



## City of Ketchum

June 15, 2020

Mayor Bradshaw and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

### **Discussion and Direction to Staff on Options to Allow Commercial Use in City Parks**

#### Recommendation and Summary

Staff is requesting council direction in the review of rules concerning use of city parks for commercial use.

The reasons for the request are as follows:

- Commercial use is not currently permitted in city parks outside of field use by sports teams and recreational sports leagues.
- The city has received two requests from the public to allow commercial use in city parks citing COVID-19 related distancing requirements.

#### Introduction and History

As a result of COVID-19, restaurants, bars, retail operations and fitness facilities are under new restrictions and protocols at the direction of the CDC and the State of Idaho. To help meet COVID-19 related distancing requirements, Ketchum City Council approved the use of Revocable Encroachment License Applications for use of parking spaces by local restaurants. The cost for this license is \$50.

Two comments have been received from the public requesting commercial use of city parks. One comment specifically requests the use of city parks for yoga instruction allowing for social distancing requirements that cannot be achieved in their business' brick and mortar studio space. The other public comment is a request to use Forest Service Park for a babysitting service to facilitate social distancing. Based on these comments, staff is requesting direction from Council on the commercial use of public parks to accommodate the social distancing requirements issued for indoor gyms and recreation facilities.

Using existing City of Ketchum fee structures for park reservations, City Staff have identified potential cost scenarios to accommodate recurring use of city parks for commercial use. Reflecting one comment's request to use city park facilities for two, one-hour classes per day, seven days a week, for 13 weeks, City Staff has estimated the total cost of the commercial park use to be \$1840 based on a discounted rate of Ketchum's hourly park reservation fee schedule for recurring events. This cost is based on the existing \$80, 4-hour park reservation rate for gatherings of less than 100 people, equating to an hourly rate of \$20 per hour. The discounted rate for recurring events charges a full rate for the first day and extends a 50% discount for all subsequent days, translating to \$40 dollars the first day and \$20 for all subsequent days. This rate could be further discounted to reflect gatherings of less than 50 people.

Another scenario could allow the creation of a seasonal lease of city park space for commercial use at a flat rate to be determined by City Staff. For reference, the city's Revocable Encroachment License Application is \$50.

#### Analysis

Other cities in the US allow the commercial use of city parks for a variety of activities. The City of Long Beach issues permits for commercial use ranging from fitness providers to "moon bounce vendors." The City of Bend issues permits for business use including sales meetings, fitness classes, personal sports coaching, arts and crafts classes, and product demonstrations. In response to COVID-19 social distancing requirements, the City of Hoboken, New Jersey is allowing commercial fitness operations to apply for a "Fitness Activity Permit in City Facilities" as a part of their Mayor's small business recovery strategy.

The City of Aspen has opened 14 of their 30 parks to local businesses aligned with health, fitness and wellness on a two-month trial basis to facilitate social distancing. The Aspen program requires a \$50 permit from the city before businesses are allowed to begin operations and is managed through the city's existing parks permit system. The physical instruction and classes are limited to the first half of the day and available from 8 a.m. – 1 p.m. with staff noting that parks have been heavily used in the afternoons and evenings during COVID-19 restrictions.

Existing resources and guidelines are available from other cities should Council direct staff to develop a permit application for commercial use in city parks. All commercial use permit guidelines reviewed by staff require the provision of an insurance certificate naming the city as "additional insured" by the permit applicant. At the direction of Council, this program could be implemented in a trial capacity for continuation in the future, or as a temporary program to accommodate social distancing guidelines.

#### Sustainability Impact

There is no sustainability impact.

#### Financial Impact

There is no financial impact.