

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On April 6, 2009 the Hailey Planning and Zoning Commission considered an application submitted by Lily and Fern, LLC for Design Review approval for a shadehouse and two sheds, located at 1611 Aviation Drive 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 March 25, 2009.

#### Application

Lily and Fern has submitted a Design Review application for a shade house and two (2) storage sheds, located on the western half of Lot 3B, Block 4, Airport West Subdivision Phase II (1611 Aviation Drive. The applicant proposes two sheds under 120 square feet and one 960 square foot Shadehouse to store materials related to Lily and Fern's landscaping business.

The applicant received Design Review approval from the Airport West Business Park Architectural Review Board on March 4, 2009.

#### 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:

#### **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 is required. If construction of the proposed project is less than \$20,000 dollars, sidewalk requirements may be waived. The applicant has stated that the approximate construction costs are estimated to be around \$2,000, excluding the fencing costs, which are unknown at this time. It is a condition of approval that sidewalks are provided, unless construction of the project is less than \$20,000.

#### **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.**

**Upon any approval of the Design Review application, the Owner shall be required as a condition of approval to record the Area Development Plan or a development agreement depicting and/or detailing the approved Area Development Plan with a statement that the Area Development Plan shall bind the Owner and Owner's successors.**

The applicant does not own the property, but has entered into a lease with the property owner, Dale Johnson, to use and construct the proposed structures on the western half of Lot 3B. Dale Johnson does not own any property contiguous to the subject property.

## **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. Currently, no signs are proposed.

### **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**

Because none of the proposed structures are in excess of 4,000 square feet and the proposed use, landscape storage, is not listed in this standard, this requirement is not applicable.

### **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.**

All vehicular parking will be at the north end of the lot. There are seven (7) parking spaces proposed, none of which would require vehicles entering or leaving the spaces from Dornier Way to be moving in a backward motion. Dornier Way is a private street, not a public right-of-way.

**9.2.9 Screening and Landscaping. All loading space areas and parking areas for any use containing more than 4 surface parking spaces, and located in or adjacent to a residential district, shall be effectively screened on all sides which adjoin or face any other residential property, except where spaces have direct access from a right-of-way. The screening shall consist of an acceptably designed wall, fence or planting screen. Such fence or wall shall be not less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition. The space between such fence or wall and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs, evergreen ground cover or trees, and maintained in good condition.**

- a. Parking areas designed to accommodate 10 or more cars shall have no less than 10% of their surface area landscaped. The landscaping shall include deciduous trees no smaller than 2" caliper.**

The applicant proposes seven (7) parking spaces adjacent to an adjoining lot to the north that is also zoned SCI-I. There is a residential area across from Broadford Road, to the west of the property. The portion of the residence that is directly adjacent to the subject property is an agriculture field; however, all properties contiguous to the field are residences. No parking is proposed adjacent to these residential areas, along the west end of the lot.

**9.2.10 Wheel Blocks. Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.**

All seven (7) parking spaces abut the adjacent property on Lot 3A. There is an existing post and pole wooden fence installed on the property boundary. It is anticipated that this will prevent parked vehicles from encroaching into Lot 3A.

**9.2.11 Minimum Distance Setbacks. No part of any parking area for more than 10 vehicles shall be closer than 20 feet to any lot occupied by a dwelling unit, school, hospital or other institution for human care and shall be separated from that adjoining lot by an acceptably designed screen as defined above.**

The applicant proposed seven (7) spaces and there are no uses adjacent to the subject lot; therefore, this standard is not applicable.

**9.4 Parking Space Requirements.**

**9.4.5 Industrial.**

- c. **Lumberyards and Landscape Nurseries: 1 space for every 250 square feet of net retail floor area plus 1 space for each 2,500 square feet of gross warehouse area.**

The applicant's proposed use is storage and warehouse for related landscaping items only. The proposal indicates approximately 1,200 square feet of gross floor area, which would require one parking space. No retail floor area is proposed. Seven (7) spaces are proposed.

**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.**

No lighting is proposed.

#### 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.**

It is not anticipated that the proposed use of the property would create any of the adverse or hazardous conditions listed above. However, there may be issues with parking overflow, dust generated from the vehicles being stored on-site, without pavement or asphalt being installed, and waste, such as pallets or other items related to a landscaping business's operations.

The Commission considered the potential impacts this type of use may create and decided on conditions to address them and required changes in the site plan for additional screening either by fencing or landscaping. It is a condition of approval that gravel or some other approved dust abatement technique be used on the subject portion of the lot, where the vehicles will be stored and entering and existing, to minimize dust during the summer months.

**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.**

The Shadehouse and sheds are located on the western half of an undeveloped lot and are adjacent to Dornier Way, which is a private street that dead-ends at the end of Lot 3B.

- b. **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 west end of Lot 3B is adjacent to Broadford Road, which is a residential area of Blaine County. There are currently two or three small to medium sized trees. The Commission considered additional landscaping at this location. Meeting this requirement is a condition of approval, with the plantings' size and type to be approved by the Planning Administrator.

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

This application constitutes compliance with this requirement.

- d. **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.**

Not applicable. The applicant does not propose to construct any structure with a loading door or dock.

#### **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**

Lot 3B is 43,570 square feet.

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

The proposed Shadehouse measures eight feet, six inches high. The two (2) sheds measure seven feet, eleven inches and seven feet, nine 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.**

The applicant does not propose any retail or wholesale trade use.

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

The applicant proposes to occupy the western half of a lot that fronts Aviation Drive. The setback from front is in excess of 100 feet.

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

The side and rear setbacks measurements are as follows: south – 36 feet (includes northern half of Dornier Way); west – 13 feet; north – 9 feet. The north setback does not meet the 10 foot requirement; however, the accessory structure's size is stated in error on the plans. The applicant has informed the Planning Department that the structure is less than 120 square feet, which allows the structure to be placed within 3 feet of the property line. In accordance with sub-section (f) below, it is a condition of approval that a minimum of 10 feet be provided between the parking area and the north property line of Lot 3B.

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

Seven (7) parking spaces are located within the required 10 foot setback, adjacent to the north property line. It is a condition of approval that a minimum of 10 feet be provided between the parking area and the north property line of Lot 3B.

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

There are no existing structures on the subject property. The proposed structures would cover 3% of Lot 3B.

- 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.**

Meeting this requirement is a condition of approval.

**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.*

Adjoining properties to the east, north, and south are all vacant lots. To the west are Broadford Road and Blaine County Residential areas.

- 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.*

The applicant has stated that no customers will be accessing the site and no retail will occur at this location.

- 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.*

No snow storage is shown on the plans. The applicant has stated that the structures and property will only be used during the landscaping season. Therefore, this guideline is not applicable.

- 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.*

There is a proposed parking area located to the north of the lot, with a bulk soil area and trailer located to the south of the lot. The post and pole fence, located on the north lot line, is minimal and it's not anticipated that it would actually provide adequate screening. There are concrete blocks located on the east side of the portion of the property that is in question. The applicant has informed me that Dale Johnson, the owner of the property has separated it into three different parcels, using stacked rows of concrete blocks approximately 2-3 feet high.

The Commission reviewed whether they felt like this was adequate and appropriate screening for the off-street parking areas and sheds and determined that providing additional screening on the east side of the subject lot, in-lieu of the concrete blocks adjacent to the subject parcel, was inappropriate considering that there are other vehicles and concrete blocks located on the eastern portion of Lot 3B, east of the subject portion of the property. The eastern portion of Lot 3B was not part of this design review application and would be unscreened and visible from Aviation Drive, without or without screening on the western portion of Lot 3B. The Commission determined that the applicant for the project should not be burdened with issues pertaining to the remainder of Lot 3B.

It is a condition of approval that screening either with a fence made of materials to be approved by the Planning Administrator or landscape screening be provided along the

west and portions of the south lot lines (enough to provide some screening of the parking area, but also to provide for access on and off the site).

## **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.*

The two sheds are less than 120 square feet. The plans show one of the sheds measures 140 square feet. The applicant has stated that that was in error and that it truly measures less than 120 square feet. It is a condition of approval that a revised site plan be submitted to reflect this change. The Shadehouse is 20 feet by 48 feet, which is relatively small, considering some of the larger building in Airport West.

- 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.*

There are no similar structures located near the subject property. The majority of the buildings in Airport West are larger, more permanent structures, with some having storage buildings as accessory structures to the primary building.

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

The applicant proposes a new Shadehouse and two sheds, not a renovation or addition. Previously, there were no buildings located on the subject property.

- 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*

The buildings will not be occupied; therefore this standard is not applicable.

**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.*

Both sheds are constructed of wood; one is unpainted and the other is painted cream with green trim. The Shadehouse is 960 square feet, with a height of approximately 8 feet. The structure has a clear membrane enclosure with a steel pipe frame.

**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.*

The applicant has stated that the site will not be used during the winter months and the membrane to the Shadehouse would be removed during these periods of vacancy.

**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 has been proposed by the applicant. The applicant should be aware that any signage over 4 square feet, shall require a sign permit.

**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).*

The dumpster is located on the street side of all three buildings. It is a condition of approval that the dumpster be located within the fenced area or relocated to the northwest corner of the lot. Given the two sheds' current condition it is a condition of approval that the two sheds be screened by a fence or removed completely with the contents of the sheds stored behind a proposed fence.

**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.*

It is a condition of approval that fencing or an alternative screening material, possibly potted plants, be installed along the west and south sides of the subject portion of Lot 3B, with height and materials to be approved by the Planning Administrator.

**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.*

No roof projections are proposed.

**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.*

No ground-mounted mechanical equipment is proposed. There is a dumpster shown on the plans that is not screened. It is a condition of approval that a revised plan is submitted showing the dumpster enclosed within a fence.

**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.*

No utility or electrical lines exist or are proposed on the site. The buildings will have no electricity or water.

**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.*

No landscaping is proposed. The Commission reviewed the applicant's proposal for no landscaping and determined that no landscaping would be required for this project. However, the Commission did require screening of the sheds, dumpster, and along the west and south sides of the lot. They deferred the decisions regarding the type of screening and all screening details to the Planning Administrator.

**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.*

No landscaped areas provided. The Commission reviewed the applicant's proposal for no landscaping and determined that no landscaping would be required for this project. However, the Commission did require screening of the sheds, dumpster, and along the west and south sides of the lot. They deferred the decisions regarding the type of screening and all screening details to the Planning Administrator.

**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).*

Landscaping was not required by the Commission; therefore, an automatic irrigation system is not required. If landscaping is to be used for screening purposes at this location, the Commission decided potted plants, maintained without an automatic irrigation system would be permissible; however, a plan for maintenance of the potted plants will need to be approved by the Planning Administrator and the area is to be maintained in a healthy and thriving condition, free of weeds, trash, and debris.

**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.*

No retaining walls are proposed.

## CONCLUSIONS OF LAW AND DECISION

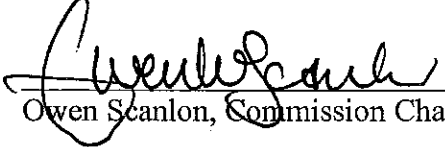
Based upon the above Findings of Fact, the Commission makes the following Conclusions of Law and Decision:

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 January 21, 2009 and the revised plans required by these conditions of approval.
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) 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. The Shadehouse can only be used from April 15<sup>th</sup> to October 15<sup>th</sup> each year.
    2. At a minimum, the shade house's membrane shall be removed after 180 days use, and shall remain off during the remainder of the year.
    3. The width of the doors and information regarding its locking mechanism shall be submitted to the Fire Department.
    4. Fire extinguishers and their placement must meet the IFC requirements.
    5. The Shadehouse must remain unoccupied and classified by the Building Official as a "U" occupancy.
    6. No heaters or combustible materials shall be kept in the Shadehouse.
  - b) 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.
  - c) All City infrastructure requirements shall be met. 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. Sidewalks shall be provided, unless construction of the project is less than \$20,000.

- d) 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.
- e) Fencing to screen exterior storage materials shall be provided pursuant to requirements set forth in Section 4.12.3.4. Fence materials shall be approved by the Planning & Zoning Administrator.
- f) A revised plan shall be submitted to the Planning Administrator for approval, and shall be constructed accordingly, showing the following changes:
  - 1. Screening material for the west and south sides of the subject portion of Lot 3B, including size, location, and type, shall be approved by the Planning Administrator.
  - 2. The two sheds shall be enclosed within the proposed fence shown near the Shadehouse or the sheds shall be eliminated and the materials stored in the sheds shall be enclosed within the proposed fence.
  - 3. The dumpster shall be located within the fenced area or relocated to the northwest corner of the lot.
  - 4. Accurate dimensions of the two sheds.
  - 5. A minimum of 10 feet shall be provided between the parking area and the north property line of Lot 3B.
- g) There will be no lighting at this location.
- h) The project shall be constructed in accordance with the application or as modified by these Findings of Fact, Conclusions of Law and Decision.
- i) If any potted plants are used for screening, a plan for maintenance shall be submitted and approved by the Planning Administrator, and these areas shall maintained in a healthy and thriving condition, free of weeds, trash, and debris.
- j) Gravel or some other dust abatement technique, approved by the City Engineer, shall be used on the subject portion of the lot, where the vehicles will be stored and entering and existing to minimize dust.
- k) 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.
- l) This Design Review approval is for plans dated January 21, 2009, and the revised plans required by these conditions of approval. 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.

m) This project is subject to Development Impact Fees pursuant to Municipal Code Chapter 15.16. Check with Building Department staff for estimated fee amount.

Signed this 20 day of APRIL, 2009.

  
Owen Scanlon, Commission Chair

Attest:

  
Becky Mead, Deputy Clerk

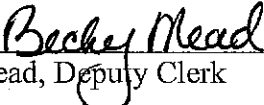
### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21<sup>st</sup> day of April, 2009, I served a true and correct filed copy of the within and foregoing document upon the parties named below, in the manner noted:

- U.S. Mail
- Via Electronic Mail
- Via Facsimile

Lily & Fern  
415 Carbonate St. East  
Hailey, ID 83333

CITY OF HAILEY

By   
Becky Mead, Deputy Clerk