

MEMORANDUM

TO: Morgan Landers and Abby Rivin, City of Ketchum
FROM: Matt Goebel and Gabby Hart, Clarion Associates
DATE: April 17, 2025
RE: Ketchum Code Usability and Procedural Updates

As part of the Cohesive Ketchum project, parallel with the update to the comprehensive plan, city staff and Clarion Associates have been working since January 2024 to consolidate the city's land use regulations. Attached to this memorandum is a draft of the reorganized and reformatted "Ketchum Land Development Code". Intended to improve usability, eliminate redundancies, and clarify regulations, the draft consolidates and restructures Title 17, Zoning Regulations; Title 16, Subdivision Regulations; and portions of Title 12. The draft also updates the city's development review procedures.

The draft was informed by the Code Advisory Group (CAG), a small committee of representatives from professions that interact with the city's land use regulations most frequently, including architects, landscape architects, civil engineers, and realtors. Committee members brought technical expertise and detailed knowledge of the city's existing land use regulations. Planning and Zoning Commissioner Susan Passavoy participated as a member of the CAG as well. The CAG initially participated in a code user survey to identify the biggest issues in navigating the current regulations. Following that survey, staff and Clarion Associates met with the CAG three times over the course of the project to address feedback. The CAG will continue to support the city during Phase 3 of the code update following adoption of the comprehensive plan.

The following memorandum provides some general comments on how to navigate the draft and provides an overview of each chapter in the new reorganized code. At the end of the memo, there is a table that includes the new table of contents and what chapters and sections from our current code are included in each new chapter. The majority of the content was carried over from the current regulations with little change. However, based on feedback from the CAG, the draft does include substantive updates to the land use application procedures (located in Chapter 16.07 of the newly reorganized draft Ketchum Code), which are more specifically described in this memo.

General Comments

General Format Updates

A variety of general format updates in this draft help clarify and improve the presentation of material. These include but are not limited to:



- Improved page layout with dynamic headers that show chapter, section, and subsection on each page.
- Consistent formatting and location of tables and graphics.
- Clear and prominent hierarchy of heading titles (using color and/or bold fonts).
- Consistent indentation and nested text.
- Consistent use of Oxford comma (the current code is inconsistent here; we have begun making this correction but will need to continue this edit in subsequent drafts).

Footnotes

Footnotes serve several purposes in this draft. They are used to indicate new content, or the source of material that has been carried forward from various titles in the Ketchum Municipal Code (Title 12, Title 16 and Title 17) along with notation of changes or edits to that content. These footnotes are included as information and navigation purposes during the review and will not be carried forward in the final adoption version.

Cross-References

Cross-references to content within this draft (generally shown as “SX.X.X,” or chapter, section, and subsection) are hyperlinked to other relevant sections within the document. If the link leads to material within the same subsection, we generally do not include the section name. If the link leads to material in another section, the reference is generally followed by the name of the section, so users know where they will end up if they click the link.

Phase 3 Items

Throughout the Code and this memo, there are several topics or Code sections that have been identified as items to address during Phase 3 of the Code update that were outside of the scope of usability and procedural revisions. The topics include:

- Reviewing the ability to expand, enlarge, or rebuild nonconformities and to what extent;
- Revising the Design Review criteria;
- Updating existing graphics and adding new graphics to help illustrate Code requirements;
- Establishing a Grading Permit procedure;
- Establishing an Annexation procedure; and
- Discussing the potential for a call-up or referral procedure (not incorporated into this draft as it requires further discussion).

Chapter-by-Chapter Overview

The remainder of this memo summarizes each chapter in the attached draft of the Ketchum Code.

Chapter 16.01 General Provisions

This article includes general provisions that apply citywide in any zone district and include the following:

- The overall purpose, intent, and applicability of the Code;
- How prior approvals, violations, and pending applications are processed;



- Regulations addressing nonconformities, including the ability to continue, enlarge, or restore nonconforming uses, buildings, and lots (these standards have been cleaned up, but should be considered for more substantive revisions in Phase 3; and
- Enforcement of the Code, including violations and penalties.

Chapter 16.02: Zoning Districts

This chapter is now organized by district category (e.g., residential, mixed-use, or other) with a summary table of the zoning districts at the beginning of the chapter for ease of use. Each zoning district includes the purpose statement and an individual summary table describing the various lot and building standards for the district. In this draft, there is a placeholder for a future district graphic that will show the intended character of a zoning district and include key information related to the lot and building standards, such as building setbacks and building height. These graphics will be prepared in Phase 3 of the Code update following review and refinement of the districts.

Additionally, the overlay districts have been significantly restructured, including the separation of procedural content from the Planned Unit Development, Floodplain, and Avalanche Overlays and the consolidation of both Warm Springs Base Area Districts into one section due to the duplicative content in the current regulations. The Floodplain Overlay district received some streamlining and reorganization, however, more substantive revisions as a part of Phase 3 are necessary to make this district truly user-friendly by the public.

The chapter concludes with the measurements and exceptions sections that includes the supplementary setback regulations (e.g., allowed encroachments) and the maximum FAR regulations associated with the community housing incentive.

Chapter 16.03: Use Regulations

Though the current Code includes a Table of Permitted Uses, the updated version in this draft introduces new use categories and subcategories to better organize the individual uses. Providing this hierarchy of uses is a more logical way to organize uses and allows the City to make decisions on future proposed uses that are unlisted in the table. Minor revisions within the Use Table include:

- Adding community housing units as a use type for additional clarity;
- Removing one-family dwelling allowance in the T, T-3000, and GR-H districts;
- Allowing Work/Live units by-right in the LI districts; and
- Adding semi-public recreation facility and bar/lounge (and associated use-specific standards) uses.

The draft also introduces a “Use-Specific Standards” section in which all requirements related to particular uses (e.g., multi-family dwellings, food service, home occupation, accessory dwelling unit, etc.) have been moved from various locations throughout the current Code, including definitions, and organized by major use category in this section. Some additional text has been added or minor revisions made for clarification throughout (e.g., removing the term “harmonious” to increase objectivity of standards). All use-specific standards are cross-referenced with a hyperlink in the right-hand column of the Table of Permitted Uses for easy navigation.



Chapter 16.04 Development Standards

This chapter includes information relevant to the overall site and building design for a development. The sections are arranged following a “ground-up” approach, beginning with the basic infrastructure of a site, moving into the parking and landscaping regulations, then building-related elements such as Design Review requirements, and ending with exterior lighting (Dark Skies). Minor revisions necessary for clarifying regulations or consistency have been made throughout including, but not limited to the application of the current one-family dwelling landscaping requirements to all development, the consolidation of minimum parking and loading space requirements in a summary table, clarifying that Design Review is required for major landscaping alterations, and the integration of content from Title 12 of the Ketchum Municipal Code related to public rights-of-way.

Chapter 16.05 Signs

This chapter carries forward current Chapter 17.127 largely unchanged and includes the purpose, applicability, permit requirements, general standards (e.g., safety, computations, and lighting), number and size specifications, nonconforming regulations, and violation and enforcement for signage throughout the City. Minor revisions for clarification or consistency have been made throughout, including the addition of a Historic/Landmark sign type to the Sign Specifications Matrix.

Chapter 16.06 Subdivision

The primary update to the subdivision regulations is the separation of procedures and development standards. This chapter includes the purpose, jurisdiction, scope, exceptions and development/design standards for subdivisions as well as specific regulations related to condominiums, townhouses, mobile home subdivisions, and the requirements for impact statements and the area of city impact. Minor revisions for clarification or consistency have been made throughout to reflect current City interpretations and practices. Some substantive requirements, including open space, storage, condo/townhomes were moved to other generally applicable locations in the new unified code structure.

Chapter 16.07: Administration and Procedures

Generally, this chapter describes the process for reviewing and approving development applications in Ketchum. Some procedures are grouped into larger categories, such as floodplain and subdivision procedures, while others are individually listed (e.g., Conditional Uses). Where applicable, procedural content has been separated from specific standards related to a particular procedure. For example, the Design Review procedures are in Chapter 16.07 whereas the improvement standards and CC District standards remain in Chapter 16.04.

16.07.010: Summary Table of Review Procedures

This introductory summary table overviews the review procedures, the review and decision-making authorities, and public notice requirements. The summary table is organized into the larger categories of procedures mentioned above: Development Permits, Signs, Floodplain Permits and Procedures, Historic Preservation, and Subdivision Procedures. The column to the right of the procedure name includes a hyperlinked section reference that directs the reader to the specific procedure when clicked. Each specific procedure includes a flowchart depicting the steps for review and approval.



16.07.020: Common Review Procedures

This new section consolidates general procedures that apply to all types of applications, unless specified otherwise. These basic steps are scattered in the current ordinance, and the level of detail for each is inconsistent and many key details are left unanswered.

The content in this section codifies existing practices and introduces best practices. Generally, this is intended to help Code users better understand the City's basic procedural steps and requirements, avoid unnecessary duplication of text, ensure consistent application of generally applicable procedural steps and requirements, and eliminate the need to amend multiple sections of the Code if a process is revised. The specific procedures that follow this section refer back to the common review procedures, noting any deviations from the general rules. Common review procedures include:

- **Preapplication Staff Meeting.** This section contains new content that expands upon the City's current practices including adding requirements for certain application types to schedule a preapplication staff meeting and establishing the procedural and submittal details for the meeting.
- **Preapplication Neighborhood Meeting.** This section introduces a preapplication neighborhood meeting process to identify key concerns or potential issues early in the development review process. This procedure allows public involvement earlier in the review process to allow residents an opportunity to speak with developers to voice concerns and learn about the project. It is required for Conditional Use Permits, Planned Unit Development Conditional Use Permits, Preapplication Design Review, and Design Review applications that require a public hearing.
- **Application Submittal and Process.** This section establishes the procedure for initial review and acceptance of applications including the determination of application completeness.
- **Review and Action: Administrative Approvals.** This section identifies the procedures for reviewing administrative applications (those applications that do not require a public hearing or review by the Planning and Zoning Commission, Historic Preservation Commission, or City Council), provide for interdepartmental coordination, commenting on applications, and preparing decisions.
- **Review and Action: Public Hearing Approvals.** This section identifies the procedures for reviewing applications that require public hearings, provide for interdepartmental coordination, commenting on applications, preparing recommendations and staff reports, and identifying the types of public hearings and the associated noticing requirements.
- **Notice of Final Decision.** This section establishes the requirement for staff to issue a written decision (via email) for all applications.
- **Recordation.** This section establishes the requirement to record documents such as Final Plats, Minor Subdivisions, Plat Amendments, Vacations, easements, and development agreements with the Blaine County Recorder.
- **Appeal.** This section describes the procedure by which an applicant can appeal a decision made on an application and establishes the review criteria for appeals. The appeal provisions are unchanged from the current Code, however, phase 3 will include further cleanup of the appeal provisions for clarity.



16.07030: Development Permits

This Section includes the specific procedures for the following application types:

- Conditional Use Permit (CUP)
- Conditional Use Permit for Planned Unit Development (PUD CUP)
- Design Review
- Dig Permit
- Right-of-way Encroachment Permit
- Temporary Use of Right-of-Way Permit
- Variances
- Wireless Communication Facility Permit

In addition to the general restructuring of current procedural content into the new organization and minor revisions for consistency and clarity or to reflect current City practices, notable changes include adding purpose statements for each procedure, establishing expiration and approval provisions for each application type, and removing review timelines (these are better suited to be located outside of the Code so that they can be updated as needed based on staff capacity).

16.07.04: Signs

This section includes the specific procedures for Master Sign Plans and Sign Permits. Notable changes include adjusting the decision-making body for Master Sign Plans from City Council to Planning and Zoning Commission and removing review timelines (these are better suited to be located outside of the Code so that they can be updated as needed based on staff capacity).

16.07.050: Floodplain

This section carries forward the current procedures from current Section 17.88.050 and 17.88.110 with no major substantive changes. The section is organized as follows:

- Purpose of all Floodplain Procedures
- Emergency Riparian Alteration
- Emergency Stream Bank Stabilization
- Floodplain Development Permit
- Riparian Alteration Permit
- Temporary Flood Control Barrier
- Floodplain Development Variance

16.07.060: Historic Preservation

This section carries forward the historic preservation procedures from the current Chapter 17.20 with minor revisions made to clarify current interpretations by the Historic Preservation Commission and new review criteria for alterations and demolitions of historic structures based on the Secretary of the Interior's Standards for Rehabilitation. Staff worked with the HPC over a series of meetings to develop the new criteria. Note that the current Code references that alteration/demolition applications go through the Design Review procedure, but to avoid confusion we have not maintained that language as it is duplicative with the Design Review chapter and the HPC does not



review alteration/demolition applications against Design Review criteria. The section is organized as follows:


- Purpose
- Applicability
- Maintenance
- Procedure – Alterations
- Procedure – Demolitions
- Designation of a Historic Building/Site

16.07.070: Ordinance Amendments

This section includes the Code Amendment, Zoning Map Amendment (Rezoning), and new Comprehensive Plan Amendment procedures. Both sets of review criteria for Code Amendments and Rezonings have been updated to provide a clearer, more objective set of standards for the Planning and Zoning Commission to make a recommendation and City Council to decide.

16.07.080: Subdivision Procedures

This section consolidates all of the procedures related to the division of land and includes major subdivision (preliminary and final plat), minor subdivision, plat amendment, subdivision exception, and vacations and dedications. Similar to other sections, the subdivision procedures have been restructured to follow the same organization and flow of other development procedures. Notable changes include the following:

- Clarifying when a preliminary plat is required;
- Confirming plat expirations and extensions;
- Allowing Final Plats to be approved administratively (to support Planning and Zoning Commission's comments);
-  Introducing a Minor Subdivision process that allows for small divisions of land (e.g., creating four or fewer lots) to be approved by the Planning and Zoning Commission (whereas the current code essentially applies the same involved procedure to all sizes of subdivision, big and small); and
- Introducing a Plat amendment process that expands upon and clarifies the current lot line shift procedure and shifts the decision-making body for such Plat Amendments from the City Council to the Administrator.

16.07.090: Review and Decision-Making Bodies

This new section consolidates the descriptions of the review and decision-making bodies including City Council, Planning and Zoning Commission, the Planning and Zoning Administrator, and the Floodplain Administrator.

Chapter 16.08: Rules of Interpretation and Definitions

This section includes general rules of construction that are essential in understanding the context and general terminology used throughout the Code. It also includes a consolidated and alphabetized



list of definitions for terms that are currently located in multiple chapters of the Code to simplify the ease of looking up a particular definition.



Annotated Outline

The table below provides an overview of the structure and general content of the reorganized Ketchum Land Development Code. The far-right column indicates which sections of the current municipal code were incorporated into the new structure.

Summary of Proposed Code		
SECTION NUMBER	SECTION TITLE	CURRENT CODE SECTIONS TO BE INCORPORATED
CHAPTER 16.01	GENERAL PROVISIONS	
16.01.010	Title and Effective Date	<ul style="list-style-type: none"> Chapter 16.04.010: General Provisions Chapter 17.04: Introductory Provisions 17.20.060D: Relief from Regulations (Historic Preservation) 17.128.010: Supplementary Lot Area and Lot Width Regulations Chapter 17.136: Nonconforming Uses and Nonconforming Buildings Chapter 17.156: Enforcement (and various other enforcement-related provisions in other sections)¹
16.01.020	Purpose	
16.01.030	Authority, Applicability, and Jurisdiction	
16.01.040	Transition from Prior Regulations	
16.01.050	Nonconformities	
16.01.060	Enforcement and Penalties	
16.01.070	Severability	
CHAPTER 16.02	ZONING DISTRICTS	
16.02.010	Established Zoning Districts	<ul style="list-style-type: none"> 17.12.010: Zoning Map Districts
16.02.020	Residential Districts	<ul style="list-style-type: none"> 17.12.030: Dimensional Standards, Districts Matrix 17.18.020-060 (Residential Districts) 17.18.070-090 (Short-Term Occupancy Districts)
16.02.030	Mixed-Use Districts	<ul style="list-style-type: none"> 17.12.030: Dimensional Standards, Districts Matrix 17.12.040: Dimensional Standards, CC Districts Matrix 17.12.050: Dimensional Standards, Light Industrial Districts Matrix 17.18.100-160 (Tourist, Community Core, Light and Industrial Districts)
16.02.040	Other Districts	<ul style="list-style-type: none"> 17.18.170-180 (Recreation Use, and Agricultural and Forestry Districts)
16.02.050	Planned Unit Development (PUD)	<ul style="list-style-type: none"> Chapter 16.08: Planned Developments ²
16.02.060	Overlay Districts	<ul style="list-style-type: none"> Chapter 17.88: Floodplain Management Overlay District (procedural content to be relocated to Chapter 16.07) Chapter 17.92: Avalanche Zone District (procedural content to be relocated to Chapter 16.07)

¹ Section 16.04.150: Enforcement, Violations, and Penalties (Subdivision)

Section 16.08.190: Criminal Violation and Penalty and Civil Enforcement (PUD)

Section 17.20: Enforcement and Maintenance (Historic Preservation)

Section 17.154.050: Enforcement (Development Agreement Zoning)

² For the initial reorganization, PUD procedures will stay here, but they may be relocated into general procedures during that first part of the substantive rewrite.



Summary of Proposed Code		
SECTION NUMBER	SECTION TITLE	CURRENT CODE SECTIONS TO BE INCORPORATED
		<ul style="list-style-type: none"> Chapter 17.100: Warm Springs Base Area Overlay District (WSBA) Chapter 17.101: Warm Springs Base Area Overlay District-1 (WSBA-1) Mountain Overlay Zoning District (MO) (procedural content to be relocated to Chapter 16.07)
16.02.070	Measurements and Exceptions	<ul style="list-style-type: none"> 17.124.040: Floor Area Ratios and Community Housing 17.128.20-30 (Supplementary yard and building height regulations)
CHAPTER 16.03	USE REGULATIONS	
16.03.010	Purpose	
16.03.020	Table of Allowed Uses	<ul style="list-style-type: none"> Section 17.12.020: District Use Matrix
16.03.030	Use-Specific Standards	<ul style="list-style-type: none"> 17.124.050: Hotels 17.124.090: Residential, Light Industrial Districts 17.124.120: Daycare Businesses 17.124.160: Commercial and Neighborhood Off-Site Snow Storage 17.124.170: Minimum Standards for One-Family Dwelling 16.04.090: Mobile Home Subdivisions
16.03.040	Accessory and Temporary Uses	<ul style="list-style-type: none"> 17.124.020: Accessory Buildings and Uses 17.124.030: Home Occupations 17.124.070: Accessory Dwelling Units 17.124.080: Urban Agriculture 17.124.110: Residential Equestrian Facilities and Household Pets 17.124.120: Daycare Businesses 17.124.150: Commercial Studio Events
CHAPTER 16.04	DEVELOPMENT STANDARDS	
16.04.010	Purpose	<ul style="list-style-type: none"> 17.124.010: Purpose
16.04.020	Access, Connectivity, and Circulation	<ul style="list-style-type: none"> Chapter 12.04: Design and Construction Repair 17.124.140: Sidewalks, Curbs, and Gutters
16.04.030	Excavations and Improvements of City Rights-of-Way and Easements	<ul style="list-style-type: none"> Chapter 12.08
16.04.040	Temporary Use of Public Rights-of-Way	<ul style="list-style-type: none"> Chapter 12.12
16.04.050	Off-Street Parking and Loading	<ul style="list-style-type: none"> Chapter 17.20.060C: Relief from Regulations (Historic Preservation) Chapter 17.125: Off-Street Parking and Loading
16.04.060	Landscaping, Buffering and Screening	<ul style="list-style-type: none"> 13.08.0130: Implementation of Municipal Water Conservation Measures 17.124.100: Landscaped Yards, Light Industrial Districts 17.124.130: Fences, Hedges, and Walls



Summary of Proposed Code		
SECTION NUMBER	SECTION TITLE	CURRENT CODE SECTIONS TO BE INCORPORATED
16.04.070	Minimum Residential Densities and Commercial Requirements	<ul style="list-style-type: none"> 17.04.030.D: Applications: No Net Loss of Units 17.124.180: Minimum residential densities and commercial requirements
16.04.080	Design Review	<ul style="list-style-type: none"> 17.96.010: Applicability 17.96.020: Purpose 17.96.060: Improvements and Standards 17.96.070: Community Core (CC) Projects
16.04.090	Dark Skies	<ul style="list-style-type: none"> 17.124.060: Outdoor Illumination Chapter 17.132: Dark Skies
CHAPTER 16.05	SIGNS	
16.05.010	Purpose	<ul style="list-style-type: none"> Chapter 17.127: Signage (procedural content for sign permit and master sign plan to be relocated to Chapter 16.07)
16.05.020	Applicability	
16.05.030	General	
16.05.040	Sign Specifications Matrix	
16.05.050	Existing Conforming, Nonconforming, Illegal and Allowable Signs	
16.05.060	Violations and Enforcement	
CHAPTER 16.06	SUBDIVISION	
16.06.010	Purpose	<ul style="list-style-type: none"> Chapter 16.04: Subdivisions (procedural content to be relocated to Chapter 16.07) Subdivision content from Chapter 17.88: Floodplain Management Overlay District and Chapter 17.92: Avalanche Zone District Chapter 16.12: Area of City Impact
16.06.020	Jurisdiction	
16.06.030	Scope	
16.06.040	Exceptions	
16.06.050	Development and Design	
16.06.060	Condominiums	
16.06.070	Townhouses	
16.06.080	Mobile Home Subdivisions	
16.06.090	Impact Statement	
16.06.100	Area of City Impact	
CHAPTER 16.07	ADMINISTRATION & PROCEDURES	
16.07.010	Summar Table of Review Procedures	<ul style="list-style-type: none"> 17.20.010-.050: Historic Preservation 17.96.030: Authority of the Administrator and the Commission 17.96.040: Application 17.96.050: Criteria, Conditions and Security 17.96.80: Notice 17.96.90: Terms of Approval 17.96.100: Fees and Costs Chapter 17.116: Conditional Uses Chapter 17.140: Wireless Communication Facilities Chapter 17.144: Appeals Chapter 17.148: Variances Chapter 17.152: Amendment and Reclassification
16.07.020	Common Review Procedures	
16.07.030	Development Permits	
16.07.040	Signs	
16.07.050	Floodplain	
16.07.060	Historic Preservation	



Summary of Proposed Code		
SECTION NUMBER	SECTION TITLE	CURRENT CODE SECTIONS TO BE INCORPORATED
16.07.070	Ordinance Amendments	<ul style="list-style-type: none"> Chapter 17.254: Development Agreement Zoning
16.07.080	Subdivision Procedures	
16.07.090	Review and Decision-Making Bodies	
CHAPTER 16.08	RULES OF INTERPRETATION & DEFINITIONS	
16.08.010	Rules of Interpretation	<ul style="list-style-type: none"> Section 17.08.010: Rules of Interpretation
16.08.020	Terms Defined	<ul style="list-style-type: none"> Section 12.04.020.D Section 12.08.020 Section 12.12.030 Section 16.04.020: Definitions (Subdivision) Section 16.08.030 Chapter 17.08: Definitions

