

# City of Ketchum

#### CITY COUNCIL MEETING AGENDA MEMO

Meeting Date: July 1, 2024 Staff Member/Dept: Morgan Landers, AICP – Director of

Planning and Building

Agenda Item: Recommendation to review and discuss the three-year review of the Historic Preservation

Commission and future activities.

#### Recommended Motion:

Not Applicable – no motion or action requested

#### Reasons for Recommendation:

- Following the appeal decision by City Council for the relocation of an historic structure at 2<sup>nd</sup> and Leadville, the council requested a follow up discussion about the roles and responsibilities of the Historic Preservation Commission (HPC) and the criteria by which they make determinations on demolition and/or relocation of historic assets
- The Comprehensive Plan will provide expanded clarity on the role of historic preservation for our community and how it contributes to our economy and community character.
- Feedback from the City Council on the city's historic preservation program will help shape the goals and policies of the comprehensive plan and guide the work of the HPC into the future.

#### Policy Analysis and Background (non-consent items only):

Ketchum has a history of historic preservation in various forms dating back to the late 80s. Below is a general timeline of activities related to historic preservation:

#### **General Timeline**

1989 – Ordinance 511 created the Historic Preservation Commission – no restrictions put in place Ketchum/Sun Valley Historic Society (KSVHS)

2003 – An overview of Historic Buildings published

2004 – Draft Historic Preservation Ordinance (criteria for listing and demo/relocation) – not adopted

2005 – Archaeological and Historic Survey Report (Walsworth Study)

2006 - HPC Recommended Heritage Sites Report

2010 - National Register of Historic Places review

2020 – Emergency Ordinance (1213) halting demolition or significant alteration to any historic structure in the community core. Included a Historic Building List (82 properties). TAG Survey that catalogued historic structures in the community core. Legal memo outlining approach to historic preservation and general regulatory parameters (Attachment 2)

2021 – Interim Ordinance (1216) – appointed HPC and created a process and criteria for requests to demolish or alter a historic resource/asset. Included a revised Historic Building List (26 properties). Final Historic Building/Site List adopted on October 19, 2021 (24 properties).

2022 – Permanent Ordinance (1231) – Established criteria for what qualifies to be listed on the Historic Building List, finalized criteria for alterations and demolitions.

Today the roles and responsibilities of the Historic Preservation Commission are outlined in Ketchum Municipal Code (KMC) <u>Chapter 4.08.</u> The KMC also includes criteria for the listing of properties to the city's Historic Building/Site List (<u>17.20.020</u>) and the process and criteria for altering or demolishing a listed historic building (<u>17.20.030</u>).

#### **Listing of Buildings**

The emergency ordinance included a list of 82 properties in the community core that were identified by the 2005 Walsworth Study. Within the 90 days of the emergency ordinance, staff worked with consultants to identify which properties within the 82 would be eligible for local listing or national register listing. This resulted in a revised list of 26 properties that were adopted with Interim Ordinance 1216. The City Council had much discussion about the list of properties and at one point during the three readings considered reducing the list to only seven properties. During the third reading (Jan 15, 2021), with advice from the City Attorney, the council agreed that the list of 26 properties was the appropriate starting point for the community core and acknowledged that the HPC would continue to monitor and manage the Historic Building/Site List as part of their core duties. See Attachment 3 for the legal opinion drafted by the City Attorney regarding the historic building list.

Standard noticing requirements were completed for the December Planning and Zoning Commission hearing and the January City Council hearings on the interim ordinance. Notices to the 26 property owners were distributed prior to the January 15, 2021 hearing of the Ketchum City Council. Today, the Historic Building/Site List includes 24 buildings. The final list was adopted on October 19, 2021, after further research was conducted to verify their historic significance (Attachment 1).

Today, any member of the community can petition to have a building or site listed on the Historic Building/Site List. The city has an application with a set of application materials requested to fully evaluate whether the building/site meets the identified criteria in the KMC. In short, a building/site must meet three criteria:

- be 50 years or older and
- must retain its physical integrity (i.e. original design features, materials, character, location)
- shall have historic significance from an architectural, social, or geographic perspective

#### **Alterations/Demolitions**

Initial criteria for the alteration or demolition of historic properties was adopted with the interim ordinance and no revisions were made for the permanent ordinance adoption. The criteria is as follows:

- 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.

At the time of adoption of the interim ordinance, it was thought by many that a building could be relocated or demolished if there were some sort of commemorative elements or "nod" to the historic building in the replacement development. At one point, there was confusion on whether the HPC could legally deny a demolition application. The City Attorney has drafted two legal memos (Attachments 4 and 5) throughout the process that outlines the legal authority of the HPC.

The HPC has the ability to deny a demolition application if they find that the criteria adopted in KMC is not met. Additionally, consideration for the replacement project or some other sort of commemoration is not included in the evaluation criteria outlined above. As noted below in future activities, evaluation criteria are something that can be discussed and addressed through the code update process.

#### **Activities To Date**

Since the formation of the HPC and adoption of the ordinances referenced above, the HPC has reviewed six applications for alterations or demolitions of listed historic structures. The HPC also reviews the demolition applications of all non-listed structures that are 50 years or older to determine if the structure should be listed. Finally, the HPC recently completed a Historic Preservation Handbook (Attachment 6) and was awarded a grant by the State Historic Preservation Office to update the city's survey of historic structures.

#### **Next Steps**

As part of the Cohesive Ketchum project (update of the comprehensive plan and code), the city is looking to refine the goals and policies related to historic preservation in the comprehensive plan. Additionally, as part of this current phase of the code update, there is an opportunity to update the procedures and criteria by which applications for alterations and/or demolitions are reviewed. The council has expressed interest in discussing the potential for additional criteria that weighs public benefit of the replacement development as part of the consideration for demolitions or relocations.

Staff is open to feedback from the Council on any desired clarifications or adjustments that may be beneficial to the process and our community as a whole. Staff has work sessions scheduled with the HPC and the Planning and Zoning Commission to review these discussion topics over the next month.

#### Sustainability Impact:

None

#### Financial Impact:

None OR Adequate funds exist in account: None

#### Attachments:

- 1. Historic Building/Site List
- 2. Legal Opinion October 9, 2020
- 3. Legal Opinion January 13, 2021
  - 4. Legal Opinion April 29, 2021
- 5. Legal Opinion February 2, 2023
- 6. Historic Preservation Handbook



# **ATTACHMENT 1:**

**Historic Building/Site List** 

# CITY OF KETCHUM - HISTORIC PRESERVATION COMMISSION PROPOSED 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	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 <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
Louies/The Church (Picket Fence)	560 N East Ave	560 N East Ave	RPK0000046004A

Adopted by HPC October 19, 2021



# **ATTACHMENT 2:**

Legal Opinion – October 9, 2020

# WHITE PETERSON

#### **ATTORNEYS AT LAW**

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October 9, 2020

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# PRVILEGED AND CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

To: Mayor and Councilmembers, City of Ketchum

Hand-delivered

Cc: City Administrator,

Planning and Building Director

Electronically delivered.

Re: Legal Analysis Related to Historical Preservation and Demolition Moratorium

## **Background:**

City staff has identified that development demand within the City is increasing the likelihood of negative impacts to historic structures and landmarks within the City. This includes potential demolition of historically significant structures. This memo was requested to provide a legal review and opinion on historic preservation approaches.

## City Current Historic Preservation Approach:

The City has established a Historical Preservation Commission (HPC). Ketchum City Code 4.08. However, there are currently no members appointed to the HPC. The purpose of the HPC is identify, evaluate, designate and protect areas and structures with historical, architectural, archaeological, and cultural heritage significance. KCC 4.08.010. The power and duties of the HPC include surveying local historic properties and making recommendations on preservation and planning. KCC 4.08.050.

In 2005, the City conducted and completed a survey of historic properties. This survey was conducted by Walsworth and Associates. (2005 Walsworth Survey). To date, there have been no further updates or amendments to the 2005 Walsworth Survey. In 2006, the HPC did adopt an additional recommended list of heritage sites. (2006 HPC Survey).

The City has established a separate demolition process for historic buildings versus non-historic buildings. Historic buildings are defined as those fifty years or older, or properties identified in the 2005 Walsworth Survey. KCC 15.16.020. The substantial difference in the demolition permit process for a historic building is that there is a requirement for notice to the public of intent to demolish and a sixty (60) day demolition waiting period. KCC 15.16.040. The purpose of the waiting period appears to be to allow for potential negotiations for relocation of a historic building.

The City has not established any historic districts or zones.

City Attorney Opinion: Historic Preservation - 1

#### **Historic Preservation Authority:**

The City has legal authority to protect and preserve historic sites under Idaho Code Title 67, Chapter 46. The purpose of that statute specifically includes that historical, archaeological, architectural, and cultural heritage preservation is a public interest at all levels of government, including cities as a political subdivision of the state. I.C. §67-4601.

Cities are empowered to create a historic preservation commission. I.C. §67-4603. Cities are empowered to acquire historic properties, I.C. §67-4606, or historic easements, I.C. §67-4613.

I.C. §67-4607 provides for the establishment of historic districts. I.C. §67-4608 provides for regulation of structures and buildings within historic districts by requiring a certificate of appropriateness determination before any exterior structure alteration, including demolition.

Cities are also broadly empowered to enact special restrictions or conditions for the protection and preservation of properties in historic district. I.C. §67-4612. This includes broad language about the authority for a city to adopt special conditions and restrictions for historic preservation.

- I.C. §67-4614 provides for a city to adopt an ordinance for designating historic properties, including factors and criteria to be considered in such. I.C. § 67-4615 sets a process for the ordinance designating a historic property, including an investigation and report from the local historic preservation commission and a public hearing on the ordinance.
- I.C. §67-4616 specifies that a property designated as historic must go through a one hundred and eighty (180) day notice and waiting period before being demolished, materially altered, remodeled, relocated, or put to a different use. The intent of this notice period is to allow for negotiations on options such as acquisition or relocation to preserve the historic building.

Legal Note and Recommendation: KCC 15.16.040 only requires a sixty (60) day waiting period on demolition of structures identified as historic under the 2005 Walsworth Survey. There is a potential conflict here between local ordinance and state law, although it is not clear that the 2005 Walsworth Survey actually constitutes a listing of historical designations adopted by ordinance (though arguably that Survey is incorporated into the definition of "Historic.") Out of an abundance of caution, the stricter of the two (the state requirement of 180 days) is recommended to be followed until the City's historic preservation ordinance is updated and clarified.

## Emergency, Moratorium, and Interim Authority:

Idaho Code §67-6523 authorizes the City to adopt an emergency ordinance upon a finding of imminent peril to the public health, safety, or welfare. This includes the authority to adopt a moratorium upon issuing selected permits (such as demolition permits). An emergency ordinance may only be effective for one-hundred eighty-two (182) days. For the provisions or restrictions of such ordinance to remain in place longer the city must adopt an interim or regular ordinance. An emergency ordinance/moratorium may be adopted upon an abbreviated process and notice of hearing, and without recommendation of a commission.

I.C. §67-6524 authorizes the City to adopt an interim ordinance during the pendency of a plan being prepared. This includes the authority to adopt an interim moratorium upon selected permits upon finding an imminent peril to the public health, safety, or welfare. An interim ordinance may be effective up to one year, as which point to continue such restrictions a regular ordinance must be adopted. The interim ordinance statute does not specify that such may be adopted upon an abbreviated process.

## Legal Analysis:

The City has authority to adopt an emergency or interim moratorium on demolition permits upon a finding that there is an imminent threat to the public welfare. Such threat to the public welfare may include the potential for irreparable harm to the historical character and cultural heritage of the City.

The City's current historic preservation approach likely needs updating to reflect current conditions. The City should ensure the HPC is appointed and actively functioning. The City also likely needs to update its historic preservation related ordinances and restrictions to match Idaho Code (see *Legal Note* above and also need for process per I.C. §67-4614). Additionally, the City likely should evaluate the need to update, amend, or revise the 2005 Walsworth Survey to make sure it is up to date, and also to identify historic properties that may need to go through the designation process under I.C. §67-4614. Alternatively or additionally, the City may wish to address the concept of historic districts and/or further special restrictions.

Based upon the timing and impacts involved, an emergency moratorium on demolition permits is legally justifiable and likely the most appropriate option to immediately provide for the historic preservation purpose while the City takes further action to review and update its approach to historic preservation. Time-sensitivity and a need to act quickly to avoid a potential "rush" on demolition permits would justify an emergency ordinance approach.

Alternatively, an interim ordinance approach is available – which would provide for a longer effective period but would require more process and create more time lapse before becoming effective (increasing the risk of a rush on permits).

It would likely be more effective based upon indicated purposes to first adopt an emergency ordinance, and then later adopt an interim ordinance if it is determined that more than the 182 days is going to be necessary to fully update and adopt the City's historic preservation regulations.

Matthew A. Johnson

City Attorney



# **ATTACHMENT 3:**

Legal Opinion – January 13, 2021

# WHITE PETERSON

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January 13, 2021

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To: Mayor and City Council

City of Ketchum

Delivered electronically

From: Matthew Johnson, City Attorney

Re: Interim Ordinance 1216 – Historic Building List

This memo is to provide some legal input regarding the historic preservation interim ordinance, and specifically the designation of the Historic Building List called for by the ordinance.

These concerns began to come to mind during the deliberation at your second reading, but I needed some time to reflect on the scope of the concerns and did not want to interrupt your deliberations with a partially formed concern. Upon some further analysis and discussion though, I do want to raise these issues for you as you prepare for deliberations upon the third reading.

The legal concern is the defensibility of the interim ordinance and that any list designated has a basis in a defensible standard. This concern is somewhat moderated by the fact that this is merely an interim ordinance at this time (so more limited time exposure). In conducting the initial legal review of the draft interim ordinance, I felt the initial designated Historic Building List was fairly defensible as it was prepared based upon an expert review and survey. We could point to a specific report, expert opinion, and set of criteria to justify the listings if challenged.

My concern is that when the Council began revising and reducing the List at the second reading that there was no specific standard stated for why a property did or did not make the cut upon revision. It appeared to be more of a general feel/consensus type approach, which is a vague standard and increases the opportunity for an argument that a building was or was not included on an arbitrary basis. I understand the motivation and policy consideration for revising the List. This memorandum is not to say such a revision is not allowed; only to identify that such revisions need clarification on the criteria and standards for differentiating.

I am recommending for the staff report on third reading that two options be presented for Council consideration on finalizing the interim ordinance: (1) using the original Historic Building List with its criteria from the report ala the first reading, or (2) using the revised (or further revised) List with clarification on the record of the criteria being used to sort properties on or off the List, building upon the second reading discussion but with some further specificity on criteria.

I am sending this memorandum to the Council in advance for your consideration (and essentially as recommended homework) for considering how you can more specifically identify criteria you may use in the revising of the List.

Part of the long-term ongoing work on the Historic Preservation Commission will be to apply the criteria to be set in the permanent ordinance to properties going forward. This will allow the HPC to make these determinations in a more defensible manner tied to specific standards. From the legal perspective, this is an important defensibility factor should there be any challenge to such a determination.

In the short term, with the interim ordinance, the key legal consideration is the standards/criteria used to justify the List. It may be the Council feels some of the policy and political considerations outweigh the risk of some less defined standards or getting outside the existing report—particularly with the shorter term of the interim ordinance. However, I wanted to highlight this legal concern for your attention and a risk evaluation. This memo is also to recommend increasing the attention on setting/applying criteria for the List revisions so as to increase legal defensibility, just in case.

Should you have questions or concerns on these legal recommendations, you wish to discuss, please feel free to contact me individually or request clarification from me at the next meeting.



# **ATTACHMENT 4:**

Legal Opinion – April 29, 2021

# WHITE PETERSON

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April 29, 2021

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To: Historic Preservation Commission

City of Ketchum

From: Matthew Johnson, City Attorney

Re: Idaho Legal Authority re Historic Preservation

Dear HPC Members,

This memo is to recap some of the background on the reconstitution of the City of Ketchum HPC and the steps before you. Also, in follow-up to the legal training and some questions at the previous HPC meeting, below you will find a listing of the key relevant statutes in Idaho relating to historic preservation authority and policy option available to the City.

## **Background:**

The City has identified that development demand within the City is increasing the likelihood of negative impacts to historic structures and landmarks within the City. This includes potential demolition of historically significant structures.

The City had established a Historical Preservation Commission (HPC). Ketchum City Code 4.08. Until recently however, there were no active members appointed to the HPC. The purpose of the HPC is identify, evaluate, designate and protect areas and structures with historical, architectural, archaeological, and cultural heritage significance. KCC 4.08.010. The power and duties of the HPC include surveying local historic properties and making recommendations on preservation and planning. KCC 4.08.050.

In 2005, the City conducted and completed a survey of historic properties. This survey was conducted by Walsworth and Associates. (2005 Walsworth Survey). In 2006, the HPC did adopt an additional recommended list of heritage sites. (2006 HPC Survey).

The City has established a separate demolition process for historic buildings versus non-historic buildings. Historic buildings are defined as those fifty years or older, or properties identified in the 2005 Walsworth Survey. KCC 15.16.020. The substantial difference in the demolition permit process for a historic building is that there is a requirement for notice to the public of intent to demolish and a sixty (60) day demolition waiting period. KCC 15.16.040. The purpose of the waiting period appears to be to allow for potential negotiations for relocation of a historic building.

The City has not established any historic districts or zones.

The City has recently adopted an interim ordinance regulating demolition of historic buildings while an updated historic preservation/demolition process is established. The City has also recently reconstituted the HPC.

## **Historic Preservation Authority:**

The City has legal authority to protect and preserve historic sites under Idaho Code Title 67, Chapter 46. The purpose of that statute specifically includes that historical, archaeological, architectural, and cultural heritage preservation is a public interest at all levels of government, including cities as a political subdivision of the state. I.C. §67-4601.

Cities are empowered to create a historic preservation commission. I.C. §67-4603. Cities are empowered to acquire historic properties, I.C. §67-4606, or historic easements, I.C. §67-4613.

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I.C. §67-4616 specifies that a property designated as historic must go through a one hundred and eighty (180) day notice and waiting period before being demolished, materially altered, remodeled, relocated, or put to a different use. The intent of this notice period is to allow for negotiations on options such as acquisition or relocation to preserve the historic building.



# **ATTACHMENT 5:**

**Legal Opinion – February 2, 2023** 

# WHITE PETERSON

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February 2, 2023

To: Ketchum Historic Preservation Commission (HPC)

Morgan Landers, Planning Director

Delivered electronically to <u>mlanders@ketchumidaho.org</u>

From: Matt Johnson, City Attorney

Re: HPC Authority and Questions

Dear Commissioners,

Morgan conveyed some recent questions and requests for clarification regarding HPC authority and process. This memo is intended to provide legal input and guidance on those items. I am also enclosing as reference a memo from April 29, 2021, which provides a further general overview of Idaho's historic preservation statutes and may be helpful as a refresher.

 How broad is the City's authority to regulate historic properties without a historic district specifically designated?

The City's authority is broad and allows for regulation by ordinances and local laws/regulations even if a historic district is not established. Idaho Code § 67-4612 makes clear this historic preservation authority is for the "protection, enhancement, and preservation of historic properties" with no limit that such preservation regulations can only be applicable in a historic district. While designation of a historic district may be a convenience for establishing regulations by an area or using some specific district tools, that does not mean such historic regulation authority is only limited to historic districts. In the City of Ketchum's situation, due to the varied locations of potential historic buildings, the determination has been made to evaluate and approach historic buildings on a case-by-case basis rather than through a district designation. The City has established a historic buildings list and a 50-years in age baseline for triggering an evaluation of a property for historic significance in relation to demolition permits. Ketchum Municipal Code (KMC) 17.20.010.

• What is the HPC's authority to grant, deny, or condition a demolition permit?

Idaho Code § 67-4616 provides for a 180-day period that a designated historic property must give notice to a local historic preservation commission before proceeding on any demolition, remodel, relocation, or material alteration. This is to provide a waiting period wherein the

parties may discuss conditions or options for preservation. The statute provides that the HPC may shorten that waiting period upon agreement on conditions or for "extreme hardship" circumstances. This 180-day is a baseline requirement as to the property owner, and does not undercut the City's further historic preservation regulatory authority such as per IC §67-4612.

With respect to demolition permits, the City has adopted specific criteria and regulations including that the HPC "may approve, deny, or approve with conditions the request for demolition or alteration." KMC 17.20.030(C). So in evaluating a demolition permit application, the HPC should reference specifically to the criteria listed in KMC 17.20.030 and may use those as the basis for approval, approval with conditions, or denial on the permit.

From discussion with Morgan, it sounds like some of the uncertainty on this question likely relates to the City's previous demolition permits approach. That previous approach put a time period on demolition permits whereby the situation could be reviewed and evaluated by the City but there were not necessarily criteria or authority for the City to actually deny a demolition permit. This was changed in early 2022 when the City updated its historic preservation/demolition permit approach. The criteria and authority for approval, approval with conditions, or denial are now clearly lined out in KMC 17.20.030. So yes, the HPC may deny a demolition permit application for reasons tied to those criteria. KMC Chapter 17.20 provides further options, such as administrative appeal and dangerous building exceptions, to provide options for an applicant property owner if they have reasons to dispute an HPC denial or conditions.



# **ATTACHMENT 6:**

# Historic Preservation Handbook



# **Ketchum Historic Preservation Handbook**

Historic Preservation Commission in coordination with City of Ketchum Planning Building Department August 2024





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  Buildings and Landmarks
- 03. Historic Preservation Benefits
  - a. Good for Ketchum
  - b. Good for Property Owners
- 04. Designation of New Buildings and Landmarks
- 05. Alteration or Demolition of Designated Buildings and Landmarks
- 06. Maintaining Designated Buildings and Landmarks
- 07. Historic Preservation Commission (HPC)

A warm welcome to Ketchum's Historic Preservation Handbook.

Historic preservation is vital to the posterity of our town. Preservation pays homage to our past, celebrates the journey we have taken to the present, and reminds us of our responsibility to be good stewards of our town for the future.

Preserving the soul of Ketchum starts by recognizing the past. This we do through events such as Wagon Days or Trailing of the Sheep and by preserving legacy buildings from years gone by. It is also important to recognize that change will happen. It is our responsibility to manage that change in a way that reflects the values of our community.

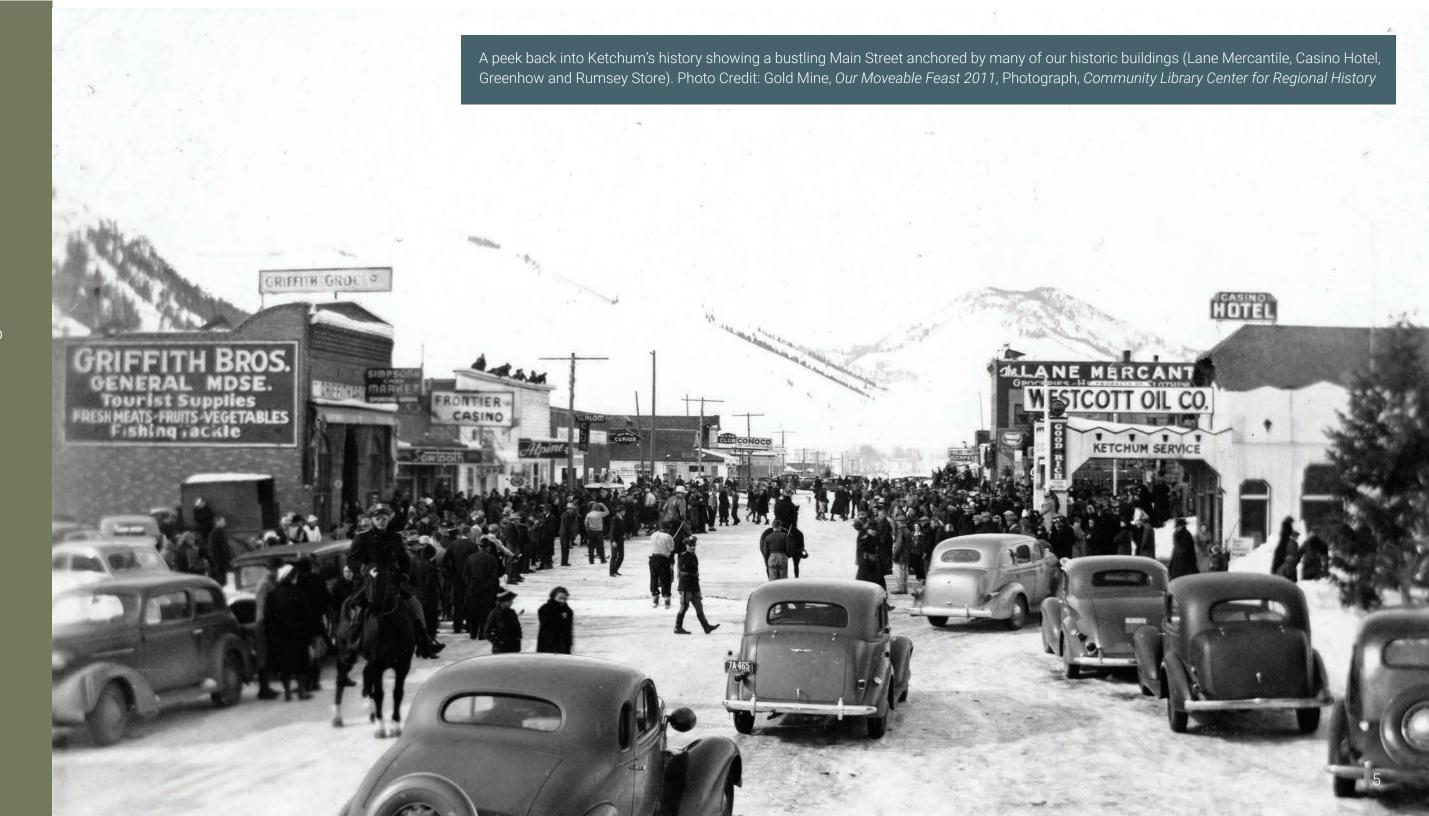
This handbook provides a guide to the preservation policies that are in place to help implement the community's desire to preserve Ketchum's historic buildings and landmarks. The preservation policies also recognize the reality of personal property rights and are designed to encourage and incentivize property owners to preserve their buildings and continue to contribute to our Heritage Tourism economy.

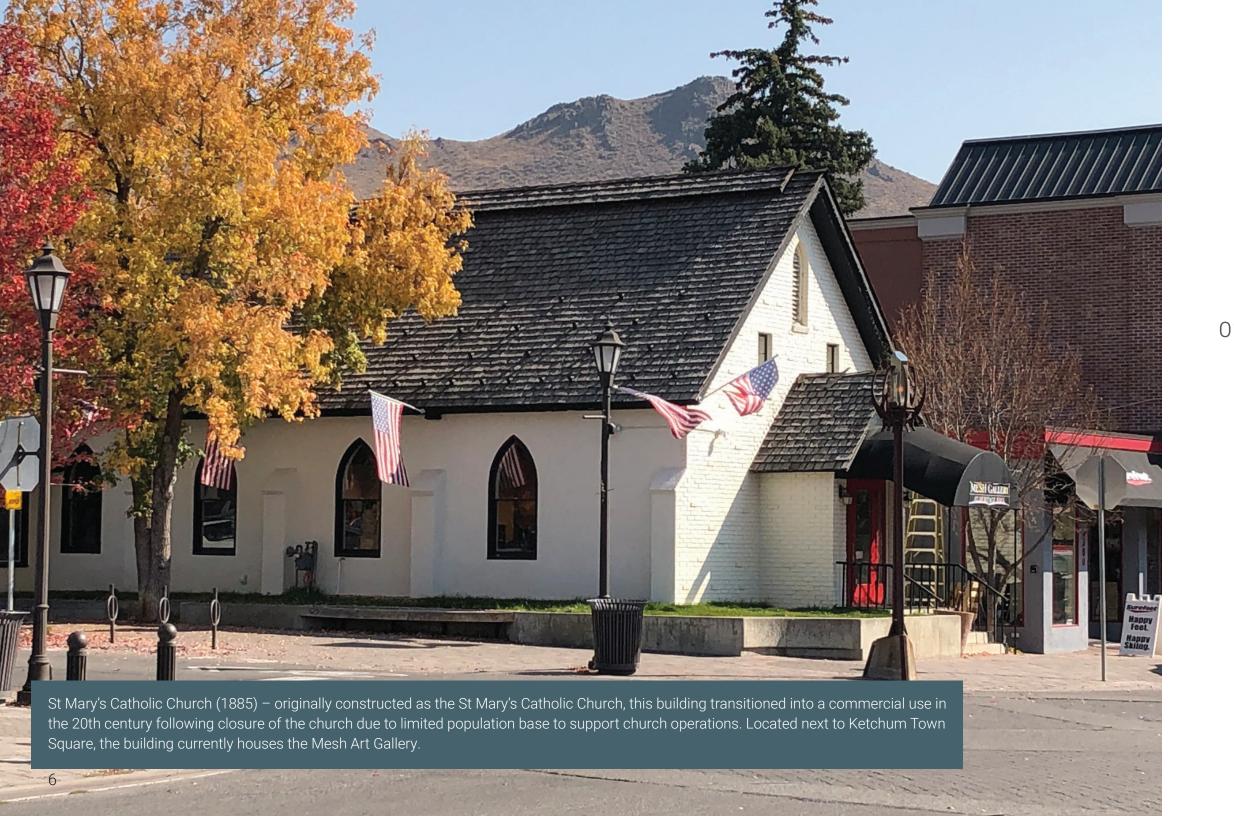
If we can find the right balance between growth and preservation, it will help keep us grounded in our roots and will make for a healthier and happier community.

Thanks for reading this handbook and for participating in the preservation of our town.

Cheers,

Mayor Bradshaw City of Ketchum





# Why Does Historic Preservation Matter for Ketchum?

Ketchum has a rich, authentic history that sets it apart from many other mountain resort communities. Preserving Ketchum's history – acknowledging what makes us special – has been an agreed upon value of the community throughout decades of growth. Most recently, the 2014 Ketchum Comprehensive Plan established a strong foundation for balancing preservation of history with sustained growth for Ketchum.

# Ketchum's Values

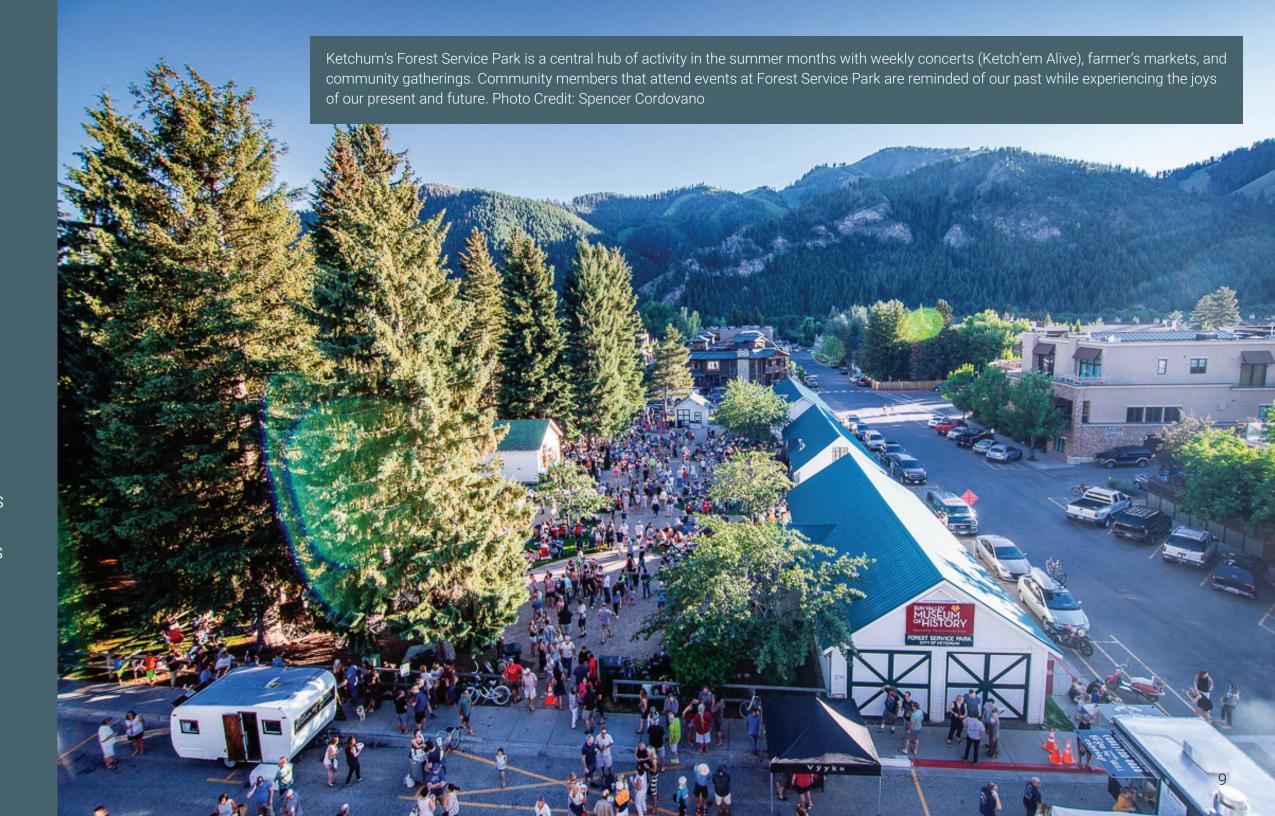
In the Plan, three of the community's top ten values directly relate to the importance of preserving and celebrating our history.

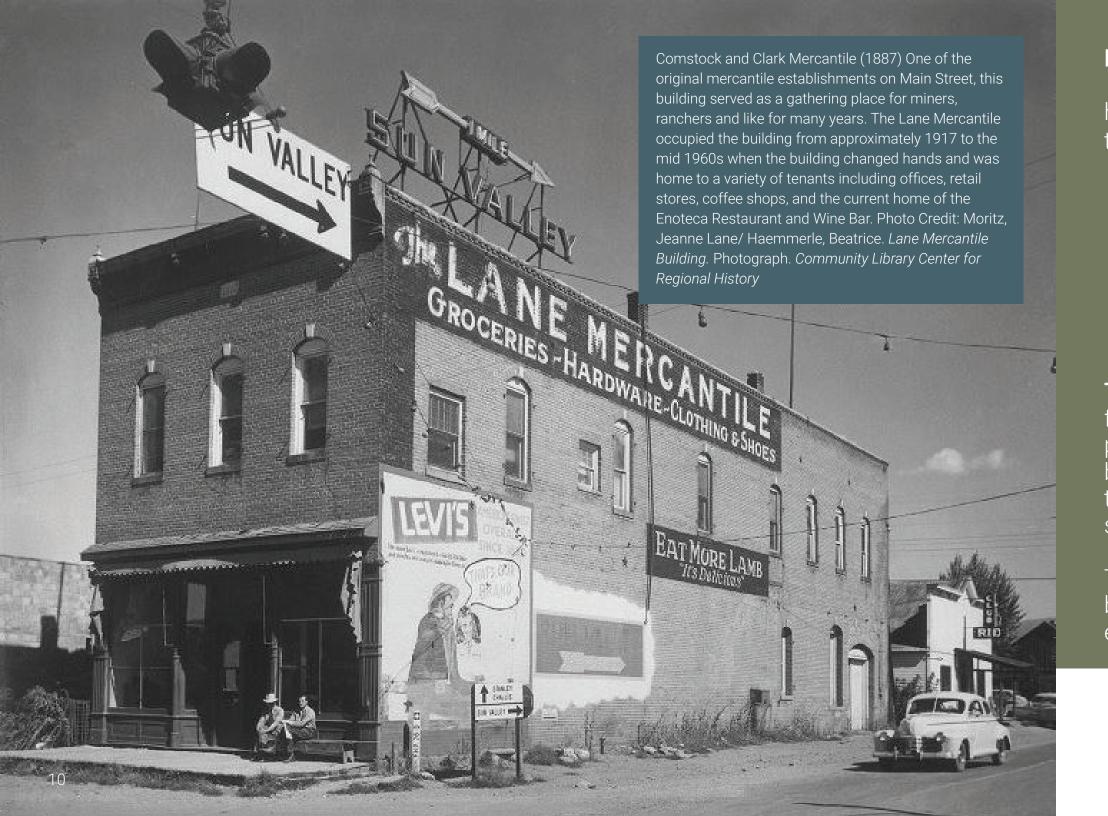
**Community Character** – We can continue to strengthen the community's image and identity through preservation of historic buildings and sites.

**Vibrant Downtown** – Our downtown core is critical to the economic health and well-being of Ketchum. Enhancements and efforts to support events, the arts, and Ketchum's history and culture will make downtown an even greater community asset.

**Enlivened by the Arts and Culture** – Ketchum is a community where arts and culture positively influence our economy and quality of life – they tell our story.

Older Ketchum buildings and landmark sites are a physical manifestation of our past. While Ketchum's origins in 1879 parallel the beginnings of other frontier mining towns in the West, our buildings and landmarks are unique to this place – initially a mining town carved out of a larger landscape that had been occupied for countless centuries by the Shoshone, Bannock, Paiute, and Nez Perce Tribes. The railroad, which played a big role, enabling a relatively smooth transition of the economic base from mining to sheep ranching, then delivered an industry previously unheard of in the U.S.: the ski resort. Anchoring Sun Valley, the nation's first destination ski resort, Ketchum quickly took on a patina of unpretentious glamor, and in doing so carved out a trajectory different from that of every other mountain town with a similar history in mining and ranching.





**Every business in the Wood River Valley** – whether directly or indirectly related to our tourism-based economy – gains value from the continued physical presence of our history through legacy buildings and landmarks. Responses from a 2020 survey indicated that Ketchum should prioritize the preservation of buildings and landmarks that:

- · Reflect Ketchum's early development and businesses.
- · Identify with historic people or with important events in local, state, or national history.
- Exemplify or symbolize elements of the cultural, social, economic, or political history of Ketchum.

The major challenge we face in an effort to realize all of the above is balancing the desire for historic preservation with the reality of personal property rights. Due to development pressures common to luxury resort real estate markets, many if not most of our historic buildings and landmarks are in jeopardy. An historic inventory conducted in 2020 identified that in the prior decade, 20% of the city's historic buildings were demolished, never to be seen other than in photographs in old newspaper clippings and library archives.

The City of Ketchum's Historic Preservation Commission (HPC) seeks to honor the buildings that remain and to support property owners in their efforts to save Ketchum's early buildings. Preservation of historic buildings and landmarks can be costly.

So, we ask, how can we encourage property owners to join us in preserving the precious history that is so vital to our culture and economy?

# Bonning Cabin (1882) - Originally used to house freighters who worked on the ore wagons, this one-room cabin, originally constructed out of hand squared logs, wood strips and rags for chinking, and a sod roof, is being preserved as a window into Ketchum's early mining history. The building was relocated to its current location next to the Ore Wagon Museum and Little Park in 1999. Photo Credit: City of Ketchum 2020

# Designated Historic Buildings and Landmarks

One of the primary responsibilities of the HPC is to conduct surveys of local historic properties and to establish and maintain the Historic Building/Site List. In Ketchum, any building 50 years of age or older is considered historic, but not all of those buildings are "designated" as historic. In addition to age, criteria related to physical integrity and historic significance are evaluated to determine what buildings or landmarks should be included in the Historic Building/Site List. "Designation" is important as it opens opportunities for financial and regulatory incentives.

Over the years, the city has conducted multiple surveys of potentially significant buildings or sites within Ketchum and its Area of Impact. One such survey, in 2005, identified sites, buildings, structures, objects and features used or constructed between 1880 and 1956 and were potentially eligible for the National Register of Historic Places (NRHP), or had either local historical significance or interpretive potential. Of the 241 properties that met the age criteria of 50 years or older, 37 were identified as eligible to be listed by the NRHP.

In 2006, the HPC created a list of potential historic buildings and sites within the Community Core (CC) for consideration for listing as historic. However, a formal designation of those properties was never initiated.

In 2020, Ketchum updated the 2005 survey and 2006 list and identified 26 sites within the Community Core that were potentially eligible for listing as historic by Ketchum. A final Historic Building/Site List adopted in October 2021, designated 24 properties within the Ketchum Community Core as historic.

The HPC will continue its work to maintain the Historic Building/Site List by updating surveys of historic buildings and sites to ensure the preservation of Ketchum's history.





# Historic Building / Site List

COMMON NAME:	STREET ADDRESS:	
Greenhow & Rumsey Store, NRHP listed (Culinary Institute)	211 North Main Street	
Forest Service Park, NRHP listed.	Between River and 1st Street	
Comstock & Clark Mercantile (Enoteca Restaurant)	300 North Main Street	
Lewis Bank (Rocky Mountain Hardware)	180 North Main Street	
Dynamite Shed (TNT Taproom)	271 Sun Valley Road	
Bert Cross Cabin (Vintage Restaurant)	271 ½ Leadville Avenue North	
Horace Lewis Home (Elephant's Perch)	280 East Avenue North	
Ketchum Kamp Hotel (Casino)	220 North Main Street	
Pioneer Saloon	308 North Main Street	
First Telephone Co. (Chapter One Bookstore)	340 North 2nd Street	
Fagan Property (Country Cousin Store)		
Bonning Cabin	531 5th Street East	
McCoy/Gooding/Miller House (Residence)	111 N East Ave	
Former Post Office (Former Formula Sports)460 North Mair		
Michel's Christiania Restaurant		
E.B Williams House (Ketchum Grill)		
Alonzo Price/Esther Fairman House		
Thornton House (Picket Fence)		
McAtee House (Former Taste of Thai)	380 1st Avenue	
George Castle Cabin	431 $\frac{1}{2}$ Walnut Avenue (in the alley)	
Community Library/Gold Mine Thrift Store	331 Walnut Avenue	
Jack Frost Motel (Gold Mine Consign Building)591 4th Street Ea		
St. Mary's Catholic Church (Mesh Gallery)		
Louies/The Church (Picket Fence)		
ADOPTED BY HPC OCTORER 19, 2021		



# Historic Preservation Benefits

# Good for Ketchum

Historic buildings and landmarks are integral to Ketchum's unique character and contribute to the social and economic values of the community, valued by locals and tourists, alike. Without deliberate preservation, historic buildings may be altered beyond recognition over time. There is a direct link between a community's history and its abiding culture. As noted in the 2014 Comprehensive Plan "Arts and culture also contribute to the larger 'creative economy,' which creates jobs, attracts investments, generates tax revenues, and stimulates the economy through tourism and consumer purchases. A thriving arts and cultural scene attracts visitors and has economic 'spinoff' benefits for local restaurants, lodging and retailers."

# Heritage Tourism

"Heritage Tourism" is found in places where purposeful preservation of historic character is a priority for the community. Studies have shown that heritage tourists have a larger economic impact on a community than those who travel simply for recreation. A study by the Colorado Historical Foundation showed that, in 2008 alone, 11.8 million trips to that state involved heritage tourism activities to a state primarily known for its natural and recreational attractions. When compared to recreational tourists, heritage tourists spent more money -\$447, compared to \$333 - and stayed an average of 5.8 nights, compared to 5.2 for recreational tourists.

In Ketchum, annual events such as Wagon Days and the Trailing of the Sheep Festival, bring the largest number of visitors to Ketchum from around the U.S. and abroad. These heritage tourism events, which celebrate Ketchum's history of mining and sheep-herding days, are integrated with and bolstered by Ketchum's historic structures throughout the Community Core.

# Attraction of Small-Local Businesses

In addition to heritage tourism, historic buildings attract small local businesses, which support our uniqueness and vibrancy. Recognizing the downtown as a major community asset that attracts tourists, the HPC commits to strengthening that asset through the preservation of historic buildings and landmarks that are attractive to tourists and small local businesses that fit the character of the downtown. Among Ketchum's vibrant restaurant and boutique scene, many occupy historic buildings.

In commercial areas prone to redevelopment, historic buildings are perfect incubators for small businesses. Due to high costs of land and construction, many small new or startup businesses find historic commercial spaces attractive because they are often smaller and cost less than modern construction, and because historic areas tend to have more foot traffic.

# Residential Neighborhoods

Historic preservation of well-maintained legacy residential structures is also beneficial to the community. Residential areas with well-maintained historic buildings demonstrably increase the property values of non-historic properties. When economic conditions are favorable, historic properties increase in real estate value at a higher rate than non-historic properties; when conditions take a downturn, historic buildings tend to either maintain their value or decline less than non-historic buildings.





# **Good For Property Owners**

Ketchum's goal is to make it as easy as possible to maintain and preserve historic properties. If you are the owner or perspective purchaser of a historic property, 50 years of age or older, there are financial and regulatory incentives to support your role in preserving Ketchum's history. Aside from contributing to the community benefits outlined in the previous section, financial benefits such as grants and tax credits for improvements are available to property owners of historic buildings. Ketchum also provides waivers and exceptions to many of the city's zoning and building regulations to better facilitate the maintenance and integrated redevelopment of historic buildings and sites.

# Financial Benefits

The following programs are currently available to property owners in the Ketchum:

# 1. Federal Rehabilitation Tax Credit

- Available through the National Parks Service to buildings on the National Register.
- Possible for properties not on National Register if certified as "contributing" by the community, or state makes determination of eligibility.
- Up to 20% of rehabilitation project costs can be applied as investment tax credits.
- No limit to amount of tax credit.
- Must be an income producing use such as commercial businesses, apartment residential, or hotels.
- Single-family, owner-occupied homes do not qualify.
- The rehabilitation must be substantial (as determined by a formula involving the adjusted basis of the building).
- Other requirements as established by IRS or NPS regulations.

# 2. Federal Land and Historic Resource Tax Credit

- Owners of historic properties may qualify for a charitable deduction by donating a facade easement (conservation easement) on their historic property to an appropriate recipient such as a unit of government or other non-profit entity.
- Easement donations and donations of fee-simple property interests are eligible for a state tax credit of 40% of the value of the donation on the first \$50,000 of the value of the gift.
- Property owners are advised to engage a licensed real estate appraiser to determine the value of the donation and complete State Tax Form 1801AC to apply for the credit.

## 3. National Trust for Historic Preservation Grants

- The organization funds studies but does not fund bricks and mortar projects.
- •Fund amount is small, generally ranging from \$5,000 \$10,000.
- •Elligible organizations include non-profits and civic organizations. Funds may be awarded to private entities but those awards are infrequent.
- •Idaho is designated as a preferred receiver state for funds and has a high likelihood of funding request success.

# 4. Idaho Heritage Trust Grants

- •Funds small brick and mortar projects including but not limited to roofs, windows and doors, and siding materials.
- •Grants are small and range from \$5,000 \$10,000.
- Applications are reviewed annually with a submittal deadline in September.
- •Elligible organizations include non-profits and civic organizatitons.

# 5. State Community Enhancement Grants

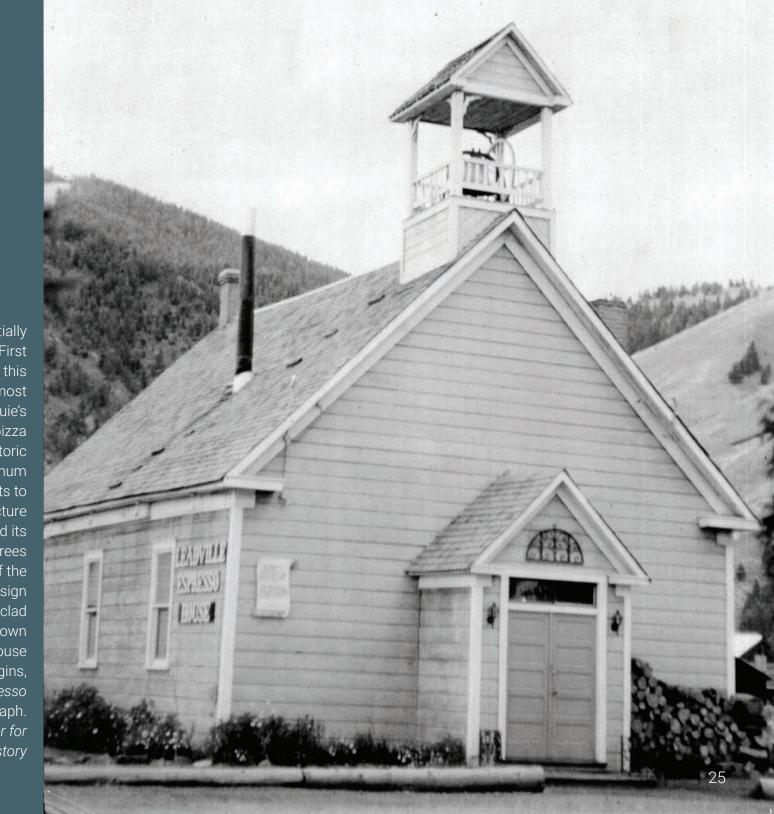
- Small grant amounts, generally \$2,500 or less.
- Requires dollar-for-dollar match of grant funds (cash or in-kind).
- Can provide funds for educational programming, public access, interpretive enhancements, exhibits, non-structural enhancements to buildings, and heritage tourism.

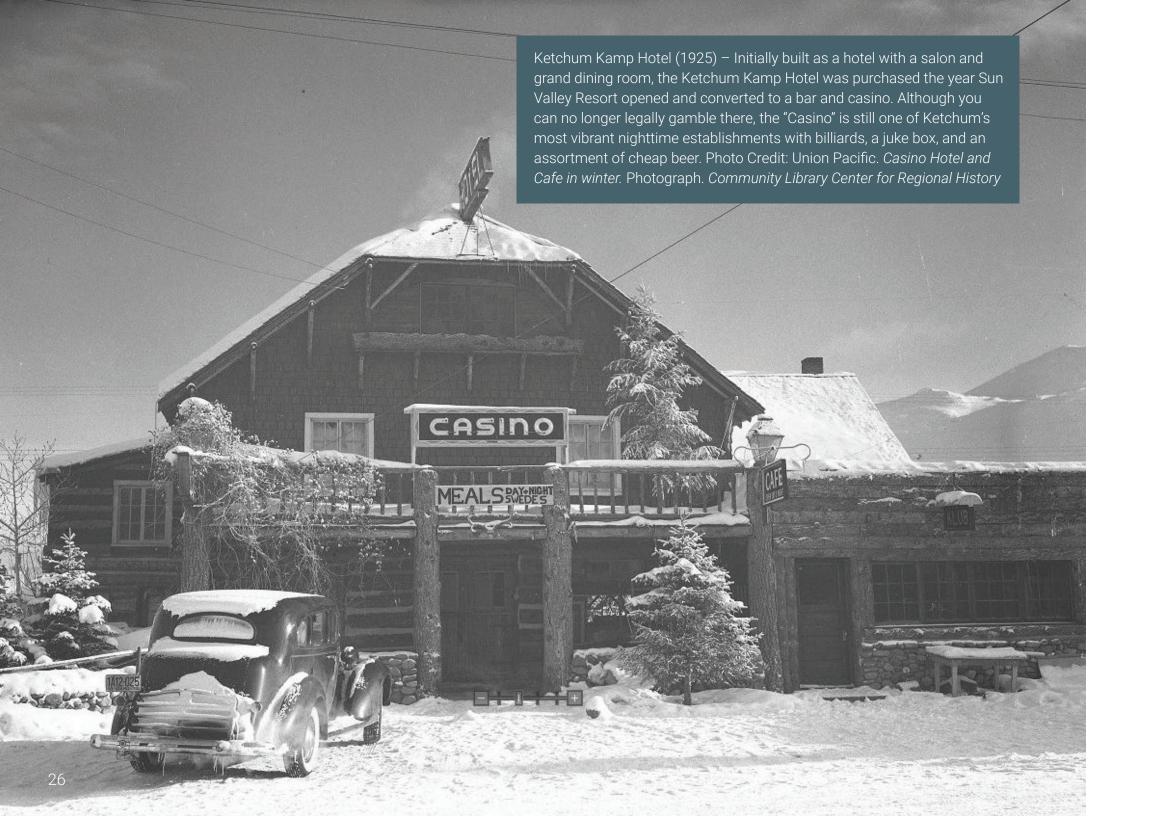
# Relief from Regulations

Ketchum provides owners of historic properties relief from many of the zoning and building requirements normally applicable to redevelopment of properties. For redevelopment of historic properties that retains some or all of the historic building, Ketchum offers the following:

- Relief from building code requirements alternative solutions to building code requirements will be accepted provided life and safety concerns are met.
- Relief from parking standards the square footage of the historic building is exempt from parking requirements.
- Relief from setback and height requirements expansions of historic buildings can match setback and height characteristics of the historic building even if the setbacks and height do not comply with current requirements.
- Allowance of Expansions If a historic building is non-conforming, there are no limitations to the size or type of expansion of the building provided it is approved by the HPC.

Louie's Pizza-Initially constructed in 1881 as the First Congregational Church, this historic building is most commonly referred to as Louie's for its time as a bustling pizza joint. Passionate historic preservationists in Ketchum made extraordinary efforts to safely relocate this structure multiple times before it found its current home nestled in the trees at 6th and Walnut as part of the Picket Fence historic design studio complex next to red clad "The Picket Fence" also known as the historic Thornton House (1921) Photo Credit: Wiggins, Millie. Leadville Espresso Coffee House. Photograph. Community Library Center for Regional History





# Designation of New Historic Buildings and Landmarks

The HPC maintains the Historic Building/Site List. However, any member of the community or property owner can request to add a building or site to the list.

To be designated, a building or landmark must:

- 1. Be at least 50 years old.
- 2. Retain its physical integrity by being sited in its original location, and/or have original architectural and design features.
- 3. Have demonstrated architectural, social/cultural, or natural/geographic significance locally, regionally, or nationally.

Nominations for buildings or landmarks to be designated historic can be submitted to the Planning and Building Department. We request that the nominating party fill out an application and compile as much historic documentation as is readily available.

conducts

additional

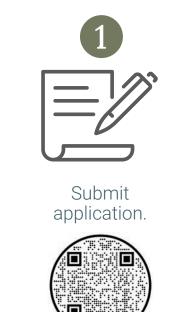
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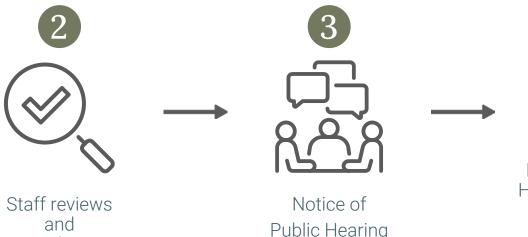
necessary.



I have a building that I would like considered for the Historic Building/Site List.









HPC makes

recommendation to

City Council on

whether or not request

should be approved.



If HPC

recommends

approval, Staff

prepares an

ordinance to

update the list.





City Council Hearings on ordinance to update the list. Summary of decision published in the newspaper with property owners identified.

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Ketchum's early pioneers including E.B. Williams, a one-time postmaster and merchant, and the Ellis family whose patriarch ran the railroad engines hauling sheep from

Ketchum. Once no longer used as a residence, several restaurants

occupied the building. Since 1991,

this building has been home to the

quests with a warm fire and cozy

corners to enjoy a nice dinner with

friends and family. Photo Credit: City

Ketchum Grill which welcomes

of Ketchum 2020



# Alteration or Demolition of Designated Buildings and Landmarks

Many people believe that once a property is designated as historic, nothing can be done to the building. This is an unfortunate myth. Ketchum promotes the continued maintenance of historic buildings and landmarks and provides a path for property owners who wish to alter or add on to those assets. One of the most effective ways of preserving historic buildings is through the redevelopment of property that expands commercial and residential space and showcases the historic building or landmark. Most alterations, and all demolitions, require review and approval of the HPC prior to the commencement of work.

# Below is an overview of the types of alterations and demolitions that can occur and some helpful tips to keep in mind.

Interior Remodels – Interior remodels that do not adversely affect the external appearance of the building do not require approval by the HPC. A building permit may be required depending on the scope of the work anticipated.

Most people gravitate towards the exterior of the building when looking for nods toward our history, however, the interiors of buildings can also illuminate the stories of the users and residents of historic buildings and structures. Ketchum encourages property owners to be mindful of interior features such as fireplaces, ornate woodwork including floors and doors, plumbing and lighting fixtures, and original materials when considering interior remodels. The United States Secretary of the Interior's Standards for the Treatment of Historic Properties can provide insight on how to preserve and maintain those features during the remodel process.

Exterior Alterations or Additions – The scope and scale of these projects can be very broad. From an upgrade of windows and doors or a reroof to an expansion of the building. Alterations and additions to historic buildings is an up-front investment but can generate additional revenue to support the long-term maintenance and preservation of a historic building. All exterior alterations and additions require review and approval by the HPC prior to the commencement of work. In general, alterations and additions are seen as welcomed investments provided the changes seek to maintain the historic or architectural value or significance of the building.

Demolition – Partial or total demolition of an historic building also requires review of the HPC. Partial demolitions necessary to facilitate an alteration or addition are considered as part of the review noted above. Full demolition of an historic building can be requested; however, it is highly discouraged and only permitted under certain circumstances. Ketchum's goal is to maintain and highlight our historic assets for future generations. Once those assets are gone, their legacy is harder to maintain and the value to the community diminishes. Exceptions exist for the demolition of dangerous building conditions at the discretion of the city's Building Official.

Relocation – Many of Ketchum's historic buildings and structures are not in their original locations. Preservation in place is the top priority, however, if relocation of the building achieves the goals of historic preservation by increasing visibility and value of the building or structure for the community, relocation can be achieved following approval by the HPC.

When is a Building Permit Required? **Scan Here:** 

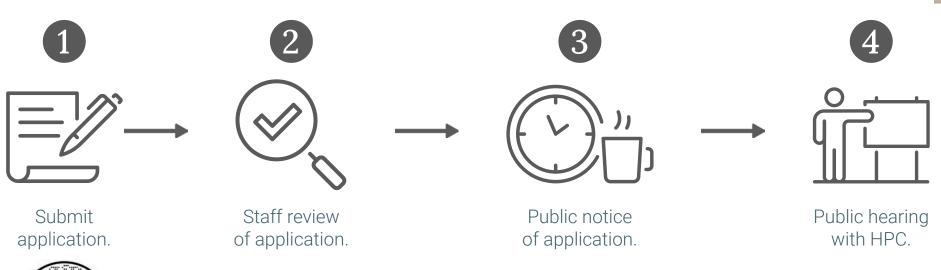


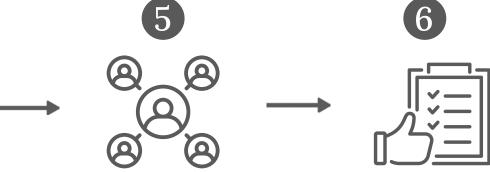
# How the HPC approval process works:



I own a historic building on the Historic Building/Site List and want to alter or demolish it.







If Design Review is required, application will either be reviewed administratively or be scheduled for public hearing with the Planning and Zoning Commission (depends on size of project).

Once planning permits are approved, the applicant can apply for either a demolition permit or a building permit for the construction of the proposed project.

Historic Preservation Commission and the Planning and Zoning Commission. Commissioners from both groups complimented the architect's focus on preserving the historic character of the original house while designing an addition that tastefully blended old with new. Photo Credit: Williams Partners Architects

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# Maintaining Designated Buildings and Landmarks

With a lifetime of at least 50 years, Ketchum's historic buildings and structures have stood the test of time and battled the elements of hot summers and cold snowy winters. Advancements in construction materials technologies and building construction practices have extended the life of new buildings far beyond what the buildings of the early 1900s could achieve. For this reason, ongoing maintenance and upkeep of historic buildings is even more critical to preserving their value to the property owner and the community.

Normal repair and maintenance of buildings and structures on the historic building/site list is permitted without HPC approval 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. Building permits may be required depending on the scope of the improvements.

Ketchum requires that all structures on the historic building/site list are maintained to meet the requirements of the International Property Maintenance Code and/or the International Existing Building Code, as adopted and amended by Ketchum. The Planning and Building Department can provide the currently adopted codes and provide guidance on when building permits are required.



# View looking north on Main Street in Ketchum towards Griffin Butte. At the intersection of Sun Valley Road and Main Street is the prominent Lane Mercantile Building on the right. Photo Credit: I.A.W. Hailey Centennial Project. *Automobiles, Western Cafe, Ketchum Drug, Griffin Butte, and transportation*. Photograph. *Community Library Center for Regional History*

# Historic Preservation Commission (HPC)

Although the HPC has a long history dating back to the 1990s, historic preservation efforts in Ketchum ramped up and down depending on City leadership and breadth of volunteerism. In January of 2021, the City revamped the HPC by appointing new Commissioners and creating new regulations for historic preservation.

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**Each of the five Commissioners** appointed by the Ketchum City Council must have a demonstrated interest, competence, and/or knowledge in history or historic preservation such as architects, historians, or contractors. Of the five members, a minimum of one must also be a member of Ketchum's Planning and Zoning Commission. At the highest level, the HPC forwards the goals and policies of the Ketchum Comprehensive Plan, related to historic preservation, through the authority granted by the Ketchum Municipal Code. The HPC is a registered certified local government with the Idaho State Historic Preservation Office and works closely with the state on historic preservation efforts.

# The majority of work conducted by the HPC includes:

- Maintaining the Historic Building/Site List, including the surveying of local historic properties.
- Reviewing and making decisions on demolition and alteration applications.

Additional responsibilities include spearheading the creation of historic preservation incentive programs, advising the city on ways to maintain and operate historic properties owned by the city, providing recommendations on land-use regulations that may impact historic properties, developing programs to continue to enhance historic preservation citywide, and conducting educational programs.

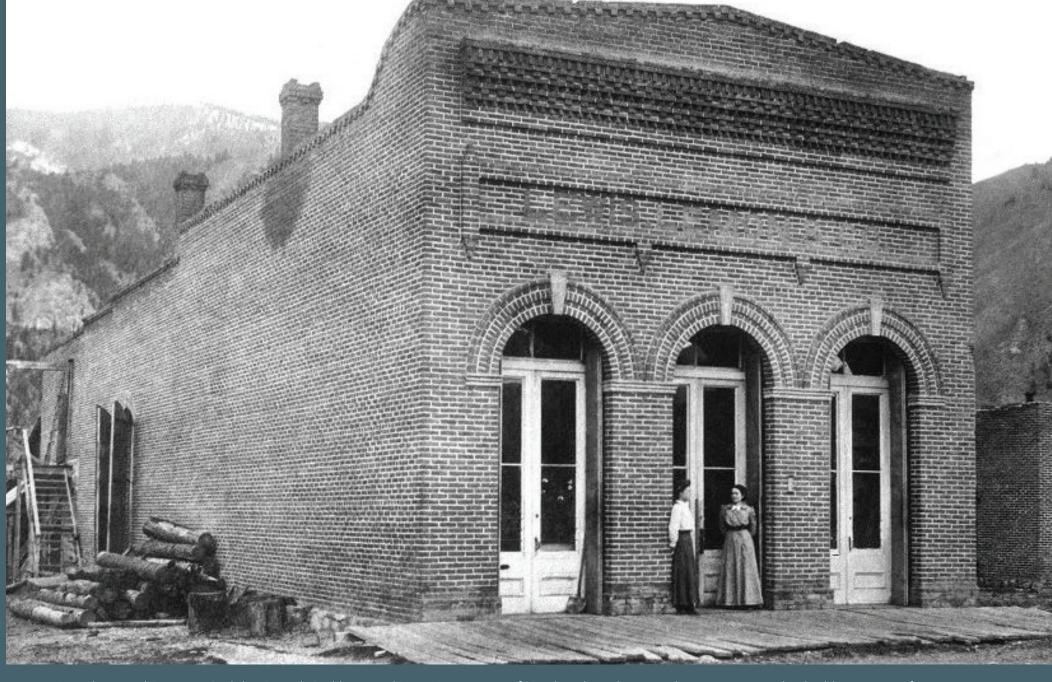
All HPC meetings are open to the public, and all community members are encouraged to attend and engage in discussions with the HPC.

The Dynamite Shed (1880) - This building was the original storage location for explosives sold by the Gillette & Evans hardware store on Main Street which was the chief supplier of mining supplies during the mining and smelting boom. The second story was added in 1995. Photo Credit: City of Ketchum 2020





The Lewis Bank Building (1880s) -Isaac Lewis came to Ketchum for mining opportunities and quickly became active in many business and real estate ventures including the town's first drug store, the Guyer Hot Springs Resort, and the local newspaper "Ketchum Keystone". He built the Lewis Bank building around 1883 and operated the bank until 1896. Once occupied by Chapter One Bookstore (pictured) it is now home to Rocky Mountain Hardware. Chapter One Bookstore now occupies one of Ketchum's other historic buildings, the First Telephone Company building at 340 E 2nd St. Photo Credit: City of Ketchum



Greenhow and Rumsey. Built by Joseph Pinkham and Isaac Lewis, two of Ketchum's earliest retail entrepreneurs, this building is one of two properties listed on the National Register of Historic Places. Formerly home to various mercantile ventures and the Ketchum Post Office, this building is now the home of the Sun Valley Culinary Institute. Photo Credit: Lewis, Palmer G. *Unidentified Women*. Photograph. *Community Library Center for Regional History*.