

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On September 19, 2011 the Hailey Planning Zoning Commission considered an application submitted by Blaine County School District for an amendment to a Conditional Use Permit for Community Campus located at Wood River High School Campus PUD, Block 3, Lot 1 (1050 Fox Acres Road). The property is within the General Residential (GR) 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 on August 31, 2011 was published in the Idaho Mountain Express and mailed to property owners within 300 feet on August 31, 2011.

Application

An application by Blaine County School District for an amendment to the Community Campus Conditional Use Permit for a daycare operation within the Community Campus, located at Wood River High School Campus PUD, Block 3, Lot 1 (1050 Fox Acres Road) within the General Residential (GR) District.

Procedural History

Pursuant to the original CUP approved October 6, 2003, the Community Campus may be used by Blaine County Recreation District (BCRD), College of Southern Idaho (CSI), and Blaine County School District (BCSD) for their administrative use and programs. These uses are considered public uses. The definition of “public use” in the Zoning Ordinance is, “Use for a public purpose by a city, school district, county, state, or any other public agency or a public utility.” The original CUP included the Head Start program which was considered as a day care center. Day cares with up to 12 children at any one time are permitted within this zone; day cares with 13 to 18 children at any one time are a conditional use within this zone.

A two year review was a condition of the original CUP approval; the two year review occurred on December 19, 2005. At that time the applicant requested that the Head Start program approved in the original CUP as a day care be considered a public use instead of a day care center, because it is a federally funded public service agency providing many services to children and their families, including social services. The Commission found that, in light of the social and educational services provided, the Head Start operation within the Community Campus is a public use operated under the umbrella of BCRD, CSI or BCSD and therefore not subject to the maximum of 18 children.

The day care services the School District currently wants to provide is for children of its students. This is a social service that will facilitate teen parents’ ability to continue their high school education. Therefore, it may be appropriate to also consider the child care service a public use, rather than a day care center as defined by the Zoning Code which is limited to a maximum of 18 children. This distinction is for the purposes of zoning use designation and does

not preclude compliance with state codes dealing with child care facilities or with fire and building for any use classifications.

According to information provided by the applicant as part of the original CUP application, the school facilities bond, approved by voters in 2000, included reuse of the former high school as a facility for academic and recreational programs and services. The Community Campus currently includes programs and support services operated by BCRD, CSI and BCSD and also by non-profit organizations that are affiliated with or coordinated with BCRD, CSI and BCSD programs. The support services for BCRD, CSI and BCSD programs may include social services, as noted by the Commission 2005 in the case of Head Start. Within the past year the following non-profits have occupied space within the Community Campus; Blaine County Education Foundation, Footlight Dance Centre, Head Start, Sun Valley Summer Symphony School of Music, La Alianza Multicultural Center and Big Brothers Big Sisters.

It may be appropriate to clarify the conditional uses covered by the Community Campus CUP include “public uses” and “semi public uses”. Semi Public Use is defined as, “Private colleges, hospitals, safe houses, learning centers and other facilities of an educational, charitable, philanthropic or non profit nature.”

Previous Conditions of Approval

Conditions of the 6 month review of the 2 year review of the original CUP were as follows:

- a. An easement for access to the water meter and meter vault shall be obtained from the School District no later than September 1, 2006, to place the meter in the location preferred by the City.**

Correspondence dated September 29, 2006 between the city and the BCSD indicated the meter was to be installed inside the building and therefore the city requested assurance from the BCSD of reasonable access to the meters located inside the building and the easement would no longer be necessary.

- b. Pedestrian access improvements consisting of a concrete sidewalk shall be installed on the south side of the building no later than September 1, 2006, at the sole expense of the property owner, Blaine County School District.**

Correspondence from the BCSD attorney and the city stated the sidewalks were complete and had been inspected by the Building Official.

- c. The painting of the entrance portals, and any and all safety painting in the fire lanes and circulation areas surrounding the Community Campus parking lot, including but not limited to the crosswalk near the Aquatic Center, shall be completed no later than July 1, 2006.**

This condition was met.

- d. Any and all safety painting in the fire lanes and circulation areas surrounding the Community Campus parking lot, including but not limited to the crosswalk near the Aquatic Center, shall be maintained and repainted as necessary to be clearly visible.**

This condition addresses the expectation that ongoing maintenance will occur.

- e. Conditions (a) through (e) of the original Conditional Use Permit shall continue to be valid.**

a) *All Fire Department and Building Department requirements shall be met. At this time, these requirements include, but will not be limited to the following:*

- *Periodic inspections of remodeling work.*

b) *All of the green portals above the entrances will be altered in the same manner. The Design Review Committee shall review and approve the final colors and materials.*

c) *Any additional exterior alterations may be subject to Design Review.*

d) *The Community Campus may be used by Blaine County Recreation District, College of Southern Idaho, and Blaine County School District for their administrative use and programs. Any change in the use or entities occupying the subject buildings shall be subject to a review of the criteria of Hailey Zoning Ordinance Section 11.4, as amended, and to an amendment to this Conditional Use Permit.*

e) *Should additional parking be perceived as necessary when the Community Campus is fully operational, any spaces to be added will be subject to Design Review approval.*

Of these original conditions, condition (b) pertaining to “green portals” above the entrances has been met. Condition (d) is recommended to be modified to include public uses and semi-public uses. Condition (c) serves as a notice to the applicant that design review may be required, but this information is stated in Article 6A and is applicable regardless of whether it is included as a condition of approval.

Department Comments

Life/Safety: none

Building: none

Water/Sewer: none

Standard of Evaluation

Section 11.4 of the Hailey Zoning Ordinance establishes the standards for proposed conditional uses. For each applicable standard (in bold print), the Commission makes the following Findings of Fact:

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.

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.**

The applicant is hereby advised that all new and existing lighting shall comply with Hailey's Outdoor Lighting Ordinance.

9.4 Parking Space Requirements.

The final Wood River High School PUD approval granted a waiver of the number of parking spaces required, to allow not less than 1,160 spaces which included paved and unpaved overflow parking. The PUD approval included estimated parking for the re-use of the former high school building. The High School Campus parking was approved with 1,165 spaces. A total of 293 parking spaces are located at the front (112) and rear (181) of the Community Campus.

11. Conditional Use Permits

11.4 Criteria for Review.

11.4.1 The Commission or Hearing Examiner shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and, if approved, shall find adequate evidence showing that such use at the proposed location:

- a. Will, in fact, constitute a conditional use as established for the zoning district involved; and**

The purpose of this amendment to the Community Campus CUP is to state that the conditional uses covered by the Community Campus CUP include "public uses" and "semi public uses". "Public Use" is defined as, "Use for a public purpose by a city, school district, county, state, or any other public agency or a public utility." Semi Public Use is defined as, "Private colleges, hospitals, safe houses, learning centers and other facilities of an educational, charitable, philanthropic or non profit nature."

According to information provided by the applicant as part of the original Community Campus CUP application, the school facilities bond, approved by voters in 2000, included re-use of the former high school, as the Community Campus, a facility for academic and recreational programs and services. The Community Campus currently includes programs and support services operated by BCRD, CSI and BCSD and also by non-profit organizations that are affiliated with or coordinated with BCRD, CSI and BCSD programs. The support services for BCRD, CSI and BCSD programs may include social services, as noted by the Commission 2005 in the case of Head Start. Within the past year the following non-profits have occupied space

within the Community Campus; Blaine County Education Foundation, Footlight Dance Centre, Head Start, Sun Valley Summer Symphony School of Music, La Alianza Multicultural Center and Big Brothers Big Sisters.

b. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area; and

The Community Campus is an existing facility that has been in operation since 2003. Improvements were required to bring the building into compliance with this standard as conditions of the original CUP approval in 2003.

c. Will not be hazardous or disturbing to existing or future neighboring uses; and

The Community Campus is an existing facility that has been in operation since 2003. The nature and extent of the uses will not change with this amendment; rather the zoning use classifications are being clarified for the purpose of validating the Conditional Use Permit is compliant with the intended purpose.

d. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, and drainage structure. Agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service; and

The facility is currently served by public facilities and services.

e. Will not create excessive additional requirements at public cost for public facilities and services; and

No additional requirements at public cost are anticipated.

f. Will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, dust, odors, vibration, water or air pollution, or safety hazards; and

The production of excessive traffic, noise, smoke, fumes, glare, dust, odors, vibration, water or air pollution, or safety hazards are not anticipated.

g. Will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public thoroughfares; and

No change to the vehicular approach have been proposed or identified as necessary.

h. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature.

The CUP amendment will not result in the destruction, loss, or damage of a natural, scenic, or historic feature.

CONCLUSIONS OF LAW

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

1. Adequate notice, pursuant to Section 11.3 of the Hailey Zoning Ordinance and Idaho Code Section 67-6512, was given for the public hearing.
2. Upon compliance with the conditions stated below, the application substantially meets the standards of evaluation (a) through (h) set forth in Section 11.4 of Zoning Ordinance No. 532.

DECISION

The Conditional Use Permit amendment for the Community Campus, located at Wood River High School Campus PUD, Block 3, Lot 1 (1050 Fox Acres Road), for the purpose of stating that the conditional uses covered by the Community Campus CUP include “public uses” and “semi public uses”, is hereby approved, subject to the following conditions:

1. The uses contained within the Community Campus shall be those programs and support services operated by BCRD, CSI and BCSD and also by non-profit organizations that are affiliated with, or coordinated with, BCRD, CSI and BCSD programs. For the purpose of the Community Campus CUP child care service is considered a public use, rather than a day care center as defined by the Zoning Code which is limited to a maximum of 18 children. This distinction is for the purposes of zoning use designation and does not preclude compliance with state codes dealing with child care facilities or with fire and building for any use classifications.
2. All Fire Department and Building Department requirements applicable to improvements made to the building in association with the CUP amendment, or otherwise, shall be met.
3. All new and existing lighting shall comply with Hailey’s Outdoor Lighting Ordinance.

The following are the terms of the Conditional Use Permit approval:

1. A conditional use permit which is not used within the time specified in the permit, or if no time is specified, within one (1) year after the permit is granted, shall be void pursuant to Section 11.8 of the Hailey Zoning Ordinance.
2. A conditional use permit is void six (6) months after the use for which it is issued is discontinued pursuant to Section 11.8 of the Hailey Zoning Ordinance.
3. All Conditional Use Permits are subject to review and revocation pursuant to Section 11.9 of the Hailey Zoning Ordinance.
4. The issuance of a conditional use permit shall not be considered a precedent for the issuance of other conditional use permits.
5. A conditional use permit is not transferable from one (1) parcel of land to another. The conditional use permit may be transferred from one owner to another for the same use, but if there is a change in use on the property, a new conditional use permit must be obtained.

6. If the City denies an application or request, the applicant or his successor in interest may not file a new application or request for substantially the same conditional use permit for a period of one (1) year from the date the Hearing Examiner or Commission, or Council in the case of an appeal, takes action.
7. An affected person may appeal the decision of the Commission or Hearing Examiner following the procedures in accordance with Section 3.6 of this Ordinance.

Signed this _____ day of _____, 2011.

Geoffrey Moore, Chair
Hailey Planning & Zoning Commission

Attest:

Beth Robrahn, Planning and Zoning Administrator