



## Staff Report for Administrative Approval

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on an amendment to a conditional use permit for a cell tower site located off SR 158/Powder Mountain Road.

**Type of Decision:** Administrative

**Applicant:** Ogden Valley Translator/Recreation Special Service District

**Authorized Agent:** Andy Newton

**File Number:** CUP# 2019-14

#### Property Information

**Approximate Address:** 4964 N Powder Mountain Road, Eden

**Project Area:** 0.50 acres

**Zoning:** F-5

**Existing Land Use:** Cell site

**Proposed Land Use:** Cell site

**Parcel ID:** 22-006-0036

**Township, Range, Section:** Township 7 North, Range 1 East, Section 15

#### Adjacent Land Use

<b>North:</b> Vacant F-5	<b>South:</b> Vacant F-5
<b>East:</b> Vacant F-40	<b>West:</b> Vacant F-5

#### Staff Information

**Report Presenter:** Scott Perkes  
[sperkes@co.weber.ut.us](mailto:sperkes@co.weber.ut.us)  
801-399-8772

**Report Reviewer:** RG

### Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Definitions
- Title 104, Chapter 6, Forest Zones F-5 Zone
- Title 108, Chapter 1 Design Review
- Title 108, Chapter 4 Conditional Uses

### Summary and Background

The applicant is requesting approval of an amendment to the conditional use permit for a cell tower site located on a hill east of Snowflake Subdivision with access from Powder Mountain Road (approximately 4964 N Powder Mountain Road, Eden) (see Exhibits A & B). At present, two 8'x20' steel equipment sheds are employed on the site to house various equipment associated with the cell tower use. The single proposed change encompasses the removal and replacement of the westernmost equipment shed with a slightly larger 10'x30' precast cement shed. See Exhibit C for a site plan depicting the location and dimensions of the shed being replaced. The proposed improvements will not alter the existing cell tower. This application to amend the conditional use permit is considered to be de minimis as it has been determined that the changes are slight, inconsequential, and not in violation of any substantive provision of the Uniform Land Use Code of Weber County, Utah (LUC). Accordingly, this application may be approved by the planning director as outlined in section 108-4-3(2)(7).

Conditional use permits should be approved as long as any harmful impacts are mitigated. The LUC already specifies certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application, with reasonable conditions, is able to meet these standards. The following is staff's evaluation of the request.

### Analysis

**General Plan:** The request is in conformance with the Ogden Valley General Plan by ensuring a better quality of communication services for residents of the Ogden Valley while not proposing an entirely new utility substation.

Zoning: The subject property is located within the F-5 Zone. Public utility substations and radio/television towers are listed as a conditional use in the F-5 zone. The proposed amendment does not include any additional structures on the ground level, will not expand the existing site plan, and will not modify the existing cell tower.

Conditional Use Review: 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 following is an analysis of the application reviewed against the applicable conditional use standards:

- *Standards relating to safety for persons and property:* The proposal is not anticipated to cause any concerns of safety for persons and property.
- *Standards relating to infrastructure, amenities, and services:* The proposed amendment will provide better communication services to residents in the area.
- *Standards relating to the environment:* The proposed amendment is not anticipated to negatively impact the environment, as the purpose for the amendment is to replace an existing structure. The replacement structure is marginally larger than they old structure and the slight increase in footprint (an additional 140 sq. ft.) is not anticipated to cause additional impact to the environment.
- *Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan:* The proposal is not for an additional structure, but to replace an existing structure, thereby leveraging the existing site facilities to provide enhanced services to the valley. This leveraging of existing infrastructure helps to preserve the rural characteristics of the surrounding area.

Design Review: The proposed use requires a design review as outlined in LUC §108-1 to ensure that the general design, layout and appearance of the building remains orderly and harmonious with the surrounding areas. The matters for consideration are as follows:

- *Considerations relating to traffic safety and traffic congestion.* The proposal is not anticipated to cause any traffic congestion or safety hazards.
- *Considerations relating to landscaping.* The site does not currently maintain the required 20 % landscaping. However, the site has been reviewed through multiple conditional use permit reviews. Most recently, the Ogden Valley Planning Commission approved CUP 2019-02 to allow the cell tower to add an additional 20' in height. As part of the review and approval of CUP 2019-02, the Ogden Valley Planning Commission did not require additional landscaping beyond the natural foliage that currently covers the site.
- *Considerations relating to buildings and site layout.* The proposal does not include additional equipment or buildings on the ground level. **However, due to the additional square footage being implemented as part of the larger replacement structure, staff recommends approval be conditioned on the following requirement:**
  - **The replacement structure shall be painted to match the predominant color found in the surrounding natural foliage.**
- *Considerations relating to utility easements, drainage, and other engineering questions.* No conditions of approval have been required following review of the application by the Engineering Division.
- *Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval.* The subject site does not have any type of development agreement associated with the property; therefore considerations pertaining to this portion of the code are not applicable at this time.

Review Agencies: The Fire District and the Engineering Division have both approved of the proposed conditional use permit amendment without conditions.

## Staff Recommendation

The Planning Division recommends approval of file# CUP 2019-14. In addition to all review agency requirements, this recommendation for approval is subject to the following condition:

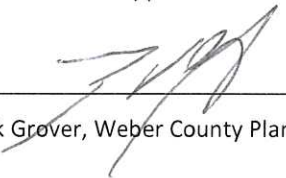
1. The replacement structure shall be painted to match the predominant color found in the natural surrounding foliage.

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 be detrimental to public health, safety, or welfare.
3. The proposed use complies with applicable County ordinances.
4. The proposed use, if conditions are imposed, will not deteriorate the environment or create an unsightly improvement so as to negatively impact surrounding properties and uses.

## Administrative approval

Administrative approval of CUP 2019-14 is hereby given based upon the conditions and findings outline in this staff report.

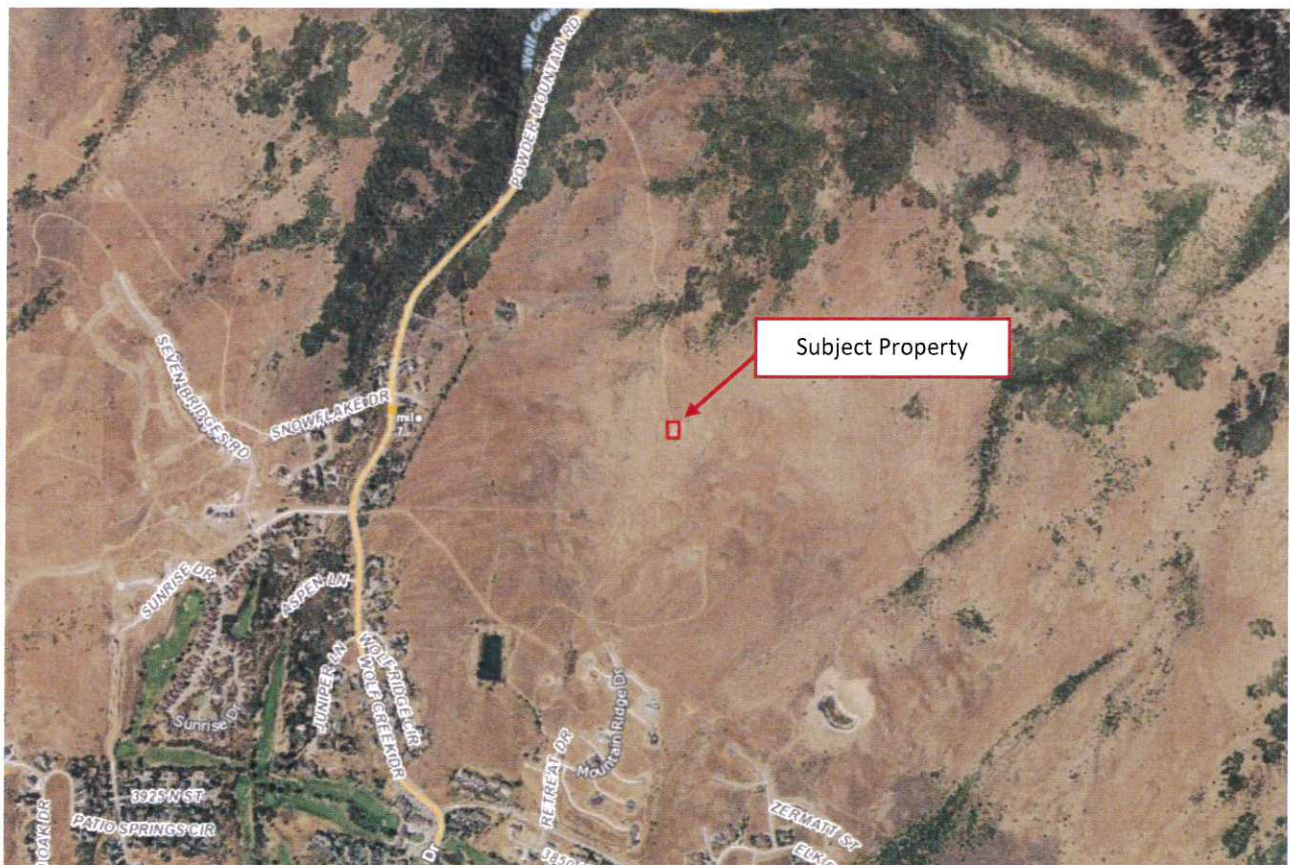
  
Rick Grover, Weber County Planning Director

Dated the 15 day of JANUARY, 2019 ~~20~~

## Exhibits

- A. Application
- B. Vicinity Map
- C. Site Plan & Structural Dimensions

## Map 1



# 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 <i>12/16/2019</i>	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
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## Property Owner Contact Information

Name of Property Owner(s)		Mailing Address of Property Owner(s)	
Phone	Fax		
Email Address		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

## Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) <i>ANDY NEWTON</i>		Mailing Address of Authorized Person <i>451 N. RADFORD LANE EDEN UT 84310</i>	
Phone <i>801-821-0964</i>	Fax <i>N/A</i>		
Email Address <i>AND154XX@GMAIL.COM</i>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

## Property Information

Project Name <i>WEBER COUNTY OGDEN VALLEY RECREATION SPECIAL SERVICE DISTRICT - CAPITAL PROJ 2020</i>	Total Acreage	Current Zoning
Approximate Address <i>OFF SR 158 / POWDER MT. ROAD - ABOVE EDEN</i>	Land Serial Number(s) <i>22-006-0020</i>	

Proposed Use  
*TV TRANSMISSION*

**Project Narrative**

The location of the project is the Weber/County antenna site located above Eden UT. The site is accessed via a dirt drive off of SR158.

There is an existing 8' x 20' steel storage shed on the site. The shed houses the Ogden Valley Television Transmission equipment. The shed is old and showing wear and weathering beyond simple patch and repair methods.

We are proposing to install a new, modern, concrete equipment shelter to replace the aged shed. The new shelter will be approximately 10' x 30'. The shelter will be mostly prefabricated. The design and construction is similar and typical to current telecommunications facilities.

The work would begin in the Spring of 2020 and be completed by the fall.

**Basis for Issuance of Conditional Use Permit**

That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community:

That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs:

That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use:

That the proposed use conforms to the goals, policies and governing principles and land use of the General Plan for Weber County:

That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole:

**Property Owner Affidavit**

I (We), \_\_\_\_\_, 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)

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_,

\_\_\_\_\_  
(Notary)

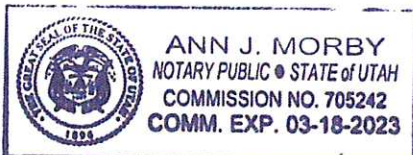
**Authorized Representative Affidavit**

I (We), Andrew Newtop - OTH ISSUES, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Andrew Newtop, to represent me (us) regarding the attached application and to appear on my (our) 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.

[Signature]  
\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Dated this 16 day of December, 2019, personally appeared before me Ann J. Morby, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.



[Signature]  
\_\_\_\_\_  
(Notary)



OVERALL SITE PLAN

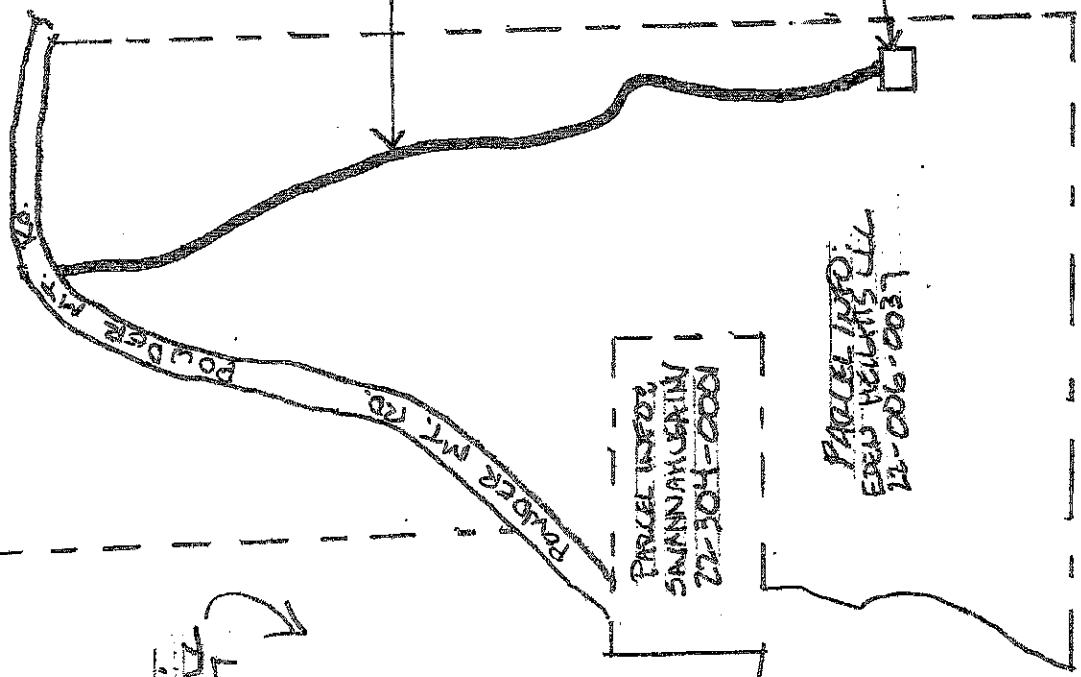
11.5.1005  
1:50 SCALE

OVTV

2

EXISTING ACCESS ROAD

LOCATION OF EXISTING  
TRANSMISSION FACILITY  
& EQUIPMENT SITED  
PARCEL INFO: NECESSARY. 22-006-0036



PARCEL INFO:  
EDEN HEIGHTS LIL  
22-006-0037

PARCEL INFO:  
SMANNAN CENTER  
22-304-0001

PARCEL INFO:  
EDEN HEIGHTS LIL  
22-006-0037

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PROPERTY LINE

PROPOSED 10' X 30' NEW EQUIPMENT SHED FOR OMTV

PARCEL 12120  
VIEBEG - CO  
72-286-004

EXIST EQUIPMENT SHED  
"SHERIFF"

EXISTING PAD  
EXISTING TOWER

EXISTING OMTV  
EQUIP. SHED  
TO BE REMOVED

4'-30"

10'

30'

4'-30"



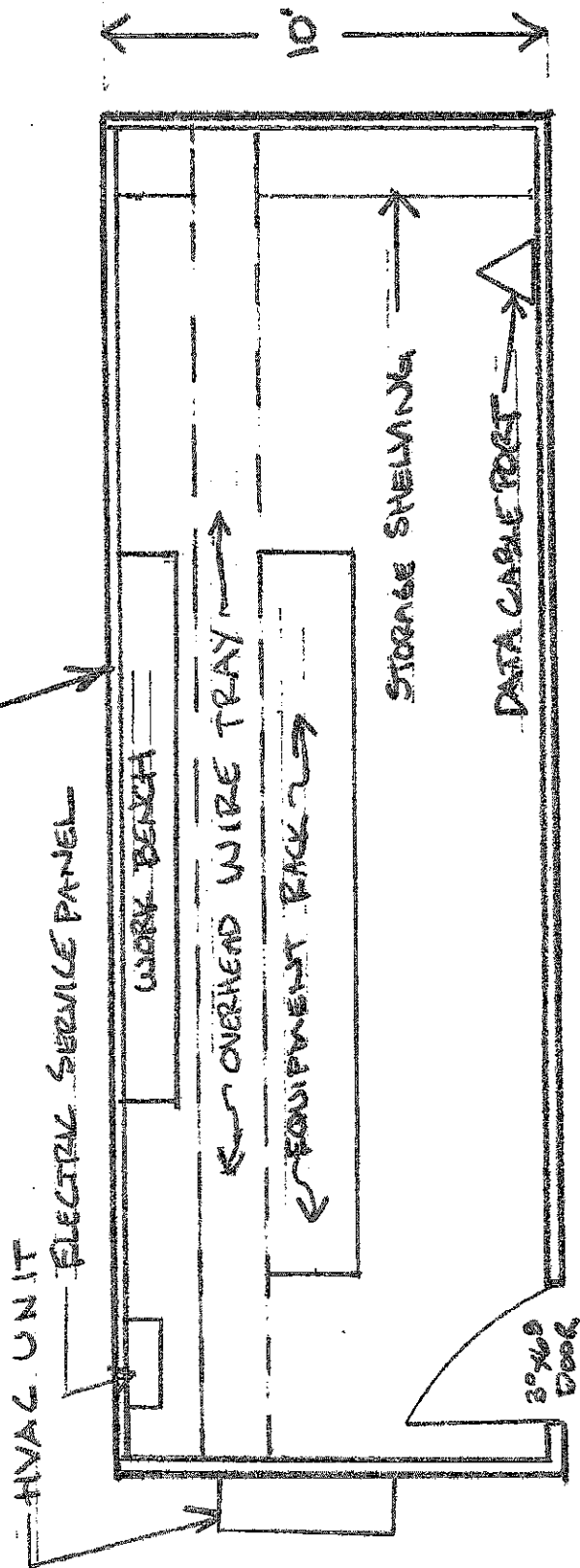
SITE PLAN

12.5.2019  
LAD SLAVE

3

OMTV

PRECAST CONCRETE BUILDING



HVAC UNIT

ELECTRICAL SERVICE PANEL

WORK BENCH

OVERHEAD WIRE TRAY

EQUIPMENT RACKS

STORAGE SHELVING

DATA CABLE TRAY

3' x 6' Door

10'

30'

# NEW OMTV EQUIPMENT BUILDING

12.4.2019	OMTV
NO SCALE	1