

From: bob@sunvalleyrealtors.org
To: [Participate](#)
Subject: Ordinance 1234 - considerations for deliberation
Date: Tuesday, August 16, 2022 11:53:43 AM
Importance: High

Ketchum Planning and Zoning Commission:

Please consider the following comments during your deliberation of Ordinance 1234. The are provided in order of the new ordinance sections to which they relate. Note that while our comment concerning section 12 is last on the list, it is by no means the least important of our concerns:

Ordinance 1234. Height and Density:

Despite the comprehensive plan stating that height and density are most appropriate downtown, neither additional height nor density is proposed by the ordinance. Should we be cherry picking which aspects of the comprehensive plan deserve support, or should all of its guidelines be included? Is it appropriate for the city to eliminate these tools that have been proven to support affordability and creation of workforce housing based on its internal evaluation of what the “public” wants, or should the city be the very body that ensures such solutions are included in public policy?

Ordinance 1234. Financial Feasibility:

There has still been no attempt to determine the financial feasibility of the proposed ordinance. While using the Love Schack parking study sheds some light on the possibility to provide parking within certain development scenarios, it does nothing to substantiate whether the cumulative effects of the provisions of Ordinance 1234 will allow for financially feasible projects. If financial feasibility is not modelled in advance of enacting this ordinance, there is no certainty that it will achieve the city’s stated goals or contribute in any way to our workforce housing and housing affordability problems. Much input is received by the city from consulting firms on other subjects, so why can’t experts in the field of real estate financial modelling be retained to confirm that this ordinance will achieve its stated, and the community’s, goals, rather than taking the crap-shoot approach that enacting the ordinance will serve our needs without doing such work?

Ordinance Section 3. Minimum Unit Quantity - Affordability:

There is no direct housing affordability component in ordinance 1234. More units do not necessarily mean more affordable units, save for the potential outcome that more sub-750 SF units (because they do not require parking) will be necessary in developments to meet the combination of commercial space and minimum number of units requirements. This is especially true if projects require some amount of large, luxury residential space in order to be financially feasible.

Ordinance Section 10.A. – Ground Floor Commercial Space Requirement:

Requiring 55% of the ground floor to be commercial space in areas of the CC and T zones that do not support such uses will put additional strain on luxury residential uses to subsidize those spaces, causing upward pressure on residential pricing. Is this a desired outcome, or should a more granular approach be taken before requiring this an all of the CC-2 and T zones?

Ordinance Section 10.D. Minimum Parking Required:

Requiring a development to include only the minimum allowed parking the ordinance could prevent

project sponsors from providing any parking for units that are <=750 square feet (see code section 17.125.040 B). Given that the result of the other provisions of Ordinance 1234 could be the production of multiple units <=750 square feet in a project (or all units <=750 square feet as in the KETCH buildings) is this a desired outcome? If a developer wants to provide parking with units <=750 square feet that are being built to address affordability, shouldn't this be allowed outright rather than requiring a more costly (time and money) conditional use permit?

Ordinance Section 12. Comprehensive Plan Compliance - Subjectivity:

Ordinance 1234 has been improved when compared to the previously proposed ordinance by replacing old section 9 with new sections 8 through 11, regardless for the moment of whether one agrees with the requirements of new sections 8 – 11. This is because the new sections replace what was previously the authority for the KPZ to engage in a completely subjective evaluation of a project, rather than working within objective standards as is required. However, by including section 12 in the new ordinance, this subjectivity is reintroduced. The KPZ can still impact the programmatic characteristics of a project through its subjective evaluation of it relative to the terms of the comprehensive plan, which plan is meant to be an aspirational, guideline document rather than included zoning policy, creating unnecessary uncertainty within the entitlement process. The terms of the comprehensive plan are always considered in the KPZ/KCC discussion of projects subject to design review anyway, and we believe this ordinance would be further improved, and make the entitlement process fairer, by deleting this provision and section 12.

Thank you in advance for your time,

Bob Crosby
Government Affairs Director
Sun Valley Board of REALTORS
208-721-8353

From: [Harry Griffith](#)
To: [Participate](#)
Subject: Additional SVED Comments on Ord 1234 for P&Z meeting Aug 16
Date: Tuesday, August 16, 2022 11:08:51 AM

This will be my fourth set of comments regarding the proposed Ordinance 1234.

Many of my previous comments made via email in March, April and May stand and remain valid. However, I see no signs that the major questions of legality (inclusionary zoning, taking allowances, linkage risks), direct non-residential (e.g. restaurant) incentives, or the economic viability of these restrictions have been taken into consideration.

From a higher-level perspective, my current concern is the sheer complexity of the new ordinance , especially when overlain on the existing 20 years of code. The structure, layout, approach and wording of this ordinance is extremely complex, and as a result, confusing and subject to differing interpretations. The logical outcome of this complexity will be to either discourage developments in the affected zones, or extend the time needed to bring a project forward. I am sure that neither of these outcomes is intended but my assessment of the current text is that there will be unintended consequences and contradictions when it is put into practice.

Sincerely,

Harry Griffith

Executive Director, Sun Valley Economic Development

www.SunValleyEconomy.org

From: [Yahoo!](#)
To: [Participate](#)
Subject: PUBLIC COMMENT for P&Z Meeting 8/16/22
Date: Tuesday, August 16, 2022 10:59:52 AM

I have no specific axe to grind with what is being proposed. However, **this is the approach that got us into the situation we are in.** It is piecemeal and incremental.

The Mayor and staff have decided not to update the Comprehensive Plan as would be normal for 2024. Yet they continue to cite an outdated Comp Plan to justify a lot of actions in their memos. **This is not a good approach to city planning.**

Now they are coming to you with a proposal that seems ok, but lacks context, and only addresses one part of the challenge.

We need a new zoning code. Ours is more complex than the City of Boise's. Yet City Hall seems to lack the will to create a new one, and instead has tried to get around the current zoning code with emergency ordinances and the kinds of piecemeal changes that are being presented to you.

For example, **one of the biggest impacts on the commercial zones is what happens in the tourist zones,** yet the City is proposing nothing on the tourist zones. Yet we know that **the Marriott and the Harriman will make every problem cited in the staff memo worse.** If you attended them, you will know that these are major contributors to the dissatisfaction expressed by people in the City's working groups. It is rumored that the Tamarack is available for purchase. According to tourist zoning, a new hotel there could go up to 6 stories, and will not provide sufficient housing for its low paid workers, just as the Marriott and Harriman will not.

Combined with the way the City let all our long term rentals get converted to short term rentals without a fight, **major hotel development will put similar pressures on quality of life in Ketchum—housing shortages, low paid jobs, boom bust economy, and the like.**

Likewise, **our usage of the light industrial zone is antiquated.** Who thought a private pickle ball court would be an intended use in an LI zone?

And is anyone tracking how many parking spaces are being eliminated downtown? The KTA plans to take a couple more away in their meeting on Thursday. What is the right parking balance for downtown Ketchum?

My recommendation to the commission would be to table this staff recommendation. You don't work for them—they work for you. I urge the commission to **direct staff to commence with the much needed comprehensive zoning code rewrite.**

If we keep kicking this can down the road we are going to be controlled by the unlimited demand for luxury condos and hotels instead of managing the city in a way that enhances the quality of life for those who live and work here.

Thank you for your service,

Perry Boyle
Ketchum