



City of Ketchum  
Planning & Building

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

**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>
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><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>
The applicant is applying for work/live approval under the provisions of the newly amended light industrial residential standards.
<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>
The proposal integrates housing into the light industrial area in a mixed-use building.

**Table 2: City Department Comments**

City Department Comments			
Compliant			
Yes	No	N/A	City Standards and City Department Comments
<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>

<input checked="" type="checkbox"/>	<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.
			Staff Comments	Design Review is not required as this application does not change the exterior of the building.
<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.
			Staff Comments	<p>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).</p> <p>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.</p> <p>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).</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>
			Staff Comments	This individually owned condominium is eligible for ownership because it is a work/live unit.
<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><i>Criteria 5b 1-5 and 5c 1-3 are met:</i></p> <p><i>B1. The property is suitable for on-site employees, foot traffic/customers, and meets applicable Building and Fire codes.</i></p> <p><i>B2. Staff has spoken with the applicant the hours of operation will be posted.</i></p> <p><i>B3. The work area is served by a prominent means of access (front door)</i></p> <p><i>B4. The applicant has a valid business license with the City of Ketchum for a permitted use.</i></p> <p><i>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).</i></p> <p><i>C2. The means of access to the residential portion of the unit is not prominent (it is within the interior).</i></p> <p><i>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.</i></p> <p><i>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).</i></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><i>N/A, this is a work/live unit.</i></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><b>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;</b></p> <p><b>b. The area designated as light industrial shall be as follows:</b></p> <p><b>(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.</b></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>
			<b>Staff Comments</b>	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>
			<b>Staff Comments</b>	<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:</b> 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.</p>
			<b>Staff Comments</b>	<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:</b> Conditions including, but not limited to, the following may be attached to the conditional use permit approval:</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;</p> <p>e. Ketchum Fire Department and Ketchum Building Department requirements shall be met prior to occupancy;</p> <p>f. Snow removal required to ensure utility of residential spaces and non-interference with continuous LI operations;</p> <p>g. Any portion or all waived fees become due and payable upon conversion of resident housing unit(s) to light industrial uses;</p> <p>h. Construction techniques that aid sound proofing and limit externalities of LI noise and use impacts on residences is encouraged;</p> <p>i. Provision for and reasonable extension of sidewalks to assure safe pedestrian access; and/or,</p> <p>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 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 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>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.</i></p>
			<b>Staff Comments</b>	
<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>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.</i></p>
			<b>Staff Comments</b>	
<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>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.</i></p>
			<b>Staff Comments</b>	
<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>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.</i></p>
			<b>Staff Comments</b>	

<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>

### 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

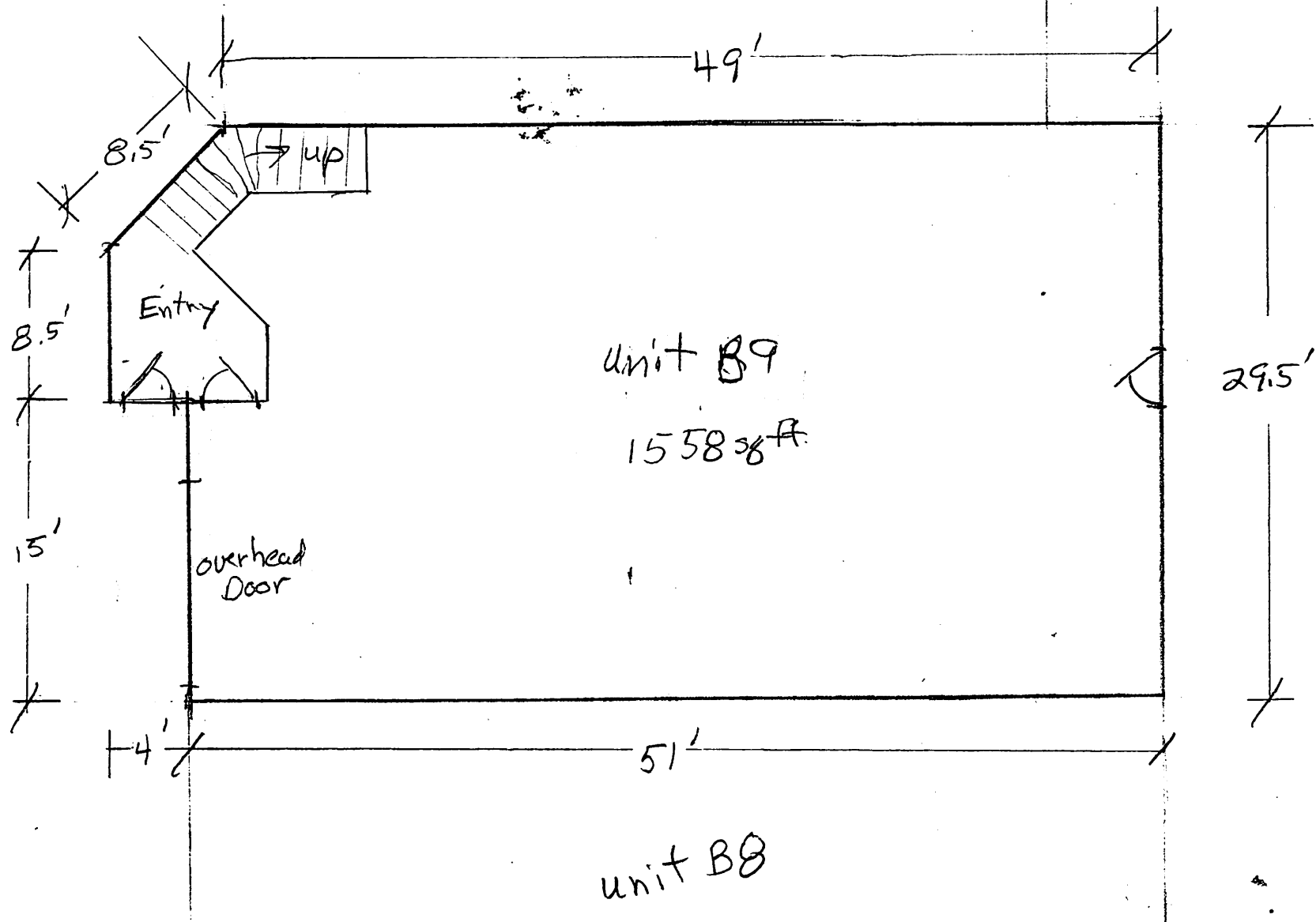


**Attachment A.**

**Floorplans**

Tenth Street  
LI Complex  
Lower level

unit B10



Tenth Street  
LI Complex  
upper Level

unit B10

