

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

Re: Support for Proposed Parking Expansions – Saddle & Stirrup Roads

Dear City of Ketchum,

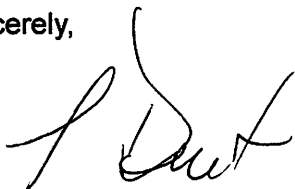
On behalf of the Saddleview Condominiums Homeowners Association, I would like to express our support for the City's proposed additional parking areas presented at your August 14, 2025, meeting. In particular, we appreciate the initiative to expand organized parking along Saddle and Stirrup Roads.

As you know, parking in this area is consistently tight for residents, golfers, and Zenergy members alike. The proposed improvements would relieve existing pressures, improve safety and access, and benefit both homeowners and visitors. We believe these steps represent a thoughtful, balanced approach to supporting the needs of the neighborhood and the broader community.

More broadly, we want to acknowledge the important role that Bigwood Golf and Zenergy play in Ketchum and the Valley as a whole. Both organizations have repeatedly opened their doors to the City and to non-profit groups, hosting events and maintaining public access that enrich our community. Enhancing parking and access in this area directly supports that positive impact and helps sustain these community-minded efforts.

Thank you for your work and for considering the needs of local residents and organizations as you move forward. We look forward to supporting the City as these plans develop.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Dent". The signature is fluid and cursive, with the first name "Jeff" and last name "Dent" clearly distinguishable.

Jeff Dent
President, Saddleview Condominiums Homeowners Association

WOOD RIVER HIGH SCHOOL

1250 Fox Acres Road, Hailey, Idaho 83333 208.578.5020



September 15, 2025

Ketchum Planning and Zoning Commission
191 5th St W,
Ketchum, ID 83340

RE: Support for Proposed Parking Lot Expansion

Dear Commissioners,

We are expressing our strong support for the proposed parking lot expansion at Zenergy and Big Wood Golf Club. This project is crucial for our local high school athletic programs, specifically the golf and swimming teams, and I urge you to approve it.

For years, our student-athletes have been incredibly fortunate to benefit from the generous community partnerships with Big Wood Golf Club and Zenergy. These businesses have provided our golf and swimming teams with exceptional facilities, allowing our students to train and compete at a high level. Without their goodwill and support, we simply wouldn't be able to offer these programs in the way that we do.

The current parking situation presents a significant challenge. The proposed expansion would provide the necessary space to accommodate our athletes and coaches, ensuring that our teams can continue to utilize these invaluable resources. This is not just a matter of convenience; it is a matter of continuing the successful, long-standing relationship that allows our student-athletes to thrive.

Approving this expansion will directly benefit the youth in our community and reinforce the vital partnerships that make our athletic programs possible. Thank you for considering our request and for your commitment to supporting the students of Hailey.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Stilling'. The signature is fluid and cursive, with a large initial 'K'.

Kevin Stilling
Athletic Director
Wood River High School

A handwritten signature in black ink, appearing to read 'Julia Grafft'. The signature is cursive and elegant, with a large initial 'J'.

Julia Grafft
Principal
Wood River High School



Date: September 16, 2025
To: City of Ketchum
From: Mark Davidson, Executive Director Blaine County Recreation District
Re: Parking Proposal on Saddle Road

I am writing on behalf of the Blaine County Recreation District (BCRD). BCRD provides healthy, active, and diverse recreational opportunities for our community and the area's many visitors. Over the past year BCRD has been in discussion with the owners of the Big Wood Golf Course to increase winter recreation opportunities in the Ketchum community.

I am writing to express BCRD's support for the proposed development of parking facilities near the Big Wood Golf Course in Ketchum. BCRD supports recreation and access to recreation throughout our community, I believe this project will improve access to existing and future recreation opportunities for both residents and visitors.

The current parking limitations create several challenges that expanded facilities would address:

- **Improved Access:** Additional parking will make winter recreation opportunities on the golf course more accessible to families, seniors, and individuals with mobility needs.
- **Safety Improvements:** Adequate parking will reduce unsafe roadside parking and traffic congestion on nearby streets, creating safer conditions for pedestrians and individuals accessing the golf course.
- **Community Recreation:** Enhanced access will allow more residents to enjoy this valuable recreational resource, promoting healthy outdoor activities and community engagement.

This project represents a balanced approach to supporting both demand for access to winter recreation and recreational infrastructure. The Big Wood Golf Course is an important community asset, and ensuring adequate parking will help it continue serving residents and visitors for years to come.

I urge you to move forward with this parking expansion proposal and look forward to seeing this improvement benefit our entire community.

Thank you for your consideration and for your continued service to Ketchum.

Sincerely,

Mark Davidson
Executive Director



Cole Petrie
Higher Ground USA, Inc.
Cole@HigherGroundUSA.org
208-726-9298

September 16, 2025

City of Ketchum Leadership
P.O. Box 2315
191 5th St. West
Ketchum, ID 83340

Re: Parking Needs to Support Higher Ground Programming

Dear City of Ketchum Leadership,

My name is Cole Petrie, and I serve as Chief Executive Officer of Higher Ground USA, Inc. Our organization is dedicated to improving the quality of life for people of all abilities through adaptive sports, therapeutic recreation, and community-based programming.

As part of our work in Ketchum, we utilize both the Big Wood Golf Course and Zenergy Health Club for program activities. These facilities are not only essential to our mission, but they have also been extraordinary community partners; subsidizing access so that we can continue to provide impactful, affordable programs to local participants.

In recent years, parking has become increasingly limited around both Big Wood Golf Course and Zenergy. This presents a challenge for Higher Ground, as we rely on special accessible vans and buses to transport our participants safely to and from programming. The current limitations make it difficult for our staff and participants, many of whom require additional accessibility considerations, to access these vital community resources.

Additional public parking on Stirrup Lane, as well as consideration of future public parking areas in the surrounding neighborhood, would significantly benefit Higher Ground. Expanded access would directly support our ability to continue serving local residents through these community-based programs and would further strengthen the positive partnership between our nonprofit, Big Wood Golf Course, Zenergy, and the City of Ketchum.

Thank you for your consideration of this matter. I would be happy to provide further details about our programs or discuss possible ways the City can support expanded parking access.

Sincerely,

Cole Petrie
Chief Executive Officer
Higher Ground USA, Inc.

Dawn Hofheimer

From: Joyce Doughty <chefdoughty@gmail.com>
Sent: Thursday, August 14, 2025 2:53 PM
To: Participate
Subject: Changes on Stirrup Lane

Follow Up Flag: Follow up
Flag Status: Flagged

My husband and I have lived on Stirrup Lane for 15 years. It has been a charming, quiet place to live during that time. Now everything has changed. We have crowded parking on the street, turn around and golfers galore starting at the corner of Saddleback and Stirrup, lined up to begin at hole number one. It is an unsafe thoroughfare. I can't imagine anyone on the city council wanting that to happen in their neighborhood.

Roger and Joyce Doughty

Dawn Hofheimer

From: Sonya Wilander <swilander@gmail.com>
Sent: Monday, September 15, 2025 10:59 AM
To: Participate
Subject: Parking

I hope you can increase the parking around Bigwood and Zenergy. I believe it is important to make access to physical activities like the gym and golf easy so that people in town do not find it a burden to have to get out and be healthy.

As a non profit working with men in recovery I see the importance of physical health and thankfully so do Bigwood Golf and Zenergy, as they support the work we do.

Sincerely,

Sonya Wilander, ADC
MSCL House Executive Director
208-481-0182c



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Dawn Hofheimer

From: Christine Davis <rbrdavis@icloud.com>
Sent: Wednesday, August 27, 2025 9:37 AM
To: Participate
Subject: Stirrup Lane

Follow Up Flag: Follow up
Flag Status: Flagged

It continues to be a dumping ground. These areas were once green (as it's supposed to be) but with giant sand dumps, lumber dumps, extensive cars parking daily on the grass.....it's ruined. Safety is surely an issue we've discussed but pure negligence concerning how this land needs to be maintained is apparent.

It's been like this allllll summer. We've notified the city multiple times.

It would be helpful to get that meeting Jade Riley spoke of! When will that happen?

9/17/2025

Dear Members of the Planning & Zoning Committee,

On behalf of the Be Good™ Foundation, I am writing to share our deep appreciation for the partnership and generosity of Zenergy Health Club & Spa. Our foundation exists to use the bicycle as a catalyst for healing, empowerment, and connection in communities locally and globally. That mission is only possible because of generous partners like Zenergy, who give back selflessly to help us succeed.

Most recently, Zenergy donated their space, staff time, and resources to host our largest fundraising event of the year. This evening not only raised critical funds for our programs, but also brought together a wide circle of community members in a way that was both celebratory and deeply meaningful. Their team gave wholeheartedly, sharing their time, promoting the event, and ensuring every detail was cared for, without asking for anything in return. The success of that event was made possible by Zenergy's commitment to community support.

It is this spirit of service and generosity that makes Zenergy more than just a business, it makes them a vital hub for connection in Ketchum. The reality is that the programs and events they support draw in community members, nonprofit organizations, and visitors alike. Adequate parking is essential not only for their members, but also for the many families, supporters, and nonprofits who benefit from their ongoing contributions.

Thank you for your thoughtful consideration.

With gratitude,

Aerah Hardin
Executive Director
Be Good™ Foundation

9/17/2025

Dear Members of the Planning & Zoning Committee,

My name is Rebecca Rusch, and I've been fortunate to call Ketchum home for many years. As both a professional athlete and the founder of the Be Good™ Foundation, I want to share the incredible generosity of Zenergy Health Club & Spa.

Zenergy has been a cornerstone of my personal and professional journey. Throughout my career, they have provided me with a space to train, recover, and prepare for the challenges of being a world-class endurance athlete. Their commitment to wellness and excellence has helped me compete at the highest level while also staying grounded here in our community.

Beyond my own career, Zenergy has consistently gone above and beyond to support the Be Good Foundation. Most recently, they opened their doors to host our largest annual fundraising event. They donated not only their space, but also their staff, resources, and expertise, helping us create the most beautiful and successful event we've ever had. That kind of generosity and partnership is rare, and it underscores how deeply Zenergy invests in the people and nonprofits of Ketchum.

The impact of their work ripples far beyond their own membership. Families, athletes, nonprofits, and visitors all benefit from what Zenergy provides. Adequate parking is a practical but essential piece of making sure they can continue to serve as a hub for community, wellness, and connection.

I am deeply grateful for everything Zenergy has contributed to my life, to the Be Good Foundation, and to the Wood River Valley.

With gratitude,

Rebecca Rusch

September 19, 2025

To Whom it May Concern:

My name is Brian Gallagher and I am the Head Coach of the Sun Valley 5B Swim Team. This is a long-standing year-round program and we train at the YMCA Pool and The Elkhorn Village Pool.

Zenergy has always made training water-time available to my swimmers at their pool facility whenever the WMCA pool has been closed for maintenance/repair purposes. Zenergy has been very community minded when it comes to helping out the young people of our valley whenever they can and encouraging them to excel in their chosen sports.

I encourage the City of Ketchum give Zenergy every consideration as they strive to accommodate and plan for programs for our community, particularly for our youth programs, in the coming years.

Sincerely

A handwritten signature in black ink, reading "Brian E. Gallagher". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brian Gallagher

Head Coach, Sun Valley 5B Swim Team

Dawn Hofheimer

From: Lilian Wu <gomory.wu@gmail.com>
Sent: Sunday, September 21, 2025 1:44 PM
To: Participate
Subject: Additional Parking being discussed for Bigwood Golf Course and Zenergy

From: Ralph Gomory and Lilian Gomory Wu (address: 105 Stirrup Ln, Ketchum ID)

We believe it is premature to discuss the location and the amount of additional parking needed for the Bigwood Golf Course and Zenergy before we are shown that additional parking is actually needed.

Ralph Gomory and Lilian Gomory Wu



Fwd: Stirrup Lane - 3rd Letter to you regarding traffic

From Chrissy Davis <rbrdavis@gmail.com>

Date Tue 9/23/2025 8:42 AM

To Participate <participate@ketchumidaho.org>

Cc Jade Riley <jriley@ketchumidaho.org>; Morgan Landers <MLanders@ketchumidaho.org>

Add this to your packet please Morgan. Thank you.

Chrissy Davis

847-812-2295

Rbrdavis@gmail.com

Begin forwarded message:

From: Chrissy Davis <rbrdavis@gmail.com>

Date: July 9, 2025 at 6:31:07 PM MDT

To: Participate <participate@ketchumidaho.org>

Subject: Stirrup Lane - 3rd Letter to you regarding traffic

We'd like to get on the agenda. How can we do this? In the meantime:

My name is Christine Davis, and my husband and I live at 130 Stirrup Ln, Ketchum, ID 83340. This is my 3rd letter to the city regarding our concerns about Stirrup Lane and the excessive cars, trucks, and maintenance vehicles that continue to create a major safety issue on our residential street.

Zenergy and Big Wood Golf Course employees are now being directed to park on our streets. There is conflicting information regarding who directed the employees 20+ cars to line Stirrup Lane every day. I am writing to you a 3rd time about this issue, because it continues to get worse and worse. I know you are receiving plenty of notification about these concerns from multiple people, but we aren't seeing solutions that are solving the problem. I'd welcome the city's expertise and guidance, rather than silence.

Big Wood and Zenergy are evidently experiencing a busy summer, but why should that be at our expense and safety? Stirrup Lane has become a dumping ground for personal maintenance crew parking, maintenance vehicle traffic, and now employee parking? Trails like Proctor and Chocolate Gulch have "no trail parking signs." I'd suggest we do the same for our streets with "No Zenergy or Big Wood Parking" signs. Seems pretty simple really, but we'd like to hear from you on your suggestions to rectify this dangerous and problematic situation.

Finally, I truly hope that we don't get to a point where it's too late, and we sadly experience a catastrophe because the city and such businesses choose to ignore the inevitable - we will have accidents, we will continue to put people in danger if something doesn't change now. Whether it's Stirrup Lane residents, visitors, golfers, gym goers, employees - no one needs to get hurt, so I plead with you to help keep our street safe.



Fwd: Another issue d/t Big Wood Golf Course reconstruction

From Chrissy Davis <rbrdavis@gmail.com>

Date Tue 9/23/2025 8:47 AM

To Participate <participate@ketchumidaho.org>

Cc Jade Riley <jriley@ketchumidaho.org>; Morgan Landers <MLanders@ketchumidaho.org>

Please add to your packet. This from October 2024, and still incredibly relevant. Strange that we never saw the agenda until August 2024.

Chrissy Davis

847-812-2295

Rbrdavis@gmail.com

Begin forwarded message:

From: Chrissy Davis <rbrdavis@gmail.com>

Date: October 15, 2024 at 4:27:50 PM MDT

To: Robert K Davis <korbel3@gmail.com>

Subject: Fwd: Another issue d/t Big Wood Golf Course reconstruction

Chrissy Davis

847-812-2295

Rbrdavis@gmail.com

Begin forwarded message:

From: Participate <participate@ketchumidaho.org>

Date: October 15, 2024 at 2:52:15 PM PDT

To: Chrissy Davis <rbrdavis@gmail.com>

Cc: ben@benworstlaw.com

Subject: RE: Another issue d/t Big Wood Golf Course reconstruction

Hello Chrissy,

Thank you for taking the time to voice your concerns. Your comments will be part of public record at the next City Council meeting on Oct. 21 as well as public record for the next P&Z meeting also on Oct. 21st.

Best,

CITY OF KETCHUM COMMUNITY ENGAGEMENT TEAM
P.O. Box 2315 | 191 Fifth St. W. | Ketchum, ID 83340
o: 208.726.3841 | f: 208.726.7812
participate@ketchumidaho.org | ketchumidaho.org

From: Chrissy Davis <rbrdavis@gmail.com>
Sent: Monday, October 14, 2024 11:13 AM
To: Participate <participate@ketchumidaho.org>
Cc: ben@benworstlaw.com
Subject: Fwd: Another issue d/t Big Wood Golf Course reconstruction

[Download Attachment](#)
[Available until Nov 7, 2024](#)

Planning and building,
Please note the attached video that details one example of a traffic and safety hazard at Stirrup Lane and Saddle Rd, strictly due to the unorganized and less than thought out reconstruction of the big wood golf course. This video was taken on Monday 10/7/24 at around 2pm-3pm.

The major influx of workers cars, insufficient dedicated staff to mitigate these issues created by work trucks/worker traffic/regular traffic, lack of safety, concern, and disregard for anyone on Stirrup Lane, and especially those simply traveling onto Saddle Road off HWY 75 continues to be a major issue. It would be great to impose some restrictions on Big Wood Golf Course owners and developers to remedy concerns Stirrup Lane residents have brought up to the planning dept multiple times. It's gotten out of hand to say the least.

We had to call the Ketchum police to help navigate this latest concern.

We will continue to report such issues. Please response to acknowledge receipt of these details. Feedback is always welcomed from your department as well.

[Click to Download](#)

IMG_3554.MOV

0 bytes

Chrissy Davis
847-812-2295
Rbrdavis@gmail.com

From: rothstein.larry@gmail.com
To: jriley@ketchumidaho.org
Cc: [Ben Worst](#); ["Passovoy Susan"](#); ["Davis Robert"](#); ["Degennaro Robert"](#); ["Isles Geoff"](#); ["Doughty Joyce/Roger"](#); ["Friesen-DeGennaro Andria"](#); ["Ralph Gomory"](#); ["Grossman Yuhko"](#); ["Hodge Jim"](#); ["Perdue David"](#); ["Semel Jane"](#); ["Wu Lilian"](#); ["cloninger Bob & Charlotte"](#); ["Davis Chrissy"](#); ["Robert Kaplan"](#)
Subject: stirrup lane bigwood golf course
Date: Friday, August 22, 2025 5:47:31 PM

Jade

Earlier this week, there was upwards of 30 to 35 cars parked on Stirrup Lane in the afternoon blocking several driveways. As this was more cars than the usual unacceptable number of cars I checked and saw and also through inquiry that there was a non golf event being held on the golf course. As I know that events can't be held without a permit, something is clearly wrong here. Getting a permit for a non-golf activity requires a permit that can be issued only through a public process, me and my neighbors would appreciate an explanation of what is going on.

Thank you in advance for your prompt attention to this.

Larry Rothstein
110 Stirrup Lane

Larry Rothstein
305-215-1303
Rothstein.Larry@gmail.com

From: rothstein.larry@gmail.com
To: jriley@ketchumidaho.org; pbaker@ketchumidaho.org
Subject: stirrup lane
Date: Monday, July 7, 2025 6:53:34 PM
Attachments: [IMG_4940.JPEG](#)

Dear Mssrs. Riley and Baker

My wife Nina and I are residents at 110 Stirrup Lane. For the past several weeks there are numerous cars of up to 20 cars from Zenergy and Bigwood Golf Course parking on Stirrup Lane creating a tremendous health and safety issue. At times they are parked on both sides of the street on the golf course. The golf course is not for parking. These cars parked have in essence made Stirrup Lane a one lane street and a commercial parking lot on a residential street. In addition the golf course has made an additional pass through on saddle road for their walkers to cross in addition to the golf cart crossing creating it difficult to make a right turn from stirrup lane.

These cars parked will create an untenable and life threatening situation should emergency vehicles be required.

I personally almost hit a golf cart as I turned on to Stirrup Lane from Saddle Road due to the cars blocking any visibility.

Frankly, this situation needs to be rectified as soon as possible.

I am enclosing one of many pictures to give you an idea of the problem.

I am happy to discuss this with you at your convenience and thank you in advance for your cooperation.

Larry Rothstein

Larry Rothstein
305-215-1303
Rothstein.Larry@gmail.com

BENJAMIN W. WORST, P.C.
ATTORNEY AT LAW

P. O. BOX 6962
Ketchum, Idaho 83340

ben@benworstlaw.com
Tel. (208) 720-8417

July 22, 2025

Mayor Bradshaw and City Council Members
City of Ketchum
P.O. Box 235
Ketchum, Idaho 83340

RE: Parking on Stirrup Lane

Dear Mayor Bradshaw and Council Members,

This law firm represents the residential property owners on Stirrup Lane, a quiet, residential cul de sac. As you know, my clients object to any parking lot adjacent to Stirrup Lane and to any increase in parking on Stirrup Lane. Several months ago, I filed a successful appeal on behalf of my clients challenging an administrative approval of such a parking lot for the owners of the Bigwood Golf Course. The parking lot was deleted from the administrative approval because it requires an amendment to the CUP; however, now it appears that the owners of the Bigwood Golf Course are once again imposing their parking issues (caused the restaurant construction) onto Stirrup Lane—again without any attempt to meet with and make mutually acceptable arrangements with the Stirrup Lane residents.

Since late June, multiple cars—at times as many as 25—have been parking on both sides of the north end of Stirrup Lane. Drivers are routinely entering my clients' private driveways to turn around. My clients do appreciate the City's putting in "No Parking" signs on the east side of the street and a part of the west side to alleviate the congestion at the Stirrup Lane/Saddle Road/cart path intersections. This was a small step; however, it is a temporary and inadequate response to a much larger problem.

My clients have been told that Zenergy has an arrangement with the owners of the Bigwood Golf Course allowing golf course employees to park in the Zenergy parking lot while Zenergy employees must park their cars on Stirrup Lane and walk from there to work. Such an arrangement and the resulting parking chaos is unacceptable. It is unsafe and unreasonable.

Stirrup Lane is a quiet neighborhood on a cul de sac. There is no developed apron for parking and the entrance to Saddle Road from Stirrup Lane is already one of the most dangerous intersections in the City. Even if there is an actual need for parking, there are many better alternative locations, such the parking lot for the Bigwood Recreation Center and the YMCA parking lot which was acquired to be a park-and-ride lot which could be serviced by a shuttle from Zenergy.

My clients brought this matter to the attention of the City as soon as the problems arose and were planning to address the issue with the Ketchum Traffic Authority on July 17 when the

meeting was abruptly cancelled. My clients have now been told that Zenergy and the owners of the Bigwood Golf Course are working with the City to come up with a new plan which will be discussed at a special meeting of the Traffic Authority. This is also unacceptable. Any public airing of this problem could be delayed until almost the end of the golfing season, which will moot the move to an appropriate solution. My clients are stakeholders. They must be included in this process, and if they are to be excluded, then a public hearing before the Traffic Authority must be held immediately. My clients demand transparency, due process and best practices.

Thank you.

Sincerely yours,

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

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

Cc: Clients

BENJAMIN W. WORST, P.C.
ATTORNEY AT LAW

P. O. BOX 6962
Ketchum, Idaho 83340

ben@benworstlaw.com
Tel. (208) 720-8417

September 22, 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 all residential property owners on Stirrup Lane. Item No. 6 on the agenda for your September 23, 2025, meeting is identified as:

Recommendation to review and provide direction to staff on the permitted uses for the Bigwood Golf Course and parking requirements for the Bigwood Golf Course and Zenergy.

The staff report was not publicly available until Saturday, September 20, 2025. For that reason alone, this matter should be tabled for future consideration. Any determination made on such short notice constitutes a denial of my clients' rights to due process and a departure from best practices. It is important to note that there is no application for your consideration. There is no data regarding parking, traffic or health, safety and welfare let alone any demonstrated need for parking or any consideration of potential alternative locations. Perhaps more importantly, the staff report fails to identify the real reason this matter is before you.

This matter is before the Commission because in the summer of 2024, the owners of the Bigwood Golf Course ("BWGC") in conjunction with City staff, acting without any public notice or hearing, attempted to approve and build a 22-space parking lot just off Stirrup Lane in violation of the governing documents. I successfully appealed that decision just last January. Instead of restating the issues, I have attached my *Memorandum* to this correspondence which is incorporated herein by reference. Please read it.

The Commission never heard the appeal because the City acquiesced in the applicant's withdrawal of the proposed parking lot from their application. Following that withdrawal, the owners of the BWGC never made an application to the City to amend the governing documents to allow any proposed new parking lot nor any of the other new development or new activities. Instead, in the summer of 2025, dozens of vehicles started parking on Stirrup Lane resulting in several near collisions, congestion and disruption to my clients as many drivers drove the wrong way down Stirrup Lane, then turned in their driveways. My clients have been told that the

vehicles belong to the employees of the BWGC and Zenergy and that there may be some agreement governing parking between those two entities. The agenda item and the staff report before you appear to be an attempt to build the recently litigated parking lot in addition to even more parking and other improvements and activities without any application to do so nor any attempt to amend the governing documents. You are being asked to re-interpret the plain language of the governing documents in order to approve improvements that were effectively stopped through the City's formal appeal process just 8 months ago. When the governing documents use the words, "open space", "in perpetuity" and "golf course", they mean what they say. The City Code's definition of "development" could not be more clear. To ask you to apply a convoluted definition to these words to permit parking recently stopped by my clients' litigation is simply unacceptable.

Please consider the following:

1. There is no application, there is no demonstrated need and there is no meaningful data. You are being asked to make a radical departure from decades of practice, but you have virtually no data to consider. The proposed parking and increased traffic and congestion near one of the City's most dangerous intersections presents a serious threat to public health, safety and welfare not to mention my clients' quality of life. Nonetheless, there is no recent traffic study. Moreover, the (applicants?) have not stated how many spaces they need, why, who will use the spaces, who will pay for the improvements or what impact the expanded parking and other new activities will have on the delivery of essential City services such as snow removal, pedestrian infrastructure, and police, fire and ambulance services.

As part of the approval process for year-around restaurant operations in 2023, the City determined that the BWGC had adequate parking. In fact, the City determined that the BWGC had two times the amount of parking as the Elkhorn golf course clubhouse. Has something changed? Staff makes the unsupported declaration that, "*Staff agrees that the success of the Bigwood Golf Course and Zenergy have increased overall parking demand and the necessity for coordinated parking and circulation management in the area.*" There is no data or discussion to support the alleged "success" or why more parking is needed. Even if that were true, wouldn't any such additional parking be needed nearer to the facilities causing the demand? Does it make sense to have employees and customers park in adjacent and nearby residential neighborhoods, then cross a busy street before they walk several hundred yards and up a hill to get to the facilities? Additionally, staff fails to reference the impact of temporary parking needs caused by the substantial construction taking place in the area this summer. How can you know if any alleged need is based on the "success" of two businesses or rather due to construction-related parking? There is no data illustrating the need for any expanded parking. Without that information, you shouldn't even consider this non-application.

2. The site map is incomplete. Staff sent me a site map. It is unclear whether you have seen it or whether you will consider it in evaluating the current matter. Given the confusion surrounding the contents of your packet and out of an abundance of caution, I am addressing it now. In the same manner that the staff report fails to mention my successful January 2025 appeal, the site map does not show the 15? 17? more? parking spaces for BWGC employees to the south of Stirrup Lane near the maintenance facilities. This new parking area feeds into Stirrup Lane and will only exacerbate congestion and circulation problems. Moreover, the site map does not show the parking in the ROW on the east side of Saddle Road to the south of

Stirrup Lane near one of the most dangerous intersection in town that the City has incredibly permitted. How can you make any new interpretations and allow more parking when the information in your packet is incomplete? The information before you simply does not give you the full picture that you need to properly evaluate the impact of the proposed parking and additional traffic.

3. To date, there has never been any consideration, discussion or data regarding alternative areas for any alleged parking. Why should two private businesses be allowed to push their alleged parking problems into adjacent and nearby residential neighborhoods? Are there not other, more appropriate locations? What about the City's Saddle Road property where the YMCA is located? It was actually acquired for the purpose of creating a park and ride. The YMCA specifically agreed that the parking lot would continue to be open to the public for non-YMCA uses. What about the industrial district? What about over Saddle Road in Sun Valley? What about leasing a portion of the largely unused, existing parking lot from the Bigwood HOA? What about a more discreet area on the many, many acres of the BWGC? Why would you even consider new parking on a residential street and near a dangerous intersection without considering all of the potential alternative locations?

4. Any parking on or near Stirrup Lane requires amendments to the governing documents that can only be done by the City Council. Please see my *Memorandum* for the full discussion. The third amendment to the CUP specifically states, **"Golf course and golf course accessory use parking shall not be allowed on Clubhouse Drive or any other streets in the Bigwood PUD."** That seems pretty clear. The other governing documents are just as clear, **"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."** The new parking lot constitutes 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.

The Second Amendment to the Development Agreement is very specific about the process, **"Any changes to the golf course layout shall also be subject to Design Review, Conditional Use Permit and Master Plan approval."** This makes clear that the proposed changes require more than the meager process currently under way. It is possible that some of the requested changes can be made; however, such changes must be done pursuant to an application supported by substantial evidence, a public hearing and a vote of both the Commission and the City Council.

5. Staff does not appear to be seeking guidance, they appear to be giving you instruction. The agenda item purports to be staff seeking direction. However, the Staff Report comes to many conclusions that all support deviation from the plain language of the governing documents and applicable code and a departure from decades of policy. Historic non-golf related events are irrelevant. Just because the City failed to enforce the governing documents and Code does not mean that the City is obligated to continue to do so. One cannot gain prescriptive rights against the City. What other golf courses and private country clubs do is irrelevant. There is no indication, let alone analysis, of whether such entities are subject to restrictions similar to the clear restrictions governing the BWGC set forth in the governing documents. Even if there were, your analysis is confined to the plain language of these governing documents.

6. My clients are not necessarily opposed to special events. They just don't want to bear the impacts of those special events. Each event is unique and requires the City's careful consideration in order to plan for the public's health, safety and welfare and to mitigate impacts. The City already has a process in place for that. You should not abandon the City's process for evaluating, planning and permitting special events and just say anything goes.

7. Please confirm that all of my clients' comments have been included in your packet and in the public record of this matter. Several of my clients have submitted written comments to the City, but tell me their comments are not among the comments in your packet. This is very troubling.

In short, the City has got to do better. The City must either abide by the clear language of the governing documents or insist on an application to amend the governing documents supported by data and relevant evidence of need followed by a public hearing and a vote of the Commission and City Council.

Thank you.

Sincerely yours,

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

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

Cc: Clients
Enclosure

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January 6, 2025

Ketchum Planning and Zoning Commissioners
City of Ketchum
191 5th Street West
Ketchum, Idaho 83340

**RE: Memorandum In Support of Notice of Appeal - 22-Space Parking Lot at
Bigwood Golf Course. (Decision dated August 27, 2024, No. P24-068.)**

Dear Commissioners,

This appeal asks the Commissioners to reverse a staff-level design review approval which either: 1) approves a new 22-space parking lot partially on and partially off Stirrup Lane near the intersection with Saddle Road; or 2) which is ambiguous on its face in that it is not clear that the Administrator approved any parking lot (the “Decision”). The Decision was made without public notice and based on grossly inadequate information hidden in an application ostensibly requesting landscaping improvements. It violates the governing documents and is not authorized under the Ketchum Municipal Code (“KMC”). The Commission may affirm, deny or modify in whole or in part. We are asking the Commission to modify the Decision by striking any portion of the Decision approving a parking lot.

- I. The Administrator Acted in Derogation of the Governing Documents. The governing documents all require that the subject land be used exclusively as a golf course or as open space. For 40 years the City has consistently taken the position that this restriction means what it says. The City has rejected out of hand attempts to use the golf course for affordable housing and for expansion of the cemetery. In 1999, when the previous owner of the golf course wanted to relocate the clubhouse *due to inadequate parking*, the City required an amendment to the Annexation and Development Agreement. Such amendment was approved only after public hearings before both the Commission and the Council. A copy of the Third Amendment to the Development Agreement is attached hereto and incorporated herein to illustrate how the application should have been handled, how reasonable conditions were imposed and to show that the Development Agreement prohibits golf course accessory use parking on the streets of the Bigwood PUD (See discussion below).

As recently as 2023, when the previous owner made the simple request to operate its restaurant year around, the City required a PUD-CUP application with full staff analysis, public notice, public hearings and Commission approval. It should be noted that in the approval of such PUD-CUP, the City found that there is adequate parking for both the expanded restaurant operations and golf course uses. Yet without Commission oversight, without any notice to the

neighbors and without any public involvement whatsoever, the Administrator appears to have reversed 40 years of City stewardship of this public amenity and approved a parking lot in the golf course without any plan or conditions whatsoever. Only the Commission and City Council can make such a monumental decision. A copy of the 2023 PUD-CUP is attached hereto and incorporated herein which includes a brief history of parking issues at the Bigwood PUD, a comparative analysis of available parking at other area golf courses and the PUD Standards, especially KMC16.08.080 F which provides the framework for the analysis that should have been applied in the present case.

A. The Bigwood Annexation, Service and Development Agreement dated September 18, 1985, recorded as Instrument No. 266738 (the “Development Agreement) requires that the subject land to be used exclusively as open space or as a golf course. This Development Agreement in conjunction with the PUD-CUP and plat brought the Bigwood PUD and golf course into existence. Section 1.2 of the Development Agreement dictates that the property shall be developed in accordance with the PUD-CUP. More specifically, Section 1.4(i) states that, **“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 except as set forth in this Agreement.** These large blocks shall not be subdivided.” The area in question is located on Large Block 11 and is therefore ineligible to be anything but open space or golf course.

The Development Agreement does not allow for modification by the Administrator. Section 10 states that, “This Agreement shall be amended or cancelled, in whole or in part, only by the mutual consent of the parties, executed in writing and evidenced by amended plats, or PUD Development Plan.” Only the Council can modify the Development Agreement after review and recommendation by the Commission. For the Administrator to approve this parking lot ignores the plain language of the Development Agreement and is a complete departure from the City’s history of careful scrutiny of new development in the Bigwood PUD, especially parking.

In 1999, parking for the new Thunder Spring PUD and Zenergy health club competing with existing parking at the Bigwood clubhouse led to overflow parking and congestion on the street. The solution was to amend the Development Agreement to allow for the relocation of the Bigwood clubhouse. After public notice and hearing, the City Council on May 17, 1999, approved the Third Supplemental Agreement to Bigwood Annexation, Services and Development Agreement (the “Third Amendment.”) Section 2 of the Third Amendment states, **“A parking area shall be constructed** that will provide required parking for the golf course clubhouse.” Section 3 it goes on to state,

Golf course and golf course accessory use parking shall not be allowed on Clubhouse Drive or any other streets in Bigwood PUD and the existing parking on the south side of Clubhouse Drive shall be eliminated and the area resodded. Parking related to food and beverage service and to all golf course uses and to golf course employees shall be limited to the thirty-one (31) stall parking lot south of the recreation center as shown on Exhibit A and no overnight parking shall be

allowed in that lot. No golf course maintenance equipment shall be parked overnight or stored on Large Block 19, a maximum of six (6) golf carts may be parked overnight within the golf cart parking area shown on Exhibit A during the times the golf course is open for play and said golf cart parking area shall be screened aesthetically to a height of at least six (6) feet.

This Third Amendment illustrates two important points. First, it shows how to properly amend the governing documents. Unlike the purely administrative approval which is the subject of this appeal and which contains neither analysis nor conditions of any kind, the Third Amendment was completed in writing, in compliance with the governing documents after affording the neighbors their right to due process and resulting in meaningful conditions. Second, it shows that the City understands the common sense notion that the construction of a new parking lot requires Council-level approval, not merely staff review. *See attached Third Amendment.*

The limited information in the application indicates that the subject parking lot might be constructed partially in the public right of way. If that is the case, then the Third Amendment's prohibition against golf course parking in the streets of the Bigwood PUD must either be honored or re-amended. Otherwise, approval of the parking lot is in violation of the prohibition.

Parking was front and center as recently as December 2023 when the then-owner wanted to expand seasonal restaurant operations to year-around service. No new construction was proposed, just a longer season for serving food and drink. Nonetheless, the City required the applicant to apply for a PUD-CUP largely to ensure that parking would be sufficient and to ensure that the expanded service would not negatively impact the neighbors. The Commission thoroughly evaluated the parking needs based on a comparative analysis of the Bigwood, Elkhorn and Sun Valley golf clubhouses. It found that Bigwood provided roughly the same number of parking spaces per square foot of clubhouse as Sun Valley and nearly double that of Elkhorn. It also found that parking was less crucial at Bigwood because the clubhouse can be reached by public transportation and the bike path. *See attached PUD-CUP Decision.*

In short, the Commission determined a little over one year ago that the parking at the Bigwood Golf Course was adequate for both expanded restaurant operations and for golf course uses. If there was adequate parking for both expanded operations and for the golf course a little over one year ago, why do the current owners need overflow parking for landscape and irrigation improvements now? More importantly, why was a request to merely expand restaurant operations obligated to go through the PUD-CUP process when a new, 22-space parking lot was not?

The applicants might try to argue that the parking lot is either open space or an expansion of the existing golf course. The KMC clearly shows that it is neither. KMC 17.08.020 defines "Open space (open site area)" as, "Open space area is all area of a lot not including buildings, structures, **parking areas**, driveways, cul-de-sacs or streets." Thus, parking areas are specifically not open space as defined in the KMC. The same section of the KMC defines "Golf Course" as a "tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters." The definition does not include parking lots.

Whether a parking lot might be appurtenant to a clubhouse is irrelevant. This particular parking lot is over 200 yards from the entrance to the Bigwood clubhouse, down a substantial hill and across one of Ketchum's busiest roads. It is not part of the clubhouse. Moreover, there is more than adequate space for additional parking on the North side of Saddle Road very close to the clubhouse.

Surprisingly, the applicant has never stated the purpose or intended use of the parking lot. It is too late now to try to claim that it is somehow part of the distant clubhouse as no new evidence may be admitted in this appellate process. The proposed parking lot seems to fit the definition of "Parking facility, off site" defined as a "facility, structured or surface lot, which is used for parking or storing of motor vehicles, open to public use without charge or for a fee, serves a clientele which provides patronage to on site and off site establishments." If the proposed parking lot is a "Parking Facility, Off Site" under the KMC, then it is not a "Golf Course" and the governing documents prohibit it. Parking lots are not golf courses in Ketchum. More importantly, this is a decision for the Commission and the Council, not staff.

B. The Bigwood PUD Subdivision Plat dated March 6, 1986, recorded as Instrument No. 270981 prohibits "Development." Plat Note No. 9 contains the same restriction, **"Large Blocks 11, 12, 13, 14, 15, and 20 are hereby dedicated as open space in perpetuity and expansion of the golf course.** Said large blocks are subject to certain public use rights and the right of reversion to the City of Ketchum under the terms of this Subdivision Plat, the Annexation, Services, and Development Agreement, and the Golf Course Municipal Deed recorded as Instrument No. 266744 in the office of the Blaine County Recorder, Hailey, Idaho." Additionally, the note at the bottom of the page depicting Large Block 11 states, **"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."** The new parking lot constitutes just such prohibited new development. KMC 17.08.020 defines "Development" as:

Development: 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.

The proposed new parking lot is a man-made change to improved land altering the landscape including the alteration of an existing land use. It actually removes a portion of the golf course and replaces it. As such, the new parking lot is prohibited under the terms of the Plat.

C. The Golf Course Municipal Quitclaim Deed dated August 16, 1985, recorded as Instrument No. 266744 also prohibits "Development." No. 1, **"The Property is to be**

exclusively used as a golf course as now or as may be expanded as set forth in the Annexation Agreement.” Condition No. 3 (page 3): “**The Property shall be used for no other purpose than as a golf course as provided in Paragraph 1 hereof. Any portions of the Property not used as a golf course shall remain as open space. No development or construction of any kind shall occur in the open space other than for golf course use.**” As discussed, the City has previously determined that no additional parking is necessary for either the year-around restaurant or golf course operations. Even if it were necessary, this prohibition precludes it.

D. The PUD-CUP incorporated into the Development Agreement established the parking areas for the PUD in 1985 and must be amended if the Council desires to create any new parking lots. Evaluation Standard Number 6 of the PUD-CUP required analysis of traffic patterns, automotive and pedestrian congestion and safety in the PUD and surrounding properties. The City determined that the standard was met in part because the proposed development plan would not overload adjacent streets or generate vehicular traffic to cause congestion of the public street network outside the PUD. Evaluation Standard Number 12 specifically addresses parking areas. “Location of . . . parking areas . . . shall maximize privacy within the project and in relation to adjacent properties” The City found that the location of the parking areas maximizes privacy and on that basis approved the same. How can a new parking area be approved without going through this process? The same PUD-CUP criteria can still be found in KMC 16.08.080F and L. How can staff think that those same criteria somehow no longer apply?

The restrictions set forth in the governing documents prohibit the creation of the new parking lot absent due process and amendment of those documents. The Decision fails to address the restrictions let alone establish any authority pursuant to which the Administrator could make such monumental changes. The administrative design review process is reserved for only the most basic of changes. The Council has exclusive authority to make such amendments and only through a public process with public meetings, duly noticed and in compliance with the Ketchum Municipal Code. Failure to abide by the governing documents or amend them pursuant to constitutionally guaranteed due process constitutes error, abuse of discretion, and arbitrary and capricious decision making.

II. The Applicants Did Not Apply to Construct a Parking Lot and the Administrator Did Not Approve One. On the face of the application, it is clear that the applicant did not apply to construct a 22-space parking lot. The application consists of a single page labelled “Design Review Application.” Under the section labelled “Project Information – Type of Construction” the applicant has checked the box “other” and written the words “**Landscape work.**” The application says nothing about a new 22-space parking lot. Significantly, under the section entitled “**Off Street Parking**”, the applicant has written “**Not Applicable.**” In so stating, the applicant itself admits that it did not apply to construct a new parking lot. This should be the end of the Commission’s inquiry.

City staff appears to have been unaware of any proposed parking lot in the application. On the “Design Review Application Certification of Completeness” which is unsigned, undated and fails to identify the project, there is a section entitled “Required Documents.” The box in

that section requiring a, “**site plan, to scale, showing proposed parking (including parking stall dimensions)**” has been left blank confirming that no such information was included in the application. Such basic information was required if the applicants intended to construct a new parking lot. The fact that this section was left blank and that such information was not provided illustrates that staff never reviewed or approved a parking lot.

Like the application, the Decision does not discuss let alone approve a parking lot. Under the heading, “Project Background,” the request in the application is identified only as, “**Administrative approval of Design Review requirements for the alteration of irrigation system, greens, pathways, landscaping and ponds.**” Construction of a new parking lot is not contemplated, not even mentioned. The Administrative Findings echo the request. **Finding No. 3 states, “The following development proposals are approved by the Administrator: a. Alteration of irrigation system, greens, pathways, landscaping and ponds.”** No parking lot is mentioned; no parking lot is approved. The same holds true in the section entitled “Decision.” The application and Decision are extremely simple documents. On their face, they do not authorize the construction of a new parking lot. Failure to require, evaluate and incorporate any information about the parking lot constitutes error, abuse of discretion and arbitrary and capricious decision making.

- III. The Application Lacks Crucial Information and Contains Misinformation. Both the application and the Decision lack basic information. Staff never asked fundamental questions. What is the design of the parking lot? Why is the parking lot needed? What will it be used for? When will it be used? Who can use it? How much traffic will it generate? How will it impact the neighbors? How often will a driver miss the parking lot and turn around on a private driveway? Most importantly, will it exacerbate an already dangerous ingress and egress from Saddle Road or create other unsafe conditions on Stirrup Lane? That the Decision does not impose a single condition on the construction or use of the parking lot illustrates that the parking lot was never part of the application and never approved. It also illustrates the need to make this decision in the light of day after public notice and an opportunity for the public to comment.

The intersection of Stirrup Lane and Saddle Road is one of the most dangerous intersections in Ketchum. Nonetheless, staff did not require a traffic study or make any analysis of how additional vehicles using the 22-space parking lot might aggravate an already dangerous situation. There was no inquiry whether or how the new parking lot might impact the neighbors. The Decision fails to acknowledge or evaluate the fact that the applicants are also constructing a 17-space parking lot for their employees which will have ingress and egress from Stirrup Lane opposite the proposed 22-space parking lot.

In fairness to City staff, the applicants buried the reference to the parking lot in a side note to a “Golf Course Renovation Master Plan” dated July 24, 2024 that covers the entire Bigwood Golf Course. Perhaps staff missed the reference. To date, the City has not provided the Appellants with any official record. Informally, City staff delivered a copy of the single-page design review application and an image of the “master plan.” Nothing in the “master plan” attempts to incorporate it into the Design Review Application. Nothing in the Design Review Application references the “master plan.” In fact, the Design Review Application Certification of Completeness actually shows that the “site plan, to scale, showing proposed parking

(including parking stall dimensions)” was not included with the application. Accordingly, this plan should not be included in the official record. Nonetheless, the applicants maintain that this document and a side note in it authorize the construction of the new parking lot.

The side note on the plan states, “Widened decomposed granite apron/overflow parking along road (22 spaces @ 10’ x 20’ each.) Grade parking at min. 0.5% and max 4.5% away from road.” This statement fails in virtually every regard. It does not constitute a “site plan, to scale, showing proposed parking (including parking stall dimensions)” as required in the Certification of Completeness. The plan shows only 21 parking spaces, not 22, indicating that half of each space is located in the public right of way and the other half in the rough of the golf course. If the applicants intend to build their parking lot in the public right of way, they will need to obtain a right of way encroachment permit and amend the Third Amendment to the Development Agreement as discussed above. The side note is deceptive in that it implies that people already park on the subject area. They do not. The area is grass and part of the rough adjacent to the fairway, not decomposed granite, not a parking apron. The area has never been parked in.

The side note also begs the question, “overflow” for what? Unlike the present administrative approval conducted in secret, when the previous owners applied for year around restaurant operations in 2023 they were obligated to go through the PUD-CUP process with public hearings before the Commission with a focus on parking. *See discussion above.* That process required the very type of information and analysis lacking from the current grossly inadequate process. The result of that application was that the PUD-CUP was granted in part because the applicant represented that it had adequate parking and both the staff report and the Commission concurred. If there was adequate parking to accommodate expanded services a little over one year ago, why is there not adequate parking now, especially given that the current application seeks only to improve the landscaping and irrigation, not expand any services?

If the application includes new parking, it should clearly state so and include an accurate description in order to be reasonably evaluated by staff, the Commission, the neighbors and the public. In any event, a new parking lot is not landscape work. Approving the parking lot based on incomplete or inaccurate information constitutes error, abuse of discretion, and arbitrary and capricious decision making.

- IV. The Administrator Did Not Have Authority to Approve the New Parking Lot as a “Minor Project.” In Administrative Finding No. 2 in the Decision, the Administrator states that, “Pursuant to Zoning Code Title 17, Section 17.96.030, the Administrator is empowered to approve Design Review applications for **minor projects** that do not conflict with the design review standards of 17.96. KMC 17.96.030.A.2 actually states, “**The administrator is authorized to approve items outlined in section 17.96.010.B,** provided they do not conflict with the provisions and requirements of this chapter.” Thus, administrative design review approval is not for “minor projects.” Such approval is authorized exclusively under the limited circumstances set forth in KMC 17.96.010.B.

KMC 17.96.010.B. states,

Administrative design review. The Administrator is authorized to approve the

following, provided they do not conflict with the provisions and requirements of this chapter:

...
3. **Minor modifications to projects that have received design review approval by the Commission for the duration of a valid design review approval.**

...
5. **Minor modifications located in an Overlay District as indicated upon the City of Ketchum zoning district map and this title.**

Accordingly, administrative design review is limited to “**minor modifications**” to projects already approved by the Commission during the period of validity of the approval or to projects located in an overlay district, not “**minor projects**.” Even if the Administrator were accurate in their interpretation of the KMC, since when is a new 22-space parking lot on a public golf course a “minor project?” More importantly, the proposed new parking lot is not part of any project that received design review approval from the Commission; therefore, it is not eligible for administrative approval under subsection 3. The proposed new parking lot is not located in any Overlay District; therefore, it is not eligible for administrative approval under subsection 5.

Even if the new parking lot met the requirements for approval under subsection 3 and 5 above, it still fails to meet the definition of a “minor modification.” KMC 17.08.020 defines a minor modification as,

Minor modifications: Changes and alterations to an existing building, development project, approved unbuilt design review project, or undeveloped parcel that do not increase density, intensity, nonconformity, or the size of a feature of a site or building appendage regulated by the dimensional standards established in chapter 17.12 and section 17.136.050 of this title.

The new parking lot will dramatically increase the intensity of the use of the proposed area. The use will go from a golf course use with zero parking to 22 spaces. It will also alter a feature of the site. The location is currently just grass constituting part of the rough next to the golf course fairway. It is not used as a parking lot. The proposed new parking lot is a completely new use, an alteration of the site and an enormous increase in intensity of use. Approving the new parking lot without authority and in violation of KMC 17.96.010.B. 3&5 and 17.08.020 constitutes error, abuse of discretion, and arbitrary and capricious decision making.

V. **Appellants Have Been Denied Their Constitutional Right to Due Process.** Both the Constitution of the United States of America and the Idaho Constitution guarantee my clients the right to due process. In its most basic form, due process in the land use context (not to mention best practices) requires notice and an opportunity to be heard. My clients received neither. They learned of the application only after the Decision had been signed. They were never given an opportunity to review or weigh in. Due process also requires a reviewable record, application and analysis of the governing criteria and a “reasoned statement.” None of these basic benchmarks were met. I have still not received any official record. There is no indication

that the site plan with its side note referencing the parking lot was included in the application. The application does not reference it, the Decision does not reference it, and it does not reference the application. Denial of the fundamental right to due process constitutes error, abuse of discretion, and arbitrary and capricious decision making.

All of the actions and inactions above amount to error, abuse of discretion, and illegal, arbitrary, and capricious behavior. The US Constitution, the Idaho Constitution and best practices all require better. They require due process, which in its most fundamental terms requires notice and an opportunity to be heard. The Decision which is the subject of this appeal was based on incomplete and inaccurate information without the knowledge or participation of the residents and owners on Stirrup Lane, the Larkspur Condominiums and the Bigwood Condominiums, the people who will be most impacted by it. The Commission must allow the affected parties to participate in the process. It must insist that the governing documents either be honored or amended. It must insist that the City follow the law. The Commission must deny the portion of the Decision permitting the parking lot and make the applicants repeat the process in the light of day while affording my clients their constitutional right to participate in the process.

Sincerely,

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

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

Cc: Clients
Attachments