



City of Ketchum
Planning & Building

IN RE:)
)
940 N Leadville Ave) KETCHUM PLANNING AND ZONING COMMISSION
Design Review) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Date: June 14, 2022) DECISION
)
File Number: P22-011)

PROJECT: 940 N Leadville Addition

APPLICATION TYPE: Design Review

FILE NUMBER: P22-011

ASSOCIATED APPLICATIONS: Conditional Use Permit (P22-010)

REPRESENTATIVE: Michael Blash, Michael Blash Architects, LLC

OWNER: Amy Martin

LOCATION: 940 N Leadville Ave – Ketchum Townsite Lot 3 Block 30

ZONING: Light Industrial – One (LI-1)

OVERLAY: None

RECORD OF PROCEEDINGS

The City of Ketchum received the applications for a Conditional Use Permit and Design Review on February 16, 2022. Both applications have been reviewed concurrently and were deemed complete on April 25, 2022. Staff routed the application materials to all city departments for review. Department comments were provided to the applicant on March 25, 2022. All department comments have been addressed satisfactorily through applicant revision of project plans or conditions of approval.

A public hearing notice for the project was mailed to all owners of property within 300 feet of the project site and all political subdivisions on May 4, 2022. The public hearing notice was

published in the Idaho Mountain Express the on May 4, 2022. A notice was posted on the project site and the city’s website on May 4, 2022.

The Planning and Zoning Commission (the “Commission”) considered the 940 N Leadville Design Review (Application No. P21-011) and the Conditional Use Permit (Application No. P21-010) applications during a special meeting on May 24, 2022. The development applications were considered concurrently, and the associated public hearings were combined in accordance with Idaho Code §67-6522. After considering staff’s analysis, and public comment, the Commission unanimously approved the 940 N Leadville Design Review application and Conditional Use Permit with conditions as proposed by staff.

BACKGROUND

The Applicant is requesting a Conditional Use Permit (CUP) to establish a work/live unit and Design Review approval for modifications to the existing building that replace a portion of the existing building with a two-story garage, office, and outdoor dog run area located at 940 N Leadville Ave (the “subject property”). Rhe proposed project consists of 965 square feet of living space and 1,293 square feet of work space. The subject property is zoned Light Industrial 1 (LI-1) which allows Dog Kennels as a permitted use by right and work/live units with CUP approval. Currently, the subject property contains a 2,151 square foot one-story building consisting of a non-conforming residential use and a conforming commercial use and a 289 square foot detached shed in the rear of the property.

The dog kennel, Alpenhound, has been in operation for the past two years. The non-conforming residential use has existed since 1988. The residential use is non-conforming and does not have a valid CUP as required by the Ketchum Municipal Code (KMC). The applicant’s desire to expand the existing building triggers the requirement that the non-conforming residential use come into compliance with the KMC.

The applications submitted bring the property and use into conformance with all code requirements and allow for the expansion of the permitted business operation. The CUP is applicable to the work/live unit and configuration; however, the CUP is not related to the operation of dog kennel since the use is a permitted use in the LI-1 District. Table 1 below outlines the proposed interior square footage of each use for the proposed project as shown on the proposed project plans.

Table 1: Proposed Uses and Square Footage

Use	Square Footage	Percent SF
Work		
Ground Floor – Dog Sleeping and Supply Storage	327 SF	
Ground Floor – Storage/Dog Wash/Laundry	480 SF	
Second Floor – Office/Dog Feeding Area	486 SF	
Subtotal	1,293 SF	57% of total

Live		
Ground Floor – Existing Living	965 SF	
Subtotal	965 SF	43% of total
Total Square Footage	2,258 SF	
Dog Deck and Garage*	1,363 SF	

*Dog deck not included in total “work” square footage as it is not enclosed.

Garage not included in work as it is used for both live and work.

The KMC has very specific requirements for work/live units outlined in KMC Section 17.124.090.A.5 including ownership and occupancy of the space, size of workspace compared to live space, access to each space, and parking. As proposed, the work/live unit meets all requirements and standards in the KMC.

The project proposes to construct improvements to the right-of-way per the City of Ketchum improvement standards; however, the applicant requested a waiver of the sidewalk requirement per the provisions of KMC Section 17.124.140 which allows for a payment-in-lieu of constructing the sidewalk.

FINDINGS OF FACT

The Commission, having reviewed the entire project record, provided notice, and conducted the required public hearing, does hereby make and set forth these Findings of Fact, Conclusions of Law, and Decision as follows:

FINDINGS REGARDING COMPLIANCE WITH ZONING REGULATIONS

17.12.020 – District Use Matrix	Conformance
<i>Zone District: Light Industrial – One (LI-1)</i>	YES
<p>Finding: The building includes a “dog kennel” operation and a residential unit, together classified as a “work/live” unit. <u>KMC 17.12.020</u> outlines permissible uses in the LI-1 zone district. Dog Kennels are listed as a permitted use in the LI-1 zone district. Work/live units are permitted with a conditional use permit (CUP) approval. The applicant has requested approved of a CUP for the work/live which is being reviewed concurrently with the Design Review application.</p>	

17.12.040 – Dimensional Standards. CC District Matrix	Conformance
<i>Minimum Lot Size</i>	YES
<p>Finding: <u>Permitted:</u> 8,000 square feet <u>Proposed:</u> 5,500 square feet – the subject property is Lot 3, Block 30 of the Ketchum Townsite (Village of Ketchum), platted in 1948. Per KMC 17.128.010, lots created prior to April 21, 1966 can be developed provided that all other dimensional limitations are met.</p>	

17.12.040 – Dimensional Standards. CC District Matrix	Conformance
<i>Minimum Lot Width</i>	YES
<p>Finding: <u>Required:</u> Minimum lot width of an average of 80 feet is required in the LI-2 zone district.</p> <p><u>Proposed:</u> The subject property is 55 feet wide as shown on the survey included in the project plans. The property was platted in 1948. Per KMC 17.128.010, lots with non-conforming lot widths created prior to April 21, 1966 can be developed provided that all other dimensional limitations are met.</p>	

17.12.040 – Dimensional Standards. CC District Matrix	Conformance
<i>Minimum Building Setbacks</i>	YES
<p>Finding: <u>Permitted:</u> Front (Leadville/west): 20 feet Side (Interior Lot Line/north): 0' ¹ for internal side yards and, except for non-enclosed public use structures, a minimum of 10' for street side yards Side (Interior Lot Line/south): 0' ¹ for internal side yards and, except for non-enclosed public use structures, a minimum of 10' for street side yards Rear (Alley/east): 0' ¹</p> <p>Footnote 1: If the lot adjoins a more restrictive Residential District on the side or rear, the more restrictive setbacks of that district shall apply.</p> <p><u>Proposed (per Sheet A3):</u> The lot is bordered on all sides by LI-1 zoned lots, therefore, no additional setbacks are required. Front (Leadville/west): 22 feet 2 inches as measured to the second story dog deck Side (Internal Lot Line/north): 0 feet Side (Internal Lot Line/south): 0 feet Rear (Alley/east): 0 feet</p>	

17.12.040 – Dimensional Standards. CC District Matrix	Conformance
<i>Maximum Building Heights</i>	YES
<p>Finding: <u>Permitted:</u> 35 feet Height of building/light industrial districts: The greatest vertical distance measured at any point from natural, existing, or finished grade, whichever is lowest, to the highest point of the roof, except where expressly exempted by section 17.12.050 of this title. No facade shall be greater than the maximum height permitted in the zoning district. Building heights in light</p>	

industrial districts are subject to the qualifying ground floor heights and residential standards contained in section 17.124.090 of this title.

Proposed: 25 feet as shown on Sheet A6.

17.125.030 – Off Street Parking and Loading	Conformance
<i>Per KMC 17.125.020 all new development must comply with the off street vehicle parking requirements of the chapter.</i>	YES
<p>Finding: <u>Required per KMC 17.125.030:</u></p> <ul style="list-style-type: none"> - Parking space dimensions of 9x18 feet - Unobstructed access to and from streets - Located in the rear of a building or lot - Lighting and Screening - Requirements for alleys <p><u>Proposed:</u> As shown on Sheet A4 of the project plans, all surface parking spaces meet the minimum 9x18 feet dimensional requirements. All parking is located in the front of the property rather than the alley; however, this is an existing building with only partial demolition and no changes to the parking area are proposed from what exists today. The project does not propose any parking area lighting except for downcast lighting under the carport, which complies with the city’s dark skies ordinance. The surface parking area is screened with landscaping along the front of the property except for the driveway curb cut.</p>	

17.125.040 – Off Street Parking and Loading Calculations 17.125.050 – Community Core District Off Street Parking and Loading Calculations	Conformance
<i>Minimum amount of parking spaces required per use.</i>	YES
<p>Finding: <u>Required:</u> 1 space per 1,000 gross square feet for the work unit 1 space per bedroom for the live unit</p> <p>The project proposes a single one-bedroom live unit and 1,715 square feet of work space. A total of three parking spaces is required.</p> <p><u>Proposed:</u> As shown on Sheet A3, the project proposes a total of three parking spaces. One garage space, one carport space, and one surface parking space.</p>	

17.125.060 – Bicycle Parking	Conformance
<i>Requirements</i>	YES Condition #3
<p>Finding: <u>Required:</u> 1 bicycle rack, accommodating at least two bicycles, for every four parking spaces required.</p> <p><u>Proposed:</u> A bike rack accommodating two bicycles exists on the property today but is not shown on the project plans. Staff recommends condition #3 to ensure the bicycle racks remains and is shown on the project plans submitted at building permit application.</p>	

17.125.030H – Curb Cut	Conformance
<i>Requirements</i>	YES
<p>Finding: <u>Required:</u> A maximum of thirty five percent (35%) of the linear footage of any street frontage may be devoted to access off street parking.</p> <p><u>Proposed:</u> The total lot frontage is 55 feet. The proposed plans show a curb cut, measured at the property line of 19.25 feet, 35% of the total lot frontage.</p>	

17.132 – Dark Skies	Conformance
<i>Compliance with Section 17.132 – Dark Skies.</i>	YES
<p>Finding: As shown on Sheet A3, the project proposes minimal exterior lighting for the project that does not trespass onto adjacent properties. The two fixtures proposed are both dark sky compliant. Final review of light fixtures for compliance with the city’s dark sky ordinance will be completed at the time of building permit application and review. There is one existing fixture that will be removed with the demolition of the project and replaced with the light fixtures proposed in the project plans.</p>	

FINDINGS REGARDING WORK/LIVE STANDARDS

17.124.090.A.5.a – Work/Live Units	Conformance
<i>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.</i>	YES Condition #4
<p>Finding: <u>Required:</u> Work/live units incorporate residential living space in a nonresidential 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.</p>	

Proposed: The living space is within a non-residential building that has been used as a bakery, surfboard shop, woodworking studio, and dog kennel. In all scenarios, the living space has been secondary to the work space and always within same ownership. To date, a restrictive covenant has not been recorded. Staff recommends condition #4 to ensure the covenant is recorded prior to issuance of a building permit for the project.

17.124.090.A.5.b – Work Unit Standards	Conformance
<p><i>The work unit is:</i> (1) Suitable for on-site employees, foot traffic/customers, and meets applicable building and fire codes; (2) Signed and posted with regular hours of operation; (3) Served by the prominent means of access for the work/live unit; and (4) Associated with a business license for a use allowed (either conditionally or permitted) in the district.</p>	<p>YES Condition #5</p>
<p>Finding: The Alpenhound business has one full-time employee, owner Amy Martin. According to a letter written by the owner and applicant included in the application materials, one additional part-time employee provides coverage for the owner when she is out of town. There are three parking spaces proposed for the project which provide ample parking and access for the owner and employee. The business operations do not include pick-up and drop-off times like a traditional kennel. The owner goes to each dog owner’s business and picks up the dogs from their residences or offices. No traffic from customers impacts the subject property. The building department and fire department reviewed the existing building and proposed addition. All requirements are met in the existing structure, compliance with building and fire codes for the addition will be reviewed at the time of building permit review for the project. Condition #5 requires the business hours to be posted and remain posted at all times.</p> <p>As shown on Sheet A3, the work unit is access via the garage door and an entry door in the northern portion of the proposed project. This is the prominent access to the work unit. The residential unit is accessed through a separate door on the south end of the building which accesses the live unit specifically.</p> <p>Alpenhound is a registered business in good standing with the City of Ketchum. The City requires renewal of business licenses annually.</p>	

17.124.090.A.5.c – Live Unit Standards	Conformance
<p><i>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:</i></p>	<p>YES</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 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>	
<p>Finding: The total square footage of the proposed project is 2,680 square feet, 965 square feet of which is the live unit. This represents 36% of the total project. The residential unit is not readily visible from the street as it is located on the south side of the building, behind a portion of the work unit, and screened by a fenced in patio with six foot fence. The primary use is the dog kennel, which is the prominent space visible from the street. As shown on the right-of-way encroachment plan, the property meets all requirements for snow storage while maintaining access and circulation for all three required parking spaces including one space for the live unit. As outlined above, the project meets all parking and loading requirements outlined in Chapter 17.125 of the KMC.</p>	

FINDINGS REGARDING DESIGN REVIEW STANDARDS

17.96.060.A.1 - Streets	Conformance
<p><i>The applicant shall be responsible for all costs associated with providing a connection from an existing City street to their development.</i></p>	<p>YES Condition #5</p>
<p>Finding: The subject property is on N Leadville Ave and currently connects to the right-of-way via the surface parking area asphalt. All proposed improvements to the right-of-way, including removal of some existing asphalt, regrading of the site, and installation of gravel parking area is at the expense of the applicant. The applicant requested a waiver from sidewalk construction; however, a fee-in-lieu of sidewalk construction is required per KMC 17.124.140. Staff recommends condition #5 to outline the timing of approval of the sidewalk waiver and payment of the in-lieu fee.</p>	

17.96.060.A.2 - Streets	Conformance
<p><i>All street designs shall be approved by the City Engineer.</i></p>	<p>YES – condition #4</p>
<p>Finding: No new streets are proposed for the project, however, all improvements to the right-of-way as shown on the project plans has been reviewed by the City Engineer. Final review of all improvements to the right-of-way will be completed prior to issuance of a building permit for the project per condition of approval #4.</p>	

17.96.060.B.1 - Sidewalks	Conformance
<i>All projects under subsection 17.96.010.A of this chapter that qualify as a "substantial improvement" shall install sidewalks as required by the Public Works Department.</i>	YES Conditions #4 and #5
<p>Finding: KMC 17.124.140 outlines the zone districts where sidewalks are required when substantial improvements are made, which include the LI-1 zone district. The applicant requested a waiver from sidewalk construction for the project per the requirements of KMC Section 17.124.140. City planning, engineering, and streets are supportive of the waiver as N Leadville is a local street with no direct thru traffic, operating more like a residential street than an industrial collector street like Lewis Street and Northwood Way. The project proposes to remove some existing asphalt, regrade the right-of-way to meet city standards, and place 8 feet of gravel along the right-of-way for on-street parking per city standards. All improvements to the right-of-way will be reviewed and approved by the City Engineer and Streets Department prior to issuance of a building permit as per recommended condition #4. Waiver of the sidewalk requirement must be approved by City Council following recommendation by the Commission. Staff recommends condition #5 outlining the timing of City Council approval and payment of the in-lieu fee.</p>	

17.96.060.B.2 - Sidewalks	Conformance
<i>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.</i>	YES Condition #4
<p>Finding: The city engineer supports the waiver of the sidewalk construction. Proposed right-of-way improvements in lieu of sidewalk construction have been reviewed and approved by the City Engineer. Final design of right-of-way improvements will be reviewed and approved by the City Engineer at the time of building permit review per condition #4.</p>	

17.96.060.B.3 - Sidewalks	Conformance
<p><i>Sidewalks may be waived if one of the following criteria is met:</i></p> <ul style="list-style-type: none"> <i>a) The project comprises an addition of less than 250 square feet of conditioned space.</i> <i>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.</i> 	YES
<p>Finding: As described above, the City Engineer agrees that sidewalks are not necessary for the proposed project per subsection b of this standard.</p>	

17.96.060.B.4 - Sidewalks	Conformance
<i>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>	N/A
Finding: As described above, the sidewalk requirement has been waived for this project.	

17.96.060.B.5 – Sidewalks	Conformance
<i>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>	N/A
Finding: As described above, the sidewalk requirement has been waived for this project.	

17.96.060.B.6 - Sidewalks	Conformance
<i>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 110 percent 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>	YES Condition #5
Finding: The applicant has requested a waiver of the sidewalk construction requirement and will pay a fee-in-lieu of construction as outlined in this standard. Staff recommends condition #5 which outlines the process for submitting design drawings and timing of payment of in-lieu fees.	

17.96.060.C.1 - Drainage	Conformance
<i>All stormwater shall be retained on site.</i>	YES
Finding: The subject property slopes downward to the right-of-way from the rear of the property. Per the site grading and drainage shown on the right-of-way improvements plan, all drainage from the property is being retained on site with proposed drainage infrastructure in the center of the front property line. The proposed drainage has been reviewed and approved by the City Engineer.	

17.96.060.C.2 - Drainage	Conformance
<i>Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.</i>	YES Condition #4

Finding: As shown on the right-of-way improvements plan, all stormwater is retained on-site. The project proposes to construct right-of-way improvements the length of the subject property, including a trench drain, dry well, and regrading of the right -of-way to meet city standards. Final design of drainage infrastructure will be reviewed and approved by the City Engineer prior to building permit issuance per condition #4.

17.96.060.C.3 - Drainage	Conformance
<i>The City Engineer may require additional drainage improvements as necessary, depending on the unique characteristics of a site.</i>	N/A
Finding: The City Engineer did not identify any additional drainage improvements during department review.	

17.96.060.C.4 - Drainage	Conformance
<i>Drainage facilities shall be constructed per City standards.</i>	YES Condition #4
Finding: Based on review of the project plans by the City Engineer during department review, all drainage facilities meet city standards. Final design of drainage facilities will be reviewed and approved by the city engineer prior to issuance of a building permit per condition #4.	

17.96.060.D.1 - Utilities	Conformance
<i>All utilities necessary for the development shall be improved and installed at the sole expense of the applicant.</i>	YES
Finding: All project costs associated with the development, including installation of utilities, are the responsibility of the applicant. The applicant has not made requests for funding to the City, and no funds have been provided by the city for the project.	

17.96.060.D.2 - Utilities	Conformance
<i>Utilities shall be located underground and utility, power, and communication lines within the development site shall be concealed from public view.</i>	YES
Finding: All utilities to the existing structure are underground. Per comments from water and sewer, no changes to the existing services are required for the proposed project. An Idaho Power transformer is located at the southeast corner of the property on an above ground power pole. A service line runs from the pole to a meter on the southeast corner of the property and serves the existing building underground from there. Idaho Power conducted a review of the proposed project and determined that no upgrades to the existing power service is required per a letter dated April 11, 2022.	

17.96.060.D.3 - Utilities	Conformance
<i>When extension of utilities is necessary all developers will be required to pay for and install two-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.</i>	N/A
Finding: No extension of utilities is required for the project, therefore, this standard does not apply.	

17.96.060.E.1 – Compatibility of Design	Conformance
<i>The project's materials, colors and signing shall be complementary with the townscape, surrounding neighborhoods and adjoining structures.</i>	YES
Finding: The adjoining structures to the west and south are primarily one and two-story structures of traditional residential architecture and materials. The structure to the south is log cabin construction with grouted river rock along the ground floor. To the west are two residential structures with horizontal wood/vinyl siding. To the north, the structures are more commercial in nature with flat roofs of cinder block or concrete construction. The proposed project includes a blend of horizontal wood siding on the existing structure with wood, stucco, and metal siding materials for the addition. The colors of materials are very complimentary of the adjoining structures.	

17.96.060.E.2 – Compatibility of Design	Conformance
<i>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.</i>	N/A
Finding: The subject property includes a building that was built in the 1950s. Although the building housed many beloved business in its history, the building has not been identified as a local landmark and is not listed on the City of Ketchum’s Historic Building/Site List.	

17.96.060.E.3 – Compatibility of Design	Conformance
<i>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.</i>	N/A
Finding: The existing building was built in the 1950s, therefore this standard does not apply.	

17.96.060.F.1 – Architectural	Conformance
<i>Building(s) shall provide unobstructed pedestrian access to the nearest sidewalk and the entryway shall be clearly defined.</i>	YES

Finding: The project includes direct access to the nearest street, N Leadville Ave, which functions much like a local/residential street. These streets are known to provide pedestrian circulation within the public right-of-way. The project does not propose any improvements that would obstruct pedestrian access to the nearest street.

17.96.060.F.2 – Architectural	Conformance
<i>The building character shall be clearly defined by use of architectural features.</i>	YES

Finding: The building character is a unique blend of traditional residential architecture and modern design elements. The existing building has a gabled roof running north to south and horizontal siding on the façade. The proposed addition is more modern with clean vertical and horizontal lines and stucco/metal/wood façade treatments. The proposed project blends the orientation of materials between the existing building and proposed addition well, specifically the vertical siding of the dog deck area and it’s cohesion with the vertical roofing material on the existing building.

17.96.060.F.3 – Architectural	Conformance
<i>There shall be continuity of materials, colors and signing within the project.</i>	YES

Finding: The project uses a consistent set of materials including wood siding, metal siding, and stucco. The proposed materials for the addition blend well with the materials on the existing building, particularly the most visible elements such as the roof and front fence area.

17.96.060.F.4 – Architectural	Conformance
<i>Accessory structures, fences, walls and landscape features within the project shall match or complement the principal building.</i>	YES

Finding: Existing accessory structures are being removed as part of the proposed project. No additional accessory structures are proposed. There are existing fences and retaining walls on the property. Fences are a vertical wood design that is being mirrored for the proposed fence along the north property line and the fenced in patio in the front of the property. All retaining walls are a poured concrete that match the color of the proposed stucco on the building.

17.96.060.F.5 – Architectural	Conformance
<i>Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness.</i>	YES

Finding: The existing building is a one-story structure, with the addition stepping to a second story. The maximum height of the building is at the rear of the addition near the alley.

Various areas of relief are included in the proposed addition. The second-floor dog deck is uncovered and serves as the roof for the open carport below.

17.96.060.F.6 – Architectural	Conformance
<i>Building(s) shall orient toward their primary street frontage.</i>	YES
<p>Finding: The subject properties’ primary street frontage is N Leadville Ave. The project orients to the street frontage with the second floor dog deck and main entrance to the building facing Leadville. Signage for the business will be located on the fence that encloses the front patio area, as shown on the project plans, which draws attention from the street.</p>	

17.96.060.F.7 – Architectural	Conformance
<i>Garbage storage areas and satellite receivers shall be screened from public view and located off alleys.</i>	YES
<p>Finding: As shown on Sheet A4 of the project plans, the garbage area is enclosed in a storage area between the carport and fenced patio area at the front of the building. The garbage area is fully enclosed by the building. No satellite receivers are proposed for the project.</p>	

17.96.060.F.8 – Architectural	Conformance
<i>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.</i>	YES
<p>Finding: As shown on Sheet A4 of the project plans, snow retention exists on the gabled roof of the existing building. The roof and dog deck for the addition is designed to drain to a series of roof drains, scuppers, and downspouts.</p>	

17.96.060.G.1 – Circulation Design	Conformance
<i>Pedestrian, equestrian and bicycle access shall be located to connect with existing and anticipated easements and pathways.</i>	YES
<p>Finding: The project is connected directly to the street network on N Leadville Ave with paved access along the road. The closest sidewalk is on 10th Street at the corner of 10th and Highway 75, however, there is no sidewalk connectivity or easements on N Leadville. Bicycle access is from the road as well.</p>	

17.96.060.G.2 – Circulation Design	Conformance
<i>Awnings extending over public sidewalks shall extend five feet or more across the public sidewalk but shall not extend within two feet of parking or travel lanes within the right-of-way.</i>	N/A
Finding: No awnings are proposed for the project, therefore, this standard does not apply.	

17.96.060.G.3 – Circulation Design	Conformance
<i>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.</i>	YES
Finding: No new roads are proposed with the project. Vehicular access from the proposed project is provided as a direct driveway connection from the subject property to the street. Bicycle and pedestrian access is also direct to the street from the property.	

17.96.060.G.4 – Circulation Design	Conformance
<i>Curb cuts and driveway entrances shall be no closer than 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.</i>	N/A
Finding: The subject property is an interior lot located more than 55 feet from the nearest intersection to the north, and 140 feet from the nearest intersection to the south.	

17.96.060.G.5 – Circulation Design	Conformance
<i>Unobstructed access shall be provided for emergency vehicles, snowplows, garbage trucks and similar service vehicles to all necessary locations within the proposed project.</i>	YES
Finding: During department review, the fire department reviewed the proposed project and determined adequate access to the structure in the event of an emergency. There is direct access to the property from N Leadville Ave and the rear alley. Per a letter from Clear Creek Disposal dated April 20, 2022, the property shall continue the existing garbage service with three garbage carts that the owner is responsible for bringing to the street for pick-up. This garbage management approach has existed for the past two years with no expressed concerns from city staff or Clear Creek Disposal.	

17.96.060.H.1 – Snow Storage	Conformance
<i>Snow storage areas shall not be less than 30 percent of the improved parking and pedestrian circulation areas.</i>	YES
Finding: The right-of-way improvements plan outlines snow storage locations on the proposed plan for the impervious surface in the front of the property. The total impervious area is 1,490 square feet. The total proposed snow storage is 395 square feet, 30% of the total impervious area.	

17.96.060.H.2 – Snow Storage	Conformance
<i>Snow storage areas shall be provided on site.</i>	YES
Finding: All proposed snow storage is on-site as shown on the right-of-way improvement's plan.	

17.96.060.H.3 – Snow Storage	Conformance
<i>A designated snow storage area shall not have any dimension less than five feet and shall be a minimum of 25 square feet.</i>	YES
Finding: There are four snow storage areas proposed, all over 25 square feet and five feet in width or depth.	

17.96.060.H.4 – Snow Storage	Conformance
<i>In lieu of providing snow storage areas, snowmelt and hauling of snow may be allowed.</i>	YES
Finding: The applicant is providing snow storage on site, therefore no snowmelt or hauling is being proposed.	

17.96.060.I.1 – Landscaping	Conformance
<i>Landscaping is required for all projects.</i>	YES
Finding: Sheet A3 of the project plans is the landscape plan for the project.	

17.96.060.I.2 – Landscaping	Conformance
<i>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.</i>	YES
Finding: The landscape plan includes three columner buckhorn trees, a variety of salvia shrubs interspersed with karl forester grasses. All species proposed are common in the City of	

Ketchum and the microclimate. The placement of the landscaping no only screens the parking lot, but enhances the streetscape on an otherwise unimproved stretch of road.

17.96.060.I.3 – Landscaping	Conformance
<i>All trees, shrubs, grasses and perennials shall be drought tolerant. Native species are recommended but not required.</i>	YES
Finding: All proposed landscape elements are drought tolerant.	

17.96.060.I.4 – Landscaping	Conformance
<i>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.</i>	YES
Finding: The landscaping provides a buffer between the road and the surface parking area of the project. Additionally, the landscaping provides a buffer between adjacent residential and commercial structures in the immediate vicinity of the project.	

17.96.060.J.1 – Public Amenities	Conformance
<i>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.</i>	N/A
Finding: The applicant has requested a waiver from sidewalk construction, therefore, this standard does not apply.	

17.96.060.K.1 – Underground Encroachments	Conformance
<i>Encroachments of below grade structures into required setbacks are subject to subsection 17.128.020.K of this title and shall not conflict with any applicable easements, existing underground structures, sensitive ecological areas, soil stability, drainage, other sections of this Code or other regulating codes such as adopted International Code Council Codes, or other site features concerning health, safety, and welfare.</i>	N/A
Finding: The project does not propose any below grade structures.	

17.96.060.K.2 – Underground Encroachments	Conformance
<i>No below grade structure shall be permitted to encroach into the riparian setback.</i>	N/A
Finding: The subject property is not adjacent to any bodies of water; therefore, no riparian setback exists for the property. Additionally, the project does not propose any below grade structures.	

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 Municipal 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 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 Municipal Code Title 17.
3. The City of Ketchum Planning Department provided notice for the review of this application in accordance with Ketchum Municipal Code §17.96.080.
4. The Design Review application is governed under Ketchum Municipal Code Chapters 17.96, 17.124, 17.08, 17.12, 17.18, and 17.128.
5. The 940 N Leadville Design Review application meets all applicable standards specified in Title 17 of Ketchum Municipal Code.

DECISION

THEREFORE, the Commission **approves** this Design Review Application File No. P21-011 this Tuesday, June 14, 2022, subject to the following conditions of approval.

CONDITIONS OF APPROVAL

1. The design review approval is subject to all conditions of approval associated with Conditional Use Permit approval P22-010.
2. The term of this design review approval shall be 12 months from the date the Findings of Fact, Conclusions of Law, and Decision are adopted by the Commission or upon appeal,

the date the approval is granted by the City Council subject to changes in zoning regulations. If a building permit for the proposed project is not submitted within said time, this permit shall be void.

3. Prior to building permit application, plans shall be revised to indicate location of one bicycle rack accommodating two bicycles.
4. Final civil drawings prepared by an engineer registered in the State of Idaho which include specifications for right-of-way, utilities, and drainage improvements shall be submitted for review and approval by the City Engineer, Streets, and Utilities departments prior to issuance of a building permit for the project.
5. Prior to building permit application, applicant shall submit a design plan and cost estimate for required sidewalk improvements, that conform to city standards, adjacent to 940 N Leadville Ave for review by the City Engineer and Streets Department. Fee-in-lieu of sidewalk improvements shall be approved by City Council, and in-lieu payment of 110% of the cost estimate made to the city, prior to submittal of a building permit application for the project. If the fee-in-lieu for sidewalk improvements is not approved by City Council, applicant shall install all sidewalk improvements per city standards as reviewed and approved by the City Engineer.

Findings of Fact **adopted** this 14th day of June 2022.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission