

ORDINANCE NO. 1170

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 17, THE ZONING ORDINANCE, OF THE KETCHUM MUNICIPAL CODE BY AMENDING CHAPTER 17.96 DESIGN REVIEW, SECTION 17.96.030 AUTHORITY OF THE ADMINISTRATOR AND THE COMMISSION; CHAPTER 17.88 FLOODPLAIN MANAGEMENT OVERLAY ZONING DISTRICT, SECTION 17.88.050 ADMINISTRATION; SECTION 17.88.100 PROCEDURE; SECTION 17.88.130 SITE INSPECTION; SECTION 17.88.140 BASIS FOR DENIAL OF AN AMERGENCY STREAM BANK STABILIZATION PERMIT; SECTION 17.88.150 CONDITIONS OF EMERGENCY STREAM BANK STABILIZATION APPROVAL; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, 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 participates in the Federal Emergency Management Agency (FEMA)'s National Flood Insurance Program (NFIP) in order to protect the health, safety, and welfare of its citizens and to ensure that flood insurance is available to them; and

WHEREAS, the City adopted updated flood plain regulations via Ordinance 1120 on July 14, 2014 that exceed minimum NFIP requirements; and

WHEREAS, the City participates in the NFIP's Community Rating System (CRS) program, which provides flood insurance rate reductions to the City's citizens based on the City's compliance with CRS standards, including code standards that exceed minimum NFIP requirements; and

WHEREAS, the City permits Accessory Dwelling Units accessory to single-family homes subject to dimensional standards including setbacks, height limitations, and building coverage maximums and design review criteria addressing project-related public and private improvements, such as architecture and compatibility of design ; and

WHEREAS, the City permits additions to existing commercial and multi-family structures subject to dimensional standards including setbacks, height limitations, and building coverage maximums and design review criteria addressing project-related public and private improvements, such as architecture and compatibility of design; and

WHEREAS, in an effort to streamline the review processes for development in the Special Flood Hazard Area and/or development adjacent to the Big Wood River, Trail Creek, and Warm Springs Creek and any and all channels having year round or intermittent flow that are regulated by the clear, objective standards found in Chapter 17.88, Floodplain Management Overlay District (FP); and

WHEREAS, in an effort to streamline the review processes for Accessory Dwelling Units and additions to commercial and multi-family structure that are 1,200 square feet and under that are regulated by the criteria defined in Chapter 17.96, Design Review; and

WHEREAS, the Ketchum City Council, having reviewed the proposed text amendment, held public hearings on March 20, 2017 and found that the request, on the whole, was in compliance 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 17, Zoning Ordinance;

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

Section 1: CHAPTER 17.96.030 AUTHORITY OF THE ADMINISTRATION AND THE COMMISSION IS HEREBY AMENDED AS FOLLOWS:

A. Authority Of The Administrator:

1. The administrator is authorized to approve the following exterior modifications and projects, provided they do not conflict with the provisions and requirements of this chapter:
 - a. Minor modifications to projects that have received design review approval by the commission for the duration of a valid design review approval.
 - b. Multi-family residential projects, not located in the community core district, with four (4) or less units.
 - c. Changes to exterior finishes including, but not limited to, siding and materials.
 - d. Changes to existing windows or doors.
 - e. Additions of windows or doors.
 - f. Additions ~~and accessory structures under two hundred fifty (250) square feet.~~ under 1,200 square feet.
 - g. Accessory structures, including Accessory Dwelling Units.
 - g ~~h~~. Master signage plans.
 - i. Any project located on property that includes mapped floodplain areas or includes areas within the riparian setback.
2. The administrator shall review all design review requests and determine whether a project can be approved by the administrator or by the commission.
3. The administrator shall determine what application materials and fees are required to approve exterior modifications as described in section 17.96.040 of this chapter.

Section 2: SECTION 17.88.050.A ADMINISTRATION IS HEREBY AMENDED AS FOLLOWS:

A. Establishment Of Floodplain Development Permit: According to Chapter 17.96, Aa floodplain development permit shall be obtained through an application provided by the city prior to issuance of a building or excavation/grading permit for any and all "development" as

defined in section 17.08.020 of this title, and construction, including "stream alteration", as defined herein, within the floodplain management overlay district established in subsection 17.88.040A of this chapter.

Section 3: SECTION 17.88.050.B ADMINISTRATION IS HEREBY AMENDED AS FOLLOWS:

B. Establishment Of Waterways Design Review: According to Chapter 17.96, Approval of waterways design review shall be obtained prior to issuance of a building or excavation/grading permit and prior to commencement of construction for any and all "development" defined in section 17.08.020 of this title within the waterways design review subdistrict as defined in subsection 17.88.040B of this chapter.

Section 4: SECTION 17.88.050.D ADMINISTRATION IS HEREBY AMENDED AS FOLLOWS:

D. Duties And Responsibilities: The ~~planning and zoning~~ administrator is hereby appointed to administer and implement this article in accordance with its provisions.

1. According to Chapter 17.96, ~~The planning and zoning~~ administrator shall have the authority to consider and approve, approve with conditions, or deny applications for floodplain development permits and for waterways design review, as required herein, ~~for minor projects that do not constitute substantial improvement/damage, including, but not limited to, small additions or structures located entirely outside the floodplain, interior remodels, small second story additions, replacement roofing, minor exterior changes or repair or minor landscaping and/or riparian enhancement changes that do not conflict with the requirements of this article nor impact any adjacent properties.~~ Said approval shall be issued in writing by the planning and zoning administrator prior to issuance of a building permit, or commencement of any development. ~~Should the planning and zoning administrator determine that the proposal cannot be considered a minor project, said proposal shall receive floodplain development permit/waterways design review approval before the planning and zoning commission prior to issuance of a building permit.~~

2. If the planning and zoning administrator determines that a project cannot be approved administratively, The Ketchum planning and zoning commission shall consider and approve, approve with conditions, or deny applications for ~~all other~~ floodplain development permits as required herein, for ~~all other~~ waterways design review as required herein and for stream alterations at a duly noticed meeting. The administrator shall provide written notice of said application to owners of property ~~immediately adjacent to the subject property within three hundred feet (300')~~ of the external boundaries of the land being considered. When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of procedures which would provide adequate notice may be used in lieu of mailed notice. Said alternate forms of notice shall be per Idaho Code 67-6512 in effect at the time of notice. Said notice shall inform adjacent property owners they may comment on the application during a period of not less than ten (10) days after mailing of the notice and prior to final action on said application.

Section 5: SECTION 17.88.050.E ADMINISTRATION IS HEREBY AMENDED AS FOLLOWS:

E. Criteria For Evaluation Of Applications: The criteria of floodplain development permit applications, waterways design review applications, and stream alteration permit applications shall be as follows:

1. Preservation or restoration of the inherent natural characteristics of the river and creeks and floodplain areas. Development does not alter river channel.
2. Preservation or enhancement of riparian vegetation and wildlife habitat, if any, along the stream bank and within the required minimum twenty five foot (25') setback or riparian zone. No construction activities, encroachment or other disturbance into the twenty five foot (25') riparian zone shall be allowed at any time without written city approval per the terms of this chapter.
3. No development, other than development by the city of Ketchum or development required for emergency access, shall occur within the twenty five foot (25') riparian zone with the exception of approved stream stabilization work. The ~~planning and zoning commission~~ administrator may approve access to property where no other primary access is available. Private pathways and staircases shall not lead into or through the riparian zone unless deemed necessary by the ~~planning and zoning commission~~ administrator.

Section 6: SECTION 17.88.050.G ADMINISTRATION IS HEREBY AMENDED AS FOLLOWS:

G. Terms Of Approval: The term of floodplain development permit, waterways design review or stream bank alteration approval shall be twelve (12) months from the date that findings of fact, conclusions of law and decision are ~~adopted by the commission~~ signed by the administrator or upon appeal, the date the approval is granted by the ~~council~~ Planning and Zoning Commission, subject to changes in zoning regulations. Application must be made for a building permit (if required) with the Ketchum building department during the twelve (12) month term. Once a building permit (if required) has been issued, the approval shall be valid for the duration of the building permit. Unless an extension is granted as set forth below, failure to file a complete building permit application (if required) for a project in accordance with these provisions shall cause said approval to be null and void. The provisions of this section shall apply to those approvals obtained on or after September 24, 2014.

The city may, upon written request by the holder, grant a maximum of two (2) 12-month extensions to an unexpired approval. The first twelve (12) month extension shall be reviewed by the ~~planning and zoning administrator and the chair of the planning and zoning commission~~. The second twelve (12) month extension shall be reviewed by the planning and zoning commission. Whether or not an extension is warranted shall be based on the following considerations:

Section 7: SECTION 17.88.050.I ADMINISTRATION IS HEREBY AMENDED AS FOLLOWS:

I. Variance Procedure:

1. General:

a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided subsection I2 of this section has been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.

b. Upon consideration of the factors of subsection I2 of this section and the purposes of this article, the ~~commission~~administrator may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.

2. Considerations: In passing upon such applications, the ~~commission~~administrator shall consider ~~the planning and zoning administrator's recommendations~~, all technical evaluations, and all relevant factors and standards specified in other sections herein and:

Section 8: SECTION 17.88.100 PROCEDURE IS HEREBY AMENDED AS FOLLOWS:

To obtain an emergency bank stabilization permit, an applicant must submit an application as described in section 17.88.110 of this chapter and receive written approval to perform the bank stabilization work from ~~at least two (2) Ketchum planning and zoning commissioners and the planning and zoning administrator~~. The ~~planning and zoning commissioners and/or the~~ administrator may consult a qualified engineer or professional regarding the proposed emergency bank stabilization work. A site inspection must be performed by the ~~planning and zoning administrator and at least two (2) planning and zoning commissioners~~ before approval can be granted. Under no circumstances shall bank stabilization work commence without the approvals required herein. (Ord. 1135, 2015)

Section 9: SECTION 17.88.130 SITE INSPECTION IS HEREBY AMENDED AS FOLLOWS:

Upon receipt and review of a completed application, a site inspection shall be performed by the ~~planning and zoning administrator and at least two (2) planning and zoning commissioners~~. Written findings of fact and conclusions of law granting or denying the application will be prepared for city records and the applicant upon the conclusion of the site inspection and within five (5) working days from the date of the decision. (Ord. 1135, 2015)

Section 10: SECTION 17.88.140 BASIS FOR DENIAL OF AN AMERGENCY STREAM BANK STABILIZATION PERMIT IS HEREBY AMENDED AS FOLLOWS:

No permit shall be granted if the ~~planning and zoning commission members~~administrator determines that the proposed emergency stream bank stabilization work is contrary to the public health, safety or welfare or that it is contrary to adopted city policies regarding riparian areas and river systems. (Ord. 1135, 2015)

Section 11: SECTION 17.88.150 CONDITIONS OF EMERGENCY STREAM BANK STABILIZATION APPROVAL IS HEREBY AMENDED AS FOLLOWS:

Conditions which may be required for the granting of a permit include, but are not limited to, the following:

A. The ~~planning and zoning commissioners~~ administrator may require the applicant to post financial security, and enter into an agreement with the city, to mitigate possible impacts of the proposed bank stabilization work.

B. The proposed work for the emergency stream bank stabilization work shall be conducted so as to minimize the impact on riparian vegetation and soil stability.

C. If an emergency stream bank stabilization permit is granted, the applicant shall apply for a waterways design review/stream alteration permit under article I of this chapter within six (6) months from the date of the issuance of the emergency stream bank stabilization permit.

D. If a waterways design review/stream alteration permit under article I of this chapter and all other applicable state and federal agency permits are granted, the applicant shall then complete restoration of the affected property to city and state standards by either March 31 of the year following the issuance of the emergency stream bank stabilization permit or by another date specified by the ~~planning and zoning commissioners~~ administrator or other governmental agency.

Section 12. REPEALER CLAUSE. All City of Ketchum Ordinances or parts thereof which are in conflict herewith are hereby repealed.

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

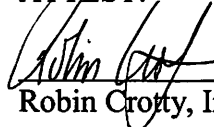
PASSED by the CITY COUNCIL and APPROVED by the MAYOR of Ketchum, Idaho on this 17th day of April, 2017.

APPROVED:



Nina Jonas, Mayor

ATTEST:



Robin Crotty, Interim City Clerk

EXHIBIT A