

## ORDINANCE NUMBER 941

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING ZONING CODE TITLE 17, CHAPTER 17.88 FLOODPLAIN MANAGEMENT OVERLAY ZONING DISTRICT, SUBSECTION 17.88.060.E ADMINISTRATION, CRITERIA FOR EVALUATION OF APPLICATIONS; BY RENUMBERING THE CRITERIA AND ADDING NEW LANGUAGE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Department staff have determined that the proposed amendment will clarify language regarding private development, including private pathways and staircases with the twenty-five (25) foot riparian zone setback; and,

WHEREAS, at their July 26, 2004 meeting, the Planning and Zoning Commission gave their recommendation to the City Council to approve the amendment as proposed.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Ketchum, Idaho:

SECTION 1. That Chapter 17.88, Subsection 17.88.060.E., Zoning Code Title 17 of the City of Ketchum, Idaho is hereby amended, altered and changed by renumbering the criteria and adding the words underlined hereinbelow, as follows:

### **17.88.060 Administration.**

**E. Criteria for Evaluation of Applications.** The criteria of floodplain development permit applications, Waterways Design Review applications, and stream alteration permit applications shall be as follows:

1. Preservation or restoration of the inherent natural characteristics of the river and creeks and floodplain areas. Development does not alter river channel;
2. Preservation of riparian vegetation and wildlife habitat, if any, along the stream bank and within the required minimum twenty-five (25) foot setback or riparian zone;
3. No development other than development by the City of Ketchum or development required for emergency access shall occur within the twenty-five (25) foot riparian zone with the exception of approved stream stabilization work. The Planning and Zoning Commission may approve access to property where no other primary access is available. Private pathways and staircases shall not lead into or through the riparian zone unless deemed necessary by the Planning and Zoning Commission;
34. Plan and time frame shall be provided for restoration of riparian vegetation damaged as a result of the work done;

45. New or replacement planting and vegetation 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 include: red osier dogwood, common choke cherry, service berry, elder berry, river birch, skunk bush sumac, beeb's willow, drummond's willow, little wild rose, gooseberry, and honeysuckle;
56. Landscaping and driveway plans to accommodate the function of the floodplain to allow for sheet flooding. Flood water carrying capacity is not diminished by the proposal. 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;
67. Impacts of the development on aquatic life, recreation, or water quality upstream, downstream or across the stream are not adverse;
78. Building setback in excess of minimum required along waterways is encouraged;
89. The bottom of the lowest floor in the floodplain shall be a minimum of one foot above the I.R.F.;
910. The back fill used around the foundation in the floodplain shall provide a reasonable transition to existing grade, but shall not be used to fill the parcel to any greater extent;
1011. Driveways shall comply with effective street standards; access for emergency vehicles has been adequately provided for;
1112. Landscaping or revegetation shall conceal cuts and fills required for driveways and other elements of the development;
1213. (Stream Alteration.) The proposal is shown to be a permanent solution and creates a stable situation;
1314. (Stream Alteration.) No increase to the one hundred (100) year floodplain upstream or downstream has been certified by a registered Idaho engineer;
1415. (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;
1516. Wetlands shall not be diminished;
1617. (Stream Alteration.) Fish habitat shall be maintained or improved as a result of the work proposed;
1718. (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; and,
1819. (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.

SECTION 2. SAVINGS AND SEVERABILITY CLAUSE. It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

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

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, and approved by the Mayor this 1st day of November, 2004.



ATTEST:

Sandra E. Cady  
Sandra E. Cady, CMC  
City Treasurer/Clerk

CITY OF KETCHUM, IDAHO  
Edward Simon  
EDWARD SIMON, Mayor

APPROVED AS TO FORM  
AND CONTENT:

Benjamin W. Worst  
Benjamin W. Worst  
City Attorney

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