



STAFF REPORT

MEETING DATE: September 14, 2023

ITEM TITLE, PRESENTER: Spanish Valley Telecommunications Tower Discussion

RECOMMENDATION: Provide possible suggestions or concerns regarding the amended plat.

SUMMARY

The County has received a request from Tierney Rowe, Vice President Tower Development to consider a Telecommunications Tower to be placed in Spanish Valley located in the Highway Commercial Zone close to Highway 191 and Sunny Acres on Parcel 26S22E3454126 behind an existing residential property within this zone.

In the Spanish Valley Ordinances, Communications Towers are not an allowable use in any zone. However, in the Spanish Valley Residential Section of that ordinance there is language regarding Communication Towers. Although it is not a allowable use named in that zone, it does have language regarding the following “Maximum Height: Measurement: Buildings: Building height shall be determined by measuring the vertical distance between the lowest point where the wall face of the building intersects finished grade around the perimeter of the building (or structure other than fences, telecommunications and microwave towers, and antennas) and the highest point on the building.

In our overarching County Ordinance, it allows for Radio and Television Communication Towers as a conditional use with the following statement: Public use, quasi-public use, essential services, including private school, with a curriculum corresponding to a public school, church; dams and reservoirs; radio and television transmitting stations or towers, cemetery.

Wireless Communication towers are considered as an essential service providing use.

Utah Code, Chapter 21 Small Wireless Facilities Deployment Act, allows for small towers to be placed in County zoning.

The Federal Telecommunications Act of 1996 (TCA) was passed with the clear intent to “preempt certain areas of local zoning control. The justification for doing this was that there was a national need to provide “a framework designed to accelerate rapidly private sector deployment of advanced telecommunications services to all America”. Local regulations of communication towers are possible and have been upheld in court where restrictions have been placed on location, placement, height, fencing, minimum land area, setbacks, screening, painting, landscaping or disguises if they do not burden the use as to be unreasonable.

The development will consist of a Telecommunications Tower with a maximum of 125' to be placed on the parcel as well as a 20x20 accessory building housing communication equipment within its fenced perimeter.