

PARK CITY MUNICIPAL CORPORATION  
HISTORIC PRESERVATION BOARD  
MINUTES OF JULY 16, 2014

BOARD MEMBERS IN ATTENDANCE: Chair John Kenworthy, Puggy Holmgren, David White, Marion Crosby

EX OFFICIO: Thomas Eddington, Kayla Sintz, Kirsten Whetstone Polly Samuels McLean, Makena Hawley

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ROLL CALL

Chair Kenworthy called the meeting to order at 5:17 p.m. and noted that all Board Members were present except Hope Melville and Gary Bush who were excused. Clayton Vance arrived later in the meeting.

APPROVAL OF MINUTES

MOTION: Puggy Holmgren moved to APPROVE the minutes of June 18, 2104. David White seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/BOARD COMMUNICATIONS

Chair Kenworthy stated that several people have asked him about litigation issues and certain City construction projects on Park Avenue. Planner Grahn provided an update, beginning with 1119 Park Avenue. She noted that the Building Department had issued a Notice and Order approximately two years ago and the Staff was working with the owner to stabilize the structure. Planner Grahn visited the site a few weeks ago. The foundation was in and the structure is no longer threatening the adjacent historic houses. Regarding the appeal, Planner Grahn thought the file should be closed because it has been inactive for a considerable length of time. The Staff reached out to the owner but he never responded.

Board Member Holmgren asked if the owner intended to continue working on the building. Planner Grahn stated that if the owner wanted to do anything more than stabilize the structure, he would have to come back for a new Historic District Design Review. Board Member Holmgren asked if it was possible to push the owner a little because it is very visible now and it will become even more visible with the Rio Grande project.

Assistant City Attorney McLean stated that the Staff could work with the Building Department. Now that the structure is stabilized it may be possible to remove the fencing. The owner would have to submit an application to do anything more.

Chair Kenworthy noted that two other properties have red tape notices. Planner Grahn stated that regarding 1021 Park Avenue, the Staff had issues with the owner because he did not believe the structure was historic. She believed they were waiting on a ruling from the Summit County Administrative Law judge. Assistant City Attorney McLean explained that the owner was given an Ace Violation, which is Administrative Code Enforcement. The City prosecuted the owner civilly for the violation because the building was dangerous and he would not repair it. The owner appealed to the Administrative Law Judge and they were still waiting for the response.

Planner Grahn was not aware of a third property on Park Avenue.

Chair Kenworthy noted that the Lower Park RDA still had significant funds. If the owners on Park Avenue are willing to go through the correct process, he would like to extend that olive branch. Planner Grahn stated that whenever an applicant indicates that money is an issue, the Staff promotes the grant program as much as possible. However, in some cases the applicant is not interested. Board Member Holmgren recalled that in the past the owner for 1119 Park Avenue actually submitted plans to redo the house. Unfortunately, he never came back to the Board and nothing was ever done.

Planner Grahn reported that the Staff has been working with the City Council and Nate Rockwood about reorganizing the grant program and making it stricter and more comprehensive. They had a meeting that day with Sandra Morrison to talk about the mine structures, as well as opportunities to provide grant funds to things such as aerial tramways on private property. Planning Manager Sintz stated that the Staff was looking for consensus from the Board members this evening on whether or not they should come back with a proposed draft for expanding the grant program to include mining structure sites. If the Board was interested, the Staff could bring it back at the next meeting. The Board members were unanimous in wanting to look at expanding the grant program.

Director Eddington noted that the Planning Commission was holding a special meeting on August 6<sup>th</sup> and the HPB meeting would be rescheduled to August 20<sup>th</sup>.

## WORK SESSION

National Register, Tax Credits, and Archeology

Planner Grahn reported that the HPB previously talked about the treatment of historic structures and questions were raised about National Register eligibility, tax credits, and archeology. The Staff had invited Chris Merritt and Cory Jensen from Utah State History to speak to the Board and provide expert training on these issues.

Board Member White asked how many mining structures remained. Planner Grahn stated that last week the Planning, Building and Engineering Departments walked around and located about 80% of the sites. There were approximately 67 sites on the list so far. Planner Grahn stated that many of the sites are already on the Historic Sites Inventory; however, in walking around they noticed foundations and other items that were not previously documented.

**Board Member Vance joined the meeting.**

Cory Jensen stated that he manages the National Register Program for the State and the historic building survey. He handed out copies of the documents that are sent to owners when their building is being nominated. The documents are also given out to the general public. Mr. Jensen noted that the primary questions they hear relate to benefits and restrictions of being listed on the National Register. He handed out another document regarding historic tax credits for properties.

Mr. Jensen stated that some communities like Park City have a Landmark ordinance. He gets frequent calls from people asking if listing a house on the National Register dictates what the owner can do to the house. He always explains that any restrictions come from whatever policy is in place at the local level. Mr. Jensen clarified that the National Register is an innocuous, honorific designation.

Mr. Jensen explained the process for listing a building on the National Register. The building has to be 50 years old and it has to retain its historical integrity. The rule of thumb is whether the original owner would recognize the building. The building does not have to be a pristine example. It can have alterations and additions. Historic additions must be 50 years-old as well and attain significance in their own right; or they can be minor non-historic additions.

Mr. Jensen stated that third point is whether the building has significance. Criteria A, B and C address significance and Criteria D deals primarily with archeological properties. Mr. Jensen explained that Criteria A asks whether the building has some type of relationship with an important event in historic. The buildings are usually nominated under Criteria A. Criteria B is whether it is associated with an important person. He noted that the least number of buildings are nominated under Criteria B. Criteria C is whether the architecture is a good example of a particular type of architecture. Criteria C was second in listing the number of buildings nominated.

Mr. Jensen stated that when someone wants to nominate a building, a quick evaluation is initially done to see if it meets at least one of the three Criteria. Preparing a nomination is difficult and requires significant research. It also requires having a good knowledge of architectural terminology and the ability to understand different periods of architecture to determine when specific alterations were done. Mr. Jensen remarked that the most difficult part of the process is the statement of significance, which is basically the history of the building. Mr. Jensen stated that if preliminary research finds that there is significance pertaining to at least one of the Criteria, they inform the owner that it would be worth their time to nominate the building. He remarked that if owner does not have the time or knowledge to prepare the nomination he is provided with a list of consultants who will do it for a fee.

Mr. Jensen stated that the full nomination process, starting from the time he receives a draft nominations until it is scheduled for the Board of State History to review it and then sent to the National Register for their review, can take five or six months. Mr. Jensen pointed out that the State Preservation Board, which meets four times a year, reviews whatever batch of nominations has been received within that time period. The Board is given a copy of the nomination to review prior to meeting, and then they are given a 10 minute presentation of the property highlighting why it is significant. The State Preservation Board is given the opportunity to review it and either approve, table or reject the nomination. If the nomination is approved, the entire package is compiled and sent to the National Register. They have a 45 day review period and ultimately make the final decision on whether or not a property can be listed on the National Register.

Planning Manager Sintz asked Mr. Jensen for a range of what consultants might charge for the draft nomination. Mr. Jensen replied that for an individual nomination of a building it mostly depends on location and how far the consultant has to travel. In the Wasatch Front, a typical nomination is fairly inexpensive compared to other states. Mr. Jensen estimated approximately \$1,500 to \$2,500. The most costly and tedious part of the process is the title search. Once they find out the historical ownership of the property, the consultant will research the owners. A public building is easier to research than a private property. Mr. Jensen stated that a good consultant knows how to tell the story of the building and how to focus the nomination so it satisfies the building as significant, as opposed to just providing a genealogical history of the owners. Mr. Jensen felt was difficult to estimate a price range because each property requires different types of research.

Mr. Jensen referred to the sheet he handed out entitled Benefits and Restrictions, and noted that as far as the National Register is concerned there are no restrictions or specific burden on the owner to maintain their property or

even to keep it. The owner could demolish the property; however, it would be removed from the National Register.

Mr. Jensen remarked that some of the benefits listed, such as grants, are very rare. The Eccles Foundation has provided some preservation grants for historic buildings, but those grants are primarily used for more prominent and publicly accessible buildings. Mr. Jensen stated that the State has CLG grants. Park City is a CLG, Certified Local Government, and the owners can apply for grants for buildings already listed on the National Register. Owners can also apply for grants to nominate buildings to the National Register. Mr. Jensen pointed out that the two main ways that buildings get nominated is through CLG grants and people wanting tax credits. He stated that tax credits was the biggest benefit for getting a building listed on the National Register. The building has to be listed in order to get the credit, but work on the building can still be in progress.

Mr. Jensen reviewed another handout showing the different credits, which included a State tax credit, income tax credit and a Federal income tax credit. He explained the difference between the three. The Federal tax credit has an associated fee to send it to the Park Service for their review. The State tax credit applies to buildings that are a primary or secondary residence. The Federal tax credits are for income producing properties. There are no tax credits for buildings that are not used for either of those purposes, such as outbuildings, agricultural buildings, etc. Attempts are being made to update that restriction for Federal tax credits so it could apply to any historic structure.

Mr. Jensen stated that in addition to a structure being on the National Register, the work done on the structure must meet the Secretary of Interior Standards in order to be eligible for a tax credit. There is some leeway in the standards; however, none of the historic fabric can be removed from the building. Mr. Jensen stated that in his 16 years with the Historic Preservation Office, only two nominations were rejected and both were from Park City. One was lifted up and a large basement was added, which altered the historic setting of the house. Interior walls were also removed, which is not allowed, particularly for the mining boom era cottages.

Chair Kenworthy clarified that if Park City allowed a structure that had removed the interior walls to remain on the Historic Sites Inventory as Landmark status, it would not be eligible for any tax credits. Mr. Jensen replied that this was correct.

Planning Manager Sintz asked if Mr. Jensen has seen economic criteria for National Register that talks about historic districts maintaining their ownership value. Mr. Jensen stated that a historic preservation economic study was done two years ago and the Planning Department should have a copy. The study found that through the recession most historic district areas retained their property values a lot more than non-historic districts.

Director Eddington asked if there was any information regarding cultural heritage and tourism that might benefit Park City as they start to look at sites and archeological mining sites. Mr. Jensen thought that was a good question to start the discussion on archeology.

Chris Merritt stated that heritage tourism for mining and archeological resources was starting to become a niche industry. He stated that having a base of what is known and what is publicly accessible creates a foundation for building the tourism documents and the scope of what they want to entice people to. Mr. Merritt stated that Millsite was the most intact of his period that he has ever had the opportunity to walk inside. It is an impressive feature and he believed there would be a number of groups and societies that would come from all over to attend conferences during the shoulder seasons.

Chair Kenworthy wanted to know if the City or a private entity would maintain the site and contract the tours and conferences. Director Eddington noted that it was on private land. The City might be able to help organize but the property owner would be in charge. Board Member Crosby wanted to know who orchestrates the conferences and tourism related to that site. Planning Manager Sintz replied that it would either be the Chamber or the City. Board Member Holmgren stated that each hotel had its own event planners. She noted that Rory Murphy used to do the tours at the mine.

Assistant City Attorney felt it was important to realize that the National Register has completely different criteria from Park City's HSI criteria. On one occasion, an owner wanted to put their home on the Park City HSI because it was already on the National Register. Dina Blaes evaluated the structure and determined that it did not meet the HSI criteria. However, the HPB later found that it did. Both sets of criterion are valuable mechanisms for historic preservation, but they need to recognize that each set is different.

Board Member Holmgren asked if Park City residents could get a tax credit for historic preservation. Ms. McLean replied that there was not a local tax credit.

Chair Kenworthy commented on past problems with funding the mining sites and the accessory buildings. He asked if anyone had approached Talisker about forming a business opportunity with these sites. Director Eddington did not believe the City has formally reached out to Talisker recently. However, as they put together their research and surveys, working with Talisker could be a logical next step. They would also reach out to Deer Valley, since some of the sites are on Deer Valley property, to begin to look at preservation opportunities. Currently, it is a financial challenge.

Board Member Holmgren recalled that the mine tour was very popular before it was closed. Chair Kenworthy asked why the tour was closed. Board Member Holmgren assumed that it was due to lack of interest. The people who were interested went once or twice and there was no reason to go after that.

Chair Kenworthy commended the City Council for trying to do something with the mining elements because it would help with preservation outside of homes and historic commercial buildings. Board Member White noted that several years ago there were ski tours of the mining sites.

Director Eddington asked if there were any Districts in the State that do any kind of tax incentives such as abatements, rebates, or other types of things for people with historic houses. Mr. Jensen replied that some districts offer incentives, but not in Utah. Most of the local tax incentives occur in the East.

Chair Kenworthy wanted to know if there were other funding resources available for Park City residents besides the grants that are already offered. Mr. Jensen replied that other than the historic preservation income tax, additional financial assistance is very limited. Mr. Jensen commented on various preservation projects that received the tax credit, including the High West Distillery in Park City. He noted that the tax credit is based on the adjusted basis for a commercial project and it depends on the value of the building.

Director Eddington noted that Park City started talking about ski era architecture a year ago. The intent is to have a more incentivized approach rather than a regulated approach to preserving the ski era. He asked Mr. Jensen if there was any precedence in the State that they could use as a resource. Mr. Jensen believed Park City was the leader in the State for thinking about ski era architecture. He noted that Colorado has had success with preserving ski era architecture. Mr. Jensen commended Park City for addressing the issue.

Chair Kenworthy directed the discussion to archeology. Mr. Merritt clarified that archeology is a sub-discipline of anthropology and it deals with the material things made or modified by humans. It can be 1300 years ago, it can be the 50 year rule, or the dump behind the mid-century modern ski house. Anything modified by humans falls within the purview of archeology. Mr. Merritt noted that most archeologists are interested in pre-historic. However, some people, including himself, were interested in post-contact, such as mining heritage, ranching heritage and agriculture heritage. Mr. Merritt provided a brief background of his education and noted that he has a Masters in Industrial Archeology.

Mr. Merritt stated that in looking at the landscape level approach to archeology, the Judge Daly mine, with all the standing mining elements in one of the most affluent communities with one of the highest rates of year-round tourism, is an

archeological dream come true because there is nothing but good things moving forward. There are no roadblocks because it is part of Park City's historical legacy. Mr. Merritt remarked that most visitors do not realize that Park City is a mining town because they are not visiting these structures. He suggested ways to promote tourism to these sites and preserving them through adaptive reuse. Mr. Merritt stated that originally he was disappointed that Park City had been changed by development and there were not a lot of sub-surface deposits or things left behind by the occupants earlier years. However, after walking the area with Planner Grahn and looking at what was documented in Park City's municipal boundaries, many things became apparent from an academic perspective. One was the dugout in the middle of a bike trail up past the Judge Daly, three blocks away from a 60,000 square foot mega mansion. He found that by itself to be an interesting story.

Mr. Merritt commented on the definition of a structure. Obviously, the Silver King and the Judge Daly are structures, but from an archeological perspective the dugout in the middle of the bike trail is a little carve into the earth with wood over the top; but people lived in those rear-round while they were prospecting. He noted that the people who prospected and found the initial claims have been largely removed. In focusing on nothing but the industrial structures, they sometimes forget those who worked in them. The archeological material underneath the ground tells their story. Mr. Merritt stated that the people who made Park City Park City are the people who worked underground in the mines in pitch black darkness for 15 hour days. Those are the people who built Park City. Unfortunately, over time the City has lost that legacy.

Mr. Merritt noted that Mr. Jensen had talked about Criteria A, B and C for National Register eligibility. He stated that Criteria D is for archeology data potential. It asks whether they can tell a significant story about human history from what is underneath the ground in this mining district. Mr. Merritt stated that the answer is 100% yes. However, it is an untapped resource in Utah. Having this ability close to the Universities and the Historic Societies is a great potential.

Mr. Merritt stated that national societies would love to have conferences in Park City and to have access to such structures. Being able to take the ski lift up as a tour and visiting the Silver King would be an unbelievable experience. There was no way they could not sell that to National Societies. Mr. Merritt thought there was a lot of potential in Park City to promote heritage tourism on an organizational level. He stated that a lot of people who visit Utah come for the natural heritage. As an example, people who are non-LDS visit the LDS Temple because they are interested in the heritage that makes Utah what it is. He did not believe Park City had tapped into its mining tourism.

Chair Kenworthy informed Mr. Merritt that the Board members supported what he was saying, and he wanted to know how they could help create what he was

talking about and taking it that far. Chair Kenworthy noted that Rory Murphy understands the history and he shares it with groups of people. However, very few people have the ability to know where it could go and how to get there. The Planning Department and the Historic Preservation Board needed some assistance in putting the package together so it could be presented to the City Council. He pointed out that the City Council fully supports preservation.

Chair Kenworthy commented on the Mountain Accord for transportation. He believed that would be an ideal situation to carry out the ideas Mr. Merritt was expressing. He used Europe as an example of being on a cog train and having people tell and show the history of the places you are passing through. Chair Kenworthy suggested that Mr. Merritt should be involved in the Mountain Accord meetings because that would be the best way to tell the mining story.

Councilman Dick Peek stated that initially Sandra Morrison's involvement with Mountain Accord related to the land element. However, she has now been moved over to economy because the economics of heritage tourism are being recognized.

Planning Manager Sintz asked about the different recognized methods for some of the mine sites in terms of stabilization or identifying critical sites. They talk about mothballing houses until they can be preserved. She wanted to know how they could mothball a site that has collapsed significantly, particularly if there is no intent to rehab or occupy it. Mr. Merritt suggested hiring a qualified architect that could do a feasibility study and structural report. He was unsure if there were any architects in Utah who were qualified. Planning Manager Sintz felt the issue was how to keep it from decaying further without introducing new material and changing its appearance. Mr. Merritt thought Park City was in a great position to do something nationally renowned if all the pieces are put together.

Mr. Merritt stated that archeologists are destructive. They destroy everything they touch because that is how they do their job. Very rarely is there a real archeological preservation. It happens on Pueblos, but generally they do arrested decay. Archeologists do not try to stop things from going away because they see the material value. However, being on the historical side of things, Mr. Merritt stated that he views structures as being worth preserving.

Planning Manager Sintz suggested that the City could create another type of ordinance or historic sites inventory that focuses on the archeological sites. It would definitely have different criteria and a different policy for reviewing and analyzing the site and criteria for grant eligibility. It would need to be done in a way that is very separate from the historic districts.

Planner Grahn believed that most of the Park City sites qualify for Criteria D for archeology. However, if they started putting in cables and braces, she asked if

that would affect their eligibility for the National Register. Mr. Merritt did not believe that action would have any effect on eligibility. Mr. Merritt noted that the mining structures would likely be eligible under Criteria A, C and D. He noted that grants could be used for an assessment or to create plans for these structures, or to complete archeological excavations. CLG funding has stipulations for archeology. However, since these sites are a blend of archeology and building preservation, funds available from CLG could help offset some of the planning needs.

Board Member Holmgren suggested that if they are serious about the archeological tours, she recommended that they get Bill Malone with the Chamber involved because they bring in people from all over the world.

Planner Grahn noted that the Planning Staff created an internal survey form based on the Historic Survey Site form and the National Register survey form. The Staff then visited specific sites. Mr. Jensen requested a copy of the survey forms. Director Eddington stated that the intent is to compile the surveys, photos and information into one book so it can be contained in one place.

Chair Kenworthy thanked Mr. Jensen and Mr. Merritt for taking the time to meet with the Board.

The meeting adjourned at 6:45 p.m.

Approved by \_\_\_\_\_  
John Kenworthy Chair  
Historic Preservation Board