

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On September 21, 2009 the Hailey Planning Zoning Commission considered an application submitted by Blaine County School District (BCSD) for a Conditional Use Permit for a biodiesel fuel tank at 1060 Fox Acres Road. The property is within the General Residential (GR) District, and Section 4.3.3 of the Hailey Zoning Ordinance #532 lists above ground flammable and combustible liquid tanks utilized by a public use as a conditional use within that district. The Commission, having been presented with all information and testimony in favor and in opposition to the proposal, hereby makes the following Findings of Fact, Conclusions of Law and Decision.

FINDINGS OF FACT

Notice

Notice for the public hearing on September 21, 2009 was published in the Idaho Mountain Express and mailed to property owners within 300 feet on September 2, 2009.

Application

The Blaine County School District has submitted an application for a Conditional Use Permit (CUP) for a 12,000 gallon, above ground biodiesel storage and dispensing tank, located at the Bus Maintenance Facility, Wood River High School (1060 Fox Acres Road), within the General Residential (GR) District. Above ground flammable and combustible liquid tanks utilized by a public use are conditional uses within this zone with approval of a CUP.

The applicant concurrently applied for an amendment to its existing Bus Maintenance Facility CUP, which was issued in 2003 and amended in 2005. The purpose of the requested 2009 CUP amendment is to revise condition 4.d. to allow on-site fuel storage tank and dispensing at the same location.

Procedural History

This application was considered by the Commission on July 6, 2009 and August 3, 2009. At the August 3, 2009 public hearing, Commission Chair Owen Scanlon and Commissioner Mark Johnstone voted in opposition to the motion to approve the proposed CUP application stating concerns regarding the location and the incompatibility with the adjacent residential neighborhood, safety, and the appropriateness of biodiesel fuels as opposed to other alternative energies. Commission Mike Pogue and Commissioner David Lloyd voted in favor to the motion to approve the proposed CUP application. Commissioner Geoff Moore was not in attendance. The vote was tied; therefore, the application was denied. Section 11.10.3 states, "if the City denies an application or request, the applicant or his successor in interest may not file a new application or request a conditional use permit for an application that is substantially the same, for a period of one (1) year from the date the Hearing Examiner or Commission, or Council in the case of an appeal, takes action."

When presented with the Findings of Fact for the subject application, on August 10, 2009, Commissioner Pogue made a motion to withdraw the motion to approve the application by Blaine County School District for a Conditional Use Permit for a Biodiesel Storage Tank made on August 3, 2009. Commissioner Pogue stated the motion to approve and the subsequent tie vote resulted in denial of the application and the inability of the School District to renew the application in a timely manner. The intention of the Commission was to allow the applicant to revise the application. Commissioner Lloyd seconded the motion to withdraw; Commissioner Scanlon voted in favor; Commissioner Moore abstained.

At the Commission's request the BCSD has submitted a site plan, analysis and letter on August 26, 2009, showing three alternative locations for the tank along with a list of pros and cons pertaining to each site. The three (3) alternative locations are 1) the Fox property, adjacent to Fox Acres and west of the high school; 2) the parking lot to the east of the Community Campus; and 3) southwest of the high school tennis courts. The application was re-noticed for the September 21, 2009 public hearing. Each site is addressed under each Conditional Use Permit standard (a) through (i). If the Commission had preferred one of the alternative site locations, an amendment to its Bus Maintenance Facility CUP, which was issued in 2003 and amended in 2005, would not have been necessary.

Standard of Evaluation

Section 11.4 of the Hailey Zoning Ordinance establishes the standards for proposed conditional uses. For each applicable standard (in bold print), the Commission makes the following Findings of Fact:

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.

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.**

BUS MAINTENANCE FACILITY LOCATION:

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

ALTERNATIVE SITE #1, #2, and #3:

Additional lighting may be necessary at either of these three alternative sites.

9.4 Parking Space Requirements.

The Conditional Use application for the proposed fuel tank does not require additional parking requirements.

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

11. Conditional Use Permits

11.4.1 The Commission or Hearing Examiner shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and, if approved, shall find adequate evidence showing that such use at the proposed location:

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

In accordance with Section 4.3.3, above ground flammable and combustible liquid tanks utilized by a public use is a Conditional Use in the GR District. The original location, as well as the alternative sites, are all within the GR District.

FINDING: An above ground fuel tank is a conditional use in the GR zoning district.

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

The Commission considered how the proposed use relates to the various policies and implementation items of the Comprehensive Plan, particularly the following:

1.6 Alternative Energy and Resource Conservation

Goal: Promote the use of alternative renewable energy sources as well as the conservation of natural resources.

- 1. Policy: Protect, enhance, and develop alternative energy sources.*

Implementation:

- a. *Promote the study and use of all types of renewable resources as alternatives to traditional energy sources.*
- b. *Support the development of geothermal resources as both an alternative energy source and a recreational amenity.*

2.8 Man Made Hazard

I. Goal: The goal of this section is to reduce the potential threat to loss of life, limb or property and minimize public expenditures due to man made hazards such as pollution, toxic waste, electromagnetic emissions, hazardous utility or transportation facilities, or the storage and transport of noxious, radioactive, or hazardous material.

1. Policy: Segregate uses that are known or suspected hazards to human health and restrict those uses to locations that are most appropriate.

9.0 Public Facilities, Utilities, and Services

II. Goal: Recognize and generally support the provision of utilities and services by other entities within the City of Hailey.

In addition, the applicant has provided an analysis that addresses compliance with the Comprehensive Plan (see attachment).

FINDING: The Commission determined that the CUP application was generally harmonious and in accordance with the Comprehensive Plan.

- c) Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area;**

BUS MAINTENANCE FACILITY LOCATION:

There appears to be two main arguments regarding the approval of the proposed CUP; both were considered by the Commission when determining whether a positive finding can be made under this standard.

1. The bus maintenance facility is an industrial use in a residential area and the addition of the fuel tank may increase the industrial feel and character of this area (see public comment attached to the July 6, 2009 staff report).
2. The applicant has stated in a written submittal that on-site fuel storage and dispensing occurred from 1974-2002, adjacent to the Aquatic Center, and that the entire school bus fleet was also parked and maintained at the high school campus during the same time. The bus maintenance facility and the addition of the fuel tank has been a historical use of the area and therefore, the proposed conditional use would not change the essential character of the area.

The Commission determined that the addition of a fuel tank for storage and dispensing at the bus maintenance facility will not change the existing or intended character of the general vicinity. The Commission also considered the original decision, stated in the 2003 Findings of Fact for the bus maintenance facility CUP, prohibiting fuel storage at this location and determined that removing the prohibition was appropriate given the merits of the proposed fuel storage tank and dispensing system.

The proposed tank will be located within the existing Bus Maintenance Facility. The applicant has submitted a revised site plan showing the location of the secondary fueling station and a cross-section showing the distances from these two fueling locations to the blue avalanche line. The simulated view shed submitted by the applicant, illustrates the visibility of the top portion of the tank. However, the applicant has used tape to illustrate the exact area where the tank will be located. The portion of the tank extending beyond the concrete wall is less than presumed by the simulated views shown on the site plan. There is existing landscape screening, which consists of a few trees and small bushes along the concrete wall adjacent to the proposed location of the tank, on the west side of the bus maintenance facility. It is a condition of approval that a landscape plan be submitted showing approximately 3-4 plants, whose heights at maturity will be 2-4 feet, to adequately screen the exposed corner of the tank.

Currently the area is enclosed with a chain link fence along the south end and part of the west end of the bus maintenance facility. This may not provide adequate screening if, in the future, buses are queuing up to refuel in the more visible areas to the south of the facility. In addition, the applicant has been storing materials at the south end of the facility, which the chain link fence does not adequately screen. This may increase the industrialized appearance of the facility and therefore, change the essential character of the vicinity. It is a condition of approval that a wooden or other approved fencing material replace the existing chain link along the west and south end of the maintenance facility and additional landscaping be provided along the fence to screen buses that are queuing up to refuel at the secondary fueling station. It is a condition of approval that the landscaping and fencing plan be approved by the Planning Administrator prior to installation of the tank to ensure screening is adequate.

The original CUP for the facility stated, as a condition of approval, "Not more than 30 buses shall be parked at the facility and all buses shall be parked within the covered parking shelters or within the maintenance facility (except during times of high avalanche danger)." This condition must be met under the existing CUP for the facility; however, including it as a condition of approval for this application, helps to further ensure that it is complied with; especially if buses are being moved around or are left unattended, south of the shelters, when waiting to refuel. This condition has been incorporated as a condition of approval for this application.

Snow is currently stored to the south of the bus shelter. The applicant has stated that additional snow storage is available beyond the southern fence of the bus shelter, on the softball field, to accommodate buses queuing up to refueling at the secondary refueling station during the winter months.

The Commission determined that this location was superior to the alternative locations.

ALTERNATIVE SITE #1 (southwest of the tennis courts):

This location will not be visible by neighbors in the general vicinity, but will be visible to teachers, students, those using the tennis courts, and those parking in the south parking lot. Its location is closer to classrooms and a general parking area used by students and teachers. The Commission determined that this location would not be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that the location of the tank will change the essential character of the area.

ALTERNATIVE SITE #2 (Fox property, located to the west of the high school):

This location is the closest to residences and would be the most visible by neighbors, students, teachers, and others visiting the High School, compared to the other three proposed locations. The Commission determined that this location would not be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that the location of the tank will change the essential character of the area.

ALTERNATIVE SITE #3 (east of the Community Campus):

This location is the less visible of the two other proposed alternatives. It is however, nearer to the Dilley residence than the original location and is closer to classrooms, and student/teacher parking areas. The Commission determined that this location would not be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that the location of the tank will change the essential character of the area.

FINDING: The Commission determined that it will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. The Commission determined that the fuel tank is a more industrial use compared to the other GR uses, but is harmonious with the existing Bus Maintenance Facility. Because the tank will be located within this facility, it is considered to be harmonious and appropriate with the character of the general vicinity.

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

BUS MAINTENANCE FACILITY LOCATION:

The tank will be located within the existing Bus Maintenance Facility, southeast of the Community Campus. The area to the west of the facility is residential. The area to the north is the Community Campus and Wood River High School, which is within the GR zoning district. The area to the east is outside of Hailey city limits and is open space. The site plan shows the proposed tank located outside of the blue avalanche area. The tank has walls constructed of four layers consisting of steel, Styrofoam, a leak shield liner and reinforced concrete. The Fire Department has reviewed the application and has stated that

they have no safety or hazard concerns with the tank as proposed. The Commission reviewed the comments and attached documentation regarding safety and hazards, submitted by a concerned neighbor. The Commission determined that this location met the standard and was a superior location compared to the alternative sites that were reviewed.

ALTERNATIVE SITE #1 (southwest of the tennis courts):

The Fire Department has stated that no risk is associated with the proposed tank due to its type and construction. However, this location would not accommodate a secondary refueling station due to it being within the avalanche zone. This location will not be visible by neighbors in the general vicinity, but will be visible to teachers, students, those using the tennis courts, and those parking in the south parking lot. Its location is closer to classrooms and a general parking area used by students and teachers. In addition to the location of the tank itself, there will be an increase in traffic and a potential for circulation issues, as well as fuel fumes associated with this increase. If Quigley Canyon is developed in the future, the tank's location and associated traffic may disturb potential residents to the north of the High School. The Commission determined that this location would be disturbing to existing or future neighboring uses.

ALTERNATIVE SITE #2 (Fox property, located to the west of the high school):

The Fire Department has stated that no risk is associated with the proposed tank due to its type and construction. This location is the closest to residences and would be the most visible by neighbors, students, teachers, and others visiting the High School, compared to the other three proposed locations. This location could generate significant disturbances to adjacent residents, especially if fueling occurred in the early morning or late evening hours. Other impacts, such as fuel fumes, may be more apparent due to the centrality of this location to the High School, Aquatic Center, and residences. The Commission determined that this location would be disturbing to existing or future neighboring uses.

ALTERNATIVE SITE #3 (east of the Community Campus):

The Fire Department has stated that no risk is associated with the proposed tank due to its type and construction. However, this site would not accommodate a secondary refueling station due to it being located within the avalanche zone. This location may require a reduction in parking spaces, which would require the BCSD to provide the eliminated spaces somewhere else on-site. The location may also disturb the resident directly east of this location, create driveway access issues, and generate detectible fuel fumes. It is unlikely that the uses adjacent to this location would change in the future. The property directly east is located within the Hillside Overlay district and development is restricted. The Commission determined that this location would be disturbing to existing or future neighboring uses.

FINDING: The Commission determined that the CUP, at the Bus Maintenance Facility location, would not be hazardous to existing and future neighboring, because there are no safety and hazard concerns regarding the location of the tank within the Bus Maintenance Facility, as identified by the Hailey Fire Department. The Commission determined that the tank, located at the Bus Maintenance Facility, will not be disturbing to existing or

future neighboring uses because it would be located within the bus barn, which is an existing industrial use and because it will only minimally increase the industrial impacts felt by residences.

- e) **Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, and drainage structure. Agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;**

BUS MAINTENANCE FACILITY LOCATION:

Vehicular access to the tank is through either the north or south entrance of the bus storage area. The Fire Department has reviewed the application and has no comments related to access or safety. The 2003 findings stated, “The City of Hailey does not accept responsibly for or guarantee that city service, rescue efforts or emergency services will be provided during periods of avalanche danger,” as a condition of approval. The bus storage area is fully fenced.

ALTERNATIVE SITE #1 (southwest of the tennis courts):

If there was an avalanche this location may not be easily accessible by public services. The Fire Department has stated that the preferred location would be at the Bus Maintenance Facility.

ALTERNATIVE SITE #2 (Fox property, located to the west of the high school):

This location may be the most accessible location compared to the other three proposed sites, due to its direct access off of Fox Acres Road. However, the Commission determined that alternative site #2, does not meet other standards; therefore, the Commission preferred the original location within the Bus Maintenance Facility.

ALTERNATIVE SITE #3 (east of the Community Campus):

If there was an avalanche this location may not be easily accessible by public services. The Fire Department has stated that the preferred location would be at the Bus Maintenance Facility.

FINDING: The Commission determined that the use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, and drainage structure at the Bus Maintenance Facility location. The Commission reviewed all four sites and determined that the original location, within the Bus Maintenance Facility and alternative site #2 (adjacent to the Fox property) meets this standard of evaluation, based on the Fire Department’s comments. However, the Commission determined that alternative site #2, does not meet other standards, therefore the Commission preferred the original location within the Bus Maintenance Facility.

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

It is not anticipated that any of the four proposed locations will create excessive additional requirements. There may be additional costs to the BCSD to mitigate security

risks, impacts felt by neighboring residents, and infrastructure and circulation problems at the three (3) alternative sites.

FINDING: The Commission determined that the location of the tank within the Bus Maintenance Facility would not create excessive additional requirements at public cost for public facilities and services. The Commission determined that this location was the most secure and accessible and would require the least amount of additional costs.

g) Will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, dust, odors, vibration, water or air pollution, or safety hazards;

BUS MAINTENANCE FACILITY LOCATION:

The applicant proposes to have a dispensing system connected to the tank with an underground line extending southward, beyond the tank, to a single dispensing station, which will look much like a typical gas pump, similar to those seen at commercial gas stations. This second fueling station is not within the blue avalanche boundary (see revised site plan attached). This will allow two buses to refuel simultaneously. In the past, buses have left the facility to refuel or have refueled en-route at the Chevron station card lock system on Main Street; however, the proposal will change this by vehicles refueling on site. This may mean more bus idling while they wait to refuel. It may increase traffic within the vicinity of the facility as buses will now be refueling before they leave for their routes or after they return, instead of leaving the site and returning from their routes. This may create additional air pollution, odors, traffic and noise. The 2003 Bus Maintenance Facility CUP incorporates a condition of approval which states that the total idling time of buses, regardless of the number of buses at the facility, shall be limited to not more than 10 minutes per bus, not to exceed a maximum of 270 minutes per day. Buses are also required to be plugged in to engine block heaters during winter months. It is a condition of approval that idling be prohibited by those vehicles that are waiting to refuel and beyond what is allowed by the 2003 CUP. The buses are equipped with back up warning alarms, which can be disengaged. It is a condition of approval that these be disengaged while on-site so no additional noise is generated while buses are refueling and/or turning around after refueling to either exit the site or park.

An increase in additional noise, noxious smells, and other unsightly industrial impacts, may result from the tank being sited in the proposed location, which may impact the adjacent residential neighborhood. Other safety issues have been raised as concerns by adjacent property owners such as potential hazards associated with fuel storage and its close proximity to the school, playing field, and avalanche zone. The applicant has stated that the tank is 280 feet from the closest neighbor, and both the tank and the second refueling station are safely located within the bus maintenance yard, outside of the blue avalanche area. The Hailey Fire Department has not raised any safety concerns. The Commission considered whether the proposed tank will increase smoke, odors, traffic, pollution, or pose any additional safety hazards. The Commission considered whether there are any additional conditions of approval that may mitigate potential environmental

hazards and decided that this location was the most appropriate and would generate the least amount of detectable impacts, such as noise, fumes, traffic, and safety hazards, by residences and students.

ALTERNATIVE SITE #1 (southwest of the tennis courts):

An increase in additional noise, noxious smells, and other unsightly industrial impacts, may result from the tank being sited at this location, which may impact those using the southern parking area and classrooms adjacent to the tank. Other safety issues such as potential hazards associated with fuel storage and its close proximity to the school, tennis courts, and avalanche zone may be of concern. The Hailey Fire Department has not raised any safety concerns, aside from the stating that the secondary refueling station will most likely not be permitted at this location. The Commission considered whether the proposed tank will increase smoke, odors, traffic, pollution, or pose any additional safety hazards at this location and determined that this location was not preferable.

ALTERNATIVE SITE #2 (Fox property, located to the west of the high school):

An increase in additional noise, noxious smells, and other unsightly industrial impacts, may result from the tank being sited in the proposed location, which may impact the adjacent residential neighborhood. This location does not pose any avalanche dangers. Safety issues may be a concern to adjacent property owners such as potential hazards associated with fuel storage and its close proximity to residences. The Hailey Fire Department has not raised any safety concerns. The Commission considered whether the proposed tank will increase smoke, odors, traffic, pollution, or pose any additional safety hazards. The Commission considered whether the proposed tank will increase smoke, odors, traffic, pollution, or pose any additional safety hazards at this location and determined that this location was not preferable.

ALTERNATIVE SITE #3 (east of the Community Campus):

An increase in additional noise, noxious smells, and other unsightly industrial impacts, may result from the tank being sited in the proposed location, which may impact the those parking behind the Community Campus, the neighbor to east of the proposed location, and the Community Campus building occupants. This location may pose an avalanche danger. The Hailey Fire Department has not raised any safety concerns other than not permitting a secondary refueling station, due to avalanche dangers. The Commission considered whether the proposed tank will increase smoke, odors, traffic, pollution, or pose any additional safety hazards at this location and determined that this location was not preferable.

FINDING: The Commission determined that the tank, located within the Bus Maintenance Facility, will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, dust, odors, vibration, water or air pollution, or safety hazards. The Commission determined that conditions of CUP approval could mitigate the potential impacts created by the tank's location at the Bus Maintenance Facility, which allowed positive findings to be made under this standard.

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

BUS MAINTENANCE FACILITY LOCATION:

There are already vehicular approaches in place which provide access to and from the Bus Maintenance Facility. No increase in bus traffic is anticipated with the approval of this application. A 10,000 gallon fueling truck will need to access the site to fill the tank 3-4 times a year.

The applicant has submitted their method of documentation used to estimate the reduction in the number of trips that would occur if on-site fueling was approved. The applicant has based this information on a daily route log from 2007-2008, which calculated 1,384 refueling trips from normal bus routes and roughly 400 field trips, which refuel after their return. The total number of trips equals 1,784. It is important to note that this number includes both refueling en-route and additional trips solely to refuel. Rex Squires, BCSD's Transportation Director, has stated that they have no way to differentiate between en-route refueling and additional trips solely to refuel, but roughly estimates about half of these trips to include en-route refueling. Without knowing the number of trips taken, solely to refuel, the actual number of trips and the cost savings associated with a reduction in the number of trips is difficult to estimate. (See the August 3, 2009 submittals; the CUP checklist statements and an email submitted by Rex Squires, dated July 23, 2009, which details the calculation of trips saved.)

ALTERNATIVE SITE #1 (southwest of the tennis courts):

The location has an established circulation route, but may conflict with staff and students accessing and parking at the high school. The Commission determined that this location was not acceptable.

ALTERNATIVE SITE #2 (Fox property, located to the west of the high school):

The location has an established circulation route, but may conflict with staff and students accessing and parking at the high school. The Commission determined that this location was not acceptable.

ALTERNATIVE SITE #3 (east of the Community Campus):

This location may conflict with staff and students accessing and parking at the high school and Community Campus. It may also require parking spaces to be eliminated, which would require the BCSD to provide additional parking somewhere else on-site. The Commission determined that this location was not acceptable.

FINDINGS: The Commission determined that locating the tank within the bus barn would provide vehicular approaches to the property and would be designed so as not to create an interference with traffic on surrounding public thoroughfares. The Commission determined that locating the tank at any of the three alternative sites would create conflict with surrounding traffic flow and parking.

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

There was no evidence of a natural, scenic, or historic feature affected at any of the sites.

FINDING: The Commission determined that the proposed tank will not threaten the above features at any of the four locations.

CONCLUSIONS OF LAW AND DECISION

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

1. Adequate notice, pursuant to Section 11.3 of the Hailey Zoning Ordinance and Idaho Code Section 67-6512, was given for the public hearing.
2. Upon compliance with the conditions stated below, the application substantially meets all criteria (a) through (i) set forth in Section 11.4 of Zoning Ordinance No. 532.
3. The applicant shall receive a Conditional Use Permit for the tank to be located at the originally proposed site, within the bus barn, subject to the following conditions:
 - a) All Fire Department and Building Department requirements shall be met.
 - b) All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance. Detailed plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for Department Head approval and shall meet City Standards where required.
 - c) Approval of the biodiesel storage and dispensing tank CUP application is contingent upon the Commission's approval of the concurrently submitted amendments to the bus maintenance facility CUP, which would remove condition 4.d., and allow for fuel storage at this location.
 - d) Idling shall be prohibited by those vehicles waiting to refuel and beyond the amount of time allowed by the 2003 CUP. Approval for the 2003 Bus Maintenance Facility CUP, states that the total idling time of buses, regardless of the number of buses at the facility, shall be limited to not more than 10 minutes per bus, not to exceed a maximum of 270 minutes per day. Buses shall be plugged in to engine block heaters during winter months.
 - e) Fuel storage shall only be allowed for a biodiesel blend of 20% (i.e. B20) or higher.
 - f) On-site fuel shall be stored and used exclusively for the Blaine County School District.

- g) A vapor recovery system shall be installed and utilized.
- h) Not more than 30 buses shall be parked at the facility and all buses shall be parked within the covered parking shelters or within the maintenance facility (except during times of high avalanche danger). Buses parked in the south parking area, shall only be parked there temporarily while waiting to refuel.
- i) Reverse alarms on buses shall be disengaged while on-site, so no additional noise is generated while buses are refueling and/or turning around after refueling to either exit the site or park.
- j) All Conditional Use Permits are subject to review and revocation pursuant to Section 11.9 of the Hailey Zoning Ordinance.
- k) A landscape and fencing plan shall be submitted to and approved by the Planning Administrator, prior to installation of the tank to ensure that planting and fencing materials are adequate for screening. The plan shall include the following:
 - 1) Approximately 3-4 plants, whose heights at maturity will be 2-4 feet, to adequately screen the exposed corner of the tank.
 - 2) A wooden or other approved fencing material shall replace the existing chain link along the west and south end of the maintenance facility and additional landscaping shall be provided along the fence to screen buses that are queuing up to refuel at the secondary fueling station. This shall be installed prior to the tank's use.

Signed this _____ day of _____, 2009.

Owen Scanlon, Chair
Hailey Planning & Zoning Commission

Attest:

Becky Mead, Deputy Clerk