

HERRIMAN, UTAH
ORDINANCE NO. 2025-17

**AMENDING TITLE 10 OF HERRIMAN CITY CODE TO EXPAND THE REGULATORY
STANDARDS AND LOCATION CRITERIA OF WIRELESS TELECOMMUNICATION
FACILITIES ON NON-RESIDENTIAL PROPERTIES**

WHEREAS, the City of Herriman, pursuant to Utah State Code, may adopt an ordinance to establish land development regulations (“Zoning”), which includes the adoption or amendment of Zoning text regulations and Zoning map districts; and

WHEREAS, pursuant to Utah State Code, the Planning Commission (the “Commission”) shall prepare and recommend any Zoning text amendments to the City Council (the “Council”); and

WHEREAS, pursuant to the City of Herriman Land Development Code, the Commission shall hold a public hearing and provide reasonable notice at least ten (10) days prior to the said public hearing to recommend any Zoning text amendments to the Council; and

WHEREAS, a Planning Commission public hearing notice of a Zoning text amendment was posted in three (3) public locations and mailed to affected entities on June 20, 2025, for a public meeting to be held on July 2, 2025, at 7:00 p.m.; and

WHEREAS, the Commission held a public hearing on the Zoning text amendment on July 2, 2025, at 7:00 p.m. in the City Council Chamber, and voted 6-0 to close the hearing and continue the Zoning text amendment to a future meeting for further review and consideration; and

WHEREAS, the Commission reconsidered the Zoning text amendment in a public meeting held on July 16, 2025, at 7:00 p.m. in the City Council Chamber, and voted 4-3 to recommend approval of the Zoning text amendment; and

WHEREAS, pursuant to Herriman City Code, it is the responsibility of the Council to consider the Zoning text amendment and the Commission’s recommendation in a public meeting; and

WHEREAS, a City Council public meeting was held on August 13, 2025, at 7:00 p.m. in the City Council Chamber to discuss the Zoning text amendment; and

WHEREAS, the Council finds that it is in the best interest of the citizens of Herriman City to adopt the Zoning text amendment, which was recommended by the Planning Commission and documented in City File number Z2024-124;

NOW, THEREFORE, be it ordained by the Herriman City Council, approval to amend the Herriman City Land Development Code, Title 10, as described in Exhibit “A”.

This Ordinance assigned Ordinance No. 2025-17, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City Recorder.


PASSED AND APPROVED this 13th day of August 2025.

HERRIMAN CITY



Mayor Lorin Palmer

ATTEST:



Jackie Nostrom, City Recorder



Exhibit "A"

The following text comprises excerpts from various sections of the Herriman City Code, providing context for the Ordinance. Only the text marked by an underline or strike-through shall be amended by the codifier.

Herriman City Code

Title 10 Land Development Code

CHAPTER 10-35 WIRELESS COMMUNICATION FACILITIES OTHER THAN PUBLIC RIGHT-OF-WAY AND PUBLIC PROPERTY

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10-35-1 Recitals

- A. It is the preference of the city to locate small wireless communications facilities within the public rights-of-way or wireless communications facilities that do not meet the definition of a small wireless facility on public or quasi-public property. The siting of wireless facilities outside of the rights-of-way and not on public or quasi-public property shall only be permitted if denial of such a permit would violate law, as demonstrated in the application of a Permittee. Should such a finding be made, any such permit to locate a wireless facility outside of the rights-of-way and not on public property shall be subject to this chapter of Herriman City Code (HCC).
- B. This chapter shall govern the permitting, installation, and regulation of wireless communications facilities in the City, other than those in the public right-of-way or on public or quasi-public property, which are subject to HCC.
- C. Applicants shall design, engineer, and locate wireless communications facilities in accordance with the wireless regulations set forth separately through ordinances adopted by the City Council and standards established by the City Engineer.
- D. Being authorized to do so by Federal and Utah law, the City wishes to establish engineering, design, and development standards applicable to wireless installations for deployments outside of the public right of way and/or located on City property;
- E. The City also wishes to set standard conditions of approval and basic application requirements applicable to wireless permits.

10-35-2 Purpose

The purpose of this chapter is to establish design and location standards for wireless communications facilities on land other than on a public right-of-way or public or quasi-public property; set standard conditions of approval for wireless permits, and set basic application requirements for wireless permits.

10-35-3 Exclusions

The following facilities are exempt from the requirements of this article but may be governed by other laws and other portions of this ordinance.

A. *Consumer-End Antennas.* Consumer-end antennas shall be exempt from the provisions of this article if they meet the following requirements, as applicable:

1. A satellite dish less than one meter (39.37 inches) in diameter and that, if mounted on a mast, is mounted no higher than needed to receive or transmit an acceptable quality signal and in no event higher than twelve (12) feet above roofline.
2. An antenna designed to receive over-the-air broadcast signals, no higher than needed to receive or transmit an acceptable quality signal, and in no event higher than twelve (12) feet above roofline.
3. A broadband radio service antenna one meter or less in diameter or diagonal measurement and that, if mounted on a mast, is mounted no higher than needed to receive or transmit an acceptable quality signal and in no event higher than twelve (12) feet above roofline.

B. *Amateur Radio Antennas:*

1. That are completely enclosed within a permitted building; or
2. That consists of a single wire not exceeding one-fourth inch in diameter. Such wire antennas may be located in setback areas provided the antenna does not extend above the maximum building height in the district; or
3. That consists of a single ground-mounted vertical pole or whip antenna not exceeding fifty (50) feet in height in residential zone classifications or one hundred and five (105) feet in height in non-residential zone classifications, measured from the finished grade at the base of the antenna, and not located in any required setback area. Support structures or masts for pole or whip antennas shall conform to standards set out in the Utah Building Standards Code.
4. Nothing in this section shall be read to waive the requirement of a building permit for the support structure or mast.

C. *Like-Kind Equipment Replacements.*

1. Like-kind equipment replacements or adding or changing equipment in an existing cabinet, vault, or shroud that does not increase pre-existing visual or noise impacts and has radio frequency (RF) emissions that are in compliance with Federal Communications Commission ("FCC") regulations. The existing equipment must have been approved by the City, and the equipment must be in compliance with all permit conditions. Qualifying like-kind equipment replacements that do not require County approval consist of upgrades or exchanges of equipment that are substantially similar in appearance and the same or less in size, dimensions, weight, and RF emissions to the then-existing and approved equipment. This exemption does not apply to generators.

D. Certain Temporary Facilities. The following temporary wireless facilities may be placed for less than fourteen (14) consecutive days, provided any necessary building permit or other approval is obtained and the landowner's written consent is provided to the City:

1. Facilities installed and operated for large-scale events; and
2. Facilities needed for coverage during the temporary relocation of an existing and already-approved facility.

E. Legally Existing Wireless Facilities

1. Subject to Applicable Laws, any wireless facility already legally constructed and in operation as of the date of this ordinance's effective date shall remain subject to the provisions of the version of the ordinance in effect prior to this revision, unless and until a revised permit, substantial conformance, or other modification is approved on such facility, at which time the provisions of the revised ordinance shall apply in full force going forward as to such facility.

10-35-4 Definitions

For the purposes of this chapter, definitions set forth in HCC Chapter 10-3 are incorporated by reference into this section and shall apply in addition to the following definitions:

- A. Antenna. A device used for the purpose of transmitting or receiving wireless communication signals or both, along with associated equipment and consistent with the provisions of Title 47 Telecommunication of the Code of Federal Regulations (47 C.F.R.) section 1.6002(b) – (d).
- B. Applicable Law. Applicable law has the same meaning as Law as defined in HCC Chapter 1-3.
- C. Base Station. A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network as defined in 47 C.F.R. section 1.6100(b)(1), or any successor provision.
- D. Collocation. The mounting or installation of transmission equipment on a legally existing base station or tower as defined:
 1. for the purposes of any eligible facilities request, the same as defined by the FCC in 47 C.F.R. section 1.6100(b)(2), as may be amended, which defines that term as '[t]he mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.' As an illustration and not a limitation, the FCC's definition means to add transmission equipment to an existing facility and does not necessarily refer to two or more different facility operators in the same location; and
 2. for all other purposes, the same as defined in 47 C.F.R. section 1.6002(g)(1) and (2), as may be amended, which defines the term collocation as
 - a. mounting or installing an antenna facility on a pre-existing structure, and/or
 - b. modifying a structure for the purpose of mounting or installing an antenna facility on that structure.
- E. Concealed Wireless Facilities. Facilities blended into the environment by being placed entirely within an existing or new structure, so as not to be recognized as a wireless facility. Concealed Wireless

Facilities include, but are not limited to, architecturally screened roof-mounted facilities, façade-mounted design feature facilities, clock tower facilities, and entry statement signage facilities. These may consist of concealed wireless facilities on a new structure or concealed wireless facilities on an existing structure, and the distinction may affect how the associated permit is processed.

- F. *Disguised Wireless Facilities.* Facilities designed and sited so as to be minimally visually intrusive, which incorporate concealment elements that screen or otherwise alter the appearance of the wireless facility to integrate it into the surrounding environment and support structure or base station. Disguised wireless facilities include, but are not limited to; faux trees including but not limited to monopalms and monopines; facilities integrated into flagpoles; facilities integrated onto water towers or other architecturally designed structures; facilities integrated onto private street lights, electric utility poles, and strand mounted antennas when located on private property and painted to blend with their surroundings.
- G. *Eligible Facilities Request.* Any request for modification of a legally existing tower or base station that does not substantially change the physical dimensions of such tower or base station as defined in 47 C.F.R. section 1.6100(b)(3), or any successor provision.
- H. *Equipment Enclosure.* Any freestanding or mounted structure, shelter, cabinet, or vault used to house and protect Supporting Equipment.
- I. *FAA.* The Federal Aviation Administration or its lawful successor.
- J. *FCC.* The Federal Communications Commission or its lawful successor.
- K. *Non-Residential Zone Classifications.* Any of the following zones are classified as non-residential for the purposes of this Chapter: C-1 Commercial, C-2 Commercial, OP Office Professional, T-M Technology Manufacturing, M-1 Manufacturing, and M-2 Manufacturing.
- L. *Other Wireless Facilities.* New wireless facilities or modifications to existing wireless facilities that are not otherwise exempt from this article and that do not qualify as small cell facilities, collocations, eligible facilities requests, disguised facilities, or concealed facilities.
- M. *Personal Wireless Services.* Services as defined in 47 United States Code (U.S.C.) section 332(c)(7)(C)(i) or any successor provision, current examples of which include but are not limited to commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.
- N. *Wireless Services Facility.* A wireless facility used for the provision of personal wireless services.
- O. *Planning Director.* The Planning Director of the City of Herriman or his or her designee.
- P. *Residential Zone Classifications.* Any of the following zones are classified as residential zones for the purposes of this Chapter: R-1-10 Single-Family Residential, R-1-15 Single-Family Residential, R-1-21 Single-Family Residential, R-1-43 Single-Family Residential, R-2-10 Multifamily Residential, R-2-15 Multifamily Residential, and R-20-43 Multifamily Residential.
- Q. *School.* School means any building, campus, or sports field which is designed, constructed, or used for education, instruction, or school sports, whether public or private, in any branch of knowledge.

- R. Small Cell Facility or Small Wireless Facility. The term as defined in 47 C.F.R. section 1.6002(l), or any successor provision.
- S. Stealth Facility. Stealth facility (or “stealth facilities”) means a wireless communications facility designed to look like something other than a wireless tower or base station.
- T. Support Structure. A pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service, whether on its own or comingled with other types of services, as defined in 47 C.F.R. 1.6002(m) or any successor provision.
- U. Supporting Equipment. The equipment necessary for processing wireless communication signals and any ancillary equipment, including, but not limited to, air conditioners, emergency generators, and other back-up power suppliers.
- V. Temporary Wireless Facility. A wireless facility intended or used to provide wireless services on a temporary or emergency basis, such as a large-scale special event in which more users than usual gather in a single location, or following a duly proclaimed local or State emergency requiring additional service capabilities. Temporary facilities include without limitation, cells on wheels (also referred to as COWs), sites on wheels (also referred to as SOWs), cells on light trucks (also referred to as COLTs), or other similar wireless facilities:
1. that will be in place for no more than six (6) months, or such other longer time as the City may allow in light of the event or emergency;
 2. for which required notice is provided to the FAA;
 3. that do not require marking or lighting under FAA regulations;
 4. that will not exceed the height limit in the applicable zone; and
 5. that will either involve no excavation or involve excavation only as required to safely anchor the facility, where the depth of previous disturbance exceeds the proposed construction depth (excluding footings and other anchoring mechanisms) by at least two (2) feet.
- W. Tower. Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for personal wireless services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include Utility Poles.
- X. Utility Pole. A structure designed to support electric, telephone, and similar utility lines. A Tower is not a utility pole.
- Y. Wireless Facility, Wireless Communication Facility or Facility. Transmitters, antenna structures, and other types of installations used for the provision of wireless services at a fixed location, including, without limitation, any associated tower(s), support structure(s), and base station(s).

10-35-5 General Standards for all Facilities

The following general requirements apply at all times to all wireless communications facilities located in all zoning districts where permitted by HCC 10-16 Table of Uses.

- A. All wireless communications facilities shall be engineered and designed to minimize visual impact by means of placement, screening, camouflaging, painting, and texturing to be compatible with existing architectural elements, building materials, and other site characteristics. The Applicant shall use the smallest and least visible antenna possible to accomplish the facility's objectives. All antennas and support structures shall be painted and/or textured to achieve architectural compatibility with the structures to which they are attached and/or with which they are located.
- B. Each facility must comply with any and all applicable provisions of the HCC, including, but not limited to, provisions of the State Construction Code as adopted by the Utah State Legislature, and any conditions of approval imposed as part of the approval process.
- C. Each facility must comply with any and all applicable regulations and standards promulgated or imposed by any city, state, or federal agency, including, but not limited to, the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA). Further, all wireless communications facilities, associated equipment, and services shall comply with Americans with Disabilities Act (ADA) requirements.
- D. Fire and Electrical Safety Standards. All wireless communications facilities shall contain:
 - 1. A power shut-off readily accessible to fire service personnel for emergencies;
 - 2. Surge protection for lightning discharge or other significant electrical disturbances;
 - 3. Signage as required by the permit conditions, the National Electric Code, the Unified Fire Authority, or their designee; and
 - 4. Instructions for first responders to de-energize the equipment.
- E. The facility must at all times comply with all applicable health requirements and standards pertaining to radio frequency emissions as promulgated by the FCC.
- F. All antennas shall meet the minimum siting distances to habitable structures required for compliance with FCC regulations and standards governing the environmental effects of radio frequency emissions.
- G. Interference with city communications systems and other governmental emergency systems is prohibited. Further, no permits issued pursuant to this chapter of the HCC establishes any guarantee or warranty that the Licensee's facility will be free from interference from city or third-party communication systems.
- H. Noise. Wireless communications facilities and equipment must comply with the City's noise ordinance in HCC Chapter 4-6, or any successor provisions, and be designed to prevent noise and sound from being plainly audible at a distance of fifty (50) feet from the facility or within ten (10) feet of any residence.
- I. Signs. No facility may display any signage or advertisement unless it is expressly allowed by this paragraph, necessary for stealth concealment purposes, or required by law or a permit condition. Every facility shall at all times display signage that accurately identifies the facility owner and provides the

owner's unique site number and a local or toll-free telephone number to contact the facility owner's operations center, and which complies with FCC regulations.

- J. Landscaping. Where appropriate, facilities shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage, and shrubs, whether or not utilized for screening. In addition to any landscaping used for concealment or screening purposes, the Applicant shall replace any existing landscaping displaced during the construction or installation of the Applicant's facility. The Applicant's landscaping plan shall be subject to the City's review and approval, but shall, at a minimum, match the existing landscaping and foliage surrounding the installation site, consistent with the standards of the applicable zoning district and HCC Chapter 10-23 Landscaping and Screening and HCC Chapter 10-32 Water Efficiency Standards. Permittee shall ensure that any vegetation, including vegetation provided for screening, allowed to remain in place within the area covered by the permit is properly maintained and watered in compliance with city code.
- K. All electrical support equipment located within cabinets, shelters, or similar structures shall be screened from public view. Roof-mounted electrical support equipment shall be discouraged. Ground-mounted electrical support equipment shall be encouraged. In addition, the undergrounding of support equipment is required wherever practicable.
- L. All antennas shall be located such that any person walking adjacent to the transmitting surface of the antenna will be walking on a grade that is a minimum of eight and one-half (8 ½) feet below the transmitting surface.
- M. Lighting of antenna structures and their electrical support equipment is prohibited, except as required by any order or regulation of the FCC or the FAA, and for manually operated emergency lights for use when official operating personnel are on site.
- N. Unless barred by other laws, no permit will be granted absent a back-up power supply for all new wireless communications.

10-35-6 Location Standards for All Facilities

The location standards for all wireless communications facilities, other than those that qualify as eligible facility requests, are as follows:

- A. No wireless telecommunication facility shall be located within five hundred (500) feet of any school, playground, or park unless a finding is made, based on technical evidence acceptable to the reviewing authority, that the absence of its deployment would have the effect of prohibiting Personal Wireless Services as provided by Applicable Law. Except for facilities installed on the same pole or tower as an existing wireless telecommunication facility, wireless telecommunication facilities located within any residential zone district shall not be located within five hundred (500) feet of any other wireless communications facility.
- B. All new freestanding wireless communications facilities and monopoles shall be set back a minimum distance of at least one hundred (100) percent of the height of the facility or monopole from any property line abutting a residential zone district. This minimum setback is not subject to the waivers allowed under HCC Section 10-35-8 of this ordinance.
- C. Location preference for wireless communications facilities should be given to the following:
 - 1. Property designated as public or quasi-public, except where prohibited pursuant to this title. However, property designated non-residential may be approved by the Planning Commission as a Conditional Use when:

- a. Public or quasi-public properties are unavailable or inaccessible within an area that has technical or communication deficiencies, and
 - b. The absence of the facility's deployment would have the effect of prohibiting Personal Wireless Services as provided by Applicable Law.
2. Facilities attached or sited adjacent to existing structures. Whenever possible, facilities shall be located on and/or inside existing structures. Appropriate types of existing structures may include, but are not limited to: buildings, water tanks, telephone poles, utility towers and poles, sign standards, light standards, and roadway overpasses.
 3. Sites that are not highly visible from adjacent public roadways.
 4. Unless otherwise indicated in HCC Chapter 10-35 or adopted city Standards, no wireless facility shall be installed on an exposed ridgeline unless the facility blends with the surrounding existing natural and man-made environment and a finding is made that no other location is technically feasible.

10-35-7 Engineering and Design Standards for all Facilities

The general design standards for wireless communications facilities subject to this chapter are as follows:

- A) Basic Requirements. The proposed wireless facility and its supporting structure (if needed) shall be limited to the minimum size necessary to serve the defined service objectives of the wireless service provider or providers that will be using the facility, except where a larger facility has superior concealment elements.
 1. Materials. The materials used shall be non-reflective and non-flammable.
 2. Cabinet doors and other openings must be designed to stay securely closed, and openings in all facilities shall be shielded or made the smallest size feasible to protect against fire and wind-blown embers.
 3. The tower, or other support structure, and all equipment shall be designed to withstand forces from seismic events. To that end, all wireless facility sites must be built to the applicable standards of Hardening Requirements, including, but not limited to, APCO ANSI 2.106.1-2019, or their replacements. The telecommunications tower, pole, or structure, when fully loaded with antennas, transmitters, and other equipment and camouflaging, shall be designed as determined by the Building Official. All equipment mounting racks and equipment used shall be anchored in such a manner that such a quake will not tip them over, throw the equipment off its shelves, or otherwise act to damage it.
 4. All connections between various components of the facility, power lines, and conduit shall be designed in a manner to protect against damage by a natural disaster, a vehicular accident, an act of vandalism, or similar external forces.
- B) Stealth. The wireless facility shall be stealth unless the Applicant demonstrates that a stealth design would be technically infeasible or would prohibit or have the effect of prohibiting the provision of wireless services.
 1. Stealth elements and techniques should be used to blend the facility with the surrounding

materials and colors of the support structure or make the facility appear to be something other than a wireless facility. Stealth elements include, but are not limited to, the following:

- a. Radio frequency (RF) transparent screening or shrouds;
- b. Matching the color of the existing support structure by painting, coating, or otherwise coloring the wireless facility, equipment, mounting brackets, and cabling;
- c. Placing cables and wires inside the pole or in a conduit of the smallest size possible;
- d. Minimizing the size of the site;
- e. Installing new infrastructure that matches existing infrastructure in the area surrounding the proposed site;
- f. Painting, coating, or otherwise coloring new wireless facilities, equipment, mounting brackets, and cabling a color designed to allow the facility to blend in with the color of the sky or surroundings when viewed from the ground;
- g. Using paint of durable quality; and
- h. Building with weather-resistant materials while permitting weathered treatment for aesthetic reasons and to avoid reflective material.

C) Minimum Height. All antennas shall be located such that:

1. any person walking adjacent to the transmitting surface of the antenna will be walking on a grade that is a minimum of eight and one-half (8 ½) feet below the transmitting surface; and
2. no person at ground level will be exposed to an exposure level that is higher than allowed by the FCC's general population exposure rules.

D) Facade-Mounted Equipment. Facade-mounted antennas and equipment shall be architecturally integrated into the building or other support structure, designed and otherwise made as unobtrusive as possible so that the facility does not appear to be a wireless facility. Antennas and equipment should be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Façade-mounted facilities shall generally not extend more than eighteen (18) inches out from and may not project above the building face. Façade-mounted wireless telecommunication facilities shall not exceed twenty-eight (28) feet above the ground. However, antenna elements, mounted flush on the facade of an existing structure that exceeds twenty-eight (28) feet, may have a height equal to the height of the building.

E) Ground-Mounted Equipment. Outdoor ground-mounted equipment associated with base stations shall be avoided whenever feasible. In locations visible or accessible to the public, the Applicant shall conceal outdoor ground-mounted equipment, including ancillary power generation equipment, with opaque fences or landscape features that mimic the adjacent structure(s) (including, but not limited to, dumpster corrals and other accessory structures) and by painting, texturing, or otherwise concealing the facility as much as possible. Ground-mounted wireless communications facilities shall be located near existing structures or trees at similar heights for screening purposes where feasible. Not more than one ground-mounted antenna, provided that licensed amateur radio station antennas consistent with this section shall also be permitted on each site.

- F) Roof-Mounted Facilities. Roof-mounted antennas and necessary equipment shall be screened from above if visible from higher elevations. Rooftop-mounted wireless telecommunication facilities shall not exceed twenty-eight (28) feet in height or three (3) feet above the roof parapet from which they are attached, whichever is less restrictive. Associated roof-mounted equipment cabinets shall not extend more than three (3) feet above the roof from which it is attached and shall be set back a minimum of ten (10) feet from the edge of the roof. All roof-mounted equipment cabinets shall be located behind a mechanical screen wall. In the event that a roof parapet wall screens the equipment cabinets, a mechanical screen wall will not be required.
- G) Freestanding Facilities. Freestanding facilities requiring a new monopole or other new support structure shall be stealth facilities. Further, they shall be located as close as possible to existing above-ground utilities, such as electrical towers or utility poles (which are not scheduled for removal or undergrounding for at least eighteen (18) months after the date of application), light poles, or trees of comparable heights, and in areas where they will not detract from the appearance of the City.
1. Freestanding wireless telecommunication facilities, including monopoles, shall not exceed fifty (50) feet in height and shall not extend higher than the top of the ridgeline nearest the antenna, unless approved by the Planning Director for a greater height, but in no case greater than eighty (80) feet. The height of a freestanding facility shall be measured from the natural undisturbed ground surface below the center of the base of the tower itself to the tip of the highest antenna or piece of equipment attached thereto.
 2. Aside from the antenna itself, no additional equipment may be visible. All cables, including but not limited to electrical and utility cables, shall be run within the interior of the freestanding facility and shall be camouflaged or hidden to the fullest extent feasible without jeopardizing the physical integrity of the facility.
 3. Monopole installations shall be situated so as to utilize existing natural or man-made features, including topography, vegetation, buildings, or other structures, to provide the greatest amount of visual screening.
 4. All antenna components and accessory wireless equipment shall be treated with exterior coatings of a color and texture to match the predominant visual background or existing architectural elements so as to visually blend in with the surrounding development. Subdued colors and non-reflective materials that blend with surrounding materials and colors shall be used.
 5. Monopoles shall be no greater in diameter or other cross-sectional dimensions than is necessary for the proper functioning of the facility.
- H. All wireless telecommunication facilities shall be designed to prevent unauthorized climbing and graffiti.
- I. Fire Safety Standards. All wireless facility designs shall include:
1. A power shut off, such as by means of rapid entry Knox or similar type systems, shall be installed;
 2. Surge protection devices capable of mitigating a direct or partial direct lightning discharge; and

3. Surge protection devices capable of mitigating significant electrical disturbances that may enter the facility via conductive cables.
- J. Satellite dish or parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function.
- K. Support equipment pads, cabinets, shelters, and buildings require architectural, landscape, color, fencing, or other camouflage treatment to minimize visual impacts to the extent deemed necessary by the Planning Director. Landscaping screening should also be provided if irrigation water is available.
- L. No freestanding facility or ancillary support equipment may be located between the face of a building and a public street, bikeway, park, or residence.

10-35-8 Waivers of These Standards

A) A waiver of one or more of these Standards may be granted in the following circumstances:

1. Applicant demonstrates with substantial evidence that denial of an application would, within the meaning of federal law, prohibit or effectively prohibit the provision of personal wireless services, or otherwise violate Applicable Laws or regulations;
2. Applicant demonstrates with substantial evidence set forth in a feasibility study that
 - a. compliance with a requirement of these Standards would be technically infeasible and
 - b. the proposed wireless facility complies with the requirements of these Standards to the greatest extent technically feasible. For example, an exception to a requirement to conceal antennas in a shroud may be granted if shrouding is shown to be technically infeasible and an alternative concealment, such as a colored film wrap, is proposed; or
3. Applicant demonstrates with substantial evidence that the particular engineering, design, or location proposed involves an alternative that better meets the purposes of this section, and is in substantial compliance with a requirement of these design Standards and results in no increase in public visual impact to the community, or provides other benefits. For example, an exception to the wireless facility location limitations may be granted when the Applicant can demonstrate that the placement is less visible from viewsheds of residences or shielded by vegetation or existing infrastructure (such as barriers), or is less physically intrusive (for example, less impactful to tree roots or reduces noise). Among other factors, in deciding whether or not to grant an exception, the Planning Commission may consider the impact of expansions to the facility that the Applicant would be entitled to make as of right if granted.

B. Waivers may only be requested at the time an application is initially submitted for a discretionary permit. The request must include both the specific provision(s) from which waiver is sought and the basis of the request, including all supporting evidence on which the Applicant relies. Any request for waiver after the City has deemed an application complete constitutes a material change to the proposed wireless

facility and shall be considered a new application. A request for waiver from one or more requirements does not relieve the Applicant from compliance with all other applicable provisions of law.

10-35-9 Standard Conditions of Approval for Permits

In addition to any supplemental conditions imposed by the Planning Director as the case may be, all land use permits or conditional use permits granted for wireless communications facilities regulated by this chapter shall be subject to the following conditions, unless modified by the approving authority:

A) General Conditions.

1. The permittee shall defend, indemnify, and hold harmless the city or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project, or to hold the City liable in whole or in part as a result of the engineering, design, construction or operation of the facility. The City shall promptly notify the provider(s) of any such claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.
2. The permittee's facilities shall not interfere with the city's communications systems. The permittee shall be responsible for costs for determining the source of the interference, all costs associated with eliminating the interference (including but not limited to filtering, installing cavities, installing directional antennas, powering down systems, and engineering analysis), and all costs arising from third-party claims against the city attributable to the interference.
3. Subsequent submittals for this project shall be in substantial compliance with the plans and date-stamped received by the Planning Department on (date of approval). The project shall comply with all conditions of approval stipulated in the referral sheets attached to the agenda report for this project. In the event the project plans conflict with any condition of approval, the condition shall take precedence, and revised plans shall be submitted and approved by the Planning Director.
4. The permit and rights conferred in this approval shall not be effective until the permittee signs, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The Applicant shall file this form with the Planning Department within 30 days of this decision or prior to issuance of any development, conditional use, building, electrical, or encroachment permit.
5. The Applicant shall digitally submit a complete set of plans, including any additional items required by the Planning Department, for consistency review and approval prior to plan check and again prior to the issuance of any building or land use permits.
6. The Notice of Decision (including the signed and notarized Acceptance of Conditions Affidavit) shall be copied in its entirety and placed directly onto a separate plan sheet(s) to be included in the development plans prior to submitting any land use permits from the city.
7. A land use permit or conditional use permit, as applicable, shall be valid for a period of two (2) years from issuance, unless pursuant to another provision of the HCC or these conditions, it expires sooner or is terminated. At the end of two (2) years from the date of issuance, such development or conditional use permit shall automatically expire, unless an extension or renewal has been granted, which grant shall not be unreasonably withheld. A person holding a land use permit or conditional use permit must either

- a. remove the facility within thirty (30) days following the permit's expiration (provided that removal of support structure owned by City, a utility, or another entity authorized to maintain a support structure need not be removed, but must be restored to its prior condition, except as specifically permitted by the City); or
 - b. prior to expiration, submit an application to renew the permit, which application must, among all other requirements, demonstrate that the impact of the wireless facility cannot be reduced. The wireless facility must remain in place until it is acted upon by the City and all appeals from the City's decision are exhausted.
8. The installation and construction authorized by a building permit shall be completed within one hundred eighty (180) days after its approval, or it will expire without further action by the City unless, prior to the one hundred eighty (180) days, the Applicant submits an extension request to the City Building Department, and, in its sole discretion, may grant a time extension for due cause. The installation and construction authorized by a permit shall conclude, including any necessary post-installation repairs and/or restoration to the property, within thirty (30) days following the day construction commenced. The permittee must provide written notice to the City within ten (10) days after completing construction and may not begin operations until all City and Fire Department (if applicable) inspections have been completed and the project is found to be consistent with the permit. The expiration date shall be suspended until an appeal and/or litigation regarding the subject permit is resolved.
 9. The Planning Director may grant up to four one-year extensions of the timeline, in Condition 7 above, for completing the installation and construction authorized by a development or condition use permit, if the Planning Director finds that the conditions, including but not limited to changes in the wireless ordinance under which the permit approval was issued, have not significantly changed.
 10. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
 11. All structures shall conform to the requirements of all buildings and fire codes. Notwithstanding this review, all required permits, including, but not limited to, an encroachment permit from the City, shall be secured.
 12. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the HCC. An application with all required materials and fees shall be submitted.

B) Cultural Resource Conditions.

1. In the event that potentially important cultural resources are found in the course of geologic testing, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information.
2. If human bone is discovered, the procedures found in Utah and Herriman law shall be followed. These procedures require notification of the coroner. If the coroner determines that the remains are those of a Native American, the Applicant shall notify the Native American Heritage Commission by phone within 24 hours.

C. Wireless Facility Conditions.

1. All antennas shall meet the minimum siting distances to public/uncontrolled areas required for compliance with the FCC regulations and standards governing the environmental effects of radio frequency emissions. Permittee shall keep up to date on current information from the FCC in regards to maximum permissible radio frequency exposure levels. In the event that the FCC changes its guidelines for human exposure to radio frequency, permittee shall, within thirty (30) days after any such change, submit to the Planning Director a report prepared by a qualified engineer that demonstrates actual compliance with such changed guidelines. The Director may, at permittee's sole cost, retain an independent consultant to evaluate the compliance report and any potential modifications to the permit necessary to conform to the FCC's guidelines. Failure to submit the compliance report required under this condition, or failure to maintain compliance with the FCC's guidelines for human exposure to radio frequency at all times, shall constitute grounds for permit revocation.
2. All antennas shall be located so that any person walking adjacent to the transmitting surface of the antenna will be walking on a grade, which is a minimum of eight and one-half (8 1/2) feet below the transmitting surface.
3. All antennas, equipment, and support structures shall be engineered and designed to prevent unauthorized climbing.
4. The wireless facility shall be erected, operated, and maintained in compliance with the general requirements set forth in the Standards and any specific requirements in the permit.
5. The antenna and electrical support equipment shall, at all times, be operated in a manner that conforms to the applicable health and safety standards, including those imposed by this Ordinance.
6. Wireless communications facilities and equipment must comply with the city's noise ordinance, or any successor provisions, and prevent noise and sound from being plainly audible at a distance of fifty (50) feet from the facility or within ten (10) feet of any residence.
7. The Planning Director's approval is required if a generator is to be placed on-site for temporary or permanent use.
8. All non-ground-mounted equipment associated with the application shall be located no lower than eight feet above grade or ground level on the monopole or support structure.
9. The City or its designee may enter onto the facility area to inspect the facility upon forty-eight (48) hours prior notice to the permittee. The permittee shall cooperate with all inspections and may be present for any inspection of its facility by the City. The City reserves the right to enter or direct its designee to enter the facility and support, repair, disable, or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property. The City shall make an effort to contact the permittee prior to disabling or removing any facility elements, but in any case, shall notify permittee within twenty-four (24) hours of doing so.
10. Testing of any equipment shall take place on weekdays only, and only between the hours of 8:30 a.m. and 4:30 p.m., except that testing is prohibited on holidays that fall on a weekday. In addition, testing is prohibited on weekends.

11. Permittee shall obtain and maintain throughout the term of the permit commercial general liability insurance with a limit of two million dollars (\$2,000,000) per occurrence for bodily injury and property damage and four million dollars (\$4,000,000) general aggregate including premises operations, contractual liability, personal injury, and products completed operations. The relevant policy (or policies) shall name the City, its elected/appointed officials, commission members, officers, representatives, agents, and employees as additional insureds. A true and correct copy of the policy of insurance shall constitute proof of insurance required by this subsection. Permittee shall use its best efforts to provide thirty (30) days' prior notice to the City of the cancellation or material modification of any applicable insurance policy. Failure to maintain insurance consistent with this Condition shall automatically void the permit, and the permittee shall immediately deenergize and remove the facility from operation.
12. Prior to issuance of a City permit or encroachment permit, the permittee shall file with the City, and shall maintain in good standing throughout the term of the approval, a performance bond or other surety or another form of security (for example, a letter of credit) for the removal of the facility in the event that the use is abandoned or the permit expires, or is revoked, or is otherwise terminated. The security shall be in the amount equal to the cost of physically removing the facility and all related facilities and equipment on the site, based on the higher of two contractors' quotes for removal that are provided by the permittee. The permittee shall reimburse the city for staff time associated with the processing and tracking of the bond, based on the hourly rate adopted by the City Council. Reimbursement shall be paid when the security is posted and during each administrative review. Any amounts due to the City under this HCC shall not exceed the amounts permitted under Applicable Law.
13. Permittee shall not move, alter, temporarily relocate, change, or interfere with any existing structure, improvement, or property without the prior consent of the owner of that structure, improvement, or property. No structure, improvement, or property owned by the City shall be moved to accommodate a permitted activity or encroachment, unless the City determines that such movement will not adversely affect the City or any surrounding businesses or residents, and the Permittee pays all costs and expenses related to the relocation of the City's structure, improvement, or property. Prior to commencement of any work pursuant to any permit, the permittee shall provide the City with documentation establishing to the city's satisfaction that the permittee has the legal right to use or interfere with any other structure, improvement, or property to be affected by the permittee's facilities.
14. No possessory interest is created by a Wireless Permit. However, to the extent that a possessory interest is deemed created by a governmental entity with taxation authority, permittee acknowledges that City has given to permittee notice pursuant to that the use or occupancy of any public property pursuant to a development or conditional use permit may create a possessory interest which may be subject to the payment of property taxes levied upon such interest. Permittee shall be solely liable for, and shall pay and discharge prior to delinquency, any and all possessory interact taxes or other taxes, fees, and assessments levied against permittee's right to possession, occupancy, or use of any public property pursuant to any right of possession, occupancy, or use created by this development or conditional use permit.
15. If a facility is not operated for a continuous period of six (6) months, the Wireless Permit and any other permit or approval therefor shall be deemed abandoned and terminated automatically, unless before the end of the six (6) month period

- a. the Director has determined that the facility has resumed operations, or
- b. the City has received an application to transfer the permit to another service provider. No later than ninety (90) days from the date the facility is determined to have ceased operation, or the permittee has notified the Director of its intent to vacate the site, the permittee shall remove all equipment and improvements associated with the use and shall restore the site to its original condition to the satisfaction of the Director. The permittee shall provide written verification of the removal of the facilities within thirty (30) days of the date the removal is completed. If the facility is not removed within thirty (30) days after the permit has been discontinued pursuant to this subsection, the site shall be deemed to be a nuisance, and the City may cause the facility to be removed at permittee's expense or by calling any bond or other financial assurance to pay for removal. If there are two (2) or more users of a single facility or support structure, then this provision shall apply to the specific elements or parts thereof that were abandoned, but will not be effective for the entirety thereof until all users cease use thereof. Once the facility is removed, and the City has confirmed the space has been returned to its prior State, notwithstanding reasonable wear and tear, the security described above shall be released by the City.

16. In the event the City determines that it is necessary to take legal action to enforce any of these conditions, or to revoke a permit, and such legal action is taken, the permittee shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City otherwise agrees, in its complete discretion, to waive said fees or any part thereof.

D. Construction Conditions.

1. Installation hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No installation activities shall be permitted on Sundays and City-designated holidays. The restricted work hours described in this condition do not apply to emergency maintenance necessary to protect health or property. The City may issue a Stop Work Order if permittee violates this condition. Construction activities shall be conducted in compliance with and abide by all applicable safety codes and permit conditions.
2. All sites must be designed and built to the standards of ANSI/APCO Public Safety Grade Site Hardening Requirements, also referred to as "APCO ANSI 2.106.1-2019".

E. Site Specific Conditions.

1. In the event that the electric service provider does not currently offer an alternative metering option, the permittee shall remove the above-grade electric meter when such option becomes available. Prior to removing the above-grade electric meter, the permittee shall apply for any encroachment and/or other ministerial permit(s) required to perform the removal. Upon removal, the permittee shall restore the affected area to its original condition that existed prior to installation of the equipment.
2. The permittee acknowledges that the City specifically includes conditions of approval related to

- a. Painting, coloring or finishing the equipment to match the monopole or support structure;
 - b. Undergrounding all equipment to the extent possible;
 - c. Installing equipment within shrouds, conduits and risers as concealment elements engineered and designed to integrate the wireless facility with the surrounding built and natural environment; and
 - d. Specific structural, seismic, electrical, fire and operating/maintenance requirements. Any future modifications to the permittee's wireless facility must maintain or improve all concealment elements and safety precautions.
3. Before the permittee submits any applications for construction, encroachment, excavation, or other required permits in connection with this permit, the permittee must incorporate a true and correct copy of this permit, all conditions associated with this permit, and any approved photo simulations into the project plans (collectively, the "Approved Plans"). The permittee must construct, install, and operate the wireless facility in substantial compliance with the Approved Plans as determined by the Director or the Director's designee. Any substantial or material alterations, modifications or other changes to the Approved Plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the wireless facility, must be submitted in a written request subject to the Director's prior review and approval, who may refer the request to the original approval authority if the Director finds that the requested alteration, modification or other change substantially deviates from the Approved Plans or implicates a significant or substantial land-use concern.
 4. The permittee shall install and at all times maintain in good condition a "Network Operations Center Information" and "RF Caution" sign on the utility pole no less than three (3) feet below the antenna (measured from the top of the sign) and no less than nine (9) feet above the ground line (measured from the bottom of the sign). Signs required under this condition shall be installed so that a person can clearly see the sign as he or she approaches within three (3) feet of the antenna structure. If any person on or within the property is or may be exposed to emissions that exceed applicable FCC uncontrolled/general population limits at any time, the sign shall expressly so state and provide instructions on how persons can avoid any such exposure. The sign shall also include the name(s) of the facility owner(s), equipment owner(s), and operator(s)/carrier(s) of the antenna(s), property owner's name, as well as emergency phone number(s) for all such parties. The sign shall not be illuminated unless Applicable Law, rule, or regulation requires lighting. No signs or advertising devices other than required certification, warning, required seals or signage, other signage required by law, this chapter, any City or applicable State code. The sign shall be no larger than two (2) square feet.
 5. The permittee shall ensure that all signage complies with FCC Office of Engineering and Technology Bulletin 65, or American National Standards Institute C95.2 for color, symbol, and content conventions. All such signage shall at all times provide a working local or toll-free telephone number to its network operations center, and such telephone number shall be able to reach a live person who can exert transmitter power-down control over this site as required by the FCC.
 6. In the event that the FCC changes any of radio frequency signage requirements that are applicable to the project site approved herein or ANSI Z535.1, ANSI Z535.2, and ANSI C95.2 standards that are applicable to the project site approved herein are changed, the permittee, within 30 days of

each such change, at its own cost and expense, shall replace the signage at the project site to comply with the current standards.

7. The permittee shall maintain the paint, color, and finish of the facility in good condition at all times.
8. All improvements, including foundations and appurtenant ground wires, shall be removed from the property and the site restored to its original pre-installation conditions within ninety (90) days of cessation of operation or abandonment of the facility.
9. Permittee shall at all times maintain compliance with all applicable federal, State, and local laws, regulations, ordinances, and other rules, including Americans with Disabilities Act (ADA) requirements.
10. The permittee shall cooperate with all inspections. The City and its designees reserve the right to support, repair, disable, or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property.
11. Permittee shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address, and email address for at least one natural person. All such contact information for responsible parties shall be provided to the Planning Department at the time of permit issuance and within one business day of permittee's receipt of City staff's written request.
12. Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, and removal of the facility.
13. The site and the facility must be maintained in a neat and clean manner and in accordance with all approved plans and conditions of approval.
14. Permittee shall promptly remove any graffiti on the wireless facility at permittee's sole expense within forty-eight (48) hours after notice.

F. Prior to Operation Conditions.

1. The Applicant shall request a final Planning Department inspection and final building inspection by the City of Herriman immediately after the wireless facility has been installed and prior to the commencement of services.
2. Within thirty (30) calendar days following the installation of any wireless communications facilities, the Applicant shall provide to the Planning Department a field report prepared by a qualified engineer, verifying that the unit has been inspected, evaluated, and is operating in compliance with FCC standards. Specifically, the on-site post-installation radiofrequency (RF) emissions testing must demonstrate actual compliance with the FCC OET Bulletin 65 RF emissions safety guidelines for the general population/uncontrolled RF exposure in all sectors. For this testing, the transmitter shall be operating at maximum operating power, and the testing shall occur outwards to a distance where the RF emissions no longer exceed the uncontrolled/general population limit. Such report and documentation shall include the make and model (or other identifying information) of the unit tested, the date and time of the inspection, a certification that the unit is properly installed and working within applicable FCC limits, and a specific notation of

the distance from the transmitter at which the emissions are equal to or less than the uncontrolled/general population limit.

3. The operation of the approved facility shall commence no later than one (1) month after the City completes its post-installation inspections of the facility, any issues with the facility are resolved, and the City receives the RF testing report required in the condition of approval above, or the development or conditional use permit will expire without further action by the City.

G. Fixed Conditions.

1. Violation of any of the conditions of this approval shall be cause for revocation and termination of all rights thereunder.

10-35-10 Eligible Facilities Requests

A. Permits for an Eligible Facilities Request shall be subject to the terms and conditions of the underlying permit unless modified by the approving authority and provided further that such request shall be approved in accordance with Applicable Law.

1. The City's grant or grant by operation of law of an eligible facilities request permit constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station. Notwithstanding any permit duration established in another permit condition, the City's grant or grant by operation of law of an eligible facilities request permit will not extend the permit term for the underlying permit or any other underlying regulatory approval, and its term shall be coterminous with the underlying permit or other regulatory approval for the subject tower or base station.
2. The City's grant or grant by operation of law of an eligible facilities request does not waive, and shall not be construed to waive, any standing by the City to challenge section 6409(a) of the Spectrum Act, any FCC rules that interpret section 6409(a) of the Spectrum Act, or any modification to section 6409(a) of the Spectrum Act.

10-35-11 Small Cell Facilities

In addition to the other conditions of approval placed on a Wireless Permit, all permits for a small cell facility under this chapter shall be subject to the additional condition, unless modified by the approving authority, that the City's grant of a permit for a small cell facility request does not waive, and shall not be construed to waive, any standing by the City to challenge any FCC orders or rules related to small cell facilities, or any modification to those FCC orders or rules.

10-35-12 Basic Application Requirements for Permits.

Generally. In addition to providing all required fees, all wireless telecommunication facility carriers or providers shall provide the information required by a separate application form published and updated from time to time by the City. If no such form is available, then the Applicant must submit all documents, information, and any other materials necessary to allow the City to make required findings and ensure that the proposed facility will comply with Applicable Laws and not endanger the public health, safety, or welfare. Such information may include:

A. Contact information for:

1. Applicant and their representatives

2. Owner of proposed wireless communications facility
3. If different from facility owner, the identity of the person or entity responsible for operating the proposed wireless facility
4. The property owner or owner of the structure on which the proposed wireless facility would be installed
5. Names, addresses, telephone numbers, and email addresses of anyone acting on behalf of the Applicant with regard to the application;
6. The name, address, and phone number of all persons that prepared or assisted in preparing the application and any required reports;
7. The postal address, parcel number, or utility pole identifier of the property;
8. The location of the schools, playgrounds, and parks within 500 feet of the project site;
9. Local contact person for emergencies
10. Assessor's Parcel Number

B) Purpose of new wireless communications facility or amendment

C) Type of Application (select all that apply)

1. Eligible Facilities Request
2. Small Cell – Collocation
3. Small Cell – New Structure
4. Collocation (Non-Small Cell)
5. All Other Wireless Communications Facilities
6. Permit Renewal
7. Waiver

D) Letter of authorization signed by the property owner authorizing the Applicant to submit and process the application, including executed copies of any leases, letters of agency, or proof of ownership of the private property involved in the project.

E) Authorizations and Licenses

F) Provide previous approvals, if applicable, and Certificate of Completion. Site inspection fees may apply if a final inspection was never requested.

G) Identify all other required permits and approvals for the subject facility.

H) Electrical and Structural Safety Information. The following engineering documents must be included in the application:

1. A one-line diagram of the electrical system;
2. Panel Directories;
3. A plot plan showing the location of the mounting structure, including address, or structure designation, or GPS location on the front sheet;
4. A plot plan showing the location of the service disconnecting means;
5. An elevation drawing of the equipment and the service disconnecting means;

I) Structural Safety Information. The structural or civil engineering documents, as recommended by a Utah licensed professional civil engineer, shall include:

1. Photo simulations, from at least three different angles, showing the pole and streetscape before and after installation. In some cases, more than three different angles may be required;
2. The azimuth, size, and center-line height location of all proposed and existing antenna(s) on the supporting structure;
3. The number, type, and model of the antenna(s) that will be used, with a copy of the specification sheet;
4. The make, model, type, and manufacturer of any tower involved, and a design plan stating the tower's capacity to accommodate multiple users;
5. Site and Construction Plans. Complete and accurate plans, drawn to scale, signed, and sealed by a Utah-licensed engineer, land surveyor, and/or architect, which include the following items.
 - a. A site plan and elevation drawings for the facility, as existing and as proposed, with all height and width measurements explicitly stated.
 - b. A site plan describing the proposed tower and antenna(s) and all related fixtures, structures, appurtenances, and apparatus, including height above pre-existing grade, materials, color, and lighting.
 - c. A depiction, with height and width measurements explicitly stated, of all existing and proposed transmission equipment.
 - d. A depiction of all existing and proposed utility runs and points of contact.
 - e. A depiction of the leased or licensed area of the site with all rights-of-way and easements for access and utilities labeled in plain view.
6. If the equipment is proposed to be pole-mounted, a signed affidavit by a licensed and registered engineer stating that such equipment could not be installed underground to the extent possible, and if any of the equipment can be located underground, that such equipment will be placed underground in a waterproof vault, or an explanation indicating it is not possible;

7. Description as to why the desired location is superior to other similar available locations, including, but not limited to:
 - a) Proximity to residential buildings and descriptions of efforts to prevent any blocking of or mitigate the impact on views of impressive scenes;
 - b) Written documentation demonstrating a good faith effort to locate the proposed facility in the least intrusive location in accordance with the location requirements of this ordinance;
8. A description in writing and a visual rendering demonstrating effective screening of all ground-mounted or roof-mounted equipment of the facility from view.
9. Color-coded carrier-generated RF Coverage (propagation) maps, at a scale no smaller than 1 inch (1") to a quarter (1/4) mile, with all appropriate legends, showing the coverage for the highest and lowest frequencies to be used by the facility. Frequencies are to be stated numerically, not qualitatively. Provide a represented value in dB of each color it specifically represents.
10. If the project involves, modifies, or will use an existing facility or structure, a description of the type of structure (e.g., guyed, self-supporting lattice, or monopole) and a report on the physical condition of the facility, certified by a professional engineer licensed in the State of Utah, is required.
11. If the application is for a new tower, substantial technical evidence by a carrier or wireless service provider justifying the total height of the proposed facility and the need for such to the exclusion of all reasonable alternatives. Evidence in the form of propagation studies must include all modeling data and assumptions used to produce the studies at the requested height and should take into consideration the ability to collocate other carriers in the future.
12. A siting analysis that identifies other feasible locations, including collocation sites, within or outside the City, which could provide comparable service in the area intended to be served by the facility, if any.
13. If the Applicant is not itself an FCC-authorized provider of personal wireless service intending to use the facility to provide its own personal wireless services, the application shall provide the name(s) of all providers that do intend to immediately use the facility, and include exhibits of any commitments by such provider(s).
14. An affirmation that the proposed installation will be FCC compliant, in that it will not cause members of the general public to be exposed to RF levels that exceed the emissions levels deemed safe by the FCC. A copy of the fully completed FCC form "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A" titled "Optional Checklist for Determination of Whether a Facility is Categorically Excluded" for each frequency band of RF emissions to be transmitted from the proposed facility upon the approval of the application. All planned radio frequency emissions on all frequency bands must be shown on the Appendix A form(s) attached to the application. All planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of "effective radiated power."
15. A statement detailing the frequency, modulation, and class of service of radio or other transmitting equipment;
16. A copy of the FCC license applicable to the intended use of the proposed facilities;
17. A Hazardous Materials Business Plan for all new generators, and any storage and/or use of hazardous materials during the project, to include:
 - a. A list of toxic substances that may develop during arcing or fire that may impede fire suppression efforts;

- b. A list of hazards that may develop during arcing or fire that may impede fire suppression efforts;

18. A demolition plan, if applicable.

19. A written statement of the Applicant’s willingness to allow other carriers to collocate on the proposed personal wireless service facility where technically and economically feasible and aesthetically desirable, subject to the qualification that collocation should not occur when public exposures from the resulting higher cumulative sources would exceed FCC limits.

20. Such other information as the Director shall establish.

21. A statement signed by a person with legal authority to bind the Applicant attesting to the accuracy of the information provided in the application. If the attester is not an authorized employee of the Applicant, then the attester must demonstrate that it is an authorized agent of the Applicant, with a lawful Power of Attorney from the Applicant.

10-35-13 Processing of Applications

The City shall process applications submitted under this provision within the time required by Applicable Law, and, to the extent the application is for a permitted or conditional use as identified in HCC Section 10-16-1, approve or deny such applications pursuant to the applicable standards of HCC Chapter 10-5 within the time required by Applicable Law, subject to any mutual agreements to extend such time limits.

Table 10-16-1 Uses

Uses ¹	Zones																				
	A-1-10	A-1-21	A-1-43	R-1-10	R-1-15	R-1-21	R-1-43	R-2-10	R-2-15	R-M	FR2	RC	OP	C-1	C-2	M-1	T-M	M-2	M U	M U-2	ASMD
Public and Civic																					
Utility, major	C	C	C	C	C	C	C	C	C	C	C			C	C	C	C	C		C	
Utility substation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Commercial																					
Wireless telecommunication facility ⁴¹	C	C	C	C	C	C	C	C	C	C	C		C	C	C	<u>P C</u>	C	<u>P C</u>	C ⁴²	<u>P C</u> ⁴²	

Notes:

- ¹ Accessory uses are allowed in all zones, but only if incidental to a permitted or conditional use.
- ⁴¹ Must be located on public or quasi-public owned property or utility site, and not in public parks unless an exception is granted by the planning commission, subject to HCC 10-29-8, or permitted on private non-residential property subject to HCC 10-35.
- ⁴² Maximum height of 50 feet and designed as a stealth facility.

10-29-8 Antenna—Monopole on Public or Quasi Public Property

In addition to the other provisions of this title, monopoles are allowed in the zones in which they are listed, subject to the provisions set forth in this section:

- A. Monopoles shall be constructed so as to allow a collocation of a second user on the base or original pole.
- B. The height of the pole shall be limited to 50 feet above grade, unless approved by the planning commission for a greater height, but in no case greater than 100 feet above grade.

- C. The distance between a monopole and a residential structure shall be at least 150 feet unless the planning commission determines a greater distance is necessary to meet the requirements for approval of a conditional use permit, when the monopole is authorized as a conditional use.
- D. The applicant shall submit images or drawings of a proposed monopole to show what it will look like when built. The images or drawings shall show two vantage points as determined by the community development director.
- E. Property owners within 600 feet of a monopole shall be given notice of the public meeting before the planning commission to consider approval of a conditional use permit.
- F. Every effort should be made to keep a monopole 100 feet from a public street.
- G. Each telecommunication company requesting a monopole shall submit a general master plan of the proposed number of poles projected within the city limits over the subsequent three years.
- H. A monopole and the site the pole occupies shall be properly maintained. The pole shall be removed within 60 days after the communications use is discontinued.