



City of Ketchum

September 7, 2021

Mayor Bradshaw and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

Recommendation To Approve Ordinance 1224 Amending KMC Section 17.140.090 B and C Exempt Communication Facilities, to Exempt Public Safety Antennas and Any Wireless Communication Facility Located on a Public Use Building and Amend the City of Ketchum Official Zoning District Map to Change the Zoning of Block 1 of the Warm Springs Ranch Large Block Plat from T, Tourist Designation to GR-L, General Residential Low Density.

Recommendation and Summary

Staff is recommending the Council conduct a public hearing and approve first reading of Ordinance 1224 and adopt the following motion:

I move to approve the first reading of Ordinance 1224 and read by title only by the City Clerk

The reasons for the recommendation are as follows:

- On August 10, 2021, the Planning and Zoning Commission recommended approval of the proposed text amendment with modifications and approval of the District Zoning Map amendment.
- The proposed text amendment facilitates the installation of emergency communication equipment on the new fire station.
- The proposed amendment to the District Zoning Map implements the rezoning previously approved by the City Council for Warm Springs Ranch Block 1.

PROPOSED AMENDMENTS

Two amendments are proposed by staff for City Council approval. One amendment is to the Zoning Ordinance and one amendment is to the District Zoning Map that identifies zoning for properties in Ketchum. The following outlines the proposed amendments.

Amendment to KMC 17.140.090 to exempt wireless communication facilities for public safety purposes

Currently, under KMC 17.140, Wireless Communication Facilities, the installation of emergency communication equipment for public safety facilities (Police and Fire) is subject to an extensive permitting process. Unlike commercial communication devices where the location of the device is discretionary, the placement and location of public safety communication equipment is fixed and installed at a fire station or other public facility.

With the construction of the new Ketchum fire station, emergency communications equipment will be installed. Without this text amendment, installation of the emergency communications equipment would

necessitate a detailed study, analysis, and conditional use permit. This level of review is typically required to determine if the proposed location of a commercial communication device is appropriate and necessary. There is no question that emergency communication equipment is necessary and must be installed at a public safety facility. There is no need for an extensive review process to determine if emergency communication equipment at a public safety facility is necessary.

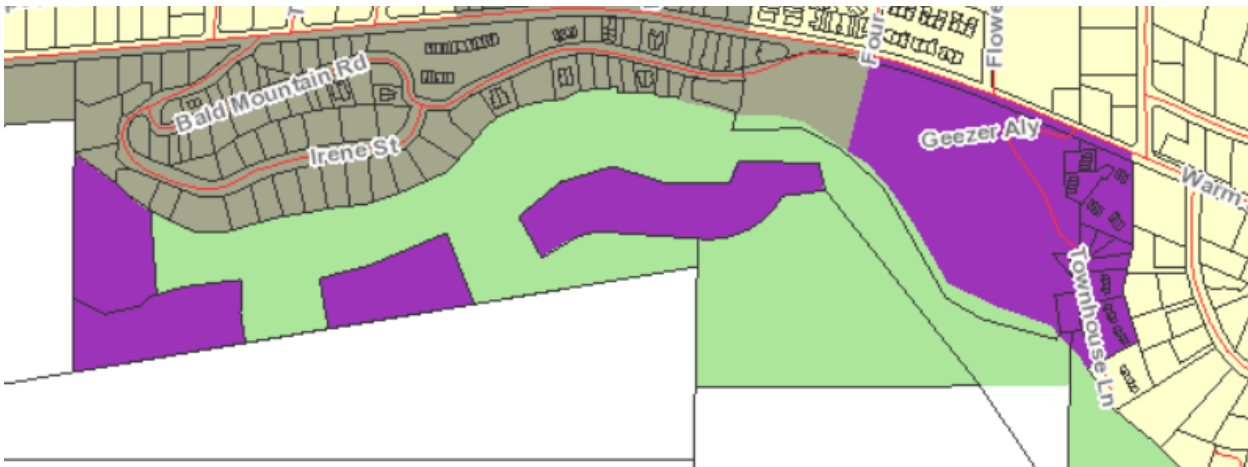
Planning and Zoning Commission Action

On August 10, 2021, the Planning and Zoning Commission conducted a public hearing on the proposed amendment. The Commission recommended City Council approve the amendment provided new language is added that requires Planning and Zoning Commission review for any equipment that exceeds 10 feet in height above the roof of a building. This provision has been added to the proposed amendment. This will not impact installation of equipment for the fire station since that equipment is under 3 feet in height.

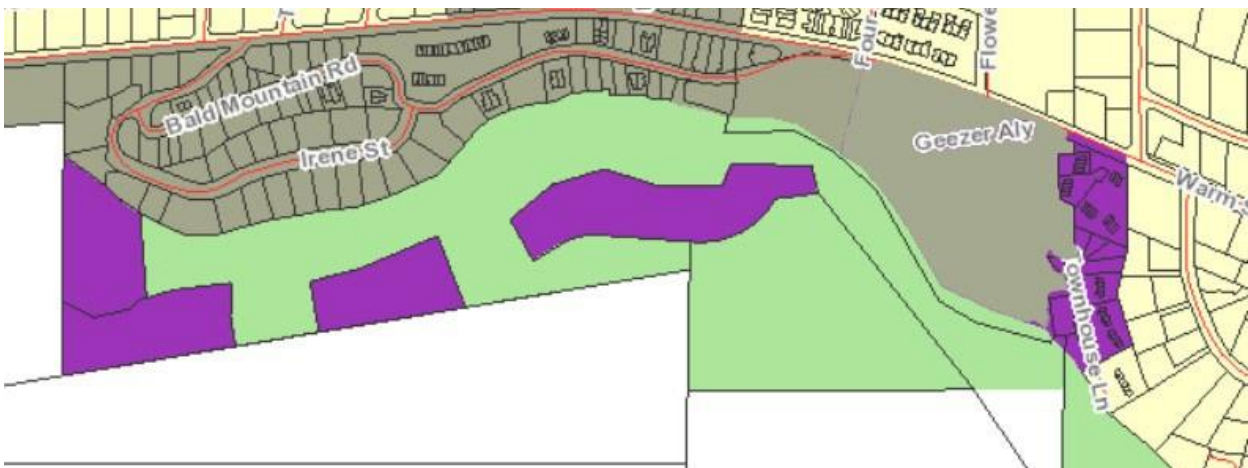
Amendment to the District Zoning Map

This proposed amendment is a procedural action to reflect the rezoning approved by the City Council and Planning and Zoning Commission for the Warm Springs Ranch Block 1. Block 1 of Warm Springs Ranch was rezoned from (T) Tourist Zone to (GR-L) General Low Density Residential as part of the approved Development and Rezoning Agreement. This proposed action officially changes the Zoning District Map to reflect the rezoning. The Official Zoning District Map would be changed as follows:

Existing (T) Tourist Zoning Designation



Proposed (GR-L) General Residential Low Density Zoning Designation



PROCESS

Consistent with KMC 17.152, the Commission conducted a public hearing on the proposed amendment to the Zoning Ordinance and District Zoning Map and recommended approval to the City Council. Notice of the City Council public hearing was published in the Mountain Express on August 18, 2021, and notice was sent in accordance with KMC Chapter 17.152. The Council can approve, amend or reject the proposed amendments.

PUBLIC INPUT

No written public comment was received prior to publication of this staff report for the September 7, 2021, hearing. Any written public comment received prior to the public hearing will be distributed to the Council and included in the public record.

FINANCIAL IMPACT

There is no financial impact as a result of the proposed recommendation.

Attachments:

- A. Proposed Ordinance 1224
- B. Proposed Publication Summary of Ordinance 1224

ORDINANCE NO 1224

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 17 THE ZONING ORDINANCE OF THE KETCHUM MUNICIPAL CODE BY AMENDING SECTION 17.140.090 B AND C, EXEMPT COMMUNICATION FACILITIES, AND AMENDING THE CITY OF KETCHUM DISTRICT ZONING MAP TO CHANGE THE ZONING OF BLOCK 1 OF THE WARM SPRINGS LARGE BLOCK PLAT FROM T-TOURST ZONING TO GR-L-GENERAL RESIDENTIAL LOW DENSITY, PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Ketchum is authorized to amend the city zoning ordinance and the District Zoning Map pursuant to Idaho Code § 67-6511; and

WHEREAS, Title 17, the Zoning Code, establishes standards to regulate the installation of wireless communication facilities in Ketchum; and

WHEREAS, a code amendment is necessary to ensure public safety communication equipment is installed in appropriate locations to support emergency operations; and

WHEREAS, on April 28, 2021, the City entered into Development and Rezoning Agreement 20609 that rezoned Block 1 of the Warm Springs Ranch Large Block Plat from T-Tourist Zoning to GR-L- General Residential Low Density; and

WHEREAS, the change to the District Zoning Map implements the rezoning approved in Development and Rezoning Agreement 20609 previously approved by both the Planning and Zoning Commission and City Council; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing on the proposed text amendment and amendment to the District Zoning Map on August 10, 2021; and

WHEREAS, the City Council, having considered the recommendation of the Planning and Zoning Commission and any comments from the public at a public hearing on September 7, 2021, having determined that it is in the best interests of the public to adopt the proposed amendments to Title 17 and the District Zoning Map:

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

Section 1: AMENDMENT TO SECTION 17.140.090 B and C: EXEMPT COMMUNICATION FACILITIES:

A. The requirements imposed by this title shall not apply to antennas designed to receive video programming signals from direct broadcast satellite (DBS) services, multichannel multipoint

distribution providers (MMDS), or television broadcast stations (TVBS); provided, that all of the following conditions are met:

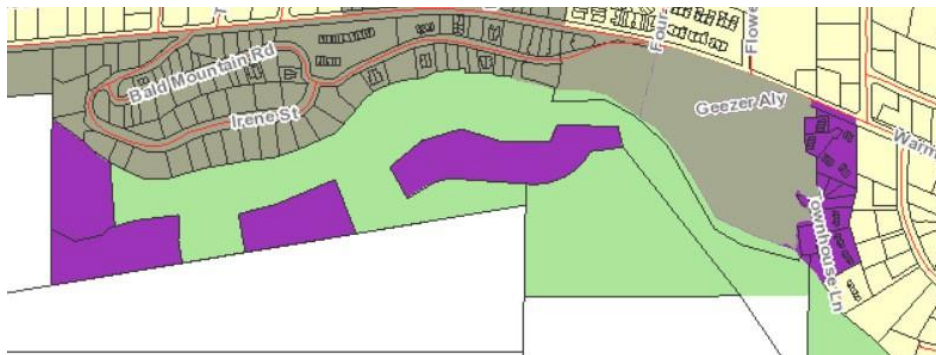
1. The antenna measures thirty nine inches (39") (1 meter) or less in diameter.
2. The antenna, if attached to a building, shall comply with subsections 17.140.040B1 and B2 of this chapter.
3. The antenna is attached to a freestanding tower measuring less than twelve feet (12') in height.

B. **Additionally** The requirements of this title shall not apply to wi-fi facilities serving an individual building or development or a wireless communications facility that measures less than four (4) cubic feet in size.

C. Antennas and any wireless communication facility used for public safety located on a public use building shall be exempt from the requirements of Chapter 17.140 provided such facility does not exceed 10 feet in height above the building roof. Facilities over 10 feet in height shall require design review approval pursuant to KMC Chapter 17.96-Design Review.

Section 2. AMENDMENT TO DISTRICT ZONING MAP:

Block 1 of the Warm Spring Large Block Plat shall be changed from T-Tourist Zoning District to GR-L-General Residential Low Density and the following map amendment shall be made to the District Zoning Map:



| Zoning | |
|---------------------------------------|---|
| Zoning Districts | |
| AF Agricultural & Forestry | LR Limited Residential |
| CC Community Core (See Inset) | LR-1 Limited Residential 1 Ac. |
| GR-H General Residential High Density | LR-2 Limited Residential 2 Ac. |
| GR-L General Residential Low Density | RU Recreation Use |
| LI-1 Light Industrial 1 | STO-1 Short Term Occupancy 1 Ac |
| LI-2 Light Industrial 2 | STO-4 Short Term Occupancy .4 Ac |
| LI-3 Light Industrial 3 | STO-H Short Term Occupancy High Density |
| | T Tourist |
| | T-3000 Tourist 3000 |
| | T-4000 Tourist 4000 |

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

Section 4. **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 5. **PUBLICATION.** This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form attached 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 6. **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 _____ day of _____ 2021.

APPROVED:

Neil Bradshaw, Mayor

ATTEST:

Tara Fenwick, City Clerk

ORDINANCE NO. 1224

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 17 THE ZONING ORDINANCE, OF THE KETCHUM MUNICIPAL CODE BY AMENDING SECTION 17.140.090 B AND C, EXEMPT COMMUNICATION FACILITIES, AND AMENDING THE CITY OF KETCHUM DISTRICT ZONING MAP TO CHANGE THE ZONING OF BLOCK 1 OF THE WARM SPRINGS LARGE BLOCK PLAT FROM T-TOURST ZONING TO GR-L-GENERAL RESIDENTIAL LOW DENISTY, PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1224 of the City of Ketchum, Blaine County, Idaho, adopted on _____ 2021, is as follows:

- SECTION 1.** Amends Section 17.140.090 A and B, Exempt Communications Facilities, to exempt antennas and any wireless communication facility used for public safety located on a public use building shall be exempt from the requirements of Chapter 17.140 provided such facility does not exceed 10 feet in height above the building roof. Facilities over 10 feet in height shall require design review approval pursuant to 17.
- SECTION 2.** Amends the Ketchum District Zoning Map Amends the Ketchum District Zoning Map District, to change Block 1 of the Warm Spring Large Block Plat T-Tourist Zoning District to GR-L-General Residential Low Density.
- SECTION 3.** Provides a repealer clause
- SECTION 4.** Provides a savings and severability clause.
- SECTION 5.** Provides for publication of this Ordinance by Summary.
- SECTION 6.** Establishes an effective date.

The full text of this Ordinance is available at the City Clerk's Office, Ketchum City Hall, 480 East Avenue North, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

ATTEST:

APPROVED:

Tara Fenwick, City Clerk

Neil Bradshaw, Mayor