



City of Ketchum

CITY COUNCIL MEETING AGENDA MEMO

Meeting Date: Staff Member/Dept:

Agenda Item:

Recommended Motion:

Option #1—Staff recommends the following motion based on policy direction provided to staff on April 3, 2023 that the City Council will no longer approve Right-of-Way Encroachment Permits for residential snowmelt systems: “I move to approve the Right-of-Way Encroachment Permit for pavers at 108 Gates Road and direct staff to draft and authorize the Mayor to sign the associated Right-of-Way Encroachment Agreement and direct the applicant to remove the portion of the snowmelt system that encroaches into the right-of-way.”

Option #2—If City Council chooses to amend their policy direction to approve snowmelt systems for residential driveways encroaching in the public right-of-way, then the 108 Gates Road Right-of-Way Encroachment Permit may be approved with the following motion: “I move to approve the Right-of-Way Encroachment Permit for the snowmelt system and pavers located at 108 Gates Road and direct staff to draft and authorize the Mayor to sign the associated Right-of-Way Encroachment Agreement.”

Reasons for Recommendation:

- On October 8, 2024, the Community Service Officers observed work being conducted in the right-of-way at 108 Gates Road without a permit. Staff communicated that the work was to stop on October 9, 2024; however, staff’s directive was disregarded and the installation of a snowmelt system in the right of way was completed.
- The applicant is representing that the snowmelt system was pre-existing and was being replaced. However, city staff cannot determine whether the snowmelt system was pre-existing or newly installed, as staff was unable to find an existing encroachment agreement permitting a snowmelt system in the right-of-way for this property.
- On April 3, 2023, the City Council provided direction to staff that they would no longer approve Right-of-Way Encroachment Permits for residential snowmelt systems, unless the snowmelt system is required by the City Engineer, Fire Department, or Streets Department for nonconforming driveways.
- The driveway conforms to city standards and a snowmelt system is not recommended by the City Engineer, Fire Department, or Streets Department.

Policy Analysis and Background (non-consent items only):

During their meeting on April 3, 2023, the City Council provided direction to staff that they would no longer approve Right-of-Way Encroachment Permits for residential snowmelt systems, unless the snowmelt system is required by the City Engineer, Fire Department, or Streets Department for nonconforming driveways, such as steep driveways with grades that exceed 10% slope.

On October 8, 2024, the Community Service Officers observed work being conducted in the public right-of-way at 108 Gates Road without a permit. The work involved a snowmelt system in the right-of-way (see image below) and the representation by the applicant is that the snowmelt was being replaced, although staff can't confirm if it was pre-existing. On October 9, 2024, staff communicated to the applicant that the work needed to stop and informed them that snowmelt systems and pavers in the right-of-way require a Right-of-Way Encroachment Permit. Staff also indicated to the owner that due to council policy direction, snowmelt is not permitted within the right-of-way without approval by city council and that snowmelt is generally not permitted unless necessary for life safety or street maintenance reasons. Despite staff communicating that the work in the right-of-way must be paused, the applicant disregarded staff's directive and installed the snowmelt system without the proper permit or approval.



On October 22, 2024, the applicant submitted a Right-of-Way Encroachment Permit application. As shown in Attachment 2, the plans indicate the encroachment of a snowmelt system and pavers in the public right-of-way, as constructed. The plans indicate that the snowmelt system was existing, however, City staff cannot

determine whether the system was pre-existing or newly installed because staff was unable to find an approved encroachment agreement permitting a snowmelt system in the right-of-way for this property.

Based on the policy direction provided by the City Council on April 3, 2023, staff recommends that the City Council approve a Right-of-Way Encroachment Permit for driveway pavers only and direct the applicant to remove the portion of the snowmelt system that encroaches into the right-of-way (Motion Option #1) as the driveway conforms to city standards and snowmelt is not recommended by the City Engineer, Streets Department, or Fire Department. If the Council chooses to amend their policy direction to approve residential snowmelt systems encroaching in the public right-of-way, then the 108 Gates Road Right-of-Way Encroachment Permit may be approved (Motion Option #2).

Sustainability Impact:

None OR state impact here: The April 3, 2023, staff report for the policy discussion regarding snowmelt systems for residential driveways states that, “residential energy use is the largest contributor of greenhouse gas emissions in Ketchum accounting for 50% of total emissions.” The staff report provides average emissions in pounds of carbon dioxide emissions produced per driveway for different snow removal methods as follows:

- Snowmelt Systems: 1,606 pounds of CO2 emissions (1,079 vehicle miles traveled equivalent)
 - Snow Plowing: 115 pounds of CO2 emissions (77 vehicle miles traveled equivalent)
- Snow Blower: 76 pounds of CO2 emissions (51 vehicle miles traveled equivalent)

Financial Impact:

None OR Adequate funds exist in account:	There is no financial requirement from the city for this action
--	---

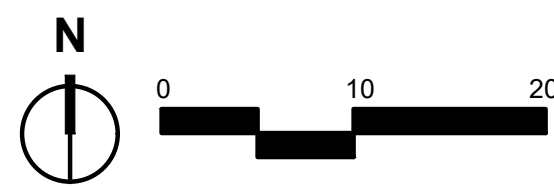
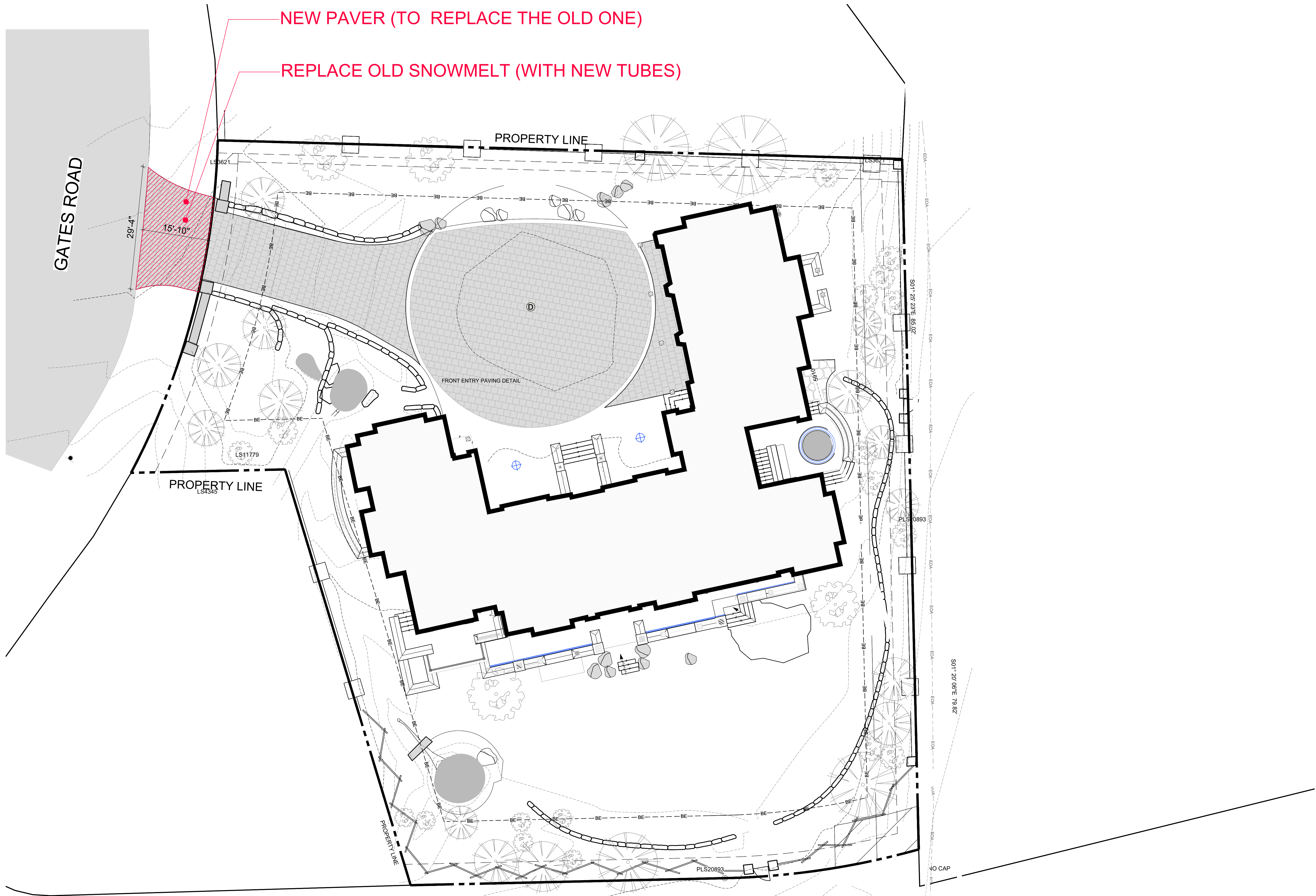
Attachments:

- | |
|---|
| 1. Unpermitted Right-of-Way Encroachment Plan, as Constructed |
|---|



City of Ketchum

Attachment 1: Unpermitted Right-of-Way Encroachment Plan, as Constructed



LANDSCAPE DESIGN
MCGAVICK RESIDENCE
108 GATES ROAD, KETCHUM IDAHO

PRINCIPAL: **BY**
PROJECT MANAGER: **SP**
DRAWN BY: **SB**
ISSUE DATE: **10-22-2024**

ROW ENCROACHMENT

SHEET NO.

L1.0