



STAFF MEMORANDUM

To: Historic Preservation Commission (HPC)
From: Morgan Landers, AICP – Director of Planning and Building
Date: April 27, 2023
Re: Historic Preservation Incentives

Per the 2023 Planning and Building Department work plan, city staff has begun the content development for the Historic Preservation Handbook. One of the key elements of the handbook is an overview of incentives available to encourage current or future owners of historic assets to preserve and enhance them. Deferred maintenance or neglect of a historic asset can lead to significant degradation and increased costs over time. Staff has conducted research to understand the variety of incentive programs deployed at the local, state, and federal level to promote historic preservation. Staff also reviewed a set of peer communities with historic preservation programs to compare which communities use which incentives.

Table 1 on the next page is a matrix that includes a list of common historic preservation incentives and if/where those incentives are deployed in the peer communities reviewed by staff. The table is followed by supplemental information on each of the incentives as numbered in the table.

The information is being provided to the HPC to illustrate what incentives are currently available to properties within the City of Ketchum and begin a dialogue about what incentives the HPC believes the City of Ketchum should consider implementing in the future to support historic preservation.

Table 1: Overview Incentives for Ketchum and Other Communities

	Incentive	Ketchum, ID	Boise, ID	Laguna Beach, CA	Jackson, WY	Aspen, CO	Scottsdale, AZ
1	Federal Tax Credit	A	A	A	A	A	A
2	Federal Land and Historic Tax Credit	A	A	A	A	A	A
3	Idaho State Historic Tax Credit Program (Proposed)	A (if passed)	A (if passed)				
4	Certified Local Government Grants	A	A	A	A	A	A
5	Relief from Building Code	A	A	A	A		
5	Relief from Parking Standards	A		A			
5	Relief from Nonconforming Structure Requirements	A		A	A		
5	Flexible Setbacks for Historic Properties	A		A	A		
6	Community Enhancement Grants	P					A
7	Purchase of Façade Easements	P	A				A
8	Property Acquisition	P	A				
9	Fee Waivers	P	A	A			
10	Public Dedication and Improvements Waivers	O			A	A	
11	Flexibility for Nonconforming Uses through Conditional Use Permits (CUPs)	O				A	
12	Density Bonuses	O		A	A		
13	Transfer of Density Rights	O			A		

A = Incentive is currently available for the community

P = Incentives that have potential for Ketchum with implementation of a program and/or established funds

O = Incentives that are opportunities for Ketchum but would require changes to the city's zoning ordinance

- 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
 - 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 (<https://www.idaholandcan.org/local-resources/Land-and-Historic-Resource-Tax-Credit/10449>)
 - 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 have a licensed real estate appraiser determine the value of the donation and complete State tax form 1801AC to apply for the credit.
- 3) Idaho State Historic Tax Credit Program (Proposed)
 - Eligible properties are those certified as historic by the State Historic Preservation Office (SHPO)
 - Minimum \$20,000 investment is required
 - After certified historic rehabilitation is complete, the applicant can deduct the equivalent of 20% of the total certified rehabilitation costs from their state income tax liability
 - Can be carried forward up to 5 years
 - Can be transferred to another entity with Idaho state tax liability
 - Built-in per-project cap
 - 5-year owner-holding period, with recapture clause same as the federal historic tax credit
- 4) Certified Local Government (CLG) Grants
 - Grant amount depends on projected project cost
 - Distributed by federal government to states to divide up with CLGs
 - Apply to local inventory, preservation planning, and research – typically require a work product
 - [Grants | Idaho State Historical Society](#)
- 5) Regulatory Relief – this is relief from standard building and zoning code requirements that may hinder preservation of historic structures. The City of Ketchum provides the following as outlined in Section [17.20.060](#):
 - Relief from building code requirements
 - Relief from parking standards
 - Relief from Nonconforming Structure Requirements

- Flexible setbacks for historic properties
- 6) Community Enhancement Grants
 - Typically put in place by the community
 - Can provide funds for management of resources including ongoing maintenance, façade easements, educational programming, public access, interpretive enhancements, and heritage tourism
 - Example: [Community Enhancement Grants | Idaho State Historical Society](#)
 - 7) Purchase of Façade Easements
 - The City may acquire, by purchase or donation, historic easements if Council finds that it will be in the public interest
 - 8) Property Acquisition
 - Use of City funds to purchase the property from the existing owner
 - 9) Fee Waivers
 - Waiving of application fees (Building permit, utility permit, etc.) for historic properties
 - 10) Exemptions from public dedication requirements or right-of-way improvements – redevelopment of historic properties can occur without triggering public dedications of right-of-way or other right-of-way improvement requirements during redevelopment that would otherwise be triggered for standard development projects.
 - 11) Zoning Flexibility for Nonconforming Uses - Allowance for the continuance of nonconforming historic uses through the approval of a conditional use permit. One example of this would be a historic single-family residence located in an otherwise commercial or primarily commercial area. A conditional use permit could be granted to allow the residential use to continue.
 - 12) Density Bonuses
 - Bonuses allow a larger building or expansion for preservation of existing structure
 - Can apply to height, floor area, setbacks, and number of dwelling units
 - Must be a market for the bonuses
 - 13) Transfer of Development Rights
 - A historic property can transfer both density and air rights to another property in order to preserve the existing historic structure or resource and be compensated for the building or development right without demolition of the historic resource