

**MINUTES OF A SPECIAL COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
DECEMBER 15, 1999**

The meeting was called to order by Mayor Keith Broadhead at 7:35 P.M. Council members present: Kirk Greenhalgh, Frank Staheli, and Lynn Adams. Council members Scovill and Stevenson were excused.

Others attending: Council member elect Marilyn Clayson, Legal Counsel Mitch Maughan, Epic Engineering Representatives Joe Santos and Korey Walker.

ADOPTION OF ORDINANCE 12-2-99

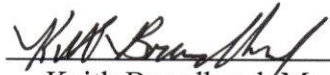
Council member Staheli moved to approve Ordinance 12-2-99 (TELECOMMUNICATION ORDINANCE) with a number of changes (See attachment "A"). Council member Greenhalgh seconded the motion with an unanimous vote.

Legal Counsel Maughan reported Shane Morris and James Demita had contacted him with regard to issuing a letter indicating the reasons Eastside Residential Plats "B" and "C" have not be approved for construction and recorded. Minutes from past meetings will be pulled and reviewed for an Executive Session during the regular City Council Meeting to be held on December 21st.

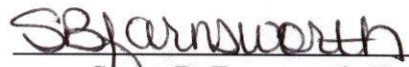
ADJOURNMENT

Council member Adams moved to adjourn to a work session with a second from Council member Adams and an unanimous vote.

Approved December 15, 1999.



Keith Broadhead, Mayor



Susan B. Farnsworth, Recorder

SANTAQUIN CITY
TELECOMMUNICATIONS ORDINANCE

ORDINANCE 12-2-99

AN ORDINANCE RELATING TO SANTAQUIN CITY ZONING ORDINANCE ADDING STANDARDS AND REGULATIONS FOR THE HEIGHT, LOCATION AND DESIGN OF LOW POWER RADIO COMMUNICATIONS TOWERS, CELLULAR AND MOBILE TELEPHONE TOWERS, AND OTHER ANTENNAS AND CELLULAR FACILITIES AND REGARDING WIRELESS TELECOMMUNICATION EQUIPMENT AS CONDITIONAL USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, due to the increases and growth in the wireless telecommunications industry it has become necessary to develop regulations addressing the physical facilities utilized by the industry and the location thereof in the various zoning districts; and

WHEREAS, the City recognizes the utility of the industry and desires its presence, the City also acknowledges the need to mitigate the impact of wireless communication equipment on neighboring uses; and

WHEREAS, it is the desire of the City Council to adopt regulations that appropriately address issues that may arise with the installation of communication equipment and balance the interest of the property owners while protecting the health safety and welfare of the citizenry, these proposed regulations are in furtherance of the objective.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SANTAQUIN, UTAH:

SECTION 1:

A. Wireless Telecommunication equipment. Wireless Telecommunication equipment may be allowed with the following requirements:

1. Wall mounted antennas. Wall mounted antennas are a permitted use in C-1, C-2 and I-1 zoning districts and on city owned property as a permitted use See, Exhibit "A". Wall mounted antennas must comply with the following criteria: *Conditional*

a. Wall mounted antennas shall not extend above the roof line of the building more ^{*than*} ~~that~~ four (4) feet. Whip antennas shall not extend above the roof line of the building more ^{*than*} ~~that~~ 10 feet.

b. Antennas and all associated equipment shall be painted to match the color of the building or surrounding area.

c. Wall mounted antennas must have a maximum area of forty (40) square feet per each side of the building. The area is determined by drawing straight lines around the outermost portions of the antennas until enclosed.

d. All equipment associated with the use (excluding the antenna) must be screened by a view obstructing structure.

e. If the associated equipment is located on the ground it must be appropriately landscaped. *Commensurate with the surrounding area & as may be approved by P+Z*

2. **Roof mounted antennas.** Roof mounted antennas are permitted in the C-1, C-2 and I-1 zoning districts as a ^{permitted} conditional use and on City owned property as a ^{conditional} permitted use. The following provisions together with the provisions in Section 1 above shall apply to roof mounted antennas:

a. Roof mounted towers can only be mounted on structures with flat roofs. Exceptions may be granted by the Planning and Zoning Commission with the following stipulations:

1. The tower will be mounted on the roof of a building such that the building will obstruct the view of the antenna from the front of the building.

2. The antenna will be less visible from ground level than the typical antenna mounted on a flat roof.

b. Antennas must be setback from the building edge one (1) foot for every one (1) foot of antenna height to a maximum of fifteen (15) feet.

3. **Mono-pole towers.** Mono-pole towers are allowed in C-1, C-2 and I-1 zones as a conditional use and on City owned property as a ~~permitted use~~.

Conditional Use.

a. All towers must be of a mono-pole construction. No lattice constructed towers of any kind shall be allowed.

b. All towers must allow for co-location and supply engineering calculations by a state certified engineer that will allow for as many as three separate users on a single pole. A letter must also be supplied stating that the owners of the tower will allow for co-location and that the structure has been constructed to allow for this.

c. No tower may be located within a 1 mile radius of another tower unless grid documentation is supplied by an independent consultant stating that co-location will create an unreasonable hardship. Evidence of an unreasonable hardship shall be provided by an independent engineering study provided to the City at cost to the applicant.

d. Co-location on an existing mono-pole structure is permitted use and is handled administratively. However, if the compound area needs to be expanded to handle additional equipment and the site is located in a zoning district that requires mono-pole towers to get a conditional use permit that the expansion is also a conditional use.

e. The agent must supply the city with a letter stating that if technology renders the tower obsolete and the tower is vacated the agent will remove the tower, all other apparatus associated with it, the top three (3) feet of the footing and restore the site to its original condition within ninety (90) days of the vacation of the tower. The applicant must file a bond with the city in an amount to be determined by the City Engineer to ensure compliance with the removal and restoration of the site. Said bond shall be released upon compliance and restoration.

SECTION II:

(A) Approval Process: All applications for approval of a lower power radio or cellular or PCS facility shall be approved in writing by the Planning and Zoning Commission. All applications for approval will be placed on the agenda for the Planning and Zoning Commission following review by ^{DPC} ~~City Staff~~ to determine whether the requirements of this Ordinance have been satisfied. *Each application will include Site plan & written evidence by way of lease, Permit, easement from land owner*

(B) ^{DPC} ~~City Staff~~ shall prepare a short, concise report indicating if all requirements of this ordinance have been satisfied along with a recommendation for approval, approval with conditions or denial of the application.

(C) Any appeals from a decision by the Planning and Zoning Commission must be in writing, filed within ten (10) days of the Planning and Zoning's decision and shall be heard by the City Council within 2 weeks of receiving the Notice of Appeal. The City Council shall give the applicant written Notice of its decision within 10 days of hearing the appeal. The decision of the City Council shall be final appealable by filing an action in District Court.

SECTION III

Repealer. If any provision of the City's Code heretofore adopted are inconsistent herewith they are hereby repealed.

SECTION IV:

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 the ordinance.

SECTION V:

Effective Date. This ordinance shall go into effect at the expiration of the 20th day after publication or posting or the 30th day after final passage as noted below or whichever said days is the most remote from the date of passage thereof.

EXHIBIT "A"

	Residential and Agricultural Zones	Commercial Zones	Industrial Zones	City Owned Property
Type of Facility				
Lattice Tower	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Monopole	Not Permitted	Conditional Use	Conditional Use —	Permitted Use Conditional
Roof Mounted Facility	Not Permitted	Conditional Use Permit	Conditional Use Permit	Permitted Use conditional
Wall Mounted Facility	Not Permitted	Conditional Use permit	Conditional Use Permit	Permitted Use conditional
Mounted on Existing Structure	Not Permitted	Conditional Use Permitted	Conditional Use Permitted	Conditional Use Permitted

PASSED AND ADOPTED by the City Council of Santaquin, Utah, this ____ day of December, 1999.

CITY OF SANTAQUIN

ATTESTED BY

MAYOR - KEITH BROADHEAD

CITY RECORDER