



## STAFF REPORT

**To:** Summit County Council  
**From:** Amir Caus, County Planner  
**Date of Meeting:** May 4, 2022  
**Type of Item:** Development Code Amendment, Public Hearing and Possible Action  
**Process:** Legislative

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**RECOMMENDATION:** Staff recommends that the Summit County Council review the proposal to amend the Snyderville Basin Development Code. The amendments include; amendment of the Section 10-2-10 Use Table, adding of Section 10-8-18 Wireless Telecommunications to Chapter 8, and amending and adding of definitions that correlate with the use table and the new Section 10-8-18 language (as outlined in Exhibit A of this Staff Report). Staff recommends further that the Summit County Council conduct a public hearing and vote to approve the proposed Snyderville Basin Development Code Amendments based on the Findings of Fact and Conclusions of Law found in this Staff Report.

### Proposal

The purpose of the amendments is to identify height restrictions and add more specific language for telecommunication facilities in the Snyderville Basin in order to facilitate a more predictable process for the County and for applicants seeking telecommunication facilities.

### Background/Analysis

Earlier this year Staff reviewed a telecommunication facility permit which included an 80-ft tall silo that the applicant argued was considered stealth. That application was eventually withdrawn, but it raised concern with the applicant and Staff on potentially unclear language in the Snyderville Basin Development Code.

Currently the Snyderville Basin Development Code Use Table identifies three types of telecommunication *facilities*. *These are; Telecommunications facilities – collocation* (Allowed in all zones), *Telecommunications facilities – stealth* (Low Impact Permit in all zones), and *Telecommunication facilities other than collocation or stealth* (Low Impact Permit in Community Commercial and Service Commercial zones, and a Conditional Use Permit in the rest of the zones).

Height and other regulations for Telecommunication Facilities are not outlined. Snyderville Basin Development Code Section 10-4-22(B) Height Measurement states; “...Roof vents, chimneys, furnace vents, plumbing vents, and antennas are exempt from the height regulations.” An argument could be made that Section 10-4-22(B) sets no limit to telecommunication facilities if they are classified as “antennas.” An argument could also be made that since telecommunication facilities are considered structures that the 32-foot structure height limit should be applied.

On December 14, 2021, the Snyderville Basin Planning Commission held a work session regarding possible changes to the Snyderville Basin Development Code to identify height restrictions and add more specific language for telecommunication facilities. During the meeting the Planning Commission directed Staff to consider additional research with regards to height, process, and small site facilities to strengthen the proposed language.

Following the work session, Staff incorporated the additional code language considerations suggested by the Planning Commission. On February 8, 2022, the Snyderville Basin Planning Commission held a public hearing and forwarded a positive recommendation to the County Council on the new telecommunication facilities code language as found in Exhibit A of this Staff Report.

Section 10-7-3 of the Snyderville Basin Development Code establishes a process for amendments to the text of the Code, it states that whenever an amendment to the Code is initiated, it must be reviewed by the Planning Commission who will deliver a recommendation to the County Council. The County Council, after holding a public hearing, can approve, approve with modifications, or deny the amendment. The following are the criteria for approving an amendment to the Snyderville Basin Development Code;

1. The amendment shall be consistent with the goals, objectives, and policies of the general plan.

**Analysis:** Objective K of the Snyderville Basin General Plan states; *Minimize the impacts of local and/or regional utility systems and related facilities on the environment and community character.*

*Policy 2.47: Review all proposed transmission lines, pipelines, communication towers, landfills, and truck hauling routes to minimize the potential impacts on local neighborhoods, the environment, open space, and wildlife corridors.*

Uncontrolled telecommunication facilities can negatively affect the scenic landscape and areas of the Snyderville Basin. Uncontrolled telecommunication facilities can also create nuisances and land use incompatibilities. The proposed telecommunication facilities regulations are designed specifically for the preservation of scenic landscape and areas, as well as to reduce nuisances and land use incompatibilities. The implementation of the specific development code language for telecommunication facilities furthers the goals, objectives, and policies of the general plan. **COMPLIES**

2. The amendment shall not permit the use of land that is not consistent with the uses of properties nearby.

**Analysis:** The purpose for the creation of the new telecommunication facilities language is to ensure that adjoining properties will not be negatively affected. **COMPLIES**

3. The amendment will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restricted.

**Analysis:** The amendment will not permit suitability of the properties affected by the proposed amendment to the uses to which they have been restricted. **COMPLIES**

4. The amendment will not permit the removal of the then existing restrictions which will unduly affect nearby property.

**Analysis:** The proposed Code language does not remove any existing restrictions that would unduly affect nearby property owners. **COMPLIES**

5. The amendment will not grant special favors or circumstances solely for one property owner or developer.

**Analysis:** Telecommunication, Stealth facilities are already allowed in all of the Snyderville Basin zoning districts. The proposed development code amendments are intended to add more specific language for telecommunication facilities in the Snyderville Basin in order to facilitate a more predictable process for the County and for applicants seeking telecommunication facilities. **COMPLIES**

6. The amendment will promote the public health, safety and welfare better than the existing regulations for which the amendment is intended to change.

**Analysis:** The proposed telecommunication facilities regulations are designed specifically for the preservation of scenic landscape and areas, as well as to reduce nuisances and land use incompatibilities. **COMPLIES**

NOTE: Both the Eastern Summit County Planning Commission and the Snyderville Basin Planning Commission requested telecommunication language changes which are scheduled before the County Council the same night. While the newly proposed language in both codes is largely the same, however the Snyderville Basin Planning Commission requested additional changes which included further limiting height of *Telecommunication facilities, stealth*, addressing facilities in the right-of-way being subject to County Engineer approval, height measurement, and expanding the definition of *Telecommunications, stealth*. All these changes have been noted in Exhibit A of this Staff Report should the County Council wish to match the two development code languages.

## Recommendation

Staff recommends that the Summit County Council review the proposal to amend the Snyderville Basin Development Code. The amendments include; amendment of the Section 10-2-10 Use Table, adding of Section 10-8-18 Wireless Telecommunications to Chapter 8, and amending and adding of definitions that correlate with the use table and the new Section 10-8-18 language (as outlined in Exhibit A of this Staff Report). Staff recommends further that the Summit County Council conduct a public hearing and vote to approve the proposed Snyderville Basin Development Code Amendments based on the following Findings of Fact and Conclusions of Law:

### Findings of Fact

1. Staff has raised a concern on potentially unclear language in the Snyderville Basin Development Code with regards to telecommunication facilities.
2. Currently the Snyderville Basin Development Code Use Table identifies the following three types of telecommunication *facilities*; *Telecommunications facilities – collocation* (Allowed in all zones), *Telecommunications facilities – stealth* (Low Impact Permit in all zones), and *Telecommunication facilities other than collocation or stealth* (Low Impact Permit in Community Commercial and Service Commercial zones, and a Conditional Use Permit in the rest of the zones).
3. Height and other regulations for Telecommunication Facilities are not outlined.
4. Snyderville Basin Development Code Section 10-4-22(B) Height Measurement states; *“...Roof vents, chimneys, furnace vents, plumbing vents, and antennas are exempt from the height regulations.”*
5. An argument could be made that Section 10-4-22(B) sets no limit to telecommunication facilities if they are classified as “antennas.”
6. An argument could also be made that since telecommunication facilities are considered structures that the 32-foot structure height limit should be applied.
7. Objective K of the Snyderville Basin General Plan states; *Minimize the impacts of local and/or regional utility systems and related facilities on the environment and community character.*
8. *Policy 2.47: Review all proposed transmission lines, pipelines, communication towers, landfills, and truck hauling routes to minimize the potential impacts on local neighborhoods, the environment, open space, and wildlife corridors.*
9. Uncontrolled telecommunication facilities can negatively affect the scenic landscape and areas of the Snyderville Basin.
10. Uncontrolled telecommunication facilities can create nuisances and land use incompatibilities.
11. The proposed telecommunication facilities regulations are designed specifically for the preservation of scenic landscape and areas, as well as to reduce nuisances and land use incompatibilities.
12. On December 14, 2021, the Snyderville Basin Planning Commission held a work session regarding possible changes to the Snyderville Basin Development Code to identify height restrictions and add more specific language for telecommunication facilities.

13. During the December 14, 2021 meeting the Planning Commission directed Staff to consider additional research with regards to height, process, and small site facilities to strengthen the proposed language.
14. Following the December 14, 2021 work session, Staff incorporated the additional code language considerations suggested by the Planning Commission.
15. On February 8, 2022, the Snyderville Basin Planning Commission held a public hearing and forwarded a positive recommendation to the County Council on the new telecommunication facilities code language as found in Exhibit A of this Staff Report.

**Conclusions of Law:**

1. The amendment is consistent with the goals, objectives, and policies of the general plan.
2. The amendment will not permit the use of land that is not consistent with the uses of properties nearby.
3. The amendment will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restricted.
4. The amendment will not permit the removal of the then existing restrictions which will unduly affect nearby property.
5. The amendment will not grant special favors or circumstances solely for one property owner or developer.
6. The amendment will promote the public health, safety and welfare better than the existing regulations for which the amendment is intended to change.

**Attachments:**

Exhibit A – Proposed Amendments

# EXHIBIT A.1

## 10-2-10 USE TABLE

NOTE: Changes including red lettering represent amended uses, removed uses, and new Section 10-8-17 references.

Permitted Uses	RR	HS	MR	CC	SC	NC	Additional Reference
<del>Telecommunication facilities, collocation</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	
<u>Telecommunications facilities over 40 feet in height</u>							<u>Section 10-8-17 of this title</u>
Telecommunication facilities <del>other than collocation or stealth-</del> <u>nonstealth</u>	€	€	€	£	£	€	
Telecommunication facilities, stealth ( <u>up to 40 feet in height</u> )	L	L	L	L	L	L	<u>Section 10-8-17 of this title</u>

### 10-8-17: WIRELESS COMMUNICATIONS:

NOTE: All of Section 10-8-17 language is new. Sections in underlined red are newly added Snyderville Basin Planning Commission recommended language, different from the Eastern Summit County Planning Commission recommendation.

#### A. Purposes: The purpose of this section is:

1. To ensure that all telecommunications facilities comply with federal, state and county regulations.
2. To regulate telecommunications services, antennas and support structures, and related electronic equipment and equipment enclosures.
3. To provide for the orderly establishment of telecommunications facilities in the county.
4. 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.
5. To establish siting, appearance and safety standards that will help mitigate potential impacts related to the construction, use and maintenance of telecommunications facilities.
6. To comply with the telecommunications act of 1996 by establishing regulations that:
  - a. Do not unreasonably discriminate among providers of functionally equivalent services.
  - b. Do not prohibit or have the effect of prohibiting the provision of telecommunications services.
  - c. Are not based on any claimed environmental effects of radio frequency emissions to the extent that such facilities comply with the federal communication commission's regulations concerning such emissions.
  - d. Ensure that all utility facilities/structures are located, installed, buffered/screened and maintained in a manner that will minimize the impact of such facilities/structures on nearby landowners and will not adversely affect the character and scenic beauty of Snyderville Basin.

# EXHIBIT A.2

## B. General Provisions:

1. Independent Review: The county may, if it deems necessary, cause the applicant to submit an impact study from a qualified, third party radio frequency engineer, to ensure that the proposed telecommunications facility will not interfere with existing radio, television, and emergency signals. The purpose of this review shall be to determine if other sites are available which can achieve an equivalent signal distribution without significantly affecting the existing telecommunications operations within the County. Such review may be required when an applicant indicates that no other acceptable site exists. The cost for such review shall be borne by the applicant.
2. Permitted: Telecommunications facilities applications shall be permitted in accordance with section [10-2-10](#) of this title.

## C. Construction Standards:

1. Building Codes and Safety Standards: To ensure the structural integrity of telecommunications facilities, the owner of a telecommunications facility shall ensure that it is maintained in compliance with the standards contained in applicable Building Codes and application standards for such telecommunications facility, as amended.
2. Letter Of Intent: All applicants who apply to build a tower shall provide one letter of intent from a telecommunications company that will locate on the tower.

## D. General Requirements:

1. Setbacks: A telecommunications facility shall be set back one hundred fifteen percent (115%) of the tower's height from the property line, or such facility shall meet the zone required setback, whichever is greater. The telecommunications facility shall be at least one hundred feet (100') from any public trail, park or outdoor recreation area. Guywire anchors shall be set back at least twenty feet (20') from any property line. The CDD or designated planning staff member can approve varied setbacks if the telecommunications facility can be screened more appropriately by topography, vegetation or existing structures; however, the adjacent landowner(s) must sign a written agreement authorizing the decreased setback(s) from their property line(s). If telecommunications facilities are located in commercial or industrial zones or on County owned property, they shall only be allowed in the rear yard. Facilities located within the County right-of-way shall be subject to the approval of the County Engineer. Setbacks for facilities located within the County right-of-way are subject to County Engineer approval.
2. Signage: Signs shall be limited to nonilluminated warning and equipment identification signs, unless additional signs are warranted by the FAA, FCC, or any other agency of the State or Federal government with the authority to regulate telecommunications facilities.
3. Access Roads: Access roads shall be limited to ten feet (10') in width, unless otherwise approved by the fire district or Summit County Engineering Office because of safety considerations. Access roads shall contain gravel or other nonpaved surface. Existing roads shall, whenever possible, be upgraded the minimum amount necessary.
4. Colocation: Colocation shall be allowed on all existing and new towers. Colocation shall not result in height increases beyond the 50-foot height limit outlined in the use table.
5. Equipment Enclosures: Every effort shall be made so that equipment enclosures or other structures are designed whereby the incorporation of stealth design technology or other

# EXHIBIT A.3

visual screening (topography or vegetation) is utilized that readily conceals the appearance of the structure.

6. Height Measurement: Height of standalone telecommunication facilities shall be measured from existing grade or finished grade; whichever measurement is greater. Roof mount antennas shall not exceed 10 feet above roof height or shall not be mounted higher than existing rooftop mechanical equipment and/or associated screening. Roof mount antennas not attached to mechanical equipment and/or associated screening shall be set back from the edge of the building façade 2 horizontal feet to 1 vertical foot of antenna.

67. Master Plan Requirements: A master plan shall be completed by each company submitting an application for a development review. The master plan shall include:

- a. Where the applicant's proposed, existing and future telecommunications facilities are within the County. The master plan may be amended as needed by the carrier for future site applications.

- b. The number of possible colocations that can be obtained on the proposed tower.

- c. A copy of the applicant's current FCC license.

- d. A signed agreement, stating that the applicant will:

- (1) Allow colocation with other users, provided all safety, structural and technological requirements are met. This agreement shall also state that any future owners or operators will allow colocation on the tower;

- (2) Restore site to its former condition. (See nonmaintained or abandoned facilities.)

- e. A security program or system that addresses unauthorized access and vandalism.

78. Nonmaintained Or Abandoned Facilities: The director or designated planning staff member may require each nonmaintained or abandoned telecommunications facility to be removed when such a telecommunications facility has not been repaired or put into use by the owner, person having control, or person receiving benefit of such structure within six (6) months after written notice of nonmaintenance or abandonment is given to the owner, person having control, or person receiving the benefit of such structure.

## DEFINITIONS:

**NOTE: Changes including red lettering represent added definitions and a spelling correction.**

**TELECOMMUNICATIONS EQUIPMENT:** Equipment used in a telecommunications facility other than the antenna, antenna support structure or equipment enclosures. Telecommunications equipment may include, but is not limited to, electronic equipment necessary for processing wireless communication signals, air conditioning, backup power supplies and emergency generators.

**TELECOMMUNICATIONS EQUIPMENT ENCLOSURE:** A structure, shelter, cabinet or vault used to house and protect telecommunications equipment.

**TELECOMMUNICATIONS FACILITIES - COLLOCATION:** A telecommunications facility which is added to an existing telecommunications facility. Collocation includes a single antenna support

# EXHIBIT A.4

structure, but more than one telecommunications provider's antennas and telecommunication equipment.

**TELECOMMUNICATIONS FACILITY:** An unmanned structure which consists of "antennas", "antenna support structure", "telecommunications equipment" and "equipment enclosures", as defined herein, that transmit and/or receive voice and/or data communications through radio signals such as, but not limited to, cellular or PCS (personal communications system) communications and paging systems, whether commercially or privately owned.

**TELECOMMUNICATIONS, NONSTEALTH DESIGN:** Any antenna or equipment enclosures not camouflaged in a manner to blend with surrounding land uses, features or architecture. Non-stealth design does not conceal the intended use of the telecommunications facility. A monopole with equipment enclosures aboveground and unscreened are non-stealth.

**TELECOMMUNICATIONS, STEALTH:** Antennas, antenna support structures and telecommunication equipment enclosures camouflaged or designed to blend with surrounding land uses, features and architecture, thus minimizing the aesthetic impact on adjacent uses, thereby concealing the intended use and appearance of the telecommunications facility, such as by heavy landscaping, or installing telecommunications equipment within existing buildings, behind vegetative screening, or placing equipment enclosures underground, thus preserving or striving to maintain the aesthetics of Summit County. A flush wall mount antenna that is painted the same color as the background and located on a building where the telecommunications equipment is located inside the building would be one example of stealth design. Other examples of potentially stealth-compliant design include, but are not limited to, roof mount antennas, utility pole antennas, light or flag poles, artificial rocks or trees. All Small Wireless Facilities are required to be stealth and all associated equipment shall be hidden. All Small Wireless Facilities antennae shall be either in a form of Cantenna and/or be Shrouded. All top-mounted pole installs shall be the same diameter as the pole light in order to be considered stealth. All side-mounted installs shall be shrouded, match the color of the pole, and shall not exceed the thickness of the pole to which they are mounted to. All new poles shall be the same height and design as adjacent poles. All equipment cabinets shall be integrated inside the pole or shall be hidden from view. Non-pole installs must resemble and be collocated on or adjacent to preexisting structures to qualify as "TELECOMMUNICATIONS, STEALTH." Any antenna, antenna support structures, and/or telecommunication equipment enclosures must resemble and be collocated on or adjacent to preexisting vegetation and/or structures to qualify as "stealth." Low Impact Permit review of Stealth Telecommunications in the TC and RC zones is appropriate.

**SUMMIT COUNTY, UTAH  
ORDINANCE NO. 941**

**AN ORDINANCE AMENDING THE SNYDERVILLE BASIN  
DEVELOPMENT CODE SECTION 10-2-10 USE TABLE, ADDING OF SECTION 10-8-17  
TELECOMMUNICATION FACILITIES TO CHAPTER 8, AND AMENDING AND ADDING  
DEFINITIONS THAT CORRELATE WITH THE USE TABLE AND NEW SECTION 10-8-17 LANGUAGE**

**PREAMBLE**

**WHEREAS**, Utah Code Annotated (“UCA”) §17-27a-102(1)b) provides that counties may enact all ordinances that the county considers necessary or appropriate for the use and development of land within unincorporated areas or planning districts of the county; and,

**WHEREAS**, a goal of Chapter 2 (“Goal”) of the Snyderville Basin General Plan (“Plan”) is to “[p]romote sustainable Land Use Planning Principles that preserve Critical Lands, maintain neighborhood character, protect the economic base, prevent sprawl, and provide efficient delivery of services; and,

**WHEREAS**, an objective of the Goal (“Objective”) is to, *“Minimize the impacts of local and/or regional utility systems and related facilities on the environment and community character;”* and,

**WHEREAS**, the Plan’s policy to enable the Objective is to, *“Review all proposed transmission lines, pipelines, communication towers, landfills, and truck hauling routes to minimize the potential impacts on local neighborhoods, the environment, open space, and wildlife corridors;”* and,

**WHEREAS**, uncontrolled placement of telecommunication facilities may negatively affect the scenic landscape and areas of the Snyderville Basin; and,

**WHEREAS**, uncontrolled placement of telecommunication facilities may create nuisances and incompatible land uses; and,

**WHEREAS**, the intent of the proposed amendments is to preserve scenic landscape and areas, and reduce nuisances and incompatible land uses; and,

**WHEREAS**, the proposed amendments add specific requirements to facilitate a more predictable approval process for applicants seeking to install telecommunication facilities; and,

**WHEREAS**, the addition of the specific provisions for telecommunication facilities to the Summit County Code furthers the goals, objectives, and policies of the Plan; and,

**WHEREAS**, the Snyderville Basin Planning Commission held a work session on December 14, 2021; and

**WHEREAS** the Snyderville Basin Planning Commission held a public hearing and recommended adoption of the amended sections of the Snyderville Basin Development Code on February 8, 2022; and

**WHEREAS** the Summit County Council held a public hearing on May 4, 2022; and,

**NOW, THEREFORE**, the County Council of the County of Summit, State of Utah, ordains as follows:

**Section 1.**     **THE SNYDERVILLE BASIN DEVELOPMENT CODE** is amended as depicted in Exhibit A.

**Section 2.**     **Effective Date.** This Ordinance shall take effect immediately after publication.

Enacted this \_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

\_\_\_\_\_

SUMMIT COUNTY COUNCIL

VOTING OF COUNTY COUNCIL:

Councilmember Stevens	_____
Councilmember Robinson	_____
Councilmember Wright	_____
Councilmember Armstrong	_____
Councilmember Clyde	_____

Evelyn Furse

Summit County Clerk

APPROVED AS TO FORM

\_\_\_\_\_

David L. Thomas

Chief Civil Deputy

\_\_\_\_\_,  
Chris Robinson, Chair

# EXHIBIT A

## PROPOSED AMENDMENTS

**NOTES AND REDLINES TO BE REMOVED UPON APPROVAL**

**10-2-10 USE TABLE**

**NOTE: Changes including red lettering represent amended uses, removed uses, and new Section 10-8-17 references.**

Permitted Uses	RR	HS	MR	CC	SC	NC	Additional Reference
Telecommunications facilities over 40 feet in height							Section <a href="#">10-8-17</a> of this title
Telecommunication facilities - nonstealth							
Telecommunication facilities, stealth (up to 40 feet in height)	L	L	L	L	L	L	Section <a href="#">10-8-17</a> of this title

**10-8-17: WIRELESS COMMUNICATIONS:**

**NOTE: All of Section 10-8-17 language is new. Sections in underlined red are newly added Snyderville Basin Planning Commission recommended language, different from the Eastern Summit County Planning Commission recommendation.**

- A. Purposes: The purpose of this section is:
1. To ensure that all telecommunications facilities comply with federal, state and county regulations.
  2. To regulate telecommunications services, antennas and support structures, and related electronic equipment and equipment enclosures.
  3. To provide for the orderly establishment of telecommunications facilities in the county.
  4. To minimize the number of antenna support structures by encouraging the colocation of multiple antennas on a single structure, and by encouraging the location of antennas on preexisting support structures.
  5. To establish siting, appearance and safety standards that will help mitigate potential impacts related to the construction, use and maintenance of telecommunications facilities.
  6. To comply with the telecommunications act of 1996 by establishing regulations that:
    - a. Do not unreasonably discriminate among providers of functionally equivalent services.
    - b. Do not prohibit or have the effect of prohibiting the provision of telecommunications services.
    - c. Are not based on any claimed environmental effects of radio frequency emissions to the extent that such facilities comply with the federal communication commission's regulations concerning such emissions.

- d. Ensure that all utility facilities/structures are located, installed, buffered/screened and maintained in a manner that will minimize the impact of such facilities/structures on nearby landowners and will not adversely affect the character and scenic beauty of Snyderville Basin.

B. General Provisions:

1. Independent Review: The county may, if it deems necessary, cause the applicant to submit an impact study from a qualified, third party radio frequency engineer, to ensure that the proposed telecommunications facility will not interfere with existing radio, television, and emergency signals. The purpose of this review shall be to determine if other sites are available which can achieve an equivalent signal distribution without significantly affecting the existing telecommunications operations within the County. Such review may be required when an applicant indicates that no other acceptable site exists. The cost for such review shall be borne by the applicant.
2. Permitted: Telecommunications facilities applications shall be permitted in accordance with section [10-2-10](#) of this title.

C. Construction Standards:

1. Building Codes and Safety Standards: To ensure the structural integrity of telecommunications facilities, the owner of a telecommunications facility shall ensure that it is maintained in compliance with the standards contained in applicable Building Codes and application standards for such telecommunications facility, as amended.
2. Letter Of Intent: All applicants who apply to build a tower shall provide one letter of intent from a telecommunications company that will locate on the tower.

D. General Requirements:

1. Setbacks: A telecommunications facility shall be set back one hundred fifteen percent (115%) of the tower's height from the property line, or such facility shall meet the zone required setback, whichever is greater. The telecommunications facility shall be at least one hundred feet (100') from any public trail, park or outdoor recreation area. Guywire anchors shall be set back at least twenty feet (20') from any property line. The CDD or designated planning staff member can approve varied setbacks if the telecommunications facility can be screened more appropriately by topography, vegetation or existing structures; however, the adjacent landowner(s) must sign a written agreement authorizing the decreased setback(s) from their property line(s). If telecommunications facilities are located in commercial or industrial zones or on County owned property, they shall only be allowed in the rear yard. Facilities located within the County right-of-way shall be subject to the approval of the County Engineer. Setbacks for facilities located within the County right-of-way are subject to County Engineer approval.
2. Signage: Signs shall be limited to nonilluminated warning and equipment identification signs, unless additional signs are warranted by the FAA, FCC, or any other agency of the State or Federal government with the authority to regulate telecommunications facilities.

3. Access Roads: Access roads shall be limited to ten feet (10') in width, unless otherwise approved by the fire district or Summit County Engineering Office because of safety considerations. Access roads shall contain gravel or other nonpaved surface. Existing roads shall, whenever possible, be upgraded the minimum amount necessary.
4. Colocation: Colocation shall be allowed on all existing and new towers. Colocation shall not result in height increases beyond the 50-foot height limit outlined in the use table.
5. Equipment Enclosures: Every effort shall be made so that equipment enclosures or other structures are designed whereby the incorporation of stealth design technology or other visual screening (topography or vegetation) is utilized that readily conceals the appearance of the structure.
6. Height Measurement: Height of standalone telecommunication facilities shall be measured from existing grade or finished grade; whichever measurement is greater. Roof mount antennas shall not exceed 10 feet above roof height or shall not be mounted higher than existing rooftop mechanical equipment and/or associated screening. Roof mount antennas not attached to mechanical equipment and/or associated screening shall be set back from the edge of the building façade 2 horizontal feet to 1 vertical foot of antenna.
7. Master Plan Requirements: A master plan shall be completed by each company submitting an application for a development review. The master plan shall include:
  - a. Where the applicant's proposed, existing and future telecommunications facilities are within the County. The master plan may be amended as needed by the carrier for future site applications.
  - b. The number of possible colocations that can be obtained on the proposed tower.
  - c. A copy of the applicant's current FCC license.
  - d. A signed agreement, stating that the applicant will:
    - (1) Allow colocation with other users, provided all safety, structural and technological requirements are met. This agreement shall also state that any future owners or operators will allow colocation on the tower;
    - (2) Restore site to its former condition. (See nonmaintained or abandoned facilities.)
  - e. A security program or system that addresses unauthorized access and vandalism.
8. Nonmaintained Or Abandoned Facilities: The director or designated planning staff member may require each nonmaintained or abandoned telecommunications facility to be removed when such a telecommunications facility has not been repaired or put into use by the owner, person having control, or person receiving benefit of such structure within six (6) months after written notice of nonmaintenance or abandonment is given to the owner, person having control, or person receiving the benefit of such structure.

#### **DEFINITIONS:**

**NOTE: Changes including red lettering represent added definitions and a spelling correction.**

**TELECOMMUNICATIONS EQUIPMENT:** Equipment used in a telecommunications facility other than the antenna, antenna support structure or equipment enclosures. Telecommunications equipment may include, but is not limited to, electronic equipment necessary for processing wireless communication signals, air conditioning, backup power supplies and emergency generators.

**TELECOMMUNICATIONS EQUIPMENT ENCLOSURE:** A structure, shelter, cabinet or vault used to house and protect telecommunications equipment.

**TELECOMMUNICATIONS FACILITIES - COLOCATION:** A telecommunications facility which is added to an existing telecommunications facility. Colocation includes a single antenna support structure, but more than one telecommunications provider's antennas and telecommunication equipment.

**TELECOMMUNICATIONS FACILITY:** An unmanned structure which consists of "antennas", "antenna support structure", "telecommunications equipment" and "equipment enclosures", as defined herein, that transmit and/or receive voice and/or data communications through radio signals such as, but not limited to, cellular or PCS (personal communications system) communications and paging systems, whether commercially or privately owned.

**TELECOMMUNICATIONS, NONSTEALTH DESIGN:** Any antenna or equipment enclosures not camouflaged in a manner to blend with surrounding land uses, features or architecture. Non-stealth design is design that does not conceal the intended use of the telecommunications facility. A monopole with equipment enclosures aboveground and unscreened are non-stealth.

**TELECOMMUNICATIONS, STEALTH:** Antennas, antenna support structures and telecommunication equipment enclosures camouflaged or designed to blend with surrounding land uses, features and architecture, thus minimizing the aesthetic impact on adjacent uses, thereby concealing the intended use and appearance of the telecommunications facility, such as by heavy landscaping, or installing telecommunications equipment within existing buildings, behind vegetative screening, or placing equipment enclosures underground, thus preserving or striving to maintain the aesthetics of Summit County. A flush wall mount antenna that is painted the same color as the background and located on a building where the telecommunications equipment is located inside the building would be one example of stealth design. Other examples of potentially stealth-compliant design include, but are not limited to, roof mount antennas, utility pole antennas, light or flag poles, artificial rocks or trees. All Small Wireless Facilities are required to be stealth and all associated equipment shall be hidden. All Small Wireless Facilities antennae shall be either in a form of Cantenna and/or be Shrouded. All top-mounted pole installs shall be the same diameter as the pole light in order to be considered stealth. All side-mounted installs shall be shrouded, match the color of the pole, and shall not exceed the thickness of the pole to which they are mounted to. All new poles shall be the same height and design as adjacent poles. All equipment cabinets shall be integrated inside the pole or shall be hidden from view. Non-pole installs must resemble and be collocated

on or adjacent to preexisting structures to qualify as “TELECOMMUNICATIONS, STEALTH.” Any antenna, antenna support structures, and/or telecommunication equipment enclosures must resemble and be collocated on or adjacent to preexisting vegetation and/or structures to qualify as “stealth.” Low Impact Permit review of Stealth Telecommunications in the TC and RC zones is appropriate.