STAFF REPORT

TO: Hailey City Council

FROM: Mariel Platt, Planner

RE: Amendment to Zoning District Map – Blaine County Senior Center

HEARING: June 23, 2008

Applicant: Blaine County Senior Center and the City of Hailey

Request: Amendment to Zoning District Map

Location: Lots 12 & 11, Block 126 and the north ½ of vacated Cedar Street, Hailey Townsite (721 Third Avenue South)

Zoning: General Residential (GR) and Townsite Overlay

Proposed: Limited Business (LB) and Townsite Overlay

Note: Staff analysis is in lighter type.

Notice

Notice for the public hearing was published in the Wood River Journal and mailed to property owners within 300 feet and to public agencies and area media on June 4, 2008; and notice was posted on all external boundaries of the property on June 16, 2008.

Application

The applicants have submitted an application for a zone change of a portion of the property from General Residential within the Townsite Overlay to Limited Business, within the Townsite Overlay to allow for parking credits with improvements to the City right-of-way, to allow a greater lot coverage percentage, and to be considered as a permitted use. The use is currently a non-conforming use in the GR district. Currently, the parcels of land occupied by the Blaine County Senior Center are mix zoned. Lots 11 &12, Block 126 and the north ½ of vacated Cedar Street are zoned GR, while the south ½ of vacated Cedar Street is zoned LB. The rezone request would give all parcels a single zoning classification of LB.

The current use for the property is a Senior Center, which falls under the category of semi-public use. Uses adjacent to the subject property include: a residence, a school, an armory, and a park. The areas to the south and west of the property are zoned LB. Adjacent to the south side of the property is a single family residence zoned LB. To the west of the property is the Wertheimer Park (Rodeo Grounds). The areas to the north and east are zoned GR. Adjacent to the north side of the property is the Silver Creek Alternative School. Adjacent to the east of the property, directly across Third (3rd) Avenue is the Armory. Diagonal (to the southeast, across Third (3rd) Avenue) from the Senior Center is Roberta McKercher Park, zoned Recreational Green Belt.

Procedural History

The applicant has concurrently applied for Design Review for an addition and remodel of an existing building, which was conditionally approved on April 24, 2008 by the Hailey Hearing Examiner. Currently, the Blaine County Senior Center is the lessee of City owned Lots 11 and 12, Block 126 and the north ½ of vacated Cedar Street. The lease agreement will expire in 2080. The Blaine County Senior Center owns the south ½ of vacated Cedar Street. The current building and its use are nonconforming; therefore, Design Review approval is contingent upon the approval of the rezone and preliminary plat applications, which will eliminate the nonconforming issues associated with the subject property.

The project does not propose a change in use. In the GR District a semi-public use, such as the Blaine County Senior Center, is a conditional use, requiring a conditional use permit. In the LB District this use is a permitted use. The Blaine County Senior Center is currently a non-conforming use, without possession of a conditional use permit. Section 13.5 of the Hailey's Zoning Ordinance prohibits the expansion of non-conforming uses; therefore, if the proposed rezone is not approved, a conditional use permit would need to be obtained prior to the issuance of a building permit. The proposed rezone would change the non-conforming use to a conforming use.

The building currently straddles the lot line shared by the north ½ and south ½ of vacated Cedar Street. The building is nonconforming and the proposed addition would increase the degree of nonconformity, requiring the elimination of the lot line. The lot line adjustment, eliminating the lot line between the north (City owned) and south (Senior Center owned) ½ of vacated Cedar Street, requires the Senior Center to deed the south ½ of vacated Cedar Street to the City, with the City's acceptance. The representative of the Senior Center has expressed a willingness to convey title for this property to the City of Hailey.

Analysis and Discussion

The Townsite Overlay District is an overlay district, setting forth bulk regulations and design standards. Where the regulations specified in the Townsite Overlay District differ from corresponding regulations specified for the underlying zoning district, the requirements of the Townsite Overlay District apply and control. The Townsite Overlay requirements do not affect the use regulations of the underlying zoning district.

When considering this rezone the Council should evaluate the differences between the two districts; Townsite Overlay bulk regulations with underlying zoning regulations and underlying zoning regulations without the Townsite Overlay District. In the event that the subject property is ever removed from the Townsite Overlay boundary the underlying district regulations would apply.

The substantial differences in use, between GR and LB districts, are listed below.

In addition to the permitted uses allowed in General Residential, Limited Business also allows for the following additional permitted uses:

- lodging establishments

- professional offices
- excluding veterinarians
- heath care and social assistance
- real estate and property management companies
- catering services
- arts, entertainment and recreation uses (indoor and outdoor)
- Personal services where retail sales are clearly incidental to the principal use and no outside storage yard or facility is required
- semi public uses
- government offices and public administration, except correctional institutions
- PWSFs or WCFs, attached to street poles, upon the issuance of a wireless permit in accordance with the provisions of Article VIIA of the Hailey Zoning Ordinance.

Conditional uses allowed in LB and prohibited in GR district are as follows:

- Gasoline Stations and Automotive Repair and Maintenance
- Restaurants
- Wholesale distributors
- Convenience Stores
- Medical personal care stores
- Finance and insurance firms
- Construction contractors' offices with no exterior storage
- PWSF's and WCF's, mounted on any proposed freestanding tower (in GR it can be attached to street poles or mounted on existing buildings or structures, but not freestanding towers)

Accessory Uses allowed in LB, but prohibited in the GR district are as follows:

- Combustible liquid tanks
- PWSF's and WCF's, mounted on existing buildings or structures.

The differences in bulk requirements can be evaluated separately, with and without regard to the Townsite Overlay District.

The difference in bulk requirements without regard to the Townsite Overlay are as follows:

Bulk Regulations	**LB**	**GR**
Maximum townhouse sub-lots per acre	20	10
Maximum multi-family residential aggregate density	One (1) dwelling unit per 1/20 of an acre (20 units/acre)	One (1) dwelling unit per 1/10 of an acre (10 units/acre)
Maximum aggregate gross floor area for individual retail/wholesale trade or grouped retail/wholesale trade	36,000 square feet	N/A (Not a permitted use)
Riparian setback	N/A (No riparian setback)	Required
Maximum Lot Coverage	N/A (No maximum)	40%
Size of Detached Accessory Dwelling Unit	N/A (No minimum or maximum)	Minimum gross floor area of 300 square feet and a maximum of 950 square feet

The following are the bulk regulation differences between GR and LB, set forth in the Townsite Overlay District, Section 4.13.6 of the Hailey Zoning Ordinance:

Bulk Requirements	LB in Townsite Overlay	GR in Townsite Overlay
Maximum Building Height	35 feet	30 feet
Maximum Lot Coverage	70%	25-40% depending on building height and whether a garage is on-site
Maximum Lot Size	No maximum	18,000 square feet

The purpose of the LB District is to provide areas for a wide range of residential uses, restricted business uses, and medical facilities. The LB District is intended to allow for commercial uses that would not detract from the established downtown retail businesses, hence general retail is not allowed.

The purpose of the GR District is to provide areas for a variety of residential uses, and a limited number of other uses compatible with this type of residential development. The intent is to preserve the favorable amenities associated with a residential neighborhood.

An extensive list of permitted, conditional and accessory uses and the bulk regulations in the LB District are set forth in Section 4.5 of the Hailey Zoning Ordinance (attached).

April 15th and April 24, 2008 the Hailey Hearing Examiner made the following Conclusions of Law and Recommendation:

1. Adequate notice, pursuant to Section 14.4.1 of the Hailey Zoning Ordinance No. 532 and Idaho Code, Section 67-6511, was provided.
2. The Zoning Map amendment is in accordance with the Hailey Comprehensive Plan.
3. The Zoning Map amendment shall be approved subject to a Development Agreement
4. The Development Agreement shall provide that the subject property revert back to General Residential zoning in the event that there is a change in use.

Standards of Evaluation

Section 14.6 of the Hailey Zoning Ordinance sets forth the following standards of evaluation. The Council shall, at a minimum, consider the following criteria in making its decision:

1. The proposed amendment is in accordance with the Comprehensive Plan;

The Comprehensive Plan Land Use Map reflects suitable projected land uses for the City. It considers existing conditions, trends, and desirable future situations, the objective being a balanced mix of land uses for the community and establishes a basis and direction for the expansion and/or location of business, residential, industrial, institutional and green space areas within and adjacent to the City. The Land Use Map depicts the area of the proposed rezone as "Transitional – Mixed use, including residential, providing a buffer between residential neighborhoods and intense business use." The Council should refer back to the purpose of the LB District and determine whether rezoning this area to LB is consistent with the Land Use Map. A Development Agreement could be

tailored to elimiate certain uses permitted in the LB District, which may not be compatible with the Land Use Map's definition of "Transitional." The nature of the Senior Center's use is neither business or residential and has existed on this site since 1981.

Land Use Districts, Section 5.4 states, "Provide adequate areas for institutional and public facilties, such as schools, senior care, medical, judicial and other community facilities, intergrated within the community."

- Due to a growing elderly population, the Blaine County Senior Center proposes to expand their facility, which requires a rezone to comply with maximum lot coverage regulations. There are residential dwelling units to the south of the property. The Council may want to consider the impact the rezone may have on the sourrounding residential uses as well as whether the expansion will help "provide an adequate" community facility, based on the applicants intentions to expand the current Senior Center if the rezone is approved. The Senior Center has existed on this site since 1981 and has a 99 year lease with the City of Hailey for the site.

Population Diverstiy, Section 7.2 states, "Encourage proposals that seek to improve Hailey's social environment, such as educaitonal facilites and programs, cultural events, and community amentities."

- The Council may want to consider how the proposed zone change may improve Hailey's social environment by providing an adequate sized facility to accommodate its use as a Senior Center.

Community Design, Section 13.0 states, "Encourage in-fill of vacant property in and around the business core."

- The Council may want to consider the Senior Center's request for expanding the existing building onto existing vacant areas, thereby in-filling, instead of rebuilding a larger facility in an area further from Hailey's core, contributing to sprawl and decreasing the ability or conveinence of mulit-modal transportation access.

Due Process and Public Input, Section 5.8 states, "Proactively amend the Hailey Zone District map to resolve significant conflicts between the Land Use Map and the Zoning Map."

- The Council should determine if the rezone is compatible with the Land Use Map given that the property is shown as a "Transitional" area on the Land Use Map and the nature of the existing use.

The applicant has addressed numerous sections of the Comprehensive Plan (refer to the applicant's analysis attached). The following are a few excerpts from the applicant's analysis:

- Growth Management, Section 12.0 - "By improving the existing facility and expanding on the existing property, we feel that this is very responsible with regards to growth management; this is based in contrast to moving the facility to another site, potentially further from the city core. By expanding and improving where we are located we are being more responsible to our community since the location is so centrally located and can accommodate the much needed growth for our community's patrons."
- Land Use Districts, Section 5.0 - "This facility promotes a higher density type of use that is close to the city core and is within walking distance to many city amenities. This location promotes diverse neighborhoods and adds to the community's character. The CSCS uses buses to pick up many of the patrons and is also providing bicycle racks and improving sidewalks in the public

right of way which promote multi-modal transportation means."

- Population 7.0 - "As the population increases in Hailey; this facility provides a much-needed social support service and facility for the largest and ever growing senior citizen population. This facility is a not for profit business and does not charge fees for the services that they provide hereby further supporting our local population in need."

2. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

Block 126, Lots 11 and 12, and the north ½ of vacated Cedar Street, Hailey Townsite are served by all public services.

3. The proposed uses are compatible with the surrounding area; and

There are a mix of uses and zoning near the Blaine County Senior Center. The areas to the south and west of the property are zoned LB. The LB District extends south to Highway 75 and west to Main Street. The areas to the north and east are zoned GR. The GR District extends north to Elm Street and east to 4th Avenue. The GR District that is contiguous with Block 126, Lots 11and 12 and the north ½ of vacated Cedar Street comprises a total of eight (8) to nine (9) blocks. It is situated between LR-1, Business, and Transitional districts. The area diagonal (to the southeast, across 3rd Avenue) from the Senior Center is zoned Recreational Green Belt.

Lots 11 and 12, Block 126 and the north ½ of vacated Cedar Street may not remain as its current use in perpetuity; therefore, the rezone application should be evaluated with all permissible LB District uses in mind. As previously stated, the purpose of the LB District is to provide areas for a wide range of residential uses, restricted business uses, and medical facilities. The LB District is intended to allow for commercial uses that would not detract from the established downtown retail businesses, hence general retail is not allowed. In light of the surrounding uses and zoning and based on the purpose and intent of the LB and GR districts and the nature of the existing use, the Council should determine if the rezone of this property is compatible with the surrounding uses.

Pursuant to Section 14.8 of the Hailey Zoning Ordinance, the Council may approve the rezone subject to a development agreement. The development agreement can greatly restrict the use and development of the property. It can help ensure the continuation and respect of the residential character of the nearby neighborhood and thereby, limit the perception of the business area encroaching into the residential area.

4. The proposed amendment will promote the public health, safety and general welfare.

Barring any unforeseen circumstances, the use of the property as a Senior Center will remain at least until the lease's expiration in 2080. A connected and supported social environment for all demographics is one aspect of public health. The Council should consider whether accommodating a facility (approving the rezone to allow for the proposed expansion) that serves to enhance the elderly population's quality of life will promote the general welfare and social health of the public.

<u>Summary</u>

The Council shall make a decision, with **findings on the four standards of evaluation** noted above. If the proposed change is approved, the Council shall pass an ordinance making said

amendment part of Hailey Zoning Ordinance #532. The draft ordinance is attached.

Motion Language

Approval
Motion to approve the rezone of Lots 12 & 11, Block 126 and the north ½ of vacated Cedar Street, Hailey Townsite, from GR to LB, finding that the proposed amendment is in accordance with the Comprehensive Plan; essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services; the proposed uses are compatible with the surrounding area; and the proposed amendment will promote the public health, safety and general welfare.

Approval with Conditions
Motion to approve the rezone of Lots 12 & 11, Block 126 and the north ½ of vacated Cedar Street, Hailey Townsite, from GR to LB, subject to a development agreement specifying that the subject property revert back to General Residential zoning in the event that there is a change in use and/or any other provisions deemed necessary by the Council, such as restrictions of uses, finding that the proposed amendment is in accordance with the Comprehensive Plan; essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services; the proposed uses are compatible with the surrounding area; and the proposed amendment will promote the public health, safety and general welfare.

Denial
Motion to deny the rezone of Lots 12 & 11, Block 126 and the north ½ of vacated Cedar Street, Hailey Townsite, from GR to LB, finding that the proposed amendment is not in accordance with the following standards:

- _____
- _____
- _____

HAILEY ORDINANCE NO. ___

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, AND THE OFFICIAL ZONING MAP INCORPORATED THEREIN, BY CHANGING THE ZONING DISTRICT DESIGNATION OF THE HAILEY ZONING MAP, LOTS 11 AND 12, BLOCK 126, AND THE NORTH HALF OF VACATED CEDAR STREET, HAILEY TOWNSITE, FROM GENERAL RESIDENTIAL (GR) TO LIMITED BUSINESS (LB); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council has found that the following amendment to the Hailey Official Zoning Map will generally conform to the Hailey Comprehensive Plan;

WHEREAS, the Hailey City Council has found that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

WHEREAS, the Hailey City Council has found that the proposed uses are compatible with the surrounding area; and

WHEREAS, the Hailey City Council has found that the amendment will promote the public health, safety and general welfare of the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Hailey Ordinance No. 532 and Hailey Official Zoning Map incorporated therein are hereby amended by changing the zoning district designation of Lots 11 and 12, Block 126 and the north half of vacated Cedar Street, Hailey Townsite, from General Residential (GR) to Limited Business (LB), pursuant to Idaho Code Section 67-6511A, Hailey Zoning Ordinance Section 14.8.

Section 2. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 4. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2008.

_____
Richard L. Davis, Mayor, City of Hailey

Attest:

_____
Mary Cone, City Clerk

4.5 LIMITED BUSINESS DISTRICT (LB)

4.5.1 Purpose.

The purpose of the LB District is to provide areas for a wide range of residential uses, restricted business uses, and medical facilities. The LB District is intended to allow for commercial uses that would not detract from the established downtown retail businesses, hence general retail is not allowed.

4.5.2 Permitted Uses.

Permitted uses in the LB District are limited to the following:

a. Single Family Dwelling.
b. Multiple-Family Dwellings.
c. Dwelling Units within Mixed Use Buildings.
d. Home Occupations.
e. Lodging Establishments.
f. Professional Offices, excluding veterinarians.
g. Churches.
h. Schools and other educational services.
i. Health care and social assistance.
j. Real estate and property management companies.
k. Catering Services.
l. Arts, entertainment and recreation uses (indoor and outdoor).
m. Personal Services where retail sales are clearly incidental to the principal use and no outside storage yard or facility is required.
n. All Day Care Businesses.
o. Manufactured Homes.
p. Semi-Public Uses.
q. PWSF's or WCF's, attached to street poles, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
r. Government offices and public administration, except correctional institutions.
s. Parks.

4.5.3 Conditional Uses.

Conditional uses in the LB District are limited to the following:

a. Gasoline Stations and Automotive Repair and Maintenance.
b. Restaurants.
c. Wholesale distributors.
d. Convenience Stores.
e. Public Service, Public Use and Public Utility Facilities.
f. Medical and personal care stores.
g. Finance and insurance firms.
h. Construction contractors' offices with no exterior storage.
i. PWSF's and WCF's, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.

(Lattice towers are prohibited.)

j. Above ground flammable liquid tanks utilized by a public use.

k. Temporary Structures.

4.5.4 Accessory Uses.

Accessory uses in the LB District are limited to the following:

a. Greenhouses/private.

b. Garages.

c. Storage buildings.

d. One Accessory Dwelling Unit on lots of 7,000 square feet or larger, accessory to a single family dwelling unit or to a non-residential Principal Building. Primary vehicular access to any accessory dwelling unit shall be from a City street or alley. All Accessory Dwelling Units shall have adequate water and sewer services installed to meet City Standards.

e. All PWSF's or WCF's, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.

f. Above ground combustible liquid tanks.

4.5.5 Bulk Requirements. For other supplementary location and bulk regulations, see Article VII.

a. Minimum Lot size - six thousand (6,000) square feet except as follows:
   1. Townhouse sub-lots shall have an aggregate density of no more than twenty (20) lots per acre.

b. Maximum Multi-family and Mixed Use Residential Density - One (1) dwelling unit for each one-twentieth (1/20) of an acre.

c. Minimum Lot Width - fifty (50) feet except as follows:
   1. Townhouse sub-lots shall conform to the standards established in the IFC.

d. Maximum Building Height - thirty five (35) feet.

e. Minimum Front Yard Setback - twenty (20) feet.

f. Minimum Side and Rear Yard Setback - ten (10) feet except as follows:
   1. Townhouse Units shall be allowed zero setbacks from the lot lines created by a Townhouse Sub-Lot; and
   2. The separation of the buildings containing Townhouse Units in a Townhouse Development parcel shall be not less than six (6) feet as measured between any wall or any projection of a building, including but not limited to eaves, cornices, canopies or other similar roof overhang features, pergolas, chimney chases, bay windows, decks, steps, wainscot, and utility meters; or the minimum distance required by the IBC and IFC, whichever is greater.

g. Maximum Floor Area - Buildings or structures containing an Individual Retail/Wholesale Trade or a Grouped Retail/Wholesale Trade shall be limited to an aggregate gross floor area of 36,000 square feet.

4.5.6 Additional Regulations.

a. Project features that may have a negative impact upon adjacent property shall be buffered from adjacent property by a solid fence or landscape screening.

Vital ink PLLC
Environmental Architecture & Consulting A.I.A.

05 March, January, 2008

Mariel Platt
City of Hailey, Idaho, Planner

RE: Blaine County Senior Center Rezone Application Comprehensive Plan Narrative

I have outlined how the Blaine County Senior Center's architecture and site development are compatible and promote the comprehensive plan. This project complies with setbacks and building heights for the LB(proposed) rezone. This project is expanding to address the provision of adequate public facilities for our communities' senior citizen's social, health and recreational needs. This facility benefits Hailey's senior citizens, which happen to be the largest growing population sector at this time. This proposed rezone does not directly effect how the design of the architecture for this project relates to the Comprehensive plan.

Exert from the City Ordinance for Rezone Applications
14.6 Criteria for Review. When evaluating any proposed amendment under this Article, the Hearing Examiner or Commission and Council shall make findings of fact on the following criteria:

a. The proposed amendment is in accordance with the Comprehensive Plan;
b. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;
c. The proposed uses are compatible with the surrounding area; and
d. The proposed amendment will promote the public health, safety and general welfare.

I will be following the policies in order from the Hailey Comprehensive plan and provide summaries of how the requested rezone and or project's Architectrue and development address the Comprehensive Plan.

1.0 Natural Resources

The rezone does not affect this category as the zoning requirements do not change these requisites.

Incorporating down cast light fixtures and drought tolerant regional appropriate landscaping promotes these policies. Water conservation is not only addressed in the landscaping but with the internal bathroom fixtures by providing being low flow fixtures. The rezone does not effect the wildlife as this project in not in the wildlife interface areas.

Trees are being added to the project that address the growth of the community forest. Drainage is being improved within the public right of way. We are also considering the inclusion of sun tubes to aide with day lighting, which will conserve energy.

30 Wyatt Drive, Bellevue, Idaho 83313 Vital ink PLLC (208) 720-6315 ph (866) 760-1895 fax
jolyon@svskylan.net

2.0 Hazardous Areas

A radon test will be conducted and a mitigation system will be installed as needed. The roof is ballasted flat roof for the majority of the project and the siding will be primarily cement wood fiber board along with metal clad windows to aide in the fire resistance of its exterior.

3.0 Special sites.

The style of the architecture is appropriate for a LB district yet is also compatible in scale and form to the adjacent GR Zone. We are incorporating a public sidewalk and a landscaped front yard which also promotes this projects' integration with the surrounding neighbors as well as connecting pedestrian circulation onsite with the city's circulation routes.

4.0 Recreation, Parks and Lands

This project is providing benches, a bike rack and landscaped grounds along with a front sidewalk. These improvements are provided for our use as well as the community's for improved access to city parks, recreation and lands, some of which are directly across the street from this project.

5.0 Land Use

The rezone will only slightly change the areas designated to current zoning. The rezone would add approximate 3/8 of an acres(or 18,250 SF) to the LB zone which is a 1.2% addition to that zone or a decrease of the GR zone of .068%

This facility promotes a higher density type of use that is close to the city core and is within walking distance to many city amenities. This location promotes diverse neighborhoods and adds to the community's character. The BCSC uses busses to pick up many of the patrons and is also providing bicycle racks and improving sidewalks in the public right of way which promote multi-modal transportation means.

6.0 Economic Development

The commercial infrastructure that will be required based on this facilities expansion will be simply a few more plumbing facilities. I feel that this is a very small impact relative to the social benefits that this project will provide. The rest of the economic development policies do not directly apply. Additional this is a not for profit business and does not directly provide financial benefit to the city of Hailey

7.0 Population

As the population increases in Hailey; this facility provides a much-needed social support service and facility for the largest and ever growing senior citizen population. This facility a not for profit

business and does not charge fees for the services that they provide hereby further supporting our local population in need. By incorporating healthy and environmental materials on the inside and outside of this project we will not be further degrading the air quality for the community as compared to conventional construction we will be creating a positive/less of an impact.

8.0 Housing

This project is not providing a housing component, but by its nature this facility is a "third place" where many of the patrons spend a good portion of their lives. This facility is designed for neighborhood contextual appropriateness based on the materials, scale, and form proposed. The one story building is designed with human scale in mind.

9.0 Public Facilities, Utilities, and Services

This project will improve the adjacent public right of way by creating designated parking areas, sidewalks curb and gutters. These improvements will support better drainage to a newly installed drywell. All of these improvements will be done in accordance with city standards. By the use of low flow toilet facilities, energy star light fixtures, and day lighting practices we are striving to conserve energy and decrease our impact on city utility services.

10.0 Transportation and Circulation

By providing sidewalks and bicycle parking this project is contributing its part to develop interconnectivity with the city fabric for transportation means. Also the use of these facilities buses for shuttling patrons reduces the reliance on individual vehicles and promotes a more environmentally responsible mode of collective multi-modal transportation. We would be willing to work directly with regional public transportation providers to establish a nearby covered bus shelter/ stopping area to promote the use of public transportation for our patron.

The nature of the perpendicular parking in the public right of way directly from the edge of the streets lane I feel in a means of reducing vehicle speed due to the perceived width of the roadway and by the nature of the parking and street relationship. This should promote slower speeds of motorists on Third Avenue.

11.0 Energy

N/A Deleted? We will be highly insulating, sealing and using energy star fixtures etc. in efforts to incorporate energy wise systems and use patterns.

12.0 Growth Management

By improving the existing facility and expanding on the existing property, we feel that this is very responsible with regards to growth management; this in based in contrast to moving the facility to another site, potentially further from the city core. By expanding and improving where we are located we are being more responsible to our community since the location is so centrally located and can accommodate the much needed growth for our communities patrons.

13.0 Community Design

This project is designed in its architecture and landscaping and overall site planning to create interest, show caring, and to add value to the community. This is done by: being located close to the city core area, offering a multitude of activities for the public, by incorporating energy efficient design, specification of materials, and systems of operation that promote our comprehensive planning. These principles and techniques create a durable long lasting and environmentally responsible building for many decades to come.

We are proposing to exceed the cities water wise landscaping requirements by planting a drought tolerant landscaping design. We are also providing benches for public use adjacent to the improved sidewalks. By improving the sidewalks and the architectural design of this project we are improving the visual aesthetics and beautification for the community.

14.0 Private Property

Since this property is mutually owned by the applicant and the City of Hailey, and that this is a non-profit public facility, we want to lead by example. This will be done through design and construction by working with you as teammates with regards to ordinances and development standards to create an exemplary project for the community. We will work closely with you to address any concerns or issues that may arise.

15.0 School Facilities

This facility strives to promote opportunities for public use and to minimize potential burdens with taxpayers. This facility supports collaborative efforts with public and philanthropic entities to maximize tax dollar efficiency.

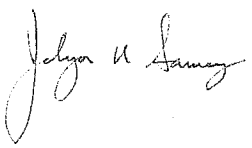
With regards to schools, we do not have a direct effect or relationship but we encourage participation between these public uses for the benefit of all age groups of the community.

I have gone through the criteria of the City of Hailey's Comprehensive Plan and addressed how this project integrates the applicable policies. With regard to the rezone I have elaborated in the specific areas where the comprehensive plan would apply. In most areas the simple shifting of the zone boundary does not specifically affect the Comprehensive Plan and how this project relates to the community.

I am available to further clarify any concerns in writing as an amendment to our rezone application as required, or to discuss with you in person at the up coming Planning and Zoning and or City Council meetings

We appreciate working with you on this project.

Sincerely,



Jolyon H. Sawrey, Architect

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STAFF REPORT

TO: Hailey City Council

FROM: Beth Robrahn, Planning Director

RE: Zoning Ordinance Amendments – Article 8A Wireless Facilities

HEARING: June 23, 2008

Applicant: Blaine County

Note: Staff analysis is in lighter type.

Notice

Notice for the public hearing was published in the Wood River Journal and mailed to public agencies and area media on May 30, 2008.

Application

The applicant has proposed several amendments to Section 8A of the Hailey Zoning Ordinance. The amendments submitted by the applicant are attached.

Procedural History

The Planning and Zoning Commission held a hearing on the proposed amendments on May 19, 2008. The Commission recommended approval of the amendments.

Background

Emergency services use two-way radio systems to communicate. Two-way radio systems operate on a fixed set of Federal Communication Commission (FCC) licensed frequencies that are designed to operate over a large area (50 to 100 miles). The critical issue with these two-way radio systems is that there is a good signal path ("line-of-site") and signal level. These systems are designed to transmit signals from hand held devices (radios) to repeaters. A repeater is an electronic device that receives a signal and retransmits it at a higher level and/or power, or onto the other side of an obstruction, so that the signal can cover longer distances without degradation. Repeaters are routinely installed on mountain tops or high tower locations to provide maximum area coverage and provide connection when topography interferers with line-of-site for optimal performance.

The existing communication system used by Blaine County emergency services is dated and does not accomplish complete interoperability between Law Enforcement and Fire/EMS agencies. In two-way radio, interoperability relates to three areas; compatible communications paths (compatible frequencies, equipment and signaling), radio system coverage or adequate signal strength and scalable capacity.

The Idaho Statewide Interoperability Executive Council (SIEC), commissioned by the Governor of Idaho to provide policy level direction and to promote efficient and effective use of resources for matters related to public safety wireless radio interoperability, recommended that the State move to a 700MHz trunk system. Part of the SIEC mandate was to study alternative technology/infrastructure. Blaine County is in the process of conforming to SIEC mandated standards for technology/infrastructure.

The Local Emergency Planning Committee, a committee which included all Blaine County emergency agencies, began planning for a 700MHz Trunking Radio system to serve the needs of the County and improve the interoperability of its emergency communication system as recommended by SIEC and bring the system into compliance with Project 25.

Project 25 (P25) is a set of standards for public safety digital radio produced through the joint efforts of the Association of Public Safety Communications Officials International (APCO), the National Association of State Telecommunications Directors (NASTD), selected Federal Agencies and the National Communications System (NCS), and standardized under the Telecommunications Industry Association (TIA).

In April of 2007 the "Interoperable Emergency Communication Plan" was prepared to identify radio frequency strengths and weaknesses in Blaine County. This was done to assist with the Statewide Interoperability Executive Council's (SIEC) task to promote interagency cooperation and provide support statewide for efficient and effective use of local and private resources to achieve public safety wireless radio interoperable communications for local and private public safety agencies.

The "Interoperable Emergency Communication Plan" was used as a reference for the Public Safety Interoperability Communications (PSIC) grant application. A $1.1 Million grant has been awarded to Blaine County. Blaine County plans to begin purchasing equipment within the next month with a goal to have the 700MHz system operational in 2009.

Blaine County contracted with Motorola to design the 700MHz system. In May 2007 Motorola produced the "Blaine County 700MHz Engineering Study", also referred to as the "Blaine Digital Interagency Network". The new 700MHz system includes the current repeaters located in the County. The 700MHz system consists of a 5 operator position MCC7500 Dispatch Console, to be located in the new Blaine County Justice Center (Public Safety Facility), and four 700MHz ASTRO Repeater radio sites located at PHQ East (ski patrol headquarters on Baldy), Dollar, Galena and Picabo Mountain.

Blaine County then contracted with 180 Connect, Inc. – Network Services to "field verify" the recommendations of the Motorola study by analyzing local conditions and make additional recommendations.

According to the County, the optimum height for the tower is 120 ft. for the current system at the Public Safety Facility. The Federal Aviation Administration (FAA) regulations allow for a maximum of 75 feet. Hailey's current ordinance allows a maximum support structure height of 40 feet. 180 Connect analyzed the feasibility of mounting the 12 antennas and one 6 ft

microwave dish required for the 700MHz system to a 40 ft support structure and found that other installation scenarios would be complicated, add additional costs and result in other technical challenges such as meeting the required vertical separation between antennas. 180 Connect recommended a 75 foot support structure with a microwave antenna height of 65 feet.

According to the County's Radio Frequency Engineer, there are (4) factors driving the height requirement of antenna structure at the new Blaine County Public Safety Facility.

1. Microwave surface terrain landscape clearance toward Picabo Mountain which is required for the 700MHz two-way radio system. A 6GHz microwave link (6 ft microwave dish) is required to operate point-to-point, line-of-sight, with "Fresnel zone clearance" (nearby close-in path obstructions). Microwave will not work with path obstructions.

2. Sufficient vertical space to physically mount all required antennas. The total number of antennas has been reduced in the design due to use of radio system combiners. There are 6 to 12 antennas planned for at this time. This number variation reflects the current need (6) and the number needed during the migration to the 700MHz system (12). After migration, the County expects that a complete conversion to the 700MHz system will reduce the total number of antennas needed at the site.

3. Sufficient vertical space and vertical separation between all required antennas to ensure they do not mechanically or electrically interfere with each other (minimum 20 feet between antenna tip and antenna base).

4. The ability to communicate directly from the new Public Safety Facility to units in the field without the infrastructure (repeaters or microwave links) being operational. The lower the antenna height the shorter the direct radio-to-radio range will be.

Given the conflict between the recommended equipment requirements for the 700MHz system and the height limit in Hailey's current ordinance a text amendment is being proposed that would establish standards specific to public safety radio communication.

Hailey's current ordinance requires co-location. There is an existing 90 foot Verizon mono pole which can not be used to support the system's infrastructure requirements due to security issues. The County is required to comply with Commission on Accreditation for Law Enforcement Agencies (CALEA) "Standards for Public Safety Communications Agencies" (Section 6.4.1) and Association of Public Safety Communications Officials (APCO) "Guidebook for Homeland Security and Preparedness Planning for Public Safety Communication Centers". According to the County because the repeaters on the mountains are not secure (are vulnerable to man-made and natural damage, i.e. castle rock fire) it is imperative that a secure wireless facility at the Public Safety Facility is in place so that if all else fails communication can occur directly with mobile radio units.

Staff has reviewed the applicant's proposed amendments and has made separate recommendations for amendments that would minimize the number of instances where public safety radio communication would be exempted from requirements. The applicant's proposed

amendments are attached and are highlighted in the full section of the current article. Staff's recommendations are attached in ordinance form.

Standards of Evaluation

Section 14.6 of the Hailey Zoning Ordinance sets forth the following standards of evaluation:

The Council shall hold a public hearing and determine whether the proposed amendments are in accordance with the applicable standards of evaluation. The Council shall, at a minimum, consider the following standards in making its decision:

1. The proposed amendment is in accordance with the Comprehensive Plan;
The applicant provided analysis on the following Comprehensive Plan policies.

5.0 Land Use

Policy 5.4.6. Provide adequate areas for institutional and public facilities, such as schools, senior care, medical, judicial and other community facilities, integrated within the community. (See also 9.0 Public Facilities, Utilities and Services, and 15.0 School Facilities and Transportation.)"

c. Encourage and support regional planning efforts for provision of institutional and public facilities.'

Applicant Analysis: The proposed text amendment acknowledges the industry standards for Public Safety Communication Centers and the fundamental requirement that two-way public safety radio transmission provide sufficient coverage to allow emergency personnel to communicate in the field. The text amendment establishes siting and design standards that are specific to public safety communication equipment. The proposed text amendment will allow Blaine County to seek approval of a 75' radio tower that is part of the Public Safety Communication Center (dispatch center) located within the new Public Safety Building. The radio tower is essential to the operation of the Public Safety Communication Center which serves all public safety agencies within Blaine County including the cities of Hailey, Ketchum and Sun Valley, Blaine County, Idaho State Police, Wood River Fire Protection District, Carey Fire Protection District, Blaine County Road and Bridge, hospital to ambulance communication and ambulance dispatch and remote operations.

9.0 Public Facilities, Utilities, And Services Goals, Policies & Implementation

Goal 9.1: Maintain or improve service levels of all City utilities and facilities to adequately and efficiently provide for the health, safety, welfare and convenience of the City..."

Policy 9.5: Support Police Department improvements to meet projected Law Enforcement needs.

Policy 9.6: Support Fire Department improvements to meet projected fire protection and emergency incident response needs.

Applicant Analysis: The proposed text amendment and the subsequent approval of the proposed 75' radio tower located at the Public Safety Communication Center located within the new Public Safety Building will allow for critical two-way radio communications by public safety agencies within Blaine County, thereby protecting the public health, safety and welfare of area residents and visitors.

2. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

The emergency communications system being planned for the Public Safety Facility site is intended to provide better essential public service to the local and regional community. These amendments would accommodate the specialized needs of emergency and public safety communication.

3. The proposed uses are compatible with the surrounding area; and

The amendments are written to address the particular area and context a wireless communication support structure is proposed to be located.

4. The proposed amendment will promote the public health, safety and general welfare.

The premise of the proposed amendments is that the needs of improved public safety communication equipment are not met by the current wireless regulations.

Motion Options

A motion to **approve** the proposed amendments to Section 8A of the Hailey Zoning Ordinance (as proposed or as modified), finding that the proposed amendments are in accordance with the Comprehensive Plan, essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, the proposed uses are compatible with the surrounding area; and the proposed amendment will promote the public health, safety and general welfare.

or

A motion to **deny** the proposed amendments to Section 8A of the Hailey Zoning Ordinance, finding that the following standards of evaluation have not been met _____

List of Attachments:

1. Planning and Zoning recommendations
2. Letter from Wireless Site Solutions, dated April 25, 2008 explaining the difference between cellular and two-way radio RF engineering
3. Pole specifications
4. Brochure on interoperability
5. Applicant's proposed amendment

HAILEY ORDINANCE NO. ___

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING ARTICLE 8A, WIRELESS FACILITIES, SECTION 8.A.1, 8.A.2, 8.A.5, 8.A.7, BY ADDING REQUIREMENTS FOR PUBLIC SAFETY COMMUNICATION EQUIPMENT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council has found that the following amendment to the Hailey Zoning Ordinance will generally conform to the Hailey Comprehensive Plan;

WHEREAS, the amendments will not create excessive additional requirements at public cost for public facilities and services; and

WHEREAS, the amendment will be in accordance with the safety and welfare of the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Section 8A.1.b., of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

8. Provide necessary public safety radio communication infrastructure to ensure the health, safety and general welfare of the public.

Section 2. Section 8A.2., of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

Applicant. A person or entity who submits an application under this Ordinance for a PWSF or WCF Master Plan and/or a Wireless Permit and shall include both the owner of the real property upon which the PWSF or WCF is proposed for location and the owner of the proposed PWSF or WCF, which shall be a Licensed Carrier or entity operating a Public Safety Communication Center.

Licensed carrier. A company authorized by the FCC to construct and operate a wireless service or entity operating a public safety communication center. In addition, any carrier operating under the Federal Communications Commission Regulations, Part 15 (Unlicensed Carriers) is, for purposes of this Article, a "licensed carrier." A licensed carrier must be either the applicant or the co-applicant for every PWSF or WCF application.

Public Safety Communication Equipment. Radio transmitters, antennas, mount and ancillary equipment used to receive and transmit essential public safety radio communications using VHF, UHF, 700 and 800 MHZ frequencies.

Public Safety Communication Center. A call taking and dispatch center whose primary function is to receive and transmit public safety emergency radio and telephone communications.

Section 3. Section 8A.5.1.b., of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

2. Public Safety Communication Center.

Section 4. Section 8A.5.2, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

h. In the case of Public Safety Communication Equipment, existing towers or structures do not satisfy requirements for public safety communication accreditation

Section 5. Section 8A.7.2, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

PWSFs or WCFs shall not exceed forty (40) feet AGL or the maximum permissible height of the zoning district where it is sited, whichever is lower, with the exception of facade and roof-attached PWSFs or WCFs or Public Safety Communication Equipment as described below:

a. Roof attached PWSFs or WCFs shall not exceed five (5) feet above the highest portion of the roof membrane, or continuous parapet wall. The antenna and support system for whip antennas shall not exceed ten (10) feet above the highest portion of that roof, including parapet walls.
b. Facade attached PWSFs or WCFs shall not exceed five (5) feet above the facade to which it is attached.
c. If the height of the building is in excess of the maximum height allowed within the zone and was legally established, then the combined height of the building and antenna shall not exceed the maximum height allowed by such approval, unless determined to be suitably camouflaged.
d. Street pole attached PWSFs or WCFs may only extend six (6) feet above the existing street pole. A maximum extension of ten (10) feet from the top of the street pole, may be permitted pursuant to standards provided in Section 8A.7.9 of this Ordinance, if a utility disturbance can be clearly demonstrated.
e. Public Safety Communication Equipment located on the same property as a Public Safety Communication Center the height of the support structure may be allowed a maximum of seventy five (75) feet AGL.

Section 6. Section 8A.7.3, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

d. Freestanding Tower. Setbacks shall be measured from the ~~base~~ centerline of the tower to the property line of the parcel on which it is located. Towers shall be set back from all property lines one hundred ~~twenty five (125)~~ percent (100%) of the height of the tower as measured from ~~ground level~~ the base of the tower to the highest point of the

tower including antennas. ~~In addition, no buildings (other than those utilized exclusively for the PWSF or WCF) shall be constructed within this setback to protect against damage to persons or property due to collapse of the structure and/or due to falling debris or ice from the structure~~;

Section 7. Section 8A.7.4, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

b. Landscaping or Screening Standards.
~~The following standards shall apply to all PWSFs or WCFs (if the antenna is facade or roof mounted, and other equipment is located inside the existing building, landscaping shall not be required)~~:

1. Support structures and equipment enclosures shall be installed so as to maintain and blend with existing mature landscaping on-site, including trees, foliage and shrubs, whether or not utilized for screening;
2. Additional landscaping and screening shall be installed to visually screen ~~the support structures and~~ above ground equipment enclosures. Landscaping and screening shall consist of a combination of trees, foliage and shrubs of dense spacing in one of the following designs:
   (i) A screening wall or fence and a five (5) foot wide landscape planter located in front of the wall or fence;
   (ii) A ten (10) foot wide landscape planter; or
   (iii) Any combination of existing vegetation, topography, decorative walls/fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping described above.
3. No PWSF or WCF shall be at a height ~~(see definition)~~ greater than ten (10) feet above the average height of the existing, mature trees located on site ~~within the landscape screening buffer described above~~.
4. Where mature trees or landscaping does not exist, the appropriateness of siting support structures and equipment enclosures shall be determined by considering the context of the surrounding topography, buildings or other vertical structures.
45. Upon completion, the permittee(s) of the facility shall be jointly and severally responsible for the continued maintenance and replacement of all required landscaping and screening materials.

Section 8. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 9. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 10. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2008.

_____
Richard L. Davis, Mayor, City of Hailey

Attest:

_____
Mary Cone, City Clerk

RECEIVED

MAY 05 2008

April 25, 2008

Bob Greenlaw
Director
Blaine County Emergency Communications
Hailey, ID 83333

Ref: Explanation of cellular vs. two-radio RF engineering

Dear Mr. Greenlaw,

This is in follow-up to our meeting with Deborah Vignes and Michael McNees on Friday April 18 at the Blaine County Courthouse.

For review the work I completed for you early this year regarding the new public safety radio communications tower was to suggest an antenna RF engineering design that would work given your technical up front restrictions as follows and meet your radio communications requirements.

- Antenna support structure MUST be a monopole.
- Antenna support structure height cannot exceed 75', the FAA maximum approved height.

In the meeting and in subsequent discussions I was asked to explain the differences between cellular radio engineering and two-way radio engineering. The following attempts to address this in layman's terms.

In general two-way radio systems operate on a fixed set of FCC licensed frequencies that are designed to operate over a large area, sometimes 50 to 100 miles. These types of systems are not dependent upon frequency reuse in a small geographical area so they are routinely installed at high mountain top or high tower locations to provide maximum area coverage. The critical issue with these systems is that there is good signal path and signal level between the repeater or mountain top infrastructure and the mobiles, portables, and base stations which in general must have line-of-sight between them for optimum performance. Non line-of-sight operation is severely degraded utilizing portables inside buildings so the better infrastructure location line-of-sight to the building, to use this example, the better the portables will operate in this environment.

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Practical, cost-effective, wireless engineering

While the same radio path clearance requirements are the same for cellular radio and two-way radio systems, there are multiple sites in a cellular system and they are designed with frequency reuse in mind. Since there is a finite amount of radio spectrum that all radio frequency services must share, a way had to be found to use the same frequencies over and over again in a given area so that enough frequencies or channels would meet the capacity requirements of the subscriber base. The net result of this was shorter antenna support structures (less than 300 feet usually) in initial design with current technology design using very short structures of 100 feet or less depending upon channel capacity requirements, frequency band used, and the terrain/landscape that has to be covered.

In cellular systems as channel capacity requirements increase, cells are split into smaller cells and frequencies are reused again. This does NOT occur in two-way radio system design as you know because your public safety systems are on the same sites they have been on for years with channel capacity increase accomplished by adding another FCC licensed repeater channel pair at the same sites.

It is important to note that there is no changing the laws of physics. A radio frequency signal from a cellular tower or two-way radio tower MUST be able to get its signal from the transmitter to the receiver AND from the subscriber unit or two-way radio back to the transmitting and receiving facility (repeater or cell phone tower). If this cannot be done for whatever reason, antenna structure not high enough, too much distance between a transmitter and a receiver, and path obstructions or what is called land clutter (buildings, vegetation, and other surface features), the result is a radio frequency connection that does not work.

There are (4) factors driving the height requirement of antenna structure at the new Justice Center.

Factor 1: Microwave surface terrain landscape clearance toward Picabo Mountain which is required for the 700MHz two-way radio system, which requires the 6GHz microwave link to operate point-to-point, **line-of-sight**, with Fresnel zone clearance (nearby close-in path obstructions).

Microwave will not work with path obstructions. See diagram on next page.

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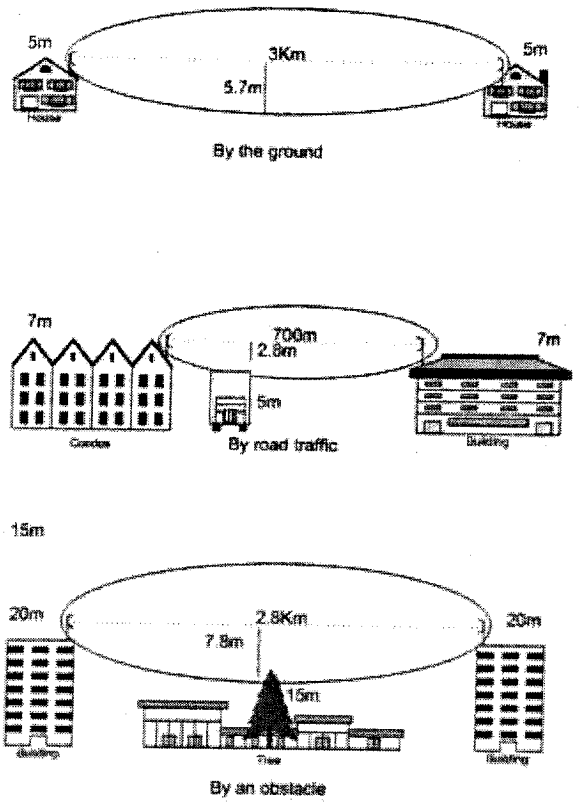

Factor 2: Sufficient vertical space to physically mount all required antennas. Note that the total number of antennas has been greatly reduced in the design due to use of radio system combiners. Refer to the Blaine County Emergency Radio Communications Tower study from 180 Connect Network Services dated January 2008.

Factor 3: Sufficient vertical space and vertical separation between all required antennas to ensure they do not mechanically or electrically interfere with each other. Details of this are also in the study.

Factor 4: The ability to communicate directly from the new Justice Center to units in the field without the infrastructure (repeaters or microwave links) operational. The lower the antenna height the shorter the direct radio-to-radio range will be.

I've been asked if there is any other way to accomplish consolidated radio communications capabilities such as mount antennas low on a parapet wall edge surrounding the building or possibly use multiple poles less than 40 feet for all required antennas.

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I recommend the design as outlined in the radio tower study. This would be the cleanest and least obtrusive structure and RF design that would meet two of Blaine County's objectives (monopole and reduced antenna structure height), albeit higher than 40 feet. This design will accomplish your consolidated radio dispatch objectives in a professional manner even with the aforementioned limitations.

Other installation scenarios would be messy, add additional costs, and provide additional technical challenges such as how to overcome the lack of vertical separation required for the proposed radio system combining design which already increases system signal losses in order to minimize the total number of antennas as detailed in the study. I would not consider these types of scenarios a system design but rather antennas being installed in a haphazard manner with predictable troublesome results.

Possibly the best way to summarize simply the difference between cellular RF design and two-way radio RF design is that cellular antenna support structures are generally designed to capture the signals of hand held devices over a small geographic area (cell) and two-way radio systems are generally designed with higher sites (mountain tops) much farther away from the devices they need to capture a signal from, requiring RF design (including antenna height) that maximizes infrastructure (repeater) to base, mobile, and hand-held unit for optimum performance.

Please let me know if I can help answer any additional questions.

Regards,

Chuck Robertson
RF Project Engineer
Wireless Site Solutions LLC

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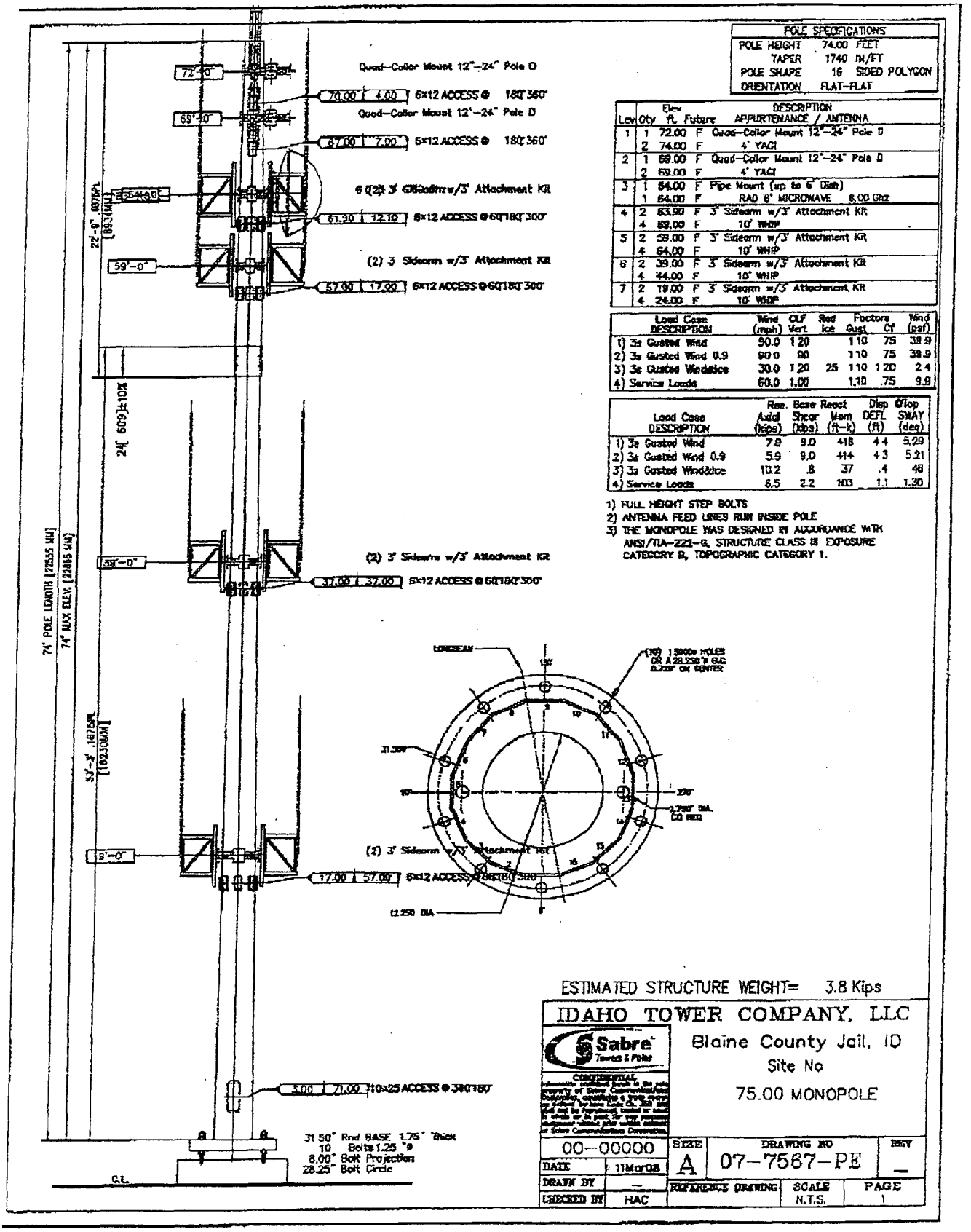


POLE SPECIFICATIONS		
POLE HEIGHT	74.00	FEET
TAPER	1740	IN/FT
POLE SHAPE	16	SIDED POLYGON
ORIENTATION	FLAT-FLAT	

Lev	Qty	Elev ft	Future	DESCRIPTION APPURTENANCE / ANTENNA
1	1	72.00	F	Quad-Collar Mount 12"-24" Pole D
	2	74.00	F	4' YAGI
2	1	69.00	F	Quad-Collar Mount 12"-24" Pole D
	2	69.00	F	4' YAGI
3	1	64.00	F	Pipe Mount (up to 6" Dia)
	1	64.00	F	RAD 6' MICROWAVE 6.00 Ghz
4	2	63.90	F	3' Sidearm w/3' Attachment Kit
	4	63.90	F	10' WHIP
5	2	59.00	F	3' Sidearm w/3' Attachment Kit
	4	64.00	F	10' WHIP
6	2	39.00	F	3' Sidearm w/3' Attachment Kit
	4	44.00	F	10' WHIP
7	2	19.00	F	3' Sidearm w/3' Attachment Kit
	4	24.00	F	10' WHIP

Load Case DESCRIPTION	Wind (mph)	GLF Vert	Rad Ice	Factors Gust	Cf	Wind (psf)
1) 3s Gusted Wind	90.0	1.20		1.10	.75	39.9
2) 3s Gusted Wind 0.9	90.0	.90		1.10	.75	39.9
3) 3s Gusted Windice	30.0	1.20	.25	1.10	1.20	2.4
4) Service Loads	60.0	1.00		1.10	.75	9.9

Load Case DESCRIPTION	Res. Base React Axial (kips)	Shear (kips)	Mom (ft-k)	Disp @Top DEFL (ft)	@Top SWAY (deg)
1) 3s Gusted Wind	7.9	9.0	418	4.4	5.29
2) 3s Gusted Wind 0.9	5.9	9.0	414	4.3	5.21
3) 3s Gusted Windice	10.2	.8	37	.4	48
4) Service Loads	6.5	2.2	103	1.1	1.30

1) FULL HEIGHT STEP BOLTS
2) ANTENNA FEED LINES RUN INSIDE POLE
3) THE MONOPOLE WAS DESIGNED IN ACCORDANCE WITH ANSI/TIA-222-G, STRUCTURE CLASS III EXPOSURE CATEGORY B, TOPOGRAPHIC CATEGORY 1.

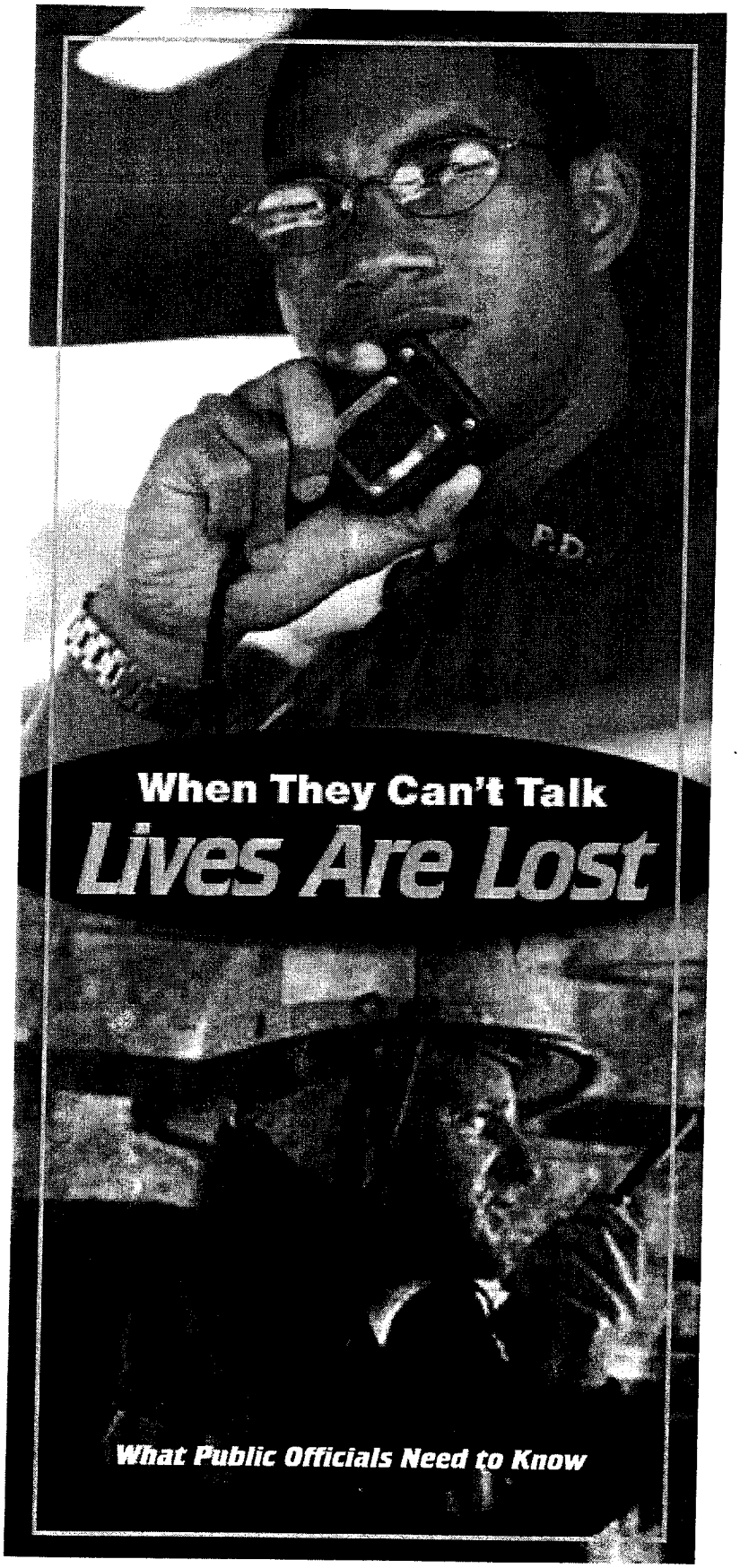
ESTIMATED STRUCTURE WEIGHT= 3.8 Kips

IDAHO TOWER COMPANY, LLC
Blaine County Jail, ID
Site No
75.00 MONOPOLE

Sabre Towers & Poles

CONFIDENTIAL

00-00000	SIZE A	DRAWING NO 07-7567-PE	REV —
DATE 11Mar08			
DRAWN BY —	REFERENCE DRAWING	SCALE N.T.S.	PAGE 1
CHECKED BY HAC			

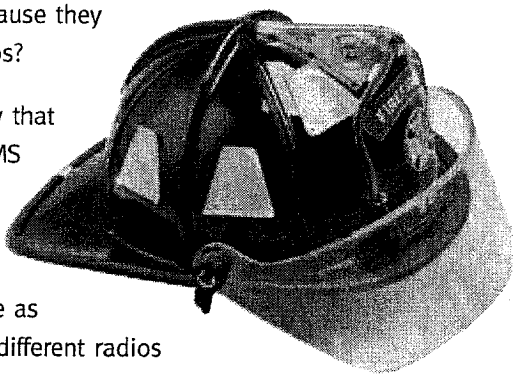

When They Can't Talk
Lives Are Lost
What Public Officials Need to Know

This brochure is a collaboration of the following organizations.

- Association of Public Safety Communications Officials International, Inc.
- International Association of Chiefs of Police
- International Association of Fire Chiefs
- International City/County Management Association
- Major Cities Chiefs
- Major County Sheriffs' Association
- National Association of Counties
- National Association of State Chief Information Officers
- National Conference of State Legislators
- National Criminal Justice Association
- National Governors Association
- National League of Cities
- National Public Safety Telecommunications Council
- National Emergency Management Association
- The Council of State Governments
- The National Sheriffs Association
- The United States Conference of Mayors

Did You Know?

You grew up watching cop shows on television. When the police were in trouble, they could pick up the radio anywhere, anytime, and help would instantly arrive. Would you be surprised to know how often this could not really happen? We all watched in horror as the second tower of the World Trade Center collapsed. Did you know that police received the radio message that the building was going to collapse, but firefighters never received that message because they use different radios?



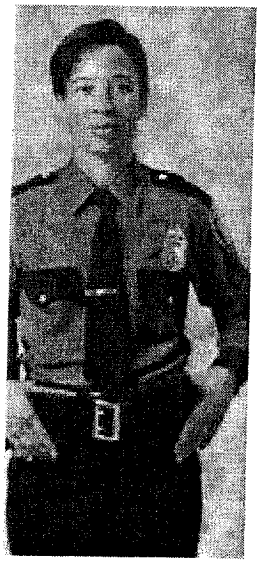
Firefighters at the World Trade Center never received the police radio message that the building was going to collapse because they use different radios.

- Did you know that the police, EMS teams, and firefighters sometimes have to juggle as many as five different radios because each agency communicates on different systems?
- Did you know that first responders had to use runners to carry messages from one command center to another in the immediate aftermath of the Oklahoma City bombing because they didn't have common radio systems?
- Do you know how often agencies cannot talk to each other or to agencies in their neighboring cities, counties, or States?

- Is yours one of them?

While events of the magnitude of 9/11 or Oklahoma City don't occur every day, there are many daily events that require different agencies and different jurisdictions to be able to communicate with one another. Incidents such as traffic accidents, fires, high-speed chases, rescues, chemical spills on the highway, and missing children do occur every day and they can occur anywhere. These incidents occur with frightening regularity. When they occur in your community, will your agencies be able to talk to each other?

There are not only different systems for different agencies within one community, different jurisdictions maintain their own systems, too.



Why Can't They Talk?

Public safety agencies historically have depended upon their own stand-alone radio communications systems and they are often incompatible with one another. There are not only different systems for different agencies within one community, different jurisdictions maintain their own systems, too. There are 2.5 million public safety first responders in the United States working for 18,000 State and local law enforcement agencies, 26,000 fire departments, and over 6,000 rescue departments, plus Federal law enforcement and other agencies, such as, transportation and the public utilities who need to talk to one another during critical incidents.

Why Is This Important To You?

The public looks to you—their elected and appointed officials—to provide basic public safety, and guidance and management during a crisis. That same public will praise your successes and hold you accountable for your failures. You are responsible for making critical funding decisions using scarce taxpayer dollars. You understand the political dynamics in your community and in the surrounding jurisdictions.

Ultimately, public safety is a core function for governments and adequate public safety radio communications are essential. You need to understand the current status of public safety radio communication systems in your community—its capabilities and limitations and plans for upgrading or replacing those systems. If your public safety agencies cannot communicate directly with each other by radio to coordinate life-saving activities, inevitably some lives will be lost. What can be done?

Interoperability. What Is It?

Interoperability is the ability of public safety agencies to talk to each other via radio communication systems—to exchange voice and/or data with each other on demand, in real

time, when needed. Most people assume that public safety is already interoperable. In many cases, public safety officers can't even talk to their own agencies. To make interoperability a reality, public safety first needs mission-critical radio communication systems that provide reliable, agency-specific-law enforcement, fire, EMS-communications. (Mission-critical radio communications are those required during critical times, when communication is absolutely necessary, such as when life or property is at stake.)

Why can't they just use cell phones

Unfortunately it's not that simple. Although public safety use of cellular phones, personal digital assistants (PDAs), and other commercial wireless devices and services has grown, these devices are currently not sufficiently suited for use during critical incidents.

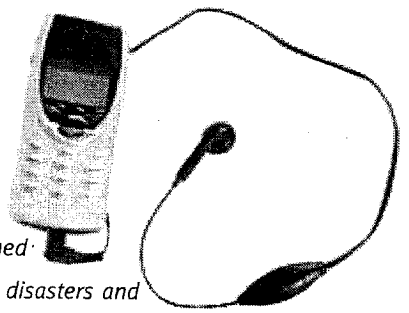
Public safety officials have unique and demanding communications requirements. They need dedicated capacity and priority access that is available at all times to handle unexpected emergencies. They need highly reliable

7

Why Isn't Public Safety Already Interoperable?

Four key reasons. Incompatible technology, limited funding, inadequate planning, and inadequate and poorly managed radio spectrum.

- Different jurisdictions use different equipment and different radio frequencies that can't communicate with each other, just as different computer operating systems won't work together or an AM radio won't receive an FM signal.
- There is limited funding to replace or update expensive



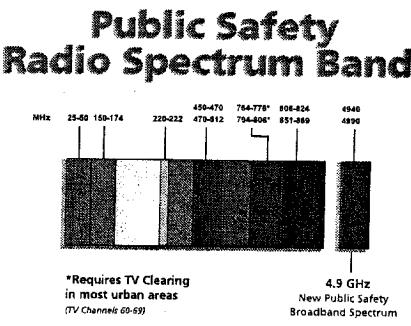
and redundant networks that are engineered and maintained to withstand natural disasters and other emergencies. They need complete coverage within a given geographic area, with no dead zones. And, they need unique equipment designed for quick response in emergency situations—dialing, waiting for call connection, and busy signals are unacceptable during critical events when seconds can mean the difference between life and death.

communications equipment, and different communities have their own budget cycles and funding priorities.

- The human factor—agencies are reluctant to give up management and control of their communications systems. Interoperability requires a certain amount of shared management, control, and policies and procedures.

- There is a limited and fragmented amount of radio spectrum available to public safety and available radio spectrum has been poorly managed.

What Is Radio Spectrum?

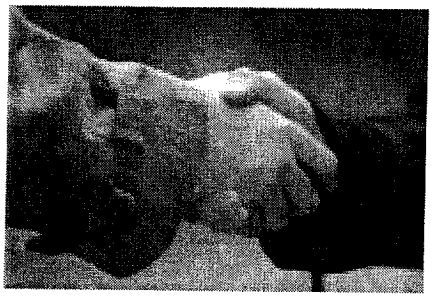


It is electronic real estate—the complete range of frequencies and channels that can be used for radio communications. Spectrum transmits electronic signals—it is the highway over which voice, data, and image communications travel. It might surprise you to know that radio spectrum, one of our Nation's most valuable resources, is a finite resource—what exists today is all there ever will be.

The Federal Communications Commission (FCC) has allocated certain frequencies or channels to public safety, but it is inadequate and scattered widely in 10 discrete bands across the spectrum, making it difficult for different agencies and jurisdictions to communicate.

How Can I Help My Constituents and Collegues Understand the Importance of Interoperability?

Your role as a public official provides you the unique opportunity to take the initiative. You need to educate your constituents and colleagues about the importance of an interoperable public safety communications system that will make it possible for local, State, and Federal public safety agencies to talk to one another, to coordinate life-saving operations, and to provide a basic level of public safety.



This is a job that requires policymakers across jurisdictions to work together for the common good—to plan, fund, build, and govern interoperable public safety communications systems.

Our perceptions are shaped by the news shows and articles, movies, and television that tell a different story from the true state of public safety communications. The public that reads news stories about computers in patrol cars, amazing life-saving

technologies in rescue vehicles, and the latest state-of-the-art dispatch center may find it difficult to believe that their public safety agencies cannot talk to one another.

This is a job that requires policymakers across jurisdictions to work together for the common good—to plan, fund, build, and govern interoperable public safety communications systems. Policymakers at all levels need to collaborate to develop radio communications interoperability for emergency response and incident prevention. It begins with a dialogue among the stakeholders in your community.

How Do I Learn Whether or Not Public Safety is Adequate and Interoperable in My Community?

The basic questions to consider are: What types of emergencies typically occur in your community and which public safety agencies would respond to each of them? Some incidents like traffic accidents occur daily. How about major crimes like bank robberies or large-scale fires or natural disasters like hurricanes? Who needs to talk to one another every day? Who should be in communication in the first eight hours of

an emergency? Who will need to be added to that initial group if the emergency continues for longer than eight hours or more?

There are assessment tools that can be used to determine the level of interoperability in your community. Once you know the answers to these questions, you need to assess your resources. For example, what existing communications infrastructure such as radio towers does your community already have? What financial resources are budgeted for public safety communications?

How Much Will It Cost?

There are several issues to consider—how much will it cost if you *don't* develop interoperability in your community and what are you and others in your area *already* spending on public safety communications? The nationwide investment in radio systems and supporting infra-

> *"The task force brings local and State elected and appointed officials together with representatives of the public safety community to develop national strategies for solving this critical public safety need."*
>
> *Harlin McEwen, Chair, International Association of Chiefs of Police Communications Committee*

structures is already substantial. As agencies replace aging equipment and adopt new technologies, the amount of money invested in communications equipment will continue to grow.

Improving interoperability does not necessarily require new spending — planning for interoperability can be incorporated into the process of replacing and upgrading radio communication systems. Individual costs will depend on the state of communications in your community and which short- and long-term direction your community chooses to follow.

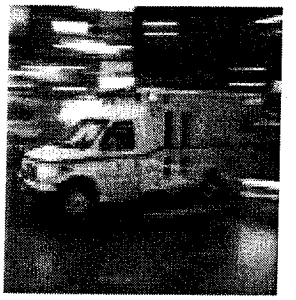
> *"We are working to get beyond the technical jargon to develop a commonsense language that the average person can understand. Quite simply, our task is to find ways to achieve real time communication between different communities, jurisdictions, and responders so we can save more lives in a crisis."*
>
> *Vicki Barnett, Council Member Farmington Hills, Michigan*

How Can My Community Achieve Interoperability?

Interoperability begins with leadership and partnerships. It begins with open, equitable discussions among all the stakeholders. Look beyond turf concerns and focus on partnerships for the greater good. Develop a common voice to facilitate budget and policy decisions. Strength in improving interoperability is built by working together with agencies and jurisdictions that have traditionally been viewed as competitors for scarce dollars.

Before developing the solution, define the problem by performing a complete assessment of your current

state of communications. Understand what your first responders need. Planning includes policies and procedures, building a governing structure, and identifying potential resources and funding.



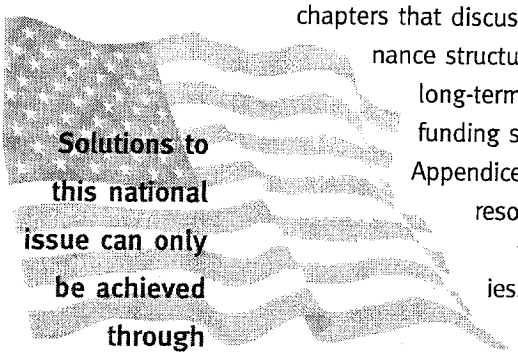
This is not a simple problem and there are no simple solutions. There are short- and long-term strategies for improving interoperability—some involve improving coordination and cooperation among responding agencies and jurisdictions and can be implemented with limited additional cost. Other strategies require longer term planning and implementation of new systems, policies, and operating procedures. Expectations need to be realistic, solutions take time.

> *"Imagine a different public safety communications future. A future where emergency responses are coordinated, where information is shared in real time, where precious minutes are not wasted, and where emergencies are handled more effectively and safely."*
>
> *Judi Wood, Chief Information Officer, Maryland Department of Public Safety and Correctional Services*

Where Can I Learn More About Interoperability?

A guide collectively created by a task force of national associations representing public officials at local and State levels, entitled, *Why Can't We Talk? Working Together to Bridge the Communications Gap to Save Lives*, begins to answer these questions and more. It includes, *Why Can't Public Safety Talk?* a discussion of the barriers to interoperability—the lack of coordination and cooperation, incompatible and aging communications equipment, limited and fragmented plan-

ning and funding, and limited communications spectrum. *Are You Prepared?*, provides an assessment tool and examines communication system and financial resources. *How Can My Community Achieve Interoperability?*, comprises several chapters that discuss planning, governance structures, short- and long-term strategies, and funding strategies. Appendices include resources, assessment tools, case studies, articles on interoperability, and outreach tools.



Solutions to this national issue can only be achieved through cooperation between all levels of governemnt.

Working Together

The inability of our public safety officials to readily communicate with each other threatens the public's safety and often results in unnecessary loss of lives and property. Recognizing that solutions to this national issue can only be achieved through cooperation between all levels of government, 17 national associations representing elected and appointed and public safety officials formed the National Task Force on Interoperability (NTFI) to address this issue.

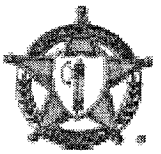
The task force met several times over the course of 2002 to engage in an interactive dialogue on communications interoperability. The discussions provided an opportunity for public policymakers to partner their efforts with those of the public safety community to address interoperability issues in a more comprehensive way. As a result of this dialogue, NTFI developed a guide for public officials to raise awareness about the importance of interoperability. It provides the basic information necessary to understand the impact of this issue on their constituencies and guidance about the initial steps that should be taken to develop interoperable public safety radio communication systems.

It is hoped that this guide will serve as a catalyst for public officials to begin other, continuing dialogues with public officials in their localities, regions, and States. The National Task Force on Interoperability and its corresponding guide was supported by the National Institute of Justice's (NIJ) AGILE [Advanced Generation of Interoperability for Law Enforcement] program. ■

> *"Fire and rescue departments from different jurisdictions routinely work together to provide emergency services to the public, but they cannot always communicate with one another. It is critically important that the entire fire and emergency services community support the need for improved communications interoperability and additional spectrum. State and municipal officials and the organizations that represent them nationally, working with emergency first responders, are an integral part of this significant effort to improve interoperability."*
>
> *Chief Randy Bruegman*
> *President,*
> *International*
> *Association of Fire*
> *Chiefs*

Why Can't We Talk? Working Together to Bridge the Communications Gap to Save Lives **is supported by the following major associations for local and State elected and appointed officials and public safety officers.**

For more information and to obtain a copy of this guide, please visit www.agileprogram.org/ntfi.



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P. O. Box 2562
Hailey, ID 83333-2562
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deborah@pioneerlanduseconsulting.com

April 25, 2008

Ms. Beth Robrahn, Planning Administrator
City of Hailey
115 S. Main Street, Suite H
Hailey, ID 83333

Re: Proposed Text Amendment by Blaine County

Dear Beth,

On behalf of Blaine County, I respectfully submit a proposed text amendment to amend Hailey Zoning Ordinance Article VIIIA Wireless Facilities. The purpose of the text amendment is to establish siting and design standards that are specific to providing essential public safety radio communication infrastructure that will serve all public safety agencies within Blaine County. Upon approval of the text amendment, land use applications will be submitted to the City to allow the construction of a 75' radio tower that is an integral part of the Public Safety Communication Center located within the new Public Safety Facility under construction in the Airport West subdivision. The following materials are included with this application:

- City of Hailey Text Amendment Application
- Proposed text amendment to Hailey Zoning Ordinance Article VIIIA Wireless Facilities
- Comprehensive Plan Analysis
- Blaine County Warrant #2008-4729 in the amount of $499.32
- APCO International Guidebook for Homeland Security and Preparedness Planning for Public Safety Communications Centers
- Blaine County Interoperable Emergency Communications Plan dated April 17, 2007
- 700 MHz Engineering Study by Motorola dated June 28, 2007
- RF Engineering Report by 180 Connect dated January 2008

The City's wireless regulations were written by a consultant, Mr. Ted Kreines, at a time of great concern in the community that without proper regulations, cellular towers would soon infiltrate the Wood River Valley. The City and the County both wanted to protect the aesthetic values that residents and visitor treasure, but the regulations adopted by the City don't adequately address the technical requirements of providing essential county-wide public safety two way radio communications. Our RF engineer will address the fundamental differences between cellular phone coverage and two-way radio communication in a separate report to assist the Commission and the City County in their understanding of the two technologies.

Industry standards set forth in the Homeland Security and Preparedness White Paper published by APCO International establishes the critical need to protect vital public safety emergency communication equipment and call centers in a safe, secure and protected

environment. For these reasons, the proposed radio tower must be sited at the Public Safety Facility.

The proposed radio tower has been designed to meet today's needs of public safety agencies within Blaine County, and with the installation of the 6' microwave dish and the completion of the 700 MHz backbone, is designed to meet future public safety needs as the County migrates to a new 700 MHz digital interagency network that will provide interoperability between local, state and federal agencies in times of disaster. The Motorola study pertains to the 700 MHz system and analyzes Blaine County's public safety communication requirements. A second study by 180 Connect Network Services field verified local conditions and made additional recommendations.

I very much appreciate your assistance with this application and look forward to the public hearing process and the opportunity to discuss the text amendment and the needs for this essential public safety infrastructure with the Planning and Zoning Commission and the City Council.

Sincerely,

Deborah Vignes

Deborah Vignes

April 25, 2008

Proposed Text Amendment to
ARTICLE VIII A
WIRELESS FACILITIES

8A.1 Purpose and Intent.

a. The unique character, landscapes, and scenic vistas of Hailey are among its most valuable assets. Preserving and promoting those assets are essential to the long-range social and economic well being of the City and its inhabitants. Protecting these assets requires sensitive placement and design of wireless communication facilities so that these facilities remain in scale and harmony with the existing character of the community.

b. This Ordinance is intended to provide reasonable standards and procedures for the development of PWSFs and WCFs that will serve citizens, the traveling public, and others within the City in order to:

1. Preserve the character, viability and property values of areas which are in close proximity to PWSFs or WCFs by minimizing the adverse impacts of such facilities and protecting the public safety through careful location, siting, design and screening thereof;
2. Protect the health, safety and welfare of persons living or working in the area surrounding such PWSFs or WCFs from possible adverse impacts (within the confines of the Federal Telecommunications Act of 1996) relating to the placement, construction or modification of such facilities;
3. Provide development that is compatible in appearance with allowed uses of the underlying zoning district in which such facilities are placed;
4. Promote the public welfare by facilitating the City's permitting process to encourage fair and meaningful competition among providers of wireless facilities and, to the greatest extent possible, extend to all Hailey citizens high quality wireless communication services at reasonable costs;
5. Encourage the use of existing structures for PWSFs or WCFs where appropriate;
6. Encourage PWSFs or WCFs that have the least impact on, and the greatest compatibility with, the character of the community, surrounding land uses and the general public health, safety and welfare;
7. Encourage the joint use and clustering of antenna sites and structures, when practical, to help reduce the number of such facilities which may be required in the future to service the needs of customers, thereby averting the unnecessary proliferation of facilities on private and public property;
8. Provide necessary public safety radio communication infrastructure to ensure the health, safety and general welfare of the public.

8A.2. Definitions

For the purposes of this Ordinance, the following terms shall have the meaning ascribed to them below:

Acoustical engineer. A professional engineer with demonstrated education, accreditation, and experience to perform and certify noise measurements.

Antenna. Any exterior apparatus designed for telephonic, radio or television communications

through the sending and/or receiving of electromagnetic waves including equipment attached to a tower or building for the purpose of providing personal wireless services. Antennas include the following types:

a. *Omni-Directional (or "Whip") Antenna.* Receives and transmits signals in a three hundred sixty (360) degree pattern, and which is up to fifteen (15) feet in height and up to four inches in diameter;
b. *Directional (or "Panel") Antenna.* Receives and transmits signals in a directional pattern typically encompassing an arc of one hundred twenty (120) degrees;
c. *Parabolic (or "Dish") Antenna.* A bowl shaped device that receives and transmits signals in a specific directional pattern;
d. *Ancillary Antenna.* An antenna that is less than twelve (12) inches in its largest dimension and that is not directly used to provide personal wireless communication services. An example would be a global positioning satellite antenna (GPS);
e. *Other.* All other transmitting or receiving equipment not specifically described in this Ordinance, which most closely resembles such equipment.

Antenna Array An antenna array is one or more whips, panels, dishes, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antennas (whips), directional antennas (panels), and parabolic antennas (dishes). The antenna array does not include the mount as defined herein.

Applicant. A person or entity who submits an application under this Ordinance for a PWSF or WCF Master Plan and/or a Wireless Permit and shall include both the owner of the real property upon which the PWSF or WCF is proposed for location and the owner of the proposed PWSF or WCF, which shall be a Licensed Carrier or government agency operating a public safety communication center.

AGL (above ground level). The actual height of the PWSF or WCF from the ground to the highest point of the mount or the antenna, whichever is higher.

Building. Any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which;

a. Is permanently affixed to the land; and
b. Has one or more floors and a roof.

Camouflage. A way of painting and mounting a PWSF or WCF that requires minimal changes to the host structure in order to accommodate the facility.

Carrier. A company licensed by the Federal Communications Commission (FCC) that provides wireless services. A tower builder is not a carrier.

City. The City of Hailey, Idaho.

Cellular. A mobile telephone service operation in the 800 MHz spectrum.

Co-applicant. Any person and/or entity joining with an applicant in an application for a permit for a PWSF or WCF, including the owner(s) of the PWSF of WSF, owner(s) of the subject property, and any proposed tenant(s) for the PWSF or WCF.

Co-location. The use of a single support system on the ground by more than one carrier (vertical co-location) and/or several support systems on an existing building or structure by more than one carrier.

Commercial Mobile Radio Services (CMRS). Per Section 704 of the Telecommunications Act of 1996, any of several technologies using radio signals at various frequencies to send and receive voice, data and video.

Commission. The Hailey Planning and Zoning Commission.

Conceal. To enclose a PWSF or WCF within a natural or man-made feature, resulting in the facility being either invisible or made part of the feature enclosing it.

Design. The appearance of PWSFs or WCFs such as their materials colors and shape.

Disguise. To design a PWSF or WCF to appear to be something other than a PWSF or WCF.

EIA. The Electronic Industries Association.

Elevation. The measurement of height above sea level. Also AMSL, or above mean sea level.

Enhanced Specialized Mobile Radio (ESMR). Private land mobile radio with telephone services.

Equipment Enclosure/Equipment Shelter. An enclosed structure within which are housed the equipment for the PWSF or WCF such as batteries and electrical equipment.

FAA.. The Federal Aviation Administration.

Façade attached antenna. Any antenna directly attached or affixed to the elevation of a building, tank, tower, or other structure.

FCC. The Federal Communications Commission.

Freestanding tower. A tower not physically attached to a building or structure. The tower is attached to the ground by a foundation.

Fully automated WCF. A site where no on-site personnel are required for the daily operation of the PWSF or WCF.

Guyed Tower. A monopole or lattice tower that is anchored to the ground or to another surface by diagonal cables.

Height. The distance measured from ground level to the highest point of a PWSF or WCF, including the antenna array. For purposes of measuring height, all antennas or other attachments mounted on a structure shall be included in the measurements to determine overall (i.e. combined) height.

Lattice tower. A type of mount that is usually ground-mounted and self-supporting with multiple legs and cross bracing of structural steel.

Licensed carrier. A company authorized by the FCC to construct and operate a wireless service

or government agency operating a public safety communication center.
In addition, any carrier operating under the Federal Communications Commission Regulations, Part 15 (Unlicensed Carriers) is, for purposes of this Article, a "licensed carrier." A licensed carrier must be either the applicant or the co-applicant for every PWSF or WCF application.

Location. The area where a PWSF or WCF is located or proposed to be located.

Mitigation. The reduction or elimination of visual impacts by the use of one or more methods:

a. Concealment
b. Camouflage
c. Disguise

Modification. The changing of any portion of a PWSF or WCF from its description in a previously approved permit issued by the City. The FCC definitions for "modification" are different than local governmental rules.

Monopole. The shape of mount that is self-supporting with a single shaft of wood, steel or concrete and antennas at the top and/or along the shaft.

Mount. The structure or surface upon which antennas are mounted, e.g.:

a. Roof-mounted. Mounted on the roof of a building.
b. Side-mounted. Mounted on the side of a building.
c. Ground-mounted. Mounted on the ground.
d. Structure-mounted. Mounted on a structure other than a building.

Non-automated. A WCF with on-site personnel.

Non-residential structure. A building or structure not constructed for residential purposes or as an accessory structure for residential purposes, not including non-conforming uses.

Permit. Unless otherwise identified in this Article, a permit shall refer to any City required permit for a PWSF or WCF.

Person. Any person, corporation, partnership, joint venture, trust or other entity.

Personal Wireless Service Facility (PWSF). Facility for the provision of personal wireless services, as defined by Section 704 of the Telecommunications Act of 1996. A PWSF is any unstaffed facility for the transmission and/or reception of personal wireless services, usually consisting of an antenna array, transmission cables, equipment shelter and a mount.

Personal Wireless Services. Any personal wireless service defined in the Federal Communications Act which includes FCC licensed commercial wireless telecommunications services, including without limitation, cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging as well as unlicensed wire services and common carrier wireless exchange access services. Personal Wireless Services are not public utilities as that definition is found in City Ordinances or utilities not defined by City Ordinances.

Photo simulation. Computer generated photographs or renderings combining existing subject

adjacent property conditions and improvements with proposed improvements.

Public safety communication equipment. Radio transmitters, antennas, mount and ancillary equipment used to receive and transmit essential public safety radio communications using VHF, UHF, 700 and 800 MHZ frequencies.

Public safety communication center. A call taking and dispatch center whose primary function is to receive and transmit public safety emergency radio and telephone communications.

Radio Frequency (RF) Engineer. Someone with a background in electrical engineering or microwave engineering who specializes in the study of radio frequencies.

Radio Frequency Radiation (RFR). The actual beam or radio waves sent and received by a PWSF or WCF. A signal contains RF emissions.

Residential Development. A building utilized exclusively for short or long term residential purposes.

Right-of-Way. All public streets, alleys, right-of-ways, property, and utility easements, now and hereafter owned by the City of Hailey or other public entity.

Riparian Setback. The setback required by City Ordinances from the mean high water mark along the banks of the Big Wood River or other waterways within the City.

Security Barrier. A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

Separation. The distance between one carrier's antenna array and another carrier's antenna array.

Service area. Contained areas within which a wireless communication facility is able to transmit clear signals, generally circular in form.

Site. That portion of a subject property where a PWSF or WCF is to be placed. Any acceptable location may have several potential sites within it.

Siting. The method and form of placement of PWSFs or WCFs on a specific area of a subject property.

Specialized Mobile Radio (SMR). A form of dispatch or two-way communication used by companies that rent space or time from an SMR carrier. Used primarily for data, delivery vans, truckers or taxis within a small, definable geographic area.

Standards. Rules or measures by which acceptability is determined. PWSFs and WCFs are measured by standards measuring visibility or safety. Wireless planning tends to regulate PWSFs and WCFs on three levels: location (or where the PWSF or WCF site can go), siting (or how the PWSF or WCF is placed within its setting), and design (or what the PWSF or WCF looks like).

Street pole. A street light, traffic control signal, telephone, electric or cable television pole located in a developed public street or alley right-of-way or other City owned property.

Structure. A constructed element in the landscape, including buildings, but specifically used to

include towers, poles and other non-habitable structures.

Support structure. The structure to which an antenna and other necessary associated hardware is attached. Support structures include, but are not limited to, the following:

a. Non-residential structure;
b. Monopole - a single pole sunk into the ground and/or attached to a foundation;
c. Street pole - a telephone, electric or cable television pole located in a developed street right-of-way.

Tower. A mast, pole, monopole, or other structure designed and primarily used to support antennas and/or other WCF equipment.

Waterway. A channel, natural or man-made, which water runs through.

Whip Antenna. See "Omni-Directional Antenna".

Wireless Communication Facility (WCF). Those facilities that are non-personal wireless service facilities (PWSFs), by definition of the Telecommunications Act of 1996, but that are also subject to this Article due to their height above ground level. Any antenna, including mount and/or equipment support structure over thirty-five (35) feet AGL that is not a PWSF shall be considered a WCF and regulated by this Article.

Wireless Permit. A permit issued by the City of Hailey to allow the construction and operation of a PWSF or WCF within the Hailey City limits.

8A.3 Applicability:

8A.3.1 Permits Required.
It shall be unlawful to commence construction or placement of any PWSF or WCF without having first obtained a valid written Wireless Permit pursuant to this Article, and as set forth in Section 8A.4, a Conditional Use Permit pursuant to Hailey Zoning Ordinance Article XI.

a. Building Permit. It shall be unlawful to commence construction on any new PWSF or WCF, or to modify, alter or add on to an existing PWSF or WCF, without having first obtained a valid written Building Permit as required under the International Building Code as adopted by Hailey Ordinance.
b. Any Conditional Use Permit issued for a PWSF or WCF shall subscribe to procedures set forth in this Article and in Article XI of the City of Hailey Zoning Ordinance, and:
   1. Where non-conflicting differences between this Article and Article XI exist, this Article shall be additive to and supportive of Article XI.
   2. Where this Article and Article XI contain conflicting provisions, the more restrictive requirements shall apply.

8A.3.2 Pre-existing Personal Wireless Service Facilities or Wireless Communications Facilities.

a. A PWSF or WCF for which a permit has been issued prior to the effective date of this Article shall be deemed a permitted use, subject to the conditions of that permit.
b. All unpermitted PWSFs or WCFs shall be brought into compliance with this Article. Unpermitted PWSFs or WCFs will be subject to abatement.

c. Where any unpermitted PWSF or WCF to be attached to a mount approved for another use or PWSF or WCF, the unpermitted PWSF or WCF must apply for a separate permit, even when (i) sharing a legal mount, (ii) already in operation, and/or (iii) duly licensed by the Federal Communications Commission. The issuance of permit renewals or other new permits for such facilities shall be in accordance with the provisions of this Article.

d. Damaged or destroyed facilities may be rebuilt and all such facilities may be replaced by facilities of the same height at the same location, provided that lattice towers are encouraged to be changed to mounts of lower visual impact.

e. Any carrier with at least one pre-existing PWSF or WCF in the City of Hailey that is out of compliance with the City of Hailey building and zoning requirements, prior to the adoption of this Article, shall not be eligible for any new approvals of PWSFs or WCFs by the City until each pre-existing PWSF or WCF owned by that carrier is brought into compliance with this Article.

8A.3.3 Unpermitted Facilities, Mounts or Equipment Ineligible for Co-location.

a. No issuance of any permit under this Article shall occur for a request to co-locate, attach, or share an existing PWSF or WCF site, mount or facility, when such existing site, mount or facility is found to have one or more PWSFs or WCFs without permits and/or any structure, mount or facility is found to lack one or more building or any other permits required by the City, or is otherwise in violation of City ordinance or state or federal law.

b. Any application by a wireless carrier or other entity shall not be accepted by the City of Hailey if that wireless carrier has a pre-existing PWSF or WCF on, or the other entity owns or leases, a mount, rooftop or tower, on which there is any unpermitted PWSF or WCF until that PWSF or WCF is brought into compliance with this Article.

8A.3.4 Exempt Communication Facilities.

a. The requirements imposed by this Article shall not apply to antennas designed to receive video programming signals from direct broadcast satellite (DBS) services, multichannel multipoint distribution providers (MMDS), or television broadcast stations (TVBS) provided that all of the following conditions are met:
   1. The antenna measures thirty-nine (39) inches (one meter) or less in diameter;
   2. A dish that measures greater than thirty-nine (39) inches in diameter (one meter) that is completely enclosed;
   3. The antenna is attached to a freestanding tower measuring less than twelve (12) feet in height.

b. The requirements of this Ordinance shall not apply to amateur radio facilities owned and operated by a federally licensed amateur radio operator or used exclusively as non-commercial, receive only antennas. However, such facilities may not co-locate a PWSF or WCF unless a Wireless Permit is obtained under this Article.

8A.3.5 Relationship to Other Ordinances. This Article shall supercede any conflicting requirements contained in the City of Hailey Zoning Ordinance Regulations regarding the siting and permitting of PWSFs or WCFs, except as otherwise specifically provided for in this Article.

8A.3.6 Jurisdiction. This Article shall apply only in the incorporated area of the City of Hailey and where adopted pursuant to the Hailey/Blaine County Area of City Impact Ordinance.

8A.4 Zoning District Regulations, General Prohibitions and Restrictions.

a. The placement, use or modification of any wireless communication facility at any location within the City of Hailey is subject to the provisions of this Article.

b. Limited Business District, Business District, Light Industrial District, Technological Industry District, Service Commercial Industrial District, and the Airport District.

1. PWSFs or WCFs attached to street poles shall be a permitted use in the aforementioned zoning districts upon issuance of a Wireless Permit in accordance with the provisions of this Article.

2. All other PWSFs or WCFs, excluding freestanding towers, shall be permitted as an accessory use in the aforementioned zoning districts of Hailey upon issuance of a Wireless Permit in accordance with the provisions of this Article.

3. Freestanding towers and monopoles, excluding lattice towers, shall be a conditional use within these zoning districts of Hailey upon issuance of a Wireless Permit and a Conditional Use Permit in accordance with this Article and Hailey Zoning Ordinance Article XI.

c. Recreational Green Belt District, Limited Residential District, General Residential District, and Transitional District.

1. PWSFs or WCFs shall be permitted only as a conditional use in the aforementioned zoning districts of Hailey upon issuance of both a Wireless Permit in accordance with this Article and Conditional Use Permit in accordance with this Article and Hailey Zoning Ordinance Article XI.

2. Freestanding towers and monopoles shall be prohibited in these zoning districts of Hailey.

d. Prohibitions. The following are prohibited within the City:

1. Lattice towers larger than two (2) feet by two (2) feet;

2. WCFs and PWSFs that interfere with City and public safety communication systems and/or area television or radio broadcast.

e. Restrictions. In all zoning districts within Hailey, no guy wire or other support wires shall be used in connection with antenna, antenna array or its support structure except when used to anchor the antenna, antenna array or support structure to an existing building to which such antenna, antenna array or support structure is attached.

8A.5 Location and Facility Type Standards and Priorities.

8A.5.1 Location Selection Criteria.

a. PWSFs or WCFs shall be located on a Master Development Plan as set forth in Section 8A.6.2 of this Article;

b. Applications shall be considered based on preferred siting criteria as set forth below in order of priority:

1. City owned property due to the City's ability to control and monitor Ordinance compliance;

2. Public service facility when public safety communication equipment is part of a public safety communication center.

3. Co-location on existing buildings, structures, and towers in the zoning districts set forth in Section 8A.4.b above. In presenting another site, the applicant shall have the burden of proving that there are no such feasible existing structures upon which to locate;

4. Street poles;

5. Existing buildings and structures, excluding freestanding towers and monopoles, located on residentially zoned land, as set forth in Section 8A.4.c above;

6. In areas where the existing topography, vegetation, buildings and other structures provide the greatest amount of screening;
7. Other locations consistent with the provisions of this Ordinance;
8. Location of PWSFs or WCFs within floodplain areas, wetlands, hillside areas above twenty five percent (25%) slope, avalanche prone areas, areas where the FAA requires lighting on the facility, and areas for which the FCC requires an Environmental Assessment under the National Environmental Policy Act (NEPA) are to be avoided.

8A.5.2 Co-Location Requirement. Co-location is considered to be the least intrusive and visually unobtrusive installation method because the equipment is attached to an existing structure. No new tower shall be permitted unless the applicant demonstrates a good faith effort to co-locate on an existing facility including good faith efforts to negotiate lease rights, and there is no reasonable alternative location, site, or design except as provided herein below. The applicant shall submit clear and convincing evidence that:

a. No suitable existing towers or structures are located within the City or immediate geographic area;
b. Existing towers or structures are not sufficiently designed to meet the applicant's master development plan;
c. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;
d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;
e. The fees, costs, or contractual provisions required by the owner of the proposed co-location site in order to share an existing tower or structure or to adapt an existing tower or structure for share are prohibitive;
f. Costs exceeding new tower development and construction are presumed (rebuttably) to be prohibitive;
g. No other reasonable alternative exists to the applicant's proposed PWSF or WCF.

In addition, no new tower shall be permitted unless the applicant provides a written statement to the City that the applicant shall make a good faith effort to allow other wireless carriers to co-locate antennas on the proposed tower where technically and economically feasible. This provision shall not apply to lattice towers.

Public safety communication equipment that is part of a public safety communication center is not subject to the collocation requirement.

8A.6 Application and Hearing Procedures.

8A.6.1 Permit Granting Authority.

a. The Hailey Planning Administrator shall be the granting authority for Wireless Permits not requiring a Conditional Use Permit, subject to final approval or denial by the Planning and Zoning Commission on its consent agenda. Such approval or denial shall specify the ordinance and standards used in evaluating the application; the reasons for the approval or denial; and the actions, if any, that the applicant could take to obtain a permit. An applicant who is denied or aggrieved by a decision may appeal such decision

as set forth in Section 8A.15.1 of this Article. The Planning Administrator may attach reasonable conditions to the approval of an application including, but not limited to, those that will minimize adverse impact on adjacent properties or public ways, and/or assure the PWSF or WCF is constructed and/or maintained in accordance with this Article and the Hailey Zoning Ordinance.

b. The Planning Administrator shall also have the authority to approve or deny all PWSF or WCF Master Development Plans.

c. The Commission shall have the authority to approve or deny all Conditional Use Permit applications for PWSFs or WCFs, which shall be jointly processed with Wireless Permit applications in accordance with the procedures for Conditional Use Permits set forth in the Hailey Zoning Ordinance Article XI.

d. Prior to issuance of any Wireless Permit for a facility to be located on a street pole, or otherwise within the public right-of-way, an encroachment permit or right-of-way use agreement must be obtained by the applicant for the PWSF or WCF from the City and/or, where applicable, the Idaho Transportation Department (ITD). Any PWSF or WCF to be otherwise located on City owned property shall also enter into a lease agreement with the City subject to authorization by the City Council.

8A.6.2 Master Development Plan.

a. An applicant for a Wireless Permit must obtain approval of a Master Development Plan by the Hailey Planning Administrator and pursuant to this Article prior to or concurrently with the processing of any Wireless Permit application. A Master Development Plan shall be submitted by each company seeking placement of a PWSF or WCF within the City.

b. The Planning Administrator may waive the processing of a Master Development Plan if the applicant demonstrates by clear and convincing evidence that a network of PWSFs or WCFs will not be required of the owner/operator of the proposed PWSF or WCF.

c. The Master Development Plan shall illustrate a carrier's expected network of PWSFs or WCFs within and adjacent to the City. It shall forecast five years in advance the approximate locations of future facilities and the areas of service, but is not required to detail the specific siting or type of facility (e.g., pole, roof, building attached). Future amendments to each company's Master Development Plan shall be submitted and reviewed by the Planning Administrator prior to approval of additional PWSF or WCF facility locations.

d. If a PWSF or WCF is placed without a Master Development Plan, the applicant shall file for and receive approval of a Plan prior to the filing of an application for another PWSF or WCF.

8A.6.3 Master Development Plan Filing Requirements.

The Planning Administrator, prior to processing a Master Development Plan application, must determine a Plan application to be complete. The Planning Administrator shall determine an application complete when the application contains the information described below. The following shall be included with an application for Master Development Plan approval:

8A.6.3.1 Application. The application form shall include at a minimum:

a. Name, address, and telephone number of the applicant, any co-applicants as well as any agents for the applicant and co-applicants. The applicant or co-applicant shall be a licensed carrier;

b. Name, address and telephone number of the licensed carrier;
c. Original signatures for the applicant and all co-applicants applying for Master Development Plan approval. If the applicant or co-applicant will be represented by an agent, the original signature authorizing the agent to represent the applicant and/or co-applicant;
d. Master Development Plan application fee as set by City Ordinance;
e. Map. A map encompassing the City and surrounding area within one mile drawn to scale of no less than one inch equals five hundred (500) feet, specifying the following:
   1. Location of proposed PWSFs or WCFs;
   2. Service area of each PWSF or WCF;
   3. Street names of major streets and streets adjacent to identified WCF locations;
   4. All existing PWSFs or WCFs, operated by the applicant;;
   5. Separation distance between proposed and existing PWSFs or WCFs measured in feet;
   6. Existing watercourses and natural features that restrict the placement of PWSFs or WCFs or the associated service areas; and
   7. North arrow, scale, and legend;
   8. Information demonstrating compliance with the standards of this Ordinance.

8A.6.3.2 Pre-Application.

a. Meeting. Prior to submission of a Wireless Permit application under this Article, the applicant will meet with the Planning Administrator to discuss the proposed PWSF or WCF in general terms, its compliance with the carrier's Master Development Plan and to clarify the filing requirements. The Planning Administrator shall meet with an applicant within twenty-one (21) days following a written request submitted to the Hailey Planning Department.
b. Pre-Application Filing Requirements. The applicant shall submit sufficient preliminary architectural and/or engineering drawings to inform the Planning Administrator of the location and siting of the proposed facility, as well as its scale and overall design. If unable to co-locate, evidence thereof shall be submitted for review and approval by the Planning Administrator.

8A.6.3.3 PWSF or WCF Application Filing Requirements.

A Wireless Permit is required prior to the installation or modification of any new or existing PWSF or WCF. An application for a Wireless Permit must be determined to be complete by the City prior to processing. The Planning Administrator shall determine an application complete when the application contains the information described below. The following shall be included with an application for a Wireless Permit:

a. Wireless Application Form. The application shall include at a minimum:
   1. Name, address, and telephone number of the applicant and any co-applicants, as well as any agents for the applicant and co-applicants. The applicant or co-applicant shall be a licensed carrier;
   2. Name, address and telephone number of the property owner(s);
   3. Original signatures for the applicant and all co-applicants applying for a Wireless Permit. If the applicant or co-applicant will be represented by an agent, the original signature authorizing the agent to represent the applicant and/or co-applicant;
   4. A complete legal description of the subject property;

5. Wireless Permit application fee as set by City Ordinance.

b. Site Plan. A site plan drawn to scale of no less than one inch equals twenty (20) feet, specifying the following:

1. Location, type and height of the proposed PWSF or WCF, support structures, security barrier and other components with setbacks;
2. On-site structures, land uses and zoning;
3. Circulation. Adjacent roadways, ingress and egress from such roadways, parking and pedestrian circulation and access;
4. Fences, signs, exterior lighting pursuant to Article VIIIB of this Ordinance and storm drainage;
5. Property lines with dimensions, adjacent land uses, structures and zoning;
6. Existing watercourses, utility lines, easements, deed restrictions and other built or natural features restricting the use of the subject property;
7. A grading, fill and drainage plan for the site;
8. North arrow, scale and legend, and topographic map of property prior to any proposed improvements, grading or fill with contours at two-foot intervals;
9. Information demonstrating compliance with the standards of this Article;
10. The City, at its discretion, may waive any of the above site plan requirements for PWSFs or WCFs attached to existing structures.

c. Landscape and/or Screening Plan. A landscape plan drawn to scale of no less than one inch equals twenty (20) feet, specifying the following:

1. Existing and proposed landscaping indicating size, location and species of vegetation;
2. Indication of existing vegetation to be removed or retained;
3. Information demonstrating compliance with the screening standards of this Article; and
4. The landscape plan may be waived when the PWSF or WCF is to be attached to a building and the equipment is located within the building.

d. Elevation drawings or "before and after" photographs/drawings simulating and specifying the location and height of the antennas, supports structure, equipment enclosure(s) and other accessory uses, fences and signs;

e. Elevations of all sides of any proposed above ground equipment enclosures;

f. A map indicating the service area of the facility;

g. A map indicating locations and service areas of other PWSF or WCF sites operated by the applicant in the City and within one mile of the City's corporate limits;

h. Six copies of all plans and maps that exceed eleven (11) by seventeen (17) inches in size;

i. Six copies of photo simulations of the proposed PWSF or WCF from adjacent residential properties and public rights-of-way at varying distances;

j. A description of the support structure or building upon which the PWSF or WCF is proposed to be located, and the technical reasons for the design and configuration of the PWSF or WCF;

k. Written documentation demonstrating a good faith effort in locating facilities in accordance with the Location Selection Criteria set forth in Section 8A.5.1 above;

l. Evidence as specified in the Co-location Requirements, Section 8A.5.2 above;

m. Written Description. A written description of how the proposed PWSF or WCF fits within the master development plan;

n. Signed and notarized statement by the applicant indicating:

1. Certification by a qualified radio frequency engineer that the antenna usage shall not interfere with other adjacent or neighboring transmission or reception functions;
2. That the applicant, if proposing a new freestanding tower, shall make a good

faith effort to allow other wireless carriers to co-locate antennas on the proposed tower where technically and economically feasible;

3. That the applicant agrees to remove the PWSF or WCF and equipment within ninety (90) days after the site's use is discontinued;
4. That any lease agreement with a landholder specifies that if the provider fails to remove the PWFS or WCF and equipment within ninety (90) days of its discontinued use, the responsibility for removal belongs to the landholder;
5. That a Memorandum of Lease shall be recorded with the Office of the Blaine County Recorder, Hailey, Idaho.

o. The applicant shall provide the following additional information:

1. Names and addresses of all property owners or purchasers of record within three-hundred (300) feet of the external boundaries of the land being considered;
2. Copy of Form 600 on file with the FCC; or FCC license (Radio Authorization Form);
3. A complete right-of-way encroachment permit application if the PWSF or WCF is to be located within a public right-of-way;
4. A list of all hazardous substances (as defined by CERCLA), chemicals, petroleum products, batteries, and similar items or substances, which will be used or stored on the PWSF or WCF site;
5. A list of all types of materials, including the finishes and colors thereof, used in construction of, and which will be visible on, the exterior of the PWSF or WCF;
6. Certification that the proposed PWSF or WCF complies with all applicable FCC guidelines, and a RFR report (Radio Frequency Radiation) for the proposed PWSF or WCF prepared by a qualified RF engineer;
7. FAA Aeronautical Survey indicating any required lighting of the proposed PWSF or WCF, and all available alternative lighting and/or painting which will also meet that requirement. The City shall have the ability to condition permit approval on an alternative location, site or design which will not require such painting or lighting, or shall require the least intrusive lighting and/or painting allowed by the FAA where there is no other alternative location, site or design is available. If lighting is required, the City will authorize only solid red lights, and no strobe or flashing lights will be allowed, unless no other alternative is permitted by the FAA, and no other alternative location, site or design are available. Prior to the issuance of a building permit, any required FAA Permit for the proposed facility, including exact geographic coordinates, shall be submitted;
8. FAA Form 7460-1, "Notice of Proposed Construction or Alteration", where required;
9. A narrative statement describing two alternative proposals examined by the applicant for the PWSF or WCF facility in terms of location, siting, height, and/or design. Each alternative must comply with the provisions of this Article and be equally or less intrusive than the proposal submitted for approval. If the statement does not describe appropriate alternatives, the City may retain a private expert, at the applicant's cost, under Section 8A.12 of this Article, to develop or review such alternative proposals. The City shall not further process the Wireless Permit application until such alternatives have been submitted, and the time frame for processing the application shall be tolled until thirty (30) days after such submittal. If no alternatives are provided, an application will be deemed incomplete;
10. Conditional Use Permit application, and Wireless Conditional Use Permit fee as

set by City Ordinance, when necessary;

11. Copy of Lease Agreement, when applicable.

8A.6.4 Review and Public Hearing.

a. The Planning Administrator shall review each application for a Wireless Permit, and within thirty (30) days of the date of the submission, shall either certify that the application is complete or, notify the applicant of the deficiencies in the application. An application is not complete unless and until all the required information and items set forth in this Article have been submitted to the City by the applicant. The applicant shall have thirty (30) days from the date of notification of an incomplete application to file the completed application. If the applicant fails or refuses to file the completed application within this time, the application shall be deemed withdrawn and thereafter a new application shall be filed by the applicant, subject to new application fees.

b. The Planning Administrator shall certify whether a Wireless Permit application shall require a Conditional Use Permit based upon the location, siting, and type of PWSF or WCF presented in the application and as set forth in this Article.

c. In the event that the Planning Administrator certifies that a Conditional Use Permit is not required:

1. The Planning Administrator shall mail notice of the application to property owners or purchasers of record within three hundred feet of the external boundaries of the proposed site and shall request written comment from such owners or purchasers of record.
2. The Planning Administrator shall consider such application for a Wireless Permit, and shall issue or deny, or issue with conditions, the application. All denials shall be supported by written findings, subject to final approval by the Commission consent agenda.
3. The application shall then be approved or denied on the next available Commission consent agenda.
4. The applicant shall have a right to appeal any decision of the Commission to the Hailey City Council.

d. In the event that the Planning Administrator certifies that a Conditional Use Permit is required,

1. The Planning and Zoning Commission shall conduct at least one public hearing that addresses both the application for a Wireless Permit and the accompanying Conditional Use Permit. The applicant and all interested persons shall have an opportunity to be heard. The public hearing shall be noticed in the following manner:
2. Publication. At least fifteen (15) days prior to the public hearing, notice of the time and place, and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the City. Notice may also be made available to other newspapers, radio, and television stations serving the City for use as public service announcements.
3. Posting. Notice shall be posted on the premises where the PWSF or WCF is proposed not less than one week prior to the public hearing.
4. Mailing. Notice shall be mailed to property owners or purchasers of record within three hundred (300) feet of the external boundaries of the land being considered at least fifteen (15) days prior to the public hearing.
5. Commission Action. The Commission shall hear the application for a Wireless Permit as set forth in section 8A.6.4.4 in conjunction with the required

application for a Conditional Use Permit. Following the public hearing the Commission shall approve, deny, or approve with conditions the application for a Wireless Permit and corresponding Conditional Use Permit. All decisions of the Commission shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, explains the rationale for the decision and is based upon substantial evidence in the written record as required by state and federal law.

8A.6.5 Permit Form, Annual Reports, and Renewal.

a. Upon approval, the City shall issue the applicant a Wireless Permit in written form stating the exact PWSF or WCF approved and the conditions, if any, of said permit.

b. As a condition of each Wireless Permit, the applicant shall file with the City on each anniversary date of the issuance of the permit an Annual Report containing the following information:

1. Name of permittee, landowner;
2. Any co-location added to the site or removed from the site within the preceding year;
3. Any modifications to the site in the preceding year, including change of ownership;
4. Updated list of hazardous substances as set forth in Section 8A.6.3.3.o.5 of this Article together with a plan of the site showing the exact location of each such substance and means of access in case of an emergency;
5. Date of the last physical inspection of the site by the permittee and any carrier on the site;
6. The name and telephone number of contact person in case of emergency at the site and for any required maintenance of the site.
7. Annual renewal fee as set by City Ordinance.

c. The permit shall be automatically renewed annually upon the filing of an annual report and renewal fee as set by City Ordinance. Failure to file an Annual Report shall result in the expiration of the Wireless Permit. Expiration occurs one year after the due date of the Annual Report. A new application, together with all applicable fees, shall be required to reinstate the permit.

d. Where an application is also required as set forth in this Article, the City shall issue the applicant a Conditional Use Permit in written form stating the exact PWSF or WCF and the conditions of said permit. Such permit shall be subject to the terms and conditions set forth in Hailey Zoning Ordinance Article XI, as well as any supplementary conditions set forth in this Article.

8A.7 Standards and Criteria.

8A.7.1 Applicability.

The standards identified in the subsections below shall apply to all Wireless Permits and all PWSFs or WCFs constructed or located in the City, unless otherwise herein specified. Such standards shall also be considered in the issuance of a Conditional Use Permit pursuant to this Article and Hailey Zoning Ordinance Article XI. The applicant for a Wireless Permit has the burden of demonstrating compliance with these standards.

8A.7.2 Height.

PWSFs or WCFs shall not exceed forty (40) feet AGL or the maximum permissible height of the

zoning district where it is sited, whichever is lower, with the exception of facade and roof-attached PWSFs or WCFs or public safety communication equipment as described below:

a. Roof attached PWSFs or WCFs shall not exceed five (5) feet above the highest portion of the roof membrane, or continuous parapet wall. The antenna and support system for whip antennas shall not exceed ten (10) feet above the highest portion of that roof, including parapet walls.

b. Facade attached PWSFs or WCFs shall not exceed five (5) feet above the facade to which it is attached.

c. If the height of the building is in excess of the maximum height allowed within the zone and was legally established, then the combined height of the building and antenna shall not exceed the maximum height allowed by such approval, unless determined to be suitably camouflaged.

d. Street pole attached PWSFs or WCFs may only extend six (6) feet above the existing street pole. A maximum extension of ten (10) feet from the top of the street pole, may be permitted pursuant to standards provided in Section 8A.7.9 of this Ordinance, if a utility disturbance can be clearly demonstrated.

e. Public safety communication equipment located in the SC1 district and on the same property as a public service facility shall not exceed seventy five (75) feet AGL.

8A.7.3 Setbacks.

All PWSFs or WCFs, except those mounted on street poles, shall comply with the building setback provisions of the zoning district in which the PWSF or WCF is located or the requirements of this subsection, whichever is greater. At a minimum, the following setbacks shall be observed except as provided herein below:

a. Street Pole Attached. No setback when constructed within the public right-of-way and under the provisions of Section 8A.7.9 of this Article;

b. Facade Attached. The maximum projection shall be eighteen (18) inches. The location of a PWSF or WCF on the wall of a legal non-conforming structure is permitted. However, the PWSF or WCF shall not be located on an exterior wall in a manner that will increase the degree of nonconformity. Additional standards for antennas attached to the facade of structures are listed in Section 8A.7.9 of this Article;

c. Roof attached PWSFs or WCFs shall be set back from the edge of the building a distance equal to the height of the antenna and support system as measured from the roof membrane;

d. Freestanding Tower. Setbacks shall be measured from the base of the tower to the property line of the parcel on which it is located. Towers shall be set back from all property lines one hundred twenty five (125) percent of the height of the tower as measured from ground level. In addition, no buildings (other than those utilized exclusively for the PWSF or WCF) shall be constructed within this setback to protect against damage to persons or property due to collapse of the structure and/or due to falling debris or ice from the structure;

e. Equipment enclosure. Underground vaults or above ground structures shall comply with all setback and other requirements of the underlying zoning district in which the real property is located;

f. No freestanding PWSFs or WCFs or equipment enclosures shall be located between the face of a structure and a public street, bikeway, park or residential development, except for approved facade-attached PWSFs or WCFs located on existing or new permitted structures in accordance with this Article.

Exception. Public safety communication equipment operating in conjunction with a public safety

communication center shall only be subject to the typical setback requirement established for the zoning district.

8A.7.4 Design Standards.

The following design criteria shall be met by each application for Wireless Permit approval.

a. Architectural Compatibility.

1. All facilities shall be designed to minimize the visual impact to the greatest extent feasible, considering technological requirements, by means of placement, screening and camouflage to be compatible with existing architectural elements and building materials and other site characteristics. The applicant shall use the smallest and least visible antennas possible, as well as the smallest possible equipment enclosure.
2. Equipment enclosures of PWSFs or WCFs shall be placed in underground vaults or within buildings where possible. All other equipment enclosures shall be designed consistent with the requirements of this ArticleThe equipment enclosure shall be constructed so as to minimize its visual impact. Landscape planting shall be installed and maintained to completely obscure the visibility of the equipment enclosure from the developed street and adjacent properties. Sight distance clearance shall be maintained for the equipment enclosure and associated landscape pursuant to the requirements of this Article and other applicable Ordinances and standards of the City. Any above ground equipment enclosure greater than 90 cubic feet in size shall be subject to Design Review pursuant to Article VI-A of this Ordinance.

b. Landscaping or Screening Standards.

The following standards shall apply to all PWSFs or WCFs except as provided herein below (if the antenna is facade or roof mounted, and other equipment is located inside the existing building, landscaping shall not be required):

1. Support structures and equipment enclosures shall be installed so as to maintain and blend with existing landscaping on-site, including trees, foliage and shrubs, whether or not utilized for screening;
2. Additional landscaping and screening shall be installed to visually screen the support structures and above ground equipment enclosures. Landscaping and screening shall consist of a combination of trees, foliage and shrubs of dense spacing in one of the following designs:
   (i) A screening wall or fence and a five (5) foot wide landscape planter located in front of the wall or fence;
   (ii) A ten (10) foot wide landscape planter; or
   (iii) Any combination of existing vegetation, topography, decorative walls/fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping described above.
3. No PWSF or WCF shall be at a height (see definition) greater than ten (10) feet above the average height of the trees within the landscape screening buffer described above except as provided hereinbelow.
4. Upon completion, the permittee(s) of the facility shall be jointly and severally responsible for the continued maintenance and replacement of all required landscaping and screening materials.

When a PWSF or WCF is located in the Service Commercial Industrial District (SC1) where landscape screening is not part of the natural or man-made environment, the City may consider the location of the PWSF or WCF in context of the surrounding

topography, vegetation, buildings or other structures in lieu of landscape screening.

c. Color and Materials Standards.
   1. PWSFs or WCFs located on buildings, walls, or roofs, or structures shall be painted or constructed of materials to match the color of the structure directly behind them to reduce the visibility of the PWSF or WCF.
   2. To the extent any PWSFs or WCFs extend above the height of the vegetation immediately surrounding it, they shall be painted in a nonreflective light gray, light blue or other hue, which blends with the skyline and horizon.

d. Facility Lighting and Signage Standards.
   1. Facility lighting shall be designed so as to meet but not exceed minimum requirements for security, safety and/or FAA regulations. Lighting of antennas or support structures shall be prohibited unless required by the FAA and no other alternatives are available. In all instances, the lighting shall be designed so as to avoid glare and minimize illumination on adjacent properties. No strobe or flashing lights shall be permitted unless no other lighting can meet FAA regulations and the applicant provides written confirmation from the FAA that the specific WCF under review cannot meet its regulations by the use of any other alternative other than such lighting. Lighting shall also comply with any applicable City lighting standards.
   2. Signs shall be limited to those needed to identify the telephone number(s) to contact in an emergency, public safety warnings, certifications or other required seals. These signs shall also comply with the requirements of the City's sign regulations.
   3. All facility lighting shall comply with the standards as set forth in Article VIIIB of this Ordinance.

8A.7.5 Parking Standards.

a. If the freestanding PWSF or WCF is fully automated, one off-street parking space shall be provided for maintenance workers.
b. Non-automated PWSFs or WCFs shall provide documentation regarding the provision of adequate off-street parking. Parking will be sufficient to accommodate the maximum number of employees at any one time.

8A.7.6 Access Standards.

In addition to ingress and egress requirements of the International Building Code and the International Fire Code, access to and from PWSFs or WCFs, and equipment shall be regulated as follows:

a. No PWSF or WCF or equipment shall be located in a required parking, maneuvering or vehicle/pedestrian circulation area such that it interferes with, or in any way impairs, the intent or functionality of the original design.
b. The PWSF or WCF shall be secured from access by the general public but access for emergency services must be ensured. Access roads shall comply with Fire Department and other City standards for emergency vehicular access.

8A.7.7 Scenic Landscapes and Vistas Standards.

a. Freestanding PWSFs or WCFs shall not be located within open areas that are visible from public roads, recreational areas, or residential development. As specified in

Subsection 8A.7.4.a.1 above, PWSFs or WCFs shall be installed to blend with existing landscaping and structures.

b. Any PWSF or WCF that is located within three hundred (300) feet of a scenic vista, scenic landscape or scenic road as designated by the City, in addition to height regulations specified in Section 8A.7.2 above, shall not exceed the height of vegetation at the proposed location. If the facility is located further than three hundred (300) feet from the scenic vista, scenic landscape, or scenic road, said Section 8A.7.2 shall apply exclusively.

8A.7.8 Environmental Standards.

a. PWSFs or WCFs shall not be located in floodways and wetlands. PWSFs or WCFs shall also be avoided whenever possible in floodplains and disturbance to floodplain areas shall be minimized.

b. PWSFs or WCFs shall not be located in riparian setbacks along watercourses.

c. PWSFs or WCFs shall avoid locating in avalanche prone areas, as determined by site-specific studies on a case-by-case basis as part of the PWSF or WCF approval process. Evidence shall be submitted to demonstrate that no location outside an avalanche prone area can accommodate the applicant's proposed antenna as specified in the co-location requirement section above, Section 8A.5.2. PWSFs or WCFs located within avalanche prone areas shall provide proof of FCC acceptance of the proposed location.

d. No hazardous waste shall be discharged on the site of any PWSF or WCF. If any hazardous materials are to be used on-site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least one hundred ten per cent (110%) of the volume of the hazardous materials stored or used on-site.

e. Storm water run-off shall be contained on-site.

f. PWSFs or WCFs locating within the floodplain shall comply with the additional placement standards set forth in the Hailey Floodplain Ordinance and provide written proof of FCC acceptance of the proposed location.

g. Above ground equipment for PWSFs or WCFs, exclusive of roof and facade attached PWSFs or WCFs, shall not generate noise in excess of fifty (50) decibels (db) at the property line.

h. Roof or facade attached equipment for PWSFs or WCFs shall not generate noise in excess of fifty (50) db at ground level at the base of the structure closest to the antenna.

i. The noise standards of this Article require measurements by a qualified acoustical engineer.

8A.7.9 Street Pole and Facade Attached Standards. Street pole and facade attached PWSFs or WCFs shall meet the following conditions and criteria in addition to the other standards identified in this section:

a. Facade Attached PWSFs or WCFs. Equipment enclosures shall be located within the structure in which the WCF is placed or located underground if site conditions permit. Otherwise, equipment enclosures shall comply with the design standards listed in Subsection 8A.7.4 of this Article.

b. Street Pole Attached PWSFs or WCFs. Only one PWSF or WCF shall be permitted on any one street pole. Surface area of an antenna shall not exceed four (4) square feet. The antenna shall be either fully concealed within the street pole or camouflaged to appear to be an integrated part of the street pole. An antenna not flush mounted on the side of the street pole shall be centered on the top of the street pole to which it is attached;

horizontal projection shall not exceed twelve (12) inches beyond the outer diameter of the pole, and camouflaged or disguised.

c. Utility Separation. In the event that a utility located upon the street pole requires vertical separation between its utility facilities and the antenna so attached, the antenna may be raised by a support system to accommodate the separation requirement to an elevation not exceeding an additional ten (10) feet or the required separation, whichever is less. Any such support shall not be greater in diameter than the existing street pole and shall be designed to blend into the colors and textures of the existing street pole.

d. Pole Replacement. Existing street poles may be replaced with a new street pole of the same height, dimensions, and appearance as the existing street pole. An antenna located upon the new street pole shall meet the standards for attaching an antenna to an existing street pole, as set forth above.

e. Horizontal Separation. For PWSFs or WCFs located within developed streets, there shall be a minimum horizontal separation of three hundred (300) feet between the PWSFs or WCFs of a single licensed carrier and a minimum horizontal separation of one hundred (100) feet between the PWSFs or WCFs of any other licensed carrier.

f. An encroachment permit or right-of-way permit shall be obtained from the City, or where applicable, ITD by the applicant, after staff review of the Wireless Permit application and prior to its issuance.

g. In the event the utilities located on a street pole are relocated underground, the PWSF or WCF shall be relocated to another location pursuant to the requirements of this Article.

8A.7.10 Review of Alternatives.

a. In reviewing the alternatives submitted with regard to an application under Section 8A.6.3.3.o.11 of this Article, the City shall compare the PWSF or WCF proposed in the application with the alternatives submitted. Comparisons shall be made between (a) the location selection criteria set forth in Section 8A.5.1, (b) the co-location requirement set forth in Section 8A.5.2, and (c) the standards and criteria set forth in Section 8A.7, in order to determine which best meets those standards, criteria and priorities and which is the least intrusive on the values set forth in the intent and purpose set forth in this Article.

8A.8 Safety Requirements.

a. Federal Requirements. All PWSFs or WCFs shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, the owners of the PWSFs or WCFs governed by this Article shall bring such PWSFs or WCFs into compliance with the revised standards and regulations. Failure to bring PWSFs or WCFs into compliance with such revised standards and regulations shall constitute grounds for revocation of the Wireless Permit and removal of the PWSF or WCF at the owners' expense.

b. Antenna Support Structure Safety. The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas shall not be negatively affected by support structure failure, falling ice or other debris or interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.

8A.9 Maintenance Requirements.

a. Each permittee shall maintain its PWSF or WCF in a good and safe condition, preserving the original appearance and concealment, disguise or screening elements incorporated into the design at the time of approval and in a manner which complies with all applicable federal, state and local requirements. Such maintenance shall include, but not be limited to, such items as painting, repair of equipment and maintenance of landscaping. If the permittee fails to maintain the facility, the City may undertake the maintenance at the expense of the permittee or terminate the permit, at its sole option.

b. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable City building codes and the applicable standards for towers that are published by the EIA, as amended from time to time. If, upon inspection, the City concludes that the tower fails to comply with such codes or standards and constitutes a danger to person or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days constitutes grounds for revocation of the Wireless Permit and removal of the PWSF or WCF at the owner's expense.

8A.10 Modification of PWSFs or WCFs

a. New Permit. Any proposed change or addition to any PWSF or WCF shall require the issuance of a new Wireless Permit, pursuant to the requirements of this Ordinance. This provision shall not apply to routine maintenance of a PWSF or WCF, to the replacement of any portion of the PWSF or WCF with identical equipment, or to a change in ownership.

b. Facility Upgrade. At the time of modification or upgrade of facilities, existing equipment shall be replaced with equipment of equal or greater technical capacity and reduced in size so as to reduce visual impact.

c. Existing Uses. Any PWSF or WCF lawfully existing on the effective date of this Article shall be allowed to continue operation as it presently exists, subject to Section 8A.3.2 of this Article. Routine maintenance and repair shall be permitted. However, any construction involving the replacement of support structure apparatus, antennas or any exterior alteration of the PWSF or WCF, or any component thereof, shall comply with all the requirements of this Ordinance. Emergency service PWSFs or WCFs may obtain a waiver from the Commission in order to preserve the public health and safety. In order to receive a waiver, the Commission must determine that the modifications cannot comply with this Article without an extreme burden to the citizens of Hailey. The waiver shall be noticed by the Commission under the public hearing notice requirements identified in Section 8A.6.4.d of this Article.

8A.11 Abandonment or Discontinuation of Use.

a. Construction or activation of a PWSF or WCF shall commence within ninety (90) days of approval of the Wireless Permit or the permit shall be null and void ab initio. Due to weather conditions or other extenuating circumstances beyond the control of the applicant, an additional ninety (90) day extension may be granted by the approving body as accepted by said approval body. Requests and approvals of extensions shall be made in writing and prior to the expiration of the time period sought to be extended.

b. At such time that a licensed carrier plans to abandon or discontinue operation of a PWSF or WCF, such carrier shall notify the City by certified U.S. Mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations. In the event that a

licensed carrier fails to give such notice, the PWSF or WCF shall be considered abandoned upon such discontinuation of operations.

c. Upon abandonment or discontinuation of use, the carrier shall physically remove the PWSF or WCF within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited, to:
   1. Removal of antennas, support structures, equipment enclosures and security barriers from the subject property;
   2. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations;
   3. Restoring the location of the PWSF or WCF to its natural condition, except that any landscaping and grading shall remain in the after-condition. Minor modification for integration with other landscaping or site design will be permitted and approved by staff.

d. If a carrier fails to remove a PWSF or WCF in accordance with this section, the City may cause the facility to be removed and the owner of the land where the facility is located shall pay all expenses of removal.

e. In the event that more than one provider is using the PWSF or WCF, the PWSF or WCF shall not be considered abandoned until all such users cease using the structure as provided in this Article.

8A.12 Recovery of City Costs and Special Review Fees.

The wireless communication providers use various methodologies and analysis tools, including geological based computer software, to determine the specific technical parameters of personal wireless services and low power mobile radio facilities, such as expected coverage area, antenna configuration, topographic constraints that affect signal paths, etc. In certain instances, there may be need for expert review by a third party of the technical data submitted by the applicant. Such technical review shall be paid for by the applicant as a Special Review Fee. The applicant shall pay the City the estimated cost of the expert review prior to further processing of the application by the City. If additional costs are incurred, the applicant shall pay those prior to issuance of the Wireless Permit. If all of the estimated fees are not used by the City to pay the expert, the remainder of said fees shall be refunded to the applicant by the City at the time of issuance of the Wireless Permit. The selection of the third party expert shall be at the City's sole discretion. Based on the results of the third party review, the City may require changes to the application for the PWSF or WCF that comply with the recommendations of the expert and this Article. The expert review of the technical submission shall address the following:

a. The accuracy and completeness of any of the information submitted;
b. The applicability of analysis techniques and methodologies;
c. Review or development of alternative PWSF or WCF proposals under Section 8A.7.10 of this Article.
d. The validity of conclusions reached; and
e. Any specific technical issues designated by the City.

8A.13 Revocation or Termination of Permit.

A permit issued pursuant to this Article may be revoked for the following reasons:

a. Construction, operation, or modification of a PWSF or WCF at an unauthorized location;
b. Construction, operation, or modification of a PWSF or WCF in violation of any of the terms and conditions of this Article or the conditions attached to the Wireless Permit or, where applicable, Conditional Use Permit;

c. Construction, operation, or modification of a PWSF or WCF in violation of any of the terms and conditions of the International Building Code or any other applicable Ordinance of the City or of any applicable state or federal law;

d. Misrepresentation or lack of candor by or on behalf of an applicant, permittee or wireless communication provider in any application, including a written or oral statement upon which the City relies in making the decision to grant, review or amend any permit pursuant to this Article;

e. Abandonment of the WCF or PWSF as set forth in this Article;

f. Failure to promptly cure a violation of the terms or conditions of the Wireless Permit or, where applicable, Conditional Use Permit;

g. Failure to file an Annual Report within thirty (30) days of anniversary date;

h. Failure to maintain as set forth in Section 8A.9.

8A.14 Notice, Duty to Cure and Revocation of Wireless Permit.

a. Notice. In the event the City believes that grounds exist for revocation of a permit, the permittee shall be given written notice, by certified mail, personal service or substituted service, of the apparent violation or non-compliance. Such notice shall provide a short and concise statement of the nature and general facts of the violation or non-compliance, and shall provide the permittee a reasonable period of time, not exceeding thirty (30) calendar days, to furnish evidence:

1. That corrective action has remedied the violation or non-compliance;
2. That rebuts the alleged violation or non-compliance; and/or
3. That it would be in the public interest to impose some penalty or sanction less than revocation.

b. Hearing. In the event that a permittee fails to provide evidence reasonably satisfactory to the City as provided in subsection (a) of this Section, the City shall refer the apparent violation or non-compliance for a hearing before the Hailey City Council.

c. The City shall provide the permittee at least ten (10) days notice of the scheduled hearing date in writing. The notice should provide explicit ground of the alleged non-compliance or violation and any documents used to support the allegations. The notice should also include a statement that informs the permittee of his right to a hearing before the City Council;

d. Notifying the permittee by certified mail, personal service or substituted service of the ground for said hearing at the permitee's last known address of record shall be deemed adequate notice. Failure of a permittee to actually receive a notice sent or served shall not invalidate the proceeding;

e. Following notice to the permittee, a public hearing concerning the matter shall be conducted at which time the permitee shall be given a reasonable opportunity to be heard concerning the matter. At the hearing, the Planning Administrator shall present evidence regarding the alleged violation or non-compliance, and the permittee shall be given the opportunity to rebut such allegations. Both the City and the permittee may present evidence and witnesses and are entitled to cross-examine witnesses.

f. Within ten (10) calendar days of the completion of the hearing, the Council shall issue a written decision revoking the Wireless Permit or imposing such lesser sanctions as may be deemed appropriate under the circumstances.

g. In making its decision, the Council shall apply the following factors:

1. Whether the permittee has violated the requirements of this Article and any other applicable City, state or local standards;
2. Whether the violation or non-compliance presents a threat to the public health, safety or welfare;

3. Whether the misconduct was egregious;
4. Whether substantial harm resulted;
5. Whether the violation was intentional;
6. Whether there is a history of prior violations of the same or other requirements;
7. Whether there is a history of overall compliance;
8. Whether the violation was voluntarily disclosed, admitted or cured;
9. Denial or revocation of a Conditional Use Permit as required pursuant to this Article and in accordance with Hailey Zoning Ordinance Article XI;
10. Denial or violation of a Building Permit pursuant to Hailey Ordinance, or any other violation of City, state or federal law; and
11. Other factors determined relevant by the City based upon the specific facts of the case.

8A.14.1 Emergency Suspension. In addition to the remedies set forth above, the City shall have the authority, upon written recommendation of the Planning Administrator, to temporarily and immediately suspend any Wireless Permit issued pursuant to this Article where violation poses an imminent threat to the public health, safety and welfare by:

a. Notifying the applicant by certified mail, personal service, or substituted service of the ground for said suspension and of the permittee's opportunity to appeal said denial to the City Council. The notification shall be sent to the permittee's last known address of record;
b. The suspension notice should include explicit grounds for the suspension and any documents used to support and justify the suspension. The notice should also include a statement that informs the permittee of his right to a hearing before the City Council to appeal the suspension;
c. The permittee, upon receiving notice of the suspension, may appeal said suspension by making application to the City for a hearing before the City Council within ten (10) days of receipt of the above notice;
d. Failure of a person to actually receive notice sent or served shall not invalidate the suspension;
e. The hearing, if requested shall follow the procedures set forth in Section 8A.14.e above. If the City Council determines that suspension is proper, the effective date of the suspension shall be the date that notice was sent to or served upon the permittee by the City;
f. Following a temporary suspension as set forth herein, the City Council may also revoke or suspend a Permit as outlined in Section 8A.14 above.

8A.15 Appeals.

8A.15.1 Appeal from decision of the Planning and Zoning Commission.

a. Any person aggrieved by the decision of the Commission may appeal the Commission's decision to the Hailey City Council ("Council") by filing a written Notice of Appeal with the City Clerk within twenty (20) days of the Commission's final decision. The Notice of Appeal shall state the date and the substance of the decision appealed from and state the grounds for the appeal. If no Notice of Appeal is so filed, the decision of the Commission shall be final and not subject to further appeal or review.
b. Within ten (10) days after the filing of the Notice of Appeal, the appellant may order a transcript of the proceedings to be prepared and the estimated cost of the transcript shall be paid by the appellant prior to ordering the transcript. The actual cost of the transcript

shall be paid for by the appellant in full before the transcript may be forwarded to the Council. Within twenty (20) days after receipt of the transcript, the Administrator shall serve to the appellant and the Council (1) copy of the transcript and the record of the appeal including all applications, minutes and other documents and exhibits pertinent to the appeal together with the Administrator's certificate stating that the documents listed comprise the complete record of the proceedings under appeal.

c. At a regular Council meeting, the Council shall hold a hearing on the appeal within thirty (30) days of the Administrator's certification of the transcript and record on appeal. The appeal shall be based and heard solely upon the record before the Commission. Each party may not present more than fifteen (15) minutes of oral argument to the Council. The Council shall enter an order within thirty (30) days after the hearing affirming, reversing, or modifying the Commission's decision. The order shall contain a statement of the reasons for the Council's decision.

8A.15.2 Denial, Revocation or Appeal of Conditional Use Permits. Any denial or revocation of a Conditional Use Permit required pursuant to this Article, and all appeals related thereto, shall follow the procedures set forth in Hailey Zoning Ordinance Article XI.

8A.16 Enforcement and Penalties.

A person who violates any provision of this Article shall be guilty of a misdemeanor punishable by a fine not to exceed Three Hundred Dollars ($300.00), or imprisonment for not more than thirty (30) days, or both such fine and imprisonment. Each day that a violation of this Article occurs shall be deemed a separate offense. In addition, the City may seek to enforce this Article by appropriate civil remedies and/or revocation of a permit issued hereunder. Any violation of Hailey Zoning Ordinance Article VI regarding Conditional Use Permits shall be considered a separate and concurrent violation and penalties shall be assessed as set forth in Article VI.

AGENDA ITEM SUMMARY

DATE: 06-23-08 **DEPARTMENT:** Planning **DEPT. HEAD SIGNATURE:** BR

SUBJECT: Ordinance vacating a remnant portion of the alley located within Block 78, Original Hailey Townsite.

AUTHORITY: ☐ ID Code _____ ☐ IAR _____ ☐ City Ordinance/Code _____
(IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The Council approved findings of fact on June 9, 2008 vacating a remnant portion of the alley located within Block 78, Original Hailey Townsite. An ordinance and quitclaim deed is required to finalize the decision.

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IFAPPLICABLE)

___ City Attorney	___ Clerk / Finance Director	___ Engineer	___ Building
___ Library	___ Planning	___ Fire Dept.	___ _____
___ Safety Committee	___ P & Z Commission	___ Police	___ _____
___ Streets	___ Public Works, Parks	___ Mayor	___ _____

ACTION OF THE CITY COUNCIL:
Date _____

City Clerk _____

FOLLOW-UP:
*Ord./Res./Agmt./Order Originals: _____ *Additional/Exceptional Originals to: _____
Copies (all info.): Copies (AIS only)
Instrument # _____

HAILEY ORDINANCE NO. ___

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, VACATING THAT PORTION OF THE CITY RIGHT-OF-WAY WITHIN BLOCK 78 ALLEY, ORIGINAL HAILEY TOWNSITE; PROVIDING FOR EXECUTION OF A QUITCLAIM DEED BY THE MAYOR CONVEYING TITLE TO SAID VACATED PROPERTY TO THE OWNER OF PROPERTY ADJACENT TO THE VACATED RIGHT-OF-WAY; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council has determined, and hereby finds, that the remaining portion of the alley within Block 78, Original Hailey Townsite, has not been used by the City of Hailey as a public alley right-of-way, is no longer needed for public use, and is of no significant use or value to the City and that the vacation of same is expedient for the public good; and

WHEREAS, the Hailey City Council believes it is appropriate to vacate the remaining portion of the alley within Block 78, Original Hailey Townsite.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. The city of Hailey hereby vacates that remaining portion of the alley within Block 78, Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder, more particularly described in attached Exhibit "A."

Section 2. The May of the City of Hailey is hereby authorized to execute and deliver a Quitclaim Deed, on behalf of the City of Hailey, transferring title to the property vacated as deemed in the best interest of the adjacent property owner pursuant to Idaho Code Section 50-311.

Section 3. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2008.

_____
Richard L. Davis, Mayor, City of Hailey

Attest:

_____
Mary Cone, City Clerk

AGENDA ITEM SUMMARY

DATE: 06-23-08 **DEPARTMENT:** Planning **DEPT. HEAD SIGNATURE:** _____

SUBJECT: Extension of Final Plat Approval – Lots 9A and 10A, Block 62, Hailey Townsite

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AUTHORITY: ☐ ID Code _____ ☐ IAR _____ ☐ City Ordinance/Code Sub. Ord. 3.3.5
(IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The Final Plat was approved by the Council on July 9, 2007 with a condition that the Final Plat be recorded within one calendar year. Section 3.3.5 of the Hailey Subdivision Ordinance allows the Council to extend the deadline for recording the plat upon holding a public hearing.

The applicant is requesting a six (6) month extension (see attached explanation from the applicant). The ordinance does not specify an amount of time for an extension. A six month extension to final plat approval is consistent with the period allowed by Hailey zoning ordinance for extension of design review.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Casele #_____
Budget Line Item #_____ YTD Line Item Balance $_____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IFAPPLICABLE)

___	City Attorney	___	Clerk / Finance Director	___	Engineer	___	Building
___	Library	___	Planning	___	Fire Dept.	___	_____
___	Safety Committee	___	P & Z Commission	___	Police	___	_____
___	Streets	___	Public Works, Parks	___	Mayor	___	_____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

ADMINISTRATIVE COMMENTS/APPROVAL:

City Administrator _____ Dept. Head Attend Meeting (circle one) Yes No

---

ACTION OF THE CITY COUNCIL:
Date _____

City Clerk _____

FOLLOW-UP:
*Ord./Res./Agmt./Order Originals: Record
Copies (all info.):
Instrument # _____

*Additional/Exceptional Originals to: _____
Copies (AIS only)

Draft 12-30-03

-----Original Message-----
From: skip@pearson-realty.com [mailto:skip@pearson-realty.com]
Sent: Monday, June 16, 2008 4:59 PM
To: beth.robrahn@haileycityhall.org
Subject: Re: FW: Lot split at 217 E. Spruce St.

Beth,
The reasons for asking for an extension are as follows:
1) This year's long winter makes it difficult to meet the City's construction requirements (ie. the installation, by Chuck Erwin, of the new utility lines and the sidewalk) by July.
2) To give more time to determine whether it is better to install the sidewalk, to save money, or to pay the City $14,450 in lieu. As Tom Hellen pointed out, the rationale behind the "150% in lieu fee" is that the City usually prefers the work to be done. Therefore, the in lieu fee is kind of a penalty for not doing the work. However, the Old Hailey sidewalk fund is different in that the City would probably prefer that the Old Hailey sidewalks be constructed all at one time ... to insure that they are properly and uniformly placed within the City right of way. Furthermore, the construction of a two lot sidewalk to nowhere is of questionable benefit.
Therefore, I would appreciate the City's consideration of 6 month extension to have the required construction work completed (or possibly, in the case of the sidewalk, the in lieu fee paid).

Sincerely,
Skip Pearson
217 E. Spruce St.

--- On Mon, 6/16/08, Beth Robrahn <beth.robrahn@haileycityhall.org> wrote:

From: Beth Robrahn <beth.robrahn@haileycityhall.org>
Subject: FW: Lot split at 217 E. Spruce St.
To: skip@pearson-realty.com
Date: Monday, June 16, 2008, 11:02 AM
Skip - I can put your request on the June 23 Council agenda.
Please send me an explanation of the specific reason for your request for an extension by tomorrow morning.

-----Original Message-----
From: skip@pearson-realty.com
[mailto:skip@pearson-realty.com]
Sent: Thursday, June 12, 2008 4:17 PM
To: beth.robrahn@haileycityhall.org
Cc: tom.hellen@haileycityhall.org
Subject: Lot split at 217 E. Spruce St.

Hi Beth,
I know that it's been about a year since you became Hailey's Planning Director but congradulations!
The lot split at 217 E. Spruce was approved by the City last July. I talked to Tom Hellen last week regarding the sidewalk requirement. Tom said that if the sidewalks were not installed, I would have to pay $14,450 to the City to satisfy that requirement. The other major requirement is that the existing home needs new connections for sewer, water, etc. Chuck Erwin is going to do that work.
Tom mentioned that I might be able to get a 6 month extension to meet the City requirements. If so, what do I need to do to get an extension?
Thanks,
Skip Pearson
408-377-4668
skip@pearson-realty.com