



**HOOPER CITY  
CITY COUNCIL AGENDA  
FEBRUARY 15, 2024 7:00PM  
COUNCIL CHAMBERS  
5580 W. 4600 S.  
Hooper, UT 84315**

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Notice is hereby given that the Hooper City Council will hold a work meeting at 6:00pm and their regularly scheduled meeting at 7pm on Thursday, February 15, 2024, at the Hooper Municipal Building located at 5580 W 4600 S Hooper, UT 84315.

**Work Meeting – 6:00pm**

1. Wasatch Front Regional Council – Madison Aviles
2. Discussion on Agenda Items
3. City Council Reports

**Regular Meeting – 7:00pm**

1. Meeting Called to Order
2. Opening Ceremony
  - a. Pledge of Allegiance
  - b. Reverence
3. Upcoming Events
  - a. Emergency Preparedness Meeting – February 21, 2024 @ 6:30 PM
  - b. Hop in the Park – March 30, 2024
4. Public Comments
5. Consent Items
  - a. Motion – Approval of Minutes dated February 1, 2024
6. Discussion Items, Reports, and/or Presentations
  - a. YCC Presentation – Margaret Rose
7. Action Items
  - a. Motion – Audit Presentation by Child and Richards
  - b. Motion – Ordinance No. 2024-01, An Ordinance Regulating Wireless Telecommunication Structures and Facilities in the City of Hooper.
  - c. Discussion/Motion – 10-5-4 Zoning Ordinance Amendments
  - d. Discussion/Motion – Board of Adjustments Members
  - e. Discussion/Motion - EZ RAMP Grants
8. Public Comments
9. Adjournment

*Morghan Yeoman*

Morghan Yeoman, City Recorder

*\*Please see notes regarding public comments and public hearings*

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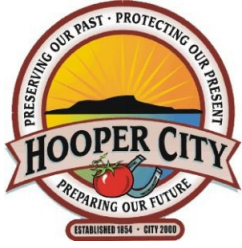
In compliance with the American with Disabilities Act, persons needing special accommodations, including auxiliary communicative aids and services, for this meeting should notify the city recorder at 801-732-1064 or admin@hoopercity.com at least 48 hours prior to the meeting.

**CERTIFICATE OF POSTING**

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Hooper City limits on this 15<sup>th</sup> day of February, 2024 at Hooper City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website, and at <https://www.hoopercity.com/meetings>.

**\*NOTES REGARDING PUBLIC COMMENT AND PUBLIC HEARINGS**

- A. Time is made available for anyone in the audience to address the City Council during public comment and through public hearings.
  - a. When a member of the audience addresses the council, they will come to the podium and state their name and address.
  - b. Each person will be allotted three (3) minutes for their remarks/questions.
  - c. The City Recorder will inform the speaker when their allotted time is up.



**HOOPER CITY**  
**CITY COUNCIL MEETING MINUTES**  
**THURSDAY, FEBRUARY 1, 2024, 7:00PM**  
COUNCIL CHAMBERS  
5580 W. 4600 S.  
Hooper, UT 84315

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The Hooper City Council held a work meeting at 6:00pm and their regular meeting at 7pm on February 1, 2024, at the Hooper City Civic Center located at 5580 W. 4600 S, Hooper, UT 84315.

COUNCIL MEMBERS PRESENT:

Sheri Bingham – Mayor  
Dale Fowers – Mayor Pro Tem  
Bryce Wilcox  
Debra Marigoni  
Ryan Hill  
Lisa Northrop

COUNCIL MEMBERS EXCUSED:

CITY STAFF & PLANNING COMMISSION PRESENT:

Morghan Yeoman - City Recorder  
Reed Richards – City Attorney  
Jared Hancock- Public Works Director

AUDIENCE PRESENT:

Mary Simpson, Travis Bates, Amanda Prince,  
Jenny Stanger, Sheldon Greener, Kamie  
Hubbard, Chris Ott, James Kassler, Melinda  
Stecklein, Brian Stecklein, Blake Marigoni,  
Michelle Marigoni, Liz Marigoni, Bruce  
Taylor, Shay Call, Stacie Yates, Heather  
Boyack, Efrain Perez, Brad Turner, Ellen  
Widdison

**6:00PM WORK MEETING**

1. Discussion on Agenda Items

At 6:00pm the City Council held a work meeting where agenda items, Council Member reports, Guidelines for land use and zoning amendments, State Code Planning Commission, and the year goals and objectives.

**7:00PM REGULAR MEETING**

1. Meeting Called to Order – Mayor Bingham

At 7:00 pm Mayor Sheri Bingham called the meeting to order.

2. Opening Ceremony

a. Pledge of Allegiance

Council Member Northrop led in the Pledge of Allegiance.

b. Reverence

Mayor Bingham offered reverence.

3. Citizen Comment(s) on Agenda Items

*(Residents attending this meeting were allotted 3 minutes to express a concern or question about any issue)*

Amanda Prince located at 6093 W 5300 S suggested doing a Daddy daughter dance. Possibly fourteen (14) and year. She would be willing to be over it.

Travis Bates located at 5008 W 4950 S asked about the fiber going in through the city. Jared Hancock, our public works director, explained that Lumen is doing the work, and we are working on getting a Franchise Agreement.

4. Consent Items

a. Motion – Approval of Minutes dated January 16, 2024

**COUNCIL MEMBER FOWERS MOTIONED TO APPROVE THE MINUTES DATED JANUARY 16, 2024. COUNCIL MEMBER MARIGONI SECONDED THE MOTION. VOTING AS FOLLOWS:**

<b><u>COUNCIL MEMBER:</u></b>	<b><u>VOTE:</u></b>
<b>WILCOX</b>	<b>AYE</b>
<b>MARIGONI</b>	<b>AYE</b>
<b>FOWERS</b>	<b>AYE</b>
<b>NORTHROP</b>	<b>AYE</b>
<b>HILL</b>	<b>AYE</b>

**MOTION PASSED.**

b. Motion – Approval of Minutes dated January 18, 2024

**COUNCIL MEMBER MARIGONI MOTIONED TO APPROVE THE MINUTES DATED JANUARY 18, 2024. COUNCIL MEMBER WILCOX SECONDED THE MOTION. VOTING AS FOLLOWS:**

<b><u>COUNCIL MEMBER:</u></b>	<b><u>VOTE:</u></b>
<b>WILCOX</b>	<b>AYE</b>

<b>MARIGONI</b>	<b>AYE</b>
<b>FOWERS</b>	<b>AYE</b>
<b>NORTHROP</b>	<b>AYE</b>
<b>HILL</b>	<b>AYE</b>

**MOTION PASSED.**

5. Discussion Items, Reports, and/or Presentations

- a. Recognition and Introduction of Youth City Council Advisor
  - i. Mayor Bingham explained that Michelle Marigoni will be resigning from the position with her daughter graduating from High School. Council Members thanked Michelle for her time. Mayor Bingham introduced the Youth City Council Advisor, Heather Boyack.

Mayor Bingham asked if we could move the Action Items up on the Agenda for the convenience of those there. Council Members agreed.

**COUNCIL MEMBER WILCOX MOTIONED TO MOVE ACTION ITEMS UP. COUNCIL MEMBER NORTHROP SECONDED THE MOTION. VOTING AS FOLLOWS:**

<b><u>COUNCIL MEMBER:</u></b>	<b><u>VOTE:</u></b>
<b>WILCOX</b>	<b>AYE</b>
<b>MARIGONI</b>	<b>AYE</b>
<b>FOWERS</b>	<b>AYE</b>
<b>NORTHROP</b>	<b>AYE</b>
<b>HILL</b>	<b>AYE</b>

**MOTION PASSED.**

6. Action Items

- a. Motion- HL Parker Legacy Subdivision Develop Agreement Extension Request located at approximately at 5900 S 5900 W

Jared Hancock, the Public Works Director, gave a presentation. Jared goes over the development timeline. Explained that the staff’s recommendation was a six (6) month extension. Council Member Northrop asked if there were any restrictions on how many extensions can be given. Council Member Marigoni asked if there was work done after irrigation.

Chris Ott, representing HL Parker Legacy Subdivision explained the timeline of the development. Chris also explains the irrigation leakage. Council

Member Northrop asked if the neighbor complaints were addressed with the irrigation water. Chris stated that they are working on it. Chris Ott explains that he would prefer a year for the extension. Council Members discussed the road safety concerns and more comfortable with a 6-month extension. Council Member Wilcox is okay with doing the one-year extension, but safety concerns need to be addressed for April 15. If it's not done by then, then only grant them the six-month extension.

**COUNCIL MEMBER WILCOX MOTIONED TO APPROVE THE DEVELOPER AGREEMENT EXTENSION REQUEST FOR HL PARKER SUBDIVISION FOR 1 YEAR. COUNCIL MEMBER HILL SECONDED THE MOTION. VOTING AS FOLLOWS:**

<b><u>COUNCIL MEMBER:</u></b>	<b><u>VOTE:</u></b>
<b>WILCOX</b>	<b>AYE</b>
<b>MARIGONI</b>	<b>AYE</b>
<b>FOWERS</b>	<b>AYE</b>
<b>NORTHROP</b>	<b>AYE</b>
<b>HILL</b>	<b>AYE</b>

**MOTION PASSED.**

7. Discussion Items, Reports, and/or Presentations

a. Discussion – Staff and City Council Collaboration

Mayor Sheri Bingham explained that the City Staff meets monthly. With the budget coming up, she would like the staff to come up with some possible ‘wants’ for their department.

b. Discussion- Budget Ideas

Going along with staff and City Council collaboration, she discussed the idea of the staff coming to them for ideas and wants for their department. Council Member Wilcox would like to see a percentage of the utility tax be put towards the Emergency Preparedness fund. Council Member Hill would like to see Public Works to give a list of what future road projects needs to be done.

c. Discussion- EZ Ramp Grant Ideas

Mayor Sheri Bingham explained that there are a few EZ Ramp Grants that can be applied for that are \$2000 each grant. She talked about doing something for the cemetery, Hooper Tomato Days, and Halloween Haunt. The mayor

explained that Tereasa no longer has the time to write these grants so we are needing to find someone to do that. Council Member Marigoni explained that she has been taking grant writing classes and would be able to help. These will be due by March 22, 2024.

d. Discussion- Community Committee Ideas

The Mayor, Sheri Bingham, explained that she would like to come up with committees that are over certain things and be involved in events such as Halloween Haunt, Cemetery, Easter Egg Hunt, Christmas, Emergency Preparedness, etc.

e. Discussion- Speed Limits, School Signs, Flashing Speed Signs

The Mayor, Sheri Bingham, explained to everyone that we have arterial roads, which are UDOT roads. Collector streets that are the main roads within Hooper City, and local roads that are the subdivision roads. She would like to make a consistent speed through similar roads. Council Member Hill would like to see 4700, 5100, and 5500 west to all be the same speed. Jared Hancock, our public works director, explains that there will need to be a speed study done which is typically done with JUB.

f. Discussion- Ordinance 2-1-5 Acquisition of Services and Supplies

The Mayor, Sheri Bingham, quotes and reads our Ordinance 2-1-5. Sheri explains that after talking with Tereasa, our finance manager, \$5,000 is a low dollar amount for city council to approve. Sheri talks about the possibility of raising the dollar amount.

g. Discussion- Year goals and objectives

No discussion was done.

h. Discussion – Commercial Cell Tower Ordinance

Reed Richards, our city attorney, goes over the Ordinance. A discussion between the City Council and the Attorney was held.

8. Public Comments on items not on the agenda.

Amanda Prince located at 6093 W 5300 S reads state code 10-9A-301, going off work meeting discussion for Planning Commission Members.

Jenny Stanger located at 3672 S 5250 W reads state code 10-9A-302 that there is a three-hour training for Planning Commission Members to do. As well as a one-hour annual training.

Amanda Prince located at 6093 W 5300 S explained that the old city recorder had a presentation for them to review.

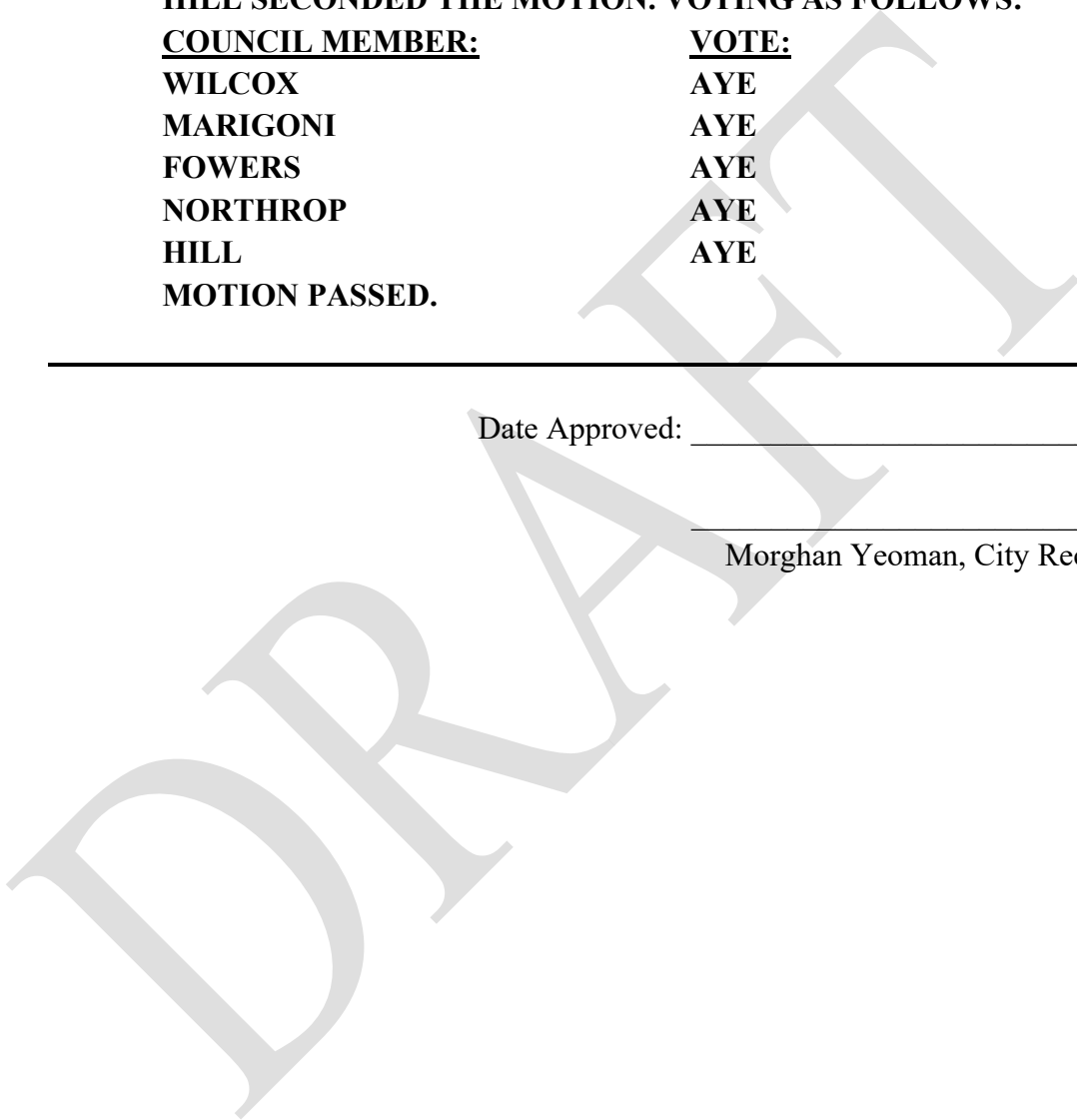
9. Adjournment

**AT APPROXIMATELY 8:40 PM COUNCIL MEMBER MARIGONI MOVED TO ADJOURN THE MEETING. COUNCIL MEMBER HILL SECONDED THE MOTION. VOTING AS FOLLOWS:**

<b><u>COUNCIL MEMBER:</u></b>	<b><u>VOTE:</u></b>
<b>WILCOX</b>	<b>AYE</b>
<b>MARIGONI</b>	<b>AYE</b>
<b>FOWERS</b>	<b>AYE</b>
<b>NORTHROP</b>	<b>AYE</b>
<b>HILL</b>	<b>AYE</b>
<b>MOTION PASSED.</b>	

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
Morghan Yeoman, City Recorder



**(Draft) ORDINANCE NO. \_\_\_\_\_**  
**AN ORDINANCE REGULATING WIRELESS TELECOMMUNICATION**  
**STRUCTURES AND FACILITIES IN THE CITY OF HOOPER**

**WHEREAS**, wireless communications have become the normal method of communicating between individuals in Hooper City and across the country; and

**WHEREAS**, good wireless communication reception is essential for day-to-day communication, interaction, and conducting business; and

**WHEREAS**, the citizens of Hooper benefit greatly from having options for wireless communication; and

**WHEREAS**, wireless communication providers require facilities from which to transmit signals.

**NOW, THEREFORE**, be it ordained by the City Council of Hooper City, that the following ordinance be adopted to regulate and encourage placement, construction, and modification of personal wireless communication equipment, as follows:

**TITLE V**

**CHAPTER 7**

**WIRELESS TELECOMMUNICATIONS, STRUCTURES, AND FACILITIES**

**SECTIONS:**

**5-7-1 Purpose**

**5-7-2 Siting alternatives hierarchy**

**5-7-3 Definitions**

**5-7-4 Site plan requirements**

**5-7-5 Building permits**

**5-7-6 Antenna site locations**

**5-7-7 Co-location requirement**

**5-7-8 Lease agreements for use of City land**

**5-7-9 Standards for antennas and antenna support structures**

**5-7-10 Additional conditional use permit considerations**



**5-7-11 Additional regulations for monopoles and towers**

**5-7-12 Safety requirements**

**5-7-13 Site requirements**

**5-7-14 Pre-existing wireless communication facilities**

**5-7-15 Abandonment**

**5-7-1: PURPOSE**

A. The purposes of this chapter are to:

1. Provide specific regulations for the placement, construction, and modification of personal wireless communication facilities.
2. Minimize the impacts of wireless communications facilities on surrounding areas by establishing standards for location, structural integrity, and area compatibility.
3. Encourage the location and co-location of wireless communication equipment on existing structures, thereby minimizing new visual, aesthetic, and public safety impacts, effects upon the natural environment, and the need for additional antenna-supporting structures.
4. Encourage coordination between suppliers of wireless communication services in the City.
5. Respond to the policies embodied in the Telecommunications Act of 1996 in such a manner as to avoid unreasonable discrimination between providers of functionally equivalent personal wireless services and to allow and encourage personal wireless services in the City.
6. Protect the neighborhood character and values of the City's residential zoning districts while meeting the needs of its citizens to enjoy the benefits of wireless communication services.
7. Encourage the use of public lands, buildings, and structures as locations for wireless telecommunications infrastructure as a method to establish a precedence of concealment that minimizes the aesthetic impact of related infrastructure and that generates beneficial revenue to the City and its citizens.

**5-7-2: SITING ALTERNATIVES HIERARCHY**

A. Siting of a wireless communications facility shall be in accordance with HCC 5-7-6 and the following siting alternatives hierarchy:

1. Concealed attached wireless communications facility on:

- a. City-owned property.
    - b. Other publicly owned property.
    - c. Privately owned property.
  - 2. Co-location or combining on an existing antenna supporting structure facility on:
    - a. City-owned property.
    - b. Other publicly owned property.
    - c. Privately owned property.
  - 3. Freestanding, concealed or nonconcealed wireless communications facility on:
    - a. City-owned property.
    - b. Other publicly owned property.
    - c. Privately owned property.
- B. The order of ranking preference, from highest to lowest, shall be (1), (2), and (3) and then (a), (b), and (c) within each preference. When proposing a lower-ranked alternative, the applicant shall file relevant information by affidavit by a radio-frequency engineer demonstrating that, despite diligent efforts to adhere to the established hierarchy within the Hooper City boundaries, higher-ranked options are not technically feasible, practical, or justified given the location of the proposed wireless communications facility and the existing uses for the subject and surrounding properties within 500 feet of the subject property.
- C. Zoning Hierarchy. Zoning preference are as follows:
- 1. City and publicly owned property;
  - 2. Industrial;
  - 3. Commercial;
  - 4. Residential.
- D. Exemptions. Noncommercial amateur radio antennas, ham radios, or citizens' band antenna-supporting structures, satellite-dish antennas, government-owned wireless communications facilities (upon declaration of a state of emergency by federal, state, or local government), antenna- supporting structures, antennas, and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities licensed by the FCC.
- E. The City Council reserves the right to deny the use of any or all City owned property by any applicants.

### **5-7-3: DEFINITIONS**

The following words shall have the described meaning when used in this chapter, unless a contrary meaning is apparent from the context of the word.

“Antenna” means any apparatus designed for the transmitting and/or receiving of electromagnetic waves including but not limited to telephonic, radio, Internet, or television communications. Types of elements include, but are not limited to: omni-directional antennas, sectorized (panel) antennas, multi or single bay, yagi, or parabolic dish or ball antennas.

“Antenna support structures” means any structure used for the purpose of supporting antenna(s).

“City” means Hooper City, Utah.

“City-owned property” means real property owned, leased, or controlled by or for the City.

“Co-location” means the location of an antenna on an existing structure, tower, or building that is already being used for personal wireless services facilities.

“Guyed tower” means a tower that supports an antenna or antennas and requires guy wires or other stabilizers for support.

“Lattice tower” means a self-supporting, three- or four-sided, open steel- or wood-frame structure used to support telecommunications equipment.

“Monopole” means a single, self-supporting cylindrical pole, constructed without guy wires or ground anchors, that acts as the support structure for antennas.

“Monopole antenna with no platform” means a monopole with antennas and an antenna-support structure that does not exceed three feet in width or 10 feet in height.

“Monopole antenna with platform” means a monopole with antennas and an antenna support structure that exceeds three feet in width or 10 feet in height.

“Personal wireless services” means commercial mobile telecommunications services, unlicensed wireless telecommunications services, common carrier wireless telecommunications exchange access services, and commercial wireless computer-Internet services provisions.

“Personal wireless services antenna” means an antenna used in connection with the provision of personal wireless services.

“Personal wireless services facilities” means facilities for the provision of personal wireless services, which include transmitters, antennas, structures supporting antennas, associated wiring and connections, and electronic equipment typically installed in close proximity to a transmitter or receiver.

“Private property” means any real property not owned by the City, even if the property is owned by another public or governmental entity.

“Roof-mounted antenna” means an antenna or series of individual antennas mounted on a roof, mechanical room, or penthouse of a building or structure.

“Stealth facilities” means personal wireless services facilities designed to be compatible with the natural setting and surrounding structures and which camouflage or conceal the presence of antennas and/or towers. The term includes, but is not limited to, clock towers, church steeples, light poles, flagpoles, signs, electrical transmission facilities, and water tanks.

“Tower” means a freestanding structure, such as a monopole tower, lattice tower, or guyed tower, used as a support structure for antenna(s).

“Wall-mounted tower” means an antenna or series of individual antennas mounted on the vertical wall of a building or structure.

“Whip antenna” means an antenna that is cylindrical in shape. Whip antennas can be directional or omni-directional and vary in size depending on the frequency and gain for which they are designed.

“Wireless communications” means any personal wireless service that includes, but is not limited to, cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), unlicensed spectrum services utilizing Part 15 devices (i.e., wireless Internet), and paging.

#### **5-7-4: SITE PLAN REQUIREMENTS**

Any person desiring to develop, construct, or establish a personal wireless service facility in the City shall submit a conditional use application and site plan to the City for approval. The City shall only consider complete applications, which shall include the following:

- A. A conditional use and site plan review fee that has been established by the City’s schedule of fees.
- B. Site plan, as described in HCC 10-6-4.5, which shall include the following:
  1. Vicinity map containing sufficient information to accurately locate the property shown on the plan.
  2. Footprints of existing and proposed buildings and structures, including a notation of each unit’s height above the grade.
  3. Location and size of existing and proposed buildings and structures, including a notation of each unit’s height above the grade and dimensions of space, cabinets, or rooms within residential structures used to provide computer-Internet service provisions or equipment.

4. Location and size of existing and proposed antennas with dimensions to property lines.
  5. Location of existing or proposed fire protection devices.
  6. Location and description (height, materials) of existing and proposed fences.
  7. Location and description (dimensions, distance to property lines, and type) of lighting (direct or indirect).
  8. A security lighting plan, if proposed.
  9. A signed lease agreement with the City if the site is located on City property.
- C. The application shall include written descriptions regarding:
- (1) Maintenance. A description of the anticipated maintenance needs for the facility, including frequency of service, personnel needs, equipment needs, and traffic ingress and egress points for the facility.
  - (2) Service Area. A description of the service area for the antenna or tower and a statement as to whether the antenna or tower is needed for coverage or capacity.
  - (3) Location. A map showing the site and the nearest telecommunications facility sites within the network, a description of the distance between the telecommunications facility sites, and a description of how this service area fits into the service network.
  - (4) Liaison. The name, address, telephone number, and fax number of a contact person who can respond to questions concerning the application and the proposed facility.

#### **5-7-5: BUILDING PERMITS**

- A. General Requirements. Applicants shall obtain a building permit from the City prior to the construction of any tower or antenna support structure. The City shall not issue a building permit for any project requiring a site plan, amended site plan, or conditional use permit until after the approval of such site plan, amended site plan, or conditional use permit by the appropriate authority.
- B. Requirements for Monopoles and Towers. If the applicant is constructing a monopole or other tower-type structure, the applicant shall submit a written report from a qualified structural engineer, licensed in the state of Utah, documenting the following:
  1. Height and design of the monopole or tower, including technical and engineering factors governing the selection of the proposed design.
  2. Seismic-load design and wind-load design for the monopole or tower.

3. Total anticipated capacity of the monopole or tower, including number and type of antennas it could accommodate.
4. Structural failure characteristics of the monopole or tower and a demonstration that the site and setbacks are of adequate size to contain debris.
5. Soil investigation report, including structural calculations.
6. Electrical design end loads provided according to the electrical code as adopted by state law.

#### **5-7-6: ANTENNA SITE LOCATIONS**

The City Council shall authorize the location of wireless service antennas on public or private property within designated industrial, commercial, or residential zones of the City at said site as indicated in the siting alternatives hierarchy section contained herein.

#### **5-7-7: CO-LOCATION REQUIREMENT**

Unless otherwise authorized by the City Council for good cause shown, the design and construction of every new monopole shall be of sufficient size and capacity to accommodate at least one additional wireless telecommunications provider on the structure in the future. Any conditional use permit for the monopole may require an agreement of the applicant to allow co-location of other personal wireless providers on such terms as are common in the industry.

#### **5-7-8: LEASE AGREEMENTS FOR USE OF CITY LAND**

The City shall enter into a standard lease agreement with the applicant for any facility built on City property. The Mayor or the Mayor's designee shall have the authority to execute the standard lease agreement on behalf of the City. The lease shall contain the condition that applicant acquire site plan and/or conditional use permit approval from the City Land Use Authority before the lease can take effect and that failure to obtain such approval renders the lease null and void.

#### **5-7-9: STANDARDS FOR ANTENNAS AND ANTENNA SUPPORT STRUCTURES**

The type or location of the antenna structure characterizes personal wireless services facilities. There are five general types of antenna structures contemplated by this chapter: wall-mounted antennas; roof-mounted antennas; monopoles with no platform; monopoles with a platform; and stealth facilities. If this chapter allows a particular type of antenna structure as a permitted or conditional use, the minimum standards for that type of antenna are as follows, unless otherwise provided in a conditional use permit:

- A. Wall-Mounted Antennas.

1. **Maximum Height.** Wall-mounted antennas shall not extend above the roof line of the building or structure or extend more than four feet horizontally from the face of the building.
2. **Setback.** Wall-mounted antennas shall not locate within 100 feet of any residence.
3. **Mounting Options.** Antennas mounted directly on existing parapet walls, penthouses, or mechanical-equipment rooms are considered wall-mounted antennas if no portion of the antenna extends above the roof line of the parapet wall, penthouse, or mechanical-equipment room. Whip antennas are not allowed on a wall-mounted antenna structure.

#### B. Roof-Mounted Antennas.

1. **Maximum Height.** The maximum height of a roof-mounted antenna shall be 10 feet above the roof line of the building.
2. **Setback.** Roof-mounted antennas shall be located at least five feet from the exterior wall of the building or structure and at least 50 feet from any neighboring residential structure.

#### C. Monopoles with No Platform.

1. **Maximum Height and Width.** The maximum height of the monopole antenna shall be 75 feet, although the approving body may allow an antenna or antenna-support structure up to 100 feet in height if the applicant demonstrates to the satisfaction of the approving body that the additional height is necessary to obtain coverage or allow co-location and that the applicant has taken steps to mitigate adverse effects on the surrounding neighborhood. The entire antenna structure mounted on the monopole shall not exceed three feet in width. The antenna itself shall not exceed 10 feet in height.
2. **Setback.** Monopoles shall be set back a minimum 200 percent of the height of the monopole from any lot line, measured from the base of the monopole to the nearest residential lot line. Exceptions to this setback requirement may be approved by the Planning Commission conditioned upon the acquisition of an equivalent fall zone easement on the adjacent property. Under no circumstances shall residential structures or otherwise occupied structures be permitted within the fall zone easement. Construction of nonoccupied accessory structures maybe permitted within the easement at the sole risk of the property owner.

#### D. Monopoles with Platform.

1. **Maximum Height and Width.** The maximum height of the monopole antenna shall be 75 feet, although the approving body may allow an antenna or antenna-support structure up to 100 feet in height if the applicant demonstrates to the satisfaction of the approving body that the additional height is necessary to obtain coverage or allow co-location and that the applicant has taken steps to mitigate adverse effects

on the surrounding neighborhood. The antennas and antenna-mounting structures on the monopole shall not exceed eight feet in height or 15 feet in width. The antenna itself shall not exceed 10 feet in height.

2. Setback. Monopoles shall be set back a minimum 200 percent of the height of the monopole from any lot line, measured from the base of the monopole to the nearest residential lot line. Exceptions to this setback requirement may be approved by the Planning Commission conditioned upon the acquisition of an equivalent fall zone easement on the adjacent property. Under no circumstances shall residential or otherwise occupied structures be permitted within the fall zone easement. Construction of nonoccupied accessory structures may be permitted within the easement at the sole risk of the property owner.

- E. Stealth Facilities – Maximum Height. The maximum height of a stealth facility shall be the maximum structure height permitted in the zoning district wherein the stealth facility will be located. The applicant may exceed the maximum structure height if allowed pursuant to a conditional use permit.

#### **5-7-10: ADDITIONAL CONDITIONAL USE PERMIT CONSIDERATIONS**

In addition to the City’s standard conditional use permit considerations, the City shall consider the following factors when deciding whether to grant a conditional use permit for a personal wireless services facility:

- A. Compatibility. The facility or antenna shall be compatible with the height, mass, and design of buildings, structures, neighborhood aesthetics, and uses in the vicinity of the facility.
- B. Screening. The facility or antenna shall use existing or proposed vegetation, topography, or structures in a manner that effectively screens the facility.
- C. Disguise. The facility or antenna shall include a disguise that mitigates potential negative impacts on surrounding properties.
- D. Parcel Size. The parcel upon which the facility or antenna will be located shall be of sufficient size to adequately support the facility.
- E. Location on Parcel. The structure or antenna shall be located on the parcel in a manner that can best protect the interests of surrounding property owners but still accommodate other appropriate uses of the parcel.
- F. Co-Location. The applicant shall be willing to allow co-location on its facility by other personal wireless services providers on such terms as are common in the industry.

#### **5-7-11: ADDITIONAL REGULATIONS FOR MONOPOLES AND TOWERS**

- A. Distance from Other Monopoles. Monopoles and towers shall be located at least one-half of a mile from each other except upon showing of necessity by the applicant, or upon a



finding by the City that a closer distance would adequately protect the health, safety, and welfare of the community. This distance requirement shall apply to stealth facilities or to antennas attached to lawful structures such as transmission towers, utility poles, outdoor lighting structures, and water tanks.

- B. Location on Parcel. Monopoles shall be located as unobtrusively on a parcel as possible, given the location of existing structures, nearby residential areas, and service needs of the applicant. Monopoles shall not be located in a required landscaped area, buffer area, or parking area.

#### **5-7-12: SAFETY REQUIREMENTS**

- A. Regulation Compliance with FCC and FAA Regulations. All operators of personal wireless services facilities shall demonstrate compliance with applicable Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) regulations, including FCC radio frequency regulations, at the time of application and periodically thereafter as requested by the City. Failure to comply with the applicable regulations shall be grounds for revoking a site plan or conditional use permit approval.
- B. Protection Against Climbing. Monopoles shall be protected against unauthorized climbing by removal of the climbing pegs from the lower 20 feet of the monopole.
- C. Fencing. Applicant shall fully enclose all monopoles and towers with a minimum six-foot-tall fence or wall, as directed by the City.
- D. Security Lighting Requirements. Monopoles and towers shall comply with the FAA requirements for lighting. As part of the conditional use permit consideration, the City may also require security lighting for the site. If using security lighting, the applicant shall minimize the lighting impact on surrounding residential areas by using indirect lighting, where appropriate.

#### **5-7-13: SITE REQUIREMENTS**

- A. Regulations for Accessory Structures.
  - 1. Storage Areas and Solid Waste Receptacles. The site shall not permit any outside storage of solid waste receptacles.
  - 2. Equipment Enclosures. All electronic and other related equipment and appurtenances necessary for the operation of any personal wireless services facility shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade. When a new structure is necessary to house such equipment, the structure shall blend with the natural features, buildings, and structures in the zone wherein the facility will be located.
  - 3. Accessory Buildings. Freestanding accessory buildings used with a personal wireless services facility shall not exceed 450 square feet and shall comply with

the setback requirements for structures in the zone wherein the facility will be located.

- B. Parking. The City may require a minimum of one parking stall for sites containing a monopole, tower, and/or accessory buildings, if there is insufficient parking available on the site.
- C. Landscaping. Applicants shall landscape all sites with personal wireless services facilities per conditions of approval by the City Planning Commission.
- D. Maintenance Requirements. Applicants shall maintain all personal wireless services facilities and sites in a safe, neat, and attractive manner.

#### **5-7-14: PRE-EXISTING WIRELESS COMMUNICATION FACILITIES**

- A. Pre-existing wireless communication facilities shall be allowed to continue their current usage as they presently exist. Routine maintenance shall be permitted in such pre-existing facilities. Construction of additional antennae or other equipment on pre-existing facilities shall comply with the requirements of this chapter.

#### **5-7-15: ABANDONMENT**

The City may require the removal of all antennas and monopoles if the facility has been inoperative or out of service for more than 3 consecutive months.

- A. Notice. Notice to remove shall be given in writing by personal service or by certified mail addressed to the last known applicant.
- B. Violation. Failure to remove the antennas and monopoles as instructed within 3 months after receiving written notice to remove the same is a violation of the terms of this chapter. The City may initiate criminal and/or civil legal proceedings against any person, firm, or corporation, whether acting as principal, agent, property owner, lessee, lessor, tenant, landlord, employee, employer, or otherwise, for failure to remove antennas and monopoles in accordance with this chapter. Any lease agreement with the City shall also stipulate that failure to remove the antennas and monopoles after receiving written notice to do so pursuant to this chapter automatically transfers ownership of the antennas, monopoles, support buildings, and all other structures on the site to the City.
- C. Bonding. Prior to construction of any tower or antenna support structure, the applicant shall provide the City with an insurance bond of 150 percent of the city engineer's estimated cost to remove the facility and restore the site to its original condition. As needed, the bond amount may be increased to reflect current costs.

This Ordinance shall become effective upon publication as required by law fifteen (15) days after final passage on \_\_\_\_\_, 2024.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Sheri Bingham, Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

**Voting:**

Council Member Fowers

Council Member Hill

Council Member Northrop

Council Member Wilcox

Council Member Marigonie

**YES NO**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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#### **10-5-4 Zoning Ordinance Amendments**

**A. *Process for Changing Zoning and/or The Future Land Use Map portion of the General Plan in a Residential Zone:***

- 1- Proposals for changing property zoning shall be initiated by the Property Owner by submitting an application and fees, as set forth in HCC 10-5A, to the City office on forms provided by the City.
- 2- All proposed changes in zoning shall first come before the Planning Commission for consideration and a recommendation of approval or denial to the City Council.
  - a. If the proposed change in Zoning differs from the Future Land Use, the Planning Commission shall make a recommendation to the City Council as to whether or not the Future Land Use Map portion of the General Plan shall be opened for the proposed amendment. The Planning Commission recommendation will be submitted to be considered by the City Council on their next available meeting.
    - i. If accepted, the City Council will open, modify, and close the Future Land Use Map portion of the General Plan in the same meeting.
    - ii. If the petition is denied by the City Council, the landowner may again apply for change no sooner than twelve months from their original Planning Commission meeting.
- 3- The City Council shall apply the standards listed in paragraph D and the required findings listed in paragraph E to review the zoning amendment.
- 4- If the City Council approves a zoning map amendment pursuant to a request from a property owner, the City Council shall not subsequently reverse its action or otherwise change the zoning classification for a period of at least 3 years.

**B. *Process for Changing Zoning and/or The Future Land Use Map portion of the General Plan in a Commercial Zone:***

- 1- Proposals for changing property zoning shall be initiated by the Property Owner by submitting an application and fees, as set forth in HCC 10-5A, to the City office on forms provided by the City.
- 2- All proposed changes in zoning shall first come before the Planning Commission for consideration and a recommendation of approval or denial to the City Council.
  - a. If the proposed change in Zoning differs from the Future Land Use, the Planning Commission shall make a recommendation to the City Council as to whether or not the Future Land Use Map portion of the General Plan shall be opened for the proposed amendment. The commercial zone *may be* flexible pertaining to the proposed commercial development area. Amendments to the commercial zone *may* allow amendments to adjacent residential development if proposed as one

project. The Planning Commission recommendation will be submitted to be considered by the City Council on their next available meeting.

- i. If accepted, the City Council will open, modify, and close the Future Land Use Map portion of the General Plan in the same meeting.
  - ii. If the petition is denied by the City Council, the landowner may again apply for change no sooner than twelve months from their original Planning Commission meeting.
- 3- The City Council shall apply the standards listed in paragraph D and the required findings listed in paragraph E to review the zoning amendment.
  - 4- If the City Council approves a zoning map amendment pursuant to a request from a property owner, the City Council shall not subsequently reverse its action or otherwise change the zoning classification for a period of at least 3 years.

**C. *Process for Changing Zoning and/or General Plan in Any Zone Initiated by the City Council:***

- 1- For the general health, safety, welfare of the public, or to comply with State Law, the City Council reserves the right to open and make changes to the General Plan and/or Future Land Use Map portion of the General Plan, following the same procedural process as outlined above in HCC 10-5-4 (A)(2) and HCC 10-5-4 (B)(2)

**D. *Standards: For zoning ordinance map amendments, the subject property(ies) must meet the minimum dimensional standards of the proposed base zone otherwise, the property(ies) shall not be eligible for rezone.***

**E. *Required Findings: Upon recommendation from the Commission, the City Council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an amendment to the zoning, the City Council shall make the following findings:***

- 1- The zoning amendment complies with the General Plan;
- 2- The zoning amendment complies with the regulations outlined for the proposed base zone, specifically the purpose statement;
- 3- The zoning amendment shall not be materially detrimental to the public health, safety, and welfare; and
- 4- The zoning amendment shall not result in an adverse impact upon the delivery of services by any service provider providing public services within the city including, but not limited to school districts, fire districts, water or sewer districts, or utilities.

## **10-5C-4 Board Of Adjustment, Process, Powers And Duties**

### *A. Appeals:*

1. The board of adjustment shall hear and decide appeals from decisions applying the zoning and subdivision ordinance as set out in HCC 10-5-3 paragraph B.
  - a. The applicant or any other person or entity adversely affected by a decision administering or interpreting a zoning ordinance may appeal that decision applying the zoning ordinance by alleging that there is error in any order, requirement, decision, or determination made by an official in the administration or in the interpretation of the zoning ordinance.
  - b. Any officer, department, board, or bureau of the City affected by the grant or refusal of a building permit or by any other decision of an administrative officer in the administration or interpretation of the zoning ordinance may appeal any decision to the board of adjustment.
  - c. The board of adjustment shall hear and decide appeals from planning commission decisions regarding conditional use permits.
2. The person or entity making the appeal has the burden of proving that an error has been made.
3. Only decisions applying the zoning and subdivision ordinance may be appealed to the board of adjustment.
4. A person may not appeal, and the board of adjustment may not consider, any zoning ordinance amendments.
5. Appeals may not be used to waive or modify the terms or requirements of the zoning ordinance.

### *B. Routine and uncontested matters:*

1. The Mayor may appoint an administrative officer to decide routine and uncontested matters brought before the board of adjustment.
2. The board of adjustment shall designate which matters may be decided by the administrative officer; and establish guidelines for the administrative officer to comply with in making decisions.
3. Any person affected by a decision of the administrative officer may appeal the decision to the board of adjustment as provided in this part.

### *C. Special exceptions:* The board of adjustment shall hear and decide special exceptions as set out in HCC 10-5-3B.

D. *Variances:*

1. The board of adjustment shall bear and decide variances from the terms of the zoning ordinance as set out in HCC 10-5-3B.
2. Any person or entity desiring a waiver or modification of the requirements of the zoning ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the board of adjustment for a variance from the terms of the zoning ordinance.
3. Factors to be considered in granting a variance:
  - a. The board of adjustment may grant a variance only if:
    - (1) literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance;
    - (2) there are special circumstances attached to the property that do not generally apply to other properties in the same zone;
    - (3) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
    - (4) the variance will not substantially affect the general plan and will not be contrary to the public interest; and
    - (5) the spirit of the zoning ordinance is observed and substantial justice done.
  - b.
    - (1) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under paragraph D,3,a, the board of adjustment must find that the alleged hardship:
      - (A) is located on or associated with the property for which the variance is sought; and
      - (B) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
    - (2) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under paragraph D,3,a, the board of adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.
  - c. In order to determine that there are special circumstances attached to the property under paragraph D,3,a, the board must find that the special circumstances:
    - (1) relate to the hardship complained of; and
    - (2) deprive the property of privileges granted to other properties in the same zone.
  - d. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
4. Variances run with the land.
5. The board of adjustment nor any other body may grant use variances.

6. In granting a variance, the board of adjustment may impose additional requirements on the applicant that will:
  - a. mitigate any harmful affects of the variance; or
  - b. serve the purpose of the standard or requirement that is waived or modified.