

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On September 15, 2008, the Hailey Planning and Zoning Commission considered an application submitted by Blaine County for Design Review approval for a public safety communications radio tower, located at 1650 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 Wood River Journal and mailed to property owners within 300 feet on August 27, 2008.

#### Application

Blaine County, represented by Deborah Vignes from Pioneer Land Use Consulting, LLC, submitted a Design Review application for a public safety radio tower, located 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 applicant received Design Review approval from the Airport West Business Park Architectural Review Board on July 7, 2008.

#### 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:

##### **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.**
- b. 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.**  
Landscape has been provided pursuant to design review approval of the Public Safety Facility.

- c. **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 standard is not applicable to the subject property.

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

This application constitutes compliance with this requirement.

- e. **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.

#### **4.12.3.4 Bulk requirements within the SCI-I sub-district:**

##### **Maximum building height in the SCI-I District is 35 feet.**

Proposed tower height is 75 feet. Section 8A.7.2 provides an exception to the maximum height requirements of the zoning district for Public Safety Communication Equipment.

**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 for Public Safety Communication Equipment located on the same property as a Public Safety Communication Center the height of the support structure may be allowed a maximum of seventy five feet (75') AGL (above ground level - the actual height of the PWSF or WCF from the ground to the highest point of the mount or the antenna, whichever is higher)

**Required setbacks are Front: 10'; Side and Rear: 10'**

Proposed setbacks from the tower are Front: approximately 230.5 feet; side: 200 feet (south-side), 300 feet (north-side); rear: 76 feet.

**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.**

The proposed screening wall for the tower is 10 feet high. The original screening wall, shown on the plans as six (6) feet high, received design review approval on June 7, 2005. However, a second design review application for the Public Safety Facility was approved on March 5, 2007, because the first design review approval expired. The second design review application was nearly identical, yet it included the 10 foot high fence instead of the previously approved six (6) foot high fence. The fence's height increase was approved at design review, without regard to the City's screening wall and fence height standards, which at the time of approval was a six (6) foot height maximum in the SCI-I district.

The Commission acknowledges the current maximum eight (8) foot height standard. Yet, due to the approval of the screening wall's height on March 5, 2007, the Commission has chosen not to pursue the correction of this non-conformity.

#### **6A.7.1 Improvements Required.**

##### **6A.7.1.1 Sidewalk, Curb, and Gutter.**

**Sidewalks, curb and gutter shall be required right-of-way improvements for projects requiring Design Review approval in the B, LB, TI, and SCI zoning districts. Sidewalks and drainage improvements in the right-of-way 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. Sidewalks (and curb and gutter where required) shall be six (6) feet wide and shall meet the standards set forth in the City Standards.**

**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 150% 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.**

Pursuant to design review approval of the Public Safety Facility, on March 5, 2007, these improvements have been required and are completed.

##### **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.7.2 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.

The owner of the subject property does not own any parcels contiguous to Lot 2, Block 2, Airport West Subdivision, Phase II.

**Signage:**

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.

**Parking:**

Design review approval required the Facility to provide 39 parking spaces pursuant to the City's parking standards. Seventy-one (71) spaces were proposed and approved in the design review Findings of Fact, Conclusion of Law and Decision. This application for design review of a radio tower does not require additional parking spaces.

**8B.4. Outdoor Lighting.**

**8B.4.1. General Standards.**

- a) All exterior lighting shall be designed, located and lamped in order to prevent over lighting, energy waste, glare, light trespass and sky glow.
- 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 luminaries.

No new lighting is proposed. All existing lighting shall comply with Hailey's Outdoor Lighting Ordinance.

**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.*

The radio tower will be located at the southeast of the Facility's building. It is not anticipated that the location of the tower will affect vehicular and pedestrian circulation, parking, or drainage and access.

- 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.*

A sidewalk exists along Aviation Drive. It will not be affected by the proposed radio tower.

- 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.*

The radio tower will not affect designated snow storage areas.

- 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.*

The applicant proposes to screen the base of the structure behind the Facility's building (the tower is proposed for placement to the south east of the building). There would also be a concrete wall enclosing the tower, which will help screen the structure's base.

## **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 height of the proposed tower is 75 feet. According to the applicant, the mass and scale of the tower has been minimized to the greatest extent possible. The radio equipment accessory to the tower is proposed for placement inside the Facility.

- 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.*

As described by applicant's consultant, in a letter from Wireless Site Solutions, LLC, dated, April 25, 2008, the communication needs dictate the size and design of the radio tower. There are no structures in the near vicinity that are comparable to the tower, excluding the Verizon tower, which is located 0.4 miles north and is 30 feet higher than the County's proposed tower.

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

Not applicable.

- 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*

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.*

The proposed tower color is predominately grey, excluding the two (2), six (6) foot in diameter microwave dishes, which would be white. A condition placed on the concurrent, Wireless Permit application requires the microwave dishes to be grey in color. Typically, grey is usually a preferable color for towers because of its ability to blend into the sky.

**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.*

Not applicable.

**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.*

Four (4) public safety signs under four (4) square feet are proposed. Signs less than four (4) square feet do not require a sign permit. In addition, the signs are considered informational and would not be regulated by Hailey's Sign Ordinance even if they proposed sign size were to change to greater than four (4) square feet.

Pursuant to a request by Chief Chapman, it is a condition of approval that signs indicting, no unauthorized access allowed beyond this point, shall be located at each screening wall

opening, surrounding the radio tower. No sign permits are necessary for these signs because they are considered informational.

**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 proposed tower would be located away from the street side of the property, partially screened by the Facility's building. All accessory radio equipment would be stored inside the facility.

- 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.*

The tower is partially enclosed by a proposed 10 foot high cement wall, which matches the Facility's exterior. The current proposal does not include a fence to barricade two openings between the proposed screening walls. The entire Facility, including the tower, lies within a fully fenced, gated, and monitored area.

The Commission considered requiring the tower to be fully enclosed within the screening fence, for added safety. However; it was determined that adding additional signage as stated in 6A.7.2.2.B.7 and listed as condition (a) in the Conclusions of Law and Decision at the end of this document, is sufficient.

- 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.*

All radio equipment, accessory to the tower, is proposed for location within the Facility's building.

- 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.*

All radio equipment, accessory to the tower, is proposed for location within the Facility's building.

- 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.*

The applicant has mentioned that the utilities will connect directly from the radio tower to the building. All radio equipment, accessory to the tower, is proposed for location within the Facility's building.

#### **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.*

Not applicable. Landscaping was approved and installed in accordance with design review approval of the Facility.

- 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.*

Not applicable. Landscaping was approved and installed in accordance with design review approval of the Facility.

**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).*

Not applicable. Landscaping was approved and installed in accordance with design review approval of the Facility.

**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.*

Not applicable. Landscaping was approved and installed in accordance with design review approval of the facility.

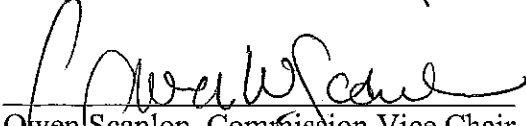
## CONCLUSIONS OF LAW AND DECISION

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 July 29, 2008
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, including but not limited to, signs indicating no unauthorized access allowed beyond this point, which shall be located at each screening wall opening, surrounding the radio tower.
  - 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.
  - d) 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.
  - e) All exterior lighting shall comply with the Outdoor Lighting Ordinance.
  - f) The project shall be constructed in accordance with the application or as modified by these Findings of Fact, Conclusions of Law and Decision.
  - g) 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.
  - h) This Design Review approval is for plans dated July 29, 2008. 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.
  - i) 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 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 7<sup>th</sup> 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:

- |                                     |                     |                                      |
|-------------------------------------|---------------------|--------------------------------------|
| <input checked="" type="checkbox"/> | U.S. Mail           | Michael McNee                        |
| <input type="checkbox"/>            | Via Electronic Mail | Blaine County                        |
| <input type="checkbox"/>            | Via Facsimile       | 206 First Avenue South, #300         |
| <input type="checkbox"/>            | Hand Delivered      | Hailey, ID 83333                     |
| <input type="checkbox"/>            | U.S. Mail           | Deborah Vignes                       |
| <input checked="" type="checkbox"/> | Via Electronic Mail | deborah@pioneerlanduseconsulting.com |
| <input type="checkbox"/>            | Via Facsimile       |                                      |
| <input type="checkbox"/>            | Hand Delivered      |                                      |

CITY OF HAILEY

By   
Becky Mead, Administrative Assistant