



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on de minimus changes to an existing T-Mobile cell tower located at 4909 E Willow Brook Ln, Eden, UT 84310.

**Agenda Date:** Tuesday, February 20, 2018

**Type of Decision:** Administrative

**Applicant:** T-Mobile

**Authorized Agent:** Eric Shaw

**File Number:** CUP# 2017-17

### Property Information

**Approximate Address:** 4909 E Willow Ln, Eden, UT 84310

**Project Area:** Approx. 2500 sq. ft.

**Zoning:** Commercial Valley (CV-2)

**Existing Land Use:** Commercial, Public Utility Substation

**Proposed Land Use:** Public Utility Substation

**Parcel ID:** 22-300-0001

**Township, Range, Section:** Township 7 North, Range 1 East, Section 27

### Adjacent Land Use

<b>North:</b> Agriculture/Willow Brook Ln	<b>South:</b> Agriculture
<b>East:</b> N Wolf Creek Dr.	<b>West:</b> Agriculture

### Staff Information

**Report Presenter:** Tammy Aydelotte  
taydelotte@co.weber.ut.us  
801-399-8794

**Report Reviewer:** RK

## Applicable Ordinances

- Title 101, Chapter 1 (General Provisions) Section 7 (Definitions)
- Title 104, Chapter 21 (Commercial Valley) (CV-2)
- Title 108, Chapter 1-2 (Design Review, Ogden Valley Architectural, Landscape, and Screening Design Standards)
- Title 108, Chapter 7 (Supplementary and Qualifying Regulations) Section 12 (Towers)
- Title 108, Chapter 2 (Supplementary and Qualifying Regulations) Section 12 (Towers)

## Summary and Background

T-Mobile has submitted a proposal that includes plans to update equipment at an existing telecommunications tower located at the top of the 4909 E Willow Ln, Eden, UT, of Weber County. The project currently occupies approximately 2500-sq. ft. of the 3.28-acre parcel. The site is located in the CV-2 Zone as a "Public Utility Substation" and is a conditional use in that zone.

The existing 100' monopole will receive the following scope of work: Installation of 3 sector mounts, 6 antennas, 9 RRU's and 2 hybrid cables at antenna level. On the ground within the existing compound area, there will be installation of 1 new 11' x 20' Equipment Shelter. There will be no expansion to the existing tower height and there will be no expansion of the existing compound. As such, no changes will be made that will affect landscaping, water/wastewater, nor use of the property.

On November 27, 2012, application was submitted for the existing 100' monopole, and equipment shelter. On January 18, 2013, a Notice of Decision was issued, stating the tower include the ability to collocate with other carriers.

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

**General Plan:** 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.

**Zoning:** The subject property is located within the CV-2 Zone. The purpose and intent of this zone is as follows:

*"The purpose of the CV-1 and CV-2 zones is to provide suitable areas for the location of the various types of commercial activity needed to serve the people and commerce of the Ogden Valley in unincorporated Weber County. It is also to separate, into two commercial zones, uses based upon the type of activity which are compatible and complementary, as well as the intensity of land utilization and accessory use needs."*

**Development Standards:** The following site development standards per the requirements in the CV-1 Zone for a public utility substation are deferred to LUC §108-10-2 which states:

- (1) Lot area and lot width. No minimum lot area or width, provided that the lot or parcel shall contain an area and width of sufficient size and dimension to safely accommodate the utility facility or use, any necessary accessory use, any landscaping required by this Land Use Code, the required setbacks, and space to park two maintenance vehicles.
- (2) Front yard setback. Front yard setback requirement may be reduced to no less than ten feet if the lot does not directly front on a public or private street right-of-way, provided that the no substation or structure shall be located closer to a public or private street right-of-way than the minimum front yard setback of the zone, or 20 feet, whichever is more restrictive.
- (3) Side yard setback. The side yard setback requirement shall comply with the typical setback specified in the applicable zone regulating the property.
- (4) Rear yard setback. The rear yard setback requirement may be reduced to the following: a. In a residential zone: five feet. b. In an agricultural zone: ten feet. c. In a forest zone: 20 feet. d. In a zone not specifically listed above: typical zone setback as provided in the chapter for that zone.
- (5) Frontage. No frontage is required along a public right-of-way if clear and legal access exists from a public right of way to the site for the purpose of the utility use.

This proposal meets all of the site development standards stated in §104-21-2 (CV-2 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.

**Site Development Standards for a Public Utility Substation:** A public utility substation that is located in the CV-2 Zone will comply with the setbacks as outlined in that zone.

**Conditional Use Review:** The proposed cell tower is allowed as a conditional use within the DRR-1 Zone. The proposed use is termed as a "public utility substation" found in LUC § 108-10-2. 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 §108-4-3(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 Director 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:

- **Considerations relating to traffic safety and traffic congestion:** Access to the site will be gained from the private parking lot to avoid causing traffic safety and congestion.
- **Considerations relating to landscaping:** The southwestern area will have a rock border, with an opening to allow access to Verizon's 12' utility easement.
- **Considerations relating to buildings and site layout:** There is no proposed fencing that will surround the project area.
- **Considerations relating to utility easements, drainage, and other engineering questions:** The Engineering division has stated only a requirement for a Storm Water Pollution Prevention Plan.

- Considerations associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval: There are no concerns with regard to this consideration.
- Safety for persons: 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.

Public Safety and Health: 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 that has been included in this report as Exhibit D. The Weber County Attorney's office has expressed that since this project will adhere to all Federal Regulations, denial by state and local government or instrumentality is not recommended.

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 de minimus changes to the existing cell tower site located at approximately 4909 E Willow Brook Ln, Eden, UT. This recommendation for approval is subject to all conditions for the CUP (CUP 2012-11) issued in January of 2013:

1. This location be co-locatable for other cellular providers.
2. That all doors, vents, and equipment be painted to match the shelter colors
3. Equipment, signage, decals, and warning stickers be screened from public view.
4. That the pole remain a non-reflective galvanized steel color.
5. That the block wall fencing, as required with the previous Conditional Use Permit, continue to match the existing storage unit buildings in style and in color and measure at six feet in height.

This recommendation is based on the following findings:

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

Date of Administrative Approval: 2/20/18

  
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 Rick Grover

### Exhibits

- A. Application
- B. Construction Plans/Project Narrative
- C. FCC Fact Sheet

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# Conditional Use Permit

## Weber County Planning Commission

2380 Washington Blvd. STE 240  
Ogden, UT 84401  
Phone: (801) 399-8791 FAX: (801) 399-8862  
webercountyutah.gov/planning

**Permit Number: CUP 2017-17**

Permit Type: Conditional Use  
Permit Date: 02/20/2018

### Purpose of Conditional Use:

Deminimus modifications to existing cell tower.

### Applicant

**Name:** Eric Shaw  
**Business:** T Mobile  
**Address:** 219 S Wooddale Ave  
Eagle, ID 83616  
**Phone:** 208-963-4014

### Owner

**Name:** KBC Leasing LLC  
**Business:**  
**Address:** 5393 E 3850 N  
Eden, UT 84310  
**Phone:** 208-963-4014

### Parcel

**Parcel:** 223000001  
**Zoning:** MV-1 **Area:** 3.28 **Sq Ft:** **Lot(s):** **Subdivision:**  
**Address:** 4909 E WILLOW BROOK LN EDEN, UT 84310 **T - R - S - QS:** N - - -

### Site/Use Information

**Adjacent Site Use:** Commercial  
**Eliminated Parking:** N/A **Existing Parking:** N/A **Proposed Parking:** N/A  
**Other Parking Provisions:** N/A  
**Existing Floor Space:** N/A **Proposed Floor Space:** N/A  
**Property Dimesions:** **Hours:**  
**Construction Date:** 20-FEB-18 **Residents-Workers:**  
**Short Description:**

### Comments

The Planning Division recommends approval of de minimus changes to the existing cell tower site located at approximately 4909 E Willow Brook Ln, Eden, UT. This recommendation for approval is subject to all conditions for the CUP (CUP 2012-11) issued in January of 2013:

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This recommendation is based on the following findings:

1. The existing use conforms to the Ogden Valley General Plan.
2. The existing use will not cause harm to the natural surroundings.

See Staff Report for additional conditions





## Conditional Use Permit

### NOTICE FOR APPLICANT (Please Read Before Signing)

Proposals for the installation of an individual water supply and for a sanitary waste disposal system (septic tank) for any structure designed for human occupation must be approved by Weber County Health Department prior to installation.

Tammy Aydelotte

02/20/2018

Planning Dept. Signature of Approval

Date

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this land use will be complied with whether specified herein or not. I make this statement under penalty of perjury.

\_\_\_\_\_  
Contractor/Owner Signature of Approval

\_\_\_\_\_  
Date