



## City of Ketchum

March 9, 2020

Ketchum Planning & Zoning Commission:

**Recommendation to review the additional materials requested of and submitted by the applicant, hold a public hearing and review any new testimony, and approve with conditions the PEG Ketchum Hotel Design Review**

### Recommendation and Summary

Staff is recommending the Ketchum Planning and Zoning Commission (PZ or Commission) make the following motion:

**Move to approve PEG Ketchum Hotel, LLC's Design Review application with conditions as set forth in the Findings of Fact, Conclusions of Law and Order of Decision provided in **Attachment 1**.**

The reasons for the recommendation are as follows:

- The applicant has provided the additional clarification on landscaping, the two larger retaining walls along State Highway 75, and west-side electrical and mechanical details as requested by the PZ (see **Attachment 2**).
- The Commission has reviewed the record, including public comment (see **Attachment 3**), Version No. 4 of the Project Master Plan, and the Findings of Fact, Conclusions of Law and Order of Decision prepared by the Staff and City Attorney consistent with the Commission's direction on February 24, 2020.
- As conditioned, the Project complies with the Ketchum Municipal Code as set forth in the Findings of Fact, Conclusions of Law and Order of Decision provided in **Attachment 1**.

### Background & Analysis

Refer to 2/24/20 Staff Report for Details.

### **Attachment**

1. PEG Ketchum Hotel, LLC's Design Review Findings of Fact, Conclusions of Law and Order of Decision, including Project Design Review Submittal Drawings (Exhibit 1) – **click on following link:**  
[https://ketchumidaho.org/sites/default/files/fileattachments/planning\\_amp\\_building/project/37921/200304\\_-\\_ketchum\\_hotel\\_-\\_design\\_review\\_application\\_update.pdf](https://ketchumidaho.org/sites/default/files/fileattachments/planning_amp_building/project/37921/200304_-_ketchum_hotel_-_design_review_application_update.pdf)  
(Includes 2/24/20 submittal drawings, plus additional landscaping materials drawing and renderings)
2. Additional Applicant Submittal Item: Spectrum Engineering March 2, 2020 Mechanical Narrative & Drawings; Spectrum Engineering March 2, 2020 Electrical Narrative & Drawings (Exhibit 3E)
3. Slette February 27, 2020 and Gigray February 28, 2020 Memorandum (Exhibit 3D)

**Attachment 1**



City of Ketchum  
Planning & Building

**BEFORE THE PLANNING & ZONING COMMISSION  
OF THE  
CITY OF KETCHUM**

**IN RE:**

<b>PEG Ketchum Hotel, LLC</b>	)	<b>FILE No. P20-019</b>
<b>Applicant</b>	)	<b>FINDINGS OF FACT, CONCLUSIONS OF LAW AND</b>
<b>Design Review</b>	)	<b>DECISION</b>
	)	

THE ABOVE ENTITLED MATTER coming before the Planning and Zoning Commission of the City of Ketchum (the “PZ” or “Commission”) pursuant to the PEG Ketchum Hotel, LLC Application for Design Review and does hereby make and set forth the Record of Proceedings, Findings of Fact, Conclusions of Law, and Order of Decision as follows:

**SECTION 1**

**SUBJECT APPLICATION and RECORD OF PROCEEDINGS**

**PROJECT:** PEG Ketchum Hotel, LLC or Ketchum Tribute Hotel or Ketchum Gateway Hotel

**FILE NUMBER:** P20-019

**APPLICATION TYPE:** Design Review

**REPRESENTATIVE:** AJC Architects, Eggers Associates Landscape Architecture, Galena Engineering

**OWNER/APPLICANT:** PEG Ketchum Hotel, LLC ( the “Applicant”)

**REQUEST:** Design Review

**LOCATION:** 251 S. Main Street – Ketchum Townsite Lots 3, 21, FR 22 Blk 82 N 10’ x 110’ of alley S 20’ x 230’ of alley, 260 E. River Street – Ketchum Townsite Lot 2 Block 82 10’ x 110’ of alley, and 280 E. River Street – Ketchum Townsite Lot 1 Block 82 (Gateway site)

**ZONING:** Tourist (T) Zoning District

**OVERLAY:** Floodplain & Waterways Design Review Subdistricts

**NOTICE and HEARINGS:**

## **PRIOR PROCEEDINGS:**

1. Notice of Hearing on the Application were originally published for the original public hearing on this Application by the Planning and Zoning Commission (the “PZ” or “Commission” or “Commissioners”) July 29, 2019 public hearing in the Idaho Mountain Express, the official newspaper, on July 10, 2019. On July 10, 2019 notice of the hearing was mailed to the property owners within 300 feet of the subject real property and affected agencies. The July 29, 2019 hearing was convened including staff report, presentation by the Applicant and public comment. The Commissioners continued the public hearing to July 30, 2019 and again on August 12, 2019. These hearings were centered upon the Commissions review and consideration of the Applicant’s project plans for a new hotel at the Gateway site consisting of five inter-related applications.
2. On August 12, 2019 the Commission issued its Findings of Fact, Conclusions of Law, Order of Decision and Recommendation (PZ Findings) inclusive of the approval to advance the developer’s Pre-Application Design Review (P19-061) to full Design Review (P20-019). In the PZ Pre-Application Design Review Findings, the Commission provided a Reasoned Statement moving the hotel project from pre-Application Design Review to full Design Review provided that the Applicant specifically address the following with the full Design Review submittal: (a) The Landscape Plan shall provide a comprehensive strategy for the riparian area including public access to Trail Creek, provide a substantial buffer between land uses and particularly between the adjacent office buildings to the west, provide relief and soften the design of the building façade, and mitigate noise pollution; (b) The submittal shall specifically address traffic, circulation, and pedestrian safety as well as associated mitigation measures and remedies; (c) In order to soften the hotel’s impact to the adjacent property located at 220 E River Street, the Applicant shall incorporate more undulation, relief, and material differentiation at the west façade; (d) A detailed plan addressing lighting, noise, and signage shall be submitted for review with the final Design Review submittal; (e) The submittal shall address sustainability measures related to building design and hotel operations as well as incorporate above code green standards; and (f) The Applicant shall meaningfully address all feedback provided by the Planning & Zoning Commission, including critiques related to the bulk and mass of the building, the tiered outdoor terrace architectural feature at the northeast corner, and solar access with the final Design Review submittal package. ( the “ PZ August 12<sup>th</sup> Recommendation”)
3. In October 2019 the Ketchum City Council (KCC or Council) received the PZ August 12<sup>th</sup> Recommendation on the inter-related applications of the hotel project. After a series of public hearings held by the City Council between October 7, 2019 and February 3, 2020 the following actions were taken by the Council on each of PEG’s project applications: (a) The Council conditionally approved the Lot Line Adjustment and Planned Unit Development Conditional Use Permit (PUD) for the Project; and (b) The Council continued its review of the Project Development Agreement.
4. Notice was published for the February 24, 2020 PZ public hearing in the Idaho Mountain Express, the official newspaper, on Wednesday February 5, 2020. On February 5th notice of the hearing was mailed to the property owners within 300 feet of the subject real property and affected agencies. The Public Hearing was conducted by the Commissioners on February 24, 2020 as noticed. At the hearing the

Commissioners conducted a site visit and then reconvened the hearing at City Hall Council Chambers and received the staff report by John Gaeddert Director of Planning and Building; and the presentations from the Applicant Nick Blayden, Ryan McMullen (AJC Architects on behalf of the applicant) and Nicole Carey (Eggers & Associates landscape architect on behalf of the applicant), and public comment. The Commissioners then began preliminary deliberations and continued the hearing, by approved motion to March 9, 2020 to commence at 5:30 p.m., for the purposes of: Receiving an updated landscaping plan, including retaining wall details, and receiving and considering draft Findings of Fact, Conclusions of Law and Order of Decision to be prepared and presented by Staff and City Attorney in accordance with the Commissioners’ preliminary deliberations. The Public Hearing was reconvened on March 9, 2020 by the Commissioners and they received the staff report by John Gaeddert Director of Planning and Building who presented the draft Findings of Fact, Conclusions of Law and Order of Decision; and the presentations from the Applicant on the updated submittal materials. The Commissioners then continued their deliberations and by motion approved these Findings of Fact, Conclusions of Law and Order of Decision.

**Exhibits and documents included in this proceeding:**

<b><u>Exhibit Identifier</u></b>	<b><u>DESCRIPTION OF EXHIBITS AND DOCUMENTS</u></b>
<b><u>1</u></b>	PEG Ketchum Hotel, LLC’s Design Review Findings of Fact, Conclusions of Law and Order of Decision, inclusive of 2/24/20 Design Review Submittal Drawings and 3/9/20 Updated Drawings RE Updated Landscape Plan and Renderings – <b>click on following link:</b> <a href="https://ketchumidaho.org/sites/default/files/fileattachments/planning_amp_building/project/37921/200304_-_ketchum_hotel_-_design_review_application_update.pdf">https://ketchumidaho.org/sites/default/files/fileattachments/planning_amp_building/project/37921/200304_-_ketchum_hotel_-_design_review_application_update.pdf</a>
<b><u>2</u></b>	Ketchum City departmental comments and conditions
<b><u>3A</u></b>	Application for Design Review
<b><u>3B</u></b>	Notice and Affidavit of July 29, 2019 Planning & Zoning Hearing
<b><u>3C</u></b>	Notice and Affidavit of February 24, 2020 Planning & Zoning Hearing
<b><u>3D</u></b>	Slette February 27, 2020 Letter and Gigray February 28, 2020 Memorandum
<b><u>3E</u></b>	Spectrum Engineering March 2, 2020 Mechanical Narrative & Drawings; Spectrum Engineering March 2, 2020 Electrical Narrative & Drawings

The Commission having reviewed the entire record consistent with Ketchum Municipal Code (KMC) does hereby make the following Findings of Fact, Conclusions of Law, and Order of Decision:

**SECTION II  
FINDINGS OF FACT**

1. The City has reviewed a total of four designs for the hotel project. The February 24, 2020 Design Review drawings is referenced as Version No. 4 of the Project Master Plan. The drawings set forth in Version No. 4 of the Project Master Plan are the direct result of the KCC-approved PUD Findings, dated 2/3/20, which as noted in Condition No.1 of that decision required an increased west side yard setback totaling 16’.
2. For the purpose of tracking, the February 24, 2020 drawing set referenced and approved herein by the Commission with this Design Review approval is referenced as Version No. 4 of the Project Master Plan (**Exhibit 1**).
3. The Commission finds that the Applicant’s Design Review (DR) application address each of the issues noted by the Commission in its reasoned statement from 2019, as well as further direction the Applicant has received from the Council as a result of its deliberations.
4. The Commission has reviewed the Attachment E.4.A PUD Findings for the PEG Ketchum Hotel, dated 2/3/20, as approved by the Council. The PZ finds that a number of provisions from KCC’s approval of the Applicant’s PUD application are material to the Commission’s review of this DR application. Of particular note is the three-dimensional (3-D) building envelope granted with the project waivers for the PUD, including that the Project: (a) have a Floor Area Ratio (FAR) less than 1.6; (b) a maximum height of not greater than 72’; (c) a front yard setback of not less than 15’; (d) a rear yard / Trail Creek setback of not less than 35’ (25’ riparian and 10’ sewer easement); (e) an east-side / State Highway 75 setback of not less than 20’ with an average side setback along the highway of  $\geq 31.3'$ ; and, (f) a west-side setback of not less than 16’.
5. The Commission finds that the February 24, 2020 Design Review drawings (Version No. 4 of the Project Master Plan) comply with the above 3-D building envelope metrics adopted by Council. The project complies with the setbacks specified by Council in the adopted PUD Findings, among other features, as set forth in Attachment E.4.A.
6. The Commission recognizes that Version No. 4 of the Project Master Plan includes the removal of all the vacated buildings on site and construction of a new approximately 130,000 gross square foot building comprised, among other features, of the following: 92 “keys” for hotel rooms; 23 beds of employee housing; a rooftop bar with terrace and patio space; a public outdoor plaza; restaurant, lounge; conference rooms; fitness room; and an outdoor guest space with hot tubs. The project also includes 84 underground parking spaces (53 spaces are dedicated to hotel operations, 18 spaces are dedicated to employee housing, and 13 spaces are devoted to public use), as set forth in the KCC-approved PUD Findings.
7. The Commission concurs with the Council’s determination that direct project ingress/egress to State Highway 75 (SH75) for anything other than fire emergency staging is not advisable. Based on 3<sup>rd</sup> party review by the city’s traffic consultant (AECOM), the Commission concurs with Council that River Street is the preferred solution for project access in terms of acceptable level of service, traffic flow, circulation, deliveries, parking, snow removal, and pedestrian access. Conditions of approval, such as a north bound left turn lane, are required to be constructed by the applicant as a condition of certificate of occupancy for the project.
8. A full copy of the applicant’s DR submittal drawings, also referenced as Version No. 4 of the Project Master Plan, is attached as **Exhibit 1**.
9. Pursuant to KMC §17.96.020, the purpose of Design Review is to maintain and enhance the appearance, character, beauty, and function of the City, to ensure that new development is complementary to the

design of existing City neighborhoods, and to protect and enhance the economic base of the City of Ketchum. As further identified in the 2014 Ketchum Comprehensive Plan, Design Review criteria and standards are intended to encourage new development to align with the community’s vision for Ketchum as an authentic mountain community with a world-class character, yet small town feel (p. 7). The Commission finds the Project to comply with the purpose and intent of KMC §17.96.020 and the 2014 Ketchum Comprehensive Plan, respectively.

- The Commission finds the Project complies with the City’s Design Review Improvements and Standards Analysis and Considerations. Specifically, Table 1 herein below sets forth how the Version No. 4 Project Master Plan complies with the City’s Design Review Improvements and Standards Analysis and Considerations.

**Table 1: Design Review Improvements and Standards Analysis and Considerations**

Design Review Improvements and Standards Analysis and Considerations KMC § 16.08.080 G 1 IMPROVEMENTS AND STANDARDS: 17.96.060				
Yes	No	N/A	Ketchum Municipal Code §	City Standards and <i>Commission Findings</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.050.A.1 Criteria	<b>The project does not jeopardize the health, safety or welfare of the public.</b>
			Commission Finding	<i>As conditioned herein with controls on design, inclusion of employee housing, pedestrian circulation and improvements within public rights-of-way, among other provisions set forth in the PUD Findings adopted by Council, the Commission finds the project will not jeopardize the health, safety or welfare of the public.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080 G 1 & 17.96.050.A.2, Criteria	<b>The plan is in conformance with and promotes the purposes and goals of the comprehensive plan, zoning ordinance, and other applicable ordinances of the city, and not in conflict with the public interest:</b>  <b>Pursuant to subsection 16.08.070D of this chapter, all of the design review standards in chapter 17.96 of this code shall be carefully analyzed and considered. This includes detailed analysis of building bulk, undulation and other design elements. The site plan should be sensitive to the architecture and scale of the surrounding neighborhood.</b>  <b>The project conforms to all applicable standards and criteria as set forth in this chapter, this title, and any other standards as adopted or amended by the City of Ketchum from time to time.</b>
			Commission Finding	<i>The Commission carefully analyzed and considered the standards of these sections and finds the project site plan to be sensitive to the architecture and scale of the surrounding neighborhood and is in harmony with the surrounding area. The Commission also finds that the Project conforms with applicable standards and criteria as set forth in KMC Chapter 96 and Title 17, as are applicable and not in conflict with the provisions of KMC Chapter 08 of Title 16 [the Planned Unit Development Ordinance].</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(A)(1) Streets	<b>The applicant shall be responsible for all costs associated with providing a connection from an existing city street to their development.</b>
			Commission Finding	<i>The property is located at 260-280 E. River Street with approximately 334 linear feet (LF) of frontage along State Highway 75 (SH75) and approximately 170 feet of linear frontage adjacent along River Street. As stipulated by the Ketchum City Council approval of the associated Planned Unit Development application for the</i>

				<i>property, the project will not have direct access onto SH75 for anything other than emergency access staging. The applicant is responsible for all costs associated with connecting the project to River Street, including access to the parking garage, pick-up/drop-off, hybrid delivery/public parking, and various sidewalk and plaza improvement. The project is designed consistent with the recommendation of the city's 3<sup>rd</sup> party traffic consultant (AECOM) and subject to an encroachment permit by the city. As conditioned, the Project complies with this standard.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(A)(2) Streets	<b>All street designs shall be approved by the City Engineer.</b>
			Commission Finding	<i>The final street design, including snowmelt, delivery parking, pick-up/drop off areas, plaza amenities, sidewalk width/locations, ADA ramps, and bulb out are subject to city engineer approval, as well as an encroachment permit by Council. As conditioned, the Project complies with this standard.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(B)(1)	<b>All projects under 17.96.010(A) that qualify as a "Substantial Improvement" shall install sidewalks as required by the Public Works Department.</b>
			Commission Finding	<i>The project qualifies as a substantial improvement and 8' sidewalks along River Street and SH75 are required, totaling approximately 504 LF. As conditioned, the Project complies with this standard.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060 (B)(2)c	<b>Sidewalk width shall conform to the City's right-of-way standards, however the City Engineer may reduce or increase the sidewalk width and design standard requirements at their discretion.</b>
			Commission Finding	<i>The project qualifies as a substantial improvement and 8' sidewalks along River Street and SH75 are required. The city ROW standards also require on-street parking, which is being mitigated with 13 public parking spaces within the Applicant's parking garage. As conditioned, the Project complies with this standard.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(3)	<b>Sidewalks may be waived if one of the following criteria is met:</b> <b>a. The project comprises an addition of less than 250 square feet of conditioned space.</b> <b>b. The City Engineer finds that sidewalks are not necessary because of existing geographic limitations, pedestrian traffic on the street does not warrant a sidewalk, or if a sidewalk would not be beneficial to the general welfare and safety of the public.</b>
			Commission Finding	<i>N/A</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060 (B)(4)	<b>The length of sidewalk improvements constructed shall be equal to the length of the subject property line(s) adjacent to any public street or private street.</b>
			Commission Finding	<i>The applicant proposes to install a new 8' wide sidewalk along the north and east perimeter of the property. The new sidewalk will be approximately 504 total linear feet (LF) as follows: 170 LF along River Street and 334 LF along SH75. The River Street sidewalk will be snow melted by the applicant. The exact location of the sidewalk will be noted within the ITD and River Street Encroachment Permits. As conditioned, the Project complies with this standard.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060 (B)(5)	<b>New sidewalks shall be planned to provide pedestrian connections to any existing or future sidewalks adjacent to the site. In addition, sidewalks shall be constructed to provide safe pedestrian access to and around a building.</b>
			Commission Finding	<i>The new sidewalk along the applicant's property connects to existing and future city sidewalk infrastructure. As conditioned, the Project complies with this standard.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060 (B)(6)	<b>The City may approve and accept voluntary cash contributions in-lieu of the above described improvements, which contributions must be segregated by the City and not used for any purpose other than the provision of these improvements. The contribution amount shall be one hundred ten percent (110%) of the estimated costs of concrete sidewalk and drainage improvements provided by a qualified contractor, plus associated engineering costs, as</b>



				<b>approved by the City Engineer. Any approved in-lieu contribution shall be paid before the City issues a certificate of occupancy.</b>
			Commission Finding	<i>N/A. The project does not propose making a voluntary cash contribution in-lieu of improvements for this project.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(1)	<b>All storm water shall be retained on site.</b>
			Commission Finding	<i>All storm water shall be retained on site including water from roof drains. The applicant has submitted Storm Water Pollution Plan (Civil Drawing Sheet C2.0 from Galena Engineering), as well as a preliminary utility plan with drainage details on Civil Drawing Sheet C3.0 of the Design Review submittal. The proposed drainage plan includes a system of drywells. Prior to issuance of a Building Permit for the project, the applicant shall submit a final drainage plan indicating grading, catch basins, piping, and drywells (KMC §17.96.040.C.2b &amp; KMC §17.96.060.C.1-4) prepared by a civil engineer licensed in the state to be submitted for review and approval by the City Engineer and Streets Department. See Attachment for City Department comments including City Engineer and Streets Department conditions. As conditioned, the Project complies with this standard.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(2)	<b>Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.</b>
			Commission Finding	<i>See above Commission Finding for Ketchum Municipal Code §17.96.060(C)(1). All drainage improvements are required to meet City standards. All drainage improvements shall be indicated on civil plans stamped and Idaho licensed engineer and require review approval from the City Engineer &amp; Streets Department prior to issuance of a Building Permit for the project. As conditioned, the Project complies with this standard.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(3)	<b>The City Engineer may require additional drainage improvements as necessary, depending on the unique characteristics of a site.</b>
			Commission Finding	<i>A final drainage plan prepared by a civil engineer licensed in the state of Idaho shall be submitted with the Building Permit application to be reviewed and approved by the City Engineer. The City Engineer may require additional drainage improvements as necessary. As conditioned, the Project complies with this standard.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(4)	<b>Drainage facilities shall be constructed per City standards.</b>
			Commission Finding	<i>All drainage facilities on both private property and the City owned right-of-way shall meet City standards. Final drainage specifications shall be included with the civil drawings submitted with the Building Permit application to be reviewed and approved by the City Engineer &amp; Streets Department. As conditioned, the Project complies with this standard.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(D)(1)	<b>All utilities necessary for the development shall be improved and installed at the sole expense of the applicant.</b>
			Commission Finding	<i>The applicant is aware of this requirement and the preliminary plans indicated in the Galena Engineering set of Civil Drawings show utility connections and locations. Also, will serve letters have been received from all the major utility service providers for the project, including IMG, Idaho Power, City Water and Sewer, Cox, and Clear Creek. See Attached Public Works Department comments and other will serve letters. As conditioned, the Project complies with this standard.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(D)(2)	<b>Utilities shall be located underground and utility, power, and communication lines within the development site shall be concealed from public view.</b>
			Commission Finding	<i>All utilities within the development site shall be underground and/or concealed from public view. The transformer for the Project is proposed in the Northwest Portion of the site with landscape screening. See above Commission Findings for Ketchum Municipal Code §17.96.060(D)(1). As conditioned, the Project complies with this standard.</i>

☒	☐	☐	17.96.060(D)(3)	<b>When extension of utilities is necessary all developers will be required to pay for and install two (2") inch SDR11 fiber optical conduit. The placement and construction of the fiber optical conduit shall be done in accordance with city of Ketchum standards and at the discretion of the City Engineer.</b>
			Commission Finding	<i>The applicant is aware of this requirement and will comply with these standards. As conditioned, the Project complies with this standard.</i>
☒	☐	☐	17.96.060(E)(1)	<b>The project's materials, colors and signing shall be complementary with the townscape, surrounding neighborhoods and adjoining structures.</b>
			Commission Finding	<p><i>The Applicant notes the following about how the materials and colors selected for the project complement Ketchum's townscape, surrounding neighborhood, and adjoining structures:</i></p> <p><b>STONE</b> – Located primarily along the base volume of the restaurant and lobby along River Street. Our stone selection is a dry-stack stone with natural buff / light gray tones and horizontal directionality. Natural stone tones intended to reflect the prevalent stone formations around Wood River Valley, and rustic residential architecture of the area.</p> <p><b>BOARD FORMED CONCRETE</b> – The grounding base element of this building, as the site drops, the board formed concrete foundation walls and site terraces with the landscape. Horizontal board formed texture gives a more natural textured finish vs. a traditional smooth face concrete. This material is seen throughout the valley on residential and commercial projects.</p> <p><b>STOREFRONT GLAZING</b> – All windows, doors, and storefront glazing will be a simple dark bronze / black frame with high performance clear glazing. Dark frames tend to visually disappear from the architecture as other textures pop. Dark frames historically relate to old steel framed windows found throughout Western vernacular architecture, and are seen on most commercial and residential buildings in Ketchum.</p> <p><b>CHARWOOD VERTICAL SIDING</b> – This highly sustainable material is a low maintenance, fire resistant, textured gray wood to contrast / compliment the clear cedar siding throughout the project. Historically grey wood is achieved through staining or natural aging (see adjacent Korb property), but requires regular maintenance and sealing. Charred wood produces a natural gray wood aesthetic that doesn't require future staining or sealing. Gray finished wood is seen throughout Wood River Valley on historic structures, commercial structures, and all grades of residential projects.</p> <p><b>STEEL GUARDRAIL / STEEL PLATE FASCIA</b> – Similar to the dark bronze storefront, clean horizontal steel railings and perimeter roof detailing provides a subtle contemporary touch that ideally disappears from the overall project to let other elements pop. The black flat bar railings are visually lighter than a heavy wood railing or panel railing, and require less maintenance / upkeep than a clear glass railing would. Exposed steel details are common on much of the local architecture, and relates back to historic mining and ski tower structure.</p>

				<p><b>CEDAR WOOD HORIZONTAL SIDING</b> – Wood siding is probably the most commonly seen exterior material in the Wood River Valley and Ketchum. It’s natural texture provides visual connection to surroundings as opposed to more commercial materials like flat metal panel or stucco. ‘Clear’ wood defines the grade of wood to have minimal knots or variation in the grain, so just denotes a higher finish grade of wood. This material will be sealed to maintain a more consistent finish, but color will change over time with exposure to the elements.</p> <p><b>VERTICAL WOOD SLAT W/ METAL PANEL BEHIND</b> – The wood slat siding will use the same clear cedar material as the building siding, but in a lighter slatted application to provide a more vertical structural appearance on a few select locations of the building. The intent of this material is to act as a lighter accent to the mass of the building itself. Dark bronze or black metal panel behind will contrast the clear cedar and make the wood stand out from it’s background. Again, wood is one of the most common building materials in the area, and this is a creative use of a common material.</p> <p>Furthermore, the applicant has provided details of materials to be used on each elevation of the building.</p> <p>The Applicant has also submitted a Master Signage Plan consistent with KMC §17.127.030.B. Because a name for the restaurant and hotel has not been determined, generic names (restaurant and hotel) are provided in the submittal package. Locations for four signs have been noted, as depicted in the submitted drawing set.</p> <p>The site is eligible for 56 square feet of wall signage on River Street and 60 square feet along its SH75 frontage. The proposed signs are less than the aforementioned allowable square footage areas available for signage on the property. As such, the signs are eligible for administrative approval.</p> <p>As conditioned, the Project complies with this standard. The project materials, colors and signing are found to be complementary with the townscape, surrounding neighborhoods and adjoining structures.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(E)(2)	<p><b>Preservation of significant landmarks shall be encouraged and protected, where applicable. A significant landmark is one which gives historical and/or cultural importance to the neighborhood and/or community.</b></p> <p>Commission Finding N/A. There are no identified landmarks on the property.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(E)(3)	<p><b>Additions to existing buildings, built prior to 1940, shall be complementary in design and use similar material and finishes of the building being added to.</b></p> <p>Commission Finding N/A as the existing buildings on site will be demolished and the project will be new construction.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(1)	<p><b>Building(s) shall provide unobstructed pedestrian access to the nearest sidewalk and the entryway shall be clearly defined.</b></p> <p>Commission Finding The proposed sidewalks will connect as required. The subject property is a corner lot with street frontage along River Street and State Highway 75/Main Street. As a substantial improvement, the hotel project is required to install sidewalks equal to the length of the subject property lines adjacent to River and Main Streets. All sidewalks shall be constructed to City standards contained in KMC §12.04.030.M as well as all applicable City right-of-way standards. The main entryway to the hotel lobby is from River Street. The pedestrian ways along River Street will include a snowmelt system,</p>

				<p><i>which serves to further activate the corner of River and Main Streets by enhancing the pedestrian streetscape. The proposed front façade has been designed with ground floor windows and glass doors, which invites the public and hotel guests into the hotel. As conditioned, the Project complies with this standard.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.96.060(F)(2)</p> <p><b>Commission Finding</b></p>	<p><b>The building character shall be clearly defined by use of architectural features.</b></p> <p><i>Congruous with the natural topography of the development parcel, the mass of the building steps up the sloping grade from the south corner of the parcel adjacent to Trail Creek to the front property line at River Street. The vertical mass at the east elevation fronting Main Street is broken up by variation in roof heights, material differentiation, and a combination of horizontal and vertical elements. Projecting balconies and canopy elements serve to articulate breaks within the vertical plane. The circulation corridor design at the center of building serves as a prominent architectural feature anchoring the hotel to the site. Characterized with window openings at the east elevation fronting Main Street, the fenestration proposed with the circulation corridor serves as a visual invitation welcoming the public inside the hotel in order to enjoy the rooftop bar, restaurant, and lounge. The rooftop bar overhang element echoes the overhangs proposed at the entry and the corner of Main &amp; River Streets linking the public amenities proposed with the project including the restaurant, dining area, and lounge.</i></p> <p><i>With its reasoned statement at pre-application Design Review in 2019, the Commission requested the “Applicant meaningfully address ... critiques related to the bulk and mass of the building [including] the tiered outdoor terrace architectural feature at the northeast corner” of SH75 and River Street. This element of the hotel design now integrates with a public plaza, as recommended in the Gateway Study, at the corner of River Street and SH75. This public space adjoins the hotel entry as well as a canopy covered bar patio on Level 01 that is retained by a board formed concrete adjacent a new 8’ wide sidewalk along SH75 and landscape screened from SH75 (toward southeast). The architecture in this corner is tiered from the SH75 street level by a retaining wall, the top of first floor plate level roof overhang canopy above the public outdoor dining, and then three floors of patios that provide terraced outdoor living areas for certain suites. The Commission requested what was previously viewed as imposing and tower-like feature in the design be softened. The new pedestrian interface at this intersection and use of vertical wood slat with sheet metal behind, steel guardrail, and use of thermally broken windows have been specified to address the Commission’s previous concerns.</i></p> <p><i>During the Commission’s pre-application design review hearing, concern was expressed regarding the rooftop bar in relation to noise and light pollution. KMC §17.132.030.H requires all exterior lighting be full cutoff fixtures with the light source fully shielded. Fixtures shielded underneath canopies must be flush mounted or side shielded. KMC §9.08.040.8 enumerates standards for noise levels permitted in the nighttime, daytime, and evening. The Commission encouraged the applicant to consider treatments to mitigate the impact of noise and light emanating for the proposed rooftop bar. The applicant has addressed the previous concerns raised by moving subject rooftop bar one story lower in the overall design of the building (now at Level 03, versus previously at Level 04), by extending the roof canopy over the bar patio space, complying with city lighting specifications, and adding green roof landscaping to the Level 02 terrace that is one story below and accessible by an outdoor stairway from the rooftop bar/patio.</i></p>

				<p><i>The building character is clearly defined by the combined use of vertical elements, such as char wood vertical siding and wood slats with sheet metal behind panels, and horizontal elements, such as cedar wood horizontal siding. Also characterizing the building is its transparency, including thermally broken windows and accessible balconies with steel guardrails for the hotel rooms, as well as canopies and steel plate knife edge fascia to offset architectural elements.</i></p> <p><i>As conditioned, the Project complies with this standard.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(3)	<p><b>There shall be continuity of materials, colors and signing within the project.</b></p> <p><i>Applicant has provided a materials board consisting of Clear Cedar Screen, Clear Cedar T&amp;G, Shou-sugi Ban Wood, Board-formed Concrete, Dry-stacked Stone, Black Steel Trim, Sand-Blasted Concrete and Flat-Bar Railing. Subject material board is characterized by natural materials including stone, steel, and wood with fenestration to celebrate the outside environment within interior common areas and living space. Notably, each of the 92 hotel rooms has access to outdoors with either a Juliet or full walk-out balcony. The materials are carried around the periphery of the building to create design continuity. Additionally, a sign master plan has been submitted by the applicant and will be subject to future administrative approval. As conditioned, the Project complies with this standard.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Commission Finding	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(4)	<p><b>Accessory structures, fences, walls and landscape features within the project shall match or complement the principal building.</b></p> <p><i>The applicant has proposed a landscape buffer southward of the front plaza bar patio characterized by a mix of landscaping, planter beds, and board-formed concrete and/or stone retaining walls. These improvements create a tiered, low to high, stepped back design complementary of the principal building. The Applicant has provided a more detailed landscape plan that softens the building façade, mitigates SH75 noise, and gives vitality to the 45% project open space. As conditioned, the Project complies with this standard.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Commission Finding	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(5)	<p><b>Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness.</b></p> <p><i>As the building form terraces down towards Trail Creek following the contours of the development parcel, the façade is distinguished by a combination of horizontal and vertical elements, such as the balcony railing and window openings, providing additional relief to the staggered facade. Horizontal elements terminate at the southernmost portion of the building, which is characterized by ample transparency and windows providing views of adjacent Trail Creek. The proposed staggered façade design at all elevations incorporates fenestration through window and door openings, varying roof heights, and material differentiation to provide relief the bulk and mass of the hotel.</i></p> <p><i>With the original project master plan in 2019, the Commission expressed concern about the proposed bulk and mass of the building and the associated impact to view corridors, appropriateness of the proposed scale of the hotel and compatibly with the surrounding neighborhoods. In order to mitigate these impacts, the Commission encouraged the Applicant to step back the building in order to improve solar access and view corridors.</i></p> <p><i>The Council agreed with the Commission’s bulk assessment and the proposed project FAR has decreased significantly to less than 1.6 as represented in the attached Design Review Drawings. Additional steps to reduce the appearance of</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Commission Finding	

				<p><i>bulk and flatness from River Street and along the highway are noted in the Commission finding of subsection (E)(1) above. Notably, the façades now combine horizontal and vertical elements through the variation of natural siding materials, the placement of balconies and associated railings, the steel panels, as well as the fenestration. Further, the Commission complemented the Project Architect on “using open corners at the highest elevations of the building.” The entryway and circulation corridor are distinguished through the use of steel siding and the roofing forms at varying elevations. The front elevation is defined by thermally broken storefront glazing and cladding feature integrated with the proposed planters at the ground level and various green roof elements.</i></p> <p><i>Additionally, the Commission requested increased setbacks, landscaping and design considerations at the northwest corner of the building due to the reduced side yard setback. The Commission requested the Applicant provide more undulation and relief to the façade design including more steps and terraced elements. The Commission critiqued the design along this elevation for its lack of modulation and monolithic appearance and encouraged more undulation, stepping of the facades, and material differentiation.</i></p> <p><i>The Council agreed with the aforementioned west setback concern of the Commission and increased the 3-D building envelope as previously noted. Notably, Version No. 4 of the Master Plan is setback 16’ from the west property line. The building steps back at its upper floor and significant landscaping has been added.</i></p> <p><i>Two large retaining walls / terrace features are proposed adjacent SH75 using two different sets of material: black plate steel retainage and board formed concrete. To break up the mass of this design element a number of ideas were discussed, which as conditioned herein may require future Commission review.</i></p> <p><i>As conditioned, the Project complies with this standard.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(6)	<p><b>Building(s) shall orient towards their primary street frontage.</b></p> <p><i>River Street has been analyzed by the design team, AECOM, city staff and the Council and determined to be the preferred solution for project access in terms of level of service, traffic flow, circulation, deliveries, parking, snow removal, and pedestrian access. Additionally, as determined by Council, direct access to the project from SH75 shall be limited to fire emergency staging only. The hotel is oriented towards River Street as the primary street frontage. As conditioned, the Project complies with this standard.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(7)	<p><b>Garbage storage areas and satellite receivers shall be screened from public view and located off alleys.</b></p> <p><i>The project has no access to any public alleyway and, as such, this portion of the DR standard (F)(7) is not applicable. However, garbage storage for the project will be screened from public view. As set forth on the Level 01 Floor Plan, a trash / loading area is located just inside the parking garage off the garage vestibule. The applicant has obtained a will serve letter from Clear Creek Disposal for the project. Furthermore, any satellite receivers for the project or on the property shall be screened from public view. As conditioned, the Project complies with this standard.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(8)	<p><b>Building design shall include weather protection which prevents water to drip or snow to slide on areas where pedestrians gather and circulate or onto adjacent properties.</b></p>

			<b>Commission Finding</b>	<i>The building design includes at the entrance to the hotel lobby a cantilevered canopy that terminates at the applicant's property line along River Street. The restaurant bar patio also is covered. Both features will prevent water from dripping or snow from sliding on areas where pedestrians gather and circulate. Furthermore, the applicant proposes to snow melt the front drop off, plaza, public sidewalk areas as part of its River Street Encroachment Permit with the City. As conditioned, the Project complies with this standard.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(G)(1)	<b>Pedestrian, equestrian and bicycle access shall be located to connect with existing and anticipated easements and pathways.</b>
			<b>Commission Finding</b>	<i>Approximately 500 linear feet of new sidewalk will be built within the River Street and SH75 public ROW abutting the property. The sidewalks will be 8' in width to comply with city standards. The sidewalk along the north-side of the hotel is proposed to be snow melted. Additional pathways are proposed on the applicant's property that wrap the southwest, southern and southeast parts of the building. These are internal walkways that connect to hotel ingress/egress points, various public entries, the dedicated fisherman's easement noted on the subdivision plat for Trail Creek, required hotel emergency evacuation routes, and the aforementioned public ROW sidewalks. Bike racks are also proposed consistent with hotel requirements. As conditioned, the Project complies with this standard.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(G)(2)	<b>Awnings extending over public sidewalks shall extend five (5') feet or more across the public sidewalk but shall not extend within two (2') feet of parking or travel lanes within the right of way.</b>
			<b>Commission Finding</b>	<i>N/A as the applicant has not proposed any awnings that project over a public sidewalk. As conditioned, the Project complies with this standard.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(G)(3)	<b>Traffic shall flow safely within the project and onto adjacent streets. Traffic includes vehicle, bicycle, pedestrian and equestrian use. Consideration shall be given to adequate sight distances and proper signage.</b>
			<b>Commission Finding</b>	<i>As noted in the City Council-adopted PUD Findings set forth in Attachment E.4.A, including in part §17.116.030(C), the City finds the Project will be adequately served by necessary vehicular and nonmotorized transportation systems. This finding was made after reviewing the detailed traffic impact study (TIS) prepared by Hales Engineering, which AECOM (on behalf of the city) provided a peer analysis. As conditioned herein, the Commission finds that traffic shall flow safely within the project and onto adjacent streets. Traffic includes vehicle, bicycle, pedestrian and equestrian use. In making this finding, consideration was given to assuring adequate sight distances and proper signage.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(G)(4)	<b>Curb cuts and driveway entrances shall be no closer than twenty (20') feet to the nearest intersection of two or more streets, as measured along the property line adjacent to the right of way. Due to site conditions or current/projected traffic levels or speed, the City Engineer may increase the minimum distance requirements.</b>
			<b>Commission Finding</b>	<i>No curb cuts or driveway entrances are proposed that are closer than twenty (20') feet to an intersection of two or more streets, as measured along the property line adjacent to the right of way. Improvements to River Street are subject to a city encroachment permit. As conditioned, the Project complies with this standard.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(G)(5)	<b>Unobstructed access shall be provided for emergency vehicles, snowplows, garbage trucks and similar service vehicles to all necessary locations within the proposed project.</b>
			<b>Commission Finding</b>	<i>Significant attention has been given to the project by the city engineer, fire, streets and planning departments to assure that unobstructed emergency access, snow plowing needs, and other city design considerations are properly addressed with the</i>

				<i>project. See department comments in Table 2. Furthermore, the applicant has received a will serve letter from Clear Creek Disposal for the project. As conditioned, the Project complies with this standard.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(H)(1)	<b>Snow storage areas shall not be less than thirty percent (30%) of the improved parking and pedestrian circulation areas.</b>
			Commission Finding	<i>This standard applies to on-site parking and circulation areas, not pedestrian and parking circulation areas within the public right-of-way. All on-site parking is located within the parking garage and the entrance to the parking garage is within the boundary the applicant plans to snowmelt. An extensive sidewalk network is proposed on-site for the public and guests. Portions of this sidewalk network need to remain free of snow for hotel evacuation purposes. As a result, the applicant walkways along the southwest and south portions of the project that are associated with hotel ingress/egress points will be snow melted. With 45% open space on-site and a network of snowmelt sidewalks, the applicant's pedestrian circulation area is greater than 30%. As conditioned, the Project complies with this standard.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(H)(2)	<b>Snow storage areas shall be provided on-site.</b>
			Commission Finding	<i>See above Staff comment for Ketchum City Code §17.96.060(H)(1).</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(H)(3)	<b>A designated snow storage area shall not have any dimension less than five (5') feet and shall be a minimum of twenty five (25) square feet.</b>
			Commission Finding	<i>See above Staff comment for Ketchum City Code §17.96.060(H)(1).</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(H)(4)	<b>In lieu of providing snow storage areas, snow melt and hauling of snow may be allowed.</b>
			Commission Finding	<i>The applicant proposes a snowmelt system for the project. As conditioned, the Project complies with this standard.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(1)	<b>Landscaping is required for all projects.</b>
			Commission Finding	<i>Pursuant to KMC §17.96.060.I, landscaping shall serve to enhance and complement the neighborhood and townscape as well as provide a buffer between land uses. The landscape plan incorporates a landscape buffer separating the hotel from Main Street. The landscape plan is comprised of a mixture of trees, bushes, grasses and flowers appropriate to the environment. Street trees are proposed to be incorporated into the streetscape design adjacent to River Street. All proposed street trees will require electrical outlets and irrigation and must maintain a minimum of 6 ft of clearance within the public sidewalk. Materials and vegetation types are required to be readily adaptable to the site's microclimate, soil conditions, and orientation. All trees, grasses, and perennials must be drought tolerant and native species are recommended.</i>  <i>Due to the requested waiver to reduce the west side setback, the Commission requested the applicant enhance the landscape design in order to provide a buffer between the hotel and the adjacent office buildings located at 220 E River Streets. A 16' building setback and landscape buffer have been provided.</i>  <i>The Commission called for the proposed landscape design to include a comprehensive strategy for the riparian area including a point of access for the public to access Trail Creek. This has been provided, inclusive of public access. Consistent with the Trail Creek Access – Landscape Plan or related amendments thereto, the Floodplain Development/Waterways Design Review approval previously approved by the Commission can be amended administratively to reflect the final Design Review landscape plan.</i>



				<p><i>The Commission noted the landscape plan should provide details for the proposed rooftop garden.</i></p> <p><i>The final landscape plan submitted with the final Design Review application shall be reviewed and approved by the City Arborist.</i></p> <p><i>Two landscape plans are included in the Design Review submittal. The landscape plan includes Aspen Trees, understory shrubs and wildflowers, native trees, shrubs, and grasses, as well as planters comprised of ornamental grasses and perennial flowers.</i></p> <p><i>As conditioned, the Project complies with this standard.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(1)(2)	<p><b>Landscape materials and vegetation types specified shall be readily adaptable to a site's microclimate, soil conditions, orientation and aspect, and shall serve to enhance and complement the neighborhood and townscape.</b></p> <p><i>The landscape materials and vegetation types shall be readily adaptable to the site's microclimate, soil conditions, orientation, and aspect. The proposed landscaping will soften the mass of the building and complement the neighborhood and entry into town. The planters integrated within the front façade enhance the building design and facilitate the creation of inviting outdoor gathering areas. As proposed, the plantings along Main Street will complement the building and Gateway entrance into the City. As conditioned, the Project complies with this standard.</i></p>
			Commission Finding	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(1)(3)	<p><b>All trees, shrubs, grasses and perennials shall be drought tolerant. Native species are recommended but not required.</b></p> <p><i>The landscaping plan indicates native trees, shrubs, and grasses to conserve water will be installed. Proposed species are: (1) conifers, including lodgepole pine and subalpine firs; (2) specialty trees including flowering crabs; (3) deciduous trees including Swedish and quaking aspen; and (4) deciduous shrubs (spirea), groundcover/flowers and native grasses (blue oat). Quantities and locations are shown on Sheet L1. As conditioned, the Project complies with this standard.</i></p>
			Commission Finding	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(1)(4)	<p><b>Landscaping shall provide a substantial buffer between land uses, including, but not limited to, structures, streets and parking lots. The development of landscaped public courtyards, including trees and shrubs where appropriate, shall be encouraged.</b></p> <p><i>The proposed landscaping will provide a buffer between office building to the west and SH75 to the east. The natural riparian landscaping along Trail Creek is retained. As conditioned, the Project complies with this standard.</i></p>
			Commission Finding	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(J)(1)	<p><b>Where sidewalks are required, pedestrian amenities shall be installed. Amenities may include, but are not limited to, benches and other seating, kiosks, bus shelters, trash receptacles, restrooms, fountains, art, etc. All public amenities shall receive approval from the Public Works Department prior to design review approval from the Commission.</b></p> <p><i>Public amenities are required to be provided wherever sidewalks are installed. Amenities may include, but are not limited to, benches and other seating, kiosks, bus shelters, trash receptacles, or art. The applicant proposes these amenities along River Street. All public amenities proposed to be installed shall meet all applicable City right-of-way standards and receive approval from the City Engineer and Streets Department. The addition of benches and other related public amenities where the applicant proposes public access from SH75 toward the south portion of the hotel site</i></p>
			Commission Finding	

				<i>are not specified but encouraged at time of certificate of occupancy. As conditioned, the Project complies with this standard.</i>
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11. The Commission finds the Project complies with the City’s PUD Project Waiver Consideration and Analysis / Tourist Zoning District Dimensional Standards. Details of this compliance are set forth within Table 2 herein below as follows. Table 2 sets forth how the Version No. 4 Project Master Plan complies with the City’s PUD Project Waiver Consideration and Analysis / Tourist Zoning District Dimensional Standards.

**Table 2: PUD Project Waiver Consideration and Analysis/  
Tourist Zoning District Dimensional Standards.**

The Commission has reviewed the standards set forth in Table 2 (herein below), as well as Attachment E.4.A Section 2.5, as approved by KCC on February 3, 2020 and finds the Project in compliance with the Tourist Zoning District findings as follows.

<b>Tourist Zoning Standards</b>				
<b>Compliant</b>			<b>City Standard &amp; Commission Commission Findings</b>	
<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>KMC Section</b>	<b>City Standard &amp; Commission Findings</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.12.030</b>	<b>Minimum Lot Area:</b> 9,000 square feet minimum.
			<b>Commission Finding</b>	<i>The property is 47,249 square feet in size and has a lot width with the one-lot subdivision application that exceeds the minimum lot size and widths required in the Tourist Zone. The City finds that this standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.12.030</b>	<b>Building Coverage</b>
			<b>Commission Finding</b>	<i>Approximately 21,362 square feet of the property will remain open space, which is approximately 45% of the 47,249 square foot site. The Project has greater than the required thirty-five percent (35%) minimum open space set forth in the KMC for the Tourist Zoning District. The City finds that this standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.124.040</b>	<b>Setbacks</b> Front: 15’ Riparian: 25’ SH75: 25’ / 32’ Side: the greater of 1’ for every 3’ in building height, or 5’
			<b>Commission Finding</b>	<i>Front &amp; Riparian Setbacks: The project as set forth in the attached Design Review Drawings complies with the city’s 25’ riparian and 15’ front setback requirements. In accordance with KMC 17.88.050.E.3 the proposed pathway through the riparian zone and providing access to Trail Creek is approvable. Side Yard Setbacks: The Design Review drawings comply with the waivers conditionally approved as part of the PUD process by the City. Notably, the DR drawings show that the average setback of the proposed hotel along SH75 is greater than thirty-one feet (31’) and only one section of the building near River Street, as stipulated in the Council approval of the side setback PUD waiver, is within the 25’ setback. In this instance, the minimum east side setback of twenty feet (20’) is maintained. The project drawings also show that the building sixteen (16’) from the west side property line consistent with KCC approval of the PUD. The City finds that this standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.124.040</b>	<b>Permitted Gross Floor Area Ratio:</b> 0.5 or greater for hotels
			<b>Commission Finding</b>	<i>Floor Area Ratio (FAR): The Design Review drawings comply with the FAR waiver conditionally approved as part of the PUD process by the City. The Project has a FAR of less than 1.6. The City finds that this standard has been met.</i>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.12.040</b>	<b>Building Height</b> <b>Maximum Permitted: 35' or greater for hotels</b>
			<b>Commission Finding</b>	<p><i>The Project proposes a maximum height of 72', which is permissible consistent with the City's PUD approval. Evidence in support of the Project's conditionally permitted allowance has been included in the 2/3/20 PUD approval of the Council. The City finds that this standard has been met, further noting that: (A) The Project site has a large slope from Trail Creek at the south end of the lot to the north end along River Street. The hotel is proposed as a four-story structure on River Street, and step / terrace down to three and then two stories nearest Trail Creek. (B) The KMC does not specify the maximum height of a four-story building. Historic references in the KMC, as well as the top floor plate of the adjoining Limelight Hotel show the hotel fourth floor to equal approximately forty-eight feet (48') while the top of the Limelight hotel penthouse parapet is 73.5' (C) Maximum height of the building shall not exceed 48' when the building is measured from the highest elevation of the property (along River Street) or 72' when building height is measured from the lowest elevation of the property (along Trail Creek). (D) During the transition where the four-story building along River Street steps down approximately thirty feet (30') toward Trail Creek, the forty-eight foot (48') high 4-story building reads like 6-stories at seventy-two feet (72') high. This is permissible consistent with KMC §16.08.020.B and desirable as follows: first, the height of the building at subject central location is below the forty-eight (48') 4-story horizontal plane established by precedent and with the top of the fourth floor at the adjacent Limelight; second, the City recognizes that in this central location of the structure, that the 4-stories of hotel use are sandwiched between two public amenities (employee housing and a roof top bar for the public). The unique characteristics of the site at this location, where the existing grade drops quickly in the center of the site, result in a portion of the building having a taller element of seventy-two feet (72') as measured from existing grade. The City finds this consistent with KMC §16.08.020.B, "[i]n the event of conflict between this PUD chapter and any other ordinance of the city, this PUD chapter shall control." (E) In comparison to both the Limelight and approved Bariteau hotels on opposing corners, the height of the proposed Hotel is lower and more closely aligned to the fourth floor of each building. (F) The Gateway Study and Subarea Analysis indicate that the proposed hotel is both by design and use consistent with envisioned plans for the corner of SH75 and River Street. and, (G) Further, the proposed hotel project is consistent with current Tourist Zoning District zoning allowances for hotels. Each of the attendant uses, including restaurant/bar, meeting rooms, and employee housing are also permitted in the Tourist Zoning District.</i></p> <p><i>As conditioned, the Project complies with this standard.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.125.030.H</b>	<b>Curb Cut Permitted:</b> <i>A total of 35% of the linear footage of any street frontage can be devoted to access off street parking.</i>
			<b>Commission Finding</b>	<i>There are no curb cuts proposed along State Highway 75. The new configuration results in less than thirty-five percent (&lt; 35%) of the linear footage of street frontage devoted to access the off street parking within the parking garage. The City finds that this standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.125.020.A.2 &amp; 17.125.050</b>	<b>Parking Spaces</b> <i>Off-street parking standards of this chapter apply to any new development and to any new established uses.</i>
			<b>Commission Finding</b>	<i>As analyzed by staff and consistent with KMC §17.125, the Project has adequate parking for the proposed uses on the property. The project is parked with 84 on-site garage parking spaces. Of the 84 spaces provided for the Project not less than 13</i>

			<i>spaces are reserved for public use, 18 spaces are reserved for employee housing use, and the remaining 53 spaces are needed for hotel operations. As conditioned, the Project complies with this standard.</i>
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### SECTION III CONCLUSIONS OF LAW

- 3.1 The City 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
- 3.2 The City pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code has the authority to enact the Ordinances and regulations which the City has exercised and approved Ordinances codified in the Ketchum City Code (“KMC”), and which are identified in Section II of these Findings of Fact, and which are herein restated as Conclusions of Law by this reference, and which City Ordinances govern the Applicant’s Project Application design review.
- 3.3 The City has the authority pursuant to Idaho Code Section 67-6518 to establish standards for building design and related development design which standards may be provided as part of zoning, subdivision, planned unit development, or separate ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided in section 67-6509, Idaho Code, which the City has exercised by ordinance, codified at Chapter .96 of Title 17 of the KMC, for the processing of applications for design review of building development within the City of Ketchum.

### ORDER OF DECISION

Based upon the above and foregoing Findings of Fact/Conclusions of Law and good cause appearing from the record, IT IS HEREBY ORDERED AND THIS DOES ORDER THAT:

**ORDER NO. 1:** Applicant’s Design Review application, as referenced herein inclusive of the drawings set forth in **Exhibit 1**, is approved subject to the following seventeen (17) conditions:

1. This Design Review approval is subject to the PUD Findings adopted by the KCC on 2/3/20 for the PEG Ketchum Hotel (also referenced as Attachment E.4.A).
2. This Design Review approval is subject to the conditions as set forth in Tables 1 and 2.
3. This Design Review approval is subject to all Ketchum City departmental comments and conditions as set forth in Table 1 of **Exhibit 2**.
4. The applicant shall submit final civil drawings prepared by an engineer registered in the State of Idaho including the utilities and drainage plans to be reviewed and approved by the City Engineer, Streets, and Utilities departments prior to issuance of a Building Permit for the project.
5. This Design Review approval is based on the plans and information presented and approved at the meeting on the date noted herein. Building Permit plans for all on-site improvements must conform to the approved Design Review plans unless otherwise approved in writing by the Planning and Zoning Commission or Administrator. Any building or site discrepancies which do not conform to the approved plans will be subject to removal.

6. All governing ordinances, requirements, and regulations of the Fire Department (2012 International Fire Code and local Fire Protection Ordinance No.1125), Building Department (2012 International Building Code, the 2012 International Residential Code, and Title 15 of Ketchum Municipal Code), Utilities Department, Street Department (Title 12 of Ketchum Municipal Code), and the City Engineer shall be met prior to Certificate of Occupancy.
7. The term of Design Review approval shall be twelve (12) months from the date that the Findings of Fact, Conclusions of Law, and Decision are adopted by the Commission or upon appeal, the date the approval is granted by the Council (KMC §17.96.090).
8. All Design Review elements shall be completed prior to issuance of a Certificate of Occupancy for the building.
9. All exterior lighting on the property shall be in compliance with Ketchum Municipal Code, Chapter 17.132, Dark Skies, and shall be inspected by Planning Staff and approved prior the issuance of a Certificate of Occupancy for the building.
10. Any satellite receivers located on the hotel property shall be screened from public view.
11. The hotel project is required to install 8' wide sidewalks equal to the length of the subject property lines adjacent to River and Main Streets or 504 linear feet, whichever is greatest. All sidewalks shall be constructed to City standards
12. Lighting and noise related to the rooftop bar shall be in compliance with the following city code requirements: KMC §17.132.030.H requires all exterior lighting be full cutoff fixtures with the light source fully shielded. Fixtures shielded underneath canopies must be flush mounted or side shielded. KMC §9.08.040.8 enumerates standards for noise levels permitted in the nighttime, daytime, and evening.
13. Any modification to the existing Floodplain Waterways Design Review permit is subject to administrative approval.
14. Any modification to the proposed Sign Plan is subject to administrative approval.
15. Sidewalks that are required for the hotel evacuation plan shall be part of the hotel snowmelt system and kept free of snow. A snow melt diagram shall be incorporated into the drawing set approved at the time of building permit issuance to assure areas proposed for snowmelt are constructed as such and found operational as a condition of certificate of occupancy.
16. Construction of the two tallest terrace walls adjacent to SH75 with proposed materials of board formed concrete and block plate steel retainage may be subject to future design review at the time the application is filed for approval at the discretion of the Administrator.
17. The Commission encourages the Council as part of any Encroachment Permit approval for River Street improvements to establish guidelines for the use of natural gas within the proposed fire pit. The goal of such guidelines would be to limit emissions and to avoid continuous (Olympic Torch) type of operation.

**Order No. 2: Final Action:** These Findings of Fact, Conclusions of Law and Order of Decision are a final action of the Planning and Zoning Commission on this Design Review application unless the Applicant and or an Affected Property Owner files within Fifteen (15) days of this Order an Appeal to the City Council pursuant to Chapter 17.144 of Title 17 Ketchum Municipal Code.

**Order No. 3: Direction to City Clerk:** The City Clerk shall forthwith provide and serve a copy of these Findings of Fact, Conclusions of Law, and Order of Decision upon the Applicant, and to anyone who has been provided notice of the proceedings, and retain the original in the official records of the City.

These Findings of Fact are adopted this 9<sup>th</sup> day March, 2020.

---

Neil Morrow, Chairman

### **Notice to Applicant**

The subject Design Review Application concerns a site-specific land use request and therefore this notice is provided to the Applicant pursuant to I.C. § 67-6535 (3) of the Applicant's right to request a regulatory taking analysis pursuant to I.C. § 67-8003.

**Exhibit 1.** PEG Ketchum Hotel, LLC's Design Review Submittal Drawings – **click on following link:**  
[https://ketchumidaho.org/sites/default/files/fileattachments/planning\\_amp\\_building/project/37921/200304\\_-\\_ketchum\\_hotel\\_-\\_design\\_review\\_application\\_update.pdf](https://ketchumidaho.org/sites/default/files/fileattachments/planning_amp_building/project/37921/200304_-_ketchum_hotel_-_design_review_application_update.pdf)

**Exhibit 2.** Ketchum City departmental comments and conditions

# Exhibit 1. PEG Ketchum Hotel, LLC's Design Review Submittal Drawings - [click on following link:](#)

[https://ketchumidaho.org/sites/default/files/fileattachments/planning\\_amp\\_building/project/37921/200304\\_-\\_ketchum\\_hotel\\_-\\_design\\_review\\_application\\_update.pdf](https://ketchumidaho.org/sites/default/files/fileattachments/planning_amp_building/project/37921/200304_-_ketchum_hotel_-_design_review_application_update.pdf)

# Exhibit 2. Ketchum City Department Comments & Conditions

Table 1: City Department Comments

Design Review standards include criteria regarding street design (KMC §17.96.060.A), sidewalks (KMC §17.96.060.B), circulation design (KMC §17.96.060.G), drainage (KMC §17.96.060.C), and utilities (KMC §17.96.060.C). City Department comments, which include analyses of standards pertaining to public right of way (ROW) improvements, such as the installation of sidewalk, drainage, and utilities, are noted in this Table 1 as follows.

<b>City Department Comments</b>
<p><i>City Department comments are based on the project concept as proposed with the Design Review project plans. All City Departments shall review and approve the project through the Building Permit application process. All comments pertaining to the Design Review drawings are subject to change. All right-of-way improvements must be reviewed and approved by the City Engineer and Streets Department prior to issuance of a Building Permit for the project. All City Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.</i></p>
<p><b>Fire Department:</b></p> <ul style="list-style-type: none"> <li>• The above project shall meet all 2012 International Fire Code requirements in addition to specific City Building and Fire Ordinances.</li> <li>• The buildings address numbers shall be placed in such a position to be plainly visible and legible from River Street. Numbers and letters shall be a minimum of four (4) inches tall, contrast with their background and be positioned a minimum of forty-eight (48) inches above final grade.</li> <li>• The following doors shall be permanently signed: All room containing an R-Occupancy, Fire Sprinkler Riser Room, Alarm Panel Room, Electrical and Mechanical closets, Elevator Mechanical, Pool Equipment with Hazardous Material Placards for Pool Chemicals, room containing emergency radio repeater.</li> <li>• Vehicle parking and material storage during construction shall not restrict or obstruct public streets or access to any building. A minimum twenty-foot travel lane for emergency vehicle access shall be maintained clear and unobstructed at all times around the entire building as noted on the Construction Management Plan. Once construction begins on the second floor and above, 26-foot aerial ladder truck access is required along one entire side of the building for evacuation of injured persons from upper floors. All required Fire Lanes, including within 15 feet of fire hydrants, shall be maintained clear and unobstructed at all times.</li> <li>• A written onsite emergency notification plan is required to be developed by the contractor’s onsite Safety Officer to notify emergency services of an incident and to direct responders to the actual incident location on the site. The plan shall be reviewed and approved by the fire department prior to commencing work on the site.</li> <li>• An approved NFPA 13 Fire Sprinkler system is required throughout the entire building per 2012 IFC Section 903.3.1.1. and City of Ketchum Ordinance #1125 (<a href="http://www.ketchumfire.org">www.ketchumfire.org</a>). Fire sprinkler systems shall be annually tested and maintained per NFPA 25 with a report of the inspection forwarded to the fire department annually.</li> <li>• Fire sprinkler floor control valves shall be installed on each level. They shall contain Check Valves, Main Drain Valves, flow switch isolation, control and annunciation of water flow on each individual floor.</li> <li>• Inspections of fire department permit required installations shall be scheduled at least 48 hours in advance.</li> </ul>



- NOTE: One electronic set of fire sprinkler system plans, and two full size sets of fire sprinkler construction drawings shall be submitted to the Ketchum Fire Department in addition to the Idaho State Fire Marshals fire sprinkler plan submittal requirements. A separate Ketchum Fire Department Permit shall be obtained prior to installation of fire sprinkler systems. Inspections of fire sprinkler systems by the Fire Chief or an appointee are required. Inspections must be scheduled at least 48 hours in advance.
- An approved Class I Standpipe system is required to be installed in all stairways. Fire hose connections shall be located on the intermediate landing of each floor including the basement level and roof levels. Fire hose connections to the standpipe system in the stairwells shall be gated 2 ½ inch NHT male couplings. The standpipe system shall be installed by the same contractor that installs the fire sprinkler system and shall meet the requirements of the most current Edition of NFPA Standard 14.
- The fire department connection to the fire sprinkler system and the standpipe system shall be located on the River Street side of the building. The fire department connections to the fire sprinkler system and the standpipe systems shall be 2 ½ inch female (NHT) couplings.
- An approved automatic smoke alarm system is required to be installed per IFC Section 907.2.8 and the requirements of NFPA 72. Two (2) sets of alarm system plans shall be submitted to the Ketchum Fire Department for approval and a Ketchum Fire Department permit is required prior to installation of alarm systems. In addition, all fire sprinkler flow switches and tamper switches shall be interconnected to the buildings alarm system. Inspections and testing of fire detection and notification systems by the Fire Chief or an appointee are required and shall be scheduled at least 48 hours in advance. Note: smoke detection is not required on the first floor in the lobby or restaurant areas.
- A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors.
- The hotel shall prepare and Safety Evacuation Plan following the guidelines of Section 408.8 through 408.8.3 of the 2012 International Fire Code prior to the final inspection on the building.
- Stairways shall provide for roof access on all roof levels per Section 504.3 of the 2012 International Fire Code.
- An approved Emergency Responder Radio system shall be installed throughout the building per 2012 IFC Section 510. The Emergency Responder Radio System shall provide acceptable radio coverage for all emergency responders in all locations within the building and around the building. Testing and approval of the system by the fire department is required prior to any occupation of the premises.
- Fire extinguishers shall be installed and maintained per 2012 IFC Section 906 and NFPA Standard 10 both during construction and upon occupancy of the building.
- Approved key boxes shall be installed, with the appropriate keys, for emergency fire department access in a location approved by the fire department. The key boxes shall be a Knox box brand and sized to accommodate keys to every door of the project. Note: Up to four (4) key boxes may be required.
- An approved fire access roadway shall be provided on the South side (River Side) of the building and be installed per 2012 International Fire Code Appendix D. The Fire access road shall be installed prior to any combustible construction on the site. The road shall be a minimum of twenty (20) feet in width and capable of supporting an imposed load of at least 75,000 pounds. The road must be an all-weather driving surface maintained free, clear, and unobstructed at all times.
- An additional Fire hydrant shall be required on the corner of River Street and Main Street to meet the necessary for flow for the building.
- All fire doors shall in emergency stairwells have signage “Do Not Block Open” per Section 703.2.1 of the 2012 International Fire Code.
- Emergency Lighting Exit and Low-Level Exit signs shall be provided following Sections 1006 and 1011.2 of the 2012 International Fire Code.
- Note: Additional requirements may be added upon final plan review.

- An 8 ½ by 11 color coded site map of this project shall be provided on paper and electronically to the fire department. This site map shall show the locations of gas shut-offs, power shut-offs, fire sprinkler riser rooms, fire department connections, alarm panels, Knox boxes, access doors, egress windows, stairways and any additional fire department requirements. Exact details for color coded “On-Sites” can be found at [www.ketchumfire.org](http://www.ketchumfire.org) or by contacting Lieutenant Greg Martin at the Ketchum Fire Department.
- Final inspections of all fire department permit required installations by the Fire Chief or an appointee are required and shall be scheduled at least 48 hours in advance. A Final Inspection Checklist can be found at [www.ketchumfire.org](http://www.ketchumfire.org).
- Fire Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.

**City Engineer & Streets Department:**

- Pursuant to KMC §12.04.020.C, building/construction plans shall be prepared by a professional engineer registered in the state and shall include the following information: (a) alignment and profile of all streets, (b) location of all underground utilities including alignment and depths, (c) location, size and type of all drainage structures, (d) connections to existing streets, drainage facilities, and all utilities, (e) adequate dimensions and details for accurate construction of all roadway features, and (f) adequate specifications to assure proper materials and workmanship to attain construction with design criteria, standard specifications and standard drawings.
- All drainage shall be retained on site (KMC §17.96.060.C.1). Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street (KMC §17.96.060C).
- A detailed construction management plan is required. All construction for the project must comply with the standards set forth in Ketchum Municipal Code, Chapter 15.06 Construction Activity Standards. The applicant shall submit a Construction Activity Plan addressing all applicable activities (KMC §15.06.030), including how materials will be off-loaded at the site, plan for coordinating with neighbors on temporary closures, temporary traffic control, and construction fencing with appropriate screening, to be reviewed and approved prior to issuance of a Building Permit for the project. Pursuant to KMC §15.06.030.A.2, the applicant shall provide notice of the project, construction schedule, and general contractor’s contact information to all neighbors with properties adjacent to the project site.
- The Building Permit plans and construction drawings shall meet all applicable sections of Chapter 12 of Ketchum Municipal Code.
- The applicant shall submit a Street and Alley Digging, Excavation, and Trenching (“DIG”) Permit application with an associated traffic control plan for all construction work within the City right-of-way to be reviewed and approved by the Streets Department. The use of City right-of-way for construction including the closure of adjacent streets or sidewalks requires a Temporary Use of Right-of-Way Permit (“TURP”).
- Soil nail walls are not permitted within the City of Ketchum.
- Street trees will require electrical outlets and irrigation.
- Applicant shall coordinate with the Streets Department regarding sign locations and associated bases if proposed for the project.
- The applicant shall submit will serves from Idaho Power and Clear Creek Disposal prior to issuance of a Building Permit for the project.
- Lighting within the public right-of-way is required and will need to meet city lighting standards along River Street and SH-75.
- Sidewalk snow removal will be the responsibility of the owner. A Right-of-Way Encroachment Permit is required for the proposed snowmelt system within the public ROW.
- The proposed encroachments within the River Street right-of-way are not approved with this Design Review application and require review and approval by the City Engineer and Streets Department. A ROW

Encroachment Permit approved by the Ketchum City Council will be required prior to issuance of a Building Permit for the hotel project. Final execution of the encroachment permit is required for C of O.

- If the project disturbs over 1 acre applicant must submit for coverage under the CGP and develop a project specific SWPPP prior to starting ground disturbing activities.
- Final civil drawings for all associated ROW improvements shall be submitted with the Building Permit application to be verified, reviewed, and approved by the City Engineer and Streets Department prior to issuance of a Building Permit for the project.

**Utilities:**

- DEQ approval may be required for all water and sewer lines serving the properties.
- Water service and main lines are private to all properties from the point of connection with city water.
- Water infrastructure maintenance and repair will be the responsibility of the property owners.
- All drywells and non-potable water lines must maintain legal separation from potable water lines.
- Water service must be taken off of the fire system in the mechanical/riser room prior to the point of diversion to the fire backflow device.
- A licensed plumber or mechanical engineer must determine the appropriate size for the meter.
- The proposed plans for the fire riser room, which is where the water meter shall be located, must be reviewed and approved by the Utilities Department.
- Requirements and specifications for the water and sewer connections will be verified, reviewed, and approved by the Utilities Department prior to issuance of a Building Permit for the project.

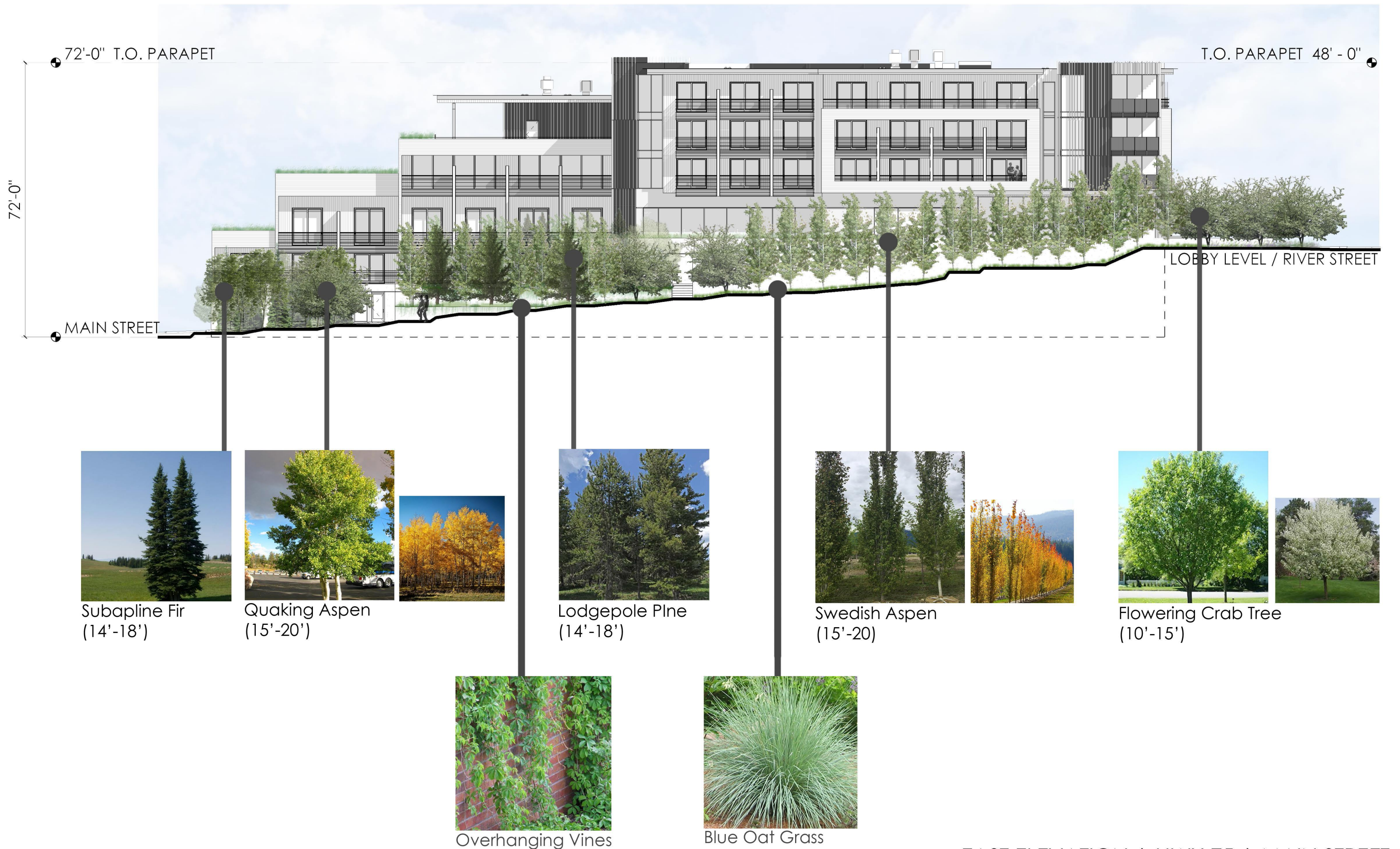
**Building:**

- The building must meet the 2012 International Building Code and Title 15 Buildings and Construction of Ketchum Municipal Code.
- Building Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.

**Planning and Zoning:**

Comments are denoted within the analysis of the project's compliance with the Comprehensive Plan, zoning and dimensional standards, and Design Review evaluation standards.

W:\Work\K\Ketchum, City of 24892\Gateway Hotel Development Proposal .015\Design Review Process and Docs\Draft PEG DR Findings for 3-9-20 (wfg Edits).docx



EAST ELEVATION | HWY 75 | MAIN STREET

Note: Tree Size Shown at Time of Planting

TRIBUTE PORTFOLIO | KETCHUM, IDAHO

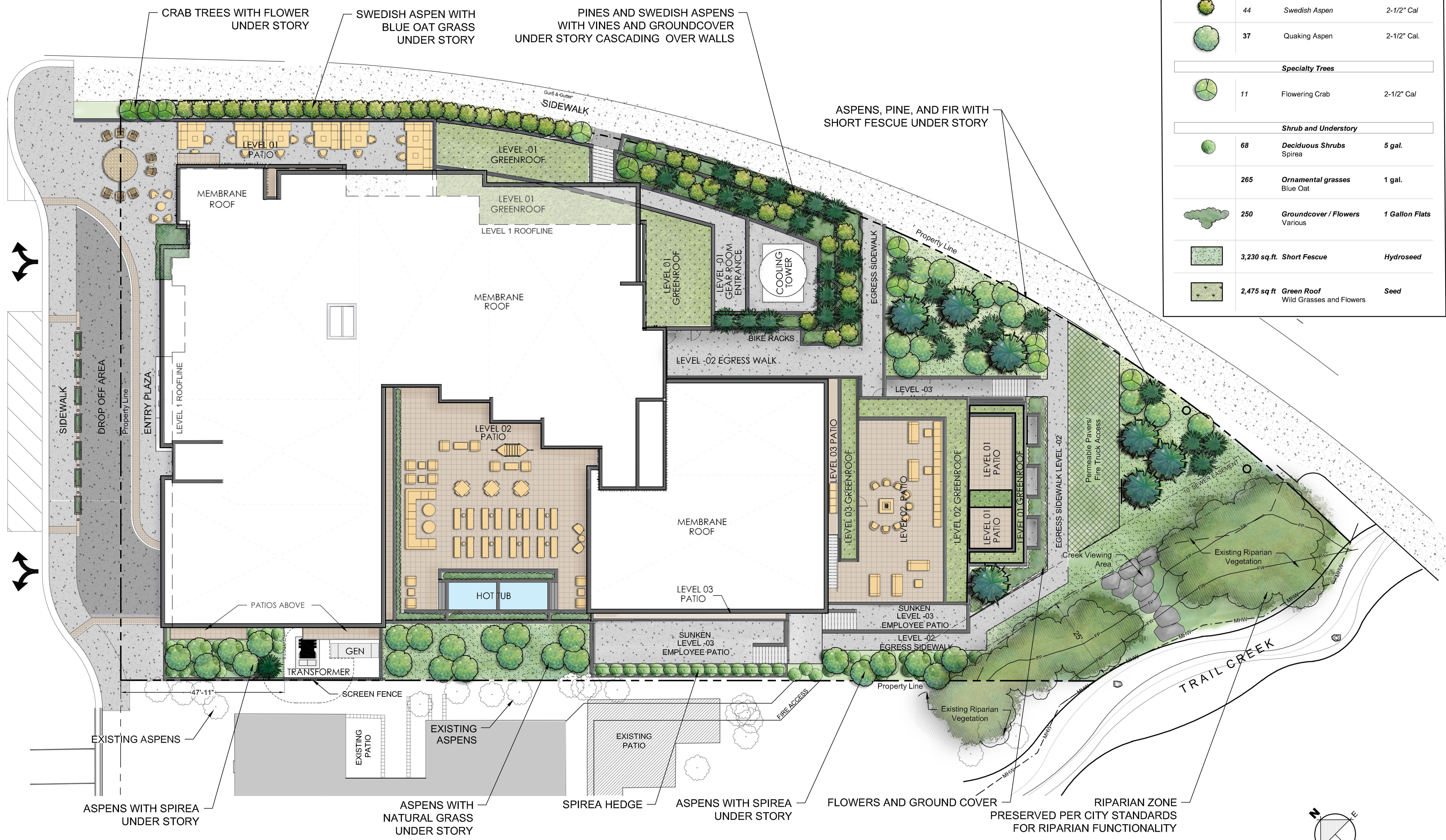


NOTE: Trees Size Shown at Time of Planting

WEST ELEVATION | TRAIL CREEK

TRIBUTE PORTFOLIO | KETCHUM, IDAHO

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Plant Legend			
Sym	Qty	Species	Size
<b>Conifer Trees</b>			
	28	Lodgepole Pine	14' - 18'
	7	Subalpine Fir	14' - 18'
<b>Deciduous Trees</b>			
	44	Swedish Aspen	2-1/2" Cal
	37	Quaking Aspen	2-1/2" Cal.
<b>Specialty Trees</b>			
	11	Flowering Crab	2-1/2" Cal
<b>Shrub and Understory</b>			
	68	Deciduous Shrubs Spirea	5 gal.
	265	Ornamental grasses Blue Oat	1 gal.
	250	Groundcover / Flowers Various	1 Gallon Flats
	3,230 sq.ft.	Short Fescue	Hydroseed
	2,475 sq ft	Green Roof Wild Grasses and Flowers	Seed

ajc architects  
 703 east 1700 south  
 salt lake city, ut 84105  
 ajcarchitects.com

ARCHITECT / CONSULTANT

**EGGERS ASSOCIATES, PA**  
 landscape architecture

P.O. Box 953  
 Ketchum, ID 83340

T: (208) 725-0988  
 F: (208) 725-0972

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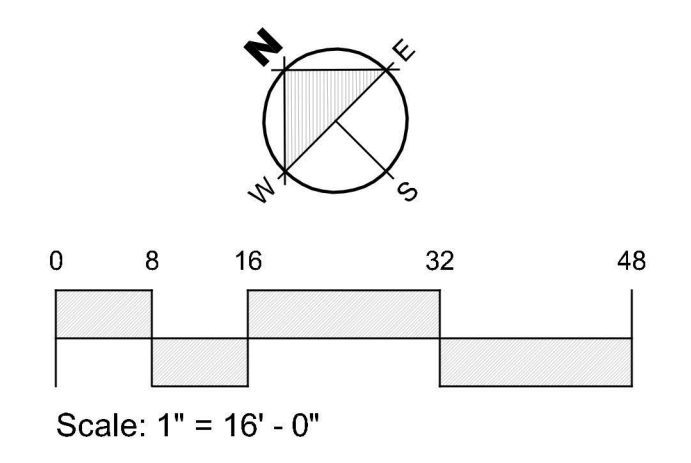
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PROJECT DESCRIPTION  
**KETCHUM BOUTIQUE HOTEL**

River & Main  
 Ketchum, ID 83353

SHEET NAME:  
**PLANTING PLAN**

REVISIONS	MARK	DATE	DESCRIPTION



ISSUE DATE: 02/24/20  
 ISSUE TYPE: DESIGN REVIEW  
 DRAWN BY: Author  
 CHECKED BY: Checker  
 PROJECT#: 1912.01

SHEET NUMBER:

**L1.1**







**Attachment 2**



Mechanical Engineering  
Electrical Engineering  
Technology Engineering  
Acoustical Engineering  
Lighting Design  
Theatre Design  
Fire Protection Engineering  
Building Commissioning

Salt Lake City | Phoenix | St. Louis | Baltimore  
[p] 800-678-7077  
www.spectrum-engineers.com

## Ketchum Hotel – Mechanical West Property Items

---

**Job:** Ketchum Tribute Hotel  
**Re:** Ketchum Design Meeting  
**From:** Ryan Boogaard, PE, LEED AP      **phone:** (801) 401-8420  
**Date:** March 2<sup>nd</sup>, 2020      **email:** rhb@spectrum-engineers.com

---

The following is a description of the mechanical items located on the west wall of the hotel. Please refer to the document, ‘2020-03-02 Mechanical West Property Coordination’. The following description will reference tags and other items from the coordination document.

The level -2 portion of the West wall has a louver tagged as L-3. This louver is to provide intake air for the commercial clothes driers. Nearby, there are three 10” dia. ducts penetrating this west wall. These ducts are to provide exhaust for the commercial clothes dryers. They will produce minimal smells and noise. These ducts will produce steam in times of cold weather.

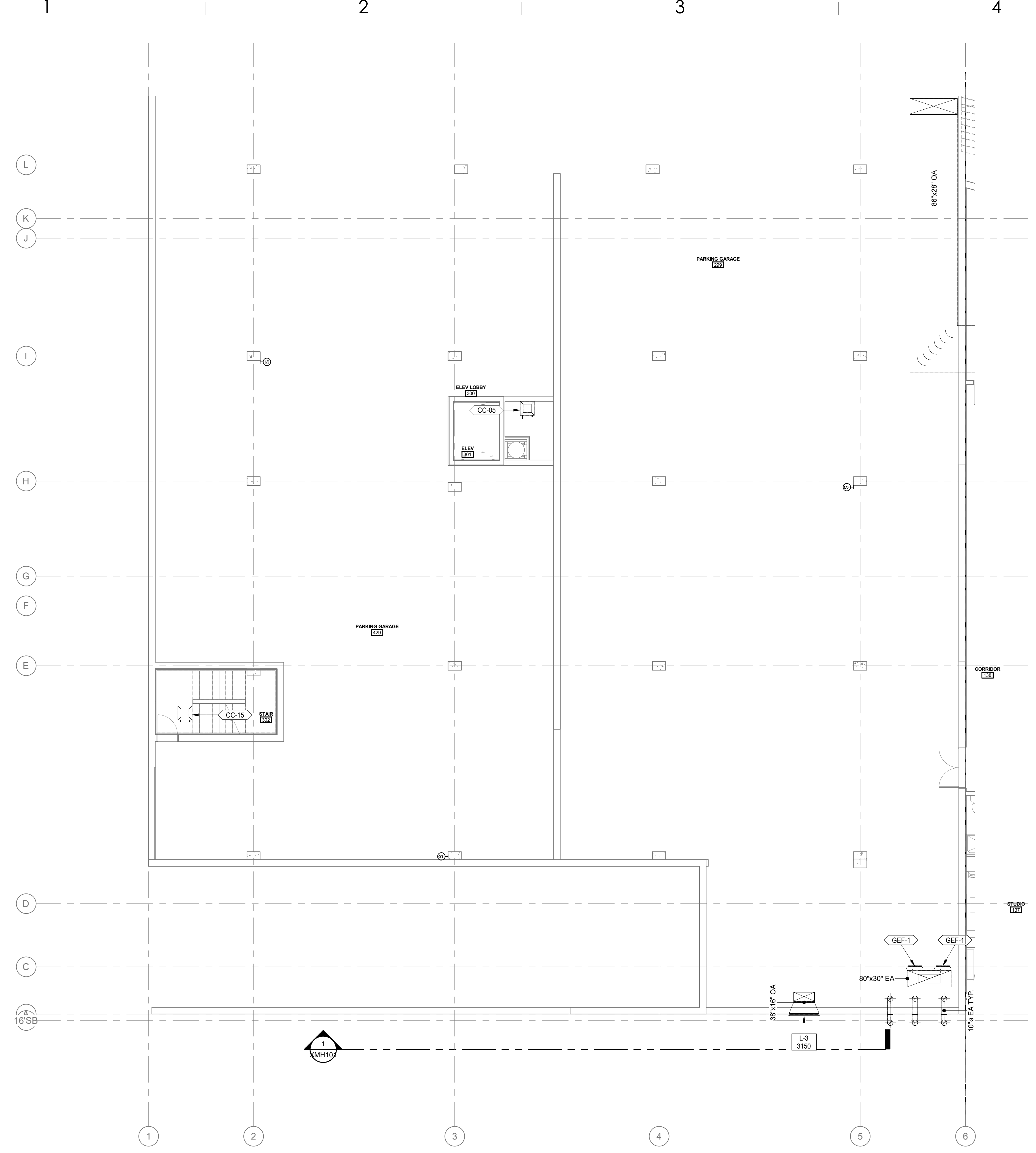
The level -1 portion of the West wall has a large louver tagged as L-1 serving the parking garage exhaust. This louver will not have any noticeable smells, but will create some noise. The noise levels will vary depending on vehicle operation rates in the parking garage. Typically the noise will be very minimal, but the noise will increase upon the call for the garage exhaust. We anticipate the louver to remain under 70 dB.

The level 1 portion of the West wall has the large ventilation ducts and louvers serving the building ventilation system. These louvers are tagged as L-2. These louvers will not have any smells, but will produce some noise. We anticipate these louvers to remain under 70 dB. Near louvers L-2, there are some round ducts penetrating the West wall of the building. These ducts are to serve the pool equipment and pool equipment room. These ducts will produce minimal to no smell and minimal noise. During times of cold weather, some of these ducts may produce steam.

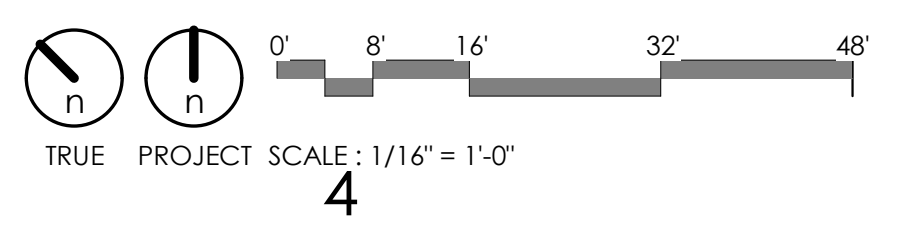
Respectfully,

Ryan Boogaard, PE, LEED AP BD+C

3/2/2020 1:52:38 PM BIM 340://Ketchum Hotel/Mech Central\_Ketchum Hotel.rvt  
 ALL IDEAS, DESIGNS, ARRANGEMENTS AND PLANS INDICATED OR REPRESENTED BY THIS DRAWING ARE OWNED BY AND THE PROPERTY OF AJC ARCHITECTS PC AND WERE CREATED, DEVELOPED, AND/OR OFFERED FOR USE AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF THE IDEAS, DESIGNS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM, OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN CONSENT OF AJC ARCHITECTS PC. ANY REPRODUCTION OR TRANSMISSION OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF AJC ARCHITECTS PC IS STRICTLY PROHIBITED. THIS DRAWING IS THE PROPERTY OF AJC ARCHITECTS PC AND IS TO BE USED ONLY FOR THE PROJECT AND CONDITIONS SHOWN BY THESE DRAWINGS. WARNING: REPRODUCTION HEREOF IS A CRIMINAL OFFENSE UNDER 18 U.S.C. SEC. 106. UNAUTHORIZED DISCLOSURE MAY CONSTITUTE TRADE SECRET VIOLATION IN VIOLATION OF 18 U.S.C. SEC. 1836 AND OTHER LAWS.



**1 LEVEL -2 MECHANICAL PLAN - A**  
 1/8" = 1'-0"



**5 GENERAL SHEET NOTES**

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**SPECTRUM ENGINEERS**  
 324 S. State St., Suite 400  
 Salt Lake City, UT 84111  
 800-678-7077  
 801-328-5151  
 fax: 801-328-5155  
 www.spectrum-engineers.com

PROJECT DESCRIPTION  
**KETCHUM BOUTIQUE HOTEL**  
 River & Main  
 Ketchum, ID 83353

SHEET NAME:  
**LEVEL -2 MECHANICAL PLAN - A**

**5 SHEET KEYNOTES**

REVISIONS

MARK	DATE	DESCRIPTION

ISSUE DATE: 12/09/19  
 ISSUE TYPE: CONCEPT  
 DRAWN BY: CLD  
 CHECKED BY: RHB  
 PROJECT#: 1912.01

SHEET NUMBER:

**ajc architects**

703 east 1700 south  
 salt lake city, ut 84105  
 ajcarchitects.com

ARCHITECT / CONSULTANT

**NOT FOR CONSTRUCTION**

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**LEVEL -2 MECHANICAL PLAN - A**

**5 SHEET KEYNOTES**

REVISIONS

MARK	DATE	DESCRIPTION

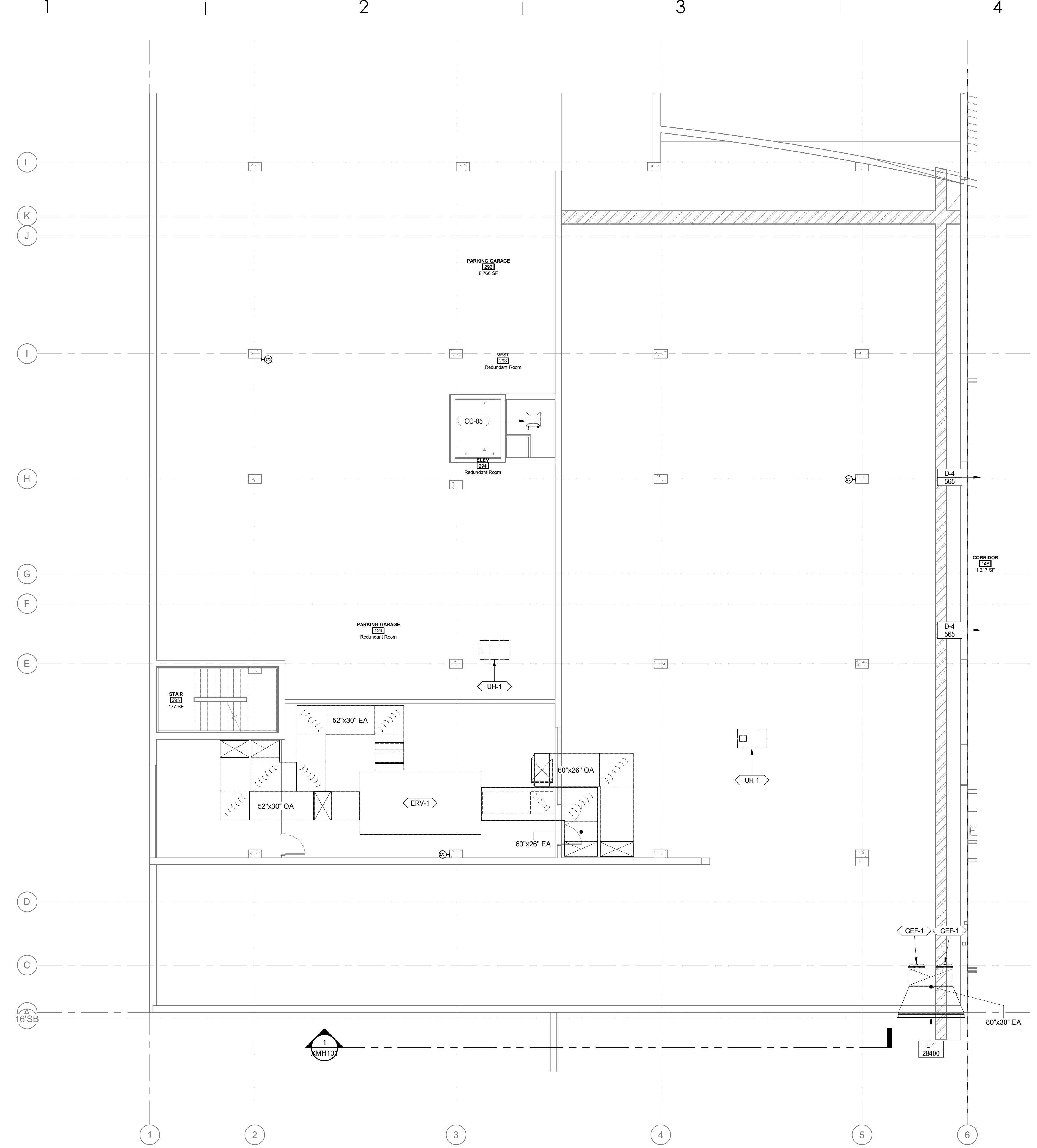
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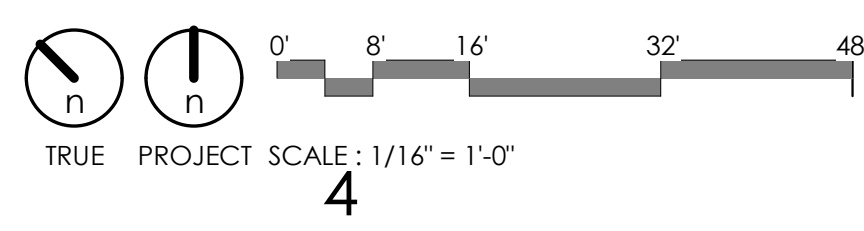
**MH102A**

3/2/2020 1:52:43 PM BIM 360://Ketchum Hotel/Mech Central Ketchum Hotel.rvt

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**1 LEVEL -1 MECHANICAL PLAN - A**  
1/8" = 1'-0"



**GENERAL SHEET NOTES**

**SHEET KEYNOTES**

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**SPECTRUM ENGINEERS**  
324 S. State St., Suite 400  
Salt Lake City, UT 84111  
800-678-7077  
801-328-5151  
fax: 801-328-5155  
www.spectrum-engineers.com

PROJECT DESCRIPTION  
**KETCHUM BOUTIQUE HOTEL**

River & Main  
Ketchum, ID 83353

SHEET NAME:  
**LEVEL -1 MECHANICAL PLAN - A**

REVISIONS  
MARK DATE DESCRIPTION

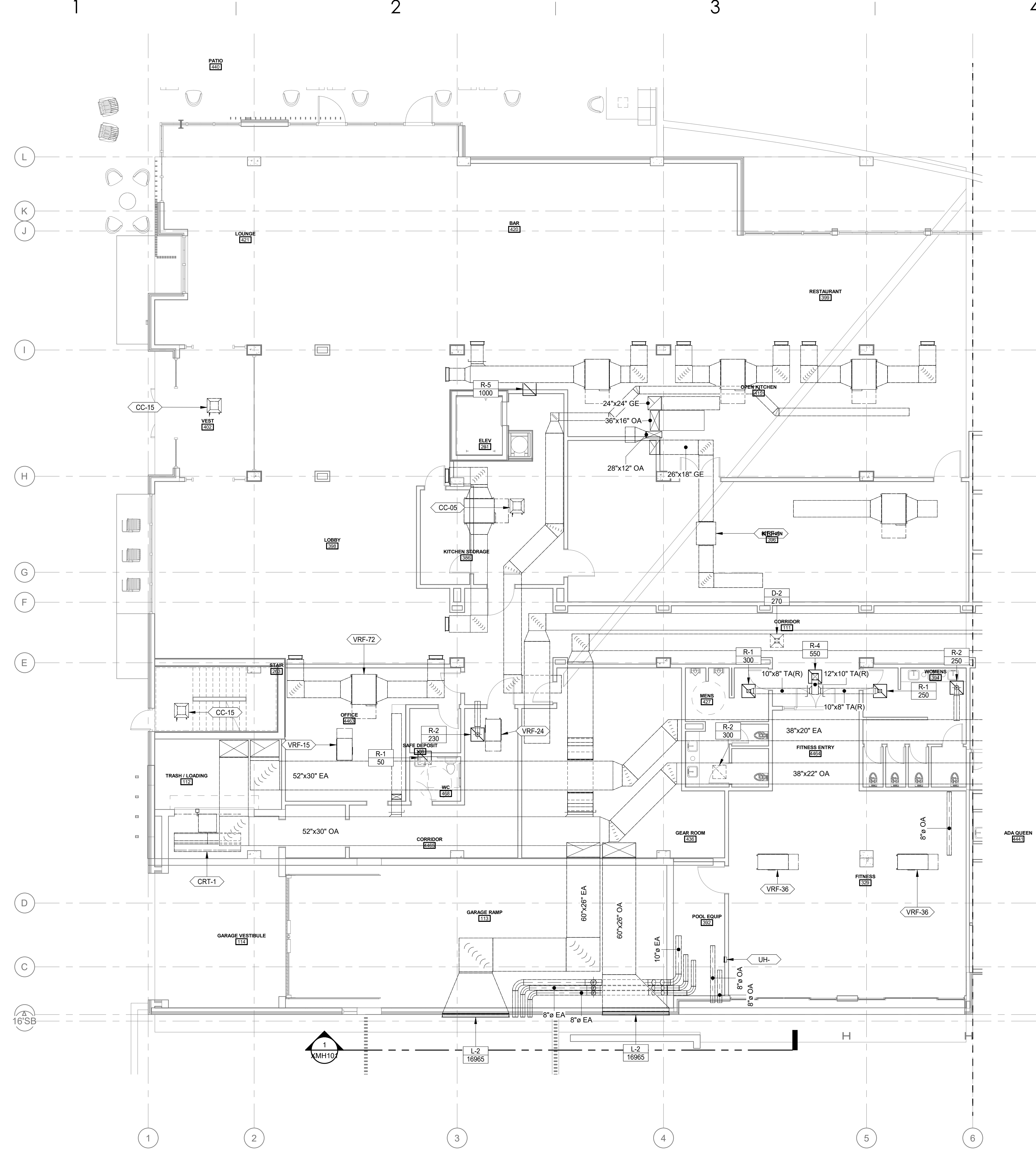
ISSUE DATE: 12/09/19  
ISSUE TYPE: CONCEPT  
DRAWN BY: CLD  
CHECKED BY: RHB  
PROJECT#: 1912.01

SHEET NUMBER:

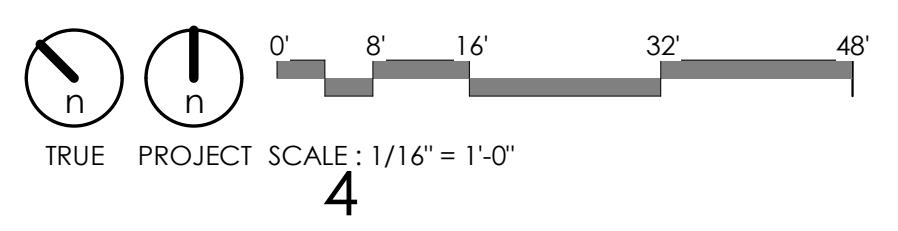
**MH103A**

3/2/2020 1:52:54 PM BIM 340://Ketchum Hotel/Mech Central Ketchum Hotel.rvt

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**1 LEVEL 1 MECHANICAL PLAN - A**  
1/8" = 1'-0"



**GENERAL SHEET NOTES**

ajc architects   
703 east 1700 south  
salt lake city, ut 84105  
ajcarchitects.com

ARCHITECT / CONSULTANT

**NOT FOR  
CONSTRUCTION**

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PROJECT DESCRIPTION  
**KETCHUM BOUTIQUE  
HOTEL**

River & Main  
Ketchum, ID 83353

SHEET NAME:  
**LEVEL 1 MECHANICAL  
PLAN - A**

**SHEET KEYNOTES**

REVISIONS  
MARK DATE DESCRIPTION

ISSUE DATE: 12/09/19  
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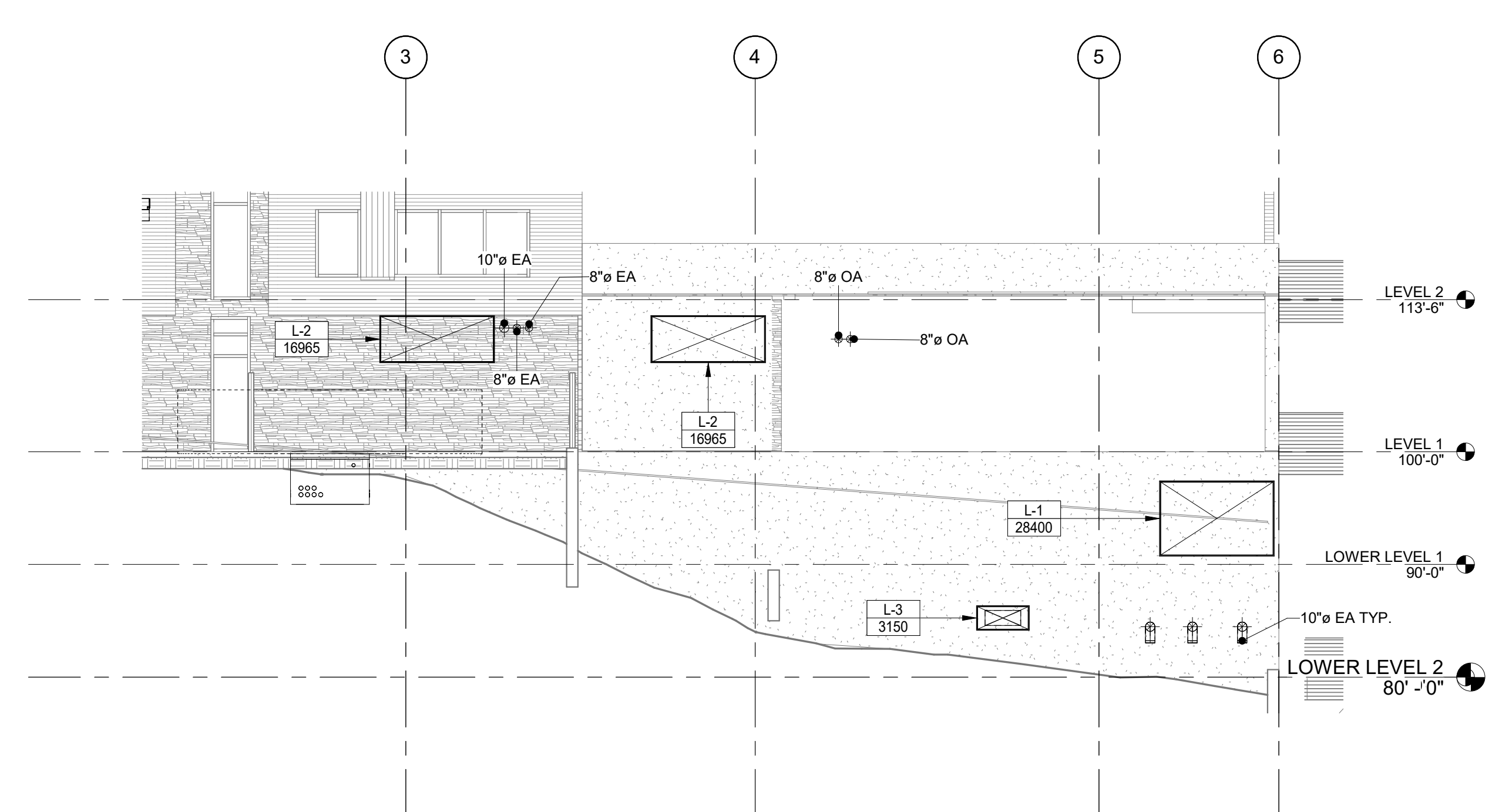
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**MH104A**

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1 2 3 4 5  
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PROJECT DESCRIPTION  
KETCHUM BOUTIQUE HOTEL

River & Main  
Ketchum, ID 83353

SHEET NAME:  
MECH REFERENCE

REVISIONS  
MARK DATE DESCRIPTION

ISSUE DATE: 03/02/20  
ISSUE TYPE: CONCEPT  
DRAWN BY: Author  
CHECKED BY: Checker  
PROJECT#: 1912.01

SHEET NUMBER:

**XMH101**



Mechanical Engineering  
Electrical Engineering  
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Acoustical Engineering  
Lighting Design  
Theatre Design  
Fire Protection Engineering  
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## Ketchum Electrical – Exterior Electrical Gear

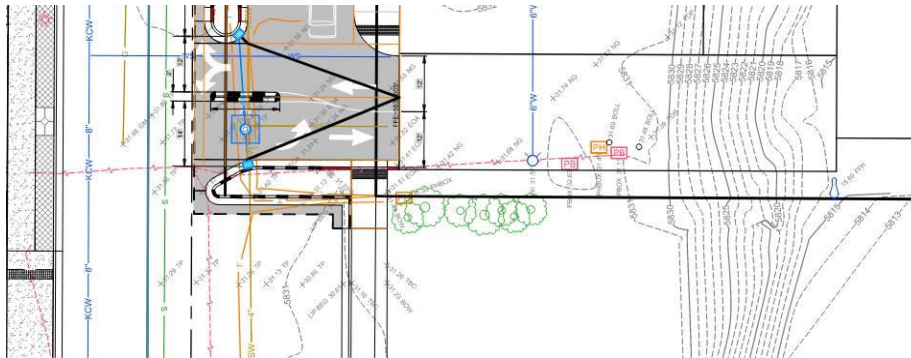
**To:** Ryan McMullen  
**Company:** AJC Architects  
**Job:** Ketchum Hotel  
**Job No.** 20109578  
**Re:** Exterior Electrical Gear  
Narrative  
**From:** Spencer Little, PE  
**Date:** 03.02.2020  
**Distributed Via:** Email

**Cc:**  
**email:** [rmcmullen@ajcarchitects.com](mailto:rmcmullen@ajcarchitects.com)  
**phone:** (801) 401-8495  
**email:** [scl@spectrum-engineers.com](mailto:scl@spectrum-engineers.com)  
**page:** 1 of 2

Ryan,

### Existing Pole Boxes

There are existing power pull boxes and telecommunication boxes that need to be relocated into the 10' easement and the new grading on this side of the building.



### Transformer

The building transformer will be located outside on grade near the parking garage entrance on the back side of the building with the clearance and working space for the transformer being part of the 10' utility easement. The intent is for primary utility power to run from one of the existing pull boxes to the new transformer.



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## Generator

The emergency/standby diesel generator will be located outside near the parking garage entrance on the back side of the building. The generator will be a self-contained unit with a sound attenuated weather proof enclosure and a base mounted fuel tank. The generator will be mounted at a minimum of 3 feet from the property line. The basis of design sound emittance is 72dBA at 7meter away (approx. 89dBA) at the generator.

## Switch Gear

The main building switchgear for the building service will be mounted outside near the parking garage entrance on the back side of the building. The gear will be NEMA 3R (exterior weather proof rated). The electrical service will be 208Y/120V electrical service. The ampacity is anticipated to be 3000amp. There will be a main breaker in the electrical service gear. This will feed a main distribution panelboard located in the parking garage.

Respectfully,

By: 

Spencer C. Little, P.E. Principal Electrical Engineer

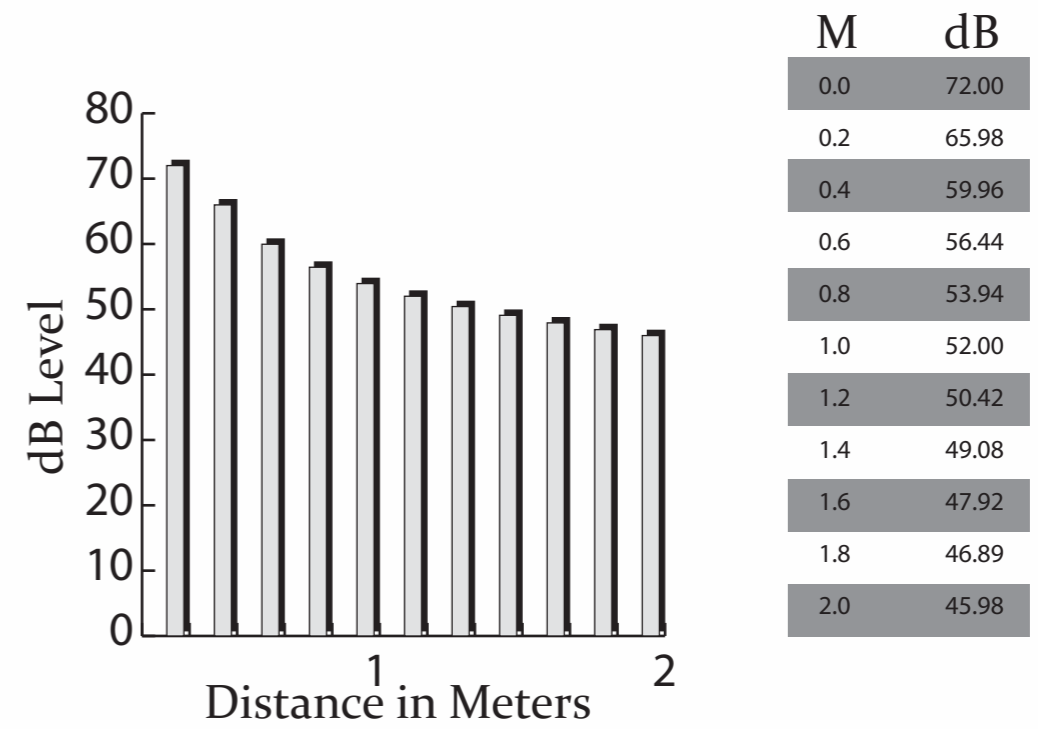


# ketchum hotel: generator sound study

Sound pollution means unwanted sounds or noise. Diesel engine generators can, in some instances, cause loud sounds. Therefore it is vital in the design and implementation of generators to ensure that there are appropriate steps taken to mitigate the noise pollution. A silencer or sound dampening enclosure is a great solution to mitigating the sound. For the Ketchum Hotel, we are using a level 2 sound attenuation enclosure. This enclosure will ensure that no more than 46dB will be heard from the generator within 2 meters of the property line.

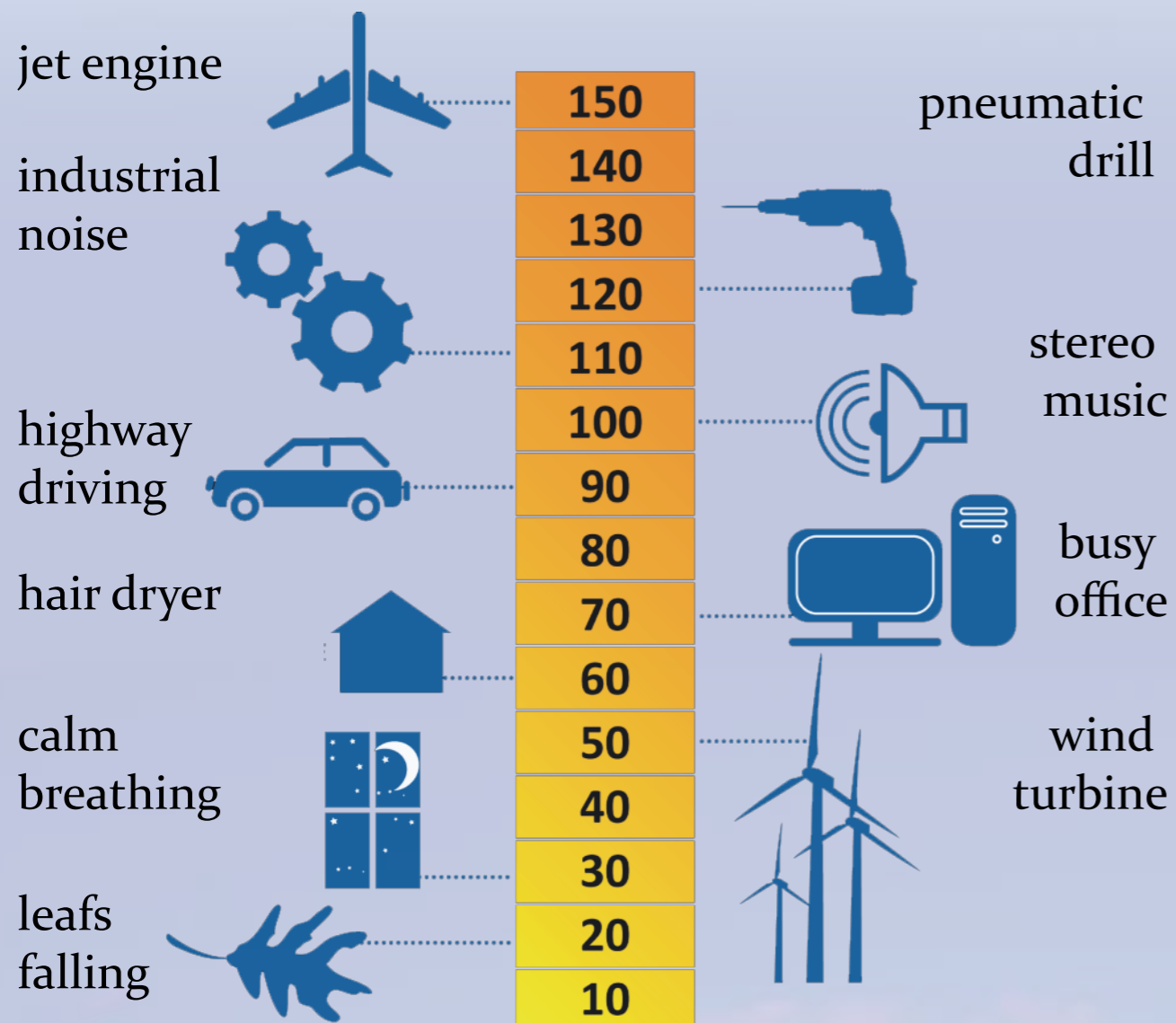
Ketchum City requires that during operating hours no sound shall be greater than 90dBA from any property. Spectrum understands this concern, which is why we recommended the level 2 sound attenuating enclosure. At the generator, the sound production is only 72dB. This is well within the required threshold set forth by Ketchum City's ordinance (9.08.040: Loud or Unnecessary Noises).

The intent of the generator is only to operate and run in an emergency situation - so hopefully never. The generator does need to run a recommended maintained cycle bi-weekly for a 30-minute period. This shall only be done during normal business hours, to ensure that the sound ordinances are maintained.



All sound levels in the graph above are estimates using a typical sound intensity calculation. The methodology used to test the sound production of the 175kW Generac generator was based off of sound data provided by Generac.

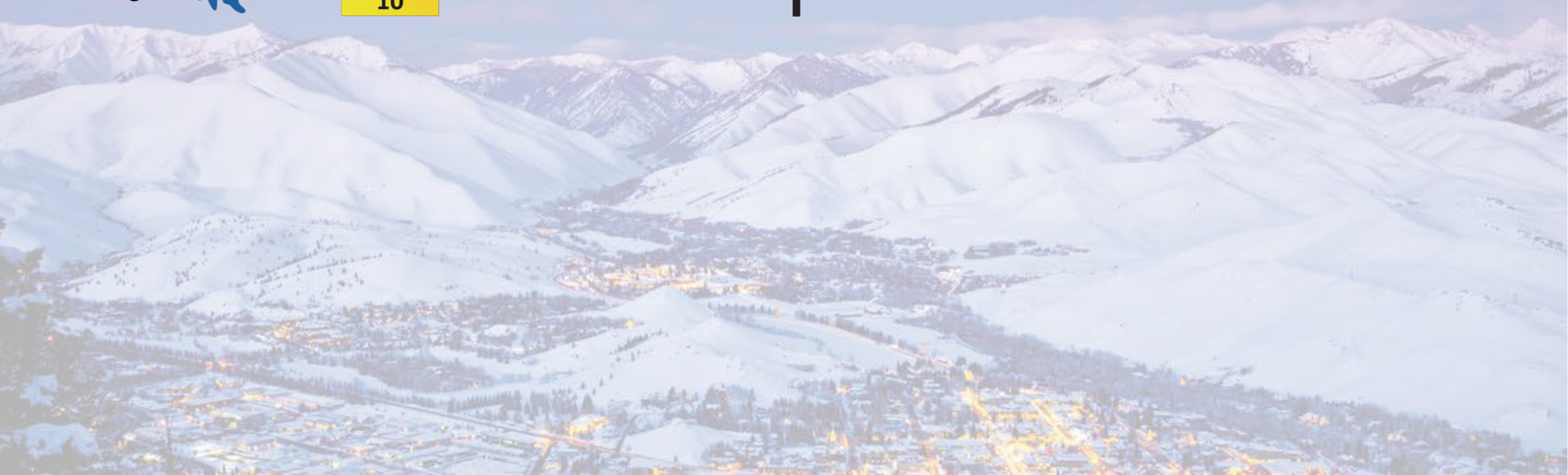
## normal decibel levels



## 175kW diesel generator

Max. decibel output: 72dB

- Enclosures Available:
- Level 1 Sound Attenuation
  - Level 2 Sound Attenuation
  - Steel Enclosure
  - Aluminum Enclosure



**Attachment 3**

# Robertson & Slette, p.l.l.c.

ATTORNEYS AT LAW

J. EVAN ROBERTSON  
GARY D. SLETTE

134 Third Avenue East  
P.O. BOX 1906  
TWIN FALLS, IDAHO 83303-1906  
TELEPHONE (208) 933-0700  
FAX (208) 933-0701



GARY D. SLETTE  
[gslette@rsidaholaw.com](mailto:gslette@rsidaholaw.com)

February 27, 2020

*VIA-EMAIL: [jgaeddert@ketchumidaho.org](mailto:jgaeddert@ketchumidaho.org)*

City of Ketchum  
Ketchum Planning & Zoning  
Attn: John Gaeddert  
P.O. Box 2315  
Ketchum, ID 83340

RE: **PEG Hotel in Ketchum**

Dear John,

Following the Planning & Zoning Commission meeting Monday evening, I found myself confused about the City's interpretation of certain portions of its zoning and subdivision ordinances. When I raised the issue of the required standards under KCC § 16.08.080(A), it sounded to me like the City considered the numbered subsections of that code provision to be disjunctive rather than in the conjunctive. As a consequence, I was led to understand that the council did not consider subsections 1 through 3 of KCC § 16.08.080(A) to be applicable. Instead, it sounded like subsection (4) was the only section the council applied, and as a result, there is absolutely no minimum lot size for a hotel PUD in the Tourist zone other than the 8,000 square foot minimum lot area prescribed in KCC § 17.120.030. Is that truly how the City of Ketchum interprets its zoning code regarding a waiver of the 3 acre minimum lot size? Is the minimum 1.5 acre lot size which can be allowed by a waiver inapplicable to the PEG Project?

Although I would not necessarily agree that the ordinance can properly be interpreted in that manner, I have undertaken a thorough review of subsection 4 of KCC § 16.08.080(A). Although the code section numbers in that provision make its analysis a bit confusing, I identified the referenced code sections, and have inserted the name of each code section in brackets and bold letters in a restatement of that provision for purpose of providing clarity. Using those tools, the section would read as follows:

4. For a hotel which meets the definition of "hotel" in [TERMS DEFINED], of this code, and conforms to all other requirements of [COMMUNITY CORE DISTRICT "CC"], or [THE PURPOSE SECTION OF THE TOURIST DISTRICT], of this code. Waivers from the provisions of [THE COMMUNITY CORE DISTRICT]

of this code may be granted for hotel uses only as outlined in [**FLOOR AREA RATIOS AND COMMUNITY HOUSING**] of this code. Waivers from the provisions of [**THE PURPOSE SECTION OF THE TOURIST DISTRICT**] of this code may be granted for hotel uses only as outlined in [**FLOOR AREA RATIOS AND COMMUNITY HOUSING**] of this code.

Assuming, without conceding, that subsection (4) would be the only provision of KCC § 16.08.080(A) applicable to waiver for the PEG Hotel project, that provision states that the only waivers that can be granted for a hotel in the Tourist Zone are waivers for floor area ratios in addition to the lot size for a PUD. As indicated, I was confused by what I understood the City Council's interpretation to be in that regard. I would request that you review that code provision to determine if you concur that the word "only" means that the City cannot grant any waiver other than the floor area ratio provided in KCC § 17.124.040 in addition to the waiver of the 3 acre PUD minimum. If that is the case, then there can be no height or setback waivers for a hotel. Additionally, I don't see any standards established in KCC § 17.18.100 (Purpose section of the Tourist District) that could be construed to be a "provision" that can be waived. If nothing else, these hotel applications have certainly caused me to become a student of the Ketchum Zoning and Subdivision Ordinances, but I am perplexed by the City's stated interpretations, and hope you can help me with an explanation.

During the meeting on Monday evening, I referenced KCC § 17.124.050(B)(6) which expressly limits hotels in the Tourist district to four (4) floors. I don't understand how the PEG application meets that code requirement when there are three (3) floors with a "negative" or "minus sign" in front of them and four (4) floors above those three (3) "negative" floors. I may be missing something in that regard, but I know that the terms "basement" and "lowest floor" are defined in the ordinance. Since there can only be one "lowest floor", how does the current hotel plan with seven (7) floors comport with the code in that regard? I recall Commissioner Tim Carter asking for a response to all the legal issues I had raised, but I don't recall that the number of allowable floors was ever addressed. If you can shed some light on the City's interpretation of that issue for me, I would certainly be appreciative.

I look forward to receiving an explanation of these issues at your earliest convenience.

Yours truly,



GARY D. SLETTE

cc: Dick Clotfelter  
Kevin Livingston – [klivingston@yahoo.com](mailto:klivingston@yahoo.com)  
Scott Hanson – [scott.hanson@seamark.com](mailto:scott.hanson@seamark.com)

## Memorandum

*Attorney/Client Privileged Information*

**To:** John Gaeddert  
City of Ketchum

**From:** Wm. F. Gigray, III – City Attorney  
WHITE PETERSON

**Date:** February 28, 2020

**Re:** Letter posted by Gary D. Slette dated February 27, 2020

---

**PEG KETCHUM HOTEL, LLC Applicant  
for  
Planned Unit Development Conditional Use Permit FILE NO. P19-063**

Mr. Slette's letter of February 27, 2020 argues for the following interpretation of the provisions of KMC § 16-08.080:

**1<sup>st</sup> Issue:** Mr. Slette disagrees with the interpretation of the City Council that:

- Subsection 4 of KMC § 16-08.080A alone applies to Hotels in regards to the criteria for granting a waiver of the PUD Ordinance 3-acre PUD minimum lot size and therefore does not, as does Subsection 3, require 1.5 acre minimum lot size for a hotel.
- *The answer to his question is:* Hotel projects, which are the subject of a PUD CUP application, may qualify for PUD waivers of the minimum lots size and are not absolutely required to include 1.5 acres as is required by Subsection 3.
- I see nothing new about Mr. Slette's statement or question regarding the 1<sup>st</sup> Issue.

**2<sup>nd</sup> Issue:** Mr. Slette proposes to substitute language which is not in Subsection 4 by the insertion of the descriptive words to infer that the Subsection 4 requires compliance with the Zoning Ordinance.

- The analysis the City Council made was to consider the exact language of Subsection 4 and of KMC § 17.18.100A. This 2<sup>nd</sup> Issue was addressed by the Council when it interpreted KMC § 17.18.100A in detail at the hearing. The plain language of KMC § 16.08.080 A 4, as is relevant to this 2<sup>nd</sup> Issue, is as follows: KMC § 16.08.080A 4 "*and*

*conforms to all other requirements of ... section 17.18.100, "Tourist District (T)", ....* . The City Council's analysis concerned whether or not the express language of KMC § 17.18.100A established any specific zoning ordinance development requirements, other than a statement of purpose of the intended uses within and the purpose of the Tourist Zone.

- The City Council found that there is no express wording in KMC § 17.18.100A that mandates any particular standards or requirements of the zoning ordinance to this Hotel Development PUD application. KMC § 17.18.100A language "Dimensional requirements" is just a reference to those standards and what those standards are intended to accomplish in the context of a statement of purpose. What is lacking in this Code section, as opposed to the language of the PUD Ordinance, is the mandatory language of KMC § 16.08.080 which governs the Hotel PUD application and provides for modification or waiver of standard zoning and subdivision requirements. KMC § 16.08.080 provisions relevant to this 2<sup>nd</sup> Issue:

*The standards set forth in this section shall apply to review of all PUD conditional use permit applications. The standards shall be used to review and evaluate the proposal in comparison to the manner of development and effects of permitted uses and standard development allowed on the property in question. Modification or waiver from certain standard zoning and subdivision requirements may be permitted subject to such conditions, limitations and/or additional development standards, pursuant to section 16.08.130 of this chapter, as the city council may prescribe to mitigate adverse impact at the proposed planned unit development, or to further the land use policies of the city, or to ensure that the benefits derived from the development justify a departure from such regulations.*

- The provisions of KMC § 17.124.050A 1 expressly provide that floor area and height etc. requirements of the Zoning Ordinance may be exceeded in planned unit development applications. In response, I suggest that another argument can be made that the provisions of KMC § 17.124.050A 1 Hotels provides that the height and bulk issues presented by a PUD CUP hotel application which are governed under the PUD Ordinance provisions. Subsection B refers to additional hotel requirements of this Title which is the Zoning Ordinance Title not the PUD Ordinance Title. In addition, there is no language in the provisions of KMC § 17.124.050 B 6 that prohibit a waiver of the Four-story provision which reads: *6. Number Of Floors: Hotels may build a fourth floor. If a site meets the criteria for five-story hotel site designation, a fifth floor may be built. Five-story hotels may only be approved via a planned unit development (PUD) as outlined in title 16, chapter 16.08 of this code.* This section restricts the number of floors if the zoning ordinance governs but in the event of a PUDCUP application the waivers of the height and bulk are governed under the standards and requirements of the PUD Ordinance.

- The PUD Ordinance as provided in KMC § 16.08.020 B provides: *In the event of conflict between this PUD chapter and any other ordinance of the city, this PUD chapter shall control.*
- I see nothing new about Mr. Slette's statement or question regarding the 2<sup>nd</sup> Issue.

---

I am quoting below relevant ordinance provisions for ease of reference:

***KMC § 16.08.020 Authority and Purpose: ...***

*B. The provisions for planned unit developments contained in this chapter are intended to encourage the total planning of developments. In order to provide the flexibility necessary to achieve the purposes of this chapter, specified uses may be permitted subject to the granting of a conditional use permit. Because of their unusual or special characteristics, PUD conditional uses require review and evaluation so that they may be located properly with respect to the purposes of this chapter, the comprehensive plan, and all other applicable ordinances, and with respect to their effects on surrounding properties and the community at large. In the event of conflict between this PUD chapter and any other ordinance of the city, this PUD chapter shall control. The review process prescribed in this chapter is intended to assure compatibility and harmonious development between conditional uses and surrounding properties and the city at large. (Ord. 723 § 2, 1998; Ord. 382 § 2, 1983)*

***17.18.100: TOURIST DISTRICT (T):***

*A. Purpose: The purpose of the T tourist district is to provide the opportunity for high density residential and tourist use, land ownership and development including certain restricted business and personal service establishments in conjunction with such use, which can be justified on the basis of the primary use within the district. Tourist district classifications are intended to be carefully placed in the neighborhood structure to assure the closest possible compatibility with the surrounding uses and development. Dimensional requirements in this zone are designed to complement and enhance the neighborhoods in this zone, and to encourage articulation and quality design in new buildings. The tourist zone contains several distinct areas, including the*

Entrance Corridor, Second Avenue, River Run, Warm Springs Base Area and Saddle Road. (Ord. 1135, 2015)

**16.08.080: STANDARDS:**

*The standards set forth in this section shall apply to review of all PUD conditional use permit applications. The standards shall be used to review and evaluate the proposal in comparison to the manner of development and effects of permitted uses and standard development allowed on the property in question. Modification or waiver from certain standard zoning and subdivision requirements may be permitted subject to such conditions, limitations and/or additional development standards, pursuant to section 16.08.130 of this chapter, as the city council may prescribe to mitigate adverse impact at the proposed planned unit development, or to further the land use policies of the city, or to ensure that the benefits derived from the development justify a departure from such regulations. Where the city council determines that conditions cannot be devised to achieve the objectives, and/or the standards contained in this chapter are not met, applications for conditional use permits shall be denied. The city council shall make findings that each of the following evaluation standards have been met. The evaluation standards are as follows:....*

**KMC § 16-08.080**

- A. *Minimum lot size of three (3) acres. All land within the development shall be contiguous except for intervening waterways. Parcels that are not contiguous due to intervening streets are discouraged. However, the commission and the council may consider lands that include intervening streets on a case by case basis. The commission may recommend waiver or deferral of the minimum lot size, and the council may grant such waiver or deferral only for projects which:*
- A4. *For a hotel which meets the definition of "hotel" in section 17.08.020, "Terms Defined", of this code, and conforms to all other requirements of section 17.18.130, "Community Core District (CC)", or section 17.18.100, "Tourist District (T)", of this code. Waivers from the provisions of section 17.18.130 of this code may be granted for hotel uses only as outlined in section 17.124.040 of this code. Waivers from the provisions of section 17.18.100 of this code may be granted for hotel uses only as outlined in section 17.124.040 of this code.*

**17.124.050: HOTELS:**

- A. *Hotels may exceed the maximum floor area, height or minimum open site area requirements of this title subject to the following review process:*

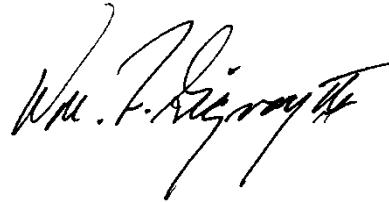


1. *Planned Unit Development: A planned unit development shall be prepared for the proposal and approved by the city which specifically outlines the waivers to bulk regulations requested.*
  2. *Subarea Analysis: A subarea analysis shall be prepared which addresses the comprehensive plan designation for the subarea; impacts of the proposed hotel on the character and scale of the surrounding neighborhood; impacts on proposed height and mass relative to the city's design review standards and the PUD standards; and the appropriateness of the subarea for a hotel which exceeds the dimensional standards requirements of sections 17.12.030 and 17.12.040 of this title.*
- B. *In addition to all other hotel requirements of this title, the following standards apply to hotels in the T and CC districts:*
1. *Hotel Developments: For hotel developments, community housing calculations apply to all residential units. However, one hundred percent (100%) of the community housing requirement will be waived only for the residential portion of hotel projects that meet the hotel definition adopted by the Ketchum city council.*
  2. *Employee Housing: Hotel developments are required to mitigate employee housing impacts at a ratio of twenty five percent (25%) of the total number of employees calculated by the following formula: one employee per hotel room or bedroom.*
  3. *Employee Housing Plan: The applicant shall provide an employee housing plan which outlines the number of employees, income categories and other pertinent data. The employee housing plan shall be the basis of the applicant's proposal for a mix of employee housing which addresses the range of employees needed to serve the hotel.*
  4. *Alternate Means For Housing: The city council may consider a request by the hotel developer to satisfy any required employee or community housing square footage by alternate means. Off site mitigation, payment of in lieu fees, land in lieu of units, voluntary real estate transfer fees or other considerations may be proposed by the hotel developer. Larger sites are encouraged to include workforce housing on site. The city council has full discretionary power to deny said request.*
  5. *Zoning Development Agreement: Hotels shall enter into a zoning development agreement with the city as part of the approval process. Said zoning development agreement may address the following subjects: community housing, hotel room uses and restrictions, public access on the property, alternatives and remedies if the hotel use ceases, and any other issues the commission or city council deems appropriate. Said zoning development agreement shall follow the public hearing process as outlined in title 16, chapter 16.08, "Planned*

*Unit Developments", of this code. Said zoning development agreement shall be subject to sections 17.154.050, "Enforcement", and 17.154.060, "Modification And Termination", of this title.*

6. *Number Of Floors: Hotels may build a fourth floor. If a site meets the criteria for five-story hotel site designation, a fifth floor may be built. Five-story hotels may only be approved via a planned unit development (PUD) as outlined in title 16, chapter 16.08 of this code.*
  - a. *Five-Story Hotel Site Designation Criteria: A property shall meet all of the following criteria to be designated as a five-story hotel site:*
    - (1) *Is located in subdistrict A, retail core of the community core district.*
    - (2) *Has a minimum lot area of thirty three thousand (33,000) square feet. (Ord. 1135, 2015)*

WHITE PETERSON

A handwritten signature in black ink, appearing to read "Wm. F. Gigray, III". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Wm. F. Gigray, III