



**CITY OF KETCHUM, IDAHO**

CITY COUNCIL - SPECIAL MEETING

Monday, December 13, 2021, 3:00 PM

191 5th Street West, Ketchum, Idaho 83340

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**AGENDA**

**PUBLIC PARTICIPATION INFORMATION**

Public information on this meeting is posted outside City Hall.

**We welcome you to watch Council Meetings via live stream.**

You will find this option on our website at [www.ketchumidaho.org/meetings](http://www.ketchumidaho.org/meetings).

**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/85868241043>  
Webinar ID: 858 6824 1043
2. Address the Council in person at City Hall (*masks are required in Council Chambers and seating has been arranged per the required social distance of 6'*).
3. Submit your comments in writing at [participate@ketchumidaho.org](mailto:participate@ketchumidaho.org) (*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 Mayor Neil Bradshaw

**ROLL CALL:**

**COMMUNICATIONS FROM MAYOR AND COUNCILORS:**

**CONSENT AGENDA:**

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

1. ACTION ITEM: Approve minutes of December 6, 2021, as submitted by Tara Fenwick, City Clerk.
2. ACTION ITEM: Recommendation to execute Bonneville Collection, Public Agency Collection Service Agreement #22751, as submitted by Shellie Rubel, Treasurer.

**PUBLIC HEARING:**

3. ACTION ITEM: Recommendation to conduct a public hearing and conduct first reading of Ordinance #1231 amending Chapter 4.08 - Historic Preservation Commission, Chapter 17.96 - Design Review, and adding Chapter 17.20 - Historic Preservation to the Ketchum Municipal Code, as submitted by Suzanne Frick, Director Planning and Building.

**NEW BUSINESS:**

4. NEW BUSINESS: Update on Community Housing Action Plan, as submitted by Carissa Connelly, City Housing Strategist and Ellen Campfield Nelson, Agnew-Beck.
5. NEW BUSINESS: Community Workshop for City of Ketchum Community Housing In-Lieu Fees, as submitted by Suzanne Frick, Director Planning and Building.

**EXECUTIVE SESSION:**

**ADJOURNMENT:**



**CITY OF KETCHUM**  
**SPECIAL MEETING MINUTES OF THE CITY COUNCIL**  
Monday, December 6, 2021

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**CALL TO ORDER:** *(00:27:40 in video)*

Mayor, Bradshaw called the meeting of Ketchum City Council to order at 4:00 p.m.

**Roll Call:**

Mayor, Neil Bradshaw  
Courtney Hamilton  
Amanda Breen  
Jim Slanetz  
Michael David

**Also Present:**

Jade Riley – City Administrator  
Lisa Enourato - Public Affairs & Administrative Services Manager  
Tara Fenwick – City Clerk & Administrative Business Manager  
Matt Johnson – Legal Counsel  
Seth Martin - Assistant Fire Chief  
Carissa Connelly – Housing Contractor  
Luis Alberto Laconda, SPUR Foundation  
Lynne Barker – Blaine County Sustainability Program

**Special Guests** *(00:29:20 in video)*

The mayor invited special guests to address the Council and the Public on Consent Agenda item #13 – Safe Communities Resolution 22-010.

- Luis Alberto Laconda, SPUR Foundation read a statement.
- Muffy Davis, Representative for District 76 and recently appointed Commissioner for Blaine County, read a statement of support for the Resolution.

Councilor, Amanda Breen made comment on Muffy Davis’s address.

**Motion to approve consent agenda item #13, Ketchum Safe Communities Resolution #22-010. Motion made by Councilor, Amanda Breen and seconded by Councilor, Jim Slanetz. The motion passed. All in Favor.**

**COMMUNICATIONS FROM MAYOR AND COUNCILORS:**

Mayor, Neil Bradshaw welcomed and introduced Carissa Connelly, City of Ketchum Housing Expert.

**CONSENT AGENDA:** *(00:40:20 in video)*

Councilor, Jim Slanetz, inquired on Agenda item #8. Treasurer, Shellie Rubel addressed questions. Mayor, Neil Bradshaw requested the item be researched and brought to a future meeting agenda.

Councilor, Jim Slanetz, noted a clerical error on materials supporting Agenda item #11.

Mayor, Neil Bradshaw welcomed and introduced Spencer Cordovano for his appointment to the Planning and Zoning Commission.

**Motion to approve consent agenda items 1 – 15, excluding 8 and 13. Motion made by Councilor, Courtney Hamilton, seconded by Councilor, Michael David. All in Favor.**

**PUBLIC HEARING:** *(00:57:13 in video)*

ACTION ITEM: Public hearing and first reading of short-term rental Ordinance #1230, as submitted by City Administrator, Jade Riley.

**Mayor, Neil Bradshaw invited public comment:**

Bob Crosby	<i>00:58:10 in video</i>
Perry Boyle	<i>01:01:09 in video</i>
Ed Simon	<i>01:06:30 in video</i>

Council discussed the Ordinance and public comment.

Matt Johnson, City Attorney, City Administrator, Jade Riley and Assistant Fire Chief, Seth Martin provided information for Council to consider in their deliberations.

**The first reading of Ordinance #1230 was deferred until a later date. Council directed staff to improve draft language based on public and Council feedback.**

**NEW BUSINESS:** *(02:15:45 in video)*

1. City Administrator, Jade Riley provided Council a summary of recommended locations for Community Glass and Recycling stations.

Council discussed the options and provided direction to staff.

2. Lynne Barker, Blaine County Sustainability Program provided Council a summary overview of the request to fund an intern.

**Motion to approve the request to fund the Sustainability Intern. Motion made by Councilor, Michael David, seconded by Councilor, Courtney Hamilton. All in Favor.**

3. City Administrator, Jade Riley provided Council an update on Resort Cities Representation during 2022 Idaho Legislative Session.

Council discussed the item and directed staff to develop partnerships with other cities before pursuing a contract for Legislative Representation.

**EXECUTIVE SESSION:**

None.

**ADJOURNMENT:**

**Motion to adjourn at 6:34 p.m. Motion made by Councilor, Amanda Breen, seconded by Councilor, Jim Slanetz. All in Favor.**

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Mayor, Neil Bradshaw

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City Clerk, Tara Fenwick



## City of Ketchum

December 20, 2021

Mayor Bradshaw and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

### **Recommendation to execute Bonneville Collection, Public Agency Collection Service Agreement #22751**

#### Recommendation and Summary

Staff is recommending the council authorize the Mayor to sign agreement #22751 with Bonneville Collection and adopt the following motion:

“I move to authorize the Mayor to sign the Public Agency Collection Services Agreement #22751 with Bonneville Collection.”

The reasons for the recommendation are as follows:

- For collection of delinquent parking fines and dishonored checks.

#### Introduction and History

Collections Bureau Incorporated (CBI) has provided collection services for the city since 1985, they are based out of California and recently went out of business. CBI recommended the city to the company that purchased them States Recovery Systems another California based company. Our City Administrator and Attorney requested we seek a local firm instead.

#### Analysis

Bonneville Collection and Idaho based company can provide us with the same services that CBI has, we are requesting approval of this agreement.

#### Financial Impact

The city of Ketchum will not be responsible for any cost or fee for the collection, the fees are recovered from the individual at 23%.

Attachments:  
Agreement #22751



# 22751



COLLECTION AGREEMENT

This agreement is entered into on the 6 day of December 2021 between BONNEVILLE BILLING & COLLECTIONS, Inc., hereafter known as Agency, and City of Ketchum, hereafter known as Client.

Agency and Client agree as follows:

Agency will conduct collection activities on all accounts assigned by Client in compliance with The Fair Debt Collection Practices Act and other Federal, State, and local laws.

Any monies collected by Agency will be held in a trust account and will be remitted to Client by the 15th of each month following collection.

Client agrees to notify Agency within 72 hours of any payments received by them on any account assigned to Bonneville

If legal action is initiated, all normally incurred court costs and attorney fees will be advanced by the Agency. However, if Client requires the account to be cancelled after legal action has commenced, and after any court costs or attorney fees have been incurred, Client will be responsible for repayment of said costs.

To the best of Client's knowledge, all accounts assigned are valid, and are duly owed. If Client cancels an account on which the Agency has initiated collection action, the Client may be charged Agency's commission at the rate described in this agreement. Client indemnifies Agency if Client assigns an incorrect balance or amount that is not authorized in the contract between Client and Debtor.

In addition to any other indemnification stated in the Agreement, Client and Agency, including respective employees, agents and staff, shall indemnify, defend, and hold harmless against and from all claims, losses, costs, suits, judgments, damages and expenses, arising from their own negligence, errors and omissions.

Agency is hereby authorized, as agent, to endorse for deposit and collections such consumer paper made payable to Client that may be received for payment.

Either party may cancel agreement at any time with written request. Agency will discontinue all collection efforts and return those accounts not in litigation within 45 days.

Accounts will be serviced on the following contingency fees:

23% Regular Accounts

23% Legal Accounts

Client agrees to pay a one-time set up fee of \$ 0.

Client City of Ketchum

Address PO Box 2315

City Ketchum

State Idaho

Zip 83340

Contact Name Shellie Robel

Title Treasurer

E-mail Finance@ketchum-idaho.org

Phone Number 208 806 7065

Fax None

Special Instructions

FOR VALUABLE CONSIDERATION, the undersigned does hereby assign, transfer, and set over unto BONNEVILLE BILLING & COLLECTIONS, Inc., my/our claim and demand against any assigned debtors together with all rights, title, and interest therein and demand represented thereby and all rights of action accrued, or to accrue thereon. BONNEVILLE BILLING & COLLECTIONS may negotiate or keep all interest accrued on the account after assigned for collections. I/we hereby grant BONNEVILLE BILLING & COLLECTIONS full power to sue for, collect for, reassign, or in any other manner enforce collections thereof in its own name.

Agency

Date

Client

Date

November 11, 2021

City of Ketchum  
480 East Ave. N  
Ketchum, ID 83340


To whom it may concern:

Hi, my name is Lenore Henrie and I am client services for our Boise office. We want to thank you for your interest with wanting to learn more information about our company. We have been in business for 41 years. We have several offices in the Western United States. Our corporate office is located in Ogden, with an office in Boise, Idaho Falls and Vancouver.

To set up services with Bonneville Collections, we have a Collection Agreement that needs to be filled out. This not a contract and does not bind you to Bonneville. Attached is an agreement for you to review. Bonneville is proposing a commission rate of 23% for all accounts assigned for collections from the City of Ketchum. Under Idaho Statute 67-2358 public agencies may add a collection fee to any account assigned to a collection agency. It is incumbent upon the City of Ketchum to add a collection fee of 30% to the debt prior to being assigned to us for the City to be made whole once the total amount has been collected.

If you have any questions, please let me know.

Sincerely,



Lenore Henrie  
Client Services  
Telephone: (208) 321-3635  
Fax# (208) 424-8572  
[lenore.henrie@bonncoll.com](mailto:lenore.henrie@bonncoll.com)





City of Ketchum  
Planning & Building

December 13, 2021

Mayor Bradshaw and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

**Recommendation to conduct a public hearing and conduct first reading of Ordinance 1231**

Recommendation and Summary

Staff recommends the City Council conduct a public hearing and conduct a first reading of Ordinance 1231, the permanent ordinance for historic preservation and amendments to the preapplication design review process.

Reason for Recommendation:

- The interim Historic Preservation Ordinance expires on January 15, 2022 and a permanent ordinance must be in effect by January 15<sup>th</sup>.
- The Planning and Zoning Commission (the "Commission") and the Historic Preservation Commission (the "HPC") reviewed the draft documents and recommend city council approval of the proposed ordinance.
- The City Council conducted a workshop on November 29, 2021, providing direction to staff to prepare the ordinance for public hearing review and schedule a joint workshop with City Council, the Planning and Zoning Commission, and the public for January 2022.
- The Council has separated adoption of the Historic Preservation Ordinance from Proposed Design Guidelines. The Design Guidelines are not connected to the Historic Preservation Ordinance.

This is the first of three scheduled readings of Ordinance 1231, unless council determines to waive any subsequent readings. Staff anticipates the second reading to occur in December with the final reading the first week of January unless otherwise directed. If approved, the summary would be published in the Idaho Mountain Express on January 12, 2021, ahead of the January 15, 2021 expiration of the permanent ordinance. The proposed ordinance can be found as Attachment A to this staff report.

Introduction and Background

The City embarked on a three-phase project that began with the adoption of an emergency ordinance on October 19, 2020, placing a stay on the demolition of historic structures for a

period of 182 days. The emergency ordinance was the result of community concern for the potential loss of significant historic structures within the community core because there were no protections in place. Below is an overview of the project timeline:

#### *Phase 1 – Emergency Ordinance*

- Emergency Ordinance 1213 adopted October 19, 2020
- Online Survey conducted by the city in October 2020 – 162 responses
- Online Survey conducted by Logan Simpson in December 2020 – 169 responses

*Phase 2 - Interim Ordinance* – Following adoption of the emergency ordinance, the City contracted with Logan Simpson to draft an interim Historic Preservation Ordinance. The City Council adopted Interim Ordinance 1216 on January 15, 2021 effective for one year while the city prepared a permanent ordinance. The interim ordinance can be found in Attachment B and included the following:

- Identified 26 Historic Structures in the Community Core
- Re-established the Historic Preservation Commission
- Updated Demolition Requirements for Older Buildings
- Established Process for Alterations or Demolition to the 26 Historic Structures

Prior to adoption of the interim ordinance, the city and Logan Simpson conducted 45 individual stakeholder meetings and an online survey with 169 responses. The interim ordinance expires on January 15, 2022.

#### *Phase 3 – Permanent Ordinance, Design Guidelines, and Historic Preservation Handbook -*

Following adoption of the Interim Ordinance, and after community outreach and input, the City Council approved the workplan and contract with Logan Simpson for the third phase of work consisting of:

- Preparation of the permanent ordinance for historic preservation
- Preparation of design guidelines for the community core – including a specific historic preservation section
- Preparation of a historic preservation handbook with guidance on and incentives for preservation of historic structures

Once the interim ordinance was adopted, Logan Simpson conducted community outreach including 20 one-on-one stakeholder meetings, two online surveys, a multi-day open house, and two joint work sessions with City Council, the Commission, and HPC. Draft permanent ordinance and draft design guidelines were presented to the Commission on October 26, 2021 and November 16, 2021 and the HPC on November 2, 2021. After the meetings, the draft documents were revised incorporating the feedback provided.

On November 29, 2021, the City Council conducted a workshop to review the draft documents and consider comments from the Commission, the HPC, and the public. Following the discussion, City Council directed staff to move forward with preparation of the permanent ordinance for historic preservation and changes to the preapplication design review process. The City Council requested additional information from staff on any potential unintended consequences of the historic preservation, which has been provided in the analysis section below.

City Council also affirmed that Design Guidelines are a helpful tool and benefit the community, however, agreed that additional time on the Design Guidelines was necessary. The City Council directed staff to schedule a joint work session between the City Council, Commission, and the public in January 2022 to gain additional feedback on the Design Guidelines. Staff is in the process of scheduling that workshop and a follow-up discussion with the architectural community prior to the workshop.

### Analysis

The proposed ordinance includes three sections that address the Historic Preservation Commission, historic preservation of historic buildings and sites, and changes to the preapplication design review process. The following summarizes the proposed ordinance in Attachment A. Attachment C is the redline of the interim ordinance provided to council at the November 29, 2021 hearing. No changes to the language have been made since the November 29, 2021 meeting.

#### *Section 1: Historic Preservation Commission (HPC)*

- The ordinance repeals and replaces [Chapter 4.08 of the KMC](#) with the language from the interim ordinance
- Establishes the composition of the HPC membership - how many members and who can serve
- Identifies the list of duties and responsibilities of the HPC - maintenance of the Historic Building/Site List and review of applications for alterations and demolition of historic buildings.
- Updates references to the HPC from “Commission” to “HPC” - reduce confusion between the HPC and the Planning and Zoning Commission

#### *Section 2: Historic Preservation of Historic Buildings and Sites*

- Creates a new Chapter in the Zoning Ordinance, 17.20 – *Historic Preservation*, transferring the language in the interim ordinance specifically related to Historic Preservation including:
  - Criteria for listing of historic buildings or sites
  - Process and criteria for demolition and alteration of historic buildings
  - Dangerous building conditions

- Enforcement and maintenance
- Adds relief from city regulations to incentivize the preservation of historic buildings including:
  - Ability to comply with Building Code requirements through alternative measures
  - Parking exemptions for historic buildings
  - Relief from Nonconforming Building requirements

*Section 3: Design Review Guidelines and Process*

- Amends Section [17.96.010.C – Preapplication Design Review](#) of the KMC.
- Streamline the existing design review process by exempting certain projects from Preapplication Design Review. Projects still subject to Preapplication Design Review include:
  - Projects with 4 stories or more
  - Projects on a lot or lots with an area of 11,000 square feet or greater
- Preapplication Design Review for exempt projects will be optional at the discretion of the applicant.

At the November 29, 2021, work session City Council asked for additional information on the unintended consequences of historic preservation in community development. Specifically, the Council desires to understand whether adoption of the Historic Preservation ordinance would inhibit the city’s ability to achieve other primary goals including, but not limited to:

- Increased density in the Community Core
- Availability of community housing
- Sustainable development practices

Historic Preservation regulations are common in Zoning Codes across the Country. Some regulations are flexible, and others are very specific about what can and can’t happen to a historic building or site. National studies indicate that historic buildings and districts promote growth by attracting employers, residents, and tourists to their unique environments. The City of Ketchum has struggled with the goals outlined above well before the adoption of the interim ordinance. The key is to ensure that future regulations don’t exacerbate the issue.

Communities where historic preservation has limited redevelopment opportunities, increased construction costs, and caused gentrification are those with prohibitions on the demolition of historic structures and have very specific parameters for the adaptive reuse of those structures. The City of Ketchum ordinance provides a significant amount of latitude for property owners to evaluate their options based on their values, often a tradeoff between the value of preservation and redevelopment potential. The ordinance does not prohibit demolition of structures and does not include parameters for the adaptive reuse of buildings.

Additionally, the ordinance would not have a significant impact on the development potential of the Community Core. The number of properties on the Historic Building/Site list comprise approximately 10% of the Community Core, leaving roughly 90% of the parcels available to take advantage of their full development potential. With such a small percentage, the properties on the list are more likely to encourage development than stifle overall development of the Community Core.

Finally, the ordinance would not impede the city's overall sustainability goals. The reuse of historic buildings results in fewer carbon emissions than new construction, less waste in landfills, and the continued use of more durable building materials that can often outlast current construction methods. Additionally, the ordinance does not place parameters on the adaptive reuse of historic buildings or include a requirement to retain the original integrity and materials of the building. This allows the use of current, innovative, and efficient construction practices. All expansions or new construction must meet the Green Building Codes adopted by the City of Ketchum.

#### Attachments

- A. Ordinance 1231
- B. Interim Ordinance 1216
- C. Redline of Interim Ordinance – November 29, 2021

# Attachment A: Ordinance 1231

## ORDINANCE NUMBER 1231

**AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, REPEALING AND REPLACING CHAPTER 4.08 OF THE KETCHUM MUNICIPAL CODE, HISTORICAL PRESERVATION COMMISSION; ADDITION OF CHAPTER 17.20, HISTORIC PRESERVATION, TO TITLE 17 ZONING REGULATIONS OF THE KETCHUM MUNICIPAL CODE; AMENDING TITLE 17 ZONING REGULATIONS OF THE KETCHUM MUNICIPAL CODE BY AMENDING SECTION 17.96.010.C – PREAPPLICATION DESIGN REVIEW; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the 2014 Comprehensive Plan identifies community character preservation as one of the community’s ten core values; and

WHEREAS, Policy CD-1.2 of the Comprehensive Plan states, “Individual buildings and sites of historical, architectural, archaeological, or cultural significance should be identified and considered for protection. The City should encourage the private sector to preserve and rehabilitate buildings and sites through local landmark designations, public improvements, guidelines, and other tools.”; and

WHEREAS, on October 15, 2020, the City Council of the City of Ketchum adopted Ordinance No. 1213, as an emergency ordinance to stay the processing of new demolition permit applications in the Community Core from October 15, 2020 through January 17, 2021 for purposes of historic preservation; and

WHEREAS, Idaho Code 67-6524 provides for the City to adopt an interim ordinance and permit restrictions, effective up to one (1) year, during the pendency of preparation and adoption of a permanent ordinance; and

WHEREAS, on January 15, 2021, the City adopted Ordinance No. 1216, as an interim ordinance to establish a list of historic buildings and sites within the City of Ketchum, establishing review standards for demolition or alteration of historic structures, establishing minimum maintenance requirements for historic structures, providing remedies for dangerous buildings, and providing enforcement standards from January 15, 2021 through January 15, 2022, for purposes of historic preservation; and

WHEREAS, the City of Ketchum (“City”) conducted numerous public focus group meetings and two online questionnaires seeking discussion on potential options for historic preservation in the Community Core; and

WHEREAS, the City has established a Historic Preservation Commission per Chapter 4.08 of the Ketchum Municipal Code; and

WHEREAS, the City updated the 2005 Archaeological and Historic Survey Report and determined 26 structures to be of historic significance in the Community Core that were included in the Interim Ordinance, and

WHEREAS, the Historic Preservation Commission adopted a set of criteria for the listing of Historic Buildings and Sites within the City of Ketchum on July 7, 2021; and

WHEREAS, the Historic Preservation Commission further refined the list of historic structures identified in the interim ordinance based on the adopted criteria and adopted a revised Historic Building/Site List on August 19, 2021 identifying 24 structures; and

WHEREAS, Chapter 46 of Title 67 of Idaho Code broadly provides for a municipality to seek to preserve historical, archaeological, architectural, and cultural heritage through a comprehensive program of historic preservation; see Idaho Code 67-4601; and

WHEREAS, Idaho Code 67-4612 authorizes the City to provide for historic preservation by ordinance and special restrictions; and

WHEREAS, the City has an established Design Review process per Chapter 17.96 of the Ketchum Municipal Code, including requirements for Preapplication Design Review; and

WHEREAS, the City conducted numerous online surveys, a community open house, and stakeholder interviews to seek feedback on the integration of historic structures with new development in the Community Core and ways to streamline the Design Review process; and

WHEREAS, the City Planning and Zoning Commission (the “Commission”) held a public hearing on October 26, 2021 and November 16, 2021 to review the proposed permanent ordinance for historic preservation and amendments to the Design Review process and recommended approval to the City Council; and

WHEREAS, the City Council, having considered the recommendation from the Planning and Zoning Commission, and any comments from the public during a public hearing on December 13, 2021, determined that it is in the best interest of the public to adopt the proposed amendments.

**NOW, THEREFORE, BE IT ORDAINED, by the Mayor and the City Council of the City of Ketchum, Idaho:**

**Section 1. REPEAL AND REPLACE OF CHAPTER 4.08, HISTORICAL PRESERVATION COMMISSION:**

**Chapter 4.08 - Historic Preservation Commission**

**4.08.010 Purpose.**

The purpose of this Chapter is to define the composition, duties, and responsibilities of the City of Ketchum Historic Preservation Commission.

**4.08.020 Definitions.**

The following words and phrases, when used in this chapter, shall have, unless the context clearly indicates otherwise, the following meanings:



City: The City of Ketchum, Idaho.

Historic Building/Site List: The list of buildings and sites deemed to be historically significant as adopted by resolution by the HPC.

Historic preservation: The research, documentation, protection, restoration and rehabilitation of buildings, structures, objects, districts, areas and sites significant in the history, architecture, archaeology or culture of this state, its communities or the nation.

Historic property: Any building, structure, area or site that is significant in the history, architecture, archaeology or culture of this community, the state, or the nation.

HPC: The Historic Preservation Commission of the City of Ketchum, Idaho.

#### **4.08.030 Created; appointments.**

- A. There is created an HPC which shall consist of five (5) members comprised of a maximum of three (3) and a minimum of one (1) member of the Planning and Zoning Commission and a maximum of four (4) and a minimum of two (2) members of the community who shall be appointed by the Mayor with the advice and consent of the Council.
- B. All members of the HPC shall have a demonstrated interest, competence or knowledge in history or historic preservation. The Council shall endeavor to appoint community members with professional training or experience in the disciplines of architecture, history, architectural history, urban planning, archaeology, engineering, law, or other historic preservation related disciplines.
- C. Initial appointments to the HPC shall be made as follows: two two-year terms, and three three-year terms. All subsequent appointments shall be made for three-year terms. HPC members may be reappointed to serve additional terms. Vacancies shall be filled in the same manner as original appointments, and the appointee shall serve for the remainder of the unexpired term.
- D. The members of the HPC may be reimbursed by the City for expenses incurred in connection with their duties and for meetings, subject to a resolution adopted by the City Council.

#### **4.08.040 Organization, officers, rules, meetings.**

- A. The HPC shall have the power to make whatever rules are necessary for the execution of its duties as set forth in this chapter. Rules of procedure and bylaws adopted by the HPC shall be available for public inspection.
- B. The HPC shall elect officers from among the HPC members. The chairperson shall preside at meetings of the HPC. The vice chairperson shall, in the absence of the chairperson, perform the duties of the chairperson.
- C. All meetings of the HPC shall be open to the public and follow the requirements of Idaho's open meeting laws. The HPC shall keep minutes and other appropriate written records of its resolutions, proceedings and actions.
- D. The HPC may recommend to the Council, within the limits of its funding, the employment of or the contracting with other parties for the services of technical experts or other persons as it deems necessary to carry on the functions of the HPC.

#### **4.08.050 Powers, duties and responsibilities.**

The HPC shall be advisory to the Council and shall be authorized to:

- A. Conduct a survey of local historic properties;
- B. Recommend the acquisition of fee and lesser interests in historic properties, including adjacent or associated lands, by purchase, bequests or donation;
- C. Recommend methods and procedures necessary to preserve, restore, maintain and operate historic properties under the ownership or control of the City;
- D. Recommend the lease, sale, other transfer or disposition of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property;
- E. Contract, with the approval of the Council, with the state or federal government, or any agency of either, or with any other organization;
- F. Cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation;
- G. Make recommendations in the planning processes undertaken by the county, the City, the state or the federal government and the agencies of these entities;
- H. Recommend ordinances and otherwise provide information for the purposes of historic preservation in the City;
- I. Promote and conduct an educational and interpretive program on historic preservation and historic properties in the City;
- J. HPC members, employees or agents of the HPC may enter private property, buildings or structures in the performance of their official duties only with the express consent of the owner or occupant;
- K. Review nominations of properties to the National Register of Historic Places for properties within the City's jurisdiction;
- L. Establish and maintain the Historic Building/Site list;
- M. Review and make decisions on Demolition and Alteration applications.

#### **4.08.060 Special restrictions.**

Under the provisions of Idaho Code section 57-4612, the City of Ketchum, Idaho, may provide by ordinances, special conditions or restrictions for the protection, enhancement and preservation of historic properties.

### **Section 2. ADDITION OF CHAPTER 17.20, HISTORIC PRESERVATION, TO TITLE 17 ZONING REGULATIONS**

#### **17.20.010 - General Provisions**

- A. The purpose of this chapter is to promote the educational, cultural, economic and general welfare of the public of the City of Ketchum through the identification,

evaluation, designation and protection of buildings, sites, areas, structures and objects which reflect significant elements of the City's, the state's, and the nation's historic, architectural, archaeological and cultural heritage.

- B. *Applicability:* The regulations and procedures set forth in this ordinance shall apply to each and every structure listed on the adopted Historic Building/Site List. All other buildings over 50 years of age shall follow the process for demolition of buildings per Ketchum Municipal Code Section 15.16.040, except that no demolition permit shall be issued for any structure over 50 years old until a building permit has been issued for a replacement structure on the property.
  - 1. Except as provided in Section 17.20.040, Remediating of Dangerous Building Conditions, no person shall make, or otherwise cause to be made, any demolition or alterations to structures on the Historic Building/Site List without approval by the Historic Preservation Commission (HPC) through the Demolition or Alteration application process described in Section 17.20.030. The following types of modifications require HPC review:
    - a. Partial or total demolition of any portion of the structure; or
    - b. Exterior alterations, including windows or siding replacement, or
    - c. Additions to any structure.
- C. *Exceptions:* This ordinance shall not apply to dangerous building conditions that would imperil the health or safety of the public as determined by the Building Official and the Director of Planning and Building.

#### **17.20.020 - Historic Building/Site List**

- A. The Historic Building/Site List shall be established and maintained by the HPC.
- B. The HPC shall have the authority to add or remove structures from the Historic Building/Site List using the criteria below to determine if a structure should be added or removed from the Historic Building/Site List.
- C. Buildings or sites shall meet Criteria 1 and 2 and shall meet one or more of the Criteria listed in 3.
  - 1. Historic buildings must be at least fifty (50) years old. A historic building may be exempt from the age standard if it is found to be exceptionally important in other significant criteria.
  - 2. All buildings and sites must retain their physical integrity as determined by the following criteria. However, a site need not meet all of the following criteria:
    - a. Shows character, interest, or value as part of the development, heritage or cultural characteristics of Ketchum, the region, state, or nation;
    - b. Retains a significant amount of the original design features, materials, character or feeling of the past;
    - c. Is in the original location or same historic context after having been moved;

- d. Has been accurately reconstructed or restored based on documentation.
- 3. Historic buildings or sites shall meet one or more of the following criteria:
  - a. *Architectural criteria.*
    - i. Exemplifies specific elements of a recognized architectural style or period or a style particularly associated with Ketchum neighborhoods;
    - ii. Example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally, or locally;
    - iii. Demonstrates superior craftsmanship or high artistic value;
    - iv. Represents an innovation in construction, materials or design;
    - v. Pattern or grouping of elements that enhance the identity of the community;
    - vi. Significant historic remodel contributing to Ketchum’s identity.
  - b. *Social/historic criteria.*
    - i. Site of historic event;
    - ii. Exemplifies cultural, political, ethnic, economic, or social heritage of the community through the built environment or with people associated with an era of history;
    - iii. Associated with a notable person or the work of a notable person;
    - iv. Is valued by the Ketchum community as an established or familiar visual or cultural feature due to its architectural history, siting, massing, scale, cultural characteristics, or heritage such that its removal would be irreparable loss to the setting.
  - c. *Geographic/Natural Features.*
    - i. Enhances sense of identity of the community;
    - ii. Is an established and familiar natural setting or visual feature of the community.

D. All structures on the Historic Building/Site List shall be maintained to meet the requirements of the International Property Maintenance Code and/or the International Existing Building Code, as adopted and amended by the City. The owner of such structure(s) shall also keep in good repair all structural elements thereof which, if not so maintained, may cause, or tend to cause the exterior portions of such structure to deteriorate, decay or become damaged or otherwise to fall into a state of disrepair which would have an adverse effect upon such designated structures.

**17.20.030 - Demolition or Alteration Request Process:**

A. An applicant seeking to demolish or make any alterations to structures on the Historic Building/Site List shall file a Request for Demolition or Alteration application with the Planning and Building Department. The application shall be processed as set forth in KMC Chapter 17.96., Design Review. This process may run concurrent with applications for Design Review.

- B. Upon receipt of a complete Request for Demolition or Alteration application and fee, as determined by the Zoning Administrator, the application shall be scheduled for a public hearing before the HPC within 60 days of the application being deemed complete. Notice shall be provided in accordance with KMC Section 17.116.040 C, D, and E.
- C. Following the public hearing, the HPC may approve, deny, or approve with conditions the Request for Demolition or Alteration. The HPC will review the application using the criteria below to determine if the proposed demolition or alteration of the structure may proceed.
  - 1. Is the structure of historic or architectural value or significance and does it contribute to the historic significance of the property within the Community Core.
  - 2. Would the loss, alteration of, or addition to, the structure adversely affect the historic integrity of the structure, impact the significance of the structure within the Community Core, impact the architectural or aesthetic relationship to adjacent properties, or conflict with the Comprehensive Plan.
  - 3. Does the structure retain the requisite integrity to convey its historic and/or architectural significance.
  - 4. Does the proposed demolition or alteration adversely affect the historic significance or architectural distinction of the structure or the Community Core.
- D. Appropriate alterations might include but are not limited to:
  - 1. Changes to the building's interior that are not visible from a public street, alley, park, or other public place;
  - 2. Changes to internal building systems that will not adversely affect the external appearance of the building;
  - 3. The erection or removal of temporary improvements.
  - 4. Adaptive reuse consistent with the Secretary of the Interior's Standards for Rehabilitation and Idaho Code Title 67-4618.
- E. The HPC shall consider the unique circumstances of each proposed demolition or alteration. Approval of each individual Demolition or Alteration application is unique to that property and does not constitute a precedent for other properties.
- F. The decision of the HPC on a Demolition or Alteration application may be appealed to the City Council by the applicant or affected party pursuant to the appeal provisions contained in Ketchum Municipal Code Section 17.144, Appeals of the Planning and Zoning Commission Decisions.

**17.20.040 - Remediating of Dangerous Building Conditions**

- A. If the Building Official finds a historic structure constitutes dangerous building conditions that would imperil the health or safety of the public, it shall first be determined by the Building Official if the structure is capable of being made safe by repairs in which said repairs shall be made by the owner of the structure.
- B. If the Building Official finds the structure is not capable of being made safe by repairs, then the Building Official may order the structure to be demolished.

C. Nothing contained herein shall be construed as making it unlawful for any person to comply with the Building Official's authority as stated in this section.

**17.20.050 - Enforcement and Maintenance**

A. If any alteration is made without approval of a Demolition or Alteration application, the City may issue a stop work order for all construction activity, withhold inspections and final approvals, withhold approval of additional City permits, and take any other available action, or any combination of the aforementioned, until the applicant has applied for and received approval for the alteration. If the alteration is not approved, the property owner shall restore the structure to its original condition prior to any alteration occurring.

B. Except as provided in Section 6, Remediating of Dangerous Building Conditions, no permit shall be issued authorizing any alteration to a structure listed on the Historic Building/Site List until the HPC approves the Request for Demolition or Alteration application. If the approval or denial of the application is administratively appealed, no further development permits shall be approved for the property until the City Council has made a final decision on the administrative appeal.

Normal repair and maintenance of structures on the Historic Building/Site List is permitted. Nothing in this Section shall be construed to prohibit the alteration of any structure necessary as a part of normal repair and maintenance when such alteration will not change the exterior appearance or materials or the interior support structure of the building, including the character or appearance of the land itself.

**17.20.060 – Relief from Regulations**

A. The relief from regulations within the City of Ketchum Code of Ordinances is applicable to properties on the Historic Building/Site List to ease the burden of preserving buildings.

B. Relief from Building Code requirements of Title 15 of the City of Ketchum Code of Ordinances.

1. The Building Official has the authority to consider alternative options for historic buildings to comply with building code so long as they do not compromise health and safety.

C. Relief from Off Street Parking and Loading requirements of Chapter 17.125 of the City of Ketchum Code of Ordinances.

1. Where additions or alterations to an historic building are proposed, the square footage of the existing historic building shall not be counted toward the minimum parking requirement for the proposed project regardless of

use.

2. No additional parking relief is provided for projects that include full demolition of historic buildings.
3. When projects include partial demolition of historic buildings, the square footage of the historic building that remains shall not be counted toward the minimum parking requirement for the proposed project regardless of use.

D. Relief from Nonconforming Building Requirements of Chapter 17.136 of the City of Ketchum Code of Ordinances.

1. Properties are allowed to increase existing nonconformities on expansions by matching existing setbacks, height, and other dimensional standards.
2. Properties are exempted from the limitation on and expanding nonconforming buildings.

**Section 3. AMENDMENT TO SECTION 17.96.010.C, PREAPPLICATION DESIGN REVIEW:**

**17.96.010.C – Preapplication Design Review**

1. Preapplication review is required for all new non-residential and multi-family residential developments with four (4) or more stories and all new developments on a lot or lots totaling 11,000 square feet. Applicants of projects exempt from Preapplication Design Review may request a Preapplication Design Review at their discretion. ~~new nonresidential construction and all multi-family developments of five or more units.~~
2. The purpose of preapplication review is to allow the Commission to exchange ideas and give direction to the applicant on the "design concept", keeping in mind the purpose of this chapter and the application of the evaluation standards.
3. Preapplication review materials shall be submitted according to the application requirements of section 17.96.040 of this chapter.
4. The Commission may require a model of the project or computer simulation renderings showing the proposal from one or more key vantage points for presentation at regular design review meetings in order to assist in the understanding of the project. Models and computer renderings must include surrounding properties in sufficient detail for the proposal to be viewed in context.
5. The Administrator may waive the requirement for preapplication review if the project is found to have no significant impact.

**Section 4. SAVINGS AND SEVERABILITY CLAUSE:** It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any

paragraph, part, section, subsection, sentence clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 5.**     **REPEALER CLAUSE:** All City of Ketchum Ordinances or resolutions or parts thereof which are in conflict herewith are hereby repealed.

**Section 6.**     **PUBLICATION:** This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form annexed hereto as Exhibit "A" shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

**Section 7.**     **EFFECTIVE DATE:** This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, and approved by the Mayor this 13th Day of December 2021.**

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Neil Bradshaw, Mayor

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Attest: Tara Fenwick, City Clerk



**EXHIBIT A: PUBLICATION SUMMARY**

**ORDINANCE NO. 1231**

**AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, REPEALING AND REPLACING CHAPTER 4.08 OF THE KETCHUM MUNICIPAL CODE, HISTORICAL PRESERVATION COMMISSION; ADDITION OF CHAPTER 17.20, HISTORIC PRESERVATION, TO TITLE 17 ZONING REGULATIONS OF THE KETCHUM MUNICIPAL CODE; AMENDING TITLE 17 ZONING REGULATIONS OF THE KETCHUM MUNICIPAL CODE BY AMENDING SECTION 17.96.010.C – PREAPPLICATION DESIGN REVIEW; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE.**

A summary of the principal provisions of Ordinance No. 1231 of the City of Ketchum, Blaine County, Idaho, adopted on \_\_\_\_\_ 2021, is as follows:

- SECTION 1.** Repeals and replaces Chapter 4.08 – Historic Preservation Ordinance, which includes creation, composition, organization, and duties and responsibilities of the Historic Preservation Commission.
- SECTION 2.** Addition of Chapter 17.20 – Historic Preservation to Title 17 Zoning Regulations of the Ketchum Municipal Code which includes applicability, process and criteria for designation of historic buildings and sites, process and criteria for demolition or alteration of historic buildings, provisions for dangerous buildings, maintenance of historic buildings, enforcement provisions, and relief from regulations for historic buildings.
- SECTION 3.** Amendment of Section 17.96.010.C – Preapplication Design Review of Title 17 Zoning regulations to exempt certain application types from preapplication design review process.
- SECTION 4.** Provides a savings and severability clause.
- SECTION 5.** Provides a repealer clause.
- SECTION 6.** Provides for publication of this Ordinance by Summary.
- SECTION 7.** Establishes an effective date.

The full text of this Ordinance is available at the City Clerk’s Office, Ketchum City Hall, 191 5<sup>th</sup> Street West, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

ATTEST:

\_\_\_\_\_  
Tara Fenwick, City Clerk

APPROVED:

\_\_\_\_\_  
Neil Bradshaw, Mayor

**Attachment B:**  
**Interim Ordinance - 1216**

## ORDINANCE NUMBER 1216

**AN INTERIM ORDINANCE OF THE CITY OF KETCHUM, IDAHO, APPOINTING MEMBERS OF THE HISTORIC PRESERVATION COMMISSION; ESTABLISHING A LIST OF HISTORIC AND ARCHITECTURALLY SIGNIFICANT STRUCTURES IN THE COMMUNITY CORE DISTRICT (CC); ESTABLISHING REVIEW STANDARDS FOR DEMOLITION OR ALTERATION OF HISTORIC STRUCTURES; ESTABLISHING MINIMUM MAINTENANCE REQUIREMENTS FOR HISTORIC STRUCTURES; PROVIDING REMEDIES FOR DANGEROUS BUILDINGS; PROVIDING ENFORCEMENT STANDARDS; PROVIDING FOR AN EFFECTIVE PERIOD FOR THE INTERIM ORDINANCE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the 2014 Comprehensive Plan identifies community character preservation as one of the community's ten core values; and

WHEREAS, Policy CD-1.2 of the Comprehensive Plan states, "Individual buildings and sites of historical, architectural, archaeological, or cultural significance should be identified and considered for protection. The City should encourage the private sector to preserve and rehabilitate buildings and sites through local landmark designations, public improvements, guidelines, and other tools."; and

WHEREAS, on October 15, 2020, the City Council of the City of Ketchum adopted Ordinance No. 1213, as an emergency ordinance to stay the processing of new demolition permit applications in the Community Core from October 15, 2020 through January 17, 2021 for purposes of historic preservation; and

WHEREAS, the City of Ketchum ("City") conducted numerous public focus group meetings and two online questionnaires seeking discussion on potential options for historic preservation in the Community Core; and

WHEREAS, the City has established a Historic Preservation Commission per Chapter 4.08 of the Ketchum Municipal Code; and

WHEREAS, the City has a demolition permit application in place per Chapter 15.16 of the Ketchum Municipal Code, including consideration of historic buildings; and

WHEREAS, the City has updated the 2005 Archaeological and Historic Survey Report and determined 26 structures to be of historic significance in the Community Core, and

WHEREAS, Chapter 46 of Title 67 of Idaho Code broadly provides for a municipality to seek to preserve historical, archaeological, architectural, and cultural heritage through a comprehensive program of historic preservation; see Idaho Code 67-4601; and

WHEREAS, I.C. 67-4612 authorizes the City to provide for historic preservation by ordinance and special restrictions; and

WHEREAS, I.C. 67-6524 provides for the City to adopt an interim ordinance and permit restrictions, effective up to one (1) year, during the pendency of preparation and adoption of a permanent ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and the City Council of the City of Ketchum, Idaho:

## Section 1. General Provisions

- A. Title: This ordinance shall be known and may be cited as the “*Interim Historic Preservation Ordinance*”.
- B. Purpose: The general purpose of this ordinance is to protect the historic character of the City’s Community Core by establishing baseline regulations and a process to review proposed demolition or alteration of the structures listed in the Community Core District Survey Update (Phase 1), heretofore called the Historic Building List, and attached as exhibit A.
- C. Applicability: The regulations and procedures set forth in this ordinance shall apply to each and every structure listed in Table 1 of the Historic Building List. All other buildings over 50 years of age shall follow the process for demolition of buildings per Ketchum Municipal Code Section 15.16.040, except that no demolition permit shall be issued for any structure over 50 years old until a building permit has been issued for a replacement structure on the property.
  - 1. Except as provided in Section 6, Remediating of Dangerous Building Conditions, no person shall make, or otherwise cause to be made, any demolition or alterations to structures on the Historic Building List without approval by the HPC through the Demolition or Alteration application process described in Section 2. The following types of modifications require HPC review:
    - a. Partial or total demolition of any portion of the structure ; or
    - b. Exterior alterations, including windows or siding replacement, or
    - c. Additions to any structure.
- D. Exceptions: This ordinance shall not apply to dangerous building conditions that would imperil the health or safety of the public as determined by the Building Official and the Director of Planning and Building.
- E. Appointment of the Historic Preservation Commission. For purposes of this ordinance, the Historic Preservation Commission shall be five members consisting of a maximum of three (3) and a minimum of one (1) member of the Planning and Zoning Commission and a maximum of four (4) and a minimum of two (2) members of the community appointed by the Mayor with the consent of the City Council. The community members shall have a demonstrated interest, competence or knowledge in history or historic preservation and/or architecture.

## Section 2. Process to Request Demolition or Alteration of Historic Resources

- A. Authority: The Ketchum Historic Preservation Commission (HPC) shall be the review authority for applications seeking to demolish or alter a historic structure on the Historic Building List.
  - 1. The HPC will maintain the Historic Building List.
  - 2. The HPC shall have the authority to add or remove structures from the Historic Building List using the following criteria to determine if a structure should be added or removed from the Historic Building List.
    - a. The structure is associated with events that have made a significant contribution to the broad patterns of Ketchum’s history or development; or
    - b. The structure is associated with the lives of significant persons in Idaho or Ketchum’s history; or
    - c. The structure embodies the distinctive characteristics of a type, period, or method of construction, or the structure represents the work of a master, or possess high

- artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
    - d. The structure yielded or may be likely to yield, information important in history or prehistory.
    - e. The structure is of significance in American, Idaho or Ketchum history, architecture, archaeology, or culture and the site or structure possess integrity of location, design, setting, materials, workmanship, feeling, and association.
  - 3. The HPC shall have the authority to approve, approve with conditions, or deny applications for demolition or alteration of a historic structure on the Historic Building List.
- B. Demolition or Alteration Request Process:
- 1. An applicant seeking to demolish or make any alterations to structures on the HPC Building List shall file a Request for Demolition or Alteration application with the Planning and Building Department. The application shall be processed as set forth in Ketchum Municipal Code Chapter 17.96., Design Review Permits. This process may run concurrent with applications for Design Review.
  - 2. Upon receipt of a complete Request for Demolition or Alteration application and fee, as determined by the Zoning Administrator, the application shall be scheduled for a public hearing before the HPC within 60 days of the application being deemed complete. Notice shall be provided in accordance with KMC Section 17.116.040 C, D, and E.
  - 3. Following the public hearing, the HPC may approve, deny, or approve with conditions the Request for Demolition or Alteration. The HPC will review the application using the criteria in Section 3A to determine if the proposed demolition or alteration of the structure may proceed.

### **Section 3. Review Criteria for Request for Demolition or Alteration Application**

- A. The HPC may approve, approve with conditions, or deny a Request for Demolition or Alteration application based on the following criteria:
  - 1. Is the structure of historic or architectural value or significance and does it contribute to the historic significance of the property within the Community Core.
  - 2. Would the loss, alteration of, or addition to, the structure adversely affects the historic integrity of the structure, impact the significance of the structure within the Community Core , impact the architectural or aesthetic relationship to adjacent properties, or conflict with the Comprehensive Plan.
  - 3. Does the structure retain the requisite integrity to convey its historic and/or architectural significance.
  - 4. Does the proposed demolition or alteration adversely affect the historic significance or architectural distinction of the structure or the Community Core.
- B. Appropriate alterations might include but are not limited to:
  - 1. Changes to the building’s interior that are not visible from a public street, alley, park, or other public place;
  - 2. Changes to internal building systems that will not adversely affect the external appearance of the building;
  - 3. The erection or removal of temporary improvements.

4. Adaptive reuse consistent with the Secretary of the Interior's Standards for Rehabilitation and Idaho Code Title 67-4618.
- C. The HPC shall consider the unique circumstances of each proposed demolition or alteration. Approval of each individual Demolition or Alteration application is unique to that property and does not constitute a precedent for other properties.

#### **Section 4. Appeal of Request for Demolition or Alteration Application Decisions and Placement or Removal of Properties on the Historic Building List**

- A. The decision of the HPC on a Demolition or Alteration application or placement or removal of a property on the Historic Building List, may be appealed to the City Council by the applicant or affected party pursuant to the appeal provisions contained in Ketchum Municipal Code Section 17.144, Appeals of the Planning and Zoning Commission Decisions.

#### **Section 5. Minimum Maintenance Requirements for Designated Resources.**

- A. All structures on the Historic Building List shall be maintained to meet the requirements of the International Property Maintenance Code and/or the International Existing Building Code, as adopted and amended by the City. The owner of such structure(s) shall also keep in good repair all structural elements thereof which, if not so maintained, may cause, or tend to cause the exterior portions of such structure to deteriorate, decay or become damaged or otherwise to fall into a state of disrepair which would have an adverse effect upon such designated structures.

#### **Section 6. Remedying of Dangerous Building Conditions**

- A. If the Building Official finds a historic structure constitutes dangerous building conditions that would imperil the health or safety of the public, it shall first be determined by the Building Official if the structure is capable of being made safe by repairs in which said repairs shall be made by the owner of the structure.
- B. If the Building Official finds the structure is not capable of being made safe by repairs, then the Building Official may order the structure to be demolished.
- C. Nothing contained herein shall be construed as making it unlawful for any person to comply with the Building Official's authority as stated in this section.

#### **Section 7. Enforcement and Maintenance**

- A. If any alteration is made without approval of a Demolition or Alteration application, the City may issue a stop work order for all construction activity, withhold inspections and final approvals, withhold approval of additional City permits, and take any other available action, or any combination of the aforementioned, until the applicant has applied for and received approval for the alteration. If the alteration is not approved, the property owner shall restore the structure to its original condition prior to any alteration occurring.
- B. Except as provided in Section 6, Remedying of Dangerous Building Conditions, no permit shall be issued authorizing any alteration to a structure listed on the Historic Building List until the HPC approves the Request for Demolition or Alteration application. If the approval or denial of the application is administratively appealed, no further development permits shall be

approved for the property until the City Council has made a final decision on the administrative appeal.

- C. Normal repair and maintenance of structures on the Historic Building List is permitted. Nothing in this Section shall be construed to prohibit the alteration of any structure necessary as a part of normal repair and maintenance when such alteration will not change the exterior appearance or materials or the interior support structure of the building, including the character or appearance of the land itself.

**Section 8. Duration:** This interim ordinance shall be in full force and effect for a period of one (1) year beginning on its effective date and shall terminate and be of no further force nor effect thereafter.

**Section 9. Savings and Severability Clause:** It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 10. Repealer Clause:** All City of Ketchum Ordinances or resolutions or parts thereof which are in conflict herewith are hereby repealed.

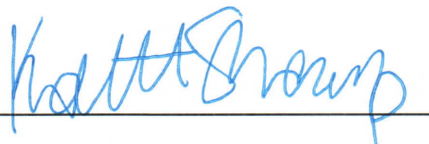
**Section 11. Publication:** This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form annexed hereto as Exhibit "B," shall be published once in the official new spa per of the City, and shall take effect immediately upon its passage, approval, and publication.

**Section 12. Effective Date:** This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, and approved by the Mayor this 15<sup>th</sup> Day of January 2021.**



Neil Bradshaw, Mayor



Attest: Katrin Sharp, Deputy City Clerk





List of 26 Properties

<b>Name</b>	<b>Address</b>	<b>Date</b>
Bonning Cabin	531 5 <sup>th</sup> Street East	c.1882
Thornton House	560 East Avenue North	c.1912
E.B Williams House	520 East Avenue North	c.1884
Jack Frost Motel	591 4 <sup>th</sup> Street East	1940
George Castle Cabin	431 ½ Walnut Avenue	1930s
Michel's Christiania Restaurant	303 Walnut Avenue	c. 1960
Brass Ranch House	571 2 <sup>nd</sup> Street	c.1920s
McCoy/Gooding/Miller House	480 East 2 <sup>nd</sup> Street	c.1884
Lon Price/Esther Fairman House	180 Leadville Avenue North	c.1929
St. Mary's Catholic Church	380 Leadville Avenue North	c.1880s
Fagan Property	411 Sun Valley Road	c.1940s
Comstock & Clark Mercantile	300 North Main Street	c.1887
Pioneer Saloon	308 North Main Street	c. 1945
Helm Property	340 North Main Street	c.1940s
Former Post Office	460 North Main Street	1969
Bert Cross Cabin	271 ½ Leadville Avenue North	c.1938
Ketchum Kamp Hotel	220 North Main Street	c. 1925
Lewis Bank	180 North Main Street	c.1930s
First Telephone Co.	340 North 2 <sup>nd</sup> Street	c. 1930s
Dynamite Shed	271 Sun Valley Road	c. 1880
Battis house	431 Washington Avenue	c.1940s
McAtee House	380 1 <sup>st</sup> Avenue	c.1930s
Forest Service Park	Between River and 1 <sup>st</sup> Street	1933
Community Library/Gold Mine Thrift Shop	331 Walnut Avenue	1958
Greenhow & Rumsey Store (NRHP listed)	211 North Main Street	1884
Horace Lewis Home/Elephant's Perch	280 East Avenue North	c. 1880

**Attachment C:  
Redline of Interim Ordinance –  
November 29, 2021**

## CHAPTER 4.08 HISTORICAL PRESERVATION COMMISSION

### 4.08.010 Purpose.

The purpose of this Chapter is to define the composition, duties, and responsibilities of the City of Ketchum Historic Preservation Commission.~~The purpose of this chapter is to promote the educational, cultural, economic and general welfare of the public of the City of Ketchum through the identification, evaluation, designation and protection of those buildings, sites, areas, structures and objects which reflect significant elements of the City's, the state's, and the nation's historic, architectural, archaeological and cultural heritage.~~

### 4.08.020 Definitions.

The following words and phrases, when used in this chapter, shall have, unless the context clearly indicates otherwise, the following meanings:

City: The City of Ketchum, Idaho.

Historic Building/Site List: The list of buildings and sites deemed to be historically significant as adopted by resolution by the HPC.

~~Commission HPC: The Historic Preservation Commission of the City of Ketchum, Idaho.~~

Historic preservation: The research, documentation, protection, restoration and rehabilitation of buildings, structures, objects, districts, areas and sites significant in the history, architecture, archaeology or culture of this state, its communities or the nation.

Historic property: Any building, structure, area or site that is significant in the history, architecture, archaeology or culture of this community, the state, or the nation.

HPC: The Historic Preservation Commission of the City of Ketchum, Idaho.

### 4.08.030 Created; appointments.

- A. There is created an Historic Preservation Commission (HPC) which shall consist of seven five (5) members comprised of a maximum of three (3) and a minimum of one (1) member of the Planning and Zoning Commission and a maximum of four (4) and a minimum of two (2) members of the community who shall be appointed by the Mayor with the advice and consent of the Council.
- B. All members of the Commission HPC shall have a demonstrated interest, competence or knowledge in history or historic preservation. The Council shall endeavor to appoint at least two community members with professional training or experience in the disciplines of architecture, history, architectural history, urban planning, archaeology, engineering, law, or other historic preservation related disciplines.
- C. Initial appointments to the Commission HPC shall be made as follows: two one-year terms, two two-year terms, and three three-year terms. All subsequent appointments shall be made for three-year terms. Commission HPC members may be reappointed to serve additional terms. Vacancies shall be filled in the same manner as original appointments, and the appointee shall serve for the remainder of the unexpired term.
- D. The members of the Commission HPC may be reimbursed by the City for expenses incurred in connection with their duties and for meetings, subject to a resolution adopted by the City Council.

#### 4.08.040 Organization, officers, rules, meetings.

- A. The ~~Commission-HPC~~ shall have the power to make whatever rules are necessary for the execution of its duties as set forth in this chapter. Rules of procedure and bylaws adopted by the ~~Commission-HPC~~ shall be available for public inspection.
- B. The ~~Commission-HPC~~ shall elect officers from among the ~~Commission-HPC~~ members. The chairperson shall preside at meetings of the ~~CommissionHPC~~. The vice chairperson shall, in the absence of the chairperson, perform the duties of the chairperson.
- C. All meetings of the ~~Commission-HPC~~ shall be open to the public and follow the requirements of Idaho's open meeting laws. The ~~Commission-HPC~~ shall keep minutes and other appropriate written records of its resolutions, proceedings and actions.
- D. The ~~Commission-HPC~~ may recommend to the Council, within the limits of its funding, the employment of or the contracting with other parties for the services of technical experts or other persons as it deems necessary to carry on the functions of the ~~CommissionHPC~~.

#### 4.08.050 Powers, duties and responsibilities.

The ~~Commission-HPC~~ shall be advisory to the Council and shall be authorized to:

- A. Conduct a survey of local historic properties;
- B. Recommend the acquisition of fee and lesser interests in historic properties, including adjacent or associated lands, by purchase, bequests or donation;
- C. Recommend methods and procedures necessary to preserve, restore, maintain and operate historic properties under the ownership or control of the City;
- D. Recommend the lease, sale, other transfer or disposition of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property;
- E. Contract, with the approval of the Council, with the state or federal government, or any agency of either, or with any other organization;
- F. Cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation;
- G. Make recommendations in the planning processes undertaken by the county, the City, the state or the federal government and the agencies of these entities;
- H. Recommend ordinances and otherwise provide information for the purposes of historic preservation in the City;
- I. Promote and conduct an educational and interpretive program on historic preservation and historic properties in the City;
- J. ~~Commission-HPC~~ members, employees or agents of the ~~Commission-HPC~~ may enter private property, buildings or structures in the performance of their official duties only with the express consent of the owner or occupant;
- K. Review nominations of properties to the National Register of Historic Places for properties within the City's jurisdiction;
- L. Establish and maintain the Historic Building/Site list;
- M. Review and make decisions on Demolition and Alteration applications.

#### 4.08.060 Special restrictions.

Under the provisions of Idaho Code section 57-4612, the City of Ketchum, Idaho, may provide by ordinances, special conditions or restrictions for the protection, enhancement and preservation of historic properties.

### Chapter 17.20 HISTORIC PRESERVATION

#### Section 17.20.010 - General Provisions

- ~~A. The purpose of this chapter is to promote the educational, cultural, economic and general welfare of the public of the City of Ketchum through the identification, evaluation, designation and protection of these buildings, sites, areas, structures and objects which reflect significant elements of the City's, the state's, and the nation's historic, architectural, archaeological and cultural heritage.~~
- ~~A. Purpose: The general purpose of this ordinance is to protect the historic character of the City's Community Core by establishing baseline regulations and a process to review proposed demolition or alteration of the structures listed in the Community Core District Survey Update (Phase 1), heretofore called the Historic Building List, and attached as exhibit A.~~
- B. Applicability: The regulations and procedures set forth in this ordinance shall apply to each and every structure listed on the adopted Historic Building/Site List in Table 1 of the Historic Building List. All other buildings over 50 years of age shall follow the process for demolition of buildings per Ketchum Municipal Code Section 15.16.040, except that no demolition permit shall be issued for any structure over 50 years old in the Community Core until a building permit has been issued for a replacement structure on the property.
1. Except as provided in Section 617.20.040, Remedying of Dangerous Building Conditions, no person shall make, or otherwise cause to be made, any demolition or alterations to structures on the Historic Building/Site List without approval by the Historic Preservation Commission (HPC) through the Demolition or Alteration application process described in Section 217.20.030. The following types of modifications require HPC review:
    - a. Partial or total demolition of any portion of the structure; or
    - b. Exterior alterations, including windows or siding replacement, or
    - c. Additions to any structure.
- C. Exceptions: This ordinance shall not apply to dangerous building conditions that would imperil the health or safety of the public as determined by the Building Official and the Director of Planning and Building.
- ~~D. Appointment of the Historic Preservation Commission. For purposes of this ordinance, the Historic Preservation Commission shall be five members consisting of a maximum of three (3) and a minimum of one (1) member of the Planning and Zoning Commission and a maximum of four (4) and a minimum of two (2) members of the community appointed by the Mayor with the consent of the City Council. The community members shall have a demonstrated interest, competence or knowledge in history or historic preservation and/or architecture.~~

#### Section 2-17.20.020 - Historic Building/Site List

- A. The Historic Building/Site List shall established and maintained by the HPC

B. The HPC shall have the authority to add or remove structures from the Historic Building/Site List using the following criteria below to determine if a structure should be added or removed from the Historic Building/Site List.

C. Buildings or sites shall meet Criteria 1 and 2 and shall meet one or more of the Criteria listed in 3.

1. Historic buildings must be at least fifty (50) years old. A historic building may be exempt from the age standard if it is found to be exceptionally important in other significant criteria.

2. All buildings and sites must retain their physical integrity as determined by the following criteria. However, a site need not meet all of the following criteria:

a. Shows character, interest, or value as part of the development, heritage or cultural characteristics of Ketchum, the region, state, or nation;

b. Retains a significant amount of the original design features, materials, character or feeling of the past;

c. Is in the original location or same historic context after having been moved;

d. Has been accurately reconstructed or restored based on documentation.

3. Historic buildings or sites shall meet one or more of the following criteria:

a. Architectural criteria.

i. Exemplifies specific elements of a recognized architectural style or period or a style particularly associated with Ketchum neighborhoods;

ii. Example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally, or locally;

iii. Demonstrates superior craftsmanship or high artistic value;

iv. Represents an innovation in construction, materials or design;

v. Pattern or grouping of elements that enhance the identity of the community;

vi. Significant historic remodel contributing to Ketchum's identity.

b. Social/historic criteria.

i. Site of historic event;

ii. Exemplifies cultural, political, ethnic, economic, or social heritage of the community through the built environment or with people associated with an era of history;

iii. Associated with a notable person or the work of a notable person;

iv. Is valued by the Ketchum community as an established or familiar visual or cultural feature due to its architectural history, siting, massing, scale, cultural characteristics, or heritage such that its removal would be irreparable loss to the setting.

c. Geographic/Natural Features.

i. Enhances sense of identity of the community;

ii. Is an established and familiar natural setting or visual feature of the community.

#### **~~Process to Request Demolition or Alteration of Historic Resources~~**

**~~Authority: The Ketchum Historic Preservation Commission (HPC) shall be the review authority for~~**

~~applications seeking to demolish or alter a historic structure on the Historic Building List.~~

~~1. The HPC will maintain the Historic Building List.~~

~~2.1. The HPC shall have the authority to add or remove structures from the Historic Building List using the following criteria to determine if a structure should be added or removed from the Historic Building List.~~

~~a. The structure is associated with events that have made a significant contribution to the broad patterns of Ketchum's history or development; or~~

~~b. The structure is associated with the lives of significant persons in Idaho or Ketchum's history; or~~

~~c. The structure embodies the distinctive characteristics of a type, period, or method of construction, or the structure represents the work of a master, or possess high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or~~

~~d. The structure yielded or may be likely to yield, information important in history or prehistory.~~

~~e. The structure is of significance in American, Idaho or Ketchum history, architecture, archaeology, or culture and the site or structure possess integrity of location, design, setting, materials, workmanship, feeling, and association.~~

D. All structures on the Historic Building/Site List shall be maintained to meet the requirements of the International Property Maintenance Code and/or the International Existing Building Code, as adopted and amended by the City. The owner of such structure(s) shall also keep in good repair all structural elements thereof which, if not so maintained, may cause, or tend to cause the exterior portions of such structure to deteriorate, decay or become damaged or otherwise to fall into a state of disrepair which would have an adverse effect upon such designated structures.

~~3. The HPC shall have the authority to approve, approve with conditions, or deny applications for demolition or alteration of a historic structure on the Historic Building List.~~

**17.20.030 - Demolition or Alteration Request Process:**

- A. An applicant seeking to demolish or make any alterations to structures on the HPC-Historic Building/Site List shall file a Request for Demolition or Alteration application with the Planning and Building Department. The application shall be processed as set forth in ~~Ketchum Municipal Code~~KMC Chapter 17.96., Design Review Permits. This process may run concurrent with applications for Design Review.
- B. Upon receipt of a complete Request for Demolition or Alteration application and fee, as determined by the Zoning Administrator, the application shall be scheduled for a public hearing before the HPC within 60 days of the application being deemed complete. Notice shall be provided in accordance with KMC Section 17.116.040 C, D, and E.
- C. Following the public hearing, the HPC may approve, deny, or approve with conditions the Request for Demolition or Alteration. The HPC will review the application using the criteria below in Section 3A to determine if the proposed demolition or alteration of the structure may proceed.

**Section 3. Review Criteria for Request for Demolition or Alteration Application**

~~A. The HPC may approve, approve with conditions, or deny a Request for Demolition or Alteration application based on the following criteria:~~

1. Is the structure of historic or architectural value or significance and does it contribute to the historic significance of the property within the Community Core.
  2. Would the loss, alteration of, or addition to, the structure adversely affect the historic integrity of the structure, impact the significance of the structure within the Community Core, impact the architectural or aesthetic relationship to adjacent properties, or conflict with the Comprehensive Plan.
  3. Does the structure retain the requisite integrity to convey its historic and/or architectural significance.
  4. Does the proposed demolition or alteration adversely affect the historic significance or architectural distinction of the structure or the Community Core.
- B. Appropriate alterations might include but are not limited to:
1. Changes to the building's interior that are not visible from a public street, alley, park, or other public place;
  2. Changes to internal building systems that will not adversely affect the external appearance of the building;
  3. The erection or removal of temporary improvements.
  4. Adaptive reuse consistent with the Secretary of the Interior's Standards for Rehabilitation and Idaho Code Title 67-4618.
- C. The HPC shall consider the unique circumstances of each proposed demolition or alteration. Approval of each individual Demolition or Alteration application is unique to that property and does not constitute a precedent for other properties.

~~D. Section 4. Appeal of Request for Demolition or Alteration Application Decisions and Placement or Removal of Properties on the Historic Building List~~

~~E.D. A.~~—The decision of the HPC on a Demolition or Alteration application ~~or placement or removal of a property on the Historic Building List,~~ may be appealed to the City Council by the applicant or affected party pursuant to the appeal provisions contained in Ketchum Municipal Code Section 17.144, Appeals of the Planning and Zoning Commission Decisions.

~~**Section 5. Minimum Maintenance Requirements for Designated Resources.**~~

~~A. All structures on the Historic Building List shall be maintained to meet the requirements of the International Property Maintenance Code and/or the International Existing Building Code, as adopted and amended by the City. The owner of such structure(s) shall also keep in good repair all structural elements thereof which, if not so maintained, may cause, or tend to cause the exterior portions of such structure to deteriorate, decay or become damaged or otherwise to fall into a state of disrepair which would have an adverse effect upon such designated structures.~~

**17.20.040 - Section 6. Remedying of Dangerous Building Conditions**

- A. If the Building Official finds a historic structure constitutes dangerous building conditions that would imperil the health or safety of the public, it shall first be determined by the Building Official if the structure is capable of being made safe by repairs in which said repairs shall be made by the owner of the structure.
- B. If the Building Official finds the structure is not capable of being made safe by repairs, then the Building Official may order the structure to be demolished.
- C. Nothing contained herein shall be construed as making it unlawful for any person to comply with



the Building Official's authority as stated in this section.

**17.20.050 - Section 7 - Enforcement and Maintenance**

- A. If any alteration is made without approval of a Demolition or Alteration application, the City may issue a stop work order for all construction activity, withhold inspections and final approvals, withhold approval of additional City permits, and take any other available action, or any combination of the aforementioned, until the applicant has applied for and received approval for the alteration. If the alteration is not approved, the property owner shall restore the structure to its original condition prior to any alteration occurring.
- B. Except as provided in Section 6, Remedying of Dangerous Building Conditions, no permit shall be issued authorizing any alteration to a structure listed on the Historic Building/Site List until the HPC approves the Request for Demolition or Alteration application. If the approval or denial of the application is administratively appealed, no further development permits shall be approved for the property until the City Council has made a final decision on the administrative appeal. Normal repair and maintenance of structures on the Historic Building/Site List is permitted. Nothing in this Section shall be construed to prohibit the alteration of any structure necessary as a part of normal repair and maintenance when such alteration will not change the exterior appearance or materials or the interior support structure of the building, including the character or appearance of the land itself.

**17.20.060 – Relief from Regulations**

- A. The relief from regulations within the City of Ketchum Code of Ordinances is applicable to properties on the Historic Building/Site List to ease the burden of preserving buildings.
- B. Relief from Building Code requirements of Title 15 of the City of Ketchum Code of Ordinances.
  - 1. The Building Official has the authority to consider alternative options for historic buildings to comply with building code so long as they do not compromise health and safety.
- C. Relief from Off Street Parking and Loading requirements of Chapter 17.125 of the City of Ketchum Code of Ordinances.
  - 1. Where additions or alterations to an historic building are proposed, the square footage of the existing historic building shall not be counted toward the minimum parking requirement for the proposed project regardless of use.
  - 2. No additional parking relief is provided for projects that include full demolition of historic buildings.
  - 3. When projects include partial demolition of historic buildings, the square footage of the historic building that remains shall not be counted toward the minimum parking requirement for the proposed project regardless of use.
- D. Relief from Nonconforming Building Requirements of Chapter 17.136 of the City of Ketchum Code of Ordinances.
  - 1. Properties are allowed to increase existing nonconformities on expansions by matching existing setbacks, height, and other dimensional standards.
  - 2. Properties are exempted from the limitation on and expanding nonconforming buildings.

Snip of Historic Building/Site List

Common Name:	Street Address:	GIS Address	RPK #
Greenhow & Rumsey Store, NRHP listed (Culinary Institute)	211 North Main Street	211 N Main St	RPK0000018004B
Forest Service Park, NRHP listed	Between River and 1 <sup>st</sup> Street	131 E River St	RPK0000040001A
Comstock & Clark Mercantile (Enoteca Restaurant)	300 North Main Street	300 N Main St	RPK00000040010
Lewis Bank (Rocky Mountain Hardware)	180 North Main Street	180 N Main St	RPK084100000D0
Dynamite Shed (TNT Taproom)	271 Sun Valley Road	271 E Sun Valley Rd	RPK0000017004A
Bert Cross Cabin (Vintage Restaurant)	271 ½ Leadville Avenue North	271 N Leadville Ave	RPK0000003007A
Horace Lewis Home (Elephant's Perch)	280 East Avenue North	280 N East Ave	RPK0000043003A
Ketchum Kamp Hotel (Casino)	220 North Main Street	220 N Main St	RPK000000302AA
Pioneer Saloon	308 North Main Street	320 N Main St	RPK0000004002A
First Telephone Co. (Chapter One Bookstore)	340 North 2 <sup>nd</sup> Street	340 E 2nd St	RPK0000002004B
Fagan Property (Country Cousin Store)	411 Sun Valley Road	411 E Sun Valley Rd	RPK00000240010
Bonning Cabin	531 5 <sup>th</sup> Street East	500 N East Ave	RPK00000460010
McCoy/Gooding/Miller House (Residence)	111 N East Ave	111 N East Ave	RPK00000022005B
Former Post Office (Former Formula Sports)	460 North Main Street	460 N Main St	RPK0000005003A
Michel's Christiania Restaurant	303 Walnut Avenue	303 N Walnut Ave	RPK00000440050
E.B Williams House (Ketchum Grill)	520 East Avenue North	520 N East Ave	RPK00000460020
Alonzo Price/Esther Fairman House	180 Leadville Avenue North	180 N Leadville Ave	RPK00000220040
Thornton House (Picket Fence)	560 East Avenue North	560 N East Ave	RPK0000046004A
McAtee House (Former Taste of Thai)	380 1 <sup>st</sup> Avenue	380 N 1st Ave	RPK00000370050
George Castle Cabin	431 ½ Walnut Avenue (in the alley)	431 N Walnut Ave	RPK00000450060
Community Library/Gold Mine Thrift Store	331 Walnut Avenue	331 N Walnut Ave	RPK00000440060
Jack Frost Motel (Gold Mine Consign Building)	591 4 <sup>th</sup> Street East	571 E 4th St	RPK00000450050
St. Mary's Catholic Church (Mesh Gallery)	380 Leadville Avenue North	420 E 4th St	RPK00000240040
Christina's Restaurant	520 E 2nd Street	520 E 2nd Street	RPK0000042004B
Wille Helmings House and Fix-it Shop (Residence)	140 E 5th Street	140 E 5th Street	RPK0000036005A
Louies/The Church (Picket Fence)	560 N East Ave	560 N East Ave	RPK0000046004A
Kneadery Restaurant	260 N Leadville	260 N Leadville Ave	RPK00000230030
<b>Buildings Proposed to be Removed from List</b>			
Sun Club (Siegle House)	571 Second Street	571 Second Street	RPK0000043005A
Helm Property (Sturtevant's)	340 North Main Street	340 North Main Street	RPK0000004002B
Formally Referred to as Batis House (vacant)	431 Washington Ave	431 Washington Ave	RPK00000360030



## City of Ketchum

December 13, 2021

Mayor Bradshaw and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

### **Receive Update on Development of Ketchum Community Housing Action Plan**

#### Recommendation and Summary

City staff and the Agnew-Beck consulting team will provide a quick status update on actions to date, deliverables and proposed next steps for the project. Staff felt this update would provide a broader housing strategy context prior to the In-Lieu Housing workshop.

The reasons for the recommendation are as follows:

- The City Council expressed a desire for the creation of a Housing Action Plan.
- The Plan will outline specific goals, strategies, actions/projects, and associated funding strategies.
- The city intends to hold a May 2022 election on the collection of Local Option Taxes and community housing.

#### Introduction and History

During the FY22 budget development process, the City Council expressed a desire to formalize the city's overall community housing strategy. To that end, staff recommended in September the Council approve retaining Agnew-Beck to engage the community in the development of a Housing Action Plan.

The Housing Action Plan will specify goals based on need and determine the most appropriate strategies/projects. Agnew Beck and city staff have initiated Phase #1 activities. It is important to note that staff is working to formalize a Community Steering Committee for the project. Upon completion of each phase; there will be robust community engagement (virtual and in-person) and then direction regarding next steps from the City Council.

#### **Phase #1**      **Context Setting** (*October – early January*)

- Needs & Preferences
  1. Community Survey
  2. Stakeholder Interviews
  3. Data Analysis
- Best Practices
  1. Strategy/Policies
  2. Resources/Partnerships
    - a. Programs
    - b. Projects

#### **Phase #2**      **Develop the Plan** (*January -March*)

- Action Plan
  1. Vision/Goals
  2. Focus Areas

3. Actions
- Funding Options
  1. LOT
  2. In-Lieu fees
  3. Philanthropic
  4. Business partnerships
  5. Federal/State/Tax Credits

**Phase #3**      **Take Action** (*Mar-TBD*)

- Implement the Action Plan
  1. Policies, projects, programs
- LOT Ballot
  1. Ballot Language (March)
  2. Election (May)

Sustainability Impact

Adequate community housing decreases the occurrence of trip generation and associated greenhouse gases.

Financial Impact

Project funding has already been approved from the Council Strategic Initiatives Fund (one-time local funds and use of federal ARPA funds).

Attachments:

PowerPoint

# Ketchum HOUSING MATTERS

## Update on Housing Action Plan



City Council Meeting  
December 13, 2021

# Land Acknowledgement

*I acknowledge the ancestral, cultural, traditional, and unceded territory of the Shoshone, Bannock, and Northern Paiute people on which I live and work.*

A Land Acknowledgement is a formal statement that recognizes and respects Indigenous Peoples as traditional stewards of this land and the enduring relationship that exists between Indigenous Peoples and their traditional territories.

<http://convention.myacpa.org/nashville2020/inclusion/land-acknowledgement/>

For more information:  
<https://nativegov.org/a-guide-to-indigenous-land-acknowledgment/>

# Our Team

## Ellen Campfield Nelson, AICP

**Project Role** – Project Manager

**Areas of Specialty** – Urban Planning, Public Engagement, Housing, Parks and Trails



## Diana Lachiondo

**Project Role** – Outreach & Engagement Specialist

**Areas of Specialty** – Stakeholder Engagement, Policy Analysis, Housing



# TONIGHT

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Our Approach

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Plan and Progress

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What's Next

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# Our Approach

Housing is vitally important for community health, economics, equity, welcoming.

Housing issues and needs are dynamic, complex.

Community-wide solutions should be responsive, flexible, collaborative, strategic.

People solve for housing, given pathways to it.



# Zoom into the Pieces that Matter...

## Creating a “Housing Positive” Environment

### **MECHANISMS**

Policies  
Projects/Properties  
Programs

### **LOCAL DYNAMICS**

Data framework  
Current trends  
Specific populations  
Collective will

### **ACTORS**

Public entities  
Private partners  
Nonprofits  
Community members  
Housing seekers

# Housing Action Plan

Working toward a concise, actionable plan.

HOUSING PROJECT AND ACTIONS		
CITY LED		
NUMBER	PROJECT/ACTION	IMPLEMENTATION TIME FRAME
H10	Inventory and conduct a study to assess the impact of short-term rentals and ADUs within the neighborhood and across the city.	SHORT
H11	Continue to offer and promote the city's existing income-qualified low-interest loans for home improvement.	SHORT
H12	Continue to enforce and apply city ordinances and other guidelines aiming to protect and preserve properties with historic, architectural, cultural, and social significance.	SHORT
H13	Work with and support NENA's efforts to increase outreach, education and appreciation of historic buildings, districts and features and how and why these places are regulated, and the benefits they contribute to the neighborhood.	SHORT
H14	Continue to identify and purchase homes in the North End to add to the city's housing land trust, prioritizing the reuse and/or rehabilitation of historic buildings.	MEDIUM
H15	Develop and adopt a demolition ordinance governing how and why properties can be demolished.	MEDIUM
H16	Ensure all properties in the North End that are on the National Register of Historic Places also have a "local landmark" designation.	MEDIUM
COLLABORATIVELY LED		
NUMBER	PROJECT/ACTION	IMPLEMENTATION TIME FRAME
H17	Evaluate appropriateness of establishing a conservation district covering the northwest area of the North End to preserve that area's unique qualities – e.g., road sections, larger lots and architectural style.	LONG
H18	Host a "housing task force" or speaker series to share information among neighbors and housing experts.	SHORT
H8	Consult with property owners interested in preservation programs that may be applicable to their property, e.g., local landmark designations, façade easement tax credits, or the Federal Historic Rehabilitation Tax Incentive program, and help act as their liaison with the city and other entities.	LONG
H9	Identify property within the neighborhood for the City of Boise to purchase to add to its housing portfolio and make available to households with a range of incomes, prioritizing the reuse and/or rehabilitation of historic buildings.	LONG

# Plan and Progress



# Timeline

	Oct	Nov	Dec	Jan	Feb	Mar
<b>Phase 1:</b> <b>CONTEXT</b>	Launch	Survey Analysis Interviews	Preliminary Findings Toolkit Research	Stakeholder Review		
<b>Phase 2:</b> <b>DEVELOP</b>						
<b>Phase 3:</b> <b>ACTION</b>						



# Phase I Tasks, Purpose



## Interviews and Community Survey

- Raise awareness, give voice, assess community-wide perceptions and sentiments and gauge interest in potential solutions and action.



## Data Collection and Analysis

- Provide an analysis framework for ongoing use.
- Answer key questions about current supply/demand.
- Ground truth local experience with data.



## Toolkit and Strategy Framework

- Research best practices and ability to apply in Ketchum.
- Identify “our best day” – coordinated goals, strategies and tactics shared among City and partners to create more housing opportunity.

# Stakeholder Interviews

## Interviewees

- More than 30 individuals
- Including, but not limited to:
  - Community advocates
  - Developers
  - Nonprofits
  - Community homeowners
  - Employers

(Wrapping up a few additional interviews this month.)

## Key Response Themes

- Housing Needs & Transparency
- Intentional Housing Framework
- Community "Fortitude"

# Community Survey

## Survey Publicity

- Channels
  - Direct email contact
  - Earned media
  - Online media
  - Spanish translation
- Response Goal = 500
  - **802 received to date (12/8)**

## Who We Are Hearing From?

- Diversity of locations represented
- 90% of respondents live and work in the Wood River Valley
- Homeowners and renters represented in proportion
- Robust spectrum of income levels
- 14 respondents so far to Spanish-only

<https://www.ketchumidaho.org/administration/project/housing-matters>

## Continued targeted outreach is ongoing to:

- Non-white populations
- Younger populations, particularly younger members of the workforce (18-24)
- Older populations (65+)



# Sample community voices...

“Things are fundamentally broken when licensed professionals and nurses live in cars.” “There is a homeless person living on my block (inside work vehicle).”

**“Make the saying “you either have 3 jobs or 3 homes” a thing of the past.”**

“Without affordable housing, the WRV will no longer be able to attract new homeowners of any kind without restaurants, stores and services.”

“Walking, biking and other non-car transportation should be an integral part of housing and community development plan.”

“I do not believe there is a direct correlation between the lack of housing and the STR's in our community.”

“We can't put business in residential, so we should be careful [if we] put residential in business.”

**“Please make this a priority!”**

“Our zoning codes seem to promote things remaining 'as they are' by making it difficult to maximize economic development potential of lots in the Core, based on outdated ideas.”

# Housing Needs Assessment

## Method

- Data sources
- Local data sharing
- Lot of data, but not synthesized, talking to each other

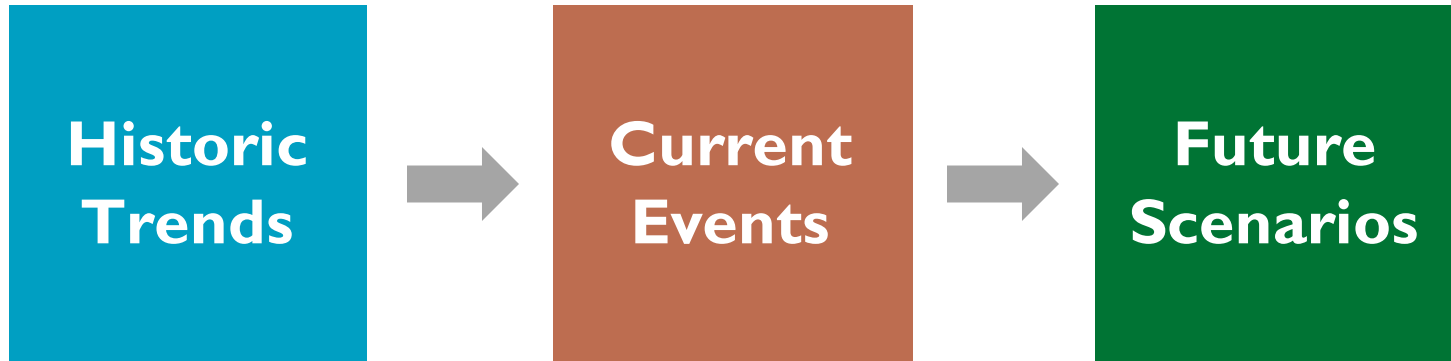
## Key Questions

- SUPPLY – Amount, quality, type, cost, location of housing
- DEMAND – Communitywide and special subpopulation needs
- Locally-Specific Analysis – STRs, homeowners, service workers

## Honoring local and historical data

- Visit Sun Valley
- Blaine County Housing Authority
- Sun Valley Realtors
- Previous City Needs Assessments
- Sun Valley Company
- Sun Valley Economic Development
- ARCH Community Housing Trust

# Data Story



What have the housing trends (demand, supply, population) in Ketchum been, over the last 4 decades, and more specifically in the last 10 years? Have we been going in the right direction? Where are the gains and losses?

What happened to our population, housing and workforce in 2020, to the best of our knowledge? What might that mean going forward?

How should we be thinking about community housing and what should we be working towards, go-forward? What will look different if we succeed?

- Workforce
- Low-income
- Long-term
- Seasonal
- Partnerships
- Intended impact

What's next?



# What's Next?

## JANUARY

### Outputs

- Preliminary Findings Summary
- Draft Mountain Housing Toolkit (City)

### Stakeholder review of Phase I: Context

- Steering Committee (1-2 sessions)
- Focus Groups (when applicable)
- Neighboring Governments
- Community
- City Council



# Work Phases



**Phase 1: Context** (NOV-JAN)

**Phase 2: Develop** (FEB-MAR)

**Phase 3: Action** (MAR+)

# THANK YOU!

*Questions? Follow-up?*

**Ellen Campfield Nelson, AICP**

*[ellen@agnewbeck.com](mailto:ellen@agnewbeck.com)*

**Diana Lachiondo**

*[diana@agnewbeck.com](mailto:diana@agnewbeck.com)*



City of Ketchum  
City Hall

December 13, 2021

Mayor Bradshaw and City Councilors  
City of Ketchum  
Ketchum, Idaho

**Community Workshop regarding City of Ketchum Community Housing In-Lieu Fees and direction to staff**

Recommendation and Summary

Following the community workshop, staff is requesting direction from City Council on the preferred community housing in-lieu rate.

The reasons for the recommendation are as follows:

- Staff and BCHA have conducted extensive research to ensure the methodology and key assumptions are grounded in statistical data that can be relied upon for future fee updates
- Adoption of an updated fee is necessary to reflect current market conditions that have evolved since 2016
- Adoption of an updated fee is prudent for the community to ensure that resources are available for the delivery of units not provided by the development community
- Adoption of a new fee provides predictability for the development community in preparation for future projects

Based on direction from City Council, staff will prepare a fee resolution for review and approval by City Council at the next available meeting. A public hearing is required for adoption of the updated fee.

Background

Over the past few months, the city has undertaken discussions related to the Housing In-Lieu Fee rate applicable to projects participating in the density bonus program available in the Community Core, Tourist, and General Residential High Density zone districts. Below is an overview of the process to date:

July-October	Staff and BCHA conducted market research and a peer cities analysis to aid in updating the current rate adopted in January 2016
October 1st	Draft information package sent to the development community for feedback, announcing City Council meeting on October 18th
October 18, 2021	City Council meeting to discuss revised fee – council requested additional information including a 5-year trend analysis, sensitivity analysis for key assumptions, and an example project
November 18, 2021	City Council meeting to review additional information and provide direction to staff. City Council determined:



	<ul style="list-style-type: none"> <li>• Retain existing methodology using all sales for median market rate purchase price</li> <li>• Host a Community Workshop where open dialogue can occur between council and stakeholders to better understand concerns and receive feedback on final assumptions</li> </ul>
December 13, 2021	Community Workshop for discussion with the community and provide direction to staff on next steps

Analysis

On November 18, 2021, at the City Council meeting, the Council concluded that the existing methodology would be retained for the current update to the housing in-lieu fee. This includes using all residential sales to establish the market rate purchase price, rather than a subset of sales data.

With this direction, only three inputs remain for discussion. Affordable Unit Size, Interest Rate, and Administrative Fee. The packet provided to council for the November 18, 2021, meeting (linked below) includes the sensitivity analysis for each of the three assumptions. Below is an overview of each:

- *Affordable Unit Size* – The current fee was set using a unit size of 1,250 square feet. This number was not generated through a review of existing deed restricted units but seen as an industry standard at the time. Staff and BCHA calculated the average unit size for all for-sale units in the City of Ketchum, resulting in a median unit size of 908 square feet. Staff are supportive of using the revised square footage of 908 rather than the initial 1,250 square feet as it is based on existing data which can be updated over time using established information.
- *Interest Rate* – The current fee was set using an interest rate of 6.5%. In October, staff and BCHA recommended using a 20-year average interest rate, rather than a flat rate. Feedback from the development community indicated a 5-year average interest rate is more realistic provided the fee is updated more regularly. Staff and BCHA are supportive of using a 5-year interest rate as the rate will be based on published interest rates and can be updated based on established information.
- *Administrative Fee* - The current fee was set using an administrative fee of 10%. In October, staff and BCHA recommended an increase to 15% due to the increased cost of doing business since the last fee update in 2016. The administrative fee is intended to cover the cost of delivering community housing units, not including cost of construction. The city does not have a dedicated funding source available to facilitate the delivery of units. By paying the housing in-lieu fee rather than constructing units, developers are transferring the responsibility of delivering community housing units to the city, BCHA, or other community housing developer, which comes at a cost. Many peer resort communities charge an administrative fee between 10-15%. Communities with no administrative fee have a dedicated funding source for the delivery of units. The peer resort analysis was included in the October 18, 2021 packet to City Council (linked below).

Below are links to the two previous staff reports and attachments provided to City Council:

- [Staff Report and Attachments – November 18, 2021 City Council Meeting](#) - includes methodology for calculating the fee, memos from BCHA, and peer cities analysis
- [Staff Report and Attachments – October 18, 2021 City Council Meeting](#) - includes example project calculations, 5-year trend analysis, and sensitivity analysis

Sustainability

This request does not inhibit the City of Ketchum’s ability to implement the 2020 Ketchum Sustainability Action Plan.

Financial Impact

Increasing the fee-in-lieu may increase the balance of the City of Ketchum in-lieu fund, however this is dependent on whether developers elect to build housing or pay the fee-in-lieu.

Attachments

None – see links above