

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On December 5, 2008 the Hailey Hearing Examiner considered an application submitted by the Idaho Army National Guard for Design Review approval for a remodel of the Hailey Readiness Center (Armory), located at Lots 12 and 14, Block 125, Hailey Townsite within the General Residential (GR) zoning district. The Hearing Examiner 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 November 21, 2008 was published in the Wood River Journal and mailed to property owners within 300 feet on November 5, 2008. The public hearing was continued on the record to December 5, 2008.

#### **Application**

The Idaho Army National Guard, has submitted a Design Review application for a remodel of the Hailey Readiness Center. The applicant proposes changes to portions of the exterior, new trash enclosure, a new shed, new parking configuration, new sidewalk, curb and gutter along Cedar Street, new enclosure for condenser units.

#### **Procedure**

Pursuant to Section 6A.3, the projects within the Townsite Overlay shall receive a public hearing with the Hearing Examiner. The Hearing Examiner may approve, conditionally approve or deny an application at the public hearing or can defer decision for further review. The findings of fact, conclusions of law and decision as prepared by the Hearing Examiner shall be signed and filed with the administrator and shall be available to the applicant and the public no more than forty-five (45) days after the close of the hearing.

#### **Department Head Comments:**

##### **Engineering:**

- Engineered plans of infrastructure improvements are required at time of Building Permit application.

##### **Life/Safety:**

- A minimum road width of 26 feet is required to allow for future flexibility of building heights over 30 feet.
- To comply with the 150 foot rule, access to the rear of the building is required by an approved method.

##### **Building:**

- One of the two required accessible parking stalls is required to be a van accessible space.
- IBC Section 3409.7 requires an additional 20% of the remodel costs for accessible upgrades if the facility is deficient in this area.

**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 Hearing Examiner makes the following Findings of Fact:

**4.13.6 Bulk requirements:**

**Maximum height in the General Residential and Townsite Overlay District is 30 feet.**

The building is existing and no increase in height is proposed.

**Minimum Setbacks in LR, GR, TN, and LB Districts:**

**Setback from any street right-of-way – twelve (12) feet. The following exceptions apply:**

- a. **Unenclosed features of a residence (e.g. front porches, stoops, and decks without walls) shall be no closer than five (5) feet to the lot line. Such features do not include carports.**
- b. **No garage door shall be within twenty (20) feet of any street right-of-way, as measured from the garage door to the street providing access to the garage.**

Existing setback is 104 feet from 3<sup>rd</sup> Ave, 28 feet from 4<sup>th</sup> Ave, encroaching 22 feet into Cedar Street right-of-way.

Proposed setback is 33 feet from Cedar Street (with vacation).

The proposed trash enclosure is required to meet the minimum 12 foot setback from the property line adjacent to 4<sup>th</sup> Avenue.

**Setback from any alley right-of-way – six (6) feet.**

NA

**Setback from any Idaho Transportation Department/Wood River Trail right-of-way – five (5) feet.**

NA

**Setback from property lines abutting other private property --**

- a. **Base setback – fifteen percent (15%) of lot width, or 10 feet, whichever is less. However, no such setback shall be less than six (6) feet.**

Existing setback is 44 feet

**Maximum Lot Coverage:**

**General Residential, Limited Residential-1 districts:**

<b>Building Height</b>	<b>Maximum Lot Coverage</b>
<b>Less than 2 stories above grade, no garage</b>	<b>35%</b>

Lot Size: 33,000 square feet

Existing Building footprint: 8,961 square feet

Existing lot coverage: 27%

Proposed additional footprint: shed 800 sq ft, trash enclosure 90.25 sq ft

Proposed lot coverage: 30%

#### **4.13.7 Non-Conforming Buildings**

**Where an existing building is non-conforming with respect to setbacks, expansion of said building within the plane of the furthest intrusion shall be permitted, provided that the non-conformity with respect to the distance of the setback is not further increased. Such expansion shall not be considered to be increasing the degree of non-conformity pursuant to Section 13.6 of this Ordinance. The following exceptions apply:**

- a. In no case may expansion occur that results in a setback of less than six (6) feet from property lines abutting other private property.**
- b. Any wall, as measured from the highest point including any gable or peak in a direct vertical line to record grade, shall have a setback of one (1) foot for every two and a half (2.5) feet of wall height (see Diagram 1 and Table 2), but not less than six feet from property lines abutting other private property, regardless of underlying zoning.**
- c. No roof overhangs, fire escapes, chimneys, bay windows or other features, which are subject to Section 7 of this Ordinance (Supplementary Yard Regulations), shall have a setback less than five (5) feet from property lines abutting other private property.**

The existing building does not meet the required setback from Cedar Street. No expansion of the non-conformity is proposed. If the concurrent right-of-way vacation application is approved, the setback requirement will be met.

#### **4.13.8. Lot Line Vacations**

**If a parcel in single ownership consists of two (2) or more Original Townsite lots, or a combination of lot(s) and portions of lot(s), the internal Original Townsite lot lines underneath or located within a required setback of proposed and existing buildings shall be vacated prior to the issuance of a Building Permit for any new building.**

The proposal is a remodel of an existing building therefore the vacation of lot lines is not required.

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

##### **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 of 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 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.

Sidewalks are required improvements on the east and west side of the property and along the entire length of Cedar Street.

#### **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

**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.**

**Upon any approval of the Design Review application, the Owner shall be required as a condition of approval to record the Area Development Plan or a development agreement depicting and/or detailing the approved Area Development Plan with a statement that the Area Development Plan shall bind the Owner and Owner's successors.**

The State and the City of Hailey have joint ownership of Block 136 to the south. Block 136 is the site of Roberta McKercher Park; therefore an Area Development Plan is not necessary.

## **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.**

**9.4.2 Commercial, Professional, Service, Recreation and Entertainment. All commercial, professional, service, recreation and entertainment uses shall provide improved parking in the amount of one parking space for every 1000 square feet of gross building area.**

9 spaces are required.

14 spaces are proposed.

## **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.**

All existing and proposed lighting shall comply with Section 8B.4

**6A.7.2.4. Design Review Guidelines for Residential and Non-Residential Buildings in the Townsite Overlay District:**

**C. Specific Guidelines**

**1. Site Planning**

**Guideline: The pattern created by the Old Hailey town grid should be respected in all site planning decisions.**

- **A rectangular lot shape is preferred to a square one, as the rectangular lot pattern is more in keeping with Old Hailey, and most often results in more useable and visible open spaces.**

The lot is rectangular in shape.

**Guideline: Site planning for new development and redevelopment shall address the following:**

- **scale and massing of new buildings consistent with the surrounding neighborhood;**
- **building orientation that respects the established grid pattern of Old Hailey;**
- **clearly visible front entrances;**
- **use of alleys as the preferred access for secondary uses and automobile access;**
- **adequate storage for recreational vehicles;**
- **yards and open spaces;**
- **solar access on the site and on adjacent properties where feasible, and where such decisions do not conflict with other Design Guidelines;**
- **snow storage appropriate for the property;**
- **underground utilities for new dwelling units.**

Portions of the exterior of the existing building are being refinished with stucco and new windows.

**Guideline: The use of energy-conserving designs that are compatible with the character of Old Hailey are encouraged. The visual impacts of passive and active solar designs should be balanced with other visual concerns outlined in these Design Guidelines.**

- **Glass areas should reflect the composition, layout and window-to-wall ratio of windows seen traditionally in Old Hailey versus large continuous surfaces of glass.**
- **Solar energy collection devices should be integrated into the overall building design.**
- **Designers should be aware of the solar exposures of neighboring properties, and should, where possible, avoid blocking these exposures with buildings or solar collectors.**
- **Roof-mounted solar collection panels shall not extend above the ridge line of the roof. They should be integrated into the structure, and as close to the roof angle as feasible.**
- **Free-standing solar collection panels should be subordinate in size and placement to the structure they serve, and should generally not be located in areas visible from the street.**

No energy-conserving designs are proposed. The window to wall ratio is minimal. New windows are dual pane insulated units.

## **2. Bulk Requirements (Mass and Scale, Height, Setbacks)**

**Guideline:** The perceived mass of larger buildings shall be diminished by the design.

- The height of taller buildings should be stepped down on the streetside elevation.
- Buildings with greater mass should be broken into smaller modules.
- Changes in wall planes and building materials should be used to reduce the visual impacts of taller buildings.

The mass and height of the existing building is not proposed to be changed.

## **3. Architectural Character**

### **a. General**

**Guideline:** New buildings should be respectful of the past, but may offer new interpretations of old styles, such that they are seen as reflecting the era in which they are built.

- The Design Guidelines are not intended to dictate a particular style or era for new buildings.
- Exact replication of old buildings is not the intent of these Design Guidelines, so that historic buildings can be appreciated for their own uniqueness. Designers may draw on the past, without necessarily replicating the design of old buildings. The use of traditional building forms, scale and broad design elements is encouraged.

The building is existing.

### **b. Building Orientation**

**Guideline:** The front entry of the primary structure shall be clearly identified such that it is visible and inviting from the street.

- The use of walkways, porches, smaller roof forms and other design elements is encouraged to emphasize the location of the front entry.

A new walkway is proposed to the front entrance on Cedar Street.

**Guideline:** Buildings shall be oriented to respect the existing grid pattern. Aligning the front wall plane to the street is generally the preferred building orientation.

- In some cases, the front door to a building may be positioned such that it is perpendicular or at an angle to the street. If so, other design elements such as the front wall plane, porch element or walkway elements should be used to help define the front door location, and to respect the overall building orientation pattern in the neighborhood.

The front wall plane is aligned to Cedar Street.

### **c. Building Form**

**Guideline:** The use of building forms traditionally found in Old Hailey is encouraged. Forms that help to reduce the perceived scale of buildings shall be incorporated into the

**design.**

- **Simple rectangles or a combination of rectangles is encouraged.**
- **Examples of forms that help to reduce the perceived scale include the use of smaller forms combined together and the use of a smaller building form along the street.**
- **Less traditional forms should be very carefully planned to respond to the scale and character of the neighborhood.**

The existing building is composed of simple rectangular forms.

**d. Roof Form**

**Guideline: Roof forms shall define the entry to the building, breaking up the perceived mass of larger buildings, and to diminish garages where applicable.**

- **Garages are preferred to be located off of alleys, as outlined in Sections B.5 and B.6. Where the alley option does not exist or is not feasible, garages on the front of buildings should be diminished by integrating them into the primary roof form, by off-setting them back from the primary structure, or by detaching them.**
- **Offsets in eave and ridge lines may be helpful in breaking up building mass.**

The south portion of the building is 13 feet in height with a predominantly flat roof form that graduates to a slight peak over the entrance. The north portion of the building is 22 feet in height with a predominantly flat roof that is slightly angled to the south.

**Guideline: Roof pitch and style shall be designed to meet snow storage needs for the site.**

- **Roof pitch materials and style shall retain snow on the roof, or allow snow to shed safely onto the property, and away from pedestrian travel areas.**
- **Designs should avoid locating drip lines over key pedestrian routes.**
- **Where setbacks are less than ten feet, special attention shall be given to the roof form to ensure that snow does not shed onto adjacent properties.**

The roof forms are predominantly flat.

**Guideline: The use of roof forms, roof pitch, ridge length and roof materials that are similar to those traditionally found in the neighborhood are encouraged.**

- **Sloping roof forms, including gable and hip roofs, are encouraged.**
- **Dormers and other roof details that do not detract from the primary roof form are encouraged, but should be used in moderation.**
- **Dormers should stay below the roof line and shall not extend above the roof line of the building.**
- **Shed roofs, flat roofs and roof pitches under 5:12 may be appropriate in certain locations.**
- **Ridge lengths should appear similar in scale to those seen in the neighborhood. A break in the roof line can be used to diminish the impact of longer ridge lengths.**

The roof form is existing and not proposed to be changed.

**Guideline: The roof pitch of a new building should be compatible with those found traditionally in the surrounding neighborhood.**

- **Gable roof pitches in the 8:12 to 12:12 range are encouraged.**

NA

#### **e. Wall Planes**

**Guideline: Primary wall planes should be parallel to the front lot line.**

- **These guidelines consider the front wall plane to be the primary wall plane.**

The front wall plane is oriented toward Cedar Street.

**Guideline: Wall planes shall be proportional to the site, and shall respect the scale of the surrounding neighborhood.**

- **A preference is given towards front wall planes that match the scale of traditional buildings (25-30 feet in width).**
- **If front wall planes exceed the traditional width, a setback or jog in wall plane should be used to break up the perceived mass.**
- **In general, one-story wall planes may be longer than two story wall planes, while still appearing proportional to the site.**

The south portion of the building is 13 feet in height. The north portion of the building is 22 feet in height.

**Guideline: The use of pop-outs to break up longer wall planes is encouraged.**

- **Side wall planes are typically longer than front wall planes: pop-outs such as bay windows, chimneys and other architectural elements can be used to break up these longer wall planes.**

The side wall planes are broken by change in materials.

#### **f. Windows**

**Guideline: Windows facing streets are encouraged to be of a traditional size, scale and proportion.**

- **Consider the position, area and arrangement of windows when designing street side facades.**
- **Consider the ratio of window opening area to solid wall area when designing building elevations such that neither dominates.**
- **Multi-paned windows of a vertical orientation are encouraged. As a general guideline, windows facing streets are encouraged to have a height that is twice the dimension of the width.**

The front windows appear to be of traditional size, scale and proportion. The “storefront” windows proposed on the west and north elevations would be more in character with traditional windows and are recommended for the south (front) elevation.

**Guideline: Windows on side lot lines adjacent to other buildings should be carefully planned to respect the privacy of neighbors.**

- **In general, new windows on side lot lines should be located such that they are not directly opposite windows on neighboring properties.**

The windows along the north elevation are 44 feet from the lot line adjacent to other buildings.

#### **g. Decks and Balconies**

NA

#### **h. Building Materials and Finishes**

**Guideline:** Materials and colors shall be selected to avoid the look of large, flat walls. The use of texture and detailing to reduce the perceived scale of large walls is encouraged.

- A change of materials should be used appropriately on the building to help “ground” the building and to provide a distinction between foundations and walls. For example, a heavier material such as stone would be appropriate around the base of a building.

The proposed new exterior material on portions of the south, east and west elevations is stucco with a belly band in a darker shade than the wall. The other portions of the building are brick.

**Guideline:** Large wall planes shall incorporate more than one material or color to break up the mass of the wall plane.

- Building materials that contribute to a human sense of scale are encouraged. Examples of materials that convey a human sense of scale include wood siding, shake siding, brick and stone.
- Scoring joints, changes in surface, and the use of trim are other ways to break up the perceived scale of large walls.
- A change of building materials may not be necessary if other design elements such as bay windows or pop-outs are used to break up wall planes.

Brick, stucco and CMU are the materials used on portions of the large wall planes.

#### **i. Ornamentation and Architectural Detailing**

**Guideline:** Architectural detailing shall be incorporated into the front wall plane of buildings.

- While ornamentation is encouraged, the use of highly ornamental details not traditionally found in Old Hailey is not.

Windows and an upper and lower belly band are proposed on the front wall plane.

**Guideline:** The use of porches, windows, stoops, shutters, trim detailing and other ornamentation that is reminiscent of the historic nature of Old Hailey is encouraged.

- Front porches are particularly encouraged. In general, they should be substantial in size, such that they function as more than just a landing, and should be covered by a roof.
- If front porches must be enclosed to provide a cold entry, the use of windows and a higher ratio of window-to-wall surface is encouraged to retain the image of the old front porch.

The front entrance is slightly recessed.

**Guideline: Architectural details and ornamentation on buildings should be compatible with the scale and pattern of the neighborhood.**

➤ **Buildings that draw on historic details without exact copying are preferred.**  
Simple details are used.

#### **4. Circulation and Parking**

**Guideline: Safety for pedestrians shall be given high priority in site planning, particularly with respect to parking, vehicular circulation and snow storage issues.**

➤ **Parking areas should be planned with adequate sight distances from sidewalks.**  
The sidewalk along Cedar Street should continue west toward 3<sup>rd</sup> Ave to provide a continuous safe route for pedestrians.

**Guideline: The visual impacts of on-site parking visible from the street shall be minimized.**

➤ **Parking is encouraged to be screened from view with landscaping, fences or low walls.**  
No screening is proposed.

**Guideline: As a general rule, garages and parking should be accessed from the alley side of the property and not the street side.**

The site is not served by an alley and the location of the on-site parking is dictated by federal security requirements.

**Guideline: Detached garages accessed from alleys are strongly encouraged.**

No garages are proposed.

**Guideline: When garages must be planned on the street side, garage doors shall be set back and remain subordinate to the front wall plane.**

➤ **See also Roof Form in these guidelines for discussion on the use of roofs to diminish the impact of garages.**  
No garages are proposed.

**Guideline: When garages and/or parking must be planned on the street side, parking areas are preferred to be one car in width. When curb cuts must be planned, they should be shared or minimized.**

No garages are proposed.

**Guideline: Off-street parking space for recreational vehicles should be developed as part of the overall site planning.**

➤ **Storage areas for recreational vehicles should be screened from view with landscaping, fencing or other building walls.**  
There is not an anticipated need for recreational vehicle parking due to the current and continued use of the site.

#### **5. Alleys**

NA

## 6. Accessory Structures

**Guideline:** Accessory buildings shall appear subordinate to the main building on the property in terms of size, location and function.

- There may be specific instances where accessory structures may have a larger floor area than the primary structure, such as in the case of an existing small primary structure that has historic significance, and which is proposed to be preserved.

The proposed shed is subordinate to the main building and is located toward the rear of the building on the west side.

**Guideline:** In general, accessory structures shall be located to the rear of the lot and off of the alley unless found to be impractical.

The proposed shed is located toward the rear of the building on the west side.

## 7. Snow Storage

**Guideline:** All projects shall be required to provide 25% snow storage on the site.

- For new construction and additions, snow is not permitted to slide onto the property of others.
- Snow storage areas shall be 25% of on-site parking and circulation areas.

The parking area is 5,246 square feet and approximately 27% of snow storage area is located to the northwest, northeast and east of the parking stalls.

**Guideline:** A snow storage plan shall be developed for every project showing:

- Where snow is stored, key pedestrian routes and clear vision triangles.
- Consideration given to the impacts on adjacent properties when planning snow storage areas.

The snow storage areas will not impede pedestrian routes and vision triangles.

## 8. Existing Mature Trees and Landscaping

**Guideline:** Existing mature trees shall be shown on the site plan, with notations regarding retention, removal or relocation. Unless shown to be infeasible, a site shall be carefully planned to incorporate existing mature trees on private property into the final design plan.

There is no existing mature trees on the site that will be impacted.

**Guideline:** Attention shall be given to other significant landscape features which may be present on the site. Mature shrubs, flower beds and other significant landscape features shall be shown on the site plan and be incorporated into the site plan where feasible.

- Mature shrubs such as lilacs should not be overlooked in site planning.
- The use of plant materials that are appropriate for the Hailey climate and growing season are encouraged.
- Drought-resistant lawn areas that resemble the traditional lawns of Old Hailey are encouraged.
- Xeriscape plantings in other yard areas are good alternatives for retaining

**landscaping while lowering water use.**

- **Berms in front yards are generally discouraged.**

There is no existing mature trees on the site that will be impacted.

**Guideline: Noxious weeds shall be controlled according to State Law.**

Meeting this requirement is a standard condition of approval.

## **9. Fences and Walls**

**Guideline: Fences and walls that abut public streets and sidewalks should be designed to include fence types that provide some transparency, lower heights and clearly marked gates.**

- **Fence heights are regulated by Hailey Zoning Ordinance Number 532, Section 8.1.**

There is an existing chain link fence. The Hearing Examiner should consider whether to require landscaping to help soften the fence.

**Guideline: Retaining walls shall be in scale to the streetscape.**

- **Streetside retaining walls should be lower in height, or broken up to avoid the look of a large wall.**

NA

## **10. Non-residential and Multi-family Uses**

**Guideline: Non-residential uses in Old Hailey should be designed with a residential, human scale in mind.**

The building is existing and does not have a significant impact in terms of height and lot coverage.

**Guideline: Parking for non-residential uses shall be carefully planned to avoid pedestrian conflicts, and to be subordinate to other design elements on the site.**

- **See also Section 4 for other applicable parking guidelines.**

The sidewalk along Cedar Street should continue west toward 3<sup>rd</sup> Ave to provide a continuous safe route for pedestrians.

**Guideline: Utilities for non-residential and multifamily structures shall be integrated into the site design. Utilities should, in most cases, be fully screened from view.**

- **Exhaust hoods, rooftop vents and air conditioner units should be screened from view, either with a parapet wall or by integrating these items into interior roof elements.**
- **Transformers, gas meters and other site infrastructure should be located in a manner to avoid being seen from entrances, public streets and pedestrian areas. If they cannot be hidden, they should be screened with landscaping, fencing or building walls.**

Utility units are proposed to be enclosed.

**Guideline: Multi-family structures shall be designed with a single family residential scale in mind. This includes:**

- **breaking up of wall planes;**
- **use of individual walk-up entrances;**
- **breaking up of parking areas;**
- **ensuring parking areas are subordinate to other uses.**

NA

## **11. Historic Structures**

NA

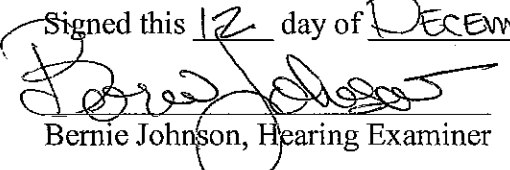
### **CONCLUSIONS OF LAW AND DECISION**

Based upon the above Findings of Fact, the Hearing Examiner 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 May 23, 2008, 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. The following items are to be completed at the applicant's sole expense.
    - i. One of the two required accessible parking stalls is required to be a van accessible space.
    - ii. IBC Section 3409.7 requires an additional 20% of the remodel costs for accessible upgrades if the facility is deficient in this area.
    - iii. To comply with the 150 foot rule, access to the rear of the building is required by an approved method.
  - b) Any change in use or occupancy type from that approved at time of issuance of Building Permit may require additional improvements and/or approvals.
  - c) All City infrastructure requirements shall be met. Detailed engineering plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for Department Head approval at time of Building Permit application and shall meet City Standards where required. Infrastructure to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:
    - i. Sidewalks on the east and west side of the property and along the entire length of Cedar Street.

- ii. The sidewalk on the south side of the property shall be extended to meet the sidewalk required on the west side of the property
- iii. Utilities shall be underground.
  
- d) The trash enclosure is required to meet the minimum 12 foot setback from the property line adjacent to 4<sup>th</sup> Avenue. A letter from the garbage collector specifying the location and orientation of the enclosure is acceptable shall be submitted to the administrator prior to issuance of a building permit.
- e) Samples of the colors proposed for the storage shed shall be submitted to the administrator prior to issuance of a building permit.
- f) No auxiliary apparatus (e.g. utility meters, fire suppression equipment) may extend into any public right-of-way.
- g) Noxious weeds shall be controlled according to State Law.
- h) The project shall be constructed in accordance with the application or as modified by these Findings of Fact, Conclusions of Law and Decision.
- i) All exterior lighting shall comply with the Outdoor Lighting Ordinance.
- j) 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.
- k) 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.
- l) 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 12 day of DECEMBER, 2008.

  
Bernie Johnson, Hearing Examiner

Attest:

  
Becky Mead, Deputy Clerk

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 15<sup>th</sup> day of December, 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 type="checkbox"/>            | U.S. Mail           | Idaho Army National Guard   |
| <input checked="" type="checkbox"/> | Via Electronic Mail | <u><a href="mailto:eugene.gussenhoven@id.ngb.army.mil">eugene.gussenhoven@id.ngb.army.mil</a></u> |
| <input type="checkbox"/>            | Via Facsimile       |   |
| <input type="checkbox"/>            | Hand Delivered      |   |
|                                     |                     |   |
| <input type="checkbox"/>            | U.S. Mail           | Ken Gardner, Div of Public Works  |
| <input checked="" type="checkbox"/> | Via Electronic Mail | <u><a href="mailto:ken.gardner@adm.idaho.gov">ken.gardner@adm.idaho.gov</a></u>                   |
| <input type="checkbox"/>            | Via Facsimile       |   |
| <input type="checkbox"/>            | Hand Delivered      |   |

CITY OF HAILEY

By Becky Mead  
Becky Mead, Deputy Clerk