

An Ordinance of the Haines Borough Adding Specific Approval Criteria for Communications Equipment in HBC 18.60.020.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Section 18.60.020. Section 18.60.020 of the Haines Borough Code is hereby amended, as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

18.60.020 Specific approval criteria.

The following uses are subject to the preceding general criteria and these additional specific approval criteria:

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P. *Communications Equipment*. These standards were developed to protect the public health, safety, and welfare, and minimize visual impacts on residential areas, while furthering the development of commercial communication equipment. These standards were designed to comply with the Telecommunication Act of 1996.

All applications for a land use permit for Communications Equipment shall include the following:

1. A letter signed by the applicant stating that all applicable requirements of the FCC, the FAA, and any required avigation easement have been satisfied.

2. A scaled site plan clearly indicating the location, type and height of the proposed tower, antennas, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower, the equipment structure, fencing, and buffering. If an antenna is to be mounted on an existing structure, a description of the communications equipment to be collocated shall satisfy this requirement.

3. The applicant shall have performed and provided a photographic simulation of the proposed facility from all affected properties and public rights-of-way.

4. The applicant shall have demonstrated effort to collocate on an existing support tower or other structure. New support towers shall not be permitted within one mile of an existing support tower unless it is demonstrated that no existing support tower or other structure can accommodate the proposed antenna array. The Borough reserves the right to

retain a qualified consultant, at the applicant's expense, to review the supporting documentation for accuracy.

5. Evidence to demonstrate that no existing support tower or other structure can accommodate the proposed antenna array may consist of the following:

a. No existing support towers or other structures are located within the geographic areas required to meet the applicant's engineering requirements.

b. Existing support towers or other structures are not of sufficient height to meet the applicant's engineering requirements.

c. Existing support towers or other structures do not have sufficient structural strength to support the applicant's proposed antenna array and related equipment.

d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing support towers or other structures, or the antenna on the existing support towers or other structures would cause interference with the applicant's proposed antenna.

e. The applicant of a new tower shall provide a signed statement stating the applicant has provided notice to all other area wireless service providers of its application to encourage the collocation of additional antennas on the structure.

f. A signed statement from the owner and/or landlord to remove the facility or obtain another permit for the facility within six months of when the facility is no longer operating as part of a wireless communication system authorized and licensed by the FCC.

g. Proof that all the necessary property or easements have been secured to assure for the proper construction, continued maintenance, and general safety of the properties adjoining the communication equipment.

6. Any changes or additions to communication equipment located, or collocated, on a tower located in the Haines Borough, shall require an updated land use permit providing all of the above information.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 24th DAY OF MAY, 2022.

ATTEST:


Alekka Fullerton, CMC, Borough Clerk




Douglas Olerud, Mayor