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 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.

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. Remediying 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, Remediying 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 paper 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 15th Day of January 2021.

Neil Bradshaw, Mayor

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