

ORDINANCE 1234

AN EMERGENCY ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, FINDING AN IMMINENT PERIL TO PUBLIC HEALTH, SAFETY, OR WELFARE EXISTS AND THE NEED TO IMMEDIATELY IMPLEMENT REVISED DEVELOPMENT STANDARDS THAT REQUIRE MINIMUM RESIDENTIAL DENSITIES IN CERTAIN ZONE DISTRICTS FOR CERTAIN PROJECTS; REGULATE THE CONSOLIDATION OF LOTS IN CERTAIN ZONE DISTRICTS; PROHIBIT THE REDUCTION OF DWELLING UNITS IN CONJUNCTION WITH DEVELOPMENT PROJECTS; ADD DESIGN REVIEW CRITERIA FOR CERTAIN DEVELOPMENT PROJECTS IN CERTAIN ZONE DISTRICTS; AND CLARIFY PARKING REQUIREMENTS FOR RETAIL AND OFFICE USES IN THE CC AND T ZONE DISTRICTS; PROVIDING FOR PUBLICATION BY SUMMARY; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND A SUNSET DATE.

WHEREAS, Idaho Code Section 67-6523 authorizes local jurisdictions to enact emergency ordinances when the local governing board finds imminent peril to the public health, safety, or welfare; and

WHEREAS, the State of Idaho and the Idaho Housing and Finance Association has stated that access to workforce housing has become a statewide challenge impacting urban, rural, and resort communities, resulting in a proposal for a state-led gap financing program for development of workforce housing; and

WHEREAS, the 2014 Ketchum Comprehensive Plan identifies ten core values vital to the City's ability to achieve its vision including 1) A Strong and Diverse Economy, 2) Vibrant Downtown, and 4) A Variety of Housing Options; and

WHEREAS, the City of Ketchum (the "City") is experiencing a significant population increase and a severe shortage of housing for the local workforce at all income levels which is threatening the livelihood and straining the resources of the City, its citizens, and its businesses; and

WHEREAS, businesses in Ketchum have been forced to reduce operating hours in the past two years due to lack of workforce; and

WHEREAS, the City's average annual population growth rate is approximately 1%, however, the population of the City increased 25% from 2019 to 2020; and

WHEREAS, the City collects housing specific data and is developing a Housing Action Plan to address the immediate need for more housing in the City; and

WHEREAS, the City lost 475 long-term rental and ownership housing units from 2000 to 2019; and

WHEREAS, in addition to the 475 housing units lost, the Housing Action Plan Summary and Findings identify the need to build, convert, or stabilize between 65 and 100 housing units

annually in the City to ensure adequate housing for the City's workforce and support the dynamic demands of a resort community economy; and

WHEREAS, from 1990 to 2009, approximately 290 units were constructed for an average of 15 units per year. From 2010 to 2020, only 92 units were constructed for an average of 9 units per year, a significant decrease from previous years; and

WHEREAS, the City is experiencing an increase in the redevelopment of property as more than half of the City's housing stock was built before 1980 and there are a limited number of vacant properties within city limits; and

WHEREAS, development permitted under the current zoning regulations result in low-density residential development in areas where the 2014 Ketchum Comprehensive Plan envisions medium to high density residential and vibrant mixed-use development; and

WHEREAS, the City Council, Planning and Zoning Commission, and Ketchum Urban Renewal Agency determined at a joint meeting on February 8, 2022, that immediate action to address housing issues within the City were necessary; and

WHEREAS, staff presented options for addressing housing issues to the Planning and Zoning Commission at a special meeting on February 15, 2022; and

WHEREAS, the Planning and Zoning Commission reaffirmed the urgent need for solutions to address housing issues; and

WHEREAS, the traditional development season is imminent and there is an immediate necessity to provide development applicants with some certainty on standards sooner than later; and

WHEREAS, the Planning and Zoning Commission met three times, on February 15, 2022, March 8, 2022, and March 29, 2022, to discuss the ordinance and obtain public input related to the proposed ordinance and recommended on March 29, 2022, the ordinance be adopted by City Council; and

WHEREAS, the provisions of this ordinance are temporary in nature and shall expire one hundred and eighty-two (182) days after the adoption of this emergency ordinance; and

WHEREAS, during the pendency of this emergency ordinance, the City will pursue a public process to explore the development and creation of an interim ordinance and/or permanent ordinance to further formalize the changes proposed in this emergency ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND 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 land in Ketchum available to house the local workforce and provide a mixture of commercial uses necessary to support the Ketchum economy based on the following:

- a. Businesses in the Community Core are closing or reducing business hours due to a lack of workers.
- b. Commercial, entertainment, retail and restaurant use in the Community Core are essential to the economic vitality and public health, safety and welfare of the residents and visitors to the City.
- c. Each time a project is developed with low density residential, similar to single family dwellings, or with limited commercial use, the City permanently loses the potential to develop such property for higher density residential or projects containing commercial, entertainment, restaurant or retail uses.
- d. The permanent loss of properties that could otherwise be development for higher density residential or commercial uses, threatens the economic vitality of the City, threatens to permanently impair, or reduce revenue to support city operations and essential services without limitation, fire, police, emergency medical, and snow removal.
- e. If the upcoming development season proceeds without more immediate revisions to development standards, then the negative impacts and harms listed above will be further exacerbated in a nonreversible way.
- f. The City finds it requires sufficient time to study and review the public health, safety, and welfare concerns as identified above and adopt interim standards while the review is underway.

Section 2. The following interim regulations and standards apply to applications filed pursuant to Title 16 - Subdivision Regulations and Title 17 - Zoning Regulations. Wherever any provision in Title 16 or Title 17 or any other ordinance, rule or regulation of any kind contain standards covering the same subject matter, the standards of this Ordinance shall apply.

Section 3. All zoning districts referenced in this ordinance are pursuant to Ketchum Municipal Code (the “KMC”) Chapter 17.18 – *Zoning Districts* and abbreviated as referenced. All terms in this ordinance are defined in Section 17.08.020 – *Terms Defined* and 16.04.020-*Definitions* of the KMC with the addition of the following:

- A. Consolidation – the action or process of combining more than one lot or unit into a single lot or unit.
- B. Residential Density – the number of dwelling units per square feet of lot area.

Section 4. There shall now be minimum residential densities for new development projects or expansions of existing buildings that exceed a total floor area ratio (FAR) of 1.0 within Subdistrict 1 and Subdistrict 2 of the CC zone district and 0.5 FAR in the T, T-3000, T-4000, and GR-H zone districts as follows:

Zone District	Minimum Residential Density Required (units/SF)			
CC Subdistricts 1 and 2	100% Residential Development 7 / 5,500			
	Mixed Use Development			
	≤ 30% Commercial	31-60% Commercial	61-80% Commercial	≥ 80% Commercial

	4 / 5,500	3 / 5,500	2 / 5,500	No Minimum except when residential units are provided, there shall be a minimum of 2 units
T	100% Residential Development 7 / 10,000			
	≤ 30% Commercial 4 / 10,000	31-60% Commercial 3 / 10,000	61-80% Commercial 2 / 10,000	≥ 80% Commercial No Minimum except when residential units are provided, there shall be a minimum of 2 units
T-3000	4 / 10,000			
T-4000	8 / 10,000			
GR-H	8 / 10,000			
GR-L	No minimum			
LR, LR-1, and LR-2	No minimum			
STO-1, STO-4, and STO-H	No minimum			
LI, LI-2, and LI-3	No minimum			
RU and AF	No minimum			

- A. For purposes of calculating minimum residential densities, commercial square footage shall include all uses identified in KMC Section 17.12.020 – District Use Matrix as “Commercial” and “Public and Institutional”, or similar uses as determined by the Director.
- B. Percent commercial shall be calculated by dividing the total commercial square footage by the Gross Floor Area for the project.
- C. Total commercial square footage shall be calculated using the total horizontal area of commercial uses on all floors in a building or portion of a building measured from the interior walls, excluding:
 - a. Common areas
 - b. Mechanical and maintenance equipment rooms
 - c. Parking areas and/or garages
 - d. Public areas
- D. Minimum densities identified in Section 4 may be adjusted subject to the review and approval of a Conditional Use Permit by the Planning and Zoning Commission.

Section 5. There shall now be standards for the consolidation of lots. Additionally, there shall be a specific application type, process, and additional standards for the review and approval of the consolidation of lots as follows:

A. Consolidation of lots within the City shall be permitted in certain zone districts as follows:

Zone District	Consolidation of Lots
CC - Subdistricts 1 and 2	Permitted subject to additional standards
T	Permitted subject to additional standards
T-3000	Permitted subject to additional standards
T-4000	Permitted subject to additional standards
GR-H	Permitted subject to additional standards
GR-L	Permitted subject to waiver
LR, LR-1, and LR-2	Permitted subject to waiver
STO-1, STO-4, and STO-H	Permitted subject to waiver
LI, LI-2, and LI-3	Permitted subject to additional standards
RU and AF	Permitted subject to additional standards

- B. The definition of “Readjustment of Lot Lines” in KMC Section 16.04.020 - *Definitions*, also known as Lot Line Shifts, shall no longer include the “removal of lot lines”.
- C. Consolidation of lots may only be considered pursuant to the requirements and standards of KMC Section 16.04.030 – *Procedure for Subdivision Approval*.
- D. All preliminary plat applications for consolidation of lots shall be submitted concurrent with a building permit application or land use development application as applicable.
- E. The final plat for consolidation of lots shall not be signed by the City Clerk and recorded until the development has received one or both of the following as applicable:
1. A certificate of occupancy issued by the City of Ketchum; and
 2. Completion of all design review elements as approved by the Planning and Zoning Administrator.
- F. In addition to KMC Section 16.04.040, all preliminary plat applications for consolidation of lots shall comply with the following criteria:
1. The preliminary plat application is in conformance with all applicable building permit and land use development approvals.
 2. The preliminary plat application is in conformance with all applicable Zoning Regulations contained within Title 17 – Zoning Regulations.
 3. The preliminary plat application is found to be in conformance with the comprehensive plan in effect at the time the application was deemed complete.

Section 6. No demolition permit shall be issued pursuant to Chapter 15.16 of the KMC that results in the net loss in the total number of residential units currently existing on a property as of the effective date of this ordinance. The following standards apply to all properties within the City:

- A. Development of property, in any zone district, may not result in the net loss of dwelling units.
- B. Total number of dwelling units shall be calculated including all listed or defined dwelling unit uses and terms in the KMC such as, but not limited to, “dwelling, one family”, “dwelling, multi-family”, “dwelling unit, accessory”, and “work/live unit”.
- C. No demolition permit shall be issued for any structure until a building permit application for a replacement project on the property and required fees have been accepted by the City and deemed complete.
- D. Reduction in number of residential units may be permitted subject to the review and approval of a Conditional Use Permit by the Planning and Zoning Commission prior to submittal of a demolition permit application.

Section 7. There shall be no parking required for individual retail spaces of 5,500 square feet or less within the Community Core (CC) and Tourist (T) zoning districts.

Section 8. There shall be no parking required for the first 5,500 square feet of office space of a project within the Community Core and Tourist zone districts.

Section 9. Projects within the CC Subdistrict 1 and 2, T, T-3000, T-4000, and GR-H zone districts, no exempt from Design Review pursuant to KMC Section 17.96.010, shall meet the following additional criteria:

- A. The design and uses conform with the goals, policies, and objectives of the comprehensive plan; and
- B. The design and uses conform with the goals and objectives of applicable adopted Planning and Zoning Commission policy statements.

Section 10. This ordinance shall be in full force and effect from and after its passage and approval and shall remain in effect for a period not to exceed one hundred and eight two (182) days from its effective date, pursuant to Idaho Code Section 67-6523.

Section 11. The notice and hearing requirements generally applicable to ordinances are not practical in light of the emergency nature of this ordinance, and therefore this ordinance will be heard under an abbreviated notice process pursuant to Idaho Code Section 67-6523.

Section 12. Pursuant to the affirmative vote of one-half (1/2) plus one (1) of the members of the City Council, the rule requiring two (2) separate readings by title and one (1) reading in full be waived, and the same is hereby dispensed with, and accordingly, this emergency ordinance shall be in full force and effect immediately upon its passage and approval.

Section 13. 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 14. REPEALER CLAUSE: All City of Ketchum Ordinances or resolutions or parts thereof which are in conflict herewith are hereby repealed.

Section 15. 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 16. EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED BY THE CITY COUNCIL and APPROVED by the MAYOR OF KETCHUM IDAHO, on this ____ day of ____ 2022.

APPROVED:

Neil Bradshaw, Mayor

ATTEST:

Tara Fenwick, City Clerk