

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On November 1, 2010 the Hailey Planning and Zoning Commission considered a request submitted by Idaho Army National Guard for modification to Design Review approval of December 8, 2008 for the Hailey Readiness Center (Armory) located at Lots 12 and 14, Block 125, Hailey Townsite within the General Residential (GR) zoning district and Townsite Overlay (TO). The modification is to locate the trash enclosure with access from Third Avenue. Modifications to Design Review approval determined by the Administrator not to be minor may be placed on the consent agenda for approval or denial by the Commission based on the Administrator's recommendations. The Administrator recommended consideration of other locations for the trash enclosure. The Commission, having been presented with all information regarding the proposal, hereby makes the following Findings of Fact, Conclusions of Law and Decision.

### FINDINGS OF FACT

#### 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.3.g. the Administrator has the authority to approve minor modifications to projects that have received design review approval by the Commission prior to, and for the duration of a valid Building Permit. The Administrator shall make the determination as to what constitutes minor modifications and may include, but are not limited to changes to approved colors and/or siding materials, changes to site plans that do not increase building footprints or significantly change driveway or road alignment, changes to landscape plans that do not decrease the amount of landscaping, changes to dumpster enclosures, changes to exterior lighting fixtures and location, or changes to windows that do not significantly affect project design, appearance or function. All approved modifications must be documented in a memo to the project file and on the approved set of plans on file with the city.**

**For modifications to design review approval that are determined by the Administrator not to be minor, the Administrator has the authority to recommend approval or denial of such modifications, subject to final decision by the Commission on its consent agenda. Such recommendation for approval or denial shall be drafted in the form of Findings of Fact and Conclusions of Law.**

The plans approved included a trash enclosure located near the northeast side of the building and accessed from the existing curb cut along Fourth Avenue. This location was changed by the applicant for security purposes; however the change in location was not approved by the City of Hailey. Furthermore, it was a condition of approval that a letter from the disposal company, specifying the location and orientation of the enclosure is acceptable, be submitted to the Administrator prior to issuance of a building permit. In this case, a building permit from the city was not required (a state permit was issued instead); therefore this condition of approval was not verified.

The trash enclosure was constructed adjacent to Third Avenue with access across the newly constructed sidewalk; an improvement required as part of Design Review approval. In addition, the disposal company was not contacted prior to construction and the enclosure does not meet their equipment needs (approximately 18 inches too narrow). For this reason, the enclosure will have to be modified.

Staff considered locating the enclosure with access from the on-site parking area to be preferable in order to minimize conflicts with pedestrians. The disposal company prefers the location accessed from Third Avenue. It has been noted by the applicant that the on-site parking lot is frequently used by surrounding uses including Roberta McKercher Park and the Senior Center. The applicant is amenable to the parking lot being used by others in the community but stated this unrestricted use makes it more difficult to control access to the trash enclosure if it were located facing the on-site parking. It is noted that the Senior Center, located across Third Avenue, does not have alley access (unlike the BCSD Technology Department building directly to the north) and will construct a trash enclosure and on-site parking accessed by one curb cut across the sidewalk along Third Avenue.

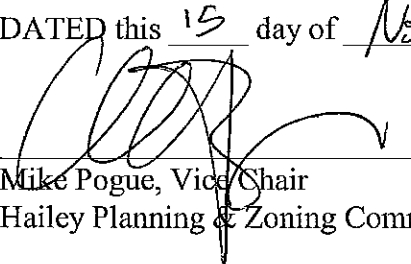
The Commission determined the location proposed by the applicant, accessed directly from Third Avenue, to be acceptable. The Commission noted that a solid door for the enclosure is required to fully screen the contents from public view.

### CONCLUSIONS OF LAW AND DECISION

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

1. The proposed modifications are consistent with the Findings of Fact, Conclusions of Law and Decision adopted by the Hearing Examiner for the aforementioned project on the 8th day of December, 2008.
2. The modification shall receive Design Review approval subject to the following conditions:
  - a. A solid door for the trash enclosure is required in order to fully screen the contents from public view. The redesigned enclosure shall be submitted to the Planning Director for review prior to construction.
3. Approval of the Design Review modification does not in any way waive any Design Review requirements approved by the Commission or Hearing Examiner. All Design Review elements must be installed, or security provided, prior to issuance of a Certificate of Occupancy.

DATED this 15 day of Nov, 2010.

  
Mike Pogue, Vice Chair  
Hailey Planning & Zoning Commission

Attest:

  
Becky Mead, Deputy Clerk

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 16<sup>th</sup> day of Nov., 2010, 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
- Hand Delivered

Applicant:

Idaho Army National Guard  
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CITY OF HAILEY

By Becky Mead  
Becky Mead, Deputy Clerk