr. Rhoades replied no.

#### **PUBLIC COMMENT CLOSED 8:00 p.m.**

#### **CLOSING COMMENTS BY APPLICANT**

*Mr. Oliver* replied in regards to Mr. Thelie's closing comment I don't think us justifying or venturing to guess what positions are open on another companies tower. This new tower falls under us on our obligation with First Net. I relied on City Code on how they feel about that.

*Planning Director Lindquist* explained as for any conditional use permit more information, so you can take that information as important or not, if it is something that helps guide you; you can ask for more information or move forward with what information you got.

#### **COMMISSION DISCUSSION**

*Commissioner Maratino* replied at this point it feels like two (2) competing business competing and it would be equivalent to Wendy's asking Culver's to show the need for additional fast food restaurant in Rifle. There is nothing showing that would prevent this tower going up. It is their position they need, the height requirement to provide the services they want to provide. There is no opposition for me.

*Chair Fuller* replied his concern is the neighbors and Mr. Rhoades doesn't seem too much opposed towards it. I would suggest if we were to approve to add the conditions of tower lighting, trees with berm.

*City Attorney Jim Neu* replied let the Planning Staff work with the tower lighting on top of the tower, if the FAA doesn't want it than in return it could be tied up due to the conditions on the conditional use permit. Mr. Rhoades's would like to see a continuation of the current landscape in place due to existing tower and water storage tank.

*Commissioner Roberts* replied the tower is to help with emergency services that are needed.

**Motion Made:**

*Commissioner Marantino* moved to **APPROVE** CUP 2019-1 with all the Staff Conditions including a landscape plan of at least 40 trees and a berm, and direct staff to look into the lighting on the tower.

*Commissioner Roberts* seconded the motion. The motion **CARRIED** with the following vote:

**ROLL CALL: Yes- Fuller, Marantino, Caldwell, Rogers, Villasenor, Steffen, and Roberts**

**ELECT CHAIR AND VICE CHAIR**

*Commissioner Rogers* asked if the existing chair and vice chair would want to remain in their positions another year.

*Chair Fuller* replied he would like to stay on the Planning and Zoning Commission for another month, after that he will be moving outside of Rifle.

*Commissioner Marantino* moved to **MOVE** election of officer's to the May 28, 2019 meeting *Commissioner Steffens* seconded the motion. The motion **CARRIED** with the following vote:

**ROLL CALL: Yes- Marantino, Caldwell, Rogers, Villasenor, Steffen, and Roberts No- Fuller**

**STAFF & PLANNING COMMISSION COMMENTS**

*Planning Director Lindquist* shared Craig Spaulding is now the City's Engineer.

*Commissioners* shared concerns regarding driveway and parking lot the Sweeny property conditions.

*Commissioner Rogers* shared Annual Chamber Dinner is Saturday and there are still tickets available and the Symphony of the Valley concert at the Ute.

*Chair Fuller* shared it is the annual Hubbard Mesa clean up this Saturday starting around 9am. There is a whole lot of trash for you to pick up no matter what time you show up. All help is appreciated.

**ADJOURNMENT**

The meeting was adjourned at 8:15 p.m.

\_\_\_\_\_  
Steve Fuller, Chairman

\_\_\_\_\_  
Date

SIGNATURE ON FILE

\_\_\_\_\_  
Charlotte Squires, Planning Administrative Assistant

\_\_\_\_\_  
Date