

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On March 2, 2009 the Hailey Planning and Zoning Commission considered an application submitted by Portage Bay Partners for Design Review approval for a new building, located at 130 Airport Circle, within the SCI-I zoning district. The Commission, having been presented with all information and testimony in favor and in opposition to the proposal, hereby makes the following Findings of Fact, Conclusions of Law and Decision.

### FINDINGS OF FACT

#### Notice

Notice for the public hearing was published in the Idaho Mountain Express and mailed to property owners within 300 feet on February 11, 2009.

#### Application

Portage Bay Partners, represented by Jay Cone Architecture, submitted a Design Review application for a new 13,858 square foot commercial building, located at 130 Airport Circle which received approval from the Planning and Zoning Commission on September 15, 2008.

The applicant proposes to reduce the footprint of the building by eliminating the northern portion of the building previously approved. The total square footage of the reduced building is 5,852 square feet with a footprint of 4,637 square feet.

The proposed changes were determined by the Administrator not to be minor, and review and a decision is thereby required by the Commission, however a new design review application was not required to be submitted. The changes are being considered modifications to the original approval and were scheduled for a new public hearing for the Commission's consideration and decision.

#### Standards of Evaluation

Articles IV and VIA of the Hailey Zoning Ordinance establish the criteria for applications for Zoning and Design Review. For each applicable standard (in bold print), the Commission makes the following Findings of Fact:

##### 6A.7.1 Improvements Required.

##### 6A.7.1.1 Sidewalk, Curb, and Gutter.

Sidewalks, curb and gutter shall be required improvements for projects requiring Design Review approval in the B, LB, TI, A and SCI zoning districts. **At a minimum, sidewalks and curb and gutter, where required, shall comply with the City Standards. Sidewalks shall be at least six feet (6') wide or as wide as adjacent sidewalks on the same block, whichever is greater. Sidewalks shall be constructed along the entire length of a property adjacent to any public or private street in all zones, as well as in**

**locations that provide safe pedestrian access to and around a building. New sidewalks shall be planned to provide pedestrian connections to any existing sidewalks adjacent to the site. Sites located adjacent to public or private streets that are not currently thru-streets, regardless whether the street may provide a connection to future streets, shall provide sidewalks to facilitate future pedestrian connections. Sidewalks and drainage improvements shall also be required in other districts, except as otherwise provided herein. The requirement for sidewalk may be waived if the cost of the proposed project construction is less than twenty thousand dollars (\$20,000). For Single Family Dwelling and Duplex projects in the Townsite Overlay District, the requirement for sidewalk shall be waived for any remodel or addition; sidewalks shall be required for new primary dwellings.**

**The City may approve and accept voluntary cash contributions in-lieu of the above described improvements, which contributions must be segregated by the City and not used for any purpose other than the provision of these improvements. The contribution amount shall be a minimum of 110% of the estimated costs of concrete sidewalk and drainage improvements provided by a qualified contractor, plus associated engineering costs, as approved by the City Engineer. Any approved in-lieu contribution shall be paid before the City issues a certificate of occupancy. In-lieu contributions for sidewalks shall not be accepted in B, LB, TI and SCI districts.**

The plat of the Airport West subdivision typically precludes sidewalk, curb and gutters adjacent to the platted private streets. The typical site plan for a lot in the Airport West Subdivision includes 90 degree parking spaces between the building and the paved road surface. To meet this sidewalk standard a six foot sidewalk adjacent to the building that connects to any existing or future sidewalks on public and private streets is required.

The applicant proposes a six (6) foot concrete sidewalk within the public right-of-way along the entire length of property adjacent to Airport Circle (a public right-of-way). A six (6) foot wide paved area is proposed from the northeast portion of the property and along the perimeter of the building and provides connection to the property to the south. Sidewalks shall be installed to City Standards.

#### **6A.7.1.2 Water Line Improvements.**

**In the Townsite Overlay District, any proposal for new construction or addition of a garage accessing from the alley, where water main lines within the alley are less than six (6) feet deep, the developer shall install insulating material (blue board insulation or similar material) for each and every individual water service line and main line between and including the subject property and the nearest public street, as recommended by the City Engineer.**

The proposed project is not within the Townsite Overlay District.

- 6A.8 Area Development Plan.** When the owner of Contiguous Parcels is required to obtain Design Review approval for any portion of the Contiguous Parcels, an Area Development Plan shall be submitted and approved. The Commission shall evaluate the following basic site criteria and make appropriate findings of fact:
- a. Streets, whether public or private, provide an interconnected system and shall be adequate to accommodate anticipated vehicular and pedestrian traffic.
  - b. Non-vehicular circulation routes provide safe pedestrian and bicycle ways and provide an interconnected system to streets, parks and green space, public lands, or other destinations.
  - c. Water main lines and sewer main lines are designed in the most effective layout feasible.
  - d. Other utilities including power, telephone, cable, and gas are designed in the most effective layout feasible.
  - e. Park land is most appropriately located on the Contiguous Parcels.
  - f. Grading and drainage are appropriate to the Contiguous Parcels.
  - g. Development avoids easements and hazardous or sensitive natural resource areas.

The property owner does not own other properties contiguous to the site.

## **8.2 Signs.**

The applicant is hereby advised that a sign permit is required for any signage exceeding four square feet in sign area. Approval of signage areas or signage plan in Design Review does not constitute approval of a sign permit.

### **9.2.2 Loading Space Requirements and Dimensions.** The following regulations shall apply to all commercial and industrial buildings with off street loading areas.

- a. One (1) loading space shall be provided for any single retail, wholesale or warehouse occupancy with a floor area in excess of 4000 square feet, except grocery and convenience stores where one (1) loading space shall be provided for a floor area in excess of 1000 square feet. An additional loading space shall be required for every additional 10,000 square feet of floor area, except grocery and convenience stores where an additional loading space shall be required for every additional 5,000 square feet of floor area. Such spaces shall have a minimum area of 500 square feet, and no dimension shall be less than 12 feet

It is anticipated that the area in front of the garage is ample space for loading areas.

- 9.2.8 Access.** Except as otherwise provided herein, any parking area on private property, shall be designed in such a manner that any vehicle leaving or entering the parking area from or onto a public street shall be traveling in a forward motion. Access driveways for all parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or

private street. Access for subdivisions shall be provided in accordance with standards set forth in Section 4 of the Subdivision Ordinance.

- a. Parking areas containing no more than two (2) parking spaces and parking areas within the LR, GR, TN, TI and LI Districts may be designed to allow a vehicle to back from the parking area into the public right-of-way.
- b. Parking areas for residential uses only may be designed to allow required parking spaces for one vehicle to deny access to another vehicle, thus “stacking” the parking area. For non-residential uses, stacked parking may be allowed only for additional spaces that may be provided in excess of the required number of parking spaces.
- c. Parking areas adjacent to alleys may be designed to allow a vehicle to back from the parking area into the alley.

The parking spaces enter from and exit onto a private street.

#### **9.4 Parking Space Requirements.**

##### **9.4.2. Commercial, Professional, Service, Recreation and Entertainment**

- l. Offices: 1 space for every 500 square feet of gross building area.

##### **9.4.5 Industrial.**

- a. Public utilities, public services, manufacturing and processing, industrial laundry, recording studios, printing and publishing, research and development activities, laboratories, printing and publishing establishments: 1 space per 1000 square feet.
- b. Warehouse and storage facilities: 1 space for every 1,000 square feet of floor area but not less than 1 space per employee.

Proposed uses include storage, woodworking, office and wholesale sales.

Office space – 200 square feet,  $1 \text{ space} / 500 = 0.4$  (round up if whole number is less than 10) = 1 space

Industrial space – 5,982 square feet,  $1 \text{ space} / 1000 = 5.9$  spaces (round down if whole number is greater than 10) = 6 spaces required

Total spaces required = 7

Number of spaces proposed = 7 (not including spaces intended to be used as vehicular storage)

#### **8B.4. Outdoor Lighting Standards.**

##### **8B.4.1 General Standards**

- a. All exterior lighting shall be designed, located and lamped in order to prevent:
  1. Overlighting;
  2. Energy waste;
  3. Glare;
  4. Light Trespass;
  5. Skyglow.
- b. All non-essential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.

- c. **Canopy lights, such as service station lighting shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes glare on public rights of way or adjacent properties.**
- d. **Area lights. All area lights are encouraged to be eighty-five (85) degree full cut-off type luminaires.**
- e. **Idaho Power shall not install any luminaires after the effective date of this Article that lights the public right of way without first receiving approval for any such application by the Lighting Administrator.**

Cut sheets of the proposed new lighting have been submitted. Fixture “B” does not comply with Hailey’s Outdoor Lighting Ordinance; it must down lit only. Fixture “A” shall be used in place of “B.” Fixture “D” must not be angled; the lens must be parallel with the ground. Fixture “A” must be an enclosed and completely opaque on all sides. Fixture “C” will be used as a sign light; and may be angled to illuminate the sign only. All other fixtures appear to be compliant. It is a condition of approval that all lighting complies with these standards. All exterior lights will be on astronomical clocks with a set cut-off time.

#### 4.12 Service Commercial Industrial District

##### 4.12.1.1 District Wide Regulations.

- a. **All uses in the SCI District shall conform with the Comprehensive Plan and shall be reviewed for conditions that may be hazardous, including but not limited to traffic hazards, parking overflow, noise, cinders, dust, fumes, odors, smoke, vapor, vibration, glare or industrial waste. Any conditions that could adversely affect the surrounding areas are subject to review upon application for Design Review. The Commission may require mitigation including, but not limited to, enclosure within a structure, landscape buffering, or alternate method of operation.**

The uses proposed are not anticipated to cause hazardous conditions.

- b. **Landscape screening and buffering shall be provided and maintained by the owner in all required front yards and adjacent to all collector and/or arterial roads.**

See landscape design review requirements.

- c. **Landscape screening and buffering shall be provided and maintained in the required yards adjacent to the RGB, GR, LR, MH, LB, and TN zone districts, and adjacent to any residential district of Blaine County, to protect these areas from undue intrusion of noise, light, odors, and other influences.**

The site is not adjacent to these zones.

- d. **All development shall be subject to Design Review pursuant to Article 6A of this Ordinance.**

This application constitutes compliance with this requirement.

- e. **No loading door or dock which faces a collector street, as defined by the City, shall be placed within 30 feet of the right-of-way for that collector street.**

**Street: Collector or Secondary. A street which carries traffic from local or minor streets and which serves for the circulation of traffic in residential areas or developments.**

No loading door is proposed to face a collector street.

- f. The SCI District shall not be applied to any property smaller than five (5) acres, and is generally not appropriate for any parcel smaller than ten (10) acres. No sub-district shall be less than one (1) acre in size.**

The property has already been zoned SCI.

#### **4.12.3 Industrial Sub-District (SCI-I)**

##### **4.12.3.4 Bulk Requirements within the SCI-I sub-district. For other supplementary location and bulk regulations, see Article VII.**

- a. Minimum Lot Size: 10,890 square feet**

The lot size is 22,142 square feet.

- b. Maximum Building Height - thirty five (35) feet.**

The proposed maximum height is 27 feet 6 inches.

**Height of Building is defined as: The greatest vertical distance measured from the lowest point of record grade within any portion of the building footprint to the highest point of the roof surface thereof, exclusive of cupolas, chimneys up to ten (10) feet above the highest point of the roof surface, steeples, and spires.**

The applicant is hereby advised that height of building is from record (natural) grade, not from finished grade or finished floor.

- c. Maximum Floor Area - Buildings or structures containing an Individual Retail/Wholesale Trade or a Grouped Retail/Wholesale Trade shall be limited to an aggregate gross floor area of 25,000 square feet.**

Proposed building footprint is 4,637 square feet.

- d. Minimum Front Yard Setback - ten (10) feet.**

Proposed front setback is 49 feet.

- e. Minimum Side and Rear Yard Setback - ten (10) feet.**

The proposed side and rear yard setbacks are as follows:

East: 11 feet, 9 inches; West: 40 feet; South: 10 feet.

- f. No parking shall be placed within the setback areas.**

Parking is located outside of the setback areas.

- g. Maximum Lot Coverage – Not more than seventy percent (70%) of the lot shall be covered by buildings.**

Proposed lot coverage is 21%

- h. All materials, with the exception of trees and plant materials stored on the premises, shall be stored within a building or within a wall or screening fence not less than four (4) feet nor greater than eight (8) feet in height.**

The applicant is hereby advised of this requirement.

**6A.7.2.2 DESIGN REVIEW GUIDELINES FOR NON-RESIDENTIAL USES IN LIGHT INDUSTRIAL (LI), SERVICE COMMERCIAL INDUSTRIAL (SCI), TECHNOLOGICAL INDUSTRY (TI), AIRPORT (A)**

**A. Site Planning.**

- 1. Site planning shall include consideration of adjoining parcels in terms of building configuration, vehicular circulation and parking, drainage and access. Reciprocal ingress and egress, circulation, and parking arrangements shall be encouraged to facilitate the ease of vehicular movement between adjoining properties. Access points to adjoining lots shall be shared wherever feasible.**

*When planning new construction, consider how the new building will be situated in relation to adjacent properties. Encourage the use of common or shared streets and circulation patterns. Delivery trucks should be able to operate without blocking pedestrian rights-of-way. Consideration with respect to building site and proximity to streets and alleys should be given when buildings are constructed to insure that life/safety issues do not become problematic.*

The site plan and building orientation do not appear to pose life/safety issues or problems with vehicular movement between adjoining properties.

- 2. Conflicts between different circulation needs and uses should be minimized.**

*Circulation patterns between customers/pedestrians and service/delivery vehicles should be conflict free. Delivery trucks should not interfere with public rights-of-way or obstruct required parking spaces. Where alleys are provided, they should be utilized for loading, deliveries, trash pick-up, etc. Pedestrians should be able to have safe access to the site without being forced to walk within any traffic lane. When developing more than one building on a site, it is important to provide pedestrian paths through the site.*

All vehicular circulation occurs off of the private lane. Separated pedestrian access is provided from the public right-of-way through the property and adjacent to the building.

- 3. Snow storage areas not less than 25% of the improved parking and circulation areas shall be sited in a manner that is accessible and usable. In no case shall a designated snow storage area have any dimension less than 10 feet. Snow storage shall not encumber required parking spaces or encroach into sidewalk or pedestrian pathways.**

*Snow storage areas for required parking areas, driveways and sidewalks shall be provided on-site. These areas should be situated so that they are accessible to all*

*types of snow removal vehicles, of a size that can accommodate moderate areas of snow, and located in areas that will not hinder access to trash collection areas, utility meters, etc. These sites are encouraged to be landscaped with vegetation that is salt-tolerant and resilient to heavy snow.*

There are two types of snow storage referenced on the site plan; private street, platted snow storage and on-site snow storage. 1,963 square feet of on-site snow storage is required. 1,963 square feet is provided along the south and east ends of the site, between the property boundary and the proposed building. This snow storage area has dimensions of 10 feet or greater. The accessibility of the on-site snow storage location is in question. This location may be difficult to access and use as snow storage and may impede access to utility meters located on the south side of the building.

The private street, platted snow storage area is shown as 463 square feet on the current plat of Lot 1F and 1G. The preliminary plat application approval to remove the underlying lot line between Lot 1F and 1G was approved on April 5, 2007. A final plat application was not submitted within the year allowed after preliminary plat approval; therefore, a new preliminary plat application had to be submitted. On February 6, 2009, the applicant submitted a preliminary plat application for a lot line adjustment. The lot line adjustment not only removes the lot lines under the proposed building, but relocates the existing platted snow storage. The amount of platted snow storage shall not decrease from what was originally platted, only its location.

The platted snow storage, shown on the site plan is inconsistent with the submitted preliminary plat. The total platted snow storage amounts shown on the site plan are 686 square feet, whereas the preliminary plat shows 463 square feet. The 196 square feet of platted snow storage, shown on the site plan, at the southwest corner of the site surround a 40 square foot utility easement and could potentially encroach upon it. In addition, this snow storage area is shown to be reduced in size on the preliminary plat to 83 square feet, with dimensions of less than 10 feet. A snow storage area of this size may not be practical and as a condition of preliminary plat approval will be removed. To be consistent with the preliminary plat application, it is a condition of approval that a revised site plan be submitted to the Planning Administrator prior to the issuance of a building permit, that shows the platted snow storage shown on the southwest corner of the site eliminated and the platted snow storage at the northwest end of the site shown in an amount and location consistent with the final plat, once submitted.

**4. The visual impact of off-street parking and loading areas, service areas, and auxiliary structures shall be minimized. Off street parking areas should be screened from public streets to the extent possible.**

*Utility meters and service functions should not be visible on primary facades of the building. Parking areas, trash storage and service areas should be screened with landscaping, fencing or by the primary building.*

Off street parking is proposed and is accessed directly off of Colibri Lane. No trash or service areas are indicated on the plans. Trash receptacles will be located within

the building and hidden from view. The utility meters are proposed on the south side of the building.

## **B. Building Design.**

- 1. Visual relief shall be provided for linear buildings. For elevations oriented to the street, design features such as windows, pedestrian entrances, building off-sets, projections, detailing, and change in materials or similar features shall be used to create human scale and break up and articulate large building surfaces and volumes.**

*All elevations of any building should have human scale. Linear elevations should incorporate design features that create interest and avoid boxy, bland appearance. Extensive repetition of similar forms on large monolithic surfaces that would lead to the perception of a large building mass is inappropriate. Consider varying the setbacks of walls facing the street on large projects that occupy several parcels.*

All elevations oriented towards the street appear to break up and articulate large building surfaces and volumes.

- 2. The proportion, size, and shape of new buildings shall be compatible with existing structures in the same area. Rooflines should be designed in a manner that is compatible with surrounding structures.**

*When planning new construction, consider the adjoining properties to avoid repeating design elements such as colors, window shapes and building materials. Consider the relationship of the new construction with other structures in the area. Creative architectural elements are encouraged providing they are compatible with existing structures. Roof lines that project the image of "false western" storefronts are not appropriate in Hailey.*

The design appears compatible with surrounding structures

- 3. Any addition onto or renovation of an existing building shall be appropriately designed to create a cohesive whole.**

Not applicable.

- 4. All buildings are encouraged to minimize energy consumption, utilize alternative energy sources, and consider passive solar techniques.**

*The use of the following techniques can lead to energy cost savings and provide a more comfortable and healthy workplace:*

- a. Solar access*
- b. South facing windows with eave coverage*
- c. Double glazed windows*
- d. Deciduous shade trees*
- e. Earth berming against exterior walls*
- f. Good ventilation*
- g. Efficient lighting*
- h. Day lighting*

There are minimal south facing windows allowing passive solar access. The building will be constructed to meet IECC codes and to meet some level of LEED certification.

- 5. Exterior buildings colors should be integrated appropriately into the architecture of the building, and should be harmonious within the project and with surrounding buildings.**

*When selecting colors, consider the natural and built surroundings. Colors should be integrated appropriately into the architecture of the building, and should be harmonious within the project and with surrounding buildings.*

Stained wood and grey stucco with dark brown windows and doors are proposed.

- 6. Entries and pedestrian areas should include consideration with respect to snow shedding and drip lines.**

*Building entries should provide protection from adverse weather conditions. Entrances into buildings should be designed with the pedestrian in mind in order to prevent snow from falling directly onto adjacent sidewalks. Entries, walkways, decks or landscaping should not be located where they will be damaged by falling snow. Consideration should be given whether the roofing material and pitch will hold or release snow. Gabled coverings, appropriate roof pitch, or snow clips and/or gutters and downspouts should be provided over all walkways and entries. Downspouts and drains should be located within landscape areas or other appropriate locations where freezing will not create pedestrian hazards.*

Shed roofs, sloping away from the court and parapets above flat roofs with interior drains to protect the entry court.

- 7. Signage areas shall be appropriate to the building's scale and design.**

*A basic plan for signage, especially for multi-tenanted buildings, should be considered to ensure compatible and uniform signs. A uniform color scheme for all signs in multi-tenanted buildings should be considered.*

No signage is proposed at this time. A separate sign permit will be required to be submitted.

#### **C. Accessory Structures, Fences, and Equipment/Utilities.**

- 1. Accessory structures such as storage buildings and dumpster enclosures should generally not be located in front of or on the street side of the main building.**

*Accessory structures should be located at the rear of the property and not visible from the street. They should be designed to be compatible with the primary building(s).*

Trash receptacles will be located within the building and hidden from view.

- 2. Fences shall be constructed of materials compatible with the site. The use of chain link is prohibited.**

*Walls and fencing may be required elements in a site design for privacy, property line delineations, or screening. Fencing should not dominate the buildings or the landscape. Planting may often be integrated with a fencing scheme in order to soften the visual impact. A variety of fencing materials compatible with the site and surrounding properties are encouraged but in no case will chain link be permitted. Where topography varies, the tops of fences should generally be maintained horizontal, as opposed to angling up or down a slope.*

N/A

- 3. All roof projections including, but not limited to air conditioning units, all mechanical equipment and solar panels shall be shielded and architecturally screened from view from on-site parking areas, adjacent public streets and adjacent properties.**

*The use of alternative energy sources is encouraged, however, the hardware associated with these features should be incorporated as an integral part of the building's design rather than as an add-on which detracts from the building and its surroundings. Special consideration should be given to communications facilities to insure that the number and design of them not conflict with each other.*

All mechanical equipment is within the building.

- 4. All ground-mounted mechanical equipment, including heating and air conditioning units and trash receptacle areas shall be adequately screened from surrounding properties by the use of a wall, fence, or landscaping, or shall be enclosed within a building.**

*These types of structures, to the greatest extent possible, should be enclosed within a building. If necessary, when located outside, they should be primarily screened from public streets and adjacent properties.*

Trash receptacles will be located within the building and hidden from view. All mechanical equipment is within the building.

- 5. Utilities, cables, phone lines and electrical lines must be considered in site design.**

*Location of above ground utility boxes shall be shown on site plans and should not interfere with other uses such as snow storage, parking and trash collection. All service lines into the subject property shall be installed underground. In no instance should additional appurtenances be located on existing utility poles.*

Existing underground stub-outs will be utilized for all utilities.

#### **D. Landscaping.**

- 1. At least 50% of the landscaped area shall utilize drought tolerant and/or xeriscape specific plant materials. Drought tolerance and hardiness shall be considered when selecting plant species.**

*Drought tolerant plant species shall be used wherever possible to reduce water consumption. High water demand plant materials shall be kept to a minimum.*

*Elements for the xeriscape plan should include but are not limited to: plant materials proposed to be used, timeline for establishment of the plantings, maintenance of the planting beds and the type of irrigation proposed. All species shall be hardy to the Zone 4 environment.*

More than 50% of plant material is drought tolerant. Much of the area around the building is proposed to be covered with decorative gravel. The northern portion of the site is proposed to be planted with drought tolerant, native grasses with landscaping proposed adjacent to the public right-of-way.

- 2. The urban environment should be considered in planning landscaped areas. A combination trees, shrubs vines, ground covers and ornamental grasses should be selected that enhance and soften the hardscape. Landscape plans having more than 10 trees, a minimum of 10% of the trees shall be at least 4-inch caliper, 20% shall be at least 3-inch caliper, and 20% shall be at least 2½ inch caliper. A maximum of 20% of any single species may be used in any landscape plan having more than 10 trees (excluding street trees).**

*A landscape plan should provide or create a pleasing site or landscape character for an area. A harmony and balance of all the various elements of a landscape must be retained or developed. Landscaped areas should be planned as an integral part of the site and not simply located in leftover space on site. New planting areas must be designed to accommodate typical trees at maturity.*

There is one existing Spruce. A combination of Serviceberry trees, Swedish Aspen, Amur Maple, Fernleaf Buckhorn, Burning Bush, Dwarf Pine, and Mockorange are proposed. Ten (10) trees of 3 species are proposed. This count does not include the existing Spruce.

- 3. All landscaped areas shall be watered by an automatic irrigation system and regularly maintained in healthy and thriving condition free of weeds, trash, and debris.**

*Irrigation systems are required for all landscaped areas. They are encouraged to include features that will minimize water use, such as moisture sensors. Wherever possible, overhead spraying systems should be avoided to prevent water loss through evaporation. In particular, island areas and sidewalk borders are susceptible to overspray and water waste.*

*Storm water runoff shall be retained on the site wherever possible and used to irrigate plant materials. Even native, drought tolerant plant materials need water to become established. Projects which use all native, drought tolerant plant materials must provide, at a minimum, a temporary irrigation system which must fully operate for at least two complete growing seasons. All native plant materials are not drought tolerant and those that are not will require irrigation on a permanent basis.*

*A plan for maintenance of the landscaping areas should be in place to ensure that the project appears in a well maintained condition (i.e., all weeds and trash removed, dead plant materials removed and replaced).*

All landscaping will have automatic drip irrigation or spray heads on automatic timers and be professionally maintained. It is a condition of approval that the native grasses located at the north end of the lot shall be temporarily watered for two seasons or until establishment and shall be maintained in a manner that ensures the grass's survival.

**4. Retaining walls must be designed to minimize their impact on the site.**

*Retaining walls, where visible to the public and/or to residents or employees of the project, should be no higher than four feet or terraced with a three foot horizontal separation of walls. They should be constructed of materials that are utilized elsewhere on the site, or of natural or decorative materials, rather than solid or flat surface. Landscaping should be provided within or in front of extensive retaining walls. Retaining walls should add rather than detract to the appearance of the site. Retaining walls over 24" high may require railings or planting buffers for safety. Low retaining walls may be used for seating if capped with a surface of at least 12 to 16 inches wide.*

N/A

## CONCLUSIONS OF LAW AND DECISION

Based upon the above Findings of Fact, the Commission makes the following Conclusions of Law and Decision:

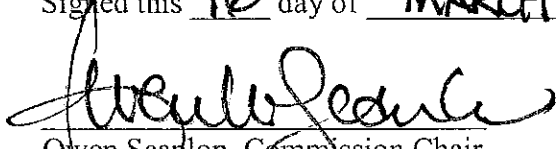
1. Adequate notice, pursuant to Zoning Ordinance No. 532, Section 6A.5, was given.
2. The project is in general conformance with the Hailey Comprehensive Plan.
3. The project does not jeopardize the health, safety, or welfare of the public.
4. Upon compliance with the conditions set forth, the project conforms to the applicable specifications outlined in the Design Review Guidelines, as set forth herein, applicable requirements of the Zoning Ordinance and City Standards.
5. This Design Review approval is for plans dated February 23, 2008
6. This Design Review approval shall expire one (1) year from the approval of these Findings of Fact, unless a building permit application has been submitted to the Building Department.
7. The project shall receive Design Review approval subject to the following conditions:
  - a) A revised site plan shall be submitted with the building permit for approval by the Planning & Zoning Administrator, which shows the platted snow storage shown in amounts equal to those currently platted and consistent with the Lot Line Adjustment Application.
  - b) A final plat application for a lot line adjustment to remove the underlying lot line between Lot 1F and 1G shall be submitted before a building permit is issued and the plat recorded prior to issuance of a Certificate of Occupancy. The final plat shall also

show the revised snow storage easement.

- c) All Fire Department and Building Department requirements shall be met. Items to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:
  - 1. A 2 hour fire rated separation wall between the parking garage and main building and/or a sprinkler system may be required to be installed throughout the building.
  - 2. The gas and electrical meters should be protected from snow damage.
  - 3. Upper floors shall comply with all accessibility requirements. This includes the stairs and restrooms.
  - 4. An accessible route from the accessible parking stall to each unit will be required.
- d) Any change in use or occupancy type from the approval at the time of issuance of a Building Permit may require additional improvements and/or approvals. Additional parking may also be required upon subsequent change in use, in conformance with Hailey's Zoning Ordinance at the time of the new use.
- e) All City infrastructure requirements shall be met and completed prior to issuance of occupancy. Detailed plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for Department Head approval and shall meet City Standards where required. Infrastructure to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:
  - 1. One water service shall be removed at the main, if required by the City Engineer
  - 2. Drywells shall not be installed within 25' of either the water main or service.
  - 3. An encroachment permit is required for the sidewalk adjacent to Airport Circle.
  - 4. An IDWR Inventory list for drywell permit(s) is required to be filed.
  - 5. Sidewalks shall be installed to City Standards.
- f) A grading plan shall be submitted with the building permit for approval by the City Engineer to verify compliance with sidewalk and ADA access requirements.
- g) All sidewalks installed shall be a minimum of 6 feet in width.
- h) All landscaping will have automatic drip irrigation or spray heads on automatic timers and be professionally maintained. The native grasses located at the north end of the lot shall be temporarily watered for two seasons or until establishment and shall be maintained in a manner that ensures the grass's survival.
- i) If exterior storage of materials is occurs, fencing shall be used to screen these areas and shall be provided pursuant to requirements set forth in Section 4.12.3.4. Fence materials shall be approved by the Planning & Zoning Administrator.
- j) All exterior lighting shall comply with the Outdoor Lighting Ordinance. Fixture "B," as submitted in the plans shall not be used. Fixture "A" shall be used in place of "B." Fixture "D" shall not be angled out. Fixture "A" shall be enclosed and completely

- j) opaque on all sides. Fixture "C" shall be angled to illuminate the sign only.
- k) The project shall be constructed in accordance with the application or as modified by these Findings of Fact, Conclusions of Law and Decision.
- l) Except as otherwise provided, all the required improvements shall be constructed and completed, or sufficient security provided as approved by the City Attorney, before a Certificate of Occupancy can be issued.
- m) This Design Review approval amends the previous approval of plans dated July 30, 2008. The Planning & Zoning Administrator has the authority to approve minor modifications to this project prior to, and for the duration of a valid Building Permit.
- n) This project may be subject to Development Impact Fees pursuant to Municipal Code Chapter 15.16. Check with Building Department staff for estimated fee amount.

Signed this 16 day of MARCH, 2009.

  
Owen Scarron, Commission Chair

Attest:

  
Becky Mead, Deputy Clerk

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18<sup>th</sup> day of March, 2009, I served a true and correct filed copy of the within and foregoing document upon the parties named below, in the manner noted:

<input type="checkbox"/>	U.S. Mail	James Whitney
<input checked="" type="checkbox"/>	Via Electronic Mail	Portage Bay Partners
<input type="checkbox"/>	Via Facsimile	P.O. Box 523
<input type="checkbox"/>	Hand Delivered	Medina, WA 98039
		jwhitney@portagebaypartners.com
<input type="checkbox"/>	U.S. Mail	Jay Cone
<input checked="" type="checkbox"/>	Via Electronic Mail	Jay Cone Architecture
<input type="checkbox"/>	Via Facsimile	651 El Dorado Lane
<input type="checkbox"/>	Hand Delivered	Hailey, ID 83333
		jccone@jayconearchitecture.com

CITY OF HAILEY

By Becky Mead  
Becky Mead, Deputy Clerk