
FW: Parking on and near Stirrup Lane

From Participate <participate@ketchumidaho.org>

Date Wed 11/12/2025 1:42 PM

To Genoa Beiser <gbeiser@ketchumidaho.org>

 1 attachment (167 KB)

P & Z 11-11-2025.pdf;

Hi Genoa,

I added this to the our file as well.

Cheers,
Dawn

From: Ben Worst <ben@benworstlaw.com>

Sent: Tuesday, November 11, 2025 1:27 PM

To: Participate <participate@ketchumidaho.org>

Cc: Tim Carter <tcarter@ketchumidaho.org>; Matthew McGraw <MMcGraw@ketchumidaho.org>; Brenda Moczygemba <BMoczygemba@ketchumidaho.org>; Neil Morrow <nmmorrow@ketchumidaho.org>; Susan Passovoy <spassovoy@ketchumidaho.org>

Subject: Parking on and near Stirrup Lane

Dear Commissioners,

Please consider the attached correspondence and include it in the official record of the Commission's November 12, 2025, meeting record.

Thank you.

Ben Worst

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November 11, 2025

Planning and Zoning Commissioners
City of Ketchum
P.O. Box 235
Ketchum, Idaho 83340

RE: Parking on and near Stirrup Lane.

Dear Planning and Zoning Commissioners,

This law firm represents the Golfview Homeowners Association, Inc., the members of which include all residential property owners on Stirrup Lane. My clients are deeply concerned about the threat to their health, safety, welfare and quality of life caused by employees of businesses parking on the narrow right of way on Stirrup Lane and the potential construction of a parking lot on the Bigwood Golf Course that would access from Stirrup Lane. Although I do not represent the residential property owners on Spur Lane or residents of the Bigwood and Larkspur Condominiums, they could be negatively impacted by commercial parking on the public streets near them as well.

The process leading up to the November 13, 2025, hearing has been unnecessarily complicated. The issues can be simplified by differentiating the construction of a new parking lot on private land from commercial parking in the public ROW on a residential cul de sac. My clients are not concerned about events on the golf course except to the extent that such events result in additional parking, traffic or parking lots on or near Stirrup Lane.

1. Construction of a new parking lot on the golf course is possible, but it would require both an application from the Bigwood Golf Course owners for a CUP and design review coupled with an amendment of the governing documents by the City Council.

Both the Development Agreement and the Plat prohibit construction of a parking lot on the golf course near Stirrup Lane. Please see my *Memorandum In Support of Notice of Appeal - 22-Space Parking Lot at Bigwood Golf Course. (Decision dated August 27, 2024, No. P24-068.)* dated January 6, 2025 for the full discussion. The Development Agreement states, “**Large Blocks Number 11 through 15 and 20 shall comprise, and are hereby dedicated to open space in perpetuity and expansion at the existing golf course. Any portion of said large blocks not used as a golf course shall remain open space with no improvements constructed thereon.**” The Plat contains the same prohibition, “**Large Block 11 is hereby dedicated to open space reserved for golf course expansion. Any portion of such large block not used**

as a golf course shall remain open space in perpetuity with no dwelling units, development or further subdivision permitted.” Any new parking lot would constitute just such prohibited new development. KMC 17.08.020 defines “Development” as:

Any man-made change to improved or unimproved land, including subdivision, construction activity, alteration of the landscape (except for routine pruning and maintenance of riparian vegetation to benefit the health of the vegetation), its terrain contour or vegetation, including any construction of structures, establishment of a land use, alteration of an existing structure or land use, mining, dredging, filling, grading, paving, excavation or drilling operations, streambank stabilization, placement of manufactured or mobile homes, construction of fences, hedges, berms, walls, or storage of equipment or materials on a temporary or permanent basis.

KMC § 17.08.020.

There is a process for approving a new parking lot; however, the current hearing isn’t it. The Second Amendment to the Development Agreement lays out a portion of the process, **“Any changes to the golf course layout shall also be subject to Design Review, Conditional Use Permit and Master Plan approval.”** This would be in addition to the process required to amend the Plat and Development Agreement to eliminate the prohibitions discussed above. In short, a new parking lot on the golf course entering from Stirrup Lane is theoretically possible, but it requires an application for design review, an application for a CUP, and an application to amend both the Plat and the Development Agreement. Whether such a parking lot is needed, “ancillary” to the golf course and how other public golf courses have been developed and used is irrelevant to current process. Our governing documents are clear – they prohibit the construction of the subject parking lot. Please direct the owners of the Bigwood Golf Course to make appropriate applications if they wish to build a new parking lot.

2. The Commission has no authority to regulate parking in the ROW.

The Commission should leave the discussion of parking in the ROW to the Traffic Authority and the City Council. Should businesses be allowed to solve their parking problems in any residential neighborhood anywhere in the City? Should the several large hotels tell their employees to park in West Ketchum and take a shuttle to the hotel? Should every business with employees shuttle their employees in and out of residential neighborhoods? These are policy considerations best left to the Traffic Authority and the Council.

KMC § 10.08.030 created the Ketchum Traffic Authority to answer such questions and make recommendations. Its powers, authority and duties include informing the Council of traffic and parking-related issues, seeking guidance from the Council, recommending traffic and parking-related amendments to the code and establishing locations for the regulation of traffic and parking. The present situation illustrates the need for resident-only parking zones. The Commission lacks the authority to create such zones let alone regulate parking. The Traffic Authority, not the Commission, should commission a professional, neutral study of the potential dangers of commercial parking on Stirrup Lane and Spur Lane. The Traffic Authority should also consider the negative impacts on the effected residents’ quality of life and enjoyment of their properties.

The City never surrenders its police powers. It always has the authority to regulate in the interests of the public's health, safety and welfare. Nonetheless, my clients have been repeatedly told that the City doesn't regulate commercial parking in residential neighborhoods. If true, that it is simply unacceptable. The Commission needs to refer the matter of commercial parking in residential neighborhoods to the Traffic Authority and the Traffic Authority needs to do its job.

This is a simple matter. The governing documents prohibit the construction of a new parking lot on private land entering Stirrup Lane. Without an application to amend the governing documents coupled with applications for design review and a CUP, there is nothing for the Commission to discuss. Commercial parking in the public right of way on Stirrup Lane is causing problems. It is a nuisance and constitutes a substantial threat to the public health, safety and welfare. Nonetheless, this is outside of the Commission's jurisdiction. The Traffic Authority was created to address this very type of problem. The Traffic Authority in conjunction with the Council needs to create public policy to eliminate the danger and nuisance. Please refer the matter to the Traffic Authority.

Thank you.

Sincerely yours,

BENJAMIN W. WORST, P.C.
Attorney At Law

By: /S/ Benjamin W. Worst
Benjamin W. Worst

Cc: Clients