



## City of Ketchum

February 16th, 2021

Mayor Bradshaw and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

### **Recommendation to:**

**Adopt the Findings of Fact, Conclusions of Law, and Order of Decision and the Master Record of Proceedings for the following applications regarding the PEG Ketchum Hotel:**

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

The complete Joint Master Record of Proceedings, including all exhibits presented at the February 1, 2021 hearing and all documents received to date, can be found at the following link:

<https://www.dropbox.com/sh/j22e7caksxq4yg/AAAUzPfjCDqrj1vcz167A5Aga?dl=0>

The Master Record of Proceedings index is attached as Attachment D.

Upon adopting the Findings of Fact, Conclusions of Law, and Order of Decision and the Master Record of Proceedings on this matter the record should be closed for the receipt of comment until notice is posted that these Applications are set for public hearing on Design Review.

### **Recommended motions:**

“I move to adopt the Findings of Fact, Conclusions of Law, and Order of Decision for the following applications:

Application for Floodplain Development Permit, File No. P19-062, Application for Lot Line Adjustment: File No. P19-064, and Application for Planned Unit Development Conditional Use Permit combined with the Application for Wavier, Files No. P19-063 and File No. P20-069

And to adopt the Master Record of Proceedings for this matter.”

And

“I move to close the record for the receipt of comment on this matter until notice is posted that these Applications are set for public hearing on Design Review.”

**Attachments:**

- A. Findings of Fact, Conclusions of Law, and Order of Decision File No. P19-062
- B. Findings of Fact, Conclusions of Law, and Order of Decision File No. P19-064
- C. Findings of Fact, Conclusions of Law, and Order of Decision Files No. P19-063 and File No. P20-069
- D. Master Record of Proceedings

Attachment A. Findings of Fact, Conclusions of Law, and Order of Decision File No.  
P19-062

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

IN RE:	)	FILE NO. <b>P19-062</b>
	)	
PEG KETCHUM HOTEL, LLC	)	<b>FINDINGS OF FACT, CONCLUSIONS</b>
	)	<b>OF LAW, AND ORDER OF DECISION</b>
Applicant for	)	
251 S. Main Street	)	
Floodplain Development /	)	
Waterways Design Review	)	
	)	

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THIS ABOVE ENTITLED MATTER coming before the City Council of the City of Ketchum upon remand from the Planning and Zoning Commission’s recommendations issued on December 22, 2020 on remand for joint public hearing held February 1, 2021 continued to February 16, 2021 for consideration of this Findings of Fact, Conclusions of Law, and Order of Decision of the above referenced matters. The Applicant’s Design Review and Permit Conditions Acceptance Agreement applications were both tabled by the Planning and Zoning Commission subject to the City Council’s action on the above referenced Applications. The City Council having reviewed the entire record on remand and the record established in hearing on February 1, 2021 does hereby make and set forth the Record of Proceedings, Findings of Fact for all referenced matters as follows:

Floodplain Development Permit and Waterways Design Review

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

The City Council having reviewed the entire record and provided notice and held a joint public hearing does hereby make and set forth these Findings of Fact, Conclusions of Law, and Order of Decision as follows:

## I. RECORD OF PROCEEDINGS

The above-entitled matter has been heard by the City Council in conjunction with the accompanying PEG Ketchum Hotel, LLC PUD Project Master Plan together with the other following accompanying Applicant Applications:

- Planned Unit Development Conditional Use Permit File No. P19-063
- Lot Line Adjustment File No. P19-064
- Waiver File No. P20-069

The City Council has approved together with these Findings of Fact, Conclusions of Law, and Order of Decision that certain **Master Joint Hearings Compiled Record of Proceedings On Remand** for Files Nos. P19-062, P19-063, P19-064, P20-069 and P20-019 (the “Master Joint Hearings Record of Proceedings”) which is herein included by reference as if set forth at length.

### **PUBLIC NOTICES FOR HEARINGS ON REMAND:**

Legal notice of the joint hearing before the City Council was published in the City’s newspaper of record and notice was mailed to adjoining landowners within 300’ was in compliance with the 15-day and 10-day notice requirements. Notice to neighbors and political subdivisions and publication in the *Idaho Mountain Express* occurred on January 13, 2021 with on-site posting on the subject premises on January 25, 2021, mailed to property owners and government subdivisions on January 13, 2021 and posted on the City’s website on January 25, 2021.

## II. FINDINGS OF FACT

1. The original Findings of Fact Conclusions of Law and Decision were approved by the Planning and Zoning Commission (“Commission”) on August 12, 2019 (the “Original Findings”); and
2. Based upon a finding of a noticing error, on April 6, 2020 the Ketchum City Council moved to vacate the PEG Ketchum Hotel decisions and findings and remand subject Original Findings for this permit for additional process as necessary. Accordingly, reconfirmation of the past record is required as inadequate notice occurred with the Original Findings; and
3. The Planning and Zoning Commission on remand, subject to notice, held a joint hearing and received testimony and evidence in regards to the Floodplain Development Permit and Waterways Design Review and entered their Findings of Fact, Conclusions of Law and Recommendations to the City Council on December 22, 2020.

4. The City Council on Remand, subject to notice, held a joint hearing and received testimony and evidence in regards to the Floodplain Development Permit and Waterways Design Review and entered these Findings of Fact, Conclusions of Law, and Order of Decision.
5. The subject property, in particular the parcel addressed 251 S. Main Street, contains 100-year floodplain, floodway, and is adjacent to Trail Creek and therefore contains a regulated riparian zone. As such, the property is within the Floodplain Management Overlay with Floodplain, Floodway, and Waterways Design Review subdistricts. The southerly property boundary is the mean high-water mark on the north side of Trail Creek.
6. Pursuant to Zoning Code Title 17, Section 17.88.050(D)1, the administrator shall have the authority to consider and approve, approve with conditions, or deny applications for floodplain development permits and for waterways design review, but in accordance with 17.88.050(D)2 has the discretion to forward the application to the Planning and Zoning Commission for review during a noticed public meeting.
7. The subject parcels have previously been developed. No existing development encroaches into the riparian zone, floodplain, or floodway. Existing development consists of two vacant structures and an asphalt parking area. The asphalt parking area abuts a 10' wide sewer easement and the 25' riparian zone is adjacent to the southside of the 10' sewer easement. The 25' riparian zone is delineated on the plat associated with the hotel project (application P19-064) as a proposed riparian and scenic easement consistent with KMC §17.88.040.D.2. The riparian zone is currently in a natural state and the north side of the bank, which is the southern boundary line of the subject property, does not contain man-made bank armoring or riprap. The 10' sewer easement combined with the 25' riparian easement provide a buffer ranging from 35' or more from the existing development and new development proposed on site (see civil sheet 3.0 in the applicant's submittal package dated July 29, 2019).
8. The applicant proposes to demolish and clear the existing development, including the asphalt surface parking area, from the site and to construct a new 100-room hotel, approximately 139,295 gross square feet in size. The hotel and all other site improvements are proposed to be located outside of the 1% annual chance floodplain, floodway, and riparian zone. Because of the sewer easement, the hotel will be located 35' or more from the mean high-water mark of Trail Creek. As indicated on the preliminary civil plans and preliminary landscape plan included in the applicant's submittal package dated July 29, 2019, all construction activity and all permanent site improvements will be located outside of the riparian zone, floodplain, and floodway.
9. As indicated in civil sheet 2.0, Storm Water Pollution Prevention Plan, measures will be taken to protect the adjacent waterway and riparian area. These measures include installation of a silt fence and inlet protection around the existing catch basin, development of a Storm Water Pollution Prevention Plan and Best Management Practices document for erosion control.

10. The applicant is put on notice that city review and approval of this application does not guarantee that flooding will not occur as the subject property is located partially within in the Special Flood Hazard Area (100-year floodplain). Purchasing flood insurance is recommended; standard property owner’s insurance policies do not cover losses due to flooding.
11. The following are the City Council’s findings regarding the Floodplain Development Requirements and Standards applicable to the Floodplain Development Permit and Waterways Design Review Application:

<b>Floodplain Development Requirements</b>				
<b>Chapter 17.88, Floodplain Management Overlay Zoning District (FP)</b>				
<b>Compliant</b>			<b>Standards and Staff Comments</b>	
<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Regulation</b>	<b>City Standards and Staff Comments</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.040.D.3	<p>Prior to issuance of any building permit for a structure located partially or wholly within the one percent (1%) annual chance floodplain, a preconstruction elevation certificate shall be completed by a registered professional engineer, architect or surveyor and submitted to the City of Ketchum building inspector. The elevation certificate form shall be made available from the City. The certificate shall again be completed by the owner and/or his/her agents and submitted to the City upon completion of the foundation and construction of the lowest floor, and again prior to issuance of a certificate of occupancy or a final inspection by the building inspector to evidence the as built elevation of the lowest floor including basement.</p>
			<i>Staff Comments</i>	<i>Civil sheet C3.0 best represents the location of the proposed building with respect to the one percent (1%) annual chance floodplain. As indicated on the plan, the building footprint is located entirely outside of the 1% annual chance floodplain. Therefore, Elevation Certificates are not required.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.040.D.5	<p>Prior to issuance of any floodplain development permit, the property owner or his or her authorized agent shall acknowledge by executed written affidavit that said property is located within the one percent (1%) annual chance floodplain as defined herein and that a violation of the terms of this article shall cause the City to seek legal remedies.</p>
			<i>Staff Comments</i>	<i>The applicant is aware of this requirement and as a condition of approval, the affidavit shall be submitted prior to the Commission Chair signing the Findings of Fact and Conclusions of Law for this permit.</i>
<b>17.88.050: PROVISIONS FOR FLOOD HAZARD REDUCTION</b>				
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)1	<p>Preservation or restoration of the inherent natural characteristics of the river and creeks and floodplain areas. Development does not alter river channel.</p>
			<i>Staff Comments</i>	<p><i>The southern boundary of the property coincides with the mean high water mark of the north side of Trail Creek. Regulatory floodplain, including floodway, exists on the subject property along the southern boundary of the property and the 25'-wide riparian and scenic easement (riparian zone) is offset, landward, from the mean high water mark on the north side of Trail Creek. The riparian zone largely provides a buffer between the limit of the 1% annual chance floodplain and the remainder of the site, with the riparian buffer and floodplain boundary aligning and slightly overlapping only near the southeast corner of the site. An additional 10' wide sewer easement exists on the landward side of the riparian zone, which provides further distance between the developable portion of the property and the floodplain and Trail Creek.</i></p> <p><i>Civil sheet C 1.0 indicates existing development on the subject property with respect to the sewer easement, riparian zone, and the floodplain and floodway boundaries.</i></p>

			<p>Currently, two vacant buildings and an asphalt parking surface are located on the subject property. The asphalt parking surface extends directly to the north side of the 10' sewer easement. Therefore, the extent of existing development on the site is offset approximately 10' from the riparian zone and existing development is located entirely outside of the regulatory floodplain. The floodplain and riparian zone are characterized as being in an undisturbed, naturalized state.</p> <p>Civil sheet 2.0, Storm Water Pollution Prevention Plan, includes the following details: During demolition and clearance of the existing development a silt fence will be installed along the south, west, and east property. Along the southern property boundary the silt fence will be installed along the northern side of the 10' easement, therefore providing at least a 10' buffer from the riparian zone and an even larger buffer (ranging from 10' to 20'+) from the regulatory floodplain. Drain inlet protection will also be installed around the existing catch basin that retains the site's drainage. No encroachment into the floodplain or riparian zone will occur during demolition and clearance.</p> <p>The proposed new construction with respect to the floodplain and riparian zone is best indicated in Civil sheet 3.0, which includes the footprint of the proposed hotel building. The entirety of the hotel will be located outside of the riparian zone, which in turn means no portion of the hotel will be located within the regulatory floodplain. Additionally, the Landscape plan 1.0 indicates that all proposed landscaping for the project will occur outside of the riparian zone.</p> <p>Drainage improvements will be located outside of the riparian zone, and the portions of the site that are currently covered with asphalt will largely be replaced with landscaping (per the preliminary Landscape Plan), thereby reducing the impervious surface on the subject property.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>17.88.050(E)2</b> Preservation or enhancement of riparian vegetation and wildlife habitat, if any, along the stream bank and within the required minimum twenty-five (25) foot setback or riparian zone. No construction activities, encroachment or other disturbance into the twenty five foot (25') riparian zone shall be allowed at any time without written City approval per the terms of this ordinance.</p> <p><i>Staff Comments</i> As described in 17.88.060(E)1, no construction activity related to building the hotel is proposed to occur within the riparian zone. However, the applicant's supplemental materials included in the document titled "Ketchum Tribute, October 16, 2020, Planning Commission Supplemental Info" and included in the Master Record of Proceedings as SR-34 indicate a single stone pathway and staircase leading through the riparian area to the bank of the creek on the sheet titled "Trail Creek Improvements". Consistent with 17.88.050(E)3, the Administrator may approve such pathway. presented Exhibit D.</p> <p>While the riparian zone is mostly in a natural state, the applicant also proposes to remove existing dead brush and branches that have been dumped into the riparian zone in order to restore the riparian zone's health. The applicant also indicates they are open to discussing an additional staircase leading from River Street, along the western property line as indicated in the diagram, to the riparian zone. Both of these items are discussed on the sheet titled "Trail Creek Improvement". This additional access, if traversing the riparian zone, would be subject to permitting if the applicant decides to pursue it – either as a new permit or an amendment to this permit.</p>



<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)3	No development, other than development by the City of Ketchum or development required for emergency access, shall occur within the twenty five foot (25') riparian zone with the exception of approved stream stabilization work. The Administrator may approve access to property where no other primary access is available. Private pathways and staircases shall not lead into or through the riparian zone unless deemed necessary by the Administrator.
			<i>Staff Comments</i>	<i>Consistent with the plans submitted as part of this application, no development is proposed in the riparian zone other than as discussed in criteria 17.88.050(E)2, above. The creek viewing pathway indicated on the "Trail Creek Improvement" sheet is approved.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)4	A landscape plan and time frame shall be provided to restore any vegetation within the twenty five foot (25') riparian zone that is degraded, not natural or which does not promote bank stability.
			<i>Staff Comments</i>	<i>As described in 17.88.060(E)1, the riparian zone will be protected during demolition of the existing structures and for the duration of construction of the hotel. A restoration plan is not necessary at this time as the only changes to the riparian zone are minor and covered by this permit and the riparian zone is largely in a natural state. However, should the riparian zone inadvertently be disturbed during the course of the project's development, restoration shall be required, with a restoration plan submitted as part of an amendment to this permit.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)5	New or replacement planting and vegetation shall include plantings that are low growing and have dense root systems for the purpose of stabilizing stream banks and repairing damage previously done to riparian vegetation. Examples of such plantings include: red osier dogwood, common chokecherry, serviceberry, elderberry, river birch, skunk bush sumac, Beb's willow, Drummond's willow, little wild rose, gooseberry, and honeysuckle.
			<i>Staff Comments</i>	<i>No new or replacement plantings are required or are proposed.</i>

Compliant			Standards and Staff Comments	
Yes	No	N/A	Guideline	City Standards and <i>Staff Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)6	Landscaping and driveway plans to accommodate the function of the floodplain to allow for sheet flooding. Floodwater carrying capacity is not diminished by the proposal. Surface drainage is controlled and shall not adversely impact adjacent properties including driveways drained away from paved roadways. Culvert(s) under driveways may be required. Landscaping berms shall be designed to not dam or otherwise obstruct floodwaters or divert same onto roads or other public pathways.
			<i>Staff Comments</i>	<i>Floodwater carrying capacity is not diminished by the proposal, which will improve site drainage (reduction of pervious surface) and direct all of its drainage to a on-site drywells/catch basins; site drainage shall not drain to Trail Creek. No landscaping berms are proposed and all proposed landscaping and vehicular accesses will be located outside of the floodplain.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)7	Impacts of the development on aquatic life, recreation, or water quality upstream, downstream or across the stream are not adverse.
			<i>Staff Comments</i>	<i>Adverse impacts on aquatic life, recreation, and water quality are not anticipated. The existing riparian zone will remain intact.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)8	Building setback in excess of the minimum required along waterways is encouraged. An additional ten foot (10') building setback is encouraged to provide for yards, decks and patios outside the twenty five foot (25') riparian zone.
			<i>Staff Comments</i>	<i>The required 25' riparian setback is being respected. Further, a 10' wide sewer easement exists beyond the riparian zone and will provide an additional buffer from the waterway.</i>

Compliant			Standards and Staff Comments	
Yes	No	N/A	Guideline	City Standards and <i>Staff Comments</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)9	The top of the lowest floor of a building located in the one percent (1%) annual chance floodplain shall be a minimum of twenty four inches (24") above the base flood elevation of the subject property. (See section 17.88.060, figures 1 and 2 of this chapter.)  <i>Staff Comments</i> This standard applies to buildings that are located partially or entirely within the 1% annual chance floodplain. This proposed new development will be located entirely outside of the 1% annual chance floodplain.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)10	The backfill used around the foundation in the floodplain shall provide a reasonable transition to existing grade but shall not be used to fill the parcel to any greater extent. Compensatory storage shall be required for any fill placed within the floodplain. An LOMA-F shall be obtained prior to placement of any additional fill in the floodplain.  <i>Staff Comments</i> No fill is proposed in the floodplain; the proposed new development will be located entirely outside of the 1% annual chance floodplain. The standard for backfill around the foundation applies only to buildings that are located partially or entirely within the 1% annual chance floodplain.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)11	All new buildings shall be constructed on foundations that are approved by a licensed professional engineer.  <i>Staff Comments</i> This standard applies to buildings that are located partially or entirely within the 1% annual chance floodplain. This proposed new development will be located entirely outside of the 1% annual chance floodplain.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)12	Driveways shall comply with effective street standards; access for emergency vehicles has been adequately provided for.  <i>Staff Comments</i> The vehicular access to the hotel (ramp to a parking garage) and lower-level fire access will receive final approval from the Fire Marshal, City Engineer, and Streets Department Director prior to issuance of a building permit.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)13	Landscaping or revegetation shall conceal cuts and fills required for driveways and other elements of the development.  <i>Staff Comments</i> A preliminary landscaping plan has been submitted. All area of the site disturbed during construction are proposed to be finished with landscaping.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)14	(Stream alteration) The proposal is shown to be a permanent solution and creates a stable situation.  <i>Staff Comments</i> N/A, stream alteration is not proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)15	(Stream alteration) No increase to the one percent (1%) annual chance floodplain upstream or downstream has been certified, with supporting calculations, by a registered Idaho hydraulic engineer.  <i>Staff Comments</i> N/A, stream alteration is not proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)16	(Stream alteration) The recreational use of the stream including access along any and all public pedestrian/fisher's easements and the aesthetic beauty shall not be obstructed or interfered with by the proposed work.  <i>Staff Comments</i> N/A, stream alteration is not proposed.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)17	Where development is proposed that impacts any wetland, first priority shall be to move development from the wetland area. Mitigation strategies shall be proposed at time of application that replace the impacted wetland area with a comparable amount and/or quality of new wetland area or riparian habitat improvement.  <i>Staff Comments</i> James Joyner, Senior Regulatory Project Manager with the U.S. Army Corps of Engineers, Walla Wall District, provided comment that wetlands exist along the southern property boundary, which is Trail Creek. However, staff discussed the location of the proposed development, which will occur only in areas of the site that have already been developed and will be located 35'+ from Trail Creek, with Mr. Joyner. As such, no change to the proposed project is necessary.
			17.88.050(E)18	(Stream alteration) Fish habitat shall be maintained or improved as a result of the work proposed.

Compliant			Standards and Staff Comments	
Yes	No	N/A	Guideline	City Standards and <i>Staff Comments</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>Staff Comments</i>	<i>N/A, stream alteration is not proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)19	(Stream alteration) The proposed work shall not be in conflict with the local public interest, including, but not limited to, property values, fish and wildlife habitat, aquatic life, recreation and access to public lands and waters, aesthetic beauty of the stream and water quality.
			<i>Staff Comments</i>	<i>N/A, stream alteration is not proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)20	(Stream alteration) The work proposed is for the protection of the public health, safety and/or welfare such as public schools, sewage treatment plant, water and sewer distribution lines and bridges providing particularly limited or sole access to areas of habitation.
			<i>Staff Comments</i>	<i>N/A, stream alteration is not proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060.A.1	A. General Standards: In all areas of special flood hazard, the following standards are required: 1. Anchoring: a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over the top or frame ties to ground anchors (reference the Federal Emergency Management Agency's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
			<i>Staff Comments</i>	<i>N/A. This standard applies to buildings that are located partially or entirely within the 1% annual chance floodplain. This proposed new development will be located entirely outside of the 1% annual chance floodplain.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060.A.2	2. Construction Materials And Methods: a. All structural and nonstructural building materials utilized at or below the base flood elevation must be flood resistant. Flood damage resistant materials must be used for all building elements subject to exposure to floodwaters, including floor joists, insulation, and ductwork. If flood damage resistant materials are not used for building elements, those elements must be elevated above the base flood elevation. This requirement applies regardless of the expected or historical flood duration. b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. c. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
			<i>Staff Comments</i>	<i>N/A. This standard applies to buildings that are located partially or entirely within the 1% annual chance floodplain. This proposed new development will be located entirely outside of the 1% annual chance floodplain.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060.A.3	3. Utilities: a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system; b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and c. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
			<i>Staff Comments</i>	<i>This standard applies to buildings that are located partially or entirely within the 1% annual chance floodplain. This proposed new development will be located entirely outside of the 1% annual chance floodplain</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060.B.3.a	3. Nonresidential Construction: a. New construction and substantial improvement of any commercial, industrial, nonresidential portion of a mixed use or other nonresidential structure in any A1-30, AE and

Compliant			Standards and Staff Comments	
Yes	No	N/A	Guideline	City Standards and <i>Staff Comments</i>
				<p>AH zone shall either have the top of the floor structure of the lowest floor, including basement, elevated to twenty four inches (24") above the base flood elevation or, together with attendant utility and sanitary facilities, shall:</p> <p>(1) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;</p> <p>(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;</p> <p>(3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this article based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in subsection 17.88.050D3c(2) of this chapter;</p> <p>(4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection B2c of this section; and</p> <p>(5) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot (1') below the floodproofed level (e.g., a building constructed to the base flood level will be rated as 1 foot below that level).</p>
			<i>Staff Comments</i>	<i>N/A. This standard applies to buildings that are located partially or entirely within the 1% annual chance floodplain. This proposed new development will be located entirely outside of the 1% annual chance floodplain.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060.B.2.b	<p>b. All new construction and substantial improvement of nonresidential structures within AO zones shall:</p> <p>(1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least twenty four inches (24") higher than the depth number specified in feet on the FIRM; or</p> <p>(2) Together with the attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in subsection B3a of this section.</p>
			<i>Staff Comments</i>	<i>N/A. The subject property is in the AE zone, not the AO zone. Further, this standard applies to buildings that are located partially or entirely within the 1% annual chance floodplain. This proposed new development will be located entirely outside of the 1% annual chance floodplain.</i>

## CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code.
2. Under Chapter 65, Title 67 of the Idaho Code, the City has passed a land use ordinance, Title 17.
3. The Commission has the authority to hear the applicant's Floodplain Development and Waterways Design Review application pursuant to Chapter 17.88 of Ketchum Municipal Code Title 17.
4. The City of Ketchum Planning Department provided adequate notice of the time, place and summary of the applicant's proposal to be heard by the Commission for review of this application.

5. The project **does** meet the standards of approval under Chapter 17.88 of Zoning Code Title 17.

## **ORDER OF DECISION**

**Based upon the above and foregoing Findings of Fact/Conclusions of Law and good cause appearing from the record, IT IS HEREBY DECIDED THAT THE FOLLOWING ORDERS BE ISSUED:**

**Order No. 1:** These Findings of Fact, Conclusions of Law and Order of Decision amends and reforms and supersedes the original Findings of Fact, Conclusions of Law and Decision of the City Council in this matter entered on February 3, 2020.

**Order No. 2:** This Waterways Design Review and Floodplain Development Permit is approved subject to the following terms and conditions:

- 2.1 Condition No. 1: The term of floodplain development permit and waterways design review shall be twelve (12) months from the date that findings of fact, conclusions of law and decision are signed by the Administrator or upon appeal, the date the approval is granted by the Planning and Zoning Commission, subject to changes in zoning regulations. Application must be made for a building permit (if required) with the Ketchum Building Department during the twelve (12) month term. Once a building permit (if required) has been issued, the approval shall be valid for the duration of the building permit. Unless an extension is granted as set forth in KMC 17.88.050.G, failure to file a complete building permit application (if required) for a project in accordance with these provisions shall cause said approval to be null and void;
- 2.2 Condition No. 2: This Waterways Design Review and Floodplain Development Permit approval is based on the plans, as referenced above, and information presented and approved at the meeting on the date noted herein. Any building or site discrepancies which do not conform to the approved plans will be subject to removal;
- 2.3 Condition No. 3: Pursuant to Chapter 17.88.040.C, no chemicals or soil sterilants are allowed within 100 feet of the mean high-water mark. No pesticides, herbicides, or fertilizers are allowed within 25 feet of the mean high-water mark unless approved by the City Arborist. All applications of herbicides and/or pesticides within one hundred feet (100') of the mean high-water mark, but not within twenty-five feet (25') of the mean high water mark, must be done by a licensed applicator and applied at the minimum application rates. Application times for herbicides and/or pesticides will be limited to two (2) times a year; once in the spring and once in the fall unless otherwise approved by the city arborist. The application of dormant oil sprays and insecticidal soap

within the riparian zone may be used throughout the growing season as needed;

- 2.4 Condition No. 4: Prior to commencement of any construction activity on the subject parcel, the silt fence and inlet protection shall be installed as indicated in civil sheet 2.0;
- 2.5 Condition No. 5: No maintenance, including the mowing, trimming, and removal of vegetation, and no construction activities, encroachment, or disturbance within the riparian zone shall take place without approval through an amendment to this permit, during the time period the permit is in effect, or through approval of a subsequent permit;
- 2.6 Condition No. 6: It shall be unlawful to dump, deposit or otherwise cause any trash, landscape debris or other material to be placed in any stream, channel, ditch, pond or basin that regularly or periodically carries or stores water.

**Order No. 3:** Not a Final Action. These Findings of Fact, Conclusions of Law and Order of Decision are not a final action of the City Council on this Floodplain Development Permit and Waterways Design Review until the following conditions subsequent have occurred:

- 3.1 There is a final action by the City upon the Design Review of the PUD CUP; and
- 3.2 The City Council has taken final action upon the Permit Acceptance Agreement.

**Adopted** this 16<sup>th</sup> day of February, 2021.

**City Council of the City of Ketchum**

By: \_\_\_\_\_  
Neil Bradshaw, Mayor

## **Notice to Applicant**

The subject Floodplain Development Permit and Waterways Design Review concerns a site-specific land use request and therefore this notice is provided to the applicant pursuant to I.C. § 67-6535 (3) of the applicant's right to request a regulatory taking analysis pursuant to section 67-8003, Idaho Code.

*W:\Work\K\Ketchum, City of 24892\Gateway Hotel .015\AGENCY RECORD\FCO On Remand Drafts\2021-02-16 19-062 FCO by KCC on remand - lh 2-05-2021.docx*

Attachment B. Findings of Fact, Conclusions of Law, and Order of Decision File No.  
P19-064



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

IN RE: ) FILE NO. **P19-064**  
 )  
 PEG KETCHUM HOTEL, LLC ) **FINDINGS OF FACT, CONCLUSIONS**  
 ) **OF LAW, AND ORDER OF DECISION**  
 Applicant )  
 Lot Line Adjustment )  
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 )  
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THIS ABOVE ENTITLED MATTER coming before the City Council of the City of Ketchum upon remand from the Planning and Zoning Commission’s recommendations issued on December 22, 2020 on remand for joint public hearing held February 1, 2021 continued to February 16, 2021 for consideration of this Findings of Fact, Conclusions of Law, order of Decision of the above referenced matters. The Applicant’s Design Review and Permit Conditions Acceptance Agreement applications were both tabled by the Planning and Zoning Commission subject to the City Council’s action on the above referenced Applications. The City Council having reviewed the entire record on remand and the record established in joint hearing on February 1, 2021 does hereby make and set forth the Record of Proceedings, Findings of Fact for all of the above referenced matters as follows:

readjust the lot lines by combining three parcels (251 S. Main Street – Ketchum Townsite Lots 3, 21, FR 22 Blk 82 N 10’ x 110’ of alley S 20’ x 230’ of alley, 260 E. River Street – Ketchum Townsite Lot 2 Block 82 10’ x 110’ of alley, and 280 E. River Street – Ketchum Townsite Lot 1 Block 82) into one lot, referenced herein as Lot 3A, Block 82, Ketchum Townsite (the “New Lot 3A”) to be designed as Lot 3A, Block 82, Ketchum Townsite (the “Lot Line Adjustment Application”).

The City Council having reviewed the entire record and provided notice and held a joint public hearing does hereby make and set forth these Findings of Fact, Conclusions of Law, and Order of Decision as follows:

## I. RECORD OF PROCEEDINGS

The above-entitled matter has been heard by the City Council in conjunction with the accompanying PEG Ketchum Hotel, LLC PUD Project Master Plan together with the other following accompanying Applicant Applications:

- Floodplain Development Permit File No. P19-062
- Planned Unit Development Conditional Use Permit File No. P19-063
- Waiver File No. P20-069

The City Council has approved together with these Findings of Fact, Conclusions of Law, and Order of Decision that certain **Master Joint Hearings Compiled Record of Proceedings On Remand** for Files Nos. P19-062, P19-063, P19-064, P20-069 and P20-019 (the “Master Joint Hearings Record of Proceedings”) which is herein included by reference as if set forth at length.

### **PUBLIC NOTICES FOR HEARINGS ON REMAND:**

Legal notice of the joint hearing before the City Council was published in the City’s newspaper of record and notice was mailed to adjoining landowners within 300’ was in compliance with the 15-day and 10-day notice requirements. Notice to neighbors and political subdivisions and publication in the *Idaho Mountain Express* occurred on January 13, 2021 with on-site posting on the subject premises on January 25, 2021, mailed to property owners and government subdivisions on January 13, 2021 and posted on the City’s website on January 25, 2021.

## II. FINDINGS OF FACT

1. The original Findings of Fact Conclusions of Law and Decision were approved by the City Council on February 3, 2020 (the “Original Findings”).
2. Based upon a finding of a noticing error, on April 6, 2020 the Ketchum City Council moved to vacate the PEG Ketchum Hotel decisions and findings and remand subject Original Findings for this permit for additional process as necessary. Accordingly, reconfirmation of the past record is required as inadequate notice occurred with the Original Findings.
3. The Planning and Zoning Commission on remand, subject to notice, held a joint hearing and received testimony and evidence in regards to the Lot Line Adjustment Preliminary Plat and entered their Findings of Fact, Conclusions of Law and Recommendations to the City Council on December 22, 2020.

4. The City Council on Remand, subject to notice, held a joint hearing and received testimony and evidence in regards to the Lot Line Adjustment Preliminary Plat and entered these Findings of Fact, Conclusions of Law, and Order of Decision.
5. The applicant proposes to combine three parcels into a new Lot 3A, Block 82, Ketchum Townsite. The application meets the definition of “readjustment of lot line” as defined in Ketchum Municipal Code (“KMC”) § 16.04.030.L of the City Subdivision Ordinance.
6. Applicant has also submitted a Master Plan inclusive of New Lot 3A which is the subject of the Applicant’s application for a Planned Unit Development Conditional Use Permit, (the “PUDCUP”) pursuant to Title 16, Chapter 16.08. Subject PUDCUP includes a request for waiver or deferral of requirements (KMC § 16.08.070.F).
7. The Administrator of the City Subdivision Ordinance has the duty to administer its regulations as provided in KMC § 16.04.030; and the Administrator has procedurally processed this Lot Line Adjustment Application in accordance with the Preliminary Plat Procedures and Final Plat Procedures as provided in KMC § 16.04.030 C, D, E and F.
8. The preliminary plat of the Lot Line Adjustment Application was first heard by the Planning and Zoning Commission pursuant to KMC §§ 16.08.110 and 17.116.040 along with the PUDCUP both hearings pursuant to notice at 4:30 p.m. on July 28, 2019 which hearing was then continued and reconvened by the Planning and Zoning Commission to 5:30 p.m. on July 29, 2019 and was again continued and reconvened by the Planning and Zoning Commission at 5:30 p.m. on August 12, 2019 for receipt and consideration and approval of its Findings of Fact, Conclusions of Law, Decision of recommendation of approval to the Ketchum City Council subject to fifteen (15) conditions of that approval.
9. The New Lot 3A is part and parcel of the details of the Applicant’s Master Plan which Master Plan is a subject of the Applicant’s PUDCUP Application. That Application includes the Galena Engineers plat map showing a new Lot 3A, which combines the three existing lots owned by the Applicant within Block 82 of the Ketchum Townsite Plat into one larger lot. Subject map was prepared by Galena Engineers and was stamped by Mark Phillips on 6/12/2019.
10. New Lot 3A is 47,249 square feet and exceeds the minimum Tourist zone lot size of 8,000 square feet. Further, the property exceeds the eighty-foot (80’) minimum lot width established for the Tourist zone and includes the required twenty-five foot (25’) Riparian and Scenic Easement from the Ordinary High-Water Mark (“OHWM”) established by the KMC for building setbacks along Trail Creek.
11. The following are the City Council’s findings regarding the standards and requirements applicable to the New Lot 3A Lot Line Adjustment Application.

**Table 1: Zoning Standards Analysis**

Compliance with Zoning Standards					
Compliant			Standards and Staff Comments		
Yes	No	N/A	Guideline	City Standards and Staff Comments	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	<b>Minimum Lot Area: 9,000 square feet minimum.</b>	
			<i>Staff Comment</i>	<i>New Lot 3A is 47,249 square feet</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	<b>Building Coverage</b>	
			<i>Staff Comment</i>	<i>A Planned Unit Development Application, pursuant to Title 16, Chapter 16.08 Project proposes a waiver to the FAR requirements consistent with KMC §17.124040 and, subject to approval of the PUD application with conditions, complies with this zoning standard.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	<b>Minimum Building Setbacks</b>	
				<b>Minimum:</b> <i>Front: 15'</i> <i>Side: &gt; of 1' for every 2' in building height, or 10', whichever is greater</i> <i>Trail Creek/Rear: 25'</i> <i>State Highway 75: 25' to 32' (varies)</i>	
			<i>Staff Comment</i>	<i>The Project proposes a waiver to the side yard setback requirements and, subject to approval of the PUD application with conditions, complies with this provision of the Tourist zoning standard.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	<b>Building Height</b>	
				<b>Maximum Permitted: 35' or greater for hotels</b>	
			<i>Staff Comment</i>	<i>The Project proposes a waiver to the height requirements for hotels and, subject to approval of the PUD application with conditions, complies with this zoning standard</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.125.030.H	<b>Curb Cut</b>	
				<b>Permitted:</b> <i>A total of 35% of the linear footage of any street frontage can be devoted to access off street parking.</i>	
			<i>Staff Comment</i>	<i>There are no curb cuts proposed along State Highway 75. The new configuration results in &lt; 35% of the linear footage of street frontage devoted to access the off street parking within the parking garage.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.125.020.A.2 & 17.125.050	<b>Parking Spaces</b>	
				<i>Off-street parking standards of this chapter apply to any new development and to any new established uses.</i>	
			<i>Staff Comment</i>	<i>As analyzed by staff and consistent with §17.125 of the KMC, the Project has adequate parking for the proposed uses on the property.</i>	

**Table 2: Plat Requirements**

Plat Requirements					
Compliant			Standards and Staff Comments		
Yes	No	N/A	City Code	City Standards and Staff Comments	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.C.1	<b>The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.</b>	
			<i>Staff Comments</i>	<i>The application has been reviewed and determined to be complete.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I	<b>Contents Of Preliminary Plat: The preliminary plat, together with all application forms, title insurance report, deeds, maps, and other documents reasonably required, shall constitute a complete subdivision application. The preliminary plat shall be drawn to a scale of not less than one inch equals one hundred feet (1" = 100') and shall show the following:</b>	

			<b>Staff Comments</b>	<i>All required materials for the Subdivision Plat application have been submitted.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .1</b>	<b>The scale, north point and date.</b>
			<b>Staff Comments</b>	<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .2</b>	<b>The name of the proposed subdivision, which shall not be the same or confused with the name of any other subdivision in Blaine County, Idaho.</b>
			<b>Staff Comments</b>	<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .3</b>	<b>The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.</b>
			<b>Staff Comments</b>	<i>This standard shall be met with the Final Plat with the signed Certificate of Ownership.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .4</b>	<b>Legal description of the area platted.</b>
			<b>Staff Comments</b>	<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .5</b>	<b>The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.</b>
			<b>Staff Comments</b>	<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .6</b>	<b>A contour map of the subdivision with contour lines and a maximum interval of five feet (5') to show the configuration of the land based upon the United States geodetic survey data, or other data approved by the city engineer.</b>
			<b>Staff Comments</b>	<i>This standard has been met. The Subdivision Plat indicates contour lines at 1 ft intervals.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I.7</b>	<b>The scaled location of existing buildings, water bodies and courses and location of the adjoining or immediately adjacent dedicated streets, roadways and easements, public and private.</b>
			<b>Staff Comments</b>	<i>This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .8</b>	<b>Boundary description and the area of the tract.</b>
			<b>Staff Comments</b>	<i>The legal description appears on the Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .9</b>	<b>Existing zoning of the tract.</b>
			<b>Staff Comments</b>	<i>Each of the affected lots are located in the Tourist Zoning District.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .10</b>	<b>The proposed location of street rights of way, lots, and lot lines, easements, including all approximate dimensions, and including all proposed lot and block numbering and proposed street names.</b>
			<b>Staff Comments</b>	<i>Subject items are reflected on the plat.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.I .11</b>	<b>The location, approximate size and proposed use of all land intended to be dedicated for public use or for common use of all future property owners within the proposed subdivision.</b>
				<i>No land for common or public use is required or proposed.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .12</b>	<b>The location, size and type of sanitary and storm sewers, water mains, culverts and other surface or subsurface structures existing within or immediately adjacent to the proposed sanitary or storm sewers, water mains, and storage facilities, street improvements, street lighting, curbs, and gutters and all proposed utilities.</b>
			<b>Staff Comments</b>	<i>The plat indicates the existing locations of all utilities. An encroachment permit will be required for all improvements to public right of way. A full utility plan will be required prior to final plat recordation and infrastructure construction.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .13</b>	<b>The direction of drainage, flow and approximate grade of all streets.</b>
			<b>Staff Comments</b>	<i>These details are indicated. An encroachment permit will be required for all improvements to public right of way. A full utility plan will be required prior to final plat recordation and infrastructure construction.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .14</b>	<b>The location of all drainage canals and structures, the proposed method of disposing of runoff water, and the location and size of all drainage easements, whether they are located within or outside of the proposed plat.</b>

			<b>Staff Comments</b>	<i>Drainage infrastructure exists within Idaho Transportation Department (ITD) right of way (ROW) near the SE corner of the property. This and related infrastructure are shown on the plat, including a drywell easement (instrument #440075) and two sanitary sewer easement (instrument #130085 and 130089). Also, a proposed new twenty-five foot (25') riparian and scenic easement is shown on the plat. Any work in this area is subject to separate floodplain rules and regulations.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .15</b>	<b>All percolation tests and/or exploratory pit excavations required by state health authorities.</b>
			<b>Staff Comments</b>	<i>Applicant has submitted results of percolation and related tests.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.030.I .16</b>	<b>A copy of the provisions of the articles of incorporation and bylaws of homeowners' association and/or condominium declarations to be filed with the final plat of the subdivision.</b>
			<b>Staff Comments</b>	<i>N/A</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .17</b>	<b>Vicinity map drawn to approximate scale showing the location of the proposed subdivision in reference to existing and/or proposed arterials and collector streets.</b>
			<b>Staff Comments</b>	<i>This has been provided.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .18</b>	<b>The boundaries of the floodplain, floodway and avalanche zoning district shall also be clearly delineated and marked on the preliminary plat.</b>
			<b>Staff Comments</b>	<i>New Lot 3A is located within the City's Floodplain Overlay District. The applicant has included an easement on the plat to protect this area.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .19</b>	<b>Building envelopes shall be shown on each lot, all or part of which is within a floodway, floodplain, or avalanche zone; or any lot that is adjacent to the Big Wood River, Trail Creek, or Warm Springs Creek; or any lot, a portion of which has a slope of twenty five percent (25%) or greater; or upon any lot which will be created adjacent to the intersection of two (2) or more streets.</b>
			<b>Staff Comments</b>	<i>KMC §16.040.020 defines Building Envelope as, "the site for location of a structure delineated on a preliminary plat and final plat within which the entire building must be constructed. A building envelope shall conform to all minimum zoning ordinance requirements and requirements of this chapter." This application is a minor amendment to shift an interior boundary line in order to for the Applicant to not build over existing lot lines. Applicant has shown a new easement to assure no building is constructed within 25' of Trail Creek. A building envelope ("BE") will be reflected on the final plat consistent with the approved final Agreement for the Project. Subject BE will reflect the Council's final approval on corner lot radii sight line requirements and side yard setbacks. The BE shall not encroach within 25' of Trail Creek or the edge of ITD ROW.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .20</b>	<b>Lot area of each lot.</b>
			<b>Staff Comments</b>	<i>The areas of each lot are indicated on the Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .21</b>	<b>Existing mature trees and established shrub masses.</b>
			<b>Staff Comments</b>	<i>Existing mature trees and established shrub masses exist on the Property. Subject vegetation along Trail Creek helps provide important habitat and benefits to the stream. Mature trees along River Street provide a visual buffer for the old, dilapidated structures. A landscaping plan has been submitted for the Project, as well as a separate Floodplain Development Permit. The removal of existing mature trees and/or established shrub masses is subject to approval and adoption of the Applicant's landscape plan through the Design Review and/or Floodplain Development Permit process.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .22</b>	<b>A current title report shall be provided at the time that the preliminary plat is filed with the administrator, together with a copy of the owner's recorded deed to such property.</b>

			<b>Staff Comments</b>	<i>A current title report and a copy of the both owners' recorded deed to the subject properties were included in the Plat application submittal.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.030.I .23</b>	<b>Three (3) copies of the preliminary plat shall be filed with the administrator.</b>
			<b>Staff Comments</b>	<i>A digital copy for reproduction was submitted with the application. Therefore, Staff required only one (1) full size copy of the preliminary plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.A</b>	<b>Required Improvements: The improvements set forth in this section shall be shown on the preliminary plat and installed prior to approval of the final plat. Construction design plans shall be submitted and approved by the city engineer. All such improvements shall be in accordance with the comprehensive plan and constructed in compliance with construction standard specifications adopted by the city. Existing natural features which enhance the attractiveness of the subdivision and community, such as mature trees, watercourses, rock outcroppings, established shrub masses and historic areas, shall be preserved through design of the subdivision.</b>
			<b>Staff Comments</b>	<i>The property is served by city water and sewer services, as well as other public and private utilities (TV, gas, electric, etc). Also serving new Lot 3A is an existing sidewalk within ITD ROW. No sidewalks exist for the Property along River Street, which has an eight-foot (8') wide sidewalk requirement. An encroachment permit from ITD as well as the City will be required for all improvements to public right of way, including the construction of a sidewalk not less than eight-feet (8') in width along River Street. As a condition of Plat approval, subject sidewalk shall be installed prior to final plat recordation unless otherwise approved by the Ketchum City Council.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.B</b>	<b>Improvement Plans: Prior to approval of final plat by the commission, the subdivider shall file two (2) copies with the city engineer, and the city engineer shall approve construction plans for all improvements required in the proposed subdivision. Such plans shall be prepared by a civil engineer licensed in the state.</b>
			<b>Staff Comments</b>	<i>Subject plans are required.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.C</b>	<b>Prior to final plat approval, the subdivider shall have previously constructed all required improvements and secured a certificate of completion from the city engineer. However, in cases where the required improvements cannot be constructed due to weather conditions or other factors beyond the control of the subdivider, the city council may accept, in lieu of any or all of the required improvements, a performance bond filed with the city clerk to ensure actual construction of the required improvements as submitted and approved. Such performance bond shall be issued in an amount not less than one hundred fifty percent (150%) of the estimated costs of improvements as determined by the city engineer. In the event the improvements are not constructed within the time allowed by the city council (which shall be one year or less, depending upon the individual circumstances), the council may order the improvements installed at the expense of the subdivider and the surety. In the event the cost of installing the required improvements exceeds the amount of the bond, the subdivider shall be liable to the city for additional costs. The amount that the cost of installing the required improvements exceeds the amount of the performance bond shall automatically become a lien upon any and all property within the subdivision owned by the owner and/or subdivider.</b>
			<b>Staff Comments</b>	<i>Subject civil engineering improvement plans have been submitted to the City. However, due to existing winter weather conditions, which make concrete pours inadvisable, and other factors beyond the control of the applicant (as is currently being experienced by the City in completing its SolarOne specified 2700 Kelvin outdoor light fixtures), the applicant proposes to record the final plat prior to the River Street sidewalk and street lighting ROW improvements being made. Consistent with KMC § 16.04.040.C the Council may accept a performance bond for</i>

				<i>outstanding improvements. In this instance, a superior performance instrument (letter of credit) is proposed to be filed with the city clerk to ensure actual construction of the required improvements as submitted and approved.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.D</b>	<b>As Built Drawing:</b> Prior to acceptance by the city council of any improvements installed by the subdivider, two (2) sets of as built plans and specifications, certified by the subdivider's engineer, shall be filed with the city engineer. Within ten (10) days after completion of improvements and submission of as built drawings, the city engineer shall certify the completion of the improvements and the acceptance of the improvements, and shall submit a copy of such certification to the administrator and the subdivider. If a performance bond has been filed, the administrator shall forward a copy of the certification to the city clerk. Thereafter, the city clerk shall release the performance bond upon application by the subdivider.
				<i>Subject plans are required.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.E</b>	<b>Monumentation:</b> Following completion of construction of the required improvements and prior to certification of completion by the city engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, and type of material as shown on the subdivision plat. The monuments shall be located as follows: <ol style="list-style-type: none"> <li>1. All angle points in the exterior boundary of the plat.</li> <li>2. All street intersections, points within and adjacent to the final plat.</li> <li>3. All street corner lines ending at boundary line of final plat.</li> <li>4. All angle points and points of curves on all streets.</li> <li>5. The point of beginning of the subdivision plat description.</li> </ol>
			<b>Staff Comments</b>	<i>Monumentation required.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.F</b>	<b>Lot Requirements:</b> <ol style="list-style-type: none"> <li>1. Lot size, width, depth, shape and orientation and minimum building setback lines shall be in compliance with the zoning district in which the property is located and compatible with the location of the subdivision and the type of development, and preserve solar access to adjacent properties and buildings.</li> <li>2. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contains land with a slope in excess of twenty five percent (25%), based upon natural contours, or creates corner lots at the intersection of two (2) or more streets, building envelopes shall be shown for the lot(s) so affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structures, minimize congestion of structures, and provide open space and solar access for each lot and structure. Also, building envelopes shall be located to promote access to the lots and maintenance of public utilities, to minimize cut and fill for roads and building foundations, and minimize adverse impact upon environment, watercourses and topographical features. Structures may only be built on buildable lots. Lots shall only be created that meet the definition of "lot, buildable" in section 16.04.020 of this chapter. Building envelopes shall be established outside of hillsides of twenty five percent (25%) and greater and outside of the floodway. A waiver to this standard may only be considered for the following: <ol style="list-style-type: none"> <li>a. For lot line shifts of parcels that are entirely within slopes of twenty five percent (25%) or greater to create a reasonable building envelope, and mountain overlay design review standards and all other city requirements are met.</li> </ol> </li> </ol>



				<p>b. For small, isolated pockets of twenty five percent (25%) or greater that are found to be in compliance with the purposes and standards of the mountain overlay district and this section.</p> <p>3. Corner lots shall have a property line curve or corner of a minimum radius of twenty five feet (25') unless a longer radius is required to serve an existing or future use.</p> <p>4. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line.</p> <p>5. Double frontage lots shall not be created. A planting strip shall be provided along the boundary line of lots adjacent to arterial streets or incompatible zoning districts. Should a double frontage lot(s) be created out of necessity, then such lot(s) shall be reversed frontage lot(s).</p> <p>6. Minimum lot sizes in all cases shall be reversed frontage lot(s).</p> <p>7. Every lot in a subdivision shall have a minimum of twenty feet (20') of frontage on a dedicated public street or legal access via an easement of twenty feet (20') or greater in width. Easement shall be recorded in the office of the Blaine County recorder prior to or in conjunction with recordation of the final plat.</p>
			<b>Staff Comments</b>	<i>The Project complies with each of these requirements. A building envelope ("BE") will be reflected on the final plat consistent with the approved final Agreement for the Project. Subject BE will reflect the Council's final approval on FAR , corner lot radii sight line requirements, and front/side yard setbacks. The BE shall not encroach within 25' of Trail Creek or the edge of ITD ROW.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.G</b>	<p><b>G. Block Requirements:</b> The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:</p> <p>1. No block shall be longer than one thousand two hundred feet (1,200'), nor less than four hundred feet (400') between the street intersections, and shall have sufficient depth to provide for two (2) tiers of lots.</p> <p>2. Blocks shall be laid out in such a manner as to comply with the lot requirements.</p> <p>3. The layout of blocks shall take into consideration the natural topography of the land to promote access within the subdivision and minimize cuts and fills for roads and minimize adverse impact on environment, watercourses and topographical features.</p> <p>4. Corner lots shall contain a building envelope outside of a seventy-five foot (75') radius from the intersection of the streets.</p>
			<b>Staff Comments</b>	<i>This application does not create a new block. This requirement is not applicable. Notwithstanding, a Building Envelope ("BE") will be reflected on the final plat consistent with the approved final Agreement for the Project. Subject BE will reflect the Council's final approval on corner lot radii sight line requirements.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.H</b>	<p><b>Street Improvement Requirements:</b></p> <p>1. The arrangement, character, extent, width, grade and location of all streets put in the proposed subdivision shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, topography, public convenience and safety, and the proposed uses of the land;</p> <p>2. All streets shall be constructed to meet or exceed the criteria and standards set forth in chapter 12.04 of this code, and all other applicable ordinances, resolutions or regulations of the city or any other governmental entity having jurisdiction, now existing or adopted, amended or codified;</p> <p>3. Where a subdivision abuts or contains an existing or proposed arterial street, railroad or limited access highway right of way, the council may require a frontage street, planting strip, or similar design features;</p>

			<p>4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods;</p> <p>5. Street grades shall not be less than three-tenths percent (0.3%) and not more than seven percent (7%) so as to provide safe movement of traffic and emergency vehicles in all weather and to provide for adequate drainage and snow plowing;</p> <p>6. In general, partial dedications shall not be permitted, however, the council may accept a partial street dedication when such a street forms a boundary of the proposed subdivision and is deemed necessary for the orderly development of the neighborhood, and provided the council finds it practical to require the dedication of the remainder of the right of way when the adjoining property is subdivided. When a partial street exists adjoining the proposed subdivision, the remainder of the right of way shall be dedicated;</p> <p>7. Dead end streets may be permitted only when such street terminates at the boundary of a subdivision and is necessary for the development of the subdivision or the future development of the adjacent property. When such a dead end street serves more than two (2) lots, a temporary turnaround easement shall be provided, which easement shall revert to the adjacent lots when the street is extended;</p> <p>8. A cul-de-sac, court or similar type street shall be permitted only when necessary to the development of the subdivision, and provided, that no such street shall have a maximum length greater than four hundred feet (400') from entrance to center of turnaround, and all cul-de-sacs shall have a minimum turnaround radius of sixty feet (60') at the property line and not less than forty five feet (45') at the curb line;</p> <p>9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°);</p> <p>10. Where any street deflects an angle of ten degrees (10°) or more, a connecting curve shall be required having a minimum centerline radius of three hundred feet (300') for arterial and collector streets, and one hundred twenty five feet (125') for minor streets;</p> <p>11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited;</p> <p>12. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets;</p> <p>13. Proposed streets which are a continuation of an existing street shall be given the same names as the existing street. All new street names shall not duplicate or be confused with the names of existing streets within Blaine County, Idaho. The subdivider shall obtain approval of all street names within the proposed subdivision from the commission before submitting same to council for preliminary plat approval;</p> <p>14. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills;</p> <p>15. Street patterns of residential areas shall be designed to create areas free of through traffic, but readily accessible to adjacent collector and arterial streets;</p> <p>16. Reserve planting strips controlling access to public streets shall be permitted under conditions specified and shown on the final plat, and all landscaping and irrigation systems shall be installed as required improvements by the subdivider;</p> <p>17. In general, the centerline of a street shall coincide with the centerline of the street right of way, and all crosswalk markings shall be installed by the subdivider as a required improvement;</p> <p>18. Street lighting may be required by the commission or council where appropriate and shall be installed by the subdivider as a requirement improvement;</p>
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				<p>19. Private streets may be allowed upon recommendation by the commission and approval by the council. Private streets shall be constructed to meet the design standards specified in subsection H2 of this section;</p> <p>20. Street signs shall be installed by the subdivider as a required improvement of a type and design approved by the administrator and shall be consistent with the type and design of existing street signs elsewhere in the city;</p> <p>21. Whenever a proposed subdivision requires construction of a new bridge, or will create substantial additional traffic which will require construction of a new bridge or improvement of an existing bridge, such construction or improvement shall be a required improvement by the subdivider. Such construction or improvement shall be in accordance with adopted standard specifications;</p> <p>22. Sidewalks, curbs and gutters may be a required improvement installed by the subdivider; and</p> <p>23. Gates are prohibited on private roads and parking access/entranceways, private driveways accessing more than one single-family dwelling unit and one accessory dwelling unit, and public rights of way unless approved by the city council.</p>
			<b>Staff Comments</b>	<i>The Project does not create a new street. With the exception of Street lighting these standards are not applicable. Street lighting in compliance with City standards is required of the Applicant consistent with this standard.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.I	<p><b>Alley Improvement Requirements:</b> Alleys shall be provided in business, commercial and light industrial zoning districts. The width of an alley shall be not less than twenty feet (20'). Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be provided to permit safe vehicular movement. Dead end alleys shall be prohibited. Improvement of alleys shall be done by the subdivider as required improvement and in conformance with design standards specified in subsection H2 of this section.</p>
			<b>Staff Comments</b>	<i>This proposal does not create a new alley. This standard is not applicable.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.J	<p><b>Required Easements:</b> Easements, as set forth in this subsection, shall be required for location of utilities and other public services, to provide adequate pedestrian circulation and access to public waterways and lands.</p> <p>1. A public utility easement at least ten feet (10') in width shall be required within the street right of way boundaries of all private streets. A public utility easement at least five feet (5') in width shall be required within property boundaries adjacent to Warm Springs Road and within any other property boundary as determined by the city engineer to be necessary for the provision of adequate public utilities.</p> <p>2. Where a subdivision contains or borders on a watercourse, drainageway, channel or stream, an easement shall be required of sufficient width to contain such watercourse and provide access for private maintenance and/or reconstruction of such watercourse.</p> <p>3. All subdivisions which border the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a ten foot (10') fish and nature study easement along the riverbank. Furthermore, the council shall require, in appropriate areas, an easement providing access through the subdivision to the bank as a sportsman's access. These easement requirements are minimum standards, and in appropriate cases where a subdivision abuts a portion of the river adjacent to an existing pedestrian easement, the council may require an extension of that easement along the portion of the riverbank which runs through the proposed subdivision.</p> <p>4. All subdivisions which border on the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a twenty five foot (25') scenic easement upon which</p>

				<p>no permanent structure shall be built in order to protect the natural vegetation and wildlife along the riverbank and to protect structures from damage or loss due to riverbank erosion.</p> <p>5. No ditch, pipe or structure for irrigation water or irrigation wastewater shall be constructed, rerouted or changed in the course of planning for or constructing required improvements within a proposed subdivision unless same has first been approved in writing by the ditch company or property owner holding the water rights. A written copy of such approval shall be filed as part of required improvement construction plans.</p> <p>6. Nonvehicular transportation system easements including pedestrian walkways, bike paths, equestrian paths, and similar easements shall be dedicated by the subdivider to provide an adequate nonvehicular transportation system throughout the city.</p>
			<b>Staff Comments</b>	<i>A ten-foot (10') fishermen's easement needs to be shown on the plat in accordance with subsection 3 herein. The required twenty-five foot (25') riparian and scenic easement along Trail Creek is established in accordance with subsection 4. Standards #1,2, 5 &amp; 6 are not applicable.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.K	<p><b>Sanitary Sewage Disposal Improvements:</b> Central sanitary sewer systems shall be installed in all subdivisions and connected to the Ketchum sewage treatment system as a required improvement by the subdivider. Construction plans and specifications for central sanitary sewer extension shall be prepared by the subdivider and approved by the city engineer, council and Idaho health department prior to final plat approval. In the event that the sanitary sewage system of a subdivision cannot connect to the existing public sewage system, alternative provisions for sewage disposal in accordance with the requirements of the Idaho department of health and the council may be constructed on a temporary basis until such time as connection to the public sewage system is possible. In considering such alternative provisions, the council may require an increase in the minimum lot size and may impose any other reasonable requirements which it deems necessary to protect public health, safety and welfare.</p>
			<b>Staff Comments</b>	<i>N/A as the existing development connects to the public sewage system.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.L	<p><b>Water System Improvements:</b> A central domestic water distribution system shall be installed in all subdivisions by the subdivider as a required improvement. The subdivider shall also be required to locate and install an adequate number of fire hydrants within the proposed subdivision according to specifications and requirements of the city under the supervision of the Ketchum fire department and other regulatory agencies having jurisdiction. Furthermore, the central water system shall have sufficient flow for domestic use and adequate fire flow. All such water systems installed shall be looped extensions, and no dead end systems shall be permitted. All water systems shall be connected to the municipal water system and shall meet the standards of the following agencies: Idaho department of public health, Idaho survey and rating bureau, district sanitarian, Idaho state public utilities commission, Idaho department of reclamation, and all requirements of the city.</p>
			<b>Staff Comments</b>	<i>N/A as water system improvements are existing.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.M	<p><b>Planting Strip Improvements:</b> Planting strips shall be required improvements. When a predominantly residential subdivision is proposed for land adjoining incompatible uses or features such as highways, railroads, commercial or light industrial districts or off street parking areas, the subdivider shall provide planting strips to screen the view of such incompatible features. The subdivider shall</p>

				submit a landscaping plan for such planting strip with the preliminary plat application, and the landscaping shall be a required improvement.
			<b>Staff Comments</b>	<i>This standard is not applicable.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.N</b>	<p><b>Cuts, Fills, And Grading Improvements:</b> Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts, fills, alterations of topography, streams, drainage channels, and disruption of soils and vegetation. The design criteria shall include the following:</p> <ol style="list-style-type: none"> <li>1. A preliminary soil report prepared by a qualified engineer may be required by the commission and/or council as part of the preliminary plat application.</li> <li>2. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Such plan shall contain the following information:             <ol style="list-style-type: none"> <li>a. Proposed contours at a maximum of five foot (5') contour intervals.</li> <li>b. Cut and fill banks in pad elevations.</li> <li>c. Drainage patterns.</li> <li>d. Areas where trees and/or natural vegetation will be preserved.</li> <li>e. Location of all street and utility improvements including driveways to building envelopes.</li> <li>f. Any other information which may reasonably be required by the administrator, commission or council to adequately review the affect of the proposed improvements.</li> </ol> </li> <li>3. Grading shall be designed to blend with natural landforms and to minimize the necessity of padding or terracing of building sites, excavation for foundations, and minimize the necessity of cuts and fills for streets and driveways.</li> <li>4. Areas within a subdivision which are not well suited for development because of existing soil conditions, steepness of slope, geology or hydrology shall be allocated for open space for the benefit of future property owners within the subdivision.</li> <li>5. Where existing soils and vegetation are disrupted by subdivision development, provision shall be made by the subdivider for revegetation of disturbed areas with perennial vegetation sufficient to stabilize the soil upon completion of the construction. Until such times as such revegetation has been installed and established, the subdivider shall maintain and protect all disturbed surfaces from erosion.</li> <li>6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply:             <ol style="list-style-type: none"> <li>a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability.</li> <li>b. Fills shall be compacted to at least ninety five percent (95%) of maximum density as determined by AASHO T99 (American Association of State Highway Officials) and ASTM D698 (American standard testing methods).</li> <li>c. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability.</li> <li>d. Fill slopes shall be no steeper than three horizontal to one vertical (3:1). Neither cut nor fill slopes shall be located on natural slopes of three to one (3:1) or steeper, or where fill slope toes out within twelve feet (12') horizontally of the top and existing or planned cut slope.</li> <li>e. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3'), plus one-fifth (1/5) of the height of the cut or the fill, but may not exceed a horizontal distance of ten feet (10'); tops</li> </ol> </li> </ol>

				and toes of cut and fill slopes shall be set back from structures at a distance of at least six feet (6'), plus one-fifth (1/5) of the height of the cut or the fill. Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.
			<b>Staff Comments</b>	<i>The Applicant has submitted a soils report and landscaping plan for the Project. As conditioned herein, prior to grading occurring on the new Lot 3A, City approval of the Applicant's grading, drainage and landscaping construction drawings is required. Subject construction drawings shall be consistent in concept with approved Design Review, Encroachment Permit, and related drawings.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>16.04.040.O</b>	<b>Drainage Improvements:</b> The subdivider shall submit with the preliminary plat application such maps, profiles, and other data prepared by an engineer to indicate the proper drainage of the surface water to natural drainage courses or storm drains, existing or proposed. The location and width of the natural drainage courses shall be shown as an easement common to all owners within the subdivision and the city on the preliminary and final plat. All natural drainage courses shall be left undisturbed or be improved in a manner that will increase the operating efficiency of the channel without overloading its capacity. An adequate storm and surface drainage system shall be a required improvement in all subdivisions and shall be installed by the subdivider. Culverts shall be required where all water or drainage courses intersect with streets, driveways or improved public easements and shall extend across and under the entire improved width including shoulders.
			<b>Staff Comments</b>	<i>Prior to grading occurring on the new Lot 3A, City approval of the Applicant's grading, drainage and landscaping construction drawings is required. Subject construction drawings shall be consistent in concept with approved Design Review, Encroachment Permit, and related drawings.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.P</b>	<b>Utilities:</b> In addition to the terms mentioned in this section, all utilities including, but not limited to, electricity, natural gas, telephone and cable services shall be installed underground as a required improvement by the subdivider. Adequate provision for expansion of such services within the subdivision or to adjacent lands including installation of conduit pipe across and underneath streets shall be installed by the subdivider prior to construction of street improvements.
			<b>Staff Comments</b>	<i>N/A as the subject property is served by existing utilities.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>16.04.040.Q</b>	<b>Off Site Improvements:</b> Where the offsite impact of a proposed subdivision is found by the commission or council to create substantial additional traffic, improvements to alleviate that impact may be required of the subdivider prior to final plat approval, including, but not limited to, bridges, intersections, roads, traffic control devices, water mains and facilities, and sewer mains and facilities.
			<b>Staff Comments</b>	<i>No off-site improvements are required as a condition of platting new Lot 3A.</i>

12. The issuance of a building permit for the construction of the PUDCUP Master Plan will be subject to the terms and conditions of the City Council's final action on the PUDCUP inclusive of final City action on the PUDCUP design review and the relevant terms and conditions of the City Council's final approved action on the Permit Acceptance Agreement.

## CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code.
2. Pursuant to I.C. § 67-6513 the City, by ordinance which is codified as Chapter 16.04 of the Ketchum City Code, has by ordinance adopted standards and a process for applications for subdivision permits as provided in I.C. § § 50-1301 through 50-1329.
3. The City of Ketchum Planning Department provided adequate notice of the time, place and summary of the applicant's proposal to be heard by the Council for review of this application.
4. The Lot Line Adjustment Application does meet the standards of approval under Title 16, Chapter 16.04, subject to conditions of approval.

## ORDER OF DECISION

**Based upon the above and foregoing Findings of Fact/Conclusions of Law and good cause appearing from the record, IT IS HEREBY DECIDED THAT THE FOLLOWING ORDERS BE ISSUED:**

**Order No. 1:** These Findings of Fact, Conclusions of Law and Decision amends and reforms and supersedes the original Findings of Fact, Conclusions of Law and Decision of the City Council in this matter entered on February 3, 2020.

**Order No. 2:** Applicant's Lot Line Adjustment Application preliminary plat, to combine three parcels (251 S. Main Street – Ketchum Townsite Lots 3, 21, FR 22 Blk 82 N 10' x 110' of alley S 20' x 230' of alley, 260 E. River Street – Ketchum Townsite Lot 2 Block 82 10' x 110' of alley, and 280 E. River Street – Ketchum Townsite Lot 1 Block 82) into one lot, referenced as Lot 3A, Block 82, Ketchum Townsite, as stamped by Mark Phillips with Galena Engineers on 6/12/2019, is approved subject to the following fourteen (14) conditions:

**Condition No. 1:** The recorded final plat shall show a minimum of two Blaine County Survey Control Monuments with ties to the property and an inverse between the two monuments. The Survey Control Monuments shall be clearly identified on the face of the map;

**Condition No. 2:** An electronic CAD file shall be submitted to the City of Ketchum prior to final plat signature by the City Clerk. The electronic CAD file shall be submitted to the Blaine County Recorder's office concurrent with the recording of the Plat containing the following minimum data:

- a. Line work delineating all parcels and roadways on a CAD layer/level designated as “parcel”;
- b. Line work delineating all roadway centerlines on a CAD layer/level designated as “road”; and,
- c. Line work that reflects the ties and inverses for the Survey Control Monuments shown on the face of the Plat shall be shown on a CAD layer/level designated as “control”;

Condition No. 3: All information within the electronic file shall be oriented and scaled to Grid per the Idaho State Plane Coordinate System, Central Zone, NAD1983 (1992), U.S. Survey Feet, using the Blaine County Survey Control Network. Electronic CAD files shall be submitted in a “.dwg”, “.dgn” or “.shp” format and shall be submitted digitally to the City on a compact disc. When the endpoints of the lines submitted are indicated as coincidental with another line, the CAD line endpoints shall be separated by no greater than 0.0001 drawing units;

Condition No. 4: The applicant shall provide a copy of the recorded final plat with its recorded instrument number to the Department of Planning and Building for the official file on the application;

Condition No. 5: All requirements of the Fire, Utility, Building, Planning and Public Works departments of the City of Ketchum shall be met. All public improvements shall meet the requirements of the Public Works Department, including a cost estimate for unfinished sidewalk and street lighting improvements along River Street at 150% of engineering estimates;

Condition No. 6: All other provisions of Ketchum Municipal Code, Chapter 16, Subdivision Regulations, and all applicable ordinances rules and regulations of the city and other governmental entities having jurisdiction shall be complied with by the subdivision;

Condition No. 7: The Project proposes waivers to the side yard setbacks, floor area ratio and height requirements and, subject to approval of the PUDCUP application;

Condition No. 8: An encroachment permit will be required for all improvements to public right of way. A full utility plan will be required prior to final plat recordation and infrastructure construction;

Condition No. 9: A twenty-five foot (25') riparian and scenic easement is shown on the plat. Any work in this area is subject to separate floodplain rules and regulations;

Condition No. 10: A ten-foot (10') fishermen's easement adjacent to the OHWM of Trail Creek needs to be shown and recorded on the plat;

Condition No. 11: A Building Envelope (“BE”) will be reflected on the final plat consistent with the City Council's final approvals of the PUDCUP and the Permit



Acceptance Agreement. Subject BE will reflect the Council's final approval on FAR, corner lot radii sight line requirements, and side yard setbacks. The BE shall not encroach within 25' of Trail Creek or the edge of ITD ROW;

Condition No. 12: The removal of existing mature trees and/or established shrub masses is subject to approval and adoption of the Applicant's landscape plan through the Design Review and/or Floodplain Development Permit process;

Condition No. 13: An encroachment permit from ITD as well as the City will be required for all improvements to public right of way, including the construction of a sidewalk not less than eight-feet (8') in width along River Street. As a condition of Plat approval, subject sidewalk and street lighting to city standards shall be installed prior to final plat recordation unless otherwise approved by the Ketchum City Council; **and**

Condition No. 14: Prior to grading occurring on the New Lot 3A, City approval of the Applicant's grading, drainage and landscaping construction drawings is required. Subject construction drawings shall be consistent in concept with approved Design Review, Encroachment Permit, and related drawings.

**Order No. 3 Not a Final Action:** These Findings of Fact, Conclusions of Law and Order of Decision are not a final action of the City Council on this Lot Line Adjustment Application preliminary plat until the following conditions subsequent have occurred:

- 3.1 There is a final action by the City upon the Design Review of the PUDCUP; and
- 3.2 The City Council has taken final action upon the Permit Acceptance Agreement.

**Adopted** this 16<sup>th</sup> day of February, 2021.

**City Council of the City of Ketchum**

By: \_\_\_\_\_  
Neil Bradshaw, Mayor

2-05-2021

**Notice to Applicant**

The subject Lot Line Adjustment Application for preliminary plat concerns a site-specific land use request and therefore this notice is provided to the applicant pursuant to I.C. § 67-6535 (3) of the applicant's right to request a regulatory taking analysis pursuant to section 67-8003, Idaho Code.

*W:\Work\K\Ketchum, City of 24892\Gateway Hotel .015\AGENCY RECORD\FCO On Remand Drafts\2021-02-16 19-064 FCO by KCC on remand - lh 2-05-2021.docx*

Attachment C. Findings of Fact, Conclusions of Law, and Order of Decision Files No.  
P19-063 and File No. P20-069

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

IN RE: ) FILE NO. **P19-063**  
 )  
PEG KETCHUM HOTEL, LLC ) **FINDINGS OF FACT, CONCLUSIONS**  
 ) **OF LAW, AND ORDER OF DECISION**  
Applicant for )  
Planned Unit Development )  
Conditional Use Permit )  
 )

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THE ABOVE ENTITLED MATTER coming before the City Council of the City of Ketchum upon remand from the Planning and Zoning Commission’s recommendations issued on December 22, 2020 on remand for joint public hearing held February 1, 2021 continued to February 16, 2021 for consideration of this Findings of Fact, Conclusions of Law, and Order of Decision of the above referenced matters. The Applicant’s Design Review and Permit Conditions Acceptance Agreement applications were both tabled by the Planning and Zoning Commission subject to the City Council’s action on the above reference Applications. The City Council having reviewed the entire record on remand and the record established in hearing on February 1, 2021 does hereby make and set forth the Record of Proceedings, Findings of Fact for all the above referenced matters as follows:

PEG Ketchum Hotel, LLC (the “Applicant”) submitted an Application for a Planned Unit Development (a “PUD Conditional Use Permit”) of a Master Plan inclusive of a request for waivers to minimum lot size, setback (side yards), height, and floor area ratio (FAR) limitations for a hotel development to be constructed and operated on a 1.09-acre site located at the southwest corner of the State Highway 75 and River Street intersection at 280 E. River, (the “Project Site”).

The Project Site is located within the Tourist District Zone as designed by KMC § 17.12.010

Applicant originally submitted a Master Plan and, during the course of the proceedings before the Council, subsequently on December 2, 2019 submitted Master Plan Version 2 and subsequently on January 21, 2020 submitted Master Plan Version 3 and subsequently on

February 3 submitted Master Plan Version 4 as part of its PUD Application.

The City Council having reviewed the entire record and provided notice and held a joint public hearing does hereby make and set forth these Findings of Fact, Conclusions of Law, and Order of Decision which is inclusive of the Waiver Application File No. P20-069 as follows:

## **I. RECORD OF PROCEEDINGS**

The above-entitled matter has been heard by the City Council in conjunction with the accompanying PEG Ketchum Hotel, LLC PUD Project Master Plan together with the other following accompanying Applicant Applications:

- Floodplain Development Permit File No. P19-062
- Lot Line Adjustment File No. P19-064
- Waiver File No. P20-069

The City Council has approved together with these Findings of Fact, Conclusions of Law, and Order of Decision that certain **Master Joint Hearings Compiled Record of Proceedings On Remand** for Files Nos. P 19-062, P19-063, P19-064, P20-069 and P20-019 (the “Master Joint Hearings Record of Proceedings”) which is herein included by reference as if set forth at length.

### **PUBLIC NOTICES FOR HEARINGS ON REMAND:**

Legal notice of the hearing before the City Council was published in the City’s newspaper of record and notice was mailed to adjoining landowners within 300’ was in compliance with the 15-day and 10-day notice requirements. Notice to neighbors and political subdivisions and publication in the *Idaho Mountain Express* occurred on January 13, 2021 with on-site posting on the subject premises on January 25, 2021, mailed to property owners and government subdivisions on January 13, 2021 and posted on the City’s website on January 25, 2021.

## II. FINDINGS OF FACT

**[As set forth in this section are findings of fact and corresponding citations to KMC provisions which are also Conclusions of Law]**

### 2.1 Findings Regarding Notice:

2.1.1 **Notice Required:** Notice has been given in accordance with the Law as required by KMC Sections 16.08.110 and 17.116.040.

2.1.2 **Notice Provided:**

2.1.2.1 Notice was published for the February 1, 2021 joint public hearing in the Idaho Mountain Express, the official newspaper, which has general circulation within the boundaries of the City of Ketchum.

Newspaper	Date Published
<b>Idaho Mountain Express</b>	January 13, 2021

2.1.2.2 Notice of the February 1, 2021 hearing was mailed on January 13, 2021 to the property owners within 300 feet of the subject real property and affected Agencies and was posted on the subject property on January 25, 2021.

### 2.2 Findings Regarding Applications Filed:

2.2.1 PEG Ketchum Hotel, LLC has submitted and completed an Application for a Planned Unit Development of a Master Plan inclusive of Waiver Applications File No. P20-019 for a hotel development on a 1.09-acre site located at the southwest corner of the State Highway 75 and River Street intersection at 280 E. River, (the "Project Site") inclusive of a request for waivers to minimum lot size, setback (side yards), height, and floor area ratio (FAR) limitations.

2.2.2 These Applications are made pursuant and is subject to the provisions of the Ketchum Planned Unit Development (PUD) Ordinance Codified at Chapter 16.08 Ketchum Municipal Code as a PUD conditional use permit within in the City Tourist District Zone (KMC §§ 16.08.050 and 16.08.060.)

2.2.3 KMC §16.08.020 provides:

A. *This chapter is adopted pursuant to authority granted by Idaho Code section 67-6501 et seq., and article 12, section 2 of the Idaho constitution. It is enacted for the purpose of protecting and promoting the public health, safety and welfare; to secure the most appropriate use of lands, to encourage flexibility and creativity in the development of land in order to improve the design, character and quality of new development, and to*

*provide usable open space; to preserve the scenic and aesthetic qualities of lands; to protect property rights and enhance property values; to ensure that adequate public facilities and services are provided; to ensure that the local economy is protected and enhanced; to encourage and promote the development of affordable housing; to ensure that the important environmental features are protected and enhanced; to avoid undue concentration of population and overcrowding of land; to ensure that the development on land is commensurate with the physical characteristics of the land; to protect life and property in areas subject to natural hazards; to protect fish, wildlife and recreation resources; to avoid undue water and air pollution; and to protect the quality of life offered by the city and surrounding resources enjoyed by residents and visitors alike.*

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

- 2.2.4 **Applicant Master Plan Submittals:** Applicant originally submitted a Master Plan and subsequently on December 2, 2019 submitted Master Plan Version 2 and subsequently on January 21, 2020 submitted Master Plan Version 3 as part of its PUD Application and subsequently on February 3 submitted Master Plan Version 4 as part of its PUD Application, File No. P20-069, is pursuant to Title 16, Chapter 16.08. KMC Subject Master Plan (also herein referred to as the “Project”) includes a request for waiver or deferral of requirements pursuant to (KMC §16.08. 070.F).
- 2.2.5 **Waiver Requests:** As set forth in the Applicant’s PUD Application and Master Plan, Master Plan Version 2 dated December 2, 2019 and Master Plan Version 3 dated January 21, 2020 and Master Plan Version 4 dated February 24 & March 9, 2020 waivers are requested to the following dimensional standards: Floor Area Ratio (FAR), side yard setbacks, and height requirements. Additionally, a waiver is requested for the PUD to occur on a Project Site with a minimum lot size of less than three (3) acres, which is permissible subject to stipulations set forth in KMC §16.08.080. A.
- 2.2.6 **Minimum Lot Size:** The Council may waive the three (3) acre minimum lot size requirement consistent with KMC §16.08.080. A.4 as allowed for hotels. To do so, the Council must find the Project meets the definition of hotel as set forth in KMC §17.08.020 and complies with the purpose of the Tourist zone as set forth in KMC §17.180 by providing the opportunity for tourist use. Additional relevant analysis is consistency of the Project with the Subarea Analysis and Gateway Study Excerpts.
- 2.2.7 **Waivers Part of PUD Ordinance:** Title 16, Chapter 16.04.020 defines Waiver as a:

Modification of a relevant provision and regulation of this chapter not contrary to public interest or public health, safety or welfare, and due to physical characteristics of the particular parcel of land and not the result of actions of the subdivision where literal enforcement of this chapter would result in undue hardship. The granting of waiver(s) ... rests with the sound discretion of the commission and council, on a case by case basis.

Similarly stated relevant standards for the analysis of waiver requests are set forth in KMC §16.08. 070.L and KMC §16.04.120.



- 2.2.8. **Four (4) waivers are submitted for the Project:** These include waivers to minimum lot size, setback (side yards), height, and floor area ratio (FAR) limitations. These waivers were requested by the Applicant consistent with KMC §16.04.120, §16.08.080 and §17.124.050, in part, as the literal enforcement of city code in the context of the special physical characteristics and conditions affecting the property would result in undue hardship. In particular, the Hotel site has a large slope with a grade differential of approximately thirty-seven feet (37') from Trail Creek at the south end of the lot to the north end along River Street. The site is constrained by the river to the south and the City desires to setback structures from riparian and flood areas. The City also desires to setback structures from State Highway 75 (SH75) in this location to help preserve the entry to town and minimize shading of the highway during winter months. Further, the grade along SH75, future Idaho Transportation Department (ITD) bridge and highway expansion plans, and a desire for no access onto SH75 in this location create unique conditions for development.
- 2.2.9 **Floor Area Ratio:** KMC §17.124. 050.A states: "Hotels may exceed the maximum floor area [0.5] ... requirements of this title subject to ... [a] Planned Unit Development ... which specifically outlines the waivers to bulk regulations requested." A subarea analysis is also required in the review process (KMC §17.124.050. A.2). The total developed gross floor area of the Project, as defined in KMC §17.08.020, is proposed to not exceed a FAR of 1.57 exclusive of basement areas and underground parking. Total building area when each of the three (3) basement and parking garage levels and four (4) hotel stories are calculated in aggregate, total approximately 131,881 square feet for the Project.
- 2.2.10 **Height:** KMC§17.124.050.A states: "Hotels may exceed the ... height ... requirements of this title subject to ... [a] Planned Unit Development ... which specifically outlines the waivers to bulk regulations requested." A subarea analysis is also required in the review process (KMC §17.124.050.A.2). As noted, the Project Site has a large slope from Trail Creek at the south end of the lot to the north end along River Street. The hotel is proposed as a four-story structure on River Street that then stair steps and terraces down to three floors near Trail Creek. Height Analysis, the maximum height of the building along River Street does not exceed forty-eight feet (48') and the building scales down to approximately twenty-eight (28') closer to the river on the south end of the property. The exception to this height analysis is in the center of the structure where 4-stories of hotel use are sandwiched between two public amenities (employee housing and a roof top bar for the public). At this more central site location, the existing grade drops at a fairly acute angle resulting in a portion of the building having a maximum height of seventy-two feet (72') as measured from existing grade. In comparison to both the built Limelight hotel and approved Bariteau / Harriman Hotel on

opposing corners, the height of the proposed Project will be lower and more closely align to the fourth-floor elevation of each of these buildings.

2.2.11 **Setback:** No rear/river or front setback waivers are requested. However, a waiver of the side yard setbacks is requested. KMC §17.124.050.A, subsections 1 and 2, specifies that a PUD and Subarea Analysis process shall be used in the granting of waivers to bulk regulations for hotels. KMC §17.12.030 sets forth the following minimum side yard setbacks: (A) the greater of one-foot (1') for every three-feet (3') of building height, or five feet (5') for the west side setback; and (B) Twenty-five foot (25') to thirty-two foot (32') setbacks adjacent to State Highway 75 (SH75), as calculated based on the adjacent right of way width. The Project, as amended, proposes a 31.3' average setback along SH75 with portions of the building as close as 20' from edge of SH75 ROW. See the Setback Analysis for exact details on subject building setback intrusion adjacent SH75. On the west-side of the structure, portions of the building are proposed as close as 11.8' from the neighboring west property line. City approves the following side setback waivers: a minimum of sixteen feet (16') west side yard setback waiver and a minimum east side setback of twenty feet (20') provided the average east side setback is greater than thirty-one feet (31').

2.2.12 **Project Details:** Details of the Project include both narratives and maps. Narratives include a written project description, development plan, project analysis, social impact study, schedule, parking analysis, traffic study, employee housing plan, Subarea Analysis, and contextual hotel component analysis. Exhibit maps include plans, elevations, sections, sun study, height analysis, civil drawings, landscape plan, exterior color palate, dark sky compliant fixtures, traffic study diagrams, plat map, and public way improvements. Also provided are application forms, analyses of code compliance, soils report, and a waiver list.

## 2.3 Findings Summarizing Public Comment Concerns and Objections to and Benefits of the Application:

The City Council having reviewed the written comment and having listened to the oral comments presented by the public summarizes the same as follows:

- Objections to the granting of waivers to the regulations and standards of the subject Tourist zone; and
- Objections to Building edifice bulk, setback location and height
- Concerns for traffic circulation and safety regarding Project access to and use of River Street on the north, Highway 75 on the east and the intersection of Highway 75 and River Street and concern with the unknown improvements Idaho Transportation may make to Highway 75; and

- Concerns with parking, loading and vehicular access when the Project is operational; and
- Concerns regarding the look of the Gateway entrance to the City; and
- Concern about the character of the City
- Benefit of increase in tourism
- Benefit of additional employment opportunities and on-site employee housing
- Benefit of increased tax revenue
- Benefit of the addition to this tourist community of well-designed and landscaped hotel facility with natural area enhancements and public use availability features.

### **City Council Findings Regarding Standards Findings Planned Unit Development Conditional Use Permit:**

The City Council findings having reviewed the Project Master Plan Version 3 and 4, as well as public comment, staff analyses, and agency/peer review/department inputs supports the findings as set forth in Sections 2.4, 2.5 and 2.6 below regarding the Planned Unit Development Conditional Use Permit standards:

#### **2.4 PUD Ordinance Standards and City Evaluation Compliance Analysis and Findings:**

Planned Unit Development (PUD)
EVALUATION STANDARDS: 16.08.080
<p><i>The standards set forth in this section shall apply to review of all PUD conditional use permit applications. The standards shall be used to review and evaluate the proposal in comparison to the manner of development and effects of permitted uses and standard development allowed on the property in question. Modification or waiver from certain standard zoning and subdivision requirements may be permitted subject to such conditions, limitations and/or additional development standards, pursuant to section 16.08.130 of this chapter, as the city council may prescribe to mitigate adverse impact at the proposed planned unit development, or to further the land use policies of the city, or to ensure that the benefits derived from the development justify a departure from such regulations. Where the city council determines that conditions cannot be devised to achieve the objectives, and/or the standards contained in this chapter are not met, applications for conditional use permits shall be denied. The city council shall make findings that each of the following evaluation standards have been met. The evaluation standards are as follows:</i></p>

### **KMC § 16.08.080.A**

*Minimum lot size of three (3) acres. All land within the development shall be contiguous except for intervening waterways. Parcels that are not contiguous due to intervening streets are discouraged. However, the commission and the council may consider lands that include intervening streets on a case by case basis. The commission may recommend waiver or deferral of the minimum lot size, and the council may grant such waiver or deferral only for projects which: ...4. For a hotel which meets the definition of "hotel" in section 17.08.020, "Terms Defined", of this code, and conforms to all other requirements of section 17.18.130, "Community Core District (CC)", or section 17.18.100, "Tourist District (T)", of this code. Waivers from the provisions of section 17.18.130 of this code may be granted for hotel uses only as outlined in section 17.124.040 of this code. Waivers from the provisions of section 17.18.100 of this code may be granted for hotel uses only as outlined in section 17.124.040 of this code.*

**City Findings:** The Project Site is approximately 1.09 acres and does not meet the minimum standard of (3) acres for a PUD. However, as noted herein below, the City finds that this requirement may be waived consistent with KMC §16.08.080.A.4 as allowed for hotels. Specifically, this Project:

- (A) Meets the definition of hotel as set forth in KMC §17.08.020. The Project consists of ninety-two (92) rooms, includes on site food and beverage service with kitchen facilities, common reservation and cleaning services, meeting room space, combined utilities, on site management and reception services, access to all sleeping rooms through an inside lobby supervised by a person in charge no less than eighteen (18) hours per day, and adequate on site recreational facilities. There are no other residential uses proposed in connection with the hotel operation, other than the proposed 23 beds of employee housing.
- (B) Complies with the purpose of the Tourist zone as set forth in KMC §17.180 by providing the opportunity for tourist use. Consistent with the sub-area analysis and Gateway Study Excerpts, as set forth in Exhibit A, the Project is compatible both in design and use with the surrounding uses and development.
- (C) Allows the granting of waivers for hotel-related Tourist District Floor Area Ratio (FAR), setback, and height dimensional standards as outlined in KMC §17.124.040. The Project proposes to exceed the 0.5 Tourist Zone permitted Gross FAR as set forth in KMC §17.124.040.A and may exceed its FAR maximum in accordance with the pertinent code provisions allowing for fourth floor hotel uses, as set forth in KMC §17.124.040.B.3 and by reference KMC §17.124.050. In accordance with the aforementioned and also precedent (e.g., entitled Bariteau / Harriman Hotel site at 300 E. River Street across SH75 was also approved as a PUD on an approximately 0.9-acre site and the Limelight was approved as a PUD on an approximately 1.09-acre site), the City finds this evaluation standard to have been met.

**The City Council further finds:** That it is the intent of the City that paragraph 4 of subsection A of KMC Section 16.08.080 exclusively and directly applies to Hotel planned unit development waivers. That paragraph 4 of subsection A of KMC Section 16.08.80 requires that developments which meet the definition of a Hotel in KMC section 17.08.020 and conform to the requirements of KMC section 17.18.100 be granted waivers of the three (3) acre minimum lot size for their PUD Development. That KMC Section 17.18.100.A is a statement of purpose of the City's Tourist District and as such states the purpose of the district to provide the opportunity for high density residential and tourist use and development which can be justified as a primary use within the district. There is a general but not specific reference to the specific dimensional requirements of the Zoning ordinances in KMC Section 17.18.100. The zoning ordinance requirements of KMC section 17.124.040, which refers to KMC section 17.124.050, are not mandated by KMC Section 17.18.100 unless a waiver of 17.18.100 is required. In this instance the subject PUD application is a hotel use only, a waiver of 17.18.100 is not required, and the PEG Ketchum Hotel complies with the intent, purpose, and use requirements of the Tourist Zone set forth in KMC Section 17.18.100.

**KMC § 16.08.080.B and KMC § 16.08.080.D**

***KMC § 16.08.080.B:*** *The proposed project will not be detrimental to the present and permitted uses of surrounding areas.*

***KMC § 16.08.080.D:*** *The development shall be in harmony with the surrounding area.*

**City Council Findings:** The proposed hotel is both by design and use consistent with envisioned plans for the corner of SH75 and River Street. Further, the proposed hotel project is consistent with current Tourist Zoning District zoning allowances for hotels. Each of the attendant uses, including restaurant/bar, meeting rooms, and employee housing are also permitted in the Tourist Zoning District. The site was defined as Site 2 in the 2007 Gateway Scale and Massing Study and was identified as a priority urban infill site for a potential hotel development, inclusive of a public plaza near the project intersection with SH75. As such, the Property is in the Ketchum Urban Renewal District (KURA) Revenue Allocation Area. The Project Site borders three other hospitality focused uses. The Limelight Hotel is located directly across River Street to the North. The Best Western Hotel is located diagonally across Main Street from the Project Site. The Planned Future Harriman Hotel by Bariteau is located directly across Main Street to the East. The two closest properties to the West are commercial office buildings, (220 and 200 East River Street). The site is bordered by commercial uses to its North, East, and West and is separated from the multifamily residential uses to the South by Trail Creek. Accordingly, the City finds this Project will (A) not be detrimental to the present and permitted uses of surrounding areas and (B) be in harmony with the surrounding area.

**KMC § 16.08.080.C**

***The proposed project will have a beneficial effect not normally achieved by standard subdivision development.***

**City Council Findings:** The proposed hotel will benefit the city in ways not normally achieved by standard subdivision. These include public access to the river and, open space in excess of thirty-five percent (35%), and access to a 3,000 square foot bar patio terrace, which features landscaping and solar exposure unique for a built project. The Project will have significant economic and public amenity benefits to Ketchum that would not be achievable on this site without the PUD process due to the constraints created by the topography of the site (37' differential in grade between front property line on River and rear property line along Trail Creek), access constraints on the east side due to the east side bordering SH 75, and development constraints due to the south side of the property being Trail Creek. The provision of waivers through the PUD process allows the design of the building, interior layout, operations and programmatic aspects of the hotel to infuse economic and public benefits beyond what would be accomplished by hotel rooms alone.

Economic benefits of the development include local option taxes generated by the 92 new hotel rooms that will be booked through the international reach of the internationally recognized hotel brand's reservation network. The hotel will feature a number of public amenities, including a street front restaurant and lounge, banquet/meeting rooms, and a roof top bar with panoramic views of Bald Mountain and Dollar Mountain; there is no other publicly accessible rooftop space in Ketchum city limits with a similarly large footprint (approximately 2,035 net square feet of roof-top Bar Patio on Level 03 and 1,425 net square feet of roof-top Bar Terrace on Level 03 02) or that has 280-degree views and is operational in all four seasons. The hotel will also provide on-site employee housing, with a minimum of 23 beds, in a mix of traditional apartments and dorm style apartment units.

The hotel's inclusion of on-site employee housing will result in the project providing more on-site for employees than any other development in Ketchum city limits and the mix of housing unit styles will, as conditioned herein in §4.10, accommodate employees at different life stages and career stages (seasonal vs. long-term, full-time). Further, although the employee units are located on Lower Level 3 and Lower Level 2, which are partially below grade on the River Street portion of the building, because the grade of the site drops toward the south.

If the rooftop bar and lower floor employee housing units were removed from the project (or if the employee housing were located in a basement) the benefits of this project to the community would be lessened; the employee housing and roof-top amenity comprise approximately 12,883 square feet of the approximately 131,881 gross square foot development. Due to the site constraints, the allowance for waivers from the typical standards of the code is what makes inclusion of these public benefits truly benefits and is what makes these benefits possible.

Accordingly, the City finds the PUD process as having a beneficial effect not normally achieved by standard development.

**KMC § 16.08.080.D**

*The development shall be in harmony with the surrounding area.*

**City Council Findings:** The City finds this Project to be in harmony with the surrounding area. Details of this finding are presented jointly with KMC §16.08.080.B findings above stated.

**KMC § 16.08.080.E**

1. *Densities and uses may be transferred between zoning districts within a PUD as permitted under this chapter, provided, the aggregate overall allowable density of units and uses shall be no greater than that allowed in the zoning district or districts in which the development is located. Notwithstanding the above, the commission may recommend waiver or deferral of the maximum density and the council may grant additional density above the aggregate overall allowable density only for projects which construct community or employee housing and which:*
  - a. *Include a minimum of thirty percent (30%) of community or employee housing, as defined in section 16.08.030 of this chapter; and*
  - b. *Guarantee the use, rental prices or maximum resale prices thereof based upon a method proposed by the applicant and approved by the Blaine County housing authority and/or the Ketchum city council.*
2. *Application for waiver or deferral of this criteria shall include a description of the proposed community or employee housing and the proposed guarantee for the use, rental cost or resale cost.*

**City Council Findings:** N/A. The Applicant is not requesting any density transfers.

**KMC § 16.08.080.F**

*The proposed vehicular and nonmotorized transportation system:*

1. *Is adequate to carry anticipated traffic consistent with existing and future development of surrounding properties.*
2. *Will not generate vehicular traffic to cause undue congestion of the public street network within or outside the PUD.*
3. *Is designed to provide automotive and pedestrian safety and convenience.*
4. *Is designed to provide adequate removal, storage and deposition of snow.*
5. *Is designed so that traffic ingress and egress will have the least impact possible on adjacent residential uses. This includes design of roadways and access to connect to arterial streets wherever possible, and design of ingress, egress and parking areas to have the least impact on surrounding uses.*
6. *Includes the use of buffers or other physical separations to buffer vehicular movement from adjacent uses.*
7. *Is designed so that roads are placed so that disturbance of natural features and existing vegetation is minimized.*
8. *Includes trails and sidewalks that create an internal circulation system and connect to surrounding trails and walkways.*

**City Council Findings:** The documents provided by the Applicant address how vehicular and pedestrian traffic will circulate in and around the proposed Project. The SH75 ingress/egress diagram and associated access analysis addresses the safety, aesthetics, grading limitations, and Trail Creek Impacts, which was requested by a member of the public, duly analyzed by the City, and determined by the City after hearing from the project engineer, as well as the city independent traffic engineering consultant as not being in the public interest. No operational issues are found to exist with Project vehicular ingress / egress being on River Street with acceptable level of service (LOS) noted for each circulation component (parking garage access, hotel pick-up/drop-off, and SH75 approaches). See AECOM memo. Foremost of these exhibits is the detailed traffic impact study (TIS) prepared by Hales Engineering, which AECOM (on behalf of the city) has provided a peer analysis and also includes River Street Public ROW Civil Plan Encroachment Options 1 and 2 that feature the Applicant's circulation plan, sidewalk improvements, and proposed snowmelt system for the Project. There are two excerpts of professional studies. The first is an excerpt from the Idaho Transportation District (ITD) Record of Decision (ROD) and proposed Fiscal Year 2025 (FY25) road improvements to State Highway 75 (SH75) adjacent the property between the Trail Creek Bridge and River Street. These include a 3-lane urban section with curb, gutter and sidewalk. Importantly, the middle lane features a left turn lane for north bound traffic on SH75 that would permit adequate queuing and protected westbound (WB) turning movement onto River Street and the Project. The second excerpt is from Vitruvian and references a city-sponsored recommendation to upgrade the unsignalized crossing at SH75/River Street (north-side of intersection between Limelight Hotel and the Best Western) with a Rectangular Rapid Flashing Beacon (RRFB) to enhance pedestrian safety. After receiving input from ITD, including the August 8, 2019 Minutes of the Ketchum Transportation Authority, KCC recommends that enhancements to pedestrian safety are better accommodated with a HAWK system on River Street than an RRFB system. Also proposed to improve vehicular LOS movements is making east bound (EB) and WB River Street at the intersection with SH75 right turn only movements (signing and striping required). To further reduce traffic and to meet City sustainability goals, as expressed throughout the Ketchum Comprehensive Plan, the operation of the hotel will integrate strategies to reduce vehicular impact on Ketchum's streets from this Project. These include strategies such as a Guest Shuttle (airport and to local destinations), Employee Car Share Program, and Employee Transit Passes. As conditioned herein, the City finds this standard to have been met. The Project will be adequately served by necessary vehicular and nonmotorized transportation systems.

**KMC § 16.08.080.G**

*The plan is in conformance with and promotes the purposes and goals of the comprehensive plan, zoning ordinance, and other applicable ordinances of the city, and not in conflict with the public interest:*



1. Pursuant to subsection 16.08.070D of this chapter, all of the design review standards in chapter 17.96 of this code shall be carefully analyzed and considered. This includes detailed analysis of building bulk, undulation and other design elements. The site plan should be sensitive to the architecture and scale of the surrounding neighborhood.
2. The influence of the site design on the surrounding neighborhood, including relationship of the site plan with existing structures, streets, traffic flow and adjacent open spaces, shall be considered.
3. The site design should cluster units on the most developable and least visually sensitive portion of the site.

**City Council Findings:** As previously set forth in the findings for KMC §16.08.080 subsections B, D and F (above), the Project as conditioned, will be adequately served by necessary vehicular and nonmotorized transportation systems and will be in harmony with the surrounding area. The Project will pay applicable fees, from Local Option Taxes (LOT) for construction materials to applicable building permit fees and connection fees for such items as water and sewer connections. The Conditionally Granted Project shall pay the plan check and building permit fees that are in effect at the time of plan check and building permit submittal and all fees required by law prior to issuance of building permit. Further, details have been added as conditions of approval to assure that Marriott or other reward stays pay LOT to the city. Pursuant to KMC §16.08.070.D, all of the design review standards set forth in KMC §17.96 are conditionally attached to the City's approval of the Planned Unit Development and are memorialized in the Project Development Agreement. Staff has analyzed Project Compliance with the Ketchum Comprehensive Plan subsection, that the Project both conforms with and promotes the purposes and goals of the comprehensive plan. The Applicant's site design drawings, Project massing has been carefully designed with a four-story bench design on River Street that terraces down (southward) to follow the topography drop from River Street to Trail Creek. Subject terraces then become gathering spots for guests and the public to enjoy the outdoor and take in the scenic views from the hotel. As noted by the Applicant, "the massing also provides for a façade that steps in and out of plane, which is enhanced by a layer balconies and articulation of those forms. The building pulls back over 35' from Trail Creek and has minimal visual impact on Forest Service Park." The building footprint near the front property line is setback 15' from the River Street frontage where it has an appropriate relationship to the sidewalk and street scape. The footprint is then pulled back to respect the riparian setback along Trail Creek to minimize the impact of the new building adjacent to a natural feature. Site landscape design has been designed to complement the bench topography and creek bank features of the site." As conditioned herein, this standard has been met.

#### **KMC § 16.08.080.H**

*The development plan incorporates the site's significant natural features.*

**City Council Findings:** Three significant natural features are recognized by the City, including: the site's location on a bench; Trail Creek along the south property line; and, the 360-degree scenic views from the site including Bald Mountain and Dollar Mountain. The hotel has been designed to step down, following the bench topography, creating rooftop terraces and public spaces that take advantage of solar orientation and available views. The landscape plan includes pedestrian pathways for hotel guest and the public to access Trail Creek viewpoint areas set outside of the riparian zone setback. As conditioned herein, this standard has been met and the Master Plan is found to properly incorporate the site's significant natural features.

**KMC § 16.08.080.I**

*Substantial buffer planting strips or other barriers are provided where no natural buffers exist.*

**City Council Findings:** As noted in KMC §17.12.040, 21,362 square feet of the property will remain open space, which is forty-three percent (45%) of the 47,591 square foot site. The Project has greater than the required thirty-five percent (35%) minimum open space set forth in the KMC for the Tourist Zoning District. Three notable buffer strips that benefit the public are proposed. The first is the twenty-five foot (25') setback from SH75/Main Street that will be landscaped. Subject setback, averages 31.3'. Portions of this area are proposed to include an outdoor dining patio toward the intersection of Main Street and River Street and will have landscape and architectural barriers such as raised planters, raised water features, and architecturally integrated railings separating the dining patio from the street. The second buffer is a twenty-five foot (25') Riparian Easement along with a ten foot (10') Utility Easement that combine to create a thirty-five foot (35') setback from the property line adjacent Trail Creek. The third design element includes the placement of a buffer landscape island between the hotel's Porte Cochere drive along River Street. Given the significant public amenities integrated into the hotel design and invitation of the public into the building, the City finds a favorable exchange to exist with details to be enumerated in the pending River Street encroachment permit request by the applicant. This design element is subject to a separate Encroachment Permit application that will be reviewed by City concurrently with the PUD. As conditioned herein, this standard has been met.

**KMC § 16.08.080.J**

*Each phase of such development shall contain all the necessary elements and improvements to exist independently from proposed future phases in a stable manner.*

**City Council Findings:** The Applicant proposes to develop the Project in a single phase. To assure that that the development contains all the necessary elements and improvements to exist in a stable manner, the City finds this standard (KMC §16.08.080.J) to be met, provided as a conditioned of the issuance of any Building Permit for the construction of the Project that an appropriate project completion assurance (e.g., an irrevocable letter of credit on a bank acceptable to the City in an amount equal to 130% of engineering estimates of the Master Plan) and all fees required by law prior to and for issuance of a building permit.

**KMC § 16.08.080.K**

*Adequate and usable open space shall be provided. The applicant shall dedicate to the common use of the homeowners or to the public adequate open space in a configuration usable and convenient to the residents of the project. The amount of usable open space provided shall be greater than that which would be provided under the applicable aggregate lot coverage requirements for the zoning district or districts within the proposed project. Provision shall be made for adequate and continuing management of all open spaces and common facilities to ensure proper maintenance.*

**City Council Findings:** As previously noted, 21,362 square feet of the property will remain open space, which is approximately 45% of the 47,591 square foot site. Further, subject rooftop bar also includes patio space plus an additional 1,425 net square feet of landscaped terrace area devoted to public use. The open space, green roofs and patios that are provided exceeds the requirement by more than 8%, which is an amount “greater than that which would be provided under the applicable aggregate lot coverage requirements for the zoning district or districts within the proposed project.” The City finds that subject open space is both adequate and useable and complemented by the Project’s addition of the outdoor roof top bar space with adjacent living garden terrace, which is available to the public and managed and maintained by the Project.

**KMC § 16.08.080.L**

*Location of buildings, parking areas and common areas shall maximize privacy within the project and in relationship to adjacent properties and protect solar access to adjacent properties.*

**City Council Findings:** The City has reviewed the Applicant’s response to this standard of evaluation, including reference to its sun study and height analysis/compatibility view drawings, and generally concurs with the finding that “The Ketchum Boutique Hotel is configured along a northwest spine that has allowed for the building’s mass to be pulled back from the roadway view corridor leading to Main Street. All onsite parking is contained below grade and will have no visual impact on the site. The hotel features an interior courtyard located on level 2 that faces south, the courtyard will be hotel’s ‘private’ exterior amenities space that is reasonably shielded from the view of most adjacent properties. The hotel features many architectural balcony elements that serve to create another layer of structure between the guests and the exterior, enhancing a sense of a perimeter of privacy in those guest rooms. The Sun Studies provided ... demonstrate that the massing of the hotel will have very minimal shade impact on adjacent buildings, only during the December studies do any shadows from the hotel intrude appreciably on any adjacent properties, and in those cases the shadow impacts from [the PEG Ketchum] hotel are not any more intrusive than the affected buildings have on their adjacent neighbors.” As conditioned herein, the City finds this standard to have been met.

**KMC § 16.08.080.M**

*Adequate recreational facilities and/or daycare shall be provided. Provision of adequate on site recreational facilities may not be required if it is found that the project is of insufficient size or density to warrant same and the occupant's needs for recreational facilities will be adequately provided by payment of a recreation fee in lieu of such facilities to the city for development of additional active park facilities. On site daycare may be considered to satisfy the adequate recreational facility requirement or may be required in addition to the recreational facilities requirement.*

**City Council Findings:** Programmed recreation facilities within the Project, include a 1,002 square foot fitness center and a 3,301 square foot outdoor terrace, including hot tubs. The City finds these on-site guest amenities to adequately meet the recreational needs appropriate to the scale of the Project. In addition, the City finds that the proposed use, inclusive of the employee housing units, does not warrant the provision of on-site daycare services.

**KMC § 16.08.080.N**

*There shall be special development objectives and special characteristics of the site or physical conditions that justify the granting of the PUD conditional use permit.*

**City Council Findings:** As noted in the Gateway Study, the City of Ketchum has established special development objectives for the four corners surrounding the intersection of River Street/SH75. The City has reviewed and analyzed this Study and recognizes subject Project Site is on a bench with approximately 37 feet of grade change and without the PUD process would unlikely be developable as a hotel as it would have to have one building along River Street, and a second building at the bottom of the hotel accessible via SH75 Street. This latter access is not desirable for site visibility and safe ingress/egress as attested to by the city's independent traffic consultant upon review of project development drawings, Hales access memorandum, and ITD highway specifications. Accordingly, the City finds there to be special development objectives and special characteristics of the site and its physical conditions that justify the granting of the PUD conditional use permit.

**KMC § 16.08.080.O**

*The development will be completed within a reasonable time.*

**City Council Findings:** Regarding KMC §16.08. 080.J, it is found that this standard is met; provided that a project completion assurance agreement is entered into between the Applicant and City for the Project prior to the issuance of any Building Permit for the construction of the Project.

**KMC § 16.08.080.P**

*Public services, facilities and utilities are adequate to serve the proposed project and anticipated development within the appropriate service areas.*

**City Council Findings:** Street, water, sewer, and fire personnel have met with the Applicant and found that adequate city services are available to serve the Project. The Applicant and the City have also met with ITD regarding the Project and, as conditioned herein, is requesting improvements be installed by the Applicant at the intersection of SH75/River Street as a condition of Certificate of Occupancy. Formally, this will occur upon acceptance by ITD of a specific Encroachment Permit application submitted by the Applicant in conjunction with city recommendations to ITD for approval. Prior to building permit issuance, the Applicant will need will-serve letters from other utility providers (gas, electric, waste and recycling). To date, no issues of service have been identified. The payment of impact, local option tax, and building permit fees pursuant to approved city schedules are required. The City finds this standard has been met. Subject to the conditions set forth herein, public services, facilities and utilities are adequate to serve the Project and anticipated development within this area.

**KMC § 16.08.080.Q**

*The project complies with all applicable ordinances, rules and regulations of the city of Ketchum, Idaho, except as modified or waived pursuant to this section*

**City Council Findings:** KMC §16.08.080 Subsections G and Q both stipulate that the Project conform with and promote the purposes of applicable ordinances and not conflict with the public interest. This Project involves six (6) interrelated permits (floodplain, subdivision, design review, PUD, CUP, and a development agreement), as well as encroachment permits that will be required for SH75 from ITD and for River Street from the Ketchum City. Each of these eight (8) sets of approvals, as well as future compliance of Project construction drawings with other city regulations, such as Building, Fire, and Green Building Codes are required of the Applicant. As conditioned herein, the City finds that this Project complies with all applicable rules and regulations of the City. The City makes this finding in recognition of its previous finding in favor of waiving the three (3) acre minimum PUD eligibility criteria as detailed under KMC §16.08.080.A as allowed for hotels. Further, the City makes this finding in recognition of the following dimensional standard and project waiver analysis for the proposed FAR, height/story, and setbacks proposed for the Project. Further, as noted in general finding 2.2.3 herein, Ketchum’s planned unit development ordinance is intended to encourage the total planning of developments, provide flexibility, and work with unusual or special characteristics of the land or a development project. Notably, KMC §16.08.020.B states, “[i]n the event of conflict between this PUD chapter and any other ordinance of the city, this PUD chapter shall control.”

## 2.5 Tourist Zoning District Dimensional Standards and Project Waiver Analysis and City Council Evaluation Compliance Analysis and Findings:

### **KMC § 17.12.030**

**Minimum Lot Area & Lot Width:** 9,000 square feet minimum & 80’ average.

**City Council Findings:** The property is 47,249 square feet in size and has a lot width with the one-lot subdivision application that exceeds the minimum lot size and widths required in the Tourist Zone.

### **KMC § 17.12.030**

**Minimum Open Space**

**City Council Findings:** That 21,362 square feet of the property will remain open space, which is approximately 45% of the 47,249 square foot site. The Project has greater than the required thirty-five percent (35%) minimum open space set forth in the KMC for the Tourist Zoning District. The City finds that this standard has been met.

### **KMC § 17.12.030**

**Setbacks**

**Front:** 15’

**Riparian:** 25’

**SH75:** 25’ / 32’

**Side:** the greater of 1’ for every 3’ in building height, or 5’

**City Council Findings:** The project complies with the city's 25' riparian and 15' front setback requirements. A waiver of the side yard setbacks is requested. KMC §17.124.050.A, subsections 1 and 2, specifies that a PUD and Subarea Analysis process shall be used in the granting of waivers to bulk regulations for hotels. KMC §17.12.030 sets forth the following minimum side yard setbacks: (A) the greater of one-foot (1') for every three-feet (3') of building height, or five feet (5') for the west side setback; and (B) Twenty-five foot (25') to thirty-two foot (32') setbacks adjacent to State Highway 75 (SH75), as calculated based on the adjacent right of way width. The Project, as amended, proposes a 31.3' average setback along SH75 with portions of the building as close as 20' from edge of SH75 ROW. On the west-side of the structure, portions of the building are proposed as close as 11.8' from the neighboring west property line. The City approves the following side setback waivers: a minimum of sixteen feet (16') west side yard setback waiver and a minimum east side setback of twenty feet (20') provides the average east side setback is greater than thirty-one feet (31').

#### **KMC § 17.12.030**

***Permitted Gross Floor Area Ratio: 0.5 or greater for hotels.***

**City Council Findings:** The City finds the Project meets the definition of hotel as set forth in KMC §17.08 and, as a consequence, is eligible to exceed listed FAR consistent with the City's previous finding within KMC §17.08.080, subsections B and D. A FAR of 1.57 is proposed for the hotel, which incorporates employee housing and other public amenities within the Project. Significantly, the City has reviewed the Subarea Analysis, the Gateway Study and a Comparative Hotel PUD Summary Chart. The City finds the proposed hotel is both by design and use consistent with envisioned plans for the corner of SH75 and River Street. The FAR of the Project is significantly less than the CC-Limelight Hotel and Tourist Zone Harriman Hotel Project – neither of which incorporate community housing on the hotel site. The Project Site was defined as Site 2 in the 2007 Gateway Scale and Massing Study and was identified as a priority urban infill site for potential hotel development. As such, the Property is in the Ketchum Urban Renewal District (KURA) Revenue Allocation Area. The allowance of a 1.57 FAR, as herein conditionally approved by the City, is warranted due to special development objectives and special characteristics of the site and its physical conditions. In reaching this finding, the City finds that the proposed FAR, as stipulated, will not be detrimental to the public welfare, health and safety nor injurious to property owners in the immediate area.

Subject to the approval of the PUD application with conditions as noted herein, the City finds that the Project FAR warrants a waiver and, as a result, complies with this provision of the Tourist Zoning District.

#### **KMC § 17.12.030**

##### ***Building Height***

***Maximum Permitted: 35' or greater for hotels***

**City Council Findings:** The Project proposes to exceed the thirty-five foot (35') height limit, which is permissible subject to the city's fourth floor hotel use allowance in the Tourist Zoning District provisions, as set forth in KMC §17.124.040.B.3 and by reference KMC §17.124.050.A and B.6. Evidence in support of the Project height waiver up to seventy-two feet (72') from existing grade and an interpretation that the "hotel" does not exceed four floors are as follows:

- (A) The Project site has a large slope from Trail Creek at the south end of the lot to the north end along River Street. The hotel is proposed as a four-story structure on River Street, and step / terrace down to three and then two stories nearest Trail Creek.
- (B) The KMC does not specify the maximum height of a four-story building. Historic references in the KMC, as well as the top floor plate of the adjoining Limelight Hotel show the hotel fourth floor to equal approximately forty-eight feet (48') while the top of the Limelight hotel penthouse parapet is 73.5'.
- (C) Maximum height of the building shall not exceed 48' when the building is measured from the highest elevation of the property (along River Street) or 72' when building height is measured from the lowest elevation of the property (along Trail Creek), Height Analysis.
- (D) During the transition where the four-story building along River Street steps down approximately thirty feet (30') toward Trail Creek, the forty-eight foot (48') high 4-story building reads like 6-stories at seventy-two feet (72') high. This is permissible consistent with KMC §16.08.020.B and desirable as follows: first, the height of the building at subject central location is below the forty-eight (48') 4-story horizontal plane established by precedent and with the top of the fourth floor at the adjacent Limelight; second, the City recognizes that in this central location of the structure, that the 4-stories of hotel use are sandwiched between two public amenities (employee housing and a roof top bar for the public). The unique characteristics of the site at this location, where the existing grade drops quickly in the center of the site, result in a portion of the building having a taller element of seventy-two feet (72') as measured from existing grade. The City finds this consistent with general finding 2.2.3 herein and KMC §16.08.020.B, "[i]n the event of conflict between this PUD chapter and any other ordinance of the city, this PUD chapter shall control."
- (E) In comparison to both the Limelight and approved Harriman Hotels on opposing corners, the height of the proposed Boutique Hotel is lower and more closely aligned to the fourth floor of each building.
- (F) The Gateway Study and Subarea Analysis indicate that the proposed hotel is both by design and use consistent with envisioned plans for the corner of SH75 and River Street.



- (G) Further, the proposed hotel project is consistent with current Tourist Zoning District zoning allowances for hotels. Each of the attendant uses, including restaurant/bar, meeting rooms, and employee housing are also permitted in the Tourist Zoning District. The Project proposes a height waiver for hotels in the Tourist Zone District and, subject to approval of the PUD application with conditions as noted herein, complies with this zoning standard.

#### **KMC § 17.125.030.H**

***Curb Cut Permitted:*** A total of 35% of the linear footage of any street frontage can be devoted to access off street parking.

**City Council Findings:** There are no curb cuts proposed along State Highway 75. The new configuration results in less than thirty-five percent (< 35%) of the linear footage of street frontage devoted to access the off street parking within the parking garage.

#### **KMC § 17.125.020.A.2 and KMC § 17.125.050**

***Parking Spaces:*** Off-street parking standards of this chapter apply to any new development and to any new established uses.

**City Council Findings:** As analyzed by staff and consistent with KMC §17.125 and the revised Project parking analysis, a minimum of eighty-four (84) parking spaces in the underground parking garage are required. The Project proposes eighty-four (84) spaces in the parking garage. Of the 84 spaces provided for the Project not less than thirteen (13) spaces are reserved for public use and eighteen (18) spaces are reserved for employee housing use. As conditioned herein, the Project complies with this standard.

## **2.6 Conditional Use Permit Standards Analysis and City Council Evaluation Compliance Analysis and Findings:**

#### **KMC § 17.116.030 (A)**

*The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district.*

**City Council Findings:** The proposed hotel and each of the attendant uses within the Project, including restaurant/bar, meeting rooms, and employee housing, are permitted uses in the Tourist Zoning District. The characteristics of the conditional use for the Planned Unit Development CUP and the waivers approved herein pursuant to KMC §17.124.050 are compatible with the types of uses permitted in the Tourist Zoning District. The City finds this standard of evaluation has been met.

#### **KMC § 17.116.030 (B)**

*The conditional use will not materially endanger the health, safety and welfare of the community.*

**City Council Findings:** The Project will be served with essential public services and facilities, an acceptable level of service for traffic operations and pedestrian safety as set forth in the applicable findings noted in §16.08.080.F and §17.116.030 (B). As conditioned herein, the City finds this standard has been met.

**KMC § 17.116.030 (C)**

*The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.*

**City Council Findings:** The City found in KMC §16.08.080.F herein above that the Project will be adequately served by necessary vehicular and nonmotorized transportation systems. This finding was made after reviewing includes documents from the Applicant that address how vehicular and pedestrian traffic will circulate in and around the proposed Project. Foremost of these exhibits is the detailed traffic impact study (TIS) prepared by Hales Engineering, which AECOM (on behalf of the city) has provided a peer analysis and documents which include the River Street Public ROW Encroachment details that feature the Applicant’s circulation plan, sidewalk improvements, and proposed snowmelt system for the Project and the two excerpts of professional studies. The first is an excerpt from the Idaho Transportation District (ITD) Record of Decision (ROD) and proposed Fiscal Year 2025 (FY25) road improvements to State Highway 75 (SH75) adjacent the property between the Trail Creek Bridge and River Street. As conditioned herein, the City finds this standard to have been met. In particular, three off-site mitigation measures that will be required as a condition of development, including:

- (A) Developer to accommodate a northbound left-turn lane plus taper at River/Main. The developer will need to coordinate with ITD to determine where the west edge of SH-75 will be and whether ITD will accept temporary paving. The developer would install sidewalk, curb and gutter to the city’s standard. AECOM suggests that “ITD and the City consider creating an opposing left-turn lane and better aligning the approach and departure lanes through the intersection. In addition, it’s understood that this will help prevent queuing and also be a safety improvement.
- (B) Developer to install “right-turn only” signs on the eastbound and westbound approaches (City would likely pay for the cost on the westbound approach).
- (C) At the discretion of the Ketchum City Council, the developer shall install a HAWK system on the crosswalk on the north leg. No crosswalk required on the south leg. However, as noted by AECOM “Before constructing a HAWK signal at River Street, an engineering study should be performed using the guidance provided in Section 4F.01 of the MUTCD.”

**KMC § 17.116.030 (D)**

*The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts.*

**City Council Findings:** Consistent with the findings made for KMC §17.116.03 subsections B and C, the City finds this standard to have been met.

**KMC § 17.116.030 (E)**

*The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this Section.*

**City Council Findings:** The proposed conditional use is supported by the following goals and policies of the 2014 Comprehensive Plan. As noted herein, the proposed conditional use does not conflict with the policies of the Comprehensive Plan or the basic purposes of Chapter 17.116 Conditional Uses.

**2.7 City Council Findings Regarding Applicant’s PUD Bulk Area Waivers:**

- 2.7.1 The Applicant’s Project includes waivers to the floor area ratio, side yard setbacks, and height requirements and, subject to compliance by the Applicant with conditions as noted herein, the Project complies with each of the Tourist Zone dimensional standards for hotels.
- 2.7.2 The proposed Planned Unit Development and Conditional Use Permit Application meets the standards of approval under KMC Title 16 and Title 17, subject to conditions of approval.
- 2.7.3 The Project may exceed the maximum floor area, height, setback or minimum lot size requirements of Title 17 KMC, subject to a planned unit development having been prepared for the Project’s proposed hotel and subject to approval by the City Council which outlines the waivers to bulk regulations requested.
- 2.7.4 All height and bulk Project limitations shall be in accordance with Tourist District except those items waived as an incident of the PUD Development Plan approval. The approved Project plans illustrate areas where buildings may exceed height and bulk limitations. As conditioned herein, the City refers to the zoning and subdivision waivers set forth in these PUD Findings.

**III.  
CONCLUSIONS OF LAW**

The following are the legal principles that provide the basis for the Planning and Zoning Commission’s decision which the Commissioners have applied to the facts presented at the hearing of the above entitled matter:

- 3.1 The City is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code; and
- 3.2 The City pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code has the authority to enact the Ordinances and regulations which the City has exercised and approved Ordinances codified in the Ketchum City Code (“KMC”), and which are identified in Section II of these Findings of Fact, and which are herein restated as Conclusions of Law by this reference, and which City Ordinances govern the Applicant’s Project Applications for the Development and use of the Project Site.
- 3.3 The City pursuant to Idaho Code Section 67-6515 has the authority, which it has exercised by ordinance, codified at Chapter .08 of Title 16 of the KMC, which is separate from its zoning ordinance for the processing of applications for planned unit development permits.
- 3.4 KMC section 16.08.120 C provides that prior to final approval of a PUD conditional use permit, the City Council may require a written agreement executed by the Applicant to secure performance of any requirement or condition to be imposed as part of the approval, including, but not limited to Development and may also require recordation of documents establishing and guaranteeing the operation and maintenance of the Project; and
- 3.5 The Project Applications, which includes waivers to the floor area ratio, side yard setbacks, and height requirements is governed under KMC Sections 16.08.020 B, 16.08.030, 16.08.040, 16.08.070, 16.08.080 and 17.124.050 are reviewed and considered by the Council in accordance with the following:
  - 3.5.1 In the event of a conflict Chapter 8 of Title 16 KMC controls over any other City ordinance; and
  - 3.5.2 A planned unit development involves a development of land in which the standard land use regulations of the City may be modified or waived in order to promote beneficial development of an entire tract of land in conformance with an approved planned unit development conditional use permit accentuating usable open space, recreational uses, public amenities, community housing, and harmonious development with surrounding properties and the city at large; and
  - 3.5.3 Any person wishing to develop a planned unit development shall comply with the requirements of chapter 8 of Title 16 KMC in addition to the zoning, subdivision and other applicable laws, ordinances, regulations and rules, subject to any modification or waiver granted as part of the planned unit development (PUD) conditional use permit; and

- 3.5.4 The Planning and Zoning Commission can make recommendations and the City Council has authority to grant waivers or deferrals of any of the requirements of sections 16.08.070 and 16.08.080 KMC on a case-by-case basis when the waiver or deferral will not be detrimental to the public welfare, health and safety nor injurious to property owners in the immediate area; and
- 3.5.5 The proposed Planned Unit Development and Conditional Use Permit meets the standards of approval under Title 16 and Title 17 KMC, subject to conditions of approval.

#### **IV. ORDER OF DECISION**

Based upon the above and foregoing Findings of Fact/Conclusions of Law and good cause appearing from the record, IT IS HEREBY DECIDED THAT THE FOLLOWING ORDERS BE ISSUED:

**Order No. 1:** PEG Ketchum Hotel, LLC Application for a Planned Unit Development Conditional Use Permit Version 3 Master Plan (“Project”) for a hotel development on a 1.09-acre site located at the southwest corner of the State Highway 75 and River Street intersection at 280 E. River, (the “Project Site”) inclusive of a request for waivers to minimum lot size, setback (side yards), height, and floor area ratio (FAR) limitations (the “Conditionally Granted Project”) is granted subject to and contingent upon the following terms and conditions:

- 1.1 **Condition No. 1 Revised Master Plan West Side Set Back:** Applicant shall revise the Version 4 Master Plan with a redesign of the subject Hotel structure within the same locations on the north, east and south with an additional setback on the west side of four feet four inches (4’-4”) from the property line than is shown in Version 3 Master Plan; and
- 1.2 **Condition No. 2 Emergency Services Conditions:** The following are emergency services and safety terms and conditions:
  - 1.2.1 **Completion of Fire Improvements:** The City Building Official or the City Fire Marshal may withhold building and/or fire inspection approval for any phase of construction until all necessary components of the water and/or fire alarm system sufficient to provide protection for that portion of the Conditionally Granted Project are complete.
  - 1.2.2 **Fire Access During Construction:** Vehicle parking and material storage during Conditionally Granted Project construction shall not restrict or obstruct public streets or access to any building. Emergency vehicle access shall be maintained as required by the Fire Chief. Once construction begins on the second floor and above, 26-foot aerial

ladder truck access is required along one entire side of the building, in a location approved by the Fire Marshal, for evacuation of injured persons from upper floors. All required Fire Lanes, including within 15 feet of fire hydrants, shall be maintained clear and unobstructed at all times.

1.2.3 **Fire Code Requirements:** The Conditionally Granted Project shall comply with all the terms and conditions set forth in the Ketchum Fire Department Pre-application Requirements Memo dated June 24, 2019 from Tom Ancona, Assistant Chief & Fire Marshall, inclusive of subsequent amendments thereto, as well as all 2012 International Fire Code requirements and any additional specific City Building (Chapter 15.04 and 15.06) and Fire Ordinances (Chapter 15.08).

1.3 **Condition No. 3 ROW Improvements Conditions:** The following ROW Improvements are required of the Applicant:

1.3.1 **DIG:** The Applicant shall submit a Street and Alley Digging, Excavation, and Trenching (“DIG”) Permit application with an associated traffic control plan for all construction work within the City ROW to be reviewed and approved by the City Streets Department.

1.3.2 **TURP:** The use of City right-of-way for construction which includes the closure of adjacent streets or sidewalks requires a Temporary Use of Right-of-Way Permit (“TURP”).

1.3.3 **River Street Encroachment Permit Improvements:** KMC §17.96.030.C states: “The City Council shall approval all permanent encroachments within the City-owned ROW associated with a development Conditionally Granted Project.” Applicant has made application as a part of the Conditionally Granted Project to the City for a license to encroach into the River Street Public Right of Way (“River Street ROW”) with a preference for Civil Plan Option 1, as set forth in the 1/21/20 design update which includes the following improvements: guest pick-up/drop-off, underground utilities, landscaping, street trees with decorative tree grates, public art, bike racks, sidewalks, pedestrian walkway lighting, and street lighting, and related improvements along River Street, pursuant to KMC §12.08.040. Further, the Applicant proposes that all walkway and driving surfaces within this encroachment area be hooked into its private boiler or similar snowmelt system within the Conditionally Granted Project mechanical room. The snow melt system is proposed to be operational every winter after the Hotel Operations begins operations. Final approval of the River Street ROW improvement plans is required and is subject to review and approval by the Ketchum City Council through a separate encroachment agreement. If approved via separate City encroachment process, such order or decision on encroachment,

including any and all conditions thereon, is hereby incorporated by reference and made a part of these findings.

1.3.4 **SH75 Encroachment Permit:** ITD has an approved Record of Decision (“ROD”) that includes a 3-lane section with a six-foot (6’) wide sidewalk abutting the Subject Real Property. Subject ITD improvements to the SH75 ROW are proposed to be installed by ITD in Fiscal Year 2025 with road work in the vicinity, at the earliest, occurring in October of 2025. The installation of these SH75 Improvements by ITD and, particularly, the striping of a dedicated left turn lane West Bound onto River Street with adequate queuing for cars turning onto River Street is important to traffic flow both along SH75 and into the Conditionally Granted Project.

1.3.4.1 Given the Applicant’s timeframe for construction and Certificate of Occupancy, subject SH75 work will not be conducted by ITD prior to the Developed Conditionally Granted Project and the commencement of Hotel Operations opening. Given that the City finds that a center turn lane with adequate queuing of approximately fifty to one hundred feet (50’ – 100’) is necessary for the SH75/River Street intersection to retain its current Level of Service (“LOS”) for vehicular car movement, therefore the Applicant shall file with ITD an application for an encroachment permit. The Applicant and City shall work together to attain approval from ITD for the construction and striping of a partial center turn near the River Street intersection north of the Trail Creek bridge. This condition includes the City’s retaining of authority to modify the traffic patterns on State Highway 75, specifically the left turn lane traffic flow, in the event the initial traffic patten instituted by the Idaho Department of Transportation is inadequate. The Applicant shall pay for engineering, traffic control and construction costs for subject SH75 improvements adjacent to the Conditionally Granted Project.

1.3.4.2 Further, to avoid excessive delays for East Bound traffic on River Street, the Applicant shall work with the City and ITD to install appropriate signage and improvements to allow only a right turn onto southbound SH75 at this intersection.

1.3.4.3 **Pedestrian Safety:** To help assure pedestrian safety and consistent with KMC, at the discretion of the Ketchum City Council upon the recommendation of the Ketchum Transportation Authority and the city’s peer review engineering firm (AECOM), the Applicant shall work with the

City and ITD to upgrade the unsignalized SH75 and River Street crossing (on north-side) to include a HAWK system. The circulation design shall meet all standards as specified in KMC §17.96.060.G. Further, as recommended by AECOM, “Before constructing a HAWK signal at River Street, an engineering study should be performed using the guidance provided in section 4F.01 of the MUTCD.”

- 1.3.5 **Letter of Credit:** The Applicant shall provide an irrevocable letter of credit to the City for the aforementioned ROW Improvements affecting both the SH75 and River Street ROWs.
- 1.4 **Condition No. 4 Terrace Walls:** Construction of terrace walls or features of the outdoor dining patio with landscaping and architectural features adjacent to SH75 may be subject to future design review at the time the application is filed for approval at the discretion of the Administrator.
- 1.5 **Condition No. 5 Time Limits:** The following are the time limits that govern this Conditionally Granted Project:
  - 1.5.1 Pursuant to KMC §17.96.090, a design review permit is valid for twelve (12) months from the date of final decision on the associated Findings of Fact, Conclusions of Law, and Decision. The Application for the Conditionally Granted Project building permit must be filed within the time as specified in KMC §17.96.090(A)(2). Any extension shall only be as allowed and specified in KMC §17.96.090.
  - 1.5.2 Unless extended by the Ketchum City Council, a building permit shall be issued within twelve (12) months from the date of the last issued Permit.
  - 1.5.3 A certificate of occupancy shall be issued for the Conditionally Granted Project no later than 18 months after the building permit is issued unless the time for completion of the Conditionally Granted Project is extended by the City Council.
- 1.6 **Condition No. 6 Certificate of Occupancy:** No Certificate of Occupancy shall be issued for the use and occupancy of this Conditionally Granted Project until the following items are complete:
  - 1.6.1 All Design Review elements of the Conditionally Granted Project have been completed and approved by the Planning & Building Department; and
  - 1.6.2 All occupancies in the Conditionally Granted Project (residential, commercial, etc.) shall meet the Leadership in Energy and Environmental Design (LEED) Silver or equivalent standards consistent with (A) representations of the Applicant and its 1/21/20



design update Sustainability Integration representations (building system / geothermal, high performance building and site, material and product sustainability assessment) and (B) provisions of the City of Ketchum Green Building Code as set forth in KMC §15.20, inclusive of additional recommendations of the Planning & Zoning Commission during Conditionally Granted Project Design Review; and

- 1.6.3 All proposed encroachments within the City's River Street right-of-way have been installed in accordance with the Conditionally Granted Project Master Plan and approved by the City Engineer; and
  - 1.6.4 All rooftop mechanical and electrical equipment is fully screened from public vantage points and approved by the Planning & Building Department; and
  - 1.6.5 The City's Fire, Utilities, Building, Arborist, Streets, and Planning Departments have conducted final inspections and authorized issuance of Certificate of Occupancy; and
  - 1.6.6 Prior to Certificate of Occupancy, a Parking Plan verifying free public use, the thirteen (13) displaced public parking spaces, and other details at the discretion of the City, shall be provided and approved by Ketchum City Council for the Conditionally Granted Project Parking Garage.
- 1.7 **Condition No. 7 City Permit Performance Fees:** The Applicant shall be charged and shall pay the City Permit Performance Fees for the administration of the City's performance of the Permit Conditions Acceptance Development Agreement.
- 1.8 **Condition No. 8 Conditions to Applicant's Obligations:** The Applicant's obligations hereunder are conditioned upon (1) receiving all the referenced approvals from the City and (2) securing financing as provided in the Permit Conditions Acceptance Development Agreement.
- 1.9 **Condition No. 9 Drainage:** Conditionally Granted Project Drainage system plans shall be submitted to the City Engineer for review and approval. Pursuant to KMC §17.96.060.C, all storm water shall be retained on site, drainage improvements constructed shall be equal to the length of the Subject Real Property boundary lines, and all drainage facilities shall be constructed per City standards. All drainage improvements shall meet the applicable design criteria as specified in KMC §12.04.030.
- 1.10 **Condition No. 10 Utilities Plan:** The Applicant shall submit a Conditionally Granted Project Utility Plan indicating the location and size of water and sewer mains as well as gas, electric, TV and phone services (KMC §17.96.040.C.2c & KMC §17.96.060.D.1-3). Per KMC §17.96.060.D.2, utilities shall be located

underground and utility, power, and communications lines within the Conditionally Granted Project Site should be concealed from public view.

- 1.11 **Condition No. 11 Employee Housing Units:** The Applicant shall either maintain or enter into a master lease with the Hotel Operator for apartment units within the Developed Conditionally Granted Project containing not less than 23 beds, as materially set forth in the 1/21/21 employee housing plan design update, and thereby fulfill and satisfy the employee housing obligation of this Conditionally Granted Project consistent with the KMC.
- 1.11.1 Notwithstanding, consistent with the recommendations of the BCHA and the Commission, the Applicant may as part of the Design Review process seek to amend the employee housing plan configurations to have fewer shared bedroom configurations, improved bathroom to bed ratio, and more individual or couple employee housing suites; and
- 1.11.2 All leased apartment units must be subleased, assigned or otherwise made available to employees of the Hotel Operator on terms and conditions that emphasize the retention of a local workforce consistent with Blaine County Housing Authority (BCHA) community housing guidelines, and providing employee housing at a price point that is commensurate with its employees' ability to pay. The Applicant may enter into a master lease with the Hotel Operator for apartment units containing twenty-three (23) beds and thereby fulfill and satisfy the employee housing obligation of this Conditionally Granted Project consistent with KMC §17.124.050.
- 1.11.3 All leased apartment units must be subleased, assigned or otherwise made available to employees of the Hotel Operator on terms and conditions determined by it in the exercise of its discretion consistent with the goals of retaining a local workforce and adhering to the BCHA community housing guidelines.
- 1.11.4 Apartment leases and the management of this covenant of the developer to provide employee housing in the hotel are subject to annual recertification audits by the City and / or its designee. A fee established by resolution of the City may be charged for this service and associated compliance and monitoring activities.
- 1.12 **Condition No. 12 Hotel Operations:** The core feature of the Conditionally Granted Project is a hotel building operated at an industry acknowledged Four Star Hotel Operations Standard. Adherence to a Four-Star Hotel Operations Standard, particularly during Peak Travel Season, affects the sufficiency of on-site parking and traffic circulation in the immediate vicinity of the Conditionally Granted Project and is a requirement of the occupancy and use of the Developed Conditionally Granted Project.

- 1.13 **Condition No. 13 Lower Parking Demand and Traffic Impacts:** To assure that the Applicant and/or Hotel Operator provides guest shuttle, employee shuttle, car share program, transit passes, carpool program, alternative transportation (such as bike storage for employees), and strict monitoring and management of deliveries and garbage pick-up, as set forth in §4.13, the Applicant and/or Hotel Operator shall include in the irrevocable letter of credit a Lower Parking Demand and Traffic Impacts amount of fifty thousand dollars (\$50,000) for a period of not greater than five (5) years upon which the City Council may request a draw to cover the City's costs in the mitigation of lowering traffic impacts and/or parking demands associated with the Applicant and/or Hotel Operator's failure to comply.
- 1.14 **Condition No. 14 Parking & Loading:** The Applicant shall present a Conditionally Granted Project Parking Plan for review and consideration by the Commission as part of its full Design Review Submittal. Prior to Certificate of Occupancy, a Conditionally Granted Project Parking Plan verifying public use, validation processes for determining parking charges (if any) for the public and the thirteen (13) displaced public parking spaces, and other details at the discretion of the City, shall be provided and approved by Ketchum City Council for the Conditionally Granted Project Parking Garage. The Conditionally Granted Project is required to have a minimum of eighty-four (84) parking spaces in the underground parking garage. Of these spaces, 53 spaces are required for the Four-Star Hotel Operations Standard, 18 spaces are required for employee housing, and 13 are required for the public to mitigate displaced public parking spaces from River Street. Of this total, not less than:
- 1.14.1 Eighteen (18) stalls shall be allocated for employee housing, inclusive of at least one (1) car share vehicle; and
  - 1.14.2 Thirteen (13) underground parking stalls will be available to the general public at no charge to the public while visiting the property or using the conference center, spa, restaurant and bar. Subject to city final approval, a validation system may be employed by the Applicant and/or Hotel Operator with regard to the monitoring of public use of the thirteen, free-of-charge, underground public spaces located in the Conditionally Granted Project Parking Garage; and
  - 1.14.3 Guest shuttle, employee shuttle, car share program, transit passes, and bike storage shall be provided as a part of the Four-Star Hotel Operations Standard.
  - 1.14.4 During and upon completion of the construction of the Conditionally Granted Project, delivery vehicles associated with the Conditionally Granted Project shall not interfere with the regular flow of traffic surrounding the Conditionally Granted Project Site. Delivery vehicles

shall not block the regular flow of traffic along River Street. Accordingly, deliveries will be made (a) preferably with single-unit trucks, not large tractor-trailer trucks; (b) during off-peak hours; and, (c) with hand trucks from the designated on-street loading zone. The Applicant shall strictly monitor and manage deliveries and garbage pick-up to ensure these activities do not occur during peak traffic periods, and that they do not occur simultaneously.

- 1.15 **Condition No. 15 Local Option Tax:** The Conditionally Granted Project shall be subject to the provisions of KMC Section 3.12, relating to local option taxes.
- 1.15.1 **Beverage, Food & Retail Sales:** All retail, food and beverage sales on the Conditionally Granted Project Site and in the Conditionally Granted Project shall be subject to the local option tax.
  - 1.15.2 **Building Materials:** The Conditionally Granted Project and Conditionally Granted Project Site shall be subject to the local option tax on building materials.
  - 1.15.3 **Employee Housing:** The obligation to pay local option tax shall not apply to the rental of employee housing units.
  - 1.15.4 **Future Amendments to LOT Ordinance:** Any amendments to or repeal of Ketchum's Local Option Tax Ordinance and/or Idaho law relating to such local option taxes shall also apply to and modify this Section to the extent of such amendment(s) and/or repeal.
  - 1.15.5 **Hotel Rooms:** All hotel rentals in the Conditionally Granted Project Four-Star Hotel Operations Standard shall be subject to the local option tax, regardless of who makes the reservation, including independent third-party travel agencies or other independent parties.
  - 1.15.6 **Short-term rentals:** All non-hotel rentals, if any, shall be subject to the local option tax on short-term rentals.
  - 1.15.7 **Marriott Rewards:** Reward stay bookings for any evening shall be assigned a room rate in accordance with the Idaho Administrative Procedures Act (IDAPA) and similar Idaho State Tax Commission rules and regulations. In all cases, subject reward stay booking shall be tracked as room revenue and charged the applicable local option tax rate. Local option taxes shall be remitted for all stays.
- 1.16 **Condition No. 16 Waivers:** Setbacks, FAR, and height for the Conditionally Granted Project shall comply with final Design Review for the Conditionally Granted Project as approved by the City. The final plans once approved and integrated into the Permit Conditions Acceptance Development Agreement by the Ketchum City Council illustrate areas where buildings may exceed height

and bulk limitations. As conditioned herein above, Ketchum acknowledges the zoning and subdivision waivers set forth in the PUD Findings.

- 1.17 **Condition No. 17 City Department Requirements:** All requirements of the Fire, Utility, Building, Planning and Public Works departments of the City of Ketchum shall be met. All public improvements shall meet the requirements of the Public Works Department.
- 1.18 **Condition No. 18 Compliance with the Applicable Laws and Ordinances:** All other provisions of Ketchum Municipal Code, Chapters 16 and 17 and all applicable ordinances rules and regulations of the City and other governmental entities having jurisdiction shall be complied with by the Conditionally Granted Project.
- 1.19 **Condition No. 19 Building Permit Requirements:** The building permit for the Conditionally Granted Project shall not be issued until:
  - 1.19.1 The Conditionally Granted Project is subject to completion assurances and a letter of credit, which shall be detailed by the City Attorney and Finance Director and approved by the Ketchum City Council as provided in the Permit Conditions Acceptance Development Agreement governing this Conditionally Granted Project; and
  - 1.19.2 The Conditionally Granted Project shall pay the plan check and building permit fees that are in effect at the time of plan check and building permit submittal and all fees required by law prior to and for the issuance of a building permit.
  - 1.19.3 Storm Water Management Pollution Prevention Plan (“SWPPP”) in accordance with local, state and federal laws and regulations is in place for the Conditionally Granted Project; and
  - 1.19.4 A detailed Conditionally Granted Project Construction Staging and Mitigation Plan which is consistent with the standards specified in Chapter 15.06 of KMC, including provisions for off-site parking for contractors, sub-contractors, and other trades associated with the construction of the Conditionally Granted Project, off-site storage of bulk materials, and required right of way encroachments during construction, shall be submitted and approved by the City Planning and Building Administrator prior to building permit approval.
  - 1.19.5 The Applicant has secured a will serve letter from Idaho, Clear Creek Disposal and other applicable public and private utility providers prior to issuance of a Building Permit.
  - 1.19.6 The River Street Encroachment Permit encroachment agreement shall be obtained.

1.19.7 The Applicant shall cause to be issued in irrevocable letter of credit for the aforementioned Public ROW Improvements affecting both the SH75 and River Street ROWs. The amount of the financial guarantee shall be at 150% of engineering estimates for the guaranteed improvements. Partial and/or full release(s) of the letter of credit may be made upon: (i) Acceptance of subject River Street ROW improvements by the City; (ii) formal commencement of work by ITD of the SH75 ROW improvements adjacent the Subject Real Property and/or upon complete installation of the SH75 ROW improvements adjacent the Property.

1.20 **Condition No. 20 Written Permit Conditions Agreement:** The City Council has approved and the Applicant has entered into a Permit Conditions Acceptance Development Agreement inclusive of all the conditions of approval but subject first to inclusion of conditions of the Planning and Zoning Commission's Design Review of Conditionally Approved Project and which Permit Conditions Acceptance Development Agreement is finalized and Approved by the City Council having completed its public hearing process regarding the same.

1.21 **Condition No. 21 Design Review:** At the time of Design Review the applicant shall be required to address venting of mechanicals that vent toward the western property line. Applicant shall be required to provide detail related to how they are preventing impact to the adjacent property owner.

**Order No. 2 Not a Final Action:** These Findings of Fact, Conclusions of Law and Order of Decision are not a final action of the City Council on this Planned Unit Development Conditional Use Permit and Waiver Application until the following conditions subsequent have occurred:

- 2.1 There is a final action by the City upon the Design Review of the PUDCUP; and
- 2.2 The City Council has taken final action upon the Permit Acceptance Agreement.

**Adopted** this 16<sup>TH</sup> day of February, 2021.

**City Council of the City of Ketchum**

By: \_\_\_\_\_  
Neil Bradshaw, Mayor

## **Notice to Applicant**

The subject Planned Unit Development/Conditional Use Permit and Waiver Application concerns a site-specific land use request and therefore this notice is provided to the applicant pursuant to I.C. § 67-6535 (3) of the applicant's right to request a regulatory taking analysis pursuant to section 67-8003, Idaho Code.

*W:\Work\K\Ketchum, City of 24892\Gateway Hotel .015\AGENCY RECORD\FCO On Remand Drafts\2021-02-16 19-063 FCO by KCC PUD Findings on remand - lh 2-05-2021.docx*

## Attachment D. Master Record of Proceedings



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

IN RE: ) ) PEG KETCHUM HOTEL, LLC ) ) Applicant for ) • Floodplain Development ) Permit ) • Planned Unit Development ) Conditional Use Permit ) • Lot Line Adjustment ) • Waiver ) • Design Review ) • Permit Conditions Acceptance ) Agreement ) ) <hr/>	<b>FILE NOS.</b>  <b>P19-062 [Floodplain]</b> <b>P19-063 [PUD]</b> <b>P19-064 [Lot Line Adjustment]</b> <b>P20-069 [Waivers]</b> <b>P20-015 [Design Review]</b>  <b>MASTER JOINT HEARINGS COMPILED RECORD OF PROCEEDINGS ON REMAND</b>  [City Council – February 16, 2021]
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THE ABOVE ENTITLED MATTER coming before the City Council of the City of Ketchum upon remand from the Planning and Zoning Commission’s recommendations issued on December 22, 2020 on remand for joint public hearing held February 1, 2021 continued February 16, 2021 for consideration of these Joint Hearings Record of Proceedings Findings of Fact together with the Findings of Fact, Conclusions of Law and Order of Decision for each of the above referenced matters. The Applicant’s Design Review and Permit Conditions Acceptance Agreement applications were both tabled by the Planning and Zoning Commission subject to the City Council’s action on the above referenced Applications. The City Council having reviewed the entire record on remand and the record established in hearing on February 1, 2021 does hereby make and set forth the Record of Proceedings, Findings of Fact for all above referenced matters as follows:

**COMPILED RECORD OF PROCEEDINGS**

The compiled record of the proceedings of the above-referenced matters consists of the following, to-wit:

**1.1 (Re-designated) Exhibits and documents included in these proceedings on Remand: <sup>1</sup>**

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
<b><i>APPLICATION Documents Identified with prefix "A"</i></b>		
<b>A-1</b> <b>00001-00002</b>	2019-06-19	Development Agreement Application to City of Ketchum Planning & Building P19-064 dated 6-19-2019 Ketchum Boutique Hotel PEG Ketchum Hotel LLC.
<b>A-2</b> <b>00003-00011</b>	2019-06-19	Design Review Application to City of Ketchum Planning & Building P19-061 dated 6-19-2019 Boutique Hotel PEG Ketchum Hotel LLC.
<b>A-3</b> <b>00012-00018</b>	2019-06-19	Floodplain Management Overlay Application to City of Ketchum Planning & Building P19-062 dated 6-19-2019 Ketchum Boutique Hotel PEG Ketchum Hotel LLC.
<b>A-4</b> <b>00019</b>	2019-06-19	Lot Line Shift Application to City of Ketchum Planning & Building P19-065 dated 6-19-2019 Ketchum Boutique Hotel PEG Ketchum Hotel LLC.
<b>A-5</b> <b>00020</b>	2019-06-19	Planned Unit Development Conditional Use Permit Application to City of Ketchum Planning & Building P19-063 dated 6-19-2019 Ketchum Boutique Hotel PEG Ketchum Hotel LLC.
<b>A-6</b> <b>00021-00022</b>	2019-06-20	Conditional Use Permit Application to City of Ketchum Planning & Building P19-066 dated 6-20-2019 Ketchum Boutique Hotel PEG Ketchum Hotel LLC.
<b>A-7</b> <b>00023-00236</b>	2019-07-29	Pre-Application Design Submittal Ketchum Boutique Hotel July 29, 2019 Planning and Zoning Commission Meeting Submittal by AJC Architects for PEG Companies.
<b>A-8</b> <b>00237-00245</b>	2020-02-04	City of Ketchum Planning & Building Design Review Application P20-015 dated February 4, 2020 signed by Justin Heppler consisting of 9 pages.
<b>A-9</b> <b>00246</b>	2020-02-17	City of Ketchum Planning & Zoning Sign Permit Application PEG Development by Justin Heppler February 17, 2020 signed permit P20-019 February 18, 2020.

<sup>1</sup> The Agency Record documents have been sequentially numbered "RECORD 00001- RECORD 05488" and as of the date of this document, the next Bates number is "Record 05489." Documents that have not yet been Bates numbered are highlighted in blue – these documents have not yet been finalized or signed yet.

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
<b>A-10</b> <b>00247-00320</b>	2020-02-24	Ketchum Tribute February 24, 2020/ Design Review Application by AJC Architects.
<b><u>APPLICANT PEG COMMUNICATION</u></b> <b><i>Documents identified with prefix "APC"</i></b>		
<b>APC-1</b> <b>00321-00324</b>	2019-08-23	E-mail from Nick Blayden to Steve Burstead August 23, 2019.
<b>APC-2</b> <b>00325</b>	2019-11-20	Ketchum Hotel – Main St/ SR-75 Access November 20, 2019 by Justin Heppler, Project Architect to Sherri Newland, PE City Engineer.
<b>APC-3</b> <b>00326-00328</b>	2020-02-19	Kurt Eggers of Eggers Associates P.A. Landscape Architecture e-mail to Brittany Skelton on February 19, 2020 noting the flagging of trees for removal and two photos of flagged trees.
<b>APC-4</b> <b>00329-00331</b>	2020-02-19	Sean Flynn of Galena Engineering e-mail to Brittany Skelton on February 19, 2020 with 3 Staking Photos.
<b>APC-5</b> <b>00332</b>	2020-02-19	Exhibit Map of Building Stakeout Ketchum Tribute Hotel by Galena Engineering Inc. dated February 19, 2020.
<b>APC-6</b> <b>05366-05403</b>	2021-02-01	Applicant's Presentation to Ketchum City Council for Proceedings on Remand
<b><u>ATTORNEY COMMUNICATION</u></b> <b><i>Documents identified with prefix "ATC"</i></b>		
<b>ATC-1</b> <b>00333-00336</b>	2019-07-30	Benjamin W. Worst, attorney for 220 East River Street, LLC letter to P&Z Commissioners dated July 30, 2019.
<b>ATC-2</b> <b>00337-00339</b>	2019-08-12	Benjamin W. Worst, attorney for 220 East River Street, LLC letter to P&Z Commissioners dated August 12, 2019.
<b>ATC-3</b> <b>00340-00345</b>	2019-09-05	Benjamin W. Worst, attorney for 220 East River Street, LLC letter to P&Z Commissioners dated September 5, 2019.
<b>ATC-4</b> <b>00346-00349</b>	2019-09-10	Gary D. Slette attorney representing Jan E. Clotfelter and Richard C. Clotfelter owners of Unit 503 in the Limelight Hotel letter to John Gaeddert September 10, 2019 with illustrations Exhibit A and B.

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
<b>ATC-5</b> <b>00350-00353</b>	2019-09-11	E-mail from John Gaeddert to Maureen Puddicombe directing to add to the record the e-mail of Ben Worst September 11, 2019 Subject E-mail from Ben Worst to Participate addressed to the Mayor and Council sent September 11, 2019 was included.
<b>ATC-6</b> <b>00354-00356</b>	2019-10-16	Letter from Richard Clotfelter to the City Council delivery via Gary Slette dated October 16, 2019 with Exhibit B - proposed Traffic Circulation.
<b>ATC-7</b> <b>00357-00359</b>	2020-01-27	Gary Slette attorney representing Mr. and Mrs. Richard Clotfelter, Big Burn, LLC, Kevin Livingston, Scott & Karen Hanson, John & Susan Sahlberg, Thomas & Del-Ann Benson and Pat Duggan letter to John Gaeddert dated January 27, 2020 re: process of Motion for Reconsideration being premature.
<b>ATC-8</b> <b>00359-00369</b>	Undated	Gary Slette Argument re: minimum lot size.
<b>ATC-9</b> <b>00370-00377</b>	2020-02-14	Gary Slette attorney representing Mr. and Mrs. Richard Clotfelter, Big Burn, LLC, Kevin Livingston, Scott & Karen Hanson, John & Susan Sahlberg, Thomas & Del-Ann Benson and Pat Duggan letter to the Mayor and City Council re: request for reconsideration of P19-63 and P19-64, with Exhibits A and B, dated February 14, 2020.
<b>ATC-10</b> <b>00378-00379</b>	2020-02-27	Gary Slette attorney representing Mr. and Mrs. Richard Clotfelter, Big Burn, LLC, Kevin Livingston, Scott & Karen Hanson, John & Susan Sahlberg, Thomas & Del-Ann Benson and Pat Duggan letter of February 27, 2020 argues for the following interpretation of the provisions of KMC § 16-08.080.
<b>ATC-11</b> <b>00380</b>	2020-02-28	Deborah Nelson Attorney for Applicant notice of appearance letter to Ketchum City Council dated February 28, 2020.
<b>ATC-12</b> <b>00381-00385</b>	2020-03-02	Gary Slette attorney representing Mr. and Mrs. Richard Clotfelter, Big Burn, LLC, Kevin Livingston, Scott & Karen Hanson, John & Susan Sahlberg, Thomas & Del-Ann Benson and Pat Duggan letter of March 2, 2020 to Bill Gigray re: notice to preserve his clients claim of violation of fundamental right and formal object to Motion for Reconsideration filed by John Gaeddert on February 28.
<b>ATC-13</b> <b>00386-00395</b>	2020-03-11	Deborah Nelson Attorney for the Applicant letter to City Council dated March 11, 2020 in response to Gary Slette letters on

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
		ordinance interpretation and waivers and due process rights of neighbors.
<b>ATC-14</b> <b>00396-00410</b>	2020-03-23	Gary Slette attorney letter regarding and claiming a noticing error of City Staff in the notice provided to property owners within 300' of the subject Applications.
<b><u>City Attorney Memo</u></b> <b>Documents identified with the prefix "CA"</b>		
<b>CA-1</b> <b>00411-00416</b>	2020-02-28	City Attorney legal memo to John Gaeddert dated February 28, 2020 in response to Gary D. Slette letter dated February 27, 2020 concerning Planned Unit Development Conditional Use Permit File No. P19-063.
<b>CA-2</b> <b>00417-00428</b>	2020-01-31	City Attorney Legal Memorandum re: Slette argument.
<b><u>Development Agreement</u></b> <b>Documents identified with the prefix "D"</b>		
<b>D-1</b> <b>00429-00475</b>	2019-07-25	Permits Conditions Acceptance Development Agreement City of Ketchum/ PEG Ketchum Hotel, LLC draft dated July 25, 2019.
<b><u>FCO Decision</u></b> <b>Documents identified with the prefix "F"</b>		
<b>F-1</b> <b>00476-00519</b>	2019-08-12	Planning and Zoning Commission August 12, 2019 draft approval of Permits Conditions Acceptance Development Agreement City of Ketchum/PEG Ketchum Hotel, LLC.
<b>F-2</b> <b>00520-00534</b>	2019-08-12	Lot Line Adjustment: Planning and Zoning Commission Findings of Fact Conclusions of Law and Decision File No. 19-064 dated August 12, 2019.
<b>F-3</b> <b>00535-00542</b>	2019-08-12	Floodplain Development/Waterways Design Review Planning and Zoning Commission Findings of Fact Conclusions of Law and Decision File No. 19-062 dated August 12, 2019.
<b>F-4</b> <b>00543-00550</b>	2019-08-12	Ketchum Planning and Zoning Commission Reasoned Statement Memorializing Motion to Advance Hotel Project to Final Design Review File No. 19061 Pre-Application Design Review signed by Neil Morrow Chair August 12, 2019.

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
<b>F-5</b> <b>00551-00582</b>	2019-08-12	PUD: Planning and Zoning Commission Findings of Fact Conclusions of Law, Order of Decision and Recommendation to City Council File No. P19-063 dated August 12, 2019.
<b>F-6</b> <b>00583-00634</b>	2020-02-03	P19-063 Findings of Fact, Conclusions of Law, Order of Decision of the City Council File No. P19-063 dated and signed by Mayor Bradshaw - February 3, 2020.
<b>F-7</b> <b>00635-00650</b>	2020-02-03	Lot Line Adjustment: City Council Findings of Fact Conclusions of Law and Decision File No. 19-064 dated February 3, 2020.
<b>F-8</b> <b>00651-00675</b>	undated	Findings of Fact, Conclusions of Law and Decision of the City of Ketchum Planning and Zoning Commission File No. P20-015 Design Review.
<b>F-9</b>	2020-12-22	Master Joint Hearings Compiled Record of Proceedings on Remand – <u>Ketchum P&amp;Z</u> , dated December 22, 2020.
<b>F-10</b>	2020-12-22	Planning and Zoning Commission Findings of Fact, Conclusions of Law, and Recommendations to City Council Decision File No. 19-062 dated December 22, 2020.
<b>F-11</b>	2020-12-22	Planning and Zoning Commission Findings of Fact, Conclusions of Law, and Recommendations to City Council Decision File No. 19-063 dated December 22, 2020.
<b>F-12</b>	2020-12-22	Planning and Zoning Commission Findings of Fact, Conclusions of Law, and Recommendations to City Council Decision File No. 19-064 dated December 22, 2020.
<b>F-13</b>	2021-02-16	Master Joint Hearings Compiled Record of Proceedings on Remand – <u>Ketchum City Council</u> , dated February 16, 2021.
<b>F-14</b>	2021-02-16	P19-062 City Council Findings of Fact, Conclusions of Law, and Decision, dated February 16, 2021.
<b>F-15</b>	2021-02-16	P19-063 City Council Findings of Fact, Conclusions of Law, and Decision, dated February 16, 2021.
<b>F-16</b>	2021-02-16	P19-064 City Council Findings of Fact, Conclusions of Law, and Decision, dated February 16, 2021.

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
<b><u>Meeting Minutes</u> Document identified with the prefix "M"</b>		
<b>M-1</b> <b>00676-00681</b>	2019-07-29 2019-07-30	Meeting Minutes – Ketchum P&Z Special Meeting – two meetings held July 29, 2019 and July 30, 2019.
<b>M-2</b> <b>00682-00685</b>	2019-08-08	Meeting Minutes – City of Ketchum, Idaho Traffic Authority Meeting held August 8, 2019.
<b>M-3</b> <b>00686-00690</b>	2019-08-12	Meeting Minutes – Ketchum P&Z Regular Meeting.
<b>M-4</b> <b>00691-00698</b>	2019-09-16	Meeting Minutes – Ketchum City Council Regular Meeting held September 16, 2019.
<b>M-5</b> <b>00699-00709</b>	2019-10-07	Meeting Minutes – Ketchum City Council Regular Meeting held October 7, 2019.
<b>M-6</b> <b>00710-00718</b>	2019-12-02	Meeting Minutes – Ketchum City Council Regular Meeting held December 2, 2019.
<b>M-7</b> <b>00719-00726</b>	2020-01-21	Meeting Minutes – Ketchum City Council Special Meeting held January 21, 2020.
<b>M-8</b> <b>00727-00736</b>	2020-02-03	Meeting Minutes – Ketchum City Council Regular Meeting held February 3, 2020.
<b>M-9</b> <b>00737-00743</b>	2020-02-24	Meeting Minutes – Ketchum P&Z – Design Review Hearing held February 24, 2020.
<b>M-10</b> <b>00744-00750</b>	2020-03-09	Meeting Minutes – Ketchum P&Z Meeting held March 9, 2020.
<b>M-11</b> <b>00751-00755</b>	2020-04-06	Meeting Minutes – Ketchum City Council Regular Meeting held April 6, 2020.
<b>M-12</b> <b>00756-00762</b>	2020-09-28	Meeting Minutes – Ketchum P&Z Special Meeting held September 28, 2020.
<b>M-13</b> <b>00763-00768</b>	2020-10-27	Meeting Minutes – Ketchum P&Z Special Meeting held October 27, 2020.
<b>M-14</b> <b>00769-00774</b>	2020-10-27	Meeting Minutes – AMENDED AND REFORMED Ketchum P&Z Special Meeting held October 27, 2020.

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
<b>M-15</b> <b>05404-05409</b>	2020-11-10	Meeting Minutes – Ketchum P&Z Regular Meeting November 10, 2020.
<b>M-16</b> <b>05410-05414</b>	2020-12-15	Meeting Minutes - Ketchum P&Z Regular Meeting December 15, 2020.
<b>M-17</b>	2020-12-22	Meeting Minutes - Ketchum P&Z Regular Meeting December 22, 2020.
<b>M-18</b>	2021-02-01	Meeting Minutes – Ketchum City Council Regular Meeting held February 1, 2021.
<b>M-19</b>	2021-02-16	Meeting Minutes – Ketchum City Council Regular Meeting held February 16, 2021.
<b><u>Miscellaneous Documents identified with the prefix “MD”</u></b>		
<b>MD-1</b> <b>00775</b>	Undated	Aerial GID Photo of the subject 3 parcels for lot line readjustment.
<b>MD-2</b> <b>00776-00783</b>	Undated	MD-5 Images Documents include: <ul style="list-style-type: none"> <li>• Aerial photo of Site Location</li> <li>• Sketch of Highway 75 side of proposed hotel</li> <li>• Photo of River St. and Main St. Sign and northwest corner of subject real property.</li> <li>• Photo Site Posting on Main St. looking toward Highway 75</li> <li>• Photo Site Posting on Main St. looking interior subject real property</li> <li>• Photo Site Posting on River St. Side on building close in</li> <li>• Photo Site Posting on River St. farther out depicts most of the building</li> <li>• Aerial photo with outline of site location in dashed yellow lines</li> </ul>
<b>MD-3</b> <b>00784-00785</b>	Undated	Impact Fee Estimate Excel sheet.
<b>MD-4</b> <b>00786</b>	Undated	Main St. Access aerial photo re: Main St. Access Layout.
<b>MD-5</b> <b>00787-00807</b>	2001-11-05	City Council Resolution 807 Cooperative Agreement with ITD November 5, 2001.



		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
<b>MD-6 00808</b>	2003-07-29	2003 Ketchum Road Functional Classification Update Map Galena Engineering Inc. Drawn KMJ – July 29, 2003 #1318-129.
<b>MD-7 00809-00817</b>	2019-06-24	Agreement with AECOM as Independent Contractor dated June 24, 2019 Traffic Impact Study for Marriott Autograph Hotel
<b>MD-8 00818</b>	2019-07-15	Review of Ketchum Boutique Hotel Project by James Joyner Sr. Regulatory Project Manager US Army Corps of Engineers dated July 15, 2019
<b>MD-9 00819</b>	2019-07-25	Building Exhibit Map, dated July 25, 2019, Galena Engineering, Inc.
<b>MD-10 00820-00826</b>	2019-07-29	Staff PEG Boutique Hotel July 29, 2019 Power Point presentation consisting of 7 items.
<b>MD-11 00827</b>	2019-07-29	Jpg. View 1 of the northwest corner of proposed hotel project for July 29 and 30, 2019 hearing.
<b>MD-12 00828</b>	2019-07-29	Jpg. View 2 of the northeast corner on River St. of proposed hotel project or July 29 and 30, 2019 hearing.
<b>MD-13 00829</b>	2019-07-29	Public Amenity Exhibit list of goals but undated and not signed nor dated and no identification of the author. With the documents for the July 29, 2019 hearing before Planning and Zoning.
<b>MD-14 00830-00837</b>	2019-07-30	Staff PEG Boutique Hotel July 30, 2019 Power Point presentation consisting of 8 items.
<b>MD-15 00838</b>	2019-08-07	Parametrix Engineering by Todd Johnson, PE - August 7, 2019.
<b>MD-16 00839-00840</b>	2020-02-05	Clerk’s Certificate of Service on PEG Ketchum Hotel, LLC and Nick Blayden the Findings of Fact, Conclusions of Law, Order of Decision of the City Council of February 3, 2020 on February 5, 2020.
<b><u>Notices, Agenda and Service of Notice Documents identified with the prefix “N”</u></b>		
<b>N-1 00841-00848</b>	undated	Mailing List of Property Owners within 300’ of PEG Hotel.
<b>N-2 00849-00850</b>	Undated	Mailing List of the Political Subdivisions, County and state agencies.

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
<b>N-3 00851</b>	Undated	1. IME Legal Ad Joint Notice of Add
<b>N-4 00852</b>	Undated	1 IME Legal Ad Joint Public Notice
<b>N-5 00853-00860</b>	Undated	Design Review Mailing List for notice
<b>N-6 00861-00863</b>	Undated	4 Parcel Number Mailing List documents and Blaine County 300 Foot Adjoiner Map depicting Roads, Selected Parcel depicted in red and 300 Ft. Adjoiners depicted in orange.
<b>N-7 00864-00867</b>	Undated	Master Mailing List ARC 3 parcels co
<b>N-8 00868-00869</b>	Undated	251 E. River St. Mail List
<b>N-9 00870</b>	Undated	260 E. River Mail List
<b>N-10 00871-00872</b>	Undated	260 E. River St. 300 Foot Adjoiner Map
<b>N-11 00873</b>	Undated	280 E. River St. 300 Foot Adjoiner Map
<b>N-12 00874</b>	Undated	280 E. River St. Mail List
<b>N-13 00875</b>	Undated	Map 3 Lots Combined depicting 300 ft. circle
<b>N-14 00876-00877</b>	Undated	Political Subdivision Mailing Labels
<b>N-15 00878</b>	2019-07-10	Pre-Design Review Noticing Checklist/Certification File No. <u>P19-061</u> for July 29, 2019 meeting date. Dated and signed by Maureen Puddicombe on July 10, 2019.
<b>N-16 00879</b>	2019-07-10	Floodplain Overlay Noticing Checklist/Certification <u>P19-062</u> dated and signed by Maureen Puddicombe on July 10, 2019.
<b>N-17 00880</b>	2019-07-10	Lot Line Shift Noticing Checklist/Certification <u>P19-064</u> dated and signed by Maureen Puddicombe on July 10, 2019.
<b>N-18 00881-00882</b>	2019-07-19	PUD Conditional Use Permit Noticing Checklist/Certification <u>P19-063</u> dated and signed by Maureen Puddicombe on July 19, 2019 with a picture of Posted Notice.
<b>N-19 00883-00885</b>	2019-07-19	Development Agreement Noticing Checklist/Certification <u>P19-063</u> dated and signed by Maureen Puddicombe on July 19, 2019 with a picture of Posted Notice.

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
<b>N-20 00886-00890</b>	2019-07-19	Noticing Checklist/Certification <u>P19-063</u> PUD P & Z for Meeting on July 29, 2019 Signed by Maureen Puddicombe on July 19, 2019
<b>N-21 00891-000905</b>	2019-07-19	Noticing Checklist/Certification <u>P19-065</u> PUD P & Z for Meeting on July 29, 2019 Signed by Maureen Puddicombe July 19, 2019
<b>N-22 00906-00907</b>	2019-07-10	Affidavit of Publication dated July 10, 2019 for July 29, 2019 P&Z Hearing.
<b>N-23 00908</b>	2019-07-29	Notice of Hearing draft for July 29, 2019 for PEG Ketchum Hotel LLC application readjustment of lot lines, subdivision application, with Floodplain/Waterways Design Review overlay
<b>N-24 Duplicate of N-23 00908</b>	2019-07-29	Notice of Hearing draft for July 29, 2019 for PEG Ketchum Hotel LLC application readjustment of lot lines, subdivision application, with Floodplain/Waterways Design Review overlay.
<b>N-25 00909-00910</b>	2019-07-29	Notice of Special Meeting of the Planning and Zoning Commission July 29, 2019 for Ketchum Boutique Hotel Pre-Application Design Review, Planned Unit Development, Conditional Use Permit, Development Agreement, Readjustment of Lot Lines, and Floodplain Development. Also includes Concept Sketch, and Aerial Photo Site Location.
<b>N-26 00911-00912</b>	2019-07-29	Mailing Notice – Ketchum Planning & Zoning, July 29, 2019.
<b>N-27 00913-00927</b>	2019-07-29	<p>Notice of Public Hearing before Planning and Zoning Commission July 29, 2019 including</p> <ul style="list-style-type: none"> <li>• Draft Notice of Public Hearing July 29, 2019 for Pre-Application Design Review, Planned Unit Development, Conditional Use Permit, Development Agreement, Readjustment of lot Lines/Lot line Shift, and Floodplain Development.</li> <li>• Mailing Notice Front Page Public Notice of Public Hearing</li> <li>• Mailing Notice Back Page Public Notice of Public Hearing Concept Sketch with Aerial Photo Site Location</li> <li>• Special Meeting Ketchum Boutique Hotel Display Ad</li> </ul>

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
		<ul style="list-style-type: none"> <li>• PUD Conditional Use Permit Noticing Checklist/Certification P19-063 dated and signed Maureen Puddicombe July 19, 2019</li> <li>• Development Agreement Noticing Checklist / Certification P19-065 dated and signed Maureen Puddicombe July 19, 2019</li> <li>• Pre-Design Review Noticing Checklist / Certification P19-061 dated and signed Maureen Puddicombe July 10, 2019</li> <li>• Floodplain Overlay Noticing Checklist / Certification P19-062 dated and signed Maureen Puddicombe July 10, 2019</li> <li>• Lot Line Shift Noticing Checklist / Certification P19-064 dated and signed Maureen Puddicombe July 10, 2019</li> <li>• Political Subdivisions Mailed list</li> <li>• Property Owners within 300’ Mailed List</li> <li>• Photo of Posted Notices</li> </ul>
<b>N-28 00928</b>	2019-07-29	Display Ad Ketchum Boutique Hotel Special Meeting Planning and Zoning Commission July 29, 2019.
<b>N-29 00929-00943</b>	2019-07-29	Ketchum Boutique Hotel PEG Development Public Hearings July 29 and 30, 2019 notice with Application Sequence and Relationships flow chart and Agenda & Applications and PUD Purpose, intent, waivers and Questions Page.
<b>N-30 00944-01286</b>	2019-07-29	<p>Planning and Zoning Agenda Special Meeting of July 29, 2019 full packet consisting of:</p> <ul style="list-style-type: none"> <li>• Agenda Notice of meeting with public hearing on Ketchum Boutique Hotel and action items including <ul style="list-style-type: none"> <li>✓ Floodplain Development and Waterways Design Review</li> <li>✓ Lot Line Shift Application</li> <li>✓ Pre-Design Review Application</li> <li>✓ Planned Unit Development/Conditional Use Permit</li> <li>✓ Development Agreement</li> </ul> </li> <li>• Staff Report and attachments re: all applications and notification compliance documents</li> </ul>

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
		<ul style="list-style-type: none"> <li>• E-mail from James Joyner dated July 15, 2019 notification that a 404 Clean Water Act permit may be needed due to adjacent Tail Creek wetlands</li> <li>• Ketchum Fire Department Preapplications Requirements from Tom Ancona, Assistant Chief &amp; Fire Marshal dated June 24, 2019</li> <li>• Public notice documents, community survey responses &amp; Public Comment</li> <li>• Proposed Findings of Fact, Conclusions of Law and Recommendations.</li> </ul>
<b>N-31</b> <b>01287-01288</b>	2019-08-28	Public Notice - Public Hearing Meeting of the Ketchum City Council for September 19, 2019 dated August 28, 2019. Notice with Concept Sketch and Aerial Photo Site Location For Planned Unit Development, Conditional Use Permit, Readjustment of Lot Lines/Lot Line Shift and Development Agreement.
<b>N-32</b> Duplicate of N-31 <b>01287-01288</b>	2019-08-28	Public Notice - Public Hearing Meeting of the Ketchum City Council for September 19, 2019 dated August 28, 2019. Notice with Concept Sketch and Aerial Photo Site Location For Planned Unit Development, Conditional Use Permit, Readjustment of Lot Lines/Lot Line Shift and Development Agreement.
<b>N-33</b> <b>01289-01290</b>	2019-08-28	Affidavit of Publication dated August 28, 2019 for September 16, 2019 Ketchum City Council Public Hearing
<b>N-34</b> <b>01291</b>	2019-08-28	Pre-Design Review P19-061 Noticing Checklist/Certification for September 16, 2019 meeting date mailed August 28, 2019 dated and signed Maureen Puddicombe Planning Technician August 28, 2019.
<b>N-35</b> Duplicate of N-34 <b>01291</b>	2019-08-28	Pre-Design Review P19-061 Noticing Checklist/Certification for September 16, 2019 meeting date mailed August 28, 2019 dated and signed Maureen Puddicombe Planning Technician August 28, 2019.
<b>N-36</b> <b>01292</b>	2019-08-28	Floodplain Overlay P19-062 Noticing Checklist/Certification for September 16, 2019 meeting date mailed August 28, 2019 dated and signed Maureen Puddicombe Planning Technician August 28, 2019.
<b>N-37</b> <b>01293</b>	2019-08-28	Floodplain Overlay P19-062 Noticing Checklist/Certification for September 16, 2019 meeting date mailed August 28, 2019 dated

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
		and signed Maureen Puddicombe Planning Technician August 28, 2019.
<b>N-38 01294</b>	2019-08-28	Lot Line Shift P19-064 Noticing Checklist/Certification for September 16, 2019 meeting date mailed August 28, 2019 dated and signed Maureen Puddicombe Planning Technician August 28, 2019.
<b>N-39 01295-01296</b>	2019-08-28	C-1.2 pdf: Public Notice -Public Hearing before City Council for September 19, 2019 /Pre-Application Design Review, Planned Unit Development, Conditional Use Permit, Development Agreement, Readjustment of Lot Lines and Floodplain Development. Notice dated August 28, 2019. With Concept Sketch, Aerial Photo of Site Location
<b>N-40 01297-01298</b>	2019-09-05	C-1.3 pdf: Public Notice -Public Hearing before City Council for September 16, 2019 and Monday October 7, 2019 /Pre-Application Design Review, Planned Unit Development, Conditional Use Permit, a Readjustment of Lot Lines/Lot Line Shift, and Development Agreement. Notice dated September 5, 2019. With Concept Sketch, Aerial Photo of Site Location
<b>N-41 Duplicate of N-40 01297-01298</b>	2019-09-05	Public Notice of Public Hearing Meeting City Council for September 16, 2019 and October 7, 2019 re: Ketchum Boutique Hotel, Design Review, Planned Unit Development, Conditional Use Permit, Development Agreement, Readjustment of Lot Lines, and Floodplain Development. Dated September 5, 2019. Together with Concept Sketch and Aerial Photo Site Location.
<b>N-42 Duplicate of N-40 &amp; N-41 01297-01298</b>	2019-09-05	Public Notice Public Hearing Meeting City Council for September 16, 2019 and October 7, 2019 re: Ketchum Boutique Hotel, Design Review, Planned Unit Development, Conditional Use Permit, Development Agreement, Readjustment of Lot Lines, and Floodplain Development. Dated September 5, 2019. Together with Concept Sketch and Aerial Photo Site Location.
<b>N-43 01299</b>	2019-09-11	C-1.5 pdf: Noticing Checklist/Certification for P19-063 for City Council meeting dates 9-16-19 and 10-7-19 signed by Maureen Puddicombe Planning Technician September 11, 2019.
<b>N-44 01300</b>	2019-09-11	C-1.6 pdf: Noticing Checklist/Certification for P19-065 for City Council meeting dates 9-16-19 and 10-7-19 signed by Maureen Puddicombe Planning Technician September 11, 2019.

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
<b>N-45</b> Duplicate of N-43 <b>01299</b>	2019-09-11	C-1.10 pdf: Noticing Checklist/Certification for P19-063 for City Council meeting dates 9-16-19 and 10-7-19 signed by Maureen Puddicombe Planning Technician September 11, 2019.
<b>N-46</b> <b>01300</b>	2019-09-11	Development Agreement P19-065 Noticing Checklist/Certification for September 16, 2019 and October 7, 2019 meeting dates dated and signed Maureen Puddicombe Planning Technician September 11, 2019.
<b>N-47</b> Duplicate of N-46 <b>01300</b>	2019-09-11	Development Agreement P19-065 Noticing Checklist/Certification for September 16, 2019 and October 7, 2019 meeting dates dated and signed Maureen Puddicombe Planning Technician September 11, 2019.
<b>N-48</b> <b>01301</b>	2019-09-11	Planned Unit Development P19-063 Noticing Checklist/Certification for September 16, 2019 and October 7, 2019 meetings 19 dated and signed Maureen Puddicombe Planning Technician September 11, 2019.
<b>N-49</b> Duplicate of N-48 <b>01301</b>	2019-09-11	Planned Unit Development P19-063 Noticing Checklist/Certification for September 16, 2019 and October 7, 2019 meetings 19 dated and signed Maureen Puddicombe Planning Technician September 11, 2019.
<b>N-50</b> <b>01302</b>	2019-09-16	Draft Notice of Public Hearing Planning and Zoning Commission for City Council public hearing September 16, 2019 draft.
<b>N-51</b> Duplicate of N-50 <b>01302</b>	2019-09-16	Draft Notice of Public Hearing Planning and Zoning Commission for City Council public hearing September 16, 2019 draft.
<b>N-52</b> <b>01303-01304</b>	2019-09-16	Notice of Public Hearing for Monday September 16, 2019 before the Ketchum City Council for PUD, Readjustment of Lot Lines/Lot Line Shirt, Development Agreement.
<b>N-53</b> <b>01305-01306</b>	2019-09-18	Public Notice Public Hearing Meeting City Council October 7, 2019 PEG Ketchum Hotel LLC Design Review, Planned Unit Development, Conditional Use Permit, Development Agreement, Readjustment of Lot Lines, and Floodplain Development. Dated September 18, 2019 with Concept Sketch and Aerial Photo of Site Location.
<b>N-54</b> Duplicate of N-53	2019-09-18	Public Notice Public Hearing Meeting City Council October 7, 2019 PEG Ketchum Hotel LLC Design Review, Planned Unit Development, Conditional Use Permit, Development

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
<b>01305-01306</b>		Agreement, Readjustment of Lot Lines, and Floodplain Development. Dated September 18, 2019 with Concept Sketch and Aerial Photo of Site Location.
<b>N-55 01307-01308</b>	2019-09-18	Affidavit of Publication dated September 18, 2019 for October 7, 2019 Ketchum City Council Hearing.
<b>N-56 Duplicate of N-53 &amp; N-54 01305-01306</b>	2019-09-18	C-1.7 pdf: Public Notice -Public Hearing before City Council for October 7, 2019 Design Review, Planned Unit Development, Conditional Use Permit, Development Agreement, Readjustment of Lot Lines, and Floodplain Development. Dated September 18, 2019 with Concept Sketch, Aerial Photo of Site Location.
<b>N-57 01309</b>	2019-09-30	C-1.11 pdf: Noticing Checklist/Certification for P19-063 to 065 for City Council meeting dates 9-16-19 and 10-7-19 signed by Maureen Puddicombe Planning Technician September 30, 2019.
<b>N-58 01310</b>	2019-09-30	PUD/CUP Lot Line Shift Development Agreement P19-063, 064 and 065 Noticing Checklist/Certification for October 7, 2019 meetings dated and signed Maureen Puddicombe Planning Technician September 30, 2019.
<b>N-59 01311</b>	2019-09-30	PUD/CUP Lot Line Shift Development Agreement P19-063, 064 and 065 Noticing Checklist/Certification for October 7, 2019 meetings dated and signed Maureen Puddicombe Planning Technician September 30, 2019.
<b>N-60 01312-01313</b>	2019-12-02	City Council Agenda Notice for December 2, 2019 with action item for the proposed Ketchum Boutique Hotel applications for Planned Unit Development, Conditional Use Permit, and Development Agreement Hearings.
<b>N-61 01314-01315</b>	2020-02-05	Public Hearing Notice Planning and Zoning Commission February 24, 2020 Ketchum Boutique Hotel Design Review dated February 5, 2020 with Concept Sketch and Aerial Photo of Site Location.
<b>N-62 01316</b>	2020-02-05	Design Review Noticing Checklist/Certification P19-061 for hearing date February 24, 2020 dated and signed by Maureen Puddicombe February 5, 2020.
<b>N-63 01317</b>	2020-02-05	Affidavit of Publication dated February 5, 2020 for February 24, 2020 P&Z Commission Special Hearing.



		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
<b>N-64 01318</b>	2020-02-21	Notice of Posting of Agenda for February 24, 2020 Special meeting of Ketchum Planning and Zoning dated and signed Maureen Puddicombe Planning Technician February 21, 2020.
<b>N-65 Duplicate of N-64 01318</b>	2020-02-21	Notice of Posting of Agenda for Planning and Zoning of February 24, 2020 Certified February 21, 2020 Maureen Puddicombe Planning Technician
<b>N-66 01319</b>	2020-02-24	Draft Notice of Special Meeting for Public Hearing Ketchum Planning and Zoning for Design Review February 24, 2020 hearing.
<b>N-67 01320</b>	2020-02-24	Notice for Ketchum Planning & Zoning Commission Special Meeting Ketchum Boutique Hotel Design Review February 24, 2020 just with picture of the proposed hotel.
<b>N-68 01321-01322</b>	2020-09-09	Joint Public Notice of Additional Public Hearings on Remand from the City Council before the Ketchum Planning and Zoning Commission, dated September 9, 2020, for the September 28, 2020 Hearing.
<b>N-69 01323-01324</b>	2020-09-09	Affidavit of Publication dated September 9, 2020 for September 28, 2020 Joint Public Notice of Additional Public Hearing on Remand before Ketchum City Council and Ketchum Planning and Zoning.
<b>N-70 01325</b>	2020-09-10	Design Review-Floodplain Development Permit, Planned Unit Development, Lot Line Adjustment Conditional Use Permit - Permit Conditions Acceptance Agreement Noticing Checklist/Certification P19-062, 063, 064, 069 and P20-015. Hearing Date September 28, 2020 dated and signed Maureen Puddicombe on September 10, 2020.
<b>N-71 05415</b>	2021-01-25	Noticing Checklist/Certification for P20-015, P20-069, P19-062, P19-063, P19-064 for City Council meeting date 2-1-21 signed by Maureen Puddicombe Planning Technician January 25, 2021
<b>N-72 05416-05417</b>	2021-01-25	Affidavit of Publication dated January 13, 2021 for the February 1, 2021 Ketchum City Council Hearing.
<b>ORDER documents identified with prefix "O"</b>		
<b>O-1 01326-01329</b>	2020-04-06	City Council Order Suspending the Planning and Zoning Commission's Findings of Fact, Conclusions of Law and

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
		Decision and Directing An Additional Hearing Before the Commission dated April 6, 2020.
<b>O-2 01330-01333</b>	2020-04-06	P19-062 Floodplain Development Permit: City Council Order Vacating Findings of Fact, Conclusions of Law and Decision of the City Council and Remanding the Application to the Planning and Zoning Commission For Further Proceedings dated April 6, 2020.
<b>O-3 01334-01336</b>	2020-04-06	P19-063 Order Vacating Findings of Fact, Conclusions of Law, Order of Decision of the City Council and Remanding the Applications to the Planning and Zoning Commission for Further Proceedings. Dated and signed by Mayor Bradshaw April 6, 2020.
<b>O-4 01337-01339</b>	2020-04-06	P19-064 Lot Line Adjustment: City Council Order Vacating Findings of Fact, Conclusions of Law and Decision of the City Council and Remanding the Application to the Planning and Zoning Commission for Further Proceedings dated April 6, 2020.
<b>O-5 Duplicate of O-4 01337-01339</b>	2020-04-06	P19-064 Order Vacating Findings of Fact, Conclusions of Law, and Decision of the City Council and Remanding the Application to the Planning and Zoning Commission for Further Proceedings. Dated and signed by Mayor Bradshaw April 6, 2020.
<b><u>Project Design documents identified with prefix "PD"</u></b>		
<b>PD-1 01340-01393</b>	Undated	Ketchum Boutique Hotel Tribute Portfolio with Brad DNA, Site Analysis, Height Analysis-Gateway Study Recommendation and Gateway Study Previous Submittal, Massing Study, Massing Study Resolution, Compatibility Views, Material Pallet, Floor Plans, Exterior Elevations, Landscape, Public Way Improvements, Civil, Waivers, Traffic Study, Staking Scheme, Fog Plane, Building Sections, Floor Area Ratio, Traffic Mitigation
<b>PD-2 01394-01395</b>	Undated	Illustration A.png includes preferred alternative Typical Sections: Elkhorn Road to River Street.
<b>PD-3 01396</b>	Undated	C-2.2 Top Ten-Project Updates PEG Companies AJC Architects Tribute Portfolio [cover sheet]

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
<b>PD-4</b> <b>01397</b>	2019-07-29	Elevated views in downtown Ketchum Private and Public map with legend. With the documents for the July 29, 2019 hearing before Planning and Zoning.
<b>PD-5</b> <b>01398-01400</b>	2019-07-29	Added Value of Rooftop bar public amenity document and with 6 photos of views. With the documents for the July 29, 2019 hearing before Planning and Zoning.
<b>PD-6</b> <b>01401-01454</b>	2019-07-29	Ketchum Boutique Hotel July 29, 2019 Materials including introduction, Site Analysis, Height Analysis- Gateway Study Recommendation, Massing Study, Compatibility views, material pallet, Floor Plans, Exterior Elevations, Site Design, Landscape, Public Way Improvements, CIVIL, Waivers, Height Analysis- Contextual Elevations, Invisible Plane, Traffic Study, Staking Scheme, Fog Plane, Building Sections, Floor Area Ratio, Traffic Mitigation.
<b>PD-7</b> <b>01455-01500</b>	2019-09-20	Ketchum Tribute Design Update September 20, 2019 by AJC Architects PEG Companies.
<b>PD-8</b> <b>01501-01531</b>	2019-10-01	Ketchum Tribute Design Update October 1, 2019 by AJC Architects PEG Companies.
<b>PD-9</b> <b>Duplicate of PD-8</b> <b>01501-01531</b>	2019-10-01	Ketchum Tribute Design Update October 1, 2019 by AJC Architects PEG Companies.
<b>PD-10</b> <b>001532</b>	2019-10-29	AJC Architects Landscape Plan dated October 29, 2019
<b>PD-11</b> <b>01533-01577</b>	2019-12-02	Ketchum Tribute Proposed Hotel Project Design Update December 2, 2019 AJC Architects.
<b>PD-12</b> <b>01578-01646</b>	2020-01-21	P19-063 Ketchum Tribute Proposed Hotel Project Design Update January 21, 2020 AJC Architects
<b>PD-13</b> <b>01647-01656</b>	2020-02-17	Hotel Signage Plan & Elevations AJC Architects dated February 17, 2020
<b>PD-14</b> <b>01657-01711</b>	2020-09-28	Ketchum Tribute September 28, 2020 Planning Commission Update AJC Architects with Project Perspective, Process, Landscape Plan, Signage, Floor Plans including Employee Housing all levels, Exterior Elevations Perspective Renders, elevation renderings from all sides, Sustainability of Building Systems, City Code Waivers, Minimum Lot Size for PUD, Side Yard Setbacks, Floor Area Ratio, Building Height, Number of Floors, Generator Sound Attenuation, Access Limitations.

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
<b>PD-15 01712-01742</b>	2020-10-16	Ketchum Tribute October 16, 2020 Planning Commission Supplemental Info with Exhibit A Compliance with PUD Standards, Exhibit B Additional Waiver Clarification, Exhibit C Public Benefit of Project, Exhibit D Trail Creek Improvements, Exhibit E PEG & Marriott Pandemic Precautions by AJC Architects.
<b><u>Public Comment</u> Documents identified with prefix "PC"</b>		
<b>PC-1 01743</b>	Undated	Concerned Citizens of Ketchum letter undated. Followed by an unsigned statement of someone not identified opposed to waivers/ Possibly a form.
<b>PC-2 01744</b>	2019-07-00	Pat Duggan resident letter to John Gaeddert [undated but with material submitted in July of 2019].
<b>PC-3 01745</b>	2019-07-00	Mary K. Foust letter to P & Z Commission [undated but with material submitted in July of 2019].
<b>PC-4 01746</b>	2019-07-15	E-mail from James Joyner Sr., Regulatory Project Manager US Army Corps of Engineers, July 15, 2019.
<b>PC-5 01747-01752</b>	2019-07-15	Richard C. Clotfelter, property owner, letter to John Gaeddert July 15, 2019.
<b>PC-6 01753</b>	2019-07-16	E-mail from Frank and Linda Dressman July 16, 2019.
<b>PC-7 01754</b>	2019-07-16	E-mail John Sahlberg dated July 16, 2019.
<b>PC-8 01755-01756</b>	2019-07-16	Letter from Thomas & Dell-Ann Benson, property owners, to John D. Gaebbert, Director dated July 16, 2019.
<b>PC-9 01757-01794</b>	2019-07-16	Ketchum Boutique Hotel Parking Study memo discussion of by Hales Engineering dated July 16, 2019 by E. Scott Johnson.
<b>PC-10 01795-01798</b>	2019-07-17	Letter from Attorney Robert J. Adolph of the Adolph Law Group PLLC of Seattle, Washington, property owner, to John D. Gaeddert Director dated July 17, 2019.
<b>PC-11 01799-01800</b>	2019-07-17	Letter from Scott and Karen Hanson, property owner, to P & Z Commission dated July 17, 2019.

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
<b>PC-12 01801-01802</b>	2019-07-17	Jeffrey A. Barber letter, resident neighboring property, to John Gaeddert dated July 17, 2019.
<b>PC-13 01803-01804</b>	2019-07-18	Kevin Livingston letter property owner to John D. Gaebbert, Director dated July 18, 2019.
<b>PC-14 01805</b>	2019-07-24	John Curnow, General Manager Limelight Hotel Ketchum letter to P & Z Commissioners dated July 24, 2019.
<b>PC-15 01806-01808</b>	2019-07-26	Robert Korb Managing Member of 220 E. River Street, LLC property owner letter to Planning and Zoning dated July 26, 2019.
<b>PC-16 01809-01811</b>	2019-07-28	Steve Burnstead, Vice President Limelight Residences, letter to P & Z Commission dated July 28, 2019.
<b>PC-17 Duplicate of PC-16 01809-01811</b>	2019-07-28	Steve Burnstead, Vice President, and Eddie Poplawski, Board Member of Limelight Residences, letter to P & Z Commission dated July 28, 2019.
<b>PC-18 01812-01820</b>	2019-07-30	Lars Guy (tenant neighboring building to the west) letter to P&Z Commission dated July 30, 2019 together with illustrations depicting height and setbacks and building mass and comparison to other hotel projects proposals.
<b>PC-19 01821-01822</b>	2019-07-30	Alchemie by Bruce D. Hinckley, MLA Landscape Architect letter to P & Z Commission dated July 30, 2019.
<b>PC-20 01823-01824</b>	2019-07-30	Mark Pynn, Architect, letter to Planning & Zoning Commission dated July 30, 2019.
<b>PC-21 01825</b>	2019-07-30	Ms. Jima Rice, Ph.D., letter to P & Z Commission dated July 30, 2019.
<b>PC-22 01826</b>	2019-08-01	E-mail from Bruce Smith to Participate dated August 1, 2019 re: height not over 74 feet.
<b>PC-22A 01827</b>	2019-08-05	E-mail from John Gaeddert to Maureen Puddicombe dated August 5, 2019 with e-mail from Participate dated August 4, 2019 and e-mail from Mary Kay McCollum dated August 1, 2019 and E-mail from Bruce Smith to Participate dated August 1, 2019.
<b>PC-23 01828-01829</b>	2019-08-08	E-mail from Steve Burnstead to <a href="mailto:loneeagle@littleappletech.com">loneeagle@littleappletech.com</a> dated August 8, 2019.

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
<b>PC-24 01830-01832</b>	2019-08-11	Daniel Rothman (tenant neighbor to the west) to the P&Z Commission dated August 11, 2019.
<b>PC-25 01833</b>	2019-08-21	E-mail from Steve Burnstead to Nick Blayden dated August 21, 2019.
<b>PC-26 01834</b>	2019-08-23	E-mail from John Curnow, General Manager, Limelight Hotel Ketchum to John Gaeddert dated August 23, 2019.
<b>PC-27 01835</b>	2019-08-23	E-mail from Steve Burnstead to Nick Blayden dated August 23, 2019.
<b>PC-28 01836</b>	2019-08-30	E-mail from Michael Leach to Participate dated August 30, 2019.
<b>PC-29 01837-01844</b>	2019-09-02	Robert Korb letter to P&Z Commission and Council as managing member of 22 East River Street, LLC dated September 2, 2019 with illustrations.
<b>PC-30 01845</b>	2019-09-04	Scott Hanson letter to City Council, part time resident and property owner dated September 4, 2019.
<b>PC-31 01846-01847</b>	2019-09-04	E-mail from John Gaeddert to Maureen Puddicombe dated September 4, 2019.
<b>PC-32 Duplicate of PC-31 01846-01847</b>	2019-09-04	E-mail from John Gaeddert to Maureen Puddicombe dated September 4, 2019 directing that she add to the records E-mail from Participates dated September 3, 2019 and including e-mail from Lisa Leach of Keller Williams Realty to Participate September 2, 2019. Subject e-mails were included.
<b>PC-33 01848-01849</b>	2019-09-04	E-mail from Neil Bradshaw to Sarah Michael dated September 4, 2019.
<b>PC-34 Duplicate of PC-33 01848-01849</b>	2019-09-04	E-mail from Sarah Michael to Neil Bradshaw dated September 4, 2019.
<b>PC-35 01850-01972</b>	2019-09-05	E-mail from Robert Adolph of The Adolph Law Group PLLC property owner to Neil Bradshaw and members of the City Council etc. dated September 5, 2019 with illustrations of the proposed hotel.
<b>PC-36 01973</b>	2019-09-08	Letter to Mayor and Council from Patricia Duncan Duggan dated September 8, 2019.
<b>PC-37 01974-02097</b>	2019-09-09	Alchemie by Bruce D. Hinckley, MLA Landscape Architect letter to P & Z Commission dated September 9, 2019.

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
<b>PC-38</b> <b>02098-02118</b>	2019-09-09	<i>Change.org</i> letter to Mayor and Council with numerous signatures obtained from August 30, 2019 to September 9, 2019. First name on the list is Kevin Livingston and the last name is Chris Greissing.
<b>PC-39</b> <b>02119</b>	2019-09-09	Comments in writing all listed from September 4, 2019 to September 9, 2019 first name on the list is Mar de Saint Phalle and last name on the list is Robert Rumer.
<b>PC-40</b> <b>02120-02121</b>	2019-09-09	E-mail dated September 9, 2019 from John Gaeddert to Maureen Puddicombe that she add to the record the e-mails from John Curnow, General Manager of Limelight Hotel, Steve Burnstead dated September 8, 2019 and Dick Clotfelter dated September 7, 2019. Subject e-mails were included.
<b>PC-41</b> <b>02122-02154</b>	2019-09-09	E-mail September 9, 2019 from John Gaeddert to Maureen Puddicombe that she add to the record the e-mails from petition signatures, Resident Comments, and Mailed letter to Ketchum Residents E-mail from Suzanne Frick to Robin Crotty and John Gaeddert dated September 9, 2019. E-mail from Kevin Livingston to Neil Bradshaw and City Council dated September 9, 2019 and Document from Robert Adolph of The Adolph Law Group PLLC to the Mayor and Council. Subject E-mails were included.
<b>PC-42</b> <b>02155</b>	2019-09-11	E-mail dated September 11, 2019 from John Gaeddert to Maureen Puddicombe directing to add to the record E-mail of Lisa Enourato and James Chubb E-mail of September 11, 2019. Subject e-mails were included.
<b>PC-43</b> <b>02156-02157</b>	2019-10-17	Letter from Scott and Karen Hanson to Ketchum City Council dated October 17, 2019.
<b>PC-44</b> <b>02158</b>	2020-03-09	Letter from Robert Korb to Ketchum Planning and Zoning Commission dated March 9, 2020.
<b>PC-45</b> <b>02159-02160</b>	2020-08-25	E-mail from Dick Clotfelter to Maureen Puddicombe dated August 25, 2020; copy to the Council members.
<b>PC-46</b> <b>02161</b>	2020-09-18	Letter from Robert Korb to the Mayor and City Council dated September 18, 2020.
<b>PC-47</b> <b>02162-02163</b>	2020-09-18	Letter from Scott Hanson to the Ketchum Planning and Zoning Commission dated September 18, 2020.

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
<b>PC-48 02164-02173</b>	2020-09-22	E-mail from Kevin Livingston to Participate dated September 22, 2020 @ 10:42 AM.
<b>PC-49 02174-02176</b>	2020-09-22	E-mail from Kevin Livingston to Participate dated September 22, 2020 @ 12:36 PM.
<b>PC-50 02177-02178</b>	2020-09-23	Letter from John & Susan Sahlberg to Ketchum Planning and Zoning Commission dated September 23, 2020.
<b>PC-51 02179-02186</b>	2020-09-23	Letter from John & Susan Sahlberg to the Ketchum Planning and Zoning Commission dated September 23, 2020.
<b>PC-52 02187-02188</b>	2020-09-25	E-mail from Gina Poole to Participate dated September 25, 2020.
<b>PC-53 02189-02190</b>	2020-09-28	E-mail from Susan Sahlberg to Participate dated September 28, 2020.
<b>PC-54 02191</b>	2020-09-28	E-mail from Spyder Turco to Participate dated September 28, 2020.
<b>PC-55 02192</b>	2020-09-28	E-mail from Theresa Williams to Participate dated September 28, 2020.
<b>PC-56 02193-02194</b>	2020-10-23	Letter from Robert Korb to Mayor and City Council dated October 23, 2020.
<b>PC-57 02195-02196</b>	2020-10-26	E-mail from Dick Clotfelter to Maureen Puddicombe dated October 26, 2020.
<b>PC-58 02197-02198</b>	2020-10-26	Letter from Scott Hanson to Ketchum Planning and Zoning Commission dated October 26, 2020.
<b>PC-59 02199</b>	2020-10-26	E-mail from Eric Swanson to Participate dated October 26, 2020.
<b>PC-60 02200</b>	2020-10-26	E-mail from Beverly Algen to Participate dated October 26, 2020.
<b>PC-61 02201</b>	2020-10-27	E-mail from Eileen Hansen to Participate dated October 27, 2020.
<b>PC-62 02202-02204</b>	2020-10-27	E-mail from Kevin Livingston to Participate dated October 27, 2020.
<b>PC-63 02205</b>	2020-10-27	E-mail from Robert Rudy to Participate dated October 27, 2020.
<b>PC-64 05418</b>	2020-12-22	E-mail from Robert Korb to Participate dated December 22, 2020 re: supplemental comments.



		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
<b>PC-65 05419-05420</b>	2020-12-31	E-mail from H. Boyle to Participate dated December 31, 2020 re: change name of project from Ketchum Boutique Hotel to “Marriott.”
<b>PC-66 05421</b>	2021-01-25	Letter from Scott Hanson, condominium owner, to Ketchum City Council and Mayor, dated January 25, 2021.
<b>PC-67 05422</b>	2021-01-26	Letter from Richard C. Clotfelter, resident of Limelight Hotel and Condominiums, dated January 26, 2021 to Mayor and Ketchum City Council re: proposed Tribute (Marriott) Hotel.
<b>PC-68 05423</b>	2021-01-29	Public Comment from Perry Boyle.
<b>PC-69 05424</b>	2021-01-30	Public Comment from Michael Dunham.
<b>PC-70 05425--5426</b>	2021-01-31	Public Comment from Perry Boyle.
<b>PC-71 05427</b>	2021-02-01	Public Comment from Cindy Forgeon.
<b><u>Sign-In Sheet Documents identified with prefix “SS”</u></b>		
<b>SS-1 02206</b>	2019-09-16	Sign-in Sheet for September 16, 2019 City Council public hearing.
<b>SS-2 02207-02209</b>	2019-10-07	Sign-in Sheet for October 7, 2019 City Council public hearing.
<b>SS-3 02210</b>	2019-12-02	Sign-in Sheet for December 2, 2019 City Council public hearing.
<b>SS-4 02211</b>	2020-01-21	Sign-in Sheet for January 21, 2020 City Council public hearing.
<b><u>Staff Report Documents identified with prefix “SR”</u></b>		
<b>SR-1 02212-02215</b>	Undated	Attachment A JG.pdf - Staff review of proposed project.
<b>SR-2 02216-02217</b>	Undated	Attachment A 10 Revised regarding final engineering and encroachment approvals consistent with overall conceptual design set forth in Option 1.
<b>SR-3 02218-02219</b>	Undated	Attachment A 10 City Staff Analysis of River Street Encroachment Options 1 and 2.
<b>SR-4 02220-02224</b>	Undated	Ketchum Boutique Hotel Survey /Survey Monkey data summary not dated 5 pages.

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
<b>SR-5 02225-02228</b>	Undated	Sustainability Integration Tribute Portfolio Ketchum Idaho including Sustainability-Building Systems/Geothermal, High Performance Building & Site, Material & Product Sustainability Assessment.
<b>SR-6 02229-02231</b>	Undated	Ketchum Boutique Hotel Staff Parking Demand Analysis as prepared by Hales Engineering.
<b>SR-7 02232-02235</b>	Undated	Project Comprehensive Plan Analysis.
<b>SR-8 02236-02304</b>	2007-06-12	City of Ketchum Mass and Scale Study for the Gateway Area June 12, 2007.
<b>SR-9 02305-02327</b>	2018-09-20	City of Ketchum Master Transportation Plan Memo from Cameron Waite, PE, PTOE and Shane Warmbrodt, EIT to Sherri Newland, PE dated September 20, 2018.
<b>SR-10 02328-02610</b>	2019-05-31	AECOM Traffic Impact Study dated May 31, 2019.
<b>SR-11 02611-02849</b>	2019-06-04	Ketchum Boutique Hotel Survey/ Survey Monkey Started June 4, 2019 with survey questions pages 1 – 239.
<b>SR-12 02850-02887</b>	2019-06-18	Hales Engineering Ketchum Hotel Parking Study Memo dated June 18, 2019 by E. Scott Johnson.
<b>SR-13 05024-05365</b>	2019-07-29	Staff Report dated July 29, 2019 to Planning and Zoning Commission regarding Floodplain Development/Waterways Design Review Permit, Preliminary Plat, pre-application Design Review, PUD Conditional Use Permit and CUP and Development Agreement and attachments.
<b>SR-14 02888-02903</b>	2019-07-29	Traffic Impact Study Hales Engineering Scott Johnson, PE, PTOE July 29, 2019.
<b>SR-15 02904-02950</b>	2019-08-12	Staff Report dated August 12, 2019 to Ketchum Planning and Zoning Commission re: Recommendation to approve proposed Development Agreement with attached Permit Conditions Acceptance Agreement draft dated 8/7/19.
<b>SR-16 02951-02953</b>	2019-08-13	Access Management Practices SH-75 Memorandum by Hales Engineering dated August 13, 2019.
<b>SR-17 02954-03398</b>	2019-09-16	Staff Report dated September 16, 2019 to the Mayor and City Council regarding Floodplain Development/Waterways Design Review Permit, Preliminary Plat, pre-application Design

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
		Review, PUD Conditional Use Permit and CUP and Development Agreement and attachments.
<b>SR-18</b> <b>03399-03852</b>	2019-10-07	Staff Report dated October 7, 2019 to the Mayor and City Council regarding Floodplain Development/Waterways Design Review Permit, Preliminary Plat, pre-application Design Review, PUD Conditional Use Permit and CUP and Development Agreement and attachments.
<b>SR-19</b> <b>03853-04306</b>	2019-10-07	C-7.1 pdf and also P19-063 Staff Report (All Att... Staff Report dated October 7, 2019 addressed to Mayor Bradshaw and City Councilors with recommendation to accept the Planning and Zoning Commission's recommendations on the PEG Ketchum Hotel Planned Unit Development CUP and related applications (Project), Including <ul style="list-style-type: none"> <li>• Staff Analysis of the Project and its inter-related applications as Attachment A</li> <li>• PEG Companies submitted drawings, narratives and studies updates received by City on October 2, 2019 Attachment B</li> <li>• City Department and other expert reviews of applicant submittals Attachment C</li> <li>• Public Comments received Attachment D</li> <li>• Inter-related applications Attachment E. Including Floodplain Development/Waterways Design Review Permit, Preliminary Plant, pre-Application Design Review, PUD Conditional Use Permit and proposed Development Agreement.</li> </ul>
<b>SR-20</b> <b>04307</b>	2019-11-20	In-Group Hospitality letter signed by Joe Madera Regional Director of Operations In-Group Hospitality dated November 20, 2019. Subject on-site employee housing.
<b>SR-21</b> <b>04308</b>	2019-11-21	In-Group Hospitality letter signed by Joe Madera Regional Director of Operations In-Group Hospitality dated November 21, 2019. Subject complimentary parking (with validation).
<b>SR-22</b> <b>04309-04310</b>	2019-11-22	In-Group Hospitality letter signed by Joe Madera Regional Director of Operations In-Group Hospitality dated November 22, 2019 and first floor plan with depictions of Garage Vestibule, Trash/Loading area/Back of house corridor/Storage area/ Kitchen area.

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
<b>SR-23</b> <b>04311-04412</b>	2019-12-02	<p>C-7.2 pdf. Also P19-063 - Staff Report dated December 2, 2019 addressed to Mayor Bradshaw and City Councilors with recommendation to (1) hear from the Applicant and staff on PEG's updated plans, (2) hold a public hearing and receive public testimony on new information, (3) deliberate on the Planned Unit Development CUP and (5) continue the preliminary plat and development agreement portions of the public hearing. The Staff Report Includes the following:</p> <ul style="list-style-type: none"> <li>• Link to 10/7/19 KCC Staff Report, Including Recommendations of the Ketchum Planning &amp; Zoning Commission: <a href="https://mccmeetingspublic.blob.core.usgovcloudapi.net/ketchid-meetf374e29900a74b108ca2d3560c836ce0/ITEM-Attachment-001-3abc66dc1caf4df39a96255157b5fd32.pdf">https://mccmeetingspublic.blob.core.usgovcloudapi.net/ketchid-meetf374e29900a74b108ca2d3560c836ce0/ITEM-Attachment-001-3abc66dc1caf4df39a96255157b5fd32.pdf</a></li> <li>• Link to all public comment to the Commission (from 7/15 to 9/11): <a href="https://ketchumidaho.org/sites/default/files/fileattachments/planning_amp_building/project/37921/all_comments_received_by_pz_7.15.19_to_9.11.19.pdf">https://ketchumidaho.org/sites/default/files/fileattachments/planning_amp_building/project/37921/all_comments_received_by_pz_7.15.19_to_9.11.19.pdf</a></li> <li>• Link to all public comment to Council (from 8/5 to present): <a href="https://ketchumidaho.org/citycouncil/page/ketchum-boutique-hotel">https://ketchumidaho.org/citycouncil/page/ketchum-boutique-hotel</a></li> <li>• Attachments: <ul style="list-style-type: none"> <li>✓ Attachment A Staff Analysis</li> <li>✓ Attachment B PEG Ketchum Hotel, LLC Gateway Submittal Drawings, Narratives &amp; Studies with 12/2/2019 design updates</li> <li>✓ Attachment C City Department, agency &amp; peer review letters/memos, with memo from AECOM and letter from Nathan Harvill, BCHA</li> <li>✓ Attachment D Public Comment Links above referenced.</li> <li>✓ Attachment E Draft Findings of Fact, Conclusions of Law, Order of Decisions PUD and Copy of Signed P &amp; Z Findings</li> </ul> </li> </ul>
<b>SR-24</b> <b>04413</b>	2019-12-19	River Street Encroachment Comparison dated 12-19-2019.
<b>SR-25</b> <b>04414-04471</b>	2020-01-21	C 2.7 Staff Report Recommendation and Summary dated January 21, 2020 [Box right bottom corner of each page are marked with the first page 57 and continuing through page 62.

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
		Attachments include Attachment E.2A Draft Preliminary Plan Findings of Fact, Conclusions of Law, Order of Decision, Attachment E. 4.1 Draft Planning Unit Development Conditional Use Permit and CUP Findings of Fact, Conclusions of Law, Order of Decision first page 80 and continuing through page 114. E.2.A Draft Findings Plat/Readjustment of Lot Lines first page 63 and continuing through page 79.
<b>SR-26</b>  <b>04472-04476</b>	2020-01-21	<p>C-7.3.pdf Staff Report dated January 21, 2020 addressed to Mayor Bradshaw and City Councilors with recommendation to (1) hear from the Applicant and staff on PEG’s updated plans, (2) hold a public hearing and receive public testimony on new information, (3) deliberate on the Planned Unit Development CUP (4) deliberate on the preliminary plat, and (5) continue the development agreement portion of the public hearing. The Staff Report Includes the following:</p> <ul style="list-style-type: none"> <li>• Attachments: <ul style="list-style-type: none"> <li>✓ Attachment A Staff Analysis</li> <li>✓ Attachment B PEG Ketchum Hotel, LLC Gateway Submittal Drawings, Narratives &amp; Studies with 12/2/2019 design updates and reference to the following link: <a href="https://ketchumidaho.org/sites/default/files/fileattachments/planning_amp_building/project/37921/2020-01-21-peg_ketchum_hotel_gateway_submittal_drawings_narratives_studies_updates.pdf">https://ketchumidaho.org/sites/default/files/fileattachments/planning_amp_building/project/37921/2020-01-21-peg_ketchum_hotel_gateway_submittal_drawings_narratives_studies_updates.pdf</a></li> <li>✓ Attachment C City Department, agency &amp; peer review letters/memos, with memo from AECOM and letter from Nathan Harvill, BCHA</li> <li>✓ Attachment D Public Comment Links : <ul style="list-style-type: none"> <li>• Link to all public comment to the Commission (from 7/15 to 9/11): <a href="https://ketchumidaho.org/sites/default/files/fileattachments/planning_amp_building/project/37921/all_comments_received_by_pz_7.15.19_to_9.11.19.pdf">https://ketchumidaho.org/sites/default/files/fileattachments/planning_amp_building/project/37921/all_comments_received_by_pz_7.15.19_to_9.11.19.pdf</a></li> <li>• Link to all public comment to Council (from 8/5 to present): <a href="https://ketchumidaho.org/citycouncil/page/ketchum-boutique-hotel">https://ketchumidaho.org/citycouncil/page/ketchum-boutique-hotel</a></li> </ul> </li> <li>✓ Attachment E Draft Findings of Fact, Conclusions of Law, Order of Decisions PUD and Copy of Signed P &amp; Z Findings and updated 1/21/20 draft findings:</li> </ul> </li> </ul>

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
		<ul style="list-style-type: none"> <li>○ Draft Preliminary Plat Findings of Fact, Conclusions of Law, Order of Decision</li> <li>○ Draft Planned Unit Development Conditional Use Permit and CUP Findings of Fact, Conclusions of Law, Order of Decision</li> </ul>
<b>SR-27</b> <b>04477-04545</b>	2020-02-03	Staff Report February 3, 2020 to City Council regarding Preliminary Plat and Planned Unit Development CUP Findings of Fact, Conclusions of Law, Order of Decision for PEG Ketchum Hotel, LLC and continue the development agreement portion of the public hearing until the Council's regular hearing on March 5, 2020 and attachments.
<b>SR-28</b> <b>04546-04638</b>	2020-02-24	<p>C 2.8 Staff Report Ketchum Planning and Zoning Commission Special meeting of February 24, 2020 P20-015 ( Design Review) Included the following:</p> <ul style="list-style-type: none"> <li>● 2/24/20 Design Review Submittal Drawings -click on the following link: <a href="https://ketchumidaho.org/sites/default/files/fileattachments/planning_amp_building/project/37921/200212_-_ketchum_hotel_-_design_review_application_drawings.pdf">https://ketchumidaho.org/sites/default/files/fileattachments/planning_amp_building/project/37921/200212_-_ketchum_hotel_-_design_review_application_drawings.pdf</a></li> <li>● City Clerk Certificate of Service Findings of Fact, Conclusions of Law, Order of Decision of the City Council dated 3<sup>rd</sup> day of February, 2020 in File No. P19-063 dated February 5, 2020.</li> <li>● Planned Unit Development CUP City Council Findings of Fact, Conclusions of Law and Order of Decision File No. P19-063 (Attachment E.4.A)</li> <li>● Staff Highlighting of PUD Conditions of Relevance to Commission Design Review with highlighted Order of Decision and added commentary in red</li> <li>● Summary of City Department comments</li> <li>● Analysis of the Project Master Plan relative to the City of Ketchum 2014 Comprehensive Plan.</li> </ul>
<b>SR-29</b> <b>04639-04731</b>	2020-02-24	Staff Report to Planning and Zoning Commission special meeting of February 24, 2020 file no. P20-015 Design Review with attachments of 2/24/20 Design Review Submittal Drawings, Planned Unit Development CUP Findings, Staff Highlighting of PUD Conditions of Relevance to Commission Design Review, Summary of City Department comments, Analysis of Project

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
		Master Plan relative to the City of Ketchum 2014 Comprehensive Plan.
<b>SR-30 04732-04753</b>	2020-02-28	Motion for Reconsideration filed by City Planning and Building Department Director on February 28, 2020.
<b>SR-31 04754-04775</b>	2020-03-02	John Gaeddert Recommendation memo to the Mayor and City Councilors dated March 2, 2020 with Staff Motion for Reconsideration for hearing date of April 6, 2020 of the PEG Ketchum Hotel, LLC Re-adjustment of Lot line to amend and reform the same. Memo includes the Motion for Reconsideration of Findings of Fact, Conclusions of Law and Decision and attached proposed draft First Amended and Reformed Findings of Fact, Conclusions of Law and Decision on File No. P 19-064.
<b>SR-32 04776-04825</b>	2020-03-09	Staff Report to Planning and Zoning Commission dated March 9, 2020 recommendation to review the additional materials requested of and submitted by the applicant, hold a public hearing and review any new testimony, and approve with conditions the PEG Ketchum Hotel Design Review and Attachments.
<b>SR-33 04826-04830</b>	2020-09-28	Staff Report to the Planning and Zoning Commission dated September 28, 2020 re: Application for Floodplain Development Permit File No. P19-062, Application for Planned Unit Development Conditional Use Permit File No. P19-063, Application for Waiver File No. P20-069 and Application for Lot Line Adjustment File No. P19-064 consisting of 5 pages
<b>SR-34 04831-04835</b>	2020-09-28	City of Ketchum Recommendation and Staff Report to the Planning and Zoning Commission dated September 28, 2020 consisting of 5 pages.
<b>SR-35 04836-04891</b>	2020-10-27	Staff Report <i>Attachment A</i> Cover Sheet October 27, 2020 with Planned Unit Development (PUD) Comparison Table - October 27, 2020 - two pages with the following attachments: <ul style="list-style-type: none"> <li>• Attachment A - Warm Springs Ranch Resort PUD Public Benefits Summary.</li> <li>• Attachment B - River Run Master Plan PUD Public Benefits from June 7, 2010.</li> <li>• Attachment C - Simplot Ketchum Properties Public Benefits Summary</li> </ul>

		<b><i>DESCRIPTION OF EXHIBITS AND DOCUMENTS</i></b>
		<ul style="list-style-type: none"> <li>• Ketchum Tribute October 16, 2020 Planning Commission Supplemental Info with Exhibit A - Compliance with PUD Standards, Exhibit B - Additional Waiver Clarification, Exhibit C - Public Benefit of Project, Exhibit D - Trail Creek Improvements, Exhibit E - PEG &amp; Marriott Pandemic Precautions by AJC Architects.</li> <li>• City of Ketchum Recommendation and Staff Report to the Planning and Zoning Commission dated September 28, 2020 consisting of 5 pages.</li> </ul>
<b>SR-36 04892-04958</b>	2020-10-27	Staff Report to the Planning and Zoning Commission dated October 27, 2020 re: Application for Floodplain Development Permit File No. P19-062, Application for Planned Unit Development Conditional Use Permit File No. P19-063, Application for Waiver File No. P20-069 and Application for Lot Line Adjustment File No. P19-064 consisting of 11 pages and Exhibit A - PUD Comparison Table dated October 27, 2020, Exhibit B - Ketchum Tribute Supplemental Info (Power Pointe Presentation) Presentation dated October 16, 2020 and Exhibit C - Staff Report to the Planning and Zoning Commission dated September 28, 2020.
<b>SR-37 04959-04975</b>	2020-10-27	<p>Planned Unit Development (PUD) Comparison Table -October 27, 2020 - two pages with the following attachments:</p> <ul style="list-style-type: none"> <li>• Attachment A - Warm Springs Ranch Resort PUD Public Benefits Summary.</li> <li>• Attachment B - River Run Master Plan PUD Public Benefits from June 7, 2010.</li> <li>• Attachment C - Simplot Ketchum Properties Public Benefits Summary</li> <li>• Findings, Decision and Conditions River Run Hotel Core Planned Unit Development (PUD) Conditional Use Permit (CUP) 2010</li> <li>• Planned Unit Development Agreement with Simplot Properties, LLC January 2006.</li> <li>• Simplot Ketchum Properties Public Benefits Summary</li> <li>• Ketchum City Council Findings of Fact, and Conclusions of Law Simplot Planned Unit Development-Conditional Use Permit dated January 3, 2006</li> </ul>



<b>DESCRIPTION OF EXHIBITS AND DOCUMENTS</b>		
		<ul style="list-style-type: none"> <li>Planned Unit Development Agreement dated January 17, 2006 Simplot Ketchum Properties, LLC recorded as Instrument #533782.</li> </ul>
<b>SR-38</b> <b>04976-04977</b>	2020-03-09	Notice of Withdrawal of Staff Motion for Reconsideration File No. 19-064
<b>SR-39</b> <b>05428-05443</b>	2021-01-28	Master Joint Staff Report to the City Council for Proceedings on Remand
<b>SR-40</b> <b>05444-05488</b>	2021-02-01	Addendum Master Joint Hearings Staff Report to City Council for Proceedings on Remand
<b><u>Studies Comparisons, Analysis and Survey Documents identified with prefix "SD"</u></b>		
<b>SD-1</b> <b>04978-04981</b>	Undated	Project Comprehensive Plan Analysis
<b>SD-2</b> <b>04982-04983</b>	Undated	Hotels in Ketchum: Historic and Present Importance as Acknowledge by City Regulations.
<b>SD-3</b> <b>04984-04986</b>	Undated	Ketchum Boutique Hotel Staff Parking Demand Analysis.
<b>SD-4</b> <b>04987-04990</b>	2007-00-00	2007 Gateway Study / Pre-Application Design Review Submittal document.
<b>SD-5</b> <b>04991-05018</b>	2008-06-05	Power Point 9a referenced CED and Hotels dated June 5, 2008 consisting of 28 documents.
<b>SD-6</b> <b>05019-05023</b>	2018-10-00	Ketchum Through the Looking Glass Walkability Assessment Ketchum, Idaho dated October 2018 by Vitruvian Planning.

## 1.2 Planning and Zoning Hearings in chronological order:

<b>DATE</b>	<b>Planning and Zoning Hearings</b>
July 29, 2019	<i>Public Hearings on:</i> <ul style="list-style-type: none"> <li>P19-062 Application for Floodplain Development Permit</li> <li>P19-064 Application for Lot Line Adjustment</li> <li>P19-063 Application for Planned Unit Development Conditional Use Permit</li> </ul>
July 30, 2019	<i>Public Hearings on:</i> <ul style="list-style-type: none"> <li>P19-062 Application for Floodplain Development Permit</li> <li>P19-064 Application for Lot Line Adjustment</li> </ul>

DATE	Planning and Zoning Hearings
	<ul style="list-style-type: none"> <li>• P19-063 Application for Planned Unit Development Conditional Use Permit</li> </ul>
August 12, 2019	<p><i>Action Items:</i></p> <ul style="list-style-type: none"> <li>• Commission adopted Findings of Fact, Conclusions of Law and Recommendations on PEG Hotel, LLC applications: <ul style="list-style-type: none"> <li>✓ Floodplain and Waterways Design Review</li> <li>✓ Lot Line Shift</li> <li>✓ Pre-Application Design Review to Full Review</li> <li>✓ Planned Unit development/Conditional Use Permit</li> </ul> </li> </ul> <p>Bill Gigray, City Attorney, presented Development Agreement</p> <p><i>Action Item:</i></p> <ul style="list-style-type: none"> <li>• Commission approval Development Agreement for recommendation to the Ketchum City Council.</li> </ul>
February 24, 2020	<i>Public Hearing</i>
September 28, 2020	<p><i>Remand Hearing on:</i></p> <ul style="list-style-type: none"> <li>• P19-062 Application for Floodplain Development Permit</li> <li>• P19-064 Application for Lot Line Adjustment</li> <li>• P19-063 Application for Planned Unit Development Conditional Use Permit</li> <li>• P20-015 Design Review</li> <li>• P20-069 Application for Waiver</li> <li>• Permit Conditions Acceptance Agreement</li> </ul>
October 27, 2020	<p><i>Hearing continued on:</i></p> <ul style="list-style-type: none"> <li>• P19-062 Application for Floodplain Development Permit</li> <li>• P19-064 Application for Lot Line Adjustment</li> <li>• P 19-063 Application for Planned Unit Development Conditional Use Permit</li> </ul> <p>Continued the hearing to November 10, 2020 for Consideration of Findings of Fact, Conclusions of Law and Recommendations on approvals.</p>

<b>DATE</b>	<b>Planning and Zoning Hearings</b>
November 10, 2020	<p><i>Action continued hearing to December 15, 2020 for Consideration of Findings of Fact, Conclusions of Law and Recommendations on approvals of:</i></p> <ul style="list-style-type: none"> <li>• P19-062 Application for Floodplain Development Permit</li> <li>• P19-064 Application for Lot Line Adjustment</li> <li>• P19-063 Application for Planned Unit Development Conditional Use Permit</li> </ul>
December 15, 2020	<p><i>Action continued hearing to December 22, 2020 for Consideration of Findings of Fact, Conclusions of Law and Recommendations on approvals of:</i></p> <ul style="list-style-type: none"> <li>• P19-062 Application for Floodplain Development Permit</li> <li>• P19-064 Application for Lot Line Adjustment</li> <li>• P19-063 Application for Planned Unit Development Conditional Use Permit</li> </ul>
December 22, 2020	<p><i>Action Items:</i></p> <ul style="list-style-type: none"> <li>• Commission adopted Findings of Fact, Conclusions of Law and Recommendations on PEG Hotel, LLC applications: <ul style="list-style-type: none"> <li>✓ Master Joint Hearings Compiled Record of Proceedings on Remand</li> <li>✓ Floodplain and Waterways Design Review</li> <li>✓ Lot Line Shift</li> <li>✓ Planned Unit development/Conditional Use Permit</li> </ul> </li> </ul>

### 1.3 Ketchum City Council Hearings in chronological order:

<b>DATE</b>	<b>City Council Hearings</b>
September 16, 2019	<p>Joint Hearings</p> <ul style="list-style-type: none"> <li>• PUD</li> <li>• Development Agreement</li> </ul> <p>Mayor Bradshaw announced the hearing will be on October 7, 2019.</p>
October 7, 2019	<p>Joint Hearings</p> <ul style="list-style-type: none"> <li>• PUD</li> <li>• Development Agreement</li> </ul>
December 2, 2019	<p>Joint Hearings</p>

DATE	City Council Hearings
	<ul style="list-style-type: none"> <li>• PUD</li> <li>• Development Agreement</li> </ul>
January 21, 2020	Joint Hearings <ul style="list-style-type: none"> <li>• PUD</li> <li>• Development Agreement</li> </ul>
February 3, 2020	Joint Hearings Preliminary Plat and Planned Unit Development/CUP and continued Development Agreement Public Hearing
March 16, 2020	Hearing Development Agreement
April 6, 2020	Consider Orders on pending applications
February 1, 2021	Joint Hearings <ul style="list-style-type: none"> <li>✓ Floodplain and Waterways Design Review</li> <li>✓ Lot Line Shift</li> <li>✓ Planned Unit development/Conditional Use Permit /including waivers</li> </ul> Deliberation and Decision announce Directed FCOs' to be prepared
February 16, 2021	<i>Action Items:</i> <ul style="list-style-type: none"> <li>• City Council adopted Findings of Fact, Conclusions of Law, Orders and Decisions on PEG Hotel, LLC applications:               <ul style="list-style-type: none"> <li>✓ Master Joint Hearings Compiled Record of Proceedings on Remand</li> <li>✓ Floodplain and Waterways Design Review</li> <li>✓ Lot Line Shift</li> <li>✓ Planned Unit development/Conditional Use Permit /including waivers.</li> </ul> </li> </ul>

## SUMMARY OF ALL HEARINGS – CHRONOLOGICAL

### 1.4 July 29, 2019 Planning and Zoning Proceeding:

The Public Hearing was held on the following Applications: (1) P19-062 Floodplain Development Permit, (2) P19-064 Lot Line Adjustment, and (3) P19-063 Planned Unit Development Conditional Use Permit, Pre-Application Design Review and Development Agreement. PEG Ketchum Hotel, LLC submitted drawings, narratives, and studies for the development of a 100-room hotel at the southwest corner of River Street and State Highway 75/Maine Street ("Gateway Site"). This joint hearing on

these related applications. The Meeting started with a site visit to 251 S. Main Street, 260 E. River Street, 280 E. River Street subject real properties of project applications.

**1.4.1 The following persons making statements before the P&Z Commission are as follows:**

- Ed O’Gara
- Ben Worst
- Mark Pynn
- Lars Guy
- Bruce Hinckley
- Bob Korb
- John Sahlberg
- Robert Adolph
- Susan Sahlberg

**1.4.2 Planning and Building Department Staff [paraphrased]:**

- **John Gaeddert**, City Planning and Building Department Director, recapped the criteria for the subject applications and the City Staff evaluation of the Project. He outlined the proposal to change the three existing lots into one lot subject to some 15 conditions as noted in the staff report.
- **Brittany Skelton**, City Senior Planner, presented and overview and outline of the meeting process

**1.4.3 Applicant Representatives [paraphrased]:**

- **Nick Blayden** of PEG Ketchum Hotel, LLC provided back ground on the Applicant.
- **Justin Heppler**, AJC Architects, outlined the development and design aspects of the project with the site features.
- **Ryan McMullen**, AJC Architects, for the Applicant discussed the landscaping and project roof top features.
- **Jeff Loomis**, Galena Engineering, reported on the projects civil engineering (sewer, water, power, gas, sidewalks, streets, traffic patterns, crosswalks) and the surveying of the project.
- **Ryan McMullen** made a presentation regarding the four proposed waivers: (1) Height, (2) FAR; (3) Lot Size, and; (4) Highway setbacks.
- **Scott Johnson**, Hills Engineering, presented the Traffic Study, delineating the level of service, peak hours, traffic flow at different times of the day and of the week and year.

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- **Sean Flynn**, Galena Engineering, discussed the protections of Trail Creek on the southerly property boundary regarding the high-water mark on the north side of Trail Creek during the construction of the project.

1.4.4 **Commission Actions [paraphrased]:**

- Approved the application for Floodplain Development and Waterways Design Review.
- Approved the Lot Line Shift Application subject to recommended conditions.
- Recessed the public hearing on the other applications to reconvene on July 30, 2019.

**1.5 July 30, 2019 Planning and Zoning Proceeding:**

The Public Hearing was continued and reconvened on the following Applications: (1) P19-062 Floodplain Development Permit, (2) P19-064 Lot Line Adjustment, and (3) P19-063 Planned Unit Development Conditional Use Permit., Pre-Application Design Review and Development Agreement.

1.5.1 **The following persons making statements before the P&Z Commission are as follows:**

- Jima Rice
- Pat Duggan
- Ben Worst
- Bruce Hinkley
- Jerry Seiffert
- Lars Guy
- Lane Thompson
- Mark Pynn
- Harry Griffith
- Susan Sahlberg

1.5.2 **Planning and Building Department Staff [paraphrased]:**

- **Brittany Skelton**, City Senior Planner, presented to accept posting of the agenda, draft Development Agreement, and the Staff presentation.
- **John Gaeddert**, City Planning and Building Director, gave the staff report on the Planned Unit Development/Conditional Use Permit.

1.5.3 **Applicant Representatives [paraphrased]:**

- **Nick Blayden** of PEG Ketchum Hotel, LLC introduced the Pre-Design Review of the Project.
- **Justin Heppler**, AJC Architects, presented the Design Review and addressed topics of concern referred at the hearing on July 29<sup>th</sup> involving height, setbacks, and shadows.

- **Scott Johnson**, Hills Engineering, discussed parking and traffic.

#### 1.5.4 **Commission Actions [paraphrased]:**

- Closed public comment.
- Advanced Pre-Design Review Application to full Design Review with conditions and directed staff to prepare FCOs.
- Approved the Planned Unit Development and Conditional use Permit Application and draft findings with clarification.
- Approval of draft Development Agreement.
- Continued the hearing to August 12, 2019 for receipt and approval of FCOs.

### 1.6 **August 12, 2019 Planning and Zoning Proceeding:**

#### *Action Items:*

- Commission adopted Findings of Fact, Conclusions of Law and Recommendations on PEG Hotel, LLC applications:
  - ✓ Floodplain and Waterways Design Review
  - ✓ Lot Line Shift
  - ✓ Pre-Application Design Review Advanced to Full Design Review
  - ✓ Planned Unit development/Conditional Use Permit
- Commission approval Development Agreement for recommendation to the Ketchum City Council.

#### 1.6.1 **The following persons making statements before the P&Z Commission [paraphrased] are as follows:**

- **Bill Gigray**, City Attorney, presented Development Agreement.

### 1.7 **September 16, 2019 City Council Proceeding:**

The Public Hearing notice for the September 16, 2019 hearing at 4:00 p.m. due to a notice error. It was announced by the Mayor that the hearings on the Ketchum Boutique Hotel at 260 and 280 River Street and 251 S. Main Street applications for Planned Unit Development, Conditional Use Permit, and Development Agreement will not be commenced until October 7, 2019 at 4:00 p.m. No presentation was made by the applicant or staff, and no deliberations or discussion on the matter was held by the Council. However, those members of the public who were in attendance at the hearing and unable to attend the re-noticed public hearing for October 7, 2019 were



allowed to provide public comment with said public comment to be included as part of the record of October 7th hearing which included the following:

**1.7.1 The following persons making statements before the City Council [paraphrased] are as follows:**

- **John Sahlberg**, 321 Leadville in Ketchum, who expressed concern and frustration that the P & Z was relying upon a study from 2002 and that it was old and not useful and that the P & Z is recommending the granting of waivers because they have done it before. Referenced the Barriteau project.
- **Gary Hoffman**, 235 Spur Lane in Ketchum, found it refreshing that a large company is coming to Ketchum but would prefer they purchase the Barriteau Hotel property. Discussed proposed construction by ITD and positives and negatives of the proposal. He also mentioned housing and tourism and zoning, rentals and zoning laws need to be changed and would like to see a City stand against oversized construction.
- **Dr. Alexander**, 110 Sweetbrier in Blaine County, wanted information as to why the Council and P & Z got to the root of why they recommend this project.
- **Vicky Graves**, resident of Ketchum, concerned about safety at the corner and opposed to the hotel.
- **Kevin Livingston**, 115 S. Leadville, started the digital petition and no one understands what is being proposed and that the Council needs to uphold with the public wants. He expressed concerns about the waivers granted to the Barriteau project.
- **Penelope Street**, born and raised in Ketchum, currently works with homeowners and is concerned about high costs of living and working in Ketchum and concerned about project employee housing.
- **John Heaney**, 110 Williams Street, is opposed to the height of the project.
- **Lisa Leach**, Blaine County resident, did not want to see variances granted. Recommended that an industrial psychologist be hired to study the proposed housing and was concerned about the adequacy of employee parking.
- **Pamela Sabel**, business owner at 180 Leadville Ave. N., concerned with the hole in the ground unfinished hotel project across Highway 75 and would like to see that project completed before starting another one and wanted more information.
- **Emily Nardel**, resident since 1983 and resides at the corner of River Street and 1st Ave. S., stated that the building will impact her ability to get out of her home and had concern with zoning changes.

- **Susan Scovell** has served on P&Z and urged Council to support P&Z recommendation.
- **Frank Dressman**, Blaine County Resident, was frustrated by the P&Z waivers and recommended that the Marriott possibly build a building that blends with the community.
- **Susan Sahlberg**, 321 Leadville, Ketchum, stated that the project does not fit in the space and that a smaller hotel could fit in the space.

## 1.8 October 7, 2019 Hearing Conducted before City Council:

The Public Hearing correctly noticed October 7, 2019. The public hearing was commenced by the Council, at 4:00 p.m. on October 7, 2019 at 4:00 p.m. for the receipt of testimony and comment from City Staff, the Applicant and the public.

### 1.8.1 Applicant Representatives (paraphrased):

- **Cameron Gunter**, CEO of PEG Development, presented his background information and discussed the benefits of the hotel brand {Marriot} which can be modeled to the community and can bring more people to the area and that onsite employee housing is critical to the success of the hotel project.
- **Nick Blayden**, Applicant Project Manager, presented the site plan provided information on what is currently on the site, the economics of the project and reviewed market study and estimated property tax and sale tax benefits. Stated that the project will have 30 beds for employee housing on site with some employees coming from off site.
- **Justin Heppler**, Applicant Architect, discussed that the Applicant allows design to cater a project to the local community. Discussed who they are trying to attract to the area and their process for creating the hotel. He reviewed the project design, public amenities for each level and the employee housing component of 30 beds for employees. That the project supports the City's comprehensive plan and clarified the height of the project and that it is lower than the neighboring hotel Limelighter and the Bariteau project. He stated the designs are not complete. He reviewed the waivers requested, size of the acreage, floor area ration waiver for employee housing and set back waivers on three sides. He also discussed changes made to the project based upon P & Z review process. Responded to Council questions and concerns.
- **Ryan Hales**, Hales Engineering, for Applicant discussed the traffic study, liver of service and how they calculated traffic conditions, signalized, and stop controlled intersections. He also discussed existing conditions and future growth estimates and reviewed the traffic count and River St. and Maine Street intersections.

### 1.8.2 Public Comment (paraphrased):

- **Scott Hanson**, Homeowner Trail Creek Crossing, helped with the online petition. He is not opposed to hotels but objects to location of the Application. That the project is not in scale and would detract from the City's entrance and was concerned about traffic and waivers. That people rely upon zoning and waivers should not be granted. He discussed the survey's and petitions that have been circulated and that the project should not go forward.
- **Elaine Harks**, resident of Ketchum, stated she is not anti-hotel concern is zoning are laws standards for only suggestions
- **Pat Duggan**, resident and property owner in Ketchum, discussed her concerns about waivers granted in the past and that granting waivers needs to stop. Wants projects brought to the public in earlier time frame and references the petitions and other public comments.
- **Tom Benson**, Ketchum resident and property owner. Did not want exceptions to be made and not to grant waivers and discussed the number of employee housing needed and that the employee housing be moved to another location and how to change the design to fit the land.
- **Lars Guy**, is a tenant in the building on the west side of the Project. He was concerned about the height of the building and was concerned about parking wanted continued review.
- **Jima Rice**, Blaine County resident. Recommended that the project be sent back to Planning and Zoning.
- **Gene Abrams** discussed the variances given to the Limelighter Hotel that should not be precedence for variances for this project. Questioned the occupancy and need for another hotel. Referenced another Marriot down the road and questioned employee housing did not make sense and questioned the tax income benefit to the City.
- **Dick Clotfelter**, resident of 151 S. Main lives on the top floor of the neighboring Limelighter Hotel. He was concerned with the plan and design of the project that he had hired and architect. He was concern with the traffic that will occur on River Street, fire safety on River Street due to the road being closed and that the project plan for parking, loading and garbage removal will cause problems.
- **Sally McCollum**, Ketchum resident, used to own the building to the west of the project. That the project is too large for the site and is too big along with the Limelighter Hotel for the City entrance.
- **Heidi Scherthanner**, Ketchum resident, complained about the City continuing to offer waivers for private homes and hotels and that traffic was a large problem.

- **Mark Penn**, President of East Fork, concerned that the application ignores the zoning by applying for variances. Wanted the T-zone standards maintained. That the building height waiver request was not appropriate and voiced concerns about parking. He was not opposed to the project but wanted it designed to fit in the neighborhood better.
- **Pam Bailey**, Sun Valley resident, voiced concern over traffic and economic development impact.
- **Dell Ann Benson**, Trail Creek Crossing, was concerned about construction and noticing issues and object to the project across the street to the east as the hole in the ground at the entrance to the City and was opposed to the project.
- **Mickey Garcia** referenced the history of Ketchum, and was in favor of the development and the height no worse than the Limelighter across the street and that the public here does not want to let any other development in Ketchum.
- **Michael Brown**, from Aspen Colorado, He owns the Tamarack and Ketchum Hotel. He was against the project and that Ketchum was eclectic and that it should stay that way.
- **Jim Laski**, attorney representing the Limelighter Homeowner's Association, that his client objected to the design and was concerned with traffic. He discussed ITD's plan and not knowing when it would be implemented That the Limelighter did not have any waivers but employee housing and was concerned about traffic circulation plan.
- **Gary Slette**, represents Jan Clotfelter, his client is not against a hotel but concerned about traffic and circulation. He referenced his letter to the Council about River St. access and Main Street road closures.
- **Gary Lipton**, resident of Ketchum. He is for the Hotel but wants waivers addressed appropriately. If this does not go forward, it will affect future investors.
- **Melissa Lipton** is against waivers being issued for the project. Concern over character of the entrance to Ketchum.
- **Ben Worst**, 220 River St., LLC. His client is in support of a hotel at that location but concern of PUD's waivers and that these waivers make the zoning meaningless. Wants the hotel to be best it can be and was concerned about traffic, parking issues, view corridors.
- **Jerry Seifert** voiced support for the project
- **Ed O's Gara** on River Street, he is the closest resident to the project and the Limelight Hotel. Concern with parking.
- **Brian Barsotti**, Ketchum resident, discussed history of trying to put a hotel in Ketchum that slack is very hard for in this area and hospitality has

changed. This is due to competition with Air BnB and other rentals in the area. Concern is waivers given to this project will have to be given everywhere.

**1.8.3 Planning and Building Department Staff:**

- **John Gaeddert**, Director of the City of Ketchum Planning and Building Department (the “Director”), provided the Staff Report, discussed the history of the project Application and a study that had been done.

**1.8.4 Mayor and Council issues of concern:**

- **The Mayor and members of the Council** questioned the Applicant Representatives regarding the following issues related to the impact of the Application:
  - Traffic circulation and pedestrian safety;
  - Employee housing and affordable housing; and pedestrian crossing. Responded to the Mayor’s and Council’s questions and concerns about affordable housing; and
  - Setbacks and height.
- **The Mayor and members of the Council** questioned the Director regarding the following issues related to the impact of the Application:
  - Bulk reduction;
  - What the Idaho Transportation Department’s plans are for Highway 75 and road improvements; and
  - Height and traffic flows.

**1.8.5 Mayor and Council action:** Approved a motion to continue the hearing to December 2, 2019 at 4:00 p.m. due to the complexity of this project and the need for more information to be presented.

**1.9 December 2, 2019 Hearing Conducted before City Council:**

The Public Hearing was continued to receive more information by motion of the City Council during the October 7, 2019 public hearing. The public hearing was commenced by the Council, at 4:00 p.m. on December 2, 2019 at 4:00 p.m. for the receipt of testimony and comment from City Staff, the Applicant and the public.

**1.9.1 Applicant Representatives [paraphrased]:**

- **Nick Blayden**, Applicant Project Manager, discussed the Applicant’s open house and had heard from the public and were show the changes they have made to the project contained in Applicant’s Master Plan Version 2.
- **Justin Heppler**, Applicant Architect, presented a power point showing 10 things they changed in the project design since the hearing of October 7th

contained in Applicant's Master Plan Version 2. These included changes in the delivery and loading zone area as requested by Sherri Newlands P.E. City Engineering, access from Highway 75, sustainability, updated floor plans and the massing of the building and employee housing plans.

#### 1.9.2 Public Comment [paraphrased]:

- **Heidi Scherthanner:** thanked Applicant for improvements in the plans.
- **Jima Rice:** Thanked Applicant for improvement in plans, was critical of the P&Z Commissioners' review of this application. That the size of the project not small enough in mass and recommended eliminating the employee housing and that the Applicant make a contribution in lieu of providing housing in the project and eliminate the roof top bar. Discussed the 2014 Comprehensive Plan.
- **Harry Griffith,** Executive Director of Sun Valley Economic Development: Spoke about the economic benefits of this project as being worth \$1.6 million to the community. That it directly impacts tourism and that is was an important project in that regard. He discussed the jobs the project will create and the number of new visitors it will bring to town. He stated that the 23-employee housing units is significant. He discussed the contribution to Local Option Sales Tax ("LOT") that the project will bring. He referenced that the Marriott brand helps put Ketchum on the map. He obtained his information from the Applicant and found it consistent with the input and output model that has been used in the community.
- **Lucy Barrett,** expressed concern about the City's infrastructure and if the City has addressed this concern. Expressed concern over parking and the conditions of the City's Roads. Concern over the number of people this could bring and the ability of the hospital to hand it.
- **Mickey Garcia,** stated the P&Z did a wonderful job on this project, he is pleased with the design and that the people who are against it are selfish.
- **John Sahlberg,** lives in Trail Creek Crossing and was affected by the project and expressed is not wanting Ketchum to be like Jackson, Wyoming or Park City, Utah and opposes granting any waivers and respect for Ketchum's values.
- **Susan Niemann,** 40 years of residency in Ketchum and agrees with John Sahlberg, and concerns about the Applicant's renderings and that the project be build and landscaping consistent with project renderings.
- **Lars Guy,** immediate neighbor, questions regarding the T-zone and setbacks and concerned about the relative scale and how it will look to the surrounding residents and that it is dangerous to grant waivers.
- **Dick English,** Ketchum resident, concerned with utilities and natural resources. Questioned the City's ability to provide water and accommodate

the wastewater and was concerned about electrical power and natural gas needed for the Project effect on these systems.

- **Kevin Livingston** is concerned about transparency and there has been an overwhelming opposition response to the number of waivers applied for. He again discussed his opinion and that it cannot be good for Ketchum. That the people will be paying a lot more taxes that what the project will bring in. Stated the project needs to be scaled back.
- **Tom Benson**, Ketchum resident, opposed to the height variance and that it will devalue the property that surrounds the Project and discussed a review that praised the Ketchum area and does not want Ketchum to turn into a Jackson, Wyoming or Park City, Utah.
- **Susan Sahlberg** liked the changes to the project that have been made but the waivers are still of concern and she opposed the height waivers.
- **Grace Summers** moved to Ketchum for the economy. That for young people this Project is a great opportunity to grow the economy. Discussed how Marriot is involved with corporate travel and how corporate employees then use Marriot hotels with they do personal travel. She was concerned that if this Project is turned down then Ketchum will not be attractive for other major brands of hotels. She also was in favor of the Roof Top bar which the Community could use.
- **DelAnn Benson** commended the Applicant on the amount of work they have done but not enough and that the project should meet the standard set for the zone. She questioned the statements of the Executive Director of Sun Valley Economic Development and the jobs this Project will bring. That the Project looks better than what is there now is no reason to grant this Application.
- **Pat Duggan** stated that the Applicant needs to find another location, that the proposal is in the wrong spot and the P&Z Commissioners should have more thoroughly looked at the location.
- **Jim Laski**, Representing the Limelight Residents HOA. Their major concern is Highway 75 and River St. They oppose the angle parking scenario and the loading zone proposal. Concern about semi-trucks and the timing of deliveries and backing in and out for deliveries and expressed concern that the housing proposed as referenced at this hearing was different than what was in the Council Packet and that the biggest concern was traffic and vehicular use of Highway 75 and River Street.
- **Ed Johnson**, Ketchum resident, stated no reason the housing should be on site and wanted the housing off site.
- **Mark Penn** stated that the Applicant's current design was in response to public concerns but more work needs to be done to address those concerns. Discussed concern over P&Z Commissioners and zoning and

concern about approval of the Project as presented creates a bad precedent in Ketchum.

- **Gary Slette** represents Mr. & Mrs. Clotfelter. They are not opposed to the use if it fits and complies with the Zoning criteria. They are concerned with River St. right-of-way for delivery truck parking and that the Council look at River St. plan to come up with alternatives.

#### 1.9.3 **City Engineering Consultant:**

- **Kordel Brayley**, Independent Engineer hired by the City of Ketchum, was introduced by the Mayor to discuss traffic circulation issues presented by this Project. Mr. Brayley recommended the access to the Project be off of River St. He responded to Council question about elimination of the left turn regarding Highway 75 which he has not reviewed.

#### 1.9.4 **Mayor and Council issues of concern:**

- Concerns about left turning regarding the intersection of River St. and Highway 75; and
- Access to the Project needing to be off of River St. not Highway 75; and
- Discussed encroachment proposals at page 86 and 87 of the Council Packet; and
- Discussion of retaining the middle of River St. where it is and not having diagonal parking move it which will reduce the size of the plaza and the effect on the length of the cross walk over River St.
- Discussion regarding the height waiver; and
- Discussion of benefits of employee housing and discussion of building affordable housing at another location and the need to see the Applicant comply with 1.6 Floor Area Ratio ("FAR") and had concern with the FAR waiver request; and
- Discussion of the setback waiver on the west side.

1.9.5 **Mayor and Council action:** Approved a motion to continue the hearing to January 21, 2020 at 4:00 p.m. due to the complexity of this project and the need for more information to be presented.

### 1.10 **January 21, 2020 Hearing Conducted before City Council:**

The Public Hearing was continued to receive more information by motion of the City Council during the December 2, 2019 public hearing. The public hearing was commenced by the Council, at 4:00 p.m. on January 21, 2020 at 4:00 p.m. for the receipt of testimony and comment from City Staff, the Applicant and the public.



**1.10.1 Applicant Representatives (paraphrased):**

- **Nick Blayden**, Applicant Project Manager, discussed that this was their third presentation of the Application. the Applicant's open house and had heard from the public and were show the changes they have made to the project contained in Applicant's Master Plan Version 2.
- **Justin Heppler**, Architect, who referenced the Applicant's Master Plan Version 3 and discussed the 4 waivers that are being requested by the Applicant as a part of Applicant's PUD Application:
  - #1 – Minimum Lot Size for PUD waiver is necessary in order to build a hotel on the site; and
  - #2 – Floor Area Ratio – The Master Plan Version 3 maintains the employee housing component but have reduce the FAR to 1.57 as compared with the original Master Plan of 1.9. He used a power point to assist his statement about how they were able to make that reduction. He also referenced that the FAR 1.57 is lower than the request by the Council at the December 2nd hearing to reduce it to 1.6.
  - #3 – Average Setbacks – The Applicant was still seeking set back waivers on 3 sides and then described the Master Plan Version 3 on each of the 3 sides.
  - #4 – Height/Contextual Elevations – He explained showed that the elevations of the building in the Master Plan Version 3 is 27' lower than the Barriteau project across Highway 75 and 25' feet lower than the Limelight hotel. He talked about the Right of Way Waivers and outlined the curb lines.

He also referenced that the Applicant in discussion with Idaho Transportation Department on Highway 75 and making some headway.

He also discussed the sustainability facets of the project and briefly reviewed the floor plan and the views of the project and employee housing component.

**1.10.2 City Attorney (paraphrased):**

- **Bill Gigray** reviewed with the Council the Planned Unit Development Standards and Process as it applies to the pending application.

**1.10.3 Planning and Building Department Staff (paraphrased):**

- **Abby Rivin**, Associate Planner, discussed the waivers and how the FAR is calculated and how setbacks and height is calculated for waiver purposes and what the standards were without waivers.

#### 1.10.4 Public Comment (paraphrased):

- **Ben Worst**, Attorney representing 220 East LLC, neighboring property owner to the west of the Project. Stated that the waivers being requested are huge. Stated that Ketchum has never had average setbacks. That the formulas used to determine the setbacks that it is only 11'8" from the Project to his client's property line. He requested the Council to increase that distance as much as possible up to 24'. He questioned what the undue hardship was for the Applicant. He stated under the PUD ordinance there is a need to set conditions and the need to meet the standard by reducing the height, increase setback and primarily meet the City's standards and compatibility with the neighboring properties.
- **Scott Hanson**, homeowner at Trail Creek Crossing, stated the City has misinterpreted its code. That the Applicant was aware of the Code requirements prior to the purchase of the subject property and that the waivers requested are detrimental to public health & safety and referenced the signed petitions and letters posted. He has concerns about traffic and the traffic study and problems that will be created by the Project. He stated this project would decrease the value of property around the project. He stated the property owners have hired an attorney and will fight for their rights. He stated the Project is inconsistent with the Tourist zone it is in and inconsistent with the neighborhood. That granting the waivers constitutes spot zoning without a rezone of the property and requested the Council to deny the requests for waivers.
- **Jima Rice** complained that the Mayor and the head of P&Z had solicited the hotel and those communications were not given to the Council or the P&Z Commissioners and this was Open Meeting Law violation. She requested that the Council deny waivers that were *defacto* approved and if the Applicant cannot meet those standards then must withdraw the application.
- **Dick Clotfelter**, 151 S. Main St. in Ketchum, requested that the zoning standards of the Tourist Zone be followed and that the Council reject the application. He recommended that new plans be brought back to P&Z accordingly.
- **John Sahlburg**, homeowner at Trail Creek Crossing, stated the height waiver requests are monumental and the process is frustrating the public. Concerned the project would forever change Ketchum. This project and waiver will be detrimental to the public welfare and referenced all the letters and petitions that have been submitted. He stated there is nothing being proposed that is for the public welfare and that the property owners on 3 of 4 sides have stated it will be detrimental to the surrounding area. He requested the Council to deny the application.

- **Sharon Patterson Grant**, representing the KSEAC, discussed the groups support (not inclusive of City members) of the sustainability measures the Applicant has incorporated in the Master Plan Version 3 that reflect the group's goals. She recommended getting some level of 3rd party certifications to guarantee energy efficiency such as Lead Certification and that they are proceeding with Green House Inventory in Blaine County with all jurisdictions including Ketchum. She is only speaking for water/waste and energy reduction.

#### 1.10.5 Mayor and Council action:

- Closed public comment
- Proceed to deliberate:
  - Sought legal clarifications from Bill Gigray, City Attorney;
  - Sought clarification on the procedure for design review of this Application and Project and average setbacks from John Gaeddert;
  - Continued their deliberations; and
  - Sought clarification from the Applicant's architect on setbacks.
- Motion made by Councilor Hamilton, Seconded by Council President Breen, to approve the Planned Unit Development Conditional Use Permit and CUP for the PEG Ketchum Hotel for Master Plan Version 3 as recommended in the Staff Report Findings with the condition in section 2.2.11 of the recommended Staff Report findings be revised for the west setback to be not less than 16' and that section 4.5.2 of the recommended Staff Report findings include that the building be LEED Silver Certified and to direct the City Engineer, consistent with condition 4.2.4 of Attachment E.4.A, to work with the Applicant to complete the State Highway 75 (SH75) Encroachment Permit with the Idaho Transportation Department (ITD) that excludes (other than emergency Access) and direct approach into the project; and Direct the City Attorney and Planning Staff to Prepare Findings of Fact, Conclusions of Law, Order of Decision of the City Council for the City Council's consideration, approval and adoption at the continuance of this hearing.
  - Voting *Yea*: Council President Breen, Councilor David, Councilor Hamilton
  - Voting *Nay*: Councilor Slanetz
- Motion to continue the public hearings to the Ketchum City Council meeting to be held on February 3, 2020 at 4:00 pm as follows:
  - Regarding the development agreement, to receive applicant reports, staff reports and public testimony for City Council consideration and action;

- Regarding the application for Planned Unit Development Use Permit and CUP in order, to receive the city attorney's and planning staffs prepared Findings of Fact, Conclusions of Law, Order of Decision as directed in first Motion for City Council consideration, approval and adoption and final action; and
- Regarding the application for Preliminary Plat in order, to receive prepared Findings of Fact, Conclusions of Law, Order of Decision as directed in second Motion for City Council consideration, approval and adoption and final action.

### 1.11 February 3, 2020 Hearing Conducted before City Council:

Joint Hearings Preliminary Plat, Planned Unit Development/CUP and continued Development Agreement Public Hearing reconvened from January 21, 2020 for the receipt of the FCO's and continue Development Agreement hearing.

#### 1.11.1 City Staff [paraphrased]:

- **Bill Gigray**, City Attorney, regarding Gary Slette's questions from the January 22, 2020 hearing letter of February 27, 2020 argues for the following interpretation of the provisions of KMC § 16-08.080: and legal issues associated with ordinance construction and waiver issues. He also advised the Council on the current process of the above-entitled matter.

#### 1.11.2 Planning and Building Department Staff (paraphrased):

- **John Gaeddert**, Director, recommended the City Council review and approve the propose findings of fact, conclusions of law, order of decision for the PEG Ketchum Hotel, LLC applications for Preliminary Plat and Planned Unit Development Conditional Use Permit and continuance of the Development Agreement portion of the public hearing until March 16, 2020.

#### 1.11.3 Public Comment (paraphrased):

- **Ben Worst**, Attorney for 220 River Street, LLC expressed gratitude from his client for the 16' setback on the west side of the project but wants to be sure there is a complete 16' setback. He wanted set back condition to be clear.
- **Jim Hunglemann** made reference to the meeting at the Limelight hotel and stated there is not a need for additional hotel space.

- **Ananda Kriya** felt the Planning and Zoning Commission was going too fast and in the wrong direction. What does the community really want and does not see the need for another hotel.
- **Pamela Zabel** referenced that the parking lot was good but nothing else. Concerned with the construction and the streets. Does not believe that hotels are overcrowded and does not see the need for another hotel.

#### 1.11.4 Mayor and Council action:

*Action Items:*

- Approval of PEG Preliminary Plat Findings;
- Approval of PEG Planned Unit Development CUP Findings; and
- Continued the public hearing on the Development Agreement to March 16, 2020.

### 1.12 February 24, 2020 Planning and Zoning Proceeding:

*Design Review:* This meeting started with a site visit to 260 E. River Street (Lots 1,2,3 and Fr 21 and 22, Block 82, original townsite. The hearing was reconvened to consider action on the Design Review Application.

#### 1.12.1 Applicant Representatives (paraphrased):

- **Nick Blayden**, PEG Ketchum Hotel, LLC, complimented the design team for its work. In response, he explained that the bar is not a party place but a low-key, after skiing gathering spot.
- **Ryan McMullan**, AJC Architects, presented the Design Review. He advised that the design team has worked on Dark Skies requirements and Sustainability. He presented an overview of the site plan, traffic merges, mass, employee housing, and each of the floor plans exterior materials to be used and the rooftop bar. He responded to concerns electrical locations mandated by Idaho Power and the location of public utility easements. He stated that the laundry venting is passive system not forced and involves commercial gas dryers venting to that side with not lint to be emitted. Walkways on the Hotel property would be heated. He also addressed noise issues as a priority and lighting will conform to Dark Skies standards. He showed Dark Skies lighting and energy efficient materials to be use.

- **Nicole Cary**, Kurt Eggers Associates Landscape Architects, noted landscaping is to include native plants. That the proposed landscaping along the highway promotes a forested atmosphere and the west side includes a buffer of trees and shrubs. The riparian zone to remain natural with possible public access. Some green roofs and terraces with planter.

**1.12.2 City Staff [paraphrased]:**

- **Bill Gigray**, City Attorney, responded to Attorney Gary Slette's argument regarding the minimum lot size and acknowledged that the Request for Reconsideration had been received by the City Council.

**1.12.3 Planning and Building Department Staff (paraphrased):**

- **John Gaeddert**, City Planning and Building Department Director, gave a summary of prior hearings and areas of consideration by the Commission and the City Council. That the City Council awaits the Planning and Zoning Commission's recommendations on the full Design Review which will become part of the Development Agreement. He advised that the City had received a letter seeking reconsideration of City Council Action. In response, advised the Commission of the recommended 15 conditions in the Staff Report.
- **Brittany Skelton**, City Senior Planner, commented that the proposed Trail Creek clean up and possible access could be approved administratively.

**1.12.4 Public Comment (paraphrased):**

- **Gary Slette**, Attorney for Dick Clotfelter and Big Burn, LLC & five owners of Trail Creek Crossings Condos, stated that they have filed a Reconsideration Request to the City Council. His clients support the concept but not this proposal. His clients object that the proposal does not meet design standards, objects to the number of floors, the waivers of minimum lot size and that the Commissioner follow the requirements of the zoning ordinance.
- **Ben Worst**, Attorney for 220 E. River Street, LLC, stated his client approves the current design including the 16 foot set back on the west but wanted more specific information on the retaining wall, utilities and the garage and laundry venting.
- **Joanie Cashman**, neighbor to the south, expressed concern with light pollution, traffic, possible and the amount of noise from the outdoor bar, and ice on the sidewalk into town.

### 1.12.5 Mayor and Council action:

*Action Items:*

- Motion to direct staff to prepare the final Findings of Fact, Conclusions of Law, and Order of Decision in accordance with the Staff Report of February 24, 2020 subject to the additional Findings and Order of Decision based upon the continuance of this hearing and the additional renderings brought forth to be included in the findings for consideration by the Commission on March 9, 2020; and
- Continued the hearing to March 9, 2020.

### 1.13 March 9, 2020 Proceeding before Planning and Zoning Commission:

*Design Review:* Hearing to consider and take action on the Design Review application.

#### 1.13.1 Planning and Building Department Staff (paraphrased):

- **John Gaeddert**, City Planning and Building Department Director, introduced the Design Review landscaping, rendering, and mechanicals. He also discussed added conditions 16 and 17 to the Staff Report addressing concerns raised at the last meeting involving the terraced wall and the brightness of the fireplace. He stated in response to concern that generators are commonly placed within the setback.

#### 1.13.2 Applicant Representatives (paraphrased):

- **Nick Blayden**, PEG Ketchum Hotel, LLC, introduced Applicant's Design Review presentation. He explained the parking and free public parking validation. In response, stated that he thought the generators could be placed inside the building, if necessary.
- **Justin Heppler**, AJC Architects, discussed the proposed firepit, exterior material and landscaping at each elevation. He addressed the impact of the terraced walls on the south side and that is had been broken up into panels. He advised that the wall could be space for public art and that the Conner Plaza with a fire pit would require an encroachment permit from the City. In response to question, he advised there would be lighted bollards at the driveway for safety.

- **Nicole Cary**, Kurt Eggers Associates Landscape Architects, provided an overview of the landscaping along Trail Creek and the Highway Sides of the Project.
- **Charles Despain**, mechanical engineer, explained the minimal impact of the mechanical venting, sound, and emissions on the west side of the proposed building. That the emergency generator would run once every 15 minutes and any time of the day and for maintenance and would produce a minimum sound and there is a sound barrier enclosure. He stated the boilers would vent through the roof and the dryers to the side at the lower end of the building. Lint traps would be used. There would be no fumes and minimal steam would be emitted. The vents are 15 feet from the property line and landscaping would be planted in the setback.
- **Whipple** stated the noise would be mitigated since the noise would affect hotel guests as well as neighbors.

#### 1.13.3 Public Comment (paraphrased):

- **Bob Korb**, 220 E. River Street, concerned about the vents near the neighboring building to the west. He stated the generator cannot be located within the setback. He has concern about noise and odors and asked that the Commission require the vents to be moved.

#### 1.13.4 Mayor and Council action:

##### *Action Items:*

- Motion to approve the PEG Ketchum Boutique Hotel, LLC Design Review Application with Conditions as set forth in the Findings of Fact, Conclusions of Law, and Order of Decision provided in attachment 1 of the Staff Report and authorize the Chair to sign subject to conditions 1-18.

### 1.14 March 16, 2020 Proceeding before City Council:

Hearing on Gary Slette's Request for Reconsideration held as a Phone Conference.

#### 1.14.1 City Staff (paraphrased):

- **Matthew Johnson**, City Attorney, recommended that the City Council continue this public hearing and that Gary Slette filed on behalf of his



clients Mr. and Mrs. Richard Clotfelter, Big Burn, LLC, Kevin Livingston, Scott & Karen Hanson, John & Susan Sahlberg, Thomas & Del-Ann Benson and Pat Duggan Request for Reconsideration of File No. P19-063, File No. 19-064 and advised this is not a public hearing and the procedure involved. In response he also advised that Council that it needs to add Slette's Exhibits A-D, E 1 and E2 and F and the Applicant submitted a brief letter but not further exhibits. He advised the Council to deliberate.

- **Bill Gigray**, City Attorney, responded with an explanation of the job of the Council in regards to requests for reconsideration and the two requests before the City Council and that it has 60 days to issue a written decision. He explained reconsideration before them that there are not waivers involved and issues of due process and the Open Meeting law and that in his opinion the Open Meeting Law had not been violated.

1.14.2 **Gary Slette (paraphrased)**: Presented his exhibits A-E which were displayed in the council chambers and reasons for the Requests for Reconsideration.

1.14.3 **Applicant (paraphrased)**:

**Deborah Nelson**, attorney, appeared for the Applicant in response.

1.14.4 **Mayor and Council action**:

*Action Items:*

- Approved motion to deny the March 11<sup>th</sup> Request for Reconsideration and direct the City Attorney to prepare a decision for the council's consideration and approval at their April 6, 2020 meeting.

## 1.15 April 6, 2020 Proceeding before City Council:

Conduct a hearing, pursuant the Request for Reconsideration of the *Findings of Fact, Conclusions of Law and Decision* of the City Council entered in the above-entitled matter on February 3, 2020, filed by Mr. Gary D. Slette, attorney at law of the firm of Robertson & Slette, P.L.L.C., as attorney for the clients claiming an error in the notices provided in the above entitled matter to neighboring property owners within 300' of the project was inadequate.

1.15.1 **City Staff (paraphrased)**:

- **Matthew Johnson**, City Attorney, provided a staff report regarding the notice to neighboring property owners had been given for only A lot 1 of the Project in the NE corner and as a result there were property owners who should have been but were not notified of the public hearings held in the above-entitled matter before the Planning and Zoning Commission and the City Council. He presented recommended Orders Vacating Findings of Fact, Conclusions of Law and Decisions of the City Council and Remanding the Applications to the Planning and Zoning Commission for Further Proceedings. He also explained the if the Council issues these recommended Order that Attorney Gary Slette's request for his clients for Reconsideration would be moot and should be dismissed.

**1.15.2 Applicant Representatives Appearing:**

- **Deborah Nelson**, Attorney for Applicant.

**1.15.3 Gary Slette appeared.**

**1.15.4 Mayor and Council action:**

*Action Items:*

- Approved Orders Vacating approvals and remanding the following matters back to the Planning and Zoning Commission for further proceedings:
  - P19-062 Application for Floodplain Development Permit
  - P19-064 Application for Lot Line Adjustment
  - P19-063 Application for Planned Unit Development Conditional Use Permit
- Order Suspending Design Review approval by Planning and Zoning Commission P20-19 and directing the conduct of additional hearings.
- Approved Motion to Dismiss the Motion for Reconsideration.

**1.16 September 28, 2020 Proceeding before Planning and Zoning Commission:**

This public hearing was conducted due to the City Council's having entered on April 6, 2020 the following Orders Vacating approvals and remanding the following matters back to the Planning and Zoning Commission for further proceedings:

- P19-062 Application for Floodplain Development Permit
- P19-064 Application for Lot Line Adjustment
- P19-063 Application for Planned Unit Development Conditional Use Permit
- Order Suspending Design Review approval by Planning and Zoning Commission P20-19 and directing the conduct of additional hearings.

The Commission commenced the Remand Joint Hearings on:

- P19-062 Application for Floodplain Development Permit
- P19-064 Application for Lot Line Adjustment
- P19-063 Application for Planned Unit Development Conditional Use Permit
- P20-015 Design Review
- P20-069 Application for Waiver
- Permit Conditions Acceptance Agreement

**1.16.1 City Staff (paraphrased):**

- **Bill Gigray**, City Attorney, responded to a question from the Commissioner Mead as to whether or not Commissioner Moczygemba could participate in these proceeds and vote since she had not participated [due to her being newly appointed] in any of the hearing thus far in the above-entitled matters. He opined that she could participate if she became familiar with the record of proceeds that have occurred.

**1.16.2 Commissioner Moczygemba (paraphrased):** Confirmed that she was familiar with the prior record of proceedings in the above-entitled matters.

*Action Items:*

- Tabled and continued the hearings In the Matter of the Permits Conditions Acceptance Agreement jointly with the continuance of the hearing In the Matter of Design Review subject to City Council Action on the other pending Applications and subject to notice of hearing of said matters having been first given as required by law.
- Included the record of all prior hearings on above referenced matters

**1.16.3 Planning and Building Department Staff (paraphrased):**

- **Brittany Skelton**, Senior Planner, gave a brief overview of the applications including the public amenities, landscaping, and setbacks.
- **Suzanne Frick**, Planning and Building Department Director, presented the public comment and staff report.

#### 1.16.4 Applicant Representatives (paraphrased):

- **Jason Hepler**, AJC Architects, presented the Design Review application with power point presentation which was the same as the March 2020 presentation. He presented the evolution of the massing of the building during these proceedings. He highlighted amenities including the outdoor fireplace, restaurant, conference rooms, landscaping, and rooftop dining. He described the floor plans for each level including parking and workforce housing, guest rooms, meeting rooms and roof top bar. He also showed the exterior materials to be used.
- **Debra Nelson**, Attorney for PEG Hotel, LLC, addressed issues regarding the acceptance of the prior record and the noticing error. She explained that the City Code gives the Commissioners authority to grant waivers requested for lot size, height, side setbacks, outdoor space and number of floors and soundproofing, on-site work force housing and discussed the safety concerns of the proposed hotel access from Highway 75. She answered questions from the Commissioners.

#### 1.16.5 Public Comment (paraphrased):

- **John Sahlberg**, property owner, is opposed to the height of the proposed hotel and noted comparisons to the unbuilt Auberg Hotel. He referenced the 2,500 signatures on an internet petition in opposition to the height of the hotel. He is opposed to waivers. Is of the view this project has been railroaded through and wants the Commissioners to consider public opinion.
- **Benjamin Worst**, Attorney representing the property owner to the west of the project, requested that the integrity of the set back on the west side of the Project be maintained and was concerned over the location of the generator, retaining wall for the transformer platform in the setback and requested the exhaust from the laundry be change.

#### 1.16.6 Board of Commissioners action:

##### *Action Items:*

- Continue the hearings until October 27, 2020 for the receipt of additional information from City Staff on the comparison of other similar projects and waivers in the City of Ketchum regarding File No. P. 19-062 Application for Floodplain Development Permit, File No. P19-064 Application for Lot Line Adjustment and File No. P 19-063 Application for Planned Unit Development Conditional Use Permit

## 1.17 October 27, 2020 Proceeding before Planning and Zoning Commission:

Remand Hearing (continued from September 28, 2020) on:

- P19-062 Application for Floodplain Development Permit
- P19-064 Application for Lot Line Adjustment
- P19-063 Application for Planned Unit Development Conditional Use Permit

### 1.17.1 Planning and Building Department Staff (paraphrased):

- **Brittany Skelton**, Senior Planner, introduced for the record the matrix produced by City Staff at the request of the Commission on September 28, 2020 comparing waivers granted for comparable projects in the City of Ketchum.
- **Suzanne Frick**, Planning and Building Department Director, discussed proposed condition 14.2 regarding the terms of the parking spaces. That those spaces would be available to the public at no charge when using the Hotels' amenities but not otherwise.

### 1.17.2 Applicant Representatives (paraphrased):

- **Debra Nelson**, Attorney for PEG Hotel, LLC discussed the PUD application and the purpose of the PUD land use option and how it is used and administered and that the subject Project meets the City's PUD standards and is consistent with the City's Comprehensive Plan and incorporates the site's natural features into its overall design. In response to public comments, she stated that the development team will confer with the neighbor to the west and will look at the possibility of a stairway. Screening will be provided. They will meet with the neighbor prior to the Design Review hearing. She explained that the waivers make this a better project.
- **Jason Heppler**, AJC Architects presented justifications for each waiver request. He referenced that the waivers are used as a tool to improve the Project as follows:
  - Setback waiver facilitates a greater density; and
  - FAR: provides for employee housing and the quality of the proposed housing meets the intent of the BCHA.

Slope of the Site provides for a better community benefit as the Height of the building steps down and acts as a transition from downtown to Trail Creek. The height is 48' at River Street and 54' at Trail Creek and that the number of building stories at 6 is only in the center of the building.

He also referenced the public benefits of this project qualifying for a 4-star hotel with meeting spaces, a restaurant on River Street for indoor and outdoor dining and a roof-top bar. That this Project redevelops a blighted part of the town and will create increased tourism. The Applicant's project team will work with the City's Planning Commission to improve the existing riparian corridor, provide a natural fisherman's access, and public access to Trail Creek. He responded to Commissioner question about traffic patterns that IDT had not concerns but the Applicant would be open to changes.

#### 1.17.3 Public Comment (paraphrased):

- **Benjamin Worst**, Attorney representing the property owner to the west of the project, referenced that Bariteau Hotel does not give entitlements to this Project. He urged the Commissioners to not consider any comparison to the Limelight Hotel which has public streets on all sides. He again emphasized the maintenance of the integrity of the setback on the west by not allowing the generator to be place there. He again requested venting be sent upward and not out the side toward the neighboring property. He stated the putting in stairs would take away form the amount of the screening.
- **Kristy Turco**, resident, stated that the Commissioners should protect property owners and retain the quality of life and character of Ketchum. She questioned the City infrastructure's ability to support an increase in tourist population.
- **Harry Griffith**, Sun Valley Economic Development, emphasized that the Project creates jobs, housing, economic development, increased public benefits, attracts a reliable operator with a loyal customer base which will reduce the seasonality, amenities need by the community. That this Project would be a positive for Ketchum and benefit the Community as a whole.
- **Kevin Livingston**, resident, questioned the building code. He discussed the public response to the request waivers was negative. He referenced an object to pre-public discussions and what the Commissioners to follow the codes and play by the rules.

- **Bob Crosby**, Board of Realtors, stated this Project would be an excellent addition to the City of Ketchum. He emphasized the economic benefits to the Community. He stated the Project had followed the code and ask Commissioners to consider the amount of investment being made by the Applicant for this Project.

#### 1.17.4 Board of Commissioners action:

*Action Items:*

- Approve File No. P. 19-062 Application for Floodplain Development Permit
- Approve File No. P19-064 Application for Lot Line Adjustment
- Approve File No. P 19-063 Application for Planned Unit Development Conditional Use Permit with additional conditions with a new condition no. 21 that at the time of Design Review the Applicant shall be required to address venting of mechanicals that vent toward the western property line and provide detail related to how they are preventing impact to the adjacent property. Also modification to condition 3.4.1 to retain authority to modify the traffic patterns on Highway 75, specially the left turn lane traffic flow, if the traffic pattern instituted by Idaho Department of Transportation proves to be inadequate.

Continued the hearing to November 10, 2020 for Consideration of Findings of Fact, Conclusions of Law and Recommendations on all approvals.

### 1.18 November 10, 2020 Proceeding before Planning and Zoning Commission:

#### 1.18.1 Board of Commissioners action:

*Action continued hearing to December 15, 2020 for Consideration of Findings of Fact, Conclusions of Law and Recommendations on approvals of:*

- P19-062 Application for Floodplain Development Permit
- P19-064 Application for Lot Line Adjustment
- P19-063 Application for Planned Unit Development Conditional Use Permit

- 1.18.2 **Planning and Building Department Staff (paraphrased):** Communicated a request for additional time to complete the proposed findings of fact, conclusions of law and recommendations of approval

## 1.19 December 15, 2020 Proceeding before Planning and Zoning Commission:

### 1.19.1 Board of Commissioners action:

*Action continued hearing to December 22, 2020 for Consideration of Findings of Fact, Conclusions of Law and Recommendations on approvals of:*

- P19-062 Application for Floodplain Development Permit
- P19-064 Application for Lot Line Adjustment
- P19-063 Application for Planned Unit Development Conditional Use Permit

- 1.19.2 **Planning and Building Department Staff (paraphrased):** Communicated a request for additional time to complete the proposed findings of fact, conclusions of law and recommendations of approval

## 1.20 December 22, 2020 Proceeding before Planning and Zoning Commission:

Continued hearing from December 22, 2020 for the City Staff presentation and the Consideration of Findings of Fact, Conclusions of Law and Recommendations on approvals of:

- P19-062 Application for Floodplain Development Permit
- P19-064 Application for Lot Line Adjustment
- P19-063 Application for Planned Unit Development Conditional Use Permit

### 1.20.1 Planning and Building Department Staff (paraphrased):

- **Brittany Skelton**, Senior Planner, presented the following for the Board of Commissioners consideration:

1. MASTER JOINT HEARINGS COMPILED RECORD OF PROCEEDINGS ON REMAND FILE NOS.
  - P19-062 [Floodplain]
  - P19-063 [PUD]
  - P19-064 [Lot Line Adjustment]
  - P20-069 [Waivers]



- P20-015 [Design Review]
- 2. Findings of Fact, Conclusions of Law, and Recommendation to City Council File No. P19-062
- 3. Findings of Fact, Conclusions of Law, and Recommendation to City Council File No. P19-063
- 4. Findings of Fact, Conclusions of Law, and Recommendation to City Council File No. P19-064

### 1.20.2 Board of Commissioners action:

#### *Action Items:*

##### Approve:

1. MASTER JOINT HEARINGS COMPILED RECORD OF PROCEEDINGS ON REMAND FILE NOS.
  - P19-062 [Floodplain]
  - P19-063 [PUD]
  - P19-064 [Lot Line Adjustment]
  - P20-069 [Waivers]
  - P20-015 [Design Review]
2. Findings of Fact, Conclusions of Law, and Recommendation to City Council File No. P19-062
3. Findings of Fact, Conclusions of Law, and Recommendation to City Council File No. P19-063
4. Findings of Fact, Conclusions of Law, and Recommendation to City Council File No. P19-064

### 1.21 February 1, 2021 Proceeding before City Council on remand:

The Public Hearing correctly noticed for joint public hearings on February 1, 2021. The joint public hearings were commenced by the Council at 4:00 p.m. on February 1, 2021 for the receipt of testimony and comment from City Staff, the Applicant and the public.

#### 1.21.1 Planning and Building Department Staff:

- **Suzanne Frick**, Acting Director of the City of Ketchum Planning and Building Department (the “Director”), provided the Staff Report, discussed the history of the project Application and a study that had been done.

- Master Joint Hearings Staff Report to City Council for Proceedings on Remand and the Addendum Master Joint Hearings Staff Report to the City Council for Proceedings on Remand.

#### 1.21.2 Applicant Representative (paraphrased):

- **Deborah Nelson**, attorney, appeared for the Applicant and provided an overview of the proposed Hotel project and requested permits and how it complies with City ordinance provisions.
- **Justin Heppler**, AJC Architects, presented a power point presentation of the Hotel Project and confirmed that there have been no design changes since this project was last before the Council. He reviewed each of the waiver requests and the basis for them. He outlined the public and community engagement the Applicant has initiated and conducted. He discussed the Hotel Project's amenities and public benefits and the project design changes the Applicant has made.

#### 1.21.3 Public Comment (paraphrased):

- H P Boyle Stated that the project is not compatible with the City of Ketchum, too large for the site, concerned about the proposed employee housing and low paying jobs not needed.
- Ben Worst, 220 River St., LLC. His client is concerned that the 16' set back be maintained. That the generator be retained in the building, laundry and garage venting, parking lost be retained in the project for the public use and was opposed to a walkway in the 16' set back area of the project.

#### 1.21.4 Applicant Representatives Rebuttal [paraphrased]:

- **Justin Heppler**, AJC Architects, explained that there was 46% open space in the Hotel Project footprint. That the employee housing will be desirable and has worked well in other locations. That the Applicant has not asked for the walkway that was brought up at the Planning and Zoning Meeting.
- **Nick Blayden**, Applicant Project Manager, discussed that there would be free parking for the public in the project and that the onsite employee housing units are a great benefit to the employees. He also discussed the measures that will be taken regarding venting from the Hotel Project.

**1.21.5 City Council action:**

*Action Items:*

- Approve File No. P. 19-062 Application for Floodplain Development Permit in conformance with the Planning and Zoning Commission's recommendations.
- Approve File No. P19-064 Application for Lot Line Adjustment in conformance with the Planning and Zoning Commission's recommendations.
- Approve File No. P 19-063 Application for Planned Unit Development Conditional Use Permit in conformance with the Planning and Zoning Commission's recommendations.
- Continued the hearing to February 16, 2021 for Consideration of Findings of Fact, Conclusions of Law, Order of Decision on all approvals.

**1.22 February 16, 2021 Proceeding before City Council on remand:**

*Action Items:*

- City Council adopted Findings of Fact, Conclusions of Law. Order of Decision on all of the following PEG Hotel, LLC applications:
  - ✓ Master Joint Hearings Compiled Record of Proceedings on Remand
  - ✓ Floodplain and Waterways Design Review
  - ✓ Lot Line Shift
  - ✓ Planned Unit development/Conditional Use Permit

**Adopted** this 16<sup>th</sup> day of February, 2021.

**City of Ketchum City Council**

By: \_\_\_\_\_  
Neil Bradshaw, Mayor