

## Suzanne McCollum

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**From:** Erin Murphy <murphyerint@gmail.com>  
**Sent:** Wednesday, March 9, 2022 8:03 AM  
**To:** Amanda Breen; Neil Bradshaw; Michael David; Jim Slanetz; Courtney Hamilton; Brenda Moczygemba; Matthew Mead; Tim Carter; Spencer Cordovano External; Neil Morrow; Participate  
**Subject:** Ketchum Proposed Interim Emergency Ordinance 1234

Dear Commissioners, Council and Mayor;

I began visiting Sun Valley as a child training at the rink every summer for years and as an adult, I came back to Ketchum hoping to make it a place I could still regularly visit. Over time, I've made it my home and an integral part of my family life. I own both my home in Ketchum and two long term apartment rentals in the area. I am even able to run my business virtually from the area and highlight to clients how amazing our community is. I have seen firsthand how we have navigated the ups and downs of the economy over the years. The proposed Interim/Emergency Ordinance 1234 represents a disregard of community and property owners rights by ignoring appropriate processes, existing zoning and ordinances, with a clear goal of financial gain over true community improvement. **I am writing to voice my strong opposition to the [proposed] Interim/Emergency Ordinance 1234 referenced as item 2 on the agenda packet.**

This proposed ordinance is full of arbitrary statements that are unacceptable when considering such significant changes to the well-established rules that are currently in place to guide development in the City and Community of Ketchum. Changes to existing zoning and ordinance in the manner being proposed in the "Interim"/"Emergency" ordinance is unacceptable and beyond the purview of the Commissioners and the City Staff.

There is a process in place for re-codification and re-zoning, and attempting to make any changes in any manner other than within the established protocols is uncalled for and a violation of property owners' rights and I would **hope we follow these protocols appropriately.**

The recommended changes as referenced on page 2 starting with item 3, sub-points a(i-iv), b, c, d and e are:

- 1) Not provided for in the current codes and zoning at this time.
- 2) Are unfounded/supported with regard to their potential benefits.
- 3) Have not been presented or opened up to public evaluation, comment, or discussion in a timely or acceptable manner.**
- 4) Ignore property owners' rights as they currently exist.
- 5) Disregard property owners' investments (current and proposed) into Ketchum that were made and founded on the promises made in current zoning and ordinances.
- 6) The language stating that *"Pursuant to the affirmative vote of one-half (1/2) plus one (1) of the 137 members of the City Council, the rule requiring two (2) separate readings by title and one (1) reading in full be waived, and the same is hereby dispensed with, and accordingly, this emergency ordinance shall be in full force and effect immediately upon its passage and approval."* is unacceptable and usurps the public's right to evaluate, question and comment on the proposed interim/emergency ordinance and strips away due process. **This takes the right of education, voting and approval out of the hands of the taxpayer majority and instead put it in the hands of a few people without appropriately following established protocols.**
- 7) The language in section 6 stating that, *"There shall now be standards for the consolidation of lots. Additionally, there shall be a specific application type, process, and additional standards for the review and approval of the consolidation"* and the language, "Permitted subject to additional standards" and "subject to waiver", is too subjective and gives the Planning and Zoning Commission, and City Staff, excessive discretion which creates uncertainty for property owners, disincentives investment into the City and Community of Ketchum, makes unfeasible certain types of development that accomplish the goals stated by the City Staff and ignores basic economic principles. The stipulation could prevent the development of projects that achieve

the goals of the Community as set forth in the existing Comprehensive Plan. Additionally the examples provided as supporting exhibits to the Interim Emergency Ordinance proposed are unrealistic, unachievable, and the Love Shack example is specific to that site and disregards the unique nature of many sites within the City.

8) The proposed requirement that a property that has multiple contiguous properties that they own and that wants/needs to shift lot lines on their properties owner have to go through the subdivision process as described in 6c strips away the property rights of a property owner and potentially prevents beneficial development.

9) Section 7 begs the question of "Why doesn't the restriction on demolition apply to commercial square footage as well as residential?" given that one of the stated goals is to increase and incentivise the development of commercial square footage?

#### **In Closing:**

**Claimes are being made in an attempt to rationalize the proposed Emergency Order, however there are no supporting examples.**

*- The given rationale of, "An emergency interim ordinance addressing the short-term changes would minimize continued degradation of the issues and provide time for development of long-term regulatory changes. An emergency ordinance can be in effect for up to 182 days and is adopted by the City Council. After that an interim ordinance can be adopted for up to one year. During this time, staff can proceed with the preparation of a long term ordinance addressing the short term changes; however, the long term changes will take more time to implement, and the immediate impact of the changes will be diminished."*

**for the circumvention of due process and the accepted, approved, appropriate, ethical and legal process for re-codification and re-zoning is unacceptable and puts the cart before the horse. The City Staff has not looked into or evaluated the potential economic impact of taking such action, nor has the feasibility of the possible "solutions" presented in their "supporting" exhibits been evaluated by experts in the respective areas that this proposal addresses.**

**An "emergency" does not exist.** The challenges facing Ketchum are not new - to us as a community or to the country as a whole. The ordinances and zoning that have been blatantly and selectively ignored by Planning and Zoning and City Staff were created through years of study, data collection, public feedback and an established process of codification and zone identification. While not perfect, they do establish a framework that will support the needs of the City and Community as well as those individuals willing to and capable of making beneficial investments into the City and Community of Ketchum.

**These frameworks represent the long, hard work to build and maintain a community that follows clear guidelines on how we develop, what we prioritize and how we navigate growth. In any town, it is important to approach these issues mindfully. It becomes even more important in a town as small as ours. To blindly throw out these rules in an attempt to support an "emergency ordinance" would be in clear violation of community and property owners rights.**

**This proposed Interim/Emergency Ordinance 1234 egregiously disregards the historical investments made by those of us that have been stakeholders in this City and Community for decades. It ignores due process, property owners' rights and the existing code and zoning upon which many stakeholders in the City and Community of Ketchum have founded their current and potential investments.**

I strongly object to Interim/Emergency Ordinance 1234 that is being proposed.

Sincerely,  
Erin Murphy

## Suzanne McCollum

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**From:** Pam Colesworthy <pcoleswo@gmail.com>  
**Sent:** Wednesday, March 9, 2022 3:12 PM  
**To:** Participate  
**Subject:** Housing Problem - Urgency

To the Commission and P/Z Department,

In listening to the commission discussion from the meeting on 3/8/22, on whether to adopt the emergency ordinance, I don't know if it was Tim or Mattie who asked whether we have a housing problem. However, the problem was not defined - is the crisis for rental or deed restricted or fair market housing. That question needs to be defined.

Let me state in clear terms for you: Increasing density in the KCC on the number of market-rate units will not increase the number of full time residents for the following reasons:

1. People have stuff - especially in this outdoors oriented community. Small units don't allow for their stuff (bikes, skis, animals, gear).
2. If the additional units are rental units, renters will make due. They know their rental won't last forever and they will have little invested, so they'll hang their bike from the ceiling if they need to.
3. If the cost of construction is high (which it is) and pushes the sales price up, the market rate buyer is very choosy about what they buy. They will insist on certain attributes - outdoor space (patio, balcony), and at least one parking space. If you don't take that into consideration, the small unit becomes a "weekender" that does not accommodate a year-round resident. And that's the trick.

What you really want are year-round residents in town. However, the majority of full time residents in the valley have pets and children. So it's likely that the most interested buyers for a downtown condo will be very young (pre-children) who can't afford the units because the cost will be so high, or older empty-nesters, who want a nice place with, again, parking and storage, a gracious entry and a place to entertain their friends. Further, they'll want at least one guest room for friends and family. If the unit is too small, they won't buy it either. All this means you still won't have year-round residents.

Back to defining who lives in our valley, the average family will want a yard and big garage, which is now largely unaffordable for the average worker in Ketchum. The market demand has driven prices to the point where fixing the problem in downtown is most likely simply too late, and there's no turning back. That doesn't mean you should give up, but be very clear about who you think really will live in the condos and whether what you propose really will achieve the goal of increased vibrancy.

Conclusion: focus on rental units. Do not over think the current building code. You can also insist (modify code) that by increasing the FAR they must have retail on the ground floor. I think everyone agrees that more retail and restaurant spaces are good for the town.

Thank you for your ear and your consideration.

Pam Colesworthy

## Suzanne McCollum

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**From:** Courtney Hamilton  
**Sent:** Friday, March 11, 2022 7:41 AM  
**To:** Participate  
**Subject:** Fwd: please FWD to P&Z with many thanks!

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**From:** Billy <wilfrahug@cox.net>  
**Sent:** Thursday, March 10, 2022 5:29:00 PM  
**To:** nbradshaw@ketchum.org <nbradshaw@ketchum.org>; Courtney Hamilton <CHamilton@ketchumidaho.org>  
**Subject:** please FWD to P&Z with many thanks!

"If lots in the city are reconfigured, a new structure must be placed in a conforming location off the protected hillside, the P&Z determined. If there is no alternative location on the site, a new structure must fit within the footprint, height and setbacks of the existing structure, subject to P&Z approval.

All other regulations of the Mountain Overlay District remain intact and enforceable by the city. All development applications must still go through the city's processes." - IME