Wednesday, May 25, 2016
City Council Chambers, Municipal Building
911 N. Seventh Avenue
6:30 p.m.

City Hall is accessible to persons with disabilities. Program access accommodations may be provided with three (3) days' advance notice by contacting Dave Hunt at dhunt@pocatello.us; 208.234.6248 or 5815 South 5th Avenue, Pocatello, ID.

PLANNING & ZONING COMMISSON (P&Z)

The Planning & Zoning Commission is a citizen advisory group to the City Council. They are charged with making recommendations concerning land use plans, planning processes and/or on matters of plan implementation. All regular meetings of the P&Z are quasi-judicial in nature and are recorded for record retention and minute transcription.

AGENDA CLARIFICATION MEETING: A meeting will be held at 6:00 p.m. in the Iwamizawa Conference Room at City Hall, prior to the regular meeting for clarification of the agenda.

The following is the official agenda of the Planning & Zoning Commission. Discussion and Commission action will be limited to those items on the agenda. Any citizen who wishes to address the Commission shall first be recognized by the Chair, and shall give his/her name and address for the record. If a citizen wishes to read documentation of any sort to the Commission, he/she shall first seek permission from the Chair. A three (3) minute time limitation is requested for presentations to the Commission.

AGENDA ITEM #1: DISCLOSURE OF CONFLICT OF INTEREST, EX-PARTE COMMUNICATION AND SITE VISIT.
Disclose who was talked to, the basic substance of the conversation, and whether the conversation had any influence. Disclose if a site visit was done, location(s) of the visit, and what was seen.

AGENDA ITEM #2: APPROVAL OF MINUTES
The Commission many wish to approve the minutes from their works session held on May 3, 2016 and their regular meeting held on May 11, 2016.

AGENDA ITEM #3: SHORT PLAT – FIELD SUBDIVISION
Dylan J. Field and Rocky Mountain Engineering and Surveying has submitted an application to subdivide approximately 5.49 acres into 2 residential lots located west of Shale Drive and north of Field Drive.

AGENDA ITEM #4: CONTINUED PUBLIC HEARING – SUBDIVISION ORDINANCE
The Commission is scheduled to continue the public hearing on the proposed changes to the Subdivision Ordinance.

****WORK SESSION****
The Commission may wish to adjourn to a work session to review and discuss the proposed re-write of the Wireless Communication Facility Ordinance.

AGENDA # 2

Planning & Zoning Commission Meeting
Minutes for May 3, 2016 5:10 p.m.
City Hall Council Chambers, 911 N Seventh Avenue, Pocatello ID 83201

PLANNING & ZONING COMMISSON (PZC)

The work session began at 5:10 P.M.

Present: Jack Brennan, Bill Hancock, Kathleen Lewis, Ryan Loveland (Arrived at 6:00 PM) Ryan Satterfield, and Matthew Tovey.
Unexcused: Steve Long.
Staff: Lon Crowell, Dave Foster, Mark Jensen, Matthew Lewis, and Merril Quayle.
Guests: Bill Isley.

****WORK SESSION****

Chair Lewis stated the Commission would continue working through the Subdivision Ordinance. The Commission concluded the PZC April 27 public hearing on item 24, the Surety Bond. The Commission will begin the work session with the Property Line Adjustment on page 28. Also discussed was the provision on the Surety and Warranty Bond process.

With no other items to discuss, **Chair Lewis** adjourned the meeting at 7:15 P.M.

Submitted by:

_____ Date Approved: _____

Aceline McCulla, Secretary

AGENDA # 2

PLANNING & ZONING COMMISSON (P&Z)
Minutes for May 11, 2016 at 6:30 p.m.
City Council Chambers, Municipal Building
911 North Seventh Avenue, Pocatello, ID 83201

The meeting began at 6:30 PM.
Present: Bill Hancock, Steve Long, Ryan Loveland, Ryan Satterfield, and Kathleen Lewis.
Excused: Jack Brennan and Matthew Tovey.
Staff: Lon Crowell, Dave Foster, Matthew Lewis, and Terri Neu.

AGENDA CLARIFICATION MEETING: A meeting was held at 6:00 p.m. in the Iwamizawa Conference Room at City Hall, prior to the regular meeting for clarification of the agenda.

The following is the official agenda of the Planning & Zoning Commission. Discussion and Commission action will be limited to those items on the agenda. Any citizen who wishes to address the Commission shall first be recognized by the Chair, and shall give his/her name and address for the record. If a citizen wishes to read documentation of any sort to the Commission, he/she shall first seek permission from the Chair. A three (3) minute time limitation is requested for presentations to the Commission.

AGENDA ITEM #1: DISCLOSURE OF CONFLICT OF INTEREST, EX-PARTE COMMUNICATION AND SITE VISIT.
Disclose who was talked to, the basic substance of the conversation, and whether the conversation had any influence. Disclose if a site visit was done, location(s) of the visit, and what was seen.
Hancock had nothing to report, **Long** had nothing to report, **Loveland** visited the site for item #3 and had nothing else to report, **Satterfield** visited the site for item 3 and had nothing else to report, and **Chair Lewis** had nothing to report.

AGENDA ITEM #2: APPROVAL OF MINUTES
The Commission many wish to approve the minutes from their regular meetings held on April 13 and April 27, 2016.
Satterfield motioned and **Long** seconded to approve the Minutes from April 13 and April 27, 2016. Those voting in favor were Hancock, Long, Loveland, Satterfield, and Chair Lewis. Motion passed.

AGENDA ITEM #3: PRELIMINARY PLAT – EASTPOINTE HILLS DIVISION #7
Scott Briscoe of Hallmark Development, LLC and Rocky Mountain Engineering and Surveying, has submitted an application to subdivide approximately 3.67 acres into 14 residential lots located north of Daybreak Drive, an extension of Hallmark Drive.

Mitchell Greer, Rocky Mountain Engineering, and Surveying, 600 East Oak Street, Pocatello, stated this was the seventh and final phase of this development. There would be 14 Lots and he believed they all comply with the zoning requirements. Greer understood the staff recommendations and conditions and did not have any problems with them, and he asked the PZC to approve this request.

Matthew Lewis, Planning Manager with the City of Pocatello, stated this preliminary plat was straightforward. He stated that staff recommended approval of the preliminary plat with the conditions outlined in Exhibit 1, corrections noted by City representatives on the preliminary plat prior to the submittal of the final plat, and all other standards or conditions to Municipal Code not herein stated and applicable to residential development shall apply.

Satterfield motioned and **Long** seconded to recommend approval to City Council for the Eastpointe Hills Subdivision 7th addition to subdivide approximately 3.67 acres into 14 residential lots located north of Daybreak Drive, an extension of Hallmark Drive, per staff recommendations and conditions listed. Those voting in favor were Hancock, Long, Loveland, Satterfield, and Chair Lewis. Motion passed.

AGENDA ITEM #4: PUBLIC HEARING – ZONING MAP AMENDMENT

This time has been set aside for the Commission to hear comments from the public regarding a request for a zoning map amendment. The request is by RNR Development, represented by Dioptra, LLC, and is to rezone the lot at Hawthorne Road and Snowbird Avenue (approximately 4175 Hawthorne Road) from Residential Medium Density Single Family (RMS) to Residential Commercial Professional. The Comprehensive Plan Map designation for this area is Commercial.

Terri Neu, Assistant Planner with the City of Pocatello, summarized the staff report. Neu stated that public notice was provided to property owners within 300 feet of the subject property, signage was posted on the property, notice was published in the Idaho State Journal as required per Municipal Code Section 17.02.300, and that no public comments either for or against had been received.

Neu identified that the Comprehensive Plan Map had all properties designated as "Commercial." She stated that this request better fits in this corridor, considering the adjacent Ward Park neighborhood and mix of commercial and office, and high density residential uses to the east in the City of Chubbuck. Neu also found that the change was in conformance with numerous Goals, Objectives, and Policies of the designation of "Mixed Use" on the Comprehensive Plan Map. Based on the findings, Staff recommends approval of the rezoning request from Residential Medium Density Single Family to Residential Commercial Professional.

Long asked Neu if they City of Chubbuck had to be notified and if they had any issues. **Neu** clarified they were notified, and they did not respond.

Chair Lewis opened and closed the public hearing, as there were no public comments, at 6:39 PM.

Hancock motioned and **Loveland** seconded to recommend approval to City Council to rezone the lot at Hawthorne Road and Snowbird Avenue (approximately 4175 Hawthorne Road) from Residential Medium Density Single Family (RMS) to Residential Commercial Professional (RCP) per staff recommendations, and to have Chair Lewis sign the Findings of Fact. Those voting in favor were Hancock, Long, Loveland, Satterfield, and Chair Lewis. Motion passed.

AGENDA ITEM #5: CONTINUED PUBLIC HEARING – SUBDIVISION ORDINANCE

The Commission may wish to continue the public hearing on the proposed changes to the Subdivision Ordinance.

Dave Foster, Associate Planner with the City of Pocatello, stated the PZC met during a work session on May 3, 2016, to discuss the subdivision code. There were a few concerns with the short plat options, dealing with the issuing of building permits prior to development but after recording, and other concerns relating to bonding. Foster provided an outline of the current issues that the Commission was working on in a memo that was sent to the members. Some questions required the input of other departments, such as Public Works, Engineering, and Legal. A meeting was scheduled for Monday, May 16, 2106, with staff, termed as the "Subdivision Committee" to present the information from the May 3 meeting to them, get feedback and options from

them, and to create drafts with new language. The new drafts and information will then be presented to the PZC.

Loveland motioned and **Hancock** seconded to reopen the public hearing on the Subdivision Ordinance. Those voting in favor were Hancock, Long, Loveland, Satterfield, and Chair Lewis. Motion passed.

Chair Lewis opened the Public Hearing at 6:44 PM.

There was no public comment.

Loveland motioned and **Hancock** seconded to continue the public hearing on May 25, 2016. Those voting in favor were Hancock, Long, Loveland, Satterfield, and Chair Lewis. Motion passed.

With no other business, **Chair Lewis** adjourned the meeting at 6:50 PM.

Submitted by _____ Approved on _____
Aceline McCulla, Secretary

AGENDA # 3

SUBDIVISION APPLICATION
PLANNING & DEVELOPMENT SERVICES DEPARTMENT
STAFF REPORT

MGP

SUBDIVISION: **Field Subdivision**

Preliminary:	Final:	**Short:XXXXXXX**

DATE: May 25, 2016
APPLICANT: Dylan J. Field represented by RMES
TITLE REPORT: Title report and legal description was submitted & reviewed
LOTS/UNITS: 2 lot subdivision
PRIMARY PUBLIC ACCESS: Field Drive

Recommendation by Planning & Development Services Staff

Hold Over:	Deny:	Approve:	**Approve w/Conditions:XXX**

CONDITIONS

1. **Engineering:** All conditions noted in **Exhibit 1** shall be strictly adhered to prior to recording of an approved plat.
2. **Planning:** If septic is being proposed then the primary and secondary drain fields shall be shown on both lots as part of a recorded plat.
3. All corrections noted by City representatives on the plat shall be completed prior to recording of the plat.
4. All other standards and conditions of Municipal Code not herein stated but applicable to platting and commercial development shall apply.

Planning & Zoning Commission Action: The Planning & Zoning Commission may wish to recommend of approval of the short plat with conditions as noted above.

GENERAL BACKGROUND

a. **Applicant and Request:** Dylan J. Field (mailing address: 1280 Field Drive, Pocatello, ID 83204) and RMES (600 E. Oak Street, Pocatello, ID 83201) have submitted an application and short plat subdividing approximately 5.49-acres into 2-lots.

b. **Site Detail:** The subject property is zoned Residential Estate (RE). This designation requires a minimum lot size of 15,000 square-feet for single-family dwellings. The existing lot measures 5.49-acres square-feet (+/-). The applicant is desirous in subdividing the lot into two (2) parcels; Lot-1 Block 1 will encompass 3.66-acres (+/-) and Lot 2 Block 1 will consist of 1.86-acres (+/-). Access to both lots will be via Field Drive.

c. **Municipal Code:** Staff required submittal of a short plat application based upon the definition of "Subdivision or subdivided land" under 16.08.250. This section defines "subdivision" as, any lot, parcel, or tract of land which is divided into two or more parcels or building sites. Because the plat consists of 4 or fewer lots a short plat procedure is permitted under Code Section 16.30.010.

d. **Infrastructure Comments:** 1.) Williams Northwest Pipeline has a high-pressure gas line and easement located along the southern boundary of the two parcels. As such the applicant shall make contact with William's representative prior to grading or disturbing any ground entailed in the easement (see condition 2 a. under Exhibit 1); (2) The plat shall show a sanitary sewer easement with a note providing information so the sewer restriction can be signed for Lot 2 Block 1. A note regarding sanitary sewer conditions is required for Lot 1 Block 1 (see condition 2 c. under Exhibit 1)

Engineering Department
911 North 7th Avenue P.O. Box 4169
Pocatello, ID 83205-4169
Phone (208) 234-6225 Fax (208) 234-6151

Exhibit 1

Memorandum

To: Matthew Lewis, Planning Manager

From: Merril Quayle P.E. Public Works/Development Engineer MQ

Date: May 16, 2016

Re: Field Subdivision (P&Z 5-25-16 and City Council 6-2-16 Agenda)

The Public Works Department has reviewed the plat for the above mentioned project and submits that the following changes shall be made prior to beginning construction.

1. **Plat**
   - **a.** Prior to recording the Plat a more inclusive and comprehensive review shall be done, coordinate all plat correction through Mark Jensen, City of Pocatello City Surveyor.
   - **b.** Subdivision plat shall conform to all state and local laws and ordinances.
   - **c.** The boundary of the subdivision shall be marked with 5/8" rebar and stamped 2" aluminum cap.
   - **d.** Notes on the plat shall be approved by the City of Pocatello City Surveyor and Legal Department prior to recording.
   - **e.** Clarify if there is any CCR's associated with this plat. If there are CCR's they need to be submitted for review by the City Legal Department.
   - **f.** Provide adjoining property owners recorded deeds, a copy of all recorded easements and document(s) which grants the signatory to sign the plat on the behalf of the owner(s) to the City Surveyor for final review.
   - **g.** The plat shall be black opaque ink, no gray scale or color.
   - **h.** The plat shall be reproducible on an 8.5x11 sheet of paper per Bannock County instructions.

2. **Infrastructure Comments**
   - **a.** The water service connection point is located in a pressure zone with high pressures (>100 psi). Individual PRV devices are required to mitigate the high pressure.
   - **b.** Williams-Northwest Pipeline has a high pressure line and easement that runs through the southerly edge of the property and access easement; make contact with Williams's representative prior to any grading or disturbance of the ground in this area.
   - **c.** Show sanitary sewer easement with a note even though it is not with in the plat boundary providing information so the sewer restriction can be signed for Lot 2 Block 1. Also there needs to be information shown for sanitary sewer conditions for Lot 1 Block 1.

5/17/2016

City of Pocatello Web Map

100m
400ft

586261.613 425545.872 Scale 1:3,094

Pocatello
A MUNICIPAL CORPORATION OF IDAHO

The City of Pocatello does not Guarantee the information contained In this map to be an accurate Representation of actual existing Conditions

Pocatello
A MUNICIPAL CORPORATION OF IDAHO

RECEIVED
APR 08 2016
By

PLANNING & DEVELOPMENT SERVICES
PO Box 4169, 911 NORTH 7 AVENUE
POCATELLO, IDAHO 83205
PHONE (208)234-6184; FAX (208)234-6586

SHORT PLAT APPLICATION

Submittal Received: 4.8.16 Permit No.: 16-848

Staff Contact: ML Receipt #: 105446

PZC Meeting Date: 5.19.16 City Council Date: 6.2.16 Receipt Date: 4.26.16

Filing Fee (see below): Plat $ 350 + Survey $ 300 + Plan $ 0 + Inspections $ 0 = Total Due $ 650

PLANNING REVIEW FEES:
Short Plat: $350.00

ENGINEERING REVIEW FEES:

Survey Review:		$250.00 + $25.00/lot
Additional accuracy reviews:		$150.00 per additional review
~~Plan Review of public improvements:~~		~~$200.00 + $20.00/lot~~
~~Additional plan reviews:~~		~~$150.00~~
~~Primary Inspections~~:	1 - 10 lots =	$80.00/lot; $300.00 minimum
	11-20 lots =	$70.00/lot
	21 + lots =	$60.00/lot
Subsequent inspections		$150.00 per department per trip to the site (billed by the Engineering Department)

Applicant:
DYLAN J. FIELD
Name
1280 FIELD DR.
Mailing address
233-8545
Phone (work/cellular/home)

Engineer:
RMES - J. Mitchell Greer P.E., P.L.S.
Firm & Contact
600 Oak Street, Pocatello, Idaho 83201
Mailing address
208-234-0110
Phone (work/cellular/home)

Project Information:

Subdivision Name: FIELD SUBDIVISION Is this a replat? ☐Yes* ■No

Zoning: RESIDENTIAL ESTATE Comprehensive Plan Land Use Designation: RESIDENTIAL

Location (Section, Township, Range): NE 1/4, NW 1/4 SEC. 12, T. 7 S., R. 34 E., B.M.

General Location: ~~EAST~~ WEST OF SHALE DRIVE AND NORTH OF FIELD DRIVE

Total Acreage: 5.49 ACRES Total Number of Lots: 2 LOTS

TERMS AND CONDITIONS

*** Replats require submittal, with this application, of the original plat and any associated homeowner covenants. The approval of this application does not permit the violation of any section of the Building Code or other Municipal Codes.**

I hereby acknowledge that I have read this application and state that the above information is correct. **THIS APPLICATION SHALL NOT BE CONSIDERED COMPLETE (NOR WILL A HEARING DATE BE SCHEDULED) UNTIL ALL REQUIRED INFORMATION HAS BEEN SUBMITTED AND VERIFIED.**
I am also aware the applicant or a representative must be present at the Planning & Zoning Commission and/or City Council meeting.

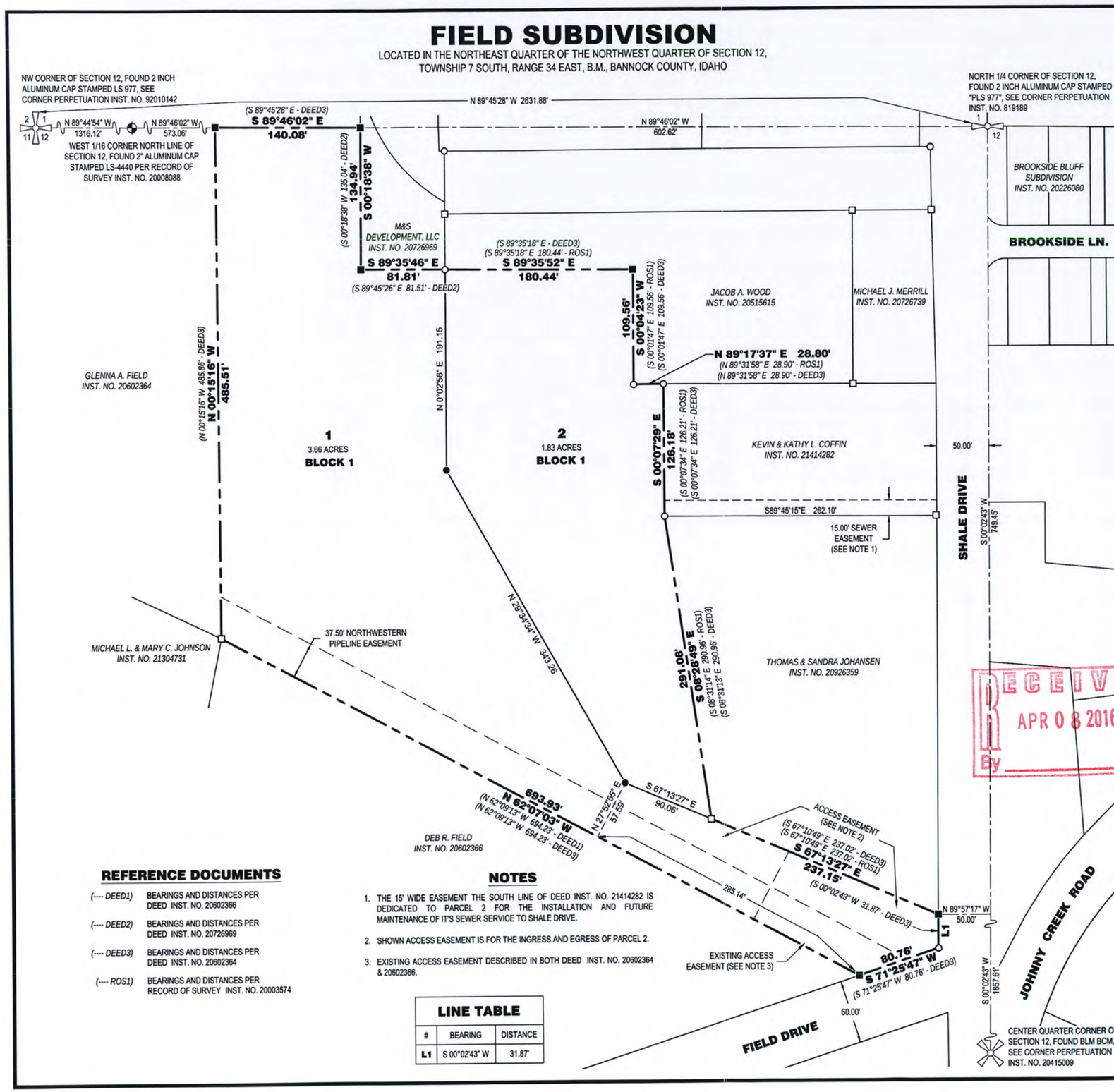
I HAVE READ THE FOREGOING AND AGREE TO THE ABOVE TERMS AND CONDITIONS.

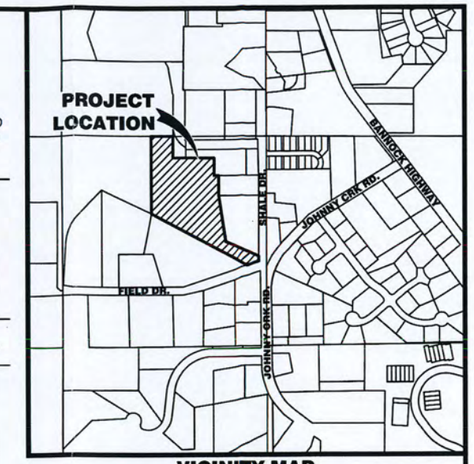
Signature of Applicant: Dylan J Field Glenna A. Field Date: 4/7/16

**** A sign (giving public notice) will be posted at the proposed site during the course of these proceedings.***

FIELD SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 7 SOUTH, RANGE 34 EAST, B.M., BANNOCK COUNTY, IDAHO





VICINITY MAP

LEGEND

- FOUND SECTION CORNER AS NOTED
- FOUND QUARTER CORNER AS NOTED
- FOUND CENTER CORNER AS NOTED
- FOUND 1/16 CORNER AS NOTED
- FOUND 1/2 INCH REBAR NO CAP
- FOUND 5/8 INCH REBAR WITH 2 INCH ALUM. CAP STAMPED "RMES PELS 2341"
- SET 1/2 INCH BY 24 INCH REBAR WITH PLASTIC CAP STAMPED "RMES PELS 2341"
- SET 5/8 INCH REBAR WITH 2 INCH ALUM CAP STAMPED "RMES PELS 2341"
- PARCEL BOUNDARY LINE
- PARCEL LINE
- EXISTING PARCEL LINES
- SECTIONLINE
- EASEMENT SIDELINE
- EXISTING EASEMENT SIDELINE

RECEIVED APR 08 2016 By

GRAPHIC SCALE

60 0 30 60

(IN FEET)
1 inch = 60'

BASIS OF BEARING

PER CITY OF POCATELLO DATUM BASED ON THE CENTRAL MERIDIAN OF IDAHO STATE PLANE EAST ZONE COORDINATE SYSTEM.

REFERENCE DOCUMENTS

(---- DEED1)	BEARINGS AND DISTANCES PER DEED INST. NO. 20602366
(---- DEED2)	BEARINGS AND DISTANCES PER DEED INST. NO. 20726969
(---- DEED3)	BEARINGS AND DISTANCES PER DEED INST. NO. 20602364
(---- ROS1)	BEARINGS AND DISTANCES PER RECORD OF SURVEY INST. NO. 20003574

NOTES

1. THE 15' WIDE EASEMENT THE SOUTH LINE OF DEED INST. NO. 21414282 IS DEDICATED TO PARCEL 2 FOR THE INSTALLATION AND FUTURE MAINTENANCE OF IT'S SEWER SERVICE TO SHALE DRIVE.
2. SHOWN ACCESS EASEMENT IS FOR THE INGRESS AND EGRESS OF PARCEL 2.
3. EXISTING ACCESS EASEMENT DESCRIBED IN BOTH DEED INST. NO. 20602364 & 20602366.

LINE TABLE

#	BEARING	DISTANCE
L1	S 00°02'43" W	31.87'

FIELD SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 7 SOUTH, RANGE 34 EAST, B.M., BANNOCK COUNTY, IDAHO

RMES Engineers • Surveyors • Planners

301 58th St. W. #138 • Williston, ND 58801 • (701) 572-0110
600 E. Oak St. • Pocatello, ID 83201 • (208) 234-0110

REVISIONS	SURVEYED BY:	J. KRATOCHVIL, J. ELLIOT
1	OFFICE WORK BY:	S. O'BRIEN, J. DIXON, J. CORNELISON
2	FIELD BOOK NO:	N/A
PROJECT NO: 15061	DATE:	APRIL 2016
DRAWING: R:\15\BOOTH ARCHITECTURE\FIELD DRIVE - 15061\SURV\CAD\FIELD SUB FP.DWG		
SCALE: 1 INCH = 60 FEET		SHEET 1 OF 2

FIELD SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12,
TOWNSHIP 7 SOUTH, RANGE 34 EAST, B.M., BANNOCK COUNTY, IDAHO

BOUNDARY DESCRIPTION

A TRACT OF LAND LOCATED IN THE SOUTH HALF OF SECTION 7, TOWNSHIP 6 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 7 BEING MARKED WITH A BLM BRASS CAP MONUMENT AS DESCRIBED IN CORNER PERPETUATION INSTRUMENT NUMBER 628488 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY;

THENCE SOUTH 81°14'35" WEST A DISTANCE OF 2032.08 FEET TO THE **POINT OF BEGINNING.**

THENCE SOUTH 7°25'50" EAST A DISTANCE OF 548.40 FEET;

THENCE SOUTH 84°28'14" WEST A DISTANCE OF 1004.98 FEET TO A POINT ON THE EASTERLY BOUNDARY LINE OF CRESTVIEW PARK 1ST ADDITION SUBDIVISION, RECORDED IN THE RECORDS OF BANNOCK COUNTY AS INST. NO. 739054;

THENCE FOLLOWING THE EASTERLY BOUNDARY OF SAID CRESTVIEW PARK 1ST ADDITION OVER THE FOLLOWING TWO (2) CALLS:

1. NORTH 7°20'48" WEST (RECORDED AS SOUTH 8°10'05" EAST) A DISTANCE OF 280.00 FEET TO A POINT ON THE SOUTHERN RIGHT-OF-WAY OF LOIS LANE;
2. CONTINUING NORTH 7°20'48" WEST (RECORDED AS SOUTH 8°10'05" EAST) A DISTANCE OF 50.00 FEET TO A POINT ON THE NORTHERN RIGHT-OF-WAY OF LOIS LANE, SAID POINT BEING ON THE SOUTHERLY BOUNDARY OF CRESTVIEW PARK 2ND ADDITION RECORDED IN THE RECORDS OF BANNOCK COUNTY AS INSTRUMENT NO. 91007983;

THENCE FOLLOWING THE SOUTHERLY AND EASTERLY BOUNDARIES OF SAID CRESTVIEW PARK 2ND ADDITION OVER THE FOLLOWING TWO (2) CALLS:

1. NORTH 82°39'12" EAST A DISTANCE OF 25.00 FEET;
2. NORTH 7°20'48" WEST A DISTANCE OF 265.43 FEET;

THENCE NORTH 83°34'08" EAST A DISTANCE OF 15.00 FEET;

THENCE NORTH 24°03'56" EAST A DISTANCE OF 222.53 FEET;

THENCE NORTH 82°34'10" EAST A DISTANCE OF 517.30 FEET;

THENCE SOUTH 7°25'50" EAST A DISTANCE OF 269.81 FEET;

THENCE NORTH 82°34'10" EAST A DISTANCE OF 330.00 FEET TO THE **POINT OF BEGINNING.**

CONTAINING 5.49 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, JAY L. CORNELISON, A REGISTERED LAND SURVEYOR OF THE STATE OF IDAHO, DO HEREBY CERTIFY THAT A SURVEY WAS MADE UNDER MY DIRECTION OF THE LAND DESCRIBED IN THE ACCOMPANYING BOUNDARY DESCRIPTION AND THAT THE PLAT UPON WHICH THIS CERTIFICATION APPEARS WAS MADE UNDER MY DIRECTION. I FURTHER CERTIFY THAT THE ACCOMPANYING MAP CORRECTLY DEPICTS THE DIVISION OF THE LAND AS MARKED UPON THE GROUND, THAT THE MONUMENTS SHOWN CONFORMS WITH THAT SET OR FOUND UPON THE GROUND, AND THAT THE PERTINENT PROVISIONS OF THE STATUTES OF THE STATE OF IDAHO TOGETHER WITH ALL LOCAL ORDINANCES PERTAINING THERETO HAVE BEEN COMPLIED WITH.

JAY L. CORNELISON — DATE

PROFESSIONAL ENGINEER REGISTERED 9341 STATE OF IDAHO JAY L. CORNELISON LAND SURVEYOR

DRAFT

SANITARY RESTRICTIONS

A SANITARY RESTRICTION IS IN FORCE PER IDAHO CODE 50-1326 TO 50-1329 ON THIS PLAT.

SANITARY RESTRICTIONS ARE SATISFIED AND LIFTED THIS_____DAY OF_____, 20__.

SOUTHEAST IDAHO PUBLIC HEALTH

CULINARY WATER

ALL LOTS IN THIS SUBDIVISION ARE ELIGIBLE TO RECEIVE WATER FROM THE EXISTING CITY OF POCATELLO MUNICIPAL WATER SYSTEM.

IRRIGATION WATER RIGHTS STATEMENT

IT HAS BEEN DETERMINED,THAT THE PROPERTY INCLUDED IN THIS SUBDIVISION IS NOT LOCATED WITHIN THE BOUNDARIES OF AN EXISTING IRRIGATION DISTRICT.

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

ARE RECORDED AS INSTRUMENT NUMBER _____ AND ARE HEREBY MADE A PART OF THE PLAT

OWNERS CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE LAND DESCRIBED IN THE BOUNDARY DESCRIPTION HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO BLOCKS, LOTS AND STREETS AND DO HEREBY WARRANT AND SAVE THE CITY OF POCATELLO AND THE COUNTY OF BANNOCK HARMLESS FROM ANY EXISTING EASEMENTS OR ENCUMBRANCES. IT IS THE INTENTION OF WE THE OWNERS TO INCLUDE ALL OF THE LAND DESCRIBED IN THE BOUNDARY DESCRIPTION IN THIS PLAT. THE LOCATION AND THE DIMENSIONS OF THE BLOCKS, LOTS AND STREETS ARE TO BE AS SHOWN ON THE ACCOMPANYING MAP OF THE PROPERTY. THE STREETS ARE HEREBY DEDICATED TO THE PUBLIC. LOT 11, BLOCK 3 IS DEDICATED TO THE CITY OF POCATELLO FOR STORM WATER DETENTION, PUBLIC UTILITIES AND PUBLIC ACCESS EASEMENT. THE EASEMENTS SHOWN ARE GRANTED TO THE PUBLIC FOR PUBLIC UTILITIES, ROADWAY SLOPES, DRAINAGE OR FOR ANY OTHER USE DESIGNATED ON THE PLAT, AND NO STRUCTURES OTHER THAN THOSE FOR SUCH UTILITY PURPOSES ARE TO BE ERECTED WITHIN THE LINES OF SAID EASEMENTS.

IN WITNESS WHEREOF WE OWNERS DO HEREUNTO SET OUR HANDS.

DYLAN J. FIELD — GLENNA A. FIELD

ACKNOWLEDGMENT

STATE OF IDAHO, COUNTY OF BANNOCK

ON THIS _____ DAY OF _____, IN THE YEAR 20__, BEFORE ME._____, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DYLAN J. FIELD, AND GLENNA A. FIELD. THE CORPORATION THAT EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME ON BEHALF OF THE CORPORATION.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL THIS DAY AND THIS CERTIFICATE ABOVE WRITTEN.

NOTARY PUBLIC_____

RESIDING AT: _____
MY COMMISSION EXPIRES: _____

RECEIVED
APR 0 8 2016
By _____

COUNTY SURVEYOR'S CERTIFICATE

I, _____, A REGISTERED LAND SURVEYOR IN AND FOR BANNOCK COUNTY, IDAHO, DO HEREBY CERTIFY THAT I HAVE CHECKED THIS PLAT AND COMPUTATIONS SHOWN HEREON, AND HAVE DETERMINED THAT THE REQUIREMENT OF IDAHO CODE 50-1305 HAVE BEEN MET, AND I APPROVE THE SAME FOR FILING THIS_____DAY OF_____, 20__.

REVIEWING SURVEYOR — NO.

CITY SURVEYOR CERTIFICATE

THIS IS TO CERTIFY THAT I, MARK JENSEN, A REGISTERED LAND SURVEYOR, HAVE CHECKED THIS PLAT AND THE COMPUTATIONS SHOWN HEREON AND FIND NO DISAGREEMENTS WITH IDAHO CODE OR LOCAL ORDINANCES PERTAINING THERETO.

MARK JENSEN PLS 10343 — DATE
POCATELLO CITY SURVEYOR

CITY OF POCATELLO

THE PLAT ON WHICH THIS CERTIFICATION APPEARS IS HEREBY APPROVED BY THE CITY OF POCATELLO, IDAHO, THIS_____ DAY OF_____, 20__.

BRIAN BLAD, MAYOR — RUTH WHITWORTH, CITY CLERK

MERRIL QUAYLE, ENGINEER FOR THE CITY

COUNTY TREASURER'S CERTIFICATE

PURSUANT TO 50-1308, IDAHO CODE. I, RADENE BARKER DO HEREBY CERTIFY THAT ALL COUNTY PROPERTY TAXES DUE ON THE PROPERTY BEING SUBDIVIDED, BOTH DELINQUENT AND CURRENT, HAVE BEEN PAID IN FULL.

THROUGH_____

RADENE BARKER — DATE

COUNTY RECORDER'S CERTIFICATE

I ROBERT POLEKI, CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BANNOCK, IDAHO ON THIS_____DAY OF_____,
20_____ AT_____M. AT THE REQUEST OF_____ AND WAS DULY RECORDED

AS INSTRUMENT NO._____

ROBERT POLEKI, COUNTY RECORDER

FIELD SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 7 SOUTH, RANGE 34 EAST, B.M., BANNOCK COUNTY, IDAHO

RMES
Engineers • Surveyors • Planners
301 58th St. W. #138 • Williston, ND 58801 • (701) 572-0110
600 E. Oak St. • Pocatello, ID 83201 • (208) 234-0110

REVISIONS	SURVEYED BY:	J. KRATOCHVIL, J. ELLIOT
1	OFFICE WORK BY:	S. O'BRIEN, J. DIXON, J. CORNELISON
2	FIELD BOOK NO:	N/A
PROJECT NO: 15061	DATE:	APRIL 2016
DRAWING: R:\15\BOOTH ARCHITECTURE\FIELD DRIVE - 15061\SURV\CAD\FIELD SUB FP.DWG		
SCALE: 1 INCH = 60 FEET		SHEET 2 OF 2

Pocatello
A MUNICIPAL CORPORATION OF IDAHO

Planning & Development Services

• ECONOMIC DEVELOPMENT • NEIGHBORHOOD & COMMUNITY SERVICES
• PLANNING & ZONING • POCATELLO REGIONAL AIRPORT

911 NORTH 7TH AVENUE | P.O. BOX 4169 POCATELLO, IDAHO 83205-4169 WEB: WWW.POCATELLO.US/PDS/INDEX.HTM

PLANNING & ZONING COMMISSION
MAY 25, 2016

May 19, 2016

AGENDA # 4

To: Planning & Zoning Commission
From: Dave Foster, Associate Planner
Re: Subdivision Ordinance – Rewrite Revisions

Following the Commission hearing on May 11, 2016, City staff from Planning, Public Works and the Legal Department met to discuss options pertaining to short plats, issuance of building permits and warranty bonds associated with subdivisions. Staff analyzed and discussed several options and evaluated implementation issues dealing with these items. The attached copy of the subdivision ordinance contains revised provisions dealing with these issues.

The revisions affected sections 16.16.010 Short Plats, 16.24.080 Recording the Final Plat, 16.24.100 Building Permits, and 16.24.110 Surety & Warranty Bonds. The revisions are identified by **red text**. Other changes that have been made in other sections since the original draft was reviewed are also identified by **red text**.

On May 11th the Commission approved the motion to continue the public hearing on the ordinance to their regularly scheduled meeting on May 25th in order to allow staff time to meet, discuss and draft these revisions. The Commission may wish to re-open the hearing for public testimony and continue their deliberations. If the Commission is satisfied with the proposed revisions, they may wish to entertain a motion with their recommendation which would be forwarded to the City Council.

Attachment: Subdivision Ordinance - Revised Draft

PROPOSED AMENDMENT - TITLE 16 - SUBDIVISION ORDINANCE

May 17, 2016

Chapters:

16.04	**General Provisions**
16.08	**Definitions**
16.12	**Pre-application Review**
16.16	**Short Plat Subdivision Application**
16.20	**Preliminary Subdivision Plat Application**
16.24	**Final Subdivision Plat Application**
16.28	**Property Line Adjustment Provisions**

Chapter 16.04 General Provisions

Sections:

16.04.010	**Title**
16.04.020	**Purpose**
16.04.030	**Authority**
16.04.040	**Extraterritorial Authority**
16.04.050	**Penalty for Selling Lots or Parcels**
16.04.060	**Enforcing Execution of a Plat**
16.04.070	**Replat Requirements**
16.04.080	**Amendments**

16.04.010 Title: This Title shall be known as and may be cited as the City of Pocatello Subdivision Ordinance. (City Code Title 16, 1996; City Ordinance 2407 (1), 1992).

16.04.020 Purpose: The purpose of regulating the subdivision of land is to ensure orderly development in the City of Pocatello; protection of the public, health, safety, and general welfare; to ensure an interconnected street system; to establish adequate provisions for water supply, drainage, sanitary sewer, and utilities; to ensure that new lots are adequate in size, shape, design, and topography to accommodate appropriate development; and to provide a process for the subdivision of land and to achieve these purposes.

16.04.030 Authority: This Title is adopted pursuant to the authority delegated to the City of Pocatello pursuant to Article 12, Section 2 of the Idaho Constitution; Chapter 65, Title 67, Idaho Local Land Use Planning Act, and Chapter 13, Title 50, Idaho Code, Plats and Vacations.

16.04.040 Extraterritorial Authority: Area within the Urban Service Boundary, rights of City to comment. All subdivisions of land within the officially designated Urban Service Boundary (Area of City Impact), located outside the official limits of the City of Pocatello shall be administered in

accordance with the ordinances of the County having jurisdiction. The County with jurisdiction shall transmit all proposed subdivision plats, within said area, to the City for review and comment at least fourteen (14) days before the first official decision regarding the subdivision is to be made by the County. Items which may be considered by the City include, but are not limited to, continuity of street pattern, street design, integrity and continuity of utility systems and drainage provisions and the provision of emergency services.

16.04.050 Penalty for Selling Lots or Parcels: Any person who shall dispose of or offer for sale any lot(s) or parcel(s) within the City until the subdivision plat thereof has been duly acknowledged and recorded, as provided in this Title and Idaho Code Title 50, shall be subject to penalties pursuant to Idaho Code, Section 50-1316.

16.04.060 Enforcing Execution of a Plat: Whenever the owner(s) of any tract/lot/parcel of land divide and/or sell and/or convey any part of said tract/lot/parcel without the approval of the City, the City shall have the authority to require the execution of a subdivision plat in accordance with the provisions of this Title and Idaho Code, Section 50-1314.

16.04.070 Replat Requirements: A replat shall comply with all applicable provisions of this Title and Idaho Code Title 50. The City may allow procedures other than replatting to adjust common property lines between abutting properties/lots subject to compliance with provisions of this Title.

16.04.080 Amendments: The Planning and Zoning Commission may recommend amendments to this Title, and the City Council, in acting on such recommendation or on its own motion, may amend this Title as applicable; provided that public hearing procedures are followed for said amendments.

Chapter 16.08 Definitions

16.08.010 General Definitions:

Affected Person: As used herein, an affected person shall mean one having a bona fide interest in real property which may be adversely affected by the approval, denial or failure to act upon a submitted application by the City Council, City Planning and Zoning Commission, Hearing Officer or City staff.

Applicant: Any person legally authorized to submit an application for the subdivision of land. The applicant need not be the "owner" of the property as defined by this chapter.

Area of City Impact: The officially designated area consisting of the City Urban Service Boundary within the unincorporated area of the adjoining county.

Block: A group of platted lots fronting on a street and designated as a "block" on a recorded subdivision plat.

City Major Street and Highway Plan: A part of the city development plan which provides for the development of a system of major streets and highways, including the location and alignment of existing and proposed thoroughfares.

City Development Plan: A comprehensive plan, or parts thereof, providing for the future growth and improvement of the city and for the general location and coordination of streets and highways, schools and recreation areas, public building sites, and other physical development, which shall have been duly adopted by the City Council (sometimes referred to as "regional plan").

Common Area: That area delineated on a plat which is held in common undivided ownership by owners of land within the platted area.

Developer: The individual or entity with ownership and/or operational control of the development of public infrastructure and improvements associated with a subdivision.

Development: The physical alteration or improvement of land by a developer, including but not limited to, grading, excavating, filling, construction and installation of public infrastructure and improvements and service provider utilities.

Development Master Plan (DMP): A preliminary master plan for the development of a large, unusual or complicated land area, the platting of which is expected in progressive stages. A DMP may be designed by the developer, planner, or site plan committee and shall be subject to approval of the Planning and Zoning Commission.

Director of Planning and Development Services: The person, so titled, who is responsible for coordination of city plans and programs with all other governmental organizations involved in the process of community development and for the supervision and direction of all activities of the Planning and Development Services Department.

Director of Public Works: The person, so titled, who is responsible for the supervision and direction of all activities of the City's Public Works Department.

Easement: A right of use, falling short of ownership, and usually granted for a certain stated use or uses.

Engineering Plans: Plans, profiles, cross sections, calculations and other required details for the construction of public or private improvements, prepared by a Professional Engineer licensed by the State of Idaho and in current standing, in accordance with the approved preliminary plat and in compliance with existing standards of design and construction approved by the City Council.

Exception Area: Any parcel of land which is within the boundary of the tract of land containing the land division which is not owned or controlled by the developer and is not incorporated into the land division.

Final Plat Approval: The approval of the final subdivision plat by the City Council, as evidenced by certification on the plat by the Mayor of the City, constituting authorization to record a final subdivision plat.

Irrigation Facilities: Includes canals, laterals, ditches, conduits, gates, pumps, and other equipment necessary for the supply, delivery, and drainage of irrigation water.

Lot: A unit of land lawfully created by a recorded subdivision plat for the purpose of sale or development, whether immediate or future.

Lot - Corner: A lot abutting on two (2) or more intersecting streets where the interior angle of intersecting does not exceed one hundred thirty five degrees (135°). A corner lot shall be considered to be in that block in which the lot fronts.

Lot - Interior: A lot having only one side abutting (fronting) on a street.

Lot - through lot or double frontage lot: A lot abutting (fronting) two (2) parallel or approximately parallel streets.

Lot frontage: The length of the lot line of any lot abutting (fronting) a street, road or highway.

Lot width: The width of a lot shall be:

A. If the side property lines are parallel, the shortest distance between these side lines along the lot frontage.

B. If the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear property lines.

Lot of Record: A lot, parcel or tract of land that was lawfully created by a recorded deed, contract of sale, or recorded plat prior to the adoption of the City of Pocatello Subdivision Ordinance No. 1594 on October 16, 1969 or lawfully created pursuant to applicable Municipal Code provisions after said date.

Owner: The person, persons or other legal entity holding legal title by deed to land, or holding legal title as vendees under land contract, or holding any other legal title of record.

Parcel: A generic term for any unit or units of land, typically not platted, described by a deed of record, land survey of record or other legally acceptable description.

Pedestrian-way, Pathway or Paseo: A dedicated walkway, sidewalk or path through a block from street to street and/or providing access to a school, park, recreation area, shopping center or other public or private amenity.

Planning and Zoning Commission: As established and defined in City Code, Title 17, may be referred to as "Commission".

Plat, Final: The recorded drawing, map or plan of a subdivision or subdivided land, or a replatting of such, prepared by a Surveyor licensed by the State of Idaho and in current standing, including certifications, descriptions and approvals in accordance with requirements of this Title and as specified by Idaho Code, Title 50, Chapter 13, Section 50-1304.

Plat, Preliminary: The preliminary drawing(s) showing the proposed design and layout of a subdivision, including but not limited to, the configuration of lots and blocks, and the location of streets and utilities.

Property Line Adjustment: The relocation or elimination of a common property line between abutting properties that does not create an additional unit of land.

Public Improvement Standards: A set of regulations setting forth the details, specifications, and instructions to be followed in the planning, design, and construction of certain public improvements in the City, formulated by the City Public Works, the County Health Department, and other City departments and approved by the City Council.

Public Infrastructure and Improvements: The infrastructure, improvements, facilities, structures and appurtenances required to provide municipal services to the public. Such services include, but are not limited to:

A. Potable and non-potable water systems (any required supply, transmission, storage, delivery, fire suppression, and distribution systems);

B. Municipal wastewater systems (any required collection and transfer pumping/pressure systems);

C. Stormwater systems;

D. Public rights of way improvements (any required streets, alleys, asphalt, curbs, gutters, sidewalks, pathways, pavement and signage traffic control, signalized intersections, and street lights);

Public Right-of-Way: Any land dedicated and open to the public, usually for a stated purpose, under the jurisdiction of the City or other State or Federal entity having jurisdiction. The right-of-way may or may not contain public maintained improvements.

Public Utilities: The infrastructure, appurtenances and facilities, underground, above ground or overhead, utilized to provide utility services to the public from a common carrier or corporation subject to the jurisdiction of the Idaho Public Utilities Commission or a municipal franchise. Said entities provide services such as, but not limited to, electricity, gas and communications.

Record of Survey: A recorded survey map prepared by a professional land surveyor licensed by the State of Idaho and in good standing, in conformity with Idaho Code Title 55, Chapter 19, and recorded with the county or counties wherein the lands surveyed are situated.

Replat: The act of reconfiguration of an existing lot or lots in a recorded subdivision that results in the increase or decrease in the number of lots/parcels within the subdivision or results in the reconfiguration of the subdivision in a manner that affects its original integrity.

Site Plan Review Committee: The committee comprised of City staff to review proposed plans and concepts involving the division and/or development of land within the city limits and provide guidance and suggestions regarding said plans and concepts.

Street: The portion of a public or private right-of-way dedicated or reserved primarily to accommodate vehicular access and travel. Any street, avenue, boulevard, road, lane, parkway, place, viaduct, easement for access, or other way which is an existing state, county, or municipal roadway; or a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or a street or way in a plat duly filed and recorded in the county recorder's office. A street includes the land between the right of way lines whether improved or unimproved and may comprise pavement, shoulders, curbs, gutters, sidewalks, parking areas, and lawns.

> **Arterial route:** A general term including freeways, expressways, and major arterial streets; and interstate, state, or county highways having regional continuity.
>
> **Collector street:** A street which provides for traffic movement within neighborhoods of the city and between major streets and local streets and for direct access to abutting property.
>
> **Local street:** A street which provides for direct access to residential, commercial, industrial, or other abutting land and for local traffic movement and connects to collector and/or major streets.
>
> **Marginal access street:** means a minor street parallel and adjacent to an arterial route which provides access to abutting property and intercepts local streets and controls access to an arterial route.
>
> **Cul-de-sac street:** A local street having one end permanently terminated in a vehicular turnaround.

Alley: A public right-of-way used to provide secondary vehicular access to the rear of properties otherwise abutting upon a street.

Subdivider: The person(s) or entity with vested ownership or operational control of the subject property or their legally authorized representative responsible for the subdivision of the subject property. May also be referred to as the applicant.

Subdivision or Subdivided Land:

A. Any lot, parcel, or tract of land which is divided into two (2) or more lots, parcels or sites for the purpose of sale or development, whether immediate or future.

B. The creation of cemetery lots pursuant to Idaho Code Title 50, Section 50-1303 – 1304.

C. The terms "subdivision" or "subdivided land" shall not apply under the following conditions, unless the method of disposition is adopted for the purpose of evading the requirements of this Title, to any division of land which:

1. Is created by order of any court of competent jurisdiction or by operation of law.

2. Is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in any investment entity.

3. Is created by a lien, mortgage, or other security instruments.

4. Creates an interest in minerals or water which is severed from the surface of ownership of real property.

5. Is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common, and such interest shall be deemed for the purpose of this section as only one interest so land as said acquisition continues to be a joint tenancy or tenancy in common.

6. Is created by the combination of contiguous parcels of land not previously subdivided into one plat or parcel, but the resulting parcel shall constitute only one interest in land and only one building site; provided, however, that easements and right of way shall not be considered interests for purposes of this subsection.

7. Involves the realignment of boundaries between adjoining landowners, providing the adjustment does not violate any existing ordinances or regulations of the city.

8. A bona fide division or partition of agricultural land into lots which are five (5) acres or larger and maintained for agricultural purposes pursuant to Idaho Code, Section 50-1301(16).

Subdivision - Short Plat: A recorded plat map, prepared by a professional land surveyor licensed by the State of Idaho and in current standing, in accordance with this Title and Idaho Code Title 50 and Title 55, of the division of a lot, parcel or tract of record into four (4) or fewer lots for the purpose of sale or development, whether immediate or future.

Tract: A generic term for any unit or units of land, typically unplatted, described by a deed of record, land survey of record or other legally acceptable description.

Usable Lot Area: That portion of a lot usable for or adaptable to the normal uses made of property, excluding any areas which may be covered by water, excessively steep, or included in certain types of easements.

Chapter 16.12 Pre-application Review

Sections:

16.12.010 Pre-application Review
16.12.020 Submission Requirements
16.12.030 General Requirements

16.12.010 Pre-application Review: All proposed land divisions shall be reviewed by City staff prior to the submittal of a formal application. Such review does not constitute filing of a land division application rather the purpose is to allow City staff concept review while allowing the applicant or **applicant's duly authorized representative** the opportunity to ask questions regarding the regulations and design requirements applicable to the division of property and to become aware of any issues prior to formal submittal of a land division application.

16.12.020 Pre-application Submission Requirements: The applicant or applicant's duly authorized agent shall submit **six (6) 11" x 17" copies of the proposed** land division concept plan to the Planning and Development Services Department.

A City Staff shall review the submitted concept plan and evaluate compliance with the applicable provisions of the Comprehensive Plan, Zoning Ordinance, and other regulations.

16.12.030 General Requirements:

A. No Building Permit shall be issued for construction or development on any proposed lot within a proposed subdivision or upon land subject to subdivision requirements until:

1. A plat has been approved and recorded as required by this Title and Idaho Code, Title 50 and a copy of the recorded plat has been submitted to the City Surveyor; and

2. All infrastructure and improvements required by the City have been installed, inspected and accepted by the City.

B. The submission of a subdivision plat application shall be required if any of the following circumstances exist:

1. In all cases when any lot, parcel, or tract of land is divided into two (2) or more lots, parcels or sites for the purpose of sale or development, whether immediate or future.

2. In all cases where the creation, dedication, access to, or extension of a public right of way is required, regardless of the number of lots being created.

3. In all cases where land or property is to be dedicated to the City.

4. In cases where, due to topography, future impact of the proposed land division, public utility needs, or other applicable circumstances, City staff determines that the recording of a plat is necessary.

Chapter 16.16 Short Plat Subdivision Application

16.16.010 Short Plat Subdivision: A proposed land division creating four (4) or fewer lots, shall be reviewed by City staff in order to determine if the proposal will require the submission of a complete subdivision plat application or a short plat application **pursuant to the provisions of this Title**. If the City staff determines that a complete subdivision application **consisting of preliminary plat and final plat applications** is not required, then City staff may authorize the submittal of a Short Plat Subdivision application to ensure compliance with applicable provisions of this Title and Idaho Code Title 50.

The Short Plat Subdivision process does not require the submittal of separate "preliminary plat" and "final plat" applications. A "short plat" is submitted in the "final plat" format pursuant to this Title and Idaho Code Title 50.

A. ~~The~~ **A** Short Plat Subdivision application ~~process cannot be used if the proposed land division~~**that does not** require~~s~~ any public dedication ~~for~~ **of** right-of-way~~,~~ **for** infrastructure or other public uses which requires acceptance by the City Council **is subject to the provisions of § C through M of this Section**.

B. A Short Plat Subdivision application that requires the public dedication of right-of way for infrastructure, improvements or other public uses which requires

acceptance by the City Council is subject to the provisions of § C through F of this Section and the applicable provisions of Section 16.24.110(A) of this Title.

~~B.~~

C. The proposed subdivision must comply with all other applicable design and survey standards adopted by the City.

D. Upon receipt of the short plat application, City staff shall perform a completeness review within five (5) days from official receipt of the application and applicable fees.

1. In the event that City staff determines that the application is incomplete, the applicant will be notified regarding what is needed to complete the application.

2. In the event that an incomplete application is returned more than two (2) times, additional application fees may be required.

3. Once it is determined that the application is complete, the application materials will be reviewed by City staff for technical compliance with applicable code provisions and notify the applicant of any deficiencies prior to the application being scheduled for review by the ~~Planning and Zoning Commission~~ **City Council** at a regularly scheduled meeting.

E. The review ~~and recommendation by the Planning and Zoning Commission is forwarded to~~ **by** the City Council **is** for ~~review and~~ **the purpose of rendering** a final decision.

F. **The "Final Short Plat Subdivision" shall be prepared in compliance with the applicable** provision of Chapter 16.24 of this Title and applicable provisions of Idaho Code Title 50.

G. **The "Final Short Plat Subdivision" shall be submitted to the City Surveyor for review for** substantial conformity to the plat reviewed by the ~~Planning and Zoning Commission~~ **City Council** and applicable State statutes and City ordinance provisions.

1. If the submitted final plat is not found to be in substantial conformity, the City Surveyor will notify the applicant and the applicant will be given the opportunity to make necessary corrections to achieve substantial conformity.

2. The applicant must re-submit a corrected plat within thirty (days) from the date of notification by the City Surveyor.

3. Failure to re-submit a corrected plat in conformity with the approved plat will result in a denial and require the applicant to submit a new application.

H. **The "Final Short Plat Subdivision"** shall contain applicable certification statements pursuant to Section 16.24.050 of this Title.

I. Upon a determination by the City Surveyor that the "Final Short Plat Subdivision" is in conformity with the requirements of this Title, **appropriate City signatures may be affixed to** the Plat ~~will be scheduled for review by the City Council.~~

J. ~~Upon approval by the City Council and~~ **A**fter obtaining all required signatures, the Plat shall be **submitted to the County Clerk for review and recording in the County** "Records of Plats" in accordance with applicable provisions of this Title and Idaho Code Title 50.

K. The applicant shall provide the City Surveyor with a copy, on CAD film, of the recorded Plat and an electronic (digital) AutoCad® (DWG) format file within thirty (30) days of recording.

L. Expiration of the approval to record the Short Plat shall be two (2) years from the date of approval by the City Council. Failure to record an approved plat within the designated time period serves to void the prior review and approval process and will result in requiring the submittal of a new application.

M. All other applicable provisions of this Title shall be met.

Chapter 16.20 Preliminary Subdivision Plat Application

Sections:

16.20.010 Preliminary Plat – Purpose
16.20.020 Application and Fees
16.20.030 Preliminary Plat Submittal
16.20.040 Preliminary Plat Review
16.20.050 Review Criteria
16.20.060 Planning and Zoning Commission Recommendation
16.20.070 Expiration of Planning and Zoning Commission's Recommendation

16.20.010 Preliminary Plat – Purpose: The purpose of the preliminary plat application is to require formal preliminary approval of a subdivision as provided herein in order to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat and all information and procedures relating thereto shall be in compliance with the provisions of this Title, other applicable City regulations and ordinances and applicable provisions of Idaho Code, Title 50, Chapter 13 Plats and Vacations.

16.20.020 Application and Fees: The applicant or their authorized representative, after completing the Pre-application Concept Review shall file an application for preliminary plat approval with the Planning and Development Services Department on a form prescribed by the City, together with ten (10) full size copies (18" x 24") and six (6) 11" X 17" **drawings of the preliminary plat and the** appropriate application fee paid in full.

16.20.030 Preliminary Plat Submittal: The preliminary plat shall be prepared and stamped, **signed and dated** by a professional land surveyor **and/or engineer** licensed by the State of Idaho and in current standing. **The plat map shall be clearly identified as a "Preliminary Plat".** The preliminary plat shall include the following information:

A. Proposed name of the subdivision and its location by quarter-quarter section, township, and range, in bold letters at the top of the sheet.

B. Name, address, and phone number of applicant(s) and/or owner(s) of record and a copy of the deed of record and current title report. If the applicant is not the owner of record, then duly executed authorization from the owner(s) is required.

C. Name, address and phone number of the professional land surveyor preparing the plat.

D. Scale, north arrow, date of preparation and revisions.

E. Vicinity map clearly showing the proposed subdivision in relationship to adjacent subdivisions, main arterial routes, collector streets, etc.

F. Topography by two-**foot (2') contours** based on NAVD 88 datum including the origin of the source and the date, or other datum approved by the City, shown on the same sheet as the subdivision layout and extending a minimum of fifty (50) feet beyond the perimeter of the subject property.

G. Location of water features such as, but not limited to, streams, canals, irrigation facilities, ditches, washes, lakes, wetlands, floodways and floodplains.

H. Platted streets, utilities, permanent structures to remain, water wells, and property deeded, dedicated or described for public use and Municipal boundary lines within or adjacent to the tract of land.

I. Current instrument number and ownership of all contiguous property and the name of any recorded contiguous subdivision(s).

J. Existing zoning classification(s) of the subject property shall be mapped and labeled.

K. The acreage of the subject property.

L. The boundary of the subject property to be subdivided shall be fully dimensioned.

M. Proposed street layout, including location, width, grade and proposed names (public and private) and existing and potential connections to contiguous land(s).

N. Lot dimensions, the size of each lot, sequentially numbered lots and the total number of lots listed by note.

O. Location, width, and use of proposed and existing easements.

P. The location, size and designated use of all land proposed to be dedicated or reserved for public or private use.

Q. Any proposed private on-site septic system(s) for any lot(s) or parcel(s) will be subject to City Code Chapter 13.16.

R. Preliminary engineering calculations demonstrating adequate volume, pressure and quality of water supply to the proposed subdivision can be achieved.

S. Preliminary engineering calculations demonstrating adequate waste water disposal and layout of the system including locations of outlets, subject to approval of the City.

T. Preliminary engineering calculations demonstrating adequate stormwater quantity and quality standards for the City can be satisfied.

U. Letters from all affected public utility providers confirming the availability of their respective services to accommodate the proposed development.

V. A traffic impact study will be required for any subdivision creating one hundred (100) or more peak-hour trips **based on the Institute of Transportation Engineers Trip Generation Handbook (current edition)**.

W. Proposed street names shall be no longer than fifteen (15) characters, including spaces and shall not be repetitive or similar to existing street names within the City. Proposed street names must be pronounceable and reviewed and approved by the City.

16.20.40 Preliminary Plat Application Review:

A. Upon receipt of the preliminary plat application, City staff shall perform a completeness review within five (5) days from official receipt of the application and applicable fees.

B. In the event that City staff determines that the application is incomplete, the applicant will be notified regarding what is needed to complete the application.

1. In the event that an incomplete application is returned more than two (2) times, additional application fees may be required.

C. Once it is determined that the application is complete, the application materials will be reviewed by City staff for technical compliance with applicable code provisions and notify the applicant of any deficiencies prior to the application being scheduled for review by the Planning and Zoning Commission at a regularly scheduled meeting.

D. The City will place a sign (or signs) on the subject tract to provide notice to the public of the proposed subdivision.

E. Pursuant to Section 67-6521, Idaho Code, any affected person may at any time prior to final action on a subdivision application, if no public hearing has been held, petition the City Council in writing to hold a public hearing pursuant to Section 67-6512, Idaho Code.

F. Representatives from the following City departments and affected agencies shall be given the opportunity to review the plat and provide comments.

1. City Public Works staff shall review the preliminary plat for the following:

   a. Basic street plans such as proposed right-of-way width, curb, gutter and sidewalk location and width, and planter strips.

   b. Basic public utility plan.

   c. The proposed subdivision does not impede the future extension of streets and/or utilities to adjacent lands or recreational access to public lands.

   d. Grading and drainage control measures.

   e. City Water Pollution Control Department for review of sewage disposal.

   f. City Water Department for review of water supply.

   g. City Streets and Traffic Departments for review of new streets and traffic impacts on existing roadways.

   h. Science and Environmental staff shall review plans for environmental impacts including but not limited to erosion and storm drainage.

2. Planning and Development Services shall review the preliminary plat for consistency with applicable zoning and development codes.

3. City Legal Department regarding applicable legal issues.

4. City Parks and Recreation Department for recommendations regarding parks and recreation facilities.

5. The City Fire Department shall review existing and proposed hydrant placement, fire apparatus access routes, design and location of required turn-around area(s) for developments.

   a. Construction standards for structures will be review**ed** with applicable building permit applications.

6. Southeast Idaho Department of Health for review of on-site water and sewage disposal, if applicable.

7. School District 25 officials shall review for impacts to school facilities.

8. Idaho Transportation Department officials shall provide written comment, where the land abuts a State controlled roadway, for review of right-of-way, access drives and intersection design.

9. Affected public utility providers.

G. The reviewing representatives/departments shall transmit their recommendations to the Planning and Development Services staff in writing within fourteen (14) days from the date that notice is provided. If no written comments are submitted by the required date, it shall be assumed that there are no concerns regarding the proposed subdivision.

H. Planning and Development Services staff will prepare a written report for the Planning and Zoning Commission. The report will contain an evaluation of compliance with applicable ordinance provisions along with all comments resulting from the ~~site plan~~**preliminary plat** review process.

16.20.050 Review Criteria: The Planning and Zoning Commission shall review the preliminary plat, at a scheduled meeting, for compliance with applicable ordinance provisions subject to the following review criteria:

A. The subdivision proposal complies with applicable provisions of this Title.

B. The subdivision proposal complies with all applicable City design standards and development regulations.

C. The subdivision proposal complies with all applicable zoning requirements of the underlying zoning district, applicable overlays, and other applicable development standards.

D. All public facilities including streets, sidewalks, curbs, gutters, water, sewer, fire protection, and sanitation services can be provided to the newly created lots and accommodate future extension to adjacent land.

1. The use of **a "control strip" intended to control or prevent the future extension of public** facilities or development of adjacent land is prohibited.

E. If City Public Works determines that the proposed subdivision will result in significant traffic impacts **pursuant to §16.20.030(V)**, **then a "Traffic Impact Study" will be required as part of the Commission's review.**

F. The proposal provides for a continuation of a connected transportation system unless topography or natural features prevents a connection to abutting streets or property.

G. The proposed subdivision provides for bicycle and pedestrian transportation routes and amenities in accordance with Bannock Transportation Planning Organization's adopted Bicycle and Pedestrian Plans.

H. Public utilities are provided to the newly created lots in public rights-of-way or in appropriately sized easements.

16.20.060 Planning and Zoning Commission Recommendation: The Commission, by motion, may issue a recommendation (approval or denial), with or without conditions, or continue the meeting to a set date and time.

A. The Planning and Zoning Commission's recommendation shall be reduced to writing and mailed to the applicant.

1 The recommendation may also be made available to other affected persons upon request.

2. **The Commission's** recommendation may be **subject to "Reconsideration" by** the City Council by an affected person pursuant to City Code Title 17 provisions.

B. A recommendation of approval constitutes authorization for the subdivider to proceed with the preparation of the final plat application.

C. If the Planning and Zoning Commission is unable to recommend approval of a preliminary plat, as submitted, due to a determination of non-compliance with applicable municipal code provisions, the following options are available:

1. The Commission may discuss changes to the preliminary plat that would resolve non-compliant issues with the applicant and offer the applicant with the opportunity to agree to make such changes.

    a. At the discretion of the Commission, said changes may be attached as conditions of a recommendation for approval; or

    b. The Commission may continue the meeting in order to provide the applicant with the opportunity to make such changes to the preliminary plat and submit the revised preliminary plat to the Commission for review at a subsequent meeting.

2. If the Commission and the applicant are not able to resolve non-compliant issues then the Commission shall, by motion, recommend denial of the preliminary plat application.

    a. **The applicant may seek "Reconsideration" of the Commission's recommendation for** denial by the City Council pursuant to City Code Title 17 "**Reconsideration**" provisions; or

    b. The applicant may, at their own discretion, proceed with the preparation and submittal of the final plat application pursuant to the provisions of Chapter 16.24 of this Title.

16.20.070 Expiration of Planning and Zoning Commission's Recommendation:

A. The **Commission's** recommendation is valid for a period of two (2) years from the date the recommendation is reduced to writing and mailed to the applicant.

    1. The complete final plat application must be submitted to the Planning and Development Services prior to the expiration of the two year period.

    2. Failure to submit the complete final plat application prior to the two year expiration date shall require the submittal of a new preliminary plat application pursuant to this Chapter.

Chapter 16.24 Final Subdivision Plat Application

Sections:

16.24.010 Purpose
16.24.020 Application and Fees
16.24.030 Final Plat Application Requirements
16.24.040 Final Plat Requirements
16.24.050 Final Plat Certificates
16.24.060 Final Plat Application Review
16.24.070 Final Plat Approval
16.24.080 Recording the Final Plat
16.24.090 Recording of Phases

16.24.100 Structures, Improvements and Building Permits
16.24.110 Subdivision Surety Bond and Warranty Bond

16.24.010 Purpose: This Chapter addresses the submittal requirements and the review, approval and recording requirements for a Final Subdivision Plat.

16.24.020 Application and Fees: After the review and a recommendation of approval of the preliminary plat application by the Planning and Zoning Commission, the subdivider may proceed with the preparation of a final plat application pursuant to the provisions of this Chapter .

A. The final plat application, with applicable fees shall be submitted to the Planning and Development Services Department within the required two (2) year approval period pursuant to Section 16.20.070 of this Title.

16.24.030 Final Plat Application Requirements:

A. A completed Final Subdivision Plat Application.

B. Planning, Surveying and Engineering review fees paid in full.

C. Two (2) **18" x 24" full sized** copies and a PDF copy of the final plat (in accordance with all items required under Title 50, Chapter 13, Idaho Code), **an 11"x 17" and 8.5" x 11"** reduction of the plat.

D. Two (2) **18" x 24" full sized** copies and a PDF copy of construction drawings for streets, water, sewer, sidewalks, storm water, curbs and other public improvements and utilities. One copy of which shall be returned to the applicant after the plans are reviewed and marked-up by City staff.

E. The final plat shall be prepared in accordance with applicable provisions of Idaho Code, Title 50, Chapter 13 and with City survey standards and with City engineering design and construction standards.

16.24.040 Final Plat Requirements: The final plat shall include the following minimum requirements:

A. The name and general location of the subdivision by quarter-quarter section, township and range, in bold letters at the top of the sheet.

B. North arrow, basis of bearing and scale of the plat.

C. **Surveyor**'s name, company name, address and official seal of the Idaho registered and licensed land surveyor preparing the plat.

D. The tract boundary must be accurately drawn showing the proper direction and dimensions of all boundary lines of the subdivision. Basis of bearing shall be City of Pocatello datum based on the East Zone of the Idaho State Plane Coordinate System.

E. The street names, widths, lengths, bearings, curve data on centerlines of proposed streets, alleys and easements desired or necessary; the boundaries, bearings and dimensions of all parcels within the subdivision intended to be dedicated to the use of the public; and the sizes, lines, dimensions, curve data and number of all lots, blocks and/or parts reserved or excepted for any reason within the subdivision.

F. The widths of abutting streets and alleys and street names. The names and boundaries of all adjoining recorded subdivisions shall be shown upon the plat offered for record. The adjoining subdivisions shall be clearly drawn to show their relationship to the plat offered for record. If adjoining land is not platted it should be noted as such.

G. All linear dimensions shall be shown to the nearest .01 of a foot and all bearings shall be shown to the nearest second of arc. All curves shall be defined by the radius, central angle, tangent, arc length, chord distance and chord bearing. The description and location of all monuments used to control the survey shall be shown.

1. All monuments shall be set in accordance with Title 50, Section 13, Idaho Code. All **exterior boundary corners shall be marked with 5/8"** diameter **by 24" minimum** length iron rod with 2-inch diameter aluminum cap. All exterior boundary corners shall also be **marked with a metal "T" type fence post at least 6' in length set immediately adjacent to** the required corner monument.

2. Street monument vaults shall meet City standards and be **placed a maximum of 600' apart with a 2" aluminum cap on top of a 5/8" x 24" iron rebar**. All other center-line **monuments shall be a 2" aluminum cap on top of a 5/8" x 24" iron rebar.**

H. All lots and blocks shall be numbered sequentially throughout the plat in accordance with Idaho Code Title 50, Chapter 13 and City engineering and survey standards.

I. The total acreage of the entire development and square footage of each lot, common areas and open space areas.

J. Location and description of cardinal points to which all dimensions, angles, bearings and similar data on the plat shall be referenced. In addition to the requirements of Title 50, Chapter 13, Idaho Code. The exterior boundary of the subdivision shall be tied to not less than two public land corners or corners recognized by the County Surveyor.

K. The NAVD 88 datum (date and source) utilized for the construction drawings shall be stated on the construction drawings.

L. The required certifications shall be lettered on the plat for the following: the Idaho professional land **surveyor's "certificate of survey", owner's dedication certificate with notary** public acknowledgement, approval by the City Council and acceptance of any public dedications, approval by the Engineer for the City, approval by the City Surveyor and other certificates as required by the County and Idaho Code.

16.24.050 Final Plat Certificates: The following certificates must appear on the Final Plat:

A. A certificate confirming that the Pocatello City Council has approved the final plat and accepts all public dedications contained in the plat. Said certificate is to be signed by the Mayor of the City of Pocatello and the City Clerk.

B. A certificate confirming the approval of the Engineer for the City of Pocatello. Said certificate is to be signed by the Engineer for the City of Pocatello.

C. A certificate confirming the approval of the City Surveyor for the City of Pocatello. Said certificate is to be signed by the City Surveyor for the City of Pocatello.

D. A certificate for the County Treasurer attesting to the fact that all property taxes have been paid. All Final Plats must be submitted for recording to the County within 30 days of being approved, signed and dated by the City.

E. A certificate confirming the approval of the Surveyor for the County.

F. A certificate signed by the County Recorder containing the recording date and instrument number of the plat.

G. A certificate, signed by the owner or owners of the tract containing the subdivision plat. The signature(s) of the owner(s) must be acknowledged by a Notary Public. **The owner's** certificate must contain the following:

1. The correct legal description of the subdivided tract and contain a statement as to their intention to include the described land in the plat and make a dedication of all public streets, easements, land and/or rights-of way shown on the plat.

2. A sewage system (sanitary) restriction statement attesting to the fact that the City of Pocatello has agreed, in writing, that all of the lots in the subdivision plat will be served **by the City's existing public sewage system.**

3. A water restriction statement attesting to the fact that the City of Pocatello has agreed, **in writing, that all of the lots in the subdivision plat will be served by the City's existing** public water system.

4. A statement attesting whether all or part of the subject property is either outside the boundaries of an existing irrigation entity or is located within such boundaries pursuant to Idaho Code 31-3805(1). If all or part of the subject property is located within the

boundaries of an existing irrigation entity then the statement shall comply with the applicable provisions of Idaho Code 31-3805.

5. A statement acknowledging that no building permits will be issued for any structures or improvements upon any of the proposed subdivision lots until;

   a. The Final Subdivision Plat has been approved and signed by the City and recorded with the County; and

   b. All required public dedicated structures, infrastructure and/or improvements have been constructed and accepted by the City.

H. A certificate signed and stamped by the Idaho professional land surveyor who conducted the survey and prepared the final plat attesting to the correctness of the plat and that all required monuments have been set and/or that a post-monumentation agreement has been executed pursuant to Idaho Code 50-1332.

I. A declaration stating whether or not there are recorded covenants conditions, and restrictions including the instrument recording number, if applicable.

16.24.060 Final Plat Application Review: After having been prepared in accordance with Idaho Code Title 50, Chapter 13, and the requirements set forth under this Title, the final plat application shall be submitted to the Planning and Development Services Department within the two (2) year validity period set forth in Section 16.20.070 of this Title. The final plat shall be in substantial conformance to the preliminary plat as reviewed and recommended by the Planning and Zoning Commission.

A. Unless changes made directly reflect specific Planning and Zoning Commission recommendations, a final plat fails substantial conformity if any of the following occur:

   1. The number of lots has increased or a significant change in the configuration of lots.

   2. Street alignment has changed significantly.

   3. Additional streets are proposed.

   4. A significant change**, more than 10%,** in the size or location of open space whether public or private.

   ~~5. A significant change in water, wastewater, or stormwater location or size or type of management.~~

   ~~6~~**5**. Other proposed changes which may have affected the preliminary plat reviewed by the Planning and Zoning Commission.

B. City staff will review the final plat application for substantial conformity.

1. If the final plat application is not in substantial conformance the final plat application will be considered incomplete and returned to the applicant.

    a. In the event that an incomplete application is returned more than two (2) times, additional application fees shall be required.

2. If the applicant desires to make changes affecting the substantial conformity of the final plat, then the plat application will be re-submitted to the Planning and Zoning Commission for review and a new recommendation pursuant to the preliminary plat provisions of this Title.

    a. The re-submittal of a preliminary plat for review by the Planning and Zoning Commission will require the applicant to submit a new application fee according to the application fee schedule.

16.24.070 Final Plat Approval: Final approval of a subdivision plat is validated by the signatures of the appropriate City and County officials pursuant to Idaho Code Title 50 and all applicable City Code provisions. **All final plats submitted to the City must comply with the "Essentials of Plats"** pursuant to Idaho Code Section 50-1304 and applicable City engineering and survey standards.

A. After City staff approves substantial conformity and completeness for the final plat application a meeting will be scheduled for City Council consideration for approval.

B. Subject to City Council consideration and approval and prior to recording, the Final Plat is subject to the following review process:

    1. A full sized copy, drawn to scale, will be submitted to the City Surveyor for review and comment.

    2. The City Surveyor will review the final plat for compliance with applicable survey provisions of Idaho Code and this Title.

    3. The City Surveyor will return the submitted copy with review comments to the **subdivider's surveyor** within thirty (30) days of submittal.

        a. If corrections are required, a corrected copy and the original copy with comments will be re-submitted to the City Surveyor for review.

        b. Subsequent reviews, if required by the City Surveyor, shall be subject to additional review fees.

    4. Upon receiving authorization from the City Surveyor, the subdivider may submit the final plat to the Surveyor for the County for review.

    5. Upon receiving authorization from the Surveyor for the County, the subdivider may submit the final plat on CAD film to the City Surveyor in order to obtain the authorized City signatures.

6. After all required City signatures are affixed to the final plat the subdivider will be notified that the final plat may be picked up and presented to the County for recording.

C. The approval of the Final Subdivision Plat by the City, as signified by the signatures of the **appropriate City officials, does not constitute the City's acceptance of**, or the responsibility for, any public facilities, improvements or infrastructure associated with the development and construction of the subdivision.

D. Expiration of the approval to record the final plat shall be two (2) years from the date of approval by the City Council. Failure to record an approved plat within the designated time period serves to void the prior review and approval process and will result in requiring the submittal of a new subdivision application.

16.24.080 Recording the Final Plat: City approval of the final plat does not guarantee County approval for recording. After County signatures are obtained and the final plat is recorded, the subdivider is responsible for submitting one (1) full size copy of the recorded plat on CAD film and an electronic (digital) AutoCad® (DWG) format file to the City Surveyor within thirty (30) days of recording.

A. Final Plat Recording Options: Authorization by the City for the subdivider to submit a final plat for recording to the County is signified by obtaining all required approval signatures from the City pursuant to one of the following processes.

1. Authorization to record a final plat prior to development and acceptance of required public infrastructure and improvements requires the subdivider to submit a duly **executed "Subdivision** Surety Bond" **pursuant to Section 16.24.110 of this Title prior to** obtaining all required approval signatures from the City.

2. Authorization to record a final plat after the construction and development and acceptance, by the City, of required public infrastructure and improvements requires the developer to submit a duly executed warranty bond pursuant to §16.24.110(E) of this Title prior to obtaining all required approval signatures from the City.

3. **Authorization to record a final plat prior to actual completion and approval of all infrastructure and improvements may be approved by the Public Works Director pursuant to the applicable provisions of the engineering, design and development regulations approved by the City and pursuant to compliance with the provisions of Sections 16.24.070 through 16.24.110 of this Title.**

16.24.090 Recording of Phases: An approved Final Plat may be recorded in phases subject to the following:

A. At the time of recording only the current phase proposed for development is to be shown on the Final Plat Map.

B. Additional phases that have been reviewed and approved by the City Council as part of the original final subdivision plat application may be offered for recording subject to compliance with Sections 16.24.010 through 16.24.110 of this Title.

C. The Final Plat Map of the additional phases offered for recording must conform to the original final plat subdivision plat application as approved by the City Council.

D. All phases proposed with the final plat application must be recorded within two (2) years from the date the original final plat application was approved by the City Council otherwise said approval becomes null and void.

1. Said two (2) year time period may be extended by the City Council.

E. Any reconfiguration or changes affecting the original approved final plat application will require review and approval by the City Council prior to recording.

16.24.100 Structures, Improvements and Building Permits:

A. No building permits will be issued for any structures or improvements upon any of the proposed subdivision lots until **either**:

1. The **approved** Final Subdivision Plat has been signed by the City and recorded with the County and all required public dedicated structures, infrastructure and improvements have been properly constructed**, inspected** and **officially** accepted by the City; **or**

2. **The approved Final Subdivision Plat or a phase thereof, has been signed by the City and recorded with the County and all required public infrastructure and improvements have been extended to the furthest lot line of the lot requesting the building permit and have been properly constructed, inspected and officially accepted by the City.**

   a. **If the developer desires to record a Final Subdivision Plat prior to completion of all required public infrastructure and improvements then the developer shall be required to adhere to the Subdivision Surety Bond provisions of Section 16.24.110 of this Chapter for the remaining incomplete portion of the recorded subdivision.**

B. The City will not maintain any streets or provide water, sewer or sanitation services to any subdivision lots until the Final Subdivision Plat has been approved and signed by the City and recorded with the County and all required public dedicated structures, infrastructure and improvements have been properly constructed and **officially** accepted by the City.

C. All development, improvements or other activities associated with the development and construction of an approved subdivision plat shall be solely the responsibility of the developer and shall be subject to applicable engineering, design and development regulations adopted by the City of Pocatello.

16.24.110 Subdivision Surety Bond and Warranty Bond:

A. Prior to obtaining required signatures of City officials necessary for authorization for the subdivider to record a final subdivision plat, the subdivider shall provide the City with a Subdivision Surety Bond (Surety Bond) in order to ensure proper completion of all public infrastructure and improvements required to be installed in the subdivision. The Surety Bond shall be issued in the name of the developer (as defined below) and subject to these provisions.

1. Subdivider: Is defined as the person(s) or entity with vested ownership or operational control of the subject property or their legally authorized representative responsible for the subdivision of the subject property.

2. Developer: Is defined as the individual or entity with ownership and/or operational control of the development of the public infrastructure and improvements associated with the subdivision.

3. A Subdivision Surety Bond is not required for a Short Plat Subdivision **that does not require any public dedication of new right of way**.

4. **A Short Plat Subdivision that includes the dedication of right of way and associated infrastructure and improvements is subject to the provisions of this Section.**

B. The Surety Bond shall be in a form and contain such provisions as authorized by City Council and approved by the City Legal Department. The Surety Bond shall include at minimum, but not be limited to the following:

1. Incorporation by reference the official name of the final subdivision plat and all data which is used to compute the total estimated cost of the public infrastructure and improvements and public utilities. Said data is to be prepared by the developer in accordance with the Idaho Standards for Public Works for Construction and submitted, in the appropriate electronic format, to the Public Works Department for review and approval.

2. Two sets of construction drawings and an electronic copy of the plans shall be submitted to the Public Works Department for review and approval.

3. Subject to approval of the estimated cost data and construction drawings, the Surety Bond amount shall be set at a minimum of 125% of the estimated cost of the required public infrastructure and improvements.

4. The form of the Surety Bond shall be a performance surety bond issued by a surety acceptable to and also signed by the City with the City named as the obligee.

   a. A valid Surety Bond shall remain in effect for the duration of the project and until the full release by the City at the satisfaction of the required two (2) year warranty period.

b. Failure to maintain the required Surety Bond shall result in the suspension of City authorization to continue with all development activities until such time as the Surety Bond is reinstated to the satisfaction of the City.

5. Completion date of the public infrastructure and improvements and public utilities within a period of time not to exceed two (2) years from the date the Surety Bond is executed.

6. The Public Works Director shall have authority over the Surety Bond proceeds which may be released, in whole or in part, only upon written approval of the Public Works Director.

7. If the Surety Bond proceeds, in whole or in part, are inadequate to pay the cost of the completion of the public infrastructure and improvements and public utilities according to City standards for whatever reason, then the developer shall be responsible for the deficiency.

8. Building permits shall not be issued for any lot in the subdivision until the final subdivision plat has been recorded and all public infrastructure and improvements have been completed and accepted by the City and/or the service/utility provider.

9. The developer shall submit written and notarized disclosure statement and a current title report attesting to the fact that there are no outstanding bills, liens or other encumbrances associated with any portion of the public infrastructure and improvements being offered to the City for acceptance.

10. In the event of the developer's failure to perform, all of the City's costs of obtaining the proceeds of the Surety Bond shall be deducted from the Surety Bond proceeds.

11. The developer agrees to hold the City, its agents, employees, public officials, and directors, harmless from any and all liability which may arise as a result of the public infrastructure and improvements which are installed until such time as the City accepts the public infrastructure and improvements.

C. Disposition and Release of the Surety Bond:

1. The developer giving the Surety Bond provided for here-in, shall be responsible for all costs, materials and workmanship of infrastructure and improvements and public utilities.

2. At the completion of the work, the developer giving the Surety Bond shall submit to the Public Works Department, one CAD film copy of the final construction drawings and a digital copy of the "as-built" drawings in accordance with the City electronic format and a certificate of completion signed by the developer and the developer's project engineer.

3. At completion of the work, the developer shall submit a written request to the Public Works Director requesting the City Council to accept the public infrastructure and improvements and release the Surety Bond in part or in whole.

4. The Public Works Director shall, within fifteen (15) business days of the receipt of the **developer's written request, authorize City staff to conduct an inspection of the public** infrastructure and improvements and prepare a written inspection report.

5. Upon completion of the inspection and the inspection report, the Public Works Director shall determine if the requested public infrastructure and improvements have been properly completed and passed inspection or if said infrastructure and improvements, or portions thereof, have not been properly completed and/or failed inspection.

6. Upon a determination of proper completion, the Public Works Director shall present the request to accept the public infrastructure and improvements to the City Council for final action.

7. Upon a determination that said infrastructure and improvements, or portions thereof, have not been properly completed and/or failed inspection, the Public Works Director will provi**de the developer with a copy of the inspection report and a detailed "punch list" of the deficiencies.**

   a. The developer must complete all identified deficiencies and pass required inspections in order to obtain a determination of proper completion and have their request for acceptance presented to the City Council for final action.

8. In the event the developer fails to properly complete the public infrastructure and improvements and/or fails to comply with all applicable development standards within established time-lines, the Public Works Director has the authority to initiate execution of the Surety Bond.

D. Partial Release Permitted: The Public Works Director may, upon receipt of a written request from the developer, authorize a partial release of the Surety Bond in accordance with the following schedule:

Percentage of Work Value Completed	**Maximum % of surety Eligible for Release**
25% of Total Surety Value	Up to 20% of Original Surety
50% of Total Surety Value	Up to 20% of Original Surety
75% of Total Surety Value	Up to 20% of Original Surety
100% of Total Work	Up to 25% of Original Surety

1. Based on this schedule, the City would retain 15% of the original Surety Bond amount. ~~in order to cover the required warranty period.~~

2. **Upon the proper execution of the required Warranty Bond pursuant to § "E" below the City will release any remaining balance of the Surety Bond.**

E. **Warranty Bond Requirements**~~Duration of the Warranty Period - Surety Bond Retainage~~:

1. The warranty time period of two (2) years for all public infrastructure and improvements

shall begin on the date following the completion of all said infrastructure and improvements and final acceptance by the City Council.

~~2. A retainage of 15% of the total amount of the original 125% Surety Bond shall be retained by the City for said two (2) year warranty period. Such retainage shall be a guarantee of the durability of all the public infrastructure and improvements.~~

2. The required Warranty Bond shall be for a minimum of $25,000 or a maximum of five percent (5%) of 125% of the original cost estimate for the required infrastructure and improvements, whichever is the greater amount.

a. The City of Pocatello shall be designated as the beneficiary with the right of execution and the bond shall cover the durability, condition, materials and workmanship of the infrastructure and improvements.

3. If during the warranty period the durability, condition, materials, or workmanship of any of the infrastructure or improvements fails or shows unusual deterioration~~, regardless of the causes or circumstances,~~ the Public Works Director shall provide written notice to the developer detailing the issues and required corrections and establish a reasonable time-line for the repair work to be completed.

4. If the developer fails to make the required corrections within the reasonable time set per §3 above, the Public Works Director may declare such developer in default and initiate execution and use of the Warranty ~~retainage~~**Bond** to defray the cost of required work.

   a. In the event the Warranty ~~retainage~~**Bond** is insufficient to cover the cost of making such corrections, the developer shall be responsible for all additional costs.

   b. If corrections have been required by the Public Works Director, the original warranty period shall be extended an additional one (1) year, for that work which has been corrected, from the date all required corrections have been completed and approved by the Public Works Director.

5. The developer shall acknowledge and agree to the Warranty Bond provisions of this Section as a written condition in the required "Development Agreement" to be executed with the City prior to authorization to initiate construction activities pursuant to the applicable provisions of Municipal Code Title 12.

Chapter 16.28 Property Line Adjustment Provisions

Sections:

16.28.010 Definitions
16.28.020 Standards
16.28.030 Application
16.28.040 Implementation
16.28.050 Final Approval

16.28.010 Definitions:

A. A Property Line Adjustment is the relocation of or elimination of a common property line between abutting properties that does not create an additional unit of land.

B. Common Property Line is a property line between abutting properties and may consist of one or more connected line segments.

16.28.020 Standards:

A. The adjusted properties must comply with all applicable zone district requirements.

1. All existing and proposed structures must comply with applicable setbacks.

2. The adjusted properties must comply with applicable minimum lot/parcel size and configuration requirements.

B. City staff may allow the adjustment of common property lines within a platted subdivision without being subject to replatting or plat vacation requirements pursuant to Title 50, Chapter 13, Idaho Code or land division requirements of Title 16 of the City Municipal Code, provided that the adjustment does not result in the increase or decrease in the number of lots or parcels within the subdivision or result in the reconfiguration of the subdivision lot(s) or parcel(s) in a manner that affects its original integrity.

16.28.030 Application:

A. An application and applicable fees must be submitted to the Planning & Development Services.

1. A copy of the current recorded deed(s) for each affected property.

2. A site plan map showing the existing property lines and dimensions, the location of all existing structures and setbacks and the size of each affected property.

3. A site plan showing the proposed adjusted property line(s) and dimensions, the location of all existing structures and setbacks and the size of each affected (adjusted) property.

4. The signatures of the current owner(s) of the affected properties.

5. A copy of the original plat for properties within an existing platted area.

B. Planning & Development Services staff shall review property line adjustment applications within five (5) days from official receipt of the application and applicable fees and determine compliance with the above provisions.

1. In the event that City staff determines that the application is incomplete, the applicant will be notified regarding what is needed to complete the application.

2. In the event that an incomplete application is returned more than two (2) times, additional application fees may be required.

C. Staff review and determination is a ministerial action subject to applicable standards adopted by the City.

D. City staff shall notify the affected parties concerning compliance with the standards listed above.

16.28.040 Implementation:

A. An approved property line adjustment shall be implemented by the recording of a "Record of Survey" pursuant to Idaho Code Title 55, Chapter 19, Recording of Surveys and the recording of the appropriate deed(s) with the County Clerk.

1. The relocation (adjustment) of common property lines shall be surveyed and monumented pursuant to Idaho Code Title 55, Chapter 19, Recording of Surveys.

2. The "Record of Survey" shall be submitted to the City Surveyor for review and approval prior to being recorded and shall contain the signature and date of approval of the City Surveyor.

3. A "Record of Survey" map shall be filed with the County surveyor and a full size copy of the filed survey shall be submitted to the City Planning & Development Services.

4. Appropriate deeds shall be recorded with the County Clerk and shall contain the names of the affected parties, the description(s) of the adjusted line(s) references to the original recorded deeds for the affected properties and signatures of the affected parties with proper acknowledgements. A copy of the recorded deeds shall be submitted to the City Planning & Development Services.

16.28.050 Final Approval:

A. Planning & Development Services staff shall review the "implementation" documents for compliance with the above provisions and shall notify the affected parties.

B. No building permits or other land use permits shall be issued for the affected properties until the provisions of this Chapter have been met.

AGENDA # Work Session

STAFF REPORT

To: Planning & Zoning Commission
From: Matthew G. Lewis, Planning Division Manager MGL
Date: P&Z worksession May 25, 2016

RE: Code Section 15.42 Wireless Communication Facilities (WCF) Amendments

RECOMMENDATION

Staff recommends that the Planning & Zoning Commission recommend approval of a modified Ordinance replacing Chapter 15.42 (Wireless Telecommunications Towers and Facilities), of the Pocatello Municipal Code with the enactment of a new Chapter 15.42 pertaining to the siting and permitting of Wireless Communication Facilities (attached). The proposed additions are underlined with existing text crossed (~~crossed~~) out.

BACKGROUND

Wireless Communication Facilities (WCF), are regulated by federal, state and local laws. Federal law significantly limits the City's ability to regulate WCFs. Under federal law, a local agency's decisions cannot prohibit the provision of wireless service or unreasonably discriminate among wireless service providers. Additionally, based on the Telecommunications Act of 1996, the City may not regulate the placement, construction or modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emissions, so long as facilities comply with the Federal Communication Commissions (FCC) regulations concerning such emissions.

The Spectrum Act

The latest law governing WCF's was adopted in 2012 as part of the 2012 Middle Class Tax Act. Said federal legislation contained Section 6409, better known as the Spectrum Act, and codified at 47 U.S.C 1455. The Spectrum Act was intended to facilitate the telecommunication industry's rapid deployment of wireless infrastructure by requiring local governments to approve any application that seeks to modify an existing wireless telecommunication facility that does not substantially alter the existing facility.

The Spectrum Act states that a local government cannot deny and shall approve an Eligible Facility Request, but provides no guidance as to the required process or time limits in which a local government has to act. As a result, the FCC recently promulgated rules which include necessary definitions, processing requirements, timelines and remedies for applications that seek to modify an existing WCF in accordance with the Spectrum Act.

As noted above, Section 6409 provides that the City, *"may not deny, and shall approve any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station."*

(47 U.S.C 1455(a)(1).) Section 6409 defines **"Eligible Facilities Request"** as *"any request for modification of an existing wireless tower or base station that involves;*

(a) collocation of new transmission equipment;
(b) removal of transmission equipment; or
(c) replacement of transmission equipment."

(47 U.S.C. 1455(a)(2).)The statute does not define any other terms, most importantly **"substantially change"** nor does it explain the process the City may use to evaluate whether an application qualifies for federal protection under this section.

On December 17, 2014, the FCC adopted regulations implementing Section 6409, codified at 47 C.F.R 1.40001, taking effect on April 9, 2015. In summary, the rules define terms that are not defined in the Spectrum Act, including "eligible support structure", "existing", substantially change" and "wireless tower". It is the intent of these definitions to provide clarity as to which types of projects are covered by the Spectrum Act. The rules also state that an applicant has the right to assert in writing that a project is covered by the Spectrum Act.

If the project falls within the definition of an "Eligible Facilities Request", the City must act on it within 60 days from the date of application is submitted, unless the City determines the request is not covered by the Spectrum Act. The 60 day time frame may be tolled by the City for incomplete applications, within 30 days of submittal (see proposed Section 15.42.060). The timeframe begins again when the applicant re-submits material and the City then has 10 days to respond. Failure of the City to act within the allowed timeframe results in the automatic approval of the pending application.

To comply with the Spectrum Act and the FCC rules, Planning & Development Services Staff has prepared an updated ordinance. Most of the current ordinance has been eliminated. The proposal establishes a straightforward permitting process for WCF modification requests covered under the Spectrum Act. Said ordinance also codifies other processing time rules (referred to as "Shot Clock") and provides clarification when needed.

PROPOSED ORDINANCE CHAPTER 15.42

The City's ordinance divides WCF permits into three (3) categories: Type 1, Type 2, and Type 3.

Type 1 WCF permit/application would apply only to collocations that meet the definition of "Eligible Facilities" under the Spectrum Act and would provide a streamlined review by City staff.

Type 2 WCF permit/application would apply to collocations that do not fit within the Spectrum Act. These types of WCF projects would typically involve towers on private property where the height of the tower is proposed to increase by more than ten percent (10%), towers in public Right-Of-Ways proposed to be increased by 10-feet or more or projects that will be adding more than 4 cabinets. Staff also proposes that roof mounted antenna & support system for Omni-directional antenna's not exceeding 10-feet above the highest portion of the roof be processed as a Type 2 permit. Placement of Distributed Antenna Systems (DAS) and Small Cells would be a Type 2 permit and may be approved administratively in any zoning district.

The Type 3 permit/application shall be required for siting of any new WCF that is not a collocation subject to Type 1 or 2. The ordinance grants the City the most discretion over applications for new towers or roof mounted exceeding 10-feet in height. Staff is proposing to eliminate the WCF Special Permit to simply require application of a Conditional Use Permit. The reason for this is that once a facility is permitted in gains "Eligible Facility" status and will be permitted to increase by right under the Spectrum Act. A public hearing would be held before the Planning & Zoning Commission whom would render a decision with appeal being made to the City Council. Section 15.42.050 provides an easy-to-follow process outlining; **(i)** the type of wireless facility; **(ii)** timeline for City review; and **(iii)** type of permit required.

A major amendment being proposed from the current ordinance can be found under Section 15.42.090 Zoning Districts & Land Use. The change moves from priority order as outlined in the existing ordinance to Uses Permitted = **P**; Conditional Use Permit = **C**; Restricted = **R**; and Not Permitted = **N**.

The proposed ordinance also codifies numerous definitions, processing time for the three (3) different permit Types, encourages collocation of antennas, DAS and Small Cells where/when possible.

Staff has provided photos of the different types of technology.

Attachments:
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Draft Ordinance
Photos

AGENDA # _____

EXECUTIVE SUMMARY SYNOPSIS

Significant additions/changes to proposed WCF Ordinance

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EXECUTIVE SUMMARY

To: The Honorable Mayor Blad and Pocatello City Council
From: Matthew G. Lewis, Planning Division Manager
Date: Council study session held on May 12, 2016

RE: Code Section 15.42 Wireless Communication Facilities (WCF) Amendments

RECOMMENDATION

Staff recommends that the City Council adopt a modified Ordinance replacing Chapter 15.42 (Wireless Telecommunications Towers and Facilities), of the Pocatello Municipal Code with the enactment of a new Chapter 15.42 pertaining to the siting and permitting of Wireless Communication Facilities (attached). The proposed additions are underlined with existing text crossed (~~crossed~~) out.

BACKGROUND

Wireless Communication Facilities (WCF), are regulated by federal, state and local laws. Federal law significantly limits the City's ability to regulate WCFs. Under federal law, a local agency's decisions cannot prohibit the provision of wireless service or unreasonably discriminate among wireless service providers. Additionally, based on the Telecommunications Act of 1996, the City may not regulate the placement, construction or modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emissions, so long as facilities comply with the Federal Communication Commissions (FCC) regulations concerning such emissions.

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Chapter 15.42
WIRELESS COMMUNICATION FACILITIES

15.42.010 FINDINGS

15.42.020 PURPOSES

15.42.030 DEFINITIONS

APPLICANT: Any person who applies for a ~~**tower development**~~ Wireless Communication Facility permit.

APPLICATION: The process by which the owner of a parcel of land within the city submits a request to develop, construct, build, modify, or erect a tower upon such parcel of land. Application includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an applicant to the city concerning such a request.

Base Station: means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this chapter or any equipment associated with a tower.

1. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. The term includes, but is not limited to, radio receivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks).
3. The term includes any structure other than a tower that, at the time the relevant application is filed with the City under this section, supports or houses equipment described under (1)-(2) above that been reviewed and approved by the City.

BUILDING: Any permanent structure built for the shelter or enclosure of person, animals, chattels or property of any kind, which is permanently affixed to the land and which has one or more floors and a roof.

CARRIER: A company that provides wireless services.

CONDITIONAL USE PERMIT: Conditional uses are uses that are allowed within a zoning district provided that certain standards (or "conditions") are met that will enhance the compatibility of the proposed use with other surrounding uses. Often conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of a specific proposal for a particular location. Application for a conditional use permit affords the city an opportunity to review the location, design, configuration, and potential impact of the proposed use on surrounding land uses

~~COLLOCATION: The use of a single support system on the ground by more than one carrier (vertical collocation) and/or several support systems on an existing building or structure by more than one carrier.~~

COLLOCATION: Means "the mounting or installation of transmission equipment on an existing support structure for the purpose of transmitting and/or receiving signals for communications purposes.

CONCEALMENT: The act of hiding something or preventing it from being known.

DISTRIBUTED ANTENNA SYSTEM or "DAS": means a network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.

~~EIA: The Electronic Industries Association.~~

ELIGIBLE FACILITIES REQUEST: Means any request for modification of an existing Tower or Base Station that, within the meaning of the Spectrum Act, does not substantially change the physical dimensions of that Tower or Base Station, and involves (a) Collocation of new Transmission Equipment, (b) the removal of Transmission Equipment, or (c) the replacement of Transmission Equipment.

ELIGIBLE SUPPORT STRUCTURE: Means any Tower or Base Station that exists at the time the application is filed with the City.

EQUIPMENT ENCLOSURE: A small enclosed structure, shelter, cabinet, box, or vault at the base of the support system within which are housed batteries and electrical equipment.

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission or successor agency.

FACADE ATTACHED ANTENNA: Any antenna directly attached or affixed to the elevation of a building, tank, tower, or other structure.

~~FREESTANDING TOWER: A tower not physically attached to a building or structure. The tower is attached to the ground by a foundation.~~

FULLY AUTOMATED WCF: A WCF with no on site personnel required for its daily operation.

GUYWIRE: Diagonal cables utilized to tie towers to the ground or other surfaces.

~~LATTICE TOWER: A support structure that consists of a network of crossed metal braces, forming a tower that is usually triangular or square in cross section.~~

~~LICENSED CARRIER: A company authorized by the FCC.~~

NONAUTOMATED WCF: A WCF with onsite personnel.

~~NONRESIDENTIAL STRUCTURE: A building or structure not constructed for residential purposes.~~

OMNIDIRCTIONAL (WHIP) ANTENNA: An omnidirectional antenna is a wireless transmitting or receiving antenna that radiates or intercepts Radio-Frequency (RF) electromagnetic fields equally well in all horizontal directions in a flat, two-dimensional geometric plan.

OWNER: Any person with fee title or a long term (exceeding 10 years) leasehold to any parcel of land within the city who desires to develop, or construct, build, modify, or erect a tower upon such parcel of land.

~~PERSON: Any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.~~

PHOTOSIMULATION: Computer generated photographs, renderings combining existing subject adjacent property conditions and improvements with proposed improvements.

PLANNING COVERAGE MAP: A map, maps, or plan on which are marked the service areas of other WCF sites operated by the applicant. The planning coverage map shall be considered exempt from disclosure pursuant to Idaho Code section 9-340(D) or as subsequently amended.

PUBLIC RIGHT OF WAY: Includes all public streets and utility easements owned by or dedicated to, the city of Pocatello, or other public entity.

~~RESIDENTIAL STRUCTURE: A building utilized exclusively for short or long term residential purposes~~.

REPLACEMENT: Only refers to the replacement of transmission equipment, not the replacement of an existing wireless tower or the support structure on which base station equipment is located.

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

SITE: **(for towers outside the Right-Of-Way)**: Are defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site**. (For other towers and all base stations**) "Site" is restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

SMALL CELLS: Means compact wireless base stations containing their own transceiver equipment and function like cells in a mobile network but provide a smaller coverage area than traditional macrocells. Small cells will meet the two parameters in subsections (a) and (b) below. For purposes of these definitions, volume is a measure of the exterior displacement, not the interior volume of the enclosures. Antennas or equipment concealed from public view in or behind an otherwise approved structure or concealment are not included in calculating volume.

(a) Small Cell Antenna: Each antenna shall be no more than three (3) cubic feet in volume.

(b) Small Cell Equipment: Each equipment enclosure shall be no larger than seventeen (17) cubic feet in volume. Associated conduit, mounting bracket or extension arm, electric meter, concealment, telecommunications demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch may be located outside the primary equipment enclosure(s) and are not included in the calculation of equipment volume.

SPECTRUM ACT: Means Section 6409(a) of the Middle Class Tax Relief Act and Job Creation Act, 47 U.S.C. ss 1455(a) (providing, in part, "… a State or Local government may not deny, and shall approve, any Eligible Facilities Request for a modification of any existing wireless Tower or Base Station that does not substantially change the physical dimensions of such Tower or Base Station.")

STEALTH DESIGN: ~~Any wireless telecommunications facility which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof mounted antennas, antennas integrated into architectural elements, and towers designed to look other than like a tower such as light poles, power poles, and trees. The term stealth does not necessarily exclude the use of camouflaged lattice, guyed, or monopole tower designs.~~ Means technology that minimizes the visual impact of wireless communication facilities by camouflaging, disguising, screening, and/or blending into the surrounding environment. Examples of stealth design include but are not limited to towers disguised as trees, flagpoles, bell towers, and architecturally screened roof-mounted antennas.

SUBSTANTIAL CHANGES: Means, in the context of an Eligible Support Structure, a modification of an existing Tower or Base Station where any of the following criteria is met:

(iii) Type 1: For any Eligible Support Structure:

(a) It involves the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or

(b) It entails any excavation or deployment outside of the current site of the Tower or Base Station; or

(c) The proposed modification would cause the concealment/camouflage elements of the Tower or Base Station to be defeated; or

(d) The proposed modification would not comply with the conditions associated with the prior siting approval of construction or modification of the Tower or Base Station, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new exaction that does not exceed the corresponding thresholds in this section.

(ii) Type 2: For a Tower **located in the public rights-of-way** and for all Base Stations:

(a) The height of the Tower or Base Station is increased by more than ten (10) percent or ten (10) feet, whichever is greater.

(b) There is added an appurtenance to the body of that structure that would protrude from the edge of that structure by more than six (6) feet; or

(c) It involves the installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure; or

(d) It involves the installation of any new equipment cabinets on the ground if there is no pre-existing ground cabinet associated with that structure.

(iii) Type 3: For a Tower **NOT** located in the public rights-of-way:

(a) The height of the Tower is increased by (i) more than ten (10) percent, or (ii) by the height of one additional Antenna array with separation from the nearest existing Antenna not to exceed twenty (20) feet, whichever is greater; or

(b) There is added an appurtenance to the body of the Tower that would protrude from the edge of the Tower by (i) more than twenty (20) feet, or (ii) more than the width of the Tower at the level of the appurtenance, whichever is greater.

~~TOWER: A self-supporting lattice, guyed, or monopole structure constructed from grade which supports telecommunications facilities. The term tower shall not include amateur radio operators' equipment, as licensed by the FCC.~~

TOWER: Includes any structure built for the sole or primary purpose of supporting any Wireless Communication Facility.

TRANSMISSION EQUIPMENT: Means "any equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas and other relevant equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and backup power supply"

UTILITY SUPPORT STRUCTURE ~~POLE: A telephone, electric, or cable television pole located in a street right of way.~~ Means utility poles or utility towers supporting electrical, telephone, cable or other similar facilities; street light standards; pedestrian light standards; traffic light structures and traffic sign structures.

~~WATERWAY: A channel, natural or manmade, through which water runs.~~

~~WHIP ANTENNA: See definition of Antenna: Omnidirectional (Whip) Antenna.~~

WIRELESS ~~TELE~~COMMUNICATIONS FACILITY ~~(WCF)~~: Any facility that transmits and/or receives electromagnetic signals, including antennas, microwave dishes, parabolic antennas, directional antennas and other types of equipment for the transmission or reception of such signals, towers or similar structures supporting the equipment, equipment buildings, shelters, cabinets, parking area, and other accessory development. However, telecommunications facilities shall not include any satellite earth station antenna two meters (2 m) in diameter or less which is located in an area zoned industrial or commercial; or any satellite earth station antenna one meter (1 m) or less in diameter, regardless of zoning category. (Ord. 2662, 2001)

15.42.040 TYPES OF WCF PERMITS REQUIRED

(1) A Type 1 WCF Permit shall be required for an "Eligible Facilities Request" which includes:
   (a) Collocation of new transmission equipment;
   (b) The removal of transmission equipment;
   (c) The replacement of transmission equipment.

(2) A Type 2 WCF Permit shall be required for:

   (a) Any modification of an Eligible Support Structure, including the collocation of new equipment, that Substantially Changes the physical dimensions of the Eligible Support Structure on which it is mounted or;

   (b) Any collocation not eligible for a Type 1 Permit or;

   (c) Any roof mounted with antenna & support system for an antenna not exceeding 10-feet above the highest portion of the roof or;

   (d) Placement of Distributed Antenna Systems (DAS) and Small Cells.

(e) A new tower located in the public Right-Of-Way

(3) A Type 3 Permit shall be required for siting of any new WCF tower that is not a collocation subject to a Type 1 or 2 WCF Permit as outlined in this section.

15.42.050: WIRELESS FACILITY PERMIT PROCESS

Type of Wireless Facility	Timeline for City review (per Federal Law)	Deemed Granted (per Federal Law)	Type of Permit Required	
Collocations or modifications/ replacement of wireless transmission equipment at an existing wireless tower or base station that do not "substantially change the physical dimensions of the existing wireless tower or base station" Section 6409(a) facilities	*60-days after the application is submitted *Can be extended by mutual agreement	YES	Type 1 WCF Permit * Administrative review & Approval by Planning & Development Services Director and/or his/her designee	
* Other collocations that "substantially change the physical dimensions of the existing wireless tower or base station" * roof mounted not to exceed 10-feet above the highest portion of the roof *Distributed Antenna Systems & Small Cells	90 day review after application submitted	NO	* Type 2 WCF Permit Required (1) Roof mounted (2) DAS & Small Cell Systems (3) Utility Mounted	
New tower (NOT in public Right-Of-Way *roof mounted exceeding 10-feet above the highest portion of the roof	150 days after application submitted	NO	* Type 3 WCF Permit – Conditional Use Permit required.	

(1) Roof mounted less than 10-feet above roof line is permitted via administrative review.
(2) DAS & Small Cell are permitted in ANY zoning district.
(3) Utility Support Structure: Permitted not to exceed 75-feet from grade to top

15.42.050: WCF APPLICATION REGULATIONS

(1) The applicant must identify whether the application is for an "Eligible Facilities Request" subject to the Spectrum Act, and if so, provide a detailed explanation as to why the application qualifies as an Eligible Facilities.

(2) The applicant shall complete the appropriate application form for a Type 1, Type 2, or Type 3 WCF with all pertinent information included. Any of the applications may be amended from time to time.

(3) The applicant shall include appropriate signatures and payment of the application fee as prescribed by the adopted Municipal Fee schedule.

15.42.060: PERMIT REVIEW TIME PERIODS

(1) City Review of Application Materials: The timeframe for review of an application shall begin to run when the application is submitted, but shall be tolled if the City finds the application incomplete and requests that the applicant submit additional information to complete the application. Such requests shall be made within 30 days of submission of the application. After submission of additional information, the City will notify the applicant within 10 days of this submission if the additional information failed to complete the application.

(2) Type 1 Processing Time: For Type 1 Collocations, the City will act on the WCF application together with any other City permits required for a proposed WCF modification, within 60 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time.
   (i) If the City determines that the application does not qualify as a Type 1 Eligible Facilities Request, the City will notify the applicant of such determination in writing and will process the application as a Type 2 WCF application.
   (ii) To the extent federal law provides a "deemed granted" remedy for Type 1 WCF application(s) not timely acted upon by the City, no such application shall be deemed granted until the Applicant provides notice to the City, in writing, that the application has been deemed granted after the time period in (2) above as expired.
   (iii) Any deemed Type 1 WCF application shall be subject to following conditions:
      (a) The approval of a WCF Type 1 permit shall be subject to the conditions of approval of the underlying permit, except as may be preempted by the Spectrum Act.
      (b) The proposed project shall be built in compliance with the approved plans on file with the City of Pocatello.

(3) Type 2 Processing Time: For Type 2 WCF Permits, the City will act on the application within 90 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time.

(4) Type 3 Processing Time: For Tier 3 WCF Permits, the City will act on the application within 150 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time.

(5) Denial of Application: In the event that the City denies a WCF application, the City will notify the applicant of the denial in writing outlining the reasons for the denial.

15.42.070 COLLOCATION OF ANTENNAS, DAS, & SMALL CELLS

A. To the extent possible not otherwise covered by Section 15.42.040 (1) "Eligible Facilities Requests", collocation and new WCF antenna arrays are permitted in all **zoning district**s via

administrative approval provided that the antenna array or roof mounted antenna is not more than 10-feet above the structure.

B. A Type 1 Application with applicable fees shall be submitted.

C. If any support structure must be constructed to achieve the needed elevation or if the attachment adds more than 10-feet above the existing structure or roof line, **the proposal is subject to a Type 2 review and application**. The limitation to 10-feet applies to cumulative increases and any previously approved additions to height made under this section must be included in said measurement.

D. Any equipment shelter, cabinet or ancillary equipment are subject to building setbacks as required in the underlying zone (Title 17).

E. Applicable Building, Mechanical, and Electrical Permits are required as determined by the Building Official.

F. Distributed Antenna Systems and Small Cells:

1. Distributed Antenna Systems (DAS) and Small Cells **are permitted in all zoning districts**.

2. DAS and Small Cells are subject to approval via administrative review only unless installation requires the construction of a new utility support structure or building. **Type II review is required when the applicant proposes new utility support structure or building.**

3. Multiple Site DAS and Small Cells
   a. A single permit may be used for multiple distributed antennas that are part of a larger overall DAS network.
   b. A single permit may be used for multiple small cells spaced to provide wireless coverage in a contiguous area.

15.42.080 TOWER SHARING, COLLOCATION, PREFERRED TOWER LOCATIONS and STANDARDS

A. Tower sharing and Collocation: New WCF facilities shall, to the maximum extent feasible, collocate on existing towers or other structures of a similar height to avoid construction of new towers, unless precluded by zoning constraints such as height, structural limitations, inability to obtain authorization by the owner of an alternate location, or where an alternate location will not meet the service coverage objectives of the applicant.

B. New Towers: Applications for a new tower must address all existing towers or structures of a similar height within ½ mile of the proposed site as follows:
   1. By providing evidence that a request was made to co-locate on the existing tower or other structure, with no success or;
   2. By showing that locating on the existing tower or other structure is infeasible with a detailed written explanation detailing why a new tower is required.

C. **Tower Height**: Towers are exempt from the maximum height restrictions of the districts where located.

D. **Tower Setback, base station and/or accessory facilities**: Setbacks are required based on the underlying zoning as measured from property lines to the base of the tower. Setback requirements may be modified so that a tower can be placed so as to reduce its visual impact, e.g., adjacent to trees which may partially hide the tower.

E. **Separation:** Towers shall be separated from all residentially zoned lands by a minimum of one hundred & fifty feet (150').

F. **Lighting:** Facility lighting shall be designed so as to meet but not exceed minimum requirements for security, safety or FAA regulations. Lighting of antennas or support structures shall be prohibited unless required by the FAA. All lighting shall be designed so as to avoid glare and minimize illumination on adjacent properties and shall comply with all city regulations.

G. **Idaho Code 54-1227 Easements and lease agreements**: The boundaries of easements and lease areas for cell towers need to be monumented and a record of survey filed with the County.

H. A modification **substantially changes the physical dimensions** of a tower or base station if it meets any of the following:

1. For towers outside of public rights-of-way ("ROW"), it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater;
2. For towers in the ROW and all base stations, it increases the height of the tower or base station by more than 10% or 10 feet, whichever is greater;
3. For towers outside the ROW, it protrudes from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater;
4. For towers in the ROW and all base stations, it protrudes from the edge of the structure more than 6 feet;
5. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
6. It entails any excavation or deployment outside of the current site of the tower or base station;
7. It would defeat the existing concealment/camouflage elements of the tower or base station; or
8. It does not comply with conditions associated with the locality's prior zoning approval of construction or modification of the tower or base station, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds.

15.42.090 ZONING DISTRICTS & LAND USE:

P = Permitted C = Conditional Use Permit R= Restricted N=Not Permitted

Zoning Category	Eligible Facilities	Substantial Changes	DAS & Small Cells	Roof Mounted < 10-feet	Roof Mounted > 10-feet	Utility Support Structure	New Tower **IN** Public ROW	New Tower **NOT** in Public ROW
ALL Residential Districts	P	C	P	P2	N	P3	N	C4
Mixed- Use Districts (1)	P	C	P	P	C	P3	N	N
ALL Commercial Districts	P	P	P	P	P	P3	N	C5
Research/Business Park	P	P	P	P	P	P3	N	C5
Designated Historic Districts	R1	R1	R1	R1	R1	R1	N	R1
Industrial	P	P	P	P	P	P	N	P

(1) Mixed Use Districts that do not have a residential component
R1 See Section 15.42.100 including exclusions
P2 Stealth design is required
P3 (a) Height not to exceed 75-feet from grade to top of the structure; (b) Review and approval required from utility owner
C4 Stealth design required; City owned property only with a public hearing before the City Council
C5 Stealth design required;

15.42.100 GENERAL REGULATIONS

~~A. Application Required: No person shall build, erect, use or modify a Wireless Telecommunications Facility (hereinafter WCF) upon any parcel of land within any zoning district unless: 1) a complete application to do so has been filed with the planning and development services department, and 2) approval in the form of a WCF permit has been received from the appropriate body, subject to the provisions set out in this chapter. All WCFs are prohibited from interference with city and public safety communication systems and/or area television or radio broadcasts. Applications must be accompanied by the appropriate fee as set by resolution of the city council.~~

~~B. Anchor Restrictions: Guywires may only be used to anchor an antenna, antenna array, or support structure to an existing building to which the antenna, antenna array, or support structure is attached.~~

~~C. Freestanding Facilities (Type 3) Restricted: In residential zoning districts freestanding WCFs, including towers, are prohibited. Freestanding WCFs are also prohibited within one hundred fifty feet (150') of any residentially zoned parcel, regardless of the underlying zoning district on which the WCF might be located. WCFs attached to utility poles or facade attached to nonresidential buildings are allowed by administrative staff permit subject to application procedures set out in this chapter and a twenty one (21) day notice and comment period requirement, and subject to the standards set out in this chapter, including those set out in section 15.42.180 of this chapter.~~

~~A. Special Permit Conditional Use Permit: In nonresidential zones tower A Conditional Use Permit is required for any new tower WCFs are permitted by means of an approved special WCF Conditional Use Permit regardless of the underlying zoning. Other WCFs are permitted subject to the provisions of this chapter.~~

A. Certificate of Appropriateness: Applications submitted for a WCF permit within nationally recognized historic district or within the 250 of the boundary of a historic district, must be

reviewed by the Pocatello Historic Preservation Commission accompanied by a Certificate of Appropriateness which is provided to the State Historic Preservation Office. ~~from the appropriate review board or commission of the city.~~

EXCLUSIONS:

(1) There is an exclusion from FCC National Historic Preservation Act (NHPC) review for collocations on existing utility structures including utility poles and electric transmission towers. **Note:** This exclusion only applies where the deployment meets specified size limitations and involves no new ground disturbance;

(2) The exclusion only applies to collocations on utility structures where historic preservation review is currently required under existing rules solely because the structures are more than 45 years old.

(3) Collocations on buildings and other non-tower structures exclusions permitted with following conditions:

a. There must be an existing antenna on the building or structure;
b. One of several criteria to mitigate antenna visibility must be satisfied;
c. The new antenna must comply with all zoning conditions and historic preservation conditions applicable to existing antennas in the same vicinity that directly mitigate or prevent adverse visual effects, such as camouflage requirements; and
d. The deployment must involve no new ground disturbance.

B. All WCFs shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the WCFs governed by this chapter shall bring said WCFs into compliance with the revised standards and regulations within six (6) months of the effective date of the revised standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring WCFs into compliance with such revised standards and regulations shall constitute grounds for the removal of the WCF at the owner's expense upon fifteen (15) days' written notice via normal first class mail. (Ord. 2662, 2001). Compliance with the Spectrum Act (Section 6409(a) enacted as part of the Middle Class Tax Relief and Job Creation Act of 2012, shall be adhered to.

C. Only one WCF shall be permitted on any one utility pole. The antenna shall be either fully concealed within the utility pole or camouflaged to appear to be an integral part of the utility pole. An antenna not flush mounted on the side of the utility pole shall be centered on the top of the utility pole to which it is attached and utilize stealth design.

~~F. Exceptions:~~

1. ~~The city council may approve a lease agreement or right of way use permit which allows a tower to be placed on city owned property in any zoning district within the city limits, without special WCF permit procedures being required, after a public hearing on the matter, if the council deems it to be in the best interests of the city.~~

2. ~~The planning and zoning commission may approve an application for a tower in a residential zone with a special WCF permit upon a satisfactory showing that applicant's coverage requirements necessitate location within that zone, and that the WCF can meet or exceed standards set out in this chapter. "Satisfactory showing" shall include certification from a qualified engineer as to the coverage requirements and insufficiency of other zoning districts to provide the same, and that a tower facility, rather than another WCF support system, is necessary. The applicant shall be responsible for all costs for professional services to provide information deemed necessary by the~~

~~commission in order to reach its decision. Appeal from the decision may be made to the city council, provided the request is submitted, in writing, to the city clerk within ten (10) days following the issuance of the decision. (Ord. 2846 § 4, 2008: Ord. 2662, 2001)~~

~~15.42.050: SITING AND FACILITY PRIORITIES~~

~~A. Based on potential aesthetic impact and subject to other restrictions set out in this chapter, the order of preference for approval of facility type is as follows: roof attached, facade attached, utility pole attached, and freestanding tower.~~

~~B. WCFs shall be located in the following priority order:~~

~~1. Collocation on an existing tower, structure or building. The applicant shall have the burden of proving that there are no feasible existing structures upon which to collocate as described below.~~

~~2. On city owned property.~~

~~3. In areas where the existing topography, vegetation, buildings, and other structures provide the greatest amount of screening.~~

~~4. On other nonresidential buildings or vacant nonresidentially zoned land.~~

~~5. In residential districts (nontower facilities only) subject to restrictions in this chapter. (Ord. 2662, 2001)~~

~~15.42.060: COLLOCATION REQUIRED:~~

~~A. No new tower shall be permitted unless the tower is designed and built to be able to support another carrier's WCF comparable in weight, size, and surface area to the telecommunications facilities installed on said tower by the applicant. No new tower shall be permitted unless the applicant provides evidence of the failure of applicant's good faith effort to install or collocate the applicant's telecommunications facilities on city owned towers or usable antenna support structures or on towers located on property leased from the city located within a one-half ($^1/_2$) mile radius of the proposed tower site, including good faith efforts to negotiate lease rights, to no avail or evidence of the following:~~

~~1. Lack of existing towers or structures located within the geographic area required to meet the applicant's engineering requirements;~~

~~2. Insufficiency of design of existing towers or structures to meet applicant's engineering requirements as shown in the master development plan;~~

~~3. Insufficiency of existing towers or structures to support the proposed antenna and related equipment;~~

~~4. That the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna; and/or~~

5. ~~The fees, costs of contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for share are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.~~

~~B. Collocation requests shall require only an administrative review and staff approval under the terms of the application procedures set out below. (Ord. 2662, 2001)~~

~~15.42.070: APPLICATIONS~~: NOTE: See 15.42.050 Left generic not as detailed as this section.

~~A. Applications shall be submitted to the city's planning and development services department for review.~~

1. ~~Nonresidential Districts: For permits requested in nonresidential districts for WCFs collocating on an existing structure, for WCFs attached to utility poles, or for WCFs whose installation on utility poles requires replacement of existing poles with poles no taller than seventy five feet (75'), the department is hereby authorized to issue an administrative permit upon its review and approval of an application submitted as set forth herein.~~

2. ~~Residential Districts: For permits requested in residential districts for facade attached WCFs or other permitted WCFs, in addition to the application and supporting documentation required herein, the applicant shall provide the department with mailing labels for owners of real property within a three hundred foot (300') radius of the proposed WCF location. The department shall mail notices to said property owners informing them of the application, the proposed permit issuance date, and their right to submit written comments or protests regarding the application, provided that said comments are submitted within twenty one (21) days of the date of said notice. For protests to be considered, there must be an allegation of facts, which, if accurate, show that the WCF will not or cannot substantially comply with the standards set out in this chapter, including the special WCF permit standards.~~

a. ~~If no written protests are received before the proposed issuance date, the department may issue the permit, subject to the provisions of this chapter.~~

b. ~~In the event the department approves a permit, if timely written protests have been received, the owners who submitted written protests shall be given written notice of the approval and their opportunity to appeal in writing to the department, within ten (10) days of the date of the notice. If an appeal is filed, the department shall notify the applicant of the appeal, set a date before the planning and zoning commission for its consideration and notify the applicant, any party having submitted comments, and the property owners described above, of the date, time, and place of the hearing. The department shall prepare a staff report and forward the written comments and protests and all information it gathers to the commission, along with the original application for consideration of the commission. The commission shall conduct the hearing, analyze information, and issue written findings and a decision regarding issuance of the permit. The commission may apply conditions which it deems necessary to protect the health, safety, and welfare of the citizens of the city in the event it decides to issue or uphold the issuance of the permit. Any aggrieved party who appeared in person or in writing before the department or the commission may file a written appeal with the city clerk within ten (10) days of the decision for hearing before the city council at the next available regular city council meeting. The city council shall review the record of the hearing below and the written appeal and may accept, reject, or modify the decision. The city council may apply conditions which it deems necessary to protect the health, safety, and welfare of the citizens of the city in the event it decides to issue or uphold the issuance of the permit.~~

~~B. Applications for Type 2 & Type 3 must contain the following information:~~

~~1. Name, address, and telephone number of the applicant, any coapplicants, and any authorized agents for the applicant and/or coapplicants. Written authorization bearing original signature(s) of the applicant and/or coapplicants shall be provided for any agent representing the applicant/coapplicants in this process. The applicant or coapplicant must be a licensed carrier and provide proof thereof with the application. The application must contain original signatures of the applicant and all coapplicants.~~

~~2. A complete legal description of the subject property.~~

~~3. A site plan drawn to a scale of no less than one inch equals twenty feet (1" = 20') specifying the following, provided that the city may waive any or all of the following for WCFs attached to existing structures:~~

~~a. Location, type, and height of the proposed WCF, including setback measurements.~~

~~b. On site structures, land uses, and zoning.~~

~~c. Circulation information including adjacent roadways, ingress and egress from the roadways, parking, pedestrian circulation and access.~~

~~d. Fences, signs, exterior lighting and storm drainage.~~

~~e. Property lines with dimensions, adjacent land uses, structures and zoning.~~

~~f. Information demonstrating compliance with the standards of this chapter.~~

~~g. Existing watercourses, utility lines, easements, deed restrictions, and any built or natural features restricting the use of the subject property.~~

~~h. North arrow, scale, and legend.~~

~~4. A landscaping plan (unless the WCF is to be attached to an existing building and all equipment is located within or on the building) drawn to the same scale as the site plan, clearly depicting all existing landscaping/vegetation and whether it will be removed or retained; all proposed landscaping complete with size, location and species of vegetation; specific depiction and notation of any features necessary to comply with the screening standards of this chapter.~~

~~5. Elevation drawing of before and after photographs/drawings simulating and specifying the location and height of the antennas, support structures, equipment enclosure(s) and other accessory uses, fences and signs.~~

~~6. Elevations of proposed aboveground equipment enclosures.~~

7. ~~A planning coverage map and/or maps on which are marked the service area of the facility for which application is being made and all applicant's WCF sites operating within the city limits and in the area of city impact as defined in the Idaho Code. The map shall be drawn to a scale of no less than one inch equals five hundred feet (1" = 500').~~

~~8. Photosimulations of the proposed WCF from affected residential properties and public rights of way.~~

9. ~~All information set out in the collocation requirement section of this chapter related to efforts at collocating facilities and all documentation necessary to show good faith efforts to comply with the siting and facility priority section of this chapter.~~

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

11. ~~A signed statement by the applicant certifying that any proposed tower can accommodate collocation of additional antennas and that the applicant shall enter into agreements for collocation with other providers.~~

12. ~~A signed statement that the applicant agrees to remove the WCF and equipment within ninety (90) days after the site's use is discontinued; and that the WCF shall be designed and erected so as to comply with all EIA standards and applicable federal, state, and city laws and regulations, including FAA regulations.~~

13. ~~Certification that usage of the WCF will not interfere with other adjacent or neighboring transmission or reception functions.~~

14. ~~Proof that the applicant is licensed with the FCC.~~

15. ~~A completed right of way use permit application if the WCF is to be located within a public right of way if not on an existing utility pole.~~

16. ~~The applicant must attach a copy of correspondence from the owner of the land and/or building on which the WCF is to be located, acknowledging the owner's approval of the use of the property for a WCF, the applicant's ability to enter into leases with other providers for collocation, and specifying the party responsible for removal of the WCF and attendant equipment within ninety (90) days of discontinuance of its use. (Ord. 2846 § 4, 2008: Ord. 2662, 2001)~~

~~15.42.080: HEIGHT STANDARDS:~~

A. ~~A roof attached WCF shall not exceed ten feet (10') above the highest portion of the roof membrane. The antenna and support system for whip antennas shall not exceed ten feet (10') above the highest portion of that roof, including parapet walls.~~

B. ~~A facade attached WCF shall not extend higher than ten feet (10') above the facade to which it is attached.~~

C. ~~A utility pole attached WCF may extend fifteen feet (15') above the height of the existing utility pole; provided, however, that the maximum height from grade to top of the entire structure may not exceed seventy five feet (75').~~

D. ~~Towers are exempt from the maximum height restrictions of the districts where located. Tower height shall be measured from grade and shall include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto which extend more than twenty feet (20') over the top of the tower structure itself. Tower height shall be set as a condition of the special WCF permit. (Ord. 2662, 2001)~~

~~15.42.090: SETBACK STANDARDS:~~

~~No freestanding WCFs or equipment enclosures shall be located between the face of a structure and a public street, bikeway, park, or residential development, except for approved facade attached WCFs. In addition to the foregoing prohibition and the setback standards established for individual zoning districts, the following regulations shall apply:~~

~~A. Utility pole attached WCF: None.~~

~~B. Facade attached WCF: Maximum projection shall be eighteen inches (18").~~

~~C. Roof attached WCF: The setback from the edge of the building shall be equal to the height of the antenna and support system as measured from the roof membrane.~~

~~D. Tower:~~

~~1. All towers up to one hundred feet (100') in height shall be set back on all sides a distance equal to the underlying setback requirement in the applicable zoning district.~~

~~2. Towers in excess of one hundred feet (100') in height shall be set back one additional foot per each foot of tower height in excess of one hundred feet (100'). Setback requirements may be modified, as provided herein in "criteria for site plan development modifications", so that a tower can be placed so as to reduce its visual impact, e.g., adjacent to trees which may partially hide the tower.~~

~~3. Towers shall be separated from all residentially zoned lands by a minimum of two hundred feet (200') or one hundred ninety five percent (195%) of the height of the proposed tower, whichever is greater.~~

~~E. Equipment enclosures: In accordance with the underlying zoning district. (Ord. 2662, 2001)~~

~~15.42.100: ENVIRONMENTAL STANDARDS:~~

~~A. WCFs shall be prohibited in wetlands, and may be prohibited in wetland buffer areas to minimize disturbance to the buffer areas.~~

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

~~C. Stormwater runoff shall be contained on site. Drainage plans and calculations must be submitted and approved.~~

~~D. Applicants locating WCFs within any floodplain shall comply with any additional placement standards required by the regulations for that area. (Ord. 2662, 2001)~~

~~15.42.110: LIGHTING AND SIGNAGE STANDARDS:~~

~~A. Facility lighting shall be designed so as to meet but not exceed minimum requirements for security, safety or FAA regulations. Lighting of antennas or support structures shall be prohibited unless required by the FAA. All lighting shall be designed so as to avoid glare and minimize illumination on adjacent properties and shall comply with all city regulations.~~

B. Signs shall be limited to those needed to identify the telephone number(s) to contact in an emergency, public safety warnings, certifications or other required seals. These signs shall also comply with the requirements of the city's sign code regulations. (Ord. 2662, 2001)

15.42.120: PARKING:

If the WCF is nonautomated, sufficient off street parking must be provided to accommodate the maximum number of employees on site at any one time. (Ord. 2662, 2001)

15.42.130: ACCESS:

In addition to ingress and egress requirements of the uniform building code, ANSI, and such others as may be adopted by the city, access to and from WCFs and equipment shall be regulated as follows:

A. No WCF or equipment shall be located in any required parking, maneuvering or vehicle/pedestrian circulation area such that it interferes with, or in any way impairs, the intent or functionality of the original design.

B. The WCF shall be secured from access by the general public but access for emergency services must be ensured. (Ord. 2662, 2001)

15.42.100: WCF; FACADE ATTACHED AND UTILITY POLE ATTACHED STANDARDS:

A. Facade Attached WCFs: Equipment enclosures shall be attached to the facade or roof of the support structure or placed or located underground if site conditions permit. Otherwise, equipment enclosures shall comply with applicable design standards set out below.

B. Utility Pole Attached WCF:

1. Attachment: Only one WCF shall be permitted on any one utility pole. The antenna shall be equal to or less than six feet (6') in height, including the support system, if any. Surface area of an antenna shall not exceed five hundred eighty (580) square inches. The antenna shall be either fully concealed within the utility pole or camouflaged to appear to be an integral part of the utility pole. An antenna not flush mounted on the side of the utility pole shall be centered on the top of the utility pole to which it is attached and utilize stealth design.

2. Utility Separation: In the event that a utility located upon the utility pole requires vertical separation between its utility facilities and the antenna so attached, the antenna may be raised by a support system or pole change out to accommodate the separation requirement to an elevation not exceeding an additional fifteen feet (15') or the required separation, whichever is less. Any such support shall not be greater in diameter than the existing utility pole and shall be designed to blend into the colors and textures of the existing utility pole.

3. Equipment Enclosures: No equipment enclosure may exceed six (6) cubic feet in volume. An underground equipment enclosure may be connected to an aboveground enclosure for a combined total volume of no greater than twelve (12) cubic feet. No single dimension of any aboveground equipment enclosure shall exceed three feet (3') and the structure shall be situated so as to minimize its visual impact, including screening with evergreen landscaping.

~~4. Utility Relocation: In the event utilities located on a utility pole are relocated underground, the WCF shall be relocated underground or to another location pursuant to the requirements of this chapter. (Ord. 2662, 2001)~~

~~15.42.150: SPECIAL USE WCF PERMIT:~~

~~The planning and zoning commission may approve a special use WCF permit, after public hearing, upon a satisfactory showing that the proposal has met the standards and conditions set out in this chapter. The commission may establish conditions as it deems necessary to preserve the health, safety, and welfare of the public. Any substantial or significant change or addition to a special permit shall require a new permit application. (Ord. 2846 § 4, 2008: Ord. 2662, 2001)~~

15.42.100: ~~SPECIAL USE WCF PERMI~~T CONDITIONAL USE PERMIT PROCEDURES:

Conditional Use Permit procedures shall be followed as outlined under Municipal Code Title 17.

15.42.110: ~~SPECIAL USE WCF~~ CONDITIONAL USE PERMIT STANDARDS:

A. **Application:** A CUP application shall be filed with the Planning & Development Services Department and include all fees outlined on the application.

B. **Burden of Proof**: The burden of proof that the proposed conditional use complies with all criteria as listed below. The applicant must their case with substantial and competent evidence.

C. **Criteria for Review**: The ~~hearing body~~ Planning & Zoning Commission shall review the facts and circumstances of each proposal in terms of the following standards and determine whether there is adequate evidence showing that the requested use at the proposed location:

1. Is conditionally permitted within the subject land use district and complies with all of the applicable provisions of this code unless modified through the CUP process;

2. Is consistent with the goals and policies of the comprehensive plan of the city;

3. Conditions may by be placed ~~that~~ resulting in the use being more compatible with existing and permitted land uses within the general area;

4. Could be adequately served by public facilities and services such as thoroughfares, transportation facilities, police and fire protection, drainage, refuse disposal, water/sewer and schools, to ensure that the proposed use would not be detrimental to public health, safety, and welfare;

5. Would not adversely affect the environment to a greater degree than had a use permitted outright by the ordinance been established;

6. Would not be detrimental to the public interests, health, safety, or welfare of the city in its proposed location, size, design, and operating characteristics.

E. Authority to Grant: The hearing body may approve, approve with conditions, or deny an application for a conditional use permit. The hearing body may impose any conditions necessary to accomplish the following:

1. Minimize potential adverse impacts on other developments and surrounding land use through the following:

   a. Increased landscaping;
   b. Screening & buffering;
   c. Use of materials;
   d. Colors to blend in with the use surroundings;
   e. Concealment requirements;
   f. Increased setbacks beyond that required in the underlying zoning;
   g. Engineering reports including those consisting of noise, smoke, odor, vibration, or illumination;
   h. Increased requirements for lighting and associated shielding;
   i. Geological and environmental reports as needed

2. Control the sequence and timing of development;

3. Control the duration of the construction period;

4. Require mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction;

5. Require that studies addressing demographic, economic, fiscal, traffic, engineering, geologic, and environmental concerns be conducted prior to granting approval;

~~10. Screening as deemed necessary~~

~~A. The WCF should not create an unreasonable hardship upon surrounding property owners.~~

~~B. The WCF should not unduly disrupt pedestrian, vehicular, or air travel.~~

~~C. The WCF should not adversely affect public utilities, public parks or the natural environment to a greater degree than uses permitted outright in the zoning district.~~

~~D. The placement of the WCF should be consistent with the purposes set forth in this chapter.~~

~~E. The WCF should be designed to be compatible in appearance and layout with adjacent uses.~~

~~F. The WCF should be designed so as to minimize any adverse effects on adjoining land. (Ord. 2662, 2001)~~

~~15.42.180: SPECIAL USE WCFS; TOWER DESIGN STANDARDS:~~

~~A. Hazard Assessment: Applicant must supply written, technical evidence from a qualified engineer(s) acceptable to the city fire department and the city building official that the proposed site of the tower or telecommunications facilities does not pose a risk of explosion, fire, or other~~

~~danger to life or property due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, or corrosive or other dangerous chemicals.~~

~~B. Setbacks: Setback requirements for a tower shall be measured from the base of the tower to the property line of the parcel of land on which it is located. Setback requirements may be modified so that a tower can be placed so as to reduce its visual impact, e.g., adjacent to trees which may partially hide the tower.~~

~~C. Structural Requirements: All towers must be designed and certified by an engineer to be structurally sound and, at minimum, be in conformance with the uniform building code and any other standards outlined in this chapter. All towers in operation shall be affixed to land.~~

~~D. Separation Or Buffer Requirements: For the purpose of this section, the separation distances between towers shall be measured by drawing or following a straight line between the base of the existing or approved structure and the proposed base, pursuant to a site plan of the proposed tower, drawn to scale. Tower separation distances from residentially zoned lands shall be measured from the base of a tower to the closest point of residentially zoned property. The minimum tower separation distances from residentially zoned land and from other towers shall be calculated and applied irrespective of city jurisdictional boundaries.~~

~~1. Towers shall be separated from all residentially zoned lands by a minimum of one hundred fifty feet (150') or a distance equal to one hundred percent (100%) of the height of the proposed tower, whichever is greater.~~

~~2. Proposed towers must meet the following minimum separation requirements from existing towers or towers which have a development permit but are not yet constructed at the time a development permit is granted pursuant to this code:~~

~~a. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed, by a minimum of three hundred feet (300').~~

~~b. Self-supporting lattice or guyed tower structures shall be separated from all other self-supporting or guyed towers by a minimum of nine hundred feet (900').~~

~~c. Self-supporting lattice or guyed tower structures shall be separated from all monopole towers by a minimum of three hundred feet (300').~~

~~E. Illumination: Towers shall not be artificially lighted except as required by the federal aviation administration (FAA).~~

~~F. Exterior Finish: Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, as approved by the planning and zoning commission.~~

~~G. Landscaping: All landscaping on a parcel of land containing towers, antenna support structures, or telecommunications facilities shall be in accordance with the applicable landscaping requirements in the zoning district where the tower, antenna support structure, or telecommunications facilities are located. The city may require landscaping in excess of the requirements in this code in order to enhance compatibility with adjacent land uses.~~

~~H. Access: All Pocatello fire department and uniform fire code standards regarding emergency vehicle access must be complied with, unless waived by the city.~~

~~I. Stealth Design: All towers not located in an industrial zoning district shall be of stealth design unless an exception is granted by the city council. (Ord. 2846 § 4, 2008: Ord. 2662, 2001)~~

~~15.42.190: COMPLIANCE WITH FEDERAL REGULATIONS:~~

NOTE: This section moved to General Regulations

~~All WCFs shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the WCFs governed by this chapter shall bring said WCFs into compliance with the revised standards and regulations within six (6) months of the effective date of the revised standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring WCFs into compliance with such revised standards and regulations shall constitute grounds for the removal of the WCF at the owner's expense upon fifteen (15) days' written notice via normal first class mail. (Ord. 2662, 2001). Compliance with the Spectrum Act (Section 6409(a) enacted as part of the Middle Class Tax Relief and Job Creation Act of 2012, shall be adhered to.~~

15.42.120: EXEMPT FACILITIES:

The following are exempt from this chapter:

A. FCC licensed amateur (ham) radio facilities;

B. Satellite earth stations, dishes and/or antennas used for private television reception not exceeding one (1) meter in diameter;

C. A government owned WCF installed upon the declaration of a state of emergency by federal, state or local government, or by Resolution of public necessity by the City Council. Such facility shall comply with all federal and state requirements. The WCF shall be exempt from the provisions of this chapter for up to one (1) week after the duration of the state of emergency;

D. A temporary, commercial WCF installed for providing coverage of a special event such as news coverage of sporting event. The WCF shall be exempt from the provisions of this chapter for up to one (1) week before and after the duration of the special event;

E. Eligible Facilities Requests as defined under the Spectrum Act.

15.42.130: MAINTENANCE:

A. Each permittee shall maintain its WCF in a good and safe condition, preserving the original appearance and concealment, disguise or screening elements incorporated into the design at the time of approval and in a manner which complies with all applicable federal, state, and local requirements. Such maintenance shall include, but not be limited to, such items as painting, repair of equipment, and maintenance of landscaping. If the permittee fails to maintain the facility, the city may undertake the maintenance at the expense of the permittee or terminate the permit, and remove the WCF at owner's expense, at its sole option upon fifteen (15) days' written notice via normal first class mail.

B. Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public. Tower owners shall install and maintain towers, telecommunications facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of the national electrical safety code and all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property. All towers, telecommunications facilities, and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person. All maintenance or construction of towers, telecommunications facilities, or antenna support structures shall be performed by city and state licensed maintenance and construction personnel. All tower owners shall maintain the towers in compliance with current RF emission standards of the FCC.

If, upon inspection, the city concludes that the tower fails to comply with such codes or standards and constitutes a danger to person or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring the tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days constitutes grounds for the removal of the tower at the owner's expense upon fifteen (15) days' written notice via normal first class mail.

In the event that the use of a tower is discontinued by the tower owner, the tower owner shall provide written notice to the city of its intent to discontinue use and the date when the use shall be discontinued and the tower removed from the premises. (Ord. 2662, 2001)

15.42.140: MODIFICATIONS:

A. Permit: A new permit must be obtained prior to any proposed change or addition to any WCF, provided that routine maintenance or replacement of any portion of the WCF with identical equipment in conformance with this chapter shall not require application for a new permit.

B. Existing Uses: All WCFs existing on the date of passage of the ordinance codified herein shall be allowed to continue their operation as they presently exist, subject to the terms of this chapter relating to abandonment or discontinuance of use. Routine maintenance shall be permitted, but construction involving the replacement of support structure apparatus, antennas, or any exterior alteration C. Exception: Emergency service WCFs may obtain a waiver from the city council if required for preserving the public health and safety. Issuance of the waiver shall require a public hearing and a finding on the part of the council that the modifications cannot comply without undue burden on the citizens of the city. (Ord. 2662, 2001)

15.42.150: ABANDONMENT OR DISCONTINUATION OF USE:

A. Construction or activation of a WCF shall commence within ninety (90) days of approval of the WCF permit or the permit shall be null and void. A ninety (90) day written extension approval may be granted by the planning and development services department due to weather conditions or other extenuating circumstances beyond the control of the applicant as determined by the planning and development services department, after written request by the permittee.

B. At such time that a licensed carrier plans to abandon or discontinue operation of a WCF, the carrier shall notify the city by first class U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to

abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the WCF shall be considered abandoned, effective the day of discontinuance.

C. The carrier shall remove the WCF no later than ninety (90) days after the date of abandonment or discontinuation, properly dispose of all waste materials from the site in accordance with local and state solid waste disposal regulations, and restore the location to its before use state, landscaping and grading excepted. Removal shall include, but not be limited to, removal of antennas, support structures, equipment enclosures and security barriers from the subject property.

D. If a carrier fails to remove a WCF in accordance with this section, the city may cause the facility to be removed and all expenses of removal, disposal, and restoration shall be paid by the owner of the land where the facility is located. (Ord. 2662, 2001)

15.42.160: SEVERABILITY:

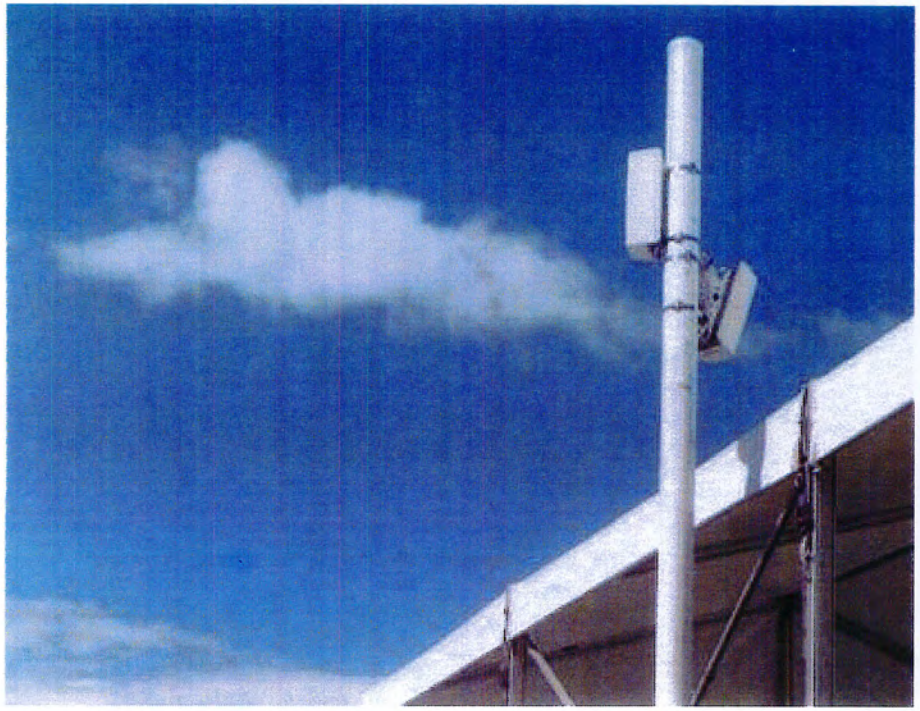
If any clause, section, or other part of this chapter shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this chapter shall not be affected thereby, but shall remain in full force and effect. (Ord. 2662, 2001)

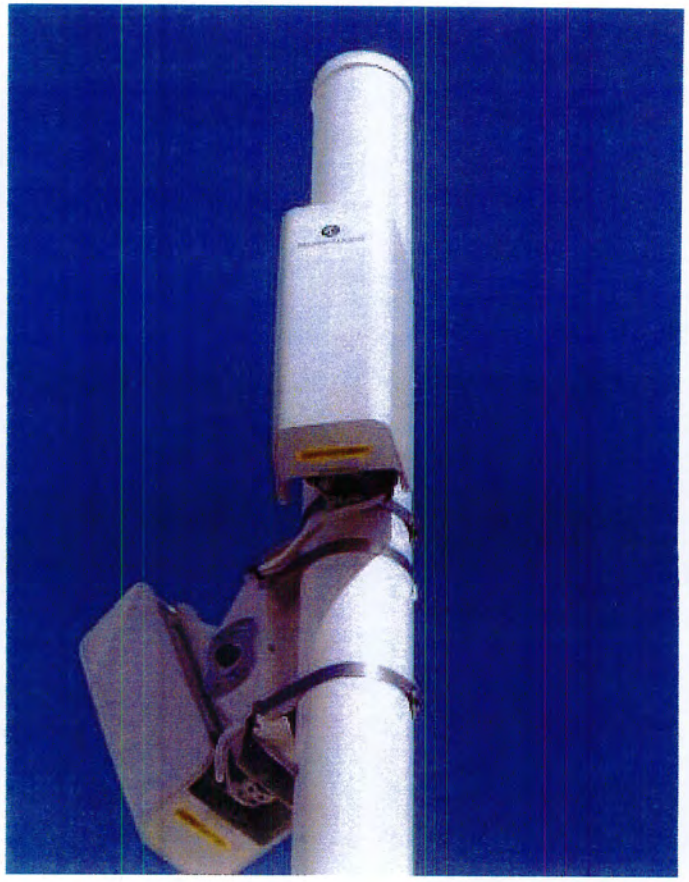
15.42.170: REPEALER:

All resolutions, ordinances or parts of ordinances in conflict herewith are hereby repealed. (Ord. 2662, 2001)

Technology

- Small Cell Systems





Technology

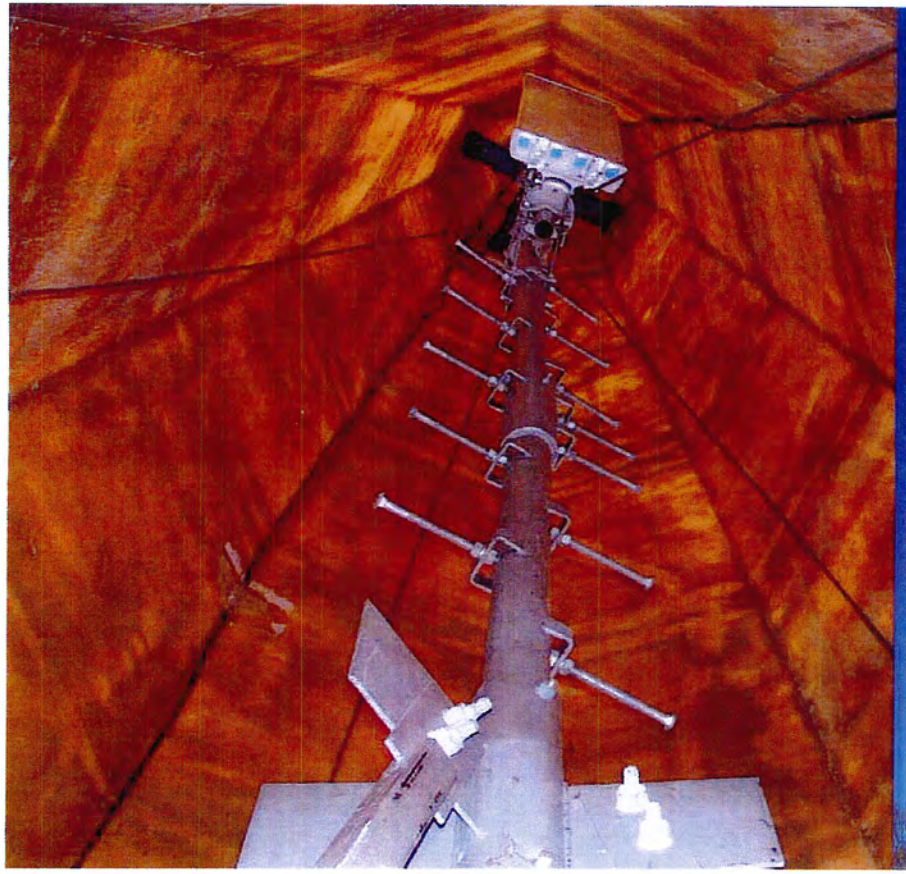
- Macrocell Systems
  - Host support structures
    - Building Mounted

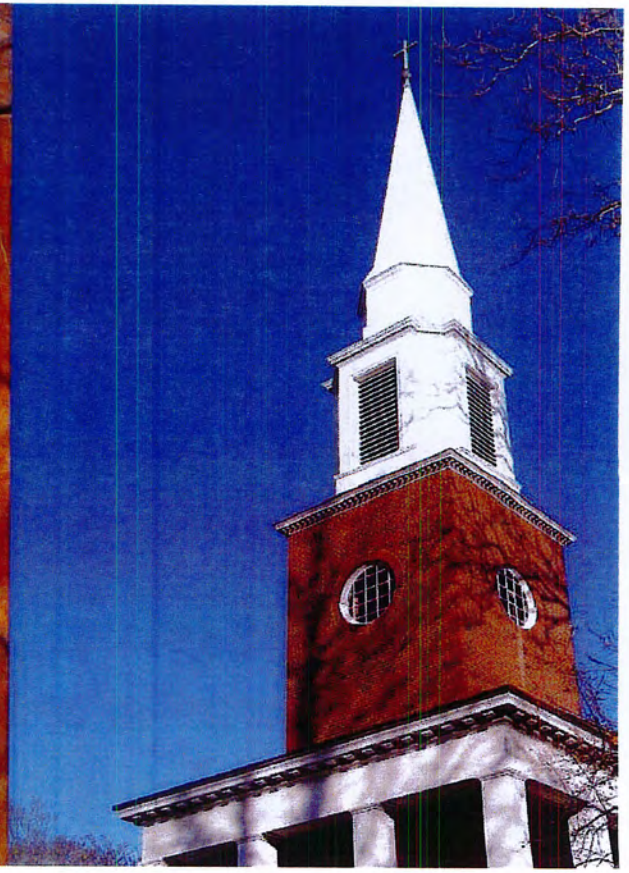
Technology

- Macrocell Systems
  - Freestanding support structures
    - Stealth (Disguise)

Technology

- Macrocell Systems
  - Host support structures
    - Stealth (Concealment)



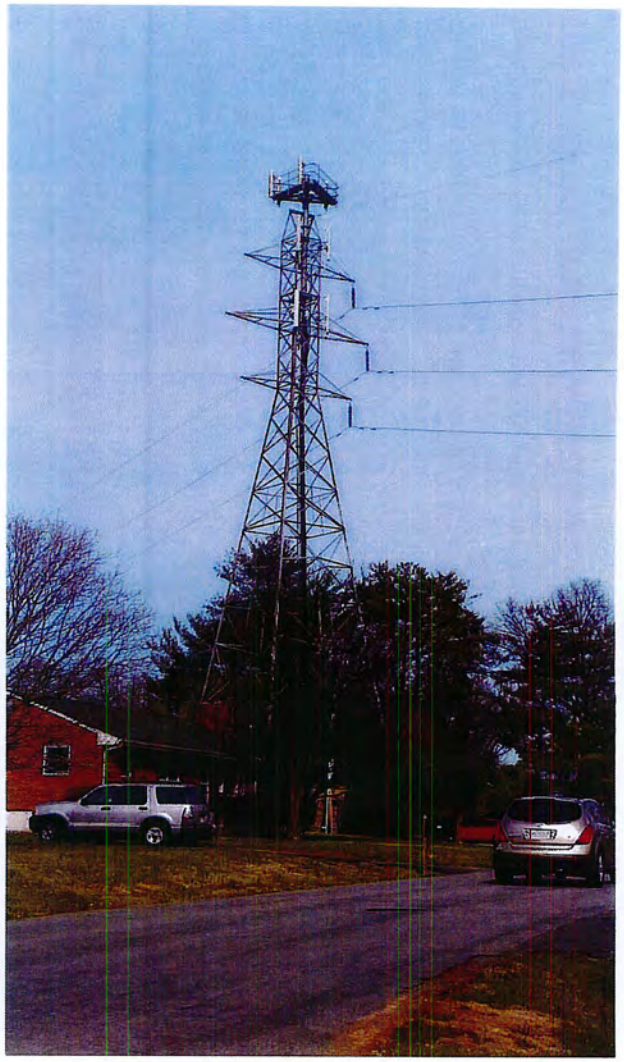


Technology

- Macrocell Systems
  - Host support structures
    - Stealth (Camouflage)

Technology

- Macrocell Systems
  - Host support structures
    - Utility Infrastructure

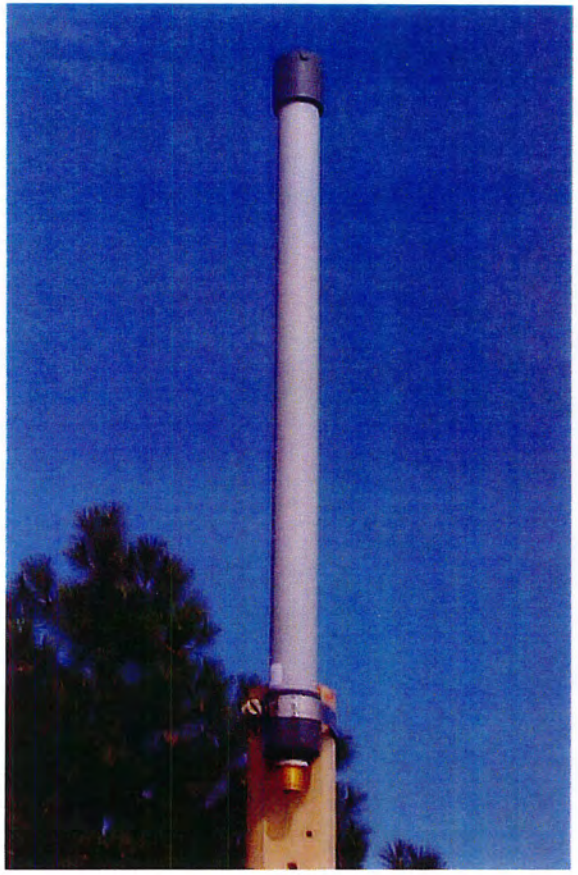


Technology

- Distributed Antenna Systems (DAS)

Technology

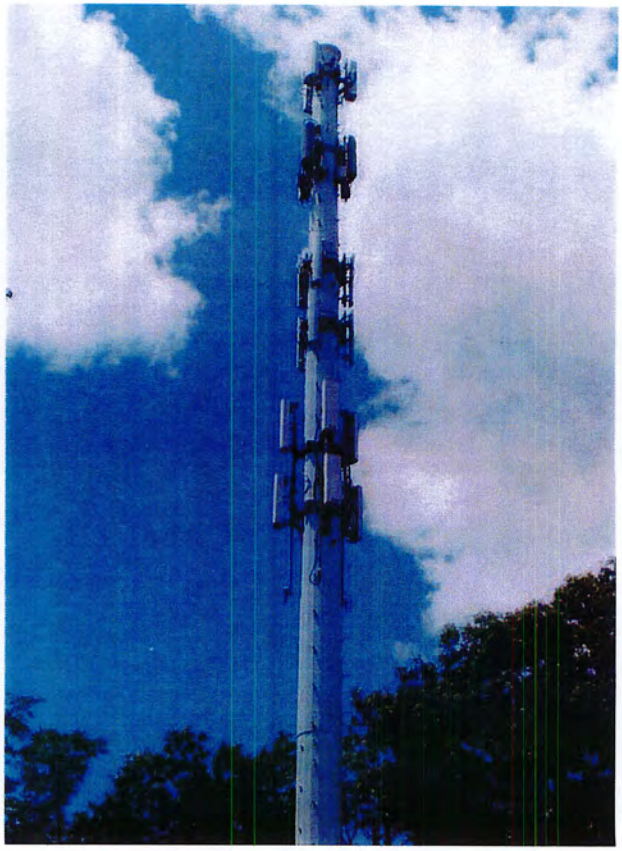
- Antennas
  - Omni-Directional Antenna (Whip)



Technology

- Antennas
  - Sector Antenna (Panel)

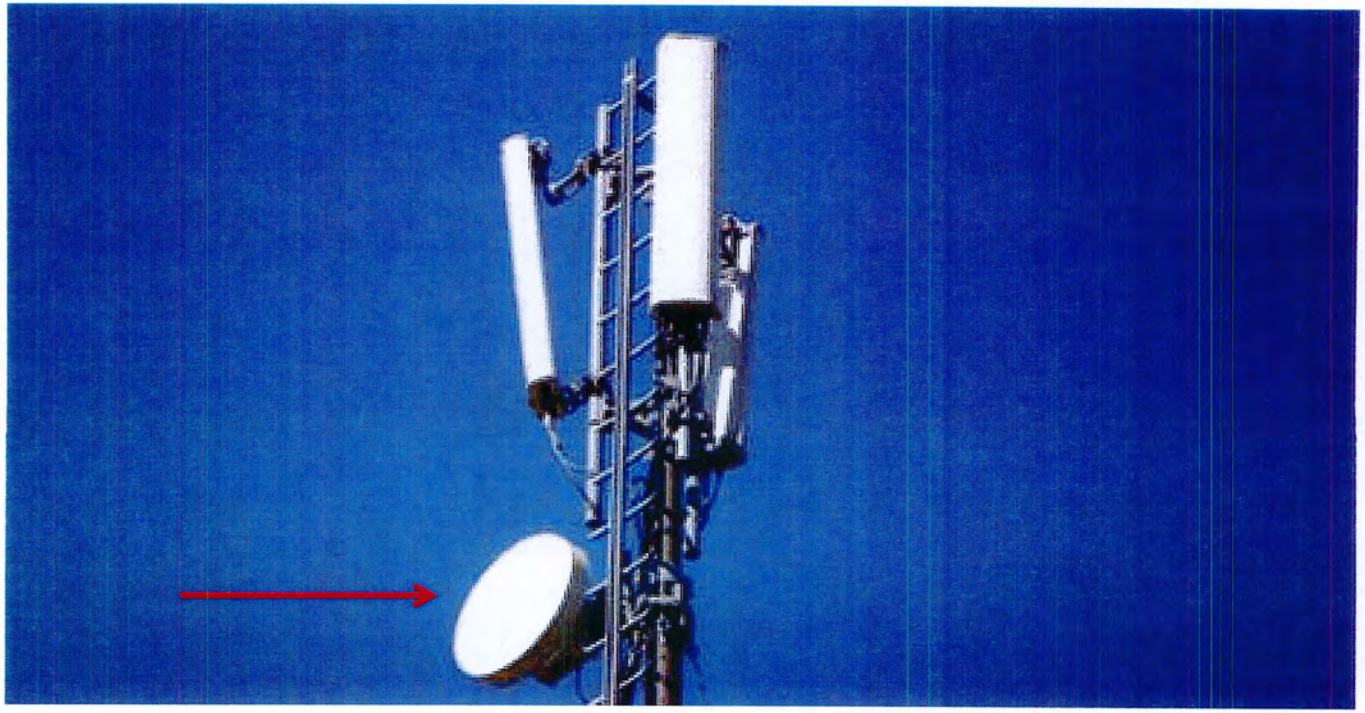
Distributed Antenna Array



Flush-Mounted Antenna Array

Technology

- Antennas
  - Dish Antenna

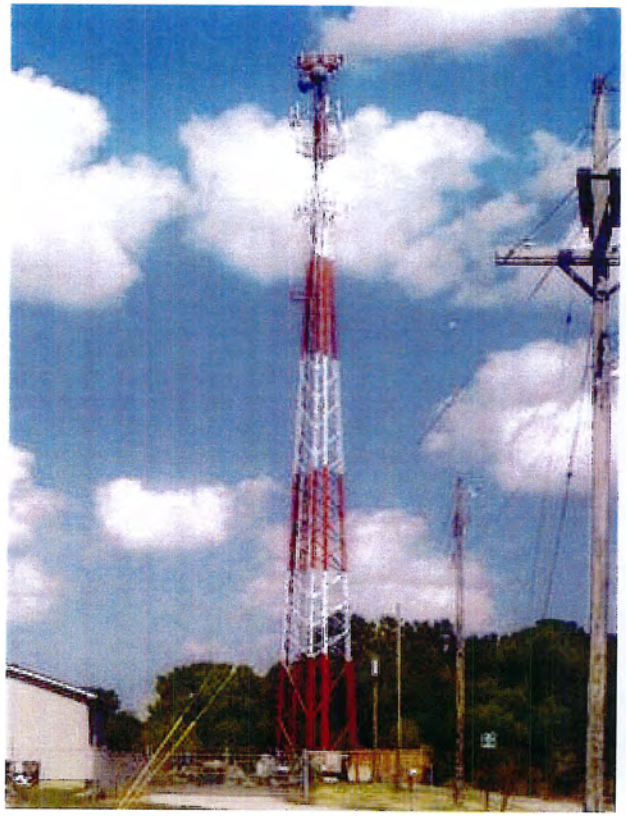


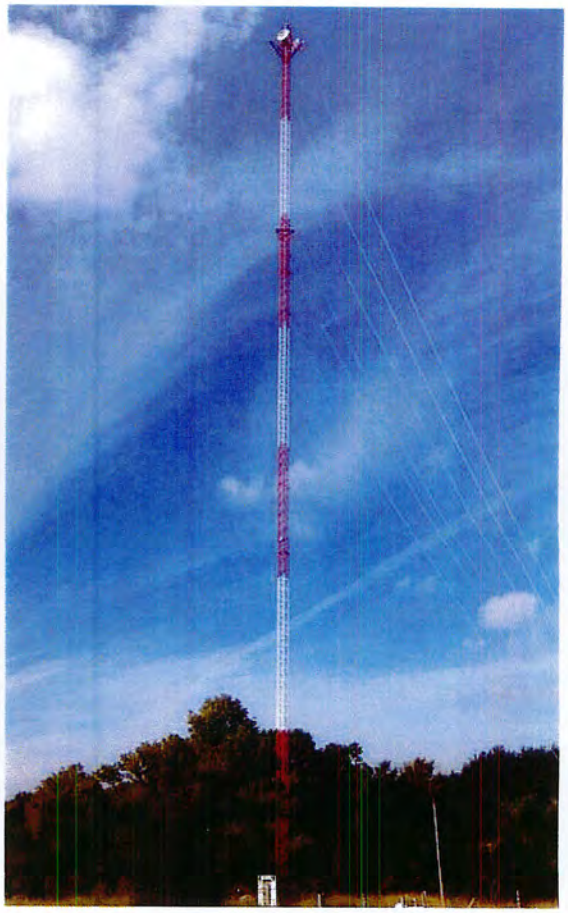
Technology

- Macrocell Systems
  - Freestanding support structures
    - Monopole

Technology

- Macrocell Systems
  - Freestanding support structures
    - Lattice



Technology

- Macrocell Systems
  - Freestanding support structures
    - Guyed Wire