

# STAFF REPORT KETCHUM PLANNING AND ZONING COMMISSION DECEMBER 9, 2025 MEETING

**PROJECT:** Hotel Riparian Restoration

FILE NUMBER: P25-046

**REPRESENTATIVE:** Jack Bariteau, Managing Member

OWNER: Harriman Ketchum Hotel, LLC

**REQUEST:** Floodplain Development Permit for major riparian alteration and restoration along

Trail Creek.

**LOCATION:** 300 E River Street (KETCHUM REPLAT BLK 83 LOT 2)

**ZONING:** Tourist (T)

**OVERLAY:** Floodplain Management Overlay

Waterways Review District

**NOTICE:** 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 November 18, 2025. The notice was published in the Idaho Mountain Express on November 19, 2025. A notice

was posted on the City's public notice webpage on November 21, 2025. The

application materials were posted on the Planning and Building Active Applications webpage, and the notice was posted on the project site on November 24, 2025.

**REVIEWER:** Morgan Landers, AICP – Director of Planning and Building

### **EXECUTIVE SUMMARY**

The property is located at 300 E River Street, spanning the block between Leadville Ave and Main Street (Hwy 75) along E River Street (the "subject property"). See Figure 1 for the location. The property is zoned Tourist (T) and includes area within the Floodplain Management Overlay District and the Waterways Review District. The subject property is the future location of the Viceroy Hotel currently under construction. The subject property is adjacent to Trail Creek as shown in the red hatched area in Figure 1.

The 2008 Design Review approval of the hotel on the subject property was reinstated by the City Council in June 2022. After that reinstatement, an amendment to the reinstated Design Review was submitted by the owner and a public process was



Figure 1: Subject Property

conducted to review the amended Design Review application. The amended Design Review was approved by the Planning and Zoning Commission on February 14, 2023, with 21 conditions. The Design Review amendment did not include any changes to the riparian restoration plan approved in 2008, however, staff and the applicant agreed at the time that the 2008 restoration plan was not adequate and should be revisited later. As such, Conditions of Approval #14 and #15 were included in the Design Review Amendment approval and are specifically related to landscaping improvements adjacent to and within the 25-foot riparian area, and how those improvements would be reviewed. The full language of the conditions can be found in the analysis section below.

Condition 14 required a Floodplain Development Permit be submitted prior to issuance of a building permit. At the time of building permit submittal, the complexity and timing of the project warranted a bifurcated approach to permitting where the city only issued a permit for the core and shell of the building and deferred all interior tenant improvements permits, civil engineering/sitework improvements, and landscaping permits to future dates. The applicant submitted a Floodplain Development Permit for Major Riparian Restoration on September 19, 2025. The full application and project narrative are included in Attachment A. The proposed landscape plan and restoration plan are included as Attachment B. To date, no work has been conducted within the 25-foot riparian area on the subject property.

Attachment C includes a gallery of photos documenting the current condition of the riparian area as of May 2025. As shown in the photos, there are portions of the riparian area that is significantly degraded and bare, while other areas are fairly well established. The riparian area closest to Hwy 75 begins approximately at-grade with the highway, sloping downward for a third of the area and then abruptly drops approximately six to seven feet where an old river rock retaining wall exists (see Figure 2). From the base of the retaining wall, the grade is relatively flat for the remaining extent of the riparian area to the property line. As part of the 2008 Design Review approval, an inventory of trees was conducted by an arborist as many of the large trees in the riparian area were dead or diseased. The approval included the



Figure 2: Existing Retaining Wall

requirement for healthy trees to remain and dead/diseased trees to be removed. That work did not occur until 2023 under the direction of the City Arborist and Planning Department staff. The photos show stump locations of removed trees from the riparian area. These stumps are proposed to remain as the root systems of the stumps provide significant bank stabilization.

The proposed project includes removal of all dead, diseased, invasive, and non-native plant species and the retention of all healthy mature vegetation that contributes to the health of the riparian area. There is a small gravel pathway from the paver terrace to a creek overlook backed by the old retaining wall. Minimal grading work is required for the project, mostly outside the floodplain boundary to shore up the retaining wall and smooth out the grade transition from southwest to northeast along the creek.

Improvements within the 25-foot riparian area are required to meet the standards outlined in Ketchum Municipal Code (KMC) 17.88. The analysis section below provides more detail of proposed improvements and how the project meets the conditions of approval outlined in the 2023 Design Review and the floodplain

development criteria. A full review of all applicable criteria can be found in Attachment D. Based on staff review of the application against the criteria and the required conditions of approval of the Design Review, staff believes all requirements are met with the application and recommends the P&Z Commission approve the Floodplain Development Permit.

### **ANALYSIS**

As outlined above, all work in riparian areas and floodplain require a Floodplain Development Permit and must comply with the applicable standards outlined in KMC 17.88.050.E. In addition to the floodplain and riparian standards, this specific project must also comply with the following conditions of approval outlined in the Design Review amendment approved in 2023.

# Conditions of Approval

<u>Condition 14.a</u> - A floodplain development permit including a detailed plant materials list, detailed plans for riparian restoration, and plans for protection of riparian area and the creek (from debris, chemicals, and erosion) during construction shall be submitted for review and approval by the Planning Department prior to issuance of a building permit.

Compliance: This floodplain development permit includes the information outlined. A construction management plan is currently in place that includes protections for the riparian area and creek. As further discussed below in the review of the floodplain criteria, staff is recommending conditions of approval #12-15 to ensure that the city's regulations regarding chemical applications are adhered to. Additionally, as required in Condition 14.c of the Design Review staff is recommending a condition of approval for the amendment of the existing construction management plan to address construction management best practices during riparian restoration work.

<u>Condition 14.b</u> - Riparian vegetation and other landscaping shall be maintained in perpetuity as shown on approved plans.

*Compliance*: Staff recommends condition of approval #10 that outlines this requirement and notes that ongoing maintenance are to be conducted at the expense of the property owner.

Condition 14.c - Construction and silt fencing shall be located at the twenty-five (25) foot setback line prior to issuance of a building permit and shall remain in place for the duration of construction to limit the disturbance to the riparian areas. No construction materials shall be placed, and no construction staging shall occur within the riparian setback at any time. Prior to start of riparian restoration, a construction activity plan specifically focused on the riparian work must be submitted for review and approval by the Planning Department.

Compliance: The required construction and silt fencing was placed at the 25-foot riparian setback line prior to start of construction of the core and shell portions of the building and remain in place today (see Figure 3). As required, no construction materials or construction related activities have been conducted within the 25-foot riparian area.

<u>Condition 14.d</u> - No decks, patios, outdoor furnishings, or exterior lighting shall be installed within the twenty-five (25) foot riparian zone. No maintenance, including mowing, trimming, and removal, of vegetation within the riparian zone shall take place without written prior approval from the Planning Department.



Figure 3: Straw Waddle and Silt Fencing

Compliance: As shown in the attached plan set, there are no decks, patios, furnishings, or exterior lighting proposed within the riparian zone. There are patios that abut the riparian zone that are addressed by Condition 15 below. Staff recommends condition of approval #11 to ensure the maintenance provisions of this condition remain in effect.

<u>Condition 14.e</u> - A single, natural (stone, gravel, decomposed granite or similar) walkway to the water's edge shall be constructed.

Compliance: This condition of approval was a carry-over from the 2008 PUD/CUP and Design Review approvals. The 2008 approval showed a gravel pathway from the at-grade patio on the south side of the hotel to the water's edge as shown in red in Figure 4 below. As stated in the PUD/CUP documents "Restoration of Trail Creek riparian setback, provision of overlook and trail to creek" were considered special development objectives seen as public benefits that supported the waivers requested by the project in 2008. The purpose of the condition was to ensure that adequate and thoughtful public access be provided through the redevelopment of the subject property.

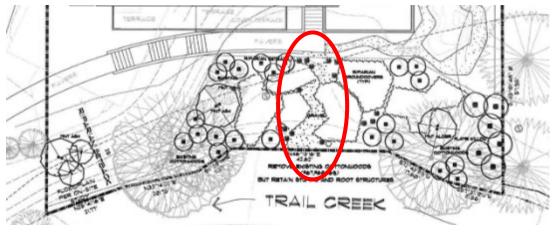


Figure 4: 2008 Approved Gravel Path

In an effort to develop a comprehensive restoration plan for the subject property, Planning and Building staff, the City Arborist, and the applicant team conducted a site visit in May 2025. During that visit, it became clear to city staff that the feasibility of providing river access on the hotel property was limited due to access and concerns related to bank stability. The proposed plan includes riparian restoration, and a creek overlook as required, however, staff is recommending an alternative river access location from what was approved in 2008 for the following reasons:

"Water's edge" in the condition of approval implies the mean high-water mark based on the 2008 plans. The bank has significantly eroded over time and there is currently an approximate four to five foot steep drop from the top of the bank to the mean high-water mark. The condition of approval specifies "stone, gravel, decomposed granite, or similar" with limited grading required to achieve the requirement. Either, a detailed grading and drainage plan was not reviewed at the time, or the site conditions between 2008 and today have deteriorated significantly over time. The velocity of water in this location is also higher than other locations along the creek because the creek banks toward the property in this location, increasing likelihood of erosion and increased maintenance demands over time. Staff believe the amount of disturbance and armoring required to provide an access at this location is more extensive than originally anticipated and would require the removal of healthy and established riparian areas to achieve the river access.

Staff is also concerned about the amount of foot traffic generated by patrons and visitors to the hotel in addition to members of the public who wish to access Trail Creek in this location. River access points are most often used for fisherman's access, with low number of annual visitors. Providing a public

access to Trail Creek directly adjacent to the paver terrace of the hotel will draw visitors and guests (and potentially their pets) to the river at a higher number than the gravel path was designed for. As seen at Lucy Lochen Park, when river access points are provided in higher traffic areas, bank erosion is highly likely without substantial improvements (rock steps or other armoring) to minimize impacts from foot and animal traffic.

Finally, the pedestrian access to the overlook and Trail Creek path is from Hwy 75, not Leadville Ave. There is no street parking on Hwy 75, limiting access to pedestrians that live or work near the western side of the development. Pedestrian access to the overlook from the Leadville Ave side of the development is not ideal for pedestrians and partially obstructed due to the placement of mechanical equipment and back of house operations for the hotel.

Therefore, staff recommends a separate river access be provided on city property adjacent to the Leadville Bridge at Trail Creek at the expense of the applicant. See Figure 5 for the approximate location. This location is near the subject property, provides on-street parking opportunities for fishermen, and requires less disturbance of the bank due to minimal topography change in this

location. The addition of a river access in this location would increase access opportunities for enjoyment of the creek as the overlook would be accessible from Hwy 75 and the creek access would be accessible from Leadville Ave. The proposed location is where the creek curves to the south where erosion pressure on is on the southern bank of the creek rather that the northern bank, resulting in less erosion issues at the access point than the previously approved location. The city has received two separate bids for the cost of construction of the river access ranging from \$10,000-\$12,000. The city plans to complete



Figure 5: Proposed River Access

the river access in Summer 2026 once peak flow conditions in Trail Creek have subsided. Condition of approval #15 outlines the applicant's financial obligation for the construction of the access in this location.

Condition 15 - The applicant shall provide for an appropriate landscaped buffer, signage, and trash receptacles between the lower paver terrace and the riparian area for the purpose of a) protecting the riparian area from damage and debris, b) focusing access to the creek to one location, c) reducing the likelihood of social trail development, and d) educating the public and visitors about the riparian area and Trail Creek. The landscape buffer may include hedges, fences, and other vertical elements that provide visibility into the riparian area but deter from multiple access points. A revised landscape plan demonstrating this requirement must be submitted for review and approval by the Planning Department at the time of building permit application.

Compliance: The 2023 Design Review approval, shown in Figure 6 below, included an at grade paver terrace almost the full length of the property along the southern end of the building. In Figure 6, the 25-foot riparian setback is the top-most black dashed line noted as "25' RSB". At the time, staff was concerned about the undefined nature of the transition between the paver terrace and the riparian area and recommended condition #15 to address those concerns at a future date.

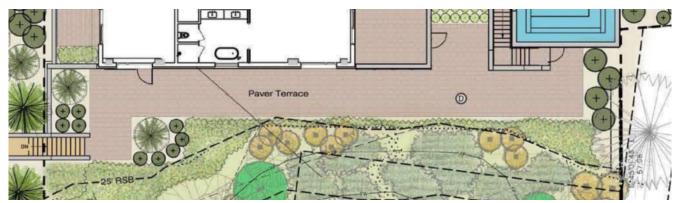


Figure 6: 2023 Design Review Approval

In conjunction with addressing the transition area between the two spaces, as required per the condition, the size and orientation of the paver terrace have been revised. In large part, this was due to changes of the programming of the interior spaces adjacent to the terrace, but it created opportunities to revisit the landscape plan in this area holistically with the riparian restoration work. The revised landscape plan can be found in Attachment B. In Figure 7 below, the revised landscape plan shows the 25-foot riparian setback shown in the black dashed line. The figure also shows the areas of the paver terrace that are at grade and would allow access to the riparian areas without additional protection.

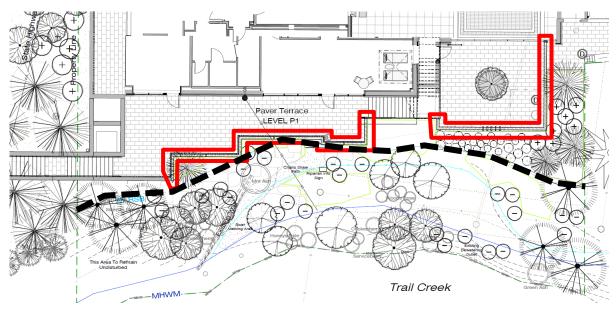


Figure 7: Proposed Landscape Plan

Per the condition of approval, the applicant was required to provide "an appropriate landscaped buffer, signage, and trash receptacles". The proposed plan includes the revegetation of the riparian area with shrubs, grasses, and trees as the current condition is quite dilapidated along the riparian setback line. Further discussion of the riparian restoration plantings can be found in the floodplain criteria section below. In addition, there is some boulder retaining near the existing retaining wall to ensure slope stability as the riparian area transitions from Hwy 75 toward Leadville Ave.

At the transition between the paver terrace and the riparian area (areas highlighted red in Figure 7) the applicant is proposing a live edge wood louvered fence. The riparian restoration plan also includes additional plantings along the fenceline to reinforce the riparian setback. Figure 8 shows an elevation of the proposed fence treatment. Figure 9 is a section showing the transition between the paver terrace and riparian area at

the far northeast end of the paver terrace. Additional sections can be found on Sheet L3.1. Finally, the applicant has placed a trash receptacle and riparian information signage at the entrance to the foot path leading to the creek overlook (see Figure 10).

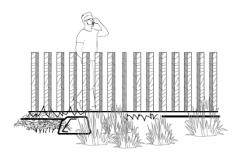


Figure 8: Proposed Riparian Fence



Figure 9: Cross Section of Terrace/Riparian

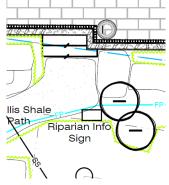


Figure 10: Trash and Info Sign Locations

# Staff believe that the proposed

improvements meet the requirements of condition 15 of the 2023 Design Review approval. Staff is recommending the Commission require review and approval of riparian information signage content by the Planning and Building Department (condition #5).

# Floodplain Criteria

Attachment D includes a full review of all criteria outlined in KMC 17.88.050.E. Much of the criteria applies to the development of structures within the floodplain and is not applicable to this application. The hotel building, as approved, does not encroach into the floodplain or riparian area and is therefore not the subject of this application review. Additionally, no work is being proposed within the floodway or below the mean highwater mark on the subject property. Therefore, the stream alteration criteria in KMC 17.88.050.E does not apply. Based on review of the applicable criteria, staff believe that the proposed project meets the criteria with recommended conditions of approval. Below is an overview of the criteria and rational for staff's recommended conditions of approval for consideration.

<u>Riparian Plantings</u> – KMC 17.88.050(E)4 states "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 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".

The proposed revegetation plan includes a variety of grasses, shrubs, and trees. As shown in the project plans, additional trees and shrubs are proposed closer to the stream bank to further reinforce the bank naturally rather than armoring the bank with rock. There is significant distance between the top of the bank to the mean high-water mark, up to four feet or more in some areas, therefore the proposed plan does include the planting of riparian grasses and shrubs in the area closest to the 25-foot setback. Species proposed in the plant list include many plants on the Blaine County Wetland and Riparian Plant List that is used as guidance by the City of Ketchum. However, there are a few species proposed that are not included in that list. Condition of approval #4 requires that the plant list be updated to only reference species from the Blaine County Wetland and Riparian List for final review and approval by the Planning Department prior to start of restoration work. The condition also requires that any changes to the plant species due to issues with availability or procurement must be approved by the Planning Department prior to installation.

<u>Permanent Development</u> – KMC 17.88.050(E)3 states "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" with a few exceptions outlined in the title. There are two items considered "permanent development" that are within the 25-foot riparian area, the foot path to the creek overlook and a groundwater discharge pipe that discharges water from the foundation dewatering system for the building. Both items were requirements of the 2008 PUD/CUP and Design Review that were re-instated by the City Council in 2022.

The finished floor elevation of the bottom level of the building is below the water table during spring runoff and therefore requires a dewatering system to ensure that no damage to the structural integrity of the building occurs. Water from the dewatering system runs through a pipe from the building foundation and discharges directly into Trail Creek. Water being discharged is fresh and clean groundwater and does not require treatment prior to discharge.

The gravel path to the creek overlook is adjacent to the existing rock retailing wall that is proposed to remain. The gravel path is intended to provide a defined pathway that allows for observation of the creek and riparian area but deters visitors from developing social paths in other areas of the riparian area. The creek overlook path does not extend into the river channel due to the steep grade of the bank and concerns related to erosion and bank stability without greater armoring than is intended with this criterion.

### **STAFF RECOMMENDATION:**

Staff recommend **approval** of the Floodplain Development Permit application (File No. P25-046) subject to the following conditions:

- 1. The terms of this approval shall be per the provisions of KMC 17.88.050.D.3.G Terms of Approval.
- 2. This approval is only for the scope of work outlined in the application narrative and project plans dated October 24, 2025 and as conditioned hereon.
- 3. Any modification to approved plans as referenced in this approval shall be considered an amendment to this permit, and may require a public hearing, considered for review under the requirements of KMC 17.88.050.D.
- 4. The landscape plan shall be revised to reference plants species from the 2021 Blaine County Wetland and Riparian Plant List and shall be submitted for review and approval by the Planning Department prior to installation of any plant species. Any changes to the approved plant list due to limited availability shall be submitted in writing to the Planning Department and shall be reviewed and approved prior to installation of any plant species.
- 5. Prior to commissioning of the riparian information signage, educational content shall be submitted to the Planning Department for review and approval.
- 6. Prior to start of construction, the applicant shall submit a comprehensive construction management plan for review and approval by the City Engineer and Planning Department.
- 7. 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.
- 8. If construction or improvements differ from the approved plans, such work may be subject to removal or require an amendment to the permit at the applicant's expense.
- 9. Following project completion, upon an annual inspection, if 80% or fewer of the plants indicated on the Landscape Plan have not survived, the property owner shall re-install new plantings. This includes ground cover and grasses, shrubs, and trees.

- 10. Maintenance of the riparian area, including but not limited to, trash and debris removal, maintenance of the gravel path and overlook, and installation of new plantings shall be at the expense of the property owner.
- 11. No mowing, trimming, or removal of vegetation within the riparian zone shall take place without written prior approval from the Planning Department and City Arborist.
- 12. No use of restricted use chemicals or soil sterilants are permitted within one hundred feet (100') of the mean high-water mark on the subject property at any time (KMC 17.88.040.C.3).
- 13. 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, must be done by a licensed applicator and applied at the minimum application rates (KMC 17.88.040.C.4).
- 14. Application times for herbicides and/or pesticides shall 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).
- 15. The applicant shall be responsible for the full cost of constructing a river access at the location of Leadville Ave and Trail Creek. Within 60 days of completions of the river access construction, the city shall invoice the applicant for the full cost of construction. The applicant shall pay the full amount of the invoice within 60 days.
- 16. 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.

### **RECOMMENDED MOTION:**

"I move to approve the Floodplain Development Permit application for riparian restoration, as conditioned, and approve the Findings of Fact, Conclusions of Law, and Decision."

### **ATTACHMENTS:**

- A. Application and Narrative
- B. Project Design Drawings
- C. Photo Gallery
- D. Draft Findings of Fact, Conclusions of Law, and Decision



# ATTACHMENT A: Application and Narrative

OFFICIAL USE ONLY
File Number: P25-046
Date Received: 9/19/25
By: GB
Fee Paid: \$950
Approved Date:
Denied Date:
Ву:

# **Floodplain Development Permit Application**

Submit completed application and documentation to <a href="mailto:planningandbuilding@ketchumidaho.org">planningandbuilding@ketchumidaho.org</a> Or hand deliver to Ketchum City Hall, 191 5<sup>th</sup> St. W. Ketchum, ID If you have questions, please contact the Planning and Building Department at (208) 726-7801. To view the Development Standards, visit the City website at: <a href="mailto:www.ketchumidaho.org">www.ketchumidaho.org</a> and click on Municipal Code. You will be contacted and invoiced once your application package is complete.

# When is a Floodplain Development Permit Application required?

The Floodplain Management Overlay Zoning District boundaries are represented on the official zoning map of the City.

All land within the external boundary of the special flood hazard area (SFHA) and all parcels with any portion thereof affected by said SFHA shall be considered to be within the Floodplain Management Overlay Zoning district.

All land areas within the external boundary of the SFHA shall be considered to be within the floodplain subdistrict of the Floodplain Management Overlay Zoning District. The City may make necessary interpretations of the boundary based upon the recommendation of the City Engineer or other expert.

All land areas within the external boundary of the regulatory floodway shall be considered to be within the floodway subdistrict of the Floodplain Management Overlay Zoning District. The City may make necessary interpretations of the boundary based upon the recommendation of the City Engineer or other expert.

NOTE: This permit is required for all properties containing 100 year floodplain area and Riparian Setbacks

Property Owner Name(s): Harriman Ketchum Hotel, LLC					
Property Owner's Mailing Address: P.O. Box 84, Sun Valley, Idaho 83353					
Phone: (650) 906-5636					
Email: jack@waypointsunvalley.com					
PROJECT INFORMATION					
Project Name: The Harriman, A Viceroy Resort					
Project Representative's Name (main point of contact for project): Jack Bariteau					
Project Representative's Phone: (650) 906-5636					
Project Representative's Mailing Address: P.O. Box 84, Sun Valley, Idaho 83353					
Project Representative's Email: jack@waypointsunvalley.com					
Architect's name, phone number, e-mail: John Davis (HWI); davis@hwiarchitects.com					
Landscape Architect's name, phone number, e-mail: Rob King (Landwork Studio); rob@landworkstudio.com					
Environmental consultant's name, phone number, e-mail:					
Engineer's name, phone number, e-mail: Jeff Loomis, (Galena-Benchmark); jeff@galena-benchmark.com					
Project Address: 300 East River Street, Ketchum, Idaho					
Legal Description of parcel: Lot 2, Block 83 of Replat of Block 83, Original Town of Ketchum					
Lot Size: 0.93 acres					
Zoning District: <b>Tourist</b>					
Overlay Zones – indicate all that apply: 🔳 Floodplain 🗆 Floodway 🔳 Riparian Zone 🗀 Avalanche 🗀 Mountain					
Brief description of project scope:					
Clean up and restoration of riparian vegetation. Provide public access to Trail Creek in riparian zone.					
(See attached landscape plan prepared by Landwork Studio)					
Value of Project: \$ <b>To be determined</b>					
TYPE OF PROJECT – indicate all that apply:					

☐ New Building in Floodplain	☐ Building Addition in Floodplain	☐ Emergency Streambank	★ Other. Please describe:	
☐ Floodplain Development	☐ Streambank Stabilization /	Stabilization / Stream	Riparian zone vegetation	
	Stream Alteration	Alteration	restoration	
PROPOSED SETBACKS – if project	is a new building or an addition to ar	existing building		
Front: NA to this application	Side: NA to this application	Side: NA to this application	Rear: 25' from OHWM	
ADDITIONAL INFORMATION	是是这些可能是不是一种的	(A) (E) (E) (E) (E) (E) (E) (E) (E) (E) (E		
Will fill or excavation be required i	n floodplain, floodway or riparian zon	e? Yes □ No		
If Yes, Amount in Cubic Yards:	Fill: CY Excavation:	CY		
Will Existing Trees or Vegetation b	e Removed? Yes	No □		
Will new trees or vegetation be pla	anted? Yes No	<b>D</b>		
Application, in which the City of k		v reasonable attornev fees, inclu	iding attorney fees on appeal, and	



Date: October 24, 2025

To: Morgan Landers, City of Ketchum

From: Rob King

Re: Harriman Hotel

Floodplain Development - Evaluation Standards

The following is a narrative addressing the pertinent Evaluation Standards for the Floodplain Development Application #1-8. Refer to the Riparian Restoration Plan L-4.0 for additional information.

### 1. Restoration

The proposed restoration plan and actions are designed to achieve full restoration of the site and work to sustain a native plant community consistent with plant species established adjacent to the site and typical for natural areas within the Trail Creek corridor.

### 2. Encroachment

No encroachments will occur within the 25' Riparian Zone, other than restoration work that is necessary to adequately re-vegetate the existing area which has been previously degraded.

# 3. Permanent Development

An existing "historic" masonry stone retaining wall is proposed to remain. In order to preserve the wall, and to minimize the need for additional structural walls, landscape boulder retaining is proposed (and only where necessary). A single defined gravel path is proposed to provide access to a river viewing area, in order to mitigate multiple undefined social paths.

# 4. Riparian Plantings

All of the proposed riparian plantings are native species that are appropriate for the specific site conditions. All dead, dying, diseased, hazardous, and non-native/invasive plants will be removed. The riparian restoration includes allowing re-establishment of understory plantings for natural regeneration.

# 5. Floodplain and Floodway

Nothing is proposed as part of the restoration plan that would negatively affect the functioning of the floodplain. All grading, excavation, and riparian restoration work will be implemented above the ordinary high water, and outside of the delineated floodplain and floodway.

# 6. Floodwater Carrying Capacity

No Fill will be placed within the delineated floodplain or floodway.

# Landwork Studio IIc LANDSCAPE ARCHITECTURE + DESIGN

# 7. Impacts

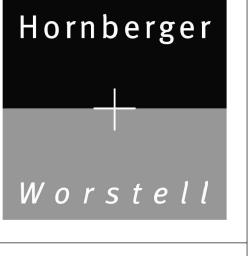
The proposed restoration will only improve the existing conditions, and will not negatively impact Trail Creek, aquatic life, recreation, or water quality.

# 8. Building Setback

The adjacent building is setback in excess of the minimum 25' required. The setback of the building from the 25' Riparian Zone varies - from 25' on the west side, to 10' in the center, and 40' on the east side. The associated patios are also setback further than the minimum 25', which provides additional area that will be revegetated with riparian plantings.



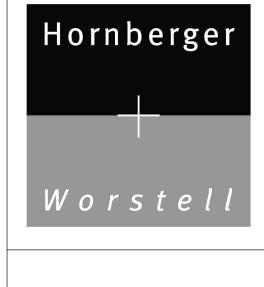
# ATTACHMENT B: Project Design Drawings



REV 3 - CITY COMMENTS 10.24.2025 REV 2 - CITY COMMENTS 07.15.2025 REV 1 - CITY COMMENTS 05.30.2025 BUILDING PERMIT SET 02.28.2025

1" = 20'-0" @ Half Size

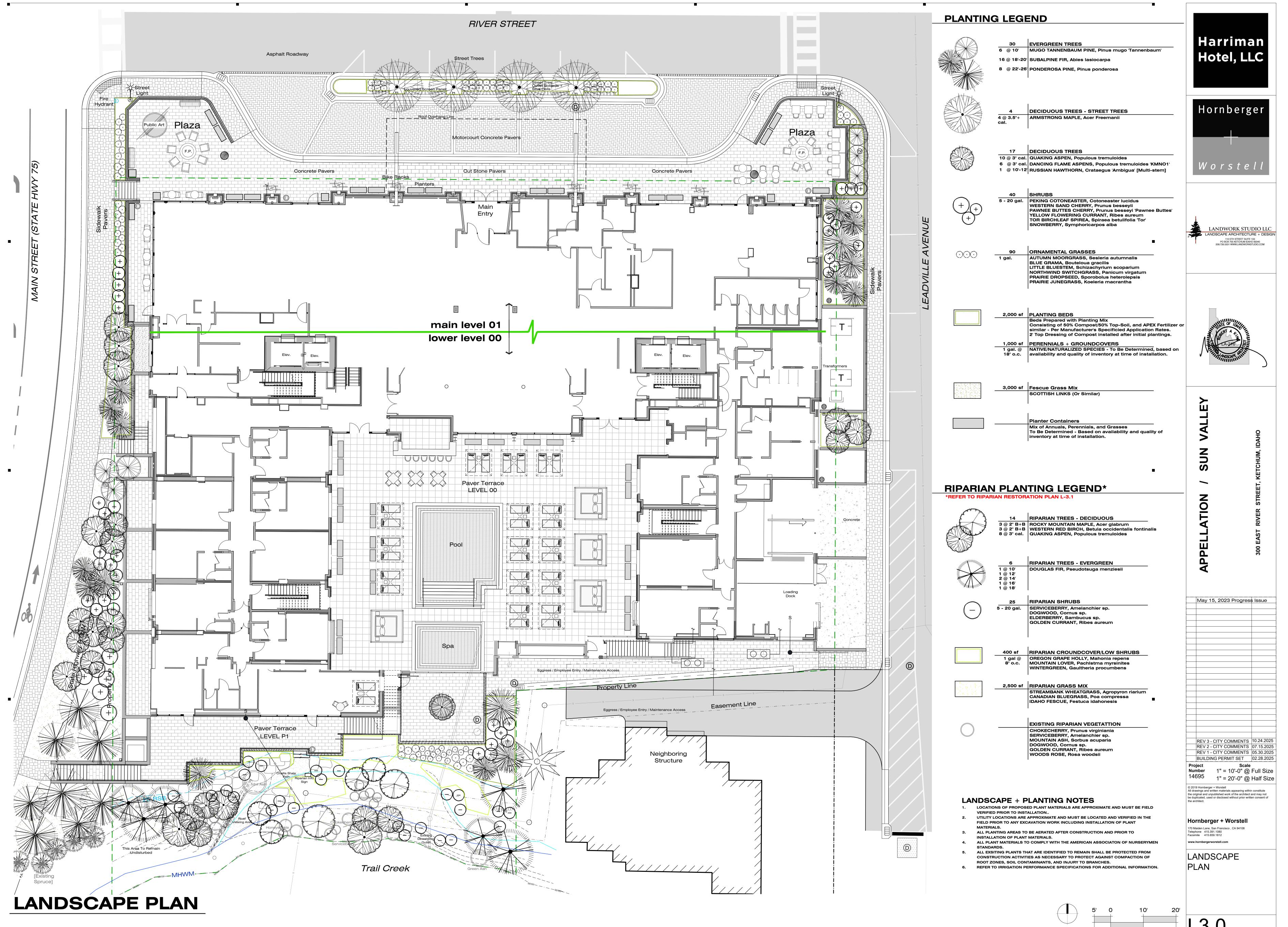
Harriman Hotel, LLC





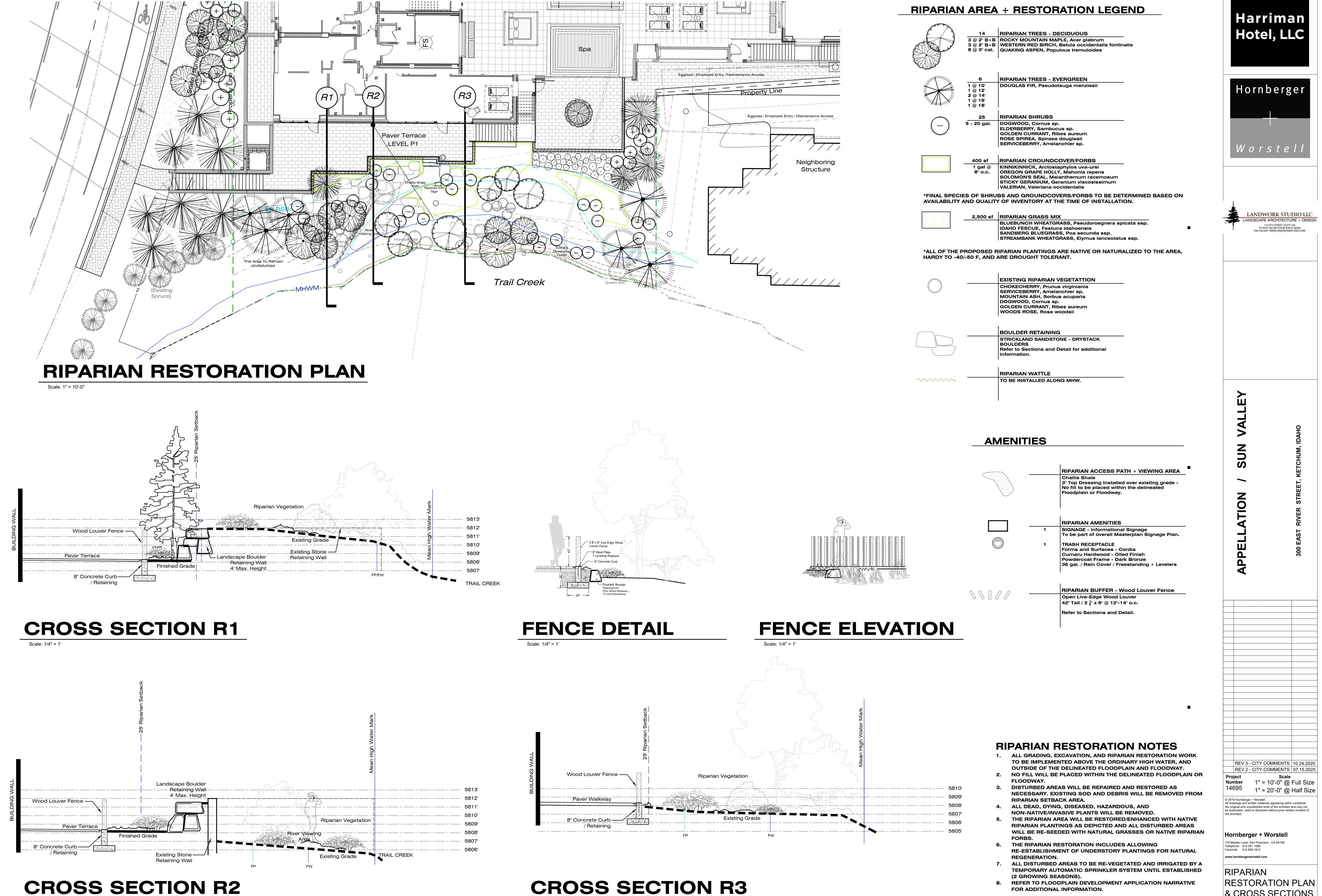


REV 3 - CITY COMMENTS 10.24.2025 REV 2 - CITY COMMENTS 07.15.2025 REV 1 - CITY COMMENTS 05.30.2025 BUILDING PERMIT SET 02.28.2025 Project Scale
Number 1" = 10'-0" @ Full Size
14695 1" = 20'-0" @ Half Size 1" = 20'-0" @ Half Size



OWNERSHIP OF DOCUMENTS: THIS ELECTRONIC DOCUMENT AND THE CONTENTS CONTENTS CONTENTS CONTENTS CONTENTS, AND GRAPHIC SYMBOLS) ARE THE PROPERTY OF LANDWORK STUDIO LLC, AND SHALL NOT BE USED IN WHOLE OR IN PART, BY ANY OTHER PERSON OR PERSONS WITHOUT THE WRITTEN AUTHORIZATION OF LANDWORK STUDIO LLC.

NOT FOR CONSTRUCTION



Scale: 1/4" = 1'

Scale: 1/4" = 1'

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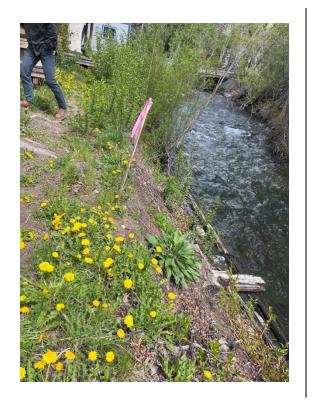
& CROSS SECTIONS

FOR ADDITIONAL INFORMATION.



# ATTACHMENT C: Photo Gallery

# **EXISTING CONDITIONS PHOTO GALLERY**



View toward Leadville Ave Bridge



View west toward Hwy 75



Groundwater discharge pipe



Established riparian area along creek



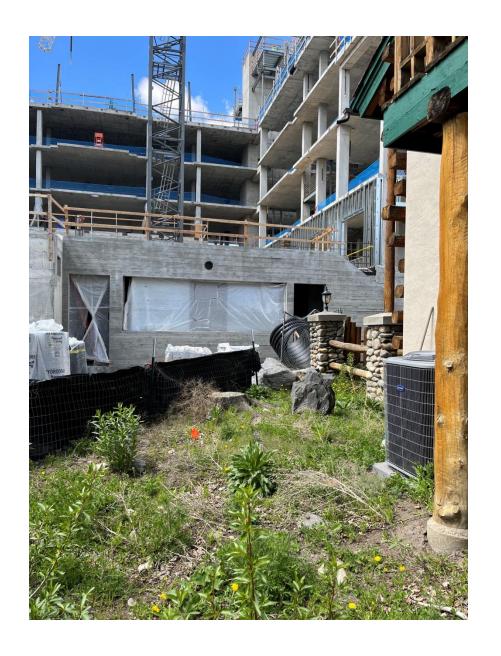
View of grade change looking toward Hwy 75



Existing rock retaining wall at toe of slope



View of grade change looking toward Hwy 75



# View of construction staging from riparian area





View of riparian area conditions looking east



Tree removal locations in riparian area



View of riparian area conditions looking east



# ATTACHMENT D: DRAFT Findings of Fact, Conclusions of Law, and Decision



IN RE:	)
	)
Hotel Riparian Restoration	) KETCHUM PLANNING AND ZONING COMMISSION
Floodplain Development Permit	) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
File Number: P25-046	) DECISION
	)
Date: December 9, 2025	

**PROJECT:** Hotel Riparian Restoration

FILE NUMBER: P25-046

**REPRESENTATIVE:** Jack Bariteau, Managing Member

OWNER: Harriman Ketchum Hotel, LLC

**REQUEST:** Floodplain Development Permit for major riparian alteration and restoration

along Trail Creek.

LOCATION: 300 E River Street (KETCHUM REPLAT BLK 83 LOT 2)

**ZONING:** Tourist (T)

**OVERLAY:** Floodplain Management Overlay

Waterways Review District

# RECORD OF PROCEEDINGS

A floodplain development permit application was received on September 19, 2025, and routed to all staff departments for review. Following two rounds of review, the application was scheduled for public hearing with 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 November 18, 2025. The notice was published in the Idaho Mountain Express on November 19, 2025. A notice was posted on the City's public notice webpage on November 21, 2025. The application materials were posted on the Planning and Building Active Applications webpage, and the notice was posted on the project site on November 24, 2025. The application was heard at a public hearing of the Planning and Zoning Commission on December 9, 2025.

### **BACKGROUND**

The property is located at 300 E River Street, spanning the block between Leadville Ave and Main Street (Hwy 75) along E River Street (the "subject property"). The property is zoned Tourist (T) and includes area



within the Floodplain Management Overlay District and the Waterways Review District. The subject property is the future location of the Viceroy Hotel currently under construction. The subject property is adjacent to Trail Creek.

The 2008 Design Review approval of the hotel on the subject property was reinstated by the City Council in June 2022. After that reinstatement, an amendment to the reinstated Design Review was submitted by the owner and a public process was conducted to review the amended Design Review application. The amended Design Review was approved by the Planning and Zoning Commission on February 14, 2023, with 21 conditions. The Design Review amendment did not include any changes to the riparian restoration plan approved in 2008, however, staff and the applicant agreed at the time that the 2008 restoration plan was not adequate and should be revisited later. As such, Conditions of Approval #14 and #15 were included in the Design Review Amendment approval and are specifically related to landscaping improvements adjacent to and within the 25-foot riparian area, and how those improvements would be reviewed. The full language of the conditions can be found in the analysis section below.

Condition 14 required a Floodplain Development Permit be submitted prior to issuance of a building permit. At the time of building permit submittal, the complexity and timing of the project warranted a bifurcated approach to permitting where the city only issued a permit for the core and shell of the building and deferred all interior tenant improvements permits, civil engineering/sitework improvements, and landscaping permits to future dates. The applicant submitted a Floodplain Development Permit for Major Riparian Restoration on September 19, 2025. The full application and project narrative are included in Attachment A. The proposed landscape plan and restoration plan are included as Attachment B. To date, no work has been conducted within the 25-foot riparian area on the subject property.

There are portions of the riparian area that is significantly degraded and bare, while other areas are fairly well established. The riparian area closest to Hwy 75 begins approximately at-grade with the highway, sloping downward for a third of the area and then abruptly drops approximately six to seven feet where an old river rock retaining wall exists. From the base of the retaining wall, the grade is relatively flat for the remaining extent of the riparian area to the property line. As part of the 2008 Design Review approval, an inventory of trees was conducted by an arborist as many of the large trees in the riparian area were dead or diseased. The approval included the requirement for healthy trees to remain and dead/diseased trees to be removed. That work did not occur until 2023 under the direction of the City Arborist and Planning Department staff. Stumps remain in the riparian area from where trees were removed during this work. These stumps are proposed to remain as the root systems of the stumps provide significant bank stabilization.

The proposed project includes removal of all dead, diseased, invasive, and non-native plant species and the retention of all healthy mature vegetation that contributes to the health of the riparian area. There is a small gravel pathway from the paver terrace to a creek overlook backed by the old retaining wall. Minimal grading work is required for the project, mostly outside the floodplain boundary to shore up the retaining wall and smooth out the grade transition from southwest to northeast along the creek.

### FINDINGS OF FACT



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 conditions of approval of the 2023 Design Review and 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:

# FINDINGS REGARDING COMPLIANCE OF DESIGN REVIEW CONDITIONS OF APPROVAL

<u>Condition 14.a</u> - A floodplain development permit including a detailed plant materials list, detailed plans for riparian restoration, and plans for protection of riparian area and the creek (from debris, chemicals, and erosion) during construction shall be submitted for review and approval by the Planning Department prior to issuance of a building permit.

Compliance: This floodplain development permit includes the information outlined. A construction management plan is currently in place that includes protections for the riparian area and creek. As further discussed below in the review of the floodplain criteria, staff is recommending conditions of approval #12-15 to ensure that the city's regulations regarding chemical applications are adhered to. Additionally, as required in Condition 14.c of the Design Condition of approval #6 requires the amendment of the existing construction management plan to address construction management best practices during riparian restoration work.

<u>Condition 14.b</u> - Riparian vegetation and other landscaping shall be maintained in perpetuity as shown on approved plans.

*Compliance*: Condition of approval #10 outlines this requirement and notes that ongoing maintenance are to be conducted at the expense of the property owner.

<u>Condition 14.c</u> - Construction and silt fencing shall be located at the twenty-five (25) foot setback line prior to issuance of a building permit and shall remain in place for the duration of construction to limit the disturbance to the riparian areas. No construction materials shall be placed, and no construction staging shall occur within the riparian setback at any time. Prior to start of riparian restoration, a construction activity plan specifically focused on the riparian work must be submitted for review and approval by the Planning Department.

Compliance: The required construction and silt fencing was placed at the 25-foot riparian setback line prior to start of construction of the core and shell portions of the building and remain in place today (see Figure 3). As required, no construction materials or construction related activities have been conducted within the 25-foot riparian area.

<u>Condition 14.d</u> - No decks, patios, outdoor furnishings, or exterior lighting shall be installed within the twenty-five (25) foot riparian zone. No maintenance, including mowing, trimming, and removal, of



Figure 1: Straw Waddle and Silt Fencing



vegetation within the riparian zone shall take place without written prior approval from the Planning Department.

Compliance: As shown in the attached plan set, there are no decks, patios, furnishings, or exterior lighting proposed within the riparian zone. There are patios that abut the riparian zone that are addressed by Condition 15 below. Condition of approval #11 ensures the maintenance provisions of this condition remain in effect.

<u>Condition 14.e</u> - A single, natural (stone, gravel, decomposed granite or similar) walkway to the water's edge shall be constructed.

Compliance: This condition of approval was a carry-over from the 2008 PUD/CUP and Design Review approvals. The 2008 approval showed a gravel pathway from the at-grade patio on the south side of the hotel to the water's edge as shown in red in Figure 4 below. As stated in the PUD/CUP documents "Restoration of Trail Creek riparian setback, provision of overlook and trail to creek" were considered special development objectives seen as public benefits that supported the waivers requested by the project in 2008. The purpose of the condition was to ensure that adequate and thoughtful public access be provided through the redevelopment of the subject property.

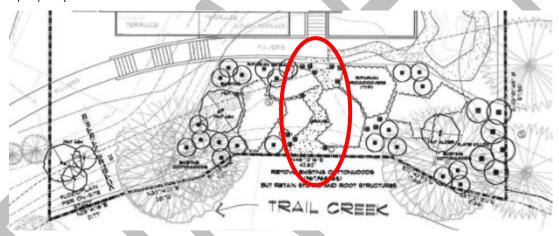


Figure 2: 2008 Approved Gravel Path

In an effort to develop a comprehensive restoration plan for the subject property, Planning and Building staff, the City Arborist, and the applicant team conducted a site visit in May 2025. During that visit, it became clear to city staff that the feasibility of providing river access on the hotel property was limited due to access and concerns related to bank stability. The proposed plan includes riparian restoration, and a creek overlook as required, however, the Commission is approving an alternative river access location from what was approved in 2008 for the following reasons:

"Water's edge" in the condition of approval implies the mean high-water mark based on the 2008 plans. The bank has significantly eroded over time and there is currently an approximate four to five foot steep drop from the top of the bank to the mean high-water mark. The condition of



approval specifies "stone, gravel, decomposed granite, or similar" with limited grading required to achieve the requirement. Either, a detailed grading and drainage plan was not reviewed at the time, or the site conditions between 2008 and today have deteriorated significantly over time. The velocity of water in this location is also higher than other locations along the creek because the creek banks toward the property in this location, increasing likelihood of erosion and increased maintenance demands over time. The Commission believe the amount of disturbance and armoring required to provide an access at this location is more extensive than originally anticipated and would require the removal of healthy and established riparian areas to achieve the river access.

The Commission is also concerned about the amount of foot traffic generated by patrons and visitors to the hotel in addition to members of the public who wish to access Trail Creek in this location. River access points are most often used for fisherman's access, with low number of annual visitors. Providing a public access to Trail Creek directly adjacent to the paver terrace of the hotel will draw visitors and guests (and potentially their pets) to the river at a higher number than the gravel path was designed for. As seen at Lucy Lochen Park, when river access points are provided in higher traffic areas, bank erosion is highly likely without substantial improvements (rock steps or other armoring) to minimize impacts from foot and animal traffic.

Finally, the pedestrian access to the overlook and Trail Creek path is from Hwy 75, not Leadville Ave. There is no street parking on Hwy 75, limiting access to pedestrians that live or work near the western side of the development. Pedestrian access to the overlook from the Leadville Ave side of the development is not ideal for pedestrians and partially obstructed due to the placement of mechanical equipment and back of house operations for the hotel.

Therefore, the Commission approves a separate river access be provided on city property adjacent to the Leadville Bridge at Trail Creek at the expense of the applicant. This location is near the subject property, provides on-street parking opportunities for fishermen, and requires less disturbance of the bank due to minimal topography change in this location. The addition of a river access in this location would increase access opportunities for enjoyment of the creek as the overlook would be accessible from Hwy 75 and the creek access would be accessible from Leadville Ave. The proposed location is where the creek curves to the south where erosion pressure on is on the southern bank of the creek rather that the northern bank, resulting in less erosion issues at the access point than the previously approved location. The city has received two separate bids for the cost of construction of the river access ranging from \$10,000-\$12,000. The city plans to complete the river access in Summer 2026 once peak flow conditions in Trail Creek have subsided. Condition of approval #15 outlines the applicant's financial obligation for the construction of the access in this location.

<u>Condition 15</u> - The applicant shall provide for an appropriate landscaped buffer, signage, and trash receptacles between the lower paver terrace and the riparian area for the purpose of a) protecting the riparian area from damage and debris, b) focusing access to the creek to one location, c) reducing the likelihood of social trail development, and d) educating the public and visitors about the riparian area and Trail Creek. The landscape buffer may include hedges, fences, and other vertical elements that provide visibility into the riparian area but deter from multiple access points. A revised landscape plan



demonstrating this requirement must be submitted for review and approval by the Planning Department at the time of building permit application.

Compliance: The 2023 Design Review approval, included an at grade paver terrace almost the full length of the property along the southern end of the building. At the time, the Commission was concerned about the undefined nature of the transition between the paver terrace and the riparian area and recommended condition #15 to address those concerns at a future date.

In conjunction with addressing the transition area between the two spaces, as required per the condition, the size and orientation of the paver terrace have been revised. In large part, this was due to changes of the programming of the interior spaces adjacent to the terrace, but it created opportunities to revisit the landscape plan in this area holistically with the riparian restoration work.

Per the condition of approval, the applicant was required to provide "an appropriate landscaped buffer, signage, and trash receptacles". The proposed plan includes the revegetation of the riparian area with shrubs, grasses, and trees as the current condition is quite dilapidated along the riparian setback line. Further discussion of the riparian restoration plantings can be found in the floodplain criteria section below. In addition, there is some boulder retaining near the existing retaining wall to ensure slope stability as the riparian area transitions from Hwy 75 toward Leadville Ave.

At the transition between the paver terrace and the riparian area the applicant is proposing a live edge wood louvered fence. The riparian restoration plan also includes additional plantings along the fenceline to reinforce the riparian setback. The plan set included as an attachment to these findings show an elevation of the proposed fence treatment and a section showing the transition between the paver terrace and riparian area at the far northeast end of the paver terrace. The application materials also show the location of the trash receptacle and information signage. Condition of approval #5 outlines the requirement of review and approval of information sign content by the Planning Department prior to installation.

The Commission finds that, as conditioned, the application meets all the requirements of the applicable 2023 Design Review conditions of approval.

# FINDINGS REGARDING COMPLIANCE WITH FLOODPLAIN DEVELOPMENT STANDARDS

	Floodplain Development Permit Requirements				
1	1. Evaluation Standards: 17.88.050€				
Co	omplia	nt		Standards	
Yes	No	N/	Guideline	City Standards	
		Α			
$\boxtimes$			17.88.050(E)1	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	



			Floor	dplain Development Permit Requirements	
1	1. Evaluation Standards: 17.88.050€				
Compliant			Standards		
Yes	No	N/ A	Guideline	City Standards	
				river channel unless all stream alteration criteria for evaluation are also met.	
			Finding	The proposed project does not include any work below the mean highwater mark within the floodway therefore no stream alteration work is occurring. The current condition of the riparian area is significantly degraded in many sections with large portions of bare dirt, invasive species, and trash/debris that has been dumped in the area over the years. The proposed riparian restoration includes the removal of dead, diseased, and non-native species and debris and proposes to plant a variety of riparian grasses, shrubs, and trees to augment what remains from the initial cleanup efforts. Re-establishment of a healthy riparian area will support the inherent characteristics of the river by providing additional healthy habitat for bird and plant species, prevent erosion during high water periods, and provide shade of the creek to maintain moderate water temperatures for fish species.	
			17.88.050(E)2	No temporary construction activities, encroachment or other disturbance into the 25-foot riparian zone, including encroachment 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.	
			Finding	As this permit is for riparian restoration, temporary construction activities are required within the 25-foot riparian area to achieve the goals of the restoration plan as allowed by this criterion. Condition of approval #6 outlines requirements for a specific construction management plan prior to commencement of the restoration work to ensure that no negative impacts to the creek occur from construction activities.	
			17.88.050(E)3	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.	
			Finding	There are two items considered "permanent development" that are within the 25-foot riparian area, the foot path to the creek overlook	



			Floor	dplain Development Permit Requirements		
_	1. Evaluation Standards: 17.88.050€					
Compliant			Standards			
Yes	No	N/	Guideline	City Standards		
-		Α				
				and a groundwater discharge pipe that discharges water from the foundation dewatering system for the building. Both items were requirements of the 2008 PUD/CUP and Design Review that were reinstated by the City Council in 2022.  The finished floor elevation of the bottom level of the building is below the water table during spring runoff and therefore requires a dewatering system to ensure that no damage to the structural integrity of the building occurs. Water from the dewatering system runs through a pipe from the building foundation and discharges directly into Trail Creek. Water being discharged is fresh and clean groundwater and does not require treatment prior to discharge.  The gravel path to the creek overlook is adjacent to the existing rock retailing wall that is proposed to remain. The gravel path is intended to provide a defined pathway that allows for observation of the creek and riparian area but deters visitors from developing social paths in other areas of the riparian area. The creek overlook path does not extend into the river channel due to the steep grade of the bank and concerns related to erosion and bank stability without greater		
				armoring than is intended with this criterion.		
			17.88.050(E)4	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 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.		
			Finding	The proposed revegetation plan includes a variety of grasses, shrubs, and trees. As shown in the project plans, additional trees and shrubs are proposed closer to the stream bank to further reinforce the bank		



			Floor	dplain Development Permit Requirements		
	1. Evaluation Standards: 17.88.050€					
Co	mplia	nt		Standards		
Yes	No	N/	Guideline	City Standards		
		Α				
				naturally rather than armoring the bank with rock. There is significant distance between the top of the bank to the mean high-water mark,		
				up to four feet or more in some areas, therefore the proposed plan does include the planting of riparian grasses and shrubs in the area		
				closest to the 25-foot setback. Species proposed in the plant list include many plants on the Blaine County Wetland and Riparian Plant		
				List that is used as guidance by the City of Ketchum. However, there		
				are a few species proposed that are not included in that list. Condition of approval #4 requires that the plant list be updated to only		
				reference species from the Blaine County Wetland and Riparian List for final review and approval by the Planning Department prior to		
				start of restoration work. The condition also requires that any		
				changes to the plant species due to issues with availability or		
				procurement must be approved by the Planning Department prior to		
				installation.		
$\boxtimes$			17.88.050(E)5	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.		
			Finding	The landscaping proposed by the project is that of prescribed riparian		
				species that serve to enhance the flow and function of the floodplain.		
				This section of Trail Creek is known for higher velocities due to the		
				narrow channel of the creek with steep banks and steep curves which		
				limits the ability of flood waters to sheet flow. Established healthy		
				riparian areas serve to slow flood waters thus reducing erosion that		
				causes impacts downstream. No driveways or culverts are proposed		
			(700075)	within the riparian area or floodplain as part of the project.		
$\boxtimes$			17.88.050(E)6	Flood water carrying capacity is not diminished by the proposal.		
			Finding	Minimal grading work is required for the proposed project with no impact to the flood carrying capacity of the floodplain. No regrading		
				of the area within the floodplain is required except 2-3 boulders		
				downslope of the creek overlook path. All other grading work is		
				proposed outside the floodplain boundary within the riparian area to		
				stabilize the existing retaining wall and smoothly transition grade		
				from southwest to northeast.		
		<b>.</b>	1			



	Floodplain Development Permit Requirements					
1	1. Evaluation Standards: 17.88.050€					
Co	omplia	nt		Standards		
Yes	No	N/	Guideline	City Standards		
		Α				
$\boxtimes$			17.88.050(E)7	Impacts of the development on aquatic life, recreation, or water		
				quality upstream, downstream or across the stream are not adverse.		
			Finding	Healthy riparian areas are characterized by a hierarchy of plants		
				(grasses, shrubs, and trees) of varying species creating a dynamic		
				biodiverse environment that enhances habitat areas for aquatic and		
				avian species, stabilizes riverbanks, and promotes improved water		
				quality. As outlined in the criteria above, the proposed restoration		
				plan includes retention of existing healthy riparian plant species and		
				introduction of a broad hierarchy of plants to revegetate bare areas with grasses, shrubs, and trees. The proposed plan also encourages		
				natural revegetation of areas where healthy species exist and can		
				naturally re-establish throughout the riparian area.		
	П	$\boxtimes$	17.88.050(E)8	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.		
			Finding	n/a - There is no construction of buildings part of this application.		
		$\boxtimes$	17.88.050(E)9	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 section 17.88.060, 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."		
				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.		
			\	b. In the SFHA where no BFE has been established, the FPE shall be at		
				least two feet above the highest adjacent grade.		
			Finding	n/a - There are no buildings proposed with this application.		
		$\boxtimes$	17.88.050(E)1	The backfill used around the foundation in the SFHA floodplain shall		
			0	provide a reasonable transition to existing grade but shall not be used		
				to fill the parcel to any greater extent.		
				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.		



	Floodplain Development Permit Requirements					
1	1. Evaluation Standards: 17.88.050€					
Compliant			Standards			
Yes	No	N/ A	Guideline	City Standards		
			Finding	n/a - There are no buildings proposed and therefore no foundations.		
		$\boxtimes$	17.88.050(E)1	All new buildings located partially or wholly within the SFHA shall be		
			1	constructed on foundations that are designed by a licensed professional engineer.		
			Finding	n/a - There are no buildings proposed and therefore no foundations.		
П		$\boxtimes$	17.88.050(E)1	Driveways shall comply with City of Ketchum street standards; access		
			2	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.		
			Finding	n/a - As noted above, there are no changes to the existing residence		
				or driveway proposed in the application. The existing driveway and		
				residence is outside the floodplain boundary.		
$\boxtimes$			17.88.050(E)1	Landscaping or revegetation shall conceal cuts and fills required for		
			3	driveways and other elements of the development.		
			Finding	As noted above, there is minimal grading necessary to complete the		
				project. All earthwork will be revegetated per the proposed plans and		
				will not be visible following establishment of plantings after a two-		
			47.00.050/5\4	year growing period.		
			17.88.050(E)1 4	(Stream Alteration) The proposal is shown to be a permanent solution and creates a stable situation.		
			Finding	n/a – There is no work proposed within the floodway therefore there		
				is no stream alteration being proposed with the project.		
		$\boxtimes$	17.88.050(E)1	(Stream Alteration) No increase to the one percent annual chance		
			5	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		
	l '			Idaho engineer.		
			Finding	n/a – There is no work proposed within the floodway therefore there		
			47.00.050/5\4	is no stream alteration being proposed with the project.		
		$\boxtimes$	17.88.050(E)1	(Stream Alteration) The project has demonstrated no adverse impact		
			6 Finding	or has demonstrated all impacts will be mitigated.		
			Finding	n/a – There is no work proposed within the floodway therefore there		
		$\boxtimes$	17.88.050(E)1	is no stream alteration being proposed with the project.  (Stream Alteration) The recreational use of the stream including		
			7	access along any and all public pedestrian/fisher's easements and the		
			<b>'</b>	aesthetic beauty shall not be obstructed or interfered with by the		
				proposed work.		
	<b>I</b>	<b>I</b>		proposed work.		



	Floodplain Development Permit Requirements				
1	1. Evaluation Standards: 17.88.050€				
Compliant		nt	Standards		
Yes	No	N/	Guideline	City Standards	
		Α			
			Finding	n/a – There is no work proposed within the floodway therefore there	
				is no stream alteration being proposed with the project.	
		$\boxtimes$	17.88.050(E)1	(Stream Alteration) Fish habitat is maintained or improved as a result	
			8	of the work proposed.	
			Finding	n/a – There is no work proposed within the floodway therefore there	
				is no stream alteration being proposed with the project.	
		$\boxtimes$	17.88.050(E)1	(Stream Alteration) The proposed work shall not be in conflict with	
			9	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.	
			Finding	n/a – There is no work proposed within the floodway therefore there	
				is no stream alteration being proposed with the project.	
		$\boxtimes$	17.88.050(E)2	(Stream Alteration) The work proposed is for the protection of the	
			0	public health, safety and/or welfare such as public schools, sewage	
				treatment plant, water and sewer distribution lines and bridges	
			Fi 11	providing particularly limited or sole access to areas of habitation.	
			Finding	n/a – There is no work proposed within the floodway therefore there	
			47.00.050(5)2	is no stream alteration being proposed with the project.	
		$\boxtimes$	17.88.050(E)2	(Wetlands) Where development is proposed that impacts any	
			1	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.	
			Finding	n/a – There are no wetlands on the property.	
<u></u>			riliulity	n/u — There are no wedanas on the property.	

# **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. P24-057, as conditioned, 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. P25-046 this Tuesday, December 9, 2025, subject to the following conditions of approval.

# **CONDITIONS OF APPROVAL**

- 1. The terms of this approval shall be per the provisions of KMC 17.88.050.D.3.G Terms of Approval.
- 2. This approval is only for the scope of work outlined in the application narrative and project plans dated October 24, 2025 and as conditioned hereon.
- 3. Any modification to approved plans as referenced in this approval shall be considered an amendment to this permit, and may require a public hearing, considered for review under the requirements of KMC 17.88.050.D.
- 4. The landscape plan shall be revised to reference plants species from the 2021 Blaine County Wetland and Riparian Plant List and shall be submitted for review and approval by the Planning Department prior to installation of any plant species. Any changes to the approved plant list due to limited availability shall be submitted in writing to the Planning Department and shall be reviewed and approved prior to installation of any plant species.
- 5. Prior to commissioning of the riparian information signage, educational content shall be submitted to the Planning Department for review and approval.
- 6. Prior to start of construction, the applicant shall submit a comprehensive construction management plan for review and approval by the City Engineer and Planning Department.
- 7. 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.



- 8. If construction or improvements differ from the approved plans, such work may be subject to removal or require an amendment to the permit at the applicant's expense.
- 9. Following project completion, upon an annual inspection, if 80% or fewer of the plants indicated on the Landscape Plan have not survived, the property owner shall re-install new plantings. This includes ground cover and grasses, shrubs, and trees.
- 10. Maintenance of the riparian area, including but not limited to, trash and debris removal, maintenance of the gravel path and overlook, and installation of new plantings shall be at the expense of the property owner.
- 11. No mowing, trimming, or removal of vegetation within the riparian zone shall take place without written prior approval from the Planning Department and City Arborist.
- 12. No use of restricted use chemicals or soil sterilants are permitted within one hundred feet (100') of the mean high-water mark on the subject property at any time (KMC 17.88.040.C.3).
- 13. All applications of herbicides and/or pesticides within one hundred feet (100') of the mean highwater mark, but not within twenty-five feet (25') of the mean high-water mark, must be done by a licensed applicator and applied at the minimum application rates (KMC 17.88.040.C.4).
- 14. Application times for herbicides and/or pesticides shall 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).
- 15. The applicant shall be responsible for the full cost of constructing a river access at the location of Leadville Ave and Trail Creek. Within 60 days of completions of the river access construction, the city shall invoice the applicant for the full cost of construction. The applicant shall pay the full amount of the invoice within 60 days.
- 16. 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 9<sup>th</sup> day of December 2025.

Neil Morrow, Chair City of Ketchum Planning and Zoning Commission