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**Pursuant to Utah County Ordinance No. 2000-08,
the following decision of the Utah County Board of
Adjustment is recorded relative to the subject property.**

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RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2003 Nov 21 4:59 pm FEE 0.00 BY SH
RECORDED FOR UTAH COUNTY COMMUNITY DEVELOPMENT

ACTION BY BOARD OF ADJUSTMENT

Appeal No. 1385

Applicant: T-MOBILE USA
(by Clark Harris)

SPECIAL EXCEPTION

When the Board of Adjustment acts under its power to hear and decide requests for special exceptions, the Board shall comply with all the rules and standards of the Utah County Zoning Ordinance as found in Section 7-21.

The request of **T-MOBILE**, represented by Clark Harris for a special exception to add a second cellular telephone transmission facility to an existing 90 foot-tall cell tower at 12,436 W Lehi-Fairfield Road (Saratoga Springs area) in the M&G-1 zone is **GRANTED** with the following findings and conditions, and by the following motion:

MOTION: That the Utah County Board of Adjustment approve a special exception to add a second cellular telephone transmission facility to an existing 90 foot-tall cell tower at 12,436 W Lehi-Fairfield Road with the following findings and conditions:

Findings:

1. The subject transmission facilities will be on the same tower as the facilities approved previously for the Union Pacific Railroad, with no additional impact.
2. The only possible difference would be if the T-Mobile USA transmitter somehow was not compatible in the surrounding electronic environment. Otherwise, the facilities in the subject appeal proposed by T-Mobile USA will meet the zoning ordinance's standards for a special exception.
3. The application to the Board asserts there will be no interference, and asserts that if there
4. were, Utah County would lack jurisdiction to deal with the problem.
5. Each of the requirements of the zoning ordinance for issuing a special exception will be met if the following conditions are attached to the approval.

Conditions:

1. That the application be signed by the Utah State Lands and Forestry Division and by Union Pacific Railroad, or that leases or other documents be presented to the Zoning Administrator

authorizing T-Mobile to sign as an applicant in lieu of the property owner, prior to the issuance of a building permit.

2. That the required electronic impact analysis be submitted to the Zoning Administrator or the requirement for such an analysis be deleted prior to the issuance of a building permit.
3. That a business license be obtained before a building permit is issued.

IF PERMIT NOT OBTAINED WITHIN ONE (1) YEAR, THIS APPROVAL IS VOID

The decision of the Utah County Board of Adjustment may be appealed to the Fourth District Court within 30 days from the date this Action Report is filed with the Utah County Recorder.

Vote Record: **AYE** **NAY** **ABSTAINED**

Randy Christiansen, Chair	X
Jim Brady, Member	X
Gary Carlson, Member	X
Lyle Hillier, Member	X

I, Shirley R. Englund, certify the voting record shown above to be true and correct, and a copy of this Action Report was recorded and filed in the Utah County Community Development Department on the 21st day of November, 2003.


Shirley R. Englund, Secretary
UTAH COUNTY BOARD OF ADJUSTMENT

EXHIBIT "A"

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LILD

* * * Land Information System * * *

Property Serial Number: 58:034:0140 114

Year: 2004.....

Locator / Alpha Serial: A /

Tax District #: 035

Owner Name: EVANS, AARON D & AARON D ET AL

Acres: 37.82

TODD 14 APR 99 2:09 PM

TEE

Taxing Description:

(Not For Legal Documents)

Page: 1

COM N 66 FT & E 0.35 FT FR S 1/4 COR. SEC. 21 T5S R1W SLB&M.; N 0 DEG 18'23"E 12
21.59 FT; S 44 DEG 46'18"E 511.77 FT; S 60 DEG 29'41"E 346.51 FT; S 80 DEG 34'49
"E 671.69 FT; N 76 DEG 57'13"E 544.44 FT; N 57 DEG 13'14"E 534.05 FT; N 38 DEG 5
3'12"E 335.86 FT; S 89 DEG 30'37"E 126.83 FT; S 1 DEG 18'46"W 593.8 FT; S 81 DEG
35'52"W 529.53 FT; S 52 DEG 38'36"W 1068.93 FT; N 89 DEG 50'17"W 815.96 FT; N 0
DEG 18'23"E 66 FT; N 89 DEG 50'17"W 445.52 FT TO BEG. AREA 37.821 AC.

* * * Search Completed * * *