

ORDINANCE NO. 21-15

AN ORDINANCE AMENDING TITLE 16 OF THE WASATCH COUNTY CODE TO ENHANCE UNIFORMITY, UPDATE MINOR POLICIES RELATED TO STATE CODE AND TO PROVIDE BETTER CLARITY IN THE ORDINANCE THROUGH SIMPLIFIED LANGUAGE

RECITALS

WHEREAS, counties may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the unincorporated area of the county to provide for the health, safety, and welfare, promote prosperity, improve good order, comfort, convenience, and aesthetics of each county, and to protect both urban and non-urban development; and

WHEREAS, pursuant to this authority, the County Legislative Body enacted the Land Use and Development Code, and now amends the Land Use and Development Code; and

WHEREAS, the County Legislative Body desires to clarify some administrative functions outlined in the land use and development code, and;

WHEREAS, the County Legislative Body desires to provide more clarification for amendments to the general plan, and;

WHEREAS, the County Legislative Body adopted the following findings when creating the original ordinance, still accepts these findings, but does not believe the findings need to be codified:

1. Telecommunications CMRS facilities are an integral part of the rapidly growing and evolving telecommunications industry, and present unique land use challenges for the county.
2. The county wishes to balance the interests and desires of the telecommunications industry and its customers to provide competitive and effective telecommunications systems in the county, and sometimes differing interests and desires of others concerning health, safety, welfare and aesthetics issues, and orderly planning of the community.
3. The county has experienced an increased demand for telecommunications CMRS facilities to be located in the county, and expects the increased demand to continue into the future.
4. It is in the best interests of the citizens of the county to have quality telecommunications CMRS services available, which necessarily entails the erection of telecommunications CMRS facilities within the county boundaries.
5. The visual effects of telecommunications facilities can be mitigated by fair standards regulating their siting, construction, maintenance and use.
6. Locating antennas on existing buildings and structures creates less of a visual impact on the community than the erection of towers.
7. Buildings and structures on public and private property are capable of being used to provide support for antenna arrays, thus reducing the number of towers in all areas of the county.

8. The public policy objective of mitigating the impact of telecommunications towers can best be facilitated by permitting the locating of systems on existing buildings, towers and antenna support structures.
9. The provisions set forth in this section for the placement of telecommunications CMRS facilities will contribute to the health, safety and general welfare of the community.
10. Utah Code Annotated title 69, chapter 3, grants counties the authority to create or acquire sites to accommodate the erection of telecommunications towers and facilities in order to promote the location within a manageable area and to protect the aesthetics and environment of the area. The law also allows the county to require the owner of any tower to accommodate the multiple use of the tower by other companies where feasible and to pay the county the fair market rental value for the use of any county owned site.

WHEREAS, the County Legislative Body desires to provide for added clarification to various definitions, and;

WHEREAS, the County Legislative Body desires to reduce redundant language and enhance uniformity, and;

WHEREAS, Utah Code 17-27a-502 requires Wasatch County to give notice of public hearing as provided in Utah Code 17-27a-205(1)(a), and to hold a public hearing; and

WHEREAS, Wasatch County gave notice of all public meetings and public hearings related to this ordinance as required, and the planning commission held a public hearing as required; and

WHEREAS, the County Legislative Body finds that these amendments more fully promote the objectives and purposes of the general plan and the Land Use and Development Code;

NOW THEREFORE, the County Legislative Body of Wasatch County ordains as follows:

SECTION I: Enactment. The following amendments, additions, and deletions to Title 16, the Land Use and Development Code, are hereby enacted: [See attached exhibit.]

SECTION II: Repealer. If any provisions of the County Code heretofore adopted are wholly inconsistent with this ordinance, they are hereby repealed.

SECTION III: Amendment of Conflicting Ordinances. To the extent that any ordinances, resolutions, or policies of Wasatch County partially conflict with this ordinance, they are hereby amended to comply with the provisions hereof.

SECTION IV: Effective Date. This Ordinance shall become effective immediately upon execution by the Chair of the County Council and the completion of public notice requirements imposed by state statute.

SECTION V: Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION VI: **Public Notice.** The Wasatch County Clerk, and ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:

- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk;
- c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance, for at least one publication in a newspaper published in and having general circulation in the county; or post a complete copy of this ordinance in nine (9) public places within the County.

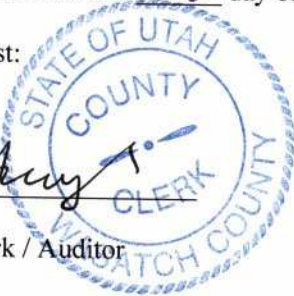
APPROVED and PASSED this 20 day of October, 2021.

COUNCIL:

Attest:

WASATCH COUNTY

Joey D. Granger
Joey Granger
Wasatch County Clerk / Auditor



Spencer Park
Spencer Park, Vice-Chair
Wasatch County Council

Mark Nelson, Chairman
Danny Goode
Marilyn Crittenden
Jeff Wade
Kendall Crittenden
Steve Farrell
Spencer Park

VOTE

✓_____

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ADOPTION OF ORDINANCE AFFIDAVIT

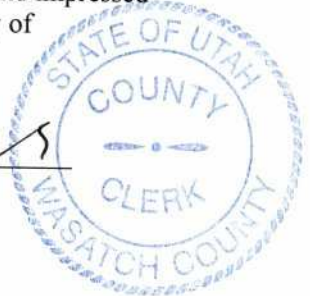
STATE OF UTAH)
): ss.
COUNTY OF WASATCH)

I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex officio Clerk of the Wasatch County Council do hereby further certify, according to the records of said Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, by:

- [x] (a) Causing this ordinance to be entered at length in the ordinance book;
[x] (b) Causing three (3) copies of this ordinance to be deposited in the office of the County Clerk;
[x] (c) Causing a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance to be published for at least one publication in The Wasatch Wave, a newspaper of general circulation within the geographical jurisdiction of Wasatch County; or posting a complete copy of this ordinance in nine (9) public places within the County.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the County Council of Wasatch County, Utah, this 20 day of October, 2021.

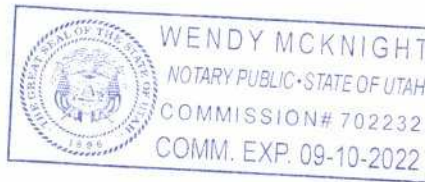
Signature of Joey Granger
Joey Granger
Wasatch County Clerk / Auditor



SUBSCRIBED AND SWORN to me, a Notary Public, this 22 day of October, 2021.

Signature of Wendy McKnight
Wendy McKnight
Notary Public

Residing in: Wasatch
My commission expires: 09/10/2022



1 **14.01.05: EXPIRATION OF BUILDING PERMITS**

2 A building permit shall expire if construction is not begun within one hundred eighty (180) days
3 from the date the building permit was issued, or if the work authorized by such permit is
4 suspended or abandoned for a period of one hundred eighty (180) days after the time the work is
5 commenced. The building official is authorized to grant, in writing, one or more extensions of
6 time, for periods of not more than one hundred eighty (180) days each. The extension shall be
7 requested in writing and justifiable cause demonstrated. A building permit shall expire if
8 construction is not completed and a certificate of occupancy and land use compliance is not
9 obtained within five (5) years from the date the building permit was issued. The building
10 department may, for good cause shown, extend the expiration date for a period of time not to
11 exceed one additional year.

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13 **16.01.05: AUTHORITY PROVISIONS**

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15 B. Administrative staff are authorized to approve the following applications as the Land Use
16 Authority on behalf of the Planning Commission for the following items, unless a public
17 hearing is required or if opposition has been received within 10 days after noticing
18 requirements under applicable law have been met:

- 19 1. The following Conditional Use Permits:
 - 20 a. Cell towers or other communication facilities if the applications are for
 - 21 stealth or collocation only.
 - 22 b. Utility buildings and structures.
 - 23 c. Utility lines in any zone that do not exceed thirty six (36) kV, are less than
 - 24 forty nine feet (49') in height from finished grade and consist of no more
 - 25 than 3 new poles (not replacement).
 - 26 d. Bed and breakfast uses if the application is for five (5) bedrooms or less
 - 27 and there will be no food service to anyone other than overnight guests.
 - 28 e. Kennels, catteries, or animal hospitals.
 - 29 f. Accessory buildings pursuant to 16.21.08.
 - 30 g. Free standing solar panel structures over 300 square feet (in the
 - 31 aggregate).
 - 32 h. Retaining Walls (between 10' to 30') or longer than 200 feet.
 - 33 i. Accessory Dwelling Units (ADUs) pursuant to 16.21.46
 - 34 j. Small wireless facilities, unless in a zone identified by 16.01.05(A)(8) or
 - 35 16.21.47(C)(2)
 - 36 k. Yurts on private property.
- 37 2. Home Occupation permits.
- 38 3. Retaining Walls (4' to 10').
- 39 4. Commercial off-street parking reduction.
- 40 5. Commercial Site Plan.
- 41 6. Small Scale Subdivisions.

- 42 7. Temporary Uses.
 43 8. Building Relocations.
 44 9. Non-conforming use determinations.
 45 10. Boundary Line Adjustments.

46 C. The planning director, or their designee, administers the Wasatch County Land Use and
 47 Development Code and associated State of Utah County Land Use and Development
 48 Management Act (CLUDMA). Except in cases where more specific rules apply,
 49 administrative and procedural decisions of the planning director or their designee are
 50 considered approved or denied at the same time the application is approved or denied by
 51 the applicable land use authority. The planning director is authorized to note in a written
 52 decision the manner in which their decision is to be appealed in cases where the process
 53 for an approval or denial is not clear.

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55 **16.01.16: EXPIRATION OF APPLICATIONS OR APPROVALS**

- 56 A. Except as provided in Subsection F of this Section, if within twelve (12) months after an
 57 complete application has been submitted pursuant to the requirements of this Title, the
 58 applicant fails to receive approval of the application, the application shall expire and any
 59 vested right to proceed with the application shall terminate.
- 60 B. General Approvals: All approvals granted pursuant to this land use and development code
 61 shall expire one hundred eighty (180) days after such approval is given, unless another
 62 expiration is provided for a specific application or approval.
- 63 C. Master Plan, Physical Constraints, Density Determination, or Concept Plan: Except as
 64 provided in Subsection F of this Section, Master Plan, Physical Constraints, Density
 65 Determination, and/or Concept Plan approval of developments shall expire if application
 66 for preliminary or phased preliminary plan application has not been submitted for
 67 consideration and diligently advanced within five years from the date of receiving master
 68 plan, physical constraints, density determination, and/or concept plan approval. Projects
 69 that have already been approved prior to the effective date of this ordinance shall have at
 70 least until July 1, 2020 to file a preliminary application or a phased preliminary plan
 71 application, and advance applications and approvals as required to avoid the expiration of
 72 the approvals.
- 73 1. Projects with an approved phased preliminary plan application: Phased
 74 preliminary applications must be advanced within the timelines of the phased
 75 preliminary plan approval, which shall not be for more than 5 years between each
 76 preliminary application, and may not be for more than 20 years from the
 77 preliminary plan approval, or the approvals expire.
- 78 2. Exception for Projects with Water Reservations: Projects that have had Master
 79 Plan, Physical Constraints, and Density Determination granted, have maintained
 80 these approvals, and so long as they have entered into an agreement with a
 81 Special Service District to reserve water, have paid all fees to maintain the water
 82 reservation, and the water reservation remains in effect through the Special
 83 Service District, that project shall have not less than until July 1, 2025 to file a

- 84 preliminary application or a phased preliminary application, and advance
85 applications and approvals as required to avoid the expiration of the approvals.
86 The burden shall be on the applicant to prove they qualify for this exception as
87 part of their application for Preliminary.
- 88 D. Preliminary Development Approvals: Except as provided in Subsection F of this Section,
89 preliminary approvals of developments shall expire if an application for final approval
90 has not been submitted for consideration within one year from the date of receiving
91 preliminary approval. Preliminary approval also expires if a preliminary approval that has
92 been approved for multiple final approvals does not apply for an additional final approval
93 at least five years after the last final plat on the project was recorded, or if more than ten
94 years have passed since the preliminary approval was granted, whichever is earlier.
- 95 E. Final Development Approvals: Except as provided in Subsection F of this Section, final
96 approval of development shall expire if the plat is not recorded or an engineering
97 development permit for the construction of improvements has not be obtained within one
98 year from the date of receipt of final approval by the planning commission. If an
99 engineering development permit is obtained and construction commenced prior to
100 recording a plat, the plat must be recorded within one hundred eighty (180) days of the
101 final completion as determined by the County Engineer.
- 102 F. Upon written request of an applicant, the expiration date of an application or its approval,
103 as the case may be, may be extended for ninety (90) days beyond the expiration date
104 provided that:
- 105 1. an application for an extension of time is submitted prior to the expiration date;
106 and
 - 107 2. the Planning Commission or its designee finds, based on substantial evidence
108 placed in the record:
 - 109 a. Substantial progress is being made toward obtaining approval of the
110 application, or the exercise of development rights authorized by an
111 approved application, as the case may be;
 - 112 b. In the case of an unapproved application, no changes to this Title have
113 occurred or are being considered that may affect the application; and
 - 114 c. In the case of an approved application, any conditions of approval are still
115 viable based on currently applicable requirements of the Wasatch County
116 Code.
 - 117 3. In no case shall the time period be extended for more than twelve (12) months
118 from the original expiration.
 - 119 4. If a property owner has a development approval, and they make a new land use
120 application that requires a consequential change from the development approval,
121 the development approval will not be granted any extensions and will expire if not
122 pursued within the existing expiration date. Furthermore, if the new land use
123 application is approved, the previous development approval is deemed to have
124 been withdrawn by the applicant.
- 125 G. Any time any approval expires under this section, all prior approvals which were
126 necessary to receive that now expired approval also expires, as the applicant has not
127 implemented the approval with reasonable diligence.
- 128 H. Recorded final plats and that portion of those approvals which were necessary for the
129 final plat to be approved and recorded do not expire as a result of this Section 16.01.16.

- 130 I. An applicant whose application has been approved shall continually conform to all
 131 conditions of approval. An applicant's failure to do so shall constitute the applicant's
 132 knowing and willful waiver of the applicant's development rights authorized by such
 133 application.
 134 J. Expirations of applications or approvals are administered and determined by the planning
 135 director, or their designee. Notice of expiration is not required to be generated or sent by
 136 the County.

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138 **16.02.05: PROCEDURE TO AMEND TITLE, CODE OR ZONING MAP**

- 139 A. Application: This title, including the zoning map, may be amended by the Wasatch
 140 County legislative body in accordance with the requirements of the Utah Code Annotated
 141 section 17-27a-101 et seq., the county land use development and management act. For the
 142 purpose of establishing and maintaining sound, stable and desirable development within
 143 Wasatch County, amendments shall not be made to this title or the adopted zoning map
 144 except to promote more fully the objectives and purposes of the general plan and this
 145 title.
- 146 1. Any person seeking an amendment to this title or the adopted zoning map shall
 147 submit to the planning department a written petition containing the following
 148 information:
 - 149 a. Designation of the specific zone change or title amendment desired;
 - 150 b. The reason and justification for such zone change or title amendment, and
 151 a statement setting forth the manner in which a proposed amendment or
 152 zone would further promote the objectives of the general plan and the
 153 purposes of this title;
 - 154 c. A complete and accurate legal description of the area proposed to be
 155 rezoned; or a draft of the proposed title amendment;
 - 156 d. For zone changes, a conceptual development plan, drawn to scale,
 157 showing all areas to be included within the proposed rezoning, designating
 158 the present zoning of the property, and properties immediately adjacent
 159 thereto;
 - 160 e. For zone changes, a slope map showing categories of slopes at zero to ten
 161 percent (10%), eleven (11) to twenty percent (20%), twenty one (21) to
 162 thirty percent (30%) and over thirty percent (30%) slopes; and
 - 163 f. The filing fee as established by ordinance. The planning director, the
 164 county manager, the planning commission, or the county legislative body
 165 may propose an amendment to this title or the adopted zoning map without
 166 paying the filing fee.
 - 167 2. The county legislative body or the planning commission can propose an
 168 amendment to this title, or the zoning map through a motion, directing the
 169 planning director to prepare a proposed title amendment, or zoning map
 170 amendment, in addition to their own rights to propose a change under Section
 171 16.02.05(a)(1). Proposals by the planning commission shall be ratified by the
 172 County Council.

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3. Zoning map amendment applications must be submitted to the planning department by July 15 to be considered by the legislative body that calendar year. After July 15, a zoning amendment application may not be entertained until the following year, unless the matter was continued in a public meeting of the planning commission prior to July 15. Zoning map amendments which have been approved by the planning commission and the DRC must have a public hearing before the legislative body in November.
 4. Other applications to amend the land use ordinance may be considered anytime in accordance with the processes of this land use development code and state law.
 5. All approved zoning map amendments and amendments to the land use and development code shall be effective when all noticing requirements for the adopted ordinance have been met, or 14 days after the approval, whichever is first, unless otherwise provided by the legislative body.
 6. Exceptions: So long as the county legislative body follows all requirements under the Utah Code to amend this title and the adopted zoning map, they shall have authority to amend this title at any time if the county legislative body finds that expedited enactment of a land use ordinance or amendment to the zoning map is necessary for the preservation of the peace, health, safety or welfare of the county and its inhabitants. If the county legislative body finds that an expedited enactment of a land use ordinance or zoning map is necessary, the planning director, planning commission, and other necessary county personnel shall act with haste, and are hereby authorized to follow the minimum requirements of the State Code to recommend an amendment to this title or the zoning map, or to decline to recommend the proposed amendment after holding a properly noticed public hearing.
- B. Planning Commission Public Hearing: After providing any notices required under the Utah Code, and this title the planning commission shall hold a public hearing on any properly proposed amendment to this title or the zoning map, and shall consider any written comments received. The planning commission may recommend approval, modify, recommend denial, decline to recommend a change and advance the matter to the county legislative body, or continue the matter. They shall forward any written comments they received to the county legislative body with their recommendation.
- C. Council Public Hearing: After providing any notices required under the Utah Code, the county legislative body shall, after the application is advanced from the planning commission, hold a public hearing to consider whether the proposed amendment to this title or to the zoning map is in the interest of the public, and is consistent with the goals and policies of the Wasatch County general plan. The legislative body may approve the proposed amendment to this title or the zoning map or they may modify, deny, or continue the matter.
- D. The county legislative body may amend the number, shape, boundaries or area of any zoning district, or any regulation of or within a zoning district, or any other provision of this title.

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216 **16.02.12: CONCEPTUAL CONNECTIVITY AND ADOPTION OF LOCAL STREET**
217 **PLAN**

218 The legislative body, after recommendation from the Wasatch County planning commission,
219 shall adopt and maintain a local street plan, which will provide long range planning for local
220 neighborhood streets. This process is intended to ensure that property within a given area can be
221 adequately developed and serviced.

222 A. In order to facilitate considerations related to a local street plan, the land developer shall
223 be required to submit a Conceptual Connectivity Plan with all land use applications for
224 development, vacation, or amendment to those development types listed in Section
225 16.27.04. Elements of this Conceptual Connectivity Plan shall show the proposed street
226 layout on and off site, lots and other features, including existing grade, utilities and
227 watercourses in relation to all existing, potential, and planned streets within a minimum
228 of one-fourth (1/4) mile of the development. The plan shall be prepared at a scale of not
229 smaller than one inch equals four hundred feet (1" = 400').
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- 231 1. The Conceptual Connectivity Plan is required for the purpose of demonstrating
- 232 that the proposed development will not cause detriment to the integrated
- 233 development of the overall area and that adjacent properties have viable access
- 234 and opportunity to comply with the lot and block standards of this title. The
- 235 Conceptual Connectivity Plan shall be considered and approved with the
- 236 respective land use application.
- 237 2. The Conceptual Connectivity Plan shall not be binding upon the properties
- 238 included in the plan that are not the subject of the land use application. However,
- 239 should the legislative body determine that a specific street layout plan is crucial to
- 240 ensuring the integrated development of an area, the legislative body may amend
- 241 or adopt the local street plan as defined in this section.

242 B. Upon recommendation by the planning commission, the local street plan shall be
243 submitted to the legislative body for consideration and potential adoption.

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245 **16.03.04: GENERAL PLAN AMENDMENT**

- 246 A. Amendment Initiation: A general plan amendment may be initiated by:
- 247 1. A resolution of intention by the county legislative body or the planning
- 248 commission;
- 249 2. An application by a property owner, an interested party having the owner's
- 250 authorization, or any member of the general public. The deadline for such General
- 251 Plan amendment applications to be submitted to the planning department is by
- 252 July 15, of any given year for the recommendation by the planning commission.
- 253 After July 15, the item may not be entertained until the following year, unless the
- 254 matter was continued in a public meeting of the planning commission prior to
- 255 July 15.

256 B. Amendment Frequency: Proposed amendments to the general plan will only be
257 considered by the county legislative body once each calendar year in November. All
258 general plan amendments shall be effective January of the following year when the
259 general plan is updated, however applicants can pursue development approvals prior to
260 January if approval to the new general plan has been granted.

261 1. The county legislative body may propose and authorize the expedited enactment
262 of an amendment to the general plan by requiring the planning commission, the
263 planning director to only follow the minimum requirements under the Utah Code
264 to amend the general plan if the county legislative body finds that expedited
265 enactment of amendment to the general plan is necessary, the planning director,
266 planning commission, and other necessary county personnel shall act with haste,
267 and are hereby authorized to follow the minimum requirements of the State Code,
268 to recommend an amendment to the general plan, or to decline to recommend the
269 proposed amendment after holding a properly noticed public hearing.

270 C. Consistency of Land Use: When a general plan amendment is approved by the county
271 legislative body and the amendment affects the land use designation of specific
272 properties, those properties shall be concurrently rezoned to a zoning district as necessary
273 to maintain consistency with the general plan.

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275 **16.04.02: DEFINITIONS OF TERMS AND WORDS**

276 The following words shall have the described meaning when used in this title, unless a contrary
277 meaning is apparent from the context of the word:

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281 **16.21.08: ACCESSORY BUILDINGS**

282 [Note to be added at bottom of Table F]

283 ^ Due to unique circumstances of corner lots, and to achieve the intent of this ordinance, corner lots
284 may have an accessory structure encroach on the interior side yard so long as more than 40% of the
285 accessory structure remains in the rear yard, and the accessory structure is set back from the front
286 façade of the primary structure a minimum of 10 feet.

287 **16.21.28: TELECOMMUNICATION**

288 A. General Provisions:

289 1. Purpose: The purposes of this section are:

290 a. To regulate telecommunications services, CMRS antennas and support
291 structures, and related electronic equipment and equipment structures;

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- b. To provide for the orderly establishment of CMRS telecommunications facilities in the county;
- c. To minimize the number of antenna support structures by encouraging the collocation of multiple antennas on a single structure, and by encouraging the location of antennas on preexisting support structures;
- d. To establish siting, appearance and safety standards that will help mitigate potential impacts related to the construction, use and maintenance of telecommunications CMRS facilities;
- e. To comply with the telecommunications act of 1996 by establishing regulations that:
 - (1) Do not unreasonably discriminate among providers of functionally equivalent services;
 - (2) Do not prohibit or have the effect of prohibiting the provision of telecommunications CMRS services;
 - (3) Are not based on any claimed environmental effects of radio frequency emissions to the extent that such facilities comply with the federal communication commission regulations concerning such emissions.

2. Definitions: The following words shall have the described meaning when used in this section, unless a contrary meaning is apparent from the context of the word:

ANTENNA: A transmitting or receiving device used in telecommunications that radiates or captures radio signals.

ANTENNA SUPPORT STRUCTURES: Any structure that can be used for the purpose of supporting an antenna.

CMRS ANTENNA: An antenna used in connection with the provision of CMRS telecommunications.

CMRS FACILITIES: Facilities for the provision of transmitters, antennas, structures supporting antennas, and electronic equipment that is typically installed in close proximity to a transmitter.

CMRS OR COMMERCIAL MOBILE RADIO SERVICE: Low power wireless telecommunications service, including, but not limited to, cellular, enhanced specialized mobile radio (ESMR), paging, personal communications systems (PCS) and point to point microwave.

COUNTY: Wasatch County, Utah.

COUNTY OWNED PROPERTY: Real property that is owned, leased or controlled by the county.

COLLOCATION: The location of an antenna on an existing structure, tower or building that is already being used or considered for antenna facilities of another.

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GUYED TOWER: A tower that supports an antenna or antennas and requires guywires or other stabilizers for support.

LATTICE TOWER: A self-supporting three (3) or four (4) sided, open steel frame structure used to support telecommunications equipment.

MONOPOLE: A single, self-supporting, cylindrical pole, constructed without guy wires or ground anchors, that acts as the support structure for antennas.

MONOPOLE ANTENNA WITH NO PLATFORM: A monopole with antennas and antenna support structure not exceeding two feet (2') in width or ten feet (10') in height.

MONOPOLE ANTENNA WITH PLATFORM: A monopole with antennas and antenna support structure exceeding two feet (2') in width, but not exceeding fifteen feet (15') in width or eight feet (8') in height.

PRIVATE PROPERTY: Any real property not owned by the county, even if the property is owned by another public or governmental entity.

ROOF MOUNTED ANTENNA: An antenna or series of individual antennas mounted on a roof, mechanical room or penthouse of a building.

STEALTH FACILITIES: CMRS telecommunications facilities which have been designed to be compatible with the natural setting and surrounding structures, and which camouflage or conceal the presence of antennas and/or towers. This term includes, but is not limited to, clock towers, church steeples, light poles, flagpoles, signs, electrical transmission facilities and water tanks.

TOWER: A freestanding structure, such as a monopole tower, lattice tower or guyed tower, that is used as a support structure for antenna.

WALL MOUNTED ANTENNA: An antenna or series of individual antennas mounted on the vertical wall of a building or structure.

WHIP ANTENNA: An antenna that is cylindrical in shape. Whip antennas can be directional or omnidirectional and vary in size depending on the frequency and gain for which they are designed.

3. Applicability: This section applies to CMRS telecommunications facilities. This section shall not apply to the following types of communications devices, although they may be regulated by other county ordinances and policies:
 - a. Amateur Radio: Any tower or antenna owned and operated by an amateur radio operator licensed by the federal communications commission.

- 384 b. Satellite: Any device designed for over the air reception of television
385 broadcast signals, multichannel, multipoint distribution service or direct
386 satellite service.
- 387 c. Cable: Any cable television head end or hub towers and antennas used
388 solely for cable television services.
- 389 B. Application Requirements: Any person desiring to develop, construct or establish a
390 CMRS telecommunications facility in the county shall submit an application for a
391 Conditional Use Permit and Site Plan in compliance with Section 16.23.04. The county
392 shall not consider the application until all of the required information has been included.
393 In addition to the requirements of the Conditional Use Permit application requirements,
394 an application for telecommunication services shall include the following:
- 395 1. A description of the anticipated maintenance needs for the facility, including
396 frequency of service, personnel needs, equipment needs, and traffic noise or
397 safety impacts of such maintenance;
 - 398 2. A map showing the site and the nearest telecommunications facility sites, whether
399 they belong to the applicant or to another;
 - 400 3. Copies of all licenses and permits required by other agencies and governments
401 with jurisdiction over the design, construction, location and operation of the
402 antenna;
 - 403 4. A written commitment to comply with applicable federal communications
404 commission radio frequency emission regulations, so that there will be no
405 interference with existing television or radio transmissions;
 - 406 5. If the applicant desires to construct a monopole, the applicant shall also submit a
407 detailed written description of why the applicant cannot obtain coverage using
408 existing buildings or structures and a description of the distances between the
409 applicant's proposed and existing CMRS facilities, whether the nearest belongs to
410 the applicant or another;
 - 411 6. If the applicant desires to locate antennas on a site other than the highest priority
412 site (as described herein below) the applicant shall provide the following
413 information to the county:
 - 414 a. The identity and location of any higher priority sites located within the
415 desired service area;
 - 416 b. The reason why the higher priority sites were rejected.
 - 417 7. A copy of a liability insurance policy naming Wasatch County as an additional
418 insured in an amount to be determined by the planning department after reviewing
419 the particular facility being requested and any safety hazards associated therewith.
 - 420 8. An explanation of how the applicant will comply with applicable requirements of
421 subsection C below regarding Location; Priority Of Antenna Site Locations;
422 subsection D below regarding Types Of Antennas And Standards; subsection E
423 below regarding Additional Considerations; subsection F below regarding Safety;
424 and subsection G below regarding Site Requirements.

425 **[Note to Editor: The remaining paragraphs in this section should be renumbered to follow**
426 **the changes made above. (i.e. D becomes C, E becomes D, etc.)**

427 ...

428 **16.23.02: PROCEDURE**

429 Applications for Conditional Use Permits shall follow the same procedures for development
430 applications as outlined in 16.27.05 of this title.

431 **16.23.03: RESERVED**

432

433 **16.23.04: MINIMUM GENERAL APPLICATION REQUIREMENTS**

434 A. An applicant shall be required to submit a complete Conditional Use Permit application
435 in compliance with Section 16.27.05(A). The application for a Conditional Use Permit
436 shall also include the following plans and documents prepared in accordance with
437 Wasatch County standards:

- 438 1. Exhibit 1 – Detailed description of the project including lot size(s), building size(s),
439 and reason for the Conditional Use Permit and including a statement of justification
440 from the applicant regarding the criteria of approval noted in 16.23.07, and any
441 additional criteria associated with specific conditional uses.
- 442 2. Exhibit 2 - A plan identifying existing conditions of the subject site in relation to
443 adjoining public streets, fences, irrigation ditches, drainage facilities, public utility
444 facilities, and any easements of record or known prescriptive easements;
- 445 3. Exhibit 3 - A site plan showing property boundaries, necessary or proposed
446 easements, and all proposed improvements such as, but not limited to, buildings,
447 landscaping, roads, parking, finished grading, proposed drainage, retaining walls, and
448 relationship to existing conditions, including any existing buildings prior to
449 demolition or grading;
- 450 4. Exhibit 4 - General architectural concept elevation drawings of proposed buildings;
- 451 5. Exhibit 5 – Physical Constraints Analysis as defined in 16.27.25;
- 452 6. Exhibit 6 - Recorded subdivision plat or, if not in a recorded subdivision, a Certificate
453 of Zoning Verification;
- 454 7. Stamped addressed envelopes for all property owners within five hundred feet (500')
455 of any boundary of the subject property with their current mailing addresses as shown
456 from the most recently available county assessment rolls, except that if the subject
457 property is a condominium which has an owners' association, the name and address of
458 the owners' association is sufficient in lieu of each owner; and
- 459 8. Other information as may be reasonably useful or necessary for the meaningful
460 review of the project, as requested by the planning staff, or as required to demonstrate
461 compliance with additional requirements a land use authority should find to approve a
462 conditional use permit.

463 **16.23.05: NOTICE/POSTING OF MATTERS TO BE DETERMINED BY STAFF**

464 Upon receipt of a complete application for a conditional use and payment of all applicable fees,
465 and after appropriate staff review, planning staff shall:

- 466 A. Prepare a written notice containing a summary of the information included in the
 467 application, and inviting comments or objections to be submitted to the planning
 468 department within ten (10) days of the date the notice is published.
 469 B. Mail the notice to all owners whose real property adjoins or lies within five hundred feet
 470 (500') of all parts of the parcel on which the proposed conditional use is to be established
 471 (hereafter the "affected owners"). The county may send this notice to the last known
 472 address of the owner as listed on the county tax rolls.
 473 C. If no objections are received and the conditional use is one that has been delegated to
 474 planning staff for determination, planning staff may deny the permit, grant the permit, or
 475 grant the permit with specified conditions. If objections are received, planning staff shall
 476 refer the matter to the planning commission for a public hearing. Notice of this hearing
 477 shall be provided to all affected property owners within five hundred feet (500') and in
 478 accordance with 16.02.02 of this title. Planning commission motions shall list all
 479 conditions of approval specifically.

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481 **16.23.07: GENERAL STANDARDS AND FINDINGS REQUIRED**

482 These standards shall be in addition to other standards set forth in this land use and development
 483 code for the conditional use proposed. If there is a direct conflict between these standards and
 484 those set forth for the appropriate zoning district, the more specific standards control. If
 485 reasonable conditions are proposed, or can be imposed by the land use authority, to mitigate the
 486 reasonably anticipated detrimental effects of the proposed use in accordance with applicable
 487 standards, and compliance with all other requirements of the land use and development code
 488 have been demonstrated by the applicant, the land use authority shall approve the conditional use
 489 permit application. The land use authority shall not issue a conditional use permit unless the
 490 applicant demonstrates, and the land use authority finds:

- 491 A. The application complies with all requirements of this title;
 492 B. The business shall maintain a business license, if required;
 493 C. The use will be compatible with surrounding structures in use, location, scale, mass,
 494 design and circulation;
 495 D. The visual or safety impacts caused by the proposed use can be adequately mitigated with
 496 conditions;
 497 E. The use is consistent with the Wasatch County general plan;
 498 F. The effects of any future expansion in use or scale can be and will be mitigated through
 499 conditions;
 500 G. All issues of lighting, parking, the location and nature of the proposed use, the character
 501 of the surrounding development, the traffic capacities of adjacent and collector streets,
 502 the environmental factors such as drainage, erosion, soil stability, wildlife impacts, dust,
 503 odor, noise and vibrations have been adequately mitigated through conditions;
 504 H. The use will not place an unreasonable financial burden on the county or place significant
 505 impacts on the county or surrounding properties, without adequate mitigation of those
 506 impacts;

- 507 I. The use will not adversely affect the health, safety or welfare of the residents and visitors
- 508 of Wasatch County; and
- 509 J. Any land uses requiring a building permit shall conform to the international uniform
- 510 building code standard.

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512 **16.27.05: GENERAL PROCEDURE FOR DEVELOPMENT APPLICATIONS**

513 This section includes a general outline of the development review process. Additional
514 information, including additional application requirements, may be found under the sections of
515 the Land Use and Development Code applicable for each development type.

- 516 A. Application: In order for a development proposal to be considered by the
- 517 land use authority, the applicant shall submit a complete application form
- 518 for the type of development requested and pay the appropriate application
- 519 fees, along with the required plans, drawings, and any documents or other
- 520 items required for the development type. The applicant bears the burden of
- 521 proving compliance with all requirements associated with a development
- 522 application. Regardless of application type, all development applications
- 523 shall conform to the following minimum requirements:
- 524 1. All plans shall be drawn to a scale not smaller than one inch equals
- 525 one hundred feet (1" = 100'), unless otherwise approved by the
- 526 Planning Director and not required by any member of the
- 527 Development Review Committee, and shall include the project
- 528 name and address, north point, scale, and date;
- 529 2. All plans shall be submitted in an approved electronic format
- 530 following the checklist for the applicable development type;
- 531 3. The application shall include accurate contact information for the
- 532 property owner(s), developer, and project design team; It is the
- 533 responsibility of the applicant to keep all contact information
- 534 current during the entire review and approval process;
- 535 4. The person submitting an application shall be the property owner,
- 536 or the application shall include a signed writing by the property
- 537 owner authorizing the applicant to submit the development
- 538 application on their property;
- 539 5. All open spaces and roadways are to be considered as individual
- 540 parcels and treated as such;
- 541 6. All drawings shall be as clean, legible, accurate and concise as
- 542 possible while still providing the necessary information;
- 543 7. Any resubmittals shall include a response sheet provided by the
- 544 developer indicating how the new submittal addresses any
- 545 applicable comments provided by the Development Review
- 546 Committee;
- 547 8. Where a development proposal includes land that has been
- 548 illegally subdivided, the development proposal must include all

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- necessary actions to correct the illegal subdivision and must include all parcels that were part of the land prior to the illegal subdivision; and
9. For master plan applications, preliminary applications, or subdivision applications where a developer owns or controls more land than he or she wishes to develop immediately, a master plan application for the whole area shall be submitted, in which case the developer shall indicate the portion to be developed immediately and the portion to be held for future development.