

## **FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION**

On October 19, 2009 and March 15, 2010 the Hailey Planning and Zoning Commission considered an application submitted by Idaho Power for Design Review approval of the installation of an air break switch support structure, three lolly columns, three air break switches (identified on the plans as 101T, 101B and 101C), a circuit breaker (identified on the plans as 101A) and a new section of transmission line (five poles) to reconnect back into the existing 138kV transmission line, located on Lots 1 - 11, N 8 ½' of Lot 12, and Lots 13-23, NE 20' and N 8 ½' of Lot 24, Block 90, Hailey Townsite, SW 20' of 6<sup>th</sup> Ave and the alley within Block 90 (251 N 6<sup>th</sup> Ave) within the Limited Residential-1 (LR-1) and Townsite Overlay zoning districts. The Planning and Zoning 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 on October 19, 2009 was published in the Idaho Mountain Express and mailed to property owners within 300 feet on September 30, 2009. Notice for the public hearing on March 1, 2010 was published in the Idaho Mountain Express and mailed to property owners within 300 feet on February 10, 2010. The public hearing was continued on the record on March 1 to March 15, 2010.

#### **Application**

Idaho Power submitted a Design Review application for the installation of new structures, located at Lots 1 - 11, N 8 ½' of Lot 12, and Lots 13-23, NE 20' and N 8 ½' of Lot 24, Block 90, Hailey Townsite, SW 20' of 6<sup>th</sup> Ave and the alley within Block 90 (251 N 6<sup>th</sup> Ave).

The purpose of the proposed project is to reconfigure the existing operating system of the Hailey Substation to convert from a single source 'tap' to a double source 'in and out' configuration providing automated power restoration and isolation of faults in the transmission system.

Idaho Power proposed an "air break switch support structure" that would be 14 feet lower than the dead-end structure installed in 2009 and 6 feet lower than the original dead-end structure. This alternative would require three 24 foot "lolly columns" to support the power lines coming from the existing transmission line on the south end of the site.

The revised proposal includes the installation of an air break switch support structure and three lolly columns, three air break switches (identified on the plans as 101T, 101B and 101C), a circuit breaker (identified on the plans as 101A) and a new section of transmission line (five poles) to reconnect back into the existing 138kV system.

The Design Review application was reviewed concurrent with a Conditional Use Permit application.

**Department Comments:**

**Engineering:**  
 No comment received  
**Life/Safety:**  
 No issues

**Water and Sewer:**  
 No comment received  
**Building:**  
 No issues  
**Streets:**  
 No issues

**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 Planning and Zoning Commission makes the following Findings of Fact:

**Section 2, Definitions:**

**Public Utility Facility.** A structure or facility including towers used by a public utility. Such towers may not exceed forty-eight (48) feet in height. Public utilities include, but are not limited to, gas, electric, or telephone companies. Facilities for wireless communications are not included, and are specifically regulated by Article VIIIA of this Ordinance.

**Bulk requirements:**

**Maximum height in the LR District is 30 feet. The maximum height of a public utility facility tower is 48 feet.**

**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.

	<b>Height</b>	<b>Front Setback</b>	<b>Side and Rear Setback</b>	
	<b>48 ft max</b>	<b>25 ft required</b>	<b>Required</b>	<b>Proposed**</b>
<b>Pole 2, 3, 4</b>	47.5 ft	85 ft (6 <sup>th</sup> Ave)	24 ft	24 ft (north side) 40 ft (rear)
<b>Pole 5</b>	30 ft	85 ft	15 ft	145 ft (north side) 125 ft (rear)
<b>Support Structure</b>	21 ft	65 ft	10.5 ft	20 ft (south side) 105 ft (rear)
<b>Lolly Columns</b>	24 ft		12 ft	16 ft (south side) 115 ft (rear)
<b>Air Break Switches</b>	24 ft	80 ft	12 ft	20 ft (south side) 115 ft (rear)
<b>Circuit Breaker</b>	14 ft		7 ft	20 ft (south side) 115 ft (rear)

\* Pole 1 is 74.5 ft tall and is part of the main transmission line located outside of the substation and

is determined to be a separate existing non-conforming structure; the addition of the pole would not increase the degree of non-conformity of the main transmission line because the length and height of the line is not being extended.

\*\* Only the closest side setback is shown.

#### **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.**

Sidewalk and drainage improvements according to applicable City Standards are required along the front property line adjacent to 6<sup>th</sup> Avenue; this property line is 333.5 feet. The applicant has the option of requesting approval of a voluntary cash contribution in-lieu of constructing the sidewalk and drainage improvements.

#### **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.**

NA

**6.A.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.

NA

## **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.

## **9.4 Parking Space Requirements.**

Parking exists on site; no change is proposed to affect the amount of parking required.

## **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 new lighting is proposed. All existing lighting shall comply with Hailey's Outdoor Lighting Ordinance.

## **6A.7.2.1 DESIGN REVIEW GUIDELINES FOR NON-RESIDENTIAL BUILDINGS**

### **A. Site Planning.**

1. The building shall be oriented to the street. If the building is located on a corner, the building shall address the corner as well as both streets.

NA

- 2. Where buildings are separated from the public sidewalk along the primary street frontage, the space should contain public and pedestrian amenities. Buildings downtown should be located directly at the back of the sidewalk.**

NA

- 3. The site should be designed to support pedestrian circulation and provide pedestrian amenities.**

NA

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

NA

- 5. Buildings should be sited in a manner that preserves significant vegetation. Existing trees greater than 6" in caliper are considered a resource and the removal of any such trees are subject to administrative review and approval.**

A mature and dense landscape buffer exists on the east side of the site adjacent to 6<sup>th</sup> Ave N. Mature landscaping also exists on the north and south sides of the site. No changes to the landscaping are proposed. Landscaping on the west side is required to be installed as a condition of approval.

- 6. The design of the site should consider sun in exterior space to avoid creating cold unpleasant exterior areas.**

NA

- 7. 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.**

NA

- 8. Off street parking areas should be screened from public streets.**

NA

- 9. On-site parking areas for more than 3 vehicles must be designed to allow vehicles forward entry and exit from the site into a public street.**

NA

- 10. Site design must consider the placement and screening of service areas and auxiliary structures.**

A mature and dense landscape buffer exists on the north and east side of the site adjacent to 6<sup>th</sup> Ave N. Mature landscaping also exists on the property to the south of the site; required to be installed by the developer of the adjacent property at the time the adjacent property was subdivided. Landscaping on the west side is required to be installed as a condition of approval.

- 11. Where alleys are available, they should be utilized to the greatest extent possible for**

**loading, delivery, trash pickup and utilities.**

NA

**B. Building Design.**

The standards for building design are not applicable to this application. The structures proposed are structures to support electrical power distribution and no structures with walls and a roof are proposed.

**1. New development shall recognize the City's historic architectural heritage.**

NA

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

NA

**3. All sides of the building should be designed to be interesting by incorporating the use of varying materials, textures and colors.**

NA

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

NA

**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.**

The existing building will be repainted. The paint color is required to be submitted for approval prior to painting.

**6. Roof design should reduce the mass and scale of buildings and add visual interest and prevent reflective glare. Flat-roofed buildings over two stories in height should incorporate roof elements, or upper decks, balconies or other design elements.**

NA

**7. Vehicle canopies associated with gas stations, convenience stores or a drive-through shall function as structures rather than as sign platforms. Canopies shall follow the colors, material and architectural design used on primary building(s). Vehicle canopies should have a minimum roof pitch of 3/12 and display the underside of the roof structure.**

NA

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

NA

**9. Signage areas should be appropriate to the building's scale and design.**

NA

**10. Building designs should minimize the apparent scale of buildings.**

NA

**11. Buildings shall be designed to ensure that building massing and scale provide sensitive transition to adjoining residential neighborhoods. When abutting the LR, GR or TN zoning districts, the project's landscaping plan must include provisions for vegetative screening between the project and the residential property.**

NA

**12. Where buildings exceed 30 feet in height, the entire roof surface shall not project to the highest point of the roof. The Commission shall review building height relative to the other dimensions of width and depth combined with detailing of parapets, cornices, roof, and other architectural elements. Fire department staging areas shall be incorporated into the design elements of the building.**

NA

**13. Multi-unit structures should emphasize the individuality of units or provide visual interest by variations in roof lines or walls or other human scale elements.**

NA

**C. Fences and Equipment/Utilities.**

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

Amendments to allow Public Uses and Public Utilities the use of chain link fences has been recommended by the Commission to the Council to address the fact that Public Uses and Public Utilities typically require the security chain link fencing provides. The applicant proposes to replace the existing fence with a new chain link fence with vinyl fabric inserts. A sample was presented to the Commission on March 15. The Commission determined the proposed fencing was acceptable but required as a condition of approval additional landscaping on the west side and a screen of an alternate fencing material, such as cedar or masonry, be installed south of the chain link security fence along the south elevation. The requirement of additional landscaping to the west and a fence screen to the south is intended to serve the purpose of screening the chain link fence to minimize its appearance; however it is reasonable to expect that portion of the chain link fence will be visible.

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

NA

**3. All ground-mounted mechanical equipment, including heating and air conditioning**

**units, and trash receptacle areas should be adequately screened from surrounding properties by the use of a wall, fence, or landscaping, or shall be enclosed within a building.**

NA

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

The purpose of the project is to bring lines from the main transmission line to the substation in order to remain energized independently and allow for line maintenance without de-energizing the station and decreases the downtime during unplanned outages.

**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.**

A mature and dense landscape buffer exists on the east side of the site adjacent to 6<sup>th</sup> Ave N. Mature landscaping also exists on the north and south sides of the site. No changes to the landscaping are proposed. The Commission required as a condition of approval additional landscaping on the west side.

**2. The urban environment should be considered in planning landscaped areas. A combination of trees, shrubs vines, ground covers and ornamental grasses should be selected that enhance and soften the hardscape. For 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 mature and dense landscape buffer exists on the east side of the site adjacent to 6<sup>th</sup> Ave N. Mature landscaping also exists on the north and south sides of the site. No changes to the landscaping are proposed. The Commission required as a condition of approval additional landscaping on the west side.

**3. Pedestrian areas should have special plantings.**

NA

**4. 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. The existing landscaping is watered by an automatic irrigation system.**

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

NA

## CONCLUSIONS OF LAW

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

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 standards of Article 6A, Design Review, other Articles of the Zoning Ordinance and City Standards.

## DECISION

The Design Review of the Hailey Substation Upgrade is hereby approved subject to the following terms and conditions:

1. The project shall be constructed in accordance with the application or as modified by these Findings of Fact, Conclusions of Law and Decision.
2. This Design Review approval is for plans stamped "Approved 3/15/2010" and filed with the city.
3. This Design Review approval shall expire one (1) year from the date these Findings of Fact are signed, unless the approved work is completed.
4. Except as otherwise provided, all the required building, landscaping, site, infrastructure improvements and all other conditions of approval shall be constructed and completed, or security in the amount of 150% of the estimated cost as approved by the City, before a Certificate of Occupancy will be issued.
5. This Design Review approval is subject to the following conditions:
  - a) All Fire Department and Building Department requirements shall be met.
    - i. Prior to installation of the new fence, a fence permit shall be obtained from the Building Department and the plans for the fence shall meet the applicable standards of Section 8.1, Hailey Zoning Ordinance.
    - ii. No auxiliary apparatus (e.g. utility meters, fire suppression equipment) may extend into any public right-of-way.
    - iii. Any change in use or occupancy type from that approved at time of issuance of Building Permit may require additional improvements and/or approvals.
  - b) All applicable 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 City approval and shall meet all applicable City Standards. Infrastructure to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and

improvements:

- i. Sidewalk and drainage improvements, designed according to applicable City Standards, are required along the front property line adjacent to 6<sup>th</sup> Avenue; this property line is 333.5 feet

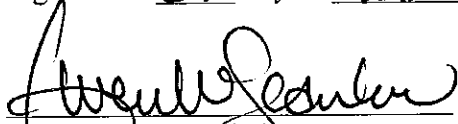
The applicant has the option of requesting approval of a voluntary cash contribution in-lieu of constructing the sidewalk and drainage improvements.

The sidewalk construction shall be completed or in-lieu contribution shall be paid within six (6) months of the date the Findings of Fact are signed.

- c) A landscape plan showing landscaping to the west shall be submitted by the applicant for approval by the Commission prior to installation.
- d) The applicant shall install, or pay for the installation of, fencing material on the south side of the chain link security fence along the south side of the property to screen the chain link fence from the adjacent residences. The screening fence shall not exceed a height of six (6) feet. The applicant shall coordinate with the Sixth Avenue Court Homeowners Association in the selection of the fencing material. The fencing material shall be submitted for approval by the Commission prior to installation.
- e) The buildings located within the Hailey Substations are required to be painted and subsequently maintained according to maintenance schedule submitted by Idaho Power and accepted by the City. The color shall be submitted for approval by the Commission prior to painting.
- f) All noxious weeds shall be controlled according to State Law.
- g) All new and existing exterior lighting shall comply with the Outdoor Lighting Ordinance.

A party aggrieved by a final decision of the Hearing Examiner or Commission may appeal in writing any final decision by filing a Notice of Appeal with the Hailey City Clerk within fifteen (15) days from the date of the decision.

Signed this 29<sup>th</sup> day of MARCH, 2010.

  
Owen Scanlon, Chair

Attest:

  
Becky Mead, Deputy Clerk

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30<sup>th</sup> day of March, 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

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

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

Applicants:

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Dan Olmstead, Idaho Power Co.  
Community Service Representative  
133 Fairfield Street North  
Twin Falls, ID 83301

Applicant's Representative:

Jim Bell, Idaho Power  
[jimbell@idahopower.com](mailto:jimbell@idahopower.com)

CITY OF HAILEY

By Becky Mead  
Becky Mead, Deputy Clerk