

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On September 17, 2008, the Hailey Planning Zoning Commission considered an application submitted by Blaine County for a Conditional Use Permit for a public safety communications radio tower at 1650 Aviation Drive. The property is within the Service Commercial Industrial-Industrial (SCI-I) District, and Section 4.12.3.2 of the Hailey Zoning Ordinance #532 lists PWSF's, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit, as a conditional use within that 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 Wood River Journal and mailed to property owners within 300 feet on, August 27, 2008, and notice was posted on the property on, September 8, 2008.

Application

Blaine County has submitted a Conditional Use Permit application for a freestanding wireless tower, at 1650 Aviation Drive. The applicant proposes a 75 foot two-way radio communications tower, with 11 antennas and two (2) six (6) foot in diameter microwave dishes on a freestanding monopole, to be located next the Public Safety Facility. The property is located in the Service Commercial Industrial-Industrial (SCI-I) zoning district, and freestanding towers may be allowed under the Conditional Use Permit process.

Procedure

Section 11.1 of the Hailey Zoning Ordinance states that "the City of Hailey recognizes that certain uses possess unique and special characteristics with respect to their location, design, size, method of operation, circulation, and public facilities. In order to protect the public welfare and promote conformance with the Comprehensive Plan, conditional use permits are required for such uses upon review by the Commission."

Conditional Use Permits are subject to review and revocation pursuant to Section 11.9 of the Hailey Zoning Ordinance. This statement will be included in the Findings of Fact, Conclusions of Law, and Decision for any CUP approved by the Commission.

The applicant has concurrently applied for a Wireless Permit and Design Review for the freestanding radio tower.

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:

Standards of Evaluation

Lighting:

Article 8B.2.2.1 of Hailey Zoning Ordinance No. 532 states that “All existing exterior lighting located on a subject property that is part of an application for design review approval, a conditional use permit, subdivision approval, or a building permit is required to be brought into conformance with the Article before issuance of a Certificate of Occupancy...”

No new lighting is proposed. Existing exterior lighting at 1650 Aviation Drive shall comply with Hailey’s Outdoor Lighting requirements.

Signage:

The proposed signs do not require a sign permit because of their size and content. The applicant should be aware that if the sign proposal changes a sign permit may be required for any signage exceeding four (4) square feet that is not considered informational signage.

Section 11.4 of the Hailey Zoning Ordinance establishes the standards for proposed conditional uses. The Commission made findings related to each of the items (a) through (i).

a) Will, in fact, constitute a conditional use as established for the zoning district involved;

Pursuant to Section 4.12.3.2 of the Hailey Zoning Ordinance, Conditionally Permitted uses for the SCI - I sub-district include the following:

- e. PWSF’s and WCF’s, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIII A of this Ordinance. (Lattice towers are prohibited)

Finding: The Commission found that, within the SCI-I District, the use does in fact constitute a conditional use.

b) Will be harmonious with and in accordance with the general objectives or any specific objective of the Comprehensive Plan and requirements of this Ordinance;

The following Sections within the Public Facilities, Utilities and Services component have been sited by the applicant:

I. Goal: Maintain or improve service levels of all City utilities and facilities to adequately and efficiently provide for the health, safety, welfare and convenience of the City.

5. Policy: Support Police Department improvements to met projected Law Enforcement needs.

6. Policy: Support Fire Department improvements to meet projected fire protection and emergency incident response needs.

The following Sections within the Comprehensive Plan may also be applicable:

1.0 Natural Resources:

1.5 Physical Environment

Goal: Protect and enhance the physical environment of Hailey.

3. Policy: Recognize the value of and preserve, enhance or restore natural resources such as: water resources, scenic areas, view corridors, wildlife habitats, and ecosystems.

e. Identify, establish and protect view planes from identified special places.

f. Establish a Scenic Highway Corridor Overlay District to preserve the views at the entrances to the community.

2.6 Hazard Response Readiness

Goal: The Goal of this section is to ensure City readiness to respond to emergencies caused by natural or man-made hazards.

3.0 Special Sites, Area, and Features:

3.2 Cultural and Scenic Amenities

I. Goal: The goal of this section is to retain and protect features of special interest to the community, and to protect the scenic value of the Wood River Valley.

Finding: The Commission found that the proposed use complies with the Comprehensive Plan and the requirements of Article XI of the Hailey Zoning Ordinance.

c) 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;

The project proposes a tower in the SCI-I district, which permits light industrial uses. The location of the tower is adjacent to the airport (located to the rear of the property) and other surrounding uses that are light industrial in nature and consistent with uses permitted in the SCI-I district.

The applicant has concurrently applied for design review approval for the freestanding tower, which will consider this standard at length.

Finding: The Commission found that the proposed use complies with the above standard.

d) Will not be hazardous or disturbing to existing or future neighboring uses;

As proposed, the associated radio equipment will be housed inside the Facility's building, which is anticipated to eliminate any noise resulting from the tower's operation.

Finding: The Commission found that the proposed use will not be hazardous or disturbing to existing or future neighboring uses.

e) 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;

All City department heads, including but not limited to, police and fire departments have been notified of the applicant's proposal for a wireless tower and have been given an opportunity to

comment. There are no foreseen issues, which would preclude those entities responsible for such services to adequately provide them.

Finding: The Commission found that the proposed project would be served by public facilities and services.

f) Will not create excessive additional requirements at public cost for public facilities and services;

It is not anticipated that the freestanding tower will burden public facilities or services.

Finding: The Commission found that the proposed use complies with this standard.

g) 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;

The proposed tower will be contained on-site. The applicant states that the tower would be in a safe and secure location, which would be gated, patrolled, and not accessible to the general public.

Finding: The Commission found that the proposed use complies with statement (g).

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

The Public Safety Facility Building received design review approved with two (2) entrances/exits, adjacent to Aviation drive and one (1) exit, adjacent to Lear Lane. Interferences with traffic on surrounding public thoroughfares are not anticipated. In addition, it is not anticipated that the tower will create an increased demand in vehicular circulation to the site.

Finding: The Commission found that the proposed use would have vehicular approaches to the Blaine County Public Safety Facility and they would not interfere with traffic on surrounding public thoroughfares.

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

It is not anticipated that the proposed tower will impact natural and historical features; the tower will not threaten any natural resources and there are no historical structures or features nearby the proposed location of the tower (the Airport West Subdivision is not a historic area). The scenic vistas or view sheds may be affected. The Commission referred to the photo simulations to better understand the scenic impacts when considering this criterion.

Finding: The Commission found that the proposed use would not negatively affect natural, scenic, or historic features.

CONCLUSIONS OF LAW AND DECISION

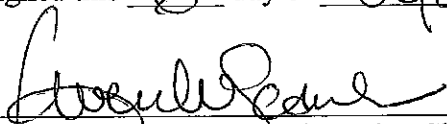
Based upon the above Findings of Fact, the Commission makes the following Conclusions of Law and Decision:

1. Adequate notice, pursuant to Section 11.3 of the Hailey Zoning Ordinance and Idaho Code Section 67-6512, was given for the public hearing.

2. The application is in accordance with the Comprehensive Plan, Sections 1, 2, 3, and 9.
3. Upon compliance with the conditions stated below, the application substantially meets all criteria (a) through (i) set forth in Section 11.4 of Zoning Ordinance No. 532.
4. The applicant shall receive a Conditional Use Permit, subject to the following conditions:
 - a) There shall be no lights on the tower and the existing exterior lighting at 1650 Aviation Drive shall comply with Hailey's Outdoor Lighting requirements.
 - b) All Fire Department and Building Department requirements shall be met.
 - c) All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance. 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.
 - d) The Conditional Use Permit approval is contingent upon the approval of the Wireless Permit and Design Review.
 - e) Pursuant to 8A.10 of the Zoning Ordinance, modifications to the tower will require a new Wireless Permit, which will require a new conditional use permit.

All Conditional Use Permits are subject to review and revocation pursuant to Section 11.9 of the Hailey Zoning Ordinance.

Signed this 6 day of OCTOBER, 2008.


Owen Scanlon, Commission Vice Chair
Hailey Planning & Zoning Commission

Attest:


Becky Mead, Administrative Assistant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of October, 2008, 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

Michael McNee
Blaine County
206 First Avenue South, #300
Hailey, ID 83333

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

Deborah Vignes
deborah@pioneerlanduseconsulting.com

CITY OF HAILEY

By Becky Mead
Becky Mead, Administrative Assistant