

ORDINANCE NUMBER 984

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, FINDING THAT AN IMMINENT PERIL TO THE PUBLIC HEALTH, SAFETY AND WELFARE EXISTS REQUIRING ADOPTION OF AN EMERGENCY MORATORIUM PURSUANT TO IDAHO CODE SECTION 67-6523 UPON THE ACCEPTANCE OF ALL APPLICATIONS FOR DESIGN REVIEW AND UPON THE ISSUANCE OF ALL BUILDING PERMITS IN THE GENERAL RESIDENTIAL – HIGH DENSITY DISTRICT (GR-H) AND IN THE TOURIST DISTRICT (T); AND IMPLEMENTING IMMEDIATELY SUCH MORATORIUM IN THE GR-H AND T DISTRICTS; PROVIDING FOR PUBLICATION BY SUMMARY; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the health, safety and welfare of the residents of and visitors to the City of Ketchum depend upon a reliable, responsive workforce; and

WHEREAS, the reliability and responsiveness of such workforce is diminished substantially by a lack of affordable deed-restricted workforce housing which requires the workforce to commute from ever increasing distances throughout Southern Idaho; and

WHEREAS, such commuting results in delayed response times, decreased productivity and regular automobile accidents and has a negative effect upon the natural environment; and

WHEREAS, the Ketchum City Council adopted Resolution 02-007, requiring that police, fire, street, water, and wastewater personnel reside within a limited distance from Ketchum in order to ensure reasonable response time to emergencies that require quick response and mobilization; and

WHEREAS, due to the present lack of affordable deed-restricted workforce housing, such restriction set forth in Resolution 02-007 has substantially impaired Ketchum's ability to recruit and retain necessary emergency personnel; and

WHEREAS, the City entered a contract with the Tom Hudson Company to prepare a Downtown Ketchum Master Plan Framework (the "Framework") which is now complete and which has been adopted by the City; and

WHEREAS, the Framework identifies a lack of affordable deed-restricted workforce housing as contributing to substantial economic underdevelopment impairing the City's sound growth and presenting a menace to the public health, safety and welfare; and

WHEREAS, in 1997, ASI Associates, Inc. prepared a Housing Needs Assessment for the City (the "1997 ASI Assessment"); and

WHEREAS, in 2001, Rees Consulting, Inc. prepared a report analyzing residential development, the availability and cost of rental units and sales dates from 1997 through 2000 (the "2001 Rees Consulting Report"); and

WHEREAS, in 2002, Rees Consulting, Inc. updated the 2001 Rees Consulting Report (the "2002 Rees Consulting Report Update"), the findings and recommendations of which are incorporated herein by reference; and

WHEREAS, in March 2005, the Blaine Ketchum Housing Authority received the Blaine County Idaho Community Housing Support Study (the "2005 Support Study"); and

WHEREAS, the 1997 ASI Assessment, the 2001 Rees Consulting Report, the 2002 Rees Consulting Report Update and the 2005 Support Study are all collectively referred to herein as the "Housing Needs Studies" and the content, findings and recommendations of the Housing Needs Studies are hereby incorporated herein by reference; and

WHEREAS, the Housing Needs Studies indicate a critical shortage of affordable deed-restricted workforce housing; and

WHEREAS, Idaho Code Section 67-6508(1), a portion of the "Idaho Local Land Use Planning Act" requires the Ketchum Planning Commission to plan for the provision of safe, sanitary, and adequate housing, including the provision for low-cost conventional housing, and to address the needs of the community; and

WHEREAS, Ketchum Comprehensive Plan, Chapter 4.9, Goal 1 is to ensure the provision of long-term housing for the residents and employees of Ketchum in all Ketchum neighborhoods; and

WHEREAS, Ketchum Comprehensive Plan, Policy 4.9.2 is to promote the construction of safe, adequate, long-term housing available at costs that are affordable to Ketchum employees and residents for ownership and rent; and

WHEREAS, Ketchum Comprehensive Plan, Chapter 5 is entirely dedicated to the issue of community housing and establishes Goal 2 which is to promote the development and maintenance of affordable housing in Ketchum; and

WHEREAS, Ketchum Comprehensive Plan Policy 5.1 states that the City will take the lead in the development of affordably-priced housing using various tools including without limitation incentives, regulatory strategies, zoning and density modifications and requiring affordably-priced housing units where the size and scope of the project could make the requirement appropriate; and

WHEREAS, such tools are not currently being employed with any substantial success in the Tourist District (T) and in the General Residential – High Density District (GR-H); and

WHEREAS, the GR-H and T Districts have historically contained a substantial number of non deed-restricted affordable workforce housing units; and

WHEREAS, many such units have been permanently lost to development and to redevelopment and many more will be similarly lost if the above-referenced policies of the Ketchum Comprehensive Plan are not implemented and the goals of the Ketchum Comprehensive Plan are not met; and

WHEREAS, the permanent loss of non deed-restricted affordable workforce housing and the permanent loss of potential affordable deed-restricted workforce housing in the GR-H and T Districts threatens the economic vitality of the City and threatens the City's ability to recruit and retain essential emergency service personnel including, without limitation, fire, police, emergency medical, street department, utilities department and building inspection personnel and other private-sector employees, and that such threats constitute an imminent peril to the public health, safety and welfare requiring the adoption of this moratorium; and

WHEREAS, pursuant to Idaho Code Section 67-6523, the City may adopt an emergency resolution declaring a moratorium on certain classes of permits for a period not to exceed one hundred and eighty-two (182) days.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Ketchum, Idaho:

SECTION 1. FINDING OF IMMINENT PERIL TO THE PUBLIC HEALTH, SAFETY AND WELFARE: The City Council hereby finds that an imminent peril to the public health, safety and welfare exists caused by the permanent loss of non deed-restricted affordable workforce housing and by the permanent loss of potential affordable deed-restricted workforce housing in the T and GR-H Districts.

SECTION 2. DECLARATION OF MORATORIUM. The City Council hereby declares a moratorium upon the acceptance of all applications for design review and upon the issuance of all building permits in the General Residential – High Density District (GR-H) and in the Tourist District (T); and implementing immediately such moratorium in the GR-H and T Districts. This moratorium does not apply to maintenance and repair of existing buildings nor shall it apply to applications for building permits or applications for design review that were received in complete form by the Planning Director prior to the enactment of this moratorium.

SECTION 3. DURATION: This moratorium will terminate at the behest of the City Council or one hundred and eighty-two (182) days from the adoption of this ordinance, whichever occurs first.

SECTION 4. PUBLICATION. This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form annexed hereto as Exhibit "A," shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.


SECTION 5. 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 6. REPEALER CLAUSE. All City of Ketchum ordinances or resolutions or parts thereof which are in conflict herewith are hereby repealed.

SECTION 7. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage and approval.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO and APPROVED by the Mayor this 12th of April, 2006.

CITY OF KETCHUM, IDAHO




Randy Hall,
Mayor

ATTEST:


Sandra E. Cady, CMC
City Treasurer/Clerk

APPROVED AS TO FORM
AND CONTENT:

By: 

Benjamin W. Worst,
City Attorney

Publish: Idaho Mountain Express
_____, 2006

EXHIBIT A

PUBLICATION OF SUMMARY OF ORDINANCE NO. 984
CITY OF KETCHUM, IDAHO

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, FINDING THAT AN IMMINENT PERIL TO THE PUBLIC HEALTH, SAFETY AND WELFARE EXISTS REQUIRING ADOPTION OF AN EMERGENCY MORATORIUM PURSUANT TO IDAHO CODE SECTION 67-6523 UPON THE ACCEPTANCE OF ALL APPLICATIONS FOR DESIGN REVIEW AND UPON THE ISSUANCE OF ALL BUILDING PERMITS IN THE GENERAL RESIDENTIAL – HIGH DENSITY DISTRICT (GR-H) AND IN THE TOURIST DISTRICT (T); AND IMPLEMENTING IMMEDIATELY SUCH MORATORIUM IN THE GR-H AND T DISTRICTS; PROVIDING FOR PUBLICATION BY SUMMARY; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 984 of the City of Ketchum, Blaine County, Idaho, adopted on April 12, 2006, is as follows:

Section 1: Finds that an imminent peril to the public health, safety and welfare exists caused by the permanent loss of non deed-restricted affordable workforce housing and by the permanent loss of potential affordable deed-restricted workforce housing in the T and GR-H Districts.

Section 2: Declares a moratorium upon the acceptance of all applications for design review and upon the issuance of all building permits in the General Residential – High Density District (GR-H) and in the Tourist District (T).

Section 3: Establishes the duration of this moratorium to be one hundred and eighty-two (182) days.

Section 4: Provides for publication of a summary of the Ordinance.

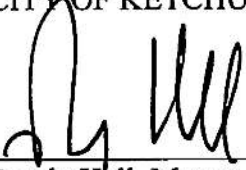
Section 5: Provides a savings and severability clause.

Section 6: Provides a repealer clause.

Section 7: Establishes the 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.

CITY OF KETCHUM, IDAHO



Randy Hall, Mayor

ATTEST:

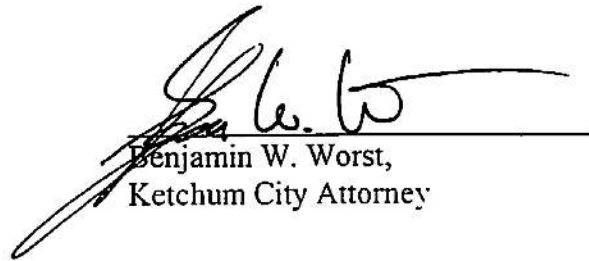


Sandra E. Cady, CMC
City Treasurer/Clerk

STATEMENT OF LEGAL ADVISOR

I, the undersigned attorney at law, duly licensed in the State of Idaho and serving as City Attorney to the City of Ketchum, Idaho, hereby certify that I have read the attached Summary of Ordinance No. 984 of the City of Ketchum and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this 12th day of April, 2006.


Benjamin W. Worst,
Ketchum City Attorney

Publish: Idaho Mountain Express
Date: _____, 2006