

**ALPINE CITY
ORDINANCE 2020-17**

NOW THEREFORE, be it ordained by the Council of Alpine City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “3.27.030 Procedure” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.27.030 Procedure

State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. For purposes of this Part, the term “eligible facilities request” means any request for modification of an existing wireless tower or base station that involves:

- collocation of new transmission equipment;
- removal of transmission equipment; or
- replacement of transmission equipment.

1. **Application Requirements.** Any person desiring to develop, construct or establish a personal wireless services facility in the City shall submit an application for site plan approval to the City. A site plan shall be required for all new towers and antennas and any modification or replacement of a tower or antenna. The City shall not consider the application until all required information has been included. The application shall be submitted to the City Planner at least fourteen (14) days prior to the public meeting at which it will be presented to the Planning Commission. The applicant shall include the following:
 - a. **Fee.** The applicable fee shall be paid to the City Recorder, payable to Alpine City, as set forth in the Alpine City Consolidated Fee Schedule.
 - b. **Site Plan.** A site plan meeting the City’s standard requirements for site plans.
 - c. **Notification Letter.** (new towers and antenna, or Substantial Changes to existing towers and antenna) The applicant shall submit a list of all property owners within five hundred (500) feet of the boundaries of the property where the proposed tower or antenna is to be located. The applicant shall also submit envelopes that have been stamped and addressed to all property owners on the list. The City may require a greater distance if deemed necessary or appropriate. The City shall prepare a notification letter to be sent to the property owners on the list submitted by the applicant to be mailed out at least seven (7) days prior to the public meeting at which the application will be presented to Planning

- Commission. The letter shall contain the following information:
- i. Address or location of the proposed tower, co-location, tower modification, etc.
 - ii. Name of the applicant.
 - iii. Type of tower/antenna (e.g. monopole, roof antenna, etc.)
 - iv. Date, time, and place of the public meeting at which the application will be presented to the Planning Commission.
- d. Sign. (new towers and antenna, or Substantial Changes to existing towers and antenna) The applicant shall erect a sign of sufficient durability, and print and size quality that is reasonably calculated to give notice to passers-by. The sign shall be posted at least fourteen (14) days prior to the public meeting at which the application will be presented to the Planning Commission. The sign:
- i. Shall be 4 ft. (H) x 8 ft. (W)
 - ii. Shall not be more than six (6) feet in height from the ground to the highest point of the sign; and
 - iii. Shall be posted five (5) feet inside the property line in a visible location on the property where the tower/antenna is to be located. If the property is located in such a spot that the sign would not be visible from the street, the sign shall be erected in another location close by that will give notice to passers-by, or at Alpine City Hall. The applicant shall be responsible to obtain permission of the property owner to erect the sign. The sign shall include the following information:
 - (1) Address of location of the proposed tower, co-location, tower modification, etc.
 - (2) Type of tower/antenna (e.g. monopole, roof antenna, etc.)
 - (3) Date, time, and place of the public meeting at which the application will be presented to the Planning Commission.
- e. Written Information. The following written information shall be submitted:
- i. Maintenance. A description of the anticipated maintenance needs for the facility, including frequency of service, personnel needs, equipment needs, and traffic noise or safety impacts of such maintenance.
 - ii. Service Area. A description of the service area for the antenna or tower and a statement as to whether the antenna or tower is needed for coverage or capacity.
 - iii. Licenses and Permits. Copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of the antenna.
 - iv. Radio Frequency Emissions. A written commitment to comply with applicable Federal Communications Commission radio frequency emission regulations.
 - v. Liaison. The name of a contact person who can respond to questions concerning the application and the proposed facility. Include name, address, telephone number, facsimile number and electronic mail address, if applicable.

- 2. Approval Process.** The application and site plan shall be reviewed by the City pursuant to its standard site plan approval process. The City shall process all applications within a reasonable time and shall not unreasonably discriminate among providers of functionally equivalent services. Any decision to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record. For modifications to an existing tower, antenna or facility that does not make a Substantial Change, the application and site plan will be reviewed and approved by staff and staff shall act as the land use authority in approving or denying the application and site plan. For any new tower, antenna or facility and/or for any Substantial Change to an existing tower, antenna or facility the application shall be reviewed by the Planning Commission for a recommendation to City Council and the City Council shall review the application and site plan and shall act as the land use authority in approving or denying the application and site plan.

The Planning Commission may, if it deems necessary, require each application to be reviewed independently by a certified radio frequency engineer, licensed to do such work in the State of Utah. The purpose of the review is to determine if other locations are available to achieve an equivalent signal distribution and not significantly affect the operation of the telecommunications facility. Such a review may be required when an applicant indicates that no other acceptable location exists. The costs of an independent review shall be borne by the applicant.

3. Building Permits

- a. **General Requirements.** No tower or antenna support structure shall be constructed until the applicant obtains a building permit from the City. No building permit shall be issued for any project for which a site plan or amended site plan is required, until the site plan or amended site plan has been approved by the appropriate authority. If the design or engineering of the antenna support structure is beyond the expertise of the Building Official, the City may require third party review by an engineer selected by the City prior to the issuance of a building permit. The applicant shall pay an additional fee to cover the cost of the third party review.
- b. **Additional Requirements for New Towers.** If the applicant is constructing a new tower, the applicant shall, if requested by the City, submit a written report from a qualified structural engineer licensed in the State of Utah, documenting the following:
 - i. Height and design of the new tower, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design.
 - ii. Seismic load design and wind load design for the new tower.
 - iii. Total anticipated capacity of the new tower, including number and types of antennas which can be accommodated.
 - iv. Structural failure characteristics of the new tower and a demonstration that the site

- and setbacks are adequate size to contain debris.
- v. Soil investigation report, including structural calculations.

(Ord. No. 2006-06, 4/25/06; Amended by Ord. No. 2012-05, 7/10/12; Ord. No. 2014-15, 09/23/14)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

September 8, 2020.

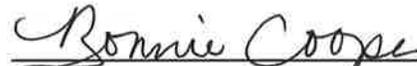
	AYE	NAY	ABSENT	ABSTAIN
Lon Lott	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carla Merrill	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gregory Gordon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jason Thelin	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jessica Smuin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Presiding Officer

Attest



 Troy Stout, Mayor, Alpine City



 Bonnie Cooper, City Recorder Alpine City

