

Permitted Use in Spanish Valley Highway Commercial (HC) District for Telecommunications Tower at 4326 East Sunny Acres Lane, Spanish Valley

San Juan County received an application for approval of a 125-foot telecommunications tower at 4326 East Sunny Acres Lane, Spanish Valley. The applicant is Tierney Rowe representing Infra Towers LLC¹. The property at 4326 East Sunny Acres Lane is owned by Kolleen Conger.

The proposed tower is in the Spanish Valley Highway Commercial (HC) District.

Permitted Uses in the Highway Commercial (HC) District

The Spanish Valley Development Ordinances (adopted 19 November 2019) established the Highway Commercial (HC) District where the proposed tower is located. Chapter 6: Spanish Valley Highway Commercial (HC) District governs land uses in the HC District. Chapter 6 includes a list of “typical permitted uses.” A telecommunications tower is not listed among the HC District typical permitted uses. However, Chapter 6 states: “The list is not exclusive. Any use not specifically listed but determined by the Planning Commission to be *similar in purpose, intent or use* shall be permitted.”

The Planning Commission, after consideration, may determine that the proposed telecommunications tower is a permitted use in the HC District.

Regarding “purpose” of listed and non-listed permitted uses, Chapter 6 states the following in a paragraph titled “Purpose”: “To provide a district where highway commercial uses along U.S. Highway 191 are permitted, as supported by the *San Juan County Spanish Valley Area Plan* (2018) and the *San Juan County General Plan* (2018).”

Of interest is an objective repeated in the 2018 *San Juan County General Plan* (which is referenced in Chapter 6 of the Spanish Valley Development Ordinances) – to increase *broadband* infrastructure in San Juan County. Included in the chapter titled “Economic Development” (pages 21 – 30) of the *General Plan* is the following.

“The County’s economic strategy plan has been broken into five key areas of focus, with a vision and planned development of these area over one, five, and ten years. The five key areas of focus are: *Broadband*, Transportation, Business Expansion and Retention, Diversification, Celebration of Culture and History.

One Year Vision

BROADBAND – In partnership with the Seven County Infrastructure Coalition, the county has identified *Broadband* as one of the primary infrastructure goals. Year one

¹ Infra Towers LLC was registered as a business with the Utah Department of Commerce on 26 July 2021. Its registered agent is Coagency Global Inc located at 2005 East 2700 South, Salt Lake City, Utah 84109.

includes the development of a county-wide *Broadband* plan that includes connectivity in the communities fanning the Utah Education Network projects to have Broadband in all the public schools. Planning also includes establishing right of way agreements and initiating collaboration during roadwork discussions. Healthcare, a primary industry of the County, is one example of the necessity of *broadband* expansion with the development of telemedicine programs.

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Five Year Vision

BROADBAND – A key infrastructure hurdle for business is the cost of *Broadband* in rural Utah. A key goal would be identifying a way to reduce cost of service and creating competitive prices compatible to the Wasatch Front.

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Ten Year Vision

BROADBAND – *Broadband* will allow for expansion of remote and telecommuting opportunities. Creation of redundancy allowing for reliability in the system.”

Chapter 6 of the Spanish Valley Development Ordinances lists twenty-six (26) “typical permitted uses” for the HC District. Among these uses are the following which may be “similar in purpose, intent, or use” to the proposed telecommunication tower.

- General Retail/Services
- Governmental facilities
- Offices and related business activities

Relevant to the above-listed permitted uses are the following definitions or meanings.

“General services” include services provided independently by a person or company with specialized knowledge or skills. Representative of such knowledge and skills are the trades represented in the U.S. General Services Administration. This federal agency promotes the several industries or programs including Wireless Mobility Solutions.

“Government facilities” may include not only those uses which are owned by a government entity – but which are regulated by the government for public use. These government-regulated services are associated with government services and facilities. An example are telecommunication services which are regulated by the Federal Communications Commission (FCC). The FCC develops and executes policies and procedures for licensing of all wireless services and manages the tower registration process.

“Business activities” are those enterprises which are engaged in economic activity – or which directly support economic activity. Included among “business activities” is the telecommunications sector or industry².

Tower Project Summary

The following summarizes the tower project proposed by Infra Towers LLC at 4326 East Sunny Acres Lane in Spanish Valley.

The planned telecommunications tower will be developed, owned and operated by Infra Towers LLC, in cooperation with Verizon Wireless. The tower will be a 125-foot monopole with a 5-foot lightening rod. The constructed tower will comply with the International Building Code, National Electrical Code, and related building and engineering codes/standards. It will also be regulated by federal agency rules and requirements. Infra Towers LLC will also be subject to San Juan County building permit, fire code, and business licensing requirements.

The tower will mitigate a gap in wireless service in the vicinity.

The tower will enhance the following services in Spanish Valley and in San Juan County.

- Enhanced remote work capability. Digital connectivity has been shown to increase productivity and innovation in companies and workers.
- Improved connection to education platforms for students and teachers.
- Accessibility to telehealth providers. Wireless services provide clinicians with access to continuous, real-time information and analysis. These services improve patient outcomes and reduces costs.
- Accessibility to emergency responders. Fast and reliable connection with 911 dispatchers reduces emergency response time and allows for better call location accuracy.

Findings

The San Juan County Planning Commission makes the following findings relating to the proposed tower.

1. The Infra Towers LLC telecommunications tower at 4326 East Sunny Acres Lane, Spanish Valley will benefit economic development, health care, emergency response services, remote work, and education in Spanish Valley and San Juan County.
2. The proposed tower supports an important objective of the 2018 *San Juan County General Plan* by adding critical Broadband infrastructure in San Juan County.

² See Deborah Gardner, *Telecommunication Industry Handbook*, 2016, Emereo Publishing.

3. The proposed tower is a permitted use in the Spanish Valley Highway Commercial (HC) District for the following reasons.

- a. The proposed tower meets the “purpose” of the HC District (which governing ordinance specifically refers to the 2018 *San Juan County General Plan*) by improving Broadband services and infrastructure in the County.
- b. The proposed tower is “similar in purpose, intent, or use” to the following listed permitted uses in the HC District: General services, Governmental facilities, and Business activities.
 - i. Specifically, the proposed tower provides an important and independent general service to the San Juan County community.
 - ii. Specifically, the proposed tower, as regulated and supported by the Federal Communications Commission, is associated with government services and facilities.
 - iii. Specifically, Infra Towers LLC, with its planned tower, is part of the telecommunications industry and will be part of the San Juan County community of business activities.

Conclusion and Decision

The San Juan County Planning Commission determines that a telecommunications tower proposed by Infra Towers LLC at 4326 East Sunny Acres Lane in Spanish Valley is a permitted use in the Highway Commercial (HC) District.

Trent Shafer
Chair, San Juan County Planning Commission

Date