



# 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:** Weber County

**File Number:** CUP# 2021-07

### 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:** Steve Burton  
[sburton@co.weber.ut.us](mailto:sburton@co.weber.ut.us)  
801-399-8766

**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). The requested changes have been approved by the Weber County Commission as the landlords, and the tenant is Liberty Broadband. The equipment that has been added to the site is two CommScope SF-U12-3-126 sector frames. The addition of this equipment is considered de minimis.

Under LUC 108-4-3 (2)b7, "The planning commission is the land use authority for conditional use permits. De minimis revisions to a previously approved conditional use permit may be approved by the planning director provided it can be determined that the changes are slight, inconsequential, and not in violation of any substantive provision of this Code. The planning director's written approval of a de minimis revision shall be appended to the written decision of the planning commission. Revisions that are de minimis shall not require public notice."

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 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.

**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 existing equipment. The additional equipment is not anticipated to cause interference problems for the Ogden Valley Recreation/Transmission Special Service District or Verizon Wireless, both are lessees of the tower as well.
- *Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan:* The additional equipment is shown on exhibit A and will not impact the qualities and characteristics of the 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.
- *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 proposed de minimis change is subject to the Fire District and Engineering Division reviews. The reviews have not been posted as of the date of this report.

## Staff Recommendation

The Planning Division recommends approval of file# CUP 2021-07. The approval is subject to all review agency requirements.

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 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 2021-07 is hereby given based upon the conditions and findings outline in this staff report.

Dated the 30 day of APRIL, 2021

  
Rick Grover, Weber County Planning Director

## Exhibits

A. Application and Commission approval

## Map 1



Date: April 28, 2021  
To: Weber County Board of County Commissioners  
From: Sean Wilkinson, AICP *sw*  
Director, Community Development Department  
Subject: **Request for approval of the First Addendum to the Wireless Communications Tower Lease with Liberty Broadband**  
Agenda Date: May 4, 2021  
Documents: Exhibit A: Wireless Communications Tower Lease – First Addendum  
Exhibit B: Equipment Location on Tower  
Exhibit C: Equipment Specifications

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**Summary:**

Weber County approved a tower lease agreement with Liberty Broadband in November 2019. Liberty Broadband has recently requested approval of an addendum to the lease agreement to upgrade and replace its equipment on the tower. The existing equipment will be replaced with two CommScope SF-U12-3-126 sector frames. This equipment will be located on the tower as shown in Exhibit B. The new equipment will not cause interference problems for the Ogden Valley Recreation/Transmission Special Service District or Verizon Wireless, which are existing lessees.

The addendum contains a non-interference provision which states that the County will not allow any company except for the Ogden Valley Recreation/Transmission Special Service District and Verizon Wireless to lease, sublease, or operate, the following unlicensed RF Frequencies: 5.260-6.3GHz, 24.05-24.25GHz, 57-71GHz.

The lease term begins on May 4, 2021 and terminates on May 4, 2025. Lease payments will increase from \$400 to \$600 per month.

**WIRELESS COMMUNICATIONS TOWER LEASE  
(FIRST ADDENDUM)**

The Wireless Communications Tower Lease dated November 5, 2019 by and between Weber County ("Landlord") & Liberty Broadband LLC ("Tenant") is hereby modified as follows:

**PREMISES.** Landlord, in consideration of the lease payments provided in this Lease, leases to Tenant sufficient area on the main tower to mount two CommScope SF-U12-3-126 sector frames, located at 4964 N. Powder Mountain Rd, Eden, UT 84310 (the "Premises").

**NON-INTERFERENCE.** Landlord will not allow any other company (except for the Ogden Valley Recreation/Transmission Special Service District and Verizon Wireless) to lease, sublease, nor operate on the Premises, the following unlicensed RF Frequencies: 5.260-6.3GHz, 24.05-24.25GHz, 57-71GHz.

**TERM.** The lease term will begin on May 4, 2021 and will terminate on May 4, 2025.

**LEASE PAYMENTS.** Tenant shall pay to Landlord monthly installments of \$600.00, payable in advance on the seventh day of each month. Lease payments shall be made to the Landlord at 2380 Washington Blvd, Ogden, Utah 84401. The payment address may be changed from time to time by the Landlord.

IN WITNESS WHEREOF, the undersigned have affixed their respective signatures hereto.

**BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY**

By:

\_\_\_\_\_  
James H. "Jim" Harvey, Chair

Attest:

\_\_\_\_\_  
Ricky Hatch, CPA  
Weber County Clerk/Auditor

**LIBERTY BROADBAND LLC**

By:

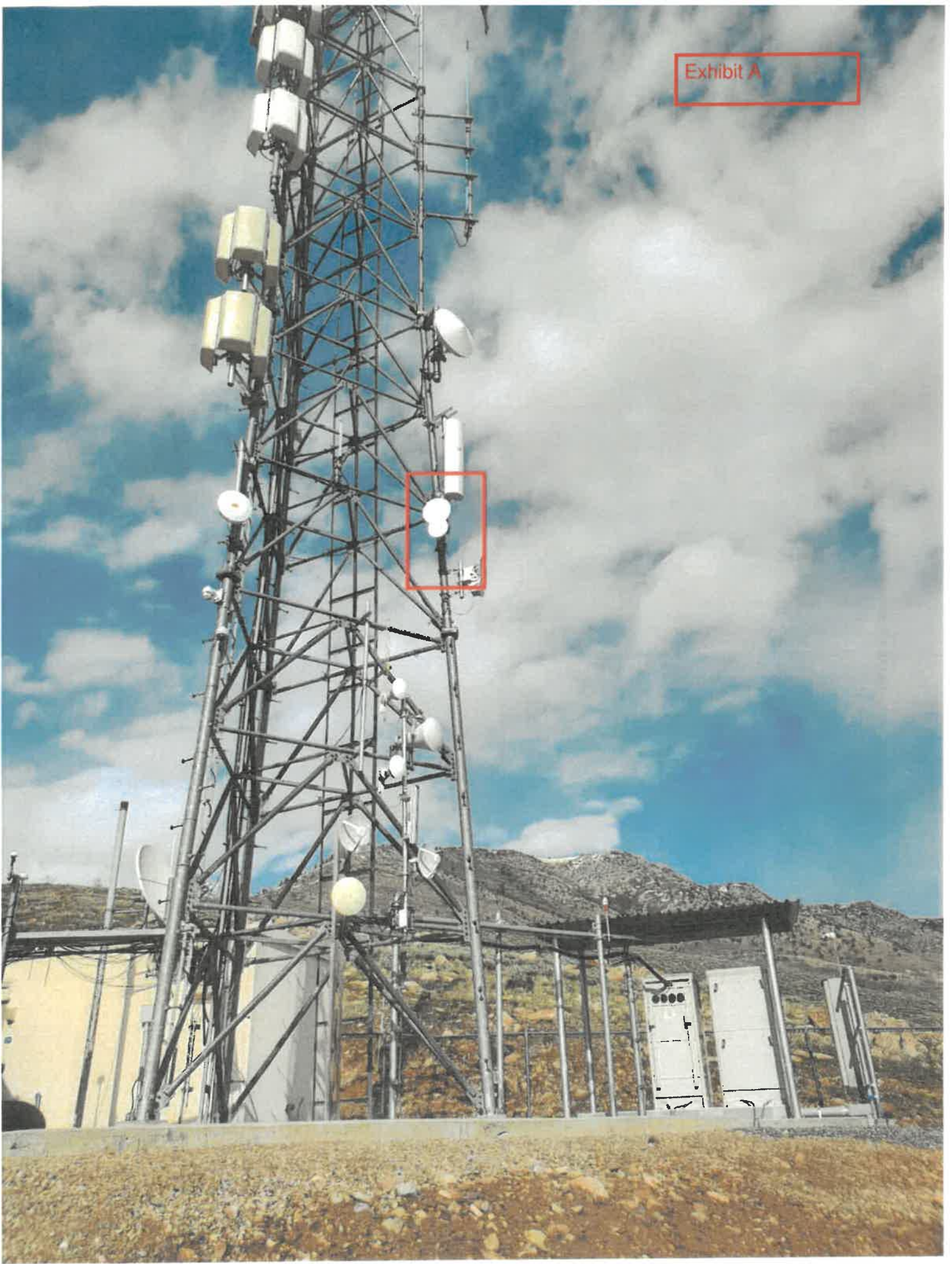
\_\_\_\_\_  
Michael Zindel, CEO

Attest:

\_\_\_\_\_



Exhibit A



## SF-U12-3-126

Universal Sector Frame, 12 ft face, includes pipe mounts

**OBSOLETE**

This product was discontinued on: July 31, 2015

**Replaced By:**

SF-SU12-3-126      Stand-Off Sector Frame, 12 ft face, includes pipe

## Product Classification

**Product Type**      Tower sector frame

## General Specifications

**Mounting**      Angle 60°, 203.2 mm (8 in) | Angle 90°, 152.4 mm (6 in) | Straight or tapered legs up to 203.2 mm (8 in) OD

**Note**      Four 72 in x 8 in panel antennas per sector

**Pipe, quantity**      3

**Tower Taper**      Non-tapered | Tapered

## Dimensions

**Height**      3,200.4 mm | 126 in

**Face Width**      3.81 m | 12.5 ft

**Width**      3810 mm | 150 in

**Length**      609.6 mm | 24 in

**Pipe Length**      3,200.4 mm | 126 in

**Mounting Diameter, maximum**      203.2 mm | 8 in

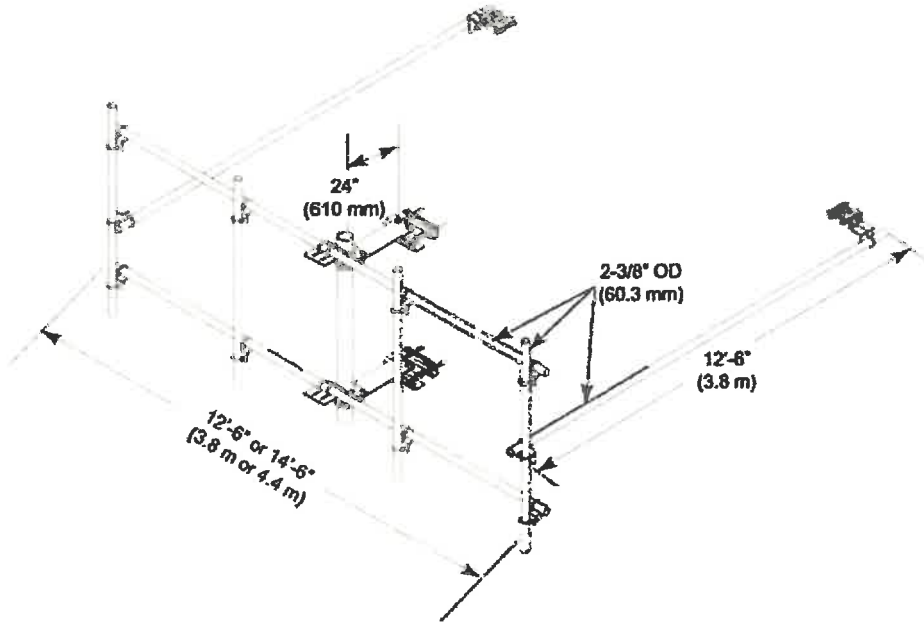
**Mounting Diameter, minimum**      0 mm | 0 in

**Pipe Outer Diameter**      60.96 mm | 2.4 in

**Stand-off Distance**      609.6 mm | 24 in

# SF-U12-3-126

## Outline Drawing



### Material Specifications

**Material Type** Hot dip galvanized steel

### Mechanical Specifications

**Wind Rating** 120 mph (BWS) at 150 ft AGL | 140 mph (3-second gust) at 150 ft AGL using Exposure D per FBC

**Wind Rating Test Method** TIA/EIA-222

### Environmental Specifications

**EPA with 1/2 in (12 mm) radial ice** 1,403 m<sup>2</sup> | 15.1 ft<sup>2</sup>



# SF-U12-3-126

**EPA without ice** 1.003 m<sup>2</sup> | 10.8 ft<sup>2</sup>  
**Man Rating** 250 lb vertical man load at 15 mph (BWS)

## Packaging and Weights

**Included** Clamps | Frame | Pipe mounts | Saddle mounts | Stiff arm  
**Packaging quantity** 1  
**Weight, net** 243.08 kg | 535.9 lb

## Regulatory Compliance/Certifications

**Agency** **Classification**  
 ISO 9001:2015 Designed, manufactured and/or distributed under this quality management system



## Included Products

- MT-537 — Plain End Pipe, 2-3/8 in OD x 126 in
- SF-U12-B — Universal Sector Frame, 12 ft face

## \* Footnotes

**EPA with 1/2 in (12 mm) radial ice** EPA—w Effective Projected Area  
**EPA without ice** EPA—w Effective Projected Area  
**Man Rating** BWS—w Base Wind Speed  
**Wind Rating** BWS—w Base Wind Speed; FBC—Florida Building Code