



City of Ketchum

CITY COUNCIL MEETING AGENDA MEMO

Meeting Date:	July 21, 2025	Staff Member/Dept:	Morgan Landers, AICP - Planning and Building Department
Agenda Item:	Recommendation to review and make a determination of Administrative Appeal (P25-008a) for the design review and floodplain development permit extension denial for the PEG Hotel development.		

Policy Analysis and Background (non-consent items only):

Background

This is an administrative appeal to the City Council of a determination by the Planning and Zoning Commission. The appeal was filed by the Applicant, PEG Ketchum Hotel, LLC. represented by Deb Nelson of Givens Pursley.

The matter generally concerns the design review process in where the applicant made a request of the Planning and Zoning Commission to grant a 12-month extension of the Design Review and Floodplain Development Permits for the PEG Hotel.

Procedural Status

This is an administrative appeal of decisions or determinations of the Planning and Zoning Commission, as is provided for in Ketchum Municipal Code §17.144.020. This matter was scheduled by the City Attorney, along with approving deadlines for submission of memorandum, by agreement of the parties involved and approval of the Council. Per the scheduling order (Attachment 2), briefs have been submitted by the applicant for consideration by Council. Staff elected to not submit a response brief as the Findings of Fact of the Commission's decision cover all the main points discussed in the appeal brief. See Attachments 3 and 4 for appeal brief and findings of fact. Transcripts of the PZ Commission hearing are included as Attachments 6 and 7.

From a process perspective, the Council can focus its review primarily on those memoranda and their arguments. The Council is reviewing these arguments and addressing the appeal in a quasi-judicial role. The remainder of any accompanying documents are the Record, which may include application documents, minutes, staff reports, etc., and are available primarily as resources or for purposes of reference within arguments to evaluate the factual background. The original extension application and staff report are included as Attachment 5.

This is an administrative appeal hearing. Oral arguments will be presented by the involved parties only: Mrs. Nelson for Appellant/Applicant and Planning and Building Director Morgan Landers for the Planning and Zoning Commission. The presenting parties and supporting staff will be available for questions. This is not a public hearing and there is no public comment as part of the process. Comments or input to Council

members outside the appeal hearing are discouraged, and if any is received should be disclosed by that Council member at the start of the hearing.

During the hearing, the Council, at its discretion, is welcome to ask questions of staff or the parties as may be helpful to deliberation. It is encouraged to handle most questions for a party during their portion of the hearing. The order of presentation will be Appellant/Applicant, Director/Respondent, and then an Appellant rebuttal if desired. Any further presentation or answers to questions will be at the discretion of the Council.

Standard of Review:

Since the Council does not hear administrative appeals frequently, a common question when they do arise is as to the applicable standard of review. Standard of review is a legal term guiding the discretion (or not) of the review and decision with respect to use of the Record and, in particular, whether or not to consider new additional information. In this situation, it is important for the Council to understand the standard of review as defined in KMC §17.144.010(C):

Authority of council. Upon hearing the appeal, the council shall consider only matters which were previously considered by the Commission as evidenced by the record, the order, requirement, decision or determination of the Commission and the notice of appeal, together with oral presentation and written legal arguments by the appellant, the applicant, if different than the appellant, and the Commission and/or staff representing the Commission. The council shall not consider any new facts or evidence at this point. The council may affirm, reverse or modify, in whole or in part, the order, requirement, decision or determination of the Commission. Furthermore, the council may remand the application to the Commission for further consideration with regard to specific criteria stated by the council.

While arguments, per the memoranda of the parties, are considered, there should not be new factual information considered or weighed that was not part of the Record.

Decision Options:

As indicated in the last sentences of KMC §17.144.020(C) – see above – upon review and deliberation, the Council may decide from the following on the underlying Planning and Zoning Commission decisions: affirm, reverse, modify in whole or in part, and/or remand the application back to the Planning and Zoning Commission with direction. Per KMC §17.144.020(D), the Council must issue a written decision within 30 days of this hearing. Typically, the Council will indicate a decision, or at least direction, for legal counsel to prepare a full draft written decision for final approval and decision at a future meeting within that 30-day time period.

Sustainability Impact:

Not applicable

Financial Impact:

None OR Adequate funds exist in account:	None
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Attachments:

- | |
|---|
| 1. Application to Appeal Planning and Zoning Commission Determination |
| 2. Scheduling Order |
| 3. Appellant Brief – June 27, 2025 |
| 4. Findings of Fact, Conclusions of Law, and Decision – May 7, 2025 |
| 5. Staff Report and attachments – PZ Hearing on 4/22/2025 |

6. 4/22/2025 Hearing Transcripts – full
7. 4/22/2025 Hearing Transcripts - condensed



City of Ketchum

ATTACHMENT 1:

Application to Appeal PZ Commission Determination



City of Ketchum
Planning & Building

Notice of Appeal

OFFICIAL USE ONLY
File Number:
Date Received:
By:
Fee Paid:
Approved Date:
Denied Date:
By:

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

Note: The Appellant shall submit an amount to cover the cost of giving notice, as applicable in the Fee Schedule, and provide a transcript within two (2) days after the Planning and Building Department provides the Appellant with an estimate for the expense of the same. In the event the fee is not paid as required, the appeal shall not be considered filed.

OFFICIAL USE ONLY	
Date Appeal Received:	Date Notice Published:
Appeal Fee:	Transcript Fee:
Date Paid:	Date Paid:
Date Appellant Notified of Estimated Transcript Costs and Notice:	Mailing Fee:
Date of Appeal Hearing:	Date Paid:
Action(s) Taken/Findings:	
APPELLANT	
Name of Appellant: PEG Ketchum Hotel, LLC	Phone Number: 801.655.1998
Address: 145 W 200 N, Suite 100, Provo, UT 84601	Fax Number or Email: mhansen@pegcompanies.com
REPRESENTATIVE	
Name of Representative: Deborah Nelson, Givens Pursley	Phone Number: 208-388-1215
Address: 601 W. Bannock Street, Boise, ID 83702	Fax Number or Email: den@givenspursley.com
APPLICATION	
Application Being Appealed: P25-008, 12-month extension of the Design Review and Floodplain Development Permits	
Explain How You Are an Affected Party: Property Owner and Permit Holder	
Date of Decision or Date Findings of Fact Were Adopted: May 7, 2025	
SUBMITTAL INFORMATION	
This Appeal is Based on The Following Factors (set forth all basis for appeal including the particulars regarding any claimed error or abuse of discretion):	
See Attached	

If you have attached additional pages, please indicate the number of pages attached - 2

Signature of Appellant or Representative

Date

5/20/25

PEG Ketchum Hotel, LLC provides this Notice of Appeal of the May 7, 2025 decision of the Ketchum Planning and Zoning Commission (“Decision”) denying PEG’s request for a 12-month extension of Design Review Permit P22-028 approved March 28, 2023 (“Permit”). A preliminary statement of reasons for the appeal is below; we will submit supplemental written argument to support the appeal following preparation of the hearing transcript.

The Decision is unlawful and in excess of authority because the Commission improperly relied on factors beyond applicable Code criteria. Ketchum City Code does not grant the Commission broad discretion to deny extension requests for design review permits. The Code instead directs that the Commission’s decision “shall be based” on four criteria, and if one of the four criteria are not found then the Commission “shall approve” the extension.¹ The Decision found only criteria “b” at issue here, which is: “Whether significant land use changes have occurred in the project vicinity which would adversely impact the project or be adversely impacted by the project.” The Commission and Decision improperly relied on factors outside the scope of the required criteria, including among others: the amount of public opposition or support for the extension, population changes due to the coronavirus pandemic including in the years before the Permit was even issued, temporary construction activities on Main Street, whether the underlying project would be approved today, the construction of a hotel across the highway – a use that was approved prior to the Permit issuance. These considerations are not “significant land use changes” in the project vicinity. And there was no showing that these generalized circumstances in the City adversely impact, or are adversely impacted by, the approved project.

The Decision is not supported by substantial evidence in the record. The record before the Commission does not include substantial evidence demonstrating that “significant land use changes have occurred in the project vicinity which would adversely impact the project or be adversely impacted by the project.” The uses around the project remain as existing or approved at the time of the Permit approval on March 28, 2023. The hotel across the highway began construction, but this is a land use that was approved prior the Permit approval and is a compatible use to the project, which is also a hotel. Generalized concerns with downtown development is outside of the applicable criteria, and in any case the record does not include evidence of adverse impacts between such circumstances and the project. Public comments in the record focused on the initial Permit approval and underlying waivers granted pursuant to the City’s PUD ordinance as well as generalized concerns about City growth, which factors are outside the scope of the applicable criteria.

The Decision is arbitrary because the Commission weighed the same standards for two permits and came to two opposing conclusions. The Commission denied the Permit extension based on criteria “b”, as quoted above. Yet in the same Decision the Commission approved a 12-month extension for PEG’s Floodplain Development Permit P19-062, which is governed by identical language regarding land use changes plus an additional optional requirement (underlined here): “b. Whether significant land use changes have occurred in the project vicinity which would adversely impact the project or be adversely impacted by the project; a revised no adverse impact statement may be required prior to granting a permit

¹ KMC §§ 17.96.090(B)(2),(3).

extension.² The Decision offers no explanation for this difference. The interpretation of the same standard to reach opposing conclusions is arbitrary.

The Decision is unlawful and arbitrary because it does not accurately reflect the Commission's deliberations at the hearing. The written Decision improperly relies on facts and arguments that were not part of the Commission's reasoning at the hearing, some of which were not even in the record before the Commission, including among others: downtown development resulting from the City's density bonus program, the timing for reporting growth trends, and draft changes to the comprehensive plan.

Consistent with the appeal standards in City Code, the City Council does not owe deference to the Commission's decision. Instead, the Council has authority to review the record before the Commission, and the legal arguments presented by the appellant and staff, to come to its own reasoned decision.³ For the reasons stated in this Notice of Appeal and in subsequent written and oral argument by appellant, we ask the Council to grant the Permit extension consistent with applicable Code criteria.

² KMC § 17.88.050(G)(1)(b) (underlining added).

³ KMC § 17.144.020(C).



City of Ketchum

ATTACHMENT 2:

Scheduling Order



City of Ketchum
City Hall

**SCHEDULING ORDER AND NOTICE OF APPEAL HEARING
BEFORE CITY COUNCIL**

**Administrative Appeal: P25-008
Appellant: PEG Ketchum Hotel, LLC**

An administrative appeal was filed by Appellant, with respect to the above-referenced application and Commission Determination, dated May 20, 2025. The administrative appeal was filed on May 20, 2025. The administrative appeal was filed pursuant to Ketchum Municipal Code 17.144.020.

The City Council hereby finds and orders that:

1. The Planning and Zoning Director has certified and reported that the procedural requirements have been met. KMC 17.144.020(A).
2. A record of the proceeding is being prepared and is accepted by the Council. KMC 17.144.020(A).
3. The City Attorney has held scheduling discussions with the parties, who agreed to the schedule set forth in this Order.
4. Verbatim transcripts of relevant proceedings are being prepared at the Appellant's expense and transmitted to the Council, which accepts and incorporates such into the record of proceedings. KMC 17.144.020(A).
5. Hearing Date: This matter is set for an appeal hearing before the City Council at its regular meeting and location on July 21, 2025. This is not a public hearing; argument will only be heard from the parties. KMC 17.144.020(B).
6. Briefing Schedule: Appellant is to submit any further brief or memorandum in support of the appeal by 5:00 p.m. on **June 27, 2026**. A staff report, and any memo in response if desired, is to be submitted by 5:00 p.m. on **July 14, 2025**. Appellant has agreed that any additional appellant reply will be via oral argument at the hearing. All briefs/memos are to be sent to the parties to the administrative appeal, Planning Director, and the City Attorney. Electronic delivery of documents will be sufficient.
7. Council Review Authority: "Upon hearing the appeal, the Council shall consider only matters which were previously considered by the Commission as evidenced by the record, the order, requirement, decision or determination of the Commission and the notice of appeal, together with oral presentation and written legal arguments by the appellant, the applicant, if different than the appellant, and the Commission and/or staff representing the Commission. The council shall not consider any new facts or evidence at this point. The council may affirm, reverse or modify, in whole or in part, the order, requirement, decision or determination of

the Commission. Furthermore, the council may remand the application to the Commission for further consideration with regard to specific criteria stated by the council.”
KMC 17.144.020(C).

8. Decision: A written decision will be entered within 30 days of conclusion of the appeal hearing. All parties, the Commission, and any affected party of record have a right to request and/or will be provided a copy of the decision. KMC 17.144.020(B)&(D).

Date of Order: June 2, 2025.

Neil Bradshaw, Mayor

ATTEST:

Trent Donat, City Clerk



City of Ketchum

ATTACHMENT 3:

Appellant Brief – June 27, 2025

GIVENS PURSLEY^{LLP}

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June 27, 2025

Mayor Bradshaw and Ketchum City Council
P.O. Box 2315
191 5th Street West
Ketchum, ID 83340

**RE: Applicant's Memorandum in Support of Appeal in P25-008, Design Review
Extension for PEG Hotel**

Dear Mayor Bradshaw, Members of City Council, and Planning Staff:

Givens Pursley LLP represents PEG Ketchum Hotel, LLC in its appeal of the May 7, 2025 decision (“**Decision**”) of the Ketchum Planning and Zoning Commission (“**Commission**”) denying PEG’s request for a 12-month extension of Design Review Permit P22-028 approved March 28, 2023 (“**Permit**”). This letter is to supplement the arguments made in the Notice of Appeal filed on May 20, 2025. Because the extension request met the approval criteria in Ketchum City Code and for all the reasons stated below, we request that City Council grant the Permit extension at the July 21st hearing.

I. Factual Background and Procedural History.

The City of Ketchum originally approved the hotel at issue in this application in 2019 following a multi-year process with a Planned Unit Development Conditional Use Permit. After the approval, in early 2020, the City discovered that it had made a noticing error in the application process and required PEG to restart the process. This second process concluded in March 2023 with another approval of the hotel on the southwest corner of Main Street and River Street (the “**Project**”). The Project provides needed hotel beds and brings numerous public benefits to the City, including employee housing with 30 beds, restaurants, a rooftop bar, meeting and event space, activation of River Street with a public plaza, a guest shuttle and employee car share program, underground parking with 13 stalls for general public use, and the redevelopment of blighted property at the gateway to the City.¹ The building itself will be built to LEED Silver-equivalent green building standards with a high-quality terraced design inspired by local materials and made to honor the area’s rich history.²

¹ Application Narrative; Transcript, p. 11, l. 10 - p. 13, l. 10.

² *Id.*

After the significant delay of the Project caused by the City’s noticing error, PEG encountered economic headwinds and rising construction costs. PEG requested an administrative extension of the design review and floodplain development permits in 2024. The Ketchum planning administrator reviewed the applicable criteria—the same criteria at issue in this second request—and approved that extension effective March 28, 2024. The request for a second extension was then timely submitted to the Commission in February 2025 pursuant to Ketchum City Code (“KMC”) §§ 17.96.090(B)(2) and 17.88.050(G)(1).

At the Commission hearing on April 22, 2025, the Commission denied the design review extension request by a split vote. According to the written Decision, the Commission concluded that “there have been significant land use changes in the vicinity and that approval of a further extension of the subject development would create an adverse impact on the vicinity.”³ At the same hearing, the Commission found that the floodplain development permit extension met the nearly identical criteria for approval.

As discussed in detail below, the Decision should be reversed and the request granted by City Council for any of the following reasons: first, because the Commission relied on factors beyond applicable Code criteria for its denial; second, because the Decision is not supported by substantial evidence in the record; and third, because the Decision indicates arbitrary decision-making on the part of the Commission.

II. The Decision is unlawful and in excess of authority because the Commission improperly relied on factors other than applicable Code criteria.

PEG requested extension of two permits: a design review permit and a floodplain development permit. Ketchum City Code provides clear criteria for approval of each permit. For a design review permit extension, the Commission can consider only the following:

- a) Whether there have been significant amendments to ordinances which will apply to the subject approval;
- b) Whether significant land use changes have occurred in the project vicinity which would adversely impact the project or be adversely impacted by the project;
- c) Whether hazardous situations have developed or have been discovered in the project area; or
- d) Whether community facilities and services required for the project are now inadequate.⁴

³ Decision, p. 2.

⁴ KMC §§ 17.96.090(B)(2).

City Code instructs that the Commission’s decision “shall be based” on those four criteria and that unless the decisionmaker finds one of those criteria exist, “the City shall approve such an extension.”⁵ There is no broad grant of discretion to the Commission to consider other factors.

The Commission’s Decision found only criteria “b” at issue in the design review permit extension. But instead of considering “whether significant land use changes have occurred in the project vicinity which would adversely impact the project or would be adversely impacted by the project,” the Decision reflects an attempt to pin broader community concerns about development onto this Project. While these concerns may be appropriate to consider for new discretionary applications, they are not appropriate for extensions to projects that have already been considered and approved because they are outside the scope of the adopted extension criteria.

a. The Decision unlawfully cites generalized current community concerns.

The Decision identifies a number of current community concerns that are not “significant land use changes” in the vicinity and are unrelated to the Project. First, the Decision notes a concern about population growth in Ketchum between 2021 and 2022 that was unanticipated by the comprehensive plan.⁶ While the comprehensive plan may not have anticipated such growth when adopted in 2014, the Project was not finally approved until after pandemic-related population growth was readily apparent and discussed at the multiple hearings leading up to the 2023 Permit approval.⁷ Further, pandemic-related population growth is not a “significant land use change” in the vicinity that adversely impacts or is adversely impacted by the approved Project.

Second, the Decision indicated that more projects took advantage of density bonuses allowed in Code than anticipated, changing the character and scale of downtown.⁸ However, this is not a “significant land use change” in the vicinity adversely impacted by the Project, but rather a concern reflective of general population growth and housing demand in the City. Moreover, the projects in the vicinity were all approved either prior to the Project or in the same timeframe, so the City was, or should have been, well aware of the potential consequences of those approvals. This was a point made by Commissioner Moczygemba:

You know, the mass and scale of the Appellation hotel approval did not change from its original application. We did see design review amendments, but we were changing, you know, guardrails along Highway 75 and debating Juliette balconies. . . . So these things were coming down the pipeline, and I guess I would argue again that all of those facts were—while projects may not have been completed and come to fruition, that should have been at the top of the evaluation

⁵ KMC §§ 17.96.090(B)(2),(3).

⁶ Decision, p. 2.

⁷ See Transcript, p. 47, ll. 22-25 (Commissioner Moczygemba).

⁸ Decision, p. 2.

criteria that was originally made as part of—as part of the decision in 2019, ’22—22’ and ’23.⁹

Commissioner Moczygemba also noted that other City projects, which are not in the vicinity, such as “hot dog hill,” were also known at the time of Project approval.¹⁰

Third, the Decision states as a “land use change” that the City is in the process of updating the comprehensive plan.¹¹ However, the ongoing update to the comprehensive plan is not a “land use change” but rather a draft planning document, and it is inapplicable to the 2023 permit at issue here. As correctly noted by Commissioner Moczygemba at the April 22nd hearing, the comprehensive plan has yet to be adopted¹² and cannot be retroactively applicable to the Project. Further, even if the City had adopted changes to the comprehensive plan, this is not one of the applicable criteria for extension of a design review permit. The change to the comprehensive plan only applies to the floodplain permit extension, which the Commission correctly determined met all criteria for approval.¹³

Fourth, the Decision states as a reason for denial that the associated PUD approval for the Project would be evaluated differently today.¹⁴ This reasoning is erroneous. The underlying criteria for the PUD and associated waivers approved for the Project are not at issue in this extension application. Extension of the design review permit extends the Project as approved and as set forth in the approved Permit Conditions Acceptance Development Agreement. The criteria that the City Code directs “shall” apply to a design review permit extension does not include the PUD or waiver criteria or any other standards beyond the list in KMC § 17.96.090(B)(2).

Again, while the Commission may consider community concerns when evaluating new applications, an extension application like this one is not the appropriate place to reevaluate or reconsider an approved Project. City Code has set forth the criteria that the extension “shall be based” on, and absent evidence of these specific criteria, the City “shall approve” the extension.

b. The Decision inappropriately expands the definition of “land use.”

The Decision notes that the Commission “extensively” discussed the definition of “land use” to include broad community concerns—what the Decision calls “general changes in the growth and development of the city within the vicinity....”¹⁵ The term “land use” is not defined in Ketchum City Code, and the contexts in which the term is used indicate a meaning that is not

⁹ Transcript, p. 47, ll. 3-16 (Commissioner Moczygemba).

¹⁰ Transcript, p. 47, ll. 8-19 (Commissioner Moczygemba).

¹¹ Decision, p. 3.

¹² Transcript, p. 32, l. 25 to p. 33, ll. 1-2 (Commissioner Moczygemba).

¹³ KMC § 17.88.050(G)(1) provides that a floodplain development permit extension “shall be based” on “(a) Whether there have been significant amendments to the City's comprehensive plan, special studies, draft or interim floodplain maps, or ordinances which will apply to the subject approval;....” No reference to the comprehensive plan is made in KMC § 17.96.090(B)(2)’s criteria for extension of a design review permit.

¹⁴ Decision, p. 3.

¹⁵ Decision, p. 4.

so broad as to include the population growth of the entire City or the amount of construction occurring as a temporary condition of that growth. Instead, “land use” indicates types of uses to which a property is devoted, like residential or industrial uses listed in the zoning district use table or the categories contemplated in the comprehensive plan “land use” map designations. Given this Code context, the consideration of “significant land use changes in the project vicinity which would adversely impact the project or would be adversely impacted by the project” is meant to ensure that a project requiring an extension remains compatible with the area—so as not to allow a project that could create a situation akin to a nuisance due to incompatible land uses (e.g. heavy industrial next to residential). There is no risk of that situation occurring here, where this Project’s hotel, commercial, and residential land uses remain compatible with other approved hotels, commercial, and residential uses in the area.

c. The Decision inappropriately relies on public opposition.

Public comments from opponents asked the Commission to deny the Project as if it were a newly proposed hotel rather than an approved project seeking more time to construct due to construction and financing delays. Written comments called the Project too big,¹⁶ objected to its prior approval with waivers under the PUD,¹⁷ and asked the Commission to deny “another huge hotel at the entrance to our city.”¹⁸ These comments are not consistent with the applicable standards and do not establish any significant change in land use with adverse impacts to or from the Project.

The Commissioners who voted to deny echoed these public sentiments. One Commissioner who opposed the extension was concerned that the public no longer supported the Project: “There has been a change in our community since we granted those waivers, and I can’t help but notice that we do not have one public comment in support of this project anymore.”¹⁹ Another Commissioner stated, “I’m not sure that the eyes that we have in 2025 see the same compliance with the same document, because we are changed people.”²⁰ A perceived lack of public support or change in public sentiment about an approved project, however, is not a reason for denial of an extension under Code.

Generalized community concerns with growth, perceived compliance with the draft updates to the comprehensive plan, and lack of public support are not included among the criteria to be evaluated in review of a design review permit extension. The comments cited demonstrate that a number of Commissioners saw this extension request as an opportunity to evaluate the Project again in a new context—notably, only two years after it was approved amidst already significant development downtown. But broader community concerns are beyond the scope of the Commission’s authority to review a permit extension, a point Commissioner Moczygemba

¹⁶ Staff Report for Ketchum Planning and Zoning Commission Meeting of April 22, 2025 (“**Staff Report**”), Attachment B, p. 3: “We live in West Ketchum and believe this project to be simply out of character and too massive.”

¹⁷ *Id.* Attachment B at 4: “I feel it was a huge mistake to grant the variance originally, and also the extension. Please DO NOT grant another extension. We do not want it or need it.”

¹⁸ *Id.* Attachment B at 5.

¹⁹ Transcript, p. 38, ll. 12-15 (Male Commissioner).

²⁰ Transcript, p. 35, ll. 20-25; p. 36, ll. 1-8 (Male Commissioner).

made in the hearing: “This application was given a very thorough review in 2019, before my time on this commission, but then additionally... in ’22 and ’23. And just to be clear, which it’s been stated here in this meeting, you know, this isn’t a reevaluation of the design review or floodplain development permits.”²¹ Because these considerations were relied on in the Commission’s Decision, the Decision is unlawful and violates City Code.

III. The Decision is not supported by substantial evidence in the record. Instead, substantial evidence supports approval.

While the record before the Commission contains public comments about community growth concerns, the record does not include substantial evidence demonstrating that “significant land use changes have occurred in the project vicinity which would adversely impact the project or be adversely impacted by the project.” Substantial evidence instead supports approval of the application.

First, staff’s specific analysis of service availability supports approval. The Staff Report recognized that “facilities/services necessary for the project remain adequate.”²² Staff also stated at the hearing that services were adequate because: (1) the Project is paying impact fees for City services like parks, police, and fire; (2) the Project is mitigating traffic impacts with infrastructure improvements consistent with the traffic study; and (3) recent transportation studies indicate the sufficiency of transit infrastructure.²³ While public comments lamented increased traffic and concerns about construction-related disruptions to downtown,²⁴ no public comments provided discrete evidence pointing to significant land use changes or problems with infrastructure availability that would contradict staff’s conclusions that services are adequate.

Second, the applicant provided both a written application letter and in-person testimony that there had been no land use changes in the project vicinity and that the area had developed as planned by the City’s comprehensive plan and zoning ordinance. The applicant stated at the hearing: “The long-planned hotel across Highway 75 is under construction. This land use has not changed. It is still the same hotel use that was approved before this project was approved. The other land uses around the projects [sic] also have not changed.”²⁵ The hotel, commercial, and residential land uses around the project remain as existing or approved at the time of the Permit approval on March 28, 2023, a point made by Commissioner Moczygemba.²⁶ In response to the Staff Report’s mention that comprehensive plan revisions were in process, the applicant pointed out that “amendments to your comprehensive plan are not one of the criteria for

²¹ Transcript, p. 32, ll. 15-21 (Commissioner Moczygemba).

²² Staff Report, p. 3.

²³ Transcript, pp. 44-46 (M. Landers).

²⁴ See, i.e., Transcript, p. 21 (Mr. Worst); Staff Report, pp. 17, 18, 20, 30.

²⁵ Transcript, p. 6, ll. 19-23 (D. Nelson).

²⁶ “You know, the mass and scale of the Appellation hotel approval did not change from its original application.” Transcript, p. 47, ll. 3-5 (Commissioner Moczygemba).

approving an extension for design review or for consideration.”²⁷ This too was reiterated by Commissioner Moczygemba.²⁸

Members of the public attended the hearing and provided comment reflective of public apprehension around growth and development. While this commentary is relevant to community conversations around comprehensive plan amendments, it is not substantial evidence that there have been significant land use changes in the vicinity that impact or would be impacted by the Project. One commenter stated at the hearing that the hotel project across the street constituted a significant land use change because “At the time that you approved this project, it was unclear to probably everyone except [the developer] whether that building would ever be built. And now that is a reality.”²⁹ The likelihood of an approved use proceeding is not known or relevant here. At the time the Project was approved, the hotel across the street was approved. City plans called for a hotel in that location, and a hotel is now under construction. It is therefore not a “significant land use change” or certainly not one that “would adversely impact the project or be adversely impacted by the project,” which is also a hotel.

Generalized concerns with downtown development are outside of the applicable criteria for approval of the extension, and in any case the record does not include evidence of adverse impacts between such circumstances and the Project. The evidence in the record does not support the Decision’s finding of a significant land use change in the vicinity with adverse impacts to or from the Project. Absent such evidence of an applicable criteria being met, Code provides that “the City shall approve” the extension.

IV. The Decision is arbitrary and should be overturned.

Idaho law and constitutional protections require an impartial decisionmaker on administrative decisions and a decision reflecting logical analysis of clear criteria. Denying an applicant these basic rights is indicative of arbitrary (and unlawful) decision-making. Both the hearing deliberations and the written Decision fail to provide the logical analysis to which an applicant is entitled under law and therefore should be overturned.

First, the Decision evaluates two applications with nearly identical criteria and draws two opposite conclusions. The Commission denied the design review permit extension based on criteria “b”, as quoted above. Yet, in the same Decision, the Commission found that PEG’s Floodplain Development Permit P19-062 met the floodplain extension criteria, which has the identical language in criteria “b” regarding land use changes plus an addition specific to floodplain applications. Criteria “b” for the floodplain extension states as follows (with the floodplain-specific addition italicized):

Whether significant land use changes have occurred in the project vicinity which would adversely impact the project or be adversely impacted by the project; *a*

²⁷ *Id.* at 7, ll. 2-5 (D. Nelson).

²⁸ Transcript, pp. 32-33 (Commissioner Moczygemba).

²⁹ Transcript, p. 21, ll. 4-9 (B. Worst).

*revised no adverse impact statement may be required prior to granting a permit extension;*³⁰

Though the criteria language about significant land use changes is exactly the same, the floodplain portion of the Decision found no significant land use changes while the design review portion found significant land use changes. The Decision’s justification for denial of the design review permit defined “land use” to include considerations of general development, traffic, and population growth. But one page later, the Decision apparently used a different definition of “land use” to find the application met the criteria for approval. The Decision offers no explanation for the different interpretations of “land use,” or the differing outcomes. Such a radically different interpretation of the same standard to reach opposing conclusions is arbitrary.

Second, the written Decision does not accurately reflect the content of the deliberations on the extension request. For instance, the Decision states that the Commission cites as support for its finding of “extensive land use changes within the vicinity” population growth prior to the Project approval (between 2021 and 2022), and numerous development projects that began construction between 2021 and 2025 that “took advantage of the city’s density bonus program.”³¹ The Commissioners did not mention the density bonus in their deliberations or in any other part of the hearing, and only one Commissioner, who voted for the extension and against the denial, mentioned the word “population.”³² The Decision’s statement that population growth in 2021 and 2022 was not known until 2023 is also not mentioned in the deliberations, and the implicit suggestion that this information was not considered in the 2023 Project approval is inconsistent with the extensive testimony and consideration of concerns with pandemic-caused population growth in the hearings leading up to the 2023 Project approval.

The Decision also discusses that the City is in the process of updating the comprehensive plan due to changes in land use and development patterns, using that as a reason for the Commission’s decision. In reality, the Commission’s deliberations did not mention the comprehensive plan updates—except to say that the comprehensive plan in process has yet to be adopted and therefore could not provide a basis for a decision.³³

Third, the Decision notes as a basis for denial that the downtown area has seen a significant amount of construction from other projects approved at the same time as the design review Permit at issue in this appeal, and that the Commission did not consider the cumulative effects when it approved those applications.³⁴ It has only been two years since the 2023 approval, when the City determined all criteria were met, and it has only been one year since the planning administrator found that the extension request met the same applicable criteria at issue here. To now determine that the approved Project is essentially the “last straw” for the City shows that

³⁰ KMC § 17.88.050(G)(1)(b).

³¹ Decision, p. 2.

³² Transcript, p. 47, l. 22 (Commissioner Moczygemba).

³³ Transcript, p. 32, ll. 22-25; p. 33, ll. 1-3 (Commissioner Moczygemba).

³⁴ Decision, pp. 2-3.

the Commission is not rationally considering the applicable criteria for an extension or providing a reasonable basis for a decision.

V. Conclusion.

Consistent with the appeal standards in City Code, the City Council does not owe deference to the Commission's decision. Instead, the Council has authority to review the record before the Commission, and the legal arguments presented by the appellant and staff, to come to its own reasoned decision about whether the applicable criteria are met.³⁵ For the reasons stated in this appeal memorandum, we ask the Council to grant the Permit extension consistent with applicable Code criteria. Using an extension decision to attempt to reverse City approvals based on generalized concerns unrelated to a specific project creates uncertainty and instability that could have significant long-term effects on development, and we urge you to reject such unlawful and arbitrary decision-making.

Sincerely,



Deborah E. Nelson

³⁵ KMC § 17.144.020(C).



City of Ketchum

ATTACHMENT 4:

Findings of Fact, Conclusions of Law, and Decision

May 7, 2025



**City of Ketchum
Planning & Building**

IN RE:)	
)	
PEG Hotel)	KETCHUM PLANNING AND ZONING
Design Review Extention)	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Floodplain Development Permit Extension)	DECISION
Date: May 7, 2025)	
File Number: P25-008)	

PROJECT: PEG Hotel

APPLICATION TYPE: Design Review Extension
Floodplain Development Permi Extension

FILE NUMBER: P25-008

REPRESENTATIVE: Cameron Gunther, PEG Companies
Matt Hansen, PEG Companies

OWNER: PEG Ketchum Hotel, LLC

LOCATION: 251 S Main St (KETCHUM LOTS 3, 21, FR 22 BLK 82 N 10' X 110' OF ALLEY S 20' X 230' OF ALLEY)
260 E River Street (KETCHUM LOT 2 BLOCK 82 10' X 110' OF ALLEY)
280 E River Street (KETCHUM LOT 1 BLK 82)

ZONING: Tourist (T)

OVERLAY: Floodplain Management Overlay District

RECORD OF PROCEEDINGS

The City of Ketchum received an application for an extension of the Design Review and Floodplain Development Permit approvals for the PEG Hotel on February 14, 2025. The application was reviewed and scheduled for hearing after acceptance and staff review. A public hearing notice for the application was mailed to all owners of property within 300 feet of the project and all political subdivisions on April 2, 2025. The public hearing notice was published in the Idaho Mountain Express on April 2, 2025. A notice was posted on the project site and the City's website on April 15, 2025. The Ketchum Planning and Zoning Commission (the "Commission") conducted their review of the application during their meeting on April 21, 2025. After considering the staff's analysis and the application materials, the Commission denied the application with a vote of three in favor of denial, one not in favor, and one abstention.

BACKGROUND

The PEG Hotel is an approximately 130,00 SF hotel approved for the corner of Main St/Hwy 75 and River Street, just south of the Limelight Hotel. The PEG Hotel was initially approved through a Planned Unit Development Conditional Use Permit (PUD/CUP) in 2019. Due to a noticing issue discovered in early 2020, the development restarted the approval process which culminated in an approval of the PUD/CUP, development agreement,

design review permit, and floodplain development permit in 2023. The development agreement stipulates that the expiration of the approvals is tied to the city's terms of approval in the municipal code for design review and floodplain development permits. Both applications allow for a maximum of two 12-month extensions. The first can be granted by the Administrator and the second must be considered and decided on by the Planning and Zoning Commission. A one-year extension was granted by the Administrator in 2024. Prior to the expiration of the permits, the city received an application for a second 12-month extension as noted above.

FINDINGS OF FACT

The Commission, having reviewed the entire project record, provided notice, conducted the required public hearing, and considered the recommendation from the staff, does hereby make and set forth these Findings of Fact, Conclusions of Law, and Decision as follows:

FINDINGS REGARDING DESIGN REVIEW EXTENSIONS

Pursuant to KMC §17.96.090.B, the Commission has considered whether or not an extension is warranted based on the following considerations:

Consideration #1: Whether there have been significant amendments to ordinances which will apply to the subject design review approval.

Commission Findings: The Commission finds that there have been no significant amendments to the city's ordinances that apply to the design review approval. Ordinance 1249, adopted on October 2, 2023, changed the permitted uses on properties along River Street to those of the CC-2 zone district which included the subject property. However, hotels are permitted use in the CC-2 just as they are in the Tourist, so the same requirements apply.

Consideration #2: Whether significant land use changes have occurred in the project vicinity which would adversely impact the project or be adversely impacted by the project.

Commission Findings:

When considering this item, the Commission extensively discussed two main elements of the consideration language including the definition of "vicinity" and "land use" to appropriately consider the request. The Commission finds that the definition of "vicinity" is not just properties immediately adjacent to the subject property, but the broader downtown area as development on the subject property is directly related to the downtown as a whole, but more specifically Main Street and the few blocks to the north and south. A project of this size has a broader impact on the functionality, vibrancy, and success of the downtown as a whole and the entrance to the community. The Commission also finds that "land use" constitutes general changes in the growth and development of the city within the vicinity, not just formal changes to underlying zoning. The reason being that specific changes to ordinances is contemplated under consideration #1, therefore consideration #2 is separate and distinct and implies a broader purview.

The Commission finds that there have been significant land use changes within the vicinity, where the approval of an extension would adversely impact the vicinity, in this case, the downtown. In the past few years, the city saw unprecedented growth that the existing land use planning documents, such as the comprehensive plan, never anticipated. For instance, the city experienced a substantial growth in population between 2021 and 2022, which was not reported until the following year. Additionally, numerous development projects, more than any previous reporting year block, undertook construction in downtown between 2021 and 2025. Most of these projects took advantage of the city's density bonus program, which resulted in significant changes in the character and scale of the downtown. Although this growth occurred at the same time as the subject development approvals were being

considered, the Commission noted that the comprehensive impact of the amount of development was not fully apparent until more recently.

This change in land use and development patterns has spurred the process to update the city's comprehensive plan to better manage growth and ensure design compatibility throughout the community. That process is almost complete and includes clear direction in the draft plan that the city will address land use and design plans with respect to proposed hotel development in a revised manner.

The Commission also finds that the review criteria for extensions not only applies to the design review and floodplain permits, but also the PUD/CUP approvals per the Development Agreement. PUD/CUP approvals are discretionary based on established criteria evaluated at a point in time. The Commission finds that the waivers to code requirements under the PUD/CUP process would be evaluated differently today based on the land use changes in the past few years, changing the way discretionary approvals downtown, and design compatibility are evaluated. More specifically, the way public benefits of hotel developments are reviewed and the appropriate trade-offs for height, setback, and FAR waivers. The Commission finds that the hotel development across the street from the subject property that is under construction also changes the evaluation of the development as there was still uncertainty around the feasibility of the adjacent hotel when the subject development was approved.

As such, the Commission finds there have been significant land use changes in the vicinity and that approval of a further extension of the subject development would create an adverse impact on the vicinity.

Consideration #3: Whether hazardous situations have developed or have been discovered in the project area; or

Commission Findings: The Commission finds that there have been no hazardous situations that have developed or been discovered in the project area since the permit was approved. Therefore, this consideration does not exist, and an extension could be granted based on this consideration.

Criteria #4: Whether community facilities and services required for the project are now inadequate.

Commission Findings: The Commission finds that there remain adequate community facilities and services for the proposed development. Community facilities and services include city services where impact fees are applied such as parks, police, streets, and fire. The Commission found that the public improvements to adjacent streets and required fire access improvements continue to be adequate and there are no changes necessary to serve the development. The commission also evaluated community facilities related to water and wastewater capacity and found these facilities to remain adequate. Therefore, an extension could be granted based on this consideration.

FINDINGS REGARDING FLOODPLAIN DEVELOPMENT PERMIT EXTENSIONS

Pursuant to KMC 17.88.050.G, the Commission considered whether or not an extension is warranted based on the following considerations:

Consideration #1: Whether there have been significant amendments to the City's comprehensive plan, special studies, draft or interim floodplain maps, or ordinances which will apply to the subject approval.

Commission Findings: The Commission finds that there have been no significant amendments to the city's comprehensive plan adopted, although, a soon to be adopted draft is under imminent consideration. Additionally, there are no special studies or ordinances which would apply to the approval. There are no new draft or interim floodplain maps for the Trail Creek drainage that would

change the evaluation of the floodplain development permit. Therefore, this consideration does not exist, and an extension could be granted based on this consideration.

Consideration #2: Whether significant land use changes have occurred in the project vicinity which would adversely impact the project or be adversely impacted by the project; a revised no adverse impact statement may be required prior to granting a permit extension;

Commission Findings: The Commission finds that there have not been any significant land use changes that would impact the evaluation of a floodplain development permit for the subject development. No significant developments have occurred that change the way the floodplain development permit would be evaluated. Therefore, this consideration does not exist, and an extension could be granted based on this consideration.

Consideration #3: Whether hazardous situations have developed or have been discovered in the project area.

Commission Findings: The Commission finds that there have been no hazardous situations that have developed or been discovered in the project area since the permit was approved. Therefore, this consideration does not exist, and an extension could be granted based on this consideration.

Consideration #4: Whether community facilities and services required for the project are now inadequate.

Commission Findings: The Commission finds that there remain adequate community facilities and services for the proposed development. Community facilities and services include city services where impact fees are applied such as parks, police, streets, and fire. The Commission found that the public improvements to adjacent streets and required fire access improvements continue to be adequate and there are no changes necessary to serve the development. The commission also evaluated community facilities related to water and wastewater capacity and found these facilities to remain adequate. Therefore, this consideration does not exist, and an extension could be granted based on this consideration.

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the ordinances and regulations, which ordinances are codified in the Ketchum Municipal Code ("KMC") and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which City Ordinances govern the applicant's application for an extension.
2. The Commission has authority to review and recommend approval of the applicant's application pursuant to Chapters 17.96 and 17.88 of Ketchum Code Title 17.
3. The City of Ketchum Planning Department provided notice for the review of this application in accordance with Idaho Code 67-6509.
4. The application is governed under Chapter 17.96 and 17.88 of Ketchum Municipal Code.
5. The application does not meet all applicable standards and considerations specified in the Ketchum Municipal Code for granting an extension.

DECISION

THEREFORE, the Commission **DENIES** this extension application File No. P25-008 this Wednesday, May 7, 2025.

A handwritten signature in black ink, appearing to read 'Neil Morrow', is written over a horizontal line.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission



City of Ketchum

ATTACHMENT 5:

Staff Report and Attachments – PZ Hearing on 4/22/2025



City of Ketchum
Planning & Building

STAFF REPORT
KETCHUM PLANNING AND ZONING COMMISSION
MEETING OF APRIL 22, 2025

PROJECT: PEG Hotel

FILE NUMBER: P25-008

APPLICATION: Design Review and Floodplain Development Permit

PROPERTY OWNER: PEG Ketchum Hotel, LLC

REPRESENTATIVE: Matt Hansen, PEG Companies
Cameron Gunter, PEG Companies

REQUEST: 12-month extension of the Design Review and Floodplain Development Permits for the PEG Hotel.

LOCATION: 251 S Main St (KETCHUM LOTS 3, 21, FR 22 BLK 82 N 10' X 110' OF ALLEY S 20' X 230' OF ALLEY)
260 E River Street (KETCHUM LOT 2 BLOCK 82 10' X 110' OF ALLEY)
280 E River Street (KETCHUM LOT 1 BLK 82)

ZONING: Tourist (T)

OVERLAY: Floodplain Management Overlay District

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

NOTICE: A notice for the public meeting on the project was mailed to all property owners within 300 feet of the project site on April 2, 2025. The notice was published in the Idaho Mountain Express on April 2, 2025. An on-site notice was posted at the subject property on April 15, 2025.

EXECUTIVE SUMMARY

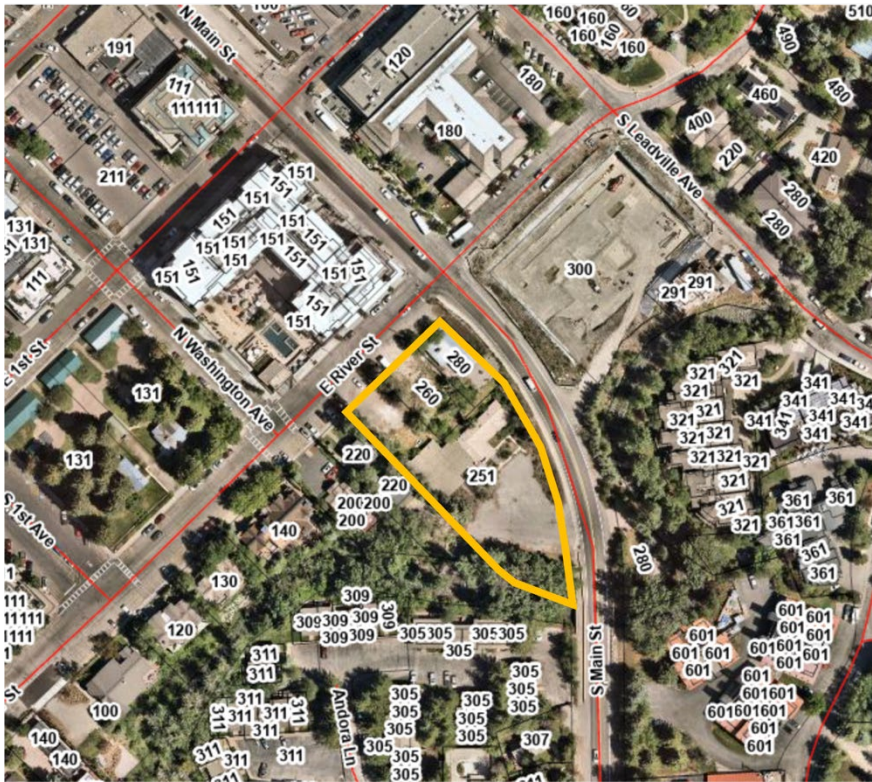


Figure 1: PEG Hotel site location

The PEG Hotel is an approximately 130,00 SF hotel approved for the corner of Main St/Hwy 75 and River Street, just south of the Limelight Hotel. See Figure 1 for the location of the “Subject Property”. The PEG Hotel was initially approved through a Planned Unit Development Conditional use Permit (PUD/CUP) in 2019. Due to a noticing issue discovered in early 2020, the development restarted the approval process which culminated in an approval of the PUD/CUP, development agreement, design review permit, and floodplain development permit in 2023. The development agreement stipulates that the expiration of the approvals is tied to the city’s

terms of approval in the municipal code for design review and floodplain development permits. Both applications allow for a maximum of two 12-month extensions. The first can be granted by the Administrator and the second must be considered and decided on by the Planning and Zoning Commission.

All information related to the PEG Hotel approvals can be found on the city’s “Active Applications” page. [CLICK HERE](#) to get to the project page. The project page includes a documents section with the final Planning and Zoning Commission packet and the final City Council packet with all corresponding attachments including a history and timeline of the project, the development agreement, design review approval and PUD/CUP.

ANALYSIS

As noted in the applicant request letter, there are established criteria for extension requests to Design Review and Floodplain Development permits. The criteria are similar, but not identical. Below is an overview of the criteria and analysis from staff as to whether the criteria indicates support or not for the extension.

Design Review Extension

Pursuant to KMC §17.96.090.B, the City may, upon written request by the holder, grant a maximum of two 12-month extensions to an unexpired design review approval. The first 12-month extension shall be reviewed by the Administrator. The second 12-month extension shall be reviewed by the Commission. Whether or not an extension is warranted shall be based on the following considerations:

- a. Whether there have been significant amendments to ordinances which will apply to the subject design review approval;
- b. Whether significant land use changes have occurred in the project vicinity which would adversely impact the project or be adversely impacted by the project;
- c. Whether hazardous situations have developed or have been discovered in the project area; or
- d. Whether community facilities and services required for the project are now inadequate.

The code states that “If any of the foregoing considerations are found to exist with regard to the project for which an extension is sought, an extension will not be granted and the City shall issue this decision in writing; otherwise the City shall approve such an extension. No extensions shall be granted for an expired design review approval.”

In general, staff does not believe that any changes in conditions have occurred that warrant consideration of criteria a, c, or d. No ordinances have been adopted since the approvals that would change the approvals. Ordinance 1259 changed the permitted uses on properties along River Street to those of the CC-2 zone district. Hotels are a permitted use in the CC-2 just as they are in the Tourist, so the same requirements apply. No hazardous situations have developed since the approval, and facilities/services necessary for the project remain adequate.

Staff does believe that criteria b warrants discussion. The 2014 comprehensive plan remains in effect, however, significant work has been conducted on the updated 2025 comprehensive plan which will likely be adopted in summer 2025. Extensive discussions have occurred with the community related to the way the city reviews and incentivizes hotels. There is less support for variances to the city’s underlying zoning to incentivize hotels than when the initial approval occurred in 2019 and subsequently in 2023. As noted in the executive summary, the PEG hotel received waivers to minimum lot size for a PUD, side setbacks, floor area ratio, and height. The Commission should consider whether these same waivers would be granted today.

Floodplain Development Permit Extension

Pursuant to KMC 17.88.050.G, the City may, upon written request by the holder, grant a maximum of two 12-month extensions to an unexpired approval. The first 12-month extension shall be reviewed by the administrator. The second 12-month extension shall be reviewed by the Planning and Zoning Commission. Whether or not an extension is warranted shall be based on the following considerations:

- a. Whether there have been significant amendments to the City's comprehensive plan, special studies, draft or interim floodplain maps, or ordinances which will apply to the subject approval;
- b. Whether significant land use changes have occurred in the project vicinity which would adversely impact the project or be adversely impacted by the project; a revised no adverse impact statement may be required prior to granting a permit extension;
- c. Whether hazardous situations have developed or have been discovered in the project area; or
- d. Whether community facilities and services required for the project are now inadequate.

As in the design review criteria, the code states that “If any of the foregoing considerations are found to exist with regard to the project for which an extension is sought, an extension may be granted with conditions of approval to remedy any unmet requirements, or the City may choose not to grant an extension. Otherwise the City shall approve such an extension. Said decision shall be issued in writing. No extensions shall be granted for an expired floodplain development permit.”

Staff does not believe that any changes in conditions have occurred that warrant consideration of criteria c or d. No hazardous situations have developed and facilities/services remain available. However, criteria a and b warrant consideration. As noted above, the updated comprehensive plan has not been adopted. However, extensive discussions have occurred with the community related to the way the city reviews and incentivizes hotels. There is less support for variances to the city’s underlying zoning to incentivize hotels than when the initial approval occurred in 2019 and subsequently in 2023.

STAFF RECOMMENDATION

Staff requests the Commission review the design review and floodplain development permit extension criteria and make a determination on the request to grant a 12-month extension to both permits. Approval of the extension also grants an extension of the PUD/CUP approvals.

ATTACHMENTS:

- A. Applicant Request Letter



City of Ketchum

ATTACHMENT A:

Applicant Request Letter



February 14, 2025

VIA EMAIL: mlanders@ketchumidaho.org, planningandbuilding@ketchumidaho.org

Ketchum Planning and Zoning Commission
c/o Morgan Landers, Planning and Building Director
P.O. Box 2315, 191 5th St. West
Ketchum, ID 83340

RE: PEG Ketchum Hotel, LLC - Request for Second Extension

Dear Commissioners:

In accordance with KMC §§ 17.96.090(B)(2) and 17.88.050(G)(1), PEG Development,¹ on behalf of PEG Ketchum Hotel, LLC, the Permit Holder, requests the Commission grant a 12-month extension of the following approvals granted by the City of Ketchum for the development of the Prologue Hotel:

1. Design Review Permit P22-028 (approval date 3/28/23) associated with PUD/CUP P19-063 (approval date 6/12/23); and
2. Floodplain Development Permit P19-062 (approval date 3/2/23).

The Administrator granted a first 12-month extension of these permits effective March 28, 2024. While we have made significant efforts to move forward with the project, market conditions have prevented us from proceeding with construction at this time, including elevated construction costs, high interest rates, and inflation. This project has been in the works for a very long time. Following a multi-year design and approval process, the City originally approved the project's PUD/CUP in 2019, but then a City noticing error was discovered in early 2020, just at the onset of the COVID-19 pandemic. We had to restart the approval process, a year-long effort, and the City again approved the project's PUD/CUP. Subsequent approvals followed for the Development Agreement, Design Review and Floodplain Permit. The timing has been challenging, but we appreciate the City's continued support. We anticipate being able to proceed within the next 12 months, and we remain excited about this project. As shaped through the project approvals, the Prologue Hotel will provide numerous benefits to the community including access to new dining options, a public rooftop bar with stunning views, 13 structured parking stalls for public use, employment with onsite employee housing, the removal of blighted properties from the entry to downtown, and the addition of a beautiful terraced building designed to complement the landscape and

¹ PEG Development is the designated Developer/Owner's Representative per Section 1.19 of the Permit Conditions Acceptance Development Agreement 22847, recorded as Blaine County Instrument #701611.



to activate the streetscape. This extension request meets the criteria in Ketchum City Code as described below. For all of these reasons, we request the Commission grant a second 12-month extension.

Design Review Permit Extension Request

Per KMC §§ 17.96.090(B)(2), the Planning and Zoning Commission's decision to grant the second 12-month extension for the design review permit is to be based on the following:

- a. Whether there have been significant amendments to ordinances which will apply to the subject design review approval;
- b. Whether significant land use changes have occurred in the project vicinity which would adversely impact the project or be adversely impacted by the project;
- c. Whether hazardous situations have developed or have been discovered in the project area; or
- d. Whether community facilities and services required for the project are now inadequate.

The Commission shall approve unless it finds that one of those four criteria are met.

None of these circumstances are present here. First, there have been no significant changes to the ordinances associated with the existing design review approval; the project continues to be in compliance with design review standards and applicable design review Code. Second, we are not aware of any land use changes in the project vicinity that would adversely impact, or be impacted by, the project. If anything, the construction progress occurring at the hotel site across Main Street from the property is a step in the right direction. By delaying work on our property, any concern about an overconcentration of construction activity due to two simultaneous projects will now be mitigated. Third, no hazardous situations have been discovered in the project area; it remains suitable for construction of the project. Fourth, community facilities and services for the project remain available and adequate.

Floodplain Development Permit Extension Request

Per KMC § 17.88.050(G)(1), the Planning and Zoning Commission's decision to grant the second 12-month extension for the floodplain permit is to be based on the following:

- a. Whether there have been significant amendments to the City's comprehensive plan, special studies, draft or interim floodplain maps, or ordinances which will apply to the subject approval;
- b. Whether significant land use changes have occurred in the project vicinity which would adversely impact the project or be adversely impacted by the project; a revised no adverse impact statement may be required prior to granting a permit extension;



- c. Whether hazardous situations have developed or have been discovered in the project area; or
- d. Whether community facilities and services required for the project are now inadequate.

The Commission shall approve unless it finds that one of those four criteria are met.

None of these circumstances are met here. First, there have been no significant amendments to the City's comprehensive plan, floodplain studies maps, or ordinances that apply to the existing approvals. Second, we are not aware of any land use changes in the project vicinity that would adversely impact, or be impacted by, the project. Third and fourth, we are not aware of any hazardous situations in the project area or changes to the adequacy of community facilities or services required for the project. Further, no work has occurred that would change the floodplain and no changes are being requested to the approved drawings. The project remains as buildable as previously determined in the floodplain permit's issuance.

Comprehensive Plan Updates

We are aware of the community's efforts to update the Ketchum Comprehensive Plan. While the unadopted Plan is not applicable to these extension requests, the project is aligned with many new Plan goals and objectives. The Prologue Hotel will provide 16 on-site employee workforce housing units to increase housing options for its staff, contribute to the City's housing diversity, and help the City achieve its goal of being a diverse year-round community overall. The significant investment required to build and operate this hotel will contribute to the City's economic resiliency while the finished product will enhance the vibrancy of downtown Ketchum and add to its arts and culture scene. The Development Agreement for this project requires that the building be built to LEED Silver equivalency, which will contribute to the sustainability of development in Ketchum in accordance with the goals of the Plan. The Project design team took great care to conceptualize the building in the context of its surroundings, with a terraced cross section that follows the slope of the property. Unlike most hotels that benefit from affiliation with a national brand, the Prologue Hotel was created specifically for Ketchum, in accordance with the Plan's aim to preserve local character. As described in the Development Agreement, the hotel will provide services such as a shuttle, car share, and bicycle facilities for guests and employees, which is aligned with the new Plan's multi-modal connections goal and will contribute further to downtown vibrancy.



Conclusion

This extension request meets the criteria in your Code and will enable us to proceed with the Prologue Hotel, as approved by the City. Thank you for your consideration of this request.

Sincerely,

Matt Hansen
President, PEG Development



City of Ketchum

ATTACHMENT B:

Public Comment

Cyndy King

From: duffy witmer <duffwitmer@yahoo.com>
Sent: Thursday, April 10, 2025 10:08 PM
To: Participate
Subject: Marriot hotel

This is a really bad place for a large hotel on the southern entrance to our wonderful town Ketchum. This hotel will create many horrible, long term problems for our great town. Please do not allow this hotel to happen at this location. Thank you,
Duffy Witmer

Sent from my iPhone

Cyndy King

From: JORI POTIKER <jorip123@icloud.com>
Sent: Thursday, April 10, 2025 7:36 PM
To: Participate
Subject: Marriott

I am completely 100% against the Marriott project. It is too big and overpowering just at the entrance to town. There are already 3 hotels immediately adjacent to that location. This hotel is too tall and large for the property. We already have parking shortages and the mountains and trails are already getting crowded with too many visitors. We have a shortage of workers and housing for the ones we have. Residents can barely get through town when there are so many visitors. I understand that we need tourists, just not so many. Our existing hotel rooms are rarely unavailable. The appeal of coming here is that it isn't crowded, and has a welcoming and casual atmosphere. That will soon change. Especially with another huge box building on a tiny piece of land.

Additionally we do not have housing or infrastructure to handle yet another hotel. It's bad enough that we have the Appellation or whatever it's called now. I feel it was a huge mistake to grant the variance originally, and also the extension. Please DO NOT grant another extension. We do not want it or need it. Do not end up in the same situation as we were in with the giant hole for years. Please pay attention to your constituents and not the developers.

Regards,

Jori Potiker
530 Northwood Way

Cyndy King

From: JULIE WILSON <wilsonbay@mac.com>
Sent: Thursday, April 10, 2025 7:30 PM
To: Participate
Subject: Hotel Extension

Please consider denying the extension of the proposed hotel.
We live in West Ketchum and believe this project to be simply out of character and too massive.
Thank you for listening,
Julie and Justin Wilson
Sent from Julie's iPhone

Cyndy King

From: scott rosenberger <26rosenberger.scott@gmail.com>
Sent: Thursday, April 10, 2025 6:47 PM
To: Participate
Subject: Marriott property is a loser all around

P&Z-shame on you yet again for the manner this monster has unfolded. Really, really weak leadership, execution and communication. Really disappointing—you have definitely let down the community on this one. Do the right thing and correct course now.

Respectfully,

Scott Rosenberger.

Cyndy King

From: Rick Flickinger <batts4u151@gmail.com>
Sent: Thursday, April 10, 2025 6:16 PM
To: Participate
Subject: Marriott building

It's absolutely appalling that anyone of any authority, be it P&Z, City Council or any other Ketchum City administrative official even remotely consider voting to allow the Marriott Hotel construction to proceed. I am adamantly opposed to another huge hotel at the entrance to our city.

Rick Flickinger

Cyndy King

From: Simon Wenet <simonwenet@gmail.com>
Sent: Thursday, April 10, 2025 5:34 PM
To: Participate
Cc: Sara Super
Subject: Opposition to Marriott

Hello,

As a Ketchum home owner, I am writing to express my staunch opposition to the Marriott project proposed at the entrance to town at River and Main. The Limelight typically sits will under their goals and there is a new hotel being built already. The fact that the new hotel has 2x the rooms and is being considered for 2x the height variance will totally and utterly crush the mountain town feel of our mountain town.



--

Best,
Simon Wenet

Cyndy King

From: Julie Brewer <julienb@cruzio.com>
Sent: Friday, April 11, 2025 10:01 AM
To: Participate
Subject: Proposed Marriott Hotel

Good morning,

I'm writing to voice my concerns about building a Marriott in downtown Ketchum. I hate the idea of a huge high rise chain hotel. We don't need another hotel for one thing. For another, a huge high rise building like that doesn't fit at all with the desired character of Ketchum. The people who live here don't want big, boxy, high rise buildings. We want buildings with lower profiles and some small town character. We don't need more traffic and more people vying for parking spots. We don't have a need for more hotel rooms. I wouldn't be surprised if we have excess hotel room capacity already. Please do more to maintain the charm of our town and the quality of life here.

By the way, the amount of construction going on in our downtown is too much. It's disrupting commerce and quality of life. Please don't add another huge project and another huge hotel.

Thank you for considering my views,

Julie Brewer

Cyndy King

From: Kate Daly <katherinemunroedaly@gmail.com>
Sent: Friday, April 11, 2025 8:35 AM
To: Participate
Subject: opposition to Marriott hotel plan

After reading about recent numbers reflecting hotel room occupancy and airplane seats filled, I fail to understand why there is a need to build yet another hotel in the area. Even during "peak season" it appears rooms and seats are nowhere near to being sold at capacity. Add that information and the fact that thousands of people have already signed a petition objecting to developing the proposed Marriott property across from Limelight and it's clear the project is not needed or wanted. Additionally, now that the "hole in the ground" is coming into being, a whole new traffic pattern will no doubt arise in what is already a crowded part of Ketchum with a dearth of parking. I urge the City Council to stop developing more chaos and over-building at what was once a charming entrance to the Sun Valley area. -Kate Daly

Cyndy King

From: Jeff Jensen <jeff@jensenconsult.com>
Sent: Friday, April 11, 2025 8:32 AM
To: Participate; • slurie@5bgazette.com
Subject: PEG Hotel

P&Z,
I am writing to oppose the extension of the permits for this Hotel.
The landscape in Ketchum has changed dramatically since this was originally permitted.
I believe that the public opposition to this project will be substantially increased over the previous opposition when this project was originally proposed. It appears that the staff purposely kept notice of this extension quiet when they extended the approval last year trying to keep the public uninformed about the possibility of this moving forward. Everyone believed this was a DEAD project.
If the City sincerely believes that this project has merit, then openly demonstrate this to the public and show them that it will stand up to a new approval process in today's light.
We have all seen that Hotel projects like this (Big Hole) can extend for several years and be a blight on the Town and its citizens, let alone lead to expensive legal battles when they go sideways.
Please do not put the citizenry through any more of these stresses.
Jeff Jensen
216 Sage Road B
Ketchum, ID

Cyndy King

From: Kelley Jensen <kjensen@jensenconsult.com>
Sent: Friday, April 11, 2025 11:32 AM
To: Participate
Cc: Amanda Breen; Courtney Hamilton; Tripp Hutchinson; Spencer Cordovano; Neil Bradshaw; slurie@5bgazette.com
Subject: Proposed Marriot Hotel

I am writing in opposition to the proposed Marriot Hotel in Ketchum.

When this was originally proposed in 2020, thousands of people spoke out against it. We all thought it was dead, only to find out recently that a "secret" 12-month extension was granted to PEG a year ago. Now we find out that yet another extension is proposed. I have to ask, what is the agenda here? If you believe the project has merit, please demonstrate that and give facts to support it. My reasons for objecting:

- We don't need a 100-room chain hotel (there were plenty of rooms available during World Cup – I know as I looked on line at Sun Valley and Limelight, to name two).
- PEG was up front about recruiting outside of the Wood River Valley for staff. They need at least 100 and only plan to provide housing for 16. That leaves the remaining hotel staff to compete with existing locals for housing.
- The project would be adjacent to sensitive wetlands (this was a huge objection back in 2020).
- The project as planned infringes on zoning requirements/restrictions. Why would you offer variances of this magnitude? Isn't that prohibited?
- Negative impact to traffic, parking, nearby residential areas.
- What about the night sky ordinance?
- The project does nothing to preserve and maintain Ketchum's character, loved by locals and visitors alike.

Kelley Jensen

216 Sage Road, Unit B
Ketchum, ID 83340

Cyndy King

From: John Milner <jmilnersv@gmail.com>
Sent: Friday, April 11, 2025 11:04 AM
To: Participate; Amanda Breen; Courtney Hamilton; Tripp Hutchinson; Spencer Cordovano; Neil Bradshaw
Subject: Marriott hotel Ketchum

I believe the new proposed Marriott hotel is a very bad fit and idea for Ketchum.

First it's in the wrong proposed location.

Second it's too large for the proposed site and doesn't fit in with our zoning code without the waivers to the code being granted.

Third we have enough hotels in Ketchum that aren't fully booked

And fourth there's no place for another 100+ employees to live anywhere near the hotel let alone reside in our valley.

STOP THE STUPIDITY of this hotel..

FOCUS on the livability of the people that already live in Ketchum not tourists who come for a few days..

Cyndy King

From: HP Boyle <boylehp@yahoo.com>
Sent: Saturday, April 12, 2025 5:50 PM
To: Participate
Cc: Jay Westcott
Subject: PUBLIC COMMENT for P&Z/Council re: PEG Hotel

Here is the smoking gun: PEG is applying for its project extension in bad faith. While their application says they expect to proceed with the project within the next 12 months, that is disingenuous. They plan to sell it.

For this reason and all the other reasons in my previous submission, I urge you to deny this extension.

Thank you,

Perry Boyle, Ketchum

,

Hospitality For sale — 251 S Main St,
Ketchum, ID 83340, USA | United States |
Colliers
colliers.com



Cyndy King

From: HP Boyle <boylehp@yahoo.com>
Sent: Saturday, April 12, 2025 5:58 PM
To: Participate
Cc: Jay Westcott
Subject: PUBLIC COMMENT: Here is the information PEG is using to market the hotel
Attachments: PEG BAD FAITH.pdf

It is from their real estate broker.

Note they talk about developing it as a condo block or a hotel.

"the Property's location, scale of project and in-place entitlements are irreplaceable."

Why is the City of Ketchum allowing them to make a fortune with variances to void the intended zoning on this site for something the community does not want and does not need?

Perry Boyle
Ketchum

Cyndy King

From: Pat Higgins <pathiggins@cox.net>
Sent: Saturday, April 12, 2025 8:23 PM
To: Participate
Subject: Public comment PEG/ Marriott Hotel

Dear Ketchum City Leaders,

It has come to our attention that PEG/ Marriott is coming up before P&Z again. Please stop this madness and propose a moratorium until the Comprehensive plan has been updated.

Pat and Alex Higgins

Sent from my iPad

Cyndy King

From: Liz Talley <ltalley@windermere.com>
Sent: Sunday, April 13, 2025 12:13 PM
To: Participate
Subject: Please reverse your plans and deny an extension for the Marriott Hotel

I wanted to send in this letter since I cannot attend your April meeting. Please reverse plans to the Marriott Hotel Chain that is intending to build a very large hotel across the street from the current hotel going in. We do not need a 100 room hotel, and having three hotels on each of the corners surely is enough space in addition to the Sun Valley resort for the tourists who come to visit. Adding a six story building is against our 10 year plans to create a pedestrian friendly community and having it built up against the wetlands of the Trail Creek is equally troubling.

After all our community has done to meet with you and express our concerns about available parking, about limited work staff housing and keeping the vibe of Ketchum forefront in our planning for the future, it should be clear that the proposal from the Marriott would be better suited in Boise or Twin Falls, rather than in our quaint small community. Enough is enough.

If we destroy the character of our town, there will be nothing here to enjoy and the frustration of the local community will lead to more meetings, more signed petitions and so on and so forth. It was clear that our town doesn't want to grant exceptions to the architectural design of Ketchum or the three story height of buildings with all of the meetings of the last year, so please ask the Marriott to move on and pick a different city for their huge hotel. Do not grant them an extension.

Thank you for reading my letter, Liz Talley (property owner and local musician)

I'm a text or phone call away at 206 235 6271

Cyndy King

From: Mark Maykranz <mmaykranz@hotmail.com>
Sent: Monday, April 14, 2025 7:38 AM
To: Participate
Subject: Marriott/ Limelite

Do not extend the Marriott zoning approval. This was never what the community wanted; it is what a very unpopular mayor wanted. Marriott is ridiculously over-sized, will dump a bunch of low-paying jobs in Ketchum, and will bury the town in housing needs. Go to Jackson and talk to the locals about the destructive hotel formula. Do not make the same mistakes.

Absolutely ridiculous to let the Limelight have more penthouses. This is another policy failure of Mayor Bradshaw's doing. Do the right thing: No to Marriott, No to Limelite. Do not follow the policy initiatives of a very unpopular mayor!
Sent from my iPhone

Cyndy King

From: Marilyn Hoffman <mer.hoffman208@gmail.com>
Sent: Sunday, April 13, 2025 3:48 PM
To: Participate
Subject: Marriot

I totally object to the approval yet again of the Marriot. I really don't know what you are thinking. Have you not been downtown in Ketchum lately. It's dark and totally unappealing and yet you want another huge massive building. Give it a rest and let us enjoy what little we have left of Ketchum.

Marilyn Hoffman
Ketchum Resident

Cyndy King

From: Blakesley Chappellet <bachappellet@gmail.com>
Sent: Tuesday, April 15, 2025 7:59 AM
To: Participate
Subject: Fwd: No on PEG Marriott

Mayor Bradshaw has asked that this be included in public record.
This 72' tall president setting projects should not be extended and permitted to move forward.

Sent from my iPad

Begin forwarded message:

From: Blakesley Chappellet <bachappellet@gmail.com>
Date: April 15, 2025 at 8:56:57 AM CDT
To: Neil Bradshaw <NBradshaw@ketchumidaho.org>
Subject: Re: No on PEG Marriott

Thank you Neil,

Will do! How did the project get approved when it is a gross variance from stated restrictions? From what I hear, P&Z is not able to rubber stamp another extension as they did in the past. Not sure what impact public comment will have as there was very strong opposition to it from the get go!

Too many bad things happening in Ketchum. Just look at Hot dog hill and Formula sports mixed use projects. Dave Wilson can't sell the condos and more are going in next door. Is supply outpacing demand? Are we letting greedy developers overbuild?

Workforce housing projects have Proven not to be effective for housing essential workers. Developers should bear the cost of housing for their workforce and providing workforce parking. They should also be required to provide parking for retail workers. How was PEG project was allowed to reduce stated accommodation for housing their workforce?

Change is inevitable, but sticking to standards to preserve the character of the town is essential! No more concessions! You can't set a precedent by allowing a 72' tall building!

Sent from my iPad

On Apr 14, 2025, at 10:02 PM, Neil Bradshaw
<NBradshaw@ketchumidaho.org> wrote:

Thanks Blakesley

Please send your thoughts to participate@ketchumidaho.org to be placed in the public record for P&Z deliberation

As I am sure you are aware, this project was approved 2 years ago by the P&Z and council. To get an extension for a further year the project sponsors will need to get P&Z approval. It will be up to that local government body to decide whether to grant the extension or if they want to deny the extension or if they want modifications to the project.

Hope this helps

NEIL BRADSHAW | CITY OF KETCHUM

Mayor

P.O. Box 2315 | 191 5th Street,W | Ketchum, ID 83340

o: 208.727.5087 | m: 208.721.2162

nbradshaw@ketchumidaho.org | www.ketchumidaho.org

On Apr 14, 2025, at 2:48 PM, Blakesley Chappellet
<bachappellet@gmail.com> wrote:

I am reaching out to voice my opposition to the PEG Marriott project currently under review with P&Z.

We have had a family home in Ketchum for over 20 years and have just acquired another property in Gimlet

The gateway to our beautiful western town should not be three large modern hotels. Especially a massive 72' tall hotel jammed into a one acre lot.

Permitting this structure will dramatically change the character of the town in a negative way. We thought the city had a 35' limit on buildings. How can you even consider a 72' structure? It will be the largest building in Ketchum!

Permitting this will set a precedent and allow others to further destroy the quaint nature of the town. Vail and Aspen are full of high rise condos and large hotels. They are more like a metropolis than a Western town. We, and most people we know who have homes in the wood river valley, are here, not there, for just this reason. We sold our house in Vail to be in a quieter and more authentic mountain town.

Sun Valley Co has protected their entrance to retain the charm. We have all worked to protect Reinheimer Ranch from development. The city of Ketchum seems to be working against the wishes of tax paying citizens and Sun Valley Co.

We ask the city to consider how permitting this hotel will impact parking and traffic associated with hotel workers and guests. We also want you to weigh the need for additional hotel rooms given current hotel occupancy rates- factoring in a 40-room hotel about to come online. Is there is a demand for more rooms?

Next, look at flight capacity into the SUN airport. How will hotel guests get into the area? Do current flights have capacity to accommodate filling 140 new hotel rooms?

To me, everything about this project will make life worse for Ketchum

Residents.

- a massive dominating building welcoming you to town
- more traffic
- higher demand for parking
- multi- year construction disruption

Please reject this project! Or at the very least, stick to your 35' height restriction, legal setbacks etc. there should be no variances allowed on this project!!!

•

Sent from my iPhone

Cyndy King

From: Mark Maykranz <mmaykranz@hotmail.com>
Sent: Monday, April 14, 2025 8:06 PM
To: Participate
Subject: Marriott

P and Z,

Absolutely do not extend the Marriott's approval. This is and always was a very unpopular project. It is way too large for Ketchum. This project will dump a low-paid workforce on our community and will exacerbate our housing challenges. As well, it will likely force other older hotels out of business. This is the dream of a very unpopular Mayor (67 per cent voted against). If you are on his wagon, you are not aligned with the community. Stop the endless friction that Mayor Bradshaw causes. Frankly, you could vote against every one of his initiatives, and you would be way more aligned with the community. This is an election year, and changes are coming! Get on the community's wagon.

No to Bradshaw, No to Elon, No to the Marriott, No to endless friction; yes to Ketchum strong! Yes to 144 years of Ketchum history!

Neil Morrow: protect our town!

Thank you.

Mark Maykranz
Sent from my iPhone

Cyndy King

From: HP Boyle <boylehp@yahoo.com>
Sent: Wednesday, April 9, 2025 1:45 PM
To: Participate
Cc: jwestcott@mtexpress.com; Sarah Lurie
Subject: Public Comment for P&Z on PEG development extension request--Please DENY

I urge the P&Z Commission to DENY this extension request.

Bad Governance:

This project was approved by Ketchum's City Council in defiance of massive local opposition to the project. There were over 3,000 signatures on a petition against this project. At the final vote, Council Member Breen stated that it did not matter what people wanted, the council got elected so they get to decide,

It was also terrible governance for the Mayor to personally assure PEG in an email that he would push this project through the Council.

The Council granted variances s demanded by the developer that permitted this size of a building to be built at that location. Those variances were granted purely for the economic interest of the developer, in contravention of KMC 117.148.010(A). PEG has admitted in its extension request that the project has not been economically viable even with the variances. Absent its development agreement with the City, those variances would have already expired.

The Planning Department granted the previous 12-month extension without transparency to the public. Yet this will be the single largest building in Ketchum, located right at the town's entrance. Staff could have brought it to the P&Z—why didn't they?

Bad Project

Ketchum does not need a 135-room chain hotel. Per SVED data, hotel occupancy does not warrant more hotel rooms. We handled the FIS World Cup just fine. To keep this hotel full at the target 70% occupancy would **require at least three additional flights a week into SUN** (135 rooms at 70% occupancy = 190 guests. Plane of 76 seats at 72% load factor + 55 passengers per flight)

Without the questionable variances, this project would require twice the land. As was said multiple times during its permitting process—this is "10lbs of s*** in a 2lbs bag."

The developer has **reduced onsite employee housing** from 23 beds to 16 beds. They publicly stated they would recruit from outside the WRV area to staff this hotel. They will need at least 100 employees to run it (that is a conservative estimate for a four-star hotel). That will put 84 low-wage tourism industry employees in competition for scarce Ketchum taxpayer-subsidized workforce housing. **That is almost the equivalent of a Bluebird.**

The hotel will be situated near an intersection that the City Master Transportation Plan predicts will be rated “F” for failure.

It is **adjacent to sensitive wetlands**, which was raised at the last P&Z meeting, and there was a discussion about changing zoning to protect them.

Bad Faith Request

The request states that PEG plans to develop this project during the next 12 months. Isn't that what they said in their prior extension request? Yet PEG has taken this project off their website as a project they will be developing. It is common knowledge in the development community that PEG has been shopping this project to other developers. Are they playing Ketchum for a free option to buy more time to sell it?

Bad for Ketchum Residents

Everything about this project will make life worse for Ketchum residents. Another highly-visible, massive, boxy building (the biggest in Ketchum). More competition for scarce workforce housing. More traffic. More demand for parking. Another multi-year construction disruption. More noise adjacent to residential zones (rooftop bar). It brings another chain hotel to Ketchum. Nothing will be better for Ketchum residents if this hotel is built. It contravenes the underlying principle of preserving the current and proposed Comp Plan to maintain Ketchum's character. It should never have passed design review in the first place.

The only party that benefits is the out-of-state developer seeking to exploit Ketchum rather than improve it.

If the community knew what was happening, would they support the extension?

Please do not extend this.

This site is zoned Tourist. We could have a charming hotel scaled for the site without variances that would be more consistent with Ketchum's Comp Plan, zoning code, and community character.

Thank you,

Perry Boyle
Ketchum

Cyndy King

From: Kevin Livingston <klivingston@yahoo.com>
Sent: Wednesday, April 9, 2025 5:38 PM
To: Participate
Cc: jwestcott@mtexpress.com; sarah@5bgazette.com
Subject: Change.org petition for PEG project
Attachments: 2019 PEG Petition.xlsx

Dear P&Z and City Council,

I led this online petition back in 2019 when PEG was seeking its approvals to build a hotel. There were a number of reasons why this project should have never been approved and ever be built in the current state. They include (but not limited to):

1. Getting tacit approval 4 months before PEG bought the lot from the city on height, setback and density which was a violation of the Mayor's authority . The backdoor email communication also presented an unfair advantage to another prospective buyer at the time.
2. The height, setback and density variances that ultimately got approved completely changed forever our building codes that the City of Ketchum spent years putting together based on feedback from residents and taxpayers of Ketchum.
3. There is State Supreme Court law that prohibits a hotel of this size being built on anything less than 1.5 acres vs. the current one acre site.
4. There was overwhelming opposition to this project during the council meetings vs. minimal support from residents. This includes over 3,000 signatures on the attached spreadsheet.

Now that PEG is asking for an extension, the city should definitely not grant one. PEG's development agreement was very specific including details on funding which is not available to them at this time. This property has been on the market for one year. This coupled overwhelming opposition to the project as outlined above should make your decision easy.

Best regards,

Kevin Livingston



City of Ketchum

ATTACHMENT 6:

**4/22/2025 Hearing Transcripts
- Full**

CITY OF KETCHUM
PLANNING AND ZONING COMMISSION
COMMISSION MEETING
APRIL 22, 2025

RE: PEG Ketchum Hotel, LLC -
Request for Second Extension

TRANSCRIBED FROM RECORDING BY:
CHERYL J. HAMMER, RPR
IDAHO CCR 1206; OREGON CCR 21-0013
UTAH CCR 126919357-7801; WASHINGTON CCR 2512

PLANNING AND ZONING PRESENT

CHAIR:

Neil Morrow

VICE CHAIR:

Brenda Moczygemba

MEMBERS:

Tim Carter

Matthew McGraw

Susan Passovoy

--oOo--

(BEGINNING OF TRANSCRIPTION)

(Matter begins.)

CHAIR MORROW: Okay. Here we go.

MR. GUNTER: All right. Cameron Gunter, PEG companies, for the record. Do I need to wait? You got a (inaudible).

First of all, I appreciate the staff and the planning commission considering this item to extend for 12 months the current zoning.

As you heard Morgan say, over the past five years, PEG has been fully committed to this mixed-use project. Not only for our benefit, but for the benefit of the community, which you'll get more information later.

But, look, I appreciate the process that we've all been through and all gone through collectively together to incorporate some of these public values that you'll see in the -- in the approved zoning. And then Deb will be able to specify that later in the -- in the presentation.

So over the last two year, PEG, when we got the -- the second approval, PEG has worked vigorously trying to adjust to market conditions, look

1 at ways to make this project successful through
2 different methods of construction, whether do prefab
3 looking at a geo thermal process. We even took it to
4 market in September to see if we could have success
5 with the capital markets to make this project
6 successful.

7 All of these -- all these things that
8 we've done and all these efforts, we feel, have been
9 productive. And now with -- with some recent
10 discussions that we've had, we believe that we have an
11 ave -- avenue to proceed if we're granted the
12 extension with a national contractor that actually two
13 of their principals live here, have homes here in
14 Ketchum, and they have a innovative process that will
15 help us be successful in this project for both PEG and
16 the community as well.

17 As I said, we're committed to this
18 project and the benefits it will bring to the
19 community. We're also excited for the part that we'll
20 play in the community by bringing investment dollars
21 here, bringing employees, as well as providing
22 employee housing for those employees, which we've seen
23 very successful in another market similar to this in
24 Jackson Hole, where we built a hotel and provided
25 employee housing there for the employees of the hotel

1 and others, which has been very, very successful still
2 today in that market.

3 So having said that, I would like to
4 have Deb Nelson present really where -- what we're
5 asking for and how it meets the extension criteria and
6 to reiterate the public benefits and what we've done
7 collectively. Not just us, but in all the things
8 we've done with staff and planning commission and city
9 council in that presentation.

10 So, Deb.

11 MS. NELSON: Good evening. Thank you
12 for your patience as we got the presentation loaded.

13 My name is Deborah Nelson. I'm a land
14 use attorney with Givens Pursley in Boise, and I'm
15 here on behalf of the applicant to address the
16 criteria that's in your code to support the extension
17 request before you.

18 The city has adopted very specific
19 criteria for each of these applications, and I'll
20 start with the design review approval criteria.

21 Here you go.

22 So based on these four criteria,
23 unless the commission determines that one of these
24 four criteria is present, then the code language
25 directs the commission that you shall approve the

1 extension. Based on this, on staff's analysis and the
2 staff report, only one of these four criteria warrants
3 discussion here, and that's item B.

4 And that's because staff agrees as to
5 the other three, that there have not been any
6 ordinance changes that apply to the design review
7 approval, that there are no new hazardous situations,
8 and that community facility and services remain
9 adequate.

10 So as to the criteria B, this asks
11 whether significant land use changes have occurred in
12 the project vicinity that would adversely impact the
13 project or be adversely impacted by the project. And
14 there have not been any land use changes approved in
15 the vicinity of the project, much less any that would
16 create an adverse impact.

17 The surrounding land uses remain as
18 they existed or were planned when this project was
19 approved. The long-planned hotel across Highway 75 is
20 under construction. This land use has not changed.
21 It is still the same hotel use that was approved
22 before this project was approved. The other land uses
23 around the projects also have not changed.

24 Staff highlights this, this item B for
25 discussion in light of the recent and ongoing

1 discussions about draft updates proposed to your
2 comprehensive plan. However, amendments to your
3 comprehensive plan are not one of the criteria for
4 approving an extension for design review or for
5 consideration.

6 This is different than the criteria
7 for extension of a floodplain permit that we'll talk
8 about next.

9 And as staff notes, of course, in
10 their staff report, and as you know, the comprehensive
11 plan has not been amended.

12 Amendments to city ordinances, at
13 least those that are applicable to design review, is a
14 listed criteria for this extension request there in A.
15 But as confirmed by staff, there have not been any
16 applicable amendments. In fact hotel is still an
17 allowed use on this site based on the city code, and
18 all of the approvals for this project remain in
19 accordance with the zoning ordinance.

20 Proposed updates to the city's
21 comprehensive plan are also not significant land use
22 changes that have occurred in the project vicinity.
23 Again, the plan has not been amended and significant
24 land use changes in the vicinity have not occurred.

25 Similarly, if we go to the next slide,

1 the code identifies four criteria for the commission's
2 decision to grant the second 12-month extension for a
3 floodplain permit. And again, unless the commission
4 determines that one of these four conditions is
5 present, the code directs that the commission shall
6 approve the extension.

7 Based on the staff's analysis and the
8 staff report, only items A and B warrant discussion,
9 and that's because staff agrees there are no hazardous
10 sub -- situations or community -- and community and
11 facility services remain adequate here.

12 So turning to criteria A. This asks
13 whether there have been significant amendments to the
14 comprehensive plan. Floodplain studies and maps or
15 ordinances that apply to the floodplain permit
16 approval. There have been no amendments to the plan,
17 floodplain studies and maps or ordinances related to
18 floodplain or that apply to this floodplain permit.

19 Criteria B asks whether significant
20 land uses changes have occurred in the project
21 vicinity that would adversely impact the project or be
22 adversely impacted by the project. This criteria is
23 similar at that point to the design review criteria,
24 but then it's tailored to the floodplain permit, with
25 the addition that changes may require a revised

1 no-impact statement prior to granting an extension.

2 And as I've already mentioned, there
3 have been no land use changes in the vicinity
4 generally. And relevant here, there have been -- not
5 been changes to land use changes that relate to
6 floodplain conditions. No work has occurred that
7 would change the floodplain, and no changes are being
8 requested to the approved floodplain drawings.

9 The project remains as buildable, as
10 previously determined by the city and the floodplain
11 permit's issuance.

12 The staff report acknowledge, again,
13 that the comprehensive plan has not been amended, but
14 notes that there have been discussions in the
15 community about the way the city reviews and
16 incentivizes hotel uses.

17 These kinds of discussions, though
18 certainly important, are not the basis for denying a
19 requested extension for either design review or a
20 floodplain permit under your code.

21 Instead, the city code is specific
22 about what the commission can consider, and even
23 directs with express language that absent these four
24 criteria, the extension shall be approved.

25 The intent of the code is clear that

1 an approved project should have the opportunity to
2 receive up to two 12-month extensions unless there's
3 an important reason it shouldn't. Using language such
4 as new hazardous conditions, and, significant
5 amendments to the ordinances or plans that apply to
6 the specific application at issue, and, significant
7 land use changes that have occurred.

8 This language does not encompass draft
9 proposals or discussions or a change in public
10 sentiment.

11 These criteria do afford projects that
12 were lawfully approved the op -- the best opportunity
13 they have to succeed by providing them with the
14 flexibility to navigate through project challenges,
15 market challenges. This is especially important for
16 more complex projects such as this one, that involve a
17 significant investment, not just to build it, but to
18 also work through the expensive and risky multi-year
19 design and approval process that occurred here and
20 that I know you guys are intimately familiar with.

21 Delayed construction here also creates
22 a potential benefit to the community so that it's
23 staggered from the construction somewhat occurring
24 across the street.

25 We could move on, please.

1 So although an unadopted comprehensive
2 plan draft is not a basis for denial of these
3 extensions based on the applicable criteria, we
4 understand that this is an important discussion in the
5 community. And the project does provide many public
6 benefits that were incorporated as a part of the
7 lengthy approval process that we believe do continue
8 to support the city's stated vision and core values in
9 this draft plan.

10 The hotel, restaurants, and bars
11 provide employment and tax revenues, along with
12 support for the tourism economy, which all contribute
13 to the city's economic resiliency and consistent with
14 a strong and diverse economy core value.

15 The employee housing with 16 units
16 that will include 30 beds represents actually an
17 increase from the 23 beds previously committed and
18 required. These units will include studio, two-bed,
19 three-bed, and also dorm style configurations. This
20 housing will contribute to the city's housing
21 diversity and help the city achieve its goal of being
22 a diverse year-round community.

23 The restaurant and rooftop bar with
24 great views along with the meeting and event space
25 provided amenities for both hotel guests and the

1 general public. These uses as well as the location
2 and the street activation that's enhanced by the
3 public plaza along River Street with fireplace and
4 seating, all enhance the core value for a vibrant
5 downtown.

6 In the draft plan at page 18 about
7 vibrant downtown, the draft says, will continue to
8 reinforce the downtown as the city's primary business
9 district, key gather place, and retail core, with
10 access to a variety of goods, services, and
11 entertainment.

12 Our LEED Silver equivalency design,
13 our energy and water efficient building standards all
14 promote the city's core value of responsible
15 stewardship of natural resources. Likewise, our guest
16 shuttle, bicycle facility, transit passes, employee
17 car share program all support the plan's multimodal
18 transportation goals within the same stewardship
19 value.

20 The hotel parking is all contained
21 underground, and it also includes 13 stalls for public
22 use that is available to the public even if they are
23 not visiting the hotel's amenities. This support the
24 city's efforts to increase parking management listed
25 as part of the draft plan's economy value.

1 The hotel will redevelop a blighted
2 and largely vacant property at the entrance to town
3 and add a beautiful terraced building design that
4 follows the slope of the property and complements the
5 landscape, all as approved by the city through a
6 thorough design review process.

7 Our unique and high quality exterior
8 and interior design is inspired by local materials and
9 the history of the area and the spirit of the city's
10 core value of distinct built and natural environment.

11 In addition to the core values, we
12 believe that the Prologue Hotel is also consistent
13 with the city's vision statement in the draft plan,
14 including especially statements that, we see our
15 community as one with a high quality of life for a
16 local year-round population and a visiting population.

17 We wish to be a place with a strong
18 economy, a vibrant downtown, diverse options for
19 housing, and a varied demographic of people who live,
20 work, and visit here.

21 If you can go to the next one, please.

22 I just want to briefly run through a
23 few images just that create -- to visualize some of
24 these public benefits. This is the landscape plan
25 that was approved for the project. You can see here

1 the extensive riparian setback from Trial Creek.

2 Next please.

3 Here, you can see from this rendering
4 on the northeast corner the street activation, that
5 public plaza with the seating and the fireplace that I
6 mentioned really add -- adding to that street
7 activation and vibrancy of downtown.

8 Next, please.

9 Here's the rendering of the rooftop
10 bar. The hotel will include multiple eating
11 establishments, including this rooftop bar that will
12 serve residents and visitors.

13 Here, you can see with the overall
14 rendering that terracing that I discussed along the
15 slope, the landscaping, and activation of Highway 75
16 frontage, with the sidewalk access there. And the
17 design and materials that reflect countless revisions
18 based on feedback from the city and the public at
19 numerous hearings in the multi-year approval process.

20 Next.

21 I'd like to just run through now a few
22 of the interior design concepts, again to speak to
23 what I mentioned about the design featuring local
24 materials and the history of the area and the spirit
25 of the distinct built and natural environment.

1 Unlike most hotels that benefit from
2 affiliation with a national brand, the Prologue Hotel
3 is created specifically for Ketchum in accordance with
4 this aim to achieve local character.

5 These design concepts -- if you
6 wouldn't mind, just kind of go through these slowly --
7 are reminiscent of one of the historical residents
8 here, Earnest Hemingway. There will be an artist
9 corridor. And also features some of the pivotal times
10 of his life during the 1920s and '30s, when he
11 published books would become masterpieces.

12 From that era, the iconic craftsman
13 style is paired with new beginnings of the modern age
14 and that direct some of this overall design aesthetic
15 here, with modern materials such as stones and tiles
16 that nod to the surrounding black lava out -- hills in
17 the area, and also some of the woolen textures that
18 come in the from the reminiscent of sheepherding
19 history.

20 I am a land use attorney, not a
21 designer, so I apologize to the designer who, you
22 know, crated this beautiful space and that analysis
23 that I don't do justice to. But you can get an idea
24 of some of the effort that's gone into this and that
25 style.

1 And then we can go to the last slide.

2 So I thank you for -- for listening.

3 We appreciate your consideration of these requests and
4 we ask you to review carefully the standards in your
5 code as you evaluate them.

6 We stand for any questions.

7 CHAIR MORROW: Thank you.

8 Questions for the applicant? Not
9 right now. Okay.

10 We might as well go to a public
11 comment. As much as we were going to try to avoid it,
12 we will.

13 If you've written us a letter on any
14 issue, we read it. So we would appreciate it if you
15 wouldn't reread it in public comment. It's already in
16 the record.

17 If not, please step to the mic and
18 state your name.

19 MR. YOUNG: My name is BC Young, and
20 I'm representing the Class of 1976. (inaudible), and
21 I have no exhibits.

22 I'm just here to say it's my
23 understanding reading the lining on the local press
24 that the permission to develop expired, and it not
25 expired once, now it's expired twice, and that this

1 group here from Salt Lake and Boise are here now to
2 get it extended.

3 If -- if that's what I'm -- I've come
4 to talk about, because I don't think it's in the
5 purview or the expertise of this respected committee
6 to talk about and understand what the interest rates
7 are in Salt Lake and how that, according to the letter
8 in the Mountain Express, is the reason that someone
9 said from PEG, interest rates were too high to build,
10 and so we let it expire.

11 And then it was another reason in
12 there that building conditions weren't good, at least
13 in Salt Lake over the last two years. From what I
14 knew about Salt Lake, they've been booming down there.
15 We've been booming here.

16 So that's really what we're here to
17 talk about tonight, and I'm here to ask you and
18 suggest to you as a friend of the local planning and
19 zoning commission appointed by the mayor, that a
20 motion be made by you, Mr. Chairman, to table this in
21 front of the planning and zoning commission and send
22 it directly up to the city council.

23 It is the mayor who appointed all five
24 of you, and therefore why go over this again in front
25 of our city council? There's no changes here. What

1 she said tonight we all know. We were all bored by
2 it, but she did her duty as an attorney to her client.

3 The fact is, the city council should
4 be sent this issue immediately, and it is for the city
5 council to decide whether the interest rates are too
6 high in Salt Lake to have not executed on the permits
7 they were given.

8 It is for the city council to decide
9 what the working conditions are not in Salt Lake, but
10 what the working conditions are in here, in Ketchum,
11 for the last few years, where we've had a nuts
12 development. So that couldn't be the reason that a
13 developer did not develop PEG hotel, also known, I'm
14 told, as the Prologue, is to be the name of it.

15 The Prologue. Well, the Prologue is
16 over. Now it's time to finalize. It's time to have
17 the final decision made, and that decision should
18 immediately, tonight, a motion I'm asking for you to
19 you pass to immediately do no more work on this except
20 to send it to the city council.

21 There are no new issues for this
22 planning and zoning committee.

23 CHAIR MORROW: (Inaudible.)

24 MR. YOUNG: The issue now rests with
25 the Ketchum -- elected Ketchum of -- of our city.

1 CHAIR MORROW: Thank you for your
2 comments.

3 MR. YOUNG: I've got -- I'm over by 12
4 seconds. I apologize for that.

5 CHAIR MORROW: No, that's okay.

6 MR. YOUNG: I hope you'll entertain my
7 motion, let's get rid of this nonsense and send it on
8 up and find what it's really got to be.

9 CHAIR MORROW: Thank you.

10 Other public comment.

11 MR. ROSS: Hi there. My name's Andy
12 Ross. I live in Ketchum. It's a beautiful building.
13 I hadn't seen it before. So there's no way you can
14 not look at it and say, wow, it's pretty special.

15 My only concern is we keep talking
16 workforce housing. We have a major workforce housing
17 problem here. Thirty beds is nice. Hotel like that
18 may take a hundred employees. So it's just going to
19 add to our workforce housing.

20 Thirteen public parking spots are
21 nice. I'm not sure if there's enough parking for
22 employees and guests. That wasn't to me. But even 13
23 public parking spaces. They talk about the
24 restaurants and everything being used by the public.
25 It'll be more than 13 cars that would. So it's going

1 to exasperate our parking problem as well.

2 Those are my concerns.

3 CHAIR MORROW: Thank you.

4 Anyone else in the room? Do we have
5 anyone online? Just let me know.

6 MR. WORST: Mr. Chairman,
7 commissioners, my name is Ben Worst. I'm a lawyer. I
8 represent 220 East River Street LLC. It's the only
9 property that is actually adjacent to and shares a
10 property line with this project.

11 My client is opposed to this project
12 for the obvious reasons. It's too tall. It's too
13 much bulk. It's going to impact parking and traffic
14 at my client's property. The mechanical is on the
15 property line.

16 But those aren't -- I wish you could
17 revisit all of those issues. You are bound to the
18 criteria that you have in the code for consideration
19 tonight.

20 But I do disagree both with the staff
21 report and with counsel for the developer on whether
22 or not you've got criteria that actually need to be
23 considered tonight.

24 First is B. Whether significant land
25 use changes have occurred in the project vicinity

1 which would adversely impact the project or be
2 adversely impacted by the project. And the obvious
3 there is the Appellation Hotel.

4 At the time that you approved this
5 project, it was unclear to probably everyone except
6 Jack[phonetic]Barrito whether that building would ever
7 be built. And now that is a reality. And if this
8 building also becomes a reality, you will enter
9 Ketchum through a hotel canyon.

10 I think it's also important to
11 consider criterion D, which is whether community
12 facilities and services required for the project are
13 now inadequate. And I think you need more
14 information. You need to know, is the parking the
15 same as the parking at the time that you approved this
16 project? Is the traffic circulation better or worse?

17 But most importantly is, as the
18 gentleman before me said, affordable housing. This
19 project is going to create a net loss of -- or a net
20 need for -- we don't know -- 80 units?

21 So you need to look at that and ask,
22 has facilities -- the community facilities and
23 services, have they changed and are they now
24 inadequate. And I would submit, yes, they have
25 changed, and yes, they are inadequate.

1 I think it's also important to
2 understand the standard. And as counsel for the
3 developer pointed out, there is language that says you
4 shall approve this project, but that same language
5 also says if any of the conditions are found to exist,
6 you shall not approve the permit extension.

7 And I would submit that based on the
8 impacts from the new Appellation hotel, based on the
9 lack -- rather, the inadequacy of community services,
10 that based on affordable housing, parking, and traffic
11 circulation, you shall not approve this extension.

12 Thank you.

13 CHAIR MORROW: Thank you, Ben. Other
14 comments in the room? Please step to the mic, and
15 state your name.

16 MS. FLATTERY: Hi. My name is Sandra
17 Flattery, and I am a nearby resident to both the
18 Appellation hotel and the proposed project in front of
19 you.

20 There's been chatter -- and so this
21 question really is not for you. It's for the
22 developer. There's been chatter that the property's
23 for sale. And I would like clarification about that.

24 CHAIR MORROW: Thank you.

25 MS. FLATTERY: (Inaudible.)

1 CHAIR MORROW: Anyone else?

2 We'll get it when we -- we'll finish
3 public comment and then they'll answer everybody's
4 questions.

5 Seeing -- yeah. Please. No. That's
6 okay.

7 MS. NICHOLS: Tracy Nichols again. I
8 guess I'm really curious why they're asking for the
9 extension. I can't get clear on why they're not ready
10 to rock and roll. If they've been in development and
11 everything is approved, et cetera, why aren't the
12 breaking ground? That's my question.

13 CHAIR MORROW: Thank you.

14 Anybody else? Okay. Seeing no one
15 else in the room, I will close public comment.

16 TRENT: No comments online either,
17 Neil.

18 CHAIR MORROW: Thank you, Trent.

19 MS. LANDERS: And, Mr. Chair, just to
20 clarify. There was a question that was posed prior to
21 the public comment being open by a member of the
22 public. I just want to put it on the record.

23 So there was a request for
24 clarification on why this is just the design review
25 and the floodplain permit and not the PUD/CUP. So,

1 and I believe, just to make clear on the record, we
2 don't have any public comment online, and the chair
3 did close public comment.

4 CHAIR MORROW: Yes.

5 MS. LANDERS: So I will address a
6 couple of comments, and then I will give the applicant
7 an opportunity to address the other questions.

8 So the clarification on the design
9 review and the floodplain development permit is that
10 in the development agreement, which basically packaged
11 everything together, the terms of that approval were
12 subject to the terms of approval for the design review
13 and floodplain development permit. So it was attached
14 to it. That's what was negotiated by the planning
15 commission and city council at the time those
16 agreements were approved.

17 So that was the stipulation that they
18 put in place at that time. So we are now just
19 executing through the terms of that agreement what the
20 conditions of that approval process from a process
21 standpoint are.

22 I think to that point of
23 clarification, if the planning and zoning commission
24 does not make a recommendation to approve -- or sorry
25 -- it's not a recommendation. If you don't decide to

1 approve the extension, then the design review
2 approval, the floodplain development permit, and the
3 PUD/CUP all expire. So that's just a point of
4 clarification. That's kind of what happens.

5 I think to Mr. Young's comment, it is
6 very specific in our code. There's no call-up
7 procedure where the planning commission can send this
8 to city council. So the only way that this goes to
9 city council is if the planning commission makes their
10 determination and that determination gets appealed.

11 So again, similar to my response to
12 Thea's comment or question earlier, that was the kind
13 of construct that was agreed upon in the development
14 agreement, that at the point in time where this
15 project should be reconsidered, that that would be
16 under the purview of the planning commission, not city
17 council.

18 So hope to clarify that. And then
19 feel free add any additional clarifications, Deb, and,
20 Cameron, if you would like to. So...

21 MS. NICHOLS: Well, follow-up question
22 too. Morgan, maybe you can help answer this, and if
23 not, the applicant.

24 But so, I guess, in your estimation,
25 the development agreement is in good standing. There

1 weren't necessarily, like, metrics or deadlines for
2 approving financial mechanisms and all of that?

3 MS. LANDERS: No. There's performance
4 criteria related to construction.

5 MS. NICHOLS: Okay.

6 MS. LANDERS: But that's once they
7 enter the construction phase.

8 MS. NICHOLS: Okay.

9 MS. LANDERS: So, yeah. And we did --
10 when the initial request -- the initial 12-month
11 extension request, we sent the request to the city
12 attorney to make sure that we had full legal
13 determination on this process and how to proceed with
14 these -- these evaluations. So...

15 MALE COMMISSIONER: Should this
16 extension be granted, what is your -- what's the next
17 -- what's the next criteria that needs to get met?
18 Obviously another extension granting another extension
19 is not an option.

20 MS. LANDERS: Correct.

21 MALE COMMISSIONER: So there are other
22 criteria that need to be met, so to keep the
23 development from expiring. What are those criteria?

24 MS. LANDERS: Yeah. So the
25 requirement is that they would need to submit a

1 building permit application, a complete application,
2 and pay all required fees within the 12-month period.

3 MALE COMMISSIONER: So if that doesn't
4 happen, then the project --

5 MS. LANDERS: Then it expires.

6 MALE COMMISSIONER: -- expires.

7 MS. LANDERS: Correct.

8 MALE COMMISSIONER: Thank you.

9 CHAIR MORROW: Susan, do you have
10 anything?

11 Go ahead. If Susan has something,
12 she'll buzz in.

13 MR. GUNTER: Thank you, Mr. Chair.
14 I'll answer a couple other questions, and then I'll
15 have Deb respond to a few of the others.

16 In regard to the property being on
17 market, it was marketed. We did market it with a
18 broker to see what the market was like for us from a
19 capital standpoint, as a potential partner as well, to
20 see the success of the project back in September.

21 It has since been not actively being
22 marketed. Once we really tested the market to see
23 what the opportunities were.

24 And in regard to why hasn't it started
25 construction to date. One of the things that we want

1 to make sure that we do is when we start, we're going
2 to finish, and we just didn't feel like we had the
3 right contractors because of where the market was and
4 how busy contractors were. And we've recently been --
5 well, in the last four months, really, we've been
6 talking to a couple of different contractors.

7 The one that we think can be
8 successful now, we believe we can make this project
9 work for us and be able to build what we've suggest
10 and what we got approved. So thank you.

11 MALE SPEAKER: Chair, rebut?

12 CHAIR MORROW: No. No. Public
13 comment's over. Thank you.

14 MS. NELSON: Thank you. I'll respond
15 to just a few more of the comments that we heard.

16 Mr. Austin[sic], if I caught the name
17 correctly, who commented about that 30 beds is nice,
18 but is it enough. I just want to point to -- the city
19 code actually did does have a standard for that, that
20 it's providing housing for 25 percent of the employees
21 based on one employee per hotel room.

22 We're actually going to expect to have
23 many fewer employees than the 97 rooms. Closer to 60
24 to 65 is the current estimate. So, but even if you
25 assume the higher number, we're still well above the

1 city requirement, 120 percent of the city requirement.

2 Many of these jobs, especially for the
3 -- the food service, will be part-time local residents
4 and likely won't need housing for those. But in any
5 case, we do exceed the city standard for what is the
6 appropriate amount of housing to provide with the
7 hotel.

8 He also commented that the 13
9 additional parking spaces is nice fore the public, but
10 is that enough for the hotel, and that's not going to
11 solve the city's parking problems.

12 So as for the hotel use, we do have
13 the required parking that's required under our
14 approvals that was confirmed through the city
15 processes. We also provide all of the multimodal
16 transportation options to try to alleviate that
17 vehicular demand that I described in the presentation.

18 And will it alleviate the city's
19 parking problems. We certainly don't claim that it
20 will. But it's 13 additional parking spaces that will
21 help to address those impacts.

22 There was discussion about -- you
23 know, from Mr. Young about that we haven't
24 demonstrated, you know, due cause, you know, through
25 interest rates or building conditions and questions

1 about that. And Cameron's addressed some of that,
2 also just want to point out on the legal side that
3 that's actually not required to support an extension
4 application under your code.

5 We'd provide that information because
6 we want you to keep you inform of the facts that's
7 driving the application and the status, but it's not
8 actually required criteria for your consideration in
9 granting or denying the extension.

10 As for Mr. Worst's comments, you know,
11 obviously his client participated and he on his behalf
12 during the process. So we -- we have heard his
13 concerns and they've been aired throughout this entire
14 project time. Those issues have been addressed
15 through the -- the variety of hearings here and the
16 conditions that have been imposed.

17 As far as some of his specific
18 comments about, for example, the (indecipherable)
19 hotel, that that was unknown whether it would be
20 built. The use has not changed. It was approved as a
21 hotel use. It was discussed at the time of our
22 hearings that that was going to be across the street.
23 It was part of this gateway area that the city was
24 promoting hotels in this area. And so that was fully
25 known and the use is the same as was planned and

1 approved at that time.

2 Also, you know, as to criteria D, the
3 staff did evaluate that. They're in the best position
4 to know whether the city's facilities and services
5 remain adequate to support this project as it -- as
6 it's approved and they agreed in the staff analysis
7 that it is.

8 Again, while we certainly want to be
9 respectful of the impacts that we're creating on the
10 community and mitigating those impacts, as was
11 accomplish through all the conditions of approval, we
12 also can't alleviate all of the city's problems with
13 traffic and affordable housing.

14 And so we have provided all of the
15 items that we've already described that we think will
16 at least mitigate our impacts and hopefully add
17 additional public benefits on all of those topics as
18 well.

19 And with that, I'd stand for any
20 further questions you may have.

21 CHAIR MORROW: Thank you.

22 MS. NELSON: Thank you for your time.

23 CHAIR MORROW: Additional questions?
24 Susan. Is she still -- I don't know if she's still
25 with us. Hopefully. Okay. Okay. Good. Thank you,

1 Trent.

2 So we can get into the deliberation.
3 Is anyone extremely ready to dive into this? Go
4 ahead.

5 VICE CHAIR MOCZYGEMBA: Yes. I'll
6 kick it off. First of all, I know that we've all seen
7 a lot of negative public comment and opinion about
8 this project. I think it had received a lot of
9 negative attention when it first received its
10 entitlements and when it secondly received its
11 entitlements.

12 And I understand that everyone has a
13 lot of fatigue about development, about Main Street
14 reconstruction, and soon to be ITD work.

15 That being said, you know, this
16 application was -- was given a very thorough review in
17 2019, before my time on this commission, but then
18 additionally, you know, again in '22 and '23. And
19 just to be clear, which it's been stated here in this
20 meeting, you know, this isn't a reevaluation of the
21 design review or floodplain development permits.

22 So when we truly look at A through D
23 criteria, for both of these, I -- it's my opinion that
24 we can -- that the criteria does not exist with regard
25 to the project. You know, we haven't adopted either

1 the comp plan or zoning order -- or zoning ordinances
2 that would affect this piece of property. Hazardous
3 situations are not developed.

4 You know, there could be an argument
5 made about community and facility services. I think
6 some of the public comment was in regards to housing
7 and parking.

8 But it's my opinion that we're not at
9 the point of being inadequate. We're kind of at the
10 same point that we were when we heard -- heard the
11 initial arguments for this application in '22 and '23.

12 CHAIR MORROW: Anybody got any?

13 Oh, Susan. Go ahead.

14 MS. PASSOVOY: Yeah, I am here. I
15 lost my curser, so I couldn't get online. I -- oh,
16 god. It's disappeared again. Oh, dear. I'm trying
17 to get the video.

18 I have to say that from my viewpoint,
19 there have been significant changes in land use. The
20 fact that the hotel across the street was -- was a
21 known quantity, I would take issue with that. There
22 was -- there was an idea that that hotel would be
23 built, but its final configurations and composition
24 and operation were not clarified.

25 And I think we've learned a lot about

1 what's going on on Main Street and downtown, and in
2 the last four years or three years or two years and if
3 -- and if only looking at the last year, there's been
4 significant development, significant increases in
5 traffic, significant impacts on the city that I think
6 we have to take -- take under consideration.

7 And I am mindful of Mr. Worst's
8 comment that perhaps the facilities and services are
9 adequate. But one of the questions I had when I
10 reviewed the criteria was, how do we define the
11 facilities and services, and do we know enough about
12 what they are and whether or not in this day they are
13 adequate for the continuation of this application.

14 I am very mindful of the fact that we
15 are limited by the stated criteria. This is not a
16 revisit of the hotel design, the hotel program,
17 anything else with respect to the hotel except for its
18 impact on land uses in the -- in the vicinity.

19 And I would define vicinity more than
20 one block away. I would be looking at a considerable
21 larger area of impact, and also whether or not our
22 services are adequate. They may be. But I think we
23 need to know more about that.

24 CHAIR MORROW: Thank you. Matthew,
25 or, Tim? Only if you're ready. You don't have to.

1 MALE COMMISSIONER: I can hop in a
2 little bit. I think I've been thinking about, I
3 think, some of the same things that Susan brought up,
4 which is that, you know, what is a change in the
5 project vicinity, and is it -- you know, since the
6 inception of this project in 2019, is it just, you
7 know, our -- you know, the literal built environment
8 and the entitlements of -- of those spaces or is it,
9 you know, a town that, you know, grew massively after,
10 you know, 2020, where we had an exodus of people who
11 all made less -- or not all, but, like, who on average
12 made significantly less than those who they were
13 replaced by moving into our community.

14 So I think a lot of things look the
15 same, but we walk and talk differently as a town. So
16 kind of that analysis that happened in, you know,
17 2019, and then also in the early years kind of right
18 after that big change. I think we look at those
19 things differently now.

20 While the comp plan may not have
21 changed, we're not the people who we were in 2014.
22 Sometimes, you know, literally they are just a
23 different group of people here, and sometimes also we
24 have -- as we've grown out, we've also grown up in a
25 lot of ways. We've seen more of what's kind of

1 changing in towns like ours.

2 And so I think the way that that
3 document speaks to us, speaks to the residents of this
4 town, has also changed over time. So when we point at
5 that and say, okay, you know, the eyes that we had in
6 that one year, this was compliant. I'm not sure that
7 the eyes that we have in 2025 see the same compliance
8 with the same document, because we are changed people.

9 So those are the things that are on my
10 mind with this project. And I think that, you know,
11 when it comes to issues of facilities, the housing
12 crisis is one that has gotten more severe. And so
13 when we look at projects of certain size and scale and
14 we consider their impacts, I think that we consider
15 them differently today than we did six years ago or
16 even three years ago.

17 CHAIR MORROW: Thanks.

18 MALE COMMISSIONER: Let's see. Yeah.
19 I mean, I'm in agreement that, you know, I do think
20 there have been, same again, land use changes since we
21 initially deliberated on and considered this hotel and
22 considered the waivers that were required to make this
23 project work.

24 You know, at the -- I mean, I think
25 there's -- there's a -- there's a good argument for

1 hotels of this type for our town. We're a tourist
2 town. We need to host people. Hotels like this that
3 have restaurants in them, have bars, have pools, have
4 living room spaces that people can -- can congregate
5 in, those type of hotels have an important place in
6 this community.

7 They -- the amenities that they
8 provide can sort of offset some of traction that
9 Airbnbs -- some of the incentives that people who want
10 Air -- who want to look to an Airbnb, they can find
11 those in a hotel like this. And so, you know, there's
12 -- also, there's concern about is this hotel being
13 affiliated with chains.

14 You know, a lot of people come here to
15 this town. We host events throughout the winter,
16 throughout the summer too. But a lot of people who
17 come here with their ski racing families to attend
18 races and that type of thing, a lot of those people I
19 find from talking to them stay down in Hailey.

20 And part of the reason for that is the
21 affordability of our -- the hotel rooms that we have
22 up here in town. And part of the reason where those
23 hotels aren't affordable is because they're
24 independent hotels, and a lot of people have -- are
25 part of, you know, sort of membership programs at

1 different hotel chains and giving them access. You
2 know, they don't have -- there is no incentive to be
3 able to stay at those independent hotels.

4 But so that's -- you know, there's an
5 argument against having chain hotels here in town, but
6 that also forces a lot of the hotel use down to Hailey
7 for, you know, not necessarily the high-end client.

8 So there's good -- you know, there
9 were good arguments at the time to grant the waivers
10 that we granted to -- to have this hotel, this project
11 be successful. What -- what we're seeing now, there
12 -- that being said, there has been a change in our
13 community since we granted those waivers, and I can't
14 help but notice that we do not have one public comment
15 in support of this project anymore. Not one.

16 We haven't received any one written
17 public comment. We have no public comment here in the
18 room or online in support of this project from the
19 business community, from anyone. And, you know, while
20 it may be important for these type of hotels to be
21 part of our community, the size of this thing just
22 isn't supported by our town anymore, clearly.

23 And I think part of that is because of
24 the changes that we've seen on Main Street and that
25 we've seen next door, those land uses changes, and I

1 think there's enough -- enough of those changes to
2 support the fact that the waivers that support this
3 hotel right now would not be granted today.

4 And I think we -- I think it's
5 important that the cit -- our citizens have spoken,
6 and I think it's important that they know that we are
7 listening to them. And it's really hard to support
8 this hotel extending this -- extending the approvals
9 for this hotel right now. I have -- I have -- I'm
10 having a hard time supporting it.

11 CHAIR MORROW: Thank you. This is --
12 for me, this is a strange one, because I like the
13 project. I think it's a nice project. Despite what
14 people say about the size, it's about half the size
15 square footage from Limelight and Appellation. It's
16 137,000 instead of 200-and-some-thousand square feet.

17 So I do have concerns, though, because
18 of experience we had with Appellation, 10 years with
19 the hole in the ground. What if they can't sell it or
20 get it financed? You know, we're concerned about what
21 happens. Again, you know, they can't come back in 12
22 months, but here we go again with that.

23 So it's just, it's not in our purview
24 to ask these first few questions, but they're things
25 that -- you know, what guarantees do we have that

1 it'll get done. Again, the same kind of lingering
2 development fatigue from a 12-year project that's
3 still not finished on the other side of the street.
4 Or longer than 12 years.

5 You know, I feel kind of -- I feel
6 kind of -- it's weird. Were there significant land
7 changes? I think you could argue there were. I don't
8 think anyone could have figured that they would allow
9 the Appellation to build what they had in 2008 without
10 any changes at all.

11 I mean, I think that's kind of a --
12 everybody thought they would have been required to
13 resubmit and kind of redesign, and they weren't. And
14 so that's something that's kind of a backdoor thing.

15 But having heard the lawyers and
16 having been a lawyer, I think it's hard without some
17 kind of legal gymnastics to come up with the criteria
18 here. I feel almost forced to not deny it because
19 it's hard without real legal gymnastics to come up
20 with a criteria that says we should be able to deny
21 this.

22 I mean, I think B is the one we could
23 really work on, but, you know, I think it's hard to do
24 that without some definition of what that really is.
25 You know, what really is the -- the impact in the

1 facility and what those general words mean.

2 So, you know, without really delving
3 into that or having someone really delve into that,
4 you know, I feel like we don't have a criteria to deny
5 it, and that kind of bothers me. When we rewrite the
6 code, can we add -- can we add some more control this
7 area for us so that we're not forced by this.

8 But, you know, I agree with pretty
9 much what everyone says. Hear about it. I know that
10 there's not a real public support for it, but I'm not
11 sure without a big legal fight that we can actually
12 deny it according to the criteria.

13 I'd be happy to get paid by a client
14 to argue that this is a change of vicinity and a
15 change of land use. You know, any good lawyer would
16 be, you know, happy to argue that, but that's what it
17 is. I'm not sure it's as clear as some other people
18 think.

19 So those -- that's my -- I don't have
20 a real strong definitive -- you know, I feel like I'm
21 on both sides of it.

22 So, Susan, do you have anything else?

23 MS. PASSOVOY: Yes. Neil, thank you.

24 And I do want to say along with Tim, I
25 think that considerable creativity and attention to

1 detail has gone into the plan for this hotel. And,
2 you know, it's one of those things was it's too bad
3 they can't put it someplace else in town.

4 But I -- I disagree with you, Neil, to
5 some -- to some extent, because I think that it is --
6 that we do need to be mindful of what vicinity means.
7 And this is not a huge town, so vicinity encompasses a
8 larger portion of our square footage, and particularly
9 in the downtown core and the impacts that development
10 on the next four or five blocks going -- once again, I
11 get confused -- I think it's north, but I'm not
12 positive, are important for us to take into account as
13 we consider what -- what the impact of this hotel, of
14 this development will be now on that changed landscape
15 as it were.

16 And also, I would have liked to have
17 had a deeper dive from the staff on facilities and
18 services, because I -- you know, I'm assuming that
19 they had in mind water, sewer, but -- but as we have
20 -- as we know, services include things like traffic
21 impact, impact on the road surfaces and there needs --
22 their need to be resurfaced.

23 The adequacy of -- I appreciate and I
24 -- that the -- the attorney for the applicant is
25 exactly right. I mean, they are not required to solve

1 all of our problems and they have done what they can
2 to mitigate what they perceive as their impact. I
3 have a large sense of what their impact is that is not
4 being mitigated and is perhaps not within their
5 physical ability to mitigate, and that is the overall
6 service -- the ability of our town to provide services
7 to this site as well as to the other sites within --
8 on Main Street and within the neighborhood that are
9 being developed or have been just recently completed
10 in the last year.

11 The last year has seen an enormous
12 amount of construction, which I am quite confident no
13 one anticipated back in 2023. And I think it behooves
14 us to take a really clear-eyed look at what that is
15 and what that impact is on our town.

16 So, you know, I -- I feel more
17 strongly than -- than perhaps the rest of the
18 commission does as to what the impacts of this project
19 are going to be on our facilities and services and the
20 land uses going further into town.

21 CHAIR MORROW: Thank you. I guess
22 that's a good question.

23 MS. LANDERS: Do you want me to
24 address?

25 CHAIR MORROW: Yeah, do that, and then

1 I have a...

2 MS. LANDERS: Yeah. Susan, this is
3 Morgan. So when staff evaluated criteria D, which
4 is whether community facilities and services required
5 for the project are now inadequate, we did look at
6 water, waste water, roads, and emergency services.

7 We do not evaluate housing in
8 community facilities and services for a couple of
9 different reasons. One, as the applicant mentioned,
10 the code already has a requirement for the amount of
11 community housing that they have to supply as part of
12 the PUD/CUP approval.

13 The other reason is that when we look
14 at community facilities and services, we do draw a
15 line between those things that we charge impact fees
16 for. Right. So those are police, fire, streets, and
17 parks. The hotel and the accessory uses in this hotel
18 proposal are subject to all of those development
19 impact fees, and all of those fees have to be paid as
20 part of this project. There were no waivers granted
21 to any of those fees.

22 So those fees are assessed for kind of
23 the long-term maintenance of all of those services.
24 That's kind of the reason why we have impact fees.

25 The state legislature prohibits

1 municipalities from assessing impact fees for housing.
2 So until the state determines that housing is a
3 community facility, we're precluded from kind of
4 evaluating those in that bucket. So that, hopefully,
5 kind of gives you all a perspective on what we looked
6 at.

7 From a -- from an infrastructure
8 standpoint, when it specifically comes to road, this
9 project did a variety of studies and was integrated
10 with the work that was happening with ITD at the time.
11 As you all know, and as all of us are going to feel
12 very soon, the improvements to Highway 75.

13 And so as it sits today, the PEG hotel
14 is responsible for construction of some of those
15 improvements. Some of the improvements on Highway 75,
16 depending on the timing, and all of the public
17 improvements required on River Street that is adjacent
18 to the project. So all of those improvements to road
19 configurations, access.

20 Now there is, you know, kind of a
21 similar portico share scenario for this hotel as
22 similar to the hotel across the street. So from our
23 perspective, when we looked at street capacity, you
24 know, there -- there wasn't an exaction with the
25 original approval to -- to request additional roads

1 and road capacity as part of the project.

2 And all of our transportation studies
3 and things like that that we've done as part of the
4 comprehensive plan hasn't indicated that we would need
5 to exact anything different today than what we
6 negotiated in those earlier approvals.

7 MS. PASSOVOY: Okay. Thank you.
8 Thank you, Morgan. I wasn't even thinking about
9 housing. I was thinking about real infrastructure and
10 real services, you know, services.

11 MS. LANDERS: Sure.

12 MS. PASSOVOY: But I appreciate that
13 explanation.

14 I -- you know, I share the kind of --
15 I'm of two minds. Right. I know what the limitations
16 are on our -- the scope of our decision. At the same
17 time, there's sort of an ineffable -- and ineffability
18 doesn't count for much in this context, but the sense
19 that it is a huge impact on what's -- what the land
20 uses are in our town going forward.

21 And that's -- that's mainly what I
22 have to say.

23 CHAIR MORROW: Thank you.

24 Go ahead.

25 VICE CHAIR MOCZYGEMBA: I guess my

1 follow-up to that, Susan, and your previous comment
2 about your opinion that there has been significant
3 land use changes. You know, the mass and scale of the
4 Appellation hotel approval did not change from its
5 original application. We did see design review
6 amendments, but we were changing, you know, guardrails
7 along Highway 75 and debating Juliette balconies.

8 We had already approved -- well, we
9 had denied hot dog hill in its entirety and approved
10 half of hot dog hill, you know. So these things were
11 coming down the pipeline, and I guess I would argue
12 again that all of those facts were -- while projects
13 may not have been completed and come to fruition, that
14 should have been at the top of the evaluation criteria
15 that was originally made as part of -- as part of the
16 decision in 2019, 22 -- '22 and '23.

17 You know, if that wasn't fully grasped
18 by the commission, well, that's a whole nother
19 conversation.

20 So I don't know. Like, I get it.
21 There -- there's been a lot of development since 2019.
22 There's been a change in the population. There has
23 been growth in the town. But the writing was on the
24 wall at the time of the very in-depth discussions that
25 took place.

1 CHAIR MORROW: Thank you. So it seems
2 a lot of us are kind of riding the fence here,
3 because, well, there's both sides of the coin. So I
4 don't know. Does someone feel strongly enough to
5 make a motion, or...?

6 I mean, I don't think there's more
7 information. If we were to continue, I don't really
8 think there's more information we could get unless
9 Susan wants, you know -- I don't know -- numbers on
10 parking or numbers on something we can consider.

11 Otherwise, I'd be -- you know, I'd be
12 interested to hear someone make a motion.

13 MALE COMMISSIONER: I guess one more
14 thought is that, you know, I said earlier that maybe
15 we walk and talk a little differently and that we, you
16 know, look the same, is that, you know, the certain
17 things had been -- I mean, these decisions were
18 happening at the same time.

19 You know, so we're -- there's this
20 emotional, you know, resonance that we're all feeling
21 right now in a time of enormous transition, but these
22 decisions were in a lot of ways concurrent.

23 You know, the things that are causing
24 a lot of emotional response from our community were
25 decided at the same time as this project. And, I

1 mean, I -- I have a lot of feelings about that.

2 (Inaudible) our community.

3 MALE COMMISSIONER: Yeah. I mean,
4 where I'm at, you know, the criteria, you know, it's
5 not -- the criteria for evaluation here are -- are
6 clearly not black and white. You know, there's
7 arguments for both sides. The door is open for us.
8 However small, the door is open for us to deny the
9 extension here.

10 And, I mean, and it feels like we just
11 have overwhelming requests from the community to walk
12 through that door right now. And I find that hard to
13 overlook.

14 CHAIR MORROW: If we deny it, it'll go
15 to city council, correct?

16 MS. LANDERS: It only goes to city
17 council if someone appeals.

18 CHAIR MORROW: I mean, if the
19 applicant were to appeal our denial, it would go to
20 city council, correct?

21 MS. LANDERS: That's correct.

22 CHAIR MORROW: Okay. Thank you.

23 MALE COMMISSIONER: So I guess in that
24 regard, I would consider all the ways in which the
25 nature of this is, you know, different from other app

1 -- other concurrent applications.

2 This is, you know, something where we
3 can look at the comp plan as a guiding document more
4 so than we could for other applications that were
5 happening concurrently, as I kind of mentioned
6 earlier, and say that, you know, it -- it -- you know,
7 with our 2025 eyes, clearly, as we've heard from the
8 community, it's not passing muster in a way that --
9 you know, that that question is not being raised for
10 some of the other projects of that era.

11 In which case, I think, you know, I
12 can see myself, you know, taking that charge from the
13 community that we can look to that supporting document
14 in a way that we -- that doesn't apply to other --
15 other projects.

16 CHAIR MORROW: I'm happy to talk about
17 it all night. I'm happy to take a motion. I can't
18 make one. So..

19 MS. PASSOVOY: Okay. I'll do it, as
20 usual. I will do it.

21 That I move that we approve the
22 application for an extension of the approval of the
23 design of the PEG hotel and the -- of floodplain
24 permit.

25 MS. LANDERS: Susan, let me just make

1 sure that I'm clear on your motion. You made a motion
2 to approve the extension request. Is that correct?

3 MS. PASSOVOY: Yes, I did. I just
4 wanted to put it on the table.

5 MS. LANDERS: Okay.

6 VICE CHAIR MOCZYGEMBA: I'll second
7 that motion.

8 CHAIR MORROW: Okay. All in favor.

9 MS. LANDERS: Mr. Chair, it might be
10 beneficial to do a roll call.

11 CHAIR MORROW: Okay. We'll do the
12 vote roll call wise.

13 Susan.

14 MS. PASSOVOY: I vote no.

15 CHAIR MORROW: No on approval?

16 MS. PASSOVOY: Yes.

17 CHAIR MORROW: Okay.

18 MS. PASSOVOY: Yes, I vote no.
19 Correct. I vote no.

20 CHAIR MORROW: So denying it.

21 Tim.

22 COMMISSIONER CARTER: I vote no.

23 CHAIR MORROW: Brenda.

24 VICE CHAIR MOCZYGEMBA: Aye.

25 CHAIR MORROW: Matthew.

1 COMMISSIONER MCGRAW: No.

2 Q. And I'm going to abstain. So that means
3 it's denied, because we got three.

4 So the approval is denied. And then
5 will we see it again if they --

6 MS. LANDERS: Well, sorry. It -- it
7 would be cleaner for you all to make a more direct
8 motion.

9 CHAIR MORROW: To instead of not to
10 support?

11 MS. LANDERS: Yeah.

12 CHAIR MORROW: So the motion is to
13 deny the -- the extension.

14 MS. LANDERS: Well, I think you all
15 made that motion.

16 CHAIR MORROW: Right.

17 MS. LANDERS: That motion did not
18 carry.

19 CHAIR MORROW: Right.

20 MS. LANDERS: And so I think maybe the
21 question is, do you have another motion.

22 CHAIR MORROW: Okay. So someone make
23 a more clear motion is what Morgan is asking.

24 MS. PASSOVOY: I move that we deny the
25 application for extension -- for a 12-month extension

1 for design approval and a floodplain permit for the
2 PEG hotel.

3 COMMISSIONER CARTER: Second.

4 CHAIR MORROW: All in -- we'll do the
5 roll call.

6 Susan.

7 COMMISSIONER PASSOVOY: Aye.

8 CHAIR MORROW: Tim.

9 COMMISSIONER CARTER: Aye.

10 CHAIR MORROW: Brenda.

11 VICE CHAIR MOCZYGEMBA: Aye.

12 CHAIR MORROW: Matthew.

13 COMMISSIONER MCGRAW: Aye.

14 CHAIR MORROW: And I'm going to
15 abstain still. So that's three for denial, one for
16 approval, and one abstention. So...

17 MS. LANDERS: So that carries.

18 CHAIR MORROW: That carries. Okay.

19 (End of matter.)

20 (END OF TRANSCRIPTION)

TRANSCRIPTION CERTIFICATE

I, CHERYL J. HAMMER, the undersigned
Certified Court Reporter in and for the state of
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ability to hear the audio; that I am not a relative or
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WITNESS MY HAND this 18th day of June 2025.



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City of Ketchum

ATTACHMENT 7:

**4/22/2025 Hearing Transcripts
- Condensed**

CITY OF KETCHUM
PLANNING AND ZONING COMMISSION
COMMISSION MEETING
APRIL 22, 2025

RE: PEG Ketchum Hotel, LLC -
Request for Second Extension

TRANSCRIBED FROM RECORDING BY:
CHERYL J. HAMMER, RPR
IDAHO CCR 1206; OREGON CCR 21-0013
UTAH CCR 126919357-7801; WASHINGTON CCR 2512

<p>1 PLANNING AND ZONING PRESENT</p> <p>2</p> <p>3 CHAIR:</p> <p>4 Neil Morrow</p> <p>5</p> <p>6 VICE CHAIR:</p> <p>7 Brenda Moczygemba</p> <p>8</p> <p>9 MEMBERS:</p> <p>10 Tim Carter</p> <p>11 Matthew McGraw</p> <p>12 Susan Passovoy</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 2</p>	<p>1 at ways to make this project successful through</p> <p>2 different methods of construction, whether do prefab</p> <p>3 looking at a geo thermal process. We even took it to</p> <p>4 market in September to see if we could have success</p> <p>5 with the capital markets to make this project</p> <p>6 successful.</p> <p>7 All of these -- all these things that</p> <p>8 we've done and all these efforts, we feel, have been</p> <p>9 productive. And now with -- with some recent</p> <p>10 discussions that we've had, we believe that we have an</p> <p>11 ave -- avenue to proceed if we're granted the</p> <p>12 extension with a national contractor that actually two</p> <p>13 of their principals live here, have homes here in</p> <p>14 Ketchum, and they have a innovative process that will</p> <p>15 help us be successful in this project for both PEG and</p> <p>16 the community as well.</p> <p>17 As I said, we're committed to this</p> <p>18 project and the benefits it will bring to the</p> <p>19 community. We're also excited for the part that we'll</p> <p>20 play in the community by bringing investment dollars</p> <p>21 here, bringing employees, as well as providing</p> <p>22 employee housing for those employees, which we've seen</p> <p>23 very successful in another market similar to this in</p> <p>24 Jackson Hole, where we built a hotel and provided</p> <p>25 employee housing there for the employees of the hotel</p> <p style="text-align: right;">Page 4</p>
<p>1 --oOo--</p> <p>2</p> <p>3 (BEGINNING OF TRANSCRIPTION)</p> <p>4 (Matter begins.)</p> <p>5 CHAIR MORROW: Okay. Here we go.</p> <p>6 MR. GUNTER: All right. Cameron</p> <p>7 Gunter, PEG companies, for the record. Do I need to</p> <p>8 wait? You got a (inaudible).</p> <p>9 First of all, I appreciate the staff</p> <p>10 and the planning commission considering this item to</p> <p>11 extend for 12 months the current zoning.</p> <p>12 As you heard Morgan say, over the past</p> <p>13 five years, PEG has been fully committed to this</p> <p>14 mixed-use project. Not only for our benefit, but for</p> <p>15 the benefit of the community, which you'll get more</p> <p>16 information later.</p> <p>17 But, look, I appreciate the process</p> <p>18 that we've all been through and all gone through</p> <p>19 collectively together to incorporate some of these</p> <p>20 public values that you'll see in the -- in the</p> <p>21 approved zoning. And then Deb will be able to specify</p> <p>22 that later in the -- in the presentation.</p> <p>23 So over the last two year, PEG, when</p> <p>24 we got the -- the second approval, PEG has worked</p> <p>25 vigorously trying to adjust to market conditions, look</p> <p style="text-align: right;">Page 3</p>	<p>1 and others, which has been very, very successful still</p> <p>2 today in that market.</p> <p>3 So having said that, I would like to</p> <p>4 have Deb Nelson present really where -- what we're</p> <p>5 asking for and how it meets the extension criteria and</p> <p>6 to reiterate the public benefits and what we've done</p> <p>7 collectively. Not just us, but in all the things</p> <p>8 we've done with staff and planning commission and city</p> <p>9 council in that presentation.</p> <p>10 So, Deb.</p> <p>11 MS. NELSON: Good evening. Thank you</p> <p>12 for your patience as we got the presentation loaded.</p> <p>13 My name is Deborah Nelson. I'm a land</p> <p>14 use attorney with Givens Pursley in Boise, and I'm</p> <p>15 here on behalf of the applicant to address the</p> <p>16 criteria that's in your code to support the extension</p> <p>17 request before you.</p> <p>18 The city has adopted very specific</p> <p>19 criteria for each of these applications, and I'll</p> <p>20 start with the design review approval criteria.</p> <p>21 Here you go.</p> <p>22 So based on these four criteria,</p> <p>23 unless the commission determines that one of these</p> <p>24 four criteria is present, then the code language</p> <p>25 directs the commission that you shall approve the</p> <p style="text-align: right;">Page 5</p>

<p>1 extension. Based on this, on staff's analysis and the 2 staff report, only one of these four criteria warrants 3 discussion here, and that's item B. 4 And that's because staff agrees as to 5 the other three, that there have not been any 6 ordinance changes that apply to the design review 7 approval, that there are no new hazardous situations, 8 and that community facility and services remain 9 adequate. 10 So as to the criteria B, this asks 11 whether significant land use changes have occurred in 12 the project vicinity that would adversely impact the 13 project or be adversely impacted by the project. And 14 there have not been any land use changes approved in 15 the vicinity of the project, much less any that would 16 create an adverse impact. 17 The surrounding land uses remain as 18 they existed or were planned when this project was 19 approved. The long-planned hotel across Highway 75 is 20 under construction. This land use has not changed. 21 It is still the same hotel use that was approved 22 before this project was approved. The other land uses 23 around the projects also have not changed. 24 Staff highlights this, this item B for 25 discussion in light of the recent and ongoing</p> <p style="text-align: right;">Page 6</p>	<p>1 the code identifies four criteria for the commission's 2 decision to grant the second 12-month extension for a 3 floodplain permit. And again, unless the commission 4 determines that one of these four conditions is 5 present, the code directs that the commission shall 6 approve the extension. 7 Based on the staff's analysis and the 8 staff report, only items A and B warrant discussion, 9 and that's because staff agrees there are no hazardous 10 sub -- situations or community -- and community and 11 facility services remain adequate here. 12 So turning to criteria A. This asks 13 whether there have been significant amendments to the 14 comprehensive plan. Floodplain studies and maps or 15 ordinances that apply to the floodplain permit 16 approval. There have been no amendments to the plan, 17 floodplain studies and maps or ordinances related to 18 floodplain or that apply to this floodplain permit. 19 Criteria B asks whether significant 20 land uses changes have occurred in the project 21 vicinity that would adversely impact the project or be 22 adversely impacted by the project. This criteria is 23 similar at that point to the design review criteria, 24 but then it's tailored to the floodplain permit, with 25 the addition that changes may require a revised</p> <p style="text-align: right;">Page 8</p>
<p>1 discussions about draft updates proposed to your 2 comprehensive plan. However, amendments to your 3 comprehensive plan are not one of the criteria for 4 approving an extension for design review or for 5 consideration. 6 This is different than the criteria 7 for extension of a floodplain permit that we'll talk 8 about next. 9 And as staff notes, of course, in 10 their staff report, and as you know, the comprehensive 11 plan has not been amended. 12 Amendments to city ordinances, at 13 least those that are applicable to design review, is a 14 listed criteria for this extension request there in A. 15 But as confirmed by staff, there have not been any 16 applicable amendments. In fact hotel is still an 17 allowed use on this site based on the city code, and 18 all of the approvals for this project remain in 19 accordance with the zoning ordinance. 20 Proposed updates to the city's 21 comprehensive plan are also not significant land use 22 changes that have occurred in the project vicinity. 23 Again, the plan has not been amended and significant 24 land use changes in the vicinity have not occurred. 25 Similarly, if we go to the next slide,</p> <p style="text-align: right;">Page 7</p>	<p>1 no-impact statement prior to granting an extension. 2 And as I've already mentioned, there 3 have been no land use changes in the vicinity 4 generally. And relevant here, there have been -- not 5 been changes to land use changes that relate to 6 floodplain conditions. No work has occurred that 7 would change the floodplain, and no changes are being 8 requested to the approved floodplain drawings. 9 The project remains as buildable, as 10 previously determined by the city and the floodplain 11 permit's issuance. 12 The staff report acknowledge, again, 13 that the comprehensive plan has not been amended, but 14 notes that there have been discussions in the 15 community about the way the city reviews and 16 incentivizes hotel uses. 17 These kinds of discussions, though 18 certainly important, are not the basis for denying a 19 requested extension for either design review or a 20 floodplain permit under your code. 21 Instead, the city code is specific 22 about what the commission can consider, and even 23 directs with express language that absent these four 24 criteria, the extension shall be approved. 25 The intent of the code is clear that</p> <p style="text-align: right;">Page 9</p>

<p>1 an approved project should have the opportunity to 2 receive up to two 12-month extensions unless there's 3 an important reason it shouldn't. Using language such 4 as new hazardous conditions, and, significant 5 amendments to the ordinances or plans that apply to 6 the specific application at issue, and, significant 7 land use changes that have occurred. 8 This language does not encompass draft 9 proposals or discussions or a change in public 10 sentiment. 11 These criteria do afford projects that 12 were lawfully approved the op -- the best opportunity 13 they have to succeed by providing them with the 14 flexibility to navigate through project challenges, 15 market challenges. This is especially important for 16 more complex projects such as this one, that involve a 17 significant investment, not just to build it, but to 18 also work through the expensive and risky multi-year 19 design and approval process that occurred here and 20 that I know you guys are intimately familiar with. 21 Delayed construction here also creates 22 a potential benefit to the community so that it's 23 staggered from the construction somewhat occurring 24 across the street. 25 We could move on, please.</p> <p style="text-align: right;">Page 10</p>	<p>1 general public. These uses as well as the location 2 and the street activation that's enhanced by the 3 public plaza along River Street with fireplace and 4 seating, all enhance the core value for a vibrant 5 downtown. 6 In the draft plan at page 18 about 7 vibrant downtown, the draft says, will continue to 8 reinforce the downtown as the city's primary business 9 district, key gather place, and retail core, with 10 access to a variety of goods, services, and 11 entertainment. 12 Our LEED Silver equivalency design, 13 our energy and water efficient building standards all 14 promote the city's core value of responsible 15 stewardship of natural resources. Likewise, our guest 16 shuttle, bicycle facility, transit passes, employee 17 car share program all support the plan's multimodal 18 transportation goals within the same stewardship 19 value. 20 The hotel parking is all contained 21 underground, and it also includes 13 stalls for public 22 use that is available to the public even if they are 23 not visiting the hotel's amenities. This support the 24 city's efforts to increase parking management listed 25 as part of the draft plan's economy value.</p> <p style="text-align: right;">Page 12</p>
<p>1 So although an unadopted comprehensive 2 plan draft is not a basis for denial of these 3 extensions based on the applicable criteria, we 4 understand that this is an important discussion in the 5 community. And the project does provide many public 6 benefits that were incorporated as a part of the 7 lengthy approval process that we believe do continue 8 to support the city's stated vision and core values in 9 this draft plan. 10 The hotel, restaurants, and bars 11 provide employment and tax revenues, along with 12 support for the tourism economy, which all contribute 13 to the city's economic resiliency and consistent with 14 a strong and diverse economy core value. 15 The employee housing with 16 units 16 that will include 30 beds represents actually an 17 increase from the 23 beds previously committed and 18 required. These units will include studio, two-bed, 19 three-bed, and also dorm style configurations. This 20 housing will contribute to the city's housing 21 diversity and help the city achieve its goal of being 22 a diverse year-round community. 23 The restaurant and rooftop bar with 24 great views along with the meeting and event space 25 provided amenities for both hotel guests and the</p> <p style="text-align: right;">Page 11</p>	<p>1 The hotel will redevelop a blighted 2 and largely vacant property at the entrance to town 3 and add a beautiful terraced building design that 4 follows the slope of the property and complements the 5 landscape, all as approved by the city through a 6 thorough design review process. 7 Our unique and high quality exterior 8 and interior design is inspired by local materials and 9 the history of the area and the spirit of the city's 10 core value of distinct built and natural environment. 11 In addition to the core values, we 12 believe that the Prologue Hotel is also consistent 13 with the city's vision statement in the draft plan, 14 including especially statements that, we see our 15 community as one with a high quality of life for a 16 local year-round population and a visiting population. 17 We wish to be a place with a strong 18 economy, a vibrant downtown, diverse options for 19 housing, and a varied demographic of people who live, 20 work, and visit here. 21 If you can go to the next one, please. 22 I just want to briefly run through a 23 few images just that create -- to visualize some of 24 these public benefits. This is the landscape plan 25 that was approved for the project. You can see here</p> <p style="text-align: right;">Page 13</p>

<p>1 the extensive riparian setback from Trial Creek. 2 Next please. 3 Here, you can see from this rendering 4 on the northeast corner the street activation, that 5 public plaza with the seating and the fireplace that I 6 mentioned really add -- adding to that street 7 activation and vibrancy of downtown. 8 Next, please. 9 Here's the rendering of the rooftop 10 bar. The hotel will include multiple eating 11 establishments, including this rooftop bar that will 12 serve residents and visitors. 13 Here, you can see with the overall 14 rendering that terracing that I discussed along the 15 slope, the landscaping, and activation of Highway 75 16 frontage, with the sidewalk access there. And the 17 design and materials that reflect countless revisions 18 based on feedback from the city and the public at 19 numerous hearings in the multi-year approval process. 20 Next. 21 I'd like to just run through now a few 22 of the interior design concepts, again to speak to 23 what I mentioned about the design featuring local 24 materials and the history of the area and the spirit 25 of the distinct built and natural environment.</p> <p style="text-align: right;">Page 14</p>	<p>1 And then we can go to the last slide. 2 So I thank you for -- for listening. 3 We appreciate your consideration of these requests and 4 we ask you to review carefully the standards in your 5 code as you evaluate them. 6 We stand for any questions. 7 CHAIR MORROW: Thank you. 8 Questions for the applicant? Not 9 right now. Okay. 10 We might as well go to a public 11 comment. As much as we were going to try to avoid it, 12 we will. 13 If you've written us a letter on any 14 issue, we read it. So we would appreciate it if you 15 wouldn't reread it in public comment. It's already in 16 the record. 17 If not, please step to the mic and 18 state your name. 19 MR. YOUNG: My name is BC Young, and 20 I'm representing the Class of 1976. (inaudible), and 21 I have no exhibits. 22 I'm just here to say it's my 23 understanding reading the lining on the local press 24 that the permission to develop expired, and it not 25 expired once, now it's expired twice, and that this</p> <p style="text-align: right;">Page 16</p>
<p>1 Unlike most hotels that benefit from 2 affiliation with a national brand, the Prologue Hotel 3 is created specifically for Ketchum in accordance with 4 this aim to achieve local character. 5 These design concepts -- if you 6 wouldn't mind, just kind of go through these slowly -- 7 are reminiscent of one of the historical residents 8 here, Earnest Hemingway. There will be an artist 9 corridor. And also features some of the pivotal times 10 of his life during the 1920s and '30s, when he 11 published books would become masterpieces. 12 From that era, the iconic craftsman 13 style is paired with new beginnings of the modern age 14 and that direct some of this overall design aesthetic 15 here, with modern materials such as stones and tiles 16 that nod to the surrounding black lava out -- hills in 17 the area, and also some of the woolen textures that 18 come in the from the reminiscent of sheepherding 19 history. 20 I am a land use attorney, not a 21 designer, so I apologize to the designer who, you 22 know, crated this beautiful space and that analysis 23 that I don't do justice to. But you can get an idea 24 of some of the effort that's gone into this and that 25 style.</p> <p style="text-align: right;">Page 15</p>	<p>1 group here from Salt Lake and Boise are here now to 2 get it extended. 3 If -- if that's what I'm -- I've come 4 to talk about, because I don't think it's in the 5 purview or the expertise of this respected committee 6 to talk about and understand what the interest rates 7 are in Salt Lake and how that, according to the letter 8 in the Mountain Express, is the reason that someone 9 said from PEG, interest rates were too high to build, 10 and so we let it expire. 11 And then it was another reason in 12 there that building conditions weren't good, at least 13 in Salt Lake over the last two years. From what I 14 knew about Salt Lake, they've been booming down there. 15 We've been booming here. 16 So that's really what we're here to 17 talk about tonight, and I'm here to ask you and 18 suggest to you as a friend of the local planning and 19 zoning commission appointed by the mayor, that a 20 motion be made by you, Mr. Chairman, to table this in 21 front of the planning and zoning commission and send 22 it directly up to the city council. 23 It is the mayor who appointed all five 24 of you, and therefore why go over this again in front 25 of our city council? There's no changes here. What</p> <p style="text-align: right;">Page 17</p>

<p>1 she said tonight we all know. We were all bored by 2 it, but she did her duty as an attorney to her client. 3 The fact is, the city council should 4 be sent this issue immediately, and it is for the city 5 council to decide whether the interest rates are too 6 high in Salt Lake to have not executed on the permits 7 they were given. 8 It is for the city council to decide 9 what the working conditions are not in Salt Lake, but 10 what the working conditions are in here, in Ketchum, 11 for the last few years, where we've had a nuts 12 development. So that couldn't be the reason that a 13 developer did not develop PEG hotel, also known, I'm 14 told, as the Prologue, is to be the name of it. 15 The Prologue. Well, the Prologue is 16 over. Now it's time to finalize. It's time to have 17 the final decision made, and that decision should 18 immediately, tonight, a motion I'm asking for you to 19 you pass to immediately do no more work on this except 20 to send it to the city council. 21 There are no new issues for this 22 planning and zoning committee. 23 CHAIR MORROW: (Inaudible.) 24 MR. YOUNG: The issue now rests with 25 the Ketchum -- elected Ketchum of -- of our city.</p> <p style="text-align: right;">Page 18</p>	<p>1 to exasperate our parking problem as well. 2 Those are my concerns. 3 CHAIR MORROW: Thank you. 4 Anyone else in the room? Do we have 5 anyone online? Just let me know. 6 MR. WORST: Mr. Chairman, 7 commissioners, my name is Ben Worst. I'm a lawyer. I 8 represent 220 East River Street LLC. It's the only 9 property that is actually adjacent to and shares a 10 property line with this project. 11 My client is opposed to this project 12 for the obvious reasons. It's too tall. It's too 13 much bulk. It's going to impact parking and traffic 14 at my client's property. The mechanical is on the 15 property line. 16 But those aren't -- I wish you could 17 revisit all of those issues. You are bound to the 18 criteria that you have in the code for consideration 19 tonight. 20 But I do disagree both with the staff 21 report and with counsel for the developer on whether 22 or not you've got criteria that actually need to be 23 considered tonight. 24 First is B. Whether significant land 25 use changes have occurred in the project vicinity</p> <p style="text-align: right;">Page 20</p>
<p>1 CHAIR MORROW: Thank you for your 2 comments. 3 MR. YOUNG: I've got -- I'm over by 12 4 seconds. I apologize for that. 5 CHAIR MORROW: No, that's okay. 6 MR. YOUNG: I hope you'll entertain my 7 motion, let's get rid of this nonsense and send it on 8 up and find what it's really got to be. 9 CHAIR MORROW: Thank you. 10 Other public comment. 11 MR. ROSS: Hi there. My name's Andy 12 Ross. I live in Ketchum. It's a beautiful building. 13 I hadn't seen it before. So there's no way you can 14 not look at it and say, wow, it's pretty special. 15 My only concern is we keep talking 16 workforce housing. We have a major workforce housing 17 problem here. Thirty beds is nice. Hotel like that 18 may take a hundred employees. So it's just going to 19 add to our workforce housing. 20 Thirteen public parking spots are 21 nice. I'm not sure if there's enough parking for 22 employees and guests. That wasn't to me. But even 13 23 public parking spaces. They talk about the 24 restaurants and everything being used by the public. 25 It'll be more than 13 cars that would. So it's going</p> <p style="text-align: right;">Page 19</p>	<p>1 which would adversely impact the project or be 2 adversely impacted by the project. And the obvious 3 there is the Appellation Hotel. 4 At the time that you approved this 5 project, it was unclear to probably everyone except 6 Jack[phonetic]Barrito whether that building would ever 7 be built. And now that is a reality. And if this 8 building also becomes a reality, you will enter 9 Ketchum through a hotel canyon. 10 I think it's also important to 11 consider criterion D, which is whether community 12 facilities and services required for the project are 13 now inadequate. And I think you need more 14 information. You need to know, is the parking the 15 same as the parking at the time that you approved this 16 project? Is the traffic circulation better or worse? 17 But most importantly is, as the 18 gentleman before me said, affordable housing. This 19 project is going to create a net loss of -- or a net 20 need for -- we don't know -- 80 units? 21 So you need to look at that and ask, 22 has facilities -- the community facilities and 23 services, have they changed and are they now 24 inadequate. And I would submit, yes, they have 25 changed, and yes, they are inadequate.</p> <p style="text-align: right;">Page 21</p>

<p>1 I think it's also important to 2 understand the standard. And as counsel for the 3 developer pointed out, there is language that says you 4 shall approve this project, but that same language 5 also says if any of the conditions are found to exist, 6 you shall not approve the permit extension. 7 And I would submit that based on the 8 impacts from the new Appellation hotel, based on the 9 lack -- rather, the inadequacy of community services, 10 that based on affordable housing, parking, and traffic 11 circulation, you shall not approve this extension. 12 Thank you. 13 CHAIR MORROW: Thank you, Ben. Other 14 comments in the room? Please step to the mic, and 15 state your name. 16 MS. FLATTERY: Hi. My name is Sandra 17 Flattery, and I am a nearby resident to both the 18 Appellation hotel and the proposed project in front of 19 you. 20 There's been chatter -- and so this 21 question really is not for you. It's for the 22 developer. There's been chatter that the property's 23 for sale. And I would like clarification about that. 24 CHAIR MORROW: Thank you. 25 MS. FLATTERY: (Inaudible.)</p> <p style="text-align: right;">Page 22</p>	<p>1 and I believe, just to make clear on the record, we 2 don't have any public comment online, and the chair 3 did close public comment. 4 CHAIR MORROW: Yes. 5 MS. LANDERS: So I will address a 6 couple of comments, and then I will give the applicant 7 an opportunity to address the other questions. 8 So the clarification on the design 9 review and the floodplain development permit is that 10 in the development agreement, which basically packaged 11 everything together, the terms of that approval were 12 subject to the terms of approval for the design review 13 and floodplain development permit. So it was attached 14 to it. That's what was negotiated by the planning 15 commission and city council at the time those 16 agreements were approved. 17 So that was the stipulation that they 18 put in place at that time. So we are now just 19 executing through the terms of that agreement what the 20 conditions of that approval process from a process 21 standpoint are. 22 I think to that point of 23 clarification, if the planning and zoning commission 24 does not make a recommendation to approve -- or sorry 25 -- it's not a recommendation. If you don't decide to</p> <p style="text-align: right;">Page 24</p>
<p>1 CHAIR MORROW: Anyone else? 2 We'll get it when we -- we'll finish 3 public comment and then they'll answer everybody's 4 questions. 5 Seeing -- yeah. Please. No. That's 6 okay. 7 MS. NICHOLS: Tracy Nichols again. I 8 guess I'm really curious why they're asking for the 9 extension. I can't get clear on why they're not ready 10 to rock and roll. If they've been in development and 11 everything is approved, et cetera, why aren't the 12 breaking ground? That's my question. 13 CHAIR MORROW: Thank you. 14 Anybody else? Okay. Seeing no one 15 else in the room, I will close public comment. 16 TRENT: No comments online either, 17 Neil. 18 CHAIR MORROW: Thank you, Trent. 19 MS. LANDERS: And, Mr. Chair, just to 20 clarify. There was a question that was posed prior to 21 the public comment being open by a member of the 22 public. I just want to put it on the record. 23 So there was a request for 24 clarification on why this is just the design review 25 and the floodplain permit and not the PUD/CUP. So,</p> <p style="text-align: right;">Page 23</p>	<p>1 approve the extension, then the design review 2 approval, the floodplain development permit, and the 3 PUD/CUP all expire. So that's just a point of 4 clarification. That's kind of what happens. 5 I think to Mr. Young's comment, it is 6 very specific in our code. There's no call-up 7 procedure where the planning commission can send this 8 to city council. So the only way that this goes to 9 city council is if the planning commission makes their 10 determination and that determination gets appealed. 11 So again, similar to my response to 12 Thea's comment or question earlier, that was the kind 13 of construct that was agreed upon in the development 14 agreement, that at the point in time where this 15 project should be reconsidered, that that would be 16 under the purview of the planning commission, not city 17 council. 18 So hope to clarify that. And then 19 feel free add any additional clarifications, Deb, and, 20 Cameron, if you would like to. So... 21 MS. NICHOLS: Well, follow-up question 22 too. Morgan, maybe you can help answer this, and if 23 not, the applicant. 24 But so, I guess, in your estimation, 25 the development agreement is in good standing. There</p> <p style="text-align: right;">Page 25</p>

<p>1 weren't necessarily, like, metrics or deadlines for 2 approving financial mechanisms and all of that? 3 MS. LANDERS: No. There's performance 4 criteria related to construction. 5 MS. NICHOLS: Okay. 6 MS. LANDERS: But that's once they 7 enter the construction phase. 8 MS. NICHOLS: Okay. 9 MS. LANDERS: So, yeah. And we did -- 10 when the initial request -- the initial 12-month 11 extension request, we sent the request to the city 12 attorney to make sure that we had full legal 13 determination on this process and how to proceed with 14 these -- these evaluations. So... 15 MALE COMMISSIONER: Should this 16 extension be granted, what is your -- what's the next 17 -- what's the next criteria that needs to get met? 18 Obviously another extension granting another extension 19 is not an option. 20 MS. LANDERS: Correct. 21 MALE COMMISSIONER: So there are other 22 criteria that need to be met, so to keep the 23 development from expiring. What are those criteria? 24 MS. LANDERS: Yeah. So the 25 requirement is that they would need to submit a</p> <p style="text-align: right;">Page 26</p>	<p>1 to make sure that we do is when we start, we're going 2 to finish, and we just didn't feel like we had the 3 right contractors because of where the market was and 4 how busy contractors were. And we've recently been -- 5 well, in the last four months, really, we've been 6 talking to a couple of different contractors. 7 The one that we think can be 8 successful now, we believe we can make this project 9 work for us and be able to build what we've suggest 10 and what we got approved. So thank you. 11 MALE SPEAKER: Chair, rebut? 12 CHAIR MORROW: No. No. Public 13 comment's over. Thank you. 14 MS. NELSON: Thank you. I'll respond 15 to just a few more of the comments that we heard. 16 Mr. Austin[sic], if I caught the name 17 correctly, who commented about that 30 beds is nice, 18 but is it enough. I just want to point to -- the city 19 code actually did does have a standard for that, that 20 it's providing housing for 25 percent of the employees 21 based on one employee per hotel room. 22 We're actually going to expect to have 23 many fewer employees than the 97 rooms. Closer to 60 24 to 65 is the current estimate. So, but even if you 25 assume the higher number, we're still well above the</p> <p style="text-align: right;">Page 28</p>
<p>1 building permit application, a complete application, 2 and pay all required fees within the 12-month period. 3 MALE COMMISSIONER: So if that doesn't 4 happen, then the project -- 5 MS. LANDERS: Then it expires. 6 MALE COMMISSIONER: -- expires. 7 MS. LANDERS: Correct. 8 MALE COMMISSIONER: Thank you. 9 CHAIR MORROW: Susan, do you have 10 anything? 11 Go ahead. If Susan has something, 12 she'll buzz in. 13 MR. GUNTER: Thank you, Mr. Chair. 14 I'll answer a couple other questions, and then I'll 15 have Deb respond to a few of the others. 16 In regard to the property being on 17 market, it was marketed. We did market it with a 18 broker to see what the market was like for us from a 19 capital standpoint, as a potential partner as well, to 20 see the success of the project back in September. 21 It has since been not actively being 22 marketed. Once we really tested the market to see 23 what the opportunities were. 24 And in regard to why hasn't it started 25 construction to date. One of the things that we want</p> <p style="text-align: right;">Page 27</p>	<p>1 city requirement, 120 percent of the city requirement. 2 Many of these jobs, especially for the 3 -- the food service, will be part-time local residents 4 and likely won't need housing for those. But in any 5 case, we do exceed the city standard for what is the 6 appropriate amount of housing to provide with the 7 hotel. 8 He also commented that the 13 9 additional parking spaces is nice fore the public, but 10 is that enough for the hotel, and that's not going to 11 solve the city's parking problems. 12 So as for the hotel use, we do have 13 the required parking that's required under our 14 approvals that was confirmed through the city 15 processes. We also provide all of the multimodal 16 transportation options to try to alleviate that 17 vehicular demand that I described in the presentation. 18 And will it alleviate the city's 19 parking problems. We certainly don't claim that it 20 will. But it's 13 additional parking spaces that will 21 help to address those impacts. 22 There was discussion about -- you 23 know, from Mr. Young about that we haven't 24 demonstrated, you know, due cause, you know, through 25 interest rates or building conditions and questions</p> <p style="text-align: right;">Page 29</p>

<p>1 about that. And Cameron's addressed some of that, 2 also just want to point out on the legal side that 3 that's actually not required to support an extension 4 application under your code. 5 We'd provide that information because 6 we want you to keep you inform of the facts that's 7 driving the application and the status, but it's not 8 actually required criteria for your consideration in 9 granting or denying the extension. 10 As for Mr. Worst's comments, you know, 11 obviously his client participated and he on his behalf 12 during the process. So we -- we have heard his 13 concerns and they've been aired throughout this entire 14 project time. Those issues have been addressed 15 through the -- the variety of hearings here and the 16 conditions that have been imposed. 17 As far as some of his specific 18 comments about, for example, the (indecipherable) 19 hotel, that that was unknown whether it would be 20 built. The use has not changed. It was approved as a 21 hotel use. It was discussed at the time of our 22 hearings that that was going to be across the street. 23 It was part of this gateway area that the city was 24 promoting hotels in this area. And so that was fully 25 known and the use is the same as was planned and</p> <p style="text-align: right;">Page 30</p>	<p>1 Trent. 2 So we can get into the deliberation. 3 Is anyone extremely ready to dive into this? Go 4 ahead. 5 VICE CHAIR MOCZYGEMBA: Yes. I'll 6 kick it off. First of all, I know that we've all seen 7 a lot of negative public comment and opinion about 8 this project. I think it had received a lot of 9 negative attention when it first received its 10 entitlements and when it secondly received its 11 entitlements. 12 And I understand that everyone has a 13 lot of fatigue about development, about Main Street 14 reconstruction, and soon to be ITD work. 15 That being said, you know, this 16 application was -- was given a very thorough review in 17 2019, before my time on this commission, but then 18 additionally, you know, again in '22 and '23. And 19 just to be clear, which it's been stated here in this 20 meeting, you know, this isn't a reevaluation of the 21 design review or floodplain development permits. 22 So when we truly look at A through D 23 criteria, for both of these, I -- it's my opinion that 24 we can -- that the criteria does not exist with regard 25 to the project. You know, we haven't adopted either</p> <p style="text-align: right;">Page 32</p>
<p>1 approved at that time. 2 Also, you know, as to criteria D, the 3 staff did evaluate that. They're in the best position 4 to know whether the city's facilities and services 5 remain adequate to support this project as it -- as 6 it's approved and they agreed in the staff analysis 7 that it is. 8 Again, while we certainly want to be 9 respectful of the impacts that we're creating on the 10 community and mitigating those impacts, as was 11 accomplish through all the conditions of approval, we 12 also can't alleviate all of the city's problems with 13 traffic and affordable housing. 14 And so we have provided all of the 15 items that we've already described that we think will 16 at least mitigate our impacts and hopefully add 17 additional public benefits on all of those topics as 18 well. 19 And with that, I'd stand for any 20 further questions you may have. 21 CHAIR MORROW: Thank you. 22 MS. NELSON: Thank you for your time. 23 CHAIR MORROW: Additional questions? 24 Susan. Is she still -- I don't know if she's still 25 with us. Hopefully. Okay. Okay. Good. Thank you,</p> <p style="text-align: right;">Page 31</p>	<p>1 the comp plan or zoning order -- or zoning ordinances 2 that would affect this piece of property. Hazardous 3 situations are not developed. 4 You know, there could be an argument 5 made about community and facility services. I think 6 some of the public comment was in regards to housing 7 and parking. 8 But it's my opinion that we're not at 9 the point of being inadequate. We're kind of at the 10 same point that we were when we heard -- heard the 11 initial arguments for this application in '22 and '23. 12 CHAIR MORROW: Anybody got any? 13 Oh, Susan. Go ahead. 14 MS. PASSOVOY: Yeah, I am here. I 15 lost my curser, so I couldn't get online. I -- oh, 16 god. It's disappeared again. Oh, dear. I'm trying 17 to get the video. 18 I have to say that from my viewpoint, 19 there have been significant changes in land use. The 20 fact that the hotel across the street was -- was a 21 known quantity, I would take issue with that. There 22 was -- there was an idea that that hotel would be 23 built, but its final configurations and composition 24 and operation were not clarified. 25 And I think we've learned a lot about</p> <p style="text-align: right;">Page 33</p>


<p>1 what's going on on Main Street and downtown, and in 2 the last four years or three years or two years and if 3 -- and if only looking at the last year, there's been 4 significant development, significant increases in 5 traffic, significant impacts on the city that I think 6 we have to take -- take under consideration. 7 And I am mindful of Mr. Worst's 8 comment that perhaps the facilities and services are 9 adequate. But one of the questions I had when I 10 reviewed the criteria was, how do we define the 11 facilities and services, and do we know enough about 12 what they are and whether or not in this day they are 13 adequate for the continuation of this application. 14 I am very mindful of the fact that we 15 are limited by the stated criteria. This is not a 16 revisit of the hotel design, the hotel program, 17 anything else with respect to the hotel except for its 18 impact on land uses in the -- in the vicinity. 19 And I would define vicinity more than 20 one block away. I would be looking at a considerable 21 larger area of impact, and also whether or not our 22 services are adequate. They may be. But I think we 23 need to know more about that. 24 CHAIR MORROW: Thank you. Matthew, 25 or, Tim? Only if you're ready. You don't have to.</p> <p style="text-align: right;">Page 34</p>	<p>1 changing in towns like ours. 2 And so I think the way that that 3 document speaks to us, speaks to the residents of this 4 town, has also changed over time. So when we point at 5 that and say, okay, you know, the eyes that we had in 6 that one year, this was compliant. I'm not sure that 7 the eyes that we have in 2025 see the same compliance 8 with the same document, because we are changed people. 9 So those are the things that are on my 10 mind with this project. And I think that, you know, 11 when it comes to issues of facilities, the housing 12 crisis is one that has gotten more severe. And so 13 when we look at projects of certain size and scale and 14 we consider their impacts, I think that we consider 15 them differently today than we did six years ago or 16 even three years ago. 17 CHAIR MORROW: Thanks. 18 MALE COMMISSIONER: Let's see. Yeah. 19 I mean, I'm in agreement that, you know, I do think 20 there have been, same again, land use changes since we 21 initially deliberated on and considered this hotel and 22 considered the waivers that were required to make this 23 project work. 24 You know, at the -- I mean, I think 25 there's -- there's a -- there's a good argument for</p> <p style="text-align: right;">Page 36</p>
<p>1 MALE COMMISSIONER: I can hop in a 2 little bit. I think I've been thinking about, I 3 think, some of the same things that Susan brought up, 4 which is that, you know, what is a change in the 5 project vicinity, and is it -- you know, since the 6 inception of this project in 2019, is it just, you 7 know, our -- you know, the literal built environment 8 and the entitlements of -- of those spaces or is it, 9 you know, a town that, you know, grew massively after, 10 you know, 2020, where we had an exodus of people who 11 all made less -- or not all, but, like, who on average 12 made significantly less than those who they were 13 replaced by moving into our community. 14 So I think a lot of things look the 15 same, but we walk and talk differently as a town. So 16 kind of that analysis that happened in, you know, 17 2019, and then also in the early years kind of right 18 after that big change. I think we look at those 19 things differently now. 20 While the comp plan may not have 21 changed, we're not the people who we were in 2014. 22 Sometimes, you know, literally they are just a 23 different group of people here, and sometimes also we 24 have -- as we've grown out, we've also grown up in a 25 lot of ways. We've seen more of what's kind of</p> <p style="text-align: right;">Page 35</p>	<p>1 hotels of this type for our town. We're a tourist 2 town. We need to host people. Hotels like this that 3 have restaurants in them, have bars, have pools, have 4 living room spaces that people can -- can congregate 5 in, those type of hotels have an important place in 6 this community. 7 They -- the amenities that they 8 provide can sort of offset some of traction that 9 Airbnbs -- some of the incentives that people who want 10 Air -- who want to look to an Airbnb, they can find 11 those in a hotel like this. And so, you know, there's 12 -- also, there's concern about is this hotel being 13 affiliated with chains. 14 You know, a lot of people come here to 15 this town. We host events throughout the winter, 16 throughout the summer too. But a lot of people who 17 come here with their ski racing families to attend 18 races and that type of thing, a lot of those people I 19 find from talking to them stay down in Hailey. 20 And part of the reason for that is the 21 affordability of our -- the hotel rooms that we have 22 up here in town. And part of the reason where those 23 hotels aren't affordable is because they're 24 independent hotels, and a lot of people have -- are 25 part of, you know, sort of membership programs at</p> <p style="text-align: right;">Page 37</p>

<p>1 different hotel chains and giving them access. You 2 know, they don't have -- there is no incentive to be 3 able to stay at those independent hotels. 4 But so that's -- you know, there's an 5 argument against having chain hotels here in town, but 6 that also forces a lot of the hotel use down to Hailey 7 for, you know, not necessarily the high-end client. 8 So there's good -- you know, there 9 were good arguments at the time to grant the waivers 10 that we granted to -- to have this hotel, this project 11 be successful. What -- what we're seeing now, there 12 -- that being said, there has been a change in our 13 community since we granted those waivers, and I can't 14 help but notice that we do not have one public comment 15 in support of this project anymore. Not one. 16 We haven't received any one written 17 public comment. We have no public comment here in the 18 room or online in support of this project from the 19 business community, from anyone. And, you know, while 20 it may be important for these type of hotels to be 21 part of our community, the size of this thing just 22 isn't supported by our town anymore, clearly. 23 And I think part of that is because of 24 the changes that we've seen on Main Street and that 25 we've seen next door, those land uses changes, and I</p> <p style="text-align: right;">Page 38</p>	<p>1 it'll get done. Again, the same kind of lingering 2 development fatigue from a 12-year project that's 3 still not finished on the other side of the street. 4 Or longer than 12 years. 5 You know, I feel kind of -- I feel 6 kind of -- it's weird. Were there significant land 7 changes? I think you could argue there were. I don't 8 think anyone could have figured that they would allow 9 the Appellation to build what they had in 2008 without 10 any changes at all. 11 I mean, I think that's kind of a -- 12 everybody thought they would have been required to 13 resubmit and kind of redesign, and they weren't. And 14 so that's something that's kind of a backdoor thing. 15 But having heard the lawyers and 16 having been a lawyer, I think it's hard without some 17 kind of legal gymnastics to come up with the criteria 18 here. I feel almost forced to not deny it because 19 it's hard without real legal gymnastics to come up 20 with a criteria that says we should be able to deny 21 this. 22 I mean, I think B is the one we could 23 really work on, but, you know, I think it's hard to do 24 that without some definition of what that really is. 25 You know, what really is the -- the impact in the</p> <p style="text-align: right;">Page 40</p>
<p>1 think there's enough -- enough of those changes to 2 support the fact that the waivers that support this 3 hotel right now would not be granted today. 4 And I think we -- I think it's 5 important that the cit -- our citizens have spoken, 6 and I think it's important that they know that we are 7 listening to them. And it's really hard to support 8 this hotel extending this -- extending the approvals 9 for this hotel right now. I have -- I have -- I'm 10 having a hard time supporting it. 11 CHAIR MORROW: Thank you. This is -- 12 for me, this is a strange one, because I like the 13 project. I think it's a nice project. Despite what 14 people say about the size, it's about half the size 15 square footage from Limelight and Appellation. It's 16 137,000 instead of 200-and-some-thousand square feet. 17 So I do have concerns, though, because 18 of experience we had with Appellation, 10 years with 19 the hole in the ground. What if they can't sell it or 20 get it financed? You know, we're concerned about what 21 happens. Again, you know, they can't come back in 12 22 months, but here we go again with that. 23 So it's just, it's not in our purview 24 to ask these first few questions, but they're things 25 that -- you know, what guarantees do we have that</p> <p style="text-align: right;">Page 39</p>	<p>1 facility and what those general words mean. 2 So, you know, without really delving 3 into that or having someone really delve into that, 4 you know, I feel like we don't have a criteria to deny 5 it, and that kind of bothers me. When we rewrite the 6 code, can we add -- can we add some more control this 7 area for us so that we're not forced by this. 8 But, you know, I agree with pretty 9 much what everyone says. Hear about it. I know that 10 there's not a real public support for it, but I'm not 11 sure without a big legal fight that we can actually 12 deny it according to the criteria. 13 I'd be happy to get paid by a client 14 to argue that this is a change of vicinity and a 15 change of land use. You know, any good lawyer would 16 be, you know, happy to argue that, but that's what it 17 is. I'm not sure it's as clear as some other people 18 think. 19 So those -- that's my -- I don't have 20 a real strong definitive -- you know, I feel like I'm 21 on both sides of it. 22 So, Susan, do you have anything else? 23 MS. PASSOVOY: Yes. Neil, thank you. 24 And I do want to say along with Tim, I 25 think that considerable creativity and attention to</p> <p style="text-align: right;">Page 41</p>

<p>1 detail has gone into the plan for this hotel. And, 2 you know, it's one of those things was it's too bad 3 they can't put it someplace else in town. 4 But I -- I disagree with you, Neil, to 5 some -- to some extent, because I think that it is -- 6 that we do need to be mindful of what vicinity means. 7 And this is not a huge town, so vicinity encompasses a 8 larger portion of our square footage, and particularly 9 in the downtown core and the impacts that development 10 on the next four or five blocks going -- once again, I 11 get confused -- I think it's north, but I'm not 12 positive, are important for us to take into account as 13 we consider what -- what the impact of this hotel, of 14 this development will be now on that changed landscape 15 as it were. 16 And also, I would have liked to have 17 had a deeper dive from the staff on facilities and 18 services, because I -- you know, I'm assuming that 19 they had in mind water, sewer, but -- but as we have 20 -- as we know, services include things like traffic 21 impact, impact on the road surfaces and there needs -- 22 their need to be resurfaced. 23 The adequacy of -- I appreciate and I 24 -- that the -- the attorney for the applicant is 25 exactly right. I mean, they are not required to solve</p> <p style="text-align: right;">Page 42</p>	<p>1 I have a... 2 MS. LANDERS: Yeah. Susan, this is 3 Morgan. So when staff evaluated criteria D, which 4 is whether community facilities and services required 5 for the project are now inadequate, we did look at 6 water, waste water, roads, and emergency services. 7 We do not evaluate housing in 8 community facilities and services for a couple of 9 different reasons. One, as the applicant mentioned, 10 the code already has a requirement for the amount of 11 community housing that they have to supply as part of 12 the PUD/CUP approval. 13 The other reason is that when we look 14 at community facilities and services, we do draw a 15 line between those things that we charge impact fees 16 for. Right. So those are police, fire, streets, and 17 parks. The hotel and the accessory uses in this hotel 18 proposal are subject to all of those development 19 impact fees, and all of those fees have to be paid as 20 part of this project. There were no waivers granted 21 to any of those fees. 22 So those fees are assessed for kind of 23 the long-term maintenance of all of those services. 24 That's kind of the reason why we have impact fees. 25 The state legislature prohibits</p> <p style="text-align: right;">Page 44</p>
<p>1 all of our problems and they have done what they can 2 to mitigate what they perceive as their impact. I 3 have a large sense of what their impact is that is not 4 being mitigated and is perhaps not within their 5 physical ability to mitigate, and that is the overall 6 service -- the ability of our town to provide services 7 to this site as well as to the other sites within -- 8 on Main Street and within the neighborhood that are 9 being developed or have been just recently completed 10 in the last year. 11 The last year has seen an enormous 12 amount of construction, which I am quite confident no 13 one anticipated back in 2023. And I think it behooves 14 us to take a really clear-eyed look at what that is 15 and what that impact is on our town. 16 So, you know, I -- I feel more 17 strongly than -- than perhaps the rest of the 18 commission does as to what the impacts of this project 19 are going to be on our facilities and services and the 20 land uses going further into town. 21 CHAIR MORROW: Thank you. I guess 22 that's a good question. 23 MS. LANDERS: Do you want me to 24 address? 25 CHAIR MORROW: Yeah, do that, and then</p> <p style="text-align: right;">Page 43</p>	<p>1 municipalities from assessing impact fees for housing. 2 So until the state determines that housing is a 3 community facility, we're precluded from kind of 4 evaluating those in that bucket. So that, hopefully, 5 kind of gives you all a perspective on what we looked 6 at. 7 From a -- from an infrastructure 8 standpoint, when it specifically comes to road, this 9 project did a variety of studies and was integrated 10 with the work that was happening with ITD at the time. 11 As you all know, and as all of us are going to feel 12 very soon, the improvements to Highway 75. 13 And so as it sits today, the PEG hotel 14 is responsible for construction of some of those 15 improvements. Some of the improvements on Highway 75, 16 depending on the timing, and all of the public 17 improvements required on River Street that is adjacent 18 to the project. So all of those improvements to road 19 configurations, access. 20 Now there is, you know, kind of a 21 similar portico share scenario for this hotel as 22 similar to the hotel across the street. So from our 23 perspective, when we looked at street capacity, you 24 know, there -- there wasn't an exaction with the 25 original approval to -- to request additional roads</p> <p style="text-align: right;">Page 45</p>

<p>1 and road capacity as part of the project. 2 And all of our transportation studies 3 and things like that that we've done as part of the 4 comprehensive plan hasn't indicated that we would need 5 to exact anything different today than what we 6 negotiated in those earlier approvals. 7 MS. PASSOVOY: Okay. Thank you. 8 Thank you, Morgan. I wasn't even thinking about 9 housing. I was thinking about real infrastructure and 10 real services, you know, services. 11 MS. LANDERS: Sure. 12 MS. PASSOVOY: But I appreciate that 13 explanation. 14 I -- you know, I share the kind of -- 15 I'm of two minds. Right. I know what the limitations 16 are on our -- the scope of our decision. At the same 17 time, there's sort of an ineffable -- and ineffability 18 doesn't count for much in this context, but the sense 19 that it is a huge impact on what's -- what the land 20 uses are in our town going forward. 21 And that's -- that's mainly what I 22 have to say. 23 CHAIR MORROW: Thank you. 24 Go ahead. 25 VICE CHAIR MOCZYGEMBA: I guess my</p> <p style="text-align: right;">Page 46</p>	<p>1 CHAIR MORROW: Thank you. So it seems 2 a lot of us are kind of riding the fence here, 3 because, well, there's both sides of the coin. So I 4 don't know. Does someone feel strongly enough to 5 make a motion, or...? 6 I mean, I don't think there's more 7 information. If we were to continue, I don't really 8 think there's more information we could get unless 9 Susan wants, you know -- I don't know -- numbers on 10 parking or numbers on something we can consider. 11 Otherwise, I'd be -- you know, I'd be 12 interested to hear someone make a motion. 13 MALE COMMISSIONER: I guess one more 14 thought is that, you know, I said earlier that maybe 15 we walk and talk a little differently and that we, you 16 know, look the same, is that, you know, the certain 17 things had been -- I mean, these decisions were 18 happening at the same time. 19 You know, so we're -- there's this 20 emotional, you know, resonance that we're all feeling 21 right now in a time of enormous transition, but these 22 decisions were in a lot of ways concurrent. 23 You know, the things that are causing 24 a lot of emotional response from our community were 25 decided at the same time as this project. And, I</p> <p style="text-align: right;">Page 48</p>
<p>1 follow-up to that, Susan, and your previous comment 2 about your opinion that there has been significant 3 land use changes. You know, the mass and scale of the 4 Appellation hotel approval did not change from its 5 original application. We did see design review 6 amendments, but we were changing, you know, guardrails 7 along Highway 75 and debating Juliette balconies. 8 We had already approved -- well, we 9 had denied hot dog hill in its entirety and approved 10 half of hot dog hill, you know. So these things were 11 coming down the pipeline, and I guess I would argue 12 again that all of those facts were -- while projects 13 may not have been completed and come to fruition, that 14 should have been at the top of the evaluation criteria 15 that was originally made as part of -- as part of the 16 decision in 2019, 22 -- '22 and '23. 17 You know, if that wasn't fully grasped 18 by the commission, well, that's a whole nother 19 conversation. 20 So I don't know. Like, I get it. 21 There -- there's been a lot of development since 2019. 22 There's been a change in the population. There has 23 been growth in the town. But the writing was on the 24 wall at the time of the very in-depth discussions that 25 took place.</p> <p style="text-align: right;">Page 47</p>	<p>1 mean, I -- I have a lot of feelings about that. 2 (Inaudible) our community. 3 MALE COMMISSIONER: Yeah. I mean, 4 where I'm at, you know, the criteria, you know, it's 5 not -- the criteria for evaluation here are -- are 6 clearly not black and white. You know, there's 7 arguments for both sides. The door is open for us. 8 However small, the door is open for us to deny the 9 extension here. 10 And, I mean, and it feels like we just 11 have overwhelming requests from the community to walk 12 through that door right now. And I find that hard to 13 overlook. 14 CHAIR MORROW: If we deny it, it'll go 15 to city council, correct? 16 MS. LANDERS: It only goes to city 17 council if someone appeals. 18 CHAIR MORROW: I mean, if the 19 applicant were to appeal our denial, it would go to 20 city council, correct? 21 MS. LANDERS: That's correct. 22 CHAIR MORROW: Okay. Thank you. 23 MALE COMMISSIONER: So I guess in that 24 regard, I would consider all the ways in which the 25 nature of this is, you know, different from other app</p> <p style="text-align: right;">Page 49</p>

<p>1 -- other concurrent applications. 2 This is, you know, something where we 3 can look at the comp plan as a guiding document more 4 so than we could for other applications that were 5 happening concurrently, as I kind of mentioned 6 earlier, and say that, you know, it -- it -- you know, 7 with our 2025 eyes, clearly, as we've heard from the 8 community, it's not passing muster in a way that -- 9 you know, that that question is not being raised for 10 some of the other projects of that era. 11 In which case, I think, you know, I 12 can see myself, you know, taking that charge from the 13 community that we can look to that supporting document 14 in a way that we -- that doesn't apply to other -- 15 other projects. 16 CHAIR MORROW: I'm happy to talk about 17 it all night. I'm happy to take a motion. I can't 18 make one. So.. 19 MS. PASSOVOY: Okay. I'll do it, as 20 usual. I will do it. 21 That I move that we approve the 22 application for an extension of the approval of the 23 design of the PEG hotel and the -- of floodplain 24 permit. 25 MS. LANDERS: Susan, let me just make</p> <p style="text-align: right;">Page 50</p>	<p>1 COMMISSIONER McGRAW: No. 2 Q. And I'm going to abstain. So that means 3 it's denied, because we got three. 4 So the approval is denied. And then 5 will we see it again if they -- 6 MS. LANDERS: Well, sorry. It -- it 7 would be cleaner for you all to make a more direct 8 motion. 9 CHAIR MORROW: To instead of not to 10 support? 11 MS. LANDERS: Yeah. 12 CHAIR MORROW: So the motion is to 13 deny the -- the extension. 14 MS. LANDERS: Well, I think you all 15 made that motion. 16 CHAIR MORROW: Right. 17 MS. LANDERS: That motion did not 18 carry. 19 CHAIR MORROW: Right. 20 MS. LANDERS: And so I think maybe the 21 question is, do you have another motion. 22 CHAIR MORROW: Okay. So someone make 23 a more clear motion is what Morgan is asking. 24 MS. PASSOVOY: I move that we deny the 25 application for extension -- for a 12-month extension</p> <p style="text-align: right;">Page 52</p>
<p>1 sure that I'm clear on your motion. You made a motion 2 to approve the extension request. Is that correct? 3 MS. PASSOVOY: Yes, I did. I just 4 wanted to put it on the table. 5 MS. LANDERS: Okay. 6 VICE CHAIR MOCZYGEMBA: I'll second 7 that motion. 8 CHAIR MORROW: Okay. All in favor. 9 MS. LANDERS: Mr. Chair, it might be 10 beneficial to do a roll call. 11 CHAIR MORROW: Okay. We'll do the 12 vote roll call wise. 13 Susan. 14 MS. PASSOVOY: I vote no. 15 CHAIR MORROW: No on approval? 16 MS. PASSOVOY: Yes. 17 CHAIR MORROW: Okay. 18 MS. PASSOVOY: Yes, I vote no. 19 Correct. I vote no. 20 CHAIR MORROW: So denying it. 21 Tim. 22 COMMISSIONER CARTER: I vote no. 23 CHAIR MORROW: Brenda. 24 VICE CHAIR MOCZYGEMBA: Aye. 25 CHAIR MORROW: Matthew.</p> <p style="text-align: right;">Page 51</p>	<p>1 for design approval and a floodplain permit for the 2 PEG hotel. 3 COMMISSIONER CARTER: Second. 4 CHAIR MORROW: All in -- we'll do the 5 roll call. 6 Susan. 7 COMMISSIONER PASSOVOY: Aye. 8 CHAIR MORROW: Tim. 9 COMMISSIONER CARTER: Aye. 10 CHAIR MORROW: Brenda. 11 VICE CHAIR MOCZYGEMBA: Aye. 12 CHAIR MORROW: Matthew. 13 COMMISSIONER McGRAW: Aye. 14 CHAIR MORROW: And I'm going to 15 abstain still. So that's three for denial, one for 16 approval, and one abstention. So.. 17 MS. LANDERS: So that carries. 18 CHAIR MORROW: That carries. Okay. 19 (End of matter.) 20 (END OF TRANSCRIPTION) 21 22 23 24 25</p> <p style="text-align: right;">Page 53</p>

<p>1 TRANSCRIPTION CERTIFICATE</p> <p>2</p> <p>3 I, CHERYL J. HAMMER, the undersigned</p> <p>4 Certified Court Reporter in and for the state of</p> <p>5 Washington, do hereby certify:</p> <p>6 That the foregoing transcript was</p> <p>7 transcribed under my direction; that the transcript is</p> <p>8 true and accurate to the best of my knowledge and</p> <p>9 ability to hear the audio; that I am not a relative or</p> <p>10 employee of any attorney or counsel employed by the</p> <p>11 parties hereto; nor am I financially interested in the</p> <p>12 event of the cause.</p> <p>13</p> <p>14 WITNESS MY HAND this 18th day of June 2025.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19 </p> <p>20 CHERYL J. HAMMER, RPR</p> <p>21 Certified Court Reporter</p> <p>22 Washington CCR No. 2512</p> <p>23 Oregon CCR No. 21-0013</p> <p>24 Utah CCR 126919357-7801</p> <p>25 Cheryl.Hammer.CourtReporter@Frontier.com</p> <p>Page 54</p>	

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