

ORDINANCE NO. 1181

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 17, THE ZONING ORDINANCE, OF THE KETCHUM MUNICIPAL CODE BY AMENDING CHAPTER 16.04 SUBDIVISIONS, SECTION 16.04.040, DEVELOPMENT AND DESIGN; CHAPTER 17.92 AVALANCHE ZONE DISTRICT, SECTION 17.92.010, AVALANCHE ZONE DISTRICT; CHAPTER 17.08, DEFINITIONS; CHAPTER 17.124 DEVELOPMENT STANDARDS, CHAPTER 17.12 ESTABLISHMENT OF DISTRICTS AND ZONING MATRICES; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Ketchum is authorized to amend the city zoning ordinance pursuant to Idaho Code § 67-6511; and

WHEREAS, the City of Ketchum has received an average of 113 inches of snow per year between 1981 and 2000, as recorded by the National Climatic Data Center; and

WHEREAS, avalanches are possible on slopes steeper than 25 degrees but occur most frequently on slopes 35 to 50 degrees while the detrimental impacts of avalanches can also affect less steep slopes located below avalanche terrain; and

WHEREAS, Ketchum city limits contain private, developable property with slopes between 25 and 50 degrees; and

WHEREAS, the City of Ketchum first adopted zoning regulations concerning development in identified avalanche prone areas on April 19, 1974 with the adoption of Ord. 208; and

WHEREAS, the City of Ketchum commissioned the "Avalanche Hazard Study, the City of Ketchum, Idaho" (Wilson) study in 1977 and the "Snow Avalanche Hazard Analysis and Zoning Recommendations, Warm Springs Area, Ketchum, Idaho" (Mears) study in 1978; and

WHEREAS, the City's zoning regulations concerning health, safety and welfare within the Avalanche Zone District overlay were amended on July 16, 1979 with the Wilson and Mears avalanche studies formed the basis for the boundaries of the Avalanche Zone District overlay zoning district; and

WHEREAS, the City finds it necessary to amend the zoning and subdivision ordinances to align the regulations with development practices that have been permitted to occur, to clarify certain regulations, and to amend certain regulations in order to better protect health, safety and welfare; and

WHEREAS, there is an identified need for neighborhood and commercial snow storage within city limits, with appropriate development standards, due to the frequency and quantity of snowfall; and

WHEREAS, the Ketchum City Council, having reviewed the proposed text amendments, held public hearings on March 19th, April 2nd, April 16th, and May 21st, 2018 found that the proposed amendments comply with the 2014 Comprehensive Plan; and

WHEREAS, the Ketchum City Council having considered the recommendation of the Planning and Zoning Commission and submitted comments and testimony from the public, having determined that it is in the best interests of the public and adopt the proposed text amendments to Title 16, Subdivision Ordinance and Title 17, Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KETCHUM

Section 1: CHAPTER 16.04.040 DEVELOPMENT AND DESIGN IS HEREBY AMENDED AS FOLLOWS:

16.04.040.H.24. No new public or private streets or flag lots associated with a proposed subdivision (land, planned unit development, townhouse, condominium) are permitted to be developed on parcels within the Avalanche Zone.

16.04.040.R. Avalanche and Mountain Overlay: All improvements and plats (land, planned unit development, townhouse, condominium) created pursuant to this chapter shall comply with City of Ketchum Avalanche Zone District and Mountain Overlay Zoning District requirements as set forth in Title 17 of the Ketchum Municipal Code.

Section 2: SECTION 17.92.010.A.6 PURPOSES IS HEREBY AMENDED AS FOLLOWS:

17.92.010.A.6. To allow for construction of residences and other uses consistent with the city's zone district use matrix by persons informed of potential avalanche danger with regard to a specific parcel of real property, while providing regulations to protect lessees, renters and subtenants of property within such zone.

Section 3: SECTION 17.92.010.B AVALANCHE ZONE DISTRICT BOUNDARIES IS HEREBY AMENDED AS FOLLOWS:

17.92.010.B.1. The avalanche zone district boundaries shall be an overlay district and designate those areas within the city found subject to potential avalanche danger.

17.92.010.B.2. The avalanche zone shall include all of those areas within the city so designated by the amendment to the Ketchum zoning map adopted in this chapter. Designation as high avalanche zone or moderate avalanche zone is described in the Wilson (1977) and Mears (1978) avalanche studies on file with the City of Ketchum or may be determined by a site-specific study.

Section 4: SECTION 17.92.010.D USE RESTRICTIONS IS HEREBY AMENDED AS FOLLOWS:

1. All utilities installed after the effective date hereof for development of a subdivision or providing utility services to a building or replacing existing utility services to a building or subdivision shall be installed underground in order to minimize possible avalanche damage to such utilities and injury to persons and property. For all new construction and for projects that constitute a Substantial Improvement, all utility service meters and shut-off valves shall be installed on the leeward-side of buildings in a protected location, to the satisfaction of the Fire department.
2. Avalanche protective, deflective and preventative structures, devices or earthwork which threaten to deflect avalanches toward property of others or otherwise threaten to increase the danger to persons or property are prohibited. The construction of such structures, devices or earthwork shall be permitted only as a conditional use. Prior to granting of a conditional use permit, the applicant shall submit to the city plans signed by an engineer licensed in the state, certifying that the proposed construction will withstand the avalanche forces set forth in the avalanche studies on file with the city and that the proposed construction will not deflect avalanches toward the property of others. Other information and engineering studies may be requested in consideration of an application for a conditional use permit. As a further condition of any conditional use permit, appropriate landscaping may be required where such structures, devices or earthwork alter the natural slope or beauty of the land. This shall not apply to reforestation. Alteration or removal of any existing natural barriers is prohibited.
3. Prior to issuance of a building permit for any structure within the avalanche zone, except for remodels to existing, non-engineered single-family homes and for additions under 1,200 gross square feet to existing, non-engineered single family-homes, the applicant shall submit to the Ketchum building inspector plans, signed by an engineer licensed in the state of Idaho, certifying that the proposed construction as designed will withstand the avalanche forces as set forth in the avalanche studies on file with the city, or the avalanche forces set forth in a study of the property in question prepared at the owner's expense and submitted to the city by a recognized expert in the field of avalanche occurrence, force and behavior. Warning: The avalanche forces set forth in such studies are to be considered minimum standards only, and the city does not represent, guarantee or warrant the ultimate safety of any construction, use or occupancy of structures constructed to those standards. Avalanches may occur with
4. Any residence that has not been engineered to withstand avalanche forces consistent with this chapter shall not be leased, rented, or sublet from November 15 through April 15 of each year and any residence that has not been engineered to withstand avalanche forces that is being leased or rented or sublet after April 19, 1974 shall be deemed a zoning violation and shall be governed by chapter 17.156 of this title.
5. The subdivision of real property (including land subdivisions, planned unit developments, townhouse sublots and developments, and condominium developments) within the avalanche zone district is permitted, provided:

- a. No new public or private streets or flag lots associated with a proposed subdivision (land, planned unit development, townhouse, condominium) are permitted to be developed on parcels within the Avalanche Zone; and
- b. The subdivision complies with the underlying zoning district; and
- c. The project complies with all applicable design review requirements and zone standards, including 17.96, Design Review and 17.104, Mountain Overlay; and,
- d. The subdivision complies with Title 16, Subdivision Regulations, of the Ketchum Municipal Code.

Section 5: SECTION 17.92.010.I AMENDMENT TO ZONING MAP IS HEREBY AMENDED AS FOLLOWS:

I. Amendment To Zoning Map: The official zoning map of the city is amended to include the avalanche zone. The boundaries of said avalanche zone are adopted as set forth on said amended official zoning map made a part of this title. The boundaries of said avalanche zone are comprised of the avalanche hazard areas identified in the following studies that are on file with the City of Ketchum:

- A. "Avalanche Hazard Study, the City of Ketchum, Idaho" (Wilson, 1977)
- B. "Snow Avalanche Hazard Analysis and Zoning Recommendations, Warm Springs Area, Ketchum, Idaho" (Mears, 1978)
- C. Memo, Skyline Subdivision (Mears, 1982)
- D. "Avalanche Hazard and Mapping Analysis, Warm Springs Ranch" (Mears, 2001)
- E. "Snow Avalanche Hazard and Mapping, River Run Lots, Sun Valley, Idaho" (Mears, 2009)

[Existing Avalanche Overlay Zone and proposed additions to the Avalanche Overlay Zone are attached and incorporated as Exhibit A to this Ordinance.]

Section 6: SECTION 17.08.020 TERMS DEFINED IS HEREBY AMENDED AS FOLLOWS:

COMMERCIAL OFF-SITE SNOW STORAGE: The storage of snow that has been removed from one or more privately owned lots and relocated off-site to a different lot in the Community Core (CC), Tourist (T), and/or Light Industrial (LI-1, LI-2, LI-3) zoning districts. This definition does not distinguish whether or not the sending and receiving lots are held under the same ownership and does not include the storage of snow removed from the right-of-way or property owned by public agencies.

NEIGHBORHOOD OFF-SITE SNOW STORAGE: The use of residentially zoned property in the city for the storage of snow from no more than three (3) neighboring lots within three

hundred feet (300') of the snow storage parcel. This definition does not require the sending and receiving lots to be under the same ownership and does not include the storage of snow removed from the right-of-way or property owned by public agencies.

Section 7: CHAPTER 17.124 DEVELOPMENT STANDARDS IS HEREBY AMENDED AS FOLLOWS:

17.124.160: COMMERCIAL AND NEIGHBORHOOD OFF-SITE SNOW STORAGE

Commercial Off-Site Snow Storage is allowed as a permitted use in the Community Core (CC), Tourist (T), and Light Industrial (LI-1, LI-2, LI-3) zoning districts. Neighborhood Off-Site Snow Storage is allowed as a permitted use in residential and short-term occupancy zoning districts. Commercial and Neighborhood Off-site Snow Storage are permitted uses as specifically depicted in the city's district use matrix (Chapter 17.12.020.A), provided the following conditions are met:

- A. Commercial and Neighborhood Off-site Snow Storage may be allowed on lots containing Floodplain, Avalanche, and Mountain Overlay zones; provided no portion of the off-site snow storage use is located in Floodplain, Avalanche, or Mountain Overlay area on the parcel.
- B. A drainage plan shall be submitted to the Administrator demonstrating how snow melt will be drained entirely on the lot, not into sensitive areas such as floodplains, and not off-site onto public ROWs or neighboring property;
- C. Adequate drainage must be provided so that snow melt is drained entirely on the lot;
- D. Snow storage piles are subject to a ten foot (10') minimum setback from property lines and shall not exceed ten feet (10') in height;
- E. Snow storage shall not encroach upon any easement designated for a purpose other than snow storage;
- F. Snow storage shall not conflict with emergency service access, including access to fire hydrants, required to deliver public services to the subject lot or any other lot;
- G. Off-Site Snow Storage is limited to the storage of snow only; storage of equipment related to snow removal is subject to all other applicable regulations in the Ketchum Municipal Code;
- H. The use of bulldozers and other on-site equipment to push piles of snow higher or around on-site must be equipped with broadband self-adjusting alarms or other OSHA compliant broadband noise reversing alarm beepers;
- I. Hours of operation shall comply with the city's noise ordinance and the times of day when snow and ice may be deposited are limited to seven-thirty o'clock (7:30) A.M. to seven o'clock (7:00) P.M. on weekdays, and between the hours of nine o'clock (9:00) A.M. and six o'clock (6:00) P.M. on Saturday. Upon written authorization, the Administrator may waive this requirement for a period of not greater than twenty-four (24) hours after or during a storm event resulting in or expected to result in greater than six inches (6") of snow accumulation occurs;
- J. Conditional uses are required of all neighborhood and/or commercial off-site snow storage operations when the off-site snow storage project: (a) affects greater than one-half acre; or, (b) has, at the discretion of the Administrator, the potential to negatively

impact neighboring uses within 300' of the proposed neighborhood or commercial off-site snow storage operation. In such instances, the conditional use permit submittal and approval requirements set forth in 17.116 of the Ketchum Municipal Code shall be followed; and

- K. The storage of snow removed from the right-of-way or property owned by public agencies are specifically exempt from the Commercial Off-Site Snow storage requirements set forth herein.

Section 8: SECTION 17.12.020 DISTRICT USE MATRIX IS HEREBY AMENDED AS FOLLOWS:

That Title 17 of the Ketchum Municipal Code be amended to add a new footnote and use to Section 17.12.020, District Use Matrix, as attached and incorporated as Exhibit B to this Ordinance.

Section 9. REPEALER CLAUSE. All City of Ketchum Ordinances or parts thereof which are in conflict herewith are hereby repealed.

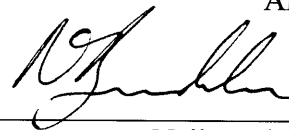
Section 10. SAVINGS AND SEVERABILITY CLAUSE. It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 11: PUBLICATION. This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form annexed hereto as Exhibit C shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

Section 12. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

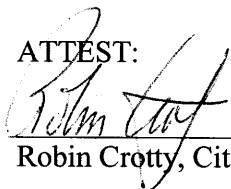
PASSED by the CITY COUNCIL and APPROVED by the MAYOR of Ketchum, Idaho on May 21st, 2018.

APPROVED:



Neil Bradshaw, Mayor

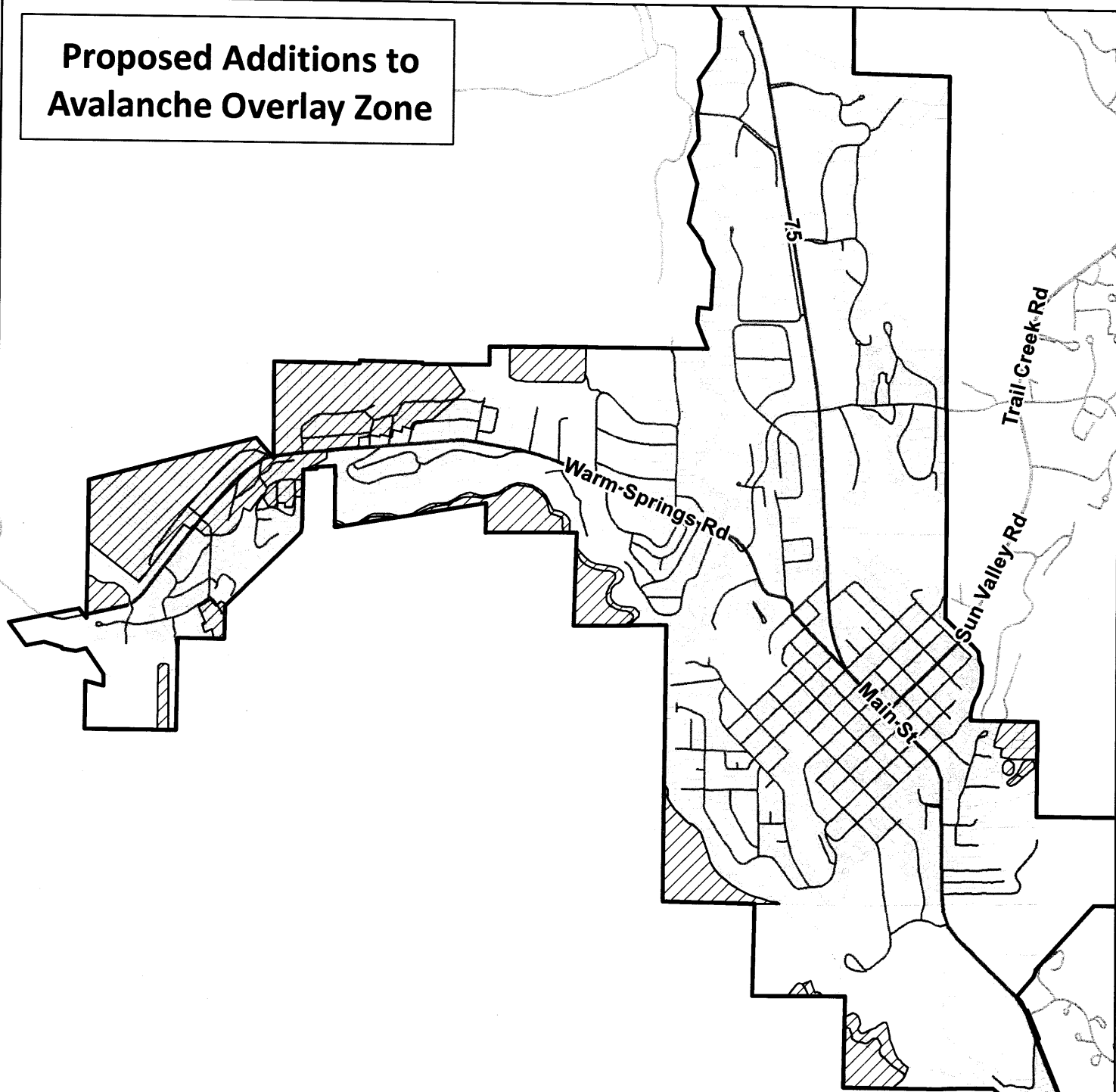
ATTEST:






Robin Crotty, City Clerk

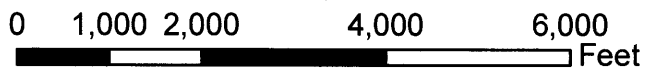
EXHIBIT A

Proposed Additions to Avalanche Overlay Zone



Legend

-  Proposed additions to Avalanche Overlay Zone
-  Avalanche Overlay Zone
-  Ketchum City Limits



1 inch = 2,000 feet

EXHIBIT B

DISTRICT USES		L	L	L	G	G	S	S	S	T	T	C	C	C	C	L	L	L	R	A	
		R	1	2	L	R	H	O	O	O	3000	4000	SD	SD	SD	SD	I	I	I	U	F
PUBLIC & INS	Parking Facility, Off-Site																				
	Parking, Shared									C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸						
	Performing Arts Production												P	P	P						
	Public Use	C	C	C	C	C	C	C	C	C	C	C	P	P	P	C	C	C	C	C	C
	Public Utility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Recreation Facility, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Recycling Center																				
	Semi-Public Use																				
ACCESSORY	Agriculture, Urban	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	
	Avalanche Protective, Deflective, or Preventative Structure/Earthwork	C	C	C	C	C	C	C	C	C	C									C	C
	Daycare Home	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴										A ⁴
	Daycare, Onsite Employees																C ⁴				
	Dwelling Unit, Accessory	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸					A ¹⁸
	Electric Vehicle Charging Station	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
	Energy System, Solar	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
	Energy System, Wind	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
	Fallout Shelter	A	A	A	A	A	A	A	A	A	A										
	Guesthouse	A	A	A	A	A	A	A	A	A	A										
	Home Occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
	Recreation Facility, Residential	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
	Equestrian Facility, Residential	A	A	A	A	A	A	A	A	A	A										
	Sawmill, Temporary																				C

1. A multi-family development containing up to two (2) dwelling units is permitted.
2. Two (2) one-family dwellings are permitted.
3. Religious institutions are allowed through the provision of a conditional use permit. No other assembly uses as defined in Chapter 17.08 are permitted.
4. Use is not permitted in the Avalanche Zone. Reference Zoning Map.
5. Retail trade is permitted but must not exceed 2,500 square feet.
6. Uses must be subordinate to and operated within tourist housing and not to exceed ten percent (10%) of the gross floor area of the tourist housing facility.
7. Utility for offsite use.
8. See section 17.125.070 for shared parking standards.
9. Drive-throughs are not allowed in association with food service establishments.
10. This is a permitted use, however offices and professional services on the ground floor with street frontage require a conditional use permit.
11. Tourist houses shall only be located in existing one-family dwellings. Additions to the home shall not exceed 20 percent (20%) of the existing square footage.
12. The following forms of retail trade are permitted: (a) Equipment rental, including sporting equipment and entertainment equipment, (b) Building, construction and landscaping materials; small engines with associated sales (c) Retail in conjunction with manufacturing, warehousing or wholesaling not to exceed 30% gross floor area or 800 square feet, whichever is less; no advertising is displayed from windows or building facades; and no access onto a major arterial is allowed if an alternative access is available.
13. Personal service is not allowed except for laundromats and dry cleaning establishments.
14. See section 17.124.090 of this title for industrial districts residential development standards.
15. Catering and food preparation is permitted. Restaurants require a conditional use permit and shall not exceed 1,000 square feet and serve no later than 9:00 P.M. unless expressly permitted through approval of the conditional use permit.
16. The following forms of retail trade are permitted: (a) Equipment rental, including sporting equipment and entertainment equipment (b) Building, construction and landscaping materials; small engines with associated sales (c) Furniture and appliances in conjunction with warehousing not to exceed 18% gross floor area or 900 square feet, whichever is less; (d) Other retail in conjunction with manufacturing, warehousing or wholesaling; it is limited to 10% gross floor area or 500 square feet, whichever is less. --- Retail uses (c) & (d) shall have no advertising displayed from windows or building facades; and no access will be permitted onto a major arterial if an alternative access is available.
17. See section 17.124.120.C of this title for industrial districts daycare development standards.
18. See section 17.124.070 of this title for accessory dwelling unit development standards.
19. A maximum of five (5) dwelling units are allowed through a conditional use permit and shall be a minimum of 400 square feet and not exceed 1,200 square feet in size.
20. Indoor only.
21. Only allowed in conjunction with an equestrian facility.
22. See section 17.124.080 of this title for urban agriculture development standards.
23. See chapter 17.140 for wireless communications facility provisions.
24. Allowed on the ground floor only.
25. See section 17.124.050 of this title for hotel development standards.
26. Ground floor street frontage uses are limited to retail and/or office uses. In subdistrict A office uses require a conditional use permit.
27. Ground floor only.
28. Through the provision of a conditional use permit, the planning and zoning commission may approve a 20% increase to the total existing square footage of an existing nonconforming one-family dwelling.
29. Use is allowed as an accessory use through the provision of a conditional use permit.
30. Development agreement required.
31. Vehicular access from Highway 75 to motor vehicle fueling stations is prohibited.
32. All commercial and neighborhood off-site snow storage uses are subject to the standards set forth in section 17.124.160 of this title. Conditional Use Permits are required of all off-site snow storage operations when the project: (a) affects greater than one-half acre; or, (b) has, at the discretion of the Administrator, the potential to negatively impact neighboring uses within 300' of the proposed neighborhood or commercial off-site snow storage operation.

EXHIBIT C

PUBLICATION OF SUMMARY OF ORDINANCE NO. 1181

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 17, THE ZONING ORDINANCE, OF THE KETCHUM MUNICIPAL CODE BY AMENDING CHAPTER 16.04 SUBDIVISIONS, SECTION 16.04.040, DEVELOPMENT AND DESIGN; CHAPTER 17.92 AVALANCHE ZONE DISTRICT, SECTION 17.92.010, AVALANCHE ZONE DISTRICT; CHAPTER 17.08, DEFINITIONS; CHAPTER 17.124 DEVELOPMENT STANDARDS, CHAPTER 17.12 ESTABLISHMENT OF DISTRICTS AND ZONING MATRICES; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1181 of the City of Ketchum, Blaine County, Idaho, adopted on May 21, 2018, is as follows:

- SECTION 1.** Amends Section 16.04.040, Development and Design, to prohibit the development of new streets in the avalanche zone that are associated with new subdivisions and cross references Mountain Overlay and Avalanche Zone design standards.
- SECTION 2.** Amends Section 17.92.010.A.6, Purposes, to permit development of uses allowed by the District Use Matrix in the avalanche zone.
- SECTION 3.** Amends Section 17.92.010.B, Avalanche Zone District Boundaries, to remove the distinction between high and moderate risk avalanche zones.
- SECTION 4.** Amends Section 17.92.010.D, Use Restrictions, to include health and safety regulations for utility meters in the avalanche zone, to clarify non-engineered structures in the avalanche zone cannot be rented between November 15th through April 15th, and to affirm no new streets associated with subdivisions can be constructed in the avalanche zone.
- SECTION 5.** Amends Section 17.92.010.I, Amendment to Zoning Map, to include avalanche areas identified in site-specific avalanche studies on the official zoning map of the city.
- SECTION 6.** Amends Section 17.08.020, Terms Defined, to add a definition for commercial off-site snow storage and neighborhood off-site snow storage.
- SECTION 7.** Amends Chapter 17.124, Development Standards, to add a subsection 17.124.160 containing development standards for commercial and neighborhood off-site snow storage.
- SECTION 8.** Amends Section 17.12.020, District Use Matrix, to include commercial and neighborhood off-site snow storage and avalanche protection devices to the District Use Matrix.

- SECTION 9.** Provides for a repealer clause.
- SECTION 10.** Provides a savings and severability clause.
- SECTION 11.** Provides for publication of this Ordinance by Summary.
- SECTION 12.** Establishes an effective date.

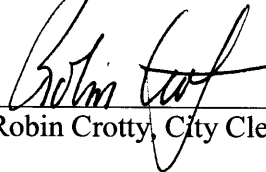
The full text of this Ordinance is available at the City Clerk's Office, Ketchum City Hall, 480 East Avenue North, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

APPROVED:



Neil Bradshaw, Mayor

ATTEST:



Robin Crotty, City Clerk