

Agenda
HAILEY PLANNING & ZONING COMMISSION
Monday, January 6, 2020
Hailey City Hall
5:30 p.m.

Call to Order

Public Comment for items not on the agenda

Consent Agenda

CA 1 Adoption of the Meeting Minutes of December 16, 2019. **ACTION ITEM**

CA 2 Adoption of the Findings of Fact, Conclusions of Law and Decision of an amendment to the Comprehensive Plan. The amendment includes the additions and deletions to Section 5, Land Use and amending the Comprehensive Plan Land Use Map to include Airport Critical Zones and additional lands in the Area of City Impact.

Public Hearing

PH 1 Consideration of an amendment to a Conditional Use Permit for Blaine County School District (BCSD) Bus Barn Facility, approved on July 10, 2003. The amendment is to review the Condition of Approval, Condition (o):

Condition (o): The School District shall implement its pre-trip inspection list for the bus drivers to reduce noise as follows:

ONLY IN BUS PARKING AREA: Use Interrupt Switch (Push and Hold) while backing up from parking area.

The project is located at 1250 Fox Acres Rd (Lot 1A, Block 3, Wood River High School Campus PUD Subdivision), in the General Residential (GR) Zoning District. This project is being heard again due to a noticing error from the Planning and Zoning Hearing held on September 16, 2019. This project is being heard again due to error in a previous notice.

ACTION ITEM

PH 2 Consideration of a Conditional Use Permit Application by Roger Mansecidor for a 600 square foot temporary structure to be located at 512 South Main Street (Lots S. 5' of 13 and all of Lots 14-16, Block 64, Hailey Townsite), within the Business (B) and Townsite Overlay (TO) Zoning Districts. The proposed temporary structure will be used as an automotive repair and maintenance facility. **THIS ITEM WILL NOT BE HEARD TONIGHT. APPLICANT HAS WITHDRAWN THE APPLICATION.**

Staff Reports and Discussion

SR 1 Discussion of current building activity, upcoming projects, and zoning code changes.
(no documents)

SR 2 Discussion of the next Planning and Zoning meeting: January 21, 2020

- PUD: Sunbeam
- PP: Sunbeam

Return to Agenda

Meeting Minutes
HAILEY PLANNING & ZONING COMMISSION
Monday, December 16, 2019
Hailey City Hall
5:30 p.m.

Present

Board: Dan Smith, Richard Pogue, Janet Fugate, Sam Linnet, Owen Scanlon

Staff: Lisa Horowitz, Robyn Davis, Jessica Parker, Chris Simms

5:30:11 PM Chair Fugate Called to order.

5:30:22 PM Public Comment for items not on the agenda. No Comment.

Consent Agenda

CA 1 *Adoption of the Findings of Fact, Conclusions of Law and Decision of a Preliminary Plat for InnTrusted Subdivision, represented by Chris Street, MLE Inc., on behalf of Hailey FF, LLC, for a commercial building and residential units, to be located at 711 North Main Street (Lot 1A, Block 1, Sutton Subdivision). The parcel is to be resubdivided into one (1) commercial unit (Fairfield Inn and Suites Marriott) and five (5) condominium units. This project is located in the Business (B) and Downtown Residential Overlay (DRO) Zoning Districts. **ACTION ITEM***

CA 2 *Adoption of the Findings of Fact, Conclusions of Law and Decision of a Design Review Application by Kilgore Properties, LLC, for construction of Sweetwater Townhomes, Condominiums and Live/Work Units to be located at Block 2, Sweetwater PUD Subdivision. This project consists of twelve (12), three-story townhomes (39 units in total), each unit ranging in size from approximately 1,832 square feet to 2,084 square feet; seven (7), ten-plex, three-story condominiums (70 units in total), each unit comprising of approximately 1,380 square feet; one (1) three-plex and one (1) four-plex live/work units, each unit comprising of approximately 2,366 square feet. A total of 113 units (106 residential units and seven live-work units) are proposed. A total of 254 parking spaces are also proposed. This project will consist of four (4) phases of development. This property is also subject to a P.U.D. Development Agreement dated January 10, 2005 and Amendments to the Development Agreement dated December 12, 2009, December 20, 2010 and November 6, 2012. **ACTION ITEM***

CA 3 *Adoption of the Findings of Fact, Conclusions of Law and Decision of a Design Review Application by David and Kathy McCormack, for construction of a two-car garage located at 317 North 3rd Avenue. The garage will be approximately 672 square feet in size. Access will be located off of the alley. Design Review approval for the existing single-family residence was approved on June 18, 2018. This project is located within the Limited Residential (LR-1) and Hailey Townsite Overlay (TO) Zoning Districts. **ACTION ITEM***

CA 4 Adoption of the Meeting Minutes of December 2, 2019. **ACTION ITEM**

5:31:00 PM Scanlon motioned to approve CA 1 to CA 4. Smith seconded. All in Favor.

Public Hearing

PH 1 **5:31:20 PM** Consideration of a Conditional Use Permit Application by Roger Mansecidor for a 600 square foot temporary structure to be located at 512 South Main Street (Lots S. 5' of 13 and all of Lots 14-16, Block 64, Hailey Townsite), within the Business (B) and Townsite Overlay (TO) Zoning Districts. The proposed temporary structure will be used as an automotive repair and maintenance facility. **ACTION ITEM**

Davis introduced project and provided clarification on the following terms: Automotive Repair and Maintenance Facility, Used Car Dealership, New Car Dealership and Junk Yard / Working Yard. Davis referenced like businesses within the zone and explained the use of a used car dealership is grandfathered. **5:35:29 PM** Davis explained what the Hailey Municipal Code permits. **5:37:46 PM** Davis explained that the Comp Plan does not have special provisions for Main Street. Davis provided examples of previous Conditional Use Permits for temporary structures within the same area. **5:39:10 PM** Davis turned floor over to applicant. **5:39:22 PM** Brayan Mansecidor, son of Roger Mansecidor. Mansecidor explained want to start something small. **5:40:30 PM** Simms discussed limited information provided on certain parts of the application. Chair Fugate asked to see page 79 and page 80 of the packet to clarify missing items within the application. Mansecidor explained will only do brake, motor, oil and transmission maintenance. Chair Fugate asked what kind of tools will be using, what kind of noise levels and potential odors. Mansecidor briefly explained that loud tools would not be utilized, no spray painting or solvents would be used and odors would be minimal. Mansecidor plans to complete oil changes and to replace tires **5:44:16 PM** Scanlon asked if will sell and replace tires. Mansecidor said they only replace them and dispose of bad tires at Silver Creek. Scanlon asked where the old oil goes. Mansecidor explained pick up process of the oil and that would be stored outside in drums. Chair Fugate stated she did not believe that was permitted. Linnet asked if could be stored inside. Mansecidor said they could. Simms explained that did not have much for plans for the site showing parking and loading and that those may be needed before they could make a decision. Chair Fugate asked if could continue it to a date certain and have them come back with more specific information. **5:46:28 PM** Horowitz confirmed they can and explained it is her understanding that the site plan is not proposed to be changed. **5:48:39 PM** Linnet stated would like to see more clarification on H and I of the application submittal. Chair Fugate agreed. **5:49:26 PM** Smith stated needs to have more information and that it would be important for applicant to convey what their plan for storage of vehicles and potential of spills. **5:50:13 PM** Pogue stated number of employs parking onsite would be important to them. Pogue asked what the agreement is between the applicant and the used car lot. Pogue asked how many cars they will have onsite. **5:50:55 PM** Mansecidor said they will have 5 cars in need of repair onsite a day and then will be gone. Scanlon asked if they will store cars onsite to sell. Mansecidor said they will not. Commission asked about Gottos used cars. **5:51:48 PM** Dean Rutherford, Cars 4 2 was

the previous business and that not sure what Gottoms is. Davis explained that was the other business on the lot told to her by the applicant team. Chair Fugate stated the other question is how many cars they plan to keep there as the maximum cars allowed on the lot is 20. Chair Fugate asked to see conditions. Chair Fugate confirmed items would like to see at next hearing.

5:54:30 PM Chair Fugate opened public comment.

5:54:33 PM Joel Shinkle, Tundra Restaurant, in building just north of the property. They do have concerns that it is imposing on their space. Shinkle described the salvaged cars with no license plates and tarps covering them. Shinkle stated they feel that is not the right business for that area, looks more like industrial area business. Shinkle stated they ask that if this takes time, that the vehicles be removed. Shinkle stated they are a new business in Hailey, providing a dinner service. Shinkle discussed concerns of snow plow lights being shined directly into their windows. Shinkle stated he believes everyone has a right to do business but not understanding junk yard part of the slide show right there on Main Street.

5:57:37 PM Peter Heekin, owns lot directly north, agrees with what Joel stated. It has become an eyesore. Heekin described the wrecked truck parked next to his lot, that he is trying to sell condos and has an Airbnb there but that it is hard to sell condos with that next door. He is shocked that it is on Main Street. Heekin does not have a problem with the business there if it is run like a tight ship. Heekin expressed concerns over fact he had to invest over \$300,000.00 in improvements for parking and the sidewalks and thinks to allow a temporary building to just go up is hypocritical.

5:59:35 PM William Walson, owns lot south of that by 1 block, encourages new business but way this is going down is very concerning. He is running a restaurant. Concurs with what is being said by others.

6:00:49 PM Ned Williamson, owns property to the east, in October was over there and heard a lot of racket going on. When went to look, it appeared to be a tent but by the next day it was the temporary structure. Williamson stated it was remarkable how quickly it popped up, that does not think there is a building permit and that it requires a design review. Williamson explained after the temporary structure was put up, they started construction of plywood addition to the North. Questions quality of construction and if will meet snow load requirements. Fears this will become a permanent use and believes Design Review is needed.

6:03:54 PM Dean Rutherford, owner of property, sympathetic to all of the concerns and appreciates them. When tenant came on board, stated he was fine with what tenant wanted to do as long as they followed the requirements by the City. He stated he will stay in contact with tenant to ensure concerns are being addressed.

6:05:13 PM Chair Fugate closed public comment.

[6:05:17 PM](#) Horowitz explained requirements for design review and that temporary structures are exempt. Horowitz provided examples of previously approved temporary structures. Horowitz clarified addition applicant had added and that it was required to be removed. Horowitz confirmed Building Official did do a walkthrough of the temporary structure. [6:08:14 PM](#) Scanlon expressed concern of structure meeting snow load requirements. Board and staff discussed what criteria board has control over. Horowitz confirmed, can place condition where it is only permitted for one year. Chair Fugate asked if wrecked truck is the applicant's vehicle. Mansecidor confirmed it is theirs. Mansecidor stated snow truck is a service. Chair Fugate explained to applicant information they need before able to make a decision. [6:13:48 PM](#) Smith suggested if some of the offending vehicles were removed in the interim it may relieve some of the neighbor's concern. Scanlon thinks if they address the items with staff they talked about tonight, the commission could fairly judge the application. [6:14:20 PM](#) Linnet suggested the applicant work with the landlord and neighboring businesses for a solution. [6:14:38 PM](#) Horowitz clarified that if vehicles are inoperable or not licensed than they cannot be stored within sight.

[6:15:36 PM](#) Smith motioned to continue the public hearing to January 6, 2019. Pogue seconded. All in Favor.

[6:16:30 PM](#) Chair Fugate called for a 5-minute break.

[6:22:38 PM](#) Chair Fugate called meeting back to order.

PH 2 [6:23:04 PM](#) *Consideration of ordinances related to amending the Blaine County/Hailey Area of City Impact pursuant to Idaho Code Section 67-6526:*

- 1) *An Ordinance identifying a map that defines and establishes geographic boundaries modifying the existing Blaine County/Hailey Area of City Impact as adopted by Hailey Ordinance 649 (adopted November 14, 1994) and amended by Ordinance 731. (adopted June 23rd, 1999). The geographic boundaries take into account trade areas, geographic factors, and areas that can reasonably be expected to annex into the City in the future.*
- 2) *An Ordinance providing for plans and ordinances for the Area of City Impact. **ACTION ITEM***

[6:23:53 PM](#) Horowitz explained what board will be doing tonight, starting with the first Ordinance with the two Maps. Horowitz confirmed modifications per their suggestions from last hearing. [6:25:54 PM](#) Smith asked what the undeveloped county plan is, Horowitz stated it should read land. Smith stated under Section 5, talking about the boundary, it should read Colorado Gulch Preserve on page 97 of packet. Horowitz confirmed can correct that. [6:28:42 PM](#) Linnet asked how locked in the city is to the proposed land uses. Simms confirmed this is only a planning map, not a zoning map. [6:30:00 PM](#) Horowitz explained changes from last meeting on the map. [6:31:16 PM](#) Horowitz went on to second ordinance and discussed that layout. [6:32:31 PM](#) Horowitz explained section C: Annexation, Area of Impact on the second ordinance. [6:33:22 PM](#) Kathy Grotto, Blaine County Land Use and Building Services, stated had some comments about the ordinances. Grotto explained changes to first ordinance

she recommends. Grotto asked about the green open space outside on the proposed open space and if really wants to include it there. Grotto explained suggestions on second ordinance.

6:38:33 PM Chair Fugate opened public comment.

6:38:40 PM Amy Trujillo, WRLT, Thanked staff. Land Use Map for the Comp Plan, understands will not include the conceptual plan but curious if would be helpful to include some kind of depiction of at least the critical zones for the Airport. Attachment A, had same question about the green open space and that it was not clear or if had something to do with the critical zones.

6:40:38 PM Chair Fugate closed public comment.

6:40:43 PM Horowitz started with Draft Hailey Comp Plan map and that she thinks it is a great suggestion to add in the Airport critical zones if the board agrees. Horowitz explained reason why she felt it was important to include the solid green space and dashed green areas zones. Chair Fugate agreed she felt it was important to include those. **6:42:39 PM** Linnet explained his confusion, is the green open space on the bottom left corner is outside of the proposed area of impact. Horowitz confirmed that is confusing, that maybe could add the airport critical zones to the map. Linnet suggested changes to map. Horowitz confirmed and asked if board would like them to add the airport critical zones. Board confirmed that would be good. Pogue expressed concern that map does not show plan to have open space between Bellevue and Hailey. Horowitz stated thought could do with that with the Comp Plan Land Use map. Scanlon asked if any part of this is contested by Bellevue, Horowitz confirmed. Board and Staff continued to discuss changes to both maps. **6:45:59 PM** Scanlon asked if potentially dangerous if leave out Indian Creek. Horowitz stated they were not included before. Simms explained the LLUPA requirements and that any public is able to comment. Horowitz confirmed suggestions by Grotto sounded good to her. Simms confirmed. Board agreed.

Motion #1:

6:50:40 PM Smith motioned to approve the text amendments herein amending the Hailey Comprehensive Plan by the additions and deletions to Section 5, Land Use and replacing the Comprehensive Plan Land Use Map with the attached Map with the text as modified in this evening meetings and the map modified to include Airport Critical Zones and open space. Linnet seconded. All in Favor.

Motion #2:

6:51:55 PM Linnet motioned to recommend approval of Ordinance No. __, an ordinance of the City of Hailey adopting an Area of City Impact Map and removing exhibit b and other corrections noted by Kathy Grotto representing Blaine County.

6:52:56 PM Linnet motioned to amend previous motion, adding the Airport Critical Zones to exhibit A and remove the open space outside of the ACI. Scanlon seconded. All in Favor.

Motion #3:

[6:53:55 PM](#) Scanlon motioned to recommend approval of Ordinance No. __, an ordinance of the City of Hailey adopting an Area of City Impact Agreement with Blaine County providing for land within the Area of City Impact; providing for applicable plans, policies and ordinances; providing for the processing of land use applications and providing for renegotiation, including adding text corrections as recommended by Kathy Grotto. Pogue seconded. All in Favor.

[PH 3](#) *Consideration of City-initiated Text and Map Amendments to the Hailey Comprehensive Plan and the Comprehensive Plan Land Use map to include additional lands in the Hailey Area of City Impact. **SEE MATERIALS INCLUDED IN PUBLIC HEARING 2. ACTION ITEM***

New Business

[NB 1](#) [6:55:41 PM](#) *Nomination of two Planning and Zoning Commissioners. **ACTION ITEM***

Horowitz explained Chair Fugate and Dan Smith were reappointed by the Mayor. Horowitz introduced Dustin Stone, who will be joining the board. Stone provided some background of himself and why he is interested in joining the Planning and Zoning Commission. Horowitz stated first official meeting for Stone, will be January 21st.

Staff Reports and Discussion

SR 1 Discussion of current building activity, upcoming projects, and zoning code changes.
(no documents)

SR 2 Discussion of the next Planning and Zoning meeting: January 6, 2020

- CUP: Bus Barn

[6:58:47 PM](#) Linnet motioned to adjourn. Pogue seconded. All in Favor.

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FINDINGS OF FACT, CONCLUSION OF LAW AND DECISION

On December 16, 2019 the Hailey Planning and Zoning Commission considered an amendment to the Comprehensive Plan. The amendment includes the additions and deletions to Section 5, Land Use and amending the Comprehensive Plan Land Use Map to include Airport Critical Zones and additional lands in the Area of City Impact.

Notice: Notice for the public hearing was published in the Idaho Mountain Express on October 2, 2019 and mailed to the agencies on October 1, 2019. This item was continued on the record from October 22, 2019 to November 4, 2019 and continued on the record from November 4, 2019 to December 16, 2019.

Attachments on file with the Community Development Department

1. [Comprehensive Plan Land Use Map](#)
2. [Area of City Impact Map Ordinance and Attachments A and B](#)
3. [Area of City Impact Ordinance](#)
4. [Bellevue Area of City Impact Map as recommended by Bellevue Planning and Zoning](#)
5. [Letter from Indian Creek Ranch HOA](#)

A. Area of City Impact Background

Idaho Code Section 67-6526 requires cities and counties to adopt a map identifying an Area of City Impact (ACI) within the unincorporated area of the County and a separate ordinance providing for application of plans and ordinances for the area of city impact.

The Commission considered questions regarding Area of City Impact at their October 10th meeting. Substance of that discussion is included in the two Ordinances on file at the Community Development Department.

B. Current ACI Map

In its most simple form, the ACI map and ordinance are mechanisms for the City of Hailey to have more input on County development with the ACI than otherwise provided for under the County development process. Therefore, it is important that the City of Hailey identify the area in which development within the County has the most potential to impact the City of Hailey.

Hailey and Blaine County have been working cooperatively under our current ACI Agreement, dated November 14, 1994 and amended June 14, 1999. These ACI Agreements have allowed for orderly development and ongoing cooperative joint planning between Hailey and Blaine County.

The Commission discussed revisions to the ACI Map at their October and November meetings. The maps considered at the hearings reflects those discussions.

C. Current Comprehensive Plan Land Use Map

The 2010 Comprehensive Plan Land Use Map includes the lands shown on the 1994 ACI Map. Staff recommends that the City amend the 2010 Land Use Map once a revised ACI boundary is determined. A draft amended Comp Plan Map was reviewed by the Commission.

Comprehensive Plan text amendments

The Commission recommended various Comprehensive Plan text amendments related to the Airport at their November 4, 2019 meeting. Changes suggested below were considered at the November 4th, 2019 hearing and continued on the record to December 16, 2019. Small changes were discussed at the December 16, 2019 meeting, and are incorporated below.

The following excerpted sections from the 2010 Comprehensive Plan are proposed to be edited as shown below in strike/underline format:

Section 5, Land Use

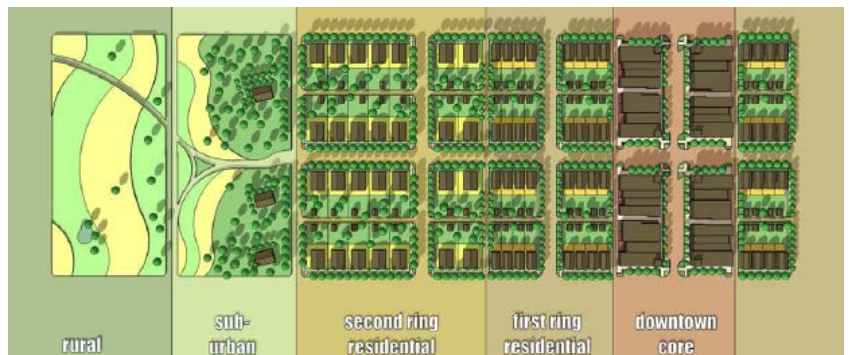
Amount of Land Adjacent to Hailey for Annexation

There are ~~760~~ 468 acres of un-platted, un-developed land within the 1994 ACI. Of that, only ~~266~~ 26 acres are adjacent to city limits; south of Colorado Gulch Subdivision and west of Airport West Subdivision. (~~26 acres~~) and Quigley Canyon (240 acres). ~~Only the mouth of Quigley Canyon (55 acres) is developed at city density (4+ U/A).~~ There are ~~515~~ ___ acres south of the current airport site proposed to be included in a 2020 Amended Area of City Impact agreement with Blaine County (~~referred to as the Heritage Zone~~). The community and city decision makers have expressed the desire to maintain open space between the City of Hailey and the City of Bellevue, and to respect airport safety needs in land use planning decisions. ~~The acreage for potential development in this area is further reduced if open space between Hailey and Bellevue is maintained. The total land available for annexation based on this information is 781 acres. It is reasonable to assume that some of this land will be left as open space and not all of it will be developed at city level densities (e.g. only the 55 acres at the mouth of Quigley Canyon).~~ Open Space and density levels will be an important consideration in the evaluation of annexation applications.

Land Use Map

The Land Use Map 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. Hailey's Land Use Map includes Park, Trails and Green Space and the Natural Resources information. The Parks, Trails and Green Space information should be used to help inform the Hailey Parks, Lands and Trails Master Plan and in determining where additional park space and connections are needed for existing and future development. The Natural Resources information includes water resources (including 100-year floodplain, floodways, waterways and wetlands), open space, green space, greenways and scenic

Schematic of Desirable Land Use Patterns



source: Greensburg, Kansas Sustainable Comprehensive Master Plan

corridors and wildlife corridors and winter ranges and should be utilized as a tool in future land use planning.

A Land Use Map is a required element of the Land Use component of the Comprehensive Plan. Pursuant to Idaho Code requirements, the Land Use Map reflects suitable projected land uses for the City. The creation of a land use map establishes general direction for projected land uses within and adjacent to the city. The Land Use Map depicts broad community goals. When considering land use applications, site-specific data and circumstances should be balanced with the overall goals depicted on the map.

The following land use related goals, and the associated Land Use Map, are intended to establish principles to help guide future development. The goals are not intended to be prescriptive. It is important to recognize that there are often tradeoffs that have to be evaluated in land use decisions. It is also important to acknowledge that to encourage development of a certain type in specific areas will likely require thoughtful and creative incentives.

Signed this ____ day of _____, 2020.

Janet Fugate, Planning & Zoning Commission Chair

Attest:

Jessie Parker, Community Development Assistant

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STAFF REPORT

Hailey Planning and Zoning Commission

Regular Meeting of January 6, 2020

To: Hailey Planning & Zoning Commission

From: Robyn Davis, Community Development City Planner

Overview: Consideration of an amendment to a Conditional Use Permit for Blaine County School District (BCSD) Bus Maintenance Facility, approved on July 7, 2003. The amendment is to review the Condition of Approval, Condition (o):

Condition (o): The School District shall implement its pre-trip inspection list for the bus drivers to reduce noise as follows:

ONLY IN BUS PARKING AREA: Use Interrupt Switch (Push and Hold) while backing up from parking area.

The project is located at 1250 Fox Acres Road (Lot 1A, Block 3, Wood River High School Campus/PUD Subdivision), in the General Residential (GR) Zoning District. This project is being heard again due to a noticing error from the Planning and Zoning Hearing held on September 16, 2019.

Hearing: January 6, 2020

Applicant: Blaine County School District #61

Location: Lot 1A, Block 3, Wood River High School Campus/PUD Subdivision (1250 Fox Acres Road)

Zoning: General Residential (GR) Zoning District

Notice: Notice for the public hearing was published in the Idaho Mountain Express on December 18, 2019, and mailed to adjoining property owners on December 17, 2019. The notice was posted to the property on December 30, 2019.

Background: In 2003, the Hailey Planning and Zoning Commission approved a Conditional Use Permit Application by the Blaine County School District for a new Bus Parking and Maintenance Facility, to be constructed at 1250 Fox Acres Road (Lot 1A, Block 3, Wood River High School Campus/PUD Subdivision).

Attachments and/or Hyperlinks to this Staff Report include:

- [Letter and Correspondence, Steve Keefer – December 23, 2019](#)
- [Gwen Carol Holmes, Ed.D, BCSD Superintendent, Letter – December 9, 2019](#)
- [Mullins Acoustics Noise Study – August 29, 2019](#)
- [Derek Newland, Director of Student Transportation, Letter – August 28, 2019](#)
- [Public Comment \(April 2019 to December 2019\)](#)

- [Department of Education's Standards for Idaho School Buses and Operations](#)
- [2015 Revisions to the National School Transportation \(NSCT\)](#)
- [Backup Alarm Standards \(SAE J994b\)](#)

The approval outlined several Conditions of Approval, as noted below, all of which were determined to be satisfactory upon subsequent City review.

- a) **The deciduous trees placed as screening for the proposed parking and maintenance facilities shall be augmented with at least (15) additional coniferous trees; landscape screening shall be extended to the south end of the bus turnaround area; and the landscape berm (approximately 3 feet high) shall be extended to north and west to better hide the maintenance facility. A detailed plan for landscaping extending at least 400 feet west from the southwest corner of the science building shall be submitted for Design Review approval. At least 15% of the trees shall be 4-inch caliper or greater; at least 25% shall be 3-inch caliper or greater.**
- b) **A plan showing the bus access lane moved as close to the existing building as possible shall be submitted for Design Review evaluation.**
- c) **An alternate circulation route shall be presented for evaluation at Design Review, showing an access road between the existing and new school buildings.**
- d) **No fuel storage shall occur at the High School Campus.**
- e) **The School District shall identify times of high avalanche danger and have an alternate parking area for vehicles during that time, as well as a plan for notifying employees.**
- f) **Not more than 30 buses shall be parked at the facility and all buses shall be parked within the covered parking shelters or within the maintenance facility (except during times of high avalanche danger).**
- g) **The doors of the maintenance facility shall be closed while buses are not being moved in or out.**
- h) **All buses must access the site via Fox Acres Road; no buses may access (ingress or egress) the site via Green Valley Drive, with the exception of not more than two bus routes per day.**
- i) **Buses utilized for normal student pick-up shall not be started before 6:00 a.m.**
- j) **All exterior lighting shall comply with the Outdoor Lighting Ordinance.**
- k) **The Conditional Use Permit shall be reviewed approximately 6 months from the beginning of the facility's use. At that time, additional conditions may be placed if necessary, to further mitigate hazardous and/or disturbing features of the use.**

- l) The City of Hailey does not accept responsibility for or guarantee that city services, rescue efforts or emergency services will be provided during periods of avalanche danger.**
- m) In the event of an avalanche, the school shall clear out the ‘trough’ area at the base of the hill adjacent the east bus canopy before the bus parking facility can be used, so that additional events in the same year will not spill westward of the canopy.**
- n) A sign (similar to that posted at the river run ski area maintenance building) shall be posted on-site at the bus parking & maintenance facility. It shall read: “danger - avalanche area - during times of avalanche hazard do not occupy area between building and mountain slope or occupy parking area by bus turnaround south of bus parking lot.”**
- o) The school district shall implement its pre-trip inspection list for the bus drivers to reduce noise as follows:**
 - Check horn at pool while in parking lot prior to turning on fox acres road. If inoperable return to shop**
 - Only in bus parking area: use interrupt switch (push and hold) while backing from parking area.**
 - Limit engine speed to 1000 RPM’s when entering/exiting old high school complex.**
- p) The school district shall pro-actively work with Brico or a similar supplier to provide bio-diesel fuel for the bus fleet and, upon procurement of same, shall make the necessary heat system improvements to the fuel line and convert to bio-diesel on all buses possible, in order to reduce pollutants. The district shall update the city planning department every 6 months, in writing, on the progress made toward this conversion.**
- q) Bus drivers shall use discretion with the throttle near the intersection with Green Valley Drive. Accordingly, bus drivers shall not exceed 1000 rpm or 10 mph while operating near Green Valley Drive, in particular, or generally within the high school parking lot.**
- r) Total idling time of buses, regardless of the number of buses at the facility, shall be limited to not more than 10 minutes per bus, not to exceed a maximum of 270 minutes per day. Buses shall be plugged in to engine block heaters during winter months.**
- s) This Conditional Use Permit is subject to the City Council’s approval of the amendment to the Planned Unit Development agreement.**

To ensure compliance of the above Conditions of Approval, Condition (k) required that a six-month review be conducted. Said review was conducted on March 21, 2005. Of the nineteen (19) conditions noted above, all but one (1) condition was met regarding nighttime lighting. The condition was augmented to the satisfaction of the Commission.

In April 2019; however, the City received a complaint with regard to Condition (o), which reads:

The School District shall implement its pre-trip inspection list for the bus drivers to reduce noise, as follows:

- **ONLY IN BUS PARKING AREA: Use Interrupt Switch (Push and Hold) while backing from parking area.**

On April 10, 2019, the City received a letter notifying City Staff that the above condition was no longer being met. Per the letter, the backup beepers were no longer being silenced while backing from the parking area, causing the sound of the beepers to be audible to residents utilizing the Toe of the Hill Trail, and perhaps to the surrounding neighborhood. The author of the letter, Becki Keefer, reached out to the Blaine County School District's new Transportation Supervisor, Lance Doby, MBA, to discuss the noise level and disruption that the back-up beepers were causing. Mr. Doby noted that, "...by silencing the back-up beepers, the District is in violation of federal rules".

Mr. Doby reinstated the use of the backup warning alarm, which per the Idaho Department of Education's, [Standards for Idaho School Buses and Operations](#) and the [2015 Revisions to the National School Transportation \(NCST\)](#), "...a backup warning alarm shall be an automatic audible alarm, which shall be installed behind the rear axle and shall comply with the published [Backup Alarm Standards \(SAE J994b\)](#)", which further states that, "Actuation of the alarm shall be automatic, with no disconnecting means of any kind between the source of the actuation and the alarm. The alarm shall not deactivate until rearward motion of the vehicle has ceased and the reverse control mechanism has been disengaged".

Backup beepers are standard practice on all large equipment. The majority of the municipal street department equipment (with the exception of pickup trucks) contain backup beepers, which are all used every time the equipment is backed up. Routine noise occurs during snow clearing, and could be regular winter noise for certain areas such as parking lots when snow is cleared.

It is apparent from previous meeting minutes, staff reports and public comment, that noise levels produced by facility, buses and/or use, were of concern. Meeting minutes from the previous hearings thoroughly discuss issues, such as: bus idling times, emissions, above ground bio-diesel tank and fueling options, landscaping and avalanche hazards, all of which are not relevant or applicable to this application at this time.

That said, limited information can be found in the record with regard to silencing the backup beepers. Per the March 17, 2003 Meeting Minutes, reference to noise and emissions studies were made; however, no further information can be found. Furthermore, the Findings of Fact dated July 7, 2003, notates that a noise study, the *Spectrum Noise Study*, was conducted. Unfortunately, this study did not account for noise emitted by the rearward audible alarms.

On July 15, 2019, the Commission reviewed Condition (o) and the Blaine County School District's request to amend or omit said condition, which if approved, would reinstate the use of the backup beepers, complying with State and Federal Regulations.

The Commission neither approved nor denied the School District's request, but continued the item to September 16, 2019, contingent upon the Applicant meeting the following:

- 1) Have a professional noise study conducted,**

- 2) **Determine if a waiver may be granted, which would eliminate the use of the backup beepers altogether,**
- 3) **Describe various options/ideas to better mitigate sound/noise from the backup beepers, and**
- 4) **Comply with Conditions of Approval as listed on the July 7, 2003 Findings of Fact, Conclusions of Law and Decision**

1. Have a professional noise study conducted. The Blaine County School District had a professional noise study conducted by Mullins Acoustics on August 19, 2019 and August 20, 2019.

The noise study analyzed ambient noise levels, noise levels from nearby traffic and aircraft, as well as noise levels created by the audible backup beepers from the school buses.

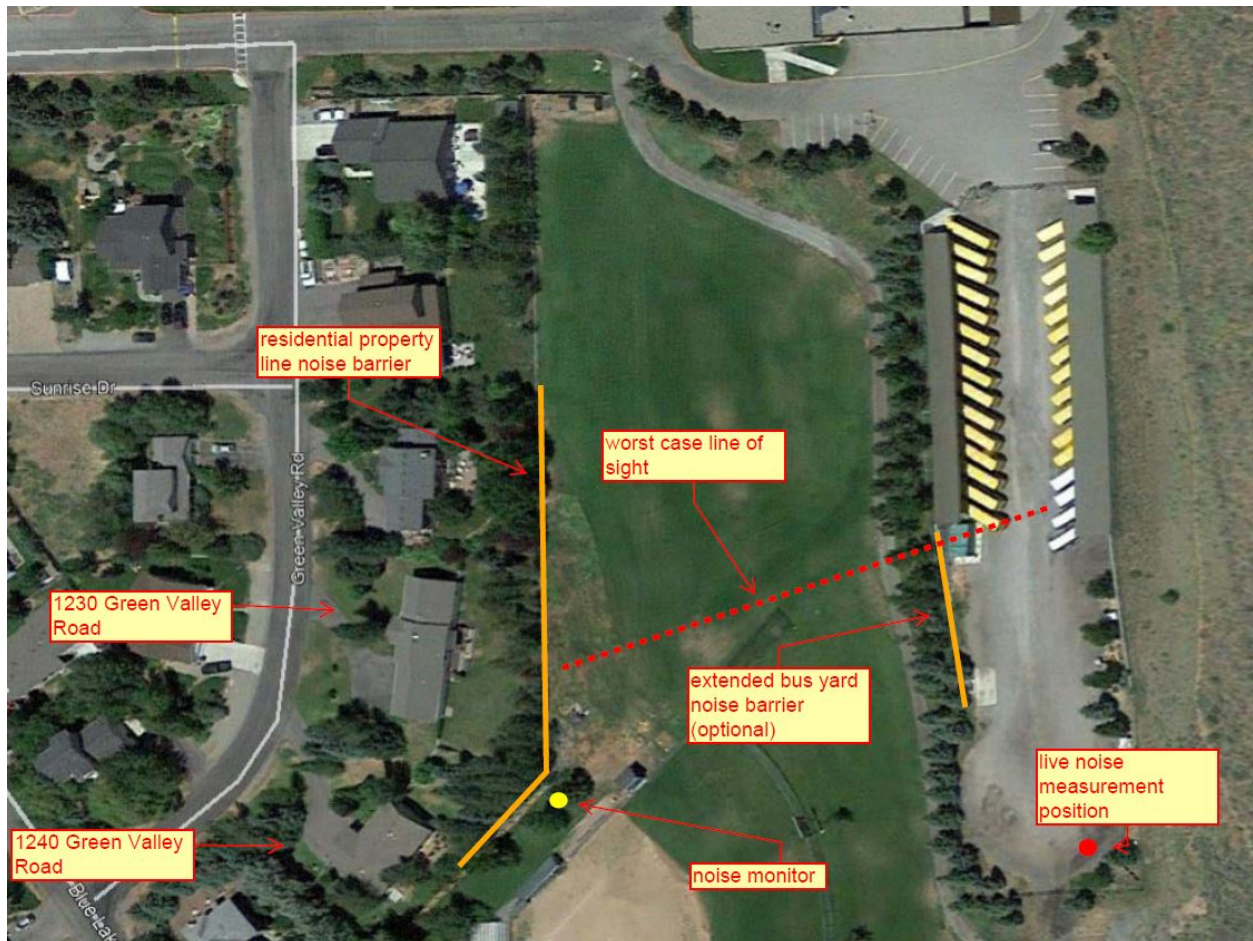
Per Section 9.04.030 of the Hailey Municipal Code, noise from amplified music, construction noises and animal noises are addressed. The Municipal Code does not mention noise and maximum decibel levels within residential areas. In the absence of specific noise limits, requirements or ordinances, Mullins Acoustic defaulted to using the typical noise limits contained in most ordinances (L10 = 50 dBA during nighttime hours and L10 = 60 dBA during daytime hours. L10 = noise level exceeded for 10% of the time).

Per the analysis, “Sound levels were measured on site on Monday, August 19 and Tuesday, August 20, the first two days of the school year. Live observations were made between 6-8am on Tuesday and between 2-4pm on Monday. A logging sound meter was also placed near the homes, on school property closest to 1230 Green Valley Road, and recorded hourly sound level data overnight on Monday. This included hours with bus operations and hours without the buses. The attached chart shows the levels logged for each hour.

We directly observed the following momentary levels:

- **53-64 dBA backup beepers at various distances**
- 47-54 dBA engine noise in the bus yard
- 46-51 dBA traffic on the highway
- 40-58 dBA wind noise, varying from calm to ~15 mph
- 62-71 dBA jet aircraft
- 43-58 dBA propeller aircraft
- 39-43 dBA ambient noise, without traffic or wind

Live observations were made at the south boundary of the bus yard, near the access gate leading to adjacent sports fields. This was 250-400 feet away from buses depending on where they were parked. The on-site measurement position had direct line-of-sight to buses, with no attenuation provided by the west wall” (see image below).



During the live observations, Mullins Acoustic noted that that idling buses and engine noises were not significant compared to pre-existing traffic and aircraft noises.

Furthermore, Mullins Acoustic also noted that backup beepers varied in noise levels depending on the bus and its location within the facility, specifically noting, “There was notable variability between buses independent of distance -- some were just markedly louder. One bus located in stall #5 produced levels of 64 dBA when backing up, and was perceptibly louder than other buses, even some that were closer to the measurement position. For a reference point, we have used this data point as the loudest worst-case reference for all beepers (64 dBA at 230 feet)”.

The study also found that at homes nearest the site, specifically 1230 and 1240 Green Valley Road, noise levels from the backup beepers (based on direct-line-of site and without a wall or other noise mitigation measures) were predicted at 59 dBA maximum.

That said, noise from backup beepers (shielded from the overhead and wall) were predicted at 47 dBA or less. Per many ordinances, 50 dBA is an allowable noise level during the nighttime hours at residential properties. It is important to note that while the momentary noise level may be as high as 59 dBA for a few seconds, the ambient noise at the 5:00am hour was L10 = 49 dBA (sans bus operations). Other morning hours that included bus operations showed similar levels, some were even lower.

Per the School District, the bus located in stall #5, which produced levels of 64 dBA when in rearward motion, is a newer bus (purchased months prior). This bus has been relocated closer to the gated entrance of the bus yard and along the northern wall. By relocating the bus, the bus will no longer be in direct-line-of-site to 1230 and 1240 Green Valley Drive and the southern concrete wall will help mitigate noise from its backup beeper. In its place, the School District has parked a bus, to be utilized for emergency purposes only.

2. Determine if a waiver may be granted, which would eliminate the use of the backup beepers altogether. The School District reached out to Derek Newland, Director of Student Transportation for the Idaho State Department of Education, regarding a waiver to the standard which requires the use of the backup beepers.

On August 28, 2019, Mr. Newland wrote, “SISBO (Standards for Idaho School Buses and Operations, Rule by Reference IDAPA 08.02.02.004.02) states on page 15 section E that “an automatic audible alarm shall be installed behind the rear axle, providing a minimum of 112 dBA, and shall comply with the published Backup Alarm Standards [Society of Automotive Engineers (SAE) J994B]. Being a requirement on the bus it must therefore be operational. I do not have the authority to waive Administrative Rules”.

In short, an automatic audible alarm shall be installed and operational, and no waivers to this standard can be granted.

Furthermore, the City Attorney stipulated in the public hearing on September 16, 2019, that neither the City, nor the Commission, has the authority to override State and Federal Regulations that require the use of a backup alarm. The Commission agreed and found student, personnel and pedestrian safety a priority; thereby, removing the following from Condition (o):

- ONLY IN BUS PARKING AREA: Use Interrupt Switch (Push and Hold) while backing from parking area.

3. Describe various options/ideas to better mitigate sound/noise from the backup beepers.

At the July 15, 2019 public hearing, the Commission agreed that more information was needed and requested that the Applicant return with other options or ideas on how they might better mitigate sound/noise from said beepers.

The Noise Study conducted by Mullins Acoustics also addressed several actions that may potentially minimize the noise of the backup beepers at nearby homes. These measures included:

- Silence beepers while in rearward motion and utilize spotter in bus yard to guide any reverse movements
- Replace existing backup beepers with volume adjustable versions for 75 dBA at ten (10') feet as a maximum
- Extend the existing concrete wall on the west side about 60 feet further south
- Construct a noise barrier along the eastern property line of the affected homes to shield the backyards from direct-line-of-site to any buses
- Utilize backup beepers that are white-noise based, instead of pure tone beepers
- Utilize a camera system, rather than backup beeper, on the rear of the vehicle that operates day/night, coordinating with monitor system inside for the driver

Upon their initial review and research, the School District thought they'd pursue one or both of the following: 1) replace existing backup beepers with volume adjustable versions for 75 dBA at ten (10') feet as a maximum or 2) utilize backup beepers that are white-noise based, instead of pure tone beepers; however, after discussion and Commissioner input at the hearing on September 16, 2019, the School District has agreed to extend the existing concrete wall on the south side of the parcel. The Commission and Applicant agreed that the wall would be made of $\frac{3}{4}$ " thick plywood, be 80' in length and eight (8') feet in height. This was made a Condition of Approval.

4. Comply with Conditions of Approval as listed in the Findings of Fact, Conclusions of Law and Decision dated July 7, 2003. Lastly, the Commission reiterated that the Applicant shall comply with the Conditions of Approval as listed in the Findings of Fact dated July 7, 2003, and as noted herein. Aside from utilizing the backup beepers to conduct the professional noise study, the Blaine County School District has complied with the Commission's request.

At the September 16, 2019 hearing, the Commission reviewed and analyzed Condition (o) only. Unanimously, the Commission approved to amend Condition (o), to read as follows:

o) The School District shall implement its pre-trip inspection list for the bus drivers to reduce noise as follows:

- Check horn at pool while in parking lot prior to turning on fox acres road. If inoperable return to shop.
- Limit engine speed to 1000 RPM's when entering/exiting old high school complex.

To further mitigate noise levels from the backup alarms, the School District shall:

- Extend the existing concrete wall with a $\frac{3}{4}$ " thick wooden plywood fence, 80' in length and eight (8') feet in height.

Current Application and Decision: Due to a noticing error, the Commission shall rereview and analyze Condition (o) only. No other Conditions of Approval are relevant or applicable at this time, and the public hearing will be confined to comments on Condition (o). If the public finds additional items that need further discussion, those items would be noticed for a future public hearing. The Commission may wish to amend Condition (o), leave as written or delete entirely.

Furthermore, the Commission shall review any new and/or additional information provided by City Staff, the public, Blaine County School District and/or other entities. Such information includes a letter from Blaine County School District Superintendent, Gwen Carol Holmes, Ed. D, to a resident in the community, Steve Keefer. To summarize, Holmes's letter thoroughly describes alternatives to the use of backup alarms on the BCSD school buses, specifically, with regard to waivers for the use of said devices.

Per the letter, the State Department of Education will not grant waivers to any district asking not to abide with Standards for Idaho School Buses and Operations (SISBO) or other state and federal regulations, which includes the use of backup alarms.

That said, the State Board of Education (SBOE) may grant a waiver to any rule not required by state or federal law to any school district upon written requests; however, no waiver will be granted to any rule required by state or federal law.

On December 23, 2019, City Staff received a letter from Hailey resident, Steve Keefer, with additional correspondence from Allison Duman, Executive Assistant to the State Board of Education, regarding the procedure for waiver requests. Per Duman's email dated October 3, 2019, the Standards for Idaho School Buses and Operations (SISBO) includes a process under which a rule may be waived. That standard is described below:

X.APPEALS AND WAIVERS

1.The SBOE may grant a waiver of any rule not required by state or federal law to any school district upon written request, as provided in IDAPA 08.02.01.001. Written requests for such a waiver shall be submitted to the SDE Student Transportation staff using the waiver request form. The SDE staff shall submit the waiver request to the SBOE, along with any appropriate recommendation(s). All waiver requests must include supporting rationale and detailed justification for the request. The Board will not grant waivers of any rule required by state or federal law. State and federal law includes case law (including consent decrees), statutes, constitutions, and federal regulations.

Whether SBOE would grant a waiver limiting or waiving the School District's use of the audible alarms is unknown, as no waivers by the School District have been requested (per Duman's email dated October 9, 2019).

That said, other regulations require the use of backup alarms: the 2015 National School Transportation Specifications and Procedures and Backup Alarm Standards (SAE J994b) have provisions requiring the use of the backup alarms (both documents can be found as hyperlinks within this report).

Again, no waiver has been filed nor requests to waive the requirement for the audible backup alarms have been made by the Blaine County School District.

Procedural History: A public hearing before the Planning and Zoning Commission for review and discussion, approval or denial of the project will be held on January 6, 2020, in the Hailey City Council Chambers.

General Requirements for all Conditional Use Permits				
Compliant			Standards and Commission Findings	
Yes	No	N/A	City Code	City Standards and <i>Commission Findings</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.11.020	Complete Application: 17.11.020 The application shall include at least the following information: <ol style="list-style-type: none"> Name, address, and phone number of the applicant. Proof of interest in the subject property by the applicant, such as a deed, contract of sale, option to purchase, or lease agreement. Legal description of the subject property, including street address. Description of existing use. Zoning district of subject property. Description of proposed conditional use.


				<p>g. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, easements, existing and proposed grade, energy efficiency considerations, landscaping, exterior lighting plan as required by Article VIII B of this Ordinance, refuse and service areas, utilities, signs, property lines, north arrow, and rendering of building exteriors, where applicable.</p> <p>h. A narrative statement evaluating the effects on adjoining property, the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property.</p> <p>i. A narrative statement identifying surrounding land uses and discussing the general compatibility of the proposed use with adjacent and other properties in the district.</p> <p>j. A narrative discussion of the relationship of the proposed use to the Comprehensive Plan.</p> <p>k. A list of the names and addresses of all property owners and residents within three hundred (300) feet of the external boundaries of the land being considered.</p> <p>l. Any other information as requested by the Administrator to determine if the proposed conditional use meets the intent and requirements of this Article.</p> <p>m. A fee established in a separate ordinance approved by the Council.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Department Comments	<p>Engineering: <i>No concerns</i></p> <p>Life/Safety: <i>No concerns</i></p> <p>Water and Sewer: <i>No concerns</i></p> <p>Building: <i>No concerns</i></p> <p>Streets: <i>No concerns</i></p> <p>Parks: <i>No concerns</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.08A Signs	17.08A Signs: The applicant is hereby advised that a sign permit is required for any signage exceeding four square feet in sign area. Approval of signage areas or signage plan in Design Review does not constitute approval of a sign permit.
			Staff Comments	<i>N/A, as no signage is proposed and/or applicable to this amendment.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.08C.040 Outdoor Lighting Standards	<p>17.08C.040 General Standards</p> <p>e. All exterior lighting shall be designed, located and lamped in order to prevent:</p> <ol style="list-style-type: none"> 1) Overlighting; 2) Energy waste; 3) Glare; 4) Light Trespass; 5) Skyglow. <p>f. All non-essential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.</p> <p>g. Idaho Power shall not install any luminaires after the effective date hereof that lights the public right of way without first receiving approval for any such application by the lighting administrator.</p>

				h. All exterior lighting shall be full cutoff luminaires with the light source downcast and fully shielded, unless exceptions are specified in subsection 17.08C.040.02, Type of Luminaires, of this Chapter.
			Staff Comments	N/A, as no new lighting is proposed and/or applicable to this amendment.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.09.040 On-site Parking Req.	See Section 17.09.040 for applicable code. One (1) space is required for every 1,000 square feet of building
			Staff Comments	N/A, as no new parking is proposed and/or applicable to this amendment.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.09.020.08(B)	B. Where alleys exist, access to on-site parking for any non-residential use or for any multifamily dwelling of three or more units shall be from the alley. Parking areas adjacent to alleys may be designed to allow a vehicle to back from the parking area into the alley.
			Staff Comments	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.09.020.08(C)	C. If the site is not serviced by an alley, access shall be from a single approach to the street to confine vehicular/pedestrian conflict to limited locations, allow more buffering of the parking area and preserve the street frontage for pedestrian traffic.
			Staff Comments	N/A, as the site is not serviced by an alley.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.09.020.08(D)	D. Access for on-site parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street.
			Staff Comments	N/A, as no new onsite parking or loading spaces are proposed and/or applicable to this amendment. Buses pull directly in to the bus barn and park nose-in so they can be plugged in during the winter months. Drivers approach down the center of the parking aisle, generally behind the buses.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.09.020.08(E)	E. Access for subdivisions shall be provided in accordance with standards set forth in Section 4 of the Subdivision Ordinance.
			Staff Comments	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.09.020.08(F)	F. Parking areas containing no more than two (2) parking spaces in any zoning district or parking areas within the LR, GR, TN, TI and LI Districts may be designed to allow a vehicle to back from the parking area into the public right-of-way.
			Staff Comments	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.09.020.08(G)	G. Parking areas for residential uses only may be designed to allow required parking spaces for one vehicle to deny access to another vehicle, thus "stacking" the parking area. For non-residential uses, stacked parking may be allowed only for additional spaces that may be provided in excess of the required number of parking spaces.
			Staff Comments	N/A
Chapter 17.11 Criteria for Review of Conditional Use Permits				
Compliant			Standards and Commission Findings	

Yes	No	N/A	City Code	City Standards and <i>Commission Findings</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.11.010	<p>Compliance with the Comprehensive Plan 17.11.010: Purpose. The City of Hailey recognizes that certain uses possess unique and special characteristics with respect to their location, design, size, method of operation, circulation, and public facilities. In order to protect the public welfare and promote conformance with the Comprehensive Plan, conditional use permits are required for such uses upon review by the Commission.</p>
			<i>Staff Comments</i>	<p><i>The Commission found the Conditional Use Permit Application to possess unique and special characteristics, and compliant with the Hailey Comprehensive Plan (sections noted below). The Commission approved the Conditional Use Permit Application on June 2, 2003.</i></p> <p><i>Section 5: Land Use, Population, and Growth Management</i> <i>Section 9: Public Services, Facilities and Utilities</i> <i>Section 13: School Facilities and Transportation</i></p> <p><i>No additional discussion is necessary or applicable at this time.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.11.040.01(a)	<p>17.11.040.01 The Commission or Hearing Examiner shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and, if approved, shall find adequate evidence showing that such use at the proposed location: a. Will, in fact, constitute a conditional use as established for the zoning district involved; and</p>
			<i>Staff Comments</i>	<p><i>Per Section 17.05.040 of the Hailey Municipal Code, Public Use (“Use for a public purpose by a city, school district, county, state, or any other public agency or a public utility”), requires a Conditional Use Permit in the General Residential (GR) Zoning District.</i></p> <p><i>In 2003, City Staff and the Planning and Zoning Commission categorized and approved said facility and use as a Public Use; therefore, constituting a conditional use as established for the zoning district involved, and as outlined in the Hailey Municipal Code.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.11.040.01(b)	<p>b. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area;</p>
			<i>Staff Comments</i>	<p><i>N/A, as the building and use are existing. There is no change to the appearance of the facility - the condition under discussion is operational.</i></p>
<input type="checkbox"/> ?	<input type="checkbox"/>	<input type="checkbox"/>	17.11.040.01(c)	<p>c. Will not be hazardous or disturbing to existing or future neighboring uses;</p>
			<i>Staff Comments</i>	<p><i>During previous hearings, several discussions occurred with regard to noise the use emits (i.e., back-up beepers, idling, fans, etc.). Idling and the use of facility fans were discussed at great length; however, limited discussion took place with regard to silencing the backup beepers on the buses. To mitigate any noise disruptions, a Condition of Approval was crafted, which reads:</i> <i>The School District shall implement its pre-trip inspection list for the bus drivers to reduce noise, as follows:</i></p>

				<ul style="list-style-type: none"> • <i>ONLY IN BUS PARKING AREA: Use Interrupt Switch (Push and Hold) while backing from parking area.</i> <p><i>On April 10, 2019, the City received a letter notifying City Staff that the above condition was no longer being met. Per the letter, the backup beepers were no longer being silenced while backing from the parking area, causing disruptions to the surrounding neighborhood and to residents utilizing the Toe of the Hill Trail.</i></p> <p><i>On May 5, 2019, the City of Hailey received a letter from the Blaine County School District requesting that the Conditional Use Permit Application be amended, for reasons stated below:</i></p> <p><i>“The Idaho Department of Education publishes The Standard for Idaho School Bus and Operations (SISBO). The National Congress on School Transportation (NCST) publishes Revisions to the National School Transportation Specifications and Procedures. These documents dictate what safety equipment is required on school buses. Both of these documents require back up alarms on all school buses and do not provide for temporary interrupt switches to be installed.</i></p> <p><i>This letter is to formally request that the conditional use permit issued to the BCSD school bus parking facility be amended. Condition “O” bullet point 2 under number 4 of the conclusions of law and decision states that “ONLY IN THE BUS PARKING AREA: Use interrupt switch (push and hold) while backing from parking area” and the BCSD asks that this condition be removed. Requiring the BCSD to circumvent a safety feature reduces the overall safety of the transportation department and potentially puts the BCSD and the City of Hailey at risk of legal recourse.</i></p> <p><i>The safety concern is twofold. First, when buses are backing up in the parking area and they silence their alarms they are at greater risk of hitting anybody walking behind the bus and backing into another bus. Second, because almost all backing is done in the parking area it becomes a habit for the driver to silence their alarm so when they are forced to back up outside of the parking area, they use the silencer by force of habit”.</i></p> <p><i>Furthermore, per the Idaho Department of Education’s, Standards for Idaho School Buses and Operations (Administrative Rule 08.02.004.02) and the 2015 Revisions to the National School Transportation (NCST), a back-up warning alarm shall be an automatic audible alarm, which shall be installed behind the rear axle and shall comply with the published Backup Alarm Standards (SAE J994b), which further states that, “Actuation of the alarm shall be automatic, with no disconnecting means of any kind between the source of the actuation and the alarm. The alarm shall not deactivate until rearward motion of the vehicle has ceased and the reverse control mechanism has been disengaged”.</i></p> <p><i>All equipment operated within the City of Hailey (i.e., snow plows, dump trucks, loaders, etc.) project an audible alarm for all rearward travel and may only discontinue once rearward motion has ceased, which complies with State and Federal Regulations.</i></p>
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				<p><i>On July 15, 2019, the Commission reviewed Condition (o) and the Blaine County School District's request to amend or omit said condition, which if approved, would reinstate the use of the backup beepers, complying with State and Federal Regulations.</i></p> <p><i>The Commission neither approved nor denied the School District's request, but continued the item to September 16, 2019, contingent upon the Applicant meeting the following:</i></p> <ol style="list-style-type: none"> <i>1) Have a professional noise study conducted,</i> <i>2) Determine if a waiver may be granted, which would eliminate the use of the backup beepers altogether,</i> <i>3) Describe various options/ideas to better mitigate sound/noise from the backup beepers, and</i> <i>4) Comply with Conditions of Approval as listed on the July 7, 2003 Findings of Fact, Conclusions of Law and Decision</i> <p><i>The Applicant has met and/or supplied information to each of the following noted above, and as noted herein. The Commission found the documentation adequate and approved the amendment to Condition (o), as follows:</i></p> <p><i>o) The School District shall implement its pre-trip inspection list for the bus drivers to reduce noise as follows:</i></p> <ul style="list-style-type: none"> <i>• Check horn at pool while in parking lot prior to turning on fox acres road. If inoperable return to shop.</i> <i>• Limit engine speed to 1000 RPM's when entering/exiting old high school complex.</i> <p><i>To further mitigate noise levels from the backup alarms, the School District shall:</i></p> <ul style="list-style-type: none"> <i>• Extend the existing concrete wall with a ¾" thick wooden plywood fence, 80' in length and eight (8') feet in height.</i> <p><i>The fence extension, as requested, has been completed (see image below).</i></p>
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				 <p><i>Due to a noticing error, the Commission shall rereview and analyze Condition (o) only. The Commission shall review any new and/or additional information provided by City Staff from the public, Blaine County School District and/or other entities. Such information includes a letter from Blaine County School District Superintendent, Gwen Carol Holmes, Ed. D, to a resident in the community, Steven Keefer. To summarize, Holmes's letter thoroughly describes alternatives to the use of backup alarms on the BCSD school buses, specifically, with regard to waivers for the use of said devices.</i></p> <p><i>Per the letter, the State Department of Education will not grant waivers to any district asking not to abide with Standards for Idaho School Buses and Operations (SISBO) or other state and federal regulations, which includes the use of backup alarms.</i></p> <p><i>That said, the State Board of Education may grant a waiver to any rule not required by state or federal law to any school district upon written requests; however, no waiver will be granted to any rule required by state or federal law.</i></p> <p><i>The Commission shall review the above and determine if Condition (o):</i></p> <ol style="list-style-type: none"> <i>1) Is still applicable and no change is necessary</i> <i>2) Shall be amended (which the Commission should specify)</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.11.040.01(d)	<p>d. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, and drainage structure. Agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service; and</p>
			Staff Comments	<p><i>N/A, as the building and use are existing, which are served adequately by essential public facilities and services. See comments below regarding the legal</i></p>

				<i>liability incurred by the School District if the backup beepers are not used per State and Federal Guidelines.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.11.040.01(e)	e. Will not create excessive additional requirements at public cost for public facilities and services; and
			<i>Staff Comments</i>	<i>The School District has stated that they will incur a legal liability cost if this condition continues to be imposed upon them. There are no known cost implications to other service providers.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.11.040.01(f)	f. Will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, dust, odors, vibration, water or air pollution, or safety hazards; and
			<i>Staff Comments</i>	<i>The School District has stated that operating school buses without State and Federal required backup beepers is unsafe for bus drivers and any other persons who may be in the bus yard area at the time the buses depart, and that Condition (o) creates a safety hazard. Please refer to Section 17.11.040.010(c) for further background.</i> <i>At their September 16, 2019 public hearing, the Commission concurred and approved the request to amend Condition (o) as noted herein.</i> <i>The Commission shall rereview the item, public and agency comments, and augment Condition (o), if so desired.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.11.040.01(g)	g. Will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public thoroughfares;
			<i>Staff Comments</i>	<i>Vehicular approaches to the facility were discussed at length in 2003 when the use was approved at this location. Staff has asked the School District if the buses could back into the stalls, thereby requiring the beepers only at the end of the school day instead of in the morning. This is not feasible, as in the winter months the buses are plugged in to allow easy start up in the morning. The plugs could not be reached if the buses were reversed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.11.040.01(h)	h. Will not result in the destruction, loss or damage of a natural, scenic or historic feature.
			<i>Staff Comments</i>	<i>N/A, as the facility and use are existing. No changes to the site and its natural, scenic and historic features are proposed.</i>

17.11.060 Conditions.

The Commission or Hearing Examiner may impose any conditions which it deems necessary to secure the purpose of City regulations and give effect to the Comprehensive Plan. Conditions which may be attached include, but are not limited to those which will:

17.11.060(A) Require conformity to approved plans and specifications.

17.11.060(B) Require or restrict open spaces, buffer strips, walls, fences, signs, concealing hedges, landscaping and lighting.

- 17.11.060(C) Restrict volume of traffic generated, require off-street parking, and restrict vehicular movements within the site and points of vehicular ingress and egress or other conditions related to traffic.**
- 17.11.060(D) Require performance characteristics related to the emission of noise, vibration and other potentially dangerous or objectionable elements.**
- 17.11.060(E) Limit time of day for the conduct of specified activities.**
- 17.11.060(F) Require guarantees such as performance bonds or other security for compliance with the terms of the approval.**
- 17.11.060(G) Require dedications and public improvements on property frontages.**
- 17.11.060(H) Require irrigation ditches, laterals, and canals to be covered or fenced.**
- 17.11.060(I) Minimize adverse impact on other development.**
- 17.11.060(J) Control the sequence, timing and duration of development.**
- 17.11.060(K) Assure that development is maintained properly.**
- 17.11.060(L) Designate the exact location and nature of development.**
- 17.11.060(M) Require the provision for on-site or off-site public services.**
- 17.11.060(N) Require more restrictive standards than those generally found in this Ordinance.**
- 17.11.060(O) Mitigate foreseeable social, economic, fiscal and environmental effects.**
- 17.11.060(P) Set a limit on the duration of the permit when deemed necessary.**
- 17.11.060(Q) Allow for subsequent periodic review.**

Summary: Section 17.11.010 of the Hailey Zoning Ordinance states that “the City of Hailey recognizes that certain uses possess unique and special characteristics with respect to their location, design, size, method of operation, circulation, and public facilities. In order to protect the public welfare and promote conformance with the Comprehensive Plan, conditional use permits are required for such uses upon review by the Commission.”

Conditional Use Permits are subject to review and revocation pursuant to Section 17.11.090 of the Hailey Municipal Code. This statement will be included in the Findings of Fact, Conclusions of Law, and Decision for any Conditional Use Permit approved by the Commission.

By ordinance, the Commission is required to decide to approve, conditionally approve, or deny the application within forty-five (45) days after conclusion of the public hearing and issue its decision together with the reasons therefore. The Commission is required to review the application, all supporting documents and plans, and Section 17.11 of the Zoning Ordinance, in making their decision.

The Commission should make Findings of Fact related to the criteria of Section 17.11, (a) through (h).

Motion Language

Motion #1: Motion to approve the amendment to the Conditional Use Permit Application request for Blaine County School District (BCSD) Bus Maintenance Facility, finding that the application meets each of the Criteria for Review, (a) through (h) cited in Zoning Ordinance Chapter 17.11, that the Conditional Use Permit complies with the Comprehensive Plan, with the following modifications to Condition (o):

- o) The School District shall implement its pre-trip inspection list for the bus drivers to reduce noise as follows:

- Check horn at pool while in parking lot prior to turning on Fox Acres Road. If inoperable return to shop.
- Limit engine speed to 1000 RPM's when entering/exiting old high school complex.

To further mitigate noise levels from the backup alarms, the School District shall:

- Extend the existing concrete wall with a $\frac{3}{4}$ " thick wooden plywood fence, 80' in length and eight (8') feet in height.

Motion #2: Motion to approve the amendment to the Conditional Use Permit Application request for Blaine County School District (BCSD) Bus Maintenance Facility, finding that the application meets each of the Criteria for Review, (a) through (h) cited in Zoning Ordinance Chapter 17.11, that the Conditional Use Permit complies with the Comprehensive Plan, with the following modifications to Condition (o):
_____ [the Commission shall specify].

Denial: Motion to deny the amendment to the Conditional Use Permit Application for Blaine County School District (BCSD) Bus Maintenance Facility, finding that _____ [the Commission should cite which standards are not met and provide the reason why each identified standard is not met].

Continuation: Motion to continue the public hearing to _____ [the Commission should specify a date].

December 23, 2019

Dear Lisa:

I am sorry to submit this information late, however Chris Simms suggested that it would be best to get the following information in the hands of the P&Z Commissioners prior to the meeting.

I am including:

- An email thread between myself and Allison Duman, Executive Assistant to the State Board of Education concerning the procedure for waiver requests
- A letter from GwenCarol Holmes, Superintendent, Blaine County School District
- My email response to Superintendent Holmes
- Regulations for back-up alarms, Occupational Safety and Health Administration (OSHA)

Thanks for your help, and again I apologize for the delay in getting this information to you for the Commission.

Sincerely,

A handwritten signature in black ink, appearing to be 'SK' or 'Steve Keefer', written over the word 'Sincerely,'.

Steve Keefer
1221 Green Valley Drive
PO Box 2115
Hailey, Idaho 83333

Subject:RE: Board authority concerning school bus regulation

Date:Wed, 9 Oct 2019 16:24:15 +0000

From:Allison Duman <Allison.Duman@osbe.idaho.gov>

To:Steve Keefer <sskeefe@cox.net>

Mr. Keefer,

I do not have a record of any such waiver being brought to the Board for approval. All waiver requests are required to be submitted through one of the standing Board committees. The members of the committee review the request and determine if it should be brought to the full Board for approval. It is possible the Blaine County School District submitted the request for consideration, but you would need to verify this with the district.

Sincerely,

Allison Duman
Executive Assistant
650 W. State St. #307
Boise, ID 83720-0037
Tel:208.332.1571
boardofed.idaho.gov

-----Original Message-----

From: Steve Keefer [mailto:sskeefe@cox.net] Sent: Monday, October 7, 2019 4:24 PM

To: Allison Duman <Allison.Duman@osbe.idaho.gov>

Subject: Re: Board authority concerning school bus regulation

Hello Allison

I am sorry to bother you, however one additional question has come up.

Has the Blaine County School District applied for, or been granted, a waiver for the purpose of interrupting the back up bells on their fleet of school buses at any time since 2003?

Thank you again for your time and assistance with this.

Steve

On Oct 3, 2019, at 4:21 PM, Allison Duman <Allison.Duman@osbe.idaho.gov> wrote:

Mr. Keefer,

In response to your question whether a waiver is possible and might be heard by the Board, the answer is that the Standards for Idaho School Buses and Operations ("Standards") (adopted by the Board 11 15, 2017 and effective July 1, 2018), include a process under which a rule may be waived. Here is a link to the Standards: <http://www.sde.idaho.gov/student-transportation/files/forms-lists/regulations/SISBO-Manual-2018.pdf>. The section pertaining to waivers is quoted below.

X. APPEALS AND WAIVERS

1. The SBOE may grant a waiver of any rule not required by state or federal law to any school district upon written request, as provided in IDAPA 08.02.01.001. Written requests for such a waiver shall be submitted to the SDE Student Transportation staff using the waiver request form. The SDE staff shall submit the waiver request to the SBOE, along with any appropriate recommendation(s). All waiver requests must include supporting rationale and detailed justification for the request. The Board will not grant waivers of any rule required by state or federal law. State and federal law includes case law (including consent decrees), statutes, constitutions, and federal regulations.

Allison Duman
Executive Assistant

650 W. State St. #307
Boise, ID 83720-0037
Tel:208.332.1571
boardofed.idaho.gov

-----Original Message-----

From: Steve Keefer [mailto:sskeefe@cox.net] Sent: Monday, September 16, 2019 7:17 PM
To: Allison Duman <Allison.Duman@osbe.idaho.gov>
Subject: Board authority concerning school bus regulation

I am writing concerning a claim made tonight at a City of Hailey Planning and Zoning commission meeting by representatives of the Blaine Country School District.

The School District operates a bus maintenance and parking facility within the city.

Since 2003 the District has complied with a conditional use permit issued by the City that included a condition that as mitigation for excessive noise that the back up beeper be disabled in the parking facility while backing.

At the time of approval the District indicated they could seek a waiver from the State Board to allow this condition.

Tonight the District claimed that no such waiver is allowed.

My reading of the SISBO Standards for Idaho School Buses and Operations indicated a waiver process does in fact exist on page 13.

I am unable to find any Federal or State of Idaho regulation other than SISBO that requires use of back up beepers.

I am not inquiring as to if such a waiver would be granted. I would hope it would be difficult. I am only inquiring if such a waiver is possible and might be heard by the Board.

Thank you for any information you might provide.

Steve Keefer
1221 Green Valley Drive
Hailey Idaho 83333
208-481-0131

Mail: PO Box 1151
Sun Valley I'd. 83353



BLAINE COUNTY SCHOOL DISTRICT

118 West Bullion
Hailey, ID 83333

(208) 578-5000
Fax (208) 578-5110

Superintendent GwenCarol Holmes, Ed. D.

December 9, 2019

Mr. Steve Keefer
1221 Green Valley Drive
Hailey, ID 83333

Dear Mr. Keefer,

This letter is to follow up on our meeting on October 30 regarding alternatives to the use of backup alarms on BCSD school buses. I appreciate your willingness to have a congenial conversation with us in an effort to find an amicable solution.

I communicated with Mr. Derek Newland with the Idaho State Department of Education about the possibility of being granted a waiver for the use of these devices, as it is clear that both the Blaine County School District and the City of Hailey are not ready to assume liability for failure to use backup alarms, as prescribed, without permission to do so.

I asked Mr. Newland the questions below. I asked specifically about the waiver, as it states to receive a waiver it must be submitted by the State Department of Education to the State Board of Education and that the Board is prohibited from granting a waiver that is a violation of federal or state law. His responses are included in blue blow.

1) Do any other Districts in Idaho currently have a waiver from SBOE that allows them to not abide by any of the Idaho School Bus Standards in SISBO?

Response: SDE does not have any waivers from any district asking not to abide with SISBO

In addition, Idaho code 33-1506 paragraphs one and two state;

33-1506.INSPECTION OF SCHOOL BUSES. All school buses shall at all times conform to the standards of construction prescribed therefor by the state board of education.

Before any newly acquired school bus is used for transporting pupils it shall be inspected by a duly authorized representative of the state department of education, and if, upon inspection, it conforms to prescribed standards of construction, or such other standards prescribed by law or regulation, it may be used for transporting pupils; otherwise, no such school bus shall be used for that purpose.

2) If so, what are these districts exempt from in these standards?

3) Section X. Appeals and Waiver of SISBO states: 1.The SBOE may grant a waiver of any rule not required by state or federal law to any school district upon written requests, as provided in IDAPA 08.02.01.001. Written requests for such a waiver shall be submitted to the SDE Student

Transportation staff using the waiver request form. The SDE staff shall submit the waiver request to the SBOE, along with any appropriate recommendation(s). All waiver requests must include supporting rationale and detailed justification for the request. The Board will not grant waivers of any rule required by state or federal law. State and federal law includes case law (including consent decrees), statutes, constitutions, and federal regulations.

However, Section X. Appeals and Waiver of SISBO states that we can apply for a waiver from SBOE by first submitting it to you who would then submit it to the SBOE. I am aware that you cannot grant a waiver, but also aware that there is a process for asking the SBOE for a waiver.

If BCSD were to ask for a waiver from using the backup alarms in the Transportation yard of the district, would that be a violation of a rule required by state or federal law and therefore not be granted as stated in Section X? Since it also says: *The Board will not grant waivers of any rule required by state or federal law. State and federal law includes case law (including consent decrees), statutes, constitutions, and federal regulations.*

So the question is, if we did apply for a waiver on the back up alarms, would that be a violation of a rule required by state or federal law? If it would be a violation, then there is no point in submitting the waiver.

Response: I don't believe there is federal law stating a requirement for back up alarms on school buses. As you are aware in Idaho we use SISBO which is Administrative Rule for school busing standards and operations. I believe Administrative Rules are Binding but may want to check with your legal team.

As you are aware from previous P and Z testimony, the District has engaged our attorney in regards to this matter and who informs us that a violation of Administrative Rule would be considered a violation of Idaho Statute. Idaho Statute 33-1508 specifically states that school buses "*shall at all times be operated in conformity with the law and rules of the Idaho State Policy and the State Board of Education.*"

Once again, please allow me to express my sincerest apology that the Blaine County School District ever agreed to conditions for operating it buses that are so clearly in violation of law. We are now aware of this oversight and must bring our operations into compliance.

Sincerely,



GwenCarol Holmes, Ed.D.
Superintendent

Cc: Bryan Fletcher, Director of Finance
Howard Royal, Director of Buildings and Grounds
Lance Doby, Transportation Supervisor

From: Steve Keefer <sskeef@cox.net>
Date: December 19, 2019 at 6:21:26 PM MST
To: GHolmes@blaineschools.org
Subject: Waiver

Ms Holmes,

Thank you for your letter. I am sorry it took an email from your staff to get to me.

I appreciate your willingness to inquire more about the ability of the District to apply for a waiver from the SBOE to allow the back up bells to be silenced while at the parking facility.

I would ask you to inquire again of your legal counsel about the ability to waive Administrative rules. Your letter cites IDAPA 08.02.01.001. I would refer you to IDAPA 08.02.01.007, which is a waiver of Administrative Rules subject to the same conditions as the waiver in SISBO. Since this is a waiver of the Administrative rule, the District would not be in violation of Administrative rules should the waiver be granted.

I find it difficult to understand why such a waiver would be codified unless the SBOE intended there to be a way to accommodate just the sort of situation the District and the Neighbors find themselves. I feel quite certain that a waiver from the SBOE would relieve the District from any violation of state statute and thus any liability.

I still believe this to be the best outcome for both the District and the Neighbors. You have been willing to explore these options, I would ask you to explore this option further.

Sincerely

Steve Keefer

Regulations for back-up alarms. | Occupational Safety and Health Administration

July 11, 1980

Mr. V.J. McNeill
President
Lexvin Industries
100 Amber Street, Unit 11
Markham, Ontario
L3R3A2
Canada

Dear Mr. McNeill:

Assistant Secretary Eula Bingham has asked me to respond to your letter concerning the Occupational Safety and Health Administration's (OSHA) regulations for back-up alarms. We apologize for the delay of this response.

As you may be aware, OSHA has no requirements for back-up alarms in the general industry standards, 29 CFR Part 1910. However, the regulation you mentioned in your letter is 29 CFR Part 1926.601(b)(4) of the Construction Safety and Health Regulations.

The regulation you refer to reads:

"(4) No employer shall use any motor vehicle equipment having an obstructed view to the rear unless:

- (i) The vehicle has a reverse signal alarm audible above surrounding noise level or;
- (ii) The vehicle is backed up only when an observer signals that it is safe to do so."

As you can see, the alarm is only required when vision to the rear of the operator is obstructed and the operator lacks an observer to signal him.

It would be the employer's obligation to determine the noise level in his particular worksite and select an appropriate alarm if he chooses to use it.

A second regulation, 29 CFR Part 1926.602(a)(9), reads as follows:

"(9) Audible alarms

(i) All bidirectional machines, such as rollers, compactors, front-end loaders, bulldozers, and similar equipment, shall be equipped with a horn, distinguishable from the surrounding noise level, which shall be operated as needed when the machine is moving in either direction. The horn has to be maintained in operative condition.

(ii) No employer shall permit earthmoving or compacting equipment which has an obstructed view to the rear to be used in reverse gear unless the equipment has in operation a reverse signal alarm distinguishable from the surrounding noise level or an employer signals that it is safe to do

so."

The second requirement may more closely relate to your inquiry in that it requires the alarm to be distinguishable from the surrounding noise level.

The regulations allow a 90 decibel (dba), 8-hour exposure for employees. Thus, it appears that your device (BUA-1) may meet the requirements in either case.

We trust that this provides you with the information you requested. Should you have further questions, please feel free to contact us.

Sincerely,

Jerry L. Purswell, Ph.D., P.E.
Director, Directorate of Safety Standards Programs



BLAINE COUNTY SCHOOL DISTRICT

118 West Bullion
Hailey, ID 83333

(208) 578-5000
Fax (208) 578-5110

Superintendent GwenCarol Holmes, Ed. D.

December 9, 2019

Mr. Steve Keefer
1221 Green Valley Drive
Hailey, ID 83333

Dear Mr. Keefer,

This letter is to follow up on our meeting on October 30 regarding alternatives to the use of backup alarms on BCSD school buses. I appreciate your willingness to have a congenial conversation with us in an effort to find an amicable solution.

I communicated with Mr. Derek Newland with the Idaho State Department of Education about the possibility of being granted a waiver for the use of these devices, as it is clear that both the Blaine County School District and the City of Hailey are not ready to assume liability for failure to use backup alarms, as prescribed, without permission to do so.

I asked Mr. Newland the questions below. I asked specifically about the waiver, as it states to receive a waiver it must be submitted by the State Department of Education to the State Board of Education and that the Board is prohibited from granting a waiver that is a violation of federal or state law. His responses are included in blue blow.

1) Do any other Districts in Idaho currently have a waiver from SBOE that allows them to not abide by any of the Idaho School Bus Standards in SISBO?

Response: SDE does not have any waivers from any district asking not to abide with SISBO

In addition, Idaho code 33-1506 paragraphs one and two state;

33-1506.INSPECTION OF SCHOOL BUSES. All school buses shall at all times conform to the standards of construction prescribed therefor by the state board of education.

Before any newly acquired school bus is used for transporting pupils it shall be inspected by a duly authorized representative of the state department of education, and if, upon inspection, it conforms to prescribed standards of construction, or such other standards prescribed by law or regulation, it may be used for transporting pupils; otherwise, no such school bus shall be used for that purpose.

2) If so, what are these districts exempt from in these standards?

3) Section X. Appeals and Waiver of SISBO states: 1. *The SBOE may grant a waiver of any rule not required by state or federal law to any school district upon written requests, as provided in IDAPA 08.02.01.001. Written requests for such a waiver shall be submitted to the SDE Student*

Transportation staff using the waiver request form. The SDE staff shall submit the waiver request to the SBOE, along with any appropriate recommendation(s). All waiver requests must include supporting rationale and detailed justification for the request. The Board will not grant waivers of any rule required by state or federal law. State and federal law includes case law (including consent decrees), statutes, constitutions, and federal regulations.

However, Section X. Appeals and Waiver of SISBO states that we can apply for a waiver from SBOE by first submitting it to you who would then submit it to the SBOE. I am aware that you cannot grant a waiver, but also aware that there is a process for asking the SBOE for a waiver.

If BCSD were to ask for a waiver from using the backup alarms in the Transportation yard of the district, would that be a violation of a rule required by state or federal law and therefore not be granted as stated in Section X? Since it also says: *The Board will not grant waivers of any rule required by state or federal law. State and federal law includes case law (including consent decrees), statutes, constitutions, and federal regulations.*

So the question is, if we did apply for a waiver on the back up alarms, would that be a violation of a rule required by state or federal law? If it would be a violation, then there is no point in submitting the waiver.

Response: I don't believe there is federal law stating a requirement for back up alarms on school buses. As you are aware in Idaho we use SISBO which is Administrative Rule for school busing standards and operations. I believe Administrative Rules are Binding but may want to check with your legal team.

As you are aware from previous P and Z testimony, the District has engaged our attorney in regards to this matter and who informs us that a violation of Administrative Rule would be considered a violation of Idaho Statute. Idaho Statute 33-1508 specifically states that school buses "*shall at all times be operated in conformity with the law and rules of the Idaho State Policy and the State Board of Education.*"

Once again, please allow me to express my sincerest apology that the Blaine County School District ever agreed to conditions for operating it buses that are so clearly in violation of law. We are now aware of this oversight and must bring our operations into compliance.

Sincerely,



GwenCarol Holmes, Ed.D.
Superintendent

Cc: Bryan Fletcher, Director of Finance
Howard Royal, Director of Buildings and Grounds
Lance Doby, Transportation Supervisor



August 29, 2019

Lance Doby, Transportation Supervisor
Blaine County School District
1060 Fox Acres Road
Hailey, ID 83333

Subject: School Bus Backup Beepers - Noise Study

project #3926

Dear Lance:

The Blaine County School District bus parking area is located near several homes, roughly 360 feet away along Green Valley Road and Blue Lake Drive. There have been complaints about backup beeper noise from the nearby residents. The bus facility is part of the High School campus.

The City has now asked for an independent noise study to be conducted to evaluate the situation. The school year started on Monday August 19, 2019. There are a total of about 30 buses used by the district. We waited until normal operations began to make the measurements. It is always more straightforward and understandable to measure noise from the actual operation.

The buses are parked under an overhead shelter which also includes a substantial concrete wall along the west edge of the yard. Given this design, we can expect at least 12 dB of noise reduction from the enclosure and bus noises. Buses that park in east facing stalls are mostly shielded from homes by the overhead and wall. There is some potential direct line-of-sight between the southernmost bus stalls and the two southernmost homes.

SUMMARY

Pre-existing ambient noises in the area include local and highway traffic, wind, aircraft and the buses. Bus beepers represent a short-term intermittent source and produce levels at homes that would comply with most noise ordinances in the US. Backup beeper noise levels are comparable in level to many existing noises that occur in the area throughout the day and night.

Local jurisdictions (Blaine County, City of Hailey) do not have meaningful or relevant noise ordinance requirements. The CUP suggested using bypass switches on the backup beepers, but this has created some safety issues for the district.

Even though not required, mitigation measures are possible but may not be deemed acceptable or feasible.

NOISE REQUIREMENTS

After some research, neither Blaine County nor the City of Hailey have noise ordinances that are directly applicable to this situation.

Blaine County has a Comprehensive Planning document that mostly discusses noise impacts from the local airport. There is general language such as, “...*Noise pollution has the potential to produce negative effects on hearing and the psychological well-being of the residents of the county...*” and, “...*Every possible effort must be employed to protect these values through careful drawing of ordinances and rigorous enforcement of the county's laws...*”. However, there was no noise-specific ordinance that could be found.

Hailey code 9.04.030 discusses noise, particularly amplified music and related permits, construction noise, and animal noises like dog barks. There is no mention of required safety devices, public use, or utilities. The document contains no numerical standards to be met.

The project Conditional Use Permit from May 2003 had language requiring that “...*an interrupt switch (push and hold) be used while backing from parking area...*” per Item #4, section o, page 10.

OSHA requires backup beepers on certain equipment for worker safety. However, OSHA does not stipulate a specific sound level for those beepers, only that they be “...*plainly audible above the surrounding noise.....*”. The working rule of thumb is that alarms should be 10 dB above the ambient levels. Many beepers come set to produce levels of 93-117 dBA, but that is based on a factory environment or a construction site where allowable noise is 90 dBA for an eight hour shift. In most cases, beepers will provide adequate warning if set for 10 dB above the ambient noise level in the work area. The noise level behind a running bus is about 60-65 dBA, so a beeper would not need to be any louder than 75 dBA at 10 feet as a working maximum.

Typical local noise ordinances and codes in the United States are based on the 1974 EPA Model Noise Ordinance. In that document, residential properties should not be exposed to sound levels above 60 dBA during daytime hours and 50 dBA during nighttime hours, with nighttime defined as 10 pm to 7 am. These numerical levels can either be based on Leq or L10 values, with most codes using Leq or energy-averaged levels. Leq is the most commonly used metric used for noise levels. Therefore the limit would be 50 dBA during the early morning hours, using either Leq = 50 dBA or L10 = 50 dBA. The existing early morning ambient noise as measured was similar to those limits.

In the absence of specific local noise limits, we default to using the typical noise limits contained in most ordinances. Given the intermittent nature of this sound, we choose the L10 rather than the Leq. So the limits would be an L10 = 50 dBA during nighttime hours and an L10 = 60 dBA during daytime hours.

SOUND LEVELS

A CUP condition from 2003 required temporarily defeating the use of backup alarms with a momentary switch as a mitigation measure. This has been done, but creates a potential safety hazard for personnel. The district had stopped using the backup alarms recently, but the insurance company's opinion prompted using backup alarms again.

Buses usually start up around 6:00 am to depart on their morning routes, and there have been complaints from the nearby residents since you began using the backup alarms again. A second round of normal bus yard activity starts at about 2:00 pm for the afternoon runs. To my knowledge, the complaints are based on early morning hours.

Sound levels were measured on site on Monday August 19 and Tuesday August 20, the first two days of the school year. Live observations were made between 6-8 am Tuesday and between 2-4 pm Monday. A logging sound meter was also placed near the homes, on school property closest to 1230 Green Valley Road, and recorded hourly sound level data overnight on Monday. This included hours with bus operations and hours without the buses. The attached chart shows the levels logged for each hour.

We directly observed the following momentary levels:

53-64 dBA	backup beepers at various distances
47-54 dBA	engine noise in the bus yard
46-51 dBA	traffic on the highway
40-58 dBA	wind noise, varying from calm to ~15 mph
62-71 dBA	jet aircraft
43-58 dBA	propeller aircraft
39-43 dBA	ambient noise, without traffic or wind

Live observations were made at the south boundary of the bus yard, near the access gate leading to adjacent sports fields. This was 250-400 feet away from buses depending on where they were parked. The on-site measurement position had direct line-of-sight to buses, with no attenuation provided by the west wall.

The chart shows the logged data, which was collected continuously near homes and is reported hourly between 2:00 pm on Monday August 19 until 10:00 am on Tuesday August 20. The chart depicts three quantities for each hour: Leq, L10, and L90.

Equivalent Level or **Leq** is the "average" sound level for that entire hour. Leq is the most commonly used measure of noise in the US. **L10** is the level exceeded during 10% of each hour (six minutes per hour) and represents the loudest typically recurring sounds that occurred. **L90** is the level exceeded 90% of the time, and essentially defines the natural "noise floor" for the area. Background noise only rarely gets quieter than the L90, and that only occurs when there is no wind, no animal noises, no aircraft, and no traffic on local streets or on Highway 75 running past the airport.

During the live observations we noted that in a given hour 12-15 buses started, idled briefly to warm up, were safety inspected by drivers, and backed up to leave. Engine noise was not significant compared to pre-existing traffic and aircraft noises.

Backup beepers varied in level depending on the specific bus and its location. There was notable variability between buses independent of distance -- some were just markedly louder. One bus located in stall #5 produced levels of 64 dB when backing up, and was perceptibly louder than other buses, even some that were closer to the measurement position. For a reference point, we have used this data point as the loudest worst-case reference for all beepers (64 dBA at 230 feet).

At the nearest homes, this yields predicted beeper levels of 59 dBA maximum, based on direct line-of-sight, without any mitigation effects. Including shielding from the overhead and wall **the predicted levels of beepers at homes is 47 dBA or less**. This compares to 50 dBA allowable during the nighttime hours for noise at residential property in many ordinances. While the momentary level might be as high as 59 dBA for a few seconds, the ambient background noise during the 5 am hour was $Leq = 45$ on average and $L10 = 49$, and that was without any buses. Other morning hours that included bus operations showed similar levels and some were lower.

This analysis focuses on homes on 1230 and 1240 Green Valley Road, directly adjacent to the open field west of the bus yard. These are the two homes that would be most exposed to bus yard noises. They also have shielding provided by the west wall. Secondary rows of homes are further shielded by the row of nearest homes, additional distance and vegetation effects. These homes would experience beeper and other bus noises to a noticeably lesser degree, plus they are also closer to Highway 75 and are therefore exposed to higher ambient noise levels.

These two homes are also located adjacent to a baseball diamond and bleachers. While measurements were not made (there was no active use of the field during the site visit) it is reasonable to presume that sounds from the baseball games will greatly exceed any sounds coming from the bus yard. Playground sounds would generally not occur at 6 am, however.

MITIGATION

Backup beeper levels are predicted to be briefly up to 59 dBA at the nearest homes in the absolute worst circumstance (loudest beeper from the southernmost parking stall). There are numerous other noises occurring in the neighborhood that are comparable in magnitude, such as aircraft takeoffs and some vehicle passbys. Given the magnitude and limited duration of the backup beepers, their levels would comply with the majority of noise ordinances in the US. Even though the beeper levels would not exceed ordinance limits and mitigation is not required, there are several actions that can potentially minimize the noise of backup beepers at nearby homes.

Using the defeat switch to momentarily deactivate the beepers while within the bus yard is a complete solution to the beeper noise issue. But the district's insurance carrier has informed BSCD that any accident involving backing up a bus will not be covered, simply because the bypass switches are present, whether used or not. Furthermore a request for a waiver for the alarms was denied by the State of Idaho Education Department. This argues strongly for continued use of the beepers.

Other possible measures include:

- The beepers could be temporarily defeated and a spotter could be used in the bus yard to guide any reverse movements. This would require additional trained staff during morning hours of operation prior to 7 am. Sound levels from backup beepers as currently installed are acceptable within daytime hours after 7:00 am, per most noise ordinances.
- Replace the existing backup alarms with volume adjustable versions set for 75 dBA at ten feet as a maximum. This will provide a conventional beeper style warning at levels that are safely above the ambient noise in the vicinity of a bus, fully meeting the intent of OSHA safety requirements. This yields a predicted worst-case unshielded level at homes of 44 dBA, which matches the quietest nighttime hours.
- Extend the existing concrete wall on the west side about 60 feet further south, roughly past the fueling station. There is some direct line of sight between the southernmost bus parking stalls on the east side and the two homes adjoining the open field on the south end. The barrier extension would need to be about 8 feet high, but could be a solid wood fence such as 3/4" thick plywood. A noise barrier does not necessarily have to be thick concrete.
- Build a noise barrier along the eastern property line of the affected homes to shield the backyards and structures from direct line-of-sight to any buses. The new property line barrier would need to be substantial to be adequately effective. It would likely need to be at least 8 feet high and must fully enclose the backyards of 1230 and 1240 Green Valley Road from the viewpoint of the bus yard. The other homes north of 1240 are fully shielded by the existing wall in the bus yard. See the annotated aerial view for the suggested extent of this barrier.

While most backup alarms are single-tone and quite loud, OSHA has given employers the flexibility to use new technology that meets their regulatory requirements and contributes less to noise pollution.

- Use backup alarms that are white noise based, instead of pure tone beepers. White noise (static) can be set loud enough to draw attention to moving equipment, and does not have distinct tonal content. From a distance, this would be perceived as slightly louder wind or traffic noise.
- Instead of using a backup alarm, a camera system can be installed on the rear of the vehicle that operates day and night, coordinating with a monitoring system inside for the driver. As long as the camera provides the driver with an unobstructed view of the path behind the motor vehicle or material handling equipment, a backup alarm is not needed.

Please let me know if there are any questions about this information.

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Mullins". The script is cursive and fluid, with the first name "Earl" written in a larger, more prominent style than the last name "Mullins".

Earl Mullins, PE

attached: logged sound level chart, annotated aerial view



residential property
line noise barrier

worst case line of
sight

1230 Green Valley
Road

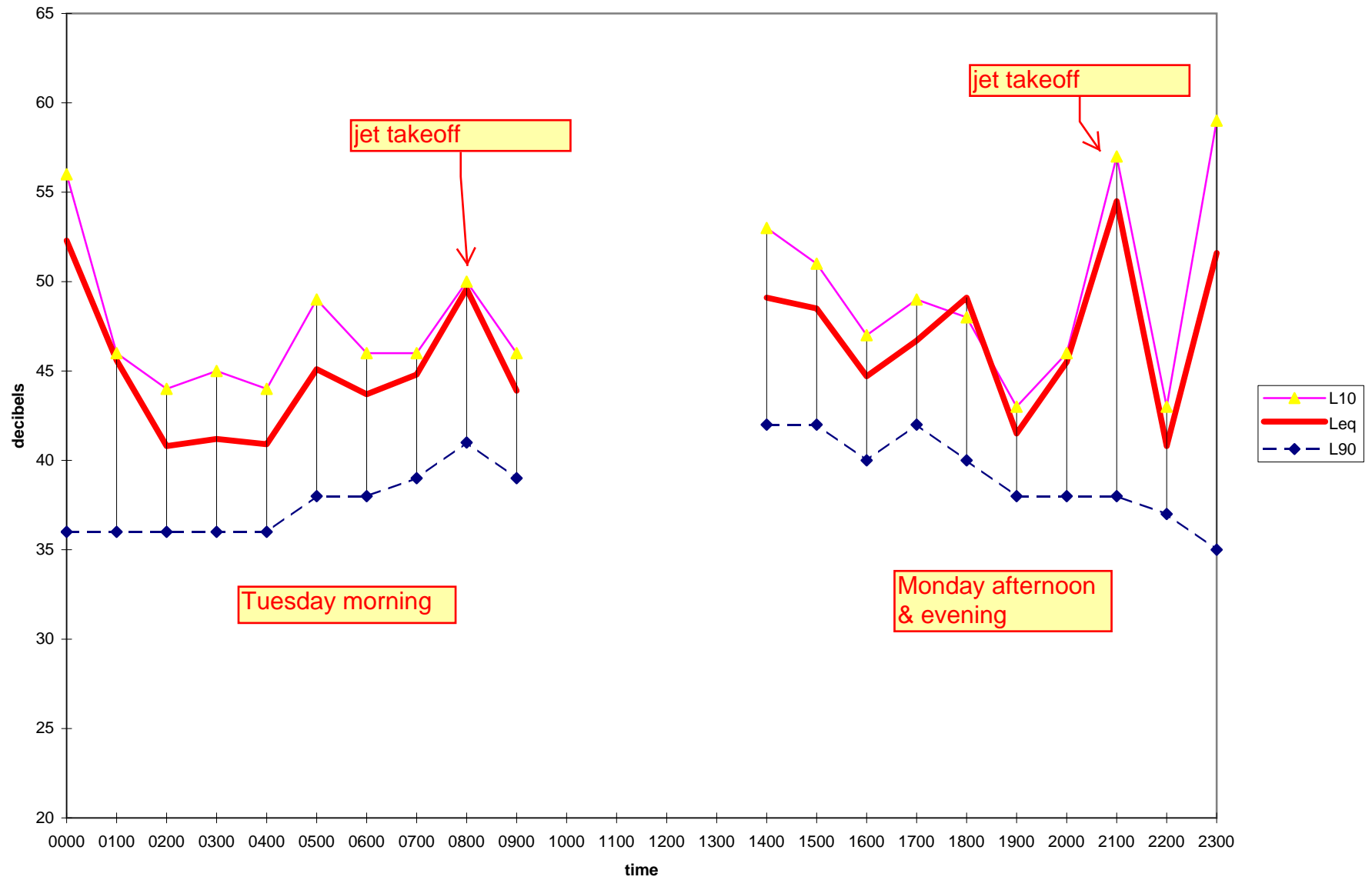
1240 Green Valley
Road

extended bus yard
noise barrier
(optional)

noise monitor

live noise
measurement
position

noise monitor



From: [Christopher Simms](#)
To: [Bryan Fletcher](#); [Lance Doby](#); [Lisa Horowitz](#); [Robyn Davis](#)
Subject: RE: alarm
Date: Wednesday, August 28, 2019 11:58:27 AM

Bryan,

Thank you for forwarding on this information. This will be a helpful bit of information in assisting the Planning and Zoning Commission rule on the pending application. I am forwarding on to our planning staff to include in the upcoming P&Z packet.

Christopher Simms

From: Bryan Fletcher [mailto:bfletcher@blaineschools.org]
Sent: Wednesday, August 28, 2019 9:03 AM
To: Christopher Simms <christopher.simms@haileycityhall.org>; Lance Doby <ldoby@blaineschools.org>
Subject: Fwd: alarm

Good morning Chris,

we have finally received an email from the State stipulating the IDAPA requirements for the bus back up alarm system, and the SDE's lack of authority to provide a waiver.

Will this meet the requirements for the council to demonstrate that the SDE has not provide any exemption to the District?

Thanks Chris

Bryan

----- Forwarded message -----

From: **Derek Newland** <dnewland@sde.idaho.gov>
Date: Wed, Aug 28, 2019 at 8:35 AM
Subject: alarm
To: BRYAN T FLETCHER <BFLETCHER@blaineschools.org>, Lance Doby <ldoby@blaineschools.org>

Gentlemen,

SISBO (Standards for Idaho School Buses and Operations, Rule by Reference IDAPA 08.02.02.004.02) states on page 15 section E that "an automatic audible alarm shall be installed behind the rear axle, providing a minimum of 112 dBA, and shall comply with the published Backup Alarm Standards [Society of Automotive Engineers (SAE) J994B]. Being a requirement on the bus it must therefore be operational. I do not have the authority to waive Administrative Rules.

I hope this helps.

Derek

Derek Newland

Director of Student Transportation

Idaho State Department of Education

208.332.6856

www.sde.idaho.gov

“Supporting Schools and Students to Achieve”

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--

Bryan Fletcher

Blaine County School District

Finance Manager

PUBLIC
COMMENT

December 19, 2019

My comments to the Hailey Planning and Zoning Commission regarding the rehearing of the Blaine County School District's use of backup beepers while in the bus parking facility are below. I will not be attending the meeting.

1. "Promote the Health, Safety & Welfare of the citizens of Hailey" are just empty words. They sound good, but have been disregarded by the City in this development. With the removal of Condition O, I do not see any conditions remaining that address the impact of this facility on its residential neighbors, no remaining protection or consideration for the health, safety and welfare of the neighbors.
2. What happened to what should be the first question in any application for development: **Without any conditions, does this development belong here?** Instead, by a Commissioner's own words at the now-void September 2019 meeting, we the neighbors got, "The P&Z was always concerned with how we could make this work." I am insulted, as are all my neighbors that have to bear the impacts from this facility. Furthermore, the P&Z has continued to give the original conditions away instead of being the first line of defense for the neighbors. Now, without any mitigations left, the P&Z must think any impact to the neighbors is acceptable.
3. The BCSD's motto for a few years was, "Promises Made, Promises Kept". Except here. It has been inconvenient for the BCSD to adhere to the original conditions of approval, their original promises.
4. BCSD claims this is all about Safety. **For whom?**
 - a. The general public? The parking facility is gated and often locked when not in use. When the gate is unlocked, it still appears forbidding to the general public, who do not wander through this parking facility.
 - b. Safety for the bus drivers? They all access their buses via the curb and sidewalks that run down both sides in front of the buses parked under the shelters. Drivers access their buses without crossing any travel path that the buses take leaving the facility.
 - c. Safety for support personnel? They wouldn't have any reason to be out there while buses are leaving for their routes, but if so, they use the same curb and sidewalks that the drivers use.
 - d. For whose safety is the BCSD concerned?
5. When the buses are in reverse, the backup beepers sound. Several drivers will have their buses in reverse at the same time, sounding their beepers, waiting for their turn to actually back up and leave the parking facility. **When do they know when it is their turn to leave? They are all on a radio system. Someone is directing the drivers as to when it is their turn to back up and leave the parking facility. The backup beepers are unnecessary.**
6. The BCSD claims that there is no legal avenue to apply for a waiver, even though the attached email from the Executive Assistant to the State Board of Education states that there is. The BCSD is not interested in applying for a waiver.

I can see where this is going, and I do not care to participate in any more public hearings. With deep disappointment in the City of Hailey and its disregard for the Health, Safety and Welfare of its citizens,



Becki Keefer
1221 Green Valley Drive
Hailey, Idaho

Subject:RE: Board authority concerning school bus regulation

Date:Wed, 9 Oct 2019 16:24:15 +0000

From:Allison Duman <Allison.Duman@osbe.idaho.gov>

To:Steve Keefer <sskeefe@cox.net>

Mr. Keefer,

I do not have a record of any such waiver being brought to the Board for approval. All waiver requests are required to be submitted through one of the standing Board committees. The members of the committee review the request and determine if it should be brought to the full Board for approval. It is possible the Blaine County School District submitted the request for consideration, but you would need to verify this with the district.

Sincerely,

Allison Duman
Executive Assistant
650 W. State St. #307
Boise, ID 83720-0037
Tel:208.332.1571
boardofed.idaho.gov

-----Original Message-----

From: Steve Keefer [mailto:sskeefe@cox.net] Sent: Monday, October 7, 2019 4:24 PM

To: Allison Duman <Allison.Duman@osbe.idaho.gov>

Subject: Re: Board authority concerning school bus regulation

Hello Allison

I am sorry to bother you, however one additional question has come up.

Has the Blaine County School District applied for, or been granted, a waiver for the purpose of interrupting the back up bells on their fleet of school buses at any time since 2003?

Thank you again for your time and assistance with this.

Steve

On Oct 3, 2019, at 4:21 PM, Allison Duman <Allison.Duman@osbe.idaho.gov> wrote:

Mr. Keefer,

In response to your question whether a waiver is possible and might be heard by the Board, the answer is that the Standards for Idaho School Buses and Operations ("Standards") (adopted by the Board 11 15, 2017 and effective July 1, 2018), include a process under which a rule may be waived. Here is a link to the Standards: <http://www.sde.idaho.gov/student-transportation/files/forms-lists/regulations/SISBO-Manual-2018.pdf>. The section pertaining to waivers is quoted below.

X. APPEALS AND WAIVERS

1. The SBOE may grant a waiver of any rule not required by state or federal law to any school district upon written request, as provided in IDAPA 08.02.01.001. Written requests for such a waiver shall be submitted to the SDE Student Transportation staff using the waiver request form. The SDE staff shall submit the waiver request to the SBOE, along with any appropriate recommendation(s). All waiver requests must include supporting rationale and detailed justification for the request. The Board will not grant waivers of any rule required by state or federal law. State and federal law includes case law (including consent decrees), statutes, constitutions, and federal regulations.

Allison Duman
Executive Assistant

650 W. State St. #307
Boise, ID 83720-0037
Tel:208.332.1571
boardofed.idaho.gov

-----Original Message-----

From: Steve Keefer [mailto:sskefer@cox.net] Sent: Monday, September 16, 2019 7:17 PM
To: Allison Duman <Allison.Duman@osbe.idaho.gov>
Subject: Board authority concerning school bus regulation

I am writing concerning a claim made tonight at a City of Hailey Planning and Zoning commission meeting by representatives of the Blaine Country School District.

The School District operates a bus maintenance and parking facility within the city.

Since 2003 the District has complied with a conditional use permit issued by the City that included a condition that as mitigation for excessive noise that the back up beeper be disabled in the parking facility while backing.

At the time of approval the District indicated they could seek a waiver from the State Board to allow this condition.

Tonight the District claimed that no such waiver is allowed.

My reading of the SISBO Standards for Idaho School Buses and Operations indicated a waiver process does in fact exist on page 13.

I am unable to find any Federal or State of Idaho regulation other than SISBO that requires use of back up beepers.

I am not inquiring as to if such a waiver would be granted. I would hope it would be difficult. I am only inquiring if such a waiver is possible and might be heard by the Board.

Thank you for any information you might provide.

Steve Keefer
1221 Green Valley Drive
Hailey Idaho 83333
208-481-0131

Mail: PO Box 1151
Sun Valley I'd. 83353

From: [Lisa Horowitz](#)
To: [Christopher Simms](#); [Robyn Davis](#)
Subject: Fwd: Bus Backup Beepers
Date: Tuesday, September 17, 2019 8:31:13 AM

Lisa Horowitz

Begin forwarded message:

From: B Keefer <b.keefer@cox.net>
Date: September 17, 2019 at 6:39:08 AM MDT
To: <lisa.horowitz@haileycityhall.org>
Subject: Bus Backup Beepers

For the public record:

The mitigation offered by BCSD, and accepted by the City of Hailey on behalf of its residents, for noise mitigation of backup beepers: a f@#*king \$3600 fence.

What a travesty and misuse of public trust.

Sincerely,

Ex-volunteer Becki Keefer
1221 Green Valley Drive
(unfortunately) Hailey, Idaho 83333
(208) 727-7092

This email has been checked for viruses by Avast antivirus software.
<https://www.avast.com/antivirus>

From: [Lisa Horowitz](#)
To: [Jessica Parker](#)
Cc: [Lance Doby](#); [Robyn Davis](#)
Subject: FW: Beeping buses.
Date: Tuesday, August 27, 2019 9:51:16 AM

Public comment

Lisa Horowitz
COMMUNITY DEVELOPMENT DIRECTOR
CITY OF HAILEY
115 S. MAIN ST. HAILEY, ID 83333
208-788-9815 EXT. 13
CELL: 727-7097

From: Lynne Rikken <lricken4@gmail.com>
Sent: Tuesday, August 27, 2019 6:50 AM
To: Lisa Horowitz <lisa.horowitz@haileycityhall.org>
Subject: Beeping buses.

After beeping buses during the remainder of summer school and the first week of school, it is wonderful to have silence this second week of the school year. Thanks to the school district for complying.

Lynne Rikken
1230 Green Valley Drive
Hailey

From: [Lisa Horowitz](#)
To: [Robyn Davis](#)
Subject: FW: Description of Kill Switch
Date: Friday, July 12, 2019 10:25:31 AM

Lisa Horowitz
COMMUNITY DEVELOPMENT DIRECTOR
CITY OF HAILEY
115 S. MAIN ST. HAILEY, ID 83333
208-788-9815 EXT. 13
CELL: 727-7097

From: Pat Cooley <patcooley2011@gmail.com>
Sent: Thursday, July 11, 2019 8:30 PM
To: Christopher Simms <christopher.simms@haileycityhall.org>; Lisa Horowitz <lisa.horowitz@haileycityhall.org>
Subject: Fwd: Description of Kill Switch

Hey team,

This information is from Becki.

For the past 15 years the district has followed there own proposal. Bang. There is a new transportation director and suddenly that can't happen. It might be that there is no legal way to get the buses off the property then re energize the alarms but, somehow it worked for 15 years. It also may be the way the message has been delivered. The arrogance of the district has not changed in the last 15 years, regardless who is superintendent. It is exactly the reason many of us left public service at that time.

I will forward information from Becki regarding how to disable and re enable the alarms at least at that time.

Thanks, Please give due consideration for the residence who are forced neighbors of this transportation hub. Within the law obviously.

Pat

----- Forwarded message -----

From: **B Keefer** <b.keefer@cox.net>
Date: Thu, Jul 11, 2019 at 2:56 PM
Subject: Description of Kill Switch
To: <patcooley2011@gmail.com>

I sent you copies of the P&Z Minutes that I rec'd from Lisa.

See page 4, P&Z Minutes May 5, 2003:

Gaeddert addressed the noise component associated with using the school buses and

advised that BCSD is looking at a best management practice for dealing with the check list bus drivers are required to perform when they start up the buses. Gaeddert advised there is an override switch the drivers can flip when backing the buses up to turn off the noise of the OSHA required beepers. He advised that the horn check can be done off campus and that drivers would be limited to a speed of 10 mph and 1000 rpm maximum while on school property. Air pollution is being addressed with the possible use of bio-diesel for bus fuel. Noise decibel readings for idling buses are low. Gaeddert said the school district is proving to be a good neighbor by addressing noise and air pollution issues, and by providing the amenities it is providing at the high school.

See email exchange with Lisa in which Lance Doby has declared that all beepers would have to be disabled, and when a beeper was needed the driver had an "engage beeper" switch that would have to be manually held down to sound the beeper. That is incorrect, as per Gaeddert (above) and not what the drivers have been doing since 2003.

I do not understand. Both the attorney for the City and the attorney for BCSD were comfortable with this condition in 2003. What has changed, besides new personnel?

Who is supposed to enforce these Conditions of Approval?



Virus-free. www.avast.com

From: [B Keefer](#)
To: [Lisa Horowitz](#)
Subject: Fwd: Re: Back up Bleepers on School Busses
Date: Wednesday, April 10, 2019 6:24:45 AM

Hi Lisa,

I hope all is well with you.

The City's file on the Conditional Use Permit for the BCSD Bus Shelter/Bus Barn will show that I fought the BCSD Bus Barn/Bus Shelter in its present location tooth and nail, on behalf of my neighbors and myself, and we lost. At any rate, one of the initial Conditions of Approval for this project was that the buses would silence their back up beepers while in the Bus Shelter.

For 15+ years, the BCSD has complied with this Condition of Approval, for which I am very grateful. Now, it appears that the new BCSD Transportation Supervisor, Lance Doby, MBA, has chosen not to comply for safety concerns and "because that neighbor has moved". See the following email string.

Today was the first day for weeks that I have been able to use the Toe of the Hill Trail due to high snow levels and inclement weather, so if this has been going on for thirty days, today was the first opportunity I have had to be directly impacted by Mr. Doby's decision to disregard the Conditions of Approval. And, I was impacted. Furthermore, I am not the only person to use the TOTH Trail, nor am I the only neighbor to be impacted by increased noise at the Bus Shelter/Bus Barn.

I do not agree that it is no longer necessary to comply with Condition of Approval because of New and Previously Undisclosed Safety Concerns or because That Neighbor Moved Away. That the Conditions of Approval were intended to mitigate the impact just for one neighbor who has now moved away is an fictional story that has been repeated by the BCSD for years, and a specious argument. Other than that (untrue) gossip and that now Mr. Doby has replaced the previous BCSD Transportation Supervisor, what else has changed in 15+ years?

Speaking of safety concerns, another Condition of Approval was to clear out all buses and personnel in times of High Avalanche Hazards, but that condition has been ignored all these years by both the BCSD and the City of Hailey. I truly hope no one ever gets caught in a slide there.

I am not happy. Can the Conditions of Approval for the BCSD Bus Shelter/Bus Barn CUP be enforced?

Sincerely,

Becki Keefer

208-727-7092

----- Forwarded Message -----

Subject: Re: Back up Bleepers on School Busses

Date: Tue, 9 Apr 2019 16:54:34 -0600

From: Lance Doby <ldoby@blaineschools.org>

To: B Keefer <b.keefe@cox.net>

Becki,

Thanks for your concern. I am fairly new to this role and since I have been here I have tried my best to put safety first in all pupil transportation. I made the decision to have the drivers not silence their back up alarms for a couple of very important reasons. First off we have had a few close calls with buses backing up to leave the yard and the alarm would have made a difference. The second reason is that the back up alarms are part of what is called a "basic bus", this is what the federal government requires all buses to be equipped with. The back up alarm is a required option and so by silencing them the District is in violation of federal rules. If someone was injured by a bus that had the alarm altered the District could be liable. I would much rather the alarms sound to prevent anything like this from happening.

From my understanding the city asked for this restriction because of one home owner that was close to the buses and that person has moved. We have been doing this for almost a month and you are the first person to bring it to my attention.

I believe in my heart that those alarms are the safest way to back up a bus. I hope that the sound was not to distracting for you on your walk, if you choose to take this up with the city I will understand but will plead with them to allow this in the interest of safety.

If you would like to discuss this matter or any other bus safety issues I would be happy to talk to you.

Thanks again for your concern.

Lance Doby M.B.A.

208-578-5425

On Tue, Apr 9, 2019 at 2:18 PM B Keefer <b.keefer@cox.net> wrote:

Hello Mr. Doby,

I live in north Woodside and use the Toe of the Hill Trail almost daily when weather allows. This Trail runs just above and directly to the east of the BCSD Bus Shelter.

As I recall, the City of Hailey gave Conditional Approval to the School District to build this Shelter there. One of the conditions for Approval was that the buses silence their backup beepers when entering or leaving the Bus Shelter to minimize the impact of the facility on the neighboring residences.

Over the last 15+ years since the Bus Shelter was built, I have rarely heard the backup beepers. I hear them being quickly silenced, but not being used. Today, every bus that left the facility while I was walking by (between 1:45 and now) used their backup beepers, except for one, which was silenced by its driver.

Did the City recently void this condition to silence the backup beepers on buses in the Bus Shelter?

Sincerely,

Becki Keefer
1221 Green Valley Dr
Hailey

This email has been checked for viruses by Avast antivirus software.
<https://www.avast.com/antivirus>

--

Lance Doby, MBA
Transportation Supervisor BCSD
Office Phone 208-578-5425
Cell 208-481-2116



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Return to Agenda