



## **AGENDA**

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**If you would like to comment on a public hearing agenda item, please select the best option for your participation:**

1. Join us via Zoom (*please mute your device until called upon*).  
**Join the Webinar:** <https://ketchumidaho-org.zoom.us/j/85606034961>  
Webinar ID: 856 0603 4961
2. Address the Commission in person at City Hall.
3. Submit your comments in writing at (*by noon the day of the meeting*)

*This agenda is subject to revisions. All revisions will be underlined.*

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**CALL TO ORDER:** By Chairman Neil Morrow

**ROLL CALL:** Pursuant to Idaho Code Section 74-204(4), all agenda items are action items, and a vote may be taken on these items.

### **COMMUNICATIONS FROM COMMISSIONERS:**

1. Public Comment - Bigwood Parking

### **CONSENT AGENDA:**

*ALL ACTION ITEMS - The Commission is asked to approve the following listed items by a single vote, except for any items that a commissioner asks to be removed from the Consent Agenda and considered separately.*

2. Approval of the October 14, 2025 meeting minutes.

### **PUBLIC HEARING:**

3. Recommendation to continue the public hearing for the 140 & 180 N Leadville Ave ARCH Affordable Housing Project Design Review and Lot Consolidation Preliminary Plat applications to the November 25 Planning & Zoning Commission Meeting. - Abby Rivin, Senior Planner

4. Recommendation to continue the public hearing for the Sawtooth Serenade Design Review to the November 25 Planning & Zoning Commission Meeting. - Morgan Landers, Director of Planning and Building
5. Recommendation to continue the public hearing for the 107 Saddle Road Stockyard Subdivision Preliminary Plat to a date uncertain. - Genoa Beiser, Associate Planner

**NEW BUSINESS:**

- [6.](#) 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. - Morgan Landers, Director of Planning and Building

**ADJOURNMENT:**

# GIVENS PURSLEY<sup>LLP</sup>

Attorneys and Counselors at Law

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Elizabeth A. Koeckeritz  
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eak@givenspursley.com

September 30, 2025

**Via Email Only: mlanders@ketchumidaho.org**

Ketchum Planning & Zoning Commissioners  
c/o Morgan Landers, Planning & Building Director  
P.O. Box 2315  
Ketchum, Idaho 83340

**RE: Bigwood Golf Course – Follow up from September 23, 2025 meeting**

Dear Commissioners and Director Landers:

Thank you for the thoughtful and productive meeting on September 23, 2025, when you discussed approved uses at the Bigwood Golf Course. The discussion was informative and helps Bigwood with its planning efforts moving forward as the owners endeavor to maintain the Bigwood Golf Course as a first-rate facility, in accord with its governing documents.

This letter summarizes our understanding of the direction that the Planning & Zoning Commission (“PZC”) provided at that meeting.

1. **Current Parking.** PZC agreed with Staff that Bigwood is in full compliance with its parking obligation and, in fact, remains over-parked relative to the applicable requirement. As a matter of recent City action, the 2023 approval of year-round restaurant operation affirmed that the existing parking and site infrastructure are adequate for expanded food-service use.
2. **Ancillary Services.** PZC recognized that “customary ancillary services” are part of the overall golf course use and are allowed per the golf course governing documents. All principal components of a golf facility are expressly authorized on the property, including the golf course, putting greens, driving range, clubhouse, pro shop, maintenance facilities, and restaurant/bar. The governing instruments provide that golf course use inherently encompasses “customary ancillary services offered at public golf courses.” That provision was deliberately included to ensure the lawful operation of activities and services integral to the functioning and operation of such facilities.

The City’s own research confirms the prevailing standard. Of the 45 publicly accessible golf courses surveyed, every facility included a restaurant or comparable hospitality component reflecting the social aspect of the game, and all routinely rented their premises for public and private events as part of their normal operations. Bigwood’s operations are consistent with this standard. For decades, the course has provided not only daily play but also tournaments, instructional clinics, winter Nordic skiing and fat-biking, and a broad range of community

events, including fundraisers, social functions, and weddings. The City has further expressly authorized casual outdoor amenities—such as the snack shack and lawn area—as low-impact, guest-serving features consistent with customary ancillary services.

The City’s record demonstrates that these activities have consistently been treated as permitted uses, not requiring separate event authorization or additional conditional use approvals. This open, continuous, and longstanding practice has created settled expectations and vested rights upon which our client has reasonably relied. These uses are neither an afterthought nor an expansion of the governing approvals; they are the expected and intended functions of a community-serving golf course. In that same vein, Bigwood will continue to coordinate with City staff regarding the logistics of occasional larger gatherings—such as traffic management, hours of operation, and sound—ensuring such programming remains ancillary to the course’s primary use and fully consistent with existing entitlements.

Further, PZC affirmed that parking is a customary ancillary service to a golf course, and that off-street parking could occur on golf course property.

3. **Golf Course Use and Expansion on Designated Parcels.** PZC recognized and agreed that the parcels identified for “golf course use and expansion” may be improved and operated in service of the golf course use authorized by the governing documents, including ancillary functions such as off-street parking.
4. **Public Streets.** Notwithstanding any document to the contrary, PZC affirmed that public streets in the City remain open to the public and are governed by City ordinances and rules. No clause in any historic document alters the public character of these streets or restricts Bigwood’s patrons from using them consistent with City code. The City’s on-street parking network is a shared public resource that supports access to businesses and community destinations; Bigwood’s patrons—like those of any other Ketchum establishment—are entitled to use it consistent with posted rules.

We greatly appreciate the time and effort that the Planning & Zoning Commission devoted to these issues and the clarity provided through its direction. Bigwood remains committed to maintaining the course to the highest standard, operating within its entitlements, and working in partnership with the City on practical measures that support safety and access for the entire community.

Sincerely,



Elizabeth A. Koeckeritz

EAK/SLW  
cc: client

## Dawn Hofheimer

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**From:** Neil Bradshaw  
**Sent:** Friday, October 3, 2025 11:13 AM  
**To:** Participate  
**Subject:** Fwd: Unsafe parking on Stirrup Lane

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

For public record  
Sent originally on 8/15/25

### NEIL BRADSHAW | CITY OF KETCHUM

Mayor

P.O. Box 2315 | 191 5th Street, W | Ketchum, ID 83340

o: 208.727.5087 | m: 208.721.2162

[nbradshaw@ketchumidaho.org](mailto:nbradshaw@ketchumidaho.org) | [www.ketchumidaho.org](http://www.ketchumidaho.org)

Begin forwarded message:

**From:** Lyndsay Lyle <ll@bigwoodsv.com>  
**Subject:** Re: Unsafe parking on Stirrup Lane  
**Date:** July 24, 2025 at 5:44:05 PM MDT  
**To:** Derek Agnew <dagnew@zenergysv.com>  
**Cc:** "nbradshaw@ketchumidaho.org" <nbradshaw@ketchumidaho.org>, Christopher Lyle <cl@bigwoodsv.com>, Jade Riley <jriley@ketchumidaho.org>

Mayor Bradshaw and Jade (cc Derek),

We are writing in response to the recent letter submitted by counsel on behalf of the Stirrup Lane residents regarding parking near the Bigwood Golf Course and Zenergy.

As you are aware, we are investing material time and capital to revitalize and enhance Bigwood, creating significant community benefits for the broader Ketchum area, including nearby homeowners. We have received overwhelmingly positive feedback from community members on the renewed vibrancy and community value this effort brings.

Several factual inaccuracies and misleading assertions in Mr. Worst's letter require correction:

- Bigwood and Zenergy have coordinated on jointly-owned surface spots and garage access on Thunder Trail to better provide parking for our patrons. Bigwood has **never** directed or suggested that Zenergy employees—or anyone else—should park on Stirrup Lane.
- Stirrup Lane is a public street, and therefore parking by Zenergy employees and patrons is entirely lawful and appropriate. We have previously suggested creating trailhead-style parking on our property along Stirrup Lane to help structure parking better, and we remain open to pursuing this solution.
- Golf course employees park where they always have—primarily on our property by the maintenance shed at 100 Stirrup Lane. Efforts are underway to expand available employee parking in this area by clearing debris.
- The letter incorrectly characterizes a prior appeal as successful. Rather, the appeal became moot after we voluntarily removed the parking component from our remodel plans at the City's request. The City wished to reinstate the review process with additional documentation, not due to the merits of any legal claims raised by Stirrup Lane residents.
- The letter suggests using the Bigwood Recreation Center for overflow parking. This likely refers to the private lot owned by the Bigwood Property Owners Association on Clubhouse Drive, over which neither Bigwood Golf nor Zenergy has control or authority. We cannot and have not directed patrons or employees to park there.
- Contrary to claims made in the Worst letter, prior to our remodel, Bigwood proactively reached out to nearby homeowners, including Stirrup Lane residents, to share our vision and solicit feedback with openness and respect. Unfortunately, certain individuals from Stirrup Lane responded in ways that were deeply unproductive, including raised voices and personal threats. Further, we are aware of recent incidents where Zenergy employees have been yelled at and video-recorded while parking legally on Stirrup Lane, and vehicles parked on Stirrup Lane have been vandalized. As a result, while we remain open to dialogue, we no longer feel it is productive to proactively initiate meetings with that group.

We remain open to thoughtful, community-minded conversation, and we continue to engage regularly with homeowner groups across the Bigwood area and the city to ensure collaboration and transparency. We believe our record shows a sincere commitment to doing what's best for Ketchum—not just for golfers and diners, but for our neighbors and the City alike. We appreciate the Council's ongoing attention to this matter and remain available for any constructive engagement.

Sincerely,

The Bigwood Golf Team

On Thu, Jul 24, 2025 at 4:53 PM Derek Agnew <[dagnew@zenergysv.com](mailto:dagnew@zenergysv.com)> wrote:

Neil, I think it's best to first give you a brief history about parking on the Thunder Spring property. When I was GM of Bigwood and Zenergy from 2007 to 2012, we of course managed the parking as one big, shared lot. This worked extremely well as both businesses have their various ebbs and flows to the day. It also created a much better guest experience, not directing cars to Zenergy or Bigwood designated spots. I shared this with the Lyles and encouraged them to take this approach with Zenergy, which they thankfully agreed to.

To be entirely clear on the most important point of this, this parking plan came from Zenergy not Bigwood; Benjamin Worst should be directing his comments at Zenergy, not Bigwood Golf. It was my decision to utilize PUBLIC streets for Zenergy employee parking to ensure we had the maximum number of spaces possible for our dues paying members and spa clientele. It's made a huge difference in their parking experience, and we will continue to utilize this plan moving forward during peak season.

Zenergy has 20 deeded spaces in the lower Thunder Spring garage on Thunder Trail, which we have traditionally used for my employees. Knowing I needed to move Zenergy employees out of this garage, I contacted Head Community Service Officer West (and later Jade) to confirm the surrounding streets are public and open for anyone to park on. I then instructed Zenergy employees to park on Stirrup, Spur or any proper outside location of their choice to free up as many spaces possible for our members and guests. The Bigwood employees were instructed to park at their maintenance area, where they have ample parking for their staff. Bigwood and Zenergy would never have employees continue to park in the lower lot, when the entire goal was to free up as many spaces possible for patrons of both businesses. The spaces in the parking garage have served us well on numerous peak days, like Zenergy's Sunday live music afternoons and busy mornings in the Club.

To help reduce the number of employee cars coming to the "neighborhood", we decided to offer a \$5 account credit for any employee who rides their bike or takes the bus. Employees have loved this with at least ten per day taking advantage of the offer, which of course means ten less cars on the surrounding **public** streets. I personally check Stirrup and Spur at least once per day and it's been consistently about 10 to 15 cars on Stirrup (never once have I counted 25), and roughly five on Spur. I've sent several emails to the Zenergy staff with clear instructions to only park on the westside and never on the eastside; I can certainly send updated instructions telling them to never turnaround in a driveway and to utilize the cul-de-sac.

In talking with Jade, we agreed it would be a great idea to put a few No Parking signs on the eastside (I had seen maybe two cars that didn't know east from west) and several No Parking Here to the Corner at the start of the

westside. He felt this would help with the Saddle Road intersection and the golf carts and maintenance equipment crossings, which of course made complete sense.

On Thursday July 10<sup>th</sup>, one of my massage therapists called me very confused why she had a towing sticker on her car. I immediately went down to Stirrup and found nine cars had been stickered; not just a friendly sticker, but a complete smear job that required special liquids and razor blades to remove them. I called West and texted him pics (see below) and he quickly confirmed the stickers were not from the City and I should call the police. Two Sheriffs showed up and shared West's opinion that they were store (Amazon) purchased stickers applied by someone else. We then realized this individual had also moved one of the No Parking signs from the eastside to the westside. It was clearly out of place as it was seven car lengths down from the proper No Parking Here to the Corner signs. This individual (obviously a Stirrup homeowner) had a master plan that any car parked past this illegally moved sign would be stickered. The police confirmed this was nine counts of vehicle tampering; it moved to 12 counts when they stickered three more cars the next day. To say the least, this was an awful act by a mean spirited individual. Zenergy has honest, hard-working employees who put in big days during our peak summer months and it's a terrible, illegal act to do this to them after a long day at work.

It should also be noted that one previous July morning a man was out filming my employees parking; he was even making sure to film their faces, which made my massage therapist Rebecaa LaPointe very uncomfortable. Based on her description of this man, Rebecca confirmed the identity of Robert Degennaro after I pulled him up on Google. I shared this with Officer Kyle McCauley who later visited Degennaro's house; I don't know what transpired in their conversation, but we've had no stickers since then.

I hope this email clears up the numerous inaccuracies in Worst's letter to the city. We can certainly chat further about this when you have time next week.

Thank you,

Derek







Derek Agnew

*general manager*



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---

**From:** Neil Bradshaw <[NBradshaw@ketchumidaho.org](mailto:NBradshaw@ketchumidaho.org)>

**Sent:** Tuesday, July 22, 2025 5:22 PM

**To:** Derek Agnew <[dagnew@zenergysv.com](mailto:dagnew@zenergysv.com)>; Christopher Lyle <[cl@bigwoodsv.com](mailto:cl@bigwoodsv.com)>; Lyndsay Lyle <[ll@bigwoodsv.com](mailto:ll@bigwoodsv.com)>

**Subject:** Fwd: Unsafe parking on Stirrup Lane

Lyndsay, Christopher and Derek

FYI

We should discuss sometime (see attached)

I want to get your perspective on this matter

Cheers

Neil

**NEIL BRADSHAW | CITY OF KETCHUM**

**Mayor**

P.O. Box 2315 | 191 5th Street,W | Ketchum, ID 83340

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Begin forwarded message:

**From:** Ben Worst <[ben@benworstlaw.com](mailto:ben@benworstlaw.com)>

**Date:** July 22, 2025 at 3:43:51 PM MDT

**To:** Neil Bradshaw <[nbradshaw@ketchumidaho.org](mailto:nbradshaw@ketchumidaho.org)>, Participate  
<[participate@ketchumidaho.org](mailto:participate@ketchumidaho.org)>, Spencer Cordovano  
<[SCordovano@ketchumidaho.org](mailto:SCordovano@ketchumidaho.org)>, Tripp Hutchinson  
<[thutchinson@ketchumidaho.org](mailto:thutchinson@ketchumidaho.org)>, Amanda Breen  
<[ABreen@ketchumidaho.org](mailto:ABreen@ketchumidaho.org)>

**Cc:** Jade Riley <[jriley@ketchumidaho.org](mailto:jriley@ketchumidaho.org)>, jshaw@co.blaine.id.us, Ben  
Worst <[ben@benworstlaw.com](mailto:ben@benworstlaw.com)>, 1hodgie@gmail.com, Bob Cloninger  
<[rclono72@gmail.com](mailto:rclono72@gmail.com)>, bobkaplan007@gmail.com, Charlotte Cloninger  
<[charcloninger@gmail.com](mailto:charcloninger@gmail.com)>, chefdoughty@gmail.com, Chrissy Davis  
<[rbrdavis@gmail.com](mailto:rbrdavis@gmail.com)>, "David Perdue ([dlperdue@riverlyproperties.com](mailto:dlperdue@riverlyproperties.com))"  
<[dlperdue@riverlyproperties.com](mailto:dlperdue@riverlyproperties.com)>, Davis Korbel <[korbel3@gmail.com](mailto:korbel3@gmail.com)>,  
friesen <[friesen@friesengallery.com](mailto:friesen@friesengallery.com)>, gomory.wu@gmail.com, jane  
<[janesemel@gmail.com](mailto:janesemel@gmail.com)>, Larry Rothstein <[rothstein.larry@gmail.com](mailto:rothstein.larry@gmail.com)>,  
Ralph Gomery <[reg@gomory.org](mailto:reg@gomory.org)>, Robert DeGennaro  
<[robert@premiummedia360.com](mailto:robert@premiummedia360.com)>, sjpassovoy@icloud.com, Yuhko  
Grossmann <[ygrossmann@gmail.com](mailto:ygrossmann@gmail.com)>

**Subject: Unsafe parking on Stirrup Lane**

Mayor Bradshaw and Council Members,

Please see the attached correspondence regarding the unsafe parking  
matter on Stirrup Lane.

Thank you.

Ben Worst

BENJAMIN W. WORST, P.C.

P.O. Box 6962

Ketchum, Idaho 83340

Tel. (208) 720-8417

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Geoff Isles  
235 Spur Lane  
Ketchum, ID 8330

Dear P&Z Board Member:

I write to you today as a follow up to meeting yesterday on the parking issues brought on by entities now owned by the Lyle's on the North side of Saddle Road. What I thought was going to be a technical discussion of the codes, zoning, deeds, and plats of the area, for some reason turned into something completely different, into a question of deserving something because of the Lyle's community generosity. For the record, no one is questioning that generosity nor their contribution to Blaine County. Nor are we questioning the importance of the Bigwood Golf Course or Zenergy. But that seemed where the meeting headed. So also, for the record, I too donate generously towards the community as do several people living on Spur and Stirrup lanes in much large numbers than even the Lyle's. My point is that it is moot and cannot be considered by the P&Z.

I also have a huge problem with the direction, and biasness, that the staff took in the meeting. I think the reason they are having issues is that they cannot get around our objections to what the golf course and in a de facto kind of way, what the staff are trying to do to help them. Our issue is parking, specifically Zenergy's orders to their employees that they need to park on our two roads; two roads that are entirely in residential neighborhoods. At our recent meeting with staff, we made it clear that we want "Residents Only Parking" on the two roads. We are fully aware that it hasn't been done in Ketchum, but it doesn't mean it shouldn't be done, or that it is any way prohibited, especially when a commercial entity decides that it's their way out of a situation that they themselves caused. It just hasn't been done before. So why did the staff not present any of our counter arguments? Why didn't they say exactly what our complaint was which had nothing to do with the golf course? The fact is they barely mentioned Zenergy, which is the problem. Why weren't the deed and the plats presented as they are the real proof of our position, and ones we specifically detailed to them in our prior meetings?

Many things became clearer yesterday, especially after Mr. Hutchinson spoke on behalf of the Lyle's. I finally have a figure to blame for the situation, since Mr. Hutchinson was

apparently in charge of Thunder Springs when the initial problems happened. So here is what probably happened:

- 1- Thunder Springs who owned the golf course at the time, had plenty of land to build parking and the workforce housing they were required to build.
- 2- Thunder Springs decided that it was much more lucrative to build \$4million condos on the land and swung a deal with the City to build the workforce housing on the berm between the golf course and the cemetery.
- 3- Apparently, no one at the City noticed that the golf course and the condos were separate entities, and that not only did they have no right build the housing on another property, but they didn't look at the deed or plats which specifically ban construction anywhere on the golf course except for making additional golf course (that means greens, fairways, tee boxes, roughs, and bunkers.)
- 4- When confronted with these facts, the City Council correctly rejected the plan.

In a nutshell, Mr. Hutchenson should have built the parking then, on the property that his high-end condos were built on, as he apparently saw the need as he stated in yesterday's meeting.

I should add additionally, the cemetery had their sights on the berm as well, but I pointed out the exact same thing. They cannot because the deed and plats restrict the use of the land.

So, let's go to yesterday.

Why is the staff having so many issues? Well, they already admitted to a huge mistake, and I give them credit for owning up to it, but as I said earlier, it looks to me the problem is they are favoring the two commercial entities over the two neighborhoods they should be defending. Why didn't they bring our request for "Resident Parking Only" to you yesterday? It is a valid request. But there are other facts they don't seem to accept or are not willing to accept. So here they are in writing to you:

- 1- The parking issue is with Zenergy more than the golf course, and as a separate corporation they aren't entitled to any benefits the golf course may have. They need to figure out their own parking problems and not dump them onto two separate residential neighborhoods. This issue is probably the fact that the owners of Zenergy grew the business beyond their ability to service the members, at least with parking.

- 2- The golf course has a set number of golfers per day, and it hasn't changed in decades. No additional parking has ever been needed, even when the restaurant was in full operation.
- 3- Over the decades, when events were held at Bigwood, no additional parking was ever needed, no cars ended up on Spur and Stirrup Lanes, it was never an issue, even when the Museum had their wine picnics that was mentioned at the meeting.
- 4- We hold that the deed, which is guided by the individual plats, is definitive in the fact that nothing can be built on those plats, and that it was meant to keep the land structure free "in perpetuity." On this point, I need to point out the bizarre Homer Simpsonesque way the City and other entities have approached the plats. It's like Homer going "How 'bout now? How 'bout now? How 'bout now?" Their interpretation is the real reason Jade and Morgan have such difficulties with this. And as property owners, we thought this was decided years ago, and it is what we have to protect our properties. There was a full City Council meeting, and the vote went in our favor. The owners around the golf course should be able to rely on that fact.

So, where are we with this? Well, we want our neighborhoods protected by the City. We requested that our streets become "Resident Parking Only" which is something that is legal, and something that is precedent in neighboring Sun Valley for the exact reason we are requesting it. You must look no further than the base of Proctor Mountain, where only residents are allowed to park at the end of Fairway Rd. The City of Sun Valley recognized the need to protect the intrusion on a neighborhood, and Spur and Stirrup Lanes should be granted the same. You grant this request, let Zenergy work out their parking issues on their property, and the case is closed. Any other request for changes should go through the proper channels, but with the deed and plats completely in mind. Yesterday's decision by the P&Z goes directly against the decision of the City Council and should be immediately rescinded. Again... defend the owners of two 100% residential neighborhoods. That's what your job is.

Respectfully,

Geoff Isles

[islesglass@aol.com](mailto:islesglass@aol.com)

917-626-1134

## Dawn Hofheimer

---

**From:** City of Ketchum Idaho <participate@ketchumidaho.org>  
**Sent:** Monday, October 27, 2025 8:40 AM  
**To:** Participate  
**Subject:** Form submission from: Contact Us

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Monday, October 27, 2025 - 8:39am

Submitted by anonymous user: 68.105.209.195

Submitted values are:

First Name Claudia  
Last Name Fiaschetti  
Email c123fish@gmail.com  
Phone number 2,087,203,512  
Email/text notifications Opt in to receive text notifications  
Question/Comment

Good morning,

I am concerned about the construction parking on Saddle Rd. in front of the new construction just east of Spur Lane. The city has put up a sign that says Work Zone in the area I am referring to. Can you please make that little stretch a no parking zone. I don't care if they park on Spur Lane which is where I live but we cannot see the cars coming over the hill on Saddle when the work trucks are parked there. My neighbor was hit last winter when the snow banks were too high. I hate pulling out when I have my 4 year old granddaughter in the car.

Also, I see where the city is taking out a couple of trees on Spur by that construction. Can you please trim back the ones that face Saddle Rd. around the corner so we have clear visibility? Trucks speed over the top of the hill and we can't see them.

I have no problem with people parking on Spur Lane associated with the construction. It is a public street, not my private road. But please enforce some restrictions. They park right up to the Stop sign, park side by side in front of the Bigwood condo garages and it's a bottle neck. Perhaps restricting people to just one side of the street would help.

Thank you very much,

Claudia Fiaschetti

The results of this submission may be viewed at:

<https://www.ketchumidaho.org/node/7/submission/13114>



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**FW: Parking on and near Stirrup Lane**

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**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

BENJAMIN W. WORST, P.C.

P.O. Box 6962

Ketchum, Idaho 83340

Tel. (208) 720-8417

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

**P. O. BOX 6962**  
**Ketchum, Idaho 83340**

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

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



**CITY OF KETCHUM, IDAHO  
MEETING MINUTES OF THE  
PLANNING AND ZONING COMMISSION**

Tuesday, October 14, 2025  
191 5th Street West, Ketchum, Idaho 83340

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**CALL TO ORDER:**

Chairman Neil Morrow called to order at 4:31 pm *(00.00.06 in video)*

**ROLL CALL:**

Neil Morrow  
Susan Passovoy  
Matthew McGraw  
Brenda Moczygemba  
Tim Carter

**ALSO PRESENT:**

Morgan Landers – Director of Planning and Building  
Matt Goebel – Director

**COMMUNICATIONS FROM COMMISSIONERS:** *(00.00.24 in video)*

1. Public Comments Submitted

**CONSENT AGENDA:** *(00.00.34 in video)*

2. Approval of the September 23, 2025 meeting minutes.

**Motion to approve consent agenda at 4:31 PM:**

**MOVER:** Susan Passovoy

**SECONDER:** Matthew McGraw

**AYES:** Susan Passovoy, Matthew McGraw, Brenda Moczygemba, Tim Carter, & Neil Morrow

**NAYS:**

**RESULT: UNANIMOUSLY ADOPTED**

**New Business:** *(00.00.50 in video)*

3. Discuss scope of work for Cohesive Ketchum Phase 3 Code Update and meet the project team.
  - Staff Presentation – Morgan Landers, Director of Planning and Building & Matt Goebel, Director of Goebel Partners *(00.00.59 in video)*
  - Commissioner Questions *(00.14.50 in video)*

**Public Hearing:** *(00.17.26 in video)*

4. Recommendation to review and provide direction on the Design Review Application for the multi-family townhouse development at 108 Ritchie Dr.

- Staff Presentation – Morgan Landers, Director of Planning (00.17.50 in video)
- Applicant Presentation – Jason Ro, Principal Architect, Ro Rockett Design (00.19.50 in video)
- Public Comment – Jeff Oak (00.34.31 in video)
- Public Comment – Perry Boyle (00.40.28 in video)
- Public Comment – Jeff Small (00.43.14 in video)
- Close Public Hearing (00.47.08 in video)
- Commissioner Questions (00.47.22 in video)
- Applicant Responses – Jason Ro, Principal Architect, Ro Rockett Design (00.53.03 in video)
- Commissioner Deliberation (00.54.50 in video)

**Motion to continue the Design Review Application for the multi-family townhouse development at 108 Ritchie Dr. to the November 25, 2025, Planning and Zoning Commission meeting at 6:07 PM:**

**MOVER:** Matthew McGraw

**SECONDER:** Susan Passovoy

**AYES:** Susan Passovoy, Matthew McGraw, Neil Morrow, & Tim Carter

**NAYS:** Brenda Moczygemba

**RESULT: ADOPTED**

5. Recommendation to review and approve the Floodplain Development Permit for 401 Northwood Way, as conditioned, and adopt the findings of fact, conclusions of law, and decision. (01.37.08 in video)

- Staff Presentation – Morgan Landers, Director of Planning and Building (01.37.25 in video)
- Commissioner Questions (01.56.53 in video)
- Applicant Presentation – Charles Brockway, Managing Partner, Brockway Engineering (02.07.45 in video)
- Commissioner Questions (02.25.31 in video)
- Public Comment – Brandon Marion (02.32.24 in video)
- Public Comment – John Phillips (02.39.45 in video)
- Public Comment – Gwen Reine (02.42.48 in video)
- Close Public Hearing (02.44.55 in video)
- Applicant Responses – Chuck Brockway, Managing Partner, Brockway Engineering (02.45.30 in video)
- Staff Response – Morgan Landers, Director of Planning and Building (02.48.25 in video)
- Third-Party Comment – Jennifer Zung, Harmony Design & Engineering (02.51.10 in video)
- Commissioner Questions (02.53.05 in video)

- Applicant Comment – Sandra and Robert Swan (02.56.28 in video)
- Commissioner Deliberation (02.57.50 in video)

**Motion to approve the Floodplain Development Permit application for 401 Northwood Way, as conditioned, and approve the findings of fact, conclusions of law, and decision at 7:50 PM:**

**MOVER:** Tim Carter

**SECONDER:** Susan Passovoy

**AYES:** Susan Passovoy, Brenda Moczygemba, Neil Morrow, & Tim Carter

**NAYS:**

**RESULT: UNANIMOUSLY ADOPTED**

**ADJOURNMENT:** (03.11.58 in video)

**Meeting adjourned at 7:50 PM.**

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Neil Morrow – Chairman of P & Z Commission

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Morgan Landers – Director of Planning & Building



## CITY OF KETCHUM | PLANNING & BUILDING

Morgan Landers, AICP | Director

direct: 208.727.5085 | office: 208.726.7801

[mlanders@ketchumidaho.org](mailto:mlanders@ketchumidaho.org)

P.O. Box 2315, 191 5th Street West, Ketchum, ID 83340

[ketchumidaho.org](http://ketchumidaho.org)

TO: Ketchum Planning and Zoning Commission  
FROM: Morgan Landers, AICP – Director of Planning and Building  
DATE: November 7, 2025  
RE: Use and Parking Determination Request for Bigwood Golf Course and Zenergy

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### INTRODUCTION

At the September 23<sup>rd</sup> meeting of the Planning and Zoning Commission, staff requested the Commission review the entitlement documentation for both the Bigwood Golf Course and Zenergy and make determinations as to the interpretation of the documents related to parking and special events. [CLICK HERE](#) for the staff report and packet from the September 23<sup>rd</sup> meeting. [CLICK HERE](#) to listen to the recording of the meeting. As outlined in the staff report, the Commission was asked to make determinations on the following:

- Are the Bigwood Golf Course and Zenergy complying with the parking requirements stipulated in their approvals?
- What uses are included in “other customary ancillary services”?
  - Is public parking a permitted use on golf course property?
- Are special events a permitted use on the golf course property?

Based on the discussion by the Commission, there was consensus on some items, where others warrant further discussion. Below are the areas where staff believe there to be general consensus among the Commissioners:

1. The Bigwood Golf Course and Zenergy are complying with the parking requirements stipulated in their approvals, for the permitted uses approved in the Design Review and PUD/CUPs for both developments.
2. “Golf Course and other customary ancillary services” include the following:
  - a. golf course
  - b. putting green
  - c. driving range
  - d. clubhouse
  - e. pro shop
  - f. maintenance building
  - g. restaurant and bar
  - h. *parking (see discussion below)*
  - i. *special events (see discussion below)*
3. Special Events – golf related events, such as golf tournaments or clinics, are permitted. The Commission did not decide on non-golf related events. See further discussion on both below.

- a. Approval Process for events – the Commission began discussions on the approval process for events but requested additional information from staff on how the city permits events currently. See additional information below.
4. Parking – parking for “golf course and other ancillary services” is permitted. The Commission did not decide on parking for non-golf related uses (i.e. shared parking with Zenergy).
  - a. Approval Process for additional parking – The Commission indicated a desire to require a Conditional Use Permit for any changes or creation of additional parking on the golf course property. See below for further discussion

Following the September 23<sup>rd</sup> meeting, staff reviewed the meeting minutes from the Planning and Zoning Commission and City Council meetings for the third amendment to the PUD/CUP in hopes of finding additional clarity on the parking and special event topics. Below is additional information from those minutes and information requested by the Commission regarding special events.

## **ANALYSIS**

### *Special Events*

As noted above, the Commission agrees that golf-related events are permitted. What remains to be determined is how to manage events on the property that are not golf-related. There was only one mention of special events in the meeting minutes for the council meeting where the amended development agreement was approved as shown below. The full meeting minutes can be found in Attachment A.

**Councilwoman Potters asked what constituted “golf outing special events” and how would parking be handled during such events. Mr. Praggastis said these were special events that would occur on the golf course, i.e., barbecues after golf; and that parking would be accommodated at the new clubhouse and at the rec center. Councilwoman Potters asked what part the Council should play in this agreement. City Attorney Simms said the City needed to accept or reject this language to amend the annexation agreement.**

To date, there is no evidence of discussion of whether non-golf related events were permitted at the property. As noted by staff at the last meeting, historically, the city has permitted non-golf events at the property implying that they are permitted. Additionally, the city has not required any special permitting for events (golf related or not) to be held on the golf course. As popularity of the golf course and Zenergy have increased, better management of events is warranted to mitigate any potential impacts. The Commission requested information on how the city manages special events currently.

Management of events depends on the type of event and whether it is held on public or private property. The city does not require a permit for private events on private property, although compliance with the city’s noise ordinance and street parking regulations are required. The city has specific noise ordinance stipulations for events as outlined in Attachment B. For example, if someone was hosting a dinner party at their house, guests would be permitted to park in the

public right-of-way provided no parking restrictions were in effect. Any noise generated by the party would need to be within the restrictions of the city's noise ordinance outlined in Attachment B. In some instances, such as Allen and Company, the event producers requested dedicated parking near certain venues to ensure guest parking. In that instance, the city required a Temporary Use of the Right-of-Way (TURP) permit for temporary closure of public parking for a private event. TURPs are required in advance, require notification of adjacent property owners, and require signage for any necessary traffic control.

For private or public/private events on public property (i.e. Forest Service Park, Atkinsons Park, Town Square), the city has a robust [Special Event Permit](#) process. This permit process is extensive and is used to permit all sizes of events from small book readings to the World Cup ski races. The process evaluates transportation/parking, circulation/access/street closures, amplified sound, bathroom facilities, trash management, fire and EMS, security, alcohol and food service, temporary structures, signage, and adjacent property owner notifications. The process is administered by staff, however, certain requests require City Council approval such as street closures and waivers to the city's noise ordinance restrictions.

In rare instances, the city has required a Conditional Use Permit for an event on a private property by designating the event as a "Semi-public Use" defined as "A structure or use partially, but not entirely, open to the use of the public, such as a private school, church, lodge, club, library, hospital or a nonprofit organization".

Staff believe that the city should take a reasonable approach to managing events that mitigate impacts to neighbors and facilitates the use of the golf course for events. As noted above, there is agreement that golf-related events are permitted. Staff recommends the city manage the impacts of golf-related events as follows:

- Allow golf-related events using existing city permitting processes. The type of permit required would depend on the type of event and what facilities/infrastructure is needed for each event. All events would be required to comply with the city's noise ordinances.
  - o Events Using Existing Facilities - If an event is using the existing clubhouse building and on-site parking lot, with no additional structures or parking needed, no permit would be required. Events requiring temporary structures or tents would not fall under this category.
  - o Events Using Existing Facilities w/ parking needed - If an event is using the existing clubhouse building and on-site parking lot, but additional parking on city streets is needed, a TURP would be required.
  - o Events Using Existing Facilities w/ parking and temp structures needed - If an event is proposing to include temporary structures such as tents/stages/etc., includes the use of amplified sound above city noise ordinances, and requires additional parking on city streets then a Special Event Permit would be required.

For non-golf related events, the Commission has the following options:

- Option 1: Determine that non-golf related events are permitted and manage the events using the permitting guidance outlined above.

- Option 2: Determine that non-golf related events are permitted and require a Conditional Use Permit.
- Option 3: Determine that non-golf related events are not permitted and require a PUD/CUP amendment to specifically allow non-golf related events and associated requirements.

Staff requests the Commission make a determination on how special events are to be considered and managed at the golf course.

### *Parking*

At the September 23<sup>rd</sup> meeting, the Commission discussed the approval process for any new parking on the golf course property. There was discussion that golf-course parking is permitted by right, but that a Conditional Use Permit be required for the construction of parking for any non-golf course uses. Staff believe it to be very challenging to initially identify and enforce parking for individual uses. Staff recommend the Commission take a more holistic approach and make a determination of the process by which additional parking, regardless of use, shall be reviewed and permitted. As noted in the previous staff memo, processes are outlined for “changes to the golf course layout”:

4. The golf clubhouse and all related design elements shall be required to receive Design Review approval for each structure to be constructed within the project prior to making application for a building permit. Any changes to the golf course layout shall also be subject to Design Review, Conditional Use Permit and Master Plan approval.

Additionally, the meeting minutes from the PUD/CUP amendment meeting with the Council (Attachment C) outline conditions of approval including the following:

**Review of the Golf Clubhouse; 12) Design of the proposed vehicular turnaround and the parking lot shall be reviewed in the Design Review process; 13) Utility service shall**

The PUD/CUP approval indicated that the parking lot be reviewed through the Design Review process and did not require a CUP for the initial request of moving the clubhouse location. Staff believe this is a very appropriate approach and the Commission could determine that the Design Review process require a public hearing rather than be approved administratively. Alternatively, the Commission could require a Conditional Use Permit with Design Review.

Staff request the Commission make a determination on the approval process for any additional parking constructed on the golf course in the future.

Regarding parking on public streets within the Bigwood PUD, staff reviewed the meeting minutes when the 3<sup>rd</sup> amendment to the development agreement was approved (Attachment A). There was no mention or discussion of that portion of the development agreement amendment, therefore staff has no additional context to provide.

**STAFF RECOMMENDATION**

Staff requests the commission provide direction on the following, as outlined above:

- Management of golf-course related events
- Allowance and management of non-golf course related events
- Approval process for the construction of new parking on the golf course

Following determination by the Commission, staff will prepare a recommendation to the City Council for their review and approval.

**ATTACHMENTS:**

- A. CC Meeting Minutes on DA Amendment – November 16, 1998
- B. City's Noise Regulations
- C. CC Meeting Minutes on PUD/CUP Amendment-October 20, 1997

Taped

**REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF KETCHUM, IDAHO  
NOVEMBER 16, 1998**

This meeting was called to order by Mayor Guy P. Coles at 6:30 p.m. at City Hall, Ketchum, Idaho.

Councilmembers present:

Randy Hall  
Sue Noël  
Christina Potters

Councilmembers absent:

David Hutchinson

Also present:

City Administrator James P. Jaquet  
City Attorney Margaret Simms  
P&Z Administrator Lisa Majdiak  
Housing Coordinator Karl Fulmer  
Recording Secretary Sunny Grant  
Citizens

**1a. Public Hearing upon the application of David Sellgren to amend paragraph 4.7 of the Bigwood Planned Unit Development Conditional Use Permit Annexation, Services and Development Agreement.** Attorney Tom Praggastis, representing Mr. Sellgren, said they had delivered to the Council a revised paragraph 4.7 which had been negotiated between Mr. Sellgren and the Bigwood Homeowners Association. He said the draft with one minor non-substantive word change was agreeable to both parties. He said the revised agreement stated that Mr. Sellgren would be allowed, under the Annexation Agreement, to continue to utilize the Bigwood Rec Center for certain golf purposes as specified in the Agreement. He said he saw no reason for the Council to be concerned with the use of the Rec Center after a portion of its current operation moved to the proposed new golf clubhouse at Thunder Spring.

Chip House, attorney representing Bigwood property owners Tom and Maryann Ivey, said the amendment was part of the Bigwood Block 12 amendment. He submitted his letter of September 16 to the City outlining his concerns and independent legal counsel Roger Crist's previous opinion to the City Council. He said his client was adversely impacted by the Ketchum Planning & Zoning Commission's decision; and that Mr. Crist's letter said "If you adversely impact one of the lot owners in the Bigwood PUD by reason of allowing the amendment, then [that person] can object as a third-party beneficiary of annexation services and development agreement." Mr. House said that the Ketchum City Attorney and Thunder Spring attorney Ed Lawson both disagreed with him and with Mr. Crist.

Mr. House submitted the Second Supplemental Amendment to the Bigwood PUD Annexation Services and Development Agreement. He said the Plat said essentially that nothing could be built on Block 12 unless it was for golf uses; but that language in a subsequent agreement between Ketchum and Seaboard stated "Large Blocks 11 through 15, 20 and 21 shall comprise and are hereby dedicated to open space in perpetuity and expansion of the existing golf course." He said all language referring to golf uses on Block 12 had been removed. Mr. House also submitted a copy of Amendment No. 5 to the subdivision CC&R's signed by the Homeowners Association, which he said was proof that Seaboard was no longer involved in the project. He said that the requirements for amending

the CC&R's required approval of 75% of the lot owners. Mr. House submitted nine exhibits, explaining each one, and advised the Council to pause before going any further. He said the only advice they could trust was that of independent consulting attorney Roger Crist. He said the Iveys did not want the golf clubhouse, especially the one approved by City P&Z Commission, put in next to them.

Mr. Praggastis said a lot of the issues raised by Mr. House dealt with substantive approval of certain aspects of the Wareham Project including the golf clubhouse, which had already been approved. He said the issue currently before the Council was the language of the amendment 4.7 as it pertained to the Bigwood Rec Center and the Bigwood Property Owners Association.

Terry Hogue, attorney representing the Bigwood Property Owners Association, said they had previously appeared before the Council and P&Z Commission on this issue and had spent a lot of time negotiating an amendment to Section 4.7 which had been submitted to Council by Mr. Praggastis.

Harry Jones, Bigwood property owner, said his opinions were his own and not of the Bigwood Homeowners board, and that he had submitted a letter to Council outlining his opinion on the amendment. He stressed that, regardless of the outcome of the amendment, the street shouldn't be used for golf cart transportation and that the parking on the south side of Bigwood should be moved more off the road.

Ed Lawson, attorney representing Wareham Development, asked the Council to determine whether they and David Sellgren ever intended through the Annexation Agreement to confer upon each and every lot owner within the Bigwood Subdivision the ability to control the expansion, use and improvement of the golf course. He told the Council that they did have the power to amend the document without Mr. Ivey's participation.

Mayor Coles closed the public hearing.

Councilwoman Noël asked if golf carts could be driven on the roads in Bigwood. City Administrator Jaquet said he would have to ask the Police Chief. Mr. Jones said the golf carts were not owned by the Bigwood homeowners, but were all owned by David Sellgren. P&Z Administrator Majdiak said golf carts were not part of the rec center issue currently before the Council.

Councilwoman Potters asked what constituted "golf outing special events" and how would parking be handled during such events. Mr. Praggastis said these were special events that would occur on the golf course, i.e., barbecues after golf; and that parking would be accommodated at the new clubhouse and at the rec center. Councilwoman Potters asked what part the Council should play in this agreement. City Attorney Simms said the City needed to accept or reject this language to amend the annexation agreement.

Councilman Hall moved that this project, the Bigwood PUD Conditional Use Permit amendments as described herein regarding the Bigwood Recreation Center, does meet the standards for approval under Section VIII of Ketchum Planned Unit Development Ordinance Number 382 provided the conditions of approval are met: 1. This Conditional Use Permit amendment shall be issued in writing. The issuance thereof shall not be considered a binding precedent for the issuance of other conditional use permits. A conditional use permit is not transferable from one parcel of land to another. 2. Failure to comply with any condition or term of said permit shall cause said permit to be void ab initio. A PUD - Conditional Use Permit may be revoked at any time for violation of the permit or any condition thereof by motion of the City Council after a due process hearing upon ten days written notice to the holder of the PUD - Conditional Use Permit. 3. All previous conditions of approval not amended herein shall remain in full force and effect. 4. The golf cart screening shall be

subject to Design Review approval. Motion seconded by Councilwoman Noël. Roll call: Councilman Hall yes, Councilwoman Noël yes, Councilwoman Potters yes. Motion passed unanimously.

**1b. Public Hearing upon the application of Bigwood Homeowners Association to remove the section of the bike path located in Block 7, Bigwood PUD Subdivision Amended Phase II, between Clubhouse Drive and Sawtooth Lane, in the Short Term Occupancy-High Density (STO-H) zone.** Mayor Coles said this item had been postponed to the next regular City Council meeting on December 7, 1998, since the attorney representing the applicant was out of town.

**1c. Public Hearing upon proposed amendments to Zoning Ordinance No. 208, more specifically described as: Amendment to Section X A, T-Tourist District, Subsection 10A.2(c); Section X B, T-3000 – Tourist – 3000 District, Subsection 10B.2(c); and Section X C, T-4000 – Tourist-4000 District, Subsection 10C.2(c). Amendments to deadline requirements for seasonal/skier parking lots.** P&Z Administrator Majdiak said the introduction was longer than the amendment itself. She said the Ordinance required that anyone wanting a seasonal parking lot had to submit for it by September, which staff thought was too early to think about a skier parking lot. She suggested the deadline be extended to October 1, and also that there be the opportunity to waive the deadline for good cause. P&Z Administrator Majdiak said the P&Z Commission thought this amendment was reasonable and was recommending it on to the Council. She said the parking lots had been controversial at one time, but that they had not been in the last few years.

Mayor Coles asked for public comment. There was none, so the public hearing was closed.

Councilwoman Potters moved to waive the three readings of Ordinance Number 732. Motion seconded by Councilman Hall. Roll call: Councilwoman Potters yes, Councilman Hall yes, Councilwoman Noël yes. Motion passed unanimously.

Councilwoman Potters moved to approve Ordinance Number 732, an Ordinance of the City of Ketchum, Idaho amending Ordinance Number 208, Sections X A, B and C – Tourist, Tourist-3000 and Tourist-4000 Districts; providing a repealer clause, providing a savings and severability clause and providing an effective date. Motion seconded by Councilman Hall. Roll call: Councilwoman Potters yes, Councilman Hall yes, Councilwoman Noël yes. Motion passed unanimously.

(Please see Ordinance Number 732 on following page.)

## **2. Comments from the Public**

Paul Matthes, Ketchum resident, said it bothered him to see vacant land in town, such as where The Tub and the Texaco station used to be. He said he had asked a local nursery if they would like to put some extra stock on the lots to make them more attractive, and that the nurseryman thought it was a great idea. Mr. Matthes said he would like to see these vacant lots made more attractive. Mayor Coles said the City would look into it.

## **3. Comments from Mayor, Councilmembers, and Staff.**

Councilwoman Noël said someone had told her that bushes next to the sidewalk by where Nomad's Restaurant used to be intruded upon the sidewalk and might hurt someone.

Mayor Coles asked City Attorney Simms how she was coming on the Idaho Power

## 9.08.040 - Loud or unnecessary noises.

A. *Findings.* It is found and declared that:

1. The making and creation of loud or unnecessary noises within the limits of the City of Ketchum, Idaho, is a condition which has existed for some time, and the extent and volume of such noises is increasing;
2. The making, creation or maintenance of such loud, or unnecessary noise is a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the City of Ketchum, Idaho; and
3. In the public interest, there exists the necessity for the regulations, provisions and prohibitions contained in this section for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, prosperity, and the peace and quiet of the City of Ketchum, Idaho, and its inhabitants.

B. *Violation.* It is unlawful for any person to make, continue or cause to be made or continued any loud or unnecessary noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the City of Ketchum, Idaho.C. *Enumeration of violations.* The following noises and acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive:

1. *Horns and signaling devices.* The sounding of any horn or signaling device on any automobile, motorcycle, truck, or other vehicle on any street or public place of the City, except as a danger warning, which, by causing noise, disturbs the peace, comfort or repose of any person in the vicinity.
2. *Radios, phonographs, loudspeakers and sound amplifiers.* The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners. The operation of any such set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device in such a manner as to be plainly audible at a distance of 50 feet from the property line of any building or structure or at a distance of 50 feet from any vehicle in which the same is located shall be prima facie evidence of a violation of this section.
3. *Animals.* The keeping of any animal which, by causing frequent or long continued noise, disturbs the peace, comfort or repose of any person in the vicinity.
- 4.

*Exhaust.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises, which, by causing noise, disturbs the peace, comfort or repose of any person in the vicinity.

5. *Construction or repairing of buildings.* Any noise generated by construction, excavation or demolition activities or by repairing of buildings or other structures shall be a loud and unnecessary noise unless such noise is both created during the times allowed for construction set forth in subsection 8.08.050.A.14. of this Code and does not exceed the noise levels set forth in subsection C.8. of this section. This rule shall not apply in cases of urgent necessity in the interest of public health and safety. Additionally, the Ketchum Building Official may waive or modify this rule for good cause shown and pursuant to an approved noise suppression plan.
6. *Hammers, concrete saws, etc.* Any noise generated by the use or operation of any pneumatic hammer, concrete saw or other appliance, blasting device or other explosive shall be a loud and unnecessary noise unless such noise is both created during the times allowed for construction set forth in subsection 8.08.050.A.14. of this Code and does not exceed the noise levels set forth in subsection C.8. of this section. This rule shall not apply in cases of urgent necessity in the interest of public health and safety. Additionally, the Ketchum Building Official may waive or modify this rule for good cause shown and pursuant to an approved noise suppression plan.
7. *Special community events.* Any noise generated by special events or other events to which the public is invited which fails to meet the following conditions:
  - a. The maximum decibel level measured at the perimeter of the event does not exceed 100 decibels; and
  - b. Amplified noise shall be created only between the hours of 9:00 a.m. and 11:00 p.m.; and
  - c. Neighbors within 250 feet of the site of the proposed sound source are notified. Such notification must be in writing and be done seven days prior to the starting time of the event; and
  - d. The arrangement of loudspeakers or the sound instruments must be such that it minimizes the disturbance to others resulting from the position or orientation of the speakers or from atmospherically or geographically caused dispersal of sound beyond the property lines; and
  - e. All reasonable measures are taken to baffle or reduce noise impacts on the neighbors; and
  - f. Event organizers agree to cooperate with the Police Department in addressing noise complaints from neighbors, which may include the termination of the event.

g. Organizers of special events governed by the City of Ketchum may request a waiver from noise restrictions to the City Council.

- (1) The waiver request shall include reasons why the waiver should be granted, how the public good will outweigh impacts on neighbors and other factors supporting the request.
- (2) If approved, the waiver shall contain all conditions upon which said waiver has been granted, including, but not limited to, the effective date(s), time(s) of day, location, sound pressure level, or equipment limitation. The City of Ketchum may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood.

8. *Noise levels.* Noises in excess of the following levels as measured at the property line in the following zones within the City during the following times unless permitted pursuant to an approved noise suppression plan or special community event permit:

| Zone                                              | Nighttime 10:00 p.m. to 7:30 a.m. | Daytime 7:30 a.m. to 7:00 p.m. | Evening 7:00 p.m. to 10:00 p.m. |
|---------------------------------------------------|-----------------------------------|--------------------------------|---------------------------------|
| LR, LR-1, LR-2, GR-L, GR-H, T, T-3000, T-4000     | 50 dBA                            | 90 dBA                         | 55 dBA                          |
| MH, STO-.4, STO-1, STO-H, RU, AF, FP, A, ADU, AHO |                                   | 90 dBA                         |                                 |
| CC                                                | 60 dBA                            | 90 dBA                         | 65 dBA                          |
| LI-1, LI-2, LI-3                                  | 70 dBA                            | 90 dBA                         | 75 dBA                          |

D. *Noise suppression plans.*

1. If this title or any other portion of this Code allows or requires a noise suppression plan, such plan shall be approved pursuant to the following process and contain the following information:

a.

Noise suppression plans shall be submitted to and approved by the Ketchum Building Official.

- b. Noise suppression plans shall include, without limitation:
  - (1) Contact information;
  - (2) Dates of activity;
  - (3) Hours of activity;
  - (4) Location of activity;
  - (5) Any equipment constraints that prevent common noise reduction measures;
  - (6) Description of how sound blocking or reducing measures will be used;
  - (7) Layout map of the locations of baffles and other sound blocking or reducing measures with relation to the source; and
  - (8) Any additional information or conditions required by the Ketchum Building Official.
- c. Submittal must be timely for adequate review.
- d. Approval may be granted upon sufficient showing of the following:
  - (1) That the activity, operation or noise source will be of temporary duration and cannot be done in a manner that would comply with other noise restrictions contained in this Code, and
  - (2) That no reasonable alternative is available to the applicant.
- e. The Ketchum Building Official may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood.

(Ord. 340 §§ 1, 2, 3, 1981; Ord. 403 § 1, 1985; Ord. 425 § 1, 1986; Ord. 822 §§ 1, 2, 3, 1999; Ord. 851 § 1, 2000; Ord. 1037 § 3, 2008)

TAPED

**REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF KETCHUM, IDAHO  
October 20, 1997**

This meeting was called to order by Mayor Guy P. Coles at 6:35 p.m. in the City Hall, Ketchum, Idaho.

Councilmembers Present:

Nan Grable Emerick  
David C. Hutchinson  
Sue Noël  
Christina Potters

Also Present:

City Administrator James Jaquet  
City Attorney Margaret King  
P&Z Administrator Lisa Majdiak  
P&Z Commissioner Randy Hall  
Recording Secretary Jean Dickenson  
Citizens

- 1 The first item of business was Public Hearing upon the application of David Sellgren to amend the Bigwood Planned Unit Development Conditional Use Permit to relocate the Golf Clubhouse to Large Block 12, Bigwood Subdivision.**

P&Z Administrator, Lisa Majdiak, presented the proposed amendment. The existing clubhouse is in a portion of the existing recreation center which will remain. The clubhouse will be 3800 square feet and 49 parking spaces are proposed. The carts will be stored inside and accessed from the Fairway. Details of the parking access, pedestrian areas and design of the building will be covered in the Design Review process. This amendment is necessary because of the language in the Bigwood Annexation Services and Development Agreement which limits the use of Block 12 to open space and golf course uses. The other things proposed in this amendment are to use the road as access for the Thunder Spring PUD and to store snow. She invited the applicants to give a presentation prior to discussion of the 17 Evaluation Standards.

Joe Scanga of Calthorpe Associates; Rich Robbins and Ed Lawson, Attorney, represented the applicant.

Joe Scanga reviewed the proposed uses, circulation, safety, cart storage. The only vehicular traffic at this point will be for emergency vehicles.

Councilwoman Potters questioned snow storage and removal. Mr. Scanga discussed the intended plans.

Fred Zoellner questioned the golf course reconfiguration. Rich Robbins said that the present plans are to reconfigure the first hole and use the present clubhouse for the par three.

Bob Nero, Premier Resorts, representing the Bigwood Homeowners Association, requested that the fire road not be allowed to become a through lane. An emergency access activated by a siren is acceptable. The homeowners want the golf course to

remain a nine hole and not be changed to an eighteen hole course in the future as per the original agreement with the City of Ketchum. The homeowners have indicated that it is their desire that the developers repair the existing overflow parking area on Clubhouse Drive that Mr. Sellgren turned into temporary parking. They also want any agreement that the developers have with Mr. Sellgren to include language whereby the use of the existing clubhouse be limited to the original spirit of the agreement as a part of the golf operation. There is a great deal of concern with the Bigwood Condominium owners about the road and that they will become used more. At times people come in, park there and get on the golf course without paying the entry fees. The homeowners do not believe that the road needs to be widened and would like to look at any plans to do so.

Jim Woodyard, owner of the home to the north of the project, said that he supported the clubhouse in the plans. He thinks the project will be a positive plan for his home.

Sue Woodyard asked how many parking spaces there will be in the plan. Mr. Robbins indicated the parking spaces.

Mrs. Woodyard questioned parking for people using the Thunder Spring shops and restaurants. Mr. Robbins showed the available parking including some underground parking. P&Z Administrator Majdiak indicated that there is plenty of space available to expand the parking if necessary.

Mr. Nero indicated that there have been some very informal talks between the Homeowners Association and Mr. Sellgren regarding the possibility of the Homeowners Association taking over the entire clubhouse. He asked what will happen if this arrangement happens.

Councilwoman Potters asked what conditions were placed on the original structure and any ancillary uses and whether or not they have been fulfilled. She said that there is some fencing across the south side of Saddle Road where equipment is being secreted. She said that any kind of original conditions should have been legally fulfilled before a Conditional Use Permit is issued for a new clubhouse.

Councilman Hutchinson suggested a site inspection and a review of the original Conditional Use Permit. He said that a structure should be identified for the storage of maintenance equipment.

Rich Robbins said that he feels that an agreement has been worked out with Mr. Sellgren that is good for posterity. The applicant is attempting to deal with the issues raised as well as improve and beautify the golf course. These will be addressed at Design Review.

Jim Woodyard asked if the existing fourth green will become the green for the new three par. Mr. Robbins described the proposed changes to the golf course which will take care of some existing problems such as golf balls hitting some of the existing houses. Mr. Woodyard supported Mr. Robbins proposal.

Councilman Hutchinson felt that the golf course should be rerouted and finalized now so that the City has a handle on its expansion.

The public hearing closed at 7:15 pm.

The Council reviewed the key evaluation standards and P&Z conditions.

Norm Shorts, Bigwood Golf Course, said that the existing golf course is nine holes plus nine holes for the junior course.

Ed Lawson said that the developers may not be able to commit to an exact layout for the entire course. He asked if it would not be enough to see the changes and language in the Conditional Use Permit indicating that the City has the right to review and approve of changes to the golf course and will see the reconfiguration around the existing clubhouse as a part of the project. It may not be feasible to go beyond that at this point.

P&Z Administrator Lisa Majdiak discussed possible conditions for Council approval.

Councilman Hutchinson moved that this project Bigwood PUD Conditional Use Permit amendment to relocate the Golf Clubhouse, does meet the standards for approval under Section VIII of the Ketchum Planned Unit Development Ordinance Number 283 provided the conditions of approval are met: 1) The Bigwood PUD Subdivision shall be modified with a plat note as follows: Large Blocks 11 and 12 are hereby dedicated as open space reserved for golf course expansion. Any portion of said large blocks not used as golf course shall remain as open space in perpetuity with no dwelling units, no development or further subdivision permitted, with the following exceptions: The Fire Access Road shall be permitted to be used for access for the Thunder Spring PUD and as access for the Golf Clubhouse and related parking.; 2) This Conditional Use Permit amendment shall be issued in writing. The issuance thereof shall not be considered a binding precedent for the issuance of other conditional use permits. A conditional use permit is not transferable from one parcel of land to another. 3) Failure to comply with any condition or term of said permit shall cause said permit to be void ab initio. A PUD - Conditional Use Permit may be revoked at any time for violation of the permit or any condition thereof by motion of the City Council after a due process hearing upon ten (10) days written notice to the holder of the PUD - Conditional Use Permit. 4) The golf clubhouse and all related design elements shall be required to receive design review approval for each structure to be constructed within the project prior to making application for a building permit; any changes to the golf course layout shall also be subject to design review, Conditional Use Permit and Master Plan approval; 5) All previous conditions of approval not amended herein shall remain in full force and effect; 6) Storage of golf carts shall be fully screened from view and enclosed in a structure adequate to store a minimum of 75 carts; 7) The terminus of the Fire Access Road shall be regulated with an automatic fire gate to be installed by the applicant, no parking shall be permitted within the 26' fire lane and no through traffic permitted; 8) Existing parking on the south side of Clubhouse Drive will be eliminated and reseeded; 9) The Fire Access Road shall be increased to 26 feet in width for the entire length of said road; 10) Any trees planted at the intersection of the Fire Access Road and Saddle Road shall allow for adequate site distance; 11) Horizontal alignment and radius of the bike path shall be reviewed in the Design Review of the Golf Clubhouse; 12) Design of the proposed vehicular turnaround and the parking lot shall be reviewed in the Design Review process; 13) Utility service shall be delineated on the Bigwood PUD Amendment Plans, and approved by the City; 14) A compliance review of the Annexation Development and Services Agreement, subsequent amendments to the Conditional Use Permit and the Master Plan and all related Design Review approvals shall be conducted by November 20, 1997 and a report submitted to the Council and Commission; 15) The Design Review process shall include an enclosed maintenance building to store all maintenance and

equipment associated with the golf course; 16) Use of the existing clubhouse shall be reviewed for consistency with the Annexation and Services Agreement, Conditional Use Permit and PUD Master Plan. Any change in Clubhouse use must be reviewed and approved by the City. Councilwoman Potters seconded the motion and the vote carried unanimously by roll call.

**2. The next item of business was comments from the public.**

Jack Corrock read a letter to the Council opposing the ADU Ordinance that was passed at the last Council Meeting because of the density increase and the possibilities of abuse. He pointed out that there are now discrepancies in the Avalanche Zone. He also questioned the waiving of the three readings to pass the Ordinance as it was not an emergency situation.

Councilwoman Potters said that she had opposed the Ordinance for all the reasons Mr. Corrock had stated.

Councilwoman Noël explained that she had voted to waive the three readings because it had been discussed in the newspapers for weeks. She explained her position on the issue to Mr. Corrock.

Mr. Corrock said that he has built affordable housing in Ketchum but renting is not a simple task. Situations such as controlling people who are making noise at night is very difficult.

City Attorney Margaret King said that the Ordinance was not passed as an emergency. The City followed Idaho Code 50-9-2 so the matter was handled legally.

Councilwoman Emerick said that Design Review process will protect a lot of the problems Mr. Corrock had addressed.

Councilman Hutchinson said that he had wanted a Conditional Use Permit and longer term occupancy. He was willing to compromise to allow for more housing units but he thinks that tighter controls are needed. He said that he had attempted to get a better version of the Ordinance passed and to do that he had to vote to waive the three readings. He apologized for the Ordinance in its present form but he said it was the best he could do.

**3. The next item of business was comments from the Mayor, Councilmembers and Staff.**

Councilwoman Potters read a letter from Loey Graves on Garnet Street regarding the violations of the Hillside and Subdivision Ordinance pertaining to Esmeralda Subdivision.

City Administrator James Jaquet said that the Subdivision was part of a Settlement Agreement with the property owners on Garnet Street and it has a long history of litigation involved.

P&Z Administrator Lisa Majdiak said that the Council made specific findings relative to whether or not the Subdivision complied with the Overlay Zone and waivers to the Subdivision Ordinance. All of this is part of the record.