



**City of Ketchum
Planning & Building**

IN RE:)
)
Warm Springs Preserve) KETCHUM PLANNING AND ZONING COMMISSION
Floodplain Development Permit) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
File Number: P24-002) DECISION
)
Date: February 11, 2025)
)

PROJECT: Warm Springs Preserve
APPLICATION TYPE: Floodplain Development Permit
FILE NUMBER: P24-002
PROPERTY OWNER: City of Ketchum
REPRESENTATIVE: Ben Whipple, Senior Project Manager
LOCATION: 201-311 Bald Mountain Rd (Warm Springs Ranch Resort)
ZONING: Tourist (T), Recreation Use (RU) & Floodplain Management Overlay District (FMOD)

RECORD OF PROCEEDINGS

A floodplain development permit application was received on January 9, 2024, and routed to all staff departments and Harmony Engineering and Design for review. Two rounds of review and revisions were conducted prior to scheduling the application for review by the Planning and Zoning Commission. A public meeting notice for the project was mailed to all owners of property within 300 feet of the project site and all political subdivisions on January 8, 2025. The notice was published in the Idaho Mountain Express on January 8, 2025. A notice was posted on the project site and the city’s website on January 8, 2025. The application was heard at a public hearing of the Planning and Zoning Commission on January 28, 2025.

BACKGROUND

The City of Ketchum acquired the 65-acre Warm Springs Preserve property in 2022 and spent the past few years developing the Warm Springs Preserve Master Plan (adopted in 2023) and a restoration plan to achieve the vision of the plan. The vision states “Warm Springs Preserve offers a unique opportunity for large-scale, community-supported creek restoration and passive recreation near the confluence of the Big Wood River and Warm Springs Creek.” The plan seeks to achieve the vision through six principles including:



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- Create a Preserve that is connected and accessible to all
- Design for success over time
- Support all-season multi-functional use
- Demonstrate leadership through regeneration of healthy ecosystems for people, plants, and animals
- Restore the creek and floodplain
- Celebrate and educate about the past, present, and future of the preserve

The full master plan can be found by [clicking HERE](#).

The Warm Springs Preserve property has seen many transformations since the 1800s. As outlined on page 8 of the Warm Springs Preserve Master Plan, the area was a thriving ecosystem with an active floodplain with multiple meandering streams and areas able to convey flood waters. In the 1800s and into the mid 1900s, increased human activity resulted in channelization of the stream and much of the areas able to convey flood waters were filled. As development continued within the floodplain up and down the reach, Warm Springs Creek continued to become confined and is now at high risk of stream bank erosion, channel incision, and downstream flooding.

The property generally consists of seven zones which are shown and illustrated in the master plan and in the application materials included as Attachment 3. The proposed project includes a significant amount of work within and outside the floodplain. As this is a floodplain development permit, the Commission is reviewing the proposed work within the established floodplain and riparian areas which consists of restoration efforts focused on restoring the river, floodplain and riparian zones with the majority of work taking place in the creek, the lower creek edge, and southern floodplain.

The work will include stream alterations in the form of pool and channel excavations, installation of large woody debris, and installation of a constructed riffle. These items are designed to improve the longevity and stability of the creek during flood events, minimizing degradation of the creek during high water periods. The work is also designed to increase the efficiency of the flood carrying capacity of the larger area during flood events to allow for safe and efficient movement of water through the reach with minimal damage. Finally, the restoration work that will occur, once the grading work has been completed, focuses on the stabilization of river/floodplain function and enhancement of fish habitats through an extensive and thoughtful planting plan by zone with specific plant lists for areas identified as wet and dry floodplain, near-stream riparian, in-stream aquatic, wet meadows, and wetlands. The goal of the planting plan is to create a bio-diverse ecosystem of plants to ensure the long term success and resilience of the area.

FINDINGS OF FACT



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The Planning and Zoning Commission having reviewed the project record, provided notice, and conducted the required public hearing does hereby find that the project does conform to applicable standards and criteria as set forth in Ketchum Municipal Code Chapter 17.88 – Floodplain Management Overlay Zoning District (FP). After deliberation, the Commission found the project to be in conformance with the floodplain development criteria. Therefore, the Commission does hereby make and set forth these Findings of Fact, Conclusions of Law, and Decision as follows:

Floodplain Development Permit Requirements				
1. Evaluation Standards: 17.88.050€				
Compliant			Standards and Staff Comments	
Yes	No	N/A	Guideline	City Standards and <i>Staff Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)1	<p>The proposal preserves or restores the inherent natural characteristics of the river, floodplain, and riparian zone, including riparian vegetation and wildlife habitat. Development does not alter river channel unless all stream alteration criteria for evaluation are also met.</p> <p><i>Staff Comments</i></p> <p><i>The property has seen consistent degradation over the past 100 years, resulting in stream bank erosion, channel incision, and an ecological profile that consists of a monoculture of plant species (including invasive). The project goes well beyond preserving the inherent natural characteristics of the river by restoring the river and floodplain back to the pre-human development period of its history.</i></p> <p><i>The project will include excavations in and around the stream to restore the original configuration of the reach by reestablishing a functioning side channel, excavating out previous fill areas, and creating small pools for aquatic habitat and riparian function.</i></p> <p><i>The extensive and ecologically sensitive planting plan will further support the excavation efforts by creating a bio-diverse ecology that is more resilient long term and provides stability of the soils during flood events.</i></p> <p><i>These improvements rehabilitate the entire river system through the reach and re-establishes a functioning floodplain to allow for historic flow of floodwaters through the site. Alterations to the river channel are proposed and as noted below, the project meets all stream alteration evaluation criteria.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)2	No temporary construction activities, encroachment or other disturbance into the 25-foot riparian zone, including encroachment



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				<p>of below grade structures, shall be permitted, with the exception of approved stream stabilization work and restoration work associated with a riparian zone that is degraded.</p> <p><i>Staff Comments</i> There will be extensive construction related activities within the stream and riparian area associated with the stream alteration work and restoration of the riparian area. As noted in condition 4, a comprehensive construction management plan will be required prior to start of construction to ensure that construction activities are well managed and do not result in any downstream impacts or impacts to adjacent properties.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)3	<p>No permanent development shall occur within the 25-foot riparian zone, with the exception of approved stream stabilization work and restoration work associated with permit issued under this title, or exceptions as described below: a. Access to a property where no other primary access is available; b. Emergency access required by the fire department; c. A single defined pathways or staircases for the purpose of providing access to the river channel and in order to mitigate multiple undefined social paths; d. Development by the City of Ketchum.</p> <p><i>Staff Comments</i> There are proposed development activities within the 25-foot riparian area which include:</p> <ul style="list-style-type: none"> • Irrigation (well house and service lines) • Defined pathways to avoid the creation of social paths • Existing municipal water and sewer lines proposed to remain <p>There is an existing electrical transformer and service line within the riparian area that will be relocated outside the riparian area as part of the project.</p> <p>All development activities are permitted as they fall under subsection "d" of this criteria as development by the City of Ketchum.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)4	<p>New or replacement planting and vegetation in the riparian zone shall include plantings that are low growing and have dense root systems for the purpose of stabilizing stream banks and repairing damage previously done to riparian vegetation. Examples of such plantings most commonly include: red osier dogwood, common chokecherry, serviceberry, elderberry, river birch, skunk bush sumac, Beb's willow, Drummond's willow, little wild rose, gooseberry, and</p>



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				<p>honeysuckle. However, in rare instances the distance from the top-of-bank to the mean high water mark is significant and the native vegetation appropriate for the riparian zone are low growing, drought resistant grasses and shrubs. Replacement planting and vegetation shall be appropriate for the specific site conditions. Proposal does not include vegetation within the 25-foot riparian zone that is degraded, not natural, or which does not promote bank stability.</p>
			<i>Staff Comments</i>	<p><i>The existing riparian area along much of the bank is currently degraded, contains non-natural materials such as remnant concrete, and is very steep which does not promote the growth of bank stabilizing plant species. An extensive planting plan has been developed which identifies specific plant lists for each zone of restoration. Zones include Upland Meadow, Xeric (dry) floodplain, Mesic (wet) floodplain, near stream riparian, in-stream aquatic, aspen grove, and restored lawn. See sheets L2.01 and L2.02 for the detailed planting mix for each zone. Specifically related to the riparian planting, Near Stream Riparian Zone is detailed with Seed Mix D and includes a wide variety of willows, cottonwoods, and grasses. Installation will include #5 containers for the trees and shrubs and a seen mix for grasses. The land scape plan notes that temporary protection from wildlife will be needed.</i></p> <p><i>The proposed plantings are appropriate for the specific site conditions as they have been tailored for the specific zones based on an ecological profile. Once installation is complete and plantings are stabilized, the riparian zone will be well established and not degrade over time, ensuring long term bank stability.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)5	<p>Landscaping and driveway plans to accommodate the function of the floodplain allow for sheet flooding. Surface drainage is controlled and shall not adversely impact adjacent properties including driveways drained away from paved roadways. Culvert(s) under driveways may be required. Landscaping berms shall be designed to not dam or otherwise obstruct floodwaters or divert same onto roads or other public pathways.</p>
			<i>Staff Comments</i>	<p><i>There is one access to the Warm Springs Preserve property and that is Lopey Lane. Lopey Lane is an existing road with a bridge that crosses Warm Springs Creek. Currently, the bridge is elevated as such that floodwaters pass under the bridge, not over. The bridge is not</i></p>



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				<p><i>proposed to be altered as part of the project. The project does propose to improve the road once it crosses onto the Warm Springs Preserve property. As shown on Sheet C2.0 the road includes a set of two 36" culverts closer to the existing bridge and one additional bridge structure closer to the parking area. The existing driveway/road and proposed bridge/culverts are located outside of published FEMA 100-year floodplain extents and are designed to convey only a portion of Warm Springs Creek flood flows. Both facilities are designed to have a minimum of 1-foot of freeboard at the 100-year flow. The existing driveway/road does not become inundated at the 100- year flow under proposed conditions. Additionally, the bridge is designed to carry those flows with or without the culverts in place.</i></p> <p><i>The city engineer did provide some minor comments related to the finished condition of the road included crowning, amount of gravel shoulder, details of drywells, and a few others that will be addressed with issuance of the final construction plans. These items will not impact the ability of the culverts or bridge to effectively convey flood waters. Condition of approval #2 addresses these items.</i></p> <p><i>There is also a pedestrian bridge to be constructed within the southern floodplain area and that bridge is also designed to have a minimum of 1-foot of freeboard at the 100-year flow. Please see sheet L2.03 for details of the pedestrian bridge.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)6	<p>Flood water carrying capacity is not diminished by the proposal.</p> <p><i>Extensive 2D and 1D hydraulic modeling was conducted to evaluate the project to ensure that the flood carrying capacity is maintained post construction. Post construction, the project modeling shows a no rise in the base flood elevations in the surrounding area. This demonstrates that the project will adequately convey floods of a 100-year event as well or better than the property has historically. The proposed development also has significantly more excavation (10,064 cubic yards) than fill (2,334 cubic yards) resulting in a net cut-fill balance of 7,730 cubic yards.</i></p> <p><i>Based on the submittal, there is no rise of the base flood elevations when comparing the proposed condition with the effective map for the area. However, there is a small rise documented within the project</i></p>
			<i>Staff Comments</i>	



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				<i>site, that has no impact to off-site or downstream properties. As such, a Conditional Letter of Map Revision (CLOMR) is required to document the changed condition on the property even though there is no rise documented outside the property. Condition of approval XX addresses the requirement of a CLOMR from FEMA prior to start of construction and the subsequent Letter of Map Revision required after project completion.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)7	<p>Impacts of the development on aquatic life, recreation, or water quality upstream, downstream or across the stream are not adverse.</p> <p><i>As mentioned above, the current condition of the property is degraded with poor aquatic and plant health. The proposed project dramatically improves the conditions for aquatic life with site specific and purposeful grading and restoration work. All proposed recreation access paths are designed to deter the creation of social trail networks to preserve the restoration work. The development proposal itself is a restoration project with no buildings or other development proposed.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)8	<p>Building setback in excess of the minimum required along waterways is encouraged. An additional ten-foot building setback beyond the required 25-foot riparian zone is encouraged to provide for yards, decks and patios outside the 25-foot riparian zone.</p> <p><i>There is no construction of buildings part of this application. A separate design review application was filed by the City for a bathroom/storage building near the parking area. That proposed facility is outside the floodplain and riparian areas more than 100 feet.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)9	<p>The top of the lowest floor of a building located in, or partially within, the SFHA shall be at or above the flood protection elevation (FPE). A building is considered to be partially within the SFHA if any portion of the building or appendage of the building, such as footings, attached decks, posts for upper story decks, are located within the SFHA. See <u>section 17.88.060</u>, figures 1 and 2 of this chapter to reference construction details. See <u>chapter 17.08</u> of this title for definition of "lowest floor."</p> <p>a. In the SFHA where base flood elevations (BFEs) have been determined, the FPE shall be 24 inches above the BFE for the subject property; 24 inches or two feet is the required freeboard in Ketchum City Limits.</p>



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				<p>b. In the SFHA where no BFE has been established, the FPE shall be at least two feet above the highest adjacent grade.</p> <p><i>Staff Comments</i> <i>There are no buildings proposed.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)10	<p>The backfill used around the foundation in the SFHA floodplain shall provide a reasonable transition to existing grade but shall not be used to fill the parcel to any greater extent.</p> <p>a. Compensatory storage shall be required for any fill placed within the floodplain. b. A CLOMR-F shall be obtained prior to placement of any additional fill in the floodplain.</p> <p><i>Staff Comments</i> <i>There are no buildings proposed and therefore no foundations.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)11	<p>All new buildings located partially or wholly within the SFHA shall be constructed on foundations that are designed by a licensed professional engineer.</p> <p><i>Staff Comments</i> <i>There are no buildings proposed.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)12	<p>Driveways shall comply with City of Ketchum street standards; access for emergency vehicles has been adequately provided for by limiting flood depths in all roadways to one foot or less during the one percent annual chance event.</p> <p><i>Staff Comments</i> <i>As noted above, the city engineer has provided some comments related to the design of the road (which is outside the SFHA) that will be addressed prior to grading permit application. Condition of Approval 2 addresses this item. The existing driveway/road does not become inundated at the 100-year flow with the proposed changes to the property.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)13	<p>Landscaping or revegetation shall conceal cuts and fills required for driveways and other elements of the development.</p> <p><i>Staff Comments</i> <i>Landscaping is proposed on all areas of the property including driveways/roads and other elements of the project. The landscaping will conceal any cuts and fills which are required. No areas will be left bare upon completion of the project.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)14	<p>(Stream Alteration) The proposal is shown to be a permanent solution and creates a stable situation.</p> <p><i>Staff Comments</i> <i>The existing condition of the property is every changing and very unstable. The city has been monitoring the stream channel for undercutting, bank erosion, and debris jams during each flooding</i></p>



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				<p><i>event and frequently must approve emergency stream stabilization permits to adjacent property owners. All proposed stream alteration work is intended to create a permanent and stable solution including the addition of woody debris, in-stream riffle, and riparian plantings. Post construction, the project area will be monitored to determine efficacy of the work and whether any post construction adjustments need to be made. If any permits are required for post construction adjustments, those applications will be filed to the appropriate entities for review and approval.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)15	<p>(Stream Alteration) No increase to the one percent annual chance flood elevation at any location in the community, based on hydrologic and hydraulic analysis performed in accordance with standard engineering practice and has been certified and submitted with supporting calculations and a No Rise Certificate, by a registered Idaho engineer.</p> <p><i>As noted above, extensive 2D and 1D hydraulic modeling was conducted to evaluate the project to ensure that the flood carrying capacity is maintained post construction. Post construction, the project modeling shows a no rise in the base flood elevations in the surrounding area. This demonstrates that the project will adequately convey floods of a 100-year event as well or better than the property has historically. The proposed development also has significantly more excavation (10,064 cubic yards) than fill (2,334 cubic yards) resulting in a net cut-fill balance of 7,730 cubic yards.</i></p> <p><i>Based on the submittal, there is no rise of the base flood elevations when comparing the proposed condition with the effective map for the area. However, there is a small rise documented within the project site, that has no impact on off-site or downstream properties. Because of this condition, a No Rise Certificate is not achievable for the project. As such, per Ketchum Municipal Code, if a no rise certificate cannot be provided, a Conditional Letter of Map Revision (CLOMR) is required to document the changed condition on the property even though there is no rise documented outside the property. Condition of approval 1 addresses the requirement of a CLOMR from FEMA prior to start of construction and the subsequent Letter of Map Revision required after project completion.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)16	<p>(Stream Alteration) The project has demonstrated no adverse impact or has demonstrated all impacts will be mitigated.</p>



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Yes	No	N/A	Guideline	City Standards and <i>Staff Comments</i>
			<i>Staff Comments</i>	<i>As noted above, the hydraulic modeling demonstrates there are no adverse impacts from the project to any of the surrounding areas or downstream.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)17	(Stream Alteration) The recreational use of the stream including access along any and all public pedestrian/fisher's easements and the aesthetic beauty shall not be obstructed or interfered with by the proposed work.
			<i>Staff Comments</i>	<i>One of the stated objects of the project is to "Create a Preserve that is connected and accessible to all". The project proposes a series of improvements to winter and summer recreation opportunities and increases the amount of access opportunities to the stream than exist today. The aesthetic beauty of the area will be enhanced by the proposed improvements and will ensure long term stability of the area as a result of the project.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)18	(Stream Alteration) Fish habitat is maintained or improved as a result of the work proposed.
			<i>Staff Comments</i>	<i>Currently, the fish habitat along the northern portions of the reach are poor as a result of steep banks, limited riparian vegetation, and lack of floodplain connectivity. The proposed restoration project will reconnect the floodplain and enhance riparian and floodplain vegetation which provides more areas for aquatic life to live and creates an environment where they can thrive. Fish habitats will be improved as a result of the restoration project.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)19	(Stream Alteration) The proposed work shall not be in conflict with the local public interest, including, but not limited to, property values, fish and wildlife habitat, aquatic life, recreation and access to public lands and waters, aesthetic beauty of the stream and water quality.
			<i>Staff Comments</i>	<p><i>The Warm Springs Preserve Master Plan was jointly created by the City of Ketchum and the community. The primary objectives of the plan are to:</i></p> <ul style="list-style-type: none"> <i>• Create a Preserve that is connected and accessible to all</i> <i>• Design for success over time</i> <i>• Support all-season multi-functional use</i> <i>• Demonstrate leadership through regeneration of healthy ecosystems for people, plants, and animals</i> <i>• Restore the creek and floodplain</i> <i>• Celebrate and educate about the past, present, and future of the preserve</i>



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				<i>As these are the primary objectives of the project, and the plan has been adopted by the Ketchum City Council, the project is clearly within the public interest. As noted in the analysis above, the project results in an improvement to fish and wildlife habitat, aquatic life, recreation opportunities and river access, and aesthetic beauty.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)20	<p>(Stream Alteration) The work proposed is for the protection of the public health, safety and/or welfare such as public schools, sewage treatment plant, water and sewer distribution lines and bridges providing particularly limited or sole access to areas of habitation.</p> <p><i>Staff Comments</i> <i>The existing condition of the property and stream create a high-risk environment during flood events, risking public safety and damage to properties. The channelization of Warm Springs Creek and adjacent development have made it difficult for water to move at reasonable velocities throughout the area. The proposed project includes re-grading to create additional side channels and removes historically places fill to recreate a functioning river and floodplain that reduces the danger to the public and property. Additionally, the project proposes to address existing exposure issues related to water/sewer mains and bridges. Finally, the study conducted by the applicant and reviewed by third party engineers seeks to ensure the long-term stability of the construction. Condition of Approval 3 requires an additional scour analysis be conducted for the materials proposed within the stream near the bridge to ensure that the materials can withstand higher flows during more significant flood events.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)21	<p>(Wetlands) Where development is proposed that impacts any wetland the first priority shall be to move development from the wetland area. Mitigation strategies shall be proposed at time of application that replace the impacted wetland area with an equal amount and quality of new wetland area or riparian habitat improvement.</p> <p><i>Staff Comments</i> <i>Due to the size and scope of this restoration project, impact to wetlands is unavoidable as most of the identified wetlands are within the Warm Springs Creek active river channel. There are some vegetative wetlands that were identified, however, the propose project largely avoids those areas. Where impacts were unavoidable, a minimum 1:1 mitigation ratio was applied. Upon completion of the project, the site will have a net gain in quality and quantity of wetland areas.</i></p>



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CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the ordinances and regulations, which ordinances are codified in the Ketchum Municipal Code (“KMC”) and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which City Ordinances govern the applicant’s Floodplain Development Permit application for the development and use of the project site.
2. The Commission has authority to hear the applicant’s Floodplain Development Permit Application pursuant to Chapter 17.88 of Ketchum Municipal Code Title 17.
3. The City of Ketchum Planning Department provided notice for the review of this application in accordance with Ketchum Municipal Code §17.88.050.D.2.b.
4. The Floodplain Development Permit application is governed under Ketchum Municipal Code Chapters 17.88.
5. The Floodplain Development Permit Application File No. P24-002 meets all applicable standards specified in Title 17 of Ketchum Municipal Code, as more fully described in the Findings of Fact above.

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission approves this Floodplain Development Permit Application File No. P24-002 this Tuesday, February 11, 2025, subject to the following conditions of approval.

CONDITIONS OF APPROVAL

1. A Conditional Letter of Map Revision (CLOMR) approved by FEMA and other jurisdiction permits are required for the project. Work shall not commence until all required permits



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from third party agencies including USACE, IDWR, IDEQ, and FEMA have been issued and provided to the Planning and Building Department.

2. Prior to commencement of construction, no later than September 15, 2025, a revised civil plan set shall be submitted to the Planning and Building Department addressing all comments from the city engineer regarding reconstruction of Lopey Lane and adjacent parking areas. Civil plans shall be reviewed and approved by the City Engineer prior to construction of all items under the scope of work associated with Lopey Lane and parking.
3. An additional scour analysis pertaining to materials placed in the stream near the existing Lopey Lane bridge shall be conducted to ensure the materials can withstand higher flows. The design of these materials should be designed for a 200-yr event and checked against a 500-yr event. The scour analysis shall be provided to the Planning and Building Department for review and approval prior to installation of materials.
4. A Construction Management Plan shall be submitted by the contractor prior to start of construction.
5. This approval is subject to the scope of work described in the documents shown in Attachments 1-3.
6. Any modification to approved plans as referenced in this approval shall be subject to a written amendment to this permit approval. If construction or improvements differ from the approved plans, such work may be subject to removal at the applicant's expense.
7. Following project completion, upon an annual inspection, if 80% or fewer of the plants indicated on Landscape Plan have not survived, the property owner shall re-install new plantings.
8. The Administrator shall conduct site inspections of work in progress. The Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the terms of this permit, approved plans, and KMC 17.88. In exercising this power, the Administrator has a right, upon presentation of proper credentials, to enter the property at any reasonable hour for the purposes of inspection or other enforcement action.
9. Floodplain Development Permit approval shall be valid for a period of 1 year the date of signing Findings of Fact. If construction has not commenced within that time, the permit shall become null and void unless an extension is requested and granted pursuant to KMC 17.88.050.G.
10. No use of restricted use chemicals or soil sterilants will be allowed within one hundred feet (100') of the mean high-water mark on any property within the city limits at any time (KMC 17.88.040.C.3).
11. All applications of herbicides and/or pesticides within one hundred feet (100') of the mean high water mark, but not within twenty five feet (25') of the mean high water mark,



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must be done by a licensed applicator and applied at the minimum application rates (KMC 17.88.040.C.4).

12. Application times for herbicides and/or pesticides will be limited to two (2) times a year; once in the spring and once in the fall unless otherwise approved by the City Arborist (KMC 17.88.040.C.5).
13. It shall be unlawful to dump, deposit or otherwise cause any trash, landscape debris or other material to be placed in any stream, channel, ditch, pond or basin that regularly or periodically carries or stores water.

Administrative Appeal Notice: Applicant has the opportunity, pursuant to Ketchum City Code 17.20.030(F) and 17.144, to administratively appeal this Decision to the City Council.

Regulatory Taking Analysis Notice: Applicant has the opportunity, pursuant to Idaho Code 67-8003, to submit a written request for a regulatory taking analysis of this Decision.

Findings of Fact **adopted** this 11th day of February 2025.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission