

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On September 8, 2009, the Hailey Planning and Zoning Commission considered a recommendation by the Administrator to approve a 259 square foot garage, located at Lot 7A, Block 46, Hailey Townsite (211 Second Avenue North) within the General Residential (GR) zoning district and Townsite Overlay district. Applications determined by the Administrator to have no substantial impact on adjacent properties or on the community at large may be placed on the consent agenda for approval or denial by the Commission based on the Administrator's recommendations. The Administrator recommends approval of the garage. The Commission, having been presented with all information regarding the proposal, hereby makes the following Findings of Fact, Conclusions of Law and Decision.

FINDINGS OF FACT

Notice

Section 6A.3 of the Zoning Ordinance allows for applications, which the Administrator determines to have no substantial impact on adjacent properties or on the community at large, to be placed on the consent agenda for approval or denial by the Commission based on the Administrator's recommendations. Items placed on the consent agenda do not require public notice or publication unless the Commission determines otherwise.

Application

A request submitted by Pamela Ritzau for a 259 square foot garage, located on Lot 7A, Block 46, Hailey Townsite (211 Second Avenue North), within the General Residential (GR) zoning district and Townsite Overlay district. The proposal is for a single car garage, accessed off of the alley.

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:

6A.3.a. The Administrator has the authority to recommend for approval or denial certain applications for Design Review that the Administrator determines to have no substantial impact on adjacent properties or on the community at large, subject to final approval or denial by the Commission on its consent agenda. Such recommendation for approval or denial shall specify the ordinance and standards used in evaluating the application; the reasons for the approval or denial; and recommended conditions, if any. Any Commissioner may cause any application on the consent agenda to be moved to the regular agenda in order to have a full public hearing of potential impacts of the application. Applications placed on the consent agenda may include, but are not limited to: additions under five-hundred (500) square feet or not prominently visible from a public street, façade changes and alterations to parking or other site elements. Such applications may instead be heard by the Hearing Examiner.

The Administrator determined the garage to have no substantial impact on adjacent properties or on the community at large because the garage is only 259 square feet and is not prominently visible from Second Avenue. The garage would be accessed by the alley and is located at the rear of the property, behind the primary dwelling. The Administrator recommends approval of garage.

4.13.6 Bulk Requirements in the Townsite Overlay.

- a. **Minimum Lot Size –**
Limited Business, Transitional, General Residential districts: 4,500 square feet.

The subject property is 10,904 square feet.

- b. **Minimum Lot Width –**
Limited Business, Transitional, General Residential districts: 37.5 feet.

The subject property's minimum lot width is 82.42 feet.

- c. **Maximum Building Height –**
Transitional, General Residential, Limited Residential-1 districts: 30 feet

The proposed garage is 15 feet and 11 inches.

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

1. **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.**

The garage door faces the alley and is not adjacent to a street right-of-way.

2. **Setback from any alley right-of-way – six (6) feet. There shall be a six (6) feet horizontal separation between any building and a water meter vault. (Water meter vault and water service line locations may be moved at the property owner's expense, subject to notification and approval by the City.)**

The proposed garage is six (6) feet from the alleyway.

3. **Setback from any Idaho Transportation Department/Wood River Trail right-of-way – five (5) feet. The following exception applies:**
- a. **No garage door shall be within twenty (20) feet of the right-of-way, as measured from the garage door to the right-of-way, where this right-of-way provides access to the garage.**

Not applicable.

4. **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. (See Table 1)**

The lot width is 82.42 feet. 15% of the lot width is 12.36 feet, which is more than 10 feet. Therefore, the base setback is 10 feet.

- 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 the base setback noted in subsection (a) above, regardless of underlying zoning.**

The height of the garage is 15 feet and 7 inches, which requires a setback of 6.2 feet, which is less than the setback established in 4.a) above. Therefore, the setback is 10 feet. The applicant proposes the garage to be placed 10 feet from the adjacent lot line to the north.

- f. **Accessory dwelling units shall have a minimum gross floor area of 300 square feet and a maximum gross floor area of 900 square feet.**

No accessory dwelling units are proposed.

- g. **Maximum lot coverage:
General Residential, Limited Residential-1 districts:**

Building Height	Maximum Lot Coverage
2 or more stories above grade, no garage	25%
2 or more stories above grade, with garage	30%
Less than 2 stories above grade, no garage	35%
Less than 2 stories above grade, with garage	40%

The primary dwelling is two (2) stories and a garage is proposed; therefore, the maximum lot coverage is 30%. The lot is 10,904 square feet. The total lot coverage of existing buildings and the proposed garage is 2,426 square feet, which is 22.2%.

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.**

Meeting these standards is a condition of approval.

8B.4.2 Type of Luminaires.

All exterior lighting shall use full cut-off luminaires with the light source downcast and fully shielded, with the following exceptions:

- a. Luminaires that have a maximum output of four hundred (400) lumens per fixture, regardless of number of lamps (equal to one forty [40] watt incandescent light), may be left unshielded provided the luminaire has an opaque top or is under an opaque structure. (see Figure 5)
- b. Luminaires that have a maximum output of one thousand (1,000) lumens per fixture, regardless of number of lamps (equal to one sixty [60] watt incandescent light) may be partially shielded provided the lamp is not visible, and the luminaire has an opaque top or is under an opaque structure. (See Figure 3)
- c. Floodlights with external shielding shall be angled provided that no light is directed above a twenty-five (25) degree angle measured from the vertical line from the center of the light extended to the ground, and only if the luminaire does not cause glare or light to shine on adjacent property or public rights-of-way (see Figure 6). Photocells with timers that allow a floodlight to go on at dusk and off by 11:00 p.m. are encouraged.

Meeting these standard is a condition of approval.

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.

(Ord 1001 §2, 2008)

The proposal is for a detached garage, not a primary dwelling; therefore, sidewalks are not required.

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.

Meeting this requirement is a condition of approval.

9.2.2 Loading Space Requirements and Dimensions

No change

6A.8 Area Development Plan. When the owner of Contiguous Parcels is required to obtain Design Review approval for any portion of the Contiguous Parcels, an Area Development Plan shall be submitted and approved. 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.**
- a. 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.**
- b. Water main lines and sewer main lines are designed in the most effective layout feasible.**
- c. Other utilities including power, telephone, cable, and gas are designed in the most effective layout feasible.**
- d. Park land is most appropriately located on the Contiguous Parcels.**
- e. Grading and drainage are appropriate to the Contiguous Parcels.**
- f. 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 applicant does not own any property contiguous to the subject property.

6A.7.2.4.DESIGN REVIEW GUIDELINES FOR RESIDENTIAL AND NON-RESIDENTIAL BUILDINGS IN THE TOWNSITE OVERLAY DISTRICT (TO).

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.

No change to the lot shape is proposed.

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.

The proposed garage respects the existing building orientation on the site, which is consistent with the established grid pattern in Old Hailey. The garage will be accessed by the alley. The applicant proposes a one story, one car garage, which is minimal in size and does not pose any scale or massing inconsistencies with the surrounding neighborhood.

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.

At this time, no solar panels are planned.

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

Bulk requirements are addressed on page two (2) of this report, Section 4.13.6 of the Hailey Zoning Ordinance.

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 building's footprint is only 259 square feet and is proposed to be approximately 15 feet in height and is not considered a large building.

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 design of the proposed garage will be consistent with the existing house and will incorporate the following elements: steep pitched roof, gables, traditional windows, siding and trim, and eave and fascia details.

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.**

Not applicable.

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, where the garage entrance is, is oriented adjacent to the alley.

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 garage is rectangular in shape and small in size; therefore, additional forms or combination of rectangles may not be appropriate or necessary.

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 garage is a simple structure with a simple gabled roof form.

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 metal roof has a pitch is 8:12 and will shed snow, without snow clips. The gabled ends are oriented to the garage door and to the man door, and will shed snow on either side of the garage entrances. The garage is ten (10) feet from the adjacent private property line to the north. The structure is small enough and is placed far enough away from adjacent property lines, that it is not anticipated that snow clips will need to be installed.

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 applicant proposes an 8:12 roof pitch on a gabled roof form. No dormers are proposed.

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.**

The applicant proposes an 8:12 roof pitch on a gabled roof form.

e. Wall Planes

This section is not applicable. It primarily addresses the wall planes of structures visible from public streets and of primary structures.

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 garage windows are not oriented vertically and do not have a height twice the dimension of the width; however, the windows are not oriented to the street.

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 garage is on the north side of the lot and the garage windows are on the south side of the garage. Therefore, the windows on the garage are not near an adjacent side lot line and respect the privacy of neighbors.

g. Decks and Balconies

This section is not applicable to the detached garage.

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 materials and finishes will match that of the primary structure.

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.

This standard is not applicable. The garage is small and not predominately visible from a public street.

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.

Minimal detailing is proposed for the detached garage. The details that are incorporated match the existing house.

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.

Minimal detailing is proposed for the detached garage. The details that are incorporated match the existing house.

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.

Minimal detailing is proposed for the detached garage. The details that are incorporated match the existing house and are compatible with the neighborhood.

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.

Parking will be located and accessed off of the alley.

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.

The garage will be located at the rear of the property and accessed off of the alley. The garage will be screened by the primary structure from Second Avenue.

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

Parking will be located at the rear of the property and accessed off of the alley. The garage will be screened by the primary structure from Second Avenue.

Guideline: Detached garages accessed from alleys are strongly encouraged.

The detached garage meets this guideline.

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.

Not applicable. The garage is planned on the alley side.

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.

Not applicable. Parking will be located and accessed off of the alley.

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.

The property owner has no recreational vehicles.

5. Alleys

Guideline: Alleys shall be retained in site planning. Lot lines generally shall not be modified in ways that eliminate alley access to properties.

This application will not affect the existing alley.

Guideline: Alleys are the preferred location for utilities, vehicular access to garages, storage areas (including recreational vehicles) and accessory buildings. Design and placement of accessory buildings that access off of alleys is encouraged.

- Buildings located off of alleys can be quirkiest and more unique, reflecting the eclectic nature of alley buildings in Old Hailey.

The proposed detached garage conforms to this guideline. The utilities are currently located in the alley. The proposed location of the garage necessitates the relocation of the water and sewer connection, but these utilities will remain in the alley.

Guideline: Generally, the driving surface of alleys within Limited Residential and General Residential may remain a dust-free gravel surface, but should be paved within Business, Limited Business, and Transitional. The remainder of the City alley should be managed for noxious weed control, particularly after construction activity.

- State law requires that noxious weeds be controlled.

The subject property is within the GR district; therefore, no paving is required. Controlling of noxious weeds has been made a condition of approval.

Guideline: Landscaping and other design elements adjacent to alleys should be kept simple, and respect the functional nature of the area and the pedestrian activity that occurs.

- Leave enough space between new landscaping and the alley property line to allow trees to grow to maturity without encroaching into the public alley right-of-way.

(Ord 1001 §9, 2008)

No new landscaping is proposed. Eighteen (18) deciduous trees are proposed for removal to accommodate the construction of the garage and the relocation of the utilities.

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 detached garage is subordinate to the primary structure.

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 applicant's proposal is consistent with this guideline.

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 site has ample room for snow storage. There is area to the north and south of the proposed garage, on either side of the driveway to allow for new snow storage needs generated by the new driveway.

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.**

There is a fence to the north of the proposed garage, which will keep the stored snow from impacting the adjacent property owners to the north.

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.

Eighteen (18) mature aspen trees will be removed to accommodate the garage and the relocation of the utility connections.

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.**

Eighteen (18) mature aspen trees will be removed to accommodate the garage and the relocation of the utility connections. No additional landscaping is proposed.

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

Meeting this requirement is a condition of approval.

9. Fences and Walls

The existing fence will not change and no retaining walls are proposed.

10. Non-residential and Multi-family Uses

This section is not applicable because the proposal does not involve non-residential or multi-family uses.

11. Historic Structures

This section is not applicable because the proposal does not involve a historic structure.

CONCLUSIONS OF LAW AND DECISION

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

1. The detached garage conforms to the applicable specifications outlined in the Design Review Guidelines, as set forth herein, applicable requirements of the Zoning Ordinance and City Standards.
2. The proposed garage has no substantial impact on adjacent properties or on the community at large.
3. The proposed garage shall receive Design Review approval subject to the following conditions:
 - a) All Fire Department and Building Department requirements shall be met.
 - 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. 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 applicable 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. Infrastructure to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:
 - 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.
 - Either a concrete collar on the water meter vault or a new vault location to the north is required.
 - d) An encroachment permit shall be obtained for the work in the alley.

- e) An inspection and fee for both the new sewer connection and the relocated water service connection to the meter vault shall be required.
- 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. Any existing lighting on the subject property shall also be brought into compliance.
- 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) This Design Review approval is for plans dated August 7, 2009. 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.

Signed this ____ day of _____, 2009.

Mike Pogue, Commission Vice Chair
Hailey Planning & Zoning Commission

Attest:

Becky Mead, Deputy Clerk