



CITY COUNCIL AGENDA OF THE CITY OF KETCHUM, IDAHO
Monday, April 20, 2015, beginning at 5:30 p.m.
480 East Avenue, North, Ketchum, Idaho

1. CALL TO ORDER
2. CONSENT CALENDAR
 - a. Approval of Minutes: Special April 6, 2015 and Regular April 6, 2015.
 - b. Approval of Current Bills and Payroll Summary.
 - c. Reciprocal Youth Recreation Program Use Agreement with the YMCA – John Kearney, Recreation Supervisor.
 - d. Approval of Chip Seal Bid – Brian Christiansen, Street Superintendent.
3. COMMUNICATIONS FROM MAYOR AND COUNCILORS.
 - a. Communications from Mayor & Council
 - b. Appointments & Proclamations:
 - i. Deborah Burns Proclamation.
4. COMMUNICATIONS FROM THE PUBLIC.
 - a. Communications from the public. *For items not on the agenda.*
 - b. Public Opportunity to Express Budget Priorities – Suzanne Frick, City Administrator.
 - c. Visit Sun Valley Update – Arlene Schieven, Visit Sun Valley.
5. COMMUNICATIONS FROM STAFF.
 - a. Amendment of Development Agreement for Bald Mountain Lodge (Limelight Hotel) – Rebecca Bundy, Senior Planner.
 - b. Limelight Hotel Right-of-Way Encroachment – Robyn Mattison, Public Works Director/City Engineer.
 - c. Expanded Water and Sewer Rate Agreement with Zions Bank Public Finance – Robyn Mattison, Public Works Director/City Engineer.
 - d. Award of Contract to ZGA Architects for civic center space planning - Suzanne Frick, City Administrator.
6. ORDINANCES AND RESOLUTIONS.
 - a. Ordinance 1131: Events; Third and Final Reading – Suzanne Frick, City Administrator.
7. EXECUTIVE SESSION to discuss:
 - a. Personnel and Contract Negotiations pursuant to Idaho Code §§67-2345 1(a).
8. ADJOURNMENT.

If you need special accommodations, please contact the City of Ketchum in advance of the meeting.

This agenda is subject to revisions and additions. Revised portions of the agenda are underlined in bold.

Public information on agenda items is available in the Clerk's Office located at 480 East Ave. N. in Ketchum or by calling 726-3841.

Your participation and input is greatly appreciated. We would like to make this as easy as possible and familiarize you with the process. If you plan to speak, please follow the protocol below.

- Please come to the podium to speak.
- Stand approximately 4-6 inches from the microphone for best results in recording your comments.
- Begin by stating your name.
- Please avoid answering questions from audience members. All questions should come from City officials.
- Public comments will be limited by a time determined by the Mayor.
- You may not give your time to another speaker.
- If you plan to show a slide presentation or video, please provide a copy to the City Clerk by 5:00 p.m. on the meeting date.

Please note that all people may speak at public hearings.

Public comment on other agenda items is at the discretion of the Mayor and City Council.

Public comments may also be sent via email to participate@ketchumidaho.org

Visit www.ketchumidaho.org and sign up for notifications on agendas, meeting packets, dates and more.

Like us on [Facebook](#) and follow us on [Twitter](#).

Thank you for your participation.

We look forward to hearing from you!



City Council

Special Meeting

~ Minutes ~

480 East Avenue North
Ketchum, ID 83340
<http://ketchumidaho.org/>

Monday, April 6, 2015

4:00 PM

Ketchum City Hall

Present: Mayor Nina Jonas
Council President Michael David
Councilor Anne Corrock
Councilor Jim Slanetz
Councilor Baird Gourlay

Also Present: Ketchum City Administrator Suzanne Frick
Ketchum City Attorney Stephanie Bonney
Ketchum Parks & Recreation Director Jen Smith

1. CALL TO ORDER

Mayor Nina Jonas called the meeting to order at 4:06 p.m.

2. COMMUNICATIONS FROM STAFF.

a. *Presentation by City Boards and Commissions and Mountain Rides on request for funding in FY 2015/16 and specific work priorities associated with requested funding.*

i. Ketchum Arts Commission

Trina Peters, Ketchum Arts Commission, presented the projects the Ketchum Arts Commission has implemented. She reviewed the Budget Recommendations for fiscal year 2015-16 requesting \$26,500.

Kristen Poole presented the public art installation stating the Arts Commission would like to do cover art projects. She commented they would like to wrap one more gondola car and like to have an artist do an illustration for the chalk art wall three times a year. The Arts Commission is asking for \$3,000 for performance arts and would like to continue with art at City Hall.

Councilor Anne Corrock questioned specific sites for the art. Kristen Poole clarified they hadn't been determined yet. They are considering the four corners.

Mayor Nina Jonas questioned what the budget was last year. Kristen Poole clarified \$42,000, \$24,000 of which rolled over and \$18,000 was coming out of their trust fund.

Council President Michael David questioned the value of the art. Kristin Poole clarified and then Council President David asked where the money came from.

Councilor Jim Slanetz questioned public art \$30,000 and if it was all roll over. Kristin Poole clarified \$10,000 would be used.

Councilor Anne Corrock questioned if the property on the corners are in the right of way and are they Ketchum City property. Trina explained the location is in the triangle where the two paths meet on the Bike Path.

Trish Wilson commented the cities tax dollars are well spent and she thanked the Council for supporting the gondola.

Ralph Harris commented as artist of the gondola. He thanked the Commission and stated it had been an awesome experience.

Kristen Poole commented Century Link and Cox had agreed to let them cover the utility boxes and Idaho Power has not been so cooperative.

ii. Mountain Rides

Jason Miller Mountain Rides gave a look back at 2014 explaining they have expanded service over many years. They have had no accidents in ten years and their focus is on safety. They have new technology and training software. They made a change and refocused the Silver Route to the Corn Route and commented on the Night Owl Route hours being changed.

Mayor Nina Jonas questioned the blue Night Owl route. Jason Miller clarified not running buses seven days a week; the public service for the two blue buses after 10:30 ridership dropped. He spoke about the hours the buses were running. He commented on public safety and goals of the city to serve the late night community.

Jason Miller went over his slide presentation and commented on their spiffy new bus looks and the proposed new building facility in Bellevue to connect Ketchum and Bellevue. He then went over the Hub design explaining they are working on the budget, working on federal funding and the location. He thanked Trina and Claudia for their involvement on the project and the art elements made the project stronger. He commented on the Bike Club plan rolling along. He then went over the board level five key elements. They are working on a five year business plan, to improve predictability of funding through LOT or federal funding, a salary survey and improvement to service including airport service. Their FY 2016 fiscal request is \$560k. He stated options for consideration and gave an overview including the Airport service which is new service and it would cost 90k to 120k.

Councilor Jim Slanetz questioned airport service being part of the 50k. Jason Miller responded the 50k was the total for year.

Mayor Nina Jonas questioned if they had done any surveys. Jason Miller clarified yes this is based on information of ridership.

Councilor Anne Corrock commented she rode the bus to get back to Warm Springs and it took 45 minutes. Jason Miller clarified that it would require a dedicated bus for that service to improve the time and he would take a look at it.

Councilor Anne Corrock questioned if there was GPS phone tracking. Jason Miller clarified they have been working with Sun Valley Co and phone tracking service is available but was more static than mapping. He explained they are part of a state wide project working to implement new technology.

Carolina Stevens questioned if Night Owl service was planned ahead and if airport transportation was provided when the airport was closed.

Nina Jonas closed public comments.

Jason Miller responded that most night owl riders do plan ahead. Airport service is tougher and confined by having a public time table.

Mayor Nina Jonas questioned if the City could partner with the airport. Jason Miller stated they are working with them.

Councilor Anne Corrock questioned if Mountain Rides had service to Twin Falls and could they be partners. Jason Miller clarified they would hope so.

Councilor Baird Gourlay arrived at 5:00 p.m.

Council President Michael David left the meeting at 5:10 p.m.

iii. Ketchum Events Commission

Jen Smith gave a general budget request report. She showed a slide presentation overview of the funds being requested of \$26,500. She explained that the budget had been moved and the events have been managed by Economic Development and Parks and Recreation Departments. The City has sponsored three events this year and added the criteria for Ketchum sponsored events.

Councilor Jim Slanetz questioned new events process.

Suzanne Frick clarified there is a problem with providing public fund dollars for private events or non profit events. She stated the City would need to reduce or change the way events are handled.

Baird Gourlay questioned if you are coming in front of the events commission for money in FY 2015/2016 what would that look like. Jen Smith explained the winter and summer events application deadlines: July deadline for winter requests, and February for summer requests. She then explained the two separate requests including the \$30,000 turning into one line item in the LOT budget and the Events Commission \$25,000 and the Local animations are separate.

Councilor Jim Slanetz commented if the Events Commission can't get the money what can the city do to make the events easier. Suzanne Frick clarified the City is working to streamline the process. She stated there will be a full discussion in regards to the local animation events during the budget process.

3. COMMUNICATIONS FROM THE MAYOR AND COUNCILORS.

4. ADJOURNMENT.

Councilor Anne Corrock motioned to adjourn at 5:19 p.m. seconded by Councilor Baird Gourlay, passed unanimously.

Nina Jonas
Mayor

ATTEST:

Sandra E. Cady, CMC
City Clerk



City Council

Regular Meeting

~ Minutes ~

480 East Avenue North
Ketchum, ID 83340
<http://ketchumidaho.org/>

Monday, April 6, 2015

5:30 PM

Ketchum City Hall

Present: Mayor Nina Jonas
Councilor Baird Gourlay
Councilor Anne Corrock
Councilor Jim Slanetz

Absent: Council President Michael David

Also Present: Ketchum City Administrator Suzanne Frick
Ketchum City Attorney Stephanie Bonney
Public Works Director/City Engineer Robyn Mattison
City Treasurer/Clerk Sandra Cady

1. CALL TO ORDER

Mayor Nina Jonas called the meeting to order at 5:32 p.m.

a. Community Library Poem Presentation.

Jenny Davidson presented the poem Mending Wall by Robert Frost.

2. CONSENT CALENDAR

a. Approval of Minutes: February 17, 2015 and March 16, 2015.

Councilor Anne Corrock requested a correction to the March 16, 2015 minutes pg 2, paragraph 4 should read Councilor Baird Gourlay not Council President Michael David.

b. Approval of Current Bills and Payroll Summary.

c. Accepting Paint Bids.

Motion to approve the Consent Agenda items with changes to March 16th minutes.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Anne Corrock, Councilor
SECONDER:	Baird Gourlay, Councilor
ABSENT:	Michael David, Council President
AYES:	Anne Corrock, Baird Gourlay, Jim Slanetz

3. COMMUNICATIONS FROM MAYOR AND COUNCILORS.

a. Communications from Mayor & Council

Councilor Baird Gourlay mentioned the spring series will be held in 2016 and 2018 and he will update the council as they move along.

Councilor Anne Corrock questioned holiday lights in downtown. She stated that the tree lighting is needed to see around town at night.

Councilor Baird Gourlay commented he would like the lights down they are all not working and a long term solution is needed.

Councilor Anne Corrock suggested a lighting committee and that possibly it would fall under planning and zoning.

Councilor Jim Slanetz commented the lighting on the bike path should be exempt and agreed there should be a long term solution.

Mayor Nina Jonas commented on the cost of the lighting and her concerns about the city complying with the dark sky ordinance.

4. COMMUNICATIONS FROM THE PUBLIC.

a. Communications from the public. For items not on the agenda.

David Barovetto commented on maintenance of the Ore Wagon Museum.

Kaz Thea representative for the Ketchum Farmers Market discussed the location of the market, and commented on fees and signage.

5. COMMUNICATIONS FROM STAFF.

a. Six Month Budget Review – Sandy Cady, City Treasurer/Clerk.

Sandy Cady presented a six month budget review showing slides and graphs for each city department and fund. She explained revenue and expenditures for those funds.

Mayor Nina Jonas questioned what percent of the budget the city was at. Sandy Cady clarified 50% but that sometimes a line item could show being spent, if the item was paid in full at the beginning of the year.

Councilor Anne Corrock questioned if LOT revenue amount of 38% was because of people who were paying, and asked if revenue was down from last year. Sandy Cady clarified the city is up \$34,479.00 from last year. She agreed to get back to them to answer the question of 38% and commented it depends on when the payment is made.

Councilor Anne Corrock and Mayor Nina Jonas discussed LOT revenue collections. A request was made for a monthly report to show revenue and expense, including percentages. Sandy Cady agreed to provide that report.

6. AGREEMENTS AND CONTRACTS.

a. Mountain Rides Bike Share Agreement – Robyn Mattison, Public Works Director/City Engineer.

Kaz Thea, representative for Mountain Rides, presented the Bike Share Program. The program was implemented in Hailey two years before. She gave detail of how the program got started and how it was working now. She explained the wireless service offered being like an ATM, GPS tracking is available, and the use of smart phone or computer for ordering a bike. They received 20 new bikes this year and want to establish new locations in Ketchum. She then spoke about sites for those new locations, the Visitors Center being one of them. She stated she had already spoken with the URA about the location. She explained it wasn't a bike rental program, members paid a fee to use a bike for an hour a day and after that a charge of \$4.00 per hour was charged to their credit card on file. She added they are working to get businesses involved and stated that Mountain Rides will handle all costs for the program including maintenance and signs.

Robyn Mattison, Public Works Director/City Engineer, explained the use of the city right of way encroachment and agreement between the City and Mountain Rides Bike Share Program. She commented the City can cancel the agreement at any time with 30 days notice.

Councilor Anne Corrock questioned the HUB locations in the agreement. Suzanne Frick, City Administrator, clarified those locations and others could be added.

Stephanie Bonney, City Attorney, commented she had viewed the agreement, made a few changes and comments.

Kaz Thea stated to have a HUB she would like to have at least four bikes and was in favor of less HUBS and more bikes at those HUBS.

Motion to approve the encroachment and removal agreement with Mountain Rides and allow Mountain Rides to initiate the bike share program in Ketchum under the conditions outlined in the encroachment agreement.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jim Slanetz, Councilor
SECONDER:	Baird Gourlay, Councilor
ABSENT:	Michael David, Council President
AYES:	Anne Corrock, Baird Gourlay, Jim Slanetz

7. ORDINANCES AND RESOLUTIONS.

a. Ordinance 1131: Events (Second Reading) – Suzanne Frick, City Administrator.

Suzanne Frick introduced the Ordinance being the second reading.

Councilor Jim Slanetz questioned the events application process and fees. Suzanne Frick, City Administrator, clarified the two part process being city events and private events. The Council would decide which events they wanted to participate in and which they wanted to sponsor. The issue is with the private events using public fund dollars and that they would be discussing this as part of the budget process.

Councilor Anne Corrock questioned the Ordinance language 12.32.040 and 12.32.100 stating if the approval by the City Administrator was appropriate. Suzanne clarified that due to flexibility and processing time for staff review it was determined the City Administrator was the appropriate person for approval. She then clarified the appeals process approval stating it was to streamline the process and to add consistency. If need be the ordinance can be amended later.

Stephanie Bonney, City Attorney, added that the City Administrator can make those determinations but the application will need to go before council if there is a political implication.

Councilor Jim Slanetz questioned the Farmers Market and how it works in other cities. Suzanne Frick clarified giving examples of cities that have dedicated departments, some cities events fall under the Parks and Recreation Department, some cities handle them as special events and some cities don't have any agreements at all. She stated the struggle is there are other markets that are equally as important and that all events should be treated the same, as Special Events.

Councilor Jim Slanetz questioned the definitions of special events using the Farmers Market as an example.

Suzanne Frick stated a separate ordinance would have to be written to separate those types of events. She will come back with a list of events in the city so that Council can decide how to regulate them, or create a new set of standards.

Motion to approve the second reading of Ordinance 1131, repealing Chapter 12.32 of the Ketchum Municipal Code and replacing it with a new Chapter 12.32 Special Events.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Baird Gourlay, Councilor
SECONDER:	Anne Corrock, Councilor
ABSENT:	Michael David, Council President
AYES:	Anne Corrock, Baird Gourlay, Jim Slanetz

b. Ordinance 1133: Repealing Ordinance 74 – Robyn Mattison Public Works Director/City Engineer.

Robyn Mattison, Public Works Director/City Engineer, presented Ordinance 1133.

Motion to waive the second and third reading of Ordinance No. 1133, as read by title only pursuant to Idaho Code 50-902.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jim Slanetz, Councilor
SECONDER:	Baird Gourlay, Councilor
ABSENT:	Michael David, Council President
AYES:	Anne Corrock, Baird Gourlay, Jim Slanetz

Motion to adopt Ordinance No. 1133 repealing Ordinance No. 74 and providing an effective date.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Slanetz, Councilor
SECONDER:	Baird Gourlay, Councilor
ABSENT:	Michael David, Council President
AYES:	Anne Corrock, Baird Gourlay, Jim Slanetz

8. ADJOURNMENT.

Councilor Baird Gourlay motioned to adjourn at 7:30 p.m. seconded by Councilor Jim Slanetz, passed unanimously.

Nina Jonas
Mayor

ATTEST:

Sandra E. Cady, CMC
City Clerk

Report Criteria:

Invoices with totals above \$0 included.

Paid and unpaid invoices included.

[Report].GL Account Number = "0110000000"- "9449008045", "9910000000" - "9911810000"

Vendor Name	Invoice Number	Description	Net Invoice Amount
GENERAL FUND			
01-2171-2000 P/R TAXES PBL--STATE W/H			
STATE TAX COMMISSION	PR0417151	State Withholding Tax Pay Period: 4/17/2015	5,439.00
01-2171-9000 P/R DEDUC PBL--HEALTH INSURANC			
III-A	PR0417151	Health Ins - Family Pay Period: 4/17/2015	12,327.56
III-A	PR0417151	Health Ins - Employee Pay Period: 4/17/2015	21,909.09
III-A	PR0417151	Health Ins - Employee + Spouse Pay Period: 4/17/2015	318.80
III-A	PR0417151	Health Ins - Employee + Spouse Pay Period: 4/17/2015	26,560.20
III-A	PR0417151	Health Ins - Family Pay Period: 4/17/2015	473.49
III-A	PR0417151	Health Ins - Family Pay Period: 4/17/2015	9,245.67
III-A	PR0417151	Health Ins - Family Pay Period: 4/17/2015	105.22
III-A	PR0417151	Health Ins - Family Pay Period: 4/17/2015	27,737.01
III-A	PR0417151	Health Ins - Employee + 1 Chld Pay Period: 4/17/2015	26.70
III-A	PR0417151	Health Ins - Employee + 1 Chld Pay Period: 4/17/2015	2,752.82
III-A	PR0417151	Health Ins - Employee + 2 Chld Pay Period: 4/17/2015	62.22
III-A	PR0417151	Health Ins - Employee + 2 Chld Pay Period: 4/17/2015	8,538.52
III-A	PR0417151	Health Ins - Family Pay Period: 4/17/2015	157.83
01-2172-1000 P/R DEDUC PBL--AFLAC INSURANCE			
AFLAC	PR0417151	AFLAC Pre-Tax Pay Period: 4/17/2015	728.04
AFLAC	PR0417151	AFLAC After-Tax Pay Period: 4/17/2015	143.95
01-2172-2000 P/R DEDUC PBL--LIFE & L.T.DISB			
LifeMap Billing	PR0417151	Long Term Disability Pay Period: 4/17/2015	1,178.43
01-2172-3000 P/R DEDUC PBL--DELTA DENTAL			
DELTA DENTAL PLAN OF IDAH	PR0417151	Dental Insurance - 1 Child Pay Period: 4/17/2015	99.22
DELTA DENTAL PLAN OF IDAH	PR0417151	Dental Insurance - Employee Pay Period: 4/17/2015	867.20
DELTA DENTAL PLAN OF IDAH	PR0417151	Dental Insurance - Spouse Pay Period: 4/17/2015	222.84
DELTA DENTAL PLAN OF IDAH	PR0417151	Dental Insurance - Spouse Pay Period: 4/17/2015	791.56
DELTA DENTAL PLAN OF IDAH	PR0417151	Dental Insurance - Family Pay Period: 4/17/2015	600.86
DELTA DENTAL PLAN OF IDAH	PR0417151	Dental Insurance - Family Pay Period: 4/17/2015	899.25
DELTA DENTAL PLAN OF IDAH	PR0417151	Dental Insurance - 2+ Child Pay Period: 4/17/2015	61.14
DELTA DENTAL PLAN OF IDAH	PR0417151	Dental Insurance - 2+ Child Pay Period: 4/17/2015	162.96
DELTA DENTAL PLAN OF IDAH	PR0417151	Dental Insurance - 1 Child Pay Period: 4/17/2015	34.64
01-2173-3000 P/R DEDUC PBL--NATIONWIDE			
NATIONWIDE RETIREMENT SOL	PR0417151	Nationwide Fire - 0035424-001 Pay Period: 4/17/2015	1,027.22
NATIONWIDE RETIREMENT SOL	PR0417151	0064-0017 Nationwide - 0064-0017 Pay Period: 4/17/2015	3,499.48
NATIONWIDE RETIREMENT SOL	PR0417151	0064-0017 Nationwide/Roth - 0064-0017 Pay Period: 4/17/2015	227.38
01-2174-0000 P/R DEDUC PBL--GARNISHMENTS			
CHILD SUPPORT SERVICES	PR0417151	Child Support Pay Period: 4/17/2015	269.68
01-2175-0000 P/R DEDUC PBL--PIONEER FED.CR.			
PIONEER FEDERAL CREDIT UNI	PR0417151	Pioneer Federal Credit Union Pay Period: 4/17/2015	1,800.00
01-2175-8000 P/R DEDUC PBL--EMPLOYEE CAF-MD			
NBS-NATIONAL BENEFIT SERVI	PR0417151	125 Medical Savings Pay Period: 4/17/2015	1,067.84
01-2175-9000 P/R DEDUC PBL--EMPLOYEE CAF-DC			
NBS-NATIONAL BENEFIT SERVI	PR0417151	125 Dependant Care Pay Period: 4/17/2015	526.39
Total :			129,862.21

LEGISLATIVE & EXECUTIVE**01-4110-3100 OFFICE SUPPLIES & POSTAGE**

BUSINESS AS USUAL	124944	Office Supplies	3.60
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Vendor Name	Invoice Number	Description	Net Invoice Amount
LIBBY MAYNARD DESIGN	1430	Notepads	90.17
01-4110-3200 OPERATING SUPPLIES			
ATKINSONS' MARKET	1856-03/15	ACCT. 1856	75.57
US BANK	03/25/15	WrapCity - Council Meeting	34.99
01-4110-4200 PROFESSIONAL SERVICES			
NBS-NATIONAL BENEFIT SERVI	496753	Admin Fees - March 2015	13.86
01-4110-5100 TELEPHONE & COMMUNICATIONS			
COX COMMUNICATIONS	1240103601290	ACCT. 001 2401 036012901	92.54
Total LEGISLATIVE & EXECUTIVE:			310.73
ADMINISTRATIVE SERVICES			
01-4150-2505 HEALTH REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	CP105406	HRA Fees	139.86
NBS-NATIONAL BENEFIT SERVI	CP105406	HRA Fees	17.59
01-4150-3100 OFFICE SUPPLIES & POSTAGE			
ATKINSONS' MARKET	1856-03/15	ACCT. 1856	3.60
INTEGRATED TECHNOLOGIES	19922	Copier Maintenance & Supplies	55.00
UNIFIED OFFICE SERVICES	199992	Office Supplies	3.09
UPS STORE #2444	03/04/15	Shipping	63.96
US BANK	03/25/15	Pens	44.47
US BANK	03/25/15	Coffee	3.39
US BANK	03/25/15	Hand Soap	2.54
US BANK	03/25/15	SV Air Service Board Expenses	206.25
01-4150-4200 PROFESSIONAL SERVICES			
CASELLE, INC.	64449	CONTRACT SUPPORT	522.00
KETCHUM COMPUTERS, INC.	11471	Computer Maintenance	80.00
KETCHUM COMPUTERS, INC.	11472	Computer Maintenance	155.00
NBS-NATIONAL BENEFIT SERVI	496753	Admin Fees - March 2015	23.25
01-4150-4400 ADVERTISING & LEGAL PUBLICATIO			
EXPRESS PUBLISHING, INC.	2196-03/15	Account 2196	442.16
01-4150-4600 PROPERTY & LIABILITY INSURANCE			
ICRMP	34A020971001	Policy - 34A02097100114	38,262.90
01-4150-4900 PERSONNEL TRAINING/TRAVEL/MTG			
RIVERSIDE HOTEL	39288	Lodging for Patricia Bennett	285.00
US BANK	03/25/15	Community Library Room Rental	140.00
01-4150-4902 TRAINNG/TRVL/MTG-CITY ADM/ASST			
ENOURATO, LISA	04/09/15	Travel Expenses	180.80
01-4150-5100 TELEPHONE & COMMUNICATIONS			
CENTURY LINK	1334587319	ACCT. 86467178	2,332.23
SENTINEL FIRE & SECURITY, IN	R1395	Quarterly Monitoring Fee	84.00
US BANK	03/25/15	Phone Insurance for Lisa	9.95
01-4150-5110 COMPUTER NETWORK			
KETCHUM COMPUTERS, INC.	11445	Computer Maintenance	3,685.00
SEAN TAJKOWSKI	KETCH070115	Infrastructure Renovation Change Order	1,600.00

Vendor Name	Invoice Number	Description	Net Invoice Amount
01-4150-5150 COMMUNICATIONS			
EXPRESS PUBLISHING, INC.	2196-03/15	Account 2196	1,254.31
HAWLEY GRAPHICS	8731	Rec Flyers	780.00
HAWLEY GRAPHICS	8740	Noxious Weed	191.25
MURRAY, JO	837-R	Public Relation Services	3,862.10
US BANK	03/25/15	Constant Contact	95.00
01-4150-5200 UTILITIES			
City of Ketchum	9997-03/15	Acct. 9997	695.78
CLEAR CREEK DISPOSAL	875031	ACCT. 951449	60.00
CLEAR CREEK DISPOSAL	876220	ACCT. 960	49.00
IDAHO POWER	2200749261-03	ACCT. 2200749261	1,566.98
IDAHO POWER	2203855230-03	ACCT. 2203855230	110.33
01-4150-5900 REPAIR & MAINTENANCE-BUILDINGS			
US BANK	03/25/15	Light bulbs	77.99
US BANK	03/25/15	Purell Dispensor Kit	73.10
WAXIE SANITARY SUPPLY	75180830	Supplies	497.91
WHITE GLOVE CARPET CLEANI	4359	CARPET CLEANING	400.00
Total ADMINISTRATIVE SERVICES:			58,055.79
LEGAL			
01-4160-4200 PROFESSIONAL SERVICES			
KETCHUM COMPUTERS, INC.	11469	Computer Maintenance	50.00
01-4160-4270 CITY PROSECUTOR			
ALLINGTON, ESQ., FREDERICK	120202	Monthly Prosecutor Payment	3,660.17
Total LEGAL:			3,710.17
PLANNING & BUILDING			
01-4170-3100 OFFICE SUPPLIES & POSTAGE			
ATKINSONS' MARKET	1856-03/15	ACCT. 1856	7.20
UNIFIED OFFICE SERVICES	199992	Office Supplies	6.18
US BANK	03/25/15	Coffee	18.25
US BANK	03/25/15	Hand Soap	5.09
01-4170-4200 PROFESSIONAL SERVICES			
NBS-NATIONAL BENEFIT SERVI	496753	Admin Fees - March 2015	37.37
01-4170-4900 PERSONNEL TRAINING/TRAVEL/MTG			
US BANK	03/25/15	Lodging in McCall for Rebecca	164.00
US BANK	03/25/15	Basic Code Enforcement Book	53.20
US BANK	03/25/15	Lodging for Micah in McCall	353.00
US BANK	03/25/15	Rocy Mountain Institute	1,300.00
US BANK	03/25/15	Seattle Travel Expenses	600.36
SOUTHERN IDAHO TOURISM	4001	Customer Service Training Sessions	402.35
01-4170-7400 OFFICE FURNITURE & EQUIPMENT			
US BANK	03/25/15	Scanners	846.62
Total PLANNING & BUILDING:			3,793.62

Vendor Name	Invoice Number	Description	Net Invoice Amount
POLICE			
01-4210-3200 OPERATING SUPPLIES			
UPS STORE #2444	03/04/15	Shipping	23.22
01-4210-4200 PROFESSIONAL SERVICES			
NBS-NATIONAL BENEFIT SERVI	496753	Admin Fees - March 2015	.38
01-4210-4250 PROF.SERVICES-BCSO CONTRACT			
BLAINE COUNTY CLERK/RECOR	200968	BCSO Law Enforcement Services	112,768.67
Total POLICE:			112,792.27
Total GENERAL FUND:			308,524.79
STREET MAINTENANCE FUND			
STREET			
04-4310-2505 HEALTH REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	CP105406	HRA Fees	388.03
04-4310-3200 OPERATING SUPPLIES			
CENTRAL DRUG SYSTEM, INC.	242433	Testing	20.00
TREASURE VALLEY COFFEE IN	2160:04015565	Supplies	111.20
ZEE MEDICAL COMPANY	161535925	Supplies	96.70
04-4310-3400 MINOR EQUIPMENT			
CHRISTIANSEN, BRIAN	041315	Reimbursement	7.00
04-4310-3500 MOTOR FUELS & LUBRICANTS			
UNITED OIL	793074	ACCT. 37269	1,183.71
04-4310-4200 PROFESSIONAL SERVICES			
EARTHWORKS, LLC	12870	Snow Hauling	337.50
EXPRESS PUBLISHING, INC.	2196-03/15	Account 2196	395.35
NBS-NATIONAL BENEFIT SERVI	496753	Admin Fees - March 2015	40.83
04-4310-4900 PERSONNEL TRAINING/TRAVEL/MTG			
US BANK	03/25/15	Training Expenses	902.05
04-4310-5100 TELEPHONE & COMMUNICATIONS			
COX COMMUNICATIONS	1240120518270	ACCT. 001 2401 205182701	63.20
04-4310-5200 UTILITIES			
City of Ketchum	9993-03/15	Acct. 9993	186.20
City of Ketchum	9999-03/15	Acct. 9999	122.47
INTERMOUNTAIN GAS	102495000014-	Meter #85667	374.65
INTERMOUNTAIN GAS	102495000014-	Meter #84471	180.37
INTERMOUNTAIN GAS	119369000011-	acct. 11936900-001-1	80.22
04-4310-6000 REPAIR & MAINT--AUTOMOTIVE EQU			
RIVER RUN AUTO PARTS	6538-83701	Supplies	53.70
SILVER CREEK FORD	16745	Repairs	53.12
04-4310-6100 REPAIR & MAINT--MACHINERY & EQ			
FREIGHTLINER OF IDAHO	168556	Parts & Supplies	518.22
LES SCHWAB	11700215544	Tire Rotation	54.50
METROQUIP, INC.	27335	Supplies	267.46

Vendor Name	Invoice Number	Description	Net Invoice Amount
NAPA AUTO PARTS	226-801591	Credit	24.58-
NAPA AUTO PARTS	7282014	Credit	16.09-
NAPA AUTO PARTS	807719	Supplies	96.29
NAPA AUTO PARTS	807810	Supplies	27.80-
NAPA AUTO PARTS	808213	Supplies	42.49
US BANK	03/25/15	Alignment	925.00
WESTERN STATES EQUIPMENT	PC040228370	Supplies	93.71
WESTERN STATES EQUIPMENT	PC040228442	Parts	93.71
JACKSON GROUP PETERBILT	144012	Parts	96.48
04-4310-6910 OTHER PURCHASED SERVICES			
A.C. HOUSTON LUMBER CO.	14-462241	Supplies	47.96
AMERIPRIDE LINEN	2400406845	ACCT. 2400406845	37.60
AMERIPRIDE LINEN	2400408523	ACCT. 241076800	77.90
NORCO	15498687	ACCT. 53271	337.71
NORCO	15670642	ACCT. 53271	233.92
SENTINEL FIRE & SECURITY, IN	R1396	Quarterly Monitoring Fee	84.00
SENTINEL FIRE & SECURITY, IN	R1555	Quarterly Monitoring Fee	84.00
04-4310-6920 SIGNS & SIGNALIZATION			
BROOKS WELDING	10398	Supplies	15.00
04-4310-6930 STREET LIGHTING			
IDAHO POWER	2201013857-03	ACCT. 2201013857	27.59
IDAHO POWER	2204535385-03	ACCT. 2204535385	141.18
IDAHO POWER	2206773224-03	ACCT. 2206773224	9.07
PLATT	G447246	Supplies	94.50
04-4310-6950 MAINTENANCE & IMPROVEMENTS			
IMPERIAL ASPHALT LLC	2433	CRACK SEAL	7,742.98
WALKER SAND AND GRAVEL	15060	Road Materials	268.20
Total STREET:			15,917.30
Total STREET MAINTENANCE FUND:			15,917.30
FIRE & RESCUE FUND			
FIRE & RESCUE			
10-4230-2505 HEALTH REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	CP105406	HRA Fees	82.82
NBS-NATIONAL BENEFIT SERVI	CP105406	HRA Fees	1,454.26
10-4230-2515 VISION REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	CP105406	HRA Fees	321.89
10-4230-3200 OPERATING SUPPLIES			
A.C. HOUSTON LUMBER CO.	14-463010	Supplies	9.58
ALSCO - AMERICAN LINEN DIVI	LBO11249987	Cleaning Services	12.50
ATKINSONS' MARKET	1841-02/15	ACCT. 1841	63.04
ATKINSONS' MARKET	1856-03/15	ACCT. 1856	1.80
KETCHUM KITCHENS	8192	Coffee Carafe	12.50
L.N. CURTIS & SONS	3156945-00	Supplies	191.58
UNIFIED OFFICE SERVICES	199992	Office Supplies	1.54
UNITED STATES POSTAL SERVI	040215	Box Rental Fee for 12 Months Box 966	29.00
UPS STORE #2444	03/04/15	Shipping	9.47
US BANK	03/25/15	Cabinet	15.00
US BANK	03/25/15	Coffee	18.89

Vendor Name	Invoice Number	Description	Net Invoice Amount
US BANK	03/25/15	Hand Soap	1.27
US BANK	03/25/15	Emblems	91.50
US BANK	03/25/15	North American Rescue Supplies	139.99
US BANK	03/25/15	Printer Supplies	176.99
10-4230-3500 MOTOR FUELS & LUBRICANTS			
UNITED OIL	793072	ACCT. 37267	235.87
10-4230-4200 PROFESSIONAL SERVICES			
KETCHUM COMPUTERS, INC.	11474	Computer Maintenance	375.00
NBS-NATIONAL BENEFIT SERVI	496753	Admin Fees - March 2015	35.35
10-4230-4900 PERSONNEL TRAINING/TRAVEL/MTG			
US BANK	03/25/15	Disaster Services Meeting	14.48
TARGETSOLUTIONS LEARNING	8755	Training Platform	2,216.87
10-4230-4902 TRAINING/TRAVEL/MTG-FIRE CHIEF			
US BANK	03/25/15	Epocates Subscription	134.50
10-4230-5900 REPAIR & MAINTENANCE-BUILDINGS			
US BANK	03/25/15	Lightbulbs	77.99
US BANK	03/25/15	Air Compressor	255.28
10-4230-6000 REPAIR & MAINT--AUTOMOTOVE EQU			
CHATEAU DRUG CENTER	1364993	Supplies	5.67
10-4230-6100 REPAIR & MAINT--MACHINERY & EQ			
L.N. CURTIS & SONS	3158186-00	Supplies	357.00
TG TECHNICAL SERVICES	9685	Calibration Gas	301.08
US BANK	03/25/15	Chain Saw	82.98
10-4230-6910 OTHER PURCHASED SERVICES			
MTE COMMUNICATIONS	56983-04/15	DSL	17.29
US BANK	03/25/15	Communications Supplies	42.23
Total FIRE & RESCUE:			6,785.21
Total FIRE & RESCUE FUND:			6,785.21
AMBULANCE SERVICE FUND			
AMBULANCE SERVICE			
14-4260-2505 HEALTH REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	CP105406	HRA Fees	168.15
NBS-NATIONAL BENEFIT SERVI	CP105406	HRA Fees	1,646.19
14-4260-2515 VISION REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	CP105406	HRA Fees	321.90
14-4260-3200 OPERATING SUPPLIES			
A.C. HOUSTON LUMBER CO.	14-463010	Supplies	9.58
ALSCO - AMERICAN LINEN DIVI	LBO11249987	Cleaning Services	12.50
ATKINSONS' MARKET	1841-02/15	ACCT. 1841	63.04
ATKINSONS' MARKET	1856-03/15	ACCT. 1856	1.80
KETCHUM KITCHENS	8192	Coffee Carafe	12.49
L.N. CURTIS & SONS	3156945-00	Supplies	191.58
MOORE MEDICAL CORPORATIO	82709798	Supplies	223.99
NORCO	15547193	ACCT. 54794	64.82

Vendor Name	Invoice Number	Description	Net Invoice Amount
NORCO	15670562	ACCT. 52355	31.68
NORCO	15671507	ACCT. 54794	238.08
NORTH AMERICAN RESCUE	IN177652	Supplies	365.02
ST. LUKES	IN05234	Medical & Pharmacy Supplies	653.94
UNIFIED OFFICE SERVICES	199992	Office Supplies	1.55
UNITED STATES POSTAL SERVI	040215	Box Rental Fee for 12 Months Box 966	29.00
UPS STORE #2444	03/04/15	Shipping	9.47
US BANK	03/25/15	Cabinet	15.00
US BANK	03/25/15	Coffee	18.88
US BANK	03/25/15	Hand Soap	1.27
US BANK	03/25/15	Emblems	91.50
US BANK	03/25/15	Printer Supplies	176.99
14-4260-3500 MOTOR FUELS & LUBRICANTS			
UNITED OIL	793072	ACCT. 37267	246.72
14-4260-4200 PROFESSIONAL SERVICES			
KETCHUM COMPUTERS, INC.	11474	Computer Maintenance	375.00
NBS-NATIONAL BENEFIT SERVI	496753	Admin Fees - March 2015	57.63
14-4260-4900 PERSONNEL TRAINING/TRAVEL/MTG			
DEPT. OF HEALTH & WELFARE	6095268	License Renewal	100.00
POTTER, KEITH	033115	Recertification Fees	20.00
ST. LUKES	3428	AcLS Heartcode Skills	8.00
US BANK	03/25/15	Disaster Services Meeting	14.47
TARGETSOLUTIONS LEARNING	8755	Training Platform	2,216.88
14-4260-4902 TRAINING/TRAVEL/MTG-FIRE CHIEF			
US BANK	03/25/15	Epocates Subscription	134.50
14-4260-5900 REPAIR & MAINTENANCE-BUILDINGS			
US BANK	03/25/15	Lightbulbs	77.99
US BANK	03/25/15	Air Compressor	255.27
US BANK	03/25/15	ACLS Course	270.00
14-4260-6000 REPAIR & MAINT--AUTOMOTIVE EQU			
WINDYCITY ARTS, INC.	2015-288	Decals	87.14
14-4260-6910 OTHER PURCHASED SERVICES			
MTE COMMUNICATIONS	56983-04/15	DSL	17.30
US BANK	03/25/15	Communications Supplies	42.23
Total AMBULANCE SERVICE:			8,271.55
Total AMBULANCE SERVICE FUND:			8,271.55
PARKS AND RECREATION FUND			
PARKS AND RECREATION			
18-4510-2505 HEALTH REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	CP105406	HRA Fees	226.58
NBS-NATIONAL BENEFIT SERVI	CP105406	HRA Fees	1,229.87
18-4510-2515 VISION REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	CP105406	HRA Fees	75.68
18-4510-3100 OFFICE SUPPLIES & POSTAGE			
OFFICE VALUE	552200-001	Supplies	9.99

Vendor Name	Invoice Number	Description	Net Invoice Amount
18-4510-3200 OPERATING SUPPLIES			
OFFICE VALUE	546817-003	Supplies	22.33
OFFICE VALUE	548761-001	Office & Cleaning Supplies	66.29
OFFICE VALUE	552200-001	Supplies	37.89
SYSCO	607364827	Concession & Supplies	91.55
US BANK	03/25/15	Rollershades - Home Depot	.01-
US BANK	03/25/15	Water Filter	73.95
US BANK	03/25/15	Cleaning and First Aid Supplies	46.46
US BANK	03/25/15	AC Adapter	12.90
18-4510-3250 RECREATION SUPPLIES			
US BANK	03/25/15	Banbury Hot Springs	106.00
US BANK	03/25/15	Pickleball Supplies	260.00
US BANK	03/25/15	Alpen Monoculars	319.06
18-4510-3300 RESALE ITEMS-CONCESSION SUPPLY			
SYSCO	607364827	Concession & Supplies	575.08
18-4510-3500 MOTOR FUELS & LUBRICANTS			
UNITED OIL	793073	ACCT. 37268	142.51
18-4510-3600 COMPUTER SOFTWARE			
KENERSON GROUP	790	TreeWorks Software Maintenance	800.00
18-4510-4200 PROFESSIONAL SERVICES			
BIG WOOD LANDSCAPE, INC.	13207	Snow Removal	21.00
CLEAR CREEK LAND CO. LLC	11346	Storage Unit	70.00
EXPRESS PUBLISHING, INC.	2196-03/15	Account 2196	206.75
INTEGRATED TECHNOLOGIES	20035	Copier Maintenance & Supplies	21.76
NBS-NATIONAL BENEFIT SERVI	496753	Admin Fees - March 2015	33.09
THOMAS PLUMBING & HEATIN	62001	Supplies	160.00
18-4510-4410 ADVERTISING & PUBLICATIONS			
US BANK	03/25/15	Peachjar	250.00
18-4510-4800 DUES, SUBSCRIPTIONS & MEMBERSH			
ASCAP	500713125	Membership	15.71
IDAHO NURSERY & LANDSCAP	032515	INLA Membership Dues	50.00
SESAC	70123	License Fees	5.40
18-4510-5100 TELEPHONE & COMMUNICATIONS			
ARMS, SHARON	041015	Cell Phone Reimbursement Jan- March 2015	150.00
SMITH, JEN	040715	2nd Quarter Cell Phone Reimbursement	150.00
18-4510-5200 UTILITIES			
City of Ketchum	1127-03/15	Acct. 1127	31.32
City of Ketchum	1245-03/15	Acct. 1245	74.55
City of Ketchum	456-03/15	Acct. 456	31.32
City of Ketchum	532-03/15	Acct. 532	117.49
City of Ketchum	560-03/15	Acct. 560	31.32
City of Ketchum	9991-03/15	Acct. 9991	111.68
City of Ketchum	9996-03/15	Acct. 9996	105.87
INTERMOUNTAIN GAS	102495000014-	Meter #429779	56.50
INTERMOUNTAIN GAS	807350253157-	acct. 80735025-315-7	54.27
18-4510-6100 REPAIR & MAINT--MACHINERY & EQ			
RIVER RUN AUTO PARTS	6538-84112	Supplies	49.95

Vendor Name	Invoice Number	Description	Net Invoice Amount
18-4510-6950 MAINTENANCE & IMPROVEMENTS			
A.C. HOUSTON LUMBER CO.	14-459771	Supplies	36.37
A.C. HOUSTON LUMBER CO.	14-462577	Supplies	18.49
INTERMOUNTAIN GAS	115345000018-	acct. 1153400500-001-8	117.27
LUTZ RENTALS	45979	Supplies	12.33
PIPECO, INC.	16777-2/15	Credit	82.56-
SAWTOOTH WOOD PRODUCTS, I	88773	Gas Can	109.96
THOMAS PLUMBING & HEATIN	62001	Supplies	355.57
WEBB LANDSCAPING	28339	Acct. CIT002 - Soil Pep	23.96
Total PARKS AND RECREATION:			6,485.50
Total PARKS AND RECREATION FUND:			6,485.50
LOCAL OPTION SALES TAX FUND			
LOCAL OPTION SALES TAX			
22-4910-2505 HEALTH REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	CP105406	HRA Fees	419.63
22-4910-4200 PROFESSIONAL SERVICES			
NBS-NATIONAL BENEFIT SERVI	496753	Admin Fees - March 2015	9.95
22-4910-6080 MOUNTAIN RIDES			
MOUNTAIN RIDES	772	Monthly Payment	45,833.33
22-4910-6090 CONSOLIDATED DISPATCH			
BLAINE COUNTY EMERGENCY	9	3rd Quarterly Payment	32,840.00
Total LOCAL OPTION SALES TAX :			79,102.91
Total LOCAL OPTION SALES TAX FUND:			79,102.91
LOT-ADDITIONAL1% FUND			
LOT-ADDITIONAL 1%			
25-4910-4220 SUN VALLEY AIR SERVICE BOARD			
SUN VALLEY AIR SERVICE BOA	040815	February Additional 1%	157,097.92
Total LOT-ADDITIONAL 1%:			157,097.92
Total LOT-ADDITIONAL1% FUND:			157,097.92
WATER FUND			
WATER EXPENDITURES			
63-4340-2505 HEALTH REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	CP105406	HRA Fees	88.80
63-4340-3200 OPERATING SUPPLIES			
AMERIPRIDE LINEN	2400404867	ACCT. 241076901	21.41
AMERIPRIDE LINEN	2400404868	ACCT. 241076900	75.85
AMERIPRIDE LINEN	2400408510	ACCT. 241076901	21.41
AMERIPRIDE LINEN	2400408511	ACCT. 241076900	131.79
GO-FER-IT	57086	Shipping Services	28.00
INTEGRATED TECHNOLOGIES	19466	Copier Maintenance & Supplies	16.42
PACIFIC EQUIPMENT, INC.	7832	Chlorine Analyzer for Northwood Well	38.50

Vendor Name	Invoice Number	Description	Net Invoice Amount
UNIFIED OFFICE SERVICES	200127	Office Supplies	74.64
63-4340-3250 LABORATORY/ANALYSIS			
MAGIC VALLEY LABS, INC.	51312	Testing	66.00
63-4340-3500 MOTOR FUELS & LUBRICANTS			
UNITED OIL	370606	ACCT. 37271	43.74
UNITED OIL	793075	ACCT. 37270	10.58
63-4340-3600 COMPUTER SOFTWARE			
DLT SOLUTIONS, INC.	4413737	Auto CAD	396.66
63-4340-3800 CHEMICALS			
GEM STATE WELDERS SUPPLY,I	E242558	Chemicals	243.00
63-4340-4200 PROFESSIONAL SERVICES			
CASELLE, INC.	64449	CONTRACT SUPPORT	522.00
IDAHO BOND BANK AUTHORIT	041415	Water Refunding of 2006A Bonds	500.00
MURRAY, JO	843	Water Bond Ballot Measure Brochure Preparation	686.40
NBS-NATIONAL BENEFIT SERVI	496753	Admin Fees - March 2015	38.70
63-4340-4600 INSURANCE			
ICRMP	34A020971001	Policy - 34A02097100114	11,478.87
63-4340-4800 DUES, SUBSCRIPTIONS, & MEMBERS			
ASSOCIATION OF IDAHO PUBLI	040215	2015 Membership Dues	10.00
63-4340-5100 TELEPHONE & COMMUNICATIONS			
CENTURY LINK	2087250715195	ACCT. 208-725-0715 195b	109.07
DIG LINE	51483	Locates	47.14
SENTINEL FIRE & SECURITY, IN	R1269	Quarterly Monitoring Fee	72.00
VERIZON WIRELESS, BELLEVUE	9742232340	ACCT. 365516521-00001	102.63
63-4340-5200 UTILITIES			
IDAHO POWER	2202458903-03	ACCT. 2202458903	198.66
IDAHO POWER	2203658592-03	ACCT. 2203658592	5,994.66
IDAHO POWER	2206786259-03	ACCT. 2206786259	47.28
INTERMOUNTAIN GAS	102495000014-	Meter #408540	37.14
INTERMOUNTAIN GAS	102495000014-	Meter #428883	139.52
63-4340-6100 REPAIR & MAINT-MACH & EQUIP			
PACIFIC EQUIPMENT, INC.	7832	Chlorine Analyzer for Northwood Well	2,870.00
PIPECO, INC.	S2040483.001	Supplies	11.76
PLATT	G410690	Supplies	136.71
THORNTON HEATING	25257	Sewer Plant Maintenance	84.00
63-4340-6910 OTHER PURCHASED SERVICES			
CENTRAL DRUG SYSTEM, INC.	242433	Testing	20.00
Total WATER EXPENDITURES:			24,363.34
Total WATER FUND:			24,363.34
WATER CAPITAL IMPROVEMENT FUND			
WATER CIP EXPENDITURES			
64-4340-7800 CONSTRUCTION			
SILVER CREEK SUPPLY	S1435337.001	Supplies	575.57

Vendor Name	Invoice Number	Description	Net Invoice Amount
Total WATER CIP EXPENDITURES:			575.57
Total WATER CAPITAL IMPROVEMENT FUND:			575.57
WASTEWATER FUND			
WASTEWATER EXPENDITURES			
65-4350-2505 HEALTH REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	CP105406	HRA Fees	404.24
NBS-NATIONAL BENEFIT SERVI	CP105406	HRA Fees	70.70
65-4350-3200 OPERATING SUPPLIES			
AMERIPRIDE LINEN	2400404866	ACCT. 241021000	168.34
AMERIPRIDE LINEN	2400404867	ACCT. 241076901	21.40
AMERIPRIDE LINEN	2400408509	ACCT. 2400408509	113.12
AMERIPRIDE LINEN	2400408510	ACCT. 241076901	21.40
ATKINSONS' MARKET	1856-03/15	ACCT. 1856	38.83
CHATEAU DRUG CENTER	1367465	Supplies	17.16
INTEGRATED TECHNOLOGIES	19466	Copier Maintenance & Supplies	16.42
NORTH CENTRAL LABORATORI	353613	Supplies	140.10
PLATT	G410865	Supplies	78.00
TREASURE VALLEY COFFEE IN	2160:03991448	COFFEE	130.12
UNIFIED OFFICE SERVICES	200127	Office Supplies	74.64
UPS STORE #2444	03/04/15	Shipping	106.14
US BANK	03/25/15	Coat	116.59
65-4350-3500 MOTOR FUELS & LUBRICANTS			
UNITED OIL	793075	ACCT. 37270	78.95
UNITED OIL	793076	ACCT. 37271	431.59
WESTERN STATES EQUIPMENT	PC070184098	Oil Kit	119.88
65-4350-3800 CHEMICALS			
GEM STATE WELDERS SUPPLY,I	E242288	Chemicals	243.00
GEM STATE WELDERS SUPPLY,I	E242559	Chemicals	310.09
HACH	9292458	Supplies	45.23
HACH	9293841	CHEMICALS	51.25
NORTH CENTRAL LABORATORI	353613	Supplies	613.34
65-4350-4200 PROFESSIONAL SERVICES			
ANALYTICAL LABORATORIES, I	25744	Testing	792.50
CASELLE, INC.	64449	CONTRACT SUPPORT	522.00
ENVIRONMENTAL RESOURCE A	747918	Supplies	1,383.37
MAGIC VALLEY LABS, INC.	51370	Testing	26.00
NBS-NATIONAL BENEFIT SERVI	496753	Admin Fees - March 2015	68.65
QUALITY CONTROL SERVICES, I	40476	Testing	1,610.00
65-4350-4600 INSURANCE			
ICRMP	34A020971001	Policy - 34A02097100114	14,029.73
65-4350-4900 PERSONNEL TRAINING/TRAVEL/MTG			
ASSOCIATION OF IDAHO PUBLI	040215	2015 Membership Dues	10.00
US BANK	03/25/15	Training	76.90
US BANK	03/25/15	Manual	27.12
65-4350-5100 TELEPHONE & COMMUNICATIONS			
CENTURY LINK	2087268953402	ACCT. 208-726-8953 402b	48.08
SENTINEL FIRE & SECURITY, IN	R1269	Quarterly Monitoring Fee	24.00

Vendor Name	Invoice Number	Description	Net Invoice Amount
65-4350-5200 UTILITIES			
IDAHO POWER	2202703357-03	ACCT. 2202703357	88.80
IDAHO POWER	2206786259-03	ACCT. 2206786259	47.27
INTERMOUNTAIN GAS	102495000014-	Meter #408540	37.14
INTERMOUNTAIN GAS	102495000014-	Meter #190060	175.34
INTERMOUNTAIN GAS	102495000014-	Meter #190643	245.35
INTERMOUNTAIN GAS	102495000014-	Meter #497118	119.84
INTERMOUNTAIN GAS	102495000014-	Meter #311322	111.35
65-4350-6000 REPAIR & MAINT-AUTO EQUIP			
NAPA AUTO PARTS	808616	Supplies	10.37
RIVER RUN AUTO PARTS	6538-84023	Supplies	10.70
65-4350-6100 REPAIR & MAINT-MACH & EQUIP			
CHATEAU DRUG CENTER	1366415	Supplies	48.43
HACH	9292458	Supplies	185.45
McMASTER-CARR SUPPLY CO.	26227689	Supplies	46.14
NAPA AUTO PARTS	808616	Supplies	48.05
PIPECO, INC.	S2048011.001	Supplies	18.89
PIPECO, INC.	S2049213.001	Supplies	.79
65-4350-6900 COLLECTION SYSTEM SERVICES/CHA			
AMERIPRIDE LINEN	2400404866	ACCT. 241021000	29.71
AMERIPRIDE LINEN	2400408509	ACCT. 2400408509	19.96
DIG LINE	51483	Locates	47.14
DLT SOLUTIONS, INC.	4413737	Auto CAD	396.66
INTEGRATED TECHNOLOGIES	19466	Copier Maintenance & Supplies	5.80
STANDARD PLUMBING SUPPLY	EMGH62	Supplies	19.92
TREASURE VALLEY COFFEE IN	2160:03991448	COFFEE	8.48
UNITED OIL	793075	ACCT. 37270	3.74
Total WASTEWATER EXPENDITURES:			23,754.20
Total WASTEWATER FUND:			23,754.20
WASTEWATER CAPITAL IMPROVE FND WASTEWATER CIP EXPENDITURES			
67-4350-7804 AERATION BLOWER UPGRADE/REPLAC			
STAR CONSTRUCTION, LLC	2	Turbo Blower Installation	9,224.86
Total WASTEWATER CIP EXPENDITURES:			9,224.86
Total WASTEWATER CAPITAL IMPROVE FND:			9,224.86
PARKS/REC DEV TRUST FUND PARKS/REC TRUST EXPENDITURES			
93-4900-6800 KETCHUM ARTS COMMISSION			
US BANK	03/25/15	Wrapcity KAC Meeting	155.38
BELINDA ISTEY	040815	Cover Art Artist Payment	500.00
BOB DIX	040815	Cover Art Artist Payment	500.00
Total PARKS/REC TRUST EXPENDITURES:			1,155.38
Total PARKS/REC DEV TRUST FUND:			1,155.38

Vendor Name	Invoice Number	Description	Net Invoice Amount
Grand Totals:			<u>641,258.53</u>

Report Criteria:

Invoices with totals above \$0 included.

Paid and unpaid invoices included.

[Report].GL Account Number = "0110000000"- "9449008045", "9910000000" - "9911810000"



City of Ketchum
Parks & Recreation

April 8, 2015

Mayor Jonas and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Jonas and City Councilors:

Recommendation to Approve Agreement of Reciprocity Between the City of Ketchum Parks & Recreation Department and the Wood River YMCA

Introduction/History

The Ketchum Parks & Recreation Department operates a park reservation program whereby user groups are required to schedule dates and times of use with the department and pay an associated fee. This arrangement is in place so that Parks & Recreation Department staff may manage use and behavior among a variety of public park properties.

Current Report

The Wood River YMCA began using public parks in the course of its youth programming shortly after it began operations. Parks & Recreation staff reached out to YMCA staff regarding reciprocity of use for both programs in order to avoid a fee exchange between the two separate organizations. The attached agreement outlines the agreement parameters and has been approved by the Wood River YMCA.

Financial Requirement/Impact

No financial requirement or impact.

Recommendation

I respectfully request that City Council approve the Agreement of Reciprocity between the City of Ketchum Parks & Recreation Department and the Wood River YMCA for Mayor Jonas' signature.

Recommended Motion

"I move to approve the Agreement of Reciprocity between the City of Ketchum Parks & Recreation Department and the Wood River YMCA for Mayor Jonas' signature."

Sincerely,

Recreation Supervisor

Director of Parks & Recreation



City of Ketchum
Parks & Recreation

Agreement of Reciprocity between the City of Ketchum Parks & Recreation Department
and the Wood River YMCA

The City of Ketchum Parks & Recreation Department and the Wood River YMCA agree to grant pool fee reciprocity to The City of Ketchum Parks and Recreation program participants. In return, the City of Ketchum Parks & Recreation Department will provide field space at city owned parks for use by YMCA youth programs. Terms of this agreement include:

1. Use of YMCA owned pool for City of Ketchum Recreation Division participants during certain "out of school days" and a few specific days in the summer;
2. Use of City of Ketchum owned park space for after school and summer YMCA participants with prior arrangement with the recreation supervisor and/or the arts & events coordinator;
3. Recreation supervisors from the City of Ketchum Parks & Recreation Department and the YMCA will coordinate these uses with ample time for preparation;
4. The City and YMCA retain the right to establish program and facility policies at their respective places; and,
5. The agreement will be in effect from June 8, 2015 to August 21, 2017. The agreement may be extended for another term by mutual agreement of both parties or terminated without penalty by either party, with 15 days written notice to the other party.

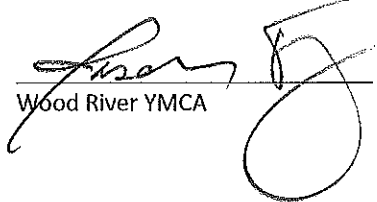
Indemnification:

The City of Ketchum shall indemnify and hold harmless the Wood River YMCA and its directors, agents and employees free, clear and harmless, from and against any and all losses, liabilities, costs, expenses (including amounts paid in settlements and reasonable attorney's fees), claims, penalties, judgments and damages, resulting from or arising out of, by reason of any act, omission or negligence of the City of Ketchum or its respective agents, employees or contractors in any way connected with or arising out of any accident, injury or damage, any breach of representation, injury to person or property, any activity conducted or action taken by the Wood River YMCA, directly or indirectly, in conjunction with this Agreement. The Wood River YMCA shall indemnify and hold harmless Ketchum and its directors, agents and employees free, clear and harmless, from and against any and all losses, liabilities, costs, expenses (including amounts paid in settlements and reasonable attorney's fees), claims, penalties, judgments and damages, resulting from or arising out of, by reason of any act, omission or negligence of the Wood River YMCA or its respective agents, employees or contractors in any way connected with or arising out of any accident, injury or damage, any breach of representation, injury to person or property, any activity conducted or action taken by the City of Ketchum, directly or indirectly, in conjunction with this Agreement.

WHEREFORE, the Parties have executed this Agreement on the day and year set out next to each of their signatures:

City of Ketchum

date


Wood River YMCA

3-31-15

date

ATTEST:

Sandra E. Cady, CMC
City Treasurer/Clerk



City of Ketchum
Public Works

April 14, 2015

Mayor Jonas and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Jonas and City Councilors:

Recommendation to approve Chip Seal bid

Introduction/History

The following bid is part of our normal spring routine to get the best price for one of our summer maintenance projects. (Chip Sealing)

The oil contract consists of providing the oil, delivery and distribution of our Chip Seal Oil. Our staff hauls and sweeps the chips, provide traffic control, clean up and coordinate the project. Blaine County Road and Bridge staff applies and roll the chips.

The following streets are scheduled to be Chip Sealed this year.

West side of core: Washington, Rivers, First, Second, Sun Valley Road, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Sabala, Buss Elle and Badger.

Chip Seal dates for this year is July 13th, 14th, 15th, and 16th.

Current Report

We are allowed to piggyback off a contractor's bid to any local municipality. The oil pricing is issued by the ton, plus a haul and distribution charge. The oil price below reflects the bid award to Idaho Asphalt from the Shoshone Highway District #2, March 13th, 2015. Last year we paid 530.50 a ton.

Piggyback price from Shoshone Highway District for 2015 is: Idaho Asphalt \$515.50

Financial Requirement/Impact

We expect to use approximately 134 tons of oil this year which would make the asphalt cost of the project about \$69,077.

This maintenance project is part of our maintenance and improvements line item and is accounted for in our budget.

We are still behind a bit on chip sealing some of our roadways and this can be noticed in the poor condition of some of our streets. We have increased our chip sealing program by 26% this year in an effort to catch up. Our goal is to be caught up in a couple more years.

Recommendation

Staff respectfully recommends the City Council (1) approve the Idaho Asphalt Bid of \$515.50 a ton for oil.

Recommended Motion

I move that we accept the Idaho Asphalt Bid of \$515.50 a ton for oil.

Sincerely,

Brian Christiansen
Street Superintendent



Idaho Asphalt Supply, Inc. Peak Asphalt, LLC



ASPHALTS



ROAD OILS

P.O. Box 941, Blackfoot ID 83221-0941
Phone: (208) 785-1797 Fax: (208) 785-1818

BUYER: KETCHUM, CITY OF

DATE: 4/14/2015

ATTN: Brian Christiansen

PROJECT #:

STREET ADDRESS OR SITE:

PROJECT: Year 2015 Road Oils

P.O.BOX 2315

DATE OF BID LETTING: March 12, 2015

Ketchum, ID 83340

IAS CONTRACT No: 21382

PRODUCT	QUANTITY (Tons)	UNIT PRICE Excluding Sales Tax	Effective Thru	FREIGHT	F.O.B.
CRS-2R	100.00	\$470.00	10/31/2015	\$25.50	Blackfoot
DISTRIBUTOR SERVICE \$1,000.00 Minimum Charge		\$20.00/TON or \$175.00/HR (Whichever is Greater)			

Special Contract Provisions:

Pricing "piggybacks" awarded offering to the Commissioners of Shoshone HWD #2 on March 12, 2015 and will remain firm for the 2015 season. Payment terms are NET 15th; payment is due the fifteenth of the month following delivery.

- 1> All products will conform to the Idaho Transportation Department specifications.
- 2> Idaho Asphalt Supply, Inc. / Peak Asphalt, LLC reserves the right to ship from any supply facility on a freight equalized basis.
- 3> This price acknowledgement is made expressly subject to the terms and conditions of the Idaho Asphalt Supply, Inc. / Peak Asphalt, LLC standard purchase agreement.
- 4> Freight will be invoiced separately by a common carrier.
- 5> Freight is subject to a fuel surcharge at time of delivery.
- 6> The above prices on the above quantities are valid for 5 (five) days from the date of this acknowledgement and if they are accepted within the stated period will remain effective thru the 2015 season.

Miscellaneous incidental charges are as follows:

All prices based on a **30** ton minimum. Full freight to destination and 1/2 freight charges will be assessed on returned product. No credit will be given for anti-strip or diluted materials. Unloading time: **3.00** hours, free then **80.00** per hour thereafter. Overnight holdover: **350.00** per night. Restocking fee for returned product: **250.00**. Equipment charge for job-site pump-off, flat fee per occurrence (no polymer modified asphalts): 80.00.

Thank you for giving us the opportunity to prepare this bid.

Adam Ackerman
Idaho Asphalt Supply, Inc.

Accepted By: _____ Firm: KETCHUM, CITY OF Date: _____

Shoshone Highway District #2

March 13, 2015

IDAHO ASPHALT SUPPLY, INC.
P.O. BOX 941
IDAHO FALLS, ID 83221

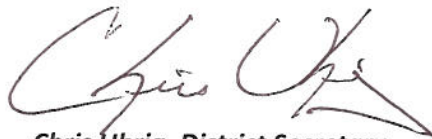
ATTN: Adam Ackerman

The Shoshone Highway District #2 met Thursday, March 12th to open sealed bids for road asphalt products for the 2015 season. The following products have been awarded to Idaho Asphalt Supply:

CRS-2 @ \$436.25/Ton
CRS-2R @ \$496.25/Ton
MC-70 @ \$776.25/Ton
MC-250 @ \$746.25/Ton
MC-500 @ \$716.25/Ton
MC-800 @ \$696.25/Ton
SC-500 @ \$716.25/Ton
SC-800 @ \$696.25/Ton
CSS-1HDIL @ \$416.25/Ton

Highway Supervisor Dominic Dugan will contact you regarding quantities needed and delivery dates. If you have any questions you can contact Dominic at 961-0802.

Thank you for submitting your bid and we look forward to a busy summer season.



Chris Uhrig, District Secretary
Shoshone Highway District #2

27 West 420 North
Shoshone., ID 83352
Office & Fax (208) 886-2530
Shop (208) 886-7515
shd2@qwestoffice.net

Johnny B. Transport Fuel Surcharge Schedule & e.i.a. Weekly Retail On-Highway Diesel Prices

<http://tonto.eia.doe.gov/oog/info/wohdp/diesel.asp>

Rocky Mountain Area		Rate Schedule Basis (\$/Gallon)	
Week	Rate	Fuel \$/Gallon	Surcharge %
1/7/2013	\$3.688	\$ 2.70	0.575%
2/4/2013	\$3.844	\$ 2.75	1.150%
3/4/2013	\$4.047	\$ 2.80	1.725%
4/29/2013	\$3.810	\$ 2.85	2.300%
5/27/2013	\$3.863	\$ 2.90	2.875%
6/24/2013	\$3.836	\$ 2.95	3.450%
7/29/2013	\$3.913	\$ 3.00	4.025%
8/26/2013	\$3.927	\$ 3.05	4.600%
9/30/2013	\$3.927	\$ 3.10	5.175%
10/28/2013	\$3.865	\$ 3.15	5.750%
11/25/2013	\$3.837	\$ 3.20	6.325%
12/30/2013	\$3.889	\$ 3.25	6.900%
1/27/2014	\$3.863	\$ 3.30	7.475%
2/24/2014	\$3.950	\$ 3.35	8.050%
3/31/2014	\$3.984	\$ 3.40	8.625%
4/28/2014	\$3.982	\$ 3.45	9.200%
5/26/2014	\$3.946	\$ 3.50	9.775%
6/30/2014	\$3.917	\$ 3.55	10.350%
7/28/2014	\$3.888	\$ 3.60	10.925%
8/25/2014	\$3.875	\$ 3.65	11.500%
9/29/2014	\$3.806	\$ 3.70	12.075%
10/27/2014	\$3.714	\$ 3.75	12.650%
11/24/2014	\$3.740	\$ 3.80	13.225%
12/29/2014	\$3.239	\$ 3.85	13.800%
1/5/2015	\$3.139	\$ 3.90	14.375%
1/12/2015	\$3.027	\$ 3.95	14.950%
1/19/2015	\$2.884	\$ 4.00	15.525%
1/26/2015	\$2.812	\$ 4.05	16.100%
2/2/2015	\$2.783	\$ 4.10	16.675%
2/9/2015	\$2.776	\$ 4.15	17.250%
2/16/2015	\$2.770	\$ 4.20	17.825%
2/23/2015	\$2.762	\$ 4.25	18.400%
3/2/2015	\$2.779	\$ 4.30	18.975%
3/9/2015	\$2.801	\$ 4.35	19.550%
3/16/2015	\$2.812	\$ 4.40	20.125%
3/23/2015	\$2.767	\$ 4.45	20.700%
3/30/2015	\$2.743	\$ 4.50	21.275%
4/6/2015	\$2.725	\$ 4.55	21.850%
4/13/2015	\$2.703	\$ 4.60	22.425%
		\$ 4.65	23.000%
		\$ 4.70	23.575%
		\$ 4.75	24.150%
		\$ 4.80	24.725%
		\$ 4.85	25.300%
		\$ 4.90	25.875%
		\$ 4.95	26.450%
		\$ 5.00	27.025%

PROCLAMATION FOR OUTSTANDING SERVICE
DEBORAH BURNS
“Burnsie”

WHEREAS, Deborah “Burnsie” Burns, served on the Ketchum Planning and Zoning Commission for 3,608 days, nearly 10 years, from May 27, 2005 to April 13 2015; and

WHEREAS, Deborah attended over 230 Planning and Zoning Commission meetings, committing her Monday nights to reviewing hundreds of land use applications over the course of her tenure; and

WHEREAS, Deborah’s connection with the people, business owners, and visitors of Ketchum was invaluable to the Commission and City to help guide development projects for the greatest benefit of the Ketchum community; and

WHEREAS, Deborah engaged citizens, second home owners and visitors in all aspects of the work of the Commission; and

WHEREAS, Deborah assisted in guiding and assisting the community through an exciting and innovative process that resulted in the 2014 Ketchum Comprehensive Plan; and

WHEREAS, Deborah tirelessly worked towards adoption and implementation of the Downtown Master Plan, which has brought energy and optimism to Ketchum’s community core; and

WHEREAS, Deborah’s devotion to serving the applicant and making the process as fun and uplifting as possible has positively impacted the Commission and the public;

WHEREAS, the City of Ketchum is grateful beyond words for the knowledge, care and commitment that Deborah has given to her community; and

WHEREAS, Burnsie’s standard poodle, Kayak, has also attended almost every meeting throughout her tenure on the Commission.

NOW THEREFORE, Mayor Nina Jonas does hereby proclaim and acknowledge Deborah “Burnsie” Burns for her years of dedicated service and lasting contribution to the City of Ketchum.

Dated this 20th day of April, 2015

Nina Jonas, Mayor



City of Ketchum Planning & Building

April 14, 2015

Mayor Jonas and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Jonas and City Councilors:

Limelight Hotel (formerly Bald Mountain Lodge) Development Agreement - Fourth Amendment

Introduction/History

On June 7, 2010, the City Council approved the original Bald Mountain Lodge Planned Unit Development (PUD). A development agreement was originally approved by the Council and became effective on September 17, 2010, followed by a first amendment on November 7, 2011, a second amendment on May 13, 2013 and a third amendment on November 3, 2014. The amendments have primarily focused on extending the time limits for when the development must commence and waivers of community and employee housing obligations. The third amendment contains entitlement expirations that require submittal of a building permit by May 31, 2015.

Current Report

The current request for a fourth amendment to the development agreement primarily concerns requirements in the original agreement pertaining to sidewalk design on River, First and Main Streets and Washington Avenue.

Section 4, Streets, Parking and Circulation, of the original development agreement stipulated that, "Right-of-way encroachments, right turn lane and curb alignment, slope and drainage, and sidewalk widths shall be in accordance with this Section 4, to be reviewed and approved by the City Engineer, Street Department and Fire Department prior to issuance of a building permit." It then outlined design requirements for the River, Main and First Street frontages and required that, "Owner shall present a final design scheme for Washington Avenue to the City Council prior to building permit submittal."

Since the approval of the original development agreement in 2010, the City has gained more experience with paver sidewalks and street bulb-outs. The pavers have not held up well under our climate's freeze and thaw cycles, and the bulb-outs have suffered severe damage due to snow removal. The sidewalk design as currently proposed consists of ten foot wide, concrete sidewalks on all four (4) street frontages, with a vertical six (6) inch curb and gutter. Parallel parking is proposed on First and River Streets and Washington Avenue, and required parking counts have been satisfied. The design meets the approval of the City Engineer, Street and Fire Departments and the Idaho Transportation Department. The City Council may approve the design of Washington Avenue through the Right-of Way Encroachment Permit approval process.

In addition, the original development agreement has been amended to reflect the change of ownership from Bald Mountain Lodge LLC to Limelight Ketchum LLC and to reference the Design Review, Planned Unit Development and Development Agreement amendments that have occurred since the original approvals. The terms of approval of the most recent Design Review modification have been changed to reference the terms in

Section 17.96, Design Review, of the City code. The attached development agreement replaces the original agreement and all subsequent amendments.

Attachments:

- A. Limelight Hotel (formerly Bald Mountain Lodge Development Agreement)
- B. Public comment
 - Mark Pynn, dated April 13, 2015

Financial Requirement/Impact

Should the hotel project move forward, the City would expect additional revenues from LOT taxes, fees for building and plan review and impact fees. There is the likelihood of spin-off revenues through construction tax revenues and heightened employee and visitor spending as well. The construction of the proposed sidewalk improvements will occur at the developer's expense.

At the time of the approval of the Second Amendment, the City Council indicated that a fee should be established for development agreement amendment applications. With consideration given to the fact that the City has requested a change in the sidewalk design, staff recommends that no fee should be charged for the current amendment to the development agreement.

Recommendation

Staff respectfully recommends that the City Council:

- (1) Approves the Limelight Hotel (formerly Bald Mountain Lodge Development Agreement); and
- (2) Authorizes the Mayor to sign the Limelight Hotel (formerly Bald Mountain Lodge Development Agreement).

Recommended Motion

"I move to approve the Limelight Hotel (formerly Bald Mountain Lodge Development Agreement) and authorize the mayor to sign said agreement."

Sincerely,



Rebecca F. Bundy
Senior Planner / Building and Development Manager

**Attachment A.
Bald Mountain Lodge
(Formerly Bald Mountain Lodge)
Development Agreement**

**LIMELIGHT HOTEL
(FORMERLY BALD MOUNTAIN LODGE)
DEVELOPMENT AGREEMENT**

by and between

CITY OF KETCHUM

and

**LIMELIGHT KETCHUM LLC
(FORMERLY BALD MOUNTAIN, LLC)**

**LIMELIGHT HOTEL
(FORMERLY BALD MOUNTAIN LODGE)
DEVELOPMENT AGREEMENT**

THIS LIMELIGHT HOTEL (FORMERLY BALD MOUNTAIN LODGE) DEVELOPMENT AGREEMENT ("**Agreement**") supersedes and replaces the original Development Agreement dated September 17, 2010, and all amendments entered thereafter and is entered into this ____ day of _____, 2015 ("**Effective Date**"), by and between the CITY OF KETCHUM, IDAHO, a municipal corporation, ("**Ketchum**") and LIMELIGHT KETCHUM LLC (FORMERLY BALD MOUNTAIN, LLC), a Delaware limited liability company authorized to do business in the state of Idaho ("**Owner**"), and together with Ketchum the "**Parties**".

RECITALS

WHEREAS, Owner owns a parcel of land located at 151 South Main Street, Ketchum, Idaho, and more particularly described in Exhibit A attached hereto and incorporated herein by reference ("the Property"), currently zoned Community Core (CC);

WHEREAS, on September 23, 2009, Owner filed the following applications (collectively referred to as the "Original Applications") with Ketchum for development of the Property: (1) an application for a Planned Unit Development ("PUD") for the Bald Mountain Lodge Hotel to be developed on the Property; (2) an application for a conditional use permit ("CUP") for the PUD; and (3) an application for Community Core Design Review. This enables Ketchum to review all of the applications affecting the use and development of the Property in an integrated manner consistent with its comprehensive plan, as adopted and in effect on the Application Date, and other applicable ordinances and regulations of Ketchum;

WHEREAS, Owner supplemented the Original Applications on September 30, 2009 with a letter, revised hotel application certification of completeness, additional design drawings, and other addenda, again on October 27, 2009 with an updated height analysis, and again on April 8, 2010 with additional design drawings (referred to as the "Supplemental Applications," and together with the original Applications, the "Land Use Applications");

WHEREAS, Owner, as the owner of the Property, agrees to submit the Property to a development agreement pursuant to Idaho Code § 67-651 I A and Ketchum City Code Section 17.154;

WHEREAS, Ketchum is a municipal corporation having all of the powers and authority granted municipalities under the laws of the state of Idaho, including, without limitation, the authority to contract (Idaho Code § 50-301), to approve planned unit developments (Idaho Code § 67-6515), to approve special use permits (Idaho Code § 67-6512), and to enter into development agreements (Idaho Code § 67-6511A);

WHEREAS, Ketchum, having held all required public hearings and public meetings for consideration of said PUD and this Agreement; approving said PUD and this Agreement;

WHEREAS, Owner has agreed to the use restrictions and other limitations set forth herein and in the PUD Findings, Design Review Findings, and the Findings, defined in Section 1 below for the use and development of the Property;

WHEREAS, the Owner and Ketchum entered into the original Development Agreement on September 17, 2010, and such Agreement was amended on November 7, 2011; May 6, 2013; and November 3, 2014; and the Parties desire to further amend the Agreement and incorporate previous amendments into one document;

WHEREAS, this Agreement will replace and supersede the Development Agreement entered into on September 17, 2010 and the amendments thereafter;

WHEREAS, Ketchum and Owner enter this Agreement for the purpose of establishing certain rights and obligations of the Parties with regard to the development of the Property, including limitations as to the use, development, design, phasing, construction of necessary improvements (on-site and off-site) and mitigating the impacts directly attributable to the Project.

NOW, THEREFORE, in consideration of the mutual promises, covenants and agreements contained herein, Ketchum and Owner hereby mutually covenant and agree as follows:

1. **DEFINITIONS.** Throughout this Agreement, the following terms will be defined as follows:

- 1.1 **"Application Date"** means September 23, 2009.
- 1.2 **"Commission"** shall mean the City of Ketchum's Planning and Zoning Commission.
- 1.3 **"Council"** shall mean the City Council of the City of Ketchum.
- 1.4 **"Design Review"** shall mean and include the procedures, criteria and standards established by Ketchum City Code 17.96, as adopted and in effect on the Application Date.
- 1.5 **"Design Review Findings"** shall mean the findings of fact, conclusions of law and decision approving the Design Review application, adopted by the Commission on the 22nd day of March, 2010, as amended. The Design Review Findings are attached hereto as Exhibit B and incorporated by reference herein.
- 1.6 **"Effective Date"** means the date this Agreement is fully executed by the Parties or the date on which the approvals described in the Findings are final, whichever occurs later.
- 1.7 **"Gross Square Footage"** means gross floor area as defined in the Ketchum Zoning Ordinance.
- 1.8 **"Ketchum PUD Ordinance"** shall mean Title 16, Chapter 16.08 of the Ketchum City Code, as adopted and in effect on the Application Date.
- 1.9 **"Ketchum Subdivision Ordinance"** shall mean Title 16, Chapter 16.04 of the Ketchum City Code, as adopted and in effect on the Application Date.
- 1.10 **"Ketchum Zoning Ordinance"** shall mean Title 17 of the Ketchum City Code, as adopted and in effect on the Application Date.

1.11 "Ketchum Comprehensive Plan" shall mean the Comprehensive Plan adopted on March 1, 2001 by Ketchum by Resolution No. 756.

1.12 "Ketchum" shall mean the City of Ketchum, Idaho, a municipal corporation, acting by and through its duly elected City Council, Mayor, and all of its agencies and departments.

1.13 "Land Use Applications" shall mean collectively the PUD Application, the CUP application and the Design Review Application, dated October 8, 2009; and any subsequent applications or amendments in effect as of the date of this Agreement.

1.14 "Owner" shall mean Limelight Ketchum LLC, a Delaware limited liability company, authorized to business in the State of Idaho, and its successors and assigns.

1.15 "Project" shall mean the development of the Property contemplated by this Agreement and described in the Site Plan.

1.16 "PUD Findings" shall mean the findings of fact, conclusions of law and decision approving the PUD application, adopted by the Council and signed by the Mayor on the 7th day of June, 2010, as amended. The PUD Findings are attached hereto as Exhibit C and incorporated by reference herein.

1.17 "Site Plan" shall mean the master plan for the Bald Mountain Lodge as depicted on the plans submitted to Ketchum dated April 8, 2010 and as amended by the owner and approved by the City, on file with the Ketchum Planning and Building Department.

2. LEGAL AUTHORITY. This Agreement is made pursuant to and in accordance with the provisions of Idaho Code §§ 50-301, 67-6511A, 67-6512, and Ketchum City Code Chapters 16.08, 17.64 010 (I) (6), and 17.154.

3. CONDITIONS ON DEVELOPMENT. The Project shall be completed substantially as presented in the Site Plan and consistent with this Agreement.

3.1 Hotel. The hotel shall operate at industry-acknowledged four-star standards or higher and shall contain the components approved by the City through the PUD process.

3.1.1 Compliance with Hotel Definition. In order to meet the hotel definition as outlined in Chapters 17.64 010 (I) (6), and 17.08 of the Ketchum Zoning Code, lock-off hotel units shall be provided to meet the hotel definition, provided that such lesser amount shall be agreed to by Owner and the Design Review Subcommittee referenced in Section 3.3.7 below. The PUD Findings made by the City Council with regards to the definition of Hotel are particular to this Project, based on specific facts as outlined in the PUD Findings.

3.1.2 Residential Units. Only residential units may be condominiumized and sold separately. The hotel guest rooms shall not be condominiumized.

3.2 Parking. On-site parking will consist of an underground parking garage, which shall contain parking spaces adequate to meet City Code. The parking garage will also be available to the general public while using the conference center, day spa, restaurant and bar, subject to availability.

3.3 Design. The Project shall be completed substantially as presented in the plans dated April 8, 2010, and as altered by the PUD Findings, Design Review Findings and this Agreement. Building permit plans must conform to the approved Design Review plans unless otherwise approved in writing by the Commission or the Planning and Zoning Administrator. Any development of any portion of the Property substantially inconsistent with this Agreement or the Design Review Findings that is not approved by the Commission or the Zoning Administrator or without modification of the Design Review Findings, shall constitute a breach of this Agreement by the Owner. All Design Review elements as depicted in the Design Review plans dated September 22, 2009, as amended by the revised plans dated April 8, 2010 and by the Design Review Modification approved by the Planning Commission, signed on March 13, 2015, and required through the PUD Findings shall be completed prior to final inspection/occupancy. The Design Review Findings shall be valid per the terms of approval as outlined in Ketchum Zoning Code, Section 17.96.130.A.

3.3.1 Building Type and Bulk. The ceiling heights and marquees along all facades of the building shall be approved by the Design Review Subcommittee as defined in Section 3.3.7 below and meet the standards of a Building Type 6, hotel, except as otherwise approved through the approved waivers outlined in the PUD Findings. Compliance shall be reviewed and approved as set forth in the Design Review Findings. Any signs erected in connection with marquees shall be subject to separate sign permit approval.

3.3.2 Terrace Walls. Terrace walls along Washington Avenue and River Street shall be constructed as approved by the Design Review Findings.

3.3.3 Rooftop and Marquee Plans. Prior to building permit approval, Owner shall submit a detailed plan illustrating how rooftop mechanical equipment will be screened and how rooftop and marquee snow retention and drainage will be achieved. The snow retention and drainage plan shall be reviewed and approved as set forth in the Design Review Findings by the Design Review Subcommittee.

3.3.4 Marquees. All marquees may extend into the public right of way as described in the Waiver Requests set forth in Table 5 of the Findings as supplemented through Design Review.

3.3.5 Setbacks. The proposed 4th and 5th floor setbacks shall be as described in the Waiver Requests set forth in Item 7, Table 5 of the Findings as supplemented through Design Review.

3.3.6 Zoning Waiver Requests. Ketchum acknowledges the zoning and subdivision waivers set forth in Item 7 Table 5 of the PUD Findings, which are hereby incorporated by reference as though fully set forth in this Agreement.

3.3.7 Design Review Subcommittee. For purposes of Design Review and this Section 3.3.7, a Design Review Subcommittee of the Commission is hereby established and shall have the power and authority to approve, disapprove or conditionally approve the following: (i) those matters delegated to it by the Commission that are not contrary to or inconsistent with the Findings, and (ii) any Owner-requested non-material changes to the Design Review approval(s), or the construction elements required of this Agreement. The Design Review Subcommittee shall consist of three (3) persons, one of whom shall be the current director of the Planning and Building Department, one of whom shall be a current or former member of the Commission that approved the original Design Review approval(s),

and one of whom is a current member of the Commission as may be appointed by the Mayor and confirmed by the Council in the normal course. The members of the Design Review Subcommittee appointed by the Mayor and approved by the Council shall serve until they are replaced or the Project is completed. In the event that a member of the Design Review Subcommittee is unable or unwilling to serve, the Mayor shall appoint and the Council shall approve a replacement. The vote or written assent of any two members of the Design Review Subcommittee shall constitute action of the Design Review Subcommittee. The Design Review Subcommittee shall periodically report in writing all actions taken by it to the Commission. Any action by the Design Review Subcommittee adverse to the Owner is appealable by the Owner pursuant Chapter 17.144 of the City of Ketchum Zoning Code, entitled "Appeals".

3.4 Deliveries. Delivery vehicles associated with the Project, including the residential portion of the building, shall not interfere with the regular flow of traffic surrounding the building. Delivery vehicles shall not block the regular flow of traffic on First Street and shall not block the sidewalk along First Street.

3.5 Emergency Services. All fire code requirements of the Ketchum Fire Department shall be satisfied as outlined in the PUD Findings and/or Design Review Findings prior to the issuance of a building permit.

3.6 Bike Racks. The final number of bicycle racks required shall be determined by the Design Review Subcommittee and shall meet all requirements of the Ketchum Zoning Code, Chapter 17.64, prior to issuance of a certificate of occupancy. A significant number of such racks shall be installed along Washington Avenue. A detailed bicycle rack plan shall be reviewed and approved by the Design Review Subcommittee

3.7 Utilities. All water, sewer and other utility main lines, service lines, manholes and fire hydrants shall be as depicted in the preliminary civil drawings for the Project, prepared by Galena Engineering, dated September 30, 2009 and subsequent amendments, and maintained or improved as required by the Ketchum Water and Sewer Department.

3.8 CC&Rs. Owner agrees to record a declaration of covenants, conditions and restrictions ("**CC&Rs**") and a separate Condominium Declaration ("**Declaration**") against the Property. Owner shall form a condominium association ("**Association**") to address allocation of responsibility for maintenance of common areas associated with the condominiums. The Declaration shall include the following provisions:

- (a) The Association shall be required to maintain at its expense all of the common area associated with the condominiums.
- (b) No person or entity acquiring any portion of the Property shall be permitted to develop, construct, erect, or install any building, utility, improvement or landscaping which does not conform in all respects to this Agreement and the Site Plan.

3.9 Property Maintenance. Owner shall take reasonable steps to maintain the Property as may be required pursuant to Ketchum City Code until construction commences, including, but not limited to, landscape maintenance, irrigation of existing landscaping and noxious weed control.

4. STREETS, PARKING AND CIRCULATION. Right-of-way encroachments, right turn lane and curb line alignment, slope and drainage, and sidewalk widths shall be in accordance with this Section 4, to be reviewed and approved by the City Engineer, Street Department and Fire Department prior to issuance of a building permit. Prior to issuance of a building permit Owner shall apply for and obtain a right-of-way encroachment permit from Ketchum for all right-of-way encroachments associated with the Project.

4.1 Sidewalks. All sidewalks shall be approved by the City Engineer.

4.1.1 Washington Avenue Frontage. Owner shall present a final design scheme for Washington Avenue to City Council prior to building permit submittal.

4.2 Lighting. All lighting shall comply with the Ketchum Dark Sky Standards, Chapter 17, Ketchum Zoning Code. The use of Ketchum Streetscape Lighting Standards is required. Minimum lighting mitigation measures shall include: recessed, shielded and downward facing light fixtures.

4.3 Streets and Bridges Assurances. Owner shall enter into a Road Security Agreement with Ketchum establishing when Owner will be required to deposit funds, a letter of credit, bond, a set-aside letter, or other form of financial assurance acceptable to Ketchum, in an amount to be established to mitigate all material impacts to roads in Ketchum caused by construction traffic during the Project build-out. The Road Security Agreement shall reflect the City Engineer's methodology for determining the material damage to Ketchum's roads including reasonable evidence that would be used to determine the damage caused by construction traffic and the estimated cost of repair. Owner's engineer shall meet and confer with Ketchum's engineer to determine the required mitigation and associated cost based on the methodology. In the event that the engineers are unable to agree, they shall select a third engineer who shall determine the final cost, which shall be binding on the Parties. Prior to commencement of construction, Owner may choose to document current road conditions. Such documentation will be provided to the City Engineer and shall be utilized along with any other relevant documentation from Ketchum to determine if damage was caused by construction traffic as opposed to normal non-construction traffic.

4.4 Parking. Owner shall provide parking as set forth in Section 3.2 herein.

4.5 Washington Avenue. Owner shall make improvements to Washington Avenue between First Street and River Street pursuant to the final design scheme referenced in Section 4.1.4 herein. This section of Washington Avenue shall be designed to serve events and functions taking place at both Bald Mountain Lodge and the Forest Service Park.

4.6 Traffic Impact Analysis and Mitigation. The recommendations of the City Engineer and of Ryan Hales of Hales Engineering with regard to traffic circulation in and out of the porte-cochere shall be followed. These recommendations are outlined in the memo from Hales Engineering entitled "Ketchum-Bald Mountain Lodge TIA/1st Street Review" dated April 14, 2010, attached hereto as Exhibit D and incorporated herein by this reference.

4.7 Ketchum Gateway (Main Street / River Street Intersection). Owner shall plant street trees along Main Street consistent with the approved landscape drawings submitted during the Land Use Application Process. Owner agrees to participate financially and to work with Ketchum's Planning and Building staff and other entities to design the intersection of Main Street and River Street, including public/pedestrian amenities. Owner shall be responsible for the construction costs of one (1) of the

four (4) corners of said intersection.

5. INFRASTRUCTURE IMPROVEMENTS. Owner shall engineer, construct, and otherwise provide, at its sole expense, improvements, facilities and services (public and private) as provided in the PUD Findings and this Agreement.

5.1 Water and Sewer Service. Owner requests water and sewer service from Ketchum to the Property and Ketchum hereby agrees to provide such water and sewer service at the same fees as charged to equivalent users of Ketchum.

5.2 Utilities and Warranty. All utilities, including water, sewer, gas, cable, phone and electric shall be installed underground within the street rights-of-way. This includes on site and off site utilities: no new above-ground utility lines are permitted. Detailed engineered construction drawings and specifications for construction of such improvements shall be prepared by Owner and approved by Ketchum prior to construction. Prior to acceptance of any such improvements to be dedicated to Ketchum, Ketchum shall inspect and approve same and Owner shall provide Ketchum with "as built" drawings thereof. Owner hereby warrants that to the best of its knowledge the "as built drawings" are substantially correct and Owner shall, for a period of one (1) year from Ketchum's receipt of said drawings, be liable and hold Ketchum harmless for any damage which may result from material efforts in said drawings after acceptance by Ketchum of said utilities unless such damage is caused directly or indirectly by the acts or omissions of Ketchum, or its agents or contractors.

5.3 Transfer of Warranties. Owner agrees to assign any warranties accruing to it and arising out of construction of the improvements described in this Section remaining in effect at the time such improvements are transferred and/or dedicated to Ketchum, subject to all applicable state and federal laws.

6. GREEN BUILDING PRACTICES. The Project shall, at a minimum, meet the Requirements of and receive LEED "Certified" Certification as outlined by the United States Green Building Council's Leadership in Energy and Environmental Design ("**LEED**") Program. In addition, the Project shall meet or exceed the minimum requirements set forth in the currently adopted version of the International Energy Conservation Code ("**IECC**").

7. LOCAL OPTION TAXES. The Project shall be subject to the provisions of Ketchum Municipal Code Chapter 3.12, relating to local option taxes ("**LOT**"), as follows:

7.1 Housing Unit Rentals. As of the Effective Date, Ketchum Municipal Code Section 3.12.030(B) imposes an additional one percent (1%) hotel-motel room occupancy sales tax on receipts from all short term (30 days or less) rental charges for hotel rooms, motel rooms, condominium units, tourist homes and the like. So long as the Ordinance is in effect, the owner of the hotel resort, as to completed hotel units only, and each condominium unit owner, as to his or her condominium unit(s) only, shall comply with the subject tax. Nothing herein shall be deemed or construed to require the owner of a housing unit within the Project to pay any local option tax to occupy their own unit. Further, the obligation to pay local option tax shall not apply to the rental of workforce housing units. Nothing herein creates an independent tax obligation to the Owner unless the Owner is also the owner of the hotel resort, or the owner of one or more of the condominium units at the resort at the time the tax accrues.

7.2 Building Materials. As of the Effective Date, Ketchum Municipal Code Section 3.12.030(A) imposes a one percent (1%) sales tax upon each sale at retail within the City of Ketchum. So long as the Ordinance is in effect, Owner shall comply with the subject tax.

7.3 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 7 to the extent of such amendment(s) and/or repeal.

8. CONSTRUCTION TIMELINE AND INCENTIVES. Owner acknowledges Ketchum's desire for a construction commencement date at the earliest possible time. Ketchum, having exercised its discretion in approving this Agreement, the PUD Findings and Design Review Findings, shall act reasonably and in good faith when processing the approval or issuance of such applications, permits, plans, specifications, plats, and/or entitlements for the Project as may be necessary or prudent in order to implement the Project, and consistent with the Ketchum City Code and applicable State and / or federal laws, so that Owner will have the benefit of the incentives provided Section 8.1, 8.2 and 8.3 below. In regards to the obligations in this Section 8, time is of the essence. In consideration of Owner's option to commence construction as soon as possible, Ketchum agrees to the following construction incentives:

8.1 Timeline A. The Project shall receive the following waivers if a building permit is applied for by May 31, 2015 and construction commences by November 30, 2015. If a building permit is not applied for by May 31, 2015, construction does not commence in November 30, 2015 and the certificate of occupancy for the hotel portion of the Project is not approved by June 30, 2018, these waivers shall not apply.

8.1.1 Community Housing. The community housing requirement of 7,444 square feet or approximately \$2.36 million in-lieu payment is waived in its entirety (based on extension of the Hotel Community Housing Waiver in the Community Core Zoning District).

8.1.2 Employee/Workforce Housing. The employee housing requirement is waived in its entirety.

8.1.3 Infrastructure Partnering. Owner will construct and pay for all Project infrastructure requirements including undergrounding of power lines and installation of street improvements. The Urban Renewal Agency ("URA") is an agency of Ketchum whose purpose is to encourage and provide financial support to the redevelopment and revitalization of Ketchum. Ketchum agrees to recommend to the URA that the URA reimburse Owner for costs of qualified public infrastructure improvements. Qualified public infrastructure improvements may include: power line undergrounding and design, curb gutter and sidewalks, street improvements, water and sewer utility improvements, and design, storm water improvements and design and other improvements so designated as general public improvements. Said reimbursed costs may equal up to fifty percent (50%) of the annual URA tax increment revenue generated from the Project up to a total of \$1.5 million over the life of the URA, whichever is less. If approved, said reimbursement will be paid annually via URA tax increment revenues generated by the Project. A repayment plan may be developed at such time as substantial URA tax increment revenues are generated from the Project, at which time total URA tax increment revenues associated with this Project shall be recalculated. Ketchum agrees to cooperate with Owner in coordinating the appropriate formal URA applications and use its best efforts to propose reimbursements for the above defined improvements. URA financing and projects are also subject to

applicable Idaho and federal law. Owner hereby acknowledges and agrees that there is no guarantee that URA funding will be available for this Project.

8.2 Timeline B. The Project shall receive the following waivers if a building permit is applied for by May 31, 2016 and construction commences by November 30, 2016. If a building permit is not applied for by May 31, 2016, construction does not commence by November 30, 2016 and the certificate of occupancy for the hotel portion of the Project is not approved by June 30, 2019, these waivers shall not apply.

8.2.1 Community Housing. The community housing requirement of 7,444 square feet or approximately \$2.36 million in-lieu payment is waived in its entirety (based on extension of the Hotel Community Housing Waiver in the Community Core Zoning District).

8.2.2 Employee/Workforce Housing.

- (a) Ketchum will waive fifty percent (50%) of the total employee housing requirement. The remaining fifty percent (50%) of the employee housing fee (\$1.38 million) shall be paid via one of the following options:
 - (i) Construction of employee housing units within the city limits or the Area of City Impact (as defined in the Ketchum Municipal Code), which construction can include concepts of partnership with Ketchum or other entities;
 - (ii) Payment via a real estate transfer fee, with the transfer fees accruing to the Ketchum Housing In Lieu Fund at the time of closing of each unit; or
 - (iii) By another method determined by Owner and approved by Ketchum.
- (b) If the remaining employee housing requirement is to be paid through real estate transfer fees, a minimum of thirty percent (30%) of the total required in-lieu fee shall be paid within one (1) year of issuance of the certificate of occupancy for the hotel portion of the Project. The remaining fee shall be paid at the closing of each residential unit, at the rate of four percent (4%) of the remaining fee per unit closed until paid in full. In the event the foregoing schedule does not result in one hundred percent (100%) of the fees being paid within ten (10) years of the issuance of the certificate of occupancy for the hotel portion of the Project, any remaining balance will be due and payable at the end of such ten (10) year period.

8.2.3 Infrastructure Partnering. Owner will construct and pay for all Project infrastructure requirements including undergrounding of power lines and installation of street improvements. The URA is an agency of Ketchum whose purpose is to encourage and provide financial support to the redevelopment and revitalization of the City. Ketchum agrees to recommend to the URA that the URA reimburse Owner for costs of qualified public infrastructure improvements. Qualified public infrastructure improvements may include: power line undergrounding and design, curb gutter and sidewalks, street improvements, water and sewer utility improvements, and design, storm water improvements and design and other improvements so designated as general public improvements. Said reimbursed costs may equal up to fifty percent (50%) of the annual URA tax increment revenue

generated from the Project up to a total of \$1.5 million over the life of the URA, whichever is less. If approved, said reimbursement will be paid annually via URA tax increment revenues generated by the Project. A repayment plan may be developed at such time as substantial URA tax increment revenues are generated from the Project, at which time total URA tax increment revenues associated with this Project shall be recalculated. Ketchum agrees to cooperate with Owner in coordinating the appropriate formal URA applications and use its best efforts to propose reimbursements for the above defined improvements. URA financing and projects are also subject to applicable Idaho and federal law. Owner hereby acknowledges and agrees that there is no guarantee that URA funding will be available for this Project.

8.3 Timeline C. In the event a building permit is not applied for and construction does not commence as outlined in Timelines A or B, the PUD CUP shall be valid for a period of four (4) years from the Amended PUD Findings of Fact (May 6, 2013) to May 6, 2017. An application for building permit shall be submitted by May 6, 2017, unless extended by Council upon written request by Owner prior to the CUP expiration. A written request for extension of the CUP must be received by Ketchum within sixty (60) days of the expiration of the CUP. Waivers to the community housing and employee housing requirements shall not apply under this timeline.

8.3.1 Community Housing. Owner shall fulfill the workforce housing requirement prior to building permit approval for the hotel. Fulfillment of the requirement shall include development of a workforce housing plan to be approved by the City Council prior to building permit approval. The following is a list of several options that may be pursued in developing the work force housing plan:

- (a) Provide housing via new construction within the City of Ketchum;
- (b) Fulfill the requirement via master leasing of existing units within the City of Ketchum;
- (c) Agree to a real estate transfer fee wherein all fees would be dedicated to the development, construction or maintenance of work force housing in the City of Ketchum;
- (d) Agree to a revenue-based fee based on the profits derived from the hotel;
or
- (e) Develop a workforce housing plan that incorporates several of these options.

8.3.2 Employee/Workforce Housing. Owner shall be required to provide a detailed Employee Housing Plan, which provides for housing for thirty (30) employees on a site acceptable to Council and within Ketchum city limits.

- (a) The Employee Housing Plan shall contain the following elements:
 - (i) Salary/hourly wages (current dollars) for the various income categories of employees;
 - (ii) The expected number of each level of employee that is intended to be served by the employee housing units;
 - (iii) Which employee category will be served by which type/size of units;
 - (iv) Information on anticipated rental rates (in current dollars) or subsidized and/or free rent to employees, including whether

- utilities and homeowner' s dues (if any) will be included in the proposed rates;
- (v) Establishment of maximum occupancy per unit type (i.e. one person per one bedroom unit; two persons per two bedroom units);
 - (vi) Location of units to be within Ketchum city limits;
 - (vii) A matrix on the breakdowns of the different types of units (1 BD; square footage; total number of units; anticipated rent, etc.);
 - (viii) The priority system for occupancy of these units (i.e. first availability to full-time employees, second to seasonal employees, and third to persons that are verified to be working in the City of Ketchum);
 - (ix) What units will be available and how the pool of units available will be determined;
 - (x) What minimum standards will be used to determine employee eligibility to live in the employee housing (i.e. whether full-time status is required and what constitutes full-time status);
 - (xi) How the overflow of demand of units by employees will be handled (i.e. priority system); and
 - (xii) Information on housing families with children and/or married couples.
- (b) The proposed Employee Housing Plan shall meet minimum size thresholds and income categories established by BCHA and/or Ketchum.
- (c) Owner shall submit the following information to Ketchum in connection with the Employee Housing Plan:
- (i) Wage/salary range and a breakdown of the number of employees within each classification (full-time, part-time, seasonal, etc.);
 - (ii) Information on the type of housing provided per employee classification;
 - (iii) Costs incurred in rent (and utilities) and transportation/parking by employees;
 - (iv) Details on anticipated lease terms/rental agreements for employees housed on-site; and
 - (v) Anticipated transportation and parking scenarios for both on-site and commuting employees.
- (d) The Employee Housing Plan shall be submitted and approved by Council as an amendment to this Agreement and shall be recorded prior to issuance of a building permit.

- (e) All of the required employee housing shall be available prior to the issuance of any certificates of occupancy for the hotel, or any other uses in the hotel.

8.3.3 Infrastructure Partnering. Owner shall contribute a proportionate share to the underground relocation of overhead utility lines as more particularly set forth in Section 10 herein.

8.3.4 Additional Traffic Study. If the Owner does not comply with timelines A or B, Owner agrees to complete a revised traffic study, which includes new traffic baseline data. Said traffic study may result in modifications to approvals related to traffic and circulation.

9. CONSTRUCTION STAGING AND MITIGATION. A detailed Construction Staging and Mitigation Plan, including at a minimum provisions for off-site employee parking, off-site storage of bulk materials, and required right-of-way encroachments during construction, shall be submitted and approved by the Ketchum Building Department prior to building permit approval. Owner is encouraged to use local contractors wherever possible.

10. ELECTRIC POWER. Owner acknowledges the Franchise Agreement between Ketchum and Idaho Power Company prohibits above ground installation of new electric transmission lines. Owner shall pay its proportionate share for underground relocation of overhead utility lines based on the frontage of the subject property along River Street. Said contribution shall be utilized by Ketchum solely for the relocation of power lines from overhead to underground for the Project. Ketchum and Owner agree that other businesses and property owners, as well as the general public will benefit from the above. In regards to such underground relocation, Ketchum and Owner shall, in good faith, attempt to negotiate an agreement to the effect that the portion of the costs in connection with such development of the electric power lines benefitting properties other than the Property shall be paid by the following, in order of preference: (1) the franchise agreement fund; (2) a local improvement district ("LID") formed by Ketchum for that purpose; (3) by URA funds; (4) Ketchum general funds; and (5) reimbursement to Owner from the service connection charges collected from such other benefited property owners who otherwise have not paid or contributed their proportionate share toward upgrading and undergrounding the electric power lines. In all instances, the Agreement referred to in this Section shall be made in accordance with local and State law. In the event Ketchum and Idaho Power do not complete undergrounding of electric power lines as a city project, Owner may relocate the power lines directly adjacent to the Project as an off-site improvement.

11. FINANCIAL ASSURANCE AND ASSISTANCE.

11.1 Hold Harmless. Owner is responsible for all costs associated with the construction and maintenance of the Project as approved in the Findings and described herein, and hereby holds Ketchum harmless for any financial obligations related thereto.

11.2 Performance, Payment and Reclamation Bonds. Upon issuance of the building permit for the Project, Owner shall provide financial assurances to Ketchum, in the form of letter(s) of credit, bonds or other similar instrument to demonstrate to Ketchum Owner's ability to complete the permitted construction.

11.3 Public Funding Opportunities. Ketchum agrees to reasonably cooperate with Owner in exploring public funding opportunities for financial assistance with any of Owner's obligations under

this Agreement.

11.4 Lender Letter of Assurance. Owner agrees to provide a "comfort letter" from its proposed Project Lender(s) prior to execution of this Agreement. Such letter should memorialize any existing relationship between Owner and Lender(s), and the Lender(s)' interest in financing the Project subject to market conditions and Lender(s)' internal credit underwriting policies.

11.5 Right of Entry. Owner hereby grants Ketchum a license to enter upon the Property, during business hours and upon reasonable advance written notice, with Owner or Owner's representatives having the right to be present during such times, to (a) inspect the same, (b) determine if Owner is complying with this Agreement, and (c) to undertake the cure of any default of Owner; provided, however, all such cures shall be performed as promptly as possible and so as to cause the least interference to guests, invitees and other occupants of property in the Project. Ketchum agrees to indemnify, defend and hold harmless Owner from any and all liability, claims, damages, expenses, judgments, proceedings and causes of action of any kind whatsoever, arising out of Ketchum's exercise of the license granted herein, including injuries to Ketchum employees, or Ketchum's agents or representatives while on the Property.

12. AGREEMENT TO COOPERATE; JOINT DEFENSE AND CONFLICT WAIVER. The Parties agree at all times to cooperate and exercise good faith to achieve the purposes of this Agreement. In the event any legal or equitable action or other proceeding is instituted by a third-party or other governmental entity or official challenging the validity of any provision of Ketchum's approval and/or implementation of the PUD Findings, the Design Review Findings or this Agreement, the Parties hereby agree to cooperate in defending such action or proceeding. Ketchum and Owner may agree to select mutually agreeable legal counsel to defend such action or proceeding with the parties sharing equally in the cost of such joint counsel, or each party may select its own legal counsel at each party's expense. All other costs of such defense(s) shall be shared equally by the parties. Each party shall retain the right to pursue its own independent legal defense.

13. SALE OR TRANSFER OF THE PROPERTY.

13.1 This Agreement shall run with the land comprising the Property, and shall be binding upon and benefit Owner, its assigns, and any successor in interest to any portion of the Property, as provided in this Agreement. All duties, rights, covenants and obligations of Owner

under this Agreement, are freely assignable in whole or part, at Owner's discretion to a third party or parties, who either invest in all or part of the Project by purchase of a majority or minority interest in the Owner's company or by joint venture or other type of arrangements, or by purchase the Property in fee title. In the event that Owner or a successor in interest to Owner, sells or transfers the Property, or any portion thereof, written notice of said transaction shall be given to Ketchum no less than thirty (30) days prior to closing.

13.2 The purchasers of condominium units therein for which final occupancy permits have been issued by Ketchum shall be subject to those portions of this Development Agreement regarding the CCRs, transfer fees, adherence with building standards and Ketchum City Code requirements regarding their use of their property. Owner agrees for itself, its successors and assigns that the CC&Rs recorded for the Project shall contain the covenants set forth in Section 3.8 herein, to be observed by Owner, its successors and assigns. The CC&Rs relating to the continuing obligation of all subsequent

purchasers of any interest in the Property to abide by the requirements of Ketchum approvals therefore cannot be amended absent Council's prior written approval. Upon conveyance of a condominium unit to a third party, except as otherwise provided in this Agreement, the lien and encumbrance of this Agreement shall be automatically released from said unit.

14. AMENDMENT OF AGREEMENT AND CHANGES TO DEVELOPMENT PLAN. This Agreement shall be amended or terminated, in whole or in part, only by the mutual consent of the Parties, executed in writing after proper notice and public hearing before the Council. Ketchum agrees that Owner has the right to undertake and complete the development of the Property in the manner and to the extent set forth and pursuant to this Agreement, the PUD Findings, the Design Review Findings, and all approvals by Ketchum as referenced in this Agreement, including, without limitation, the Site Plan, the Conditional Use Permit, and the approved Land Use Applications (collectively, the "Approvals").

15. DEFAULT AND ENFORCEMENT. In the event either party, their respective heirs, successors, assigns or any other person acquiring an interest in the Property, fails to faithfully comply with all of the terms and conditions included herein resulting in a material violation of this Agreement or the PUD Conditional Use Permit, the PUD Findings, the Design Review Findings, or any material violation of any condition thereof, and following the cure period provided in Section 15.4 below, the same shall constitute an "Event of Default" entitling the non-defaulting party to all legal and equitable remedies available, as described in Section 15.3 below.

15.1 Events of Default. A petition filed by Owner under any bankruptcy, reorganization, arrangement, insolvency, dissolution or liquidation law of any jurisdiction, whether now or hereafter in effect, that is not dismissed within ninety (90) days after such filing (a "Bankruptcy Filing") shall also constitute an Event of Default of this Agreement and shall entitle Ketchum to seek all available legal and equitable remedies as described in Section 15.3 below. Notwithstanding the foregoing, however, or any contrary provision herein, Ketchum shall not have the right to place a moratorium as described in Section 15.3 below on the basis of a Bankruptcy Filing alone without the existence of an Event of Default as described in the first paragraph of this Section 16 above.

15.2 Waiver. A waiver by a party of any default by the other party of any one or more of the covenants or conditions hereof shall apply solely to the breach or breaches so waived and shall not bar any other rights or remedies or apply to any subsequent breach of any such or other covenants and conditions.

15.3 Remedies and Specific Performance. In the event of a material violation of this Agreement or the PUD Conditional Use Permit, or any material violation of any condition thereof, or the PUD Findings or Design Review Findings, the Parties shall have the right, without prejudice, to specific performance, or any other rights or remedies available under the Ketchum City Code or Idaho law, including but not limited to the right to demand the non-defaulting party to cure such default or enjoin violation and otherwise enforce the requirements contained in this Agreement. Ketchum shall also have the right to place a moratorium on further approvals under the PUD Conditional Use Permit issued pursuant to this Agreement and the PUD Findings in the event of and during the continuance of an Event of Default which is not cured, by motion of the Council after notice and an opportunity to cure, followed by a due process hearing upon at least sixty (60) days written notice to Owner.

15.4 Right to Cure. In the event of a material breach of this Agreement or a material breach of the Findings, the Parties agree that Ketchum and Owner shall have sixty (60) days after delivery of

notice of said breach to cure and correct the same prior to the non-breaching party seeking any remedy provided for herein; provided, however, in the event that the default or breach cannot with diligence be cured within such 60-day period, if the defaulting party shall commence to cure the same within such 60-day period, and thereafter prosecute the cure of same with diligence, then the time within which such breach may be cured shall be extended for such period as necessary to complete the cure.

16. NO PRECEDENT. The issuance of this PUD, Development Agreement and Conditional Use Permit shall not be considered a binding precedent for the issuance of other conditional use permits. This permit is not transferable from one parcel of land to another.

17. POLICE POWERS. Nothing contained herein is intended to limit the police powers of Ketchum or its discretion in reviewing subsequent applications regarding development and construction of the Property. This Agreement shall not be construed to modify or waive any law, ordinance, rule, or regulation, including without limitation, applicable building codes, fire codes, zoning ordinances, subdivision ordinances, or comprehensive plan provisions, unless expressly provided herein.

18. TIMELINES. Time and timely performance are of the essence of this Agreement.

19. RELATIONSHIP OF PARTIES. It is understood the contractual relationship between Ketchum and Owner is such that Owner is not the agent, partner, or joint venturer of Ketchum.

20. FORCE MAJEURE. If either party hereto is delayed in the performance of any of its obligations hereunder because of inclement weather; material shortages; labor shortages; unavailability of gas, electric or other utilities through no fault of Owner; dispute or strike; civil strife; acts beyond the control of the delayed party including, ^, acts of God; and actions by the United States of America or the State of Idaho, or Ketchum or any of their agencies, the time of performance for completion of such amenity or improvement shall be extended for the same time as lost by the cause hereinabove set forth.

21. ATTORNEY FEES AND COSTS. If legal action by either party is brought because of breach of this Agreement or to enforce a provision of this Agreement, the prevailing party is entitled to reasonable attorney fees and costs incurred with regard to such action including, without limitation, any appeals.

22. NOTICES. All notices required or provided for under this Agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid. Notices required to be given to Ketchum shall be addressed as follows:

City of Ketchum
P.O. Box 2315
Ketchum, Idaho 83340

Notices required to be given to Owner shall be addressed as follows:

Aspen Skiing Company
c/o Don Schuster and Mark Vogeles
PO Box 1248
Aspen, CO 81612

c/o James D. Garrison
PO Box 3156
Sun Valley, ID 83353

With a copy to:

Rana Dershowitz
Vice President and General Council
Aspen Skiing Company
PO Box 1248
Aspen, CO 81612

A party may change the address by giving notice in writing to the other party and thereafter notices shall be addressed and transmitted to the new address.

23. NO WAIVER. In the event Ketchum or Owner do not strictly comply with any of their obligations or duties herein, thereby causing a default of this Agreement, or any forbearance of any kind that may be granted or allowed by Ketchum or Owner to the other under this Agreement shall not in any manner nor in any way be deemed or construed or considered as waiving or surrendering any of the conditions or covenants of this Agreement or any subsequent default.

24. RECORDATION. This Agreement, including subsequent amendments thereto, shall be recorded in the Office of the Blaine County Recorder, Hailey, Idaho.

25. PARTIAL INVALIDITY. In the event any portion of this Agreement or part thereof shall be determined by any court of competent jurisdiction to be invalid, void, or otherwise unenforceable, the remaining provisions hereunder, or parts thereof, shall remain in full force and effect.

26. ENTIRE AGREEMENT. This Agreement constitutes the full and complete Agreement of and between the parties hereto. No representations or warranties made by the Parties, or their officers, employees or agents shall be binding unless contained in this Agreement or subsequent written amendments thereto.

27. NO PRESUMPTION. No presumption shall exist in favor or against any party to this Agreement as a result of the drafting and preparation of this Agreement.

28. NO THIRD PARTY BENEFICIARIES. Nothing contained herein shall be deemed or construed to create any third party beneficiaries or third party rights.

29. RULES OF CONSTRUCTION. The singular includes the plural; the masculine gender includes the feminine; "shall" is mandatory, "may" is permissive. The captions to paragraphs of this Agreement are for convenience only and shall not be deemed to enlarge, diminish, explain or in any manner affect the meaning of such paragraphs. Where there is a conflict between the terms of the PUD Findings or Design Review Findings and this Agreement, including any amendments thereto, the terms of this Agreement shall control, followed by the PUD Findings, the Design Review Findings, and any subsequently adopted findings.

30. CHOICE OF LAWS. This Agreement shall be construed in accordance with the laws of the state of

Idaho in effect at the time of the execution of this Agreement.

31. EXHIBITS. Attached to this Agreement and made a part of this Agreement by reference are the following Exhibits:

- A- Legal Description
- B - Design Review Findings
- C - PUD Findings
- D -Traffic Impact Analysis

33. RECITALS INCORPORATED. The recitals set forth in this Agreement are hereby incorporated herein by reference.

34. AUTHORITY TO EXECUTE. Each of the persons executing this Agreement represent and warrant that he has the lawful authority and authorization from their respective entities to execute this Agreement, as well as all applications, plats and other documents required hereunder for and on behalf of the entity executing this Agreement.

35. RELIANCE BY KETCHUM. This Agreement is intended by Owner to be considered by Ketchum as part of the Land Use Applications. Owner acknowledges and intends for Ketchum to consider and rely upon this Agreement in Ketchum's review and consideration of said Land Use Applications.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in accordance with the laws of the state of Idaho, the date and year first written above.

LIMELIGHT KETCHUM LLC. a Delaware limited liability company

By: _____
 Name: _____
 Title: _____

CITY OF KETCHUM, IDAHO

By: _____
 MAYOR

STATE OF WASHINGTON,)
County of King) SS
)

On this ____ day of _____, 2015, before me, a Notary Public in and for said State, personally appeared _____, known or identified to me to be a Managing Member of LIMELIGHT KETCHM LLC, the limited liability company that executed the within instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same.

NOTARY PUBLIC FOR DELAWARE
Residing at _____
Commission expires _____

STATE OF IDAHO,)
County of Blaine) SS
)

On this ____ day of _____, 2015, before me, a Notary Public in and for said State, personally appeared _____, Mayor of the City of Ketchum, Idaho, known or identified to me to be the person whose name is subscribed to the within instrument as the Mayor of the City of Ketchum, Idaho, and acknowledged to me that he executed the same as Mayor of the City of Ketchum, Idaho.

NOTARY PUBLIC FOR IDAHO
Residing at _____
Commission expires _____

Exhibit A
Legal Description

Amended Lot 1A, Block 20, 4n 17e Section 11, Ketchum Townsite, 1.111 Acres

Exhibit B
Design Review Findings

- March 22, 2010
- April 2, 2015

IN RE:)
Bald Mountain Lodge) KETCHUM PLANNING AND ZONING
Design Review) COMMISSION - FINDINGS OF FACT,
) CONCLUSIONS OF LAW AND
) DECISION
)

PROJECT: Bald Mountain Lodge
FILE NUMBER: 09-004
OWNER: Bald Mountain Lodge LLC, verified with Assessor June 10, 2009
Michael Kerby, Managing Member
Jim Garrison, Project Manager
Architect: Gary Wakatsuki, Callison Architecture
Operator: Tim Estes, Rock Resorts International, LLC
REQUEST: Conditional Use Permit for a Planned Unit Development (PUD)
LOCATION: Amended Lot 1A, Block 20 (151 South Main Street)
ZONING: Community Core (CC)
REVIEWER: Mark Goodman, Associate Planner
Lisa Horowitz, Community and Economic Development Director
Lisa Enourato, Planning Technician
NOTE: Staff comments are in lighter type.

NOTICE:
All property owners within 600 feet of subject property were mailed by Tuesday, February 23, 2010, a notice of the public meeting to be held on Monday, March 8, 2010;

ATTACHMENTS at the March 8, 2010 PZ DR Hearing:
Attachment 1 – Revised Building Plans and Renderings
Attachment 2 - Minutes from the January 11, 2010 PZ Planning and Zoning Meeting
Attachment 3 – Public Comment

ZONING CODE SUMMARY

SUBDISTRICT: A – Retail Core
BUILDING TYPE: Type 6 – Hotel
PERMITTED LAND USE: Hotel, retail, office, multi-family residential
LOT AREA: 48,351 sf (see square footage breakdown in PUD staff Report)
LOT DIMENSIONS: Approximately 219 ft x 219 ft
FAR: 2.8
NUMBER OF UNITS:
Hotel Units: ±87 (Applicant agrees to comply with hotel definition)
Residential Units: 26 units (on 4th and 5th floors)

ZONING CODE SUMMARY CONTINUED

PROJECT TOTAL SQUARE FOOTAGE: 231,400 sf (including sub-grade space)

Lot Size	219 ft x 219 ft	48,351 sf
Parking Level 2(P-2)	Underground parking/ BOH/Hotel Support Services Hotel Related - 17,129 sf Parking - 31,171 sf	48,300 sf
Parking Level 1(P-1)	Underground parking/BOH/ Spa/Ballroom Hotel Related - 16,640 sf Parking - 31,660 sf	48,300 sf
First Floor	Retail/Lobbies/Spa/Activity Center	28,700 sf
Second Floor	Hotel Guest Rooms	29,500 sf
Third Floor	Hotel Guest Rooms	29,500 sf
Fourth Floor	Lock Off Hotel Rooms (3,210 sf) Residential Condominiums	24,800 sf
Fifth Floor	Residential condominiums Hotel Related Area (731 sf*)	22,300 sf
TOTAL BUILDING AREA		231,400 sf
TOTAL SUB GRADE/PARKING AREA		96,600 sf
TOTAL GROSS FLOOR AREA ABOVE GRADE		134,800 sf

*As defined by applicant

PARKING REQUIREMENTS:

Commercial Space: 13,120 sf 2 per 1,000 sq. ft. = 26 spaces
 Residential: 35,100 sf net 1 per 1,500 sq. ft. = 23 spaces
 Hotel: 87 units .75 per Room = 65 spaces

TOTAL SPACES REQUIRED: 114 spaces

PROPOSED:

GARAGE: 116 spaces ON-STREET CREDIT: 9 spaces
TOTAL SPACES PROPOSED: 125 spaces

SNOW STORAGE: Snowmelt system is proposed. See sheet A4.01 "Snowmelt Plan".

COMMUNITY HOUSING VOLUNTARY CONTRIBUTION:

VOLUNTARY CONTRIBUTION: 7,582 sq ft

There is no CH requirement if the project obtains a complete building permit prior to June 1, 2010 or as determined by the City Council (see Section 17.64.010.H.2.e)

**For a detailed square footage breakdown please see the PUD Findings of Fact*

BACKGROUND/ANALYSIS

1. The applicant requested Community Core (CC) Design Review approval of a new mixed use hotel project on a 48,351 sf lot. The property consists of an entire City block and does not include traditional City of Ketchum alleyway. The property is located at the southern end of downtown along the west side of Main Street between 1st Street and River Street.
2. The applicant has voluntarily chosen to construct a building above 1.0 FAR in exchange for voluntarily contributing an in-lieu community housing sum. The City Council shall consider this contribution with a recommendation by the P&Z Commission. The project will be built to a 2.8 FAR. The community housing requirement for the proposed building is 7582 sq ft. As outlined in section 17.64.010.H.2.e of the Community Core Zoning Code, community housing requirements will be waived if the applicant obtains a complete building permit prior to Jun 1, 2010. The community housing requirement is only calculated for the residential portion of the project, which totals 44,600 square feet (including potential lock off units).
3. The applicant submitted revised drawings based on the January 11, 2010 Planning and Zoning Meeting. The following is a brief summary of the revisions as stated by the applicant. These revised drawings are incorporated into the approved design review drawing set and are listed within the findings of fact. The revisions included the following:
 - Implemented the "gateway" tower element
 - Deleted the stone baluster for clean, modern expression of elements
 - Extended the balcony pilaster to visually connect floors 2-5
 - Created more verticality through the use of materials connecting floors 2-5
 - Re-introduced the "two bay" dormer to reduce building mass
 - Revised the exterior material palate to include steel beams/lintels, metal fascia/railings, metal panels, high-density wood panels, et. al.
 - Refined the porte-cochere to create a hospitality arrival ambience
4. Included with the March 8, 2010 staff report was a copy of the January 11, 2010 Planning and Zoning Commission Meeting minutes. The following is a chronology of the design review meetings that have taken place with a summary of the January 11, 2010 Meeting:
 - April 23, 2009 Pre-Application Meeting
 - July 13, 2009 Pre-Application Meeting
 - December 2-3, 2009 Design Review and PUD Meeting
 - January 11, 2010 continued Design Review Meeting
 - Summary* - The Commission ended the meeting with a specific list of items to be addressed by the applicant:

- Create more verticality through the use of materials
 - Examine the three-bay elements of building and the roof pitch over these portions of the building
 - Consider changing the railing materials, especially the "X" patterns created on certain floors
 - Further explore the "tower" element on the SE corner of the building: The Commission preferred the preliminary "tower" design developed by Gary Wakatsuki, Project Architect.
 - Further explore the proposed materials: The Commission preferred the stone example provided at the meeting and did not prefer the wood siding shown at the meeting. The Commission reacted positively when Gary Wakatsuki, Project Architect proposed using other materials such as Cor-Ten and steel.
 - Emphasize the main entrance to the hotel on Main Street. Examine the lighting/treatment of the porte-cochere and the entry arbor
 - Examine the 5th floor balconies that extend outward and how the floor plates will be treated. Adding articulation to these balconies was also recommended.
 - Commission recommended making the building facades appear more unified rather than with apparent material distinction between the upper and lower floors.
 - First Floor interaction was discussed, including the "Activity Center" and how this use will function with regard to street level activity.
5. Because of the complexity of the proposed hotel and the overall length and scope of the development process, a condition of approval requiring several elements of the project to be approved by sub-committee prior to building permit approval has been included. This sub-committee would consist of two members of the Planning and Zoning Commission and a member of the Community and Economic development staff as further defined in the development agreement. This committee's scope of review would be limited to certain portions of the hotel's design, such as final composition of approved materials and final tower design. Please see condition eight (8) on the final page of these findings of fact. The design review subcommittee will be incorporated into the development agreement for the project.
6. An exception for a portion of wall along River Street has been granted. The portion of wall not associated with the underground parking entrance is permitted to extend higher than 6 ft. Please see standard DR.S.1.d.
7. A workforce housing plan was not presented by the applicant during the PUD or Design Review process. The workforce housing requirement and plan is to be determined through the PUD process by the City Council.

COMPLETE PLAN SET LIST:

Applicant Submittal dated September 22, 2009 and supplemented by plans received January 18, 2010 and March 8, 2010 (Note that drawings do not reflect actual sidewalk design. Drawings will be updated as part of final approval by City Council):

Landscape Plans

L1.0 – Site Plan and Sections

L1.1 – Site Lighting

L1.2 – Site Planting

L1.3 – Site Furnishings

Architectural

Building Height Diagrams

Cover Page with perspective

A1.01 – Vicinity Map and Area Summary

A1.02 – Site Plan

A1.03 – Parking Level P2 - Plan

A1.04 – Parking Level P1 - Plan

A1.05 – Ground Level Plan

A1.06 – Level 2 Hotel

A1.07 – Level 3 Hotel

A1.08 – Level 4 Plan - Residential

A1.09 – Level 5 Plan - Residential

A1.10 – Roof Plan

A2.01 – Building Sections

A2.02 - Building Elevations (See March 8, 2010 Plan Set)

A2.03 - Building Elevations (See March 8, 2010 Plan Set)

A3.01 – Aerial View (See March 8, 2010 Plan Set)

A3.02 – Aerial View (See March 8, 2010 Plan Set)

A3.03 – Approach from Main Street (See March 8, 2010 Plan Set)

A3.04 – Main Street Looking North

A3.05 – Main Street Looking South (See March 8, 2010 Plan Set)

A3.06 – River Street Looking West (See March 8, 2010 Plan Set)

A3.07 – First Street Looking East (See March 8, 2010 Plan Set)

A3.08 – Washington Ave Looking South (See March 8, 2010 Plan Set)

A3.09 – River and Washington Aerial View (See March 8, 2010 Plan Set)

A3.10 – Northwest Aerial View (See March 8, 2010 Plan Set)

A4.01 – Snowmelt Plan

A4.02 – Signage Plan

Civil

Topographic Survey dated 12/12/06

Bald Mountain Lodge Large Block Plat dated October 2006

C1 – Preliminary civil plan (will be updated based on final sidewalk design)

C2 – Civil details

WAIVER REQUESTS

The following waivers have been requested, including several to the Community Core Building Type 6 Standards. This includes the Commission recommendations to the City Council.

Code Section Zoning Ord.	Requirement	Waiver Requested	PZ Recommendation
Subdivision Ordinance: 16.08.080(A)(1)	Minimum lot size of three acres	Lot is 0.92 acres	Approve: Unanimous
Conditional Use Permits: 17.116.080	12 month Term of CUP Approval	5 Years Requested	4 Years Recommended: Unanimous
Community Core: 17.64.010.L: Use Specifications	G. Private outdoor space: All residential uses shall have a private outdoor space (such as a deck, balcony, or private porch). The area of each private outdoor space shall be at least 50 square feet, with no dimension less than 6 feet.	On 4 th and 5 th floor residential units, decks have dimensions less than 6 ft	Approve: Unanimous
Community Core: 17.64.010.L: Site Specifications	D. Building zone: 60 to 100 percent of this area shall be occupied by 1 or more buildings. 1. The minimum building depth shall be 50 feet as measured from the front and rear property line, except a portion of the building may be built anywhere within 30 feet of the front property line.	Rear Building Zone along Washington Avenue – 36% of this zone is building; 60% is required *not including outdoor terrace area as building	Approve: Unanimous
Community Core: 17.64.010.L: Mass and Height Specifications	D.2. On streets and avenues the fourth floor and fifth floor shall be set back from the property line a minimum of 10 feet with an average of 15 feet. The average setback shall be calculated based on the built portion of the fourth and fifth floor facades and shall be calculated for each street or avenue elevation; the calculation of the average setback is not cumulative. In addition to the minimum and average setback requirement from the property line, the fourth and fifth floors shall be set back a minimum of 5 feet from the wall of the third floor.	4 th and 5 th floors do not meet 10 ft minimum setback from avenues and streets. Average setback of 15 ft has not been verified. 4 th and 5 th floors are setback from third floor minimum of 5 ft and meet this portion of the requirement.	Approve: 4 votes for approval, 1 vote against -Also subject to Design Review Approval* -Dissenting vote because of Gateway Massing Study; overhangs of roof and relationship to property line and floor plates not setback because of decks
Community Core: 17.64.010.L: Façade Elements	A. Awnings/marquees may project 3 feet to 6 feet from the facade. At major pedestrian entrances to the hotel, marquees may extend between 6 feet and up to $\frac{2}{3}$ the distance between the front facade and the curb line of the sidewalk. Supporting posts are permitted at these entrances.	Marquees extend 7.5 to 12 feet from all four building facades at multiple locations. Only main entrances to the hotel may extend beyond 6 feet.	Approve: Unanimous
Community Core: 17.64.010.L: Mass and Height Specifications	B. Upper floor ceiling heights: 8 feet minimum and up to 80 percent of the height of first floor ceiling.	5 th floor ceiling height exceeds 80% of the height of the first floor ceiling height	Approve: Unanimous (approved up to 118% of the first floor ceiling height)

*The 4th and 5th Floor setback waiver was subject to design review approval, as required through the PUD process. The waiver was approved by the Commission with a 3-2 vote.

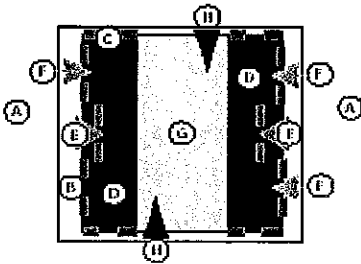
STANDARDS FOR DESIGN REVIEW

SITE SPECIFICATIONS:

**“Yes” (meets standard), “No” (does not meet standard),
“?” (for Commission discussion), or “N/A” (not applicable)**

Building Type 6: Hotel

Site Specifications:



Legend:

Yes A. Main Street or an avenue.

Yes B. Sidewalk.

Yes C. Setback line: Minimum average setback of 5 feet from the front property line, except in Subdistrict A, where no setback is required.

Yes D. Building zone: 60 to 100 percent of this area shall be occupied by 1 or more buildings.

1. The minimum building depth shall be 50 feet as measured from the front and rear property line, except a portion of the building may be built anywhere within 30 feet of the front property line.

2. Portions of this area not occupied by a building shall be occupied by courtyards, landscaping, hotel entryways, a porte cochere, or other open space.

3. Storefronts, building entrances, and upper floor balconies may be recessed into the facade.

Finding: The applicant has requested a waiver to this standard. The proposed building does not meet this requirement along the rear building zone (Washington Avenue). The front building zone requirement (Main Street) has been met. The Commission recommended approval of this waiver to the City Council.

Conclusion: A waiver to this building type standard has been requested and will require final approval by the City Council through the PUD process. This standard has been approved by the Planning and Zoning Commission.

Yes E. Pedestrian entrance: The main pedestrian entrance(s) shall be from Main Street or an avenue.

Yes F. All ground floor uses that are intended to serve both hotel guests and the general public (such as a restaurant or retail store) shall have a pedestrian entrance directly from the street.

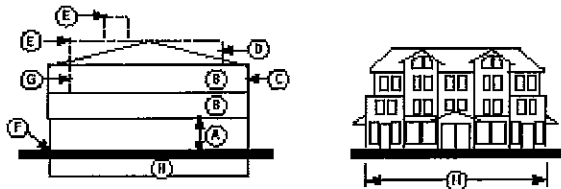
Yes G. Multifunctional zone: This area may be occupied by buildings, usable open space, porte cochere, loading and unloading zone, valet parking service area, and access to parking facilities. Garbage disposal facilities shall be located in the multifunctional zone.

Yes H. Vehicle access points: Access to parking and loading and unloading facilities shall be provided by the alley, except where the development is on a whole city block, then vehicle access, including driveways to a porte cochere, parking facilities, and loading and unloading zones may be from the side property lines.

Finding: The applicant has requested a waiver to this standard through the PUD process. The proposed porte-cochere exit is located along Main Street. This has been thoroughly analyzed through the pre-application meetings and PUD. Please see the PUD findings of fact for further analysis of this waiver request, specifically the attached traffic impact analysis.

Conclusion: A waiver to this building type standard has been requested. This is permitted through the PUD application. The waiver must be granted by the City Council through the PUD process. This standard has been approved by the Planning and Zoning Commission.

Mass and Height Specifications



Legend:

Yes A. First floor ceiling height: 12 feet to 20 feet. 16 ft

Yes B. Upper floor ceiling heights: 8 feet minimum and up to 80 percent of the height of first floor ceiling.

Finding: The applicant has not submitted detailed analysis of the ceiling heights for each floor. Plate heights for each floor are indicated which do not meet this requirement. The applicant has requested a waiver to this standard. The Commission recommended approval of this waiver to the City Council. The proposed ceiling height is 118% of the first floor height.

Conclusion: A waiver to this standard has been requested. This standard has been approved by the Planning and Zoning Commission. The maximum height of the upper floors exceeds 80 percent of the first floor ceiling height. This waiver requires City Council approval through the PUD process.

NA C. Minimum number of floors: 3.

Yes D. Maximum number of floors: 4.

1. Five (5) floors may be allowed in locations as designated by city council.

Site meets criteria for five stories as outlined in the Community Core Zoning Code.

2. On streets and avenues the fourth floor and fifth floor shall be set back from the property line a minimum of 10 feet with an average of 15 feet. The average setback shall be calculated based on the built portion of the fourth and fifth floor facades and shall be calculated for each street or avenue elevation; the calculation of the average setback is not cumulative. In addition to the minimum and average setback requirement from the property line, the fourth and fifth floors shall be set back a minimum of 5 feet from the wall of the third floor.

Finding: The applicant has requested a waiver. The 4th and 5th floors do not meet the minimum 10 ft setback along River Street or First Street, nor are these floors setback an average of 15 ft.

- The 4th and 5th floors are setback approximately 8 ft along River Street with the 15 ft average setback being met.
- The 4th and 5th floors are setback approximately 8 ft along Washington Avenue with the 15 ft average setback being met.
- The 4th and 5th floors are setback more than 10 ft along Main Street and meet the 15 ft average setback.
- The 4th and 5th floors along First street are setback approximately 8 ft and the 15 ft average setback is not met.

Conclusion: The Commission, on a vote of 4-1 (Commissioner Doty dissented for non compliance with the Gateway Mass and Scale Study guidelines, overhangs of roof and relationship to property line and floor plates not setback because of decks) recommended waiving this standard in approving the applicant's PUD, however the Commission conditioned its recommendation on design review approval. By a vote of 3-2, the Commission recommended waiving this standard at design review (Commissioners Doty and Cook dissented)

Yes E. Maximum building height:

1. Three-story hotel, 48 feet.

2. Four-story hotel, 58 feet.

3. Five-story hotel, 68 feet.

4. All buildings greater than 48 feet shall require final approval from the city council.

5. A stairway/elevator shaft providing access to a roof garden may exceed the maximum height by up to 10 feet, provided it is stepped back at least 20 feet from the front and rear property line.

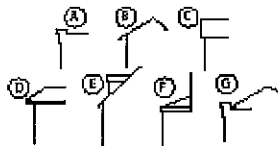
Finding/Conclusion: This standard has been recommended for approval by the Planning and Zoning Commission. The City Council will consider this at the time of PUD review.

Yes F. If the building is not set back from the sidewalk, then the entrance shall be at the grade of the sidewalk. If the building is set back from the sidewalk, then the entrance may be elevated above the sidewalk grade by up to 4 feet.

Yes G. Third floors may be stepped back.

Yes H. Building width: 55 feet minimum.

Roof Forms



Legend:

NA A. Flat roof with parapet or cornice.

Yes B. Hip roof.

Yes C. Gabled roof.

NA D. Full mansard roof.

Yes E. Dormers.

Yes F. Shed roof: Only allowed where building step backs occur.

Yes G. Appropriate combinations of the above roof forms.

Facade Specifications



Legend:

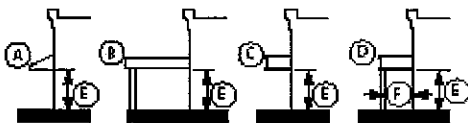
Yes A. Building cap: The top of the building shall be defined by a cap, such as a cornice or eaves. The top floor of a 4 or 5 story hotel shall consist of a sloped roof form with dormer or gable end windows.

Yes B. Upper floor facade window fenestration: 30 to 70 percent of each upper floor facade shall be occupied by windows or doors. 40%

Yes C. Ground floor facade window fenestration: 60 to 90 percent of each ground floor facade shall be occupied by transparent windows and doors. This specification does not apply to ground floor facades within the multifunctional zone. 65%

Yes D. Entry door: At least 1 entry door is required for each business with ground floor street frontage.

Facade Elements



Legend:

Yes A. Awnings/marquees may project 3 feet to 6 feet from the facade. At major pedestrian entrances to the hotel, marquees may extend between 6 feet and up to $\frac{2}{3}$ the distance between the front facade and the curb line of the sidewalk. Supporting posts are permitted at these entrances.

Finding/Conclusion: The Commission recommended approving the requested waiver to this requirement, allowing awnings to extend more than 6 ft over the sidewalk.

Awnings/marquees will extend 7.5 ft – 12 ft into the public right of way. This standard has been approved by the Planning and Zoning Commission. Final City Council approval of the waiver request is required. Final awning design will be subject to the requirements of the International Building Code (IBC) as adopted by the City of Ketchum.

Yes B. Porte cocheres may project up to 32 feet from the facade. They are not allowed to project over the public sidewalk.

Yes C. Balconies/decks may project 3 feet to 6 feet from the facade.

NA D. Colonnades (supporting either a shed roof or balcony/deck) may project from 5 feet to 6 feet from the facade. Supporting posts shall have a square width or diameter of 6 inches to 12 inches.

No colonnades indicated on Plans.

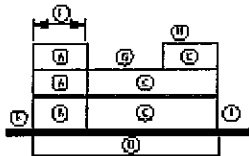
Yes E. Vertical clearance: 8 feet minimum.

NA F. Clearance from inside of post/column to facade: 5 feet minimum.

Yes G. Prohibited facade elements include external chimneys, external staircases, window security bars, and security roll up doors are prohibited on facades that front a street, avenue, park, and/or plaza.

No prohibited elements are shown on building facades.

Use Specifications



Legend:

Yes A. Upper floor with street frontage: Accommodation, retail trade and retail service uses as permitted by table 1 in subsection D of this section. Parking is prohibited.

Yes B. Ground floor with street frontage: Active uses shall occur on the street frontage of ground floors within the building zone (refer to site specifications). Active uses include, but are not limited to, lobby space, guest registration, restaurants, bars, business center, workout facilities, conference facilities, office space and retail stores. This specification does not apply to ground floor uses within multifunctional zone (refer to site specifications, subsection L9b of this section).

Yes C. Floors without street frontage: Accommodation, retail trade and retail service, and residential uses as permitted by table 1 in subsection D of this section. Structured parking is permitted.

Yes D. Basement: Parking, storage, and accessory uses associated with ground floor and upper floor principal building uses are permitted. A minimum of 50 square feet of storage space is required for each community housing unit within a building.

Yes E. Street frontage.

Yes F. Depth for street frontage uses: Minimum 20 feet.

Yes G. Private outdoor space: All residential uses shall have a private outdoor space (such as a deck, balcony, or private porch). The area of each private outdoor space shall be at least 50 square feet, with no dimension less than 6 feet.

Finding: Portions of the 4th and 5th floors residential balconies contain dimensions less than 6 ft with a minimum square footage of 50 sq ft being met.

Conclusion: The Commission recommends waiving the minimum dimensional component of this standard through the PUD process.

NA H. Roof gardens (private and public) are allowed.

NA I. Utility meters, garbage disposal areas, surface parking lots, and loading and unloading facilities shall be located to the rear of the building. Utility meters are allowed in the setback zone if they are enclosed within a utility box.

17.64.020 Design Review Regulations and Guidelines

17.64.020.4.E.All Building Facades

DR.E.1.a: Facades shall be designed with both solid surfaces and window openings to avoid the creation of blank walls and glass curtain walls. Blank walls on all facades that front a park, street, avenue, alley, plaza, or other public spaces are prohibited.

Finding: Glass is used extensively on the street facing façades of the building. Variations in materials in both vertical and horizontal elements provide variation in the building façade. The composition of materials has been altered substantially from the original design review submittal. Materials are used more consistently throughout floors 2 – 5. The retaining wall along Washington Avenue steps up to the pool deck and a mix of landscaping is incorporated. No blank walls face a park, street, avenue, alley, plaza or other public space.

Recommendation: The Commission considered this standard and found that it has been met.

DR.E.1.b: On all facades, a clear visual distinction between each floor shall be provided.

Finding: The verticality of the building has been increased through the use of materials that carry through all the floors. This use of materials and addition of verticality was based on the direction given by the Commission. Each floor features heavy glazing, but distinction between floors is achieved through the use of stone, stucco, wood siding and steel trims. In addition, the revised design provides more consistency between all floors of the building while still providing clear visual distinction between floors.

Recommendation: The Commission directed the applicant to provide less distinction between the residential and hotel portions of the building, by the remaining distinction between floors this standard is met.

DR.E.1.c: Stairways shall have a design that is compatible with overall structure. Stairs shall not have a tacked-on appearance or look like their design was an addition or afterthought.

Finding: No exterior stairways are proposed.

Recommendation: The Commission considered this standard and found that it does not apply. There are no exterior stairways proposed.

DR.E.1.d: All sides of the facade shall be designed with similar architectural elements, materials, and colors as the front façade. However, the design of side and rear facades may be simpler, more casual, and more utilitarian in nature.

Finding: All facades are designed with similar architectural features including stone, wood siding, steel trims and stucco. Some elements of cor-ten metal are used to highlight portions of the building, such as the tower element at the corner of Main Street and River Street. Railings have been redesigned since the original design review submittal and are consistent throughout the building facades. All facades of the building feature similar architectural elements and materials. The newly added tower element does stand out from the other corners of the building, but is consistent with the materials and overall composition of the building. The Commission discussed the use of the cor-ten metal siding and suggested that it may be beneficial to use this material on additional portions of the façade.

Recommendation: All facades of the building feature similar architectural elements. The Commission considered this standard and found that it has been met.

DR.E.1.e: If a portion of an existing building is modified, it shall use the same building materials, details, and color applications as the rest of the building. For example, if a portion of a brick facade with wood-framed windows and doors is modified, the modified portion of the facade shall use bricks, details, and wood-frame windows and doors that are compatible with the other parts of the building.

Finding/Recommendation: N/A. The building is new construction.

DR.E.1.f: Additions to existing buildings shall be designed with a style, materials, colors, and details that are compatible with the existing structure.

Finding/Recommendation: N/A. The building is new construction.

17.64.020.4.F. Mixed-Use/Hotel building Facades

DR.F.1.a: Front building facades, as well as all facades that front a plaza, or pedestrian walkway, shall be designed with:

- (1) Ground floor storefront windows and doors that utilize clear transparent glass in order to provide clear views of storefront displays from the street, and/or to allow natural surveillance of the street and adjacent outdoor spaces. Mirror and tinted glass, including solar bronze and interior film, is prohibited.**
- (2) Upper floor window openings that have a vertical orientation and proportion. Mirror and tinted glass is prohibited on upper floor facades.**

Finding: Storefront windows are used extensively throughout the first floor façade. The type of glass has not been identified, but any use of mirror or tinted glass is prohibited. The upper floors feature heavy glazing as well, but reduced in scale. The upper floor windows align vertically and are divided both vertically and horizontally. No mirror or tinted glass is proposed for these upper windows.

Recommendation: All facades of the building feature similar window designs. The first floor feature storefront windows with upper floor windows having a vertical orientation. The Commission considered this standard and found that it has been met.

DR.F.1.b: Elements of traditional “Main Street” storefronts shall be used in the facades of traditional mixed-use buildings. These elements include recessed entry door(s), display windows, the kickplate or bulkhead, transom windows, cornice and pediment.

Finding: Large storefront windows are utilized. Marquees extend out above the windows. Main entrances are emphasized through the use of these marquees and are also recessed. The proposed windows, especially at the restaurant and retail locations can be considered display windows. Several entrances are shown to be recessed as well.

Recommendation: Traditional “Main Street” elements are utilized. The Commission considered this standard and found that it has been met.

17.64.020.4.H. Historic Buildings

Finding/Recommendation: N/A. The building is new construction.

17.64.020.4.I. Roofs

DR.I.1.a: Roofing forms and materials shall be compatible with the overall style and character of the structure. Reflective materials are prohibited.

DR.I.1.b: A relatively consistent roof design (including overhangs, pitch, fascia, materials, and eaves) shall be provided on all sides of the building.

DR.I.1.c: All roofs shall be designed with snow clips, gutters, and downspouts to prevent water damage and stains on building facades, and to protect pedestrians and adjoining properties from dripping water and sliding snow.

Finding DR.I.1.a through DR.I.1.c: A series of large sloped roofs will be utilized that will be a defining feature of the building. Roof pitches range from 3:12 to 4:12 with several gable elements that feature roof pitches of 8:12. Portions of the roof were modified from the original design review submittal. Two bay dormer elements have been reintroduced into the design along River Street and First Street. Asphalt shingles are proposed for the roof. The applicant has included a roof plan with roof pitch information with the original design review submittal. Also included was a general narrative on snow retention. A detailed gutter and drainage plan has not been provided. The overall design of the roof is consistent with regard to pitch, fascia and eaves and the overall roof form is consistent throughout the building..

Conclusion: The Commission considered this standard and found that it has been met with a condition. The overall design of the roof is consistent and will be a defining feature of the building. No reflective materials are proposed. Detailed drainage plans have not been

submitted, but the applicant has submitted a narrative on how snow retention will be accomplished. A condition has been added requiring that final review of the snow retention and drainage plan be reviewed and approved by a subcommittee prior to building permit approval.

DR.I.1.d: Mechanical equipment on roofs shall be screened from public views from all sidewalks, plazas, parks, public spaces, and pedestrian walkways.

Finding:

The roof plan indicates that all rooftop mechanical equipment shall be screened from public view. The equipment will be located towards the center of the building on the roof. The central location of the equipment will provide screening, but a detailed mechanical plan has not been provided. Mechanical equipment shall not exceed the 68 ft height limit.

Conclusion: The Commission considered this standard and found that it has been met with a condition. Detailed roof plans shall be provided illustrating how mechanical equipment will be screened prior to building permit approval.

DR.I.1.e: Roof overhangs, such as cornices, and eaves, may extend out from the façade of the building. However, roof overhangs shall not extend over a neighboring parcel or more than 3 feet over a public sidewalk.

Finding: The building will feature large roof overhangs but none extend over the public sidewalk or over an adjacent property. The building does feature marquees on each façade that will extend over the public right of way.

Conclusion: The Commission considered this standard and found that it has been met. No roof overhangs extend over public right of way or over a neighboring parcel.

17.64.020.4.J. Awnings and Marquees

DR.J.1: The following standards apply to projecting awnings and marquees:

- a. The valance, or front face, of an awning shall not exceed 18 inches in height
- b. Awnings and marquees shall not obscure views into storefront display windows or cover architectural expression lines or details
- c. Awnings may have signs (refer to Sign Ordinance).
- d. High gloss or plastic materials are prohibited

Finding: A series of marquees are proposed on each façade. The valance of these marquees will be 12 inches. They are located above storefront windows and are integrated into the building design. They do not obscure storefronts or windows. Proposed sign locations have been submitted and several of the marquees will feature signage. This signage will require separate sign permit approval by the Design Review Subcommittee.

Recommendation: The Commission considered this standard and found that it has been met with a condition. The proposed marquees meet this standard.

17.64.020.4.K. Balconies

DR.K.1: The following standards apply to projecting balconies:

- a. Balconies may be open or covered with a roof or upper story balcony.

- b. The distance between roof-supporting columns, piers, or posts on balconies shall not exceed their height.**

Finding: Balconies are located on all facades of the building. The second and third floor balconies are called out as “Juliet Balconies” and are recessed into the building façade. No roof supporting columns or piers are proposed. The fourth and fifth floors feature larger outdoor spaces that are integrated into the building. No roof supporting columns or piers are proposed for these outdoor spaces.

Conclusion: The Commission considered this standard and found that it has been met. All facades feature outdoor balconies, none of which require roof supporting columns or piers. They are integrated into the vertical columns of the building.

17.64.020.4.L. Colonnades

- a. Colonnades may be covered with a roof or a balcony. An enclosed habitable space may occur above the colonnade, as long as it does not occur over the public sidewalk.**
- b. Supporting columns and posts shall be spaced and sized so that they do not block views of storefront windows from the street.**

Finding/Recommendation: N/A. No colonnade is proposed.

17.64.020.4.N. Front Porches/Stoops

DR.N.1: The following standards apply to front porches and stoops:

- a. Front porches and stoops may be covered with a roof, a balcony, or an enclosed habitable space. However, an enclosed habitable space may not occur within the setback zone.**
- b. Front porches and stoops shall not be enclosed on the ground floor by permanent or temporary walls, windows, window screens, or plastic or fabric materials.**
- c. The raised platform of a front porch (not including stairways) shall be at least 50 square feet in size with no one dimension less than 6 feet in length.**
- d. The raised platform of a stoop (not including stairways) shall be at least 25 square feet in size with no dimension less than 5 feet in length.**

Finding/Recommendation: This is a hotel and no front porches or stoops are proposed. The Commission considered this standard and found that it does not apply.

17.64.020.4.O. Public Open Space

DR.O.1.a: Public open spaces shall be designed to enhance the site and/or building as a place for pedestrians and shall include the following:

- (1) Trash receptacles.**
- (2) A combination of landscaping and paved surfaces.**
- (3) Pedestrian scaled lighting.**
- (4) Amenities or features that encourage people to gather. Such features include (but are not limited to) outdoor seating, spas/hot tubs, pools, barbeque**

facilities, outdoor fireplaces, public art, fountains, kiosks, planters, and outdoor dining areas.

Finding: No formal public open spaces on the building site are proposed and none are required. The proposed development will have pedestrian scaled lighting as part of an entirely new streetscape design. The design of the streetscape improvements has not been finalized, but the overall widths of the new sidewalks will be no less than 10 ft in width. Bulb outs may be utilized providing greater pedestrian space, but this must be done in coordination with the City Engineer and Street Department. Ketchum standard streetlights, benches and trash receptacles are proposed by the applicant. The proposed building lighting is scaled to the pedestrian, as indicated on the lighting plan. The applicant will also be required to provide bike racks and street trees around the entire project.

In addition to the enhanced sidewalks, the hotel will feature a large outdoor terrace located off of Washington Avenue. This space will be for hotel guests only and feature a pool and outdoor seating. This area will also incorporate spa uses and feature a public outdoor seating area along Washington Avenue.

Recommendation: The Commission considered this standard and found that it does not apply. No formal public open space is proposed or required. A new public sidewalk with differing dimensions will replace the existing sidewalk around the entire block. In addition, hotel guests will have access to a new outdoor terrace that will feature a pool and outdoor seating.

DR.O.1.b: Public open spaces shall be useable throughout the year. These spaces shall either be heated for snow removal or maintained to remove snow during the winter months.

Finding: No public open space is proposed or required. Both the public sidewalk and outdoor terrace will feature snow melt and will be available for use throughout the year.

Finding/Recommendation: The Commission considered this standard and found that it does not apply.

17.64.020.4.P. Service Areas

DR.P.1.a: Trash disposal areas and shipping and receiving areas shall be located within parking garages or to the rear of buildings. Trash disposal areas shall not be located within the public right-of-way and shall be screened from public views from streets, avenues, alleys, pedestrian walkways, sidewalks, plazas, and public spaces. Trash disposal areas with appropriately designed enclosures or screens may be allowed within rear parking lots, but in no case shall the disposal area be allowed along the street frontage.

DR.P.1.b: Trash disposal areas shall be screened from public views from all sidewalks, streets, plazas, and public spaces. Trash enclosures shall be used to store outdoor garbage containers or dumpsters.

DR.P.1.c: Garbage containers or dumpsters shall be kept in enclosures at all times, except when being emptied.

DR.P.1.d: Trash enclosures shall be maintained and the surrounding area kept free of debris.

DR.P.1.e: The location of trash enclosures shall not interfere with vehicular and pedestrian access and movement.

DR.P.1.f: The number of trash receptacles per unit shall be provided based on formulas provided by trash disposal companies

DR.P.1.a through DR.P.1.f Finding: The service area will be located within the building and will be accessed via a garage entrance on First Street. This location has been reviewed thoroughly and has been deemed the least impactful location with regard to surrounding properties. This entrance is located at the mid-point of the block where the alley would typically be located. Plans indicate that this area will be used for deliveries and trash. Space for 35 ft and 24 ft trucks is provided and plans indicate that the sidewalk will be accessible when the service area is in use. An overhead door will shield this service area from public view. A letter from Clear Creek Disposal has been provided indicating that the applicant is working with them to ensure proper service levels.

Conclusion: The Commission considered these standards and found that they have been met. The proposed service area, including trash and garbage facilities, will be located in an enclosed garage. The garage will have an overhead door and will not be visible from public streets and sidewalks. The service area provides adequate space and is located so as not to interfere with traffic.

17.64.020.4.Q. Mechanical and Electrical Equipment

DR.Q.1: The following shall not be located within the public right-of-way and shall be screened from public views from streets, pedestrian walkways, sidewalks, plazas, and public spaces:

- a. Electric and water utility meters
- b. Power transformers and sectors
- c. Heating/ventilation/cooling equipment
- d. Irrigation and pool pumps
- e. Satellite dishes greater than 18" in diameter
- f. Antennas
- g. Rooftop mechanical equipment
- h. Other mechanical equipment

Finding: Plans indicate that utility meters will be located at the corner of Washington Avenue and River Street within the outdoor terrace area. They will be located in the landscaped retaining wall area and are on private property. Two rooftop locations are shown for mechanical equipment. These locations are towards the center of the building. No mechanical equipment may exceed the established height limit for this building. Detailed plans for all mechanical equipment have not been provided, although general locations indicate that no public right of way will be required.

Conclusion: The Commission considered this standard and found that it has been met with a condition. Locations for utility and mechanical equipment have been indicated. Detailed plans

have not been submitted. A condition has been added requiring further review of screening and location of utility equipment be done prior to building permit approval by the proposed subcommittee.

DR.Q.2: Appropriate methods of screening include fencing, landscaping, roof parapets, and equipment enclosures. The design of screening devices shall be compatible with the main structure and conform to other sections of this Code. Noise levels of mechanical equipment shall be minimized. All utility and communication lines serving the site shall be underground.

Finding: Plans indicate that utility meters will be located at the corner of Washington Avenue and River Street within the outdoor terrace area. They will be located in the landscaped retaining wall area and are on private property. Two rooftop locations are shown for mechanical equipment. These locations are towards the center of the building. Detailed plans for all mechanical equipment have not been provided. The rooftop mechanical equipment will likely be concealed by the surrounding roof structure. The utility meters and equipment at the outdoor terrace will likely be screened with landscaping.

Conclusion: The Commission considered this standard and found that it has been met with a condition. Locations for utility and mechanical equipment have been indicated. A condition has been added requiring further review of screening and location of utility equipment be done prior to building permit approval by the proposed subcommittee. Detailed screening plans have not been submitted. Plans will need to illustrate how this equipment is screened from public view.

17.64.020.4.R. Landscaping

The regulations and guidelines in this section apply to private property, including parking lots. Regulations and guidelines for the landscaping of streets are provided in Section 4.T. Streets and Streetscapes.

Design Regulations:

DR.R.1.a: The following areas shall be landscaped and regularly maintained to be free of weeds, overgrown vegetation, and litter:

- 1) Unpaved portions of the site visible from public streets, sidewalks, plazas, parks, and other public spaces.**
- 2) Common outdoor areas within any development**
- 3) Private and public surface parking lots.**

Finding: Landscaping is proposed for the outdoor terrace at the corner of Washington Avenue and River Street. This area will feature a pool, spa and water fall feature. The terrace will feature a retaining wall directly adjacent to the sidewalk. This retaining wall will feature several steps and landscaping will be integrated into these steps. This will provide substantial screening and buffering along the public sidewalk on Washington Avenue and River Street. Plantings will include shrubs (Dogwoods, Cinquefoil, Dwarf Blue Willow), several pine trees (Blue Spruce), several deciduous trees (vine maple) and planters with ornamental grasses. These plantings are located within and along the outer edge of the outdoor terrace. As this is a key outdoor space for the hotel it is likely that it will be well maintained. Flagstone paving will be the walking surface and boulders will also be integrated into the landscape. In addition, a

rooftop planting area is shown above the first floor within the outdoor terrace area of the site and lattice work with plantings is also shown along the outdoor terrace facades at the second floor level of the building.

Conclusion: The Commission considered this standard and found that it has been met. The outdoor terrace will feature landscaping and will be a key amenity for the resort. As a key amenity, it is assumed that it will be maintained appropriately.

DR.R.1.b: Landscaping treatments shall include a combination of trees, grasses, shrubs, flowering plants, and flowers.

Finding: Landscaping is proposed for the outdoor terrace at the corner of Washington Avenue and River Street. This area will feature a pool, spa and water fall feature. The terrace will feature a retaining wall directly adjacent to the sidewalk. This retaining wall will feature several steps and landscaping will be integrated into these steps. This will provide substantial screening and buffering along the public sidewalk on Washington Avenue and River Street. Plantings will include shrubs (Dogwoods, Cinquefoil, Dwarf Blue Willow), several pine trees (Blue Spruce), several deciduous trees (vine maple) and planters with ornamental grasses. These plantings are located within and along the outer edge of the outdoor terrace. Flagstone paving will be the walking surface and boulders will also be integrated into the landscape. Hanging baskets are also proposed on the Main Street facade of the building along with a planter. In addition, a rooftop planting area is shown above the first floor within the outdoor terrace area of the site and lattice work with plantings is also shown along the outdoor terrace facades at the second floor level of the building. In general, a mix of trees, shrubs and grasses are proposed. See sheet L1.2 "Landscape Palette" for a detailed list of plantings.

Conclusion: The Commission considered this standard and found that it has been met. The outdoor terrace will feature abundant landscaping and will be a key amenity for the resort. A combination of trees, grasses and shrubs is proposed. In addition, the front façade of the building will feature seasonal hanging baskets.

DR.R.1.c: All landscaped areas shall be irrigated with automatic drip irrigation systems that do not produce over-spray on surfaces outside the planting area.

Finding: The applicant has indicated that all landscaping will be drip irrigated. Please see the letter from the landscape architect dated September 24, 2009. They are proposing a Toro DL 2000 automatic subsurface drip irrigation system for all plantings within the development. This will include the main entrance, outdoor terrace, street trees and second floor green roof.

Conclusion: The Commission considered this standard and found that it has been met. All landscaped areas will be irrigated with automatic drip irrigation.

DR.R.1.d: All new trees planted in the Community Core shall be species that are recommended and approved by the City Arborist. All new trees shall have a caliper size of 3 inches measured 12 inches from the ground. If the species is not available in this size, a caliper of 2 ½ inches measured 12 inches from the ground will be acceptable. Evergreen trees shall be at least 8 feet tall when planted. All trees shall have a minimum height of 14 feet when fully grown.

Finding/Conclusion: Specific tree sizes have not been indicated. The City Arborist shall review and approve all landscaping prior to building permit approval. A condition has been added regarding this requirement. The Commission considered this standard and found that it has been met with a condition.

DR.R.1.e: In order to provide adequate pedestrian clearance, trees shall be pruned regularly so that there is at least 7 feet of vertical clearance between the lowest branches of the tree and the grade of the adjacent sidewalk or pedestrian walkway. They shall also be pruned to maintain the health, vigor, and natural shape of the tree, and to maintain vehicular clearance and sight lines.

DR.R.1.f: All trees shall have an adequately sized planting area. The size of the planting area shall be based on the amount of room needed for tree roots. Root barriers shall be used when trees are planted near pedestrian walkways and sidewalks.

DR.R.1.g: Shrubs shall have a minimum 5-gallon container size.

DR.R.1.h: An exception to a development specification or design regulation (such as the built-to-line specification) is allowed if the exception will protect and preserve an established, healthy, and mature tree on the site. In cases where such a tree is protected and preserved, the exception to the development specification or design regulations shall be granted with verification of the City Arborist, and shall not require approval by the Planning and Zoning Commission or City Council. When proposed underground parking prohibits the preservation of mature and healthy trees, an assessment of alternatives shall be made by the Planning Department, City Engineer, City Arborist and the applicant. Such an assessment will include consideration of a parking demand plan.

DR.R.1.a.i: When a healthy and mature tree is removed from a site, it shall be replaced with a new tree. Replacement trees may occur on- or off-site.

DR.R.1.j: All landscaping shall be maintained in a healthy and attractive state and shall be watered, weeded, generally maintained, and replaced (if necessary) by the property owner/property manager.

DR.R.1.k: Trees that are placed within a courtyard, plaza, or pedestrian walkway shall be placed within a tree wells that are covered by tree grates.

DR.R.1.l: The City Arborist shall approve all parking lot trees. Trees that do not drop heavy cones, sap, fruit, and seedlings shall be selected to minimize potential damage to cars in the parking lot.

DR.R.1.m: All surface parking lots shall be designed with the following landscaping features:

- (1) The use of porous or pervious surfaces in the parking lot design. These surfaces reduce the volume and rate of storm water runoff and can add to the visual character of the parking lot
- (2) Landscaped planters: Landscaped planters shall be located between public sidewalks and parking lots. Landscaped planters shall be at least 5 feet wide and shall be planted with a combination of shrubs, trees, and flowering plants. Planter walls shall be limited to a height of 24".
- (3) Trees: Trees may be planted in landscaped planters, tree wells in pedestrian walkways, and/or diamond shaped planter boxes located between parking rows. Diamond-shaped planter boxes and tree wells shall be at least 5 feet square. Tree grates and root guards shall be required for trees planted within pedestrian walkways.
- (4) Ground cover, low-lying shrubs, and trees shall be planted within the planters and planter boxes. Tree grates or landscaping may be used in tree wells located within pedestrian walkways.

Finding DR.R.1.e-m: The landscaping plan will be reviewed by the City Arborist. All plantings and planting types will be reviewed. No surface parking lots are proposed.

Conclusion: The City Arborist shall review and approve all landscaping prior to building permit approval. A condition has been added regarding this requirement. The Commission considered this standard and found that it has been met with a condition.

17.64.020.4.S. Fences, Walls, and Gates

DR.S.1.a: The design of fences and walls shall be compatible with the architecture of the building.

Finding: No fences are proposed. The applicant is proposing a large retaining wall along portions of Washington Avenue and River Street. The maximum height of the wall above the adjacent sidewalk will be 13 ft. This portion will be stepped back. During pre-application hearings the Planning and Zoning Commission directed the applicant to soften this wall and make sure it was compatible with pedestrians. The proposed wall is stepped and will feature landscaping within each step. The proposed wall will have a stone veneer that will complement the outdoor terrace. The wall will not detract from the building architecture.

Conclusion: The Commission considered this standard and found that it has been met.

DR.S.1.b: Entrance arbors are allowed on fences/walls.

Finding: The main entrance of the hotel now features a large covered entry arbor made of wood and glass. This has been change from the original design and provides greater emphasis for the entrance.

Conclusion: The Commission considered this standard and found that it has been met. An entrance arbor is proposed.

DR.S.1.c: Fences and walls shall have an articulated design. Articulation can be created by having regularly spaced posts, changing the height of the fence/wall, and by using different

building materials at the base, posts, or the cap of the fence/wall. Flat walls, chainlink fences, and barbed wire fences are prohibited.

Finding: No fences are proposed. The applicant is proposing a large retaining wall along portions of Washington Avenue and River Street. The maximum height of the wall above the adjacent sidewalk will be 13 ft. This portion of the wall will be stepped back. During pre-application hearings the Planning and Zoning Commission directed the applicant to soften this wall and make sure it was compatible with pedestrians. The proposed wall is stepped and will feature landscaping within each step. The proposed wall will have a stone veneer that will complement the outdoor terrace. The wall varies in height and steps back consistently. The Commission found that a substantial portion of the wall is to be considered building, as it is part of the underground entrance to the garage.

Conclusion: This standard has been met. The wall will feature articulation and landscaping will be integrated into the wall steps.

DR.S.1.d: The maximum fence and wall height is four feet (4') within thirty feet (30') of the front property line and six feet (6') beyond thirty feet (30') of the front property line.

Finding: No fences are proposed. The applicant is proposing a large retaining wall along portions of Washington Avenue and River Street. The maximum height of the wall above the adjacent sidewalk will be 13 ft. The wall is stepped back with different portions having different heights. Plans indicate that portions of this wall will exceed 6 feet in height. The Commission found that a substantial portion of the wall is to be considered building, as it is part of the underground entrance to the garage. These portions of wall are not subject to the six (6) ft height limitation. The Commission granted an exception for the portion of wall along River St that is greater than six (6) ft in height and not associated with the underground parking entrance.

Conclusion: Portions of the wall are shown to be greater than 6 ft in height along River St. The Commission granted an exception to this standard with regard to the portion of wall along River Street that is greater than six (6) ft in height. The Commission considered this standard and found that it has been met with the aforementioned exception.

17.64.020.4.T. Site Lighting

DR.T.1.a: The following areas shall be illuminated at night to insure the safety of users and to minimize opportunities for crime. Illumination shall conform to the City of Ketchum Dark Sky Ordinance.

- (1) Intersection of streets.**
- (2) Intersection of alleys and streets.**
- (3) Surface parking lots.**
- (4) Parking structures, including access points elevators, and stairwells.**
- (5) Pedestrian walkways and paths.**
- (6) Plazas.**
- (7) Sidewalks.**
- (8) Automated Teller Machines (ATMs).**

(9) All entrances to buildings, including rear and service entrances.

(10) Garbage disposal areas.

(11) Alleys.

(12) Other areas that are routinely used by pedestrians.

Finding: Exterior lighting will meet the standards of the Dark Sky Ordinance. A majority of the lighting will be done through recessed wall lights. An overhead lighting plan indicates that all areas of the project will be appropriately lighted. Street lights will be installed according to the requirements of the Ketchum City Engineer and Planning Department.

Conclusion: The Commission considered these standards and found that they have been met with a condition. All lighting shall be reviewed and approved by the design review subcommittee prior to building permit approval. Up-lighting and sidewalk up-lighting is recommended by the Commission subject to compliance with the dark sky ordinance.

DR.T.1.b: Site, building, and sign lighting shall be located and directed to light the intended area of illumination and to prevent off-site glare impacts on adjacent buildings or properties.

Finding: The lighting plan indicates that lighting will be soft in nature and that recessed wall lights will be utilized. Lighting for signage has not been detailed.

Conclusion: The Commission considered this standard and found that it has been met with a condition. Lighting detail shall be reviewed and approved by the proposed subcommittee prior to building permit approval.

17.64.020.4.U. PLAZAS, PEDESTRIAN WALKWAYS, AND COURTYARDS

Finding/Conclusion:

N/A No plazas, pedestrian walkways, or courtyards are proposed with this project.

17.64.020.4.V. Parks

Finding/Conclusion:

N/A No parks are proposed with this project.

17.64.020.4.W. BICYCLE PARKING

DR.W.1.a:

(1) All developments within Downtown are required to have bicycle parking. The minimum number of bicycle racks shall be determined by whichever of the following is greater:

(A) 2 bicycle racks per use or business.

(B) A number of bicycle racks that equal 20% of the required auto parking.

(C) 2 bicycle racks per lot.

(2) Schools are required to provide a minimum of 1 bicycle rack per 10 students or 10% of required auto parking, whichever is greater. Recreation uses are required to provide a minimum of 5 bicycle racks or 10% of required auto parking, whichever is greater.

DR.W.1.b: A single bicycle rack shall meet the following criteria:

1) Support the bicycle upright by its frame in two places.

- 2) Prevent the wheel of the bicycle from tipping over.
- 3) A U-lock should be able to lock the front wheel and the down tube of an upright bicycle or lock the rear wheel and seat tube of the bicycle.

DR.W.1.c: Two or more single racks may be mounted in a row on a common base or attached in a row to a frame.

DR.W.1.d: Inverted "U" racks mounted in a row should be placed 30 inches apart (on center) allowing enough room for two bicycles to be secured to each rack and providing easy access to each bicycle.

DR.W.1.e: The rack should be anchored so that it cannot be stolen with the bikes attached. Racks that are large and heavy enough such that the rack cannot be easily moved or lifted with the bicycles attached do not have to be anchored.

DR.W.1.f: Bicycle racks may be placed on private property and public sidewalks. In both cases, the racks shall not be placed so that they block the entrance or inhibit pedestrian flow in or out of the building. If placed on a sidewalk or pedestrian walkway, they should be placed so that at least 5 feet of sidewalk width is maintained.

DR.W.1.g: Where multiple racks are installed in rows with aisles separating the rows the following dimensions apply:

- 1) Minimum aisles width should be 48 inches. The aisle is measured from tip to tip of bike tires across the space between racks.
- 2) Minimum depth should be 72 inches for each row of parked bicycles.
- 3) Areas with a high turnover rate should have a minimum aisle width of 72 in and should have more than one entrance.

DR.W.1.h: Racks shall be mounted within 50 feet of the entrance it serves, or as close as the nearest car parking space, whichever is closer.

DR.W.1.i: Racks shall be clearly visible from the entrance it serves.

Finding DR.W.1.a through DR.W.1.i: Locations of bike racks have not been indicated. A total of 23 bicycle racks are required based on the total parking requirement. The Commission found that bicycle racks should be placed on all building facades, with a larger amount along Washington Avenue. The sidewalk along Washington Avenue is directly adjacent to the Forest Service Park and bicycle racks in this area will be important. A detailed bicycle rack plan will be required prior to building permit approval. This shall be reviewed and approved by the proposed subcommittee prior to building permit approval. The final number of bicycle racks required shall also be determined by the Design Review Subcommittee.

Recommendation: The Commission considered this standard and found that it has been met with a condition. Bicycle racks shall be placed on all building facades, with a larger amount along Washington Avenue. A detailed bicycle rack plan shall be reviewed and approved by the Design Review Subcommittee prior to building permit approval. The final number of bicycle racks required shall be determined by the Design Review Subcommittee.

17.64.020.4.X. STREETS AND STREETSCAPES

DR.X.1.a: Streetscape improvements shall be designed in compliance with the City approved cross-sections for Downtown Streets.

DR.X.1.b: On-street parallel parking spaces shall have a dimension of 8 feet by 20 feet (for non ADA accessible spaces). On-street angled parking spaces shall be provide at a 45- to 60-degree angle. Angled parking spaces shall have a depth of 18' (as measured perpendicular from the curb face), and a width of 9' (as measured perpendicular to the stripes of the parking stall). A minimum distance of 20 feet is required from the crosswalk or stop sign line to the first parking space.

DR.X.1.c: The sidewalk radius at street intersections shall be minimized to shorten the length of pedestrian crossings and to prevent vehicles from making turns at high speeds. The City of Ketchum Streets Department and Fire Department shall determine the minimum sidewalk radius when designing streetscape improvement plans.

DR.X.1.d: All streetlight fixtures, traffic signals, traffic and directional signs, pedestrian wayfinding signs, parking signs, bicycle racks, and parking meters, and fire hydrants shall be located within one to three feet of the curb face.

DR.X.1.e: All streets shall be designed with streetlights. Streetlights shall be provided along all sidewalks at spacing intervals not to exceed 60 feet.

DR.X.1.f: Streetscape furniture and amenities shall be located to maintain a clear pedestrian path of at least five feet in width.

DR.X.1.g: If permitted, tables, chairs, and other obstructions used for sidewalk dining shall be located to maintain at least five feet of unobstructed sidewalk width.

DR.X.1.h: All streetlights, streetscape furniture, and amenities shall be consistent with a City approved list of approved furniture.

DR.X.1.i: Streetlights shall be scaled to pedestrians and shall be no taller than 14 feet.

DR.X.1.j: Streetlights shall be equipped with hardware to allow flowerpots and banners to hang from the streetlight. At least 7 feet of vertical clearance shall be provided from the sidewalk to the bottom of the flowerpot or banner.

DR.X.1.k: Community organizations are allowed to hang banners from public streetlights with the approval of a sidewalk use permit. The Planning Director shall approve all banners that

are hung from public streetlights. The Ketchum Streets Department shall be responsible for hanging all streetlight banners. The City reserves the right to charge a fee for the banners.

DR.X.1.l: All new public sidewalks shall be heated to facilitate the removal of snow.

DR.X.1.m: All sidewalks shall be constructed of concrete pavers. Special paving features may be allowed on the sidewalks of unique streets within the Downtown, such as Fourth Street and First Avenue.

DR.X.1.n: The project applicant shall be required to pay for new sidewalk, curbs, and gutters within the public right-of-way adjacent to the project site when the value of construction exceeds \$20,000.

Finding DR.X.1.a-n: The applicant will install a new sidewalk constructed of pavers that will include a snowmelt system. Street lights are indicated on the site lighting plan, but final design and location will need to be approved by the Planning Department and City Engineer. The applicant has indicated that all street furniture and amenities will match the Ketchum Streetscape standard. Ketchum Streetscape standards require that a minimum 10 ft sidewalk be installed. Because of the large scale of the building and location of the lot, a wider sidewalk in areas may be appropriate. The Planning Department, City Engineer and Street Department have reviewed this design and suggest maximizing the widths of the sidewalk when possible. The final design of the sidewalk will need to be determined by the City Council through the PUD process. A condition has been added with regard to final sidewalk design. Due to street width and parking constraints, sidewalks along Main Street and First Street are limited to in width. Sidewalks along River Street and Washington Avenue may extend further depending on the makeup of parking. See the recommendations found page 23 of the Planning and Zoning Commission PUD Findings of Fact.

Conclusion: The Commission considered these standards and found that they have been met with a PUD condition. The final design of the streetscape, including sidewalk widths, shall be determined by City Council.

DR.X.1.o: Root guards shall be installed for each street tree to minimize damage to the sidewalk.

Finding/ Conclusion: Root guards shall be installed according to the requirements of the City Arborist. The Commission considered this standard and found that it has been met.

DR.X.1.p: All street trees shall be irrigated with automatic drip irrigation systems that do not produce over-spray on the sidewalk.

Finding/ Conclusion: The applicant has indicated that an automatic drip irrigation system will be used for all street trees. The Commission considered this standard and found that it has been met.

DR.X.1.q: All new trees shall have a caliper size of 3 inches measured 12 inches from the ground. If the species is not available in this size, a caliper of 2 ½ inches measured 12 inches

from the ground will be acceptable. Evergreen trees shall be at least 8 feet tall when planted. All trees shall have a minimum height of 14 feet when fully grown.

DR.X.1.r: In order to provide adequate pedestrian clearance, trees shall be pruned regularly so that there is at least 7 feet of vertical clearance between the lowest branches of the tree and the grade of the adjacent sidewalk or pedestrian walkway. They shall also be pruned to maintain the health, vigor, and natural shape of the tree, and to maintain vehicular clearance and sight lines.

DR.X.1.s: All trees shall have an adequately sized planting area. The size of the planting area shall be based on the amount of room needed for tree roots. Root barriers shall be used when trees are planted near pedestrian walkways and sidewalks.

DR.X.1.t: All street trees planted in the Community Core shall be species that are recommended and approved by the City Arborist.

Finding/Conclusion DR.X.1.g-t: All street trees shall meet the requirements of this section and the requirements of the Ketchum City Arborist. A condition has been added requiring final review and approval of street trees to be done by the City Arborist prior to installation. The Commission considered this standard and found that it has been met.

SUMMARY OF DESIGN GUIDELINES:

Recommended Design Guidelines: Design guidelines are recommendations that are intended to further define the desired image and character of development within the community core district. Design guidelines provide additional guidance to architects, landscape architects, engineers, and other designers. Compliance with design guidelines is not required, but is strongly encouraged

17.64.020.E.2 All Building Facades – Guidelines

The building facades feature a revised material palate consisting of horizontal high density wood siding, natural stone and stucco. Cor-ten metal siding and steel are also used as complimentary materials. The stone, wood siding and stucco are used consistently throughout the project, with the stone finish being used more heavily on the first floor. The proposed materials are similar to those used in the downtown area. A precise ratio of primary to secondary materials usage has not been provided although it appears that the proposed base materials are used evenly. The revised drawings reflect a more consistent composition of materials, with more blending between floors. Vertical columns through the building are clad in natural stone and stucco. Natural colors are utilized that are more rich in nature than previously proposed. No fluorescent or neon colors are proposed. Plans indicate that the building will feature three general colors resulting from the material choices: cream stucco, natural wood siding and grey stone. Highlight colors will include rust colored cor-ten metal and steel. Window shapes are generally rectangular and align vertically between each floor.

17.64.020.F.2 Mixed-Use/Hotel Building Façade – Guidelines

All facades are articulated. Each façade features a significant amount of windows and the building is capped with a defining sloped roof. The base is defined by the large storefront windows and marquees as well as natural stone finishes. Both vertical and horizontal lines finished with natural stone separate the building floors and windows providing three dimensional expression lines. The hotel is not separated into different buildings as recommended in the design guidelines. The lot is a square and approximately 219 ft x 219 ft. The ground floor facades feature more glazing, especially on the Main Street façade. Building columns and horizontal expression lines are a defining feature of the building. These elements are typically clad in natural stone. The ground floor spaces feature the recommended structural bays for each window opening. The extensive use of natural stone lends a general quality of permanence to the building. The changes to the material palette also accentuate the articulation in the building, and the tower element also provides contrast within the overall design. The proposed materials also have a more refined a permanent appearance than the original design review submittal.

17.64.020.I.2 Roofs – Guidelines

The roof will feature asphalt shingles. Details provided for drainage and snow retention indicate that the recommended guidelines will be met. A detailed roof drainage and snow retention plan will need to be reviewed and approved prior to building permit approval. The overall roof design did not change substantially from the original design review proposal. Two bay elements along River Street and First Street have been incorporated into the roof design.

17.64.020.J.2 Awnings and Marquees – Guidelines

A series of marquees are proposed on each façade. Plans indicate that the marquees are designed to match the building design with regard to materials.

17.64.020.K.2 Balconies – Guidelines

The proposed balconies are located on all of the upper floors. The 2nd and 3rd level balconies are for hotel uses and are smaller in nature. The railing design for all of the balconies has been substantially altered from the original design review submittal. A consistent and more modern railing has been selected. In addition, the fifth floor balconies are now finished in steel and feature greater articulation. The balconies are set between stone and stucco clad columns. The 4th and 5th floor balconies are located between stone and/or stucco columns and are integrated into the stepped back facades. The balconies in general do not have a tacked on appearance.

17.64.020.L.2 Colonnades – Guidelines

No colonnades are proposed.

17.64.020.M.2 Bay Windows – Guidelines

No bay windows are proposed.

17.64.020.N.2 Front Porches/Stoops – Guidelines

No front porches or stoops are proposed.

17.64.020.4.O. Public Open Space – Guidelines

The outdoor terrace will provide a substantial outdoor space for hotel guests and residents. This space will have open views towards Bald Mountain. The outdoor terrace will have substantial landscaping and be located above the grade of the adjacent sidewalk, providing privacy. This space will connect with Washington Avenue and River Street. The Washington Avenue connection will provide a connection for pedestrians and to the adjacent Forest Service Park.

17.64.020.P.2 Service Areas – Guidelines

Plans indicate that trash and all other service areas will be enclosed within a private garage accessed off of 1st Street.

17.64.020.4.R. Landscaping – Guidelines

All species and sizes will be reviewed by the City Arborist prior to building permit approval. This will include plantings located on-site and within the public right of way. All existing trees and vegetation will be removed. No parking lots are proposed. The applicant has not indicated that public art will be incorporated into the landscape design. Hanging flower baskets are shown on the landscape plan.

17.64.020.4.S. Fences Walls and Gates – Guidelines

A series of walls are proposed along the Washington Avenue and River Street facades. Plans indicate that walls will be clad in stone to match the building. The walls will be built in a stepped manner with higher walls set farther back.

17.64.020.4.T. Site Lighting – Guidelines

The proposed lighting plan shows that lighting will be provided at regular intervals and that there will be no substantial dark pockets in or around the building. Meeting the lighting standards will be a condition of approval. A lighting cut sheet has been provided showing recessed wall lights as the main form of outdoor lighting.

17.64.020.4.U. Plazas, Pedestrian Walkways and Courtyards – Guidelines

No plaza, pedestrian walkways or courtyards are proposed. An outdoor terrace is proposed that will be distinguished from the adjacent sidewalk. Flagstone pavers will be utilized with substantial landscaping incorporated into the design. This area will feature a swimming pool, spa and water feature as well as an outdoor fireplace.

17.64.020.4.W. Bicycle Parking – Guidelines

Detailed bike rack plans have not been submitted. There will be room on the newly constructed sidewalk for bike racks. A condition has been added requiring review and approval of a bike rack plan prior to building permit approval.

17.64.020.4.X. Streets and Streetscapes – Guidelines

Tree wells with metal grates will be required as part of the final approval of the streetscape plan. The Street Department and City Engineer recommend bulb outs except along Washington Avenue and River Street. No bulb outs may extend into Main Street. A bulb out at the corner of Main Street and River Street extending out into the River Street ROW would be appropriate. This would provide room for public art and add to the gateway entrance to downtown. The final streetscape design will be reviewed and approved by the Ketchum City Council.

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 and zoning code, Title 17.
3. The Commission has authority to hear the applicant's Design Review Application pursuant to Chapter 17.64 of Ketchum Code Title 17.
4. The City of Ketchum Planning Department provided adequate notice for the review of this application.
5. The project **does** meet the standards of approval under Chapter 17.64 of Zoning Code Title 17.

DECISION

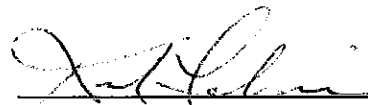
THEREFORE, the Ketchum Planning and Zoning Commission **approves** this Design Review Application with a 3-2 vote this 8th day of March, 2010, subject to the following conditions:

CONDITIONS:

1. Ketchum City Engineer, Utilities, Street, Fire and Building Department requirements shall be met through the building permit approval;
2. Design Review approval shall expire according to the requirements set forth in the PUD Development Agreement for the project;
3. All Design Review elements as depicted in the design review plans dated September 22, 2009, as amended in the revised plans dated March 8, 2010 and as required through the conditions of approval shall be completed prior to final inspection/occupancy;
4. This Design Review approval is based on the plans and information presented and approved at the meeting on the date noted herein. Building Permit plans must conform to the approved Design Review plans unless otherwise approved in writing by the Commission or City Planner. Any building or site discrepancies which do not conform to the approved plans or conditions of approval will be subject to removal;
5. This Design Review Approval is subject to the Planned Unit Development and Development Agreement approval for Bald Mountain Lodge, LLC.
6. Prior to issuance of a building permit the applicant shall receive a right of way encroachment agreement from the City for all right of way encroachments associated with the project.
7. The City Arborist shall review and approve all landscaping within the public Right of Way and within the resort prior to building permit approval. This shall include review and approval of tree grates, guards, species and caliper sizes.

8. A design review subcommittee consisting of two Commissioners and a member of the Community and Economic Development Department shall review and approve the following building elements prior to building permit approval:
- a) Final design of the tower element including use of materials
 - b) Final composition of materials including placement of stucco, cor-ten, steel and wood siding
 - c) Final lighting plan - All proposed outdoor lighting, including all balcony, façade and terrace lighting shall be detailed in the building permit plans and shall be dark sky compliant.
 - d) Final bike rack plan - Bike racks shall meet all requirements of Chapter 17.64 of the Ketchum Zoning Code and shall be installed prior to certificate of occupancy. The final number of required bike racks shall be determined by the subcommittee. Washington Avenue shall be prioritized with regard to bike rack placement.
 - e) Location and screening of utility meters, transformers, pedestals and traffic light equipment. Plans will need to illustrate how this equipment is screened from public view.
 - f) Prior to building permit approval the applicant shall submit a detailed plan illustrating how rooftop mechanical equipment will be screened and how rooftop snow retention and drainage will be achieved and to ensure protection of public pathways, sidewalks and other public areas.
 - g) Master Sign Plan including circulation prior to building permit approval.

Findings of Fact **adopted** this 22nd day of March, 2010 and signed this ____ of April, 2010.



Rich Fabiano, Co-Chair or
Deborah Burns, Co-Chair

IN RE:)	
)	
Limelight Hotel,)	KETCHUM PLANNING AND ZONING COMMISSION -
(formerly Bald Mountain Lodge))	FINDINGS OF FACT, CONCLUSIONS OF LAW AND
Design Review Modification)	DECISION
)	
)	
)	
File Number: 07-015)	

BACKGROUND FACTS

PROJECT: Limelight Hotel, formerly Bald Mountain Lodge

FILE NUMBER: 07-015

OWNERS: Limelight Ketchum LLC , formerly Bald Mountain Lodge LLC

REPRESENTATIVE: Don Schuster, VP Hospitality, Aspen Skiing Company

REQUEST: Community Core Design Review Modification

LOCATION: Ketchum Townsite Amended Lot 1A, Block 20 (151 South Main Street)

NOTICE: Adjacent property owners were mailed notice on Tuesday, February 10, 2015 and a display ad was run in the Idaho Mountain Express on February 18, 2015.

ZONING: Community Core (CC), Subdistrict A, Retail Core

REVIEWER: Rebecca F. Bundy, Senior Planner / Building and Development Manager

Regulatory Taking Notice: Applicant has the right, pursuant to section 67-8003, Idaho Code, to request a regulatory taking analysis.

GENERAL FINDINGS OF FACT

1. The Bald Mountain Lodge project (land and entitlements) was purchased by the Aspen Skiing Company from Bald Mountain Lodge, LLC in December 2014. The entitlements include a Development Agreement with a preferred Timeline A, which requires submittal of a building permit by May 31, 2015. With the current Design Review application, the developers are seeking approval of a number of design changes, so that they can proceed with the construction documents for building permit submittal on the preferred timeline.

2. On November 24, 2014, the Aspen Skiing Company and the original developers, Bald Mountain Lodge, LLC, conducted a workshop with the Planning and Zoning Commission to get the Commission's feedback on Aspen Skiing Company's proposed modifications to the approved hotel design prior to cementing the sale of the project. At that meeting, it was decided that the proposed programming changes would not necessitate an amendment of the Planned Unit Development (PUD) as approved, since the changes were in keeping with the original approval and code requirements and were minimal

in impact. The Commission decided, however, that the proposed exterior design changes should come before the Commission as a whole for Design Review Modification approval.

3. The Development Agreement calls for creation of a Design Review Subcommittee that will be empowered to approve more minor exterior design changes through the course of the construction project. On December 8, 2014, the Commission nominated Rich Fabiano, former Commissioner, and Erin Smith, current Commissioner, to that subcommittee, along with the Planning and Building Department Director, currently Micah Austin. The nominees were approved by the City Council on January 5, 2015, so the Subcommittee is in place to handle more minor design issues. The original Design Review approval contained conditions of approval authorizing the Design Review Subcommittee to perform final review of a number of Design Review elements, including final landscaping, streetscape design, bicycle parking and signage. Those conditions of approval have been retained in this staff report.

4. The current application is very much in keeping with the changes proposed at the November 24 meeting and also includes elements that reflect the Commission's feedback at that meeting, including removal of the clock tower element at the southwest corner of the building. The current proposal contains the following changes from the original design:

- Building height is reduced five (5) feet with a flat roof configuration to reflect Commission's input;
- The clock tower has been removed from the southeast corner of the building with increased building setbacks above ground level at that corner configuration to reflect Commission's input;
- Ground floor at the corner of Main and River Streets has increased glazing to relate interior lobby space to outdoors;
- Increased upper level setbacks along First and River Streets;
- Fenestration and horizontal relief elements have been increased, including deeper decks and roof overhangs;
- Increased façade articulation on Floor 5, Main Street façade. The residential units have been enlarged within the area of the roof decks to approximately equal the area lost with removal of the clock tower;
- Pedestrian connectivity to Forest Service Park has been enhanced by adding a primary entrance on the west side of the building, a courtyard, steps and bench facing Washington Avenue;
- The green roof at Floor 2 on the Washington Avenue side of the building has been converted to a roof deck, most of it open to the public;
- The First Street vehicular exit from the porte cochere has been eliminated in response to the Commission's concerns about its impact on First Street traffic flows. The porte cochere exit is, therefore, only on to Main Street. However, structure location has not been altered, so the exit could occur on First Street on an as needed basis;
- The applicant has offered to provide signage restricting parking on First Street during morning hours to provide dual use/delivery/garbage truck access;
- Sidewalk and on street parking configurations have been revised with twelve (12) on street parking spaces proposed;
- A substantial amount of hotel back of house has been eliminated. One level of underground structure has been eliminated with pared down back of house, mechanical and parking provided on one (1) underground level; and

- The spa and lower level courtyard have been eliminated, and the pool design has changed to a more rectangular form.

5. The original Bald Mountain Lodge PUD was approved by the City Council on June 7, 2010, and the PUD was amended on May 6, 2014, with no external changes to the building proposed. The following table shows the history of the programming changes since the original PUD approval:

Table 1: History of Programming Changes

	Original Approva l	Revised 2013	Proposed Nov 2014	Current Proposal
Project Numbers				
Lot size (sf)	48351	48351	48351	48351
Building height (ft)	68	68	63	63
Parking spaces (#)	125	125	122	124
Number of parking levels	2	2	1	1
Hotel				
Lobby (sf)	5660	4600	12140	5532
Hotel Rooms (total sf)	48380	70448	58142	50414
Hotel Rooms/Suites (#)	82	119	105	98
Avg Size of Hotel Rooms (sf)	590	592	554	456
Lock-off Units (#)	5	0	15	10
Conference/Prefunct space (sf)	5436	8380	4310	4131
Conference Capacity (#)	200	350	175	170
Spa (sf)	5506	3600	0	0
Restaurant/Lounge/Kitchen (sf)	7735	6870	included in lobby	included in lobby
Pool/Hot tubs	1 pool 1 hot tub	1 pool 1 hot tub	1 pool 2 hot tubs	1 pool 2 hot tubs
Fitness (sf)	809	1200	940	930
Residential				
Residential Units (total sf)	40035	18600	32335	30736
Residential Units (#)	26	11	18	14
Avg. Size of Residential Units (sf)	1540	1692	1796	2195
% Hotel vs Residential	74.4	86.7	81.0	78.3
Retail				
Total (sf)	2614	2550	1890	2050

6. Hotel Definition: Using the same methodology as in the original PUD approval and the subsequent PUD amendment, the current proposal continues to meet the definition of "hotel" by limiting the residential components to less than 25% of the total "hotel" square footage.

Table 2: Hotel Definition

HOTEL CONFIGURATION	BML-2010 Approved	BML-2013 Approved	LKH-2015 Proposed
Guest Rooms	82	119	98
Sq Ft	59,422	86,329	50,414
Dedicated Units – Lock-Out Units	9	N/A	10
Sq Ft	3,538	N/A	4,776
Hotel Key Count	91	119	108
BOH/Lobbies/Hotel Related Uses Sq Ft (P1,P2,Level 1*)	63,687	60,149	55,621
TTL "Hotel" sq ft (per definition)	126,647	146,478	110,811
Permitted "Non-Hotel" sq ft (25%)	42,215.5	42,215.5	35,387
Proposed Residential Units (4th & 5th Floors minus lock-off units)	26	8	14
Sq Ft	42,215	22,384	30,736
TTL Bldg Sq Ft (includes sub-grade hotel- uses, but not parking)	168,862	168,862	141,547
Pct of Building Area defined as "Hotel"	75.0 %	86.7%	78.3%
Residential sq ft over allowable per definition	0	0	0

7. Parking Requirements: Required parking spaces are pursuant to 17.64.010.E. See table below:

Table 3: Required Parking

Parking Requirements:			
Commercial Space:	10,819 sf**	2 per 1,000 sq. ft. =	21.6 spaces
Residential (net)	30,736 sf	1 per 1,500 sq. ft. =	20.5 spaces
Hotel:	108 units	.75 per Room =	81 spaces
Total Spaces Required: 123.1 spaces			
Proposed:			
Garage: 109 spaces	Surface: 3 spaces	On Street Credit*:	12 spaces
Total Spaces Proposed: 124 spaces			

*Section 17.64.010.E.3 of the Community Core District zoning regulations states that: "Four (4) on street parking spaces per five thousand five hundred (5,500) square feet of lot area may be counted toward the required parking demand."

This would result in an on street parking credit of 35 spaces. However, between Pre-application Design Review and the original Design Review/PUD submittal, staff and the applicant negotiated a parking credit of nine (9) on street spaces, due to vehicular access requirements, desired pedestrian bulb-outs at intersections and other considerations. The current proposal calls for twelve (12) on street parking spaces and still maintains the desired pedestrian bulb-outs. It also provides enhanced pedestrian access between the hotel and Forest Service Park.

**The applicant's parking calculations for the commercial space include 2 spaces per 1000 square feet for the conference/board rooms, breakfast/bar/lobby and lounge (totaling 8,762 square feet), which are required elements of a hotel and should be satisfied by the .75 parking spaces per room hotel parking requirement. Therefore, the project as proposed has 19 more spaces than required by the code.

As condition of approval #9, prior to issuance of a building permit, the applicant shall submit civil engineered street and sidewalk design drawings, showing grading, drainage and details, for review and approval by the Public Works Director.

8. Sidewalk Requirements: The applicant has stated that sidewalks on Main Street shall be eight (8) feet in width, and that the sidewalks on First and River Streets and Washington Avenue shall be ten (10) feet in width. As condition of approval #9, prior to issuance of a building permit, the applicant shall submit civil engineered street and sidewalk design drawings, showing grading, drainage and details, for review and approval by the Public Works Director.

General Requirements for all Design Review Applications				
Compliant			Standards and Conclusion	
Yes	No	N/A	City Code	City Standards and Conclusion
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.080	Complete Application
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	City Department Comments	Police Department <input type="checkbox"/> No comments to date.
				Fire Department <input type="checkbox"/> Condition #1 satisfies Fire Department requirements.
				Public Works Department <input type="checkbox"/> Condition #9 satisfies Public Works Department requirements.
				Building Department <input type="checkbox"/> Condition #1 satisfies Building Department requirements.

Compliance with Zoning District and Overlay Requirements				
Compliant			Standards and Conclusion	
Yes	No	N/A	Guideline	City Standards and Conclusion
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.010.E	Parking Spaces
			<i>Conclusion</i>	123.1 required 124 proposed (See item 7 above.) This standard may be met with condition of approval #9.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.010.F	Sidewalks
			<i>Conclusion</i>	See item 8 above. This standard may be met with condition of approval #9.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.010.G	Lot Dimensions
			<i>Conclusion</i>	48,351 sf, 219 ft x 219 ft (no change)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.010.H	Gross Floor Area/FAR
			<i>Conclusion</i>	Original DR approval: 134,800 FAR 2.8 (allowed to exceed 2.25 due to hotel use) Current proposal: 132,411 FAR 2.74

Design Review Requirements				
EVALUATION STANDARDS: 17.64.010				
Compliant			Standards and Conclusion	
Yes	No	N/A	Standard Number	City Standards and Conclusion
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.010(l)(1) Hotel Uses	Number Of Floors: Hotels may build a fourth floor. If a site meets the criteria for five-story hotel site designation, a fifth floor may be built. Five-story hotels may only be approved via a planned unit development (PUD) as outlined in title 16, chapter 16.08 of this code. However, with the exception of limited architectural elements, hotel projects may not request waivers to the mass and height specifications of subsection L9c of this section, building type 6 hotel.
			<i>Conclusion</i>	The entitled hotel project has met the requirements for a hotel or received waivers through the PUD process. None of the changes proposed affect the existing approvals.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.010(l)(1)a	Five-Story Hotel Site Designation Criteria: A property shall meet all of the following criteria to be designated as a five-story hotel site:
			<i>Conclusion</i>	The entitled hotel project has met the requirements for a hotel or received waivers through the PUD process. None of the changes proposed affect the existing approvals.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.010(l)(2)	Employee Housing: Hotel developments are required to mitigate employee housing impacts at a ratio of twenty five percent (25%) of the total number of employees calculated by the following formula: One employee per hotel room or bedroom. A development agreement or other similar tool shall be utilized to outline employee housing commitments.
			<i>Conclusion</i>	The entitled hotel project has met the requirements for a hotel or received waivers through the PUD process. The Third Amendment to the Development Agreement waives employee housing requirements if a building permit application is submitted by May 31, 2015.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.010(l)(3)	Employee Housing Plan: The applicant shall provide an employee housing plan which outlines the number of employees, income categories and other pertinent data. The employee housing plan shall be the basis of the applicant's proposal for the mix of employee housing which addresses the range of employees needed to serve the hotel.
			<i>Conclusion</i>	The entitled hotel project has met the requirements for a hotel or received waivers through the PUD process. The Third Amendment to the Development Agreement waives employee housing requirements if a building permit application is submitted by May 31, 2015.

Yes	No	N/A	Standard Number	City Standards and Conclusion
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.010(I)(4)	<p>Alternate Means To Satisfy Square Footage: The city council may consider a request by the hotel developer to satisfy any required employee or community housing square footage by alternate means. Off site mitigation, payment of in lieu fees, land in lieu of units, or other considerations may be proposed by the hotel developer. Larger sites are encouraged to include employee and/or community housing on site. The city council has full discretionary power to deny said request.</p> <p>Conclusion <i>The entitled hotel project has met the requirements for a hotel or received waivers through the PUD process. The Third Amendment to the Development Agreement waives employee housing requirements if a building permit application is submitted by May 31, 2015.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.010(I)(5)	<p>Development Agreement: Hotels shall enter into a development agreement with the city as part of the PUD approval process. Said development agreement may address the following subjects: community housing, hotel room uses and restrictions, public access on the property, alternatives and remedies if the hotel use ceases, and any other issue the planning and zoning commission or city council deems appropriate. Said development agreement shall follow the public hearing process as outlined in <u>title 16, chapter 16.08</u> of this code. Said development agreement shall be subject to sections <u>17.154.060</u>, "Enforcement", and <u>17.154.070</u>, "Modification And Termination", of this title.</p> <p>Conclusion <i>The entitled hotel project has a valid Development Agreement with the City.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.010.L. 9. Building Type 6, Hotel a. Applicable Subdistricts: A, B. b. Building Type 6 Site Specifications	<p>A. Main Street or an avenue.</p> <p>B. Sidewalk.</p> <p>C. Setback line: Minimum average setback of 5 feet from the front property line, except in subdistrict A, where no setback is required. Buildings fronting a 60 foot or narrower right of way shall be set back a minimum of 5 feet from the property line. Cantilevered decks and overhangs 8 feet or greater in height above the finish grade below, measured to the underside of the lowest structural element of the deck or eave, may extend to the property line.</p> <p>D. Building zone: 60 to 100 percent of this area shall be occupied by 1 or more buildings.</p> <ol style="list-style-type: none"> 1. The minimum building depth shall be 50 feet as measured from the front and rear property line, except a portion of the building may be built anywhere within 30 feet of the front property line. 2. Portions of this area not occupied by a building shall be occupied by courtyards, landscaping, hotel entryways, a porte-cochere, or other open space. 3. Storefronts, building entrances, and upper floor balconies may be recessed into the facade. <p>E. Pedestrian entrance: The main pedestrian entrance(s) shall be from Main Street or an avenue.</p> <p>F. All ground floor uses that are intended to serve both hotel guests and the general public (such as a restaurant or retail store) shall have a pedestrian entrance directly from the street.</p> <p>G. Multifunctional zone: This area may be occupied by buildings, usable open space, porte-cochere, loading and unloading zone, valet parking service area, and access to parking facilities. Garbage disposal facilities shall be located in the multifunctional zone.</p> <p>H. Vehicle access points: Access to parking and loading and unloading facilities shall be provided by the alley, except where the development is on a whole city block, then vehicle access, including driveways to a porte-cochere, parking facilities, and loading and unloading zones may be from the side property lines.</p> <p>Conclusion <i>The proposed exterior changes to the building do not include setback changes, orientation of the building to the street or parking and loading access. The portions of the site not occupied by building continue to contain hardscape, landscaping and porte cochere. The current proposal has increased the depth of some balconies, serving to provide greater articulation of the facades. Item D, Building zone was granted a waiver through the PUD process.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.010.L.9.c.	A. First floor ceiling height: 12 feet to 20 feet.

Yes	No	N/A	Standard Number	City Standards and Conclusion
			Building Type 6 Mass And Height Specifications	<p>B. Upper floor ceiling heights: 8 feet minimum and up to 80 percent of the height of first floor ceiling.</p> <p>C. Minimum number of floors: 3.</p> <p>D. Maximum number of floors: 4.</p> <ol style="list-style-type: none"> 5 floors may be allowed in locations as designated by city council. On streets and avenues the fourth floor and fifth floor shall be set back from the property line a minimum of 10 feet with an average of 15 feet. The average setback shall be calculated based on the built portion of the fourth and fifth floor facades and shall be calculated for each street or avenue elevation; the calculation of the average setback is not cumulative. In addition to the minimum and average setback requirement from the property line, the fourth and fifth floors shall be set back a minimum of 5 feet from the wall of the third floor. <p>E. Maximum building height:</p> <ol style="list-style-type: none"> Three-story hotel: 48 feet. Four-story hotel: 58 feet. Five-story hotel: 68 feet. All buildings greater than 48 feet shall require final approval from the city council. A stairway/elevator shaft providing access to a roof garden may exceed the maximum height by up to 10 feet, provided it is stepped back at least 20 feet from the front and rear property line. <p>F. If the building is not set back from the sidewalk, then the entrance shall be at the grade of the sidewalk. If the building is set back from the sidewalk, then the entrance may be elevated above the sidewalk grade by up to 4 feet.</p> <p>G. Third floors may be stepped back.</p> <p>H. Building width: 55 feet minimum.</p>
			Conclusion	<p><i>The entitled hotel received waivers for Items B and D.2:</i></p> <p><i>B. The proposed flat roof eliminates the need for a waiver to the ceiling height limit on the 5th floor.</i></p> <p><i>D.2. Waivers to the required 4th and 5th floor setback requirements were granted through the PUD process. The elimination of the clock tower on the 4th and 5th floors resulted in a decrease of about 256 sf per level. That area has been added back in to residential units 9 and 11 on the 5th floor, and the average setbacks on those floors has increased from the original approved design.</i></p> <p><i>E.3. Building height has been reduced to 62.5 feet on Main Street and 65.5 feet on Washington Avenue with replacement of the originally proposed pitched roof with a flat roof.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.010.L.9.d. Building Type 6 Roof Forms	<p>A. Flat roof with parapet or cornice.</p> <p>B. Hip roof.</p> <p>C. Gabled roof.</p> <p>D. Full mansard roof.</p> <p>E. Dormers.</p> <p>F. Shed roof: Only allowed where building step backs occur.</p> <p>G. Appropriate combinations of the above roof forms.</p>
			Conclusion	<p><i>The current proposal replaces the gabled roof with a flat roof with eaves and a low parapet.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.010.L.9.e. Building Type 6 Facade Specifications	<p>A. Building cap: The top of the building shall be defined by a cap, such as a cornice or eaves. The top floor of a four- or five-story hotel shall consist of a sloped roof form with dormer or gable end windows.</p> <p>B. Upper floor facade window fenestration: 30 to 70 percent of each upper floor facade shall be occupied by windows or doors.</p> <p>C. Ground floor facade window fenestration: 60 to 90 percent of each ground floor facade shall be occupied by transparent windows and doors. This specification does not apply to ground floor facades within the multifunctional zone.</p> <p>D. Entry door: At least 1 entry door is required for each business with ground floor street frontage.</p>

Yes	No	N/A	Standard Number	City Standards and Conclusion
			Conclusion	<p>A. The proposed flat roof has eaves and a low parapet and lowers the building height by five (5) feet from the original proposal. At their November 24, 2014 workshop, the Commission indicated to the applicant that they preferred a flat roof over the former pitched roof because it reduced the height of the building and alleviated issues of snow sliding from the roof onto pedestrians. KMC, Section 17.64.010.C allows the Commission to grant waivers to Section 17.64.010.L, provided that:</p> <ol style="list-style-type: none"> 1. The granting of an exception will not be detrimental to the public good. 2. The granting of an exception will not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use. 3. The granting of the exception will not be detrimental or injurious to property or to the general welfare of the city. 4. The exception is to architectural design elements and is not an exception to other development standards such as building height, setbacks, floor area ratio; to any use requirements or restrictions; or to any life safety requirements. <p>B & C. Façade window fenestration has been modified slightly, but not appreciably; with the exception of additional fenestration at the southeast ground floor corner of the building to provide better visual interaction between the street front and the hotel lobby/dining area.</p> <p>D. The hotel and sports shop continue to each be served by entrance doors. This standard may be met with an exception for a flat roof made by the Commission.</p>
☒	☐	☐	17.64.010.L.9.f. Building Type 6 Façade Elements	<p>A. Awnings/marqueses may project 3 feet to 6 feet from the facade. At major pedestrian entrances to the hotel, marqueses may extend between 6 feet and up to 2/3 the distance between the front facade and the curb line of the sidewalk. Supporting posts are permitted at these entrances.</p> <p>B. Porte cocheres may project up to 32 feet from the facade. They are not allowed to project over the public sidewalk.</p> <p>C. Balconies/decks may project 3 feet to 6 feet from the facade.</p> <p>D. Colonnades (supporting either a shed roof or balcony/deck) may project from 5 feet to 6 feet from the facade. Supporting posts shall have a square width or diameter of 6 inches to 12 inches.</p> <p>E Vertical clearance: 8 feet minimum.</p> <p>F. Clearance from inside of post/column to facade: 5 feet minimum.</p> <p>G. Prohibited facade elements include external chimneys, external staircases, window security bars, and security roll up doors are prohibited on facades that front a street, avenue, park, and/or plaza.</p>
			Conclusion	<p>A. The depth requirement for marqueses was waived through the original PUD process.</p> <p>B. The current porte cochere has the same dimensions as the original.</p> <p>C – G. Façade elements have not changed.</p>
☒	☐	☐	17.64.010.L.9.g. Building Type 6 Use Specifications	<p>A. Upper floor with street frontage: Accommodation, retail trade and retail service uses as permitted by subsection D, table 1 of this section. Parking is prohibited.</p> <p>B. Ground floor with street frontage: Active uses shall occur on the street frontage of ground floors within the building zone (refer to site specifications). Active uses include, but are not limited to, lobby space, guest registration, restaurants, bars, business center, workout facilities, conference facilities, office space and retail stores. This specification does not apply to ground floor uses within multifunctional zone (refer to site specifications, subsection L9b of this section).</p> <p>C. Floors without street frontage: Accommodation, retail trade and retail service, and residential uses as permitted by subsection D, table 1 of this section. Structured parking is permitted.</p> <p>D. Basement: Parking, storage, and accessory uses associated with ground floor and upper floor principal building uses are permitted. A minimum of 50 square feet of storage space is required for each community housing unit within a</p>

Yes	No	N/A	Standard Number	City Standards and Conclusion
				<p>building.</p> <p>E. Street frontage.</p> <p>F. Depth for street frontage uses: Minimum 20 feet.</p> <p>G. Private outdoor space: All residential uses shall have a private outdoor space (such as a deck, balcony, or private porch). The area of each private outdoor space shall be at least 50 square feet, with no dimension less than 6 feet.</p> <p>H. Roof gardens (private and public) are allowed.</p> <p>I. Utility meters, garbage disposal areas, surface parking lots, and loading and unloading facilities shall be located to the rear of the building. Utility meters are allowed in the setback zone if they are enclosed within a utility box.</p>
			<i>Conclusion</i>	<i>The current proposed uses have not changed from the original design.</i>

DESIGN REGULATIONS: 17.64.020				
Compliant			Standards and Conclusion	
Yes	No	N/A	Standard Number	City Standards and Conclusion
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.020.E.1. All Building Facades	<p>a. Facades shall be designed with both solid surfaces and window openings to avoid the creation of blank walls and glass curtain walls. Blank walls on all facades that front a park, street, avenue, alley, plaza, or other public spaces are prohibited.</p> <p>b. On all facades, a clear visual distinction between each floor shall be provided.</p> <p>c. Stairways shall have a design that is compatible with overall structure. Stairs shall not have a tacked on appearance or look like their design was an addition or afterthought.</p> <p>d. All sides of the facade shall be designed with similar architectural elements, materials, and colors as the front facade. However, the design of side and rear facades may be simpler, more casual, and more utilitarian in nature.</p> <p>e. If a portion of an existing building is modified, it shall use the same building materials, details, and color applications as the rest of the building. For example, if a portion of a brick facade with wood framed windows and doors is modified, the modified portion of the facade shall use bricks, details, and wood frame windows and doors that are compatible with the other parts of the building.</p> <p>f. Additions to existing buildings shall be designed with a style, materials, colors, and details that are compatible with the existing structure.</p>
			<i>Conclusion</i>	<i>The current proposal continues to utilize both solid surfaces and window openings, avoids blank walls and glass curtain walls, provides a clear visual distinction between floors and utilizes similar architectural elements, materials and colors on all facades. No exterior stairways are proposed on the building. There is no existing building on the site, and no addition is proposed.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.020.F.1. Mixed Use/Hotel Building Facades	<p>a. Front building facades, as well as all facades that front a plaza or pedestrian walkway, shall be designed with:</p> <p>(1) Ground floor storefront windows and doors that utilize clear transparent glass in order to provide clear views of storefront displays from the street and/or to allow natural surveillance of the street and adjacent outdoor spaces. Mirror and tinted glass, including solar bronze and interior film, is prohibited.</p> <p>(2) Upper floor window openings that have a vertical orientation and proportion. Mirror and tinted glass is prohibited on upper floor facades.</p> <p>b. Elements of traditional "main street" storefronts shall be used in the facades of traditional mixed use buildings. These elements include recessed entry door(s), display windows, the kickplate or bulkhead, transom windows, cornice and pediment.</p>
			<i>Conclusion</i>	<i>Storefront windows and doors with clear glass are utilized at the ground floor level. Upper floor windows have a vertical orientation. Traditional "main street" elements</i>

Yes	No	N/A	Standard Number	City Standards and Conclusion
				<i>are used, including transom windows, recessed entry doors and display windows.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.64.020.G.1 Multi-Family Home And Urban Residential Building Facades	None.
			<i>Conclusion</i>	<i>None.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.64.020.H. Historic Buildings	None.
			<i>Conclusion</i>	<i>None.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.020.I. 1. Roofs	<p>a. Roofing forms and materials shall be compatible with the overall style and character of the structure. Reflective materials are prohibited.</p> <p>b. A relatively consistent roof design (including overhangs, pitch, fascia, materials and eaves) shall be provided on all sides of the building.</p> <p>c. All roofs shall be designed with snow clips, gutters, and downspouts to prevent water damage and stains on building facades, and to protect pedestrians and adjoining properties from dripping water and sliding snow.</p> <p>d. Mechanical equipment on roofs shall be screened from public view from all sidewalks, plazas, parks, public spaces, and pedestrian walkways.</p> <p>e. Roof overhangs, such as cornices, and eaves, may extend out from the facade of the building. However, roof overhangs shall not extend over a neighboring parcel or more than three feet (3') over a public sidewalk.</p>
			<i>Conclusion</i>	<p><i>The currently proposed flat roof reinforces the horizontal lines of the facades. It will be equipped with internal drains, resulting in no issues from dripping water or sliding snow. Roof overhangs do not extend over neighboring parcels or project more than three (3) feet over the public sidewalk. The current application shows rooftop mechanical screening provided by a screening structure intended to house elevator overruns and rooftop mechanical units. The original Design Review condition of approval #8 addressed this by requiring that a detailed mechanical screening plan shall be submitted for review by the Design Review Subcommittee prior to building permit approval. Staff recommends that condition be made a part of the current approval.</i></p> <p><i>This standard may be met with condition of approval #8.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.020.J.1. Awnings And Marquees	<p>The following standards apply to projecting awnings and marquees:</p> <p>a. The valance, or front face, of an awning shall not exceed eighteen inches (18") in height.</p> <p>b. Awnings and marquees shall not obscure views into storefront display windows or cover architectural expression lines or details.</p> <p>c. Awnings may have signs (refer to sign ordinance).</p> <p>d. High gloss or plastic materials are prohibited.</p>
			<i>Conclusion</i>	<i>The flat roof above the outdoor dining area at the southeast corner of the building does not obscure views into the lobby/restaurant and contributes to the horizontal design of the facades. No awnings are proposed.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.020.K.1. Balconies	<p>The following standards apply to projecting balconies:</p> <p>a. Balconies may be open or covered with a roof or upper story balcony.</p> <p>b. The distance between roof supporting columns, piers, or posts on balconies shall not exceed their height.</p>
			<i>Conclusion</i>	<i>The design contains many balconies, some covered and some not. All are cantilevered, so no posts are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.64.020.L.1. Colonnades	<p>The following standards apply to projecting colonnades:</p> <p>a. Colonnades may be covered with a roof or a balcony. An enclosed habitable space may occur above the colonnade, as long as it does not occur over the public sidewalk.</p> <p>b. Supporting columns and posts shall be spaced and sized so that they do not block views of storefront windows from the street.</p>
			<i>Conclusion</i>	<i>No colonnades are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.64.020.M.1. Bay Windows	None.

Yes	No	N/A	Standard Number	City Standards and Conclusion
			Conclusion	<i>None.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.64.020.N.1. Front Porches/Stoops	<p>The following standards apply to front porches and stoops:</p> <p>a. Front porches and stoops may be covered with a roof, a balcony, or an enclosed habitable space. However, an enclosed habitable space may not occur within the setback zone.</p> <p>b. Front porches and stoops shall not be enclosed on the ground floor by permanent or temporary walls, windows, window screens, or plastic or fabric materials.</p> <p>c. The raised platform of a front porch (not including stairways) shall be at least fifty (50) square feet in size with no one dimension less than six feet (6') in length.</p> <p>d. The raised platform of a stoop (not including stairways) shall be at least twenty five (25) square feet in size with no dimension less than five feet (5') in length.</p>
			Conclusion	<i>No front porches or stoops are proposed.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.020.O.1. Public Open Space	<p>a. Public open spaces shall be designed to enhance the site and/or building as a place for pedestrians and shall include the following:</p> <ol style="list-style-type: none"> (1) Trash receptacles. (2) A combination of landscaping and paved surfaces. (3) Pedestrian scaled lighting. (4) Amenities or features that encourage people to gather. Such features include (but are not limited to) outdoor seating, spas/hot tubs, pools, barbecue facilities, outdoor fireplaces, public art, fountains, kiosks, planters, and outdoor dining areas. <p>b. Public open spaces shall be usable throughout the year. These spaces shall either be heated for snow removal or maintained to remove snow during the winter months.</p>
			Conclusion	<i>The current proposal offers public open space facing Washington Avenue in the form of a plaza with two (2) flights of stairs down to the sidewalk, a concrete bench, public art and a mix of hardscape and landscaping. In addition, two (2) fire pit areas are proposed to encourage gatherings.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.020.P.1. Service Areas	<p>a. Trash disposal areas and shipping and receiving areas shall be located within parking garages or to the rear of buildings. Trash disposal areas shall not be located within the public right of way and shall be screened from public views from streets, avenues, alleys, pedestrian walkways, sidewalks, plazas, and public spaces. Trash disposal areas with appropriately designed enclosures or screens may be allowed within rear parking lots, but in no case shall the disposal area be allowed along the street frontage.</p> <p>b. Trash disposal areas shall be screened from public views from all sidewalks, streets, plazas, and public spaces. Trash enclosures shall be used to store outdoor garbage containers or dumpsters.</p> <p>c. Garbage containers or dumpsters shall be kept in enclosures at all times, except when being emptied.</p> <p>d. Trash enclosures shall be maintained and the surrounding area kept free of debris.</p> <p>e. The location of trash enclosures shall not interfere with vehicular and pedestrian access and movement.</p> <p>f. The number of trash receptacles per unit shall be provided based on formulas provided by trash disposal companies.</p>
			Conclusion	<i>The service dock remains in the same location as in the original design with room for two (2) service trucks, dumpsters and recycling bins.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.020.Q.1. Mechanical And Electrical Equipment	<p>1. The following shall not be located within the public right of way and shall be screened from public views from streets, pedestrian walkways, sidewalks, plazas, and public spaces:</p> <ol style="list-style-type: none"> a. Electric and water utility meters. b. Power transformers and sectors. c. Heating/ventilation/cooling equipment. d. Irrigation and pool pumps. e. Satellite dishes greater than eighteen inches (18") in diameter. f. Antennas.

Yes	No	N/A	Standard Number	City Standards and Conclusion
				<p>g. Rooftop mechanical equipment. h. Other mechanical equipment. 2. Appropriate methods of screening include fencing, landscaping, roof parapets, and equipment enclosures. The design of screening devices shall be compatible with the main structure and conform to other sections of this code. Noise levels of mechanical equipment shall be minimized. All utility and communication lines serving the site shall be underground.</p>
			<p><i>Conclusion</i></p>	<p><i>The current application shows rooftop mechanical screening provided by a screening structure intended to house elevator overruns and rooftop mechanical units. The original Design Review condition of approval #8 addressed this by requiring that a detailed mechanical screening plan shall be submitted for review by the Design Review Subcommittee prior to building permit approval. Staff recommends that condition be made a part of the current approval. This standard may be met with condition of approval #8.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.64.020.R.1. Landscaping: The regulations and guidelines in this subsection apply to private property, including parking lots. Regulations and guidelines for the landscaping of streets are provided in subsection X, "Streets And Streetscapes", of this section.</p>	<p>a. The following areas shall be landscaped and regularly maintained to be free of weeds, overgrown vegetation, and litter: (1) Unpaved portions of the site visible from public streets, sidewalks, plazas, parks, and other public spaces. (2) Common outdoor areas within any development. (3) Private and public surface parking lots. b. Landscaping treatments shall include a combination of trees, grasses, shrubs, flowering plants, and flowers. c. All landscaped areas shall be irrigated with automatic drip irrigation systems that do not produce overspray on surfaces outside the planting area. d. All new trees planted in the community core district shall be species that are recommended and approved by the city arborist. All new trees shall have a caliper size of three inches (3") measured twelve inches (12") from the ground. If the species is not available in this size, a caliper of two and one-half inches (2 1/2"), measured twelve inches (12") from the ground, will be acceptable. Evergreen trees shall be at least eight feet (8') tall when planted. All trees shall have a minimum height of fourteen feet (14') when fully grown. e. In order to provide adequate pedestrian clearance, trees shall be pruned regularly so that there is at least seven feet (7') of vertical clearance between the lowest branches of the tree and the grade of the adjacent sidewalk or pedestrian walkway. They shall also be pruned to maintain the health, vigor, and natural shape of the tree, and to maintain vehicular clearance and sight lines. f. All trees shall have an adequately sized planting area. The size of the planting area shall be based on the amount of room needed for tree roots. Root barriers shall be used when trees are planted near pedestrian walkways and sidewalks. g. Shrubs shall have a minimum five (5) gallon container size. h. An exception to a development specification or design regulation (such as the built to line specification) is allowed if the exception will protect and preserve an established, healthy, and mature tree on the site. In cases where such a tree is protected and preserved, the exception to the development specification or design regulations shall be granted with verification of the city arborist and shall not require approval by the planning and zoning commission or city council. When proposed underground parking prohibits the preservation of mature and healthy trees, an assessment of alternatives shall be made by the planning department, city engineer, city arborist and the applicant. Such an assessment will include consideration of a parking demand plan. i. When a healthy and mature tree is removed from a site, it shall be replaced with a new tree. Replacement trees may occur on or off site. j. All landscaping shall be maintained in a healthy and attractive state and shall be watered, weeded, generally maintained, and replaced (if necessary) by the property owner/property manager. k. Trees that are placed within a courtyard, plaza, or pedestrian walkway shall be placed within tree wells that are covered by tree grates. l. The city arborist shall approve all parking lot trees. Trees that do not drop heavy</p>

Yes	No	N/A	Standard Number	City Standards and Conclusion
				<p>cones, sap, fruit, and seedlings shall be selected to minimize potential damage to cars in the parking lot.</p> <p>m. All surface parking lots shall be designed with the following landscaping features:</p> <p>(1) The use of porous or pervious surfaces in the parking lot design. These surfaces reduce the volume and rate of storm water runoff and can add to the visual character of the parking lot.</p> <p>(2) Landscaped planters shall be located between public sidewalks and parking lots. Landscaped planters shall be at least five feet (5') wide and shall be planted with a combination of shrubs, trees, and flowering plants. Planter walls shall be limited to a height of twenty four inches (24").</p> <p>(3) Trees may be planted in landscaped planters, tree wells in pedestrian walkways, and/or diamond shaped planter boxes located between parking rows. Diamond shaped planter boxes and tree wells shall be at least five feet (5') square. Tree gates and root guards shall be required for trees planted within pedestrian walkways.</p> <p>(4) Ground cover, low lying shrubs, and trees shall be planted within the planters and planter boxes. Tree grates or landscaping may be used in tree wells located within pedestrian walkways.</p>
			<i>Conclusion</i>	<p><i>The proposed landscaping includes trees with grates or planters and a mix of hardscape and landscaping. Specific species are not called out, and the plans are not entirely consistent. Staff recommends that original Design Review condition of approval #7 shall continue to apply and that the Design Review Subcommittee shall review and approve the final landscape design with the City Arborist.</i></p> <p><i>This standard may be met with condition of approval #7.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.020.S.1. Fences, Walls And Gates	<p>a. The design of fences and walls shall be compatible with the architecture of the building.</p> <p>b. Entrance arbors are allowed on fences/walls.</p> <p>c. Fences and walls shall have an articulated design. Articulation can be created by having regularly spaced posts, changing the height of the fence/wall, and by using different building materials at the base, posts, or the cap of the fence/wall. Flat walls, chain link fences, and barbed wire fences are prohibited.</p> <p>d. The maximum fence and wall height is four feet (4') within thirty feet (30') of the front property line and six feet (6') beyond thirty feet (30') of the front property line.</p>
			<i>Conclusion</i>	<p><i>Fences and walls are proposed to enclose the swimming pool and fire pit areas on the Washington Avenue and River Street side of the project. The applicant has stated that they will meet the height requirements but that a final design for the fence/wall elements has not been completed. As condition of approval #8, prior to building permit approval, detailed fence and wall designs shall be submitted for review and approval by the Design Review Subcommittee.</i></p> <p><i>This standard may be met with condition of approval #8.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.020.T.1. Site Lighting	<p>a. The following areas shall be illuminated at night to ensure the safety of users and to minimize opportunities for crime. Illumination shall conform to the city of Ketchum dark sky ordinance.</p> <p>(1) Intersection of streets.</p> <p>(2) Intersection of alleys and streets.</p> <p>(3) Surface parking lots.</p> <p>(4) Parking structures, including access points, elevators and stairwells.</p> <p>(5) Pedestrian walkways and paths.</p> <p>(6) Plazas.</p> <p>(7) Sidewalks.</p> <p>(8) Automated teller machines (ATMs).</p> <p>(9) All entrances to buildings, including rear and service entrances.</p> <p>(10) Garbage disposal areas.</p> <p>(11) Alleys.</p> <p>(12) Other areas that are routinely used by pedestrians.</p> <p>b. Site, building, and sign lighting shall be located and directed to light the</p>

Yes	No	N/A	Standard Number	City Standards and Conclusion
				intended area of illumination and to prevent off site glare impacts on adjacent buildings or properties.
			<i>Conclusion</i>	<i>The current application does not address exterior lighting. The original Design Review condition of approval #8 addressed this by requiring that a final lighting plan be submitted for review by the Design Review Subcommittee prior to building permit approval. Staff recommends that condition be made a part of the current approval. This standard may be met with condition of approval #8.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.020.U.1. Plazas, Pedestrian Walkways And Courtyards	<p>a. All plazas, pedestrian walkways, and courtyards shall be designed with an ornamental surface that is differentiated from the sidewalk and asphalt streets and parking lots. Appropriate types of ornamental paving include:</p> <ol style="list-style-type: none"> (1) Natural stone. (2) Turf block. (3) Brick. (4) Concrete unit pavers. (5) Concrete with special textures, colors, and patterns. <p>b. At least two (2) sides of a plaza or courtyard shall be defined by building facades with active ground floor uses (such as restaurants, retail stores, cafes, bars, etc.). Edges that are not defined by building facades shall be defined with landscaping features, such as trees, low planters, seating, a pergola with vines, or sculptures.</p> <p>c. All plazas and courtyards shall be designed with pedestrian amenities, such as seating, outdoor dining tables with umbrellas, winter ice rinks, planters, trees, vine covered pergolas, pedestrian scaled lighting, public artwork, outdoor fireplaces, and fountains.</p> <p>d. Plazas shall be illuminated from dusk to dawn. A combination of overhead lighting and lighted bollards shall be used.</p> <p>e. Plazas, pedestrian walkways, and courtyards that are paved shall be kept clear of snow and ice to ensure that the space is usable throughout the year.</p>
			<i>Conclusion</i>	<i>The proposed plaza at the rear of the building contains hardscape and landscaping elements, seating, fire pit areas and public art and is contained on two (2) sides by the hotel building. As noted in item R above, the landscape design is not fully developed. Staff recommends that original Design Review condition of approval #7 shall continue to apply and that the Design Review Subcommittee shall review and approve the final landscape design with the City Arborist. This standard may be met with condition of approval #7.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.64.020.V. 1. Parks	<p>a. Park improvements shall be designed to preserve mature trees, natural topographic features, rock outcroppings, and riparian and floodplain features.</p> <p>b. All parks shall be designed with pedestrian amenities, such as shaded trails and paths, seating areas, picnic tables, barbecue areas, planters, trees, vine covered pergolas, gazebos, drinking fountains, pedestrian scaled lighting, public artwork, and fountains.</p> <p>c. Parks shall be visible from streets, sidewalks, and adjacent uses to facilitate informal surveillance of the park and to increase safety and security. Edge treatments such as landscaping and fencing shall not block public views into the park. Parks shall not be isolated or walled off from the surrounding community.</p> <p>d. Lighting shall be provided for pedestrian paths, parking lots, restrooms, picnic areas, gazebos, and other structures within parks. Lighting shall be located and directed to control off site glare.</p> <p>e. Parks shall be designed with a combination of shaded areas to create cool areas during warm summer months and open space for solar access during the colder months. Canopy trees, trellises, gazebos, and/or other structures shall be provided to shade pedestrian paths, picnic areas, outdoor seating areas, and playgrounds.</p>
			<i>Conclusion</i>	<i>No parks are proposed within the project.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.020.W.1. Bicycle Parking	<p>a.</p> <p>(1) All developments within downtown are required to have bicycle parking. The minimum number of bicycle racks shall be determined by whichever of the following is greater:</p> <p>(A) Two (2) bicycle racks per use or business.</p>

Yes	No	N/A	Standard Number	City Standards and Conclusion
				<p>(B) A number of bicycle racks that equals twenty percent (20%) of the required auto parking.</p> <p>(C) Two (2) bicycle racks per lot.</p> <p>(2) Schools are required to provide a minimum of one bicycle rack per ten (10) students or ten percent (10%) of required auto parking, whichever is greater. Recreation uses are required to provide a minimum of five (5) bicycle racks or ten percent (10%) of required auto parking, whichever is greater.</p> <p>b. A single bicycle rack shall meet the following criteria:</p> <p>(1) Support the bicycle upright by its frame in two (2) places.</p> <p>(2) Prevent the wheel of the bicycle from tipping over.</p> <p>(3) A U-lock should be able to lock the front wheel and the down tube of an upright bicycle or lock the rear wheel and seat tube of the bicycle.</p> <p>c. Two (2) or more single racks may be mounted in a row on a common base or attached in a row to a frame.</p> <p>d. Inverted "U" racks mounted in a row should be placed thirty inches (30") apart (on center) allowing enough room for two (2) bicycles to be secured to each rack and providing easy access to each bicycle.</p> <p>e. The rack should be anchored so that it cannot be stolen with the bikes attached. Racks that are large and heavy enough such that the rack cannot be easily moved or lifted with the bicycles attached do not have to be anchored.</p> <p>f. Bicycle racks may be placed on private property and public sidewalks. In both cases, the racks shall not be placed so that they block the entrance or inhibit pedestrian flow in or out of the building. If placed on a sidewalk or pedestrian walkway, they should be placed so that at least five feet (5') of sidewalk width is maintained.</p> <p>g. Where multiple racks are installed in rows with aisles separating the rows, the following dimensions apply:</p> <p>(1) Minimum aisle width should be forty eight inches (48"). The aisle is measured from tip to tip of bike tires across the space between racks.</p> <p>(2) Minimum depth should be seventy two inches (72") for each row of parked bicycles.</p> <p>(3) Areas with a high turnover rate should have a minimum aisle width of seventy two inches (72") and should have more than one entrance.</p> <p>h. Racks shall be mounted within fifty feet (50') of the entrance it serves, or as close as the nearest car parking space, whichever is closer.</p> <p>i. Racks shall be clearly visible from the entrance it serves.</p>
			<i>Conclusion</i>	<p><i>The current design contains a 680 sf room dedicated to ski and bicycle storage, but does not indicate bicycle rack locations. In the original Design Review approval, it was noted that a total of 23 bicycle racks would be required based on the total parking requirement. However, locations of those racks had not been determined, and, per condition of approval #8, it was required that a final detailed bicycle rack plan shall be reviewed and approved by the Design Review Subcommittee prior to building permit approval. Staff recommends that original condition of approval #8 shall continue to apply.</i></p> <p><i>This standard may be met with condition of approval #8.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.020.X.1. Streets And Streetscapes	<p>a. Streetscape improvements shall be designed in compliance with the city approved cross sections for downtown streets.</p> <p>b. On street parallel parking spaces shall have a dimension of eight feet by twenty feet (8' x 20') (for non-ADA accessible spaces). On street angled parking spaces shall be provided at a forty five (45) to sixty degree (60°) angle. Angled parking spaces shall have a depth of eighteen feet (18') (as measured perpendicular from the curb face), and a width of nine feet (9') (as measured perpendicular to the stripes of the parking stall). A minimum distance of twenty feet (20') is required from the crosswalk or stop sign line to the first parking space.</p> <p>c. The sidewalk radius at street intersections shall be minimized to shorten the length of pedestrian crossings and to prevent vehicles from making turns at high speeds. The city of Ketchum streets department and fire department shall determine the minimum sidewalk radius when designing streetscape</p>

Yes	No	N/A	Standard Number	City Standards and <i>Conclusion</i>
				<p>improvement plans.</p> <p>d. All streetlight fixtures, traffic signals, traffic and directional signs, pedestrian wayfinding signs, parking signs, bicycle racks, parking meters, and fire hydrants shall be located within one to three feet (3') of the curb face.</p> <p>e. All streets shall be designed with streetlights. Streetlights shall be provided along all sidewalks at spacing intervals not to exceed sixty feet (60').</p> <p>f. Streetscape furniture and amenities shall be located to maintain a clear pedestrian path of at least five feet (5') in width.</p> <p>g. If permitted, tables, chairs, and other obstructions used for sidewalk dining shall be located to maintain at least five feet (5') of unobstructed sidewalk width.</p> <p>h. All streetlights, streetscape furniture, and amenities shall be consistent with a city approved list of approved furniture.</p> <p>i. Streetlights shall be scaled to pedestrians and shall be no taller than fourteen feet (14').</p> <p>j. Streetlights shall be equipped with hardware to allow flowerpots and banners to hang from the streetlight. At least seven feet (7') of vertical clearance shall be provided from the sidewalk to the bottom of the flowerpot or banner.</p> <p>k. Community organizations are allowed to hang banners from public streetlights with the approval of a sidewalk use permit. The planning director shall approve all banners that are hung from public streetlights. The Ketchum streets department shall be responsible for hanging all streetlight banners. The city reserves the right to charge a fee for the banners.</p> <p>l. All public sidewalks shall be heated to facilitate the removal of snow.</p> <p>m. All sidewalks shall be constructed of concrete pavers. Special paving features may be allowed on the sidewalks of unique streets within the downtown, such as Fourth Street and First Avenue.</p> <p>n. The project applicant shall be required to pay for new sidewalk, curbs, and gutters within the public right of way adjacent to the project site when the value of construction exceeds twenty thousand dollars (\$20,000.00).</p> <p>o. Root guards shall be installed for each street tree to minimize damage to the sidewalk.</p> <p>p. All street trees shall be irrigated with automatic drip irrigation systems that do not produce overspray on the sidewalk.</p> <p>q. All new trees shall have a caliper size of three inches (3") measured twelve inches (12") from the ground. If the species is not available in this size, a caliper of two and one-half inches (2 1/2"), measured twelve inches (12") from the ground, will be acceptable. Evergreen trees shall be at least eight feet (8') tall when planted. All trees shall have a minimum height of fourteen feet (14') when fully grown.</p> <p>r. In order to provide adequate pedestrian clearance, trees shall be pruned regularly so that there is at least seven feet (7') of vertical clearance between the lowest branches of the tree and the grade of the adjacent sidewalk or pedestrian walkway. They shall also be pruned to maintain the health, vigor, and natural shape of the tree, and to maintain vehicular clearance and sight lines.</p> <p>s. All trees shall have an adequately sized planting area. The size of the planting area shall be based on the amount of room needed for tree roots. Root barriers shall be used when trees are planted near pedestrian walkways and sidewalks.</p> <p>t. All street trees planted in the community core district shall be species that are recommended and approved by the city arborist.</p> <p><i>Conclusion</i></p> <p><i>Twelve (12) on street parallel parking spaces are currently proposed. The proposed street landscaping includes trees with grates. Specific species are not called out, and the plans are not entirely consistent. Staff recommends that original Design Review condition of approval #7 shall continue to apply and that the Design Review Subcommittee shall review and approve the final landscape design with the City Arborist.</i></p> <p><i>This standard may be met with condition of approval #7.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.64.020.Y.1. Signage Plans	a. Exposed support structures for signs, including, but not limited to, posts, poles and sign sides or edges, must be faced or covered with wood, stone or metal

Yes	No	N/A	Standard Number	City Standards and <i>Conclusion</i>
				<p>which is corrosion resistant, painted or anodized, or such other material as may be approved by the city as a reasonable, natural textured substitute.</p> <p>b. All freestanding signs shall have landscaping around the base of the support structure in order to provide a transition from the ground to the sign.</p> <p>c. All materials should prevent reflective glare.</p> <p>d. Simple and easy to read typefaces should be used on signs. Hard to read and overly intricate typefaces should be avoided.</p> <p>e. Signs that have symbols, characters, or graphics are encouraged. The symbol, character, or graphic should relate to the products sold in the business or to the name of the business.</p> <p>f. Signs that show depth and cast shadows are encouraged. Depth and shadows can be created by mounting individually cut letters and symbols on the sign base or carving letters and symbols into the base of the sign.</p> <p>g. Projecting signs are preferred over portable or sandwich board signs. Projecting signs generally are more effective for increasing visibility to both pedestrians and motorists.</p> <p>h. Sign materials and colors should complement the building facade. Basic and simple color applications are encouraged and vibrant colors should be avoided.</p> <p>i. The color of letters and symbols should contrast the base or background color of the sign to maximize readability.</p> <p>j. Signs shall not cover or obscure windows, doors, storefronts, building entrances, eaves, cornices, columns, horizontal expression lines, or other architectural elements or details.</p> <p>k. Signage on buildings with multiple tenants shall be limited to prevent sign clutter. Individual signs for tenants with ground floor storefront entrances are permitted. A directory sign with the names and suite numbers of all tenants without a ground floor storefront entrance may be provided at the lobby entrance for those tenants.</p> <p>l. An address marker shall be provided at the main entrance to all buildings.</p>
			<i>Conclusion</i>	<p><i>The original Design Review condition of approval #8 contained a provision that, prior to building permit approval, a Master Sign Plan, including circulation, shall be submitted for review and approval by the Design Review Subcommittee. Staff recommends that original condition of approval #8 shall continue to apply. This standard may be met with condition of approval #8.</i></p>

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 and zoning code, Title 17.
3. The Commission has authority to hear the applicant's Design Review Modification Application pursuant to Chapter 17.64 and 17.96 of Ketchum Code Title 17.
4. The City of Ketchum Planning Department provided adequate notice for the review of this application.
5. The project meets the standards of approval under Chapter 17.64 and 17.96 of Zoning Code Title 17.

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission **approves** this Design Review Modification application this Monday, February 23, 2015, subject to the following conditions:

1. Ketchum City Engineer, Utilities, Street, Fire and Building Department requirements shall be met through the building permit approval;
2. Design Review approval shall expire according to the requirements set forth in the PUD Development Agreement, Third Amendment dated November 3, 2014 for the project;
3. All Design Review elements as depicted in the Design Review Modification plans dated February 9, 2015, and as required through the conditions of approval shall be completed prior to final inspection/occupancy;
4. This Design Review approval is based on the plans dated February 9, 2015, and information presented and approved at the meeting on the date noted herein. Building Permit plans must conform to the approved Design Review plans unless otherwise approved in writing by the Commission or the Director of the Planning and Building Department or subject to Condition 7 below. Any building or site discrepancies which do not conform to the approved plans or conditions of approval may be subject to removal;
5. This Design Review approval is subject to the Planned Unit Development and Development Agreement approvals for Bald Mountain Lodge, LLC, most recently amended by the Third Amendment to the Bald Mountain Lodge Development Agreement dated November 3, 2014 and recorded as Instrument #623125 with the Blaine County Recorder;
6. Prior to issuance of a building permit the applicant shall receive a right of way encroachment agreement from the City for all right of way encroachments associated with the project;
7. A Design Review Subcommittee consisting of two Commissioners and the Director of the Planning and Building Department shall review and approve certain building and site planning elements including, but not limited to:
 - a) Final composition of all finish materials including, but not limited to, placement of stucco, cor-ten steel and wood siding;
 - b) Final lighting plan - All proposed outdoor lighting, including all balcony, façade and terrace lighting shall be detailed in the building permit plans and shall be dark sky compliant;
 - c) Final bicycle rack plan - Bicycle racks shall meet all requirements of Chapter 17.64 of the Ketchum Zoning Code and shall be installed prior to certificate of occupancy. The final number of required bike racks shall be determined by the Subcommittee. Washington Avenue shall be prioritized with regard to bike rack placement;
 - d) Location and screening of utility meters, transformers, pedestals and traffic light equipment. Plans will need to illustrate how this equipment is screened from public view;
 - e) A detailed plan illustrating how rooftop mechanical equipment will be screened and how rooftop snow retention and drainage will be achieved to ensure protection of

- public pathways, sidewalks and other public areas. Height of mechanical screening shall be limited to minimum necessary to provide adequate screening;
- f) Detailed fence and wall designs shall be submitted for review and approval by the Design Review Subcommittee; and
 - g) Complete Master Sign Plan of the entire building and grounds including circulation;
8. The Design Review Subcommittee and the City Arborist shall review and approve all landscaping within the public Right of Way and within the resort prior to building permit approval. This shall include review and approval of tree grates, guards, species and caliper sizes;
 9. The Design Review Subcommittee and the City Arborist and Public Works Director shall review and approve stamped civil engineered drawings for street and sidewalk improvements, showing grading;
 10. The Commission approves the proposed flat roof design and grants an exception to Ketchum municipal Code (KMC) Section 17.64.010.L.9.e.
 11. The Commission approves the proposed single roof access and grants an exception to KMC Section 17.64.010.L.9.c.
 12. Prior to issuance of a building permit, the applicant shall submit civil engineered on-site drainage plans for review and approval by the Design Review Subcommittee.

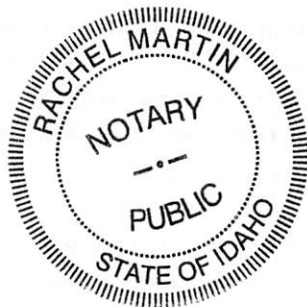
Findings of Fact **adopted** this 2nd day of April, 2015.


 Steve Cook, Vice Chair
 Planning and Zoning Commission

STATE OF IDAHO)
) ss.
 County of Blaine)

On this 2nd day of April, 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared Steve Cook, known or identified to me to be the person whose name is subscribed to the within instrument.

WITNESS my hand and seal the day and year in this certificate first above written.




 Notary Public for Idaho
 Residing at: Blaine County
 Commission Expires: November 5, 2019

Exhibit C
PUD Findings

- June 7, 2010
- May 6, 2015

**FINDINGS AND RECOMMENDATIONS
BALD MOUNTAIN LODGE PLANNED UNIT DEVELOPMENT
KETCHUM CITY COUNCIL PUBLIC HEARINGS OF
APRIL 8, 2010; APRIL 9, 2010; APRIL 19, 2010;
MAY 4, 2010 AND MAY 17, 2010**

GENERAL INFORMATION

PROJECT: Bald Mountain Lodge
FILE NUMBER: 07-015
OWNER: Bald Mountain Lodge LLC, verified with Assessor June 10, 2009
Michael Kerby, Managing Member
Jim Garrison, Project Manager
Architect: Gary Wakatsuki, Callison Architecture
Operator: Tim Estes, Rock Resorts International, LLC
REQUEST: Conditional Use Permit for a Planned Unit Development (PUD)
LOCATION: Amended Lot 1A, Block 20 (151 South Main Street)
ZONING: Community Core (CC)
REVIEWER: Mark Goodman, Associate Planner
Lisa Horowitz, Community and Economic Development Director
Lisa Enourato, Planning Technician
NOTE: Staff comments are in lighter type.

NOTICE:

- All property owners within 600 feet of subject property were mailed by Wednesday, March 17, 2010, a notice of the public hearing to be held on April 8 and 9, 2010;
 - The public hearing notice was advertised in Idaho Mountain Express on Wednesday, March 24, 2010;
 - Two display ads were published over two consecutive weeks prior to the hearing, and
 - The public hearing notice was posted on the subject property on Thursday, April 1, 2010.
-

ATTACHMENTS AT THE APRIL-MAY, 2010 PUBLIC HEARINGS:

Attachment 1 - Department Head and Agency comments
Attachment 2 – Application Submittal (includes PUD application and cover letters)
Attachment 3 – Waiver Request Letter from Applicant
Attachment 4 - Traffic Impact Analysis
Attachment 5 - Comprehensive Plan Analysis
Attachment 6 - Staff Analysis of Gateway Area Mass & Scale Study
Attachment 7 – Downtown MP Analysis
Attachment 8 – Permitted and Conditional Uses in the CC and T Zoning Districts
Attachment 9 – Public Comment

Applicant Submittal dated April 8, 2010 and includes the following (Note that sidewalk design will be updated as part of design review and PUD conditions):

Civil

Topographic Survey dated 12/12/06

Bald Mountain Lodge Large Block Plat dated October 2006

C1 – Preliminary civil plan (will be updated based on final sidewalk design)

C2 – Civil details

Building Plans

- 1) Project Goals
- 2) Aerial View
- 3) Vicinity Map and Area Summary
- 4) Early Site Concept
- 5) Site Plan
- 6) Parking Level P2 – Plan
- 7) Parking Level P1 – Plan
- 8) Ground Level Plan
- 9) Level 2 – Hotel
- 10) Level 3 – Hotel
- 11) Level 4 Plan – Residential
- 12) Level 5 Plan – Residential
- 13) Roof Plan
- 14) Revised Snowmelt Plan
- 15) Signage Plan
- 16) Landscape Plan
- 17) Site Lighting Plan
- 18) Plant Materials
- 19) Site Furnishings
- 20) Shadow Analysis
- 21) Building Sections
- 22) Material Board
- 23) Building Elevations – Main Street
- 24) Building Elevations – River Street
- 25) Building Elevations – Washington Avenue
- 26) Building Elevations – First Street
- 27) Building Elevations with Proposed Exterior Lighting
- 28) Building Elevations with Proposed Exterior Lighting
- 29) Site Aerial
- 30) View of BML from Hwy 75
- 31) Approach from South Main Street
- 32) Main Street Looking North
- 33) Main Street Looking South
- 34) First Street Looking East
- 35) Washington Ave Looking South
- 36) Washington Ave Courtyard
- 37) River Street Looking West
- 38) River and Washington Aerial View
- 39) First and River Aerial
- 40) Materials – Exterior
- 41) Materials – Tower
- 42) Materials – Porte Cochere
- 43) Materials – Arrival/Lobby Interior
- 44) Materials – Balconies
- 45) River and Washington Aerial View

SUPPLEMENTAL MATERIALS TO PUD FINDINGS AND RECOMMENDATIONS:

- a) Area Summary provided at April 8, 2010 Public Hearing (Gross Square Footages and Lock-Off Options)
- b) Traffic Impact Analysis by Galena Engineering, dated April 2008
- c) Height analysis dated 10/27/09

SUMMARY

COMP PLAN LAND USE DESIGNATION:

Current: Community Core
Proposed: No change proposed.

ZONING: Community Core

LOT SIZE: 48,351 sf

PROJECT TOTAL SQUARE FOOTAGE: 231,400 sf (including sub-grade garage)

OVERLAY: None

NOTE: Staff comments are in lighter type.

BACKGROUND

1. PLANNED UNIT DEVELOPMENT BACKGROUND:

The Commission and Council reviewed the seventeen evaluation standards found in the City's Planned Unit Development (PUD) Ordinance, Chapter 16.08.080, Ketchum Subdivision Ordinance. The Planning and Zoning Commission is recommending body to the City Council for PUD's. The PUD Ordinance permits the following:

“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 13 of this Ordinance as the City Council may prescribe to mitigate adverse impact of the proposal, or to further the land use policies of the City, or to ensure that the benefits derived from the project justify a departure from such regulations.”

The PUD Ordinance states that waivers may be granted by the Council on a case-by-case basis. Application for waivers or deferrals must be in writing and submitted as part of the PUD application. The PUD Ordinance requires that:

“Such application for waiver or deferral must state with particularity the matters on which the applicant seeks waiver or deferral and the waiver or deferral would not be detrimental to the public welfare, health and safety nor injurious to property owners in the immediate area.”

Several Waivers have been requested by the applicant and approved by the City Council. See Item 7, Table 5 below for a detailed table of the waiver requests.

2. STANDARDS OF REVIEW:

The Planned Unit Development Ordinance, Chapter 16.08.080 establishes seventeen (17) standards of evaluation. The Planning and Zoning Staff analyzed the BML PUD application dated September 22, 2009, as well as other supplemental documents, in relation to the City’s land use policies and ordinances, the 2001 Comprehensive Plan, 2006 Downtown Master Plan and 2008 Gateway Study (Winter & Associates) in preparing its report for the public hearing conducted April 8-9, 2010, April 19, 2010, May 4, 2010 and May 17, 2010.

In addition to the foregoing, the Council relied upon the applicant’s presentation and, questioning during the public hearings, citizen testimony, and staff comments in concluding deliberations relative the findings and conclusions contained herein.

3. PROCESS:

Timelines established by the PUD Ordinance are as follows:

	<u>Permitted</u>	<u>Actual Date</u>
Application (Dated 9-22-09)		Sep 23, 2009
Application Certified as Complete	30 days	Oct 1, 2009
Application Deficiencies cured	30 days	
Agency/Departmental Review	30 days	Oct 7 – Nov 6, 2009
Commission Review	60 days *	Dec 2-3, 2009
Findings and Recommendations	N/A	Dec 21, 2009
City Council Review	120 days	April 8, 2010

4. CONDITIONS OF APPROVAL:

The PUD Ordinance outlines a list of conditions which may be imposed by the Council to mitigate adverse impact of the proposal, or to further the land use policies of the City, or to ensure that the benefits derived from the project justify a departure from standard regulations. Conditions are not limited to those itemized in the PUD Ordinance. Only the City Council is empowered to grant modifications or waivers from standard zoning and subdivision requirements.

5. BALD MOUNTAIN LODGE PUD OVERVIEW AND SQUARE FOOTAGE BREAKDOWN:

The proposed project is described by the applicant as a four-star hotel. The proposal contains the following “hotel” components: 82 guest suites, 9 Lock-off units, reception and lobby area, full service restaurant and bar, day spa, hotel-related retail space, conference/ballroom facilities, outdoor terrace and swimming pool, activities center and underground parking garage. The proposed conference capacity is 250-275. The conference center, day spa, restaurant and bar will be open to the general public as well as hotel guest. The 4th & 5th floors of the development will house twenty six (26) residential condominium units. Lock-Off units are shown on the 4th floor under Lock-Off Option A which is on record with the City of Ketchum. The following table is a summary of the project’s area square footages by level/floor:

Table 1: Bald Mountain Lodge Square Footage

Square Footage Summary

Lot Size	219 ft x 219 ft	48,351 sf
Parking Level 2(P-2)	Underground parking/ BOH/Hotel Support Services	48,306 sf
Parking Level 1(P-1)	Underground parking/BOH/ Spa/Ballroom	48,306 sf
First Floor	Retail/Lobbies/Spa/Activity Center	28,461 sf
Second Floor	Hotel Guest Rooms	29,711 sf
Third Floor	Hotel Guest Rooms	29,711 sf
Fourth Floor	Lock Off Hotel Rooms (3,538) Residential Condominiums	25,006 sf
Fifth Floor	Residential condominiums Hotel Related Area (731 sf)	22,384 sf
TOTAL BUILDING AREA		231,885 sf
TOTAL SUB GRADE/PARKING AREA		96,612 sf
TOTAL GROSS FLOOR AREA ABOVE GRADE		134,800 sf

Table 2. Detailed Square Footage and Use Breakdown by Level:

P2 (below grade)

USE	SQUARE FOOTAGE
Hotel Related	17,129
Parking (51 stalls)	31,177
Total	48,306

P1 (below grade)

USE	SQUARE FOOTAGE
Spa	3,621
Ballroom	2,420
Pre-function	2,407
Back of House	4,528
Multi-Use	1,388
Conference	609
Bathrooms	636
Courtyard – 2,916 sf	(Not included in total)
Mechanical	773
Total Hotel Use	16,460
Parking(65 stalls)	31,846
Total	48,306

*96,612 square feet below grade square footage (P1 + P2);

Level 1 (ground)

USE	SQUARE FOOTAGE
Retail	2,614
Restaurant	7,006
Café	735
Activity Room	4,726
Spa	1,885
Fitness	819
Lockers	432
Office	217
Great Room	5,660
Bathrooms	611
Loading	2,530
Circulation	1,427
Total	28,461

*Outdoor Level 1 Pool/Deck area: +/- 5,500 sq.ft.

Level 2

USE	SQUARE FOOTAGE
Hotel (41 keys)	29,711
Total	29,711

Level 3

USE	SQUARE FOOTAGE
Hotel (41 keys)	29,711
Total	29,711

*59,000 gross square footage for hotel use (L2 + L3) and 82 total hot beds/keys

Level 4

USE	SQUARE FOOTAGE
Residential (26 units)	23,369
Hotel Uses (support)	1,637
Hotel Uses (Lock-Offs)	3,538
Total	25,006

Level 5

USE	SQUARE FOOTAGE
Residential (8 units)	22,384
Total	22,384

Floor Area Summary:

Existing: None
Proposed: 231,885 (including sub-grade garage)
168,862 (not including sub-grade parking space)

Lot Area: 48,351 sf

Floor Area Ratio:

Permitted: Community Core regulations do not limit FAR's for 4 and 5 story hotels
Proposed: 2.8

6. HOTEL DEFINITION

Ketchum’s hotel “matrix” for Bald Mountain Lodge is shown below:

Table 3: BALD MOUNTAIN LODGE MATRIX/HOTEL DEFINITION

HOTEL CONFIGURATION	BML
Guest Rooms	82
Sq Ft	59422
Dedicated Units –Lock-Out Units	9
Sq Ft	3538
Hotel Key Count	91
BOH/Lobbies/Hotel Related Uses Sq Ft (P1,P2,Level 1, Level 4)	63687
TTL “Hotel” sq ft (per definition)	126,647
Permitted “Non-Hotel” sq ft (25%)	42,215.5
Proposed Residential Units (4th & 5th Floors minus lock-off units)	26
Sq Ft	42,215
TTL Bldg Sq Ft (includes sub-grade hotel-uses)	168,862
Pct of Building Area defined as “Hotel”	75 %
Residential sq ft over allowable per definition	0

Table 4: HOTEL DEFINITION

COMPONENT	PZ 4/23/09	PZ 7/13/09	PZ 12/2-3/09	CC 5/17/10
Total Gross Floor Area			168,539	168,862
Hotel Floor Area	122,031	126,931	125,389	126,647
% of Building Floor Area	71%	73.5%	74.4%	75%
Residential Floor Area	50,005	45,608	43,890	42,215
% of Building Floor Area	29%	26.5%	25.6%	25%

**Revised Hotel Numbers based on Attachment A – Revised Area Summary.*

Supplemental Analysis: Applicant agreed at the December 3, 2009 Planning and Zoning Public Hearing that the project would comply with Ketchum’s “hotel” definition by adjusting/increasing the final lock-off unit configuration. Note that included in the above “hotel” definition calculation is a hotel-support area on the 4th floor. Such an allowance is

permitted provided non-hotel (residential units) square footage is dedicated/included within the nightly rental pool of units as allowed within Ketchum’s Hotel Definition. The applicant has committed to dedicated 3538 square feet on the fourth floor as hotel lock off units. This equates to 9 hotel units.

7. WAIVER REQUESTS WITH FINDINGS:

Modifications or waivers from certain standard zoning and subdivision requirements are permitted within the PUD process. The following table sets forth the applicant’s request and the corresponding findings by the Council.

Table 5: Waiver Requests, Bald Mountain Lodge

Code Section Zoning Ord.	Requirement	Waiver	Finding
Subdivision Ordinance: 16.08.080(A)(1)	Minimum lot size of three acres	Lot is 0.92 acres	Waiver specifically permitted for hotels - Approved
Conditional Use Permits: 17.116.080	12 month Term of CUP Approval	4 year term of CUP approval with incentives for accelerated schedule	The size and inherent complexity of the project warrants such a timeline. In addition, this is similar to timelines established for similar projects. - Approved
Community Core: 17.64.010.L: Use Specifications	G. Private outdoor space: All residential uses shall have a private outdoor space (such as a deck, balcony, or private porch). The area of each private outdoor space shall be at least 50 square feet, with no dimension less than 6 feet.	On 4 th and 5 th floor residential units, decks have dimensions less than 6 ft	Residential units have substantial outdoor spaces and waiver will not diminish their use of appearance - Approved
Community Core: 17.64.010.L: Site Specifications	D. Building zone: 60 to 100 percent of this area shall be occupied by 1 or more buildings. 1. The minimum building depth shall be 50 feet as measured from the front and rear property line, except a portion of the building may be built anywhere within 30 feet of the front property line.	Rear Building Zone along Washington Avenue – 36% of this zone is building; 60% is required *not including outdoor terrace area as building	This portion of the site is adjacent to the Forest Service park and less building mass is appropriate. In addition, the Gateway Mass and Scale Study recommend receding this corner in order to maximize views of Bald Mountain. - Approved

<p>Community Core: 17.64.010.L: Mass and Height Specifications</p>	<p>D.2. On streets and avenues the fourth floor and fifth floor shall be set back from the property line a minimum of 10 feet with an average of 15 feet. The average setback shall be calculated based on the built portion of the fourth and fifth floor facades and shall be calculated for each street or avenue elevation; the calculation of the average setback is not cumulative. In addition to the minimum and average setback requirement from the property line, the fourth and fifth floors shall be set back a minimum of 5 feet from the wall of the third floor.</p>	<p>4th and 5th floors do not meet 10 ft minimum setback on each street elevation. Average setback of 15 ft not met on 1st Street on 4th and 5th floors.</p>	<p>Overall massing of building and large setbacks along Main Street, River Street and Washington Ave reduce overall impacts of 4th and 5th floors. Said waiver will have minimal impacts on overall mass of 4th and 5th floors. In addition, the project has received design review approval from the Planning and Zoning Commission. - Approved</p>
<p>Community Core: 17.64.010.L: Façade Elements</p>	<p>A. Awnings/marquees may project 3 feet to 6 feet from the facade. At major pedestrian entrances to the hotel, marquees may extend between 6 feet and up to $\frac{2}{3}$ the distance between the front facade and the curb line of the sidewalk. Supporting posts are permitted at these entrances.</p>	<p>Marquees extend 7.5 to 12 feet from all four building facades at multiple locations. Only main entrances to the hotel may extend beyond 6 feet.</p>	<p>Larger marquees are appropriate for a large hotel building. - Approved</p>
<p>Community Core: 17.64.010.L: Mass and Height Specifications</p>	<p>B. Upper floor ceiling heights: 8 feet minimum and up to 80 percent of the height of first floor ceiling.</p>	<p>5th floor ceiling height exceeds 80% of the height of the first floor ceiling height</p>	<p>Required sloped roof design warrants larger ceiling height on 5th floor. - Approved</p>
<p>Community Core: 17.64.010.L: Hotels – Employee Housing</p>	<p>3-5. Applicant is required to provide housing for 25% of the total number of employees calculated per hotel room or bedroom.</p>	<p>Full waiver of requirement/Partial Waiver of requirement. See condition #3 of the conditions of approval for complete waiver and timeline incentives</p>	<p>Project incentivized to begin construction with two years. - Approved</p>

ZONING CODE REQUIREMENTS

17.64 COMMUNITY CORE ZONING DISTRICT

PROPOSED BUILDING OFFSETS: See site plans and floor plans

REQUIRED SETBACKS:

On streets and avenues the fourth floor and fifth floor shall be set back from the property line a minimum of 10 feet with an average of 15 feet. In addition to the minimum and average setback requirement from the property line, the fourth and fifth floors shall be set back a minimum of 5 feet from the wall of the third floor: A waiver to this standard has been approved. Please see Table 5: Waiver Requests, Bald Mountain Lodge for more details on this waiver request and the fourth and fifth floor setbacks. In addition, more details on the 4th and 5th floor setbacks are provided in the design review findings of fact dated March 22, 2010. No other setbacks are required for this project.

BUILDING HEIGHT:

Proposed: 68 ft (see updated height analysis plan)

Permitted: 68 ft

Additional Analysis: The height shall be measure from the average elevation of Main Street and average elevation of Washington Avenue. The applicant indicated that the height limit will be met. The average elevations have been set at:

Main St Average Elevation:	5832.7
Washington Ave Average Elevation	5929

CURB CUT:

Main Street: 16 ft

First Street: 22 ft

River Street: 22 ft

PARKING SPACES:

Proposed: 125 spaces (with on street Credit)

Required: 114 spaces

Required parking spaces are pursuant to 17.64.010.E. See table below:

Table 6: Required Parking, Hotel Ketchum

Parking Requirements:

Commercial Space: 13,120 sf	2 per 1,000 sq. ft. = 26 spaces
Residential: 35,100 sf	1 per 1,500 sq. ft. = 23 spaces
Hotel: 87 units	.75 per Room = 65 spaces

Total Spaces Required: 114 spaces

Proposed:

Garage: 116 spaces **On Street Credit:** 9 spaces

Total Spaces Proposed: 125 spaces

Surface Parking:

Existing: 32 **Proposed:** estimated on-street parking loss of 16 (±10)

* Note: Sidewalk plan and surface parking configuration TBD with City Engineer, planning staff and final City Council approval (see condition #7). A net loss of surface parking spaces is anticipated. Project is credited with additional 9 surface parking spaces for determining parking compliance. Applicant does not need the on-street parking credit to comply with the ordinance.

17.64.010.I Hotel Uses

I. Hotel Uses:

1. Transfer Of Development Rights: Hotels may build a fourth floor anywhere in designated receiving areas, as may be adopted by the city council, without purchase of transfer of development rights. If a site meets the criteria for five-story hotel site designation, the fifth floor may be built without the purchase of transfer of development rights. Five-story hotels may only be approved via a planned unit development (PUD) as outlined in chapter 16.08 of this code. However, with the exception of limited architectural elements, hotel projects may not request waivers to the height and bulk requirements of subsection L1f of this section, building type 6 hotel.

Finding/Conclusion: The proposed hotel is five stories in height and within Sub-District A of the Community Core Zoning District. The site meets the criteria for a Five-Story Hotel Site Designation. The applicant applied for CUP PUD and received Design Review approval. No exceptions to the current height limit for a five story hotel are proposed.

a. Five-Story Hotel Site Designation Criteria: A property shall meet all of the following criteria to be designated as a five-story hotel site:

Commission Recommendation:

(1) Is located in Subdistrict A, retail core. Yes

(2) Is highly visible to visitors. Yes

(3) Is convenient to walk to retail center. Yes

(4) Is near the center town plaza, Main Street and Sun Valley Road. Yes

(5) Contributes to the retail vibrancy. Yes

(6) Is not located on Main Street between First Street and Sixth Street. Yes

(7) Has a minimum lot area of thirty three thousand (33,000) square feet. Yes

(8) Respects the general parameters of any massing studies which may be applicable in the area. Yes – See Massing Study Analysis

2. Designated Sending Areas Restricted: Without exception, hotels cannot build fourth or fifth floors in designated sending areas, as may be adopted by the city council.

Finding/Conclusion: The proposed hotel project and property is not a designated sending area.

3. Employee Housing: Hotel developments are required to mitigate employee housing impacts at a ratio of twenty five percent (25%) of the total number of employees calculated by the following formula: One employee per hotel room or bedroom. A development agreement or other similar tool shall be utilized to outline employee housing commitments.

Finding/Conclusion: The applicant did not submit an Employee Housing Plan. For the hotel rooms proposed including dedicated lock-off units, a minimum 23 employees must be housed. A development agreement is being drafted. The Council has approved a waiver to this requirement structured through a construction timeline. This is outlined in detail under condition #3 of these findings. The applicant will be required to meet the entirety of this requirement if the construction timelines outlined in condition #3 are not met.

4. Employee Housing Plan: The applicant shall provide an employee housing plan which outlines the number of employees, income categories and other pertinent data. The employee housing plan shall be the basis of the applicant's proposal for the mix of employee housing which addresses the range of employees needed to serve the hotel.

Finding/Conclusion: No detailed employee housing plan was submitted. The Council has approved a waiver to this requirement structured through a construction timeline. This is outlined in detail under condition #3 of these findings. The applicant will be required to meet

the entirety of this requirement if the construction timelines outlined in condition #3 are not met. Included with the original staff report was a letter from the BCHA (Attachment 1: Department and Agency Comments) suggesting developing a timeline for submittal of a plan. The Commission recommended that the Council reference the action taken relative to the Hotel Ketchum. The following information was included in the workforce housing analysis for Hotel Ketchum:

Table 7: City of Ketchum Workforce Housing Requirements

Proposal	# of Rentable Rooms in the Hotel	Employees (= # of Rentable Rooms)	# of Employees to be housed on site	% of Employees Housed on site	# of Employees per Unit	Livable Square Feet for WF Housing	Type of Rooms	Square Feet of Each Room	Total Employees
hot beds									
cold beds									
Total Sq. Ft:									

Additionally, the following elements should be considered in developing a workforce housing plan:

1. Provide salary/hourly wages (2009 dollars) for the various income categories of employees.
2. The expected number of each level of employee that is intended to be served by the employee housing units.
3. Location of units to be within Ketchum City limits.
4. Provide a matrix on breakdowns of the different types of units and occupancy programs for those units.

5. Alternate Means To Satisfy Square Footage: The city council may consider a request by the hotel developer to satisfy any required employee or community housing square footage by alternate means. Off site mitigation, payment of in lieu fees, land in lieu of units, or other considerations may be proposed by the hotel developer. Larger sites are encouraged to include employee and/or community housing on site. The city council has full discretionary power to deny said request.

Finding/Conclusion: No employee housing plan was submitted. The applicant and Commission discussed this requirement at the public hearing. The Commission recommended that this requirement be met. The Council has approved a waiver to this requirement structured through a construction timeline. This is outlined in detail under condition #3 of these findings. Under Timeline A the applicant will receive a full waiver of the employee housing requirement. Under Timeline B the applicant will receive a partial waiver of the employee housing requirement, with the remainder satisfied via real estate transfer means of other means

approved by the Council. Under Timeline C the applicant will be required to provide for the full employee housing requirement.

6. Development Agreement: Hotels shall enter into a development agreement with the city as part of the PUD approval process. Said development agreement may address the following subjects: community housing, hotel room uses and restrictions, public access on the property, alternatives and remedies if the hotel use ceases, and any other issue the planning and zoning commission or city council deems appropriate. Said development agreement shall follow the public hearing process as outlined in chapter 16.08 of this code. Said development agreement shall be subject to sections 17.154.060, "Enforcement", and 17.154.070, "Modification And Termination", of this title.

Finding/Conclusion: Adoption and approval of a development agreement shall take place prior to building permit approval. Staff is currently drafting this document based on the PUD findings of fact. The agreement will be available for City Council Review and approval.

PUD EVALUATION STANDARDS

16.08.080(A) STANDARDS:

1. Minimum lot size of three 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 said waiver or deferral only for projects which:

- a. Include a minimum of thirty (30) percent of community or employee housing, as defined in Section 16.08.030;
- 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; and,
- c. Are on parcels that are no less than one and one-half acres (sixty-five thousand three hundred forty [65,340] square feet). 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 thereof; or,
- d. For a hotel which meets the definition of hotel in Chapter 17.08, Definitions, and conforms to all other requirements of Chapter 17.64, Community Core District. Modifications or waivers from the provision of Chapter 17.64 may be granted for hotel uses only as outlined in Chapter 17.64.010(H)(c).

Finding:

Waiver to three acre minimum lot size is requested.

The subject property is 1.12 acres. The proposed development is a hotel which meets the definition of hotel in Chapter 17.08 (shall meet the definition of a hotel by condition). This standard states that a waiver of the minimum lot size may be granted for hotels.

Conclusion: The applicant has requested a waiver of this requirement. The Commission recommended approval of this waiver because of the proposed hotel use. The City Council has considered this standard and found that it has been met.

2. That the proposed project will not be detrimental to the present and permitted uses of surrounding areas.

Finding:

The present/permitted uses of the surrounding area include:

- The Kentwood Lodge hotel across Main Street to the East.
- The US Bank Building (formerly First Bank of Idaho) directly to the north.
- The City owned Forest Service Park directly to the west.
- A mix of residential and commercial properties directly to the south.
- Approved 4-Star Hotel Ketchum (Trail Creek Village)

The subject property is zoned Community Core and surrounding zoning includes Tourist (T), Community Core (CC) and Flood Plain Overlay District. The property is presently vacant and previously housed Bald Mountain Hot Springs Resort. See Attachment 9 from the Planning and Zoning Commission PUD Staff Report for the complete list of permitted and conditional uses allowed in the CC and surrounding districts. Also see the Table 8 below for a list of surrounding densities.

Table 8: Approximate Surrounding Area Floor Area Ratios:

Density Allowed	Tourist (T)	Community Core (CC)
Density allowed per zoning district	0.5 FAR per lot (approx. 21 units per 1 acre site)	1.0 FAR; 2.25 FAR w/CH
Current Density of surrounding area		Kentwood Lodge: 1.14 FAR US Bank Building: 1.7 Hotel Ketchum: 2.4

The proposed project is at a floor area ratio (FAR) of 2.8. The most similar building in downtown Ketchum having an FAR of over 2.0 is the new Lot 5A building at the corner of Leadville Avenue and Sun Valley Road, with a FAR of 2.21. In addition, the approved Hotel Ketchum at the corner of Main Street and River Street will have an FAR of 2.4. This building is located in the Tourist (T) Zoning District and received a waiver to build to this density. The proposed hotel is not subject to a FAR requirement and the Downtown Master Plan adopted in 2006 anticipated greater FAR's for hotel uses.

Other aspects of the project that could impact the surrounding neighborhood:

The height, bulk, and uses are evaluated in other standards throughout this report. The use of lighting has been evaluated during the design review of this project. The applicant has submitted exterior lighting plans that appear to conform to the Dark Sky Ordinance.

Construction mitigation will conform to the City of Ketchum's Construction Mitigation Ordinance and will be extremely important. A formal plan will be developed through the building permit process.

Conclusion: The City Council has considered this standard and found that it has been met. The proposed development will not be detrimental to the current and permitted uses in the area. The proposed hotel is a permitted use within the CC zoning district and comparable in bulk and mass with the previously approved Hotel Ketchum on the southeast corner of Main and River Streets, although the proposed hotel is substantially larger.

____ 3. **That the proposed project will have a beneficial effect not normally achieved by standard subdivision development.**

Finding:

This standard is not applicable because the proposed development is not a subdivision. However, potential benefits include economic development, significant contribution toward the undergrounding of overhead power lines along the Main Street corridor at this gateway area, and an increase in the overall number "hotbeds" in the City. For additional discussion of benefits, see standard #14 below.

Conclusion: The City Council considered this standard and found that it does not apply. No land subdivision is proposed. See #14 below for a more detailed list of benefits.

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

Finding:

This standard is subjective and should include evaluation of uses, densities, bulk, architectural design, materials, landscaping, building and parking layout. Uses in the surrounding neighborhood include a hotel and commercial uses, as well as residential. The hotel, restaurant, spa, other commercial uses are permitted under the Community Core (CC) Zoning District and Tourist (T) Zoning District.

Bulk: Bulk is defined in the Ketchum Zoning Code as follows:

3.13 Bulk - "Bulk" is the term used to decide the size and mutual relationships of buildings and other structures, and therefore includes:

- (1) The size of buildings and other structures;
- (2) The shape of buildings and other structures;
- (3) The location of exterior walls of buildings and other structures, in relation to area of a lot, to the centerline of streets, to other walls of the same building, and to other buildings or structures; and,
- (4) All open spaces relating to a building or a structure.

The following table shows projects located adjacent to or within the general vicinity of from the proposed hotel. Building footprint, setback from street, and building height are noted for each one.

Table 9: Chart of Setbacks of Surrounding Projects

PROJECT	FOOTPRINT SIZE (sq. ft.)	SETBACK FROM STREET	NUMBER OF STORIES
Kentwood Lodge	21,780	1 ft	3
Trail Creek Crossings	16,086	100' from Main; 75' from Leadville	2
Sotheby's	770	7 ft	1 + daylight
US Bank Building	?	4 ft	3
Forest Service Park	>1000 sq ft	varies	1
Hotel Ketchum	Approx 20,000 sf	HW 75 – 11 ft Leadville Ave – 0 ft River St (3 ft)	4-5 stories

*Note: Figures shown are approximate.

The most sensitive adjacent property is the Forest Service Park to the west. This historic site has been retained in condition close to the original in terms of scale and building placement. The park houses the Historical Society Museum, and is used for a variety of special events. The applicant has provided computer simulated renderings showing the proposal and surrounding buildings from various points as well as aerial viewpoints. The elevation drawings submitted indicate that the architectural design and materials contain detailing found in surrounding buildings such as stone, heavy timber and wood siding. All parking is underground and therefore hidden from view. The building is set back for a significant portion of the façade on the west side adjacent to the Forest Service Park. This setback will provide a buffer for the park from the scale and bulk of the proposed hotel.

The waiver request to the required 4th and 5th floor setbacks pertains to this standard. This waiver was approved with a 4-1 vote by the Commission and unanimous approval by the City Council.

Conclusion: The City Council has considered this standard and found that it has been met. The surrounding area consists of a mix of commercial uses including a hotel across Main Street. Although the proposed Hotel Ketchum will provide comparable size and scale, the project will be substantially larger than other buildings in the area, but perceived impacts resulting from height and bulk have been limited through the required design review. The proposed design is sensitive to the adjacent Forest Service Park, and incorporating a connection along Washington Street which includes a new streetscape design, angled parking, redefined park entrance would further enhance this heritage site. The Commission approved the 4th and 5th setback waiver with a 4-1 vote and the City Council unanimously approved the 4th and 5th floor setback waiver (see waiver chart on page 10).

N/A 5. **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 (30) percent of community or employee housing, as defined in Section 16.08.030; 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.**

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 thereof.

Finding/Conclusion:

The City Council has considered this standard and found that it does not apply. No densities are being transferred. The proposed density is permitted in the CC Zoning District.

6. **That the proposed vehicular and non-motorized transportation system:**
a. **Is adequate to carry anticipated traffic consistent with existing and future development of surrounding properties;**

Finding:

A final traffic study for this specific project was submitted for City Review (Final Transportation Impact Assessment dated January 2010). The City Engineer did not have any issues or comments pertaining to this final traffic study. A Preliminary Transportation Impact Assessment for the project which was completed by Galena Engineering, Inc. (March 2009). At the request of the City LSC Transportation Consultants, Inc. completed a Traffic Review of the Transportation Impact Assessment on April 13, 2009. In addition, Hales Engineering completed a Transportation Planning Study of Main Street for the City and also presented a review of the BML Transportation Impact Assessment at the April 19, 2010 City Council Hearing. Comments from Hales Engineering are included with the project record and are dated April 14, 2010. Ryan Hales of Hales Engineering also presented at the April 19, 2010 public hearing and presented several traffic simulations pertaining to turning movements associated with the project. The Council had expressed concern that the left turn movements from Main Street onto 1st Street would create delays in high traffic periods. Ryan Hales simulations showed that with the appropriate mitigations as outlined in his memo, the traffic flow in and around the project would be acceptable. LSC Transportation, Hales Engineering and the City Engineer found that the proposed transportation plan and mitigation measure proposed were suitable for the project.

The project is located in the Downtown Core and no new roadways are proposed.

The Transportation Impact Assessment (Galena Engineering, March 2009) proposed the following scenario for traffic generation:

Resort Hotel	82 Rooms
Luxury Condos	26 Units
Quality Restaurant	7040 Square Feet
Apparel Store	2733 Square Feet
Spa/Fitness	7697 Square Feet

Additional assumptions for the traffic generation include the following:

- Average occupancy rate is assumed to be 60 percent.
- Reducing the Quality Restaurant trip generation rate by 66 percent, assuming that 66 percent of the restaurant patrons during the peak period are guests of the hotel.

- Reducing the apparel store a.m. peak hour generation rate to 0 since these shops will not be open during the a.m. peak hour.
- Reducing the apparel store p.m. peak hour generation rate by 50 percent, assuming that 50 percent of the retail shop patrons are guests of the hotel.
- Reducing the health/fitness club trip generation rate by 66 percent, assuming that 66 percent of the spa patrons during the peak period are guests of the hotel.

With the reductions the estimated traffic generated is as follows:

Average Weekday Trips	885 trips per day
Weekday A.M. Peak Hour:	
Total	37 trips
In	19 trips
Out	18 trips
Weekday P.M. Peak Hour:	
Total	72 trips
In	39 trips
Out	33 trips

LSC Transportation Consultants' comments on the Transportation Impact Assessment were as follows:

- The traffic assessment prepared by Galena Engineering is intended to be a preliminary look at the traffic issues associated with the proposed Bald Mountain Lodge development. The Galena Engineering study is not intended to be a complete traffic impact analysis. A complete traffic impact analysis should be completed as development of this project moves forward.
- The trip generation estimates should be reevaluated assuming 100 percent occupancy for the hotel land use.
- The trip assignment process should reflect movements between the porte-cochere area and the parking structure access (both by valets and self parkers).

The Main Street Transportation Study (Hales Engineering) included modeling of the estimated Bald Mountain traffic. Main Street is able to handle the increased traffic and with the proposed mitigation measures:

- Main Street from River Street to 6th Street: Initially switch to a 3 lane section with a center turn lane. As traffic increases change to a future 5 lane section with a center turn lane. Sequence the traffic lights to move traffic through town more efficiently.
- Main Street from River Street to Serenade: Add another outbound lane on Main Street for a total of one inbound lane and two outbound lanes.
- Add a T intersection or Roundabout at Main Street and Serenade Lane.

- Reroute Warms Springs Road to 10th Street with a signal.
- Future left-turn pockets on 5th and 1st Streets.

Conclusion: The City Council considered this standard and found that it has been met. The City Engineer requested that a final traffic impact analysis be completed prior to completion of a development agreement. The applicant has provided this document and it has been reviewed by the City Engineer and Hales Engineering. The circulation scheme proposed for the hotel is found to be acceptable. The proposed mitigation measures shall be outlined and incorporated into the development agreement. This should include measures for pedestrian safety at entry/exit points from the service area, porte-cochere and underground garage. See Condition #10 which addresses this standard. In addition, the Commission recommended against implementation of a 5 lane street section for Main Street.

b. Will not generate vehicular traffic to cause "undue congestion" of the public street network within or outside the PUD;

Finding/Conclusion:

See Section a. The City Council considered this standard and found that it has been met.

c. Is designed to provide automotive and pedestrian safety and convenience;

Finding:

The development has access to the hotel off of 1st Street and exits onto 1st Street and Main Street. The access to the underground parking is off of River Street. There is a delivery access on 1st Street at the alley.

LSC Transportation Consultants' comments on the ingress and egress from the site are as follows:

- The exit-only access point from the porte-cochere onto Main Street should be allowed, as it is not an undue traffic safety concern and it helps to reduce overall traffic congestion generated by the proposed project.
- Traffic queuing at the Main Street exit-only access point would only occur on site property and during peak hours. Queuing would not be an issue because the traffic signal at First Street provides adequate gaps in Main Street Traffic.
- Proper signage at the Main Street exit-only access point will be required both to direct traffic around to the First Street access point and to inform drivers that inbound traffic is prohibited at the Main Street access point.
- Clear line of sight should be provided for drivers exiting onto Main Street from the porte-cochere looking to the north. This may require reduction in on-street parking along the west side of Main Street north of this access point from what would otherwise be allowed.
- The close proximity of the First Street access point to the Main Street/First Street intersection would cause the eastbound traffic queue to block access to the driveway to left-turning vehicles a few times per hour. These left-turning vehicles would then block the westbound travel lane along First Street. Simulation analysis indicates that this would not create congestion at the First

Street/Main Street intersections except under very rare conditions during a limited number of peak hours.

The following is listed as a condition of approval regarding final sidewalk designs for the project. The final design of the Washington Avenue sidewalks will require City Council approval prior to building permit approval (see condition #7).

- Limit impacts of delivery vehicles (see condition #6)

River Street Frontage

- Bulb-out at River and Main St: 18 ft including curb and gutter
- Sidewalk 10 ft not including curb/gutter with angled parking along length of River Street
- Bulb-out with exit/entrance at intersection adjacent to Washington Ave: 18 ft including curb/gutter

Main Street Frontage (Based on two 12 ft southbound travel lanes)

- At 1st St: 16 ft bulb-out including curb and gutter
- Bus pull out 8 ft wide including curb and gutter leaving 8 ft wide sidewalk (subject to Mountain Rides requirements)
- Bulb-out at mid-block: 16 ft including curb/gutter
- 16 ft sidewalk/bulb-out from porte-cochere exit to River St

First Street Frontage

- 10 ft minimum sidewalk
- Parking from loading dock to Washington Ave (2 spaces)
- No bulb-outs permitted

Washington Ave Frontage*

- Two 9.5 ft travel lanes
- Maintain existing angled parking along Forest service Park
- BML portion of sidewalk - Minimum 10 ft sidewalks with portions of sidewalk 18 ft in width
- Barriers needed between parking and sidewalks (planters, bollards...etc)
- Recommend stamped and colored asphalt or pavers
- Recommend curb-less sidewalks allowing for flexibility (events, festivals, vending, etc...)

Conclusion: The City Council considered this standard and found that it has been met with the condition that the development complies with the recommendations of the City Engineer/Hales Engineering and that the City Council approves the final design of the Washington Ave right of way improvements.

d. Is designed to provide adequate removal, storage and deposition of snow;

Finding: The Developer is proposing to heat melt the sidewalks. The commission discussed implementing a ground source heat pump system for the snowmelt areas if

possible. This could be accomplished under the garage or adjacent streets. The Council also discussed snowmelt and the possibility of utilizing ground source heat pumps. This was left to the applicant to determine if such a system would be feasible.

Conclusion: The City Council considered this standard and found that it has been met.

e. 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.

Finding/Conclusion:

The City Council considered this standard and found that it has been met.. See Section c.

f. Includes the use of buffers or other physical separations to buffer vehicular movement from adjacent uses;

Finding/Conclusion:

The project is located in downtown Ketchum and is similar to other surrounding uses on Main Street (Kentwood Hotel). The most sensitive adjacent use is the Forest Service Park to the west. The project is proposing street trees to soften the streetscape around the hotel. The building is set back on a large portion of the west side, holding building walls back from the Forest Service Park. The City Council considered this standard and found that it has been met.

g. Is designed so that roads are placed so that disturbance of natural features and existing vegetation is minimized;

Finding/Conclusion:

No additional roads are being proposed at this time. The City Council considered this standard and found that it does not apply.

h. Includes trails and sidewalks that creates an internal circulation system and connect to surrounding trails and walkways.

Commission Finding/Conclusion:

The project is proposing to have a connection to the Forest Service Park to the west of the site. A public plaza space adjacent to the restaurant will be open to the public and this area will provide public access to the hotel sub-grade conference area. The City Council considered this standard and found that it has been met.

7. That 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.

Finding:

Comprehensive Plan

Please refer to Attachment 8 of the Planning and Zoning Commission PUD Staff Report for the Comprehensive Plan analysis, including the specific sub-area analysis.

Downtown Master Plan

An analysis of the Downtown Master Plan was provided under Attachment 7 of the Planning and Zoning Commission PUD Staff Report. This highlights applicable goals and policies established in this document. In addition, an analysis of the Gateway Massing Study was provided under Attachment 6 of the Planning and Zoning Commission PUD Staff Report.

Zoning Ordinance:

The proposed development will meet the standards of the zoning ordinance with the exception of the waivers that are granted by the City through the PUD process.

Subdivision Ordinance:

No subdivision of land is proposed at this time. The proposed development is not subject to other standards of the Subdivision Ordinance.

Conclusion: The Council concluded that the proposed hotel is in conformance with and promotes the purposes and goals of the comprehensive plan. No goals or policies within the comprehensive plan directly conflict with the proposed development. This standard was met with a Commission vote of 4-1. One Commissioner voted against because of the 4th and 5th floor setbacks and conflicts with the Gateway Mass and Scale Study. The Council unanimously approved this standard.

- a. Pursuant to Section 16.08.070.D, all of the design review standards in Chapter 17.96 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.

Finding/Conclusion:

A concurrent Design Review application was submitted by the applicant and approved by the Planning and Zoning Commission (see Design Review Findings of Fact dated March 22, 2010. Analysis of architecture including bulk, undulation and site planning are reviewed under design review.

- b. 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.

Finding/Conclusion:

Standards of evaluation for Design Review as well as the PUD include consideration of these issues.

- c. The site design should cluster units on the most developable and least visually sensitive portion of the site.

Finding/Conclusion:

N/A – a single building is proposed.

___ 8. That the development plan incorporates the site's significant natural features.

Finding/Conclusion:

The most significant features of the site include several mature trees which are to be removed. No other significant natural features exist on the site. The scale and required underground parking structures for this development will not allow preservation of the existing trees. The City Council considered this standard and found that it has been met.

___ 9. Substantial buffer planting strips or other barriers are provided where no natural buffers exist.

Finding:

The project is located in the Community Core and is built to or adjacent to the property line. Street trees will be planted within the sidewalk to provide a landscape buffer at street level. In addition, the southwest corner of the property adjacent to the Forest Service Park will feature a large outdoor terrace with substantial plantings providing additional buffer. Main Street will feature planting baskets and a landscape planter. Street trees along Main Street where appropriate will also be included.

Conclusion: The City Council considered this standard and found that it has been met. Buffering is provided appropriately for a building in the Community Core District. Street trees shall be provided along Main Street in addition to a potential Gateway feature.

N/A 10. Each phase of such development shall contain all the necessary elements and improvements to exist independently from proposed future phases in a stable manner.

Finding/Conclusion: No phasing is proposed. The project will feature one building/structure which will be built at one time. The City Council considered this standard and found that it does not apply.

___ 11. Adequate and useable 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 useable and convenient to the residents of the project. The amount of useable 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 thereof.

Finding:

Useable open space within the project includes the outdoor terrace area which provides a swimming pool available to residents and hotel guests. Such "open space" may be appropriate for this urban hotel type of project as it is "useable and convenient" to the residents of the project – in this case the hotel guests and condominium owners. The amount of land available for outdoor open space is limited do the size and location of the lot. The outdoor terrace space provided is appropriate for this type of downtown development.

Conclusion: The City Council considered this standard and found that it has been met. The applicant is providing an appropriate amount of useable open space for hotel guests and residents. A large outdoor terrace is provided.

___ 12. **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.**

Finding:

A single building is located on the site and is located on an entire city block. Two levels of underground parking are proposed with access to the parking along First Street. A solar study was provided at the December 2-3, 2009 Planning and Zoning Commission public hearings as well as at the April 8-9 City Council Public Hearings. Access to and from parking is in the appropriate location. The building itself is also located in a permitted location and other suitable locations are not available.

Conclusion: A solar study was presented by the applicant. The Council had no concerns or comments concerning the solar study. The City Council considered this standard and found that it has been met.

___ 13. **"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 thereof 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.**

Finding:

A swimming pool and spa pool are provided in the courtyard for residents and hotel guests. A fitness center is also proposed. An activity center is also proposed that will provide services for guests and residents. This activity center may feature bike rentals, ski rentals and other similar activities and may also include general retail activities. There will be an outdoor deck suitable for small gatherings. A plaza space outside the restaurant will be available to the public.

Conclusion: The City Council considered this standard and found that it has been met. The applicant is providing an appropriate amount of recreational facilities for this type of downtown development.

___ 14. **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.**

Finding:

Table 10 summarizes the special development objectives of the proposal:

TABLE 10: SPECIAL DEVELOPMENT OBJECTIVES

Special Development Objective, special Characteristics of the Site or Physical Conditions	Type of Objective
4-Star Hotel	Economic (see fiscal impact analysis by Randy Young dated January 31, 2010)
Conference Space (seating for 250-275 persons)	Economic
Employee Housing for 23 employees (waived if construction commences by 2012; partial waiver if construction commences by 2013)	Social and Economic
Proposed contribution towards the undergrounding of overhead power lines (amount to be determined)	Aesthetic; Economic
Pedestrian improvements to public right-of-way to create enhance pedestrian experience, Gateway Architectural Element	Aesthetic; Economic

A fiscal impact study was not prepared at the time of Planning and Zoning review. A detailed fiscal impact analysis was prepared for the City Council. The fiscal and economic impacts of these development objectives were thoroughly analyzed through this study. The financial benefit to the URA was perceived as substantial. In addition, Randy Young noted that this was not an economic impact analysis and did not include all the multiplier effects such a development can have on a City. The following is a general summary of the fiscal impact associated with the project.

	During Construction	Annually After Buildout
City of Ketchum		
Revenue	\$ 593,751	\$ 285,430
Cost	- 319,351	- 446,176
Cost Sharing Benefit	0	+ 164,072
Positive or Negative	274,400	3,327
Ketchum URA		
Revenue	\$ 0	\$ 217,698
Cost	0	0
Positive or Negative	0	217,698

As noted in #7 above, undergrounding power lines along Main Street is a goal mentioned frequently in the Comprehensive Plan. The applicant is required to provide a proportionate amount toward the undergrounding of overhead power lines in the vicinity of the project. This will consist of a pro-rated share and include late coming development. The City's and Idaho Power's timing on the undergrounding of these lines is unknown, and may not occur until well after the hotel's construction. The applicant has indicated that they are working with Idaho Power and an adjacent property owner to establish parameters for undergrounding power line. The precise contribution to undergrounding of power shall be addressed within the development agreement. In addition, the undergrounding of power has been addressed under condition #5 of these findings of fact.

The Downtown Master Plan recommends placement of Gateway features at the four corners intersecting River Street and Main Street. The final sidewalk design at this intersection provides space for a gateway element. A bulb out into River Street has been discussed, although no particular gateway feature has been identified. The Commission recommended incorporating a requirement that the applicant work with the City in creating a gateway element at the corner of River St and Main St. The Council has included this as a condition of approval. See condition #8 which requires that the applicant participate with the City in gateway design, commissioning, construction and installation.

Conclusion: The City Council found that there are special development objectives that justify the granting of this PUD. The City has established that increasing tourist accommodations by encouraging hotel development is a priority. The economic benefits of such a project are substantial as shown in the fiscal impact analysis provided by Randy Young. The final contribution towards undergrounding of power shall be finalized through the development agreement and the applicant shall provide a proportionate share. The applicant is required to participate with the City in the commissioning, construction and installation of a gateway element. In addition, the economic benefits of such a development have been recognized by the City Council as an important factor in approving the project.

____ 15. **The development will be completed within a reasonable time.**

Finding:

The project will require significant excavation and will have an extensive construction period. Actual construction is anticipated to take 22 months. The applicant has stated that a detailed construction staging and mitigation plan will be submitted through the building permit process. Off-site parking for construction workers and an off-site staging area for bulk materials are anticipated. Provision of these mitigation plans and programs are suggested as a condition of approval, to be provided prior to issuance of a building permit. Construction mitigation will conform to the City of Ketchum's Construction Mitigation Ordinance.

The Commission recommended a four (4) year approval window for the PUD. The applicant originally requested 5 years. The largest project approved in the City over the last 20 years, Warm Springs Ranch Resort, was granted a four (4) year approval window with a requirement

that building permits for Phase 1 be applied for within 48 months of the approval of the Development Agreement. The applicant has been given a four (4) year time frame, with significant incentives tied to accelerated construction schedules. Please see condition #3 of these findings of fact for more detail. The Council felt that an accelerated timeline was an important factor in granting waivers for the project. The Council concluded that breaking ground as soon as possible would have a substantially positive impact on the City's economy. Although the project has been given a total of four (4) years, significant incentives have been approved by the Council in order to accelerate the construction process. These incentives include waivers pertaining to the workforce housing requirement and dedication of URA funds generated by the project.

Conclusion: A detailed construction mitigation plan including details for parking and material storage should be produced prior to building permit approval. The City Council granted a four year overall approval period with incentives tied to accelerated construction schedules. Please see condition #3 of these findings of fact. The City Council considered this standard and found that it has been met.

____ 16. **That public services, facilities and utilities are adequate to serve the proposed project and anticipated development within the appropriate service areas.**

Finding:

The Utilities Department made several comments related to the existing main lines, service lines, manholes, etc. that will need to be maintained or improved. These comments have been forwarded to the applicant and are included as a condition of approval. The applicant has met with the Fire Department and Fire Department comments were included with the original staff report for this project. Concerns have been raised regarding potential impacts to the Ketchum Fire Department's ability to provide emergency services to the building. The Fire Department will be reviewing this further during the building permit process. The sidewalk design will also be crucial with regard to fire apparatus access. Staff and the applicant have collaborated with the Fire Department and City Engineer to ensure appropriate sidewalk widths. Please see condition #7 which outlines the required sidewalk widths. The Street Department and City Engineer have also worked with the applicant to ensure appropriate sidewalk and street parking designs that will allow for proper maintenance and snow removal.

Conclusion: The City Council has considered this standard and found that it has been met. Adequate public services are provided for.

____ 17. **That the project complies with all applicable ordinances, rules and regulations of the city of Ketchum, Idaho except as modified or waived pursuant to this subsection A.**

Finding:

The applicant has requested several waivers that are outlined in the waiver chart provided earlier in these findings. The Commission recommends approval of all requested waivers. The waiver request for 4th and 5th floor setbacks was the only non-unanimous vote by the Commission, with a 4-1 approval. The City Council unanimously approved all of the waiver requests. All other ordinances, rules and regulations of the City of Ketchum are met.

Conclusion: The City Council has considered this standard and found that it has been met. The City Council approved all of the requested waivers as outlined in the waiver chart (Table 5, Page 9. All other rules and ordinances have been met.

COUNCIL ACTION:

Upon motion by Councilman Helzel, seconded by Councilman Kemp, and vote in favor (3-1, Councilman Jonas voted against due to the use of URA funds towards the project infrastructure) the Ketchum City Council finds that this project, Bald Mountain Lodge PUD - Conditional Use Permit, **does** meet the standards for approval under Chapter 16.08 of Ketchum Subdivision Ordinance Title 16, Planned Unit Developments, with the approved waivers outlined in these findings of fact. The Ketchum City Council approves this Conditional Use Permit for a Planned Unit Development (PUD) this 24th day of May, 2010, provided the following conditions are met:

CONDITIONS OF APPROVAL FOR BALD MOUNTAIN LODGE LLC – BALD MOUNTAIN LODGE PUD:

The following conditions are based on the findings made on each of the standards of evaluation as they have been applied to the submitted plans for the PUD:

Hotel Uses

1. In order to meet the hotel definition as outlined in Chapter 17.08 of the Ketchum Zoning Code, a minimum of 9 lock-off hotel units shall be provided on the 4th floor. Based on hotel square footage calculations these lock-off units shall total a minimum of 3538 gross square feet.
2. Only residential units may be condominiumized and sold separately. The hotel portion of the building including the hotel guest rooms shall not be condominiumized. Occupancy of residential units shall be addressed in the development agreement to ensure that they are as “occupied” for purposes of Urban Renewal Revenue valuation once certificates of occupancy have been issued.

Conditions continued on next page...

Timing and Incentives
3. Construction Incentives

Incentive Timeline	Community Housing Waiver	Workforce Housing Waiver	Infrastructure Partnering
<p>Timeline A - Building permit applied for in 2011 with construction commencing by June 2012 and building completed by 2015</p>	<p>7,444 sf requirement or approximately \$2.36 million in lieu payment waived in full (based on extension of June 2010 deadline)</p>	<p>Waive the employee housing requirement in its entirety.</p>	<p>Applicant will construct and pay for all project infrastructure requirements as outlined in the DA. City of Ketchum agrees to request that the Urban Renewal Agency reimburse applicant for costs of qualified public infrastructure improvements. Said reimbursed costs may equal up to 50% of the annual URA revenue increments generated from the project up to a total of \$1.5 million over the life of the URA, whichever is less.</p>
<p>Timeline B - Building permit applied for in 2012 with construction commencing by December 2013 and building completed by 2016</p>	<p>7,444 sf requirement or approximately \$2.36 million in lieu payment waived in full (based on extension of June 2010 deadline)</p>	<p>50% waiver of housing requirement. 50% or \$1.38 million paid toward housing requirement via real estate transfer fee or other means determined by applicant</p>	<p>Applicant will construct and pay for all project infrastructure requirements as outlined in the DA. City of Ketchum agrees to request that the Urban Renewal Agency reimburse applicant for costs of qualified public infrastructure improvements. Said reimbursed costs may equal up to 50% of the annual URA revenue increments generated from the project up to a total of \$1.5 million over the life of the URA, whichever is less.</p>
<p>Timeline C - Building permit application applied for within 4 years of PUD approval</p>	<p>No waiver to requirement</p>	<p>No waiver to requirement</p>	<p>Applicant will construct and pay for all project infrastructure requirements as outlined in the DA. City of Ketchum does not contribute to said improvements.</p>

*This approval is not binding upon the URA as its independent jurisdiction and discretion are not waived by any conditions mentioning the URA.

●**Timeline A.** The project shall receive the following waivers if a building permit is applied for in 2011 and construction commences by June of 2012. If a building permit is not applied for in 2011, construction does not commence in June 2012 and certificate of occupancy for the hotel portion of the building is not approved by January 2015 these waivers shall not apply:

i. Employee Housing: waive the employee housing requirement in its entirety.

ii. Infrastructure Partnering: Applicant will construct and pay for all project infrastructure requirements including undergrounding of power lines and installation of street improvements. City of Ketchum agrees to request that the Urban Renewal Agency reimburse applicant for costs of qualified public infrastructure improvements. A list of qualified public infrastructure improvements should be identified in the Development Agreement. Said reimbursed costs may equal up to 50% of the annual URA revenue increments generated from the project up to a total of \$1.5 million over the life of the URA, whichever is less. Said reimbursement will be paid annually via URA revenues generated by the project, and shall be subordinate to existing debt accrued/obligated by the URA. A repayment plan shall be developed at such time as substantial URA revenues are generated from the project, at which time total URA increment revenues associated with this project shall be recalculated. Applicant and City Council acknowledge and agree that any project utilizing URA funds is subject to the sole discretion and decision of the URA and the URA is not bound by this agreement. URA financing and projects are also subject to applicable Idaho and federal law. Accordingly, there is no guarantee that URA funding will be available for this project.

●**Timeline B.** The project shall receive the following waivers if a building permit is applied for in 2012 and construction commences by December of 2013. If a building permit is not applied for in 2012, construction does not commence in December 2013 and certificate of occupancy for the hotel portion of the building is not approved by January 2016 these waivers shall not apply:

i. Employee Housing: waive 50% of the total employee housing requirement as calculated by the following formula. The remaining 50% employee housing requirement which totals \$1.38 million shall be one of the following:

- a. Constructed within City limits or the Area of City Impact, including concepts of partnership with the City or other entities;
- b. Paid via a real estate transfer fee, with transfer fees accruing to the City Housing In Lieu fund at the time of closing of each unit, or
- c. By another method determined by the applicant and approved by the City.

If housing requirement is to be paid through read estate transfer fee, a minimum of 30% of the total required in-lieu fee shall be paid within one year of certificate of occupancy of the hotel. The remaining fee shall be paid at the closing of each

residential unit, at the rate of 4% of the remaining fee per unit closed until requirement 100% paid. In the event that the above schedule does not result in 100% of the fees being paid within ten years of Hotel COO, any remaining balance will be due and payable.

ii. Infrastructure Partnering: Applicant will construct and pay for all project infrastructure requirements including undergrounding of power lines and installation of street improvements. City of Ketchum agrees to request that the Urban Renewal Agency reimburse applicant for costs of qualified public infrastructure improvements. A list of qualified public infrastructure improvements should be identified in the Development Agreement. Said reimbursed costs may equal up to 50% of the annual URA revenue increments generated from the project up to a total of \$1.5 million over the life of the URA, whichever is less. Said reimbursement will be paid annually via URA revenues generated by the project, and shall be subordinate to existing debt accrued/obligated by the URA. A repayment plan shall be developed at such time as substantial URA revenues are generated from the project, at which time total URA increment revenues associated with this project shall be recalculated. Applicant and City Council acknowledge and agree that any project utilizing URA funds is subject to the sole discretion and decision of the URA and the URA is not bound by this agreement. URA financing and projects are also subject to applicable Idaho and federal law. Accordingly, there is no guarantee that URA funding will be available for this project.

●**Timeline C.** In the case that a building permit is not applied for and construction does not commence as outlined in the two alternate timelines, this PUD CUP shall be valid for a period of four (4) years. An application for building permit shall be submitted within 4 years, unless extended by the City Council upon written request by the applicant prior to the CUP expiring.

4. In the event that the project falls under Timeline C, the applicant shall provide a detailed Employee Housing Plan, which provides for housing for 23 employees on a site acceptable to the Ketchum City Council, and within Ketchum City limits.

The following elements shall be required in the Employee Housing Plan:

- a) Provide salary/hourly wages (current dollars) for the various income categories of employees.
- b) The expected number of each level of employee that is intended to be served by the employee housing units.
- c) Which employee category will be served by which type/size of units.
- d) Provide information on anticipated rental rates (in current dollars) or subsidized and/or free rent to employees; will utilities and homeowner's dues (if any) be included in proposed rates.

- e) Establishment of maximum occupancy per unit type (i.e. 1 person per 1 bedroom unit; 2 persons per 2 bedroom units).
- f) Location of units to be within Ketchum City limits.
- g) Provide a matrix on breakdowns of the different types of units (1BD; square footage; total number of units; anticipated rent, etc.)
- h) Create a priority for occupancy program of these units; (i.e. first availability employees that are full-time, secondly to seasonal employees, and third to persons that are verified to be working in the City of Ketchum.
- i) What units will be available and how will the pool of units available be determined.
- j) What minimum standards will be used to determine employee eligibility to live in the employee housing; is full-time status required for employees to qualify for the employee housing and what constitutes full-time status.
- k) How will overflow of demand of units by employees be handled; will there be a priority system.
- l) Provide information on housing families (with children) and/or married couples.

The proposed Employee Housing shall meet minimum size thresholds and income categories established by BCHA and/or the City.

The following information shall be provided to the City:

- o Wage/salary range and a breakdown the number of employees within the aforementioned classifications
- o Information on type of housing provided per employee classification
- o Costs incurred in rent (and utilities) and transportation/parking by employees
- o Details on anticipated lease terms/rental agreements for employees housed on-site
- o Anticipated transport and parking scenarios for both on-site and commuting employees.

The Employee Housing Plan shall be submitted and approved by the City Council prior to issuance of a building permit. This plan shall be an exhibit to an amendment to the PUD agreement and recorded prior to issuance of a building permit.

All of the required Employee Housing shall be available prior to the issuance of any Certificates of Occupancy for the Hotel, or any other uses in the hotel.

5. The applicant shall contribute a proportionate share to the underground relocation of overhead utility lines in the vicinity of the project, as outlined in the Development Agreement for the project. However, if the City and Idaho Power do not complete this work as a city project, the applicant may relocate the power lines directly adjacent to the hotel as an off-site improvement.

Traffic and Circulation

6. Delivery vehicles associated with Bald Mountain Lodge, including the residential portion of the building, shall not interfere with the regular flow of traffic surrounding the building. In addition, delivery vehicles shall not block the regular flow of traffic on First Street and delivery vehicles shall not block the sidewalk along First Street.
7. Sidewalks shall be designed according to the approved sidewalk scheme for the site. The approved sidewalk scheme shall be recorded with the approved Development Agreement for Bald Mountain Lodge. The following requirements shall be met with regard to sidewalk designs and on-street parking:

River Street Frontage

- Bulb-out at River and Main St: 18 ft including curb and gutter
- Sidewalk 10 ft not including curb/gutter with angled parking along length of River Street
- Bulb-out with exit/entrance at intersection adjacent to Washington Ave: 18 ft including curb/gutter

Main Street Frontage (Based on two 12 ft southbound travel lanes)

- At 1st St: 16 ft bulb-out including curb and gutter
- Bus pull out 8 ft wide including curb and gutter leaving 8 ft wide sidewalk (subject to Mountain Rides requirements)
- Bulb-out at mid-block: 16 ft including curb/gutter
- 16 ft sidewalk/bulb-out from porte-cochere exit to River St

First Street Frontage

- 10 ft minimum sidewalk
- Parking from loading dock to Washington Ave (2 spaces)
- No bulb-outs permitted

Washington Ave Frontage*

- Two 9.5 ft travel lanes
- Maintain existing angled parking along Forest service Park
- BML portion of sidewalk - Minimum 10 ft sidewalks with portions of sidewalk 18 ft in width
- Barriers needed between parking and sidewalks (planters, bollards...etc)
- Recommend stamped and colored asphalt or pavers
- Recommend curb-less sidewalks allowing for flexibility (events, festivals, vending, etc...)

** Applicant shall present final design/scheme for Washington Avenue to City Council prior to building permit submittal and modifications to aforementioned scheme may be modified.*

8. Washington Avenue between 1st Street and River Street shall be rebuilt by the applicant within the aforementioned parameters. In addition, this section of Washington shall be

designed to serve events and functions taking place at both Bald Mountain Lodge and the Forest Service Park.

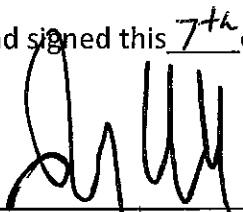
9. Snowmelt shall extend to curb-line at entrances and exits of building.
10. The recommendations of the City Engineer and of Ryan Hales of Hales Engineering with regard to traffic circulation in and out of the porte-cochere shall be followed. These recommendations are outlined in the memo from Hales Engineering titled "Ketchum – Bald Mountain Lodge TIA/1st Street Review" dated April 14, 2010.
11. Right-of-way encroachments, right turn lane and curb line alignment, slope and drainage, and sidewalk widths shall be resolved to the satisfaction of the City Engineer, Street Department and Fire Department prior to the issuance of a building permit.

Additional Requirements

12. The project shall, at a minimum, meet the requirements of and receive LEED Certification as outlined by the United States Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) Program. In addition, the project shall meet or exceed the minimum requirements set forth in the currently adopted version of the International Energy Conservation Code (IECC). These requirements shall be outlined in the development agreement for this project.
13. A construction staging and mitigation plan, including at a minimum provisions for off-site employee parking, off-site storage of bulk materials, and required ROW encroachments during construction, shall be submitted and approved by the Ketchum Building Department prior to building permit approval.
14. The proposed encroachments into the public street rights-of-way shall be allowed:
 - All marquees may extend into the public right of way as permitted through design review.
15. All water, sewer and other utility main lines, service lines, manholes and fire hydrants shall be maintained or improved as required by the Ketchum Water and Sewer Department.
16. The proposed development shall be completed substantially as presented in the plans dated April 8, 2010, as altered by relevant conditions of approval, and as set forth in the Planned Unit Development agreement. The PUD Development Agreement shall include the conditions herein, and other pertinent details from these Findings of Fact.
17. This PUD CUP approval is contingent upon the approved Community Core Design Review application, findings of fact dated March 22, 2010.

18. Applicant agrees to collaborate and participate financially with the City and other property owners on a gateway design, commissioning, construction and installation (as outlined for Hotel Ketchum in the development agreement dated November 17, 2008) for the intersection of Main St and River St.
19. The property shall be maintained appropriately per City code until construction commences. This shall include noxious weed mitigation and irrigation of existing landscaping.
20. A Design Review Subcommittee shall be established through the development agreement for the project, as recommended in condition #8 of the design review findings of fact for Bald Mountain Lodge.
21. These conditions and other project details outlined in these findings of fact shall be enumerated in the development agreement for this project.
22. Upon issuance of building permit, applicant shall provide financial assurances, in the form of letter of credit, bonds or similar instruments to demonstrate to the City their ability to complete the permitted construction.
23. To reduce the appearance of building bulk, the upper floor steel diagonal columns shall be made vertical, subject to Design Review Subcommittee approval.
24. Applicant to provide a 'comfort letter' from its proposed project lender prior to execution of the development agreement. Such letter should memorialize any existing relationship between applicant and lender, and the lender(s)' interest in financing the project subject to market conditions and lenders' internal credit underwriting policies.

Findings of Fact **adopted** this 7th day of June, 2010 and signed this 7th of June, 2010.



Randy Hall, Mayor

)
 IN RE:)
 Bald Mountain Lodge) KETCHUM CITY COUNCIL
 Conditional Use Permit) FINDINGS OF FACT, CONCLUSIONS
 (PUD) Amendment) OF LAW AND DECISION
)
 File Number: 07-015)

BACKGROUND FACTS

PROJECT: Bald Mountain Lodge Planned Unit Development (PUD) Amendment
FILE NUMBER: 07-015
OWNER: Bald Mountain Lodge LLC, verified March 1, 2013
REQUEST: Amendment to Conditional Use Permit for a Planned Unit Development (PUD)
NOTICE: Mailing: All property owners within 300 feet of subject property were mailed on Wednesday, March 27, 2013, a notice of the public hearing to be held on April 15, 2013;
Publish: The public hearing notice was advertised in Idaho Mountain Express on Friday, March 29, 2013; and
Post: The public hearing notice was posted on the subject property on Monday, April 8, 2013.
LOCATION: Ketchum Townsite Amended Lot 1A, Block 20 (151 South Main Street)
COMP PLAN LAND USE DESIGNATION:
 Current: Community Core
 Proposed: No change proposed.
ZONING: Community Core (CC), Subdistrict A, Retail Core
LOT SIZE: 48,351 sf
PROJECT TOTAL SQUARE FOOTAGE: 231,400 sf (including sub-grade garage) (no change)
OVERLAY: None
REVIEWERS: Rebecca F. Bundy, Associate Planner, and
 Lisa Horowitz, Community and Economic Development

GENERAL FINDINGS OF FACT

The Planning and Zoning Commission considered this proposed PUD Amendment at their March 11, 2013 meeting and recommended approval to the Council, with conditions as noted in this staff report. Findings of Fact were signed on March 25, 2013.

On November 5, 2012, the City Council considered a request by Bald Mountain Lodge, LLC for a second extension of their Development Agreement. As a condition of that extension, the developer agreed to change the original fourth floor design from condominium units to hotel guest rooms. This current application is for modification of the approved PUD for the project, to reflect this change. The change from residential to hotel use on the fourth floor results in some minor changes to the following PUD requirements:

- Parking
- Employee housing
- Satisfaction of definition of "hotel"
- Traffic impact.

Staff noted a discrepancy in the number of residential units on the fifth floor between the letter from HMI, the narrative from Jim Garrison, the PUD Findings and the Development Agreement. The applicant addressed this at the meeting and it was determined that the final number is eleven (11). This discrepancy does not affect the fourth floor changes in question and does not have implications on the analysis below. It also does not change the parking analysis, since parking for residential uses is calculated by area, not number of units.

There are no proposed changes to the exterior of the building or to the site improvements, so there is no change to many of the already approved PUD standards. These are noted with N/A on the left margin. Since there are no exterior changes to the project, there are no Design Review modifications to consider at this time.

The Bald Mountain Lodge Planned Unit Development (PUD) was approved by the City Council on June 7, 2010. The PUD was subject to the adoption of a development agreement, which contractually binds the parties to the Conditions of Approval developed by the Council for the project. The Development Agreement is approved only by the Council, and is not subject to Planning Commission review. The Council adopted the Development Agreement on September 17, 2010.

At the October 17, 2011 City Council meeting, Highmark LLC requested an extension to the 2010 Development Agreement to roll all the dates forward by one year. After lengthy discussion, this change was approved by the Council, with the inclusion of language regarding property maintenance.

In November 2012, Highmark LLC, on behalf of Bald Mountain Lodge LLC, requested a second extension to the deadline regarding the application for a building permit outlined in Section 8 of the Amended Development Agreement. Section 8 provides for a full waiver of employee and community housing requirements if the applicant applies for a building permit by December 31, 2012 (along with several other trigger dates). This change would necessitate a change to all of the other deadlines in Section 8; each date would be rolled forward one year. The letter indicates that if the Council is

willing to extend the Amended Development Agreement deadlines for an additional year, the applicant will apply for a modification to the PUD and Development Agreement to convert the fourth floor of the building from condominium units to hotel units. The Council agreed in concept, and directed the applicant to begin the PUD modification process.

1. PLANNED UNIT DEVELOPMENT BACKGROUND:

The Commission and Council reviewed the seventeen evaluation standards found in the City's Planned Unit Development (PUD) Ordinance, Chapter 16.08.080, Ketchum Subdivision Ordinance. The Planning and Zoning Commission is a recommending body to the City Council for PUD's. The PUD Ordinance permits the following:

"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 13 of this Ordinance as the City Council may prescribe to mitigate adverse impact of the proposal, or to further the land use policies of the City, or to ensure that the benefits derived from the project justify a departure from such regulations."

The PUD Ordinance states that waivers may be granted by the Council on a case-by-case basis. Application for waivers or deferrals must be in writing and submitted as part of the PUD application. The PUD Ordinance requires that:

"Such application for waiver or deferral must state with particularity the matters on which the applicant seeks waiver or deferral and the waiver or deferral would not be detrimental to the public welfare, health and safety nor injurious to property owners in the immediate area."

Several Waivers have been requested by the applicant and approved by the City Council. See Item 7, Table 5 below for a detailed table of the waiver requests.

2. STANDARDS OF REVIEW:

The Planned Unit Development Ordinance, Chapter 16.08.080 establishes seventeen (17) standards of evaluation. The Planning and Zoning Staff analyzed the BML PUD application dated September 22, 2009, as well as other supplemental documents, in relation to the City's land use policies and ordinances, the 2001 Comprehensive Plan, 2006 Downtown Master Plan and 2008 Gateway Study (Winter & Associates) in preparing its report for the public hearing conducted April 8-9, 2010, April 19, 2010, May 4, 2010 and May 17, 2010.

3. PROCESS:

The applicant has the following approvals:

Planned Unit Development (PUD) Conditional Use Permit: approved June 7, 2010

Design Review Approval: approved, with Findings of Fact signed March 22, 2010
 Development Agreement Approval: September 17, 2010
 First Amendment to the Development Agreement: November 7, 2011

The Planning and Zoning Commission makes recommendations on the PUD to the City Council. The City Council approves the Development Agreement. The Planning and Zoning Commission approves Design Review.

4. CONDITIONS OF APPROVAL:

The PUD Ordinance outlines a list of conditions which may be imposed by the Council to mitigate adverse impact of the proposal, or to further the land use policies of the City, or to ensure that the benefits derived from the project justify a departure from standard regulations. Conditions are not limited to those itemized in the PUD Ordinance. Only the City Council is empowered to grant modifications or waivers from standard zoning and subdivision requirements. These findings contain a few small changes to the originally adopted Conditions of Approval, based on this application.

5. BALD MOUNTAIN LODGE PUD OVERVIEW AND SQUARE FOOTAGE BREAKDOWN

The proposed project is described by the applicant as a four-star hotel. The original proposal contained the following "hotel" components: 82 guest suites, 9 Lock-off units, reception and lobby area, full service restaurant and bar, day spa, hotel-related retail space, conference/ballroom facilities, outdoor terrace and swimming pool, activities center and underground parking garage. The proposed conference capacity is 250-275. The conference center, day spa, restaurant and bar will be open to the general public as well as hotel guest. The 4th & 5th floors of the development will house twenty six (26) residential condominium units. Lock-Off units are shown on the 4th floor under Lock-Off Option A which is on record with the City of Ketchum. The following table is a summary of the project's area square footages by level/floor:

The current amended proposal converts the entire fourth floor from residential units to hotel rooms, resulting in a total of one hundred nineteen (119) guest rooms and eleven (11) residential units on the fifth floor.

**Table 1: Bald Mountain Lodge Square Footage
 Square Footage Summary**

Lot Size	219 ft x 219 ft	48,351 sf
Parking Level 2(P-2)	Underground parking/ BOH/Hotel Support Services	48,306 sf
Parking Level 1(P-1)	Underground parking/BOH/Spa/Ballroom	48,306 sf
First Floor	Retail/Lobbies/Spa/Activity Center	28,461 sf
Second Floor	Hotel Guest Rooms	29,711 sf

Third Floor	Hotel Guest Rooms	29,711 sf
Fourth Floor	Hotel Guest Rooms	25,006 sf
Fifth Floor	Residential condominiums Hotel Related Area (731 sf)	22,384 sf
TOTAL BUILDING AREA		231,885 sf
TOTAL SUB GRADE/PARKING AREA		96,612 sf
TOTAL GROSS FLOOR AREA ABOVE GRADE		134,800 sf

Table 2. Detailed Square Footage and Use Breakdown by Level:

P2 (below grade)

USE	SQUARE FOOTAGE
Hotel Related	17,129
Parking (51 stalls)	31,177
Total	48,306

P1 (below grade)

USE	SQUARE FOOTAGE
Spa	3,621
Ballroom	2,420
Pre-function	2,407
Back of House	4,528
Multi-Use	1,388
Conference	609
Bathrooms	636
Courtyard – 2,916 sf	(Not included in total)
Mechanical	773
Total Hotel Use	16,460
Parking(65 stalls)	31,846
Total	48,306

*96,612 square feet below grade square footage (P1 + P2);

Level 1 (ground)

USE	SQUARE FOOTAGE
Retail	2,614
Restaurant	7,006
Café	735
Activity Room	4,726
Spa	1,885
Fitness	819
Lockers	432
Office	217
Great Room	5,660
Bathrooms	611

Loading	2,530
Circulation	1,427
Total	28,461

*Outdoor Level 1 Pool/Deck area: +/- 5,500 sq.ft.

Level 2

USE	SQUARE FOOTAGE
Hotel (41 keys)	29,711
Total	29,711

Level 3

USE	SQUARE FOOTAGE
Hotel (41 keys)	29,711
Total	29,711

*59,000 gross square footage for hotel use (L2 + L3) and 82 total hot beds/keys

Level 4

USE	SQUARE FOOTAGE
Residential (26 units)	23,369
Hotel Uses (support)	1,637
Hotel Uses (Lock-Offs)	3,538
Total	25,006

Level 5

USE	SQUARE FOOTAGE
Residential (8 units)	22,384
Total	22,384

Floor Area Summary:

Existing: None

Proposed: 231,885 (including sub-grade garage)
168,862 (not including sub-grade parking space)

Lot Area: 48,351 sf

Floor Area Ratio:

Permitted: Community Core regulations do not limit FAR's for 4 and 5 story hotels

Proposed: 2.8

5. HOTEL DEFINITION

Ketchum's hotel "matrix" for Bald Mountain Lodge is shown below (The number for total square footage of Guest Rooms has been revised since the staff report to include the area of the former lock off units, and the lock-off area has been removed from the BOH area. This does not change the total "Hotel" area or the "Hotel" percentage.):

Table 3: BALD MOUNTAIN LODGE MATRIX/HOTEL DEFINITION

HOTEL CONFIGURATION	BML-2010 Approved	BML-2013 Proposed
Guest Rooms	82	119
Sq Ft	59,422	86,329
Dedicated Units –Lock-Out Units	9	N/A
Sq Ft	3,538	N/A
Hotel Key Count	91	119
BOH/Lobbies/Hotel Related Uses Sq Ft (P1,P2,Level 1*)	63,687	60,149
TTL “Hotel” sq ft (per definition)	126,647	146,478
Permitted “Non-Hotel” sq ft (25%)	42,215.5	22,384
Proposed Residential Units (4th & 5th Floors minus lock-off units)	26	8
Sq Ft	42,215	22,384
TTL Bldg Sq Ft (includes sub-grade hotel-uses)	168,862	168,862
Pct of Building Area defined as “Hotel”	75 %	86.7%
Residential sq ft over allowable per definition	0	0

*included Level 4 lock-out units in the 2010 calculations

Table 4: HOTEL DEFINITION

COMPONENT	PZ 4/23/09	PZ 7/13/09	PZ 12/2- 3/09	CC 5/17/10	PZ 3/11/13
Total Gross Floor Area			168,539	168,862	168,862
Hotel Floor Area	122,031	126,931	125,389	126,647	146,478
% of Building Floor Area	71%	73.5%	74.4%	75%	86.7%
Residential Floor Area	50,005	45,608	43,890	42,215	22,384
% of Building Floor Area	29%	26.5%	25.6%	25%	13.3%

Supplemental Analysis: Applicant agreed at the December 3, 2009 Planning and Zoning Public Hearing that the project would comply with Ketchum’s “hotel” definition by adjusting/increasing the final lock-off unit configuration, which was included in the above “hotel” definition calculation. Also included is a hotel-support area on the 4th floor. Such an allowance was permitted, provided non-hotel (residential units) square footage were dedicated/included within the nightly rental pool of units as allowed within Ketchum’s Hotel Definition. The applicant previously committed to dedicated 3,538 square feet on the fourth floor as hotel lock off units, equating to 9 hotel units. The current

proposal reconfigures the entire 4th floor as hotel rooms, for an increase of 19,831 sq. ft. of hotel uses. Lock-offs are no longer part of this proposal.

7. WAIVER REQUESTS WITH FINDINGS:

Modifications or waivers from certain standard zoning and subdivision requirements are permitted within the PUD process. The following table sets forth the applicant’s request and the corresponding findings by the Council.

Table 5: Waiver Requests, Bald Mountain Lodge

Code Section Zoning Ord.	Requirement	Waiver	Finding
Subdivision Ordinance: 16.08.080(A)(1)	Minimum lot size of three acres	Lot is 0.92 acres	Waiver specifically permitted for hotels - Approved
Conditional Use Permits: 17.116.080	12 month Term of CUP Approval	4 year term of CUP approval with incentives for accelerated schedule	The size and inherent complexity of the project warrants such a timeline. In addition, this is similar to timelines established for similar projects. - Approved <u>Note: One-year extension of all time lines is being requested at this time.</u>
Community Core: 17.64.010.L: Use Specifications	G. Private outdoor space: All residential uses shall have a private outdoor space (such as a deck, balcony, or private porch). The area of each private outdoor space shall be at least 50 square feet, with no dimension less than 6 feet.	On 4 th and 5 th floor residential units, decks have dimensions less than 6 ft.	Residential units have substantial outdoor spaces and waiver will not diminish their use of appearance. - Approved

<p>Community Core: 17.64.010.L: Site Specifications</p>	<p>D. Building zone: 60 to 100 percent of this area shall be occupied by 1 or more buildings. 1. The minimum building depth shall be 50 feet as measured from the front and rear property line, except a portion of the building may be built anywhere within 30 feet of the front property line.</p>	<p>Rear Building Zone along Washington Avenue – 36% of this zone is building; 60% is required *not including outdoor terrace area as building</p>	<p>This portion of the site is adjacent to the Forest Service park and less building mass is appropriate. In addition, the Gateway Mass and Scale Study recommend receding this corner in order to maximize views of Bald Mountain. - Approved</p>
<p>Community Core: 17.64.010.L: Mass and Height Specifications</p>	<p>D.2. On streets and avenues the fourth floor and fifth floor shall be set back from the property line a minimum of 10 feet with an average of 15 feet. The average setback shall be calculated based on the built portion of the fourth and fifth floor facades and shall be calculated for each street or avenue elevation; the calculation of the average setback is not cumulative. In addition to the minimum and average setback requirement from the property line, the fourth and fifth floors shall be set back a minimum of 5 feet from the wall of the third floor.</p>	<p>4th and 5th floors do not meet 10 ft minimum setback on each street elevation. Average setback of 15 ft not met on 1st Street on 4th and 5th floors.</p>	<p>Overall massing of building and large setbacks along Main Street, River Street and Washington Ave reduce overall impacts of 4th and 5th floors. Said waiver will have minimal impacts on overall mass of 4th and 5th floors. In addition, the project has received design review approval from the Planning and Zoning Commission. - Approved</p>
<p>Community Core: 17.64.010.L: Façade Elements</p>	<p>A. Awnings/marquees may project 3 feet to 6 feet from the facade. At major pedestrian entrances to the hotel, marquees may extend between 6 feet and up to $\frac{2}{3}$ the distance between the front facade and the curb line of the sidewalk. Supporting posts are permitted at these entrances.</p>	<p>Marquees extend 7.5 to 12 feet from all four building facades at multiple locations. Only main entrances to the hotel may extend beyond 6 feet.</p>	<p>Larger marquees are appropriate for a large hotel building. - Approved</p>
<p>Community Core: 17.64.010.L: Mass and Height Specifications</p>	<p>B. Upper floor ceiling heights: 8 feet minimum and up to 80 percent of the height of first floor ceiling.</p>	<p>5th floor ceiling height exceeds 80% of the height of the first floor ceiling height</p>	<p>Required sloped roof design warrants larger ceiling height on 5th floor. - Approved</p>

Community Core: 17.64.010.I: Hotels – Employee Housing	3-5. Applicant is required to provide housing for 25% of the total number of employees calculated per hotel room or bedroom.	Full waiver of requirement/Partial Waiver of requirement. See condition #3 of the conditions of approval for complete waiver and timeline incentives	Project incentivized to begin construction with two years. - Approved
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ATTACHMENTS to the April 15, 2013 Staff Report:

- Attachment A: Letter from HMI, dated January 15, 2013, including fourth floor plans, original and current proposal
- Attachment B: Applicant narrative outlining proposed changes, dated March 11, 2013
- Attachment C: Planning and Zoning Commission, PUD Amendment Findings of Fact, signed March 25, 2013
- Attachment D: Bald Mountain Lodge Traffic Impact Update, LSC Transportation Consultants, Inc., dated March 4, 2013 (Earlier traffic studies available at the Planning Division offices.)
- Attachment E: First Amendment to the Bald Mountain Lodge Development Agreement, dated November 7, 2011
- Attachment F: Original Bald Mountain Lodge Development Agreement, dated September 17, 2010
- Attachment G: City Council PUD Findings of Fact, signed June 7, 2010
- Attachment H: Comments

ZONING CODE REQUIREMENTS

17.64 Community Core Zoning District

PROPOSED SETBACKS: No change in PUD amendment request.

REQUIRED SETBACKS: No change in PUD amendment request.

BUILDING HEIGHT: No change in PUD amendment request.

CURB CUT: No change in PUD amendment request.

PARKING SPACES:

Required parking spaces are pursuant to 17.64.010.E. See table below:

Table 6: Required Parking

Parking Requirements:		
Commercial Space:	13,120 sf	2 per 1,000 sq. ft. = 26 spaces
Residential (net)	<u>16,725 sf</u>	1 per 1,500 sq. ft. = <u>11 spaces</u>
Hotel:	<u>119 units</u>	.75 per Room = <u>89 spaces</u>
Total Spaces Required: <u>126 spaces</u>		
Proposed:		
Garage:	116 spaces	On Street Credit*: 9 spaces
Total Spaces Proposed: 125 spaces		
Net New Parking Spaces Required: <u>1 space*</u>		

* Section 17.64.010.E.3 of the Community Core District zoning regulations states that: *Four (4) on street parking spaces per five thousand five hundred (5,500) square feet of lot area may be counted toward the required parking demand.*

This would result in an on street parking credit of 35 spaces. However, between Pre-application Design Review and the original Design Review/PUD submittal, Staff and the Applicant negotiated a parking credit of 9 on street spaces, due to vehicular access requirements, desired pedestrian bulb-outs at intersections and other considerations.

Per the original Findings of Fact: "Sidewalk plan and surface parking configuration TBD with City Engineer, planning staff and final City Council approval (see condition #7). A net loss of surface parking spaces is anticipated. Project is credited with additional 9 surface parking spaces for determining parking compliance."

The current project proposal project will require one (1) additional parking space. The Applicant has indicated that, at building permit submittal, the underground parking garage design will be refined to accommodate one (1) or more additional parking spaces. The conversion of the fourth floor from residential to hotel use eliminates the need for a number of storage units on the second level of the parking garage. These may be converted to parking spaces. In addition, some structural refinements may result in additional parking spaces in the garage. This zoning criteria has been satisfied with a new condition that:

- At building permit submittal, plans, showing that the parking requirements of Table 6 have been met, shall be submitted to the Design Review Subcommittee for review and approval. If the requirements of Table 6 cannot be met, prior to the issuance of a building permit, the Applicant shall pay the City the current parking in lieu fee for any parking deficit.

17.64.010.I Hotel Uses

N/A I. Hotel Uses:

1. **Transfer Of Development Rights:** Hotels may build a fourth floor anywhere in designated receiving areas, as may be adopted by the city council, without purchase of transfer of development rights. If a site meets the criteria for five-story hotel site designation, the fifth floor may be built without the purchase of transfer of development rights. Five-story hotels may only be approved via a planned unit development (PUD) as outlined in chapter 16.08 of this code. However, with the exception of limited architectural elements, hotel projects may not request waivers to the height and bulk requirements of subsection L1f of this section, building type 6 hotel.

Findings/Conclusion: There are no changes to the approved hotel of five stories in height and within Sub-District A of the Community Core Zoning District. The site meets the criteria for a Five-Story Hotel Site Designation. The applicant received CUP PUD and Design Review approval. No exceptions to the current height limit for a five story hotel are proposed. No changes to this standard of review.

YES a. **Five-Story Hotel Site Designation Criteria:** A property shall meet all of the following criteria to be designated as a five-story hotel site:

Commission Recommendation:

- (1) Is located in Subdistrict A, retail core. Yes
- (2) Is highly visible to visitors. Yes
- (3) Is convenient to walk to retail center. Yes
- (4) Is near the center town plaza, Main Street and Sun Valley Road. Yes
- (5) Contributes to the retail vibrancy. Yes
- (6) Is not located on Main Street between First Street and Sixth Street. Yes
- (7) Has a minimum lot area of thirty three thousand (33,000) square feet. Yes
- (8) Respects the general parameters of any massing studies which may be applicable in the area. Yes – See Massing Study Analysis

N/A 2. **Designated Sending Areas Restricted:** Without exception, hotels cannot build fourth or fifth floors in designated sending areas, as may be adopted by the city council.

Findings/Conclusion: The proposed hotel project and property is not a designated sending area.

YES 3. Employee Housing: Hotel developments are required to mitigate employee housing impacts at a ratio of twenty five percent (25%) of the total number of employees calculated by the following formula: One employee per hotel room or bedroom. A development agreement or other similar tool shall be utilized to outline employee housing commitments.

Findings/Conclusion: The applicant did not submit an Employee Housing Plan in 2010. Employee housing calculations are based on a formula of one employee per hotel room. Based on the increase in the number of hotel rooms, the employee housing requirement increases as follows:

BML-2010 Approved: 23 employees required to be housed

BML-2013 Proposed 30 employees must be housed

The Council approved a waiver to this requirement structured through a construction timeline (see Condition #2 of these Findings of Fact, PUD Conditions of Approval and see Development Agreements). The waiving of the employee housing timed to a timeline was considered to be a major incentive by the Council. The applicant would be required to meet the entirety of this requirement if the construction timelines outlined in the Development Agreements are not met. The applicant has been granted a one-year extension to the timeline, and is requesting an additional year as part of this application.

YES 4. Employee Housing Plan: The applicant shall provide an employee housing plan which outlines the number of employees, income categories and other pertinent data. The employee housing plan shall be the basis of the applicant's proposal for the mix of employee housing which addresses the range of employees needed to serve the hotel.

Findings/Conclusion: No detailed employee housing plan was required by the City at the time the PUD and Development Agreements were approved. The Council approved a waiver to this requirement structured through a construction timeline. This is outlined in detail in the Development Agreements. The applicant would be required to meet the entirety of this requirement if the construction timelines are not met.

YES 5. Alternate Means To Satisfy Square Footage: The city council may consider a request by the hotel developer to satisfy any required employee or community housing square footage by alternate means. Off site mitigation, payment of in lieu fees, land in lieu of units, or other considerations may be proposed by the hotel developer. Larger sites are encouraged to include employee and/or community housing on site. The city council has full discretionary power to deny said request.

Findings/Conclusion: No employee housing plan was submitted. The Council has approved a waiver to this requirement structured through a construction timeline. Under Timeline A the applicant will receive a full waiver of the employee housing requirement. Under Timeline B the applicant will receive a partial waiver of the employee housing requirement, with the remainder satisfied via real estate transfer means of other means approved by the Council. Under Timeline C the applicant will be required to provide for the full employee housing requirement.

YES 6. **Development Agreement:** Hotels shall enter into a development agreement with the city as part of the PUD approval process. Said development agreement may address the following subjects: community housing, hotel room uses and restrictions, public access on the property, alternatives and remedies if the hotel use ceases, and any other issue the planning and zoning commission or city council deems appropriate. Said development agreement shall follow the public hearing process as outlined in chapter 16.08 of this code. Said development agreement shall be subject to sections 17.154.060, "Enforcement", and 17.154.070, "Modification And Termination", of this title.

Findings/Conclusion: A Development Agreement was adopted by Council, dated September 17, 2010, and one amendment to the Development Agreement has also been adopted, dated November 7, 2011.

PUD EVALUATION STANDARDS

16.08.080(A) STANDARDS:

N/A 1. **Minimum lot size of three 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 said waiver or deferral only for projects which:

- a. Include a minimum of thirty (30) percent of community or employee housing, as defined in Section 16.08.030;
- 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; and,
- c. Are on parcels that are no less than one and one-half acres (sixty-five thousand three hundred forty [65,340] square feet). 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 thereof; or,
- d. For a hotel which meets the definition of hotel in Chapter 17.08, Definitions, and conforms to all other requirements of Chapter 17.64, Community Core District. Modifications or waivers from the provision of Chapter 17.64 may be granted for hotel uses only as outlined in Chapter 17.64.010(H)(c).

Findings: A waiver to the minimum three acre parcel size was granted in 2009. The existing proposal meets the definition of hotel and will provide employee housing as outlined in the Development Agreement. The PUD amendment request does not change any of the original waiver requests.

Conclusion: This standard does not apply at this time.

N/A 2. **That the proposed project will not be detrimental to the present and permitted uses of surrounding areas.**

Findings: There are no changes proposed to the exterior of the building or to any exterior improvements. Any resultant parking or traffic changes will be addressed in the Zoning Code analysis above and Section 6 below.

Conclusion: This standard does not apply at this time.

N/A **3. That the proposed project will have a beneficial effect not normally achieved by standard subdivision development.**

Findings: This standard is not applicable because the proposed development is not a subdivision.

Conclusion: This standard does not apply. No land subdivision is proposed. See Section 14 below for a more detailed list of benefits.

N/A **4. The development shall be in harmony with the surrounding area.**

Findings: The PUD amendment request involves no exterior changes to the approved project.

Conclusion: This standard does not apply at this time.

N/A **5. 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 (30) percent of community or employee housing, as defined in Section 16.08.030; 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.**

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 thereof.

Findings/Conclusion: This standard does not apply. No densities are being transferred. The proposed density is permitted in the CC Zoning District.

YES **6. That the proposed vehicular and non-motorized transportation system:**

YES a. **Is adequate to carry anticipated traffic consistent with existing and future development of surrounding properties;**

Findings: The City Council PUD Findings of Fact stipulated that an updated transportation impact assessment be prepared prior to the City entering into a Development Agreement with the Applicant. This document, *Transportation Impact Assessment*, dated January 2010, was

prepared by Galena Engineering, Inc.. The original Development Agreement, recorded on September 30, 2010 is based on this document and a subsequent review of it by Hales Engineering entitled *Ketchum – Bald Mountain Lodge TIA / 1st Street Review*, dated April 14, 2010.

A revised *Bald Mountain Lodge Traffic Impact Assessment Update* by LSC Transportation Consultants, Inc., dated March 4, 2013, assessed the current proposal's impacts, resulting from the conversion of fourth floor residential units to hotel units, to traffic on Main Street and cross streets River Street and First Street. The revised study was based on the assumptions of the *Transportation Impact Assessment for Bald Mountain Lodge*, prepared by Galena Engineering, dated January 2010.

In summary, the revised assessment found that "The findings of the January 2010 *Bald Mountain Lodge Transportation Impact Assessment*, prepared by Galena Engineering, Inc. with regards to LOS and traffic queue lengths would not be changed noticeably by this change in traffic volumes, and remain appropriate."

More specifically, the revised assessment found that:

- "The change to the proposed land uses of the Bald Mountain Lodge (as indicated in a letter from Michael K. Kirby of HighMark Investments to Lisa Horowitz of the City of Ketchum, dated January 15, 2013) would result in an increase in 101 daily one-way vehicle-trips to/from the project (about a 10% overall increase), including an increase in 3 trips during the AM peak hour and 6 in the PM peak hour. However, this change results in only a 0.2 percent increase in overall traffic volume on Main Street in this vicinity, which is negligible.
- With this change in land use, the Bald Mountain Lodge project would generate an estimated total 1,108 vehicle-trips per day, of which 46 would occur in the AM peak hour and 87 in the PM peak hour."

The Commission considered the above information and expressed concern about the need to update baseline data in the traffic study in light of the timeline extensions currently being granted. The Commission expressed a desire to follow best practices, which, according to Traffic Consultant Gordon Shaw of LSC Consulting, would include updated baseline data approximately every three years. To address this concern, the Commission suggested an added condition to Timeline C that a revised traffic study would be "required, including new traffic baseline data. Said traffic study may result in modifications to approvals related to traffic and circulation."

In addition, LSC Transportation Consultants, Inc. was asked to study the implications of a three-lane configuration of Main Street at the River and First Street intersections. The Main Street intersection approaches were assumed to have one shared thru-right and an exclusive left-turn lane in each direction, while the River and First Street approaches were assumed to retain their existing single-lane approaches. In summary, this limited analysis and simulation found that, in a 2013 scenario:

- Reducing the capacity along Main Street would cause excessive delays at intersections.
- Long traffic queues on Main Street that would persist throughout the AM and PM peak hours were predicted. Of particular concern were that:
 - Southbound queues, formed from the Main Street/1st Avenue intersection, would extend northward through the 2nd, 3rd and 4th Street intersections, creating the potential for “gridlock” conditions;
 - Westbound queues on 1st Avenue would form back through the Leadville Avenue intersection; and
 - Northbound queues on Main Street would extend back to Serenade lane.
- The analysis also mentions that, in reality, the extent of the above mentioned delays and queues would result in “substantial diversion off of Main Street and onto parallel routes, such as 2nd Avenue and Cottonwood Street/3rd Avenue.” It concludes that, “even with those diversions (and associated impacts on the parallel routes) long delays and queues would remain on Main Street.”

In addition, the 2018 scenario assumes a 2% annual growth in traffic volumes on Main Street, which would result in substantially worse conditions than the 2013 study predicts.

In conclusion, the current analysis suggests that a three-lane configuration for Main Street does not appear to be a reasonable future scenario and would certainly require additional study.

The Commission acknowledged that, while the three lane configuration analysis provided interesting information, this analysis had no bearing on the PUD amendment being considered.

Conclusion: The proposed PUD Amendment would not noticeably change the traffic impacts of the project. All conditions of the original PUD approval and Development Agreement pertaining to traffic impact still apply. This standard has been met, subject to Conditions #3-8 on pages 27-28 of this report, and a modification to Condition #2, Timeline C, requiring a traffic study.

YES b. Will not generate vehicular traffic to cause "undue congestion" of the public street network within or outside the PUD;

Findings/Conclusion: See Section a. This standard has been met.

YES c. Is designed to provide automotive and pedestrian safety and convenience;

Findings: No change is proposed to the proposed configuration of vehicular and pedestrian access. The current traffic study does not find significant increase in vehicular activity due to the proposed use changes. The Commission clarified one condition related to striping of the entrance to the Porte Cochere off of First Street.

Conclusion: This standard has been met.

N/A d. Is designed to provide adequate removal, storage and deposition of snow;

Findings/Conclusion: There is no proposed change to the snow removal plan. This standard does not apply at this time.

YES e. 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.

Findings/Conclusion: This standard has been met. See Section c.

N/A f. Includes the use of buffers or other physical separations to buffer vehicular movement from adjacent uses;

Findings/Conclusion: There is no proposed change to the exterior configuration of the proposed project. This standard does not apply at this time.

N/A g. Is designed so that roads are placed so that disturbance of natural features and existing vegetation is minimized;

Findings/Conclusion: No additional roads are being proposed. This standard does not apply.

N/A h. Includes trails and sidewalks that creates an internal circulation system and connect to surrounding trails and walkways.

Findings/Conclusion: There is no proposed change to the exterior configuration of the proposed project. This standard does not apply at this time.

YES 7. That 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.

Findings: The proposed minor land use change does not negatively change the project with respect to the Comprehensive Plan, Downtown Master Plan, Zoning Ordinance or Subdivision Ordinance. The additional hotel rooms on the fourth floor bring the project further into compliance with the intent of the Comprehensive Plan and with the definition of "Hotel" in the Zoning Code.

Conclusion: This standard has been met.

N/A a. Pursuant to Section 16.08.070.D, all of the design review standards in Chapter 17.96 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.

Findings/Conclusion: There is no proposed change to the exterior configuration of the proposed project. This standard does not apply at this time.

N/A b. 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.

Findings/Conclusion: There is no proposed change to the exterior configuration of the proposed project. This standard does not apply at this time.

N/A c. The site design should cluster units on the most developable and least visually sensitive portion of the site.

Findings/Conclusion: There is no proposed change to the exterior configuration of the proposed project. This standard does not apply at this time.

N/A 8. That the development plan incorporates the site's significant natural features.

Findings/Conclusion: There is no proposed change to the exterior configuration of the proposed project. This standard does not apply at this time.

N/A 9. Substantial buffer planting strips or other barriers are provided where no natural buffers exist.

Findings/Conclusion: There is no proposed change to the exterior configuration of the proposed project. This standard does not apply at this time.

N/A 10. Each phase of such development shall contain all the necessary elements and improvements to exist independently from proposed future phases in a stable manner.

Findings/Conclusion: No change is proposed to the project phasing.

N/A 11. Adequate and useable 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 useable and convenient to the residents of the project. The amount of useable 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 thereof.

Findings/Conclusion: There is no proposed change to the exterior configuration of the proposed project. This standard does not apply at this time.

N/A 12. 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.

Findings/Conclusion: There is no proposed change to the exterior configuration of the proposed project. This standard does not apply at this time.

N/A 13. "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 thereof 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.

Findings/Conclusion: There is no proposed change to the recreational or daycare facilities of the proposed project. This standard does not apply at this time.

YES 14. 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.

Findings: Table 11 summarizes the special development objectives of the proposal:

TABLE 11: SPECIAL DEVELOPMENT OBJECTIVES

Special Development Objective, special Characteristics of the Site or Physical Conditions	Type of Objective
4-Star Hotel of <u>119</u> "hot beds"	Economic
Conference Space (seating for 250-275 persons)	Economic
Employee Housing for <u>30</u> employees (required but no plan has been provided)	Social
Proposed contribution towards the undergrounding of overhead power lines (amount to be determined)	Aesthetic; Economic
Pedestrian improvements to public right-of-way to create enhance pedestrian experience	Aesthetic; Economic

The current PUD amendment proposes to convert the entire fourth floor from residential to hotel use. This results in an economic benefit of an additional thirty-seven (37) hotel rooms in the Community Core. The employee housing requirement has changed from a requirement of twenty-

three (23) employee housing units to thirty (30) employee housing units. These are special development objectives that continue to justify the granting of a PUD. The City has established the need for hotels and hotbeds as a priority. The economic benefits of such a project are substantial.
Conclusion: This standard has been met.

YES **15. The development will be completed within a reasonable time.**

Findings: See General Findings section, page 2 of this report. At their meeting on March 11, 2013, the Commission noted their concerns over the extensions to the project timelines, and suggested a condition of approval that would impose an additional fee if any further extensions are requested. The Council discussed these concerns and agreed that, if any further extensions are applied for, a fee should be imposed to recoup costs incurred by the City to process such application. The Commission also noted that the applicant should pay attention to property maintenance and landscape care in the interim period before the site is developed.

Conclusion: This standard has been met with the condition that the project receive approval of a Second Amended Development Agreement, as outlined above, from the City Council prior to the end of the year 2013. In addition, Condition #16 addresses site maintenance and Condition #23 addresses the additional fee.

N/A **16. That public services, facilities and utilities are adequate to serve the proposed project and anticipated development within the appropriate service areas.**

Findings/Conclusion: The proposed PUD amendment does not affect public services, facilities and utilities. The Fire, Street and Utility Departments have had no concerns or comments on the current proposal. This standard does not apply at this time.

Yes **17. That the project complies with all applicable ordinances, rules and regulations of the city of Ketchum, Idaho except as modified or waived pursuant to this subsection A.**

Findings: At the time of the original PUD hearings, the applicant received several waivers that are outlined in the waiver chart provided earlier in this staff report. No additional waivers have been requested. All other ordinances, rules and regulations of the City of Ketchum are met. The waivers require approval through the PUD process and should be evaluated accordingly.

Conclusion: This standard has been met. Several waivers have been requested and approved, and are outlined previously in this staff report. All other rules and ordinances have been met.

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 and zoning ordinance, Title 17 and a subdivision ordinance, Title 16.

3. The Planning and Zoning Commission has authority to hear the applicant’s Conditional Use Permit application pursuant to Idaho Code Section 67-6512 of the Local Land Use Planning Act and Chapter 16.08 of Ketchum Subdivision Code Title 16.
4. The Commission’s public hearing and consideration of the applicant’s Conditional Use Permit application was properly noticed pursuant to the Local Land Use Planning Act, Idaho Code Section 67-6512.
5. The application does comply with Ketchum Zoning Code Title 17 and Ketchum Subdivision Code Title 16 and the Ketchum Comprehensive Plan only if the following conditions of approval are met.

DECISION

THEREFORE, the Ketchum City Council approves of this Conditional Use Permit (CUP) for a Planned Unit Development (PUD) amendment this 15th day of April, 2013 provided the following conditions are met:

AMENDED CONDITIONS OF APPROVAL FOR BALD MOUNTAIN LODGE LLC – BALD MOUNTAIN LODGE PUD:

The following conditions are based on the findings made on each of the standards of evaluation as they have been applied to the submitted plans for the PUD:

Hotel Uses

1. Only residential units may be condominiumized and sold separately. The hotel portion of the building including the hotel guest rooms shall not be condominiumized. Occupancy of residential units shall be addressed in the development agreement to ensure that they are as “occupied” for purposes of Urban Renewal Revenue valuation once certificates of occupancy have been issued.

Timing and Incentives

2. Construction Incentives

Incentive Timeline	Community Housing Waiver	Workforce Housing Waiver	Infrastructure Partnering
Timeline A - Building permit applied for in 2013 with construction commencing by June 2014 and the hotel portion of the building completed by 2017.	7,444 sf requirement or approximately \$2.36 million in lieu payment waived in full.	Waive the employee housing requirement in its entirety.	Applicant will construct and pay for all project infrastructure requirements as outlined in the DA. City of Ketchum agrees to request that the Urban Renewal Agency reimburse applicant for costs of qualified public infrastructure improvements. Said reimbursed costs may equal up to 50% of the annual URA revenue increments generated from the project up to a

			total of \$1.5 million over the life of the URA, whichever is less.
Timeline B - Building permit applied for in 2014 with construction commencing by December 2015 and the hotel portion of the building completed by 2018	7,444 sf requirement or approximately \$2.36 million in lieu payment waived in full (based on extension of June 2010 deadline)	50% waiver of housing requirement. 50% or \$1.38 million paid toward housing requirement via real estate transfer fee or other means approved by the City	Applicant will construct and pay for all project infrastructure requirements as outlined in the DA. City of Ketchum agrees to request that the Urban Renewal Agency reimburse applicant for costs of qualified public infrastructure improvements. Said reimbursed costs may equal up to 50% of the annual URA revenue increments generated from the project up to a total of \$1.5 million over the life of the URA, whichever is less.
Timeline C - Building permit application applied for within 4 years of Amended PUD approval	No waiver to requirement	No waiver to requirement	Applicant will construct and pay for all project infrastructure requirements as outlined in the DA. City of Ketchum does not contribute to said improvements.

*This approval is not binding upon the URA as its independent jurisdiction and discretion are not waived by any conditions mentioning the URA.

- **Timeline A.** The project shall receive the following waivers if a Second Development Agreement is approved by the City Council prior to the end of year 2013 and a building permit is applied for by December 2013 and construction commences by June 30th of 2014. If a building permit is not applied for in 2013, construction does not commence by June 30, 2014 and the certificate of occupancy for the hotel portion of the building is not approved by January 2017 these waivers shall not apply:
 - i. Employee Housing: waive the employee housing requirement in its entirety.
 - ii. Community Housing: the community housing requirement of 7,444 square feet or approximately \$2.36 million in-lieu payment is waived in its entirety.
 - iii. Infrastructure Partnering: Applicant will construct and pay for all project infrastructure requirements including undergrounding of power lines and installation of street improvements. City of Ketchum agrees to request that the Urban Renewal Agency reimburse applicant for costs of qualified public infrastructure improvements. A list of

qualified public infrastructure improvements should be identified in the Development Agreement. Said reimbursed costs may equal up to 50% of the annual URA revenue increments generated from the project up to a total of \$1.5 million over the life of the URA, whichever is less. Said reimbursement will be paid annually via URA revenues generated by the project, and shall be subordinate to existing debt accrued/obligated by the URA. A repayment plan shall be developed at such time as substantial URA revenues are generated from the project, at which time total URA increment revenues associated with this project shall be recalculated. Applicant and City Council acknowledge and agree that any project utilizing URA funds is subject to the sole discretion and decision of the URA and the URA is not bound by this agreement. URA financing and projects are also subject to applicable Idaho and federal law. Accordingly, there is no guarantee that URA funding will be available for this project.

- **Timeline B.** The project shall receive the following waivers if a building permit is applied for by December 2014 and construction commences by December of 2015. If a building permit is not applied for by December 2014, construction does not commence in December 2015 and the certificate of occupancy for the hotel portion of the building is not approved by January 2018 these waivers shall not apply:

- i. **Employee Housing:** waive 50% of the total employee housing requirement as calculated by the following formula. The remaining 50% employee housing requirement which totals \$1.38 million shall be one of the following:
 - a. Constructed within City limits or the Area of City Impact, including concepts of partnership with the City or other entities;
 - b. Paid via a real estate transfer fee, with transfer fees accruing to the City Housing In Lieu fund at the time of closing of each unit, or
 - c. By another method determined by the applicant and approved by the City.

If housing requirement is to be paid through read estate transfer fee, a minimum of 30% of the total required in-lieu fee shall be paid within one year of issuance of the certificate of occupancy of the hotel portion of the Project. The remaining fee shall be paid at the closing of each residential unit, at the rate of 4% of the remaining fee per unit closed until requirement 100% paid. In the event that the above schedule does not result in 100% of the fees being paid within ten years of Hotel COO, any remaining balance will be due and payable.

- ii. **Community Housing:** the community housing requirement of 7,444 square feet or approximately \$2.36 million in-lieu payment is waived in its entirety
- iii. **Infrastructure Partnering:** Applicant will construct and pay for all project infrastructure requirements including undergrounding of power lines and installation of street improvements. City of Ketchum agrees to request that the Urban Renewal Agency reimburse applicant for costs of qualified public infrastructure improvements. A list of qualified public infrastructure improvements should be identified in the Development

Agreement. Said reimbursed costs may equal up to 50% of the annual URA revenue increments generated from the project up to a total of \$1.5 million over the life of the URA, whichever is less. Said reimbursement will be paid annually via URA revenues generated by the project, and shall be subordinate to existing debt accrued/obligated by the URA. A repayment plan shall be developed at such time as substantial URA revenues are generated from the project, at which time total URA increment revenues associated with this project shall be recalculated. Applicant and City Council acknowledge and agree that any project utilizing URA funds is subject to the sole discretion and decision of the URA and the URA is not bound by this agreement. URA financing and projects are also subject to applicable Idaho and federal law. Accordingly, there is no guarantee that URA funding will be available for this project.

- **Timeline C.** In the case that a building permit is not applied for and construction does not commence as outlined in the two alternate timelines, this amended PUD CUP shall be valid for a period of four (4) years from the date of signing of Findings of Fact. Impacts to traffic shall be fully re-evaluated, including new baseline data. An application for building permit shall be submitted within 4 years, unless extended by the City Council upon written request by the applicant prior to the CUP expiring.

- i. In the event that the project falls under Timeline C, the applicant shall provide a detailed Employee Housing Plan, which provides for housing for 30 employees on a site acceptable to the Ketchum City Council, and within Ketchum City limits.

The following elements shall be required in the Employee Housing Plan:

- a) Provide salary/hourly wages (current dollars) for the various income categories of employees.
- b) The expected number of each level of employee that is intended to be served by the employee housing units.
- c) Which employee category will be served by which type/size of units.
- d) Provide information on anticipated rental rates (in current dollars) or subsidized and/or free rent to employees; will utilities and homeowner's dues (if any) be included in proposed rates.
- e) Establishment of maximum occupancy per unit type (i.e. 1 person per 1 bedroom unit; 2 persons per 2 bedroom units).
- f) Location of units to be within Ketchum City limits.
- g) Provide a matrix on breakdowns of the different types of units (1BD; square footage; total number of units; anticipated rent, etc.)
- h) Create a priority for occupancy program of these units; (i.e. first availability employees that are full-time, secondly to seasonal employees, and third to persons that are verified to be working in the City of Ketchum.
- i) What units will be available and how will the pool of units available be determined.

- j) What minimum standards will be used to determine employee eligibility to live in the employee housing; is full-time status required for employees to qualify for the employee housing and what constitutes full-time status.
- k) How will overflow of demand of units by employees be handled; will there be a priority system.
- l) Provide information on housing families (with children) and/or married couples.

The proposed Employee Housing shall meet minimum size thresholds and income categories established by BCHA and/or the City.

The following information shall be provided to the City:

- Wage/salary range and a breakdown the number of employees within the aforementioned classifications
- Information on type of housing provided per employee classification
- Costs incurred in rent (and utilities) and transportation/parking by employees
- Details on anticipated lease terms/rental agreements for employees housed on-site
- Anticipated transport and parking scenarios for both on-site and commuting employees.

The Employee Housing Plan shall be submitted and approved by the City Council prior to issuance of a building permit. This plan shall be an exhibit to an amendment to the PUD agreement and recorded prior to issuance of a building permit.

All of the required Employee Housing shall be available prior to the issuance of any Certificates of Occupancy for the Hotel, or any other uses in the hotel.

- ii. The applicant shall contribute a proportionate share to the underground relocation of overhead utility lines in the vicinity of the project, as outlined in the Development Agreement for the project. However, if the City and Idaho Power do not complete this work as a city project, the applicant may relocate the power lines directly adjacent to the hotel as an off-site improvement.
- iii. A revised traffic study is required, including new traffic baseline data. Said traffic study may result in modifications to approvals related to traffic and circulation.

Traffic and Circulation

- 3. Delivery vehicles associated with Bald Mountain Lodge, including the residential portion of the building, shall not interfere with the regular flow of traffic surrounding the building. In addition, delivery vehicles shall not block the regular flow of traffic on First Street and delivery vehicles shall not block the sidewalk along First Street.

4. Sidewalks shall be designed according to the approved sidewalk scheme for the site. The approved sidewalk scheme shall be recorded with the approved Development Agreement for Bald Mountain Lodge. The following requirements shall be met with regard to sidewalk designs and on-street parking:

River Street Frontage

- Bulb-out at River and Main St: 18 ft including curb and gutter
- Sidewalk 10 ft not including curb/gutter with angled parking along length of River Street
- Bulb-out with exit/entrance at intersection adjacent to Washington Ave: 18 ft including curb/gutter

Main Street Frontage (Based on two 12 ft southbound travel lanes)

- At 1st St: 16 ft bulb-out including curb and gutter
- Bus pull out 8 ft wide including curb and gutter leaving 8 ft wide sidewalk (subject to Mountain Rides requirements)
- Bulb-out at mid-block: 16 ft including curb/gutter
- 16 ft sidewalk/bulb-out from porte-cochere exit to River St

First Street Frontage

- 10 ft minimum sidewalk
- Parking from loading dock to Washington Ave (2 spaces)
- No bulb-outs permitted

Washington Ave Frontage*

- Two 9.5 ft travel lanes
- Maintain existing angled parking along Forest service Park
- BML portion of sidewalk - Minimum 10 ft sidewalks with portions of sidewalk 18 ft in width
- Barriers needed between parking and sidewalks (planters, bollards...etc)
- Recommend stamped and colored asphalt or pavers
- Recommend curb-less sidewalks allowing for flexibility (events, festivals, vending, etc...)

** Applicant shall present final design/scheme for Washington Avenue to City Council prior to building permit submittal and modifications to aforementioned scheme may be modified.*

5. Washington Avenue between 1st Street and River Street shall be rebuilt by the applicant within the aforementioned parameters. In addition, this section of Washington shall be

designed to serve events and functions taking place at both Bald Mountain Lodge and the Forest Service Park.

6. Snowmelt shall extend to curb-line at entrances and exits of building.
7. The recommendations of the City Engineer and of Ryan Hales of Hales Engineering with regard to traffic circulation in and out of the porte-cochere shall be followed. These recommendations are outlined in the memo from Hales Engineering titled "Ketchum – Bald Mountain Lodge TIA/1st Street Review" dated April 14, 2010.
8. Right-of-way encroachments, right turn lane and curb line alignment, slope and drainage, and sidewalk widths shall be resolved to the satisfaction of the City Engineer, Street Department and Fire Department prior to the issuance of a building permit.

Additional Requirements

9. The project shall, at a minimum, meet the requirements of and receive LEED Certification as outlined by the United States Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) Program. In addition, the project shall meet or exceed the minimum requirements set forth in the currently adopted version of the International Energy Conservation Code (IECC). These requirements shall be outlined in the development agreement for this project.
10. A construction staging and mitigation plan, including at a minimum provisions for off-site employee parking, off-site storage of bulk materials, and required ROW encroachments during construction, shall be submitted and approved by the Ketchum Building Department prior to building permit approval.
11. The proposed encroachments into the public street rights-of-way shall be allowed:
 - All marquees may extend into the public right of way as permitted through design review.
12. All water, sewer and other utility main lines, service lines, manholes and fire hydrants shall be maintained or improved as required by the Ketchum Water and Sewer Department.
13. The proposed development shall be completed substantially as presented in the plans dated April 8, 2010, as altered by relevant conditions of approval, and as set forth in the Planned Unit Development agreement, as amended by this amended PUD approval and any amendments to the Development Agreement. The PUD Development Agreement shall include the conditions herein, and other pertinent details from these Findings of Fact.
14. This PUD CUP approval is contingent upon the approved Community Core Design Review application, findings of fact dated March 22, 2010.
15. Applicant agrees to collaborate and participate financially with the City and other property owners on a gateway design, commissioning, construction and installation (as outlined for

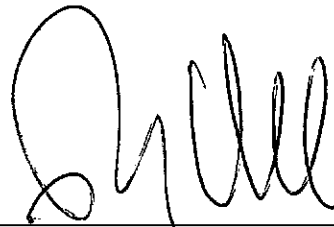
Hotel Ketchum in the development agreement dated November 17, 2008) for the intersection of Main St and River St.

16. The property shall be maintained appropriately per City code until construction commences. This shall include landscaping maintenance, noxious weed mitigation and irrigation of existing landscaping.
17. A Design Review Subcommittee shall be established through the development agreement for the project, as recommended in condition #8 of the design review findings of fact for Bald Mountain Lodge.
18. These conditions and other project details outlined in these findings of fact shall be enumerated in the development agreement for this project.
19. Upon issuance of building permit, applicant shall provide financial assurances, in the form of letter of credit, bonds or similar instruments to demonstrate to the City their ability to complete the permitted construction.
20. To reduce the appearance of building bulk, the upper floor steel diagonal columns shall be made vertical, subject to Design Review Subcommittee approval.
21. Applicant to provide a 'comfort letter' from its proposed project lender prior to execution of the development agreement. Such letter should memorialize any existing relationship between applicant and lender, and the lender(s)' interest in financing the project subject to market conditions and lenders' internal credit underwriting policies.

ADDITIONAL CONDITIONS OF APPROVAL PERTAINING TO PUD AMENDMENT

22. The applicant shall submit a revised parking plan showing that project parking requirements have been met, to the Design Review Subcommittee for review and approval prior to issuance of any building permit(s). If the parking requirements cannot be met, a payment of an in-lieu fee, at the current established rate, will be required for space(s) needed to meet requirements. Said fee shall be paid prior to issuance of a building permit.
23. A fee shall be imposed if any additional extensions are requested. The amount of said fee shall be determined by the City Council.
24. No exterior changes to the project are granted by this PUD Amendment.

Findings of Fact **adopted** this 6th day of May, 2013.



Randy Hall, Mayor

**Attachment B.
Public Comment**

- Mark Pynn, dated April 13, 2015



April 13, 2015

City of Ketchum Mayor and City Council Members

P.O. Box 2315

Ketchum, Idaho 83340

Dear Mayor and Council Members,

I am writing in regard to the proposed upcoming construction of the Limelight Hotel and your consideration of the upcoming Modifications to the Development Agreement and Right of Way Encroachment Permit for this hotel, to be discussed during a public meeting, Monday, April 20, 2015.

As a Ketchum business owner who has had an architectural practice in my office, located at 220 East Rivers Street, (across the street from the proposed new Limelight Hotel project), for eighteen years, I am very concerned about the impact the construction of this new facility will have on our neighborhood.

I am particularly concerned on the availability of existing parking for my business, (normal business parking for my staff, clients, and myself), during the construction of this project. This is a large construction project built on a tight site and the impacts of construction equipment, materials staging, placement or removal, construction personell vehicles, temporary associated construction personell vehicular access & parking, will be enormous for this neighborhood and the nearby business owners on Rivers Street in Ketchum.

I would appreciate your consideration of our plight during the construction of this important facility and I would like to know if any concessions may be made to help us maintain and restrict our existing building's parking for our business' use, during the 1 1/2-2 years it will take to build this hotel.

Perhaps a plan may be developed to facilitate our need as a condition of approval for the proposed Modifications to the Development Agreement and Right of Way Encroachment Permit.

Unfortunately, I am required to be out of town on Monday, April 20, 2015, and therefore will not be able to attend the public meeting to discuss this matter in person.

I would appreciate being informed about the solution to this upcoming challenge. If I may be of any assistance in the development of the solution to this challenge, please do not hesitate to contact me.

Thank you for your consideration of our needs to maintain my business in Ketchum.

Respectfully,

Mark Pynn AIA

MARK PYNN ARCHITECT L.L.C.

P.O. BOX 754 * 220 RIVER STREET EAST * KETCHUM, IDAHO 83340

P: 208.622.4656 * F: 208.726.7108

MPYNN@SUNVALLEYARCHITECT.COM * WWW.SUNVALLEYARCHITECT.COM



City of Ketchum

P.O. Box 2315 | 480 East Ave. N. | Ketchum, ID 83340

April 15, 2015

Mayor Jonas and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Jonas and City Councilors:

Limelight Hotel Washington Avenue Design Approval

Introduction/History

In accordance with the Development Agreement Limelight Ketchum, LLC is required to present a final design scheme for Washington Avenue to City Council prior to building permit submittal. The owner is also required to apply for and obtain a right-of-way encroachment permit prior to issuance of a building permit.

Limelight Ketchum, LLC has submitted a Right-of-Way Encroachment Permit Application along with a grading and utility plan and a stormwater drainage plan for review and approval.

The purpose of this staff report is to obtain council approval of the proposed Washington Avenue design and other features of the ROW improvements. If approval is granted staff will work with the owner to obtain the required right-of-way permits with the city.

Current Report

The proposed grading and utility plan submitted by Limelight Ketchum, LLC is attached. The grading plan shows the proposed design of Washington Avenue, as well as the design of improvements within Main Street, River Street, and First Avenue. The proposed right-of-way design, utility plan, and storm drainage plan has been reviewed and approved by the Public Works Department, Fire Department, City Arborist, and Idaho Transportation Department.

Limelight Hotel's proposed right-of-way improvements include construction of 10-foot wide concrete sidewalks, ADA pedestrian ramps, six-inch vertical curb and gutter, street lighting, street trees, signs, stormwater facilities including catch basins and drywells, and asphalt repair. Parallel parking will be along First Ave, Washington Ave, and River Street. The existing merge lane on Main Street will remain in place. Staff has verified that sufficient right-of-way width exists to maintain parking and travel lanes on all adjacent streets.

Limelight Ketchum, LLC will install a new sewer service to the existing sewer collection system in River Street and a new water service line from the existing 8" water main in Washington Avenue. Since an existing Ketchum Spring Water pipeline is located near the property line on the east side of Washington Avenue Limelight will

cap and abandon the waterlines in First Ave, Washington Ave, and River Street adjacent to the property. Prior to abandoning the water lines Limelight Ketchum will convert four services off the Ketchum Springs waterline and onto the municipal waterline in River Street.

Financial Requirement/Impact

The city currently maintains sidewalks, curb and gutter, street lights, and street trees adjacent to the project. The project will increase the number of street trees and add eleven new street lights that will be maintained by the city. This will slightly increase staff time and also increase water and power costs to the city. Power costs are estimated increase \$40-\$100 per month.

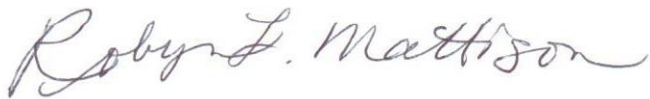
Recommendation

Staff respectfully recommends that the City Council approve the Washington Avenue design as submitted by Limelight Ketchum, LLC.

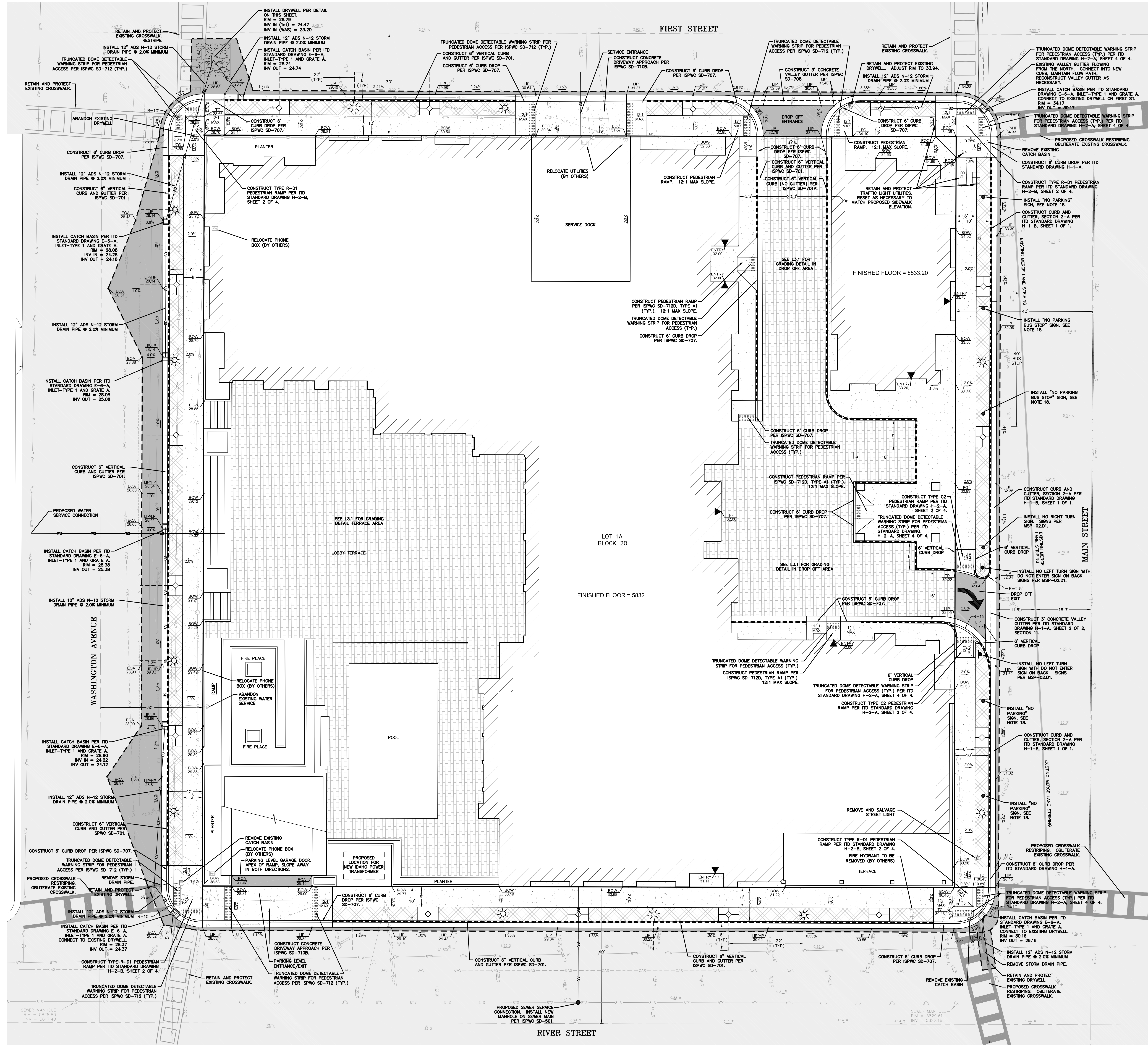
Recommended Motion

"I move to approve the Washington Avenue design proposed adjacent to the Limelight Hotel."

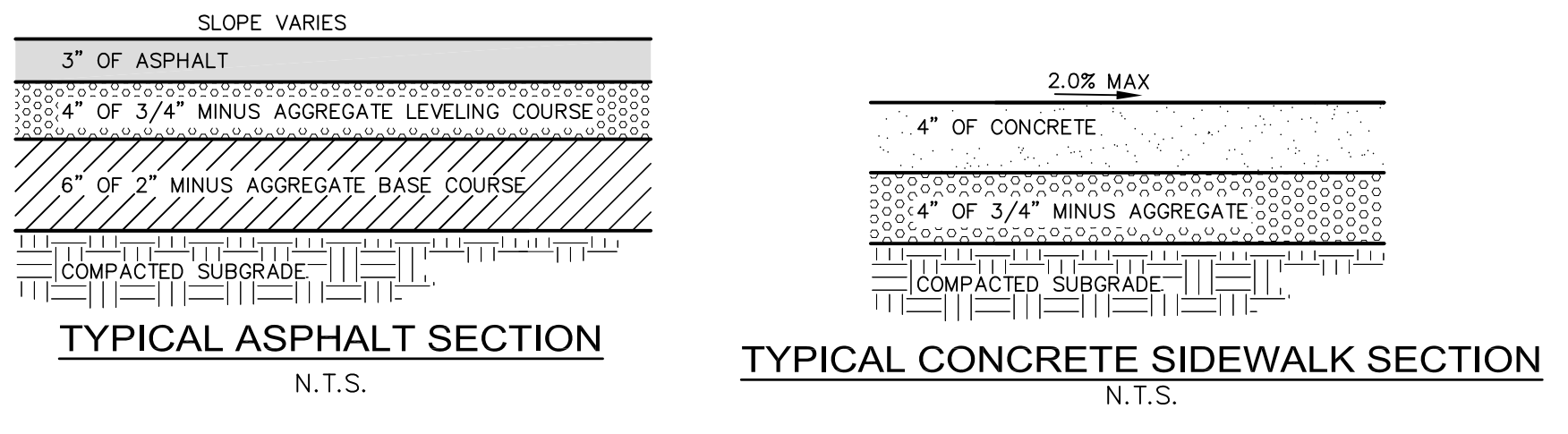
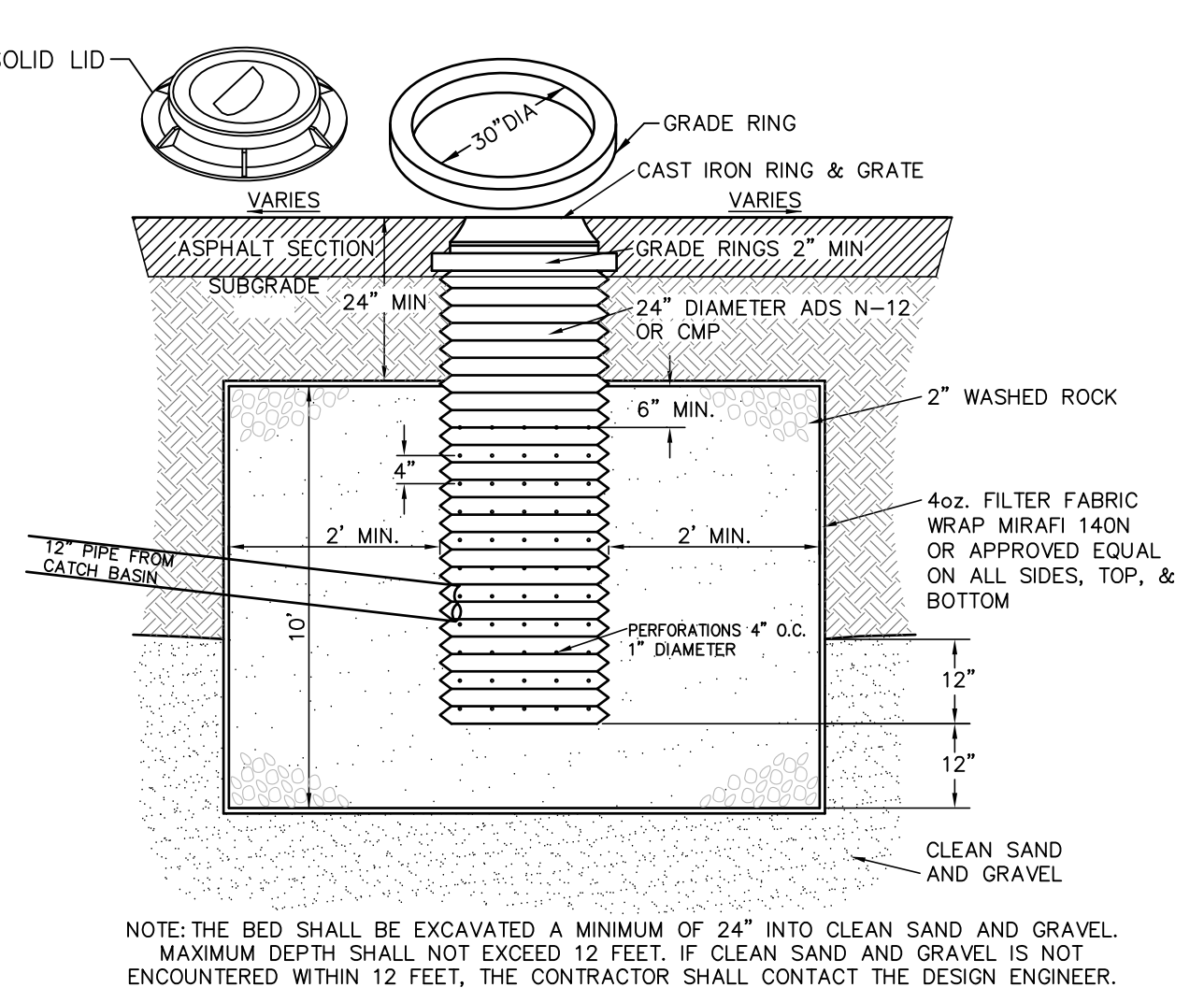
Sincerely,

A handwritten signature in cursive script that reads "Robyn L. Mattison".

Robyn L. Mattison, PE, LEED AP
Public Works Director/City Engineer

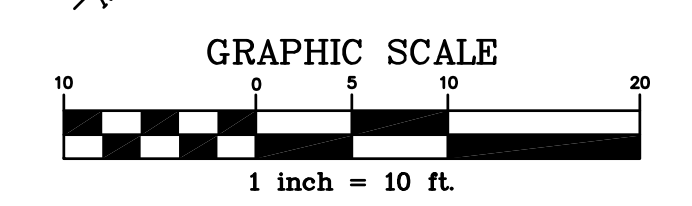


- NOTES**
- ALL CONSTRUCTION WITHIN THE CITY OF KETCHUM RIGHT OF WAY SHALL BE IN CONFORMANCE WITH THE MOST CURRENT EDITION OF IDAHO STANDARDS FOR PUBLIC WORKS CONSTRUCTION (ISPCW) AND THE CITY OF KETCHUM STANDARD DRAWINGS AND SPECIFICATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AND KEEPING A COPY OF THE PREVIOUSLY MENTIONED STANDARDS ON SITE DURING CONSTRUCTION.
 - ALL CONSTRUCTION WITHIN THE HIGHWAY RIGHT OF WAY SHALL BE IN CONFORMANCE WITH THE MOST CURRENT EDITION OF THE IDAHO TRANSPORTATION DEPARTMENT STANDARD DRAWINGS AND SPECIFICATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AND KEEPING A COPY OF THE PREVIOUSLY MENTIONED STANDARDS ON SITE DURING CONSTRUCTION.
 - THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN ON THE PLANS IN AN APPROXIMATE WAY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING EXISTING UTILITIES DURING THE CONSTRUCTION. THE CONTRACTOR AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH RESULT FROM HIS FAILURE TO ACCURATELY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. CONTRACTOR SHALL CALL DIGLINE (1-800-342-1585) AND APPROPRIATE UTILITY OWNERS TO LOCATE ALL EXISTING UNDERGROUND UTILITIES.
 - THE CONTRACTOR SHALL CLEAN UP THE SITE AFTER CONSTRUCTION SO THAT IT IS IN A CONDITION EQUAL TO OR BETTER THAN THAT WHICH EXISTED PRIOR TO CONSTRUCTION.
 - THE CONTRACTOR SHALL BE REQUIRED TO OBTAIN ALL THE NECESSARY PERMITS PRIOR TO CONSTRUCTION IF NOT ALREADY OBTAINED BY THE OWNER.
 - ALL CLEARING & GRUBBING SHALL CONFORM TO ISPCW SECTION 201.
 - ALL EXCAVATION & EMBANKMENT SHALL CONFORM TO ISPCW SECTION 202. EXCAVATED SUBGRADE SHALL BE COMPACTED AND ALL UNSUITABLE SECTIONS REMOVED AND REPLACED WITH STRUCTURAL FILL AS DETERMINED BY THE ENGINEER. MINIMUM COMPACTION OF PLACED MATERIAL SHALL BE 95% OF MAXIMUM LABORATORY DENSITY AS DETERMINED BY AASHTO T-99 OR ITD T-91.
 - ALL 2" MINUS GRAVEL SHALL CONFORM TO ISPCW SECTION 203, TYPE II (ITD STANDARD 703.04, 2"). SHALL BE PLACED IN CONFORMANCE WITH ISPCW SECTION 801 AND COMPACTED PER SECTION 202. MINIMUM COMPACTION OF PLACED MATERIAL SHALL BE 90% OF MAXIMUM LABORATORY DENSITY AS DETERMINED BY AASHTO T-99.
 - ALL 3/4" MINUS CRUSHED GRAVEL SHALL CONFORM TO ISPCW SECTION 202, TYPE I (ITD STANDARD 703.04, 3/4" B). SHALL BE PLACED IN CONFORMANCE WITH ISPCW SECTION 801 AND COMPACTED PER SECTION 202. MINIMUM COMPACTION OF PLACED MATERIAL SHALL BE 95% OF MAXIMUM LABORATORY DENSITY AS DETERMINED BY AASHTO T-99 OR ITD T-91.
 - ALL ASPHALTIC CONCRETE PAVEMENT WORK SHALL CONFORM TO ISPCW SECTION 805, 810, 811 FOR CLASS II PAVEMENT. ASPHALT AGGREGATE SHALL BE 1/2" (13MM) NOMINAL SIZE CONFORMING TO TABLE 803B IN ISPCW SECTION 805. ASPHALT BINDER SHALL BE PG 58-28 CONFORMING TO TABLE A-1 IN ISPCW SECTION 805.
 - ALL EDGES OF EXISTING ASPHALT PAVING SHALL BE SAW CUT 12" TO PROVIDE A CLEAN PAVEMENT EDGE FOR MATCHING. NO WHEEL CUTTING SHALL BE ALLOWED.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING TRAFFIC CONTROL PER MUTCD STANDARDS AND THE ATTACHED TRAFFIC CONTROL PLAN.
 - ALL CONCRETE FORM WORK SHALL CONFORM TO ISPCW SECTION 701 AND 703. ALL CONCRETE SHALL BE 3,000 PSI MINIMUM, 28 DAY, AS DEFINED IN ISPCW SECTION 703, TABLE 1.C.
 - ALL TRENCH WORK SHALL CONFORM TO ISPCW SECTION 300. TRENCHES SHALL BE BACKFILLED AND COMPACTED TO A MINIMUM OF 95% OF MAXIMUM DENSITY AS DETERMINED BY ASTM D-698, AT A UNIFORM MOISTURE CONTENT.
 - ALL GRAVITY SEWER WORK SHALL CONFORM TO ISPCW SECTION 500. SEWER SERVICE PIPE AND FITTINGS SHALL CONFORM TO ASTM D3034, SDR35 STANDARDS. THE SEWER SERVICE SHALL BE BEDDED WITH 1" MAXIMUM IMPORTED BEDDING MATERIAL TO A DEPTH OF 4" UNDER THE PIPE AND 6" OVER THE PIPE. THE SEWER SERVICE SHALL BE PRESSURE TESTED ACCORDING TO ISPCW SECTION 501.3.4.
 - THE WATER SERVICE SHALL BE CONSTRUCTED IN CONFORMANCE WITH THE DETAIL SHOWN IN THE DRAWINGS. ALL SERVICE PIPE SHALL BE ULTRA-HIGH MOLECULAR WEIGHT POLYETHYLENE PIPE CONFORMING TO ASTM D-2638, DESIGNATION P.E. 3408 IRON PIPE SIZE. WATER SERVICE PIPE SHALL BE BEDDED 4" UNDER PIPE AND 6" OVER PIPE WITH 1" MAXIMUM IMPORTED BEDDING MATERIAL.
 - ALL NO PARKING AREAS TO HAVE TOP OF CURB AND FACE OF CURB PAINTED RED.
 - TRAFFIC SIGNING TO BE MOUNTED ON 12 GAUGE 2"x2" SQUARE TUBING SET IN A 2-1/2"x2-1/2" SQUARE TUBING (3/16" THICKNESS) EMBEDDED IN 8" SQUARE x 2" DEEP CONCRETE FOOTING. 7" CLEARANCE FROM THE BOTTOM OF SIGN TO GRADE. SIGNS PER MUTCD.



LEGEND

	PROPERTY BOUNDARY		PROPOSED ENTRY LOCATION
	RIGHT-OF-WAY CENTERLINE		EXISTING SANITARY SEWER MANHOLE
	EXISTING 8" SEWER MAIN		EXISTING SEWER SERVICE CLEANOUT
	PROPOSED SEWER SERVICE		PROPOSED SANITARY SEWER MANHOLE
	EXISTING SEWER SERVICE		EXISTING LIGHT
	EXISTING STORM DRAIN		TRAFFIC LIGHT
	PROPOSED STORM DRAIN		EXISTING POWER BOX
	EXISTING BURIED TELEVISION CABLE		EXISTING TELEPHONE BOX
	EXISTING GAS MAIN		EXISTING GAS METER
	EXISTING BURIED POWER LINE		EXISTING TRAFFIC SIGNAL BOX
	EXISTING BURIED PHONE LINE		EXISTING WATER VALVE BOX
	EXISTING 4" WATER MAIN		EXISTING FIRE HYDRANT
	EXISTING 4" WATER MAIN		EXISTING DRY WELL
	PROPOSED WATER SERVICE		EXISTING CATCH BASIN
	EXISTING DOUBLE YELLOW STRIPING		EXISTING WATER SERVICE
	PROPOSED CROSSWALK		PROPOSED CATCH BASIN
	EXISTING CROSSWALK		PROPOSED SPOT ELEVATION
	PROPOSED PARKING STRIPING		PROPOSED GRADE
	PROPOSED CONCRETE VERTICAL CURB		EXISTING SPOT ELEVATION
	PROPOSED ASPHALT SAWCUT LINE		EXISTING GRADE
	PROPOSED CONCRETE VERTICAL CURB AND GUTTER		TRUNCATED DOME DETECTABLE WARNING STRIP FOR PEDESTRIAN ACCESS
	PROPOSED CONCRETE		PROPOSED TREE GRATE
	PROPOSED ORNAMENTAL CONCRETE		PROPOSED STREET LIGHT
	PROPOSED PAVERS		PROPOSED SIGN
	PROPOSED ASPHALT		FUTURE GRADE
	EXISTING ASPHALT		LP LIP OF GUTTER
	PROPOSED BUILDING		HP HIGH POINT
			LP LOW POINT
			BOW BACK OF WALK
			EOC EDGE OF CONCRETE
			FF FINISHED FLOOR
			TP TOP OF PAVERS
			TC TOP OF CONCRETE



FOR PERMIT PURPOSES ONLY - NOT FOR CONSTRUCTION
 GRADING AND UTILITY PLAN



City of Ketchum

P.O. Box 2315 | 480 East Ave. N. | Ketchum, ID 83340

April 14, 2015

Mayor Jonas and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Jonas and City Councilors:

Recommendation for Approval of Task Order with Zions Bank Public Finance for Expanded Water and Sewer Rate Analysis

Introduction/History

In October council approved a task order with Zions Bank Public Finance to provide a water and sewer user rate analysis.

Current Report

Zions has performed a majority of the scope of services initially identified in the scope of services signed in October. During the internal review phase of the draft water rate study Dr. Pabich brought to the city's attention a new rate structure where base rates would be individually set based on peak water usage. This is a unique structure that has been not been implemented by a municipality in the United States. Zions proposes to assist the city in determining the pros and cons, feasibility, revenue risk, and other considerations associated with the PeakSet Base rate structure as authorized by city staff. This work is outside of the initial task order associated with the rate study.

Financial Requirement/Impact

Zions will assist the city in an evaluation of the innovative rate structure for an hourly rate including time and materials. The hourly billing rate for the additional services is attached.

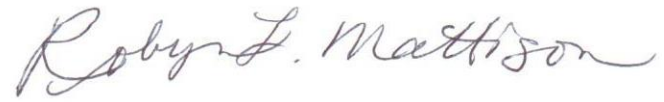
Recommendation

I respectfully recommend the City Council approve the time and materials task order for Expanded Water and Sewer Rate Analysis with Zions Bank Public Finance.

Recommended Motion

"I move to approve the time and materials task order for Expanded Water and Sewer Rate Analysis with Zions Bank Public Finance".

Sincerely,

A handwritten signature in cursive script that reads "Robyn L. Mattison".

Robyn L. Mattison, PE
Public Works Director/City Engineer

Attachment- Zions Bank Public Finance Expanded Water and Sewer Rate Analysis Time and Materials
Proposal

KETCHUM, IDAHO

EXPANDED WATER AND SEWER RATE ANALYSIS SCOPE OF SERVICES

Overview of Proposed Work

Zions Bank Public Finance will provide services related to continued financial modeling for the City of Ketchum water and sewer rate analysis. Examples of continued services include water demand sensitivity analysis, modeling financial impacts, forecasting the sizing and timing of future bonds, monitoring key rating agency metrics, and calculating rate needs for various capital improvement project scenarios, review of rate structuring alternatives and other rate-related needs. All analysis will lead to a final recommended water and sewer rate structure.

COST PROPOSAL

Zions will only bill for actual time incurred on a time and materials basis for work that is specifically authorized by the City. Hourly billing rates for Zions staff are included below.

ZIONS BANK PUBLIC FINANCE		
Hourly Billing Rates		
Vice-President	Analyst	Clerical
\$125	\$90	\$70

PROJECT SCHEDULE

Project will be ongoing. Zions will provide services on an as needed basis and will not conduct work unless authorized by the City.

Signed:

Mayor Nina Jonas, City of Ketchum, Idaho

Dated: ___/___/___

Attest:

Matt Millis, Zions Bank Public Finance

Dated: ___/___/___

Attest:

Megan Weber, Zions Bank Public Finance



City of Ketchum
City Hall

April 20, 2015

Mayor Jonas and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Jonas and City Councilors:

Recommendation To Authorize the City Administrator to Negotiate and Execute a Contract with ZGA Architects in an Amount Not to Exceed \$25,000 for Preparation of a Space Analysis and Cost Estimate for a Future City Hall, Police and Fire Station

Introduction/History

For several years the City has been contemplating replacing City Hall with a facility that is accessible, functional, and relevant to the community. The existing structure is deteriorating and no longer meets the space and operational needs of Fire, Police and other city operations. Before moving forward, it is necessary to develop a space analysis to determine the size, location, configuration and cost of new facilities. This report recommends entering into a contract with ZGA Architects to prepare the space study and cost estimate.

Current Report

The study to determine the size, configuration and cost for a new city hall, police and fire facility requires expertise in designing public buildings, in particular, fire stations. Staff researched firms who have this expertise through the American Institute of Architects (AIA) website for Idaho. The reason why it is necessary to use a firm with experience with public buildings is because it is critical in developing an accurate and complete cost estimate. The firm must understand the complexities of city halls, police and fire stations. Their cost estimate has to be accurate and include all the unique features in public safety facilities. Based on the information on the AIA website, there were two firms in Idaho with this expertise. Staff interviewed both firms and found that ZGA Architects had the most relevant and comprehensive experience.

This effort will not be a building design, the end product will be a study assessing the functional needs, adjacencies, future needs, footprint and cost estimate for a new Fire, Police and City Hall facility. Once the analysis is complete, funding options will be presented to Council for consideration. Once funding is secured to develop the new facilities, the city will prepare and issue a request for qualifications to select an architectural team to design the building(s), prepare the plans and assist with construction.

A request for qualifications was not prepared for the space study selection process. This was a conscious decision based on the following factors:

- The desire to hire an Idaho based architect to minimize costs;
- The limited number of architects in Idaho who have experience in preparing space plans and cost estimates for public buildings, including fire stations;
- The need to complete the study within six months to keep all funding options open, including a bond before the voters in Spring 2016

For the reasons identified above, staff is recommending awarding the contract to ZGA Architects from Boise. They have demonstrated success with this kind of project, the cost is within budget and they have the capacity and commitment to complete the project within six months.

It is anticipated ZGA architects will determine future space needs by meeting with all the relevant departments, assess the most feasible locations and develop cost estimates. Throughout this process the Council will be involved and provide input and direction at key points in the process.

Financial Requirement/Impact

The cost of the study is being funded by the KURA. In the FY 14/15 budget the KURA budgeted \$25,000 for a study. There is not financial impact to the City for preparation of the study. However, the city will be responsible for indentifying funding for development of the new facilities.

Recommendation

Staff respectfully recommends the Council authorize the City Administrator to negotiate and enter into a contract with ZGA Architects in an amount not too exceed \$25,000.

Recommended Motion

I move to authorize the City Administrator to negotiate and execute and contract with ZGA Architects in an amount no too exceed \$25,000 for the purpose of preparing a space analysis to determine the size, location, configuration and cost of a new Fire, Police and city facility.

Sincerely,



Suzanne Frick
City Administrator



City of Ketchum
City Hall

April 15, 2015

Mayor Jonas and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Jonas and City Councilors:

Recommendation To Modify Chapter 12.32, the Special Events Ordinance

Introduction/History

The current special events ordinance has been revised numerous times over the years. As a result, event standards and regulations are different depending on the location of the event leading to confusion, the standards are inconsistent and difficult to understand and administer for both applicants and staff.

Current Report

In an effort to improve the event permitting process and provide clear standards, staff is recommending repeal of Chapter 12.32 (Special Events) and adoption of a new Chapter 12.32. The proposed revisions simplify the event application process, provide a greater level of noticing, and treat all events the same no matter where they are located. Attached to this report is the proposed ordinance (Attachment A) and a strikeout and bold version identifying the changes (Attachment B).

The following summarizes the proposed changes:

- Defines and provides standards for small, medium and large events. The goal is to reduce the processing requirements for small events.
- Creates one set of processing and review standards for all events. The goal is to encourage events throughout the city and provide clear standards. The prior ordinance had a different process, fees and requirements for events within the festival area and outside the festival area.
- Provides standardized noticing requirements for small, medium and large events to ensure adequate notification of surrounding businesses and residents.
- Implements a consistent appeal process of event application decisions. Current ordinance has two different appeal paths depending on event location.
- Eliminates fee waivers.
- Eliminates the festival area as the priority place for events, allows events to occur throughout the city by establishing a consistent set of standards.

Should the Council approve the proposed ordinance, the standards will apply to events that occur after the effective date of the ordinance.

Financial Requirement/Impact

There is no financial impact with the adoption of this ordinance. The proposed ordinance will eliminate confusion and improve administration and implementation.

Recommendation

Staff recommends the City Council repeal Chapter 12.32 and adopt Ordinance 1131 establishing a new Chapter 12.32 Special Event Ordinance.

Recommended Motion

I move adopt Ordinance 1131, repealing Chapter 12.32 of the Ketchum Municipal Code and replacing it with a new Chapter 12.32 Special Events.

Sincerely,

A handwritten signature in black ink, appearing to read "Suzanne Frick". The signature is fluid and cursive, with a prominent initial "S" and a long, sweeping underline.

Suzanne Frick
City Administrator

Attachment A

CITY OF KETCHUM, IDAHO, ORDINANCE NO. 1131

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, REPEALING CHAPTER 12.32 OF THE KETCHUM MUNICIPAL CODE AND REPLACING IT WITH A NEW CHAPTER 12.32

WHEREAS, Chapter 12.32 was adopted by the Ketchum City Council and amended over time,

WHEREAS, special events are recognized as an important element of a vibrant and successful community;

WHEREAS, the current standards and regulations in Chapter 12.32 are outdated and at times discourage events and therefore are in need of updating;

WHEREAS, it is the intent of the Ketchum City Council to provide clear standards and a simplified process to encourage special events;

WHEREAS, it is found appropriate to repeal Chapter 12.32 and adopt a new Chapter 12.32 that contains new standards and application procedures;

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Ketchum Idaho:

SECTION 1. AMENDING KETCHUM MUNICIPAL CODE. Ketchum Municipal Code is hereby amended by the repeal of 12.32 and addition of Chapter 12.32 Special Events Permits as follows,

SECTION 2. SPECIAL EVENT PERMITS

SECTION 3. 12.32.010: DEFINITIONS:

For the purpose of this chapter, the following terms shall have the meanings prescribed in this section:

APPLICANT: The person, or group of people, who is or are the organizer(s) and with whom the responsibility for conduct of the special event lies. The applicant signs the special event license application and all other documents relevant to the special event.

CITY: The city of Ketchum, Idaho.

CITY ATTORNEY: The duly appointed city attorney of the city of Ketchum, Idaho.

CITY COUNCIL: The duly elected city council of the city of Ketchum, Idaho.

ENGAGING IN OR CONDUCTING BUSINESS: The selling, soliciting, advertising or offering for sale of any service or item of personal property or real property or any interest in such property.

FEES: Charges assessed by the city for licensing, staffing, equipment use/rental, property use/rental, cleanup, and inspections involving the use of public property, public employees or public equipment assessed to a special event and established within the special event licensing process.

LARGE EVENT: Special events requiring a street closure of more than one day; or have an anticipated attendance over 400 people; or a weekly event that takes place more than four (4) consecutive weeks.

LICENSEE: The applicant becomes the "licensee" when the special event license has been approved and signed by the special event coordinator, and the fee, security, insurance and indemnity requirements have been fulfilled. As the license holder, the licensee becomes the sole proprietor of the special event and inherits the responsibilities connected with all licenses, fee assessments, copyrights, insurance and liabilities connected with the licensed special event.

MEDIUM EVENT: Special events that require a street closure of one day or less; or have an anticipated attendance between 100-400 people; or a weekly event that takes place up to, but not more than, four (4) consecutive weeks.

PERSON: Every natural person, firm, partnership, association, corporation or any other business entity.

PUBLIC EVENT: Any special event held on public property in which the general public is invited, with or without charge, and which creates significant public impact through: a) the attraction of large crowds; b) the necessity for street closures or use of other public property; c) the required use of city equipment and/or services; or d) the necessity for temporary business licensing.

PUBLIC HOLIDAY: Any state or national holiday or any locally declared day of celebration, including, but not limited to, Wagon Days and New Year's Eve, during which a special event may be held.

PUBLIC PROPERTY: Any sidewalk, street, alley, highway, public right of way, park, parking lot or other place owned in fee or leased by the city, or in, on or over which an easement exists in the name of or held by the city, or which exists for the benefit and use of the public.

SMALL EVENT: Special events that do not require a street closure, are a single occurrence, and have an anticipated attendance under one hundred (100) people.

SPECIAL EVENT: The temporary use of public property, including streets, parking lots, parks and waterways, for the purpose of conducting certain public events such as, but not limited to, art shows, music concerts, fundraising events, amusement attractions, circuses, carnivals, rodeos, craft fairs, sporting events, contests, dances, tournaments, walkathons, marathons, races, exhibitions or related activities. In addition, a "special event" is any public event which could reasonably be interpreted to cause significant public impact via disturbance, crowd, traffic/parking or disruption of the normal routine of the community or affected neighborhood.

STREET CLOSURE: The deliberate blockage of all, or a portion of, a public street, a right of way or a city owned parking facility to prohibit the flow of traffic or access of vehicles. Any non-construction

street closure, regardless of duration, requires a special event license.

VENUE: The location or locations upon which a special event is held, as well as the ingress and egress route.

WEEKLY EVENT: Any event that takes place once per week for two (2) or more consecutive weeks.

SECTION 4. 12.32.020: SPECIAL EVENT LICENSE REQUIRED:

Unless exempted by state or federal law, it is unlawful for any person to conduct a special event, with or without charge for admission, on public property without first applying for and being granted a special event license for the specific special event and its venue. All licenses issued pursuant to this chapter are nontransferable and expire at the completion of the given special event.

SECTION 5. 12.32.030: LIMITATION OF LICENSES:

1. The following limitations apply to all special events:

- a. A special event shall be limited to no more than four (4) consecutive days in duration.
- b. No more than eight (8) special event licenses shall be issued to any one applicant during a single calendar year.
- c. For events lasting four (4) days or more, only two (2) licenses shall be issued to one applicant per calendar year.
- d. Events that take place on consecutive weeks, or weekly events, are required to apply for one special event license. A weekly event shall be limited to one event per week, and limited to a total of twenty two (22) weeks out of the calendar year.

SECTION 6. 12.32.040: APPLICATION PROCEDURE:

An application for special event license shall be made in writing on forms provided by the city.

A. Filing Period: A complete application and filing fee shall be submitted to the city in accordance with the following time frames:

- 1. Small Event outside of Town Square. Within 10 days of the date of the proposed event date.
- 2. Medium Event or Small Event within Town Square. Within 30 days of the date of the proposed event date.
- 3. Large Event. Within 60 days of the proposed event date.

These filing deadlines may be modified by the City Administrator if a determination is made that the event will have minimal impacts.

B. Notice: All events shall be placed on the official city of Ketchum special events calendar upon receipt of the special event application. For small events within town square, medium and large events, written notice of the application shall be mailed, or emailed if requested, to those property owners and businesses adjoining the proposed venue of the special event within five (5) days of city receipt of the special event application. The notice shall state the date, time, venue and purpose of the special event, and that such adjoining property owners and businesses have seven (7) days in which to submit comments regarding the proposed special event to the city.

For all events, city staff may elect to provide additional noticing based on the size, location and scope of the event. Additional noticing may include, but is not limited to, newspaper advertisements and physical mailing to adjacent property owners or business owners.

C. Decision: The application materials and any comments received from the adjoining property owners will be reviewed by the city in light of the standards provided in section 12.32.050 of this chapter. The city shall provide in writing a decision on the application within five (5) days of the date a complete application was filed for small events and within twenty (20) days of the date a complete application was filed for medium and large events.

D. License Issuance: An applicant shall be issued a special event license for the given special event upon the approval of the city, and upon the fulfillment of the fee, security, insurance and indemnity requirements.

E. Fees: Except as provided in subsection E1 of this section, all fees due the city as a result of a special event must be paid in full no later than five (5) days prior to the first day of the special event.

1. Application Fee: An application fee shall be paid at the time the special event permit is filed with the city. The application fee shall be set by resolution of the city council.

2. Notice Fee: The applicant shall be responsible for a fee equal to the expense of giving notice as required by subsection B of this section.

3. City Equipment/Services Fee: If the applicant requests city equipment and/or services in conjunction with the special event or if city equipment and/or services are deemed necessary by the city to protect the public's health, safety and welfare during the special event, the applicant shall be responsible for a fee equal to the expense of such city equipment and/or services. The city shall provide the applicant with an estimate of equipment/service fees based on city salaries and equipment rental charges.

SECTION 7. 12.32.050: STANDARDS FOR ISSUANCE:

The city may issue a license as provided for under this chapter when, from consideration of the application, comments received from adjoining property owners and from such other information as may otherwise be deemed necessary, he or she finds that:

A. The conduct of the special event will not substantially interrupt the safe and orderly movement of traffic contiguous to its venue;

B. The conduct of the special event will not require the diversion of so great a number of police officers of the city to properly police the venue and the contiguous area as to prevent normal police protection to the city;

C. The special event will not require the diversion or impact paramedic services in the city.

D. The conduct of the special event will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed special event and the contiguous areas;

E. The concentration of persons and vehicles at assembly points of the special event will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

F. The conduct of the special event will not interfere with the movement of firefighting equipment en route to a fire;

G. The conduct of the special event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create an undue disturbance; and

H. The special event is not for an unlawful purpose.

SECTION 8. 12.32.060: INSURANCE REQUIREMENTS:

Every applicant, at its sole cost and expense, shall obtain and maintain in full force and effect throughout the entire term of the licensed special event, public liability insurance in the amount of one million dollars (\$1,000,000.00) per person and one million dollars (\$1,000,000.00) per accident. In addition, every applicant, at its sole cost and expense, shall obtain and maintain public liability insurance for property damage in the amount of one million dollars (\$1,000,000.00). Certificates of such insurance shall be filed concurrently with the application for the special event. Such certificates shall be subject to the approval of the city attorney and shall contain an endorsement stating that the city of Ketchum is named as an additional insured and that such insurance will not be canceled or altered by the insurance company or applicant without ten (10) days' prior written notice of such intended alteration or cancellation to the city. Current certificates of such insurance shall be kept on file at all times during the term of the special event.

SECTION 9. 12.32.070 INDEMNITY:

The applicant shall indemnify, defend and hold harmless the city, its officers, agents and employees from any and all demands, claims or liability of any nature caused by or arising out of or connected with the licensed special event.

SECTION 7. 12.32.080 EXEMPTIONS:

When the city is the applicant for a special event, the city shall be exempt from the requirements of subsection 12.32.040 E and sections 12.32.60 and 12.32.070 of this chapter.

SECTION 8. 12.32.090: APPLICABLE LAW:

The special event license is subject to other applicable city, state, federal or other governmental licenses, tax regulations or laws.

SECTION 9. 12.32.100: APPEALS:

1. Appeal of a decision on medium and large event applications. An appeal from any decision on a special event application for medium and large events may be made to the Ketchum city administrator. All appeals shall be made only by an affected party. Upon reviewing the appeal, the Ketchum city administrator shall consider the record, the decision on the application, together with a presentation by the appellant, and the applicant. The city administrator may affirm, reverse or modify, in whole or in part, the decision on the application. The city shall transmit a copy of the city administrator's decision to the appellant, the applicant and any person who has requested a copy in writing.

2. Deferral To Council: The city administrator shall have the sole discretion to defer review and decision on an appeal to the Ketchum city council.

3. Time For Filing Appeals: Notice of appeal shall be filed before five o'clock (5:00) P.M. of the fifth calendar day after the decision on the application has been rendered. The failure to physically file a notice of appeal with the city within the time limits prescribed by this section shall cause automatic dismissal of such appeal.

4. Fee For Appeals: An appeal fee shall be set by Resolution of the City Council and shall be paid upon filing the appeal. In the event the fee is not paid as required, the appeal shall not be considered filed.

5. Notice Of Appeal: Form And Contents: The notice of appeal shall be in writing and in such form as shall be available from the city.

SECTION 10. 12.32.110: ENFORCEMENT AND PENALTIES:

A. Any violation of the conditions of approval for an event, or the event not operating in the manner identified in the event application, may result in the event being cancelled or shut down. In addition, if the event is a reoccurring event, future application may be denied.

B. Any person who shall violate any provision of this chapter shall be guilty of an infraction.

C. Civil Enforcement: Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of the provisions stated in this chapter to prevent any violation of these regulations, to recover damages, to restrain, correct or abate a violation and to prevent illegal occupancy of public property. These remedies shall be in addition to the penalties described in subsection A of this section.

SECTION 11. SAVINGS AND SEVERABILITY CLAUSE. It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any

paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 12. REPEALER CLAUSE. All City of Ketchum ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 13. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED by the City Council and APPROVED by the Mayor of Ketchum this 20th day of April, 2015.

CITY OF KETCHUM, IDAHO

Nina Jonas, Mayor

ATTEST:

Sandra E. Cady

Attachment B

Chapter 12.32

SPECIAL EVENT PERMITS

12.32.010: DEFINITIONS:

For the purpose of this chapter, the following terms shall have the meanings prescribed in this section:

APPLICANT: The person, or group of people, who is or are the organizer(s) and with whom the responsibility for conduct of the special event lies. The applicant signs the special event license application and all other documents relevant to the special event.

CITY: The city of Ketchum, Idaho.

CITY ATTORNEY: The duly appointed city attorney of the city of Ketchum, Idaho.

CITY COUNCIL: The duly elected city council of the city of Ketchum, Idaho.

ENGAGING IN OR CONDUCTING BUSINESS: The selling, soliciting, advertising or offering for sale of any service or item of personal property or real property or any interest in such property.

FEES: Charges assessed by the city for licensing, staffing, equipment use/rental, property use/rental, cleanup, and inspections involving the use of public property, public employees or public equipment assessed to a special event and established within the special event licensing process.

~~**FESTIVAL AREA:** An area designated within the city of Ketchum for a higher frequency of special events, and, is subject to the rules and regulations set forth specifically in section 12.32.130, "Festival Area", of this chapter.~~

LARGE EVENT: Special events requiring a street closure of more than one day; or have an anticipated attendance over 400 people; or a weekly event that takes place more than four (4) consecutive weeks.

LICENSEE: The applicant becomes the "licensee" when the special event license has been approved and signed by the special event coordinator, and the fee, security, insurance and indemnity requirements have been fulfilled. As the license holder, the licensee becomes the sole proprietor of the special event and inherits the responsibilities connected with all licenses, fee assessments, copyrights, insurance and liabilities connected with the licensed special event.

MEDIUM EVENT: Special events that require a street closure of one day or less; or have an anticipated attendance between 100-400 people; or a weekly event that takes place up to, but not more than, four (4) consecutive weeks.

PERSON: Every natural person, firm, partnership, association, corporation or any other business

entity.

~~PLANNING AND ZONING COMMISSION: The duly appointed planning and zoning commission of the city of Ketchum, Idaho.~~

~~PLANNING DEPARTMENT: The planning department of the city of Ketchum, Idaho.~~

PUBLIC EVENT: Any special event held on public property in which the general public is invited, with or without charge, and which creates significant public impact through: a) the attraction of large crowds; b) the necessity for street closures or use of other public property; c) the required use of city equipment and/or services; or d) the necessity for temporary business licensing.

PUBLIC HOLIDAY: Any state or national holiday or any locally declared day of celebration, including, but not limited to, Wagon Days and New Year's Eve, during which a special event may be held.

PUBLIC PROPERTY: Any sidewalk, street, alley, highway, public right of way, park, parking lot or other place owned in fee or leased by the city, or in, on or over which an easement exists in the name of or held by the city, or which exists for the benefit and use of the public.

SMALL EVENT: Special events that do not require a street closure, are a single occurrence, and have an anticipated attendance under one hundred (100) people.

SPECIAL EVENT: The temporary use of public property, including streets, parking lots, parks and waterways, for the purpose of conducting certain public events such as, but not limited to, art shows, music concerts, fundraising events, amusement attractions, circuses, carnivals, rodeos, craft fairs, sporting events, contests, dances, tournaments, walkathons, marathons, races, exhibitions or related activities. In addition, a "special event" is any public event which could reasonably be interpreted to cause significant public impact via disturbance, crowd, traffic/parking or disruption of the normal routine of the community or affected neighborhood.

~~SPECIAL EVENTS COORDINATOR: The community and economic development director of the city of Ketchum, Idaho, or his or her designee.~~

STREET CLOSURE: The deliberate blockage of all, or a portion of, a public street, a right of way or a city owned parking facility to prohibit the flow of traffic or access of vehicles. Any non-construction street closure, regardless of duration, requires a special event license.

VENUE: The location or locations upon which a special event is held, as well as the ingress and egress route.

WEEKLY EVENT: Any event that takes place once per week for two (2) or more consecutive weeks. (Ord. 1046 § 1, 2008; Ord. 669 § 1, 1995)

12.32.020: SPECIAL EVENT LICENSE REQUIRED:

Unless exempted by state or federal law, it is unlawful for any person to conduct a special event, with or without charge for admission, on public property without first applying for and being granted a special event license for the specific special event and its venue. All licenses issued pursuant to this

chapter are nontransferable and expire at the completion of the given special event. ~~All special events located within the city of Ketchum designated "festival areas" are subject only to the specific rules and regulations outlined in sections 12.32.130 and 12.32.010, "Definitions", of this chapter. (Ord. 1046 § 1, 2008)~~

12.32.030: LIMITATION OF LICENSES:

1. The following limitations apply to all special events:

- a. A special event shall be limited to no more than four (4) consecutive days in duration.
- b. No more than eight (8) special event licenses shall be issued to any one applicant during a single calendar year.
- c. For events lasting four (4) days or more, only two (2) licenses shall be issued to one applicant per calendar year.
- d. Events that take place on consecutive weeks, or weekly events, are required to apply for one special event license. A weekly event shall be limited to one event per week, and limited to a total of twenty two (22) weeks out of the calendar year.

~~A special event shall be limited to no more than four (4) consecutive days in duration. No more than eight (8) special event licenses which involve engaging in or conducting business shall be issued to any one applicant during a single calendar year. (Ord. 669 § 3, 1995)~~

12.32.040: APPLICATION PROCEDURE:

An application for special event license shall be made **in writing on forms provided by the city.** ~~special events coordinator on forms provided by the community and economic development department.~~

A. Filing Period: **A complete application and filing fee shall be submitted to the city in accordance with the following time frames:**

1. Small Event outside of Town Square. Within 10 days of the date of the proposed event date.
2. Medium Event or Small Event within Town Square. Within 30 days of the date of the proposed event date.
3. Large Event. Within 60 days of the proposed event date.

These filing deadlines may be modified by the City Administrator if a determination is made that the event will have minimal impacts.

~~Application materials must be completed and submitted to the special events coordinator not less than thirty (30) days prior to the scheduled first day of the special event, unless the coordinator makes written findings, based upon the showing of a good cause by the applicant, that the application material may be submitted no later than eight (8) days prior to the scheduled first day of the special event. Incomplete applications will be returned to the applicant and noted accordingly.~~

B. Notice: All events shall be placed on the official city of Ketchum special events calendar upon receipt of the special event application. For medium and large events, ~~Written~~ notice of the application shall be mailed, or emailed if requested, to those property owners and businesses adjoining the proposed venue of the special event within five (5) days of city receipt of the special event application. The notice shall state the date, time, venue and purpose of the special event, and that such adjoining property owners and businesses have seven (7) days in which to submit comments regarding the proposed special event to the city. ~~the special events coordinator.~~

For all events, city staff may elect to provide additional noticing based on the size, location and scope of the event. Additional noticing may include, but is not limited to, newspaper advertisements and physical mailing to adjacent property owners or business owners.

C. Decision: The application materials and any comments received from the adjoining property owners will be reviewed by the ~~city special events coordinator~~ in light of the standards provided in section 12.32.050 of this chapter. The city shall provide in writing a decision on the application within five (5) days of the date a complete application was filed for small events and within twenty (20) days of the date a complete application was filed for medium and large events. ~~special events coordinator will mail the applicant the special events coordinator's comments and decision (i.e., approval, approval with changes, or cause[s] for denial) within twenty (20) business days from date of complete application submission.~~

D. License Issuance: An applicant shall be issued a special event license for the given special event upon the approval of the city and signature of the ~~special events coordinator~~, and upon the fulfillment of the fee, security, insurance and indemnity requirements.

E. Fees: Except as provided in subsection E1 of this section, all fees due the city as a result of a special event must be paid in full no later than five (5) days prior to the first day of the special event.

1. Application Fee: An application fee shall be paid at the time the special event permit is filed with the city. The application fee shall be set by resolution of the city council. ~~There shall be paid at the time of filing the special event license application a fee of twenty five dollars (\$25.00) for processing of the application.~~

2. Notice Fee: The applicant shall be responsible for a fee equal to the expense of giving notice as required by subsection B of this section.

3. City Equipment/Services Fee: If the applicant requests city equipment and/or services in conjunction with the special event or if city equipment and/or services are deemed necessary by the ~~city special events coordinator~~ to protect the public's health, safety and welfare during the special event, the applicant shall be responsible for a fee equal to the expense of such city equipment and/or services. The ~~city special events coordinator~~ shall provide the applicant with an estimate of equipment/service fees based on city salaries and equipment rental charges.

4. Waiver Of Fees: ~~The special events coordinator may waive all or a portion of the fees disclosed in this subsection in the case of a nonprofit organization or other governmental agency applicant, when the special events coordinator determines it is in the city's interest to waive such fees. (Ord. 1046 § 1, 2008; Ord. 777 § 1, 1999; Ord. 669 § 4, 1995)~~

12.32.050: STANDARDS FOR ISSUANCE:

The ~~city may special events coordinator shall~~ issue a license as provided for under this chapter when, from consideration of the application, comments received from adjoining property owners and from such other information as may otherwise be deemed necessary, he or she finds that:

A. The conduct of the special event will not substantially interrupt the safe and orderly movement of traffic contiguous to its venue;

B. The conduct of the special event will not require the diversion of so great a number of police officers of the city to properly police the venue and the contiguous area as to prevent normal police protection to the city;

C. The special event will not require the diversion or impact paramedic services in the city.

~~D.-E.~~ The conduct of the special event will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed special event and the contiguous areas;

~~E. D.~~ The concentration of persons and vehicles at assembly points of the special event will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

~~F. E.~~ The conduct of the special event will not interfere with the movement of firefighting equipment en route to a fire;

~~G. F.~~ The conduct of the special event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create **an undue** disturbance; and

~~H. G.~~ The special event is not for an unlawful purpose. (Ord. 669 § 5, 1995)

~~12.32.060: POSTING OF SECURITY:~~

~~Prior to the issuance of a special event license, the applicant shall submit to the community and economic development department an amount not to exceed one thousand dollars (\$1,000.00) in the form of cash, certificate of deposit, letter of credit or comparable security instrument from a sound financial institution, as a guarantee against nonpayment of city sales tax, damages, cleanup or loss of public property. Such security may be waived by the special events coordinator upon demonstration by the applicant that adequate steps are provided for protection of public property, payment of city sales tax and venue cleanup. Any cash amount received by the city shall be placed in an interest bearing account, whereupon, conditioned upon faithful performance of the requirements of this chapter, the principal and interest shall be delivered to the licensee upon the termination of the special event and cleanup of the venue or the fulfillment of city sales tax obligations as a result of the special event, if applicable, whichever occurs later. (Ord. 1046 § 1, 2008)~~

12.32.060 ~~70~~: INSURANCE REQUIREMENTS:

Every applicant, at its sole cost and expense, shall obtain and maintain in full force and effect throughout the entire term of the licensed special event, public liability insurance in the amount of one million dollars (\$1,000,000.00) per person and one million dollars (\$1,000,000.00) per accident. In

addition, every applicant, at its sole cost and expense, shall obtain and maintain public liability insurance for property damage in the amount of one million dollars (\$1,000,000.00). Certificates of such insurance shall be filed concurrently with the application for the special event. Such certificates shall be subject to the approval of the city attorney and shall contain an endorsement stating that the city of Ketchum is named as an additional insured and that such insurance will not be canceled or altered by the insurance company or applicant without ten (10) days' prior written notice of such intended alteration or cancellation to the city. Current certificates of such insurance shall be kept on file at all times during the term of the special event. (Ord. 669 § 7, 1995)

12.32.070 ~~80~~: INDEMNITY:

The applicant shall indemnify, defend and hold harmless the city, its officers, agents and employees from any and all demands, claims or liability of any nature caused by or arising out of or connected with the licensed special event. (Ord. 669 § 8, 1995)

12.32.080 ~~90~~: EXEMPTIONS:

When the city is the applicant for a special event, the city shall be exempt from the requirements of subsection 12.32.040E and sections ~~12.32.060~~, ~~12.32.070~~ and 12.32.080 of this chapter. (Ord. 669 § 9, 1995)

12.32.090 ~~100~~: APPLICABLE LAW:

The special event license is subject to other applicable city, state, federal or other governmental licenses, tax regulations or laws. (Ord. 669 § 10, 1995)

12.32.100 ~~110~~: APPEALS:

1. Appeal of a decision on medium and large event applications. An appeal from any decision on a special event application for medium and large events may be made to the Ketchum city administrator. All appeals shall be made only by an affected party. Upon reviewing the appeal, the Ketchum city administrator shall consider the record, the decision on the application, together with a presentation by the appellant, and the applicant. The city administrator may affirm, reverse or modify, in whole or in part, the decision on the application. The city shall transmit a copy of the city administrator's decision to the appellant, the applicant and any person who has requested a copy in writing.

2. Deferral To Council: The city administrator shall have the sole discretion to defer review and decision on an appeal to the Ketchum city council.

3. Time For Filing Appeals: Notice of appeal shall be filed before five o'clock (5:00) P.M. of the fifth calendar day after the decision on the application has been rendered. The failure to physically file a notice of appeal with the city within the time limits prescribed by this section shall cause automatic dismissal of such appeal.

4. Fee For Appeals: An appeal fee shall be set by Resolution of the City Council and shall be paid upon filing the appeal. In the event the fee is not paid as required, the appeal shall not be considered filed.

5. Notice Of Appeal; Form And Contents: The notice of appeal shall be in writing and in such form as shall be available from the city.

~~A. Appeals From Special Events Coordinator: An appeal from any decision of the special events coordinator made in the administration or enforcement of this chapter may be made to the planning and zoning commission by filing a notice of appeal in writing with the planning department. Upon hearing the appeal, the planning and zoning commission shall consider the record, the decision of the special events coordinator and the notice of appeal, together with oral presentation by the appellant, the special events coordinator and the applicant. The planning and zoning commission may affirm, reverse or modify, in whole or in part, the decision of the special events coordinator. The planning department shall transmit a copy of the planning and zoning commission's decision to the appellant, the applicant and any person who has requested a copy in writing.~~

~~B. Appeals From Planning And Zoning Commission: An appeal from any decision of the planning and zoning commission made in the administration or enforcement of this chapter may be made to the city council by filing a notice of appeal in writing with the planning department. Upon hearing the appeal, the council shall consider matters which were previously considered by the planning and zoning commission as evidenced by the record, the decision of the planning and zoning commission and the notice of appeal, together with oral presentation by the appellant, the special events coordinator and the applicant. The city council may affirm, reverse or modify, in whole or in part, the decision of the planning and zoning commission. The planning department shall transmit a copy of the council's decision to the appellant, the applicant and any person who has requested a copy in writing.~~

~~C. Time For Filing Appeals: The written notice of appeal shall be filed before five o'clock (5:00) P.M. of the fifth calendar day after the decision of the special events coordinator, or planning and zoning commission, as applicable, has been rendered. The failure to physically file a notice of appeal with the planning department within the time limits prescribed by this section shall be jurisdictional and shall cause automatic dismissal of such appeal.~~

~~D. Fee For Appeals: A fee in the amount of seventy five dollars (\$75.00) shall be paid upon filing the appeal. In the event the fee is not paid as required, the appeal shall not be considered filed.~~

~~E. Notice Of Appeal; Form And Contents: The notice of appeal shall be in writing and in such form as shall be available from the planning department, which shall require to be set forth with specificity all bases for appeal, including the particulars regarding any claimed error or abuse of discretion. (Ord. 669 § 11, 1995)~~

12.32.110 ~~20~~: ENFORCEMENT AND PENALTIES:

~~A. Any violation of the conditions of approval for an event, or the event not operating in the manner identified in the event application, may result in the event being cancelled or shut down. In addition, if the event is a reoccurring event, future applications may be denied.~~

~~B. A. Misdemeanor: Any person who shall violate any provision of this chapter shall be guilty of an infraction. misdemeanor and, upon conviction, subject to a fine of not more than three hundred dollars (\$300.00) or imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment. Each day a violation continues shall be considered a separate offense, punishable as described in this subsection.~~

C. B. Civil Enforcement: Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of the provisions stated in this chapter to prevent any violation of these regulations, to recover damages, to restrain, correct or abate a violation and to prevent illegal occupancy of public property. These remedies shall be in addition to the penalties described in subsection A of this section. (Ord. 669 § 12, 1995)

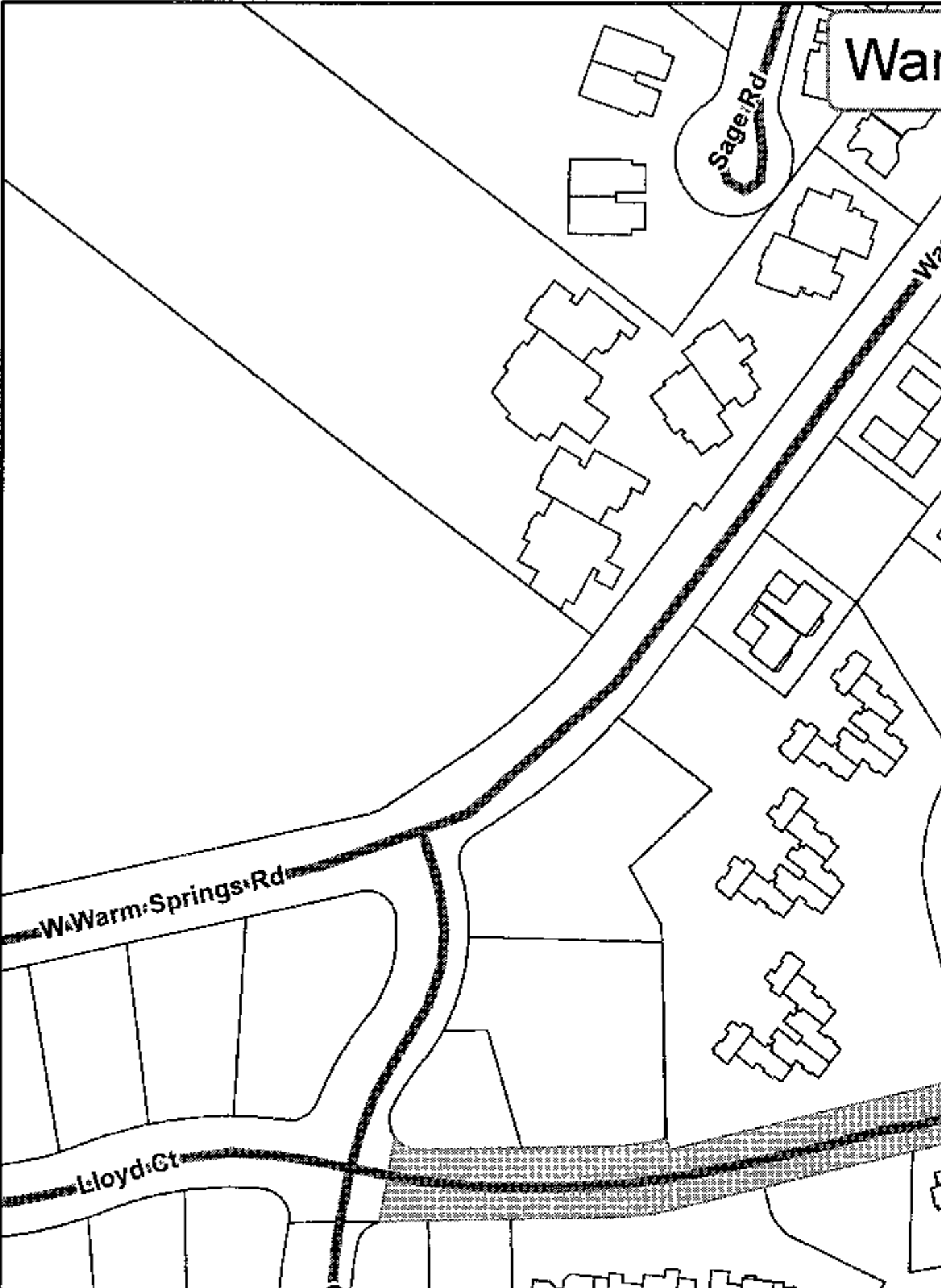
~~12.32.130: FESTIVAL AREA:~~

~~All special events located within the festival area of the city of Ketchum are subject only to the rules and regulations of this section, sections 12.32.010, "Definitions", and 12.32.020, "Special Event License Required", of this chapter. Any event not located entirely within a designated festival area shall be subject to the rules and regulations of sections 12.32.010 through 12.32.120 of this chapter and not subject to the rules and regulations of this section.~~

~~A. Purpose: The festival area provides a flexible and more public friendly special event process for areas of the city that experience a high frequency of special events. This section will require increased public notice for larger events and streamline the permitting process for smaller events.~~

~~B. Boundaries Of The Festival Area: The boundaries of the festival area reflect areas of the city that experience a high frequency of special events and areas that the city has determined to be appropriate for public events. The following are maps outlining the boundaries of the festival areas within the city~~

of ketchum



War

Sage Rd

W Warm Springs Rd

Lloyd Ct



~~C. Event Categories: Special events in the festival area shall be evaluated based on the category in which they are designated. The following three (3) categories are the basis for which all special events in the festival area will be evaluated:~~

~~1. Category A: Special events that do not require a street closure and have an anticipated attendance under three hundred (300) people.~~

~~2. Category B: Special events that require a street closure of one day or less; or have an anticipated attendance of three hundred (300) or more people; or a weekly event that takes place up to, but not more than, four (4) consecutive weeks.~~

~~3. Category C: Special events requiring a street closure of more than one day; or a weekly event that takes place more than four (4) consecutive weeks.~~

~~D. Limitations Of Licenses:~~

~~1. The following limitations apply to all special events within the designated festival areas:~~

~~a. A special event in the festival area shall be limited to no more than ten (10) consecutive days in duration.~~

~~b. A formal city council approval is required for events lasting more than four (4) consecutive days. The city council shall use the evaluation standards listed under subsection F of this section in their review of such an event.~~

~~c. No more than ten (10) special event licenses shall be issued to any one applicant during a single calendar year.~~

~~d. For events lasting five (5) days or more, only two (2) licenses shall be issued to one applicant per calendar year.~~

~~e. Events that take place on consecutive weeks, or weekly events, are required to apply for one special event license. A weekly event shall be limited to one event per week, and limited to a total of twenty two (22) weeks out of the calendar year.~~

~~E. Application Procedure: An application for special event license shall be made in writing to the city staff on forms provided by the community and economic development department. Filing requirements are based on the category of the event.~~

~~1. Filing Period:~~

~~a. Category A: Application shall be filed a minimum of fourteen (14) days prior to the special event.~~

~~b. Category B: Application shall be filed forty five (45) days prior to the date of the special event.~~

~~e. Category C: Application shall be filed not less than sixty (60) days prior to the date of the special event.~~

~~d. In all circumstances incomplete applications will be returned to the applicant and noted accordingly.~~

~~2. Recurring Events:~~

~~a. "Recurring events within festival areas" shall be defined as events that have occurred during the previous two (2) years, during the same time period and at the same venue. In the case that a new special event application conflicts with the venue and time of a recurring event, the recurring event shall be given preference for use of that venue.~~

~~3. Notice: All noticing requirements will be based on the category of the event. Each category outlines the noticing procedure for that type of event.~~

~~a. Categories A and B: Event shall be placed on the official city of Ketchum special events calendar upon receipt of the special event application. Written notice of receipt of the application shall be e-mailed to those individuals that have voluntarily joined the city of Ketchum special event e-mail list. The notice shall state the proposed date, time and venue for the event. No further noticing is required.~~

~~b. Category C:~~

~~(1) Event shall be placed on the official city of Ketchum special events calendar upon receipt of special event application.~~

~~(2) Written notice of receipt of the application shall be e-mailed to those individuals who have voluntarily joined the city of Ketchum special event e-mail list. The notice shall state the approximate dates and proposed street closures for the event, and that notice recipients have fourteen (14) days in which to submit comments regarding the proposed special event to city staff.~~

~~(3) Additional written notice shall be e-mailed to those individuals that have voluntarily joined the city of Ketchum special event e-mail list ten (10) days prior to the special event. The notice shall state the specific dates, times and proposed street closures of the event.~~

~~e. The official city of Ketchum e-mail list shall be maintained and updated by city staff and shall be used only for the purposes of distributing information regarding city of Ketchum special events. This e-mail list shall be open to any and all groups or individuals interested.~~

~~d. The official city of Ketchum special events calendar shall be posted on the city of Ketchum website as well as each designated festival area location, to be posted in a visible spot for inspection by the public. The calendar shall be updated concurrently with the receipt and/or approval of special event applications. Events shall be labeled as either pending or approved/denied.~~

~~e. Changes to an approved special event may be made up to and during the event. Said changes shall include, and be limited to, the time, festivities and facilities so long as said change does not have the potential to cause significant negative impacts upon neighboring properties or businesses.~~

~~f. For all events, city staff may elect to provide additional noticing based on the size, location and scope of the event. Additional noticing may include, but is not limited to, newspaper advertisements and physical mailing to adjacent property owners or business owners.~~

~~4. Decision:~~

~~a. Category A: The application materials shall be reviewed by city staff in light of the standards provided in subsection F of this section. A decision (i.e., approval, approval with changes, or cause[s] for denial) shall be rendered a minimum of twelve (12) days after complete application submittal.~~

~~b. Category B: The application materials shall be reviewed by city staff in light of the standards provided in subsection F of this section. A decision (i.e., approval, approval with changes, or cause[s] for denial) shall be rendered a minimum of twenty eight (28) days (4 weeks) after complete application submittal.~~

~~e. Category C: The application materials shall be reviewed by city staff in light of the standards provided in subsection F of this section. A decision (i.e., approval, approval with changes, or cause[s] for denial) shall be rendered a minimum of thirty five (35) days (5 weeks) after complete application submittal.~~

~~d. For category A, B and C events, staff comments shall be forwarded to the applicant in a timely manner.~~

~~5. License Issuance: An applicant shall be issued a special event license for the given special event upon the approval and signature of city staff, and upon the fulfillment of the fee, security, insurance and indemnity requirements.~~

~~6. Fees: Except as provided in subsection E6d of this section, all fees due the city as a result of a special event must be paid in full no later than five (5) days prior to the first day of the special event.~~

~~a. Application Fee: All application fees for events within the designated festival areas shall be approved and adopted by resolution.~~

~~b. Notice Fee: The applicant shall be responsible for a fee equal to the expense of giving notice as required by subsection E3 of this section.~~

~~e. City Equipment/Services Fee: If the applicant requests city equipment and/or services in conjunction with the special event or if city equipment and/or services is deemed necessary by the special events coordinator to protect the public's health, safety and welfare during the special event, the applicant shall be responsible for a fee equal to the expense of such city equipment and/or services. City staff shall provide the applicant with an estimate of equipment/service fees based on city salaries and equipment rental charges.~~

~~d. Waiver Of Fees: City staff may waive all or a portion of the fees disclosed in subsection E6a of this section in the case of a nonprofit organization or other governmental agency applicant, when city staff determines it is in the city's interest to waive such fees.~~

~~F. Standards For Issuance: The special events coordinator shall issue a license as provided for under this section when, from consideration of the application, comments received from adjoining property owners and from such other information as may otherwise be deemed necessary, he or she finds that:~~

- ~~1. The conduct of the special event will not substantially interrupt the safe and orderly movement of traffic contiguous to its venue;~~
- ~~2. The conduct of the special event will not require the diversion of so great a number of police officers of the city to properly police the venue and the contiguous area as to prevent normal police protection to the city;~~
- ~~3. The conduct of the special event will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed special event and the contiguous areas;~~
- ~~4. The concentration of persons and vehicles at assembly points of the special event will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;~~
- ~~5. The conduct of the special event will not interfere with the movement of firefighting equipment en route to a fire;~~
- ~~6. The conduct of the special event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance; and~~
- ~~7. The special event is not for an unlawful purpose.~~

~~G. Posting Of Security: Refer to section 12.32.060 of this chapter for all "posting of security" requirements.~~

~~H. Insurance Requirements: Refer to section 12.32.070 of this chapter for all insurance requirements.~~

~~I. Indemnity: Refer to section 12.32.080 of this chapter for all indemnity requirements.~~

~~J. Exemptions: When the city is the applicant for a special event within a festival area, the city shall be exempt from all fee requirements and posting of security requirements as outlined in this section.~~

~~K. Applicable Law: Refer to section 12.32.100 of this chapter regarding applicable law.~~

~~L. Appeals:~~

~~1. Appeals From Special Event Coordinator: An appeal from any decision of the special events coordinator made in the administration or enforcement of this section may be made to the Ketchum city administrator. All appeals shall be made only by an affected party. Upon reviewing the appeal, the Ketchum city administrator shall consider the record, the decision of the special events coordinator and the notice of appeal together with presentation by the appellant, the special events coordinator and the applicant. The city administrator may affirm, reverse or modify, in whole or in part, the decision of the special events coordinator. The community and economic development department shall transmit a copy of the city administrator's decision to the appellant, the applicant and any person who has requested a copy in writing.~~

~~2. Deferral To Council: The city administrator shall have the sole discretion to defer review and decision on an appeal to the Ketchum city council.~~

~~3. Time For Filing Appeals: Notice of appeal shall be filed before five o'clock (5:00) P.M. of the fifth calendar day after the decision of the special events coordinator has been rendered. The failure to physically file a notice of appeal with the community and economic development department within the time limits prescribed by this section shall be jurisdictional and shall cause automatic dismissal of such appeal.~~

~~4. Fee For Appeals: A fee in the amount of seventy five dollars (\$75.00) shall be paid upon filing the appeal. In the event the fee is not paid as required, the appeal shall not be considered filed.~~

~~5. Notice Of Appeal; Form And Contents: The notice of appeal shall be in writing and in such form as shall be available from the community and economic development department, which shall require to be set forth with specificity all basis for appeal, including the particulars regarding any claimed error or abuse of discretion.~~

~~M. Penalties: Refer to section 12.32.120 of this chapter regarding penalties.~~

~~N. Waivers: Waivers to the requirements of subsections D, "Limitations Of Licenses", and E6, "Fees", of this section may be granted by the city council. Applicants shall apply for waivers in writing and state the reasons for said waiver request. Waivers shall be evaluated based on the standards of issuance listed in subsection F of this section. (Ord. 1046 § 1, 2008)~~