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MEMORANDUM

DATE: July 17, 2024
TO: City of Meridian Historic Preservation Commission (HPC)
CC: Cassandra Schiffler
FROM: Sheri Freemuth, AICP
SUBJECT: **DRAFT** Local Historic Landmarking Program

The City of Meridian's history is rooted in Ada County's early homesteading and railroad eras. Since the town incorporated in 1903, it prospered with the enhancement of irrigation across the Boise Valley, growing slowly and steadily through most of the 20th century, adding houses, schools, churches, and shops. With the construction of Interstate 84, the city expanded more quickly; more than doubling in population between 1970 and 1980 and more than tripling between 1990 and 2000. This exponential growth has included expansion of the city limits, and continues to outpace past population increases, during this first quarter of the 21st century.

The role of your commission is to preserve the historic sites and landscapes of Meridian, and to increase the appreciation of these cultural resources by residents and visitors alike. The Certified Local Government (CLG) program, that is operated by the Idaho State Historic Preservation Office (SHPO), provides an array of tools and some funding to support your efforts. Recently the Idaho SHPO recommended that the Meridian HPC consider utilizing a local historic landmarking program.

This memorandum provides basic information on the implementation of historic preservation by local preservation commissions. Based on your present concerns, a closer look at Idaho Code Sections 67-4614 and 67-4616 is provided. Applications of the local landmarking tool in Idaho, as well as other states, is also described. A possible approach for Meridian to pursue is provided by way of conclusion to this memo.

Historic Preservation Tools

With the passage of the National Historic Preservation Act (NHPA) in 1966, historic preservation gained prominence in the United States. The NHPA established the National Register of Historic Places (NRHP), the SHPOs, the Advisory Council on Historic Preservation and the Section 106 review process. In 1980, the NHPA was amended to create the CLG program providing funding



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and increased emphasis on the importance of local understanding and perspective to the community rather than being the sole provenance of the state and national governments. However, the NRHP still serves as the underpinning of all local historic preservation programs. Administered by the National Park Service, the NRHP is the centerpiece of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources.

The NRHP consists of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture. Under Federal Law, the listing of a property in the National Register *places no restrictions on what a non-federal owner may do with their property up to and including destruction*, unless the property is involved in a project that receives Federal assistance (usually funding or licensing/permitting).

However, local governments may designate districts and sites of local significance, with or without their inclusion in or eligibility for the National Register. Local landmarks designate a single historic structure or site while local historic districts consist of a *group of historic structures* that are significant to the City's culture and history. Cities use either tool in order to protect these sites or areas and maintain their historic integrity. Typically, properties within local historic districts are subject to local government approval at such time as a building permit is issued, for any changes to the exterior of the structures. Many communities adopt special design and development standards to support the objectives of the district and provide guidance for property owners. Code provisions and guidelines vary depending on the district.

Local Landmarking Programs in Idaho

Historic Preservation programs in Idaho are provided for in Idaho Statute Title 67, State Government and State Affairs, Chapter 46 Preservation of Historic Sites (refer to Appendix A). Section 67-4612 expressly states that:

In addition to any power or authority of a city to regulate by planning or zoning laws and regulations or by local laws and regulations, the governing body ...is empowered to provide by ordinances, special conditions or restrictions for the protection, enhancement and preservation of historic properties....

Section 67-4614 further provides for the "designation as a historic property" providing the criteria for so doing and the potential for review prior to demolition of the designated property. Section 67-4616 provides a process by which local governments may regulate the change of use of a historic property.



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While Idaho has over 40 cities and counties participating in the CLG program, a small percentage regulate historic properties or districts. In some of these communities, as well as other Idaho communities that are not CLGs, there exist properties and districts that are in the National Register but are not afforded the protection provided for by the local ordinances described in Idaho Statute.

Only two cities have a local landmark program – Boise and Ketchum. Both of these programs are distinct based on the nature of their historic resources (refer to Appendix B for copies of the ordinances). The City of Boise designates and maps by ordinance, individual properties that are not part of a local historic districts and are either listed in or eligible for the NRHP. Demolition or change of use in a historic landmark requires application to the City's Historic Preservation Commission and may require further action by the City Council. The City of Ketchum also reviews demolition or change of use requests for their landmarks program. However, the City of Ketchum elected to create a list of 24 specific sites that are of local historic significance although they may not necessarily be listed in or considered eligible for the NRHP.

Other communities in Idaho have been considering adaptation of the local landmarking process. The City of Nampa Historic Preservation Plan (2020) suggests further research on the potential of such a program. The Ada County Historic Preservation Council (ACHPC), which is staffed by a planner in the Ada County Development Services department, has discussed delaying the issuance of demolition permits (presently administered by the Building Division) with a review by the ACHPC. One notion is to "flag" any demolition permit that would affect buildings over 50 years old and require review by the ACHPC. At present this process occurs informally between the building and planning divisions, with very few notices occurring over the past several years.

Examples from other states may be models suitable for use in Idaho, however State legislation, unique tax provisions and city management practices, may make adaptation to Idaho difficult. While Montana does not have any local landmarking programs, there are two examples that may be suitable from Wyoming:

- **Jackson** requires a demolition permit that will then be sent to the Teton County Historic Planning Board (TCHPB) for review. If the property is found to be historically significant, TCHPB will make a recommendation, but the Jackson Planning and Building Departments and/or the Jackson Town Council have the final say.
- **Green River** has a Historic Preservation Commission that is able to create an official list of locally significant cultural resources and submit to city council for ratification. A public hearing, with notification sent to all affected property owners, occurs and if approved, all property owners must be notified of the designation decision within fourteen days of the commission meeting.



Meridian HPC Preservation Program

The Meridian HPC “works to preserve the character and fabric of historically significant areas and structures within the City...to honor and preserve its rich heritage for future generations.” They have focused their work on the study of the City’s historic resources, as well as the education and promotion of preservation activities. While the local preservation ordinance allows the City of Meridian HPC to make recommendations to improve planning processes, including the adoption of ordinances for the purposes of preservation of historic resources, the HPC has not undertaken any local designations or design review programs.

National Register District. In September 2023 TAG Historical and Research Consulting concluded a two-phase reconnaissance-level survey of North Main Street for the HPC. The objective of the survey was to identify eligible, or potentially eligible, properties for listing in the National Register. The East Idaho Avenue and the North Main Street areas were determined to be potentially eligible as NRHP districts. As discussed above, the National Register does not provide any protection of the historic properties. To accomplish this, a local historic district could be formed (with the same boundaries or a variation), an ordinance and design guidelines prepared and adopted, that would provide for review by the HPC for changes within the district.

Local Landmarking. Earlier this year, the HPC commissioned this memorandum to consider and summarize the viability of a local landmarking program. As part of this analysis, HPC staff (in the Parks and Recreation Department) coordinated with the Meridian Planning Department to utilize a map layer of potential historic resources to provide for a “History Check” datapoint to the maps maintained by the department. This enables a planner to notify the HPC liaison if an application is made on or near mapped properties. This is similar to the informal program used by Ada County during their demolition permit review process; however, the City of Meridian demolition permit is currently an over-the-counter process with no wait time. That process could be adapted in the future to enable a review period that would provide an opportunity for closer review and possible notification of the Meridian HPC.

Unlike the local historic district process, the landmark process may be applied to sites that are located *throughout* the city, rather than concentrated in one geographic area. This describes the presence of Meridian’s resources, encompassing former farmsteads, individual residences, and prominent civic buildings, that occur in a diffuse array across the city. While local historic districts are possible, the district tool is intended to serve specific contiguous areas.

The Local Landmarking process involves 1) the designation of the sites to be landmarked, and 2) a determination of what the HPC might want to review. For example, the HPC may simply want to ensure that the property is not demolished, rather than address exterior modifications to the



building. Or perhaps the HPC might be interested in any changes to the property that require a building permit. Criteria for design and development review would be necessary if the HPC opted for the latter.

Next Steps for the Local Landmarking Program

The initial appeal for a local landmarking programs has been that it may be applied to individual, locally significant properties to recognize their importance to the City's heritage. Furthermore, the landmark status would be so noted on zoning maps and other land development databases, so that prior to issuance of any permits on the landmarked property, the HPC would be notified. Depending on the provisions established by the City of Meridian, the HPC could provide comment and recommendations on the proposed permit request. In order to achieve this objective, or some variation thereof, the following should occur:

Determine which properties would be included in the landmark program.

The City may choose the properties to designate as landmarks. These may be restricted to properties listed on or eligible for the National Register. Another option would be to landmark properties specifically selected by the HPC meeting based on specific criteria. The latter option is similar to the City of Ketchum approach that consists of a specific list of important sites that include properties that are not in the NRHP and may not be eligible. Some older buildings and sites are important to Meridian residents, such as the *Modern Woodman Hall* building, but are not in the National Register or eligible for listing.

Potential criteria for including sites in the local landmark program may include:

- building age (50 years or older)
- significance (to local history or contributing to local architecture)
- building condition
- unique location
- other attributes

In order to consider possible landmark sites, the HPC will need to enhance their understanding of the SHPO's Idaho Cultural Resource Information System (ICRIS) program. This publicly accessible database of surveyed historic sites launched this year and is essential to understanding the location of historic properties. Initial conversations between the City of Meridian and the SHPO did not yield a simple way to transfer the information to merge with City data. However, analysis of the data by the HPC and HPC staff would be possible to create an initial list of potential landmark sites. The addition of new resources to the system is also facilitated by ICRIS and would prove useful for the HPC.



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Determine what types of activities on Landmarks would trigger HPC review.

Some landmark programs confine their interests to the potential demolition of a landmark. This typically becomes apparent to a city when a Demolition Permit is issued. As discussed above, the demolition permit process in Meridian is relatively simple and “over the counter.” In order to engage the HPC in the review of landmark property actions this process would need to be reconsidered so that additional time is added to the permit process.

The HPC might also want to be made aware of other permits issued by the City including discretionary permits (rezones, special use, variances) or building permits (re-roofs, fences, accessory buildings). Once aware of the permit application, the HPC would need to have a clear purpose and criteria for their review. Typically design review by preservation commission is confined to physical changes that are on the primary façade or visible from the road. This assures that the HPC is confining their review to what is in the public interest and will ensure the protection of the local historic site.

At present the Meridian HPC has expressed an interest in confining their role in the development review process to an advisory capacity for projects that involve a designated historic resource, providing suggestions to the applicant and planning staff regarding appropriate preservation options and treatments.

Conclusion

The Meridian HPC would like to press forward with a process that flags development permit requests on properties of local historical significance. In the short term this may be able to occur informally, using the adapted ICRIS data and communications between HPC and planning staff. However, for this to be effective over time and particularly adapted to address demolitions, the City’s demolition permit process will need to be altered to allow for additional review time that accommodates staff and HPC consideration. In addition, the City will need to develop a designation process that engages the public generally, and potential local historic landmarked property owners in particular. As discussed on page 5, criteria will need to be agreed upon and applied fairly to potential sites. The process should allow for property owners to nominate their own properties as well as reviewing and agreeing to requests from the HPC. Each listed property would eventually be mapped, listed and noted in a paper or digital publication. Property markers may also be considered.

APPENDICES

- A. Relevant Idaho State Statutes
- B. Sample Idaho Local Landmarking Program Ordinances



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Appendix A: Relevant Idaho State Statutes

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 46

PRESERVATION OF HISTORIC SITES

67-4614. DESIGNATION AS HISTORIC PROPERTY. The local governing body of any county or city may adopt an ordinance designating one (1) or more historic properties on the following criteria: historical, architectural, archeological and cultural significance; suitability for preservation or restoration; educational value; cost of acquisition, restoration, maintenance, operation or repair; possibilities for adaptive or alternative use of the property; appraised value; and the administrative and financial responsibility of any person or organization willing to underwrite all or a portion of such costs. In order for any historic property to be designated in the ordinance, it must in addition meet the criteria established for inclusion of the property in the national register of historic places. For each designated historic property, the ordinance shall require that the waiting period set forth in section 67-4615, Idaho Code, be observed prior to its demolition, material alteration, remodeling or removal. The ordinance shall also provide for a suitable sign or marker on or near the property indicating that the property has been so designated; provided however, that nothing in this chapter shall authorize or be construed to allow the designation, regulation, conditioning or restriction by ordinance or other means of any property or facility owned by the state of Idaho.

History:



67-4616. CHANGE IN USE OF HISTORIC PROPERTY. (1) A historic property designated by ordinance as herein provided may be demolished, materially altered, remodeled, relocated or put to a different use only after one hundred eighty (180) days' written notice of the owner's proposed action has been given to the local historic preservation commission. During this period, the commission



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may negotiate with the owner and with any other parties in an effort to find a means of preserving the property. During this period, or at any time prior thereto following notice of designation to the owner as provided in section 67-4615 d., Idaho Code, and where such action is reasonably necessary or appropriate for the continued preservation of the property, the commission may enter into negotiations with the owner for the acquisition by gift, purchase, or exchange of the property or any interest therein. The commission may reduce the waiting period required by this section in any case where the owner would suffer extreme hardship, unless a reduction in the required period were allowed. The commission shall have the discretionary authority to waive all or any portion of the required waiting period, provided that the alteration, remodeling, relocation or change of use is undertaken subject to conditions agreed to by the commission insuring the continued maintenance of the historical, architectural, archeological or cultural integrity and character of the property.

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Appendix B: Sample Idaho Local Landmarking Program Ordinances

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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 st 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 nd Street	340 E 2nd St	RPK0000002004B
Fagan Property (Country Cousin Store)	411 Sun Valley Road	411 E Sun Valley Rd	RPK000000240010
Bonning Cabin	531 5 th Street East	500 N East Ave	RPK000000460010
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	RPK000000440050
E.B Williams House (Ketchum Grill)	520 East Avenue North	520 N East Ave	RPK000000460020
Alonzo Price/Esther Fairman House	180 Leadville Avenue North	180 N Leadville Ave	RPK000000220040
Thornton House (Picket Fence)	560 East Avenue North	560 N East Ave	RPK00000046004A
McAtee House (Former Taste of Thai)	380 1 st Avenue	380 N 1st Ave	RPK000000370050
George Castle Cabin	431 ½ Walnut Avenue (in the alley)	431 N Walnut Ave	RPK000000450060
Community Library/Gold Mine Thrift Store	331 Walnut Avenue	331 N Walnut Ave	RPK000000440060
Jack Frost Motel (Gold Mine Consign Building)	591 4 th Street East	571 E 4th St	RPK000000450050
St. Mary's Catholic Church (Mesh Gallery)	380 Leadville Avenue North	420 E 4th St	RPK000000240040
Louies/The Church (Picket Fence)	560 N East Ave	560 N East Ave	RPK00000046004A

Adopted by HPC October 19, 2021

Signed 1/2022

ORDINANCE NUMBER 1231

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, REPEALING AND REPLACING CHAPTER 4.08 OF THE KETCHUM MUNICIPAL CODE, HISTORICAL PRESERVATION COMMISSION; ADDITION OF CHAPTER 17.20, HISTORIC PRESERVATION, TO TITLE 17 ZONING REGULATIONS OF THE KETCHUM MUNICIPAL CODE; AMENDING TITLE 17 ZONING REGULATIONS OF THE KETCHUM MUNICIPAL CODE BY AMENDING SECTION 17.96.010.C – PREAPPLICATION DESIGN REVIEW; 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, Idaho Code 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; and

WHEREAS, on January 15, 2021, the City adopted Ordinance No. 1216, as an interim ordinance to establish a list of historic buildings and sites within the City of Ketchum, establishing review standards for demolition or alteration of historic structures, establishing minimum maintenance requirements for historic structures, providing remedies for dangerous buildings, and providing enforcement standards from January 15, 2021 through January 15, 2022, 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 updated the 2005 Archaeological and Historic Survey Report and determined 26 structures to be of historic significance in the Community Core that were included in the Interim Ordinance, and

City: The City of Ketchum, Idaho.

Historic Building/Site List: The list of buildings and sites deemed to be historically significant as adopted by resolution by the HPC.

Historic preservation: The research, documentation, protection, restoration and rehabilitation of buildings, structures, objects, districts, areas and sites significant in the history, architecture, archaeology or culture of this state, its communities or the nation.

Historic property: Any building, structure, area or site that is significant in the history, architecture, archaeology or culture of this community, the state, or the nation.

HPC: The Historic Preservation Commission of the City of Ketchum, Idaho.

4.08.030 Created; appointments.

- A. There is created an HPC which shall consist of five (5) members comprised 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 who shall be appointed by the Mayor with the advice and consent of the Council.
- B. All members of the HPC shall have a demonstrated interest, competence or knowledge in history or historic preservation. The Council shall endeavor to appoint community members with professional training or experience in the disciplines of architecture, history, architectural history, urban planning, archaeology, engineering, law, or other historic preservation related disciplines.
- C. Initial appointments to the HPC shall be made as follows: two two-year terms, and three three-year terms. All subsequent appointments shall be made for three-year terms. HPC members may be reappointed to serve additional terms. Vacancies shall be filled in the same manner as original appointments, and the appointee shall serve for the remainder of the unexpired term.
- D. The members of the HPC may be reimbursed by the City for expenses incurred in connection with their duties and for meetings, subject to a resolution adopted by the City Council.

4.08.040 Organization, officers, rules, meetings.

- A. The HPC shall have the power to make whatever rules are necessary for the execution of its duties as set forth in this chapter. Rules of procedure and bylaws adopted by the HPC shall be available for public inspection.
- B. The HPC shall elect officers from among the HPC members. The chairperson shall preside at meetings of the HPC. The vice chairperson shall, in the absence of the chairperson, perform the duties of the chairperson.
- C. All meetings of the HPC shall be open to the public and follow the requirements of Idaho's open meeting laws. The HPC shall keep minutes and other appropriate written records of its resolutions, proceedings and actions.
- D. The HPC may recommend to the Council, within the limits of its funding, the employment of or the contracting with other parties for the services of technical experts or other persons as it deems necessary to carry on the functions of the HPC.

evaluation, designation and protection of buildings, sites, areas, structures and objects which reflect significant elements of the City's, the state's, and the nation's historic, architectural, archaeological and cultural heritage.

- B. *Applicability:* The regulations and procedures set forth in this ordinance shall apply to each and every structure listed on the adopted Historic Building/Site 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 complete building permit application for a replacement project on the property and required fees have been accepted by the City.
1. Except as provided in Section 17.20.040, 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/Site List without approval by the Historic Preservation Commission (HPC) through the Demolition or Alteration application process described in Section 17.20.030. 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.
- C. *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.

17.20.020 - Historic Building/Site List

- A. The Historic Building/Site List shall be established and maintained by the HPC.
- B. The HPC shall have the authority to add or remove structures from the Historic Building/Site List using the criteria below to determine if a structure should be added or removed from the Historic Building/Site List.
- C. Buildings or sites shall meet Criteria 1 and 2 and shall meet one or more of the Criteria listed in 3.
 1. Historic buildings must be at least fifty (50) years old. A historic building may be exempt from the age standard if it is found to be exceptionally important in other significant criteria.
 2. All buildings and sites must retain their physical integrity as determined by the following criteria. However, a site need not meet all of the following criteria:
 - a. Shows character, interest, or value as part of the development, heritage or cultural characteristics of Ketchum, the region, state, or nation;
 - b. Retains a significant amount of the original design features, materials, character or feeling of the past;

Design Review.

- B. 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.
- C. 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 below to determine if the proposed demolition or alteration of the structure may proceed.
 - 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.
- D. 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.
- E. 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.
- F. The decision of the HPC on a Demolition or Alteration application 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.

17.20.040 - Remediating 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.

square footage of the existing historic building shall not be counted toward the minimum parking requirement for the proposed project regardless of use.

2. No additional parking relief is provided for projects that include full demolition of historic buildings.
3. When projects include partial demolition of historic buildings, the square footage of the historic building that remains shall not be counted toward the minimum parking requirement for the proposed project regardless of use.

D. Relief from Nonconforming Building Requirements of Chapter 17.136 of the City of Ketchum Code of Ordinances.

1. Properties are allowed to increase existing nonconformities on expansions by matching existing setbacks, height, and other dimensional standards.
2. Properties are exempted from the limitation on and expanding nonconforming buildings.

Section 3. AMENDMENT TO SECTION 17.96.010.C, PREAPPLICATION DESIGN REVIEW:

17.96.010.C – Preapplication Design Review

1. Preapplication review is required for all new non-residential and multi-family residential developments with four (4) or more stories and all new developments on a lot or lots totaling 11,000 square feet. Applicants of projects exempt from Preapplication Design Review may request a Preapplication Design Review at their discretion.
2. The purpose of preapplication review is to allow the Commission to exchange ideas and give direction to the applicant on the "design concept", keeping in mind the purpose of this chapter and the application of the evaluation standards.
3. Preapplication review materials shall be submitted according to the application requirements of section 17.96.040 of this chapter.
4. The Commission may require a model of the project or computer simulation renderings showing the proposal from one or more key vantage points for presentation at regular design review meetings in order to assist in the understanding of the project. Models and computer renderings must include surrounding properties in sufficient detail for the proposal to be viewed in context.
5. The Administrator may waive the requirement for preapplication review if the project is found to have no significant impact.

Section 4. 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

(g) A Development Agreement may be amended or terminated by the City Council, after public hearing, for failure to comply. Upon termination, the City Council may rezone the property to the prior zoning district or in the case of an initial zoning district at Annexation, to a zoning district deemed appropriate and not inconsistent with the adopted Comprehensive Plan.

(h) In the case of a requested modification of a Development Agreement, the Planning Director may waive or adjust any pre-submittal requirement or common procedure related to the initial approval of a Development Agreement that the Planning Director determines is not necessary for the PZC, if applicable, or City Council to understand the impacts of the proposed modification of the Development.

(3) Findings for Approval:

(a) The PZC shall recommend and Council shall approve the application, or approve it with conditions, if the Development Agreement does not grant a land use or property right or privilege to the applicant and is necessary to:

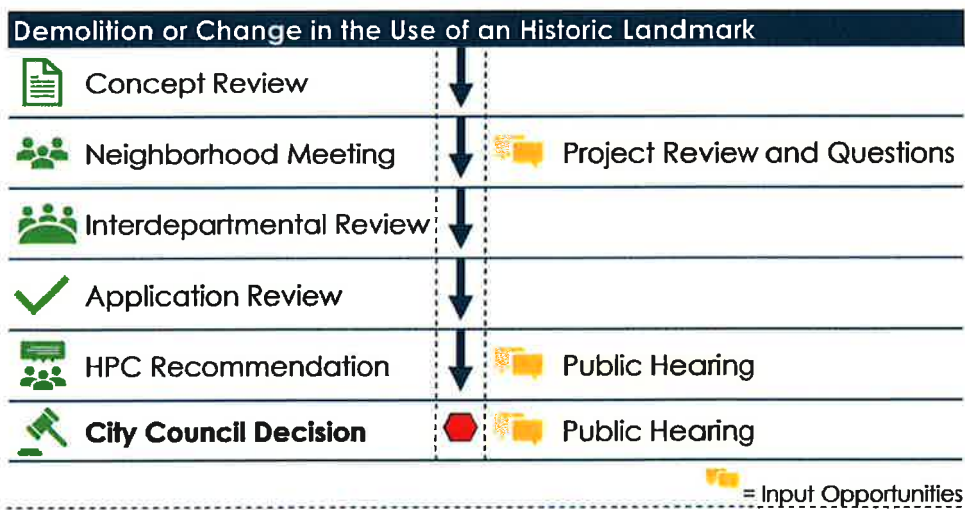
- i. Provide infrastructure needed to support or service the proposed development;
- ii. Mitigate potential impacts of development under the proposed Zoning Map Amendment on the surrounding neighborhoods; or
- iii. Bring the Zoning Map Amendment application into compliance with the Comprehensive Plan or this Code.

E. Major Historic Preservation Actions: This section consolidates several procedures related to historic resources in the city, each of which requires action by the HPC and each of which may require further action by City Council.

(1) Demolition or Change in Use of an Historic Landmark

(a) Applicability: A Demolition or Change in Use of an Historic Landmark is required when an Historic Landmark designated by ordinance that is not part of an Historic District, is proposed to be demolished, materially altered, remodeled, relocated, or put to a different use.

(b) Procedure:



i. All applicable provisions of Sections 11-05-02, Summary Table of Review and Decision-Making Procedures and 11-05-04, Common Procedures for a Type 4 application apply unless specifically modified by the provisions of this Section 11-05-05.4.E(1).

ii. A request to demolish or change the use of an Historic Landmark shall be submitted to the Historic Preservation Commission (HPC).

iii. After 180 days written notice of the owner's proposed action has been given to the HPC, the HPC may negotiate with the owner and with any other parties to try to find a means of preserving the property. The HPC may enter into negotiations with the owner for the acquisition by gift, purchase, or exchange of the property or any interest in the property during this 180 day period or any such action as is reasonably necessary or appropriate for the continued preservation of the property.

iv. The HPC may reduce the waiting period required by this Subsection in any case where the owner would suffer extreme hardship unless a reduction in the required period were allowed. The HPC shall have the discretionary authority to waive all or any portion of the required waiting period, provided that the alteration, remodeling, relocation or change of use is undertaken subject to conditions agreed to by the HPC insuring the continued maintenance of the historical, architectural, archeological, or cultural integrity and character of the property.

v. The HPC shall notify, in writing, property owners within a 300 foot radius of the Historic Landmark and the Registered Neighborhood Association of the request to demolish, alter, remodel, relocate or change the use of the Historic

- xi. The HPC shall notify City departments and other agencies as required under Section 11-02-07.2.E(10).
- xii. One copy of the ordinance creating the District shall be filed in the office of the Ada County Recorder.
- xiii. The HPC shall maintain a register of Historic Districts as required under Section 11-02-07.2.E(11).

xiv. Following designation, and physical changes in the District that are approved by a Minor or Major Certificate of Appropriateness pursuant to Sections 11-05-05.2.C or 11-05-05.3.A shall be added to the report/survey prepared to support the designation process. Updates are not considered amendments to the Historic District.

(c) Findings for Approval: The HPC shall recommend approval or approval with conditions and the City Council shall approve the application, or approve it with conditions, if the proposed Designation of an Historic District complies with the criteria set forth in Section 11-02-07.2.E(3), Criteria for Designation.

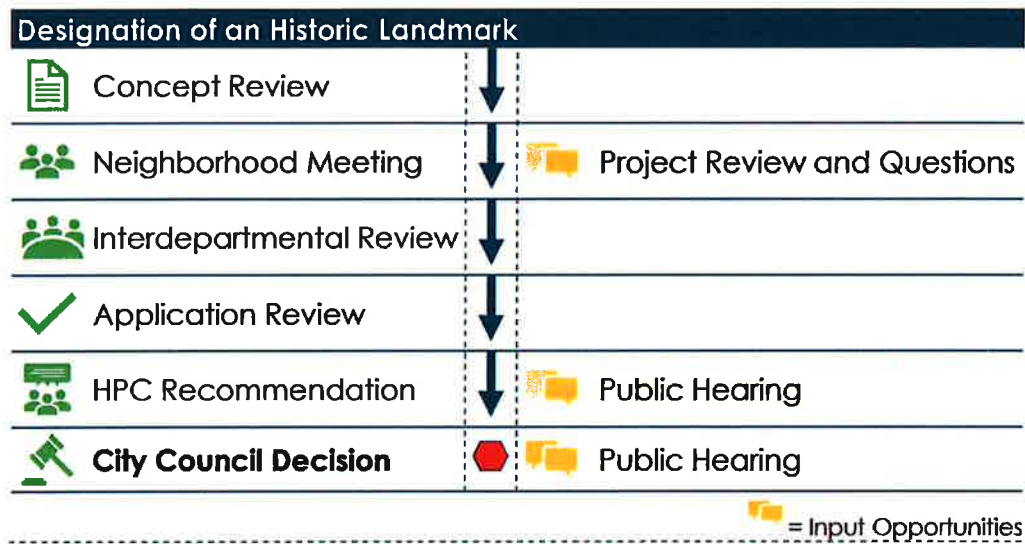
(3) Designation of Historic Landmarks:

(a) Applicability:

i. A Designation of Historic Landmarks review is required to officially designate an Historic Landmark.

ii. The HPC, either on its own initiative or upon the request of the City Council, or upon the request of the owner of the property proposed to be designated, may recommend the designation of an Historic Landmark.

(b) Procedure:



i. All applicable provisions of Sections 11-05-02, Summary Table of Review and Decision-Making Procedures and 11-05-04, Common Procedures for a Type 4 application apply unless specifically modified by the provisions of this Section 11-05-05.4.E(3).

ii. Prior to recommending designation the HPC shall conduct studies, research and investigations based on the relevant criteria given in Section 11-02-07.2.E(3), Criteria for Designation.

iii. The HPC shall prepare a report containing recommendations concerning the Historic Landmark proposed to be designated and a draft of the designating ordinance to the City Council. The report shall include:

- A. Comments regarding the suitability of the Historic Landmark for preservation or restoration.
- B. A statement regarding the appropriateness of an adaptive or alternative use of the Historic Landmark.

C. A statement regarding the administrative and financial responsibility of the person or organization proposing to undertake all or a portion of the cost of acquisition, restoration, maintenance, operation or repair, or the cost of adaptive or alternative use of the property to the extent that any, such considerations apply to the property proposed for designation.

D. A statement regarding the appraised value of the property if the owner of the property proposed for designation has not consented to such designation.

iv. If the HPC recommends approval or approval with conditions, a public hearing before City Council is required pursuant to Section 11-05-04.5, Scheduling and Notice of Public Hearing.

v. For each designated Historic Landmark, the designating ordinance shall require the waiting period prescribed by Sections to be observed prior to its demolition, material alteration, remodeling, or removal. The designating ordinance shall also provide guidelines for a suitable sign or marker on or near the Historic Landmark indicating that the property has been so designated.

vi. If the HPC determines that the application for removal of designation should not be recommended, it shall place upon its records the reason for such determination and shall notify the applicant of such determination and a copy of its reasons and its recommendations, if any, as appearing in the records of the HPC.

vii. If the Removal of Historic Designation will result in a change in zoning, the application for the Removal of Historic Designation shall be accompanied by an application for a Zoning Map Amendment. Upon approval by the City Council of the ordinance, the zoning map shall be changed to reflect the removal of all or part of the HD-O district.

viii. Upon approval of the ordinance, the City shall provide the owners and occupants of the HD-O district or property within the district for which designation was removed written notification of Council's action.

ix. One copy of the ordinance shall be filed in the office of the Ada County Recorder.

x. The HPC shall give notice of such removal of designation to the Ada County Tax Assessor and to the Boise office of the Internal Revenue Service.

(c) Findings for Approval: The HPC shall recommend approval or approval with conditions and the City Council shall approve the application, or approve it with conditions, if the proposed Removal of Historic Designation complies with the following:

i. For removal of the designation of a building, site, structure, or object included within a designated Historic District, or designated as an Historic Landmark:

A. The building, site, structure, or object has ceased to comply with the criteria for designation in Section 11-02-07.2.E(3); or

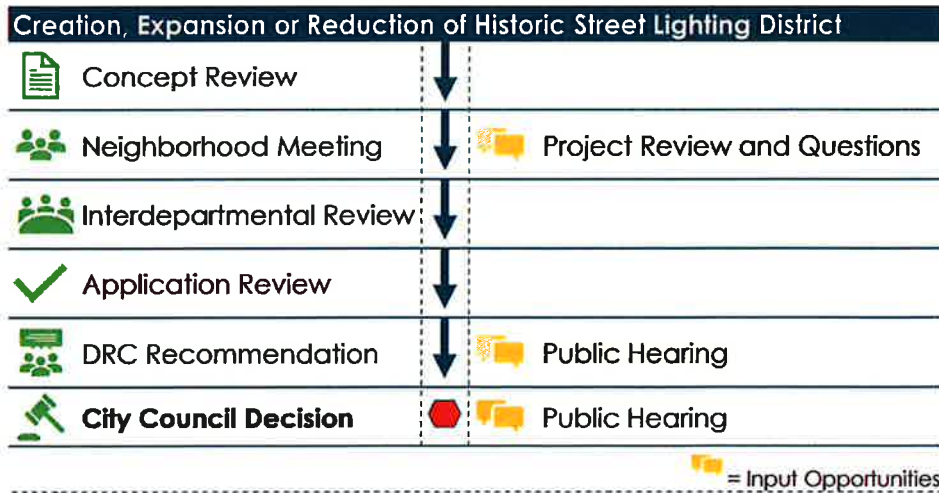
B. The building, site, structure, or object no longer exhibits the characteristics that qualified the property for inclusion within an Historic District.

ii. For removal of HD-O designation, the district has ceased to comply with the criteria for designation in Section 11-02-07.2.E(3).

(5) Creation, Expansion, or Reduction of Historic Street Lighting District:

(a) Applicability: This procedure applies to all requests to create a new Historic Street Lighting district, or to expand or reduce the area of an existing Historic Street Lighting district.

(b) Procedure:



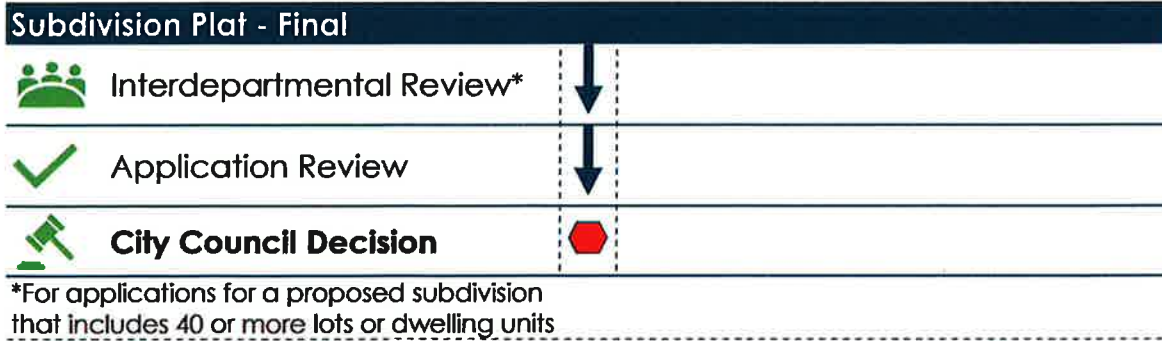
i. All applicable provisions of Sections 11-05-02, Summary Table of Review and Decision-Making Procedures and 11-05-04, Common Procedures for a Type 4 application apply unless specifically modified by the provisions of this Section 11-05-05.4.E(5).

ii. Applications for inclusion in an Historic Street Light District shall be made in writing to the Planning Director and the Director of Public Works. The request will be forwarded to the Public Works Commission and the DRC for their recommendation to City Council.

iii. No public hearing before the HPC or PZC is required.

iv. City Council shall make a decision on the application following a public hearing.

(c) Findings for Approval: The Planning Director and Director of Public Works shall recommend approval or approval with conditions, and City Council shall approve the application or approve it with conditions, based on consideration of the following factors:



(a) All applicable provisions of Sections 11-05-02, Summary Table of Review and Decision-Making Procedures and 11-05-04, Common Procedures apply unless specifically modified by the provisions of this Section 11-05-05.4.G.

(b) A Final Plat shall be prepared in accordance with Title 50, Chapter 13 of the Idaho Code and with this Code and shall be submitted within two years of approval of a Preliminary Plat.

(c) The City Engineer shall review and sign the Final Plat if it conforms to the approved Preliminary Plat and any conditions imposed by City Council.

(d) If approved by City Council, the applicant shall record the Final Plat with the Ada County Recorder within one year from the date of the City Engineer's signature. If the applicant fails to record the Final Plat within that time period, as that period may be extended by Council in the case of phased projects, the approved Preliminary Plat shall lapse and shall no longer be valid.

(e) No public hearing before the PZC is necessary before City Council approval of a Final Plat.

(f) The City Council may grant an extension of a Final Plat for up to one year in each request, provided an application for extension is filed at least 20 days prior to the expiration of either the first two year period or a previous extension. In granting a time extension, the City Council may modify or add conditions to the Final Plat to conform with adopted policies or Code changes since initial approval.

(3) Findings for Approval: The City Council shall approve the Final Plat if it conforms to the approved Preliminary Plat and any conditions imposed by City Council and has been signed by the City Engineer, a professional licensed surveyor, and all other City or governmental officials required to sign the Final Plat.

H. Subdivision Plat - Replat:

(1) Applicability:

(a) This procedure shall apply to all applications to remove from a recorded Final Plat:

- i. A utility, drainage, or slope easement;
- ii. A public street or right-of-way owned by the City; or
- iii. A plat note.

(b) When a public street or public rights-of-way is located within the Ada County Highway District (ACHD, the ACHD shall have the authority to vacate the public street or public rights-of-way as provided in section 40-203, Idaho Code.

(2) Procedure:

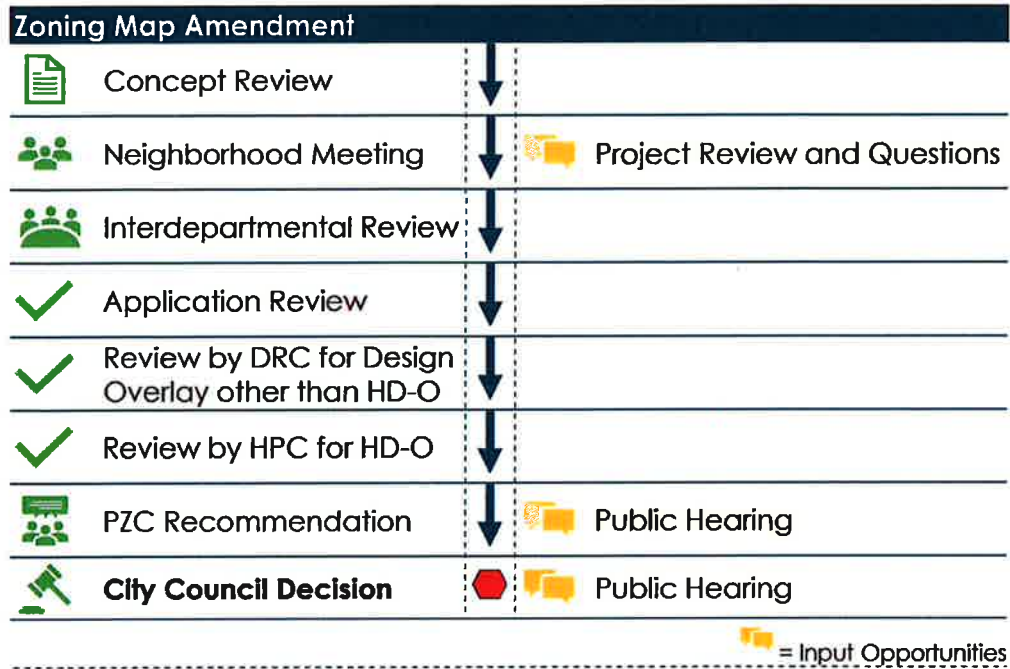
(a) A Zoning Map Amendment is required to change zoning district boundaries, establish or eliminate zoning districts, change the zoning designation of a parcel, or to amend a Development Plan for a Planned Unit Development zoning district.

(b) Any application for a Zoning Map Amendment to establish, amend, or remove a Character or Design Overlay District (excluding an Historic Overlay), or a Sensitive Lands Overlay District shall also submit an application for a text amendment pursuant to Section 11-05-05.4.B, Code Adoption or Amendment.

(c) Any application for a Zoning Map Amendment to establish, amend, or remove an Historic Overlay shall also submit an application pursuant to Section 11-05-05.4.E, Major Historic Preservation Actions.

(d) If a Development Agreement is required pursuant to Section 11-05-05.4.D, Development Agreement or Modification, final action on the Zoning Map Amendment shall not occur before the Development Agreement has been approved by Council.

(2) Procedure:



(a) Standard Base and Overlay Zoning Districts:

i. All applicable provisions of Sections 11-05-02, Summary Table of Review and Decision-Making Procedures and 11-05-04, Common Procedures for a Type 4 application apply unless specifically modified by the provisions of this Section 11-05-05.4.I.

ii. A Zoning Map Amendment, including the establishment of a new overlay district, shall become effective on the date stated in the ordinance amending the zoning classification adopted by the City Council.

iii. Following the approval of each Zoning Map Amendment, all development permitted in the new zoning designation shall be required to obtain all other permits and approval required for that type of development in this Code before applying for a Building Permit, unless the ordinance documenting Council's action waives one or more of those requirements.

(b) Planned Unit Development Districts (PUDs):

i. All property included in the proposed PUD shall be under common ownership or control or shall be the subject of an application filed jointly by the property owners of all the property to be included.

ii. An application for a Zoning Map Amendment to a PUD zoning district will only be accepted if the proposed PUD could not be developed using a combination of the base and overlay zoning districts listed in Chapter 11-02, Zoning Districts.

iii. An application for a Zoning Map Amendment to a Planned Unit Development zoning district shall include a Development Plan. The Development Plan shall identify one of the base zoning districts listed in Chapter 11-02, Zoning Districts as the reference base district for each portion of the PUD and shall list the standards, variations, and requirements for the development that may diverge from the standards of this Code for that reference base district, as permitted by Section 11-02-06, PUD: Planned Unit Development.

iv. Following approval of a Zoning Map Amendment for a Planned Unit Development district that includes design standards requirements that differ from those otherwise applicable under this Code, the new design requirements will be reviewed through Minor Design Review unless Council's action requires a different review process.

(c) Specific Plan Districts: