

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On November 2, 2009 the Hailey Planning Zoning Commission considered an application submitted by the City of Hailey for a Conditional Use Permit for a Fire Station at Parcel O1 and O2, Block 62, Woodside Subdivision No. 15 (2582 Woodside Blvd.). The property is within the General Residential (GR) District, and Section 4.3.3 of the Hailey Zoning Ordinance #532 lists Public Service, Public Use and Public Utility Facilities 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 November 2, 2009 was published in the Idaho Mountain Express and mailed to property owners within 300 feet on October 14, 2009.

Application

The City of Hailey Fire Department, has submitted a Conditional Use Permit application for fire station, located on Parcel O2, Block 62, Woodside Subdivision No. 15 (2582 Woodside Blvd). The property is located in the General Residential (GR) zoning district. Public Service Facilities such as a fire station may be allowed under the Conditional Use Permit process in the GR district.

A Design Review application has also been submitted for the proposed fire station and will be considered by the Commission concurrently with this Conditional Use Permit application.

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 color rendering show a fire station sign located on the front of the building. Signs posted by a government entity do not require a sign permit.

9.2 Parking and Loading Standards

9.2.4 Maintenance. The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, other debris and snow.

Meeting this standard is a condition of approval.

9.2.5 Surfacing and Construction. All required parking and loading spaces, together with driveways, aisles, and other circulation areas, shall be constructed in accordance with the City Standards.

Meeting this standard is a condition of approval.

9.2.6 Drainage. All parking, loading, or other non-permeable surface areas shall provide for on-site drainage of surface water to prevent the drainage of such water onto adjacent properties, walkways, or into the public right-of-way. Drainage provided shall be in accordance with City Standards.

Meeting this standard is a condition of approval.

9.2.7 Lighting. Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property, and shall be of a type and method of construction to shield the light source from direct view from any adjacent property or right-of-way. All parking area lighting shall comply with the standards as set forth in Article VIII B of this Ordinance.

Meeting this standard is a condition of approval.

9.2.9 Screening and Landscaping. All loading space areas and parking areas for any use containing more than 4 surface parking spaces, and located in or adjacent to a residential district, shall be effectively screened on all sides which adjoin or face any other residential property, except where spaces have direct access from a right-of-way. The screening shall consist of an acceptably designed wall, fence or planting screen. Such fence or wall shall be not less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition. The space between such fence or wall and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs, evergreen ground cover or trees, and maintained in good condition.

The applicant proposes 19 parking spaces on-site. Residential properties are adjacent to the north, south, and east of the subject property. The parking area is screened from the north, east, and south sides of the property.

The townhomes adjacent to the north of the subject property have a 6 foot high wooden fence along the entire property boundary, except for an internal section measuring approximately 20-30 feet, where no fence resides adjacent to the townhomes common area. The proposed building and some landscaping would be located adjacent to the fence opening. The south side has a continuous 6 foot high wooden fence. A six foot high cedar fence is proposed along the eastern property line of Parcel O1.

Some landscaping is shown adjacent to Woodside Blvd. However, only one (1) deciduous tree is used to screen the area from the street and the rest of the plantings in this area are shrubs. This amount and type may not be adequate to screen the parking area, especially during the winter months. It is a condition of approval that additional evergreen bushes or trees, with mature heights no less than 4 feet, but no more than 15

feet, be planted on north side of the driveway to the parking area and on the south side of the driveway to the parking area. A revised landscape plan showing the type, size, and location of these plantings shall be submitted to the Planning Department for approval by the Planning and Zoning Commission on the Consent Agenda. The Commission shall approve the revised plan prior to installing the landscaping and before a Certificate of Occupancy is issued. Plantings of this height and type will ensure that this standard is met year round, while also ensuring that solar access is maintained and excessive shading of the parking lot doesn't occur.

- a. **Parking areas designed to accommodate 10 or more cars shall have no less than 10% of their surface area landscaped. The landscaping shall include deciduous trees no smaller than 2" caliper.**

The applicant proposes 19 parking spaces; therefore, meeting this standard is a condition of approval.

9.2.11 Minimum Distance Setbacks. No part of any parking area for more than 10 vehicles shall be closer than 20 feet to any lot occupied by a dwelling unit, school, hospital or other institution for human care and shall be separated from that adjoining lot by an acceptably designed screen as defined above.

The proposed parking area is adjacent to lots with dwelling units to the south, north and east of the subject property. Woodside Blvd. is located to the west. The setbacks which apply are as follows:

East: 48 feet

South: 40 feet

North: 15 feet

It is a condition of approval that the parking area adjacent to the northern property line be 20 feet (five additional feet) from the adjacent northern lot.

9.4 Parking Space Requirements.

9.4.3 Institutional:

f. Police, Ambulance, and Fire Stations: 1 space for each vehicle employed plus 1 space for each employee on shift. No parking space required under this section shall be located in any right - of way or public thoroughfare.

Nineteen (19) parking spaces are proposed. There are four (4) fire department vehicles and four (4) fire engines. The four (4) fire engines will fit within the building. There are five (5) employees and 22 volunteers. There are never more than five (5) employees on shift. Only in emergencies are volunteers "on shift." Based on this standard's criteria, nine (9) spaces are required.

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.**

The fire station is a 24 hour operation; however, it may not be necessary for the building to be continuously lit. It is important to remember that this use is a public service facility in a residential area and increased sensitivity to neighboring property owners as well as setting an example of good lighting should be considered as a priority by the City.

- 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.**

The applicant proposes eight (8) lights on the building and no additional parking area lights. Of the eight (8) lights, there are two (2) different types. Both types are full cut-off and fully downcast.

The recessed luminaires are placed at 10 feet high at the southeast entrance and both of the Woodside entrances. There are four (4) wall mounted luminaires shown 16 feet high, above the fire engine bay doors. The lumen output for the 16 foot high lights are proposed at 2,250. The lumens output for the lights mounted at 10 feet high are 900. The outdoor lighting standards state that lights mounted 10 feet high should remain within 1,000 to 2,000 maximum lumens and lights mounted at 16 feet high should not exceed 2,400 to 6,000 lumens. Both lights comply with these standards.

Due to the residential character of the adjacent and surrounding properties, it is a condition of approval that the 16 foot high lights be mounted under the shed roof above the engine bays.

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.**

It appears that all light fixtures are downcast and fully shielded. In addition, there are standards regarding maximum lumens that pertain to mounting height, regardless of the type of light fixture used (these requirements are elaborated on under Section 8B.4.1).

- d. Residential holiday lighting from November 1st to February 1st. Flashing holiday lights on residential properties are discouraged. Holiday lights are encouraged to be turned off by 11:00 p.m.**

N/A

- e. Commercial holiday lighting from November 1st to March 15th. Flashing holiday lights are prohibited. Holiday lights are encouraged to be turned off after the close of business.**

N/A

- f. Sensor activated luminaires, provided:**
 - 1. It is located in such a manner as to prevent glare and lighting onto properties of others or into a public right-of-way;**
 - 2. The luminaire is set to only go on when activated and to go off within five minutes after activation has ceased;**
 - 3. The luminaire shall not be triggered by activity off the property.**

- g. Vehicular lights and all temporary emergency lighting needed by the Fire and Police Departments, or other emergency services.**

Only temporary lights and vehicular lights needed by the Fire Department are exempt from complying with Hailey's Outdoor Lighting Ordinance.

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 of the Hailey Zoning Ordinance, Conditional uses for the GR District include Public Service, Public Use and Public Utility Facilities.

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:

Section 9.0 Public Facilities, Utilities, and Services

Policy 6. Support Fire Department improvements to meet projected fire protection and emergency incident response needs.

Implementation:

- a. Consider most appropriate location for new fire station in Woodside and Northridge areas.*

Section 5.4 Land Use Districts

Policy 5. Promote land use policies that protect and enhance new and existing neighborhoods in residential zoning districts.

Implementation:

- c. Assure that compatible land uses are located adjacent to existing residential areas.*

Policy 6. Provide adequate areas for institutional and public facilities, such as schools, senior care, medical, judicial and other community facilities, integrated within the community.

In addition, the Commission referred to the applicant's written analysis describing how the proposed use relates to 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;

The subject property is located within an area which is primarily zoned GR. Mountain Sage Subdivision is located to the north, Bunkhouse Townhomes is located to the south, Sweetwater Townhomes are located to the west, and Winterhaven Condos and vacant single family residential lots are located to the east of the subject property. The applicant proposes to use the Fire Station as a response center, office, possible residence, and a training facility. On average the Hailey Fire Station responds to five (5) emergency responses a week, which require engine response. The remaining emergency calls require an EMS response. Emergency responses will most likely involve some fumes, especially from the fire engine responses, lights, and noise and can occur at any hour on any day. The applicant has stated that the primary purpose of and need for the station at this site is to decrease response times to emergencies in Woodside. The applicant has stated that the impacts will be offset by the reduced response times in an emergency situation and the asset the station offers the neighborhood.

In accordance with Section 6A, of the Hailey Zoning Ordinance, the building for the proposed use is required to go through the Design Review process. A Design Review

application was submitted and reviewed concurrently by the Commission. The Commission referred to the staff report for the Design Review application for greater detail on the design and construction of the proposed fire station.

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

It is not anticipated that the proposed use will be hazardous. A Fire Station may be disturbing to existing and future residences, given the nature of the use; however, having a fire station within a residential area has benefits as well. The Commission considered the impacts and benefits when making their findings under this standard.

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;

It is anticipated that all public services and facilities will adequately serve the proposed use.

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

It is not anticipated that the proposed fire station will create excessive additional requirements at public cost.

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;

It is not anticipated that the proposed use will create environmental pollution or safety hazards; however, there may be occasional noise and fumes from the operation of the fire department vehicles during emergency responses. Given the nature and unpredictability of the use, it is difficult to place conditions of CUP approval that would otherwise mitigate any impact to persons, property, and general welfare generated by emergency responses. The Commission considered the potential impacts and benefits of having a fire station within a residential area.

In addition to emergency response activities, the Fire Department will also conduct training within the classroom, which may occasionally be followed by on-site outdoor training events at this location. Training typically occurs on Wednesday evenings from 6:30-9:30pm and in the summer, on the weekends. The number of people attending training sessions varies from 2-50. It is important to note that training sessions would occur both at the new facility as well as the existing facility on 3rd Avenue and other areas around town. The noise generated from outdoor training sessions at this location in the evening may impact adjacent neighbors. It is a condition of approval that no outdoor training activities occur past 9:30pm at this location. The 19 on-site parking spaces would most likely not accommodate a 50 person training session. It is a condition of approval that the training sessions held at this location not generate a need for parking in excess of 19 spaces, to avoid parking conflicts and vehicle overflow onto Woodside Blvd.

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;

There will be two different vehicular approaches at the fire station, both of which will be accessed by Woodside Blvd. One of the driveways will access the parking area and the other will access the overhead doors, which house the fire engines. The fire station is not anticipated to be a high traffic use, except during emergency responses; therefore, no interference with traffic on Woodside Blvd. is expected.

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

It is not anticipated that the proposed use will affect any natural, scenic, or historic features.

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. The application is in accordance with the Comprehensive Plan, Sections 9.0 and 5.4.
3. 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.
4. The applicant shall receive a Conditional Use Permit, subject to the following conditions:
 - a) All Fire Department and Building Department requirements shall be met.
 - b) All exterior lighting shall comply with the Outdoor Lighting Ordinance and the 16 foot high lights, mounted above each bay door, shall be placed under the shed roof.
 - c) All roof projections including, but not limited to air conditioning units, all mechanical equipment and solar panels shall be shielded and architecturally screened from view from on-site parking areas, adjacent public streets and adjacent properties.
 - d) All City infrastructure requirements shall be met. Detailed plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for Department Head approval and shall meet City Standards where required. Infrastructure to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:
 1. Sidewalk and drainage improvements, designed according to applicable City Standards, are required along the front property line adjacent to Woodside Blvd; this property line is 235 feet.

- e) The parking area shall comply with the following requirements:
 - 1. The parking and/or loading area shall be maintained in good condition without holes and free of all dust, trash, other debris and snow.
 - 2. All required parking and loading spaces, together with driveways, aisles, and other circulation areas, shall be constructed in accordance with the City Standards.
 - 3. All parking, loading, or other non-permeable surface areas shall provide for on-site drainage of surface water to prevent the drainage of such water onto adjacent properties, walkways, or into the public right-of-way. Drainage provided shall be in accordance with City Standards.
 - 4. The parking area adjacent to the northern property line shall be 20 feet (five additional feet) from the adjacent, northern lot.

- f) The Landscape Plan shall be revised with the following changes and shall be submitted to the Planning Department for approval by the Planning and Zoning Commission on the Consent Agenda prior to installation of the landscaping and the issuance of a Certificate of Occupancy:
 - 1. Additional evergreen bushes or trees, with mature heights no less than 4 feet and no more than 15 feet, shall be planted on north side of the driveway to the parking area and on the south side of the driveway to the parking area.
 - 2. The parking areas shall have no less than 10% of its surface area landscaped. The landscaping shall include deciduous trees no smaller than 2" caliper.

- g) A drip irrigation system shall be installed and maintained for each vegetated area.

- h) A pedestrian walkway shall be installed to provide a connection from the door on the south side of the building to the parking area.

- i) No outdoor training activities shall occur at this location between the hours of 9:30pm and 7:00am.

- j) The training sessions held at this location shall not generate a need for parking in excess of 19 spaces, to avoid parking conflicts and vehicle overflow onto Woodside Blvd.

All Conditional Use Permits are subject to review and revocation pursuant to Section 11.9 of the Hailey Zoning Ordinance.

Signed this _____ day of _____, 2009.

, Chair
Hailey Planning & Zoning Commission

Attest:

Becky Mead, Deputy Clerk