



City of Ketchum

CITY COUNCIL MEETING AGENDA MEMO

Meeting Date: December 1, 2025 Staff Member/Dept: Paige Nied, Associate Planner
Planning and Building Department

Agenda Item: Recommendation to hold a public hearing and conduct the third reading of Ordinance 1269, amendment to Title 12 of the Ketchum Municipal Code.

Recommended Motion:

"I move to approve the third reading of Ordinance 1269 and be read by number and title only."

Reasons for Recommendation:

- The proposed text amendment to Title 12 is to establish regulations regarding snowmelt systems that encroach within public rights-of-way. The proposed amendment allows for snowmelt systems to encroach within public rights-of-way with additional mitigation measures, including system design and operational requirements as well as a right-of-way usage fee.
- After reviewing the proposed text amendment to Title 12, the City Council held a public hearing and approved the first reading of Ordinance 1269 on November 3, 2025, and approved the second reading on November 17, 2025.
- The City Council supported the proposed text amendment and did not request any changes to Ordinance 1269 at the first or second reading. No changes to the ordinance have been made by staff.

Policy Analysis and Background:

The City Council held a public hearing and approved the first reading of Ordinance 1269 during their regular meeting on [November 3, 2025](#). Three Council members voted in favor, and one Council member voted against the ordinance. On [November 17, 2025](#), the City Council held a public hearing and approved the second reading of Ordinance 1269. All Council members voted in favor of the ordinance. The Council did not request any additional information or changes to the ordinance at the first or second reading. Therefore, no changes have been made by staff to Ordinance 1269.

For a full review of the draft language for Ordinance 1269, please see Attachment 1. The supplemental materials including the right-of-way usage (ROW) fee calculator and ROW usage fee frequently asked questions sheet have been included as Attachments 2 and 3, respectively.

Next Steps

If the third reading is approved and the ordinance is adopted, the ordinance will go into effect on January 1, 2026. The ROW usage fee requires an amendment to the adopted Fiscal Year 2026 comprehensive fees and charges list (fee schedule), which must be publicly noticed twice and approved by City Council via resolution. The fee schedule amendment was noticed on November 19th and November 26th for a public

hearing with City Council on December 1, 2025. If the amended fee schedule is approved and adopted, it will be in effect prior to the effective date of the ordinance.

The ROW snowmelt regulations will be included as part of the education and outreach campaign for the new consolidated code. Outreach will focus on educating property owners, contractors, and design professionals about application procedures, design requirements, and the ROW usage fee and fee exemptions.

Sustainability Impact:

In September of 2024, Ketchum formally adopted Blaine County's Climate Action Plan (CAP). Ketchum Resolution #24-017 for the adoption of the CAP can be found [linked here](#). The CAP is a roadmap towards achieving meaningful greenhouse gas mitigation countywide while also adapting to the changes that are already occurring. One of the four focus areas of the CAP is Clean Energy and Green Building. In this chapter, the County identified two main strategies: increasing the supply of renewable energy and reducing the demand of energy overall. The proposed policy addresses both of those strategies. Requiring moisture and temperature monitors as well as requiring insulation of the systems works to ensure that the snowmelt systems that are installed are as energy efficient as possible, reducing overall energy demand. The addition of the right of way usage fee and the dedication of those funds towards installing locally produced renewable energy works towards the first goal of increasing the supply of renewable energy.

Financial Impact:

None OR Adequate funds exist in account:

The ROW usage fee provision of the policy will generate funds that are dedicated to municipal energy efficiency and sustainability projects, but the amount is undetermined due to the variability of snowmelt system sizes and applications received.

Attachments:

1. Draft Ordinance 1269
2. Snowmelt ROW Usage Fee Calculator
3. ROW Usage Fee FAQ Sheet



City of Ketchum

Attachment 1: Draft Ordinance 1269

ORDINANCE NO. 1269

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 12 – STREETS, SIDEWALKS, PUBLIC UTILITY EASEMENTS AND PUBLIC PLACES, SECTION 12.04.030: DESIGN CRITERIA, TO ADD ALLOWANCE OF SNOWMELT SYSTEMS IN PUBLIC RIGHTS-OF-WAY WITH CERTAIN DESIGN AND OPERATIONAL REQUIREMENTS AND PROCEDURES FOR PROCESSING OF PERMITS AND ESTBALISH A RIGHT-OF-WAY USAGE FEE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Ketchum (the “City”) is responsible for maintaining public rights-of-way to ensure safe, functional, and accessible transportation corridors for vehicles and pedestrians; and

WHEREAS, snow and ice accumulation during winter months can create hazardous conditions on sidewalks, driveways, and access points, and the use of snowmelt systems is a common means for property owners to mitigate such hazards; and

WHEREAS, snowmelt systems installed on private property often extend into the City rights-of-way without consistent regulation, oversight, or permitting and the City finds it necessary to establish clear standards for the design and operation of snowmelt systems that encroach within the public rights-of-way; and

WHEREAS, unregulated or improperly installed snowmelt systems within the public rights-of-way may interfere with street maintenance operations or result in inefficient energy consumption which diminishes the capacity of the City’s electric grid; and

WHEREAS, the policy establishes a right-of-way usage fee that reflects the public cost associated with the system’s impact on grid capacity, environmental resilience, and resource management; and

WHEREAS, the City Council held two policy discussions on May 19, 2025, and August 18, 2025, to review proposed system design and operation standards and to develop a fee structure that establishes a better trade-off for the private use of public rights-of-way, creating a more balanced and effective approach to managing the energy demand and carbon impact of snowmelt systems; and

WHEREAS, the purpose of this section is to establish standards under which property owners may install a snowmelt system that encroaches into the city-owned right-of-way. These standards are intended to balance energy burden and carbon emission mitigation while complying with regulatory standards; and

WHEREAS, the City Council held a public hearing on November 3, 2025, to review the ordinance and information; and

WHEREAS, the City Council held three readings of Ordinance 1269 on _____, _____, and _____, resulting in approval of this ordinance; and

WHEREAS, the City Council hearings were duly noticed per the requirements of Idaho Code Section 67-6509; and

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

SECTION 1. AMENDMENTS TO TITLE 12 - STREETS, SIDEWALKS, PUBLIC UTILITY EASEMENTS AND PUBLIC PLACES. That Section 12.04.030 – Design Criteria be amended to include Section 12.04.030.N – Snowmelt Systems with the following language:

N. Snowmelt Systems

a. Design and Operational Requirements:

a. New Snowmelt Systems

- (A) The system shall accurately measure surface and ambient temperatures and shall accurately detect snowfall, ice, and precipitation on the surface.
- (B) The system shall include automatic controls programmed to shut off the system when the pavement temperature is greater than 50 degrees Fahrenheit and precipitation is not falling and programmed to shut off the system when the outdoor temperature is greater than 40 degrees Fahrenheit.
- (C) The system shall be insulated below and around the perimeter with insulation approved by the City Engineer.
- (D) Drainage shall be retained onsite, designed to eliminate standing water, and drain in a manner that results in no icing on adjacent non-snowmelted hard surfaces in the right-of-way, such as asphalt, concrete, or pavers.
- (E) For systems that elect to use a boiler, the boiler shall have an annual fuel utilization efficiency rating of 87% or greater for oil boilers and 90% or greater for gas boilers.

b. Pre-Existing Snowmelt Systems – Repair

- (A) Repairs to existing snowmelt systems include but are not limited to leaks, pump motor replacements, resetting of pavers/tubbing, boiler replacement, and electrical disconnect/failures.
- (B) Repairs to existing snowmelt systems in the right-of-way which do not increase the pre-existing energy consumption are exempt from the design and operational requirements of new systems. However,

for boiler replacements, the replacement shall be a high efficiency boiler meeting the boiler requirements of new systems.

c. Pre-Existing Snowmelt Systems - Replacement

(A) Replacements include but are not limited to replacement of all components, reconfiguration, and expansions to an existing snowmelt system.

(B) Replacements of existing snowmelt systems in the right-of-way shall comply with the design and operation standards for new systems and are subject to the right-of-way usage fee.

d. Right-of-Way Encroachment Permit

(A) A right-of-way encroachment permit is required for all improvements in the right-of-way. If it is found that a pre-existing snowmelt system in the right-of-way does not have an approved encroachment agreement, the property owner is required to obtain one.

2. Right-of-Way Usage Fee

a. The property owner shall pay a one-time right-of-way usage fee when a private snowmelt system encroaches into the right-of-way. The fee is based on the entire snowmelt system's energy usage. The Right-of-Way Usage Fee shall be approved by City Council.

b. Fee exemptions

(A) Snowmelt in the Community Core Zone: For projects in the Community Core Zone District where the right-of-way standards require the installation of snowmelt for public safety, access, or street maintenance, the system shall comply with the system design and operational standards, but the project shall be exempt from the right-of-way usage fee.

(B) Required Snowmelt in Residential Zones: If a residential project is required to install snowmelt by the Fire Department, Streets Department, or City Engineer for access, public safety, or street maintenance reasons, the system shall comply with the system design and operational standards but is exempt from the right-of-way usage fee.

(C) Existing Alternative Energy: If a project is proposed in a location where an existing alternative energy source is provided, an exemption of the right-of-way usage fee may be granted. At the time of permit submittal, the property owner shall submit documentation demonstrating that a renewable energy system exists onsite that has the capacity to generate sufficient energy across a calendar year of

production to power the entirety of the snowmelt system for one winter season.

(D) Proposed Alternative Energy: If a project is proposed that includes the installation of a new onsite renewable energy system, an exemption of the right-of-way usage fee may be granted. At the time of permit submittal, the property owner shall submit documentation that demonstrates that the proposed energy system generates sufficient energy across a calendar year of production to power the entirety of the snowmelt system for one winter season. The renewable energy system shall be permitted, installed, and operational prior to completion of the snowmelt system.

c. Partial Energy Coverage: If an existing or proposed renewable energy system does not fully meet the energy demand of the snowmelt system, the property owner shall calculate the residual energy required and pay the right-of-way usage fee for the remaining amount of energy not covered by the renewable energy system.

3. Application

(1) The property owner shall submit a right-of-way encroachment permit application with the following information provided:

- (A) Snowmelt system specifications, including the design heat flux (power per square foot)
- (B) Engineering or installation plans illustrating the snowmelt system and its extension into the right-of-way
- (C) Calculation of energy demand for entire snowmelt system from provided right of way usage fee calculator
- (D) Documentation of onsite alternative energy generation, if applicable.

(2) Payment of right-of-way usage fee shall occur prior to permit issuance.

4. Authority of the Administrator

a. The Administrator is authorized to approve right-of-way encroachment permit applications for snowmelt systems that encroach into the right-of-way. The Administrator shall have the authority to defer approval of right-of-way encroachment permits to the City Council.

5. Enforcement

- a. Failure to comply with any provision of this section may result in a revocation of the right-of-way permit.
- b. Per the provisions of the right-of-way encroachment permit, the city reserves the right to require the removal of a snowmelt system from the right-of-way at the owner's expense if it is found to be noncompliant with this section.

SECTION 2. SAVINGS AND SEVERABILITY CLAUSE. If any section, paragraph, sentence or provision hereof of the application to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

SECTION 3. REPEALER CLAUSE. All City of Ketchum Ordinances or parts thereof which are in conflict herewith are hereby repealed.

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.

SECTION 5. CODIFICATION: This Ordinance references Title, Chapter, and Section as exist in the Ketchum Municipal Code as of the date of adoption. The City is currently undergoing a consolidated code effort, anticipated to be formalized by ordinance on or before January 2026. It is specifically designated here that the Title, Chapter, and Section referenced herein may be administratively updated within codification to incorporate this ordinance into the consolidated effort if/when such takes effect with new Title, Chapter, and Section references to be administratively determined for convenience and consistency at that time.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect on January 1, 2026, 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 _____, 2025.

APPROVED BY the Mayor of the City of Ketchum, Idaho, this _____ day of _____, 2025.

APPROVED:

Neil Bradshaw, Mayor

ATTEST:

Trent Donat, City Clerk

EXHIBIT A

PUBLICATION SUMMARY

ORDINANCE NO. 1269

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 12 – STREETS, SIDEWALKS, PUBLIC UTILITY EASEMENTS AND PUBLIC PLACES, SECTION 12.04.030: DESIGN CRITERIA, TO ADD ALLOWANCE OF SNOWMELT SYSTEMS IN PUBLIC RIGHTS-OF-WAY WITH CERTAIN DESIGN AND OPERATIONAL REQUIREMENTS AND PROCEDURES FOR PROCESSING OF PERMITS AND ESTABLISH A RIGHT-OF-WAY USAGE FEE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1269 of the City of Ketchum, Blaine County, Idaho, adopted on _____ 2025, is as follows:

- SECTION 1.** Allows snowmelt systems to encroach within public rights-of-way subject to system design and operational standards, provides procedures and processing of permits for snowmelt systems, and establishes a right-of-way usage fee that offers exemptions for onsite renewable energy generation.
- SECTION 2.** Provides a savings and severability clause.
- SECTION 3.** Provides a repealer clause.
- SECTION 4.** Provides for publication by summary.
- SECTION 5.** The designated title, chapter, and section of the ordinance is permitted to be administratively incorporated into the current code consolidated effort if/when such takes effect with new title, chapter, and section references.
- SECTION 6.** Establishes an effective date.

The full text of this Ordinance is available at the City Clerk's Office, Ketchum City Hall, 191 5th Street West, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

ATTEST:

APPROVED:

Trent Donat, City Clerk

Neil Bradshaw, Mayor



City of Ketchum

Attachment 2: Snowmelt ROW Usage Fee Calculator

City of Ketchum
Right of Way Snowmelt System Application Fee Calculation
V3 (11/10/2025)

Instructions For Use

1) Navigate to sheet titled "Snowmelt System".

2) Enter applicable information detailing onsite energy generation and snowmelt system size into orange cells.

3) ROW usage fee will be shown in yellow highlighted cell.

4) Note that blue cells are locked and are calculated cells only.

5) See sheet labled "Assumptions" for any assumptions and sources used in calculation

6) Upload completed calculator onto Community Connect as an excel file

Project Information				
Project Address:				
Property Owner Contact Information:			Contractor Contact Information:	
	Name:		Name:	
	Email:		Email:	
	Phone:		Phone:	

Right Of Way Calculator	
Onsite Renewable Energy Generation	
<i>Please enter the following details pertaining to any existing onsite renewable energy generation including small head hydro, solar PV, wind, geothermal, or otherwise</i>	
Type of energy generation:	
Size of system (kW):	
Yearly generation capacity (kWh):	
Snowmelt System Size and Specs	
<i>Please enter the following information pertaining to snowmelt system</i>	
Total Area For Snowmelt System (SF)*	
Design Heat Output (BTU/hr*sf)	
Energy Use for Operation (BTU/hr)	0
ROW Usage Fee Calculation	
Energy Use per year (BTU)	0
Energy use per year in million BTUs	0
kWhs of Onsite Renewable Energy Generation	0
BTUs of renewable energy produced on site	0
Million BTUs of renewable energy produced on site	0
Remaining Energy Use to be Paid by Fee	0
Remaining CO2 emissions per year (lbs)	0
Remaining CO2 emissions per year (tons)	0
Cost of Carbon per year (\$)	0
ROW Usage Fee	0

Instructions:
Enter information into orange cells only
Blue cells are calculated cells
*Please enter the total area for the entire snowmelt system, including area located within <i>and</i> outside of

Assumptions for Calculation		Source
102	Inches of snow per season in Ketchum	Historical weather data
143	Idaho Power's estimate of cost of carbon by end of planning period for IRP (20 years)	2025 Idaho Power Integrated Resource Plan
116.65	Lbs of CO2 per million BTU of natural gas	Energy Information Administration Department of Energy
1.5	Pre and post slab heating factor	Total time of operation, including pre-heating system area and post-snowfall heat to prevent development of ice
153	hours of heating time	Based on annual snowfall and slab heating factor
30	year lifespan of the system	Feedback from local contractor community



City of Ketchum

Attachment 3: ROW Usage Fee FAQ Sheet



City of Ketchum

Right-of-Way Usage Fee Frequently Asked Questions

What is the Right-of-Way Usage Fee?

The Right-of-Way Usage Fee is a one-time fee required for snowmelt systems that encroach into the right-of-way. Property owners wishing to install a snowmelt system that extends into the right-of-way must submit a right-of-way encroachment permit application and pay the required Right-of-Way Usage Fee prior to permit issuance.

Why is there a Right-of-Way Usage Fee for snowmelt systems?

The Right-of-Way Usage Fee reflects the excess energy use of the snowmelt system and compensates for the public cost of the system's impact on local resiliency and greenhouse gas emissions. The fee will generate funds for energy efficiency and renewable energy projects in the City. This works towards the City's adopted goals of increasing energy efficiency and renewable energy production.

Do I need to pay a fee if I wish to install a snowmelt system that is entirely contained within my property and does not extend into the right-of-way?

No.

My new snowmelt system does extend into the right-of-way, but most of it is in my driveway. Do I need to pay a fee?

Yes, if the snowmelt system you wish to install extends any amount into the right-of-way, you must submit a right-of-way encroachment permit application and pay the Right-of-Way Usage Fee.

Do I need to pay a fee on an existing snowmelt system?

Depends! If an existing snowmelt system that encroaches within the right-of-way is being replaced, a right-of-way encroachment permit would be needed, and it would be subject to the Right-of-Way Usage Fee. Replacements include but are not limited to replacing/reconfiguring/expanding existing snowmelt system. Repairs to existing snowmelt systems that encroach within the right-of-way which do not increase the pre-existing energy consumption are exempt from the right-of-way usage fee. Repairs include but are



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not limited to leaks, pump motor replacements, resetting of pavers/tubbing, boiler replacement, and electrical disconnect/failures

A right-of-way encroachment permit is required for all improvements within the City right-of-way. If it is found that a pre-existing snowmelt system in the right-of-way does not have an approved encroachment agreement, the owner is required to obtain one.

How do I qualify for an exemption to the fee?

Snowmelt systems that are paired with an existing or proposed onsite renewable energy generation may qualify for an exemption. Calculations for onsite generation are included in the Right-of-Way Usage Fee Calculator, and completion of the calculator is required for new systems or the replacement of an existing system. If the onsite energy generation covers a portion of the snowmelt system's energy use, but not the entirety of the energy demand, the applicant is only exempt from the portion of the energy that is produced onsite from renewable sources. The applicant is responsible for paying the fee calculated from the remaining energy use of the system not covered by the onsite generation.

New systems that are required to be installed to comply with right-of-way standards by the Fire Department, Streets Department, or City Engineer for public safety, access, or street maintenance are exempt from the fee; however, the system must still meet the new design and operational standards.

How do I apply for a permit for a snowmelt system that extends into the right-of-way?

Submit a right of way encroachment permit application on [CommunityConnect](#). All of the required information and documentation will need to be uploaded to the application on CommunityConnect with the permit submittal.

What documents are required for a permit?

You must complete and submit the Right-of-Way Usage Fee Calculator, HOA Approval Documentation (if applicable), system specifications, engineering or installation plans, and documentation of existing or proposed onsite renewable energy system (if applicable).

When do I need to pay the fee?

Prior to issuance of the right-of-way encroachment permit.