

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On June 1, 2009, the Hailey Planning and Zoning Commission considered the recommendation by the Administrator to exempt from design review of a tent for the sale of produce and spices, located at Lots 11 and 12, Block 25, Hailey Townsite (200 Main Street S) within the Business (B) and Townsite Overlay (TO) and Central Core (CC) zoning districts. 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

#### 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.f. the Administrator has the authority to recommend exemption of certain projects from the design review requirements, upon finding; the project is minor, will not conflict with the design review standards of this Chapter and will not adversely impact any adjacent properties. Examples include, but are not limited to minor deck additions, changes to siding materials, changes to an existing window or door, an addition of a window or door, and minor landscape changes. Such recommendation for exemption shall be drafted in the form of Findings of Fact and Conclusions of Law, subject to final decision by the Commission on its consent agenda prior to issuance of a building permit. Should the Commission deny the Administrator's recommendation or should the Administrator determine that the proposal does not meet all of the above evaluation criteria, the project shall be subject to the provisions of this chapter prior to issuance of a building permit.**

The Administrator reviewed a request submitted by Ken Sangha for a tent for the sale of produce and spices in conjunction with La India Restaurant, located at Lots 11 and 12, Block 25, Hailey Townsite (200 Main Street S) within the Business (B) and Townsite Overlay (TO) and Central Core (CC) zoning districts.

The Administrator finds the proposed tent constitutes a minor project, will not conflict with the design review standards of this Chapter and will not adversely impact any adjacent properties due to the size and location of the tent on the Croy Street side of the building.

The proposal does not conflict with any prior approvals or requirements.

The Administrator recommends exemption of a tent in conjunction with La India Restaurant from the design review requirements.

### CONCLUSIONS OF LAW AND DECISION

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

1. The proposed tent constitutes a minor project, will not conflict with the design review standards of this Chapter and will not adversely impact any adjacent properties.
2. The tent is approved and are documented in the project file.
3. This approval exempts this project from the design review requirements and standards of Article VIA.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Owen Scanlon, Chair  
Hailey Planning and Zoning Commission

Attest:

\_\_\_\_\_  
Becky Mead, Deputy Clerk

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the \_\_\_\_\_ day of \_\_\_\_\_, 2009, I served a true and correct filed copy of the within and foregoing document upon the parties named below, in the manner noted:

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

**KEN SANGHA**  
**KENSANGHA@GMAIL.COM**

CITY OF HAILEY

By \_\_\_\_\_  
Becky Mead, Deputy Clerk