



## Planning & Zoning Commission Regular Meeting AGENDA

Tuesday, November 12, 2019  
Ketchum City Hall  
480 East Avenue North, Ketchum, ID 83340

### SITE VISITS

1. 5:05 PM - SITE VISIT - Nomadic Van Sun Valley Conditional Use Permit: 115C Northwood Way
2. 5:15 PM - SITE VISIT - Scott Glenn Acting Studio Work/Live Conditional Use Permit: 491 E. 10th St.

### CALL TO ORDER

### COMMISSION REPORTS AND EX PARTE DISCUSSION DISCLOSURE

**PUBLIC COMMENT** - Communications from the public for items not on the agenda.

### CONSENT CALENDAR—ACTION ITEMS

3. [ACTION - Minutes of September 9, 2019](#)
4. [ACTION - Minutes of October 14, 2019](#)
5. [ACTION - Findings of Fact and Conclusions of Law for the Cerutti Conditional Use Permit](#)
6. [ACTION - Findings of Fact and Conclusions of Law for the Webb Conditional Use Permit](#)
7. [ACTION – Findings of Fact and Conclusions of Law for the Biddle Residence at 220 Lava St.](#)

### PUBLIC HEARINGS AND COMMUNICATIONS FROM STAFF – ACTION ITEMS

8. [ACTION –Scott Glenn Acting Studio Conditional Use Permit: 491 E. Tenth St, Unit A12 \(Tenth Street Light Industrial Complex, Building A, Unit 12\) The Commission will consider and take action on a Conditional Use Permit submitted by Carol Glenn for an acting studio and day playground for the applicant's family..](#)
9. [ACTION - Nomadic Van Sun Valley, LLC Conditional Use Permit: 115C Northwood Way \(Glaske Industrial Condo #2 Unit 115C\) The Commission will consider and take action on a Conditional Use Permit submitted by Ron Arnold for a motor vehicle sales and rentals business.](#)
10. [ACTION - Approval of Planning and Zoning Commission Meeting Dates for 2020](#)

### STAFF REPORTS & CITY COUNCIL MEETING UPDATE

### ADJOURNMENT

*Any person needing special accommodations to participate in the meeting should contact the City Clerk's Office as soon as reasonably possible at 726-3841. All times indicated are estimated times, and items may be heard earlier or later than indicated on the agenda.*



# Planning and Zoning

## Regular Meeting

~ Minutes ~

480 East Avenue North  
Ketchum, ID 83340

<http://ketchumidaho.org/>

Maureen Puddicombe  
208-726-7801

Monday, September 09, 2019

5:30 PM

Ketchum City Hall

### SITE VISITS

1. **4:00 PM - SITE VISIT - Sun Valley Co. Monument Sign:** Warm Springs Rd and Jane Ln

**a. Call to Order**

PRESENT

Chairman Neil Morrow

Commissioner Jennifer Cosgrove

Vice-Chairman Matthew Mead

Commissioner Kurt Eggers

Commissioner Tim Carter

2. **4:20 PM - SITE VISIT - Lofts @ 660 N First Ave:** 660 N. First Ave.
3. **4:35 PM - SITE VISIT - Sun Valley Co Monument Sign:** Highway 75 and Serenade Lane
4. **4:50 PM - SITE VISIT - Biddle Residence:** 220 Lava St.
5. **5:05 PM - SITE VISIT - Biddle Residence:** From the intersection of Fourth and East Sts
6. **5:15 PM - SITE VISIT - Chess Lot Line Shift:** 520/540 Walnut Ave.
7. **5:30 PM - RECONVENE: City Hall:** 480 East Ave, North, Ketchum, Idaho

The meeting was reconvened at 5:30 PM by Chairman Neil Morrow.

**8. COMMISSION REPORTS AND EX PARTE DISCUSSION DISCLOSURE**

There were no Commission reports nor Ex Parte discussion disclosures.

**9. PUBLIC COMMENT** - Communications from the public for items not on the agenda.

Chairman Neil Morrow opened the floor to Public Comment. There were no Public Comments and the floor was closed.

**10. CONSENT AGENDA - ACTION ITEMS**

**a. ACTION ITEM: Minutes of July 29, and July 30, 2019**

Commissioner Eggers recused himself from this agenda item.

Vice-Chairman Mead commented he wanted to see more detail in the minutes as to the Commission discussions when the discussions lead to conditions of approval.

**Motion to approve the Minutes of July 29 and 30, 2019 as amended.**

*Motion made by Commissioner Carter, Seconded by Commissioner Cosgrove.*

*Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter,*

*Commissioner Cosgrove*

*Recused: Commissioner Eggers*

**b. ACTION ITEM: Minutes of August 12, 2019**

Commissioner Cosgrove noted a correction to the voting record for the Gabbert matter.

**Motion to approve the minutes of August 12, 2019, as amended.**

*Motion made by Commissioner Carter, Seconded by Commissioner Eggers.  
Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter,  
Commissioner Cosgrove, Commissioner Eggers*

**c. ACTION ITEM: Minutes of August 13, 2019**

**Motion to approve the minutes of August 13, 2019.**

*Motion made by Commissioner Carter, Seconded by Commissioner Eggers.  
Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter,  
Commissioner Cosgrove, Commissioner Eggers*

**PUBLIC HEARINGS AND COMMUNICATIONS FROM STAFF – ACTION ITEMS**

**11. ACTION ITEM: Ordinance 1202: The Commission will consider and take action on proposed amendments to Community Core (CC) District Dimensional Standards and Matrix pertaining to community housing projects as set forth in §17.12.040 of Ketchum Municipal Code Title 17 Zoning Regulations.**

Director John Gaeddert gave the proposed changes to the Ordinance including 1) averaging of fourth floor setbacks, 2) increasing the allowable height from 50 feet to 52 feet for buildings devoted 100% to community work-force housing, and 3) clarify the definition of a community work-force housing project in the CC Subdistrict 1, which provides for housing on the second floor and above.

Vice-Chairman Mead asked for clarification on the height and setback changes. Director Gaeddert explained the changes would allow more flexibility in construction and design. Changing the setbacks to a ten-foot average (instead of a minimum), would allow more undulation of the building. Commissioner Cosgrove commented on the possibility of undesirable aspect to an average setback. Vice-Chairman Mead asked about the definition of Community Housing. Director Gaeddert indicated it is based on AMI of four (4), or 80% of Average Median Income (AMI) which is currently \$56,000 per year.

Chairman Morrow opened the floor to Public Comment. No comments were made.

Commissioner Eggers was concerned about the change to the setback requirement and did not support the change. Commissioner Cosgrove agreed. Director Gaeddert agreed to eliminate the change to the setbacks. Vice-Chairman Mead agreed with the setback for sides with a pedestrian right-of-way but questioned the 10-foot setback for interior sides. He didn't want it to impact the availability of work-force housing. Commissioner Cosgrove felt a responsibility for the overall esthetics of Ketchum. Gaeddert said the current setback language would not be changed.

**Motion to recommend approval to City Council of Ordinance 1202 with the exception of the change to the setback requirements.**

*Motion made by Commissioner Eggers, Seconded by Commissioner Carter.  
Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter,  
Commissioner Cosgrove, Commissioner Eggers*

**12. ACTION ITEM: Sun Valley Company Monument Signs: 1) Warm Springs Rd and Jane Ln; 2 and 3) Highway 75 and Serenade Ln. A Sign Permit application submitted by Ruscitto Latham Blanton Architectura PA on behalf of Sun Valley Company for the installation of three (3) permanent signs, including two (2) directional signs for the River Run and Warm Springs ski areas.**

*Commissioner Eggers recused himself.*

Architect Michael Bull gave the overview of the proposed signs. The sign at Jane Lane and Warm Springs Road is on the bus route and skier drop-off. It would be in the public right-of-way. Streets Department indicated it would allow for snow removal. It would have a 3-foot tall stone base, signpost, and a plaque sign overhanging Warm Springs Road. It is 13 feet tall, with the Sun Valley logo and a back-lit sign.

The second sign is at Serenade Lane and Highway 75. It is proposed to replace the current sign located on Sun Valley property. The site would be built-up four (4) feet to be level with the highway. The monument has a large stonework base, a large etched copper sun, and a copper plaque inscribed "River Run Plaza". The monument measures 17 feet in height. Landscaping will include trees on the side.

Vice-Chairman Mead asked about how the mass might obscure the view and about the landscaping surface. Bulls stated the trees are meant to screen the utility tower and confirmed the landscaping surface would be the same as it is now. Commissioner Carter asked about the lighting. Bull indicated there would be no exterior up lighting, but the signs would be back-lit. Commission Cosgrove objected to the size and mass of the monument. Chairman Morrow emphasized the lighting should be Dark Skies compliant.

Director Gaeddert brought up the future round-about intersection at Serenade and Highway 75 as to the positioning of the monument.

Chairman Morrow opened the floor to Public Comment. No comments were made.

Vice-Chairman Mead liked the Warm Springs sign but was opposed to the trees behind the monument at Serenade, he felt it was a distraction from the Mountain.

**No motion was taken as this was an advisory session only.**

**13. ACTION ITEM: Chess Lot Line Shift: 520 and 540 Walnut St. (Lots 1 & 2, Block 90, Ketchum) The Commission will consider and take action on a Lot Line Shift**

**(Readjustment of Lot Lines) application from Robert and Stacey Chess to combine two adjacent non-conforming lots of record in the Limited Residential (LR) zone, 540 N. Walnut (NW 34' x 75' of Lot 2, Block 90, Ketchum Townsite) and 520 N. Walnut (SW 21' x 75' of Lot 2, Block 90, Ketchum Townsite) into one lot.**

Associate Planner Abby Rivin presented the Lot Line Shift. The Commission did not have any questions.

Chairman Morrow opened the floor to Public Comment. No comments were made.

The Commission commented on the quaintness of the present buildings and the hope they would remain but acknowledged the reality of real estate in Ketchum.

**Motion to approve the Chess Lot Line Shift and authorize the Chair to sign the Findings of Fact and Conclusions of Law.**

*Motion made by Commissioner Carter, Seconded by Commissioner Cosgrove.  
Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter, Commissioner Cosgrove, Commissioner Eggers*

**14. ACTION ITEM: Biddle Residence Mountain Overlay Design Review: 220 Lava Street (Lot 1A, Block 1, Lava Street Subdivision) The Commission will consider and take action on a Design Review Application McLaughlin and Associates on behalf of property owners Leslie and George Biddle have submitted a Mountain Overlay Design Review application for the construction of a new 8,982 single-family residence located at 220 Lava Street (Lava Street Subdivision: Block 1: Lot 1A) in the Limited Residential (LR) Zoning District.**

The overview was given by Ben Young, landscape architect. The changes from the Pre-Design Review included moving the structure completely out of the Mountain Overlay to minimize site disturbance and the addition of at the North-East corner. As a result of a conversation concerning a drainage ditch during the Site Visit, the driveway could be altered to avoid filling in the ditch. Jim McLaughlin informed the Commission that the applicant would be amenable to allowing the neighbor to tap into the water line.

Richard Schaffer spoke to the story pole visible from 4th and East Streets which represented the single-story Great Room. He gave an overview of the floor plan, exterior materials and heights. Ben Young continued the discussion of landscaping and tree options to shield the structure. There was a discussion of re-routing the location of the Lava Trail. The new trail route is to be: 1) Approved by the City Planning Department prior to construction: 2) Constructed by the applicant as a condition of building permit issuance: and 3) the new easement to be recorded on the plat.

Chairman Morrow opened the floor to Public Comment.

Heather O'Leary, attorney for Susan Matthes, spoke to the water rights and access easement of the neighbor. She requested the water delivery system still be fully functional and the final plat to show the access easement.

No further comments were made.

Vice-Chairman Mead asked about the driveway and the catch-basin. Ben Young indicated they were willing to work with the neighbor for water access.

**Motion To: Approve the Biddle Residence Mountain Overlay Design Review with attached Conditions of Staff Report, with amendments to the Trail Conditions as noted, including the City staff to approve the location, construction and re-recording of the new trail easement; added condition to protect the catchment area as it relates to the driveway; protection of access easement to adjacent lot with Staff approval prior to issuance of Building Permit; Applicants' offer to allow adjacent property to tap into water line at adjacent property owner's request; Three (3) Douglass Fir Trees of adequate height and size to be installed prior to Certificate of Occupancy; and authorize the Chair to sign the Findings of Fact and Conclusions of Law.**

*Motion made by Commissioner Carter, Seconded by Commissioner Cosgrove.  
Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter,  
Commissioner Cosgrove, Commissioner Eggers*

**15. ACTION ITEM: Lofts @ 660 N First Ave. Design Review: 660 N First Ave. (Lot 6, Block 34, Ketchum) The Commission will consider and take action on a Design Review Application submitted by Hollis Rumpeltes Architects on behalf of Galena Peak Partners LLC has submitted a Design Review application for the development of a new 3 story, 12,129 sq. ft multi-family residential building located at 660 N 1st Avenue (Ketchum Townsite: Block 34: Lot 6) in the Mixed-Use Subdistrict of the Community Core (CC-2). The proposed three-story building is comprised of seven dwelling units including one community housing unit studio.**

*Commissioner Eggers recused himself from this agenda item.*

Architect Daniel Hollis of Hollis Rumpeltes Architects gave the project overview. He spoke of elevations, exterior materials, roof lines, parking, construction plan, floor plan, and utilities.

Commissioner Carter asked about the elevations. Commissioner Cosgrove asked for clarification of the rooflines. Vice-Chairman Mead had questions on heights and parking. Chairman Morrow commented on the excessive Construction Activity (parking) at the Onyx site and wanted to be sure it is not repeated at this site.

Chairman Morrow opened the floor to Public Comment.

Pam Morrison, publisher Idaho Mountain Express, asked when construction starts, parking be allowed in the center of the street. She also asked about snow melt from the sidewalk and natural lighting in the Community Housing unit.

Sean Flynn, Galena Engineering, stated the roof drainage would go to the dry well and there were no other drainage issues for this site. Planner Rivin added that drainage was reviewed by staff prior to the building permit.

There were no further comments made.

Director Gaeddert will bring the parking suggestion for center lane parking to the Ketchum Traffic Authority meeting.

Vice-Chairman Mead liked the affordable housing aspect. Chairman Morrow appreciated that the adjoining blank wall will be covered and liked the overall design.

**Motion To: Approve the Lofts at 660 N First Ave. Design Review with Conditions as noted by Staff and authorize the Chair to sign the Findings of Fact and Conclusions of Law.**

*Motion made by Vice-Chairman Mead, Seconded by Commissioner Carter.  
Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter,  
Commissioner Cosgrove  
Recused: Commissioner Eggers*

**16. ACTION ITEM: Hammond House Mountain Overlay Design Review: 102 Sage Road (Warm Springs Village 4, Block 3, Lot 1) The Commission will consider and take action on a Mountain Overlay Design Review application submitted by Lars Guy & Neil Middleton, architect, on behalf of property owner Dr. Rockwell Hammond, Jr. for the proposed construction of a new 4,080 square foot single-family residence in the General Residential Low Density (GR-L) Zoning District with Avalanche and Mountain Overlays. Continued from August 12, 2019.**

**17. ACTION ITEM: Hammond House Conditional Use Permit: 102 Sage Road (Warm Springs Village 4, Block 3, Lot 1) The Commission will consider and take action on a Conditional Use Permit application submitted by Lars Guy & Neil Middleton, architect, on behalf of property owner Dr. Rockwell Hammond, Jr. for a new 4,080 square foot single-family residence in the Mountain Overlay and Avalanche Zones. The project includes the installation of an avalanche attenuation device, which requires review and approval of a Conditional Use Permit.**

**18. ACTION ITEM: Hammond House Variance: 102 Sage Road (Warm Springs Village 4, Block 3, Lot 1) The Commission will consider and take action on a Variance application submitted by Lars Guy & Neil Middleton, architect, on behalf of property owner Dr. Rockwell Hammond, Jr. for a new 4,080 square foot single-family residence in the General Residential Low Density (GR-L) Zoning District with Avalanche and Mountain**

**Overlays. The applicant is requesting a variance from the rear and side setbacks required in the GR-L Zone (KMC §17.12.030) as the avalanche attenuation device and building appendages encroach into the setback area.**

The Conditional Use Permit, Design Review, and Variance were heard as a single project.

Associate Planner Abby Rivin gave an update of the project with updated drawings, summary letter from previous hearing comments, and the staff recommendation to restrict short-term rentals in the winter months and have a third-party review for the engineering of the avalanche mitigation .

Architect Lars Guy introduced the project. Paul Bastian, avalanche engineer, described the avalanche conditions of the site. He explained the factors of slope, velocity, flow, impact pressure, force of potential avalanche, and how snow moves, and compresses. He calculated an avalanche would have an impact of less than 490 pounds per square foot for momentum and 600-pound impact load.

Vice-Chairman Mead asked about the avalanche gate and was told it has been eliminated. Commissioner Eggers asked about the purpose of the wall to protect the patio. Commissioner Carter emphasized that the Commission was relying on the expertise of the engineer. Bastian outlined his credentials and experience in Idaho.

Director Gaeddert noted a third-party review was recommended by Staff for the avalanche study, since it is a niche area of study and the Conditional Use Permit has a higher standard than a Design Review. It would be administered administratively. Lars Guy did not think a third-party review was reasonable or prudent due to the limited number of professionals in this field and the precedent it would set. Chairman Morrow was in favor of an independent review. Director Gaeddert commented that the parties could each submit a list of licensed, professional engineers (not limited to the State of Idaho) and someone common to both lists would be chosen.

Lars Guy gave the overview for the revised Design Review for the project. He pointed out the changes to the south wall and a cantilevered second level. There were improvements to the driveway, garage, façade, landscaping, parking area, and avalanche wall.

Chairman Morrow opened the floor to Public Comment.

Stephanie Reed, attorney for Daniel Johnston, neighbor at 100 Sage Road, read a letter from the owner questioning the size, setbacks, buffering, landscaping, and avalanche dangers. It was requested that a landscaping screen be a condition of approval. He expressed concern over how a neighboring structure would affect his house in the event of an avalanche.

Katie Bastian questioned a third-party review by an out-of-state engineer, since the State of Idaho requires an engineer to be licensed by Idaho in order to practice in Idaho.



No further comments were made.

Commissioner Eggers thought the changes were an improvement over the original design.

The Commission discussed the merits of the Variance Request. Vice-Chairman Mead thought the site was a challenge, but the owner does have a right to develop it. Commissioner Eggers asked what the *undue hardship* factor was. Staff indicated it was due to the non-conformity of the lot, the crossing of the driveway, and the nature of the avalanche potential. Commissioner Carter asked about the history of the cross easement. Planner Rivin revealed it was for access to the house and was platted in the 1950's.

Commission Cosgrove asked if there were any aspects of the property not known to the owner at the time of purchase. Lars Guy replied it was known to be a challenging site. Commissioner Cosgrove felt it didn't qualify as a hardship. Chairman Morrow also questioned the hardship claim but liked the changes to the design. Commissioner Eggers asked Bastian about the avalanche wall and the non-conforming patio. Bastian indicated the wall was needed to protect the east side of the house.

Commissioner Eggers was in favor of granting the variance due to the lot size and the cross easement; Commissioner Cosgrove was opposed since the buyer knew the challenges of the property. Commissioner Carter would consider granting a variance due to the scale of the structure to the size of the lot; and Vice-Chairman Mead supported the variance since only the avalanche wall was non-conforming.

**Motion To: Approve the Hammond House Variance Request.**

*Motion made by Vice-Chairman Mead, Seconded by Commissioner Carter.  
Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter,  
Commissioner Eggers  
Voting Nay: Commissioner Cosgrove*

Associate Planner Abby Rivin stated the Conditional Use Permit pertained to the site characteristics as related to public health, life, and safety. The request is for a restriction on short-term rentals and a third-party review of the avalanche engineering as conditions of approval.

Chairman Morrow and Vice-chairman Mead agreed those terms should be included. Commissioner Eggers asked if other sites have a short-term rental restriction. Staff replied there were not, due to the differences in design, but felt the nature of this site warranted the restriction. Staff noted the Ketchum Municipal Code had previously made such restrictions, but the recent House Bill prevented cities from restricting short-term rentals, except for Public Health and Safety. Commissioner Eggers asked about review of the design. Staff replied the plans need to be stamped by an engineer licensed in the

State of Idaho and are then reviewed by the State of Idaho Department of Building Safety.

Chairman Morrow opened the floor to Public Comment. No comments were made.

Staff noted that any changes to the design recommended by a third-party review, other than a minor modification, would be brought back before the Commission for approval. Chairman Morrow was in favor; Commissioner Carter agreed. Commissioner Eggers, although generally opposed to the third-party review, thought it was valuable; Vice-Chairman Mead thought it wasn't necessary but would help to assure neighbors. Commissioner Cosgrove was still opposed to the Conditional Use Permit.

**Motion to approve the Mountain Overlay Design Review and the Conditional Use Permit for the Hammond House at 102 Sage Road with two (2) conditions added; 1) limiting short-term rentals during the winter season and 2) requiring a third-party review of the avalanche study.**

*Motion made by Commissioner Carter, Seconded by Commissioner Eggers.  
Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter, Commissioner Eggers  
Voting Nay: Commissioner Cosgrove*

**19. STAFF REPORTS & CITY COUNCIL MEETING UPDATE**

The full Design Review application for the Hotel would be before the P & Z on October 14<sup>th</sup> including recent changes. Next City Council meeting will hear the Pre-Design Review for the Ketchum Boutique Hotel on September 16 and October 7, 2019.

The October P & Z Meeting will also have two (2) Conditional Use Permits for live/work spaces in the LI.

**20. ADJOURNMENT**

**Motion to adjourn at 8:44 PM.**

*Motion made by Vice-Chair, Seconded by Commissioner Carter.  
Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter, Commissioner Cosgrove, Commissioner Eggers*

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Neil Morrow  
Chairperson  
Planning and Zoning Commission



**Planning & Zoning Commission Regular Meeting MINUTES**

Monday, October 14, 2019  
Ketchum City Hall  
480 East Avenue North, Ketchum, ID 83340

**SITE VISITS**

1. **4:30 PM – SITE VISIT – Webb Conditional Use Permit: 251 Northwood Way, Unit 7**
  - a. **Call to Order**
2. **4:55 PM –SITE VISIT – Cerutti Conditional Use Permit: 471 E. Tenth St, Unit B9**
3. **5:10 PM – SITE VISIT – Onyx @ Leadville Residence Project**
4. **RECONVENE: City Hall at 5:30 PM:** 480 East Avenue North, Ketchum, Idaho  
The meeting was reconvened at City Hall at 5:35 PM.  
Chair Neil Morrow and Vice-Chair Mattie Mead were not present.

**Motion to appoint Tim Carter as acting Chairman.**

*Motion made by Commissioner Eggers, Seconded by Commissioner Cosgrove.*

*Voting Yea: Commissioner Carter, Commissioner Cosgrove, Commissioner Eggers*

**COMMISSION REPORTS AND EX PARTE DISCUSSION DISCLOSURE**

There were no Commission Reports or Ex Parte disclosures.

**PUBLIC COMMENT** - Communications from the public for items not on the agenda.

Acting Chairman Tim Carter opened the floor for Public Comment.

There were no comments and comments were closed.

**CONSENT CALENDAR—ACTION ITEMS**

5. **ACTION – Minutes of September 9, 2019**  
Commissioner Cosgrove requested a clarification to the minutes on item 11.

**Motion to approve the minutes of September 9, 2019 as amended.**

*Motion made by Commissioner Cosgrove, Seconded by Commissioner Eggers.*

*Voting Yea: Commissioner Carter, Commissioner Cosgrove, Commissioner Eggers*

6. **ACTION – Findings of Fact and Conclusions of Law for the Hamond House Design Review**

**Motion to approve the Findings of Fact and Conclusions of Law for the Hammond House Design Review.**

*Motion made by Commissioner Eggers, Seconded by Commissioner Cosgrove.*

*Voting Yea: Commissioner Carter, Commissioner Cosgrove, Commissioner Eggers*

**7. ACTION – Findings of Fact and Conclusions of Law for the Hammond House Variance**

**Motion to approve the Findings of Fact and Conclusions of Law for the Hammond House Design Variance.**

*Motion made by Commissioner Eggers, Seconded by Commissioner Cosgrove.*

*Voting Yea: Commissioner Carter, Commissioner Cosgrove, Commissioner Eggers*

**8. ACTION – Findings of Fact and Conclusions of Law for the Hammond House Conditional Use Permit**

**Motion to approve the Findings of Fact and Conclusions of Law for the Hammond House Conditional Use Permit.**

*Motion made by Commissioner Eggers, Seconded by Commissioner Cosgrove.*

*Voting Yea: Commissioner Carter, Commissioner Cosgrove*

**STAFF AND COMMISSION COMMUNICATIONS (Planning & Zoning Commission Deliberation, Public Comment may be taken)—ACTION ITEMS**

**9. ACTION – Findings of Fact and Conclusions of Law for the Biddle Residence at 220 Lava St.**

Planner Abby Rivin related the changes made to the Findings from the last meeting. She explained the Findings were subject to further modification by the Commission, but no changes were made to the Conditions of Approval. Changes proposed by the applicant were not incorporated into the Findings.

Acting Chair Carter opened the floor for public comment.

Jim Speck, attorney for the applicant, proposed changes to the language for Conditions 12 and 13.

Ben Young, Landscape Architect, pointed out two (2) items mis-identified in the Staff Report. He pointed out that the *Point of Diversion* for the water right was determined by the Idaho Department of Water Resources. The Water Right names the pipe which fills the cistern, not the ditch. He surmised the ditch was dug to install the pipe, but was never filled in. The cistern is filled by the pipe, not by the ditch. The applicant respects the water right and easement to fill the cistern, but the ditch does not convey water to the cistern. The applicant wishes to fill-in the ditch to protect the pipe and allow for the safe construction of the proposed driveway.

Jim Speck restated that the neither the knoll nor the ditch divert water into the cistern. The water comes from the spring, by way of the pipe. There are currently no irrigation pipes in the irrigation easement. He wanted the mention of “irrigation pipes” to be removed from Condition 12 since they do not currently exist.

Commissioner Eggers ask if the applicant would protect the spring. Speck replied they can only protect the pipeline coming from the spring. The spring runs at the rate of 4.5 gallons per minute from April 1 through November 1.

Planner Riven stated Jim Lasky, attorney for the Matthes, was sent a copy of the draft Findings with a letter confirming the date of this meeting. The letter from Speck was also sent to Lasky.

Commissioner Cosgrove thought the City Water Department should review the Findings. Commissioner Eggers felt comfortable with the proposed changes.

Jim McLaughlin, architect for the Biddles, stated the applicant would acknowledge the existence of the water right and accept responsibility for any damage incurred during construction, but thought IDWR should be consulted.

Ben Young said the pipe turns to the south and does not reach the top of the trench.

There were no further comments and Public comment was closed.

Commissioner Eggers asked about the applicant's responsibility if the pipe was damaged. Attorney Speck replied IDWR would resolve any conflicts over water flow.

Jim McLaughlin stated there was no guarantee the spring would run forever and reiterated the applicant has offered the Matthes' the opportunity to tap off the water main running to the applicant's property in the event the spring stopped running.

Commissioner Eggers agreed with the proposed changes. Commissioner Cosgrove thought the changes were acceptable. Commissioner Carter agreed as long as the water rights were preserved. Commissioner Cosgrove wanted to see the Findings re-written with all changes indicated at this meeting.

**Motion to continue the Findings of Fact and Conclusions of Law for the Biddle Residence to the November meeting for the amended Findings and water rights.**

*Motion made by Commissioner Cosgrove, Seconded by Commissioner Eggers.*

*Voting Yea: Commissioner Carter, Commissioner Cosgrove, Commissioner Eggers*

**PUBLIC HEARINGS AND COMMUNICATIONS FROM STAFF – ACTION ITEMS**

- 10. ACTION –Cerutti Conditional Use Permit: 471 E. Tenth St, Unit B9** (Tenth Street Light Industrial Complex, Building 8, Unit 9) The Commission will consider and take action on a Conditional Use Senior Planner Brittany Skelton gave the background for the project. The applicant has asked that the Permit be transferrable due to the configuration of the space.

Applicant Dean Cerutti asked for approval under the new standards, i.e. making the approval transferable to another tenant or owner.

Commissioner Cosgrove asked the reason for the request. Cerutti related it would enhance re-sale value. Cosgrove asked about enforceability. Planner Skelton said the property is subject to annual fire inspection and the Work/Live Covenant is recorded as part of the property. Planner Skelton related the situations for the transferability of the CUP.

Acting Chair Tim Carter opened the floor for public comment. No comments were made and comments were closed.

Commissioner Cosgrove questioned why a permit should be transferable. Planner Skelton related that this was a new option to consider since there were now Live/Work Standards to preserve the LI but still encourage housing. Commissioner Eggers thought it shouldn't be transferable. Commissioner Carter thought if the property was configured for live/work and

already had a CUP, it should be transferable. Commissioner Eggers thought it should be case-by-case basis and non-transferable. Commissioner Cosgrove thought it was not an issue to make housing available, but to enforce the Zoning District standards and building safety. Eggers and Cosgrove thought the process was there to prevent abuse of the LI Standards.

Commissioner Carter reopened the floor to public comment.

Tom Lampl, neighbor, objected to the cost of the CUP fee as burdensome and unfair to the property owner or buyer.

No further comments were made and public comment was closed.

Commissioner Eggers thought the project fit the guidelines. Commissioner Cosgrove was in favor of granting the permit but thought the permit should not be transferable. Commissioner Carter thought it should be transferable and would rely on yearly inspections for compliance.

**Motion to approve the Cerutti Conditional Use Permit with Conditions 1-9 and the addition of Option B as Condition 10, making the Permit non-transferable.**

*Motion made by Commissioner Eggers, Seconded by Commissioner Cosgrove.*

*Voting Yea: Commissioner Carter, Commissioner Cosgrove, Commissioner Eggers*

- 11. ACTION – Webb Conditional Use Permit: 251 Northwood Way, Unit 7** (Redwood Industrial Condo, Unit 7) The Commission will consider and take action on a Conditional Use Permit submitted by Rob Webb for a work/live space.

Senior Planner Brittany Skelton gave the background for the CUP and the standards for a work/live space on the second floor.

Acting Chair Tim Carter opened the floor for public comment.

Tom Lampl, neighbor, thought it was not fair for one unit to have approval for work/live and another unit not approved.

Tim Mascheroni, architect for applicant, indicated their plans provide for separation of the live and work areas and have been approved by Building and Fire. Commissioner Cosgrove questioned if the plans were in compliance with the Zoning Code. Planner Skelton clarified that the building plans indicating the fire separation requirements were submitted with the Building Permit and meet the Fire Code.

Acting Chair Carter opened Public comment. No comments were made, and public comment was closed.

Commissioner Eggers wanted to be consistent with the new code and thought it was the perfect work/live space. He thought it was not necessary to have the upstairs office space separated from the living space. Commissioner Cosgrove thought it was not ok for the pool table and living room (live space) to occupy the downstairs workspace. Commissioner Carter thought as long as the applicant complied, he would be in favor of the CUP.

**Motion to approve the Webb Conditional Use Permit with Conditions 1-10 only and adding Condition 11 for the building permit to include the required fire safety regulations to include handrails, etc.**

*Motion made by Commissioner Carter, Seconded by Commissioner Eggers.*

*Voting Yea: Commissioner Carter, Commissioner Eggers*

*Voting Nay: Commissioner Cosgrove*

- 12. ACTION – Onyx @ Leadville Residences Preliminary Plat: 341 S. Leadville Ave.** (Block 1A of Trail Creek Condominiums Amended: Blocks 1A and 2A) The Commission will consider and take action on a Preliminary Plat Application submitted by Sean Flynn of Galena Engineering for the J. Peterman Development, LLC.

Commissioner Eggers recused himself as he was the landscape architect on the project.

Chair Neil Morrow appeared telephonically for this agenda item in order to maintain a quorum.

Associate Planner Abby Rivin gave the background for the project with a Staff recommendation of approval. The final plat will be reviewed administratively under the recently passed Ordinance 1198.

Acting-Chair Carter opened public comment. No comments were made, and the floor was closed.

Commissioners Morrow, Cosgrove and Carter were in favor of the application.

**Motion to approve the Onyx at Leadville Preliminary Plat, subject to conditions 1-10 and authorize the chair to sign the Findings of Fact.**

*Motion made by Commissioner Cosgrove, Seconded by Commissioner Morrow*

*Voting Yea: Commissioner Carter, Commissioner Cosgrove, Commissioner Morrow*

*Abstaining: Commissioner Eggers*

## **STAFF REPORTS & CITY COUNCIL MEETING UPDATE**

The City Council had reviewed the Hotel application and had continued the application to December 2, 2019. The Applicant was asked to explore the option of egress to Highway 75, to relieve congestion on River Street, to reduce the mass of the building by using off-site employee housing and provide more information on pedestrian and vehicle traffic patterns.

The Hotel Design Review will be returning to the PZ Commission after the City Council approves the Pre-Design Review. Commissioner Cosgrove commented on the City Council feeling pressured by the public and overturning some of the applications PZ had approved. Skelton stated Staff will emphasize areas of concern and how to present to Council for better public understanding.

The November PZ meeting is anticipated to include 2 more CUP's for work/live spaces, a CUP for a motor sales business, a variance for the Hillside Dr. addition, and the Biddle Mountain Overlay Design Review.

**ADJOURNMENT**

**Motion to adjourn at 7:00 PM.**

*Motion made by Commissioner Eggers, Seconded by Commissioner Cosgrove.*

*Voting Yea: Commissioner Carter, Commissioner Cosgrove, Commissioner Eggers*

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Acting Chairman Tim Carter  
Planning and Zoning Commission





**City of Ketchum  
Planning & Building**

<b>IN RE:</b>	)	
	)	
<b>Cerutti Work/Live Conditional Use Permit Date: October 14, 2019</b>	)	<b>KETCHUM PLANNING AND ZONING COMMISSION FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION</b>
	)	
<b>File Number: 19-094</b>	)	

**PROJECT:** Cerutti Work/Live Conditional Use Permit

**FILE NUMBER:** P19-006

**APPLICANT:** Dean Cerutti

**REQUEST:** Conditional Use Permit (CUP) for a work/live unit

**LOCATION:** 471 E. Tenth Street, Unit B-9 (Tenth St Light Industrial Complex, Building B, Unit 9)

**ZONING:** Light Industrial District No. 2 (LI-2)

**OVERLAY:** None

**NOTICE:** Notice was mailed to property owners within a 300-foot radius and was published in the Idaho Mountain Express on September 25, 2019. Notice was posted at the subject location and on the city website on October 7, 2019.

**ATTACHMENTS:** A. Floorplans

**FINDINGS OF FACT**

1. On October 14, 2019, the Planning and Zoning Commission considered a Conditional Use Permit (CUP) application for the proposed work/live unit.
2. The subject property is located in the Light Industrial District No. 2 (LI-2) zoning district.
3. Residential dwelling units, which include work/live units, require a Conditional Use Permit in the LI-2 zoning district.
4. This work/live unit consists of 815 square feet of residential dwelling use on the upper floor, 179 square feet of office space on the upper floor, and 1,558 square feet of light industrial use on the lower floor. The 815 square foot dwelling area is classified as the 'live' component and the office and light industrial floor area is classified as the 'work' component; see attached floor plans for reference.

**Table 1. Comprehensive Plan Analysis**

<p><b>Land Use Category:</b> <b>Mixed-Use Industrial</b></p> <p><b>PRIMARY USES</b> <i>Light manufacturing, wholesale, services, automotive, workshops, studios, research, storage, construction supply, distribution and offices make up the bulk of development within this district.</i></p> <p><b>SECONDARY USES</b> <i>A limited range of residential housing types, and supporting retail are provided for within this category. Uses should generate little traffic from tourists and the general public.</i></p> <p><b>CHARACTERISTICS AND LOCATION</b> <i>The Mixed-Use Industrial category is intended to provide critical lands for Ketchum’s economic growth and entrepreneurial opportunity within a vibrant business district where people can work and live in the same area.</i></p>
<p>A work/live unit with a woodworking business being the work component meets both the primary and secondary intention of the light industrial area.</p>
<p><b>Policy E-2(e) Live-Work Opportunities and Home Businesses</b> <i>Support small home-based businesses that allow people to live and work from their residences and evaluate existing home-occupation, live/work, and related land use standards.</i></p>
<p>The applicant is applying for work/live approval under the provisions of the newly amended light industrial residential standards.</p>
<p><b>Policy H-1.4 Integrated Housing in Business and Mixed-Use Areas</b> <i>Housing should be integrated into the downtown core and light industrial areas, and close to the ski bases, The resulting mix of land use will help promote a greater diversity of housing opportunities as well as social interactions.</i></p>
<p>The proposal integrates housing into the light industrial area in a mixed-use building.</p>

**Table 2: City Department Comments**

City Department Comments			
Compliant			City Standards and City Department Comments
Yes	No	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Fire:</b> No comments at this time.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>City Engineer and Streets Department:</b> No comments at this time.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Utilities:</b> No comments at this time.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Building:</b> No comments at this time.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Planning and Zoning:</b> Comments are denoted throughout the Staff Report.

**Table 3: Standards for Residential, Light Industrial Districts**

IMPROVEMENTS AND STANDARDS: 17.124.090 – RESIDENTIAL, LIGHT INDUSTRIAL DISTRICTS:				
Residential units in the light industrial districts shall comply with the following minimum criteria:				
Yes	No	N/A	City Code	City Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.124.090 A (1)</b>	<b>Dwelling units shall not occupy the ground floor.</b>
			<b>Staff Comments</b>	<i>The application is for a work/live unit with the living area and working area (office space related to the business) located on the upper (lofted) floor and workspace located on the ground floor.</i>

19	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (2)	Design review under chapter 17.96 of this title shall be required whether new building, addition to existing building or remodel of existing building.
			<b>Staff Comments</b>	<i>Design Review is not required as this application does not change the exterior of the building.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (3)	Dwelling Units: Unless otherwise specified in this section, up to fifty percent (50%) of any light industrial building may be devoted to dwelling units and up to fifty percent (50%) of a work/live unit's gross floor area may be devoted to the residential portion of a work/live unit.
			<b>Staff Comments</b>	<p><i>There are 13 units in Building B of the Tenth Street Light Industrial Complex consisting of 24,279 square feet (per Blaine County Assessor records).</i></p> <p><i>One additional Conditional Use Permit for the B building has been issued (P19-045, Good Medicine Pottery) for a work/live unit with 420.88 square feet of residential living area. This work/live unit proposes an 815 square foot living unit. Adding this 815 square foot residential area would result in 1,235 total residential square footage, equal to 5% of the square footage of the development.</i></p> <p><i>Within this particular work/live unit, 815 square feet of living area represents 32% of the total square footage of the wok/live unit (815 square feet of 2552 total square feet).</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (4)	<p>Individual Units: Except as set forth in the following instances noted herein below, dwelling units shall not be separated in any manner for sale as individual units and may only be leased or rented. The instances where dwelling units may be sold are limited to:</p> <ul style="list-style-type: none"> <li>a. City approved work/live units, as defined in chapter 17.08 of this title and subsection A5 of this section;</li> <li>b. Three-story projects in the LI-3 where not less than one-third (1/3) of the total square footage of housing units includes deed restricted community housing that are for sale consistent with subsection B of this section;</li> <li>c. Four-story and five-story projects in LI-2 and LI-3 where not less than two-thirds (2/3) of the total square footage of housing units includes deed restricted community housing units that are for sale consistent with subsection A7 of this section;</li> <li>d. Existing non-conforming single-family dwellings existing in the LI-1 prior to adoption of Ketchum City Ordinance #85, as enacted on May 27, 1965;</li> <li>e. Existing condominiums and work/live units with less than one thousand (1,000) square feet of residential gross floor area that have a valid residential conditional use permit prior to the adoption of this section as published.</li> </ul>
			<b>Staff Comments</b>	<i>This individually owned condominium is eligible for ownership because it is a work/live unit.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (5)	<p>5. Work/Live Units: In the approval of work/live units, the City shall also find that:</p> <ul style="list-style-type: none"> <li>a. The work portion of the unit meets the definition of work/live unit set forth in section 17.08.020 of this title, including that the project is subject to Council approval of a restrictive covenant;</li> <li>b. The work unit is: <ul style="list-style-type: none"> <li>(1) Suitable for on-site employees, foot traffic/customers, and meets applicable Building and Fire Codes;</li> <li>(2) Signed and posted with regular hours of operation;</li> <li>(3) Served by the prominent means of access for the work/live unit; and,</li> <li>(4) Associated with a business license for a use allowed (either conditionally or permitted) in the district.</li> </ul> </li> <li>c. The residential portion of the living space is secondary to the primary use as a place of work. A finding that the residential space is secondary to</li> </ul>

				<p>the work space shall be based on measurable findings, including but not limited to:</p> <p>(1) The size of the live portion of the work/live unit is both smaller than the work portion of the unit and, further, the live portion of the work/live unit does not exceed one thousand (1,000) gross square feet;</p> <p>(2) Means of access to the residential portion of the unit is not prominent and, preferably, is located to the side or rear of the property; and</p> <p>(3) Suitable residential parking that does not interfere with snow removal or the operation of proximate LI uses and, further, is in accordance with the parking and loading requirements set forth in chapter 17.125 of this title.</p>
			<b>Staff Comments</b>	<p>Criteria 5b 1-5 and 5c 1-3 are met:</p> <p>B1. The property is suitable for on-site employees, foot traffic/customers, and meets applicable Building and Fire codes.</p> <p>B2. Staff has spoken with the applicant the hours of operation will be posted.</p> <p>B3. The work area is served by a prominent means of access (front door)</p> <p>B4. The applicant has a valid business license with the City of Ketchum for a permitted use.</p> <p>C1. The size of the live component is less than 1,000 square feet (it is 815 square feet), and is less than the work component, which is 1,737 square feet (1558 square feet lower level, 179 square feet upper level; the 179 square foot office space is accessed from the stairwell that provides egress to the 815 square foot dwelling unit).</p> <p>C2. The means of access to the residential portion of the unit is not prominent (it is within the interior).</p> <p>C3. Parking requirements are met (1 space allocated for the residential use and 1 space for the light industrial operation). No concerns have been expressed by adjacent property owners regarding the work/live unit interfering with snow removal operations or the operation of other nearby businesses.</p> <p>The Findings of Fact and Conclusions of Law for this application will be forwarded to City Council for approval of a restrictive covenant in accordance with 17.124.090 A (5).</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.124.090 A (6)</b>	<p><b>6. Size: Dwelling units in the Light Industrial District shall be a minimum of four hundred (400) square feet. In the LI-1 and LI-2 no individual dwelling unit shall exceed a maximum of two thousand (2,000) square feet, contain more than two (2) bedrooms, and all units shall not exceed a mean average of one thousand (1,000) square feet.</b></p>
			<b>Staff Comments</b>	<p>N/A, this is a work/live unit.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.124.090 A (7)</b>	<p><b>7. Fourth Or Fifth Floor: Buildings proposing a fourth or fifth floor with a qualifying ground floor consistent with section 17.12.050 of this title shall comply with the following minimum criteria:</b></p> <p>a. If dwelling units are to be sold, a minimum of two-thirds (2/3) of the total square footage of housing units shall be for deed restricted community housing units that are for sale and the deed restricted community housing units shall be designed and administered in accordance with the Blaine-Ketchum housing authority guidelines;</p> <p>b. The area designated as light industrial shall be as follows:</p> <p>(1) The area designated as light industrial shall be a minimum of twenty five percent (25%) of the gross floor area in four story buildings.</p>

				<p>(2) The area designated as light industrial shall be a minimum of twenty percent (20%) of the gross floor area in five story buildings.</p> <p>(3) Subject light industrial use shall not be for personal storage by dwelling occupants;</p> <p>c. Up to seventy five percent (75%) of the gross square footage of any four-story building and up to eighty percent (80%) of the gross square footage of a five story building may be devoted to dwelling units; and</p> <p>d. Unless otherwise deemed appropriate by the Administrator, common area allocation shall be assessed at a LI to residential ratio of 1:1 for four story buildings and 2:3 for five story buildings.</p>
			<i>Staff Comments</i>	N/A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (8)	<p><b>8. Anti-Nuisance And Notice Provisions:</b></p> <p>a. The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the City will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.</p> <p>b. All persons who rent or sublet any residential living unit within the Light Industrial Zones shall provide the tenant, lessee or subtenant with written notice that such unit is located within the Light Industrial Zone and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities.</p> <p>c. Each and every real estate agent, sales person and broker and each and every private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such Light Industrial Zones shall, upon first inquiry, provide the prospective lessee or tenant, prior to viewing such real property, with written notice that such real property and/or structure is located within such Light Industrial Zone.</p> <p>d. All brochures and other printed materials advertising rental or lease of a living unit within the Light Industrial Zones shall contain a provision designating that such unit or units are located within the Light Industrial Zone and are within a mixed use area. Lessees and tenants shall be notified that the residential uses within the Light Industrial Zone are subordinate and, therefore, junior in nature to the legal light industrial activities within the zone.</p>
			<i>Staff Comments</i>	<i>The applicant is aware that the property is located in a light industrial zone and operates a valid light industrial use as part of the work/live operation. The applicant is aware of all other standards described in this subsection.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (9)	<p><b>Compliance: Compliance with all applicable code sections, including among others, the City's parking and loading standards as set forth in chapter 17.125 of this title, except that if a parking reduction is requested through a Transportation Demand Management Plan per section 17.125.090 of this title, the reduction request shall be submitted to the Zoning Administrator and the Ketchum City Council will determine if such request shall be approved.</b></p>
			<i>Staff Comments</i>	<i>The applicant meets parking ordinance requirements.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (10)	<p><b>10. Conditions: Conditions including, but not limited to, the following may be attached to the conditional use permit approval:</b></p> <p>a. Access to the residential units relative to design and relationship to light industrial uses, including suitable access consistent with adopted City standards;</p> <p>b. Separation of residential and light industrial parking on the site to minimize conflicts;</p> <p>c. Restrictions on exterior storage of personal property of tenants;</p>

			<p>d. Certificate of occupancy required prior to occupancy of units;  e. Ketchum Fire Department and Ketchum Building Department requirements shall be met prior to occupancy;  f. Snow removal required to ensure utility of residential spaces and non-interference with continuous LI operations;  g. Any portion or all waived fees become due and payable upon conversion of resident housing unit(s) to light industrial uses;  h. Construction techniques that aid sound proofing and limit externalities of LI noise and use impacts on residences is encouraged;  i. Provision for and reasonable extension of sidewalks to assure safe pedestrian access; and/or,  j. Any other condition deemed to enhance the purposes under this use, or to establish or promote the criteria referenced in subsections A1 through A10 of this section.</p>
<b>Staff Comments</b>			<i>Conditions of approval are as noted in the decision section of this permit.</i>

**Table 4: Conditional Use Permit Requirements**

Conditional Use Requirements				
EVALUATION STANDARDS: 17.116.030 and § 67-6512 of Idaho Code				
A conditional use permit shall be granted by the commission only if the applicant demonstrates the following:				
Compliance and Analysis				
Yes	No	N/A	City Code	City Standards and <i>Staff Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(A)	<p><b>The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district.</b></p> <p><i>Staff Comments</i>  The Light Industrial Number Two (LI-2) District allows for a variety of permitted and conditionally permitted uses ranging from manufacturing to personal service to wholesaling to automotive uses. Per KMC §17.18.150, the purpose of the LI-2 Zone is to, “provide for a permanent year round employment base and the location of light manufacturing, wholesale trade and distribution, research and development, service industries, limited related, bulk retail and offices related to building, maintenance and construction and which generate little traffic from tourists and the general public.”</p> <p>The proposed work/live unit includes a permitted use, wood working, and the conditionally permitted residential use. The 10<sup>th</sup> Street Light Industrial Complex is comprised of individually owned condominium units, several of which have been converted to work/live uses in the past.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(B)	<p><b>The conditional use will not materially endanger the health, safety and welfare of the community.</b></p> <p><i>Staff Comments</i>  The building inspector and Fire Marshal have conducted a walk-through of this unit and found that it currently meets all life safety codes. The proposed light industrial use is an existing use within the unit and does not pose health, safety, or welfare concerns to the community.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(C)	<p><b>The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.</b></p> <p><i>Staff Comments</i>  The Tenth Street Light Industrial Complex has an adequately sized parking lot for the development. This unit is allocated two dedicated parking spaces. The business is currently in operation and does not cause hazardous pedestrian or vehicular traffic.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(D)	<p><b>The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts.</b></p> <p><i>Staff Comments</i>  The work/live unit is within an existing development that is adequately served by public services and facilities. The work/live operation will not adversely affect public services to the surrounding area.</p>

23	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(E)	<b>The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this section.</b>
			<b>Staff Comments</b>	<i>As described in Table 2 of this staff report and 17.116.030(A) of this table, the conditional use aligns with, rather than conflicts with, the policies of the Comprehensive Plan and the basic purposes of this section.</i>

**CONCLUSIONS OF LAW**

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code;
2. Under Chapter 65, Title 67 of the Idaho Code, the City has passed a land use and zoning ordinance, Title 17;
3. The Commission has the authority to hear the applicant’s Conditional Use Permit Application pursuant Ketchum Municipal Code Title 17;
4. The Planning and Zoning Commission’s October 14<sup>th</sup>, 2019 public hearing and consideration of the applicant’s Conditional Use Permit application was properly noticed pursuant to the Local Land Use Planning Act, Idaho Code Section 67-6512;
5. The application meets the standards of approval under Chapter 17.116, Conditional Uses of Ketchum Zoning Code Title 17 and the 2014 Comprehensive Plan;

**DECISION**

**THEREFORE**, the Ketchum Planning and Zoning Commission approves this Conditional Use Permit application allowing for a work/live unit on this 12<sup>th</sup> day of November, 2019 subject to the following conditions 1 - 10:

1. Hours of operation for the business shall be posted and remain posted;
2. The residential living area shall not exceed one thousand (1,000) square feet total and shall contain no more than two (2) bedrooms;
3. No residential use shall occur on the ground level (first floor);
4. Because of the mixed-use nature of this space, and in order to ensure compliance with the zoning code requirement that residential dwellings do not exceed 1,000 square feet in the LI-2 zoning district, the Fire Marshal shall conduct routine inspections of the work/live building;
5. Inspections by Planning staff to ensure requirements with the Conditional Use Permit conditions may be scheduled at the discretion of staff;
6. The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the city will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.
7. All persons who rent or sublet any residential living unit within the light industrial zones shall provide the tenant, lessee or subtenant with written notice that such unit is located within the light industrial zone and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities.
8. Each and every real estate agent, sales person and broker and each and every private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such light industrial zones shall, upon first inquiry, provide the prospective lessee or tenant, prior to viewing such real property, with written notice that such real property and/or structure is located within such light industrial zone.

- 9.** All brochures and other printed materials advertising rental or lease of a living unit within the light industrial zones shall contain a provision designating that such unit or units are located within the light industrial zone and are within a mixed-use area. Lessees and tenants shall be notified that the residential uses within the light industrial zone are subordinate and, therefore, junior in nature to the legal light industrial activities within the zone.
- 10.** The Conditional Use Permit is non-transferable and is valid only for residential occupancy by the applicant, Dean Cerutti, for the duration that Wood River Joiners is in operation. If the light industrial operation ceases this permit shall be void. If a new residential tenant or new light industrial use is proposed a new Conditional Use Permit shall be applied for.

Findings of Fact **adopted** this 12<sup>th</sup> day of November, 2019.

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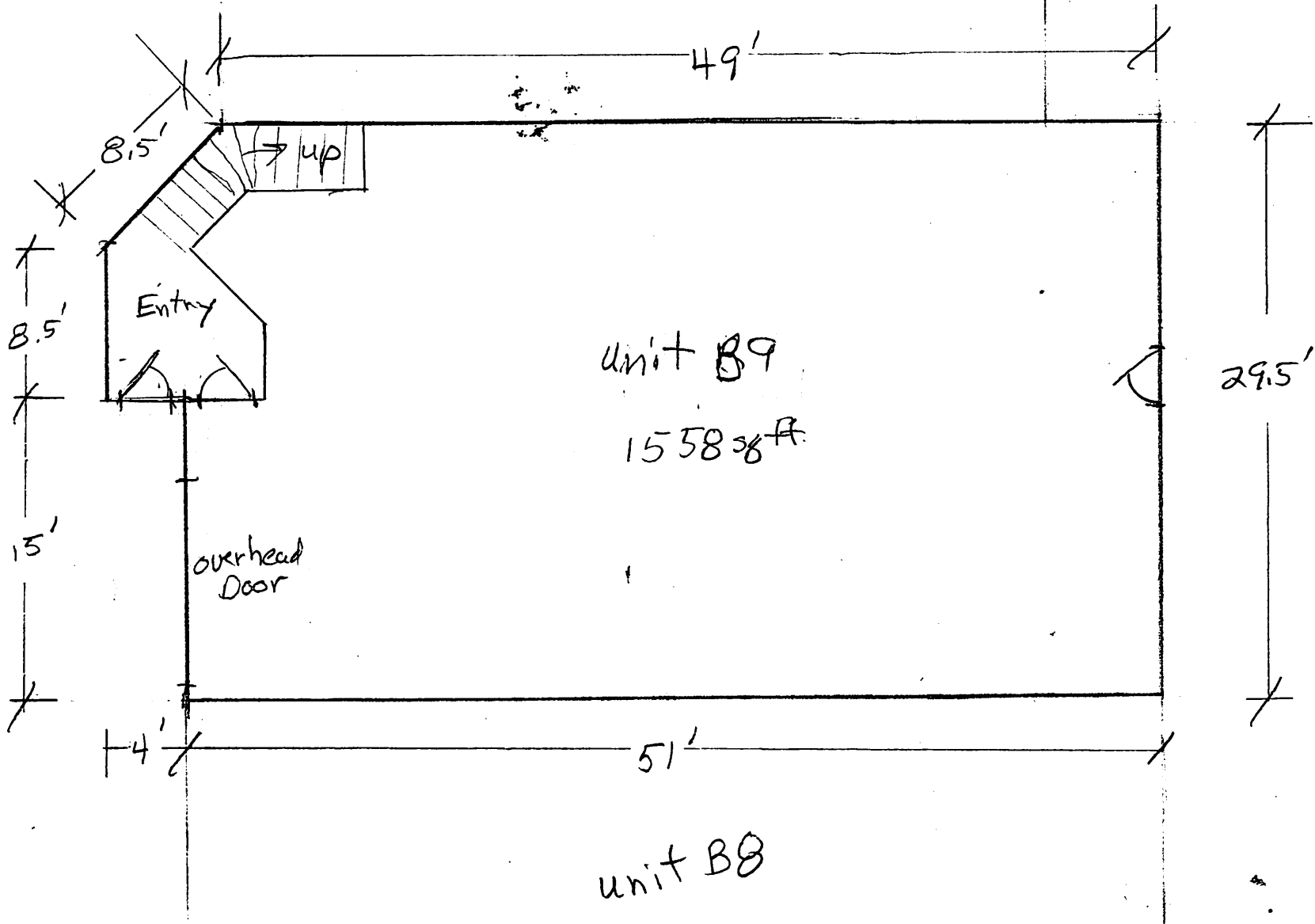
Neil Morrow  
Chair  
Planning and Zoning Commission



**Attachment A.**  
**Floorplans**

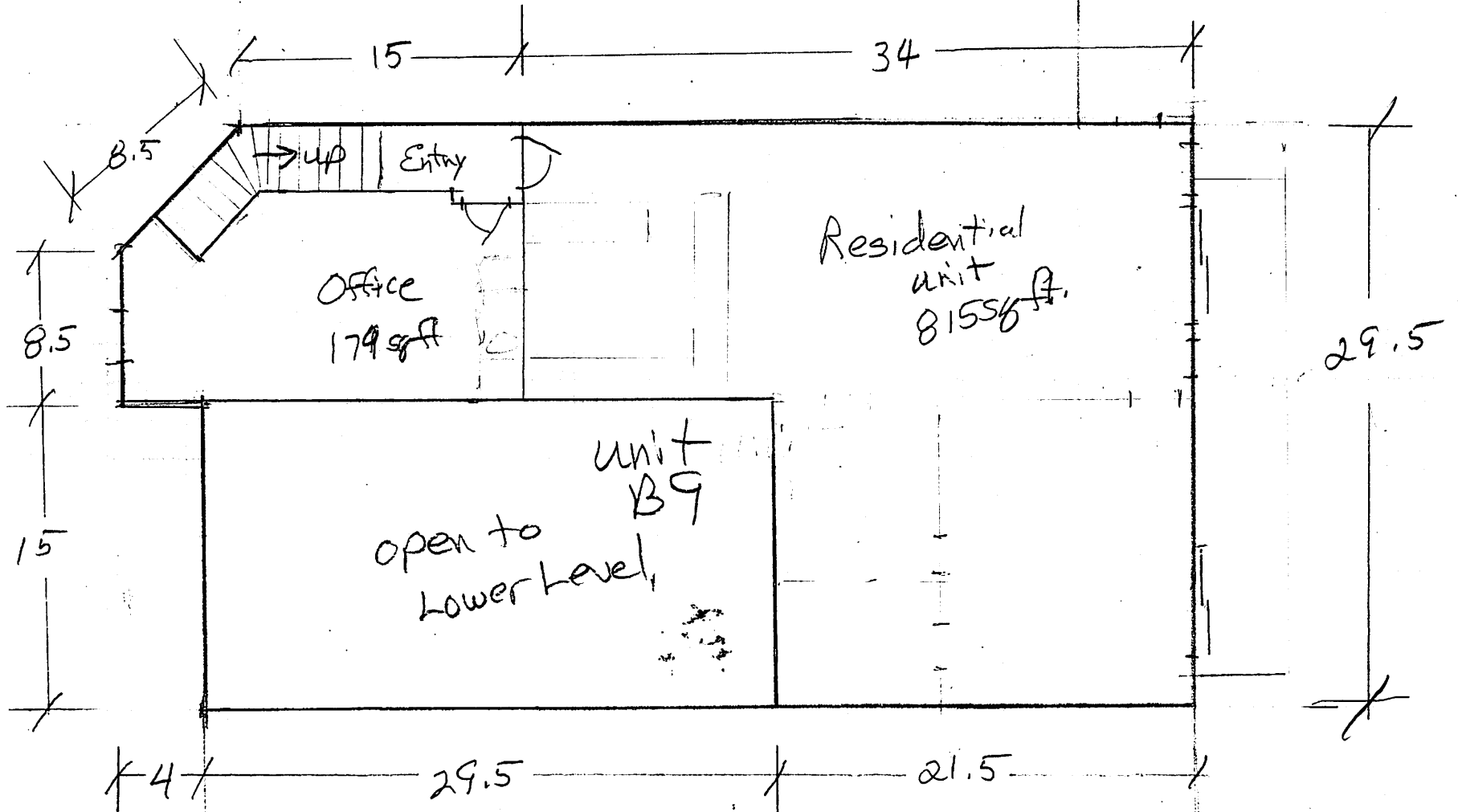
Tenth Street  
LI Complex  
Lower level

unit B10



Tenth Street  
LI Complex  
upper Level

unit B10



unit B8



**City of Ketchum  
Planning & Building**

**IN RE:** )  
 )  
 **Webb Work/Live** ) **KETCHUM PLANNING AND ZONING COMMISSION**  
 **Conditional Use Permit** ) **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND**  
 **Date: October 14, 2019** ) **DECISION**  
 )  
 **File Number: 19-096** )

**PROJECT:** Webb Work/Live Conditional Use Permit  
**FILE NUMBER:** P19-096  
**APPLICANT:** Rob Webb  
**REQUEST:** Conditional Use Permit (CUP) for a work/live unit  
**LOCATION:** 251 Northwood Way, Unit J (Redwood Industrial Condo, Unit 7)  
**ZONING:** Light Industrial District No. 2 (LI-2)  
**OVERLAY:** None  
**NOTICE:** Notice was mailed to property owners within a 300-foot radius and was published in the Idaho Mountain Express on September 25, 2019. Notice was posted at the subject location and on the city website on October 7, 2019.  
**ATTACHMENT:** Floorplans

**FINDINGS OF FACT**

1. On October 14, 2019, the Planning and Zoning Commission considered a Conditional Use Permit (CUP) application for the proposed work/live unit.
2. The subject property is located in the Light Industrial District No. 2 (LI-2) zoning district.
3. Residential dwelling units, which include work/live units, require a Conditional Use Permit in the LI-2 zoning district.
4. The work/live unit consists of 1,000 square feet of residential dwelling use on the upper floor, 642 square feet of office use associated with the business on the upper floor, and 1,492 square feet of light industrial use on the ground floor.

**Table 1. Comprehensive Plan Analysis**

<p><b>Land Use Category:</b> <b>Mixed-Use Industrial</b></p> <p><b>PRIMARY USES</b> <i>Light manufacturing, wholesale, services, automotive, workshops, studios, research, storage, construction supply, distribution and offices make up the bulk of development within this district.</i></p> <p><b>SECONDARY USES</b> <i>A limited range of residential housing types, and supporting retail are provided for within this category. Uses should generate little traffic from tourists and the general public.</i></p> <p><b>CHARACTERISTICS AND LOCATION</b> <i>The Mixed-Use Industrial category is intended to provide critical lands for Ketchum's economic growth and entrepreneurial opportunity within a vibrant business district where people can work and live in the same area.</i></p>
<p>The proposed use, a work/live unit with a bicycle repair/maintenance business being the work component, meets both the primary and secondary intention of the light industrial area.</p>
<p><b>Policy E-2(e) Live-Work Opportunities and Home Businesses</b> <i>Support small home-based businesses that allow people to live and work from their residences and evaluate existing home-occupation, live/work, and related land use standards.</i></p>
<p>The proposed use is work/live.</p>
<p><b>Policy H-1.4 Integrated Housing in Business and Mixed-Use Areas</b> <i>Housing should be integrated into the downtown core and light industrial areas, and close to the ski bases, The resulting mix of land use will help promote a greater diversity of housing opportunities as well as social interactions.</i></p>
<p>The proposal integrates housing into the light industrial area in a mixed-use building.</p>

**Table 2: City Department Comments**

City Department Comments			
Compliant			City Standards and <i>City Department Comments</i>
Yes	No	N/A	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Fire:</b> Owner has applied for a building permit to install required fire separation between the work and live spaces. Work has not yet started. Upon Certificate of Occupancy for completion of the work the unit will be in compliance.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>City Engineer and Streets Department:</b> This is an existing building that is not being substantially improved. No comments at this time.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Utilities:</b> No comments at this time.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Building:</b> Owner has applied for a building permit to install required fire separation between the work and live spaces. Work has not yet started. Upon Certificate of Occupancy for completion of the work the unit will be in compliance.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Planning and Zoning:</b> Comments are denoted throughout the Staff Report.

**Table 3: Standards for Residential, Light Industrial Districts**

<b>IMPROVEMENTS AND STANDARDS: 17.124.090 – RESIDENTIAL, LIGHT INDUSTRIAL DISTRICTS:</b>				
Residential units in the light industrial districts shall comply with the following minimum criteria:				
<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>City Code</b>	<b>City Standards and Staff Comments</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.124.090 A (1)</b>	<b>Dwelling units shall not occupy the ground floor.</b>
			<b>Staff Comments</b>	<i>The application is for a work/live unit with the living area and part of the work area (office space related to the business) located on the upper floor and work space/storage related to the mobile bicycle repair business located on the ground floor.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.124.090 A (2)</b>	<b>Design review under chapter 17.96 of this title shall be required whether new building, addition to existing building or remodel of existing building.</b>
			<b>Staff Comments</b>	<i>Design Review is not required as this application does not change the exterior of the building.</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>17.124.090 A (3)</b>	<b>Dwelling Units: Unless otherwise specified in this section, up to fifty percent (50%) of any light industrial building may be devoted to dwelling units and up to fifty percent (50%) of a work/live unit's gross floor area may be devoted to the residential portion of a work/live unit.</b>
			<b>Staff Comments</b>	<p><i>This standard is primary for the Commission's attention and is intended to be met along with 17.124.090 A (5) c.1, which states the "live" square footage cannot exceed 1,000 square feet.</i></p> <p><i>The total square footage of the condominium unit, per the Blaine County Assessor records, is 3135 square feet with 1,492 square feet on the ground floor (48% of the unit's square footage) and 1,642 square feet on the upper floor (52%) of the unit's square footage.</i></p> <p><i>The owner/applicant has expressed that a portion of the upper story's floor area is used for office work related to the business. However, the upper story's floorplan does not clearly define (physically, with separation such as a wall) the boundaries between "working" and "living".</i></p> <p><i>When the new work/live standards for work/live in the light industrial standards were developed it was not specified that there shall be physical separation between work and live spaces. However, the topic of physical separation has been discussed in the context of other light industrial residential proposals reviewed by the Commission with previous permits.</i></p> <p><i>As such, the Commission has the discretion to require physical separation or not. For this work/live unit physical separation between the work and live areas on the upper floor was not required. Although physical separation was not required, the code regulation that no more than 1,000 square feet of the upper floor be used for residential use remains in effect.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.124.090 A (4)</b>	<b>Individual Units: Except as set forth in the following instances noted herein below, dwelling units shall not be separated in any manner for sale as individual units and may only be leased or rented. The instances where dwelling units may be sold are limited to:</b> <ul style="list-style-type: none"> <li><b>a. City approved work/live units, as defined in chapter 17.08 of this title and subsection A5 of this section;</b></li> <li><b>b. Three-story projects in the LI-3 where not less than one-third (1/3) of the total square footage of housing units includes deed restricted community housing that are for sale consistent with subsection B of this section;</b></li> <li><b>c. Four-story and five-story projects in LI-2 and LI-3 where not less than two-thirds (2/3) of the total square footage of housing units includes deed restricted community housing units that are for sale consistent with subsection A7 of this section;</b></li> </ul>

				<p>d. Existing non-conforming single-family dwellings existing in the LI-1 prior to adoption of Ketchum City Ordinance #85, as enacted on May 27, 1965;</p> <p>e. Existing condominiums and work/live units with less than one thousand (1,000) square feet of residential gross floor area that have a valid residential conditional use permit prior to the adoption of this section as published.</p>
			<b>Staff Comments</b>	<i>This unit is eligible for individual ownership because it is a work/live unit.</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (5)	<p>5. Work/Live Units: In the approval of work/live units, the City shall also find that:</p> <p>a. The work portion of the unit meets the definition of work/live unit set forth in section 17.08.020 of this title, including that the project is subject to Council approval of a restrictive covenant;</p> <p>b. The work unit is:</p> <ol style="list-style-type: none"> <li>(1) Suitable for on-site employees, foot traffic/customers, and meets applicable Building and Fire Codes;</li> <li>(2) Signed and posted with regular hours of operation;</li> <li>(3) Served by the prominent means of access for the work/live unit; and,</li> <li>(4) Associated with a business license for a use allowed (either conditionally or permitted) in the district.</li> </ol> <p>c. The residential portion of the living space is secondary to the primary use as a place of work. A finding that the residential space is secondary to the work space shall be based on measurable findings, including but not limited to:</p> <ol style="list-style-type: none"> <li>(1) The size of the live portion of the work/live unit is both smaller than the work portion of the unit and, further, the live portion of the work/live unit does not exceed one thousand (1,000) gross square feet;</li> <li>(2) Means of access to the residential portion of the unit is not prominent and, preferably, is located to the side or rear of the property; and</li> <li>(3) Suitable residential parking that does not interfere with snow removal or the operation of proximate LI uses and, further, is in accordance with the parking and loading requirements set forth in chapter 17.125 of this title.</li> </ol>
			<b>Staff Comments</b>	<p><i>Although physical separation delineating 1,000 square feet of residential use on the upper floor from work use on the upper floor was not required, the regulation remains in effect. No more than 1,000 square feet of the upper floor shall be used for residential use.</i></p> <p><i>17.124.090.A.5.b.4 – The owner has maintained a sales tax permit with the City of Ketchum for a number of years but during this process it was discovered that the owner did not have a business license with the city. Rob Webb has applied for a Ketchum business license and the license is pending approval at the time of this staff report due to an employee with the clerk's office being out of the office.</i></p>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (6)	<p>6. Size: Dwelling units in the Light Industrial District shall be a minimum of four hundred (400) square feet. In the LI-1 and LI-2 no individual dwelling unit shall exceed a maximum of two thousand (2,000) square feet, contain more than two (2) bedrooms, and all units shall not exceed a mean average of one thousand (1,000) square feet.</p>
			<b>Staff Comments</b>	<i>See 17.124.090 A (3) and A (5) for findings related to the 1,000 square foot living area regulation.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.124.090 A (7)	<p>7. Fourth Or Fifth Floor: Buildings proposing a fourth or fifth floor with a qualifying ground floor consistent with section 17.12.050 of this title shall comply with the following minimum criteria:</p> <p>a. If dwelling units are to be sold, a minimum of two-thirds (2/3) of the total square footage of housing units shall be for deed restricted</p>

				<p>community housing units that are for sale and the deed restricted community housing units shall be designed and administered in accordance with the Blaine-Ketchum housing authority guidelines;</p> <p>b. The area designated as light industrial shall be as follows:</p> <p>(1) The area designated as light industrial shall be a minimum of twenty five percent (25%) of the gross floor area in four story buildings.</p> <p>(2) The area designated as light industrial shall be a minimum of twenty percent (20%) of the gross floor area in five story buildings.</p> <p>(3) Subject light industrial use shall not be for personal storage by dwelling occupants;</p> <p>c. Up to seventy five percent (75%) of the gross square footage of any four-story building and up to eighty percent (80%) of the gross square footage of a five story building may be devoted to dwelling units; and</p> <p>d. Unless otherwise deemed appropriate by the Administrator, common area allocation shall be assessed at a LI to residential ratio of 1:1 for four story buildings and 2:3 for five story buildings.</p>
			<i>Staff Comments</i>	N/A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (8)	<p><b>8. Anti-Nuisance And Notice Provisions:</b></p> <p>a. The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the City will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.</p> <p>b. All persons who rent or sublet any residential living unit within the Light Industrial Zones shall provide the tenant, lessee or subtenant with written notice that such unit is located within the Light Industrial Zone and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities.</p> <p>c. Each and every real estate agent, sales person and broker and each and every private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such Light Industrial Zones shall, upon first inquiry, provide the prospective lessee or tenant, prior to viewing such real property, with written notice that such real property and/or structure is located within such Light Industrial Zone.</p> <p>d. All brochures and other printed materials advertising rental or lease of a living unit within the Light Industrial Zones shall contain a provision designating that such unit or units are located within the Light Industrial Zone and are within a mixed use area. Lessees and tenants shall be notified that the residential uses within the Light Industrial Zone are subordinate and, therefore, junior in nature to the legal light industrial activities within the zone.</p>
			<i>Staff Comments</i>	<i>The applicant currently works and lives within the unit, is aware of the nature of the light industrial zone and is aware of the other standards within this section.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (9)	<p><b>Compliance: Compliance with all applicable code sections, including among others, the City's parking and loading standards as set forth in chapter 17.125 of this title, except that if a parking reduction is requested through a Transportation Demand Management Plan per section 17.125.090 of this title, the reduction request shall be submitted to the Zoning Administrator and the Ketchum City Council will determine if such request shall be approved.</b></p>
			<i>Staff Comments</i>	<i>The applicant is required one parking space for the residential unit and two parking spaces for the work square footage. There are two interior parking spaces and several exterior parking spaces allocated to the unit.</i>



33	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (10)	<p><b>10. Conditions: Conditions including, but not limited to, the following may be attached to the conditional use permit approval:</b></p> <ul style="list-style-type: none"> <li>a. Access to the residential units relative to design and relationship to light industrial uses, including suitable access consistent with adopted City standards;</li> <li>b. Separation of residential and light industrial parking on the site to minimize conflicts;</li> <li>c. Restrictions on exterior storage of personal property of tenants;</li> <li>d. Certificate of occupancy required prior to occupancy of units;</li> <li>e. Ketchum Fire Department and Ketchum Building Department requirements shall be met prior to occupancy;</li> <li>f. Snow removal required to ensure utility of residential spaces and non-interference with continuous LI operations;</li> <li>g. Any portion or all waived fees become due and payable upon conversion of resident housing unit(s) to light industrial uses;</li> <li>h. Construction techniques that aid sound proofing and limit externalities of LI noise and use impacts on residences is encouraged;</li> <li>i. Provision for and reasonable extension of sidewalks to assure safe pedestrian access; and/or,</li> <li>j. Any other condition deemed to enhance the purposes under this use, or to establish or promote the criteria referenced in subsections A1 through A10 of this section.</li> </ul>
			<b>Staff Comments</b>	<i>Conditions of approval are as noted in the decision section of this permit.</i>

**Table 4: Conditional Use Permit Requirements**

Conditional Use Requirements				
EVALUATION STANDARDS: 17.116.030 and § 67-6512 of Idaho Code				
A conditional use permit shall be granted by the commission only if the applicant demonstrates the following:				
Compliance and Analysis				
Yes	No	N/A	City Code	City Standards and <i>Staff Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(A)	<p><b>The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district.</b></p> <p><i>The Light Industrial Number Two (LI-2) District allows for a variety of permitted and conditionally permitted uses ranging from manufacturing to personal service to wholesaling to automotive uses. Per KMC §17.18.150, the purpose of the LI-2 Zone is to, “provide for a permanent year round employment base and the location of light manufacturing, wholesale trade and distribution, research and development, service industries, limited related, bulk retail and offices related to building, maintenance and construction and which generate little traffic from tourists and the general public.”</i></p> <p><i>Many permitted light industrial uses, such as manufacturing, maintenance service facilities, repair shops, and motor vehicle service, may not occur elsewhere within the City of Ketchum, and these uses are largely permitted by-right in this district by right. In contrast, residential dwellings are permitted by Conditional Use Permit only – in order to both mitigate the impact of residential uses on light industrial operations and to ensure the proposed residential will be located and constructed in such a manner that existing light industrial has limited negative externalities on it.</i></p> <p><i>The proposed work/live unit includes a use that aligns with the LI zoning districts, a bicycle repair/maintenance business, and the conditionally permitted residential use.</i></p> <p><i>The Redwood Industrial Condominium building is a fully-sprinklered, modern condominium building (built 1990) that has adequate indoor and outdoor parking for owners/tenant and business patrons. The building has one other work/live unit (Unit 8,</i></p>

				<p>which was permitted under a prior version of the zoning code in 2011) and residential occupancy and commercial occupancy on the same floor and ground floor have co-existed since that time.</p> <p>The proposed live/work use is not unreasonably incompatible with the types of uses permitted in this district.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(B)</b>	<p><b>The conditional use will not materially endanger the health, safety and welfare of the community.</b></p> <p><i>Staff Comments</i>                  The building inspector and Fire Marshal have conducted a walk-through of this unit and identified the lack of adequate fire separation between the work and live spaces. The unit owner has applied for a building permit (B19-089) to install two self-closing fire rated doors and additional drywall that will provide adequate fire separation. This building permit has been approved but construction has not yet commenced.</p> <p>As a condition of approval staff recommends requiring that the scope of work approved with the building permit be complete by January 1, 2020 and that all building and fire code requirements, including the installation of a handrail on the stairway, are met. Upon receipt of the Certificate of Occupancy or Certification of Completion the work/live unit will not endanger the health, safety, and welfare of the public.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(C)</b>	<p><b>The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.</b></p> <p><i>Staff Comments</i>                  The Redwood Industrial building has an adequately sized parking lot, defined curb cuts providing ingress and egress to the parking lot and has sidewalk along the street frontage. The work/live use is not anticipated to generate a high volume of trips as an integral part of the business model is traveling to clients' homes and performing bicycle maintenance off-site. As such, hazards to pedestrian and vehicular traffic will not be generated by this proposal.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(D)</b>	<p><b>The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts.</b></p> <p><i>Staff Comments</i>                  The existing building and this unit are adequately served by public facilities and services. Use of this unit for the proposed live/work will not adversely affect the delivery of public services to the surrounding area.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(E)</b>	<p><b>The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this section.</b></p> <p><i>Staff Comments</i>                  As described in Table 2 of this staff report and 17.116.030(A) of this table, the conditional use aligns with, rather than conflicts with, the policies of the Comprehensive Plan and the basic purposes of this section.</p>

**CONCLUSIONS OF LAW**

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code;
2. Under Chapter 65, Title 67 of the Idaho Code, the City has passed a land use and zoning ordinance, Title 17;
3. The Commission has the authority to hear the applicant's Conditional Use Permit Application pursuant Ketchum Municipal Code Title 17;
4. The Planning and Zoning Commission's October 14<sup>th</sup>, 2019 public hearing and consideration of the applicant's Conditional Use Permit application was properly noticed pursuant to the Local Land Use Planning Act, Idaho Code Section 67-6512;

- 5. The application meets the standards of approval under Chapter 17.116, Conditional Uses of Ketchum Zoning Code Title 17 and the 2014 Comprehensive Plan;

**DECISION**

**THEREFORE**, the Ketchum Planning and Zoning Commission approves this Conditional Use Permit application allowing for a work/live unit on this 12<sup>th</sup> day of November 2019 subject to the following conditions 1 - 11:

- 1. The Conditional Use Permit is non-transferable;
- 2. Hours of operation for the business shall be posted and remain posted;
- 3. The residential living area shall not exceed one thousand (1,000) square feet total and shall contain no more than two (2) bedrooms;
- 4. No residential use shall occur on the ground level (first floor);
- 5. Because of the mixed-use nature of this space, and in order to ensure compliance with the zoning code requirement that residential dwellings do not exceed 1,000 square feet in the LI-2 zoning district, the Fire Marshal shall conduct routine inspections of the work/live building;
- 6. Inspections by Planning staff to ensure requirements with the Conditional Use Permit conditions may be scheduled at the discretion of staff;
- 7. The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the city will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.
- 8. All persons who rent or sublet any residential living unit within the light industrial zones shall provide the tenant, lessee or subtenant with written notice that such unit is located within the light industrial zone and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities.
- 9. Each and every real estate agent, sales person and broker and each and every private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such light industrial zones shall, upon first inquiry, provide the prospective lessee or tenant, prior to viewing such real property, with written notice that such real property and/or structure is located within such light industrial zone.
- 10. All brochures and other printed materials advertising rental or lease of a living unit within the light industrial zones shall contain a provision designating that such unit or units are located within the light industrial zone and are within a mixed-use area. Lessees and tenants shall be notified that the residential uses within the light industrial zone are subordinate and, therefore, junior in nature to the legal light industrial activities within the zone.
- 11. The unit, as evidenced by a Certificate of Occupancy or Completion, shall meet all building and fire codes, including the requirement that handrail(s) for the staircase providing access to the upper floor be installed. Work shall be complete by January 1, 2020.

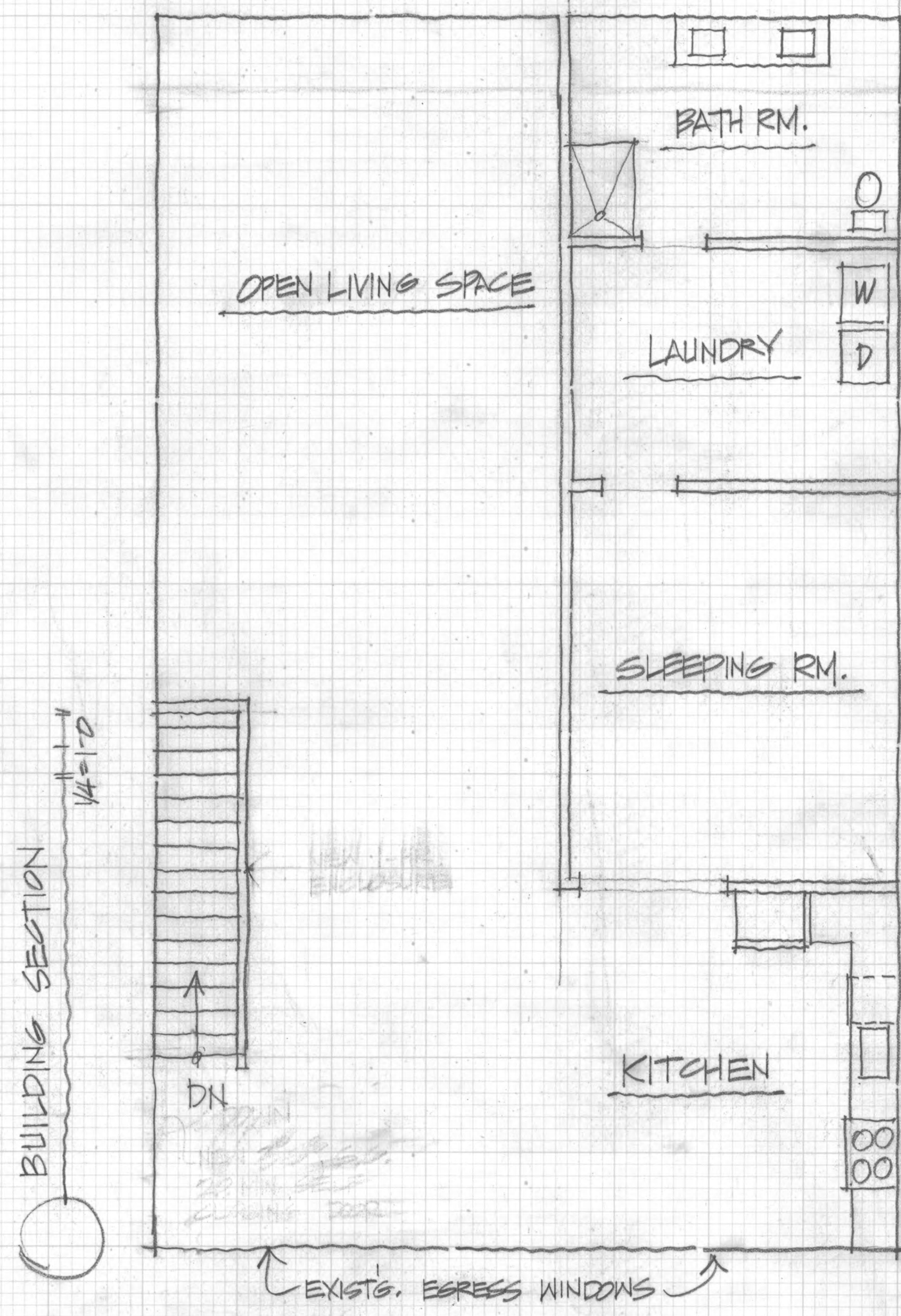
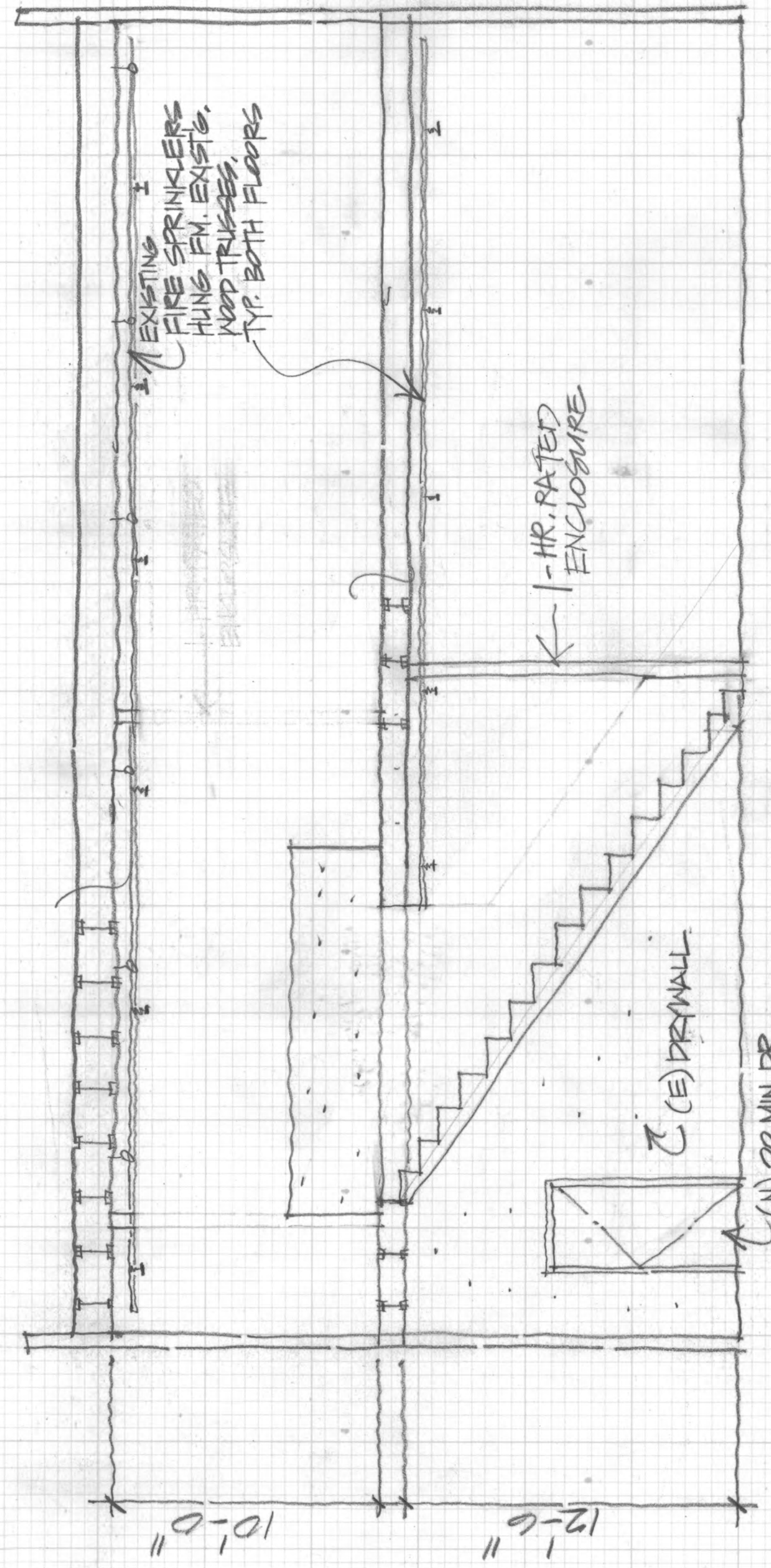
Findings of Fact **adopted** this 12<sup>th</sup> day of November 2019.

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Neil Morrow  
 Chair  
 Planning and Zoning Commission

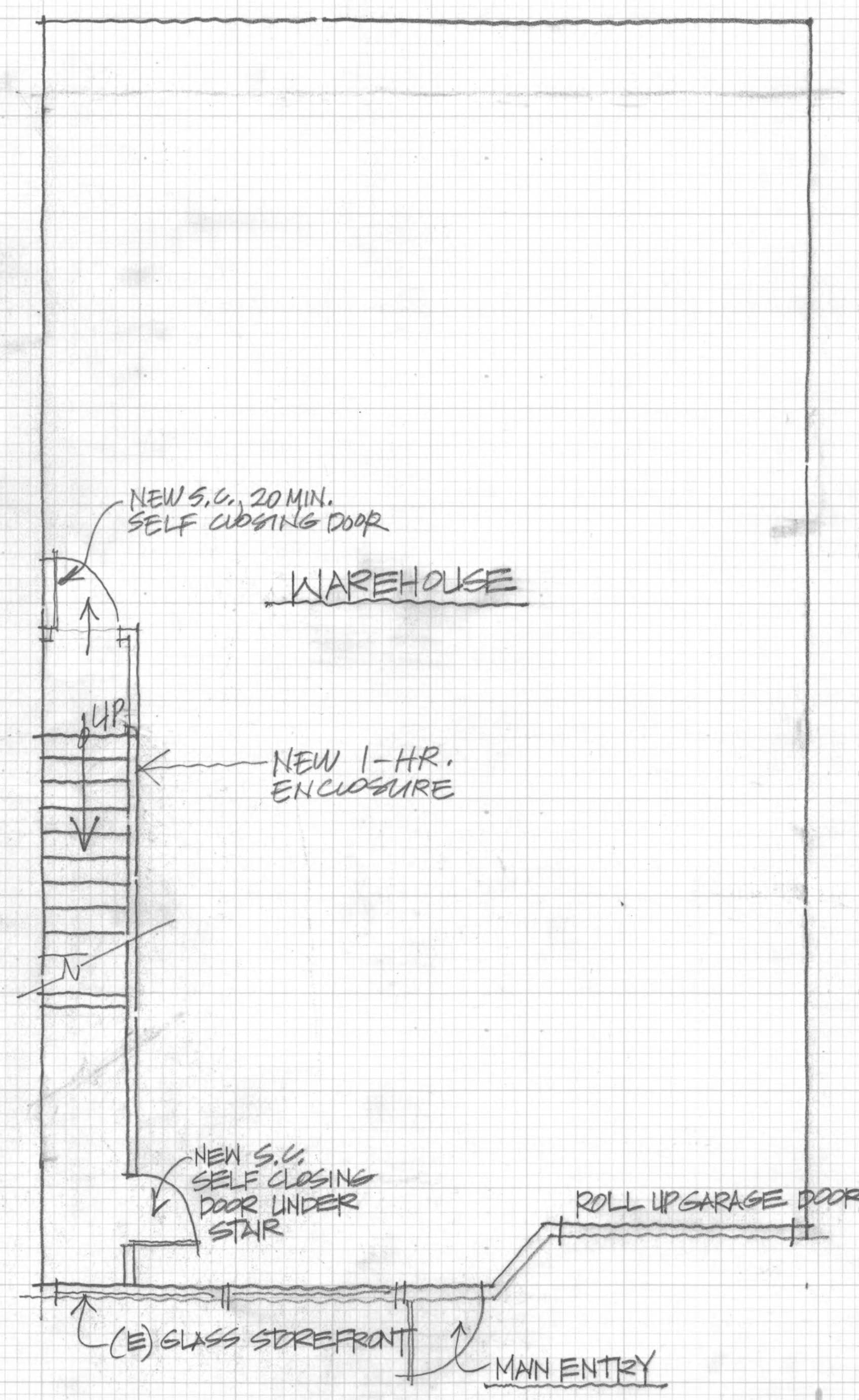
**Attachment A.**  
**Floorplans**

REVISIONS	BY



EXISTING SECOND FLOOR PLAN

1/4"=1'-0"



EXISTING GROUND FLOOR PLAN

1/4"=1'-0"

251 NORTHWOOD WAY, UNIT 7  
CITY OF KETCHUM

Date	08/20/19
Scale	AS NOTED
Drawn	T.E.M.
Job	NA
Sheet	
Of	Sheets



**City of Ketchum  
Planning & Building**

IN RE: )  
 )  
 220 Lava St SFR (Biddle Residence) ) **KETCHUM PLANNING AND ZONING COMMISSION**  
 Mountain Overlay Design Review ) **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND**  
 Date: September 9, 2019 ) **DECISION**  
 )  
 File Number: 19-084 )

**PROJECT:** 220 Lava Street Single-Family Residence

**FILE NUMBER:** P19-085

**APPLICATION TYPE:** Mountain Overlay Design Review

**REPRESENTATIVE:** McLaughlin & Associates Architects

**OWNER:** George and Leslie Biddle (220 Lava Street LLC per Blaine County Assessor’s Office Data as of 9/3/19)

**REQUEST:** Mountain Overlay Design Review

**LOCATION:** 220 Lava Street (Lava Street Subdivision: Block 1: Lot 1A)

**ZONING:** Limited Residential (LR)

**OVERLAY:** Mountain Overlay (MO) & Avalanche Overlay (A)

**NOTICE:** A public hearing notice was mailed to adjacent property owners on August 30<sup>th</sup>, 2019.

**Findings Regarding Applications Filed**

The subject Mountain Overlay (MO) Design Review is for the development of a new 8,982 sq ft single-family residence located at 220 Lava Street (Lava Street Subdivision: Block 1: Lot 1A). The site is located in the Limited Residential (LR) Zoning District and also within both the Mountain Overlay and Avalanche Overlay. Pursuant to Ketchum Municipal Code (KMC) §17.104.050.A, the construction or placement of structures within the MO District is subject to all applicable Design Review improvements and standards (KMC §17.96.060) as well as subject to the Mountain Overlay Design Review requirements set forth in KMC §17.104.070. Building in the Avalanche Zone must meet the standards and comply with certain restrictions specified in KMC §17.92.010. Prior to issuance of a Building Permit, new construction in the Avalanche Zone must be certified by an engineer licensed in the State of Idaho certifying that the proposed construction as designed will withstand the avalanche forces specific to the subject site (KMC §17.02.010.D.3).

**Findings Regarding Public Hearings**

At the June 10<sup>th</sup>, 2019 meeting, the Planning & Zoning Commission held a site visit and considered the Pre-Application Mountain Overlay Design Review submittal as well as Staff analysis, the applicant’s presentation, and public comment. After providing feedback to the applicant, the Commission unanimously moved to

advance the project to final Design Review. At the September 9<sup>th</sup>, 2019 meeting, the Planning & Zoning Commission held a site visit and considered the final Mountain Overlay Design Review submittal as well as Staff analysis, the applicant's presentation, and public comment and unanimously approved the application.

### **Findings Regarding Subject Property**

In addition to the Mountain Overlay design criteria and standards as specified Ketchum Municipal Code §17.104.070, development on the property is also subject to plat notes with additional parameters pertaining to the placement of structures on the site. The subject 9.83 acre property is currently undeveloped and is characterized by significant grade change from Lava Street to the rear property line. The recorded building envelope slopes uphill gaining approximately 65 ft of elevation.

#### Lava Street Subdivision: Block 1: Lot 1A Plat Notes

Plat notes affecting the subject property include easements for ingress, egress, and utilities (plat notes #1-#6 and #18). Descriptions regarding the red and blue avalanche zones present on the site are included in plat notes #8 and #11. Plat notes #10 and #17 highlight City Department standards including Fire Department requirements regarding heating the driveway and providing a turnaround. Standards pertaining to site drainage are included in plat note #20. The following plat notes pertain to Mountain Overlay standards as well as the bulk, mass, and scale of development:

#12: The maximum building height for that portion of building on Lot 1A which is visible from the centerline intersection of East Avenue and Fourth Street shall not exceed an elevation of 5921 feet (or 16 ft above the base of the lower story pole location as identified on the plat), or as determined by Mountain Overlay Design Review. Story pole shown on plat is to show location only, actual story pole will need to be reset in field if required for Design Review.

*Commission Findings:* No portion of the proposed single-family residence exceeds an elevation of 5921' except for portions of three chimneys. Pursuant to KMC §17.08.020, chimneys are excluded from maximum building height regulations. The applicant has included a reference to the 5921' elevation on the renderings included on Sheet A-4.1 as well as the building sections indicated on Sheets A-3.1 and A-3.2.

#13: In the event that any portion of the Lot 1A building is visible from the centerline intersection of East Avenue and Fourth Street landscaping shall be installed to minimize visibility pursuant to Ketchum Mountain Overlay Design Review.

*Commission Findings:* With the Pre-Application MO Design Review submittal, the applicant included a conceptual perspective from the intersection of 4<sup>th</sup> Street and East Avenue. The perspective image included landscaping with healthy green foliage, which serves to enhance screening. During review of the Pre-Application, the Commission commented that the proposed Swedish Aspens will not provide the same degree of screening during the fall and winter seasons when the trees lose their foliage. The Commission recommended installing Douglas Fir trees instead of Swedish Aspen to enhance screening the single-family residence on the hillside from this view corridor. As indicated on Sheet L2 of the MO Design Review submittal, the applicant modified the landscape plan and has proposed installing ten Evergreen trees to screen the building from the intersection of East Avenue and Fourth Street.

#14: The maximum building square footage for Lot 1A shall be no larger than 12,000 square feet. The maximum building footprint shall be no larger than 8,000 square feet.

*Commission Findings:* The total proposed floor area of the single-family residence is 8,982 sq ft, which is 3,018 sq ft less than the maximum building square footage permitted pursuant to Plat Note #14. The total proposed

40 Building coverage is 5,995 sq ft, which is 2,005 sq ft less than the maximum permitted pursuant to Plat Note #14.

#15: The maximum building height for any portion of Lot 1A not visible from the centerline intersection of East Avenue and Fourth Street shall not exceed 25 feet above existing grade, and/or elevation 5950 feet, at the highest point of the building envelope, or as determined by Ketchum Mountain Overlay Design Review.

*Commission Findings:* The proposed single-family residence is contained below the 5921' elevation as prescribed by Plat Note #12 and within the lower portion of the recorded building envelope. While the recorded building envelope extends to an elevation of 5925', the proposed limits of disturbance do not extend beyond 5910' in elevation.

#16: The Lot 1A building height for any portion of the building below 5921 feet shall be subject to Ketchum Mountain Overlay Design Review.

*Commission Findings:* As measured pursuant to KMC §17.08.020, the maximum building height of the proposed single-family residence is 31'-1". As indicated on Sheet A-4.1, the greatest vertical distance as measured from the lowest exposed finished grade at the garage (5889.89') to the roof ridge (5921') is 31'-1". While the 5921' elevation is referenced as a threshold maximum building height, the plat notes give the Planning & Zoning Commission discretion to further restrict building height through Mountain Overlay Design Review. Minimizing visual impact on the hillside through the use of natural materials and colors as well as the low-profile design, the proposed single-family residence exemplifies the intent of Mountain Overlay Design standards as the project complements the natural land features and preserves the hillside and ridgeline.

#19: Building materials and colors may be required to be natural to meet the standards of Ketchum Mountain Overlay Design Review.

*Commission Findings:* The proposed material palette is included on Sheet A-4.5 of the MO Design Review submittal. Exterior materials include a charcoal standing seam metal roof, stone veneer, exposed cedar rafter tails and beams, finished cedar vertical planking and soffits, wood clad windows, steel lift and slide glass doors, as well as transparent glass connectors. Providing relief to each façade, the proposed fenestration celebrates the surrounding hillside as the window, door, and connector openings fully immerse the building within the landscape. Balancing this openness, the stone veneer, cedar siding, and charcoal metal roof articulate the facades and ground the building within the hillside. The natural materials and colors harmonize with the surrounding landscape.

*Easements: Water Right No. 37-7787 and Grant of Irrigation Pipeline Easement*

As indicated on Sheet L3.0 of the Pre-Application MO Design Review submittal, portions of the building and hardscape improvements were proposed to encroach outside of the recorded building envelope. Pursuant to KMC §16.04.020, building envelopes are defined as the site for location of a structure delineated on a preliminary plat and final plat within which the entire building must be constructed. The encroachment outside of the recorded building envelope was over a knoll. Pursuant to KMC §17.104.070.A5, significant rock outcroppings within the Mountain Overlay District shall not be disturbed. With the final Design Review submittal (Sheet L2), the applicant has modified the design to contain the entirety of the residence and associated site improvements within the recorded building envelope. The Grading Plan (Sheet L3) specifies that the existing knoll will be preserved. While the knoll is proposed to be preserved, associated site grading may impact the flow of water into the existing cistern and pipeline system associated with water right no. 37-7787.



*Easements: Pedestrian Access*

Existing Lot 1a is encumbered by a 10 ft wide pedestrian and non-motorized access easement for access through Lava Street Subdivision through to Sun Valley Company Land. The easement connects to an existing trail system that links to Dollar Mountain. The existing easement borders the southern property line. As indicated on Sheet L5 of the MO Design Review submittal, the applicant has proposed an alternative trail that meanders through this area of the property.

**Table 1: Findings Regarding City Department Comments**

City Department Comments
<p><i>Note: City Department comments are preliminary and based on the project concept as proposed with the subject Design Review application. All City Departments shall review and approve the project through the Building Permit application process. All comments pertaining to the Design Review drawings are subject to change. All right-of-way improvements shall be reviewed and approved by the City Engineer and Streets Department prior to issuance of a Building Permit for the project. All City Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.</i></p>
<p><b>Fire Department:</b></p> <ul style="list-style-type: none"> <li>• It is the General Contractor’s responsibility to understand and adhere to all Fire Protection Ordinance #1125 requirements in addition to any and all other City of Ketchum requirements in effect at the time of Building Permit issuance. Failure to comply with all local ordinances and codes may result in project work stoppage as well as criminal penalties.</li> <li>• The above project shall meet all 2012 International Fire Code requirements in addition to specific City Building and Fire Ordinances.</li> <li>• Approved address numbers shall be placed in such a position to be plainly visible and legible from the road fronting the property. Numbers and letters shall be a minimum of four (4) inches tall, contrast with their background and be positioned a minimum of forty-eight (48) inches above final grade.</li> <li>• Vehicle parking and material storage during construction shall not restrict or obstruct public streets or access to any building. A minimum twenty-foot travel lane for emergency vehicle access shall be maintained clear and unobstructed at all times. All required Fire Lanes, including within 15 feet of fire hydrants, shall be maintained clear and unobstructed at all times.</li> <li>• An approved automatic fire sprinkler system shall be installed throughout the building per City of Ketchum Ordinance #1125 (<a href="http://www.ketchumfire.org">www.ketchumfire.org</a>) and the National Fire Protection Association Standard 13. An approved fire sprinkler flow bell, Knox box and Fire Department Connection shall be installed in an approved location visible to approaching firefighters. Water service lines to structures shall be hydraulically calculated for size to meet fire sprinkler flow requirements. Fire sprinkler systems shall be annually tested and maintained per NFPA 25. An approved fire department connection and flow bell shall be installed in a location approved by the fire department and the system shall be supervised by an approved alarm system.             <ul style="list-style-type: none"> <li>○ NOTE: One electronic set of fire sprinkler system plans must be submitted to the Ketchum Fire Department as well as the State Fire Marshal’s office and a Ketchum Fire Department Permit must be obtained prior to installation of fire sprinkler systems. Inspections of fire sprinkler systems by the Fire Chief or an appointee are required. Inspections must be scheduled at least 48 hours in advance.</li> </ul> </li> <li>• An approved fire sprinkler alarm system shall be installed per City of Ketchum Ordinance #1125 (<a href="http://ww.ketchumfire.org">ww.ketchumfire.org</a>) and the requirements of NFPA 12. Two (2) sets of alarm system plans shall be submitted to the Ketchum Fire Department for approval and a permit is required prior to installation of alarm systems. Inspections of fire detection systems by the Fire Chief or an appointee are required and shall be scheduled at least 48 hours in advance.</li> <li>• An approved access roadway per 2012 International Fire Code Appendix D (<a href="http://www.ketchumfire.org">www.ketchumfire.org</a>) shall be installed prior to any combustible construction on the site. The road shall be a minimum of twenty (20) feet</li> </ul>

in width and capable of supporting an imposed load of at least 75,000 pounds. The road must be an all-weather driving surface maintained free, clear, and unobstructed at all times. Grades shall not exceed 7%. Dead end access roadways exceeding 150 feet in length shall be provided with an approved turnaround. Gates, if installed, are required to be siren activated for emergency vehicle access. **NOTE: This driveway shall be heated in its entirety to include the approved turnaround.**

- Fire extinguishers shall be installed and maintained per 2012 IFC Section 906 both during construction and upon occupancy of the building.
- Spark arresters are required on all solid fuel burning appliance chimneys to reduce potential fires from burning embers.
- **A fifty (50) foot Defensible Space shall be provided due to this property's urban interface high hazards,** as defined by Blaine County Ordinance 2019-08 ([www.ketchumfire.org](http://www.ketchumfire.org)), is required to be maintained at all times around all structures. Information on Defensible Space can be found at [www.firewise.org](http://www.firewise.org). **Exterior walls shall be covered with non-combustible and fire resistive products.**
- A Class "A" rated roof covering shall be installed on the entire building per Ketchum Ordinance 1125 ([www.ketchumfire.org](http://www.ketchumfire.org)). Proof of installation of Class "A" rated roof covering materials, such as product packaging, shall be kept available on-site for inspection at all times during construction.
- An approved key box shall be installed, with the appropriate keys, for emergency fire department access in a location approved by the fire department. The key box shall be a Knox box brand and sized to accommodate keys to every door of the project.
- Final inspections of all fire department permit required installations by the Fire Chief or an appointee are required and shall be scheduled at least 48 hours in advance. A Final Inspection Checklist can be found at [www.ketchumfire.org](http://www.ketchumfire.org).
- An 8 ½ by 11 color coded site map of this project shall be provided on paper and electronically to the Fire Department. This site map shall show the locations of gas shut-off, fire sprinkler riser rooms, fire department connections, alarm panels, Knox boxes, access doors, egress windows, stairways, and any additional fire department requirements. Exact details of color coded "On-Sites" can be found at [www.ketchumfire.org](http://www.ketchumfire.org).
- Fire Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.

**City Engineer & Streets Department:**

- The design shall meet all applicable sections of Chapter 12 of Ketchum Municipal Code including design criteria for private driveways (KMC §12.04.030.L), ballast thickness design (KMC §12.04.030.H), cut and fill slopes (KMC §12.04.030.I), drainage plans (KMC §12.04.030.J), and erosion protection (KMC §12.04.030.K).
- Prior to issuance of a Building Permit, the applicant shall submit civil plans stamped by an Idaho licensed engineer for review and approval by the City Engineer and Streets Department. The civil plans shall include a driveway profile due to the slope and length of the proposed access.
- Pursuant to KMC §17.96.060.C.1, all storm water drainage shall be retained on site.
- All construction for the project must comply with the standards set forth in Ketchum Municipal Code, Chapter 15.06 Construction Activity Standards. The applicant shall submit a Construction Activity Plan addressing all applicable activities including excavation, material storage and deliveries, screening, and site clean-up (KMC §15.06.030) to be reviewed and approved by the Building Department prior to issuance of a Building Permit for the project. Pursuant to KMC §15.06.030.A.2, the applicant shall provide notice of the project, construction schedule, and general contractor's contact information to all neighbors with properties adjacent to the project site.
- The public right-of-way adjacent to the subject property shall be improved to the City's right-of-way standards for local-residential street right-of-ways. Material within the first eight (8) feet from the edge of asphalt shall be (1) distinct from the driveway in order to visually appear to be available for parking, (2) pervious and permeable to enhance drainage, and (3) the surface must allow for vehicle parking and be

consistent along the entire property frontage. No live plant materials or obstructions, such as boulder or berms, are permitted within the first 8 ft from the edge of asphalt.

- The applicant shall submit a Street and Alley Digging, Excavation, and Trenching (“DIG”) Permit application with an associated traffic control plan for all construction work within the City right-of-way to be reviewed and approved by the Streets Department. The use of City right-of-way for construction including the closure of adjacent streets or sidewalks requires a Temporary Use of Right-of-Way Permit (“TURP”).
- City Engineer & Streets Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.

**Utilities:**

- The applicant will be responsible for installing connections to the municipal water and sewer system at Lava Street.
- Requirements and specifications for the water and sewer connections will be verified, reviewed, and approved by the Utilities Department prior to issuance of a Building Permit for the project.
- Pursuant to KMC §17.92.010.D, all utilities providing services to the building shall be installed underground in order to minimize possible avalanche damage to such utilities and injury to persons or property.

**Building:**

- The building must meet the 2012 International Building Code and Title 15 Buildings and Construction of Ketchum Municipal Code.
- Building Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.

**Planning and Zoning:**

Comments are denoted throughout Tables 2, 3, and 4.

**Table 2: Findings Regarding Zoning and Dimensional Standards**

Compliance with Zoning and Dimensional Standards				
Compliant			Standards and Commission Findings	
Yes	No	N/A	Ketchum Municipal Code Standard	City Standards and Commission Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.12.030</b>	<b>Minimum Lot Area</b>
			<b>Commission Finding</b>	<b>Required:</b> 9,000 square feet minimum <b>Existing:</b> 428,370 square feet (9.83 acres)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.12.030</b>	<b>Building Coverage</b>
			<b>Commission Finding</b>	<b>Permitted:</b> 35% <b>Proposed:</b> 2% (5,995 square feet/ 428,370 square feet lot area)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.12.030</b>	<b>Minimum Building Setbacks</b>
			<b>Commission Finding</b>	<b>Minimum Required Setbacks:</b> Front: 15' Side: > of 1' for every 2' in building height, or 10' (15'-7" required) Rear: 20'  <b>Proposed:</b> The proposed single-family residence and associated site improvements are sited within the building envelope recorded to the Lava Street Subdivision: Block 1: Lot 1A plat. Front (W): > 15' The single-family residence is setback 26'-3" from the front property line, but the retaining wall and driveway pad extend into the front setback area. Side (N): >15'-7" Side (S): >15'-7" Rear (E): >20'

44	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.12.030</b>	<b>Building Height</b>
			<b>Commission Finding</b>	<b>Maximum Permitted:</b> 35' <b>Proposed:</b> 31'-1". As indicated on Sheet A-4.1, the greatest vertical distance as measured from the lowest exposed finished grade at the garage (5889.89') to the roof ridge (5921') is 31'-1".
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.125.030.H</b>
			<b>Commission Finding</b>	<b>Curb Cut</b> <b>Permitted:</b> A total of 35% of the linear footage of any street frontage can be devoted to access off street parking. <b>Proposed:</b> This standard does not apply as Lava Street is a private road with ingress and egress easements to benefit Lots 1A, 2, and 3 of Lava Street Subdivision as well as Tax Lots 3595 and 7318 (Instrument No. 99644). Lava Street is accessed from Leadville Avenue S. As indicated on Sheet L2, the proposed width of the driveway access from Lava Street is 20 feet, which complies with the minimum width permitted for Fire Department apparatus access roadways. Pursuant to Fire Department requirements, the driveway shall include a snowmelt system and an approved turnaround. Fire Department comments and conditions are attached as Exhibit B1 to the Staff Report.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.125.020.A.2 &amp; 17.125.050</b>
			<b>Commission Finding</b>	<b>Parking Spaces</b> Off-street parking standards of this chapter apply to any new development and to any new established uses. <b>Required:</b> One-Family Dwelling Units in all Zoning Districts: 2 parking spaces per dwelling unit. <b>Proposed:</b> The applicant is proposing two parking spaces within the enclosed garage.

**Table 3: Findings Regarding Mountain Overlay Design Review Standards**

Mountain Overlay Design Review Standards (KMC §17.107.070.A)				
Compliant			Standards and Commission Findings	
Yes	No	N/A	Reference	City Standards and Commission Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.104.070.A.1</b>	<b>There is no building on ridges or knolls which would have a material visual impact on a significant skyline visible from a public vantage point entering the City or within the City. Material, as the term is used herein, shall be construed in light of the magnitude of the negative impact on the objectives of this Ordinance.</b>
			<b>Commission Findings</b>	As the subject property is characterized by a prominent ridge visible from the intersection of 4 <sup>th</sup> Street and East Avenue, the plat notes affecting Lot 1A include restrictions related to the height as well as the bulk, mass, and scale of development. Plat Note #13 specifically addresses this public vantage point.  <i>#13: In the event that any portion of the Lot 1A building is visible from the centerline intersection of East Avenue and Fourth Street landscaping shall be installed to minimize visibility pursuant to Ketchum Mountain Overlay Design Review.</i>  With the Pre-Application MO Design Review submittal, the applicant included a conceptual perspective from the intersection of 4th Street and East Avenue. The perspective image included landscaping with healthy green foliage, which serves to enhance screening. During review of the Pre-Application, the Commission commented that the proposed Swedish Aspens will not provide the same degree of screening during the winter season when the existing trees lose their foliage. The Commission recommended installing Douglas Fir trees instead of Swedish Aspen to enhance screening the single-family residence on the hillside from this view corridor. As indicated on Sheet L2 of the MO Design Review submittal, the applicant modified the landscape plan and has proposed installing ten Evergreen trees to screen the building from the intersection of East Avenue and Fourth Street.

45			<p>The proposed single-family residence is sited at the lower elevation of the property and the entirety of the building and associated site improvements are sited within the building envelope recorded to subject Lot 1A.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>17.104.070.A.2</b>	<p><b>Building, excavating, filling and vegetation disturbance on hillsides which would have a material visual impact visible from a public vantage point entering the City or within the City is minimized. Material, as the term is used herein, shall be construed in light of the magnitude of the negative impact on the objectives of this Ordinance.</b></p>
		<b>Commission Findings</b>	<p>The applicant has minimized visual impact by siting the building footprint at the lower elevation of the hillside, limiting the height and footprint of the building, and installing a landscape buffer to enhance screening.</p> <p>The following Lava Street Subdivision: Block 1: Lot 1A plat notes limit the height, bulk, mass, and scale of development on the subject site:</p> <p><i>#12: The maximum building height for that portion of building on Lot 1A which is visible from the centerline intersection of East Avenue and Fourth Street shall not exceed an elevation of 5921 feet (or 16 ft above the base of the lower story pole location as identified on the plat), or as determined by Mountain Overlay Design Review. Story pole shown on plat is to show location only, actual story pole will need to be reset in field if required for Design Review.</i></p> <p>Commission Finding: No portion of the proposed single-family residence exceeds an elevation of 5921' except for portions of three chimneys. Pursuant to KMC §17.08.020, chimneys are excluded from maximum building height regulations. The applicant has included a reference to the 5921' elevation on the renderings included on Sheet A-4.1 as well as the building sections indicated on Sheets A-3.1 and A-3.2.</p> <p><i>#14: The maximum building square footage for Lot 1A shall be no larger than 12,000 square feet. The maximum building footprint shall be no larger than 8,000 square feet.</i></p> <p>Commission Finding: The total proposed floor area of the single-family residence is 8,982 sq ft, which is 3,018 sq ft less than the maximum building square footage permitted pursuant to Plat Note #14. The total proposed building coverage is 5,995 sq ft, which is 2,005 sq ft less than the maximum permitted pursuant to Plat Note #14.</p> <p><i>#15: The maximum building height for any portion of Lot 1A not visible from the centerline intersection of East Avenue and Fourth Street shall not exceed 25 feet above existing grade, and/or elevation 5950 feet, at the highest point of the building envelope, or as determined by Ketchum Mountain Overlay Design Review.</i></p> <p>Commission Finding: The proposed single-family residence is contained below the 5921' elevation as prescribed by Plat Note #12.</p> <p><i>#16: The Lot 1A building height for any portion of the building below 5921 feet shall be subject to Ketchum Mountain Overlay Design Review.</i></p> <p>Commission Finding: As measured pursuant to KMC §17.08.020, the maximum building height of the proposed single-family residence is 31'-1". As indicated on Sheet A-4.1, the greatest vertical distance as measured from the lowest exposed finished grade at the garage (5889.89') to the roof ridge (5921') is 31'-1". While the 5921' elevation is referenced as a threshold maximum building height, the plat notes give the Planning &amp; Zoning Commission discretion to further restrict building height through Mountain Overlay Design Review.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>17.104.070.A.3</b></p> <p><b>Driveway standards as well as other applicable standards contained in Street Standards Chapter 12.04 are met.</b></p>

46			<b>Commission Findings</b>	<p>The driveway design shall meet all applicable sections of Chapter 12 of Ketchum Municipal Code including design criteria for private driveways (KMC §12.04.030.L), ballast thickness design (KMC §12.04.030.H), cut and fill slopes (KMC §12.04.030.I), drainage plans (KMC §12.04.030.J), and erosion protection (KMC §12.04.030.K).</p> <p>Pursuant to Fire Department requirements, the driveway must include a snowmelt system as well as an emergency turnaround.</p> <p>Prior to issuance of a Building Permit for the project, the applicant shall submit civil drawings stamped by an Idaho licensed engineer as well as a driveway profile for review and approval by the City Engineer and Streets Department. The public right-of-way adjacent to the Lava Street shall be improved to the City's right-of-way standards for local-residential street right-of-ways. Material within the first eight (8) feet from the edge of asphalt shall be (1) distinct from the driveway in order to visually appear to be available for parking, (2) pervious and permeable to enhance drainage, and (3) the surface must allow for vehicle parking and be consistent along the entire property frontage. No live plant materials or obstructions, such as boulder or berms, are permitted within the first 8 ft from the edge of asphalt.</p> <p>See Exhibit B1 for City Department comments including Fire Department, City Engineer, and Streets Department conditions. Fire Department, City Engineer, and Streets Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>17.104.070.A.4</b></p> <p><b>Commission Findings</b></p>	<p><b>All development shall have access for fire and other emergency vehicles to within one hundred fifty feet (150') of the furthest exterior wall of any building.</b></p> <p>Fire Department comments and conditions have been included with Exhibit B1 to the Staff Report. In addition to the requirements referenced in plat note #17, the Fire Department requires that all portions of the single-family residence be protected with a fire sprinkler system, the driveway must be heated and include an emergency turnaround, the roof covering and exterior of the structure must be covered in non-combustible material, and 50 ft of defensible space is required to be maintained around the residence. In addition to the 50 ft defensible space requirement, KMC §17.104.070.A9 recommends that revegetation of hillsides maintain a 30 ft clear zone around all structures in order to serve as defensible space to reduce the potential for damage to homes from wildfires. In this zone, plant species should be low-growing and fire-resistant. The proposed landscape plan shall meet NFPA Firewise standards including utilizing hardscape to minimize continuous fuels, utilizing low-growing and fire-resistant plants, reducing plant density by spacing trees and shrubs, and minimizing overlapping branches between trees and shrubs.</p> <p>Fire Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>17.104.070.A.5</b></p> <p><b>Commission Findings</b></p>	<p><b>Significant rock outcroppings are not disturbed.</b></p> <p>As indicated on Sheet L3.0 of the Pre-Application MO Design Review submittal, portions of the building and hardscape improvements were proposed to encroach outside of the recorded building envelope. Pursuant to KMC §16.04.020, building envelopes are defined as the site for location of a structure delineated on a preliminary plat and final plat within which the entire building must be constructed. The encroachment outside of the recorded building envelope was over a knoll. With the final Design Review application, the entirety of the residence and associated site improvements are contained within the recorded building envelope. The Grading Plan (Sheet L3) specifies that the existing knoll will be preserved.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>17.104.070.A.6</b></p> <p><b>Commission Findings</b></p>	<p><b>International Building Code (IBC) and International Fire Code (IFC) and Ketchum Fire Department requirements shall be met.</b></p> <p>The project must comply with the 2012 International Building Code, the 2012 International Fire Code and Ketchum Fire Department requirements, as well as Title 15 of Ketchum</p>

47				Municipal Code. All IBC, IFC, Building Department, and Fire Department requirements shall be verified and met prior to issuance of a Building Permit for the project. See City Department comments attached as Exhibit B1 to the Staff Report.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.104.070.A.7</b>	<b>Public water and sewer service comply with the requirements of the City.</b>
			<b>Commission Findings</b>	As indicated on Sheet C-1 of the submittal, the applicant has proposed connecting to the municipal water and sewer systems from existing lines within Lava Street. Requirements and specification for the water and sewer connections will be verified, reviewed, and approved by the Utilities Department prior to issuance of a Building Permit for the project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.104.070.A.8</b>	<b>Drainage is controlled and maintained to not adversely affect other properties.</b>
			<b>Commission Findings</b>	As indicated on Sheet L3 of the MO Design Review submittal, the applicant has proposed a system drywells and catch basins to control drainage on site. Pursuant to KMC §17.96.060.C.1, all storm water drainage shall be retained on site. Prior to issuance of a Building Permit, the applicant shall submit a final drainage and grading plan stamped by an Idaho licensed engineer with associated specifications and details for the proposed drywells and catch basins. All drainage plans and specifications shall be reviewed and approved by the City Engineer and Streets Department prior to issuance of a Building Permit for the project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.104.070.A.9</b>	<b>Cuts and fills allowed for roadways shall be minimized; lengths of driveways allowed shall be minimized; all cuts and fills shall be concealed with landscaping, revegetation and/or natural stone materials.</b>
			<b>Commission Findings</b>	<p><b>Revegetation on hillsides with a clear zone of thirty feet (30') around all structures is recommended. Said clear zone shall include low combustible irrigated vegetation with appropriate species, on file with the Ketchum planning department. Revegetation outside of this clear zone should be harmonious with the surrounding hillsides.</b></p> <p>As described by the applicant in the submitted Mountain Overlay District (MOD) and Design Review Ordinance/Regulations Narrative (Exhibit A4), "the proposed driveway follows the existing grade to the lowest possible portion of the allowable building envelope which is suitable for construction. The design eliminates any required cuts and/or fill in order to construct the driveway." Pursuant to Fire Department requirements, the driveway must be heated and include an emergency turnaround. Native willows, native trees, and aspens are proposed to be installed in order to conceal the driveway.</p> <p>Due to the subject property's urban interface high hazard, 50 ft of defensible space is required to be maintained around the residence pursuant to Fire Department requirements. The proposed landscape plan shall meet NFPA Firewise standards including utilizing hardscape to minimize continuous fuels, utilizing low-growing and fire-resistant plants, reducing plant density by spacing trees and shrubs, and minimizing overlapping branches between trees and shrubs.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.104.070.A.10</b>	<b>There are not other sites on the parcel more suitable for the proposed development in order to carry out the purposes of this Ordinance.</b>
			<b>Commission Findings</b>	The subject 9.83 acre property is currently undeveloped and is characterized by significant grade change from Lava Street to the rear property line. The recorded building envelope slopes uphill gaining approximately 65 ft of elevation. In addition to the Mountain Overlay design criteria and standards as specified Ketchum Municipal Code §17.104.070, development on the subject property is also subject to plat notes with additional parameters pertaining to the placement of structures on the site. No portion of the proposed single-family residence exceeds an elevation of 5921' except for portions of three chimneys. Pursuant to KMC §17.08.020, chimneys are excluded from maximum building height regulations. While Plat Note #15 extends the maximum building height for any portion of Lot 1A not visible from the centerline intersection of Ease Avenue and Fourth Street to a maximum elevation of 5950', the entirety of the proposed single-family residence is contained below the 5921' elevation as prescribed by Plat Note #12. The applicant has utilized the area of the property most suitable for development at the lower elevation of the property.

48	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.11	<b>Access traversing 25% or greater slopes does not have significant impact on drainage, snow and earth slide potential and erosion as it relates to the subject property and to adjacent properties.</b>
				Commission Findings	The proposed driveway access does not traverse 25% or greater slopes. The applicant has chosen to site the driveway at the lowest elevation of the site, which minimizes required cuts or fills.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.12	<b>Utilities shall be underground.</b>
				Commission Findings	All on-site utilities shall be located underground. The project will connect to municipal water and sewer services with Lava Street.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.13	<b>Limits of disturbance shall be established on the plans and protected by fencing on the site for the duration of construction.</b>
				Commission Findings	The limits of disturbance are indicated on Sheet L3 of the MO Design Review submittal. The limits of disturbance must be established on the construction activity plan submitted with the Building Permit application to be reviewed and approved by the Planning & Building Department prior to issuance of a Building Permit for the project. The silt and construction fencing demarcating the limits of disturbance shall be installed along the entire perimeter of the construction area and shall remain in place for the duration of construction.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.14	<b>Excavations, fills and vegetation disturbance on hillsides not associated with the building construction shall be minimized.</b>
				Commission Findings	Excavation, fill, and vegetation disturbances that are not associated with building construction have been minimized - all excavation, fill and vegetation disturbance is associated with construction of the single-family residence, driveway, and associated site improvements.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.104.070.A.15	<b>Preservation of significant landmarks shall be encouraged and protected, where applicable. A significant landmark is one which gives historical and/or cultural importance to the neighborhood and/or community.</b>
				Commission Findings	No significant landmarks have been identified on the subject property.

**Table 4: Findings Regarding Design Review Standards**

Design Review Requirements					
IMPROVEMENTS AND STANDARDS: 17.96.060					
Yes	No	N/A	City Code	City Standards and <i>Commission Findings</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(A)(1) Streets	<b>The applicant shall be responsible for all costs associated with providing a connection from an existing city street to their development.</b>	
			Commission Findings	<i>The driveway access connects to Lava Street, an existing private road.</i>	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(A)(2) Streets	<b>All street designs shall be approved by the City Engineer.</b>	
			Commission Findings	<i>No changes to the lanes of travel in the street are proposed at this time. However, should improvements be deemed necessary by the Streets Department, such designs shall be approved by the City Engineer.</i>	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(B)(1)	<b>All projects under 17.96.010(A) that qualify as a "Substantial Improvement" shall install sidewalks as required by the Public Works Department.</b>	
			Commission Findings	<i>N/A as sidewalks are not required or existing in the subject low density residential area.</i>	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(2)c	<b>Sidewalk width shall conform to the City's right-of-way standards, however the City Engineer may reduce or increase the sidewalk width and design standard requirements at their discretion.</b>	
			Commission Findings	<i>N/A</i>	
			17.96.060 (B)(3)	<b>Sidewalks may be waived if one of the following criteria is met:</b>	



49	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<p>a. The project comprises an addition of less than 250 square feet of conditioned space.</p> <p>b. The City Engineer finds that sidewalks are not necessary because of existing geographic limitations, pedestrian traffic on the street does not warrant a sidewalk, or if a sidewalk would not be beneficial to the general welfare and safety of the public.</p>
			<i>Commission Findings</i>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(4)	The length of sidewalk improvements constructed shall be equal to the length of the subject property line(s) adjacent to any public street or private street.
			<i>Commission Findings</i>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(5)	New sidewalks shall be planned to provide pedestrian connections to any existing or future sidewalks adjacent to the site. In addition, sidewalks shall be constructed to provide safe pedestrian access to and around a building.
			<i>Commission Findings</i>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(6)	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 one hundred ten percent (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.
			<i>Commission Findings</i>	N/A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(1)	All storm water shall be retained on site.
			<i>Commission Findings</i>	As indicated on Sheet L3 of the MO Design Review submittal, the applicant has proposed a system drywells and catch basins to control drainage on site. Pursuant to KMC §17.96.060.C.1, all storm water drainage shall be retained on site. Prior to issuance of a Building Permit, the applicant shall submit a final drainage and grading plan stamped by an Idaho licensed engineer with associated specifications and details for the proposed drywells and catch basins. All drainage plans and specifications shall be reviewed and approved by the City Engineer and Streets Department prior to issuance of a Building Permit for the project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(2)	Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.
			<i>Commission Findings</i>	The proposed shall drainage improvements span the width of the subject lot. See above analysis for KMC §17.96.060(C)(1).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(3)	The City Engineer may require additional drainage improvements as necessary, depending on the unique characteristics of a site.
			<i>Commission Findings</i>	The final drainage plan shall be submitted with the Building Permit to be verified, reviewed, and approved by the City Engineer and the Streets Department prior to issuance of a Building Permit for the project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(4)	Drainage facilities shall be constructed per City standards.
			<i>Commission Findings</i>	Drainage facilities shall be constructed per City standards. All drainage improvements shall be verified, reviewed, and approved by the City Engineer prior to issuance of a Building Permit for the project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(D)(1)	All utilities necessary for the development shall be improved and installed at the sole expense of the applicant.
			<i>Commission Findings</i>	The applicant is aware that any service connections to utilities are the sole responsibility of the applicant.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(D)(2)	Utilities shall be located underground and utility, power, and communication lines within the development site shall be concealed from public view.

50			<b>Commission Findings</b>	<i>All on-site utilities shall be located underground. The project will connect to existing water and sewer lines within Lava Street and the associated existing infrastructure is underground.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060(D)(3)</b>	<b>When extension of utilities is necessary all developers will be required to pay for and install two (2") inch SDR11 fiber optical conduit. The placement and construction of the fiber optical conduit shall be done in accordance with city of Ketchum standards and at the discretion of the City Engineer.</b>
			<b>Commission Findings</b>	N/A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060(E)(1)</b>	<b>The project's materials, colors and signing shall be complementary with the townscape, surrounding neighborhoods and adjoining structures.</b>
			<b>Commission Findings</b>	<i>Plat Note #19 of Lava Street Subdivision: Block 1: Lot 1A requires development to utilize natural materials and colors. The proposed material palate is included on Sheet A-4.5 of the MO Design Review submittal. Exterior materials include a charcoal standing seam metal roof, stone veneer, exposed cedar rafter tails and beams, finished cedar vertical planking and soffits, wood clad windows, steel lift and slide glass doors, as well as transparent glass connectors. Providing relief to each façade, the proposed fenestration celebrates the surrounding hillside as the window, door, and connector openings fully immerse the building within the landscape. Balancing this openness, the stone veneer, cedar, and charcoal metal roof articulate and ground the building within the hillside. The natural materials and colors harmonize with the surrounding landscape.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060(E)(2)</b>	<b>Preservation of significant landmarks shall be encouraged and protected, where applicable. A significant landmark is one which gives historical and/or cultural importance to the neighborhood and/or community.</b>
			<b>Commission Findings</b>	N/A. There are no identified landmarks on the property.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060(E)(3)</b>	<b>Additions to existing buildings, built prior to 1940, shall be complementary in design and use similar material and finishes of the building being added to.</b>
			<b>Commission Findings</b>	N/A. The subject property is currently undeveloped.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060(F)(1)</b>	<b>Building(s) shall provide unobstructed pedestrian access to the nearest sidewalk and the entryway shall be clearly defined.</b>
			<b>Commission Findings</b>	<i>N/A. No sidewalks are located in the neighborhood. The proposed site plan includes concrete walkways, which provide unobstructed pedestrian access to the patio areas.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060(F)(2)</b>	<b>The building character shall be clearly defined by use of architectural features.</b>
			<b>Commission Findings</b>	<i>Building renderings included on Sheet A-4.1 as well as the building sections indicated on Sheets A-3.1 and A-3.2. The proposed single-family residence is comprised of three masses separated by glass connectors.. Uniquely angled on the hillside, each mass is characterized by a low-profile design to minimize visual impact on the hillside. The building is characterized by significant fenestration, including the transparent glass connectors.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060(F)(3)</b>	<b>There shall be continuity of materials, colors and signing within the project.</b>
			<b>Commission Findings</b>	<i>The proposed material palate is included on Sheet A-4.5 of the MO Design Review submittal. Exterior materials include a charcoal standing seam metal roof, stone veneer, exposed cedar rafter tails and beams, finished cedar vertical planking and soffits, wood clad windows, steel lift and slide glass doors, as well as transparent glass connectors. Providing relief to each façade, the proposed fenestration celebrates the surrounding hillside as the window, door, and connector openings fully immerse the building within the landscape. Balancing this openness, the stone veneer, cedar, and charcoal metal roof articulate and ground the building within the hillside. The natural materials and colors harmonize with the surrounding landscape.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060(F)(4)</b>	<b>Accessory structures, fences, walls and landscape features within the project shall match or complement the principal building.</b>
			<b>Commission Findings</b>	<i>No accessory structures have been proposed with this project. The landscape features include paver patios, balconies, and spa areas. The boulder retaining walls and</i>

51				landscape plantings including native trees and shrubs complement the principal building.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060(F)(5)</b>	<b>Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness.</b>
			<b>Commission Findings</b>	<i>The design incorporates variation in architectural features and materials across all facades. The proposed elevation views provided by the applicant show that all building walls provide undulation and relief, serving to reduce the appearance of flatness at all facades.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060(F)(6)</b>	<b>Building(s) shall orient towards their primary street frontage.</b>
			<b>Commission Findings</b>	<i>The building orients toward Lava Street.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060(F)(7)</b>	<b>Garbage storage areas and satellite receivers shall be screened from public view and located off alleys.</b>
			<b>Commission Findings</b>	<i>No satellite receivers are proposed. This is a residential project that will not have an exterior commercial garbage receptacle that requires screening.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060(F)(8)</b>	<b>Building design shall include weather protection which prevents water to drip or snow to slide on areas where pedestrians gather and circulate or onto adjacent properties.</b>
			<b>Commission Findings</b>	<i>As conditioned, the single-family residence will meet this standard. The applicant shall install a snow fence or clips as well gutters and downspouts in order to enhance weather protection to the satisfaction of the Building Official.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060(G)(1)</b>	<b>Pedestrian, equestrian and bicycle access shall be located to connect with existing and anticipated easements and pathways.</b>
			<b>Commission Findings</b>	<i>Existing Lot 1a is encumbered by a 10 ft wide pedestrian and non-motorized access easement for access through Lava Street Subdivision through to Sun Valley Company Land. The existing easement directly borders the southern property line. As indicated on Sheet L5 of the MO Design Review submittal, the applicant has proposed an alternative trail that meanders through this area of the property. Staff has added the following recommended condition of approval regarding the proposed trail:  13. Prior to issuance of a Building Permit, the applicant shall install a public access sign at the intersection of Lava Street with subject Lot 1A to demarcate the pedestrian easement. The trail circulation as proposed by the applicant on Sheet L5 of the Design Review submittal shall be cleared of brush, shrubs, and other obstructions to a width of 5 ft in width and 8 ft in height and the tread width shall be surfaced with gravel, decomposed gravel, wood chips, or similar material.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060(G)(2)</b>	<b>Awnings extending over public sidewalks shall extend five (5') feet or more across the public sidewalk but shall not extend within two (2') feet of parking or travel lanes within the right of way.</b>
			<b>Commission Findings</b>	<i>N/A.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060(G)(3)</b>	<b>Traffic shall flow safely within the project and onto adjacent streets. Traffic includes vehicle, bicycle, pedestrian and equestrian use. Consideration shall be given to adequate sight distances and proper signage.</b>
			<b>Commission Findings</b>	<i>Lava Street is located in a low-traffic residential and traffic is anticipated to flow safely within the project and onto adjacent streets.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060(G)(4)</b>	<b>Curb cuts and driveway entrances shall be no closer than twenty (20') feet to the nearest intersection of two or more streets, as measured along the property line adjacent to the right of way. Due to site conditions or current/projected traffic levels or speed, the City Engineer may increase the minimum distance requirements.</b>
			<b>Commission Findings</b>	<i>The driveway entrances are located over 150 ft from the nearest intersection located at Lava Street and S Leadville Avenue.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060(G)(5)</b>	<b>Unobstructed access shall be provided for emergency vehicles, snowplows, garbage trucks and similar service vehicles to all necessary locations within the proposed project.</b>

52			<b>Commission Findings</b>	<p>Unobstructed access to the site is provided by Lava Street. The driveway design shall meet all applicable sections of Chapter 12 of Ketchum Municipal Code including design criteria for private driveways (KMC §12.04.030.L), ballast thickness design (KMC §12.04.030.H), cut and fill slopes (KMC §12.04.030.I), drainage plans (KMC §12.04.030.J), and erosion protection (KMC §12.04.030.K).</p> <p>Pursuant to Fire Department requirements, the driveway must include a snowmelt system as well as an emergency turnaround.</p> <p>See Exhibit B1 for City Department comments including Fire Department, City Engineer, and Streets Department conditions. Fire Department, City Engineer, and Streets Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060(H)(1)</b>	<b>Snow storage areas shall not be less than thirty percent (30%) of the improved parking and pedestrian circulation areas.</b>
			<b>Commission Findings</b>	Pursuant to Fire Department requirements, the driveway shall be heated. As indicated on Sheet L2, the applicant has also provided 2,300 sq ft of snow storage on site.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060(H)(2)</b>	<b>Snow storage areas shall be provided on-site.</b>
			<b>Commission Findings</b>	The applicant has proposed both a snowmelt system and 2,300 sq ft of snow storage on site.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060(H)(3)</b>	<b>A designated snow storage area shall not have any dimension less than five (5') feet and shall be a minimum of twenty five (25) square feet.</b>
			<b>Commission Findings</b>	The designated snow storage exceed these dimensions.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060(H)(4)</b>	<b>In lieu of providing snow storage areas, snow melt and hauling of snow may be allowed.</b>
			<b>Commission Findings</b>	The applicant has proposed a snow melt system for all vehicular circulation areas.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060(I)(1)</b>	<b>Landscaping is required for all projects.</b>
			<b>Commission Findings</b>	Landscape plans have been submitted with this proposal.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060(I)(2)</b>	<b>Landscape materials and vegetation types specified shall be readily adaptable to a site's microclimate, soil conditions, orientation and aspect, and shall serve to enhance and complement the neighborhood and townscape.</b>
			<b>Commission Findings</b>	Pursuant to Fire Department requirements, 50 ft of defensible space is required to be maintained around the residence. In addition to the 50 ft defensible space requirement, KMC §17.104.070.A9 recommends that revegetation of hillsides maintain a 30 ft clear zone around all structures in order to serve as defensible space to reduce the potential for damage to homes from wildfires. In this zone, plant species should be low-growing and fire-resistant. The proposed landscape plan shall meet NFPA Firewise standards including utilizing hardscape to minimize continuous fuels, utilizing low-growing and fire-resistant plants, reducing plant density by spacing trees and shrubs, and minimizing overlapping branches between trees and shrubs.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060(I)(3)</b>	<b>All trees, shrubs, grasses and perennials shall be drought tolerant. Native species are recommended but not required.</b>
			<b>Commission Findings</b>	As noted on Sheet L2, the applicant has indicated that the proposed landscape materials include native trees and shrubs. The applicant has incorporated an irrigated area into the landscape design in order to serve as a defensible space buffer.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060(I)(4)</b>	<b>Landscaping shall provide a substantial buffer between land uses, including, but not limited to, structures, streets and parking lots. The development of landscaped public courtyards, including trees and shrubs where appropriate, shall be encouraged.</b>
			<b>Commission Findings</b>	The landscaping proposed for this residential project in the Mountain Overlay is appropriate. With the Pre-Application MO Design Review submittal, the applicant

53				<p><i>included a conceptual perspective from the intersection of 4th Street and East Avenue. The perspective image included landscaping with healthy green foliage, which serves to enhance screening. During review of the Pre-Application, the Commission commented that the proposed Swedish Aspens will not provide the same degree of screening during the winter season when the existing trees lose their foliage. The Commission recommended installing Douglas Fir trees instead of Swedish Aspen to enhance screening the single-family residence on the hillside from this view corridor. As indicated on Sheet L2 of the MO Design Review submittal, the applicant modified the landscape plan and has proposed installing ten Evergreen trees to screen the building from the intersection of East Avenue and Fourth Street.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060(J)(1)</b>	<p><b>Where sidewalks are required, pedestrian amenities shall be installed. Amenities may include, but are not limited to, benches and other seating, kiosks, bus shelters, trash receptacles, restrooms, fountains, art, etc. All public amenities shall receive approval from the Public Works Department prior to design review approval from the Commission.</b></p>
			<b>Commission Findings</b>	<p><i>N/A. Sidewalks are not required for the project.</i></p>

**CONCLUSIONS OF LAW**

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the Ordinances and regulations, which Ordinances are codified in the Ketchum City Code (“KMC”) and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which City Ordinances govern the Applicant’s Mountain Overlay Design Review Application for the development and use of the project site.
2. The Commission has authority to hear the applicant’s Design Review Application pursuant to Chapter 17.96 of Ketchum Code Title 17.
3. The City of Ketchum Planning Department provided adequate notice for the review of this application.
2. The Mountain Overlay Design Review Application is governed under Ketchum Municipal Code Chapters 17.96, 17.104, 17.92, 17.124, and 17.128.
3. The proposed Mountain Overlay Design Review for the development of a new single-family residence meets the standards of approval under Title 17 of KMC subject to conditions of approval.

**DECISION**

**THEREFORE**, the Ketchum Planning and Zoning Commission **approves** this Design Review application this Monday, September 9<sup>th</sup>, 2019 subject to the following conditions

**CONDITIONS OF APPROVAL**

1. The applicant shall comply with all City Department conditions in Exhibit B1 and all Planning & Zoning Conditions as specified in Exhibits B2, B3, and B4.
2. All governing ordinances, requirements, and regulations of the Fire Department (2012 International Fire Code and local Fire Protection Ordinance No.1125), Building Department (2012 International Building Code, the 2012 International Residential Code, and Title 15 of Ketchum Municipal Code), Utilities Department, Street Department (Title 12 of Ketchum Municipal Code), and the City Engineer shall be met prior to the issuance of a Certificate of Occupancy for the project.

3. As the property is located within the Avalanche Zone, the project shall comply with all applicable standards specified in Chapter 17.92 Avalanche Zone District prior to issuance of a Building Permit for the project.
4. Prior to issuance of a Building Permit, the applicant shall submit final civil drawings stamped by an Idaho licensed engineer including a driveway profile as well as a final drainage and grading plan for review and approval by the City Engineer and Streets Department.
5. The applicant shall submit a Street and Alley Digging, Excavation, and Trenching (“DIG”) Permit application with an associated traffic control plan for all construction work within the City right-of-way to be reviewed and approved by the Streets Department. The use of City right-of-way for construction including the closure of adjacent streets or sidewalks requires a Temporary Use of Right-of-Way Permit (“TURP”).
6. The silt and construction fencing demarcating the limits of disturbance shall be installed along the entire perimeter of the construction area and shall remain in place for the duration of construction.
7. This Design Review approval is based on the plans and information presented and approved at the meeting on the date noted herein. Building Permit plans must conform to the approved Design Review plans unless otherwise approved in writing by the Planning and Zoning Commission or Administrator. Any building or site discrepancies which do not conform to the approved plans will be subject to removal.
8. All new exterior lighting on the property shall be in compliance with Ketchum Municipal Code, Chapter 17.132, Dark Skies. Exterior lighting shall be inspected by Planning Staff and conformity shall occur prior to issuance of Certificate of Occupancy for the project.
9. Design Review approval shall expire one year from the date the Findings of Fact, Conclusions of Law, and Decision are adopted by the Planning & Zoning Commission, unless an extension is requested and granted consistent with KMC §17.96.090.
10. In addition to the requirements set forth in this Design Review approval, this project shall comply with all applicable local, state, and federal laws.
11. The proposed retaining and site walls as indicated on Sheets L2 and L3 of the MO Design Review submittal shall not exceed 4 feet when located less than 30 ft from the front property line and shall not exceed 6 ft when located more 30 ft from the front property line.
12. The existing cistern associated with the Grant of Irrigation Pipeline Easement (Instrument #478786) and the existing pipeline from the spring source of Water Right 37-7787 to the cistern shall be protected and preserved throughout the duration of construction and any damage to the cistern or pipeline associated with construction activity shall be repaired and replaced at the sole expense of the applicant. As offered by the applicant, the proposed water line shall include a stub to Tax Lot 7318 in the vicinity of the associated Grant of Access Easement recorded as Instrument #478787.
13. No permanent encroachment including landscaping, structure, or use shall be permitted within the Grant of Access Easement dated February 17, 2003 and recorded as Instrument No. 478787. The access easement shall be indicated on the site plans submitted with the Building Permit application. If temporary encroachment for vehicle parking or material storage within the access easement is proposed as part of the construction management plan, then the applicant shall submit written consent from the easement beneficiary prior to issuance of a Building Permit for the project.
14. Prior to issuance of a Building Permit, the applicant shall install a public access sign at the intersection of Lava Street with subject Lot 1A to demarcate the pedestrian easement. The trail circulation design as proposed by the applicant on Sheet L5 of the Design Review submittal shall be finalized and approved by the Planning & Building Department prior to installation. The applicant shall amend the 10 ft wide pedestrian and non-motorized access easement to reflect the new trail circulation and record the amended easement prior to issuance of a Certificate of Occupancy for the project.
15. In accordance of Plat Note #13 of Lava Street Subdivision: Block 1: Lot 1A, the applicant shall incorporate three (3) Douglass Fir trees to the proposed landscape plan.

55 Findings of Fact **adopted** this 12<sup>th</sup> day of November, 2019.

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Neil Morrow, Chair  
City of Ketchum  
Planning and Zoning Commission



City of Ketchum  
Planning & Building

**STAFF REPORT**  
**KETCHUM PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING OF NOVEMBER 12, 2019**

**PROJECT:** Scott Glenn Acting Studio Work/Live Conditional Use Permit

**FILE NUMBER:** P19-120

**OWNER:** Scott & Carol Glenn

**REPRESENTATIVE:** Rio Glenn

**REQUEST:** Conditional Use Permit (CUP) for a Work/Live Unit

**LOCATION:** 491 E 10<sup>th</sup> Street A12 (Tenth Street Light Industrial Complex: Building A: Unit 12)

**ZONING:** Light Industrial Number 2 (LI-2) Zoning District

**OVERLAY:** None

**NOTICE:** Notice was mailed to property owners within a 300-foot radius and was published in the Idaho Mountain Express on October 23, 2019. Notice was posted at the subject location and on the city website on November 5, 2019. As of the publication of this Staff Report, the Planning & Building Department has received no public comment regarding this application.

**REVIEWER:** Abby Rivin, Associate Planner

**EXHIBITS:** A. Application  
B. Floor Plan

**BACKGROUND**

Scott and Carol Glenn have applied for a Conditional Use Permit to bring into compliance an existing work/live unit within the LI-2 Zoning District. An actor starring in movies including Urban Cowboy and the Right Stuff, Scott Glenn has utilized the unit as an artist studio to rehearse, train, and write poetry for over 20 years. The use is classified as a commercial studio and is permitted within all three of the light industrial zoning districts.

Commercial Studios are defined by Ketchum Municipal Code §17.08.020 as follows:

*Work space within an enclosed structure for artists and artisans, including individuals practicing, teaching, or demonstrating in one of the fine arts or performing arts, or skilled in an applied art or craft. Also includes recording studios. Incidental retail sales of items produced on the premises is allowed. A commercial studio may hold occasional events solely and exclusively in connection with the permitted uses conducted by the commercial studio. The events shall be subordinate in nature to the commercial studio and subject to the standards of section 17.124.150 of this title (KMC §17.08.020).*



57 Work/live units are a new category of residential use permitted in the light Industrial zoning districts, made possible through the light industrial zone amendments considered by the Planning and Zoning Commission and City Council in 2018 and 2019. Work/live units are permitted in the LI-2 zone provided a Conditional Use Permit for the live component is approved by the Planning and Zoning Commission.

Work/Live units are defined by Ketchum Municipal Code §17.08.020 as follows:

*Work/Live units incorporate residential living space in a non-residential building. Work/live units are held jointly in common ownership and the work and live spaces cannot be sold or platted as separate condominiums, as documented with a City-approved restrictive covenant recorded against the property (KMC §17.08.020).*

The existence of the work/live use was discovered during the City's publicized efforts to locate and bring non-conforming and unpermitted residential living spaces in the LI zones into compliance with building, fire, and zoning codes. The Building and Fire departments have inspected the subject unit and identified that the existing guardrails and handrails were noncompliant with International Building Code Sections 1011.5.2 and 1011.11, no egress window was provided within the sleeping area, and smoke detectors needed to be installed within the residential space. The applicant is remedying these code compliance issues identified by the Fire and Building departments.

#### **ANALYSIS**

Introduction of the new work/live category gives the Commission discretion to consider new site-specific characteristics of proposed work/live units on a case by case basis. Unlike other Conditional Use Permit applications for dwelling units or work/live units in the light industrial districts, this application is unique as the live space is not classified as a dwelling unit pursuant to Ketchum Municipal Code §17.08.020, which requires that dwelling units include a kitchen. The primary component of the live space is a bedroom within the upstairs loft, which is used for naps and occasionally as a bedroom for guests. The one bathroom that serves the unit is located on the ground floor within the commercial studio. As opposed to other Conditional Use Permits issued for residential spaces in the light industrial zoning district, this application would not conditionally permit a dwelling unit, but rather would conditionally permit the residential components associated with the existing commercial studio. The CUP will memorialize that the actor or occasional guests may sleep within the commercial studio, which will flag the subject unit A12 for residential occupancy for emergency services.

Staff has recommends the Planning & Zoning Commission consider the analysis contained in Tables 1-5 of the Staff Report, the applicant submittal included as Exhibits 1 and 2, any public comment received, deliberate, and move to approve the Scott Glenn Acting Studio Work/Live CUP subject to conditions.

In order to recommend approval, Staff has made two interpretations for the Planning & Zoning Commission to consider in their analysis of the subject Conditional Use Permit application:

(1) The Scott Glenn Acting Studio is a private commercial studio used by the property owner to practice the performing arts, which is a permitted use in the LI-2 Zone. The private practice of the fine and performing arts is expressly permitted in the definition of commercial studio pursuant to KMC §17.08.020. The work component associated with this Conditional Use Permit is for private use and not associated with a business that will be open to the public; and

(2) The residential or "live" areas include the bedroom within the upstairs loft and the ground floor bathroom. No physical separation is provided between the live and work components of the unit. As the live portion does not include a kitchen, the residential area is not classified as a dwelling unit pursuant to KMC §17.08.020. The bathroom on the ground floor serves both the commercial studio work component and the live component. IF approved by the Planning & Zoning Commission, the subject CUP will not permit a distinct dwelling unit, but

Whether the CUP will permit a work/live configuration memorializing that the actor and occasional guests may sleep within the commercial studio.

Staff has added a recommended condition of approval that no kitchen, which as defined by KMC §17.08.020 is a room used for cooking of food containing a sink, refrigerator, and cooking facilities including a range or built-in cooktop, may be installed within unit A12.

**Table 1. Comprehensive Plan Analysis**

<p><b>Land Use Category:</b>  <b>Mixed-Use Industrial</b></p> <p><b>PRIMARY USES</b>  <i>Light manufacturing, wholesale, services, automotive, workshops, studios, research, storage, construction supply, distribution and offices make up the bulk of development within this district.</i></p> <p><b>SECONDARY USES</b>  <i>A limited range of residential housing types, and supporting retail are provided for within this category. Uses should generate little traffic from tourists and the general public.</i></p> <p><b>CHARACTERISTICS AND LOCATION</b>  <i>The Mixed-Use Industrial category is intended to provide critical lands for Ketchum’s economic growth and entrepreneurial opportunity within a vibrant business district where people can work and live in the same area.</i></p>
<p>The proposed use, a work/live unit with a commercial studio being the work component, meets both the primary and secondary intention of the light industrial area.</p>
<p><b>Policy E-2(e) Live-Work Opportunities and Home Businesses</b>  <i>Support small home-based businesses that allow people to live and work from their residences and evaluate existing home-occupation, live/work, and related land use standards.</i></p>
<p>The proposed use is work/live.</p>
<p><b>Policy H-1.4 Integrated Housing in Business and Mixed-Use Areas</b>  <i>Housing should be integrated into the downtown core and light industrial areas, and close to the ski bases, The resulting mix of land use will help promote a greater diversity of housing opportunities as well as social interactions.</i></p>
<p>The proposal integrates a sleeping area into the light industrial area of an existing mixed-use building.</p>

**Table 2. City Department Comments**

City Department Comments			
Compliant			City Department Comments
Yes	No	N/A	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Fire:</b> The sleeping area within Unit A12 requires the installation of an egress window and smoke detector. The property owner is currently working to remedy these code compliance issues.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>City Engineer and Streets Department:</b> As the project does not qualify as a substantial improvement, no right-of-way improvements are required.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Utilities:</b> As the project does not qualify as a substantial improvement, no utility improvements are required.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Building:</b>

			The existing guardrails and handrails were noncompliant with International Building Code Sections 1011.5.2 and 1011.11. The property owner is currently working to remedy these code compliance issues.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Planning and Zoning:</b> Comments are denoted throughout the Staff Report.

**Table 3. Standards for Residential, Light Industrial Districts**

<b>IMPROVEMENTS AND STANDARDS: 17.124.090 – RESIDENTIAL, LIGHT INDUSTRIAL DISTRICTS:</b>				
Residential units in the light industrial districts shall comply with the following minimum criteria:				
Yes	No	N/A	City Code	City Standards and Staff Comments
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.124.090 A (1)</b>	<b>Dwelling units shall not occupy the ground floor.</b>
			<b>Staff Comments</b>	<i>As the live component does not include a kitchen, the live space does not qualify as a dwelling unit as defined by Ketchum Municipal Code §17.08.020.</i>  <i>The sleeping area is located within the upstairs loft. The living space is used for naps and occasionally as a room for guests who visit the area. The work/live unit includes one bathroom, which is located within the ground floor.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.124.090 A (2)</b>	<b>Design review under chapter 17.96 of this title shall be required whether new building, addition to existing building or remodel of existing building.</b>
			<b>Staff Comments</b>	<i>Design Review is not required as this application does not change the exterior of the building.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.124.090 A (3)</b>	<b>Dwelling Units: Unless otherwise specified in this section, up to fifty percent (50%) of any light industrial building may be devoted to dwelling units and up to fifty percent (50%) of a work/live unit's gross floor area may be devoted to the residential portion of a work/live unit.</b>
			<b>Staff Comments</b>	<i>N/A</i>  <i>As the live component does not include a kitchen, the live space does not qualify as a dwelling unit as defined by Ketchum Municipal Code §17.08.020.</i>  <i>The total square footage of the condominium unit, per the Blaine County Assessor records, is 1,407 square feet. The bedroom is located within the upstairs loft. The bathroom is within the commercial studio on the ground floor.</i>  <i>The Tenth Street Light Industrial Complex consists of two buildings A and B. The application does not add an additional dwelling unit to building A, but rather memorializes that the actor and guests may occasionally sleep within the commercial studio.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.124.090 A (4)</b>	<b>Individual Units: Except as set forth in the following instances noted herein below, dwelling units shall not be separated in any manner for sale as individual units and may only be leased or rented. The instances where dwelling units may be sold are limited to:</b>
				<ul style="list-style-type: none"> <li>a. City approved work/live units, as defined in chapter 17.08 of this title and subsection A5 of this section;</li> <li>b. Three-story projects in the LI-3 where not less than one-third (1/3) of the total square footage of housing units includes deed restricted community housing that are for sale consistent with subsection B of this section;</li> <li>c. Four-story and five-story projects in LI-2 and LI-3 where not less than two-thirds (2/3) of the total square footage of housing units includes deed restricted community housing units that are for sale consistent with subsection A7 of this section;</li> <li>d. Existing non-conforming single-family dwellings existing in the LI-1 prior to adoption of Ketchum City Ordinance #85, as enacted on May 27, 1965;</li> </ul>

				<p><b>e. Existing condominiums and work/live units with less than one thousand (1,000) square feet of residential gross floor area that have a valid residential conditional use permit prior to the adoption of this section as published.</b></p>
			<p><b>Staff Comments</b></p>	<p><i>N/A as the Conditional Use Permit application does not include a discrete dwelling unit. The CUP memorializes a bedroom within an existing commercial studio. The Tenth Street Light Industrial Complex was developed and condominiumized as individually-owned units. Scott and Carol Glenn have owned the subject unit for over 20 years.</i></p>
<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><b>17.124.090 A (5)</b></p>	<p><b>Work/Live Units: In the approval of work/live units, the City shall also find that:</b></p> <p><b>a. The work portion of the unit meets the definition of work/live unit set forth in section 17.08.020 of this title, including that the project is subject to Council approval of a restrictive covenant;</b></p> <p><b>b. The work unit is:</b></p> <ul style="list-style-type: none"> <li>(1) Suitable for on-site employees, foot traffic/customers, and meets applicable Building and Fire Codes;</li> <li>(2) Signed and posted with regular hours of operation;</li> <li>(3) Served by the prominent means of access for the work/live unit; and,</li> <li>(4) Associated with a business license for a use allowed (either conditionally or permitted) in the district.</li> </ul> <p><b>c. The residential portion of the living space is secondary to the primary use as a place of work. A finding that the residential space is secondary to the work space shall be based on measurable findings, including but not limited to:</b></p> <ul style="list-style-type: none"> <li>(1) The size of the live portion of the work/live unit is both smaller than the work portion of the unit and, further, the live portion of the work/live unit does not exceed one thousand (1,000) gross square feet;</li> <li>(2) Means of access to the residential portion of the unit is not prominent and, preferably, is located to the side or rear of the property; and</li> <li>(3) Suitable residential parking that does not interfere with snow removal or the operation of proximate LI uses and, further, is in accordance with the parking and loading requirements set forth in chapter 17.125 of this title.</li> </ul>
			<p><b>Staff Comments</b></p>	<ul style="list-style-type: none"> <li>a) <i>Scott Glenn's acting studio meetings the definition of a work/live unit as residential living areas, which include the bedroom, is located within the upstairs loft of his commercial studio or the work component. .</i></li> <li>b) <i>1. The work component of the live/work unit is Scott Glenn's private commercial studio, which is a permitted use in the LI-2 Zone. The commercial studio is not served by on-site employees and does not include customers. The work space is solely for Scott Glenn to practice the fine and performing arts, which is expressly permitted as a use in the LI-2 Zone. As conditioned, the unit will meet all Building and Fire codes as the property owner is currently addressing and remedying any outstanding code compliance issues.</i></li> <li><i>2. N/A as the work component is a commercial studio used solely by the property owner to practice the fine and performance arts.</i></li> <li><i>3. The commercial studio is served by the prominent means of access for the work/live unit.</i></li> <li><i>4. N/A the work component is a commercial studio used solely by the property owner practicing performance arts.</i></li> <li>c) <i>The living area, which includes the bedroom within the upstairs loft, is secondary to the commercial studio.</i></li> </ul>

				<ol style="list-style-type: none"> <li>1. The size of the upstairs loft, which contains the bedroom, as well as the downstairs bathroom are less than 1,000 gross sq ft.</li> <li>2. The residential portion of the unit is accessed from stairs located on the side of the unit.</li> <li>3. Adequate parking is provided within the Tenth Street Light Industrial complex for the existing commercial studio.</li> </ol>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.124.090 A (6)	<p><b>Size: Dwelling units in the Light Industrial District shall be a minimum of four hundred (400) square feet. In the LI-1 and LI-2 no individual dwelling unit shall exceed a maximum of two thousand (2,000) square feet, contain more than two (2) bedrooms, and all units shall not exceed a mean average of one thousand (1,000) square feet.</b></p> <p><b>Staff Comments</b> N/A. As the live component does not include a kitchen, the live space does not qualify as a dwelling unit as defined by Ketchum Municipal Code §17.08.020.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.124.090 A (7)	<p><b>Fourth Or Fifth Floor: Buildings proposing a fourth or fifth floor with a qualifying ground floor consistent with section 17.12.050 of this title shall comply with the following minimum criteria:</b></p> <ol style="list-style-type: none"> <li>a. If dwelling units are to be sold, a minimum of two-thirds (2/3) of the total square footage of housing units shall be for deed restricted community housing units that are for sale and the deed restricted community housing units shall be designed and administered in accordance with the Blaine-Ketchum housing authority guidelines;</li> <li>b. The area designated as light industrial shall be as follows:             <ol style="list-style-type: none"> <li>(1) The area designated as light industrial shall be a minimum of twenty five percent (25%) of the gross floor area in four story buildings.</li> <li>(2) The area designated as light industrial shall be a minimum of twenty percent (20%) of the gross floor area in five story buildings.</li> <li>(3) Subject light industrial use shall not be for personal storage by dwelling occupants;</li> </ol> </li> <li>c. Up to seventy five percent (75%) of the gross square footage of any four-story building and up to eighty percent (80%) of the gross square footage of a five story building may be devoted to dwelling units; and</li> <li>d. Unless otherwise deemed appropriate by the Administrator, common area allocation shall be assessed at a LI to residential ratio of 1:1 for four story buildings and 2:3 for five story buildings.</li> </ol> <p><b>Staff Comments</b> N/A</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (8)	<p><b>Anti-Nuisance And Notice Provisions:</b></p> <ol style="list-style-type: none"> <li>a. The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the City will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.</li> <li>b. All persons who rent or sublet any residential living unit within the Light Industrial Zones shall provide the tenant, lessee or subtenant with written notice that such unit is located within the Light Industrial Zone and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities.</li> <li>c. Each and every real estate agent, sales person and broker and each and every private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such Light Industrial Zones shall, upon first inquiry, provide the prospective lessee or tenant, prior to viewing such real property, with written notice that such real property and/or structure is located within such Light Industrial Zone.</li> </ol>

				<p><b>d. All brochures and other printed materials advertising rental or lease of a living unit within the Light Industrial Zones shall contain a provision designating that such unit or units are located within the Light Industrial Zone and are within a mixed use area. Lessees and tenants shall be notified that the residential uses within the Light Industrial Zone are subordinate and, therefore, junior in nature to the legal light industrial activities within the zone.</b></p>
			<b>Staff Comments</b>	<i>Scott Glenn has owned and used the subject unit as his commercial studio for over 20 years. The property owner is aware of the nature of the light industrial zone and is aware of the other standards within this section.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.124.090 A (9)</b>	<p><b>Compliance: Compliance with all applicable code sections, including among others, the City's parking and loading standards as set forth in chapter 17.125 of this title, except that if a parking reduction is requested through a Transportation Demand Management Plan per section 17.125.090 of this title, the reduction request shall be submitted to the Zoning Administrator and the Ketchum City Council will determine if such request shall be approved.</b></p>
			<b>Staff Comments</b>	<i>The existing commercial studio does not host events for the public and is solely used by Scott Glenn in his practice of the fine and performing arts. Pursuant to KMC §17.125.020.A.1, off-street parking standards apply to new established uses. Scott Glenn has used the subject unit as his artist studio for over 20 years.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.124.090 A (10)</b>	<p><b>Conditions: Conditions including, but not limited to, the following may be attached to the conditional use permit approval:</b></p> <ul style="list-style-type: none"> <li>a. Access to the residential units relative to design and relationship to light industrial uses, including suitable access consistent with adopted City standards;</li> <li>b. Separation of residential and light industrial parking on the site to minimize conflicts;</li> <li>c. Restrictions on exterior storage of personal property of tenants;</li> <li>d. Certificate of occupancy required prior to occupancy of units;</li> <li>e. Ketchum Fire Department and Ketchum Building Department requirements shall be met prior to occupancy;</li> <li>f. Snow removal required to ensure utility of residential spaces and non-interference with continuous LI operations;</li> <li>g. Any portion or all waived fees become due and payable upon conversion of resident housing unit(s) to light industrial uses;</li> <li>h. Construction techniques that aid sound proofing and limit externalities of LI noise and use impacts on residences is encouraged;</li> <li>i. Provision for and reasonable extension of sidewalks to assure safe pedestrian access; and/or,</li> <li>j. Any other condition deemed to enhance the purposes under this use, or to establish or promote the criteria referenced in subsections A1 through A10 of this section.</li> </ul>
			<b>Staff Comments</b>	<i>Recommended conditions of approval are specified in the Staff Report below. The Planning &amp; Zoning Commission may attach additional conditions of approval to the Conditional Use Permit as specified by KMC §17.124.090.A10.</i>

**Table 4. Conditional Use Permit Requirements**

Conditional Use Requirements				
EVALUATION STANDARDS: 17.116.030 and § 67-6512 of Idaho Code				
A conditional use permit shall be granted by the commission only if the applicant demonstrates the following:				
Compliance and Analysis				
Yes	No	N/A	City Code	City Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(A)	The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district.

			<b>Staff Comments</b>	<p><i>The Light Industrial Number Two (LI-2) District allows for a variety of permitted and conditionally permitted uses ranging from manufacturing to personal service to wholesaling to automotive uses. Per KMC §17.18.150, the purpose of the LI-2 Zone is to, “provide for a permanent year round employment base and the location of light manufacturing, wholesale trade and distribution, research and development, service industries, limited related, bulk retail and offices related to building, maintenance and construction and which generate little traffic from tourists and the general public.”</i></p> <p><i>Many permitted light industrial uses, such as manufacturing, maintenance service facilities, repair shops, and motor vehicle service, may not occur elsewhere within the City of Ketchum, and these uses are largely permitted by-right in this district by right. In contrast, residential dwellings are permitted by Conditional Use Permit only – in order to both mitigate the impact of residential uses on light industrial operations and to ensure the proposed residential will be located and constructed in such a manner that existing light industrial has limited negative externalities on it.</i></p> <p><i>The proposed work/live unit includes a use that aligns with the LI zoning districts, a commercial studio, and the conditionally permitted residential use. Several work/live configurations have been issued for units within the 10<sup>th</sup> Street Light Industrial building. As such, Staff finds that the proposed live/work use is not unreasonably incompatible with the types of uses permitted in this district.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(B)</b>	<p><b>The conditional use will not materially endanger the health, safety and welfare of the community.</b></p> <p><b>Staff Comments</b></p> <p><i>The Building and Fire departments have inspected the subject unit and identified that the existing guardrails and handrails were noncompliant with International Building Code Sections 1011.5.2 and 1011.11, no egress window was provided within the sleeping area, and smoke detectors needed to be installed within the residential space. The applicant is remedying these code compliance issues identified by the Fire and Building departments.</i></p> <p><i>Staff has required a recommended condition of approval requiring the applicant submit Building Permit application for the installation of the required egress windows, handrails, guardrails, and smoke detectors with the scope of work to be completed by January 1, 2020. Upon receipt of the Certificate of Occupancy the work/live unit will not endanger the health, safety, and welfare of the public.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(C)</b>	<p><b>The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.</b></p> <p><b>Staff Comments</b></p> <p><i>The applicant intends to use the space to practice the performing arts. As such, vehicular and pedestrian traffic associated with the use will be low-volume and is not anticipated to be hazardous or conflict with existing or anticipated traffic in the vicinity.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(D)</b>	<p><b>The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts.</b></p> <p><b>Staff Comments</b></p> <p><i>The Tenth Street Light Industrial complex was developed in 1981 and is adequately served by all public services. The existing building and this unit are adequately served by public facilities and services. Use of this unit for the existing commercial studio does adversely affect the delivery of public services to the surrounding area.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(E)</b>	<p><b>The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this section.</b></p> <p><b>Staff Comments</b></p> <p><i>As described in Table 1 of this Staff Report and 17.116.030(A) of this table, the conditional use aligns with, rather than conflicts with, the policies of the Comprehensive Plan and the basic purposes of this section.</i></p>

64 The Planning and Zoning Commission may attach additional conditions to the application approval as it determines necessary in order to ensure the residential use is compatible with the vicinity and adjoining uses, mitigate adverse impacts, and enhance public health, safety, and welfare. Such conditions may include, but are not limited to (KMC §17.116.050):

- A. Minimizing adverse impact on other development;
- B. Controlling the sequence and timing of development;
- C. Controlling the duration of development;
- D. Assuring that development is maintained properly;
- E. Designating the exact location and nature of development;
- F. Requiring the provision for on site or off site public facilities or services;
- G. Requiring more restrictive standards than those generally required in an ordinance; and
- H. Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the city.

Additionally, KMC §17.124.090 pertaining to residential standards in light industrial districts states that the following conditions may be attached to the Conditional Use Permit:

- A. Access to the apartments relative to design and relationship to light industrial uses;
- B. Location of residential and light industrial parking on the site;
- C. Restrictions on exterior storage of personal property of tenants;
- D. Certificate of Occupancy required prior to occupancy of units;
- E. Ketchum Fire Department and Ketchum Building Department requirements shall be met prior to occupancy;
- F. Permit shall be reviewed when light industrial occupancies within the building change;
- G. Snow removal required to ensure utility of residential spaces;
- H. Such proof of long term occupancy as deemed appropriate;
- I. Any portion or all waived fees become due and payable upon conversion of resident housing unit(s) to light industrial uses; and/or
- J. Any other condition deemed to enhance the purposes under this use, or to establish or promote the criteria referenced in subsections A1 through A9 of this section.

#### **STAFF RECOMMENDATION**

Staff recommends approval of the work/live application with conditions.

#### **RECOMMENDED MOTION**

"I move to approve the Scott Glenn Acting Studio Work/Live Conditional Use Permit with conditions 1-10."

#### **RECOMMENDED CONDITIONS**

- 1.** The Conditional Use Permit is non-transferable from parcel of land or condominium unit to another.
- 2.** The residential living area shall not exceed one thousand (1,000) square feet total and shall contain no more than two (2) bedrooms.
- 3.** Because of the mixed-use nature of this space, the Fire Marshal shall conduct routine inspections of the work/live building.
- 4.** Inspections by Planning staff to ensure requirements with the Conditional Use Permit conditions may be scheduled at the discretion of staff.
- 5.** The applicant submit Building Permit application for the installation of the required egress windows, handrails, guardrails, and smoke detectors with the scope of work to be completed by January 1, 2020.
- 6.** No kitchen, which as defined by KMC §17.08.020 is a room used for cooking of food containing a sink, refrigerator, and cooking facilities including a range or built-in cooktop, may be installed within unit A12.



7. The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the city will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.
8. Each and every real estate agent, sales person and broker and each and every private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such light industrial zones shall, upon first inquiry, provide the prospective lessee or tenant, prior to viewing such real property, with written notice that such real property and/or structure is located within such light industrial zone.
9. All brochures and other printed materials advertising rental or lease of a living unit within the light industrial zones shall contain a provision designating that such unit or units are located within the light industrial zone and are within a mixed-use area. Lessees and tenants shall be notified that the residential uses within the light industrial zone are subordinate and, therefore, junior in nature to the legal light industrial activities within the zone.

## EXHIBITS

- A. Application
- B. Floor Plan

# Exhibit A: Application



City of Ketchum  
Planning & Building

OFFICIAL USE ONLY	
File Number:	P19-120
Date Received:	10-15-19
By:	mp
Fee Paid:	1100-
Approved Date:	
Denied Date:	
By:	

### Conditional Use Permit Application

Submit completed application and payment to the Planning and Building Department, PO Box 2315, Ketchum, ID 83340 or hand deliver to Ketchum City Hall, 480 East Ave. N., Ketchum. If you have questions, please contact the Planning and Building Department at (208) 726-7801. To view the Development Standards, visit the City website at: [www.ketchumidaho.org](http://www.ketchumidaho.org) and click on Municipal Code.

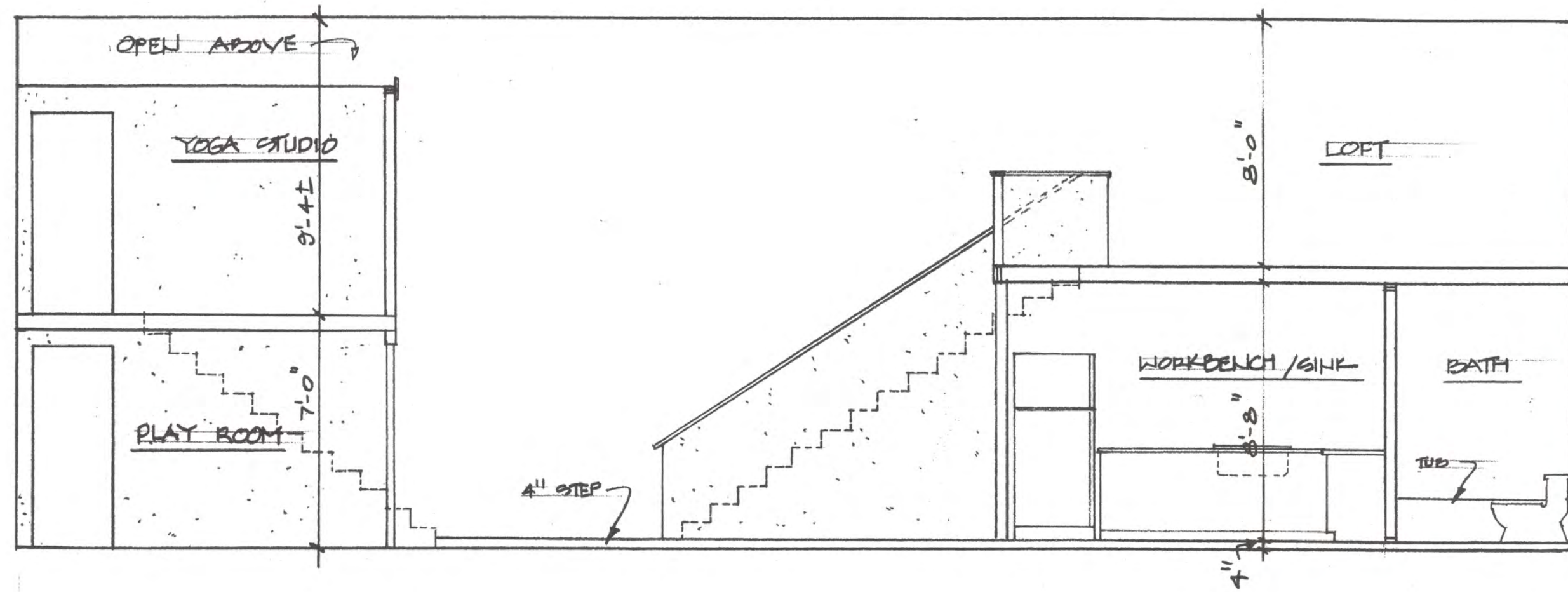
OWNER INFORMATION	
Project Name: Scott Glenn Acting Studio	
Name of Owner of Record: Carol Glenn % Artists Financial Management	
Physical Address: 491 E 10th Street Unit A12	
Property Legal Description: 10 <sup>th</sup> St Light Industrial Complex, Bldg A Unit 12	
Property Zoning District: Light Industrial RPK 095300A0120	
Contact Phone: 3106136336	Contact Email: Rio.egl@gmail.com
PROJECT INFORMATION	
Description of Proposed Conditional Use: Acting studio, day playground for family	
Description of Proposed and Existing Exterior Lighting: Lighting on exterior are can lights	
ADDITIONAL COMMENTS	
ACCOMPANYING SUPPORTING INFORMATION REQUIRED	
<ul style="list-style-type: none"> <li>Existing Site Plan</li> <li>Proposed Site Plan</li> <li>Landscape Plan</li> <li>Grading and Drainage Plan</li> <li>Exterior Lighting Plan and Specifications</li> <li>Other plans and studies related to the social, economic, fiscal, environmental, traffic, and other effects of the proposed conditional use, as required by the Administrator</li> </ul>	

Applicant agrees to observe all City ordinances, laws and conditions imposed. Applicant agrees to defend, hold harmless and indemnify the City of Ketchum, city officials, agents and employees from and for any and all losses, claims, actions, judgments for damages, or injury to persons or property, and losses and expenses caused or incurred by Applicant, its servants, agents, employees, guests and business invitees and not caused by or arising out of the tortuous conduct of city or its officials, agents or employees. Applicant certifies that s/he has read and examined this application and that all information contained herein is true and correct.

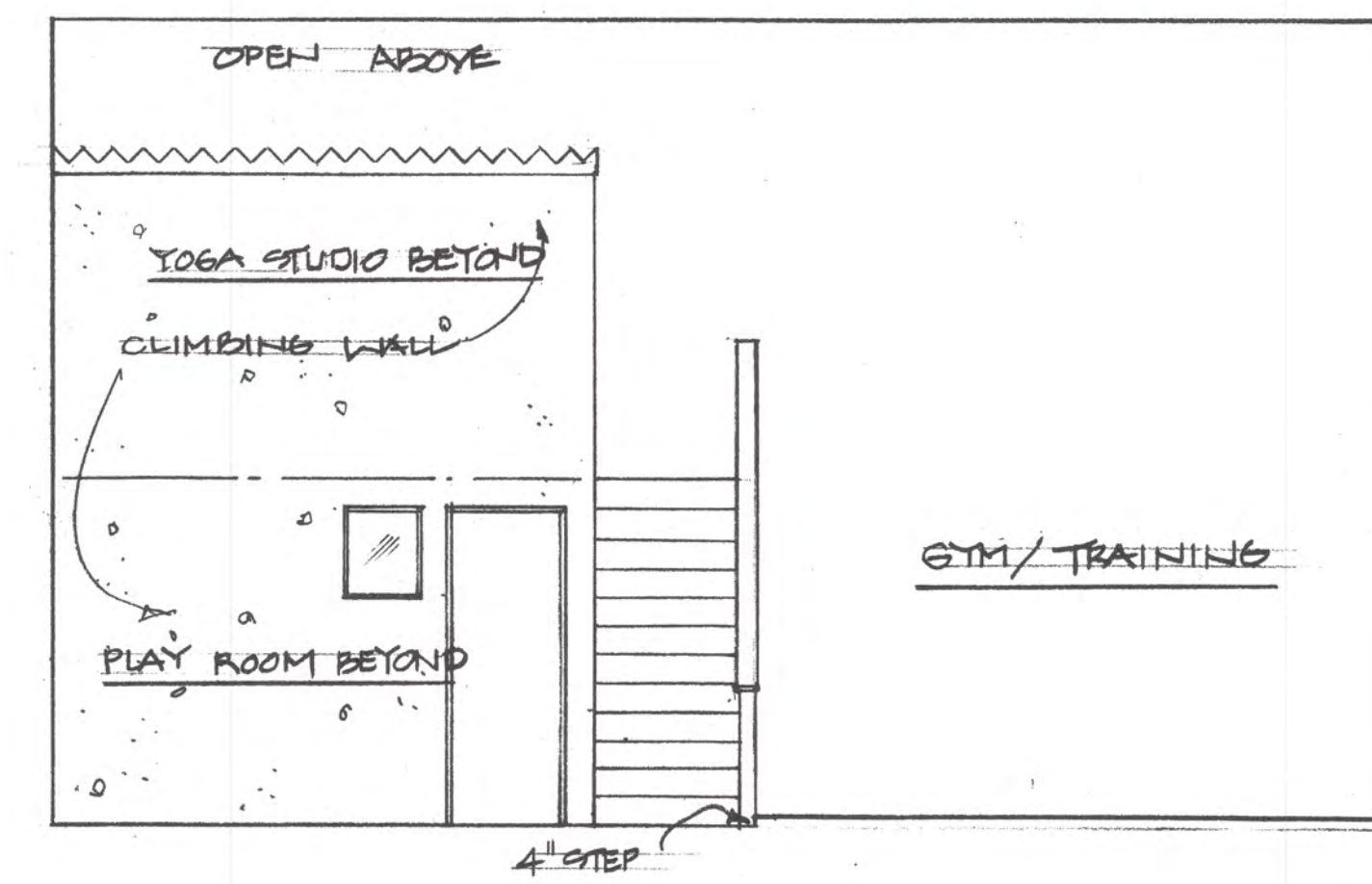
Applicant Signature

10/10/19  
Date

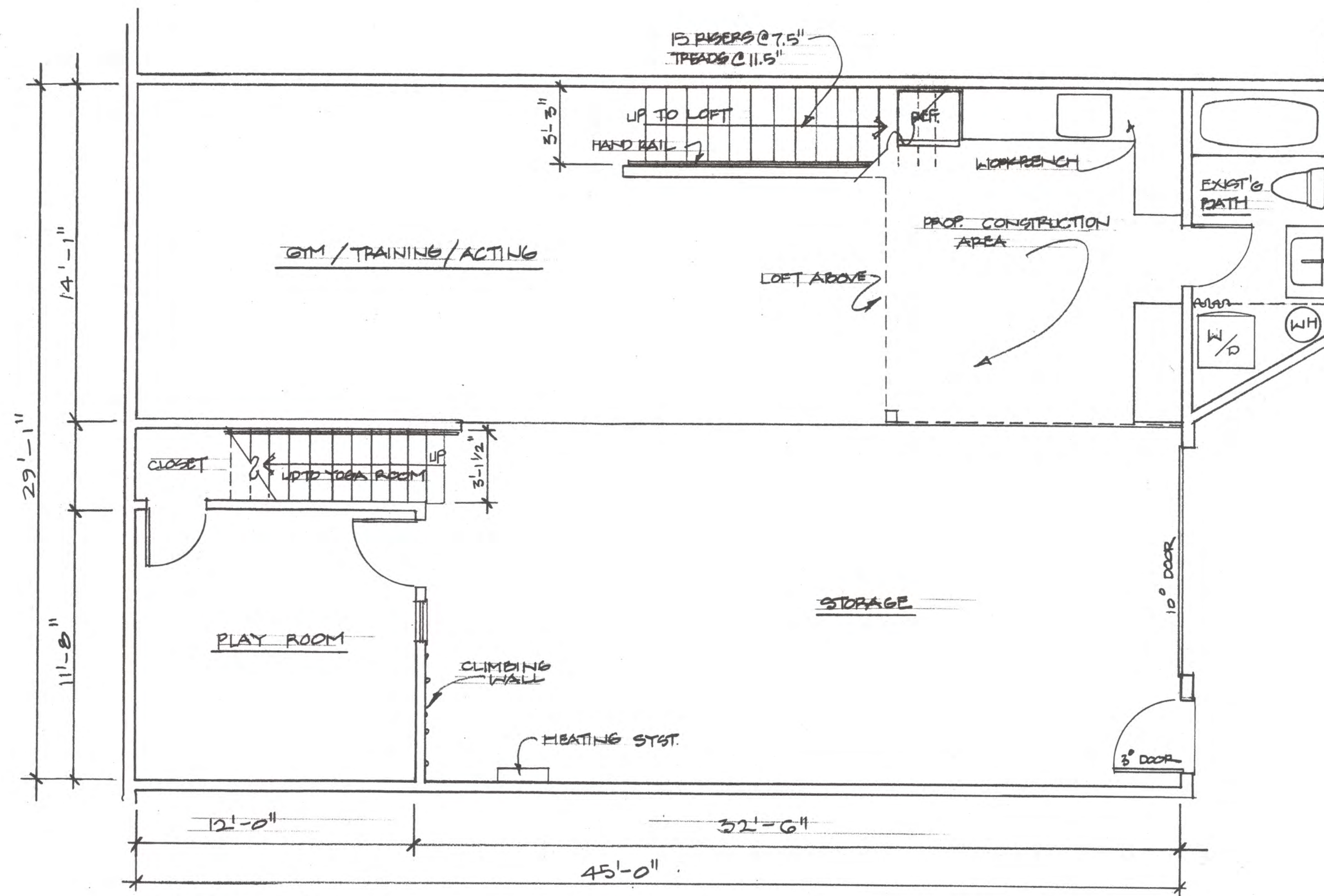
# Exhibit B: Floor Plan



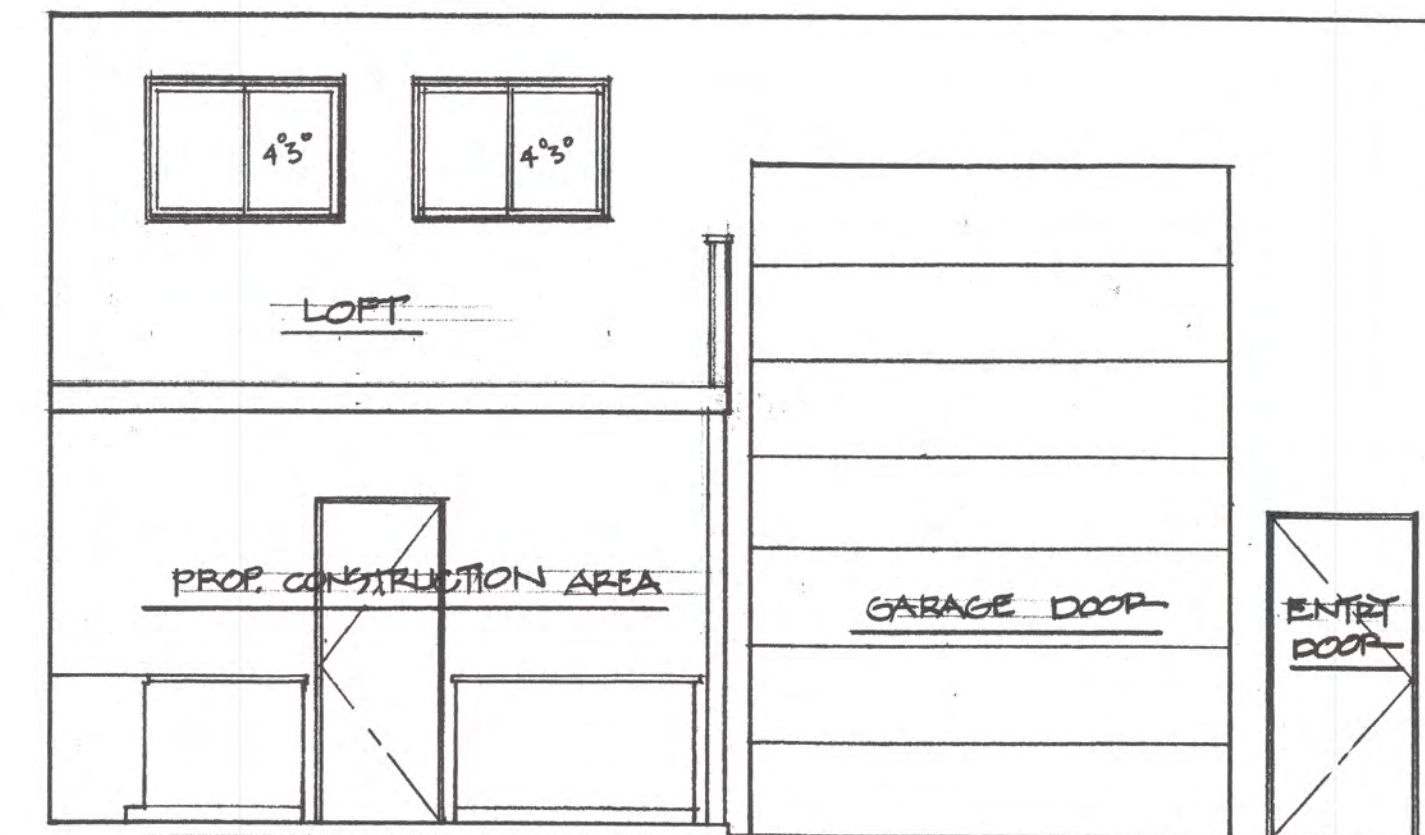
② CROSS SECTION  
1/4" = 1'-0"



③ SECTION - (LOOKING NORTH)  
1/4" = 1'-0"



① FLOOR PLAN  
1/4" = 1'-0"



④ SECTION - (LOOKING SOUTH)  
1/4" = 1'-0"

REVISIONS	BY

*Susan Scovell*  
 SUSAN SCOVELL  
 A R 1468  
 Licensed  
 Architect  
 STATE OF IDAHO

SCOTT GLENN ACTING STUDIO  
 491 EAST 10TH STREET A-12  
 KETCHUM, IDAHO

Date
Scale
Drawn
Job
Sheet
Of Sheets



City of Ketchum  
Planning & Building

**STAFF REPORT**  
**KETCHUM PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING OF NOVEMBER 12, 2019**

**PROJECT:** Nomadic Van Motor Vehicle Sales CUP

**FILE NUMBER:** P19-116

**OWNER:** Ayub Family Trust

**APPLICANT:** Ronald Arnold, Nomadic Van Sun Valley LLC

**REQUEST:** Conditional Use Permit (CUP) for motor vehicle sales

**LOCATION:** 115 C Northwood Way, Ketchum, ID (GLASKE INDUSTRIAL CONDO #2 UNIT 115C)

**ZONING:** Light Industrial District No. 2 (LI-2)

**OVERLAY:** None

**NOTICE:** Notice was mailed to property owners within a 300-foot radius and was published in the Idaho Mountain Express on October 23, 2019. Notice was posted at the subject location and on the city website on November 5, 2019.

**REVIEWER:** Brittany Skelton, Senior Planner

**ATTACHMENTS:**

- A. Application
- B. Narrative
- C. Photos provided by applicant
- D. Architectural plans
- C. Public Comment

**BACKGROUND**

Ron Arnold of Nomadic Van Sun Valley LLC has applied for a Conditional Use Permit for Motor Vehicle Sales to occur in the ground floor commercial space of 115 Northwood Way, Unit C, in the Light Industrial Zoning District No. 2 (LI-2). 115 Northwood Way Unit C is one of three condominiumized light industrial units located in the Glaske Industrial Condominiums Phase 2. Unit C is comprised of an upper floor unit (currently used as a residential apartment, permitted under CUP 96-008 and BP96-128) and a ground floor/lower level unit with double height ceilings. The adjacent unit, Unit B, consists of a photography studio on the ground floor and a residential unit on the upper floor.

Nomadic Van Sun Valley is a new business venture that proposes to source vintage vehicles, primarily Mitsubishi Delica vans, and to offer the vehicles for sale primarily online. Although sales will primarily be online pre-sales Nomadic Van Sun Valley intends to have one (1) van for sale to the public on-site at any given time for potential walk-in/drive-by customers.

Nomadic Van plans to import the vans to their Ketchum, Idaho commercial space in the LI-2 zoning district, perform light maintenance and tune ups of only the vehicles that are within their inventory, and will arrange to meet with clients who have pre-purchased a vehicle to transfer title.

One component of the business, motor vehicle maintenance, is a permitted use in the LI-2 zoning district. Should the Motor Vehicle Sale component of the business venture be denied by the Commission Nomadic Van Sun Valley could feasibly conduct the sales portion of their business elsewhere (elsewhere in Ketchum’s LI zones, outside of city limits, etc.) but still utilize the space at 115 Northwood Way Unit C for the light maintenance of the vehicles. As such, the analysis in this conditional use permit focuses on the proposed conditional use, motor vehicle sales.

One letter of public comment has been received and is attached to the staff report. Any additional public comment received after publication of this staff report will be forwarded to the Commission and will be included in the public record.

**Table 1. Comprehensive Plan Analysis**

<p><b>Land Use Category:</b> <b>Mixed-Use Industrial</b></p> <p><b>PRIMARY USES</b> <i>Light manufacturing, wholesale, services, automotive, workshops, studios, research, storage, construction supply, distribution and offices make up the bulk of development within this district.</i></p> <p><b>SECONDARY USES</b> <i>A limited range of residential housing types, and supporting retail are provided for within this category. Uses should generate little traffic from tourists and the general public.</i></p> <p><b>CHARACTERISTICS AND LOCATION</b> <i>The Mixed-Use Industrial category is intended to provide critical lands for Ketchum’s economic growth and entrepreneurial opportunity within a vibrant business district where people can work and live in the same area.</i></p>
<p>Automobile oriented uses are permitted only within Ketchum’s LI-1 and LI-2 zoning districts. The conditional use, Automobile Sales, is consistent with the primary use of the Mixed-Use Industrial land use category.</p>
<p><b>Policy E-2(a)</b> <b>Light Industrial Area as the Primary Location for New Traditional Light Industrial and Corporate Park Business Growth and Jobs</b></p>

72 *ew employment opportunities will focus primarily on clean industries within the City's industrial areas which are evolving into vibrant, mixed-use business places. Traditional light industrial includes service, warehousing, manufacturing, wholesaling, auto-related businesses, rec-tech, biotechnology, and construction.*

The specific type of automobile sales proposed by Nomadic Van Sun Valley blends traditional light industrial use – automobile sales/tune ups – with the growing recreation-oriented travel and tourism market that is bolstered by #vanlife and #digitalnomadism. Nomadic Van Sun Valley recognized a void in the niche vintage camper-van market and is seeking to use Ketchum, Idaho as the base for customers nationwide to travel to and pick up their pre-purchased specialty vehicles.

**Policy E-1(a)**

**Support for Local, Independent Businesses**

*Our community will foster a business climate that helps to retain our existing businesses and to attract and support new independent local businesses. This will reduce economic leakages to other communities and provide residents with essential goods and services. We also will work to encourage a greater local purchasing culture and identify voids in businesses or services that are contributing to the leakage.*

Ketchum, ID is surrounded by public lands and is the gateway to the Sawtooth National Recreation Area. Sprinters and Volkswagon Vanagons are ubiquitous around town – owned by residents and visitors alike – and are used to access the limitless recreation opportunities adjacent to city limits.

This business easily could have been located in any other mountain town in the west. While the local retail sales component of Nomadic Van Sun Valley is proposed to be a relatively small part of the company's operations, and may not meaningfully curb retail leakage of vehicle sales in general, the fact the business is locating here adds to the culture of Ketchum as a recreation and outdoors hub.

**Table 2. City Department Comments**

City Department Comments			
Compliant			City Standards and <i>City Department Comments</i>
Yes	No	N/A	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Fire:</b> <ul style="list-style-type: none"> <li>• Fire extinguishers must be installed</li> <li>• Upon demolition of the interior walls the fire alarm must meet NFP 72 standards</li> <li>• Must install a Knox Box for storage of keys to the unit</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Streets Department and City Engineer:</b> This is an existing building that is not being substantially improved. No comments at this time.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Utilities:</b> No comments at this time.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Building:</b> No comment at this time.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Planning and Zoning:</b> Comments are denoted throughout the Staff Report.

**Table 3. Conditional Use Permit Requirements**

Conditional Use Requirements				
EVALUATION STANDARDS: 17.116.030 and § 67-6512 of Idaho Code				
A conditional use permit shall be granted by the commission only if the applicant demonstrates the following:				
Compliance and Analysis				
Yes	No	N/A	City Code	City Standards and <i>Staff Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(A)	The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district.



			<p><b>Staff Comments</b></p>	<p><i>The Light Industrial Number Two (LI-2) District allows for a variety of permitted and conditionally permitted uses ranging from manufacturing to personal service to wholesaling to automotive uses. Per KMC §17.18.150, the LI-2 Zone is “established with the foremost purpose of providing suitable land and environs for uses that are not appropriate in other Commercial Zones due to their light industrial nature, but which provide an essential or unique service to support the local economy and permanent year-round employment base. Uses include: 1) light manufacturing; 2) wholesale trade and distribution; 3) research and development; 4) service industries; 5) limited bulk retail and; 6) offices related to building, maintenance and construction. A secondary purpose of the LI-2 is to provide multiple-family dwellings, constructed to be secondary and subordinate to the primary light industrial purpose of the LI-2. Uses in the LI-2 are intended to generate traffic primarily from the industrial trades and secondarily by other permitted uses that, due to the natures of the uses, are not reliant on pedestrian traffic or high visibility, and/or are not permitted in other zoning districts, and/or are characterized by sale, rental, or service of large, bulky equipment or materials, necessitating location of such use in a Light Industrial Zone.”</i></p> <p><i>Many permitted light industrial uses, such as manufacturing, maintenance service facilities, repair shops, and motor vehicle service, may not occur elsewhere within the City of Ketchum, and these uses are largely permitted by-right in this district by right. For example, motor vehicle service is a permitted use in the LI-2 zoning district.</i></p> <p><i>Motor vehicle sales, however, is a conditional use. Motor vehicle sales businesses can operate at a variety of scales, ranging from new or used car lots with hundreds of vehicles to much smaller operations. The scale of the business, as well as business operations, have implications for the externalities caused by business. For example, drive-by customer traffic, customer and sale vehicle parking, deliveries of for sale vehicles, and so forth can all generate impacts beyond the boundaries of the private property where the business is located. In this way, the characteristics of a conditional use could be incompatible with the types of other uses permitted in the applicable zoning district.</i></p> <p><i>The proposed operations described in the applicant’s narrative, as well as limitations to the business’ scale imposed by the physical dimensions of the site and commercial space, work together to ensure the business operations will be compatible with other permitted uses in the zoning district.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>17.116.030(B)</b></p> <p><b>Staff Comments</b></p>	<p><b>The conditional use will not materially endanger the health, safety and welfare of the community.</b></p> <p><i>The Fire Marshal conducted a site visit with the applicant and the property manager of the unit, reviewed the proposed business operations, and identified minor changes that need to occur. These include installation of fire extinguishers, installation of a Knox Box to house keys to the unit so the Fire Department can access the unit in case of an emergency and ensuring the fire alarm meets NFP 72 standards upon removal of the walls proposed for removal.</i></p> <p><i>The upstairs residential unit was built to meet code, including fire separation from the ground floor unit, when the unit was remodeled in 1996 (CUP 96-008 and BP96-128).</i></p> <p><i>There is a fire-resistant metal door, locked from both sides, that provides access between this condominium unit and the adjacent condominium unit, Unit B.</i></p> <p><i>In order to meet ADA accessibility for the on-site bathroom minor demolition and rebuilding of wall need to occur, as indicated in the floor plans prepared by Bliss Architecture. This will trigger the need for a building permit. Any additional life-safety elements required to meet building code will be identified at that time.</i></p>

				<i>As such, the proposed conditional use, motor vehicle sales, will not endanger the health safety, and welfare of the community.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(C)</b>	<b>The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.</b>
			<b>Staff Comments</b>	<p><i>The two primary concerns related to traffic are parking associated with the business/the other existing use (residential) occurring in Unit C and traffic generated by customers (volume of trips).</i></p> <p><i>The Glaske Industrial Condominiums Phase 2 were platted in 1986 and there is space for six (6) exterior parking spaces located adjacent to the Northwood Way street frontage. Each of the three condominiums is allocated two (2) exterior parking spaces.</i></p> <p><i>The subject unit, Unit C, already contains a one-bedroom residential apartment on the upper floor. Ketchum Municipal Code requires the apartment to have one (1) parking space.</i></p> <p><i>That leaves one (1) existing exterior space for Nomadic Van Sun Valley.</i></p> <p><i>The space Nomadic Van Sun Valley will occupy is 1,421 square feet (1,208 ground floor plus 213 square foot mezzanine). In accordance with the zoning code, this use is required one (1) parking space per 1,000 square feet, or 1.4 parking spaces, rounded down to 1. As such, Nomadic Van Sun Valley needs only one (1) parking space.</i></p> <p><i>However, because the nature of the business is automobile sales, and service of these vehicles, Nomadic Van will be utilizing interior floor area for parking as well. Floor and site plans provided by the applicant indicate four (4) vehicles will be able to be accommodated inside after partial demolition of existing office space occurs, two exterior parking spaces can be accommodated in front of the unit (including one ADA), and two (2) new additional parking spaces (tandem) could be accommodated at the rear of the property.</i></p> <p><i>Additionally, other sections of Ketchum Municipal Code prohibit using the public right-of-way for display of vehicles for sale and for using the public right-of-way for vehicle maintenance (KMC §10.08.180). Ketchum Municipal Code also prohibits the parking of camper vehicles in the public right-of-way for more than twelve (12) hours (KMC §10.08.170) and prohibits the parking of any vehicle in the same location in the right-of-way for more than seven (7) days (KMC §10.08.160). If such violations occur the matter is handled by the Ketchum Police Department.</i></p> <p><i>Regarding traffic generated by the use, as indicated by the applicant, vehicle sales will primarily occur online. Maintenance of vehicles will be performed only on vehicles being sold by Nomadic Van Sun Valley. As such, vehicular traffic associated with the use is not anticipated to be hazardous or conflict with existing and anticipated traffic in the neighborhood.</i></p> <p><i>Little to no pedestrian traffic is anticipated. Any pedestrian traffic to the business can be accommodated by the existing sidewalk that is adjacent to the subject property.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(D)</b>	<b>The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts.</b>
			<b>Staff Comments</b>	<i>The proposed location is within an existing building that is adequately served by a public street, Northwood Way, and the city's fire, police, and utility services.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(E)</b>	<b>The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this section.</b>

<b>Staff Comments</b>	<i>As described in Table 2 of this staff report and 17.116.030(A) of this table, the conditional use aligns with, rather than conflicts with, the policies of the Comprehensive Plan and the basic purposes of this section.</i>
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The Planning and Zoning Commission may attach additional conditions to the application approval as it determines necessary in order to ensure the residential use is compatible with the vicinity and adjoining uses, mitigate adverse impacts, and enhance public health, safety, and welfare. Such conditions may include, but are not limited to (KMC §17.116.050):

- A. Minimizing adverse impact on other development;
- B. Controlling the sequence and timing of development;
- C. Controlling the duration of development;
- D. Assuring that development is maintained properly;
- E. Designating the exact location and nature of development;
- F. Requiring the provision for on site or off site public facilities or services;
- G. Requiring more restrictive standards than those generally required in an ordinance; and
- H. Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the city.

**STAFF RECOMMENDATION**

Staff recommends approval of the conditional use permit.

**RECOMMENDED MOTION**

“I MOVE to approve the Nomadic Van Sun Valley Conditional Use Permit with conditions 1-5 and any other conditions determined necessary by the Commission and to authorize the chair to sign the Findings of Fact and Conclusions of Law”

**RECOMMENDED CONDITIONS**

- 1.** The Conditional Use Permit is applicable to Unit C, 115 Northwood Way, and is not transferrable to another property;
- 2.** All vehicles in Nomadic Van Sun Valley LLC’s inventory shall be located on private property in accordance with Ketchum Municipal Code;
- 3.** Within 90 days of approval of this Conditional Use Permit Nomadic Van Sun Valley shall complete the demolition and building work indicated in the architectural plans dated November 7, 2019, as evidenced by receipt of a building permit and ensuing Certificate of Completion;
- 4.** All Fire and Building life safety code requirements shall be met;
- 5.** Inspections by Planning staff to ensure requirements with the Conditional Use Permit conditions may be scheduled at the discretion of staff.

**ATTACHMENTS**

- A. Application
- B. Narrative
- C. Photos provided by applicant
- D. Architectural plans
- E. Public Comment
- F. Draft Findings of Fact and Conclusions of Law

A. Application



City of Ketchum  
Planning & Building

OFFICIAL USE ONLY	
File No:	P19-116
Date Received:	10-7-19
By:	ml
Fee Paid:	1100-
Approved Date:	
Denied Date:	
By:	

## Conditional Use Permit Application

Submit completed application and payment to the Planning and Building Department, PO Box 2315, Ketchum, ID 83340 or hand deliver to Ketchum City Hall, 480 East Ave. N., Ketchum. If you have questions, please contact the Planning and Building Department at (208) 726-7801. To view the Development Standards, visit the City website at: [www.ketchumidaho.org](http://www.ketchumidaho.org) and click on Municipal Code.

OWNER INFORMATION	
Project Name: Nomadic Van Sun Valley LLC	
Name of Owner of Record: Ayub Family Trust - Beth Ward w/ Black Diamond Management - 208-869-7911	
Physical Address: 115 C Northwood Way Ketchum, Idaho 83340	
Property Legal Description: Glaske Industrial Condo #2 Unit 115C	
Property Zoning District: LI2	
Contact Phone: 775.220.2761	Contact Email: NomadicVanSunValley@gmail.com
PROJECT INFORMATION	
Description of Proposed Conditional Use:	Motor Vehicle Sales
Description of Proposed and Existing Exterior Lighting:	
ADDITIONAL COMMENTS	
Vehicles will be stored and displayed inside the unit. The unit meets the minimum legal requirements for the Idaho Transportation Department Used Car Dealer's License. We will be applying for a wall sign that needs to chapter 17.127.050 of the Ketchum municipal code and the ITD Dealer's Lic. requirements. Thank you.	
ACCOMPANYING SUPPORTING INFORMATION REQUIRED	
<ul style="list-style-type: none"> <li>Existing Site Plan</li> <li>Proposed Site Plan</li> <li>Landscape Plan</li> <li>Grading and Drainage Plan</li> <li>Exterior Lighting Plan and Specifications</li> <li>Other plans and studies related to the social, economic, fiscal, environmental, traffic, and other effects of the proposed conditional use, as required by the Administrator</li> </ul>	

Applicant agrees to observe all City ordinances, laws and conditions imposed. Applicant agrees to defend, hold harmless and indemnify the City of Ketchum, city officials, agents and employees from and for any and all losses, claims, actions, judgments for damages, or injury to persons or property, and losses and expenses caused or incurred by Applicant, its servants, agents, employees, guests and business invitees and not caused by or arising out of the tortuous conduct of city or its officials, agents or employees. Applicant certifies that s/he has read and examined this application and that all information contained herein is true and correct.

Applicant Signature

Date

B. Narrative



Nomadic Van Sun Valley LLC is a niche market used car importer as well as dealer. We are most well-known for our *Delica Starwagon* campervans. This unique 2 berth van was originally manufactured in the 1990's by Mitsubishi Motor Company in Japan, but was never released in the United States. The *Delica Starwagon* stands out because it has exceptional four wheel drive capabilities and turbo diesel engine. The only van with similar off-road performance released in the states is the VW *Vanagon Westfalia Syncro*. Unfortunately MSRP on these vans is anywhere from \$40,000 to \$80,000. Nomadic fulfills a great void in the U.S. Vanlife and Overlanding markets, with our fully revitalized Delica ranging from \$15,000 to \$20,000.

Since the *Delica* was never released in the U.S., Vanlife and Overlanding enthusiasts search far and wide for a trustworthy company that consistently provides excellent customer service and most importantly, a mechanically sound vehicle. Nomadic sources their stock from an exceptional company in Japan who finds the cream of the crop vehicles, inspects them thoroughly, installs new tires and wheels, and completes all paint and body work. After received by Nomadic, the vehicles are imported through Customs and Border Protection, registered in Idaho then undergo a process that ensures their mechanical reliability before they are listed for final sale. Nomadic will *only* complete mechanical work on vehicles that will be listed for sale. Nomadic will *not* be offering auto repair to the general public.

This day and age most sales are made online, as has been proven by our instagram as well as youtube reputation. Many of our customers fly into Sun Valley confident in the product we provide; ready to test-drive vans, tour the nearby mountain roads and enjoy the gratifying town of Ketchum. Once satisfied with the vehicle most new Delica owners drive back to their hometowns. This results in a minimal amount of "sales traffic" going through the Northwood Way Glaske Industrial Condominiums. In fact many of our customers never even bring an additional vehicle to our space, as we pick them up at the airport. When we are marketing vehicles locally we use supplemental lots, such as the parking lot on the corner of North River street and Carbonate Street in Hailey. We have an agreement with the owners of the lot and the current tenant (Jivaro Professional Hunters) to park three Delica's with advertisements at any given time. A permit for this can be legally acquired through the Idaho transportation department and is known as a *supplemental lot permit*. Since this corner in Hailey garners more traffic than the light industrial zone in Ketchum, we try to move finished vehicles out of the Glaske Industrial space as soon as possible.

The visitors that the Nomadic showroom does attract will be quite a small volume (under 15 per month). This traffic barely be noticeable compared to the normal day to day traffic seen on Northwood Way, and will easily be absorbed public parking spaces on the west side of the Glaske building. Customers will be able to enter the showroom on the west side of the building through the office door,

which will reduce the flow of traffic in the Glaske parking lot. If needed, there are 2 more parking spaces that have been recently identified on the north side of the building, near the corner. The Glaske Complex and its parking has been evaluated by architect, Errin Bliss, of Bliss Architecture in Hailey. He has taken into consideration all of our parking requirements stated by city code and all ADA requirements for our commercial use.

Each vehicle for sale will be parked either inside the unit within the 4 proposed parking spaces, or in the single designated parking space just outside the garage door. Walking space between the vehicles inside the unit will be wide enough to ensure a safe area for customers to visit. With these 5 designated parking spaces, this unit meets the minimum requirements set forth by the Idaho Transportation Department (ITD) for a Used Car Dealership License. Owner, Ron Arnold, has confirmed with ITD that this space will be adequate to meet their demands. ITD requires that any person or company who sells more than five vehicles per year obtain a Dealer's License.

Nomadic Van needs this zoning approval because the company plans to sell upwards of twenty-five vehicles per year. Nomadic's presence in the industrial area will be subtle and mostly operating behind closed doors. Neighbors in the immediate spaces at the Glaske Industrial Complex will be only impacted by vehicles entering and exiting through the garage door during normal business hours. Granted, most vehicles will be inside for extended periods of time once the proposed layout is complete.

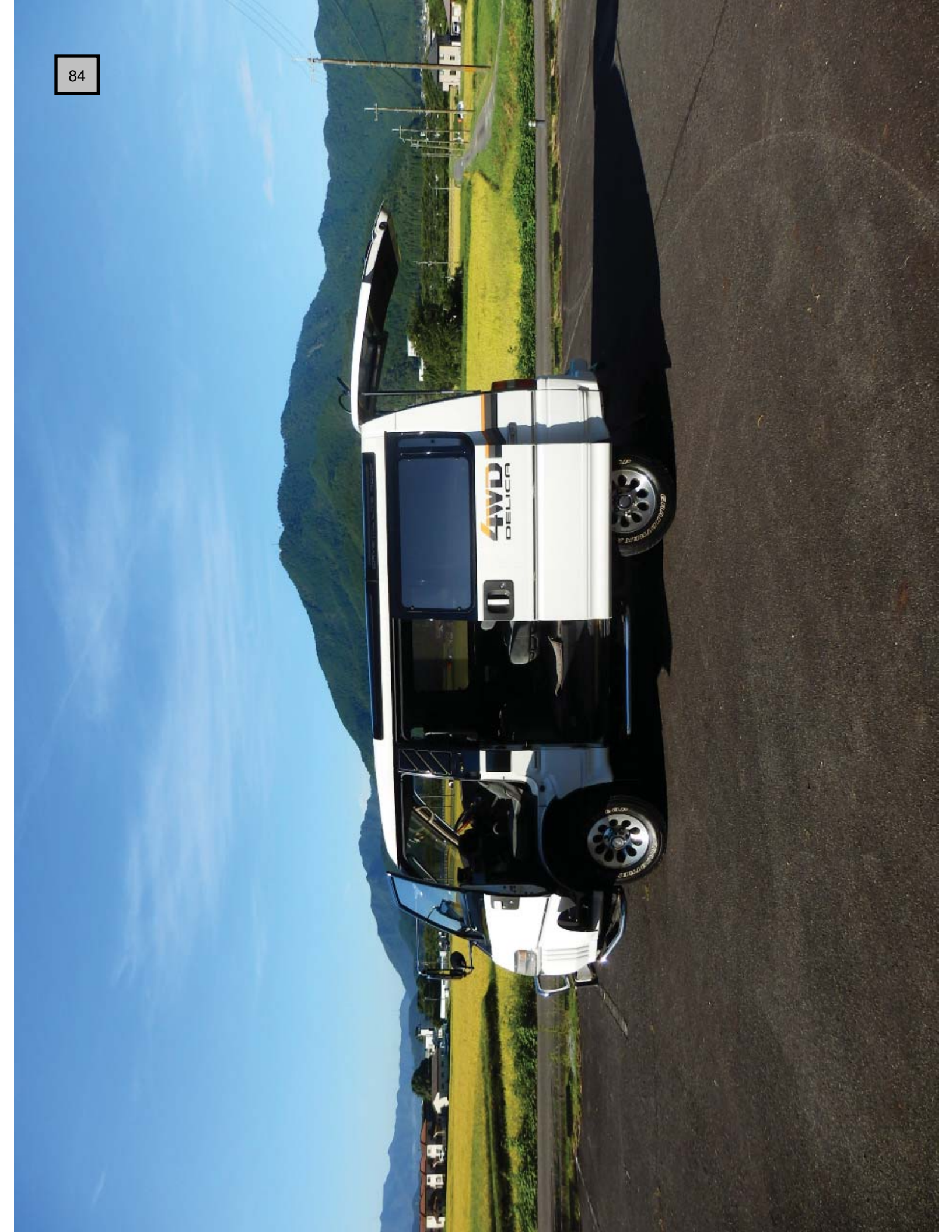
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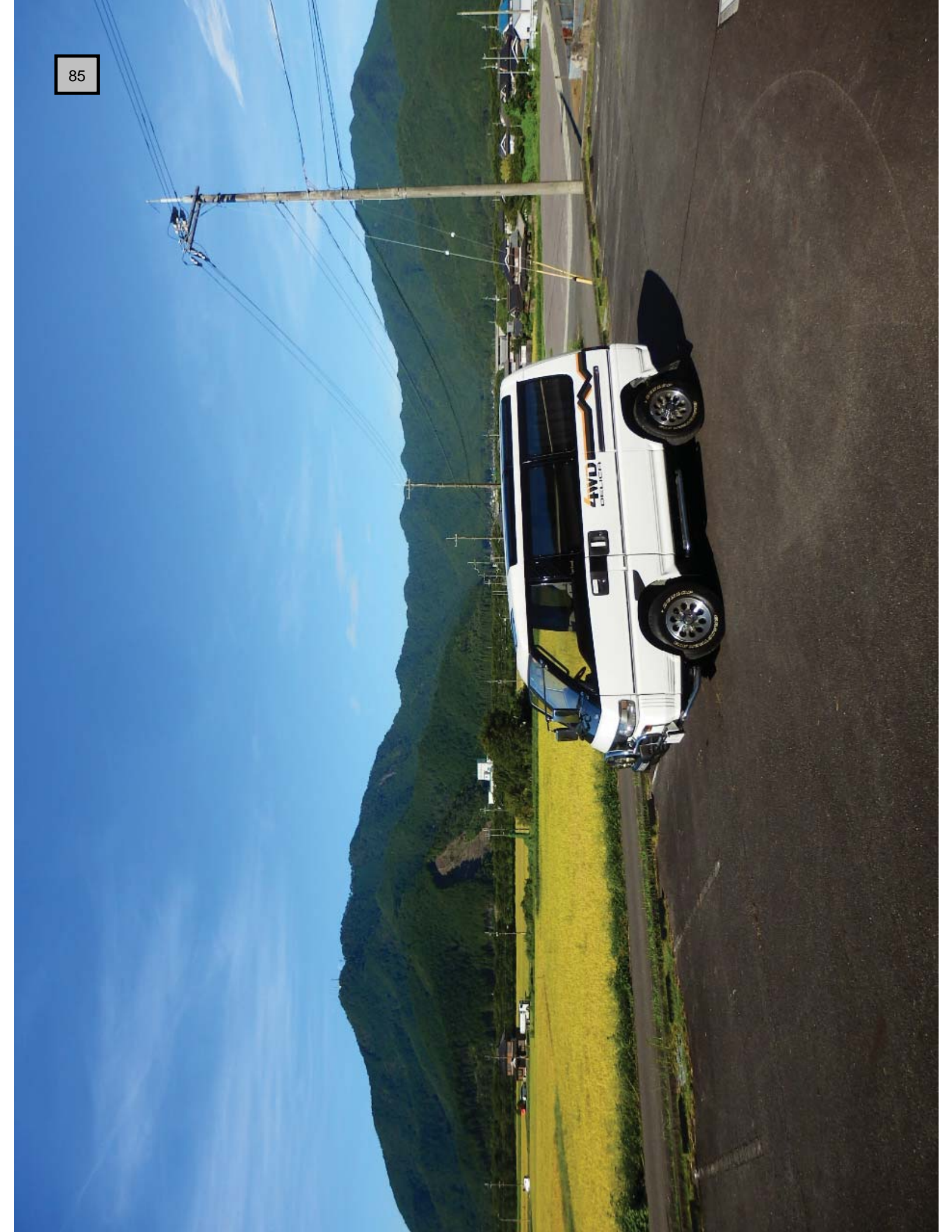


C. Photos provided by applicant









D. Architectural plans



PROJECT NO.   201916
DRAWN BY   JEMB CHECKED BY   JEMB
CITY OF KETCHUM CONDITIONAL USE PERMIT
DATE   11.07.2019
SITE PLAN
AS101

**GENERAL NOTES**

1. ARCHITECT ASSUMES RESPONSIBILITY FOR THE DESIGN & CONDITIONS OF THE EXISTING STRUCTURES & SITE WORK.
2. TENANT AND CONTRACTOR TO VERIFY EXISTING CONDITIONS AS REQUIRED TO PERFORM THE SCOPE OF WORK OUTLINED WITHIN THE DRAWINGS. CONTACT THE SUPPLIER FOR THE MOST CURRENT INFORMATION OF ANY DISCREPANCIES.
3. ALL EXISTING UTILITIES TO REMAIN IN PLACE U.N.O.
4. ALL EXISTING EXTERIOR LIGHT FIXTURES TO REMAIN-NO NEW EXTERIOR LIGHT FIXTURES ARE PROPOSED.
5. ALL EXISTING LANDSCAPING TO REMAIN.

**CODE DATA**

APPLICABLE CODES:  
 2012 INTERNATIONAL BUILDING CODE WITH CITY OF KETCHUM AMENDMENTS  
 2012 INTERNATIONAL FIRE CODE  
 2012 INTERNATIONAL PLUMBING CODE  
 2012 INTERNATIONAL ENERGY CONSERVATION CODE  
 2009 ICC A117.1 ACCESSIBLE AND USABLE BUILDINGS  
 OCCUPANCY TYPES:  
 EXISTING: S-1 AND R-2  
 PROPOSED: CHANGE TO THE BUILDING OCCUPANCY IS PROPOSED  
 CONSTRUCTION TYPE:  
 EXISTING: V-8 NON-SPRINKLERED  
 PROPOSED: NO CHANGE TO THE CONSTRUCTION TYPE IS PROPOSED

**SITE DATA**

**SITE ADDRESS:**  
 115 NORTHWOOD WAY  
 KETCHUM, IDAHO

**PARCEL NUMBER:**  
 RPK7026000000

**LEGAL DESCRIPTION:**  
 GLASKE INDUSTRIAL CONDOS #2

**ZONING DISTRICT:**  
 U-2; LIGHT INDUSTRIAL 2

**LOT AREA:**  
 1,235 S.F. (0.029 ACRES)

**ENTIRE BUILDING GROSS AREA:** UNITS 115A THRU 115C  
 EXISTING: 11,500 S.F. (EXISTING FOOTAGE IS UNKNOWN)  
 PROPOSED: NO CHANGE TO THE EXIST. GROSS AREA IS PROPOSED

**GROSS AREA OF UNIT 115C ONLY:**  
 PROPOSED: NO CHANGE TO THE EXIST. GROSS AREA IS PROPOSED  
 PROPOSED: 11,500 S.F.  
 EXIST. AND FLOOR REFERENCE NO CHANGE TO EXIST. GROSS AREA IS PROPOSED

**LOT COVERAGE:**  
 MAX. ALLOWED: 75%  
 EXISTING: NO CHANGE TO THE EXIST. LOT COVERAGE IS PROPOSED  
 MIN. LOT AREA: 1,000 S.F.  
 REQUIRED: 3,047'

**MIN. REAR YARD SETBACK:**  
 EXISTING: NO CHANGE TO THE EXIST. SETBACK IS PROPOSED  
 REQUIRED: 35.0'

**MIN. SIDE YARD SETBACK:**  
 EXISTING: NO CHANGE TO THE EXIST. SETBACK IS PROPOSED  
 REQUIRED: 10.0'

**MAX. BUILDING HEIGHT:**  
 EXISTING: NO CHANGE TO THE EXIST. HEIGHT IS PROPOSED  
 REQUIRED: 35.0'

**ON-SITE PARKING FOR UNITS 115A & 115C:**  
 EXISTING: NO CHANGE TO THE EXIST. NUMBER OF SPACES IS PROPOSED  
 REQUIRED: 1 SPACE PER BEDROOM OF 2ND FLOOR RESIDENCE = 1 SPACE

**ON-SITE PARKING FOR UNIT 115C ONLY:**  
 REQUIRED: 1 SPACE PER BEDROOM OF 2ND FLOOR RESIDENCE = 1 SPACE

**TOTAL REQUIRED: 2 SPACES**  
**TOTAL ON-SITE PARKING PROVIDED: 1 SPA. DRIVE, 1 VEHICLE BAY, 4 SPACES & 2 SPACES & 4 SPACES**



**1**  
 N  
 SITE PLAN  
 SCALE: 1/8" = 1'-0"

- EXIST. ASPHALT PAVING TO REMAIN-TYP.
- NEW 4" WIDE PARKING STRIPING-TYP.
- EXIST. SIDEWALK TO REMAIN-TYP.
- EXIST. STREET PAVING TO REMAIN-TYP.
- NEW NON-ACCESSIBLE PER THE 2009 ICC A117.1
- NEW INTERNATIONAL STRIPING PER THE 2009 ICC A117.1
- NEW ACCESSIBLE PARKING SPACE PER THE 2009 ICC A117.1
- EXIST. LANDSCAPING TO REMAIN-TYP.
- EXIST. ASPHALT PAVING TO REMAIN-TYP.
- EXIST. CURB CUT TO REMAIN



PROJECT NO. | 201916

DRAWN BY | JEM  
 CHECKED BY | JEM

CITY OF KETCHUM  
 CONDITIONAL USE PERMIT  
 DATE | 11/07/2019

EXISTING & PROPOSED  
 FLOOR PLANS

A101

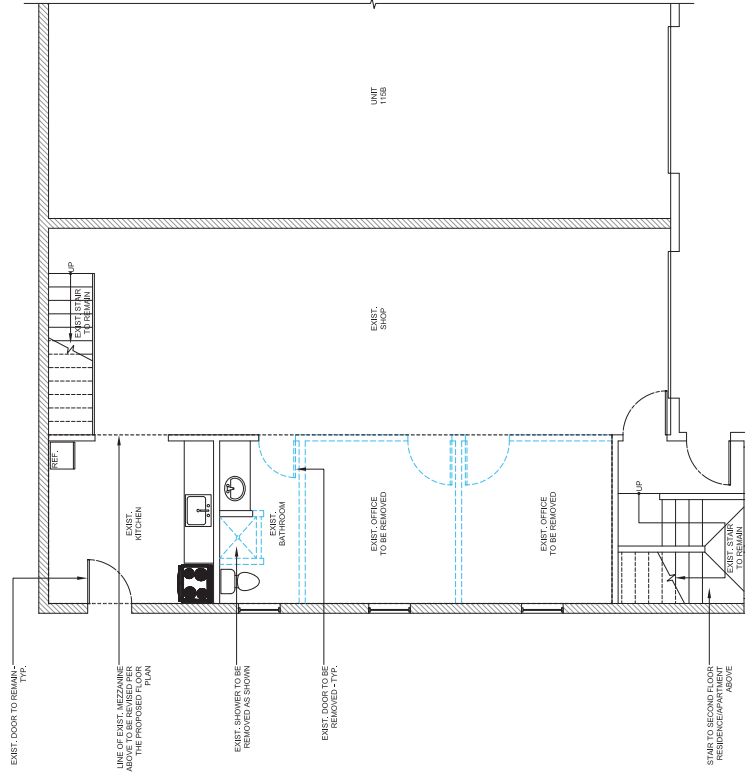
THE DRAWING IS HEREBY CERTIFIED AS BEING THE PROPERTY OF BLISS ARCHITECTURE, P.C. AND NOT BE LOANED, REPRODUCED, REPRINTED OR COPIED IN WHOLE OR IN PART FOR ANY OTHER PROJECT OR FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF BLISS ARCHITECTURE, P.C.

FLOOR PLAN LEGEND

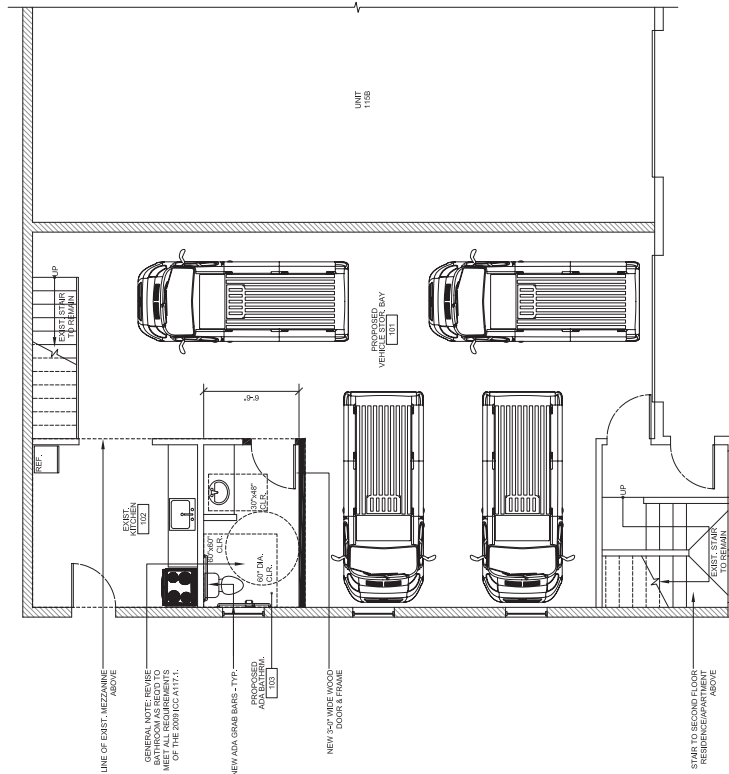
- EXIST. CHU WALL TO REMAIN.
- EXIST. INTERIOR PARTITION TO REMAIN.
- EXIST. INTERIOR PARTITION TO BE REMOVED.
- NEW 2x4 INTERIOR PARTITION W/36" CYP. BD. ON EACH SIDE 1/4" MIN.

GENERAL NOTES

1. ARCHITECT ASSUMES NO LIABILITY OR RESPONSIBILITY FOR THE DESIGN & CONDITIONS OF THE EXISTING STRUCTURES & SITE WORK.
2. CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND CONDITIONS OF WORK OUTLINED WITHIN THE DRAWINGS. CONTRACTOR TO NOTIFY ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES.
3. THE CONTRACTOR IS RESPONSIBLE FOR ALL BRACKING & SIGNING DURING DEMOLITION.
4. ADA WASHROOM TO MEET REQUIREMENTS OF THE 2009 ICC A117.1.



1 | EXISTING/DEMO FLOOR PLAN  
 SCALE: 1/4" = 1'-0"



2 | PROPOSED FLOOR PLAN  
 SCALE: 1/4" = 1'-0"



E. Public Comment

kirk anderson  
fine art photographer

City of Ketchum  
Department of Planning and Building  
PO Box 2315  
Ketchum, Idaho 83340  
208-726-7801

10-26-2019

Regarding: Conditional Use Permit – Nomadic Van Sun Valley LLC / Ron Arnold

To all parties concerned,

My wife, Hillary and I, are the owners of Unit 115B Northwood Way (Glaske Industrial Condominiums). We have owned the property since August 2008.

We are both adamantly opposed to the Conditional Use Permit for the lower portion of connecting Unit 115C. This proposed business is NOT a good fit for our Glaske Light Industrial complex! Our concerns are many and listed below.

There are 2 deeded parking spots for each unit. I own 2 of the 6 available spots designated for our building. Building two has a similar arrangement. Unit "A" has 2 spots continually occupied with their window washing vehicles. The upstairs tenant of Unit "C" (apartment above proposed business) is designated one spots as well. That leaves only ONE parking spot for the proposed Motor Vehicle Sales Business. To make matters even more challenging, when the 3 parking spots are occupied, the access and use of the unit's garage door is blocked by our parked vehicles.

During the winter months the snow storage is pushed to the west in our parking lot and to the east on our other building's 3 units. What happens is that our three parking spots immediately in front of Unit C are required to park more towards the center (east) in our parking lot, further inhibiting access to Unit C's garage door. It is not a very well thought out design and a really bad fit for this proposed Auto Sales business. It is a fairly old building and the space in questions is a recently vacated non-compliant residence. Other code violations are a concern.

On top of that, no street parking is allowed overnight with winter snow removal mandated by the city of Ketchum.

# kirk anderson

fine art photographer

By the very nature of this proposed business there are very grave concerns over volatile compounds, engine exhaust and paint ventilation, and the noise inherent in their day-to-day restoration and service processes.

As mentioned earlier, this is a fairly old building from the 70's (I believe?), we don't have fire suppression sprinklers as we are grandfathered in from earlier Building Codes.

As the proposed business is bringing in vans from international locations with British (right hand steering wheels), who is to say how much refurbishment will be required to make these vehicles saleable. Will this business be a dealership sales location or a full on mechanical garage with all the associated processes?

Where are their customers supposed to park and where are they going to show their vehicles for sale?

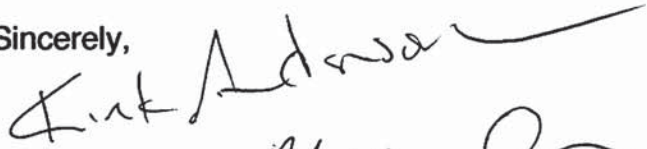
When I come to my warehouse to work or meet a client from my studio in Hulen Meadows I really do not want to find my parking spots occupied by this business or their customers.

As the owners and property tax payers, we feel that this proposed business would devalue our investment at 115B Northwood Way.

The property management company representing this location should be called out for first renting the non-compliant location initially as a residence and now trying to put an inappropriate business in underneath 2 residential apartments.

I would think a new business venture like Nomadic Van would be better served locating themselves where they would be able to grow and display their "For Sale" vehicles in an appropriate environment.

See site photos for illustrated details. (Dropbox Folder or Thumb Drive)

Sincerely,  


Kirk Anderson  
Hillary Anderson



**From:** Participate  
**Sent:** Tuesday, October 29, 2019 3:50 PM  
**To:** AllPlanningAndZoning  
**Subject:** FW: Conditional Use Application Nomadic Van

**LISA ENOURATO | CITY OF KETCHUM**  
Assistant City Administrator  
P.O. Box 2315 | 480 East Ave. N. | Ketchum, ID 83340  
o: 208.726.7803 | f: 208.726.7812  
[lenourato@ketchumidaho.org](mailto:lenourato@ketchumidaho.org) | [www.ketchumidaho.org](http://www.ketchumidaho.org)

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**From:** Kirk Anderson <kirk@kirkanderson.com>  
**Sent:** Tuesday, October 29, 2019 2:41 PM  
**To:** Participate <participate@ketchumidaho.org>  
**Subject:** Conditional Use Application Nomadic Van

Email # 2

Photographs are to be included with my letter dropped off earlier today and also the earlier email sent minutes



The photographs are to be included with my letter dropped off earlier today and also the earlier email sent minutes ago.



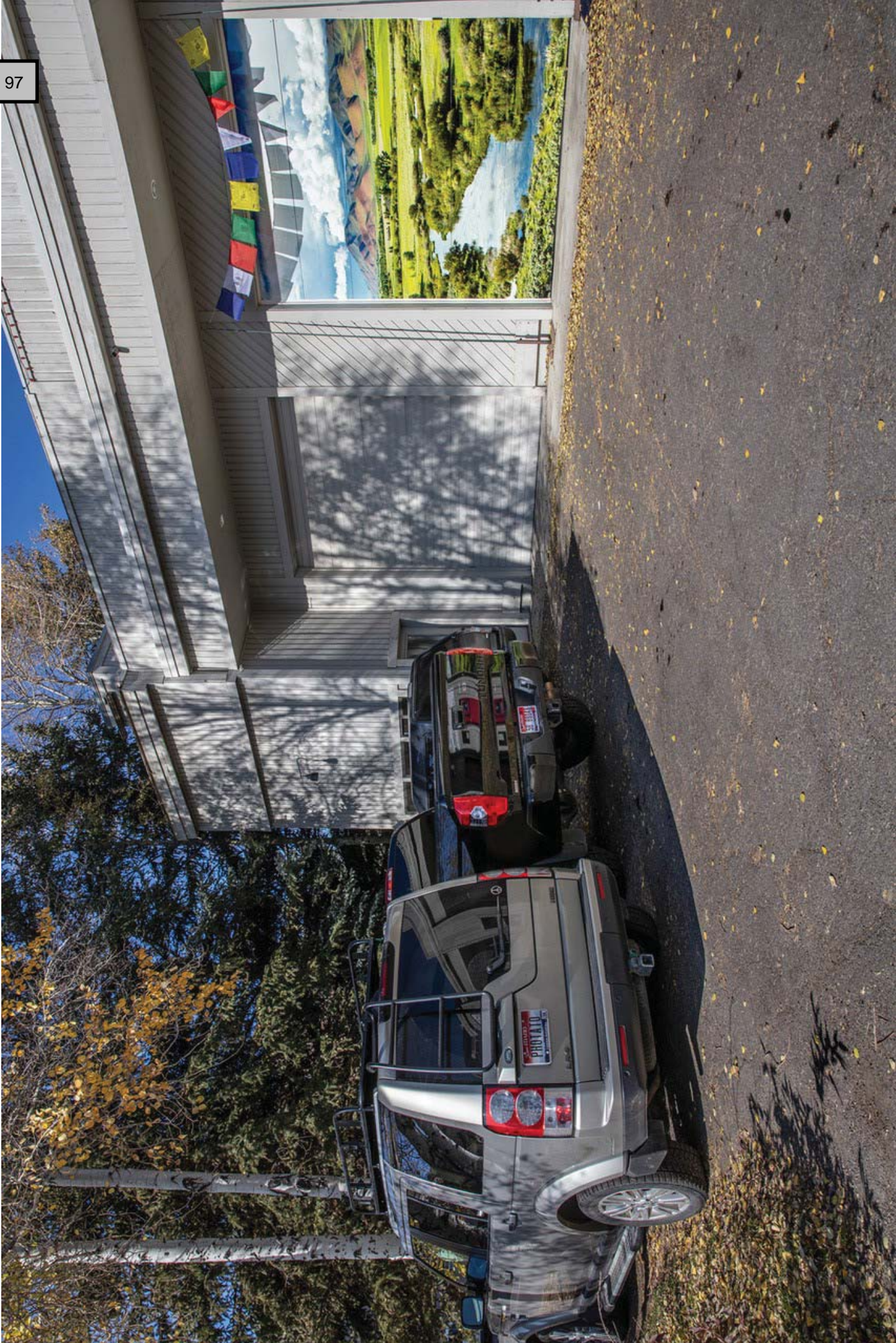
Sincerely,

Kirk Anderson  
208-720-5238











**From:** Participate  
**Sent:** Tuesday, October 29, 2019 3:50 PM  
**To:** AllPlanningAndZoning  
**Subject:** FW: Conditional Use Application Nomadic Van

I believe this is for planning. Let me know if not. Thanks!

**LISA ENOURATO | CITY OF KETCHUM**  
Assistant City Administrator  
P.O. Box 2315 | 480 East Ave. N. | Ketchum, ID 83340  
o: 208.726.7803 | f: 208.726.7812  
[lenourato@ketchumidaho.org](mailto:lenourato@ketchumidaho.org) | [www.ketchumidaho.org](http://www.ketchumidaho.org)

---

**From:** Kirk Anderson <kirk@kirkanderson.com>  
**Sent:** Tuesday, October 29, 2019 2:35 PM  
**To:** Participate <participate@ketchumidaho.org>  
**Subject:** Conditional Use Application Nomadic Van

To all those concerned,

Attached is a photograph from 115C Northwood Way in Ketchum from the center of the garage door looking directly out toward Northwood Way.

As the photo illustrates the 3 cars parked in the designated 3 parking spots totally prohibit access in and out of the Unit 115 "C" 's lower level garage door.

This design layout does not fit a business selling cars as the lower level unit of 115 C is only allowed "ONE" parking spot in our whole complex!

I dropped off a letter today just before noon that these photographs should also accompany.

Sincerely,

Kirk Anderson  
208-720-5238 cell





**From:** Participate  
**Sent:** Wednesday, October 30, 2019 10:45 AM  
**To:** AllPlanningAndZoning  
**Subject:** FW: Conditional Use Application 115C Northwood Way Glaske  
**Attachments:** KetchumCityPlanning2.doc

Public comment attached and below.

**LISA ENOURATO | CITY OF KETCHUM**

Assistant City Administrator

P.O. Box 2315 | 480 East Ave. N. | Ketchum, ID 83340

o: 208.726.7803 | f: 208.726.7812

[lenourato@ketchumidaho.org](mailto:lenourato@ketchumidaho.org) | [www.ketchumidaho.org](http://www.ketchumidaho.org)

---

**From:** Kirk Anderson <kirk@kirkanderson.com>  
**Sent:** Wednesday, October 30, 2019 10:27 AM  
**To:** Participate <participate@ketchumidaho.org>  
**Subject:** Conditional Use Application 115C Northwood Way Glaske

Attached, please find one more photo of the parking lot design which blocks access to Unit 115C's garage door.

Please add this example to the photos submitted yesterday.

Thanks,

Kirk Anderson

Also, I have attached a digital version of my letter dropped off yesterday around noon.

Thanks,

Kirk



**F. Draft Findings of Fact and Conclusions of Law**





City of Ketchum  
Planning & Building

IN RE:	)	
	)	
Nomadic Van Motor Vehicle Sales	)	<b>KETCHUM PLANNING AND ZONING COMMISSION</b>
Conditional Use Permit	)	<b>FINDINGS OF FACT, CONCLUSIONS OF LAW, AND</b>
Date: November 12, 2019	)	<b>DECISION</b>
	)	
File Number: 19-116	)	

**PROJECT:** Nomadic Van Motor Vehicle Sales Conditional Use Permit

**FILE NUMBER:** P19-116

**APPLICANT:** Ronald Arnold, Nomadic Van Sun Valley LLC

**REQUEST:** Conditional Use Permit (CUP) for motor vehicle sales

**LOCATION:** 115 C Northwood Way, Ketchum, ID (GLASKE INDUSTRIAL CONDO #2 UNIT 115C)

**ZONING:** Light Industrial District No. 2 (LI-2)

**OVERLAY:** None

**NOTICE:** Notice was mailed to property owners within a 300-foot radius and was published in the Idaho Mountain Express on October 23, 2019. Notice was posted at the subject location and on the city website on November 5, 2019.

**ATTACHMENT:** None

**FINDINGS OF FACT**

1. On November 12, 2019, the Planning and Zoning Commission considered a Conditional Use Permit (CUP) application for the proposed motor vehicle sales business.
2. The subject property is located in the Light Industrial District No. 2 (LI-2) zoning district.
3. Motor vehicle sales operations require a Conditional Use Permit in the LI-2 zoning district.
4. Nomadic Van Sun Valley is a new business venture that proposes to source vintage vehicles, primarily Mitsubishi Delica vans, and to offer the vehicles for sale primarily online. Although sales will primarily be online pre-sales Nomadic Van Sun Valley intends to have one (1) van for sale to the public on-site at any given time for potential walk-in/drive-by customers.
5. Nomadic Van plans to import the vans to their Ketchum, Idaho commercial space in the LI-2 zoning district, perform light maintenance and tune ups of only the vehicles that are within their inventory, and will arrange to meet with clients who have pre-purchased a vehicle to transfer title.

**Table 1. Comprehensive Plan Analysis**

<p><b>Land Use Category:</b> <b>Mixed-Use Industrial</b></p> <p><b>PRIMARY USES</b> <i>Light manufacturing, wholesale, services, automotive, workshops, studios, research, storage, construction supply, distribution and offices make up the bulk of development within this district.</i></p> <p><b>SECONDARY USES</b> <i>A limited range of residential housing types, and supporting retail are provided for within this category. Uses should generate little traffic from tourists and the general public.</i></p> <p><b>CHARACTERISTICS AND LOCATION</b> <i>The Mixed-Use Industrial category is intended to provide critical lands for Ketchum’s economic growth and entrepreneurial opportunity within a vibrant business district where people can work and live in the same area.</i></p>
<p>Automobile oriented uses are permitted only within Ketchum’s LI-1 and LI-2 zoning districts. The conditional use, Automobile Sales, is consistent with the primary use of the Mixed-Use Industrial land use category.</p>
<p><b>Policy E-2(a)</b> <b>Light Industrial Area as the Primary Location for New Traditional Light Industrial and Corporate Park Business Growth and Jobs</b> <i>New employment opportunities will focus primarily on clean industries within the City’s industrial areas which are evolving into vibrant, mixed-use business places. Traditional light industrial includes service, warehousing, manufacturing, wholesaling, auto-related businesses, rec-tech, biotechnology, and construction.</i></p>
<p>The specific type of automobile sales proposed by Nomadic Van Sun Valley blends traditional light industrial use – automobile sales/tune ups – with the growing recreation-oriented travel and tourism market that is bolstered by #vanlife and #digitalnomadism. Nomadic Van Sun Valley recognized a void in the niche vintage camper-van market and is seeking to use Ketchum, Idaho as the base for customers nationwide to travel to and pick up their pre-purchased specialty vehicles.</p>
<p><b>Policy E-1(a)</b> <b>Support for Local, Independent Businesses</b> <i>Our community will foster a business climate that helps to retain our existing businesses and to attract and support new independent local businesses. This will reduce economic leakages to other communities and provide residents with essential goods and services. We also will work to encourage a greater local purchasing culture and identify voids in businesses or services that are contributing to the leakage.</i></p>
<p>Ketchum, ID is surrounded by public lands and is the gateway to the Sawtooth National Recreation Area. Sprinters and Volkswagon Vanagons are ubiquitous around town – owned by residents and visitors alike – and are used to access the limitless recreation opportunities adjacent to city limits.</p> <p>This business easily could have been located in any other mountain town in the west. While the local retail sales component of Nomadic Van Sun Valley is proposed to be a relatively small part of the company’s operations, and may not meaningfully curb retail leakage of vehicle sales in general, the fact the business is locating here adds to the culture of Ketchum as a recreation and outdoors hub.</p>

**Table 2: City Department Comments**

City Department Comments			
Compliant			City Standards and City Department Comments
Yes	No	N/A	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>Fire:</b></p> <ul style="list-style-type: none"> <li>• Fire extinguishers must be installed</li> <li>• Upon demolition of the interior walls the fire alarm must meet NFP 72 standards</li> </ul>

107			<ul style="list-style-type: none"> <li>• Must install a Knox Box for storage of keys to the unit</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Streets Department and City Engineer:</b> This is an existing building that is not being substantially improved. No comments at this time.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Utilities:</b> No comments at this time.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Building:</b> No comment at this time.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Planning and Zoning:</b> Comments are denoted throughout the Staff Report.

**Table 3: Conditional Use Permit Requirements**

Conditional Use Requirements				
EVALUATION STANDARDS: 17.116.030 and § 67-6512 of Idaho Code				
A conditional use permit shall be granted by the commission only if the applicant demonstrates the following:				
Compliance and Analysis				
Yes	No	N/A	City Code	City Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(A)	<p><b>The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district.</b></p> <p><i>The Light Industrial Number Two (LI-2) District allows for a variety of permitted and conditionally permitted uses ranging from manufacturing to personal service to wholesaling to automotive uses. Per KMC §17.18.150, the LI-2 Zone is “established with the foremost purpose of providing suitable land and environs for uses that are not appropriate in other Commercial Zones due to their light industrial nature, but which provide an essential or unique service to support the local economy and permanent year-round employment base. Uses include: 1) light manufacturing; 2) wholesale trade and distribution; 3) research and development; 4) service industries; 5) limited bulk retail and; 6) offices related to building, maintenance and construction. A secondary purpose of the LI-2 is to provide multiple-family dwellings, constructed to be secondary and subordinate to the primary light industrial purpose of the LI-2. Uses in the LI-2 are intended to generate traffic primarily from the industrial trades and secondarily by other permitted uses that, due to the natures of the uses, are not reliant on pedestrian traffic or high visibility, and/or are not permitted in other zoning districts, and/or are characterized by sale, rental, or service of large, bulky equipment or materials, necessitating location of such use in a Light Industrial Zone.”</i></p> <p><i>Many permitted light industrial uses, such as manufacturing, maintenance service facilities, repair shops, and motor vehicle service, may not occur elsewhere within the City of Ketchum, and these uses are largely permitted by-right in this district by right. For example, motor vehicle service is a permitted use in the LI-2 zoning district.</i></p> <p><i>Motor vehicle sales, however, is a conditional use. Motor vehicle sales businesses can operate at a variety of scales, ranging from new or used car lots with hundreds of vehicles to much smaller operations. The scale of the business, as well as business operations, have implications for the externalities caused by business. For example, drive-by customer traffic, customer and sale vehicle parking, deliveries of for sale vehicles, and so forth can all generate impacts beyond the boundaries of the private property where the business is located. In this way, the characteristics of a conditional use could be incompatible with the types of other uses permitted in the applicable zoning district.</i></p>

				<p><i>The proposed operations described in the applicant’s narrative, as well as limitations to the business’ scale imposed by the physical dimensions of the site and commercial space, work together to ensure the business operations will be compatible with other permitted uses in the zoning district.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(B)</b>	<p><b>The conditional use will not materially endanger the health, safety and welfare of the community.</b></p> <p><b>Staff Comments</b></p> <p><i>The Fire Marshal conducted a site visit with the applicant and the property manager of the unit, reviewed the proposed business operations, and identified minor changes that need to occur. These include installation of fire extinguishers, installation of a Knox Box to house keys to the unit so the Fire Department can access the unit in case of an emergency and ensuring the fire alarm meets NFP 72 standards upon removal of the walls proposed for removal.</i></p> <p><i>The upstairs residential unit was built to meet code, including fire separation from the ground floor unit, when the unit was remodeled in 1996 (CUP 96-008 and BP96-128).</i></p> <p><i>There is a fire-resistant metal door, locked from both sides, that provides access between this condominium unit and the adjacent condominium unit, Unit B.</i></p> <p><i>In order to meet ADA accessibility for the on-site bathroom minor demolition and rebuilding of wall need to occur, as indicated in the floor plans prepared by Bliss Architecture. This will trigger the need for a building permit. Any additional life-safety elements required to meet building code will be identified at that time.</i></p> <p><i>As such, the proposed conditional use, motor vehicle sales, will not endanger the health safety, and welfare of the community.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(C)</b>	<p><b>The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.</b></p> <p><b>Staff Comments</b></p> <p><i>The two primary concerns related to traffic are parking associated with the business/the other existing use (residential) occurring in Unit C and traffic generated by customers (volume of trips).</i></p> <p><i>The Glaske Industrial Condominiums Phase 2 were platted in 1986 and there is space for six (6) exterior parking spaces located adjacent to the Northwood Way street frontage. Each of the three condominiums is allocated two (2) exterior parking spaces.</i></p> <p><i>The subject unit, Unit C, already contains a one-bedroom residential apartment on the upper floor. Ketchum Municipal Code requires the apartment to have one (1) parking space.</i></p> <p><i>That leaves one (1) existing exterior space for Nomadic Van Sun Valley.</i></p> <p><i>The space Nomadic Van Sun Valley will occupy is 1,421 square feet (1,208 ground floor plus 213 square foot mezzanine). In accordance with the zoning code, this use is required one (1) parking space per 1,000 square feet, or 1.4 parking spaces, rounded down to 1. As such, Nomadic Van Sun Valley needs only one (1) parking space.</i></p> <p><i>However, because the nature of the business is automobile sales, and service of these vehicles, Nomadic Van will be utilizing interior floor area for parking as well. Floor and site plans provided by the applicant indicate four (4) vehicles will be able to be accommodated inside after partial demolition of existing office space occurs, two exterior parking spaces can be accommodated in front of the unit (including one ADA), and two (2) new additional parking spaces (tandem) could be accommodated at the rear of the property.</i></p>

			<p><i>Additionally, other sections of Ketchum Municipal Code prohibit using the public right-of-way for display of vehicles for sale and for using the public right-of-way for vehicle maintenance (KMC §10.08.180). Ketchum Municipal Code also prohibits the parking of camper vehicles in the public right-of-way for more than twelve (12) hours (KMC §10.08.170) and prohibits the parking of any vehicle in the same location in the right-of-way for more than seven (7) days (KMC §10.08.160). If such violations occur the matter is handled by the Ketchum Police Department.</i></p> <p><i>Regarding traffic generated by the use, as indicated by the applicant, vehicle sales will primarily occur online. Maintenance of vehicles will be performed only on vehicles being sold by Nomadic Van Sun Valley. As such, vehicular traffic associated with the use is not anticipated to be hazardous or conflict with existing and anticipated traffic in the neighborhood.</i></p> <p><i>Little to no pedestrian traffic is anticipated. Any pedestrian traffic to the business can be accommodated by the existing sidewalk that is adjacent to the subject property.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>17.116.030(D) The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts.</b></p> <p><b>Staff Comments</b> <i>The proposed location is within an existing building that is adequately served by a public street, Northwood Way, and the city’s fire, police, and utility services.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>17.116.030(E) The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this section.</b></p> <p><b>Staff Comments</b> <i>As described in Table 2 of this staff report and 17.116.030(A) of this table, the conditional use aligns with, rather than conflicts with, the policies of the Comprehensive Plan and the basic purposes of this section.</i></p>

**CONCLUSIONS OF LAW**

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code;
2. Under Chapter 65, Title 67 of the Idaho Code, the City has passed a land use and zoning ordinance, Title 17;
3. The Commission has the authority to hear the applicant’s Conditional Use Permit Application pursuant Ketchum Municipal Code Title 17;
4. The Planning and Zoning Commission’s October 14<sup>th</sup>, 2019 public hearing and consideration of the applicant’s Conditional Use Permit application was properly noticed pursuant to the Local Land Use Planning Act, Idaho Code Section 67-6512;
5. The application meets the standards of approval under Chapter 17.116, Conditional Uses of Ketchum Zoning Code Title 17 and the 2014 Comprehensive Plan;

**DECISION**

**THEREFORE**, the Ketchum Planning and Zoning Commission approves this Conditional Use Permit application allowing for a work/live unit on this 12<sup>th</sup> day of November 2019 subject to the following conditions 1 - 5:

1. The Conditional Use Permit is applicable to Unit C, 115 Northwood Way, and is not transferrable to another property;

2. All vehicles in Nomadic Van Sun Valley LLC's inventory shall be located on private property in accordance with Ketchum Municipal Code;
3. Within 90 days of approval of this Conditional Use Permit Nomadic Van Sun Valley shall complete the demolition and building work indicated in the architectural plans dated November 7, 2019, as evidenced by receipt of a building permit and ensuing Certificate of Completion;
4. All Fire and Building life safety code requirements shall be met;
5. Inspections by Planning staff to ensure requirements with the Conditional Use Permit conditions may be scheduled at the discretion of staff.

Findings of Fact **adopted** this 12<sup>th</sup> day of November 2019.

---

Neil Morrow  
Chair  
Planning and Zoning Commission

RESOLUTION NO. 19-025

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO,  
ESTABLISHING THE DATES FOR ALL REGULAR PLANNING AND ZONING COMMISSION MEETINGS  
FOR 2020.

WHEREAS, regular meetings of the Planning and Zoning Commission shall be held on the second Monday of each month at 4:00 PM at Ketchum City Hall unless such date is a holiday, in which the meeting shall be held on the Tuesday immediately following the holiday; and,

WHEREAS, pursuant to Idaho Code § 67-2343(1), any public agency that holds meetings at regular intervals of at least once per calendar month scheduled in advance over the course of the year may satisfy this meeting notice by giving meeting notices at least once each year of its regular meeting schedule; and,

WHEREAS, the City Council has determined that listing all regular meetings of the Planning and Zoning Commission to be held in 2020 would be beneficial to the residents of and visitors to the City of Ketchum.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO that the regular meetings of the Planning and Zoning Commission for 2020 are as follows:

- Monday, January 13<sup>th</sup>
- Monday, February 10<sup>th</sup>
- Monday, March 9<sup>th</sup>
- Monday, April 13<sup>th</sup>
- Monday, May 11<sup>th</sup>
- Monday, June 8<sup>th</sup>
- Monday, July 13<sup>th</sup>
- Monday, August 10<sup>th</sup>
- Monday, September 14<sup>th</sup>
- Monday, October 12<sup>th</sup>
- Tuesday, November 9<sup>th</sup>
- Monday, December 14<sup>th</sup>

This Resolution will be in full force and effect upon its adoption this 14<sup>th</sup> day of October 2019

CITY OF KETCHUM, IDAHO

\_\_\_\_\_  
Mayor Neil Bradshaw

Attest:

\_\_\_\_\_  
Robin Crotty  
City Clerk