



Planning and Zoning Commission - Special Meeting MINUTES

Tuesday, December 22, 2020 at 4:30 PM
Ketchum City Hall
480 East Avenue North, Ketchum, ID 83340

CALL TO ORDER

The meeting was called to order at 4:30mm PM by Chairman Neil Morrow.

PRESENT via video feed:

Chairman Neil Morrow

Vice-Chairman Mattie Mead

Commissioner Tim Carter

Commissioner Jennifer Cosgrove

Commissioner Brenda Moczygemba

COMMISSION REPORTS AND EX PARTE DISCUSSION DISCLOSURE

There were no ex parte disclosures.

CONSENT CALENDAR — ACTION ITEMS

1. **ACTION ITEM - Minutes of October 27, 2020**
2. **ACTION ITEM - Minutes of December 10, 2020 Joint Special Meeting**

Motion to approve the consent calendar.

Motion made by Vice-Chairman Mead, Seconded by Commissioner Carter.

Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter, Commissioner Cosgrove, Commissioner Moczygemba

PUBLIC HEARINGS AND COMMUNICATIONS FROM STAFF – ACTION ITEMS

3. **ACTION ITEM:** Recommendation to approve the following:

Master Record of Proceedings for the Ketchum Boutique Hotel (PEG Ketchum Hotel, LLC) applications for P19-062, P19-063, P19-064, P20-069, and P20-015

Findings of Fact, Conclusions of Law, and Recommendation to City Council Decision for the Ketchum Boutique Hotel (PEG Ketchum Hotel, LLC) Floodplain Development / Waterways Design Review

Findings of Fact, Conclusions of Law, and Recommendation to City Council Decision for the Ketchum Boutique Hotel (PEG Ketchum Hotel, LLC) Planned Unit Development Conditional Use Permit (PUD)

_ Findings of Fact, Conclusions of Law, and Recommendation to City Council Decision for the Ketchum Boutique Hotel (PEG Ketchum Hotel, LLC) Lot Line Adjustment

An edited copy of the Master Record of Proceedings was provided to the Commission.

Motion to approve the Findings of Fact and Conclusions of Law and recommend to City Council the Master Record of Proceedings as appeared in the Planning and Zoning Commission packet of December 22, 2020.

Motion made by Commissioner Carter, Seconded by Commissioner Cosgrove.

Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter, Commissioner Cosgrove, Commissioner Moczygemba

Motion to approve the Findings of Fact and Conclusions of Law and recommend to City Council decision of the Ketchum Boutique Hotel item 19-062 Floodplain Remand, item 19-063 PUD/CUP Remand, and item 19-064 Lot Line Shift Remand.

Motion made by Commissioner Carter, Seconded by Commissioner Cosgrove.

Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter, Commissioner Cosgrove, Commissioner Moczygemba

4. ACTION ITEM - Recommendation to conduct public hearing and provide recommendations to the City Council on Interim Ordinance 1216 establishing interim standards for historic structures

Planning Director Suzanne Frick gave an outline of the procedure for the Interim Ordinance.

Bruce Meighan of Logan-Simpson presented the purposes of the Emergency Ordinance including a pause on demolition permits, assessment of the most valued buildings, the need for preservation, update the 2005 survey, and engage the Community. He delineated the timeline to work toward a permanent Ordinance.

Jennifer Gardner, code specialist with Logan-Simpson, spoke to the results of the Community Questionnaires #1 and #2. She spoke to the properties identified, the balance of growth and preservation, and the buildings important to the Community. She reviewed the top opinions of the second questionnaire as being: 1) a process for historic designation; 2) reinstating the Historic Preservation Commission; 3) a tiered criterion for protection; 4) a process for demolition or alteration of historic buildings; 5) documenting historic structures; 6) balancing growth with preservation; 7) preserving the character of historic buildings; and 8) educate the public as to why we should protect these structures.

Gardner made the following points:

- The Ordinance would only apply to the 26 properties names on the Historic Building list.
- The process for a demolition or alteration permit would require a Design Review with a public hearing. She noted that the Building Inspector could order an unsafe structure be removed.
- Reinstatement of the Historic Preservation Commission, define the composition of the Commission, and name the Commission as the review authority.
- Review criteria to include the significance of the building, the effect on the historic significance of the Community Core District, or the effect of the alteration to the structure and would it conflict with the Comprehensive Plan?
- The Ordinance would not prohibit normal repair and maintenance.
- Application review could be appealed.

Gardner recommended the development of permanent Historic Preservation Standards and Comprehensive Guidelines, a Historic Preservation handbook, and a program to educate residents and tourist of the importance of preservation.

Commissioner Cosgrove asked for a map of the identified properties with alternative development possibilities to show the impact if these buildings were replaced.

Chairman Morrow called for public comment:

Appearing by video feed:

- Rebecca Bundy, President of the AIA - Mountain Section and local resident, commented on the survey. She thought it was mis-leading and questioned why some remodeled buildings and buildings already on the Historical Register were on the list. She requested an architect be on the committee and recommended administrative approval for repair, maintenance, or replacement of designated buildings. She requested the criteria be very specific and not discretionary.
- Travis Kilmer, Vice-President of local AIA Board, commented on the lack of clarity of the criteria for building evaluation by the Historic Preservation Committee and recommended use of the national and state historic preservation tools.

Being no further comment, public comment was closed.

Chairman Neil Morrow called for Commission discussion:

Commissioner Moczygemba questioned the Interim Ordinance language as to the criteria for placement on the list. Referring to Section 3. A. 4. a-c., she questioned the long-term delay of demolition of structures and the alteration of buildings. She thought the criteria was too strict.

Commissioner Cosgrove thought it may expose the city to lawsuits and wondered about adaptive re-use to balance the needs of preservation and property owners.

Chair Morrow agreed and liked the buildings that are on the list. He wanted to see the transfer of development rights as an incentive for preservation.

City Attorney Gigray related the "taking analysis" code of Idaho. He related that the analysis by Staff had to be completed in 42 days. He suggested looking at the standards of other communities.

Commissioner Carter asked for confirmation that a building greater than 50 years old would go before the Historic Preservation Committee and cannot be issued a Demolition Permit without a Building Permit in place.

Director Frick confirmed the procedure and clarified the list protects only those properties listed and can be changed by the Historic Preservation Commission. This Interim Ordinance pertains to the 26 properties identified.

Vice-Chair Mead supported the Ordinance and thought credit should be given to staff on producing this in such a short time.

Commissioner Cosgrove thanked Attorney Gigray for his guidance on how to address the Ordinance.

Commissioner Moczygemba thought the Ordinance did not follow the comments from the public and the survey. She questioned why windows and siding were exempt from normal repair and maintenance. She thought it too restrictive and prohibitive.

Commissioner Cosgrove thought there should be a focus on the legal language as well as the design language in the new Ordinance.

Consultant Jennifer Levstik said the window replacement restriction was added because they are part of the Secretary of the Interior Federal Standards and considered to be a character defining feature. Changing windows would be subject to Design Review.

Commissioner Cosgrove asked how to prioritize energy efficiency vs preservation.

Commissioner Carter said replacing windows is not prohibited it just needs a design review.

Director Frick informed the Commission that the language would be reviewed. If it cannot be done Administratively, it would be brought to the Preservation Committee for review.

Jennifer Levstik added the Secretary of the Interior Standards encourage preservation and rehabilitation rather than restoration or reconstruction. Giving a property a new use and keeping it relevant.

Commissioner Carter thought this was an added burden to those property owners and thought the burden could be lower. He thought the language should be intentionally vague to allow the Committee latitude in decision making.

Commissioner Cosgrove wondered about the community reaction when the Riparian area restrictions were put into effect in 1989 and how it affected property values. Senior Planner Skelton said the records from that time show a Community discussion on the value of the river, but she would look into it further.

Director Frick said the Riparian and Hillside Development Ordinances are the 2 regulations curbing development.

Commissioner Carter asked about additions/subtractions from the list. He wanted to know how it can be adjusted. He thought the Committee should be able to make changes. Chair Morrow agreed.

Director Frick said it can be stated how the HPC can modify the list. Commissioner Carter asked if the buildings on the list must go through an additional Design Review process, should this be part of this Ordinance?

Commissioner Cosgrove asked to have someone on the Committee who was familiar with the process of Historic Preservation.

Levstik said the State Preservation Office would have a Grant Coordinator to help Ketchum's HPC with grant requests and provide training.

Commissioner Carter stressed the time constraint and urged the Commission to make the adjustments now.

Director Frick clarified that the PZ Commission could hi-light areas of concern and those recommendations would be brought to City Council.

Vice-Chair Mead thought it was important for the HPC to be able to make changes to the list. He thought the interim Ordinance should be more restrictive to start.

Commissioner Cosgrove wanted to see the criteria for the HPC members, the adaptive re-use of buildings, and a map of the listed properties. Vice-Chair Mead also wanted to see a map.

Director Frick asked Commissioner Cosgrove about Section 1E for the criteria for the make-up of the Commission.

Commissioner Cosgrove thought it would be beneficial to have an architect and a community advocate. She suggested professionals working in related fields be considered for the HPC.

Levstik suggested a commission could be made up of a design professional, an historian, an archaeologist, and community advocate.

Vice-Chair Mead agreed with having an historian on the commission but was opposed to having the PZ members serve. He thought they should be supplemented with other community members.

Director Frick summarized the commission's recommendations:

1. The HPC's ability to add/subtract structures from the list of significant structures.
2. Encourage adaptive re-use of buildings.
3. Map of sites.
4. HPC composed of 2-3 PZ Commission members and 2-3 members of the general public with experience and expertise in this field.
5. Language for repair to be more inclusive/proactive rather than restrictive.
6. Section 3.A.4 too restrictive.

Vice-Chair Mead did not think it was too restrictive.

Chair Morrow thought "including but not limited to" would be acceptable language.

Director Frick explained the current Demo Permit Notification process.

The Commission discussed the current Design Review/Building Permit/Demolition Permit process.

Vice-Chair Mead asked if the owner of the property can have input to the HPC and how a member can recuse themselves for conflict of interest.

Chair Morrow suggested the HPC be composed of 1 or 2 PZ Commission members and 3 additional members, perhaps 2 professionals and 1 community member, historian, or builder.

Commissioner Cosgrove agreed.

Director Frick related the thought was to have 2-3 PZ members for the interim HPC.

She then reviewed the recommendations:

1. Give the HPC the ability to add/subtract structures from the list of significant structures.
2. Encourage adaptive re-use of buildings.
3. A map showing the 26 selected sites.

4. The interim HPC to be composed of 2-3 PZ Commission members and 2-3 members of the general public with experience and expertise in this field. Thereafter there would be 1-2 PZ members and the balance would be members of the public.
5. Language for repair and maintenance to be more inclusive/proactive rather than restrictive.
6. Modify Sec 3.A.4 to include language “included and not but limited to” in reference to repairs.
7. Modify DEMO permit so it may be issued after submission of a complete Building Permit application.
8. Strike last sentence of Section 7 C “Normal maintenance will not include replacement of windows or siding”.

The Commission and Director Frick discussed the process and procedures involved in the adoption of the interim Ordinance and state code governing Interim Ordinances.

Motion to recommend Interim Ordinance 1216 to City Council with changes as noted for establishing interim standards for historic structures.

Motion made by Vice-Chairman Mead, Seconded by Commissioner Carter.

Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter, Commissioner Cosgrove, Commissioner Moczygemba

ADJOURNMENT

Motion to adjourn at 7:15 PM

Motion made by Vice-Chairman Mead, Seconded by Commissioner Cosgrove.

Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter, Commissioner Cosgrove, Commissioner Moczygemba

Neil Morrow, Chairperson
Planning and Zoning Commission