

11-6-8: WIRELESS COMMUNICATIONS:

A. Purposes: The purposes of this section are:

1. To ensure that all telecommunications facilities comply with federal, state and county regulations.
2. To regulate telecommunications services, antennas and support structures, and related electronic equipment and equipment enclosures.
3. To provide for the orderly establishment of telecommunications facilities in the county.
4. To minimize the number of antenna support structures by encouraging the colocation of multiple antennas on a single structure, and by encouraging the location of antennas on preexisting support structures.
5. To establish siting, appearance and safety standards that will help mitigate potential impacts related to the construction, use and maintenance of telecommunications facilities.
6. To comply with the telecommunications act of 1996 by establishing regulations that:
 - a. Do not unreasonably discriminate among providers of functionally equivalent services.
 - b. Do not prohibit or have the effect of prohibiting the provision of telecommunications services.
 - c. Are not based on any claimed environmental effects of radio frequency emissions to the extent that such facilities comply with the federal communication commission's regulations concerning such emissions.
 - d. Ensure that all utility facilities/structures are located, installed, buffered/screened and maintained in a manner that will minimize the impact of such facilities/structures on nearby landowners and will not adversely affect the rural, agricultural, small town character and scenic beauty of Eastern Summit County.

B. Master Plan And Site Justification Study Required: For all new telecommunication structures, the applicant shall submit a master plan along with a completed application, and a site justification study for each proposed telecommunications facility or site. A site justification study and master plan shall be submitted to the community development department, which will provide a review of the proposed project to ensure that the provisions of this title are being met. If the application is a colocation or stealth, go to allowed uses, subsection E3 of this section, for application requirements. Temporary and conditional use reviews shall be performed by the planning commission. Any conflicts shall be submitted to the commission. Said planning commission shall review, take public comment and render a decision by: 1) approving the application; 2) approving the application with conditions; or 3) denying the application. The applicant shall request in written form what information submitted with application is to be kept confidential from public review.

1. Master Plan Requirements: A master plan shall be completed by each company submitting an application for a conditional use review. The master plan shall show:

- a. Where the applicant's proposed, existing and future telecommunication facilities are within the county. The master plan may be amended as needed by the carrier for future site applications.
- b. The number of possible colocations that can be obtained on the proposed tower.
- c. The master plan shall contain a copy of the applicant's current FCC license to the county community development department.
- d. An initial indication of where the road or access will be located to their proposed site. Prior to approval of a building permit, the applicant shall provide staff with a copy of recorded road easements

to the proposed site.

e. A signed agreement, stating that the applicant will:

(1) Allow colocation with other users, provided all safety, structural and technological requirements are met. This agreement shall also state that any future owners or operators will allow colocation on the tower;

(2) Restore site to its former condition. (See subsection H of this section, nonmaintained or abandoned facilities.)

f. A security program or system that addresses unauthorized access and vandalism.

g. Latitude and longitude of proposed tower location.

2. Site Justification Study Requirements: A site justification study shall be completed for each site. The study shall include:

a. Rationale:

(1) An applicant proposing to erect a new telecommunications facility shall provide documentary evidence that a legitimate attempt has been made to locate the new telecommunications facility on existing buildings or structures or as a colocation on an existing antenna support structure. Such evidence shall include a radio frequency engineering analysis of the potential suitability of existing buildings or structures or colocation sites in the radio frequency coverage area for the proposed telecommunications facility. Efforts to secure such locations may be documented through correspondence between the applicant and the property owners of the existing buildings, structures or colocation sites.

(2) The site justification study shall also include a description of the elevations, vegetation and rock formations in the area, a description of the telecommunications facilities proposed to be placed on the site with technical reasons for their design and the efforts made to minimize impacts on the farming activities found on the land. The applicant shall provide staff with propagation information for the proposed site. The applicant shall demonstrate that the telecommunications facility complies with the Eastern Summit County general plan, as well as the required setback and landscaping requirements of the zoning district in which they are proposed to be located.

b. Colocation: The study shall also examine the potential for colocation at an existing or the proposed site. If colocation is not possible at an existing site or if the proposed new site is not available for colocation, then the applicant shall include a written explanation of why colocation is not possible.

c. Equipment Enclosures: The study must include a detailed written explanation and analysis, not limited to fiscal reasons alone, of the potential for the equipment enclosures to be either:

(1) Located in an existing building; or

(2) Designed whereby the incorporation of stealth design technology or other visual screening is utilized that readily conceals the appearance of the equipment enclosures;

(3) Comply with subsection [11-6-7B](#) of this chapter.

d. Visual Analysis: On all new sites, applicant shall submit a detailed twenty four inch by thirty six inch (24" x 36") surveyed map at a scale of not more than one inch equals one hundred feet (1" = 100'), which includes:

(1) The topography of the area (2 foot elevations) in which tower and/or telecommunication facilities can be located while continuing to communicate with sister towers.

(2) Delineation of where telecommunication facilities can be placed so as to minimize:

(A) The placement of structures from being placed on slopes of thirty percent (30%) or greater; and

(B) The intrusion of equipment enclosures from being silhouetted against the sky as seen from a public road.

(3) Graphical illustration of the coverage of the proposed telecommunication facility.

Once a site is located by the applicant and staff, then the applicant shall provide an illustration which can include photo simulations, field mockups or other techniques, which illustrate all possible visual impacts of the proposed telecommunication facility. The analysis should consider views from public areas (streets, parks, etc.), and from private residences. The applicant should identify all reasonable mitigation measures consistent with the technical aspects and requirements of the proposed telecommunications facility to ensure that hill cuts for roads are minimized and the telecommunication facility can be hidden as best as possible to preserve the rural character of the county. All costs associated with this requirement are to be borne by the applicant. (Ord. 417, 7-5-2001)

e. Independent Review: The county may, if it deems necessary, cause the applicant to submit an impact study from a qualified, third party radio frequency engineer, to ensure that the proposed telecommunications facility will not interfere with existing radio, television and emergency signals. The purpose of the review shall be to determine if other sites are available which can achieve an equivalent signal distribution without significantly affecting the existing telecommunication operations within the county. Such a review may be required when an applicant indicates that no other acceptable site exists. These costs shall be borne by the applicant. If the applicant disagrees with staff or the planning commission regarding impact study, then an appeal can be made before the board of adjustment. (Ord. 417, 7-5-2001; amd. 2004 Code)

C. Construction Standards:

1. Building Codes And Safety Standards: To ensure the structural integrity of telecommunications facilities, the owner of a telecommunication facility shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for such telecommunications facilities, as amended from time to time.

2. Letter Of Intent Required: All applicants who apply to build only a tower, shall provide one letter of intent from a telecommunications company which will locate on the tower.

D. General Requirements:

1. Setbacks: Telecommunication facility presumptive setback shall be one hundred fifteen percent (115%) of the tower's height from the property line or what the zone dictates, whichever is greater. The telecommunication facility shall be at least one hundred feet (100') from any public trail, park or outdoor recreation area. Guy wire anchors shall be set back at least twenty feet (20') from any property line. Setbacks can be varied by planning staff upon review of application if the telecommunication facility can be hidden more appropriately by topography, vegetation or existing structures, however, the adjacent landowner must approve of the proximity to their property line. If telecommunication facilities are located in commercial or industrial zones or county property, then they shall be allowed only in the rear yard area.

2. Signage: Warning signs shall be limited to nonilluminated warning and equipment identification signs.

3. Access Roads: Access roads shall be limited to ten feet (10') in width except where safety considerations require otherwise, and they shall have a gravel or other nonpaved surface. Existing roads

shall, whenever possible, be upgraded the minimum amount necessary.

4. Compliance: Whether an allowed use, a temporary use or a conditional use review, the application shall comply with the requirements in subsection [11-6-7B](#) of this chapter.

E. Allowed Uses: Whether an allowed use, a temporary use or a conditional use review, the application shall comply with the requirements in subsection [11-6-7B](#) of this chapter. Any request for telecommunications facilities differing from the standards as allowed in this section shall require a conditional use review from the Eastern Summit County planning commission, as set forth in subsection G of this section.

1. Compliance With General Plan And Zone Requirements: Telecommunications facilities must comply with the Eastern Summit County general plan, as well as the required setback and height requirements of the zoning district in which they are to be located, and are subject to all provisions as stated in subsection [11-4-5B](#) of this title. (Ord. 417, 7-5-2001)

2. Permitted Use Facilities: All permitted use telecommunication facilities listed in this section must:

a. Be located on an existing antenna support structure without having to replace or extend said tower; or

b. Incorporate stealth design technology or other visual screening that readily conceals the appearance of the antenna support structures, and equipment enclosures. Some examples of these may include, but not be limited to, roof mounts, wall mounts and utility, light or flag pole antennas. (Ord. 417, 7-5-2001; amd. 2004 Code)

3. Master Plan And Site Justification:

a. Where the applicant's proposed, existing and future telecommunication facilities are within the county, the master plan may be amended as needed by the carrier for future site applications.

b. The master plan shall contain a copy of the applicant's current FCC license to the county community development department.

4. Site Justification Study Requirements:

a. The study must include a detailed written explanation and analysis, not limited to fiscal reasons alone, of the potential for the equipment enclosures to be either:

(1) Located in an existing building; or

(2) Designed whereby the incorporation of stealth design technology or other visual screening is utilized that readily conceals the appearance of the equipment enclosures;

(3) Comply with subsection [11-6-7B](#) of this chapter.

b. Delineation of where telecommunication facilities can be placed so as to minimize:

(1) The placement of structures from being placed on slopes of thirty percent (30%) or greater; and

(2) The intrusion of equipment enclosures from being silhouetted against the sky as seen from a public road.

c. To ensure the structural integrity of telecommunications facilities, the owner of a telecommunication facility shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for such telecommunications facilities, as amended from time to time.

d. Height shall be minimized as much as reasonably possible. Height of the telecommunication

facilities shall be measured from the existing grade to the top of the antenna support structure or to the highest point of any portion of the telecommunications facility, whichever is greater. If the proposed site is a roof mount or wall mount, the county may request that the study verify that the existing or proposed screening will screen telecommunications facility from view.

e. Access roads should be limited to ten feet (10') in width except where safety considerations require otherwise, and they shall have a gravel or other nonpaved surface.

f. Existing roads shall, whenever possible, be upgraded to the minimum amount necessary for nonpublic use.

5. Review Procedure: In proposals where either the applicant or the community development director determine that potential issues may arise or additional comment is needed from the community, a public hearing on the application may be scheduled with the Eastern Summit County planning commission. Following the public hearing, the planning commission shall make a recommendation to the community development director regarding an approval, approval with conditions, or denial of the application as based upon section [11-4-5](#) of this title.

F. Temporary Use Review: If an applicant submits an application for a temporary COW, then it must comply with section [11-4-6](#) of this title, and subsection [11-6-7B](#) of this chapter.

G. Conditional Use Review: If an applicant cannot meet the standards for telecommunications facilities as provided for in "permitted uses", the planning commission shall process the application as a conditional use review, pursuant to section [11-4-5](#) of this title.

H. Nonmaintained Or Abandoned Facilities: The community development director may require each nonmaintained or abandoned telecommunication facility to be removed when such a telecommunication facility has not been repaired or put into use by the owner, person having control, or person receiving benefit of such structure within six (6) months after written notice of nonmaintenance or abandonment is given to the owner, person having control, or person receiving the benefit of such structure. (Ord. 417, 7-5-2001)