



## City of Ketchum

February 1<sup>st</sup>, 2021

Mayor Bradshaw and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

### **Recommendation to:**

**Hold a joint public hearing and receive public testimony on the following applications.**

- |   |                  |
|---|------------------|
| • Application for Floodplain Development Permit                   | File No. P19-062 |
| • Application for Lot Line Adjustment                             | File No. P19-064 |
| • Application for Planned Unit Development Conditional Use Permit | File No. P19-063 |
| • Application for Waiver  | File No. P20-069 |

Please see staff report on the following pages.

Public comment received is referenced on following pages and available here:

<https://www.ketchumidaho.org/citycouncil/page/public-comment-development-agreement-232020-through-present>

The complete Joint Master Record of Proceedings can be found at the following link:

<https://www.dropbox.com/sh/j22e7caksxq4yg/AAUzPfJCDqrj1vcz167A5Aga?dl=0>

**BEFORE THE CITY COUNCIL OF THE CITY OF KETCHUM**

|                                |   |                                      |
|--------------------------------|---|--------------------------------------|
| IN RE:                         | ) | <b>FILE NOS.</b>                     |
|                                | ) |                                      |
| PEG KETCHUM HOTEL, LLC         | ) | <b>P19-062 [Floodplain]</b>          |
|                                | ) | <b>P19-063 [PUD]</b>                 |
| Applicant for                  | ) | <b>P19-064 [Lot Line Adjustment]</b> |
| • Floodplain Development       | ) | <b>P20-069 [Waivers]</b>             |
| Permit                         | ) | <b>P20-015 [Design Review]</b>       |
| • Planned Unit Development     | ) |                                      |
| Conditional Use Permit         | ) |                                      |
| • Lot Line Adjustment          | ) | <b>MASTER JOINT HEARINGS STAFF</b>   |
| • Waiver                       | ) | <b>REPORT TO CITY COUNCIL FOR</b>    |
| • Design Review                | ) | <b>PROCEEDINGS ON REMAND</b>         |
| • Permit Conditions Acceptance | ) |                                      |
| Agreement                      | ) |                                      |

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**PART #1**

**Remand Procedural History:**

THE ABOVE-ENTITLED MATTER comes back before the City Council upon remand pursuant to the City of Ketchum Planning and Zoning Commission’s Findings of Fact, Conclusions of Law, and Recommendations to City Council Decisions together with the Master Joint Hearings Compiled Record of Proceedings on Remand entered on December 22, 2020 in the following above entitled matters:

- P19-062 [Floodplain Development Permit]
- P19-063 [Planned Unit Development Conditional Use Permit]
- P19-064 [Lot Line Adjustment Permit]
- P20-069 [Application for Waiver]

The Planning and Zoning Commission, on remand from the City Council, has tabled the joint public hearing, subject to re-notice, of the Design Review Permit application P20-015 and the Permit Conditions Acceptance Agreement pending action by the City Council on the above referenced Planning and Zoning Findings of Fact, Conclusions of Law and Recommendations to the City Council.

## **HEARING PROCEDURES:**

These applications are now back before you on remand.

- The same standards and rules apply to each of these permit applications as they did when these matters were before you on February 3, 2020.
- The Planning and Zoning Commission's Master Record of Proceedings and the Findings of Fact, Conclusions of Law and Recommendations to the City Council Decisions, entered on December 22, 2020, have occurred in accordance with remand orders of April 6, 2020.
- The Planning and Zoning Commissions' December 22, 2020 approved Master Record of Proceedings and the Findings for each of the subject permit applications represent the entire record before the City Council of each of the subject permit applications up to the date of the February 1<sup>st</sup> hearing before the City Council. These documents, the previous testimony previously received at the public hearings, together with this Staff Report and the presentations made at the joint hearings on February 1<sup>st</sup>, are all part of the record for your considerations and determinations regarding each of these permit applications.
- The following is the link to the Master Record of Proceedings Exhibits: <https://www.dropbox.com/sh/j22e7caksxq4yg/AAAUzPflCDqrj1vcz167A5Aga?dl=0>
- Considerations of any modifications and changes to the recommendations of the Planning and Zoning Commission on remand, must be based upon facts in the record and upon the City ordinances and standards used and relied upon and the reasons for approval or denial.
- In the event the Council should determine to deny any of the subject permit applications it must also state the actions, if any, that the applicant could take to obtain approval.

## **The City Council is being asked to take one of the following actions:**

1. Move to continue the hearing on any/all of the applications to a date certain, or
2. Move to continue the hearing on any/all applications to a date certain and direct the applicant to prepare and submit supplemental information and exhibits, or
3. Move to recommend approval with conditions or modifications, or any/all of the applications, or
4. Move to recommend denial of any/all of the applications together with specifically stated findings based on relevant standards in support of the motion.

If the Council recommends approval or denial of any/all applications, the Council should also make a motion to direct staff to prepare Findings of Fact, Conclusions of Law, and Decisions on said applications.

### **Organization of Staff Report:**

This report is divided into Parts. The following outlines the content of each Part:

Part #1: Provides the history, background, prior actions, project description, and actions the Council could take on the applications.

Part #2: Identifies recommended changes to the Master Joint Hearings Compiled Record of Proceedings on remand entered by the Planning and Zoning Commission on December 22, 2020.

Part #3: Identifies exhibits, documents and comments, either filed with the Planning and Building Department or posted on the City's web site, that have been submitted after the December 22, 2020 action of the Planning and Zoning Commission until the date of this Staff Report.

Part #4: Identifies the changes to the permit approvals by the City Council that were in FCOs dated February 3, 2020 that are now reflected in the Planning and Zoning Commission's Findings of Fact, Conclusions of Law, and Recommendation Decisions on remand dated December 22, 2020.

Part #5 – Identifies analysis of exhibits received after December 22, 2020 which either seek a change or are relevant to a change in a permit approval or permit conditions approval which were recommended by the Planning and Zoning Commission, if applicable.

Part #6 – Contains staff's recommended motions for the Council's consideration.

### **Background:**

As a result of a noticing error, on April 6, 2020, the City Council adopted and entered in all of the above referenced File No. proceedings, except for File No. P20-069, the following orders:

- *Vacating Findings of Fact, Conclusions of law, and Decision of the City Council and Remanding the Application to the Planning and Zoning Commission for Further Proceedings an order vacating the Findings of Fact/Conclusions of Law and Decision of the City Council and remanded the project applications back to the Planning and Zoning Commission for further proceedings and hearings (the "Orders").*

In Compliance with the Orders, the Planning and Zoning Commission conducted two public hearings, on September 28, 2020 and October 27, 2020 and approved the applications

subject to the Findings of Fact, Conclusions of Law, and Recommendations to City Council  
December 22, 2020.

### **Prior Actions and Record of Proceedings:**

On July 29, 2019, the Ketchum Planning and Zoning Commission held its first public hearings regarding the concurrent land use applications for a new Marriott hotel, proposed by PEG Ketchum Hotel, LLC, for a 1.08 acre site, consisting of three parcels, located at the southwest corner of State Highway 75 and River Street (260/280 E. River and 251 S. Main Street). The Commission held a second hearing July 30, 2019.

The Commission recommended approval of the Lot Line Shift, Floodplain Development/Waterways Design Review, PUD-CUP applications during the July 30<sup>th</sup> meeting and motioned to advance the Pre-Application Design Review application to full Design Review. The Commission continued the hearing on the proposed Development Agreement to their August 12, 2019 meeting and recommended approval to Council during that meeting.

After taking public comment on the proposal on September 16, 2019 (but not reviewing or deliberating on the project), Ketchum City Council held its first public hearings on the concurrent applications on October 7, 2019 and held subsequent hearings on December 2, 2019 and January 21, 2020. Council took action to adopt Findings of Fact, Conclusions of Law, and Decisions related to the PUD-CUP, Lot Line Shift, and Floodplain Development application on February 3, 2020. The Council then rescinded (vacated) these Findings on April 6, 2020 and entered the Orders remanding all applications except for File No. P20-069 back to the Planning and Zoning Commission. Application for Waiver File No. P20-069 was filed by the Applicant subsequent to the entry of the Orders and consists of waiver for:

- (1) Minimum lot size for PUDs from 3 acres to approximately 1.05 acres.
- (2) Side yard setbacks from 32 feet to 18 feet 5 inches on the highway/east side, and from 24 feet to 11 feet 8 inches on the interior/west side.
- (3) Floor area ratio (FAR) from 0.5 to 1.57.
- (4) Building height from 35 feet to 72 feet (72 feet is the maximum height from finished grade if measured from the lower sloped portion of the site; 48 feet is the height from grade at River Street).
- (5) Number of floors from 4 floors to 6 floors (6 floors is number of floors if counted from the lower sloped portion of the site; 4 floors is the number of floors above grade at River Street).

The applicant team responded to Council and community input during the Proceedings and revised the physical form of the building (square footage, location on site, bulk, scale, mass, and so forth) over the course of these meetings. These changes to the form of the building and its relation to the site impacted the waiver requests associated with the PUD-CUP application.

Table 1. compares the initial proposal heard by the Planning and Zoning Commission on July 29, 2019 and the final proposal, as conditioned for approval, by City Council on January 21, 2020.

Table 1 - Project Evolution

| <b>Proposed Project Characteristic</b>    | <b>First review by P&amp;Z<br/>July 29, 2019</b>                                  | <b>Final review by Council<br/>January 21, 2020</b>                      |
|---|---|--|
| Total gross square feet                   | 139,295   | Approximately 130,000  |
| Floor Area Ratio                          | 1.9   | 1.57   |
| Open site area                            | 20,699 square feet  | 21,362 square feet   |
| Building height, total                    | 72'   | 72'  |
| Building height, measured from River St.  | 58'   | 48'  |
| Rear (South/Trail Creek) Setback, Minimum | 25'   | >35'   |
| Front (North/River Street), Minimum       | 5'  | 15'  |
| Side-East (Highway), Minimum              | 25'   | 20'  |
| Side-West (Interior lot line), Minimum    | 5'  | 12'  |
| Employee housing beds on site             | 30 beds<br>12 suites (mix of 1BR and 2 BR)<br>2 dorm-bunk rooms (8 beds per room) | 23 beds<br>one (1) 4BR unit w/ 7 beds<br>two (2) 2BR units<br>12 studios |
| Number of hotel rooms                     | 100   | 92   |

After Council's approval of all applications, except for the Development Agreement, the applicant team proceeded to submit a Design Review application to the Planning and Zoning Commission. The Commission approved the Design Review application on March 9, 2020, however, that permit is now null and void. No information related to the Design Review application is included or referenced with this staff report. The Design Review permit will return for a re-hearing to the Planning and Zoning Commission if the City Council approves the permits presented in this report.

### **Proposed Project:**

The applicant proposes no change to the project as previously reviewed by City Council on January 21, 2020.

There are two minor procedural changes, however:

- The Planned Unit Development – Conditional Use Permit applications have been consolidated into the Planned Unit Development application (P19-063) and the former Conditional Use Permit application (P19-066) was withdrawn by the application. All Conditional Use Permit criteria are still applicable, but are being evaluated within the scope of the Planned Unit Development application.
- A formal Application for Waiver (P20-069) has been submitted to accompany the Planned Unit Development application.

Because there have been no changes to the project proposed by the applicant, all prior staff reports and plan submittal sets from the applicant are included as Exhibits for the Council's review. For ease of reference, the plan set reviewed by Council during their last hearing, dated January 21, 2020, and included in Exhibit **SR-26**, are the plans presented for approval.

Because there have been no changes to the project, and because the general physical condition of the neighborhood has not changed significantly since Council's last review of the project on January 21, 2020, staff's analysis of the project contained in the prior staff reports has not changed.

## **PART #2**

### **RECOMMENDED CORRECTIONS TO THE MASTER JOINT HEARINGS COMPILED RECORD OF PROCEEDINGS ON REMAND ENTERED BY THE PLANNING AND ZONING COMMISSION ON DECEMBER 22, 2020:**

The following are recommended changes to the Master Joint Hearings Compiled Record of Proceedings on remand entered by the Planning and Zoning Commission in the above entitled matters on December 22, 2020. These recommended changes are based upon Staff's review of the exhibits and descriptions since the December 22, 2020 in preparation for the City Council's Joint hearings on these matters noticed for February 1, 2021. The incorrect descriptions have strikethrough and corrections are underlined.



|   |  |  |
|---|--|--|
| <u><b>ATC-8</b></u>                         | <u>Undated</u>                         | <u>Gary Slette Argument re: minimum lot size.</u>  |
| <u><b>ATC-8</b></u>                         | <u>2020-02-03</u>                      | Gary Slette attorney letter regarding and claiming a noticing error of City Staff in the notice provided to property owners within 300' of the subject Applications.   |
| <u><b>ATC-14</b></u>                        | <u>2020-03-23</u>                      |  |
| <u><b>CA-2</b></u>                          | <u>2020-01-31</u>                      | <u>White Peterson Legal Memorandum re: Slette argument.</u>  |
| <u><b>PC-22</b></u>                         | <u>2019-08-01</u>                      | <u>E-mail from Bruce Smith to Participate dated August 1, 2019 re: height not over 74 feet.</u>  |
| <u><b>PC-22</b></u><br><u><b>PC-22A</b></u> | <u>2019-08-01</u><br><u>2019-08-05</u> | E-mail from John Gaeddert to Maureen Puddicombe dated August 5, 2019 with e-mail from Participate dated August 4, 2019 and e-mail from Mary Kay McCollum dated August 1, 2019 and e-mail from Bruce Smith to Participate dated August 1, 2019.   |
| <u><b>SR-27</b></u>                         | <u>2020-02-03</u>                      | Staff Report February 3, 2020 to City Council regarding Preliminary Plat and Planned Unit Development CUP Findings of Fact, Conclusions of Law, Order of Decision for PEG Ketchum Hotel, LLC and continue the development agreement portion of the public hearing until the Council's regular hearing on <del>March 5, 2020</del> <u>March 16, 2020</u> and attachments. |
| <u><b>SR-38</b></u>                         | <u>2021-03-09</u>                      | <u>Notice of Withdrawal of Staff Motion for Reconsideration File No. 19-064 March 9, 2020.</u>   |

### **PART #3**

#### **EXHIBITS SUBMITTED FOR THE RECORD RECEIVED SUBSEQUENT TO DECEMBER 22, 2020:**

The following exhibits are documents and comments, either filed with the Planning and Building Department or posted on the City's web site, commencing on December 23, 2020 and continuing until the date of this Staff Report. The following exhibits include those submitted for the record by the Applicant, governmental agencies, all other persons and City Staff. These exhibits have been marked by Staff to be entered into the record of these proceedings to be added to the Master Joint Hearings Compiled Record of Proceedings on Remand in the above referenced matters. The below listed exhibits include the above referenced Findings of Fact, Conclusions of Law, and Recommendations to City Council Decisions together with the Master Joint Hearings Compiled Record of Proceedings on Remand entered on December 22, 2020.

**EXHIBITS SUBMITTED BY STAFF TO BE ADDED TO THE COMPILED RECORD OF PROCEEDINGS:**

The compiled record of the proceedings of the above-referenced matters consists of the following additional exhibits. Exhibits below which are listed in blue font to be added at the time they are finalized:

**1.1 (Re-designated) Exhibits and documents included in these proceedings on Remand:**

|  |            | <i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i>  |
|--|------------|---|
| <b><u>APPLICATION</u><br/>Documents<br/>Identified with prefix "A"</b>                       |            |   |
| <b>A-11</b>  |            |   |
|  |            |   |
| <b><u>APPLICANT PEG<br/>COMMUNICATION</u><br/>Documents identified<br/>with prefix "APC"</b> |            |   |
| <b>APC-6</b>   |            |   |
| <b><u>ATTORNEY<br/>COMMUNICATION</u><br/>Documents identified<br/>with prefix "ATC"</b>      |            |   |
| <b>ATC-15</b>  |            |   |
| <b><u>City Attorney Memo</u><br/>Documents identified<br/>with the prefix "CA"</b>           |            |   |
| <b>CA-3</b>  |            |   |
| <b><u>Development<br/>Agreement Documents</u><br/>identified with the<br/>prefix "D"</b>     |            |   |
| <b>D-2</b>   |            |   |
| <b><u>FCO Decision Documents</u><br/>identified with the<br/>prefix "F"</b>                  |            |   |
| <b>F-9</b>   | 2020-12-22 | Master Joint Hearings Compiled Record of Proceedings on Remand PZ dated December 22, 2020 |

|   |            | <b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>  |
|---|------------|--|
| <b>F-10</b>   | 2020-12-22 | Planning and Zoning Commission Findings of Fact, Conclusions of Law, and Recommendations to City Council Decision File No. 19-062 dated December 22, 2020. |
| <b>F-11</b>   | 2020-12-22 | Planning and Zoning Commission Findings of Fact, Conclusions of Law, and Recommendations to City Council Decision File No. 19-063 dated December 22, 2020. |
| <b>F-12</b>   | 2020-12-22 | Planning and Zoning Commission Findings of Fact, Conclusions of Law, and Recommendations to City Council Decision File No. 19-064 dated December 22, 2020. |
| <b>F-13</b>   | 2021-02-__ | P19-062 City Council Findings of Fact, Conclusions of Law, and Decision, dated February ____, 2021.  |
| <b>F-14</b>   | 2021-02-__ | P19-063 City Council Findings of Fact, Conclusions of Law, and Decision, dated February ____, 2021.  |
| <b>F-15</b>   | 2021-02-__ | P19-064 City Council Findings of Fact, Conclusions of Law, and Decision, dated February ____, 2021.  |
| <b><u>Meeting Minutes</u><br/>Document identified with the prefix "M"</b> |            |  |
| <b>M-15</b>   | 2020-11-10 | Meeting Minutes – Ketchum P&Z Regular Meeting November 10, 2020.   |
| <b>M-16</b>   | 2020-12-15 | Meeting Minutes - Ketchum P&Z Regular Meeting December 15, 2020.   |
| <b>M-17</b>   | 2020-12-22 | Meeting Minutes - Ketchum P&Z Regular Meeting December 22, 2020.   |
| <b>M-18</b>   | 2021-02-01 | Meeting Minutes – Ketchum City Council – Regular Meeting February 1, 2021.   |
| <b>M-19</b>   | 2021-02-__ | Meeting Minutes – Ketchum City Council - _____Meeting  |
| <b><u>Miscellaneous Documents</u><br/>identified with the prefix "MD"</b> |            |  |
| <b>MD-17</b>  |            |  |
|   |            |  |

|  |                   | <b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>   |
|--|-------------------|---|
| <b><u>Notices, Agenda and Service of Notice Documents identified with the prefix "N"</u></b> |                   |   |
| <b>N-71</b>  | <u>2021-01-25</u> | <u>Noticing Checklist/Certification for P20-015, P20-069, P19-062, P19-063, P19-064 for City Council meeting date 2-1-2021 signed by Maureen Puddicombe, Planning Technician, January 25, 2021.</u> |
| <b>N-72</b>  | <u>2021-01-25</u> | <u>Affidavit of Publication dated January 13, 2021 for the February 1, 2021 Ketchum City Council Hearing.</u>   |
| <b>N-73</b>  |                   |   |
| <b><u>ORDER documents identified with prefix "O"</u></b>                                     |                   |   |
| <b>O-6</b>   |                   |   |
| <b><u>Project Design documents identified with prefix "PD"</u></b>                           |                   |   |
| <b>PD-16</b>   |                   |   |
| <b><u>Public Comment Documents identified with prefix "PC"</u></b>                           |                   |   |
| <b>PC-64</b>   | <u>2020-12-22</u> | E-mail from Robert Korb to Participate dated December 22, 2020 re: supplemental comments.   |
| <b>PC-65</b>   | <u>2020-12-31</u> | E-mail from H. Boyle to Participate dated December 31, 2020 re: change name of project from Ketchum Boutique Hotel to "Marriott."   |
| <b>PC-66</b>   | <u>2021-01-25</u> | Letter from Scott Hanson, condominium owner, to Ketchum City Council and Mayor, dated January 25, 2021.   |
| <b>PC-67</b>   | <u>2021-01-26</u> | Letter from Richard C. Clotfelter, resident of Limelight Hotel and Condominiums, dated January 26, 2021 to Mayor and Ketchum City Council re: proposed Tribute (Marriott) Hotel.                    |
| <b>PC-68</b>   |                   |   |

|  |            | <b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>                              |
|--|------------|--|
| <b><u>Sign-In Sheet Documents identified with prefix "SS"</u></b>                            |            |  |
| SS-5   | 2021-02-01 | Virtual Sign-In Sheet for February 01, 2021 Ketchum City Council public hearing. |
| <b><u>Staff Report Documents identified with prefix "SR"</u></b>                             |            |  |
| SR-39  | 2021-01-28 | Master Joint Staff Report to the City Council for Proceedings on Remand          |
| <b><u>Studies Comparisons, Analysis and Survey Documents identified with prefix "SD"</u></b> |            |  |
| SD-7   |            |  |

#### PART #4

**PERMIT APPROVAL CONDITION CHANGES TO CITY COUNCIL'S FCOs DATED FEBRUARY 3, 2020 CONTAINED IN THE PLANNING ZONING COMMISSION'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION DECISIONS ON REMAND [DATED DECEMBER 22, 2020] INVOLVING THE FOLLOWING MATTERS:**

P19-062 [Floodplain Development Permit]: *No changes occurred to Permit Approval Conditions. However, the FCOs adopted by the Planning and Zoning Commission on December 22, 2020 contained analysis updated from the FCOs adopted by City Council on February 3, 2020 as follows:*

| Exhibit | Regulation            | FLOODPLAIN DEVELOPMENT Requirements City Standards and <i>Staff Comments</i>   |
|---------|-----------------------|--|
| SR-34   | 17.88.050(E)2         | Preservation or enhancement 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. No construction activities, encroachment or other disturbance into the twenty five foot (25') riparian zone shall be allowed at any time without written City approval per the terms of this ordinance.   |
|         | <i>Staff Comments</i> | <i>As described in 17.88.060(E)1, no construction activity related to building the hotel, encroachment, or other disturbance is proposed to occur within the riparian zone. However, the applicant's supplemental materials included in the document titled "Ketchum Tribute, October 16, 2020, Planning Commission Supplemental Info" and included in the Master Record of Proceedings as SR-34 indicate a single stone pathway and staircase leading through the riparian area to the bank of the creek on the sheet titled "Trail Creek Improvements". Consistent with 17.88.050(E)3, the Administrator may approve such pathway.</i> |

| Exhibit | Regulation     | FLOODPLAIN DEVELOPMENT Requirements City Standards and Staff Comments   |
|---------|----------------|---|
|         |                | <del>While t</del> <u>The riparian zone is currently mostly in a natural state, the applicant also proposed to remove existing dead brush and branches that have been dumped into the riparian zone in order to restore the riparian zone's health. and the new development is proposed to occur at 10 or more feet from the riparian zone boundary. No enhancement to the riparian zone is proposed at this time. The applicant also indicates they are open to discussing an additional staircase leading from River Street, along the western property line as indicated in the diagram, to the riparian zone. Both of these items are discussed on the sheet titled "Trail Creek Improvement". This additional access, if traversing the riparian zone, would be subject to permitting if the applicant decides to pursue it – either as a permit or an amendment to this permit.</u> |
|         | 17.88.050(E)3  | No development, other than development by the City of Ketchum or development required for emergency access, shall occur within the twenty five foot (25') riparian zone with the exception of approved stream stabilization work. The Administrator 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 Administrator.   |
|         | Staff Comments | <u>Consistent with the plans submitted as part of this application, no development is proposed in the riparian zone other than as discussed in criteria 17.88.050(E)2, above. The creek viewing pathway indicated on the "Trail Creek Improvement" sheet is approved.</u>   |
|         | 17.88.050(E)4  | A landscape plan and time frame shall be provided to restore any vegetation within the twenty five foot (25') riparian zone that is degraded, not natural or which does not promote bank stability.   |
|         | Staff Comments | <u>As described in 17.88.060(E)1, the riparian zone will be protected during demolition of the existing structures and for the duration of construction of the hotel. A restoration plan is not necessary at this time as <del>disturbance to the riparian zone is not proposed</del> the only changes to the riparian zone are minor and covered by this permit and the riparian zone is largely in a natural state. However, should the riparian zone inadvertently be disturbed during the course of the project's development, restoration shall be required, with a restoration plan submitted as part of an amendment to this permit.</u>   |

P19-064 [Lot Line Adjustment Permit]: No changes.

P19-063 [Planned Unit Development Conditional Use Permit] the following change:

| P & Z December 22, 2020 recommended conditions changes upon remand:   | City Council February 3, 2020 conditions:                                   |
|---|---|
| <u>New Condition No. 21 [Added]</u><br><br>1.21 Condition No. 21 Design Review: At the time of Design Review, the applicant shall be required to address venting of mechanicals that vent toward the western property line. Applicant shall be required to provide detail related to how they are preventing impact to the adjacent property owner. | N/A. February 3, 2020 decision did not include a Condition No. 21.          |
| <u>Condition No. 3.4.1 Modification:</u><br><u>[yellow highlighted additional language]</u>   | <u>Condition No. 3.4.1</u> Given the Applicant's timeframe for construction |

| <b>P &amp; Z December 22, 2020 recommended conditions changes upon remand:</b>   | <b>City Council February 3, 2020 conditions:</b>  |
|--|---|
| <p>1.3.4.1 Given the Applicant's timeframe for construction and Certificate of Occupancy, subject SH75 work will not be conducted by ITD prior to the Developed Conditionally Granted Project and the commencement of Hotel Operations opening. Given that the City finds that a center turn lane with adequate queuing of approximately fifty to one hundred feet (50' – 100') is necessary for the SH75/River Street intersection to retain its current Level of Service ("LOS") for vehicular car movement, therefore the Applicant shall file with ITD an application for an encroachment permit. The Applicant and City shall work together to attain approval from ITD for the construction and striping of a partial center turn near the River Street intersection north of the Trail Creek bridge. <b>This condition includes the City's retaining of authority to modify the traffic patterns on State Highway 75, specifically the left turn lane traffic flow, in the event the initial traffic pattern instituted by the Idaho Department of Transportation is inadequate.</b> The Applicant shall pay for engineering, traffic control and construction costs for subject SH75 improvements adjacent to the Conditionally Granted Project.</p> | <p>and Certificate of Occupancy, subject SH75 work will not be conducted by ITD prior to the Developed Conditionally Granted Project and the commencement of Hotel Operations opening. Given that the City finds that a center turn lane with adequate queuing of approximately fifty to one hundred feet (50' – 100') is necessary for the SH75/River Street intersection to retain its current Level of Service ("LOS") for vehicular car movement, therefore the Applicant shall file with ITD an application for an encroachment permit. The Applicant and City shall work together to attain approval from ITD for the construction and striping of a partial center turn near the River Street intersection north of the Trail Creek bridge. The Applicant shall pay for engineering, traffic control and construction costs for subject SH75 improvements adjacent to the Conditionally Granted Project.</p> |

**PART #5**

**Analysis of Exhibits received after December 22, 2020 which either seek a change or are relevant to a change in a permit approval or permit conditions approval which were recommended by the Planning and Zoning Commission.:**

P19-062 Floodplain Development Permit

| Exhibit | Regulation            | FLOODPLAIN Development Requirements City Standards and <i>Staff Comments</i> |
|---------|-----------------------|--|
|         | <i>Staff Comments</i> |  |
| NONE    |                       |  |

P19-064 Lot Line Adjustment Permit

| Exhibit | Regulation            | LOT LINE ADJUSTMENT Development Requirements City Standards and <i>Staff Comments</i> |
|---------|-----------------------|---|
|         | <i>Staff Comments</i> |   |
| NONE    |                       |   |

P19-063 Planned Unit Development Conditional Use Permit

| Exhibit                    | Regulation            | PLANNED UNIT DEVELOPMENT Requirements City Standards and <i>Staff Comments</i>                       |
|----------------------------|-----------------------|--|
| PC-64, PC-65, PC-66, PC-67 | <i>Staff Comments</i> | Commentary in these exhibits do not raise any new issues that the Council has not already addressed. |

**PART #6**

**STAFF RECOMMENDATIONS TO THE CITY COUNCIL:**

**THE FOLLOWING ARE THE STAFF RECOMMENDATIONS FOR ADDITIONS, DELETIONS AND/OR OTHER MODIFICATIONS OF THE CITY OF KETCHUM PLANNING AND ZONING COMMISSION'S RECOMMENDATIONS TO CITY COUNCIL ON REMAND ENTERED ON DECEMBER 22, 2020 IN THE FOLLOWING ABOVE-ENTITLED MATTERS:**

- P19-062 [Floodplain Development Permit]
- P19-063 [Planned Unit Development Conditional Use Permit]
- P19-064 [Lot Line Adjustment Permit] to the Planning and Zoning Commission's to the City Council having review and analyzed the above referenced Exhibits

The Staff recommends that the City Council accept the recommendations of the Planning and Zoning Commission regarding each of the above-referenced permit applications unless otherwise stated in the tables below:

**P19-062 - Floodplain Development Permit/Findings of Fact, Conclusions of Law, and Recommendation to City Council Decision:**

| P&Z Recommended Order & Condition | Staff Recommended Change and Basis |
|-----------------------------------|------------------------------------|
|                                   |                                    |

**P19-064 - Lot Line Adjustment Permit/Findings of Fact, Conclusions of Law, and Recommendation to City Council Decision:**

| P&Z Recommended Order & Condition | Staff Recommended Change and Basis |
|-----------------------------------|------------------------------------|
|                                   |                                    |



**P19-063 - Planned Unit Development Conditional Use Permit/Findings of Fact, Conclusions of Law, and Recommendation to City Council Decision:**

| <b>P&amp;Z Recommended Order &amp; Condition</b> | <b>Staff Recommended Change and Basis</b> |
|--|---|
|  |   |

DATED: January \_\_\_\_\_, 2021.

Respectfully Submitted by: \_\_\_\_\_

*W:\Work\K\Ketchum, City of 24892\Gateway Hotel .015\AGENCY RECORD\Staff Report to City Council On Remand\Master Joint Hearings Staff Report For Proceedings On Remand to City Council 1-28-2021 lh WITH LINK.docx*