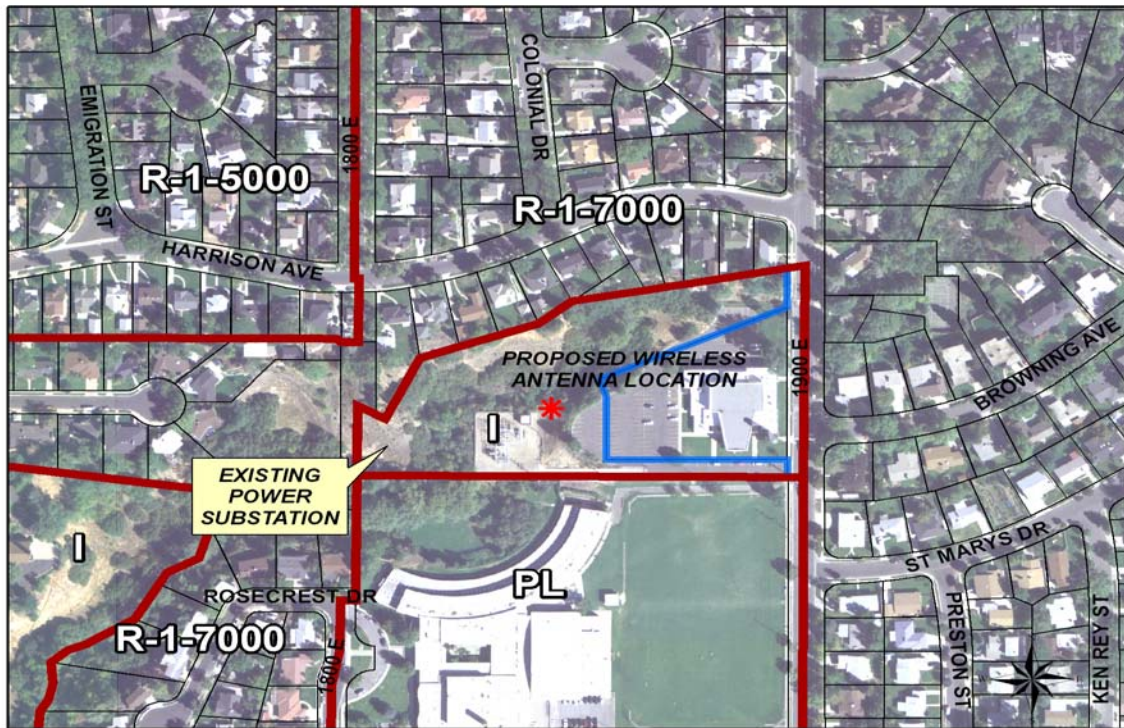


**DATE:** May 03, 2006  
**TO:** Salt Lake City Planning Commission  
**FROM:** Marilyn Lewis, Principal Planner  
**RE:** May 10, 2006 Planning Commission Meeting

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**CASE NUMBER:** 410 -06-02 Sprint Wireless Telecommunications Antenna  
**APPLICANT:** Sprint Spectrum  
**PROJECT LOCATION:** 1388 South 1900 East Street.  
**COUNCIL DISTRICT:** District 6 – Dave Buhler



**STATUS OF APPLICANT:** The applicant, Sprint Spectrum, wants to enter into a lease agreement with Utah Power at the aforementioned address.

**PROJECT/PROPERTY SIZE:** 16-16-227-012-0000. The subject site is 200 square feet, located on a 3.67 acre parcel, where the existing utility pole is located.

**SURROUNDING ZONING DISTRICTS:**

**North** – R-1/7,000 (Single-family Residential)  
**South** – PL (Public Land)  
**East** - R-1/7,000 (Single-family Residential)  
**West** - R-1/5,000 and R-1/7,000 (Single-family Residential)

**SURROUNDING LAND USES:**

**North** – Single-family residential  
**South** – School/Educational use  
**East** – Place of worship and Single-family residential.  
**West** – Single-family residential

**REQUESTED ACTION:**

Sprint Spectrum is requesting conditional use approval to install an antenna on an existing wooden pole at the Utah Power and Light Emigration Substation located at 1388 South 1900 East Street.

**PROPOSED USE(S):**

The applicant would like to install a proposed antenna on an existing wooden utility pole that they claim is 46 feet high, within a 200 square foot lease area. The antenna structure consists of three antennas, each measuring 56 inches high and 8 inches wide. The top of the antennas will be mounted flush with the top of the existing power pole. The antennas and support structures on the existing pole can only be accessed through the gated fence surrounding the 200 square foot lease area. The associated electrical equipment will be installed in a cabinet on a concrete pad north of the power pole. The site plans are attached as in the Administrative Staff report (see Exhibit 1).

**APPLICABLE LAND USE REGULATION(S):**

**Section: 21A.02.050B Exemptions - 2. Utility Installations:**... This exemption shall not apply to utility structures which are, at grade, or above grade more than either twenty (20) square feet horizontally, ten (10) cubic feet in volume or three feet (3') above grade. Utility structures, other than those specifically exempted above, which are on private property, below grade, not within a utility easement, intended to serve properties other than the immediate subdivision and greater than twenty four inches (24") in cross section, shall be approved as a special exception. When considering a request for special exception approval, the Board of Adjustment shall consider the general compatibility and impact that the proposed utility structure will have on surrounding properties.

**Section: 21A.32.080 Institutional Districts – D. Maximum Building Height:**

Building height shall be limited to thirty five feet (35'). Building heights in excess of thirty five feet (35') but not more than seventy five (75') may be approved as a conditional use; provided that for each foot of height over thirty five feet (35'), each required yard shall be increased by one foot (1').

**Section: 21A.32.140 Table of Permitted And Conditional Uses For Special Purpose Districts** – Communication towers exceeding the maximum building height are allowed by conditional use.

**Section: 21A.40.090 E.1.f Wireless Telecommunication Antennas Located on Utility Poles** – Antennas on utility poles and associated electrical equipment shall be allowed subject to the following standards: **i. Antennas**

**MASTER PLAN SPECIFICATIONS:**

The East Bench Community Master Plan, designates the area of the subject property as institutional and low density residential uses. The current Zoning Map, adopted in 1995, identifies this property as being within the Institutional Zoning District.

**SUBJECT PROPERTY HISTORY:**

This conditional use request was originally heard in an Administrative Hearing on April 6, 2006. Due to objections by an adjacent residential property owner to the north along Harrison Avenue, the project was deferred to the full Planning Commission.

In the later part of 2005 Sprint Spectrum contacted Utah Power to enter into a lease agreement to install a wireless antenna on an existing utility pole at the Emigration Substation property at 1388 South 1900 East Street. The existing utility pole has a light fixture mounted on it. The light was installed for the rear portion of the existing church parking lot, which encroaches on the substation property via an agreement with Utah Power.

Utah Power, in anticipation of the antenna installation replaced the existing utility pole with a new taller pole. Utah Power has standard utility pole lengths that are used. Typically 10% plus 2' of the original pole height is buried. They have stated that the original utility pole was 35' in length with 5 ½' buried for a total of 29 ½' above ground. The replacement pole started as a standard 55' pole with 7 ½' buried for a total of 47 ½' above ground (see Exhibit 4).

In January of 2006, the applicant attended the Wasatch Hollow Community Council meeting, prior to submitting their conditional use request to the City. Therefore, the Planning Division was not aware of this proposal nor was staff present at the meeting to hear exactly what information had been disclosed to the community. Once the application was processed Planning Division management determined that the applicant did not have to go back to the community council. Staff contacted the community council chair to find

out if there were any issues with the installation of the antenna on the existing pole. The community council stated that in general there were no issues. Staff received questions and comment from Mr. Ryan Wilson located at 1360 Colonial Drive. Mr. Wilson indicated that he was in favor of the antenna if it would boost service and asked a few questions. He was satisfied with the response received from staff and the applicant.

Staff was also contacted by Mr. Brad Zaba who had questions about the required process for raising the height of a structure in the Institutional Zoning District. Mr. Zaba who lives on 1828 East Harrison Avenue north of and adjacent to the substation claimed that the existing 29 ½' utility pole had been replaced a few months prior with the 47 ½' pole. He emailed a statement to staff along with before and after photos of the area (see Exhibit 3).

The applicant claims that the existing above ground pole height was 30' and that based on the standard process in 21A.40, they should be allowed to go up to 40' and receive permission to install their antenna. The applicant further stated that it is not their fault that Utah Power replaced the pole with a higher one without permission. Utah Power should have applied for a Special Exception to replace the utility pole, as it is 3' above grade and not covered under the standard exemptions under 21A.02.050B Exemptions of the Zoning Ordinance.

#### **ACCESS:**

The site is fenced off from public vehicular access due to the protection of the substation. The rear portion of the LDS church parking lot is located on an area of the substation property. This parking lot area is also fenced off from the rest of the substation site.

#### **PROJECT DESCRIPTION:**

Sprint Spectrum is requesting conditional use approval to locate a wireless telecommunications antenna to be placed on an existing wooden pole located at 1388 South 1900 East Street, a Utah Power & Light electrical substation site. This request is for a Conditional Use because the antennas will be located in the Institutional Zoning District.

#### **COMMENTS, ANALYSIS AND FINDINGS:**

##### **COMMENTS**

Project that are originally sent to an Administrative Hearing for telecommunication requests on private property are reviewed by the Zoning Administrator and comments are typically limited to the community councils, adjacent property owners. The projects are then analyzed by staff.

**a. Community Council:** On January 25, 2006, prior to submitting the conditional use application, the applicant made a presentation before the Wasatch Hollow Community Council to satisfy the public input requirement. Staff did not attend the meeting as the project had not yet been submitted or assigned. Therefore, staff did not have direct knowledge of whether or not accurate information was presented to the community council. After the Conditional Use was filed with the

City Planning Division staff contacted the community council chair, Daniel Jensen, to find out if there were any issues with the installation of the antenna. In an email the community council responded and stated that in general they did not have any issues (see Exhibit 1).

**b. Public Comment:** Staff received questions and comment from Mr. Ryan Wilson located at 1360 Colonial Drive who indicated that he was in favor of the antenna if it would boost service and asked a few questions. Mr. Brad Zaba who lives on 1828 East Harrison Avenue, adjacent to the substation claimed that the existing 25' utility pole had been replaced a few months prior with the 46' pole. He emailed a statement to staff along with before and after photos (see Exhibit 3). Staff also received nine signed copies of a form letter from some of the residents on Harrison Avenue.

**c. Planning Division:** Section 21A.40.090.E of the Salt Lake City Zoning Ordinance identifies types of wireless telecommunications facilities that may be approved and provides a guide as to where they should be located (zoning district). The most preferable sites that create the least impacts are typically existing buildings or structures (i.e. utility poles) to which antennas can be mounted.

Section 21A.40.090.E(1)(a) of the zoning ordinance provides an administrative review and hearing process for routine and/or low-impact wireless telecommunications facilities requiring Conditional Use approval. After considering an application, the Planning Director or his designee makes a determination as to whether the request is suitable for the administrative hearing format or to forward potentially more controversial requests to the Planning Commission for consideration. At an administrative hearing, the hearing officer may make a decision on the request or, if there is neighborhood opposition or the applicant has failed to adequately address the Conditional Use standards, forward the application for Planning Commission consideration. The hearing officer may grant the Conditional Use request only if the proposed project is consistent with the Conditional Use standards.

Section 21A.40.090.E(2)(i) of the zoning ordinance establishes the criteria for evaluating wireless telecommunications antennas mounted on utility poles. Many utility pole mounted antenna requests are permitted uses provided they comply with the height criteria outlined in the ordinance. Because this applicant is requesting approval to locate a facility in the Institutional (I) Zoning District, Conditional Use approval is required.

The applicant is claiming that the existing above ground pole height was 30' and that based on the standard process in 21A.40, they should be allowed to go up to 40' and receive permission to install their antenna. Sprint paid Utah Power in advance for the pole to be exchanged prior to submitting their application to the City and prior to attending the Wasatch Hollow Community Council meeting.

Utah Power has standard utility pole lengths that are used. Typically 10 % plus 2' of the original pole height is buried. Utah Power have stated that the original utility pole was 35' in length with 5 ½' buried for a total of 29 ½' above ground. The replacement pole started as a standard 55' pole with 7 ½' buried for a total of 47 ½' above ground (see Exhibit 4). These dimensions are not consistent with drawings submitted by Sprint. Therefore, if the Planning Commission approves a 10 height increase from the original 29 ½' pole, Sprint would only be allowed a pole height of 39 ½' above ground level.

Normally, in order to change out the utility poles, Utah Power should have applied for a special exception (21A.02.050B). For the utility pole to be changed to an extended height to accommodate a wireless antenna requires conditional use approval in the Institutional Zoning District (21A.40.090E.1.i). Therefore, While Utah Power did not get the proper permit to change out the existing 29 ½' utility pole for a taller one, it is unlikely that Utah Power would have changed out the light pole had it not been in anticipation of the wireless antenna.

### **ANALYSIS AND FINDINGS**

On April 6, 2006 the petition was deferred to the Planning Commission, by the Administrative Hearing Officer because there was community opposition to the project. The Planning Commission must make a determination on whether or not the conditional use petition meets the criteria listed in the Zoning Ordinance.

#### **21.54.080 Standards for Conditional Uses.**

- A. The proposed development is one of the conditional uses specifically listed in this Title.**

**Discussion:** Section 21A.32.140 Table Of Permitted And Conditional Uses For Special Purpose Districts of the zoning ordinance requires conditional use approval for antennas mounted higher than the 35 foot maximum building height in the Institutional (I) Zoning District.

**Finding:** Therefore, the proposed development is a conditional use as listed in this Title. The proposed height on the drawings was 46', which exceeds the allowed height by 6.5'. Sprint would only be allowed an additional 10' above the existing 29 ½' height resulting in a 39 ½' pole above ground.

- B. The proposed development is in harmony with the general purposes and intent of this Title and is compatible with and implements the planning goals and objectives of the City, including applicable City master plans.**

**Discussion:** Even though the Institutional Zoning District requires conditional use approval, negative impacts can be minimized if the antennas are mounted on existing structures.

**Finding:** Given that the proposed antennas will be located on an existing utility pole at an existing electric power substation, the proposed development is compatible with the planning goals and objectives of the Zoning Ordinance and applicable City master plans.

- C. **Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets.**

**Discussion:** A service technician may visit the site periodically (on a monthly basis) to maintain the facility once the minor construction is complete. They will use the existing substation access.

**Finding:** Therefore, access to the proposed development is suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets.

- D. **The internal circulation system of the proposed development is properly designed.**

**Discussion:** There are no changes being proposed to the existing circulation system.

**Finding:** Therefore, the internal circulation system of the proposed development is properly designed.

- E. **Existing or proposed utility services are adequate for the proposed development and are designed in a manner that will not have an adverse impact on adjacent land uses or resources.**

**Discussion:** Utah Power has provided written permission for this project (see Exhibit 1). The existing and proposed utility services are adequate for the proposed development. The project site is on a property that already contains numerous utility poles and transmission lines

**Finding:** Therefore, the project has been designed in a manner that will not have an adverse impact on adjacent land uses or resources.

- F. **Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts.**

**Discussion:** The proposed development is located within an existing electric power substation. There will be no new impacts because the antennas will not extend past the top of the existing power pole.

**Finding:** Therefore, appropriate measures have been taken to protect adjacent land uses from light, noise and visual impacts.

**G. Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood.**

**Discussion:** The proposed development is located within an existing electric power substation and is compatible with the existing land use.

**Finding:** Therefore, the architecture and building materials are not inconsistent with the development nor incompatible with those already found in the adjacent neighborhood.

**H. Landscaping is appropriate for the scale of the development.**

**Discussion:** The proposed development is located within an existing electric power substation, landscaping is not required.

**Finding:** Therefore, the landscaping is adequate and appropriate for the scale of the development.

**I. The proposed development preserves historical architectural and environmental features of the property.**

**Discussion:** The site is not located in a designated historic district and review by the City's Historic Landmark Commission is not necessary.

**Finding:** There are no unique historical, architectural or environmental features that have been identified in association with this project.

**J. Operating and delivery hours are compatible with adjacent land uses.**

**Discussion:** The hours of operation will be the same as the existing substation.

**Finding:** Therefore, operating and delivery hours are compatible with adjacent land uses.

**K. The proposed conditional use is compatible with the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood or the City as a whole.**

**Discussion:** The proposed development is consistent with the existing power substation land use. The existing and proposed utility services are adequate for the proposed development. The project site is on a property that already contains numerous utility poles and transmission lines. The substation site is naturally wooded near the residential properties.



**Finding:** Therefore, the proposed project fits within the context of its surroundings and will not have a material net cumulative adverse impact on the neighborhood or the City as a whole.

- L. The proposed development complies with all other applicable codes and ordinances.**

**Discussion:** Approval of the request shall be subject to meeting all applicable City departmental requirements. The construction plans shall be stamped by a professional Engineer.

**Finding:** The proposed development shall comply with all other applicable codes and ordinances.

**21A.40.090 (E)(2)(i) Standards for Wireless Telecommunication Antennas Located On Utility Poles:**

- (A.) The antennas shall be located either on an existing utility pole or on a replacement pole in the public right of way, or in a rear yard utility easement.**

**Finding:** The proposed antennas will be located on an existing utility pole, within the property boundaries of an existing power substation.

- (B.) On an existing pole, the antennas shall not extend more than ten feet (10') above the top of the pole.**

**Finding:** The proposed antennas will not extend above the height of the existing utility pole they are to be mounted to.

- (C.) If the utility pole is replaced to accommodate the antennas, the replacement pole shall not be more than ten feet (10') higher than the existing pole. If the replacement pole exceeds the height of the existing pole, the antennas shall be mounted to the sides of the pole and shall not extend above the top of the pole. Replacement of a utility pole requires conditional use approval.**

**Finding:** The existing utility pole will not be replaced as part of this conditional use request. The pole was replaced out of sequence to the normal process, prior to the submission of the Conditional Use application. The replacement pole cannot exceed the 10' maximum height increase allowance from the original pole height (29 ½ feet).

- (D.) The antennas, including the mounting structure, shall not exceed twenty four inches (24") in diameter to be considered a permitted use. Antennas with an**

**outside diameter between twenty four inches (24") and thirty inches (30") shall be a conditional use. Antennas exceeding thirty inches (30") shall not be allowed.**

**Finding:** The proposed antennas including mounting structure is 24" in diameter.

- (E.) If the antennas and mounting structure are narrower than the top of the utility pole, stealth shielding of the antennas shall be used to make the antennas appear as a vertical extension of the pole.**

**Finding:** The antennas and mounting structure are not narrower than the top of the existing utility pole.

- (F.) Antennas in the public right of way shall be a permitted use and shall comply with the standards above.**

**Finding:** The antennas proposed to be mounted on to an existing utility pole, which is located on property owned by PacifiCorp. PacifiCorp has submitted written permission on behalf of the applicant.

- (G.) Conditional use approval is required for antennas located in a rear yard utility easement in all residential, CN neighborhood commercial, PL public lands, PL-2 public lands, CB community business, I institutional, and OS open space zoning districts. Antennas located in a rear yard utility easement in all other zoning districts shall be a permitted use and shall comply with the standards above.**

**Finding:** Conditional use approval is required for this project because the proposed site is located in the Institutional Zoning District.

#### **RECOMMENDATION:**

Based on the Findings of Fact with the conditions listed below, Staff recommends that the Planning Commission approve this Conditional Use request with the following conditions:

#### **CONDITIONS OF APPROVAL:**

1. The property owner must cut the existing 47 ½' foot utility pole off from the top, in order to bring the pole to the maximum allowable height of 39 ½' feet above ground level in order to mount the proposed telecommunication antenna.
2. The applicant must submit verification from a licensed surveyor for the height of the existing utility pole once it has been cut to a 39 ½' foot above ground height. Two copies of this documentation must be submitted (one for Permits and one for the Planning Division) in order to receive a permit for the installation of the proposed antenna.

Marilynn Lewis, Principal Planner  
Planning Division

**Attachments:**

- Exhibit 1 – Copy of the Administrative Staff Report
- Exhibit 2 – Minutes from the Administrative Hearing
- Exhibit 3 – Comments from Community Members
- Exhibit 4 – Utah Power Utility Pole Information

**Exhibit 1**  
**Copy of the Administrative Staff Report**

# **Exhibit 2**

## **Minutes from the Administrative Hearing**

# **Exhibit 3**

## **Comments from Community Members**

# **Exhibit 4**

## **Utah Power Utility Pole Information**