ORDINANCE 1213

AN EMERGENCY ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, FINDING AN IMMINENT PERIL TO THE PUBLIC HEALTH, SAFETY, OR WELFARE EXISTS REQUIRING ADOPTION OF AN EMERGENCY MORATORIUM PURSUANT TO IDAHO CODE SECTION 67-6523 TO PROHIBIT THE ACCEPTANCE OR ISSUANCE OF ANY PLANNING, BUILDING AND DEMOLITION PERMIT APPLICATION OR PERMIT FOR THE DEMOLITION, REMOVAL OR SIGNIFICANT ALTERATION OF HISTORICAL AND CULTURALLY SIGNIFICANT BUILDINGS IN THE COMMUNITY CORE (CC) ZONING DISTRICT; PROVIDING FOR PUBLICATION BY SUMMARY; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND A SUNSET DATE.

WHEREAS Idaho Code Section 67-6523 authorizes local jurisdictions to enact emergency ordinances and adopt moratoria when the local governing board finds imminent peril to the public health, safety, or welfare; and

WHEREAS, Idaho Code Section 67-4601 states, in pertinent part, “the legislature of this state has determined that the historical, archaeological, architectural and cultural heritage of the state is among the most important environmental assets of the state and furthermore that the rapid social and economic development of contemporary society threatens to destroy the remaining vestiges of this heritage, it is hereby declared to be the public policy and in the public interest of this state to engage in a comprehensive program of historic preservation, undertaken at all levels of the government of this state and its political subdivisions, to promote the use and conservation of such property for the education, inspiration, pleasure and enrichment of the citizens of this state.”; and

WHEREAS, the city of Ketchum (“City”) conducted an Archaeological and Historic Survey Report in 2005 that identified 241 potential historically significant structures in Ketchum including 80 structures in the Community Core (CC); and

WHEREAS, since the 2005 Survey Report was prepared 16 structures in the community core have been demolished; and

WHEREAS, the 2005 Survey Report and the 2006 Historic Preservation Commission Recommended Heritage Sites identified 96 properties in the Community Core District as historically and culturally significant; and

WHEREAS, none of the historical and culturally significant buildings within the Community Core are subject to local historic protections, therefore any of the buildings could be demolished or removed at any time; and

WHEREAS, demolition of historical and culturally significant structures in the Community Core would occur before the City could begin the process to preserve the significant structures in the Community Core; and
WHEREAS, the imminent threat to historical and culturally significant structures in the Community Core and the loss of important historical and cultural assets, necessitates the immediate imposition of a moratorium on the demolition, removal, or significant alteration of buildings within the Community Core District, as identified by the map attached hereto as Exhibit A and more particularly described in Exhibit B; and

WHEREAS, the moratorium is temporary in nature and shall expire one hundred and eighty-two (182) days after the adoption of this emergency ordinance; and

WHEREAS, during the pendency of this ordinance, the City will begin a public process to explore the development and creation of a historic preservation ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KETCHUM, IDAHO:

Section 1. There shall now be a moratorium upon the acceptance or issuance of any planning, building, or demolition permit filed on or after October 15, 2020 for the demolition or moving of buildings under Ketchum Municipal Code for the buildings within the area depicted by Exhibit A and more particularly described in Exhibit B.

Section 2. There shall now be a moratorium upon the acceptance or issuance of any planning, building, or demolition permit filed on or after October 15, 2020 that would result in the significant alteration of the exterior of a building under Ketchum Municipal Code for the buildings within the area depicted by Exhibit A and more particularly described in Exhibit B.

Section 3. This moratorium 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.

Section 4. Findings:

a. The above “WHEREAS” clauses are adopted as findings and incorporated into this ordinance;

b. This ordinance is necessary to protect the general welfare of the citizens of the city of Ketchum from the loss of significant historical and cultural assets within the Community Core;

c. The historical, cultural, and architectural integrity of the Community Core depicted in Exhibit A and more particularly described in Exhibit B serves the general welfare of the citizens of the city of Ketchum;

d. The historical, cultural, and architectural integrity of the Community Core depicted by Exhibit A and more particularly described in Exhibit B is imminently imperiled by the expressed intention of several property owners to demolish structures described in Exhibit B;
e. There are currently no protections in place to preserve the buildings in the Community Core. As such, demolition or removal would occur without sufficient time for the city of Ketchum to initiate planning functions authorized under the Idaho Local Land Use Planning Act;

f. Negative, long term impacts would occur to the general welfare of the public if the buildings depicted within Exhibit A and more particularly described in Exhibit B, are destroyed, or removed.

Section 5. This ordinance establishing a moratorium shall be in full force and effect from and after its passage and approval, and shall remain in effect for a period not to exceed ninety (90) days from its effective date, pursuant to Idaho Code Section 67-6523.

Section 6. The notice requirement generally applicable to ordinances that requires three (3) readings is neither practical nor necessary, in light of the nature of this ordinance, and pursuant to Idaho Code Section 67-6523.

Section 7. Pursuant to the affirmative vote of one-half (1/2) plus one (1) of the members of the City Council, the rule requiring two (2) separate readings by title and one (1) reading in full be, and the same is hereby, dispensed with, and accordingly, this ordinance shall be in full force and effect immediately upon its passage and approval.

PASSED BY THE CITY COUNCIL and APPROVED by the MAYOR OF KETCHUM IDAHO, on this 19th day of October 2020.

APPROVED:

[Signature]
Neil Bradshaw, Mayor

ATTEST:

[Signature]
Katrin Sharp, Deputy City Clerk

[Seal]