



Historic Preservation Commission - Regular Meeting AGENDA

Tuesday, October 19, 2021 at 4:30 PM
Ketchum City Hall
480 East Avenue North, Ketchum, ID 83340

In recognition of the Coronavirus (COVID-19), members of the public may observe the meeting live on the City's website at ketchumidaho.org/meetings. If you would like to comment on an agenda item, please submit your comment to participate@ketchumidaho.org by noon the day of the meeting. Comments will be provided to the Historic Preservation Commission.

CALL TO ORDER

COMMISSION REPORTS AND EX PARTE DISCUSSION DISCLOSURE

CONSENT CALENDAR—ACTION ITEMS

1. Minutes of September 28, 2021
2. 431 N Washington St Findings of Fact

PUBLIC HEARINGS AND COMMUNICATIONS FROM STAFF – ACTION ITEMS

3. Recommendation to hear public input and provide direction to staff on the buildings to be placed on the Historic Building List

STAFF REPORTS & CITY COUNCIL MEETING UPDATE

4. Discussion on letter to Mountain Express
5. Review and discussion on process and next steps for Design Guidelines and Historic Preservation Ordinance

PUBLIC COMMENT - Communications from the public for items not on the agenda.

6. Sept 28, 2021 Comment from Harry Boyle

ADJOURNMENT

Any person needing special accommodations to participate in the meeting should contact the City Clerk's Office as soon as reasonably possible at 726-3841. All times indicated are estimated times, and items may be heard earlier or later than indicated on the agenda.



Historical Preservation Commission - Special Meeting MINUTES

Tuesday, September 28, 2021 at 4:30 PM
Ketchum City Hall
480 East Avenue North, Ketchum, ID 83340

CALL TO ORDER (*time stamp 0:16:27*)

The meeting was called to order by Chairman Mattie Mead at 4:36 PM.

PRESENT

Chairman Mattie Mead
Vice-Chair Wendolyn Holland via teleconference
Commissioner Jakub Galczynski
Commissioner Rick Reynolds

ABSENT

Commissioner Jennifer Cosgrove

COMMISSION REPORTS AND EX PARTE DISCUSSION DISCLOSURE (*time stamp 0:17:30*)

There were no ex Parte disclosures.

PUBLIC COMMENT

1. Public Comment: 2021.09.08 Boyle
All Commissioners indicated they had read the public comment.

CONSENT CALENDAR—ACTION ITEMS

2. Minutes of September 8, 2021
Motion to approve the Minutes of September 8, 2021.
Motion made by Commissioner Reynolds, Seconded by Vice-Chair Holland.
Voting Yea: Chairman Mead, Vice-Chair Holland, Commissioner Galczynski, Commissioner Reynolds

PUBLIC HEARINGS AND COMMUNICATIONS FROM STAFF – ACTION ITEMS

3. ACTION - 431 N Washington Ave Application for Demolition of a Historic Building. (*time stamp 0:19:09*)

Senior Planner Abby Rivin gave an introduction to the project citing the process for a demolition request.

Associate Planner Adam Crutcher gave a history of the property, historic research of this property, the current poor condition of the property, and the proposed future of the property. Staff recommended approval of the demolition request.

Jack Bunch, property owner, indicated he wanted to preserve Ketchum. He also owns the adjoining property and rents that building to the ERC. They wanted to demolish the structure at 431 N Washington and construct a garden for the use of the ERC. A document handed to the Commissioners, included the history and current condition of the house as well as future plans.

Chair Mead opened the floor to Public Comment.

Perry Boyle, asked about the process for putting buildings on the list.

Being no further comments, Public Comment was closed.

Chair Mead thought due to the condition of the building and the lack of historical significance, he was in favor of approval of the demolition. Commissioners Reynolds and Galczynski agreed. Commissioner Holland pointed out the inaccuracies of the prior survey. She agreed the condition of the house was beyond repair.

Motion to approve the 431 N Washington Ave Application for Demolition of a Historic Building.

Motion made by Chairman Mead, Seconded by Commissioner Reynolds. Voting Yea: Chairman Mead, Vice-Chair Holland, Commissioner Galczynski, Commissioner Reynolds

4. ACTION - 460 N Main St Application for Demolition of a Historic Building. *(time stamp 0:36:30)*

Senior Planner Abby Rivin introduced the project. She gave a history of the past four locations of the Ketchum Post Office, the history of the A-frame building, and current condition of that building. Staff recommended approval of the demolition due to the condition of the building and the inability of the building to be remodeled.

Jordan Fitzgerald of RLB presented the request for the demolition. She reviewed the site, and the significance of the building. She indicated the future building with 2-3 retail spaces, 4 Community housing and 4 market rate units. She reviewed the architectural elements and how they were in keeping with traditional Ketchum architecture. Outdoor seating, arches, and an artistic commemorative feature. The proposed building would have a historical exhibit of the site of the building.

Chair Mead opened the floor to public comment.

Perry Boyle, thought the repairs needed to be quantified before making a decision to demolish. He didn't think the future use of the space was relevant to the decision to demolish.

Being no further comment, the floor was closed.

Vice-Chair Holland wanted to include the age of the building and the location as considerations, While she appreciated a nod to the past, she was concerned about replacing a *historic* structure with a *historical* nod.

Commissioner Reynolds pointed out that the ease of construction of the A-Frame did not make it architecturally significant. In response to the Public Comment, he noted this is a new Commission developing a new process. The interiors of building are beyond the purview of the Commission. He felt the future use of the property was extremely important.

Commissioner Galczynski thought the structural problems of the A-frame were significant. He thought the presentation focused on social importance and thought the plaque to the past was unimportant.

Chair Mead thought this was a challenge due to the history, location, and style of this building. He wanted to see more information on the potential repair of the building.

Commissioner Reynolds thought the property was ripe for demolition.

Motion to approve demolition of the 460 N Main St Building.

Motion made by Commissioner Reynolds, Seconded by Commissioner Galczynski.

Voting Yea: Commissioner Galczynski, Commissioner Reynolds

Voting Nay: Chairman Mead, Vice-Chair Holland

The discussion was continued. Commissioner Reynolds felt it was an insignificant building in very poor condition with a very high price for restoration.

The Commission agreed to continue the discussion to the October 19th meeting to allow for more information and a full Commission.

Commissioner Holland wanted to see other options beside demolition. She felt there were other important factors besides economics, such as the culture of Ketchum.

The Commission struggled with the decision to demolish.

Buffalo Rixon, architect for the applicant, asked to return with more information.

Motion to continue to November 2, 2021

Motion made by Chairman Mead, Seconded by Commissioner Reynolds.

Voting Yea: Chairman Mead, Vice-Chair Holland, Commissioner Galczynski, Commissioner Reynolds

STAFF AND COMMISSION COMMUNICATIONS (Historical Preservation Commission Deliberation, Public Comment may be taken)—ACTION ITEMS

The October 26th meeting will have a Hearing for all property owners. All property owners would be noticed and would have the opportunity to call in to testify.

ADJOURNMENT

Motion to adjourn at 5:52 PM.

Motion made by Commissioner Reynolds, Seconded by Commissioner Galczynski.

Voting Yea: Chairman Mead, Vice-Chair Holland, Commissioner Galczynski, Commissioner Reynolds

Mattie Mead
Chairman Historical Preservation Commission



City of Ketchum
Planning & Building

IN RE:)
)
431 N Washington Avenue Building) **KETCHUM HISTORIC PRESERVATION COMMISSION**
Request to Demolish a Historic Structure) **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND**
) **DECISION**
)
Date: October 19, 2021)
)
File Numbers: P21-051)

PROJECT: 431 N Washington Avenue (Formerly Known as the Batis House) Historic Building Demolition Request

FILE NUMBER: H21-051

APPLICATION TYPE: Request to Demolish a Historic Structure

REPRESENTATIVE: Elizabeth Bunce

PROPERTY OWNER: Elizabeth Bunce, Martha’s Place LLC

REQUEST: Demolish the structure at 431 N Washington Avenue and replace with outdoor garden

LOCATION: 431 N Washington Avenue (Ketchum Townsite: Block 36: Lot 3)

ZONING: Mixed-Use Subdistrict of the Community Core (CC-2)

RECORD OF PROCEEDINGS

The Historic Preservation Commission held a public hearing and considered the Request to Demolish a Historic Structure for the proposed demolition of the existing home located at 431 N Washington during their meeting on September 28th, 2021. After considering the project plans, staff’s analysis, and the applicant’s presentation and holding the required public hearing, the Historic Preservation Commission unanimously approved the request.

Public Hearing Notice

The public hearing notice was published in the Idaho Mountain Express on September 15th, 2021. A public hearing notice was mailed to adjacent properties within 300 feet of the project site on September 15th, 2021. A public hearing notice was posted on the project site and the City’s website on September 21st, 2021.

FINDINGS OF FACT

The Historic Preservation Commission having reviewed the project record, provided notice, and conducted the required public hearing does hereby make and set forth these Findings of Fact, Conclusions of Law, and Decision as follows:

Findings Regarding Project Background

The applicant, property owner Elizabeth Bunce, has submitted a Request to Demolish a Historic Structure located at 431 N Washington Avenue (Ketchum Townsite: Block 36: Lot 3) within the Mixed-Use Subdistrict of the Community Core (CC-2) Zone. The request proposes to demolish the structure formerly known as the Batis House—a residence that was constructed in the 1940s. The applicant originally set out to restore the building currently on the property, but due to the levels of decay and toxicity within the building the property owner has proposed to demolish the structure. The building will be replaced with an outdoor garden intended to be used by the Environmental Resource Center as a classroom and example of drought tolerant native landscape options.

The project is subject to Historic Preservation Commission (HPC) review pursuant to Section 1.C.1 of Interim Historic Preservation Ordinance No. 1216. HPC review is required for all requests for partial or total demolitions, exterior alterations, and additions to all structures on the Historic Building List. After their evaluation of the 26 structures listed on the 2020 Community Core District Survey Update, the HPC removed the structure at 431 N Washington Avenue from the Historic Building List on August 3rd, 2021. However, since the revised list has not been formally adopted, demolition of the building is still subject to HPC review and approval.

Staff researched the archived collections at the Community Library's Regional History Department and discovered that Gloria Batis lived at 491 Washington Avenue, not at this location, 431 Washington Avenue (Batis, 1987; Richert, 1973). Ikaunieks' Salon currently occupies the building located at 491 Washington Avenue. The building at 431 Washington Avenue one-story structure built in the 1940's and was listed on the 2005 Walsworth and Associates Windshield Survey as well as the 2006 list of recommended heritage sites for its representation of Ketchum's early settlement area and traditional residential architecture.

Findings Regarding Review Criteria for Requests to Alter or Demolish a Historic Structure

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?

The building formerly known as the Batis House was initially listed as one of the 26 structures on the Historic Building List. The structure was originally believed to be the residence of Gloria Batis, a member of the Basque community. After deliberation by the HPC, the structure was recommended for removal from the list due to its architectural features not effectively conveying the Basque presence. However, after staff research at the Community Library, it was found that Gloria Batis resided at 491 Washington Ave not 431 Washington Ave. This discovery diminishes the structures historic/social value of being associated with a notable person. The structure may still meet the social/historic criteria of

exemplifying the cultural, ethnic, and social heritage of the community as a traditional home in a historic Basque neighborhood. Due to this information, the HPC found that the structure is not of architectural value or significance and has minimal historic significance.

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?

The structure was built in the 1940's and has retained many of its original materials and design elements from when it was first constructed. The physical deterioration of the structure could possibly reduce the extent of original design features if the house were to go through a remodel. The levels of asbestos, mold and other decay may also limit the potential to restore the home to a livable condition. The structure does not meet many of the criteria for architectural significance including innovation in construction, materials or design or demonstrating superior craftsmanship or high artistic value. The building does maintain some historic significance as a residence within a Basque neighborhood. Due to the limited architectural and historical significance, there is little associated historical integrity to be adversely affected.

The HPC recommended removal of the residence from the Historic Buildings List citing a lack of architectural significance. As the home is no longer associated with Gloria Batis, the building does not have any historical significance within the Community Core.

The surrounding buildings along Washington Avenue are small structures not extending higher than two stories. The outdoor garden replacement project will maintain the small scale feel that is present along this section of Washington Avenue.

Does the structure retain the requisite integrity to convey its historic and/or architectural significance?

Integrity is the property's ability to convey the historical significance associated with the location. While the building does retain some of its original design features, the HPC did not find the architectural details to be significant enough to warrant inclusion on the Historic Building List. After new information was found showing that Gloria Batis did not live in the building, the cultural and social significance of the home is its location within a historic Basque neighborhood. Since there is minimal architectural or historical significance to be conveyed, the building does not retain historic integrity.

Does the proposed demolition or alteration adversely affect the historic significance or architectural distinction of the structure or the Community Core?

The existing structure was identified as not having enough architectural distinction to be deemed a historic structure. Commissioners cited the addition of new windows and a lack of architectural significance as reasons for coming to that decision. The proposed demolition would not adversely affect the architectural distinction of the structure as the HPC found there was not enough distinction to consider it historic. After discovering Gloria Batis did not live in this home, the building was found not to have cultural or social significance.

Findings Regarding Commissioner Deliberations

The Commission stated that mold, electrical problems, and other deterioration issues severely limited the feasibility of repairing and restoring the historic home to a habitable condition. The Commission found that since Gloria Batis did not live in the home, the building did not have architectural, social, or cultural significance. The Historic Preservation Commission unanimously approved the request to demolish the existing home located at 431 N Washington Avenue.

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and has exercised its authority pursuant to Chapter 46 of Title 67 of Idaho Code to establish a historic preservation program and enact ordinances, special conditions, or restrictions for the protection and preservation of historic properties. The regulations adopted through Interim Historic Preservation Ordinance No. 1216 are identified in the Findings of Fact and are herein restated as Conclusions of Law by reference.
2. The Historic Preservation Commission has the authority to hear the applicant's Request to Demolish a Historic Structure application pursuant to Section 1.C.1 of Interim Historic Preservation Ordinance No. 1216. HPC review is required for all requests for partial or total demolitions, exterior alterations, and additions to all structures on the Historic Building List.
3. The City of Ketchum Planning Department provided notice for the review of this application in accordance with Section 2.B of Interim Historic Preservation Ordinance No. 1216 and Ketchum Municipal Code § 17.96.080.
4. This Request to Demolish a Historic Structure application is governed under the regulations and review criteria specified in Interim Historic Preservation Ordinance No. 1216.
5. The demolition of the structure at 431 N Washington Avenue complies with the review criteria specified in Section 3.A of Interim Historic Preservation Ordinance No. 1216 as: (1) the structure lacks significance both historically and architecturally, (2) the proposed demolition of the building at 431 N Washington Avenue does not adversely impact the structure's historic integrity, significance within the Community Core, or architectural and aesthetic relationship to adjacent properties and the project does not conflict with the Comprehensive Plan, (3) the home does not retain the requisite integrity to convey its historic significance, and (4) the proposed demolition does not adversely affect the structure's historic significance.

DECISION

THEREFORE, the Ketchum Historic Preservation Commission **approves** the Request to Demolish a Historic Structure (Application File No. H21-051) at 431 N Washington Avenue.

Findings of Fact **adopted** this 19th day of October 2021.

Mattie Mead, Chair
City of Ketchum
Historic Preservation Commission

From: [Participate](#)
To: [Adam Crutcher](#); [Maureen Puddicombe](#); [Suzanne Bathke](#)
Subject: Fwd: Support Martha's Place - Battis Hse Demolition
Date: Thursday, September 30, 2021 8:42:23 PM

For the project file. This should go to HPC with the findings.

Begin forwarded message:

From: edithilerwiedemann@gmail.com
Date: September 28, 2021 at 9:12:16 PM MDT
To: Participate <participate@ketchumidaho.org>
Subject: Support Martha's Place - Battis Hse Demolition

Please accept vote of support for Martha's Place LLC, and demolition of the existing structure.

It is a great proposal and will benefit the school children, the ERC, and the area around it in the town's core.

Edith Iler
108 Short Swing Ln
PO Box 3845
Ketchum, ID
208-720-3152

Sent from my iPhone



City of Ketchum

October 19, 2021

Historic Preservation Commissioners
City of Ketchum
Ketchum, Idaho

Recommendation To Hear Public Comment and Provide Direction to Staff on the Historic Building List

Recommendation and Summary

Staff is recommending the Commission consider the written comments and any public testimony provided at the meeting about buildings on the Proposed Historic Building List. After consideration of public input, staff recommends the Commission provide direction to staff on the buildings to remain on the List.

Introduction and History

Over the last several months, the Commission has been reviewing and evaluating buildings within the downtown commercial core to determine which buildings should be placed on the Historic Building List. The Commission completed its review on September 8, 2021 and directed staff to proceed with notifying all property owners with buildings on the proposed List. A copy of the List is included in Attachment A.

Notice was sent to all property owners on the List and published in the Mountain Express on September 29, 2021.

Public Comment

Since publication of the notice, four written comments have been received (Attachment B). Additional comments that may come in after publication of the staff report will be provided to the Commission.

Attachments:

- A. Proposed Historic Building List
- B. Public Comments

CITY OF KETCHUM - HISTORIC PRESERVATION COMMISSION PROPOSED HISTORIC BUILDING 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 st 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	RPK08410000D0
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 nd 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 th Street East	500 N East Ave	RPK00000460010
McCoy/Gooding/Miller House (Residence)	111 N east Ave	111 N East Ave	RPK0000022005B
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 st 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 th 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
Buildings Proposed to be Removed from List			
Sun Club (Siegle House)	571 Second Street	571 Second Street	RPK0000043005A
Helm Property (Sturtevants)	340 North Main Street	340 North Main Street	RPK0000004002B
Formally Referred to as Batis House (vacant)	431 Washington Ave	431 Washington Ave	RPK00000360030

Lilac Two, LLC
1118 South Braddock Ave Rear
Pittsburgh, PA 15218-1287
Phone: 412-247-7677
Fax: 412-247-7655
Email: gb27i@juno.com

October 6, 2021

To: Ketchum Department of Planning and Building

Gentlemen:

I am in receipt of the proposed building list to be designated historic preservation. The property I own is at 411 Sun Valley Road. This is the log building that houses the Country Cousin and Sun Valley Outfitters.

I am not in favor of having this property in any historical district. I do not wish any reduction of taxes from the city or any other governmental agency. I purchased this property in January of 2000 and I have been meticulously taking care of it since then. Anyone who owns a piece of property in Ketchum would most certainly be interested in preserving that property without interference from any historic preservation designation.

I direct that you not include this property in any historic preservation list as long as it is owned by me or my descendants. We will take care of our own properties.

If you decide otherwise, you will do so against my wishes and you may not expect any cooperation from me or my family. We shall continue to take care of the property as we have been doing for the past twenty-one years.

Sincerely,

Bing Olbum

HISTORICAL PRESERVATION COMMISSION - HPC
REQUEST TO BE REMOVED FROM PROPOSED HISTORICAL BUILDING LIST
FOR CRISTIAN'S RESTAURANT 520 E. 2ND STREET
October 11. 2021

Commission Members,

This is a formal request to remove Cristina's Restaurant Building from the proposed Historical List. The existing building has had numerous additions and remodels not only to the interior but the exterior as well. The need for the building to perform as a restaurant use, required extensive modification to all facades of the building over time.

Very little of what was the original structure remains today. Five (5) additions alone have been added to the exterior. Little of the original shape or form remain today. Any original window and door location no longer exist. Scale of this building, or any other building of similar size for that matter, does not alone constitute a "historical" classification. As well, the building is not in a designated Historical District.

Few of the other smaller building/homes in the Community Core under consideration, have received such extensive modifications as Cristina's. Many of those structures still maintain the original form and design as when they were built.

Please find that Cristina's Restaurant Building does not meet the underlying criteria for being classified as historical.

Respectfully Submitted.



Cristina Cook Owner

October 12, 2021

VIA EMAIL ONLY

Ketchum Department of Planning and Building
P.O. Box 2315
Ketchum, ID 83340
participate@ketchumidaho.org

Re: 140 E 5th Street, Ketchum, ID
Our File No.: 11135-006

Ladies and Gentlemen:

We represent Gentian, LLC, an Idaho limited liability company (the "Company"), who owns the real property located at 140 E 5th Street, Ketchum, Idaho (the "Property"). The Company's registered agent, David Lloyd, received the City of Ketchum's (the "City") Notice of Public Hearing scheduled for October 19, 2021 regarding the Ketchum Historic Preservation Commission's ("Commission") request for public input on the buildings proposed to be included on the City's Historic Building List (the "List"), which currently includes the Property.

Please be advised that Mr. Lloyd, on behalf of the Company, requests that the Property be removed from the List since the Commission's decision to include it was not based on any substantial evidence but rather, an arbitrary and capricious decision, which was an abuse of its discretion. Indeed, Ms. Cosgrove, who is an architect, admitted during the September 8, 2021 meeting (the "Meeting") that although the Property is "cute," it is not architecturally significant and, hence, does not fit within the designation criteria as set forth in Attachment G (Historic Preservation Evaluation Criteria) of the September 3, 2021 Staff Memorandum ("Staff Memo"). (Recording of September 8, 2021 Meeting at 1:23:30). Nonetheless, the Commission voted to add the Property to the List.

The audio tapes from the Meeting reveal that the reason why the Property was added to the List was because of Mr. Galczynski's representations relating to an alleged curbside conversation that he had with Mr. Lloyd. Specifically, Mr. Galczynski claimed that Mr. Lloyd told him that the Property has been passed down through his family for

generations and that they have taken great pride in preserving the structure "as a family thing" and that it's authentic without significant alterations. (*Id.* at 1:24:50). Such representations, however, are inaccurate. For instance, the Property has not been passed down for generations through the Lloyd family. Rather, Mr. Lloyd purchased the Property a mere nine (9) years ago. Since that time, he has used his resources as a local contractor to replace almost all of the exterior components of the structure. Thus, even though the exterior of the structure and the perimeter fence may look "original," the original siding, shutters and fence have all been replaced with modern materials which provide a vintage aesthetic. Even if Mr. Galczynski had accurately represented his conversation with Mr. Lloyd, a conversation with a property owner is not a basis for adding the Property to the List. See Attachment G. Since the Commission's decision was not based on any substantive designation criteria, it must be reversed.

Furthermore, even though the Company does not have any present plans to develop the Property, designating it as a historic building would undermine its value given the small size (0.076 acres) of the lot and the location of the structure. For these reasons, the Company requests that the Commission remove the Property from the List.

Sincerely,


LAWSON LASKI CLARK, PLLC

James R. Laski

October 12, 2021

VIA EMAIL ONLY

Ketchum Department of Planning and Building
P.O. Box 2315
Ketchum, ID 83340
participate@ketchumidaho.org

Re: 260 N. Leadville Avenue, Ketchum, ID (The Kneadery)
Our File No.: 11613-001

Ladies and Gentlemen:

We represent Freshly Baked, LLC, an Idaho limited liability company (“Freshly Baked”), who owns the real property located at 260 N Leadville Avenue, Ketchum, Idaho (the “Property”). We also represent Leadville Grill, LLC, an Idaho limited liability company, dba The Kneadery (together with Freshly Baked, the “Kneadery”). The Kneadery is in receipt of the City of Ketchum’s (the “City”) Notice of Public Hearing scheduled for October 19, 2021 regarding the Ketchum Historic Preservation Commission’s (“Commission”) request for public input on the buildings proposed to be included on the City’s Historic Building List (the “List”), which currently proposes to include the Property.

Please be advised that the Kneadery requests that the Property be removed from the List for several reasons. First, the structure located on the Property was not constructed more than fifty (50) years ago and, thus, does not qualify as a historic building. Indeed, Attachment G (Historic Preservation Evaluation Criteria) to the September 3, 2021 Staff Memorandum (“Staff Memo”), which sets for the design criteria for placing structures and sites on the List, specifically provides that “Historic buildings **must be** at least fifty (50) years old.” (*emphasis added*). Although page 36 of Attachment F (Information and Ranking Packet) to the Staff Memo identifies the current structure on the Property as being the “Sydney Venable Home” built “Circa 1912,” that information is incorrect. Likewise, Ms. Holland’s statement during the September 8, 2021 meeting (the “Meeting”) that “the family that built this is a very significant early Ketchum family, the Venable family umm...you know, right on par with the Lewis family, the McCoy family, the Griffith family, you know original Ketchum families” is also incorrect. (Recording of September 8, 2021 Meeting at 1:28:00).

While the Venable home was located at 260 N Leadville Avenue in the early 1900's, that structure is not the same structure that is currently located on the Property. Indeed, the County Assessor's records confirm that the current structure on the Property was not built until 1975. (*Enclosed herewith as Exhibit A is a copy of the Blaine County Assessor's Records for the Property*). The date of construction of the current structure is further corroborated by a December 25, 1975 article in the Ketchum Tomorrow newspaper which states:

Following his third trip to Ketchum, Sacramento Californian Dean Johnson decided to open a family type restaurant and **promptly began construction of an attractive barnwood establishment** on Leadville Avenue called The Kneadery.

Trips to Montana for barnwood ("from a barn, chicken coop, two outhouses and a log cabin") **and antiques were made.**

(*Enclosed herewith as Exhibit B is a copy of the December 25, 1975 Newspaper Article*). The foregoing excerpt from the newspaper also confirms that the current structure was constructed with sourced materials from out of state – it was not merely a remodel of the Venable home.¹ Since the structure on the Property was not constructed until 1975, it does not qualify as a historical building under the specific designation criteria set forth in Attachment G and, thus, must be removed from the List.² Notably, at the Meeting, the Commission voted in favor of removing the Covey from the List even though that building was originally constructed in 1935 (*i.e.* more than fifty (50) years ago) based on the fact that it had been remodeled to such an extent that it was almost completely reconstructed and, hence, considered a new building even though it retained some historic features. Given that precedent, the Kneadery must be removed from the List since it is an entirely new structure built in 1975 – not simply a rebuild of a once-existing structure on the Property.

Even though Attachment G to the Staff Memo provides that a building may be added to the List if it is less than fifty (50) years old, such addition may only occur "if it is found to be exceptionally important in other significant criteria." Here, however, the Commission did not

¹ The statement on page 36 of Attachment F to the Staff Memo that "The front of the building is virtually unchanged, except that the former screened-in porch has become the restaurant main entrance. Interior room partitions have been removed to create the restaurant's large dining space" is an unsubstantiated statement that should be disregarded because there is no historical photo or evidence in the record to support it since Attachment F merely includes photos of the front of the structure from 2006 and 2021.

² It is worth noting that significant modifications and alterations were made to the structure after it was constructed in 1975. Specifically, it underwent a substantial rebuild in 1993 due to a fire that caused severe damages as well as several extensive remodels, which occurred in 2003, 2007 and 2019. It is also worth noting that the Commission voted in favor of removing the Sawtooth Club from the List, in part, because it was significantly remodeled after a fire, which is similar to the situation at hand.

identify any significant criteria to exempt the structure from the fifty (50) year requirement. In fact, there was not any substantive discussion of any of the designation criteria set forth in either Ordinance 1216 or Attachment G to the Staff Memo. Instead of engaging in a discussion relating to the designation criteria, Mr. Reynolds merely suggested adding the Kneadery to the list based solely on the following reason:

The Kneadery, oh yeah for sure, old log house, I mean it's standalone in Ketchum, very popular, I mean everybody's been in there.

(Recording of September 8, 2021 Meeting at 48:30). Simply being a popular restaurant in Ketchum, however, is not a proper basis for adding a building to the List. Furthermore, none of the Commission's members provided any explanation of how the Kneadery restaurant is connected to the Venable family or how it somehow carries on the family's legacy, which is a criteria that must be satisfied under Ordinance 1216. Nonetheless, when it came time for the Commission to vote, rather than identifying any criteria that the structure satisfied, Ms. Cosgrove simply asked "I think, aren't we all 'yes' on that?" and then the Commission went straight to a vote, which added the Property to the List. The Commission's decision was arbitrary, capricious and an abuse of discretion given its failure to undertake any substantive evaluation.

For these reasons, the Kneadery requests that the Property be removed from the List. A decision to the contrary would be improper as it would circumvent the fifty (50) year old building requirement. That said, if preserving the "name" of the Venable family is the important factor at issue, as suggested by Ms. Holland's statement during the Meeting, then the Kneadery would be willing to install a plaque on the Property which includes information regarding the Venable family and the fact that they once resided on the Property in a structure that no longer exists. We hope that the foregoing provides the Commission with sufficient information to vote to remove the Property from the List. Thank you.

Sincerely,

LAWSON LASKI CLARK, PLLC


Heather E. O'Leary

Enclosures

EXHIBIT A

Please call the Assessor's Office at 208-788-5535 for any information not available here.

Characteristic Information for Parcel Number:RPK00000230030
Commercial Characteristic Records:1

Parcel Number	RPK00000230030
Owner	FRESHLY BAKED LLC
Address	260 N LEADVILLE AVE
Legal Description	KETCHUM LOT 3 BLK 23 5500SF
Mailing Address	C/O DILLON WITMER PO BOX 5005 KETCHUM ID 83340-0000
Commercial Record	1
Total Sq. Ft.	2619
Number of Stories	1
Number of Units	0
Year Built	1975
State Category Code	42
Ground Floor Square Feet	0
Total Land Acreage	0.000

EXHIBIT B



The Kneadery is a new restaurant in town.

Country cooking comes to Ketchum

Following his third trip to Ketchum, Sacramento Californian Dean Johnson decided to open a family type restaurant and promptly began construction of an attractive barnwood establishment on Leadville Avenue called The Kneadery.

Trips to Montana for barnwood ("from a barn, chicken coop, two outhouses and a log cabin") and antiques were made, refinishing was completed and the buffing out of the interior was going on while Johnson's wife Lynne was working on the menu via several eating places in California.

The couple imported a chef, Eric Rusk, from Sacramento who whips up meals "like grandmother makes:" country fried chicken, giblet gravy, and the works, according to Mrs. Johnson who does all the baking with her partner Gail Severn.

Home baked breads, muffins, omelettes and a list of about fifteen specials await breakfast, lunch and dinner diners in the spacious restaurant.

The decision to open a food establishment was a quick one. "I had worked as a waitress and Dean was a lineman," Mrs.

Johnson explained. "We decided we wanted to live here, decided this is what we wanted to do and we're doing it!"

The Johnsons didn't want to open another dinner house because of the stiff competition already present in the area. "It's not a health food restaurant, it's a healthy place to eat," the lady says. "It's like coming into someone else's home to eat when you don't want to cook yourself."

Catering to families and to the locals, the week-old restaurant will soon be boasting Oriental cuisine, steak nights and other pocket-palatable meals.

Permits needed to go into sawtooth wilderness

Cross-country skiers, mountaineers, and anyone else going into the Sawtooth Wilderness through May 15 are required to have a winter travel permit according to Sawtooth NRA Wilderness and Backcountry Manager Dave Lee.

Permits can be obtained at the following locations: Stanley Ranger Station, three miles south of Stanley, Idaho; Sawtooth National Recreation Area Headquarters, three miles south of Ketchum, Idaho; and the Halley Ranger Station, Halley, Idaho.

The purpose of the winter travel permit is to record detailed information in case of emergency. Information required for the permit includes the names and addresses of Wilderness travelers, check-in and check-out procedures, and a day by day travel itinerary. Current avalanche and weather conditions are also discussed. Weather data is now

being gathered at Stanley, Ketchum, Halley, and Bald Mountain.

The Sawtooth Wilderness is noted for its extreme ruggedness. During winter months avalanches are common in nearly every canyon. Because of the rugged terrain, travel across these avalanche paths is difficult to avoid. Permits will not be issued during periods when extremely hazardous conditions are known to exist.

Persons traveling to any other nearby mountainous areas should make thorough preparations prior to beginning a winter trip. Latest weather conditions and forecast should be obtained. Trip itineraries and check-in check-out plans should be left with a friend, the local Forest Service, or Sheriff's office. Equipment and food for an overnight stay is important. Proper winter travel gear is a must.

AN EXCHANGE

APPEARING IN THE LIMELIGHT ROOM
SUN VALLEY INN
DEC. 26 - JAN. 31

NO PERFORMANCES ON DEC. 28 & DEC. 30



Sun Valley



October 13, 2021

Ketchum Department of Planning and Building
P.O. Box 2315
Ketchum, ID 83340
participate@ketchumidaho.org

Re: 260 N. Leadville Avenue, Ketchum, ID (The Kneadery)
Our File No.: 11613-001

Ladies and Gentlemen:

This shall serve as an addendum to the letter that we previously submitted to the City on October 12, 2021 regarding the real property located at 260 N. Leadville Avenue, Ketchum, ID (the "Property") being added to the historical building list. As further confirmation that the current structure on the Property was not constructed until 1975, enclosed herewith as Exhibit A is a copy of the building permit application ("Application") dated August 1, 1975, which was approved by the City's building official on August 5, 1985. Please note, the Application seeks approval of "construction of restaurant" and identifies the class of work as "new."

Hopefully the enclosed clarifies any questions regarding when the current structure on the Property was constructed. Thank you.

Sincerely,

LAWSON LASKI CLARK, PLLC

/s/ Heather E. O'Leary
Heather E. O'Leary

Enclosures

EXHIBIT A

APPLICATION FOR BUILDING PERMIT

City of Ketchum, Idaho

OWNER: DEAN C. JOHNSON
ADDRESS: ^{BOX} 1571 SUN VALLEY
CONTRACTOR: SELF
ADDRESS: SAME

Official Use Only

Permit No.: 354
Application No.: 75-92
Date Filed: 7-21-75
Permit Fee: 500⁰⁰
Plan Check Fee: 107⁵⁰
Total Fees: 607⁵⁰

ESTIMATED COST OF CONSTRUCTION: [#] 50,000

CLASS OF WORK: X New Alter Move
 Repair Enlarge Other

DESCRIPTION OF WORK: CONSTRUCTION OF RESTAURANT

STREET ADDRESS OF WORK: Block 23 Lot 3 on LEADVILLE AVE

LEGAL LAND DESCRIPTION:

LOT AREA: 5500 Sq. Ft. FIRE ZONE: 1
ZONING: LR T MH A
 GR-L X B-1 AF F
 GR-H LI PUD D

TYPE OF CONSTRUCTION: WOOD FRAME & MASONRY

TOTAL FLOOR AREA: 1800 Sq. Ft. (Excluding garages, porches, unfinished basements)

NO. OF STORIES: 1 NO. OF DWELLING UNITS: 0

SET-BACKS: FRONT: 28 Ft.; SIDE: 0 Ft.
REAR: 32 Ft. SIDE: 0 Ft.

WATER SUPPLY SOURCE: CITY

TYPE OF SEWAGE DISPOSAL: 11

SPM

SIGNS ONLY: TOTAL AREA: 110 max Sq. Ft. (Includes all sides)
FENCES ONLY: HEIGHT: NONE Ft.; LENGTH: Ft.

pp.

I hereby acknowledge that I have filled in this application accurately to the best of my knowledge and that I agree to comply with all City ordinances and State laws regulating building construction in the City of Ketchum, Idaho.

Dean C. Johnson
Signature of Contractor, Owner, or Authorized Agent

8/1/75
Date

APPROVED

DENIED

Thomas S. Lane
Building Official

8-5-75
Date

From: [Participate](#)
To: [Maureen Puddicombe](#); [Suzanne Frick](#); [Suzanne Bathke](#)
Subject: FW: Public Comment to Historical Preservation Commission
Date: Friday, October 01, 2021 12:34:17 PM

Public comment.

LISA ENOURATO | CITY OF KETCHUM
Public Affairs & Administrative Services Manager
P.O. Box 2315 | 480 East Ave. N. | Ketchum, ID 83340
o: 208.726.7803 | f: 208.726.7812
lenourato@ketchumidaho.org | www.ketchumidaho.org

-----Original Message-----

From: H Boyle <Boylehp@yahoo.com>
Sent: Tuesday, September 28, 2021 6:42 PM
To: Participate <participate@ketchumidaho.org>
Subject: Public Comment to Historical Preservation Commission

If my comments have been interpreted by commissioners as anti-HPC, that is not correct. I support historic preservation. Ketchum has numerous current examples of losing its character for the profit of out of state developers who take advantage of our zoning code and inconsistent governance. That is one reason why we have an HPC to protect the historic nature of our town.

I recognize that the Historical Preservation Commission is still “working out the kinks” in its process, and I appreciate the public-minded and unpaid service of the commissioners. I also recognize that these are often difficult decisions to make.

My concern is not so much with particular buildings on the HPC list, but ensuring that City commissions operate to a high standard of governance and transparency in their deliberative process. After attending countless City meetings, it is my observation that, over at least the past four years, our City has created a number of governance issues throughout its administration, and that the City has not adapted well to creating transparency and encouraging public participation in the time of Covid. These are not HPC specific issues.

As noted by several commissioners, the Sept 28 meeting pointed out the opportunities for further refinement of the process in HPC determinations.

It might be helpful for the HPC to work out a written process not just for the criteria, but also for the information required from the applicant, from the staff, and what the commissioners’ due diligence process is. The aim should be that the public, the commissioners, property owners, and prospective developers have a clear rule-set.

In particular:

- Commissioner visits: I would recommend a policy requirement that each commissioner visit the site in order to vote to enhance public confidence in the process. It seems like that occurs, but I suggest to enter into the public record for findings of facts that all the voting commissioners have examined the property.
- Cost of repairs: if the criteria for demolition is merely a requirement for “significant upgrades and repairs,” as Commissioner Holland remarked (at 5:18pm) this could be used to justify the demolition of almost any building. I propose that the HPC require a structural engineer report for a demolition application, and set some dollar or percentage of value threshold for repair/restoration costs to justify demolition, even when a building would otherwise be deemed by the Commission to be historic.
- Future use: in both of the presentations today, much was made of the future use of the projects. This is not in the ordinance and was not in the criteria adopted by the HPC. It seems irrelevant as to whether an existing building is historic or not. I was concerned an unidentified commissioner’s statement that future use sways his vote (at 5:22pm). “Growth and progress” in Ketchum is the purview of the P&Z and Council, not the HPC. I suggest that Chairman Mead instruct the staff not to include future use in staff reports, and for the staff to make it clear to

applicants that future use is not a criteria for the HPC.

- Bias: no A-frame is architecturally worthy of historic preservation? On its face, that cannot be true, despite one unidentified commissioner's strong statement to the contrary. Indeed, the architect for the Formula Sports site disagreed with him, even though the vote went against his applicant's request.

- What happens after a denial vote? Ms. Frick noted that a tie is a denial. One unidentified commissioner was not happy with the vote outcome and wanted to re-open deliberations after a motion was made and a vote taken. He then tried to assert "facts" not in evidence to get his way. That approach could result in a terrible governance process and is patently unfair and disrespectful to the other commissioners. I suggest that, in the case of a denial, the HPC refers to the options set out by Ms Frick and inform the applicant of what the applicant's options are.

I applaud Chairman Mead for making the vote process clear to the commissioners. The applicant can always come back for a re-hearing. Given the current rule set, they could do that at every HPC meeting in the future, without limitation (maybe after a 3d denial there should be a cooling off period?).

Mr. Mead's points on health, safety and welfare as a demolition criteria were spot on and should be memorialized in the HPC process document. His comments that financial hardship might be taken into account in the determination process warrants further consideration by the Commission, as that could be an arbitrary determination.

My frustration with the governance of Ketchum has led me to run for Mayor. I have a plan for how we can provide financial incentives to property owners for historical preservation. I agree with Commissioner Holland's point that the carrot is preferable to the stick. Regardless of the outcome of the election, I will work with whomever is elected to generate an incentive plan.

I respect Chairman Mead's comment that everyone is entitled to their opinion, and public comments do not require a response from the commissioners. I did not expect a response in the meeting. The commissioners are empowered to make the decisions—this is not a referendum process. My position is that members of the public who wish to be decision makers should run for office, or submit their names for public service on a commission.

If any commissioner finds value in, or objects to, any of my public comments, I would be happy to discuss them. When comments do not pertain to a particular matter before the Commission, I do not think it be an ex-parte conversation. My personal email is boylehp@yahoo.com and my phone is 208-806-1305 (you may publish my contact info on the record).

Respectfully, your neighbor,

Perry Boyle
Ketchum