

**BLAINE COUNTY PLANNING & ZONING COMMISSION
SEPTEMBER 22, 2016 PUBLIC HEARING**

REGARDING:

An application by Tom Richmond to rezone property at 11809 State Highway 75 from Low Density Residential District (R-1) to Light Industrial District (LI).

Findings of Fact, Conclusions of Law & Recommendation

REQUESTED ACTION: Public hearing and consideration of an application by Tom Richmond to rezone the 2.07 acre lot at 11809 SH 75 from Low Density Residential District (R-1) to Light Industrial District (LI). The property is located within Sections 4 & 5, T2N, R18E, BM, Blaine County.

APPLICABLE REGULATIONS:

- Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act
- Title 8, Chapter 1, Comprehensive Plan & Comprehensive Plan Land Use Map
- Title 9, Zoning Regulations, including Chapter 26, Reclassification of a Zoning District (Rezone), and Chapter 31, Amendments.

SUMMARY:

The applicant notes in various responses to the standards and criteria that the intention of the rezone is to expand the Arrow R Storage self-storage business that is located on the lot immediately to the north of the subject property. This application, however, is simply for a rezone (zoning map amendment) from the current R-1 zoning to LI zoning. Within the LI zoning district, a large number of permitted, accessory, and conditional uses are allowed. Because of the potential impacts of certain uses, the Commission recommends approval of the rezone conditioned upon a development agreement.

I. GENERAL BACKGROUND, NOTICE AND EXHIBITS

1. The application was received on August 16, 2016.
2. **NOTICE** of the September 22, 2016, hearing before the Planning & Zoning Commission was provided pursuant to § 9-26-3 and § 9-31-4(D), Blaine County Code, and Idaho Code §67-6509 and § 67-6511, as follows:
 - A. Published in the Idaho Mountain Express on September 7, 2016;
 - B. Sent to all property owners within 300 feet of the external boundaries of the rezone area on September 7, 2016;
 - C. Sent to all Blaine County political subdivisions on September 6, 2016;

- D. Sent to all public water system entities for the affected wellhead protection area on September 7, 2016;
- E. Public Service Announcement request sent to area media on September 6, 2016;
- F. Posted on the subject property on or before September 15, 2016, as evidenced by affidavit in file; and
- G. Posted on the Blaine County Website on September 7, 2016.

► **FINDING AS TO NOTICE:** Upon a motion by Commissioner Pynn, a second by Commissioner Murphy, and a vote of 6 to 0 (Commissioner Fosbury absent), the Commission determined notice is in compliance with State and County code.

3. **Disclosures:** None

4. **EXHIBITS** attached to the staff report and incorporated by reference include:

A Exhibits —Application Materials

- A-1: Completed application form
- A-2: Responses to criteria and standards
- A-3: Vicinity map/300' adjoiners map
- A-4: Mailing list for 300' adjoiners
- A-5: Aerial photograph of subject property and adjacent properties
- A-6: Applicant's list of proposed use exclusions

B Exhibits – Agency Comment (None)

C Exhibits —Additional Information

- C-1: Comprehensive Plan Land Use Map – Hailey area
- C-2: Aerial photographs from 2004 and 2015

D Exhibits —Public Comments (No written public comment received)

II. GENERAL AMENDMENT CRITERIA

Idaho Code §67-6511 and Blaine County Code §9.31.4

A. Idaho Code §67-6511(a) and Blaine County Code §9.31.4 (A):
Commission shall evaluate the facts and circumstances of the proposed to determine:

- *The nature and extent of the amendment;*
- *The reasons therefor;*
- *Whether it is in accordance with the Comprehensive Plan;*

- *The effects on potable water sources; and,*
- *The impacts of the proposal upon the delivery of services by any political subdivision providing services, including school districts, within the County.*

►Findings:

Extent: The proposal would rezone one lot, 2.07 acres in size, to LI. See Exhibit A-5.

Reasons: The reason stated in the application is that there has been a change in the immediate area, with LI uses expanding. The applicant, owner of Arrow-R Storage, desires to add an additional self-storage building.

Accordance with Comp Plan: The land use map shows the area in this location as “Industrial.” (Exhibit C-1)

Effects on potable water sources: Dependent on uses. See criteria (B)-9 below.

Delivery of services: No negative effects foreseen. All public services are available to this location adjacent to City of Hailey.

B. Idaho Code §67-6511(b) and Blaine County Code §9.31.4 (B):

If the proposal is in conformance with the Plan and it is found that the proposal will not result in demonstrable adverse impacts upon the delivery of services, the Commission may recommend adoption of the amendment.

C. Idaho Code §67-6511(c) and Blaine County Code §9.31.4 (C):

If the proposal is not in conformance with the Plan, or will result in demonstrable adverse impacts upon the delivery of services, the Commission may consider whether it is appropriate to amend the Comprehensive Plan. Notice procedures provided in Idaho Code Section 67-6509 must be adhered to in recommending an amendment to the Comprehensive Plan.

►Finding: The Commission finds the proposed rezone is in conformance with the Comprehensive Plan.

III. REZONE CRITERIA

Zoning Ordinance §9-26-4

(A) *In acting upon an application for a Reclassification or a Reclassification with a Development Agreement, the Commission shall first determine whether the proposal is in accordance with the Comprehensive Plan Text and Map.*

The Comprehensive Plan Land Use Map identifies the area of the subject property as Industrial – see Exhibit C-1, which shows the relevant portion of the Land Use map.

Following are relevant text portions of the Plan:

SECTION 9: LAND USE

LAND USE COMPONENTS

The Land Use section of the Comprehensive Plan consists of two (2) parts: text and maps...

Maps

The land use maps visually illustrate the land use text and show general land use patterns in Blaine County. The land use boundaries on these maps are only a general guide and in many instances are based simply on public ownership boundaries. More precise boundaries and land uses will be determined when the zoning maps and ordinances are amended in accordance with the various goals and objectives of this comprehensive plan and land use map.

*The land use maps, which are set forth in Appendix , show general land classifications as follows: Residential (R), Agricultural (A), Open Space (OS), Recreational (RD), Commercial (C), **Industrial (I)**, and Special Planning Areas. The City Limits (CL) of Bellevue, Sun Valley, Hailey, and Ketchum are also shown.*

Text

The text portion of the Comprehensive Plan describes the map designations and provides the rationale for the designated county land use districts.

LAND USE CLASSIFICATIONS

General Industrial Uses

The Land Use Map depicts industrial areas only generally. The "light" or "heavy" nature of any industrial use will be further delineated in the zoning maps in accordance with the policies set out in this section.

In Blaine County "light" industrial uses include contractor's storage yards, light manufacturing facilities, machine shops, and other similar uses. These light industrial uses should:

- 1. Not emit offensive odor, dust, smoke, glare, gas, toxic materials, light, noise or vibration beyond the site itself.*
- 2. Not require an uncompensated extension of county services.*
- 3. Not create off-site impacts which are incompatible with the basic agricultural, recreational and residential uses of the county.*
- 4. Provide expanded employment opportunities.*
- 5. Not detract from the scenic quality of established scenic travelways in the county.*
- 6. Operate compatibly in close proximity to adjoining commercial or residential purposes.*

Because of the above criteria and an historic policy to concentrate light industrial uses within incorporated areas or in the unincorporated towns/communities, only a limited number of light industrial areas currently exist in the unincorporated areas of the county. By geographic area, they are:

...2.Middle Wood River Valley:

a.Southwest Friedman Airport area: (with access from Broadford Road).

b.Northridge area: Hailey substation and Idaho Transportation Department facility.

...

Well planned light industrial facilities should be compatible with surrounding land uses. Siting and design standards should also address such factors as buffering, access, related infrastructure, and open space.

► **Finding:** Based on the “Industrial” designation of the subject property on the Land Use Map and in the text (the identified “Northridge area” set forth in 2.b. above), the Commission finds the proposal is in accordance with the Comprehensive Plan.

(B) *If the application is determined to be in accordance with the Comprehensive Plan Text and Map, the Commission shall then consider, at least, the following criteria:*

Note: Not all of these criteria have to be satisfied for the rezone request to be granted. The ordinance says that the Commission shall *consider* them.

1. *Whether there was a mistake in the original zoning.*

► **Finding:** No mistake in original zoning is identified.

2. *Whether there has been a change in the surrounding neighborhood since the existing zoning was adopted.*

► **Finding:** The applicant states, and the Commission concurs, that “LI uses adjacent to property have continued to expand and become more significant.” Storage Plus was constructed in 2000 and Arrow R Storage was constructed in 2005. Other evidence of LI uses in the immediate vicinity can be seen on the aerial photographs from 2004 and 2015 in Exhibit C-2.

3. *Whether this or any adjoining property has been designated a “special planning area” on the Blaine County Zoning Map.*

► **Finding:** This property and adjoining property have not been designated as a “special planning area”.

4. *To what extent the public health, safety, or general welfare may be adversely affected by the Reclassification.*

There are several permitted and conditional uses allowable in the LI district –listed below.

9-15-2: PERMITTED USES:

Permitted uses for this district are limited to the following:

- A. Assembly, light manufacturing, processing, packaging, treatment and fabrication of goods and merchandise, including laboratories and research offices, bottling and distribution plants, light repair facilities and storage distribution warehouses.*
- B. Wholesaling only if the items are manufactured on site and are not for sale as retail merchandise to the general public.*
- C. Contractor's storage yard.*
- D. Machine shops, printing services.*
- E. Use of land for agricultural purposes.*
- F. Commercial nurseries.*
- G. Animal hospitals and kennels.*

9-15-3: ACCESSORY USES:

The accessory uses for this district include, but are not limited to, the following:

- A. A dwelling of an owner, operator or caretaker of a principal permitted use when located on the same premises.*
- B. Temporary buildings necessary for construction work on premises, such buildings to be removed upon completion or abandonment of construction work.*

9-15-4: CONDITIONAL USES:

Conditional uses for this district are limited to the following:

- A. Bulk storage of flammable liquids or gases, subject to the approval of the fire chief of the rural fire district having jurisdiction.*
- B. Office buildings.*
- C. Solid waste incineration.*
- D. Light industrial uses with commercial outlets, but which remain primarily light industrial rather than commercial.*
- E. Truck terminal.*
- F. Food or animal processing plants creating off site impacts, including the processing, packaging, storage and distribution of agricultural or dairy products.*
- G. Public utility and service installations, including repair and storage facilities.*
- H. Self storage facilities.*
- I. Wireless communication facilities (see section [9-3-16](#) of this title).*
- J. Storage, mixing, blending and sales of fertilizers.*

► **Finding:** Several of the permitted uses may have noticeable adverse effects on the nearby residents, such as significant traffic or noise impacts. Due to concerns regarding potential adverse impacts, the Commission recommends that any rezone of this property be conditioned on a development agreement. The applicant has submitted a list of uses that he would be willing to exclude (Exhibit A-6). The Commission recommends that all other Permitted Uses be allowed only with a Conditional Use Permit.

5. *Whether present zoning classifications are in conformity with existing uses of adjacent property.*

► **Finding:** The present zoning of Low Density Residential (R-1) is conforming and appropriate for adjacent residential uses to the east, south and west. However, R-1 would be inconsistent with the adjacent light industrial uses.

6. *Whether central water and sewer services are available.*

► **Finding:** An existing community water and sewer system, built to accommodate 20 hookups, is available because only two hookups are being utilized by the self-storage operation.

7. *Whether the relevant sections of Chapter 31 regarding a map amendment have been satisfied.*

► **Finding:** The amendment criteria of Chapter 31 are reviewed above. Other relevant sections of Chapter 31 include additional notice requirements for rezone (map amendment) applications. These requirements have been met.

8. *Whether a development agreement that includes more strict regulations than those applicable to the proposed zoning district generally should be required as a condition of rezoning the subject parcel. See §9-26-8 for the additional requirements that apply to a Reclassification with a Development Agreement.*

► **Finding:** A Development Agreement was not proposed by the applicant. However, due to the proximity of the subject property to residences, the Commission recommends that a Development Agreement be required.

9. *When the rezone is located within a wellhead protection area, it may only be granted if best management practices will be taken to mitigate the risk of contamination of public water systems and potable water sources.*

► **Finding:** The subject property is within the wellhead protection area of a number of City of Hailey wells. Any Conditional Uses would require notice to public water systems, direct review of potential contaminants and requirements for best management practices. However, certain Permitted Uses may have potential contaminants, with no opportunity to review how those are handled. Examples may be light manufacturing, machine shops, printing services, and commercial nurseries. For this reason also, the Commission recommends that a Development Agreement be required, which would require a Conditional Use Permit for all uses thereby protecting public water systems and potable water sources.

10. Light Industrial District Rezones: Additional criteria for proposed light industrial rezones, unless satisfactorily addressed by a development agreement, shall include, but are not necessarily limited to, the following:

a. Before approving any rezone application for a light industrial zone, the board shall find that the following required standards are met:

(1) Maintenance of the Highway 75 view corridor by not allowing industrial rezones within one thousand feet (1,000') of the Highway 75 right of way except when they are to be located adjacent and contiguous to an existing light industrial zone in or adjacent to the cities. In situations where the topography indicates that a smaller setback will ensure maintenance of the view corridor, reasonable flexibility may be allowed.

► **Finding:** The subject property is adjacent and contiguous to the existing LI zoned land adjacent to the City of Hailey. There is existing landscape buffering along the SH 75 frontage and to the south and east. The conceptual building location meets the 100' scenic highway setback.

(2) Allowance of only one access off of Highway 75.

► **Finding:** The access to the subject property will be from Arrow Road only. There is no direct access to the existing uses on the property from SH 75, nor is any proposed.

(3) Location of the property outside identified hazard areas such as floodplain or avalanche zones with the exception of the airport vicinity overlay district.

► **Finding:** No hazard areas exist on the property.

(4) Existence of natural screening or the provision of reasonable alternatives to give separation from existing uses.

► **Finding:** Existing vegetation will be retained for screening along the highway and south.

(5) Minimum size of area to be rezoned is ten (10) acres, unless it is to be located adjacent and contiguous to an existing light industrial zone in or adjacent to the cities.

► **Finding:** The property is adjacent and contiguous to the existing LI zoned land adjacent to the City of Hailey; therefore the 10-acre minimum size is not applicable.

(6) Location of the proposed light industrial area outside of land zoned as A-20 or A-40 (productive agriculture).

► **Finding:** There is no A-20 or A-40 zoned land in the vicinity.

b. In considering any rezone application for a light industrial zone, the board shall consider the following factors as favoring the application:

(1) Utilization or substitution of an existing access off of Highway 75.

► **Finding:** The access to the subject property will be from Arrow Road. There is no direct access to the existing uses on the property from SH 75.

(2) Location adjacent to existing industrial uses in the cities.

► **Finding:** The property is adjacent to LI, not in the city, but adjacent to the City.

(3) Accessibility of proposed area to employee and product transportation lines.

► **Finding:** The property accesses to State Highway 75 via Arrow Road.

(4) Provision of expanded employment opportunities in the county.

► **Finding:** The Commission finds that expanded employment opportunities will be provided by additional staff, contractors for construction, and maintenance services.

(5) Be economically beneficial to the county when compared to the cost of county services needed.

► **Finding:** The Commission finds that all services to this lot are already in place; no extension of services is necessary. The applicant notes that the “additional taxes and potential employment opportunities will provide economic benefit at minimum cost to the county.”

c. In considering any rezone application for a light industrial zone, the board shall consider the following factors as being unfavorable to the application:

(1) Utilization of residential accesses to serve the industrial area.

(2) Location of the proposed industrial area outside of and not adjacent to any incorporated or unincorporated town sites.

► **Finding:** Neither of the above criteria is applicable to this proposal.

11. Mountain Overlay District (MOD) Rezones...

► **Finding:** N/A. The proposal is not for a MOD rezone. The property is not located in the MOD.

12. If the applicant or landowner with respect to an application for a rezone under this chapter is the state of Idaho, or any agency, board, department, institution, or district thereof. . .

► **Finding:** N/A. The landowner is private.

IV. RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS

► **RECOMMENDATION REGARDING COMPLIANCE WITH COMPREHENSIVE PLAN:** Upon a motion by Commissioner Bailey, a second by Commissioner Murphy, and a vote of 6 to 0 (Commissioner Fosbury absent), the Planning and Zoning Commission finds that the proposed rezone of the property at 11809 State Highway 75 is in accordance with the Comprehensive Plan.

► **RECOMMENDATION REGARDING APPLICATION:** Upon a motion by Commissioner Bailey, a second by Commissioner Murphy, and a vote of 6 to 0 (Commissioner Fosbury absent), the Planning and Zoning Commission recommends approval with modifications of the proposed Rezone of the property at 11809 State Highway 75 from Low Density Residential District (R-1) to Light Industrial District (LI). The modification recommended is a condition that the rezone shall be pursuant to a Development Agreement which would (a) exclude the uses set forth in Exhibit A-6, and (b) require a Conditional Use Permit for any Permitted Use not explicitly excluded, thereby providing an opportunity to mitigate potential adverse impact to neighboring residential uses and to public water systems and potable water sources.

IT IS SO ORDERED on this 5th day of November, 2016.

BLAINE COUNTY PLANNING AND ZONING COMMISSION



By: Mike O'Farrell, Chairman

CERTIFICATE OF MAILING

The undersigned person hereby certifies that on the 8th day of November, 2016, she served a true and correct copy of the foregoing document by depositing the same in the U.S. Mail addressed as follows or by service otherwise as noted:

Tom Richmond
PO Box 1105
Hailey, ID 83333


Staff