



CITY OF KETCHUM

Planning & Building
office: 208.726.7801
planningandbuilding@ketchumidaho.org

P.O. Box 2315, 191 5th Street West, Ketchum, ID 83340
ketchumidaho.org

STAFF REPORT KETCHUM PLANNING AND ZONING COMMISSION REGULAR MEETING OF NOVEMBER 28, 2023

PROJECT:	Martin Work/Live Conditional Use Permit Amendment
FILE NUMBER:	P23-088
APPLICANT:	Amy Martin (Applicant) Michael Blash (Architect)
PROPERTY OWNER:	Amy Martin
REQUEST:	An extension and amendment to a previously approved Work/Live Conditional Use Permit application to modify the square footage of the work and live spaces.
LOCATION:	940 N Leadville Avenue (Lot 3, Block 30, Ketchum Townsite)
ZONING:	Light Industrial District No. 1 (LI-1)
REVIEWER:	Paige Nied, Associate Planner
NOTICE:	Notice was published in the Idaho Mountain Express and was mailed to properties within a 300-foot radius on November 8, 2023. Notice was posted at the subject location and on the city website on November 21, 2023.

EXECUTIVE SUMMARY

During the Planning and Zoning Commission meeting on May 24, 2022, the Commission approved the Conditional Use Permit (File No. P22-010) and Design Review (File No. P22-011) applications for a work/live unit for the Alpenhound dog kennel at 940 N Leadville Avenue. The Applicant is requesting an extension and amendment to their previously approved Conditional Use Permit (CUP). Pursuant to Ketchum Municipal Code (KMC) 17.116.070, "Activities permitted by the granting of a conditional use permit shall commence within 12 months from the signature of the approved findings of fact for such conditional use permit." The Findings of Fact, Conclusions of Law, and Decision for Alpenhound's CUP was signed on June 14, 2022. During an internal conversation with staff, the applicant requested an extension of one year to their CUP application. The amendment is for a modification to the floor plan which increases the commercial and residential floor areas. Condition of Approval #1 of the CUP states, "This approval is based on the floor plan submitted by Michael Blash Architects, and attached to the staff report, dated May 11, 2022. Any change to the floor plan or change in the location or configuration of the uses from what is depicted in the plans, shall be subject to an amendment to this Conditional Use Permit." Therefore, the applicant is also requesting an amendment to their CUP application. The modified floor plan indicates the following changes:

- Increase of 55.25 square feet in commercial area
- Increase of 10.25 square feet in residential area
- Second story northern deck has been enclosed into the office

- Second story western dog patio has decreased in size by 224 square feet
- Second story additional stairwell connected to the alley removed

Figure 1 and Figure 2 below indicate the modifications to the first- and second-level floor plan from the previously approved CUP project plans.

Figure 1: Previous and Proposed First Level Floor Plan

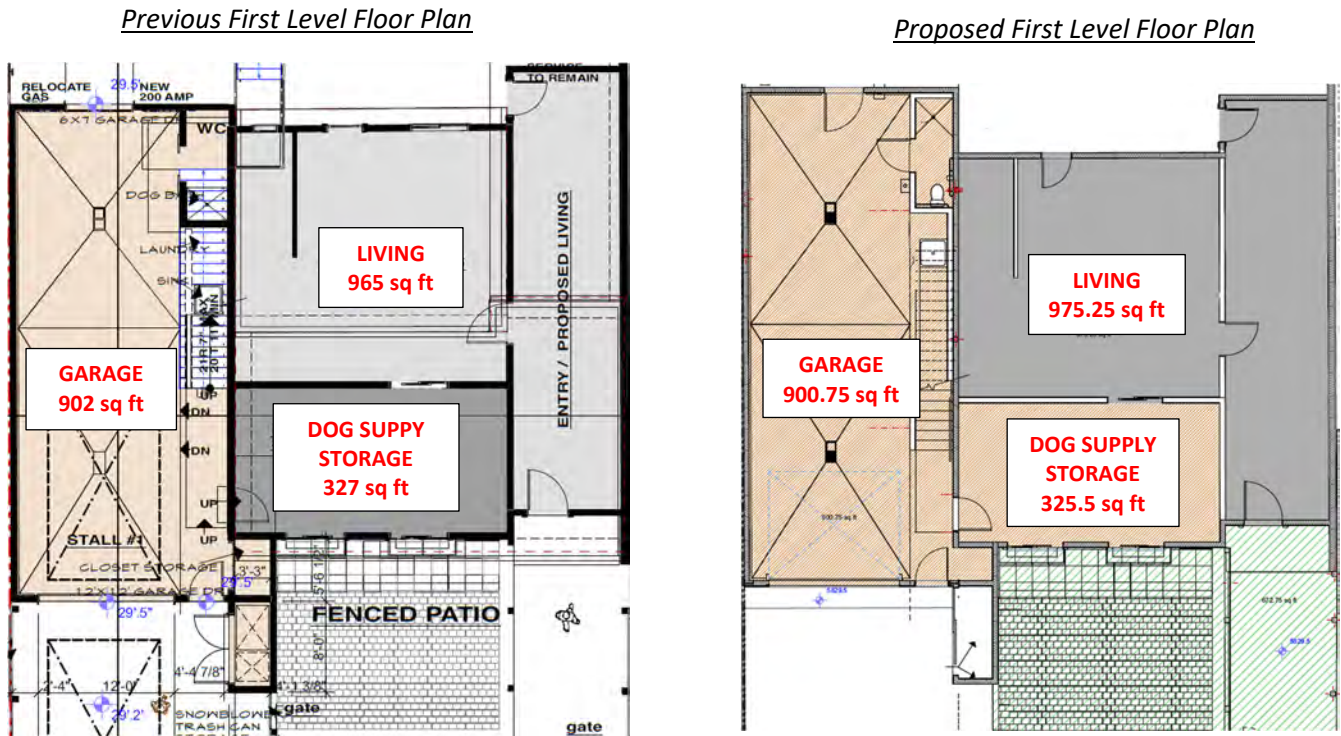
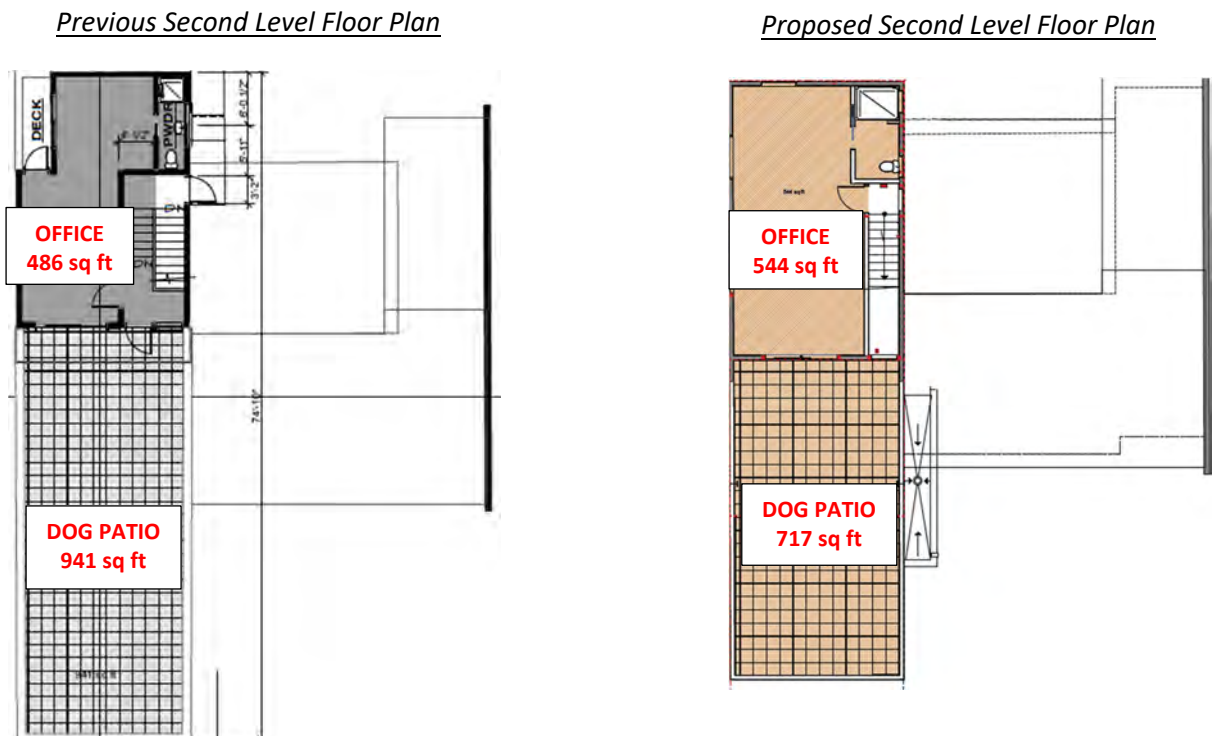


Figure 2: Previous and Proposed Second Level Floor Plan



The KMC has very specific requirements for work/live units outlined in KMC 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. See Attachment C for a full evaluation of the standards for work/live units for the proposed project. As proposed, the work/live unit meets all requirements and standards in the KMC. The conditions of approval associated with the previous CUP for Alpenhound carry forward into this application, and staff recommend one additional condition related to bicycle parking that was intended to be included with the initial CUP application.

BACKGROUND

The City of Ketchum received the Conditional Use Permit application on September 27, 2023. Following the receipt of the application, staff routed the application materials to all city departments for review. As of the date of this letter, all comments have been resolved or addressed through the conditions of approval recommended below.

CONFORMANCE WITH ZONING AND CONDITIONAL USE PERMIT STANDARDS

Conformance with Zoning Regulations

The project remains in conformance with all zoning regulations. During department review, city staff reviewed the project for conformance with all applicable zoning code requirements including permitted uses, dimensional limitations, signage, parking, development standards, and dark skies. Staff also reviewed the project for all requirements related to work/live units as outlined in KMC 17.124.090 – *Residential, Light Industrial Districts*. The project remains in conformance with all applicable zoning code requirements and standards. Please see the draft Findings of Fact, Conclusions of Law, and Decision in Attachment C for a full review of all dimensional standards and additional zoning requirements. Below is an overview of some of the more noteworthy zoning regulation criteria.

Size limitations

The KMC requires that the live portion of the unit must be secondary to the work space, cannot exceed the square footage of the work portion, and cannot exceed 1,000 gross square feet. As outlined in the table above, the total square footage of the work/live unit is 2,745.25 square feet. The gross square footage of the live portion is 975.25 square feet, 36% of the project and less than 1,000 gross square feet. Staff recommends conditions 1-3 to ensure that any future changes to the configuration of the space or changes to the square footage of the work and live spaces will be reviewed by the Planning and Zoning Commission as an amendment to this CUP. The modified floor plan increases the square footage of the residential and commercial floor areas. Table 1 below outlines the new square footage of each use for the project as shown on Sheets AS-003 and AS-004 of Attachment B. Table 2 below indicates the previously approved square footage for each use.

Table 1: Proposed Uses and Square Footage

Use	Square Footage	Percent SF
Work		
Ground Floor – Dog Sleeping and Supply Storage	325.5 SF	
Ground Floor – Storage/Dog Wash/Laundry	478.75 SF	
Second Floor – Office/Dog Feeding Area	544 SF	
<i>Subtotal</i>	<i>1,348.25 SF</i>	<i>58% of total</i>
Live		
Ground Floor – Existing Living	975.25 SF	
<i>Subtotal</i>	<i>975.25 SF</i>	<i>42% of total</i>
Total Square Footage	2,323.25 SF	
Dog Deck* and Garage*	1,139 SF	

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

**Garage square footage split for work and live uses (478.75 square feet is work and 422 square feet is live).*

Table 2: Previously Approved 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	
<i>Subtotal</i>	<i>1,293 SF</i>	<i>57% of total</i>
Live		
Ground Floor – Existing Living	965 SF	
<i>Subtotal</i>	<i>965 SF</i>	<i>43% of total</i>
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 square footage split for work and live uses (480 square feet is work and 422 square feet is live).*

Bicycle Parking

Pursuant to KMC 17.125.060.B, all uses other than one family dwellings are required to provide one bicycle rack, able to accommodate at least two bicycles for every four parking spaces is required. There is currently not a bicycle rack onsite. The previously approved CUP mentioned adding a condition related to bicycle parking, however, it was not included within the listed conditions of approval. To ensure a bicycle rack accommodating at least two bicycles is installed, staff recommend condition of approval #5 which states that prior to certificate of occupancy, the applicant must install a bicycle rack able to accommodate at least two bicycles.

Conditional Use Permit Criteria

Pursuant to KMC Section 17.116.030, conditional use permits can be granted if and only if all criteria listed below are met. All the CUP criteria are met as there are no substantive changes proposed. Please see draft Findings of Fact, Conclusions of Law, and Decision in Attachment C for staff’s analysis of each CUP criterion.

In review of this application, staff believe that all criteria are met as described above. Staff recommends conditions of approval 6, 7, 8, and 13 to ensure long term compliance with the work/live standards and CUP criteria. Many of these conditions are standard for work/live CUPs and not specifically triggered by the proposed project.

STAFF RECOMMENDATION

Staff believe the proposed project, as conditioned, meets all zoning requirements and criteria for conditional use permits. Staff recommends approval of the application with recommended conditions of approval for each as outlined below:

Conditional Use Permit (P23-088)

1. This approval is based on the floor plan submitted by Michael Blash Architects, and attached to the staff report, dated November 28, 2023. Any change to the floor plan or change in the location or configuration of the uses from what is depicted in the plans, shall be subject to an amendment to this Conditional Use Permit. The residential use shall occur in the location depicted on the plans and shall not exceed 975.25 square feet and no more than one bedroom.
2. This conditional use permit is non-transferrable to any other property owner or business other than Alpenhound. Any change in property ownership, business operator, or residential tenant requires an

amendment to this Conditional Use Permit. In the event Alpenhound is no longer the business operation, a new Conditional Use Permit will be required.

3. Occupancy of the live unit must be either the owner of Alpenhound dog kennel, or an employee of Alpenhound.
4. Prior to issuance of the building permit, a Restrictive Covenant shall be recorded against the property prohibiting the separate sale of the live unit thereby ensuring that the work/live unit remains in common ownership and cannot be sold separately.
5. Prior to certificate of occupancy, the applicant must install a bicycle rack able to accommodate at least two bicycles.
6. Hours of operation of the business shall be posted and remain posted at all times.
7. Within one year of receipt of certificate of occupancy for the project, and each year following, the applicant shall request an inspection by the Fire Marshall to ensure all fire codes are being met. Documentation of the inspection shall be provided to the Planning and Building department.
8. Inspections by the Planning and Building staff may be scheduled at the discretion of staff to ensure all conditions of this Conditional Use Permit are met. The owner shall cooperate with facilitating the inspections at the request of the City. In the event the owner does not cooperate, this CUP may be subject to revocation.
9. 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.
10. In the event the residential unit is occupied by an employee of Alpenhound, the owner 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.
11. 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.
12. 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.
13. In the event the property is in violation of the conditions of approval, the Conditional Use Permit may be subject to revocation.

RECOMMENDED MOTION

"I move to approve the extension and amendment to the Martin Work/Live Conditional Use Permit application, as conditioned, and adopt the Findings of Fact, Conclusions of Law and Decision."

ATTACHMENTS:

- A. Application and Supporting Materials
- B. Plan Set
- C. Draft Findings of Fact, Conclusions of Law, and Decision
- D. P22-010 CUP Findings of Fact, Conclusions of Law, and Decision – adopted June 14, 2022



City of Ketchum

Attachment A: Application and Supporting Materials



City of Ketchum
Planning & Building

OFFICIAL USE ONLY	
File Number:	P23-088
Date Received:	9/27/23
By:	HLN
Fee Paid:	\$1100
Approved Date:	

Conditional Use Permit Application

Submit Completed application to planningandzoning@ketchumidaho.org Or hand deliver to Ketchum City Hall, 191 5th St. W. Ketchum, ID 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 and click on Municipal Code. You will be contacted and invoiced once your application package is complete.

OWNER INFORMATION	
Project Name:	<i>martin Remodel</i>
Name of Owner of Record:	<i>Amy martin</i>
Physical Address:	<i>940 Leadville Ave N</i>
Property Legal Description:	<i>ketchum lot 3 BLK 30</i>
Property Zoning District:	<i>L1-1</i>
Lot Size:	<i>5500 sq ft</i>
Contact Phone:	<i>208-721-0905</i>
Contact Email:	<i>amymartin00@me.com</i>
PROJECT INFORMATION	
Description of Proposed Conditional Use: <i>I am requesting an extension to an approved CUP and a change of square footage of the office</i>	
Description & Specification Sheet of Proposed and Existing Exterior Lighting:	

APPLICANT NARRATIVE OF HOW THEY MEET THE CONDITIONAL USES PERMIT
CRITERIA IN MUNICIPAL CODE 17.116.030 A-E

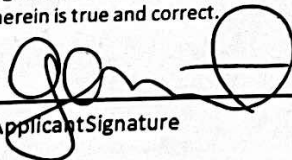
I have already been approved for the CUP. Everything in the design has been approved. I had to make some changes to the design to make it less expensive to build (ie taking away the little deck on the north side).
Thank you for your consideration!

ADDITIONAL COMMENTS

ACCOMPANYING SUPPORTING INFORMATION REQUIRED

• Existing Site Plan • Proposed Site Plan • Landscape Plan • Grading and Drainage Plan • Exterior Lighting Plan and Specifications • 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

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 tortious 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

9/25/2023
Date

Dear P&Z,

Last year I was approved by design review and also for a CUP. I was over the moon about this until I got my budget. So I made some changes.

I shrank my big west facing deck to shave cost.

I made a shed roof (this was more to protect the garage underneath. I was concerned about water damage/ leaks because of the flat roof/ patio directly above).

It was a considerable savings to eliminate the north facing small deck at the back of the property. So I enclosed this.

I removed the back stairs because the stringer alone was \$20,000. So again, cost savings.

Added an over hang in the back to alleviate snow removal.

I love living here and running my business from this special property. The dogs are happy, quiet, and kind. And my neighbors are the best.

Thank you for your consideration,
Amy



LICENSE #: 7027
EXPIRATION DATE: 01/31/2024
ISSUED TO: ALPENHOUND LLC
DBA: ALPENHOUND
LOCATION: 940 N LEADVILLE AVE
OWNER: AMY MARTIN

BUSINESS LICENSE

CITY OF KETCHUM
191 W 5th ST
BOX 2315
KETCHUM ID 83340

A handwritten signature in black ink, appearing to read "Shellie R.", written over a light gray rectangular background.

Shellie Gallagher, Treasurer

BUSINESS ACTIVITY:
Business License

A handwritten signature in black ink, appearing to read "Neil Bradshaw", written over a light gray rectangular background.

Neil Bradshaw, Mayor

This certifies that the above named business or person is hereby authorized to do business in the City of Ketchum and has paid the necessary amount to operate such business for the time stated. The receipt of a business license does not indicate compliance with other pertinent laws, ordinances, rules and regulations.

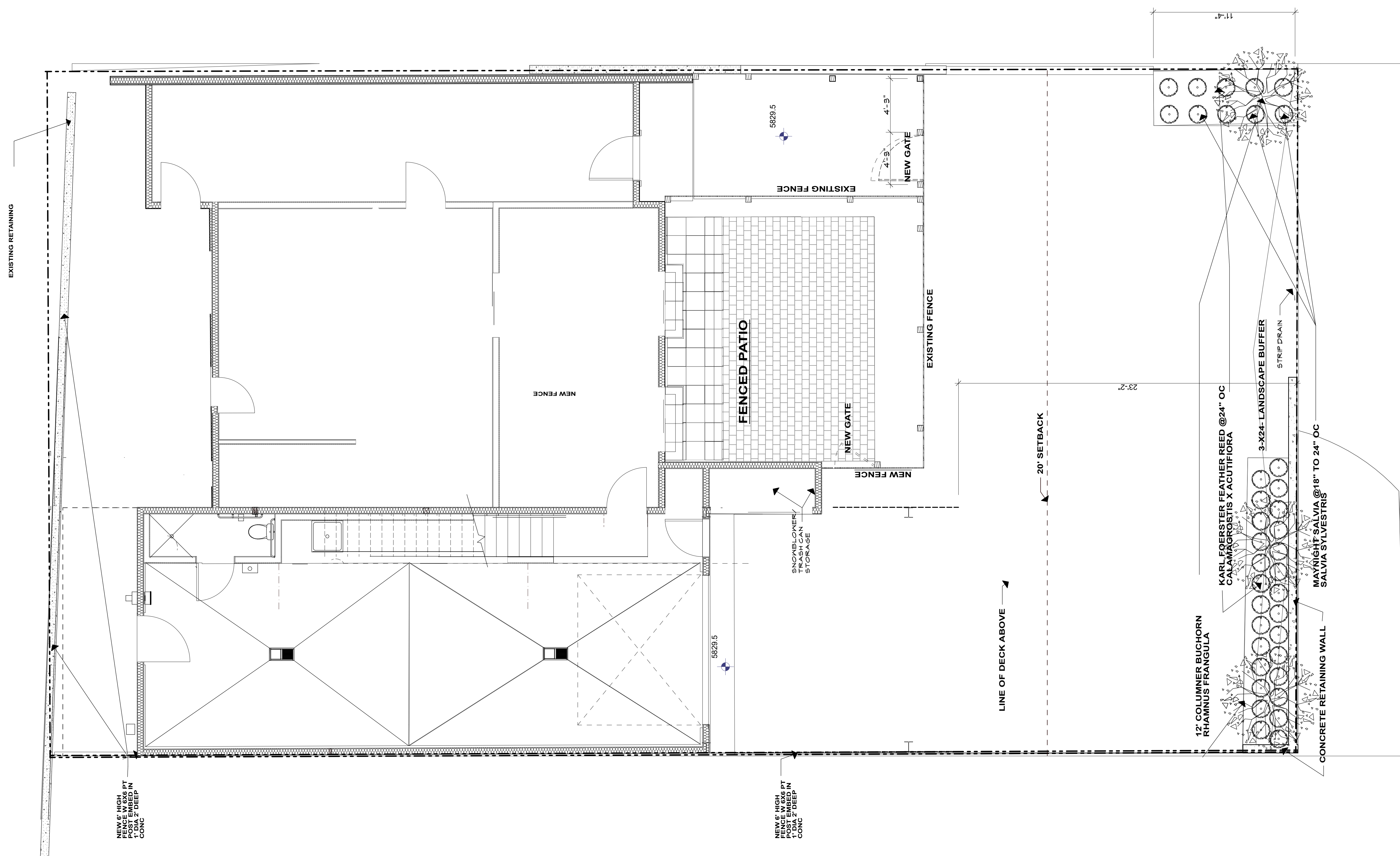
THIS IS NOT TRANSFERABLE BETWEEN OWNER AND / OR LOCATIONS

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE AT THE BUSINESS LOCATION



City of Ketchum

Attachment B: Plan Set



MICHAEL BLASH ARCHITECTS
 PH. 208-720-3597
 PO BOX 2523 SUN VALLEY
 IDAHO, 83353
 michaelblash@cox.net

THESE PLANS AND SPECIFICATIONS ARE PROTECTED UNDER FEDERAL COPYRIGHT LAWS. ©MICHAEL BLASH AND ASSOCIATES ARCHITECTS OWNERSHIP OF SUCH AND ALL RIGHTS AND PRIVILEGES.



MARTIN REMODEL/ADDITION
940 N LEADVILLE KETCHUM IDAHO
83340 USA

JOB NO. 004
 PROJ. MGR. M BLASH
 DRAWN BY M BLASH
 CHECKED BY M BLASH

GENERAL NOTES

ISSUED: 2-9-22
 REVISED: 4-20-22
 REVISED: 5-11-22
 REVISED: 11-30-22
 REVISED: 12-7-22 FINAL
 REVISED: 10-26-23 CUP SET
 REVISED:
 REVISED:
 REVISED:
 REVISED:
 REVISED:
 SHEET TITLE:

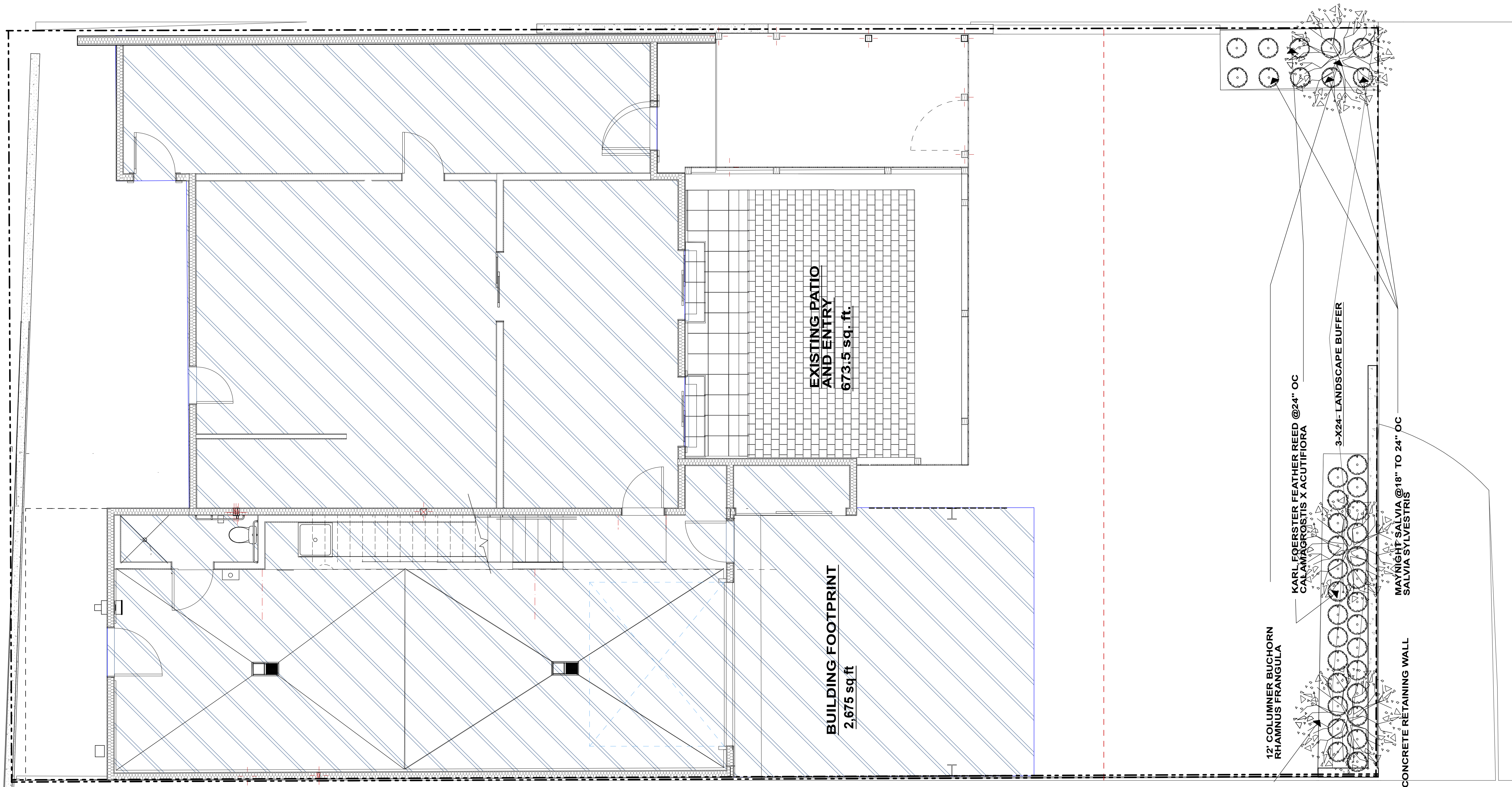
AS-001

ARCHITECTURAL SITE AND LANDSCAPE PLAN

SCALE: 1/4" = 1'-0"

SQUARE FOOTAGE

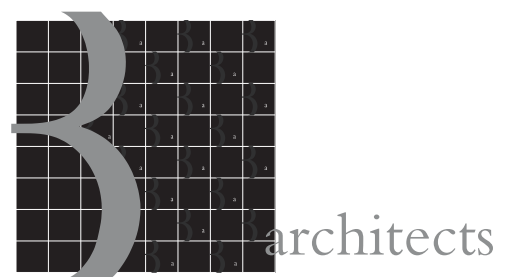
LOT SQ. FT.	5500 SQ. FT.
LOT COVERAGE	2675 SQ. FT. / 5500 SQ. FT. - 48.6 %
COMMERCIAL SQ. FOOTAGE	1770.25 SQ. FT.
4% OF BLD'G	64.5 %
RESIDENTIAL SQ. FOOTAGE	475.25 SQ. FT.
4% OF BLD'G	35.5 %
HOUSE EXISTING	-
MN. LVL	1981 SQ. FT.
LOFT	150 SQ. FT.
EXISTING SHED	204 SQ. FT.
TOTAL EXISTING	2,440 SQ. FT.
EXISTING LOT COVERAGE	44.36%
DEMO-AREA	1130 SQ. FT.
GARAGE/DOG AREA	900.75 SQ. FT.
SECOND FLOOR	544 SQ. FT.
TOTAL NEW	1482 SQ. FT.
STORAGE	37 SQ. FT.
UPPER DECK	717 SQ. FT.



BUILDING FOOTPRINT CALCULATION PLAN

SCALE : 1/4" = 1'-0"

SQUARE FOOTAGE	
LOT SQ. FT.	9500 SQ. FT.
LOT COVERAGE	2675 SQ. FT. 9500 SQ. FT. • 49.6 %
COMMERCIAL SQ. FOOTAGE	1170.25 SQ. FT.
4 % OF BLD'G	64.5 %
RESIDENTIAL SQ. FOOTAGE	415.25 SQ. FT.
4 % OF BLD'G	35.5 %
HOUSE EXISTING	
MN LVL	1491 SQ. FT.
LOFT	160 SQ. FT.
EXISTING SHED	284 SQ. FT.
TOTAL EXISTING	2,440 SQ. FT.
EXISTING LOT COVERAGE	44.36%
DEMO-AREA	
	1130 SQ. FT.
GARAGE/DOS AREA	
	400.75 SQ. FT.
SECOND FLOOR	544 SQ. FT.
TOTAL NEW	1482 SQ. FT.
STORAGE	37 SQ. FT.
UPPER DECK	717 SQ. FT.



MICHAEL BLASH ARCHITECTS
 PH. 208-720-3597
 PO BOX 2523 SUN VALLEY
 IDAHO, 83353
 michaelblash@cox.net

THESE PLANS AND SPECIFICATIONS ARE PROTECTED UNDER FEDERAL COPYRIGHT LAWS. ©MICHAEL BLASH AND ASSOCIATES ARCHITECTS OWNERSHIP OF SUCH AND ALL RIGHTS AND PRIVILEGES.



MARTIN REMODEL/ADDITION
940 N LEADVILLE KETCHUM IDAHO
83340 USA

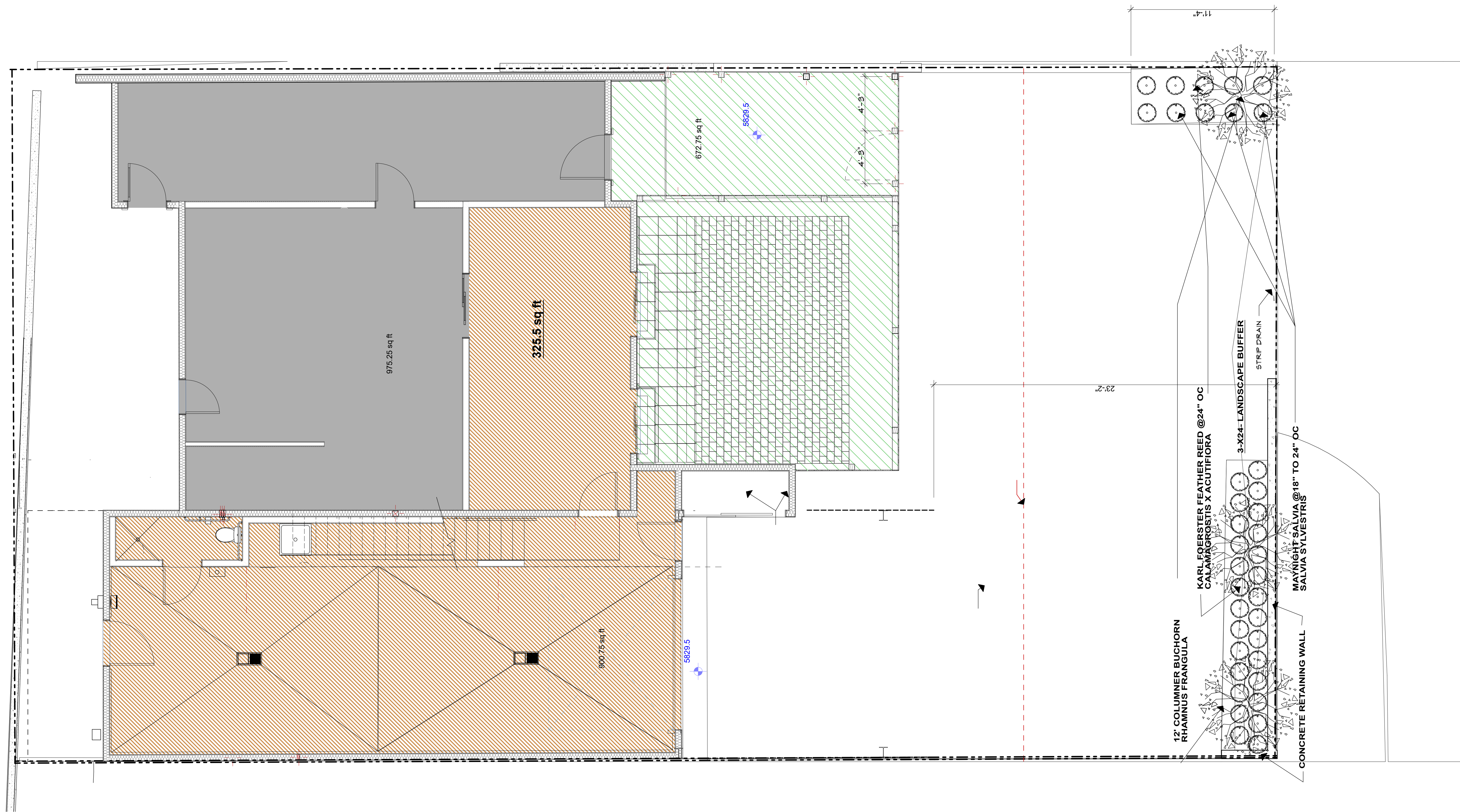
JOB NO. 004
 PROJ. MGR. M BLASH
 DRAWN BY M BLASH
 CHECKED BY M BLASH

GENERAL NOTES

ISSUED: 2-9-22
 REVISED: 4-20-22
 REVISED: 5-11-22
 REVISED: 11-30-22
 REVISED: 12-7-22 FINAL
 REVISED: 10-26-23 CUP SET

REVISOR:
 REVISOR:
 REVISOR:
 REVISOR:
 REVISOR:
 REVISOR:
 REVISOR:
 REVISOR:
 SHEET TITLE:

AS-002



FIRST FLOOR AREAS-COMMERCIAL/RESIDENTIAL

SCALE 1/4" = 1'-0"



COMMERCIAL _ 1770.25 SQ. FT.



RESIDENTIAL _ 900.75 SQ. FT

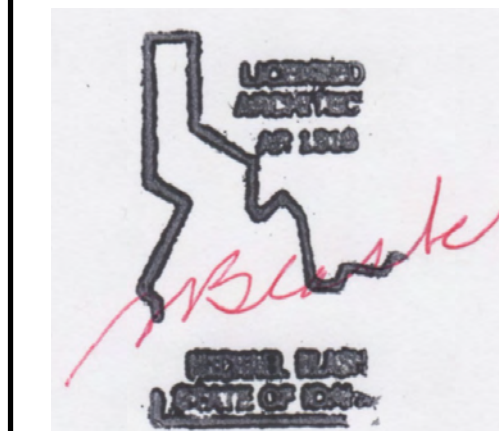
SQUARE FOOTAGE	
LOT SQ. FT.	5500 SQ. FT.
LOT COVERAGE	2675 SQFT : 5500 SQFT - 48.6 %
COMMERCIAL SQ. FOOTAGE	1770.25 SQ. FT.
1% OF BLD'G	64.5 %
RESIDENTIAL SQ. FOOTAGE	900.75 SQ. FT.
4% OF BLD'G	35.5 %
HOUSE EXISTING	
HN LVL	1491 SQ. FT.
LOFT	160 SQ. FT.
EXISTING SHED	284 SQ. FT.
TOTAL EXISTING	2,440 SQFT.
EXISTING LOT COVERAGE	44.36%
DEMO-AREA	
	1130 SQFT
GARAGE/DOG AREA	
	400.75 SQFT
SECOND FLOOR	
	544 SQFT
TOTAL NEW	
	1482 SQFT
STORAGE	
	37 SQFT.
UPPER DECK	
	717 SQFT

BEAM ABV STAIRWELL



MICHAEL BLASH ARCHITECTS
 PH. 208-720-3597
 PO BOX 2523 SUN VALLEY
 IDAHO, 83353
 michaelblash@cox.net

THESE PLANS AND SPECIFICATIONS ARE PROTECTED UNDER FEDERAL COPYRIGHT LAWS. ©MICHAEL BLASH AND ASSOCIATES ARCHITECTS OWNERSHIP OF SUCH AND ALL RIGHTS AND PRIVILEGES.



MARTIN REMODEL/ADDITION
940 N LEADVILLE KETCHUM IDAHO
83340 USA

1. AS-003

DB NO. 004
 PROJ. MGR. M BLASH
 DRAWN BY M BLASH
 CHECKED BY M BLASH

GENERAL NOTES

ISSUED: 2-9-22
 REVISED: 4-20-22
 REVISED: 5-11-22
 REVISED: 11-30-22
 REVISED: 12-7-22 FINAL
 REVISED: 10-26-23 CUP SET

SHEET TITLE

AS-003



MARTIN REMODEL/ADDITION
940 N LEADVILLE KETCHUM IDAHO
83340 USA

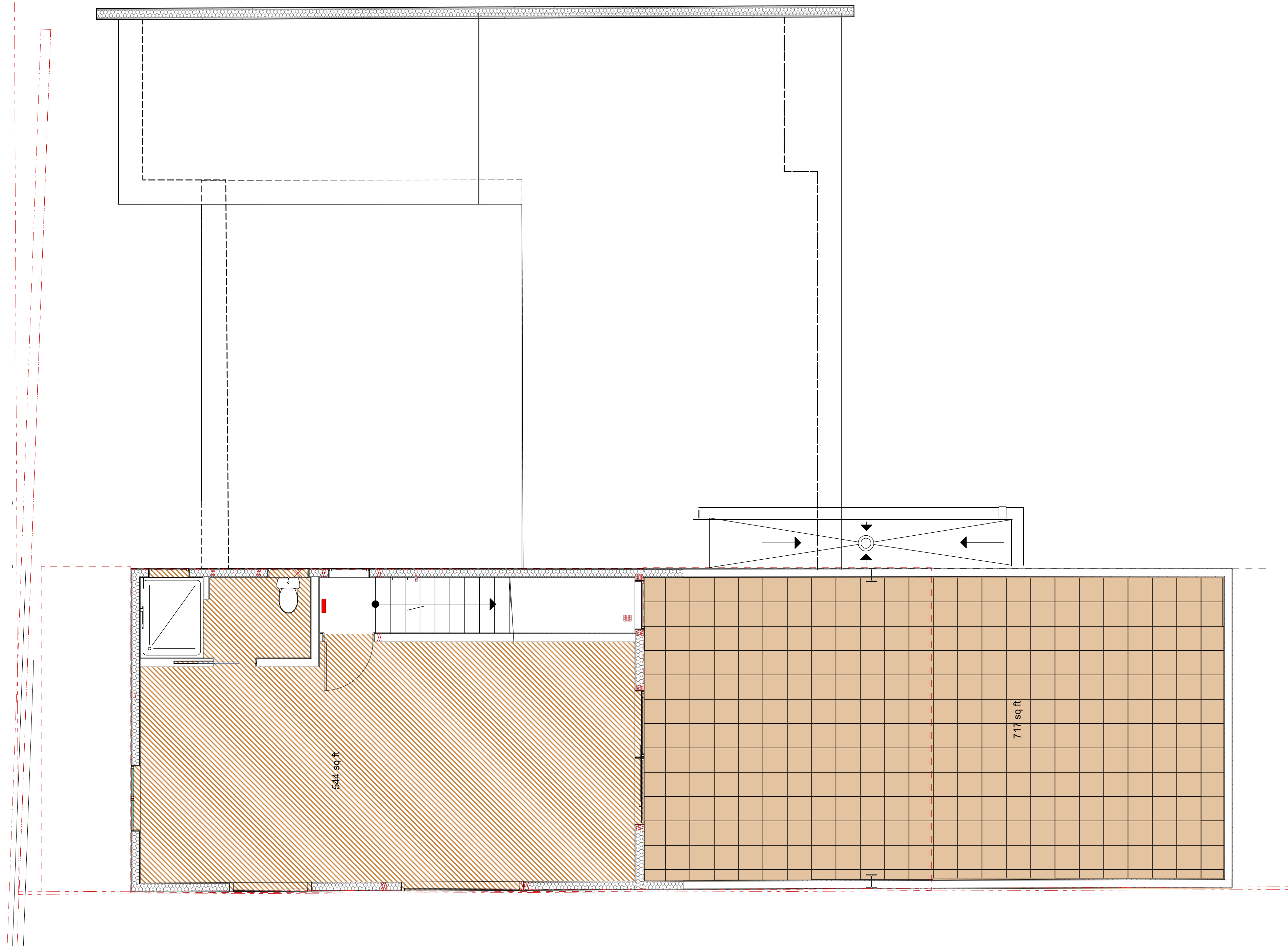
JOB NO. 004
 PROJ. MGR. M BLASH
 DRAWN BY M BLASH
 CHECKED BY M BLASH

GENERAL NOTES

ISSUED: 2-9-22
 REVISED: 4-20-22
 REVISED: 5-11-22
 REVISED: 11-30-22
 REVISED: 12-7-22 FINAL
 REVISED: 10-26-23 CUP SET

SHEET TITLE

AS-004



SECOND FLOOR AREAS - COMMERCIAL/RESIDENTIAL

SCALE 1/4" = 1'-0"

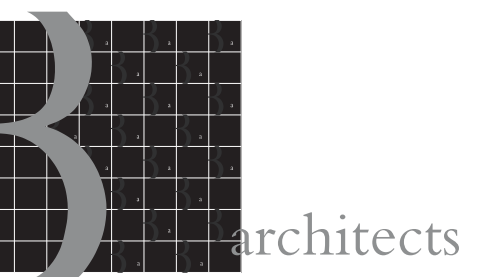


COMMERCIAL_ 544 SQ. FT.



DOG PATIO_ 717.5 SQ. FT

SQUARE FOOTAGE	
LOT SQ. FT.	5500 SQ. FT.
LOT COVERAGE	2675 SQFT : 5500 SQFT - 48.6%
COMMERCIAL SQ. FOOTAGE	1170.25 SQ. FT.
4% OF BLD'G	64.5%
RESIDENTIAL SQ. FOOTAGE	475.25 SQ. FT.
4% OF BLD'G	35.5%
HOUSE EXISTING	
HN LVL	1491 SQ. FT.
LOFT	160 SQ. FT.
EXISTING SHED	289 SQ. FT.
TOTAL EXISTING	2,440 SQFT.
EXISTING LOT COVERAGE	44.36%
DEMO-AREA	1130 SQFT
GARAGE/DOG AREA	400.75 SQFT
SECOND FLOOR	944 SQFT
TOTAL NEW	1482 SQFT
STORAGE	37 SQFT.
UPPER DECK	717 SQFT



MICHAEL BLASH ARCHITECTS
 PH. 208-720-3597
 PO BOX 2523 SUN VALLEY
 IDAHO ,83353
 michaelblash@cox.net

THESE PLANS AND SPECIFICATIONS ARE PROTECTED UNDER FEDERAL COPYRIGHT LAWS. ©MICHAEL BLASH AND ASSOCIATES ARCHITECTS OWNERSHIP OF SUCH AND ALL RIGHTS AND PRIVILEGES.



MARTIN REMODEL/ADDITION
940 N LEADVILLE KETCHUM IDAHO
83340 USA

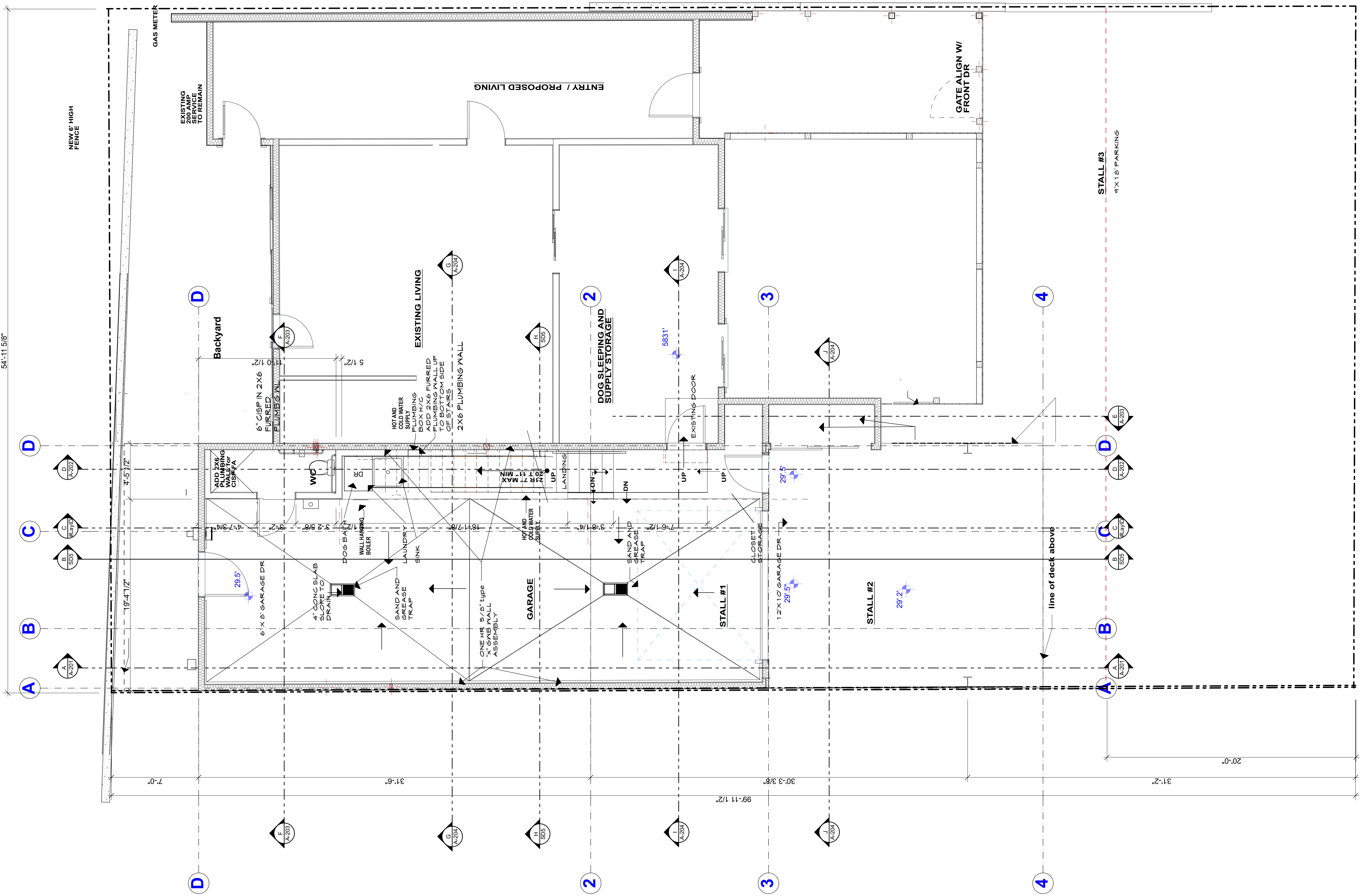
JOB NO. 004
 PROJ. MGR. M BLASH
 DRAWN BY M BLASH
 CHECKED BY M BLASH

GENERAL NOTES

ISSUED: 2-9-22
 REVISED: 4-20-22
 REVISED: 5-11-22
 REVISED: 11-30-22
 REVISED: 12-7-22 FINAL
 REVISED: 10-26-23 CUP SET

SHEET TITLE

A-104



FIRST LEVEL FLOOR PLAN

SCALE : 1/4" = 1' - 0"



MICHAEL BLASH ARCHITECTS
 PH. 208-720-3597
 PO BOX 2523 SUN VALLEY
 IDAHO, 83353
 michaelblash@cox.net

THESE PLANS AND SPECIFICATIONS ARE PROTECTED UNDER FEDERAL COPYRIGHT LAWS. ©MICHAEL BLASH AND ASSOCIATES ARCHITECTS OWNERSHIP OF SUCH AND ALL RIGHTS AND PRIVILEGES.



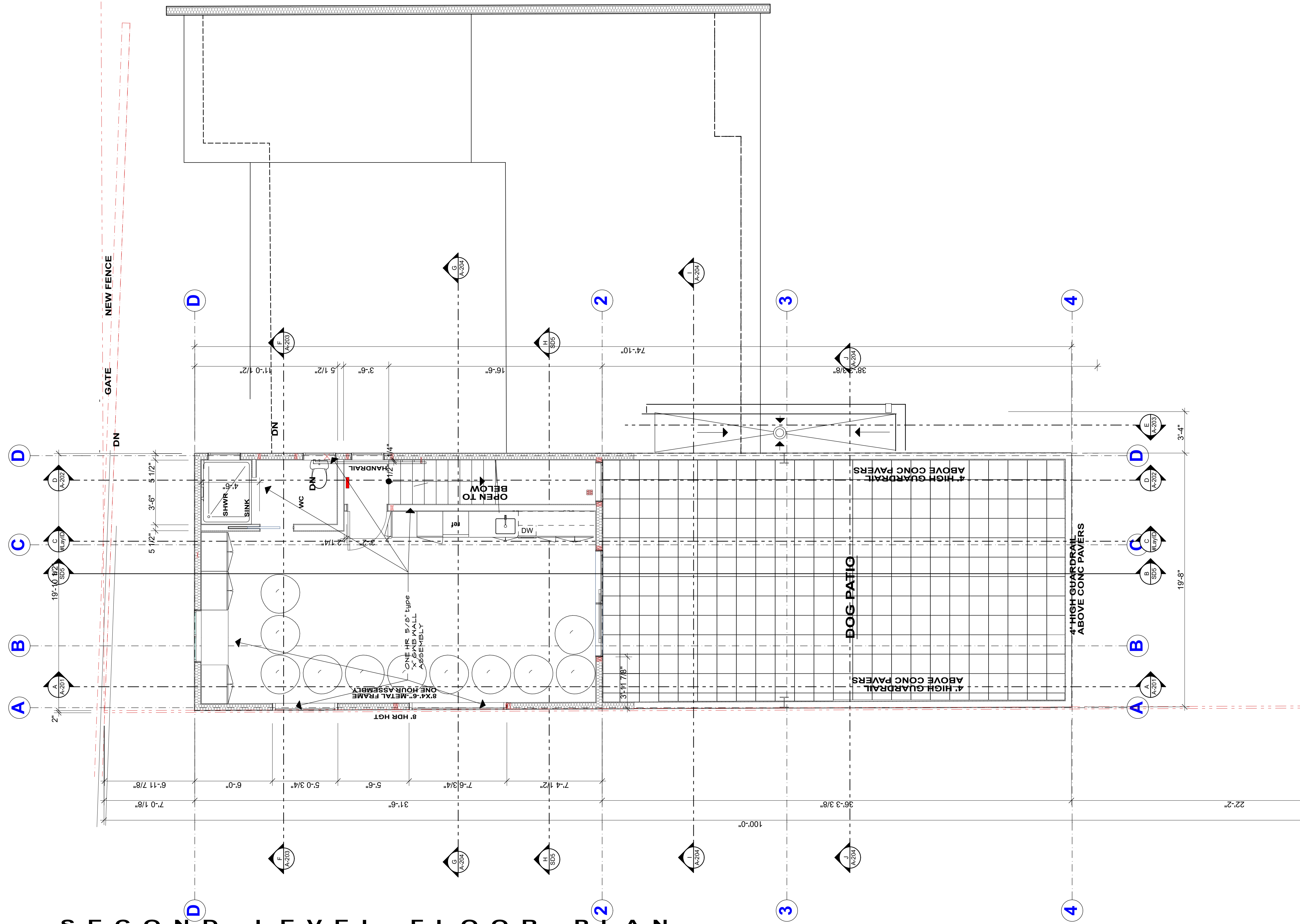
MARTIN REMODEL/ADDITION
940 N LEADVILLE KETCHUM IDAHO
83340 USA

JOB NO. 004
 PROJ. MGR. M BLASH
 DRAWN BY M BLASH
 CHECKED BY M BLASH

GENERAL NOTES

ISSUED: 2-9-22
 REVISED: 4-20-22
 REVISED: 5-11-22
 REVISED: 11-30-22
 REVISED: 12-7-22 FINAL
 REVISED: 10-26-23 CUP SET

A-105



SECOND LEVEL FLOOR PLAN

SCALE : 1/4" = 1'-0"

LOT SQ. FT.	5500 SQ. FT.
LOT COVERAGE	2675 SQ. FT. 5500 SQ. FT. + 48.6 %
COMMERCIAL SQ. FOOTAGE	1770.25 SQ. FT.
4% OF BLD'G	64.5 %
RESIDENTIAL SQ. FOOTAGE	419.25 SQ. FT.
4% OF BLD'G	95.5 %
HOUSE EXISTING	-
MR. LVL.	1481 SQ. FT.
LOFT	160 SQ. FT.
EXISTING SHED	284 SQ. FT.
TOTAL EXISTING	2440 SQ. FT.
EXISTING LOT COVERAGE	44.36 %
DEMO-AREA	1130 SQ. FT.
GARAGE/DOG AREA	400.75 SQ. FT.
SECOND FLOOR	544 SQ. FT.
TOTAL NEW	1482 SQ. FT.
STORAGE	37 SQ. FT.
UPPER DECK	117 SQ. FT.



MARTIN REMODEL/ADDITION
940 N LEADVILLE KETCHUM IDAHO
83340 USA

JOB NO. 004
 PROJ. MGR. M BLASH
 DRAWN BY M BLASH
 CHECKED BY M BLASH

GENERAL NOTES

ISSUED: 2-9-22
 REVISED: 4-20-22
 REVISED: 5-11-22
 REVISED: 11-30-22
 REVISED: 12-7-22 FINAL
 REVISED: 10-26-23 CUP SET

SHEET TITLE

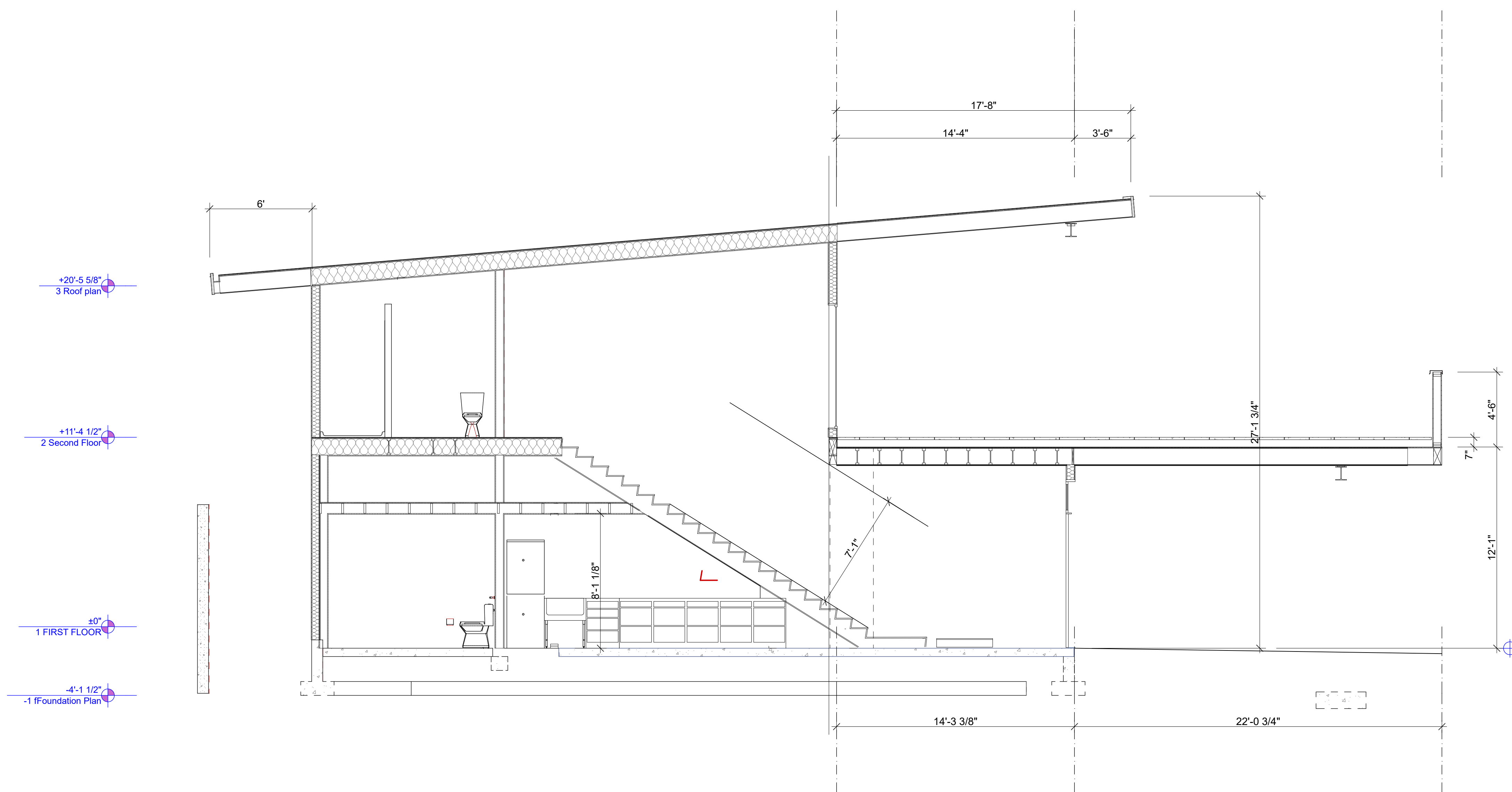
A-202

TYP ROOF ASSEMBLIES

- TYP ROOF: 10 # BALLAST OVER SINGLE PLY EPDM MEMBRANE OVER ENGINEERED SLOPED FOAM OVER ICE AND WATER SHIELD UP VERT PERIMETER CURB/ OVER 3/4" PLYWD OVER 11 7/8" BCIS (SEE STRUCTURAL) W/ 1 1/2" SPRAY FOAM TOP W/ R39 BLOWN IN BIBB REMAINING CAVITY
- ROOF DECK ASSEMBLY: 18"X18" CONC PAVERS (VERIFY COLOR W/ OWNER/ ARCHITECT) ON BISON PEDESTALS OVER TPO MEMBRANE UP VERT. WL TRANSITION 1' WITH 9" ICE AND WATER SHIELD OVER UNDER SIDING AND TO TPO FOR ANY NAIL PENETRATION, OVER SLOPED ENGINEERED FOAM OVER ICE AND WATER SHIELD OVER TYP FLOOR ROOF ASSEMBLY WITH 1 1/2" SPRAY FOAM AND R-39 BLOWN IN BIB WITH 5/8" TYPE "X" ONE HR GWB OVER GARAGE
- TYP FLOOR ASSEMBLY AT GARAGE TO OFFICE: 3/4" PLYWD OVER 11 7/8" BCIS W/ R-30 BATTS OR BLOWN IN WITH 5/8" TYPE "X" ONE HR GWB CEILING

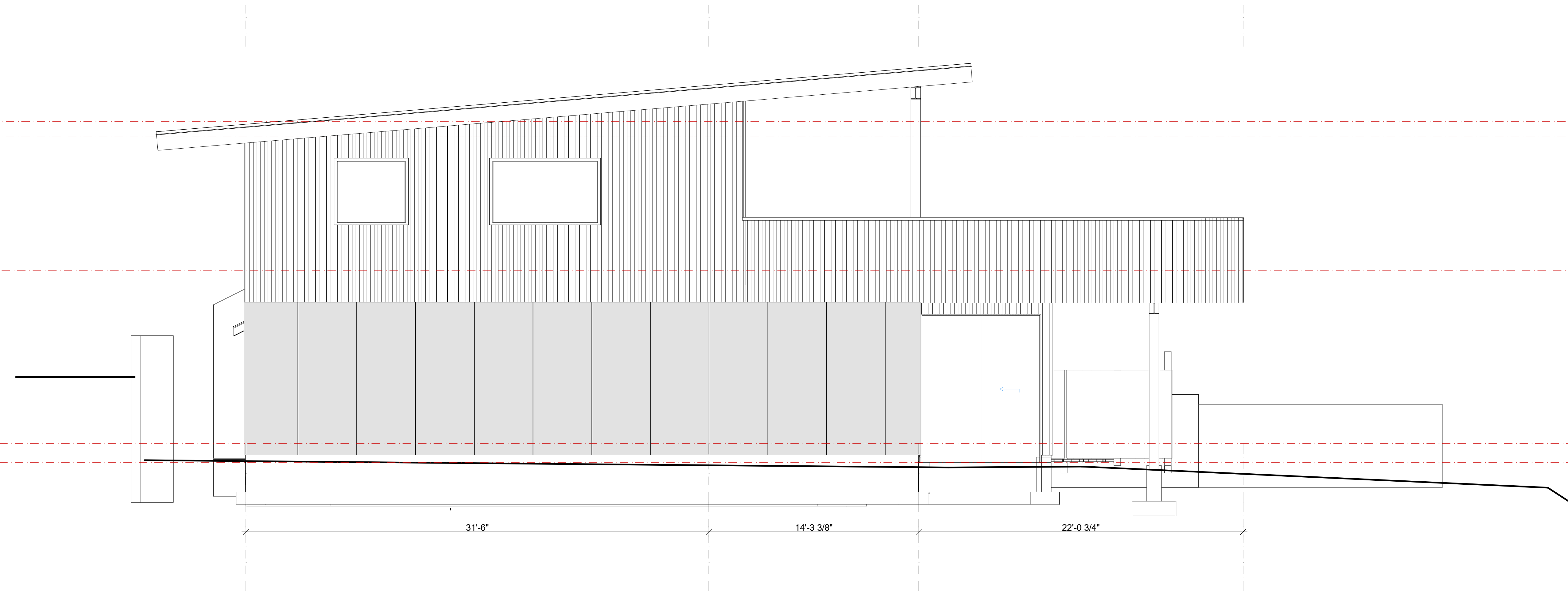
TYP WALL ASSEMBLY

- ONE HR PROPERTY LINE METAL SIDED WALL: PROTECH 24 GA 7/8" CORRUGATED SIDING OVER 5/8" TYPE "X" ONE HR OVER 1/2" ZIP BOARD SYSTEM ON 2X6 WALL W/ R-22 BLOWN IN BIB AND 5/8" TYPE "X" GWB FIRE TAPE AND TEXTURE
- ONE HR PROPERTY LINE STUCCO WALL: 7/8" FINISH, BROWN, 1/2 LATH SCRATCH COAT OVER 1/2" ZIP SYSTEM OVER 2X6 WALL W/ R-22 BLOWN IN BIB W/ 5/8" TYPE "X" ONE HR TAPE AND TEXTURE. (BUILDING INSPECTOR APPROVED ALTERNATE ASSEMBLY ACCEPTABLE W/ OWNER/ARCHITECT OKAY)
- SEE SECTIONS FOR OTHER INSULATION ASSEMBLYS AS WELL AS WALL BETWEEN HOUSE AND NEW GARAGE





WEST ELEVATION
 A-301 SCALE: 1/4" = 1'-0"



BEAM ABV STAIRWELL
 CD A-301

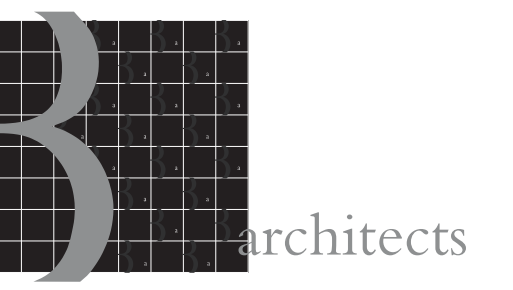
MARTIN REMODEL/ADDITION
 PROJECT NAME
 #940 N LEADVILLE KETCHUM IDAHO
 940 N LEADVILLE ave Ketchum Idaho 83340 usa
 83340 USA

JOB NO. 004
 PROJ. MGR. M BLASH
 DRAWN BY M BLASH
 CHECKED BY M BLASH

GENERAL NOTES

ISSUED: 2-9-22
 REVISED: 4-20-22
 REVISED: 5-11-22
 REVISED: 11-30-22
 REVISED: 12-7-22 FINAL
 REVISED: 10-26-23 CUP SET
 REVISED:
 REVISED:
 REVISED:
 SHEET TITLE:

A-301



MICHAEL BLASH ARCHITECTS
 PH. 208-720-3597
 PO BOX 2523 SUN VALLEY
 IDAHO, 83353
 michaelblash@cox.net

THESE PLANS AND SPECIFICATIONS ARE PROTECTED UNDER FEDERAL COPYRIGHT LAWS. ©MICHAEL BLASH AND ASSOCIATES ARCHITECTS OWNERSHIP OF SUCH AND ALL RIGHTS AND PRIVILEGES.



MARTIN REMODEL/ADDITION
940 N LEADVILLE KETCHUM IDAHO
83340 USA

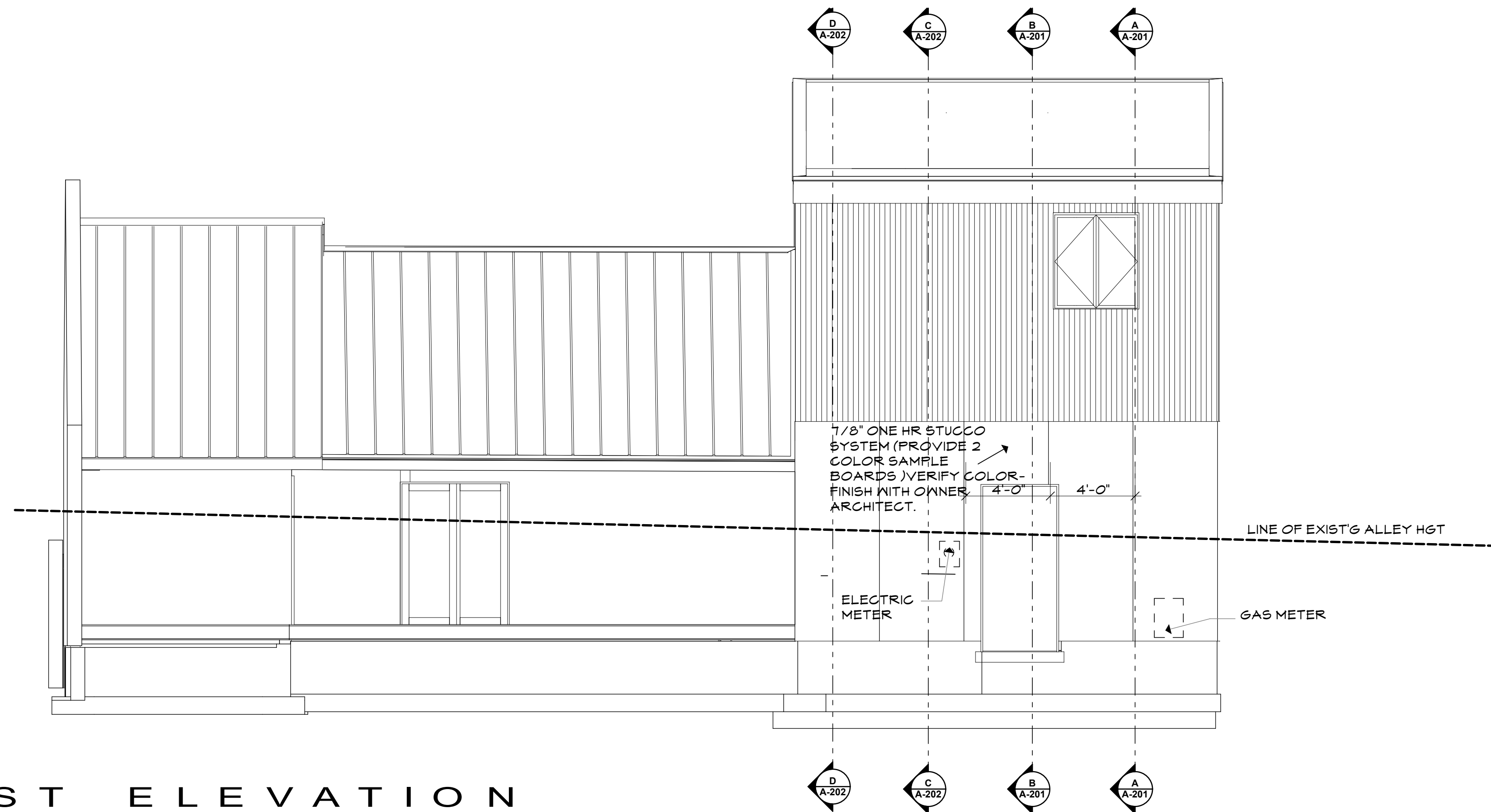
JOB NO. 004
 PROJ. MGR. M BLASH
 DRAWN BY M BLASH
 CHECKED BY M BLASH

GENERAL NOTES

ISSUED: 2-9-22
 REVISED: 4-20-22
 REVISED: 5-11-22
 REVISED: 11-30-22
 REVISED: 12-7-22 FINAL
 REVISED: 10-26-23 CUP SET

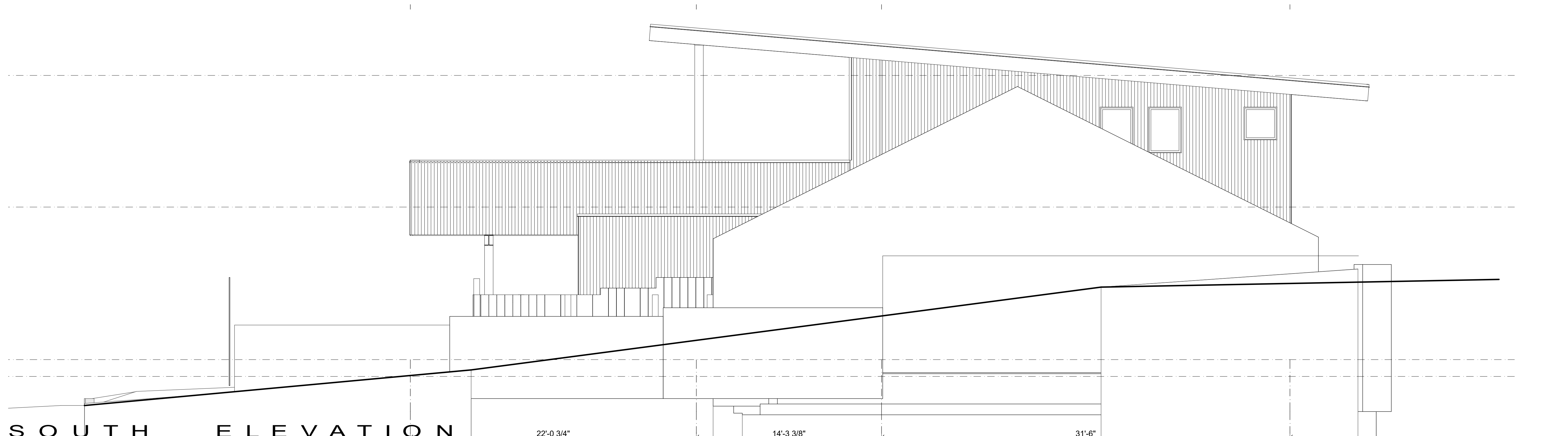
SHEET TITLE

A-302



EAST ELEVATION

SCALE: 1/4" = 1'-0"



SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



City of Ketchum

Attachment C: Draft Findings of Fact, Conclusions of Law, and Decision



CITY OF KETCHUM

Planning & Building
office: 208.726.7801
planningandbuilding@ketchumidaho.org
P.O. Box 2315, 191 5th Street West, Ketchum, ID 83340
ketchumidaho.org

IN RE:)	
)	
940 N Leadville Ave Work/Live)	KETCHUM PLANNING AND ZONING COMMISSION
Conditional Use Permit)	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Date: November 28, 2023)	DECISION
)	
File Number: P23-088)	

PROJECT: Martin Work/Live Conditional Use Permit Amendment

APPLICATION TYPE: Conditional Use Permit

FILE NUMBER: P23-088

ASSOCIATED APPLICATIONS: Conditional Use Permit (P22-010) and Design Review (P22-011)

APPLICANT: Amy Martin (Applicant)
Michael Blash (Architect)

OWNER: Amy Martin

LOCATION: 940 N Leadville Avenue (Lot 3, Block 30, Ketchum Townsite)

ZONING: Light Industrial No. 1 (LI-1)

RECORD OF PROCEEDINGS

The Planning and Zoning Commission considered the Conditional Use Permit (CUP) application for an amendment and an extension for a work/live unit located at 940 N Leadville Avenue (File No. P23-088) during a regular meeting on November 28, 2023. After considering staff’s analysis, and public comment, the Commission unanimously approved the 940 N Leadville Conditional Use Permit amendment and extension with all conditions carried over from the previously approved CUP (File No. P22-010) and one additional condition as proposed by staff.

The City of Ketchum received the Conditional Use Permit application on September 27, 2023. Following the receipt of the application, staff routed the application materials to all city departments for review. As of the date of this letter, all comments have been resolved or addressed through the conditions of approval recommended below.

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 November 8, 2023. The public hearing notice was published in the Idaho Mountain Express on November 8, 2023. A notice was posted on the project site and the city’s website on November 21, 2023.

BACKGROUND

During the Planning and Zoning Commission meeting on May 24, 2022, the Commission approved the Conditional Use Permit (File No. P22-010) and Design Review (File No. P22-011) applications for a work/live unit for the Alpenhound dog kennel at 940 N Leadville Avenue. The Applicant is requesting an extension and amendment to their previously approved Conditional Use Permit (CUP). Pursuant to Ketchum Municipal Code (KMC) 17.116.070, “Activities permitted by the granting of a conditional use permit shall commence within 12 months from the signature of the approved findings of fact for such conditional use permit.” The Findings of Fact, Conclusions of Law, and Decision for Alpenhound’s previously approved CUP was signed on June 14, 2022. During an internal conversation with staff, the applicant requested an extension of 12 months to their CUP application. The amendment is for a modification to the floor plan which increases the commercial and residential square footage. Condition of approval #1 of the CUP states, “This approval is based on the floor plan submitted by Michael Blash Architects, and attached to the staff report, dated May 11, 2022. Any change to the floor plan or change in the location or configuration of the uses from what is depicted in the plans, shall be subject to an amendment to this Conditional Use Permit.” Therefore, the applicant is also requesting an amendment to their CUP application.

The modified floor plan indicates a 55.25 square foot increase in commercial area and a 10.25 square foot increase in residential area. Table 1 below outlines the new square footage of each use for the project as shown on Sheets AS-003 and AS-004 of the project plans.

Table 1: Proposed Uses and Square Footage

Use	Square Footage	Percent SF
Work		
Ground Floor – Dog Sleeping and Supply Storage	325.5 SF	
Ground Floor – Storage/Dog Wash/Laundry	478.75 SF	
Second Floor – Office/Dog Feeding Area	544 SF	
<i>Subtotal</i>	<i>1,348.25 SF</i>	<i>58% of total</i>
Live		
Ground Floor – Existing Living	975.25 SF	
<i>Subtotal</i>	<i>975.25 SF</i>	<i>42% of total</i>
Total Square Footage	2,323.25 SF	
Dog Deck* and Garage*	1,139 SF	

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

**Garage square footage split for work and live uses (478.75 square feet is work and 422 square feet is live).*

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. The work/live unit, as previously and currently proposed, meets all requirements and standards in the KMC. The conditions of approval associated with the previous CUP

for Alpenhound carry forward into this application, and staff recommend one additional condition related to bicycle parking that was intended to be included with the initial CUP application.

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 CONDITIONAL USE PERMIT CRITERIA

Pursuant to KMC Section 17.116.030, conditional use permits can be granted if and only if all criteria listed below are met. The Commission finds the following:

Criteria 1 - The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district;

- *Finding:* No changes are proposed from the previously approved CUP application and the project remains in compliance with this requirement. The City of Ketchum has permitted numerous work/live units through the CUP process throughout the Light Industrial zone districts. The anti-nuisance and notice provisions outlined in KMC Section 17.124.090 seek to minimize potential conflicts between residential and light industrial uses. Conditions of approval 9-13 ensure that these provisions are in full force and effect. Additionally, the residential unit has been in this location since at least 1988. To date the city has received no known complaints regarding the residential unit.

Criteria 2 - The conditional use will not materially endanger the health, safety and welfare of the community;

- *Finding:* No changes are proposed from the previously approved CUP application and the project remains in compliance with this requirement. As mentioned above, numerous work/live units exist in the light industrial district with no demonstrated impact to the health, safety, and welfare of the community. The city has not received any complaints or witnessed a degradation of the health, safety, and welfare of these units. To the contrary, work/live units provide a certain amount of housing stability not experienced in other housing situations as the residential unit must be occupied by the business owner or an employee of the business. This supports the business operations as well as the owner/employee. Condition of approval #3 ensures that the occupant of the residential unit is either the owner or an employee of the business.

Criteria 3 - 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;

- *Finding:* No changes are proposed from the previously approved CUP application and the project remains in compliance with this requirement. The residential unit has existed since at least 1988 with no documented traffic or pedestrian issues related to the unit. Alpenhound has been in operation for three years with no documented issues related to pedestrian or vehicular circulation.

Criteria 4 - 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; and

- *Finding:* No changes are proposed from the previously approved CUP application and the project remains in compliance with this requirement. The property is currently served by city water and sewer, reviewed by the respective departments during department review. The existing services are adequate to serve the proposed project with no required upgrades. The fire department can access the building from not only N Leadville Ave, but via the alley in the rear of the property. The previous CUP application included service letters from Idaho Power and Clear Creek. The proposed project can be served with all utilities and city services.

Criteria 5 - The conditional use is not in conflict with the policies of the comprehensive plan or the basic purposes of this chapter.

- *Finding:* No changes are proposed from the previously approved CUP application and the project remains in compliance with this requirement. The subject property is designated as “Mixed-Use Industrial” in the 2014 Comprehensive Plan. The plan outlines primary and secondary uses within the area. Primary uses include service, workshops, studios, and offices with secondary uses including a limited range of residential housing types. Additionally, Policy E-2(e) encourages policy that supports small businesses by allowing people to live and work from their residences in live/work environments. Approval of the CUP would comply with the identified primary and secondary uses for the area and support a small business with housing on site.

FINDINGS REGARDING COMPLIANCE WITH ZONING AND WORK/LIVE STANDARDS

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 conditional use permit (CUP) approval. The applicant is requesting an extension and amendment to its previously approved CUP for a modification to its commercial and residential floor area.</p>	

17.12.040 – Dimensional Standards. LI Districts Matrix	Conformance
<i>Minimum Lot Size</i>	YES
<p>Finding: <u>Permitted:</u> 8,000 square feet</p> <p><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. LI Districts 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-1 zone district.</p> <p><u>Proposed:</u> The previously approved CUP project plans included a survey which indicated that the subject property is 55 feet wide. The property was platted in 1948. Per KMC 17.128.010, lots with</p>	

non-conforming lot widths created prior to April 21, 1966, can be developed provided that all other dimensional limitations are met.

17.12.040 – Dimensional Standards. LI Districts 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:</u> The front (Leadville/west) setback is 23'-2" as measured to the second story dog deck, the front setback was previously 22'-2". All of the other setbacks remain the same as the previously approved CUP plans. The modification in the front setback will be processed with the administrative design review, as it does not fall within the purview of conditional use permits.</p>	

17.12.040 – Dimensional Standards. LI Districts 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 industrial districts are subject to the qualifying ground floor heights and residential standards contained in section 17.124.090 of this title.</p> <p><u>Proposed:</u> 27'-1¾" as shown on Sheet A202 of the project plans. This is an increase of 2'-1 ¾" in height from the previously approved CUP project plans. The modification in building height will be processed with the administrative design review, as it does not fall within the purview of conditional use permits.</p>	

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> No changes are proposed from the previously approved CUP project plans and the parking for the project remains in compliance with the off street parking and loading requirements of the Ketchum Municipal Code.</p>	

17.125.040 – 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 1,293 square feet of work space. A total of two parking spaces are required.</p> <p><u>Proposed:</u> No changes are proposed to the parking spaces from the previously approved CUP plans. 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> There is currently not a bicycle rack onsite. The previously approved CUP had mentioned adding a condition related to bicycle parking, however, it was not included within the listed conditions of approval. To ensure a bicycle rack accommodating at least two bicycles is installed, staff recommend condition of approval #5 which states that prior to certificate of occupancy, the applicant must install a bicycle rack able to accommodate at least two bicycles.</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> No changes are proposed to the curb cut from the previously approved CUP plans and it remains in compliance. 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: No changes are proposed to the exterior lighting from the previously approved CUP plans, and it remains in compliance with Dark Sky requirements.</p>	

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> <p><u>Proposed:</u> No changes are proposed from the previously approved CUP plans and the project remains in compliance with the definition of work/live unit set forth in section 17.08.020 of the Ketchum Municipal Code.</p>	

17.124.090.A.5.b – Work Unit Standards	Conformance
<i>The work unit is: (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.</i>	YES Condition #5
<p>Finding: No changes are proposed from the previously approved CUP plans and the project remains in compliance with the Ketchum Municipal Code’s work unit standards.</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><i>(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;</i></p> <p><i>(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</i></p> <p><i>(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.</i></p>	YES
<p>Finding: The total square footage of the proposed project is 2,745.25 square feet, 975.25 square feet of which is the live unit. This represents 36% of the total project. Other than the size, no other changes are proposed from the previously approved CUP plans and the project remains in compliance with the Ketchum Municipal Code’s live unit standards.</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 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 Conditional Use Permit application for the development and use of the project site.
2. The Commission has authority to hear the applicant’s Conditional Use Permit Application pursuant to Chapter 17.116 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 §17.116.040.
4. The Conditional Use Permit application is governed under Ketchum Municipal Code Chapter 17.116.
5. The 940 N Leadville Ave Work/Live Conditional Use Permit application meets all applicable standards specified in Title 17 of Ketchum Municipal Code.

DECISION

THEREFORE, the Commission **approves** this Conditional Use Permit Application File No. P23-088 this Tuesday, November 28, 2023, subject to the following conditions of approval.

CONDITIONS OF APPROVAL

1. This approval is based on the floor plan submitted by Michael Blash Architects, and attached to the staff report, dated November 28, 2023. Any change to the floor plan or change in the location or configuration of the uses from what is depicted in the plans, shall be subject to an amendment to this Conditional Use Permit. The residential use shall occur in the location depicted on the plans and shall not exceed 975.25 square feet and no more than one bedroom.
2. This conditional use permit is non-transferrable to any other property owner or business other than Alpenhound. Any change in property ownership, business operator, or residential tenant requires an amendment to this Conditional Use Permit. In the event Alpenhound is no longer the business operation, a new Conditional Use Permit will be required.
3. Occupancy of the live unit must be either the owner of Alpenhound dog kennel, or an employee of Alpenhound.
4. Prior to issuance of the building permit, a Restrictive Covenant shall be recorded against the property prohibiting the separate sale of the live unit thereby ensuring that the work/live unit remains in common ownership and cannot be sold separately.
5. At time of building permit application, the project plans must include a bicycle rack able to accommodate at least two bicycles.
6. Hours of operation of the business shall be posted and remain posted at all times.
7. Within one year of receipt of certificate of occupancy for the project, and each year following, the applicant shall request an inspection by the Fire Marshall to ensure all fire codes are being met. Documentation of the inspection shall be provided to the Planning and Building department.
8. Inspections by the Planning and Building staff may be scheduled at the discretion of staff to ensure all conditions of this Conditional Use Permit are met. The owner shall cooperate with facilitating the inspections at the request of the City. In the event the owner does not cooperate, this CUP may be subject to revocation.
9. 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.
10. In the event the residential unit is occupied by an employee of Alpenhound, the owner 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.
11. 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.
12. 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.
13. In the event the property is in violation of the conditions of approval, the Conditional Use Permit may be subject to revocation.

Findings of Fact **adopted** this 28th day of November 2023.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission



City of Ketchum

**Attachment D:
P22-010 CUP Findings of Fact,
Conclusions of Law, and
Decision – Adopted June 14,
2022**



City of Ketchum
Planning & Building

IN RE:)
)
 940 N Leadville Ave Work/Live) KETCHUM PLANNING AND ZONING COMMISSION
 Conditional Use Permit) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
 Date: June 14, 2022) DECISION
)
 File Number: P22-010)

PROJECT: 940 N Leadville Addition

APPLICATION TYPE: Conditional Use Permit

FILE NUMBER: P22-010

ASSOCIATED APPLICATIONS: Design Review (P22-011)

REPRESENTATIVE: Amy Martin

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 CONDITIONAL USE PERMIT CRITERIA

Pursuant to KMC Section 17.116.030, conditional use permits can be granted if and only if all criteria listed below are met. The Commission finds the following:

Criteria 1 - The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district;

- *Finding:* The City of Ketchum has permitted numerous work/live units through the CUP process throughout the Light Industrial zone districts. The anti-nuisance and notice provisions outlined in KMC Section 17.124.090 seek to minimize potential conflicts between residential and light industrial uses. Conditions of approval 9-12 ensure that these provisions are in full force and effect. Additionally, the residential unit has been in this location since at least 1988. To date the city has received no known complaints regarding the residential unit.

Criteria 2 - The conditional use will not materially endanger the health, safety and welfare of the community;

- *Finding:* As mentioned above, numerous work/live units exist in the light industrial district with no demonstrated impact to the health, safety, and welfare of the community. The city has not received any complaints or witnessed a degradation of the health, safety, and welfare of these units. To the contrary, work/live units provide a

certain amount of housing stability not experienced in other housing situations as the residential unit must be occupied by the business owner or an employee of the business. This supports the business operations as well as the owner/employee. Condition of approval #3 ensures that the occupant of the residential unit is either the owner or an employee of the business.

Criteria 3 - 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;

- *Finding:* The residential unit has existed since at least 1988 with no documented traffic or pedestrian issues related to the unit. Alpenhound has been in operation for two years with no documented issues related to pedestrian or vehicular circulation.

Criteria 4 - 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; and

- *Finding:* The property is currently served by city water and sewer, reviewed by the respective departments during department review. The existing services are adequate to serve the proposed project with no required upgrades. The fire department can access the building from not only N Leadville Ave, but via the alley in the rear of the property. Service letters from Idaho Power and Clear Creek are included in Attachment B. The proposed project can be served with all utilities and city services.

Criteria 5 - The conditional use is not in conflict with the policies of the comprehensive plan or the basic purposes of this chapter.

- *Finding:* The subject property is designated as “Mixed-Use Industrial” in the 2014 Comprehensive Plan. The plan outlines primary and secondary uses within the area. Primary uses include service, workshops, studios, and offices with secondary uses including a limited range of residential housing types. Additionally, Policy E-2(e) encourages policy that supports small businesses by allowing people to live and work from their residences in live/work environments. Approval of the CUP would comply with the identified primary and secondary uses for the area and support a small business with housing on site.

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 Conditional Use Permit application for the development and use of the project site.

2. The Commission has authority to hear the applicant's Conditional Use Permit Application pursuant to Chapter 17.116 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 §17.116.040.
4. The Conditional Use Permit application is governed under Ketchum Municipal Code Chapter 17.116.
5. The 940 N Leadville Ave Work/Live Conditional Use Permit application meets all applicable standards specified in Title 17 of Ketchum Municipal Code.

DECISION

THEREFORE, the Commission **approves** this Conditional Use Permit Application File No. P21-010 this Tuesday, June 14, 2022, subject to the following conditions of approval.

CONDITIONS OF APPROVAL

1. This approval is based on the floorplan submitted by Michael Blash Architects, and attached to the staff report, dated May 11, 2022. Any change to the floor plan or change in the location or configuration of the uses from what is depicted in the plans, shall be subject to an amendment to this Conditional Use Permit. The residential use shall occur in the location depicted on the plans and shall not exceed 965 square feet and no more than one bedroom.
2. This conditional use permit is non-transferrable to any other property owner or business other than Alpenhound. Any change in property ownership, business operator, or residential tenant requires an amendment to this Conditional Use Permit. In the event Alpenhound is no longer the business operation, a new Conditional Use Permit will be required.
3. Occupancy of the live unit must be either the owner of Alpenhound dog kennel, or an employee of Alpenhound.
4. Prior to issuance of the building permit for the expansion approved under Design Review P22-011, a Restrictive Covenant shall be recorded against the property prohibiting the separate sale of the live unit thereby ensuring that the work/live unit remain in common ownership and cannot be sold separately.
5. Hours of operation of the business shall be posted and remain posted at all times.
6. Within one year of receipt of certificate of occupancy for the project, and each year following, the applicant shall request an inspection by the Fire Marshall to ensure all fire

codes are being met. Documentation of the inspection shall be provided to the Planning and Building department.

7. Inspections by the Planning and Building staff may be scheduled at the discretion of staff to ensure all conditions of this Conditional Use Permit are met. Owner shall cooperate with facilitating the inspections at the request of the City. In the event the owner does not cooperate, this CUP may be subject to revocation.
8. 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.
9. In the event the residential unit is occupied by an employee of Alpenhound, the owner 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.
10. 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.
11. 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.
12. In the event the property is in violation of the conditions of approval, the Conditional Use Permit may be subject to revocation.

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



Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission