



City of Ketchum

03/21/2022

Mayor Bradshaw and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

Recommendation To Receive and File SolSmarts Review of Ketchum's Zoning Code

Recommendation and Summary

Staff is recommending the Council to receive and file the SolSmart review of Ketchum's Zoning Code:

The reasons for the recommendation are as follows:

- Ketchum receives credits towards designation as a SolSmart community when the City Council reviews the zoning code review findings
- Inform the Mayor and City Council of Ketchum's process in becoming a SolSmart designated community

Introduction and History

Starting from October 2021, the City of Ketchum has partnered alongside the City of Hailey and Blaine County to become a SolSmart designated community. SolSmart is a national designation program which recognizes cities and counties that foster the development of local solar markets. Ketchum, along with Hailey and Blaine County, have had permitting, zoning regulations, and other aspects concerning solar installations evaluated for areas of improvement as part of the designation. SolSmart's review of Ketchum's Municipal Code (Attachment A) was conducted to assess possible barriers and gaps related to solar development and options to improve upon those regulations. Presenting the findings of the zoning review to the City Council gives credits towards Ketchum's SolSmart designation.

Sustainability

Ketchum's designation as a SolSmart community accomplishes two goals listed in the 2020 Ketchum Sustainability Action Plan:

- Engage and coordinate with other jurisdictions on the Wood River Valley on sustainability issues
- Include content on the City of Ketchum website related to sustainability

The review of permitting, zoning code and updating of solar information on all three jurisdictions websites will help contribute to making solar energy more easily accessible within Ketchum and the Wood River Valley.

Attachment:

Attachment A: Zoning Code Review

Attachment A:
SolSmart Zoning Review

PZ-1 Zoning Review

Community: Ketchum



PZ-1: Review zoning requirements and identify restrictions that intentionally or unintentionally prohibit solar PV development. Compile findings in a memo. (Required for Bronze)

To assist your local government, the national solar experts at SolSmart have conducted a review of your community’s zoning and land use regulations to assess possible barriers (i.e. height restrictions, set-back requirements, etc.) and gaps related to solar PV development. Below, please find the outcome of the review. By reading the narrative, reviewing the example code language provided, and signing the statement at the bottom of the page, your community will satisfy the PZ-1 pre-requisite and be one step closer to achieving SolSmart designation.

Overview

The Ketchum Code of Ordinances was accessed and reviewed during October 2021. The code was accessed via the [community’s website](#) (with a redirect to the [Municode website](#)).

- A search for “photovoltaic” yielded 0 results.
- A search for “solar” yielded results in 10 sections of the code, with several referencing solar access in Title 16 – Subdivision Regulations.

The Ketchum code contains several positive elements that provide the standards for solar energy development in the community. However, certain standards in the Community Core and Light Industrial Districts could be overly restrictive. (If the reviewer is interpreting the code correctly, if not, it suggests some potentially confusing language regarding setback standards).

Positive Elements in Current Code

Section	Element	Description
17.12.020	Accessory Use	Energy systems, solar are permitted as an accessory use (A) in all zoning districts.
Review Comment		
This aligns with SolSmart best practices. Codifying accessory use solar as a permitted use provides clarity and transparency. This action will allow Ketchum to submit for PZ-5, the Planning and Zoning pre-requisite for Gold designation.		
Section 17.124.020 also lists Energy systems, solar as an accessory use.		

Section	Element	Description
17.12.040	Height	In the Community Core District and Light Industrial District, roof-mounted solar equipment can extend up to 5 feet above the roof.
Review Comment		
This aligns with SolSmart best practices. Allowing roof-mounted solar energy systems to exceed a districts height limit can improve system performance.		

Potential Barriers in Current Code

Section	Element	Description
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17.12.040	Setbacks	In the Community Core District and Light Industrial District, roof-mounted solar equipment needs to be setback 10 feet from all building facades.
Review Comment		
<p>If the reviewer is interpreting the language and intent of this section correctly, then these setback standards for roof-mounted solar equipment are very restrictive. As written, I interpret this as saying that roof-mounted solar needs to be 10 feet away from the perimeter of the roof edge/building façade. For most rooftops this would severely constrain potential system size, thereby reducing optimal performance and economic benefit.</p>		
<p>A best practice for flat rooftops is to have a 3-foot pathway from the roof edge to the system to allow for access. For pitched rooftops, the design should adhere to applicable fire codes.</p>		

Potential Gaps in Current Code

Element	Priority
Definitions	Medium. The definition forms the basis of understanding for any forthcoming solar ordinance.
Review Comment	
<p>Consider adding definitions with distinctions between roof-mounted and ground-mounted and small, medium, and large solar energy systems to provide clarity and a foundation on which to base levels of review and permits required.</p>	
<p>The ordinance does define Energy systems, solar but the best practice is to provide additional definitions.</p>	
Examples	
<ol style="list-style-type: none"> 1) <i>Solar energy system</i>: A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage, and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating. 2) <i>Solar photovoltaic system</i>: A solar energy system that converts solar energy directly into electricity, the primary components of which are solar panels, mounting devices, inverters, and wiring. 3) <i>Grid-connected system</i>: A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company. 4) <i>Roof-mounted solar energy system</i>: A solar energy system mounted on a rack that is ballasted on, or is attached to, the roof of a building or structure. Roof-mount systems are accessory to the principal use. 5) <i>Ground-mounted solar energy system</i>: A solar energy system mounted on a rack or pole that is ballasted on, or is attached to, the ground. Ground-mount systems can be either accessory or principal uses. 6) <i>Small-Scale solar energy system</i>: A Solar Energy System that occupies 1,750 square feet of surface area or less. 7) <i>Medium-scale solar energy system</i>: A Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of surface area. 	

8) *Large-scale solar energy system*: A Solar Energy System that occupies more than 40,000 square feet of surface area and is the principal land use for the parcel(s) on which it is located. Large-scale systems are permitted through the discretionary approval process.

Element	Priority
Height	Medium. Allowing the solar energy system to exceed the district’s maximum height limit is critical, especially to allow for solar energy systems to be installed where buildings may have already met the maximum building height. It is also important for system efficiency.
Review Comment	
It is a best practice to either exempt solar energy systems from height limits or permit solar energy systems to exceed the maximum building height in all applicable districts. For buildings that are already built to the maximum height limit – especially buildings with flat roofs - this may limit their ability to install solar. This is particularly critical on flat buildings, because solar installations on these structures are typically done at an angle to maximize system efficiency (generally at the same angle as the latitude at which the system is installed). Therefore, additional height is often necessary.	
Examples	
<p>Most permissive option: “For a roof-mounted system installed on a flat roof, the highest point of the system shall be permitted to exceed the district’s height limit of up to fifteen (15) feet above the rooftop to which it is attached.” (Renewable Energy Ordinance Framework, DVRPC)</p> <p>Less permissive option: Municipalities can be more restrictive than this, though it is not recommended that they limit to less than six (6) feet above the rooftop surface.” (Renewable Energy Ordinance Framework, DVRPC)</p>	

Element	Priority
Setbacks (Ground-mounted systems)	Low. The community may want to consider reducing the setback requirements for solar energy systems and/or allow them to encroach reasonably into the setback so that they can receive adequate sunlight to make them efficient.
Review Comment	
It is a best practice to allow ground-mounted solar energy systems a modest encroachment into the setback to ensure systems can receive adequate sunlight and be sized appropriately.	
Examples	
<p>More permissive option: Small- and medium-scale ground-mounted solar energy systems accessory to principal use may be located no closer than [1/2 of the setback that would otherwise apply] from the front, side or rear lot line. All ground-mounted solar energy systems in residential districts shall be installed either in the side yard or rear yard to the extent practicable (Model Zoning for the Regulation of Solar Energy Systems, MA DOER)</p> <p>Less permissive option: Small- and medium-scale ground-mounted solar energy systems accessory to a principal use may be located no closer than [twenty (20) feet] from the front, side or rear lot line. All ground-mounted solar energy systems in residential districts shall be installed either in the side yard or rear yard to the extent practicable. (Model Zoning for the Regulation of Solar Energy Systems, MA DOER)</p>	

Element	Priority
Lot Coverage (Impervious Surface)	Medium. Counting solar energy systems as lot coverage could limit the installation of solar systems, especially if many of the current lots at or are near the maximum lot coverage allowed under the code.
Review Comment	
<p>It is a best practice to exempt ground-mounted solar energy systems from lot coverage calculations as long as the area beneath the system is pervious (e.g. grass).</p> <p>As long as the area beneath a ground-mounted solar PV system is pervious (e.g. grass, native vegetation, etc.) the system should be exempt from lot coverage and impervious surface requirements. The tilt and spacing of panels allow for precipitation to drain into the pervious ground cover. Ground-mounted PV systems are not analogous to paved driveways or accessory structures like sheds, garages, or accessory dwelling units and therefore do not need to be included in lot coverage or impervious surface calculations.</p>	
Examples	
<p>Most Permissive: “For purposes of determining compliance with building coverage standards of the applicable zoning district, the total horizontal projection area of all ground-mounted and free-standing solar collectors, including solar photovoltaic cells, panels, arrays, inverters, shall be considered pervious coverage so long as pervious conditions are maintained underneath the solar photovoltaic cells, panels, and arrays.” (Renewable Energy Ordinance Framework, DVRPC)</p> <p>Less Permissive: “For purposes of determining compliance with building coverage standards of the applicable zoning district, the total horizontal projection area of all ground-mounted and free-standing solar collectors, including solar photovoltaic cells, panels, arrays, inverters and solar hot air or water collector devices, shall be considered ___% impervious coverage. For example, if the total horizontal projection of a solar energy system is 100 square feet, XX square feet shall count towards the impervious coverage standard. For a tracking array or other moveable system, the horizontal projection area shall be calculated at a 33-degree tilt angle.” (Renewable Energy Ordinance Framework, DVRPC)</p>	

Element	Priority
Large-scale Solar/Principal Use	Low.
Review Comment	
<p>If the Ketchum has enough usable land that could be developed for a principal use solar system, it might consider adding some zoning considerations and development requirements into the zoning ordinance. This could be of particular interest if there is a brownfield site such as a landfill available for development.</p>	
Examples	
<p>See Example #2 (Site Plan Review provisions for large-scale ground-mounted solar energy systems) in the Model Zoning for the Regulation of Solar Energy Systems, MA DOER.</p>	

Additional Notes

The Ketchum zoning code provides some clarity and certainty about the use of solar energy. The code could be enhanced by adding additional definitions for various types of solar systems, exemptions or

an allowance to exceed a districts height requirement, and impervious surface exemptions (for small ground-mounted systems).

Please see the document SolSmart Zoning Code Considerations for additional information about what can be included in a solar ordinance.

I, Adam Crutcher as Associate Planner of Ketchum, Idaho have received the zoning review and read its findings.

Signature: _____

Date: _____

Please note that this review is not an endorsement or recommendation for changing and/or updating the zoning code/ordinance. This is an informational review only.