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May 28, 2025

To: Mayor and Councilmembers, City of Ketchum

From: Matthew Johnson, City Attorney

Re: PEG Hotel Extension Administrative Appeal – Scheduling Order/Notice

Recommended Motion: I move to approve the Scheduling Order and Notice as presented, and authorize the Mayor to sign.

Background:

This is a procedural step for the City to process an administrative appeal filed with respect to a decision of the Planning and Zoning Commission.

Under Ketchum Municipal Code §17.144.020, the Council orders and notices a hearing date for the administrative appeal and also accepts certain procedural steps, all of which are specified in the attached Order.

I met with the attorneys for the Appellant via phone and/or email, and Appellant is agreeable to the schedule set forth and formalized in the Order.

This is an administrative appeal hearing where the Council will sit in a quasi-judicial role. There will be arguments by the parties, but there is no public hearing and public comments will not be taken. Council will have full discretion to ask questions of the parties, staff, and/or city attorney as we needed.

As the briefs are submitted, the Council will be provided information to access copies of the briefs, as well as the record, including transcripts. Transcripts of the relevant P&Z meetings have been ordered and are in processing at Appellant's cost. Such will be added to the record and distributed to all involved as soon as available.

Questions or concerns on the substance of the administrative appeal should be reserved for the July 21, 2025 appeal hearing.



City of Ketchum
City Hall

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

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

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

The City Council hereby finds and orders that:

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

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

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

Date of Order: June 2, 2025.

Neil Bradshaw, Mayor

ATTEST:

Trent Donat, City Clerk